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FIRST SESSION

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 93^{d} CONGRESS, FIRST SESSION

SENATE—*Thursday, October 18, 1973*

The Senate met at 12 o'clock noon and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

Pastor Raymond Shaheen, St. Luke Lutheran Church, Silver Spring, Md., offered the following prayer:

Eternal God, Heavenly Father: Mercifully look upon us as we turn in Your direction. Hear us as we tell You what we have found out about You:

You are to be honored because of Your goodness; respected because of Your truth; trusted because of Your love; feared because of Your wrath; and obeyed because of Your wisdom.

Hear us now, Heavenly Father, as we pray for these Your servants in this Senate of our land. As they are called upon to deliberate and to decide regarding persons and principles, programs and policies, let them do so only as they honor You in Your goodness, respect You in Your truth, trust You in Your love, fear You in Your wrath, and obey You in Your wisdom.

Then let them be assured that how they deliberate and what they decide may be acceptable in Your sight, Judge Eternal and Father of all nations.

Through Jesus Christ. Amen.

MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of October 16, 1973, the Secretary of the Senate, on October 17, 1973, received a message from the President of the United States, which, on today, October 18, 1973, together with the accompanying report, was referred to the Committee on Finance. The message is as follows:

To the Congress of the United States:

In accordance with section 402(a) of the Trade Expansion Act of 1962 (TEA), I transmit herewith the Seventeenth Annual Report of the President on the Trade Agreements Program. This report covers developments in the year ending December 31, 1972.

In the period since I last reported to the Congress on our trade agreements program, we have taken major new initiatives to give strong momentum to closer multilateral cooperation and to develop a fairer and more efficient framework for the conduct of international economic relations. As a result of intense preparatory work throughout 1972, nations accounting for the bulk of world trade, meeting in Tokyo last month, opened a major round of new negotiations to reduce tariff and nontariff barriers to trade and to reform the rules by which all can gain from expanded trade. In the related field of monetary affairs, encouraging progress has been achieved on reform of the international monetary system to provide sound underpinnings for a fairer, more open trading system.

Concurrently with work on these basic longer term objectives, U.S. negotiators also pressed actively in bilateral consultations for the early removal of foreign nontariff barriers which have distorted normal trade patterns and restricted U.S. exports. The success of these efforts has, in some cases, opened markets where U.S. exporters have competed at a disadvantage for over two decades. In other instances, prompt U.S. assertion of our rights under the General Agreement on Tariffs and Trade has either deterred the institution of proposed restrictions or resulted in their early termination.

As a result of U.S. representations, our traders are already realizing tangible benefits from the major liberalization of quotas and licensing by Japan and the virtual elimination of Japanese export incentives. Compensatory taxes affecting some $40 million of U.S. agricultural exports were terminated on 98 percent of the products involved. The reduction or removal of these and other trade distortions demonstrates that sound trade policy and vigorous negotiation can create new and better opportunities for American businesses, farms, and workers.

Consistent with our efforts to strengthen the fabric of common interests between this country and the Soviet Union, we concluded a major agreement last year which lays the basis for the normalization of relations in the trade field. Important initial steps also have been taken to reduce barriers to commercial relations with the People's Republic of China. These developments open vast opportunities for long-term mutual economic benefit and for the advancement of world peace through the reduction of political tensions. I again urge the Congress, in considering my request for authority to grant normal tariff treatment to these countries, to work with me in framing an authority which preserves these gains.

While we may justifiably be encouraged by our achievements in trade and monetary negotiations since 1971 and by the reversal of the downward trend in our merchandise trade balance, we must not underestimate the magnitude and complexity of the tasks ahead. The multilateral trade negotiations which have just been opened are a fundamental building block in the foundation of a new world politico-economic structure. The stakes are thus high and the bargaining will be intense.

To realize our objectives in the trade field, I sent to the Congress last April proposals for new legislation entitled the Trade Reform Act of 1973. In my statement of October 4, I expressed my views on the bill which was approved by the House Ways and Means Committee. As legislative deliberation continues, I look forward to working with the Congress on this bill in a spirit of constructive partnership.

The profound changes which have taken place in the world economy and the impact of growing economic interdependence on political relations among nations is now clearly recognized. While formidable problems exist in the trade area and while countries still differ widely on some of the important issues, the will now exists to negotiate the necessary far-reaching changes instead of resorting to confrontation or retaliatory measures which generate political frictions. We, like other nations, will be hard bargainers, but with a shared spirit of mutual commitment to a more open and equitable trading system, the entire world can progress toward a new era of economic well-being and peaceful international relations.

RICHARD NIXON.

THE WHITE HOUSE, *October 17, 1973.*

Under authority of the order of the Senate of October 16, 1973, the Secretary of the Senate, on October 17, 1973, received messages from the President of the United States submitting sundry nominations.

On today, October 18, 1973, the nominations were referred to the appropriate committees.

(For nominations received October 17, 1973, see the end of Senate proceedings of today.)

REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of October 12, 1973, Mr. MAGNUSON, from the Committee on Commerce, today submitted its report (No. 93–470) to accompany the bill (S. 1769) establishing a U.S. Fire Administration and a National Fire Academy in the Department of Housing and Urban Development, to assist State and local govern-

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ments in reducing the incidence of death, personal injury, and property damage from fire, to increase the effectiveness and coordination of fire prevention and control agencies at all levels of government.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, informed the Senate that, pursuant to the provisions of section 1, Public Law 689, 84th Congress, as amended, the Speaker had appointed Mr. LATTA, vice Mr. DEVINE, resigned, as a member of the U.S. Group of the North Atlantic Assembly.

The message announced that the House insisted upon its amendments to the bill (S. 1435) to provide an elected Mayor and City Council for the District of Columbia, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. DIGGS, Mr. FRASER, Mr. REES, Mr. ADAMS, M[illegible] MANN, Mr. BRECKINRIDGE, Mr. NELSEN, Mr. HARSHA, Mr. BROYHILL of Virginia, and Mr. LANDGREBE were appointed managers on the part of the House at the conference.

The message also announced that the House had passed the bill (S. 1570) to authorize the President of the United States to allocate crude oil and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare; to provide for the delegation of authority to the Secretary of the Interior; and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2016) to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corp., and for other purposes.

The message also announced that the House insisted upon its amendment to the bill (S. 2408) to authorize certain construction at military installations, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. HÉBERT, Mr. PIKE, Mr. BENNETT, Mr. STRATTON, Mr. BRAY, Mr. KING, and Mr. WHITEHURST were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6691) making appropriations for the legislative branch for the fiscal year ending June 30, 1974, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 1 to 33, inclusive, 35, 39, 47, 48, and 49 to the bill and concurred therein, and that the House receded from its disagreement to the amendment of the Senate numbered 34 to the bill and concurred therein, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the concurrent resolution (S. Con. Res. 51) expressing the appreciation of Congress to Vietnam veterans on Veterans Day, 1973.

The message further announced that the House had agreed to the concurrent resolution (S. Con. Res. 54) providing for adjournment of the Senate from Thursday, October 18, 1973, to Tuesday, October 23, 1973, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 3544. An act for the relief of Robert J. Beas;

H.R. 3758. An act for the relief of Isabel Eugenia Serrane Macias Ferrier;

H.R. 5450. An act to amend the Marine Protection, Research, and Sanctuaries Act of 1972, in order to implement the provisions of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, and for other purposes;

H.R. 6119. An act for the relief of Arturo Robles;

H.R. 6979. An act for the relief of Monroe A. Lucas;

H.R. 7210. An act for the relief of George Downer and Victor L. Jones;

H.R. 9276. An act for the relief of Luther V. Winstead;

H.R. 9450. An act to authorize the Secretary of Commerce to transfer the N.S. *Savannah* to the city of Savannah, Ga.; and

H.R. 10717. An act to repeal the act terminating Federal supervision over the property and members of the Menominee Indian tribe of Wisconsin as a federally recognized, sovereign Indian tribe; and to restore to the Menominee tribe of Wisconsin those Federal services furnished to American Indians, because of their status as American Indians; and for other purposes.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H.R. 9590) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agenices, for the fiscal year ending June 30, 1974, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 3544. An act for the relief of Robert J. Beas;

H.R. 3758. An act for the relief of Isabel Eugenia Serrane Macias Ferrier;

H.R. 6119. An act for the relief of Arturo Robles;

H.R. 6979. An act for the relief of Monroe A. Lucas;

H.R. 7210. An act for the relief of George Downer and Victor L. Jones; and

H.R. 9276. An act for the relief of Luther V. Winstead. Referred to the Committee on the Judiciary.

H.R. 5450. An act to amend the Marine Protection, Research, and Sanctuaries Act of 1972, in order to implement the provisions of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, and for other purposes; and

H.R. 9450. An act to authorize the Secretary of Commerce to transfer the N.S. *Savannah* to the city of Savannah, Ga. Referred to the Committee on Commerce.

H.R. 10717. An act to repeal the act terminating Federal supervision over the property and members of the Menominee Indian tribe of Wisconsin as a federally recognized, sovereign Indian tribe; and to restore to the Menominee tribe of Wisconsin those Federal services furnished to American Indians, because of their status as American Indians; and for other purposes. Referred to the Committee on Interior and Insular Affairs.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, October 16, 1973, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MISUSE OF NAMES, WORDS, EMBLEMS, OR INSIGNIA

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 441, H.R. 689.

The PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

H.R. 689, to amend section 712 of title 18 of the United States Code, to prohibit persons attempting to collect their own debts from misusing names in order to convey the false impression that any agency of the Federal Government is involved in such collections.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, and it was ordered to a third reading, read the third time, and passed.

THE SITUATION IN THE MIDDLE EAST

Mr. MANSFIELD. Mr. President, a very interesting editorial on the situation which has been developing in the Middle East was published in the Missoulan of Missoula, Mont., on October 12, 1973, entitled "Ominous Sight."

I ask unanimous consent to have the editorial printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

OMINOUS SIGHT

Who started it? Why did it start? Who's winning? Answers to these questions about renewed fighting in the Middle East are in dispute. But one thing which can be said with certainty about the war between Israel and the Arab countries, Syria and Egypt, is that it gravely endangers world peace.

Not that the world is all that peaceful. A military takeover in Chile, violent reaction to the repressive apartheid society in South Africa, and continued fighting in Indochina are just a few of the current reminders that peace on earth is a hope, not a reality.

What makes the Middle East war more threatening than these other disturbances is the potential line-up of the world's super powers. China made its position clear immediately by denouncing the Israelis and calling for their return to boundaries held before the 1967 Six-Day War. Russia, which at first appeared to be cooperating with the United States in trying to maintain a low profile in the affair, is now moving visibly toward the Arab ranks. The United States, traditionally a friend of Israel, may be forced into maintaining that position—with arms—even though interests in Arab oil could cause some wavering.

Interest in Arab oil is likely to determine the position of European countries also. Other nations are less indecisive. India has endorsed the Arab cause, and many African countries have done the same. One by one the countries of the world are taking sides, and it is an ominous sight.

We do not know what is the best way, the most effective way to bring peace to the beleagured Middle East. If we did, we'd ask to trade places with Henry Kissinger. But one thing we do know—we are weary of war. We are weary from World War I, World War II, the Korean War, the Vietnam War, and we are weary of asking, will it never end?

TROOP COMMITMENTS OVERSEAS

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD a very interesting article published in the New Republic for October 20, 1973, entitled "Rethinking U.S. Commitments—Troops Overseas."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RETHINKING U.S. COMMITMENTS: TROOPS OVERSEAS

The United States has 500,000 servicemen stationed on foreign soil and another 100,000 assigned to fleets overseas; 360,000 dependents accompanying them. More than 2,000 American bases dot the globe, and every continent, including Antarctica, is covered. To support this widespread network some 200,000 foreign citizens are employed. The annual cost is estimated at $30 billion.

The largest US commitment is to the North Atlantic Treaty Organization. Some 300,000 American troops are based in Europe, about two-thirds of them in the "American zone of occupation" in Southern Germany. If blocking the most likely Soviet invasion route were their principal purpose, they would be better situated across the northern plains of Germany. Instead for the most part they are tucked away in the mountains of Bavaria. That's because they are a tripwire rather than a barrier and a psychological deterrent more than a physical impediment to the Russians.

US nuclear power has been, and remains, the key military deterrent to a Soviet invasion. The submarines, missiles and bombers of our strategic forces carry 6000 nuclear weapons, and there are also 7000 "tactical" nuclear weapons under US control in Europe. In terms of conventional power, the four and one-third US army divisions are a poor match for the 31 Soviet divisions in Eastern Europe. In addition to being outnumbered American troops are inadequately prepared. It is not uncommon, for example, for an infantry company to experience an almost complete personnel turnover in a year. Asked in January 1972 about the readiness of the third armored division in Frankfurt, the commander, Major General William Kraft, remarked: "If you take 75 as a passing score, of 23 battalions in the division, 5 or 6 are above passing. The rest would be below 75 in various degrees; none would be real low."

If US forces on the East-West frontier were the key to European defense, the general's statistics would have prompted major congressional investigations, but his numbers simply confirmed a widely held impression. With 134 admirals and generals assigned to NATO and four or five technicians and paper-shufflers for each combat soldier, the purpose of our European garrison is not to fight so much as to symbolize the American commitment to NATO: a commitment only as good as our willingness to back it up with nuclear weapons. The purpose is also to provide a "good post" for many officers and higher-grade enlisted men.

In June Secretary of Defense James Schlesinger spoke to the NATO defense ministers about the need for a "stalwart" conventional defense. The European reaction was summed up by Britain's Lord Chalfont. Writing in the *Times* of London, the bemused former minister of state said, "the Pentagon still believes that the alliance is strong enough to defend itself against an attack in Europe without recourse to nuclear weapons. . . . If anything more was needed to concentrate the minds of West European statesmen on the need for a fundamental reassessment of their foreign and defense policies, this surely was it."

The size of the American garrison now is 307,000, but it has been as high as 463,000 (1962) and as low as 296,000 (1969). President Nixon argues that he needs to maintain the present level as a "bargaining chip" to win reciprocal Soviet force reductions in Central Europe. That has been a White House argument for many years, but the chip has never been cashed, partly because the Russians have not been eager to risk a diminished Soviet military presence in Eastern Europe. In 1971 Senator Majority Leader Mansfield's proposal to cut our European garrison in half was defeated, 36 to 61. This year Mansfield took a different approach, offering an amendment to the military research and procurement bill to reduce by 40 percent the number of overseas troops *worldwide* over a three-year period. Although that could be carried out without a single soldier being withdrawn from Europe, it was still too big a cut for most of the Senate. It approved the amendment in the morning, but after some heavy Pentagon lobbying (including phone calls from the NATO commander, General Andrew Goodpaster), voted it down in the afternoon, 47 to 51.

The Senate did, however, take two smaller steps. The first was its endorsement of an amendment introduced by Senators Jackson (D, Wash.) and Nunn (D, Ga.) to encourage "a more equitable sharing of the costs and expenses arising from commitments and obligations under the North Atlantic Treaty." The combined defense budgets (1972) of NATO Europe were $33 billion, whereas the Pentagon's budget was $79 billion. The West Europeans spend 4.2 percent of their gross national product on defense; the American percentage is 7.5. The direct cost of the American garrison in Europe is about $4 billion, and while our NATO allies have offset some of these costs through purchases of American weapons, the net balance-of-payments deficit for 1972 was $1.7 billion. The Jackson-Nunn amendment stipulates that the United States will withdraw a percentage of its forces equal to the percentage of the balance of payments not offset by our NATO allies. For example if only 60 percent of the deficit were offset, 40 percent of the US garrison would be withdrawn.

The amendment makes little military or monetary sense. If the present level of US troops in Europe is necessary to keep the peace, then the United States ought to be prepared to bear the costs irrespective of equity; forces that are superfluous to military needs should be withdrawn. From a fiscal point of view, withdrawing, say, 40 percent of the American forces would generate a fixed balance-of-payments gain considerably less than 40 percent of the deficit. Moreover if the forces withdrawn were not deactivated, there would be no real savings. Transferring troops from Europe to new US bases and maintaining them on active duty would cost more, though it would help the balance of payments situation.

Yet the Jackson-Nunn amendment, which passed by 84 to 5, does express, as Mansfield put it, "a sentiment of dissatisfaction with the status quo in Europe." For some that dissatisfaction is rooted in the size of the American garrison 28 years after World War II. For others it is based on Western Europe's declining contribution to the common defense (down 20 percent in relation to GNP since 1965).

Of greater significance was Senator Humphrey's move, approved 48 to 36, to cut 110,000 overseas troops by the end of 1975. The House has voted no similar cut, so the matter will not have to be resolved by a House-Senate conference committee. Because the Humphrey amendment does not specify where the cuts should be made, the entire reduction could be made in Asia; President Nixon's "sensitive negotiations" on mutual troop withdrawals from Central Europe would not be affected. We can expect to hear from the White House or Mr. Kissinger, however, that any such unilateral cut in Asia will deny the US a valuable "bargaining chip" in discussions with Peking.

When four American divisions were assigned to NATO in 1951 Secretary of State George Marshall stated there was nothing magical about the number; the decision was based on military requirements. In 1963 General Eisenhower suggested that one US division in Europe backed by US nuclear power would be sufficient to prove our commitment In other areas, such as Japan and the Western Pacific where 164,000 Americans are now stationed, raising the number deployed would no more prove our commitment than a modest reduction would disprove it. The Pentagon, however, resists troop cuts for the same reason any bureaucracy resists retrenchment. The executive obsession with "bargaining chips" similarly militates against any significant cuts. And although Congress is empowered by the Constitution to "raise and support armies," the Senate's passage of the Humphrey amendment showed only that that power has not been unconditionally surrendered.

THE MIDDLE EAST

Mr. MANSFIELD. Mr. President, I have given some thought to the situation which has been developing in the Middle East. It becomes more dangerous by the day, it spreads far beyond the area of the Middle East itself. At the present time, it seems that it stretches from the Atlantic coast clear across the Magreb and the rest of Northern Africa, over into Syria, Jordan, Iraq, possibly Saudia Arabia, and the Lord or Allah only knows where it is going to end. It is a most serious situation in that area, which we cannot avoid paying attention to.

With that in mind, Mr. President, I would like to state to the Senate some of my feelings on this subject as they were put down this morning.

First, my feeling is that we should operate on a policy that tries to achieve a balance of sorts in the Middle East.

Second, insofar as the shipment of United States arms is concerned, it must be said that Secretary Kissinger first tried to find a diplomatic solution based on no arms shipments to either side. Finding that impossible because of continuing and increased Soviet shipments to Syria and Egypt, on Sunday last, 9 days after the war started, he—Secretary Kissinger—announced that the United States would replenish the losses of Israel in certain categories. This was done, in my opinion, to achieve a semblance of an arms balance in the area.

Third, I do not believe that we should become involved with American forces anywhere except as our national interest and security are at a vital stake. One Vietnam is one Vietnam too many.

Fourth, the United States and the Soviet Union, the two major outside powers, obviously have been unable to prevent the conflict or to bring about its termination. In view of the increasingly dangerous situation which has been developing, therefore, I would suggest that the President of the United States issue an urgent invitation to Chairman Brezhnev of the U.S.S.R., President Pompidou of France, Prime Minister Heath of the United Kingdom, Chancellor Willy Brandt of West Germany, and Prime Minister Tanaka of Japan for an immediate summit conference for the purpose of bringing about a cease-fire and using their collective efforts toward the Middle East to have the parties enter into negotiations as expeditiously as possible.

Fifth, if a summit cannot be accomplished expeditiously, then I would suggest as an alternative that the Foreign Ministers of the countries mentioned convene in conference at a mutually convenient place and as rapidly as possible.

The time, Mr. President, is short.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Does the assistant minority leader desire recognition at this time?

NOMINATION OF GERALD R. FORD TO BE VICE PRESIDENT OF THE UNITED STATES

Mr. GRIFFIN. Mr. President, as a Senator from the home State of the Vice-Presidential nominee and also as a member of the Committee on Rules and Administration, I am very pleased that the chairman of the Committee on Rules and Administration, the distinguished Senator from Nevada (Mr. Cannon), has tentatively indicated that the committee may be ready to begin hearings on the nomination by the 30th or the 31st of this month.

That does not meet the timetable which the distinguished majority leader (Mr. Mansfield) suggested the morning after the President announced the name of Representative Gerald R. Ford. At that time Senator Mansfield said he was hopeful that the Senate would be able to pass on the nomination by the end of the month. In any event, the chairman's statement concerning the Rules Commitee's schedule does indicate that the committee is moving with dispatch, recognizing that there are some limitations on the speed with which the committee can move. I refer, for example, to the delay necessarily involved in awaiting the FBI report of a full field investigation.

Incidentally, it was at first estimated that it would take 2 weeks for the FBI to make that investigation and report. However, it is my understanding now that the number of agents working on this investigation has been increased, so that the time required should be less than the 2 weeks originally estimated.

Certainly, so far as the committees and those in positions of direct responsibility for the investigation are concerned, I think it can be said that they are moving with dispatch and with appropriate regard for the importance of this matter.

Now, Mr. President, I regret that it is necessary to take note of a few voices which, according to the press, have been heard to suggest that confirmation of Representative Gerald R. Ford should be held up until the President releases the so-called Watergate tapes.

I believe that kind of suggestion ought to be met head on and recognized now for just what it is. Surely, it would be an unconscionable frustration of the constitutional process if Congress were to stoop so low—to play political hanky-panky by holding the Ford nomination hostage.

I have an idea what the Supreme Court will ultimately decide with regard to the tapes. I do not know whether the Supreme Court will even grant certiorari to hear the case. Furthermore, I do not know what the President will do. But I do know—and the American people know—that the qualifications of Gerald R. Ford to be Vice President of the United States is a separate and unrelated issue which ought to be dealt with responsibly by the Congress.

The country needs—the country wants—a qualified Vice President in office, one who is ready to take over the duties and responsibilities of the high office of President if that should become necessary.

Accordingly, I believe we ought to label and nail that outrageous suggestion for just what it is. I am glad that such a suggestion has come from only a very small number.

I know that the American people will be watching Congress very carefully—for Congress in a real sense is on trial right now in this situation. I hope and I trust that Congress will act quickly and responsibly.

ORDER FOR RECOGNITION OF SENATOR PELL VACATED

The PRESIDENT pro tempore. Under the previous order, the Senator from Rhode Island (Mr. Pell) is recognized for not to exceed 15 minutes.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the recognition of Senator Pell at this time be vacated.

The PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 5 minutes.

AN ALTERNATIVE SOLUTION TO OUR ENERGY PROBLEMS

Mr. COOK. Mr. President, on September 5, I expressed grave concern over the action taken by Libya concerning the increased price of their crude oil and their decision to reject dollars as payment for this commodity.

Today we receive additional news from the Middle East which places in considerable doubt the exact volumes of petroleum and petroleum products we can expect to receive from this area. As I have stated to my colleagues many times on this floor, as well as in committee hearings, we have an alternative solution to our energy problems, and we can no longer afford to be dependent on foreign oil to meet our energy requirements. I again call attention to a bill I introduced, S. 2167, to establish a trust fund for a dynamic research and development program. I was joined in the introduction of this bill by Senator Baker, Senator Robert C. Byrd, Senator Randolph, and Senator Moss, and I again solicit the support of my colleagues and urge that hearings be held at an early date so that we can move ahead on this vital program.

Mr. President, we cannot develop our domestic fuels without a dynamic research and development program. I just cannot understand why we continue to take a "business as usual" approach to a problem which should have been solved yesterday.

We have sufficient coal reserves in this Nation to meet our requirements for several generations. We also have oil shale, tar sands and other natural resources which can be converted to energy fuels. If this Nation wishes to retain its status as a great power, if it wishes to preserve the ideals handed down from our Founding Fathers, and if we choose to develop and defend these ideals and continue to enjoy a standard of living never before present on this globe, then we cannot be dependent on a foreign power for our energy fuel. The choice is ours, and there is an answer. I urge my colleagues to join with me in support of S. 2167 to create a Federal energy research and development trust fund. It would act as a repository for funds of a prescribed amount and from which expenditure could be made to meet research and development requirements as they occur over a continuing period of time. It is only through a program of assured and continuous funding of our research and development program that we can hope to reach our goal and provide this Nation with a domestic source of energy for many years to come.

Other Members of this body including the chairman of the powerful Senate committees have in the past and are again proposing that we adopt stopgap measures to meet our problem today and tomorrow, but what concerns me is the fact that we cannot seem to grasp the gravity of this situation and initiative programs which will provide us with comprehensive and long-range solutions to our energy problems. While I agree that there may well be some measures we must take which are of a stopgap nature, this body has a greater responsibility to the people of this Nation to provide for real solutions to real problems.

We all know that Congress is a fickle force. That programs which are adopted by our Congress may well go unfunded by its successor. Why then is it we are continually plugging away at proposals which even if adopted would be of short duration and would not solve the long-range problem?

I have sat through hearings on these proposals. There are dozens now before the various committees. We have labored mightily, we have developed proposals, we have held hearings on these short-run proposals, but we have come up with a dry hole. Let me correct that statement. Sometimes these holes are not dry. We find them filled with hot air, which unfortunately is not natural gas, and will not burn, and cannot be used as energy fuel.

Mr. President, last night Howard K. Smith, distinguished news commentator, presented an editorial in which he portrayed considerable foresight as to the requirement to develop a long-range solution to our problem. He stated as follows:

> It sounds perverse, but I found myself half hoping today the Arabs would cut off, not 5 percent, but all oil to the U.S.
>
> When it has to, this nation is capable of miracles. In World War Two, when natural rubber was scarce, we invented and mass produced synthetic rubber in a single year.
>
> When we thought Hitler was inventing an atomic bomb, we invented it in five years, only to find out he hadn't thought of it.
>
> When we thought the Russians were going to the moon, we created a fantastic technology and got there ourselves in six years. They haven't made it yet.
>
> Well, we have got to stop using fossil fuels. The world supply will simply run out before long. Meanwhile, we have to stop wasting what we possess, and we have to find a replacement for Arab oil.
>
> It so happens we have it—we have more oil than there is in all Arabia, locked up in shale rock in our western states. The easy part, if we felt urgency about it, is creating a technology to extract it without ruining the land.
>
> Five or ten years from now our dependence on Arab oil will be so huge that a cutoff then would cripple us.
>
> But a cutoff now would merely provide us with a miserable winter, and the incentive we obviously lack on our own and our leaders seem incapable of providing, to do what is, eventually, inevitable.

Mr. President, I do not want to burden my colleagues with another copy of a letter I distributed to all Members explaining this bill and requesting support, but should they be interested—and I certainly hope they are—my office would be very happy to supply them with an additional copy.

VISIT TO THE SENATE BY THE HONORABLE FRANZ JOSEPH STRAUSS, MEMBER, WEST GERMAN PARLIAMENT

Mr. THURMOND. Mr. President, we are very fortunate indeed to have with us today a member of the West German Parliament. This gentleman is one of the free world's great leaders and we are proud of him. We welcome him to the United States.

At this time I would like to present to the Members of the Senate Dr. Franz Joseph Strauss, who is chairman of the Christian Social Union Party in Germany, and the financial speaker of the opposition party. He has been a member of Parliament ever since Free Germany was founded 24 years ago. He has been cabinet minister for 12 years. He would be the head of government in Germany if his party were in power today. Dr. Strauss is an expert in nuclear matters, and he is an expert in defense and financial matters.

So it is a great pleasure for me to present him to the U.S. Senate.

[Applause, Senators rising.]

TWO-MINUTE RECESS

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess for 2 minutes in order that Senators may greet our distinguished visitor.

The motion was agreed; and at 12:31 p.m. the Senate took a recess until 12:33 p.m.; whereup, the Senate reassembled when called to order by the Presiding Officer (Mr. Hathaway).

AMENDMENT OF RAIL PASSENGER SERVICE ACT OF 1970—CONFERENCE REPORT

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate the conference report on the Rail Passenger Service Act.

The PRESIDING OFFICER laid before the Senate the conference report which was stated as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2016) to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all conferees on the part of both Houses.

Mr. MANSFIELD. Mr. President, I move the adoption of the conference report.

Mr. GRIFFIN. Mr. President, reserving the right to object, the Senator from Kentucky, one of the conferees, is very close to the floor and wanted to be here.

Mr. MANSFIELD. Mr. President, I withdraw my request. We will bring it up later.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nomination of Mr. Warren Clay Wood to be Federal Cochairman of the Old West Regional Commission, which was previously reported unanimously by the Committee on Public Works.

There being no objection, the Senate proceeded to consider executive business.

OLD WEST REGIONAL COMMISSION

The PRESIDING OFFICER. The nomination will be read.

The second assistant legislative clerk read the nomination of Warren Clay Wood, of Nebraska, to be Federal Cochairman of the Old West Regional Commission.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I request that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, the President will be so notified.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, are we still in the morning hour?

The PRESIDING OFFICER. We are still in the morning hour.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I be allowed to proceed for not to exceed 6 minutes.

Mr. ROBERT C. BYRD. Mr. President, will the Senator allow me to get my 5 minutes and yield them to the Senator?

Mr. MANSFIELD. Fine.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE MIDDLE EAST CONFLICT

Mr. MANSFIELD. Mr. President, in the Middle East, the conflict grows sharper, more devastating, more bloody. The Israelis and the Arabs bear directly and immediately the heavy human burdens of war, but repercussions of the most serious kind are also beginning to spread beyond the battlegrounds.

First, all nations importing Mideast petroleum face a 17-percent increase in the price of crude and, on top of that, the Arab nations announced that they will cut production 5 percent at once and announced, in addition, a 5 percent reduction each month thereafter.

Second, the United States and U.S.S.R. are now engaged in the competitive resupply of weapons to the two sides in the war.

Third, the United States and the U.S.S.R. have stepped up the reinforcement of their respective fleets in the Mediterranean, a sea already seething with a surfeit of naval power.

Where is the end of this chain of interrelated development? Is it to be found in a "military solution" in the Middle East? How long will it take to run that course? A week? A month? A year? Not how many days, Mr. President, but how many generations. Even if a military solution were "just around the corner" and, apparently that is not the case, it is not a permissive course for any responsible government.

It is impermissible in terms of the future well-being of Israel and the Arab countries. How many corpses must be counted on both sides before a military solution is achieved? How much destruction? Must Cairo be flattened and Tel Aviv? Damascus? Jerusalem? Has nothing at all been learned from the tragedy of Vietnam and others before it?

To await a military solution is also impermissible on economic grounds. What will happen to the economies of the Arab countries when, 20 months from now, on their own announced schedule, the last drop of crude flows through the pipelines of the Mideast and the last well is capped or the price of petroleum is upped and upped until there are no more buyers? In the meantime, what will happen to the economies of the great importers of Arab oil—notably Western Europe and Japan?

Finally, the course of military solution is impermissible as an intolerable risk not only to the security but the survival of the Soviet Union and the United States which, together, hold a great share—perhaps too great a share—of responsibility for the entire world's destiny in this situation.

In these circumstances, I would call the attention of the Senate to a statement by French Foreign Minister Michel Jobert in the French National Assembly on yesterday. Mr. Jobert exhorted the United States and the Soviet Union to stop the resupply of arms to the Mideast and to seek to end the war "before it is too late and the consequences become intolerable." He pledged that France, with the support of the Common Market powers, would make contributions to finding a solution to the conflict.

The initiative of Foreign Minister Jobert comes at a most opportune time.

I would urge the administration to give it every attention and I would again express the hope that both the Soviet Union and the United States would seek, in addition to that of France, the immediate diplomatic cooperation of Western Germany, the United Kingdom, and Japan in finding an acceptable cease-fire and negotiations among the parties.

The economic stake of these nations in a restoration of peace is no less than our own. So, too, is their stake along with that of all other nations in human survival.

Mr. President, I repeat the remarks which I made on Tuesday last relative to the Mideast situation:

Mr. President, I have given some thought to the situation which has been developing in the Middle East. It becomes more dangerous by the day, it spreads far beyond the area of the Middle East itself. At the present time, it seems that it stretches from the Atlantic coast clear across the Magreb and the rest of northern Africa, over into Syria, Jordan, Iraq, possibly Saudi Arabia, and the Lord or Allah only knows where it is going to end. It is a most serious situation in that area, which we cannot avoid paying attention to.

With that in mind, Mr. President, I would like to state to the Senate some of my feelings on this subject as they were put down this morning.

First, my feeling is that we should operate on a policy that tries to achieve a balance of sorts in the Middle East.

Second, insofar as the shipment of United States arms is concerned, it must be said that Secretary Kissinger first tried to find a diplomatic solution based on no arms shipments to either side. Finding that impossible because of continuing and increased Soviet shipments to Syria and Egypt, on Sunday last, 9 days after the war started, he—Secretary Kissinger—announced that the United States would replenish the losses of Israel in certain categories. This was done, in my opinion, to achieve a semblance of an arms balance in the area.

Third, I do not believe that we should become involved with American forces anywhere except as our national interest and security are at a vital stake. One Vietnam is one Vietnam too many.

Fourth, the United States and the Soviet Union, the two major outside powers, obviously have been unable to prevent the conflict or to bring about its termination. In view of the increasingly dangerous situation which has been developing, therefore, I would suggest that the President of the United States issue an urgent invitation to Chairman Brezhnev of the U.S.S.R., President Pompidou of France, Prime Minister Heath of the United Kingdom, Chancellor Willy Brandt of West Germany, and Prime Minister Tanaka of Japan for an immediate summit conference for the purpose of bringing about a cease-fire and using their collective efforts toward the Middle East to have the parties enter into negotiations as expeditiously as possible.

Fifth, if a summit cannot be accomplished expeditiously, then I would suggest as an alternative that the Foreign Ministers of the countries mentioned convene in conference at a mutually convenient place and as rapidly as possible.

The time, Mr. President, is short.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized.

Mr. ROBERT C. BYRD. Mr. President, would the Senator yield for a question?

The ACTING PRESIDENT pro tempore. The time for morning business has expired.

Mr. ROBERT C. BYRD. Mr. President, that was my question. I ask unanimous consent that there be an extension of the period for routine morning business not to exceed 15 minutes with statements made therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEATH OF EMIL H. PRAEGER, PRAEGER REPORT AUTHOR

Mr. HOLLINGS. Mr. President, I ask unanimous consent to have printed in the Record the notice, published in today's issue of the Washington Post, of the passing of Emil H. Praeger, the Captain Praeger who authored the Praeger report with reference to the Capitol Building, particularly with respect to the durability and restoration of the west front. Captain Praeger passed away yesterday.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Oct. 18, 1973]

EMIL H. PRAEGER, 81, NOTED CIVIL ENGINEER

MANHASSET, N.Y., Oct. 17—Emil H. Praeger, a civil engineer who designed special floating concrete breakwaters used during the Allied invasion of Normandy in World War II, is dead at the age of 81.

Mr. Praeger, who also served as a consulting engineer in the renovation of the White House, died Tuesday at North Shore Hospital here. He had been residing in Douglaston, Queens.

Mr. Praeger was responsible for structural engineering in construction of the General Assembly, Meeting Hall and underground parking garage of the United Nations headquarters in New York.

During World War II, Mr. Praeger was design manager of the Navy's Bureau of Yards and Docks and served on a committee named to implement British Prime Minister Winston Churchill's idea of protected harbors for the invasion of Europe.

The committee accepted Mr. Praeger's design of rectangular floating concrete breakwaters, with the code name "Phoenix." They were built in England and floated across the English Channel to form a harbor for the landing and supply operations in Normandy.

After the war, Mr. Praeger served as a senior member of the Navy group studying the effects of atomic bombs and other aerial weapons on Japan. He was awarded the Legion of Merit.

He is survived by his wife, the former Edna Quinn; a son, Richard Q.; a daughter, Elizabeth Branigan, and 13 grandchildren.

LEGISLATIVE APPROPRIATION BILL, 1974—CONFERENCE REPORT

Mr. HOLLINGS. Mr. President, I submit a report of the committee of conference on H.R. 6691, and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore (Mr. METCALF). The report will be stated by title.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6691) making appropriations for the legislative branch for the fiscal year ending June 30, 1974, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The ACTING PRESIDENT pro tempore. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of October 11, 1973, on page 33768.)

Mr. HOLLINGS. Mr. President, the final agreement has been reached in the Conference Committee on Senate amendments, and the conference report has been adopted by the House of Representatives. This bill passed the Senate on July 19, 1973, on which day the Senate requested a conference with the House of Representatives. The bill was sent to conference by the House on October 2, and final accord has been reached on all amendments. The most controversial amendments in the bill were numbers 45, 50, and 51. On amendment number 45, the House had provided in the first paragraph for an appropriation of $58,000,000 for extension of the Capitol. The Senate had deleted this paragraph and in lieu thereof had proposed language and an appropriation of $18,000,000 for restoration of the west central front of the Capitol. In conference, there was a complete impasse with respect to the proposals of the respective bodies and consequently the House conferees agreed to delete the House proposal and the Senate conferees agreed to delete the Senate proposal for restoration. What this rally amounts to is that the proposal is deferred for another year. In the meantime, under the provisions in the Legislative Branch Act for fiscal year 1972, none of the funds available to the Architect of the Capitol may be used for plans for extension of the west front of the Capitol.

On amendment No. 50, the Senate had proposed an appropriation of $15,000,000 and authority for the construction of an additional House office building. It was the view of the Senate that this building could be constructed just south of the Capitol on the Capitol grounds, underground. The Senate had also proposed an appropriation of $300,000 and authority to conduct a master plan for future development of the Capitol grounds or related areas. These two proposals, amendments Nos. 50 and 51 were deleted by the Conference Committee. In deleting these amendments for extension, restoration, an additional House office building and comprehensive plans, the conferees realized that full consideration could not be given these amendments at this time in that the House held no hearings on the proposal for an underground building next to the House wing of the Capitol. The Senate conferees are hopeful that the House will look into this matter further and this may be a desirable way to solve the problem for the House of Representatives for additional office space rather than the extension of the Capitol for this purpose.

In most instances in the other proposals of the Senate, the House accepted our amendments since they dealt mostly with housekeeping matters of the two bodies.

Mr. President, I would like to also at this point express my gratitude for the support and assistance of all the witnesses, particularly working with this committee of conference, and the distinguished senior Senator from New Hampshire (Mr. COTTON). He could not be with us today, but I have checked with him, and this conference report presentation meets with his approval. We have with us his sidekick and my distinguished friend the Senator from Pennsylvania (Mr. SCHWEIKER), who also worked daily with this committee, and with his assistance and that of the conferees on the House side, we were able to come to an agreement which I think will be satisfactory to both Houses. I thank the Senator from Pennsylvania for his wonderful help, and yield to him at this time.

Mr. SCHWEIKER. I thank the Senator.

Mr. President, as a member of the minority side of the Legislative Branch Appropriations Subcommittee, and the floor manager of this bill when it was originally before the Senate, I rise to endorse the conference report that was so ably summarized by our chairman, the distinguished Senator from South Carolina (Mr. HOLLINGS). I want to compliment the chairman on the excellent and thorough manner in which he has handled the bill since we first began our hearings back on May 2d.

While I do not want to delay the Senate I do want to associate myself with the remarks of the chairman regarding the west front of the Capitol. I, too, am keenly disappointed that we were not able to persuade the managers of the bill from the House of Representatives to accept the Senate position of restoration over extension. Even the most cursory examination of the massive evidence the subcommittee assembled during our extensive hearings on this matter should convince everyone of the soundness of restoring the last remaining original wall of this building and going underground in a less expensive way to meet the additional space requirements of the other body.

As a fellow member of the Board of the Office of Technology Assessment I am sure I join our chairman in the satisfaction that this long-needed congressional organization can now get started. This initial appropriation of $2 million is a modest amount to let us begin to form the capability the Congress needs in this era of rapid change in technology.

Before closing my remarks I also want to extend my best wishes to the clerk of our subcommittee, and the chief clerk of the Appropriations Committee, Mr. Thomas J. Scott, who will soon begin a well-deserved retirement. Tom has been with the committee for 30 years and is universally respected for his expert knowledge and judgment of the appropriations process as well as his fairness to all members of the committee and the Senate.

Mr. President, I ask unanimous consent to submit for the RECORD a statement on behalf of the Senator from New Hampshire (Mr. COTTON), the ranking Republican member on this conference committee. He is detained on committee business elsewhere at this time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

STATEMENT OF SENATOR COTTON

During our deliberations on this bill, Mr. Donald E. Vincent, the Librarian of the University of New Hampshire brought to my attention the urgent need to add $133,000 for the National Serials Data Program of the Library of Congress. This program, which is responsible for the assigning and maintaining of the International Standard Serial Number is vital to the library community in order to avoid costly duplication of materials and proper maintenance of the inter-library loan of periodicals and other serial materials. I am happy to note that the Conference accepted the full amount of my amendment for this program and that the expanded program can now go forward.

Mr. SCHWEIKER. I would just like to say that I have enjoyed working with our chairman, the distinguished Senator from South Carolina (Mr. HOLLINGS), because I think he has provided able and effective leadership in resolving several of the controversies that confronted this committee of conference. I think they were fairly, ably, and effectively ironed out, and I strongly support the conference report.

Mr. HOLLINGS. Mr. President, I move the adoption of the conference report.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment in disagreement.

The assistant legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 34 to the aforesaid bill; and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

Effective January 1, 1974, section 105(d)(1) of the Legislative Branch Appropriation Act, 1968, as amended by the preceding paragraph, is amended to read as follows:

"(1)(A) Commencing January 1, 1974, the aggregate of gross compensation paid employees in the office of a Senator shall not exceed during each calendar year the following:

"$352,240 if the population of his State is less than 2,000,000;

"$362,848 if such population is 2,000,000 but less than 3,000,000;

"$388,416 if such population is 3,000,000 but less than 4,000,000;

"$421,328 if such population is 4,000,000 but less than 5,000,000;

"$448,256 if such population is 5,000,000 but less than 7,000,000;

"$476,544 if such population is 7,000,000 but less than 9,000,000;

"$507,280 if such population is 9,000,000 but less than 10,000,000;

"$530,944 if such population is 10,000,000 but less than 11,000,000;

"$561,952 if such population is 11,000,000 but less than 12,000,000;

"$585,818 if such population is 12,000,000 but less than 13,000,000;

"$615,808 if such population is 13,000,000 but less than 15,000,000;

"$646,000 if such population is 15,000,000 but less than 17,000,000;

"$676,192 if such population is 17,000,000 or more.

In any calendar year in which a Senator does not hold the office of Senator at least part of each month of that year, the aggregate amount available for gross compensation of employees in the office of that Senator shall be the applicable amount contained in the table included in this subparagraph, divided by 12, and multiplied by the number of months the Senator holds such office during that calendar year, counting any fraction of a month as a full month.

"(B) The aggregate of payments of gross compensation made to employees in the office of a Senator during each calendar year shall not exceed at any time during such calendar year one-twelfth of the applicable amount contained in the table included in subparagraph (A) of this paragraph multiplied by the number of months (counting a fraction of a month as a month) elapsing from the first month in that calendar year in which the Senator holds the office of Senator through the end of the current month for which the payment of gross compensation is to be made."

Effective October 1, 1973, any rate of compensation increased or established under the headings "Office of the Chaplain", "Office of the Secretary", and "Office of Sergeant at Arms and Doorkeeper", and any new dollar limitation contained in amendments made by the sixth and seventh full unnumbered paragraphs under the heading "ADMINISTRATIVE PROVISIONS", are increased in accordance with the Order of the President pro tempore of the Senate of October 4, 1973. Effective January 1, 1974, the dollar limitations contained in the amendment made by the eighth full unnumbered paragraph under this heading "ADMINISTRATIVE PROVISIONS" are increased in accordance with the applicable dollar limitations contained in such order.

Mr. HOLLINGS. Mr. President, I move that the Senate concur in the amendment of the House of Representatives to amendment of the Senate No. 34.

The motion was agreed to.

THE WATERGATE TAPES AND THE VICE-PRESIDENTIAL CONFIRMATION

Mr. KENNEDY. Mr. President, as I have stated on previous occasions in recent weeks, one of the most critical emerging developments in the Nation is the ominous constitutional confrontation looming between the President and the courts over the tapes in the Watergate case. Inexorably, the case has now reached the threshold of the Supreme Court, and there is good reason to anticipate that the Court will hear and decide the case before it recesses for the Christmas holidays in December.

The nature of the potential confrontation is clear. Two lower Federal courts—the district court on August 29 and the court of appeals on October 12—have already ruled that President Nixon may be ordered to disclose the tapes. The President and his White House staff have left the clear impression that the President may decide to defy the Supreme Court if the final order of the Court requires the tapes to be disclosed.

My hope is that the confrontation will not materialize. Perhaps the Supreme Court will rule in favor of the President. Or, perhaps the President and the special prosecutor may yet find a way to resolve their differences, as the court of appeals has so strongly suggested, and thereby spare the country the further constitutional crisis that now appears so close.

But if a solution is not found, there can be no question of the President's obligation to abide by the Supreme Court's decision interpreting the law. There can be no question of his obligation to produce the tapes if that is the Court's command.

If the President defies the Supreme Court on the tapes, then he defies the Constitution. He defies 200 years of American history. He defies the rule of law under which all of us must live. In that event, as I said last month, a responsible Congress would have no recourse but to exercise its power of impeachment.

As the time for decision draws near, I hope that each Senator and Representative will weigh his obligation to the Supreme Court and to the Nation's highest law. I do not share the view of those who say that Congress is too weak or too timid to act. We have taken our oath to support and defend the Constitution. It cannot be for naught that Congress stopped the bombing in Indochina last August, or that Congress has begun to reassert its own long-neglected prerogatives in important legislative areas like war powers and impoundment. If the President is so unwise as to put Congress in a position on the tapes in which Congress must choose between the Constitution or the President, I have no doubt that Congress will choose the Constitution.

But there is another issue as well, a related issue that we in Congress must also face, and face earlier than the question of the tapes. Because the cloud of Watergate and the tapes hangs so clearly over the President, the Senate and the House have a special obligation to give the closest possible examination to the qualifications of the man who has been nominated to be our new Vice President, the man who may well become our President if Mr. Nixon resigns or is impeached.

The ACTING PRESIDENT pro tempore. The Senator's time has expired and the extended period for the transaction of routine morning business has also expired.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be extended for a period of not to exceed 10 minutes, with a limitation of 5 minutes on statements therein, that I may be recognized, and that I may yield my 5 minutes to the Senator from Massachusetts.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, whatever other investigations Congress may undertake on the nomination of Mr. FORD, the Senate and the House have a paramount obligation to ask him whether he believes the President must comply with an order of the Supreme Court to disclose the tapes. We have the right and duty to demand a Vice President who unequivocally acknowledges the supremacy of the rule of the law. However distinguished his career may be, however acceptable his other qualifications may be, if Mr. FORD refuses to acknowledge the obligation of the President to obey the Supreme Court, then Congress has the right and duty to refuse his confirmation.

Mr. President, because of the extraordinary significance of the tapes case, I ask unanimous consent that the decision of the court of appeals, issued last Friday, be printed in the RECORD, so that it may be widely available to all who share our deep concern over this difficult question.

There being no objection, the decision was ordered to be printed in the RECORD, as follows:

[U.S. Court of Appeals for the District of Columbia Circuit]

PETITIONS FOR WRITS OF MANDAMUS AND APPEALS

No. 73-1962: Richard M. Nixon, President of the United States, Petitioner v. the Honorable John J. Sirica, United States District Judge, Respondent and Archibald Cox, Special Prosecutor, Watergate Special Prosecution Force, Party in Interest.

No. 73-1967: United States of America, Petitioner v. the Honorable John J. Sirica, Chief Judge, United States District Court for the District of Columbia, Respondent and Richard M. Nixon, President of the United States, Party in Interest.

No. 73-1989: In re: Grand Jury Proceedings.

Decided October 12, 1973—*Charles Alan Wright*, with whom *Douglas M. Parker* and *Robert T. Anderson*, were on the brief, for petitioner in No. 73-1962.

Archibald Cox, with whom *Philip A. Lacovara* and *Peter M. Kreindler* were on the brief, for petitioner in Nos. 73-1967 and 73-1989.

Anthony C. Morella and *George D. Horning, Jr.* for respondent.

Before Bazelon, *Chief Judge*, and Wright McGowan, Leventhal, Robinson, MacKinnon and Wilkey, Circuit Judges, sitting en banc.

Opinion *Per Curiam*.

Opinion by *Circuit Judge* MacKinnon, concurring in part and dissenting in part.

Opinion by *Circuit Judge* Wilkey, concurring in part and dissenting in part.

Per Curiam: This controversy concerns an order of the District Court for the District of Columbia entered on August 29, 1973, by Chief Judge John J. Sirica as a means of enforcing a grand jury subpoena *duces tecum* issued to and served on President Richard M. Nixon. The order commands the President, or any subordinate official, to produce certain items identified in the subpoena so that the Court can determine, by *in camera* inspection, whether the items are exempted from disclosure by evidentiary privilege.[1]

Both the President and Special Prosecutor Archibald Cox, acting on behalf of the grand jury empanelled by the District Court in June, 1972,[2] challenge the legality of this order. All members of this Court agree that the District Court had, and this Court has, jurisdiction to consider the President's claim of privilege.[3] The majority of the Court approves the District Court's order, as clarified and modified in part, and otherwise denies the relief requested.

I

We deem it essential to emphasize the narrow contours of the problem that compels the Court to address the issues raised by this case. The central question before us is, in essence, whether the President may, in his sole discretion, withhold from a grand jury evidence in his possession that is relevant to the grand jury's investigations. It is our duty to respond to this question, but we limit our decision strictly to that required by the precise and entirely unique circumstances of the case.

Footnotes at end of article.

On July 23 of this year, Special Prosecutor Cox caused to be issued a subpoena *duces tecum* directed to the President.[4] The subpoena called upon the President to produce before the grand jury certain documents and objects in his possession—specifically, tape recordings of certain identified meetings and telephone conversations that had taken place between the President and his advisers in the period from June 20, 1972 to April 15, 1973.[5] In a letter dated July 25, 1973, addressed to the Chief Judge of the District Court, the President declined to produce the subpoenaed recordings. The President informed the Court that he had concluded "that it would be inconsistent with the public interest and with the Constitutional position of the Presidency to make available recordings of meetings and telephone conversations in which [he] was a participant. . . ."[6]

On July 26, at the instruction of the grand jury, the Special Prosecutor applied to the District Court for an order requiring production of the evidence. Having determined by poll in open court the grand jury's desire for the evidence, the District Judge ordered the President, or any appropriate subordinate official, to show cause "why the documents and objects described in [the subpoena] should not be produced. . . ." On August 7, in answer to the order, the President filed a Special Appearance and Brief in Opposition, stating that the letter of July 25 constituted a "valid and formal claim of executive privilege" and that, therefore, the District Court "lack[ed] jurisdiction to enter an enforceable order compelling compliance with the subpoena. . . ."[7]

The District Court then allowed the Special Prosecutor to submit a memorandum in response to that of the President and in support of the Court's order. This memorandum contains a particularized showing of the grand jury's need for each of the several subpoenaed tapes[8]—a need that the District Court subsequently and, we think, correctly termed "well-documented and imposing."[9]

The strength and particularity of this showing were made possible by a unique intermeshing of events unlikely soon, if ever, to recur. The President had previously declared his intention to decline to assert any privilege with respect to testimony by his present and former aides, whether before the grand jury or the Select Committee of the Senate on Presidential Campaign Activities, concerning what has come to be known as the "Watergate" affair.[10] As a result, detailed testimony by these aides before the Senate Committee enabled the Special Prosecutor to show a significant likelihood that there existed conspiracies among persons other than those already convicted of the Watergate break-in and wiretapping, not only to commit those offenses, but to conceal the identities of the persons involved. Moreover, the Special Prosecutor was able to show from the public testimony that important evidence relevant to the existence and scope of the purported conspiracy was contained in statements made by the President's advisers during certain conversations that took place in his office. Most importantly, perhaps, significant inconsistencies in the sworn testimony of these advisers relating to the content of the conversations raised a distinct possibility that perjury had been committed before the Committee and, perhaps, before the grand jury itself.

Thus, the Special Prosecutor was able to show that the tape recordings of the disputed conversations—conversations specifically identified as to time, place, and content—were each directly relevant to the grand jury's task. Indeed, the Memorandum demonstrates, particularly with respect to the possible perjury offenses, that the subpoenaed recordings contain evidence critical to the grand jury's decisions as to whether and whom to indict.

On August 29th, the Chief Judge of the District Court entered the order at issue in this case. In the accompanying opinion, he rejected the President's challenge to the Court's jurisdiction and to its authority to enter orders necessary to the enforcement of the subpoena. The President, petitioner in No. 73-1962, asks this Court for a writ of mandamus commanding the District Court to vacate its August 29th order. In No. 73-1967, the United States, through the Special Prosecutor and on behalf of the grand jury, petitions for a writ commanding the District Court to order full and immediate disclosure of the tapes to the grand jury and, in the alternative, for instructions to govern any *in camera* inspection that takes place. The United States has, in addition, filed an appeal from the order below.[11]

Because of the public interest in their prompt resolution, we consolidated the cases and ordered briefing on an expedited schedule. For the reasons stated herein, we decline to command the District Court to vacate its order, and dismiss both the petition and appeal of the United States. We direct, however, that the District Court modify its order in certain respects, and that it conduct further proceedings in this case in a manner consistent with the criteria and procedures defined in this opinion.

II

In their petitions for relief, both the President and the Special Prosecutor invoke this court's statutory authority to issue "all writs necessary or appropriate in aid of" its jurisdiction.[12] As the Supreme Court has noted, the peremptory writ of mandamus, one of the group authorized by the All Writs Act, "has traditionally been used in the federal courts only 'to confine an inferior court to a lawful exercise of its prescribed jurisdiction or to compel it to exercise its authority when it is its duty to do so.' "[13] And although jurisdiction, for purposes of the writ, need not be defined in its narrow, technical sense, "it is clear that only exceptional circumstances amounting to a judicial 'usurpation of power' will justify the invocation of this extraordinary remedy."[14] Beyond these considerations, the writ may not be used as a substitute for an appeal, nor to subvert the general congressional policy against appeals from interlocutory orders,[15] a policy that is particularly strong in criminal cases.[16]

With these general parameters in mind, we turn first to the President's petition, which seeks to accommodate a well settled limitation on direct appeals challenging subpoenas. As recently restated by the Supreme Court, ordinarily "one to whom a subpoena is directed may not appeal the denial of a motion to quash that subpoena but must either obey its commands or refuse to do so and contest the validity of the subpoena if he is subsequently cited for contempt on account of his failure to obey."[17] Contrary to the argument of the respondent Chief Judge, we see no basis for broadly differentiating an order to produce evidence for an *in camera* inspection to determine whether it is privileged from disclosure to a grand jury.

From the viewpoint of mandamus, however, the central question that the President raises—whether the District Court exceeded its authority in ordering an *in camera* inspection of the tapes—is essentially jurisdictional.[18] It is, too, a jurisdictional problem of "first impression" involving a "basic, undecided question."[19] And if indeed the only avenue of direct appellate review open to the President requires that he first disobey the court's order, appeal seems to be "a clearly inadequate remedy."[20] These circumstances, we think, warrant the exercise, at the instance of the President, of our review power under the All Writs Act,[21] particularly in light of the great public interest in prompt resolution of the issues that his petition presents.[22]

We find the Special Prosecutor's petition much more problematic.[23] The Supreme Court "has never approved the use of the writ to review"—at the instance of the Government—"an interlocutory procedural order in a criminal case which did not have the effect of a dismissal."[24] And while the Court has not decided "under what circumstances, if any, such a use of mandamus would be appropriate,"[25] we have grave doubt that it would be appropriate in this case. It is by no means clear that a writ directing the District Court to dispense with *in camera* inspection and order immediate production to the grand jury could fairly be characterized as aiding this court's jurisdiction, however non-technically jurisdiction might be defined.

Moreover, any resolution of the President's petition necessitates consideration of the validity of the projected *in camera* inspection—the object of the Special Prosecutor's sole objection—and of the need for instructions governing any such inspection—the subject of his sole request in the alternative. In *Schlagenhauf* v. *Holder*,[26] the Supreme Court sustained the inherent power of the courts of appeals in special circumstances to review by mandamus a "basic, undecided question."[27] and "to settle new and important problems."[28] Although one of the problems raised in that case would not normally have justified an exercise of mandamus authority, the Court recognized the propriety of avoiding piecemeal litigation by resolving all issues arising out of the same set of operative facts.[29] Surely the extraordinary importance of the issues that the Special Prosecutor tenders demands no less.

Mandamus is generally withheld when relief is available in another manner.[30] Our review of the President's contentions will necessarily subsume the Special Prosecutor's present concerns. Since we do not consider the question of jurisdiction of his petition essential to a full disposition of this consolidated proceeding, we exercise our discretion[31] to dismiss the petition without deciding it.

III

We turn, then, to the merits of the President's petition. Counsel for the President contend on two grounds that Judge Sirica lacked jurisdiction to order submission of the tapes for inspection. Counsel argue, first, that, so long as he remains in office, the President is absolutely immune from the compulsory process of a court; and, second, that Executive privilege is absolute with respect to presidential communications, so that disclosure is at the sole discretion of the President. This immunity and this absolute privilege are said to arise from the doctrine of separation of powers and by implication from the Constitution itself. It is conceded that neither the immunity nor the privilege is express in the Constitution.

A.

It is clear that the want of physical power to enforce its judgments does not prevent a court from deciding an otherwise justiciable case.[32] Nevertheless, if it is true that the President is legally immune from court process, this case is at an end. The judiciary will not, indeed cannot, indulge in rendering an opinon to which the President has no legal duty to conform. We must, therefore, determine whether the President is *legally* bound to comply with an order enforcing a subpoena.[33]

We note first that courts have assumed that they have the power to enter mandatory orders to Executive officials to compel production of evidence.[34] While a claim of an absolute Executive immunity may not have been raised directly before these courts, there is no indication that they entertained any doubts of their power. Only last term in *Environmental Protection Agency* v. *Mink*,[35] the Supreme Court stated that a District Court "may order" *in camera* inspections of certain materials to determine whether they

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Footnotes at end of article.

must be disclosed to the public pursuant to the Freedom of Information Act.[36]

The courts' assumption of legal power to compel production of evidence within the possession of the Executive surely stands on firm footing. *Youngstown Sheet & Tube* v. *Sawyer*,[37] in which an injunction running against the Secretary of Commerce was affirmed, is only the most celebrated instance of the issuance of compulsory process against Executive officials. See, e.g., *United States* v. *United States District Court*, 407 U.S. 297 (1972) (affirming an order requiring the Government to make full disclosure of illegally wiretapped conversations); *Kendall* v. *United States ex rel. Stokes*, 37 U.S. (12 Pet.) 524 (1828) (issuing a mandamus to Postmaster General, commanding him fully to comply with an act of Congress); *State Highway Commission* v. *Volpe*, —— F. 2d ——, No. 72-1512 (8th Cir., filed April 2, 1973) (enjoining the Secretary of Transportation).

It is true that, because the President has taken personal custody of the tapes and is thus himself a party to the present action, these cases can be formally distinguished. As Judge Sirica noted, however, to rule that this case turns on such a distinction would be to exalt the form of *Youngstown Sheet and Tube* over its substance. Justice Black, writing for the *Youngstown* majority, made it clear that the Court understood its affirmance effectively to restrain the President. There is not the slightest hint in any of the *Youngstown* opinions that the case would have been viewed differently if President Truman rather than Secretary Sawyer had been the named party.[38] If *Youngstown* still stands, it must stand for the case where the President has himself taken possession and control of the property unconstitutionally seized, and the injunction would be framed accordingly. The practice of judicial review would be rendered capricious—and very likely impotent—if jurisdiction vanished whenever the President personally denoted an Executive action or omission as his own. This is not to say that the President should lightly be named as a party defendant. As a matter of comity, courts should normally direct legal process to a lower Executive official even though the effect of the process is to restrain or compel the President. Here, unfortunately, the court's order must run directly to the President, because he has taken the unusual step of assuming personal custody of the Government property sought by the subpoena.

The President also attempts to distinguish *United States* v. *Burr*,[39] in which Chief Justice Marshall squarely ruled that a subpoena may be directed to the President. It is true that *Burr* recognized a distinction between the issuance of a subpoena and the ordering of compliance with that subpoena, but the distinction did not concern judicial power or jurisdiction. A subpoena *duces tecum* is an order to produce documents or to show cause why they need not be produced. An order to comply does not make the subpoena more compulsory; it simply maintains its original force. The Chief Justice's words merit close attention. His statement:

> "Whatever difference may exist with respect to the power to compel the same obedience to the process, as if it had been directed to a private citizen there exists no difference with respect to the right to obtain it [.]"

is immediately followed by the statement:

> "The guard, furnished to this high officer, to protect him from being harassed by *vexatious and unnecessary* subpoenas, is to be looked for in the conduct of the court after those subpoenas have issued; not in any circumstances which is to precede their being issued." [40]

The clear implication is that the President's special interests may warrant a careful judicial screening of subpoenas after the President interposes an objection, but that some subpoenas will nevertheless be properly sustained by judicial orders of compliance. This implication is borne out by a later opinion by the great Chief Justice in the same case. When President Jefferson did not fully respond to the subpoena issued to him, Colonel Burr inquired why the President should not comply. The Chief Justice's answer should put to rest any argument that he felt the President absolutely immune from orders of compliance:

> "The President, although subject to the general rules which apply to others, may have sufficient motives for declining to produce a particular paper, and those motives *may be* such as to restrain the court from enforcing its production. * * * I can readily conceive that the President might receive a letter which it would be improper to exhibit in public * * *. The occasion for *demanding* it ought, in such a case, to be very strong, and to be fully shown to the court before its production could be *insisted* on. * * * Such a letter, though it be a private one seems to partake of the character of an official paper, and to be such as ought not on *light ground* to be forced into public view." [41]

A compliance order was, for Marshall, distinct from an order to show cause simply because compliance was not to be ordered before weighing the President's particular reasons for wishing the subpoenaed documents to remain secret. The court was to show respect for the President in weighing those reasons, but the ultimate decision remained with the court.[42]

Thus, to find the President immune from judicial process, we must read out of *Burr* and *Youngstown* the underlying principles that the eminent jurists in each case thought they were establishing. The Constitution makes no mention of special presidential immunities. Indeed, the Executive Branch generally is afforded none. This silence cannot be ascribed to oversight. James Madison raised the question of Executive privileges during the Constitutional Convention,[43] and Senators and Representatives enjoy an express, if limited, immunity from arrest, and an express privilege from inquiry concerning "Speech and Debate" on the floors of Congress.[44] Lacking textual support, counsel for the President nonetheless would have us infer immunity from the President's political mandate or from his vulnerability to impeachment, or from his broad discretionary powers. These are invitations to refashion the Constitution, and we reject them.

Though the President is elected by nationwide ballot, and is often said to represent all the people,[45] he does not embody the nation's sovereignty.[46] He is not above the law's commands: "With all its defects, delays and inconveniences men have discovered no technique for long preserving free government except that the Executive be under the law. . . ." [47] Sovereignty remains at all times with the people, and they do not forfeit through elections the right to have the law construed against and applied to every citizen.

Nor does the Impeachment Clause imply immunity from routine court process.[48] While the President argues that the Clause means that impeachability precludes criminal prosecution of an incumbent, we see no need to explore this question except to note its irrelevance to the case before us. The order entered below, and approved here in modified form, is not a form of criminal process. Nor does it compete with the impeachment device by working a constructive removal of the President from office. The subpoena names in the alternate "any subordinate officer," and the tasks of compliance may obviously be delegated in whole or in part so as not to interfere with the President's official responsibilities.[49] By contemplating the possibility of post-impeachment trials for violations of law committed in office, the Impeachment Clause itself reveals that incumbency does not relieve the President of the routine legal obligations that confine all citizens. That the Impeachment Clause may qualify the court's power to sanction noncompliance with judicial orders is immaterial. Whatever the qualifications, they were equally present in *Youngstown*: Commerce Secretary Sawyer, the defendant there, was an impeachable "civil officer," [50] but the injunction against him was nonetheless affirmed. The legality of judicial orders should not be confused with the legal consequences of their breach; for the courts in this country always assume that their orders will be obeyed, especially when addressed to responsible government officials. Indeed, the President has, in this case, expressly abjured the course of setting himself above the law.

Finally, the President reminds us that the landmark decisions recognizing judicial power to mandamus Executive compliance with "ministerial" duties also acknowledged that the Executive Branch enjoys an unreviewable discretion in many areas of "political" or "executive" administration.[51] While true, this is irrelevant to the issue of presidential immunity from judicial process. The discretionary-ministerial distinction concerns the nature of the act or omission under review, not the official title of the defendant.[52] No case holds that an act is discretionary merely because the President is the actor.[53] If the Constitution or the laws of evidence confer upon the President the absolute discretion to withhold material subpoenaed by a grand jury, then of course we would vacate, rather than approve with modification, the order entered below. However, this would be because the order touched upon matters within the President's sole discretion, not because the President is immune from process generally. We thus turn to an examination of the President's claim of an absolute discretion to withhold evidence from a grand jury.

B.

There is, as the Supreme Court has said, a "longstanding principle" that the grand jury "has a right to every man's evidence" except that "protected by a constitutional, common law, or statutory privilege." [54] The President concedes the validity of this principle. He concedes that he, like every other citizen, is under a legal duty to produce relevant, non-privileged evidence when called upon to do so.[55] The President contends, however, that whenever, in response to a grand jury subpoena, he interposes a formal claim of privilege, that claim without more disables the courts from inquiring by any means into whether the privilege is applicable to the subpoenaed evidence. The President agrees that, in theory, the privilege attached to his office has limits; for example, he explicitly states that it "cannot be claimed to shield executive officers from prosecution for crime." [56] Nonetheless, he argues that it is his responsibility, and his alone, to determine whether particular information falls beyond the scope of the privilege. In effect, then, the President claims that, at least with respect to conversations with his advisers, the privilege is absolute, since he, rather than the courts, has final authority to decide whether it applies in the circumstances.

We of course acknowledge the longstanding judicial recognition of Executive privilege. Courts have appreciated that the public interest in maintaining the secrecy of military and diplomatic plans may override private interests in litigation.[57] They have further responded to Executive pleas to protect from the light of litigation "intragovernmental documents reflecting * * * deliberations comprising part of a process by which governmental decisions and policies are formulated." [58] In so doing, the Judiciary has been sensitive to the considerations upon which the President seems to rest his claim of absolute privilege: the candor of Executive aides and functionaries would be impaired if they were persistently worried that their advice and deliberations were later to be made public.[59] However, counsel for the President can point to no case in which a court has accepted the Executive's mere assertion of privilege as sufficient to overcome the need of the party subpoenaing the documents. To the contrary, the courts have repeatedly asserted that the applicability of the privilege is in the end for them and not the Executive to decide.[60] They have, moreover, frequently ordered *in camera* inspection of documents for which a privilege was asserted in order to determine the privilege's applicability.[61]

Footnotes at end of article.

It is true, as counsel for the President stress, that Presidents and Attorneys General have often said that the President's final and absolute assertion of Executive privilege is conclusive on the courts.[62] The Supreme Court in *United States* v. *Reynolds*, however, went a long way toward putting this view to rest. The *Reynolds* Court, considering a claim based on military secrets, strongly asserted: "The Court itself must determine whether the circumstances are appropriate for claim of privilege;" [63] "judicial control over the evidence in a case cannot be abdicated to the caprice of executive officers." [64] It is true that, somewhat inconsistently with this sweeping language, the Court formally reserved decision on the Government's claim that the Executive has an absolute discretion constitutionally founded in separation of powers to withhold documents.[65] However, last term in *Committee for Nuclear Responsibility, Inc.* v. *Seaborg*,[66] we confronted directly a claim of absolute privilege and rejected it: "Any claim to executive absolutism cannot override the duty of the court to assure that an official has not exceeded his charter or flouted the legislative will." [67]

We adhere to the *Seaborg* decision. To do otherwise would be effectively to ignore the clear words of *Marbury* v. *Madison*,[68] that "[i]t is emphatically the province and duty of the judicial department to say what the law is." [69]

Seaborg is not only consistent with, but dictated by, separation of powers doctrine. Whenever a privilege is asserted, even one expressed in the Constitution, such as the Speech and Debate privilege, it is the courts that determine the validity of the assertion and the scope of the privilege.[70] That the privilege is being asserted by the President against a grand jury subpoena does not make the task of resolving the conflicting claims any less judicial in nature. Throughout our history, there have frequently been conflicts between independent organs of the federal government, as well as between the state and federal governments. When such conflicts arise in justiciable cases, our constitutional system provides a means for resolving them—one Supreme Court. To leave the proper scope and application of Executive privilege to the President's sole discretion would represent a mixing, rather than a separation, of Executive and Judicial functions. A breach in the separation of powers must be explicitly authorized by the Constitution,[71] or be shown necessary to the harmonious operation of "workable government." [72] Neither condition is met here. The Constitution mentions no Executive privileges, much less any absolute Executive privileges. Nor is an absolute privilege required for workable government. We acknowledge that wholesale public access to Executive deliberations and documents would cripple the Executive as a co-equal branch. But this is an argument for recognizing Executive privilege and for according it great weight, not for making the Executive the judge of its own privilege.

If the claim of absolute privilege was recognized, its mere invocation by the President or his surrogates could deny access to all documents in all the Executive departments to all citizens and ther representatives, including Congress, the courts as well as grand juries, state governments, state officials and all state subdivisions. The Freedom of Information Act could become nothing more than a legislative statement of unenforceable rights. Support for this kind of mischief simply cannot be spun from incantation of the doctrine of separation of powers.[73]

Any contention of the President that records of his personal conversations are not covered by the *Seaborg* holding must be rejected. As our prior discussion of *United States* v. *Burr* makes clear, Chief Justice Marshall's position supports this proposition. At issue in *Burr* was a subpoena to President Jefferson to produce private letters sent to him—communications whose status must be considered equal to that of private oral conversations. We follow the Chief Justice and hold today that, although the views of the Chief Executive on whether his Executive privilege should obtain are properly given the greatest weight and deference, they cannot be conclusive.

IV

The President's privilege cannot, therefore, be deemed absolute. We think the *Burr* case makes clear that application of Executive privilege depends on a weighing of the public interest protected by the privilege against the public interests that would be served by disclosure in a particular case.[74] We direct our attention, however, solely to the circumstances here. With the possible exception of material on one tape, the President does not assert that the subpoenaed items involve military or state secrets; [75] nor is the asserted privilege directed to the particular kinds of information that the tapes contain. Instead, the President asserts that the tapes should be deemed privileged because of the great public interest in maintaining the confidentiality of conversations that take place in the President's performance of his official duties. This privilege, intended to protect the effectiveness of the executive decision-making process, is analogous to that between a congressman and his aides under the Speech and Debate Clause; to that among judges, and between judges and their law clerks; [76] and similar to that contained in the fifth exemption to the Freedom of Information Act.[77]

We recognize this great public interest, and agree with the District Court that such conversations are presumptively privileged.[78] But we think that this presumption of privilege premised on the public interest in confidentiality must fail in the face of the uniquely powerful showing made by the Special Prosecutor in this case. The function of the grand jury, mandated by the Fifth Amendment for the institution of federal criminal prosecutions for capital or other serious crimes, is not only to indict persons when there is probable cause to believe they have committed crime, but also to protect persons from prosecution when probable cause does not exist.[79] As we have noted, the Special Prosecutor has made a strong showing that the subpoenaed tapes contain evidence peculiarly necessary to the carrying out of this vital function—evidence for which no effective substitute is available. The grand jury here is not engaged in a general fishing expedition, nor does it seek in any way to investigate the wisdom of the President's discharge of his discretionary duties. On the contrary, the grand jury seeks evidence that may well be conclusive to its decisions in on-going investigations that are entirely within the proper scope of its authority. In these circumstances, what we said in *Committee for Nuclear Responsibility* v. *Seaborg* becomes, we think, particularly appropriate:

> "But no executive or agency can be given absolute authority to determine what documents in his possession may be considered by the court in its task. Otherwise the head of an executive department would have the power on his own say so to cover up all evidence of fraud and corruption when a federal court or grand jury was investigating malfeasance in office, and this is not the law." [80]

Our conclusion that the general confidentiality privilege must recede before the grand jury's showing of need, is established by the unique circumstances that made this showing possible. In his public statement of May 22, 1973, the President said: "Executive privilege will not be invoked as to any testimony concerning possible criminal conduct or discussions of possible criminal conduct, in the matters presently under investigation, including the Watergate affair and the alleged cover-up." [81] We think that this statement and its consequences may properly be considered as at least one factor in striking the balance in this case. Indeed, it affects the weight we give to factors on both sides of the scale. On the one hand, the President's action presumably reflects a judgment by him that the interest in the confidentiality of White House discussions in general is outweighed by such matters as the public interest, stressed by the Special Prosecutor, in the integrity of the level of the Executive Branch closest to the President, and the public interest in the integrity of the electoral process—an interest stressed in such cases as *Civil Service Commission* v. *National Association of Letter Carriers* [82] and *United States* v. *United Automobile Workers*.[83] Although this judgment in no way controls our decision, we think it supports our estimation of the great public interest that attaches to the effective functioning of the present grand jury. As *Burr* makes clear, the courts approach their function by considering the President's reasons and determinations concerning confidentiality.

At the same time, the public testimony given consequent to the President's decision substantially diminishes the interest in maintaining the confidentiality of conversations pertinent to Watergate. The simple fact is that the conversations are no longer confidential. Where it is proper to testify about oral conversations, taped recordings of those conversations are admissible as probative and corroborative of the truth concerning the testimony.[84] There is no "constitutional right to rely on possible flaws in the [witness's] memory. * * * [N]o other argument can justify excluding an accurate version of a conversation that the [witness] could testify to from memory." [85] In short, we see no justification, on confidentiality grounds, for depriving the grand jury of the best evidence of the conversations available.[86]

The District Court stated that, in determining the applicability of privilege, it was not controlled by the President's assurance that the conversations in question occurred pursuant to an exercise of his constitutional duty to "take care that the laws be faithfully executed." The District Court further stated that while the President's claim would not be rejected on any but the strongest possible evidence, the Court was unable to decide the question of privilege without inspecting the tapes.[87] This passage of the District Court's opinion is not entirely clear. If, however, the District Judge meant that rejection of the claim of privilege requires a finding that the President was not engaged in the performance of his constitutional duty, we cannot agree. We emphasize that the grand jury's showing of need in no sense relied on any evidence that the President was involved in, or even aware of, any alleged criminal activity. We freely assume, for purposes of this opinion, that the President was engaged

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Footnotes at end of article.

in performance of his constitutional duty. Nonetheless, we hold that the District Court may order disclosure of all portions of the tapes relevant to matters within the proper scope of the grand jury's investigations, unless the Court judges that the public interest served by nondisclosure of *particular* statements or information outweighs the need for that information demonstrated by the grand jury.

V

The question remains whether, in the circumstances of this case, the District Court was correct in ordering the tapes produced for *in camera* inspection, so that it could determine whether and to what extent the privilege was properly claimed. Since the question of privilege must be resolved by the Court, there must be devised some procedure or series of procedures that will, at once, allow resolution of the question and, at the same time, not harm the interests that the privilege is intended to protect.

Two days after oral argument, this Court issued a Memorandum calling on the parties and counsel to hold conversations toward the objective of avoiding a needless constitutional adjudication. Counsel reported that their sincere efforts had not been fruitful.[88] It is our hope that our action in providing what has become an unavoidable constitutional ruling, and in approving, as modified, the order of the District Court, will be followed by maximum cooperation among the parties. Perhaps the President will find it possible to reach some agreement with the Special Prosecutor as to what portions of the subpoenaed evidence are necessary to the grand jury's task.

Should our hope prove unavailing, we think that *in camera* inspection is a necessary and appropriate method of protecting the grand jury's interest in securing relevant evidence. The exception that we have delineated to the President's confidentiality privilege depends entirely on the grand jury's showing that the evidence is directly relevant to its decisions. The residual problem of this case derives from the possibility that there are elements of the subpoenaed recordings that do not lie within the range of the exception that we have defined.

This may be due, in part, to the fact that parts of the tape recordings do not relate to Watergate matters at all. What is apparently more stressed by the President's counsel is that there are items in the tape recordings that should be held confidential yet are inextricably interspersed with the portions that relate to Watergate. They say, concerning the President's decision to permit testimony about possible criminal conduct or discussions thereof, that

"testimony can be confined to the relevant portions of the conversations and can be limited to matters that do not endanger national security. Recordings cannot be so confined and limited, and thus the President has concluded that to produce the recordings would do serious damage to Presidential privacy and to the ability of that office to function."[89]

The argument is not confined to matters of national security, for the underlying importance of preserving candor of discussion and Presidential privacy pertains to all conversations that involve discussion or making of policy, ordinary domestic policies as well as matters of national security, and even to personal discussion with friends and advisers on seemingly trivial matters.[90] Concerning the inextricability problem, the President's counsel say:

"Recordings are the raw material of life. By their very nature they contain spontaneous, informal, tentative and frequently pungent comments on a variety of subjects inextricably intertwined into one conversation. * * * The nature of informal, private conversations is such that it is not practical to separate what is arguably relevant from what is clearly irrelevant."[91]

Footnotes at end of article.

The "inextricable intermingling" issue may be potentially significant. The District Court correctly discerned that *in camera* inspection is permissible, even though it involved what the President's counsel agree is a "limited infraction" of confidentiality, in order to determine whether there is inextricable intermingling. In *EPA* v. *Mink*, the Supreme Court declared that *in camera* inspection was an appropriate means of determining whether and to what extent documents sought in litigation were disclosable as factual information even though the Government argued that the documents "submitted directly to the President by top-level Government officials" were, by their very nature, a blending of factual presentation and policy recommendations that are necessarily "inextricably intertwined with policymaking processes."[92] The Supreme Court stated that it had no reason to believe that the District Judge directed to make *in camera* inspection would go beyond the limits of the remand and in any way compromise the confidentiality of deliberative information." The Court acknowledged that "the encouragement of open expression of opinion as to governmental policy is somewhat impaired by a requirement to submit the evidence even [*in camera*]." Yet the Court stated: "Plainly, in some situations, *in camera* inspection will be necessary and appropriate."[93] It further noted: "A representative document of those sought may be selected for *in camera* inspection.' And it suggested that the agency may disclose portions of the contested documents and attempt to show, by circumstances, "that the excised portions constitute the barebones of protected matter."[94]

In this case, the line of permissible disclosure is different from that in *Mink*, since even policy and decisional discussions are disclosable if they relate to Watergate and the alleged coverup. But *Mink* confirms that courts appropriately examine a disputed item *in camera*, even though this necessarily involves a limited intrusion upon what ultimately may be held confidential, where it appears with reasonable clarity that some access is appropriate, and *in camera* inspection is needed to determine what should and what should not be revealed.[95]

Mink noted that the case might proceed by the Government's disclosing portions of the contested documents.[96] and also noted an instance in which the "United States offered to file an abstract of factual information contained in the contested documents [FBI reports]."[97] We think that the District Judge and counsel can illuminate the key issue of what is "inextricable" by cultivating the partial excision and "factual abstract" approaches noted in *Mink*.

The District Court contemplated that "privileged portions may be excised so that only unprivileged matter goes before the grand jury." Even in a case of such intermingling as, for example, comment on Watergate matters that is "pungent," once counsel, or the District Judge, has listened to the tape recording of a conversation, he has an ability to present only its relevant portions, much like a bystander who heard the conversation and is called to testify. He may give the grand jury portions relevant to Watergate, by using excerpts in part and summaries in part, in such a way as not to divulge aspects that reflect the pungency of candor or are otherwise entitled to confidential treatment. It is not so long ago that appellate courts routinely decided cases without an exact transcript, but on an order of the trial judge settling what was given as evidence.

VI

We contemplate a procedure in the District Court, following the issuance of our mandate, that follows the path delineated in *Reynolds*, *Mink*, and by this Court in *Vaughn* v. *Rosen*.[98] With the rejection of his all-embracing claim of prerogative, the President will have an opportunity to present more particular claims of privilege, if accompanied by an analysis in manageable segments.

Without compromising the confidentiality of the information, the analysis should contain descriptions specific enough to identify the basis of the particular claim or claims.

1. In so far as the President makes a claim that certain material may not be disclosed because the subject matter relates to national defense or foreign relations, he may decline to transmit that portion of the material and ask the District Court to reconsider whether *in camera* inspection of the material is necessary. The Special Prosecutor is entitled to inspect the claim and showing and may be heard thereon, in chambers. If the judge sustains the privilege, the text of the government's statement will be preserved in the Court's record under seal.

2. The President will present to the District Court all other items covered by the order, with specification of which segments he believes may be disclosed and which not. This can be accomplished by itemizing and indexing the material, and correlating indexed items with particular claims of privilege.[99] On request of either counsel, the District Court shall hold a hearing in chambers on the claims. Thereafter the Court shall itself inspect the disputed items.

Given the nature of the inquiry that this inspection involves, the District Court may give the Special Prosecutor access to the material for the limited purpose of aiding the Court in determining the relevance of the material to the grand jury's investigations. Counsels' arguments directed to the specifics of the portions of material in dispute may help the District Court immeasurably in making its difficult and necessarily detailed decisions. Moreover, the preliminary indexing will have eliminated any danger of disclosing peculiarly sensitive national security matters. And, here, any concern over confidentiality is minimized by the Attorney General's designation of a distinguished and reflective counsel as Special Prosecutor. If, however, the Court decides to allow access to the Special Prosecutor, it should, upon request, stay its action in order to allow sufficient time for application for a stay to this Court.

Following the *in camera* hearing and inspection, the District Court may determine as to any items (a) to allow the particular claim of privilege in full; (b) to order disclosure to the grand jury of all or a segment of the item or items; or, when segmentation is impossible, (c) to fashion a complete statement for the grand jury of those portions of an item that bear on possible criminality. The District Court shall provide a reasonable stay to allow the President an opportunity to appeal.[100] In case of an appeal to this Court of an order either allowing or refusing disclosure, this Court will provide for sealed records and confidentiality in presentation.

VII

We end, as we began, by emphasizing the extraordinary nature of this case. We have attempted to decide no more than the problem before us—a problem that takes its unique shape from the grand jury's compelling showing of need.[101] The procedures we have provided require thorough deliberation by the District Court before even this need may be satisfied. Opportunity for appeal, on a sealed record, is assured.

We cannot, therefore, agree with the assertion of the President that the District Court's order threatens "the continued existence of the Presidency as a functioning institution.[102] As we view the case, the order represents an unusual and limited requirement that the President produce material evidence. We think this required by law, and by the rule

that even the Chief Executive is subject to the mandate of the law when he has no valid claim of privilege.

The petition and appeal of the United States are dismissed. The President's petition is denied, except in so far as we direct the District Court to modify its order and to conduct further proceedings in a manner not inconsistent with this opinion.

The issuance of our mandate is stayed for five days to permit the seeking of Supreme Court review of the issues with which we have dealt in making our decision.

So ordered.

FOOTNOTES

[1] The District Court's order is reproduced here in its entirety:

"This matter having come before the Court on motion of the Watergate Special Prosecutor made on behalf of the June, 1972 grand jury of this district for an order to show cause, and the Court being advised in the premises, it is by the Court this 29th day of August, 1973, for the reasons stated in the attached opinion,

"Ordered that respondent, President Richard M. Nixon, or any subordinate officer, official or employee with custody or control of the documents or objects listed in the grand jury subpoena *duces tecum* of July 23, 1973, served on respondent in this district, is hereby commanded to produce, forthwith for the Court's examination *in camera*, the subpoenaed documents or objects which have not heretofore been produced to the grand jury; and it is

"Further ordered that the ruling herein be stayed for a period of five days in which time respondent may perfect an appeal from the ruling; and it is

"Further ordered that should respondent appeal from the ruling herein, the above stay will be extended indefinitely pending the completion of such appeal or appeals."

[2] By Order of the Attorney General No. 517–73, 38 Fed. Reg. 14, 688 (June 4, 1973), the Special Prosecutor is designated as the attorney for the United States to conduct proceedings before the grand jury investigating the unauthorized entry into the Democratic National Committee Headquarters and related offenses. He is specifically authorized "to contest the assertion of 'executive privilege.'" *See also Hearings before the Senate Comm. on the Judiciary*, 93d Cong., 1st Sess. 159, 180–81 (1973). The Special Prosecutor, as Attorney for the United States, appears in this Court and the court below as counsel to the grand jury and an officer of the court.

[3] This, of course, does not signify agreement on the scope of the President's privilege, the proper content of any judgment by the Court, or the District Court's constitutional authority to issue an order to the President. Circuit Judges MacKinnon and Wilkey concur in part II of the Court's opinion and otherwise dissent for the reasons stated in their separate opinions.

[4] The subpoena, issued by the clerk under seal of the District Court pursuant to F.R. Crim. P. 17 (a) and (c), was addressed to the President or "any subordinate officer, official or employee with custody or control" of the documents and objects specified in the attached schedule.

[5] For the Special Prosecutor's explanation of the relevance of those discussions, see Appendix II, *infra*. The subpoena also required production of two memoranda that had been written by and sent to certain of the President's advisers. The President has complied with the subpoena in so far as it concerned these items.

[6] Appendix to the Supplemental Brief for the United States (Special Prosecutor), at 30–31.

[7] Special Appearance at ¶¶ 3 and 6, *In re Grand Jury Subpoena Duces Tecum to Nixon*, 360 F. Supp. 1 (D.D.C. 1973).

[8] Memorandum in Support at 3–11, *id*.

[9] *In re Subpoena to Nixon*, *supra* note 7, 360 F. Supp. at 11.

[10] *See* text at note 81, *infra*.

[11] No. 73–1989.

[12] "The Supreme Court and all courts established by Act of Congress may issue writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law." 28 U.S.C. § 1651 (a) (1970).

[13] *Will* v. *United States*, 389 U.S. 90, 95 (1967), *quoting Roche* v. *Evaporated Milk Ass'n*, 319 U.S. 21, 26 (1943). For a full discussion of the general rules governing our authority to issue the writ, *see Donnelly* v. *Parker*, Slip Opinion No. 73–1259, at 5–6, 9–13 (D.C. Cir. August 21, 1973).

[14] *Will* v. *United States*, *supra* note 13, 389 U.S. at 95, *quoting De Beers Consol. Mines* v. *United States*, 325 U.S. 212, 217 (1945).

[15] *Parr* v. *United States*, 351 U.S. 513, 520–21 (1956).

[16] *Will* v. *United States*, *supra* note 13, 389 U.S. at 96–98.

[17] *United States* v. *Ryan*, 402 U.S. 530, 532 (1971). *See also Cobbledick* v. *United States*, 309 U.S. 323 (1940). *But see Carr* v. *Monroe Mfg. Co.*, 431 F.2d 384 (5th Cir. 1970).

[18] *Compare Schlagenhauf* v. *Holder*, 379 U.S. 104, 110–11 (1964).

[19] *Id.*

[20] *Bankers Life & Cas. Co.* v. *Holland*, 346 U.S. 379, 385 (1953), *quoting Ex parte Fahey*, 332 U.S. 258, 260 (1947).

[21] In so concluding, we do not discard the direct appeal as an alternative basis for review in the particular situation before us. The final-order doctrine, as a normal prerequisite to a federal appeal, is not a barrier where it operates to leave the suitor "powerless to avert the mischief of the order." *Perlman* v. *United States*, 247 U.S. 7, 13 (1918). In the case of the President, contempt of a judicial order—even for the purpose of enabling a constitutional test of the order—would be a course unseemly at best. To safeguard against any possible miscarriage of justice, we make known our view that our jurisdiction exists by way of appeal if for any reason the President's application is not properly before us on the jurisdictional predicate he invokes.

[22] *See United States* v. *United States District Court*, 444 F.2d 651, 655–56 (6th Cir. 1971), *aff'd*, 407 U.S. 297, 301, n.3 (1972).

[23] We think it clear, in any event, that the District Court's August 29th order is unappealable at the instance of the Special Prosecutor, either under 28 U.S.C. § 1291 or § 1292 (1970). In addition, since the order in no way finally decides that any of the subpoenaed material must be denied the grand jury, it cannot be deemed an order "suppressing or excluding evidence," or otherwise within the contemplation of the Criminal Appeals Act, 18 U.S.C. § 3731 (1970). *But see* note 100, *infra*.

[24] *Will* v. *United States*, *supra* note 13, 389 U.S. at 98.

[25] *Id.*

[26] *Supra* note 18.

[27] *Supra* note 18, 379 U.S. at 110.

[28] *Id.* at 111.

[29] *Id.*

[30] *See Ex parte Republic of Peru*, 318 U.S. 578, 584 (1943).

[31] *See, e.g., Ex parte Skinner & Eddy Corp.*, 265 U.S. 86, 95–96 (1924).

[32] *Glidden* v. *Zdanok*, 370 U.S. 530, 568–571 (1962); *Baker* v. *Carr*, 369 U.S. 186, 208–237 (1962). *See also South Dakota* v. *North Carolina*, 192 U.S. 286, 318–321 (1904); *La Abra Silver Mining Co.* v. *United States*, 175 U.S. 423, 461–462 (1898).

[33] If the judiciary's want of *de facto* power to enforce its judgment has any relevance, it is that the third branch of government, posing little physical threat to coordinate branches, need not hesitate to reject sweeping claims to *legal* immunity by those coordinate branches. *See United States* v. *Lee*, 106 U.S. (16 Otto) 196, 223 (1882).

[34] *See, e.g., United States ex rel. Touhy* v. *Ragen*, 340 U.S. 462, 465–466, 472 (1951) (Frankfurter, J., concuring); *Westinghouse Electric Corp.* v. *City of Burlington, Vermont*, 122 U.S. App. D.C. 65, 351 F.2d 762 (1965); *Boeing Airplane Co.* v. *Coggeshall*, 108 U.S. App. D.C. 106, 280 F.2d 654 (1960).

[35] 410 U.S. 73, 93 (1973).

[36] *See* text at notes 92–97 *infra*.

[37] 343 U.S. 579 (1952).

[38] In *Land* v. *Dollar*, 89 U.S. App. D.C. 38, 190 F. 2d 623 (1951), *vacated as moot*, 344 U.S. 806 (1952), as well, it was clear that the court realized that its order countered the executive will of the President. The *Land* court acknowledged that the President had directed the cabinet officials to disregard the initial judicial decision. *Id.* at 54, 190 F. 2d at 639.

[39] 25 Fed. Cas. 30 (Case No. 14,692d) (1807).

[40] *Id.* at 34 (Emphasis supplied.)

[41] *United States* v. *Burr*, 25 Fed. Cas. 190, 191–192 (Case No. 14,694) (1807). (Emphasis supplied.)

[42] In 1818, several years after the *Burr* case, a subpoena was also issued to President James Monroe. It summoned the President to appear as a defense witness in the court martial of Dr. William Burton, naming a specific date and time. A copy of the summons is in Attorney General's Papers: Letters received from State Department, Record Group 60, National Archives Building. Attorney General Wirt advised Monroe, through Secretary of State John Quincy Adams, that a subpoena could "properly be awarded to the President of the United States," but suggested that the President indicate on the return that his official duties precluded a personal appearance at the court martial. William Wirt to John Quincy Adams, Jan. 13, 1818, Records of the Office of the Judge Advocate General (Navy), Record Group 125, (Records of General Courts Martial and Courts of Inquiry, Microcopy M–272, case 282), National Archives Building. In conformance with this advice, Monroe wrote on the back of the summons that he would "be ready and willing to communicate, in the form of a deposition any information I may possess, relating to the subject matter in question." President James Monroe to George M. Dallas, Jan. 21, 1818, *id*. Subsequently, President Monroe did in fact submit answers to the interrogatories forwarded to him by the court. President James Monroe to George M. Dallas, Feb. 14, 1818, *id*.

[43] FARRAND, THE RECORDS OF THE FEDERAL CONVENTION OF 1787 502–503 (1967).

[44] U.S. Const., art. I, § 6, ¶ 1.

[45] *Myers* v. *United States*, 272 U.S. 52, 123 (1926).

[46] *See, e.g., United States* v. *Burr*, *supra* note 39, 25 Fed Cas. at 34.

[47] *Youngstown Sheet & Tube Co.* v. *Sawyer*, *supra* note 37, 343 U.S. at 655 (1952) (Jackson, J., concurring).

[48] U.S. Const., art. I, § 3, ¶ 7: Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of Honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

[49] On this point, too, Chief Justice Marshall was instructive: If, upon any principle, the President could be construed to stand exempt from the general provisions of the constitution, it would be, because his duties as chief magistrate demand his whole time for national objects. But it is apparent that this demand is not unremitting. *United States* v. *Burr*, *supra* note 39, 25 Fed. Cas. at 34.

[50] Because impeachment is available against all "civil Officers of the United States," not merely against the President, U.S. Const. art. II, § 4, it is difficult to understand how any

immunities peculiar to the President can emanate by implication from the fact of impeachability.

[51] *See, e.g., Marbury* v. *Madison,* 5 U.S. (1 Cranch) 137, 165 (1803); *Kendall* v. *United States ex rel. Stokes,* 37 U.S. (12 Pet.) 524, 610 (1838).

[52] [T]he question, whether the legality of an act of the head of a department be examinable in a court of justice or not, must always depend on the nature of that act.

Marbury v. *Madison, supra* note 51, at 165. The mandamus does not seek to direct or control the postmaster general in the discharge of any official duty, partaking in any respect of any executive character; but to enforce the performance of a mere ministerial act, which neither he *nor the President* had any authority to deny or control. *Kendall* v. *United States ex rel. Stokes, supra* note 51, at 610. (Emphasis supplied.)

[53] In this regard, the President's reliance on *Mississippi* v. *Johnson,* 71 U.S. (4 Wall.) 475 (1866), is misplaced. In that case, the State of Mississippi sought to enjoin President Johnson from enforcing the Reconstruction Acts. Though Attorney General Stanbery argued that the President was immune from judicial process, the Court declined to found its decision on this ground, choosing instead to deny the bill of injunction as an attempt to coerce a discretionary, as opposed to ministerial, act of the Executive. The Attorney General rehearsed many of the arguments made by the President in this case, claiming that the President's dignity as Chief of State placed him above the reach of routine judicial process and that the President was subject only to that law which might be fashioned in a court of impeachment. *Id* at 484. We deem it significant that the Supreme Court declined to ratify these views. *Compare Georgia* v. *Stanton,* 71 U.S. (6 Wall.) 50 (1867), where the Court declined jurisdiction of a similar bill of injunction even though sub-presidential Executive Branch officials were named as defendants.

[54] *Branzbury* v. *Hayes,* 408 U.S. 665 (1972). We reject the contention, pressed by counsel for the President, that the Executive's prosecutorial discretion implies an unreviewable power to withhold evidence relevant to a grand jury's criminal investigation. The federal grand jury is a constitutional fixture in its own right, legally independent of the Executive. *See United States* v. *Johnson,* 319 U.S. 503, 510 (1943). A grand jury may, with the aid of judicial process, *Brown* v. *United States,* 359 U.S. 41, 49–50 (1959), call witnesses and demand evidence without the Executive's impetus. *Hale* v. *Henkel,* 201 U.S. 43, 60–65 (1906). If the grand jury were a legal appendage of the Executive, it could hardly serve its historic functions as a shield for the innocent and a sword against corruption in high places. In his eloquent affirmation of unfettered prosecutorial discretion in *United States* v. *Cox,* 342 F.2d 167; 189 (5th Cir.), *cert. denied,* 381 U.S. 935 (1965), Judge Wisdom recognized the grand jury's independent and "plenary power to inquire, to summon and interrogate witnesses, and to present either findings and a report or an accusation in open court by presentment." As a *practical,* as opposed to legal, matter, the Executive may, of course, cripple a grand jury investigation by denying staff assistance to the jury. And the Executive may refuse to sign an indictment, thus precluding prosecution and, presumably, effecting a permanent sealing of the grand jury minutes. *United States* v. *Cox, supra.* These choices remain open to the President. But it is he who must exercise them. The court will not assume that burden by eviscerating the grand jury's independent legal authority.

[55] Brief of Petitioner Nixon at 84; Reply Brief of Petitioner Nixon, at 30 n.6.

[56] Brief of Petitioner Nixon at 69, citing *Gravel* v. *United States,* 408 U.S. 606, 627 (1972).

[57] *Totten* v. *United States,* 92 U.S. 105 (1875); *United States* v. *Reynolds,* 345 U.S. 1 (1953); *United States* v. *Burr, supra* note 39.

[58] *Carl Zeiss Stiftung* v. *V.E.B. Carl Zeiss, Jena,* 40 F.R.D. 318, 324 (D.D.C. 1966), *aff'd on opinion below,* 128 U.S. App. D.C. 10, 384 F.2d 979, *cert. denied,* 389 U.S. 952 (1967).

[59] *See, e.g., id.* at 329–335; *Kaiser Aluminum & Chemical Corp.* v. *United States,* 157 F. Supp. 939 (Ct.Cl. 1958).

[60] *See, e.g., United States* v. *Reynolds, supra* note 57; *Olson Rug Co.* v. *NLRB,* 291 F.2d 655 (7th Cir. 1961); *Timken Roller Bearing Co.* v. *United States,* 38 F.R.D. 57 (N.D. Ohio 1964); *United States* v. *Proctor & Gamble Co.,* 25 F.R.D. 485 (D. N.J. 1960); *Kaiser Aluminum & Chemical Corp.* v. *United States, supra* note 59; *see also* the cases cited at 8 C. WRIGHT & A. MILLER, FEDERAL PRACTICE & PROCEDURE 167–173 (1970). Despite our peculiar constitutional tradition of judicial review, American law is not in fact unusual in subjecting claims of Executive privilege to court scrutiny. Indeed, no common law country follows the rule, urged by the President in this case, that mere executive assertions of privilege are conclusive on the courts. In *Conway* v. *Rimmer,* [1968] 1 All E.R. 874, the House of Lords explicitly reversed its long held view, as expressed in *Duncan* v. *Cammell Laird & Co.,* [1842] 1 All E.R. 587, that executive privilege is absolute. *Conway* held that proper adjudication of a privilege claim may require *in camera* inspection of documents over which the privilege is asserted. [1968] 1 All E.R. at 888 (opinion of Lord Reid), and 896 (opinion of Lord Morris of Borth-y-Gest). Similar recognition of judicial power to scrutinize claims of privilege may be found in almost every common law jurisdiction. *See, e.g., Robinson* v. *South Australia* (No. 2), [1931] All E.R. 333 (P.C.); *Gagnon* v. *Quebec Securities Comm'n,* [1965] 50 D.L.R.2d 329 (1964); *Bruce* v. *Waldron,* [1963] Vict. L.R. 3; *Corbett* v. *Social Security Comm'n,* [1962] N.Z.L.R. 878; *Amar Chand Butail* v. *Union of India,* [1965] 1 India S. Ct. 243.

[61] In *Environmental Protection Agency* v. *Mink,* supra note 35, the Supreme Court relied on cases in which claims of Executive privilege were reviewed by the court, often *in camera,* in interpreting how the judiciary should apply the intragovernmental communication exemption to the public disclosure mandate of the Freedom of Information Act. *Id.* at 88 & cases cited at notes 14 & 15.

[62] *See, e.g.,* 40 Op. Atty Gen. 45, 49 (1941) (Attorney General Jackson); 100 Cong. Rec. 6621 (1954) (President Eisenhower).

[63] *Supra* note 57, 345 U.S. at 8.

[64] *Id.* at 9–10.

[65] *Ib.* at 6 & note 9.

[66] 149 U.S. App. D.C. 385, 463 (F.2d 788 (1971).

[67] *Id.* at 390, 463 F.2d at 793.

[68] *Supra* note 51, 5 U.S. (1 Cranch) at 157.

[69] The purpose of the explicit constitutional privilege against self-incrimination, like that of Executive privilege, is defeated by too much judicial inquiry into the legitimacy of its use, *see United States* v. *Reynolds, supra* note 57, 345 U.S. at 3–9, but the courts have never held the mere invocation of the privilege to be sufficient to free the invoker from questioning. The judge must first determine whether the privilege is properly invoked. *See, e.g., Hoffman* v. *United States,* 341 U.S. 479, 486–487 (1951).

[70] The Supreme Court has repeatedly made clear that it is for the courts to determine the reach of the Speech and Debate Clause, U.S. Const., Art. I, § 6, ¶ 1. *See, e.g., Gravel* v. *United States, supra* note 56; *United States* v. *Brewster,* 408 U.S. 501 (1972); *United States* v. *Johnson, supra* note 54. Indeed, very close judical review is needed to determine whether the activities concerning which questioning or prosecution is sought are: integral part[s] of the deliberative and communicative processes by which Members participate in committee and House proceedings with respect to the consideration and passage or rejection of proposed legislation or with respect to other matter which the Constitution places within the jurisdiction of either House. *Gravel* v. *United States, supra* note 56, 408 U.S. at 625. If separation of powers doctrine countenances such a close review of assertions of an express constitutional privilege, the doctrine must also comprehend judicial scrutiny of assertions of Executive privilege, which is *at most* implicit in the Constitution. *Gravel* deals on its facts only with an assertion of privilege by an individual legislator. As collective bodies, the Houses of Congress have frequently made unilateral declarations of an absolute privilege to withhold documents in their custody from court process. *See, eg.,* Senate Resolution, Oct. 4, 1972, 92nd Cong., 2 Sess. These claims have never been pressed to a judicial resolution, and we have no occasion here to decide them. It is sufficient to note that they rest on a footing different from the President's claim of absolute privilege in this case. The President's claim has been previously litigated, and repudiated, in *United States* v. *Burr, supra* note 39. Further, Congress' claims draw upon two express constitutional privileges unavailable to the President, the aforementioned Speech and Debate Clause, and the Secrecy Clause in Art. I, § 5, ¶ 3. Even so, we note that *Gravel* states that the scope of the Speech and Debate privilege cannot be unilaterally "established by the Legislative Branch," *Gravel* v. *United States, supra,* 408 U.S. at 624 n. 15.

[71] *See Myers* v. *United States,* 272 U.S. 52, 116 (1926).

[72] *See Youngstown Sheet & Tube Co.* v. *Sawyer, supra* note 37, 343 U.S. at 635 (Jackson, J., concurring).

[73] The doctrine of separation of powers was adopted by the Convention of 1787, not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was, not to avoid friction, but, by means of the inevitable friction incident to the distribution of governmental power among three departments, to save the people from autocracy.

Myers v. *United States, supra* note 71, 272 U.S. at 293 (Brandeis, J., dissenting).

[74] Chief Justice Marshall wrote two opinions concerning the production of the letters. In the first of these opinions, the Chief Justice ruled that a subpoena to produce the letters could be issued to the President and that the Chief Justice himself would consider and weigh any specific objections interposed by the President that the letters contained matter "which ought not to be disclosed." *United States* v. *Burr, supra* note 39, at 37; *see* pages 15–16 *supra.* Statements of the Chief Justice in the first *Burr* opinion suggest that he contemplated that he would actually inspect the letters *in camera.* If it contain matter not essential to the defense, and the disclosure be unpleasant to the executive, it certainly ought not to be disclosed. This is a point which will appear *on the return.* * * * If they contain matter interesting to the nation, the concealment of which is required by the public safety, that matter will appear *upon the return. United States* v. *Burr, supra* note 39, at 37. The United States Attorney Hay seems to have read the Chief Justice's first opinion to contemplate inspection by the court. As Judge Wilkey notes in his dissent, after Burr had renewed his request for the letters, Hay offered to submit them to the court for copying of "those parts which had relation to the cause." Hay further expressed his willingness to transmit the letters to Burr's counsel so that they could form their own opinions on what portions should be kept confidential from Burr and the public. Hay anticipated that differences between the opinions of Burr's counsel and himself would be arbitrated by the court. *United States* v. *Burr, supra* note 41, at 190.

The prosecution in the *Burr* case thus seems to have read Chief Justice Marshall's first opinion to support a procedure analogous to *in camera* inspection by Judge Sirica and Special Prosecutor Cox.

It was only after Burr's counsel rejected Hay's position and demanded direct submission of the entire letters to Burr himself that Marshall found it necessary to issue his second opinion. In this opinion the Chief Justice addressed the remaining question of whether the President should be ordered to release the letters directly to Burr or whether the court should first inspect the documents to screen out privileged portions. Marshall made clear that before frustrating Burr's efforts to obtain the letters, the court would have to balance the opposing interests: The president may himself state the particular reasons which may have induced him to withhold a paper, and the court would unquestionably allow their full force to those reasons. At the same time, the court could not refuse to pay proper attention to the affidavit of the accused. *Id.* at 192.

[75] See *United States* v. *Reynolds, supra* note 57.

[76] *Soucie* v. *David,* 144 U.S. App. D.C. 144, 158, 448 F.2d 1067, 1081 (1971) (Wilkey, Jr., concurring).

[77] 5 U.S.C. § 552(b)(5) (1970); *see Environmental Protection Agency* v. *Mink, supra* note 35.

[78] *See Carl Zeiss Stiftung* v. *V.E.B. Carl Zeiss, Jena, Supra* note 58, 40 F.R.D. at 324–25.

[79] *E.g., Branzburg* v. *Hayes, supra* note 54, 408 U.S. at 687–88.

[80] *Supra* note 66, 149 U.S. App. D.C. at 391, 463 F.2d at 794. (*per curiam*); *see Gravel* v. *United States, supra* note 56, 408 U.S. at 627.

[81] Statement by the President, May 22, 1973, *quoted* in Appendix to the Brief for the United States (Special Prosecutor), at 14, 24.

[82] 41 U.S.L.W. 5122 (U.S. June 25, 1973).

[83] 352 U.S. 567, 575 (1957).

[84] *Lopez* v. *United States,* 373 U.S. 427, 437–40 (1963; *Osborn* v. *United States,* 385 U.S. 323, 326–31 (1966).

[85] *Lopez* v. *United States, supra* note 84, 373 U.S. at 439.

[86] Where, as here, a conversation attended by the President, Mr. Dean and Mr. Haldeman has been the subject of divergent accounts by Mr. Dean and by Mr. Haldeman, without any restriction by the President on their testifying on the ground of confidentiality, there is no objection to presentation by the tape recorder of that part of the conversation that relates to Watergate, any more than to testimony on this point by another witness who had perfect auditory memory.

[87] *In re Subpoena to Nixon, supra* note 7, 360 F.Supp. at 21–22.

[88] The Memorandum and replies of counsel are set forth in Appendix I, *infra.*

[89] Brief of Petitioner Nixon at 69.

[90] *Id.* at 41–43.

[91] *Id.* at 61.

[92] *Supra* note 35, 410 U.S. at 92.

[93] *Id.* at 93.

[94] *Id.*

[95] *Carl Zeiss Stiftung* v. *V.E.B. Carl Zeiss, Jena, supra* note 58, 40 F.R.D. at 331.

[96] *Supra* note 35, 410 U.S. at 93.

[97] *Id.* at 88, *citing United States* v. *Cotton Valley Comm.,* 9 F.R.D. 719, 720 (W.D. La. 1949), *aff'd by equally divided court,* 339 U.S. 940 (1950).

[98] Slip Opinion No. 73–1039 (D.C. Cir. August 20, 1973).

[99] *See id.* at 17.

[100] Since the subpoenaed recordings will already have been submitted to the District Court, the opportunity to test the court's ruling in contempt proceedings would be foreclosed. And any ruling adverse to the Special Prosecutor would clearly be a pretrial "decision or order . . . suppressing or excluding evidence . . . in a criminal proceeding . . ." Thus the District Court's ruling on particularized claims would be appealable by the President as final judgments under 28 U.S.C. § 1291 (1970), and by the Special Prosecutor under 18 U.S.C. § 3731 (1970). *See United States* v. *Ryan,* 402 U.S. 530, 533 (1971); *Perlman* v. *United States,* 247 U.S. 7, 12–13 (1918); *United States* v. *Calandra,* 455 F.2d 750, 751–53 (6th Cir. 1972).

[101] Judge Wilkey, in dissent, adheres to the abstract in his discussion of who has the right to decide; he makes no reference to the facts before us framing that issue. John Marshall addressed it in the context of President Jefferson's decision to reveal the contents of a private letter to the extent of characterizing it, in a message to Congress, as containing overwhelming evidence of Burr's treason. So here, we must deal with that issue not in a void but against the background of a decision by the President, made and announced before the existence of the tapes was publicly known, to permit participants in private conversations with him to testify publicly as to what was said about Watergate and its aftermath. That decision—and the resulting testimony containing conflicts as to both fact and inference—has made it possible for the Special Prosecutor to make a powerful showing of the relevance and importance of the tapes to the grand jury's discharge of its responsibilities. What the courts are now called upon primarily to decide, as distinct from what the President has already decided with respect to the relative importance of preserving the confidentiality of these particular conversations, is how to reconcile the need of the United States, by its grand jury, with the legitimate interest of the President in not disclosing those portions of the tapes that may deal with unrelated matters.

[102] Brief of Petitioner Nixon at 94.

[U.S. Court of Appeals for the District of Columbia Circuit]

APPENDIX I—MEMORANDUM AND REPLIES

September Term, 1973—Filed Sep. 13, 1973, United States Court of Appeals for the District of Columbia Circuit, Hugh E. Kline, Clerk.

No. 73–1962: Richard M. Nixon, President of the United States, Petitioner v. the Honorable John J. Sirica, United States District Judge, Respondent and Archibald Cox, Special Prosecutor, Watergate Special Prosecution Force, Party in Interest.

No. 73–1967—United States of America, Petitioner v. the Honorable John J. Sirica, Chief Judge, United States District Court for the District of Columbia, Respondent and Richard M. Nixon, President of the United States, Party in Interest.

Before: Bazelon, *Chief Judge;* Wright, McGowan, Leventhal, Robinson, MacKinnon, and Wiley, *Circuit Judges.*

MEMORANDUM

From the able exposition by counsel in the unusually full oral argument allowed by the Court in this case, it appeared to the Court that the issues dividing the parties might be susceptible of resolution by procedures other than those set forth in either District Judge Sirica's opinion or the briefs of the parties. The Court has been, and is, conscious of the public importance of this matter and the public interest in the earliest possible resolution of it.

The doctrine under which courts seek resolution of a controversy without a constitutional ruling is particularly applicable here. The possibility of a resolution of this controversy without the need for a constitutional ruling is enhanced by the stature and character of the two counsel charged with representation of each side in this cause, and by the circumstance that each was selected for his position, directly or indirectly, by the Chief Executive himself.

Whereas Judge Sirica contemplated an *in camera* examination of the subpoenaed tapes, which would have necessitated the presence of the Judiciary, we contemplate an examination of the tapes by the Chief Executive or his delegate, assisted by both his own counsel, Professor Wright, and the Special Prosecutor, Professor Cox.

We say this without intimating a decision on any question of jurisdiction or privilege advanced by any party. Apart from noting that the likelihood of successful settlement along the lines indicated contemplates a voluntary submission of such portions of the tapes to the two counsel as satisfies them, we do not presume to prescribe the details of how the Chief Executive will work with the two counsel.

This procedure may permit the different approaches of the parties to converge. The President has maintained that he alone should decide what is necessarily privileged and should not be furnished the grand jury. The Special Prosecutor has maintained that he should have the opportunity of examining the material and asserting its relevance and importance to the grand jury investigation. If the President and the Special Prosecutor agree as to the material needed for the grand jury's functioning, the national interest will be served. At the same time, neither the President nor the Special Prosecutor would in any way have surrendered or subverted the principles for which they have contended.

If, after the most diligent efforts of all three concerned, there appear to be matters the President deems privileged and the Special Prosecutor believes necessary and not privileged, then this Court will discharge its duty of determining the controversy with the knowledge that it has not hesitated to explore the possibility of avoiding constitutional adjudication. Even if this were to occur, the issues remaining for resolution might be substantially narrowed and clarified.

We have issued this Memorandum without interrupting the schedule for post-argument memoranda by the parties. The overriding public interest in this case demands our best and most expeditious efforts in the meantime. The Court asks that it be advised, by both counsel, no later than September 20, 1973, whether the approach indicated in this memorandum has been fruitful.

The Clerk is directed to transmit this Memorandum to all parties to the instant proceedings and to file it in the record.

Per Curiam.

THE WHITE HOUSE,
Washington, D.C., September 20, 1973.

Filed Sep. 20, 1973, United States Court of Appeals for the District of Columbia Circuit Hugh E. Cline, Clerk.

In re Grand Jury Subpoena, Nos. 73–1962, 73–1967.

Mr. HUGH E. KLINE,
Clerk, United States Court of Appeals,
Washington, D.C.

DEAR MR. KLINE: This is to advise you that counsel in the above-entitled matter have had lengthy meetings, pursuant to the suggestion in the Court's memorandum of September 13th. Mr. Cox and Mr. Buzhardt met on September 17th and 18th and today Mr. Cox and Mr. Lacovara of his office met with Mr. Buzhardt, Mr. Garment, and myself. I regret to advise the Court that these sincere efforts were not fruitful.

All participants in these conversations have agreed that we shall say nothing about them except to make this report to the Court.

I understand that Mr. Cox will similarly advise you of these meetings and of their unsuccessful outcome.

Respectfully,

CHARLES ALAN WRIGHT,
An Attorney for the President.

WATERGATE SPECIAL
PROSECUTION FORCE,
Washington, D.C., September 20, 1973.

Filed Sep. 20, 1973, United States Court of Appeals for the District of Columbia Circuit Hugh E. Kline, Clerk.

Re: *Nixon* v. *Sirica* et al. (Nos. 73–1962, 73–1967).

Hon. HUGH E. KLINE,
Clerk, United States Court of Appeals for the District of Columbia Circuit, Washington, D.C.

DEAR MR. KLINE: This is to advise you that counsel in the above entitled matter have had lengthy meetings pursuant to the suggestion in the Court's memorandum of September 13. Mr. Buzhardt and I met on September 17 and 18 and today Mr. Lacovara of my office and I met with Messrs. Wright, Buzhardt, and Garment. I regret to advise the Court that these sincere efforts were not fruitful.

All participants in these conversations have agreed that we shall say nothing about them except to make this report to the Court.

I understand that Mr. Wright will similarly advise you of these meetings and of their unsuccessful outcome.

Sincerely,

ARCHIBALD COX,
Special Prosecutor.

APPENDIX II

In a "Memorandum in Support of an Order to Produce Documents or Objects in Response to the Subpoena" (pp. 5–10), filed with the court below on August 13, 1973, the Special Prosecutor provided the following description of the nine communications, tapes of which are sought by the grand jury. (The transcript references throughout are to the transcript of the hearings of the Senate Select Committee on Presidential Campaign Activities.)

1. *Meeting of June 20, 1972.* Respondent met with John D. Ehrlichman and H. R. Haldeman in his Old Executive Office Building (OEOB) office on June 20, 1972, from 10:30 a.m. until approximately 12:45 p.m. There is every reason to infer that the meeting included discussion of the Watergate incident. The break-in had occurred on June 17—just three days earlier. Dean did not return to Washington until June 18 (S. Tr. 2166). Mitchell, Haldeman and LaRue had also been out of town and did not return until late on June 19 (S. Tr. 3305, 3307, 6195). Early on the morning of June 20, Haldeman, Ehrlichman, Mitchell, Dean and Attorney General Kleindienst met in the White House. This was their first opportunity for full discussion of how to handle the Watergate incident, and Ehrlichman has testified that Watergate was indeed the primary subject of the meeting (S. Tr. 5923–5924). From there, Ehrlichman and then Haldeman went to see the President. The inference that they reported on Watergate and may well have received instructions, is almost irresistible. The inference is confirmed by Ehrlichman's public testimony that the discussion with respondent included both Watergate and government wiretapping (S. Tr. 5924–25). The contemporary evidence of that meeting should show the extent of the knowledge of the illegal activity by the participants or any effort to conceal the truth from the respondent.

2. *Telephone call of June 20, 1972.* Respondent and John Mitchell, the director of respondent's campaign for re-election, spoke by telephone from 6:08 to 6:12 p.m. on June 20, 1972. Mitchell has testified that the sole subject was the Watergate break-in and investigation (S. Tr. 3407–08). This apparently was the first direct contact after the break-in between respondent and Mitchell, so that what Mitchell reported may be highly material. Indeed, although Mitchell already may have been briefed at this time by Robert C. Mardian and LaRue about Liddy's involvement in the break-in (S. Tr. 3629–32, 4590, 4595). Mitchell maintains that he told the President that only the five arrested at Watergate—not including Liddy—were involved. (S. Tr. 3407–08, 3632). Evidence of this conversation with a man who had no public office at the time and was concerned solely with respondent's political interests will either tend to confirm Mitchell's version or show a more candid report to respondent.

3. *Meeting of June 30, 1972.* Respondent met with Mitchell and Haldeman for an hour and 15 minutes in his EOB office, apparently the first meeting between respondent and Mitchell since June 17, 1972. The topic of conversation, according to Mitchell, was his impending resignation as Chairman of the Committee for the Re-Election of the President (S. Tr. 3442–43), which in fact was announced the next day. This is a meeting most of which almost surely did not involve any official duties of the President. It also strains credulity to suppose that Watergate and how Watergate affected Mitchell and the campaign were not topics of conversation. The records of the meeting are clearly the most direct evidence of the knowledge and intentions of the participants as of a date shortly after the grand jury began its investigation.

4. *Meeting of September 15, 1972.* On September 15, 1972, the grand jury returned an indictment charging seven individuals with conspiracy and other offenses relating to the break-in. Respondent met the same day with Dean and Haldeman in his Oval Office from 5:27 to 6:17 p.m. Both Dean and Haldeman have given lengthy but contradictory accounts of what was said (S. Tr. 2229–33, 6090–93).

According to Dean, the purpose of the meeting was to brief respondent on the status of the investigation and related matters. Dean said that respondent then congratulated him on the "good job" he had done and was pleased that the case had "stopped with Liddy." Dean said that he then told respondent that all he had been able to do was "contain" the case and "assist in keeping it out of the White House." (S. Tr. 2230.) If this testimony is corroborated, it will tend to establish that a conspiracy to obstruct justice reached the highest level of government.

Haldeman, after reviewing a tape recording of the meeting, has agreed that there was discussion of the Watergate indictments, of the civil cases arising out of the break-in, of the possibility of a continuing grand jury investigation, of internal policies at the Committee for the Re-Election of the President, and of other matters. He denies, however, that respondent congratulated Dean on Dean's efforts to thwart the investigation. (S. Tr. 6090–93, 6456.)

If Haldeman's innocuous version of the meeting can be sustained, it is because the meeting only involved an innocent discussion of political interests. The question of Dean's perjury would then arise. Resolution of this conflict between two of the three persons present and an accurate knowledge of plans or admissions made on this occasion would be of obvious aid to the grand jury's investigation.

5. *Meeting of March 13, 1973.* Respondent again met with Dean and Haldeman on March 13, 1973, from 12:42 to 2:00 p.m. Dean testified at length about the meeting (S. Tr. 2323–2325.) Haldeman gave evidence that he has no independent recollection of what was said (S. Tr. 6100).*

The White House briefing for the Senate Committee suggests that the meeting related primarily to Watergate and that respondent asked Dean for a report on the involvement of Haldeman and others.** Dean, on the other hand, testified that respondent told Dean that respondent had approved executive clemency for defendant Hunt and that there would be no problem about raising $1 million to buy all defendants' silence (S. Tr. 2324). Unquestionably, confirmation of Dean's testimony would aid the grand jury in determining the existence, membership, and scope of a cover-up conspiracy. Conclusive disproof, on the other hand, would raise a question of perjury by Dean before the Senate Committee, a matter directly within the grand jury's jurisdiction.

6, 7. *Meetings of March 21, 1973.* On March 21, 1973, respondent met with Dean and Haldeman from 10:12 to 11:55 a.m. and with Dean, Haldeman, Ehrlichman and Ronald Ziegler from 5:20 to 6:01 p.m. (Not all parties were present all of the time.)

Both Dean and Haldeman (who reviewed the recording of the morning meeting) have testified extensively about that meeting (S. Tr. 2329–34, 6112–15, 6273–95, 6394–6400), and it is also discussed in the White House briefing for the Senate Committee. All accounts confirm that the sole subject was the Watergate break-in and wiretapping and the subsequent cover-up. All agree that Dean talked about a "cancer" affecting the Presidency and revealed a theory of the cover-up and the possible liability of White House and Committee officials, including Magruder, Mitchell, Strachan, Colson, Ehrlichman, Haldeman, and himself. (S. Tr. 2330–31, 6112–15, 6286–94, 6640–41.) All agree that there was discussion of Hunt's threat to expose his "seamy" work for the White House unless he received a considerable sum of money. Haldeman testified that it was at this meeting that respondent indicated that $1 million easily could be raised; according to Haldeman however, respondent went on to say that it would not be right to pay the money. This discrepancy, which can be resolved by a contemporary recording, is manifestly significant.

Haldeman, Ehrlichman and Dean each have testified about the afternoon meeting as well, and the White House briefing gives a separate account. Again, the sole topic of conversation was Watergate. The participants discussed the possibility of present and former White House officials, as well as employees of the Committee, testifying before the grand jury. (S. Tr. 2334–35, 5650, 5710, 6118.) Dean has testified that it was clear to him after this meeting that the cover-up would continue (S. Tr. 2335). Evidence of this meeting is pertinent to determining the existence of a cover-up, its thrust, and its membership.

8. *Meeting of March 22, 1973.* Respondent met with Dean, Ehrlichman, Haldeman and Mitchell from 2:00 p.m. to 3:43 p.m. on March 22, 1973. (Mitchell, of course, was a private citizen at this time.) Dean, Mitchell, Ehrlichman, and Haldeman each have testified that the meeting centered in general on Watergate and in particular on the problems that would be presented by the upcoming Senate Select Committee hearings (S. Tr. 2337–40, 3413–15, 5720, 5128, 619–22). This meeting was apparently concerned, at least in major part, with political assessments and operations, not exclusively with establishing "government" policy, and is likely to reveal the knowledge and motives of the participants.

9. *Meeting of April 15, 1973.* Respondent met with Dean from 9.17 to 10:12 p.m. on April 15, 1973. Dean has testified in detail about the substance of this hour-long conversation, allegedly telling respondent of his meetings with the United States Attorney's Office. Dean also testified that respondent said that he had been "joking" when respondent approved raising $1 million for the Watergate defendants and acknowledged that he had been "foolish" to discuss executive clemency with Charles Colson. (S. Tr. 2371–75.) If true and accurate, this testimony would indicate an important dimension to the cover-up conspiracy. If false and misleading, a perjurious injustice has been done for which the grand jury can return an indictment.

OPINION OF CIRCUIT JUDGE MACKINNON

MACKINNON, *Circuit Judge*, concurring in part and dissenting in part: I concur in the decision on the jurisdiction of this court as expressed in part II of the Per Curiam opinion, but I respectfully dissent from its conclusion on the principal issue. I also concur in the result reached by Judge Wilkey's dissent and concur generally in his reasoning. However, I rely on some points not discussed by Judge Wilkey and as to points that are common to our two dissenting opinions there are at times differences in emphasis.

I. INTRODUCTION

This case presents for consideration an important constitutional question which has not confronted the courts in the 186 years since the Constitution was written. While the issues involved here have arisen many times in the relations between the Congress and the President, there are no controlling judicial precedents. The immediate issue involves the requested disclosure of confidential discussions between the President and his close advisers, but the ultimate issue is the effect that our decision will have upon the constitutional independence of the Presidency for all time.

Justice Frankfurter prefaced his concurring opinion in *Youngstown Sheet & Tube Co.*[1] with the following admonition, which is peculiarly appropriate to the present case:

> "Rigorous adherence to the narrow scope of the judicial function is especially demanded in controversies that arose appeals to the Constitution. The attitude with which this Court must approach its duty when confronted with such issues is precisely the opposite of that normally manifested by the general public. So-called constitutional questions seem to exercise a mesmeric influence over the popular mind. This eagerness to settle—preferably forever—a specific problem on the basis of the broadest possible constitutional pronouncements may not unfairly be called one of our minor national traits. An English observer of our scene has acutely described it: 'At the first sound of a new argument over the United States Constitution and its interpretation the hearts of Americans leap with a fearful joy. The blood stirs powerfully in their veins and a new luster brightens their eyes. Like King Harry's men before Harfleur, they stand like greyhounds in the slips, straining upon the start.' " The Economist, May 10, 1952, p. 370.
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> [W]ith the utmost unwillingness, with every desire to avoid judicial inquiry into the powers and duties of the other two branches of the government, I cannot escape consideration of the legality of [the President's order.][2]

Like Justice Frankfurter in *Youngstown*, it is my view that a constitutional decision in this case is unavoidable.

It is my opinion that the preservation of the confidentiality of the Presidential decision-making process is of overwhelming importance to the effective functioning of our three branches of government. Therefore, I would recognize an absolute privilege for confidential Presidential communications. The privilege is grounded upon an historically consistent interpretation of the constitutional structure of our government, and derives support from common law principles of evidentiary privileges. Since the privilege is designed to enhance a President's ability to perform the duties of his office, it only protects Presidential communications related to the performance of Article II duties. It is unnecessary to define the parameters of the privilege beyond the precise facts of this case, but at the least the privilege must protect the recordings subpoenaed here. To compel disclosure of these tapes, which contain communications between a President and his most intimate advisers, would endanger seriously the continued efficacy of the Presidential decision-making process.

II. THE HISTORICAL PERSPECTIVE

The established usage and custom between the executive, legislative and judicial branches warrant the most respectful consideration, especially in view of its consistency over such an extended period of time. Usage and custom are a source of law in all governments[3] and have particular force where, as is the case here, the applicable written law is ambiguous or unclear. "Even constitutional power, when the text is doubtful, may be established by usage."[4] Early in our nation's history, the Supreme Court relied upon usage and custom to establish firmly its own constitutional authority to review decision of the highest appellate courts of a state.[5] More recently, the Supreme Court explained the importance of custom and usage as follows:

> It may be argued that while these facts and rulings prove a usage they do not establish its validity. But government is a practical affair intended for practical men. Both officers, law-makers and citizens naturally adjust themselves to any long-continued action of the Executive Department—on the presumption that unauthorized acts would not have been allowed to be so often repeated as to crystallize into a regular practice. That presumption is not reasoning in a circle but the basis of a wise and quieting rule that in determining the meaning of a statute or the existence of a power, weight shall be given to the usage itself—even when the validity of the practice is the subject of investigation.[6]

A. Presidential refusals to comply with congressional subpoenas

Throughout our nation's history, the greatest number of the important instances where information has been requested or demanded of the executive department by Congress have involved the President himself. The precedents created by these confrontations are vital here, because Congress and the courts have similar subpoena powers.[7] These precedents gain additional vitality from the fact that they involved highly critical issues, issues that caused Congress to demand, and the President to resist, disclosure based on the strongest national interest grounds. As Professor Corwin wrote with respect to these instances:

> "The point at issue, however, has generally been no justice to the official involved but the right of the Executive Department to keep its own secrets."

CORWIN, THE PRESIDENT—OFFICE AND POWERS 1787–1957 111 (1957) Mindful of the tremendous forces that shaped these precedents, we turn to a few of the most important.

In 1948, following an abortive attempt by a Republican-controlled Congress to obtain certain information and papers from the Executive department, a bill was prepared to produce confidential information even though he considered that compliance would be contrary to the public interest. President Truman thought that such a law would be unconstitutional and in preparation for the 1948 presidential election campaign he had a lengthy memorandum prepared[8] (hereinafter referred to as the "Truman Memorandum"). The Truman Memorandum recites all the principal instances, beginning in 1796, where Presidents have refused to furnish information or papers to Congress. A resumé of the refusals by seventeen of our Presidents and their heads of departments, as set out in the Truman Memorandum, is printed in the margin.[9] We can profit from these examples of presidential refusals and the precedents they created.

The March 1792 resolution of the House of Representatives empowering the committee investigating the military expedition under Major General St. Clair to call for "such persons, papers, and records, as may be necessary to assist their inquiries"[10] was the first such request ever made by Congress. It met with the rebuke by President Washington, after consulting his cabinet, that the "House was an inquest" and "might call for papers generally," but that the Executive should "exercise a discretion . . . to communicate such papers as the public good will would permit."[11] Washington also refused the request of the House for confidential papers which related to the negotiation of the Jay Treaty with Great Britain, notwithstanding a threat by the House that it would not appropriate the required funds unless its request for information and papers was satisfied.[12] The extortive demand by Congress was not successful.

President Jefferson asserted a similar position in refusing to expose the names of those involved in the alleged Burr conspiracy, except that of the principal actor.[13] This apparently is the first instance where a President refused to divulge confidential information involving an alleged substantial criminal offense. President Jackson followed suit in 1835 when he refused to comply with a Senate resolution requesting information in aid of its investigation of frauds in the sale of public lands.[14] In refusing to produce papers to the House, which was investigating the integrity and efficiency of the Executive departments in 1837, President Jackson stated in part:

> "I shall repel all such attempts as an invasion of the principles of justice, as well as of the Constitution, and I shall esteem it my sacred duty to the people of the United States to resist them as I would the establishment of a Spanish Inquisition."[15]

President Tyler's refusal in 1842 to furnish to the House certain requested information established the principle that papers and documents relating to applications for office are of a confidential nature. President Tyler vigorously asserted that the House of Representatives could not exercise a right to call upon the Executive for information, even though it related to a subject under deliberation by the House if, by so doing, it attempted to interfere with the discretion of the Executive.[16] He further stated:

> "It is certainly no new doctrine in the halls of judicature or of legislation that certain communications and papers are privileged, and that the general authority to compel testimony must give way in certain cases to the paramount rights of individuals or of the Government. Thus, no man can be compelled to accuse himself, to answer any question that tends to render him infamous, or to produce his own private papers on any occasion. The communication of a client to his counsel and the admissions made at the confessional in the course of religious discipline are privileged communications. In the courts of that country from which we derive our great principles of individual liberty and the rules of evidence, it is well settled, and the doctrine has been fully recognized in this country, that a minister of the Crown or the head of a department cannot be compelled to produce any papers,

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*It is interesting that Haldeman, who had reviewed recordings of other meetings, did not review the recording of this meeting in view of the serious nature of the allegations by Dean.

**New York Times*, June 21, 1973, p. 28 (notes of Minority Counsel of Senate Select Committee of oral briefing by Counsel to the President).

Footnotes at end of article.

or to disclose any transactions relating to the executive functions of the Government which he declares are confidential, or such as the public interest requires should not be divulged; and the persons who have been the channels of communication to officers of the State are in like manner protected from the disclosure of their names. Other instances of privileged communication might be enumerated, if it were deemed necessary. These principles are as applicable to evidence sought by legislature as to that required by a court".[17]

President Polk and Buchanan subscribed to similar positions in opposition to congressional demands for information. Polk refused to turn over information that his predecessor as President had considered to be confidential and ought not to be made public.[18] Buchanan refused to comply with a request for information as to whether "money, patronage or other improper means" had been used in influence Congress.[19] Again, this information related to a possible crime.

The request made of President Grant, which he refused, is too political and trivial to discuss,[20] but not so in Grover Cleveland's administration. There, the "Relations between the Senate and the Executive Departments" amounted to a major confrontation and the issues were debated in the Senate for almost two weeks. They dealt with the removal of substantial numbers of office holders by the incoming President; Congress requested the papers and reasons related to the dismissals. Such requests were refused for the usual reasons and one result was the passage of a separate resolution condemning the Attorney General's refusal.[21] President Cleveland pointed out that the Senate was assuming "the right . . . to sit in judgment upon the exercise of my exclusive discretion and Executive function, for which I am solely responsible to the people from whom I have so lately received the sacred trust of office." [22]

On January 4, 1909, the Senate passed a resolution directing the Attorney General to inform the Senate whether legal proceedings had been instituted by him against the United States Steel Corporation because of a certain merger, and if not, they required him to state the reasons. President Theodore Roosevelt took up the cudgel and delivered a special message to the Senate, stating that there were insufficient grounds for legal proceedings against the company. He additionally instructed the Attorney General not to state reasons for his nonaction.[23] Thereafter, when the Senate attempted to get certain papers on this subject from the Commissioner of Corporations, the papers were turned over to the President upon the advice of the Attorney General, and the Senate then introduced a strong resolution:

"*Resolved by the Senate,* That any and every public document, paper, or record, or copy thereof, on the files of any department of the Government relating to any subject whatever over which Congress has any grant of power, jurisdiction, or control, under the Constitution, and any information relative thereto within the possession of the officers of the department, is subject to the call or inspection of the Senate for its use in the exercise of its constitutional powers and jurisdiction."

43 Cong. Rec. 839 (1909). This resolution is remindful of the bill introduced to compel President Truman to turn over papers and of some of the statements being currently made in connection with this general controversy. The resolution was debated extensively but never came to a final vote.

In 1924, during the administration of President Coolidge, information relating to his Secretary of the Treasury was sought in a Senate resolution strongly supported by Senator Couzens. President Coolidge termed it an "unwarranted intrusion" and asserted it was the duty of the Executive to resist it. Other Senators then stated that they never sought "confidential records" and thereafter the committee operated with voluntary witnesses and through departmental courtesy.[24]

Next came President Hoover's refusal in 1930 to furnish the Senate Foreign Relations Committee with confidential telegrams, letters and other papers leading up to the London Conference and the London Treaty.[25]

And President Franklin D. Roosevelt received the same treatment at the hands of Congress in 1941 some months prior to Pearl Harbor, when the House requested the FBI to furnish detailed reports and correspondence in connection with investigations arising out of strikes, subversive activities in connection with labor disputes and labor disturbances in industrial establishments with Naval contracts. Attorney General Jackson replied:

"It is the position of this Department, restated now with the approval of and at the direction of the President, that all investigative reports are confidential documents of the executive department of the Government, to aid in the duty laid upon the President by the Constitution to 'take care that the laws be faithfully executed,' and that congressional or public access to them would not be in the public interest." [26]

The Attorney General further pointed out, *inter alia*, that:

". . . disclosure would seriously prejudice the future usefulness of the Federal Bureau of Investigation, for keeping faith with confidential informants was an indispensable condition of future efficiency. . . ." [27]

Later during the same administration, FBI Director Hoover refused to disclose to a House committee the directive he had received from President Roosevelt in 1944 directing him not to testify as to any correspondence relating to internal security.[28] There were other similar requests during the Roosevelt administration, some of which related to national security, while others were resisted merely because they were "confidential." [29]

President Truman refused to surrender to Congress information and papers relating to loyalty investigations of Government employees, personnel files and FBI files.[30] Subsequently, on the advice of Attorney General Brownell, President Eisenhower made his famous decision refusing to turn over certain information requested in the McCarthy-Stevens investigation.[31]

In each of these instances the Congress sought information from the President or the executive branch in order to enable it to legislate upon subjects within its constitutional power, and in each instance cited the request was refused by the President, who determined that to furnish the information would be an unconstitutional intrusion into the functioning of the executive branch and contrary to the public interest. The numerous confrontations between Congress and prior Presidents over the confidentiality of presidential information firmly establish a custom and usage that a President need not produce information which he considers would be contrary to the public interest.

B. The similarity between congressional and judicial subpoenas

The Special Prosecutor contends that custom and usage between the executive and legislative branches are not controlling because the subpoena in this case was not issued by Congress, but by a federal court pursuant to a grand jury investigation. However, a congressional subpoena issued for the purpose of obtaining facts upon which to legislate carries at least as much weight as a judicial subpoena issued for the purpose of obtaining evidence of criminal offenses. The only differences between these two types of subpoenas occur in the subject matter to which the subpoena power may be directed. Congressional subpoenas seek information in aid of the power to legislate for the entire nation while judicial subpoenas seek information in aid of the power to adjudicate controversies between individual litigants in a single civil or criminal case. A grand jury subpoena seeks facts to determine whether there is probable cause that a criminal law has been violated by a few people in a particular instance. A congressional subpoena seeks facts which become the basis for legislation that directly affects over 200 million people. Thus, both congressional and judicial subpoenas serve vital interests, and one interest is no more vital than the other.

Furthermore, both congressional and judicial subpoenas are compulsory documents enforceable with criminal sanctions. Congress always has possessed the inherent power to punish witnesses who refuse to disclose information. And since the enactment in 1857 of a statute making it a misdemeanor to refuse to answer or to produce papers before Congress,[32] the power of the courts has been an additional sanction available to enforce a congressional request or subpoena.[33] In *Kilbourn v. Thompson,*[34] the Court remarked that Congress has "the right to compel the attendance of witnesses and their answers to proper questions, in the same manner and by the use of the same means, that courts of justice can in like cases." [35] Congress and the courts stand equal in their power to issue subpoenas and equal in their power to enforce them with criminal sanctions.

For these reasons, a judicial subpoena cannot be exalted over a Congressional subpoena, and the historic precedents involving congressional requests to the executive department are persuasive authority in the present dispute over a judicial subpoena to a President. However, it is unnecessary to rely entirely on instances of presidential assertions of privilege. The other branches of government have been no less disposed to recognize an absolute privilege on their own behalf.

C. Congressional privilege

Congress has asserted a privilege with respect to subpoenas addressed to members of Congress for documents in its possession and for the testimony of its employees. The practice which has been consistently followed is that no documents can be taken from the possession of either House except by the express consent of such House.

In 1876 a Representative from Indiana was subpoenaed to appear before the grand jury of the District of Columbia. Congress asserted the "well settled" privilege which protects a member who is subpoenaed to testify before a grand jury or in court:

"Inasmuch as it seemed to be well settled that the privilege of the Member was the privilege of the House and that privilege could not be waived except with the consent of the House, they had thought it their duty to submit the matter to the House." [36]

Whereupon a resolution was offered and the member was "authorized to appear and testify under the said summons." [37]

Upon service of a subpoena duces tecum by a court-martial, Congress asserted with respect to the documents:

"They belong to the House, and are under its absolute and unqualified control. It can at any time take them from the custody of the Clerk, refuse to allow them to be inspected by anyone, order them to be destroyed, or dismiss the Clerk for permitting any of them to be removed from the files without its expressed consent." [38]

Whereupon the resolution asserted the House privilege and consented to the parties to a general court-martial making copies of documents in the possession of the House.[39]

Usually, when personal attendance or documents are requested of members of Congress, Congress permits compliance with such request; but not always. In 1876 the House refused to permit its committee investigating William W. Belknap, late Secretary of War, who had been impeached by the House, to produce before the Supreme Court of the District of Columbia in response to process certain documents relating to the acceptance of bribes.[40] In 1926, Mr. Fiorello LaGuardia of New York rose to a question of personal privilege in the House of Representatives, reported he had been subpoenaed before a federal grand jury in Indianapolis, that he could "not obey that subpoena without the permission of the House" and that if any member of the House introduced a resolution granting him "permission to go (he would) not resist it. No resolution was offered and no further record appears." [41]

Essentially the same practice exists in Congress at this time. On October 13, 1970, in a case which subsequently came before this court entitled *United States Servicemen's Fund (USSF) v. Eastland,*[42] the Senate subpoenaed certain documents in aid of its power of investigation for legislative purposes. The subject (the USSF) of the documents intervened and in aid of a deposition had a subpoena issued to the Chief Counsel of the Internal Security Subcommittee of the Committee on the Judiciary calling for his personal "testimony regarding activities of the Subcommittee, and calling also for production of certain records and other papers in the Subcommittee." [43] The Senate thereupon passed the usual resolution with respect to its documents and the requested appearance of the Chief Counsel. It provided, *inter alia*:

"*Resolved*, That the Chief Counsel, Julen [*sic*] G. Sourwine, of the Senate Internal Security Subcommittee of the Committee on the Judiciary, is authorized to comply with an appropriate notice of deposition in the case aforesaid, but *shall not testify respecting matters of which he obtained knowledge by virtue of his position or activities as Chief Counsel of the Subcommittee, which are not matters of public record* and shall not without further action by the Senate surrender any papers or documents on file in his office or under his control or in his possession as Chief Counsel of the Senate Internal Security Subcommittee of the Committee on the Judiciary".[44]

Later, when the Chief Counsel appeared for the deposition, he refused to give evidence in violation of the "Senate's mandate" [45] as to matters "which were not at a public hearing." [46]

The common thread throughout these proceedings is that the House or the Senate itself judges and controls the extent to which its members and documents should be produced in courts and before grand juries in response to subpoenas. Congress since 1787 has claimed that it has the absolute privilege to decide itself whether its members or employees should respond to subpoenas and to determine the extent of their response. As far as I have been able to discover, that practice has never been successfully challenged.

D. Judicial privilege

The judicial branch of our government claims a similar privilege, grounded on an assertion of independence from the other branches. Express authorities sustaining this position are minimal, undoubtedly because its existence and validity has been so universally recognized. Its source is rooted in history and gains added force from the constitutional separation of powers of the three departments of government. Chief Justice Burger has asserted that this privilege is grounded in the courts' "inherent power" to protect the confidentiality of its internal proceedings:

"With respect to the question of inherent power of the Executive to classify papers, records, and documents as secret, or otherwise unavailable for public exposure, and to secure aid of the courts for enforcement, there may be an analogy with respect to this Court. No statute gives this Court express power to establish and enforce the utmost security measures for the secrecy of our deliberations and records. Yet I have little doubt as to the inherent power of the Court to protect the confidentiality of its internal operations by whatever judicial measures may be required." [47]

In his concurring opinion in *Soucie v. David*, involving the exemptions from disclosure of certain information in the executive department under the Freedom of Information Act,[48] Judge Wilkey based the privilege upon the common law and the Constitution:

"To put this question in perspective, it must be understood that the privilege against disclosure of the decision-making process is a tripartite privilege, because precisely the same privilege in conducting certain aspects of public business exists for the legislative and judicial branches as well as for the executive. It arises from two sources, one common law and the other constitutional." [49]

Counsel for the President in their brief cites additional support for the judicial claim of confidentiality:

"It has always been recognized that judges must be able to confer with their colleagues, and with their law clerks, in circumstances of absolute confidentiality. Justice Brennan has written that Supreme Court conferences are held in "absolute secrecy" for "obvious reasons." Brennan, *Working at Justice,* in *An Autobiography of the Supreme Court* 300 (Westin ed. 1963). Justice Frankfurter has said that the "secrecy that envelops the Court's work" is "essential to the effective functioning of the Court." Frankfurter, *Mr. Justice Roberts,* 105 U.Pa.L.Rev 311, 313 (1955)."

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"The Judiciary works in conditions of confidentiality and it claims a privilege against giving testimony about the official conduct of judges. *Statement of the Judges,* 14 F.R.D. 335 (N.D.Cal. 1953). See also the letter of Justice Tom C. Clark, refusing to respond to a subpoena to appear before the House Un-American Activities Committee, on the ground that the "complete independence of the judiciary is necessary to the proper administration of justice." N. Y. Times, Nov. 14, 1953, p. 9." [50]

The *Statement of the Judges,*[51] to which counsel for petitioner refers, asserted that the separation of powers prohibits any branch of government from unlawfully interfering with the others, to the extent that Congress had no authority to summon a United States District Judge to appear before a House subcommittee investigating the Department of Justice. The *Statement* went on to say:

"[W]e know of no instance, in our history where a committee such as yours, has summoned a member of the Federal judiciary." [52] Thus, the judicial branch asserts the same immunity from being compelled to respond to congressional subpoenas that past Presidents have asserted.

Further assertions of judicial independence surfaced in the aftermath of Justice Fortas' resignation.[53] At that time a special story by Max Frankel reported the reaction among some of the other Justices of the Supreme Court to their suggestion that they should compose a code of conduct to assure their objectivity and probity:

"[I]f drawn, they are not likely to diminish the *absolute independence traditionally asserted by the high court for itself and by each of its nine members as individuals.*

"In fact, the Justices are said to be determined to resist any effort by Congress or other outside authority to impose ethical standards or enforcement methods upon them. Above all, they remain committed to the principle that *each Justice must be free to work beyond the control or censure even of his colleagues, and they were careful to protect that principle* while concerning themselves with the Fortas case over the last two weeks."

* * * * *

"[T]he Justices are believed to have turned their thoughts to the ways in which they could create a body of standards without compromising the great tradition of professional independence."

* * * * *

"It will be a long exercise, in any case, the Justice expect, and the 'standards' that emerge may be no more than each Justice's interpretation of the informal discussions that began around the Court with the Fortas revelations."

* * * * *

"Some members of Congress now believe that they have a duty to impose some standards on the entire Federal judiciary, including the Supreme Court, and after the Fortas affair some Justices appear to understand this impulse."

"But since they refuse to wield to the control of their own Chief Justice or their colleagues, the Justices will plainly resent and resist Congressional supervision if they possibly can."

* * * * *

"It is the conclusion of most Justices, therefore, that they must observe the very highest standards but that *they must be their own final judges.* Whether they can combine these two doctrines into a reassuring public body of Supreme Court ethics will not be evident for some time.[54]"

The above excerpts express the judiciary's conception of its own privileges as it so far has been made public.

A recent example of the exercise of the judiciary's privilege to protect the confidentiality of its internal decision-making process occurred in this court in February of this year. It arose in the very important case involving the validity of the right of way and permits granted by the Department of the Interior for the construction of the 789-mile Alaska Pipeline. The estimated cost of this pipeline was upwards of $3½ billion. Following the argument of the case on appeal and while the case was under advisement by the judges of this court, a United States Senator wired the Chief Judge of this court as follows:

"I have been told one or more judges have disqualified themselves in the trans-Alaska pipeline case currently under advisement. Kindly advise me of their identities and reasons if this is the case. I would, appreciate a reply in writing as soon as possible. Thank you very much."

In the reply for the court by Chief Judge Bazelon, this court exercised its privilege to protect the confidentiality of its deliberations, stating:

"In re your telegram of February 5, 1973 inquiring as to whether 1 or more judges have disqualified themselves in the trans Atlantic [*sic*] pipeline cases currently under advisement and in which you request their identities and reasons if this is the case. The opinion, when issued, will reveal the names of the judges who have participated therein. With great respect, we believe that further reply to your inquiry would not be appropriate with cordial wishes."

It thus appears that the judiciary, as well as the Congress and past Presidents, believes that a protected independence is vital to the proper performance of its specified constitutional duties. It is my conclusion that the deliberative functions of the Presidents office should be afforded the same essential protection that has been recognized for, and

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asserted and enjoyed by, the legislative and judicial branches of our government since 1787.

III. THE PRESIDENTIAL COMMUNICATIONS PRIVILEGE

The Per Curiam opinion recognizes the "great public interest" in maintaining the confidentiality of the presidential decision-making process, but concludes that the national interest in presidential confidentiality may be subordinated in particular situations to a strong countervailing need for disclosure.[55] Thus, the majority recognizes only a qualified privilege for presidential communications.

The focus of my disagreement with this conclusion is that in my opinion an absolute privilege exists for presidential communications. At least where a President discusses matters of official concern with his most intimate advisers, strict confidentiality is so essential to the deliberative process that it should not be jeopardized by any possibility of disclosure.

A. The importance of confidentiality

By recognizing an absolute privilege, my opinion places the presidential communications privilege on an equal footing with that recognized for military or state secrets in *United States* v. *Reynolds.*[56] Military or state secrets are never subject to disclosure regardless of the weight of countervailing interests.[57] Once the court is satisfied that military or state secrets are at stake, its inquiry is at an end. The court cannot balance the importance of secrecy in a particular case against the necessity demonstrated by the party seeking disclosure.[58]

The rationale underlying the absolute privilege for military or state secrets is the policy judgment that the nation's interest in keeping this information secret always outweighs any particularized need for disclosure. A similar policy judgment supports an absolute privilege for communications between a President and his advisers on matters of official concern.

The interest supporting an absolute privilege for presidential communications is the confidentiality essential to insure thorough and unfettered discussion between a President and his advisers. This widely recognized necessity for confidentiality in any decision-making process[59] is especially important in the office of the Presidency.

Confidentiality is indispensable to encourage frankness and to allow a President's advisers to advance possibly unpopular arguments without fear of public criticism. Working at the highest level of government, a President and his advisers must be free to explore all aspects of an issue so that final decisions are based upon completely thorough analysis. Their discussions must be informal, candid and blunt. If there is a danger that the words spoken at these discussions will be disclosed to the public, the participants inevitably will speak more guardedly, they will hesitate to suggest possibly unpopular opinions, and the discussions will lose their spontaneity. This loss of spontaneity and freedom would severely restrict a President's ability to conduct thorough and frank discussions on issues of national and world-wide importance.

An essential attribute of the presidential communications privilege is that the President must have absolute discretion in its exercise. To the majority's fear that it would be dangerous to vest absolute discretion in the President because of possible abuse in the future,[60] we need only refer to Justice Story's telling refutation of that argument in *Martin* v. *Hunter's Lessee:*

"It is always a doubtful course to argue against the use or existence of a power, from the possibility of its abuse. It is still more difficult, by such an argument, to ingraft upon a general power a restriction which is not to be found in the terms in which it is given. From the very nature of things, the absolute right to decision, in the last restort, must rest somewhere—wherever it may be vested it is susceptible of abuse."[61]

To allow the courts to breach presidential confidentiality whenever one of 400 federal trial judges considers that the circumstances of the moment demonstrate a compelling need for disclosure would frustrate the privilege's underlying policy of encouraging frank and candid presidential deliberations. If it is possible to convince a court to compel the disclosure of presidential conversations, then a President cannot guarantee confidentiality to his advisers and they must operate always under the hazard that their conversations might be publicly exposed at the behest of some trial court in the future.

By enacting the Presidential Libraries Act of 1955,[62] Congress recognized the importance of maintaining presidential confidentiality. The Act bestows an absolute privilege upon papers and sound recordings[63] deposited with the Government-administered presidential libraries by providing that presidential papers and recordings may be accepted "subject to restrictions agreeable to the administrator [of General Services] as to their use."[64] The presidential papers of Presidents Eisenhower, Kennedy and Johnson are subject to the restriction that "materials containing statements made by or to" the President are to be kept in confidence and held under seal and not revealed to anyone except the donors or archival personnel until "the passage of time or the circumstances no longer require such materials being kept under restriction." Restrictions imposed by letters from President Eisenhower and from President Johnson additionally prohibit disclosure to "public officials" on the ground that "the President of the United States is the recipient of many confidences from others, and . . . the inviolability of such confidence is essential to the office of the presidency . . . "[65] Thus Congress by statute has recognized the confidential nature of presidential papers and recordings, and has subjected them to restrictions against disclosure. It would be incongruous to accord a greater confidence to the materials of a deceased President than to the materials of a living, incumbent President.

The Special Prosecutor contends that in view of the unique circumstances in the present case, disclosure would not infringe seriously upon the confidentiality of the presidential deliberative process. However, the ultimate decision in this case will have repercussions far beyond the narrow factual confines of the present events. The decision here will be the first definitive judicial statement on the issue of presidential privilege. To recognize only a qualified privilege is to invite every litigant, both civil and criminal, to demonstrate his or her own particularized need for evidence contained in presidential deliberations. Already several claims of this nature are pending.[66] The lessons of legal history teach that it will be impossible to contain this breach of presidential confidentiality if numerous federal judges may rummage through presidential papers to determine whether a President's or a litigant's contentions should prevail in a particular case. Furthermore, the decision in this case inevitably will be precedent for assaults on the presently asserted absolute privileges of Congress and the Judiciary.[67]

B. The Executive Privilege Cases

The majority relies on a line of cases which recognize a qualified "executive privilege" where a civil litigant seeks disclosure of relevant government documents.[68] In formulating this qualified privilege, the courts concluded that the interest in confidentiality to insure a free deliberative process is weaker than that recognized as necessary to protect military or state secrets.[69] Consequently, the courts have recognized only a qualified, not an absolute, privilege where the government has resisted disclosure solely on the ground of protecting the confidentiality of the deliberative process.

However, none of the "executive privilege" cases involved personal communications between a President and his closest advisers. There is a great distinction between the office of the President and the myriad other agencies and departments that comprise the executive branch.[70] Virtually every decision emanating from a President's office has a direct and immediate effect on the entire, or a substantial part of, the nation. Lesser executive departments and agencies do not hold such awesome responsibility and power. Each has responsibility for and operates upon only a small segment of the nation. As important as the lesser executive departments and agencies are, their decisions do not have the sweeping and immediate impact which characterizes the decisions and policies of a President.

The national interest in maintaining presidential confidentiality to insure that a President's deliberative process remains completely unfettered is at least as strong as the national interest in protecting military or state secrets. As explained earlier, secrecy is not the ultimate goal of the presidential communications privilege. The ultimate goal is to guarantee that Presidents will remain comprehensively informed throughout their decision-making processes. The importance of the military or state secrets privilege is most apparent when, for example, it prevents disclosure of emergency defense or invasion plans, foreign espionage programs or summit meeting strategy. But if a President is unable to conduct thorough and unfettered deliberations with his advisers, these plans, programs and strategies may never be formulated. Furthermore, whereas the confidentiality of military or state secrets is important primarily with respect to this country's international relations, the presidential privilege promotes informed decisions in both the international and domestic spheres. In view of the immediate national and world-wide impact which accompanies presidential decisions, the need to protect the presidential deliberative process is at least as great as the need to protect military and state secrets. If military and state secrets are absolutely privileged based on the need for confidentiality, then conferences between a President and his close advisers should enjoy a similar absolute privilege based on the need for confidentiality.

C. Presidential privilege against a grand jury

The foregoing discussion demonstrates that the courts should afford presidential communications the same absolute privilege which protects military and state secrets. However, the *Reynolds* decision, as well as the "executive privilege" cases, arose from civil litigation and did not discuss the assertion of privilege against a grand jury subpoena. The final issue which must be resolved before recognizing an absolute presidential communications privilege in this case is whether the policy supporting the privilege prevails over the competing interests which arise from a court order to produce information for a grand jury investigation.

Common law evidentiary privileges based on encouraging frank and candid communication apply equally in criminal and civil cases. For example, the husband-wife and attorney-client privileges may be invoked by a witness for either the prosecution or defense in a criminal trial, regardless of the claimed necessity for disclosing the evidence.

Nevertheless, an interest which supports the existence of a privilege in a civil context might be outweighed by stronger countervailing interests which arise in the administration of criminal justice. In *Gravel v. United States*[71] the court of appeals had fashioned a nonconstitutional testimonial privilege which protected a Congressman's aide from the questioning by a grand jury regarding allegedly criminal activity committed in the course of his duties.[72] The court analogized the privilege to that which protects executive officials from civil liability. Since government officers are immune from civil liability, the court of appeals reasoned, a similar doctrine should immunize government officers from criminal prosecution. Carrying this reasoning one step further, the court concluded that a grand jury could not question government officers about crimes for which they could not be prosecuted. The Supreme Court disagreed, explaining:

"But we cannot carry a judicially fashioned privilege so far as to immunize criminal conduct proscribed by an Act of Congress or to frustrate the grand jury's inquiry into whether publication of these classified documents violated a federal criminal statute. The so called executive privilege has never been applied to shield executive officers from prosecution for crime."[73]

It is important to recognize that the "executive privilege" referred to in *Gravel* is the doctrine also known as official immunity.[74] It is not the evidentiary "executive privilege" upon which the majority in this case relies.[75] The quoted language from the *Gravel* decision recognizes that the underlying purpose of official immunity,[76] while supporting immunity from civil liability, does not support total immunity from criminal prosecution.

The only relevance of the *Gravel* dictum to the present case is to suggest that the interest in protecting the confidentiality of the deliberative process may not support absolute immunity from criminal prosecution for executive officers. But the presidential communications privilege, as here outlined, does not immunize executive officers from criminal prosecution. This evidentiary privilege, which protects the presidential deliberative process by preventing disclosure of the exact details of that process, is not premised on any notions of immunity from civil or criminal liability. It is unnecessary in this case to decide the issue touched upon by *Gravel*, which is whether the interest in confidentiality that supports the evidentiary privilege would also preclude the indictment of participants in the deliberative process.

The possibility that an occasional criminal prosecution may be hampered by the privilege does not justify abandoning the compelling long-range necessity for presidential confidentiality. The inability of a prosecutor or grand jury to obtain specific privileged information will seldom prevent a successful criminal prosecution. Understandably, a prosecutor desires to obtain all evidence relevant to a case. But particular evidence frequently is unavailable because of commonly recognized privileges, such as the husband-wife, attorney-client or self-incrimination privileges. In such instances, non-privileged information remains available and convictions routinely are obtained despite various claims of privilege by witnesses.

The 1807 decision in *United States v. Burr,*[77] upon which the majority relies,[78] does not preclude recognition of an absolute privilege in the present case. In that case, the accused sought to obtain allegedly exculpatory evidence contained in a letter which had been written to President Jefferson by General Wilkinson, an essential witness against the accused.[79] Chief Justice Marshall, sitting alone as the trial judge in the case, issued a subpoena to the President for production of the letter, but the President, through his attorney, refused to disclose certain passages. The Chief Justice appreciated the weight which attaches to a presidential assertion of privilege:

"The President, although subject to the general rules which apply to others, may have sufficient motives for declining to produce a particular paper, and those motives may be such as to restrain the court from enforcing its production."

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"Had the president, when he transmitted it, subjected it to certain restrictions, and stated that in his judgment the public interest required certain parts of it to be kept secret, and had accordingly made a reservation of them, all proper respect would have been paid to it. . . ."[80]

However, since the President had relied upon his attorney's discretion and had not communicated directly with the court,[81] the Chief Justice allowed the attorney time to consult with the President. Several days later, the Chief Justice accepted "a certificate from the President, annexed to a copy of General Wilkinson's letter, excepting such parts as he deemed he ought not to permit to be made public."[82] From all that appears these excisions were not contested.[83]

The *Burr* case involved a subpoena by a defendant in a criminal trial, and the defendant's demand for the letter was an exercise of his sixth amendment right "to have compulsory process for obtaining witnesses in his favor."[84]

Although Chief Justice Marshall was never called upon to enforce the subpoena against the President,[85] and therefore never was required to resolve the ultimate conflict between the President's privilege and the sixth amendment right to compulsory process, he took the opportunity in dicta to discuss whether a President's claim of privilege should be upheld in the face of a criminal defendant's demand for possible exculpatory evidence. Recognizing that he could not "precisely lay down any general rule for such a case,"[86] the Chief Justice suggested that "perhaps" a presidential claim of privilege could be overridden in a criminal trial where the defendant demonstrates a particularly compelling need for the evidence.[87] Quite clearly, this suggestion was not a final disposition of the issue, nor even a holding of the case.

The case before this court involves a grand jury proceeding, not a criminal trial of an accused. A grand jury, of course, is an accuser, not an accused, and has no sixth amendment right to compulsory process for obtaining witnesses. Thus, the express guarantee of the sixth amendment which was present in *Burr* is not applicable to the present case. Moreover, although the grand jury's authority to subpoena witnesses is essential to its task, grand juries always have operated under the constraints of evidentiary privileges.[88] Any conflict between the presidential communication privilege and the sixth amendment rights of a criminal defendant is better resolved in the future when a court has before it an indicted defendant who is able to demonstrate the materiality of the evidence to his particular defense.[89]

D. Constitutional Dimensions of the Privilege

The foregoing discussion has demonstrated the soundnes of an absolute, evidentiary privilege for conversations and deliberations of a President with his close advisers. But the privilege also has constitutional dimensions which derive both from the separation of powers doctrine and from the logical principle that inherent in any constitutional right are the means requisite to its effective discharge.

The effective discharge of the presidential duty faithfully to execute the laws requires a privilege that preserves the integrity of the deliberative processes of the executive office. It would be meaningless to commit to the President a constitutional duty and then fail to protect and preserve that which is essential to its effective discharge. Thus the term "effective" is the sine qua non that imbues the presidential decisional process with a constitutional shield. The genius of our Constitution lies, perhaps as much as anywhere, in the generality of its principles which makes it susceptible to adaptation to the changing times and the needs of the country. But this much is explicit: "[The President] shall take Care that the Laws be faithfully executed. . . ." U.S. CONST. art. II, § 3. Is it plausible that the Framers should have charged the President with so basic a responsibility, one upon which every ordered society is premised, and yet left him without the ability effectively to satisfy that high charge? Emphatically, the answer must be, "No." The duty and the means of its discharge coalesce and each, the one explicit and the other implicit, finds its source in the Constitution.

The constitutional nature of the presidential communications privilege is reenforced by the doctrine of separation of powers. It is clear, of course, that our constitutional system of checks and balances makes each branch dependent upon the other branches in some instances. The trial court and the majority of this court rely in part on this interdependency to decide that the courts have both the power to compel a President to comply with the subpoena and the right to obtain recordings of conversations that were part of the presidential decision-making process. The flaw in their analysis becomes apparent upon closer examination of the nature of both separation of powers and checks and balances. James Wilson[90] in his "Lectures on the Law" accurately stated both concepts:

"[E]ach of the great powers of government should be independent as well as distinct. When we say this; it is necessary—since the subject is of primary consequence in the science of government—that our meaning be fully understood, and accurately defined. For this position, like every other, has its limitations; and it is important to ascertain them.

"The independence of each power consists in this, that *its proceedings, and the motives, views, and principles, which produce those proceedings, should be free from the remotest influence, direct or indirect, of either of the other two powers.* But further than this, the independency of each power ought not to extend. Its proceedings should be formed without restraint, but when they are once formed, they should be subject to control.

"We are now led to discover, that between these three great powers of government, there ought to be a mutual dependency, as well as a mutual independency. We have described their independency: let us now describe their dependency. It consists in this, that *the proceedings of each, when they come forth into action and are ready to affect the whole,* are liable to be examined and controlled by one or both of the others." (Emphasis added). 2 WILSON, WORKS 409–10 (1804).

Thus the system of checks and balances begins to operate only at the point "when [the proceedings of any branch] come forth into action and are ready to affect the whole." It is only necessary to cite several examples. The executive may veto acts of Congress and Congress may override such a veto.[91] The executive nominates, and the Senate confirms, ambassadors, justices of the Supreme Court and all other officers of the United States.[92] The courts may declare acts of Congress unconstitutional,[93] or constitutional and the executive faithfully executes the laws in conformance with such decisions. That these principles establish the mutual dependency of the three branches is obvious, but it is equally obvious that each of the above instances involves a restraint by one branch on a final action of a coordinate branch.[94]

The doctrine of separation of powers, by

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contrast, requires that each branch's "proceedings, and the motives, views, and principles, which produce those proceedings, should be free from the remotest influence, direct or indirect, of either of the other two powers." *Id*. This doctrine, then, prohibits intrusion in any form by one branch into the decisional processes of an equal and coordinate branch. And it is clear, of course, that "[t]he grand jury is an arm of the court and its *in camera* proceedings constitute 'a judicial inquiry.' "[95] Thus, recordings of presidential deliberations cannot be the subject of a judicial subpoena if it would even remotely influence the conduct of such deliberations or their final outcome. Enforcement of the subpoena demonstrably would have just such an effect in this case. The conversations that are the subject of the subpoena presumptively occurred as part of the ongoing decisional process involved in the President's constitutional duty faithfully to execute the laws.[96] The end product of this process would be the decision whether crimes had been committed and whether to prosecute such crimes, and whether to discharge or retain certain government employees. These decisions would be the "final action" comparable to the seizure of the steel mills in *Youngstown Sheet & Tube Co.*[97] The conversations themselves, however, were an integral part of the deliberative process and thus not subject to judicial intrusion by means of enforcement of the subpoena. Moreover, it appears insignificant that such a judicial intrusion into that process is for the purpose of laying open those presidential conferences before the grand jury. To hold otherwise would, to paraphrase the district court, exalt the form of the intrusion over its substance,[98] since the pervasively adverse effect on the candor of the deliberations and the soundness of the decisions reached there flows from the breach of confidentiality itself, whatever the purpose of the intrusion.

But the greatest vice of the decision sought by the Special Prosecutor is that it would establish a precedent that would subject every presidential conference to the hazard of eventually being publicly exposed at the behest of some trial judge trying a civil or criminal case. It is this presidential effect which transforms this case from one solely related to the recordings sought here, to one which decides whether this President, and all future Presidents, shall continue to enjoy the independency of executive action contemplated by the Constitution and fully exercised by all their predecessors.

IV. THE PRIVILEGE IN THIS CASE

A. The privilege was properly invoked

For the foregoing reasons, my opinion recognizes an absolute privilege for presidential communications. To be privileged, the communications must occur under an aura of confidentiality, and, because the privilege is designed to protect a President's ability to perform his duties, the communications must relate to the performance of Article II duties.

The presidential communication privilege was properly invoked by the President under the circumstances of this case. In *Reynolds v. United States*[99] the Supreme Court discussed the procedures and formalities necessary for a proper invocation of the absolute privilege for military or state secrets.[100] Since the presidential communications privilege resembles the military or state secrets privilege, the *Reynolds* procedures are instructive in the present case.[101]

Initially, there must be "a formal claim of privilege lodged by the head of the department which has control over the matter, after actual personal consideration by that officer."[102] Although an earlier statement by the President indicated that he did not intend to invoke executive privilege with regard to the investigation,[103] the President's letter in response to the subpoena from the District Court expressed a clear intent to claim his constitutional privilege to withhold recordings of conversations with his advisers.[104]

After the President has claimed the privilege, the court must satisfy itself that "the circumstances are appropriate for the claim of privilege."[105] In determining whether the privilege is appropriate in a particular case, the only injury is whether there is a "reasonable danger" that disclosure of the evidence would expose matters which the privilege is designed to protect.[106] Since the presidential communications privilege is an absolute rather than a qualified privilege, there is no occasion to balance the particularized need for the evidence against the governmental interest in confidentiality. The balance between these competing interests was examined and resolved when the absolute presidential communications privilege was formulated.[107] Having concluded that the privilege is available, the only inquiry is whether the President's invocation of the privilege promotes the policy which the privilege was designed to protect. Regarding the absolute privilege for military or state secrets, the *Reynolds* Court stated:

> "Where there is a strong showing of necessity, the claim of privilege should not be lightly accepted, but *even the most compelling necessity* cannot overcome the claim of privilege if the Court is ultimately satisfied that military secrets are at stake."[108]

The presidential communications privilege protects the confidentiality of communications between the President and his close advisers which are related to his Article II duties. Since the subpoena covers recordings of confidential communications between the President and his closest advisers, the privilege is appropriate in this case if the recorded conversations related to the President's Article II duties. Our starting point is the presumption, in the absence of clear evidence to the contrary, that as a government official the President was discharging his constitutional duties.[109] The nature of the Presidency often makes it difficult to distinguish private from official concerns of the President. Because of his position in the nation, actions which might be commonplace if performed by a private individual assume national importance when performed by the President. As Chief Justice Marshall stated in the *Burr* decision: "Letters to the president in his private character, are often written to him in consequence of his public character, and may relate to public concerns."[110]

From the circumstances already in the public record, it is reasonable to conclude that the conversations at issue related to the President's Article II duty to "take Care that the Laws be faithfully executed."[111] The break-in at the Democratic Party headquarters soon became a pervasive topic of conversation throughout the country. There occurred constant and widespread speculation concerning the possible involvement of high public officials, and some suspected that the Justice Department was not investigating the matter thoroughly. There is evidence that the President, like other citizens, was concerned that the laws were not being fully enforced.

Especially in view of allegations linking the burglary to the White House staff, it was appropriate for the President, as the nation's chief law enforcement officer, to discuss these matters with his advisers.[112] Thus, it is reasonable to conclude that the discussions covered by the subpena related to the President's Article II duty to execute the laws. The possibility that the President also may have been concerned about the political effect of the offenses on the Republican Party is not inconsistent with the performance of his Article II duties.

Since the subpoenaed tapes are recordings of the President's confidential conversations and there is a reasonable probability that the discussions related to the President's Article II duties, there exists at least a "reasonable danger" that disclosing the tapes would jeopardize the very interest which the presidential communication privilege is designed to protect. Just as the *Reynolds* Court found only a "reasonable danger" that disclosure would jeopardize protected interests,[113] it is not necesary in this case to conclude with absolute certainty that disclosure would violate presidential confidentiality in matters of official concern. *Reynolds* only requires a "reasonable danger," and that standard is satsified here.

Since there exists a reasonable danger that disclosing the recordings would infringe upon protected presidential confidentiality, an examination of the tapes by a judge even in chambers would be improper. Once a President asserts his privilege, a court's only function is to determine whether the circumstances are appropriate for the claim of privilege.[114] Yet the court must make this determination without forcing disclosure of the very communication which the privilege protects.[115] Thus an *in camera* inspection is proper only if the court cannot otherwise satisfy itself that the privilege should be sustained. In the present case, we are satisfied that appropriate circumstances do exist and, therefore, would hold that even *in camera* inspection is improper.

B. Privilege not destroyed by possibility of criminal conspiracy by advisers

The Special Prosecutor also argues that the privilege disappears upon a *prima facie* showing that the conversations occurred as part of a criminal conspiracy by certain of the President's advisers.[116] He strenuously argues that abuse of the privileged relationship vitiates any otherwise valid privilege possessed by the President. The argument is fatally defective, however, since the President alone holds the privilege which is designed to ensure the integrity of his decisional processes. The possibility that those close to him may have perverted the relationship cannot destroy the privilege held in the public interest exclusively by the President.

The Special Prosecutor relies heavily upon *Clark v. United States*, 289 U.S. 1 (1933), to sustain his position, but that case is not to the contrary. *Clark* involved a prospective juror who on *voir dire* concealed facts and falsely swore in order to be accepted as a juror. Whatever privilege she might have possessed as a juror could "not apply where the relation giving birth to it was fraudulently begun or fraudulently continued. *Id*. at 14. It is questionable, of course, whether the privilege of a jury is at all comparable to the presidential communications privilege. In any event, the privilege discussed in *Clark* is designed to protect the deliberations of the entire jury and thus belongs to the jury as an entity. A single juror cannot waive the privilege for all other jurors and make public against their wishes the discussions that occurred in the secrecy of the jury room. A corollary of this principle is that, although a nonculpable juror properly may invoke the privilege, a juror who has abused the privileged relationship cannot assert the privilege to shield himself from criminal sanction if the remaining jurors wish to testify. There is not the slightest indication in *Clark* that the nonculpable jurors attempted to interpose their privilege to keep the jury deliberations secret. Thus *Clark* only decided that a juror who abuses the relationship which creates the privilege loses any privilege he otherwise might have possessed; such a juror may not validly interpose a privilege retained by nonculpable jurors who are willing to testify.

Footnotes at end of article.

Indeed, the anslogy of the attorney-client privilege referred to in *Clark*[117] supports the view that an innocent holder of a privilege does not lose it because of misconduct by another. The client, not the attorney, is the holder of that privilege and thus, as *Clark* states, "the loss of the privilege [does not] depend upon the showing of a conspiracy, upon proof that client and attorney are involved in equal guilt. The attorney may be innocent, and still the guilty client must let the truth come out." *Id*. at 15. By contrast, where the client is innocent, his privilege does not fail because of any misconduct by his attorney. The client cannot control the use to which his attorney puts information confided to him during the course of their relationship, but relies simply upon the attorney's sense of professional integrity. It would be manifestly unjust to penalize the ordinary client by exposing to public scrutiny the intimate details of his personal and financial life upon a *prima facie* showing that his attorney had utilized such information in an illegal enterprise. Similarly, possible abuse of the privileged relationship by advisers to the President cannot vitiate the privilege help by him alone to protect the integrity of the presidential deliberative process.

C. The impeachment clause and the possibility of presidential misconduct

Thus the Special Prosecutor's case finally rests upon a showing of probable cause to believe that the President himself was guilty of misconduct. However, the Special Prosecutor has never strongly urged the point, preferring to rest his case upon the showing of criminal involvement by those close to the President. Although we would be reluctant to consider a contention never directly pressed, our greater reluctance is premised more fundamentally upon the ground that such a determination at this stage of the proceedings is constitutionally inhibited. We state here not a firm conclusion, but one of sufficient merit to circumscribe judicial inquiry. The constitutional inhibition essentially derives from implications inherent in the Impeachment Clause:

> "Juudgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law." U.S. CONST. art. I, § 3 ¶ 7. And, of course, a President may be removed from office only upon impeachment. *Id*., art. II, § 4.

Our starting point is the proposition that a President is subject to the criminal laws, but only after he has been impeached by the House and convicted by the Senate and thus removed from office. The contemporaneous views of the Framers clearly supports the view that all aspects of criminal prosecution of a President must follow impeachment. For example, Gouveneur Morris stated during the debates on impeachment that:

> "A conclusive reason for making the Senate instead of the Supreme Court the Judge of impeachments, was that the latter was to try the President *after* the trial of the impeachment." 2 FARRAND, RECORDS OF THE FEDERAL CONVENTION 500 (rev. ed. 1966) (emphasis added). And Alexander Hamilton in the Federalist Papers twice reiterated the proposition that removal from office must precede any form of criminal process against an incumbent President:

> "The punishment which may be the consequence of conviction upon impeachment, is not to terminate the chastisement of the offender. *After* having been sentenced to a perpetual ostracism from the esteem and confidence, and honors and emoluments of his country, he will still be liable to prosecution and punishment in the ordinary course of law." The FEDERALIST No. 65, at 426 (Modern Library ed. 1937).

> "The President of the United States would be liable to be impeached, tried, and, upon conviction of treason, bribery, or other high crimes or misdemeanors, removed from office; and would *afterwards* be liable to prosecution and punishment in the ordinary course of law." THE FEDERALIST No. 69, at 446 (Modern Library ed. 1937).

A modern commentstor similarly argues that the Impeachment Clause "sharply separates removal from office from subsequent punishment after indictment. . . . Removal would enable the government to replace an unfit officer with a proper person, leaving 'punishment' to a later and separate proceeding, if indeed the impeachable offense were thus punishable." BERGER, IMPEACHMENT: THE CONSTITUTIONAL PROBLEMS 79 (1973). *See generally* authorities collected in Brief for Petitioner at 17–26.

Sound policy reasons preclude criminal prosecution until after a President has been impeached and convicted. To indict and prosecute a President, or to arrest him before trial, would be constructively and effectively to remove him from office, an action prohibited by the Impeachment Clause. A President must remain free to travel, to meet, confer and act on a continual basis and be unimpeded in the discharge of his constitutional duties. The real intent of the Impeachment Clause, then, is to guarantee that the President always will be available to fulfill his constitutional duties.

Finally, having established that criminal prosecution of an incumbent President must follow impeachment, we come to the reasons this court cannot consider questions of presidential guilt, at least at this stage of the proceedings. Counsel for the President seem to place their argument upon the irrelevance of presidential guilt to the grand jury because of its inability to indict the President:[118]

> ". . . there seems to be a suggestion at pages 19–22 of the Opinion [below] that an otherwise valid claim of privilege by the President would be overridden if the evidence sought would show that the President himself had been guilty of a crime. But if there were such evidence of crime against an incumbent President—and there is none in this case—it could not be relevant to the work of a grand jury or of the District Court because of the inability to indict a President prior to impeachment."

This is an insufficient reason, however, since evidence of presidential involvement in a criminal conspiracy might be relevant to establish the case against his advisors.[119] We prefer to rely upon a discrete, but closely related proposition. That is, that a judicial determination of a *prima facie* case against the President and a grand jury determination of whether or not to indict are sufficiently comparable in the impeachment context so that if one is constitutionally prohibited, the other must be also, for each is a finding that it is probable that the President has committed a crime. There is a distinction, of course, in that an indictment initiates actual criminal prosecution, but this is not a dispositive distinction; a judicial determination that it is more probable than not that the President himself is guilty of criminal activity would just as effectively disable a President in the discharge of his constitutional duties. The courts cannot properly, in effect, *ex cathedra* stamp their own imprimatur of guilt upon an incumbent President, if to do so would vitiate the sound judgment of the Framers that a President must possess the continuous and undiminished capacity to fulfill his constitutional obligations. In my opinion such a judicial determinstion of the probability of presidential guilt would have just such an effect. For these reasons, a court should not directly confront an only obliquely urged assertion of a *prima facie* case against an incumbent President.

D. Prior testimony by presidential advisors does not require disclosure of the tape recordings

The Special Prosecutor contends that whatever privilege the President may have possessed has been waived by the President's statement on May 22, 1973 allowing testimony by his counsel and aides.[120] He argues that a distinction between tape recodings and testimony would be "an intolerable distinction [because] [c]onfidentiality no longer exists in any real sense."[121]

As a starting point, the privilege has not been waived at least as to any matters not already testified to by his advisers. The confidentiality surrounding as yet undisclosed conversations has not been impaired. As to those portions of the tape recordings that have been the subject of testimony before the Senate Investigating Committee, the resolution of the waiver issue is more complex, but the answer appears equally clear. There has been no waiver. This conclusion rests upon three factors: the strict standards applied to privileges of this nature to determine waiver; the distinction between oral testimony and tape recordings; and, most important, considerations of public policy that argue persuasively for a privilege that permits the Chief Executive to disclose information on topics of national concern without decimating entirely his right and duty to withhold that which properly ought to be withheld in the public interest.

The determination of whether the President has waived his privilege does not depend upon whether it is purely one of constitutional dimensions, only an evidentiary privilege or one that partakes of attributes of both. For, whatever its source, the privilege is sufficiently essential to the effective functioning of the Presidency to require that the standards employed to determine its waiver be as rigorous as those applied to protect constitutional rights generally.

This simply recognizes that the present and future ability of Presidents effectively to discharge their constitutional duties is as fundamental to our democratic form of government as are the rights guaranteed by the Constitution to each individual. It is well established in the law that the presumption is against waiver of fundamental or constitutional rights. Indeed, "courts indulge every reasonable presumption against waiver" of such rights. *Johnson v. Zerbst*, 304 U.S. 458, 464 (1938); *Aetna Inc. Co. v. Kennedy*, 301 U.S. 389 (1937); *Hodges v. Easton*, 106 U.S. 408 (1882). Thus a heavy burden must be met by the Special Prosecutor to establish waiver in this case.

In *Reynolds* the Supreme Court indicated that at least some of the significance attached to the fifth amendment privilege against self-incrimination applied as well to the military or state secrets privilege. The adoption in *Reynolds* of similarly stringent procedures to establish a valid invocation of the privilege implicitly recognized that the two privileges are of equal significance in our governmental system.[122] While counsel for the President are not entirely correct in their assertion that *Reynolds* is dispositive of the waiver issue here,[123] that case nonetheless suggests a helpful framework for analysis. Suppose in that case the Government was willing to permit testimony not only as to non-classified matters, but also as to general descriptions of classified matters. Such an offer could not be construed as a waiver of the Government's privilege to refuse to produce the specifications and blueprints of the secret military technology there in question.[124]

Similarly, in this case there exists a valid and tenable distinction between testimony and tape recordings. Confidentiality is composed of many elements and the difference in degree between allowing generalized, selec-

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tive testimony and the recordings themselves is sufficiently great to constitute a difference in kind. Counsel for the President have well stated that distinction:

"Recordings are the raw material of life. By their very nature they contain spontaneous, informal tentative, and frequently pungent comments on a variety of subjects inextricably intertwined into one conversation."[135]

The distinction between testimony and tape recordings is not drawn for the purpose of preserving the right, in itself, of public officials to speak pungently and bluntly. Rather, what is sought to be preserved are the qualities of directness and candor that flow from discussions where it is unnecessary for the participants to dissemble, to seek the felicitous phrase or to be concerned about interpretations that may be skewed if heard by an unfriendly audience. Failure to recognize the distinction between testimony and recordings here would impede, rather than promote, open and frank discussions. Thus a waiver as to testimony cannot be construed as a waiver of the right to withhold the tape recordings.[136]

The proper resolution of the waiver issue depends more fundamentally, however, upon a reasoned compromise between two clear and well-established principles that sustain the efficacy of democratic government in modern times. That is, the general right and need of the public to be well informed, and the imperative need of government to maintain secrecy and confidentiality in certain situations.[137] Although seemingly antagonistic, both principles emerge from, and are but the recognized end result of, that determination ever present in the law: "Where lies the public interest?" The continued vitality of these two principles perforce demands that any rule on waiver of presidential privilege be formulated to, at once, preserve the privilege to the greatest extent consistent with the public interest and promote as full disclosure by high public officers as possible. In this case that goal would best be achieved by holding that the privilege has not been waived. The policy favoring openness of government dictates that a President should be able to disclose certain selected information relevant to topics of national concern and to permit testimony by subordinate executive officers on such topics, without being compelled to make a complete disclosure of that which is essential properly to maintain the confidentiality and integrity of advice and information furnished to the Presidency.[138]

The majority prefers not to confront this problem directly, but merges what is essentially a question of waiver into its initial balancing process to determine that the need to preserve confidentiality in this case is lessened. Having done this, the majority then strikes the balance against presidential privilege. But this does not resolve the dilemma posed. Whether future Presidents perceive the question of partial disclosure to enter at the balancing stage or as a waiver determination, they will be reluctant partially to disclose information if such disclosure would, under either mode of analysis, increase the probability of compelled full disclosure. The strong public interest in preserving this latitude for future Presidents requires a finding that on the facts presented in this case executive privilege has not been waived.

V. CONCLUSION

For the reasons above stated it is my conclusion that the presidential communications privilege may be exercised to decline to produce the recordings, and that this privilege has not been waived. I would thus enter judgment accordingly in all cases.

If this rule were recognized, the President would then be free voluntarily to type up a transcript of the recordings that are the subject of this litigation and present it to the grand jury with the material deleted that he considers confidential. He could explain the deleted matter.[139] As to the deleted material the President's action would be submitted to the test of public opinion and eventually, when the tapes are released for posterity, to the test of history.

FOOTNOTES

[1] Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579 (1952).

[2] *Id.* at 594–96 (Frankfurter, J., concurring).

[3] United States v. Arredondo, 31 U.S. (6 Pet.) 691, 714 (1832).

[4] Inland Waterways v. Young, 309 U.S. 517, 525 (1940).

[5] Cohens v. Virginia, 19 U.S. (6 Wheat.) 264, 418–19 (1821); Martin v. Hunter's Lessee, 14 U.S. (1 Wheat.) 304, 350 (1816). *Martin v. Hunter's Lessee, supra*, established the power of the Supreme Court to review state court decisions in civil cases. Later, in the decision upholding the court's power to review state criminal decisions, Chief Justice Marshall pointedly remarked:

"This concurrence of statesmen, of legislators and judges, in the same construction of the Constitution, may justly inspire some confidence in that construction." Cohens v. Virginia, *supra*, at 419.

Other important constitutional decisions evidence Supreme Court reliance upon custom and usage. *Cooley v. Board of Wardens*, 53 U.S. (12 How.) 298 (1851), involved the constitutionality of a state law which required vessels to take a pilot in certain waters. In finding that the law did not violate the Constitution, the Court relied upon the existence of such state laws since the adoption of the Constitution and the fact that "similar laws have existed and been practiced in the states since the adoption of the federal Constitution," and that Congress in its legislative acts had recognized the existence of such laws. This contemporaneous construction was held to be entitled to great weight. *Id.* at 315.

In *Stuart v. Laird*, 5 U.S. (1 Cranch) 299 (1803), the court relied upon contemporaneous construction of the Constitution, followed by practice and acquiescence, in affirming Congress' power to authorize Supreme Court Justices to sit as circuit judges without receiving additional commissions. This usage was held to be of the "most forcible nature" and "too strong and obstinate to be shaken or controlled." *Id.* at 309.

[6] United States v. Midwest Oil Co., 236 U.S. 459, 472–73 (1915).

[7] *See* pp. 15–17 *infra*.

[8] N.Y. Times, Sept. 3, 1948, at 5. The Truman Memorandum consists of 102 pages and the original now rests in the Harry S. Truman Library at Independence, Missouri.

Résumé and Conclusions

A bird's-eye view of the refusals by seventeen of our Presidents, and their heads of departments, to comply with congressional requests for information and papers from the Executive, beginning with 1796 to the present time, follows (In the bird's-eye picture, reference is made to the refusals of Presidents Monroe, Fillmore, Lincoln, and Hayes [:] Monroe's refusal may be found in a message dated January 10, 1825, 2 Richardson, Messages and Papers of Presidents, p. 278' [*sic*] Fillmore's in 5 Richardson, p. 159; Lincoln's in 6 Richardson, p. 12, and the refusal in Hayes' administration is dealt with in 17 Cong. Rec. 2332 and 2618.):

President, Date, and Type of Information Refused.

George Washington, 1796, Instruction to U.S. Minister concerning Jay Treaty.

Thomas Jefferson, 1807, Confidential information and letters relating to Burr's conspiracy.

James Monroe, 1825, Documents relating to conduct of naval officers.

Andrew Jackson, 1833, Copy of paper read by President to heads of departments relating to removal of bank deposits.

1835, Copies of charges against removed public official.

List of all appointments made without Senate's consent, since 1829, and those receiving salaries, without holding office.

John Tyler, 1842, Names of Members of 26th and 27th Congresses who applied for office.

1843, Report to War Department dealing with alleged frauds practiced on Indians, and Col. Hitchcock's views of personal characters of Indian delegates.

James K. Polk, 1846, Evidence of payments made through State Department, on President's certificates, by prior administration.

Millard Fillmore, 1852, Official information concerning proposition made by King of Sandwich Islands to transfer islands to U.S.

James Buchanan 1860, Message of Protest to House against Resolution to investigate attempts by Executive to influence legislation.

Abraham Lincoln, 1861, Dispatches of Major Anderson to the War Department concerning defense of Fort Sumter.

Ulysses S. Grant, 1876, Information concerning executive acts performed away from Capitol.

Rutherford B. Hayes, 1877, Secretary of Treasury refused to answer questions and to produce papers concerning reasons for nomination of Theodore Roosevelt as Collector of Port of New York.

Grover Cleveland, 1886, Documents relating to suspension and removal of Federal officials.

Theodore Roosevelt, 1909, Attorney General's reasons for failure to prosecute U.S. Steel Corporation.

Documents of Bureau of Corporations, Department of Commerce.

Calvin Coolidge, 1924, List of companies in which Secretary of Treasury Mellon was interested.

Herbert Hoover, 1930, Telegrams and letters leading up to London Naval Treaty.

1932, Testimony and documents concerning investigation made by Treasury Department.

Franklin D. Roosevelt, 1941, Federal Bureau of Investigation reports.

1943, Director, Bureau of the Budget, refused to testify and to produce files.

1943, Chairman, Federal Communications Commission, and Board of War Communications refused records.

1943, General Counsel, Federal Communications Commission, refused to produce records.

1943, Secretaries of War and Navy refused to furuish documents, and permission for Army and Naval officers to testify.

1944, J. Edgar Hoover refused to give testimony and to produce President's directive.

President Truman, 1945, Issued directions to heads of executive departments to permit officers and employees to give information to Pearl Harbor Committee.

President's directive did not include any files or written material.

1947, Civil Service Commission records concerning applicants for positions. Truman Memorandum at 44a, b, c (1948).

[10] 3 ANNALS OF CONGRESS 493.

[11] 1 WRITINGS OF THOMAS JEFFERSON 303–04 (1905).

[12] BRINKLEY, PRESIDENT AND CONGRESS 441 (1947), in Truman Memorandum at 6.

[13] 1 RICHARDSON, "MESSAGES AND PAPERS OF THE PRESIDENTS" 412 (1807); in Truman Memorandum at 8.

[14] Truman Memorandum at 9.

[15] C. Warren, *Presidential Declaration Of Independence*, 10 B.U.L.REV. 11, 12 (1930); 13 CONG. DEB. Part 2, App. at 202 (1837).

[16] 3 HIND'S PRECEDENTS 181 (1907).

[17] *Id.* at 182.

[18] IV RICHARDSON, *supra* note 13, at 433.

[19] *Id.*, Vol. V, at 618–19.

[20] *Id.*, Vol. VII, at 362.

[21] *See* Senate Miscellaneous Documents, Vol. 7, 52nd Cong., 2d Sess. 232–72; Truman Memorandum at 21.

[22] GROVER CLEVELAND, PRESIDENTIAL PROBLEMS 63–64.

[23] 43 CONG. REC. 527–28 (1909).

[24] 65 CONG. REC. 6087, 6108 (1924).

[25] 72 CONG. REC. 12029 (1930).

[26] 40 OPS. ATT'Y GEN. No. 8, April 30, 1941.

[27] Truman Memorandum at 33.

[28] Letter of January 22, 1944, Francis Biddle, Attorney General.

[29] Truman Memorandum at 39–40.

[30] N.Y. Times, May 18, 1954, at 24 (Attorney General Brownell's Memorandum).

[31] N.Y. Times, May 18, 1954, at 1, 24. An extensive memorandum by Attorney General Herbert Brownell recites numerous instances where outstanding Presidents had refused congressional demands for confidential information and papers. These included Presidents Washington, Jefferson, Jackson, Tyler, Buchanan, Grant, Cleveland, Theodore Roosevelt, Coolidge, Hoover, Franklin D. Roosevelt and Truman. N.Y. Times, May 18, 1954, at 24.

[32] The Act of Jan. 24, 1857 provided:

CHAP. XIX.—*An Act more effectually to enforce the Attendance of Witnesses on the Summons of either House of Congress, and to compel them to discover Testimony.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That any person summoned as a witness by the authority of either House of Congress to give testimony or to produce papers upon any matter before either House, or any committee of either House of Congress, who shall wilfully make default, or who, appearing, shall refuse to answer any question pertinent to the matter of inquiry in consideration before the House or committee by which he shall be examined, shall in addition to the pains and penalties now existing, be liable to indictment as and for a misdemeanor, in any court of the United States having jurisdiction thereof, and on conviction, shall pay a fine not exceeding one thousand dollars and not less than one hundred dollars, and suffer imprisonment in the common jail not less than one month nor more than twelve months.

* * * * *

SEC. 3. *And be it further enacted*, That when a witness shall fail to testify, as provided in the previous sections of this act, and the facts shall be reported to the House, it shall be the duty of the Speaker of the House or the President of the Senate to certify the fact under the seal of the House or Senate to the district attorney for the District of Columbia, whose duty it shall be to bring the matter before the grand jury for their action.

APPROVED, January 24, 1857. 11 STAT. 155.

[33] *See* Jurney v. McCracken, 294 U.S. 125, 151 (1935). 2 U.S.C. § 192 (1970) provides the present authority:

§ 192. Refusal of witness to testify or produce papers.

Every person who having been summoned as a witness by the authority of either House of Congress to give testimony or to produce papers upon any matter under inquiry before either House, or any joint committee established by a joint or concurrent resolution of the two Houses of Congress, or any committee of either House of Congress, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the question under inquiry, shall be deemed guilty of a misdemeanor, punishable by a fine of not more than $1,000 nor less than $100 and imprisonment in a common jail for not less than one month nor more than twelve months. (R. S. § 102; June 22, 1938, ch. 594, 52 Stat. 942.)

[34] 103 U.S. 168 (1880).

[35] *Id.* at 190.

[36] 3 HINDS' PRECEDENTS § 2663, at 1112 (1907).

[37] *Id.*

[38] *Id.* § 2663, at 1113.

[39] *Id.* at 1112–14.

[40] 14 CONG. REC. 1525 (1876).

[41] 6 CANNON'S PRECEDENTS § 586, at 825 (1936).

[42] — U.S.App.D.C. —, — F.2d — (Nos. 24,279, 24,412 & 71–2034, August 30, 1973).

[43] 116 CONG. REC. 36481 (1970) (emphasis added).

[44] Transcript of testimony of Julien G. Sourwine, Nov. 18, 1970, at 16, United States Servicemen's Fund v. Eastland, Civil Action No. 1474070 (D.D.C., Oct. 21, 1971).

[45] *Id.*

[46] *Id.*

[47] New York Times v. United States, 403 U.S. 713, 752 n.3 (1971) (Burger, C.J., dissenting).

[48] 5 U.S.C. § 552(b), (c) (1970).

[49] Soucie v. David, 145 U.S.App.D.C. 144, 157, 448 F.2d 1067, 1080 (1971) (Wilkey, J., concurring). Writing for the court in *Soucie*, Chief Judge Bazelon recognized that disclosure of information under the Freedom of Information Act was not to harm specific governmental interests:

"The touchstone of any proceeding under the Act must be the clear legislative intent to assure public access to all governmental records whose disclosure would not significantly harm specific governmental interests." Soucie v. David, *supra* at 157, 448 F.2d at 1080.

[50] Brief for Petitioner at 32–33.

[51] 14 F.R.D. 335 (1953).

[52] *Id.* at 336.

[53] It is an interesting footnote to history that the Justice Department, headed by then Attorney General John N. Mitchell, furnished the investigatory material in its possession to Chief Justice Earl Warren but resisted congressional demands for full disclosure of its information in the Fortas controversy. N.Y. Times, May 16, 1969, at 1, col. 2.

[54] N.Y. Times, May 18, 1969, at 1, col. 3 (emphasis added).

[55] Per Curiam opinion at 30.

[56] 345 U.S. 1 (1953).

[57] *Id.* at 11.

[58] *Id.*

[59] *See, e.g.*, EPA v. Mink, 410 U.S. 73, 87 (1973); New York Times Co. v. United States, 403 U.S. 713, 752 n.3 (1971) (Burger, C.J., dissenting); Carl Zeiss Stiftung v. V.E.B. Carl Zeiss, Jena, 40 F.R.D. 318, 324–26 (D.D.C. 1966), *aff'd on the opinion below*, 128 U.S. App. D.C. 10, 384 F. 2d 979, *cert. denied*, 389 U.S. 952 (1967); 5 U.S.C. § 552(b)(5) (1970) (Freedom of Information Act); Bishop, *The Executive's Right of Privacy: An Unresolved Constitutional Question*, 66 Yale L.J. 477, 487 (1957).

[60] Per Curiam opinion at 30–31, *quoting* Committee for Nuclear Responsibility, Inc. v. Seaborg, 149 U.S. App. D.C. 385, 391, 463 F. 2d 788, 794 (1971).

[61] 14 U.S. (1 Wheat.) 304, 344–45 (1816). *See also* Bishop, *supra* note 59, at 488.

"The plain and short answer to this is that neither can there be a menace to constitutional government by an executive which has to go to Congress for every cent it spends, which has no power by itself to raise and maintain armed forces and which cannot jail its citizens except under a law passed by Congress and after proceedings presided over by an independent judiciary. These are the factors that make the essential difference between an American President and Big Brother. . . ." *Id.*

EPA v. Mink, 410 U.S. 73 (1973), involved nine documents whose production was sought under the Freedom of Information Act of 1966. 5 U.S.C. § 552 (1970). Six of those documents were held absolutely privileged and were exempt even from *in camera* inspection under Exemption 1 of the Act simply upon their classification by Executive order as military or state secrets.

Thus the vesting of absolute discretion in the President is nothing new. The Congress had sufficient faith in the Presidency to do so under Exemption 1:

"[The legislative history] makes wholly untenable any claim that the Act intended to subject the soundness of executive security classifications to judicial review at the insistence of any objecting citizen. It also negates the proposition that Exemption 1 authorizes or permits *in camera* inspection of a contested document bearing a single classification so that the court may separate the secret from the supposedly nonsecret and order disclosure of the latter." 410 U.S. at 84. Indeed, that faith was redeemed when the President instituted new procedures more consistent with the policy underlying the FOIA to insure that only specific documents or portions thereof were classified Secret or Top Secret. *Id.* at 102–03.

The three documents not within Exemption 1 apparently were not even direct communications to the President, as is the case here, but were actually transmitted to a Mr. Irwin, Chairman of the "Under Secretaries Committee." *Id.* at 76 n. 3. *Mink* also held that the deliberative portions of the documents, as distinguished from the purely factual portions, were privileged and that if the privileged were inextricably intermixed with the unprivileged materials, then neither was to be produced. *Id.* at 91.

[62] Pub. L. No. 373, 69 Stat. 695 (Aug. 12, 1955) (now 44 U.S.C. §§ 2101, 2107, 2108).

[63] 44 U.S.C. § 2101 (1970).

[64] *Id.* § 2107(1).

[65] Letter from President Eisenhower to Administrator of General Services, April 13, 1960; Agreement of February 25, 1965, between Mrs. Jacqueline B. Kennedy and the United States; Letter from President Johnson to the Administrator of General Services, August 13, 1965.

[66] *See e.g.*, Nader v. Butz, Civil Action No. 148–72 (D.D.C., Aug. 1, 1973), *appeal docketed*, No. 73–1935, D.C. Cir., Aug. 15, 1973.

[67] *See* pp. 17–25 *supra*.

Concurring in *Youngstown Sheet & Tube Co.*, Justice Frankfurter opined:

It ought to be, but apparently is not, a matter of common understanding that clashes between different branches of the government should be avoided if a legal ground of less explosive potentialities is properly available. Constitutional adjudications are apt by exposing differences to exacerbate them.

Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 595 (1952) (Frankfurter, J., concurring). This was the result in the recent Pentagon Papers case, New York Times v. United States, 403 U.S. 713 (1971). There both sides lost. The newspaper lost in its attempt to have a wider privilege upheld for the press, and the Government lost in its attempt to block the publication of most of the papers. If the President's claim here is denied, the Congress and the Judiciary may find that such precedent will be used as the authority for each of them at the behest of the other to lose substantial portions of their presently asserted independence.

[68] *E.g.*, Committee for Nuclear Responsibility, Inc. v. Seaborg, 149 U.S. App. D.C. 385, 463 F. 2d 788 (1971); Kaiser Aluminum & Chemical Corp. v. United States, 157 F. Supp. 939 (Ct. Cl. 1958); *see* 8 WRIGHT & MILLER, FEDERAL PRACTICE AND PROCEDURE § 2019, at 167–75 (1970).

[69] *E.g.*, Kaiser Aluminum & Chemical Corp. v. United States, 157 F. Supp. 939, 947 (Ct. Cl. 1958); *see* PROPOSED FED. RULES OF EVIDENCE, Rule 509, Comment (a)(2) (Feb. 1973).

[70] *See generally* Kendall v. United States, 37 U.S. (12 Pet.) 524, 610 (1838).

Distinguishing the Presidency from lesser executive agencies does not establish a "Fourth Branch" of government. This distinction merely recognizes the practical realities of the government's operation. Our "living Constitution" and the general separation of powers concept it embodies do not mandate a decision which blindly applies the

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same privilege to the entire executive branch. It is unnecessary at this time to decide whether the absolute privilege should extend beyond the President to protect cabinet officers and other high executive officials.

[71] 408 U.S. 606 (1972).

[72] *Id.* at 627; *see* United States v. Doe, 455 F. 2d 753, 760–61 (1st Cir. 1972), *vacated & remanded sub nom.* Gravel v. United States, 408 U.S. 606 (1972).

[73] 408 U.S. at 627.

[74] *See* Barr v. Matteo, 360 U.S. 564 (1959); Gregoire v. Biddle, 177 F.2d 579 (2d Cir. 1949).

[75] *See* notes 68–69 *supra* and accompanying text.

[76] The official immunity doctrine . . . confers immunity on government officials of suitable rank for reason that "officials of government should be free to exercise their duties unembarrassed by the fear of damage suits in respect to acts done in the course of those duties—suits which would consume time and energies which would otherwise be devoted to governmental service and the threat of which might appreciably inhibit the fearless, vigorous, and effective administration of policies of government." Doe v. McMillan, 93 S. Ct. 2018, 2028 (1973), *quoting* Barr v. Matteo, 360 U.S. 564, 571 (1959).

[77] 25 F. Cas. 30 (No. 14,692d) (Marshall, Circuit Justice, 1607); *id.* at 187 (No. 14,694).

[78] The Per Curiam opinion states, "We think the *Burr* case makes clear that application of Executive privilege depends on a weighing of the public interest protected by the privilege against the public interests that would be served by disclosure in a particular case." Per Curiam opinion at 28.

[79] 25 F. Cas. at 36 (No. 14,692d).

[80] 25 F. Cas. at 191, 192 (No. 14,694).

Other important decisions also recognize the strength of assertions of privilege by Presidents and cabinet officers. In *United States* v. *Cooper*, a prosecution charging the publication of a libel against the President, Justice Chase, a colleague of Chief Justice Marshall, "refused to permit a subpoena to issue directed to the president of the United States." 25 F. Cas. 631, 633 (No. 14,865) (Chase, Circuit Justice, 1800).

Later, during the trial in *Marbury* v. *Madison*, when a question arose as to whether the Attorney General, who had been acting as Secretary of State during the period relevant to the trial, should answer as to facts which came to his knowledge through his official capacity, Chief Justice Marshall stated:

"There was nothing confidential required to be disclosed. If there has been he was not obliged to answer it; and if he thought that any thing was communicated to him in confidence he was not bound to disclose it." 5 U.S. (1 Cranch) 137, 144 (1803).

[81] It does not even appear to the court that the President does object to the production of any part of this letter. The objection, and the reasons in support of the objection, proceed from the attorney himself, and are not understood to emanate from the president. 25 F. Cas. at 192 (No. 14,694).

[82] *Id.* at 193.

[83] The incident had other overtones of interest to historians, some of whom appear to have different versions. *See* 3 BEVERIDGE, THE LIFE OF JOHN MARSHALL 518–22 (1919); ROSSITER, THE AMERICAN PRESIDENCY 70 (1956); Berger, *Executive Privilege* v. *Congressional* Inquiry, 12 U.C.L.A.L. REC. 1043, 1107 (1965).

The case presently under discussion was the misdemeanor trial of Aaron Burr. There are conflicting claims as to whether President Jefferson ever complied with a subpoena in the earlier treason case against Burr. Professor Corwin states that "Jefferson when President [refused] to respond to Chief Justice Marshall's subpoena in Aaron Burr's trial for treason." CORWIN, THE PRESIDENT—OFFICE AND POWERS, 1787–1957, at 113 (1957).

[84] U.S. CONST. amend. VI.

The eighth amendment [*sic*] to the constitution gives to the accused, "in all criminal prosecutions, a right to a speedy and public trial, and to compulsory process for obtaining witnesses in his favor." 25 F. Cas. at 33 (No 14,692d). This right includes the right to compel production of papers in a witness' possession. *Id.* at 34.

[85] Chief Justice Marshall distinguished the power to issue a subpoena from the power to compel obedience to it:

"If, then, as is admitted by the counsel for the United States, a subpoena may issue to the president, the accused is entitled to it of course; and whatever difference may exist with respect to the power to compel the same obedience to the process, as if it had been directed to a private citizen, there exists no difference with respect to the right to obtain it. The guard, furnished to this high officer, to protect him from being harassed by vexatious and unnecessary subpoenas, is to be looked for in the conduct of a court after those subpoenas have issued; not in any circumstance which may precede their being issued." 25 F. Cas. at 34 (No. 11,692d). This passage reflects Marshall's understanding that the mere issuance of a subpoena to a person does not necessarily mean that the isssuance is proper or that the individual to whom it is directed is required to comply in all circumstances. However, the "guard" to which Marshall refers in the quoted passage is never definitively explained in the opinion.

[86] 25 F. Cas. at 192 (No. 14,694).

[87] Perhaps the court ought to consider the reasons which would induce the President to refuse to exhibit such a letter as conclusive on it, unless such letter could be shown to be absolutely necessary in the defense. The President may himself state the particular reasons which may have induced him to withhold a paper, and the court would unquestionably allow their full force to those reasons. At the same time, the court could not refuse to pay proper attention to the affidavit of the accused. But on objections being made by the President to the production of a paper, the court would not proceed further in the case without such an affidavit as would clearly shew the paper to be essential to the justice of the case. On the present occasion the court would willingly hear further testimony on the materiality of the paper required, but that is not offered. *Id.*

[88] Branzburg v. Hayes, 408 U.S. 665, 688 (1972).

It can be argued that the fifth amendment guarantee of indictment by a grand jury presents considerations of fairness that are comparable to the sixth amendment right involved in the *Burr* case. The function of a grand jury is not only to indict the guilty, but also to shield innocent persons from prosecution, *id.* at 686–87, and the inability of a grand jury to obtain privileged information might result in the indictment of innocent persons. But in my opinion the inherent strength of the grand jury process affords sufficient protection against indictment of innocent persons where the grand jury believes that exculpatory evidence has been wrongfully withheld.

[89] Under certain circumstances, the Government's unwillingness to disclose relevant evidence may result in dismissal of the indictment. *See, e.g.,* Alderman v. United States, 394 U.S. 165, 184 (1969) (illegal electronic surveillance); Brady v. Maryland, 373 U.S. 83, 87 (1963) (favorable and material evidence); Roviaro v. United States, 353 U.S. 53, 61 (1957) (identity of material witness); 18 U.S.C. § 3500 (1970) (Jencks Act). Although the Chief Executive ordinarily retains ultimate control over criminal prosecutions by the United States, a Special Prosecutor has been appointed to conduct the prosecutions related to this case. This unique division of authority within the executive branch may distinguish the cases cited above. *See generally* United States v. Eley, 335 F. Supp. 353, 358 (N.D. Ga. 1972). Since the issue is not squarely presented in the present case, I express no view on its proper resolution.

[90] James Wilson was an advocate of a strong executive. Early in the Constitutional Convention on June 1, 1787, "Mr. Wilson moved that the Executive consist of a single person. . . . Mr. Wilson preferred a single magistrate, as giving most energy, dispatch and responsibility to the office." 1 FARRAND, RECORDS OF THE FEDERAL CONVENTION 67 (1966). He was a member of the Continental Congress, a signer of the Declartion of Independence, and an associate justice of the United States Supreme Court, appointed by Washington in 1789.

As a constructive statesman Wilson had no superior in the Federal Convention of 1787. He favored the independence of the executive, legislative and judicial departments, the supremacy of the Federal Government over the State Governments, and the election of senators as well as representatives by the people, and was opposed to the election of the President or the judges by Congress. His political philosophy was based upon implicit confidence in the people, and he strove for such provisions as he thought would best guarantee a government by the people. Together with Gouverneur Morris he wrote the final draft of the Constitution and afterwards pronounced it "the best form of government which has ever been offered to the world." In the Pennsylvania ratification convention (November 21 to December 15, 1787) he was the constitution's principal defender. 23 ENCYLOPEDIA BRITANNICA 632 (1954).

[91] U.S. CONST. art. I, § 7.

[92] *Id.*, art. II, § 2.

[93] Marbury v. Madison, 5 U.S. (1 Cranch) 137 (1803).

[94] Indeed, *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579 (1952), stands for nothing more than this. There, the seizure of the steel mills constituted the "final action" which the Supreme Court held unconstitutional and ordered undone. The Court, however, did not inquire into the decisional process or the wisdom of the decision in terms of military necessity—it simply held that the act of seizure was unconstitutional. We fully agree that this was a legitimate check on an unconstitutional final action.

[95] Levine v. United States, 362 U.S. 610, 617 (1960).

A grand jury is clothed with great independence in many areas, but it remains an appendage of the court, powerless to perform its investigative function without the court's aid, because powerless itself to compel the testimony of witnesses. It is the court's process which summons the witness to attend and give testimony, and it is the court which must compel a witness to testify if, after appearing, he refuses to do so. Brown v. United States, 359 U.S. 41, 49 (1959).

[96] *See* note 109 *infra*. *See generally* notes 109–112 *infra* and accompanying text.

[97] *See* note 94, *supra*. The fact that the final decision to prosecute or not to prosecute is not ministerial, but purely discretionary and thus not subject to judicial review is, at the least, irrelevant, and at the most, a factor that further strengthens the separation of powers argument in this particular case.

[98] In re Grand Jury Subpoena Duces Tecum issued to Richard Nixon, etc., Misc. No. 47–73, at 11 (D.D.C., Aug. 29, 1973).

[99] 345 U.S. 1 (1953).

[100] *Id.* at 7–11.

[101] The courts frequently have applied the *Reynolds* procedures to the Government's claims or privilege. E.g., Carter v. Carlson, 56 F.R.D. 9, 10 (D.D.C. 1972); Carl Zeiss Stiftung v. V.E.B. Carl Zeiss, Jena, 40 F.R.D. 318, 326–27 n.33 (D.D.C. 1966), *aff'd on the opinion below*, 128 U.S. App. D.C. 10, 384 F.2d. 979, *cert. denied*, 389 U.S. U.S. 952 (1967).

[102] 345 U.S. at 7–8.

[103] On May 22, 1973, the President stated:

"Considering the number of persons involved in this case whose testimony might be subject to a claim of Executive privilege, I recognize that a clear definition of that claim has become central to the effort to arrive at the truth. Accordingly, Executive privilege will not be invoked as to any testimony concerning possible criminal conduct or discussions of possible criminal conduct, in the matters presently under investigation, including the Watergate affair and the alleged cover-up."

[104] Letter from President Nixon to Chief Judge Sirica, July 25, 1973:

THE WHITE HOUSE,
Washington, D.C., July 25, 1973.

DEAR JUDGE SIRICA: White House Counsel have received on my behalf a subpoena duces tecum issued out of the United States District Court for the District of Columbia on July 23rd at the request of Archibald Cox. The subpoena calls for me to produce for a Grand Jury certain tape recordings as well as certain specified documents. With the utmost respect for the court of which you are Chief Judge, and for the branch of government of which it is a part, I must decline to obey the command of that subpoena. In doing so I follow the example of a long line of my predecessors as President of the United States who have consistently adhered to the position that the President is not subject to compulsory process from the courts.

The independence of the three branches of our government is at the very heart of our Constitutional system. It would be wholly inadmissible for the President to seek to compel some particular action by the courts. It is equally inadmissible for the courts to seek to compel some particular action from the President.

That the President is not subject to compulsory process from the other branches of government does not mean, of course, that all information in the custody of the President must forever remain unavailable to the courts. Like all of my predecessors, I have always made relevant material available to the courts except in those rare instances when to do so would be inconsistent with the public interest. The principle that guides my actions in this regard was well stated by Attorney General Speed in 1865:

"Upon principles of public policy there are some kinds of evidence which the law excludes or dispenses with. * * * The official transactions between the heads of departments of the Government and their subordinate officers are, in general, treated as "privileged communications." The President of the United States, the heads of the great departments of the Government, and the Governors of the several States, it has been decided, are not bound to produce papers or disclose information communicated to them where, in their own judgment, the disclosures would, on public consideration, be inexpedient. These are familiar rules laid down by every author on the law of evidence."

A similar principle has been stated by many other Attorneys General, it has been recognized by the courts, and it has been acted upon by many Presidents.

In the light of that principle, I am voluntarily transmitting for the use of the Grand Jury the memorandum from W. Richard Howard to Bruce Kehrli in which they are interested as well as the described memoranda from Gordon Strachan to H. R. Haldeman. I have concluded, however, that it would be inconsistent with the public interest and with the Constitutional position of the Presidency to make available recordings of meetings and telephone conversations in which I was a participant and I must respectfully decline to do so.

Sincerely,

RICHARD NIXON.

[105] 345 U.S. at 8.

[106] *Id.* at 10.

[107] *See* notes 71–89 *supra* and accompanying text.

[108] 345 U.S. at 11 (emphasis added).

[109] United States v. Chemical Foundation, Inc., 272 U.S. 1, 14–15 (1926); *see* United States v. Crussell, 81 U.S. (14 Wall.) 1, 4 (1872); *cf.* NLRB v. Shawnee Industries, Inc., 333 F.2d 221, 225 (10th Cir. 1964); United States v. Washington, 233 F.2d 811, 816 (9th Cir. 1956).

[110] United States v. Burr, 25 F. Cas. 187, 192 (No. 14,694) (Marshall, Circuit Justice, 1807).

[111] U.S. CONST. art. II, § 3.

[112] The fact that some participants in the conversations were not Government officials does not divest the conversations of their official character. A President must be free to receive advice from both within and without the Government. Soucie v. David, 145 U.S. App. D.C. 144, 155 n.44, 448 F. 2d 1067, 1078 n.44 (1971).

[113] 345 U.S. at 10–11.

[114] *Id.* at 8.

[115] *Id.*

[116] Supplemental Brief of the United States at 19–30.

[117] 289 U.S. at 15.

[118] Brief of Petitioner at 20–21.

[119] For example, if only one adviser had conspired with the President to obstruct justice, it would be necessary to show presidential involvement to prosecute that adviser, since conspiracy requires at least two conspirators. Rogers v. United States, 340 U.S. 367, 375 (1951); United States v. Thomas, 468 F.2d 422, 424 (10th Cir. 1972); *see* 18 U.S.C. § 371 (1970).

The fact that an incumbent President may not be prosecuted because of the Impeachment Clause, however, might not preclude criminal prosecution of any co-conspirators. *Cf.* Rogers v. United States, *supra;* Feldstein v. United States, 429 F.2d 1092 (9th Cir.), *cert. denied,* 400 U.S. 920 (1970); Cross v. United States, 392 F.2d 360 (8th Cir. 1968).

[120] [E]xecutive privilege will not be invoked as to any *testimony* concerning possible criminal conduct or discussions of possible criminal conduct, in matters presently under investigation, including the Watergate affair and the alleged cover-up. Brief of United States, app. at 24 (emphasis added).

[121] Supplemental Brief of United States at 33.

[122] *See* notes 99–115 *supra* and accompanying text.

[123] Counsel for the President argue:

Indeed, the short answer to any claim of waiver with regard to the materials now sought may be found in *United States v. Reynolds*, 345 U.S. 1 (1953). In that case the United States refused to produce an Air Force investigation report of an airplane crash as well as written statements by the survivors of the crash. It offered to allow the survivors to give depositions and to testify as to all matters except those of a "classified nature." The Supreme Court sustained the claim of privilege with regard to the documents sought. The offer to allow the witnesses to testify, far from being a waiver of privilege as to the documents, was expressly relied on by the Supreme Court as a reason for upholding the claim of privilege. 345 U.S. at 11. Brief in Opposition in the District Court at 20.

The military secrets privilege asserted in *Reynolds* applied only to classified, non-privileged matter and thus the offer could not effect a waiver as to classified, privileged matter. The more interesting point, however, is that *Reynolds* held the entire document privileged, apparently recognizing the distinction between selective testimony and production of the document itself, and refused even to permit *in camera* inspection.

[124] Indeed, *Machin v. Zuchert,* 114 U.S. App. D.C. 335, 316 F.2d 336, *cert. denied,* 375 U.S. 896 (1963), extends beyond the limits of the suggested hypothetical. There, a private litigant, against a claim of executive privilege, sought an investigative report of an aircraft accident. He already had been permitted to see it briefly, although he could not copy it or make notes from it. In addition, the Secretary of the Air Force offered to provide a list of the names of witnesses and sent a "releasable summary" of the report to the litigant. *Id.* at 336, 337. There was never any speculation in the *Machin* decision that waiver of privilege resulted from such actions.

[125] Brief of Petitioner at 61.

[126] The Per Curiam opinion at 32 quotes *Lopez v. United States,* 373 U.S. 427, 439 (1963), for the proposition that "[t]here is 'no constitutional right to rely on possible flaws in the [witness's] memory. * * * [N]o other argument can justify excluding an accurate version of a conversation that the [witness] could testify to from memory.'" While this language nicely phrases their point, *Lopez* is unpersuasive in the context of this case. *Lopez* involved an Internal Revenue Agent who on the invitation of the defendant discussed defendant's tax return with him, during the course of which an attempt was made to bribe the agent. The agent then testified to this bribe at trial and the recordings of their conversations were introduced as corroborative evidence. The Court held that since the conduct of the conversations themselves did not violate the fourth amendment, neither did the "surreptitious seizure" of the conversations by recording them. Thus *Lopez* simply involved a question of the admissibility of certain corroborative evidence against a fourth amendment objection. Whether certain evidence is admissible and whether such evidence is in the first instance privileged and thus not subject to compulsory process are two different questions. A criminal confession is admissible but it may not be compelled absent waiver. Thus the question in the last analysis depends upon whether the President has waived his privilege and we conclude that he has not, principally on the policy grounds discussed at pp. 63–64 of this opinion.

[127] Of course, military and state secrets are only the most celebrated of these instances.

[128] On this point, Professor Alexander Bikel is persuasive:

"Again, the issue is not whether the President has waived his privilege to keep the tapes secret. To the extent that it exists and with respect to matter that it covers, I do not see how the privilege can be waived. Naturally, if a document or a tape is no longer confidential because it has been made public, it would be nonsense to claim that it is privileged, and nobody would trouble to subpoena it either, since it would be available.

"But nature and reason of the privilege are rather to repose in the President and in him alone the subjective judgment whether to maintain privacy or release information—and which, and how much, and when, and to whom. Far from being waived, the privilege, it seems to me, is as much exercised when information is released as when it is withheld." Bickel, *Wretched Tapes (cont.)*, N.Y. Times, August 15, 1973, at 33.

[129] This would accord with President Jefferson's action in the *Burr* case, *supra* note 82 and accompanying text, and with the following colloquy between Judge Wilkey and Professor Wright (Counsel for the President) at oral argument before this court:

Judge WILKEY. * * *

You recall, of course, that President Jefferson took the document, the Wilkinson letter, called for by the subpoena. He then deleted from the document those matters which he felt that needed to be confidential, shall we say secrets of State, and then with the deleted version sent an affidavit to the

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Prosecutor for lodging in the court as to what in summary, without revealing any secrets, the President had deleted and why. And then the exerpted [*sic*] letter was given with the affidavit to the court in answer to the subpoena.

President Jefferson never furnished the full letter.

Mr. WRIGHT. That's right.

Judge WILKEY. Now, why should not the President here exercise his privilege in regard to the tapes, deleting State secrets in the same way, but forwarding everything else, in the same way as President Jefferson?

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[L]et's add to that not only State secrets, but other matters of confidentiality, which neither of the parties concerned nor the public have any right to know, that would be dangerous to know at this time, in the President's own judgment.

And then why should he not send the rest of it for such use as the Prosecutor in [*sic*] the defense and the trial judge may deem relevant?

Mr. WRIGHT. That would seem to me not an untenable possibility.

Transcript of Proceedings, Sept. 11, 1973, at 102–03.

DISSENTING OPINION OF CIRCUIT JUDGE WILKEY

WILKEY, *Circuit Judge, dissenting.* * * * The critical issue on which I part company with my five colleagues is, in the shortest terms, *Who Decides?*

There is no issue as to the existence of Executive Branch privilege, and questions as to its scope and applicability to a given set of facts will be relatively easy to determine once the principal question is settled. The basic issue is *who decides* the scope and applicability of the Executive Branch privilege, the Judicial Branch or Executive Branch?

Throughout the *Per Curiam* this issue appears obfuscated; there is an effort to slide away from the square confrontation produced by the Judicial Branch ordering the Executive Branch to turn over records of private conversations in the Chief Executive's own office. The reluctance of my colleagues is understandable; no court has ever done this before. Even the great Chief Justice Marshall shied away from making a final order to the Chief Executive to produce the full text of correspondence, a final order which, if it had ever been issued, President Jefferson was fully prepared to ignore.[1]

The *Per Curiam* here never confronts the fundamental Constitutional question of separation of powers, but instead prefers to treat the case as if all were involved was a weighing and balancing of conflicting public interests. There *are* conflicting public interests involved, they must be carefully weighed, balanced, and appraised; the President says he has done just that. Therefore, the most fundamental, necessarily decisive issue is, Who Does the weighing and balancing of conflicting public interests? The District Judge or the President? The answer to this question necessarily involves the Constitutional question of separation of powers. But the whole line of reasoning, the whole line of authorities, relied on by the *Per Curiam* does not deal with the separation of powers issue at all.

I. THE DUAL ORIGIN OF THE PRIVILEGE ASSERTED

I respectfully submit that the errors in the *Per Curiam's* analysis stem from a frequent source of confusion, the failure to recognize and separate the two origins of the Executive Branch privilege: on the one hand, the common sense-common law privilege of confidentiality necessary in government administration, which has been partly codified in statutes such as the Freedom of Information Act; on the other hand, the origin of the privilege in the Constitutional principle of separation of powers. The answer to the overriding issue, Who Decides, and answers to all the subsidiary questions hinge upon the correct analysis of the nature and source of the privilege. Historical practice, by the Judiciary, the Congress, and the Executive, reflects implicitly the dual origin of the privilege of confidentiality asserted at one time or another by each Branch.

To understand the legal principles on which the *Per Curiam* relies, and why they cannot be decisive of this case, I propose first to discuss the nature of the common sense-common law origin of governmental privilege. To understand the legal principles on which this case, in my opinion, necessarily turns, the remainder of the opinion is devoted to the Constitutional principle of separation of powers as applied to the case at bar.

A. THE COMMON SENSE-COMMON LAW, STATUTORY ORIGIN OF PRIVILEGE

1. Historically

The oldest source of Executive Branch privilege, the common sense-common law privilege of confidentiality, existed long before the Constitution of 1789, and might be deemed an inherent power of any government. As President Thomas Jefferson wrote to George Hay, United Stats Attorney for Virginia, on 17 June 1807:

"With respect to papers, there is certainly a public and a private side to our offices. To the former belong grants of land, patents for inventions, certain commissions, proclamations, and other papers patent in their nature. To the other belong mere executive proceedings. *All nations have found it necessary, that for the advantageous conduct of their affairs, some of these proceedings, at least, should remain known to their executive functionary only.* He, of course, from the nature of the case, must be the sole judge of which of them the public interests will permit publication.[2]"

Historically, apart from and prior to the Constitution, the privilege against disclosure to the public, the press, or to other co-equal branches of the Government arises from the undisputed principle that not all public business can be transacted completely in the open, that public officials are entitled to the private advice of their subordinates and to confer among themselves freely and frankly, without fear of disclosure, otherwise the advice received and the exchange of views may not be as frank and honest as the public good requires.

"No doubt all of us at times have wished that we might have been able to sit in and listen to the deliberation of judges in conference, to an executive session of a Congressional committee or to a Cabinet meeting in order to find out the basis for a particular action or decision. However, Government could not function if it was permissible to go behind judicial, legislative or executive action and to demand a full accounting from all subordinates who may have been called upon to make a recommendation in the matter. Such a process would be self-defeating. It is the President, not the White House staff, the heads of departments and agencies, not their subordinates, the judges, not their law clerks, and members of Congress, not their executive assistants, who are accountable to the people for official public actions within their jurisdiction. Thus, whether the advice they receive and act on is good or bad there can be no shifting of ultimate responsibility."[3]

The Framers of the Constitution itself understood this principle very well. One of the first acts of the Constitutional Convention, 29 May 1787, was to resolve "that nothing spoken in the House be printed, or otherwise published, or communicated without leave."[4] In that historic summer in Philadelphia the Framers produced "the most wonderful work ever struck off at a given time by the brain and purpose of man."[5] But at the conclusion of their historic labors they thought it wise to preserve the confidentiality of exactly how they had done it. On 17 September 1787, as one of their final acts, they directed that all their records on the Convention be turned over to George Washington, not only their presiding officer but one whose complete discretion and probity had long been established.[6] As late as 1831, forty-four years after the Convention, Madison thought it was not yet appropriate for his *Notes* to be published.[7] He thought "no Constitution would ever have been adopted by the Convention if the debates had been public."[8]

2. Litigation in which the Government is a Party

Passing from the Constitutional Convention of 1787 to the most recent Supreme Court case on this point in 1973, *Environmental Protection Agency* v. *Mink*,[9] the Court quoted with approval the earlier statement of Mr. Justice Reed, "There is a public policy involved in this claim of privilege for this advisory opinion—the policy of open, frank discussion between subordinate and chief concerning administrative action. . . ."[10] Mr. Justice Reed also pointed out that discussions of this kind are regarded as privileged and are "granted by *custom or statute* for the benefit of the public, not of executives who may happen to then hold office."[11] Observe that Mr. Justice Reed referred to the privilege as being "granted by custom or statute," and not derived from a Constitutional source. This is accurate when we are dealing with this age-old, common sense-common law privilege, which has been codified in statutes from time to time, the latest being the Freedom of Information Act.[12]

Judge Robinson of this court, when sitting as a District Judge, discussed the source of the Executive Branch privilege in these terms, "This privilege, as do all evidentiary privileges, effects an adjustment between important but competing interests . . . in striking the balance in favor of nondisclosure of intra-governmental advisory and deliberative communications. . . ."[13]

United States v. *Reynolds*[14] illustrates the application of this common sense, common law privilege to a situation in which the sought evidence contained military secrets. It was stated, and has been often quoted, that "[j]udicial control over the evidence in a case cannot be abdicated to the caprice of executive officers."[15] This language may lead to confusion if it is not recognized that in *Reynolds* the Supreme Court dealt only with this long established (custom or statute, according to Mr. Justice Reed) privilege of confidentiality in government in the format of a Tort Claim Act suit against the Government. It specifically did not decide any Constitutional claim of Executive discretion based on separation of powers.[16] Though the Court contrived a "balancing" or "necessity" formula, the Court held that "even the most compelling necessity cannot overcome the claim of privilege if the Court is ultimately satisfied that military secrets are at stake."[17] It further held that military secrets *were* at stake, and even *in camera* inspection would not be permitted.

Reynolds, like innumerable other cases in which a court has pronounced that it is up to the Judiciary to decide the existence and applicability of a privilege, represents civil litigation, in which either the United States or some Government agency *as a party* is opposed to some private individual or corporation. Cases under the Jencks Act[18] are examples illustrating the same situation in the criminal field. In *none* of these cases has the Government ever been *required to disclose* the matter which it desired to retain confidential. Whether the action is civil or criminal, the Government always has had the

Footnotes at end of article.

option of disclosure or dismissing the action and retaining the confidentiality of the material.

More relevant to the immediate point under discussion, in these cases the courts did engage in a *balancing* of conflicting public interests, *i.e.*, the public interest in seeing justice done between litigants in the court, and the public interest in seeing Governmental matters of the highest importance kept confidential. Observe that in this typical litigation situation, in which the court balanced conflicting public interests, the ancient common sense-common law Government administrative privilege of confidentiality is all that is ever involved. There is no question of the principle of separation of powers derived from our Constitution, as the Supreme Court specifically said in *Reynolds*.

3. Individual inquiry of a governmental official or agency

Another example of the same ancient governmental privilege of confidentiality is involved when a private individual or corporation requests information from a Government official or agency, and such is denied. For many years the Government bureaucracy engaged in a self-protective exercise of claiming "Executive privilege," sometimes based on ordinry "housekeeping" statutes,[19] sometimes invoking the Constitutional principle of separation of powers, although what that could have to do with rejection of a request when ordinary members of the public, not another branch of the Government, were seeking information, was never made clear. In order to assure the American public the necessary access to Governmental information, and to prohibit the abuse of so-called "Executive privilege," the Congress finally passed the Freedom of Information Act.[20]

In so doing, the *Congress itself did the balancing in advance* between the competing public interests represented by the right of the people to know how their Government conducts its business, and the recognized necessity of keeping certain types of information strictly confidential. The Freedom of Information Act contains seven categories of documents or information which are exempt from disclosure. In other words, the Congress has judged that, if the material sought falls within one of these seven exemptions, the public interest in maintaining confidentiality outweighs the public interest in the right to know Governmental affairs. The first exemption deals with secrets of state or national security, the others represent categories perhaps of lesser importance, but all are kept confidential, once it is determined the material sought falls within one of the seven exempt categories.

If the member of the public does not accept the denial by the Governmental agency, he can go to court to seek the information. If litigation results in the typical Freedom of Information Act case, the court properly does not balance the public interest represented on both sides; the court merely determines into which category, exempt or nonexempt from dislosure, the material sought belongs. Once this is determined, then the Congress has already given the answer in the Freedom of Information Act itself. If the court determines the material falls outside one of the claimed exempt categories, then the private individual is granted access. There is no Constitutionally derived privilege involved at all; the rights are purely statutory, a codification of many categories of information previously swept within the vague penumbra of "Executive privilege," and many known to the common law and to the jurisprudence of other nations in which separation of powers is unknown.[21]

4. The first amendment

I am aware of, and impressed by, the strong argument which can be made that the Executive (as well as the Congressional and Judicial) right to privacy is likewise found in the First Amendment, but I resist going into it at length here. Certainly the Chief Executive's right to be fully, frankly, and confidentially informed is equal to that of any other citizen in the land; his need is undeniably greater. To breach his privacy would unquestionably have a "chilling effect" on those who otherwise would counsel and confide in the President with complete candor and honesty.[22]

Legal support for the relevance of the First Amendment here is found in such decisions as *Eastern Railroad Presidents Conference* v. *Noerr Motor Freight, Inc.*,[23] and *NAACP* v. *Alabama*.[24] In *Noerr* the Supreme Court relied at least in part on the First Amendment to legitimatize joint efforts by businessmen to influence legislative or executive action, even if designed to injure their competitors.

Rather than consider the First Amendment as a *separate* ground for sustaining the Executive's right to privacy, I find it easier to say that the First Amendment in 1789 provided a Constitutional underpinning for the long recognized customary Governmental privilege of privacy. Such a First Amendment right in the Executive would apply, as does the ancient common sense-common law privilege now partly codified in statute, in the Executive's relations with the public and the press, as well as other branches of the Government.

5. The Chief Executive

In theory, if only the ancient customary Governmental confidentiality privilege is involved, whether the Chief Executive should disclose the information should be decided no differently from the case of any other Government official Even though the President represents the repository of information of the highest confidentiality it would be permissible for the courts to talk in terms of balancing the public interest of those seeking disclosure versus the public interest of the President in retaining confidentiality, while recognizing that any President's assertion of the confidential nature of documents or communications must be accorded the greatest deference by the courts.

As a practical matter, as history shows, the theory breaks down. Not only is the grist of the Presidential mill of a higher quality than that processed by the average bureaucrat, but the institutions or individuals daring to confront the Chief Executive directly have been of a character and power to invoke immediately the other source of the Chief Executive's privilege, the Constitutional doctrine of separation of powers. In the only instances in history of which I am aware, in which demand for documents was made directly upon the President, the demand come from one of the other two co-equal Branches, the Congress or the Judiciary. Beginning with Washington's administration, the Congress has made repeated demands on the Chief Executive for documents, demands which have never been adjudicated by any court employing a balancing test of the public interests involved. The trial of Aaron Burr is the only instance[25] in which demand by subpoena on the President himself was ordered by a court, and this by the Chief Justice himself at the behest of a former Vice President of the United States, then on trial for his life on a charge of treason. In other words, the men and issues were large.

We have read and heard eloquent language on the unique nature of the American presidency from both counsel, who agree as to the overriding importance of "preserving the integrity of the Executive Office of the President."[26] We are cautioned that "[n]o substitute offers itself for the American presidency, either domestically or in the world. It will be easier to tear down than to build back."[27] This argument in itself may be good and sufficient reason to sustain the President's assertion of privilege in the circumstances of this case, yet this appears to necessitate a Constitutional value judgment not specifically made in the Constitution itself. Further, analytically it may be that such argument on the unique nature and supreme importance of the presidency in our system is but the long established Governmental privilege of confidentiality raised to the Nth power.

In summary of the common sense-common law privilege of Governmental confidentiality, codified in statute as in the Freedom of Information Act, the *courts do decide* whether the privilege exists and the *courts do decide* as to its scope and applicability to a given state of facts. In so doing, the *courts do balance* one public interest versus another. If custom, common law, and statute were the only sources of the Chief Executive's privilege, he, too, might find his view of the public interest overridden by the "balancing" of competing public interests done by a court. But the President has another source of power.

B. SEPARATION OF POWERS—THE TRIPARTITE PRIVILEGE

1. Judicial versus Executive

We now turn to the second source of the Executive Branch privilege, the principle of separation of powers in our Constitution. Congressional legislation, *e.g.*, the Freedom of Information Act, merely redefined the common sense-common law privilege of confidentiality in the conduct of Government business. It is not unreasonable that the Congress should define how much of Governmental business can safely be made public. But none of this legislation, not even the Freedom of Information Act, touches the Constitutional basis of Executive Branch privilege derived from the principle of separation of powers—nor could it.

My colleagues in the *Per Curiam* reject separation of powers, and concentrate entirely on the common sense-common law, statutorily defined source of the privilege, which is part of the story; but this part, as is made clear in the *Per Curiam* opinion and in the Briefs of the Special Prosecutor, is subject to balancing, weighing, showing of need, and in general a comparative evaluation of conflicting "public interests" *by the courts.*

Not so the Executive Branch privilege which arises from the principle of the separation of powers among the Legislative, Executive, and Judicial Branches of our Government. We must recognize that this Constitutional privilege, if derived from the separation of powers, as it is, is *tripartite.* Chief Justice Taft was keenly aware of this when he wrote: "Montesquieu's view that the maintenance of independence as between the legislative, the executive and the judicial branches, was a security for the people had [the Framers'] full approval. . . . From this devision on principle, the reasonable construction of the Constitution must be that the branches should be kept separate in all cases in which they were not expressly blended, and the Constitution should be expounded to blend them no more than it affirmatively requires. Madison, 1 Annals of Congress, 497. This rule of construction has been confirmed by this Court. . . ."[28]

Observe that it is the Judicial Branch, according to District Judge Sirica's opinion, to whom the tapes are to be handed over for examination *in camera*. Likewise, it is the grand jury to whom the Special Prosecutor wishes to present the tapes with or without the intervention of the District Judge. The grand jury, as is shown by an analysis developed later, is nothing but an appendage of the Judicial Branch, and has always been recognized as such. The Supreme Court

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unanimously expressed the principle applicable to this situation:

"The fundamental necessity of maintaining each of the three general departments of government entirely free from the control or coercive influence, direct or indirect, of either of the others, has often been stressed and is hardly open to serious question. So much is implied in the very fact of the separation of the powers of these departments by the Constitution; and in the rule which recognizes their essential co-equality. The sound application of a principle that makes one master in his own house precludes him from imposing his control in the house of another who is master there."[29]

If the Chief Executive can be "coerced" by the Judicial Branch into furnishing records hitherto throughout our history resting within the exclusive control of the Executive, then the Chief Executive is no longer "master in his own house."

This is not a matter of "coercing" the Executive to "obey the law"; there has never before in 184 years been any such law that the Executive could be compelled by the Judiciary to surrender Executive records to the Judiciary. This is an assertion of privilege by the Executive, not a refusal to obey a court's interpretation of the law. This the Executive has *always* done, even when the Executive's interpretation of the law was different from the court's, *e.g., Youngstown Sheet & Tube Co.* v. *Sawyer*.[30] But also, the Executive has *always* been the one who decided whether the Executive Branch privilege of confidentiality of its records should be asserted, and to what extent, when confronted with demand of another Branch for such records.

In the case at bar we have an assertion of privilege by the Executive Branch in response to a demand by the Judicial Branch for the records of the Executive Branch. This is the first time that this precise situation has occurred since the famous trials of Aaron Burr,[31] but whereas this confrontation between the Judicial Branch and the Executive Branch is almost unique, the tripartite privilege has been asserted innumerable times in various alignments of conflict among the three Branches.

2. *Legislative versus executive*

The most highly publicized conflicts have been, of course, the demands by Congress on the Executive for Executive papers and information. The first two examples occurred in Washington's administration, the call for the papers relative to General St. Clair's military expedition and later the Jay Treaty.[32] The historical evidence shows that Washington rejected the demands of Congress squarely on the ground of separation of powers. Numerous other examples occurred. Never in 184 years, until Senator Ervin's committee filed the pending action in Judge Sirica's court for these same Watergate tapes, has the Congress desired to take the Constitutional separation of powers issue to a court for adjudication. The reasons are obvious: (1) if the Constitutional principle of separation of powers was valid and effective as a barrier, Congress would lose; (2) acutely aware of its own assertions of privilege, even if Congress won and established that the separation of powers was no barrier to a demand of one Branch for the papers of another, on a reciprocal basis Congress would have to abandon its equally time-honored practice of refusing the demands of the Judicial Branch for its papers; and (3) submitting a dispute between two co-equal Branches to the third Branch would recognize that the Judiciary is "more equal" than the other two.

To see the relevance of the Congressional demands on the Executive to the Judicial subpoena on the Executive in the case at bar, it is helpful to note that a Legislative and Judicial subpoena have precisely the same coercive effect on the recipient, and both Congress and the courts have independent power to punish for contempt. Under 2 U.S.C. § 190b(a) standing committees of Congress and their subcommittees are authorized "to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents . . . as it deems advisable."[33]

Wilful noncompliance with a Congressional subpoena constitutes contempt of Congress, a misdemeanor.[34] In such instances, the Speaker of the House or President of the Senate certifies a statement of the facts to the appropriate United States Attorney, whose duty is to bring the matter before a grand jury.[35] However, these provisions do not impair Congress' power to punish for contempt by its own action.[36] In *Jurney v. MacCracken* the Supreme Court noted "[t]he power to punish a private citizen for a past and completed act [of contempt] was exerted by Congress as early as 1795 [footnote omitted]; and since then it has been exercised on several occasions."[37] Here the Court was concerned "with vindication of the established and essential privilege of requiring the production of evidence. For this purpose, the power to punish for a past contempt is an appropriate means."[38]

Years ago a distinguished scholar attempted to visualize how an authoritative determination of the Executive's assertedly *Constitutional* right to privacy might be brought about. After pointing out that while "the President and the heads of executive departments have repeatedly, and sometimes brusquely, rejected such congressional demands," and Congress had never sought the aid of the Attorney General or the courts, nor exercised its "power to punish contempts without invoking the aid of the executive and the judiciary," Professor Joseph Bishop concluded:

"Such an episode . . . would furnish the courts an admirable occasion to decide the precise question of the constitutional authority of the executive to withhold the desired data. But it is not likely to arise. . . .

"It is, however, conceivable that the Supreme Court may yet be called upon to face *the closely related and logically indistinguishable question of the executive's power to reject a judicial subpoena*. If, in litigation to which the government is not a party, a court becomes convinced that a document in the possession of the government is relevant, and if it somehow manages to satisfy itself that that information is unprivileged, . . . the courts may yet have to decide the ultimate reach of the executive's discretion to grant or withhold information."[39]

Professor Bishop's hypothetical of 1957 is not precisely with us, but almost. Instead of "litigation to which the government is not a party," we have "litigation in which the government is on both sides" (the President and the Special Prosecutor), which gives us the same Constitutional confrontation and question foreseen by Profesor Bishop, *i.e.*, "the executive's power to reject a judicial subpoena."

The critical points to be understood from the hypothetical situation, which Professor Bishop foresaw would pose the ultimate Constitutional issue, are these:

(1) The Congressional demand for Executive papers (tapes) is "logically indistinguishable" from the demand on the Executive by Judicial subpoena, *i.e.*, both test the Constitutional separation of powers basis of Executive privilege; and

(2) Both the Congressional and the Judicial demands on the Executive are to be distinguished from the false confrontation found in innumerable examples of litigation (*e.g., Reynolds*) in which the Government (Executive) is a party, because the Executive always has an out (abandon the litigation), and thus is never confronted with a true unavoidable demand for the papers or information.

3. *Judicial versus Legislative*

Turning to the other type of repeated conflict, the Legislative Branch has never acceded to a demand of the Judicial Branch for papers in any case without an assertion and preservation of Congressional privilege. The latest example of Congressional refusal to furnish to a court papers relevant to a criminal prosecution was in *United States* v. *Brewster*.[40] There the Senate, in accord with ancient and invariable precedent, on 4 October 1972 resolved:

"Whereas in the case of the United States of America against Daniel B. Brewster, et al. (criminal action numbered 1872–69), pending in the United States District Court for the District of Columbia, a subpena ad testificandum and duces tecum was issued by such court addressed to David Minton, staff director and counsel of the Committee. . . .

"*Resolved*, That by the privileges of the Senate of the United States *no evidence in the possession and under the control of the Senate* of the United States *can*, by the mandate of process of ordinary courts of justice, *be taken* from such possession or control *but by its permission;* be it further

"*Resolved*, That David Minton . . . *be authorized to appear* at the time and place and before the court named in such subpena, *but shall not take with him any papers*, documents, or evidence on file in his office, under his control, or in his possession as staff director and counsel. . . ."[41]

The comparison with the case at bar is striking. Here we have a Judicial subpoena duces tecum directed to the Executive for documents and tapes. The President has said his individual aides who were present at the times the tapes were recorded may testify as to all matters relevant to any criminality which is the subject of the Watergate grand jury inquiry, but may not furnish the tapes.[42] In *Brewster* we had a Judicial subpoena duces tecum directed to the Senate for documents. The Senate permitted the individual aide to testify personally (as did the President) but forbade him to produce any of the documents (as did the President with regard to the tapes). The responses of the President and the Senate to the Judicial subpoenas are precisely equal, and equally justified (or unjustified) on the same Constitutional ground of separation of powers.

One further point of comparison: with reference to the Judicial subpoena issued for the Senate papers in the criminal prosecution of Senator Brewster, *Who Decided* how much, if any, of the subpoenaed papers would be produced? The United States court? Not in *Brewster*, and not in any case for 184 years. The Senate, a Branch of the Government co-equal under our Constitution, decided what would be furnished the court and what retained as confidential, precisely as has the Chief Executive in the case at bar.

To cite but two of the best known recent examples, similar assertions of Legislative privilege took place with reference to criminal prosecution in *United States* v. *Calley*[43] and *United States* v. *Hoffa*.[44] Other similar precedents in both Houses are ancient, numerous, and established beyond question in the Legislative Branch.[45]

The principle of separation of powers, with a resulting Judicial privilege, works reciprocally when the demand is made by the Congress instead of to the Congress. In 1953 Mr. Justice Tom Clark refused to respond to a subpoena to appear before the House Un-American Activities Committee, on the ground that the "complete independence of the Judiciary is necessary to the proper administration of justice."[46]

Senator Stennis once summed up the Congressional privilege and its origin very well:

"We now come face to face and are in direct conflict with the established doctrine of separation of powers. . . . I know of no case where the court has ever made the Senate or the House surrender records from its files, or where the Executive has made the Legislative Branch surrender records from its files—and I do not think either one of them could. So the rule works three ways. Each is *supreme* within its field, and each is *responsible* within its field.[47]"

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4. *Who Decides?*

I thus reach the conclusion, differing from the majority of my colleagues, that the privilege asserted by the President here derives *both* from the Constitutional principle of separation of powers and from the common sense-common law, statutory privilege of confidentiality of Governmental decision-making, whatever the Branch. The latter may be subject to weighing and balancing of conflicting public interests, as many of the cases have done, but never in a case involving the President as a party. But where the privilege of the Chief Executive is derived from the *Constitutional principle* of separation of powers, it is no more subject to weighing and balancing than any other Constitutional privilege can be weighed and balanced by extraneous third parties.

Every President, beginning with Washington and Jefferson, has asserted that the privilege and the scope and applicability are for him alone to decide. This is precisely what Congress does when it either grants or withholds documents in response to the request of a court for evidence in a criminal case. This is what no doubt *this court* would do if confronted with a demand by a Congressional committee for any of our internal documents. *We* would weigh and decide and assert the privilege as *we* saw it, not as a Congressional committee would see it. We would do so on the Constitutional ground of separation of powers. And this is what the President has done here.

We all know that when a Constitutional privilege under the Fifth Amendment is asserted by the humblest individual, the court does not weigh and balance the public interest in having the individual's testimony. All the court can do is make a preliminary inquiry as to a prima facie justification for the individual to decide whether he will the assertion of the privilege. It is up to assert the privilege. Other privileges, such as husband-wife, lawyer-client, priest-penitent, when recognized by the law, come into being on a showing that the relationship exists. There is no weighing of the public interest in having the testimony compared to the public interest in the particular individual maintaining his privileged communication or document. Nor does the court invite the holder of the privilege to disclose the privileged information *in camera* so that the court may weigh the "conflicting public interests" involved in disclosure or confidentiality. Even to hint at such a procedure in regard to these privileges is to demonstrate the inherent incongruity of positing the existence of the privilege and yet asserting that someone other than the holder of the privilege will decide by a balancing of interests test whether it can be exercised.

Nor is logical analysis advanced by a parade of examples in which the public interest in disclosure is heavily exaggerated. Of course one can imagine innumerable instances in which a court, Congress, or the Executive, *ought* to disclose he documents in the public interest, and probably *would*. The more exaggerated the example, the more certain it is that a court would decide to disclose to the Attorney General or a Congressional committee, or the Executive would decide to disclose to a court or Congressional committee, internal documents which otherwise would be kept confidential. But the more certain it is that the holder of the documents—the holder of the privilege—will decide to disclose does not alter the fact that *it is the holder of the Constitutional privilege Who Decides.*

In conclusion, I find the suggested procedure by the *Per Curiam* (supra at 37–40) a very logical exercise in determining what evidence should be made available. But going back to the fundamental question of *Who Decides*, this procedure is one which might be gone through by the President, but not by the Judicial Branch. If the Constitutional privilege has been asserted, then no court has the right to determine what the President will or will not produce.

The *Per Curiam* completely ignores the Constitutional principle of separation of powers as the source of the President's privilege asserted here. The *Per Curiam* treats the privilege as being *solely* derived from the age-old common sense-common law recognition that Government business cannot be conducted without *some degree* of confidentiality, and therefore the Judiciary should "weigh" and "balance" the degree of confidentiality permitted in light of "conflicting public interests" in that confidentiality compared to disclosure, just as if the Executive were engaged in litigation with another party and could be compelled to disclose on pain of losing the litigaton if the court's view of the public interest were not accepted by the Executive. But this is no such case, and everything else in the *Per Curiam* opinion logically hinges on the validity of this analysis. But neither we nor any other court can so easily discard the Constitution, including the tripartite privilege universally derived from that principle of separation of powers.

II. DEVELOPMENT OF THE TRIPARTITE PRIVILEGE WITH REFERENCE TO EXECUTIVE DOCUMENTS

A. *The Legislative Decision of 1789*

In 1789 the First Congress faced the issue of the proper relationship between the Executive and the Legislature. Specifically, the Congress considered the questions of who should have custody of Executive papers and who should have power of removal of Executive officers subordinate to the President. The First Congress' deliberation on these matters is especially significant because many members of the Congress had also actively participated in the drafting of the Constitution.[48]

The background for the Legislative decision of 1789 lay in the earlier decision of the Continental Congress to establish a Department of Foreign Affairs. The Continental Congress passed a resolution providing that the Foreign Affairs department would be headed by an officer appointed by the Congress, who would hold office "during the pleasure of Congress."[49] The resolution further required that the officer take custody of the books, records, and papers relating to his department, *and that any member of Congress should have access to any of these papers.*[50] Thus, the Department of Foreign Affairs as envisioned by the Continental Congress was under the control of the Congress.[51]

After the enactment of the Constitution, the First Congress considered the proper position of the Department of Foreign Affairs and its Secretary. The Act finally passed by the Congress changed the status of the Secretary and his department significantly. The Act specifically made the department an Executive department, and the Secretary subject to the direction of the President.[52] The Secretary was to take charge and custody of all papers relating to the department, except that "whenever the [Secretary] shall be removed from office by the President of the United States, or in any other case of vacancy,"[53] the Chief Clerk, appointed by the Secretary, was to take custody. *Nothing* was said in the Act *concerning either the Congress' right to access to the papers, nor the Congress' right to determine removal* of the Secretary.

The omission of the provision granting the Continental Congress access to the papers of the department is a glaring omission with no illumination provided by the debate in the First Congress. The reports of the debates do not indicate that the question was even discussed.[54] This omission is explained only by the fact that the Department was to be an arm of the Executive, unlike the predecessor department which was an arm of the Continental Congress, an explanation which is not only inherently persuasive, but demonstrated by the rationale in the debate and action on the allied removal provision. The omission could not have been other than a conscious one, as many members of the First Congress had participated in the Continental Congress.[55]

On the other hand, however, there was strenuous controversy and debate in the First Congress over the question of removal of the Secretary. The first draft of the bill before the House, as proposed by James Madison, had provided specifically that the Secretary was to "be appointed by the President, by and with the advice and consent of the Senate; and to be removable from office by the President,"[56] During more than a month's discussion,[57] the House considered various aspects of removal of the Secretary, including the question of how the removal power fit within the Constitutional division into three governmental branches.

Some members of the House feared that the original wording in the Madison bill suggested that the legislature was granting to the President the power of removal, and that this power might be taken from the President by a later Congress.[58] These men felt that the Constitution had already provided the President the power to remove his subordinates, and no statute was necessary. Consequently Mr. Benson of the House suggested an amendment to the bill to delete the clause "to be removable by the President" and to put that phrase in a position in the bill where it would not appear as a legislative grant but merely a statement of legislative construction of the Constitution.[59]

After lengthy debate, Mr. Benson moved to insert the clause concerning removal in the description of the duties of the clerk, where it now appears. Madison, who had been persuaded by the wisdom of Benson's suggestions, seconded the motion, and it carried by a vote of 30 to 18.[60] Subsequently the House voted on the second part of Benson's motion, to delete the clause concerning removal which appeared in the first section of the bill. This, too, was supported by Madison, who felt that Congress did not have power to grant the removal power to the President.[61] The amendment passed, 31 to 19.[62] The full bill later passed in the House and was sent to the Senate.

Chief Justice Taft believed that James Madison's "arguments in support of the President's Constitutional power of removal independently of Congressional provision, and without the consent of the Senate, were masterly, and he carried the House."[63] Among those voting with Madison in support of the final bill were Carroll, Clymer, Fitzsimons, and Gilman; of the opposite view were Gerry and Sherman; all had been in the Constitutional Convention two years before.[64]

Since the bill enacted at the same session establishing the Department of the Treasury contained somewhat different language, it is illuminating to see how that came about. The original bill contained a clause making it the duty of the Secretary "to digest and report plans for the improvement and management of the revenue . . . ."[65] This had been drafted by Hamilton, the Secretary-designate in the Washington administration, as a device to establish his liaison and influence with the Congressional branch. Hamilton's motives did not go long undetected. Significantly, the revulsion of and opposition in the House was based on the Constitutional principle of separation of powers. A motion was made to strike the offending words, on

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the ground "that to permit the secretary to go further than to prepare estimates would be a dangerous innovation on the constitutional privilege of that house." [66] It was noted that "the authority contained in the bill to prepare and report plans would create an interference of the executive with the legislative powers, and would abridge the particular privilege of that house to originate all bills for raising a revenue." [67] Madison observed that "the words of the bill were precisely those used by the former [continental] congress on two occasions." [68]

This was not to be acceptable here, for the First Congress realized it was structuring a government in accordance with a new Constitutional principle, the separation of powers, and the members were resolved to be faithful to that hitherto untried principle. Finally, in this debate on the Treasury, an amendment was adopted. The word "prepare" was substituted for "report" in order that "[t]he secretary would then only report his plans if requested by the house." [69] Thus was the Constitutional principle of separation of powers scrupulously adhered to by the First Congress.

It is significant that the bill establishing the War Department [70] was on the Foreign Affairs Department model, not that of the Treasury. The same held true of other subsequent established departments. The Treasury statute remained unique in its specific reference to the Secretary's duty "to make report . . . as he may be required"; this is in part explainable perhaps by the House's Constitutional duty to originate revenue bills (although the statute refers to "either branch"), but certainly because the draft statute originated with Hamilton, who put in the clause for his own purposes, only to see it modified (but not eliminated) in a manner to reflect the House's preoccupation with the principle of separation of powers.

The Legislative decision of 1789, in establishing the Departments of Foreign Affairs (State), Treasury, and War, made by the First Congress, guided by the men who had drafted the Constitution only two years before, vividly demonstrates their understanding of separation of powers as established by the Constitution.[71]

B. Congressional demands for executive papers

Throughout this nation's 184-year Constitutional history, Congress and the Executive have succeeded in avoiding any near-fatal confrontation over attempts by Congress to procure documents in the Executive's possession. In recognition of the delicate balance created by the doctrine of separation of powers the two Branches have generally succeeded in fashioning a *modus vivendi* through mutual deference and cooperation. Thus, when a Congressional committee calls on an Executive official to produce documents or other needed material, "the call is usually qualified by the softening phrase 'if the public interest permits.'" [72] Similarly, as one commentator observed:

"It is obvious that in a large majority of cases it is greatly to the advantage of the executive to cooperate with Congress, and in a large majority of cases it does so. Congressional control over appropriations and legislation is an excellent guarantee that the executive will not lightly reject a congressional request for information, for it is well aware that such a rejection increases the chance of getting either no legislation or undesired legislation." [73]

In certain instances, however, the Chief Executive has asserted a privilege to withhold information from Congress, and such assertions have often been grounded on a Constitutional separation of powers rationale. When made, the Executive assertion of privilege has always prevailed.[74]

Historically, the first time Congress attempted to probe into documents under the Executive's custody was in March 1792, when the House of Representatives passed a resolution providing:

"*Resolved,* That a committee be appointed to inquire into the causes of the failure of the late expedition under Major General St. Clair; and that the said committee be empowered to call for such persons, papers and records, as may be necessary to assist their inquiries." [75]

When the committee asked President Washington for the papers relevant to General St. Clair's campaign, the President called a meeting of his Cabinet. Washington reasoned that since the committee's request was the first of its kind, his response would set a precedent and therefore should be well considered. Secretary of State Jefferson, Treasury Secretary Hamilton, Secretary of War Knox, and Attorney General Randolph attended the meeting. The unanimous conclusion reached by Washington and his Cabinet was, as described by Jefferson:

"First, that the House was an inquest, and therefore might institute inquiries. Second, that it might call for papers generally. Third, that the Executive ought to communicate such papers as the public good would permit, and ought to refuse those, the disclosure of which would injure the public: consequently were to *exercise a discretion.* Fourth, that neither the committee nor House had a right to call on the Head of a Department, who and whose papers were under the President alone, but that the committee should instruct their chairman to move the House to address the President.[76]

The Washington administration thus expressed the view that it is in the *President's* discretion to determine whether disclosure of Executive documents would be consistent with the public interest.

In 1796 the House made its second attempt to procure documents from the Washington administration when it passed a resolution asking the President to give the House a copy of papers and correspondence pertaining to the negotiation of the Jay Treaty with Great Britain. The House contended that it could not appropriate funds to implement the treaty until it was allowed access to the papers that it sought. On 30 March 1796 President Washington responded in part as follows:

"As therefore it is perfectly clear to my understanding that the assent of the house of representatives is not necessary to the validity of a treaty; . . . and as it is essential to the administration of the government that the boundaries fixed by the constitution between the different departments should be preserved; a just regard to the constitution, and to the duty of my office, under all the circumstances of this case, forbid a compliance with your request." [77]

Clearly, the President was asserting a Constitutional basis for withholding evidence from Congress.

President Jackson forcefully claimed Executive privilege in 1835 when the Senate requested that he hand over copies of the allegations that resulted in the discharge of Gideon Fitz from the office of Surveyor-General. The President refused to furnish the information requested on the ground that it related to subjects exclusively committed to the Executive Branch. The President's message to the Senate referred to similar requests in the past, all of which he regarded as unconstitutional:

"Their continued repetition imposes on me, as the representative and trustee of the American people, the painful but imperious duty of resisting to the utmost any further encroachment on the rights of the Executive." [78]

During the administration of President Tyler, the House directed the Secretary of War to disclose to the House reports made to the Department of War by Lieutenant Colonel Hitchcock regarding the affairs of the Cherokee Indians and alleged frauds that he had been commissioned to investigate. In a message dated 31 January 1843 President Tyler refused to turn over much of the requested information, with the following observations which bear a particular relevance to the case at bar:

"The injunction of the Constitution that the President 'shall take care that the laws be faithfully executed,' necessarily confers an authority, commensurate with the obligation imposed, to inquire into the manner in which all public agents perform the duties assigned to them by law. To be effective, these inquiries must often be confidential. They may result in the collection of truth or of falsehood; or they may be incomplete, and may require further prosecution. To maintain that the President can exercise no discretion after the time in which the matters thus collected shall be promulgated, or in respect to the character of the information obtained, would deprive him at once of the means of performing one of the most salutary duties of his office. An inquiry might be arrested at its first stage, and the officers whose conduct demanded investigation may be enabled to elude or defeat it. To require from the Executive the transfer of this discretion to a coordinate branch of the Government is equivalent to the denial of its possession by him and *would render him dependent upon that branch in the performance of a duty purely executive.*" [79]

The President further stated that "[t]he practice of the Government since its foundation has sanctioned the principle that there must necessarily be a discretionary authority in reference to the nature of the information called for by either House of Congress," [80] and showed through historical precedent that that authority had always been exercised by the President. So again separation of powers was invoked as a barrier to disclosure of documents in the custody of the Executive.

President Cleveland delivered a famous message to the Senate on 1 March 1886 in which he responded to frequent Senate demands for papers from heads of Executive departments which had been created by Congress. He stated:

"The requests and demands which by the score have for nearly three months been presented to the different departments of the Government, whatever may be their form, have but one complexion. They assume the right of the Senate to sit in judgment upon the exercise of my exclusive discretion and Executive function, for which I am solely responsible to the people from whom I have so lately received the sacred trust of office. My oath to support and defend the Constitution, my duty to the people who have chosen me to execute the powers of their great office and not relinquish them, and my duty to the chief magistracy which I must preserve unimpaired in all its dignity and vigor, compel me to refuse compliance with these demands.[81] "

In 1909 the Senate attempted to obtain from Theodore Roosevelt's Attorney General papers relating to the administration's decision not to proceed against United States Steel Corporation for its absorption of Tennessee Valley Coal & Iron Company. In a message to Congress on 6 January 1909, President Roosevelt described his response to the Senate's demands and cited his reasons therefor:

"I have thus given to the Senate all the information in the possession of the executive department *which appears to me to be material or relevant,* on the

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subject of the resolution. I feel bound, however, to add that I have instructed the Attorney General not to respond to that portion of the resolution which calls for a statement of his reasons for nonaction. I have done so because I do not conceive it to be within the authority of the Senate to give directions of this character to the head of an executive department, or to demand from him reasons for his action. Heads of the executive departments are subject to the Constitution, and to the laws passed by the Congress in pursuance of the Constitution, and to the directions of the President of the United States, but to no other direction whatever.[82]

On 20 January 1944, FBI Director J. Edgar Hoover appeared in answer to a subpoena before the House Select Committee to Investigate the Federal Communications Commission. Mr. Hoover was asked to produce a copy of the directive to him from the President ordering him not to testify before the committee with respect to certain matters. Hoover refused, for reasons stated in a letter from the Attorney General to the chairman of the committee:

"It is my view that as a matter of law and of *long-established constitutional practice,* communications between the President and the Attorney General are confidential and privileged and not subject to inquiry by a committee of one of the Houses of Congress. In this instance, it seems to me that the privilege should not be waived; to do so would be to establish an unfortunate precedent, inconsistent with the position taken by my predecessors." [83]

Another forceful assertion of a Constitutionally-based Executive privilege occurred in 1954 during the McCarthy subcommittee probe into the affairs of the Army. In a letter dated 17 May 1954 President Eisenhower instructed the Secretary of Defense to forbid Department of Defense employees to testify or produce documents regarding internal consultations or communications within the Department. The President cited as reasons for his directive the following:

"[I]t is essential to the successful working of our system that the persons entrusted with power in any one of the three great branches of Government shall not encroach upon the authority confided to the others. The ultimate responsibility for the conduct of the executive branch rests with the President.

"Within this constitutional framework each branch should cooperate fully with each other for the common good. However, throughout our history the President has withheld information whenever he found that what was sought was confidential or its disclosure would be incompatible with the public interest or jeopardizing the safety of the Nation." [84]

As this survey demonstrates, history abounds of instances in which a Presidential claim, that the Constitutional system gives the President discretion to withhold documents from Congress, has prevailed against Congressional demands for Executive papers. These 184 years of Constitutional practice in the context of Congressional-Presidential relations cannot be ignored when, as in this case, the Judiciary confronts the President with a demand for documents "logically indistinguishable" [85] from a Congressional demand in the Constitutional issue raised.

C. Judicial Demands for Executive Papers—the Trials of Aaron Burr

Congressional demands for Executive papers are as numerous as autumn leaves, and frequently fall due to a frost between the two ends of Pennsylvania Avenue. In contrast, Judicial demands for Executive documents can be summarized in the drama and legal intricacies of one *cause celebre,* the two trials of Aaron Burr in 1807, the major historical example of the issuance by a federal court of a subpoena *duces tecum* directing the President to produce documents.[86] Although the United States Circuit Court for Virginia, per Chief Justice Marshall,[87] issued the subpoena *duces tecum* to President Jefferson, the court never directly decided the question of the scope of the President's asserted privilege to withhold documents or portions thereof, nor did it determine who should decide the scope of the privilege.[88]

In the first trial on the charge of treason, the defendant Burr requested the aid of the court in obtaining a letter written by General Wilkinson to President Jefferson on 21 October 1806, the President's response to the letter, and supporting documents.[89] The Wilkinson letter, Burr alleged in an affidavit,[90] would be of great importance in his proof of his innocence, for Wilkinson was an essential witness against him.[91] "Great importance" was hardly an over-statement of Burr's need for the letter; it had been mentioned in President Jefferson's message to Congress on the horrendous conspiracy, it probably formed the foundation of the Executive's charges against Burr, and Jefferson's message to Congress summed up his opinion—Burr's "guilt is placed beyond question." [92]

The United States Attorney, however, contended that it would be improper to require the President to produce the letter, that the letter was a private, confidential communication, and that it might contain vital state secrets.[93] This contention reflected the views of President Jefferson, who forcefully wrote United States Attorney Hay on 12 June 1807 that

"Reserving *the necessary right of the President of the U.S. to decide, independently of all other authority,* what papers, coming to him as President the public interests permit to be communicated, & to whom, I assure you of my readiness under that restriction, voluntarily to furnish on all occasions, whatever the purposes of justice may require . . . I . . . devolve on you the exercise of that discretion which it would be my right & duty to exercise, by withholding the communication of any parts of the letter which are not directly material for the purposes of justice." [94]

The accused, however, argued that a subpoena should issue notwithstanding the possibility of confidential communications not relating to the case or state secrets, but suggested that the President might point out the confidential passages, which need not be read in open court.[95]

After consideration of these arguments, Marshall held that a subpoena *duces tecum* could issue to the President. He reasoned that an accused has a right to the compulsory process of the court, notwithstanding the position of the person to whom the subpoena was directed, so long as the document or paper itself was proper for production. Chief Justice Marshall wrote,

"The propriety of introducing any paper into a case, as testimony, must depend on the character of the paper, not on the character of the person who holds it." [96]

and further stated that any exception to this rule of general obligation to compulsory process must be sought in the law of evidence.[97] Marshall thus seemed to rely on the evidentiary nature of the asserted privilege, and did not refer to a possible Constitutional basis.

Thus, considering the question on customary rules of evidence, Marshall found no exception therein for the President, "The court [could] perceive no legal objection to issuing a subpoena duces tecum to any person whatever, provided the case be such as to justify the process," although he carefully distinguished the issuance of a subpoena from the subsequent step of compelling compliance with the subpoena (a distinction made validly in the case at bar):

"Whatever difference may exist with respect to the power to compel the same obedience to the process, as if it had been directed to a private citizen, there exists no difference with respect to the right to obtain it." [98]

The court anticipated that objections of the President to compliance with the subpoena could and should be shown on the return of the subpoena, but should not be taken into account in the decision to issue the subpoena.[99]

Marshall admittedly was troubled by the possibility that the letter might contain "matter which ought not be disclosed." [100] He acknowledged that this was a "delicate question," but stated that

"At the present it need only be said that the question does not occur at this time. There is certainly nothing before the court which shows that the letter in question contains any matter the disclosure of which would endanger the public safety. If it does contain such matter, the fact may appear before the disclosure is made. If it does contain any matter which it would be imprudent to disclose, such matter, if it be not immediately and essentially applicable to the point, will, of course, be suppressed. . . . Everything of this kind, however, will have its due consideration on the return of the subpena." [101]

Later in the opinion the court reiterated this point, with respect to the written response of the President to the Wilkinson letter.[102]

The court noted that it had great respect for the President. Yet it felt that the reputation of the court would be tarnished if it refused to aid an accused in procuring papers which he deemed essential for his defense.[103]

President Jefferson attacked this decision as violating the Constitutional principle of independence of the Branches of Government, a point to which Marshall nowhere directly adverted at any time in his opinions in the Burr trials.[104] In a letter to Hay on 20 June 1807 Jefferson wrote,

"The leading principle of our Constitution is the indepedence of the Legislature, executive and judiciary of each other, and none are more jealous of this than the judiciary. But would the executive be independent of the judiciary, if he were subject to the commands of the latter, & to imprisonment for disobedience. . . .?" [105]

It is highly significant that President Jefferson, himself a lawyer with more formal legal training than Marshall,[106] had, at the very outset of the matter, gone to the very root of the Constitutional question from the point of view of the Executive. Anticipating that at some point in the great drama, taking place in the Richmond courtroom ninety miles to the south of the White House, there would be a confrontation between the Executive and Judicial powers, on 2 June 1807 Jefferson had written to Hay:

"*The Constitution intended* that the three great branches of the government should be co-ordinate, and independent of each other." [107]

When notified of the issuance of the subpoena, Jefferson on 12 June immediately replied: "Sir,—Your letter of the 9th is this moment received. Reserving the necessary right of the President of the U.S. to decide, independently of all other authority, what papers, coming to him as President, the public interests permit to be communicated, & to whom, . . ." (As quoted at p. 43, *supra.*) The acquittal of Burr for treason came many weeks later, but the battle over the subpoena was to go on.

In the second part of the Burr litigation, when Burr was on trial for a misdemeanor (beginning a military expedition against the territory of Spain), the Burr request for the

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Wilkinson letter of 21 October 1806 again drew the attention of the court.[108] In the course of argument Burr referred to the letter and noted that it had not yet been produced.[109] The U.S. District Attorney Hay indicated that he could produce a copy of the letter, but not the original.[110] The court, per Justice Marshall, then stated that a copy would not be admissible unless the loss of the original were proved.[111]

During later argument the same day, 3 September 1807, Burr made a new request, for a letter from General Wilkinson to President Jefferson written on 12 November 1806, which he also felt was material to his defense.[112] Hay then proposed to produce the 12 November letter and let the clerk of the court in confidence copy those parts of the letters which were relevant and which could be made public. Burr's counsel, however, demanded the whole of the letters. Hay next suggested that Burr's counsel should examine the letters; Hay would rely on their integrity not to disclose confidential passages, and if any disagreement arose, Hay would let the court decide.[113] Burr's counsel refused to inspect anything which Burr himself could not inspect.

Hay finally responded to the Burr demands by asserting the ultimate position that the President had kept for himself the power to decide what portions of the letter should be made public, but that he wished to make all but the most confidential sections public,[114] as the President had specifically stated in his letters to Hay.[115] President Jefferson maintained that he found the source of his powers in both the common practice of all nations' executives and in the Constitution.[116]

While Jefferson had been willing earlier to comply substantially with the subpoena,[117] he now felt that Burr had converted the trial into a contest between the Executive and the Judiciary. He was disappointed that Justice Marshall had allowed this, but he hoped that Marshall would not press on with the conflict. If Marshall did continue, however, Jefferson noted that the powers given the Executive by the Constitution would enable him to prevail.[118] Jefferson was determined to resist the execution of the process and was willing to use force if necessary, although he hoped that Marshall would not push the issue to a head.

On 4 September 1807 Burr again demanded the letters of General Wilkinson written to President Jefferson on 21 October and on 12 November 1806. Burr stated in court that the President was in contempt for failure to comply with the subpoena issued for the 21 October letter, but he hoped that the President would produce the letters without the necessity of resorting to contempt proceedings.[119] Burr indicated he might accept a copy of the 21 October letter, the original of which had apparently been mislaid, but only if the copy were properly authenticated.[120]

After lengthy debate, the court issued a second subpoena *duces tecum*, to the United States Attorney, which was returned with a copy of the 12 November 1806 letter, the copy excepting the parts not material or relevant in Hay's opinion. Hay indicated that this power of selection of the passages to be made public had been delegated to him by the President.[121] However, the United States Attorney was willing to submit the original letter to the court so that it could test the accuracy of his opinion, and he also certified that the deleted parts contained opinions about certain persons which would not be admissible in court.[122] Burr still was not satisfied, and the court apparently would be required to resolve the issue.

Chief Justice Marshall recognized that while the President was subject to the general rule requiring compliance with a subpoena, nevertheless the President may have "sufficient motives for declining to produce a particular paper, and those motives may be such as to restrain the court from enforcing its production." [123] He continued by stating that

"The occasion for demanding it ought, in such a case, to be very strong, and to be fully shown to the court before its production could be insisted on. I admit, that in such a case, much reliance must be placed on the declaration of the president; and I do think that a privilege does exist to withhold private letters of a certain description." [124]

This expression of acknowledgement of some kind of Executive privilege for confidential communications, made by Marshall on September 1807, is reminiscent of Marshall's statement four years earlier in *Marbury* v. *Madison*, that Attorney General Lincoln need not disclose anything which had been communicated to him in confidence.[125]

Marshall was troubled, however, by the possibility of denying the accused information which might be of aid in his defense. He indicated that the court would give great deference to the reasons of the President for withholding the information, and would require the accused to show that the material was essential to the defense.[126] Here, however, it had been Hay, rather than the President, who had decided which specific passages should be withheld. This gave Marshall still another opportunity to avoid the direct Constitutional clash:

"*Had the president, when he transmitted it, subjected it to certain restrictions*, and stated that in his judgment the public interest required certain parts of it to be kept secret, and had accordingly made a reservation of them, *all proper respect would have been paid to it; but he has made no such reservation*. . . . In regard to the secrecy of these parts which it is atated are improper to give out to the world, the court will take any order that may be necessary. I do not think that the accused ought to be prohibited from seeing the letter; but, if it should be thought proper, I will order that no copy of it be taken for public exhibition, and that no use shall be made of it but what is necessarily attached to the case." [127]

The great Chief Justice had finessed the issue.

Hay immediately sought instructions from the President, and on 9 September he presented the court with "a certificate from the President, annexed to *a copy of General Wilkinson's letter, excepting such parts as he deemed he ought not permit to be made public*." [128] The President's certificate, dated 7 September 1807, noted that

"On re-examination of a letter of Nov. 12, 1806, from Genl. Wilkinson to myself, . . . I find in it some passages entirely confidential, given for my information in the discharge of my executive functions, and which my duties & the public interest forbid me to make public. I have therefore given above a correct copy of all those parts which I ought to permit to be made public. *Those not communicated are in nowise material for the purposes of justice* on the charges of treason or misdemeanor depending against Aaron Burr; *they are on subjects irrelevant to any issues which can arise out of those charges, & could contribute nothing towards his acquittal or conviction*." [129]

The trial proceeded, and Burr was found by the jury to be not guilty.[130] The full Wilkinson to Jefferson letter of 12 November 1806 was never produced.

My colleagues "think the *Burr* case makes clear that application of Executive privilege depends on a weighing of the public interest protected by the privilege against the public interests that would be served by disclosure in a particular case." (*Per Curiam, supra* at 28.) Not so, not by a long shot, not by the difference between a United States Attorney and a President.

Marshall *might* have been willing to pit the Judiciary versus the Executive by a final order to produce the whole letter or else, when only the excerpted letter was furnished and the deletions were done by the judgment of the U.S. Attorney. But when the *President himself* later came forth with his excerpted version and certificate as to what had been deleted and why, Marshall said nothing and he did nothing.

The full 12 November letter was never produced; the 21 October letter was never produced in the first trial for treason, and there is no record that even a copy was produced in the second trial for misdemeanor.

If we go on *what was actually done*, the *Burr* trials prove that final "weighing of the public interest" is done by the Chief Executive. If we go on what was *said* by Marshall, the *Burr* trials leave the ultimate issue of Who finally decides the public interest completely undecided, for Marshall never faced up, even verbally, to a confrontation with the President himself with the issue drawn on the question of separation of powers.[131]

These two great Constitutional and political antagonists—Marshall and Jefferson, Chief Justice and President—had circled each other warily, each maintaining his position, each, out of respect for the other and for the delicate fabric of the Constitution, not forcing the ultimate issue. Who *should* decide the scope and applicability of the Chief Executive's privilege? The *Burr* trials give no definite answer. Who *did* decide the Chief Executive's privilege? The portions of the letter determined by the President to be confidential remained confidential; the full letter was never produced to the court.

III. Relationship of the Grand Jury to the Judiciary and to the Executive

In my view, the case at bar presents the same conflict between the Judiciary and the Executive which faced Chief Justice Marshall in the *Burr* trials. I would decide the question the same way Marshall actually left it; my colleagues would decide the question by asserting a Judicial supremacy over the Chief Executive, which Marshall may have hinted he preferred, but which he was too prudent finally to assert.

There is a third position which is argued by the Special Prosecutor, and indeed is relied on by the District Judge, hence must be addressed briefly here. The Special Prosecutor contends, ". . . it is a false conflict to see the present controversy as a struggle between the powers of the Judiciary and the prerogatives of the President. Rather, what is involved is the respondent's refusal to respond to a demand from the people, speaking through their organ, the grand jury." [132] And, ". . . the grand jury's 'authority is derived from none of the three basic divisions of our government, but rather directly from the people themselves.' (Citation omitted.)" [133] Judge Sirica held, "[t]he grand jury derives its authority directly from the people, . . ." [134]

In the first place, it is undeniable that, under the very terms of Judge Sirica's Order and Opinion, the nine tapes are to be turned over to the District *Court*, and the grand jury may never see or hear any of them after the District Judge's review *in camera*. So the Judiciary-Executive confrontation is there at the outset, whatever the character of the grand jury. In the second place, the grand jury is only an appendage of the court under whose direction it operates. When the grand jury functions, it functions within the recognized tripartite division of powers as an arm of the Judicial Branch.

A. Background

The Supreme Court has described the grand jury as "brought to this county by the early colonists and incorporated in the Constitution by the Founders. There is every reason to believe that our constitutional grand jury was intended to operate substantially like its English progenitor." [135] In its formative stages in England, the jury [136] was "a body of neighbors summoned by some public officer to give, upon oath, a true answer to some question." [137] In the twelfth century Henry II made extensive use of the jury as a source of general information necessary for the administration of his centralized government. The jury's role as a source of general information for the Crown diminished when Parliament became the grand inquest of the nation.[138] "So gradually, in the course of the fourteenth century, the use of the jury in connection with the central government came to be chiefly confined to *judicial functions*." [139]

Footnotes at end of article.

In the thirteenth century and early part of the fourteenth, members of the grand jury that accused a person of crime often served on the petit jury that tried him.[140] However, by 1351–52 no indictor could serve on the trial jury if he were challenged for cause by the accused.[141]

It seems clear that in early England the grand jury was as much a part of the judicial machinery as the petit jury.

From a tool of the Crown for ferreting out criminals, the grand jury later evolved into a protector of the citizenry against arbitrary prosecution. The grand jury's role as a shield dates from the 1681 case of the Earl of Shaftesbury, in which the grand jury wrote "Ignoramus" ("we ignore it") on the bill of indictment presented by the Crown against Shaftesbury.[142] The protective function of the grand jury was recognized by the drafters of the Bill of Rights when they provided in the Fifth Amendment that "[n]o person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury . . . ." [143] In *Wood* v. *Georgia* the Court emphasized the protective role of the grand jury:

"Historically, this body has been regarded as a primary security to the innocent against hasty, malicious and oppressive persecution; it serves the invaluable function in our society of standing between the accuser and the accused, whether the latter be an individual, minority group, or other, to determine whether a charge is founded upon reason or was dictated by an intimidating power or by malice and personal ill will.[144]"

In addition to its historical roles as an accusatory body and as a shield of the innocent, the grand jury has traditionally been accorded broad powers to investigate possible wrongdoing.[145] Thus, a grand jury may initiate an independent investigation and request that charges be made against those whose wrongdoing was discovered.[146]

B. Relationship of the Grand Jury to the Judiciary

From the above survey of the history and traditional functions of the grand jury, it should be clear that the grand jury operates within the judicial sphere of Government. The Supreme Court has so treated it: "The grand jury is an arm of the court and its *in camera* proceedings constitute 'a judicial inquiry.'" [147] Perhaps the fullest exposition of the judicial nature of the grand jury's activities is contained in *In re National Window Glass Workers:*

"A grand jury has no existence aside from the court which calls it into existence and upon which it is attending. A grand jury does not become, after it is summoned, impaneled, and sworn, an independent planet, as it were, in the judicial system, but still remains an appendage of the court on which it is attending. No grand jury shall be summoned to attend any District Court unless the judge thereof, in his own discretion or upon a notification by the district attorney that such jury will be needed, orders a venire to issue therefor. [Citation omitted.] The District Court may discharge a grand jury whenever in its judgment it deems a continuance of the sessions of such a jury unnecessary. [Citation omited.] All indictments or presentments of a grand jury become effective only when presented in court and a record is made of such action. A grand jury is not, therefore, and cannot become, an independent, self-functioning, uncontrollable agency. It is and remains a grand jury attending on the court, and does not, after it is organized, become an independent body, functioning at its uncontrolled will, or the will of the district attorney or special assistant." [148]

Although a court has no authority to order the grand jury to return an indictment (or to refuse to do so),[149] it may exercise control over the grand jury in several significant respects.[150] The court summons and empanels the grand jury [151] and apparently has broad discretion to discharge it for any reason.[152] The grand jury's jurisdiction to investigate is limited to that of the presiding court.[153] In making its inquiries, the grand jury must rely on the process of the court to procure evidence and summon witnesses and must look to the power of the court to enforce its subpoenas.[154] "Unreasonable or oppressive" subpoenas may be quashed or modified by the court on motion.[155] The court has considerable discretion to instruct the grand jury and to prescribe rules for the conduct of its proceedings.[156] In summary, the court has broad supervisory authority with respect to the activities of the grand jury.

The nature of the grand jury's functions and its subordination to the supervisory authority of the court place it squarely within the Judicial Branch. Moreover, in order to perform its protective function,[157] the grand jury must remain detached from and independent of the Executive Branch. Therefore, the grand jury is under no compulsion to follow the orders of the prosecutor.[158] Its power to investigate and return a presentment based on its findings is not impaired by the prosecutor's discretion to decide whether or not to proceed with a prosecution.[159]

Thus, for purposes of applying the doctrine of separation of powers, the grand jury must be aligned with the Judicial Branch. As one court stated in *Hammond* v. *Brown*,

"The grand jury in its inquest of crimes and offenses is part of the judicial branch of government. Like other branches of government the judicial branch is subject to the doctrine of separation of powers. [Citation omitted.] The grand jury is part of the judicial branch of government and is separate and distinct from the legislative and executive branches of government; and the grand jury, therefore, may not "impinge upon the authority or rights of the others" . . . [Citation omitted.][160]

IV. Amenability of the President to judicial process—An illusory issue in the instant case

My colleagues have decided an "immunity" issue, which, in my humble judgment, is a non-issue in this case—both from the majority view and my own.

A. If the President has the power and responsibility to decide where lies the public interest in disclosure or non-disclosure, as I believe, what business does any court have issuing any "Order"? Apparently none, for the *Per Curiam* opinion states: "If the Constitution or the laws of evidence confer upon President Nixon the absolute discretion to withhold material subpoenaed by a grand jury, then of course we would vacate, rather than approve with modification, the order entered below." (*Per Curiam, supra* at 20.)

B. If the court has the power to weigh and balance the public interest in the confidentiality of Executive records, but the court has no physical power to enforce its subpoena should the President refuse to comply—as my colleagues apparently recognize full well (*Per Curiam, supra* at 12 and notes 32–33)—then what purpose is served by determining whether the President is "immune" from process?

It can hardly be questioned that in any direct confrontation between the Judiciary and the Executive, the latter must prevail. Therefore, the "issue" of whether the President is amenable to court process is an illusory one. No one questions that the court can issue to the President a piece of paper captioned "Subpoena" and that the President owes some obligation at least to inform the court of how he intends to respond. But our history is full of examples of situations in which direct confrontations between two or more of the co-equal Branches were avoided by one of the Branches deciding not to push its position to the limit.

It should be crystal clear from the detailed account of the trials of Aaron Burr (II.C. *supra*) that *Burr* provides no support for my colleagues' deciding this "issue" as they do, for Chief Judge Marshall never came to the final confrontation with President Jefferson. Since the Burr trials represent the sole [161] example in our history of a court subpoena duces tecum to an incumbent President, it is with some astonishment that I read the majority's confident assertion: "The courts' assumption of legal *power to compel production of evidence* within the possession of the Executive surely stands on firm footing. *Youngstown Sheet & Tube* v. *Sawyer*, . . ." (*Per Curiam, supra* at 13) (emphasis supplied).

Youngstown [162] involved no documents, no tapes, no Presidential conservations—no assertion of a Constitution privilege of any kind. *Youngstown* represents the Judicial power, by compulsory process or otherwise, to prohibit the Executive from engaging in actions contrary to law. *Youngstown* represents the principle that no man, cabinet minister or Chief Executive himself,[163] is above the law; *Youngstown* says nothing about *Which Branch Decides* a Constitutional privilege based on separation of powers.

Nor are the other authorities cited by the majority opinion to decide the unnecessary question of Presidential "immunity" any more relevant. *United States* v. *United States District Court* [164] involved a Fourth Amendment violation by wiretapping, and the consequent required disclosure or dismissal in the well-known adversary litigation situation. *Kendall* v. *United States ex rel. Stokes* [165] was a mandamus to a cabinet officer to comply with an act of Congress, with no privileged communications whatsoever involved. *State Highway Commission* v. *Volpe* [166] involved an injunction against a cabinet officer, with no privileged communications asserted.

Thus, the real issue, even by the analysis in other parts of the *Per Curiam* opinion, is whether it is appropriate for the court to determine the legal validity of a claim of privilege by the President, or whether the Constitutional principle of separation of powers requires the court to yield to the President's judgment as to where the public interest lies. My answer would be the latter. But taking the answer given by the *Per Curiam* as correct and at the broadest, the proper role of the court is to decide the legal issue of the nature and extent of the President's privilege, and, given the court's admitted lack of physical power to enforce compliance, express such conclusions in a declaratory judgment form. The court need not issue any process to be served on the President, so the question of "immunity" need never arise. If the court's decision is adverse to the President, he must decide whether to comply or risk adverse political consequences.

Whatever the court's decision here, whichever rationale is followed, it seems clear that any issue of Presidential "immunity" or amenability to court process is totally illusory.

Footnotes at end of article.

V. APPLICATION OF THE CONSTITUTIONAL TRIPARTITE PRIVILEGE

A. Procedures and practicalities—statutes and the Constitution

Parts V and VI of the *Per Curiam* opinion suggest certain procedures to be followed by the District Court on remand, derived from *Environmental Protection Agency* v. *Mink*[167] and our own opinions in *Vaughn* v. *Rosen*[168] and *Cuneo* v. *Schlesinger*.[169] The procedures themselves are irreproachable, and might well be workable, if we were dealing with a usual statutory privilege and the ordinary papers of the bureaucracy.

We are not; whence arise two great objections to the *Per Curiam* recommended solution: (1) the Constitutional barrier of separation of powers, which means that neither the authorities nor the techniques relied on are applicable here; and (2) certain practical problems inherent in the Judiciary dealing with the most confidential communications of the Chief Executive.

1. The Authorities

Mink, Vaughn, and *Cuneo* all dealt with statutory exemptions from disclosure specifically defined in the Freedom of Information Act.[170] No Constitutional privilege was ever invoked. The same can be said of *Carl Zeiss*[171] and *Soucie* v. *David*,[172] In these cases the "courts appropriately examine[d] a disputed item *in camera*" (*Per Curiam, supra* at 36), because the statute provided the indispensable *guidelines* for District Court examination and decision; i.e., the statute specifically defined and described the *categories* of information which were to be exempt from disclosure.

In this situation the task of the District Judge is clear and definite; he is to look at the confidential material (properly segmented for intelligent decision-making) *in camera*, and make a *factual* determination[173] as to whether the subject matter fits within or without the statutorily exempted categories. If, within any defined exemption, the information is kept confidential; if not within any of seven categories, the information is disclosed to the demanding party.

The District Judge does no "balancing" or "weighing of conflicting public interests"; the balancing and weighing has already been done by the Congress in the statute itself. In category "(1) specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy," the undisputed fact of an Executive order categorizing a document as secret precludes even *in camera* inspection by the District Judge, as the Supreme Court held in *Mink*. There is no *factual* question left for the judge to determine, so no inspection violating Executive secrecy is permissible. With regard to other claimed categories of exemption in *Mink*, as in *Vaughn* and *Cuneo, in camera* inspection was needed to determine the *fact* of the proper classification.

This is comparable to *United States* v. *Reynolds*,[174] which antedates the Freedom of Information Act. There the Supreme Court, after determining as a fact from the showing made by the Government that the material related to important national defense secrets, forbade even *in camera* inspection. And, as my colleagues correctly point out, ". . . the Court explicitly reserved decision on the Government's claim that the Executive has an absolute discretion constitutionally founded in separation of powers to withhold documents." (*Per Curiam, supra* at 24.[175])

If we look at Part VI of the *Per curiam* spelling out the procedure prescribed for the District Judge, aside from the category of national defense or foreign relations (*supra* at 38), by what criteria, by what guidelines, with reference to what categories of information communicated to or in the presence of the President will the District Judge decide what is to be disclosed to and what kept from the Special Prosecutor and grand jury? By what standards is the District Judge to weigh or balance the conflicting claims of the Chief Executive and the Special Prosecutor? By the amorphous standard of "the public interest"? With all due respect to Chief Judge Sirica why is any one of 400 District Judges better equipped than the Chief Executive of the Nation to determine "the public interest"?

Footnotes at end of article.

There is missing completely from the situation here the absolutely indispensable ingredient which made the techniques of classification and *in camera* inspection feasible in *Mink, Vaughn,* and *Cuneo, i.e.,* categories of information previously specifically defined by statute as disclosable or confidential. In the situation here, what the District Judge must do is to make the value judgment as to disclosure or confidentiality, which was made by Congress on material subject to statutory mandate, and which here constitutionally belongs to the Chief Executive himself, not to a District Judge, under the doctrine of separation of powers.

2. Pragmatic considerations

The first problem is that of security, an omnipresent consideration when the office of the President is concerned. If *in camera* examination involved only *one* United States District Judge, the violation of Executive privacy might be tolerable. Such restricted access is remote as a practical prospect. There is the process of assembling, classifying, and furnishing the tapes to the court, necessarily involving counsel and other persons who previously have had no access to this stored information. There is the legal and clerical assistance the District Judge must require. There are the probable demands of prospective defendants to be confronted, which may call for access by the Special Prosecutor beyond what he originally required.[176]

After the District Court's decision, then will arise the question of appeal. It is too much to expect any decree of the District Court to have either the wisdom or finality of Solomon's. A *non*-appealable Order of a District Judge, either suppressing or exposing the most confidential recorded conversations of the President, will satisfy no one. The alternative is equally unattractive. Appeal will involve three to nine (in some Circuits, more) judges in the Court of Appeals, with a minimum of clerical and legal staff assistance. Then will come the nine members of the Supreme Court with appropriate supporting personnel.

As a member of the Federal Judiciary, the writer means no disrespect to its members or staff assistants. As the circle of "secrecy" widens, it will dissolve and vanish. All human experience teaches this—particularly in Washington, D.C.

Nor is *in camera* inspection of Presidential material without danger to the Judiciary. The judge who suppresses eagerly sought information can never adequately justify his decision by a public explanation of his rationale in the usual opinion. The judge's decision may in truth be unjustifiable, grossly in error, because federal judges are not necessarily equipped with the type of information on which to base an intelligent decision on confidentiality. By the nature of the problem, the places the judge can turn for assistance are limited or nonexistent. The needed background information may be political in nature, as may the sought-after information, and willy-nilly, whatever his decision, the judge may have injected himself and the whole Judiciary into what is basically part of the political process.

B. A healthy tension

Many speak as if all answers to all conceivable problems of our Government are to be found in specific Constitutional provisions. They imagine that somewhere in that magnificent document there must be the answer to how a conflict between the Executive and the Judiciary (or Executive and Legislative), each claiming to act within the powers of its Branch, should be resolved. I suggest that this is one of several major areas in which the Constitutional Convention deliberately provided no specific answer.

I suggest that the best (and historically only) answer is that judgment on the proper exercise of the Executive and Judicial powers ultimately rests, and was intended to rest, with the American people. Having created three co-equal separate Branches, the Constitutional Convention did not foul up the grand design by providing that one Branch was to be superior and prevail over another, nor did the grand scheme entrust the decision between two conflicting Branches to the third Branch. This was graphically demonstrated by the Constitutional theory on which Washington and his cabinet first acted, that the Executive himself should determine what papers in the public interest could be furnished to another Branch.

It was and is the President's right to make that decision initially, and it is the American people who will be the judge as to whether the President has made the right decision, *i.e.,* whether it is or is not in the public interest that the papers (tapes) in question be furnished or retained. If his decision is made on visibly sound grounds, the people will approve the action of the Executive as being in the public interest. If the decision is not visibly on sound grounds of national public interest, in political terms the decision may be ruinous for the President, but it is his to make. The grand design has worked; the separate, independent Branch remains in charge of and responsible for its own papers, processes and decisions, not to a second or third Branch, but it remains *responsible* to the American people.

This may seemingly frustrate the role of the Special Prosecutor in part of his work, it may frustrate what a Congressional investigative committee conceives to be its role, but in my judgment this was the way the Constitution was intended to work. The Constitution was not designed as an all-powerful efficient instrument of government. The primary concern in the minds of the Founding Fathers of 1787 was to devise a reasonably efficient method of government that above all did not have the in-built capacity to become oppressive.[177] And to that end they first designed the separation of powers, making each Branch independent, and then left inherent in the structure they had designed the possibility of irreconcilable conflict.[178] But in their view, the possibility of irreconcilable conflict was not necessarily bad, because above all this would guarantee that the National Government could never become an efficient instrument of oppression of the people.

The Founding Fathers were not looking for the *most efficient* government design. After all, they had been subject to and rebelled against one of the most efficient governments then existing.[179] What the Founding Fathers designed was *not efficiency, but protection against oppression.*[180] Leaving the three Branches in an equilibrium of tension was just one of their devices to guard against oppression.[181]

This healthy equilibrium of tension will be destroyed if the result reached by the *Per Curiam* is allowed to stand. My colleagues cannot confine the effect of their decision to Richard M. Nixon. The precedent set will inevitably have far-reaching implications on the vulnerability of any Chief Executive to judicial process, not merely at the behest of the Special Prosecutor in the extraordinary circumstances of Watergate, but at the behest of Congress. Congress may have equally plausible needs for similar information. The fact that Congress is usually or frequently locked in political battle with the Chief Executive cannot mean that Congress' need or right to information in the hands of the Chief Executive is any less than it otherwise would be. The courts will have been enlisted on one side of what would be even more undeniably and fundamentally a political question.

The *Per Curiam* notes (at 40) that "[w]hat the courts are now called upon primarily to decide, . . . is how to reconcile the need of the United States, by its grand jury, with the legitimate interest of the President in not disclosing those portions of the tapes that may deal with unrelated matters." This is indeed revelatory. One would have thought that the President, not a Special Prosecutor or grand jury, should best determine "the need of the United States." One would have thought that when "the need of the United States" was to be evaluated, the President, not one of 400 District Judges, would be the most fitted to determine where the overall public interest lies. It is thus all too clear that, to reach the result achieved by the *Per Curiam*, somehow, subconsciously, it is essential to assume implicitly that the President no longer represents the United States or is qualified to determine where the overall public interest lies. Without that implicit assumption, the majority here would be powerless to reach the result it does.

At an earlier point the *Per Curiam* defines the position of the Chief Executive here as "The President claims that, at least with respect to conversations with his advisers, the privilege is absolute, since he, rather than the courts, has final authority to decide. . . ." (*Per Curiam, supra* at 22.) My colleagues reject this claim on the basis that "The President's privilege cannot, therefore, be deemed absolute. . . . [A]pplication of Executive privilege depends on a weighing of the public interest. . . ." (*Per Curiam, supra* at 28.)

In the first place, that answer represents the balancing test applicable to the ancient common sense-common law source of all Governmental privilege; it ignores totally the Constitutional source of the Chief Executive's privilege, separation of powers, which creates the basic question in this case: Under the Constitution, Who Decides?

In the second place, the Constitutional principle also means this: with "absolute" privilege goes *absolute responsibility*. When we reach the level of the Chief Executive, this can only mean responsibility to the American people. I think the Framers meant it that way.

Yet, my colleagues' answer doubtless has appeal to those who theoretically would reject a theoretical absolute. So, in the third place, whatever our answer in theory should be, we must realize both the question and the answer also ignore history. If the same question is phrased in regard to the holder of office in Congress, or the holder of office in the Judiciary, where privilege in regard to the private papers, documents, and deliberations of the Congress and the Judiciary are concerned, the answer is cle [illegible] of the office has *always* been [illegible] determinant of the privilege.

Has a court ever refused to accept the determination of one House of Congress that its papers were privileged from judicial subpoena, and insisted on compliance with a subpoena duces tecum? *Never*. (*E.g., Brewster, Calley, Hoffa,* etc., etc.)[182] Has Congress ever refused to accept the determination of the Chief Executive that his papers were privileged from a Congressional committee demand, and sought to enforce it either by its own process or by judicial process? *Never*. (*E.g.,* the Jay Treaty in Washington's administration, corporate bureau antitrust papers in Theodore Roosevelt's administration, etc., etc.)[183]

To put the theoretical situation and possibilities in terms of "absolute" privilege sounds somewhat terrifying—*until one realizes that this is exactly the way matters have been for 184 years of our history,* and the Republic still stands. The practical capacity of the three independent Branches to adjust to each other, their sensitivity to the approval or disapproval of the American people, have been sufficient guides to responsible action, without imposing the authority of one co-equal Branch over another.[184] The American Constitutional design may look like sloppy craftsmanship, it may upset tidy theoreticians, but it has worked—a lot better than other more symmetrical models.

At the least, this is a point in favor of its continuance unchanged; at the most, this may be all the answer we need.

FOOTNOTES

[*] For the convenience of the reader, an outline of this dissenting opinion is herewith appended.

I. *The Dual Origin of the Privilege Asserted*

A. *The Common Sense-Common Law, Statutory Origin of Privilege*

1. Historically
2. Litigation in Which the Government Is a Party
3. Individual Inquiry of a Governmental Official or Agency
4. The First Amendment
5. The Chief Executive

B. *Separation of Powers—the Tripartite Privilege*

1. Judicial versus Executive
2. Legislative versus Executive
3. Judicial versus Legislative
4. Who Decides?

II. *Development of the Tripartite Privilege with Reference to Executive Documents*

A. *The Legislative Decision of 1789*

B. *Congressional Demands for Executive Papers*

C. *Judicial Demands for Executive Papers—The Trials of Aaron Burr*

III. *Relationship of the Grand Jury to the Judiciary and to the Executive*

A. *Background*

B. *Relationship of the Grand Jury to the Judiciary*

IV. *Amenability of the President to Judicial Process—An Illusory Issue in the Instant Case*

V. *Application of the Constitutional Tripartite Privilege*

A. *Procedures and Practicalities—Statutes and the Constitution*

1. The Authorities
2. Pragmatic Considerations

B. *A Healthy Tension*

[**] Judge MacKinnon has stated his general concurrence in the result reached in this dissent and that differences in the two dissenting opinions are mainly matters of emphasis. That is my position also in regard to Judge MacKinnon's dissent. Given the compressed time frame in which we must write, it has seemed better to write separate opinions rather than to seek specific concurrent language on the important and delicate matters at issue here.

[1] See Part II.C. *infra*, for the full discussion of the trials of Aaron Burr in 1807. President Jefferson was prepared to instruct the U.S. marshal, an employee then and now of the Executive Branch, not to serve any such order on the President. 9 P. Ford, The Writings of Thomas Jefferson 62 (1898) [hereinafter Writings of Jefferson]. *See* note 118 *infra*.

[2] *Id.* at 57 (emphasis supplied). It is significant that President Jefferson had twice earlier in writing Hay, on 2 June and 12 June, cited the Constitutional separation of powers as the ground for his privilege. *Id.* at 53, 55.

[3] Rogers, *The Right to Know Government Business From the Viewpoint of the Government Official*, 40 MARQ. L. REV. 83, 89 (1956). *See generally* Bishop, *The Executive's Right of Privacy: An Unresolved Constitutional Question*, 66 YALE L. J. 477 (1957); Kramer and Marcuse, *Executive Privilege—A Study of the Period 1953–1960*, 29 GEO. WASH. L. REV. 623 (1961); Hardin, *Executive Privilege in the Federal Courts*, 71 YALE L. J. 879 (1962).

[4] FARRAND, RECORDS OF THE FEDERAL CONVENTION OF 1787, at 15 (rev. ed. 1966) [hereinafter FARRAND].

[5] Gladstone, *Kin Beyond the Sea* (in THE NORTH AMERICAN REVIEW, September 1878).

[6] 2 FARRAND 646.

[7] 3 FARRAND 497. Although by resolution of Congress in 1818 (3 Stat. 475) the Journal of the Convention, the bare record of motions and votes, but not the speeches of the delegates, was made public, it was not until 1840, four years after Madison's death that his *Notes* of the Convention were made public. 1 FARRAND XV.

[8] 3 FARRAND 479.

[9] 410 U.S. 73.

[10] *Id.* at 87. Mr. Justice Reed was sitting by designation in the Court of Claims in *Kaiser Aluminum and Chemical Corp.* v. *United States*, 157 F. Supp. 939, 946 (Ct. Cl. 1958).

[11] 157 F. Supp. at 944 (emphasis added).

[12] U.S.C. § 552 (1970).

[13] *Carl Zeiss Stiftung* v. *V. E. B. Carl Zeiss, Jena*, 40 F.R.D. 318, 324–25 (D.D.C. 1966), *aff'd on the opinion below*, 128 U.S. App. D.C. 10, 384 F.2d 979, *cert. denied*, 389 U.S. 952 (1967).

[14] 345 U.S. 1 (1953).

[15] *Id.* at 9–10.

[16] *Id.* at 9.

[17] *Id.* at 11. See Hardin, *supra* note 3, at 892–95, for a well-reasoned critique of the rationale of *Reynolds*.

[18] The Jencks Act is codified at 18 U.S.C. § 3500(d) (1970).

[19] Among those commonly referred to as "housekeeping statutes" are Rev. Stat. 161 (1878), now codified at 5 U.S.C. § 301 (1970), revised in 1958, and the Administrative Procedure Act, 60 Stat. 237 (1946) (now codified in scattered sections of 5 U.S.C.), which was revised by the addition of the Freedom of Information Act, 5 U.S.C. § 552 (1970). Revisions of both statutes were made to prevent citation as authority for withholding information from Congress and the public.

[20] U.S.C. § 552 (1970).

[21] *Vaughn* v. *Rosen*, No. 73–1039 (D.C. Cir., 20 Aug. 1973); *Cuneo* v. *Schlesinger*, No. 72–1328 (D.C. Cir., 5 Sept. 1973); *Soucie* v. *David*, 448 F.2d 1067 (D.C. Cir. 1971).

[22] "There are serious weaknesses in the assumption, popular among liberals who happen at the moment not to be thinking about Senator McCarthy, that public policy ought to draw a sharp distinction between 'military and diplomatic secrets' on the one hand and all other types of official information on the other, giving Congress free access to the latter. In the first place, the line is by no means easy to draw, even when the best of faith is used . . . . More fundamentally, however, the executive's interest in the privacy of certain other types of information is not less than its interest in preserving its military and diplomatic secrets. One obvious example is the data, derogatory or otherwise, in the security files of individuals. Another, perhaps still more important, is the record of deliberations incidental to the making of policy decisions." Bishop, *supra* note 3, at 488.

[23] 365 U.S. 127 (1961).

[24] 357 U.S. 449 (1958).

[25] We were informed by counsel at oral argument that in the court-martial of Dr. William Burton a subpoena was issued to President Monroe for the President's testimony. It was complied with by a deposition. No documents were involved. *See Per Curiam, supra* at 16 n. 42.

[26] Special Prosecutor's Supplemental Brief at 22.

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[27] President's Reply Brief at 37, *quoting from* Professor Charles Black's letter to the *Washington Post*, 12 September 1973.

[28] *Myers* v. *United States*, 272 U.S. 52, 116 (1926).

[29] *Humphrey's Executor* v. *United States*, 295 U.S. 602, 629–30 (1935).

[30] 343 U.S. 579 (1952).

[31] *See* note 25 *supra*. "There seems to be no case which presents the question of whether a court would attempt to compel actual production of information in the possession of the executive." Bishop, *supra* note 3, at 482 n. 19.

[32] Discussed in detail in text accompanying notes 75–77 *infra*.

[33] The effect of a Congressional subpoena is described in *Watkins* v. *United States*, 354 U.S. 178 (1957):

> It is unquestionably the duty of all citizens to cooperate with the Congress in its efforts to obtain the facts needed for intelligent legislative action. It is their unremitting obligation to respond to subpoenas, to respect the dignity of the Congress and its committees and to testify fully with respect to matters within the province of proper investigation. This, of course, assumes that the constitutional rights of witnesses will be respected by the Congress as they are in a court of justice. 354 U.S. at 187–88.

The primary limitation on the Congressional subpoena power is that its exercise must relate to a valid legislative function. Usually, Congressional committees issue subpoenas pursuant to some investigation. The limits on Congress' investigative powers were described by this court in *Shelton* v. *United States*, 131 U.S. App. D.C. 315, 319–20, 404 F.2d 1292, 1296–97 (1968).

[34] 2 U.S.C. § 192 (1970).

[35] 2 U.S.C. § 194 (1970).

[36] *Jurney* v. *MacCracken*, 294 U.S. 125, 151 (1935).

[37] *Id.* at 148. For a discussion of Congress' contempt power, see *id.* at 147–50. *See also* *Emspak* v. *United States*, 91 U.S. App. D.C. 378, 381, 203 F.2d 54, 57 (1953).

[38] *Jurney* v. *MacCracken*, 294 U.S. at 149–50.

[39] Bishop, *supra* note 3, at 484–85 (emphasis supplied).

[40] 408 U.S. 501 (1972).

[41] 118 CONG. REC. S. 16,766, 92nd Cong., 2d Sess. (emphasis supplied).

[42] The President has also permitted two subpoenaed documents to be furnished.

[43] CM 426402, 1 MILITARY L. REP. 2077 (ACMR, 16 Feb. 1973); 116 CONG. REC. 37,652 (17 Nov. 1970).

[44] 205 F. Supp. 710 (S.D. Fla.), *cert. denied sub nom. Hoffa* v. *Lieb*, 371 U.S. 892 (1962); 108 CONG. REC. 3626, 3627 (1962).

[45] *See* 3 HINDS' PRECEDENTS OF THE HOUSE OF REPRESENTATIVES § 2661, 7 March 1876; § 2662, 21 March 1876; § 2663, 22 April 1879; § 2664, 9 February 1886 (1907); *Soucie* v. *David*, 145 U.S. App. D.C. 144, 159 n. 4, 448 F.2d 1067, 1082 n. 4 (1971) (Wilkey, J., concurring).

My colleagues rely upon *Gravel* v. *United States*, 408 U.S. 606 (1972), for the assertion that "[w]henever a privilege is asserted, even one expressed in the Constitution, such as the Speech and Debate privilege, it is the courts that determine the validity of the assertion and the scope of the privilege." (*Per Curiam, supra* at 25.) *Gravel* was a far different question. First, there was never any issue as to Who Decides the scope of the privilege; Senator Gravel himself invoked the jurisdiction of the courts.

Second, the issue to be determined was "whether the activities concerning which questioning or prosecution is sought are: 'integral part[s] of the deliberative and communicative processes by which Members participate in committee and House proceedings . . .'" (*Per Curiam, supra* at 26 n. 70), *i.e.*, the nature of the actions involved. This is reminiscent of the factual categorizing to be done in *Environmental Protection Agency* v. *Mink*, 410 U.S. 73 (1973), *Vaughn* v. *Rosen*, No. 73–1039 (D.C. Cir., 20 Aug. 1973), *Cuneo* v. *Schlesinger*, No. 72–1328 (D.C. Cir., 5 Sept. 1973), all discussed in text accompanying notes 167–75 *infra*. Once the nature of the action or category of information is determined, the applicablerule of law is clear. The vital question here is Who Decides this.

Thirdly, even if *Gravel* had involved questions of a demand for documents similar to the case at bar, and the Senator himself had not invoked the aid of the courts, yet the basic distinction of *Gravel* from the case at bar may be that, even though Senator Gravel was protected by the specific Constitutional privilege of the Speech and Debate Clause applicable only to the Congress, yet Gravel is only a *single* member, *not the whole independent Branch of Government*, as is the President. If we were dealing with a grand jury demand for the records of the *Senate* as a *whole* resisted by the Senate as a whole, far different considerations would come into play.

[46] *New York Times*, 14 November 1953, p. 9.

[47] Committee on Armed Services, U.S. Senate Military Cold War Escalation and Speech Review Policies, 87th Cong., 2d Sess. 512 (1962) (emphasis supplied).

[48] *See generally Myers* v. *United States*, 272 U.S. 52, 111–136 (1926); Wolkinson, *Demands of Congressional Committees for Executive Papers (Part III)*, 10 FED. BAR J. 319, 328–30 (1949).

[49] The resolution of the Continental Congress is printed at 1 Stat. 28–29 (1789).

[50] The resolution provided that the books, records, and other papers of the United States, that relate to this department, be committed to his custody, to which, and all other papers of his office, any member of Congress shall have access: Provided, That no copy shall be taken of matters of a secret nature, without the special leave of Congress.

Id. at 28.

[51] Other provisions of the resolution which indicate the relationship between the Congress and the Department include sections requiring the Secretary to "report on all cases expressly referred to him for that purpose by Congress, and on all others touching his department, in which he may conceive it necessary," requiring him to "answer such inquiries respecting his department as may be put from the chair by order of Congress," etc. *Ibid.*

[52] Section 1 of the Act provides:

> That there shall be an Executive department, to be denominated the Department of Foreign Affairs, and that there shall be a principal officer therein, to be called the Secretary for the Department of Foreign Affairs, who shall perform and execute such duties as shall from time to time be enjoined on or intrusted to him by the President of the United States, agreeable to the Constitution, . . . respecting foreign affairs . . .; and furthermore, that the said principal officer shall conduct the business of the said department in such manner as the President of the United States shall from time to time order or instruct.

Act of 27 July 1789, ch. 4, § 1, 1 Stat. 28.

[53] The full text of Section 2 is:

> That there shall be in the said department, an inferior officer, to be appointed by the said principal officer, and to be employed therein as he shall deem proper, and to be called the Chief Clerk in the Department of Foreign Affairs, and who, whenever the said principal officer shall be removed from office by the President of the United States, or in any other case of vacancy, shall during such vacancy have the charge and custody of all records, books and papers appertaining to the said department.

Act of 27 July 1789, ch. 4, § 2, 1 Stat. 28.

[54] Wolkinson, *supra* note 48, at 329–30.

[55] *See* Wolkinson, *supra* note 48, at 330.

[56] 1 ANNALS OF CONGRESS 285 (1789).

[57] The discussion ran from 19 May 1789 to 24 June 1789.

See 1 ANNALS 385–614.

[58] The Congress after the Civil War attempted to do just that with the Tenure of Office Act, Act of 2 March 1867, 14 Stat. 430, ch. 154, which was eventually held invalid "in so far as it attempted to prevent the President from removing executive officers who had been appointed by him by and with the advice and consent of the Senate." *Myers* v. *United States*, 272 U.S. 52, 176 (1926).

[59] 1 ANNALS 525–527.

[60] *See* 1 ANNALS 601–603.

[61] *Id.* at 604.

[62] *Id.* at 608.

[63] *Myers* v. *United States*, 272 U.S. 52, 115 (1926).

[64] 1 ANNALS 614. *See Myers* v. *United States*, 272 U.S. 52, 114 (1926).

[65] 5 J. MARSHALL, THE LIFE OF GEORGE WASHINGTON 200 (1807).

[66] *Ibid.*

[67] *Id.* at 201

[68] *Id.* at 204.

[69] *Id.* at 205.

[70] 1 Stat. 49 (1789). Brief debate occurred at 1 ANNALS 615.

[71] As William P. Rogers wrote when he was Attorney General, the Legislative decision of 1789 established the principle that the reasonable construction of the Constitution must be that the three branches of the Federal Government should be kept separate in all cases in which they were not expressly blended, and that no legislation should be enacted by the Congress which would tend to obscure the dividing lines between the three great branches or cast doubt upon the prerogatives properly belonging by the Constitution to any one.

Letter from Attorney General William P. Rogers to Senator Thomas C. Hennings, Jr., 13 March 1958, in *Hearing on S. 921 Before the Subcomm. on Constitutional Rights of the Senate Comm. on the Judiciary*, 85th Cong., 2nd Sess., pt. 1, at 53 (1958).

[72] E. CORWIN, THE PRESIDENT: OFFICE AND POWERS, 1787–1957, at 113 (4th rev. ed. 1957). For examples of Congressional recognition of Executive privilege see Kramer & Marcuse, *supra* note 3, at 900–02.

[73] Bishop, *supra* note 3, at 486.

[74] It has prevailed without any attempt by Congress to secure adjudication of its claim versus the Executive. Nothing so illustrates the extent to which heat may have replaced light in the appraisal of this entire Watergate affair than the fact that the United States Senate has reversed the strategy of 184 years, and put the question of its right to obtain papers from the Executive into the hands of the Judiciary to determine. Reciprocally, of course, this means that the Executive at some future date would be able to put the same "logically indistinguishable" issue for the Judiciary to determine in regard to access to Congressional papers. No longer would the Senate be able to withstand the demands of a prosecutor, operating through the process of a court just as in the case at bar, for the records of Senate committees, which were denied by resolution of the Senate in the case of *United States* v. *Brewster* and many others. *See* notes 40–45 *supra* and accompanying text.

[75] SUBCOMM. ON CONSTITUTIONAL RIGHTS OF THE SENATE COMM. ON THE JUDICIARY, 85TH CONG., 2D SESS., THE POWER OF THE PRESIDENT TO WITHHOLD INFORMATION FROM THE CONGRESS, MEMORANDUMS OF THE ATTORNEY GENERAL 4 (Comm. Print 1958). [hereinafter POWER OF THE PRESIDENT], *quoting from* 3 ANNALS OF CONGRESS 493.

[76] 1 WRITINGS OF JEFFERSON, *supra* note 1, at 189–90 (emphasis supplied).

[77] 5 J. MARSHALL, *supra* note 65, at 658.

[78] POWER OF THE PRESIDENT, *supra* note 75, at 7, *quoting from* 1 RICHARDSON'S MESSAGES AND PAPERS OF THE PRESIDENT 133.

[79] 3 HINDS' PRECEDENTS OF THE HOUSE OF REPRESENTATIVES 181 (1907) (emphasis supplied).

[80] *Id.* at 182.

[81] POWER OF THE PRESIDENT, *supra* note 75, at 15–16.

[82] 43 CONG. REC. 527–28 (1909) (emphasis supplied).

[83] POWER OF THE PRESIDENT, *supra* note 75, at 23–24, *quoting from Hearings of the House Select Comm. to Investigate the Federal Communications Commn.*, 78th Cong., vol. 2, at 2338–39 (1949) (emphasis supplied).

[84] Letter from Dwight D. Eisenhower to the Secretary of Defense, 17 May 1954, *reproduced in* POWER OF THE PRESIDENT, *supra* note 75, at 73–74.

[85] Bishop, *supra* note 3, at 485.

[86] *United States* v. *Burr*, 25 Fed. Cas. 30 (No. 14692d) (C.C.D. Va. 1807).

[87] The United States Chief Justice and a District Judge Griffin comprised the court hearing the case. District Judge Griffin appears to have made few recorded comments.

[88] Also at issue was the question whether the President could be compelled to testify in person, but this was not decided either.

[89] *See* 3 A. BEVERIDGE, THE LIFE OF JOHN MARSHALL 433 (1919).

[90] 25 Fed. Cas. at 31.

[91] *Id.* at 36.

[92] 3 A. BEVERIDGE, *supra* note 89, at 341.

[93] 25 Fed. Cas. at 31. Mac Rae, one of the prosecutors assisting Hay, argued on 10 June 1807 that a subpoena might issue against the President as any other, but that he was not bound to disclose "confidential communications." Marshall himself had ruled on that very point in *Marbury* v. *Madison*, 5 U.S. (1 Cranch) 137, at 143–45, when he had so advised Attorney General Lincoln, 3 A. BEVERIDGE, *supra* note 89, at 437–38; E. CORWIN, *supra* note 72, at 111–12.

[94] 9 WRITINGS OF JEFFERSON, *supra* note 1 at 44 (emphasis supplied).

[95] 25 Fed. Cas. at 31.

[96] *Id.* at 34.

[97] *Ibid.* Marshall wrote,

> In the provisions of the constitution, and of the statute, which gives to the accused a right to the compulsory process of the court, there is no exception whatever.

[98] *Ibid.*

[99] *Ibid.*

[100] *Id.* at 37.

[101] *Ibid.*

[102] "If it contain matter not essential to the defence, and the disclosure be unpleasant to the executive, it certainly ought not to be disclosed. This is a point which will appear on the return. . . . If they contain matter interesting to the nation, the concealment of which is required by the public safety, the matter will appear upon the return. If they do not, and are material, they may be exhibited." *Ibid.*

[103] *Ibid.*

[104] The closest which Marshall came to recognizing any separation of powers issue was at the end of his opinion allowing the issuance of the subpoena for the 21 October letter. 25 Fed. Cas. at 37. Here Marshall discussed the problem of disrespect for the President which might be thought to arise from the decision. Marshall simply stated that his respect for the President was as great as it could be, given his duties on the Court. Even here, however, he did not deal directly with any Constitutional principle of the independence of Executive and Judiciary.

[105] 9 WRITINGS OF JEFFERSON, *supra* note 1, at 60 (emphasis original).

[106] Both Jefferson and Marshall received their formal legal training under George Wythe. Jefferson studied for five years in Wythe's law office and was admitted to the bar in 1767. 12 ENCYCLOPEDIA BRITANNICA 985 (1968). Marshall, on the other hand, simply attended a short series of lectures given by Wythe at William and Mary College in 1780, and he was licensed to practice in August 1780. 14 ENCYCLOPEDIA BRITANNICA 959 (1968).

[107] 9 WRITINGS OF JEFFERSON, *supra* note 1, at 53 (emphasis supplied).

[108] *United States* v. *Burr*, 25 Fed. Cas. 187 (No. 14694) (C.C.D. Va. 1807).

[109] *Id.* at 189.

[110] President Jefferson had written on 23 June 1807 to Hay, indicating that Wilkinson probably had copies of his letters, and that the General had expressed a willingness to furnish them to the court. 9 WRITINGS OF JEFFERSON, *supra* note 1, at 61.

[111] 25 Fed. Cas. at 189.

[112] *Id.* at 190.

[113] *Ibid.*

[114] *Ibid.*

[115] Jefferson's letter to Hay of 12 June 1807 had so indicated. *See* text accompanying note 94 *supra*.

[116] Letter of President Jefferson to Hay of 17 June 1807, in 9 WRITINGS OF JEFFERSON, *supra* note 1, at 57.

[117] *Id.* at 56.

[118] Draft letter of President Jefferson to Hay in 9 WRITINGS OF JEFFERSON, *supra* note 1, at 62. Ford, and others, are not sure if this letter was ever received by Hay. Nonetheless, the draft is important as an expression of Jefferson's views:

> That Burr & his counsel should wish to . . . convert his Trial into a contest between the Judiciary & Exve Authorities was to be expected. But that the Ch. Justice should lend himself to it, and take the first step to bring it on, was not expected. Nor can it be now believed that his prudence or good sense will permit him to press it. But should he contrary to expectation, proceed to issue any process which should involve any act of force to be committed on the persons of the Exve or heads of depmts, I must desire you to give me instant notice, & by express if you find that can be quicker done than by post; and that moreover you will advise the marshal on his conduct, as he will be critically placed between us. His safest way will be to take no part in the exercise of any act of force ordered in this case. The powers given to the Exve by the constn are sufficient to protect the other branches from Judiciary usurpation of preeminence, & every individual also from judiciary vengeance, and the marshal may be assured of its effective exercise to cover him. I hope however that the discretion of the C.J. will suffer this question to lie over for the present, and at the ensuing session of the legislature he may have means provided for giving to individuals the benefit of the testimony of the Exve functionaries in proper cases, without breaking up the government.

See note 1 *supra*.

[119] 25 Fed. Cas. at 190.

[120] The record of the case reveals no further action taken concerning the 21 October letter. Nor do the histories which we have consulted indicate whether Burr ever received a full copy of the letter.

[121] *See* text accompanying note 94 *supra*. President Jefferson later wrote Hay on 7 September 1807 on this subject:

> I received, late last night, your favor of the day before, and now re-enclose you the subpoena. As I do not believe that the district courts have a power of *commanding* the executive government to abandon superior duties & attend on them, at whatever distance, I am unwilling, by any notice of the subpoena, to set a precedent which might sanction a proceeding so preposterous. I enclose you, therefore, a letter, public & for the court, covering substantially all they ought to desire. If the papers which were enclosed in Wilkinson's letter may, in your judgment, be communicated without injury, you will be pleased to communicate them. I return you the original letter.

9 WRITINGS OF JEFFERSON, *supra* note 1, at 63.

This letter was thought by Beveridge to indicate that the President had received a second subpoena. 3 A. BEVERIDGE, *supra* note 89, at 522. The record of the case does not show that another subpoena was issued to *Jefferson* himself.

[122] 25 Fed. Cas. at 190.

[123] *Id.* at 191.

[124] *Id.* at 192.

[125] *Marbury* v. *Madison* 5 U.S. (Cranch) 137, 144–45 (1803).

[126] Marshall wrote,

> I cannot precisely lay down any general rule for such a case. Perhaps the court ought to consider the reasons which would induce the president to refuse to exhibit such a letter as conclusive on it, unless such letter could be shown to be absolutely necessary in the defence. The president may himself state the particular reasons which may have induced him to withhold a paper, and the court would unquestionably allow their full force to those reasons. At the same time, the court could not refuse to pay proper attention to the affidavit of the accused. But on objections being made by the president to the production of a paper, the court would not proceed further in the case without such an affidavit as would clearly shew the paper to be essential to the justice of the case. . . . *In no case of this kind would a court be required to proceed against the president as against an ordinary individual.* (Emphasis supplied.)

25 Fed. Cas. at 192.

[127] *Ibid.* (emphasis supplied).

This is as far as my colleagues discuss the *Burr* trials (*Per Curiam, supra* at 28 n. 74). They rest with Marshall's language re the United States Attorney's assertion of privilege; they do not discuss *President Jefferson's final assertion* of 7 September 1807—and neither did Marshall.

[128] *Id.* at 193 (emphasis supplied).

[129] 9 WRITINGS OF JEFFERSON, *supra* note 1, at 64 (emphasis supplied).

[130] 25 Fed. Cas. at 201.

[131] Professor Paul Hardin summarizes the *Burr* case in his article on Executive privilege by stating:

> Chief Justice Marshall, sitting as trial judge in the trial of Aaron Burr, subpoenaed information in the hands of President Jefferson. Marshall asserted the power of the court to subpoena the President, examine him as a witness, and require him to produce "any paper in his possession," but later in the same opinion seemed to recognize a restricted legitimate area in which executive discretion might operate. For his part Jefferson avowed that he had the absolute power to withhold documents sought by subpoena, but his eventual cooperation avoided a decisive conflict. This entire paper footnotes the proposition that the *Burr* trial did not provide a final answer to the vexing questions of executive privilege. The case did provide, however, a remarkable example of executive cooperation, considering Jefferson's personal feelings toward Burr, his distaste for the judiciary, and his firm belief that he could resist disclosure if he chose to do so.

Hardin, *supra* note 3, at 899–90 (citations omitted).

[132] Special Prosecutor's Memorandum in Support at 44, *In re Subpoena to Nixon*, 360 F. Supp. 1 (D.D.C. 1973).

[133] *Ibid.*

[134] *In re Subpoena to Nixon*, 360 F. Supp. 1, 11 (D.D.C. 1973).

[135] *Costello* v. *United States*, 350 U.S. 359, 362 (1956).

[136] A clear distinction between the grand and petit jury did not develop until the fourteenth century. See notes 140–41 *infra* and accompanying text.

[137] 1 F. POLLOCK and F. MAITLAND, HISTORY OF ENGLISH LAW 138 (2d ed. 1923).

[138] 1 W. HOLDSWORTH, HISTORY OF ENGLISH LAW 313–14 (6th rev. ed. 1938).

[139] *Id.* at 314. (Emphasis supplied.)

[140] *Id.* at 322.

[141] *Ibid.*

[142] 8 Howell's State Trials 751.

[143] This provision has been held not to apply to the states through the due process clause of the Fourteenth Amendment. *Hurtado v. California*, 110 U.S. 516 (1884).

[144] 370 U.S. 375, 390 (1962).

[145] *See generally* Note, *The Grand Jury as an Investigatory Body*, 74 HARV. L. REV. 590 (1961); Note, *The Grand Jury—Its Investigatory Powers and Limitations*, 37 MINN. L. REV. 586 (1953).

The Supreme Court described the inquisitorial function of the grand jury in *Blair* v. *United States*, 250 U.S. 273, 282 (1919):

> [The grand jury] is a grand inquest, a body with powers of investigation and inquisition, the scope of whose inquiries is not to be limited narrowly by questions of propriety or forecasts of the probable result of the investigation, or by doubts whether any particular individual will be found properly subject to an accusation of crime.

See also Hale v. *Henkel*, 201 U.S. 43 (1906).

[146] *United States* v. *Smyth*, 104 F. Supp. 283, 295 (N.D. Cal. 1952).

[147] *Levine* v. *United States*, 362 U.S. 610, 617 (1960).

[148] 287 F. 219, 225 (N.D. Ohio 1922). *See also Branzburg* v. *Hayes*, 408 U.S. 665, 688 (1972) ("the powers of the grand jury are not unlimited and are subject to the supervision of the judge."); *Brown* v. *United States*, 359 U.S. 41, 49 (1959) ("A grand jury is clothed with great independence in many areas, but it remains an appendage of the court . . ."); *Hammond* v. *Brown*, 323 F. Supp. 326, 344–45 (N.D. Ohio), *aff'd*, 450 F.2d 480 (6th Cir. 1971); *United States* v. *Smyth*, 104 F. Supp. 283 (N.D. Cal. 1952); 1 L. ORFIELD, CRIMINAL PROCEDURE UNDER THE FEDERAL RULES 475 (1966).

[149] *United States* v. *United States District Court*, 238 F.2d 713, 722 (4th Cir. 1956), *cert. denied*, 352 U.S. 981 (1957). But note that the court can prevent indictment by summary discharge. *United States* v. *Smyth*, 104 F. Supp. 283, 292 (N.D. Cal. 1952).

[150] *See generally United States* v. *Smyth*, 104 F. Supp. 283, 289, 292, 293; 1 L. ORFIELD, *supra* note 148, at 476–77.

[151] FED. R. CRIM. P. 6(a). However, "the tenure and powers of the grand jury are not affected by the beginning or expiration of a term of court." FED. R. CRIM. P. 6(g).

[152] FED. R. CRIM. P. 6(g); *United States* v. *Smyth*, 104 F. Supp. 283, 292 (N.D. Cal. 1952).

[153] *In re United Electrical, Radio & Machine Workers of America*, 111 F. Supp. 858, 864 (S.D. N.Y. 1953); 1 L. ORFIELD, *supra* note 148, at 472, 483.

[154] *Brown* v. *United States*, 359 U.S. 41, 49 (1959). Apparently, however, the court has no discretion to refuse the grand jury process on the ground that the evidence sought is immaterial to its investigation. *United States* v. *United States District Court*, 238 F. 2d 713 (4th Cir. 1956), *cert. denied*, 352 U.S. 981 (1957).

[155] FED. R. CRIM. P. 17(c).

[156] *United States* v. *Smyth*, 104 F. Supp. 292 (N.D. Cal. 1952). For examples of instructions to grand juries see *Charge to the Grand Jury*, 12 F.R.D. 495 (N.D. Cal. 1952); *Charge to the Grand Jury*, 30 Fed. Cas. 992, No. 18,255 (C.C. D. Cal. 1872) (Field, J.).

[157] See notes 142–44 *supra* and accompanying text.

[158] *United States* v. *Smyth*, 104 F. Supp. 283, 294 (N.D. Cal. 1952). *See generally* Note, 37 MINN. L. REV., *supra* note 145, at 599–600.

[159] *United States* v. *Cox*, 342 F. 2d 167 (5th Cir.), *cert. denied*, 381 U.S. 935 (1965), is not to the contrary. In *Cox* the court reversed a contempt order against a United State Attorney who had refused to sign an indictment tendered by a grand jury despite an order by the supervising court that he do so. A majority of the appeals court held that the prosecutor must help the grand jury draw up the indictment papers, but that he need not give the indictment effect by signing it. The four dissenting judges argued that signing the indictment was a mere ministerial function of the United States Attorney, whose only vehicle for termination of a prosecution is a motion to dismiss the indictment under FED. R. CRIM. P. 48(a). Thus, *Cox* does establish that the Executive branch has complete control over the indictment process; the prosecutor can prevent the grand jury from returning an effective indictment by refusing to sign the indictment papers as required by FED. R. CRIM. P. 7(c).

However, *Cox* is relevant only to the accusatorial function of the grand jury. As Judge Wisdom pointed out in his concurring opinion:

> The decision of the majority does not affect the inquisitorial power of the grand jury. No one questions the jury's plenary power to inquire, to summon and interrogate witnesses, and to present either findings and a report or an accusation in open court by presentment.

342 F. 2d at 189. Judge Wisdom's distinction between the grand jury's "presentment" function, see notes 145–46 *supra* and accompanying text, and its "indictment" function is supported by the cases. In *In re Miller*, 17 Fed. Cas. 295, No. 9,552 (C.C. Ind. 1878), the President ordered the district attorney to terminate an embezzlement prosecution under investigation by the grand jury. The supervising court instructed the jury as follows:

"If you believe the president's instructions to the district attorney were intended to prevent you from making the fullest investigation into the matter now before you, and from returning an indictment against the accused if the evidence should warrant it, you should be inspired with additional determination to do your duty. The moment the executive is allowed to control the action of the courts in the administration of criminal justice their independence is gone."

In Sullivan v. *United States*, 348 U.S. 170 (1954), the Court held that an Executive Order fixing responsibility for bringing tax law prosecutions with the Attorney General's office could not affect the power of the grand jury to investigate, even on the basis of evidence presented by the United States Attorney without the Attorney General's approval. These cases illustrate that the Executive cannot control the scope and nature of a grand jury's investigation, even if the Executive has no intention of going forward with any indictment returned by the grand jury as a result of its inquiries.

[160] 323 F. Supp. 326, 344–45 (N.D. Ohio), *aff'd*, 450 F.2d 480 (6th Cir. 1971).

[161] In 1818 a subpoena was issued to President James Monroe, but it summoned him merely to appear personally, not to produce any documents. The subpoena was satisfied when the President answered the court's interrogatories. *See Per Curiam*, *supra* at 16 n. 42; *supra* note 25. In *United States* v. *Cooper*, 25 Fed. Cas. 631 (No. 14,865, C.C. D. Pa. 1800), Justice Chase refused to permit "a subpoena to issue directed to the president of the United States." 25 Fed. Cas. at 633. No reasons for his refusal are recorded. In a related case, No. 14,861, Justice Chase stated:

"The constitution gives to every man, charged with an offense, the benefit of compulsory process, to secure the attendance of his witnesses. I do not know of any privilege to exempt members of *congress* from the service, or the obligations, of a subpoena, in such cases. (25 Fed. Cas. at 626)."

Thus, Justice Chase seemed to be establishing a different standard for members of Congress than for the President. For an interpretation of the *Cooper* case favorable to the President, see POWER OF THE PRESIDENT, *supra* note 75, at 36–37.

[162] 343 U.S. 579 (1952).

[163] That the President has taken personal custody of the tapes and is himself a party to the action is, in my view as well as the majority's, immaterial. "There is not the slightest hint in any of the *Youngstown* opinions that the case would have been viewed differently if President Truman rather than Secretary Sawyer had been the named party," as Justice Black made clear. The authorities relied on by my colleagues here are simply not applicable because no Constitutional privilege of the Executive regarding documents was involved.

It is arguable that judicial process may issue ordering the President to perform a *purely ministerial* act. The basis for such an argument is language contained in *Mississippi* v. *Johnson*, 71 U.S. (4 Wall.) 475 (1867):

"A ministerial duty, the performance of which may, in proper cases, be required of the head of a department, by judicial process, is one in respect to which nothing is left to discretion. It is a simple, definite duty, arising under conditions admitted or proved to exist, and imposed by law."

71 U.S. (4 Wall.) at 498. *Johnson* held that a court could not order the President to cease enforcement of the Reconstruction Acts on the ground that enforcement of Congressional enactments is purely discretionary with the President and thus not subject to judicial process. Therefore, even if a court could order the President to perform a "ministerial" act, the issue is whether the Presidential action sought is ministerial or discretionary.

In the case at bar, that issue turns on whether the privilege asserted by the President is a mere evidentiary one, as the *Per Curiam* contends, or is grounded on the Constitutional doctrine of separation of powers, as I believe. If the privilege were a qualified, evidentiary one, the President arguably would have a ministerial duty to turn over evidence in his possession when ordered to do so by a judicial subpoena. However, I have endeavored to show that the President has an *unqualified, Constitutional privilege* to decide whether it is in the public interest to disclose records in his possession to a co-equal Branch of Government. The decision whether to disclose or not to disclose the evidence sought in this case is thus a *discretionary* one for the President and not subject to judicial process under *Mississippi* v. *Johnson*. As with many of the other subsidiary issues in the case at bar, resolution of the ministerial versus discretionary question rests on the basic Constitutional issue, *Who Decides?*

[164] 407 U.S 297 (1972).

[165] 37 U.S: (12 Pet.) 524 (1828).

[166] No. 72–1512 (8th Cir., 2 April 1973).

[167] 410 U.S. 73 (1973).

[168] No. 73–1039 (D.C. Cir., 20 Aug. 1973).

[169] No. 72–1328 (D.C. Cir., 5 Sept. 1973).

[170] 5 U.S.C. § 552 (1970).

[171] *Carl Zeiss Stiftung* v. *V.E.B. Carl Zeiss, Jena*, 40 F.R.D. 318 (D.D.C. 1966), *aff'd on opinion below*, 128 U.S. App. D.C. 10, 384 F. 2d 979, *cert. dismissed*, 389 U.S. 952 (1967).

[172] 145 U.S. App. D.C. 144, 446 F. 2d 1067 (1971).

[173] *Vaughn* v. *Rosen*, No. 73–1039 (D.C. Cir., 20 Aug. 1973).

[174] 345 U.S. 1 (1953).

[175] *Citing id.*, at 6 & n. 9.

[176] Indeed, the interest in and impact of the court's decision in this case already extend well beyond the parties and legal rights directly involved. Several third parties have sought to assert their interests and views by moving to file briefs as *amici curiae*:

1. *The Senate Select Committee on Presidential Campaign Activities*. The Committee is seeking to enforce its own subpoena duces tecum against the President in the District Court for the District of Columbia. *Select Commitee on Presidential Campaign Activities, et al.* v. *Nixon*, Civil Action No. 1693–73. In its brief, the Committee takes the position that its case "like the one at bar, presents important constitutional issues relating to the refusal of Richard M. Nixon, President of the United States, to comply with lawfully issued subpenas for vital evidence relating to possible criminal conduct by high executive officials. In both cases, the President's noncompliance with the subpenas is grounded on the claim that material requested is protected by the doctrine of executive privilege." (Brief of Amicus Curiae at 3.)

2. *American Civil Liberties Union*. The ACLU sought leave to file as *amicus curiae* in order to vindicate "the public's right to know how the government is discharging its duties." The ACLU also raised doubts about whether the Special Prosecutor should have access to the tapes for use against persons who did not consent to the recording of their conversations with the President.

3. *Louis Schroeder, et al.* These movants are plaintiffs-appellants in *Schroeder, et al.* v. *Richardson*, No. 73–1265, currently pending in this court. The plaintiffs-appellants allege that they have an interest in this case because one of the issues raised by the briefs is to what extent officials of the Executive Branch can control the investigative functions of federal grand juries.

4–5. Two other amicus motions were made that might be characterized as frivolous, charitably speaking.

6. In addition to these *amicus curiae* motions, the appellees in *Nader* v. *Butz*, No. 73–1935 (D.C. Cir.), moved to schedule the oral arguments on their motion for summary affirmance at the same time as the oral arguments in this case (11 Sept 1973). In *Nader* v. *Butz*, District Judge Jones ordered *in camera* inspection of White House records in the face of a claim of Executive privilege similar to the claim made here. Thus, appellees in Nader asserted that the decision in this case would be dispositive of *Nader*.

[177] This was their concern, but the Framers were not confident they had completely achieved it: ". . . . a mere demarcation on parchment of the constitutional limits of the several departments is not a sufficient guard against those encroachments which led to a tyrannical concentration of all the powers of government in the same hands." THE FEDERALIST No. 47 (J. Madison). *Cf.* Mr. Justice Frankfurter: "[T]he doctrine of separation of powers was not mere theory; it was a felt necessity." *Youngstown Sheet & Tube Co.* v. *Sawyer*, 343 U.S. 579, 593 (1952) (concurring opinion).

[178] "The same rule which teaches the propriety of a partition between the various branches of power, teaches us likewise that this partition ought to be so contrived as to render the one independent of the other." THE FEDERALIST No. 70 (A. Hamilton).

[179] From Queen Anne's reign in the early 1700's, the time of Marborough and Godolphin, the English had enjoyed the most efficient government in the western world, with the possible exception of France for a time under Louis XIV or Prussia under Frederick the Great.

[180] Compare the devices enumerated by Hamilton in THE FEDERALIST No. 50, "On Maintaining a Just Partition of Power Among the Necessary Department."

[181] The reason for the separation of powers was well put by Mr. Justice Brandeis:

> The doctrine of separation of powers was adopted by the Convention of 1787, not to promote efficiency, but to preclude the exercise of arbitrary power. The purpose was not to avoid friction but, by means of the inevitable friction incident to the distribution of governmental powers among three departments, to save the people from autocracy.

Myers v. *United States*, 272 U.S. 53, 292 (1926) (dissenting opinion).

[182] *See* notes 40–45 *supra* and accompanying text.

[183] *See* notes 75–85 *supra* and accompanying text.

[184] Hamilton began his essay "On Maintaining a Just Partition of Power Among the Necessary Departments" by posing the question:

"To what expedient, then, shall we finally resort, for maintaining in practice the necessary partition of power among the several departments, as laid down in the Constitution? The only answer that can be given is that as all these exterior provisions are found to be inadequate, the defect must be supplied, by so contriving the interior structure of the government as that its several constituent parts may, by their mutual relations, be the means of keeping each other in their proper places."

He then first referred to that

"due foundation for that separate and distinct exercise of the different powers of government which to a certain extent is admitted on all hands to be essential to the preservation of liberty, . . ."

THE FEDERALIST No. 50.

AMENDMENT OF RAIL PASSENGER SERVICE ACT OF 1970—CONFERENCE REPORT

Mr. MANSFIELD. Mr. President, I submit a report of the committee of conference on S. 2016 and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore (Mr. METCALF). The report will be stated by title.

The legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2018) to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The ACTING PRESIDENT pro tempore. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of Oct. 12, 1973, at pp. 33850–33852.)

Mr. MAGNUSON. Mr. President, I want to take the opportunity to congratulate the conferees of the House and Senate for doing an excellent job in resolving the differences in the Amtrak bills passed by both Houses. It is a product all the conferees can be proud of, and makes several substantive reforms in the Rail Passenger Service Act of 1970 which should do much to improve rail passenger service in the United States.

One substantive change in the Rail Passenger Service Act of importance is made by the House passed provisions which restructure the Board of Directors. Probably the most important thing accomplished by this amendment is the addition of two additional consumer representatives to the Board.

The conferees considered defining the requisite qualities of a consumer representative, but decided that the Senate confirmation process would adequately fulfill this function. It is expected that the President will send up nominees who have demonstrated by education, training, or experience and interest their commitment to the provisions of high quality rail passenger service. The conferees felt that such a commitment was especially desirable when dealing with a corporation such as Amtrak, the major function of which is to provide service to the public.

The conferees were quite concerned about apparent conflicts of interest which have appeared on the presently existing Board of Directors. Well-publicized instances of the representatives of the common stockholders—the railroad presidents—demonstrating their lack of commitment to Amtrak's success, if continued, will lead to legislative reform. It is expected that every Board member will be committed to the success of the Corporation and will not allow any employment position with a railroad to interfere with that commitment. If the commitment of the railroad representatives on the Board to the success of Amtrak remains in doubt, the House and Senate Commerce Committees will eliminate this conflict by legislation.

The conferees accepted the provision in the House-passed bill which defined "just and reasonable compensation" in section 402 of the Rail Passenger Service Act of 1970. Acceptance of this definition legislatively reverses the Interstate Commerce Commission's recent decision in Finance Docket 27353 (sub. No. 1), "Determination of Compensation under section 402(a) of the Rail Passenger Service Act, as Amended,". The conferees inserted report language which specifically spells out the way in which railroads are to be compensated for operating trains for Amtrak. The conferees specified no level of maximum payment, but made clear that payments in excess of short-run available costs are to be based on quality of service. It is anticipated that quantity of service would also enter into these calculations, but quality of service is to be the major determinant of any payments in excess of short-run avoidable costs. In this connection, I would like to refer my colleagues to the colloquy that occurred yesterday on the floor of the House of Representatives, which appears in the CONGRESSIONAL RECORD of October 17 at pages 34479 to 34484.

Section 801 of the conference substitute, under which the Commission is to promulgate regulations necessary to provide adequate service, equipment, tracks, and other necessary facilities for quality intercity rail passenger service is intended to relate to section 402. If Amtrak and the railroads cannot agree on compensation, quality of service would at least be partially determined by compliance with Commission standards issued under section 801. It is anticipated that the railroads and Amtrak would agree to a compensation formula. Only in the event of a failure to agree would the Commission determine compensation.

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based largely on the quality of service rendered.

Section 801 is designed to assure that the quality of rail passenger service will improve. It is anticipated that the railroads and Amtrak could contract for quality of service which exceeds the rules and regulations issued by the Commission under this section. For instance, if Amtrak and a railroad wanted to improve roadbed quality over what it was in May of 1971—to which standard the railroads are already contractually obligated to maintain—the railroad and Amtrak could contract for the improvements which meet or exceed the regulations promulgated by the Commission. If the parties could not agree on the allocation of costs for such improvements, the Commission would be empowered under section 801(a) to allocate such costs. Commission allocation could occur whether the improvements were necessary to meet Commission issued regulations or whether the improvements exceeded the requirements imposed by those regulations.

Section 801 is not to be confused with the operation of the new section 402(f), which permits the corporation to apply to the Secretary of Transportation for an order requiring a railroad to permit accelerated speeds. This provision was included to insure that intercity passenger trains operated by or on behalf of the corporation will be permitted to operate at the maximum permissible safe speeds under the Federal Railroad Safety Act of 1970. The provision is also designed to require the Secretary to make findings as to whether accelerated speeds are unsafe or otherwise impracticable, and to ascertain what improvements are necessary to make such accelerated speeds safe and practicable. Amtrak and the railroad could then contract for such improvements, and in the absence of agreement regarding the allocation of costs for such improvements, the Commission could allocate such costs under the authority of section 801. If the improvements were required to meet regulations issued by the Commission under section 801, they could be ordered in the absence of contractual arrangements.

It is anticipated that the rules and regulations issued by the Commission under the new section 801 will define with great specificity the requisite elements necessary to provide high-quality rail passenger service. Since the Commission's powers and duties have been expanded under this provision, it is possible that the Commission may want to organize a new unit internally to fulfill its obligations under section 801.

Mr. President, I again want to congratulate the conferees for their efforts in helping to assure that the United States will improve intercity rail passenger service. Recent energy shortages and environmental concerns underscore this need. Every major industrialized country except the United States is vigorously pursuing the development of rail passenger service. The legislation will help to foster high-quality rail passenger service in the United States.

Mr. HARTKE. Mr. President, the committee of conference has agreed to several substitute provisions which resolve differences between House and Senate passed Amtrak legislation. While generally I am in full agreement and completely support the actions of the conference committee, there are a few items that should be further explained so as to eliminate any possibility of their being misunderstood.

The Senate bill amended section 305 of the Rail Passenger Service Act of 1970 by deleting the second sentence of subsection (a), which relates to railroad employees. This was done both to remove an inconsistency which presently exists in the act as a result of amendments made in 1972, and as a further expression of the intent of Congress which is expressed in the 1972 amendments—Public Law 92–316—that "insofar as practicable, the Corporation shall directly operate and control all aspects of its rail passenger service." It is the consensus of the members of the Surface Transportation Subcommittee, that Amtrak should directly employ all persons dealing with the public and all persons whose full-time occupation is solely related to the provision of intercity passenger services provided by Amtrak.

Mr. President, my subcommittee has received a substantial amount of testimony indicating that railroad employees may not always be as responsive to Amtrak policies and goals as are those who are employed directly by the Corporation. One of the major problems faced by the Corporation in attempting to provide high quality rail passenger service is poor maintenance and a lack of control over the execution of corporate policies. It is my opinion that only by directly employing more of those persons engaged in intercity rail pasenger service will the necessary control and responsibility over the quality of services be achieved. While Amtrak may, for economic reasons, still want to rely on the railroads to provide employees for such things as operating personnel, every effort should be made by the Corporation to insure that all employees having contact with the public are employed directly by Amtrak.

Of course, this provision was not intended to have any relationship to the labor organizations representing employees, whether they work for Amtrak or for the railroads. It is designed solely as a further expression of congressional intent regarding the need to directly control employees having contact with the public and to exercise more effective control over those critical areas of maintenance and the like that relate directly to the quality of service.

Mr. President, if there is any theme which runs throughout the Amtrak Act of 1973, it is a consistent emphasis on the need for quality of service. Almost every provision in this act springs from the desire to see higher quality rail passenger service in the United States. This concern is especially evident in section 801, which for the first time assigns responsibility for adequacy of service to a regulatory agency. Section 801 provides the Interstate Commerce Commission with considerable new power and responsibility, and my subcommittee will be closely monitoring the Commission's performance in carrying out the mandate contained in this section. It may well be that the Commission will want to reorganize itself in such a way as to be responsive to the obvious needs here. My subcommittee will be expecting quick and vigorous action from the Commission under section 801, and full cooperation from officials of the National Railroad Passenger Corporation in meeting or exceeding the requirements imposed by the Commission under section 801.

Mr. TOWER. Mr. President, I want to lend my support to the conference report on S. 2016, the Amtrak Improvement Act of 1973. This legislation makes a number of substantive improvements in the Rail Passenger Service Act of 1970 and gives the National Railroad Passenger Corporation the power it needs to institute the long-awaited service between the cities of Dallas and Houston, Tex.

The citizens of Texas, along with officials of Amtrak, have been attempting to start service between Dallas and Houston for some time now, and their efforts so far have been frustrated by the Southern Pacific Railroad over whose tracks the service would operate. The Southern Pacific has contended that the tracks over this route are in such bad condition that they are unfit for the operation of passenger trains, although there have been reports that freight trains operate over the same line at faster speeds than the Southern Pacific has proposed for Amtrak's passenger trains.

The Amtrak Improvement Act of 1973 has two provisions designed to deal with the sort of problem we have been facing in Texas. The first provision is contained in an amendment to section 402 of the Rail Passenger Service Act. This amendment adds a new section (f) which permits Amtrak to apply to the Secretary of Transportation for an order requiring a railroad to permit accelerated speeds by Amtrak trains if that railroad had refused to permit such accelerated speeds at Amtrak's request. The Secretary is required to enter an order, after a hearing held pursuant to section 553 of title 5 of the United States Code, which fixes the maximum permissible speeds of Amtrak trains on such terms and conditions as he deems reasonable. The Secretary is also required to make findings as to what improvements are necessary to track, roadbed, signalling systems, or other facilities to permit the accelerated speeds requested by Amtrak. These improvements would relate to the requirements of rules and regulations issued pursuant to the Federal Railroad Safety Act.

The second provision of the Amtrak Improvement Act of 1973 which might be relevant to the problems faced in the Dallas to Houston run is section 801. This provision, in addition to requiring the ICC to promulgate adequacy of service regulations, directs the Commission to allocate any costs required for improvement necessary to improve rail passenger service. On the Dallas to Houston run, for instance, the Southern Pacific has claimed that $7 million is needed to upgrade the tracks for passenger service. The Secretary's order under section 402(f) would set out exactly what improvements are necessary, and then Amtrak and the railroad could agree on the division of costs to effectuate these necessary improvements. In the absence of agreement, the Commission is directed, under section 801, to allocate these costs between Amtrak and the railroads. Thus, the allocation of cost provision of section 801 can be used either to meet the adequacy of service regulations issued by the Commission or to pay the cost of other improvements in rail passenger service either in conjunction with rules and regulations issued by the Interstate Commerce Commission or independently exceeding the requirements promulgated by the Commission.

Mr. President, it is my hope that the provisions of the Amtrak Improvement Act of 1973 which I have referred to are sufficient to assure high quality rail service. It is my opinion that this legislation will give the National Railroad Passenger Corporation the tools it needs to both upgrade service throughout its system and to break the deadlock that has prevented the institution of much needed service betweeen Dallas and Houston.

Mr. MANSFIELD. Mr. President, I move the adoption of the conference report.

The report was agreed to.

APPEARANCE OF SENATOR ROBERT C. BYRD AND SENATOR GRIFFIN ON ABC'S "ISSUES AND ANSWERS"

Mr. MANSFIELD. Mr. President, on Sunday, October 14, 1973, the distinguished assistant majority leader, the Senator from West Virginia (Mr. Robert C. Byrd), and the distinguished assistant Republican leader, the Senator from Michigan (Mr. Griffin) were interviewed by Sam Donaldson and Herbert Kaplow, ABC news correspondents, on "Issues and Answers."

I think that the viewpoints of these two distinguished Senators are worth much as far as the information of the Senate and the knowledge of the people are concerned, and I ask unanimous consent that the interview be printed in the Record at this point in its entirety.

There being no objection, the script was ordered to be printed in the Record, as follows:

"Issues and Answers"

Guests: Senator Robert Byrd (D. W.Va.), Senate Majority Whip.

Senator Robert Griffin (R. Mich.), Senate Minority Whip.

Interviewed by: Sam Donaldson—ABC News Correrspondent and, Herbert Kaplow—ABC News Correspondent.

Mr. Kaplow. Gentlemen, we are pleased you can be with us today, particularly so in view of the unique circumstances in which we find ourselves today.

Senator Byrd, do you foresee any problems in the swift confirmation of Congressman Ford for the vice presidency?

Senator Byrd. I do not at the moment foresee any problems. I think that the Committee on Rules of the Senate will and should make very careful preparation for the hearings and, having done that, I think that the hearings should be as thorough as the circumstances indicate at the time. I think that the nomination of Mr. Ford has been very well received on the Hill, but, having said that, it seems to me that the Congress has to share the mandate under the Constitution provided for by the 25th Amendment to nominate a Vice President. This being the case, it seems to me that we have a very solemn responsibility and I think that we ought to conduct ourselves accordingly.

Mr. Kaplow. Do either of you gentlemen know anything in the Ford record that might be a problem?

Senator Griffin. Let me answer that, Herb.

I have known Gerry Ford for at least 20 years, during the whole period of my service in the Congress, which is 18 years, and he has been one of my closest friends. I know him very well.

I don't know anyone who you could describe as a person with higher standards in terms of integrity, honesty. He has won the respect, obviously, of his colleagues both on the Democratic side of the aisle and the Republican aisle by his performance and leadership in the House; earned his election and re-election as leader. I would think that it would be a reflection on the Congress itself if it didn't move speedily to confirm a nominee like Gerald Ford.

Former Justice Goldberg has said as much over the weekend, that the nation really can't stand the trauma of any indication or suggestion of playing politics with this nomination.

Mr. Donaldson. Well now, Senator Griffin, of course, the Democrats do control Congress and they will control the timetable. At what point do you think you would start to accuse them of dragging their feet? Three weeks, four weeks, five weeks?

Senator Griffin. Well, yesterday the Majority Leader, Mike Mansfield, said a nominee like Gerald Ford ought to be confirmed by the end of the month and I think that Mike states the situation very well. That would give the Congress time, the committees time to make their investigation and to get an FBI report back. Perhaps it would take another week beyond that. I think Mike was a little bit shy in his estimate. But certainly when you get into 3, 4, 5 weeks, I think that is much too long for a nominee like Gerald Ford, unless there is some real substantial reason that develops.

Mr. Donaldson. May I go forward and just about the general process? Gerald Ford will, if I am correct, be the first person who is a nominee for Vice President to undergo a full field FBI check in that capacity. But maybe it makes good sense in the light of what has happened. Is there any way either one of you can think of that we might in the future avoid a Spiro T. Agnew type situation, or an Eagleton situation?

Senator Byrd. May I say this with respect to what my colleague says here about dragging the feet, I share his viewpoint at the moment that Gerry Ford is a clean candidate, but I don't think that—while we should act with dispatch, I don't think we should act with haste. I think the important thing here is to assure the American people that Gerry Ford has the character, integrity and the honesty which are so needed in government these days in order to rebuild the confidence of the people in the American political system. I think it is necessary that we take whatever time is adequate in preparing for the hearings and in the conduct of the hearings, and I also share with him the viewpoint that there should not be partisan politics involved. This is a political question, but we should not be partisan in our approach. I think it is our duty under the Constitution to approach this seriously, solemnly and to attempt in every way to fully explore the credentials and the qualifications of this candidate.

Now, this is the first time that a Vice Presidential candidate will have received such scrutiny. I think it is ironic that this is the case, that only after a tragedy has occurred in American politics does the Vice Presidential candidate undergo careful scrutiny. Gerry Ford will be the first Vice Presidential candidate in American history to undergo such scrutiny.

Mr. Donaldson. Ought he to be the last?

Senator Byrd. No. I think both parties ought to create a mechanism whereby the number two man will be selected not on the basis of his charisma, not on the basis of how he will balance out the ticket geographically or philosophically, not on the basis of whether or not he is a good campaigner, but there ought to be this mechanism and I think it can be provided, whereby the number two man will undergo the kind of scrutiny that he ought to undergo in order to assure the American people in both parties that the number two man is the correct man.

Senator Griffin. If I could address myself to the question, I think after the experience that both parties have had in this past election with their nominees for Vice President, we really ought to take a whole new look at the process for selecting Vice Presidential nominees. The very least should be reform at the conventions and to provide more time for consideration. But I'd like to suggest that the 25th Amendment as it is being implemented in this particular case could well lead the way toward another constitutional amendment to provide that the Vice President should be selected after the election of the President and in somewhat the same manner that we are now selecting a Vice President. I think that it would be altogether appropriate that the Congress would play a role in this selection as it is taking place at the present time.

I think what is going on right now is good for the country, it is good for Congress to be involved. The Vice President is the presiding officer of the Senate. I would suggest that after the President has been elected, he could submit a name for Vice President to the Congress to be confirmed before the inauguration date, or if there were concern about that working, perhaps the President could submit three names to the Congress during that interim period and let the Congress select the Vice President.

I think that ought to be seriously studied aud I have my staff working on a possible constitutional amendment at the present time.

Mr. Kaplow. Senator Griffin, did the punishment that was meted out to former Vice President Agnew fit the crime?

Senator Griffin. Herb, that is a very difficult question to answer, as I am sure most people would recognize. I think that Attorney General Elliot Richardson did a very remarkable job in bringing this crisis to some kind of a logical and rational conclusion. I know there are many people who will feel that if someone else had done the same thing, they, of course, would have been sitting in jail and here this person is getting off by merely resigning and paying a fine, and yet I think it has got to be taken into account what it would have done to the national interest to have a long-drawnout crisis with a cloud hanging over a Vice President for a long period of time, and also the fact that this man has suffered a great deal as a result of the humiliation involved in resigning. Also, we should keep in mind that he is still subject to civil liability, perhaps, or a tax payment and that the State of Maryland hasn't decided yet at least whether they are going to pursue the possibility of criminal punishment.

Mr. Kaplow. But is not the ultimate test of whether our system is functioning is that the highest plan in this country gets no preferential treatment and the lowest, economically, socially, politically?

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Senator Griffin. I think that is a consideration and I believe you have to crank into the equation, however, that if any other person in the United States of either party were the Vice President under these circumstances, he would have been treated the same way.

Mr. Donaldson. Senator Byrd, I would like to have you answer that question. Do you think the punishment fits the crime?

Senator Byrd. From the standpoint of just common perception, I think a $10,000 fine and three years on probation would appear to be a rather minor punishment for the crime.

Yet, on the other hand, I think we have to remember this man's political career is completely demolished. Economically, he is ruined. His family is shamed, and through no fault of themselves. He is disgraced nationally. He is subject to possible disbarment in the State of Maryland. He is subject to further tax penalties plus the interest on the back taxes, and so I think this man is crushed politically, economically and personally. And to add to that, as Senator Griffin has said—it is repetitious—for him to have stayed in office, to have undergone a long, brutal trial, would have been very damaging to the national interest.

Mr. Donaldson. I don't pretend to know what Mr. Agnew intends to say to the American people on Monday, as I understand he is going to speak, at least on one television network. But would it be helpful or hurtful if he chooses to say that he is innocent of all of the other allegations that were contained in that Justice Department summary of the potential evidence, and if he asserts, as he did once in Los Angeles not long ago, that the Justice Department was really framing him; what would that accomplish, if that is in fact the tenor of his speech?

Senator Griffin. Well, Sam, I think it would be highly inappropriate to try to sit here and decide or speculate on what Mr. Agnew might say tomorrow night. I am frankly a little bit disappointed that he is going on television at all, but I will just have to wait and see what he will say. I couldn't speculate on that.

Mr. Donaldson. Do you think it is a good idea for him to speak? It certainly is right, Senator Byrd, but what is your thought?

Senator Byrd. He has to make that decision. I don't know what he is going to say. It depends on what he is going to say. I, at the moment, can't attempt to second guess him.

Mr. Kaplow. What would you tell the next man who is convicted of income tax evasion whose family is disgraced, who loses his position, who is economically broken and who goes to jail and says, "All right, Vice President Agnew suffered three-quarters of these indignities but he is not in jail." What are you going to tell him?

Senator Griffin. Herb, I don't think I can add to the answer I have already given. I realize it perhaps doesn't satisfy you, but I don't think you can have a satisfying answer in the dilemma that the Attorney General faced in this particular situation. I think he came out with the best answer possible in terms of the national interest.

Mr. Kaplow. Is not this country supposed to have the fiber to be able to stand a protracted pursuit of justice to the very end?

Senator Griffin. Oh, I think we could have survived. I think it would have been a very traumatic and difficult, divisive experience; one that we don't really need at the present time, and I don't think it would have been a good thing. We probably could have survived it.

Mr. Donaldson. Let me pick up on Herb's question and move it forward to perhaps the next crisis in this extraordinary year of ours.

The Appellate Court ruled on Friday in its words that he, meaning President Richard Nixon, is not above the law's commands and he must give up the tapes. Now, the President, of course, has the right to appeal that to the Supreme Court and most people believe he will, but if the Supreme Court rules against the President and if the President refuses to obey, Senator Byrd, would you expect impeachment proceedings to be brought against him?

Senator Byrd. I think it would raise a serious prospect of impeachment proceedings which, of course, would have to be initiated by the House of Representatives.

(Announcements).

Mr. Donaldson. Senator Byrd, we were talking about the tape issue and you had said if the President refused a Supreme Court decision to turn over the tapes you thought impeachment proceedings might be brought by the House. Why do you think that?

Senator Byrd. Well, because I think that for any branch of the government to set itself up as being above the law is very detrimental to the very foundations of our political system and if the court makes the decision in support of the Circuit Court, and of the District Court, the President ought to release at least the relevant portions of the tapes.

I think the American people are going to expect the President to do that. I don't happen to agree with Mr. Connally in what he said in this respect, or was reported to have said.

I would hope though that the President would, in the meantime, negotiate with Professor Cox and with Judge Sirica, a process whereby the relevant portions of these tapes would be made available and thus avoid another very traumatic crisis.

Senator Griffin. I really can't disagree with anything that Bob Byrd has said other than to add and be sure we do not forget that President Nixon said that he would comply with and follow the direction of a definitive decision by the United States Supreme Court.

Mr. Donaldson. What do you call "definitive?"

Senator Griffin. I think clearly if there would be a unanimous court that would order him to turn over the tapes by a certain date, there wouldn't be any question about it. If you ended up with five to four decisions with opinions going in all directions that were fuzzy and not definitive, that would be the other extreme. In between I think we could have a long discussion of what would be definitive, but I think the American people will make that judgment and of course the House of Representatives will make it too.

Senator Byrd. May I respond to that just briefly? I agree with Bob that it ought to be—I would hope it would be a decision which would not be a very narrowly cut decision and I think if it should turn out to be a five-four decision, the President might feel that is not a definitive decision. I happen to disagree with that. I think a five to four decision is a majority decision and therefore it is a definitive decision.

I think that the President, however, in using the word "definitive" might have been talking about a decision that is not rendered on the merits, but on the procedural aspects. If that is the case, then I would agree with him that it would not be definitive.

Mr. Kaplow. Do the rest of us not live by five to four decisions?

Senator Byrd. Yes.

Senator Griffin. Just remember sometimes these five to four decisions involve opinions of justices going off in all directions. If there are five members who have agreed on a course of action, then I don't think there is any question that he should comply with that order.

Mr. Donaldson. Do you think Gerald Ford's nomination—and let us assume he is confirmed and he becomes the Vice President—will in any way affect a decision by the House of Representatives in the future to perhaps move against Mr. Nixon, if in fact we have this situation of a court decision and the President refusing to obey it? Would it help him, would it hurt him? Just a neutral thing?

Senator Griffin. If you are asking me, I would say that it shouldn't, and I think we will be watching to see whether or not such political considerations would get into the way. I think that the question of Mr. Ford's nomination being confirmed is one matter under our constitutional process. The question of what the House might do in the event, unlikely event I would say, that the President wouldn't comply with an order of the Supreme Court is another event and the two should not be confused or related.

Mr. Kaplow. Senator Griffin, you have been close to the White House. Do you have any reason to believe that the President will negotiate some sort of arrangement short of the Supreme Court making its ultimate ruling?

Senator Griffin. No, I can't say on any particular authority that I know of any special information in that regard. I would remind you of an answer that the President gave in one of his press conferences when he was asked whether or not if the Supreme Court upheld his view, saying that he didn't have to turn over the tapes, would he nevertheless make them available voluntarily? I was very interested in the fact that he didn't say No. He said: "Would you come back and ask me that question at a later time if it is an appropriate question?"

I have personally been encouraging the release of those tapes on a voluntary basis, at the same time recognizing that he has a strong, legal case, in my view, for the position he has taken in terms of the legal questions involved.

Mr. Kaplow. If I understood you correctly, you agreed with Senator Byrd a few moments ago when you said that if the court renders a "definitive" decision and the President does not abide by it, you would agree that impeachment proceedings would be—take it up from there.

Senator Griffin. As I understand Senator Byrd, he said there would be a likelihood that the House would move toward impeachment proceedings, or words to that effect, and I wouldn't disagree.

Senator Byrd. I said that it would raise the prospect.

Senator Griffin. Raise the prospect. Now let me just head you off a little bit, Herb, and I think Bob would agree with me. We are Senators. In the event there would be an impeachment proceeding and it would come over to the Senate for trial, we would sit in judgment and have to decide the very question that you are asking, or trying to get to and that is, should a President be removed from office under those circumstances. I don't think that we should make that judgment now. That is a judgment we would have to make later if the circumstances arose.

Mr. Kaplow. What I am asking both of you is, do you agree that the prospects are likely, or do you agree that the House should therefore start impeachment proceedings?

Senator Byrd. I don't think I could say that they are likely, nor can I say that it should. I think I would have to await the Supreme Court's decision, try to analyze that in my own mind and then see what the President does in reaction to that decision, but I would say this, that if he should refuse what is clearly to most of us a definitive ruling by the Supreme Court that he should release those tapes, I should think that we would have a very serious problem on our hands.

Senator Griffin. This is all based on speculation because he said he would comply with the court.

Mr. Kaplow. You tend to agree essentially with Senator Byrd?

Senator Griffin. That it would raise the prospects, yes.

Mr. Donaldson. Let me move you out of the speculative to the action.

There is a war on in the Mideast, and there are reports today that the United States is going to resupply Israel with Phantom jet bombers. These reports have not been confirmed to the best of my knowledge, publicly, by U.S. officials. Is it a good idea, should we give Israel jet planes now?

Senator Byrd. I think in view of the fact that the Soviet Union is airlifting equipment to the Arab countries, even though our country is, I think, on a fairly friendly basis with the Arab countries, I think we have no alternative but to help to maintain the balance of power in the Middle East and we do that by resupplying Israel.

Mr. Kaplow. Senator Byrd, you are on the Foreign Relations Committee. I don't know whether that gives you more information than the rest of us have, but are we sending something? Has the balance been disturbed?

Senator Byrd. I am not on the Foreign Relations Committee. Senator Griffin is.

Senator Griffin. I can say I talked with Secretary Kissinger this morning to get an update on the situation. It is serious. It is particularly disturbing that Jordan has now moved a brigade into Syria. There are some indications of the possible cut-off of oil, at least in the wind.

I think in terms of our past relationships and commitments in effect to Israel that the least that we can do is to provide them with a balance of arms. I think that the key to this whole situation is our relations with the Soviet Union. So far a detente hasn't broken down as a result of what has happened over there, even though it has been strained, and the hope I think is that working with the Soviet Union we are going to somehow bring this war to an end with some kind of a cease fire that can be implemented.

Mr. Donaldson. First, a quick question, then a longer one. You talked to Dr. Kissinger this morning. Are we going to resupply Israel with planes?

Senator Griffin. I think that there isn't any question that we will be supplying Israel with planes and equipment.

Mr. Donaldson. Second question: How can you say the detente has not broken down if on one hand the Soviet Union is pouring material into the Arab countries; on the other hand, we are pouring materials into Israel.

Senator Griffin. It hasn't broken down because we are in close communication with the leaders of the Soviet Union. I think we understand each other's position and the clients that we have on either side. It is not surprising to either side that there would be the resupply.

It hasn't broken down because we are working together still trying to figure out a way to bring this thing to an end.

Mr. Kaplow. Did Kissinger tell you what the Russians were sending Egypt and Syria?

Senator Griffin. No.

Mr. Kaplow. Was it your impression these were supplies that did not go into the critical equipment area?

Senator Griffin. I must say, Herb, we didn't go into that.

Mr. Kaplow. He left you with the impression he is still working with the Soviets and the Soviets are still interested in not letting the battle escalate or in ending the fighting.

Senator Griffin. I can't get into the discussion to that extent and it wouldn't be fair. Dr. Kissinger is the one leading our diplomatic effort in a very serious and a vigorous way and I think the best attitude at the present time is to let him proceed.

Mr. Donaldson. But you mentioned the word "oil." Let's look at that question. There is a strong indication that the Arabs are threatening, at least, to cut off the oil supply in retaliation. Blackmail, if you will, of the United States policy.

If they do that, Senator Byrd, how should we reply?

Senator Byrd. I think we have got to remember that the Arab countries are pretty realistic too. They are going always to act in their own best interests. There are several of the Arab countries that are conservative and are pro-Western.

I think what we have got to do here is two or three things. One, we have got to continue to maintain this balance of power in the Middle East and that means we will have to do some resupplying of Israel with equipment.

Two, we have got to impress upon the Soviet Union that it is the responsibility a solemn one of both of these great world powers, to bring this fighting to a halt. This may mean a cease fire in place. In any event, the two warring sides ought to get together and negotiate a political settlement. That is the only way it is going to be brought to a permanent solution.

Mr. Donaldson. Could either of you see the United * * * going to war to save their oil?

Senator Griffin. No, I don't see that as a prospect, no.

Mr. Kaplow. Thank you, Senator Byrd, Senator Griffin, for being with us on "Issues and Answers."

INVOLVEMENT IN ISRAEL

Mr. WILLIAM L. SCOTT. Mr. President, it does not take any great amount of wisdom to know that a very serious situation is developing in the Middle East which could result in the direct involvement of our own country. This comes just a few months after the termination of our involvement in the longest war in our history. We know that there was no declaration of war in Vietnam, no instant involvement but a situation in which we first sent equipment, then advisers, then a few troops, later more troops, until more than one-half million of our young men were involved. It was a conflict that resulted in great division within our country, with demonstrations in the streets, with some of our young people going to Canada or other parts of the world to escape their military obligations. It was an unpopular and costly war that most Americans would have avoided if they had known how it was going to develop. We should have learned a lesson.

What happened in Vietnam should serve as a guide for what could happen in the Middle East and I am concerned about the position we are taking. In my opinion the overwhelming majority of the American people want to avoid another involvement regardless of where their sympathy may be. We cannot presume to settle every conflict that develops. There is a great deal of difference between cooperating with other major nations within the free world to maintain peace and attempting to be the policeman for the entire world.

It is my understanding that this country is the only Nation furnishing material and equipment to Israel at this time. It is also my understanding that the Soviet Union is supplying the Arab nations. Not only does the possibility exist of us becoming involved in a regional war, but with the two great powers airlifting and shipping supplies to opposite sides, a global conflict could result. Therefore, I want to indicate opposition to the President's action in sending warships, marines, or other military personnel to the Mediterranean area. I believe our President and Secretary of State should exercise great caution in their decisions and encourage a negotiated settlement rather than to practice what might be called "gunboat diplomacy."

Mr. President, I am concerned about Americans flying airplanes to Israel with war materials of all kinds. Apparently, the purpose is to replenish the supply of equipment and material Israel has lost in the war so far. But it is also my understanding that no other nation will even permit our planes to land to refuel and that, except for a field in the Azores, we have to fly nonstop to Israel. This reinforces the belief that whatever action we are taking is being done without any support from other nations within the free world.

All of us were pleased with the termination of our involvement in Vietnam and we were more happy to have our prisoners of war returned, although there is a continuing concern about men still missing and unaccounted for. Our national security is not involved; yet, we are going it alone, much as we did in Vietnam. In my opinion, our national security rests in having military forces second to none, in exercising restraint and caution, determining what is right, and then taking joint action with other major nations of the free world to preserve peace.

We have much to lose by involvement in Israel. Of course, it would mean an increase in military spending, more inflation, and scarcity of material of all kinds. It could result in the loss of oil that we now obtain from some of the oil-producing nations of the Middle East. But, most important, Mr. President, it could also result in the loss of the lives of many of our young men, and this is my primary concern. If we become involved in the Middle East, the demonstrations on our streets and college campuses during the Vietnam conflict might be mild compared with the internal difficulties we would experience by such a course of action. And the fury of the mob might well be directed against those people who are now agitating for our involvement. There are limits to what our free institutions can withstand.

Let me conclude, Mr. President, by saying that as a member of the Armed Services Committee and a Member of the U.S. Senate, I cannot support any action of the President or the administration which tends to involve us in this conflict but will work with other like-minded Senators in opposing our involvement in every reasonable way. I hope that the American people will let their Representatives and Senators, as well as the administration, know that they do not want us to become involved in a war in the Middle East and that they do not want us to continue to risk involvement in this conflict by having our men fly supplies to Israel or by sending our naval fleet, our marines, or other military personnel into the Mediterranean area as a threat to the Arab nations. It is an explosive situation which I know is of concern to all Senators and all of the American people.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on October 16, 1973, he presented to the President of the United States the following enrolled bills and joint resolution:

S. 2282. An act to change the name of the New Hope Dam and Lake;

S. 2486. An act to provide that the project referred to as the Trotters Shoals Dam and Lake on the Savannah River, Georgia and South Carolina, shall hereafter be known and designated as the "Richard B. Russell Dam and Lake"; and

S.J. Res. 164. Joint resolution to permit the Secretary of the Senate to use his franked mail privilege for a limited period to send certain matters on behalf of former Vice President Spiro T. Agnew.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MANSFIELD (for Mr. FULBRIGHT), from the Committee on Foreign Relations, without amendment:

S. 1526. A bill to amend the International Organization Immunities Act to authorize the President to extend certain privileges and immunities to the Organization of African Unity; and

H.R. 5943. An act to amend the law authorizing the President to extend certain privileges to representatives of member states on the Council of the Organization of American States (Rept. No. 93–471).

By Mr. CANNON, from the Committee on Rules and Administration without amendment:

S. Res. 178. Resolution authorizing additional expenditures by the Committee on Interior and Insular Affairs for routine purposes (Rept. No. 93–472).

S. Res. 188. Resolution authorizing the printing of additional copies of Senate hearings on copyright law revision (Rept. No. 93–473).

H. Con. Res. 275. Concurrent Resolution providing for the printing of 1,000 additional copies of the hearings before the Subcommittee on the Near East of the Committee on Foreign Affairs entitled "U.S. Interests in and Policy Toward the Persian Gulf" (Rept. No. 93–474).

H. Con. Res. 322. Concurrent resolution to reprint and print the corrected Report of the Commission on the Bankruptcy Laws of the United States (Rept. 93–475).

By Mr. CANNON, from the Committee on Rules and Administration, with an amendment:

S. Res. 170. Resolution authorizing supplemental expenditures by the Committee on Veterans' Affairs for inquiries and investigation (Rept. No. 93–476).

S. Res. 183. Resolution authorizing the printing of a compilation of materials on the 25th amendment as a Senate document (Rept. No. 93–477).

H. Con. Res. 184. Concurrent resolution to print as a House document the Constitution of the United States (Rept. No. 93–478).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. RANDOLPH, from the Committee on Public Works:

Warren Clay Wood, of Nebraska, to be Federal Cochairman of the Old West Regional Commission.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

By Mr. FULBRIGHT, from the Committee on Foreign Relations, with three declarations:

Executive S, 92d Congress, second session, Patent Cooperation Treaty and Annexed Regulations (Exec. Rept. No. 93–20).

By Mr. FULBRIGHT, from the Committee on Foreign Relations, with a declaration:

Executive F, 93d Congress, first session, Convention Concerning the Protection of the World Cultural and Natural Heritage (Exec. Rept. No. 93–23).

By Mr. FULBRIGHT, from the Committee on Foreign Relations, without reservation:

Executive E, 93d Congress, first session, Strasbourg Agreement Concerning the International Patent Classification (Exec. Rept. No. 93–21); and

Executive R, 93d Congress, first session, Statutes of the World Tourism Organization (Exec. Rept. No. 93–22).

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT OF NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

A letter from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, a report concerning transfer through the General Services Administration, to the U.S. Postal Service 12 acres of land at the Michoud Assembly Facility, New Orleans, La. (with an accompanying report). Referred to the Committee on Aeronautical and Space Sciences.

PROPOSED LEGISLATION FROM THE SECRETARY OF THE TREASURY

A letter from the Secretary of Treasury, transmitting a draft of proposed legislation to improve the efficiency and flexibility of the financial system of the United States in order to promote sound economic growth, including the provisions of adequate funds for housing (with accompanying papers). Referred to the Committee on Banking, Housing and Urban Affairs.

REPORT OF EXPORT-IMPORT BANK OF THE UNITED STATES

A letter from the President and Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a report for the quarter ended March 31, 1973 (with an accompanying report). Referred to the Committee on Banking, Housing and Urban Affairs.

REPORT OF NATIONAL RAILROAD PASSENGER CORP.

A letter from the vice president, Public and Government Affairs, transmitting, pursuant to law, a report on average number of passengers per day on board each train and on-time performance at final destination of each train, for the month of August 1973 (with an accompanying report.) Referred to the Committee on Commerce.

REPORT OF THE NATIONAL RAILROAD PASSENGER CORP.

A letter from the vice president for Public and Government Affairs transmitting, pursuant to law, the report for the month of June 1973 of the National Railroad Passenger Corp. (with an accompanying report). Referred to the Committee on Commerce.

REPORT OF THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE

A letter from the Secretary of Health, Education, and Welfare transmitting, pursuant to law, his annual report concerning the committees which advise and consult with him or his designees in carrying out his functions (with an accompanying report). Referred to the Committee on Finance.

REPORT OF FOREIGN CLAIMS SETTLEMENT COMMISSION

A letter from the Chairman, Foreign Claims Settlement Commission, transmitting, pursuant to law, the annual report of the Commission (with an accompanying report). Referred to the Committee on Foreign Relations.

INTERNATIONAL AGREEMENTS OTHER THAN TREATIES

A letter from the assistant legal adviser for treaty affairs of the Department of State transmitting, pursuant to law, copies of international agreements other than treaties entered into between the United States and certain other countries (with accompanying papers). Referred to the Committee on Foreign Relations.

REPORT OF OFFICE OF MANAGEMENT AND BUDGET

A letter from the Director, Office of Management and Budget, transmitting, pursuant to law, a report on budgetary reserves as of September 30, 1973 (with an accompanying report). Referred to the Committee on Government Operations.

PROPOSED LEGISLATION BY THE U.S. INFORMATION AGENCY

A letter from the Director of the U.S. Information Agency transmitting a draft of proposed legislation to authorize appropriations for U.S. participation in the International Ocean Exposition (with accompanying papers). Referred to the Committee on Foreign Relations.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "U.S. Assistance to the Khmer Republic (Cambodia)" (with an accompanying report). Referred to the Committee on Government Operations.

REPORT OF DEPARTMENT OF THE INTERIOR

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, on receipts and expenditures of the Department in connection with the administration of the Outer Continental Shelf Lands Act of 1953. Referred to the Committee on Interior and Insular Affairs.

DESIGNATION OF CHATTOOGA RIVER AS AN ADDITION TO THE NATIONAL WILD AND SCENIC RIVERS SYSTEM

A letter from the Under Secretary of Agriculture, reporting, pursuant to law, on the designation of the Chattooga River and its immediate environs as an addition to the national wild and scenic rivers system (with accompanying papers). Referred to the Committee on Interior and Insular Affairs, and pursuant to Public Law 90–542, ordered printed as a Senate document.

THIRD PREFERENCE AND SIXTH PREFERENCE CLASSIFICATION FOR CERTAIN ALIENS

A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports concerning third preference and sixth preference classification to certain aliens (with accompanying papers). Referred to the Committee on the Judiciary.

REPORT OF U.S. ENVIRONMENTAL PROTECTION AGENCY

A letter from the Secretary, U.S. Environmental Protection Agency, transmitting, pursuant to law, a report on the estimated costs of construction of needed publicly

owned wastewater treatment facilities (with an accompanying report). Referred to the Committee on Public Works.

FINANCIAL REPORT OF ATOMIC ENERGY COMMISSION

A letter from the Assistant General Manager, Controller, Atomic Energy Commission, transmitting, pursuant to law, the financial report of the Commission, for fiscal year 1973 (with an accompanying report). Referred to the Joint Committee on Atomic Energy.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution from the Legislature of the State of California. Referred to the Committee on Commerce:

"ASSEMBLY JOINT RESOLUTION No. 54

"Relative to airline fares

"Whereas, The Legislature of the State of California recognizes the desirability of reinstituting reduced air fares for youth and senior citizens; and

"Whereas, The Congress of the United States is presently considering legislation, S. 181 and H.R. 2698, which would permit the airlines to establish reduced air fares for young people between the ages of 12 and 22 and senior citizens over 65; and

"Whereas, In view of the fact that presently many airplanes are flying with empty seats, the present fare structure constitutes a wasteful expenditure of a great national resource and further contributes to the financial deficit which many commercial air carriers are currently experiencing; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact S. 181 or H.R. 2698 so as to reinstitute reduced air fares for young people and senior citizens; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A resolution of the House of Representatives of the Legislature of the Commonwealth of Massachusetts. Referred to the Committee on Foreign Relations.

"RESOLUTIONS

"Memoralizing the Congress of the United States to seek a true and lasting peace in the Middle East

"Whereas, All thougthful people are extremely concerned about the war and bloodshed in the Middle East; and

"Whereas, In the past twenty-five years a Middle Eastern truce, armiatice and cease-fire have proven meaningless; and

"Whereas, Peace in the Middle East can only be achieved through free and untrammelled negotiations between the parties directly concerned in the conflict; therefore be it

"*Resolved,* That the Massachusetts House of Representatives hereby memorializes the Congress of the United States to insist upon secure, recognized and defensible borders in the Middle East and to accelerate the flow of arms and economic aid to Israel, especially to replace immediately the equipment lost in the current fighting, and to reject an imposed solution to the Middle East conflict; and be it further

"*Resolved,* That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, to the Secretary of State, to the presiding officer of each branch of Congress and to the members from this Commonwealth.

"House of Representatives, adopted, October 9, 1973."

A resolution of the Military Order of the World Wars setting forth national security as our No. 1 priority. Referred to the Committee on Armed Services.

A resolution of the Military Order of the World Wars regarding the Uniformed Services Special Pay Act. Referred to the Committee on Armed Services.

A resolution of the Military Order of the World Wars urging funds to be appropriated for research, development, technology and engineering. Referred to the Committee on Armed Services.

A resolution of the Ukrainian American Republic Association of the State of New Jersey, Inc., denouncing the U.S.S.R. for its treatment of certain people. Referred to the Committee on Finance.

A resolution of the City Council of the City of Philadelphia, Pa., urging the continuance of a policy in support of the State of Israel. Referred to the Committee on Foreign Relations.

A resolution of the Military Order of the World Wars urging the refusal of ratification of the Genocide Convention. Referred to the Committee on Foreign Relations.

A resolution of the Military Order of the World Wars in opposition to aid for North Vietnam. Referred to the Committee on Foreign Relations.

A resolution of the Military Order of the World Wars regarding the balance of power to the three branches of national Government. Referred to the Committee on the Judiciary.

A resolution of the Southeastern Association of Community Action Agencies, Inc., urging the continuance of the Office of Economic Opportunity. Referred to the Committee on Labor and Public Welfare.

A resolution of the Military Order of the World Wars urging the establishment of an effective civilian personnel security program. Referred to the Committee on Post Office and Civil Service.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. JACKSON (for himself, Mr. RANDOLPH, and Mr. MAGNUSON):

S. 2589. A bill to authorize and direct the President and State and local governments to develop contingency plans for reducing petroleum consumption, and assuring the continuation of vital public services in the event of emergency fuel shortages or severe dislocations in the Nation's fuel distribution system, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. GRIFFIN (for Mr. GOLDWATER):

S. 2590. A bill to increase the rights of the surface owners of private lands where the United States retains the reserved mineral interests. Referred to the Committee on Interior and Insular Affairs.

By Mr. BENNETT (for Mr. SPARKMAN) (for himself and Mr. TOWER):

S. 2591. A bill to improve the efficiency and flexibility of the financial system of the United States in order to promote sound economic growth, including the provision of adequate funds for housing. Referred to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PROXMIRE:

S. 2592. A bill to amend the Federal Credit Union Act with respect to the termination of insured status under the act of credit unions other than Federal credit unions. Referred to the Committee on Banking, Housing, and Urban Affairs.

By Mr. EASTLAND (by request):

S. 2593. A bill for the relief of Ioan Gheorghe Iacob; and

S. 2594. A bill for the relief of Jan Sejna. Referred to the Committee on the Judiciary.

By Mr. DOMINICK:

S. 2595. A bill to amend the Internal Revenue Code of 1954 to provide for a tax on every new automobile with respect to its fuel consumption rate, and for other purposes. Referred to the Committee on Finance.

By Mr. COOK:

S. 2596. A bill to provide relief to units of local government from liability for repayment of excessive payments made due to an error by the United States under the State and Local Fiscal Assistance Act of 1972. Referred to the Committee on Finance.

By Mr. STENNIS:

S. 2597. A bill to amend section 102 of the National Security Act of 1947 to clarify the authority of the Central Intelligence Agency with respect to certain intelligence operations. Referred to the Committee on Armed Services.

By Mr. DOMENICI (for himself, Mr. EASTLAND, Mr. RANDOLPH, Mr. NELSON, Mr. FANNIN, Mr. PERCY, Mr. BAKER, Mr. MATHIAS, Mr. GRAVEL, Mr. HUMPHREY, Mr. BUCKLEY, Mr. BARTLETT, Mr. DOMINICK, and Mr. MUSKIE):

S. 2598. A bill entitled "Car Pool Incentives Act of 1973". Referred to Committee on Public Works.

By Mr. HATFIELD:

S. 2599. A bill to repeal the Economic Stabilization Act of 1970. Referred to the Committee on Banking, Housing and Urban Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JACKSON (for himself, Mr. RANDOLPH, and Mr. MAGNUSON):

S. 2589. A bill to authorize and direct the President and State and local governments to develop contingency plans for reducing petroleum consumption, and assuring the continuation of vital public services in the event of emergency fuel shortages or severe dislocations in the Nation's fuel distribution system, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

EMERGENCY MEASURES NEEDED TO PROTECT THE NATION'S ENERGY SYSTEM AND ECONOMY

Mr. JACKSON. Mr. President, yesterday, Arab producing nations meeting in Kuwait vowed to reduce Mideast oil production by 5 percent each month until Israel retreats to pre-1967 boundaries.

This threat from abroad to the security of the Nation's oil supply comes at a time when we already face serious shortages of home heating oil, propane, jet fuel, diesel, residual oil, and gasoline. Domestic production of crude oil has peaked; refineries are operating at the limits of capacity; stocks of crude oil and refined products stand at the lowest levels of the past 3 years; and our energy distribution system is seriously malfunctioning.

I am, therefore, now introducing a measure in the Senate that will establish an emergency program of rationing and contingency planning to deal with these severe shortages.

Emergency legislation is needed be-

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cause of the imminence of serious shortages as a result of the imposition of export restrictions for political purposes.

This Nation has to prepare for the eventual possibility of being denied up to 1.2-million barrels a day of crude oil and petroleum products from the Mideast and Arab countries.

This loss of imports would consist of:

First, 800,000 barrels a day of crude oil and 100,000 barrels a day of refined product imported directly from Arab nations, and

Second, 300,000 barrels a day of refined product from Western Europe which is produced from Arabian crude oil.

The threat posed by this use of oil as a political weapon is compounded by a number of existing factors.

First, we have been projecting a shortage of 100,000 to 250,000 barrels a day of heating oil and other refined products this winter in the Northeast for over a month.

Second, following the outbreak of aggression in the Middle East, military action reduced crude oil supplies to Europe by 1 million barrels a day. These events have an indirect but immediate impact on U.S. supplies. Even if hostilities were to end tomorrow, and Mideastern oil production resumed normal levels, the refined product we have been importing from Western Europe is now drying up. As a result, we will experience shortages this winter. Some Western European nations—Italy and Spain—have already imposed export controls. Others will soon follow suit.

The Nation faces a genuine emergency, one that is likely to worsen, and one which we are not equipped to counter at this time. Although we have faced shortages in varying degrees now for 2 years, the administration has consistently failed to act to deal with these shortages, or to prevent their occurrence in the future.

The administration delayed in implementing mandatory allocation of scarce fuel supplies, until any allocation program introduced will be a case of too little and too late. They delayed throughout 1972 a badly needed increase in petroleum imports. And they have developed no contingency plans for dealing with the really severe fuel shortages we now face.

Leadership in these areas has come from the Congress. Legislation is moving toward enactment which would establish a mandatory fuel allocation program, to provide a national system of strategic reserves, mandate the conservation of energy, develop alternate sources of energy, undertake a massive energy research and development program, and otherwise address in detail the longer range aspects of the energy crisis with which the Nation is faced.

By and large, the administration has opposed these measures. These bills are critically needed, but they are of little assistance in addressing the immediate and urgent problems of next month, and this winter.

The bill I am proposing will establish an emergency program of rationing and contingency planning to deal with critical shortage conditions that cannot be adequately dealt with under existing law. This measure will mandate a program of energy conservation, contingency planning, rationing if necessary, and new initiatives to increase domestic energy supplies.

This will not be the first time that a Federal emergency petroleum production and distribution system is established. During World War II, and again during the Truman administration, the Congress passed legislation providing for Federal intervention in fuel production and distribution to insure maximum public benefit in times of emergency.

This bill does not require immediate implementation of rationing and other emergency measures. It does provide for a contingency plan to do these things if and when an emergency energy shortage should be declared. This bill is an anticipatory and precautionary measure, to insure that, in the event of a major shortage, we will not be caught unaware.

The bill authorizes the President to declare fuel shortage emergencies when requirements for energy or petroleum exceed available supply by 5 percent or more. State and local governments are required to develop emergency fuel shortage contingency programs to be implemented in the event such an emergency is declared.

These contingency programs must devise a priority system for fuel rationing, should it become necessary, and must provide the capability of reducing energy consumption by 10 percent within 10 days from the date of program implementation, and by 25 percent within 4 weeks of implementation. Discretion is left to the State or local government to determine suitable measures for attaining this goal. However, in the event that a State or local government fails to develop or implement a program, the Federal Government is directed to implement a mandatory energy conservation and contingency program.

The Federal program would require mandatory:

First, reduction in speed limits to 50 mph or less;

Second, programs to provide for regular engine tune ups on all automotive vehicles;

Third, an end to all advertising to induce increased energy consumption;

Fourth, promotional and educational programs on improved conservation practices in space heating and electrical consumption; and

Fifth, increased use of car pools and mass transit.

Notwithstanding any other State or Federal action, the bill also requires the President to expand available supplies of petroleum by:

First, requiring oil- or gas-burning powerplants with coal-burning capabilities to reconvert to burning coal, and granting temporary variances from air quality emission standards to allow such conversions, if necessary;

Second, authorizing the CAB to grant variances in scheduling of airplane flights, and the ICC in scheduling and routing of trucks and other interstate vehicles, to increase load factors or decrease distances traveled, in order to conserve fuel; and

Third, implementing Federal incentives and subsidies to largely increase the use of public transportation.

In a declared emergency, additional domestic supplies are required to be produced from certain designated oil fields technologically capable of producing above their assigned "maximum efficient rate" for sustained periods of time—90 to 180 days. The Office of Oil and Gas is authorized to initiate mandatory allocation of crude oil supplies to refineries to assure maximum production capacity and is also authorized to project future product requirements and to mandate adjustments in refinery product runs accordingly.

The final major provision of the bill provides for the expansion of useful domestic energy supplies by allowing production on the naval petroleum reserves, providing Federal incentives to further expand domestic production and refinery capacity, and, in the longer run, requiring all new stationary power plants to be equipped for burning coal as well as oil and gas.

It is estimated that the program outlined in this proposed legislation, when implemented, will save the equivalent of about 3-million barrels of oil a day. These savings would be more than adequate to counter the loss of all imports from Mideast and Arab countries. These imports now account for about 5 percent of total U.S. petroleum consumption, but in certain areas of the country the dependence on these sources of supply is far greater. Because we have lost a great deal of flexibility in energy supply and distribution in the last few years, certain sectors of the economy and certain regions will be especially hard hit by a reduction in imports. The Northeast and the Atlantic Coast, for example, are heavily dependent on imported petroleum products for space heating, and electric power generation as well as transport. The South Central oil producing States are considerably less dependent on imported oil, but would nevertheless be seriously affected by a loss of imports through increased competition for available domestic fuels.

Our current situation will require some belt-tightening on the part of the American people. We may have to learn to do more with less. But I am confident that we can overcome our present problems, and develop better habits of energy consumption. I believe the legislation I am proposing is a step toward both these goals.

Mr. President, I ask unanimous consent that the bill and a summary of the bill be printed in the RECORD.

There being no objection, the bill and summary were ordered to be printed in the RECORD, as follows:

S. 2589

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Emergency Petroleum Act of 1973."

TITLE I—STATEMENT OF FINDINGS AND PURPOSES

FINDINGS

SEC. 101. The Congress hereby determines that—

(a) shortages of crude oil, residual fuel oil, and refined petroleum products caused by inadequate domestic production, environmental constraints, and the unavailability of imports sufficient to satisfy domestic demand, now exist or are imminent;

(b) such shortages have created or will create severe economic dislocations and hardships, including loss of jobs, closing of factories and businesses, reduction of crop plantings and harvesting, and curtailment of vital public services, including the transportation of food and other essential goods;

(c) such hardships and dislocations jeopardize the normal flow of commerce and constitute a critical national energy crisis which is a threat to the public health, safety, and welfare and can be averted or minimized most efficiently and effectively througn prompt action by the executive branch of Government;

(d) political disruptions in the world petroleum supply and distribution system can be expected to cause supply interruptions of imports from foreign sources;

(e) such supply interruptions will result in shortages far greater than any previously anticipated, and could create extremely critical shortage conditions as a result of unduly cold weather, reductions in refinery operations for mechanical or other reasons, and intensified world-wide competition for scarce petroleum;

(f) because of the diversity of conditions, climate, and available fuel mix in different areas of the nation, the primary governmental responsibility for developing and enforcing emergency fuel shortage contingency plans lies with the States and with the local governments of major metropolitan areas.

PURPOSES

SEC. 102. The purpose of this Act is to—

(a) grant to the President of the United States, and direct him to exercise, specific temporary authority to deal with shortages of crude oil, residual fuel oil, and refined petroleum products, or dislocations in their national distribution system. The authority granted under this Act shall be exercised for the purpose of minimizing the adverse impacts of such shortages or dislocations on the American people and the domestic economy;

(b) protect the public health, safety and welfare and the national security, and to assure the continuation of vital public services and full employment in the face of critical energy shortages;

(c) provide a national program to conserve scarce energy resources, through mandatory and voluntary rationing and conservation measures, implemented by Federal, State and local governments;

(d) direct the President and State and local governments to develop and demonstrate contingency plans which shall have the practical capability of reducing U.S. petroleum consumption by 10 percent within 10 days, and by 25 percent within 4 weeks of any interruption of normal supply.

TITLE II. EMERGENCY FUEL SHORTAGE CONTINGENCY PROGRAMS

PRESIDENTIAL AUTHORIZATION

SEC. 201. (a) The President is hereby authorized to declare a national or regional emergency requiring implementation of emergency fuel shortage contingency programs as provided for in this title. For the purposes of this Act, the term "emergency fuel shortage" means a disparity of 5 percent or more between energy requirements and energy supply, or between the available supply of petroleum and petroleum products and requirements for such fuels.

(b) The President may, at his discretion, extend or renew the declared emergency fuel shortage as long as the shortage conditions, described in subsection (a) above, continue to exist.

EMERGENCY FUEL SHORTAGE CONTINGENCY PLANS

SEC. 202. (a) Not later than 30 days after the date of enactment of this Act, the President shall promulgate requirements for emergency rationing, conservation, and contingency programs to be developed by each State and major metropolitan government, and to be implemented for the President by such State and local governments in the event the President determines there is an emergency fuel shortage. Such programs, which must be developed within 90 days after the date of enactment of this Act, shall assure that all vital services will be maintained and that unnecessary energy consumption will be curtailed.

(b) The rationing and conservation programs provided for in subsection (a) above shall include the following conservation measures:

(1) an established priority system and plan for rationing of scarce fuels among distributors and consumers during periods of critical shortages, and

(2) measures to reduce energy consumption in the affected area by 10 percent within 10 days, and by 25 percent within 4 weeks after implementation.

(c) In the event that a State or major metropolitan area fails to design and implement a contingency program as provided, for in subsection (a), the President shall implement for such State or metropolitan area a Federal rationing and energy conservation program which will include the following mandatory measures:

(1) reduction in maximum speed limits on all roads to 50 miles per hour or less;

(2) a program to require regular engine tune-ups for all automotive vehicles;

(3) discontinuation of all advertising encouraging increased energy consumption;

(4) regular inspection and maintenance of commercial and industrial heating and air-conditioning units;

(5) maximum winter thermostat settings of not more than sixty-five degrees Fahrenheit and minimum summer settings of not less than eighty degrees Fahrenheit in all buildings owned or leased by the Federal Government;

(6) increased average occupancy of private automobiles through the use of car pools. During commuter rush hours and at other specified times, parking and access in certain critical areas may be limited to cars with three or more occupants;

(7) a program of public education to encourage energy conservation measures in private homes and in the private sector, including:

(A) regular inspection and maintenance of home heating and air-conditioning units, and

(B) reductions in heating, hot water and electricity consumption.

MANDATORY FEDERAL ACTION FOR FUEL CONSERVATION

SEC. 203. Notwithstanding any action taken on the part of State or local governments pursuant to Section 202, the President shall in time of actual or impending emergency fuel shortage:

(a) require that existing electrical powerplants which now burn petroleum or natural gas and which have the capability to reconvert to coal shall convert the necessary plant equipment and revert to burning coal as their primary energy source. If necessary, the President may grant temporary variances from air quality emissions standards on a plant-by-plant basis, for the duration of the emergency fuel shortage only, to permit the burning of coal if the only available coal, when burned, will exceed established air quality standards.

(b) authorize independent regulatory authorities, such as the Civil Aeronautics Board and the Interstate Commerce Commission, to permit variances from existing schedules and routings to increased load factors, reduce the number of scheduled trips, or shorten distances traveled, in order to conserve fuel. In particular, airlines shall be required to operate at maximum capacity wherever possible.

(c) develop and implement Federally sponsored incentives for the use of public transportation, including priority rationing of fuel for mass transit systems, and Federal subsidies for reduced fare and additional expenses incurred because of increased service, for the duration of the emergency fuel shortage.

MANDATORY FEDERAL ACTIONS TO INCREASE AVAILABLE DOMESTIC PETROLEUM SUPPLIES

SEC. 204. In the event an emergency fuel shortage is declared pursuant to Section 201, the President shall also initiate the following measures to supplement domestic energy supplies for the duration of the emergency:

(a) Require production of certain designated existing domestic oil fields at rates in excess of their current established Maximum Efficient Rates (MER). Fields to be so designated by the appropriate State governments or by the Office of Oil and Gas, shall be those where the types and quality of reservoirs are such as to permit production at rates in excess of the currently assigned sustainable MER for periods of 90 days or more without excessive risk of losses in recovery.

(b) Authorize the Office of Oil and Gas to require:

(1) a program of mandatory allocation of crude supplies to ensure that all refineries are operating at maximum possible capacity, and

(2) the adjustment of processing operations of domestic refineries to produce refined products in proportions commensurate with national needs and consistent with the priorities established in accordance with Section 202. The Office of Oil and Gas shall make projections of anticipated product requirements and mandate the necessary adjustments in domestic refinery runs accordingly.

EXTENSION AND DEVELOPMENT OF CONTINGENCY SUPPLIES

SEC. 205. The President is hereby authorized to:

(a)(1) require production of oil and gas from currently developed resources of the Naval Petroleum Reserves No. 1, 2, 3 and 4; and

(2) require expeditious exploration and further development of these reserves to:

(A) determine the full extent of the oil and gas reserves located thereon; and

(B) make possible the production of oil and gas from the reserves at or in excess of their maximum efficient rate.

(b) require electric powerplants in the planning process or under construction, which are designed to burn oil or gas, to be designed and constructed with the ready capability to burn coal as well as oil and gas as a primary fuel.

(c) develop and implement such plans and programs as may be necessary to facilitate and expedite the greatest possible expansion of existing domestic production and refinery capacity.

TITLE III. ADMINISTRATION AND AUTHORIZATIONS

CONGRESSIONAL APPROVAL

SEC. 301. Within 30 days after the date of enactment of this Act, the President shall submit to Congress requirements for the emergency fuel shortage contingency programs provided for in Title II of this Act. These requirements will be approved by Congress unless, within 15 days of such submission, 7 of which must have been in legislative session, the Congress specifically disap-

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proves of all or part of the program, and concurrently offers specific alternative provisions for those portions disapproved.

ECONOMIC INCENTIVES

SEC. 302. The Cost of Living Council is hereby authorized and directed to develop incentives to encourage private industry and individual persons to subscribe to the goals of this Act and to comply with the requirements to programs developed and implemented pursuant to this Act.

STATE LAWS

SEC. 303. (a) No State law or program in effect on the date of enactment of this Act, or which may become effective thereafter, shall be superseded by any provision of this Act or any program issued pursuant thereto except insofar as such State law or program is inconsistent with the provisions of this Act.

(b) Any provision of any State law or program in effect upon the date of enactment of this Act, or which may become effective thereafter, which provides for more stringent energy conservation and more efficient allocation than do the provisions of this Act or any program implemented pursuant thereto shall not be construed to be inconsistent with this Act. Any provision of any State law or program in effect on the date of enactment of this Act, or which may become effective thereafter, which provides for the conservation or allocation of energy for which no provision is contained in this Act shall not be construed to be inconsistent with this Act.

GRANTS TO STATES

SEC. 304. The President is hereby authorized to make grants to any State or major metropolitan government, for the purpose of assisting such State or local government in developing, administering and enforcing emergency fuel shortage contingency plans under this Act.

AUTHORIZATIONS

SEC. 305. There are hereby authorized to be appropriated $150,000,000 for the purposes of this Act.

SEPARABILITY

SEC. 306. If any provision of this Act or the applicability thereof is held invalid, the remainder of this Act shall not be affected thereby.

SUMMARY

TITLE I

Section 101—Findings

(a) Shortages exist and are imminent:

(b) Shortages will create severe economic dislocation and hardship;

(c) Action by the Executive Branch can minimize or avert hardship;

(d) Political disruptions can cause interruptions in imports;

(e) Such supply interruptions will create shortages far worse than those for which we have planned; and

(f) Primary responsibility for emergency fuel shortage contingency plans lies with state and local government.

Section 102—Purpose

(a) to grant and direct the exercise of Presidential Authority needed to minimize adverse impact of shortages;

(b) to protect public health and safety;

(c) to provide a national program to conserve scarce energy;

(d) to direct the development and demonstration of government contingency plans

TITLE II—EMERGENCY FUEL SHORTAGE CONTINGENCY PROGRAMS

Section 201—Presidential authorization

Authorizes President to declare national or regional emergency; and

Defines emergency as disparity of 5% between energy requirements and supplies.

Section 202—Emergency fuel shortage contingency plans

(a) Within 30 days the President shall promulgate requirements for 90 day emergency contingency programs to be designed by state and local governments and implemented by them for the President in the event of emergency shortages;

(b) Conservation Programs will include:

(1) a priority system and rationing plan; and

(2) measures capable of reducing petroleum consumption by 10 percent within 10 days and 25 percent within 4 weeks.

(c) Should a state fail to design and implement a program, one will be implemented by the President which will include provisions for:

(1) reduction of maximum speed limits to 50 MPH would make 250,000 barrels per day equivalent saving and 27.8% saving as a percent of Arab imports;

(2) require periodic auto engine tuneups would make 140,000 barrels per day equivalent saving and 15.5% saving as a percent of Arab imports;

(3) end advertising encouraging increased energy consumption;

(4) maintenance and inspection of heating units;

(5) reduce heating and cooling energy consumption in Federal buildings;

(6) use of car pools would make 750,000 barrels per day equivalent saving and 83.3% saving as a percent of Arab imports;

(7) homeowner energy conservation education would make 730,000 barrels per day equivalent saving and 81.1% savings as a percent of Arab imports;

Section 203—Mandatory Federal action for fuel conservation

The President ahall in time of actual or pending emergency—

(a) require existing electrical power plants that are capable of doing so to convert to the burning of coal. Where necessary emergency variances to the air quality laws are authorized would make 258,000 barrels per day equivalent saving and 28.6% saving as a percent of Arab imports;

(b) authorize Federal regulatory agencies to permit variances from existing schedulea to conserve fuel use by public transport would make 120,000 barrels per day equivalent saving and 13.3% savings as a percent of Arab imports;

(c) develop and implement Federal incentives for the use of public transportation.

Section 204—Mandatory Federal action to increase domestic petroleum supplies

In time of emergency the President ahall cause the increase of domestic supplies by—

(a) requiring production of designated oil fields in excess of legally established MER (Maximum efficient rate of production) which would increase supply of 292,000 barrels a day and 32.4% of Arab imports.

(b) authorizing the Office of Oil and Gas to—

(1) so allocate crude oil supplies as to insure full refinery utilization;

(2) require adjustment of refinery balances to insure an output of refined product consistent with established priorities.

Section 205—Development of new contingency supplies

Authorizes the President to—

(a) (1) require production of oil and gas from the Naval Petroleum Reserves which would increase supply of 160,000 barrels a day and 17.7% of Arab imports.

(2) require expeditious exploration and development of the Naval Petroleum Reserves.

(b) require future electric power plants to be so designed as to use coal as a primary energy source;

(c) implement programs to expedite expansion of existing domestic production and refining capacity.

TITLE III—ADMINISTRATION AND AUTHORIZATION

Section 301—Congressional approval

Within 30 days the President shall submit to Congress a plan for the emergency fuel shortage programs provided for in Title II;

Within 15 days of receipt, the Congress will approve this plan or offer an alternative.

Section 302—Economic incentives

The Cost of Living Council will develop incentives to encourage compliance with the Act.

Section 303—State laws

Provides for the preemption of State laws wherein they may be in conflict with this act.

Section 304—Grants to States

Authorizes Federal grants to states and cities to assist in the implementing of the act.

Section 305—Appropriation authorization

$150,000,000 is authorized.

Mr. HANSEN. Mr. President, the distinguished chairman of the Interior Committee announced Wednesday his intent to introduce today a bill he feels would be an appropriate response to the announcement in Kuwait that Middle East oil production will be reduced at the rate of a 5 percent per month cutback, beginning implementation immediately.

Granting that the chairman has termed his proposal "emergency legislation," I am hopeful that he has not missed the point emphasized by the Kuwait announcement—that Middle East energy sources have been and will continue to be insecure, and that we must develop the domestic energy sources of the United States rather than continue to look overseas for help, if we are to enjoy national security.

A part of the thrust of the chairman's legislation is aimed at conservation through emergency rationing. We must eliminate waste and unnecessary use. But I suggest to the distinguished chairman that the price increase announced Tuesday by Persian Gulf producers, and Iran, will help accomplish that. That announcement constituted a 17-percent price increase from $3.12 to $3.65 a barrel. That means that such oil delivered on the east coast of the United States would cost $6 or more. That is $2 a barrel more than U.S. producers get for oil at the wellhead in Wyoming, Louisiana, Texas, Oklahoma, California and other producing States. When the price gets high enough, Americans and consumers all over the world are going to see to it that unnecessary use is eliminated.

Another part of the chairman's thrust urges reconversion to coal burning capabilities at power plants. Ironically, little more than a week ago, a majority of the Senate voted, while the surface mining bill was being considered, to withdraw from mining some of the most accessible coal resources in the United States. Today, we are being asked to convert back to coal. I agree that we should, even though emission standards required by the National Environmental Protection Act may have to be modified.

A third point made by the chairman has to do with expansion of domestic petroleum supplies. He calls for producing fields to produce at rates above maximum efficiency for the short term, and for use of the naval reserves for the longer term. The former action may have to be taken, although as the chairman recognizes it could at best serve as a partial short term answer. I doubt that the Congress would approve depletion of the naval reserves for other than reaction to immediate or near threat to the national security of the United States.

Any way you look at it, the four naval petroleum reserves are not an adequate immediate answer even should Congress order use at this time. According to page 17 of the General Accounting Office report to Congress Oct. 5, 1972, on "Capability of the Naval Petroleum and Oil Shale Reserves to Meet Emergency Oil Needs," these reserves "could produce only an additional 95,500 barrels per day in an emergency."

The report states:

> Only Petroleum Reserves numbers one and three are currently capable of additional production without further development. Petroleum Reserve number two is producing at capacity under leases to private contractors and is of minimal value as a reserve. Petroleum reserve number four is essentially unexplored and undeveloped and has no current production capability.
>
> "The Navy estimates that it would cost a minimum of $2 billion (b) over a 10-year period to develop petroleum Reserves numbers one, three and four to their maximum deliverable production rates.

The present daily production capability as of last October was 108,900 barrels daily, with 13,400 barrels already in use. This is present production from reserves one, two and three.

The Geological Survey estimates that reserve No. 4 contains from 10 to 33 billion barrels of oil. Assuming the 10 billion barrels estimate is accurate, maximum production for a 5-year period is estimated at 3,280,540 barrels per day. Given the time required to develop the reserves, this figure would more than replace present imports from the Middle East assuming there is not further decline in domestic production. But we need to know what we would use for reserves should we face a national emergency.

After the 6-day war in the Middle East in 1967, the Secretary of the Navy established an initial operational readiness requirement for Petroleum Reserve No. 1. This stipulated that a 5-year average oil production rate be 160,000 barrels per day. Officials of Reserve No. 1 stated that the No. 1 reserve, already in production, is capable of producing a maximum of 100,000 barrels per day within 60 days, given sufficient emergency funds and manpower.

According to the GAO report, No. 1's oil pipeline system can transport 90,000 barrels per day—but only to the boundaries of the reserve. The best estimates are that adequate means of transporting the oil from the reserve could be constructed in from 1 to 2 years. During World War II, Reserve No. 1 had an emergency production status, and produced at a level of 62,000 barrels per day.

The present situation does not constitute an immediate threat to the national security of the United States, nor does it constitute an acute national emergency for the United States. The impact of the Kuwait action upon the United States, though severe, will be exceeded by the effects it will have upon the rest of the free world, unless the Middle East nations have an implementation plan as yet unannounced.

The answer to the Nation's energy shortages and to the threat of energy blackmail by any foreign nation or group of nations is for this Nation to achieve energy self-sufficiency. We can do it and we must do it.

Because of our real desire to clean up our environment, we have placed unbelievable roadblocks, impeding our efforts to become more energy self-sufficient within the United States by using all of our available energy resources.

First of all, we must eliminate waste and unnecessary use. The price increase the Arabs announced will help do that. We must intensify efforts to increase drilling within the continental United States and on the Outer Continental Shelf, including the Atlantic seaboard. We must pull all the stops in building the Alaskan pipeline. We must make far greater use of coal for the production of heat and electricity. Wherever National Environmental Protection Act laws or State laws prevent this reconversion back to coal, they must be changed or suspended. The Kuwait announcement leaves us with no alternative.

Further, in regard to the naval petroleum reserves, we are aware that the administration has proposed release of No. 1.

The House Armed Services Committee is conducting hearings on this matter, and I offer for consideration by this body, Chairman HÉBERT's opening statement urging careful and cautious consideration of such a concept.

> In his message to Congress on September 10, the President stated, in part, that in view of the "scarcity of fuels, it is important that we act now to draw upon the oil available in the Naval Petroleum Reserve No. 1 (Elk Hills)." This indicated that the Congress would be asked to approve a new policy which would be in direct opposition to the statutory provisions which, for a half century, have successfully prevented the use of our naval petroleum reserves for other than the purpose for which they were intended—national defense.
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> Therefore, on September 12th I announced that I had directed the Investigating Subcommittee staff to make an immediate inquiry into this matter so that necessary hearings could be held at an early date. I pointed out at that time that under the Rules of the House of Representatives primary legislative jurisdiction over naval petroleum reserves is assigned to the Committee on Armed Services.
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> The preliminary staff work having been completed, the Subcommittee is now ready to hear from witnesses representing the General Accounting Office, the Department of Defense and the Department of the Navy. I have also issued invitations to Secretary Morton and to Governor Love to appear. But, before beginning the testimony I would like to touch briefly on the background of the naval petroleum reserves. I will not pursue it in detail because this will be done by appropriate witnesses.
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> Shortly after the turn of the century private oil interests were staking out large claims in our public lands at such a rapid pace it became apparent that the Government would have to stake out claims of its own in order to insure an adequate supply of oil for future national defense purposes. This was accomplished by withdrawing from public lands certain potential petroleum producing areas and designating them as naval reserves. We now have four such areas.
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> These reserves are protected by the provisions of law set forth in Chapter 641 of Title 10 of the United States Code. These provisions were basically established by that great former chairman of the Armed Services Committee, Mr. Carl Vinson. He left no doubt in anyone's mind that these reserves were to be used *only* in the defense of our country. And during a House debate in the 78th Congress in 1944, he made the following four points with respect to the objectives to be achieved by the law:
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> 1. "The amount of oil initially produced from the reserve would be fixed by joint resolution of Congress, at such an amount as was clearly demonstrated, after a hearing on the question, as being absolutely necessary to an expeditious prosecution of the war."
>
> 2. "The amount of oil initially authorized to be produced would be decreased as soon as the requirements of the war permitted and the field would eventually be shut down."
>
> 3. "No amounts of oil in excess of the amount initially authorized by joint resolution of Congress would be produced from the reserve unless the increase was authorized by a further joint resolution upon a showing that the additional amounts were also necessary for the prosecution of the war. Thus the final control over production from the reserve would be kept where it always has been, namely, in the hands of Congress."
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> 4. "The oil in the reserve would not be used to finance the operation of the reserve. Thus Navy would not be permitted to bypass Congress, but instead would periodically come to Congress with requests for appropriations to carry on the necessary operations."
>
> Since its inception the naval petroleum reserve has been considered by those charged with its safekeeping as a national asset to be held in trust—an asset which should not be frittered away.
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> The oil which is protected in the four naval petroleum reserves is worth hundreds of millions of dollars and, therefore, it should not be surprising that unceasing efforts have been made, and will probably continue to be made, to get at them by various interests to whom they represent huge potential dollar profits. But while I recognize that the profit motive is basic and necessary to the growth and strength of our free enterprise system, I am equally convinced that there are certain areas in which "dollar value" is not a true measure of worth. For example, how do you place a dollar tag on the ability of our country to remain free, or on the safety of our families and homes? And how much is it worth to have a government which is strong enough to be a positive influence for peace throughout the world? These and other such questions must be considered when we seek to establish priorities for the distribution and utilization of our finite national resources.
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> With these thoughts in mind, I suggest that we begin with the testimony of our witnesses.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, on behalf of my distinguished colleague (Mr. RANDOLPH), that a statement by him be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR RANDOLPH

Mr. President, it is a privilege to join the able Senator from Washington (Mr. Jackson) as a cosponsor of the National Energy Emergency Contingency Act.

It is my belief that this legislation, which

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will establish the authority for an emergency program of rationing and contingency planning to deal wtih severe fuel shortages, is an absolutely essential move on the part of the Congress.

As a Member of the National Fuels and Energy Policy Study, I have worked closely with the distinguished Senator from Washington on the energy situation for many months. We are aware of the continuing energy shortages confronting our Nation. Without any special situation of aggravating circumstances, these shortages are with us and we must be prepared to live with them in the years ahead. During our Study investigations, we have stressed both the depth and intensity of our problems, and the lack of effective Administration action to forestall the more serious effects of the shortages of energy supplies.

The Congress, however, has moved forward despite the Administration's delay in formulating energy policy decisions. On June 5, 1973, the Senate passed S. 1570, the Mandatory Petroleum Allocation Act; the House followed suit, and passed a similar bill, H.R. 9681 yesterday. The Senate's energy conservation bill, S. 2176, should be ready for Senate action soon. The energy research and development bill, S. 1283, is being finalized. In the House, similar measures are being moved ahead.

Regrettably, the Administration's measures have not been so expeditious. During the summer months when gasoline shortages became so serious, no mandatory petroleum allocation program was established. During these same summer months, a shortage in home heating fuel for the winter was foreseen and the Administration was urged to take action. The announcement of a mandatory program for heating fuel did not come until October 12, when temperatures in many areas of the Nation had already dropped below the 70's. Yet even this mandatory program is not adequate for this problem—it merely states that such a mandatory program is being established and does not set up priorities for allocation.

The delays in establishing necessary energy programs have seriously lessened our ability to meet the Arab pressure tactics. The United States has come to the point at which it *must* conserve energy or face an economic crisis unrivaled in many, many years.

The decision, yesterday, of the Arab oil-producing nations to reduce Mideast oil production by five percent each month until Israel retreats to pre-1967 boundaries has placed before us another critical threat. The Senator from Washington has outlined in detail the impact of yesterday's action on our energy supply. Certainly, this decision makes the need for affirmative programs even more urgent.

Our Nation, with the cooperation of all levels of Government and all citizens, must prepare to meet this emergency situation. As I have stated, it is my belief that the Administration, even before yesterday's announcement, was not moving forward with the necessary urgency and positive action to resolve the energy crisis. The significant activities and program proposals to secure a system under which fuel shortages at the very least can be alleviated have come from the Congress.

I firmly believe that it will be up to the Congress to continue action if we are to meet the current energy shortages and the threat encompassed in yesterday's announcement by the Arab oil-producing nations. For this reason, I strongly support the effort undertaken in the National Energy Emergency Contingency Act to provide for a contingency plan of rationing and other emergency measures, if and when it is necessary for the President to declare an emergency energy shortage.

Under this measure, the President is authorized to declare fuel shortage emergencies when requirements for energy or petroleum exceed available supply by five percent or more. Further, State and local governments are required to develop emergency fuel shortage contingency programs which would be implemented when such an emergency is declared.

Mr. President, the proposed legislation directs that Federal programs, when implemented, include these actions:

(1) Reduce speed limits nationwide to 50 mph or less;

(2) Provide for regular automotive tune-ups;

(3) End all advertising to induce increased energy consumption;

(4) Improve conservation practices in space hearing and electrical consumption; and

(5) Increase the use of car pools and mass transit.

In addition, regardless of any other State or Federal actions, this bill would require the President to expand available supplies of petroleum by:

(1) Requiring oil- or gas-burning power plants with coal-burning capabilities to reconvert to burning coal, and grant temporary variances from air quality emission standards to allow such conversions, if necessary;

(2) Authorizing the CAB to grant variances in scheduling of airplane flights, and the ICC in scheduling and routing of trucks and other interstate vehicles, to increase load factors or decrease distances traveled, in order to conserve fuel; and

(3) Implementing Federal incentives and subsidies to largely increase the use of public transportation.

These are only some of the provisions this measure would direct in the case of emergency. Certainly, there may be many worthy proposals to modify this measure. However, it is very clear that this type of legislation is necessary, and even vital, to our Nation's survival. It must be considered by the Congress in an expeditious manner.

The Congress must act quickly in the National interests.

By Mr. GRIFFIN (for Mr. GOLDWATER):

S. 2590. A bill to increase the rights of the surface owners of private lands where the United States retains the reserved mineral interests. Referred to the Committee on Interior and Insular Affairs.

Mr. GRIFFIN. Mr. President, for the Senator from Arizona (Mr. GOLDWATER), I introduced, for appropriate reference, a bill to increase the rights of the surface owners of private lands where the United States retains the reserved mineral interests. I ask unanimous consent that a statement by Senator GOLDWATER, together with the text of the proposed bill, be printed in the RECORD.

There being no objection, the statement and bill were ordered to be printed in the RECORD, as follows:

INCREASING THE RIGHTS OF LANDOWNERS OF PRIVATE LANDS IN WHICH THE MINERAL INTERESTS ARE RESERVED TO THE UNITED STATES

(By Senator BARRY GOLDWATER)

Mr. President, I am introducing legislation today to strengthen the property rights and bargaining power of the surface owners of private lands where the United States retains the reserved mineral interests. The bill has two primary aims. First, it provides immediate protection to the homeowner now living in developed residential communities against damage to their homesites and land values caused by the actual or threatened occurrence of mineral exploration or drilling on their property without their consent. Second, the bill will discourage indiscriminate damage being caused to now undeveloped private lands by irresponsible persons or fly-by-night companies abusing federal laws which leave these lands open to mining claims and removal of mineral deposits. Hereafter, when explorers or mining companies seek to prospect and locate claims on undeveloped private lands or lands which are developed in the future, they must post a bond before entry and stand liable for one and a half times the damage which might be caused to all surface improvements, values and uses.

Mr. President, this bill attacks a very old problem which is acute in the western states but exists elsewhere to some degree, as well. I am speaking of instances in which the private surface owner of land is not the owner of the mineral rights because of some law under which the mineral estate has been reserved to the United States and which lands remain open to location or claim under the mining laws just as if the lands were still federally-owned.

In all there have been approximately 70 million acres of land patented to private ownership with a reservation of the minerals to the United States. The vast majority of these lands was patented under the Stock Raising Homestead Act of 1916. Under the terms of this Act prospectors may enter onto the land to search for and claim mineral deposits without any need to obtain the consent of or even to notify the surface land owner. The prospector is supposed to avoid injuring the permanent improvements of the surface owner and should pay compensation for any damages to crops and agricultural improvements, but this does not discourage widespread abuses of the surface owners' interests. The mineral developer need not post a bond to prospect and locate; nor does it appear that he has to compensate the surface owner for residential-type improvements or the value of the land for residential use.

It is argued by many lawyers in this field that the only kind of permanent improvements for which compensation must be paid are "agricultural" improvements and that there is no Federal statutory right to compensation for damages to non-agricultural improvements. The origin of the Stock Raising Homestead Act and its protections to surface owners are said to be obviously designed to provide relief where private lands are being used for agricultural or grazing purposes and not meant to be tailored to urban area lands. Therefore, we have a situation in which individuals who have purchased land to build homes and raise their families are badly lacking in any clear legal rights that would enable them to forestall residential mining on their property or even to be confident of obtaining fair compensation for injury to their residential improvements.

Now, the actual developed areas in which the mining interests are reserved to the United States constitute only a very small part of the 70 million acres of private lands which are affected by this split ownership of the surface and minerals. For this reason, my legislation treats differently the case of the surface owners of lands on which there are actual residential, industrial or commercial structures and the surface owners of undeveloped private lands. Since there is a situation occurring right now where mining is under way on private land in a residential area west of the city limits of Tucson at the south boundary of the Tucson Mountains, I will describe the features of my bill as it will affect this problem and then describe the relief which the bill provides for the owners of presently undeveloped lands.

What we have going on in the residential Tucson area is exploratory drilling by a major company which has staked out some 175 claims on 3,500 acres of private land. Many of these claims are in Tucson Estates, which is an established mobile home park with at least 1200 families, while other claims cover Millstone Manor, an established residential area with approximately 400 families inside the claimed area. It does not appear that drilling has intercepted any commercial ore to date and the company has not asserted to my knowledge that a valid mining claim has been discovered. Theoretically, in these circumstances, a surface owner can bring a private law suit contesting allegedly invalid mining claims which threaten to destroy the value of the surface of their lands, but even if these land owners should win their case tomorrow somebody else could come right back in and start prospecting all over again.

Mr. President, I propose today to protect the interests and dreams of land owners who have built their homes in this area and other existing communities with the same problem, by allowing them to acquire the mineral interests by an easy process of notification to the Secretary of the Interior. If any one of these homeowners wants to unite the mineral interests with his surface title, my bill authorizes him to so notify the Secretary of the Interior within one year after the bill should become law. His notification in itself shall provide immediate termination of the reservation to the United States of minerals in each person's land and in due course he will obtain a patent or other instrument from the Secretary conveying to him the reserved title which the United States had held in these minerals. Because the immediate problem concerns locatable minerals, that is the hard rock minerals such as copper, and because locatable minerals are not subject to the leasing authority of the Secretary which would offer discretion against allowing mining on developed lands, I have limited the bill to locatable minerals and do not get into the question, which is not applicable here, of leasable minerals, such as oil and gas resources.

This technique, Mr. President, will give the private surface owner of developed lands an immediate recourse for acquiring title to the reserved, locatable minerals merely by providing notification of his wish. As a result, he will be placed in a position where any mining company desiring to locate minerals in this particular land would have to deal with him, the surface owner, personally. The homeowner's notification to the Secretary would immediately terminate the privilege of the mining claimant to commence or continue any entry on his land for prospecting or other mining activities. However, these lands are not withdrawn from the mining laws and the option of mining is still open so long as the mineral developer negotiates with the surface owners and obtains their consent. In other words, the law of the market place will take effect depending on which is more valuable, the use of the land for residential purposes or the prospect of commercial mining. I should mention that as a practical matter each surface owner will be protected in a development unless the great majority should agree to permit mining operations because of the economic fact of life that mining would not be economically feasible unless the mineral developer could use sizable and contiguous parcels of land. I do believe this would protect, for example, the interests of the owner of a developed homesite whose land abuts an undeveloped parcel in the same neighborhood.

If there is any situation where a person or company has discovered a valid mining claim, the bill provides a means for the Secretary of the Interior to acquire this claim through any means available to the United States Government and, of course, requires that adequate and just compensation be paid to the owner of such existing mining claims.

Mr. President, in order that the bill shall not constitute a windfall to the private surface owners at the expense of the American public who now holds the reserved mineral rights we are talking about, I have specifically retained for the United States a royalty right in the event that these developed lands might subsequently be opened to mining by the surface owner. I can foresee situations where mineral development could take place without any damage to the surface values due to modern technology and it may not become necessary for the surface developer to move out in order to permit mining. I feel that in this type of situation, the American public should receive some fair compensation in the form of a return to the Federal Treasury and, for this reason, I have provided that any mining done on these developed lands subsequent to the release of the reserved United States mineral rights shall be subject to the payment to the United States of a royalty of two percent of the fair market value of the minerals so mined. I have chosen this approach instead of providing for the sale of the subsurface rights to the surface owner because a great many of these persons could not afford the expense of acquiring these rights. I do not want to penalize them because of their lack of affluence.

Mr. President, this leaves the question of how we shall treat undeveloped lands, which after all constitute the vast majority of lands with a reservation of minerals to the United States. Here I propose to strengthen the rights of the private surface owner by a different means. With respect to undeveloped lands and lands developed hereafter, my bill is meant to nail down for once and all the right of the surface owner to obtain compensation for the value of residential improvements which he places on his land and the value of the land for this purpose. Not only is the law intended to specifically include compensation for damage caused to residential surface improvements and uses, but I propose to amend the existing law to require that the mineral explorer or developer compensate the surface owner for one and one-half times the full damage to surface developments and uses which may be caused by mineral activities. In the event the homeowner has to move away, this provision would more fairly compensate him for the great trauma and actual expenses of having to move his home elsewhere. This provision alone should do much to discourage disreputable mineral explorers or developers from ever entering the land, but to further enhance the rights of the surface owner the bill requires that before proceeding with any mineral activity, including prospecting, the mineral explorer or developer shall be required to post a bond for the full damages for which he might be liable before any of those damages are actually caused.

Mr. President, I believe this approach would allow the millions of acres of undeveloped private lands to remain open to prospecting and mining by legitimate and serious persons and companies while at the same time providing much greater assurance to the surface owner that his land will not be abused or occupied by fly-by-night miners or squatters seeking free living. In the event a legitimate mining operation is commenced, the surface owner can be assured that the money is available almost immediately to pay for any damages occurring and that if he is forced to pack up and leave he will at least be adequately compensated for his loss. If there are any disputes with respect to the values of any damages caused by mineral activities it can be settled under the bill by court action in the appropriate United States district court where the lands affected are located.

Mr. President, the bill attacks a troublesome problem which has been with us for many, many years. I think we can solve the difficulties in a way that preserves the bulk of opportunities for development of the important mineral resources on which the country's economy and security may depend in future years, while increasing the protection given by law to the private surface owner of land who may have his home, business or industry situated there or have tied up his personal savings in as yet undeveloped land. I have introduced a bill that will handle the immediate problems which I think can be ignored no longer. I look forward to the opportunity for hearings on the proposal and hope that Congress will begin attacking this problem without delay.

Mr. President, I ask unanimous consent to have a copy of the complete text of the bill which I am introducing printed in the RECOAD.

S. 2590

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in any case in which a person holds title to the surface of any developed lands on the basis of a patent or other instrument issued in accordance with the provisions of the Act of December 29, 1916 (43 U.S.C. 291–302), or any other Act which contains a reservation to the United States of all the minerals in the lands covered by such patent or instrument, including the right to prospect for, mine, and remove the same, that portion of such reservation so includes therein, to the extent that it relates to locatable minerals and the right to prospect for, mine, and remove the same, shall be terminated or otherwise cancelled in the manner and to the extent provided for in section 2 of this Act.

SEC. 2. (a) In any case in which a person holding title on the basis of a patent or other instrument referred to in the first section of this Act, desires to have terminated that portion of the reservation contained therein relating to a reservation of locatable minerals in the developed lands so covered by such patent or instrument, including the right to prospect for, mine, and remove the same therefrom, such person is authorized, within the twelve-month period following the date of the enactment of this Act, to so notify the Secretary of the Interior to that effect.. Such notification shall contain a description of the developed lands covered by such patent or instrument with respect to which such termination or cancellation shall be effective. Immediately upon the receipt of such notification by the Secretary, such portion of the aforementioned reservation to be terminated shall be deemed terminated and of no longer any effect insofar as it involves locatable minerals on or within the developed lands described therein in accordance with the provisions of this section.

(b) Upon timely receipt of such notification, the Secretary of the Interior shall convey, by patent or other appropriate instrument, all right, title, and interest of the United States in and to such developed lands to the extent necessary to reflect the termination effected under subsection (a) of this section.

SEC. 3. (a) The Secretary of the Interior shall consider each such notification given by any person pursuant to section 2 with a view to determining whether, as of the date of the termination of a portion of a reservation involving developed lands described in such notification, any valid mining claim involving locatable minerals existed with respect to such developed lands, or any part thereof. If the Secretary determines the existence of any such claim, he shall acquire, by any appropriate means, any and all interests of the claimant with respect thereto and such interests so acquired shall be deemed terminated and of no effect.

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(b) For the purpose of carrying out the provisions of this section, the Secretary of the Interior, during the fifteen-month period following the date of enactment of this Act, shall, not less than three times within five-month intervals, notify by publication in the Federal Register and other appropriate means (such as newspapers or other periodicals), all appropriate parties to the effect that any person having a mining claim to locatable minerals on any developed lands covered by a notification given by any person pursuant to section 2 shall, within the twenty-four-month period following the date of the enactment of this Act, notify the Secretary of that claim, and that the failure to so notify the Secretary within such period shall be deemed an abandonment of that claim. Each such publication shall contain a current list of all notifications received by the Secretary pursuant to section 2 prior to such publication, including a general description of the developed lands affected.

(c) Upon the expiration of the twenty-four month period following the date of the enactment of this Act any such mining claim referred to in subsection (b) of this section with respect to which the Secretary failed to receive notice in accordance therewith shall, as of such date of expiration, be deemed to be an abandoned and forfeited claim.

Sec. 4. Each person holding any such patent or other instrument referred to in the first section of this Act, and with respect to which a notification is submitted pursuant to section 2, shall, by reason of such notification, be deemed to have agreed to, and such patent or instrument shall thereafter be deemed to include, a provision whereby such person, his heirs, assigns, and other successors in interests, shall be required to pay to the Secretary of the Interior, with respect to any locatable minerals mined from developed lands covered by such patent or instrument and described in such notification, an amount equal to two per centum of the fair market value of the minerals so mined after the termination of such reservation in accordance with such section.

Sec. 5. (a) Notwithstanding the provisions of the Act of December 29, 1916 (43 U.S.C. 291–302), or any other provision of law, whoever, on or after the date of enactment of this Act, prospects for, develop, mines, or removes, any locatable minerals from any land included in a patent or other instrument from which such minerals were reserved to the United States shall be liable to the person holding title to the surface of such land in an amount equal to one and one-half the damages to all surface improvements on such land, and surface values and uses of such land, by reason of such prospecting, developing, mining, or removal of such minerals, except that nothing in this section shall be construed to impair any vested legal right existing on the date of the enactment of this Act.

(b) Any United States district court having jurisdiction over the district within which any such affected lands are located shall have jurisdiction to receive, consider, and render judgment with respect to any action for damages arising out of the provisions of subsection (a) of this section.

(c) Notwithstanding the provisions of such Act of December 29, 1916, or any other law, on and after the date of the enactment of this Act, no person or governmental entity shall prospect for, develop, mine, or remove, any locatable minerals from any lands within the purview of subsection (a) of this section unless such party has first executed a bond or undertaking to the United States, for the use and benefit of the surface owner or owners of such lands, to secure the payment of any damages referred to in subsection (a) of this section as may be determined by the parties involved or as determined and fixed in any action brought pursuant to subsection (b) of this section or upon the bond or undertaking in an appropriate United States district court against the principal and sureties thereon, such bond or undertaking to be in such form and in accordance with such rules and regulations as may be prescribed by the Secretary of the Interior.

(d) The Secretary of the Interior is authorized to issue such regulations as he may determine necessary to carry out the provisions of subsection (c) of this section.

Sec. 6. As used in this Act, the term—

(1) "developed lands" means any land title to which was acquired on the basis of a patent or other instrument issued in accordance with the Act of December 29, 1916 (43 U.S.C. 291), or any other Act which contains a reservation to the United States of all the minerals in the lands covered by such patent or instrument, and on which there is situated a residential dwelling or commercial or industrial structure (which dwelling or structure was constructed, or with respect to which construction was commenced, prior to October 18, 1973), together with all lands and water adjacent or contiguous to, or surrounding, such dwelling or structure, and covered by such patent or instrument; and

(2) "person" means any private individual, corporation, or other private entity.

Sec. 7. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

By Mr. BENNETT (for Mr. Sparkman) (for himself and Mr. Tower):

S. 2591. A bill to improve the efficiency and flexibility of the financial system of the United States in order to promote sound economic growth, including the provision of adequate funds for housing. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. BENNETT. Mr. President, acting for and in behalf of the Senator from Alabama (Mr. Sparkman), chairman of the Committee on Banking, Housing and Urban Affairs, and the Senator from Texas (Mr. Tower), the ranking minority member of the committee, I introduce a bill to improve the efficiency and flexibility of the financial system of the United States in order to promote sound economic growth and to help stabilize the flow of funds into the housing market.

Mr. President, the bill itself is lengthy, running into some 75 pages. For that reason, the Senator from Alabama does not wish to burden the Congress with the expense of printing the bill in the Record. The bill when printed will be available through regular Senate distribution sources.

Mr. President, I ask unanimous consent that statements by the Senator from Alabama and the Senator from Texas may be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The statements are as follows:

Statement by Senator Sparkman

I am pleased to be introducing with Senator Tower a bill to improve the efficiency and flexibility of the financial system of the United States in order to promote sound economic growth and to help stabilize the flow of funds into the housing market.

The bill we introduce is proposed by the Executive based upon the recommendations of the President's Commission on Financial Structure and regulation—more commonly known as the Hunt Commission. Members of this body are generally aware of the far-reaching impact of the Administration's proposals on the financial structure of this country. Because of the great importance of these proposals we will study this matter in great depth in the Banking Committee over coming months, and testimony and comments will be taken over a period of months from spokesmen from all concerned private parties, from all relevant governmental agencies, and from interested academic and business financial experts.

As with all major legislation, there are already widely differing viewpoints on provisions of the bill among different groups and individuals, and many members of Congress do not yet feel sufficiently informed about the pros and cons of this complex measure to be either in favor of it or against it at this early point in its legislative history. I myself wish to study the matter most thoroughly before concluding what aspects of the legislation I will ultimately support, and merely seek by introduction of the bill at this time to provide an appropriate forum for consideration of the Administration's proposals.

I should point out that the Subcommittee on Financial Institutions of our Committee has scheduled so-called "educational hearings" on the proposal for November 6–8, 1973. At that time Treasury and the other governmental agencies affected by the proposal will present their views to the Committee in some detail.

Statement by Senator Tower

I am pleased to be introducing with the distinguished Chairman of the Committee on Banking, Housing and Urban Affairs today the Administration's bill to improve the functioning of our system of regulated financial institutions. This bill, an outgrowth of several years of careful consideration by a Presidential Commission and spurred by several credit crunches that have demonstrated the structural weaknesses of the present arrangements for depository institutions, is one of the more important measures we will have before the Congress in the foreseeable future. It is no exaggeration to say that the economic health of this country depends in substantial part upon the healthy functioning of the commercial banking system and the system of thrift institutions, which mobilize much of the financial resources of the country and channel them into productive investments. We have seen evidence of malfunctioning in this system in recent years, which will require some statutory action to cure.

Our economic potential is strong, and the financial talent in our institutions is plentiful, but we are preventing these people from making the most of this potential by leaving an outdated statutory structure in place which ties their hands in attempting to perform rational intermediary functions. Financial experts indicate that the present structure is undesirable because of the uneconomic, required differentiation of institutions into special-purpose categories, with only limited powers available to each category. When you place this structure in a complex, constantly changing economy, and have it try to operate with a commodity as fundible and transferable as money, what you find is that money will easily find a better home than these institutions when credit is tight, and even to some extent when credit is easy.

When we rigidify these institutions with well-meaning but overly restrictive rules about where and how they can raise their funds and what they can do with them, all we are doing is penalizing the special purposes for which we design them in the first place. This has been obvious in the housing field, where the restrictions on the activities of savings institutions have prevented them from competing for scarce funds, to

the detriment of our housing needs and the one-quarter of our economy dependent upon the level of housing activity. The Administration proposes that if we are going to subsidize housing finance, we should do it through the tax system rather than through interference with the rational market conduct of intermediaries; our return per dollar of subsidy would be substantially improved, and the system of credit allocation generaly would be greatly rationalized, I applaud the forward-looking proposals of the Administration in this area, and look forward to investigating them in depth in our Committee over the coming months.

Mr. BENNETT. Mr. President, I ask unanimous consent to have printed in the Record the message from the Secretary of the Treasury transmitting the proposals to the Senate, and a short summary of the bill.

There being no objection, the material was ordered to be printed in the Record, as follows:

The Secretary of the Treasury,
Washington, D.C., October 12, 1973.

Hon. James O. Eastland,
President of the Senate pro tempore,
Washington, D.C.

Dear Mr. President: There is transmitted herewith a draft bill, "The Financial Institutions Act of 1973,"

This bill is designed to eliminate the defects in the operation of the country's financial institutions which have been revealed over the last decade. We have for too long merely patched up our existing laws relating to financial institutions. The country deserves a thorough and punctual review leading to a renovation of the services which banks and thrift institutions can offer to their customers. The President's proposals will eliminate government regulation which has impeded the efficiency of our financial system, while retaining those safeguards which are vital to solvency and liquidity.

Consumers and small savers will benefit by freer competition among financial institutions, which will offer the public a fair return on their savings when government ceilings are allowed to be removed. Moreover, these savers will be informed on the benefits of their savings because of the truth-in-savings disclosure requirements included in the bill. There will also be a choice of more financial institutions offering consumer related services such as checking accounts, consumer loans, and housing loans.

The proposals to strengthen and revitalize our financial institutions may be divided into seven major areas:

(1) Interest ceilings on time and savings deposits will be removed over a 5½-year period, and truth-in-savings disclosure will be required.

(2) Expanded deposit services for consumers by federally chartered thrift institutions and banks will be permitted.

(3) Investment and lending alternatives for federally chartered thrift institutions and banks will be expanded.

(4) Federal charters for stock savings and loan institutions and mutual savings banks will be permitted.

(5) Credit union services will be expanded while remaining consistent with their status as tax-exempt institutions.

(6) FHA and VA interest ceilings will be removed.

(7) The tax structure of banks and thrift institutions will be modified.

The modernization of our financial institutions is a matter which touches each and every American and is one where I am looking forward to a close cooperation between the Executive Branch and the Congress to insure that our country is provided the finest financial system possible.

There are also enclosed copies of a section-by-section analysis which explains the provisions of this draft bill.

It will be appreciated if you will lay the enclosed draft bill before the Senate. A similar proposal has been transmitted to the House of Representatives.

Sincerely yours,

George P. Shultz.

Short Summary of Financial Institutions Act of 1973

TITLE I.—PAYMENT OF INTEREST ON DEPOSIT ACCOUNTS

This title adds the Secretary of the Treasury to the present consultative committee which will continue to prescribe rate ceilings only for five years and six months after enactment of this Act. The appropriate supervisory agencies will prescribe ceilings which will, eighteen months after enactment of this Act, begin to eliminate differentials between commercial banks and thrift institutions by four annual increases, not necessarily equal, and not necessarily on the same day each year, in rates of interest which commercial banks may pay on deposits.

Interest rate ceilings on negotiable order of withdrawal accounts (N.O.W.) may differ from ceiling on other accounts but may be no greater than the ceilings on passbook accounts at commercial banks. N.O.W. ceilings will be uniform for banks and thrift institutions.

Demand deposit accounts, negotiable order of withdrawal accounts and savings accounts may be offered at all banks and thrift institutions to all customers.

The payment of interest on demand deposits will remain prohibited for all institutions.

In addition, this title adds truth-in-savings provisions which will require disclosure by commercial banks and thrift institutions to all depositors.

TITLE II.—EXPANDED DEPOSIT LIABILITY POWERS AND RESERVES

This title provides federal thrift associations with third party payment authority, including negotiable order of withdrawal accounts (N.O.W.), with access to the check clearing process, and with authority to engage in credit card operations. These new powers of thrift associations would be similar to powers of commercial banks.

Banks will be empowered to offer savings accounts and N.O.W. accounts to all customers, individual and corporate. Commercial banks may presently offer savings accounts only to individuals.

All federally chartered institutions and all state chartered institutions which are members of the Federal Reserve System or the Federal Home Loan Bank System will be required to maintain reserves against deposits in demand and N.O.W. accounts in a form and amount prescribed by the Federal Reserve Board after consultation with the Federal Home Loan Bank Board. State chartered savings and loan associations insured by the Federal Savings and Loan Insurance Corporation need not be members of the Federal Home Loan Bank System, just as state chartered banks need not be members of the Federal Reserve System.

TITLE III.—LENDING AND INVESTMENT POWERS

This title would permit increased income and liquidity for thrift institutions through portfolio diversification and the acquisiton of shorter term assets. Liberalization of restrictions would be made in the areas of consumer loans, real estate loans, construction loans, community welfare and development investments, and commercial paper and corporate debt securities investments.

National banks would have liberalized powers with respect to real estate loans and a leeway authority for community welfare and development investments.

In addition, the Federal Reserve Board would be granted more flexible authority to define assets eligible for discount, and the Federal Home Loan Bank Board would have expanded authority to define the types of assets eligible as collateral for Federal Home Loan Bank advances to thrift institutions.

TITLE IV.—CHARTER AND THRIFT INSTITUTIONS

This title strengthens the dual banking system by authorizing stock thrift institutions at the federal level, just as stock institutions are now permitted at the state level. The Federal Home Loan Bank Board will be empowered to charter stock thrift institutions, which will have powers identical to those possessed by mutual savings and loan institutions. These thrift institutions will be called either Federal Savings and Loan Associations or Federal Savings Banks.

Federally chartered and state chartered mutual institutions may convert to federal stock institutions and federally chartered mutual institutions may convert to state stock institutions, subject to approval of the Federal Home Loan Bank Board pursuant to its regulations. State institutions which convert to federal institutions may retain their life insurance, equity investments and corporate bond investments.

TITLE V.—CREDIT UNIONS

This title modernizes the federal law dealing with credit unions. In addition to technical amendments, the title liberalizes certain credit union powers and facilitates credit union operations in different economic periods, e.g., by permitting, with the approval of the Administrator of the National Credit Union Administration, loan rates to be more than the present statutory 1 percent per month.

To deal with periods of severe credit restraint or emergency events, such as a plant closing, a Central Discount Fund is established for federally- or state-insured credit unions. The Fund is created solely to provide funds to meet emergency and temporary liquidity problems. The Fund will be administered by the Administrator of the National Credit Union Administration.

TITLE VI.—GOVERNMENT INSURED AND GUARANTEED MORTGAGE LOANS

This title corrects the situation, which has existed for some time, of restricted funds for housing because of governmental attempts to keep interest costs artificially low. The administrative interest ceilings placed upon Federal Housing Administration—insured and Veterans Administration—guaranteed mortgage loans have resulted in the widespread use of "points" and the general unavailability of funds through these mediums. The removal of interest rate ceilings on FHA and VA loans should result in more adequate funds to solve the nation's housing problem.

TITLE VII.—UNIFORM TAX TREATMENT OF FINANCIAL INSTITUTIONS

In light of the expanded powers to be granted thrift institutions and the overall goal of reducing the degree of functional specialization among financial institutions, the objective of Title VII is a uniform tax formula for all financial institutions. A tax neutrality is sought, such that a given investment or activity will be subject to the same income tax provisions regardless of the functional type of financial institution making the investment or engaging in the activity. Differences in tax treatment and thus, overall tax burden and effective rates of taxation among financial institutions will continue to exist. These differences will result from a combination of three factors: (1) the form of the institution, i.e., mutual bank versus capital stock corporation; (2) federal and state regulations which will grant certain types of institutions the power to make certain investments and engage in certain activities which are denied to other

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institutions; and (3) the extent of utilization by an individual institution of the powers granted to it.

Under current law a subsidy is provided for the residential mortgage market through special bad debt reserve deductions for thrift institutions. Consistent with the objective of a "uniform tax formula," this subsidy should be eliminated. If the current subsidy for the residential mortgage market and hence for the housing industry is eliminated, an alternative incentive to insure a continued flow of capital from the private sector into the residential mortgage market could be provided for all taxpayers, not just thrift institutions. In addition, such an incentive would provide a mechanism whereby thrift institutions could be compensated for the tax benefit which would be lost via elimination of the current special bad debt reserve provisions.

In providing a "uniform tax formula" for financial institutions the principal area of current law which would be affected is those provisions relating to deductions for additions to a reserve for losses on loans. Currently, thrift institutions under section 593 of the Internal Revenue Code are allowed to compute reserve additions for qualifying real property loans on the basis of a percentage of taxable income. The 1969 Tax Reform Act reduced the applicable percentage over a ten-year period from 60 percent to 40 percent. In addition, deductions are limited by an overall limitation on the size of the reserve (6 percent of outstanding loans). If more than 18 percent of a thrift institution's total assets (28 percent in the case of a mutual savings bank) are invested in nonqualifying assets (principally cash, government obligations, real property loans, and student loans), the applicable percentage is reduced and if less than 60 percent of the assets are invested in qualifying assets the percentage of taxable income method may not be used. In the case of nonqualifying loans, reserve additions are based on the actual loss experience of the institution in a manner consistent with provisions applicable to commercial banks.

Prior to 1969, commercial banks computed reserve additions on the basis of a percentage of outstanding eligible loans or on the basis of the actual loss experience of the individual institution. The Tax Reform Act of 1969 eliminated the percentage of outstanding eligible loan method subject to an 18 year transition period. Under the transition rules, reserve additions may not increase the balance of the reserve to an amount in excess of 1.8 percent of eligible loans outstanding in the case of taxable years before 1976; 1.2 percent for taxable years between 1976 and 1982; and 0.6 percent for years before 1988 after which time all commercial banks will be required to compute reserve additions on the basis of actual loss experience. In addition, the reserve addition in any one year may not exceed 0.6 percent of eligible loans outstanding. Under the experience method, reserve additions are computed on the basis of actual loss experience for the current taxable year and the preceeding five taxable years. If the balance of the reserve as of the close of the last taxable year beginning on or before July 11, 1969 exceeded the amount allowable on the basis of the specified percentage of eligible loans or on the basis of the six-year actual loss experience, the bank, nevertheless, is allowed to deduct amounts necessary to maintain the dollar balance of the reserve (assuming the level of outstanding loans does not decrease). This insures that a commercial bank will receive a deduction for the amount of loans which are written off as wholly or partially worthless during the taxable year.

By Mr. DOMINICK:

S. 2595. A bill to amend the Internal Revenue Code of 1954 to provide for a tax on every new automobile with respect to its fuel consumption rate, and for other purposes. Referred to the Committee on Finance.

Mr. DOMINICK. Mr. President, the perils of the energy crisis, especially our growing reliance on imported oil, is becoming clearer day by day. Amid threats of oil cutoffs from the Mideast, we are now hearing increasingly the motto of conservation. All of us are aware of and searching for ways to conserve the supplies which we have left while preserving our environment.

Earlier this year I called on the Department of Defense for a 10-percent cutback in its consumption of energy in introducing Senate Concurrent Resolution 34, where such cutbacks would not jeopardize our national security. I am gratified by the fact that we were able to add that resolution in the form of an amendment to the recently passed armed services authorization bill.

Subsequently, I introduced S. 2236 in order to require EPA to issue new standards for emissions from automobiles at altitudes above 3,000 feet. Evidence was growing that automobiles in fact issue 150 to 200 percent more emissions above that level than at sea level. I am pleased to note that EPA on last Friday issued proposed regulations to acomplish that which I sought to accomplish through legislation.

Mr. President, as I think many of our colleagues know, I am a pilot. Any time we go higher, we have to cut back on our mixture controls in order to be able to get more efficient use of the engine. The same thing is true of an automobile, but the EPA standards were all done at sea level, and did not take into account the fact that you needed a change at higher altitudes. In fact, regulations prohibited any change of emission controls, so that you could not do anything about it, and we were in fact using twice as much gasoline as we needed, emitting about twice as much emissions as we wanted to have, and not increasing the efficiency of the engines.

Mr. President, today, I introduce for appropriate reference a bill designed to combat part of our energy crisis in this country—the amount of gasoline consumed by the automobiles traveling on our Nation's highways. All of us by now are familiar with the gasoline shortages which erupted around the country this summer, and certainly no city was beset with more problems than the city of Denver in my own State.

I might add that this situation will probably get worse over the next few years.

In reviewing the statistics of energy consumption in this country, I was struck by the fact that 6 million barrels of oil a day now go into the production of gasoline. By 1983 that figure may rise to 10 million barrels a day at our current rates of consumption. In order to cut back on fuel consumption in this area, numerous proposals have been advanced ranging from a tax increase on gasoline itself to a tax on the horsepower of engines. However, in reviewing these proposals and from other studies, I am convinced that the best approach is a tax on the fuel consumption rate of the automobile.

Mr. President, as I see it, the primary purpose of this type of tax must be the production of more efficient fuel consuming vehicles. The figures of gasoline consumption in this country, I believe, are enormous, but even more disturbing is the fact that studies indicate that by use of available technology right now, it would be possible for U.S. auto manufacturers to redesign U.S. cars to effect an average increase in miles per gallon of up to 75 percent.

I have been suggesting to my colleagues here and my constituents at home that the time has come for us to push on with development of our own fossil fuels as well as carrying on a broad research program into other potential energy sources such as solar energy. We cannot afford the luxury of reliance on foreign sources, for that path could put this country in trouble if those sources are seriously reduced or cut off completely. I might add that in addition it could have very, very harmful effects on the value of the dollar and our trade balances. At the same time, however, we need to look toward conservation and cutting back of our uses of energy. My bill is another step in that direction.

Briefly, my bill imposes a tax on the production of automobiles related to the amount of fuel consumed by the auto as determined by Environmental Protection Agency testing procedures. The tax is computed based on a standard of 20 miles per gallon. For amounts of fuel consumed over a base of 5 gallons for every 100 miles, there is assessed a tax derived from a multiple of $235. It is this rate which has been projected to be the minimum tax needed to bring about changes necessary to produce better fuel consumption.

Just as an example, I bought a 1972 Chevrolet Nova for use in Colorado last year, and I still have it. I have still got it. On a recent trip which I took, the car averaged 8.4 miles per gallon. For a small car of that kind, it seems to me that is totally ridiculous. Obviously, the bigger the car the less efficient the engine and the more the gasoline consumption is.

I recognize that automobile manufacturers are tied to long leadtimes in designing automobiles and have, therefore, implemented this tax over a 3-year period. It is my hope that auto manufacturers will in fact respond to this phase-in period by implementing changes so that fuel consumption rates will improve immediately. Included in such changes can be expanded use of low friction tires, lighter weights, overdrive, body shell design, smaller engines, and fuel injection engines as opposed to carburetor engines. This is already being done in many European and Japanese cars.

This is one tax which I hope will produce less revenue in future years, because of the response we will get from the automobile manufacturers. Once the 3-year phase-in period is completed and if the anticipated response does in fact materialize, the tax revenues should be decreasing. I am well aware, of course, that those who prefer to drive cars which are big fuel consumers will be paying more for that privilege. That is their option. On the other hand, the savings that all of us will share in if this legislation is enacted are beyond measurement in dollars and cents. By 1980 this tax could result in savings of better than 1 million barrels of oil per day, approximately one-half of the projected supply from the Alaskan pipeline.

Mr. President, I want to take this opportunity to urge prompt action on this legislation. We cannot afford delays in legislation such as this or other energy-related matters. The time has arrived when the dangers of our energy use are clear, and we must act now to preserve our own premium fuels while at the same time protecting our environment. The crisis is here now and all of us must participate in finding solutions.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of the bill I am introducing today.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2595

A bill to amend the Internal Revenue Code of 1954 to provide for a tax on every new automobile with respect to its fuel consumption rate, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the purposes of this Act are to encourage the development, manufacture, and importation of automobiles which efficiently consume fuel, to increase revenues which could be devoted to energy research or other vital national needs, and to stimulate the conservation of energy.

SEC. 2. (a) Part I of subchapter A of chapter 36 of the Internal Revenue Code of 1954 (relating to motor vehicle excise taxes) is amended by adding at the end thereof the following new section:

"SEC. 4064. AUTOMOBILE FUEL CONSUMPTION TAX.

"(a) IMPOSITION OF TAX.—There is hereby imposed upon every new automobile manufactured, produced, or imported a tax at whichever of the following rates is applicable with respect to the fuel consumption rate (as determined under subsection (b)) of such automobile:

"(1) for the period beginning July 1, 1975, and ending June 30, 1976:

"If the consumption rate (in miles per gallon) is:	The tax is:
Over 20	0
Over 19 but not over 20	$32
Over 18 but not over 19	43
Over 17 but not over 18	70
Over 16 but not over 17	98
Over 15 but not over 16	133
Over 14 but not over 15	164
Over 13 but not over 14	211
Over 12 but not over 13	274
Over 11 but not over 12	313
Over 10 but not over 11	392
Over 9 but not over 10	478
Over 8 but not over 9	587
Over 7 but not over 8	728
Over 6 but not over 7	913
Over 5 but not over 6	1,175
Not over 5	1,568

"(2) for the period beginning July 1, 1976, and ending June 30, 1977:

"If the consumption rate (in miles per gallon) is:	The tax is:
Over 20	0
Over 19 but not over 20	$47
Over 18 but not over 19	86
Over 17 but not over 18	141
Over 16 but not over 17	196
Over 15 but not over 16	266
Over 14 but not over 15	329
Over 13 but not over 14	$423
Over 12 but not over 13	548
Over 11 but not over 12	627
Over 10 but not over 11	783
Over 9 but not over 10	956
Over 8 but not over 9	1,175
Over 7 but not over 8	1,457
Over 6 but not over 7	1,827
Over 5 but not over 6	2,350
None over 5	3,133

"(3) for the period after July 1, 1977:

"If the consumption rate (in miles per gallon) is:	The tax is:
Over 20	0
Over 19 but not 20	$70
Over 18 but not over 19	129
Over 17 but not over 18	211
Over 16 but not over 17	294
Over 15 but not over 16	399
Over 14 but not over 15	493
Over 13 but not over 14	634
Over 12 but not over 13	822
Over 11 but not over 12	940
Over 10 but not over 11	1,175
Over 9 but not over 10	1,433
Over 8 but not over 9	1,762
Over 7 but not over 8	2,185
Over 6 but not over 7	2,740
Over 5 but not over 6	3,525
Not over 5	4,700

"(b) DETERMINATION OF FUEL CONSUMPTION RATE.—The fuel consumption rate of new automobiles taxable under subsection (a) will apply only to gasoline-powered automobiles and shall be determined solely on the basis of the Automobile Fuel Consumption Schedule prepared by the Administrator of the Environmental Protection Agency.

"(c) LIABILITY FOR PAYMENT.—The tax imposed by this section shall be paid by the manufacturer, producer, or importer at such time and in such manner as the Secretary of the Treasury shall prescribe.

"(d) DEFINITIONS.—For the purposes of this section—

"(1) the term 'new automobile' means every internal combustion engine powered vehicle designed for use on the highway which has never been transferred to the ultimate purchaser, and

"(2) the term 'ultimate purchaser' means, with respect to any new automobile, the first person who in good faith purchases such automobile for purposes other than resale.".

(b) The table of sections for such part I is amended by adding at the end thereof the following new item:

"Sec. 4064. Automobile fuel consumption tax.".

(c) The amendments made by this section shall take effect on July 1, 1975.

SEC. 3. (a) The Administrator of the Environmental Protection Agency shall, from time to time, study and investigate the fuel consumption rates of automobiles which are subject, or may be subject, to the tax imposed by section 4064 of the Internal Revenue Code of 1954 (relating to automobile fuel consumption taxes).

(b) The studies and investigations conducted under subsection (a) shall include tests—

(1) of each automobile model subject to such tax equipped—

(A) with each available engine size (measured by horsepower); and

(B) without optional accessories;

(2) which shall be conducted—

(A) under driving conditions representative of an average composite of urban and nonurban driving speeds and circumstances,

(B) with the fuel used being of the quality normally recommended for use in such automobile; and

(C) with such automobile carrying the average weight load for which it was designed.

(c) Based upon the studies and investigations conducted under subsection (b), the Administrator shall determine the fuel consumption rate of each such automobile model without optional accessories and with each available engine size. The Administrator shall, not later than June 1, 1975, and each year thereafter, prepare and transmit to the Secretary of the Treasury schedule of all such rates to be known as the Automobile Fuel Consumption Schedule (interim revisions of as he deems appropriate). The Automobile as he deems appropriate. The Automobile Fuel Consumption Schedule shall be made available for sale as a public document.

SEC. 4. Section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232) is amended by inserting "(a)" after "SEC. 3." and by adding at the end thereof the following:

"(b) Every label required to be affixed under subsection (a) shall include, in the case of any automobile on which a tax was imposed by section 4064 of the Internal Revenue Code of 1954 (relating to automobile fuel economy taxes)—

"(1) the fuel consumption rate determined to be applicable for such automobile, and

"(2) the tax paid under such section 4064.".

By Mr. COOK:

S. 2596. A bill to provide relief to units of local government from liability for repayment of excessive payments made due to an error by the United States under the State and Local Fiscal Assistance Act of 1972. Referred to the Committee on Finance.

Mr. COOK. Mr. President, today I am introducing legislation which I am hopeful will be considered promptly by the appropriate committee. My bill would amend the State and Local Fiscal Assistance Act of 1972 to forgive liability for repayment for those units of local government which received excessive revenue-sharing payments from the Federal Government through this date, October 18, 1973.

In an effort to quickly allot the payments of revenue-sharing funds to local and State officials who were clamoring for Federal assistance, the Department of the Treasury speedily, and with the aid of the Bureau of the Census, determined eligibility based upon the revenue-sharing formula, and mailed out checks. As more accurate data became available to the Office of Revenue Sharing, it revised and updated its entitlements for the local governments accordingly. What has resulted across the Nation is an absolute budgetary crisis for particularly small towns which were greatly overpaid or were not eligible for funds in the first place.

One specific example of this disastrous fiscal error is the city of St. Charles in Hopkins County, Ky. St. Charles received a total of $2,984 over a period of its first three entitlement periods while it should have only been paid $564. This amounts to a negative adjustment of $2,420 which St. Charles, on August 20, was notified it must repay. The total allocation due to St. Charles for fiscal year 1974 is $460 and at this annual rate it will take St. Charles approximately 5 years to repay. This will extend beyond the 5-year life of the program. Meanwhile, St. Charles engaged in a binding contract to rebuild its city hall which was destroyed in 1971. They are under obligation to meet the

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financial agreement of this contract, but are in a quandry as to how it will be done.

I can cite other examples for you within my own State of Kentucky. The city of Hiseville in Barren County received $1,727 and was not entitled to any revenue-sharing funds. They spent approximately $1,000 of their allocation to remodel city hall and have already returned $727. The town budget ordinarily is raised through cake sales and other community activities. The Wall Street Journal learned of this most unfortunate error and on October 9, 1973, carried an editorial urging the Federal Government to forgive the amount of overpaid funds. I ask unanimous consent that this editorial appear at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DESERVING ENCOURAGEMENT

The Associated Press reports that Federal largesse has put Hiseville, Ky., in a jam. Washington gave the town a revenue-sharing payment of $1,727. This comes to about $727 more than the annual budget, but Hiseville spent about half of the windfall remodeling city hall.

Now the government says Hiseville isn't entitled to the money and has to pay it back. It seems the revenue-sharing allotments are supposed to be based on local tax effort, and Hiseville has only a small utility tax. The town budget, says AP, is "raised mainly through cake sales and other community activities."

Mayor William C. Phillips sent back $727 in unspent money and is asking the revenue-shares to be patient about the rest. But it seems to us that any town that can raise its budget by bake sales and remodel city hall for $900 deserves to be encouraged. Maybe the Feds could settle for two cakes and a dozen donuts.

Mr. COOK. The city of Camargo in Montgomery County was also overpaid by the Office of Revenue Sharing to the tune of $1,721 and has been ordered to repay the entire amount for it is entitled to no more revenue-sharing funds. I would also like to point out at this time that many of the officials for these small towns—and they are indeed small—received three entitlement payments before filling out any forms or being notified of the eligibility requirements. Acting on good faith that they deserved the money and could trust the Federal Government, they committed the money to deserving public needs, such as fire engines, street lights, and city streets. Those of you who have urged the Bureau of the Census to accept utility taxes within the definition of taxes for the purposes of the revenue-sharing formula will understand when I tell you that two of the cities who must repay the money and will not be entitled to future payments were apparently originally allocated funds because they had a utility tax. This is clearly the fault of the Office of Revenue Sharing and not those city officials who faithfully believed, because it is considered so within their own towns, that utility taxes qualify as taxes.

At this point I ask unanimous consent that an article which appeared in the Courier-Journal and Times of October 7 relating to this entire problem in Kentucky be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RETURN OF REVENUE-SHARING MONEY ASKED: $3,687 BILL FROM UNITED STATES LOOKS OVERWHELMING TO TWO SMALL TOWNS

(By Bill Peterson)

WASHINGTON.—Pity tiny Hiseville. Pity little St. Charles.

Uncle Sam, in the form of the U.S. Office of Revenue Sharing, sent them each a bill recently, and they don't have the money to pay it. Or know how to come up with the cash fast.

Both are crossroad communities that traditionally have supplemented meager tax revenues with bake sales, gospel sings, tractor-pulling contests and pancake suppers.

Their budgets, however, mushroomed with the advent of revenue sharing last year. Each received four checks. But now both towns have been told they were overpaid, and must pay back the money—most of which has been spent.

Hiseville owes $1,727 and St. Charles $1,900—a total of a $3,687.

Thirty-five other Kentucky governmental units also were overpaid.

And another 178 local governments, including Jefferson County and 36 suburban Louisville communities, won't get the latest round of revenue-sharing checks tomorrow when other governments around the country do, because they failed to fill out proper forms on time. A spokesman for the Office of Revenue Sharing said the governments will be entitled to their checks after completing the required forms, including ones on how they plan to spend the money.

But these jurisdictions eventually should get additional checks and have overpayments repaid by deductions from future allotments.

No such easy solution for Hiseville, population 160. The Office of Revenue Sharing has ruled the Barren County town won't get any more checks because it has no city property tax and revenue sharing allotments are conditional on the local tax effort.

Baffled Hiseville Mayor William C. Phillips claims federal officials have never explained why they sent the money in the first place.

The town, he said in a telephone interview, spent $1,000 of the $1,727 it received to remodel city hall.

It spent the funds carefully, filling out all the forms and ensuring the aid was spent legally.

"It's a simple story," Phillips said, "They sent us some money, and we spent it in good faith.

"We've complied with everything we were supposed to and now they say they want their money back. I don't know what to think. Something like this happening to a small community like us seems just ridiculous."

His shock was heightened when he found Hiseville would be denied further funds. This week he wrote to Washington, protesting the action and asking that if Hiseville has to repay the money, it be given time to do it. He enclosed a $727 check—what remained unspent.

Hiseville, about 15 miles northeast of Glasgow, has an annual budget of about $1,000, he said. It has no city property tax and doesn't want one. The town raises funds from a small utility tax and community activities.

The mayor said, "We try to do what's right and help someone out when they're in trouble. What I'm saying is, we're not a bunch of crooks."

When Gilbert W. Dunbar, chairman of the board of trustees of St. Charles in Western Kentucky's Hopkins County, heard the Office of Revenue Sharing wanted $1,960 back he wrote a straight forward letter to Washington.

"We are sorry to inform you that it is impossible to send a check to you," he said. "St. Charles is a small and indigent community. The revenue sharing funds which we received were like a godsend to us.

"We accepted these funds in good faith, believing they were intended for the betterment of our community. There was no indication that any portion of this money would have to be refunded or repaid.

"In short, the money has been spent as we believed it was intended to be."

COAL-MINING TOWN

St. Charles, population 400, is an old coal-mining town, whose residents are largely pensioners, Dunbar said in a telephone review. It used revenue sharing to rebuild city hall, pay an overdue light bill, repair streets and do ditchwork.

Unlike Hiseville, St. Charles is entitled to additional revenue sharing because it has city taxes. "But it's in a bad situation because it was overpaid so much that it will take years to repay the money," said Mary McAuliffe, an aide to Kentucky Sen. Marlow Cook, who specializes in revenue sharing problems.

Problems like those faced by Hiseville and St. Charles, she said, have made many small towns "uneasy" about using revenue sharing.

"I've worked with so many places that are hesitant to spend their money," she said. "They've never dealt with the federal government before and they are very leary."

Jack Eversole, executive director of the Barren River Area Development District which serves 10 counties in Western Kentucky, said:

"There's a considerable credibility gap. Most small towns don't believe it's going to be a permanent program. Many of them are scared to death that someone is going to come and want the money back after they've spent it."

OTHERS MUST REPAY AID

Nine other small communities in his development district, have been told they must repay revenue sharing funds. "The program was a good idea, but the way it's administered, the small towns that needed help the most are being gradually phased out by bureaucratic red tape," he added. "They don't have anyone to serve as their advocates, they can't afford lawyer fees, and they don't have sophisticated staffs to carry their protests to Washington when something like this happens."

Yesterday 29,000 local and state governments were mailed quarterly checks.

But Jefferson County's $1.4 million quarterly check is being held as are the checks for these 36 suburban Louisville communities that missed last month's filing deadline:

Anchorage, $1,902; Brownsboro, $957; Druid Hills, $567; Fairmeade, $328; Indian Hills, $623; Lincolnshire, $263; Lynnview, $1,476; Meadowville Estates, $269; Parkway Village, $861; St. Regis Park, $1,586; Seneca Gardens, $845; Springlee, $606; Strathmoor Manor, $647; Wellington, $755; Windy Hills, $1,758; Briarwood, $353; Hollyville, $1,002; Houston Acres, $711; Keeneland, $640; Forest Hills, $551; Graymoor, $1,474; Minor Lane Heights, $2,183; Moorland, $658; Maryhill Estates, $479; Blue Ridge Manor, $599; Barbourmeade, $918; Crossgate, $557; Glenview Manor, $497; Goose Creek, $494; Westwood, $866; Whipps Millgate, $675; Bancroft, $1,457; Glenview Hills, $435; Hollow Creek, $519; Manor Creek, $1,054; and Riverwood, $290.

In addition, officials said these other Kentuckey counties and communities will not receive revenues sharing checks tomorrow.

Adair County, $42,240; Columbia, $8,807; Kevil, $309; La Center, $2,010; Wickliffe, $1,455; Barren County, $74,786; Walton, $3,327; Union, 125; Cattlettsburg, $23,357; Junction, $2,131; Perryville, $2,868; Foster, $92; Breathitt County, $47,749; Bullitt County, $85,417; Lebanon Junction, $1,139; Mount Washington, $3,140; California, $89; Crestview, $564; Dayton, $22,906; Woodlawn, $549; Mentor, $260; Arlington, $1,418; Bardwell, $2,091; Carrollton, $16,649; Casey County, $27,802, and LaFayette, $163.

Also, Clay County, $50,274; Clinton County, $15,761; Dycusburg, $163; Edmonson County, $11,352; Elliott County, $10,692; Estill County, $42,406; Floyd County, $53,041; Allen, $183; Frankfort, $102,654; Hickman, $8,055; Gallatin County, $16,093; Sparta, $356; Warsaw, $2,518; Glencoe, $601; Garrard County, $42,308; Corinth, $418; Dry Ridge, $4,260; Water Valley, $16; Greenup County, $63,603; Greenup, $2,279; Worthington, $2,082, and Lewisport, $1,934.

Also, West Point, $1,535; Harlan County, $69,502; Cumberland, $11,970; Berry, $491; Cynthiana, $65,512; Hart County, $38,095; Henderson County, $63,886; Henry County, $27,756; Clinton, $5,224; Columbus, $153; Nebo, $75; Jackson County, $34,169; Wilmore, $9,497; Johnson County, $110,629; Crestview Hills, $1,157; Indpendence, $1,998; Crescent Springs, $1,649; Crescent Park, $513; Taylor Mill, $4,233; Ridgeview Heights, $206 and Knott County, $39,365.

Also, Barbourville, $3,810; Knox County, $47,556; Laurel County, $59,047; Lawrence County, $41,624; Hyden, $3,518; Whitesburg, $5,356; Lincoln County, $51,834; Crab Orchard, $643; Hustonville, $421; Smithland, $830; Salem, $28; Russellville, $45,825; Island, $439; Sacramento, $931; Magoffin County, $28,380; Salyersville, $11,115; Gilbertsville, $70; Briensburg, $227; Dover, $477; Washington, $365; Ekron, $71; Frenchburg, $2,837; Harrodsburg, $26,696; Edmontson, $1,320; Fountain, $594; and Drakesboro, $879.

Also, Bremen, $547; South Carrollton, $398; Fairfield, $366; Ohio County, $62,177; Fordsville, $675; Rockport, $152; Oldham County, $31,200; Crestwood, $403; Monterey, $126; Owenton, $3,198; Owsley, $23,622; Falmouth, $6,402; Perry County, $84,520; Cedarville, $256; Coal Run Village, $214; Pleasant Valley, $459; Clay City, $587; Burnside, $2,690; Science Hill, $2,279; Robertson County, $9,649; Rockcastle County, $28,767; Rowan County, $53,191; Shelbyville, $21,269; Simpsonville, $844; Franklin, $38,411; Taylorsville, $2,670; Taylor County $43,319; Trimble County, $22,457; Bedford, $951; Union County, $46,973; Waverly, $113; Plum Springs, $138; Oakland, $238; Washington County, $38,994; Mackville, $11; Wayne County, $47,707; Clay, $1,797; Dixon, $533; Providence, $1,432, and Woodford, $52,068.

BEG YOUR PARDON

Due to a typographical error, the amount the U.S. Office of Revenue Sharing is attempting to recover from St. Charles, Ky., was incorrectly reported as $1,900 in one place in some editions of yesterday's Courier-Journal & Times. The correct figure is $1,960.

Mr. COOK. There are other errors which we are slowly uncovering daily. Some well-meaning citizens have urged the city officials in such affected towns to withhold the money and let the Office of Revenue Sharing sue them for it, which would probably not be done because of the relatively small amounts of overpayments. Court costs would be considerably more, I suspect. However, all of the city officials with whom this office has spoken do not want to jeopardize in any way their future relationship with the Federal Government. The situation has other ramifications in that now I have city officials in small towns all over Kentucky who refuse to spend their money. They are afraid they will wake up some morning with a mailgram from Uncle Sam stating that there was a big mistake and they must send all of the money back. I might also mention here that $1,000 is a lot of money and goes a long way in a small town.

My bill provides that all of those localities throughout the United States which have been overpaid in the amount of five times what they are due up to October 18, 1973, will be forgiven the amount. I believe that this bill is quite sensible and fiscally responsible. These cities will still have to find ways of completing and paying for projects that have already been begun through their own resources. My proposal is primarily aimed at small towns which have been done the most injustice and really do not have the means of repaying the funds without great sacrifice to their own budgets and citizens. Further, I have provided in the bill for the total indebtedness brought about by these overpayments, to be spread out over a period of the next 3 years. This will lessen the economic impact on the budget which is of concern to me. The Office of Revenue Sharing has been instructed to provide me with an impact statement which I hope to have soon.

I have no doubt that my colleagues in the Senate and House have been faced with identical situations in their respective States and I hope to have much support for my bill. At this time I would offer only one admonition to both my fellow Members of Congress and departments of the Federal Government: Next time let us not be so impatient about putting a program into effect involving Federal moneys until we are prepared to see that it can be administered properly and without financial error.

By Mr. STENNIS:

S. 2597. A bill to amend section 102 of the National Security Act of 1947 to clarify the authority of the Central Intelligence Agency with respect to certain intelligence operations. Referred to the Committee on Armed Services.

Mr. STENNIS. Mr. President, I am introducing today, a bill to amend section 102 of the National Security Act of 1947. This is the basic charter for the Central Intelligence Agency. The purpose of the bill is to clarify the authority of the Central Intelligence Agency with respect to two important issues: First, the proper scope of its activities within the United States; second, reporting procedures regarding overseas intelligence operations.

I ask unanimous consent that, at the end of my remarks, the bill be inserted in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STENNIS. Mr. President, I think a few words are in order to indicate my reasons for introducing a bill at this time.

Last spring, while I was in the hospital, the committee, under the able chairmanship of Senator SYMINGTON, held detailed hearings in executive session on the allegations involving the CIA's involvement in certain activities during the Watergate affair. In addition, this summer, the committee held detailed hearings on the nomination of Mr. William Colby to be Director of Central Intelligence. The material in all of these hearings raised issues about the precision of the 1947 act—the basic charter of the CIA.

In addition, it has been over 25 years since that law was passed. Any basic statute of this type should be reexamined periodically to insure that it meets the needs of the times.

On July 19, during the debate in the Senate on the war powers bill, of which I am a cosponsor, an amendment was proposed by the distinguished Senator from Missouri (Mr. EAGLETON) which relate to the CIA. With these general points in mind, as well as Senator EAGLETON's amendment, I commented in a letter to the floor manager of the bill, the distinguished Senator from Maine (Mr. MUSKIE), as follows:

> The experience of the C.I.A. in Laos, as well as more recent disclosures of matters here at home have cauesd me to definitely conclude that the entire C.I.A. Act should be fully reviewed.
>
> Accordingly, I already have in mind plans for such a review of the C.I.A. Act by the Senate Armed Services Committee and have already started some staff work thereon. All proposed changes, additions or deletions can be fully developed and hearings held thereon at that time. I have already completed, but have not yet introduced some amendments of my own.

During the 3 months which have followed my letter to Senator MUSKIE I have further reviewed the hearings and the issues relating to the CIA's basic charter. I have concluded that it would be useful, at this time, for me to introduce a draft bill, and to share with the Members of the Senate my tentative views on some of these important issues. I want to emphasize that I introduce this bill primarily as a vehicle for hearings later in this Congress. It is an invitation for constructive suggestions from other Senators, not a firm position. I not only reserve my right to propose, or agree to, more, fewer, or different changes in the 1947 act, but I would expect that my thinking, and the thinking of other Senators, will change and develop as we hold hearings and study these important issues further. Many may dream, and I would dream with them, of a world in which we did not need the CIA. But the tensions of the modern world, so clearly illustrated these last few weeks, bring home to all of us that such an organization is badly needed. In fact, we cannot do so. Our challenge is to strengthen it in order to enable it to perform effectively its proper functions and it is as obvious as any point can be that the proper functioning of all intelligence organizations requires secrecy in many matters.

At the same time, we must satisfy ourselves that the basic charter of the CIA, and the procedure under which it operates, insure that this important agency will never become the private tool of unscrupulous men, whatever position they may hold. It is my hope that we will be able to make clear and codify limitations which will meet these objectives of which I have spoken. This will involve active recognition by the appropriate committees of the Congress, particularly the Armed Services Committee of both Houses, of their duties of legislative

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oversight and surveillance of this important agency.

The bill I introduce today, as a vehicle for hearings, makes changes in two areas.

First, it proposes certain clarifications and limitations to insure that any activities undertaken in this country by the CIA are solely those which are necessary and appropriate to its foreign intelligence mission.

The word "foreign" is inserted before the word "intelligence" wherever the word "intelligence" appears in appropriate places in the existing law.

The role of the Director of Central Intelligence in protecting intelligence sources and methods is limited to the development of plans, policies, and regulations for that purpose. Further, he is required to report violations of such plans, policy, or regulations to the Attorney General of the United States for action. This change would help insure that no one should misunderstand the role of the Director of Central Intelligence and assume that the CIA should take an active role, for example, in stopping security leaks in other agencies.

To clarify this matter even further, it is provided that the CIA is not to engage, directly or indirectly, within the United States, either on its own, or in cooperation or conjunction with anyone else, in any law enforcement operation or activity. The bill explicitly limits the CIA's activities within this country to four situations: first protecting its own installations; second, conducting personnel investigations on all employees, applicants, or others carrying out Agency responsibilities; third, supporting its own foreign intelligence activities, and fourth, providing intelligence to other appropriate departments and agencies.

The second area in which the bill includes proposals is the field of CIA's overseas activities. In the sections of the act which relates to the CIA's foreign intelligence activities, the phrase "relating to foreign intelligence activities" is inserted to help clarify the purpose of one of those sections. The other section relevant to this subject is tightened by the establishment of procedures for reporting such activities to the Congress.

The bill indicates with respect to these procedures two objectives: first, insuring effective legislative oversight, and second recognizing essential security requirements. I would expect much debate and discussion over legislation affecting this area. This is obviously a difficult area in which to legislate, and I believe we should tread carefully, but I believe that we will be able to establish procedures which permit effective legislative oversight, which give Congress and the public confidence that such oversight is being performed, and recognize that such oversight must be somewhat different in character than that for an organization whose activities can be fully made public.

Mr. President, these are difficult times. The events of the last few weeks, and the headlines of the last several days, should give pause to anyone who believes that we can afford to let down our guard, to rely on the good will of our adversaries, or to share publicly with all nations of the world our most secret and important plans and information. We must insure that, in legislating in this area, we continue to provide the flexibility which is needed by the President to respond to emergencies, and to obtain effective intelligence. We must also remember that we are drafting, or redrafting, a basic charter for an institution, not a detailed set of regulations. I believe that, with good will by all of those who have strong convictions on the many issues involved in this important subject, we will be able to adopt sensible and necessary reforms without damage to our Nation's security.

Let me add, by way of emphasis, that which is repetition in part, Mr. President. I think the longer one is here in the Senate and the more in depth he gets into our worldwide operations of security, as well as our worldwide obligations through mutual treaties and agreements, as well as gets further and deeper knowledge of the many unusual happenings and events that are going on throughout the world in this day of so many changes, where the world itself has been changed, for instance, since the original CIA Act was written, changes, say, as to communications and visibility and changes as to methods of detection—all these things combine to convince us of the absolute need and necessity of an agency of this type.

At the same time, an agency of this type is somewhat contrary to the old American ideals. I came here a few months after the act was passed in 1947, and I did not like a lot about it. I was not convinced that we needed it in many respects. But, as I say, time unfolds, conditions unfold, and time brings these tremendous changes. And no one here now could be stronger of the opinion than I am that the need is great and that it is a necessity.

At the same time I believe that it is within our power and our capacity now, in view of the experience we have had, to write an even better act and provide for an even better administration than we have had heretofore. At the same time, as a whole—and I have been connected with this matter for several years—we have had a very fine administration of the Central Intelligence Act.

So, Mr. President, with the printing of the bill in the RECORD, I again thank the Chair and the floor leadership for yielding. I yield the floor.

EXHIBIT 1

S. 2597

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 102 of the National Security Act of 1947, as amended (50 U.S.C. 403), is amended as follows—

(1) Subsection (d) is amended by inserting "foreign" immediately before "intelligence" the first time the latter term appears in such subsection.

(2) Clauses (1) and (2) of subsection (d) are amended by inserting "foreign" immediately before "intelligence" each time the latter term appears in such clauses.

(3) Clause (3) of subsection (d) is amended by inserting "foreign" immediately before "intelligence" the first time the latter term appears in such clause.

(4) The last proviso of clause (3) of subsection (d) is amended to read as follows: "*And provided further,* That the Director of Central Intelligence shall (A) be responsible for developing appropriate plans, policies, and regulations for the protection of intelligence sources and methods from unauthorized disclosure, but such responsibility shall not be construed as authorizing the Agency to engage in any activity prohibited by the first proviso of this clause, and (B) report to the Attorney General of the United States for appropriate action any violation of such plans, policies, or regulations;".

(5) Clause (4) of subsection (d) is amended by inserting "relating to foreign intelligence activities" immediately after "of common concern".

(6) Clause (5) of subsection (d) is amended to read as follows:

"(5) to perform such other functions and duties related to foreign intelligence affecting the national security as may be specifically directed from time to time by the Council and reported to the Congress in such manner and in accordance with such procedures as the Congress may establish to insure effective legislative oversight with due recognition of essential security requirements.".

(7) Add at the end of such section a new subsection as follows:

"(g) Nothing in this or any other Act shall be construed as authorizing the Central Intelligence Agency to engage, directly or indirectly, within the United States, either on its own or in cooperation or conjunction with any other department, agency, organization, or individual in any police or police-type operation or activity, any law enforcement operation or activity, or any internal security operation or activity: *Provided, however,* that nothing in this Act shall be construed to prohibit the Central Intelligence Agency from (1) protecting its installations, (2) conducting personnel investigations of Agency employees and applicants or employees of contractors and other requiring access to sensitive Agency information in carrying out Agency responsibilities, (3) carrying on within the United States activities necessary to support its foreign intelligence responsibilities, or (4) providing information resulting from foreign intelligence activities to other appropriate departments and agencies."

By Mr. DOMENICI (for himself, Mr. EASTLAND, Mr. RANDOLPH, Mr. NELSON, Mr. FANNIN, Mr. PERCY, Mr. BAKER, Mr. MATHIAS, Mr. GRAVEL, Mr. HUMPHREY, Mr. BUCKLEY, Mr. BARTLETT, Mr. DOMINICK, and Mr. MUSKIE):

S. 2598. A bill entitled "Car Pool Incentives Act of 1973." Referred to the Committee on Public Works.

Mr. DOMENICI. Mr. President, I rise for two reasons first, to compliment the distinguished Senator from Colorado (Mr. DOMINICK) on the bill he has just introduced. I do not think there is any more serious crisis than the one he has just described and I certainly compliment him on the approach he is taking in the Senate looking toward a solution.

Quite by coincidence, I have a bill which I will introduce today and which I think the Senator from Colorado will be interested in, called the Car Pool Incentives Act of 1973, which would establish a program of demonstration projects and indepth study to increase the use of car pools in urban areas during rush hours as a means of attacking our grave national problems of air pollution, energy demands exceeding available

energy sources, traffic congestion, and overuse of land for highways and parking facilities.

I am pleased to be joined in introducing this legislation by 11 of my distinguished colleagues. They are the Senator from Mississippi (Mr. EASTLAND), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Wisconsin (Mr. NELSON), the Senator from Arizona (Mr. FANNIN), the Senator from Illinois (Mr. PERCY), the Senator from Tennessee (Mr. BAKER), the Senator from Maryland (Mr. MATHIAS), the Senator from Alaska (Mr. GRAVEL), the Senator from Minnesota (Mr. HUMPHREY), the Senator from New York (Mr. BUCKLEY), and the Senator from Oklahoma (Mr. BARTLETT). It should be obvious that the bipartisan support from Members of this body indicates an awareness of the problems this Nation faces which this legislation is intended to help solve.

It should be obvious from the kind of support from Members of this body, that they are all aware of the problem our Nation faces in trying to deal with the American people in their concept that the automobile is their sole and singular possession and that they should be allowed to ride along the highways and the byways, consuming energy and polluting the air.

My bill is aimed at trying to help the cities find comprehensive programs to entice the American people to move away from this one-person-in-one-car concept, driving 22 miles to work, or 12 or even 40, and put together a package which will be administered by the Department of Transportation where they will be permitted to select up to 10 cities in the United States and grant them, on a 90 to 10 matching basis, up to $1 million to implement comprehensive programs including such things as equipment, and so forth, to be able to tell an individual who lives in a certain neighborhood or who may request where he might find a prospective ride or where he might find a prospective rider, where he might find someone that will go to work close to where he is going, or where he might find how many of those people exist within the radius of his house.

I would like to see some cities experiment with either the use of social security information, or the use of drivers licenses information, thereby tapping this great resource of data processing and the like where this information could be made available.

The bill would also ask the cities to consider anything they can think of that would entice the car pooler and to estimate its cost on an experimental basis.

Further, the bill would ask that the Department of Transportation, the Environmental Protection Agency, and the IRS, during an 18-month period after it has selected the cities, try this demonstration of the 90 to 10 program, that they compile statistics with respect to a tax incentive that might cause more people to use car pools, and that they find out how much it will cost the Treasury Department if they permitted the car pooler to deduct depreciation on his car instead of being prohibited from doing that and perhaps give him some kind of advantage with reference to a gasoline tax which we do not now give him.

There are those who say, "How can we do this? How can we define them and police them?" Until we try, we are never going to be able to do so.

I submit that when our country has statistics indicating that during the rush hours in most of our urban communities, if we just added 0.4 of a person, as an average, to the front seat of that car driving down the highway, this country would save almost 600 million gallons of gasoline a year. That is not even by adding the average of one person but adding 0.4 of a person, on a national average, to a car as it goes through the bulk of the commuter time.

My bill, as it gets to committee, might even be expanded so that the Department of Transportation would do this for every city that would come up with a comprehensive plan, to entice them to come up with a program to implement car pooling in their particular community—whether it is a new kind of off-street parking for pooling cars, whether to match up a better kind of parking facility with a car pooler. Numerous things of a physical nature can be done, coupled with today's technology.

In my opinion, this can be accomplished if we emphasize it and help the cities in a way which would cause the typical American commuter to realize that he has been very foolish and wasteful, that this would save him money, that it would save the country some problems, an dthat, hopefully, over the long run, it would save some taxes for him.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. DOMENICI. I yield.

Mr. DOMINICK. Mr. President, I congratulate the Senator from New Mexico on a very innovative idea. Everybody has been wondering about how to get people to carpool, and this is a real experiment in getting it done.

I should like to join the Senator, as a part of the whole program I am trying to use so far as conservation of energy is concerned. I think the Senator has a very innovative idea.

Mr. DOMENICI. I thank the distinguished Senator for his support. I think those on the floor understand what I am talking about.

Does the Senator from Colorado desire that his name be added as a cosponsor of the bill?

Mr. DOMINICK. Yes.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the name of the distinguished Senator from Colorado be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. This bill would establish a modest program of comprehensive demonstration projects by the Department of Transportation; the projects, chosen for their potential effectiveness in States and municipalities, would demonstrate the benefits to be realized if applied on a nationwide basis. To date there have been various less comprehensive projects and studies in metropolitan areas such as Boston, Los Angeles, and Washington, D.C., but to my knowledge, none has employed all of the presently recognized measures to increase and encourage carpooling in urban areas. This bill would provide demonstration projects utilizing new and innovative approaches, particularly economic and tax incentives and would require a thorough measurement of the impact of these programs on the problems of energy shortage, air pollution, and traffic congestion. The projects would include such measures as systems for locating potential riders and informing them of convenient carpool opportunities, preferential carpool highway lanes or shared bus and carpool lanes, preferential parking for carpools, and the use of economic incentives for commuters participating in carpools.

The direct result of carpooling, of course, would be that of reducing the number of vehicles on urban highways and streets during peak traffic periods. For example, if automobile occupancy could be increased from the present average of 1.6 persons per vehicle to 2 per vehicle, approximately 20 percent of the motor vehicles would be removed from rush hour traffic.

Thus, because of fewer vehicles on the road, air pollution would be decreased—there would be fewer automobiles emitting pollutants and those vehicles on the road would operate more efficiently due to less stopping, starting, and idling. Energy conservation would result since fewer vehicles would mean less demand for fuel, as demonstrated by the fact that if among public employees alone the automobile occupancy were increased to 2 persons per car, almost 600 million gallons of gasoline would be saved per year. And, traffic congestion and parking problems would be alleviated substantially. In addition to relieving national problems to such a degree, each individual commuter would benefit by saving wear and tear on his automobile, and by saving money normally spent on gasoline and parking.

Because carpooling would not require vast outlays of public funds and long periods of costly construction for new transportation facilities, demonstration projects this bill proposes, could be provided at a cost not exceeding $10 million. Due to the greater effectiveness of metropolitan highways to be achieved by this bill, I feel that funding from the highway trust fund is justified and is consistent with past expenditures from that fund. Rather than requiring great amounts of public funding, this measure would be primarily self-supporting by encouraging individual commuters to participate in carpools; they would be motivated by the personal advantages of time and financial savings, by additional economic incentives, such as reduced tolls, free parking spaces for carpools closer to their place of employment, tax incentives, and so forth. In short, it is my opinion, Mr. President, that carpooling is a means to address several of this Nation's most pressing problems without the tremendous outlays traditionally associated with government-assisted efforts to deal with national problems.

While this bill would provide for

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demonstration projects, there may be good reason to proceed even further at this time. It would ordinarily be prudent to test and demonstrate the effectiveness of various measures and combination of measures to increase car pooling. However, there can be no doubt that greater car pooling is required, that greater car pooling will reduce the traffic load with the resultant benefits I have previously mentioned, and that these benefits can be realized in a relatively short time. The unknown factors are related to the best combination of measures to achieve maximum car pooling in different metropolitan situations. Perhaps, in view of these facts, it would be better to move rapidly ahead into an accelerated grant-in-aid program for all cities where a transportation control plan is required to meet standards imposed by the Clean Air Act. This is a possibility that merits attention and I will ask that it be considered during committee action on this bill.

I am aware that the Department of Transportation and the Environmental Protection Agency are keenly interested in pursuing all possible means to more effectively utilize our urban highway and reduce vehicular air pollution by increased car pooling. I have also spoken personally with Mr. John Love, head of the President's Office of Energy Policy, and he has indicated his strong support for programs such as the ones which would be created by this bill as a means to help reduce the tremendous demand by automobiles on our available fuel resources. Mr. Love indicated that he will investigate the possibility of implementing programs similar to those proposed by this bill through coordination of the various Federal agencies which have involvement in energy conservation, highway programs, and air pollution control. However, I am of the opinion that the problems are so urgent that we should initiate the legislative process to establish these programs in the event that administrative efforts should not bear fruit.

In conclusion, Mr. President, I feel that this measure is worthy of our strong support for a number of good reasons, particularly because of its timely contribution to the relief of our national problems of energy resource shortage, or congested highways, of air pollution, and of costly highway and parking areas necessitated by the present number of vehicles. As an additional bonus, it does not require another huge drain on public funds, but rather encourages a savings of money by commuters. It promotes the idea of individual commuters cooperating with each other to deal with severe national problems at a grass roots level—and with visible results. In short, it can immediately and relatively inexpensively provide significant progress toward relieving many of our problems which are generated by having too many vehicles on the roads during commuter hours with too few passengers per car.

I ask unanimous consent that the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2598

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that this act may be cited as the "Car Pool Incentives Act of 1973"

SEC. 2. Title 23 of the United States Code ("Highways") is hereby amended to add the following new section 323:

DEMONSTRATION PROJECTS—CAR POOL INCENTIVES

SEC. 323(a)(1) In order to decrease traffic congestion during rush hours, improve air quality, conserve fuel, and enhance land use by limiting highway and parking requirements, the Secretary shall carry out demonstration projects designed to encourage the use of car pools in urban areas throughout the country while not adversely affecting bus and other mass transportation ridership in such areas.

(2) From proposals submitted by the States to the Secretary within six months after enactment of this amendment, the Secretary shall, not later than one year after enactment, approve for funding those projects which, in his judgment, offer the best prospects of achieving the objectives stated in subsection (a)(1) and which provide a reasonable balance among cities of various population sizes, traffic patterns, and geographical locations.

(3) A project may include, but not be limited to, such measures as systems for locating potential riders and informing them of convenient car pool opportunities; preferential car pool highway lanea or shared bus and car pool lanes; and preferential parking for car pools.

(4) The Federal share of the cost of such work shall be 90 per centum, except that the Federal share shall not exceed $1,000,000 for any single project.

(5) The Secretary shall give permits to demonstration projects proposed for cities or areas in air quality control regions as designated under the Clean Air Act after consultation with the Administrator of the Environmental Protection Agency as to the value of such projects as a part of a transportation control plan for such region.

(b) The Secretary shall conduct a full investigation of the effectiveness of measures employed in the demonstration projects authorized by subsection (a) of this section. In addition, he shall in cooperation with the Internal Revenue Service, the Environmental Protection Agency, and other appropriate Federal and State agencies, study other measures, including but not limited to tax and other economic incentives, which might lead to significant increases in car pool ridership in urban areas throughout the country, any institutional or legal barriers to such measures and the costs and benefits of such measures. He shall report to the Congress not later than December 31, 1974, his findings, conclusions and recommendations resulting from such investigation and study. Funds authorized to carry out Section 307 of this title are authorized to be used to carry out the investigation and study authorized by this subsection.

(c) There is authorized to be appropriated not to exceed $10,000,000 from the Highway Trust fund to carry out subsection (a) of this section.

By Mr. HATFIELD:

S. 2599. A bill to repeal the Economic Stabilization Act of 1970. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. HATFIELD. Mr. President, it is a simple truth that wage and price controls, in all their phases, have not worked. The economy has not been bolstered by administration controls, but has instead been thrown off course by their effects.

On August 15, 1971, President Nixon imposed a wage-price freeze, acting on the basis of authority granted the President under a 1970 act that the President neither sought nor wanted.

In approving this grant of power, Congress was taunting the President to take steps. This push from Congress, coupled with a favorable attitude of the public, combined to produce an executive policy that today has resulted in failure. Senator COOK and I were the only two Senators opposing extension of these powers when the Senate voted on this issue recently, although I would note I voted for the original grant of this power.

Congress has begun to grasp the magnitude of its abdication to the executive branch. We struggle to reassert ourselves in the budgetary process, in confirmation powers and as initiators, not reactors, to legislation. Yet, here in one sweeping gesture, by giving the President the authority to impose wage and price controls, Congress gave away its responsibility and power over much of American life. In traveling throughout Oregon on recent visits, it is the cost of everything that is repeated wherever I go. The economy and people's pocketbook dominate the concerns of Oregonians.

The heart of the problem lies in whether the objectives of the wage-price controls have been met. They have not. After 2 years of economic controls under the various phases of the administration's economic program, inflation is still with us. In fact, even the administration has admitted that the controls, particularly the price freeze imposed on June 13 and lifted for most products on August 12, may have contributed to inflation by creating shortages. Since August 1971, the wholesale price index has increased by 9.7 percent for all commodities. The biggest jump has been in farm products and feeds, with an increase of 20.7 percent, and foods, with a WPI increase of 12.5 percent. The consumer price index has not increased as sharply, with an increase in the CPI for all items of 4.5 percent, and an 8.8-percent increase for food.

The disparity between the WPI and CPI increases reveal a price bulge building in the wholesale sector that will eventually result in further increases in consumer prices. This is usually what happens when price controls such as those under phase IV are imposed—consumer prices are stabilized temporarily, but inflationary pressures continue, and price increases are only delayed. In short, trying to control inflation with price controls is like trying to lower the temperature of a room by forcing down the mercury in a thermometer—the indexes may reflect a "cooling off" of the economy, but inflation is still there.

I believe we must repeal the Economic Stabilization Act and find other ways to approach the economic problems facing us. The AFL–CIO, the U.S. Chamber of Commerce, and the National Association of Manufacturers have all asked for termination of controls. The Wall Street

Journal had an editorial on October 10 which stated:

> The sooner we recognize that controls are doomed . . . the sooner we will be able to start rebuilding a healthy economy.

Therefore, I am introducing a bill that would repeal the Economic Stabilization Act of 1970. The corollary of this action is that Congress then would carry a substantial part of the burden to stabilize the economic conditions in the country.

Certainly the Federal responsibility, both in Congress and in the executive branch, to control inflation is great and urgent. This can be accomplished in two ways: increased taxes, or reduced spending. President Nixon has urged the latter, and Congress has responded reasonably well. In fact, the budget ceiling for fiscal year 1974 set by the Senate is below that recommended by President Nixon. Nonetheless, the budget deficit for fiscal year 1973 is now estimated at $14.4 billion, down from $23.3 billion in fiscal year 1972.

There are other areas where cuts can be made, particularly in military spending. This remains the area where the most substantial savings in the cost of government can be made. My own efforts will continue to be devoted toward eliminating needless expenditures in our massive military budget in order to bring government spending into line with revenues, thereby strengthening our whole economy. Useless domestic programs, government subsidies, and other areas of waste must be curtailed.

There are ways to deal with the economy other than through the authority of the Economic Stabilization Act. Perhaps the most compelling reasons to abolish this legislation are found in a simple recital of what has happened under its aegis. We could look at the irrational picture of beef producers withholding cattle from the market thereby turning hungry consumers to horsemeat markets which in turn sets off cries of outrage in certain animal protectionist groups. We see gasoline stations closed and people buying gas in takehome containers.

There is a projected fuel shortage that will certainly take a toll in life and property. U.S. fertilizer has been snatched up at low prices by the world market leaving a shortage in this country. Angry consumers who refused to pay supermarket prices turned to canning their food thereby creating a shortage in canning jars and lids. The endless cycle of pay raises and price increases was dramatized here in Washington when the Federal pay raise prompted increases throughout the District, starting in the Senate cafeteria where the day the raise went into effect, the price of toast doubled and all other costs went up as well. The ramifications of each new control become absurd, and still the problem is not understood or under control.

Mr. President, I urge the abolishment of the Economic Stabilization Act, and am today submitting legislation to do just that. I ask that the text appear at the end of these remarks. I also ask unanimous consent that the Wall Street Journal editorial on this subject be printed at the end of the text of my bill.

There being no objection, the bill and article were ordered to be printed in the RECORD, as follows:

S. 2599

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Economic Stabilization Act of 1970, as amended, is repealed.

(b) Whoever, prior to the date of enactment of this section, willfully violates any provision of law repealed by subsection (a) of this section, shall be punished in accordance with such provision as in effect on the date such violation occurred.

(c) The repeal made by subsection (a) of this section shall not affect any suit, action, or other proceeding lawfully commenced prior to the date of enactment of this section, or any suit, action, or other proceeding based upon any act committed prior to such date, and all such suits, actions, and proceedings, shall be continued, proceedings therein had, appeals therein taken, and judgments therein rendered, in the same manner and with the same effect as if this section had not been enacted. No suit, action, or other proceeding lawfully commenced by or against any agency or officer of the United States in relation to the discharge of official duties under any provision of law repealed by subsection (a) of this section shall abate by reason of such repeal, but the court, upon motion or supplemental petition filed at any time within 12 months after the date of enacment of this section showing the necessity for the survival of such suit, action, or other proceeding to obtain a settlement of the questions involved, may allow the same to be maintained.

RETROSPECTIVE ON CONTROLS

We suppose that anyone who still believes price controls can stop inflation is beyond help, but it won't hurt to glance at the accompanying chart for a visual confirmation of our experience. Since the imposition of controls, inflation has turned not better but worse.

The six-month moving average of the consumer price index turned down in early 1970, and continued down until controls were imposed in August 1971. It turned back up in mid-1972, in the midst of "tough" Phase 2 controls. Since then it has ascended to heights far above those reached in any recent noncontrols atmosphere. Little wonder that the U.S. Chamber of Commerce and the National Association of Manufacturers have—somewhat belatedly it seems to us—joined the AFL–CIO in calling for prompt and complete termination of controls.

Purely on the basis of the record, one would have to conclude that far fom extinguishing inflation, price controls fuel it. That conclusion is overly simple, of course, because since mid-1972 many other powerful inflationary pressures have been at work. The government budget has been in deficit, and economic growth has been straining the economy's capacity.

Even at that, though, the inflation has been more rapid than any usual economic view would predict. In trying to explain it, economists are looking toward international economic developments. Perhaps the impact of the dollar's devaluation was more inflationary than most theories predict. Or perhaps as First National City Bank and Argus Research Corp. argue, attempts by European central banks to maintain fixed exchange rates by buying dollars swelled European banking reserves and money supplies, leading to a world-wide inflation that spills back into the U.S. economy.

Price controls presumably were intended to stop the increase in prices in the face of these powerful domestic and international forces. This was a pipe dream, as nearly everyone now recognizes. We would go a bit further, to argue that in a couple of respects controls did indeed cause higher prices.

For one thing, there is the effect on the psychology of the Federal Reserve Board. Even those skeptical about the real effect of controls—and it is by no means clear that this description applies to everyone at the Fed—would probably feel some influence from the announcement that some other part of government was going to take over the inflation problem. So if there had been no controls the money supply probably would not have expanded as rapidly, and prices would not have risen quite so sharply.

Beyond that is the problem of shortages. The diehard supporters of controls ignore this problem when they contend that their policies have not failed but were never tried. It is of course quite true that the biggest price jumps have occurred during the more relaxed phases of the controls program. Usually these apologists blame the relaxation on George Shultz' association with the University of Chicago, but those who look not at personalities but events will find the following cycle:

Tight controls are imposed. Shortages and dislocations start to develop. Because of the shortages and dislocations, controls have to be relaxed. Then you get all the price increases you would have had during the tight-controls period, plus those caused by the controls-induced shortages, and probably some more by businesses trying to get ahead of the next period of tight controls.

No group of controllers will be able to avoid this cycle, for none of them can possibly be smart enugh to foresee the secondary and tertiary effects of their actions, especially in an increasingly integrated global economy. They learn too late that if they fiddle with gasoline prices and supplies they may end up with a fuel oil shortage. After setting U.S. prices for fertilizer or cotton they suddenly learn that world prices are higher and foreigners are buying so much of the supply there isn't enough left for Americans. And if they achieve really efficient enforcement with an army of bureaucrats, they will drive down investment and plant expansion and end up with shortages of everything.

So we very much doubt that the dismal record of controls have much to do with any particular set of men or philosophy of controls. The problem is something far more basic, the limits of human intelligence. And the sooner we recognize that controls are doomed by facts of simple physiology the sooner we will be able to start rebuilding a healthy economy.

ADDITIONAL COSPONSORS OF BILLS

S. 1929

At the request of Mr. KENNEDY, the Senator from Pennsylvania (Mr. SCHWEIKER) was added as a cosponsor of S. 1929, the Nantucket Sound Islands trust bill.

S. 2538

At the request of Mr. PROXMIRE, the Senator from New Mexico (Mr. MONTOYA) was added as a cosponsor of S. 2538, to provide for the establishment of construction and safety standards for mobile homes, and for other purposes.

Mr. WILLIAM L. SCOTT. Mr. President, I ask unanimous consent that the names of Senators BENNETT, FANNIN, HANSEN, HELMS, STEVENS, THURMOND, and GRIFFIN be added as cosponsors at the next printing of S. 2539, a bill to amend the Clean Air Act to establish a limitation on certain air quality standards established pursuant to such act and to authorize postponement of certain transportation reductions or con-

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trols of standards relating to motor vehicle emissions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAM L. SCOTT. Mr. President, with regard to this measure, I was pleased to learn that our chairman of the Committee on Public Works, the distinguished Senator from West Virginia (Mr. Randolph) has scheduled 3 days of hearings November 5–6–7 on the automotive emission question, which is of importance to the Members of this body because of the energy problem and the huge costs that may be involved in meeting the mandated standards in the Clean Air Act under present technology. I understand these hearings may consider legislation introduced in the Senate on the auto emissions problem, including my proposal to postpone the timetable for meeting the standards in the law an additional 2 years to reconsider auto emissions technology and new scientific developments in the emissions field. Certainly I welcome any additional support from my colleagues in cosponsoring S. 2539 and hope you will see fit to join me on this measure.

SENATE RESOLUTION 189—SUBMISSION OF A RESOLUTION TO URGE THE CONTINUED TRANSFER TO ISRAEL OF PHANTOM AIRCRAFT AND OTHER EQUIPMENT

(Ordered held at the desk by unanimous consent.)

Mr. HUMPHREY. Mr. President, I submit a resolution on behalf of myself, Senators Jackson, Ribicoff, and Javits, and 63 other Senators, making a total of 67 Senators. I ask unanimous consent that the resolution be assigned a number, printed, and held at the desk without being referred.

Mr. GRIFFIN. Mr. President, reserving the right to object, and I do not intend to object, for the purposes of clarifying the parliamentary situation, may I ask: If the request of the distinguished Senator from Minnesota is agreed to, what would be the status of the resolution tomorrow and the next day?

The PRESIDING OFFICER. Technically it would not have any status. It would have a number and be held at the desk.

Mr. GRIFFIN. It would take some further action by unanimous consent or otherwise for the resolution hereafter to go to a committee, and it would take unanimous consent to have immediate consideration?

The PRESIDING OFFICER. The Senator is correct.

Mr. GRIFFIN. I thank the Presiding Officer.

The PRESIDING OFFICER. Upon objection, it would go over.

Mr. GRIFFIN. I have no objection.

Mr. HUMPHREY. I thank the Senator.

The PRESIDING OFFICER. The resolution will be received and printed in the Record only.

(See exhibit 1.)

Mr. HUMPHREY. I thank the acting minority leader.

Mr. President, the purpose of this parliamentary procedure was to give the sponsors and cosponsors the option at a time when the Senate is in full session to either call up the resolution under unanimous consent or to have it referred for normal legislative routine procedure to appropriate committee. That is the sum total purpose.

Mr. President, I ask unanimous consent to have printed in the Record immediately following the text of the resolution the cosponsorship letter circulated by the 15 original cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. HUMPHREY. Mr. President, so that Senators at this hour may know what this resolution states and its purpose, it is a Senate resolution to urge the continued transfer to Israel of Phantom aircraft and other equipment.

Mr. President, the purpose of the resolution is to urge the continued transfer to Israel of Phantom aircraft and other equipment.

Mr. President, two-thirds of the Senate is joining with Senators Jackson, Ribicoff, Javits, and myself in the introduction of a resolution urging the administration to continue the flow of Phantom jets and other equipment to Israel.

I believe that if the United States continues to supply Israel with the weapons it needs for its defense against the attack by Egypt and Syria, peace can and will come to the Middle East. The President and Secretary Kissinger have recognized this fact and have moved expeditiously to meet Israel's needs after it suffered heavy losses as a result of the Egyptian and Syrian attack.

The resolution we are offering today endorses the announced policy of our Government as well as calling upon a continuation of the transfer to Israel of aircraft and other equipment in response to the massive Soviet resupply of war materials to Egypt and Syria. It is imperative that the balance of power be maintained and that the aggression launched by the Soviet supplied Arab forces be halted. Once this is accomplished then the negotiations leading to a cease-fire can be productive.

It is important to note that Israel refrained from a preemptive first strike in order to preserve the cease-fire initiated by our Government. In exercising self-restraint the Israelis suffered losses of men and materiel which threatened their capability to further deter the advance of the Egyptian and Syrian Armies. Our resupply of aircraft and other military equipment lost in the early hours of the conflict is correct; it is just and it will enable Israel to defend itself and hopefully bring the war to a speedy conclusion.

Mr. President, the conflict in the Middle East is placing severe strains on the progress toward Soviet-American détente. I have long supported a normalization of relations with the Soviet Union. This is in the interest of both peoples. But the Soviet Union must recognize that it cannot pursue a policy of détente with the United States while it encourages Arab nations to continue their aggression in the Middle East.

If détente is to have significance beyond rhetorical statement of friendship and goodwill, then the Soviet Union must be willing to take an active role in bringing about peace in the Middle East and in other areas of tension. It is my fervent hope that Premier Kosygin's presence in Cairo means that he is there to convince Egypt and Syria that it is not in their best interest to continue the hostilities. The world awaits the result of his mission. Peace in the Middle East will enable the policy of détente to continue. The Congress which is soon to vote on credits and other commercial concessions for the Soviet Union is closely watching the Soviet role in the Middle East.

Finally, Mr. President, I want to state in very strong terms that I condemn the recent action taken by 11 oil producing states to reduce the supply of oil to this country or any other nation which is friendly to Israel.

This is blackmail pure and simple. It will not work because the American people will not tolerate international blackmail. We reject such action just as we reject and abhor such acts as planes being hijacked and terrorists threatening innocent civilians with bombs and kidnapings.

The action by these oil producing nations will only earn them the enmity of millions of Americans who refuse to tolerate international blackmail. I am sure that the peace-loving members of the international community of nations will condemn this action despite heavy economic pressure.

Mr. President, the wide support this resolution is receiving is significant of the united and bipartisan stand being taken by the Congress. This should serve as a warning to all those who believe that the Congress does not fully endorse the President's policy of maintaining Israel's deterrent capability. We do support this policy because it is in the best interests of peace in the Middle East. It has as its purpose achieving a cease-fire, the opening of negotiations, and the establishment of genuine peace between Israel and her neighbors.

Mr. President, as important as it is for there to be the defensive capability in the hands of the people of Israel so as to maintain their security and independence and also, hopefully, to restore the cease-fire under the conditions of 1967. I would add, as I know other Senators would want, that we encourage the continued efforts of our Government, the President, the Secretary of State, and others, to obtain a cease-fire and to obtain ultimate peace.

I know that this is the objective of our Government, and I commend the President, the Secretary of State, and others, who are giving of their efforts to achieve a peaceful settlement in the Middle East.

It is my judgment that this peace can only come through direct negotiations between Israel and her neighbors. It is my judgment that that peace will only come when a cease-fire can be achieved. It is my judgment that that cease-fire will not come until Israel has been able to repel those who have attacked her and at that time all of the good offices of

the United States, and hopefully of the Soviet Union and other countries, including the International Organization of the United Nations, must be brought to bear. I hope that our Government is speaking very firmly to the Soviet Union in reminding this Government that détente requires cooperation, that détente is not permitting the Soviet Union to do as it wishes, and to complain if the United States fulfills its commitments; détente requires that the Soviet Union and the United States accept mutual responsibilities and duties.

We have tended to permit the Soviet Union to take actions that we know are contrary to our national interests and yet not resist those actions lest it tend to break the spirit of détente or understanding. The Soviet Union will respect us when we speak not in a sense of belligerency but firmly; it will respect us when we speak not in the sense of being a bellicose nation, but one that has principle and it is willing to stand by it.

Therefore, this resolution is not directed toward expanding the war, but rather to provide the means to bring an end to the war and hopefully direct negotiations for a peaceful settlement in the critical area of the world.

Exhibit 1

List of Cosponsors

Mr. Humphrey (for himself, Mr. Jackson, Mr. Ribicoff, Mr. Javits, Mr. Dole, Mr. Church, Mr. Talmadge, Mr. Brock, Mr. Gurney, Mr. Mondale, Mr. McGee, Mr. Brooke, Mr. Nelson, Mr. Nunn, Mr. Buckley, Mr. Baker, Mr. Bayh, Mr. Bentsen, Mr. Biden, Mr. Bible, Mr. Cannon, Mr. Case, Mr. Chiles, Mr. Clark, Mr. Cotton, Mr. Cranston, Mr. Domenici, Mr. Dominick, Mr. Eagleton, Mr. Fong, Mr. Gravel, Mr. Hart, Mr. Haskell, Mr. Hollings, Mr. Hughes, Mr. Inouye, Mr. Kennedy, Mr. Magnuson, Mr. McGovern, Mr. McIntyre, Mr. Metcalf, Mr. Packwood, Mr. Pastore, Mr. Pell, Mr. Percy, Mr. Proxmire, Mr. Randolph, Mr. Roth, Mr. Schweiker, Mr. Scott of Pennsylvania, Mr. Stevens, Mr. Stevenson, Mr. Symington, Mr. Taft, Mr. Thurmond, Mr. Tunney, Mr. Weicker, Mr. Williams, Mr. Young, Mr. Mathias, Mr. Moss, Mr. Montoya, Mr. Huddleston, Mr. Muskie, Mr. Pearson, and Mr. Beall)

S. Res. 189

Resolution to urge the continued transfer to Israel of Phantom aircraft and other equipment.

Whereas the President is supporting a strong and secure Israel as essential to the interests of the United States; and

Whereas the armed forces of Egypt and Syria launched an unprovoked attack against Israel shattering the 1967 cease-fire; and

Whereas Israel refrained from acting preemptively in its own defense; and

Whereas the Soviet Union, having heavily armed the Arab countries with the equipment needed to start this war, is continuing a massive airlift of sophisticated military equipment to Egypt and Syria; and

Whereas Public Law 91–441, as extended, authorizes the President to transfer to Israel by credit sale whatever arms may be needed to enable Israel to defend itself: Now, therefore, be it

Resolved, That it is the sense of the Senate that the announced policy of the United States Government to maintain Israel's deterrent strength be implemented by continuing to transfer to Israel, by whatever means necessary, Phantom aircraft and other equipment in the quantities needed by Israel to repel the aggressors.

Exhibit 2

U.S. Senate,
Washington, D.C., October 16, 1973.

Dear Colleague: We know you are following the current conflict in the Middle East as closely as we are. It is a great tragedy, and we hope that peace is restored to this region quickly.

By now you are aware that Israel refrained from a first strike in order to preserve the cease-fire initiated by our own government. Partially because of this restraint, Israel has suffered heavy losses in weapons, most significantly aircraft.

The Soviet Union is now engaged in a massive airlift of sophisticated arms, utilizing huge transport aircraft, to Egypt and Syria. While resupply of Israeli forces is underway, it is important that crucial weapons, including Phantom aircraft in adequate numbers, continue to be sent.

We, therefore, urge you to cosponsor the following resolution expressing the sense of the Senate that the flow of essential military equipment to Israel continue. Congress has already provided the President with the authority to make the necessary weapons available by credit sales. We are confident that, with timely and adequate resupply, Israel can defend itself and bring this war to a speedy conclusion.

Sincerely,

Hubert H. Humphrey, Abraham Ribicoff, Herman E. Talmadge, Walter F. Mondale, Gaylord Nelson, Henry M. Jackson, Robert Dole, Bill Brock, Gale W. McGee, Sam Nunn, Jacob K. Javits, Frank Church, Edward J. Gurney, Edward W. Brooke, James L. Buckley.

Mr. JACKSON. Mr. President, the resolution that we are today introducing places the Senate on record in support of decisive action to assure that essential military equipment be transferred to Israel on a time scale and in whatever quantities are required to enable Israel to repel Syrian and Egyptian aggression.

It is the judgment of more than two-thirds of the Senate that this war arose from an unprovoked attack against Israel by the armed forces of Egypt and Syria—forces that have since been aided by the armed forces of other Arab countries. Moreover, as the resolution indicates, it is the judgment of the Senate that the Soviet Union, which has been conducting a massive airlift to resupply the Arab armies, heavily armed the Arab countries "with the equipment needed to start this war."

Let us be clear about that. Since the Six Day War, the Soviet Union has engaged in one of the largest military build-ups in its history, supplying guns, tanks, aircraft, and missiles to Egypt and Syria in huge quantities and under the cover of the cease-fire. We, for our part, limited the Israelis to piecemeal supplies of aircraft and armor—despite the fact that the Congress, in 1970, adopted my amendment to the Defense Procurement Act authorizing the President to transfer to Israel by credit sale whatever was needed in aircraft and other equipment to offset equipment furnished to the Arab armies.

In recent months the flow of Soviet arms into Syria reached flood-like proportions. More than half of the jet aircraft in the Syrian Air Force and nearly all of the surface-to-air missiles that have claimed the lives of so many Israeli pilots have been delivered by the Soviet Union to Syria since the beginning of this year. We now know that a substantial fraction of the Syrian force of SA–6 missiles that have been used with deadly effect against Israel's Phantoms were delivered in the weeks just preceding the outbreak of war.

For 6 years following the 6-day war, American restraint in supplying Israel with the means to provide for her own defense was met, not by equal restraint on the Soviet side, but by a most mischievous and irresponsible program of training and arming Egypt, Iraq and Syria for the war that is now being fought.

Soviet irresponsibility did not stop last week with the outbreak of war. Secretary Brezhnev, violating the letter as well as the spirit of agreements reached with the United States in Moscow last year, did his best to urge other Arab states to join the attack against Israel. Then the Soviets undertook a massive airlift of weapons into Syria and Egypt, resupplying the Egyptian and Syrian armies with sophisticated military hardware.

Mr. President, our resolution makes it clear that the necessary transfer of weapons to Israel should be accomplished "by whatever means are necessary" to enable Israel to repel the aggressors.

Our purpose is to see that the current fighting is halted as quickly as possible. As this war drags on, so does the danger of the direct involvement of the great powers. The prudent course, the safest course is to carry on the effort to resupply Israel with a view to ending this war decisively and by supporting a return to the cease-fire lines and positions held before the current hostilities.

The lesson of this war is already beginning to emerge: in the interests of containing the scale and the scope of conflict, firm and decisive and timely action is essential. Today that action is one of resupply—and the position of the Senate is one of overwhelming support for doing it quickly and decisively.

Mr. HOLLINGS. Mr. President, I rise today to urge swift passage of the Jackson-Humphrey Resolution on the Middle East.

Since that day over 25 years ago when we accorded diplomatic recognition to Israel—only minutes after the birth of that new nation—the United States has dedicated itself to the survival of Israel. Indeed, we are dedicated not only to its survival, but to its genuine security and well-being.

Today, Israel faces one of the greatest threats ever to its existence—an existence that has never been without threat for a quarter of a century. And today we are asked to manifest the depth of our friendship and commitment to the brave people of that fighting nation.

It is not a question of steeling the resolve of the Israelis, for no people are braver or more committed than they. It is a question of their having the implements of war, in face of the gigantic Soviet airlift and sealift of arms to the Middle East.

It is important that American supplies continue to be sent to Israel, including the all-important Phantom jets. Help we

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can, and help we must, if we are to do our part in helping Israel face the gravest challenge of its existence.

The challenge in the Mideast also calls upon us to demonstrate once again our resolve not to be intimidated by the Soviets, and not to let all the sweet-talk about "détente" confuse and distract us. The United States will not encourage meaningful agreements with the Soviets by knuckling under to renewed Soviet pressure in the Middle East. On the contrary, such a response on our part would only whet the appetite of the Kremlin for another round of subversion and extension of influence.

Mr. President, this is no time for flowery oratory or elegant speeches. This is preeminently a time for action—action now. We must respond and we must do so without further delay.

I urge my colleagues to join in passage of this important resolution. In doing so, we will demonstrate once again America's friendship with Israel and America's determination to resist the encroachments of the Soviet Union.

Mr. RIBICOFF. Mr. President, I am pleased that so many of my colleagues have today joined Senators JACKSON, HUMPHREY, JAVITS and myself in offering a resolution urging the continued flow of jet aircraft and military equipment to Israel.

The tragic conflict now going on must be brought to an end soon. A satisfactory conclusion consistent with the vital interests of the United States is a decisive victory by Israel.

If Israel is provided the quantities of equipment it requires in time, Israel can win the struggle. The bitter battles now raging are crucial not only for Israel's own survival, but for the United States and the entire free world.

Upon the final outcome hinges the question of who shall control the Suez Canal—Russia or the West. But even more important, future stability and peace in the entire region depend on the outcome. An Arab victory will not, as some claim, bring the parties closer to peace. It will only embolden the Arab nations to try again—as soon as they are resupplied by the Soviet Union. It is vital that Arab aggression not be rewarded.

The Arab nations, who launched this aggression, should realize that peace is better than war. Until the Arab states renounce war as a viable option, and are willing to accept the fact of Israel's existence in their midst—there can be no peace.

The resolution offered today is meant to reaffirm our country's traditional policy of not permitting the arms balance to tilt against Israel. This means more than mere replacement of current Israeli losses. For after all, the Arab aggressors launched their attack with more than a 3 to 1 advantage in men, armor, and supersonic aircraft. Provided with the latest in Soviet military technology in order to start this war, they are being constantly replenished by both sea and air with sophisticated weapons of all types. The United States can do no less.

If our Government demonstrates an unwillingness to provide Israel with what it requires to win this war, the lesson will not be lost on our allies in NATO and elsewhere—with disastrous consequences for our foreign policy.

Détente between the United States and the Soviet Union cannot be a one way street. The current conflict in the Middle East is another tragic example of Russian deeds demonstrating the falsity of Russian promises.

The overwhelming support being given this resolution today puts this body on record in favor of a continued and timely flow of U.S. "Phantom aircraft and other equipment to Israel in the quantities needed to repel the aggressors." There should be no mistake on the part of anyone as to exactly what this plain language means.

Mr. KENNEDY. Mr. President, I am pleased to join the distinguished Senator from Minnesota (Mr. HUMPHREY) as a cosponsor of his resolution to reaffirm the commitment of the Senate to assuring the people of Israel the means to defend their future.

We state in this resolution our regret that the Arab nations chose to forsake the conference table for the battlefield. We state as well our conviction that this most recent attack by Egypt and Syria demonstrates the need for Israel to maintain an adequate defense to deter future aggression.

The goal of the United States, as the goal of all nations, must be that peace return to the Holy Land and that both Israeli and Arab find a permanent solution to issues dividing them.

But if we were not to meet the Israeli defense requirements resulting from the losses they have suffered in the past 2 weeks, we would be stating to the Arabs that we will stand by as they attempt a military solution to those issues.

Only by demonstrating to the Soviet Union and to the Arab nations that the United Nations will act to restore the arms balance in the Middle East can the leaders of those nations ever be completely convinced that the road to peace lies through direct negotiations and not through military gambles.

The massive supply lines opened by the Soviet Union at the virtual outset of this conflict demonstrates only too convincingly their willingness to support continued military action by the Arab nations. Failure to respond could well encourage such irresponsible action.

Failure to respond also could create a situation where the Arabs believed that a few more days, or a few more weeks could place Israel against the wall, with ammunition running low and a slow attrition of their military supplies.

Our readiness to provide those supplies hopefully will be an incentive to the Arabs to accept the road of cease-fire and negotiations rather than the road of more fighting, a road which leads only to tragedy for both Israeli and Arab alike .

Mr. MATHIAS. Mr. President, I want to ask this question of the Senator from Minnesota because I think it is extremely important, in light of the views expressed by the majority leader and by the views expressed by the Senator from Minnesota (Mr. HUMPHREY) and by my own concerns, that the use in the resolution which he has submited today of the term "by any means whatever" should be very clearly defined; that in view of the fact that the Mideast resolution is still on the books in such language and has raised questions in the past and this has had tragic consequences, and the fact that such language has sometimes been used to avoid the constitutional processes, I am wondering whether the Senator from Minnesota would give us his personal definition of that phrase in the resolution.

Mr. HUMPHREY. Mr. President, the phrase referred to, "by whatever means necessary," is cited in the resolution as follows:

> *Resolved*, That it is the sense of the Senate that the announced policy of the United States Government to maintain Israel's deterrent strength be implemented by continuing to transfer to Israel, by whatever means necessary, Phantom aircraft and other equipment in the quantities needed by Israel to repel the aggressors.

Mr. President, that does not mean American manpower or a landing party of Americans in Israel. It merely refers to the means of either by air or by ship, or from factories, or from depots or bases. It does not mean—and I want to make this clear—it does not mean American manpower involvement.

Mr. MATHIAS. It does not contemplate going outside the constitutional processes defined by the Constitution and statute law by which foreign policy is properly developed and executed?

Mr. HUMPHREY. By no means. Absolutely not. We must be very clear on that.

Mr. MATHIAS. I thank the Senator from Minnesota very much.

Mr. McCLURE. Mr. President, many of my colleagues in the Senate are very sincerely, and with great justification, concerned for the safety of the brave people of Israel. I share their concern and, at the same time, I worry about the logic of their solution. The surest way to safety is through peace; a stable lasting peace, mutually guaranteed. As many Senators have eloquently expressed, an arms race is not always conducive to peace. If, to follow their reasoning, an arms race endangers peace in a cold war situation, it must encourage further warfare in a hot war, a war which if protracted indefinitely can only mean disaster for all participants.

It seems reasonable then, even obvious, that Israel can only be protected by a stable and guaranteed peace. In addition to being reasonable and obvious, it is even practical. In the current situation we have antagonists who have specific grievances and, in my opinion, a genuine desire for a solution. It seems to me that this is one situation in which the United States can look beyond the mechanics of warfare to the tools of peace.

It is self-evident that Israel must protect herself. Her status as a nation should be recognized and the safety of her borders guaranteed. Appropriate buffer zones should be set up and maintained with any assistance necessary to assure their inviolability. At the same time, the question of the Palestinian refugees must be confronted, and a solution found, and

captured Arab lands returned. The specifics for such arrangements would, of course, have to be discussed at length by the participants, but the only way to begin discussion is to stop fighting. An immediate cease-fire in place and the drawing up of a timetable which would ultimately result in a permanent peace treaty could begin immediately.

Historically, war only leads to peace when one side utterly demolishes the other or when after years of hostilities, all participants retire exhausted and battered to a scene of domestic tragedy. Either result is unthinkable and unnecessary in the Middle East today when a cease-fire and talks could begin at once.

I want to express that I do not blame either the Arabs or Israel for this current outbreak. I blame the United States. One of our grave mistakes has been in giving the Israelis the impression that with a total commitment from the United States she is invincible—that there has been no reason to negotiate, no reason to deal with the very real common problems shared with the Arab nations. We are all concerned with interlocking concerns in this volatile situation. We care about the safety of Israelis and about the fate of Palestinian refugees. We care about détente and our relations with the Soviet Union. And we care about the future of all nations which depend upon stability in the Middle East to assure access to vital energy resources. The entire free world has every reason to promote peace and none to promote war.

Mr. President, I ask unanimous consent to have printed in the RECORD an article which was published in the Washington Star-News entitled "Strategy of Moderation Seen," written by Andrew Borowiec.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STRATEGY OF MODERATION SEEN

(By Andrew Borowiec)

BEIRUT.—The embattled Arab world appears to have opted for a strategy of political moderation coupled with a determination to continue the war of attrition against Israel.

The tone was set by Egyptian President Anwar Sadat in his speech yesterday which most Arab observers regarded as Sadat's finest hour and one of the most memorable pronouncements in modern Arab history.

Although Sadat mentioned his long-range missiles—long forgotten by the outside world; the main theme was that peace talks are possible as soon as Israel withdraws to the pre-1967 borders.

The fact that the Israeli premier, Mrs. Golda Meir, said later there would be no cease-fire until "the enemy is broken," confirmed the Arab belief that the Middle East has settled down to a protracted war.

As the 12-day war continued its deadly routine without significant changes, the Arabs appeared confident that within a short time Israel will show signs of fatigue.

But there were no immediate signs that the Arabs were preparing to strike at American interests as feared at the time when the U.S. State Department announced its decision to supply arms to Israel.

Sadat, and by now he is the unquestionable leader of the Arab world—has not called for a boycott of American products or for a war against American business interests in Arab countries.

Rather, he attempted to convince the United States that its long-range interests were in the Arab countries rather than in Israel. This has been Sadat's view since he took the power three years ago. Pro-American at heart, the Egyptian president has been steadily frustrated in his overtures by American's unconditional support of Israel."

The American attitude is expected to cost the United States some discomfort as time goes by. The Arab oil producing countries are meeting in Kuwait today to listen to Saudi Arabia's recommendation for a "limited oil war" against the United States.

The meeting was preceded by a decision of the Arab Persian Gulf states to raise their price for crude oil by 17 per cent. It was a unilateral decision expected to run into opposition by the oil companies exploiting the fields.

Arab intelligence sources estimate that after 12 days of total mobilization and unprecedented war effort, Israeli economy will begin to sag beyond the point where simple remedies will suffice. Israeli admission that every hour of fighting costs the Jewish state $10 million appears to be bearing out this theory.

The Arabs are not fighting for the annihilation of the Jewish state. In fact, by now most Arab politicians admit something they would not admit before—that the Jews have a right to a homeland in the land of the Bible.

But the Arabs view the role of the Jewish state in a sharply different light. While admitting Israel's right to exist, they do not want it to be a military powerful super state able to impose its will on its neighbors. In short, the Arabs will tolerate an Israel cut to size, a Jewish homeland for homeless Jews.

This overall view is yet to be reconciled with the claims of the Palestinian guerrilla organizations for a total and unconditional victory over Israel. But the Palestinians have long been a pawn in Arab hands and once a settlement with Israel is near, they are likely to be sacrificed for the sake of political expediency.

For the time being all this is theory, unlikely to reach the negotiating table for some time.

Many observers around the world still refuse to believe that the Arab countries are capable of a lengthy and determined effort against what hitherto was believed to be an invincible army.

The fact that after some very determined thrust Israel has been unable to throw the Egyptians back across the Suez Canal or open the road to Damascus tends to show the Arabs in a totally different light.

SENATE RESOLUTION 190—SUBMISSION OF A RESOLUTION EXPRESSING THE SENSE OF THE SENATE RELATIVE TO THE WAR IN THE MIDDLE EAST

(Referred to the Committee on Foreign Relations.)

Mr. MATHIAS. Mr. President, I am very much interested in the remarks on the Middle East made by the distinguished majority leader. I sought recognition at this time, because my thoughts are so closely related to the thoughts just expressed by the majority leader.

I would like to explore my own views concerning the Mideast, because I think it is important to stress that the United States has just withdrawn from a painful war of over 10 years duration. If any lesson is to be drawn from the war in Vietnam it is that national disputes cannot be settled by force and arms, but that only negotiation among nations can provide lasting settlement of disputes. The United States today views itself as being in a position of leadership in the world. The history of all nations in the world teaches us that war only leads to the annihilation of civilization as we know it. Israel and the Arab States are not the only nations affected by the war in the Mideast.

As a consequence, the United States and the Soviet Union, the nations of Europe, and all of the nations of the world have compelling reasons for seeking a peaceful solution of the issues that have been plaguing the world for over 20 years.

I thank the Senator from Minnesota for permitting me to be a cosponsor of his resolution.

However, in thinking over this total problem, it seems to me that the ultimate desirability of a peaceful settlement is so important that any resolution the Senate ultimately agrees to must contemplate the position of the United States as being a prime mover in seeking a negotiated end of the war.

For that reason, I am submitting at the present time a parallel resolution with some additional thoughts and a somewhat different approach, which I hope the Foreign Relations Committee will consider as it considers the Humphrey resolution.

It is, of course, ironic that the Holy Land, the birthplace of three great religious beliefs, should be the arena of repeated wars that have claimed the lives of many innocent victims and which has been a waste, in what I can only describe as being in a criminal fashion, of resources that could be better used to improve the lives of all people, whether Arabs or Israelis.

It is further ironic that the birthplace of three great religions should be known for its history of violence rather than peace and reason.

On the basis of our own recent experience in Vietnam and on the basis of our national tradition and our adherence to the United Nations resolution of 1958, which is still on the books, our policy should be to provide for an equitable peace among all those who are interested in the Mideast.

The United States has pledged its word in the form of international law and international commitments to preserve the integrity of Israel and all states in the area. I certainly have fully supported that commitment through the years and do so at the present time.

We have repeatedly asserted our interest in the integrity of all the nations of the Mideast. At the present time we are supplying Israel with the weaponry she needs to defend herself as a direct result of the Soviet Union supplying arms to the Arab countries. I support that policy, although I must say that I regret with all my heart the necessity for doing so.

From the earliest days of our Republic, it has been the American purpose to seek friendship toward all neighbors and enmity toward none. For that reason we must make a great effort to seek a peaceful solution to the conflict in the Mideast which is the cradle of all civilization.

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And civilization, if it has any meaning at all, is a life based upon peace, and not upon terrible wars that only leads to self-destruction which has all too often taken place.

The Senator from Minnesota has been dedicated to this belief. And I know, as we all know, that our fundamental purpose is to make it possible for men to live in peace and remove the scourge of war from the Earth.

As I join with the Senator from Minnesota (Mr. HUMPHREY), I am submitting a parallel resolution which has the same essential purposes as his resolution, but which I think strengthens it by stating in a somewhat different way that it is the sense of the Senate that we try to achieve a fair and equitable settlement among the warring parties.

I think it brings into this important sense-of-the-Senate resolution the additional factor of the importance of negotiations. I hope that the Senator from Minnesota as well as other members of the Foreign Relations Committee will consider this resolution when it comes before that committee for study and consideration, because it is my view that the primary goal of American policy in the Mideast should be, to achieve a negotiated settlement. The settlement should embrace all the issues in dispute if the peace to last and to lessen the likelihood of any future destructive conflicts in the Middle East which have plagued the world for so long.

The resolution is as follows:

S. RES. 190

Whereas the war in the Middle East is a scourge to all mankind and a criminal waste of resources vitally needed by the world; and

Whereas the Middle East is the Holy Land of three great religions; and

Whereas these three great religions seek the benefits of peace for all peoples on earth; and

Whereas hostilities in the Middle East or anywhere on earth endanger the peace of all nations and threaten the survival of life itself; and

Whereas the United States is committed by the Charter of the United Nations and by its own historical tradition to seek peace through peaceful means; and

Whereas the United States has solemnly pledged its support for the just rights of all nations in the Middle East;

Now therefore be it resolved that it is the sense of the Senate that the United States should continue to maintain Israel's deterrent strength as long as continued Soviet supplies to other combatants or other conditions require it to do so, and

Be it further resolved that every effort be made within the United Nations to bring about a negotiated settlement at the earliest possible time on the basis of equity and justice for all parties concerned.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. MATHIAS. I yield.

Mr. HUMPHREY. Mr. President, I commend the Senator from Maryland. The Senator was here when I submitted my resolution. I said at that time that I did not look upon the use of force and arms as a way to achieve peace.

The purpose of the resolution that was submitted was to restore some balance in the Mideast armament because of the Soviet Union's massive shipment of military weapons and to provide Israel with a means to defend herself so that she would not be overrun and have her freedom and independence destroyed.

I happen to believe that long ago we should have had an arms embargo to all Mideastern and all other nations and thus prevent this tragedy that has happened to the gifted and talented people in the Mideast, and they are just that.

Mr. MATHIAS. Mr. President, I join the Senator from Minnesota in that sentiment.

Mr. HUMPHREY. Mr. President, I know that the Senator from Maryland has always been of that sentiment. We have had this unbelievable waste of life and have experienced the hate and the bitterness that come out of war.

I, therefore, assure the Senator, as I did a few moments ago, that I support the effort of our Government to bring about a negotiated settlement in that area.

It is my judgment that the negotiation will only be successful when the parties engaged in the war and the dispute over territories, boundaries, and so forth, meet face to face in honorable negotiations.

It is also my view that the détente we talk about between the United States and the Soviet Union should include on the part of the Soviet Union—which I hope it does, and which it appears to be according to today's newspaper articles—that the Soviet Union join with us in trying to bring about an end to these hostilities and to have a cease-fire so that peace can take the place of violence.

I believe that is the only answer.

I thank the Senator from Maryland for his constant efforts not only in the Mideastern area of the world, but also in Indochina to seek peace and not an extension of war.

ADDITIONAL COSPONSORS OF A SENATE RESOLUTION

SENATE CONCURRENT RESOLUTION 51

Mr. THURMOND. Mr. President, on October 5, 1973, I was pleased to introduce Senate Concurrent Resolution 51, which expressed the appreciation of Congress to our Vietnam veterans and commended them for their efforts to make it possible to observe Veterans Day 1973 in peace.

Thirty-four other Members of the Senate joined me in cosponsoring this resolution. It passed the Senate unanimously on October 11, and the House concurred on October 16.

Since this resolution passed the Senate, three additional Senators have contacted me to request that their names be added as cosponsors to Senate Concurrent Resolution 51.

Mr. President, I, therefore, ask unanimous consent that the Senator from North Carolina (Mr. ERVIN), the Senator from California (Mr. TUNNEY), and the Senator from Minnesota (Mr. MONDALE) be added as cosponsors and that the Journal and the permanent RECORD so state.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOCIAL SERVICES AMENDMENT OF 1973—AMENDMENT

AMENDMENT NO. 633

(Ordered to be printed, and referred to the Committee on Finance.)

"AMENDMENT TO SOCIAL SERVICES AMENDMENT OF 1973"

Mr. KENNEDY. Mr. President, I submit for appropriate reference an amendment intended to be proposed by me to the Social Services Amendments of 1973 (S. 2528) introduced by the distinguished Senator from Minnesota (Mr. MONDALE). The purpose of my amendment is to assure provision of social services for older Americans under the Social Security Act.

I wish to commend my colleagues for their swift and decisive action in introducing the current legislation. This is the second time within a few months that congressional action has been necessary to prevent the virtual demise of a social services program which has taken over a decade to develop. When the social services regulations were first published for comment last February by the Department of Health, Education, and Welfare, many members of Congress voiced objection to the destructive effect which the regulations would have on service programs in assisting lower income persons to remain free of welfare and institutionalization. The Subcommittee on Federal, State and Community Services, of which I am chairman, published a report last March on the threatened fall of social services programs and called for revision of the then proposed regulations on several points. As we know too well, subsequent changes made by the Secretary of Health, Education, and Welfare have been minor and inadequate. The potential disruptive impact of the regulations is still great.

Many national aging groups have asserted that a comprehensive social services delivery system must have a wide range of available services for needy and qualified individuals. It is unfortunate that the regulations proposed by Department of Health, Education, and Welfare—by requiring a State plan to provide only one adult social service—fail to recognize this need. On this point the proposed regulations represent a giant step backward.

The amendment I offer today is designed to remedy this omission.

This would be achieved by requiring a State plan to include a minimum of three mandated services to be made available to all qualified elderly and handicapped individuals. The specific services would be chosen by the State agency which is in a position to assess local needs and preferences. The twofold effect of my amendment would be to assure a comprehensive system of social services while at the same time retaining local discretion.

The range of services included under the present bill includes day care services, homemaker services, home delivered meals, housing improvement services, transportation and legal services, and home health care services. Obviously these are the kind of services which will determine whether an individual will be

able to remain in the community or whether we will be forced needlessly and at great expense to be institutionalized.

This amendment is designed to prevent that cycle from taking place. It does not mandate specific services but it requires at least three services to be provided to the elderly and handicapped.

NATIONAL FUELS AND ENERGY CONSERVATION POLICY—AMENDMENT

AMENDMENT NO. 634

(Ordered to be printed, and referred to the Committees on Commerce and Public Works.)

NO-FARE TRANSIT

Mr. HART. Mr. President, I submit for appropriate reference an amendment to S. 2176, the "National Fuels and Energy Conservation Act of 1973" on behalf of Senator MAGNUSON, Senator BARTLETT, and myself and ask unanimous consent that the text of Senator MAGNUSON's introductory remarks, an article, and of the amendment itself be printed in the RECORD in full.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR MAGNUSON

Mr. President, I am pleased to introduce on behalf of myself and the Senator from Michigan (Mr. HART) an amendment to S. 2176, the "National Fuels and Energy Conservation Act of 1973".

The amendment would require the Secretary of Transportation to conduct demonstration projects to determine the extent to which fare-free and reduced fare mass transit and car pooling can conserve energy. But perhaps even more importantly, the amendment would enable us to demonstrate and study how these techniques might affect the quality of life in our cities by less reliance on the automobile for our urban transportation needs.

Without doubt the use and types of transportation available within the cities can dramatically alter urban life. While the proliferation of automobiles has given us a freedom of movement which is unparalleled in history, it has also given us traffic jams, air pollution, noise, disruption of communities, and a literal transformation of many parts of our cities into concrete slabs.

While the rush to the automobile must cease, we must provide alternatives that offer similar mobility and convenience.

Certainly the decline in mass transit ridership must be stopped, and reversed. Federal programs to subsidize mass transit construction are now in progress and legislation to authorize operating subsidies has passed both houses of Congress.

The amendment I introduce today is based on those same needs, but suggests that we demonstrate and study and the notion of going one vital step further—to test the effectiveness of fare free and low fare transportation in combatting the ills of our cities. The amendment also directs DOT to take certain measures to encourage the use of car pools and the more effective use of automobiles within our cities.

Limited experimentation has taken place to demonstrate fare free mass transportation, and with promising results. On September 10, Seattle, Washington, began a year-long experiment of providing fare free transportation in a 77 square block area of downtown Seattle. While results are obviously limited, Seattle officials and downtown businessmen and residents have nothing but high praise for the experiment. An excellent description of the progress so far appeared in an article in the September 24th issue of Newsweek.

Limited experiments have taken place in cities like Rome and Bologna, Italy, and small towns like Commerce, California; Auburn, New York; Wilkes-Barre, Pennsylvania; and Dayton, Ohio.

Our limited experience to date with fare free experiments and a number of cities with reduced fare systems has been highly encouraging. Without exception, transit ridership increased dramatically in each experiment, and with the substantial bonus of eliminating the need to collect, count, and protect fares—a substantial savings.

But there has yet to be a long-term project in a major city and importantly we have yet to study in detail what the effects might be. As the amendment would also require DOT to determine the feasibility of encouraging the more efficient use of automobiles through carpooling—another promising means of reducing automobile traffic. Commuter automobiles are vastly underutilized and means to increase the number of passengers per car should be studied in depth.

It is my hope and belief that the demonstration and study of reduced fare and fare free mass transportation as well as means of improving automobile transportation stands a very good chance of yielding benefits far in excess of the modest cost of the amendment. If we can determine that by assisting public transportation and encouraging the more efficient use of automobiles that we might avoid the expense and bitterness caused by a controversy like that surrounding Interstate 66 here in Washington—estimated to cost in excess of 300 million—then indeed the investment will be a bargain. If the additional benefits of increased mobility for the poor and the elderly, less air pollution and disruption of our cities would be realized, then indeed the expenditure of $25 million per year for three years would be a pittance.

BORNE FREE

For years, urban experts have argued that one antidote to the stagnation of the central cities would be the creation of free public transit. The service, they argued, would be financed by taxes on merchants and residents, would pay its own way and yield extra dividends in the process. Free busing would end the ruinous cycle of spiraling fares that had driven away so many riders; it would draw new cutsomers into dying downtown shopping areas, and thus justify the added tax burden. Finally, it would reduce pollution by helping to cut traffic and ease the daily tie-ups at rush hours.

In Dayton, Ohio, tax-subsidized free busing in the heart of the downtown shopping area has steadied a faltering transit system and helped stem a loss of riders and revenue. Reduced fares for the elderly are in effect in many cities. In Atlanta, fares have been rolled back from 40 to 15 cents for everyone, leading to a 15 per cent increase in riders. Last week, Seattle became the first major U.S. city to take the next step; it eliminated downtown bus fares entirely.

Begun as a one-year experiment, Seattle's new "Magic Carpet" bus service will give free rides to anyone traveling within the 77-square-block area containing most of the city's major department stores, office buildings, hotels, theaters and restaurants. Intended to lure people out of their cars and onto the buses, the system was conceived by aides of Mayor Wesley C. Uhlman, partly to help meet strict air-quality standards laid down by the U.S. Environmental Protection Agency. It is being helped by a $64,000 city-council appropriation and operated by Metro Transit, which runs all transit operations—free and fare-paid—in a 2,000-square-mile area in and around Seattle. Optimistic planners hope Magic Carpet may entice enough new riders onto the buses to eliminate the need for subsidy.

Whether or not these rosy predictions are fulfilled, free busing is already resoundingly popular among downtown merchants and property owners. After watching business trickle away year after year to suburban shopping centers, they now sense an end to the dollar drain. Restaurant trade in Seattle's Pioneer Square historical district, half a mile from downtown, has been booming since fares were abolished, and midtown workers feel a newfound mobility. Riders rarely have to wait more than a minute for a bus, and are being won over to the system in droves. "It's great!" exclaims one downtown civil servant. "I can leave city hall, catch a bus to shop, or to Pioneer Square for lunch."

Even the bus drivers, who estimate they are carrying double or triple the number of passengers they once did in peak hours, seem delighted to be a part of it all. "Sure, the number of people slows us down a little," says one. "But now that we don't have to watch over the farebox, we can get them on and off a lot faster."

GLOW

Encouragingly, Magic Carpet is already attracting a more varied cross section of passengers. Suburban matrons and downtown executives now mingle with public transit's hard-core clientele of children, the poor and the aged. Even Mayor Uhlman himself now makes a point of riding buses to meetings. In the glow of the noble experiment, in fact, there is evidence of a growing esprit. "We moved out of Seattle twenty years ago to the suburbs," confides one happy shopper. "But if this is what the city is going to be like in the future, I feel like moving back in!"

A more demanding measure of Magic Carpet's value, however, will be whether it succeeds in keeping cars off the streets. But for the moment, free busing itself—at least in such a limited area—has the look of a thumping success. "The people love it, the drivers love it, the businessmen love it!" exults Mayor Uhlman. "I predict that inside a year every major city in the U.S. will have the same program, or will be working on one."

AMENDMENT NO. 634

On page 37, after line 24, insert the following new section:

"TRANSPORTATION ENERGY CONSERVATION DEMONSTRATIONS"

"SEC. 15. (a) GENERAL.—The Secretary of Transportation is authorized and directed to enter into such contracts or other arrangements as may be necessary or appropriate for research and the development, establishment, and operation of demonstration projects to determine the feasibility of programs to conserve energy utilized in the transportation of individuals, including fare-free urban mass transportation systems; low-fare urban mass transportation systems; and car pools and other arrangements to increase the number of individuals transported per private passenger automobile through incentives such as access to special lanes on highways, reduced fees on toll highways, bridges, and tunnels, preferential access to parking facilities, and the establishment of Car Pool data processing to match individuals and automobiles.

"(b) FEDERAL SHARE.—Federal grants or payments for the purpose of assisting projects pursuant to subsection (a) of this section shall cover not to exceed 80 per centum of the cost of the project involved, including operating costs and the amortization of capital costs, if any, for any fiscal year as

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to which such contract or other arrangement is in effect.

"(c) CRITERIA.—The Secretary of Transportation shall select cities or metropolitan areas for projects assistance under this section upon the basis of applications in writing in such form and with such content as he shall require and in accordance with the following criteria:

"(1) to the extent practicable, such cities or metropolitan areas as have a failing or nonexistent transit system, a decaying central city, automobile-caused air pollution problems, or an immobile central city population;

"(2) projects shall be selected from cities or metropolitan areas of differing size and characteristics, including population density and distribution;

"(3) preference shall be given to projects that will introduce a high level of innovative transportation service to such cities or metropolitan areas consistent with the needs of residents for convenient access to employment, shopping, and recreation; and

"(4) to the extent practicable, projects utilizing different techniques, methods, and modes of transportation energy conservation shall be approved.

Recipients of project assistance under this section shall make periodic reports and evaluations of each such project to the Secretary of Transportation in such form and with such content as such Secretary shall require.

"(d) EVALUATION.—The Secretary of Transportation shall study transportation energy conservation methods and systems assisted under this section to determine—

"(1) the effects of such method or system on energy and fuel conservation;

"(2) the effects of such method or system on motor vehicle traffic and attendant air pollution, congestion, and noise; the mobility of urban residents; and the economic viability of central city business establishments;

"(3) the techniques, methods, and modes of mass transportation that can best meet desired National objectives;

"(4) in the case of fare-free or low-fare systems, the extent to which frivolous ridership increases; the extent to which such systems may reduce the need for urban highways; and the best means of financing such systems on a continuing basis; and

"(5) in the case of car pools and other such arrangements, the extent to which individuals voluntarily join when political subdivisions of States, employers, or private groups or associations organize and make them easily available; and the best means of organizing and financing such systems on a continuing basis.

"(e) ANNUAL REPORT.—The Secretary of Transportation shall make annual reports to the Congress on the information gathered pursuant to this section and shall make a final report, including recommendations for legislation, not later than June 30, 1976.

"(f) ADVISORY COMMITTEES.—In carrying out the provisions of this section, the Secretary of Transportation may provide for advisory participation by interested State and local government authorities, mass transportation systems management personnel, computerized data processing experts, employee representatives, commuters, and such other persons as he deems necessary or appropriate.

"(g) AUTHORIZATION FOR APPROPRIATIONS.—There is authorized to be appropriated to carry out the provisions of this section not to exceed $20,000,000 for fare-free and $10,000,000 for low-fare demonstrations, car pools and other arrangements for each of the fiscal years ending on June 30, 1974, June 30, 1975, and June 30, 1976, respectively."

ANNOUNCEMENT OF OPEN HEARINGS BY SUBCOMMITTEE ON PARKS AND RECREATION

Mr. BIBLE. Mr. President, I wish to announce for the information of the Senate and the public that open hearings have been scheduled by the Subcommittee on Parks and Recreation at 10 a.m. on November 6, 1973, in room 3110, Dirksen Senate Office Building on the following bills.

S. 1039, to authorize appropriations for additional costs of land acquisitions for the national park system.

S. 1468, to authorize the establishment of the Knife River Indian Villages National Historic Site.

S. 1976, to study an Indian nations trail within the national trails system.

S. 979, to authorize the establishment of the Springfield Armory National Historic Site, Mass.

ANNOUNCEMENT OF OPEN HEARINGS BY SUBCOMMITTEE ON PARKS AND RECREATION.

Mr. BIBLE. Mr. President, I wish to announce for the information of the Senate and the public that open field hearings have been scheduled by the Subcommittee on Parks and Recreation on December 3, 1973, in LaGrande, Oreg.; and December 14 and 15, 1973, in Lewiston, Idaho.

S. 657, to designate the Hells Canyon National Forest Parklands Area, and for other purposes.

S. 2233, to establish the Hells Canyon National Recreation Area in the States of Idaho, Oregon, and Washington, and for other purposes.

ANNOUNCEMENT OF HEARINGS ON PHARMACEUTICAL INDUSTRY

Mr. KENNEDY. Mr. President, last July, I announced that the Health Subcommittee would begin a comprehensive series of legislative hearings on the pharmaceutical industry in the fall. Today, I am announcing that those hearings will begin on November 7, and will continue at regular intervals through the spring of 1974.

Mr. President, the issues involved in these hearings affect the lives of all Americans. The cost and quality of drugs is a matter of concern to all of us. In the course of these hearings, the subcommittee hopes to travel to different parts of the Nation to hear directly the views of our citizens.

The goal of these hearings is to enact legislation. Senator NELSON, for example, has several important pieces of legislation pending before the committee. The subcommittee staff is drafting additional legislation. We welcome legislative suggestions from all interested parties.

It is 10 years since the Kefauver-Harris amendments were enacted and implemented. It is time to evaluate what they have and have not accomplished.

Those interested in appearing before the subcommittee should feel free to contact the committee staff, room 4226, Dirksen Office Building.

ADDITIONAL STATEMENTS

DISCLOSURE POLICY WITH RESPECT TO AUDITING ACTIVITIES UNDER THE FEDERAL ELECTION CAMPAIGN ACT

Mr. MANSFIELD. Mr. President, in the interests of providing public notice to Members of the Senate, candidates for the Senate and persons involved in political campaigns for Senate seats, I wish to call attention to certain policies and procedures which have been initiated by the Secretary of the Senate pursuant to the Federal Election Campaign Act. As supervisory officer for Senate elections, the Secretary is directed by the act to conduct audits and field investigations with respect to reports of receipts and expenditures made in connection with Senate elections. The law also requires that he report apparent violations of law to appropriate law enforcement authorities.

In conformity with these stipulations, a systematic program of audit and investigations with respect to the 1972 Senate elections has been underway for several weeks. A press release describing the program was released by the Office of the Secretary on September 17. I ask unanimous consent that it be published in the RECORD at the conclusion of these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MANSFIELD. Mr. President, it seems to me that the painful experiences of the past few months underscores the absolute necessity for even-handed, fair and scrupulous enforcement of the Federal Election Campaign Act. As far as Senate elections are concerned, I have every expectation that such will be the case.

One of the questions which arises in connection therewith is publicity in situations which ultimately may involve legal action pursuant to the auditing and referral responsibilities under the act. The Secretary of the Senate has been advised by legal counsel that the procedures which are followed in this connection should serve to protect the rights of the parties concerned and at the same time to insure the integrity of the enforcement process. Accordingly, the Secretary has issued a memorandum to his staff with respect to this matter, and I ask that the text of that memorandum be printed in the RECORD at this point.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

OCTOBER 12, 1973.

Memo to: Darrell St. Claire, Assistant Secretary; Orlando B. Potter, Consultant on Administration, Office of Public Records.

Re disclosure policy with respect to auditing activities under the Federal Election Campaign Act.

1. In advance of field investigations, auditors will notify committee treasurers or other responsible persons to make mutually convenient arrangements. Auditors will also notify candidates in the event that investigations of the candidate's campaign records are to be undertaken, or if it is necessary to enlist the candidate's assistance in contacting his campaign treasurer or other responsible persons. Other than in the above connection, this office will not give advance notification or announcement of the time or circumstances of a field investigation.

2. Where appropriate, on completion of a field investigation, a verbal review of findings may be provided by the auditor to persons responsible for the records audited. The text of the investigator's formal report, however, shall be submitted only to the Secretary of the Senate and no portion, summary or abstract thereof nor any checklist, work paper or other document prepared in connection with the audit will be made available to a committee treasurer, candidate, press, or any other person, other than appropriate law enforcement authorities.

Apart from periodic general summaries of activity by this office under the Federal Election Campaign Act, which will be released to the public, no notification will be given and no announcement will be made respecting any particular referral of apparent violation(s) to the Department of Justice. Since only the Department of Justice can prosecute violations, all inquiries, whether from Members, candidates, other interested parties, press or public, will be referred to the Department of Justice.

Reference may also be made to the Press Release of September 17, 1973 for further information on enforcement procedures.

FRANCIS R. VALEO,
Secretary of the Senate.

EXHIBIT 1

PRESS RELEASE: OFFICE OF THE SECRETARY OF THE SENATE

The Office of the Secretary of the Senate reported today that audits and filed investigations were currently being undertaken into campaign finance disclosures made in connection with the 1972 Senatorial elections.

The audits and field investigations are required under Sec. 308 of the Federal Election Campaign Act which assigns to the Secretary of the Senate supervisory responsibility over Senate campaign disclosures. The Act directs the Secretary to conduct such audits and investigations and to report apparent violations of law to appropriate authorities.

The audits will encompass the campaigns of candidates in the 33 States in which Senate elections were held in 1972, in addition to selected national committees involved in Senate races.

In general, the audits will proceed in alphabetical order of States, with priority being given to those States in which formal complaints were filed with the Secretary.

The first phase of the review consists of a desk audit of documents submitted by candidates and committees, including responses to enforcement notifications sent out by the Secretary during the year. On the basis of this review, check-lists are being prepared showing apparent violations of law indicated on the face of the reports and these will be automatically referred to the Department of Justice.

The desk audit will be supplemented by field investigations in the States in which formal complaints have been filed, and in others, as necessary, to clarify findings of the desk audit. Treasurers of campaign committees and other responsible parties are notified in advance of field investigations to produce records for audit as required by the Act.

At the request of the Secretary of the Senate, two employees have been detailed from the General Accounting Office to conduct the field investigations, which began during the month of August.

Audits and investigations are scheduled to continue throughout the balance of the year. In keeping with established practice, no public announcement will be made as to the identification or substance of any referrals to the Department of Justice.

EQUAL EDUCATIONAL OPPORTUNITY THROUGH NEIGHBORHOOD SCHOOLS

Mr. TOWER. Mr. President, I am pleased to announce to my colleagues this morning that representatives of over 1,085 organizations in 48 States across the Nation formed to promote equal educational opportunity through neighborhood schools have been invited to meet in Washington, D.C., next week—October 23, 24, and 25—to encourage congressional approval of legislation to prohibit the forced busing of their children.

To date, representatives from 25 States have indicated they will be present for the conference. Arrangements have been made for Members of the U.S. Senate to meet with these representatives on Wednesday, October 24, at 10 a.m., in room 1202 of the Dirksen Senate Office Building. I urge my colleagues to be present for this important meeting.

NEED FOR HIGHER ETHICS

Mr. ROBERT C. BYRD. Mr. President, yesterday, Wednesday, October 17, I had the privilege of speaking before the National Association of Food Chains 40th Annual Convention.

I ask unanimous consent that my speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH BY SENATOR ROBERT C. BYRD

Mr. Chairman, Mr. Boyce, distinguished leaders of the National Association of Food Chains, it is a unique experience for a man who has been listening with mounting horror to his wife's reports on the price of ground beef in the supermarket over the past few months, to stand before such an impressive gathering of supermarket executives.

I thank Mr. Boyce for his gracious introduction. It would be well-nigh impossible for the introduction to be anything else than gracious, coming as it did from a man who lives and works in the gracious State of Georgia.

I was intrigued when I saw the names of the speakers who are joining me in the National Association of Food Chains 40th Annual Meeting. Secretary Butz, Senator Jackson and Bryce Harlow. Sounds like a high-priced Washington law firm—Byrd, Butz, Jackson and Harlow. Mr. Butz, of course, would hardly be the silent partner.

I do not propose to discuss with you the economic aspects of the current shortages in some of the staples that we Americans have taken for granted would always be in ample supply throughout the length and breadth of this great country in which we live. I would venture the thought, however, that under the free enterprise system, the law of supply and demand being a basic law of the marketplace, it will remain so regardless of all the scientific study and application that are put to work to render the operation of our retail trade even more sophisticated than it has now become.

But one of the newer laws with which we Americans are almost wholly unfamiliar is the law of demand and non-availability, and this climate, to which the consumer has been exposed for many weeks now, is a brand new experience. It is an experience that may well get worse before it gets better, and we are perhaps going to find that the cornucopia of American abundance has a bottom, after all. Not that this will necessarily be a bad thing. I have an immense faith in the ability of the American economy to bounce back from any kind of temporary setback, and I have every confidence that we will overcome our current problems of shortages and high prices. I doubt that prices will ever be rolled back to where they were in 1968, but I believe that we can look forward to a downward adjustment that will make the American housewives a little happier.

While that process is going on, I am not so sure that the period of more Spartan living will do us any harm. Pleasant and comfortable as it is to wallow in the lap of luxury and plenty, there is also the danger that people may get so accustomed to having the silver platter, that they will lose some of their capacity for withstanding the slings and arrows of outrageous fortune. In other words, a nation that has it too good for too long can get soft. In this world of uncertainties, we need a backbone and a resiliency in our people just as much as we need an $87 billion defense appropriation. Perhaps the four most dangerous words in today's circumstances are "It can't happen here." It certainly can happen here, and if it does, we are going to need all the spirit and the determination with which this nation has always met its crises heretofore.

I am not suggesting that a major world crisis is just around the corner, but unless the nature of men and nations has undergone a metamorphosis of which I am unaware, the possibility is always with us.

It is reasonable at this juncture to ask: by what means can we ensure that the backbone and resiliency that this nation will need as we embark shortly on our third century, will always be present in our society? By what means can we ensure that the qualities of the heart and the strengths of the spirit that made America great, will continue to be part of the American culture? I believe that the answer is simple. I believe that our survival as a free nation depends far more on what we do to improve our ethics and our morality than on what we do with our economics.

Just one week ago, the Vice President of the United States resigned amid allegations that his conduct as a public official had been highly unethical—and, in fact, illegal. Almost one year ago, the American people began to hear and see reports of conduct by highly placed government officials that time and evidence have shown were highly unethical, as the sordid Watergate case unfolded. Major corporations—some of the great pillars of our economic and financial structure—have engaged in practices that were, at best, highly unethical. There have been numerous cases where men of high reputation and outstanding professional success have been charged with conduct that was, again at best, highly unethical, to say nothing of its being unlawful. There has been created in our society a climate of distrust, of cynicism, and of hypocrisy that bids fair to make a mockery of the great idealism that motivated the men and women who laid the foundations of this Republic.

There are different definitions of ethics, but one definition that appeals to me is the brief one given by Dr. Albert Schweitzer.

"In a general sense, ethics is the name we give to our concern for good behavior. We feel an obligation to consider not only our own personal well-being, but also that of others and of human society as a whole."

In other words, from an ethical standpoint, one cannot stand still and remain silent when lawlessness, permissiveness, hypocrisy, and corruption threaten to destroy our society and our political system. And one of the most prevalent and frightening attitudes in America today is that of being complacent, apathetic, and non-committal—the absence of deep convictions on anything. Should this increasing lack of conviction—this giving glory to compromise and approval to passivity—gain much more momentum in our society, the cherished freedoms that were so dearly won by our ancestors will be placed in dire jeopardy.

Public apathy toward basic issues is one of democracy's severest handicaps, and when that apathy is accentuated by a failure on the part of the leaders of the people to be other than non-committal on these same issues, the Republic is in danger.

We can condemn—and we do—the intellectual shortcomings of television and newspapers; we can decry, as we should, those who abuse the protection of the Fifth Amendment; we can deplore, as we do, the vicious and senseless criminality that pervades our social structure. But how often do we hear our leading citizens, in all walks of life, stand up in public and declare themselves unequivocally on matters of real principle and consequence? Ethics cannot thrive in a neutral mind, and the most dangerous enemies to our way of life are not only those who loudly threaten to overthrow the system; equally dangerous to our freedoms are those who say they don't much care, one way or the other.

This is the age of investigations. They are legion, and their purposes are multifarious. But have all of us ever given a thought to taking a good look at *ourselves?* Have we ever asked ourselves how well each of us is performing his or her role in keeping this nation a strong and alert land of law, and justice and freedom? When did we last equate our individual rights and freedoms with our individual responsibilities. As the Scottish poet, Robert Burns, once pleaded:

> "O wad some Pow'r the giftie gie us
> To see oursels as ithers see us!"

It is a fact that whenever people become non-committal, become overly satisfied with the status quo, shirk the performance of duty that a mature sense of responsibility would call for, and fail to exercise a reasonable level of self and community discipline, they open the door to manipulation of their lives and their destinies by the few who seek power and dominion over the many.

In corporations, for example, as long as the per-share dividend keeps up, all too many stockholders care little about what management does, with whom or how management does business, or even who management is. In labor unions, if wages keep increasing, with shorter and shorter work hours and a bonus holiday now and again, all too many members are undisturbed if a few union leaders dip their hands in the till occasionally. In a democratic nation such as ours, prosperity is usually enough to gain the "yes" vote—not only in politics but also in almost everything else.

Does the desire for liberty and freedom diminish with the security of a high standard of living? Do we want affluence and comforts so much that we will bend with every unethical breeze that helps us to retain or increase them? These are questions that we Americans must ask ourselves—not next month or next year, but *NOW*, when trust and confidence in our government and in our leaders are at such a low ebb.

I am not a historian, though I have read some history, and I have no desire to invent history. But it seems that at other times and in other places, other civilizations that advanced far—by their times and standards—failed to make it to the next level of human achievement because they were unwilling to discipline themselves and to dedicate themselves to purposes of the spirit as well as to the desires of the flesh. When ethics, honesty, honor, integrity, and self-discipline perish, the inevitable result is imposed discipline and totalitarianism. Ethics are little known in a totalitarian state for the simple reason that police power controls the actions and, to a great degree, the thoughts of the individual citizen.

The great question that faces our country today is whether we Americans, who have reached the highest plateau of human achievement in the history of mankind, can make the breakthrough to an even higher ethical plateau of human conduct.

For this nation to survive, with freedom and liberty under law, I am convinced that we must make that breakthrough.

One of the most revealing statistics I have read in many years was published in the *Wall Street Journal* recently. The story concerned a survey of business executives conducted by the American Marketing Association. Close to three thousand executives were interviewed, and 50% of them believed that a "dynamic personality" and "ability to sell yourself" are more highely valued attributes in American business today than is a reputation for honesty or strong moral conviction though, of course, they are by no means mutually exclusive.

This diminution of ethical standards is by no means confined to business. It is also found, to a degree in politics, in the law, in the medical profession, in amateur and professional athletics, and in all other walks of life. Many of our religious and educational institutions bear a share of the blame for this growing weakness throughout our land. But whatever the cause, the effect will be devastating if we are not prepared to do something about it.

In this nation, our heritage has always been a heritage of character and principle. It has been the bedrock of our strength as a patriotic people. Perhaps now is a good time for each of us to examine himself, and to reaffirm our faith in the great principles on which our Republic was founded.

THE ELEMENTARY SCHOOL READING EMPHASIS ACT OF 1973

Mr. DOMENICI. Mr. President, recently I became a cosponsor of a bill introduced by my friend and colleague, Senator GLENN BEALL, which I believe will initiate badly needed improvements for teaching reading to our Nation's young people. I believe this measure, S. 1318, the Elementary School Reading Emphasis Act of 1973, would attack this national problem in the elementary schools through improved teacher training techniques and learning incentive programs.

Mr. President, in many areas of this Nation there are individuals who lack the skill of reading—that vital skill which is necessary to survival in the increasing complexity of American life. Problems relating to the teaching of reading rank among the most crucial educational issues in this country today. Test scores released from the Office of Education last year revealed that both inner-city and rural schools are experiencing a decline in reading scores. Throughout the country some 10 million elementary and secondary children are severely deficient in reading.

Serious study of a recent Louis Harris poll shows that 11 million American adults cannot read well enough to obtain a driver's license. Fourteen million cannot read well enough to qualify for a bank loan and 10 million encounter severe difficulty resulting from reading deficiencies in qualifying for social security.

Closer to my home, in my own State of New Mexico, 42 percent of all fifth graders are reading below grade level, as are 59 percent of all sixth graders. These figures are startling and they certainly warrant our immediate action.

The administration has asserted a goal of establishing programs to insure by the year 1980, 99 percent of all schoolchildren aged 16 and under will be functionally literate. I believe this proposed legislation will go a long way in assuring that goal. Obviously, time is of the essence.

Accordingly I have contacted all members of the Senate Subcommittee on Education to strongly urge that this measure be given priority attention so enactment will be possible in the very near future. Each month or year that goes by without action results in many personal failures on the part of our young people and I feel we must not be reluctant to act as soon as possible. I have indicated my willingness to testify before the subcommittee in support of a comprehensive reading preparedness measure.

In addition, Mr. President, I have requested comments from principals and teachers in the State of New Mexico regarding their opinions of this bill. Many, many educators responded to my inquiry, of which I ask unanimous consent to print only a few of their comments in the RECORD for my colleagues' attention.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE ELEMENTARY SCHOOL READING EMPHASIS ACT OF 1973

G. C. Ross, Principal, 109 Cooper Ct., Clovis, New Mexico 88101: "The bill appears to be well thought out. We desparately need the kind of help this bill would make available."

O. M. Hamilton, Principal, P. O. Box 1147, Shiprock, New Mexico 87420: "Through my years of experience I have found that reading in the primary grades is the most singular thing that will either produce success or failure in the future of each student."

Mrs. Elizabeth Girard, Resource Room Teacher, Route 2, Box 3J, Portales, New Mexico: "It is so necessary to get our children to function up to their capacity and reading is a prime requisite. I'm 100% for any kind of help—and particularly this type which also would work toward cutting down teacher-student ratios."

John Spradling, Principal, Tucumcari, N.M.: "I think this is very important. We have a serious problem at our school—Good Luck."

Eulogio Ortega, Principal, Box 1, Dixon, N.M.: "Such a program would certainly help the Spanish-speaking children in the Dixon-Velande area where I'm working. One could do more—so many ideas come to mind, but it is always a lack of money to implement programs. Right now our primary grades have too many children for our teacher to cope with the situation."

Mr. DeVere E. Walker, Principal, Farmington, N.M.: "We surely need some help in coping with this need."

Eli A. Martinez, Principal, Santa Rosa, New Mexico: "My teachers are solidly behind you on this."

Mr. H. Johnson, Principal, Gallup, N.M.: "We need all the help you can give us, Pete."

J. M. Romero, Principal, Los Lunas, New Mexico: "Teachers in the schools need to be trained further in diagnosing and correcting reading problems. Small groups to work with, and reading programs and materials for all types of disabilities need to be made available."

Al Garcia, Principal, Church Rock, New Mexico: "Program should be for all and not limited to only from low income families."

Arthur Bartley, Principal, Artesia, N.M.: "I have been working in the area of reading for a number of years and would like to see more being done. Keep up the good work."

Fred H. Chaffee, Principal, Dexter, N.M.: "As the first "Right to Read" school in New Mexico, Dexter Elementary is behind S. 1318 100%."

Perry C. Andrews, Principal, Des Moines, New Mexico: "A great deal of attention is being shown to urban school problems. Please remember the rural schools have as many problems."

Eli C. Garcia, Principal, Milan, New Mexico: "I feel that the Reading Specialist must include all grades one through three. Why build part of the foundation—build all of it. This program should provide for all students regardless of ethnic group."

Henry Munoz, Principal, Silver City, N.M.: "There is genuine concern for a great number of children who are experiencing reading difficulties in spite of teachers attempting many approaches to correct the situation."

William A. Chavez, Principal, Albuquerque, New Mexico: "I have been in education for close to 20 years and it seems like the teaching of reading is on a continuous decline. We do need financial assistance. Not that money is the answer but that we need the aide in educating teachers to teach reading. I believe that much could be done also by lowering the pupil-teacher ratio in the first 3 grades where the basics are taught."

D. N. Amijo, Principal, Albuquerque, New Mexico: "I have been an educator all my life and reading has been one of my greatest concerns. The staff here at Five Points School is 100% behind this effort."

RANCHOS-TALPA ELEMENTARY SCHOOLS,
Ranchos de Taos, N. Mex., September 19, 1973.

Hon. PETE V. DOMENICI,
U.S. Senate,
Washington, D.C.

DEAR MR. DOMENICI: I am very pleased as Elementary Principal of the Ranchos-Talpa Area Schools that you are aware of the many school children in our state and country who are having reading difficulties. I support your efforts on the National Reading Problems.

According to our test results last year our main weakness was in vocabulary, which proves that reading and its components is the single most important key to learning and that the mastering of reading skills determines in large part success in school and subsequent adult life.

Congratulations Senator, I commend you and your staff for the superb effort in education.

With best wishes.

Sincerely,

POLITO E. MARTINEZ,
Principal.

SEPTEMBER 18, 1973.

Senator PETE V. DOMENICI,
Washington, D.C.

DEAR SENATOR DOMENICI: There have been a number of excellent federal programs in the area of reading and this sounds like an excellent one. I would like to see some kind of continuing program developed. Most federal programs are designed for three years and then to be taken up by the district or state but most are already budgeted to capacity and can't follow through and the program dies. Would you look into this matter of maybe renewing the program after three years if it is successful.

Respectfully yours,

RAY SWINNEY,
Principal.

LAS CRUCES, N. MEX.,
September 21, 1973.

Senator PETE V. DOMENICI,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOMENICI: I have just completed reading your bulletin of September 14th, regarding the implementation of the reading program for those appalling numbers of people in the United States that do not read. I have been in education for 25 years, beginning my educational experience in a two room school and am presently principal of University Hills Elementary School in Las Cruces, New Mexico with an enrollment of 600 students.

Reading problems and problem readers have been of great concern to me since I began my teaching career in 1948. Since that time, I have constantly sought ways and means to help the poor and nonreaders under my tutelage. This same concern has been so paramount in my mind that it prompted me to get my specialist degree in reading. The problem of finding help for these people is even more frustrating now because of the lack of funds to implement special reading programs and/or clinical assistance.

It is not a completely dark future as the Las Cruces School System has opened the door slightly in it's implementation of the Right to Read program for the bilingual and economically deprived child.

In addition, we have been able to secure state enrichment funds to implement our Able Learner program which is intended to serve at least 10% of our total student enrollment of 15,500 students, regardless of ethnic or economic status. This later program needs to be expanded to the extent that help may become a reality for these students.

May I apologize for the lengthy response to your questionnaire but you presented a program that struck a very hopeful chord nearest to my heart and therefore I wholeheartedly support your efforts with other senators in promoting S. 1318 and hope and pray that we can write into the program provisions for all students who are in need of reading assistance. You may also rest assured that I will ask for support for this bill from my staff and others of the Las Cruces community.

Sincerely,

SHERMAN R. OSSBURN,
Principal, University Hills Elementary School.

GRANTS, N. MEX.,
September 24, 1973.

PETE DOMENICI,
U.S. Senate,
Washington, D.C.

DEAR PETE: I am so pleased you have backed the bill the Elementary School Reading Emphasis Act of 1973. New Mexico is far below the national reading norms.

I hope the bill provides for all children that have severe reading problems regardless of their race or the area in which they live.

I will be anxious to hear how New Mexico will fair in the funding if this bill is passed.

Sincerely,

JUNE P. HALE.
Board Member, District 3.

HEW'S NATIONAL HEALTH INSURANCE PROPOSAL

Mr. KENNEDY. Mr. President, the Wall Street Journal of October 17, 1973, contained an excellent article by Mr. Jonathan Spivak entitled "HEW To Propose National Health Insurance With Costs and Benefits Above 1971 Plan." In the article, Mr. Spivak gave a detailed description of what he purported to be HEW'S latest thinking in the area of national health insurance. Subsequent to the appearance of Mr. Spivak's article, I have obtaind a staff document from the Office of the Secretary of HEW summarizing an HEW proposal for national health insurance. This staff document confirms many of the details contained in Mr. Spivak's article.

I ask unanimous consent that both the Wall Street Journal article and this HEW staff document be printed in the RECORD in order that they be available for general discussion and comment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HEW TO PROPOSE NATIONAL HEALTH INSURANCE WITH COSTS AND BENEFITS ABOVE 1971 PLAN

(By Jonathan Spivak)

WASHINGTON.—The Department of Health, Education and Welfare has come up with a new version of national health insurance that would provide more benefits to more people at a substantially greater cost.

The HEW program, to be formally submitted to the White House in the next few days, is designed to plug the gaps in President Nixon's first national health insurance proposal, which got nowhere in Congress. It's the result of months of work ordered by HEW Secretary Caspar Weinberger. If it survives White House review, the plan could turn out to have considerably more appeal on Capitol Hill, where Democrats are pushing more generous plans.

But the budget impact of the new HEW plan will be a big obstacle to getting White House approval. While cost estimates are still being prepared, the net additional federal outlays required could be around $10 billion a year. The need to raise more revenue is certain to trouble the White House, although the President is committed to sending a health insurance plan to Congress next year.

HEW officials say their new program has three main aims: to broaden coverage of the first plan, extending it to all Americans except those over 65 years old, who would remain under Medicare; to ensure that the poor, whose health care is subsidized, get the same quality of care as workers who are self-sufficient, and to tighten cost controls through simplifying administration.

The new plan, like the original, is divided into two segments: a larger one paid for by workers and employers, known as the Standard Employer Plan, covering an estimated 39 million families; and a smaller, subsidized plan for the poor called the Government Assurance Program, which would also aid persons with unusually high health risks. Both would operate through conventional insurance channels—Blue Cross, Blue Shield or commercial companies.

COVERAGE EXPANDED

Instead of being limited to families, the subsidized portion would cover anyone in medical or financial need, including single persons and childless couples. Benefits in both plans would be substantially enlarged

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from the original plan to include payments for drugs, mental illness and skilled nursing and home health care, plus eye exams, hearing and dental services for children through age 12. As before, hospitalization and most physicians' services would be covered.

The program also would feature a unique medical credit arrangement in which every American would receive from the insurance carrier an identifying "health card" to be presented to hospitals and doctors. The card would enable patients to budget their payments for the portion of medical bills that wasn't covered by the national health insurance program. The insurance company would pay the doctor or hospital immediately, eliminating the burdensome problem of bad-debt collection. The insurance company would extend credit to patients who couldn't pay immediately.

The plan would also relate charges for health insurance to income, cutting off the subsidy at $10,000 a year but guaranteeing that after a family spent $1,500 for its medical expenses it would be fully covered without limit in any given year. The original administration proposal imposed a ceiling of $50,000 in health care benefits and required greater out-of-pocket outlays.

Many of these features will be politically attractive, but they add to the program's cost. The administration's original health plan, presented in 1971, was estimated to require added outlays of only $1 billion. While this figure was conceded to be deceptively low, perhaps by $2 billion to $3 billion, the new plan is certain to cost much more.

OTHER CONTROVERSIES

Firm decisions on financing haven't been made even within HEW, but whatever the final decision it's likely to be controversial. Among the options under consideration: making workers pay taxes on the value of health insurance premiums provided by employers, which would yield the Treasury about $5 billion a year; requiring states to pay part of the subsidy to the poor or to assume the entire fiscal burden of furnishing $3 billion a year in long-term nursing care currently provided under the Medicaid program, which would be phased out; or, of course, individual or corporate income taxes could be raised.

Other sources of controversy are likely to arise. The program's reliance on the private health insurance industry to administer the program will offend those who want the federal government to assume a more active role. A greater delegation of regulatory responsibility to the states, which HEW appears to favor, could also anger liberal critics. Then, too, the administration's national health insurance program will call for curtailing of some restricted but highly popular federal health efforts that have powerful political defenders on Capitol Hill.

Although changes may still be made, the Standard Employer Plan, as it currently stands, would cost an average of $625 per family, with the employer paying 75% of this premium and the worker 25%. Patients would have to pay the first $150 of medical costs for an individual each year (up to $450 per family), and then pay 25% of the cost above that until the family had paid $1,500. After that, all medical service covered by the plan would be free.

The Government Assurance Plan would guarantee that most Americans, regardless of income or medical need, would be able to buy health insurance in the private market. It would replace the existing federal-state Medicaid program, give the poor better benefits, and extend coverage to many other Americans who have trouble getting care.

The poor, disabled, unemployed, retired and others with high health risks would obtain the same benefits as workers at a 50% higher premium—initially, $900 a year. The government would pay all the premium for families earning less than $5,000 a year and a lesser proportion up to the $10,000 income level. The deductible and the patient's share of the medical bills would also be based on income. Above the subsidy level, the employer would be responsible for 75% of this higher premium and the worker 25%.

An employer could choose either plan for his workforce, and might find it useful to select the Government Assurance Plan if his workers had unusually high health costs. Individuals would be free to join either plan or none at all.

SUMMARY OF HEW PROPOSAL FOR NHI

This paper summarizes some of the major features of the revised HEW proposal for national health insurance, to the extent that they have been formulated. Staffwork in several important areas is still underway. The proposal would retain the underlying principles of the National Health Insurance Partnership Act, introduced by the Administration during the last Congress. These principles include:

Mixed public-private financing and administration;

Restricting Federal intervention to areas where private decision making has not worked well;

Reliance on States for major aspects of administration where State laws meet Federal standards; and

Achieving evolutionary changes in delivery systems, such as incorporating provisions for an HMO option in both public and private insurance.

The HEW proposal, however, would make the following changes, which respond to the more fundamental criticisms of the Administration's previous bill:

Most importantly, it would assure that all Americans have access to health insurance that they can afford, as called for in the President's 1971 Health Message. The Administration's previous bill did not cover low income singles and couples. It also failed to assist unemployed persons—such as early retirees—who are not low income but who are unable to obtain private medical coverage at affordable rates because of their being high medical risks.

The same services would be covered under both the publicly and privately financed programs; the only difference between the two programs would be reduced cost sharing for low income persons under the publicly financed program.

The cost sharing for low income workers would be partially subsidized to ensure both that they do not face excessive deductibles and coinsurance and that an employed person is not worse off than an unemployed person at the same income level.

The benefit package would be broadened to encompass services not previously covered. At the same time, we would propose a higher deductible than was included in the previous bill for persons who are not low income. We view broad coverage with increased cost sharing as preferable to narrow coverage with lower cost sharing.

BASIC STRUCTURE

NHT would have two parts, the Standard Employer Plan (SEP) and the Government Assurance Program (GAP). Under SEP, employers would be required to offer their employees a minimum plan and pay a fixed percentage of the premiums, as under the Administration's previous bill. Although HEW is still reviewing selected aspects of the benefit package, the intent is for SEP to cover the following services:

1. Hospital services;

2. Physician services, except that preventive services would be limited to family planning, maternity, and well child care;

3. Other medical services as currently covered under Medicare, except chiropractic services;

4. Outpatient and inpatient drugs;

5. Eye examinations, eyeglasses, hearing aides, and dental services for children through age 12;

6. Mental illness limited to 30 hospital days and 15 outpatient visits, except that partial (day/night) hospitalization and outpatient services provided in organized community settings would be covered without a limit; and

7. Limited skilled nursing facility and home health benefits, as in Medicare.

Covered services would be subject to an annual per person deductible of $150 with a maximum family liability of three deductibles, and coinsurance of 25M for expenses over the deductible. However, all cost sharing would be waived after the family incurred $1,500 in out-of-pocket expenses for cost sharing in a single year. Thus, although the cost sharing (coinsurance and deductibles) would be higher than that in many of the competing bills, a maximum would be placed on out-of-pocket expenses, thus providing excellent catastrophic protection.

In addition, the deductible would be waived but coinsurance retained for family planning; outpatient maternity; well child care; and eye, hearing, and dental care for children. These are principally preventive services—which, unlike other medical services—are intended to be used at regular intervals. Applying a deductible to these services appears inadvisable because doing so would create the incentive for greater use of these services only in years in which the person had high medical bills. In addition, waiving the deductible would underscore the Administration's priority of assisting mothers and children. Finally, these services have been emphasized by Federally-funded health center programs, from which the Administration seeks to withdraw on the grounds that health insurance rather than direct Federal grants to providers is the appropriate funding vehicle.

State and local employers would be covered by the SEP mandate. We believe that public employers have the same social responsibilities as private employers. However, there would be a longer phase-in time on employer contributions to premiums to allow State and local governments to adjust to new demands being placed on them. The Federal Employees' Health Benefits program would be adjusted to conform to the SEP mandate, but the Federal premium contribution would not be changed.

GAP would be a joint State-Federal program that would be available to all Americans. However, the premium structure would in effect restrict coverage to those who cannot obtain coverage privately, either because they lack the financial resources or are in poor health. Under GAP, the government would contract with private carriers, who would offer coverage to anyone seeking it. GAP would cover the same services as SEP. It would have a premium, deductible, and cost sharing structure that would be related to income. An income related maximum would be placed on cost sharing to ensure that no one faced inordinate out-of-pocket expenses. The schedule for a family of two or more persons would be as follows:

Annual income	Annual premium	Annual per person deductible	Coinsurance above deductible (percent)	Maximum annual cost sharing
$0 to $2,499	0	0	10	[1]3
$2,500 to $4,999	$300	$50	15	[1]6
$5,000 to $7,499	600	100	20	[1]10
$7,500 and over	900	150	25	$1,500

[1] Percent of income.

Single persons would face the same cost sharing structure but would have their premiums reduced by 50%.

The coinsurance and deductible for persons over $7,500 would be identical to those in SEP. The premium contribution for families above $10,000 is set at 50% higher than the average rate charged employer groups and would be adjusted automatically as that average changed. Consequently, people who are not low income would have the incentive to purchase insurance privately if they are not bad medical risks. For employed persons eligible for SEP who elect GAP coverage, the employer would be required to make a contribution to his premiums equivalent to what he would have made had the employee elected coverage through the employer's carrier. In practice, only employed persons with incomes under $5,000 would elect to enroll in GAP rather than accepting private coverage through the employer.

OTHER CHARACTERISTICS

Both GAP and SEP would include an HMO option.

As part of NHI, Medicaid would be terminated for populations covered by NHI. However, some 30% of Medicaid expenditures are for long-term care, equal to roughly $3 billion (State and Federal share combined) in 1975, and incorporating a Medicaid-type benefit under NHI for the whole population does not appear appropriate. Instead, we would incorporate in NHI a much narrower benefit modeled after the Medicare program. This leaves open the issue of the Federal role in funding long-term care, particularly for low income persons. The Department is examining this matter, and proposals will be submitted subsequently. We are also evaluating the future of Medicare under NHI.

In addition, we would propose the termination of selected tax subsidies for health insurance and medical expenses. Currently, an employer's contribution toward health insurance premiums is not taxable as income. Instead, we would have it be taxable as income. The current practice benefits principally higher income groups and, more importantly, militates against efforts to contain medical care price inflation by encouraging the purchase of first-dollar health insurance coverage. In addition, we would propose terminating the medical tax deduction, which the President's tax reforms proposals would have substantially reduced in any case. This deduction loses much of its justification once universal entitlement to health insurance is achieved, since NHI would contain its own upper limits on out-of-pocket expenditures. We estimate that eliminating these two tax expenditures would generate $6.8 billion in 1975, which could be used to finance a substantial portion of NHI. The $6.8 billion estimate excludes additional revenue loss of as much as $1 billion that SEP would generate under existing tax practices.

Finally, carriers under both GAP and SEP would be required to provide their enrollees with a "Health Card," similar to any other credit card. All payments to providers for covered services would be made by the carrier rather than by the enrollee. The enrollee would in turn bill the carrier for cost sharing. The Health Card offers several important advantages:

The provider would have no reason to discriminate against low income patients since he is guaranteed reimbursement by the carrier.

The ability to enforce quality and cost controls would be vastly improved since all bills, including those below the deductible, would flow through the carriers.

The administrative burden on the patient and the provider would be substantially reduced. In addition, bad debt problems of providers would be virtually eliminated.

Mr. KENNEDY. Mr. President, the health insurance proposal described in this document is still under development and does not as yet reflect official policy of the Department of Health, Education, and Welfare or of the administration. There doubtless have been changes in some of the details which are not reflected in this document. For example, I understand that the Secretary Weinberger recently disclaimed any HEW intention to support elimination of the medical deduction from the income tax system. This document, however, contains a proposal to eliminate the medical deduction and also to tax employers contributions to group health policies as employee income.

The proposal relies upon these two changes to generate an additional $6.8 billion of revenues for the Federal Government ostensibly as a means of paying for the proposed health insurance plan.

Since this proposal does not represent HEW policy, it would be premature to criticize it in any detail. It is alarming to note, however, that the proposal retains many of the major shortcomings of the administration's earlier national health insurance proposal. It will create a windfall of billions of dollars for the health insurance industry in this country, while proposing only minimal regulations and controls of this industry. In addition the proposal would pour billions of dollars into health care in our Nation while creating little or no incentives for increased efficiency and economy and minimal controls on health care costs.

Finally, the proposal would exact very high payment from low-income families for insurance coverage. For example, a family of four with a yearly income of only $3,000 would pay an annual premium of $300. This amounts to 10 percent of the family's annual income. A family of four making the average income in our Nation of $10,000 to $12,000 a year, would very likely pay only $150 as their share of their employers group plans. This amounts to only 1½ percent of their family income.

I am hopeful that by the time this HEW proposal is converted into official policy, they will attempt to rectify these grave shortcomings.

In the meantime, I am delighted to make this data available for general discussion by those interested in health care in our Nation.

SOCIAL SERVICES AMENDMENTS OF 1973

Mr. TOWER. Mr. President, I am pleased to join a number of my colleagues in cosponsoring a measure which I feel is vital to my State and in the best interests of responsible administration of our Nation's program of public assistance.

I have long advocated a program of assistance to our Nation's indigent citizens which would encourage retention of personal dignity while providing an opportunity for upward mobility economically. In my opinion, S. 2528 provides guidelines which should enable the social services program to fulfill these objectives.

Primarily, by restoring responsibility to the individual State governments for making the ultimate decision regarding eligibility standards and the range of services to be offered, we are encouraging a maximization of benefits. State welfare agencies are undoubtedly in the best position to determine the needs of their own people as well as the best means of meeting those needs within the fiscal limitations imposed by the Federal Government.

At this time, I would like to address myself briefly to several provisions of the social services amendments which I feel are of particular importance to my own State of Texas.

PRIVATELY DONATED FUNDS

Texas carries the distinction of being the only State with a statutory ceiling on welfare expenditures. The critical limitation on resources this ceiling imposes, dictates the most prudent use of the funds available to meet the most pressing needs, when considered in conjunction with Texas' low per capita income and high percentage of population below the poverty level. Because of this, the State of Texas has traditionally relied heavily on privately donated funds and in-kind private contributions to make up its share for matching Federal social services grants. Under proposed HEW regulations, in-kind private contributions could no longer be used for this purpose. Consequently, I feel the provisions of S. 2528 which permit the use of private funds for matching Federal grants is imperative if we are to sustain a viable program of social services in my State.

ELIGIBILITY

Under the proposed HEW regulations, eligibility for social services would be almost entirely limited to those presently receiving public assistance payments, thus forcing back on welfare rolls, many families just above the welfare level who are trying desperately with the help of the benefits of this program to hold their own economically in this difficult time of rampant inflation. More specifically, under these proposed regulations, 90 percent of all funds must be used for services to current recipients of public assistance payments.

Most restrictive of all, however, are the provisions which require that of the remaining 10 percent which could be used for services to former and potential recipients, only those individuals who have been on welfare within 3 months, and those likely to be on welfare within 6 months would be eligible. I must oppose these unrealistic eligibility restrictions.

Mr. President, I firmly believe that most Americans do not choose a welfare existence. Nevertheless, some find they are unable to maintain self-sufficiency despite their best efforts to support their families independently. Furthermore, I am convinced that once on welfare, most families are willing to take advantage of every available opportunity to regain self-sufficiency.

Recent studies of welfare recipients illuminated several important facts which have often been blurred or misunderstood in the past:

First. People wind up on welfare not because they are cheats, loafers or malingerers, but because they are poor. Further, their poverty is not simply financial. They have had poor education, poor health care, poor chances at decent employment, and generally poor prospects for anything better.

Second. By far the greatest majority of those supported by welfare are children under the age of 16—approximately 8 million.

Third. Most of our Nation's poor are not on welfare. Out of approximately 25 million Americans officially below the poverty level of $4,000 a year for a family of four, only 15 million receive some form of public assistance. Another 30–50 million are just barely above the $4,000 per year level.

Fourth. Less than 1 percent of welfare recipients are able-bodied employable males. Many of these are in their late-middle years and most are uneducated. All are required by law to sign up for work or work training.

Fifth. Apart from children and the small handful of potential employables on welfare are more than two million aged, and more than 1 million totally and permanently disabled or blind.

Sixth. No one is living comfortably on welfare. It allows, at best, a bare-bone existence. In no State does the average welfare payment bring a family up to even poverty level. Maximum payments for a family of four range from $700 a year in Mississippi to $3600 in New York. Thirty-nine States pay less than their own established standard of need.

Seventh. Cheating and fraud in welfare are minimal. The Department of Health, Education, and Welfare estimates there is cheating among fewer than 1 percent of welfare cases, and even this small percentage is being systematically reduced through more stringent eligibility checks by State welfare agencies.

Eighth. There is no evidence to sustain the belief that welfare is necessarily habit-forming. About 65 percent of all welfare recipients at any given time are on welfare for the first time, and stay on for less than 3 years.

Ninth. Welfare costs less than 2½ cents of every dollar paid in Federal taxes.

As these statistics indicate, welfare recipients and those just above the eligibility level are, for the most part, trying hard to regain their self-sufficiency. I endorse the provisions of S. 2528 which allow States the flexibility to provide up to 25 percent of the benefits under social services programs to those who have been on welfare within 2 years, or who are likely to be on welfare within 5 years. These provisions will provide the assistance necessary to keep many potential recipients off the welfare rolls, and help former recipients stay off.

SERVICES

Finally, I feel it is imperative that States retain the flexibility to design programs to meet local needs. Provisions of the Social Services Amendments of 1973 provide not only a list of statutorily defined services felt necessary by a representation of welfare officials from across the nation, but also a list of optional services which may be provided, as needed, on the basis of priorities established in each State.

Mr. President, I am convinced that the guidelines proposed in the Social Services Amendments of 1973 provide the best opportunity for States to meet the overriding needs of their least fortunate citizens. Furthermore, the programs made available under these social services amendments will provide the means and incentives for welfare families to break the chains of poverty, pull themselves out of the vicious welfare cycle, and become, once more, proud and productive members of our society. I urge congressional expediency in considering this important measure.

NEW ADVISORY COMMITTEE NEEDS ADVICE

Mr. METCALF. Mr. President, I wish to call attention to the President's and Governor Love's new Energy Research and Development Advisory Council, and the irregular procedures which attended its first meeting, on Thursday, October 11.

I raise this issue because I do not want national energy policy to be arranged in private meetings between top officials of the executive branch and industry. I do not believe that other Members of Congress, and the public they represent, desire such arrangements.

I do not want this new advisory committee to become another lobby for weakening patent and antitrust law and enforcement.

Nor do I want this new advisory committee to be yet another lobby for the fossil fuel and uranium interests.

Increasing profits provide more than enough funds for the energy corporations to finance their own research and development. The Federal R. & D. effort should concentrate on development of alternate energy sources—solar, water, sewage conversion and wind.

These energy sources are inexhaustible, and unmonopolized. They are superior to the fossil fuels and uranium from an environmental viewpoint, from an operations viewpoint and especially now, with the Middle East at war, from the national security viewpoint.

Furthermore, this new advisory committee is bound by the Federal Advisory Committee Act which the President signed on October 6, 1972, and the subsequent guidelines issued by his Office of Management and Budget and Department of Justice.

The meetings of this new advisory committee should be well publicized in advance.

They should be held where there is ample room for public citizens.

They should be public, in their entirety.

The committee should hear from the disciplines which are not represented on this committee, those who believe in basing our national energy R. & D. policy upon those alternate, inexhaustible energy sources which do not pollute, destroy the soil and produce dangerous waste, whose operating costs are low and which are not subject to monopoly control and pricing and foreign wars.

The Federal Advisory Committee Act (P.L. 92–463) provides in section 10 that advisory committee meetings shall be open to the public, subject to the Freedom of Information Act exceptions. Section 10 further provides that timely notice of advisory committee meetings shall be published in the Federal Register and that other types of public notice will be provided "to insure that all interested persons are notified of such meeting prior thereto."

The act limits public attendance at, appearance before, and filing statements with advisory committees to "such reasonable rules or regulations" as the Director of the Office of Management and Budget may prescribe. The OMB-Justice guidelines, which are included in the President's First Annual Report on Advisory Committees, spell out those "reasonable rules and limitations." They include the following:

"Such meeting shall be held at a reasonable time and at a place that is reasonably accessible to members of the public.

Mr. President, the first public opportunity to become aware of the new Energy R. & D. Council's first meeting, held on Thursday, October 11 meeting occurred on the preceding day, Wednesday, October 10. The notice—dated October 5—appeared in the October 10 Federal Register. Congressman DAVID R. OBEY put the notice in the CONGRESSIONAL RECORD on October 10, observing that "the effective way to turn a public meeting into a private gathering is to give either no notice of it or short notice."

The text of the meeting notice as it appeared in the October 10 Federal Register, is as follows:

ENERGY POLICY OFFICE, ENERGY RESEARCH AND DEVELOPMENT ADVISORY COUNCIL—NOTICE OF MEETING

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770) the Energy Policy Office announces the following public advisory committee meeting.

The Energy Research and Development Advisory Council will hold a meeting on October 11, 1973, in the Old Executive Office Building, Room 248, 17th and Pennsylvania Avenue, Washington, D.C. The meeting will commence at 11:15 a.m. local time and last until 3:30 p.m., except for a one hour break for lunch at 1 p.m. The meeting will be for the purpose of discussing matters related to national energy research and development policy and programs.

The Advisory Council was established by the President on June 29, 1973, and announced in his Energy Statement of the same date. The objective of the Council is to help ensure the development of comprehensive technological programs to meet the Nation's energy needs. It would do this by providing independent advice to the Energy Policy Office on matters relating to energy R&D.

Members of the public will be admitted up to the limits of the capacity of the meeting room. Members of the public who plan to

attend the meeting are requested to so inform Dr. William McCormick, Executive Secretary of the Advisory Council prior to October 11, 1973. Dr. McCormick can be contacted in Room 472, Old Executive Office Building, Washington, D.C., or on (202) 456–6575.

WILLIAM T. MCCORMICK, Jr.,
Executive Secretary, Energy Research and Development Advisory Council.

October 5, 1973.

[FR Doc. 73–21633 Filed 10–9–73;8:54 am]

Mr. METCALF. Members of the Subcommittee on Budgeting, Management and Expenditures staff learned of the meeting through Congressman OBEY'S remarks in the CONGRESSIONAL RECORD, which of course was not available until October 11, the day of the meeting. They were well aware of my interest, and that of other members of the Committee on Government Operations, in agency adherence to the Federal Advisory Committee Act. They were also aware of my special interest in energy research and development, a subject which the Senate Interior Committee had planned to discuss Thursday morning in open mark-up of S. 1283.

Subcommittee Staff Director Vic Reinemer called the number of Dr. William McComick, executive secretary of the Advisory Council, which was listed in the meeting notice. Mr. Reinemer was told that Dr. McCormick was not available and that no seats were available at the meeting—which was not due to start for 20 minutes. Thereupon Mr. Reinemer and Subcommittee Chief Counsel E. Winslow Turner promptly went to the Old Executive Office Building, where the meeting was to be held.

They showed the officers of the Executive Protective Service their Senate credentials. They were told they could not go to the meeting room because their name was not on the list of those to be admitted. They were advised to call Dr. McCormick's office, which they again did, to be told that he was in the meeting room which had no phone—there was a phone in the room—and that the meeting which had begun at 11:15 had—at 11:25—been adjourned—it had not been adjourned.

Chief Counsel Turner then called Mr. William Hawley, who is OMB's one-man staff administering the Federal Advisory Committee Act. Mr. Hawley immediately came over from the New Executive Office Building, discussed the matter with the two Senate staff members and went up to arrange for their admittance to this "public" advisory committee meeting.

While he was making those arrangements Sergeant Fioramanti of the Executive Protective Service questioned Mr. Reinemer and Mr. Turner about bothering Dr. McCormick's secretary with phone calls and—while a plainclothesman loaded his revolver in the background—emphasized that the Old Executive Office Building was one place in town where there are not any public meetings and that if anybody called a public meeting there the intention undoubtedly was to not have the public attend.

Mr. Reinemer and Mr. Turner showed this official of the Executive Protective Agency the notice of the public meeting, as reprinted from the 10 October Federal Register, page 27955, in the CONGRESSIONAL RECORD for October 10, page 3370, at Congressman OBEY'S request. Sgt. Fioramanti immediately commented that any statement made in the CONGRESSIONAL RECORD "didn't mean a thing" to him and had no operative effect on any action to be taken by his agency, even though it contained a reprint from the Federal Register.

By noon—45 minutes after they had arrived for the 11:15 meeting—and through the personal intercession of Mr. Hawley—my staff members were admitted to the meeting. Chairs were available.

Mr. President, before I proceed with the subject matter of the meeting, and the manner in which the public was excluded from the last portion of the meeting, I ask unanimous consent to print at this point in the RECORD the October 11 White House press release regarding this new advisory committee's duties and membership and the meeting agenda. You will note that according to the agenda the President was scheduled to address the advisory council at 10:30 in the White House, prior to the 11:15 meeting in the Old Executive Office Building. I am advised that the President did not meet with the group.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

ENERGY RESEARCH AND DEVELOPMENT ADVISORY COUNCIL, ENERGY POLICY OFFICE

In his June 29 energy statement, the President announced the establishment of the Energy Research and Development Advisory Council reporting to Governor John A. Love, Director of the Energy Policy Office. The Charter for the Council was filed with the Director of the Office of Management and Budget on August 7, 1973. The Council, which comprises eminent scientists and engineers representing the Nation's leading experts in various areas of energy research and development, is intended to provide the Director of the Energy Policy Office with independent advice and counsel on the overall direction of the Federal energy R&D effort and to assist the Director in reviewing national energy R&D plans and programs. The Council, which is meeting at the White House for the first time today, is expected to meet about six to eight times a year.

DUTIES OF THE ADVISORY COUNCIL

The specific duties of the Advisory Council are:

To provide advice to the Director of the Energy Policy Office on the overall direction of the Federal energy R&D effort;

To suggest new energy R&D programs and technical approaches that may contribute to the solution of energy-related problems;

To examine, at the discretion of its Chairman, selected Federal energy R&D programs;

To apprise the Director of the Energy Policy Office of significant new scientific and engineering developments that may influence the conduct of our Nation's energy R&D programs;

To examine, at the discretion of its Chairman, specific recommendations by Federal agencies regarding energy-related R&D programs.

MEMBERSHIP OF THE ADVISORY COUNCIL

Chairman

Dr. H. Guyford Stever, Science Advisor and Director of the National Science Foundation.

Members

Dr. William O. Baker, President, Bell Telephone Laboratories, Murray Hill, New Jersey.

Dr. Manson Benedict, Professor of Nuclear Engineering, Massachusetts Institute of Technology, Cambridge, Massachusetts.

Dr. Lewis M. Branscomb, Vice President and Chief Scientist, International Business Machines Corp., Armonk, New York.

Dr. Paul F. Chena, Vice President, Research Laboratories, General Motors Corp., Warren, Michigan.

Dr. Murray Gell-Mann, Professor of Physics, California Institute of Technology, Pasadena, California.

Dr. Edward J. Gornowski, Executive Vice President, Esso Research & Engineering Company, Linden, New Jersey.

Dr. Henry H. Linden, Executive Vice President and Director, Institute of Gas Technology, Chicago, Illinois.

Dr. Gordon J. F. MacDonald, Director, Environmental Studies Program, Dartmouth College, Hanover, New Hampshire.

Dr. Elliot W. Montroll, Einstein Professor of Physics, University of Rochester, Rochester, New York.

Dr. Ruth Patrick, Head Curator of Limnology, Academy of Natural Sciences, Philadelphia, Pennsylvania.

Dr. Simon Ramo, Chairman of the Board, TRW Inc., Redondo Beach, California.

Eric H. Reichl, Vice President for Research, Consolidation Coal Company, Library, Pennsylvania.

Louis H. Roddis, Vice Chairman of the Board, Consolidated Edison Company, New York, New York.

Dr. Chauncey Starr, President, Electric Power Research Institute, Palo Alto, California.

Dr. Alvin M. Weinberg, Director, Oak Ridge National Laboratory, Oak Ridge, Tennessee.

Executive Secretary

Dr. William T. McCormick, Jr., Staff Assistant, Energy Policy Office.

OCTOBER 9, 1973.

ENERGY R. & D. ADVISORY COUNCIL—AGENDA FOR OCTOBER 11, 1973 MEETING

ROOSEVELT OR CABINET ROOM—WHITE HOUSE

9:30–9:45—Swearing In.

9:45–10:15—Discussion of Council Operation, Dr. Stever.

10:15–10:30—Opening Remarks, Governor Love, Mr. DiBona.

10:30–10:45—Remarks by the President.

10:45–11:00—Break (Go to E.O.B.).

OLD EXECUTIVE OFFICE BUILDING—ROOM 248

11:00–1:00—Federal Energy R. & D. Program.

11:00–11:15—Overview, Dr. Donovan, NSF.

11:15–11:45—Nuclear Energy R. & D. Program, Dr. Teem, AEC.

11:45–12:15—Fossil Energy R. & D. Program, Dr. Gouse, Interior.

12:15–12:40—Environmental-Energy R. & D. Program, Dr. Greenfield, EPA.

12:40–1:00—Other Energy R. & D. Programs, Dr. Eggers, NSF.

1:00–2:00—Luncheon hosted by Governor Love (Conference Dining Room—W.H.).

2:00–2:30—Status of Government Organizational & other Energy-related Legislation, Mr. Bingman, OMB.

2:30–3.00—$100M FY 1974 Add-on, Dr. McCormick, EPO.

3:00–3:30—Role of Industry in Energy R. & D., Mr. Sawhill, OMB.

3:30–4:30—Status of $10 Billion Program, Dr. Ray, AEC, Dr. Smith, AEC.

4:30–5:00—Study on International Cooperation in Energy R. & D., Mr. Pollack, State.

Mr. METCALF. Mr. President, Chief Counsel Turner returned to the Hill early in the afternoon to attend another of our continuing staff sessions regarding budget control legislation. Staff Director Reinemer stayed until, despite his objection, the meeting was closed and the public excluded from discussion of the status of the $10 billion energy R. & D. program that the President announced earlier this year.

Mr. Reinemer advised Dr. Stever, the committee chairman—who is also the President's science advisor and director of the National Science Foundation—that the meeting was public, that it had been so noticed in the Federal Register, and that closing of the meeting would be a violation of the Federal Advisory Committee Act. Dr. Stever declined to reconsider his decision to close the meeting. So the few persons who had learned about the meeting and overcome the hurdles to entry departed, leaving high executive department and industry officials in cozy conference regarding the public's business.

Mr. President, I believe that Members of Congress and the public generally should know something of what these advisory committee members discussed, in addition to energy R. & D. before the meeting was closed.

They talked about patent policy. They said they want to talk more about patent policy in further meetings, which are expected to be held about six to eight times a year. OMB's Associate Director John C. Sawhill, who handles energy and science policy for OMB said that "we really want to get industry's view of patent policy" adding that "we can probably administer patent law in a flexible way."

They discussed antitrust laws, which Mr. Sawhill said "we" will look at, adding that "we are very anxious to get uranium enrichment into the private sector."

They talked with concern about Senator Jackson's S. 1283, the energy R. & D. bill, and the concept of TVA-type government research corporations in which "you lose the advantage of the kind of control we want to exercise in COMSAT-type corporations—which—let industry in on decisionmaking."

And they chortled when a distinguished scientist made a presentation regarding solar power, windpower, and sewage waste conversion. Such alternate energy sources, some of us believe, should be the basis of a sound Federal energy R. & D. program. But they are apparently of little interest to the fossil fuel and uranium interests which dominate the energy industry and the energy-related agencies of Government, including this new advisory committee.

Hydropower and the energy-saving potential of a national power grid were not even mentioned, at least during that part of the session which the Senate staff members were permitted to attend. OMB officials are aware of hydropower. For 4 years now they have stymied the Corps of Engineers study of additional generating capacity at existing main-stem dams on the Missouri River. From an environmental viewpoint, these nonpolluting kilowatts would be an ideal increment. Other countries are ahead of us in development of hydropower. The French harnessed the tides off Brittany 6 years ago. Last year this tidal plant added 560 million kilowatt-hours to the French national grid.

Mr. President, I submit that the major component of the energy crisis is the domineering role of the fossil fuel-uranium complex, which includes financial institutions behind them and the Government officials who implement their policies up front. The Energy Research and Development Advisory Council appeared in its debut to be the most recent manifestation of this malady.

Furthermore, its decision to hold a public meeting on 1-day notice, to convene it in one of the most inaccessible buildings in this city, and to exclude the public from a key part of its deliberations puts this group in a category with two of President Nixon's other advisory committees which tried to do the public's business in private.

One was the National Industrial Pollution Control Council, composed of the heads of major polluting firms, which was surprised and chagrined to find press and public trying to get into their meetings. So it moved to the new State Department Building, with its built-in security arrangements. The other was the National Business Council for Consumer Affairs, which met with the President to, in his words, "identify and examine current and potential consumer problems." It, too, met secretly.

Consumer affairs, along with pollution and energy R. & D. hardly involve national security. But they could involve monopoly security. I suspect that therein lies the real reason for the secrecy with which this administration attempts to shroud high-level discussion of those issues.

The day before this Energy R. & D. Advisory Council met, the first court decision under Public Law 92–463 was handed down, by U.S. District Court Judge Aubrey E. Robinson, Jr., in the U.S. District Court for the District of Columbia. The full text of the order and memorandum—Civil Action No. 1864–73—was inserted by Congressman Obey in the October 16, 1973 Congressional Record, page 34444. The Council and its chairman should especially note this comment by Judge Robinson:

> Congress was concerned with the proliferation of unknown and sometimes secret "interest groups" or "tools" employed to promote or endorse agency policies. Congress established openness to public scrutiny as the keystone of the Advisory Commitee Act. Arguments that public participation and disclosure would inhibit debate and the frank expression of views were heard and rejected by Congress.

Judge Robinson goes on to say that an exception was created, for matters truly confidential. The Energy R. & D. Advisory Council did not attempt to justify an exception. Instead, its chairman simply closed an open meeting, in violation of the act.

Mr. President, I hope to schedule oversight hearings of the Federal Advisory Committee Act within the next few months. I look forward to reviewing with Chairman Stever, at those hearings, the progress of his committee toward conformance with the letter and spirit of the act.

In addition, I invite others to help advise this new advisory committee. At last week's meeting Mr. Sawhill of OMB distributed to advisory committee members an outline of the strategic issues to be considered as part of the President's proposed $10 billion energy R. & D. program. Inasmuch as his outline may be useful to persons who wish to communicate with the advisory committee and its members, I ask unanimous consent to print it at the conclusion of my remarks.

There being no objection, the outline was ordered to be printed in the Record, as follows:

Toward a Strategic Approach to Federal and Private Involvement in Energy R. & D.

THE STRATEGIC ISSUES

The President has proposed federal commitment of $10 billion to energy R&D over next five years. Dr. Ray is developing a long term national strategy for energy R&D.

Questions of institutional strategy are as challenging as the technological issues:

What are the proper roles for the federal government and various elements of the private sector (industry, universities, other research groups) in energy R&D?

What criteria should be used for federal sponsorship and participation in energy R&D efforts?

What can be done to encourage private investment in energy R&D and to accelerate commercial application of new energy technology?

What modes of government sponsorship other than direct federal funding are appropriate?

How should government and private sector organize themselves to carry out respective roles, and what new cooperative institutional arrangements are required?

Good answers to these questions are critical:

If poorly structured, stepped-up federal effort could be counterproductive: substitute federal for private funds, discourage competitive approaches, insulate decisions from market forces, and slow technology transfer.

If wisely structured, federal effort could have tremendous positive leverage: catalyze and complement private investment, facilitate commercialization, provide overall balance and direction.

Now is the time for a fresh, imaginative look at these issues.

Dr. Ray's Task Force & Executive Office of the President actively investigating them, but wide discussion needed and welcomed.

GUIDELINES FOR FEDERAL INVOLVEMENT IN ENERGY R&D

No hard and fast criteria exist for determining federal role, but some general guidelines can be presented for purposes of discussion.

Selecting areas for involvement

Government support and incentives for energy R&D should focus on:

Areas where benefits not capturable by private institutions (e.g. basic science).

Areas where costs to public are high if research is not undertaken by industry (e.g. environmental controls, reactor safety).

Areas where market may not elicit desired results soon enough (e.g. synthetic fuels from coal).

Areas where magnitude of risks or length of development lead times inhibits support solely by private sector (e.g. breeder reactors).

Areas where a relatively small federal investment can have high positive leverage on private investment (e.g. geothermal brine?).

Areas where government itself needs the research in order to act responsibly as overseer of the U.S. energy system, as an owner of energy resources, as a supplier and consumer of energy, and as manager of federal energy R&D (e.g. research on health effects of pollutants, studies of U.S. energy system).

ALTERNATIVE INSTRUMENTS FOR FEDERAL SUPPORT AND COOPERATION

General considerations

Need to maximize flexibility in institutional and funding arrangements to reflect diversity in industry characteristics and status of the technology.

Need to maximize opportunities for cooperative effort between industry and government.

Need to consider ways of "pulling" technological innovation in energy system through adjustments in regulatory and marketplace incentives, rather than "pushing" all of it through a federally managed R&D pipeline.

Industry and government both appear receptive to considering innovative means of cooperation. Opportunity should be capitalized on.

Examples of alternative financing arrangements

Civil service or support contractor (government laboratories).

Research grants.

Traditional R&D contracts.

Cost-sharing contracts.

Government loans or loan guarantees.

Procurement guarantees.

Tax incentives.

Examples of alternative industry-government relationships

Traditional agency-contractor model.

Cooperative projects or support of industry research associations (e.g. American Gas Association, Electric Power Research Institute).

Mixed ownership corporations (e.g. COMSAT).

Federal Energy Research and Development Corporations (Jackson Bill—S. 1283).

QUESTIONS FOR DISCUSSION

Council's view of:

Key leverage points for stimulating private investment in energy R&D.

Major pitfalls for government/industry cooperation.

SENATOR PERCY ADDRESSES DETROIT ECONOMIC CLUB

Mr. GRIFFIN. Mr. President, I wish to call attention to a speech by the Senator from Illinois (Mr. Percy) before the highly respected Detroit Economic Club on October 15.

I ask unanimous consent that Senator Percy's speech be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

The American Economy at the Crossroads

There are probably few in this room who would not agree that our economy is in trouble. We don't need opinion polls to tell us that in the United States today is a widespread and deep-seated malaise about our economic future.

Ironically, this malaise is not the result of economic recession. As you know, we are just now emerging from a period of full-blown economic boom. Instead, I believe, the pervasive dissatisfaction about the economy I find everywhere I go stems not just from increased market-basket costs, but from a profound loss of confidence and trust—loss of confidence in policy planners, a new scepticism about the viability of our economic institutions and a lack of trust in the function of our marketplace economy.

We have seemed unable to find the proper mix of fiscal and monetary policies which will check inflation and yet foster high productivity growth and permit a rising standard of living for all our people.

AMERICA STANDS AT A CROSSROADS

We must step back and freshly evaluate the entire range of economic policy before we go any further.

One thing seems eminently clear to me; we must make economic decisions on the basis of long-term objectives and *not* on the basis of day-to-day political pressures.

We, as a nation, must make some hard choices. Are we going to tie our domestic economy to a make-shift system of governmental controls? Or are we going to take positive steps to move our economy back towards the principles of the free marketplace? Are we going to close the doors of the United States and hide our economy behind a shield of protectionism, as the Burke-Hartke bill proposes? Or are we going to accept the challenge of foreign competition and integrate our economy more fully with the greater world economy?

We must decide how to shape the institutions and structure of our economy. Are we going to toss the basic principles of a free economy aside and impose an ever-increasing patchwork of regulations and controls in our search for stability and continued prosperity? Or are we going to build on what we have, work with it and constantly strive to make it better?

What is our situation today and what basic decisions must we make? I have very strong beliefs about the principles that should guide us.

Let me first address the question of the underlying precepts of our domestic economy. Are we going to continue to saddle our economy with controls or are we going to try to free it?

Over the course of the past 26 months, the American economy has been dragged through five separate phases of the Economic Stabilization Program. It is hard to imagine that we could be any worse off than we are today had *no* controls at all been imposed in mid-1971. The Stabilization Program has failed mainly because economic policy has lacked consistency of purpose and direction. Day-to-day political pressures have formed the basis for too many alterations in the stabilization policy. Controls have *not* stabilized prices or wages and they have *not* stopped inflation. They have instead encouraged production cut-backs, shortages and black markets, and have contributed to the confusion in the marketplace for producers as well as consumers. Controls have too often been shaped by day-to-day political pressures and thus they have produced two unanticipated and undesired results. First, by short-circuiting the price mechanism, they have created deep distortions in the allocation of goods and services. Second, and perhaps more importantly, they have created a crisis of public confidence in economic policy planners.

Perhaps the failure of controls will ultimately prove instructive. It may have served to dramatically remind Americans of some of the virtues of a free market system.

Take, for example, some of my colleagues in the United States Senate. Just a little more than four months ago, a group of 33 Democratic Senators voted in caucus to support "a 90 day freeze on everything." When the Administration's controls on food prices were announced on June 13, many assailed the measures as "to little, too late!"

It took less than two months for the Senators' eyes to be opened. The freeze on beef prices created shortages, plant shut-downs and black markets. Suddenly, everyone saw the virtues of the free marketplace economy—including those 33 U.S. Senators—and on August 2, the Senate voted 85 to 5 to end the freeze on beef prices altogether.

It is now much clearer than ever before that we *must* scrap controls as soon as possible. There is no other acceptable policy. We simply do not know how to manage a controlled economy in peacetime and furthermore, the American public does not want a controlled economy.

Let me add here that I am pleased that business and labor now overwhelmingly agree on the need to remove controls. It's high time you did. I have always opposed controls, but until very recently, you in business and labor have made it more, not less difficult for those of us in public life to stand against increasing regulation.

The Cost of Living Council should now accelerate its efforts to lift controls selectively as soon as conditions warrant. I think the American consumer has learned the lesson of the failure of the Stabilization Program.

It's been the greatest adult education course in economics the nation has ever had.

But the education of the American public must continue. The cold truth of the matter is that long before the Administration began its Stabilization Program, the economy was encumbered with controls of all kinds. Some of them, of course, are necessary, some are superfluous, but many others are actually harmful.

Over the years, the federal government and the states have enacted a variety of special interest legislation, much of it at the request of elements of the business community itself, which has produced serious inefficiencies in important sectors of the economy.

Examples of this range from Interstate Commerce Commission regulations which have actually contributed *toward* the bankruptcy of many American railroads, to the state fair trade laws which have produced inflationary rigidities in the retail sector by interfering with manufacturers' ability to ever offer volume discounts.

But perhaps the most notorious example is in the agricultural sector. In 1972, with food prices skyrocketing due to severe supply shortages, the United States government was *subsidizing* farmers to hold out of production 60 million acres of tillable farm land—that is, almost 20 percent of all the tillable farm land in the entire country.

To compound this error, the Department of Agriculture, ignoring available economic intelligence data, negotiated a grain deal with the Soviet Union that made the tough Yankee trader look like a starry-eyed schoolboy. In 1973, with prices continuing to rise, the Administration finally initiated a production expansion policy and the senseless subsidies have been discontinued. Unfortunately, the fruits of this change will not be seen until next year.

Our abiding goal must be to get away, not only from the cumbersome controls of the Stabilization Program, but also from the built-in controls which in the long run fail to serve the best interests of the economy.

The challenge facing American policymakers is not merely how to get away from controls, but how to break out of the trend toward increasing government regulation of all kinds. I believe that if we continue to travel our present road, we will soon find ourselves at a dead end with an economy increasingly and irretrievably controlled by the government. Now is the time to change course before it is too late.

America stands at a crossroads in international economic policy as well. We are going to have to decide just what our economic relationship is going to be to the rest of the world. Do we throw ourselves enthusiastically into the competition of world markets? Or do we move to "protect" the U.S. economy from the fluctuations of international trade

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and money markets and adopt protectionist proposals, such as the Burke-Hartke bill, which seek to disengage our economy from those of other nations?

If there is anything we should have learned from our current food and fuel difficulties, it is that the economy of the world, like the economy of the United States, is not static and cannot be forced to fit any one pattern indefinitely. Protectionist measures which set fixed quotas for imports and sharply restrict freedom of U.S. investment abroad run directly counter to the marketplace economy system, and I categorically reject them.

Protectionism reduces U.S. industrial competitiveness and eliminates incentives for cost-cutting and more efficient management and manufacturing practices.

Protectionist legislation would lead to massive foreign retaliation striking hardest at U.S. export industries, industries which traditionally tend to involve higher pay and more advanced technology. And it would undermine the position of U.S. corporations' overseas subsidiaries and foreign investments, which last year added $10 billion to the plus side of the U.S. balance of payments ledger.

We must begin to move away from controls on international movements of capital and commodities. Fortunately, the Administration is already advocating that the interest equalization tax and the mandatory controls on direct investment should be scrapped.

While reaping the benefits of our own private foreign investment, we should not try to block foreign corporations that wish to invest in American industries and properties. This is a new experience for us, but I for one think it is a healthy experience. International investment promotes international interdependence. And an integrated world economy will prove to be an investment in world peace.

In discussing all the fundamental economic decisions which today confront us, we must all bear in mind the astonishing extent to which the physical well-being of the nation's economy depends upon the psychological state of the nation.

Today, we in the United States seem seriously disturbed. We're disturbed by Watergate, and the dark cloud hanging over the Presidency; we're deeply disturbed by the resignation of the Vice-President; we're disturbed by the handing-down of indictments against former Cabinet officers and high White House aides; we're disturbed by our inability to deal with our pressing social needs; and we are disturbed by our inability to stabilize our economy and halt rampant inflation. Opinion polls show that public faith in all our institutions has dipped to the lowest levels in years. The American people don't trust the Congress, the President, business, labor unions, policemen, the press; they don't seem to trust anyone.

Once again, we as a nation have to make a choice. Do we abandon our political, economic and social institutions? Or do we accept our present situation as a challenge to work with the institutions that have been developed so painstakingly and make them better?

There is no doubt in my mind that we—as men and women of intelligence, ideals and determination and resources—can renew and strengthen our institutions. To do so, we must regenerate the spirit of trust. Trust between business and labor. Trust between business and the consumer. Trust between the people and their government.

Anyone who has ever been in business knows how crucial the attitude of its employees is to any business enterprise, large or small. If industry and labor are willing to work together—through job redesign, profit-sharing and worker stock-ownership programs, and incentive pay plans—not only will the labor force be better served, productivity can be raised as well. And just a slight annual increase in productivity growth rate would yield great increases in America's gross national product, relieving pressure on the economy and lessening the need for government-imposed wage and price controls. Cooperation and trust between business and labor can make U.S. productivity growth competitive once again. I wish that we could recreate today the thousands of productivity councils involving millions of labor and management personnel that worked so well together during World War II.

Business must also win back the trust of the consumer. Business must do more than advertise; it must act. It must take the initiative and use its resources to help clean up air and water pollution, to sponsor job-training and rehabilitation programs, to support day-care centers and other worthy projects within the community.

Government, as much as business, must recognize that to be respected you must be respectable. If the people of the United States no longer trust the institutions of their government, what value do the institutions have? The Vietnam War and Watergate have infected our country with doubt and disbelief, two dangerous and highly contagious diseases. We have seen the damage they have done.

Let me confess, however, that I am an incurable optimist. In Washington and around the country, I can see changes—changes for the better—happening every day:

A Senate Government Operations subcommittee recently reported out a Congressional Budget Reform bill, of which I am the principal Republican cosponsor, that will go a long way toward ending the annual budget and appropriations logjam which hamstrings government fiscal policy.

The archaic seniority system is giving way gradually in the Senate, and we have just passed overwhelmingly the most sweeping election campaign reform bill in Congressional history.

Business is increasingly active in urban problems, civic and community projects and public affairs.

Many companies are studying ways of making work on the production line more meaningful and satisfying for the worker, and others are putting profit-sharing programs and incentive pay plans into effect.

American labor is successfully getting away from counterproductive strikes. Since 1971, the number of man-days lost because of strikes has dropped nearly 40 percent, to labor's benefit and the benefit of the nation.

If, as we approach the 200th anniversary of our independence, we can encourage this spirit of interdependence and trust, we will have gone a long way toward overcoming the problems that today beset our economy and our society.

But the economy will not stabilize itself on its own.

The American economy is indeed at the crossroads. We must decide if we will bow to the pressures of devaluation and inflation and mutely accept a lower standard of living or if we are going to work to bolster our national productivity growth rates.

I believe that the second of these is the harder choice, but by far the better choice, and the choice now being made by both labor and management throughout the nation.

We can increase our national productivity growth rate—through increased capital investment, through continued research and development and experimentation.

Individually and corporately, we must eliminate the wastefulness that has unhappily become a trademark of American society. We must conserve our God-given resources wisely.

The lessons of the past two years make it clear that the problems of acute instability and lack of confidence will be worsened by too-frequent resort to regulatory and control mechanisms. To stabilize the economy, the government must follow a stated, rational policy which will carry us away from controls just as quickly as conditions allow.

As foreign economies expand and foreign consumers grow more affluent, this demand will grow even greater, to our benefit. We must do everything we can to encourage expanded farm production to meet the opportunity of foreign demand and to bring down high domestic prices. The name of the game for stabilizing prices in any field is to either stimulate more supply or dampen down excessive demand.

We must retain the improved amortization and depreciation rates and the investment tax credit as a permanent part of our tax structure. We must encourage increased industrial efficiency and modernization and we should consider increasing the investment tax credit rate to improve the United States' competitive position in world markets.

You in business can make the most basic contributions to our prosperity:

You can improve the quality and value of your products to make them more attractive in domestic and world markets.

You can increase your own research and development efforts in order to retain, if not regain, technical superiority for U.S. producers. (Research and development and creative ingenuity produced the Instamatic and the Polaroid, revolutionizing and revitalizing the American camera industry.)

You must not be afraid of competition. (Kodak, Polaroid, and Bell & Howell all have achieved dramatic gains in sales and markets in the face of sharp tariff reductions on foreign photographic equipment.)

You can create new world markets for your goods and expand your exports by taking advantage of the devalued dollar. It is a national scandal that only 4 percent of U.S. companies export at all. Aggressive search for markets and export expansion is a must. American farmers in recent years have increased their prosperity through expanding their exports. American industry can learn from the farmers' example.

Finally, we must all work together to restore stable economic conditions and to foster confidence that makes non-inflationary behavior and smooth expansion of production possible once again.

This means businessmen who have confidence in the future of free markets.

It means workers and consumers who believe that price increases will not erode wage increases.

It means farmers who do not fear the risk of ruinous market instability.

It means assuring all Americans that the federal government will systematize and rationalize its outmoded budgetary procedures and live within its means.

And above all, it means assuring all participants in our economy that the government won't tinker with economic controls with every shift of the political wind.

Out of such assurances, solidly-based confidence will spring, and with it, a new prosperity based on stable economic growth.

HEARING OF THE AFRICAN AFFAIRS AND SOUTH ASIAN AFFAIRS SUBCOMMITTEES SHOW NEED FOR UNITED STATES AND WORLD FOOD EMERGENCY RESERVES

Mr. HUMPHREY. Mr. President, on October 5, Senator McGovern and I held a joint hearing of the South Asian Affairs and African Affairs Subcommittees of the Foreign Relations Committee on the impact the world food shortage has had on the critical emergency food needs of these areas.

The witnesses at this hearing were Maurice J. Williams, Acting Administrator of the Agency for International Development; Julius L. Katz, Deputy Assistant Secretary of State for International Resources and Food Policy; Dr. Jean Mayer, professor of nutrition and master of Dudley House, Harvard University; Richard E. Bell, Deputy Assistant Secretary for International Affairs and Commodity Programs, Department of Agriculture; Lester Brown; Senior Fellow, Overseas Development Council; and Roy L. Prosterman, University of Washington School of Law.

Mr. President, the world food shortage that has sent prices skyrocketing on the American market has had a far more serious effect on the poor countries of the world and a disastrous effect on those threatened by famine.

As Senators know, I introduced the amendment to the Foreign Assistance Act, which the Senate adopted, calling on the President to initiate a commission study of the world food problem and possible ways of dealing with it. This amendment also stated that the United States should cooperate in the establishment of an international system of strategic food reserves which would provide for an equitable distribution of the direct and indirect costs between producer and consumer nations. It called on our special representative for trade negotiations to explore through the GATT means of assuring equitable access by all nations to basic resources such as mineral and agricultural supplies. Finally, it provided the Secretary of Agriculture the flexibility to respond to emergency food needs through the Public Law 480 program and called on him to include in his estimates of expected food demands needs for humanitarian food assistance.

I have also joined with Senators Javits, Dole, and McGee in sponsoring Senate Concurrent Resolution 50, calling for a world food conference to be held in 1974 under the auspices of the United Nations. This conference would discuss ways of increasing world food production and improving distribution, world food reserves, and world relief efforts in case of natural disaster.

I have also proposed, in S. 2005, the establishment of a U.S. food reserve. I believe it is crucial that these three pieces of legislation be passed. They are important first steps in a worldwide effort to solve the food shortage problems raised during these hearings.

As Mr. Brown pointed out, the large segment of mankind that spends 80 percent of its income on food cannot possibly offset a doubling in the price of its principal food staples. The Foreign Minister of South Vietnam recently told me that the world price of rice is so high that the people of his country cannot afford to eat the food they produce. Although they are predominantly agricultural, many of the poor countries have to import food. This past year they have had to spend money badly needed for economic development and government services on the food necessary to keep their people alive. Under such conditions, these countries cannot afford to maintain stocks to cushion them against disaster.

In those countries where disaster struck this past year—in west Africa where six nations saw their crops and livestock destroyed by drought, in Pakistan where floods destroyed the wheat in storage and the rice in the fields, in India and Bangladesh where subnormal rainfall brought inadequate harvests—we have seen what world food shortages can mean for those threatened by famine. High prices made it impossible for these countries to build reserves in advance to feed their people when the crises began. Emergency shipments of food were tied up in ports. And donor countries like the United States had to ration their small supplies of food available for relief. Public Law 480 title II has dropped from $524 million in 1972 to a preliminary figure of $396 million for 1973—and each dollar buys much less grain.

During the hearings, we often heard the expression "enough to squeak through." The United States was unable to meet its full commitment of emergency food shipments to Bangladesh because it was decided that the people there could "sqeak through" while the people of west Africa could not. In both west Africa and south Asia, this meant that countries were provided with barely enough to avert widespread famine. People still died of starvation or diseases they were too weak to resist. Even more children and infants died than is normal in these areas; and the old died earlier than they normally would have. Those who have survived are weak, vulnerable to disease, and unable to put forth the effort required to make next year's harvests better. At a time of worldwide food shortage, the donor nations were able to provide just enough relief assistance to keep most of the people threatened by starvation alive—and no more.

Mr. Prosterman described what world food shortages on top of natural disaster meant for many west Africans and south Asians this past year:

> When a family that exists almost entirely on a diet of grain, and on less, often far less, than 2000 calories a day per adult person, misses out each day on a loaf of bread, or on a bowl of rice for each, they die. When a family that gets its food from the soil sees its crops swept away by floods or withered by drought—and there are millions of such today—they die. When a family that gets its food from its cattle sees those cattle starve—and there are millions of these people in the Sahel—they starve too. When a family living in the fetid disease-ridden city slums, that gets its food from the market or the government warehouses, sees scarcity drive that food up to twice or three times its former price or off the floor of the government warehouse, then that family dies. They cannot go to a bank to borrow money to replace their crop, or their cattle, or to pay the doubled price of food. They cannot go to friends or relatives, because this is not an individual tragedy, but one that affects their friends and relatives too. They cannot get a better-paying job, or spend less on housing or clothing. They have nowhere to turn.

Mr. President, in both south Asia and west Africa, the need for emergency food relief is still critical. In south Asia, the harvests are expected to be good this year; but they will not be in until December. In west Africa, the rains did not come again this year. The harvest will again be far below normal; and it is expected that emergency food needs will be the same or greater this next year than they were last.

The people in these areas will be almost totally dependent for their lives on the willingness of the affluent nations to provide food. Mr. Prosterman has estimated that in nine countries hit by drought and flood this year the emergency food needs in the next 12 months will be anywhere from 4.5 million tons to 7.7 million tons.

At the same time, the capacity of the United States and other affluent countries to meet these needs has been seriously diminished by the world food shortage. Mr. Brown pointed out that this year Public Law 480 shipments of wheat will be less than one-third those of 2 years ago; shipments of rice, feed grains, and vegetables less than half; and milk shipments have stopped completely. Mr. Prosterman stated that title II of Public Law 480 will probably be down to $120 million in the next year.

With the threat of famine still very real in south Asia and west Africa, it is crucial that humanitarian considerations be given higher priority in deciding how much grain will be available for Public Law 480 title II purchases. We cannot assume that there will be enough grain left over after export sales to meet emergency needs in the next year. The amendment to the foreign aid bill which I introduced with Senators Javits and Dole gives the Secretary of Agriculture the authority to put humanitarian considerations above export requirements if necessary.

It is essential that we do our part in averting famine in the next year and that we encourage other affluent nations to join in a coordinated international effort to relieve those threatened with starvation. As Willy Brandt has said:

> Morally it makes no difference whether a man is killed in war or is condemned to starve to death by the indifference of others.

Mr. President, the current world food shortage and our inability to fully meet the needs of countries threatened by famine are not temporary phenomena. World demands for food are growing much faster than supplies.

Lester Brown pointed out that while during the 1960's increasing world demand for food was due primarily to population growth in the less developed countries, during the 1970's demand has grown because of rising affluence in the developed countries as well. He stated that in the United States and Canada per capita grain consumption is approaching 1 ton per year, and that consumption levels in the northern tier of industrial countries—from Europe to Japan—approximate those of the United States in the 1940's. In all the affluent countries, grain is consumed primarily indirectly in the form of animal protein. In none of them has demand for grain leveled off.

At the same time, demand continues to grow with population increases in the developing countries. Mr. Brown stated that with the present world population expanding at nearly 2 percent per year, food production will have to double in a little more than a generation merely to maintain current per capita consumption levels. For millions in the less developed countries, current levels mean malnutrition and extreme vulnerability to disease.

This increasing world demand has brought about the depletion of world food reserves. North America has been the major producer of surplus food and the major holder of world reserves. The United States is the world's major exporter of wheat, feed grains, rice, and soybeans. Today, the United States and Canada together control a larger share of the world's exportable surplus of grains than the Middle East does of oil.

North American idle cropland and grain reserves have been the world's buffer against threats of famine. With reserves at their lowest point in 20 years, and with the U.S. Government having released all our idle cropland, these two important reserves can no longer be counted on to feed the world in times of shortage.

It is now time to start serious negotiations to establish a system of world food reserves. Such a system, which I have long advocated, would assure that responsibility for maintaining adequate reserves is shared among the nations. All nations—net importers as well as exporters, less developed as well as developed—would be required to contribute to global reserves. These reserves would be built up in times of abundance out of production surplus and drawn down in times of acute scarcity. This would not only assure the continued capacity of the world to feed those threatened by starvation, but would also provide a measure of price stability on the world food market that would be in the interest of producers and consumers of all nations.

A second important feature of the world food reserve system that has been proposed by the FAO is that it requires accurate reporting by all countries of their stocks and their predicted needs. As we have learned from the disastrous Russian wheat deal and from the crisis in the Sahel—which could have been avoided if shortages had been foreseen—such a system of coordinated information on global food supplies and needs is badly needed.

Finally, many witnesses stated that in the long run the growing world demand for food will not be met unless production in the less developed countries is greatly increased.

These countries represent the world's greatest unexploited potential for food production. Production per acre can be increased at much less cost than in the developed countries. Mr. Brown pointed out that today rice yields per acre in India and Nigeria still average only one-third those of Japan. Corn yields per acre in Thailand and Brazil are less than one-third those of the United States.

We can contribute much to increasing agricultural production in these countries. In many cases, production is low because farmers are not linked by roads to their markets, have inadequate water supply, cannot obtain fertilizer, seeds or tools, or have no way of getting credit. The United States can contribute some of the capital necessary to overcome these problems.

But perhaps more important, we can contribute much of the scientific research and technical expertise that will be needed in increasing agricultural production in these countries. Witnesses pointed to the success of high yielding varieties of wheat and rice—developed on U.S. private and public initiative. New forms of labor-intensive agricultural technology will have to be developed that will capitalize on the vast unexploited human potential of these countries—and keep the capital and energy costs of agricultural production as low as possible. U.S. experience in semiarid agriculture, in livestock management, and in developing improved agricultural inputs should be applied to increasing the production of the less developed countries.

Mr. President, I believe that the world food shortage problem is indeed critical. In the next year inadequate reserves will endanger our ability to avert famine in West Africa and South Asia. In the coming years, increased world demand for food will mean continually rising prices for the rich and a growing threat of starvation for the poor.

But the situation is not hopeless. The world has the capacity to build reserves adequate to prevent famine. We have the technology and research skills necessary to increase world food production to the point where we can not only keep people from starving, but also guarantee them adequate nourishment to live full and productive lives. What is needed now is a universal recognition that, as Mr. Williams said, "all of us in the world live out of the same food basket"—and a worldwide commitment to making this basket as full as possible.

REDUCTION OF MILITARY STRENGTH

Mr. DOMENICI. Mr. President, I recently testified before the Senate Subcommittee on Defense Appropriations out of a deep concern that we may risk a reduction of our military strength because an "air" of détente is said to exist between the United States and our principal potential adversaries, particularly the Soviet Union. It is this détente, this lessening of tension or hostility, between the Soviet Union and our Nation that I am again questioning the reality of today. I would like to reiterate my belief that, even though an atmosphere of détente exists, world hostility and tension have not been eliminated.

We cannot assume that two nations, so opposite in their ideological beliefs, have joined together in a mutually shared, mutually defined policy of détente. An article in the Washington Post, of October 18, 1973, by Mr. Robert Kaiser aptly substantiates what appears to be the Soviet's position and intention on détente which I believe to be a correct summary of that issue.

I, therefore, request unanimous consent that Mr. Kaiser's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOVIETS ON "DÉTENTE"—MIDEAST ACTIONS DEMONSTRATE KREMLIN'S NARROW DEFINITION

(By Robert G. Kaiser)

MOSCOW, Oct. 17.—While Americans may worry that Soviet support for the Arabs jeopardizes detente—by which many Americans mean something broader and more substantial than the dictionary definition of a mere relaxation of tensions—the Soviets have a different view.

The best demonstration of this may be the Soviet interpretation of the "Basic Principles of Relations" between the Soviet Union and the United States signed by President Nixon and Leonid I. Breznev in May 1972. That document says, "The U.S.A. and the U.S.S.R. have a special responsibility . . . to do everything in their power so that conflicts or situations will not arise which would serve to increase international tensions. Accordingly, they will seek to promote conditions in which all countries will live in peace and security . . ."

That fine language had no apparent effect on the Soviet Union when, a few days before the Mid-East war began, Moscow obviously learned of the Arabs plans and began evacuating Soviet citizens from the region—apparently without trying to stop the war and without informing the United States. Nor did any agreement with Washington deter Brezhnev from encouraging Algeria to enter the war against Israel.

Some Americans may see this as a case of duplicity. More likely, it is the first clear demonstration of the real Soviet definition of detente. That definition may be rather narrower than many in the West would like.

The central element of the Soviet definition is Moscow's conviction that a mortal struggle between East and West is inevitable. Even if it can be conducted without direct military confrontation and without a Cold War atmosphere. This message has been repeated again and again since detente began in earnest 18 months ago, but the Middle-East war has given it substance.

The principal consequence of this conviction is that Moscow's new partners in detente are still treated as opponents in virtually every situation.

An American businessman whose company has been a loyal and productive trading partner of the Soviet Union for many years recounted his frustrations recently. "They always treat me as an enemy," he said, "even when I'm trying to help them."

British students arriving in Leningrad on an official cultural exchange are held up in customs for hours while Soviet officials comb their belongings seizing dozens of books in the process. A Moscow musician who used to visit a West European journalist in his Moscow flat is warned to stop consorting with the "ideological enemy."

A Westerner living here could collect dozens of such examples during the past year and a half of Soviet-American detente.

This is not to say that detente is meaningless. If much is unchanged, much is also new. The Soviet government has stopped jamming most foreign radio broadcasts in Russian, a decision which can be expected to have palpable consequences in this society.

The Soviet Union has begun to open some of the secrets of its space program to American scientists in the first stages of their work on a joint space flight—an example of the real benefits of exchanges and cooperation with the Soviets in specialized fields.

The atmosphere here has changed, too. Americans are treated in a more friendly manner. Official propaganda is optimistic about the prospects for peace, and the Soviet public is no longer warned of the impending danger of world war.

The Soviet Union has abandoned the policy of seeking economic self-sufficiency, and is trying to join the world economic system—in an extremely limited and careful fashion. The government is inviting dependency on foreign products and processes, a radical change in Soviet attitudes.

But when a war broke out in the Middle East, the men who rule this country reverted to their pre-detente posture, apparently pursuing the "unilateral advantage" at the expense of the United States which the "Basic Principles of Relations" solemnly foreswear.

One reason for this surely is the Soviet belief that the Americans are no more sincere than they are about abandoning their adversary relationship. The last U.S. defense budget, with new money for a super-submarine and new long-range bombers, was seen here as proof of that. So was the decision to continue financing Radio Free Europe and Radio Liberty.

In the West, these moves may appear to be prudent reactions to the Soviet military buildup and the Soviet "ideological struggle," but it is certain that inside the Kremlin there is a different perspective on the question about the chicken and the egg.

Soviet ideology has contributed to the present Middle East policy, trapping the Soviet leaders in support of an ideologically "just" war. (It is defined as just because the Arabs are fighting to liberate their own territory; how it happened that the Arabs came to lose their territory is another chick-egg dilemma on which the Soviet Union and the United States have different opinions.)

But the essential fact is that the Soviet Union still mistrusts the West and tends to expect the worst from it. Moscow wants to deal with the West in areas where it is convinced the West shares Soviet interests. This means trade, selective arms control and the relaxation of international tensions—and not much more.

The struggle against imperialism, the ideological struggle, the struggle of progressive forces against international reaction—such Soviet slogans still have meaning in Moscow. Recent events in the Middle East seem to confirm that the Soviet Union is still unwilling to abandon these struggles and move beyond the present stage of armed, suspicious detente.

MARGARET CHASE SMITH DAY IN MAINE

Mr. HATHAWAY. Mr. President, on Tuesday, October 16, 1973, the people of the State of Maine paid special tribute to the first woman to be elected to both the U.S. House of Representatives and the Senate, Margaret Chase Smith. By official proclamation of Gov. Kenneth M. Curtis, this past Tuesday was designated Margaret Chase Smith Day in Maine. It was also a day on which this distinguished lady received the Julia M. Emery Award, given annually by the National Order of Women Legislators to an outstanding American woman.

Senator EDMUND MUSKIE and I wish to add our tribute to this lady from Maine whose years of service have meant so much to our State and to the Nation as a whole, and who is continuing to inspire the youth of America as a distinguished university lecturer.

Mr. President, I ask unanimous consent that the text of Governor Curtis' proclamation be printed in the RECORD.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

PROCLAMATION

Whereas Senator Margaret Chase Smith, the first woman to be elected to both the United States House of Representatives and the Senate, holds the all-time consecutive voting record; and

Whereas Senator Smith served for many years as Chairman of the Naval Affairs Subcommittee of the Armed Services Committee of the United States Senate; and

Whereas in 1948 she led the successful campaign to grant women regular status in the Armed Services and was the first woman to launch a Presidential campaign; and

Whereas Senator Smith is the author of two documents of American history—Declaration of Conscience and Valiant Women: and

Whereas, as a nationally syndicated columnist, Senator Smith has been honored by the news media as "one of the three most respected women in the world, 1971," "one of the four top public servants in America, 1972," "woman of the year, 1964," and "one of the four most admired women, 1964"; and

Whereas on October 16 Senator Smith will receive the Julia Emery Award from the Organization of Women Legislators;

Now, therefore, I, Kenneth M. Curtis, Governor of the State of Maine, do hereby proclaim October 16, 1973, as Senator Margaret Chase Smith Day in the State of Maine and urge all citizens to pay tribute to this outstanding Maine native.

THE MIDDLE EAST CRISIS

Mr. HATFIELD. Mr. President, while the United States has heretofore exercised great and commendable restraint in our arms shipments to the Israeli Government, the continuing flow of Soviet weaponry to the Arabs appears to have catalyzed an escalated arms race between Washington and Moscow that can only fuel the war and prolong the killing. Indeed, one of the most tragic aspects of the war now engulfing the Middle East is the singular lack of restraint evidenced by the Soviet Union in both exhorting Arab States to join in the fighting initiated by Egypt and Syria, and in resupplying them with arms for further destruction and conflict.

If our détente is to be meaningful in fact as well as in spirit, the Soviets ought to have joined with us in searching for ways to bring a halt to the bloodshed. Instead, all available evidence is that they are furnishing the tools for a costly and bloody war of attrition in that troubled region.

A détente with the Soviets will not work if it extends no further than promoting a distorted conception of the Soviet national interest. Détente must be mutual. Restraint in arms supply to the combatants must be mutual. I cannot believe that the Soviets do not accept this principle in theory. But they have clearly violated their responsibility to follow it in practice.

While it must be recognized that our arms shipments to Israel came in response to the actions taken by the Soviets, it must further be recognized that an arms race offers no hope whatsoever for a true and lasting peace in the Near East. In fact, there exists a very real danger that the longer the war there persists, the greater the chance will be for it to widen. Short of placing Israel's survival in danger, we must continue to explore every means possible to bring an end to this conflict. If an American-Soviet détente is to be functional and of value, Moscow must join in that exploration at once.

FEDERAL TRADE COMMISSION AND OIL

Mr. ALLEN. Mr. President, emotionalism often leads to spur-of-the-moment decisions which can lead to results which prove to be contrary to those which were desired.

Two Federal agencies are facing this possibility as they consider the most effective routes to follow in easing and solving the energy crisis. In this instance the Federal Trade Commission and the Department of the Treasury are at odds in how best to deal with problems relating to the Nation's oil industry.

In its issue of Monday, September 17, 1973, the Birmingham News published an editorial entitled "FTC and Oil: Road Blocks?" which deals with possible pitfalls in the path of legal attempts to break up vertically integrated oil corporations. The editor wisely points out that this is not the time to play games with an industry which is already hard-put to keep the Nation's oil supplies flowing.

I ask unanimuos consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FTC AND OIL: ROAD BLOCKS?

In an historic development in the antitrust action by the Federal Trade Commission against the major oil companies, the Treasury Department has joined in a counter-attack.

The premise behind the FTC's legal attack on the eight largest oil companies is that the industry lacks competition and has limited competition because of what is called "vertical integration." That term refers to the consolidation of crude exploration, production and transportatin plus refining and marketing operations in one company.

The FTC wants to break up the different operations of the major oil companies.

The Treasury report, countering FTC premises, said, however, "Misinterpretations have caused the FTC incorrectly to conclude that the present shortage is a result of sinister, anti-competitive actions on the part of the major oil companies . . . The shortage has been caused by a variety of factors, mostly governmental laws and policies."

Further, the Treasury report said, "Divestiture is not warranted from the facts, and it would work contrary to the goals of increasing domestic refinery capacity and production."

The FTC has been operating on a number of premises which the Treasury report disputed with hard facts.

If the Treasury Department is correct, the FTC is making a huge mistake in attempting to restructure the petroleum industry.

As the nation is gripped by an ominous shortage of heating oil and gasoline, it is no time to tamper with the existing industry structure.

Things may be bad under the present system, but that does not mean that they could not be worse if the present system were broken up.

If the government wants to play an important role in alleviating the energy shortage, it could find out what could be done to en-

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courage the development of greater refining capacity in the industry.

Those politicians with an axe to grind with the industry cannot punish the industry without hurting the consumer who depends on peak industry production.

For the long run, the government should do everything possible to encourage energy conservation. But until effective conservation measures can be taken, the government should not take misguided disruptive legal action based on premises which are false.

The Treasury Department is to be commended for trying to set the record straight and for trying to protect the existing energy delivery systems.

The petroleum industry may not be perfect, but the nation, depending on its products, cannot afford frivolously to tinker with its structure.

RECOGNITION OF THE IMPORTANCE OF SMALL BUSINESSMEN IN OUR ECONOMIC SYSTEM

Mr. DOMENICI. Mr. President, I would like at this time to call the attention of my colleagues to recent action taken by the Cost of Living Council relating to price control regulations for retail sales of gasoline. I would also like to publicly commend the Cost of Living Council for having taken this action because it will relieve some of the burdens being carried by the thousands of small businessmen across this Nation who are gasoline retailers.

Prior to October 15, 1973, the phase IV regulations established a ceiling price on gasoline at the gasoline pump, but those regulations permitted refiners to increase the price they charged retailers. This resulted in the retailers having to absorb those price increases. I have been among those Members of this body who recognized that such a system put the burden of holding down gasoline prices on the most vulnerable element in the gasoline distribution system—on the small independent businessmen who sell gasoline to the consuming public. I was among those who communicated strong disagreement with this approach and who urged modifications to remove the unfair and oppressive burden such a system placed on gasoline retailers, particularly small independent dealers who operate on the closest of margins even under the best of circumstances.

As you know, Mr. President, several legislative proposals have been introduced in the Senate to require the Cost of Living Council to modify those regulations to permit the passthrough of price increases between refiners and dealers.

I am a cosponsor of three of these bills and I have introduced a sense of the Senate resolution to allow dealers to pass through to their customers price increases from refiners. The action taken by the Cost of Living Council which was effective on October 15 seems to me to eliminate the need to proceed on these legislative proposals.

As I understand it, the Cost of Living Council announced that dealers would be allowed to raise their prices to reflect all price increases prior to October 15 and that both retail and wholesale prices would be frozen at the October 15 level until November 1. Regulations proposed to take effect on November 1 will allow refiners to increase their prices to dealers by increments of 1 cent per gallon when their increase in costs accumulate to 1 cent per gallon. Dealers would be allowed to automatically pass through to the consumer those 1 cent per gallon increases.

This proposed system appears to me to address the difficulties I found with the previous approach which placed the burden of controlling prices on the very element in the system which was least able to bear that burden. As I previously indicated, I appreciate the very difficult task that the Cost of Living Council has in trying to hold down prices and control inflation in the gasoline and oil industry which is so complex and difficult to regulate under the best of circumstances, and particularly now when petroleum is in such short supply and the difficulties associated with foreign imports are even more acute.

All of what I have said, Mr. President, clearly indicates to me that those of us responsible for creating laws which govern this Nation and those who are responsible for executing those laws, must at all times be aware of the impact of our actions on the independent businessman who provides the foundation and strength of this Nation's economic system and who, in addition, is the best insurance of free competition to the benefit of the consuming public.

In a nation where the economic system is fundamentally one of free enterprise, it is virtually impossible to design and implement controls which do not disrupt or dislocate existing systems. We must insure that when it becomes necessary to insert Government controls into those systems beyond the regulation of antitrust and monopolies, that we do not overlook the legitimate needs and problems of the small business segment simply because of ease of regulation or because of complexity of the entire system.

This Nation and the consuming public would be the loser in the long run if we were to allow the small business element to be severely damaged or destroyed by Government regulatory action. So, I say, Mr. President, I am pleased that the Cost of Living Council, in pursuit of the very important goals established for it by the Congress under the Economic Stabilization Act, has changed its approach in this particular case and that the independent small businessmen who serve this Nation as gasoline dealers will be able to stay in business and continue to contribute to the economic vitality which is so necessary to the Nation's well-being.

THE CONFLICT IN THE MIDDLE EAST

Mr. RIBICOFF. Mr. President, Sunday night, October 14, Senator JACKSON made a most significant foreign policy address in Los Angeles. It was delivered at a time of great flux in American Middle East policy.

Events in the past few days have certainly justified the validity of Senator JACKSON's contention that the United States must not stand by watching the massive Soviet airlift to Egypt without responding to Israel's military needs.

The plain truths spoken by Senator JACKSON at that time deserve the most careful study by all those following the current Middle East conflict. Already, the overwhelming majority of the Senate has shown that it is again supporting the position outlined by Senator JACKSON.

Because of the significance of this address, I ask unanimous consent that it be printed in the RECORD in its entirety.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR HENRY M. JACKSON

On the most sacred day of the Jewish year—a day when communications are silenced and transportation halted—the armed forces of Egypt and Syria launched, without provocation, a coordinated war of aggression against Israel.

Even as Syrian and Egyptian forces prepared for war, Israel refrained from acting in her own defense in the hope that war would yield to diplomacy, and in the conviction that if war could not be avoided, at least it should not be started by Israel.

This tragic war was not started by Israel, which desired only peace. But I am confident that it will be finished by Israel, and that Israel will not stop until it has achieved a restoration of the pre-war cease-fire lines.

It would be a most severe setback for the interests of the United States in the Middle East, for Israel's security and for the future of peace in that troubled area if outside political intervention were now to force a cease-fire with Egypt on the East Bank of the Suez Canal. Egyptian aggression must not be rewarded by diplomatic maneuvers that will enable Israel's enemies, who decided when the war would start, to decide also when the war will end. This war can only be ended by a return to the lines of the cease-fire that was so treacherously violated on October 6. To permit the termination of this war to be decided by men in Moscow or at the United Nations would be an invitation to aggressors everywhere to resort to force by treachery and surprise in the knowledge that any military gains will be consolidated and protected by outside powers.

Moreover, a conclusion to the present hostilities that left the Soviets in possession of the Suez Canal would do great harm to the position of the United States in the Persian Gulf and the Mediterranean. The Suez Canal should remain closed in any event, and most certainly we must not allow military means to be the instrument of its reopening. With the Canal open the Soviet fleet can move easily between the Mediterranean and the Persian Gulf. The use of this waterway by the Soviet fleet has the effect of doubling the effectiveness of the Russian navy in the oil-producing region of the world.

The Canal, if opened, would be a Russian Canal, a highway for the Soviet navy and merchant fleet. American super-tankers and our carrier-based navy cannot pass through the Suez Canal which is neither deep nor wide enough to accommodate our fleets.

I can think of nothing that would restore the Russian position in the Middle East more quickly, or threaten the future peace of the Middle East more gravely, than for Egypt, by force of Soviet-supplied arms, to regain control of the East Bank of the Canal. Such a result would set the stage for future aggression and that in turn would be an engraved invitation for the return of Soviet influence in Egypt.

Israel must win this war and it must win decisively.

The outbreak of war eight days ago was the culmination of a series of events going back at least to August of 1970. The unfolding of those events is so instructive that I wish to review some of them with you now.

On August 7, 1970 the United States, the Soviet Union, Egypt and Israel entered into a standstill cease-fire agreement that had been hastily arranged by the American Secretary of State. The August cease-fire provided that neither side would introduce or construct any new military installations in a zone extending 30 miles on either side of the Suez Canal. No sooner did the cease-fire with its standstill provision start than the first Soviet-Egyptian violations occurred—that very night of August 7. The extent of the illegal movement of surface-to-air missiles in the cease-fire zone removed any doubt that the violations might have been unauthorized or spontaneous. It was a calculated effort to take advantage of Israeli compliance. The Russians were deeply involved in the planning and execution of the violations.

At the time, as soon as our intelligence sources confirmed the nature and extent of the cease-fire violations, I advised Dr. Kissinger, who was then the President's National Security Adviser, as follows: "In my judgment, we should insist that the illegally emplaced surface-to-air missiles be removed. . . . We cannot legitimize these violations by proceeding—and asking the Israelis to proceed—as though they had not occurred. Whatever we may choose to say publicly, our private communications with the Soviets must be clear on this point."

I further advised Dr. Kissinger: ". . . a failure to stand firm now may well invite further violations. The illegal activity subsequent to August 7 is an early and alarming indication of what we must expect. While no single violation will, in and of itself, give sufficient cause for terminating the cease-fire, the accumulated result could do irreparable harm to Israel's security."

Referring to the SAM missiles moved illegally into the cease-fire zone, I said this in a December 1970 report to the Senate Committee on Armed Services:

"The position of some elements of this air defense network is such that they are effective against aircraft operating several miles on the Israeli side of the Canal. The net effect is to imperil the effectiveness of the Israeli Air Force as a means of preventing both cross-canal fire and an actual crossing of the canal itself.

"If the present uneasy cease-fire deteriorates and hostilities resume, the Israeli Air Force would pay a high price in lives and aircraft in attempting to destroy the SAM defense system. We can assist in mitigating this situation by doing what we can to assure that the Israelis will have the aircraft necessary for this purpose.

"Any way one looks at it, the burden Israel must bear to sustain an adequate level of security is greater now than before the U.S. guaranteed cease-fire. A resumption of the earlier level of hostilities along the canal would claim a higher number of Israeli casualties, both on the ground and in the air, than was the case prior to August 7, 1970."

This is one of those cases where I wish I had been wrong—but unhappily I was right. And the tragic fact is that young Israeli pilots are this very hour paying with their lives for the failure to insist that Egypt and the Soviet Union adhere to the agreement that we arranged and that they joined.

In the more than three years that followed, the Soviet Union engaged in one of the largest military build-ups in their history, supplying guns, tanks, aircraft and missiles to Egypt and Syria in huge quantities and under the cover of the cease-fire. We, for our part, limited the Israelis to piecemeal supplies of aircraft and armor—despite the fact that the Congress, in 1970, adopted my amendment to the Defense Procurement Act authorizing the President to transfer to Israel by credit sale whatever was needed in aircraft and other equipment to offset equipment furnished to the Arab armies.

In recent months the flow of Soviet arms into Syria reached flood-like proportions. More than half of the jet aircraft in the Syrian Air Force and nearly all of the surface-to-air missiles that have claimed the lives of so many Israeli pilots have been delivered by the Soviet Union to Syria since the beginning of this year. We now know that a substantial fraction of the Syrian force of SA–6 missiles that have been used with deadly effect against Israel's Phantoms were delivered in the weeks just preceding the outbreak of war.

My point is simple: we have stood by and watched while the Soviet Union has supplied the means by which this bloody war was initiated and is now being fought.

Without Soviet support and material encouragement, without Soviet training and equipment, without Soviet diplomatic and political backing, this war would not have been started. And yet Dr. Kissinger, the Secretary of State, comes before the American people, as he did on Friday in Washington, to say that Soviet behavior has been moderate and not irresponsible.

I cannot agree with Secretary Kissinger. I believe that Soviet behavior in the Middle East has been reckless and irresponsible. For six years following the Six Day War, American restraint in supplying Israel with the means to provide for her own defense was met, not by equal restraint on the Soviet side, but by a most mischievous and irresponsible program of training and arming Egypt, Iraq and Syria for the war that is now being fought.

Soviet irresponsibility did not stop last week with the outbreak of war. Secretary Brezhnev, violating the letter as well as the spirit of agreements reached with the United States in Moscow last year, did his best to urge other Arab states to join the attack against Israel. Then the Soviets undertook a massive airlift of weapons into Syria and Egypt, resupplying the Egyptian and Syrian armies with sophisticated military hardware. Scores of Soviet transports have been engaged in a resupply effort that the Secretary of State has characterized as moderate.

Well, it is time for the Secretary of State to admit that hundreds of lives, or even many more, will be lost because the Soviets have been engaged in what he calls a "moderate" airlift—and the American people have had enough of that sort of moderation. There can no longer be any justification for withholding from Israel the arms she needs to defend herself. It's not enough for our government to promise resupply at some point in the future. The question is how soon will vital equipment be arriving at the battlefield. I say it should be there now. Time is of the essence. The Phantom aircraft and other weapons that Israel requires should be dispatched at once—not in a day or a week but now, at this moment, so that a brave and deserving friend of the United States can provide for her own defense.

The President of the United States has the authority under the Jackson Amendment to the Defense Procurement Bill—and this week we extended that authority for another two years—to transfer to Israel on long term credits whatever may be required for Israel's defense. The President should use that authority at once to make available aircraft and other essential equipment—or he should send the Secretary of State to the Senate tomorrow morning to explain why he is withholding the means of self-defense from a friend at war while the Soviets pour weapons into Egypt and Syria.

RETIREMENT OF DR. FRANKLIN FOOTE

Mr. RIBICOFF. Mr. President, I want to bring to the attention of my colleagues in the Senate the retirement of one of Connecticut's most outstanding public officials, Dr. Franklin Foote. Dr. Foote has served with distinction as health commissioner in Connecticut for 14 years.

In 1959, as Governor of Connecticut, I appointed Dr. Foote to his present position. Since that time he has compiled an outstanding record of accomplishment in all areas of the health field.

One of his first tasks after appointment was to implement a bill I had signed to combine four State health agencies into one. Quickly and expertly he brought together the tuberculosis control, mental retardation, hospital care, and rehabilitation agencies into a smoothly functioning public health agency.

He successfully decentralized the enlarged units offices to put workers out where the need is. The results were astonishing. Within the first 4 months 1,300 communicable disease cases were detected as compared to 468 in the previous period.

During his tenure he led the way in investigating the harmful potential of drugs, the quality of nursing home care, and the need for more adequate pollution controls.

His national reputation is well-known and he has served on a number of committees formed to raise health standards. He has been especially recognized for his work in mental retardation and camp safety.

In retiring, Frank can be proud of his record of achievement. He has left his mark on Connecticut and we are all the better for it. I hope we will continue to have the benefit of his counsel in the years ahead.

I ask unanimous consent to print various Connecticut newspaper articles commenting on Dr. Foote's retirement in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

CAUSE FOR PRIDE

The retirement of Dr. Franklin M. Foote as commissioner of the state Health Department removes from government a gentleman who diligently served three governors.

During the 14 years that he directed a vital state agency, Dr. Foote fought the good fight. He withstood all kinds of criticism in the days when fluoridation of water was a burning issue. The creation of regional public health offices was another of his projects. Today there are four which stand as testimony to his victory.

All aspects of health care were his genuine concern and, while others may have received much of the public acclaim for Connecticut's pioneering efforts in behalf of the mentally retarded, Dr. Foote was nonetheless a prime motivator for these innovations.

He is leaving at the end of the month. Though his time in the current Administration may not have been to his complete liking, Dr. Foote can certainly reflect upon his full career in state service and find many hours of triumph for the causes to which he remains so ardently devoted.

DR. FOOTE LEAVING POST AS STATE HEALTH CHIEF

HARTFORD.—Douglas Seward Lloyd, a 33-year-old doctor two years out of the Duke Medical School, on Nov. 1 will become Connecticut's new state health commissioner.

The appointment of Lloyd was announced Monday night by Gov. Thomas J. Meskill as he disclosed the resignation of Cmsr. Franklin

M. Foote as of the end of this month. According to the governor, the 65-year-old Foote had wanted to step down earlier but had agreed to remain until a search for a successor was concluded.

"Connecticut has been fortunate indeed to have the dedicated service of Dr. Foote, and I am confident that the fine traditions and record he has established in the health department will be continued by Dr. Lloyd," Meskill added.

Foote thus becomes the fifth commissioner to leave the governor's official family this year. Previously the heads of environmental protection, insurance, transportation and motor vehicles departments had all resigned.

In addition, Edward Kozlowski had left the public works commissionership to take the motor vehicles post.

Foote had initially been given the health commissionership by Gov. Abraham A. Ribicoff in 1959. He stayed on for more than 14 years—receiving reappointments from Ribicoff, Gov. John N. Dempsey and Meskill.

A lieutenant in the medical corps of the Naval Reserve, Lloyd is at present chief resident in family practice residency at Duke University in North Carolina. Licensed to practice medicine in both Connecticut and North Carolina, Lloyd will be paid a $31,581 starting salary.

Lloyd is a graduate of Suffield High School and his parents still live in the northern Connecticut town. His wife comes from Windsor Locks.

"I am confident I speak for the medical profession and the many local public health administrators who have worked with Dr. Foote in expressing their deep gratitude and the gratitude of the people of Connecticut for his outstanding service." said the governor.

DR. FOOTE'S RETIREMENT

While Dr. Franklin M. Foote was a medical student at Yale, he was influenced to go into public health, impressed, as he put 't, "with the idea that prevention is more important than just curing sick people." Since his appointment in 1959 by Governor Ribicoff as Connecticut's health commissioner, Dr. Foote has waged steady war against disease through immunization. With the announcement of his retirement on November 1, he and the state can look back on a career distinguished by substantial achievements in that field. But there are many more contributions which will benefit Connecticut for years to come.

First of all, his appointment was announced but minutes after the Governor signed a bill combining four state health agencies into one, presenting a challenge to the new official to reorganize the departments into a cooperative body. That he did so, bringing together the former Tuberculosis Control, mental retardation, hospital care and rehabilitation agencies into the office of public health is history.

It also is recalled how he tried to decentralize the enlarged unit's offices to put workers out where the need is, as he said, in regional offices beginning in Willimantic. The validity of his idea was confirmed by the detection of 1,300 cases of communicable diseases in the first four months compared to 468 in the previous period.

Besides such centers Dr. Foote also continued to work for more full-time health directors in each community. And realizing that "in public health it is an absolute essential that you win the cooperation of the people," education has been important to his program.

During the years he sparked investigations into the harmful potential of drugs including diet pills, nursing home care, and pollution controls. Fluoridation of public drinking water cooperatives among hospitals for greater efficiency and lower costs and improved sanitation operations throughout the state resulted from his continued efforts.

During Dr. Foote's tenure he has served on a number of national committees formed to raise health standards. For his contributions many honors have come his way such as being named Man of the Year this year by the Connecticut Camp Directors Association in recognition of the state's 1969 Camp Safety Act, considered the nation's model legislation.

Connecticut was fortunate indeed when Dr. Foote left his position as head of the National Society for the Prevention of Blindness to lead the continuing fight for better health in the state, a duty performed in the finest non-political tradition.

THE LOCKHEED LOAN

Mr. PERCY. Mr. President, as part of oui oversight function, it is our responsibility to follow up and analyze the results of actions that we have previously taken in the Congress.

Since we in the Congress basically acted as a "board of directors" in a sense in approving a loan to the Lockheed Corp. and designated the U.S. Treasury as our executive director in carrying out our decision to provide a Government-guaranteed loan to the company, I think we should from time to time take a look at the credit worthiness of the borrower and the prospects of having our loan repaid.

The Washington Star of October 7 makes me less than totally optimistic about the worthiness of the loan. As pointed out by the Star, we should take into account the following factors:

First. Lockheed L–1011 sales have not reached the level required to repay the corporation's investment in the L–1011 program and some anticipated sales have been delayed;

Second. Other military divisions of the corporation are experiencing financial difficulty;

Third. The growth potential for the airline industry, and thus aircraft sales, is not as high as previously predicted. The basic conclusion of the article is that at best the Government-guaranteed loan will not be able to be repaid as soon as originally thought, and at worst the companies existence is once again threatened.

The final chapter in this story has not yet been written, but before we in Congress are asked to bail out another faltering corporation or industry, I think we should carefully study the story of Lockheed.

Mr. President, I ask unanimous consent that the article from the Washington Star referred to be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ANOTHER SETBACK FOR LOCKHEED

(By Robert J. Samuelson)

Every time things seem to be settling into place for beleaguered Lockheed Aircraft Corp., there's an unwelcome instrusion—a piece of bad news that stirs up the muddy waters of the company's finances.

There was such a piece of bad news last week: Eastern Air Lines—apparently heading for a $30 to $40 million deficit this year—announced the "resignation" of its president; at the same time, Eastern asked Lockheed to delay the delivery of the last nine of the 37 TriStar jets it has ordered.

Eastern is the largest customer for the TriStar and, as Lockheed officials privately concede, the airline's request probably will have to be accommodated in some fashion.

Combined with other recent events—the possibility of an unfavorable settlement on a military contract, and a slowdown in the growth of U.S. airline traffic—Eastern's troubles inject a new element of uncertainty into the outlook for Lockheed.

At best, the company probably won't be able to repay its multimillion-dollar government guaranteed loan as early as planned; at worst, it's possible that the amalgam of problems could utlimtely mushroom and jeopardize the company's survival.

Any such crisis would almost certainly involve the government—both because Lockheed remains a major defense contractor and because the loan guarantee was essential to the TriStar program.

To the casual observer, Lockheed's situation may not look precarious. Ever since Congress approved the loan guarantee in 1971, the company has been reporting profits—$15.4 million in 1971 and $18.2 million last year. But the reported earnings aren't as significant as they appear.

First, for all practical purposes, Lockheed can't pay any dividends until the government guaranteed loan is repaid.

Second, and more important, the reported profits are based on a critical assumption—that Lockheed will be able to sell a certain, predetermined (but undisclosed) number of TriStars by 1978. All that's known is that the number is something above 220 and that Lockheed now has firm orders for 126.

The added sales are needed to help Lockheed repay its enormous investment in the TriStar program.

At the end of last year, Lockheed had nearly $1.1 billion in TriStar "inventory"—development costs, tooling expenses, new plant construction; that huge investment hasn't been counted as a current cost, but as is often done, is being written off over the program's anticipated sales. The trouble is that the sales are still anticipated.

Until recently, Lockheed had been making some progress. It had won a few important new orders from British European Airways and All Nippon Airways (ANA), and Delta Airlines—after absorbing tiny Northeast last year—indicating that it might ultimately buy more by taking options on six additional planes.

Against these sales now comes a series of reverse:

(1) Eastern's troubles: Eastern originally had been soheduled to receive the last 11 Tri Stars next year. Now the airline—with far more jumbo jets than its traffic justifies—wants to take only two in 1974, staggering the rest over 1975 and 1976.

It's possible that Lockheed will be able to find other customers to take early delivery on their Tri Stars, and, thus, avoid a disruption of the production line.

More likely, as company officials concede, is that the production line will probably have to be slowed down; in the best of circumstances, that means higher manufacturing costs per plane, because Lockheed's fixed expenses have to be spread over a smaller output.

Lockheed officials insist that they have ample time to accomplish a smooth production slowdown, but there's always the risk that the change will bring an unanticipated spurt in costs.

Until recently, Lockheed has estimated that it would borrow no more than $180 million of the $250 million government-guaranteed loan; repayment was scheduled to begin at the end of 1973 with $10 million and finish by the third quarter of 1975. Now,

Lockheed probably will have to borrow more than the $180 million, and the repayment schedule will be stretched out.

(2) Military Procurement Problems: In 1971, Lockheed and the Navy reached a tentative agreement on a Lockheed claim for $159 million in extra payments on a shipbuilding contract. The agreement gave Lockheed $62 million with a first payment of $49 million pending final settlement.

Last May, Lockheed asked the Armed Service Board of Contract Appeals to force the Navy to pay either the remaining $13 million or the full $159 million. Meanwhile, however, a Navy contracting officer issued a final decision on the original dispute, finding that Lockheed was entitled to only $7 million, not the $49 million.

It's possible, as Lockheed officials argue, that the company will prevail on appeal, but if it doesn't there could be an additional $42 million liability to the Pentagon a couple of years from now.

(3) Slowdown in airline traffic growth: This may be the most serious development of all, because it calls into question how many Tri Stars Lockheed can ultimately sell—or, at least, how fast they can be sold.

Most of Lockheed's forecasts have assumed an annual traffic growth of 10 to 12 percent; in fact, the 10 percent growth has been exceeded only once in the last four years.

With the U.S. economy booming, most airline economists had expected an 11 percent rise this year, but traffic has increased slowly in recent months and the gain may be only 7 to 9 percent. Next year, it could be as low as 3 to 5 percent.

All this is beginning to suggest that the frenzied era of airline growth—in the mid-sixties, annual growth often averaged between 12 and 20 percent—is gone forever.

If this is so, it has enormous implications for aerospace companies. A gap of a couple of percentage points in growth—when compounded annually—makes a big difference. In 1971, when Lockheed was asking Congress for a $250 million loan guarantee, the Civil Aeronautics Board gave the Senate Banking and Currency Committee the following table estimating the demand of U.S. domestic airlines in traffic increases:

Average Traffic Increase	*Planes 1971–80*
10.8%	798
10	704
9	591
8	485
7	384
6	323
5	323

There's a sobering statistic that can be put with this table: At last count, Lockheed and McDonnell Douglas (which manufactures the other jumbo trijet, the DC10) already had firm orders for about 200 trijets. Moreover, total demand for the jumbo jets may have slipped somewhat, because many airlines—instead of ordering the wide-bodied jets—bought more "stretch" 727–200s from Boeing.

All this casts a considerable shadow over the status of Lockheed's enormous investment in the TriStar. In 1971, when it was before Congress, Lockheed said it was writing off that investment over projected sales of 220 planes by 1978; since then, the 220 figure has been increased on the rationale that the ANA order (for 14) hadn't been included in the calculations.

Lockheed isn't saying what the new number is, but—whatever it is—it's beginning to look questionable.

None of this means that Lockheed faces an inevitable survival crisis. Profits on defense programs might be enough to support the TriStar; Lockheed's major banks (which have invested $400 million in the company that's not covered by the government guarantee) might be lenient on repayment; Howard Hughes—who has already indicated he's interested in putting up $100 million for the long-range version of the TriStar—might find some more money. A lot of things could happen. But a genuine threat to Lockheed's existence—with a government rescue or a change in current ownership—is one of them.

MEMBERS OF CONGRESS AND CONSUMER FEDERATION PROTEST FPC EFFORT TO DEREGULATE NATURAL GAS

Mr. HUMPHREY. Mr. President, on September 14, 1973, with no public notice, the Federal Power Commission issued an administrative order which, in essence, deregulated the wellhead price of natural gas.

Immediately following that notice, the Consumer Federation of America—CFA—under the able leadership of Lee White, former chairman of the FPC and now chairman of the CFA Energy Policy Task Force, requested the FPC to stay their order. Their request for a stay was refused but the FPC did modify their plan for comments on the order.

The CFA, therefore, requested that the U.S. Court of Appeals stay the FPC order. Their request was granted by the court on October 3 and the FPC order was stayed until public comments could be received and reviewed.

I have joined with five other Senators and six Members of the House in filing comments opposing the deregulating order and requesting that it not be reinstated, particularly while the Senate Commerce Committee is deliberating on this subject.

Mr. President, I consider this action by the FPC to be an administrative attempt to erode the regulatory controls over natural gas pricing that were guaranteed the American consumer by Congress in the Natural Gas Act and I am opposed to their action.

I ask unanimous consent that the comments provided by several colleagues and me to the FPC order, those of the Consumer Federation of America, and the CFA's October 3 announcement of the court stay of the FPC order, be printed in the RECORD.

There being no objection, the comments were ordered to be printed in the RECORD, as follows:

[United States of America Federal Power Commission, Docket No. RM–74–3]

PROTECTION OF RELIABLE AND ADEQUATE SERVICE FOR THE 1973–1974 WINTER HEATING SYSTEM

Comments of Senators Humphrey, McGovern, Metcalf, Moss, Mondale, and Proxmire, and Congressmen Aspin, George Brown, Eckhardt, Fraser, Moss and Reid opposing Orders No. 491 and 491–A

These Orders pose the question whether the Commission has the power to broadly suspend price regulations in its issuance of Producer Certificates under Section 7 of the Natural Gas Act.[1] The question comes to whether the Commission may de-regulate producer rates. Since they believe that such broad and drastic decisions as represented by these Orders are a direct encroachment on legislative authority and since the matter is of vital significance to consumers, Senators Humphrey, McGovern, Metcalf, Mondale, Moss and Proxmire, and Congressmen Aspin, George Brown, Eckhardt, Fraser, Moss and Reid file the following comments.

The above listed persons are either United States Senators or United States Representatives. As such they have a specific interest in the enforcement of the law by administrative agencies. Additionally, they have representative and personal interests in the enforcement of natural gas pricing regulation. The mailing address and telephone number of the above persons is:

United States Congress, Washington, D.C. 20515. Telephone: 202–CA 4–3121

Additionally, comments may be served on Robert A. Jablon, Esquire, Spiegel and McDiarmid, 2600 Virginia Avenue, Northwest, Washington, D.C., 20037.

The above Senators and Representatives strongly oppose Orders No. 491 and 491A, which represent an administrative attempt to erode completely the regulatory controls over natural gas pricing that were guaranteed the American consumer by the Congress. In so acting the Commission would not only demonstrate a disregard of its statutory responsibilities under the Natural Gas Act, but disregard the difference between the legislative and administrative powers as well. While certainly administrative agencies have broad authority in interpreting and applying regulatory statutes, this authority must be exercised in accordance with the general purposes of the statutes they administer.

"The purpose of the Natural Gas Act was to underwrite just and reasonable rates to the consumers of natural gas *Federal Power Comm. v. Hope Natural Gas Co.*, 320 US 591, 88 L. Ed. 333, 64 S. Ct. 281 (1944). As the original Section 7(c) provided, it was the intention of Congress that natural gas shall be sold in interstate commerce for resale for ultimate public consumption for domestic commercial, industrial, or any other use at the lowest possible reasonable rate consistent with the maintenance of adequate service in the public interest." 52 Stat 825. [footnote omitted]. The Act was so framed as to afford consumers a complete, permanent and effective bond of protection from excessive rates and charges." *Atlantic Refining Co. v. Public Service Commission of New York*, 360 US 378 388 (1959).

Whether there is merit to the de-regulation of natural gas, as written by Congress and interpreted by the Courts, the law at present requires vigilant Commission price regulation. If the Commission deems the statute unwise or inappropriate (as apparently it does), its recourse is to recommend modified legislation and not to implement a *de facto* legislative change. In this way Congress may consider the underlying political, social and economic issues. In this connection it is noteworthy that the President has recommended legislative changes to the Congress as a part of his energy program and that hearings are to commence shortly before the Senate Commerce Committee.[2]

Apart from the constitutional illegality of de-regulation by administrative fiat, the Senators and Representatives are deeply disturbed by the prejudicial consequences that will flow from any further avoidance by the Commission of its consumer protection responsibilities. It is particularly inappropriate to sanction de-regulation, by precipitous administrative action, during times of scarcity, thus leaving the consumer at the mercy of an industry which has been determined to possess monopoly power. Such action compounds inflationary impacts. It is apparent that the result—and the purpose—of Order No. 491 is to greatly increase the price of natural gas.

As expressed in Order 491–A, the premise of the Commission's action is that by an allegedly temporary elimination of price regulation over new gas supplies, the Commission will alleviate the natural gas shortage.

Footnotes at end of article.

However, the Commission ignores that the Natural Gas Act is based upon the opposite premise that regulation is necessary. Indeed, to the extent that there are either structural or other market impediments so that competition cannot be presumed to bring forth sufficient natural gas supplies at just and reasonable prices or that there are natural supply limitations compared with visible demand, the *fact* of a shortage demands price regulation—not its abandonment. This is the underlying basis for the statute. Furthermore, there are very practical problems to "temporary" de-regulation. Apart from its ignoring of the statutory purpose, if the ability of natural gas producers to obtain higher prices is allowed during certain periods of time, new findings will certainly be withheld from the market awaiting further periods of de-regulation. It would not make economic sense for a natural gas producer to do otherwise. This leads to the additional harm of creating expectations of even higher prices, which itself creates incentives for withholding gas from the market and which furthermore economically penalizes actions taken in conformity with the general regulatory purpose. A system of regulation cannot be tolerated where there is economic penalty and dis-incentive for the producer to voluntarily comply with the Act. Moreover, the de-stabilizing forces created by orders such as 491 and 491–A are directly contrary to the national goals of eliminating inflation and providing price stability and stable investment climates.

The Commission's action represented by these Orders is even more disturbing in view of its apparent ignoring of other actions which the Commission has already taken in order to stimulate natural gas production and sale in interstate markets. For example, the Commission has already greatly increased natural gas producer prices under its area rate regulation and other allowances and incentives to increased production. These actions allow for monetary incentives far in addition to cost based rates. If the Commission is to now allow newly found gas to flow in interstate markets without price ceiling limitations, by this action it makes certain that the price increases that it has already granted to stimulate new gas findings will not work because of the holding forth of the additional carrot of *no* responsibility to producers who withhold gas. If, on the other hand, the Commission deems the other actions to have been insufficient, it may merely be an admission that its program of price de-regulation by stages has not worked and there is no reason to believe that more of the same will do any better.

The Senators and Representatives are further disturbed by the breadth of the administrative action. If it is assumed that specifically directed proposals to alleviate the shortage might be effective, this still does not provide justification for a general de-regulation of producer certificate prices. Compare the Commission's action in allowing the certification of additional facilities to provide for the transportation of new, additional amounts of federal domain gas for intrastate refinery uses at the same time similar uses in other areas of the country could not be accommodated. *Chandeleur Pipe Line Co.*, 44 FPC 1797 (1970), 45 FPC 370 (1971), *affirmed, Public Service Commission of New York v. FPC*, 463 F. 2d 824 (CADC, 1972).[3] Thus, the Commission might reserve new Federal Domain Gas for interstate sales. If it is worried about the diversion of natural gas to intrastate markets, the Commission might petition Congress to amend the statute to control intrastate sales. See *Houston, East and West Texas Ry. v. United States* 234 U.S. 342 (1914, *"Shreveport Case"*).

The above listed Senators and Representatives are deeply concerned about the threatened shortage of natural gas and are committed to pursuing all appropriate corrective action. However, they cannot support administrative abandonment of the consumer protections provided by Congress. The Commission must not attempt to revitalize Order No. 491 and 491–A which has been stayed by Court order.

The teaching of *CATCO* (*Atlantic Refining Co. v. Public Service Commission of New York, supra*) is precisely that the Commission should not abandon regulation under threats that gas will otherwise be withheld from interstate markets. There, like here, here were clear threats of shortage. However, if the Commission was merely to raise rates as an answer to shortage, it had to give the "reason why". 360 U.S. at page 393. Like in *CATCO*, here there is no real explanation that the action will result in substantially more interstate gas supplies. Compare *Texas Gulf Coast Area Natural Gas Rate Cases*, CADC No. 71–1828 (August 24, 1973). Indeed, the expectation of total de-regulation signaled by the Commission may encourage the *withholding* of gas from interstate commerce. And while additional gas may flow under temporary permissions, this may substitute for gas which would have been sold under regular certificates. Indeed, the orders provide every incentive for producers not to request regular Section 7 certification in the hope that de-regulation will be made permanent.[4] Like in *CATCO*, there is no assurance that Section 4 or Section 5, which were there termed "nigh interminable" will fill the gap. Indeed, to the extent it might, the actions taken here would be antithetical and make it more difficult to control prices in the future. See also *United Gas Improvement Co. v. FPC*, 290 F. 2d 133 (CA 5, 1961), *cert. denied sub nom Sun Oil Co. v. UGI*, 368 US 823 (1961). Conclusory hopes that suspension of regulation may bring more supply is not sufficient to ignore the statute.

FOOTNOTES

[1] Natural Gas Act, Section 5, 15 U.S.C., Section 717f.

[2] Senators Humphrey, McGovern, Metcalf, Mondale, Moss and Proxmire and Congressmen Aspin, George Brown, Eckhardt, Fraser, Moss and Reid do not here take a position of the *desirability* of legislative changes. However, they deeply believe that statutes should not be applied directly contrary both to their language and basic purpose because of an allegation that statutory changes may be necessary. Of course, they do not take a position as to how they may vote on various proposed legislative changes that may come before them for decision.

[3] We cannot understand, for example, the justification for special procedures for sales of offshore gas on the basis that this gas may be diverted to intrastate markets, since this gas is already under FPC control.

[4] If gas is actually committed to interstate markets under these orders, this could provide for a permanent commitment, "pre-abandonment" notwithstanding.

[United States of America Before the Federal Power Commission, Docket No. RM74–3]

POLICY WITH RESPECT TO ESTABLISHMENT OF MEASURES TO BE TAKEN FOR THE PROTECTION OF RELIABLE AND ADEQUATE SERVICE FOR THE 1973–74 WINTER HEATING SEASON

Comments of American Public Gas Association, American Public Power Association and the National League of Cities—U.S. Conference of Mayors

These comments are filed on behalf of the Consumer Federation of America ("CFA"), the American Public Gas Association ("APGA"), the American Public Power Association ("APPA") and the National League of Cities—United States Conference of Mayors ("Conference"),[1] pursuant to the terms of FPC Order No. 491–A issued September 25, 1973.

Footnotes at end of article.

1. Copies of all filings, notices and other papers should be served upon:

Edward Berlin, Esq., Berlin, Roisman and Kessler, 1712 N Street, N.W., Washington, D.C. 20036 (833–9070), General Counsel for CFA.

Charles F. Wheatley, Jr., Esq., American Public Gas Association, 2600 Virginia Avenue, N.W., Washington, D.C. 20037 (337–5544), General Counsel for APGA.

Frank W. Frisk, Jr., Esq., American Public Power Association, 2600 Virginia Avenue, N.W., Washington, D.C. 20037 (333–9200), Special Counsel for APPA.

2. We have already pointed out in our Petition for Rehearing that, in our view, Order No. 491 which effects a 180-day suspension of the Act is unlawful and must be discarded since it finds no support in either Section 7(c) or any other section of the Natural Gas Act. Congress obviously never intended Section 7(c) of the Act to be used to deregulate gas sales for a period of 6 months, and the Commission's argument that since it has already achieved the same result (in Order Nos. 402[2] and 418)[3] for lesser periods, a period Order No. 491 is valid,[4] is sheer bootstrap. The point, of course, is that the Courts have never affirmed the FPC's asserted power to suspend the Act, and the Commission may not cite one (unchallenged) questionable act to support another. The Commission may not abdicate its statutory responsibility to see that all jurisdictional sales are in the public convenience and necessity, which finding entails a close scrutiny of rates involved.[5] The promise of rate review in future pipeline proceedings,[6] is obviously a false one since pipelines merely use their PGA clauses to pass through such gas costs to consumers. The absence of any refund commitment by the producers of or any procedure whereby they can be required to make refunds, makes it impossible to seek to hold the pipelines responsible for contracting at excessive rates in pipeline rate proceedings. The vague standard of prudence in pipeline cases cannot be substituted for the Commission's responsibility under the Act to set just and reasonable rates for producers.[6a]

3. The Commission's rationale for its extreme actions in the docket is that we have an emergency gas shortage situation and absent suspension of the Act for six months, the situation will be aggravated.[7] Such reasoning necessarily presumes that the Commission is working from the premise that the oil industry has gas reserves available for the interstate market which it has been withholding pending this penultimate step by the Commission.[8] In other words, the Commission is confirming the view of money (including its own Office of Economics) that the greatest disincentive to dedication of new gas reserves to the interstate market has been the Commission's self-fulfilling promise of price increases. The stated commitment of the FPC Commissioners themselves to deregulation would encourage any prudent businessman operating in an oligopolistic market to withhold his product pending resolution of the regulation versus deregulation issue. The fact so proudly cited by the FPC that the 60-day emergency purchases and limited-term certificates have brought certain quantities of gas to the interstate market[9] obscures the more important point that but for these procedures the interstate market might have secured long-term commitments of gas rather than the short-term commitments which perpetuate the crisis atmosphere which the Commission cites as authority for still another short-term solution.

4. Though we are unable to find a single reference in Order No. 491 or 491–A to the intrastate market, we must assume that one purpose of the six-month suspension period

is to permit interstate purchases to compete with intrastate purchasers for available gas supplies. Thus, though the Commission apparently does not want to face the issue,[10] it is clear that one of the major problems facing the gas industry today is the suicidal competition now being waged between interstate and intrastate purchasers to secure gas supplies. Of course, the oil industry thrives on such "competition" because it drives up the price of gas without regard to costs. It is time that the Commission asserts its plenary power under the Act to control the allocation of gas supplies on a nationwide basis,[11] and put an end to the senseless, self-destructive bidding contest which the Commission's policies (culminating in Order No. 491) have not only sanctioned but encouraged to the detriment of the entire consuming public.

5. Our views on the Commission's failure to adhere to basic notions of due process and to the APA in issuing Order No. 491 have already been thoroughly discussed in our Petition for Rehearing and need not be repeated here.

6. Pre-granted abandonment, which is contemplated in Order No. 491 violates one of the fundamental concepts of the Natural Gas Act that a jurisdictional sale, once initiated, may not be discontinued absent a finding *at the time abandonment is applied for* that it is required by the public interest. Section 7(b) of the Act (15 U.S.C. § 717f(b)) precludes abandonment:

> " . . . without the permission and approval of the Commission first had and obtained, after due hearing, and a finding by the Commission that the available supply of natural gas is depleted to the extent that the continuance of service is unwarranted, or that the present or future public convenience or necessity permit such abandonment."

Since Order No. 491 contemplates no hearing at all, it is patently impossible for the Commission abide by Section 7(b) of the Act much less to make the requisite findings required by Section 7(b) with regard to a proposed *future* abandonment. The Commission may not abdicate its recognized "regulatory responsibility to assure that gas once dedicated to the interstate market will continue to be available to that market so long as the public interest demands . . ." *Continental Oil Co.*, 31 F.P.C. 1079, 1082 (1964); see also *Atlantic Refining Co. v. Public Service Comm'n of N.Y.*, 360 U.S. 378, 387–89 (1959); *Sunray Mid-Continent Oil Co. v. FPC*, 364 U.S. 137, 156 (1960).

It is well established that a natural gas company may not provide for cessation of its service on a specified future date simply by contracting to sell gas only until that date (*e.g., Harper Oil Co.*, 23 F.P.C. 2, 3 (1960)), and yet that is exactly the effect of pre-granted abandonment. In short, pre-granted abandonment obviously violates Congress' clear intent that abandonment of service or facilities is proper only if certain stated findings are made by the Commission after a hearing *at the time abandonment is to be effected*.

Wherefore, for the foregoing reasons, we respectfully submit that Order No. 491 is unlawful and must be discarded and we respectfully urge that the Commission solve the emergency situation which it describes by exercising its plenary power to allocate gas reserves on a nationwide basis.

FOOTNOTES

[1] The interest of each of these parties was set forth in their "Petitions for Leave to Intervene and for Rehearing for an Immediate Stay" filed in this docket on September 20, 1973. The arguments set forth in that Petition are incorporated herein by reference, as anticipated by the Commission in Order 491–A (p. 2).

[2] 43 F.P.C. 707 (1970).

[3] 44 F.P.C. 1574 (1970).

[4] Order No. 491–A, pp. 2, 11.

[5] Atlantic Refining Co. v. P.S.C. of N.Y., 360 U.S. 378 (1959).

[6] Order 491–A, p. 8.

[6a] With respect to any 6-month sales consummated prior to the issuance of the stay order by the Court of Appeals on October 3, 1973, we think the Commission if it does not set them aside, should at the very least require refunds.

[7] Order No. 491–A, p. 8. We are tempted to suggest that the Commission look over its shoulder for a moment at all the carrots it has thrown the oil industry since 1969, and reflect for a moment how the carrots have only seemed to whet the appetite of the oil industry—a result long predicted not only by consumer groups but also by the chief economists in the FPC's own Office of Economics.

[8] It is obvious to all concerned that the six-month deregulation fiat could not result in the development of new reserves for the interstate market due to the 3–5 year lay time involved in exploration and development of new gas supplies.

[9] Order No. 491, p. 3; No. 491–A, pp. 8–9.

[10] The Commission's embarrassment is well-grounded since it continues to resist before Congress regulation of the intrastate market, despite the fact that a number of its Administrative Law Judges have found *on the basis of record evidence* that regulations of the intrastate market was the only sane solution to the dislocations of gas supply now facing the nation.

[11] *E.g.*, FPC v. Louisiana Power & Light Co., 406 U.S. 621 (1972).

CONSUMER VICTORY—COURT HALTS FPC DEREGULATION ORDER

WASHINGTON, D.C.—In their continuing struggle against the Federal Power Commission's attempts to deregulate the price of natural gas, the Consumer Federation of America and other groups today won a major victory.

The U.S. Court of Appeals for the D.C. Circuit today upheld the request to stay recent orders of the Federal Power Commission which would have allowed gas producers and pipelines to enter into six month contracts without any price regulation by the FPC as mandated under the Natural Gas Act.

The request for a stay was filed in the Court of Appeals by CFA, the American Public Gas Association, the American Public Power Association, the National League of Cities—United States Conference of Mayors, and the Public Service Commission for the State of New York.

Indications were that if the FPC's procedure were permitted to continue, the prices charged by producers would skyrocket to unprecedented levels at least twice as high as those previously held to be the lawful limits.

The Court order leaves it yet open to the Commission to endeavor to reinstate its deregulation order on or before November 13, 1973, if it can find that such a procedure would be lawful and consistent with the public interest.

Under the Court's ruling, the FPC will be able to reconsider its de facto deregulation order by accepting comments from interested parties.

Lee C. White, CFA's chief energy spokesman and former Chairman of the Federal Power Commission, said that CFA intends to strenuously avail itself of this commenting opportunity and will insist that the Commission must aggressively move to discharge its statutory responsibilities to insure that all rates charged by natural gas producers are just and reasonable.

White commented, "In view of the threatened scarcity of natural gas supplies, it is now, more than ever, absolutely essential that consumers must demand rigorous enforcement of the FPC's regulatory responsibilities and receive protection from exploitation by natural gas companies.

"We fervently hope," White continued, "that the FPC will now recognize this fact and get on with the business of properly regulating in the public interest."

NONRETURNABLE BEVERAGE CONTAINER PROHIBITION ACT

Mr. HATFIELD. Mr. President, last June 25, I introduced the Nonreturnable Beverage Container Act, designated S. 2062. The purpose of this legislation is, very simply, to ban the use of nonreturnable soft drink and beer containers. The bill is modeled after a law enacted in the State of Oregon which has been in effect for just over 1 year.

Since S. 2062 was introduced, a number of articles have appeared which I would like to bring to the attention of my colleagues. The first of these is a United Press International article which appeared in the Medford, Oreg., Mail Tribune on October 2. The article takes a look at 1 year's experience with the law and its impact on our State. Over the summer, Mr. Edward P. Morgan, the ABC news commentator, visited Oregon and was able to observe firsthand our cleaner highways. Mr. Morgan was so impressed that he devoted a commentary to our "bottle bill." Business Week magazine has also studied the nonreturnable issue in national terms, and an article from their July 28 issue outlines some of the opposition to legislation of this nature.

In addition to these articles, the Environmental Protection Agency, which is studying Oregon's law, published a report on the first 6 months' experience with the bottle bill, which includes some telling statistics relating to litter reduction.

Mr. President, our experience in Oregon, combined with the studies I have read on the extra energy costs we pay by using nonreturnable containers, strengthens my belief that we need to adopt a policy similar to Oregon's on a national level.

I ask unanimous consent that the materials I mentioned be printed in the RECORD and I commend them to the attention of my colleagues.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

OREGON'S "BOTTLE BILL," 1 YEAR OLD, IS HAILED AS A SMASHING SUCCESS

(By Quinton Smith)

PORTLAND.—Oregon's one-of-a-kind "bottle bill" celebrated its first anniversary Monday, with state officials hailing it as a smashing success. But those making out-of-state beverages for Oregon assailed it as a detriment.

One thing is for sure—it is widely accepted and acclaimed by citizens of the state, and Oregon's six-month long legislative session which refused to repeal the law passed by the 1971 session.

A group of brewers, can manufacturers and bottlers are presently appealing a Marion County Circuit Court decision upholding the law to the state Appeals Court, which expected a trial date late this month or early November. They claim the law, which outlaws unreturnable bottles and cans and requires payment on return bottles and cans, is discriminatory and interferes with interstate commerce.

XUM

"HERE TO STAY"

"I feel the law is here to stay and will be going into other states and even other countries," said William Moore, head of the Oregon Liquor Control Commission's enforcement division and the man who sees the bottle law is obeyed. "Consumers have made a success of the container law."

When the law became effective six beer bottles were certified by the OLCC for a two-cent deposit. All other bottles, including soft drink containers carry a five-cent minimum deposit. The familiar pull tab can was outlawed, virtually wiping out canned beer and soft drinks from the state's grocery shelves. At present only three types of bottles meet certification standards which say they must be used by at least two bottlers and are reusable. Moore says he hopes by the end of the year a 12-ounce "export" bottle is decertified, leaving only the 11 ounce stubby and a 32-ounce container on the Oregon market.

The object of the law was to wipe out litter on the state's highways. Both Moore and Kessler Cannon, Gov. Tom McCall's coordinator for natural resources, believe it has accomplished its purpose.

PICKED UP QUICKLY

"It has practically eliminated litter of this type on roadways, in parks and on forest trails," Moore said. "For those who still throw containers out—and there are darned few anymore—there's someone right behind them picking them up for the deposit."

"Even the sack or carton that used to carry the bottles to the garbage can, now goes back to the store," Cannon said. He said that monthly surveys since the inception of the law showed decreasing amounts of litter to now where it is at a "very low level."

"Last May the price of case beer in Oregon went up 40–50 cents, the first increase in four years, Moore said. While brewers said some small amount might have been due to the new law, most admitted that rising costs for labor, raw material and packaging had spurred the hike.

Bill Wessinger, chairman of the board of Blitz-Weinhard, an Oregon based brewery, and also the largest seller in the state, said the market was affected slightly by the bottle bill "but by how much we don't know."

NORMAL GROWTH

Moore maintains there has been the normal growth in the beer sales, while soft drink sales were reported on the increase.

Wessinger said 40 per cent of the Blitz' sales were in cans. Its can line now sits idle, while a new $1.5 million bottle line has taken its place. He also says the law has added $100,000 in yearly handling costs to its Portland distribution firms.

"There's no question that there is a real burden on the retailer," Cannon said. "But instead of fighting for part of the deposit, they should be trying to handle the load more easily."

Some supermarkets say their storage rooms are now being used for bottles instead of foodstuffs. Several distributors have built new warehouses for handling the empties.

A spokesman for Fred Meyer supermarkets said the firm has added an average of 1½ employes per store because of the increased handling of bottles, but it was the only increase in costs to them.

NO OTHERS YET

While the impact of Oregon sales consists of only one per cent of the national beer and soft drink market, Moore said manufacturer and brewery groups are opposing similar legislation presented in 39 state legislatures this year. None have passed yet. But Moore keeps on getting inquiries from states and foreign countries.

He said that every state except Alaska has contacted him for information on the bill and many have sent state or local government officials. A representative of the South Australian government also spent a week in Oregon and assured Moore when he left that his state would soon enact the law. Several Canadian provinces have passed it also.

Cannon said similar laws have been introduced in both houses of Congress, with hearings scheduled in the near future.

"There are a lot of people violently opposed to it in industry," Cannon said. "But those people who have come to Oregon without backgrounds in other legislatures or industry, have found for themselves that the law was working quite well."

THE SHAPE OF ONE MAN'S OPINION

(By Edward P. Morgan)

This is Edward P. Morgan, ABC News Washington, with the Shape of One Man's Opinion. A look at the returns on returnable bottles after this word.

The state of Oregon is learning that it pays to be beautiful. Two years ago the state legislature, judiciously prodded by Governor Tom McCall, a Republican, passed a bill making it illegal to sell beer or soft drinks in anything but returnable bottles. This was an anti-litter measure with teeth in it. Predictably, the soda pop, cola and brewery lobbies fought it furiously. To everybody's astonishments, including the legislature's, the lobbies lost, and since last October the new law has been operative.

As an eye-witness, I can testify that it is working. Much of last week I drove the highways and byways of western Oregon and they were cleaner than any roads I can remember anywhere. They were not immaculate. Here and there were empty bottles and cans—beer cans are now strictly illegal. But the litter was spectacularly minimal and as if determined to reduce it to the vanishing point, litter patrols have been organized. I saw one unit operating along the Nehalem river just inland from Arch Cape on the Pacific Coast, a squadron of kids, girls and boys, in hard hats, heaping the manmade flotsam and jetsam in plastic bags for truck collection.

Apart from the law's esthetic value in conserving Oregon's lush natural beauty, the economic ramifications of breaking the "no deposit-no return" syndrome are fascinating. The state's former governor and now senior Senator, Mark Hatfield, found them so exciting that he was emboldened in June to introduce a bill banning the shipment and sale of virtually all nonreturnable beverage containers in interstate commerce. The Environmental Protection Agency will publish a one-year study of the effectiveness of the Oregon law in October and Hatfield hopes it will give considerable impetus to his bill despite inevitable lobbying by brewery and bottling interests.

The fact is that using returnable containers saves energy—of which we are supposed to be short. It works this way: a returnable bottle is reused about 15 times. Thus, a University of Illinois study concluded that the energy required to deliver a unit of beverage to the consumer is about triple in a throwaway glass container over a returnable bottle. The study calculated that if the entire beverage industry were converted to returnable containers, the energy saved could have supplied the total electrical needs of Boston, Pittsburgh, San Francisco and Washington, D.C. for some five months in 1970 usage levels.

Oregon has found some pain in adjustment. Can company closings lost 142 jobs. But more demand for bottles may produce new jobs. And it is considerably cheaper to the consumer to buy returnable bottles. The law is only nine months old but results are measurable. Before October, 1972, an Oregon state survey showed beverage containers formed some 62 per cent of the volume of litter. That has dropped to something like two per cent.

I'll have a footnote in 30 seconds.

Only Vermont has been bold enough so far to follow Oregon's lead in banning no deposit-no return containers. But if by some miracle the Hatfield bill should pass, what a tidy nation we would become!

This is Edward F. Morgan, ABC News Washington, with the shape of one man's opinion.

[From Business Week, July 28, 1973]

OREGON: A TEST CASE FOR RETURNABLE CONTAINERS

("No deposit. No return. Born circa 1935. Died in Oregon Sept. 30, 1972 May it rust in peace.")

So reads a tombstone mockingly erected in Portland by environmentalists last fall, when Oregon became the first state to outlaw the sale of beer and soft drinks in nonreturnable bottles and cans. For 10 months now, consumers have had to plunk down a 2¢ deposit for standard bottles that can be refilled by more than one brewer or bottler, and 5¢ for other containers. The law also bans cans with detachable pull-tab tops.

The aim of the law is to curb litter. However worthy this goal, the statute is now at the center of a controversy with nationwide implications for environmentalists and for a whole bevy of business interests, from bottlers and brewers to can and glass container makers The businessmen strongly oppose the statute, and fear it may spread to other states On July 1, for example, a similar law took effect in Vermont, and last month Senator Mark Hatfield (R-Ore) introduced a national version of the Oregon law

Is the Oregon "bottle bill" effectively reducing litter? Yes, says a preliminary report released last month by the Environmental Protection Agency. The number of beverage containers in roadside litter during the three winter months after enactment declined 81% from the year earlier period, the federal agency said And it found that the share of beverage containers in litter was nearly halved—from 37% to 18.9%. "The law," says Eileen Claussen, who wrote the report, "has had a significant and positive impact on litter."

CANS CANNED

But the law has caused economic disruptions, too, she reports. Cans, which cannot be refilled, were all but driven off the shelves, declining from 41% of the soft drink market and 35% of the beer market to less than 1% of each. As a result, National Can Corp., Oregon's largest supplier, closed one plant in Yakima, Wash., while Emerald Canning Corp., a local canner of soft drinks, went out of business. Total jobs: 142. And retailers have been "inundated" with empties, EPA says, raising handling and storage costs.

Like the bearer of bad tidings, the EPA report is being attacked by industry, which insists that the "bottle bill" is ineffective. "It is an inaccurate and irresponsible document," charges Patrick Van Keuren, director of environmental services at American Can Co. and chairman of the Oregon Beverage Industry Task Force, a group of companies that opposes the statute. Van Keuren says the litter data gathered before and after the law cover different stretches of highway. "They are statistically not comparable," he says. Furthermore, he claims that Eileen Claussen "is the leading advocate of a national bottle bill," and is therefore "biased." Says he: "The proliferation of the Oregon law would be extremely harmful to the country."

Ms. Clausen, a program manager at EPA's Office of Solid Waste Management, admits that the data, furnished by the Oregon State Highway Dept., cover different stretches of road. "But the highways are so similar that the data are fully comparable," she contends. She also denies the advocacy charge. "I did testify in Montgomery County, Md. [which held hearings on a similar law], but I merely presented the findings. I suggested the county make up its own mind."

NATIONAL IMPLICATIONS

The dispute reflects issues that transcend Oregon. The state has only 1% of the nation's population, and its beverage markets are dominated by local brewers and bottlers who stand to lose very little from the law. But if similar laws are passed elsewhere, they could spell disaster for many companies. More than half the cans produced annually are beverage containers—a fast-growing market that could be crippled wherever Oregon-type laws appear. Bottle makers stand to make some short-run gains at the expense of cans, but widespread acceptance of returnables would eventually erode bottle sales, too. One statistic shows how vast the impact could be: Some 90-billion beverage containers will be produced this year—450 for every man, woman, and child.

If the law spreads, it could also restructure the beer industry. The major brewers depend on lightweight, nonreturnables to compete in markets far from their breweries. For example, National Brewing Co. of Phoenix, which ships Colt 45 Malt Liquor to Oregon, watched its transportation costs soar from 32¢ a case to 72¢ after the law was passed. The problems are not as severe for soft-drink companies, since national brands are bottled and canned locally. But convenience containers are partly responsible for the huge per capita rise in consumption of soft drinks—from 4 oz. a day in 1960, to 8½ oz. in 1971—and manufacturers worry that such laws will slow growth.

INEFFECTIVE AND COSTLY

With so much at stake, the various commercial interests immediately attacked the Oregon bill as ineffective. But their early conclusions now seem dubious. For example, a senior vice-president of the American Iron & Steel Institute noted that the share of returnable bottles in glass litter increased from 27% just before the law took effect to 50% three months later. But because nonreturnable bottles were off the market, the proportion of returnables was bound to go up. Other evidence purporting to show the law a failure ignored the fact that litter is seasonal—more in summer, less in winter. "You must compare winter months this year with winter months last year," says Eileen Claussen.

Oregon Governor Tom McCall also ignored seasonal factors when he made his widely quoted statement declaring the law "a rip-roaring success." It was this war of press releases drawing unwarranted conclusions that lead the EPA to make its preliminary study. The agency is also funding a more definitive study that will contain crucial data on summer littering.

Meanwhile, several important questions persist. Even assuming that Oregon-type laws reduce litter, are the benefits worth the costs? Will consumers pay more for beverages? Will such laws help alleviate the more pressing solid-waste problem?

Beer and soft drink prices have risen in Oregon since Ms. Claussen completed her study. But because retail prices vary from store to store and because of the price freeze, meaningful data are scant. Moreover, no one knows what portion of the price increase can be attributed to the bottle bill. According to Van Keuren of American Can, Oregonians will pay $10-million more for their beer and soft drinks this year, most of it because of the new law. The total, he says, is 15 times as much as Oregon spends to pick up all its litter. And, he points out, banning throwaway containers does nothing to deal with other litter, which accounts for 80% of the problem nationwide.

Ms. Claussen insists that beverage prices in returnable bottles are still lower than they were in nonreturnable cans. "The refillable system is cheaper," she says, "because of lower container costs." And since container litter is highly visible, "a mandatory deposit bill is one way to fight litter," she says. "It's up to the community."

LARGER GOAL

Though the Oregon law was set up to curb litter, it now figures in the growing debate over how best to deal with solid waste in cities. The beverage container interests favor resource recovery—a system that would turn a —garbage load into a resource lode of metal, glass, and energy. Oregon-type laws, they say, destroy the economic feasibility of resource recovery because they effectively remove cans, which have high scrap value.

But Connecticut, which is setting up a statewide resource recovery network, claims that its system will derive most of its revenue from user charges levied on participating towns, rather than from the sale of scrap. In any event, it will be years, perhaps, decades, before the bulk of the nation is served by recycling systems. One big reason is that transportation rates and depletion allowances discriminate against scrap in favor of raw material consumption.

Though environmentalists favor resource recovery, they also want to cut garbage through "resource reduction." According to new EPA data, beverage containers account for 7% of municipal solid waste, a tempting target for source reduction as well as material and energy savings. But this approach, is not so clear-cut, either. If most people simply throw away their returnable containers, a city's waste load may actually increase. The reason: Returnable bottles are much heavier than cans or throwaway bottles. Also, returnables require more packaging.

In the end, both source reduction and resource recovery may be necessary to manage the nation's soaring garbage load. For all their convenience, one-way containers impose social costs—an increase in either litter or municipal refuse plus added material and energy use. They are bound to be the target of environmentalists and legislators for years to come.

OREGON'S BOTTLE BILL: THE FIRST 6 MONTHS

(By Eileen Clausen)

Since October 1, 1972, all beer and soft drink containers sold in the State of Oregon have been required to carry refund values. Cans with pulltab openers have been banned outright. This is the first law of its kind to be enacted by a State, and it has caused a great deal of interest in State legislatures throughout the country. This paper provides a brief analysis of the Minimum Deposit Act and an assessment of its impact since its date of enactment.

THE LAW

Oregon's "Bottle Bill," signed into law in June 1971 by Governor Tom McCall, went into effect October 1, 1972. The Act required a minimum 2-cent refund to purchasers on the return of "certified" containers of beer, malt beverages, and carbonated soft drinks, and a 5-cent refund on the return of all other beverage containers. Certified containers are defined as containers that are used by, and that will be accepted for reuse by, more than one manufacturer. In addition, the law outlaws the sale of the flip-top or pull-tab beverage container.

Industry reaction to the measure was predictably negative, and suit was filed January 24, 1972, in the Circuit Court of the State of Oregon by various container manufacturers, brewers, and soft drink manufacturers who claimed that the Oregon law was unconstitutional. The defendants were the Oregon Liquor Control Commission and the Oregon State Department of Agriculture. The plaintiff's argued: (1) that the statute violates the commerce clause of the U.S. Constitution by imposing an excessive burden on interstate commerce, and by favoring local concerns at the expense of distant interstate operators; (2) that the statute violates the equal protection clause of the U.S. Constitution by differentiating between carbonated and noncarbonated soft drink containers; (3) that the statute violates the due process clause of the U.S. Constitution by lacking a real and substantial relationship to the objectives sought by the law. The decision of the Court, which was rendered September 1, 1972, declared the act constitutional. The September 1 ruling has been appealed to the Oregon Court of Appeals by the plaintiffs.

The major purpose of the bottle bill is to control litter in the State of Oregon. In a region with a demonstrated concern for environmental quality and an emphasis on outdoor recreation, it was considered essential that measures be taken to avoid the widespread littering that had become characteristic of the region's beaches, highways, and other public areas. A mandatory deposit mechanism, designed to provide disincentives for throwing away containers, was chosen as a means of reducing the beverage container portion of litter.

EFFECTIVENESS OF THE LAW

In a 1972 study by Research Triangle Institute, beverage containers were estimated to constitute 19.1 percent of roadside litter by item count.[1] The breakdown by container type was 73.1 perecnt cans, 17.0 percent nonrefillable bottles, and 9.9 percent refillable bottles. By container content, beer represented 71.3 percent, soft drinks 25.7 percent, and wine and liquor 3.0 percent of all beverage containers in litter.

Beverage containers contributed a far greater percentage of the volume of roadside litter. A survey conducted by the State of Oregon indicated that beverage containers formed approximately 62 percent of the volume of litter. Analyses by Midwest Research Institute revealed that consumer perception of beverage containers in litter seemed to be based more on their volume than their numerical frequency of occurrence.[2]

Shortly after the bottle bill was passed in 1971, litter surveys were made on a monthly basis by the Oregon State Highway Department. These surveys were continued after enactment of the legislation so that data could be obtained on the effectiveness of the law in reducing the beverage container portion of litter. Release of these data to the public caused considerable controversy. Some industry groups claimed that the data collected prior to enactment of the bottle bill were not comparable with the data collected since October 1, 1972, because the early data included beverage-related paper in the nonreturnable container total. This was questioned by officials in the Governor's office, and is as yet unresolved. Even if one assumes that this view is correct, there is little change in the basic results of the litter analysis. Beverage-related items totaled less than 2 percent of the total for the period since the law went into effect. Other litter studies, including the study for Keep America Beautiful, Inc., by Research Triangle Institute, showed beverage-related paper as representing below 12 percent of total litter. A deduction of either amount to adjust the figures before the bill's enactment produces only a minor change in the results.

Preliminary comparisons between the winter prior to enactment (1971–1972) and the present winter (1972–1973), for example, revealed that the law had a significant and positive impact on litter in Oregon (Table 1). For these winter months for which litter data were collected in 1971 and 1972, beverage containers averaged 7,787 per month based on 29 one-mile surveys. This represented 269 items per mile per month. Data for the winter after enactment of the legislation showed a definite drop. For the three winter months of 1972 to 1973, there were 1,274 containers littered per month based on 25 one-mile surveys, for an average of 51 items per mile. This was a decrease of 81 percent, or 218 items per mile per month. The proportion of beverage containers in litter also dropped significantly, from 37 percent before enactment to 18.9 percent after the law went into effect.

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[1] Bingham, T. H., and P. F. Mulligan. The beverage container problem; analysis and recommendations. U.S. Environmental Protection Agency, Sept. 1972. 190 p. (Distributed by National Technical Information Service, Springfield, Va., as PB 213 341.)

[2] Midwest Research Institute. The national impact of a ban on nonrefillable beverage containers. Kansas City, Missouri, 1971. 120 p.

It is also important to consider that of the beverage containers in litter since enactment of the law, only 24.1 percent were returnable bottles. The remainder were nonreturnables, presumably purchased before enactment of the law and still uncollected. If these nonreturnable containers are disregarded in order to obtain a more realistic picture of current littering in Oregon as compared with littering before the law was passed, beverage containers in litter can be shown to have declined by approximately 96 percent (from 7,787 items to 308 items).

IMPACT ON INDUSTRY

Although the initial effects of the law appear to indicate positive litter reduction, the bottle bill has also been attended by some disruption in the beverage and beverage container industries. The law apparently affected container usage and sales.

Container usage

Prior to enactment of the bottle bill, the Oregon National Soft Drink Association reported that approximately 51 percent of all soft drinks were sold in refillable bottles, 8 percent in nonrefillable bottles, and 41 percent in cans. This mix of containers changed significantly after October 1, 1972. In March 1973, no nonrefillable soft drink bottles were being sold in the State. Cans had declined to less than 1 percent of the total soft drink market. Only Shasta Beverages, a warehouse brand distributor, continued to sell soft drinks in cans.

In December 1971, the Oregon Liquor Control Commission reported that approximately 35 percent of all beer in Oregon was sold in cans. During the first month of enactment of the law, the percentage of cans decreased to 4.3 percent. This percentage declined still further, and by December 1972, 99.5 percent of all beer was being sold in refillable bottles, with only 0.5 percent sold in cans. This shift resulted in lower cost to the consumer, as been in cans sold in March 1973 at six for $1.58 (including a 30-cent deposit), while certified refillable bottles of beer sold at six for $1.17 (including a 12-cent deposit).

Prices and sales

By March 1973, the Oregon market had seen neither a decrease in sales nor an increase in prices since the law had gone into effect. In fact, beer sales for the fourth quarter of 1972 showed an increase of 40,000 barrels over the fourth quarter of 1971, according to the Oregon Liquor Control Commission. (This represented an increase in beer excise taxes collected by the State of Oregon of $52,000). Sales of soft drinks, while not indicating an increase, did not indicate any unseasonal decrease either.

As of March 1973, retailers in the State indicated that no retail prices had increased, and Oregon consumers were purchasing beer and soft drinks at lower prices on the average than prior to the enactment of the law. This is because refillable bottles, which now account for almost all of beer and soft drink sales, are considerably cheaper for the consumer to purchase than nonrefillable bottles and cans.

Container industry

The metal container industry has been adversely affected by the Oregon bottle bill. National Can Corporation, the largest metal can supplier to the Oregon market prior to October 1, 1972, had to close one of its plants in Yakima, Washington. This, in conjunction with minor shutdowns in other plants serving the area, resulted in a total layoff of 82 employees.

Glass container manufacturers, while gaining in market share, have had to change from nonrefillables to refillable bottle production exclusively. If trippage rates are high (if each refillable bottle is returned and reused many times), the glass container industry could experience a sales decline. No estimates are yet available on the impact of the law on this industry.

Contract canners

The State of Oregon had only one contract canner, Emerald Canning Corporation, prior to October 1, 1972. Emerald Canning recently announced that it could no longer continue to can soft drinks. Approximately 60 employees were terminated as a result. It is anticipated that much of the volume once sold in cans will be sold in refillable bottles.

Soft drink industry

Major soft drink bottlers have said that the bill has not adversely affected the soft drink bottling industry in Oregon. Most bottlers experienced a gain in market share, although this required increased investment in capital equipment to wash, fill, and deliver refillable bottles. No data were available concerning employment impact on the soft drink industry, although it seemed likely that, assuming no sales decline, employment decreases in the canning sector would be at least partially offset by employment increases in bottling plants.

Brewing industry

The effect of the Oregon legislation on the brewing industry has been mixed. Brewers operating in the Pacific Northwest have been favored, while shipping brewers (national-brand beer producers who ship their beer from outside the Pacific Northwest) have suffered adverse effects. Approximately 88 percent of all non-bulk beer sales in the State since October 1 have been in certified 2-cent deposit bottles.

Brewers within the States of Oregon and Washington have traditionally accounted for approximately 81 percent of the Oregon beer market. These brewers, all of whom have sold beer in certified containers since October 1, have been positively affected by the bill. Because of their efficient dstribution systems, and because the shipping distance from the Oregon market to these northwest breweries has been minimal, the regional brewers have been able to acquire as many 2-cent deposit bottles as they can use. Since new refillable bottles cost as much as five times the deposit values, these brewers have experienced a substantial decrease in costs.

Shipping brewers, on the other hand, have not been able to ship refillable bottles to and from Oregon economically. National Brewing Company, located in Phoenix, Arizona, for example, increased its shipping costs into Oregon by 38 percent (from 32 to 44 cents per case) due to the weight and breakage factors associated with refillable container distribution. The cost of returning the empty containers to Phoenix would be an additional 28 cents. The economics associated with selling nonrefillable bottles or cans of beer in Oregon were, however, worse for the brewing industry, and all brewers were using refillable containers for their Oregon sales.

Most shipping brewers have also experienced low return rates partly because of the speed with which regional brewers have been purchasing returned bottles. No data are yet available, however, on the specific costs and employment impacts associated with the brewing industry.

Retail stores

Oregon food retailers have already been inundated with empty beer and soft drink containers. This has, quite naturally, resulted in increased costs to the retailer for handling the returned bottles. Some additional markup may be required to compensate the store for these additional costs, although no increases in price were passed on to the consumer as of March 1973.

Retailers have also had substantial space problems due to the additional quantities of returned containers. Increased pickups and deliveries by bottlers were expected to minimize the space problem.

TRENDS

Oregon's bottle bill has now been in effect for 8 months. Certain trends have begun to emerge, and data are becoming available to assess the effectiveness and impacts of the law. The following results can nevertheless be pointed to at this time:

The beverage container portion of litter decreased by at least 49 percent between winter of 1971 to 1972 and winter of 1972 to 1973.

Container usage has been dramatically altered by the law. Less than 1 percent of all soft drinks and 0.5 percent of all beer was being sold in cans as of March 1973.

The enactment of the law has been attended by an initial loss of 142 jobs. A sizeable number of new jobs may be created in the bottling industry to offset these losses.

More data will doubtless be forthcoming in the months ahead. To assist in the accumulation and analysis of these data, the U.S. Environmental Protection Agency is providing the State of Oregon with a grant to evaluate the effectiveness and impact of the law. It is anticipated that this study will provide an objective and definitive assessment of all the costs and benefits associated with the Oregon Minimum Deposit Act.

A COMPARISON OF OREGON LITTER DATA BEFORE AND AFTER MINIMUM DEPOSIT ACT [1]

	Before enactment					After enactment					Winter average comparison per mile before/after (percent)
	October–November 1971	December 1971	February 1972	Winter average	Winter average per mile	November 1972	January 1973	February 1973	Winter average	Winter average per mile	
Total beverage containers	8,527	9,580	5,254	7,787	269	1,705	949	1,168	1,274	51	−81.0
Returnable	971	1,060	689	907	32	316	272	335	308	12	−62.5
Nonreturnable	7,556	8,520	4,565	6,880	267	1,389	677	833	966	39	−85.4
Total other litter	15,860	11,440	12,357	13,219	456	7,052	4,896	4,470	5,473	219	−51.9
Total all items	24,387	21,020	17,611	21,006	728	8,757	5,845	5,638	6,747	270	−62.9
Beverage container percentage of total	34.9	45.6	29.8	37.0	37.0	20.7	16.2	19.4	18.9	18.9	−49.1

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[1] Oregon State Highway Department Litter Survey.

"THE GO-GO YEARS" A DELIGHTFUL CONTRIBUTION TO AN UNDERSTANDING OF A NEGLECTED CONGRESSIONAL RESPONSIBILITY

Mr. PROXMIRE. Mr. President, once in a great while a book will come to my attention that is a joy to read and provides a sharp, clear understanding of a complicated problem.

"The Go-Go Years," by John Brooks, is just such a book. All of us have been perplexed and baffled at one time or another by our great securities markets, and the complicated and often astonishing ways in which a few men from time to time are able to use the markets to earn or lose immense sums of money.

"The Go-Go Years" is a breezy, exciting course in how it has been done. Starting with the loss of some $450 million in a single day by Ross Perot, through the fabulous riches to rags saga of Eddie Gilbert, the heathen Chinee "Go-Go" manipulations of Gerry Tsai, the appalling "Back room" scandals of some of America's greatest brokerage houses and the putty-like susceptibility of too many in the accounting profession, John Brooks tells a fascinating story.

This is a story from which Members of Congress can learn a great deal. This body as well as our handmaiden, the Securities and Exchange Commission, has a long, long way to go to provide the kind of consistent investor protection we should provide, and I do not know a more enjoyable way to learn the background as well as to get into the mood to act on it than to read this book.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the New York Times review of "The Go-Go Years," by John Brooks. The review is written by Christopher Lehmann-Haupt. In a couple of minutes of reading, this review can tell you why the Brooks' book will represent an excellent investment of your time.

There being no objection, the review was ordered to be printed in the RECORD, as follows:

BOOKS OF THE TIMES: NOW THAT THEY ARE GONE-GONE

(By Christopher Lehmann-Haupt)

("The Go-Go Years." By John Brooks. 375 pages. Weybright & Talley. $10)

Economics may well be the dismal science, but there's nothing less dismal than a good book about money. And in a decade that's produced an unusual number of good ones, John Brooks' latest, "The Go-Go Years," seems to me one of the best. For if "Adam Smith's" reports flew us on eye-opening joy rides straight through the heart of the Wall Street jungle—if The Times of London Insight team slithered exuberantly to the very bottom of Bernie Cornfeld's swamp in "Do You Sincerely Want to Be Rich?"—then Mr. Brooks' new book is a luxurious 474 flight from which we can suddenly discern the entire terrain of the stock market in the nineteen-sixties. Oh, I know there are grounds for flagging his flight to a stop before it takes off some will say that Wall Street no longer deserves to be viewed as a mirror of American society; others will worry about Mr. Brooks's admiration for the political middle-of-the-roaders who helped to bail the Street out of bankruptcy in the early seventies (if principles lying somewhere between conservatism and liberalism can still be characterized as middle of the road); and still others will wonder at the note of wistfulness with which Mr. Brooks wonders if the Wall Street he once knew and loved (sort of) is now dying.

"All of which is perfectly reasonable from an ideological point of view. But I must confess that I found myself sneaking past the ticket takers of morality and the Friskema of ideology; I found myself settling with a huge groan of comfort into the first-class prose of Mr. Brooks s craft; and I found myself wide-eyed with wonder over how much he has shown us—and of what variety—in his flight over the forest.

MASS OF DRAMATIC DETAIL

How, for instance, has he managed to absorb us in such a mass of dramatic detail and still make us feel as if we understand the stock market of the sixties as we never understood it when it was happening? How has he successfully limned the decade's most memorable personalities—the flashy Edward Gilbert, who slipped on his hardwood flooring empire and slid all the way down to Brazil; Gerald Tsai, the mutual-fund genius from the Orient, whose market maneuvers became so scrutable that he collapsed under the weight of his audience; James Ling, the conglomerateur, who proved that two plus two could equal zero; and National Student Marketing Corporation founder Cortes Wesley Randell, who discovered the fountain of youth and polluted it . . . How has Mr. Brooks brought these characters to life again and yet also made them function as cardboard caricatures of his era?

How has he succeeded in exploring Wall Street's physical environs—the atmosphere in the enormous back room, where the Puritan work-ethic sprang a leak and went down with a fortune in stock certificates on board; the ambiance of the thoroughfares below, which astonishingly became a bull market for drug pushers; the scene around Trinity Church, where go-go churchmen sought to turn the Street people green, and hardhats countered by turning them black and blue . . . How has Mr. Brooks so successfully painted in such details (all the way down to that infamous crowd of streetmen that gathered every morning for a time to cheer for one streetwoman's secondary sex characteristics), and yet still turned the Street into a walk of American life?

And how can he serve up such scathing denouncements of those go-go years—of the market's repeated practice of closing loopholes in the law only after the public's money had drained through them; of the decline of the accounting profession's art into "creativity"; of corporate impresarios who made love to their bottom lines; of the whole fast shuffle that in 1969–70 picked more money out of the public's pocket than the crash had in 1929 ($300-billion to $30-billion, Mr. Brooks scores it) . . . How can he expose such disasters, and yet still convey his love for the brawl of the Street and his sorrow that it may now be on the verge of extinction and that, indeed, "This may be, conceivably, one of the last books to be written about 'Wall Street' in its own time," as he concludes?

NO EXPLAINING IT

I suppose I could speculate on how Mr. Brooks has done it—I could imagine the charts and diagrams he must have pasted around his writing room to remind him where the various pieces fit in; conceive how he must have tinkered and tinkered to make each of them carry its full load; and guess how he must have polished to make his prose roll—until the entire machine hummed smoothly from its beginning (Texas billionaire H. Ross Perot rides onto the scene) to its end (H. Ross Perot rescues the Street from itself, marries it, and rides into the sunset). But in fact I can't explain exactly how Mr. Brooks makes it all work so well, any more than I can diagram how O. J. Simpson gains ground.

All I know is that Wall Street is one of the forests most difficult to see for its trees (and how many people can even tell about the trees—whether they are growing or falling over?). Yet Mr. Brooks has flown us over the terrain and shown us everything from the topography to the bulls and bears sporting beneath. So please don't take "The Go-Go Years" too much for granted; as effortlessly as it seems to fly, it is nonetheless an unusually complex and thoughtful work of social history.

PROBLEMS INVOLVED IN DEPENDENCE ON MIDDLE EAST OIL

Mr. JACKSON. Mr. President, in a recent speech at the Johns Hopkins School for Advanced International Studies, Dr. John H. Lichtblau of the Petroleum Industry Research Foundation discussed the problems involved in our growing dependence on Middle East oil.

Dr. Lichtblau's analysis makes clear that there are sound reasons of economics as well as conservation for future production curtailment in some form by the major exporting countries. This conclusion reinforces the arguments in favor of moving the United States toward the option of energy self-sufficiency as rapidly as possible.

Dr. Lichtblau's speech also underscored the urgent need for slowing the rate of increase in oil demand. He notes that at an annual average growth rate of 5.5 percent, much less than the rate over the past decade, we would consume about 133 million barrels per day or 48 billion barrels in 1993.

Assuming the world ratio of annual production to proved reserves drops from its current level of 35 years to 15 years within that period, we would need 663 billion barrels of proved reserves in 1993. Deducting from this the world's current proved reserves results in required new finds of 768 billion barrels to meet the oil requirements of the next 20 years. This would be about 80 billion barrels more than we found in the last 20 years and only 7 percent less than all the recoverable oil found in the world—exclusive of the Soviet bloc—since 1859.

Mr. President, I ask unanimous consent that the full text of Dr. Lichtblau's speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

MIDDLE EAST OIL AND THE U.S. ENERGY CRISIS

(Speech by John H. Lichtblau)

(A paper delivered at the Seminar, "The Mounting Energy Crisis and the Middle East" held at Johns Hopkins University, School for Advanced International Studies, Washington D.C.)

This summer the U.S. faced a small but real gasoline shortage. This winter we may well have to contend with a real heating oil shortage. We are also encountering problems in supplying our airlines with sufficient jet fuel and our trucks, buses and railroads with all their diesel fuel requirements.

Concurrently, the oil exporting countries in the Midlle East and North Africa which contain 2/3 of the world oil reserves are partially or fully nationalizing U.S. and other Western oil companies; some of them are also curtailing production and are inti-

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mating that these actions and others yet to follow are taken in retaliation against our Middle East policy.

The public and the press have tied these two factors—the U.S. oil shortage and the actions and pronouncements in the Middle East—together and have concluded that the real reason for the shortage is our dependency on Middle East oil and the reluctance of these countries to let us have sufficient supplies. The recent controversial cover of *Newsweek* showing an Arab in traditional headdress holding the nozzle of an American gasoline pump and the words "Arab Oil Squeeze" emblazoned across it is typical of many such comments in the U.S. press relating our oil shortage to Arab policy.

The connection is understandable because of its apparent and simple logic. Nevertheless, it is quite wrong, at least up to now. For one thing, our dependence on Arab oil is very small. In the first five months of this year only 6.4% of our total crude oil supplies came from Arab sources, or 7.4% if we also include Iran—the only non-Arab exporting country in the Middle East.

Next, the Arab countries have by no means shut off or curtailed their oil supplies to the U.S. The 790,000 b/d we received from them in the first 5 months represent a 63% increase over a year ago.

Above all, there is no general crude oil shortage in the world at this time. Otherwise, Western Europe, Japan, and other large oil importers would also be affected. As it is, only the U.S. among major industrial countries is suffering from it.

Since no oil exporting country has taken special steps to withhold oil just from the U.S., the reason for the shortage is obviously internal. We need look no further than our domestic refining capacity. For a variety of reasons U.S. refiners have not built sufficient capacity in recent years to meet the growth in demand. As a result domestic refineries, currently running at virtually full capacity, are no longer able to meet the demand of all customers. This is the reason for our gasoline shortage and our potential heating oil shortage. Had we 10% additional refining capacity right now, neither of these two shortages could have occurred. Since the gasoline and distillate fuel oil export capacity of foreign refineries is quite limited, we can alleviate the shortage only partially through additional imports of these products.

Our only course of action is to build new refineries as rapidly as possible. Here the uncertainty over future Middle East oil supplies may have an impact because planned refinery projects may not materialize for lack of secure crude oil supplies. But since it takes 3½ years to build a new refinery and since the starting date is May 1, 1973, the day the President removed crude oil import controls, U.S. gasoline and heating oil supplies will be tight for the next 3 years and sporadic shortages will occur even if the Middle East were to be a politically and economically secure supply source for U.S. importers.

This does not mean that Arab or other foreign oil may not be used in the future for political purposes against the U.S. Those leaders who have warned of such action may well be in a position to bring it about. But it has not happened yet and is not likely to happen in the immediate future. Any U.S. oil shortage this year and probably also next must be traced to our own past policy, particularly our oil import policy, rather than to anti-American acts by foreign oil producers. It may not appear that way in view of what has happened to the cost of the oil we import or to American enterprises operating in some major foreign oil producing countries. But none of these acts have been directed specifically against the U.S. and many are, in fact, primarily economic measures taken in the national interest of the countries concerned.

The oil producing countries have done three things in varying degrees since 1970 which have affected us: They have sharply and more or less uniformly raised the tax revenue per barrel of exports, they have requested and received a share in the equity and production of the foreign companies operating on their soil and they have nationalized several foreign companies. Some of these actions were accompanied by political attacks against America's Middle East policy, attempting to tie the two together. But the real reason for these actions is the recognition by the oil countries that their international economic position had changed drastically in recent years and that the time was ripe to benefit from these changes.

The first and foremost factor in this is the overwhelming importance of foreign oil in the economies of the industrial nations. This may sound like a cliche by now. But, in fact, it is only since 1967 that imported oil has accounted for at least half of Western Europe's total energy needs and only since 1971 that all increases in U.S. oil requirements had to come from overseas sources.

The second factor is the awareness that in the short run no real substitutes of any kind exist for oil and in the long run such substitutes would be far more expensive than oil at the world prices prevailing in the late 1960's. The apparent terminal decline of the European coal industry, the shift from coal to cleaner fuels in the U.S. and the massive delays in developing nuclear energy helped to form this awareness.

Finally, there is the growing desire of all developing countries to have more control over their economies and particularly their natural resources. This desire has been greatly enhanced by evidence in recent years—particularly in Latin America—that nationalization of private foreign enterprises is really much less risky, from the political, economic and military point of view, than had been assumed.

These are the underlying trends affecting the oil policies of the Middle East countries and they will continue to determine their policies regardless of what we do because they make sense for the oil producing countries. Thus, oil prices will continue to rise and the control of oil production and exports will continue to shift from the companies to the governments.

For the U.S. and other importing nations this will mean less security of supply and higher energy costs for the foreseeable future, notwithstanding the comforting theory expounded by some academic economists that once the private international companies get out of the oil producing and exporting business competition among the national oil companies will drive prices down again. So far, exactly the opposite has occurred. The market competition which clearly existed when the international oil companies were in control, so to speak, has started to erode as their control has declined. So far, most sales by national companies of their newly obtained participation oil have been at prices above the previously existing market level.

There are several reasons why this situation is not likely to change to one of vigorous market competition. In the first place, the national companies do not function like private companies. Their ultimate responsibility is to their government and their function is to be an instrument of government policy. The private companies, by contrast, must ultimately account to profit minded shareholders for their actions. Secondly, the existence of a well functioning and highly respected coordinating institution in the form of OPEC could be expected to intervene if large scale price competition threatened to develop among OPEC members. Thirdly, only two or three of the 11 OPEC members are in a position to seek substantial increases in market shares. These are Saudi-Arabia, Iran and, to a smaller extent, Iraq.

The other OPEC members will not be able to maintain their world market shares beyond the next few years. But, with a steadily expanding world oil market all OPEC members will be able to increase their exports if they are able to do so. Under these circumstances, vigorous market competition among state oil companies is not likely to develop.

My analysis of the underlying trends of Middle East oil developments does not imply that we can ignore potential political threats to Middle East oil supplies. If any of the major exporting countries should actually curb existing production or prevent required increases in production for a specific foreign political reason and maintained the restriction until the reason is removed the effect could obviously be quite damaging. We all know that the possibility of such action has been raised and this has to be taken seriously.

However, here too, we must be sure to differentiate between economic and political motivation, notwithstanding the rhetorics in producing and consuming countries which tend to obscure this difference. Two Middle East countries have already taken action to limit production. Both actions have had a perceptible negative effect on world oil supplies. Yet, neither action can be considered a political gesture against the U.S. or any other importing country. Libya's oil production just before the first reductions ordered by the government in June 1970 stood at 3.6 million barrels daily and was rising at a rapid rate. It is now generally agreed that this was excessive relative to Libya's proved reserves, variously estimated at 25 to 30 billion barrels. The magnitude and suddenness of the reductions in the midst of negotiations was obviously designed to put pressure on the companies. But the production rate of May 1970 could not have been sustained in any case. Furthermore, it makes sense for Libya not to let its total known recoverable reserves be drained in 20 to 25 years but to spread the income from this resource over a longer period and make additional production dependent on additional finds.

Similarly, the freezing of the 1971 production rate in Kuwait for the past two years is based on the belief of that country's legislature that existing reserves are inadequate to permit further increases. An important consideration in this decision was the fact that Kuwait, even more than Libya, could in the short run not usefully absorb the additional funds resulting from a maximization of production from existing reserves. For both countries a longer pay out period with smaller annual income increments would seem nationally preferable.

Similar considerations could in the future well lead to similar action by other Middle East countries. We know already that Iran expects its production to peak at about 8.5 million barrels daily. This would be only some 2½ million barrels above its present production rate. Furthermore, with the expected steady growth in revenue per barrel there is no longer a cost attached to postponing production. Most producing countries have come to accept the principle that "oil in the ground is worth more than money in the bank." The truth of this axiom has been dramatically illustrated in the last three years as tax costs per barrel rose by 75% at the Persian Gulf and about 160% in Libya, excluding participation cost. The axiom would have applied if tax costs had risen by only 25%. And of course curtailment of production tends to generate price increases, making resource conservation a paying proposition.

Thus, there are sound reasons of economics as well as conservation for future production curtailment in some form by the major

exporting countries. It is of course possible that the curtailments may go beyond economic requirements so as to exert international political leverage or, conversely, that economically desirable curtailments may be postponed for political reasons. This is the principle political risk faced by America and other major oil importers in the years ahead. We must remember, however, that not all actions by Middle East oil producers which may affect us negatively need to be politically motivated.

What can we do about our growing dependency on Middle East oil? In the short run relatively little, as has so often been pointed out in the last couple of years. The view recently expressed by a high government official that in 3 or 4 years the U.S. may once again be more or less self sufficient in oil supplies deserves high marks for optimism but for nothing else.

One thing that could be done within the next four years is to develop strategic storage facilities so that we would be less immediately affected by any foreign supply reduction or interruption. This would include not only the importation of foreign oil for emergency storage but also the development of our now unused and unavailable naval petroleum reserves for this purpose.

In the longer run—the period beyond 1981—we have quite a number of options to reduce or at least stabilize our Middle East oil imports. To a large extent these options are the direct function of the producing countries' current pricing policies. Oil, like most essential commodities, has a low short term elasticity of both supply and demand but a considerably higher long term elasticity.

It is therefore quite likely that as oil prices rise the demand for oil will be affected. The remarkable shift to smaller cars this year coincidental with the nation's first peacetime gasoline shortage is a sign of this trend. If all existing U.S. passenger cars were of the compact or subcompact variety, our current gasoline consumption might be ⅓ less. Government tax policies could help to accelerate this trend towards smaller cars.

In the longer run—the period beyond tion between price and consumption exists in the long run. As the cost of heating fuel rises, the expenditure for additional insulation to conserve heat becomes increasingly attractive.

Industrial consumers of oil will also want to utilize the product more efficiently as its cost increases. There is considerable room for such improvement in this particular market.

But it is on the supply side that we can expect the price increase to have the most drastic impact. All of the synthetic crudes—shale oil, tar sands, liquefield coal—become competitive at crude oil equivalent prices of $5–$6/bbl which is likely to be the cost of imported and new domestic crude oil in the mid-1970's.

Without trying to belittle the technical and environmental problems in developing synthetic oil on a large scale, I believe once the process becomes commercially competitive, which has not been the case so far, we have the genius to bring it into commercial production. Eventually, synthetic fuels will make a significant dent into our need for imported oil.

Atomic energy will make another dent. This source of power is already considerably cheaper than oil in generating electricity. Three years ago this was not the case. After 1980 virtually all the growth in U.S. electric power requirements is expected to come from nuclear plants.

Thus, given time, technology and determination, we should be able to start reducing our dependence on overseas oil from the early 1980's on.

I would like to conclude my remarks with one additional point. Suppose there were no political risks in relying on Middle East and other foreign oil and suppose world oil prices were still at approximately the level of the first half of 1970, with no radical changes in sight.

Given these idyllic conditions, how much longer could we and the rest of the world go on using crude oil at our accustomed growth rate. I believe that within 15 years we would have to take the same measures to curb the growth in demand and develop crude oil substitutes that we are now beginning to take.

Let us look at a few figures. Currently the world, exclusive of the Communist countries, is consuming about 46 million b/d or 17 billion barrels a year. At an average annual growth rate of 5.5%—considerably less than the 7.5% rate of the last 10 years—we would consume about 133 million b/d or 48 billion barrels in 1993. Assuming the world ratio of annual production to proved reserves drops from its current level of 35 years to 15 years within that period, we would need 663 billion barrels of proved reserves in 1993. Deducting from this the world's current proved reserves results in required new finds of 768 billion barrels to meet the oil requirements of the next 20 years. This would be about 80 billion barrels more than we found in the last 20 years and only 7% less than all the recoverable oil found in the world (exclusive of the Soviet Bloc) since 1859.

We might find the required quantities but it is likely to be an increasingly difficult and therefore costly process. As we approach the end year of our period some evidence of supply strains would probably begin to show up. After 1993 these strains would rapidly increase. Furthermore, as producing countries see their reserve/production ratios decline year after year, they could be expected to conserve their remaining reserves by putting a lid on production increases. All of this would put us in about the same position we are in now regarding the need to curb growth rates in demand and find alternate supply sources. Only the date would be the second half of the 1980's instead of the first half of the 1970's.

Certainly, the benefits to us and other importing countries from another 15 years of access to foreign crude oil on the terms that existed in the late 1960's would have been considerable. But even under the best of circumstances we would have to address ourselves to the problem of inadequate world crude oil supplies well before the end of this century.

THE ENERGY CRISIS—ADDRESS BY SENATOR ROBERT C. BYRD

Mr. McCLURE. Mr. President, yesterday I was privileged to attend the International Coal Symposium at the Madison Hotel and listen to a thought-provoking speech on the energy crisis by the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD).

The importance of this conference was underscored by the fact that Senator BYRD took time from his busy schedule to participate in it. His remarks were most timely—not only because the energy problem occupies our uppermost thoughts, but also because of the events taking place in the Middle East.

Senator BYRD made this abundantly clear when he said:

> We have come to the point in world development where intelligent co-operation among nations is not just something to be desired—it is a matter of sheer survival.

Mr. President, I ask unanimous consent that the full text of the Senator's remarks to the Symposium be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

SPEECH BY SENATOR ROBERT C. BYRD

Mr. Chairman, gentlemen, it is indeed a pleasure for me to have been invited to be with you today at this initial international gathering of coal men from the United States and overseas. In this day and age when détente, rapproachment, and international understanding are becoming almost everyday words, it is gratifying to know that men whose lives and works are intimately concerned with that most valuable resource upon which my home State of West Virginia for so long depended, are not lagging behind in the search for meaningful co-operation among men and nations.

We have come to the point in world development where intelligent co-operation among nations is not just something to be desired—it is a matter of sheer survival. It is no longer possible, even for this industrial colossus that is the United States, to go it alone, even if we wanted to. It is even less possible for smaller nations that lack our immense resources. And this realization is not confined to matters diplomatic, political or military. It includes matters of fuel and food, which in the final analysis, are much more basic to man's survival. It is estimated that if the world population increases at the same rate for the next quarter-century as it has in the last twenty-five years, by the beginning of the twenty-first century, nearly half of the population of the world will starve, unless man's ingenuity and technology find ways to produce food currently beyond his capabilities.

There is very little doubt that most of that technology, if it is to be developed, will depend substantially on there being an adequate supply of energy to drive the machines that our brains produce. Present supplies of energy fuels, with the exception of coal, are in even more hazardous states than are our food potentials. While it is easy to think of the vast oil reserves of the Persian Gulf as being limitless, they are very far from being limitless. That is what we once thought of the supplies of oil and gas in the United States, and current shortages are bringing home to us the fallaciousness of that belief. What has happened in the energy fuels field nationally, is now happening in the energy fuels field globally.

The equation is really very simple. Food and of equal human survival—not American survival, or British survival, or French survival, or German, Spanish, Belgian or Canadian survival, but the survival of life on this planet and the continued existence of the human animal, of whatever national origin.

This cataclysm is not going to happen tomorrow. It may not happen in the lives of our children. But happen it will if we are not prepared to start—and start immediately to regard the natural resources of the earth as our only guarantee of the continuation of life on this planet. There has to be an intelligent accommodation between national and international priorities and the priorities of human survival. And while man's moral consciousness is struggling to catch up with his intellectual and technological excellence, it behooves us all to take stock of what we must do to maintain a reasonable standard of life while the gap is being bridged.

The shape of things to come in world energy fuels was graphically illustrated recently when Colonel Muammar Qeaddafi of Libya expropriated the assets of two American oil companies, and assumed majority

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control of two others. The Libyan leader described these actions as "a strong slap on America's cool, arrogant face." The oil nations of the Persian Gulf, while maintaining a posture of friendliness toward the United States and the West, are nevertheless throwing out hints that they are in the driver's seat. The driver, they indicate, is no longer only the chauffeur—he is now also the owner. And the former owners are going to have to pay heavy fares, even to ride in the back seat. If they won't pay the fares, they won't even be allowed in the vehicle.

This is hard to take for powerful nations which have been accustomed to cocking an economic eyebrow and watching the world tremble. It is also a valuable, though painful lesson in the art of looking forward.

Though America is not the only culprit in the world, we bid fair to be the leader in the profligate use of oil, gas, and electricity. We have long since passed the point where the mindless overuse of our energy resources provided only comfort and convenience, and for years we have wallowed in unnecessary luxury, where the electric toothbrush and electric knife, electric hairdryers, and electric juice-squeezers have come to be the symbols of the "good life." I have no more desire than anyone else to go back to the days of the outside toilet, or the days when we risked a broken wrist every time we cranked up the old flivver, but I am also a firm believer in the value of self-discipline and the character-building properties of moderate self-denial. It is an unfortunate, but inescapable trait in humans that for every ounce of ease that our technology provides us with, there is a concomitant ounce of laziness added to our characters. For fifty years in American society, the question "Why do it the hard way when you can get the same result doing it the easy way?", has been a valid question. The incredible technological advances of the first half of this century have made America into practically a pushbutton society. It is almost frightening to think of how many of our everyday activities, at work and at play, are becoming subject to the control of computerized systems. I sometimes fear that man's intellect and ingenuity have gone so far, so fast, that we are in imminent danger of developing ourselves out of our own control.

Though that may be overstating the case, it is not an exaggeration of thought to wonder whether a continuation of sybaritic living would sap many of the strengths inherent in the American character. Fortunately, it is not too late for a reappraisal of our priorities, and it is just possible that some of the inconveniences that may be visited upon us by an unavoidable cutback in our luxuries, may be blessings in disguise.

We are all familiar with the story of the man who asked his friend why on earth he was banging his head against a brick wall, and his friend replied "Well, it feels so good when I stop." I do not go quite that far, but I am inclined to think that we Americans would come to no harm—and might be done some good—if a few exigencies replaced a few excesses for a reasonable period of time.

Almost two years ago, a group of scientists at the Massachusetts Institute of Technology published a book entitled "The Limits to Growth". In it, they argued that the mushrooming growth of population and production would reach earthly limits in the twenty-first century and bring about a collapse of industrial society. Now, I believe that that prediction is overly pessimistic, but it also has the gem of truth. After all, if I had made a speech on the Floor of the United States Senate in October of 1971 and said that within two years, we would see beef on the black market in this country, retail food prices going out of sight, and families going cold for lack of heating oil, I would have drawn many questioning looks. But those things have happened, and unless we take a hard and realistic look at ourselves immediately, they will continue to happen to an even greater degree.

You gentlemen are concerned with the one energy fuel—perhaps the one world commodity—of which the proven reserves are adequate for world needs for five centuries. This being the case, it would be easy to become complacent, and rest content that there is this abundance. I most fervently hope that this does not happen. We have spent too many years in a trance of neglect toward coal, and while it has its limitations under current technology, it also has an unlimited potential if we are prepared to spend the money necessary to vastly improve that technology. As a member of the Senate Committee on Appropriations, I was successful recently in adding $39.3 million to the appropriation for the Department of the Interior to be utilized by the Office of Coal Research and the Bureau of Mines for research and development in coal technology. Though this sum is an important contribution, it is but a drop in the bucket of what will have to be spent by public and private interests on coal research over the next decade, if the full potential of coal is to be realized, and if the industry is to make the vital contribution it can make toward alleviating our energy problems.

But while it is only natural that men are most concerned with matters that most intimately touch their lives, I believe that all of us must pay attention to the signs that may be outside of our own personal orbit. There are increasingly heavy pressures of world demand on an increasingly limited and decreasing world supply. The respected London Economist index of world commodity prices shows that food has risen 50%; fibers, 93%; and metals 76%, in one year. But apart from the symptom of prices, it would behoove us, in every country of the world, to be aware of the gathering clouds of resource shortages. The rapidly accelerating growth of world population poses a new challenge to human society. This challenge will require mankind to undertake a cold, realistic appraisal of what is attainable to provide a decent existence on a world level. This does not mean that nations with a high standard of living will, of necessity, be forced or even asked to lower their standards to the lowest common denominator. The nature of man is such that people of ingenuity, industriousness, and far-sightedness will always enjoy a superiority of lifestyle over the peoples whose commitments to these qualities are less clearly defined. But it does mean that there may well be a more equitable distribution of the world's resources, and that some nations which have enjoyed an abundance that has seemed to be limitless, will be forced to sacrifice that portion of the abundance which has heretofore provided the preponderance of life's luxuries.

Let me hasten to assure you that I am not a disciple of the patron saint of Moral Rearmament, Dr. Buchmann, or a passionate devotee of the "one world" concept. But I am a man who tries, at all times, to be a realist. I have a deep and abiding love and respect for this great Republic of which I am fortunate enough to be a citizen and a Senator, and I am convinced that as we approach the beginnings of our third century as a nation, we must be prepared to sacrifice some of our luxuries in order to preserve the health and the strength of our national structure, and to ensure the freedoms that are our true reason for being.

When this nation was founded, our frontiers were the Atlantic Ocean and the Allegeny Mountains. A century later, our western frontier was the Pacific Ocean. Today, there are no frontiers anywhere in the world. The intellect and the ingenuity of man have crossed all the frontiers. Let us pray—and work together—to insure that that same intellect and that same ingenuity are equal to the task of perpetuating man's existence on this planet.

THE CAPITAL GAINS TAX TOO HIGH?

Mr. PERCY. Mr. President, I would like to call to the attention of my colleagues an article on capital gains taxation by Robert B. Anderson, the very distinguished former Secretary of the Treasury. Secretary Anderson's case is that capital generation is an extremely important objective in a society in which business is being called upon to bear an increasingly heavy load of valid social objectives, and that renewed efforts to undermine sources of capital accumulation are really counterproductive to our larger societal aims. Secretary Anderson singles out the current capital gains tax of 35 percent—the highest in our history—as a major deterrent to capital investment. It means that a successful investment must now be so great as to compensate not only for inflation but also for a 35-percent rate of capital gains tax. This, in Secretary Anderson's view, is a serious impediment to investment and risk-taking, and thus to national growth.

I ask unanimous consent that this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, Oct. 5, 1973]

Capital Gains? Capital!

(By Robert B. Anderson)

Washington.—My work as Secretary of the Treasury in the Eisenhower Cabinet left me with a strong concern over the massive burden that today's national tax policy places on capital accumulation.

More capital is a necessary steppingstone to further advances in our standard of living. The higher American standard of living as compared with other countries is a direct outgrowth of higher levels of capital investment per worker. America's ability to combat inflation at home and to meet foreign competition is in direct proportion to her ability to accumulate larger capital resources.

In the area of expanding employment opportunities we must be equally aware of the demands for more and more capital. Frederick B. Dent, Secretary of Commerce, recently cited the staggering figure that each new industrial job created in this country requires an average capital input of $25,000. Since my tenure at the Treasury Department we have also witnessed an increase in the demand that our economic system provide the answers for such valid national goals as clean water, pure air and better land use. Americans must realize that how we legislate or control our national stock of capital directly affects our standard of living, our jobs, our environment and our ability to fight inflation.

Unwise tax policies that discourage savings and dampen the psychological climate for investment have an adverse effect on our total national well-being and on all segments of our society. There can be no more important national objective than to increase our capital resources. But we see instead under the guise of tax reform renewed attacks on the sources of capital accumulation.

Of particular importance in this regard is the impact of the Federal tax on profits earned on the sale of an investment—the capital gains tax. In the 1969 tax act Congress increased capital gains tax rates to a maximum of 35 per cent for individuals or even more if minimum tax provisions were taken into consideration. Prior to 1969 the rate was at a maximum of 25 per cent. At the same time the corporate capital gains rate was increased by a flat 20 per cent.

These increases strike at the ability of our citizens to accumulate the capital so vital to our national economic productivity and growth. A successful investment must now be of sufficient magnitude to compensate not only for continuing inflation but for a capital gains tax rate that can reach more than 35 per cent. A reluctance of investors to see their capital stock eaten away by the highest over-all capital gains tax in our history slows the pace of capital transfers.

This slower pace of capital transfers may well lessen, not increase, the Federal tax revenues in the long run.

The essential unfairness of this tax penalty is further demonstrated by the fact that tax provisions limit the taxpayer's ability to write off capital losses, thus allowing the Government to participate fully in the investor's success but only partially in the investor's unsuccessful risk capital venture.

At a minimum we should revert to the capital gains rates in effect prior to the 1969 tax act. The Federal Government would under this proposal take no more than 25 per cent of any capital gain made by a successful investor. Hopefully, the remaining 75 per cent would compensate the investor for the ravages of inflation and for the genuine risks taken. It may well prove necessary to make additional reductions in the capital gains tax rate to further stimulate capital formation so vitally needed. Such a policy might be accomplished under a long-range plan with phased reductions over a number of years, but let us take the first essential step now. Let us return to the pre-1969 tax rates on capital gains.

GENOCIDE CONVENTION REQUIRES INTERNATIONAL GOOD WILL TO ENFORCE

Mr. PROXMIRE. Mr. President, the International Court of Justice was established after World War II to arbitrate international disputes. If two countries have a disagreement which they cannot settle by negotiation, they can submit the matter to the International Court. After hearing both sides of the dispute, the Court renders an opinion. The Court has absolutely no power to enforce its judgment. Only mutual good will between the involved parties serves as the enforcement power.

One of the criticisms against the Genocide Convention is that it would subject America citizens to trial in foreign courts without any of their constitutional rights.

Article IX of the Genocide Convention says that any disputes over the treaty's meaning will be decided by the International Court. Nowhere does the treaty state that the Court has the power to try individuals. Rather, the Court is to issue an opinion as to what the treaty says. If either party to a dispute disagrees with that opinion, the Court still has no power to force adherence to its decision.

Article VI of the Convention, although making mention of an international tribunal, does not establish such a tribunal.

Mr. President, the fear that the Genocide Convention would negate constitutional guarantees to Americans accused of genocide is groundless. Any trial must occur in a competent tribunal of the country where the crime of genocide is allegedly committed. I urge the Senate to act swiftly to ratify the Genocide Convention.

REMARKS BY GEN. CREIGHTON W. ABRAMS AT ASSOCIATION OF U.S. ARMY MEETING

Mr. THURMOND. Mr. President, an outstanding address, worthy of the attention of every citizen in this Nation, was delivered Tuesday, October 16, by Army Chief of Staff Gen. Creighton W. Abrams before the annual meeting of the Association of the U.S. Army at the Sheraton-Park Hotel in Washington.

The message offered by General Abrams centered on the theme that while a "détente" among the superpowers could serve the cause of world peace, such a détente would best be preserved by this Nation maintaining a military force which recognized the realities of power. In so doing, General Abrams argued, we would be ready if ever that détente evaporates which could be the case overnight.

In one paragraph General Abrams brought all of his thoughts together. He declared:

> A credible and effective fighting force is not wasted if it is not actually called upon to fight. In fact, fighting may be interpreted as a failure of deterrence. Again and again in recent history, the fact that one nation had a credible force in being and the apparent will to employ that force against another were sufficient for that nation to protect its interests or obtain its goals without war. Our past enemies knew this, and gained great silent victories by forcing alliances, imposing neutrality, creating satellites—often by mere threat of force alone. The nations that were not prepared to fight, or which had advertised that they would not fight, did in fact avoid the fight—but they did so by gross accommodation, sometimes at the sacrifice of their freedom.

Mr. President, that nations will seek to dominate other nations if they think such is possible was demonstrated from the beginning of recorded time and finds its confirmation in recent history.

Mr. President, I ask unanimous consent that this address by General Abrams be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address by Gen. Creighton W. Abrams, Chief of Staff, U.S. Army

It is a pleasure for me to be here, among so many friends and thoughtful critics of our Army. It is a rare opportunity indeed, for me—or for any officer in the United States Army—to be able to talk directly with so many of our Nation's business, civic and military leaders. And since you are the Army's most valuable friends—as much for your wise counsel as for you staunch support—I appreciate this chance to tell you how I see the Army today, and how it fits into the world picture.

The environment today is a difficult one for the country's security. The word "détente," which for some people evidently colors everything rose and turns their perceptions away from even obvious threat, has gained some currency.

"Détente" is expressed by some as a fact;
It is applauded by others as a policy;
It is saluted by still others as a new era;
And it provides the basis—at least the semantic basis—for some who would reduce military capabilities to what I believe would be a dangerous level, some who desire that we withdraw out of hand large numbers of troops deployed in Europe against very real and very capable opposing forces, and whose philosophies discourage young men and women from serving their country in its Armed Forces.

I think it's fair to say that we may have a period of the beginnings of détente—but we do not have world peace. For some people, the fact that we, ourselves, are not at war may be peace enough. But unless we can lessen the threat of war everywhere in the world, we cannot have a stable, durable peace on which we can depend. Détente means only that the tension between countries in the world may in some way have decreased. This is a matter of quality and degree.

Détente is also an idea, a perception of intentions among countries. As such, it is not an objective fact. It can change as quickly as perceptions change. But we must deal in facts—in the reality of power, of capability, of strength—when we are addressing the Nation's security. We should not cast off the dream of peace—God help us if we lose that vision. We should not ignore the hope that possible détente offers, and all the benefits it could bring. But neither should we lose sight of the real threats and the real dangers where they exist, and of our need to be prepared for them.

Our country can seek to reduce certain kinds of tension with other countries by various actions and efforts—diplomatic, economic, psychological, cultural, and so on—and it can seek to reduce these tensions by varying amounts. But an underlying assumption of détente is that the nations concerned can reach some agreement on how tensions will be reduced and by how much. What happens if a nation or group of nations is threatened and satisfactory agreements cannot be reached gets little attention in the enthusiasm of some for the perceived initial success of détente.

We have made progress in strengthening diplomatic communication with other countries which might have been considered potential enemies. We have increased cooperation and trade with them, as the result of diplomatic agreements. On their own fairly restrictive terms, the countries behind the Iron and Bamboo Curtains have become somewhat more open to us, though of course not nearly as open as our country always has been—so we're not exactly at parity on cooperation and openness.

We do not, however, have world peace. We do not have peace in any Utopian sense. Nor do we have peace in the down-to-earth sense of a greatly lessened need for our own military forces. What we find instead is that as our involvement in the war in Southeast Asia diminished, we cut back our forces, brought troops home, terminated the draft, and otherwise reduced our strength. Today, less than a year after the last U.S. ground combat forces were brought home from Southeast Asia, our Army is less than half the size it was at the peak of our effort there. We are many divisions smaller, and we have fewer weapons and less equipment. These are the facts and realities of our capability in this period of détente.

It is also interesting to observe that we are the only major power to have reduced our forces in Europe in the past decade. The Warsaw Pact nations, and the Soviet Union itself, have not reduced their forces. The fact is, in past years, the Warsaw Pact forces have grown steadily and at a rather impressive rate. On the other side of the world, I am not aware of any reduction in the size or effectiveness of the armed forces of the People's Republic of China, as trade and diplomacy continue. Their forces have become steadily larger and more capable, though in some ways their strength is harder to measure. Again, possible detente—but not assured peace. And again, the delicate balance of hope and reality.

In my period of service, which includes the span of three wars, I can tell you that I don't need or want any more war—but then I could have made the same statement a month after I arrived in Europe in 1944. Nobody in his right mind welcomes war, especially those who have seen it. The carnage, the destruction, the pain are beyond telling. But the less prepared we are, the more wishful our thinking, the greater the costs of war when it comes. I came into the Army in 1936. We were a horseback and rifle Army in a country that was still largely convinced that we couldn't have another World War. The idea that we had ended the possibility of war at Versailles blinded many of us to reality. We had heard that there was a German Army, and that they had been building and maneuvering with tanks, and that the Luftwaffe was flying fighter aicraft far more capable than our Air Corps', but we ignored the facts in our desire for peace—until we were forced into action. And you know what happened—We did not prepare. When we could no longer avoid it, we got thrown into a huge war in Europe, unready, ill-trained in many respects, saved only by distance and the time our Allies' efforts bought for us. In the Pacific, we relentlessly avoided Japan's clear warnings of her capability, and even of her intent. We have Pearl Harbor and Bataan to remember for our complacent outlook. The cost was dreadful. In Europe, in Africa, in the Pacific we paid and paid and paid again—in lives and in blood—for our unpreparedness, for our insistence that because our shores were not under direct explosive attack, we were at peace.

When the war ended, we erased history again. We pretended that guaranteed peace was at hand. We were so anxious to achieve the dream of peace that we closed our eyes to the facts of capability, to the reality of threat. We cut back our Armed Forces to nearly nothing, and allowed our strength to dissipate. The United Nations had made war obsolete, some were convinced.

When the Korean War broke out, the situation was not much different than it had been in the opening days of the Second World War. We were not prepared. We were not adequately trained. We were not equipped. But we entered the war rapidly, throwing half-ready units in to buy time for the Army to get ready. And again, we paid dearly for our unpreparedness during those early days in Korea with our most precious asset: the lives of men. The monuments we raised to their heroism and sacrifice are really surrogates for the monuments we owe ourselves for our blindness to reality, for our indifference to real threats to our security, for our determination to deal in intentions and perceptions, and for our unsubstantiated wishful thinking about how war could not come.

These costs of our unreadiness, in just the years I have been in the Army—in the span of just one man's career—can be charged off to the desire for peace, the hope for détente, the faith in the good intentions of those who later became our enemies. The desire, the hope and the faith were accompanied by an unwillingness to face the facts, to grasp the reality of enemy capabilities, and a reluctance to invest the far lesser price for the preparedness, strength and clear resolve it would take to preserve that peace.

Here we are again.

The end of our involvement in Southeast Asia puts us back into a familiar frame of mind: "Ignore the threat, and it will go away"; "We can avoid war, if only we will stop arming ourselves for war"; "Nothing is worth the cost of another war."

In this period of possible détente—not real peace, but possible détente—we are opposed by formidable strength. We face, at various places around the world, strong and capable adversaries, becoming stronger all the time.

These are facts. As our relations throughout the world improve, we should consider that we have more and more to gain by preventing another war, and the only way I know how to do that, the only way that has worked in the past, is by maintaining our own strength, our own capability and our own resolve to defend our security, our freedom, and those of our Allies.

A credible and effective fighting force is not wasted if it is not actually called upon to fight. In fact, fighting may be interpreted as a failure of deterrence. Again and again in recent history, the fact that one nation had a credible force in being and the apparent will to employ that force against another were sufficient for that nation to protect its interests or obtain its goals without war. Our past enemies knew this, and gained great silent victories by forcing alliances, imposing neutrality, creating satellites—often by mere threat of force alone. The nations that were not prepared to fight, or which had advertised that they would not fight, did in fact avoid the fight—but they did so by gross accommodation, sometimes at the sacrifice of their freedom.

And so for the Army today, this means we must be ready, prepared to stand for the country. We must have effective, potent and credible strength to defend the Nation's security and its freedom. Insuring that the Army is prepared is my most fundamental duty and is the Army's primary mission at all times. It is the Army's mission today.

If the Army is to be prepared to meet the challenges it faces, it must consider not only the spirit of possible detente, but also the very real capabilities of potential enemies. If the arrangements of possible detente mean that forces on one or both sides can be reduced, thereby lessening the fact of mutual threat, so much the better. With an actual reduced threat comes the increased chance for the real peace we all desire. But to arbitrarily reduce our own capability—either intentionally or through unwillingness to invest in preparedness—because we think we know a potential adversary's intentions, is the kind of head-in-the-sand posture that has cost this country so dearly so many times in the past.

For the Army to be prepared, we must, of course, have good people. We must have good leadership and a lean and effective fighting structure. We must have a high state of training and discipline, and the right kind of weapons and equipment—we must have all these things. There is something beyond these factors, however, beyond the countable, measurable indicators of preparedness. The intangible is spirit. A "ready" spirit is a precious commodity: in the individual soldier, it shows up in increased alertness, in a willingness to try harder; in a small unit, it brings improved coordination, teamwork and discipline; in the Army as a whole, it gives credibility to our strength. By our credible strength we assure our friends and deter our enemies in the interests of peace. So naturally we do everything we can to foster and develop this spirit.

We hold and nurture and support this precious spirit everywhere in the Army, and we anxiously look for it elsewhere in the country. For this spirit of readiness cannot be sustained by the Army alone.

It must have its roots in our country, or it cannot survive. There must be clear evidence throughout our country that we, as a Nation, are prepared, that we have the spirit and will to do what is necessary to defend the country, and to insure its well-being. We must hear the people express their determination to support the efforts of their Army to meet the needs of the country, and to avoid the terrible costs of being prepared too late or not at all. The spirit of preparedness must resound so that any potential enemy can discern it, and can see that he can set out on no cheap adventures at our expense.

Our country can avoid war only by showing clearly that, while anxious to avoid war, it is willing and able to fight, if necessary; that within this Nation abides the will to fight for its security and its interests. We must be able to demonstrate that we are prepared to defend ourselves and what we stand for, that we will fully honor our commitments, and that we will stand up to any enemies.

We cannot do this from the reclining position. We cannot say, "If you start something with us, we will spring to arms," for there will be too little time to begin to get ready. We must be far more committed, far more dedicated, far more prepared than that.

Each time we have faced major war unprepared, we have barely gotten ready in time. In World War II it was months before we could act; in Korea it was weeks. In future wars, we will have only days to get ready. The costs of our being unprepared in the past have been atrocious. The Army is doing everything in its power to see to it that we do not have to pay that exorbitant price in lives and treasure again. With your support, we should not have to pay that price again.

I have faith in our country, and in its people. And of course, I have faith in our Army. We have met challenge upon challenge, at home and overseas in ways that only a Nation of great spirit could have met them. We can continue to meet these challenges if we are prepared for them, if we have the will to face them resolutely before they overtake us.

If we set ourselves to the task of preparing for war if it comes, of being ready to meet the challenge of war before it is upon us, we shall be achieving the real peace that men everywhere can understand, and that nations everywhere can respect.

A SINO-AMERICAN SOYBEAN RESEARCH INSTITUTE

Mr. HUMPHREY. Mr. President, over the past few years we have seen the spectacular rise of American soybean production. This is encouraging in light of the huge world protein needs. However, we are reaching a point where land available for growing soybeans is becoming limited. In fact, soybean production over the coming year is expected to decline as present land is directed into other uses. Unless we find ways of increasing the yields on available land, our protein deficit may become a protein crisis, as population growth and rising affluence create the demand for more and better food.

Many experts are now seeing nutritional problems more and more as protein problems. However, the ability to expand our traditional sources of protein is becoming limited. Our agricultural scientists have not been able to develop any commercially viable way of getting more than one calf per cow per year.

We are also beginning to find that the grazing capacity of much of the world's land is almost fully utilized. And, when you add to this the decline in the world's fish catch which we have been experiencing over the past few years, the prospects become all the more alarming.

Much of our hope for increasing the availability of protein is being placed on soybeans.

Vegetable proteins such as soybeans are much lower in cost than animal proteins since much less land space is required to generate a given amount of protein for vegetable proteins than for animal proteins. And as land prices skyrocket this difference becomes all the more important.

But our scientists have not been able to achieve a breakthrough in obtaining higher yields for soybeans. In fact, since 1950 we have only been able to increase our soybean yield by 1 percent per year.

If we are to meet the growing world demand for protein and adequate nutrition we must direct significant resources toward improving these yields.

Together the United States and the People's Republic of China produce about 90 percent of the world's soybeans. Much can be gained in joining with China in an effort to find ways to improve soybean yields.

In the October 19 issue of Science magazine, Dr. Lester R. Brown proposed a Sino-American Soybean Research Institute. I think that this is an excellent proposal and I am drafting legislation to effect it.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A SINO-AMERICAN SOYBEAN INSTITUTE

Over the past quarter-century, soybeans have emerged as one of the world's leading sources of protein. In recent years, world demand for soybeans has been expanding by nearly 7 percent annually. If sustained, this rate of growth doubles consumption every 11 years. For a billion people in East Asia, soybeans are consumed directly, constituting an important dietary staple. For the affluent industrial countries of North America and Europe, they have become the dominant source of high-quality protein for livestock and poultry feed. As growth in the world fish catch slows, the pressure on soybean supplies intensifies further.

Perhaps the best single barometer of the increasing world demand for protein is U.S. soybean exports. The growth in exports has been phenomenal, climbing from a few hundred million dollars in the early 1960's to more than $2 billion in 1972. The value of U.S. soybean exports now exceeds that of any other product, including high-technology items such as computers and pet aircraft.

Future demand prospects for soybeans are very bright. Both growing populations and rising affluence are generating additional demand. The supply problem is somewhat less promising. The world protein market is being converted from a buyer's to a seller's market. Soybean prices in 1973 have been more than double the average price during the 1960's.

Agricultural scientists have not been able to achieve a breakthrough in soybean yield per acre of the sort achieved for most other important crops. Since 1950, yields of soybeans in the United States, where two-thirds of the world's soybean crop is produced, have increased just over 1 percent per year. This contrasts with nearly 4 percent per year for corn. As a result, most of the fourfold increase in U.S. soybean production since 1950 has come from expanding the acreage of soybeans. We get more soybeans by planting more soybeans. As of 1973, nearly 1 in every 6 acres of cropland in the United States is planted to soybeans.

Together the United States and mainland China produce 90 percent of the world soybean crop. With the cropland idled under government programs in the United States rapidly disappearing, and with the world dependent on the United States for 85 percent of exportable soybean supplies, this inability to achieve a yield breakthrough suddenly begins to loom as a rather formidable cloud hanging over the world food economy. The Department of Agriculture now projects a decline in the U.S. soybean crop in 1974 as other crops, especially cotton, compete for available cropland. Such a decline combined with continuing growth in the world demand for soybeans can bring only higher prices for soybeans and for livestock products produced with soybeans.

Within China, the remarkable achievements on the nutritional front are based in large measure on the extensive direct consumption of soybeans. If the production of soybeans in China continues to decline, as soybeans are displaced by the higher-yielding cereals, the nutritional gains of the past decade may be reversed.

These difficulties in raising soybean yields in a land-scarce world suggest the need for a much greater research and in particular for the creation of a Sino-American Soybean Research Institute. Since the soybean originated in China, it probably has the most diverse available collection of germ plasm, a vital asset in an expanded soybean research effort. On the other hand, scientists in the United States have expended a great deal of effort to devise better cultural practices and to make the soybean plant more productive. The critical importance of the soybean to both economies, not to mention mankind as a whole, and the pressing need to achieve breakthrough in yields of soybeans argues for a pooling of germ plasm, the coordination of research efforts, and the sharing of research results.

STATE AND LOCAL GOVERNMENTS SUPPORT FOR REVENUE SHARING: RESULTS OF ACIR HEARING AND ILLINOIS POLL

Mr. PERCY. Mr. President, the State and Local Assistance Act has now been in effect for nearly a year. There have recently been attempts to evaluate the success of Federal revenue sharing. I think that a honest examination of the program is necessary in the light of the fact that Federal revenue sharing is annually a $6 billion Federal expenditure. On October 11, 1973, the Advisory Commission on Intergovernmental Relations, of which I am a member representing Republicans in the Senate, held hearings to determine the impact of revenue sharing on State and local governments. I have also conducted a survey of Federal revenue sharing in the State of Illinois to obtain from local officials their opinions about the program. The results of the ACIR hearings and my own survey indicate an overwhelming support for Federal revenue sharing.

The Advisory Commission on Intergovernmental Relations hearings, under the chairmanship of Robert Merriam were very informative. Testimony was presented by five panels of leading State, local and county officials. While there is very wide support for revenue sharing, the program is not seen by these officials as perfect. They expressed great concern for the uncertainty of Federal financing. They need to know more precisely and earlier what Federal funds will be available to their localities annually. They therefore ask for an early renewal of the revenue sharing program in order to reduce uncertainty about it, a suggestion that I wholeheartedly endorse.

However, the officials do feel that revenut sharing has helped to arrest increases in State and local taxes. They offered mixed opinions about the extent to which the Federal Government should control the way in which the revenue sharing funds could be spent, but most officials testified that the "strings" on revenue sharing for priority expenditures are not an impediment to their operations under the program.

Another possible fault in the program is that Federal funds might forestall reform in government at the local level. These remarks, however, were not offered as attacks on revenue sharing, but only as constructive criticisms which were expressed in the hope of improving the program. The officials attending the ACIR hearings testified that revenue sharing provided funds for many programs which would have otherwise been impossible. They expressed the opinion that the continuation of Federal revenue sharing was desired, and even imperative for the survival of many local governments.

Independently of the work of the ACIR, I have sought information about the implementation of the revenue sharing program from municipal governments in Illinois by conducting a statewide survey. All levels of local government in the State were asked to indicate how they are spending revenue sharing money and also whether, in their opinion, they believe the program is effective. The questionnaire also asked them for their opinions and for suggestions about ways to improve the program.

Two hundred and nine governments responded to the survey. Of that number, 183 responded that the program is helpful and support its continuation. Thus, contrary to some claims, there is clear evidence that local officials want revenue sharing to continue.

The survey found that on the average, revenue sharing funds contribute 9.62 percent of the total budget of the responding governments, though revenue receipts of individual local governments varied widely around this mean.

With regard to the uses of revenue sharing funds, our survey indicated that 69 municipalities spent part of their funds on recurring expenses, while 120 spent their funds for nonrecurring expenses such as capital outlays and debt retirement. Only 20 spent their funds to replace "own source" revenues so as to cut local taxes. Twenty-five other governments reported that, without revenue sharing funds, they would have had to raise local taxes.

One hundred and fifty-five respondents believe revenue sharing allows them to plan better for future needs while only 25 believe that it does not. Several respondents indicated that their planning efforts have been hampered by the 5-year limit on the program. These communities apparently are uneasy about making commitments based on resources which they have no assurance of having at the end of 5 years.

In reply to the question whether Federal revenue sharing "strings" such as priority expenditures, maintenance of State aid to local government, and prohibition on use as matching funds, are a serious deterrent to the best allocation of revenue sharing funds, 104 indicated that these "strings" are a deterrent, while 78 believe they are not.

If Federal requirements—even though limited—had proven to be an impediment—which the majority of respondents believe they are—I wanted to know whether the problem is caused by a lack of information or advice to city officials about use of their funds. One hundred thirty governments indicated that they needed no additional guidance from Federal agencies, while 55 responded that they do want more information. However, in many cases, government officials do not simply want more information, rather they need clarification and simplification of Federal program requirements. The extensive failure of local governments throughout the country to submit the reports required by law may be an indication of confusion about the requirements placed on them.

The survey also indicated that the availability of Federal revenue sharing funds has not substantially reduced the efforts of city officials to obtain Federal aid for specific programs. Only 27 responding officials had abandoned their efforts, while 150 had not. Governments indicated that the reason for continued application for Federal aid is that there is no assurance that Federal revenue sharing will continue.

The questionnaire also asked what former Federal aid programs might be supplanted by revenue sharing funds. Few governments responded to this question. Those that did said that revenue sharing is being used in place of Federal funds for open spaces, OEO programs, street improvement, and erosion control.

With no assurance of long-term continuation of funding, local officials seem to have three choices about how to use their money. First, they can spend the available money for secondary and somewhat less worthwhile projects which will not vitally affect the community if discontinued due to lack of funds. Second, they can save the money presently available, in the hope that it will accumulate enough interest to fund a worthwhile project completely. The third alternative is to do piecemeal work on important projects, some of which might never be finished if Federal revenue sharing is abandoned.

Aside from concern about the continuation of Federal revenue sharing, city officials complain about administrative problems. They see no reason for planning forms, penalties, and deadlines. They feel the Federal Government should only be concerned with the amount of money received by the municipality and the manner in which it is spent. They warn against additional red tape.

These comments, as with the criticism offered at the ACIR hearings, should not be interpreted as negative responses to revenue sharing. The fact that officials took the time to offer their opinions proves that they believe that Federal revenue sharing is a valuable program to them and worth working to improve.

Mr. President, I ask unanimous consent to include at the close of my remarks a list of the distinguished representatives of State and local governments who shared their experience with the Advisory Commission, and a survey of the results of my survey of Illinois local government officials.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS—HEARING ON GENERAL REVENUE SHARING

SCHEDULE AND PANELIST LIST

Morning Panels—9:30 A.M. to 12:00 Noon

Georgia Officials

Governor Jimmie Carter.

Mayor James M. Beck, Valdosta.

Commissioner Gil Barrett, Dougherty County.

West Virginia Officials

Governor Arch A. Moore, Jr.

Delegate George Seibert, Minority Leader, House of Delegates.

Commissioner Dewey E. S. Kuhns, Kanawha County.

Mayor William Nicely, Parkersburg.

LUNCHEON

AFTERNOON PANELS—1:30 P.M. to 4:30 P.M.

National League of Cities—U.S. Conference of Mayors

Mayor Roman Gribbs, Detroit, Michigan.

Mayor Wes Wise, Dallas, Texas.

Mayor Alfred Del Bello, Yonkers, New York.

National Association of Counties

Mayor-President W. W. "Woody" Dumas, East Baton Rouge—Parish, Louisiana.

County Executive Louis V. Mills, Orange County, New York.

Commissioner Daniel Lynch — Douglas County, Nebraska.

Council of State Governments

Eugene Farnham, Legislative Fiscal Analyst, Michigan.

John Murray, Budget Officer, Rhode Island.

Leigh Grosenick, Federal-State Relations, Minnesota.

Lewis Stettler, Director of Fiscal Planning, Maryland.

REVENUE SHARING QUESTIONNAIRE—TOTAL RESPONSES 209

(1) What percentage of your total budget is comprised of money from federal revenue sharing? 9.62%

(2) Could you please list under the three designated categories how you have spent federal revenue sharing money and in what percentage: Total 208

(A) For recurring expenses in order to expand operating programs. 69 (34%)

(B) To replace "own source" revenues and thereby cut taxes. Please list what taxes were cut and by how much, by percent. Without federal revenue would you have had to raise local taxes even more? 20 (9%)

(C) For non-recurring expenses—capital outlay, debt retirement. 119 (57%)

(3) Does the money received from federal revenue sharing allow you to better plan for future needs? Total: 180 Yes: 155 (85%) No: 25 (15%)

(4) Do you consider the present federal revenue sharing "strings" (priority expenditures, maintenance of State aid to local government, maintenance on use at matching funds) a serious deterrent to the best allocation of revenue sharing funds? Total: 184 Yes: 106 (57%) No: 78 (43%)

(5) Do you need additional guidance or information from federal agencies in using revenue sharing funds? Total: 187 Yes: 56 (39%) No: 131 (61%)

(6) Have you abandoned or lessened your efforts to apply for federal categorical aid now that revenue sharing funds are being distributed? Total: 177 Yes: 27 (15%) No: 150 (85%)

(7) What former federal programs, if any, have you seen fit, since the reduction of federal aid to cities, to finance with revenue sharing funds?

(8) On balance, has the general revenue sharing program been helpful? Would you support its continuation? Total: 190 Yes: 183 (96%) No: 7 (4%)

(9) What suggestions have you for improvement of federal administration of the revenue sharing program?

BAD NEWS ON HOUSING STARTS—ADMINISTRATION HAS UPSIDE DOWN POLICY

Mr. PROXMIRE. Mr. President, the predicted sharp drop in housing starts and home construction came true yesterday when the Department of Commerce announced that new starts for homes and apartments for September were at a seasonally adjusted annual rate of 1.76 million units.

In 1972 we built 2.36 million units.

The drop this month represents a 15 percent drop over last month. It represents a 25 percent drop over the 1972 annual rate. It is the biggest monthly drop since February 1960.

But that is not all. Building permits which foretell from its shares, also fell by 8 percent in September over August and indicate a further annual rate of building private homes and apartments of 1.6 million units.

TIME TO FACE TRUTH

This discouraging news should jolt the administration into changing its negative housing policies. Here is the sad, sad plight.

First, because of the high interest rates, at least two-thirds of the families in the United States are now priced out of the new construction market. Average family income is about $11,000 a year. With that income, one should not pay more than $25,000 to $27,500 for a house. But $25,000 houses or apartments for a family of 4 or 5 are out of the question. They cannot be built for that price and with the present interest rates, the average family could not afford the payments even if they could be built for that price.

Second, mortgage rates are stickier than most other interest rates. That means that even if interest rates in general come down somewhat, there is no general easing of the high mortgage rates in sight.

Third, even if interest rates fall somewhat, the price of land and construction will continue to rise.

HOUSING CRUNCH IN THE OFFING

The country therefore faces a real possibility of another housing crunch. That's the hard, tough, sober truth. We now face another devastating housing crunch in which housing, almost alone,

is required to bear the overwhelming burden of fighting inflation.

In 1966 this happened with terrible consequences for housing and for families who needed housing.

In 1970–71 the country faced a similar problem. But in that year the Government housing programs, authorized in the 1968 Housing Act, were beginning to roll. Units built under public housing and the homeowners interest rate subsidy programs offset the decline in private starts and a housing crunch, with all its evil consequences, was avoided.

Therein lies a lesson.

ADMINISTRATION FOLLY

But the administration has either failed to learn that lesson or it is deliberately courting a housing disaster.

In the face of what every reliable forecaster has predicted would happen to private housing starts, the administration and HUD have suspended or terminated or abandoned the Government housing programs.

Last January they suspended or ended 15 HUD programs and 4 Farmer's Home Administration programs.

When the President's Housing message finally came to the Congress in late September, no constructive alternative program for housing construction was proposed. Instead we were told to wait until 1976 when a housing allowance program might possibly be recommended. And, as most experts agree, a housing allowance program, even if put into effect now instead of 1976, would most likely bid up the rents and prices of existing housing units rather than to stimulate production of new units.

This was a formula for disaster. Now the housing disaster is upon us.

There is no housing for low-income families. New public housing starts have been stopped.

There is no housing for moderate-income families. The home ownership interest rate program has been abandoned.

And, because of the high interest rates, there is now no housing for middle-income families and many upper middle-income families who traditionally have been able to provide for their own housing through the conventional private housing market.

URGENT ACTION NEEDED

The drop in conventional housing starts in September and the drop in new building permits, which forecasts the future, should lead the administration to abandon its foolish policy of freeze, suspension, and termination.

What we need are two things:

First, we need programs and policies at the Federal Reserve Board to make certain that funds are available in sufficient quantities so that housing, small business, and State and local governments do not once again have to bear the overwhelming burden of a credit crunch.

Second, we need an immediate revival of the HUD and Farmers Home Administration programs at levels sufficient to offset this huge decline in private starts.

I hope the administration will act, and act soon. In the meantime I intend to propose just such action to the Senate Banking, Housing, and Urban Affairs Committee when we begin our markup sessions in the next 2 weeks.

IRV KUPCINET

Mr. PERCY. Mr. President, Irv Kupcinet is a name synonymous with the lively world of entertainment, the arts and politics. As a syndicated columnist for the Chicago Sun-Times, Kup is known for his incisive brand of reporting. As host of Kup's Show, a syndicated television discussion program, he is known for his provocative conversation.

This Sunday Kup will be honored in Chicago for another aspect of his career and personality that often escapes public attention—his deep concern for the welfare of others. Kup will be the guest of honor at a national tribute sponsored by the Weizmann Institute of Science in Rehovot, Israel. The tribute will mark the establishment of an international student program at the Institute in honor of Karyn Kupcinet, the late daughter of Irv and his wife Essie. Under this program, 150 graduate students from throughout the free world will gather for one month a year at the Weizmann Institute to share their scientific knowledge.

I can think of no finer tribute to Karyn Kupcinet than this outstanding program. It also is a tribute to Irv and Essie Kupcinet for their unselfish support of worthwhile causes.

AMERICAN REVOLUTION BICENTENNIAL LEGISLATION

Mr. KENNEDY. Mr. President, I am delighted that the Senate has acted favorably on H.R. 7446, a bill establishing the American Revolution Bicentennial Administration. For the first time in 7 years, we can have real hope that the organizational difficulties which have plagued the National Bicentennial program are at an end. The Bicentennial Administration which is established in this legislation will have clear lines of authority, adequate funding, and direction and purpose in outlining a program of national celebration of the American Revolution.

Even more importantly, this legislation will provide matching grants to the States for their individual bicentennial programs. The Judiciary Committee adopted my amendment to provide up to $400,000 to each State on a matching grant formula. These funds will allow each State to decide how it wants to celebrate the anniversary of the American Revolution and to what extent it wishes to commit funds for this purpose.

In Massachusetts we are particularly fortunate to have both a State Bicentennial Commission and the city of Boston, Boston 200 program which have demonstrated commonsense and initiative in approaching the celebration of our bicentennial. In Boston and throughout the Commonwealth, Massachusetts residents will welcome visitors from other States to join with them in the celebration of the struggle for freedom 200 years ago.

There will be no carnivals for the bicentennial in Massachusetts. The city of Boston and the Commonwealth of Massachusetts will be the showcases of the American Revolution. Throughout the city of Boston and all over the Commonwealth, the historic landmarks of the American Revolution will serve to remind visitors from across the Nation of the difficult and costly sacrifices the early Americans made to insure freedom for us and for our children.

In Boston recently we had the opportunity to hear from the owners of historic sites, from State and city officials, and from private citizens regarding expected visitor increases in 1975 and 1976 for the Bicentennial. Legislation which I introduced to restore and preserve the Revolutionary War landmarks in Boston hopefully will be acted on soon in the Senate. But beyond the problems of restoration and maintenance of historic sites, there remain the problems of providing essential services for the Bicentennial visitors.

I ask unanimous consent to insert in the RECORD the city of Boston's cost estimates for these services.

There being no objection, the cost estimates were ordered to be printed in the RECORD, as follows:

COST OF BOSTON'S SELF-DEFENSE PROGRAMS

A. Information and Hospitality Services:

Information Centers, central accommodation system for commercial and non-commercial overnight space, information pieces to assist visitors, extra signing, etc., Total Projected Cost, $2,400,000.

B. Emergency Services:

1. Medical Stations.
2. Mobile Medical Station.
3. Misc. Emergency Services.

Total projected cost, $500,000.

C. Environmental Impact Programs:

Extra cleanup for all important historical sites (Boston Common, Garden, Bunker Hill, Faneuil Hall, etc.). Self-defense planning and extra sanitation facilities for important areas. Extra police and other security details during peak periods (July 4, Bunker Hill Day, etc.).

Total projected cost, $3,750,000.

D. Institutional Self-defense:

Planning and implementation of extra facilities and manpower to handle increased visitor flow.

Total projected cost, $1,100,000.

Total projected cost, $7,750,000.

Mr. KENNEDY. Mr. President, as I indicated H.R. 7446 includes my amendment to authorize matching grants to the States so that they may decide for themselves what kind of Bicentennial program to launch. This is the kind of partnership between Federal and State governments which assures both adequate funding for and community participation in our Nation's 200th birthday celebration. It is the kind of constructive Federal involvement which recognizes that the States are in the best position to implement a program uniquely suited to their needs. It is the kind of legislation which makes sense, which is adequate without being exorbitant, and which guarantees that after the Bicentennial celebration is over, we will not have to appropriate emergency funds to the States to recover from visitor impact.

The Senator from Nebraska has done

an outstanding job in shepherding this important bill through the Senate, and I believe the amendments added to the House bill reflect a positive contribution to this legislation. I commend Senator HRUSKA for his energetic commitment to breathing a new vitality into our American Revolution Bicentennial celebration.

OCTOBER 14 TO 20 MARKS NATIONAL SCHOOL LUNCH WEEK

Mr. PERCY. Mr. President, this week marks our annual observance of National School Lunch Week. It seems fitting that the Senate should complete work this week on an amended version of the conference report on our latest set of amendments aimed at perfecting the National School Lunch Act.

All Members of the Senate and the House of Representatives are aware of the very fine work done by the members of the American School Food Service Association in preparing and delivering hot nourishing meals to over 25 million schoolchildren daily.

Together with the USDA's Food and Nutrition Service, the 60,000 members of ASFSA are attempting to use the National School Lunch Week theme of "You Are What You Eat" to carry a nutrition education message into school cafeterias across the land.

The typical type A meal served in the school lunch program provides one-third of the minimum daily requirement for each student. It offers a balance of needed vitamins and minerals and supplies the correct number of calories needed for each age group that the school lunch serves.

I want to take this opportunity to salute the thousands of dedicated persons who make the national school lunch program such an important part of our war against hunger and malnutrition. And I want to commend the ASFSA for the very effective work they do year in and year out to make the Congress aware of its obligation to assure adequate nutrition for this Nation's schoolchildren.

Mr. President, all of us can take great pride in the accomplishments of our school food service programs.

I ask unanimous consent that the splendid remarks of Dr. Clayton Yeutter, Assistant Secretary of Agriculture, before a luncheon in Atlanta, Ga., launching National School Lunch Week be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

NATIONAL SCHOOL LUNCH WEEK

(Address by Assistant Secretary of Agriculture Clayton Yeutter)

It is a great pleasure to join in your first annual kickoff luncheon for National School Lunch Week. The occasion is doubly significant because it also marks the 30th anniversary of school lunch in the Georgia Department of Education.

What better place to hold today's event than in Atlanta, the home of the Braves. You can be justly proud of your baseball team, not only for their home run prowess, but also because of their enthusiastic cooperation in lending support to child nutrition programs. While the Braves' Hank Aaron has been building toward a record in home runs, he's also been making a record for himself as a school lunch booster. He and several of his teammates have recorded numerous radio messages spotlighting the nutritional benefits of the National School Lunch Program. Many of you have no doubt heard them on radio urging parents and kids to get in on the good nutrition of school lunches. Coming from sports idols, this message is sure to have impact.

Let's play one of the tapes now:

"This is Hank Aaron of the Atlanta Braves with an important message for young people. Nutritious, low cost lunches served at school under the National School Lunch Program help you grow strong and stay healthy. That's why it's a good idea to eat lunch at school everyday. For better health, make lunch at school a habit."

You can't beat that for good sound advice, from an authoritative source. He's right on target with this year's school lunch week theme: "You Are What You Eat." Who can be more persuasive on the relationship between good food and fitness than a top athlete who's on his way to setting a new all time home run record? Let me take this opportunity to say a special word of thanks to Hank Aaron and all the other members of the Atlanta Braves who raised their voices in public support of National School Lunch Week—Marty Perez, Daryl Evans, Phil Niekro, Dusty Baker, and Ralph Garr. We appreciate what they've done and I know that countless children and parents add their thanks too.

As evidenced here today, school lunch is truly a community affair, requiring the talents and support of people at all levels of Government, the private sector, civic, professional, and voluntary groups. Recognizing this, President Nixon, proclaiming the twelfth annual National School Lunch Week pointed out that ". . . Since its inception the National School Lunch Program has worked in partnership with State and local communities, providing food, funds and technical assistance to establish the largest and most comprehensive child nutrition program in the world." He urged that "the people of the United States" take this opportunity "to give special and deserved recognition to the role of good nutrition in building a stronger America through its youth."

Though the subject of nutrition has been receiving increased attention in recent years, it is important to recognize that 27 years ago, thoughtful people of good will—particularly Georgia's late Senator Richard Russell—realized that children need good solid meals and balanced diets. The basic philosophy and approach as outlined in the original National School Lunch Act of 1946 still stand:

". . . to safeguard the health and well-being of the Nation's children and to encourage the domestic consumption of nutritious agricultural commodities . . . by assisting the States through grants-in-aid and other means . . . for the establishment, maintenance, operation, and expansion of nonprofit school lunch programs."

In the years since the Act became law, the National School Lunch Program has grown tremendously in scope and emphasis until it is now commonly agreed that the program is making a major contribution to the health and learning power of the children of America.

It is now available to 43 million, or 85 percent of the Nation's 51 million children enrolled in public and private schools. As recently as 1968 just 73 percent of our school children had access to the National School Lunch Program.

Along with expansion and growth has come increasing emphasis on assuring that needy children who can't afford the regular price of lunch are served free. Since 1969—the year President Nixon launched his all-out drive against hunger and malnutrition—the number of needy children reached has more than doubled to a current level of 8.8 million.

School Food Service added a new dimension during the last half of the sixties—the breakfast program, which has grown steadily until it now helps some 9,000 schools serve nutritious breakfasts to over a million youngsters.

On another front, the five-year-old summer food service activity helps span the nutrition gap for needy children when schools close down for summer vacation. This year we reached a peak of 1.7 million youngsters with that program.

Thus, school lunch, over its 27 year history, has broadened its horizons to encompass a comprehensive series of child nutrition activities now operating at a Federal cost in the neighborhood of $1.5 billion annually. The school lunch program remains the oldest and largest of these, built on a solid foundation of teamwork by Federal, State and local governments. In recent years the Federal share of contributions to the school lunch partnership has grown from a modest 24 percent four years ago to more than 40 percent of total program costs presently. Contributions from State and local revenues are up, but not significantly in proportion to the size and needs of school lunch service today. In my view, State and local governments need to take a stronger role in this partnership. Georgia just raised its State contribution from 2½ to 4½ cents a lunch. We need to see a lot more action like this.

We're talking about a network of 86,000 school lunch programs, operating at a combined annual cost of around $3 billion a year, representing the largest single food service network in the world. The food bill alone approaches $1.8 billion. Another major factor is the salaries and wages of some 350,000 school food service employees across the country. These figures give you some idea of the major impact of the school lunch program—not only on the nutritional health of children—but also on the Nation's agriculture, in fact on the total economy.

The National School Lunch Program is where it is today because of the vision and understanding of such national leaders as Georgia's Senator Herman Talmadge, the distinguished chairman of the Senate Committee on Agriculture and Forestry. The program has the strong support of Secretary of Agriculture Earl Butz and his Undersecretary Phil Campbell.

Unquestionably, the success of school lunch in Georgia has a lot to do with the State Department of Education's 30-year-long commitment to the program we honor today. Leadership is of paramount importance and you have two of the best in Jack Nix, State Superintendent of Schools and Josephine Martin, School Food Service Administrator. We feel particularly fortunate in having Josephine Martin as a charter member of the National Advisory Council on Child Nutrition, which I chair as Assistant Secretary of Agriculture.

Those of us who have responsibilities for American agricultural policy have been greatly concerned about recent imbalances in food distribution and prices and the effects these circumstances are having on school food service programs. We are doing everything possible to minimize the impact of these changes on schools—as American farmers expand production to meet domestic and worldwide food demands and move toward a maket-oriented agricultural economy. We are all well aware that the school lunch programs—while providing good nutrition—also help teach proper food habits to children during their formative years, toward the day when they become food shoppers in their own right. Pursuing this natural association, the Georgia Department of Education has a contract with us at USDA to explore the relationship between classroom nutrition training and lunchroom experience.

There is no question but that a firm and growing demand base is the foundation of a sound and productive agriculture. Nowhere is that more evident than here in Georgia, home of one of the Nation's outstanding lunch programs. Some 850,000 youngsters take part on a daily basis, running up an annual food bill of $50 million. Those purchases are made right here in the State with major emphasis on food produced by Georgia farms.

Farmers in your State, incidentally, also supply impressive amounts of food to nationwide family assistance and child nutrition programs. Last year, for example, the USDA bought 65 million pounds of poultry, peanut butter and all-purpose flour from Georgia suppliers. Of that, 35 million pounds was Georgia-processed peanut butter—going to child and family feeding programs across the country.

While food supplied by us makes an important contribution to school lunches, it represents only about 20 percent of the total amount used in the national program. The other 80 percent is bought from local suppliers, clearly indicating that the greatest impact of school lunch purchases is on local economies.

For example, Georgia is the Nation's second largest producer of both poultry and eggs. Last year your schools bought 12.8 million pounds of poultry and 5.3 million dozen eggs for school lunch programs. The grocery list also includes 79.8 million pounds of fruits and vegetables and 210 million half-pints of milk—obviously providing a major market for Georgia agriculture. Conversely, the availability of home-grown food is a boon for Georgia schools.

Clearly, your school lunch program is one of the best in the country. Latest figures indicate that 99.9 percent of Georgia's public school students have access to the National School Lunch Program. On a regular basis—81 percent of your students choose to take advantage of what has to be the best nutrition bargain available.

We're conducting two important drives right now in an attempt to borrow from the knowledge and experience of States like Georgia to strengthen school lunch programs in other areas. Our hope, of course, is to reach many more students who should have the opportunity and proper encouragement to take part in school lunch programs.

First we have a concerted drive on, working with school officials across the Nation, to make school lunch programs accessible to the nearly 5 million children attending schools still without any food service. Of these youngsters, 2.3 million are in parochial or other nonprofit private schools; the remainder are in public schools. There are solid indications of progress in this effort, thanks to the help and cooperation of many concerned organizations. Among them are the U.S. Catholic Conference, the Women's Auxiliary to the American Medical Association, the American Legion, and the Jaycees with their newly-announced coalition of national organizations. With this kind of broad support we hope for impressive results over the next several months.

On another front, while the national rate of student participation in the lunch program advances every year, many students—especially at high school level—still choose not to take part. We have been working closely with schools over the country to learn the secret of attracting teenagers to the lunch program. Our study showed there's really no secret to winning over high schoolers. What is required is a combination of such key factors as school administration support, student involvement, and good "selling techniques." Currently, we're moving to encourage schools with low participation to study and adopt some of the techniques that have found success in States like Georgia, where school lunches contribute to the nutritional well-being of students at all age and economic levels.

Because of your leadership, it is especially appropriate that as school lunch week opens we come here to salute the National School Lunch Program as a potent force in American society. Congratulations on your 30th birthday!

THE CLASH OF SECRECY AND FOREIGN POLICY

Mr. PROXMIRE. Mr. President, Nicholas deB. Katzenbach, former Under Secretary of State and Attorney General, has authored an extraordinary article in the October 1973 issue of Foreign Affairs.

It is extraordinary because it links the tragedy of Watergate with testy question of deliberate Government secrecy. He argues that U.S. Presidents have been the prisoners of the cold-war view of politics which in turn led to the "virtual impossibility for any President to be candid about the costs and risks of our foreign policy." Thus, the American public has been denied the right to influence decision-making by making rational choices of alternatives presented to them.

It is the problem of secrecy that inhibits debate over foreign policy, the demand for justifications, and the isolation of viable alternatives. The power to conduct foreign policy has slipped more into the hands of the Executive Department and with that has come a series of national disasters unparalleled in our history. The Bay of Pigs invasion, the Tonkin Gulf incident, the Vietnam War, are examples of major foreign policy issues decided in the darkness of secrecy. We have given up the traditional American cry for participation and justification. We now accept ignorance and argue over the few "facts" made available by a hostile and suspicious Executive Department convinced that only it knows best for the country.

Mr. President, the Katzenbach article does not leave us at this point, as do so many other analyses. It continues by offering a series of recommendations.

KATZENBACH RECOMMENDATIONS

First, the President must welcome and encourage the support of the American public and the Congress of public discussion and criticism of his foreign policy proposals. Secrecy must be dropped as a political compromise as in secret consultations with limited numbers of congressional figures during meetings with "watchdog" committees which Mr. Katzenbach typifies as doing more "dogging than watching."

Second, the personnel and techniques that are employed in foreign policy decisionmaking must be made public.

Third, we should abandon publicly all covert operations designed to influence political results in foreign countries.

Fourth, we must minimize the role of secret information in foreign policy.

Mr. President, this article cannot be overlooked. It contains too much that is useful. I commend it to the attention of my colleagues.

Mr. President, I ask unanimous consent that the Foreign Affairs article and my CIA bill S. 1939, together with my statement on it, be printed in the RECORD.

There being no objection, the article and bill were ordered to be printed in the RECORD, as follows:

[From Foreign Affairs, October 1973]

FOREIGN POLICY, PUBLIC OPINION AND SECRECY

(By Nicholas deB. Katzenbach)

What foreign policy will arise from the ashes of Watergate—and how it can gain that public consensus without which no foreign policy can hope to succeed—are questions we need to address now. Drift, debate, division are the inevitable aftermath of recent events; and it will take time and leadership—both in short supply—to discover, to create and to build upon a viable consensus.

The problem, of course, is not simply Watergate—though the destruction of presidential leadership and credibility and the confrontation of Executive and Congress which have accompanied that disaster would be problems enough. What adds infinitely to those difficulties is the clear connection between the sordid revelations of Watergate and the conduct of the Indochina War (at home and abroad), which in turn is related to the sometime excesses of a foreign policy too oriented to cold-war concepts of "national security." The relationship is neither accidental nor coincidental, and it is important to the future of our foreign policy to understand why this is so.

I have come to this conclusion with considerable reluctance for two reasons: First, I would feel personally more comfortable if all that is associated with Watergate could be blamed on President Nixon—if the lawless and totalitarian overtones of his administration could be seen as purely aberrational, without roots in the past. To a large degree I think they are, but unhappily they are not so rootless as I would wish.

Second, I can give no support either to Henry Kissinger, who understandably would like to segregate Watergate from the real need to consolidate and perhaps even institutionalize the Nixon administration's productive advances in moderating our relations with the Soviet Union and China; or, at the opposite extreme, to the revisionists who rewrite the history of post-World War II foreign policy in ways which adjust the past to their present and future preferences. We have to go through a difficult period if we are to build, as we must, on a solid basis of popular support for our foreign policy, and the essentials of that task are candor and honesty.

The thesis of this article is simple. Our foreign policy must be based on policy and factual premises which are accepted by the overwhelming majority of the American people. This means that this President or his successor must reestablish the credibility of that office; that there must be broad support in the Congress and in the press and public for the policy he seeks to forward, and virtually total confidence that there is no manipulation of facts to prove the wisdom of that policy or, which may often be the same thing, the honest commitment of his administration to it. Today—when confidence in the honesty and integrity of both the President and the Presidency is at rock bottom—that is a big order. We may have to modify or abandon foreign policy objectives supported by many to arrive at a satisfactory level of public confidence. But until an Administration can achieve it, we cannot hope to succeed in any foreign policy, however modest it may be by comparison with either the recent past or the somewhat lesser role which the United States might legitimately be expected to play in the future.

II

In foreign policy there is no substitute for presidential leadership in formulating and

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administering our foreign affairs. To say this is not to denigrate the role of either Congress or the public. The President needs support in both quarters, and if, despite his considerable power, he cannot achieve it, then he must trim his objectives to those which will be supported. In the past this basic fact of democracy has undoubtedly restrained and inhibited Presidents from acting in circumstances where later judgment would have supported the wisdom of doing so; the experience of President Roosevelt between the 1937 quarantine speech and the 1940 election was a classic and bitter example to men and women then forming their views. Indeed, this unhappy restraint may well have been a factor in the subsequent assertion of presidential prerogatives, with the result that no President since Truman has felt similarly restrained.

At any rate, the pendulum has now swung back. In recent history—especially in regard to Vietnam and related events in Southeast Asia—the effect of broadly held public views on our foreign policy has been very great indeed. This is hardly surprising. Concern for our national safety and independence are bound to be strong in times of crisis. The influence on the public of a sense of extremely large and unnecessary costs in human lives, or dollars, or risks of even more massive future involvement, is almost as great. One should hardly expect these powerful sources of public motivation, channeled at any given time into particularly widely held attitudes about the outside world and our relations with it, to be anything less than a major determinant of foreign policy in a democratic society.

There is nothing subversive about all this—although it may appear so to a President thoroughly committed to the importance and rightness of a particular course of action. Vocal and widespread dissent may easily frustrate his policy; damage our national security as he perceives it; severely limit his capacity to lead; and encourage the view that such opposition is truly subversive, the work of our enemies, and something to fear and even seek to repress.

Yet in fact the expression of dissent, however vocally vehement, is fundamental to the functioning of our democracy. Those responsible for the creation and execution of our foreign policy must be responsive to public attitudes and cannot seek to repress dissent and disagreement, conceal the truth from the public, or violate the letter and the spirit of the Constitution. There is no "country" whose interests they serve apart from the people of the United States. There are no "interests" of that country apart from the interests of its citizens. However difficult and complex our foreign policy may be, there is no license to free it from the mandates of the Constitution or the constraints of public views, interests and wants, any more than any other difficult and complex problem can be freed from the same constraints.

All of this ought to be self-evident. That it is not—or, at least, that Presidents, and especially the present Administration, do not appear to accept it in fact—is the product of history, of the problems of a relatively open foreign policy, and finally of the rationalizations for secrecy, deception and unrestrained presidential leadership which have resulted from our conduct and national attitudes during the cold war.

First, throughout most of our history the American people have had little concern with foreign policy: there has been no continuing, everyday, costly involvement in relations with other nations. Apart from two world wars, foreign policy had little effect on our daily lives. With the notable and important exception of its negative role between those wars, Congress had little involvement and little interest.

Continuing and widespread public concern over our relations with other countries is really a phenomenon of the last 25 years. Measured in terms of even our relatively short history as a nation, we have not had much time to gain experience or adjust our political institutions to this new state of affairs.

Second, we were thrust into world affairs after World War II in an atmosphere of continuing crisis and virtually total responsibility for the future and well-being of the non-Communist world. We perceived the Soviet Union and its satellites as a major threat to our values, our national security and the continuing existence of a "free world"—and hence to our own national survival. In general, with disagreement only in degree, this view has prevailed until very recently. It may have been painting international affairs with too broad a brush, but I do not think it was essentially wrong, and I believe that the foreign policy which evolved from this thesis was by and large successful until 1965, even in cases where its stated premises were questionable.

As a touchstone of domestic politics, this policy had its vices as well as one great virtue—the capacity to unify Americans behind an expensive, tough, far-flung foreign policy. The Truman Doctrine, the Marshall Plan, the rehabilitation of West Germany and Japan, NATO, the Common Market, military assistance, Point Four and economic assistance to developing nations, even our Latin American programs—many of them policies of high humanitarian content and internal motivation—all were justified, to Congress especially, in terms of national security related to the threat of world communism backed and encouraged by the Soviet Union.

The vices of this policy—of what became a bloated concept of national security—have been that it has tended not only to overextend our national commitments but to inhibit public debate and understanding of the complex world in which foreign policy is made and executed. It has, of necessity, given a major voice in foreign affairs to our large military establishment, and for much of the past 25 years there has been a tendency to equate dissent or criticism with disloyalty, with subversion, with being a Communist "dupe." Obviously this repression of dissent reached its peak after the "loss" of China and during the era of the late Senator Joseph McCarthy. But appearing to follow the Communist line has been a political risk for critics during most of this period. And, again because of its "national security" premise, the policy has bred a host of questionable practices relating to security clearances, systems of classification of information, lists of subversive organizations, and snooping by security agents into the background, beliefs and associations of many citizens. It is not too long a step from security practices of the past to the ridiculous beliefs of the Watergate "plumbers" and their creators, and to the acts they sought to justify in the name of national security. Indeed—and I think this is a major part of the problem—very little of the protest activity associated with Vietnam would have been tolerated in the 1950s, and repressive measures might well have been accepted by the general public not so long ago.

III

But I think the most dangerous part of our foreign policy of containment of communism has been the extent to which it has made our Presidents prisoners of popular political passion. Any foreign policy—and certainly one as global as that of the United States—involves inevitable trade-offs among the various costs we must pay for our security and well-being. Some mix of dollar costs, lives, nuclear risks, and risks because of changing allegiances of governments and populations is the daily gruel of those who seek to decide. Dollar costs can be reduced by a policy of massive retaliation, accenting increased nuclear risks. Both costs and nuclear risks can be reduced if we are willing to tolerate the loss of various allies or of influence in countries of marginal importance to us. But costs there will be, and trade-offs will continue to be the grist of our foreign policy. Yet the public has never been made aware of this central fact—and only after the price of Vietnam became so totally unacceptable have many become aware of the costs implicit in our foreign policy as it has stretched down the years and over space from its origin in the time of the Truman Doctrine.

Thus, since China and the McCarthy aftermath, no President has been politically willing to question the basic objective of no loss of territory to Communist regimes—to admit that such an objective cannot be absolute and that it may involve excessive risks of nuclear war or unacceptable costs of limited war (as it did in the end in Vietnam and might well have done in Korea as well). Accepting that objective as all-controlling, we have promoted it by our economic and military aid programs, by our systems of alliances, and to a limited degree by covert activities. We have seen dominoes not only in Southeast Asia and in Greece and Turkey, but also in Africa and Latin America. We have hoped that we could deter and prevent loss of territory by shoring up friendly regimes, giving them the military means to prevent subversion and the economic means to claim progress and prosperity. We have not been able to be selective in the process—as we should and could have been. Our selectivity has been dictated more by crisis than by purpose or policy; wherever the danger of Communist take-over existed, there went the dollars and the arms.

Again I do not suggest that, in the reality, this fire-fighting principle was either all good or all bad. I do suggest that it was motivated as much by the fear of the domestic political consequences of any "loss of territory" to communism as it was by serious security calculations. Legitimate concerns about Soviet expansionism and subversion were converted, after China and the Korean War, into domestic political fears of the consequences of a Communist take-over in Cuba, the Dominican Republic, Guatemala, Chile, the Congo, Tanzania, Iran, Vietnam, Laos—the list goes on and on. Since the Communist techniques of subversion, assistance to revolutionary groups, propaganda and exploitation of legitimate complaints have been extremely difficult to thwart or deflect by traditional diplomacy, we have often been forced, for better or worse, to give overt economic and military aid to repressive regimes. Worse yet, we have had to resort to covert means to blunt revolutionary movements aided and abetted by covert Soviet (and Chinese) funds and assistance. We have been forced to deny publicly—almost by definition—the covert assistance, and to defend the overt aid in terms of some threat to our national security—or worse, the democratic aspirations of dictators. Since the threat was often less than obvious—probably based on the assumption (not entirely unrealistic during the early part of the cold war) that Communist governments were totally subservient to Moscow—we reinforced by our words and actions the concept that any "loss of territory" anywhere was a potential threat to the United States. Everything we did tended to confirm the common perception that any adverse result was a disaster for the United States—thus making it a serious potential political disaster to the Administration that let it happen.

My purpose here is not to seek to disentangle the real from the imagined. My point

is that no effort to do so was politically possible. Every President felt threatened by any Communist success anywhere, and took steps—some, at least, excessive in retrospect—to insure that the blame was not his. He operated in a climate of opinion where to be "soft on communism"—to lose anywhere, any time—was a serious blow to his status at home. And Presidents acted accordingly.

I have said that Presidents became the prisoners of the cold-war view of politics, even though each also contributed to it. The general public and congressional perception of the cold war—and, incidentally, of an exaggerated American power to influence and control events—made it virtually impossible for any President to be candid about the costs and risks of our foreign policy. The "China syndrome"—the aftermath of Joe McCarthy—meant politically that it was easier to accept the premise of "no loss of territory" in the hope that his Presidency would not be called to account than to attempt to gain public and congressional acceptance that the premise might involve unacceptable risks and costs. There was no hope—perhaps no time without crisis—for a public debate in the 1960s about the premises of the 1950s. Could President Johnson have permitted a Communist take-over in the Dominican Republic or in Vietnam, stating that he did not regard "friendly regimes" as important enough to our foreign policy to warrant military intervention? Was the American public prepared for such a statement? And was it, on the other hand, prepared for the costs which Vietnam demanded?

IV

In a sense, all of this political exposition is prelude to the major point of secrecy. But it is, I believe, tremendously important to the understanding of why we are where we are.

In our political system the President enjoys—or suffers—enormous advantages of leadership. His is an extremely difficult role to share, and to a considerable extent the advantages interact with the problems, one upon the other, to cripple the political system. His principal advantage is that the general public—even the best-informed public—views the world beyond our borders as confusing and dangerous. In the mass of information that flows to us each day, it is harder and harder to tell the players and the teams without a program.

To the extent that the average citizen is confused, he tends to place his trust in the President and in the experts. The feeling of danger—reduced and diffuse today but still very much present—brings with it a strong sense of the necessity for teamwork under a united leadership. And so the President operates from a protected position behind the high wall of the public's desire to delegate trust to one man—a wall built, on the one hand of feelings of danger and confusion, and, on the other, of the fact that the President, as our nationally elected leader and our "sole voice" in foreign affairs, is the natural recipient of that trust. An opponent who would attack the President's leadership must first convince the public to endure the feelings of danger and uncertainty that come when trust and confidence are taken from the President. And that is a risky political endeavor.

Unfortunately, Presidents are inclined to think this blind trust in their wisdom is wholly justified. Having almost sole access to the full range of classified information and expert opinion, Presidents are tempted to think that the opinions of Congressmen, academics, journalists and the public at large are, almost unavoidably, inadequately informed. It is too easy to conclude that the opinions of others lack essential knowledge and that unequal information and unequal background make their views less important. The subtle insights of specialists or classified pieces of information are often accorded a totally undeserved attention and importance in comparison to more widely shared insights and knowledge.

All this reduces the politically healthy feeling of being constrained by the disagreement of many of one's peers. But that might not be particularly serious if the President and the executive branch were bias-free and single-minded in their desire to produce results representing the long-run preferences of the American public. Unfortunately, neither of these conditions is likely to prove true.

For there are biases built into the position of the President—and the advice he receives—that are likely to lead to departures from the needs of the country as perceived by others. For one thing, the very factors which reduce the value of the opinion of others on tactical questions have a way of spreading to questions of basic values. There is a tendency to assume that such fundamentals as the amount of dollar cost the public will bear to reduce nuclear risks, or the loss of lives that we will bear to avoid a particularly offensive weapon, are technical decisions for experts—although these decisions plainly involve only value judgments, not specialized knowledge, once the choices are fairly laid out.

The problem is further complicated by the fact that Presidents in recent years have become increasingly enamored of their role on the stage of world affairs and are likely to resist a more limited role even if the public were to assign it to them. Presidents want to secure an honored place in history and feel that the scope of American power, prestige and influence is a crucial aspect of a historian's memory of their terms of office. This can be a heady business. It is compounded by the relative freedom that the President has in foreign affairs—freedom from annonying congressional restraints and freedom based on the generalized need of the public for unitary leadership in times of danger. It would be going too far to say that a President welcomes a Cuban missile crisis or a Six-Day War in the Middle East. But it would not be going too far to say that the Presidency thrives upon it, as the Nixon Presidency has thrived on his televised visits to China and Russia.

All of these pressures make a relatively retiring presidential role less likely whatever the public interest. When they lead a President to costly or risky policies with which much of the public cannot identify its interests, or which seem to exceed the discretion required by the danger, these biases can cause the President to lose that basis of popular support on which he necessarily relies.

Over the years, then, we have moved farther and farther away from the basic premises of our democratic political system to put important decisions on foreign policy in the hands of the President and, in effect, to charge him with its successful administration. Our almost total reliance on the President's leadership and accountability; the felt need to fight insurgency with counter-insurgency, often secretly; our unwillingness to test foreign policy initiatives in the ways in which we test domestic policy proposals—through debate and discussion; the appeal of "national security" as sufficient justification for a vague and extensive foreign policy; and, most of all, the fear of the President that his political popularity, his place in history and his capacity to lead all depend on not having another China, or Cuba, or other major loss to communism—all these considerations tempt a President to go it alone in the hope that the policy will succeed. The temptation to let the end justify the means is clearly present, even if the means requires dissembling or misleading the Congress and the American people. Such conduct can, in the environment of the recent past, be rationalized as necessary to maintain that secrecy on which success depends. And, after all, it is unlikely that the President's honesty and good faith will be brought effectively into question if the policy is successful.

The Bay of Pigs debacle of 1961 is an illustrative example. The idea that, in an open society, one can expect to launch a covert attack on a neighboring country in total secrecy seems patently absurd. For that adventure there are only two explanations: Presidents Eisenhower and Kennedy must have assumed, first, that the public would not require a political accounting of the authority of the President to act in secret without formal Congressional authorization or knowledge; second, that total failure of the operation was improbable, and that the secrecy essential to its success could be maintained for a sufficient length of time. And I suspect that President Kennedy, despite his obvious reservations about the whole plan, was extremely reluctant as the incoming President to cancel a project initiated by his prestigious predecessor in view of the domestic political risk which that would involve.

The significant aspect of this incident is the fact that President Kennedy's *mea culpa* related to the failure of the mission, and the later investigation into how the President could be so misinformed. He felt no need to apologize for undertaking so extensive a covert activity on presidential authority alone.

Was the Bay of Pigs different in kind or quality from the secret bombing of Cambodia (and falsification of records) at President Nixon's direction? True, in the first case there was complete candor after the event, but in both cases the element of total secrecy was overriding at the time of action, because it appeared necessary to achieve what the President (and many others) regarded as legitimate foreign policy objectives. But, however justified by such necessity, secrecy destroys our democratic process when it also deceives the American public on important and controversial matters.

There have, of course, been other covert operations, though perhaps none so extensive as these. Operations in Laos and Thailand were more or less open secrets, better known to Congress and the press than some recent outbursts would suggest. But nonetheless all such operations raise the question of how far the President can go it alone, and especially when the operations themselves have no formal congressional sanction and are unknown to—and undiscussable by—the general public.

The war in Vietnam has raised still deeper questions. Between 1961 and 1964 our operations in Vietnam through "military advisers" were, at most, partially covert. The fact of their number was known, and their roles only modestly concealed. As the operation grew and the possibility of more massive intervention became clearer—and, I am convinced, well before he had made up his own mind how far he would intervene—President Johnson did go to the Congress for authority in the form of the Tonkin Gulf Resolution. The form, at least, was observed, though unhappily in part as a political response to Senator Goldwater's position in the 1964 campaign.

Yet I cannot, in retrospect, square the Vietnam War with my concept of democratic government. What President Johnson did not do, when he had made up his mind in 1965, was to lay out fairly and frankly for Congress and the American people the choices facing us, the risks we were taking, and the possible consequences of our intervention. His failure to do so led in the end directly to attacks upon his credibility and

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to a serious erosion of the trust and confidence of the public in the President.

And, of course, as the war unfolded, lack of candor was compounded by miscalculations that I am sure far outweighed conscious deceit. At critical points, the dominant personalities within the Administraton reflected to the President a degree of optimism which turned out to be totally unwarranted, and it was that optimism which the President in turn conveyed to the Congress and the public and which so destroyed his credibility. The voices of caution and doubt were not believed by the President, and were not, therefore, reflected in public statements. Added to what turned out to be miscalculation based on wishful thinking was the concern the President felt about unleashing the more militant forces epitomized in the 1964 presidential campaign by Goldwater and General LeMay. Mr. Johnson did not want the war, felt he could not let Vietnam go without overt military assistance, and was genuinely concerned about its potential for expansion. Once committed, he saw no retreat without too great a loss of prestige both at home and abroad.

In 1965 I have no doubt the public and the Congress would have overwhelmingly accepted and supported our intervention in Vietnam, and that any alternative (harsher or softer) course, as I am sure President Johnson knew, would have badly divided the country. There was in 1965 no basic contrary view; virtually no one of any political weight was avowedly prepared to accept the collapse of the non-Communist government in South Vietnam. In these circumstances it would have been difficult for Mr. Johnson to have volunteered all the risks potentially involved, to have prepared the American people for the worst. His primary political interest was the Great Society—not Vietnam—and his political compromise was to downplay Vietnam in the hope that guns and butter were both possible. In retrospect he should have encouraged a Great Debate; had he known his worst fears would be realized, he undoubtedly would have. Yet the harsh fact is he did not, and that he did not importantly narrowed his future options.

Then, as the war dragged on, and as opposition to it became increasingly vocal, the Administration's motivation subtly changed. It saw the opposition as making an already difficult task more difficult; as stiffening the resolve of the enemy; as making the search for an honorable peace infinitely more complicated. Information withheld, promulgated half-truths, propagandizing the good news—all of which were to a degree misleading—were now justified by the necessity to minimize the degree of opposition so that peace could be more rapidly achieved. And so the credibility gap widened farther, and trust and confidence eroded faster. Ironically, the fact that the statements of the government were less and less believed probably gave the domestic opposition a strength it never could otherwise have achieved.

Mr. Nixon—prior to Watergate—recouped some credibility for the Presidency. He did not, however, do so by frankness and candor. His technique was to reduce the levels of U.S. troops and casualties; to seek to focus attention on other matters by his China initiative; and to continue to dissemble and to restrain discussion on Vietnam. His excessive views of presidential power, his seeming disdain for congressional views, and his moving the center of decisions and operations from the State Department to the White House all have tended to reduce public discussion and, consequently, public opposition. And to a completely unprecedented degree he has conducted his foreign policy secretly. He regained considerable trust and confidence in the Presidency, not because his statements were believed, but because many of those naturally in political opposition grudgingly admired the initiatives toward China and Russia and respected the brilliance and competence of Mr. Kissinger.

Unhappily, secrecy in foreign affairs—and particularly in the atmosphere we have lived in for the past 25 years—is easily rationalized. Yet the reasons seldom have much to do with the rationalizations. In recent years, at least, the real motive has been precisely to avoid the difficulties inherent in our political system and hopefully to present the public with triumphant *faits accomplis*. What initially stemmed largely from confrontation between a growing vocal minority in Congress and the President, as well as increasing public demonstrations, was converted into constitutional principle by Mr. Nixon. In his Administration, neither the Congress nor the public has been informed about foreign affairs except at a level of high generality, and even then without the opportunity for discussion. Indeed, not even the bureaucracy has been consulted or informed. And this in turn has led to a failure to consult with, and inform, our allies abroad, culminating in the insult to the Japanese with respect to the change in our China policy.

Thus, even without Watergate, personal diplomacy conducted in secret, without public understanding or solid institutional foundation within the government, should now be insufficient basis for a viable foreign policy. And if, as I believe, Watergate has destroyed confidence in the President's credibility, much more is now needed.

V

What must be done today to put our foreign policy on a viable basis is, first, to promote discussion sufficient to establish the domestic consensus necessary to gain acceptance for, and support of, our foreign initiatives. We stand as a badly divided nation and we face some very tough problems. Second, we must restore confidence in the integrity of the Presidency. The Congress and the people need to believe what the Administration says. Both of these objectives mean dramatic changes in the style of the Presidency in foreign affairs.

I would propose the following changes:

(1) The President must indicate that he needs and wants the support and participation of Congress and the public in formulating his foreign policy. He must welcome public discussion and criticism of his proposals. Clearly, he must do the proposing, he must provide the leadership. But he and his principal assistants must be far more willing than in the recent past to lay out candidly the problems, the choices, the recommended actions.

To involve the Congress in this fashion is, despite congressional protestations to the contrary, as much a problem for the Congress as for the President. The unpleasant fact is that most members of Congress find little political profit with their constituents in foreign affairs and in accepting the compromises necessarily involved. The role of critic after the fact is often more politically rewarding than that of a constructive participant. It is easy for opposition—especially in the Congress—to center around short-term considerations rather than long-term policies, to make appeals to national pride, to criticize almost any negotiation on the grounds that the Administration gave away too much in the mutual bargaining. The record of Congress on many foreign policy issues, usually in the form of amendments to foreign aid bills, is far from a distinguished one; and the temptation of the Executive to interpret away crippling amendments to its foreign policy has served to create still another tear in the fabric of constitutional government.

Secrecy in foreign affairs is not, therefore, a one-way street born of presidential ambition for power. Too often it suits congressional politics quite well—particularly in the House of Representatives, with its biennial elections. The temptation in both parties is to let the President assume responsibility, and to let future events determine the length of his coattails.

Nor is a compromise approach—secret consultations with relevant congressional committees and leaderships—much of an answer. If the issue is sufficiently controversial, there will be "leaks" to the press. If it is not—and especially if the matter is likely to become public knowledge in the near future—I do not think secret consultation serves much purpose. As for special "watchdog committees," they have generally done more "dogging" than "watching." Members of Congress feel totally dependent on the information secretly provided by the Administration; they are inhibited by national security considerations in taking their case to the public; they fear the political risk of frustrating executive action on matters they do not thoroughly understand and about which they have no independent information.

I do not wish to put aside totally the wisdom of such consultations and special committees; I only wish to note that they should be used rarely and resisted on both sides as an adequate substitute for a more open process of congressional oversight and decisionmaking. If the policy in question fails, the fact of this kind of congressional consultation may create as many problems as it solves. Rarely will the members of Congress feel a truly shared responsibility. And the efforts to put them in this position may easily result in recriminations about the nature and quality of the information provided.

No, today there can be no substitute for a general rule of openness with the Congress. Congress must become truly involved in decisions and programs for action, and it must be told what the problems are, what the apparent options for action are, and why the Executive has come forward with particular proposals. If, in the process, nations abroad come to know somewhat more about the way an Administration's mind is working, I think the price—if it is that—eminently worth paying.

(2) It follows that the principal makers of foreign policy decisions must be exposed to Congress, the press and the public. If presidential assistants participate in the framing and execution of foreign policy to anything like the degree that Mr. Kissinger has done, they must be exposed to public view and scrutiny, and fully available to the Congress without subterfuge or the use of devious methods.

(3) We should abandon publicly all covert operations designed to influence political results in foreign countries. Specifically, there should be no secret subsidies of police or counterinsurgency forces, no efforts to influence elections, no secret monetary subsidies of groups sympathetic to the United States, whether governmental, nongovernmental or revolutionary. We should confine our covert activities overseas to the gathering of intelligence information.

I come to this conclusion with some reluctance, because in a few instances such activities have been legitimate and useful. But I believe the impossibility of controlling secret activities—and the public's apprehension about them—outweigh the losses which will be sustained. Much of this activity was phased out under Kennedy and Johnson, and I think the rest can go.

(4) We must minimize the role of secret information in foreign policy.

Many Presidents have sought to tinker with the present classification and declassification system, conscious that the tendency to reclassify and to spawn classified files has been out of control for years. If public proof of that fact were necessary, the Pentagon Papers and the ensuing trial provided it. All the documents involved carried high security classification, yet there was little evidence that any related importantly any longer to "national defense"—the test required by the major provision of law under which the trial was held. On the contrary, there was at the trial much expert testimony that none did relate importantly to the "national defense," and a determined and persuasive defense argument that little of the factual information provided in the mass of documents was in fact new. What made the release newsworthy was less its content than its voyeuristic appeal—the relatively rare public exposure of governmental processes to the public eye.

Prior efforts to revise the system have not worked, primarily because in no instance has major surgery been tried. Classifiers have mixed the desire to keep information confidential and "closely held" for whatever reason, good or bad, with information actually affecting the "national defense." To do this is a perversion of the law. Perhaps worse, it is a perversion of the processes of government, because it does not force officials to consider honestly the reasons for confidentiality or the relevant time frame. And the fact of gross overclassification tends, in turn, to destroy the system itself.

Prior to the Watergate exposures, the Nixon administration had presented to the Congress proposals to codify the classification system and to make disclosure of classified information a criminal offense in itself, with the validity of the classification not open to challenge in court. I assume that, in the present climate, any such legislation is dead—and rightly so. While the law under which Mr. Ellsberg was tried is crude, its essential criteria—that the information relate to the national defense and that its disclosure be with intent to damage the national interest—seem to me those that should prevail in this country for purposes for criminal sanctions.

At any rate, this is and will remain the law—and I believe that the classification system within the executive branch should now conform to it. Essentially, the extremely strict internal procedures of a full-scale classification system, and the threat of criminal sanctions for its deliberate breach, should now be coextensive with the law—while still emphatically leaving to the courts in any prosecution the testing of the validity of the executive classification as well as the question of intent.

What exactly would be covered by such a restricted classification system, limited to matters affecting the national defense? Examples would be CIA and DIA intelligence material on foreign military capabilities, troop dispositions, missile placements, and weapons development; and defense and AEC information on our own weapons systems, future technological developments, current strength and disposition, mobilization estimates, and military plans to the extent such information is not already in the public domain. Even such a drastic cutback as this will result in some overclassification. But it should be more workable than the present morass.

I do not propose that all other information be made public or even generally available. I simply suggest that it not be classified as "national defense" information, carrying such exotic labels as "Top Secret" or "Cosmic Top Secret" or the like. I have no problem with limiting distribution within the bureaucracy of information which is politically "sensitive," or with general rules concerning the confidentiality of discussion with foreign diplomats, ambassadorial or other bureaucratic recommendations as to policy, or personal or investigative records. (In the case of diplomatic exchanges, such common-sense rules long antedate the postwar expansion of classification.) Frankly, I think we can rely on the good sense of bureaucrats to keep confidential what should be confidential most of the time, without employing bloated concepts of national security to do so. I know this worked in the past within the Department of Justice and I see no reason why it should not work elsewhere.

(5) Classification will not stop leaks anyhow. What minimizes these is loyalty to superiors, based not so much on agreement with policy as on respect for their fairness, integrity and openness to recommendations and ideas. A part of the new style of operation must be far greater openness within the executive branch itself. All Presidents fear becoming the prisoners of the governmental bureaucracy, and all Presidents have a healthy distrust of bureaucratic expertise. It is good that they should seek advice elsewhere and that departmental recommendations should be tested in various ways, including the competition of agencies and the interplay between full-time professional officers and those who enter government under political auspices. But to attempt to bypass the bureaucracy has heavy costs not only in the very "leaks" to which I have just referred, but above all in the failure to understand policy, to administer it effectively, to explain it to other constituencies at the appropriate time, and often to make decisions with full awareness of their consequences abroad.

VI

In the present world situation, far greater congressional and public involvement in formulating our foreign policy seems to me not only right but nearly inevitable. There are two reasons for this:

First, problems of trade, investment, resources, development and international monetary stability promise to take on increasing importance in the future. All of these problems will require legislative solutions and therefore extensive congressional participation and action. All will involve a continuity in policy over relatively long periods of time and thus need public understanding and support.

Second, as communism has become less monolithic, as China has emerged as a competing ideological center, as the Soviet Union has become less stridently revolutionary and more concerned with China and with its its own domestic progress, and as Europe and Japan have become centers for wealth and power, security considerations in the United States' foreign policy have become less consuming and less global. Mr. Nixon's approaches to both the Soviet Union and China, as well as the modest progress made in the SALT talks, are evidence of a changing security environment. Problems will remain but they will lack the felt intensity of the past 25 years.

Notwithstanding these changes in the world scene, the shift to a more open style in foreign policy will not be without its difficulties. One is the extent to which openness may in fact reduce options or be perceived as doing so. I accept the fact that it sometimes does. But I also think the extent of that reduction is exaggerated, often for improper purposes. I accept, too, that there are circumstances where the President or the Secretary cannot be totally candid without affecting the situation he is discussing. I think the press and public understand this. They know, for example, that high government officials cannot publicly discuss corruption of high South Vietnamese officials, or that high-level expressions of doubt about the viability of a foreign government may bring it down. But these inhibitions are not serious ones, because the underlying facts—if they are important to understanding policy—can be made available to the public in other ways.

The most serious problem of a more open foreign policy lies in congressional response. In Congress controversy can lead to delay, to inaction, to unworkable compromise, to missed opportunities. Minorities can obstruct; special interests can sometimes manipulate policy more easily on the Hill than in the executive branch. The accident of committee leadership and membership can skew policy away from the national interest to more parochial concerns. No one should be sanguine about these risks. The danger of getting hopelessly bogged down in a congressional quagmire is clear and present.

Nonetheless, I am prepared to take some losses in our foreign affairs if by doing so we can restore the fundamentals of representative democracy to our foreign policy. As Watergate demonstrates, democracy is too fragile to be divided into foreign and domestic affairs. We cannot give the President a free hand in the one without eroding the whole of the governmental system that all policy seeks to preserve.

[From CONGRESSIONAL RECORD, June 4, 1973]

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PROXMIRE:

S. 1935. A bill to amend section 102 of the National Security Act of 1947 to prohibit certain activities by the Central Intelligence Agency and to limit certain other activities by such Agency. Referred to the Committee on Armed Services.

TIME FOR REVIEW OF INTELLIGENCE OPERATIONS

Mr. PROXMIRE. Mr. President, on April 10, I first spoke about the role of the U.S. intelligence community in our Government and domestic life. At that time I talked about the historical need for intelligence to overcome the barriers nations erect to the free flow of ideas and technology. I discussed the National Security Act of 1947 to determine just what Congress had in mind when this broad legislation was enacted. And then I went into the question of possible "spillover" effects coming from the use of clandestine techniques overseas. In recent days, the Watergate story has unfolded in sufficient detail to shake all of us into concern about the dangerous consequences of domestic intelligence operations for political purposes.

My original speech also detailed the composition of the intelligence community and made certain recommendations regarding more efficient practices.

Let us now take a close look at what has become the most alarming aspects of the intelligence process—domestic and foreign programs that are called covert operations or "dirty tricks" and include espionage and subversion of foreign governments.

Nothing in this speech comes from classified sources. I have pieced together my information from public documents and open conversations with Government officials.

Since a great deal of the following analysis hinges on drawing distinctions between various activities, I must rely to some degree on language that has precise meaning within the intelligence community. Wherever used I will attempt to clarify the meanings of such terms as covert action or intelligence collection.

THE STRUCTURE OF THE CLANDESTINE SERVICES

The Central Intelligence Agency is divided into Directorates by function. Until recently, these were called the Directorate of Plans, the Directorate or Intelligence, the Directorate of Support and the Directorate of Science and Technology, or as abbreviated: DD/P, DD/I, DD/S, and DD/S. & T. standing for the four Deputy Directors serving under the Director of Central Intelligence and his Deputy Director. For the purposes of this speech, I will concentrate mainly on the DDP, that is, Directorate of Plans now renamed DD/O for Directorate of Operations.

Thus the CIA is several organizations under one roof. The DD/I—Intelligence—and DD/S. & T.—Science and Technology—deal with intelligence collection as opposed to intelli-

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gence operations. The DD/O—Operations—and its support elements in DD/S—Support—carry out covert action programs. There has been a great deal of discussion about the propriety of this arrangement linking the analysis and covert activities and I will deal with the arguments later.

Authority for approving and continuing programs and other activities that are sensitive—meaning the potentiality of embarrassment or compromise—rests with a Cabinet-level committee composed of representatives of the Department of Defense, Department of State, White House National Security Adviser, Joint Chiefs of Staff, and the Director of Central Intelligence. This informal committee which meets several times a month has been called by many names including the 54/12 Group, Special Group, the 303 Committee—named after a room number in the Executive Office Building—and more currently the 40 Committee after a national security decision memorandum with the same numerical designation.

In theory, proposals for covert action programs are presented to the 40 Committee after being worked out by the participating agencies at a lower level. Then the 40 Committee gives its approval or rejects the concept or requires modifications in the original plan. Most projects, however are well coordinated by the time they get to the 40 Committee.

The primary need for the 40 Committee and its authority to initiate covert action programs is the stated requirement to provide the President with methods of accomplishing foreign policy objectives without attribution to the United States.

We have come a long way from Secretary of State Stimson's comment that gentlemen do not read other peoples' mail. The modern world is far more complex now. More barriers to the flow of information have been erected. I believe that there are occasions when this Government must for its own protection use techniques that are by domestic U.S. standards extra-legal. But there must be adequate control over the exercise of these aspects of our foreign policy or we will find ourselves gripped in an interminable cycle of false information and foreign intervention. These controls have been painfully inadequate. For this reason it is necessary to take a hard look at what distinctions can be drawn between activities that are necessary for national security and also productive and those that create situations that actually erode our national security.

In practice, it appears that the 40 Committee mainly approves activities coordinated at lower levels. If a promising operation can be coordinated at a working level where the concept originates, it often rises through the intelligence community with little critical challenge until it arrives at the 40 Committee. There because it has been reviewed by the "experts" it is frequently approved. Result: a serious effect on U.S. policy.

Having the 40 Committee consist of high level officials is supposed to be a safeguard against the initiation of activities actually detrimental to the national interest. It is presumed but never stated that major decisions of the 40 Committee are then checked with the President. The reason for the lack of substantiation of this latter point is clear. The President is insulated from any direct association from such illegal activities so that in time of crisis such as a "blown"—exposed—mission, he can deny knowledge of the entire affair. Again and again this is the most important point of many covert action programs—the insistence that the President be insulated from any damaging effect, regardless of his prior knowledge or role in the command process. Thus when a crisis occurs, say with the U-2 affair, the President has the option of denying the whole thing and preserving his innocence by placing the blame on others. President Eisenhower chose to take responsibility for the U-2 incident, a move that many intelligence specialists criticized as unnecessary and a bad precedent. In my view, as I will develop later, President Eisenhower was absolutely right.

Once a decision is reached and approved by the 40 Committee and White House, the resources of the DDO or as it is sometimes called the Clandestine Service—CS—are put into action. These resources are enormous and consist of worldwide depots of equipment and arms, numerous communications networks, arrangements with front organizations for providing support, working associations with the military departments which can supply men, material, and the normal complement of case officers—the designation for DDO professional personnel as opposed to agents which are those recruited by case officers.

It can be said that the Agency—CIA—probably can carry out a middle- or low-level operation with more skill and speed than any other arm of the Government. There is less bureaucratic interference and the lines of communication are much quicker. With regard to high level operations of the size of an invasion, the CIA's record is marginal. But, paramilitary activities are a distinct part of the Agency's resources.

There is far less command and control of covert operations than should be the case.

Here is why:

First. The 40 Committee's control is only absolute in the sense of a final decision but not in the shaping of policies regarding the initiation of such activities or for that matter how they will affect the long-range interests of the country.

Second. There is a tendency for those in the business to fall into the mental state of acquiesence in the propriety and necessity of such operations and thus provide no effective restraint.

Third. In all of this, Congress plays absolutely no role. While Congress may be funding a certain international program, the 40 Committee could be deciding to impede that same program in a certain country for other reasons.

Fourth. Small operations have a way of becoming major operations even without 40 Committee oversight.

JUDGING THE RELATIVE IMPORTANCE OF INTELLIGENCE COLLECTION PROGRAMS

Intelligence comes from varied sources. It can be categorized in the following manner:

First. Open sources such as newspapers, periodicals, translated foreign literature, and radio broadcasts;

Second. Satellite derived intelligence used for mapping, targeting observation of military construction, industrial capacity communications, and military deployments;

Third. Technical collection techniques—intercept of signals, electronic emissions, communications, and radar data;

Fourth. Human resources such as defectors, agents in place, interviews with selected travelers, immigrants, and foreign government officials.

It is often stated that the bulk of all intelligence comes from open sources that are refined and analyzed. In terms of quantity this probably is true. The really significant intelligence, however, now comes from satellites and technical collection devices.

Reconnaissance activities provide high confidence data about military and economic questions of the highest importance such as missile deployments, submarine development or industrial construction. By far and away this is the most important category of intelligence information.

Somewhat below this in importance are the other technical programs which provide scientific data of interest for specialized purposes. Interrogating radar systems would be one example. Other signals might give information about missile characteristics or ABM developments. Intercept of communications, part of a category of intelligence referred to as Comint or Communications Intelligence, once was a very important source of information but with the countermeasures now available such as land lines and encoding devices, Comint is more difficult to obtain and process.

Human resources comprise this last category. Human resources refers to any traditional spy activities that involve the direct use of human beings as opposed to technical devices. The recruitment of foreign government officials, the espionage of military secrets by travelers, the forced entry into offices to obtain data, the establishment of spy rings, all are examples of human resource programs.

By any measure of cost effectiveness, human resources simply do not produce the quantity and quality of reliable data necessary for their justification. About 60 percent of the CIA budget continues to go into human resource programs.

The argument has been made that even though human resources provide little information of value compared to technical and satellite data, what they do provide in a few instances might be of the most significant and valuable of all—that of political or military intentions. Hardware programs can be observed by reconnaissance but a camera cannot look into a man's mind.

But factual data about intentions is so illusive and fragmentary that it is almost nonexistent. Knowledge of adversary intentions requires a source of reliable information at the highest levels of a foreign government such as the U.S.S.R. or People's Republic of China. Human resources of this quality and rank are rare indeed. We have heard about Colonel Penkovsky and certain other defectors and agents in place, but it is the consensus of many experts that high level human resources are few and far between, and provide a pathetically inadequate payoff.

DRAWING A DISTINCTION BETWEEN COVERT ACTION PROGRAMS AND INTELLIGENCE COLLECTION PROGRAMS

What is the difference between intelligence collection and covert action "cloak and dagger" programs? At times the distinction may be hazy. Both are done within the intelligence community but Congress can act to separate and define the two areas of activity.

Intelligence collected by covert means including the satellite, technical devices and human resources mentioned above qualifies as intelligence collection. It involves the acquisition by open and extra-legal means of information determined necessary to national security. Requirementa are established to guide this type of collection within given priorities.

The following are examples of selected information acquired by intelligence collection:

Photography, space and missile signals, economic data, power elite and political party data;

Military construction, deployments, research and development, troop movements;

Industrial capacity, communications capabilities, food production; scientific information; mapping, geological, climatic data.

In short the collection of all information that could possibly be useful to policymakers. The means of collection might be covert "cloak-and-dagger."

One distinction: With intelligence collection there is a conscious decision to obtain the information without influencing the source or its content. Such is not necessarily the case with covert action programs.

Covert action involves a more intrusive role than the passive acquisition of science

or economic data or even information supplied by agents in place. Covert action could involve any of the following types of activities:

Paramilitary operations in support of foreign governments or dissident forces; financial support for individuals, governments, unions, political parties or other internal organizations:

Operations in support of political allies such as acquiring politically damaging information or the creaton of such information or the supplying of internal security techniques and equipment;

Exchange programs for social, economic or long term political reasons; economic manipulations of companies, governments, commodity supplies.

One characterization of all covert action programs is their deniability. They must be clearly separable from official U.S. Government sanction. Instead of pure collection of information, covert action programs are designed to influence future events or alter the expected course of events in foreign countries to the benefit of the United States.

ACCOUNTABILITY: ASSET OR LIABILITY

The principle of a plausible deniability is critical to any covert operation. I relate to the capability of our Government to know what the CIA has been doing. If it were not a problem then operations could be carried out in the open. But since many operations would be considered either illegal, immoral, hostile, or be greatly embarrasing in the target country, they must be done without overt relationship to the U.S. Government.

There are certain "backstops" built into a covert operation. An American presence is kept at a low level.

Native personnel are used where possible. Third countries may be co-opted to participate and other devices used so as to preclude any tie-in with the United States.

In the event that an operation is blown and it becomes known that some American has participated, there are two further ploys to use. First, the U.S. Government can disassociate itself from the blown operation by stating that it was not sanctioned. Arrangements then would have to be made to see that the U.S. personnel involved could be provided assistance. In the meantime, all affiliation with the CIA would be denied. Such was the case with John Downey and Richard Fecteau held captive by the People's Republic of China since the 1950's.

As a second fall back position, in an extremely serious case, it may be necessary to admit U.S. responsibility but deny that the President had anything to do with it, thereby attempting to salvage his prestige and reputation. The choice then is up to the President whether he wants to admit responsibility or continue to bluff his way through the crisis: This situation occurred with President Eisenhower and the U-2 affair.

I think the whole notion of deniability should be reconsidered very carefully by Congress and all our Government. It is one that could get us into the deepest kind of trouble.

President Eisenhower, to his enduring credit, flatly refused the deniability option and manfully assumed responsibility for the U-2 flights, although in doing so he endangered vital negotiations at that time with the U.S.S.R.

This brings up the critical point. Should there be clear accountability by the President? Mechanisms have been established for foreign operations which protect the President from failures and embarrassment. He can shift the blame to other people or organizations. The CIA for example, has long been known as an organization willing to assume the public blame for operations approved by the President that ended in failure.

In this Senator's view there is never justification for a lie by anyone including, and I might say especially by, the President of the United States. Such deliberate, planned "official" lies undermine the credibility of the Government. The coverup becomes a way of life. It is a corroding compromise with integrity.

What is more, it is stupid because it frequently does not work. It is not believed and when it is exposed as a lie, the loss of faith in government is far greater than any gain.

In domestic affairs the use of "plausible denial" could be a most insidious antidemocratic political device. As in so many other areas of covert activities, the major fear is that a commonly accepted technique used abroad will become so successful that it is only an easy moral judgement away from application in the United States.

Six men sitting around a table week in and week out discuss various covert foreign operations. They are masters at the techniques of deception, intrigue, espionage, covert action: One day they receive a suggestion, couched in terms of national security that involves the use of these same techniques domestically. The suggestion comes from the White House, maybe even the President. They have all served the White House, regardless of its occupant for their entire lives. It is the center of power from which they draw their authority. It is the justification of their lives. How do they answer?

This fictionalized portrayal is not intended to be taken literally. But it makes the point. There are vast unrestrained powers within the executive department that may someday threaten more than some foreign nation.

One additional aspect of accountability needs to be explored.

It may be possible that the delegation of authority in such matters as intelligence collection and covert action programs has gone so far down from the President that he has no functional control over many of these programs. In the delegation of authority rests an immense commitment of trust. If subordinates are trusted and events seem to be moving well, a President could be insulated from those decisions taken in his name that have widespread and damaging consequences. I do not think this is a very realistic situation but it is an outside possibility.

I think we should be aware of this, because too few of us appreciate how very busy the President is, how involved he is in many areas, how distraught any President must become because the demands on his interest and his time are so enormous.

Congress has no way of knowing any of these things because Congress never has exercised any real control over the intelligence community. We have all thought that this was an area in which national security interests naturally limited congressional participation. We have left it to the experts. We have handled it with informal relationships and secret meetings and inadequate staff work. We have looked the other way. And we have paid the price.

We agonize over an appropriation of $1 million, and I do that as much as any. But we calmly let $4, $5, or $6 billion slip through our fingers without so much as one critical question on the floor of the Senate.

There are certain matters that pertain to the intelligence community that cannot ever be made public for to do so would be to endanger sources of information or techniques of collecting that information. Our potential adversaries could deny us that information if they became aware of its value to us. We must also protect the lives of the Americans serving overseas and their families from hostile retaliation.

The intelligence budget is not such a case. There is no sound reason why this budget must remain hidden from the public in aggregate terms.

There would be no security risk in letting the world know that the United States spends $5 or $6 billion on intelligence. It is a form of deterrence. It would tell our adversaries that we intend to find out the truth about any potential hostile actions on their part and that we are willing to spend great resources to do so.

Just as it was deemed important to let the U.S.S.R. and China know of our military strength as a deterrent to a surprise attack, so would it be prudent to tell them that we have other capabilities to guard—our Nation. We need not say more than the size and general distribution of the intelligence budget by agency. We need not speak of missions or other sensitive matters. But we must reestablish the responsibility that Congress has in the formation and funding of foreign policy and above all else we must protect our domestic freedoms from any bureaucratic challenge from within the executive department. The danger is here. We cannot refuse to act.

THE NATIONAL SECURITY ACT OF 1947

WHAT DOES IT ALLOW?

The first thing to be noted about the establishment of the CIA is that it is a part of the Executive Office of the President and as such reports directly to the President through the National Security Council and the Director of Central Intelligence which is a cabinet level post. Under the National Security Act of 1947, the CIA was given the duty of advising and making recommendations to the National Security Council and of correlating and evaluating intelligence relating to the national security and providing for appropriate dissemination. All of these duties are relatively passive. In no way can they be interpreted as authority for engagement in domestic operations or foreign operations. That is clear.

Further on in the same section, the act specifically states that the CIA shall have no "police, subpena, law-enforcement powers, or internal security functions." This is a broad and widespread prohibition. The meaning of "no internal security functions" is a blanket disapproval for any active domestic police-type functions.

After that prohibition, however, come three statements which are oblique by nature and subject to various interpretations. They need to be quoted in full for they constitute a possible justification for both domestic functions and foreign covert activities.

"And provided further, that the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure;

"To perform, for the benefit of the existing intelligence agencies, such additional services of common concern as the National Security Council determines can be more efficiently accomplished centrally;

"To perform such other functions and duties related to intelligence affecting the national security as the National Security Council may from time to time direct."

The first statement could be cited for justifying operations domestically and the following two could be used for justifying foreign operations or even domestic operations.

THE MISSING CHARTER

It is not possible to state with authority what interpretation the executive department has placed on these particular sections of the National Security Act of 1947 because subsequent interpretations have been done in secret. In fact, the CIA charter is not fully contained in the National Security Act of 1947 but is extrapolated from the act by a series of National Security Council intelligence directives after the passage of the act. These were, and remain, classified. Thus we are faced with a highly unusual situation.

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Congress has enacted a law with a set of prescribed relationships and duties for the CIA. And the executive department through the National Security Council has interpreted this law in secret. Whether this subsequent secret interpretation is allowed by the original act is in doubt. Whether the procedure of allowing secret interpretations and extensions of authority upon a congressional act is in doubt.

This can only be resolved by a court test, a review by the enacting committees and bodies of Congress of the original intent of the legislation, or by amending the 1947 National Security Act to prohibit extraneous interpretations or extensions.

It would be best for all concerned if the charter for the CIA was distinctly agreed upon by Congress and the executive department and at least in general language made public.

AN AMENDMENT TO THE NATIONAL SECURITY ACT OF 1947

In order to initiate a full examination of the proper role of the intelligence community in foreign affairs as well as domestic affairs, I now introduce a bill as an amendment to the National Security Act of 1947.

Mr. President, I ask unanimous consent that this be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1935

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 102 of the National Security Act of 1947, as amended (50 U.S.C. 403), is amended by adding at the end thereof a new subsection as follows:

"(g) (1) Nothing in this or any other Act shall be construed as authorizing the Central Intelligence Agency to—

"(A) carry out, directly or indirectly, within the United States, either on its own or in cooperation or conjunction with any other department, agency, organization, or individual any police or police-type operation or activity, any law enforcement operation or activity, or any internal security operation or activity;

"(B) provide assistance of any kind, directly or indirectly, to any other department or agency of the Federal Government, to any department or agency of any State or local government, or to any officer or employee of any such department or agency engaged in police or police-type operations or activities, law enforcement operations or activities, or internal security operations or activities within the United States unless such assistance is provided with the prior, specific written approval of the CIA Oversight Subcommittee of the Committees on Appropriations and the Committees on Armed Services of the Senate and the House of Representatives;

"(C) participate, directly or indirectly, in any illegal activity within the United States; or

"(D) engage in any covert action in any foreign country unless such action has been specifically approved in writing by the CIA Oversight Subcommittees of the Committees on Appropriations and the Committees on Armed Services of the Senate and the House of Representatives.

"(2) As used in paragraph (1) (D) of this subsection, the term 'covert action' means covert action as defined by the National Security Council based on the commonly accepted understanding of that term within the intelligence community of the Federal Government and the practices of the intelligence community of the Federal Government during the period 1950 through 1970."

Mr. Proxmire. Mr. President, this amendment is designed to clarify the role of the CIA with regard to domestic activities. It has four provisions. First, it makes it clear that the National Security Act of 1974 itself or any subsequent interpretations of the act by the executive branch, be they classified or unclassified, shall not authorize the CIA to engage in police, law enforcement, and internal security functions by itself or in conjunction with other organizations. Although there is a similar provision in the National Security Act, subsequent interpretations of that act by the National Security Council intelligence directives or other more loosely worded language in the National Security Act itself requires a reaffirmation—and I mean a public reaffirmation—of congressional intent.

A second provision would prohibit the CIA from providing assistance to other Government organizations engaged in police, law enforcement, or internal security activities. The obvious question to be dealt with here is the problem of normal, routine coordination between CIA and the FBI. This type of activity would be expressly approved on an ongoing basis but within distinct limitations by the CIA oversight committees of both houses.

The third provision of this amendment expressly prohibits the CIA from participating in any illegal activity within the United States, either directly or indirectly.

The fourth provision deals with the foreign activities of the CIA. It is remarkable that nothing in the National Security Act of 1947 directly authorizes the CIA to engage in covert foreign operations. Subsequent interpretations of the act have empowered the CIA to conduct such activities but the act itself is not explicit. The hidden charter for CIA is far more important in this regard than the National Security Act. But due to the classified nature of the hidden charter, Congress has not participated in the interpretation of the law it approved. Therefore, it is now necessary to define just what is the congressional intent of the act.

My fourth provision draws a distinction between the normal activity of intelligence collection and covert action programs. It would prohibit the CIA from engaging in any covert foreign action programs without the written prior approval of the CIA oversight committees of the House and Senate. The pattern for prior approval, for example, could be based on techniques worked out between the executive department and Congress such as exist for reprograming authority. I would also recommend that both Houses of Congress form one body with responsibility for CIA oversight.

WHY IS THE AMENDMENT NEEDED?

This amendment is necessary for the national security. I do not say this lightly. The purpose of the intelligence community is to insure that the highest policymakers have the knowledge and means to protect this country. It is a vital line of defense. But is there a possibility that the very instruments established to guarantee our national security could be used to subvert it?

Mr. President, this is the most chilling message of Watergate. The activities we engage in overseas have come home to roost. The techniques, the organization, the personnel, the equipment, the power to obtain information and influence foreign events have been turned to use domestically. Nothing could be more dangerous. Are we successful in rigging a few elections? In supporting a few friendly organizations? Bribing officials? Pressuring governments? Maybe, maybe not. But it is not worth the price if the same techniques become a more likely threat to our freedoms than any invasion.

Without proper controls we are in danger of falling prey to our own national security mechanism.

Is it far fetched to contemplate the illegal use of the FBI, CIA and the rest of the intelligence community against political opponents or any other faction within the United States? That is exactly what has been attempted. The FBI and CIA have wavered under the pressure. This is the most serious aspect of the Watergate crisis. It has gone so deep into the fabric of the Federal bureaucracy that even the untouchable agencies have been tarnished.

Fantastic? No, indeed, it is real and it is happening today. Firm steps must be taken to reestablish the confidence that should reside in the CIA and to eliminate the nightmare that someday as Sinclair Lewis wrote of the prospect of an American Hitler "It can happen here."

I have great admiration for the CIA and its Directors. It appears that they have resisted pressures of great intensity from the White House itself. That took a great deal of courage. It is for the sake of the CIA as well as the American people that I offer this amendment.

In closing, I would like to quote two remarks by former U.S. Presidents, each from a different era but both endowed with the insight that comes from a keen mind and a sense of American democracy.

On May 13, 1798, James Madison wrote to Thomas Jefferson stating—

"Perhaps it is a universal truth that the loss of liberty at home is to be charged to provisions against danger, real or pretended, from abroad."

One hundred sixty-five years later another great President, Harry Truman, reflected on his administration:

"For some time I have been disturbed by the way the CIA has been diverted from its original assignment. It has become an operational and at times a policy-making arm of the government. I never had any thought that when I set up the CIA that it would be injected into peacetime cloak-and-dagger operations. Some of the complications and embarrassment that I think we have experienced are in part attributable to the fact that this quiet intelligence arm of the President has been so much removed from its intended role that it is being interpreted as a symbol of sinister and mysterious foreign intrigue and a subject for cold war enemy propaganda."

Mr. President, nothing that I have said here today should be interpreted as condemnation of the CIA. The CIA has been under the direction of several Presidents. In many ways, the CIA has performed an invaluable service to our Government that could not have been done by any other agency. In its testimony before Congress on foreign weapons programs and in its estimates of capabilities and intentions, the CIA has presented remarkable unbiased analysis of the highest quality. This is an essential role.

But the CIA now must be protected from the executive department and our democracy must be protected from any directed misuse of the CIA.

To do less is to risk our heritage.

Mr. President, I am confident if my amendment becomes law we will provide that protection for the CIA and, more importantly, for our form of government.

THE LONELY—AND CONSERVATIVE—CHICAGO CUBS FAN

Mr. PERCY. Mr. President, the Chicago Cubs are not in the World Series this year—again. If you are from Chicago you know that glaring absence is as normal as windy weather. Unlike the distinguished Senators from California, Mr. Cranston and Mr. Tunney, and the distinguished Senators from New York, Mr. Javits and Mr. Buckley, who can so proudly march into this august Chamber, the Senators from Illinois are a somber twosome. We cannot point with pride to our baseball team, nor can we insert in the Record glowing editorials of skill and derring-do on the baseball diamond.

To be a Cubs fan is to know what it is like to sit alone and cold on the floor of the U.S. Senate while other Senators congratulate themselves on their teams reaching the World Series. At least the White Sox won the American League pennant in 1959. But for more than a quarter of a century, Cubs fans have watched their sultans of swat try so gallantly, only to fail year after year after year.

Recently George Will, an esteemed journalist and a diehard Cubs fan, editorialized on station WTOP on what it is like to be a Cubs fan. It was a moving recitation. He touched on the peculiar effect this mania for the Cubs can have on one's politics and philosophy. Mr. Will, an unabashed conservative, traces his conservatism to his desolate years spent cheering on the Cubs. He argues that conservatives are a pessimistic lot, certainly more so than liberals, and that one sure way to become a staunch pessimist is to root consistently for the Chicago Cubs.

There may be some validity to his point, and I think it worth examining. It would not surprise me to find that most Cubs fans are conservative. On the other hand, after the Cinderella season that the New York Mets have had, I would not be at all surprised to find that many Mets fans have become more liberal as the season has worn on. However, I will not ask Senator Buckley where he stands on that. It might be useful for someone, under the auspices of a Federal grant, of course, to conduct a survey and gather statistical information by polling the members of the Americans for Constitutional Action—ACA—and the members of the Americans for Democratic Action—ADA—and then cross reference the results with Cubs and Mets fans. The results could have deep meaning to political and sports analysts alike.

However, hope springs eternal, and next year, the fans will troop out to Wrigley Field, ready to cheer on their Cubs, knowing that the potential is always there, ready to catapult the Cubs into the World Series. Watching the Cubs fans, one will note that most are conservatively dressed—pin striped suits, skirts a half inch—but no more—above the knee. Each fan will have his hopes and his chin high, waiting for what must surely come one day—a Cubs pennant. And would not everyone be surprised if next year the Cubs pulled it out and went to the World Series. But, be aware that the shock waves from such a glorious event might be traumatic: Off would come the conservative pin-striped suits, to be replaced by flowered shirts; the carefully knotted tie would yield to a rakish ascot; instead of skirts, we would see hip-hugger trousers. Even George Will might have to give his political philosophy an agonizing reappraisal.

But all that may be the impossible dream. For now, I ask only that there be unanimous consent that the editorial delivered by George Will on October 16 be printed in the Record so that all of my distinguished colleagues will have a little more understanding for the dour look on the faces of the Senators from Illinois. And if we enter the Chamber a little slowly, looking a little downtrodden, you will all know that the baseball season is only recently ended, and our football team, the Bears, have started off this football season with a won-one and lost-four record. Thus our lives are far more encumbered than those of some of our colleagues whose smiles have noticeably brightened lately. Perhaps through understanding will come compassion.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Editorial by George F. Will

One letter has poured into this station demanding to know how I became such a grumpy reactionary at such a young age. I shall explain now, at World Series time, because baseball made me what I am—an embittered old man at age 32.

For the twenty-eighth year in a row, my team, the Chicago Cubs, will not be in the World Series. No other team—except for young expansion teams—can match that record of sustained futility. For twenty-five years—since I became a Cub fan at the tender age of seven—I have seen my high hopes of April turned to dust by September—if not July. Being a Cub fan is like being hit on the head by a crowbar 90 times a year. And, believe it or not, this punishment has political consequences—it turns you into a brooding conservative. Conservatism, like liberalism, is as much a matter of temperament as it is ideology. Liberals are tempermentally inclined to see the world as a place of sweetness and light, where good will prevails, and good intentions are rewarded. Conservatives are inclined to see the world as a dark and forbidding place, where pain exceeds pleasure; where hopes are dashed; where good intentions go unrewarded. Where man should not expect happiness.

Since I became a Cub fan they have lost nearly 2,500 games. That's more than 6,000 hours of losing baseball. All this suffering has warped my temperament in a conservative direction.

So, I hope all parents will profit from my tragic example. Don't let your child make the mistake of my ill-spent youth. Don't let him be a Cubs fan. Remember: the stakes are enormous. A child who is a Cubs fan at ten will be a Republican at 30. He will be used to losing.

VISIT OF CARDINAL MINDSZENTY

Mr. KENNEDY. Mr. President, we recently had the honor in this Nation of receiving the visit of József Cardinal Mindszenty, one of the world's heroic symbols of freedom and liberty.

Cardinal Mindszenty did more than celebrate a Mass or participate in religious services. By his presence, he reminded us once again of the indivisible nature of man's spirit and the eternal quest for individual liberty.

The outpouring of respect and love from the Hungarian-American and Eastern European communities demonstrated once more how strongly imbedded in the minds and hearts of these Americans was the lonely ordeal of this brave man of the church.

Mr. President, the obligation upon all Americans to honor the arrival and the visit of Cardinal Mindszenty is evident, for he symbolizes our own commitment to freedom.

Mr. President, I ask unanimous consent that articles describing his visit be printed in the Record so that there might be a permanent record of his visit.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the New York Times, Sept. 30, 1973]

St. Patrick's Gets Surprise Visitor

(By George Dugan)

Jozsef Cardinal Mindszenty, the 81-year-old exiled Primate of Hungary, made an unscheduled, informal visit yesterday morning to St. Patrick's Cathedral.

The prelate was introduced to some 1,000 Ladies of Charity attending their annual mass by Cardinal Cooke, the celebrant. He described Cardinal Mindszenty as a man who "served God in faith and honor."

The Hungarian churchman was arrested in 1948 on treason charges and sentenced to life imprisonment by the Communist-dominated government of his country. Freed by freedom fighters in 1956, he found refuge in the United States Embassy in Budapest. Two years ago he took up his present residence in a seminary in Vienna.

Mrs. Edwin P. Wheeler, chairman of the Manhattan Council of the Ladies of Charity, said later that the Cardinal's visit was an "overwhelming surprise."

"We were honored to have that wonderful man appear before us and bless our work," she added.

Roszalia Sebestyen and her son, Thomas, 8, from Rego Park, Queens, said they had been waiting at the Cathedral just to see the Cardinal and also to present him with some home-grown flowers.

After the 9 A.M. mass, Cardinal Mindszenty stood on the steps of Cardinal Cooke's residence at Madison Avenue and 50th Street, where he greeted about 75 members of various Hungarian-American groups and federations.

Many were dressed in brightly colored Hungarian costumes. They had come in the hope of getting a glimpse of the prelate. Among them was Paul K. Machalik, a Denver resident and a nephew of the Cardinal and Gabor Blogh, an imposing figure in the full dress garb of a Husser officer. Cardinal Mindszenty arrived here Friday and spent last night in Cardinal Cooke's residence.

This morning, Cardinal Mindszenty will bless the newly renovated Church of St. Ladislaus in New Brunswick. He is to fly back to Vienna on Tuesday.

[From the New York Times, Sept. 27, 1973]

Mindszenty To Visit New Brunswick for Dedication of Hungarian Church

(By Eleanor Blau)

Jozsef Cardinal Mindszenty, the Roman Catholic Primate of Hungary who is in exile, will visit the United States beginning Friday to dedicate a renovated church in a Hungarian section of New Brunswick, N.J.

The Rev. Julian Fuzor, pastor of the church, St. Ladislaus, said the 81-year-old Cardinal was making the trip because of the church's efforts to "strengthen our faith and our national heritage—he feels we're doing exactly what he suffered and worked for."

A State Department spokesman described the trip as "purely private."

The Cardinal, who lived as a political exile in the American Embassy in Budapest for 15 years after the uprising in Hungary was put down, moved to Vienna in 1971 and now is touring Canada, where Hungarian nationals are celebrating the 1,000th anniversary of St. Stephen, first King of Hungary.

'STRONG HUNGARIAN ATMOSPHERE'

Father Fuzor said Cardinal Mindszenty had canceled a planned six-week tour of the United States so he could complete his mem-

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oirs but had kept St. Ladislaus on his agenda because of its symbolic significance.

"National parishes are dying in America these days," added the pastor, who has been in correspondence with Cardinal Mindszenty since his move to Vienna. "But we renovated the church for half a million dollars, and the church has a very strong Hungarian atmosphere."

He said that Hungarian was taught in the 252-pupil parochial school and that services were conducted in both English and Hungarian.

About 800 families attend the church. The neighborhood has been Hungarian since about the turn of the century, Father Fuzor said, but many of the 18,000 or more Hungarians there now came to the United States after the 1956 uprising. They settled in New Brunswick after staying temporarily at nearby Camp Kilmer.

St. Ladislaus has stained-windows representing the saints of Hungary and the history of the church there.

COOKE TO GREET MINDSZENTY

Cardinal Mindszenty will be met at Kennedy International Airport tomorrow night by Cardinal Cooke, will stay overnight at the Cardinal's residence here and then proceed to New Brunswick.

He will dedicate the renovated church, celebrate mass and then, on Sunday, attend a testimonial dinner on his behalf at the Holiday Inn in North Brunswick. The Cardinal plans to leave for home on Tuesday, stopping en route in Toronto and Frankfurt.

Cardinal Mindszenty was arrested by the Hungarian Government in December, 1948, and charged with "treason, attempting to overthrow the democratic regime, espionage and foreign-currency abuses."

He "confessed" guilt to many of the charges, but his haggard appearance prompted speculation that he had been brainwashed.

Sentenced to life imprisonment the Cardinal was freed by the Hungarian Freedom Fighters in 1956 but he sought refuge in the American Embassy when Soviet forces crushed the rebellion a few days later.

[From the New York Times, Sept. 29, 1973]

HUNGARIANS GREET MINDSZENTY HERE

(By John T. McQuiston)

Josef Cardinal Mindszenty, the 81-year-old exiled Primate of Hungary, was reunited at Kennedy International Airport last night with 200 Hungarians who fled to the United States in 1956 following the Hungarian uprising.

The prelate, formally welcomed to New York by Cardinal Cooke, was praised as "a symbol of courage, of integrity and of hope."

Cardinal Mindszenty kissed Cardinal Cooke on both cheeks, his eyes filling with tears, then thanked him because he had "come in person to meet me." He also thanked "the people of America for feeling for me and my countrymen."

"It was in 1956 that I became a 'guest' of the American legation in Budapest for 15 years," he said. "I will never forget their services."

HUNGARIANS ON HAND

Cardinal Mindszenty sought refuge in the United States Embassy in 1956, after he was freed by freedom fighters after his arrest and imprisonment for life in 1948 by the Hungarian Government on treason charges.

Cardinal Cooke led the visiting prelate, distinguished by his white hair and red cap, through a crowd of newsmen to the British Overseas Airways Corporation main lobby where the Hungarians and their American families, many wearing native Hungarian costumes, cheered his arrival.

Several young children dressed in colorful costumes carried baskets of small zinnias and daisies. They tossed the flowers into the air, raining them down on the crowd as it cheered, "God bless Cardinal Mindszenty!"

Mrs. Ava Balimtitt, who fled Hungary in the 1956 counter-revolution and who had been confirmed by Cardinal Mindszenty in 1948 in Budapest, joined in singing the Hungarian national hymn for the prelate.

Cardinal Mindszenty, who arrived from a week-long tour of Canada, will bless the newly renovated Church of St. Ladislaus in the largely Hungarian community of New Brunswick, N.J., this morning. He will remain in New Brunswick for three days, then return to New York for a flight back home to Vienna, where he now lives, on Tuesday.

FDA'S PROPOSED DECISION ON DEPOPROVERA FOR LIMITED USAGE

Mr. KENNEDY. Mr. President, the proposed decision by the Food and Drug Administration to approve DepoProvera for "limited usage" as an injectable contraceptive is both ill-advised and unenforceable. The decision raises profound ethical questions which underline the urgent need to enact the Protection of Human Subjects Act, which recently passed the Senate by a vote of 81 to 6.

My concern is not whether there are appropriate limited uses for DepoProvera as an injectable contraceptive; it is rather whether the defined population can be identified, whether their rights can be adequately protected by the mechanism proposed by FDA, and whether enforcement of this "limited use" policy is possible.

The FDA has already acknowledged: First, that there is widespread, unapproved use of DepoProvera now as an injectable contraceptive; second, that the FDA is powerless to control this or any other unapproved use of a drug because of what they interpret as "a congressional mandate" not to interfere with the practice of medicine; and third, they are unable to document the extent of unapproved use of DepoProvera at the present time.

I believe there is a real danger that this decision will result in widespread use of DepoProvera in institutions for the mentally retarded and in health clinics serving the poor and uneducated. How will informed consent be obtained in these circumstances? Who will monitor the doctor's performance in obtaining informed consent? Why should the limited use policy be more effective in assuring appropriate use when inappropriate use was widespread when the drug was not approved at all?

The Protection of Human Subjects Act creates a National Commission to study, among other things, the complex ethical questions raised by this decision. What group within FDA addressed these ethical questions? What standing group in FDA continually deals with these problems?

I do not believe the FDA can adequately monitor the use of this or any other drug in this country. I do not want to see a drug that is too dangerous for general use be utilized within a medical care system that has no quality controls or peer review built into it. The upcoming drug hearings of the Health Subcommittee will explore these issues in great detail.

THE FABULOUS "BEAR" BRYANT OF ALABAMA

Mr. ALLEN. Mr. President, only a privileged few live long enough to hear the favorable verdict of history on their careers.

One such person is the athletic director and head football coach at the University of Alabama, Paul W. "Bear" Bryant. He is indeed a living legend.

As I have indicated, Coach Bryant already holds a place in our Nation's athletic history that few may ever attain. His record as a collegiate football coach includes 225 wins, more than any other active coach and he ranks fourth in the all-time victory list in the football coaching profession.

In 28 years of coaching, Bear Bryant has taken 19 of his teams to post season bowl games, including 14 consecutive bowl trips for the University of Alabama. Since returning to his alma mater in 1958, Coach Bryant has directed the Crimson Tide to three national championships—in 1961, 1964, and 1965. He has won six Southeastern Conference titles at Alabama, plus one at the University of Kentucky for a total of seven conference crowns, more than any other coach in the history of the conference.

Twice, Coach Bryant has won the National Coach of the Year title and he has been named Southeastern Coach of the Year three times. He is also the immediate past president of the American football Coaches Association.

Currently, Bear Bryant's 1973 edition of the Crimson Tide is undefeated in five games and ranks second nationally in the prestigious football polls of the Associated Press and the United Press International. This coming Saturday, a majority of our Nation's television viewers will have the opportunity to see Alabama clash with its longtime rival, the undefeated Volunteers of the University of Tennessee. Before the end of the current regular football season, sports fans will have two more opportunities to view Alabama football on national television.

Mr. President, commensurate with his rare talent for teaching winning football is Coach Bryant's dedication to the character building and citizenship training of the young men who have been fortunate enough to play for him. Coach Bryant's code of moral and spiritual integrity has enriched the lives of thousands of young men and, yes, women, by instilling in them the senses of pride, honor, courage, and self-reliance necessary to be participating citizens when they attain adulthood.

Numerous Bear Bryant students of yesterday are now to be found in high places everywhere. A listing of prominent business executives, attorneys, physicians, coaches, scientists, teachers, Armed Forces leaders, and other successful men—all former Bear Bryant pupils—would indeed be formidable.

One of the innumerable instances of Coach Bryant's lifelong concern and devotion for our young men and women

occurred a few days ago when he made a personal gift of $100,000 to the University of Alabama to be used for academic scholarships.

No athlete is eligible for this scholarship assistance unless and until he pursues postgraduate studies and only then if approved by the University Scholarship Committee. The Athletic Department will have nothing to do with determining recipients.

Mr. President, I ask unanimous consent to print in the RECORD a press release concerning this donation to his alma mater by Coach Bryant.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

SCHOLARSHIP FUND FOR THE UNIVERSITY OF ALABAMA

UNIVERSITY, ALA.—Paul Bryant, athletic director and head football coach at the University of Alabama, has donated a personal gift of $100,000 to the University to be used for academic scholarships.

The University will establish the Paul Bryant Scholarship Fund with the personal gift from Bryant, who started his winning career in football here in 1932 when he enrolled as a student and member of the Crimson Tide.

Bryant's gift to the University is one of the largest single academic scholarship funds at the Capstone.

"As far as I know, a gift of this kind from an athletic director and coach is without precedent," said Dr. David Mathews, University president.

"And it is certainly characteristic of Paul Bryant's tenure," Dr. Mathews said. "His great feelings for the University as an educational institution, and his deep feeling of responsibility to this institution are, even if less well-known, as significant as his winning record on the field."

Bryant's record as a football coach includes 223 wins overall, which is more than any active football coach, and his teams have recorded the most wins in the Southeastern Conference—103.

His teams at Alabama have won the National Championship three times (1961, 1964, and 1965), and the Southeastern Conference Championship six times. He also won the Southeastern Conference Championship while coaching at Kentucky, and captured the Southwest Conference title when he coached at Texas A&M.

Bryant has won the National Coach of the Year title twice.

When asked to comment on his gift, Bryant said:

"Fortunately, I've had friends outside of football who have advised and put me in investments that have been profitable. I probably owe the University more than anyone else who went here, and I just want to share it with them."

Bryant said the selection of the students for these academic scholarships will be made by the scholarship committee.

"However," he added, "I would hope that the committee would consider the sons and daughters of football players I have coached at Alabama, and physically handicapped students who are academically qualified."

Dr. Mathews said the Paul Bryant Scholarship Fund will be a significant benefit for the University. "And most significantly," he added, "to the students who might not have a chance for a college education without this fund."

Mr. ALLEN. Coach Bryant's generous donation will, of course, mean much to the academic scholarship program at the University of Alabama and to the young men and women, particularly physically handicapped students, who will be direct recipients of the Paul Bryant Scholarship Fund.

Most important, however, is the fact that Coach Bryant has again displayed his deeprooted love for our youth and his dedication to helping them prepare for their duties and responsibilities of tomorrow.

I salute Coach Bear Bryant for his gift of $100,000 to establish academic scholarships at the University of Alabama and in doing so, I know I am joined by countless Americans everywhere.

When I think of the many outstanding accomplishments and contributions of this remarkable man, I am especially proud that I am an Alabamian.

FEDERAL DISASTER ASSISTANCE TO CHELSEA, MASS.

Mr. KENNEDY. Mr. President, on Sunday, October 14, fire destroyed one-quarter of the city of Chelsea, Mass. On Tuesday, October 16, President Nixon declared the city a major disaster area eligible for Federal disaster relief.

Sunday night, I sent a telegram to the President urging him to take this action, and Monday, after touring the devastated area of Chelsea with Mayor Phillip Spellman and the regional director of the Federal Disaster Assistance Administration, I spoke with Governor Sargent and with Secretary of Housing and Urban Development James Lynn urging expeditious action on the application for the declaration of the city as a major disaster area.

Under the procedures established by the Disaster Relief Act and recent executive orders, the Federal Disaster Assistance Administration is the coordinating agency both for the initial decision as to whether an area qualifies and then for the actual allocation of assistance.

For that reason, I also was in touch Sunday night through my staff with the Federal Disaster Assistance Administration in Washington to insure their immediate action. They began immediately to establish centers for assistance to Chelsea. The decision announced by the President Tuesday will enable those centers to furnish immediate assistance authorized by the Disaster Relief Act of 1970.

Federal Assistance for the victims of the fire includes food stamps and commodity food programs, temporary housing including free rental units for up to a year for those who were displaced, unemployment insurance payments, manpower training and help in obtaining jobs, and Small Business Administration low-interest loans for both the reconstruction of residences and for the rebuilding of businesses.

These Federal programs are vital if we are to move quickly to provide relief to the victims, to restore vital services, and to rebuild housing and industries which were destroyed.

At the same time, Federal programs triggered by the announcement of the President will enable municipal and other public services to be restored through grants directly to the municipal agencies. Those grants can cover 100 percent of the cost of restoring vital services.

We have so much to be thankful for that no lives were lost and no one was seriously injured in the fire in Chelsea. But we have a great deal to do to restore the city and rebuild the lives of those who suffered tremendous losses in the blaze. Chelsea's greatest asset is its citizens and working with them we can revitalize the economy and rebuild the city.

THE 3–M COMPANY SUPPORTS ACTIVITIES BENEFITING ELDERLY

Mr. PERCY. Mr. President, as one who has a very deep interest in and concern about the problems of the elderly, I am always pleased to learn of a parallel interest and concern in the private sector.

Activities in the field of the aging sponsored by the Minnesota Mining and Manufacturing Co. of St. Paul, Minn.—the 3–M Co.—have recently come to my attention.

Earlier this month 3–M funded a 1-day seminar at the Andrus Gerontology Center of the University of Southern California for senior officers of national organizations which have policies, activities, or programs relating to the elderly in our society.

The Gerontology Center developed the seminar to sensitize the 25 leaders and to impart information about specific issues in aging—education, income, mental health, and so forth—and methods for dealing with these issues at the local level.

Then on October 29, 3–M will underwrite a special 90-minute broadcast to be produced by public television station KCET, Los Angeles, entitled "Wrinkles, Birthdays, and Other Fables."

The special, hosted by Flip Wilson, will be made up of an hour-long broadcast, incorporating entertainment forms to deliver information concerning the elderly, followed by a 30-minute related discussion program.

The entertainment portion will feature music, comedy, and dramatic vignettes to convey its messages. PBS stations are being urged to preempt the followup discussion portion of the show and replace it with locally produced programs which will provide information directly related to the needs of older Americans of individual communities.

The American Medical Association, American Association of Retired Persons, American Academy of Family Physicians, American Geriatrics Society, American Nurses Association, Council of Churches, and B'nai B'rith are some of the national organizations supporting the project.

I believe the 3–M Co. is performing a most worthwhile community service by funding these activities. I commend the 3–M Co. for its interest and concern in the problems of the elderly and for its efforts in translating interest into action.

SENATOR EAGLETON'S CONTRIBUTIONS TO HEALTH CARE

Mr. KENNEDY. Mr. President, I would like to call to the attention of the Senate an award recently presented to our

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distinguished colleague, Senator EAGLETON. He is the recipient of this year's Meritorious Service Award of the Optometric Council of the National Capital Region—OCNCR. The award cites Senator EAGLETON's "significant contributions made to the health care of the population through dedicated public service."

The presentation was made last week by Dr. Harold Glazier, OCNCR chairman; Dr. Michael Obremskey, immediate past chairman; H. E. Mahlman, OCNCR executive director; and Harry J. Doyle and Richard E. Martinez, both of the American Optometric Association staff.

As chairman of the Senate Health Subcommittee, of which Senator EAGLETON is also a member, I want to commend the Optometric Council for selecting him to receive this award. His contributions to our work have been substantial, particularly in the area of Federal programs to assist in training needed health personnel, where his leadership has been outstanding. Moreover, as a member of the HEW Subcommittee of the Appropriations Committee, Senator EAGLETON has the rare opportunity to participate not only in the development of legislation authorizing health programs, but also in their funding.

Mr. President, the entire Nation has benefited from Senator EAGLETON's dedicated efforts in the field of health care and I am pleased that members of the optometric profession have recognized his efforts through this award.

TRADE LEGISLATION

Mr. PERCY. Mr. President, the issue of international trade and whether it benefits or hurts the United States always arouses a great deal of emotion. It is always instructive to have as many facts as possible at one's command before making decisions on issues of this importance.

It has long been my contention, in business as well as in the Senate, that expanded international trade is in the best interests of this country. Further, it is my contention that expanded international trade is in the best interests of American industry and the American worker.

Thus I was most pleased to see an article by James J. Kilpatrick in the Washington Star on October 3, 1973, reporting on the experience of two U.S. companies which have become actively involved in international trade.

The first of these companies is the Caterpillar Tractor Co. of Peoria, Ill. Since 1950, when Caterpillar established its first overseas subsidiary, Caterpillar's sales, jobs and exports have grown. Between 1950 and 1972, Caterpillar's exports grew from $93 to $800 million, its purchases from domestic suppliers grew from $188 million to more than $1 billion and it has created 20,000 jobs here at home.

The second example is that of the Clark Equipment Co. At the same time that the company has invested abroad in 23 countries, the company's export business has grown from $5 million in 1950 to $96 million in 1972 and 2,800 jobs have been created in this country.

Various legislative proposals are pending in Congress that would restrict the right of U.S. companies to invest abroad and which would restrict international trade. Based on the experience of Caterpillar and Clark, it is hard to see what benefit these proposals would bring. In fact, I think they would be very damaging to the prosperity of this country.

Mr. President, I ask unanimous consent that the article by Mr. Kilpatrick be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DESERVING OF A FAIR SHAKE

(By James J. Kilpatrick)

Nothing much has been heard in recent months of the Burke-Hartke bill, more precisely known as the Foreign Trade and Investment Act. The proposal has vanished like so much grist in the mills of the House Ways and Means Committee, which is grinding out a single bill covering many aspects of foreign trade.

The protectionist attitudes embraced in Burke-Hartke have not vanished at all. The bill, sponsored by Rep. James A. Burke of Massachusetts and Sen. Vance Hartke of Indiana, continues to draw the enthusiastic support of the AFL–CIO and of other pressure groups opposed to multinational corporations. These spokesmen can be counted on to renew their clamor when the package bill makes its appearance this month.

A brochure published by the Industrial Union Department of the AFL–CIO argues stridently, in great splashes of red ink, that the multinational corporation is "unfair to American jobs." Such a corporation, with capital investments around the world, is a "modern-day dinosaur which eats the jobs of American workers." The charge is made that the foreign plants "produce goods which compete unfairly with American-made products."

The AFL–CIO arguments have been ably refuted recently by two spokesmen for American industry, William A. Naumann of Caterpillar Tractor and Walter E. Schirmer, chairman of Clark Equipment Company. Because the union's position has been widely publicized by such articulate advocates as Burke and Hartke, the other side of the story deserves a fair shake.

Naumann spoke last week at a conference of the Cast Metals Federation, representing several hundred iron and steel foundries. He bluntly acknowledged their fear that when a company such as Caterpillar builds a foreign plant, and begins to buy castings and other production materials abroad, domestic foundries are hurt. He offered convincing evidence that precisely the opposite is true.

Caterpillar has 11 plants abroad. In every case, Naumann said, Caterpillar's exports to the host nation have increased as a consequence of establishing the factory. The foreign plants not only require substantial amounts of U.S. parts and components for foreign assemblies; more significantly, he said, these plants "help us increase sales of our whole product line, including machines made only in the U.S."

Between 1950 and 1972, Caterpillar's exports grew from $93 million to $800 million. In this same period, its purchases from domestic suppliers rose from $188 million to more than one billion dollars. By Naumann's estimate, Caterpillar's exports and foreign earnings in the past 10 years not only have produced a net inflow of $5.2 billion, but also have created 20,000 domestic jobs.

Schirmer, who spoke in July at Duquesne University, offers the same affirmative evidence. His company, best known for its fork-lift trucks, has invested $122 million in plants in 23 nations, most notably in Brazil. Far from "exporting jobs," as the AFL–CIO contends, the foreign plants create jobs here at home. The Clark plants themselves become, in effect, markets for Clark components. The company's export business has soared from $5 million in 1950 to $96 million last year. The growth has created 2,800 jobs that otherwise would not exist.

The Burke-Hartke approach, by imposing punitive taxes on the multinational corporations and requiring import quotas, would stifle this healthy expansion. In theory, the protectionists would "keep jobs at home." In point of fact, their small-bore thinking would kill off the jobs of thousands of industrial workers, most of them union members, whose livelihood depends on foreign trade. Maybe this makes sense to George Meany, but it is hard to see how it makes sense to anyone who understands the parable of the goose that laid the golden egg.

PAYCHECKS ARE SHRINKING

Mr. HUMPHREY. Mr. President, we all know that a bag of groceries cost more today than it did 1 year ago, or even a month ago. The cost for housing, clothing and other necessities have also shot up to record rates. This situation is alarming, but the administration has been trying to comfort us with the assertion that real wages too are rising at record rates.

However, the rise in wages is illusionary. According to an article in the Wall Street Journal by Alfred L. Malabre, Jr., the average working man's pay has actually shrunk in terms of what it can buy. And while this may not spell recession in the economist's book—as gross national product leaps to ever greater heights—it certainly means recession for the wallet of the average working man.

The ramifications of this decrease in buying power are wide and serious. This drop in real earnings could signal new difficulties across a wide range of economic areas. The consequences of this trend are outlined and discussed in the aforementioned article by Mr. Malabre.

Mr. President, because of the importance of the facts presented and the analysis provided on the economic position of the American worker and his family, I ask unanimous consent that this important article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TAKING HOME LESS—PAYCHECK BUYING POWER SHRINKS AS INFLATION OUTRUNS GAINS IN WAGES

(By Alfred L. Malabre, Jr.)

Economists, armed with slide rules and computers, debate whether a recession impends. Some indicators of business activity say yes. Some say no The outlook remains unclear.

But don't tell that to the average working man. For him, the recession began a year ago.

The number of dollars in his weekly paycheck continues to expand. But since October 1972, with inflation ranging, his pay has shrunk in terms of what it can buy. And, for the bread winner, that's a recession, even if gross national product leaps from record to record and the sun shines again on Wall Street.

The table below pinpoints the shrinkage of paycheck buying power since last October. The figures in both columns are based on the average weekly pay of nonsupervisory workers in private business. The buying-power figures are obtained by adjusting actual paycheck pay to reflect price increases and Social Security and federal income tax payments.

Weekly pay, weekly buying power

October	$139.13	$97.49
November	138.76	96.98
December	138.75	96.78
January	139.11	95.81
February	140.62	96.08
March	141.35	95.67
April	142.85	95.96
May	143.22	95.61
June	143.58	95.29
July	145.45	96.16
August	145.43	94.34

Thus, from October through August, the latest month for which figures are available, the average paycheck has gone up $6.30 a week while its acutal buying power has gone down $3.15 a week.

A squeeze on workers' living standards is only one painful ramification of the drop in paycheck buying power. And while workers have less money to spend these days, they have less inclination to spend it. The University of Michigan's latest survey of consumer attitudes shows pessimistic consumers plan a sharp drop in spending; see article on page 19.) On the labor front, it suggests an increasingly tough stance by union bargainers in coming months. As the figures indicate, pay gains simply haven't been keeping up with inflation and taxes.

An economist for the AFL–CIO in Washington confides he is "astounded" that union bargainers, in view of such a trend, remain "so docile," and he anticipates "much harder bargaining" just ahead.

A TRADITIONAL LAG

One explanation for the "docility" of labor, the AFL–CIO official surmises, is simply that there is traditionally a lag before workers realize their paychecks are worth less. He also blames "a lack of publicity" given to statistics that bear on buying power. In an attempt to remedy this, the leading article in a recent issue of the AFL–CIO News focuses on the decline in "real" earnings. Another possible reason that labor hasn't been loud in its arguments for raises is that many big unions have cost-of-living clauses in their contracts, and thus they receive raises automatically as living costs increase.

For many corporations, of course, tougher bargaining could end in an extra squeeze on profits that already are expected by most economists to show little or no growth next year. For Washington's harried inflation-fighters, the limits of Phase 4 pay controls—generally a top of 5.5% a year—could be sorely tested by adamant union leaders determined to keep their people ahead of the price spiral.

Even before any step-up in union pay demands materializes, it's noteworthy that labor costs appear sharply on the rise. In August, the latest reading, unit labor costs in manufacturing stood at a record 123.8 (on a base of 1967=100). This was up from 118.3 in December. During 1972, in contrast, the labor-cost index was flat. The recent rise, analysts explain, reflects reduced gains in worker productivity, rather than any acceleration in pay boosts.

For business as a whole, the drop in buying power could signal new difficulties across a wide range of economic areas. Although it isn't among the so-called leading indicators that economists follow to track the likely course of general business activity, paycheck buying power was approximately flat for several years, and then turned down, before the country's last major recession, in 1969–70.

WORSE THAN IN A RECESSION

The economy began to pull out of that recession in December 1970, and buying power figures moved up accordingly, from a nadir of $89.09 in October 1970 to the record $97.49 attained 24 months later. The $3.15 drop since last October exceeds by far the decline in buying power that occurred before or during the 1969–70 slump. Over the course of that 12-month recession, the paycheck shrinkage amounted to $1.19, less than half the recent decline.

It's possible, of course, to attach too much significance to a single economic statistic. No index of business activity is perfect, and that recording the average worker's pay in real terms is certainly no exception. For one thing, it doesn't take into account fringe benefits, which bulk ever larger in the overall remuneration of employes. For another, it measures only the pay of nonsupervisory workers in private business, a job category that covers about 50 million persons in a work force of more than 85 million.

On the other hand, the buying power index also doesn't take into full account state and local tax payments, which increasingly erode overall pay. To a considerable extent, government analysts say, this omission offsets the failure of the index to cover fringe benefits.

In any event, the trend that has been evident in paycheck purchasing power since October has very recently begun to show up in other, broader measures of the individual's economic well-being.

One notable index that recently has stopped climbing measures the per-capita income of the entire U.S. population, all 210 million of us, after federal income taxes have been paid and allowance has been made for inflation. In the second quarter of this year, this index—our broadest economic yardstick of U.S. living standards—stood at $2,877, on an annual basis, down a smidgen from the first-quarter level of $2,878. The tiny decline marked the first quarter-to-quarter drop since late 1970, at the pit of the last recession. Then, the index touched $2,602, a full $275 less than in the latest quarter.

A glance at the economic record book shows that real per-capita income usually rises briskly in times of general business expansion. Indeed, other than during recessions, the index has fallen only five times—including the latest drop—in the past 20 years.

It's noteworthy, also, that the recent drop in per-capita income has come at a time when consumer saving, as percent of after-tax income, has also been declining. The second-quarter saving rate stood at 5.9%, down from 6.6% at the end of last year. In late 1970, in contrast, this rate amounted to 8.4%, up sharply from levels earlier in the year.

Still other statistics show that the recent decline in real pay ranges across a wide front. The table below details what has been happening to the purchasing power of weekly paychecks in various major industries during a recent 12-month span.

Buying Power Decline

	Percent
Mining	−0.6
Construction	−1.9
Manufacturing	−1.9
Transport & Utilities	−0.4
Trade	−3.2
Finance	−3.2
Miscellaneous Services	−1.7

As distressing as they may be, such declines are made doubly painful, some analysts contend, by the fact that the dollar's international worth since late 1971 has been dwindling.

The various indexes measuring real income in the U.S. generally don't take this decline into account. If they did, one government economist remarks, "an already bad pay picture would look absolutely awful."

He cites the decline of the dollar in terms, for example, of West German marks. In a recent three-year period, he says, the buying power of American workers, on average, edged up about 2%. But in the same three years, the analyst continues, the value of the dollar in terms of marks fell more than 40%.

"In German terms, the real take-home pay of Americans has plunged in the last few years," the analyst asserts, "and the situation is similar if you take such major countries as Japan or other European nations."

There is, of course, a brighter side to the coin. It's precisely this decline in the dollar's international value that has recently gained the U.S. increased attention from West Germans, Japanese, French and other foreigners as a relatively inexpensive labor market. In the process, many U.S.-produced goods, while ever costlier for Americans, have also grown cheaper for many foreigners.

A more competitive labor force, of course, could ultimately mean more jobs for U.S. workers. As one government analyst puts it, however, "it remains to be seen whether that happy prospect will induce unions to temper their demands once they fully see what's been happening to what their people are taking home."

AMERICA'S INDEPENDENT COLLEGES AND UNIVERSITIES

Mr. PERCY. Mr. President, I have been aware for some time of the increasing difficulties that nonpublic institutions of higher education are having in maintaining their position in the forefront of American education.

Their continued existence not guaranteed by Federal, State or local government, independent colleges and universities must compete with heavily subsidized public institutions. During these times of soaring costs, they are having increasing difficulty keeping these standards high and attracting sufficient numbers of students to function effectively. The present tight money market and the problems of inflation without doubt influence more students to select lower cost public institutions. Private schools in many cases are beyond the financial range of middle-income students.

Several of my colleagues from the Illinois Congressional Delegation and I recently met with representatives of the Federation of Independent Illinois Colleges and Universities. The meeting was most beneficial to all of us who attended. The congressional delegation had an opportunity to learn first hand the seriousness of the mounting financial problems confronting independent colleges and universities.

I would like to have printed in the RECORD two reports that may shed further light on these problems.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CURRENT STATUS OF FEDERAL STUDENT AID PROGRAMS

Current Status of Federal Support for Student Aid Programs with Implications for the State of Illinois and the Programs of the Illinois State Scholarship Commission

One year ago, 130 of the colleges of Illinois estimated in forms filed with the USOE that their 1973–74 student financial aid needs

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were $84.5 million. Their estimates took into consideration what amounts of dollars could be realistically expected from parents, the applicants' self-help in earnings, and expected institutional, private, and State of Illinois aid programs. When all these resources were subtracted from college cost-budgets, a deficit of $84.5 million remained.

Available and allocated dollars to meet this request for 1973–74 are $38.5 million or 45.6% of the panel-approved institutional requests. For 1973–74 the following amounts were released to Illinois institutions:

[In million]

Supplemental Educational Opportunity Grants	$10.548
College Work Study Funds	13,718
National Direct Student Loans	14,258
Total	38,524

By mid-July of 1973, a new federal program of Basic Grants was launched, with $122. million made available for the nation, with a maximum award of $452 and available to only first time, full time undergraduate students. Experience to date in this program has been disappointing. Targeted to low income and asset families, only 46% of the 210,000 announced Base Grants as of 9/25/73 are demonstrating financial need. Illinois students should have realized $6 to 7 million from this program in 1973–74; however, to date I would estimate $1.5 million has been awarded to Illinois residents. The late announcement of the program, a program targeted to predominantly low income families, a program offering average awards of about $250, and, in my opinion, an excessive expectation from family assets have kept applications received to date at about 20% of original expectations.

Other significant sources of federal dollars for post-secondary education support to students as Illinois residents are estimated as:

Social Security, $26.0 million.

Veterans Benefits, $87.0 million.

Another significant form of potential federal benefits for Illinois residents (not funded to date) is the State Scholarship Incentive Grant Program. Once funded, at a level of $50.0 million, Illinois would qualify for an additional $2.5 to $3.5 million of student aid.

As we look to 1974–75, one can only speculate on available federal student aid dollars. I would assume another $38. to 40 million for Illinois in the federal funded and campus administered programs (SEOG, CWS, and NDSL), and a growth of Basic Grants to a minimum U.S. figure of $440.0 million. Figures for Basic Grants totaling $725.0 million are also being discussed. A higher maximum award to include both freshmen and sophomore full-time students seems likely.

It should be reported that all federal programs are now available to vocational/trade schools with accreditation, a minimum of a six months program, and those having existed for at least two years. All federal aid programs except Basic Grants are available to half-time students. Both Basic and Supplemental Grants are limited to undergraduates.

Provided Basic Grants are funded at $440.0 million and State Incentive Grants are also funded, an additional $20 to 25.0 million of federal non-repayable student aid in grants could be available to Illinois students in 1974–75

A new needs test to qualify for interest subsidy in Guaranteed Student Loans has reduced volume in this program by 37% in Illinois. We have yet to study the full causes and impact of this drop. All states report similar decreases.

It is essential to determine for whom this loan program is intended, and additional federal amendments are anticipated by the spring of 1974 to restate purposes, desired federal/state partnership, approved eligible lenders, and the role and need of interest subsidy.

IMPLICATIONS FOR THE STATE OF ILLINOIS AND THE PROGRAMS OF THE ILLINOIS STATE SCHOLARSHIP COMMISSION

Until FY 75, federal appropriations for student aid programs are known and signed into law, it becomes most difficult to deal with implications.

The Board of Higher Education in 1972 received reports from The Commission on the Financing of Higher Education and from the Student Financial Aid Study Committee. Issues raised in these reports included several matters dealing with potential changes in Illinois student aid programs. Any answers to these changes must be made in relationship to federal student aid programs and their level of funding.

As of 1973–74, Illinois funded student grant programs (under ISSC administration) are not serving the following post-secondary students or purposes:

1. less than full-time students.
2. graduate students.
3. home study students.
4. students requiring five years to obtain baccalaureate degrees.
5. grant dollars for any expenses beyond tuition and fees.
6. the payment of tuition or mandatory fees above $1,300.
7. grant dollars to any students at Illinois proprietary schools.
8. students attending out-of-state institutions.

Matters of public policy require priorities as to where available dollars should be invested. Increases in tuitions (at either public or non-public institutions) require a review as to whether or not additional grant dollars are needed to lessen the impact on both access and choice.

For the past five years, the ISSC has received sufficient dollars to help all needy undergraduate applicants applying between October and August for the year to follow. If they attended full-time, we have been able to assist all eligible applicants, up to $1,300 for tuition and fees in 1973–74. Over 70,000 students will be assisted in 1973–74 with the $55.32 million appropriation for ISSC monetary awards.

Beyond the decision of what changes are recommended in the grant program, major issues remain as to the need for a state funded work-study program for college students as well as the possibility of the State of Illinois becoming an eligible lender in the Guaranteed Student Loan Program. Are reciprocity agreements with other states to be developed?

In a few months the National Commission on the Financing of Post Secondary Education will release its recommendations. Their report could have significance for federal and state roles. The State of Illinois Economic and Fiscal Commission also plans a report to be released in a few months reviewing Illinois student aid programs and recommending changes.

Perfect timing as to when to review changes becomes an almost impossible task. Legislative, academic, and application processing calendars do not follow similar dates and provide ideal planning. The State of Illinois best uses its student aid resources when responses take full cognizance of federal student aid programs and respond in order to supplement, not duplicate or overlap.

Some observations on comparing our 1973–74 award year Monetary Award Program applicants with a year ago may assist you in understanding other changes in Illinois higher education.

	Award year 1972–73	Award year 1973–74	Percent change	
APPLICANTS				
Total	113,944	112,966	down	0.86
Male	58,206	56,117	down	3.49
Married	8,063	9,882	up	22.56
Freshman	45,440	44,277	down	2.56
Sophomore	27,616	27,548	down	.25
Junior	23,732	23,526	down	.87
Senior	17,010	17,293	up	1.66
Emancipated	14,414	18,484	up	28.24
American Indian	302	348	up	15.23
Black	19,844	22,499	up	13.38
Caucasian	87,118	80,999	down	7.02
Oriental	775	842	up	8.65
Spanish surnamed	1,938	2,554	up	31.79
Other	2,384	2,398	up	.59
Not reported	1,020	3,302	up	223.73
COLLEGE CHOICE				
Public 2 yr	13,554	14,937	up	10.20
Public 4 yr	52,372	51,087	down	2.45
All public	65,926	66,024	up	.15
Private 2 yr	2,222	3,255	up	46.49
Private 4 yr	39,163	36,093	down	7.84
All private	41,385	39,348	down	4.92
Professional	1,949	2,994	up	53.62

It must be noted that this past year (in which 112,966 applications were received—a drop of 978 over the year before) was the first time since 1968–69 we have not received at least 16,000 more applications than the previous year. The inference of this fact is simply that any future additions to our budget can serve other purposes beyond normal growth under current benefits.

Other significant issues to be resolved in the best interest of students are:

1. Should applicants of state awards be required first to apply for any federal student aid benefits for which they qualify?

2. Should one application and administrative unit be designated as the channel by which families and/or students know what federal *and* state student grant aid benefits they are eligible to receive?

3. What represents the best partnership among federal/state/and institution roles and funds in serving both mutual and distinctive purposes?

The Illinois State Scholarship Commission desires to continue to work in a cooperative manner with the Board of Higher Education in its development of broad public policies which will keep Illinois as a national leader in its programs of student financial aid.

HIGHER EDUCATION: THE C.E.D. REPORT

OCTOBER 4, 1973.

(A Commentary by Alban Weber, Executive Director, Federation of Independent Illinois Colleges and Universities)

The recently issued report of the Committee on Economic Development entitled "The Management and Financing of Colleges" has created quite a storm in the academic community, generating some immediate vocal antagonism from some elements in the public higher education sector as well as in Congress. The controversy, however, seems to be a healthy one, if it ends up in stimulating some thought as to actual goals in higher education, and if it does not polarize thinking on the issue.

The key recommendation of the report which has created controversy is the recommendation that there be substantial tuition increases to support some of the spiraling costs in higher education. The report was most careful to point out, however, that no such increases should take place without the application of the additional funds and the availability of other funds to prospective students to pay the additional tuition so that no students would be deprived of an education because of lack of funds.

The immediate attack on the report (aside from some intemperate language about its sponsorship) was based on the premise that tuition rises would make education difficult for middle income students and middle income families.

Rep. O'Hara, Chairman of the House Special Subcommittee on Education, has attacked both the proposals of the Committee on Economic Development and the Carnegie Commission on Higher Education because his philosophy supports a national policy of higher education for all who can profit from it without financial barriers. While some of his attack on the two reports (C.E.D. and Carnegie Commission) was directed at specific figures used by them, the general thrust has been to merely support the status quo of present tuitions in the public sector.

While he and other critics do not say so, they are thus indirectly on record as favoring the continued decline in the nonpublic sector of higher education and its eventual elimination through unfair economic competition. The fact of the matter is that independent colleges and universities in the nonpublic sector see the recommendations of these reports as the first expressions of the enlightened development of a public policy that will actually support the national goal of availability of higher education for all without financial barriers, so eloquently expressed as an end by Rep. O'Hara. The status quo of low tuitions which often amount to less than one-fourth of the total annual instructional cost and a much lower percentage of the total cost of educating students in the public sector, creates a very worthwhile subsidy for the needy, but in addition, provides an unneeded subsidy for children of the rich and very rich, as well as those in the middle income classes, with no regard either to academic achievement or merit, or on the other hand, to individual or family need. The real crux of the situation, as Rep. O'Hara indicated, is the middle income family whose educational needs are, to some extent being subsidized by low public college and university tuitions. The possibility of reducing or destroying that subsidy is not only not desirable, but is, of course, politically highly infeasible, either through action of the Congress or in state legislatures.

But there is an aspect to this controversy to which Congress and the legislatures should be addressing themselves, and this involves the middle income families who are, through unfair economic distribution of subsidy, being forced to choose tax supported institutions even when they prefer a particular independent college because it offers some particular values they seek. The injustice created by the present situation stems in large measure from the failure of legislators and the public at large to fully realize the great transformation in higher education under which the differences between the so-called "private" sector and the "public" sector have been erased in many respects and the main legal distinction today relate to the source of financial support and the issue of governance. No longer, for example, are the independent colleges rich men's schools, since as indicated, the only source of subsidy for a rich man's son or daughter is attendance at a state institution with its written-in basis of indiscriminate subsidy for all. The nonpublic institutions can only afford to subsidize the needy and the academically meritorious, while their sister public institutions down the street can, through low tuition, be categorically indiscriminate.

The soul searching now being done in academia, therefore, relates to the question as to how to solve national goals both for "freedom of access" to higher education and "freedom of choice." The financial crisis of the independent institutions for the last few years has forced to the forefront another important question, the question of the value of maintaining a pluralistic system, of assuring the survival of independent institutions. There is no question that we need a strong and basic foundation of public higher education in this country. The great growth in numbers of students to whom higher education is available could only be absorbed in a fast growing public sector. But we believe the private sector is also worth preserving. It is interesting, for example, that, in Illinois, nonpublic higher education today enrolls slightly more students in absolute numbers than it did in 1960, while at the same time, its percentage of the total student population has decreased from about 50% to 30%. Both the absolute figures and the percentages speak well for the general handling of the problem in Illinois.

In the Congress, a great stride forward was made with the Higher Education Amendments Act of 1972, which created a whole set of new programs. In Illinois we can be particularly proud of the role played by former Rep. Pucinski in working on much of this legislation, as well as the very active sponsorship by Rep. Erlenborn of the Sallie Mae sections of the Act, and the great support given by Rep. Michel in the Appropriations Committee and on the House floor. All in all, reports across the country have indicated that the Congress in its rightful concern about freedom of access has paid great attention to the problems of the very needy but also has almost completely by-passed the two most pressing problems of higher education in the United States—the problem of the middle income family and the problem of maintaining a pluralistic system and not putting the independent college out of business.

We of the independent sector, therefore, strongly urge a careful consideration of both the Carnegie Commission report and the C.E.D. report, and we endorse its recommendations for increasing student aid in an amount sufficient to permit the allocation of a higher tuition cost in the public sector. Rep. O'Hara has pointed out, and we emphatically agree, that the dividing line for assistance seems to have arbitrarily been placed at the $15,000 income mark. This is not realistic in today's inflated world and there should be a much greater spread of whatever subsidy Congress or the legislatures determine to undergird the high cost of education for middle income families. This should, however, be done through aid to students rather than by low tuition rates. Tuition fees should be determined to a much higher degree both in the public and private sectors by actual operating costs and these should then be paid partially by federal or state subsidy and to the degree possible, by the students and their families.

We, therefore, strongly urge a much higher degree of attention to the scholarship provisions, a much more flexible definition of need and a relaxation of some of the provisions of Sallie Mae to make available student loans on a much broader basis.

VETERANS' EDUCATION AND TRAINING SERVICE

Mr. MATHIAS. Mr. President, the World War II GI bill was for me, as for many other veterans, the first and only chance to get a college education. Too many of today's veterans lack opportunity equal to that we had, but the general impression that today's benefits are just as substantial as those of 1948 has severely hampered many Vietnam veterans seeking jobs and education. As one young man put it:

> What made the situation particularly galling was that at least fifty per cent of the people I encountered (fellow students, faculty members, friends of my family) all thought I was receiving the same benefits my father and his generation received.

This problem was underscored by a report requested of the Veterans' Administration by the Congress in the 1972 GI bill. The study, released last month by the Educational Testing Service, which carried out the research, shows the degree to which the Vietnam veteran lacks GI bill parity with World War II veterans.

Monday, October 22, we will celebrate Veterans' Day. Nothing would be more appropriate than to celebrate this day with more than traditional praise, by commitments to back our words with action.

The present benefits of $220 per month, out of which a veteran must pay tuition, books, fees, and living expenses, represents in current dollars the same amount World War II veterans received for living expenses alone.

In 1948, the veteran's subsistence allowance of $75 per month equaled 35 percent of the average monthly U.S. earnings. If we used the same measure today, 35 percent of current monthly earnings would ironically be $220, or the equivalent of today's monthly payment which must cover all expenses.

Geographical disparity exists among veterans seeking an education under the GI bill. A veteran living in California can expect tuition at State colleges around $200 per year. In Ohio and New Jersey, he can expect to pay $600 to $800. California has a far more extensive junior college system. As a result, 37 percent of California veterans attended junior or 4-year public colleges, while only 17 percent of New Jersey and 16 percent of Ohio veterans did so. Yet the level of desire for further education is equal. With close to 58 percent of Vietnam veterans residing in 12 States—all charging relatively expensive tuition—it is clear that many veterans are hurting.

In my own State of Maryland, the veteran attending the University of Maryland has $125 per month to live on after he pays tuition and fees from his benefits. With the job market such as it is, and with veterans continually being excluded from work-study programs and Federal employment programs because their GI bill benefits are considered adequate income, many vets who might otherwise get a college or vocational education do not even try. My question is this: If we have a commitment to today's veteran comparable to our commitment to men who fought in World War II, why are we not only pricing the Vietnam vet out of private colleges but rapidly pricing him out of major public universities and many State colleges? It must make these young men feel that now that they have done the dirty work, they are to be discarded with a token and unrealistic stipend.

The time has never been more crucial for putting together a realistic educational package for these men—a package of educational benefits which not only alleviates the serious geographical disparities, but allows him to choose education without resigning himself to near poverty.

I ask unanimous consent at this time to print in the RECORD the final report of the Special Veterans' Opportunity Committee of the National League of Cities and U.S. Conference of Mayors which examines this issue, based on three public hearings held in Newark, Cleveland, and Seattle. They were chaired by Congressman SILVIO CONTE, of Massachusetts, who also received his education under the GI bill.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

NATIONAL LEAGUE OF CITIES AND
U.S. CONFERENCE OF MAYORS,
September 4, 1973.

Hon. SILVIO O. CONTE,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN CONTE: This report is the culmination of an extremely important, timely and productive undertaking—the series of public hearings which we, as Mayors, co-chaired with you under the sponsorship of the National League of Cities and the U.S. Conference of Mayors. As local chief executives, we are very much aware that many Vietnam-era veterans have problems. These problems—jobs, the search for understanding, educational opportunities and the attitude of the public—are not the things these young men should have to face on a daily basis.

Opportunities in both employment and education should be readily available; and the gratitude of a nation well-served should be automatically apparent. The fact that neither of these is the case is the real lesson of the hearings.

With the issuing of this final report, we all must dedicate ourselves to making these recommendations a reality, and these findings obsolete. Just as the hearings brought together in common cause public officials, academic leaders, business and labor executives, the military, a concerned citizenry, the media, and the veterans themselves—that same coalition must follow through, with this report as the first step.

We look forward to working with you as this is done.

Sincerely yours,
KENNETH A. GIBSON,
Mayor, Newark.
RALPH J. PERK,
Mayor, Cleveland.
WES UHLMAN,
Mayor, Seattle.

FINDINGS AND RECOMMENDATIONS OF THE SPECIAL VETERANS' OPPORTUNITY COMMITTEE OF THE NATIONAL LEAGUE OF CITIES AND UNITED STATES CONFERENCE OF MAYORS

SUMMARY OF FINDINGS

A. Public reaction to the Vietnam War has been a severe obstacle to civilian readjustment of returning GI's.

B. The present GI Bill has not been able to adequately help those who need it the most.

C. The World War II veteran got a substantially better deal in terms of benefits and acceptance.

D. Jobs for GI Bill-enrolled veterans is a major problem.

E. Veterans generally see the bureaucracy only as something to be overcome—not as a positive force.

F. There are wide geographic disparities in GI Bill use and in available assistance programs.

G. The federal government has primary responsibility for veterans' programs, but should make its resources available for support of state and local assistance efforts.

H. Lack of uniform in-service assistance by the military has made civilian readjustment more difficult.

I. There is a lack of leniency and understanding in the administrative dealings with those who may have gotten less than honorable discharges by proceedings other than courts martial.

SUMMARY OF RECOMMENDATIONS

A. The GI Bill should be restructured so that it pays 80% of all tuition and fees and makes a separate subsistence payment of at least $220 a month.

B. Work-study and public employment programs should guarantee a job to every enrolled veteran who needs or wants one.

C. Delays and obstacles to discharge review should be eliminated; and the VA should be more lenient in the granting of educational benefits in those cases where it has administrative jurisdiction.

D. A program of effective marketing and communication should be undertaken to increase use of the GI Bill.

E. Readjustment programs and pre-release remedial education efforts should be expanded and made universally available to GI's, on a continuing basis.

F. A special commission should review the relevancy of VA benefits and procedures and recommend needed reforms.

G. The Veterans Cost of Instruction Provision in the 1972 Higher Education Act should be fully funded. Other programs which support or supplement local veterans assistance efforts should be expanded and continued.

INTRODUCTION

When I came home from World War II, my home town turned out for a welcome. There were parties, ceremonies, honors and a feeling that, whether we served in combat or were on permanent KP in the states, we were all heroes.

More importantly, the nation we fought for showed its gratitude through the GI Bill; and each and every one of us had the opportunity to get—at little or no cost to us—all the education we wanted. I'm sure the 7,000,000 World War II vets who used the GI Bill feel as I do, that it was the most valuable thing that ever happened to us. Without it, I certainly would not be in Congress today.

This report is the result of an eight-month effort to find out what the problems of today's veterans are, and what can be done about them. I was asked by the National League of Cities and the U.S. Conference of Mayors to chair a Special Veterans Opportunity Committee and hold a series of public hearings across the country, so that we could hear, first-hand, from the veterans themselves, as well as from those who are in a position to help them.

The all-day hearings were designed to strengthen city-sponsored veterans assistance projects by involving local leaders and by hearing the views of veterans and other concerned citizens.

The hearing panels included Vietnam veterans, public officials and leaders of the business, labor, academic and service organization communities. The first hearing was held in Newark, New Jersey, on October 25, 1972; the second in Cleveland, Ohio, on March 9, 1973; and the third in Seattle, Washington, on May 18, 1973.

In the three hearings, a total of 111 witnesses were heard, 62 of whom were Vietnam-era veterans. The hearing panel members and complete witness lists are attached.

As can be seen from the hearing summary reports, these findings and recommendations represent a broad consensus, although several witnesses wanted to go much farther in remedial action. The evidence indicates that what is contained here is fair, reasonable and necessary.

The National League of Cities and the U.S. Conference of Mayors operate the Veterans Education and Training Service (VETS) through a grant from the Office of Economic Opportunity. VETS has helped to establish Vietnam-era veterans assistance projects in 10 cities across the country and has provided technical assistance to veterans efforts in many other cities.

In the course of running these projects, thousands of Vietnam-era veterans have been contacted, counseled, enrolled under the GI Bill, and helped with employment and benefit problems.

A major recurring complaint of veterans is that they feel few people are either listening to or really caring about their problems. They believe their problems are unique, due to the nature of the Vietnam conflict and the public reaction to it.

These public hearings were, therefore, conducted to provide the veterans themselves—as many as wanted to testify—a chance to tell a panel (which included Vietnam veterans) what they think the problems are, and what the solutions to those problems should be.

This testimony was supplemented by testimony from college officials, employment services, businessmen, psychiatrists, psychologists, veterans organizations, state legislators, U.S. Congressmen, military personnel, federal, state and local agency officials, labor leaders and interested citizens.

We greatly appreciate the full cooperation we received from all these groups and individuals—especially benefits personnel at the Veterans Administration—and believe that their valuable contributions will lead to positive and immediate action.

As a World War II veteran who benefited so substantially from the GI Bill, I am most concerned with the problems of today's veteran. It is disquieting that these highly motivated young men would—as one did at the Cleveland hearing—equate their plight with the soldier's lament from "All Quiet on the Western Front":

"Now, if we go back, we will be weary, broken, burnt-out, rootless and without hope. We will not be able to find our way any more, and men will not understand us. For the generation that grew up before us, though it has passed these years with us here, already had a home and a calling; now it will return to its old occupations and all will be forgotten. And the generations that have grown up after us will be strange to us and push us aside. We will be superfluous even to ourselves and will grow older. A few will adapt themselves—some others will merely submit—and most will be bewildered. The years will pass by, and in the end we shall have fallen into ruin."

There is much that we can do to see that today's veterans have a more hopeful future.

It is apparent to me that we must work to see that today's veterans have more than just the present GI Bill available to them. There will be many who will need a package of assistance that will include a guaranteed part-time job, special counseling, help in obtaining other applicable programs, as well as the financial assistance available through both the GI Bill and the individual educational institutions. We cannot expect that the majority of Vietnam-era veterans will be able to put all this together themselves—even if it were universally available. We must have both adequate programs—available to all—and an efficient and usable delivery system.

That is what this report is all about.

SILVIO O. CONTE,
Chairman,
Special Veterans Opportunity Committee.

PART I—FINDINGS

A. The Vietnam Veteran

"Today's veteran must not be a political pawn. The hawks and the doves have had their day in court, and now society must understand the need to assist the *man*. His problems are society's problems."—Mayor Kenneth Gibson, Newark hearing.

The Vietnam-era veteran is no different from the veteran of earlier conflicts. But the *war* was different—and the public reaction to the war is different. Any assistance program must recognize this.

This is *not* to say that the Vietnam-era veteran is any less highly motivated or less valuable as a student, employee or citizen. Having survived a complex and difficult assignment in a difficult time, he may be *more* valuable.

A production manager for a steel plant said at the Cleveland hearing, "Our experience with today's vets shows them to require less training, less supervision and to be more work-disciplined than non-veteran employees." A college president at the Newark hearing commented that his experience with Vietnam vets showed that they were highly motivated and mature students and less likely to drop out [for non-financial reasons] than the student fresh from high school.

Former Army Chief of Staff General William Westmoreland has said of today's veterans, ". . . . They are, as a group, more eager for betterment and more responsible than GI's of the same age in past wars. Their service has been difficult, demanding and devoid of the public acclaim that was given to past GI's. They understand and accept this and have proven to be unusually anxious to build a meaningful future for themselves."

However, during the course of the hearings, it became obvious that the world is a long way from beating a path to their doors. Far from being welcome heroes, many veterans at the hearings told of feeling, in effect, discriminated against just because they were Vietnam veterans. At Cleveland, one young veteran said, "Most people treated me like I was a psycho, a probable drug addict or just a dummy for fighting in a dumb war. It got so that I hid the fact that I was a veteran."

Psychiatrists and psychologists who testified at the Newark hearing confirmed this. Dr. Gordon Livingstone, an Army psychiatrist, said, "Today's vets are survivors of what happened in Vietnam and . . . have become a crucible for all of society's doubts and misgivings about our involvement in Vietnam." The VA's Harris Survey showed that "A plurality of the people feel 'Veterans of this war were suckers, having to risk their lives in the wrong war at the wrong time.' "

Several expert witnesses traced the problem back to the decision to fight the war basically with draftees, taken under a less than universal draft—recognized on all sides to be highly unfair in its operation. The college deferment exempted people from higher income brackets, and lower income men served in their place. Later, these men came home to an economic situation that was rapidly deteriorating. From 1970 through 1972, while close to a million men a year were discharged, veteran unemployment rose from 100,000 men to a high of 400,000 (in January of 1972), with the rate exceeding 15% "and among nonwhite veterans and those with less than a high school education reaching 21% and 31% respectively," according to the VA's Harris Survey.

As a result, these men became frustrated. They expected that their service to their country would be fully recognized, as earlier service had been recognized. Yet the controversy surrounding the war made this impossible. They felt that the bureaucracies of the Veterans Administration, the employment services and the colleges where they sought help disregarded their sacrifices and treated them as children. A persistent theme was that the federal government educated, trained and transported the soldier-citizen for combat with great efficiency. But the manner in which the veteran returning to civilian life is treated contains none of that efficiency and concern.

Their own words best reveal their feelings:

"Why do we have to beg for assistance or even attention?"

"All we want is the chance that the guys got who didn't have to go."

"Either I can take care of my wife and child or I can go to school—not both. Why should I have to make such a choice?"

"Liberals hate us for killing and conservatives hate us for not killing enough."

"The real prisoner of this war is the ordinary veterans—the conscripted grunt who didn't have the political connections to get into the National Guard to sit it out."

"All we want is what our fathers got."

"We feel that no one is really listening."

B. GI Bill use

Many returning Vietnam-era veterans lack the financial resources to use today's GI Bill, which they see as their best opportunity. A high proportion of the draftees in the Vietnam era were high school dropouts, members of minority groups and persons from lower income backgrounds. Consequently, a GI Bill which requires supplementary financial aid, special outreach and remedial efforts by educational institutions and a sophisticated understanding of government and bureaucracy will reach primarily those veterans who had pre-service higher education. This is generally what has happened. The use of the GI Bill is, therefore, inverse to need.

The proof of the "use is inverse to need" claim lies in the following discussion (based on VA statistics). About 20% of returning Vietnam-era veterans have less than a high school education. And yet, of those actually enrolled in college or junior college under the GI Bill, this educational group represents only about 3% of the total. You have to dig this figure out because the largest number in this category are in the "other schools" group, which is about 70% correspondence schools. This group is discounted here because, according to a recent GAO report, those vets in correspondence schools have a 75% dropout rate. The combined college and junior college use rate is higher today than after earlier wars, because of the higher level of education offered by junior colleges that previously would have been counted under other categories. The availability of cheap, good technical education at junior colleges, as well as the higher education qualifications demanded for jobs, are the reasons this report stresses the college and junior college participation route. But many veterans have much to gain from on-the-job and technical training in other settings. We recognize that fact.

Today's GI Bill has educated hundreds of thousands of veterans, and will cost $2.5 billion this year. It is in many respects the best available federal scholarship program, yet it operates with an uneven impact. Its successes in helping many veterans must be weighed alongside the difficulties other veterans have in using this—the prime readjustment tool. While nationally 46.1% of the nation's 6,220,000 Vietnam-era veterans have used the GI Bill (for one purpose or another), 53.9% have not. Within the ranks of those that have used it, there are many that have failed to complete their courses, for reasons that were brought out during these hearings and in Congressional hearings.

The low level of GI Bill benefits has for all intents and purposes precluded most veterans from using the bill to go to private colleges. In effect, these veterans have been forced to compete for limited spaces in public community and junior colleges with low tuition. Even the tuition at four-year public colleges is higher than some veterans can afford. This was demonstrated at the Cleveland hearing, when one young vet said he was enrolled at Cuyahoga Community College (instead of Cleveland State College, where he wanted to go) merely because of the difference in tuition: At Cuyahoga, he said, the tuition was $380, while at Cleveland State it was over $700. "Why should I be restricted in the choice of a *public* college just because of $320? Doesn't that mean there is something wrong with a GI Bill that does that?"

The monthly subsistence funds a student veteran at Rutgers Newark would have for living expenses, after payment of tuition, rose on account of the October 1972 benefits increase from $101.11 to $133.33. Veterans at the Newark hearing considered both sums inadequate because of the consistently high unemployment rate in the Newark metropolitan area, resulting in difficulties in locating part-time jobs, and a high cost of living in the city.

Far more veterans appear to be married than non-veteran students, and their financial obligations are commensurately greater. According to an American Council on Education research report—"The Vietnam-Era Veteran Enters College"—38.3% of the veteran students are married, while only 1.2% of non-veteran, first-time college students are.

C. Comparison with situation of World War II GI's

Compared with the World War II veteran his counterpart today is receiving unequal treatment, both in terms of benefits and opportunities and in terms of public acceptance. "We only want what our fathers got," was a frequent veteran comment. After World War II, veterans had most tuition and fees paid directly by the federal government, a book allowance, some subsidized housing and a $75 month subsistence allowance; and they were eagerly sought after by educational institutions, both public and private. Today's GI Bill, increased in three stages, now gives the single veteran a base allowance of $220 a month, out of which must come his tuition, as well as money for rent, food, books, transportation and other basic necessities. Schools and colleges do little to adapt their procedures to the needs of veterans.

Under the World War II GI Bill, veterans could attend any approved institutions of higher education. Today they are effectively excluded from private colleges by high tuition costs, which are five times higher than those of the late 1940's. The average tuition charge at private colleges has risen from $398 to $1,902. After World War II, public colleges were encouraged to take veterans as a result of direct reimbursement from the federal government of what amounted to out-of-state tuition rates for in-state veterans. Out-of-state tuition rates more truly recognize the actual or true costs of education to the states.

Those rates today are $2,000 or more in California, Ohio, Michigan and Pennsylvania—four of the states with large concentrations of veterans. In effect, the federal government has shifted a large bulk of the costs of education from itself to state and local government, and to the veteran. Until $25,000,000 for the Veterans Cost of Instruction Provision was released in June 1973, no federal funds went directly to colleges to support veterans education efforts other than a $4.00 per student processing fee, and the small Upward Bound for Veterans Program. Thus, the federal government no longer funds—through the GI Bill—the expansion of post-secondary education necessary to enroll additional veterans.

As a result, the veteran of the Vietnam era feels that his lot is directly related to the unpopularity of the war and the divisions and debates engendered by it.

As pointed out at the Seattle hearings by Dr. Charles Odegaard, President of the University of Washington:

"Soldiers from Vietnam were not universally conscripted as they were during

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World War II; more were chosen from among men who could not go to college and who were not granted deferments. Not surprisingly, then, veterans from Vietnam include more financially disadvantaged men and more minorities than previous veteran groups, at least in recent history. Predictably, these men are going to have unusual, indeed unique problems. They are not going to be as well prepared for college, so that they will require more and specialized attention to get through college and to enter graduate or professional study. They are going to be difficult to place in jobs; and more than previous veteran groups they are going to find re-entering civilian life an emotionally difficult and traumatic experience. Unless these men are given special help, the original inequity which encouraged the drafting of poorer and less well educated individuals will be magnified by the fact that those who were less equipped to support themselves when they were drafted come back as veterans to compete in the job market with men who have had two more years of education and training. At the same time they have to face a less receptive and unfriendly environment than their predecessors."

At the Seattle hearing, the Director of the VA regional office took issue with the World War II "discrepancy" argument, submitting a chart showing differences in costs and allowances in constant dollars. The VA chart did not refute the testimony of veterans, who offered their budgets and cost figures and compared them to what was available to the World War II GI Bill-enrolled veterans.

One veteran, William Albinger, Jr., wrote to the Evening Star in Washington, D.C., after reading about these hearings. His feelings were similar to those of many other veterans:

"After receiving the Grateful Nation speech in Cam Ranh Bay, I got on the plane to return to the United States and resume my law studies. I was surprised to return to a place that was practicing cut-rate government. Like in so many other ways, the hidden costs of the war were being foisted off on those who lacked the votes, organization, or money to have political clout—the returning veterans. . . . I wonder how the hell guys who were shot up make it through. What made the situation particularly galling was that at least 50 percent of the people I encountered (fellow students, faculty members, friends of my family) all thought I was receiving the same benefits my father and his generation received."

Because of the continuing controversy about the relative benefits given World War II and today's veterans, the Committee staff undertook its own analysis of the available data.

The VA chart used in Seattle, which is similar to other such presentations, lumps together the charges at two- and four-year public colleges. Four-year public college tuition has climbed so that the average charge is now $609 in the 12 states with 60% of veteran population. The point is that today's veteran in many states, unlike his World War II predecessor, has been hard pressed to command four-year college or graduate education at public colleges, and is priced out of private colleges completely. The latest of the three increases since the GI Bill was reenacted in 1966 (at a level lower than the Korean War benefits) has come the closest to giving today's veteran subsistence monies equivalent to those the World War II veteran received.

The veteran, in the cities where we held hearings, trying to attend four-year public colleges received the following benefits after paying for tuition and books:

MONTHLY LIVING FUNDS AFTER PAYMENT OF TUITION

	1969–70 academic year	1971–72 academic year	1972–73 academic year
Rutgers University	$51.33	$101.11	$133.33
Cleveland State	68.33	84.44	129.44
University of Washington	74.55	106.11	143.44

The GI Bill carried benefits, before tuition payments, of:

[Per month]

June 1969	$130
June 1971	175
Oct. 1972	220

The value of $75 in subsistence (received by World War II vets) in current dollars:

1969	$114
1970	121
1971	126
1972	131
June 1973	138

As noted above, the October 1972 increase in the GI Bill came the closest to giving the veteran a sum equivalent to the $75 a month subsistence of a single veteran after World War II. However, the strict dollar conversion of the $75 into today's seems to overestimate the buying power today's veterans' benefits represent in many states. The World War II veteran had subsidized housing in many instances. The familiar quonset hut was frequently mentioned during the hearings. The colleges and employers adapted their procedures to student veterans. Today's veteran has no such benefits.

But, more importantly, when the GI Bill is compared to the percentage of average monthly earnings, as the VA did, in testimony to the Senate Veterans Affairs Committee, then the difficulties of the Vietnam-era veteran become readily apparent. The GI Bill was never intended as a full scholarship; however, it was designed to give the veteran a fair chance at working his way through school. The World War II GI Bill did this by giving the veteran with no dependents 35.4% of the average monthly earnings; the veteran with one dependent, 49.5%; and the veteran with two dependents, 56.6%.

Today's veteran with no dependents, after paying the average tuition at all two- and four-year public colleges, is left with 26.4% of average monthly earnings; with one dependent, 33.1%; and with two dependents, 38.9%. The veteran who attempts to attend four-year public colleges in major states ends up with 22.4%; 29.0%; and 35.0%, respectively. What this means is that the Vietnam-era veteran has to have alternative sources of income, particularly part-time and summer jobs that bring in substantially more than the World War II veteran needed. Given the high cost of living in cities and the difficulties in finding part-time jobs of the last several years, the demands of the veteran for equal treatment become justifiable.

COMPARISON OF U.S. AVERAGE MONTHLY EARNINGS TO G.I. BILL BENEFITS

Date	Average monthly earnings	No dependents		1 dependent		2 dependents	
		Monthly payment	Percent of average monthly earnings	Monthly payment	Percent of average monthly earnings	Monthly payment	Percent of average monthly earnings
1948	$212	$75	35.4	$105	49.5	$120	56.6
May 1973 (after payment of average tuition and book costs at all public colleges)	617	163	26.4	204	33.1	241	39.8
May 1973 (after payment of average tuition and book costs at major 4-year public colleges)	617	138	22.4	179	29.0	216	35.0

D. Unemployment

Employment of any kind is the major concern of veterans. To use the GI Bill, most veterans (without outside financial help) must have either a full- or part-time job. Many veterans found they had to get a job and get reoriented to civilian life before they could make the decision to return to school. Yet in many cases, the jobs they thought they were qualified for because of their service were unavailable. In the cities, where most vets are concentrated, jobs are difficult to obtain. Where it has been used for veterans, the EEA Public Employment Program has helped some. But under the President's budget, that program is scheduled for termination; and even those jobs will no longer be available. The college work-study program has not helped the veteran enough, primarily because of funding levels and demands on it by non-veterans. In fact, testimony was presented that veterans were largely excluded from the HEW work-study program because of inclusion of their GI Bill income in determining their economic status.

Unemployment among Vietnam veterans aged 20–24 has remained consistently high, and the figures for the first quarter of 1973 were 11.0% for veterans, versus 7.3% for non-veterans (not seasonally adjusted) in that age bracket. The seasonally adjusted flures were 9.2% for veterans, 7.0% for non-veterans. Testimony was heard repeatedly at the hearings that the Vietnam veteran was caught in a vicious cycle because he lacks the education and training to obtain a job. Yet without a job to supplement his inadequate GI Bill benefits, he cannot obtain the education and training.

Both veterans and college officials agreed that the greatest need was for an assistance package that combined an assured part-time job with GI Bill educational benefits. One veteran testified at the Newark hearing that in his search for a job (which he needed to be able to make it under the GI Bill), it was only after he threatened to call his Congressman that he finally secured employment. Part-time employment did not yield enough income, so he carries both a full course of study *and* a full-time job.

Veteran witnesses told of giving up on using the GI Bill after fruitless searches for part-time jobs. While the state employment services came in for much criticism, the problem is that many employers do not list with the service, and usually only full-time jobs are available. Obviously, the employment service has a difficult time in supplying jobs in a time of high unemployment, like that beginning in 1970.

E. Bureaucracy

Many of today's veterans feel that the whole system of assistance—the VA, the governmental bureaucracy and the traditional veterans organizations—is neither sympathetic to their needs nor representative of their era of service.

While the VA, the employment service, the American Legion, the Veterans of Foreign Wars and others have made important efforts to use Vietnam veterans in their programs, they have had great difficulties in getting veterans to accept those efforts at face value.

One veteran at the Newark hearing summed up the feeling of many about bureaucracy:

"America needs to gamble on the potential of this generation of veterans to at least the same degree as it did on the World War II generation. Instead, with its tradition of diversity, American society can only offer benefits to Vietnam-era veterans through increasingly narrow channels, developed over 25 years ago and administered with decreasing flexibility, under tons of regulations and overregulation, by people who it seems have forgotten the gamble society took on them.

* * * * *

"Efforts on behalf of Vietnam-era veterans should be more in humanistic terms rather than the present national and economic crisis terms. A greater number of Vietnam-era veterans should be involved in the development and running of efforts on behalf of veterans, not just token representation, or a Vietnam-era veteran with a title, for display purposes, with no authority or responsibility. Programs are designed and implemented on a 'Daddy knows what's best for you' philosophy, and when they fall short or fail, the reason is always 'you don't really know what's best for yourself.' "

At the Cleveland hearing, an advertising executive (himself a Korean War veteran) noted that the problem seemed to be one of communication, and cited the many forms and brochures with their governmental jargon—and then asked, "How can you expect to relate to today's alienated vet with this sort of stuff?"

At the Seattle hearing, a veteran of World War I, representing the combined charter veterans organization, offered this comment to the Vietnam vets: "I know what it is to be frustrated by bureaucracy." However, he urged vets to "approach it on the basis of negotiation rather than abuse." He suggested that the charter veterans organization's tactic of "constantly watching and constantly checking up" was a good one, and was a lobbying effort worth emulating.

Also in Seattle, a Vietnam veteran—one of the few to be elected to a state legislature—testified that this era of vets needs a lobby of its own. He urged the election of more Vietnam veterans to public office, and suggested that they organize themselves more effectively. He cited the fact that there are no Vietnam veterans in Congress today, and said that in contrast, 1946 saw newly elected vets—such as John F. Kennedy and Richard M. Nixon.

Many vets in the hearings noted the absence of young veterans in outreach roles and in responsible positions in regional offices. They felt the need for Vietnam veterans to have a major influence in the development of national policies, as well as at the local level, on their behalf.

Another major thrust of the veterans was for local organizations that were veteran-run and veteran-influenced. Satisfaction was expressed with the third-party contracts that bring federal money in to support city-sponsored and controlled agencies. The difficulties of federal regional agencies, such as the VA regional office, that were pointed out included their inability to involve the local public and private non-profit agencies and important men and women who could contribute to programs for veterans. From the testimony given at the hearings, it was evident that there was a great deal of good will that could be channeled to Vietnam veterans; yet the lack of operable mechanisms, such as the citizen committees that were formed in Seattle, prevented assistance from reaching many veterans through existing public and private agencies.

Testimony was given at the Cleveland hearing on the tremendous value of the recent Upward Bound for Veterans projects funded by HEW in 1972. Former astronaut Neil Armstrong, now a professor at the University of Cincinnati, detailed how such a project is working there. Similarly, officials at Cuyahoga Community College told how they have set up successful outreach, counseling, remedial education and assistance efforts with such a grant. These, and projects such as College Discovery, run at Fort Dix by Montclair State College (and detailed at the Newark hearing), show the advantages of federal funds going to locally run "vets helping vets" projects.

Tom Tharpe, a product of College Discovery, testified at the Newark hearing, "When I was in high school, I was told I wasn't college material. Then in the service I discovered College Discovery. They counseled me and got me into college, where I have a 3.2 average." Mr. Tharpe will graduate soon from Brooklyn College with a degree in mathematics.

Ralph Munro, Special Assistant to Governor Daniel Evans, suggested that the principle of special revenue sharing be applied to veterans. He felt that if the state had the financing to tackle veterans problems, it could go a long way toward solving them. Unfortunately, the Emergency Employment Act program, with which the state had launched a major veterans program, assigning veterans to each community college in the state, may run out shortly. Munro suggested that a special revenue sharing program for veterans could solve the problem.

Delays in the receipt of GI Bill benefits have been particularly harmful to Vietnam veterans attempting to stay in college. The fact that checks are late in arriving makes it hard for counselors to persuade veterans to return to school. In fact, many men in school have had to drop out because of late receipt of their checks. The President's Committee on the Vietnam Veteran pointed out in its 1969 report that low participation in the GI Bill was related to these delayed payments. The report said:

"The effect of this after-the-fact method of payment can be to discourage program participation by the veteran who cannot afford the initial outlay required by most schools for prepayment of fees, tuition, books, and necessary money for subsistence for himself and his family until the first payment is received. The intent of the program is thus jeopardized."

While the advance payment provision of the 1972 GI Bill is designed to correct this, many veterans at the hearings expressed skepticism, as long as the system depends on computers. However, the new system, developed as a result of combined administration and Congressional initiatives, should alleviate the very major problem of payment delays. It appears from discussions with the Veterans' Administration officials that taking a veteran's file out of the system to find out why delays are involved may in its own right slow down the processing of his claim. Obviously, the computer is only as good as the paper that is fed into it; and the current system, with its potential delays—by the veteran, by the college and by the Veterans' Administration—works a serious hardship on individuals.

F. Geographical differences in GI Bill effectiveness

The programs of assistance which are designed to supplement the GI Bill are not uniformly available to veterans. The GI Bill itself is used to widely varying degrees in different states. Some states have bonuses and free public tuition. Some schools have federally funded veterans' assistance efforts. Some local areas have outreach programs. Some areas have available jobs. But nothing, not even the GI Bill itself, is uniform in its effectiveness.

The effectiveness of the GI Bill depends on which state a veteran returns to. California has the nation's most extensive public college system. Community colleges and a state college system with a 200,000-student enrollment are available at low tuition rates.

A California student veteran pays $140 of his GI Bill benefits for tuition at a state college, while a New Jersey veteran pays $630 and an Ohio veteran $700. (Because the present program no longer takes into account variations in tuition costs, equal military service no longer means equal readjustment opportunities, as it did under the World War II GI Bill.)

The National Association of Collegiate Veterans submitted a report that it had prepared, entitled *The Vietnam-Era GI Bill—Equal Military Service—Unequal Readjustment Opportunities.* Unfortunately, NACVI President James Mayer was unable to come to Cleveland and testify. However, the substance of the report shows that per capita payments to individual veterans vary greatly from state to state. California leads the major states, with its veterans able to use over $1230 in GI Bill benefits on a per capita basis during the five years from fiscal 1968 to fiscal 1972. New Jersey and Ohio veterans used slightly more than half as many dollars in GI Bill benefits.

The NACVI report cites the difference in how California veterans were able to make use of the benefits in contrast with New York veterans. In fiscal 1972, Californians used $302,000,000 in benefits, while New Yorkers used $99,000,000. These two states ordinarily get nearly equal shares under most federal programs; however, between fiscal 1968 and fiscal 1972, California veterans used more than $565,000,000 more than New York veterans in GI Bill benefits. This is largely a reflection of the mix of the state's post-secondary education system and the lower levels of tuition in California. With few private colleges, a heavily subsidized state system, and a community college system three times as large as New York's, the California veteran had much easier access to the GI Bill than did the New York veteran. It should be noted that California veterans take no money away from New York veterans when they use the GI Bill to the extent they do, for the GI Bill contains a unique commitment by Congress to make more money available as more veterans decide to use the benefits.

The attached chart shows the great disparities among states in the usage of the GI Bill. On a per capita basis (to show the relation of GI Bill payments to the number of veterans on a state-by-state basis), annual educational benefits go from a high of $469 for veterans in North Dakota to a low of $174 for veterans in Virginia. As for the utility of the GI Bill for college or junior college education, 35% of California's veterans use it, while less than 14% of Indiana's veterans do so.

This points up the inherent inequity in the practical limits on the way the GI Bill can be used by veterans is various states. Further variances among veterans with different economic and social backgrounds were testified to at the hearings. However, no definitive national statistics exist on this point.

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IMPACT OF VIETNAM-ERA GI BILL

	Payments per 10,000 Vietnam-era vets	Vietnam-era vet population (November 1972)	Total GI bill payments fiscal year 1972	Percent ever in college under GI bill
1 North Dakota	$4,690,000	15,000	$7,040,000	34.4
2 New Mexico	4,550,000	31,000	14,120,000	29.7
3 Arizona	4,500,000	61,000	27,440,000	32.2
4 South Dakota	4,210,000	15,000	6,320,000	27.2
5 California	4,170,000	725,000	302,180,000	35.3
6 Out of Country	3,900,000	71,000	27,690,000	16.4
7 Utah	3,880,000	38,000	14,750,000	28.2
8 Colorado	3,810,000	81,000	30,860,000	26.6
9 Alabama	3,690,000	90,000	33,240,000	20.8
10 Hawaii	3,670,000	28,000	10,280,000	26.7
11 Oklahoma	3,670,000	87,000	31,950,000	25.5
12 Washington	3,450,000	136,000	46,890,000	27.8
13 Florida	3,410,000	213,000	72,590,000	25.4
14 Oregon	3,390,000	77,000	26,140,000	29.2
15 Louisiana	3,370,000	94,000	31,700,000	20.0
16 Idaho	3,350,000	21,000	7,040,000	28.8
17 Texas	3,320,000	342,000	113,680,000	24.3
18 Kansas	3,300,000	67,000	22,130,000	25.3
19 Tennessee	3,230,000	114,000	36,870,000	19.9
20 Montana	3,180,000	22,000	7,000,000	26.8
21 Arkansas	3,160,000	51,000	16,140,000	19.4
22 Georgia	3,040,000	147,000	44,730,000	16.6
23 South Carolina	2,990,000	77,000	23,000,000	17.2
24 North Carolina	2,970,000	136,000	40,360,000	20.1
25 Wyoming	2,960,000	11,000	3,260,000	27.3
26 Wisconsin	2,930,000	125,000	36,610,000	21.5
27 Minnesota	2,900,000	128,000	37,070,000	20.6
28 Mississippi	$2,870,000	45,000	$12,910,000	19.8
29 Iowa	2,820,000	79,000	22,300,000	19.1
30 Missouri	2,790,000	141,000	39,360,000	20.8
31 Nebraska	2,780,000	43,000	11,970,000	24.1
32 Rhode Island	2,730,000	33,000	9,020,000	19.2
33 Michigan	2,650,000	255,000	67,600,000	22.1
34 Illinois	2,550,000	309,000	78,940,000	20.5
35 Nevada	2,430,000	19,000	4,610,000	16.9
36 Kentucky	2,330,000	83,000	19,340,000	15.8
37 New Hampshire	2,310,000	26,000	6,010,000	17.0
38 Connecticut	2,300,000	91,000	20,890,000	19.1
39 Maine	2,280,000	29,000	6,620,000	17.0
40 Massachusetts	2,270,000	181,000	41,070,000	19.1
41 West Virginia	2,250,000	45,000	10,120,000	17.6
42 New York	2,160,000	461,000	99,730,000	20.3
43 Pennsylvania	2,160,000	344,000	74,160,000	16.1
44 Vermont	2,080,000	14,000	2,670,000	13.3
45 New Jersey	2,040,000	198,000	40,440,000	16.4
46 Delaware	2,020,000	19,000	3,840,000	18.2
47 Indiana	1,970,000	161,000	31,750,000	13.8
48 Maryland	1,940,000	133,000	25,860,000	20.2
49 Ohio	1,910,000	322,000	61,590,000	16.2
50 Alaska	1,800,000	12,000	2,160,000	15.4
51 Virginia	1,740,000	152,000	26,510,000	18.5
Total	[1] 2,960,000	6,220,000	[2] 1,806,540,000	[3] 23.4

[1] Average per 10,000 vets.

[2] Total GI bill payments, fiscal year 1972.

[3] Average.

Source: "Vietnam-Era Veterans Population and College Participation Rate," Department of Veterans Benefits, Veterans Administration; payments by State, VA work sheet for Office of Management & Budget Report, Federal Outlays Bulletin of November 1973.

G. Federal responsibility

The President's Budget Message for FY 1974 says, "The primary responsibility for most [education and manpower training] activities, *other than those for veterans,* rests with state and local government. (emphasis added)" Yet with the shortcomings in federal funds—not only for the GI Bill, but for the Veterans Cost of Instruction Program, work-study, EEA, OEO and other programs needed by veterans—it is the states that are trying to deal with the gap. State and local governments have had to make up for the differences in today's GI Bill and that of World War II. Where they have not, veterans have been unable to use their opportunities. California, with its extensive public higher education system, has, in effect, created a universal scholarship program for all its citizens. Most states have not. As a result, the veteran who returns to California has a far better chance to effectively utilize GI Bill benefits.

The federal government's programs which have benefited veterans—such as the EEA and the Jobs for Veterans Program—and the National Alliance of Businessmen's veterans program have gone part way in reducing veterans unemployment and in creating opportunities. But with 250,000 veterans still unemployed, the federal government will have to assume a greater share of the burden. Where local veterans projects exist, each must persuade the city to allocate money for those veterans. The veterans themselves are largely unorganized and competing with established interest groups for available funds.

At all three of the hearings, testimony was given by members of the state legislature about proposed or existing cash bonuses for veterans or so-called State GI Bills granting educational benefits as add-ons to the federal GI Bill. A survey of all 50 states revealed an incredible amount of activity in this regard, as the attached chart shows. The total amount of one-shot cash bonuses either passed or pending is more than a billion dollars, while the annual amount of total state education benefits is nearly half a billion dollars. These figures say a great deal about the inadequacy of the present GI Bill; and, while much of this state legislation will probably not become law, it is significant that so many public officials feel it is necessary.

Ohio State Senator Anthony Calabrese put the case of state legislators for federal responsibility when he said, "The State doesn't have adequate resources to solve the (veterans) problem. The federal government alone has the power to declare and wage war; therefore, because the federal government is responsible for this war, it has responsibility for the veterans of this war."

At both the Newark and the Cleveland hearings, the American Servicemen's Union testified in favor of a flat $2500 bonus for all Vietnam-era veterans—a figure representing the minimum average difference between civilian and military pay over the usual two-year military tour of service. The Committee tends to agree more with the testimony of the state legislators at the Cleveland and Seattle hearings, who argued that cash bonuses are an inappropriate way of structuring veterans benefits. Such benefits under the GI Bill are more appropriately related to the pursuit of education and training, and any cash payments should be made only for subsistence while enrolled in school.

Pending State Veterans Benefits. This is a chart showing present and pending Vietnam-era veterans benefit legislation by state. It is limited to either cash bonuses or educational benefits, such as tuition credits. It does not include the multitude of bills affecting POW's, MIA's or survivors and dependents of veterans. It also does not include the low or non-interest loan bills being considered by the states.

The estimated costs of the benefit levels are figured in the following way: Bonus payments are multiplied by the latest VA figures showing numbers of Vietnam-era veterans by state (figures do not include payments some states make to earlier veterans); tuition credit costs are figured by multiplying 75% of the number of veterans using the GI Bill to go to college (75% being the average number of students in state schools) by the average out-of-state tuition rate (as being close to the true cost of education to the state).

States not listed either do not have legislatures in session or do not have identifiable veterans legislation.

Sources: American Legion, VFW and Council of State Governments, May 1973

State and legislation	Status	Provides	Estimated cost (millions) Annual payment	Estimated cost (millions) Total payment
Arizona:				
(1) Veteran bonus	Committee	$500 maximum		$30.5
(2) Education benefit	Introduced	$50 cut/semester in tuition	$1.5	
Arkansas: Education benefit	Committee	Free textbooks, full tuition, State schools	6.0	
Colorado: Education benefit	Senate passed	$300 tuition, credit at State schools	4.8	
Connecticut: Veteran bonus	Passed	$300 maximum		27.3
Delaware:				
(1) Veteran bonus	do	do		5.0
(2) Education benefit	Committee	Tuition, all schools	3.5	
Florida: Education benefit	do	Tuition credit	64.8	
Illinois:				
(1) Veteran bonus	Passed	$100		31.0
(2) Education benefit	Committee	Tuition, State schools	61.7	
Indiana: Veteran bonus	Passed	$200 Vietnam veterans		5.0
Iowa: Veteran bonus	Committee	$500 maximum		28.0
Louisiana: Veteran bonus	Passed	$250		23.5
Massachusetts:				
(1) Veteran bonus	do	$300 maximum		54.3
(2) Education benefit	Pending	Tuition, State schools	$18.2	
Michigan:				
(1) Veteran bonus	Committee	$500 maximum		127.5
(2) Education benefit	do	Tuition, State schools	50.0	
Minnesota: Veteran bonus	do	$300 maximum		63.0
Missouri:				
(1) Veteran bonus	do	$200 maximum		28.2
(2) Education benefit	do	66 percent reduced tuition, State schools		
Montana:				
(1) Veteran bonus	Introduced	$300 maximum		6.6
(2) Education benefit	do	Tuition, State schools	5.8	
New Hampshire: Veteran bonus	Committee	$100 maximum		2.6
New Jersey: Education benefit	Passed House	$500 tuition credit	15.0	
New Mexico: Education benefit	Introduced	Tuition, State schools	3.2	
New York: Education benefit	do	do	84.6	
North Dakota: Veteran bonus	Passed	$600 maximum		9.0
Ohio: Veteran bonus	Conference	$500		225.0
Pennsylvania:				
(1) Education benefit	Introduced	$50 per month supplemental to G.I. bill	25.0	
(2) Veteran bonus	Passed	$750 maximum		256.0
Rhode Island: Veteran bonus	Introduced	$350 maximum		9.9
South Dakota: Veteran bonus	Passed	$500 maximum		7.5
Tennessee: Veteran bonus	Not yet signed	$300 maximum		34.2
Texas: Education benefit	Committee	Tuition, State schools	85.7	
Vermont: Veteran bonus	Passed	$120 maximum		1.7
Washington: Veteran bonus	do	$250		34.0
West Virginia: Veteran bonus	Conference	$400 maximum		40.0
Wisconsin: Education benefit	Committee	Tuition credit, all schools	5.5	
Total bonuses amount (of which 454.3 passed)				1,049.8
Total annual education benefits				448.2

H. The military

The military itself has done far too little in the area of GI readjustment. Many psychiatrists and psychologists contend that no attempt at real readjustment counseling has been made. Given the nature of the war and the public reaction to it, these experts feel that lack of readjustment—and lack of any significant elapsed time between field service and homecoming—are the heart of the veteran problem.

Present veterans outreach efforts, conducted by nearly 30 different national public and private groups and agencies, would have been greatly simplified if the military had conducted a uniform and thorough program of information about, and encouragement to use, the GI Bill.

As it is, some GI's have benefited from demonstration projects, such as Fort Dix's College Discovery. But the vast majority returning from Vietnam have merely been told to be proud of their service and to convert their GI life insurance. They have been released to confront an often hostile public and to deal with a complex system of sporadic and uneven assistance.

Testimony from Fort Dix officials at the Newark hearing and from the Commanding General of Fort Lewis at the Seattle hearing told of commendable pre-release programs at these installations. However, such efforts are not national in scope, and often depend on local unit commanders as to whether GI's can have proper counseling and remedial education available to them—especially on a "release time" basis.

Project Transition received roughly $17,000,000 a year in Labor Department funding for several years, and additional Department of Defense support, but each base commander had the option as to how deeply to get involved in Project Transition. However, the veteran coming back directly from Vietnam was in many cases discharged directly, without ever getting the chance to take advantage of a transition program. He was briefed at his point of discharge, which was often in California. This briefing was limited and usually given to a man whose attention was focused on his return to his family and loved ones. If the Army would begin to treat the veteran, from his first day, as someone whose future it was concerned with, the morale problem might be greatly improved, and the ability of the veteran to find post-service opportunities might also be substantially enhanced.

I. Discharges

The present system of awarding less-than-honorable discharges by administrative proceedings can be unfair in its application and can result and has resulted in unwarranted hardships. Testimony at the Cleveland hearing both by the co-author of the Nader Report on the Vietnam Veteran, a former Marine Corps lawyer, and by recipients of such discharges, gave ample indication of the problem. Congressman Louis Stokes also testified about many constituents who have been unduly penalized.

However, it appears that agreement of the type and means of reform will require much more investigation and research. Meanwhile, the results of the present system must be dealt with. The VA, as well as present military boards of review, have authority to deal with such cases, but have a record of delay, complexity and a demonstrated lack of leniency and understanding.

The VA, while it has a limited right to grant educational benefits to certain recipients of less-than-honorable discharges, has a 93% rejection rate of such applications. Given the hardship this imposes on the veterans involved—most of whom share common economic and social backgrounds—this seems shortsighted and harsh. Since a less-than-honorable discharge already imposes employment restrictions on the recipient, to deny him a chance for needed education shuts him completely off from society and from any means of readjustment and rehabilitation.

The process for discharge review is complex, costly and to a large extent unrewarding. The American Legion and American Red Cross (as well as other groups) provide valuable assistance for some veterans in this regard. However, the successes are limited, and many veterans are precluded from pursuing the matter if only because of the cost of travel involved.

If the problems of alienation, peer involvement and readjustment are to be met, it seems logical that veterans who are precluded from using the GI Bill must be given assistance and understanding. Otherwise, charges of discrimination, undue hardship and harassment will continue. The most outspoken and emotional parts of the public hearings concerned this one issue, indicating the need for more sensitivity on the part of the benefits system.

PART II—RECOMMENDATIONS

A. GI Bill

If today's GI Bill is going to be truly adequate for Vietnam-era veterans, the experience of these hearings is that major changes must be made in the present GI Bill. As the President of the University of Washington put it, "Though the benefits are intended to be equally available, they are not equally accessible to all veterans."

Therefore, today's GI Bill must do two things:

(1) It must make a reasonable tuition payment, so that more veterans can further their education without regard to state differences in education costs; and

(2) It must provide a subsistence allowance equivalent (in terms of buying power) to that which was available to World War II veterans.

As presently constituted, the GI Bill is not equally available to veterans of differing economic means. This has implications that disturb many Vietnam-era veterans, college administrators and public officials. Further, the structure of the GI Bill limits its use by veterans in many states. Merely raising the present benefits will not attack the major problem—the GI Bill must be made more usable by more veterans, especially those who most need its education and training benefits. Only in this way will the GI Bill give those who were called to military service the same chance for advancement enjoyed by those who stayed home. If the GI Bill really represents this country's gratitude toward those who sacrificed their best time and efforts in behalf of their country in a difficult war and in a difficult time, then it must be uniformly available to all who want or need it.

Therefore, the educational benefits under the GI Bill must be made part of an assistance package to the veteran—a package which includes: a reasonable tuition payment which does not limit the veteran in applying to the school of his choice; a subsistence payment equivalent to that given the World War II veteran; loans; a part-time job for those who need it; counseling; and whatever remedial measures are necessary to enable the veteran to get full usage out of the GI Bill.

How can this be done? First, each veteran eligible for educational benefits should be given a voucher which constitutes at least 80% of tuition costs at institutions of higher learning of his choice. Both the VA and the educational institutions should work together on this system, so that the veteran is least impaired by paperwork, financial complexities, computer delays and timetables for payment.

This Committee initially recommended a tuition payment which would represent the average non-resident tuition at public colleges ($1200). However, as was pointed out at the Seattle hearing, college charges are such that such a strict payment formula would not allow veterans to enroll in many nearby private colleges that might exactly suit their needs. Also, it would disadvantage those veterans presently enrolled in low-tuition community colleges. An initial recommendation would have limited them to a subsistence allowance of $150 per month, which is less than they are presently getting.

To be a fair equivalent of the World War II GI Bill, close to full tuition at private colleges must be paid. College tuitions at private colleges have increased, on the average, five times from what they were in 1948—far exceeding the cost of living increase since that time.

Testimony by two college presidents at the Seattle hearing dwelt on the fact that the present GI Bill represents "a tilt toward public colleges," and that this is neither wise nor fair. Dr. Odegaard, President of the University of Washington, pointed out that some 30 states assist private colleges, while others do not, and that if a GI Bill is going to be "equally accessible," it will have to pay tuition and fees at both public and private colleges. The 80% maximum is consistent with the principle that the veteran make a significant contribution to his own education.

Besides the World War II system, a precedent of direct tuition payment is within the present GI Bill. Full tuition for disabled veterans is paid through the GI Bill. Adequate safeguards have been devised to protect the government against abuse when tuition is paid for the disabled veteran. These safeguards could easily be carried over to the regular veteran students.

The second element in restructuring the GI Bill is to contain a direct subsistence payment to the enrolled veteran. This figure should be the present $220-a-month base payment. This amount is the equivalent of the World War II GI Bill subsistence payment, in that the $75 a month paid then was 35.4% of the average monthly earnings reported by the Department of Labor. The latest average monthly earnings figure is $817, and an equivalent 35.4% of that is $220. Married veterans' payments are out of line with the corresponding World War II percentages, however, and payments for married veterans with two or more dependents especially should be brought into line.

Several witnesses at the hearings recommended a straight cost-of-living increase be applied to the World War II $75-a-month subsistence payment—yielding a base payment of about $150 a month. However, the percentage applied to the average monthly earnings figure more closely approximates the buying power available to veterans of World War II—especially when consideration is taken of the fact that the earlier bill covered cost of books and that colleges then made available low-cost veteran housing, frequently government surplus.

These two changes—the 80% tuition voucher and the base $220-a-month subsistence payment—would wipe out the disparities that exist in the usage of the present GI Bill. They would also enable veterans to consider enrolling in private colleges—something they are economically precluded from doing now. The following chart reflects this situation in comparison to that of the World War II era:

	1947-48			1971-72		
	Enrollment	Veterans	Percent veterans	Enrollment	Veterans	Percent veterans
Sample private college veteran enrollment:						
Harvard University	5,600	3,326	59	6,073	89	1.5
Holy Cross University	1,079	939	87	2,379	13	.5
New York University	26,438	14,359	54	10,932	463	4.2
Northwestern University	21,128	9,941	47	9,372	90	1.0
Notre Dame University	4,200	3,587	85	6,439	108	1.7
Pepperdine University	4,431	2,299	52	4,641	639	13.8
St. Olaf	1,660	564	34	2,650	5	.2
Stanford University	15,800	7,011	44	18,000	291	1.6
Whittier College	1,249	507	41	1,815	66	3.6
Xavier University	3,163	1,715	54	2,918	175	6.0
Yale University	5,676	3,365	59	4,739	37	.8

	1948-49			1972-73		
	Enrollment	Veterans	Percent veterans	Enrollment	Veterans	Percent veterans
Sample public college veteran enrollment:						
University of California	43,469	18,948	44	148,813	9,635	6.5
Ohio State University	23,929	12,146	51	49,943	3,516	7.0
Pennsylvania State University	12,410	5,496	44	52,360	4,364	8.3
Purdue University	13,674	7,623	56	27,492	1,256	4.6
Rutgers University	9,088	4,290	47	38,060	3,729	9.8
University of Illinois System	25,920	11,880	46	57,536	4,427	7.7
University of Wisconsin	22,353	10,808	48	135,921	12,342	9.1

A further recommendation is to relax the present eight-year time limit for GI Bill eligibility. It was felt that this unnecessarily puts the veteran under the gun to take courses that will enable him to get through college as quickly as possible—without proper regard to field of study and relevant courses. If a veteran is going to college half-time, he literally must begin the day he is separated to complete his studies before his benefits run out. This seems an unwarranted restriction. It also prevents veterans from using, today, a program that, when enacted in 1966 at $100 a month, offered benefits $10 less a month than the Korean War GI Bill offered. The 1972 amendments gave veterans in many states, for the first time, a level of GI Bill benefits that was feasible for them to begin to use, even though these benefits remained far below those of World War II in terms of buying power. Indeed, the 1972 amendments passed by the Congress and signed by President Nixon enabled the veteran to come closer to parity with World War II benefits than he had ever been before.

A similar easing of the 36-month entitlement period—extending it to 48 months—is also recommended. This gives the veteran needed flexibility in changing courses, upgrading job skills and other aspects of education and training.

It is estimated that there would be a major increase in public dollar expenditures for veterans' education by such changes in the GI Bill. However, the GI Bill is a unique investment in individuals. It is proven; indeed, many think our post-war prosperity rests on the trained manpower that resulted from the $19 billion expenditure on the World War II and Korean War GI Bills. Some savings might be realized in the many federal, state and local programs which are now tapped by veterans because of present low GI Bill benefits. These range from welfare to food stamps, to social security benefits, to unemployment compensation, to education grants and loans, to other programs which have been funded to help veterans take advantage of the GI Bill. If benefits were adequate, veterans would not so often have to seek and use funds from these other social programs.

Secondly, a survey of activity in the 50 state legislatures reveals that more than a billion dollars is currently either pending or available in Vietnam-era veterans' cash bonuses, and nearly $500 million in *annual* educational benefits costs is pending for veterans. This substantial fiscal activity is only planned because of the inadequacies of the federal GI Bill. Much of it will probably not become law, because of the unpopularity of the war, although earlier veterans received significant benefits in this fashion. The President's FY 1974 Budget Message stated that the federal government has primary responsibility for veterans' benefits and programs. Therefore, veterans should not be subject to the kind of disparities such non-uniform state efforts engender. Educational opportunity should be equally available for equally rendered national service.

More important than any fiscal impact of such GI Bill benefits changes is the effect of producing a fairer and more usable system of educational assistance.

Veterans who testified at the hearings resented the fact that they are compelled to act as charity cases in order to take advantage of the GI Bill. As veteran Walter Copeland said at the Newark hearing, "The legend is the Army builds men . . . what kind of man has to walk around begging people to help him?" Another veteran complained that the state of New Jersey houses its veterans affairs agency in the department that deals primarily with prisoners, mental patients, orphans and the handicapped—thereby confirming how the veteran is categorically viewed by the government. Vets at the Cleveland and Seattle hearings also complained of the complexities and the demeaning task of seeking aid from welfare, unemployment compensation, food stamps and other programs which were not primarily designed for use by veterans attempting to use their GI Bill benefits.

At the Cleveland hearing, Mr. Bernard B. Direnfeld, past National Commander of the Jewish War Veterans, testified, "The GI Bill for Vietnam veterans . . . as pertains to education . . . is grossly inadequate, and substantially less than the World War II veteran received. . . . It is my hope that Congress will be realistic in according today's returnees an allowance for living expenses and tuition that is in line with today's prices and requirements."

In a statement submitted to the hearing by student veterans from campus clubs associated with the National Association of Collegiate Veterans, the indictment of today's GI Bill was precise and characteristic of the bulk of veteran testimony:

"It is a tragic fact that the Vietnam-era GI, unlike his World War II counterpart, is almost totally at the mercy of factors out of his control—income; geography; higher education's finances—in utilizing today's very different GI Bill. The individual's motivation, initiative and need regrettably play a minor role. While many veterans are able to use it, others with equal service and equal qualifications cannot.

"The degree of educational opportunity available to today's veteran unfortunately depends on such things as what state he lives in; what city he lives in; the local unemployment rate; the extent of commitment of local and state leaders; the quality and structure of the educational system available to him; his economic and social background; the public attitude towards the war; and whether his area has been selected as the site for a limited number of federal demonstration assistance efforts."

B. Employment

Employment opportunities for veterans are a total necessity. In areas of high unemployment, the federal government should be the funding source, through public employment programs.

Given both the educational and economic background of the veterans who do not use their GI Bill benefits, a part-time job (at the very least) is their main concern, if they are to use the GI Bill. It has been demonstrated by many veterans at the hearings that the lack of such jobs, combined with the complexities of securing benefits and their unfamiliarity with higher education admissions procedures, has produced college enrollment rates among veterans that are way below reasonable expectations.

It is obvious to this Committee that a substantial work ingredient is an essential part of making the GI Bill more available and more usable to more Vietnam-era veterans.

Jobs for GI Bill-enrolled veterans should be a national priority. Even with the GI Bill changes recommended above, enrolled veterans will need *and should have* the necessary jobs to enable them to meet the high costs of furthering their education. *The veterans' needs must be viewed as a package.*

Under its present structure, the GI Bill largely precludes the poorer veterans from its benefits. The Bill must be changed so that all veterans have an equal opportunity to further their education by using its benefits. With the disproportionately high unemployment rates among veterans in the key 20–24 year age group, and the general paucity of adequate part-time jobs in most cities, this means that the government will have to take the lead.

At the Newark hearing, Mr. Benito Guzman, a Vietnam veteran who has worked with Spanish-speaking veterans, testified that he knew of several vets who became so frustrated in trying to find work to enable them to go to school that they gave up and reenlisted in the Army. Veteran John Moss, at the Cleveland hearing, told how he was forced to drop out of college because he couldn't earn enough to meet costs, even with the GI Bill *and* a part-time job. Similarly, veteran Larry Parker, at the Cleveland hearing, said, "Either I can take care of my wife and son, or I can go to school—not both. Why should I have to make such a choice?"

After World War II, veterans studying under the GI Bill worked, depending on their economic circumstances, in a wide variety of part-time jobs. The jobs were there. Today the jobs are too often not there, and with more veterans in the low income category, the jobs are needed now more than ever.

There are five specific steps that can be taken to assure that GI Bill-enrolled veterans can have jobs available to them:

1. A public employment program should be continued and fully funded. Percentages of these public employment jobs suggested for Vietnam-era veterans should reflect the employment needs of veterans in each locality.

The Emergency Employment Act, in those cities, counties and states where it has been used to give jobs to veterans, has had two extremely valuable applications. First, because these jobs have been on a one-year basis, they have had natural application to veterans enrolled in school and college. This has been especially true where the job has been "split," so that two veterans share it—freeing each for full-time study.

Second, the EEA jobs have been used to hire veterans to recruit and counsel other veterans to use their GI Bill benefits. This type of peer outreach has been of key importance in dealing with the Vietnam-era veteran who generally feels that the system doesn't relate to him.

This precise point was made strongly by educator Dr. Murray Polner and Army psychiatrist Dr. Gordon Livingstone at the Newark hearing. Also, the VETS projects themselves in 10 cities (as well as similar outreach efforts) have had great success with this approach. Where the VA, employment service and American Legion have participated in the training of these peer recruiters and counselors, results have been even more substantial.

2. Not only EEA jobs, but also federal employment opportunities, should be made available to GI Bill-enrolled vets on a split-job basis.

At the Newark hearing, Co-Chairman Conte mentioned the President's Memorandum to Executive Agencies and Departments, urging the hiring of veterans and the use of this split-jobs-for-veterans approach. In subsequent follow-up with the Civil Service Commission and other government agencies, requested by veterans at the Newark hearing, it appeared that the split-job initiative had not produced substantial results.

Available federal jobs must be set aside and designated as available on a split-job basis for veterans enrolled under the GI Bill, in order to ensure results.

3. The college work-study program and the VA work-study provision of the GI Bill Amendments of 1972 should be adequately funded and expanded to meet the employment needs of GI Bill-enrolled veterans. In addition, the new Work-Study for Community Service Learning Program, contained in the Higher Education Act of 1972, should be funded. These programs should be fully coordinated with the GI Bill so that the question of whether a veteran can afford to use his educational benefits becomes moot. A job for those who need it should be part of his GI Bill benefits package. Federal work-study funds should be made available in sufficient quantities to areas with high unemployment rates for the key veteran age group, perhaps through a separate GI Bill program.

The college work-study program, many veterans testified, is largely unavailable to them, since qualification for it is based on income, and colleges consider GI Bill benefits as income. One veteran complained that if the GI Bill benefits weren't considered as income for tax purposes, why should they be considered as income in the awarding of work-study jobs? He concluded that such a determination was just a bureaucratic way of limiting funds for the purpose. Veterans Cost of Instruction funds provide a significant source of jobs for student veterans, and it is urged that colleges use all these funds, rather than just the 50% required by statute to aid veterans.

4. All efforts should be made to provide for the transferability on military training and skills to civilian use for full credit and qualification. There is no reason, for instance, why military driving licenses, and especially heavy equipment operators' permits, should not be acceptable and certifiable by the states. The Department of Labor should work with labor unions to see that military skills with civilian utility receive full recognition.

5. The President's Jobs for Veterans program, an interagency task force, has done a commendable job with a small staff and limited funds. Its advertising campaigns have brought an awareness to the public and to employers, and have probably contributed to the success that the National Alliances of Businessmen has had in placing several hundred thousand veterans in job opportunities. JFV should be allowed to continue its efforts among employers and communities as to the need to hire the vet. Job fairs should be expanded to include counseling and information on benefits and educational opportunities, so that the GI Bill-enrolled vet can have easy access to available jobs.

C. Discharges

As long as the present system of awarding less-than-honorable discharges through administrative (non-court martial) proceedings affects veterans, review, upgrading and benefits awards methods should be reformed. Discharge review should be available in each of the 10 federal regions, and should be by boards made up of not just military and VA personnel, but also Vietnam veterans' representatives, local leaders and service organizations. In addition, the VA must be more lenient in administratively granting educational benefits to recipients of less-than-honorable discharges.

The practice of coding DD–214 separation papers so that employers know whether a veteran is reenlistable (due to drug use or other reasons) should be stopped. Such a red flag, representing a judgment that may be arbitrary or questionable (or related to a situation since corrected), is merely a further stigma to a veteran seeking employment. The reenlistment code was not intended for use by employers as a means of judging an applicant's qualifications, but that is what is happening.

Congressman Louis Stokes and Raymond Bonner, a former Marine captain and a lawyer with considerable experience with veterans who have less-than-honorable discharges, both testified in Cleveland as to the ills of the present system. They added considerable weight to the testimony of several veterans who have suffered under the stigma of such discharges.

Veterans' testimony in Cleveland confirmed that even with the notable help of the American Legion and the American Red Cross, upgrading of discharges is virtually impossible—the more so because review takes place only in Washington, D.C., before a board representing only the military.

The cries of anguish from veterans with less-than-honorable discharges who try to get a job or education were shrill. One veteran at the Cleveland hearing said the system was driving these veterans to violence and crime. "He doesn't want to do this," he said. "It's what you are forcing him to do."

The appropriate Congressional committees would make a large contribution by undertaking an intensive review of the processes used for granting less-than-fully-honorable discharges during the Vietnam War. Recommendations for the reform of those discharges deserving of it and for a system to aid veterans who might otherwise fall into a vicious circle of problems would also be evaluated.

D. Communication

To ensure that no veteran neglects his benefits and rights merely because of poor communication, the federal government should fully fund an effort to reach and convince veterans to use the GI Bill—using the best marketing, advertising and communications techniques, like those employed in the campaign to recruit volunteers for the Armed Services. These tools of communication should be available not only for VA and employment service use, but for the coordinated use of all the nearly 30 private groups and agencies involved with veteran outreach and counseling across the country.

Where necessary, explanatory materials should be printed in Spanish or otherwise adapted, so that benefits are clear and easily utilized.

Mr. George Sapin, a vice president of the advertising firm of Meldrum & Fewsmith, testified at the Cleveland hearing (as a professional communicator) that the government's effort to reach and inform returning GI's of their rights and benefits had the appearance of "non-communication." He suggested that if the same kind of expertise went into an effort for veterans as presently goes into the drive to recruit volunteers for the Armed Forces, many more veterans would at least try to use the GI Bill.

The complexities and bureaucrats-ese embedded in the whole system of veterans assistance (from the VA to employment service to other government efforts) were cited repeatedly by veterans at the hearings. Veteran Larry Parker, at the Cleveland hearing, as well as veteran Bob Penn, who sat as a panelist, cited the callous, bureaucratic treatment veterans receive. They suggested that the speedy, personalized, no-expense-spared treatment accorded men entering the service is typical of how the government feels about them—"Get us in, do the job and then forget us."

Mr. Raul Vega, testifying at the Cleveland hearing, said the problem of non-communication is much more severe for Spanish-speaking veterans. The Senate Veterans Affairs Committee Report reported testimony that only one Puerto Rican veteran was working as a VA counselor in New York City

It is apparent that much of the effort to inform veterans of benefits and procedures is through direct mail—a project largely ignored and discounted by today's veteran. One veteran at the Newark hearing told of receiving 45 separate pieces of such mail—benefits information, form welcome home letters from organizations, sales pitches and the like.

Shortly after the Cleveland hearing, the United Press carried a story on the reaction of Ohio veterans to direct mail:

"DISCHARGED VETERANS LEAVE CHECKS UNCASHED

"COLUMBUS, OHIO, April 11.—An Air National Guardsman mailed $1 checks to 50 recently discharged servicemen last month. So far only one check has been cashed.

"M. Sgt. Charles Dowdy said he sent the checks out of personal curiosity to find out if men fresh out of the service read their mail. The envelopes also contained recruiting information and personal letters. Dowdy said yesterday one check has been cashed, two were sent back because of changed addresses and one was returned with a "No thanks."

"He believes the other 46 were thrown away as junk mail."

The complex legal jargon used in pamphlets and brochures is further proof to many veterans that the system cannot and will not relate to them. Changing that jargon and widely distributing information through television and radio would be a distinct signal to the veteran.

E. In-service programs

The military should make a special effort for those 350,000 to 400,000 men who will continue to be released annually. Readjustment programs and pre-release remedial education efforts should be expanded and made uniformly available. Unit commanders should be required to allow participating GI's to utilize such programs during duty hours. Every effort should be made to provide for and encourage GI Bill enrollment before separation.

Testimony was given at the Newark hearing by officials and GI's involved in Fort Dix's College Discovery program. This project, a PREP program funded through the 1970 GI Bill Amendments, is an excellent and effective attempt to offer and deliver college preparatory instruction to GI's.

The main ingredient in such programs is release time from military duties to attend remedial courses. Several veterans testified that their unit commanders would not grant this, while others received it. This is a local commander option. It illustrates the necessity that in-service education be stressed by the Department of Defense, so that local commanders will encourage their men to use the opportunities.

It makes good sense to have released GI's be "satisfied products," especially if the Armed Services are going to depend exclusively on enlistments. Efforts to help the educationally disadvantaged should be made while the GI is still in the service. Similarly, programs to help him readjust and use his benefits should be directed at the pre-released GI, and coordinated with local institutions of higher education. The varied program in effect at Fort Lewis, described by Major General Fulton at the Seattle hearing, could serve as a model for many bases.

F. Veterans Administration

A review commission, similar to that appointed after World War II, should be established to study and recommend reform of veterans benefits and benefits procedures. Congressman Peter Rodino, Chairman of the House Judiciary Committee, stated at the Newark hearing:

"It is time to call for a new national Commission on Veterans Affairs to conduct a careful examination of the kind of treatment our veterans can reasonably expect from this society and how we are delivering on that expectation. My colleague, Congressman Joseph Minish, and I recommend that such a commission be established by the Congress, with carefully balanced representation from major segments of the society, and not simply the education community and business who were the only groups represented in President Eisenhower's Commission. We recommend that such a Commission have substantial representation from traditional veterans service organizations, representatives of all major groups of veterans, including Vietnam-era veterans, as well as the education, business and the religious communities. The Commission would consider all aspects of benefits, reemployment rights, pensions and compensations. It would examine the $12 billion budget of the Veterans Administration, as well as the substantial funds expended by other Federal and state agencies for services and evaluate the quality of support and service that those Federal dollars bring to today's veterans."

Many other witnesses—veterans, academic leaders and others—endorsed this proposal and urged that it be enacted immediately, so that any results could be of timely help to today's veterans.

G. Support programs

In addition to the work-study programs previously mentioned, there are a number of other programs which, if fully funded, could measurably improve educational opportunities for Vietnam-era veterans. Chief among these is the Veterans Cost of Instruction Provision of the Higher Education Act of 1972.

This provision authorizes a $300 payment per enrolled veteran to educational institutions showing a 10% increase in veterans for the purpose of conducting outreach and remedial education. After a prolonged Congressional struggle, and legal action brought by the National Association of Collegiate Veterans, $25 million in appropriated funds was finally obligated. However, due to the low funding level, a payment of only $55 per veteran was actually made. If this program is really going to give incentives to higher education institutions to seek out the veteran and help him further his education, the full authorized funding will be needed.

The rationale behind the Veterans Cost of Instruction program, as originally enacted, was to provide colleges and junior colleges with federal funds to undertake efforts on behalf of the Vietnam-era veteran. Unlike under the World War II GI Bill, whereby money passed through the hands of the colleges, no more than a $4.00 payment is made directly to the colleges through the GI Bill. With the funds, which, in the case of public colleges, covered the equivalent of out-of-state tuition rates for in-state veterans, colleges and junior colleges were able to develop administrative structures to deal with the problems of the World War II veteran. Although there was a change-over to a direct tuition payment to the veteran under the Korean War GI Bill, those administrative structures remained in place throughout the Korean era—but went out of existence in the period subsequent thereto. The Veterans Cost of Instruction funds would give colleges which increase their enrollment of veterans the direct funding needed to undertake veterans outreach and counseling programs and offer special courses.

The point was made at the Seattle hearing that schools with large enrollments of veterans may be unable to meet the 10% increase requirement, because of past activities which have been successful, and because of the dropoff in the numbers of veterans. The Committee would suggest that a longer base period be considered in determining eligibility under the increase requirement, and that the dropoff in the numbers of veterans be recognized.

As noted in the findings, the Committee recognizes the value of the Upward Bound for Veterans projects now operating at 87 colleges. This most worthwhile program, which is being continued, should be expanded, for while many veterans benefit from its counseling and remedial education, many more do not—just because a college in their area may not have received such funds. Between this program and the Veterans Cost of Instruction Provision, such efforts should reach *all* veterans.

As one young veteran, who is in college because of such a program, testified at Seattle, "Every veteran should have the same opportunity."

Another key support program can be Veterans Administration funding of non-federal agencies to aid veterans through contracts. The Senate Veterans Affairs Committee Report of July 1972 recognized the need for such outreach activities, but there has been no significant support of such agencies by the Veterans Administration. There are nearly 30 national groups and agencies (both public and private) conducting veterans outreach, counseling and assistance programs. Given the fact that the workload of the VA is increasing concurrent with administrative funds and personnel cuts, such outside activity is essential.

In Seattle, for instance, the regional office of the VA reported a 10% increase in benefits workload and an 8% reduction in personnel. Agencies such as SeaVac perform a function that would be impossible for the VA itself within existing funding. Such groups now funded by OEO, the Department of Labor, HEW and many private foundations should be supported and coordinated by the VA. Third-party contracts are the best way to do this.

All these support-type programs are part of the total package that must be available and fully funded at the federal level if today's veterans are to really receive the intended benefits of the GI Bill.

CONCLUSION

This public hearing process, which produced this report, brought forward much

new information on the problems of the Vietnam veteran. Obviously, much has been done on his behalf, and those efforts should not be underestimated. But there remains much more to do. The personal testimony taken at the hearings clearly pointed up the gap between present education and job opportunities and those available to veterans of World War II. This gap merely serves to reinforce the belief of today's veteran that he fought an unpopular war and must deal with public apathy about his future.

The trend to merely increase the GI Bill benefits in stages has not dealt with the basic problem that many veterans simply cannot afford to use the GI Bill.

The federal government and the Congress must show decisive leadership in rectifying the situation and in supporting and encouraging state and local efforts to make benefits and opportunities equally available to all veterans. The fact that the United States' involvement in the Vietnam conflict has ended should not make this effort any less necessary or pressing.

PUBLIC HEARING ON THE PROBLEMS OF VIETNAM-ERA VETERANS, NEWARK, N.J., OCTOBER 25, 1972

Panel:

Mayor Kenneth A. Gibson.

U.S. Representative Silvio O. Conte (R.-Mass.).

U.S. Representative Henry Helstoski (D.-N.J.).

Msgr. Thomas Fahy, President, Seton Hall University.

Mr. Mark Hanson, National Council of Churches.

Mr. Joel Jacobson, United Auto Workers, Region 9.

Mr. Austin Kerby, National Headquarters, American Legion.

Mr. Robert Penn, Vietnam veteran; Commissioner of Parks, Buffalo, New York.

Mr. Robert Kleinert, President, N.J. Bell Telephone Co.

Dr. Nathan Weiss, President, Newark State College.

Mr. Angel Rodriguez, Newark VETS Project Director.

Witnesses (in order of appearance):

**U.S. Senator Clifford P. Case (R.-N.J.).

**U.S. Representative Joseph G. Minnish (D.-N.J.).

**Rev. Philip E. Kunz, N.J. Council of Churches.

Dr. Murray Polner, author of "No Victory Parades."

*Mr. Walter Myer, Vietnam-era veteran.

Mr. Benito Guzman, Vietnam-era veteran.

Mr. Walter Copeland, Vietnam-era veteran.

Mr. Jack McMahon, Vietnam-era veteran.

*N.J. Assemblyman William H. Hamilton, Jr., Middlesex County.

Dr. James Smith, clinical psychologist, N.Y.C.

Dr. Gordon Livingston, psychiatrist, Columbia, Md.

Mr. Otilio Mighty, N.Y.C. Urban League.

*U.S. Representative Peter Rodino (D.-N.J.).

Mr. Alan Leder, Vietnam-era veteran.

Mr. Emilio Mola, Vietnam-era veteran.

Mr. James Pizzaro, Vietnam-era veteran.

Mr. Neil Clarke, Vietnam-era veteran.

Mr. Thomas Giddings, Project College Discovery, Ft. Dix.

Ms. Barbara Barnes, Project College Discovery, Ft. Dix.

Sp3 Dan Keyes, Ft. Dix, N.J.

PFC Jose Nieves, Ft. Dix, N.J.

Sp3 Thomas Tharpe, Ft. Dix, N.J.

Mr. George G. King, Montclair State College.

Mr. Cody Barrett, N.J. State Employment Service.

Mr. Ralph Geller, N.J. State Employment Service.

Mr. Frank Donovan, Vietnam-era veteran.

Mr. Ken O'Brien, Vietnam-era veteran.

Mr. Kenneth C. McCarthy, disabled veteran.

Mr. John Hagan, Director, VA Regional Office, Newark.

Mr. Hakim Abdullah, American Servicemens Union.

Mr. Raul Morales, American Servicemens Union.

*Mr. William Vincenti, Rutgers Newark.

Mr. John Rowan, Vietnam Veterans Against the War.

Mr. Skip Delano, Vietnam Veterans Against the War.

Mr. Robert Sniffen, National Association of Collegiate Veterans.

Mr. Fabio Frank, Vietnam Veterans Against the War.

FOOTNOTES

*Also submitted written statement.

**Submitted written statement only.

PUBLIC HEARING ON THE PROBLEMS OF VIETNAM-ERA VETERANS, CLEVELAND, OHIO, MARCH 9, 1973

Panel:

Mayor Ralph J. Perk.

U. S. Representative Silvio O. Conte (R.-Mass.).

Mr. Austin Kerby, National Headquarters, American Legion.

Mr. Robert Penn, Vietnam veteran; Commissioner of Parks, Buffalo, New York.

Mr. Lester W. Dettman, Regional Vice President, General Electric.

Mr. John Rosel, Cleveland Federation of Labor.

Mr. James Gillam, Cleveland VETS Project Director.

Witnesses:

**U. S. Senator Robert A. Taft (R.-Ohio).

**U. S. Senator William Saxbe (R.-Ohio).

**U. S. Representative Charles Vanik (D.-Ohio).

Professor Neil Armstrong, former astronaut.

*U. S. Representative William Minshall (R.-Ohio).

U. S. Representative William Keating (R.-Ohio).

*U. S. Representative Louis Stokes (D.-Ohio).

Mr. Greg Penn, Vietnam veteran.

Mr. James Vocaire, Vietnam veteran.

Mr. Robert Swift, Vietnam veteran.

Mr. William Cade, World War II veteran.

U. S. Representative James Stanton (D.-Ohio).

Mr. Larry Holmes, American Servicemens Union.

Mr. Welton Chappell, Vietnam veteran.

Mr. Thrice Polk, Vietnam veteran.

Mr. Donald Clayton, Vietnam veteran.

Mr. John Moss, Vietnam veteran.

Mr. Paul Schumacher, Vietnam veteran.

Mr. Ron Johnson, Vietnam veteran.

Mr. Bill Schumacher, Vietnam veteran.

Mr. Billy Jones, Vietnam veteran.

Ms. Nicolette McClure, veteran.

Ms. Hunter, mother of Vietnam veteran.

*Capt. Ray Bonner, Vietnam veteran.

State Senator Anthony Calabrese.

Mr. Chester Koch, Ohio VFW.

Mr. Roger Munson, Ohio American Legion.

*Mr. Bernard Direnfeld, former National Commander, Jewish War Veterans.

Mr. Freddie Williams, Greater Cleveland Veterans Council.

Mr. Harry Lee, AmVets.

*Mr. George Traicoff, Dean of Community Services, Cuyahoga Community College.

Mr. Samuel Carrington, Director, Project Search.

Mr. Paul Taylor, veterans counselor.

Mr. Larry Parker, Vietnam veteran.

Mr. Raul Vega, veteran.

Mr. George Sapin, Vice President, Meldrum & Fewsmith.

Mr. Arthur Haffner, Vietnam veteran.

Mr. Jim Carlton, Vietnam veteran.

Mr. Michael Carmody, Vietnam veteran.

Mr. Raymond Hammond, Vietnam veteran.

*Mr. John Belliveau, President, Ohio Private Employment Services Association.

Mr. Ray Barnett, Manager, Manpower, Inc.

Mr. Robert Jones, Ohio Bureau of Employment Security.

Mr. Jack Faught, Production Manager, Standard Pressed Steel Corporation.

Mr. Robert Johnson, Vietnam veteran.

Mr. Clint Nelson, Vietnam veteran.

*Dr. John Corfias, President, Dyke College.

Mr. Kenneth Sislak, Vietnam veteran.

Mr. Ronald Chandler, Vietnam veteran.

Mr. John J. Pokorny, American Red Cross.

**Mr. Julius P. Scipione, President, Cleve-Tech Machine & Tool Company.

**Mr. John Rosel, Cleveland Federation of Labor.

**Mrs. Dorothea Brown, Director, Extended Learning Program.

**Mr. John Grady, Vietnam-era veteran and faculty member, Pennsylvania State University.

FOOTNOTES

*Also submitted written statement.

**Submitted written statement only.

PUBLIC HEARING ON THE PROBLEMS OF VIETNAM-ERA VETERANS, SEATTLE, WASH., MAY 18, 1973

Panel:

Mayor Wes Uhlman.

U.S. Representative Silvio O. Conte (R-Mass.).

Mr. Austin Kerby, National Headquarters, American Legion.

Mr. Robert Penn, Vietnam veteran; Commissioner of Parks, Buffalo, New York.

Rev. William B. Cate, President, Church Council of Greater Seattle.

State Senator Booth Gardner.

Mr. Robert Hill, Project Director, VETS.

Mr. Stuart Feldman, Program Coordinator, VETS.

Ms. Jeanette Williams, Seattle City Council.

Witnesses (in order of appearance):

*U.S. Senator Warren G. Magnuson.

*U.S. Senator Henry M. Jackson.

*U.S. Representative Brock Adams.

Dr. Charles Odegaard, President, University of Washington.

Dr. Nolen Ellison, President, Seattle Central Community College.

Mr. Jose Garcia, Director, Sea-Vac.

Mr. William Phillips, Director, VA regional office.

Mr. John Rabel, State Representative.

Mr. Les Blevins, Vietnam-era veteran.

Mrs. Santiago Juarez, Vietnam-era veteran.

Mr. Edgar Bentley, Vietnam-era veteran.

Mr. Phillip Meyerson, Vietnam-era veteran.

Mr. Ralph Munro, Special Assistant to the Governor.

Mr. Ernest LaPalm, Assistant Commissioner, Employment Service.

Mr. Peter Jamero, Assistant Secretary, Department of Social and Health Services.

Mr. Gregory Barlow, Director, Special Projects, Community College Education.

Mr. J. B. McKremmin, State Office of Economic Opportunity.

Maj. Gen. Howard McGee, Adjustant General, Washington National Guard.

Maj. Gen. William Fulton, C. G. 9th Division & Ft. Lewis.

Ms. Mary Garvey, Vietnam-era veteran.

Mr. James Sanders, Vietnam-era veteran.

Mr. Richard Moore, Vietnam-era veteran.

Mr. Dale Bott, Vietnam-era veteran.

Mr. Tom Davis, Vietnam Veterans Against the War.

Mr. Wellington Rupp, United Veterans Organizations.

Mr. Dwight Long, Chairman, Executive Committee, Washington State Veterans Coalition.

Mr. Tom Levanto, Vietnam-era veteran.

Mr. Jon Lantz, Vietnam-era veteran.

Mr. Michael Rooney, Vietnam-era veteran.

Mr. Paul Richards, Vietnam-era veteran.

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*Submitted statements.

APPENDIX A

A summary comparison of World War II and today's GI Bills follows, with an evaluation of the impact those differences make:

World War II

GI Bill paid for all tuition, books and fees (effectively) at any public or private college or technical school.

Today

No direct tuition payment to schools—a flat $220 a month to the vet. Education costs at many colleges are five times greater than in 1948.

World War II

A separate monthly subsistence allowance of $75—35% of average monthly earnings. Available cheap quonset hut housing.

Today

Cost of living doubled. Vet must cover it, *plus tuition*, from $220. In many areas, this barely covers rent and food. There is no subsidized housing.

World War II

Part-time jobs readily available.

Today

Tight job market has made part-time jobs hard to find.

World War II

Public colleges paid out-of-state tuition by the federal government for vets. Colleges and technical schools eagerly recruited vets. Led to expansion of higher education.

Today

Vets pay in-state tuition rates at public colleges from their $220. Out-of-state charge at U of Cal is $2100; total GI Bill is $1980; vets pay $660. Colleges have few significant vets programs.

In large part because of the funding differences between the World War II and today's GI Bill, the effectiveness of the GI Bill is uneven, particularly for college and junior college education and for institutional non-college training.

(1) *Great regional disparities in GI Bill use.* California has a 36% GI Bill use rate; New York, 20%; Massachussets, 19%, Pennsylvania and Ohio, 16%. In fiscal 1972, California vets used $302,000,000 in GI Bill benefits; New York vets used $99,000,000.

(2) *Equal military service means unequal opportunity.* Since today's veteran pays tuition out of his GI Bill, veterans in states with cheap public colleges end up with considerably more subsistence money than those from states whose public colleges charge higher tuition; for example, California State at Los Angeles charges $117, while Jersey City State charges $635, a difference of $518, leaving the New Jersey veteran with $1,365 to live one for nine months, while the California veteran has $1,862—almost $500 more.

(3) *Veterans are a smaller percentage of college students.* After World War II, veterans were 50% of all enrollees in colleges. Today they are 9%. Although there was a larger universe of eligible World War II veterans—15,000,000 versus 6,220,000 Vietnam-era veterans—today's veterans are still a large potential audience. Higher levels of education in the population and the greater availability of junior colleges result in a higher percentage of veterans using their opportunities for college—23.4% versus 20.8% after Korea, and 14.5% after World War II.

(4) *Use is inverse to need.* Roughly 20% of the 6,220,000 Vietnam-era veterans have pre-service college; 20% are high school dropouts; and 60% are high school graduates. High school dropouts have about a 20% use rate, while those with pre-service college have a 50% use rate, and high school graduates have close to a 50% rate. But the dropouts and high school graduates make the greatest use of the GI Bill for correspondence courses, with 800,000 persons having done so; 75% of those, according to a GAO study, dropped out prior to completion.

(5) *Percent of federal budget devoted.* After World War II, the GI Bill took 7.5% of the federal budget; today it takes 1%.

(6) *Ruled out of private colleges, with fewer at state universities.* Today veterans comprise only 1% of total enrollment at Holy Cross, Northwestern and Yale; veterans can no longer afford most private colleges, and represent less than 10% of the student body at major state universities.

OREGON PUBLIC WORKS

Mr. HATFIELD. Mr. President, on August 16 of this year President Nixon signed into law the measure making appropriations for public works and the Atomic Energy Commission for fiscal year 1974. Congress sent to the President a bill that was $8 million below the administration budget request for these items.

In its considerations of the public works-AEC budget, the Appropriations Committees of both Houses reordered the administration's priorities in several areas, most notably in energy items. For the Pacific Northwest, where our citizens are facing disaster in the form of an inadequate electrical power supply, the Congress made significant increases to accelerate the development of the Federal Columbia River Power System.

I ask unanimous consent to have appear in the RECORD following these remarks the Federal public works appropriations as they affect Oregon, including a breakdown of House, Senate, and conference action on each of the items.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FISCAL YEAR 1974 PUBLIC WORKS APPROPRIATION BILL

Project	House bill	Senate bill	Conference bill
Energy:			
Bonneville Lock and Dam, 2d powerhouse (Corps):[1] Construction	0	$3,000,000	$3,000,000
Bonneville Lock and Dam, modification for peaking (Corps): Construction	$7,400,000	7,400,000	7,400,000
Columbia Basin project, Grande Coulee Dam 3d powerhouse (Bureau):[1] Construction	24,950,000	28,950,000	28,950,000
The Dalles Lock and Dam, additional power units (Corps): Construction	2,200,000	2,200,000	2,200,000
Chief Joseph Dam, additional power units (Corps): Construction	10,000,000	10,000,000	10,000,000
Ice Harbor Lock and Dam, additional power units (Corps): Construction	11,500,000	11,500,000	11,500,000
Little Goose Lock and Dam, additional power units (Corps):[1] Construction	0	450,000	450,000
Lower Granite Lock and Dam, additional power units (Corps):[1] Construction	0	450,000	450,000
Lower Monumental Lock and Dam, additional power units (Corps):[1] Planning	0	330,000	0
Civilian reactor development program (AEC)	323,800,000	329,800,000	326,800,000
Controlled thermonuclear research (AEC):[1] Increase for fusion research	49,200,000	53,000,000	53,000,000
Applied energy technology program (AEC):[1] Includes solar and geothermal research	16,900,000	18,600,000	17,850,000
Bonneville Power Administration:			
Construction	97,500,000	97,500,000	97,500,000
Operation and maintenance	33,300,000	33,300,000	33,300,000
The Oregon coast:			
Chetco River (Corps, Nav.):[2]			
Investigation on jetty extension	0	5,000	5,000
Operation and maintenance	103,000	103,000	103,000
Coos Bay (Corps, Nav.):[2]			
Planning	0	150,000	150,000
Operation and maintenance	1,538,000	1,538,000	1,538,000
Coos and Millicoma Rivers (Corps, Nav.): Operation and maintenance	37,000	37,000	37,000
Coquille River (Corps, Nav.): Operation and maintenance	99,000	99,000	99,000
Depoe Bay (Corps, Nav.): Operation and maintenance	45,000	45,000	45,000
Port Orford (Corps, Nav.): Operation and maintenance	72,000	72,000	72,000
Rogue River, harbor at Gold Beach (Corps, Nav.): Operation and maintenance	228,000	228,000	228,000
Siuslaw River (Corps, Nav.):[2]			
Investigation on jetty extension	$15,000	$75,000	$15,000
Operation and maintenance	339,000	339,000	339,000
Tillamook Bay and Bar (Corps, Nav.):			
Investigation on increasing project dimensions	20,000	20,000	20,000
Operation and maintenance	16,000	16,000	16,000
Construction on south jetty	2,400,000	2,400,000	2,400,000
Umpqua River (Corps, Nav.):[2]			
Investigation on jetty system and increasing project dimensions	20,000	66,000	45,000
Operation and maintenance	217,000	217,000	217,000
Yaquina Bay and Harbor (Corps, Nav.): Operation and maintenance	440,000	440,000	440,000
Willamette and lower Columbia Basins:			
Blue River Lake (Corps, F.C.): Operation and maintenance	65,000	65,000	65,000
Columbia and Lower Willamette Rivers below Vancouver and Portland (Corps, Nav.):			
Operation and maintenance	4,890,000	4,890,000	4,890,000
Construction on 40-foot channel	1,800,000	1,800,000	1,800,000
Columbia River at the mouth (Corps, Nav.): Operation and maintenance	1,022,000	1,022,000	1,022,000
Columbia River between Vancouver and the Dalles (Corps, Nav.): Operation and maintenance	291,000	291,000	291,000
Bonneville Lock and Dam (Corps, M.P.): Operation and maintenance	2,410,000	2,410,000	2,410,000
Cottage Grove Lake (Corps, F.C.): Operation and maintenance	175,000	175,000	175,000
Cougar Lake (Corps, M.P.):			
Operation and maintenance	290,000	290,000	290,000
Construction on fish hatchery	1,400,000	1,400,000	1,400,000
Detroit Lake (Corps, M.P.): Operation and maintenance	995,000	995,000	995,000
Dorena Lake (Corps, F.C.): Operation and maintenance	175,000	175,000	175,000
Fall Creek Lake (Corps, F.C.):[2]			
Operation and maintenance	155,000	155,000	155,000
Construction on recreation facilities	0	45,000	45,000
Fern Ridge Lake (Corps, F.C.): Operation and maintenance	270,000	270,000	270,000

Footnotes at end of table.

Project	House bill	Senate bill	Conference bill
The Oregon Coast—Continued			
Green Peter and Foster Lakes (Corps, M.P.): Operation and maintenance	$955,000	$955,000	$955,000
Hills Creek Lake (Corps, M.P.): Operation and maintenance	370,000	370,000	370,000
Lookout Point Lake (Corps, M.P.): Operation and maintenance	1,340,000	1,340,000	1,340,000
Lower Columbia River and tributaries (Corps, F.C.): Investigation	90,000	90,000	90,000
Lower Columbia River bank protection (Corps, F.C.): Construction	700,000	700,000	700,000
Luckiamute River (Corps, F.C.):[2] Investigation	0	40,000	40,000
Marys River (Corps, F.C.): Investigation	49,000	49,000	49,000
Scappoose drainage district (Corps, F.C.): Construction	100,000	100,000	100,000
Skipanon channel (Corps, Nav.): Operation and maintenance	35,000	35,000	35,000
Willamette River above Portland and Yamhill River (Corps, Nav.): Operation and maintenance	541,000	541,000	541,000
Willamette River at Willamette Falls (Corps, Nav.): Operation and maintenance	345,000	345,000	345,000
Willamette River bank protection (Corps, F.C.):			
Operation and maintenance	400,000	400,000	400,000
Construction	700,000	700,000	700,000
Willamette River Basin (Corps, Comp.): Investigation	165,000	165,000	165,000
Tualatin project (Bureau, M.P.):[2]			
Construction	7,585,000	7,785,000	7,785,000
Investigation	125,000	125,000	125,000
Willamette River project (Bureau, M.P.): Investigation	120,000	120,000	120,000
Southern Oregon:			
Applegate Lake (Corps, F.C.):[2] Construction (land acquisition only).	Carryover from fiscal year 1973 of $100,000 disallowed by House, allowed by Senate, disallowed by conference due to authorization language requiring prior completion of irrigation agreements.		
Elk Creek Lake (Corps, F.C.): Construction	1,100,000	1,100,000	1,100,000
Lost Creek Lake (Corps, M.P.): Construction	35,600,000	35,600,000	35,600,000
Rogue River Basin project, Merlin division (Bureau, M.P.): Planning	300,000	300,000	300,000
Rogue River Basin project, Medford and Rogue River Valley irrigation districts (Bureau, Irr.): Construction	75,000	75,000	75,000
Rogue River Basin project (Bureau, M.P.):[2] Investigation	0	$25,000	$25,000
Eastern Oregon:			
Catherine Creek Lake (Corps, F.C.): Construction	$700,000	700,000	700,000
John Day Lock and Dam (Corps, M.P.):			
Operation and maintenance	2,476,000	2,476,000	2,476,000
Construction	7,475,000	7,475,000	7,475,000
McNary Lock and Dam (Corps, M.P.):[2]			
Operation and maintenance	2,964,000	2,964,000	2,964,000
Construction (increase for recreation facilities on Lake Wallula)	2,500,000	2,653,000	2,653,000
Silvies River and tributaries (Corps, F.C.): Investigation	21,000	21,000	21,000
The Dalles Lock and Dam (Corps, M.P.): Operation and maintenance	2,053,000	2,053,000	2,053,000
Willow Creek Lake (Corps, F.C.):[2] Construction (land acquisition and road relocation)	0	450,000	450,000
Klamath project (Bureau, M.P.): Construction	600,000	600,000	600,000
Klamath project, Shasta View irrigation district (Bureau, Irr.): Construction	2,500,000	2,500,000	2,500,000
Crooked River project, Ochoco Irrigation district (Bureau, Irr.): Construction	40,000	40,000	40,000
Tumalo irrigation district (Bureau, Irr.): Construction	550,000	550,000	550,000
Westland irrigation district (Bureau, Irr.): Construction	50,000	50,000	50,000
Umatilla Basin project (Bureau, M.P.): Investigation	85,000	85,000	85,000
Walla Walla project (Bureau, M.P.): Investigation	70,000	70,000	70,000
Recreation facilities at existing projects (Bureau):[2] Planning and construction	136,000	186,000	186,000
Miscellaneous:			
Columbia River and tributaries (Corps, F.C.):[2] Investigation	444,000	620,000	620,000
Pacific Northwest River Basin (Corps, Comp.): Investigation	205,000	205,000	205,000
Western States water plan (Bureau): Investigation	1,000,000	1,000,000	1,000,000
Water Resources Council planning grants to States (WRC)	3,000,000	3,000,000	3,000,000
Pacific Northwest River Basin Commission (WRC)	171,000	171,000	171,000

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[1] Language inserted in Senate report and held in conference: Hopper Dredge "Pacific"—the committees "continue the moratorium, with one minor exception, on all proposed plans for replacement or modification of dredges which are not presently under contract, including hopper dredges, pending completion of the comprehensive National Dredging Study. . . . The exemption from the moratorium . . . is for modification of the dredge 'Pacific.' Because of the urgent need to update this plant, particularly the replacement of the power system, the Corps is urged to develop and submit its plans for the needed work. However, this special exception of the 'Pacific' is subject to the restriction on the use of the 'Pacific' to bar or entrance channel work, commonly referred to as 'outside harbor work' following repair and upgrading."

[2] Language inserted in Senate report and held in conference: Umpqua River navigation study—the committees "direct the Corps to complete the Umpqua River navigation study in fiscal year 1974 if sufficient unused funds are available from appropriated funds for other navigation studies in Oregon."

[3] Language inserted in Senate report and held in conference: "The Corps . . . is directed to complete planning of the Beaver Drainage District Project during the fiscal year with currently available funds."

U.S. POLICY IN THE MIDDLE EAST

Mr. McCLURE. Mr. President, it is ironic that last week's dove is suddenly this week's hawk. Let us contrast the suggestion of the resolution of support for Israel, cosponsored by more than one-half of the Members of the Senate, with prior positions many of them have taken. Perhaps then the results of this action would be more clearly apparent.

The course the United States is now taking can only help the Soviet Union. Despite this fact, the United States—in a generous, but misguided response to the events in the Middle East—is contributing to precisely that polarization which it has officially denounced for so long. The emotion is good, but the logic is bad. I intend to submit a substitute to the Middle East resolution which attempts to demonstrate this by the simple application of the same thinking, in the same terminology to the situation in South Vietnam.

We are told that we have a commitment to Israel. If we have one, it has not been made public. I do not hear any complaints from most of those who have protested secret agreements on the part of the Executive.

The war powers bill recently passed by this body with only 20 dissenting votes stipulates that even troop deployment or the massing of troops within our own borders can be provocative. Is that more provocative than supplying jet fighters? Many Members of Congress have stated their view that the United States is not, and cannot be, a world policeman. Is not the Middle East part of the "World"? Many Congressmen have voted against the sale of any armaments or the donation of any sort of military assistance to other nations. But surely they are the same people who most vociferously and most correctly insist upon the recognition of Israel as a nation.

Those who are most confident in the policies of détente have failed to recognize that the real cause of war in the Middle East is the Soviet buildup by air and sea of the Arab military machine. The only way to defeat this Soviet strategy is to achieve peace. Otherwise, we fall into a very obvious trap. The ironic fact is that Israel and the Arab nations are merely cynically used pawns in the plans of a country which has the best interests of neither one at heart.

Mr. President, I ask unanimous consent that the text of the substitute which I intend to submit be printed in the RECORD.

There being no objection, the text of the resolution was ordered to be printed in the RECORD, as follows:

Resolution to urge the continued transfer to Israel and South Viet-Nam of Phantom aircraft and other equipment

SEC. 1. Whereas the President is supporting a strong and secure Israel as essential to the interests of the United States; and

Whereas the armed forces of Egypt and Syria launched an unprovoked attack against Israel shattering the 1967 cease-fire; and

Whereas Israel refrained from acting preemptively in its own defense; and

Whereas the Soviet Union, having heavily armed the Arab countries with the equipment needed to start this war, is continuing a massive airlift of sophisticated military equipment to Egypt and Syria; and

Whereas Public Law 91-441, as extended, authorizes the President to transfer to Israel by credit sale whatever arms may be needed to enable Israel to defend itself: Now, therefore, be it

Resolved, That it is the sense of the Senate that the announced policy of the United States Government to maintain Israel's deterrent strength be implemented by continuing to transfer to Israel, by whatever means necessary, Phantom aircraft and other equipment in the quantities needed by Israel to repel the aggressors.

SEC. 2. Whereas the President is supporting a strong and secure South Viet-Nam as essential to the interests of the United States; and

Whereas the armed forces of North Viet-Nam launched an unprovoked attack against South Viet-Nam shattering the 1954 cease-fire; and

Whereas South Viet-Nam refrained from acting preemptively in its own defense; and

Whereas the Soviet Union, having heavily armed North Viet-Nam with the equipment needed to start this war, is continuing a massive airlift of sophisticated military equipment to North Viet-Nam; and

Whereas the Gulf of Tonkin Resolution authorized the President to transfer to South Viet-Nam whatever arms may be needed to enable South Viet-Nam to defend itself: Now, therefore, be it

Resolved, That it is the sense of the Senate that the announced policy of the United States Government to maintain South Viet-Nam's deterrent strength be implemented by continuing to transfer to South Viet-Nam, by whatever means necessary, Phantom aircraft and other equipment in the quantities needed by South Viet-Nam to repel the aggressors.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for the transaction of routine morning business has expired.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate go into executive session to consider the nomination of Mr. William John Fellner.

The motion was agreed to, and the Senate proceeded to the consideration of executive business.

COUNCIL OF ECONOMIC ADVISERS

The legislative clerk read the nomination of William John Fellner, of Connecticut, to be a member of the Council of Economic Advisers.

FELLNER, NEW ECONOMIC PICK OF ADMINISTRATION, FAVORS HIGHER UNEMPLOYMENT POLICY

Mr. PROXMIRE. Mr. President, seldom do we have before us a nominee whose views on public issues have been so carefully articulated in advance as those of Dr. William Fellner, on whose nomination as a member of the Council of Economic Advisers the Senate will soon act.

This is a tremendously important nomination, not only because the Council of Economic Advisers is an important body, not only because Mr. Fellner is expected to become chairman of that council within a few months, when Dr. Stein resigns, but also because of the nature of Dr. Fellner's views, and the reflection that will have on the change in economic policy this country is likely to undergo, based on his appointment as the President's top adviser.

In the recent studies he has prepared for the American Enterprise Institute, in a speech to the National Association of Business Economists in September, in a press conference on September 29, and in his testimony before the Senate Banking Committee, Dr. Fellner has spelled out his views on employment, inflation, and other major economic issues with candor and precision.

One can only admire Dr. Fellner's honesty and outspokenness. I hope it will be sustained in office. Certainly some plain speaking about economic policy will be a welcome breath of fresh air in an administration whose chief policymakers can so seldom remove their rose colored glasses long enough to look at the real economic problems which confront the country.

While I admire Dr. Fellner's honesty and while I have great respect for his fine intellect and his long record of academic achievement, I find myself in sharp disagreement with him on the most basic issues of economic policy. The Senate should confirm Dr. Fellner only with a clear understanding of his views and of the need to resist the central thrust of Dr. Fellner's recommendations on some key issues of economic policy.

While I admire Dr. Fellner's honesty and have great respect for his fine intellect and his excellent record—not only is he a distinguished professor at Yale University, but also is a distinguished member of the American Economic Association—we must have a clear understanding of his views and of the need to resist the central thrust of Dr. Fellner's recommendations on some of the issues of economic policy.

The most disturbing of Dr. Fellner's recommendations has to do with unemployment. Dr. Fellner is firmly convinced that, given the present structure of the economy, it is dangerous to try to reduce unemployment to 4 percent. He urges a 5-percent unemployment rate as the new target toward which monetary and fiscal policy should be directed. To push unemployment below 5 percent will, he believes, produce a continuously accelerating rate of inflation, and that in turn will lead to a serious recession.

Since Dr. Fellner's view on unemployment is apparently shared by an increasing number of academic economists, it is important that this question be carefully examined on its merits. In the course of hearings before the Joint Economic Committee I have questioned both administration officials and a large number of academic economists on this question of the appropriate target for unemployment. I have concluded that while support for an unemployment target higher than 4 percent is widespread among economists, the evidence which supports this conclusion is extremely limited. Indeed, I am both surprised and disturbed that such a sweeping conclusion has been reached on the basis of so little evidence.

Support for a higher unemployment target rests on the argument that the proportion of women and teenagers in the labor force has increased. Since these groups typically have higher unemployment rates than adult men, a higher overall unemployment is now consistent with a quite low unemployment rate for adult men.

In itself this fact is indisputable. There is no question that the proportion of women and young people in the labor force has increased dramatically since the 1950's. But this is only one of many dramatic and important labor market changes. The occupational structure has changed just as dramatically. We are now predominantly a white collar rather than a blue-collar economy. Educational levels have increased. The skill requirements of various jobs have changed. Surely it would be a tragic mistake to commit ourselves to the sacrifice of the income and production associated with a lower unemployment rate when these crucial questions have not even been examined. Yet this, as I understand it, is what Dr. Fellner and others who share his views would have us do.

Economists and others seem to have forgotten the high costs which are associated with higher unemployment. Let me review some of them. A 5-percent rather than a 4-percent unemployment rate means—

About 850,000 more unemployed.

Many thousands more on part-time work.

Almost $40 billion per year in lost output.

A $12 to $15 billion reduction in Federal tax receipts.

A $3 to $5 billion reduction in State and local tax receipts.

Surely before we agree to accept those costs, we should have overwhelming evidence that there is no other way to stabilize the economy and avoid recession.

I urge Dr. Fellner, who as a distinguished academic economist must surely appreciate the importance of full evaluation of the evidence, to put the resources of the executive branch to work on a more complete analysis of changes in the labor market, and of other causes of inflation. Wait until the results are in before reaching a conclusion that the Nation must pay the enormous costs of higher unemployment. Perhaps the results of fuller examination of the evidence will surprise him. Perhaps he will find that the favorable changes in the labor market outweigh the unfavorable ones, and that a lower rather than a higher unemployment target is appropriate.

If we analyze our present inflation, economist after economist has been unable to show that the reason why prices have been rising is that unemployment is lower; that there is a shortage in the labor market. That is not the case. It is not primarily a food inflation. It rests primarily in the shortage of paper, oils, chemicals, and the like. It is not a labor inflation. In fact, all the testimony is that wages have behaved extraordinarily well. Just this morning we have further testimony to that effect. They have greatly lagged behind prices. As a matter of fact, in the last year real wages are 3 percent below what they were a year ago. So working people have not benefited and they are not responsible for the increase in prices.

Perhaps Dr. Fellner will find that women and young people can be trained for the jobs traditionally held by adult men, thereby eliminating many inflationary labor bottlenecks. Perhaps he will find that stronger action against discrimination in employment will eliminate many bottlenecks. Perhaps he will find that the enormous growth presently occurring in the adult population between 25 and 35 years of age is providing an invaluable reservoir of well-educated, full-time workers who can help eliminate inflationary bottlenecks caused by shortages of skilled labor. Until these questions have been examined we should not be so pessimistic about the ability of our

economy to combine full employment with reasonable price stability.

A second area where I would urge Dr. Fellner to rethink his views and to examine additional evidence is the area of price and wage control. Dr. Fellner has said emphatically that we should remove the controls as soon as possible and that they should be removed for good. Everyone recognizes that controls create problems, that they cause distortions, that they have a cost. No one wants a permanent phase IV. Nonetheless, our recent unhappy experience with the premature removal of phase II at the beginning of this year, which marked the beginning of the worst inflation this country has had in the last 25 years, should certainly warn us against making the same mistake twice. Surely we should examine the possibility of improving rather than prematurely abandoning phase IV. And surely we should consider very carefully what is to come after phase IV. To me it seems incredible that the administration would repeat the mistake it made on first taking office in 1969 of abandoning all forms of income policy. Yet a complete "hands-off" attitude appears to be the preferred alternative of Dr. Fellner and of other leading ad- administration officials. I urge them to reconsider.

Despite my feeling that this represents a serious change in our economic policy, and one I oppose, regret, and expect to do all I can to prevent, I must say that Dr. Fellner is clearly qualified; he is a man of outstanding intellect who has occupied prominent positions. I have talked to a number of economists who have great respect for Dr. Fellner.

I support the confirmation of Dr. Fellner because I admire him for his honesty and plain speaking. And because he brings to his office the most impeccable of academic credentials. But I urge him to searchingly reexamine his views on unemployment and on the control of inflation. I, for one, will continue to oppose his position on both these issues until he can present me with far more persuasive evidence than he has so far that he is right and I am wrong.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of William John Fellner, of Connecticut, to be a member of the Council of Economic Advisers?

Without objection, the nomination is confirmed.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Heiting, one of his secretaries, and he announced that on October 18, 1973, the President had approved and signed the act (S. 2419) to correct typographical and clerical errors in Public Law 93–86.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. HATHAWAY) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on the Judiciary.

(For nominations received today, see the end of Senate proceedings.)

ADJOURNMENT FROM OCTOBER 18, 1973, TO OCTOBER 23, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on Senate Concurrent Resolution 54.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the concurent resolution (S. Con. Res. 54) providing for adjournment of the Senate from Thursday, October 18, 1973, to Tuesday, October 23, 1973, which was in line 4, after "1973", insert ", and that when the House adjourns on Thursday, October 18, 1973, it stand adjourned until 12 o'clock meridian on Tuesday, October 23, 1973."

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR THE SECRETARY OF THE SENATE TO RECEIVE MESSAGES DURING ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the adjournment of the Senate over to Tuesday next at 12 noon the Secretary of the Senate be authorized to receive messages from the President.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM TUESDAY, OCTOBER 23, 1973, TO FRIDAY, OCTOBER 26, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business on next Tuesday it stand in adjournment until the hour of 12 noon on Friday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM FRIDAY, OCTOBER 26, 1973, TO TUESDAY, OCTOBER 30, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business on Friday next it stand in adjournment until the hour of 12 noon on the following Tuesday.

The PRESIDING OFFICER. Without objection, it is so ordered.

OIL THREAT POINTS UP U.S. ENERGY POLICY PROCRASTINATION

Mr. ROBERT C. BYRD. Mr. President, yesterday's announcement by the oil producing nations of the Persian Gulf that they will cut back production by 5 percent a month until Israel withdraws from territory occupied as a result of the 1967 war points up once again the vital need for a national energy fuels policy in the United States.

That such a threat is possible is due in no small measure to our own failure to formulate a sensible, forward-looking national energy fuels policy. Such a policy has been talked about for years, but, so far, the talk has not been translated into action.

It is absolutely essential for the future security of the United States that a national fuels policy be formulated without further delay, and that research and development in our most abundant fossil fuel—coal—be stepped up immediately.

The proven reserves of coal in the United States are adequate for our energy fuel needs for 500 years, if we are prepared to spend the funds to develop the technology necessary to coal's full utilization. Such a policy would render the United States impervious to any threat of energy fuel blackmail, from any quarter. I believe, in the light of developments in the Middle East, that a national fuels policy, with an accent on coal research, is one of this Nation's top priorities, and that steps should be taken immediately to implement such a policy.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON OCTOBER 23, 26, AND 30, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on October 23, 26, and 30, immediately after the two leaders or their designees have been recognized under the standing order, there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

XUM

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM FOR TUESDAY

Mr. ROBERT C. BYRD. Mr. President, it is not expected that there will be any yea-and-nay votes on Tuesday, October 23. There will be a period for the transaction of routine morning business after the two leaders or their designees have been recognized under the standing order. The period for routine morning business will not extend beyond 30 minutes, under the order, with statements therein limited to 3 minutes.

ADJOURNMENT UNTIL TUESDAY, OCTOBER 23, 1973

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the provisions of Senate Concurrent Resolution 54, as amended, that the Senate stand in adjournment until 12 o'clock noon on Tuesday next.

The motion was agreed to; and at 2:13 p.m. the Senate adjourned until Tuesday, October 23, 1973, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate on October 17, 1973, pursuant to the order of October 16, 1973:

COUNCIL ON ENVIRONMENTAL QUALITY

Russell W. Peterson, of Delaware, to be a Member of the Council on Environmental Quality, vice Russell E. Train.

UNESCO SESSION REPRESENTATIVES

The following-named persons to be Representatives of the United States of America to the Third Extraordinary Session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization:

Roy D. Morey, of Maryland.
William B. Jones, of California.
Edward O. Sullivan, Jr., of New York.

OVERSEAS PRIVATE INVESTMENT CORPORATION

Donley L. Brady, of California, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1975, vice Daniel Parker, term expired.

DEPARTMENT OF JUSTICE

Charles H. Anderson, of Tennessee, to be United States Attorney for the Middle District of Tennessee for the term of four years. (Reappointment.)

Leigh B. Hanes, Jr. of Virginia, to be United States Attorney for the Western District of Virginia for the term of four years. (Reappointment.)

R. Jackson B. Smith, Jr., of Georgia, to be United States Attorney for the Southern District of Georgia for the term of four years. (Reappointment.)

William H. Stafford, Jr., of Florida, to be United States Attorney for the Northern District of Florida for the term of four years. (Reappointment.)

Executive nominations received by the Senate on October 18, 1973:

DEPARTMENT OF JUSTICE

Jack V. Richardson, of Kansas, to be United States Marshal for the District of Kansas for the term of four years. (Reappointment.)

Rex Walters, of Idaho, to be U.S. Marshal for the district of Idaho for the term of four years. (Reappointment.)

CONFIRMATIONS

Executive nominations confirmed by the Senate October 18, 1973:

OLD WEST REGIONAL COMMISSION

Warren Clay Wood, of Nebraska, to be Federal Cochairman of the Old West Regional Commission.

COUNCIL OF ECONOMIC ADVISERS

William John Fellner, of Connecticut, to be a member of the Council of Economic Advisers.

(The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

HOUSE OF REPRESENTATIVES—*Thursday, October 18, 1973*

The House met at 12 o'clock noon.

Rev. Richard R. Madden, superior, Carmelite Monastery, Youngstown, Ohio, offered the following prayer:

Dear Lord, so many times we stand before You, as now, and say nothing. So many times, we praise You with our lips, while our minds are far from You. But at this moment, we beg You, hear us.

You have entrusted us with high dignity. You have made us the fond hope of our great land. Give us the wisdom to understand that we are only Your instruments—that You use our hands, our eyes, and our minds to accomplish Your will. And let us never forget that far more important than our own personal needs are the needs of our people, who have no one but us.

Help us know that you made an imperfect world deliberately, so that each one of us, by our integrity, by our strength, and by our love, might add our finest touch to Your great masterpiece. In Jesus' name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

REDUCTION OF OIL PRODUCTION BY ARAB STATES CAN BE A TWO-WAY STREET

(Mr. BARRETT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BARRETT. Mr. Speaker, the Arab oil states have turned to oil pressure diplomacy in their efforts to dictate our foreign policy. As we all know by now, they are going to reduce their oil production by 5 percent every month, with the reduction being imposed against oil shipments to the United States. They have taken this action because of our support of Israel in its continued struggle for survival.

Mr. Speaker, this amounts to an attempt to blackmail the United States—and we will not be blackmailed. Restrictions on exports can cut two ways. The Arab States are importers of many needed items and supplies from the United States. The President has the power and authority to curtail those exports from the United States. Accordingly, I am today introducing a House concurrent resolution expressing the sense of Congress on this matter which reads as follows:

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President should curtail exports of goods, materials and technology to any nation that restricts the flow of oil to the United States in a quantity which is proportionate to the quantity of such restriction of oil.

I ask my colleagues in the House to cosponsor this resolution.

THE GREAT PROTEIN ROBBERY: NO. 10

(Mr. STUDDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUDDS. Mr. Speaker, on June 13, I introduced in the House, simultaneously with Senator WARREN G. MAGNUSON in the Senate, a bill, H.R. 8665, to extend U.S. fisheries jurisdiction over coastal species of fish out to 200 miles from our shores, and over anadromous fish—such as salmon. This jurisdiction would exist until international agreement is reached and implemented on extended fisheries jurisdiction. On June 29, I reintroduced my bill with 35 cosponsors. Today I am reintroducting the bill, this time with additional cosponsors.

We need urgently to establish immediate conservation measures to protect the marine resources in our coastal waters. Huge, government-subsidized fishing fleets from Russia, Poland, Japan, East Germany, and other nations are currently exploiting the fish stocks in the Northwest Atlantic at such a rate as to

guarantee virtual depletion long before any international agreements on fish management and conservation seem likely to be reached. We must control the massive foreign fishing in our coastal waters and establish sensible harvesting procedures in order to allow the fish stocks to replenish themselves and to guarantee a permanent source of protein for the people of the world.

My bill, H.R. 8665, would allow us to preserve our marine resources and stop the "great protein robbery" occurring right now off our shores.

THE NEED FOR A VICE-PRESIDENTIAL HOME

(Mr. BROOKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOKS. Mr. Speaker, I have long advocated providing a home in the Nation's Capital for the Vice President of the United States. The Vice President should have appropriate accommodations where he is readily accessible to the center of activity of our Federal Government and where he can be properly protected.

The need for a Vice-Presidential home is particularly obvious at this time. Within the last 6 months, the Federal Government has spent more than $140,000 at the home of former Vice President Agnew. These expenditures were made on the personal property of Mr. Agnew and will not inure to the benefit of his successor. Instead, the American taxpayer may again be subjected to underwriting large expenditures at still another Vice-Presidential residence.

Over 7 years ago, we in Congress passed a bill authorizing the construction of a Vice-Presidential home on the grounds of the Naval Observatory. I strongly urge the prompt appropriation of funds to carry out the provisions of that act or make other suitable arrangements so that the Vice President will be provided with a home suitable to his position and so that the American taxpayer will be spared the expense of hundreds of thousands of dollars on an unlimited number of privately owned homes of Vice Presidents in future years.

PERSONAL EXPLANATION

Mr. KLUCZYNSKI. Mr. Speaker, yesterday I was present in the House and voted "nay" on the Ashbrook amendment to the bill H.R. 9681. Emergency Petroleum Allocation Act of 1973. I was recorded as not voting.

MAJORITY LEADER THOMAS P. O'NEILL, JR., SAYS CONGRESS OWES A FAIR CAMPAIGN FINANCE BILL TO THE PUBLIC

(Mr. O'NEILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'NEILL. Mr. Speaker, yesterday the board chairmen of two of the Nation's largest corporations pleaded guilty to making illegal contributions to President Nixon's reelection campaign.

More than anything else this illustrates the bankruptcy of our system of financing political campaigns. The system, as it is now structured, invites violations of the law—and solicitations to violate the law. It manufactures criminal actions.

Painful as it may have been, the heads of these corporations have done a public service by demonstrating the basic fallacies built into our present system of campaign finance. It shows how much we need a balanced and credible system to replace it. We need to consider realistic limits on campaign contributions and fair requirements for disclosure.

I am happy to note that the House Administration Committee has begun hearings on this important legislation, including some Senate-passed bills.

I think we in the House ought to support and encourage this work so that we can pass a fair and workable campaign finance bill by early next year at the latest.

This is one piece of legislation that the 93d Congress owes to the American people.

PADRES' ANGEL WITH A DIRTY FACE?

(Mr. HAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HAYS. Mr. Speaker, in line with what I said yesterday about the attempt of one Marje Everett to acquire the San Diego baseball team, there was an interesting article in the Washington Post this morning on the sports page by Shirley Povich, who called her an angel with a dirty face.

In his article he mentioned that she was a self-confessed bribe giver and that the only reason she is not in jail is because she plea bargained and got immunity, by then causing the former Governor of Illinois to be sentenced to the penitentiary.

I think the baseball owners might be well advised to realize that they are living under the immunity granted to them by the Congress on the antitrust legislation by their great protector, former Congressman Celler, when he was chairman of the Judiciary Committee. He is no longer here.

If they get a little more arrogant than they are, and they are already too arrogant, it is just possible that the Congress could repeal that protection and put them under the antitrust legislation, which would in turn destroy their reserve clause capabilities and prevent them from keeping baseball players in peonage and bondage.

Of course, Charlie Finley is one of the worst examples of these arrogant people who are clipping the public to their own benefit in this so-called national pastime.

AUTHORIZING CLERK TO RECEIVE MESSAGES FROM SENATE AND THE SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS DULY PASSED AND TRULY ENROLLED NOTWITHSTANDING ADJOURNMENT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until Tuesday, October 23, 1973, the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills or joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

.CALL OF THE HOUSE

Mr. TAYLOR of Missouri. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 540]

Alexander
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Bergland
Biaggi
Brown, Ohio
Burke, Calif.
Burke, Fla.
Carney, Ohio
Casey, Tex.
Chisholm
Clark
Clausen, Don H.
Clay
Collins, Ill.
Conyers
Culver
de la Garza
Dellums
Derwinski
Dorn
Downing
Eshleman
Findley
Fraser
Fulton
Fuqua
Gibbons
Goldwater
Gray
Grover
Gunter
Guyer
Harrington
Heckler, Mass.
Hosmer
Johnson, Pa.
Landrum
Leggett
Litton
McClory
McKay
Maraziti
Mathis, Ga.
Mills, Ark.
Mink
Mitchell, Md.
Obey
Owens
Parris
Powell, Ohio
Railsback
Rees
Reid
Rooney, N.Y.
Rooney, Pa.
Sandman
Sullivan
Talcott
Thornton
Ullman
Vander Jagt
Veysey
Young, Fla.
Young, S.C.
Zwach

The SPEAKER. On this rollcall 367 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

XUM

PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO HAVE UNTIL MIDNIGHT, OCTOBER 19, 1973, TO FILE REPORT ON H.R. 10956

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may have until midnight Friday, October 19, to file a report on the bill H.R. 10956.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

EXTENDING AUTHORIZATION FOR CABINET COMMITTEE ON OPPORTUNITIES FOR SPANISH-SPEAKING PEOPLE

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 602 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 602

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10397) to extend the authorization of appropriations for the Cabinet Committee on Opportunities for Spanish-Speaking People and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Government Operations, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. Del Clawson), pending which I yield myself such time as I may consume.

Mr. MADDEN. Mr. Speaker, House Resolution 602 provides for an open rule with 1 hour of general debate on H.R. 10397, a bill to provide authorization for appropriations for the Cabinet Committee on Opportunities for Spanish-Speaking People through December 30, 1974.

The Cabinet Committee was created by statute in 1969 as a successor to the Interagency Committee on Mexican-American Affairs. Its objective is to help insure that Federal programs are responsive to the needs of Spanish-speaking and Spanish-surnamed individuals. At the present time many of these Americans are seriously disadvantaged in terms of employment, education, housing, and health care.

H.R. 10397 requires that regional offices be established and that at least 50 percent of funds for salaries of Cabinet Committee employees be expended through these offices.

The bill bans partisan political activity by the chairman of the committee and employees of the committee.

Mr. Speaker, H.R. 10397 authorizes the appropriations of $1.5 million for the period extending through December 30, 1973. I urge adoption of House Resolution 602 in order that we may discuss and debate H.R. 10397.

By extending it on until December of 1974 it funds and extends the Spanish program until it completes its authorization, which was created in 1969. This bill provides money authorization for the remainder of its 1½-year extension and requires additional regional offices be expanded over the Nation.

It also provides added functions for assisting Spanish-speaking groups and individuals in securing their participation in various benefits and assistance programs, mandated by law.

The bill provides, also, a dollar ceiling in the appropriations which may be authorized for the committee, which has been operating on a budget of $1 million annually. This ceiling is now $1½ million.

The chairman of the committee shall designate one of the other committee members to serve as acting chairman during the absence or disability of the chairman.

The committee shall meet at least semiannually during each year.

A group of 14 individuals in addition to the chairman, each of whom shall represent one member of the committee, shall meet at the call of the chairman at least six times each year.

The committee shall have the following functions:

First. To advise Federal departments and agencies regarding appropriate action to be taken to help assure that Federal programs are providing the assistance needed by Spanish-speaking and Spanish-surnamed Americans; and

Second. To advise Federal departments and agencies on the development and implementation of comprehensive and coordinated policies, plans, and programs focusing on the special problems and needs of Spanish-speaking and Spanish-surnamed Americans, and on priorities thereunder.

I hope this legislation is passed by a large majority vote.

Mr. DEL CLAWSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we are considering House Resolution 602, which provides for the consideration of H.R. 10397, the Authorization for the Cabinet Committee on Opportunities for Spanish-Speaking People, under an open rule with 1 hour of general debate.

The primary purpose of H.R. 10397 is to authorize funds for the Cabinet Committee on Opportunities for Spanish-Speaking People.

The Cabinet Committee was established for 5 years in 1969; however, appropriations were not authorized for the full 5 years. The bill is necessary to provide authorization through December 30, 1974, which is the date when the enabling legislation for the Cabinet Committee expires. The Cabinet Committee is now operating under a continuing resolution.

The Chairman of the Cabinet Committee is a full-time official directing a staff of approximately 40 employees. In recent years the Cabinet Committee has operated on a budget of about $1,000,000 per year.

The Cabinet Committee has met four times since its creation in 1969. The original legislation calls for annual reports. Two have been submitted—those for fiscal 1971 and 1972.

This bill amends the enabling legislation in several respects. This bill requires that regional offices be established, and that at least 50 percent of funds for salaries of Cabinet Committee employees be expended through these offices. This bill bans partisan political activity by the chairman and employees of the Cabinet Committee. The full Cabinet Committee, which the bill enlarges, to include the Secretary of Defense, the Secretary of Transportation and the Administrator of Veterans' Affairs, will be required to meet semiannually.

It is estimated that this bill will cost $1,500,000 in the current fiscal year and $750,000 in fiscal year 1975.

Mr. Speaker, I urge the adoption of this rule in order that the House may begin debate on this legislation.

Mr. Speaker, I have no requests for time, and reserve the balance of my time.

Mr. MADDEN. Mr. Speaker, I have no requests for time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. HOLIFIELD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10397) to extend the authorization of appropriations for the Cabinet Committee on Opportunities for Spanish-Speaking People, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. Holifield).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 10397, with Mr. Karth in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from California (Mr. Holifield) will be recognized for 30 minutes, and the gentleman from New York (Mr. Horton) will be recognized for 30 minutes.

The Chair recognizes the gentleman from California (Mr. Holifield).

Mr. HOLIFIELD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my remarks today in introducing the bill to extend the authorization for the Cabinet Committee on Opportunities for Spanish-Speaking People will be necessarily

brief. As I described the bill in some detail 2 weeks ago when it was considered under suspension of the rules, the purpose of H.R. 10397 is to provide for funding authorization for the Cabinet Committee for the balance of the 5-year term for which it was originally created.

Public Law 91–181 envisioned a 5-year Cabinet Committee, but authorized funding in lesser increments, the most recent of which expired June 30, 1973. The Cabinet Committee is presently operating under the provisions of a continuing resolution.

There is no question as to the need for affirmative action on the part of the Federal Government to assist the Spanish-speaking minority within the United States. As a group, the Spanish-speaking are poorly educated, poorly housed, and discriminated against in employment opportunities in many instances.

Despite the fact that they preceded other ethnic groups in many areas, particularly in the Southwest and on the west coast, they remain an underprivileged minority within our society.

The Cabinet Committee was established by President Johnson's Executive memo in 1967 prior to its statutory authorization in 1969. It serves as a liaison between the Spanish-speaking community and the Federal Government for the administration of Federal laws. Its functions are advisory in nature.

During recent years the Cabinet Committee has promoted the 16-point program to increase Federal employment among the Spanish-speaking Americans. It also was instrumental in helping to channel $47 million in Federal aid programs into Spanish-speaking community enterprises, mostly in the small business area.

On Monday, the gentleman from New York (Mr. Horton) included in the Record an excellent detailed description of the achievements and operations of the Cabinet Committee, which I recommend to the Members for reading.

During the hearings conducted by the Subcommittee on Legislation and Military Operations of the Committee on Government Operations, we identified several problem areas within the Cabinet Committee's operation. These problems include limited effectiveness, dormant Advisory Council, and ill-advised political activity on the part of the Chairman and staff.

The bill, H.R. 10397, seeks to remedy these problems. It would make the Cabinet Committee more effective by establishing a working group of designated representatives of the Cabinet secretaries to implement policy decisions of the full Cabinet Committee—and I want to emphasize this: It is the Cabinet Committee that makes policy, and this is very important, not the Administrator of the agency, the chairman of the agency.

An additional function of directly assisting Spanish-speaking individuals and groups will be performed through regional offices. The bill provides for the establishment of such offices within the funding limitations imposed by the administration and the Congress. Discussions with the Cabinet Committee staff indicate that it is their intention to provide for six such offices.

Why did the committee do this? The committee found that the Cabinet Committee, the Administrator, and his aides were sitting here in Washington with occasional travels involving a lot of expense to the Government, but that the people in the various concentrations of population in this country were not getting the benefit of that Cabinet Committee's purpose, for which Congress authorized it and set it up to accomplish. That was to bring to the Spanish-speaking people information in regard to their opportunities under existing laws that this Congress has passed. This is what we wanted them to do. We did not want them to go out and indulge in local or Federal politics, partisan politics, on either side of the fence. We wanted them to do the job of bringing opportunities to these people. That was the purpose of it.

So we wrote into this bill a recommendation that 50 percent of the salary fund be expended in local concentrations of Spanish-speaking people rather than by shuffling papers in some bureau here in Washington.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Texas.

Mr. GONZALEZ. I thank the chairman. I want to say by way of prefatory remarks that I am not rising in order to make any opposition statement at this point.

I am rising for two reasons, because the distinguished chairman mentioned in the course of his presentation of this bill two facts which I think ought to be clarified.

Also I think I should say I have been opposed to this legislation from the very beginning. I voted against it the first time in December 1969. I voted against it at the only other opportunity I had; but at this point, will not the chairman agree, awhile ago the chairman stated that Lyndon Johnson started this; but will the chairman not correct that statement by saying that what President Johnson started was very different from this present program?

President Johnson started an interagency cabinet-level agency for the Mexican-Americans, and not the Spanish-speaking Americans.

Mr. HOLIFIELD. That is true.

Mr. GONZALEZ. He set it up under his Executive budget.

Mr. HOLIFIELD. That is right.

Mr. GONZALEZ. He never recommended that the Congress set this up as a matter of legislative approach.

Mr. HOLIFIELD. That is true.

Mr. GONZALEZ. All right; when the Congress finally did act on it and changed the nature and substance and the thrust of what President Lyndon Johnson had actually established, first it set up an innovative legislative principle.

Secondly, it provided for legislative funding.

Thirdly, it provided for the establishment of this committee by the Commission.

That comes to my second question. Will not the gentleman also recall that not one time during the life of this committee had the committee itself met? Is that not what the gentleman's subcommittee brought out?

Mr. HOLIFIELD. This is one of the reasons for our action. First, I will say that the Cabinet-level membership in this committee proved not to be a functioning level. Therefore, in this bill we have changed that. We have corrected several things. We have said that each Cabinet member shall designate someone to sit in his stead when he cannot attend.

Now, getting back to the first part of the gentleman's question, yes, we did change this. We have found that other Spanish-speaking groups in this Nation were in the same position that the Mexican-American group was in.

We have found great concentrations of Cubans, particularly in Florida, and of Puerto Ricans in New York City. Many of these people were not bilingual and were unable to understand English. There was no one telling them about the opportunities that were available to them in education and vocational training and medical attention and things like that.

We felt as long as this country had accepted these people, that we should help them, because there was among these people the common bond of the lack of being bilingual, and we felt they should be given the same kind of assistance that the Mexican-Americans were being given. That is why we did what we have done and we made a better bill by doing so.

Mr. GONZALEZ. I thank the gentleman from California.

I just want to say, this is not the occasion I wanted to take to voice my individual opinion.

Mr. HOLIFIELD. I see.

Mr. GONZALEZ. The gentleman mentioned the bilingual language approach. The trouble with this approach is that it does not leave them even half-lingual.

Mr. HOLIFIELD. That is the gentleman's opinion.

The Advisory Council of the Cabinet Committee would be revitalized by expanding its membership and requiring public meetings at least quarterly. There was no mandatory provision in the previous bill that they should meet quarterly, but we thought they would do this as a matter of obligation. But they did not. The Council, under the new bill, would be required to meet quarterly and would be permitted to advise on any matter of interest to the Spanish-speaking community.

A provision to prohibit political activities on the part of the Chairman and employees is designed to protect them from the problems created when such a sensitive organization becomes involved in political activity. This prohibition is similar in concept and intent to the restrictions which Congress has seen fit to apply to the Office of Economic Opportunity. It would suspend salary payments to anyone violating the provisions and require repayment of salary of up to 30 days for past offenses.

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This committee feels that these safeguards and improvements will render the Cabinet Committee an effective voice for the Nation's Spanish-speaking minority. I, therefore, recommend passage of H.R. 10397, which was reported unanimously by the Committee on Government Operations, and which received a vote of 241 ayes to 130 nays when considered under suspension of the rules 2 weeks ago.

Mr. HORTON. Mr. Chairman, I yield myself 8 minutes.

Mr. Chairman, I want to convince you of two things today: First, the continuation of the Cabinet Committee on Opportunities for Spanish-Speaking People is necessary to end the Federal Government's long neglect of Spanish-speaking Americans; and second, that the existing Cabinet Committee has produced for the Spanish speaking, and it will do even more if we pass this legislation.

Why is the Cabinet Committee necessary?

Spanish-speaking Americans have a unique culture within our society. They have made great contributions to our country. Unfortunately, it is also characterized by substandard housing, health care, education, and income.

Let me cite the figures. The median income for Spanish-speaking families in 1971 was 30-percent less than that for the general population. Eighty percent of the Spanish-speaking homes in this country are substandard. The incidence of tuberculosis and other serious illnesses is higher among Spanish speaking than any other national or ethnic group. Spanish-speaking children drop out of school at an inordinately high rate; less than half of every 10 Spanish-speaking youths complete high school. Only 3 percent of Spanish-speaking high school graduates finish college. The Spanish speaking clearly are not doing well in our society.

The reasons for this stem from the language barrier and, unfortunately, ethnic discrimination. The Spanish speaking have contributed richly to our society, and it would be wrong for us to ignore the problems which unjustly keep them out of the mainstream of American life.

I know some Members are concerned about setting a precedent for establishing a special office for a single minority when, indeed, there are so many minorities in our country. But the fact of the matter is that the other minorities have either their rightful place in American society, or they have a number of Federal programs designed to help them improve their condition. As any Member with Spanish speaking in their district knows, the Spanish-speaking minority are not integrated into American society, and have been neglected by the Federal Government.

The Spanish speaking can and should benefit from the full range of Federal programs designed to help our disadvantaged. Therefore, we have designed this Cabinet Committee to serve as a spokesman for the Spanish speaking, enabling them to obtain their fair share of Federal assistance. This Cabinet Committee is not a give-away program, it does not authorize funds, nor does it grant special privileges to the Spanish-speaking. The Cabinet Committee will make the Federal Government work for the Spanish speaking just as the Federal Government works for others in American society. The years of inattention and neglect amply justify this special agent for the Spanish-speaking.

What has the Cabinet Committee done and what will it do? It has gotten money to Spanish-speaking groups working on their own problems. It has lined up jobs at all levels of government for the Spanish-speaking. It has organized studies of major problems facing the Spanish-speaking. And most importantly, it has sensitized policymaking officials of our Government to the needs of Spanish-speaking and the effectiveness of existing programs in meeting these needs.

Let me be specific. The Cabinet Committee, working through the regional offices of the Federal agencies, saw to it that $47 million was authorized over and above regular program commitments to projects serving the Spanish-speaking. It has developed and is now monitoring the implementation of the 16-point program to insure that Federal jobs across the board are reaching the Spanish-speaking. While Federal employment has been reduced by almost 60,000 during the last 4 years, Spanish-speaking employment in the Federal service has actually increased by nearly 4,000. And very importantly, there have been increases in the number of Spanish-speaking in the higher level general schedule jobs and at the policymaking level.

There are other accomplishments that can be pointed to, but I would like to mention one in particular that I think is very important because it shows the significance of this office in the Federal establishment. The Cabinet Committee, when it first came into existence, discovered that there was no accurate data on the condition faced by the Spanish-speaking. It has been working with the Census Bureau and other agencies to develop information systems which will tell us more about the scope and extent of the problems faced by the Spanish-speaking. Without this data, there can be no basis for the policy decisions which are required to better serve the interests of Spanish-speaking Americans.

Let me now tell you about some of the plans of the Cabinet Committee. The Cabinet Committee, the White House, and the Office of Management and Budget. I am pleased to say, for the past 3 months have been engaged in a very extensive study of priorities for the Cabinet Committee. I think their efforts will result in some important advances for the Spanish-speaking. One program is to establish 10 minority enterprise small business investment corporations—the so-called MESBICS—and a number of business development organizations and business resource centers to serve the Spanish-speaking. It wants to push for the construction of at least five major subsidized housing projects which would be built by and for the Spanish-speaking. It plans to develop and push for the adoption of a national policy on seasonal and migrant farmworkers. It hopes to put together a task force to develop a strategy on manpower programs serving the Spanish-speaking. It wants to reach out to the private sector, gaining commitments from private foundations to earmark a fair share of their funds for the Spanish-speaking. It wants to develop rules and procedures whereby private business is held to its contractual obligations to provide opportunities for Spanish-speaking workers and contractors. It wants to encourage broadcasters to provide an equitable amount of programing for the Spanish-speaking; using, where necessary, the authority of the FCC to support this effort.

There is so much that needs to be done and the Cabinet Committee can help do it. The Cabinet Committee is a symbol for the Spanish-speaking community of the willingness of the Federal Government to be responsive to its needs. It is a small operation and an inexpensive operation, but I think well worth the cost.

Members who would like to have more information on the accomplishments and plans of the Cabinet Committee should look at the material I put in Monday's Congressional Record, page 34170.

Both the subcommittee and the full Government Operations Committee reported this bill unanimously. The administration supports the bill.

H.R. 10397 contains several amendments to the charter of the Cabinet Committee which will strengthen its operations. The bill authorizes regional representatives to work with local Spanish-speaking groups. It strengthens the Advisory Council as a voice of the Spanish-speaking community, and makes some needed reforms in the Cabinet Committee structure.

I urge my colleagues to vote for this bill. Spanish-speaking Americans need and deserve an effective Cabinet Committee.

Mr. LUJAN. Mr. Chairman, will the gentleman yield?

Mr. HORTON. I am glad to yield to the gentleman from New Mexico (Mr. Lujan).

Mr. LUJAN. I thank the gentleman for yielding.

I want to commend the chairman of the committee and the ranking minority member for bringing this legislation back to us. I believe they have laid the foundation well in their remarks today, so I will not take very much time in going over the same ground.

Mr. Chairman, I wish to add my support and urge the passage of H.R. 10397, a bill to authorize appropriations for the Cabinet Committee on Opportunity for the Spanish-Speaking People.

The needs of the Spanish-speaking are the same needs as those of any other group of people, with the exception of some specific areas such as bilingual education and full access to the economic mainstream of this great country.

For this reason, Mr. Chairman, we are in need of such a committee. Someone who can open doors. In fact an advocate or ombudsman for those who need an additional boost to allow them to make their own way by providing the necessary tools to be able to compete.

This, Mr. Chairman, has been the role

that the committee has accepted with great zeal and enthusiasm.

For this reason, Mr. Chairman, I urge each of my colleagues to support this legislation.

Mr. HORTON. I thank the gentlemen for his support.

Mr. HOLIFIELD. Mr. Chairman, I yield 7 minutes to the gentleman from California (Mr. Edwards) who is the chairman of a subcommittee of the Committee on the Judiciary and has made an extensive study of this matter.

Mr. EDWARDS of California. Mr. Chairman, once again I rise in support of H.R. 10397, to extend the authorization of funds for the Cabinet Committee on Opportunities for Spanish-Speaking People.

I need not remind my colleagues that Spanish-speaking persons continue to suffer the effects of discrimination despite our civil rights laws. Mexican-Americans, Puerto Ricans, and other Spanish-speaking persons have not been afforded equal opportunity in the past. The burden which this imposes on Spanish-speaking persons today is indeed difficult to overcome.

Spanish-speaking children face an almost insurmountable barrier when they enter first grade. Without the help of bilingual education programs, Spanish-speaking children cannot surmount that barrier. Yet, barely 1 percent of the children who desperately need those special programs receive bilingual training.

The Cabinet Committee was designed to facilitate solutions to some of the many problems which face the Spanish speaking. It was to become an ombudsman within the administration for that segment of our population. When Spanish-speaking persons were denied access to Federal agencies through ordinary means, the Cabinet Committee was to provide an avenue for their use.

The Civil Rights and Constitutional Rights Subcommittee, which I chair in the Committee on the Judiciary, held hearings earlier this year on the Cabinet Committee's role in providing equal opportunity to Spanish-speaking persons. We heard testimony that the Cabinet Committee had not fully met its statutory obligations. It had not convened meetings quarterly as required by law, or issued annual reports in a timely and satisfactory manner. The Advisory Council to the Cabinet Committee had, in addition, become defunct. There was some testimony that political matters took precedence.

However, we also determined during those hearings that the need for an agency such as the Cabinet Committee within the Government is as great now as it was when the Cabinet Committee was first authorized. H.R. 10397 will allow the Cabinet Committee to go on doing the work for which it was originally intended; namely, advising the Federal Government on the needs of the Spanish-speaking and the means to address those needs.

Section 5 of the bill would prohibit officers of employees of the Cabinet Committee from engaging in partisan political activity involving Federal elections. Last year the Congress removed the Director of OEO from participation in partisan political activity. This year the Government Operations Committee has reported out a bill which would remove the chairman of the Cabinet Committee from participation in that same arena.

The Chairman of the Cabinet Committee must play a very sensitive role. In a very real sense, he is the emissary of 12 million Spanish-speaking persons. He cannot be a proponent just of the administration's programs, but must also serve as a proponent of the needs of Spanish-speaking Americans. In the past few years, the Cabinet Committee has filtered information from the administration to the Spanish speaking community. It must begin now to filter information regarding the concerns of Spanish-speaking Americans from the community to those in policymaking positions in the Federal Government.

Section 5 of H.R. 10397 frees the Chairman of the Cabinet Committee from the pressures of partisan politics. It frees him to carry on the vital business of the Cabinet Committee. I therefore urge my colleagues to support this bill intact so that members of the Spanish-speaking community of this Nation may once again receive full benefits of a committee created to serve their needs.

Mr. WALDIE. Mr. Chairman, will the gentleman yield?

Mr EDWARDS of California. I yield to the gentleman from California.

Mr. WALDIE. Mr. Chairman, I commend the gentleman for his statement and wish to join with him in that statement. I am on the subcommittee which the gentleman chairs.

I also wish to comment that this, although clearly worthwhile, is nothing more than a token demonstration of concern with the problem of discrimination against Spanish-speaking Americans.

But at least it is a token indication of the fact that we have noted that there are problems they are confronting.

I hope that those who note the passage of this bill providing for the extension of this committee do not therefor conclude that this administration or this Congress, for that matter, has met its responsibility to eradicate in any major way the problem or even make a generous contribution toward the eradication of the problem of discrimination.

It would have been a much better indication of our commitment toward the objectives of this measure had we indicated a commitment when we voted on OEO programs, had we indicated the commitment to such programs as the California rural assistance program which seeks to assist Mexican-Americans in California under the OEO program, or had we indicated a commitment on civil rights legislation under this administration. All of the programs, minimum wage, and all the other programs, that really would have impact on the adverse effects of discrimination and the policies contrary to the interests of Mexican-Americans have really been opposed by the administration, and the passage of this bill extending the life of this committee is hardly any substitute for not having taken some conscious, strong actions to eradicate the problems that discriminatory practices have created for this class and this group of Americans.

Mr. Chairman, I thank the gentleman for yielding.

Mr. HORTON. Mr. Chairman, I yield such time as he may consume to the gentleman from Connecticut (Mr. Steele).

Mr. STEELE. Mr. Chairman, I rise in support of H.R. 10397, which would extend the authorization for the Cabinet Committee on Opportunities for Spanish-Speaking People.

Established in 1969 as a successor to the Interagency Committee on Mexican-American Affairs, the Cabinet Committee on Opportunities for Spanish-Speaking People is designed to help insure that Federal programs are responsive to the needs of Spanish-speaking and Spanish-surnamed individuals, including those of Puerto Rican, Mexican, Cuban, and other backgrounds.

Although the committee's activities are authorized until December 30, 1974, funding authorizations expired on June 30 of this year, and a continuing resolution is currently in effect. The bill before us today authorizes funding for the remainder of the committee's tenure: $1.5 million for fiscal year 1974 and $750,000 for the period between the end of the fiscal 1974 year and December 30, 1974.

Moreover, H.R. 10397 expands the membership of the Cabinet Committee to include the Secretary of Defense, the Secretary of Transportation, and the Administrator of Veterans' Affairs, as well as expanding the membership of the Advisory Council of Spanish-Speaking Americans from 9 to 11 members.

Further, this legislation will broaden the base of this committee throughout Nation by mandating the establishment of regional offices and requiring that at least 50 percent of the total payroll must be allotted to employees located outside Washingon.

For far too long, the needs and aspirations of Spanish-speaking Americans have been neglected by our Government. I believe that the Cabinet Committee on Opportunities for Spanish-Speaking People is a step in correcting that injustice. I urge my colleagues to join with me in supporting this bill.

Mr. HORTON. Mr. Chairman, I yield such time as he may consume to the gentleman from Arizona (Mr. Rhodes).

Mr. RHODES. Mr. Chairman, the people of my home State of Arizona, especially the Spanish-speaking people, are in full support of the Cabinet Committee on Opportunities for Spanish-Speaking People because the Committee is responding to the peoples' needs at the local grassroots level—and that is where government really counts.

I am referring to the Cabinet Committee's Project Alpha which last year saw Federal funds going to Spanish-speaking programs which are operated by and for the Spanish speaking. What is particularly significant about these Spanish-speaking groups is that they were funded for the first time; they never before had been given an opportunity to participate in the mainstream.

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For example, look at the fact sheet on funding:

Valle Del Sol Institute in Phoenix was allocated $50,000 in HSMHA–HEW funds.

The University of Arizona Health Center received $50,000 for a special program for the Spanish speaking.

And there is the Veterans Outreach program in Tucson which was granted $28,000 by the DOL for outreach and job placement services for returning Vietnam veterans. Their program was sponsored by Jobs for Progress, Operation SER, the highly successful Spanish-speaking manpower program, which sent recruiters into the low-income areas seeking out Spanish-speaking veterans and helping them get back in the system.

In addition, HUD, DOT, and economic development moneys found their way to the Spanish speaking. And I can also emphasize that these funds were not doled out to the Spanish speaking on the basis of some arbitrary ethnic quote. The funds were allocated because the Spanish-speaking groups, assisted by the Cabinet Committee, clearly demonstrated the need of their programs, and the Spanish-speaking groups showed clearly that they had the ability to carry out these programs.

But what is especially significant, Mr. Speaker, the Cabinet Committee demonstrated to all America that the Spanish speaking are an untapped reservoir of human resources.

That is why the Spanish speaking, indeed all Americans, need the Cabinet Committee. For too long the Spanish speaking had been ignored by their Government: Federal programs were just not teaching the Spanish speaking.

But since the Cabinet Committee was established, the Spanish-speaking presence is being made known, and at long last, Federal programs and services are reaching the Spanish speaking who are joining hands with their fellow Americans to build up their communities.

I respectfully urge my colleagues to vote for the Wiggins amendment and the Cabinet Committee's bill, a very worthwhile and needed piece of legislation.

Mr. HORTON. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. Wiggins).

Mr. WIGGINS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I supported the creation of a Cabinet committee when it was before the Congress some years ago, and I continue to do so today. But now, having said that, I do not wish to be understood as supporting this bill. I do not think we can easily equate support for this given legislation for the concept of a Cabinet committee, because we are talking about two different things.

Mr. Chairman, I do not intend to take 5 minutes to develop my reasons for opposition to this bill at this time—the question was debated at some length when this issue was before the Congress under a suspension of the rules—but I do want to alert my colleagues to the fact that two amendments will be offered under the 5-minute rule. One amendment I intend to offer will deal with section 5 of the bill and will modify the badly drafted language intended to keep this organization out of political activity.

The language which I shall move to strike from the bill commences on page 4, line 3, and extends to line 9 on that page.

It is to be noted my amendment does not remove the committee suggested language that the Cabinet Committee shall not engage in partisan political activity. If we support the concept that it should be free from partisan political activity, then we should not adopt an amendment which is imperfectly drafted so as to extend its reach beyond that which we intended.

Second, it is my intention to offer an amendment which will delete the last sentence on page 4 of the bill. This is a sentence which mandates that 50 percent of the funds authorized shall be spent to pay salaries in regional offices.

We shall discuss under the 5-minute rule the impact of that language. Suffice it to say at the present time I think it represents a major and unwise change in direction for the Cabinet Committee.

Mr. HORTON. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Texas (Mr. Steelman).

Mr. STEELMAN. Mr. Chairman, I rise today to speak in support of H.R. 10397, a bill to extend the authorization of appropriations for the Cabinet Committee on Opportunities for Spanish-Speaking People until December 31, 1974.

This committee was established in 1969 to assure that Federal programs are responsive to the needs of Spanish-speaking and Spanish-surnamed individuals. It has made sure that Federal programs have provided the assistance that these people need while, at the same time, it has looked for new programs that may be necessary to handle problems unique to the Spanish-speaking American.

During hearings in the Subcommittee on Legislation and Military Operations of the Committee on Government Operations, it was made known that there are those who feel that the Cabinet Committee has not fulfilled its intended obligations—it has not gotten close to the people it is trying to help. Other critics say that the committee was used for partisan political purposes in the 1972 campaigns.

I feel that this bill, H.R. 10397, will appease these critics. First, the bill will make the committee more responsive to the Spanish-speaking American by establishing regional offices and requiring that 50 percent of the appropriated funds for salaries be expended through these regional offices. Second, the bill prohibits anyone connected with the organization from trying to influence the outcome of a political election as well as prohibits the expenditure of funds for such a purpose.

Moreover it expands the membership of the Cabinet Committee to include the Secretaries of Defense and Transportation as well as the Administrator of Veterans' Affairs, which includes many areas of involvement that are an integral part of the lives of Spanish-speaking Americans.

The bill will also authorize the committee to advise and assist Spanish-speaking and Spanish-surnamed groups and individuals in receiving legal assistance, when necessary.

I believe that the continuance of funding for this committee is vital for the well-being and improvement of the Spanish-speaking and Spanish-surnamed American. I strongly urge the passage of H.R. 10397 by my colleagues in the House.

Mr. HOLIFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. Danielson).

Mr. DANIELSON. Mr. Chairman, I thank the distinguished gentleman from California (Mr. Holifield), the chairman of the Committee on Government Operations, for yielding me this time.

Mr. Chairman, there would be no purpose served in my restating at this time an analysis of this bill and its purposes. That has been so ably done by the chairman, the gentleman from California (Mr. Holifield), and the gentleman from California (Mr. Edwards), and others who have explained the bill. Suffice it to say, Mr. Chairman, that I am one of the authors of this bill, that I approve and support this bill and the purposes which it seeks to achieve, fully, and that I urge all of my colleagues to vote for the bill.

Mr. Chairman, I have had the privilege during the past more than 12 years to represent in the Legislature of the State of California, and in the Congress, a district which contains large numbers of Spanish-speaking people. The bulk of them are Mexican-American, of Mexican ancestry, but there are also a very substantial number of other Spanish-speaking peoples, mainly Cubans, Puerto Ricans, South Americans, Central Americans and Filipinos as well as some Spaniards themselves.

I have witnessed at first hand that, due to a lack of familiarity with our laws and customs, due oftentimes to a lack of fluency in the English language, and sometimes due to a lack of leadership, that these people have not been able to enjoy and have not had the opportunity to take advantage of the many beneficial programs and opportunities our country provides for its citizens.

The concept of this Cabinet committee is that it serve as an intermediary and a guiding influence to make it possible for more of the Spanish-speaking people to participate fully in our economy and in our society. That is a worthy and commendable concept, and one which deserves the support of every Member of this House. Accordingly I urge that all of my colleagues join with me in voting for the passage of this bill, H.R. 10397, and for the continued life of the Cabinet Committee on Opportunities for Spanish-Speaking People.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. DANIELSON. I am happy to yield to the gentleman from California.

Mr. HOLIFIELD. Mr. Chairman, I just want to compliment the gentleman from California (Mr. Danielson) for his interest in this matter. I know also that since the district represented by the gentleman in the well adjoins my district, that the gentleman has probably 20 or 25 percent Spanish-speaking people in his district, and so the gentleman knows their problems, like I do in my own district, which has a large Spanish-speaking population, and like the gentleman from California (Mr. Roybal) does, who represents another adjoining district.

May I add further that the gentleman in the well has always been a champion of the rights of the downtrodden, the disadvantaged, and those who have been discriminated against.

Mr. DANIELSON. Mr. Chairman, I thank the gentleman from California for his kind remarks.

Mr. HORTON. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. Collins).

Mr. COLLINS of Texas. Mr. Chairman, I want to commend the committee for bringing this bill up for consideration today.

The Spanish-speaking people and the culture that they have brought to our country has been one of the really great developments of this century. Through the recognition that we are giving, through this council and this committee, we have done much to establish in communities throughout the Nation the prestige and understanding that they so rightfully deserve.

I was particularly impressed in this bill with the fact that it emphasizes and encourages that more and more of the work shall be decentralized and staff placed out in the regions. It has been my experience with the Federal Government's work that the closer we come to the grass roots, the more effective we are. With greater decentralization, we are going to see more and more accomplished with this regional work.

I commend Chairman Holifield and our ranking member, Mr. Horton, for this excellent bill.

I commend the bill and urge its passage.

Mr. HORTON. Mr. Chairman, I reserve the balance of my time.

Mr. HOLIFIELD. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. Brown).

Mr. BROWN of California. I thank the chairman for yielding.

Mr. Chairman, I have been, along with many of my colleagues who have spoken, very much interested in this legislation since its original inception in 1969. I want to pay tribute to the chairman and the minority leader of the committee for bringing back to us today this revised bill, which I think is an excellent piece of legislation. I feel there is much work yet to be done in regard to ameliorating the situation of the Spanish-speaking people in this country. The areas in which this work remains to be done quite frequently lie within the Government itself.

I recognize that considerable improvement has been made at the Federal level in increasing the percentage of Spanish-speaking employees in the Federal Government, but the progress made really represents just a drop in the bucket. Similarly, there needs to be a great deal of progress at the State and local levels. Within the past few years there have actually been brought into the courts several situations where local agencies of government were discriminating against the Spanish-speaking; where the percentage of Spanish-speaking in police departments, fire departments, and other such agencies was so ridiculously low that it was obviously the result of failure to maintain any kind of positive recruitment effort, or of outright discrimination.

A good part of the progress that needs to be made for the Spanish-speaking is in the political area, as well as in the area of government. When I say this, I am not intending to lend support for removal of the restriction against partisan political activity contained in this bill. What I am talking about is the very great need to make it easier for the Spanish-speaking to participate in the political process, and that means first the right and the opportunity to register to vote.

One of the very important things that this Cabinet Committee can do is to examine the areas in which there is a large Spanish-speaking population, determine whether they are adequately registered in comparision with the total voting population, and if they are not, take steps to see that Spanish-speaking registrars and other kinds of assistance are given to this population so that they can exercise their full rights and can carry their full responsibility in the political process.

Merely looking at the ranks of this body will show that there are perhaps 1 percent or slightly more of Spanish-speaking Members of this body, when the true entitlement of this Spanish-speaking portion of our population should be much closer to 25 or 30 Members of this body.

I assure the Members that this is reflected in all other legislative bodies. It is this type of political activity, of nonpartisan political activity, that I think needs to be encouraged by the Cabinet-level committee.

I heartily support this legislation and urge its passage .

Mr. HOLIFIELD. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. White).

Mr. WHITE. Mr. Chairman, I rise in support of this legislation. I have supported this agency from its inception, because of the need to focus attention and effort in behalf of a patriotic minority, which principally through language barriers have not had full opportunity for work and education.

I have seen many good things done by the Cabinet Committee on Opportunities for Spanish-Speaking People, in the Southwest and in other areas of this country. The agency needs to fulfill the programs it has started, and therefore I urge passage of this bill today.

Mr. CONTE. Mr. Chairman, 2 weeks ago, the Chamber missed a golden opportunity to enact this piece of legislation which would go such a long way toward alleviating the current plight affecting the Spanish-speaking population of this country. I am confident that at this session we will act swiftly and judiciously to remedy the situation with the passage of this bill.

The Spanish-speaking communities of these United States comprise a group with a distinct and proud heritage, but which is plagued with unique problems. During the 1970 population census, over 9 million citizens reported themselves to be of Spanish origin. That makes them the second largest minority in the Nation; their numbers today are equal to the total populace of this country back in 1820. Such a large number of individuals represents, at this time, an untapped resource of talents which could be realized if active steps were taken to correct the adverse conditions which limit their potential. We must face up to the sad fact that, because of a language barrier, a good majority of these people have faced alienation from the rest of the American people.

We in the Congress must remain true to the promise we made to our Spanish-speaking citizens so belatedly in 1969. At that time, the Federal Government finally acted to insure that Federal programs would be responsive to the needs of the Spanish-speaking and Spanish-surnamed individuals of this country.

Prior to that time, this Nation had demonstrated precious little concern for this almost forgotten minority. Since that time, considerable progress has been made for our Spanish-speaking citizens, and considerable credit for that work must go to the Cabinet Committee. Extensive work has already been done in programs such as dropout prevention, traveling classrooms, migrant health and education, drug education and prevention, employment training center, legal assistance services, and many, many more. The objectives are worthwhile—seeking to put Spanish-speaking people in Federal employment at all levels, and striving to see that the Spanish-speaking have access to the funds that the Federal Government is spending to improve the quality of life for all, and I emphasize all, of its citizens.

We should not, however, entertain the idea here today that the job has been finished. The fact must be borne out that the job has barely begun. This is not the time to desert the cause.

Recent statistics point out the need for further action: One-fifth of the families of Spanish origin in this country still live below the poverty level; 80 percent of the Spanish-speaking homes in this country are substandard; and the unemployment rate for the Spanish speaking is almost 10 percent, in a country where the national percentage is less than 5 percent.

We must change these statistics, and one of the ways to do that is to support this legislation today.

We who constantly proclaim the equality of opportunity in America now have the opportunity today to back up that claim with action. I sincerely hope that this opportunity is not lost on the floor of this Chamber here today.

Mr. CORMAN. Mr. Chairman, the Cabinet Committee merits our support because it is vital to the interests and concerns of all Spanish-speaking Americans. Indeed, one of its primary areas of concern, economic development, is one

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which I, as a member of the Select Committee on Small Business, heartily endorse.

The Cabinet Committee has been able to sensitize Federal agencies to be cognizant of the economic development needs of the Spanish speaking. A notable example is the cooperation between the Cabinet Committee staff and the Small Business Administration.

In fiscal year 1972, SBA business loan approvals to Spanish-speaking people increased in number from 2,570 to 3,158 and in dollars from $57.8 to $74.5 million over the previous year.

Under its procurement program, SBA awarded 248 Government contracts to Spanish-speaking firms for nearly $18 million, and under its 406 grant program, which provides management and technical resources, Spanish-speaking firms received $547,000 of the $3 million allotment to the program.

In Los Angeles County, the Cabinet Committee was instrumental in the implementation of HUD's Los Angeles set-aside plan under which over 500 housing units with over $10 million in mortgage value were allocated for the Spanish speaking.

These actions I submit show the effectiveness of the Cabinet Committee and clearly demonstrate that if Spanish-speaking Americans are to make a speedier breakthrough into America's economic mainstream, they need the Cabinet Committee to assist them in making this important step.

Mr. RAILSBACK. Mr. Chairman, for years members of the Spanish-speaking community in the United States—who now number around 10 million citizens—were without a voice in the Government. Federal agencies and departments remained ignorant of the pressing needs of the Spanish speaking and Spanish-surnamed Americans. Disadvantaged members of this community, struggling outside the mainstream of economic opportunity, were both unaware of and isolated from existing Government programs which could offer them some measure of relief.

For the past 5 years, fortunately, Spanish speaking and Spanish-surnamed Americans have had a spokesman within the Federal Government—an articulate and compassionate ombudsman, attuned to the specific problems and frustrations facing our Nation's second largest minority. This voice has come from the Cabinet Committee on Opportunities for Spanish-Speaking People. For my part, I have continually been a supporter of the Cabinet Committee on Opportunities for Spanish-Speaking People and am pleased to add my support again today.

Since its inception in 1969, the Committee has worked to alleviate the problems of the Spanish speaking and the Spanish-surnamed American by making him aware of those existing Government programs which could benefit him. These efforts have been rewarded in the areas of educational attainment, labor force participation, employment, and median income, but there is clearly much more to do. For this reason, I have cosponsored the bill before us to extend the activities of the Committee.

This legislation, H.R. 10397, authorizes funding for the remainder of the Committee's tenure: $1.5 million for fiscal year 1974, and $.5 million for the period ending December 30, 1974. It will also expand the membership of the Advisory Council on Spanish-Speaking Americans from 9 to 11 members, allows the Council to independently determine relevant topics in advising the Cabinet Committee, and provides that the Council will meet quarterly with the Chairman of the Cabinet Committee. It will also expand the membership of the Cabinet Committee itself to include the Secretary of Defense and Transportation, and the Administrator of Veterans' Affairs, and will require semiannual rather than quarterly meetings of the Committee.

H.R. 10397 will amend existing law to bring the Committee closer to the Spanish-speaking community by opening regional offices and providing that at least 50 percent of the total payroll will be paid to employees located outside of Washington. To insure that the Committee will not engage in partisan politics, H.R. 10397 also provides for a maximum forfeiture of 30 days salary should the Civil Service Commission find that the Chairman or the employees of the Committee have been found in violation of this clause.

In addition to these provisions, this bill further requires the Advisory Council on Spanish-Speaking Americans to have announced meetings which are open to the public and that the minutes are made available for public inspection and copying.

Unfortunately, on October 1, 1973, the House failed to suspend the rules—two-thirds of the Members not voting in the affirmative—and pass H.R. 10397. As a cosponsor, I was very disappointed by the House vote, but I am hopeful that this bill will now be passed by the full House membership through the regular legislative process. Although a two-thirds vote did not occur earlier this month, it is of some encouragement that the majority of my colleagues did vote in support of this bill. I urge that the majority of my colleagues again support this legislation and pass it immediately. We must certainly reaffirm this Nation's commitment to the full participation of her Spanish-speaking citizens in all aspects of American life. H.R. 10397 will help affirm that important commitment.

Mr. TALCOTT. Mr. Chairman, we seldom realize that a number of Spanish-speaking people were actually in this country before many of us of Anglo and European stock settled here. We seldom realize that for decade after decade the Spanish speaking were discriminated against because they spoke a different language and enjoyed a different culture from the large community.

But throughout our history, the Spanish-surnamed have endured, tenaciously retaining their own culture and language. It has not been easy, however, because the Spanish speaking are at the bottom of the ladder in almost every crucial statistical area, such as education, the professions, business, housing, health, et cetera.

It is indeed a sad commentary that despite the fact that the Spanish speaking represent the second largest, the youngest and most rapidly growing minority in our country, the Nation's civil rights laws have never worked effectively for the Spanish speaking.

Since 1969, however, when the Cabinet Committee was established, this grim picture has brightened. But let us not fool ourselves. The Spanish speaking are still at a disadvantage; they still have unique problems relating to their bilingual and bicultural needs which require multifaceted solutions; many of them still have not reached the point where they compete successfully with their fellow Americans.

For that reason, the Cabinet Committee is vitally needed by the Spanish-speaking people. A vehicle is needed to assure that Federal programs and services are reaching the Spanish speaking; a vehicle is needed to make sure that the civil rights laws work for the Spanish-speaking; a vehicle is needed to make sure the Spanish speaking will not be forgotten as an invisible minority.

That unique vehicle is the Cabinet Committee, the most successful mechanism responsible for sensitizing the Federal system, indeed the entire Nation, about the unique problems of the Spanish speaking.

Starting literally from scratch, the Cabinet Committee has brought about unprecedented gains for the Spanish speaking in the important day-to-day areas of Federal jobs across the board, of Federal funding, contract compliance, procurement, etc.

The Cabinet Committee has made all of their fellow citizens more aware of the Spanish speaking's bilingual educational needs, of the need to create more business opportunities for the Spanish speaking; of the need to make the presence of the Spanish speaking known in the media; of the need to include the Spanish speaking in the functions of government.

Mr. Chairman, I know from firsthand knowledge that the Cabinet Committee has been effective in its mission because Spanish surnamed in my district in California have often told me about the invaluable assistance rendered to them by the Cabinet Comittee's staff. The Cabinet Committee is making breakthroughs for the Spanish speaking.

The Spanish speaking are making steady progress because of the Cabinet Comittee's efforts. We cannot afford to cut that progress short, because so much more work needs to be done so the Spanish speaking can in fact achieve what all Americans rightfully deserve—the right to compete on an equal basis with their fellowmen.

So I urge my colleagues to support this legislation so the Cabinet Committee can continue to help bring the Spanish speaking into America's mainstream.

Mr. GONZALEZ. Mr. Chairman, when the House considered the original legislation creating the Cabinet Committee on Opportunities for the Spanish-Speaking in 1969, I voted "nay."

At the time, I said that the Cabinet Committee was a trick-bag; it had no real power or authority to deal with the problems of the people it was created to serve. It seemed to me to be the lowest possible response the Government could make to the billions of Spanish-surnamed people in this country—who are among the most ill-housed, ill-paid, ill-healthy people in America. These problems will not be assuaged by a second-rate Bureau of Indian Affairs. They will be solved only by real muscle and real money—neither of which the Cabinet Committee has ever had, or ever will have.

In fact, the Cabinet Committee is a fiction. There is no regular meeting of the Cabinet officers who are on the Committee, and the Chairman of the Committee seems not to have the power or stature to convene meetings of the Committee. In fact, the Committee has not even attempted to fulfill the statutory requirements for holding regular meetings. This bill in no way remedies this situation; it simply recognizes the fiction of the Committee by creating surrogates representing the Cabinet agencies that are supposed to be members of the Committee. This is no Cabinet Committee at all; this bill does not require Cabinet participation at all. We might better call this the "semi-Cabinet Comittee" or maybe, in recent political parlance, the "surrogate Committee." It is certainly no Cabinet Committee.

Besides the fiction involved in this so-called committee, I think that every observer of the committee's work agrees that its record of accomplishments has been astonishingly small, even given the slender resources it had available.

The Cabinet Committee has never been an effective advocate. It has never made any meaningful legislative recommendations; it has at best merely parroted whatever political line the administration has wanted to peddle. It is incredible to see the Cabinet Committee's Chairman go around telling the Spanish speaking that revenue sharing has been good. In San Antonio, revenue sharing has been a disaster, because it is inadequate to replace even a sizable fraction of the programs that have been killed to make room for it in the budget. But you do not see the Cabinet Committee telling the hard truth; it has been just an organ for selling whatever goods that it was told to sell.

The Cabinet Committee's political activities last year were so blatant, such an abuse of decent practice, that the bill we have today has attempted to restrict the committee's political activities.

It is a sad commentary that we have seen arguments that the Cabinet Committee should continue to be just a political mouthpiece.

The Cabinet Committee never did find its proper place or role in the Government, and that is why it became a political mouthpiece. Its function was not to stand for what the Spanish speaking really needed in the way of Government programs, but just to tell them what the Government thought was good for them.

The Cabinet Committee also served as an organ for issuing threats—reprisals if the Spanish-speaking community failed to deliver the desired quota of votes for the reelection of the President. It was used in tactics designed to sow discord and distrust between minority groups in some of the most cynical political tactics of all time.

I do not believe that we need to perpetuate the existence of this non-Cabinet Committee. It is a fiction. Its accomplishments have been far less than even its most fervent advocates hoped for. It cannot effectively advocate programs for the Spanish-speaking because it has become a political mouthpiece. It can make promises, but has no resources with which to deliver on them.

What the poor, the undereducated and the unskilled need is help. The Cabinet Committee has not provided help, and I see no sign that it has the promise of doing it, any more today than in 1969. The Spanish-speaking need real programs, agencies with real power working for them, not an obscure noncommittee.

If we really want to help, we should be providing decent housing for the millions who are ill-housed. We should be providing health services for the many who need health services. We should be providing educational assistance. We should be providing decent jobs. There is no way that empty promises are going to solve real problems. There is no reason why we should want to continue this sham.

Mr. PEPPER. Mr. Chairman, I am very pleased to support on the floor, as I did in the Rules Committee, H.R. 10397 to extend the authorization for appropriations for the Cabinet Committee on Opportunities for Spanish-Speaking People.

As you know, the Spanish speaking constitute a very significant proportion of the population of this country—approximately 12 million Spanish-speaking and Spanish-surnamed Americans and permanent residents of the United States.

In my area I am very proud to claim as constituents a large Spanish-speaking population, including a large contingent of refugees from the Communist tyranny in Cuba, many Spanish-speaking citizens from Puerto Rico and many other Spanish-speaking residents and citizens from Latin American countries in North and South America. This Latin community greatly enriches our area, our culture, our community, and business life.

There have been many criticisms of the Cabinet Committee on Opportunities for Spanish-Speaking People in the past but I feel we should not let these detract from the necessary purposes of the committee or distract us from our obligation to assure Spanish-speaking people a full opportunity to realize their talents for the benefit of the Nation, as well as for themselves and their families.

It is my hope that the Cabinet Committee, under the extended charter we are acting upon today, will realize its potential to assist all Spanish-speaking persons resident in this country, whatever their origin or technical status. While the great bulk of our Spanish-speaking population derives from Mexico and Puerto Rico, I have been assured that the focus of the Committee's work in the future will encompass all of the Spanish-speaking communities within the country.

I commend this legislation as a commitment to the principle that America cherishes diversity and seeks for all men equality of opportunity in this great land.

Mrs. HECKLER of Massachusetts. Mr. Chairman, I rise in support of this legislation to extend the authorization for the Cabinet Committee on Opportunities for Spanish-speaking People, and I also want to express my gratitude to the distinguished gentlemen from New York (Mr. Horton) who has advised me that the Cabinet Committee has agreed to include in its focus those Portuguese-Americans who face problems virtually identical to those encountered by Spanish-speaking Americans.

I am very pleased by this development, because a number of my constituents are Portuguese-Americans, and they have experienced the same difficulties with regard to employment, education, health, et cetera, that have Puerto Rican, Mexican, and Cuban-Americans. The Portuguese are a hard-working people, whose spirit and creative energy constitute a positive force in their communities.

Including Portuguese with Spanish-speaking as beneficaries of this program is a logical step, which will complement the efforts being made by these people for themselves. I look forward to discussing this with the Director of the Committee, Mr. Henry Ramirez, and I know that the Portuguese of America will be glad to have his assistance in overcoming these cultural and language barriers.

Mr. ROYBAL. Mr. Chairman, I rise in support of H.R. 10397. As one of the original authors of the bill, I compliment the chairman of the Committee on Government Operations, Mr. Holifield of California, for the excellent job he has done in bringing this legislation to the floor of the House.

Studies made by the U.S. Government have indicated over a long period of time that the Spanish-speaking community in the United States has a great many problems. They are the last to be hired, and the first to be fired. In the field of education they have the largest number of school dropouts of any ethnic group any place in the United States.

In a 1972 report the U.S. Commission on Civil Rights documented the failure of our present school systems to meet the educational needs of the Spanish-speaking. Within my own district, it is estimated that in the Spanish-speaking barrios of east Los Angeles three out of four drop out of school. The causes of this educational tragedy can be found in the failure of our school systems to respond positively to the cultural heritage and language of the various Latino groups.

In the area of employment, Mexican-Americans and Puerto Ricans today remain basically in the same position as in 1969, particularly in employment rates and job opportunities. Even though la-

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bor force participation rates have increased, unemployment has worsened. In 1969, unemployment rates for males and females, 16 years of age or older, were 5.5 and 7.4 percent respectively for Mexican-Americans, and 6.4 and 6.1 percent for Puerto Ricans. In 1972, these figures jumped to 7.9 and 9.1 for Mexican-Americans and 8.8 and 17.6 for Puerto Ricans.

Another major employment problem is the lack of opportunities in the professional and white collar positions. A comparison of 1969 and 1972 figures shows very little change in the distribution of types of jobs held by Mexican Americans and Puerto Ricans. In 1969, only 18.5 percent of Mexican American and 19.3 percent of Puerto Rican workers held white collar jobs. In 1972 the situation worsened for Mexican Americans, falling to 17.5 percent and improving only marginally for Puerto Ricans at 21.5 percent.

Although income figures show increases in median family income for Mexican Americans and Puerto Ricans, under closer scrutiny the improvement is only an illusion. In 1969, the median family income for the total population was $7,894 and in 1972, $10,285. This represents an increase of $2,391 for the whole population, but the increase among Mexican American families was only $1,998 and among Puerto Ricans, $1,216. Clearly the rate of increase among these Spanish-speaking groups failed to match the rate for the rest of the population and, in fact, was negligible in face of our inflationary spiral.

Further, I would like to point out that the percentage of Mexican Americans and Puerto Ricans below the low income level are far greater than the national average. While 12.5 percent of the total population fell below the low income level in 1972, 28.9 percent of Mexican Americans and 32.2 percent of Puerto Ricans were living in poverty.

All in all, a comparison of 1969 data with more recent statistics paints a disappointing picture of progress for Spanish-speaking Americans. The fact is there has been very little improvement in the social and economic level of Mexican Americans and Puerto Ricans since 1969. The continuing lack of opportunity has meant a tremendous waste of valuable human talent and resources.

This pattern of neglect has also been reflected in the area of Federal employment. As you may recall, in November 1970 President Nixon announced a 16 point program to increase Federal employment opportunities for the Spanish speaking. Last year a House Judiciary Subcommitee held hearings on the effectiveness of this program. It was their unanimous and bipartisan conclusion that there had been "no significant increase in the level of Spanish-speaking employment relative to the total work force since the inception of the 16-point program."

During my investigations this year as a member of the Appropriations Committee, I found a similar lack of progress within such agencies as the Treasury Department, the Postal Service, and the Office of Management and Budget. The Department of Treasury, for instance, showed just 2.2 percent overall Spanish-speaking employment with only 0.7 percent at management levels—GS 13–18. Postal Service figures revealed 2.7 percent Spanish-speaking employment with only 0.9 percent in postal executive service categories. And the Office of Management and Budget, which formulates the President's budget and evaluates equal employment performance, produced the worst record with only 0.8 percent Spanish speaking. This is the reason why this committee was established.

It is the purpose of the Cabinet Commitee to help reverse this Federal neglect and seek viable solutions to Spanish-speaking needs without involvement in partisan politics. As long as there continues to be a serious lack of opportunity and political representation for the Spanish speaking, there is need for a cabinet-level unit. This bill offers a constructive approach which will strengthen this agency and return it to the original intent of the legislation. I urge you to join me in adopting this approach and renewing our commitment to serve the Spanish speaking.

Mr. HAWKINS. Mr. Chairman, I strongly support H.R. 10397, a bill authorizing appropriations to continue the Cabinet Committee on Opportunities for Spanish-Speaking People.

It is urgent that we take immediate steps to insure that Federal programs meet the critical needs of our Spanish-speaking and Spanish surnamed persons—many of whom are disadvantaged in employment, education, housing, and health care.

I think it is a shame that while this Cabinet Committee has been in existence since 1969, problems of our Mexican-American citizens and other Spanish speaking individuals seem to have grown in intensity and magnitude.

The median income for these groups in our population is 30 percent less than that for the general population. Over 80 percent live in substandard housing. Of the children, less than half complete high school; only 3 percent complete college. And, employment discrimination is rampant.

These problems arise out of both a language barrier and ethnic discrimination. In addition, as a society we have tolerated too long a general laxity in understanding the contribution that persons of Spanish-speaking ancestry have made in the creation and expansion of our Nation and the American culture.

H.R. 10397 will not correct all that is wrong. It will, however, do two things that will specifically improve conditions.

First, the Cabinet can advise Federal departments and agencies regarding the needs and programs to meet the special problems.

Next, the regional and local offices can bring the programs into the local communities and make Spanish-speaking people aware of what rights and opportunities are available as well as actually assisting them to obtain these rights.

Mr. Chairman, H.R. 10397 should be adopted as an initial beginning. Much more should and must be done in my opinion.

We should expand special educational and training programs, increase funds for bilingualism, establish more minority business enterprises, encourage housing projects, strengthen our enforcement of laws against discrimination, and bring our migrant farm workers into society's mainstream.

It is time we get on with this unfinished business of American democracy. Equality of opportunity and justice for all have no meaning unless implemented. Let us therefore continue and fully fund the Cabinet Committee. And let the Congress this time make sure the job is done.

Mr. HORTON. Mr. Chairman, I have no further request for time.

Mr. HOLIFIELD. Mr. Chairman, I have no further request for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to establish the Cabinet Committee on Opportunities for Spanish-Speaking People, and for other purposes", approved December 30, 1969 (83 Stat. 838; 42 U.S.C. 4301), is amended as follows:

(1) Section 2 is amended—

(A) in subsection (b) thereof, by striking out "and" at the end of paragraph (11), by striking out the period at the end of paragraph (12) and inserting in lieu thereof a semicolon, and by adding after paragraph (12) the following new paragraphs:

"(13) the Secretary of Defense;

"(14) the Secretary of Transportation; and

"(15) the Administrator of Veterans' Affairs.";

(B) in subsection (e) thereof, by striking out "quarterly" and inserting in lieu thereof "semiannually"; and

(C) by adding at the end thereof the following new subsection:

"(f) A group of fourteen individuals in addition to the Chairman, each of whom shall represent one member of the Committee, shall meet at the call of the Chairman at least six times each year.".

(2) Subsection 3(a) is amended by adding at the end thereof the following new paragraph:

"(3) to advise and assist Spanish-speaking and Spanish-surnamed groups and individuals in receiving assistance available by law.".

(3) Section 4 is amended by adding at the end thereof the following new subsection:

"(d) The Committee shall operate such regional offices as may be necessary to efficiently carry out the provisions of this Act.".

(4) Section 7 is amended—

(A) in subsection (a) thereof, by striking out in the first sentence "nine" and inserting in lieu thereof "eleven", and by striking out in the second sentence "Committee" and inserting in lieu thereof "Chairman".

(B) in subsection (b) thereof, by striking out the first two sentences and inserting in lieu thereof: "The Advisory Council shall advise the Committee with respect to such matters as may be of concern to the Spanish-speaking and Spanish-surnamed community. The Chairman shall submit all independently produced reports and studies to the Advisory Council for advice and comment. The President shall designate the Chairman and the Vice Chairman of the Advisory Council."; and

(C) by adding at the end thereof the following new subsections:

"(d) The Advisory Council shall conform to the provisions of the Federal Advisory Committee Act (86 Stat. 770; 5 U.S.C. App. I).

"(e) The Chairman of the Committee shall call and attend a meeting of the Advisory Council at least quarterly during each year.".

(5) Section 9 is amended by adding the following new sentences at the end thereof: "No part of any funds authorized to carry out this Act shall be used to finance any activities designed to influence the outcome of any election to Federal office or any voter registration activity, or to pay the salary of the Chairman or any employee of the Committee after the date on which such persons engage in such activity, as determined by the United States Civil Service Commission. No person found by the United States Civil Service Commission to have violated this provision shall be required to repay more than thirty days of his salary. For the purpose of this section, the term 'election' shall have the same meaning as prescribed for such term by section 301(a) of the Federal Election Campaign Act of 1971 (86 Stat. 3), and the term 'Federal office' shall have the same meaning as prescribed for such term by section 301(c) of such Act.".

(6) Section 10 is amended by deleting the language therein and inserting in lieu thereof the following: "There is hereby authorized to be appropriated for fiscal year 1974 the amount of $1,500,000 and for fiscal year 1975 for a period ending December 30, 1974, the amount of $750,000, to carry out the provisions of this Act. At least 50 per centum of the amount of any funds expended for salaries under this Act shall be expended for salaries of employees in regional offices of the Committee located outside Washington, District of Columbia".

Mr. HOLIFIELD (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENT OFFERED BY MR. WIGGINS

Mr. WIGGINS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Wiggins: On page 4, line 3, after the word "activity", add a period and delete all thereafter to and including the word "salary." on line 9, page 4.

Mr. WIGGINS. Mr. Chairman, there is obviously considerable support for this bill and now I have offered an amendment which will make the bill better.

I urge attention of the Members to the language which I have moved to strike by this amendment. In particular, I direct the attention of the Members to the bottom of page 3 of the bill. That is the new section which is intended to remove the Cabinet Committee from partisan political activity. I want the Members to know the amendment I have offered is consistent with that objective, an objective which I support. The new language offered by the committee reads as follows:

> "No part of any funds authorized to carry out this Act shall be used to finance any activities designed to influence the outcome of any election to Federal office or any voter registration activity,".

Mr. Chairman, I leave that language intact and I support that language, but now I ask the Members to pay attention to what follows. On page 4, beginning with line 3, we find the following language:

> or to pay the salary of the Chairman or any employee of the Committee after the date on which such persons engage in such activity as determined by the United States Civil Service Commission. No person found by the United States Civil Service Commission to have violated this provision shall be required to repay more than thirty days of his salary.

The activity referred to above is partisan political activity.

The language I have just quoted I wish to strike and I want to tell the Members why. My reasons are persuasive and are reasons which each Member can and should support.

First it is noted that this is mandatory language. The individual involved shall lose his salary. That is true notwithstanding the extent of the political involvement. It is to be noted, gentlemen, that it is possible that an individual employee may be involved only peripherally and only casually in any political activity, but this language mandates that he loses a month of salary.

I appeal to the sense of justice of the Members: Is that fair? Of course, it is not.

It is to be noted, too, that the stricture of losing salary applies whether or not the political activity in which the gentleman may engage is performed on duty or off duty.

I suggest that is an unwise extension of the law. If a Federal employee wishes to engage in partisan political activity off duty, why should he lose a month's salary for doing so? That is to impose a special rule on these employees which we do not impose on other employees of the Federal Government.

Moreover, why is it that the Government Operations Committee is coming out with this new rule, this new amendment to the Hatch Act? That subject is properly before the Post Office and Civil Service Committee. If we intend to modify the basic law to impose a special penalty to a narrow category of employees, I would suggest that the Post Office and Civil Service Committee, rather than the Government Operations Committee, should be the committee of Congress to recommend it to this body.

I think we all should know, too, that this is clearly an act of vindictiveness, in my opinion, against the Chairman of the Cabinet Committee.

The Chairman is an appointee of the President. He has been confirmed by the Senate of the United States, and although it is not clear beyond any peradventure of a doubt, it has generally been regarded that presidential appointees approved and ratified by the Senate are not subject to the Hatch Act. Unfortunately, the Committee has fashioned a special rule to apply to the Chairman of the Cabinet Committee.

The Committee had a good idea, but it drafted it imperfectly. My amendment, continues to prohibit partisan political activities on the part of the Cabinet Committee, but will not impose respect to the employees of that Committee.

Mr. Chairman, the fact that the administration supports the bill as a whole does not suggest it support the particular language which I have moved to strike.

Mr. Chairman, I urge support of my amendment.

Mr. HORTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the ban on partisan political activities in subsection 5 of the bill results from the committee's feeling that the Cabinet Committee cannot be effective if it is involved in partisan political activities. The staff of the Cabinet Committee is very small and its task difficult enough without being burdened by pressures to engage in partisan activities and suspicions that it has done so. Therefore, the committee has sought to make a clear and fast ban an all partisan political activities by the Chairman and employees of the Cabinet Committee.

There are four important points that should be made about the ban on partisan political activity:

First. The language defining banned partisan political activities would have the same effect as the ban imposed by the Hatch Act;

Second. The Chairman of the Cabinet Committee is clearly placed under this ban, by reason of the committee's finding that he does not fall within any of the exemptions of the Hatch Act;

Third. Congressional authority to ban partisan political activities by Federal employees has been recognized by the Supreme Court; and

Fourth. The Committee created a sanction for violators of the ban.

The method chosen for banning partisan political activity was shaped by current law prohibiting political activity by employees of the executive branch and the special circumstances of the Cabinet Committee. The language used to describe prohibited activity is similar to that found in the Hatch Act, 5 U.S.C. 7324, and the Federal Elections Campaign Act of 1971, 2 U.S.C. 452, which bans partisan activity by the Director and employees of the Office of Economic Opportunity. The bill states that the Civil Service Commission shall determine whether or not a prohibited action has been performed and, therefore, the rules and regulations and precedents of the civil service will apply.

The bill covers not only the employees of the Cabinet Committee, but also the Chairman. In the past, it has been assumed that the Chairman was exempt from the Hatch Act. However, a reexamination of the exemptions of the Hatch Act convinced the Committee that the Chairman probably should not be exempted. The only possible exemption that would apply is found in subsection d of 5 U.S.C. 7324, where it says in paragraph 3 "(a) n employee appointed by the President, by and with the advice and consent of the Senate, who determines policies to be pursued by the United States in its relations to foreign powers or in the nationwide administration of Federal laws" are exempt. While it is clear that the Chairman is appointed by the President with the consent of the Senate, he, in fact, does not determine policy. All of the functions and powers of this act are given to the Cabinet Committee, and not to the Chairman. His role is to serve as an advisor to the Cabinet Committee and Director of its staff. Thus, the Chairman of the Cabinet Committee on Opportunities for Spanish-Speaking People is not exempt from the Hatch Act.

The Congress has clear authority to limit the political activity of the officers and employees of the Federal Government. The Supreme Court, in *United Public Workers* v. *Mitchell*, 330 U.S. 75 (1947), which was the first major challenge to the Hatch Act, stated:

> The determination of the extent to which political activities of governmental employees shall be regulated lies primarily with Congress. . . . When actions of civil servants in the judgment of Congress menace the integrity and the competency of the service, legislation to forestall such danger and adequate to maintain its usefulness is required. (at 102–103)

This position was most recently upheld by the Supreme Court in the case of *United States Civil Service Commission* v. *National Association of Letter Carriers*, 41 LW 5122, June 25, 1973:

> Neither the right to associate nor the the right to participate in political activities is absolute in any event (citations omitted). Nor are the management, financing, and conduct of political campaigns wholly free from governmental regulation. We agree with the basic holding of *Mitchell* that plainly identifiable acts of political management and political campaigning may constitutionally be prohibited on the part of Federal employees (41 LW at 5127–5188).

Finally, we realize that the penalties of the Hatch Act, the strongest of which call for the suspension or exclusion of an employee who has acted illegally, would not be effective for the Cabinet Committee. The reason is that the Cabinet Committee will cease to exist December 30, 1974. If there were any charges considered under the Hatch Act, the penalties would be meaningless when imposed because the positions from which the employees would be fired would no longer exist. To make the ban meaningful, this bill would make illegal the use of funds for salaries after the date of an illegal partisan political activity. If the Civil Service Commission makes a finding that an employee had, in fact, performed such an illegal act, the GAO would not certify expenditure of funds for that employee's salary after the date of the illegal act and would undertake to have such wrongly expended funds returned to the Treasury under authority of 31 U.S.C. 71, 72, and 74. We have limited the amount of funds that a person would have to repay, however, to 1 month's salary.

Mr. ROYBAL. Mr. Chairman, I rise in opposition to the amendment.

I definitely oppose the amendment because I believe the chairman of the committee does come under the Hatch Act. He does not determine policy, he merely implements it. He is there by virtue of the fact that the Congress established the committee and mandated the committee as a whole to deal with the problems of the Spanish speaking.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman from California.

Mr. HOLIFIELD. In support of the gentleman's statement, just made, I shall read from the Hatch Act. This is 5 U.S.C. 7324. It exempts the following people:

> The head or the assistant head of an executive department or military department.
>
> An employee paid from the appropriation for the Office of the President.

And this is the one that supports the gentleman's position:

> An employee appointed by the President, by and with the advice and consent of the Senate, who determines policies to be pursued by the United States in its relations with foreign powers or in the nationwide administration of federal law.

The Chairman of the Cabinet Committee makes no policies. He and the Cabinet Committee, by the terms of Public Law 91–181, act in only an advisory capacity on policies made by other policymakers.

The law itself (Public Law 91–181) puts any policymaking, "rules and regulations" and advisory power in the committee, not in the chairman. Therefore, the Chairman is not exempt from the Hatch Act because of that very point.

Mr. WIGGINS. Mr. Chairman, will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman from California.

Mr. WIGGINS. Assuming the chairman to be under the Hatch Act, is the gentleman in the well aware of any provision in the Hatch Act which penalizes a covered employee for 1 month of his salary if he should violate one of its provisions?

Mr. ROYBAL. Is the gentleman implying that 1 month salary is not sufficient?

Mr. WIGGINS. I am merely asking whether this is a penalty we impose on other Government employees or a special rule to be carved out for employees of this one agency?

Mr. ROYBAL. It seems to me that this is the prerogative of the committee handling the legislation .

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman from California.

Mr. HOLIFIELD. Under the Hatch Act an individual can be suspended from his job permanently if he continues to disobey. This is a very mild punishment, if we want to put it that way. It does not suspend him, as the Hatch Act allows for political activity, for those people who are violating it. It just says he shall refund no more than 30-days' salary and that no part of the funds authorized shall be used for his salary from that time on.

Mr. ROYBAL. I thank the gentleman.

Mr. Chairman, the reason why I asked whether or not the withholding of 1 month's salary as a penalty was not sufficient is because I have seen time and time again violations on the part of members of the Cabinet Committee, and particularly the Chairman of the Committee.

Mr. Chairman, on one occasion I attended a banquet in Los Angeles, and heard more than a half hour's speech made by the Chairman of the Committee in which most of his remarks were against Members of this House. Most of all I resented that was because moneys made available by this Congress were used to help the Spanish speaking to pay for his transportation and his hotel bills. Had he been there on his own he would have been acting as just an ordinary citizen, but he was there representing the Cabinet Committee and at that time ignoring the problems of the Spanish speaking and spending funds made available by this Congress for the sole purpose of having that Committee deal with the problems of the second largest minority in the United States.

On various other occasions I also had the opportunity of hearing another Director of the Committee take on individual Members of this House. It is my understanding that there have been many occasions when again Directors have gone into the districts of various Congressmen to campaign against them, and on funds appropriated by Congress for the purpose for which the Committee was established. It was not the intent of this Congress—and surely not my intent when I originally sponsored the bill—to give anyone, including the Director of this agency all the funds he needed to go out and campaign against any Member of this House, whether it be Republican or Democrat. These funds were made available by Congress for a specific purpose and, in this instance, the purpose was to deal with the problems of the Spanish speaking of the United States of America.

Mr. Chairman, I think that this amendment should definitely be defeated.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman from Texas.

Mr. KAZEN. Mr. Chairman, I wish to associate myself with the remarks of the gentleman in the well, the gentleman from California (Mr. ROYBAL), and I rise in opposition to the amendment.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I rise in support of this amendment.

I think the language in the bill is clearly an invasion of the jurisdiction of the Committee on Post Office and Civil Service, but be that as it may, I am wondering if we really mean business with respect to outlawing political participation on the part of anyone connected with this organization. If we really mean business, and if they do get into politics, they should be suspended with a view to kicking them out of the Federal service and depriving them of any Federal pay at all. That is what the amendment offered by the gentleman would accomplish. It would strike out this language and let the law apply.

Why the loss of 30 days' salary? That could mean practically nothing for participation in politics.

Mr. Chairman, I listened to the gentleman from California (Mr. EDWARDS) a few moments ago and I believe he said—I hope the gentleman will correct me if I am wrong—that there are children in the first grade of school in this country who are unable to speak English. Well, where does the responsibility for that kind of a situation rest? Clearly it rests upon the home.

If a child has not learned to speak some English before he or she enters the first grade in school there is something radically wrong with the family.

What is this bill designed to do? Frankly, I do not know, unless it is to perpetuate the bureaucracy.

How is it proposed to educate, with $1,500,000 for the current fiscal year, and $750,000 for 1975, all of the Mexican and other Spanish-speaking children in this country or any substantial number of them enter the first grade without being able to speak English. How is it proposed to educate them on the money provided in this bill?

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am delighted to yield to the gentleman from California. After all, I did use the gentleman's name.

Mr. EDWARDS of California. Mr. Chairman, I thank the gentleman for yielding and for his observation.

My remarks had to do with the low level of bilingual education in this country.

It has been proven statistically that where bilingual education is available to families who are Spanish-speaking—and there are many wonderful families in the great southwestern part of our country who speak Spanish instead of English—where those programs for bilingual education are provided beginning in the kindergarten, first and second grades, the progress is outstanding and many of the problems that involve these children later in life because of their deficiency in language to begin with are eliminated.

I believe we should try to add to the appropriation in title I education for the bilingual education of children, and I regret to say it is still a pittance that Congress gives for these children.

Mr. GROSS. What is this bill? Is it the forerunner of more to come? Is there to be similar set-ups for the Italian and Polish people of this country? Where does this sort of thing end?

Mr. EDWARDS of California. Those ethnic groups do not have the same difficulty that the Spanish-speaking people have.

Mr. GROSS. That is what you say.

Mr. HOLIFIELD. Will the gentleman yield?

Mr. GROSS. Yes. I yield to the gentleman.

Mr. HOLIFIELD. I can assure the gentleman this is a very peculiar case which embodies between 12 and 14 million people who are in the disadvantaged position, the discriminated against position, and there will be no intention on the part of this Member of the House to bring bills for the Chinese, the Japanese, or anyone else, because they are not in the same situation that these people are. These people are not in that situation. They need help.

Mr. GROSS. What the gentleman is saying is further confirmation of my belief that this is a California-Texas bill. I scarcely heard any other Member speak in favor of it.

Mr. HOLIFIELD. No.

Mr. GROSS. The State of California, as I understand it, has about $900 million surplus in its treasury. I do not know about the State of Texas, as to whether it has a surplus, but they are pretty well heeled down there, as I understand it. If they have all that surplus, why does not the State of California take care of their problem and Texas do the same thing? Why ask the taxpayers of the country to do it for them?

Even with the pending amendment, this bill ought to be defeated.

Mr. DENT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take my 5 minutes.

I am not opposing this bill in any way, shape, or form, but I merely want the record to show that I believe we had better take a longer look at some of this type of legislation in the future and to set some kind of a limitation as to where we are going to go in bilingual education.

This Nation between 1882 and 1914 had an influx of millions and millions of immigrants. We were able to weld together all of the nations of the Earth and their peoples who came here. Every language, every color, every creed. We developed something that was never done before and which will never be done again, that is, we developed a Nation of one-thought Americans.

My dad refused ever to answer us back in his native tongue when we were kids going to school because he wanted to learn what he called American. My father said when I was a boy that a man thinks in the language he speaks.

Bilingual and multilingual was the thing that destroyed Rome more than the lack of corn or any other item. Canada, as you well know, has been torn apart in bitter battles over the years because of the bilingual situation.

Sure these people need help, and I support it and go along with it, but do we have a goal in mind? Is it true at this moment that all of the official notices of the city of New York have to be printed bilingually? There were more Italian nationals in Little Italy in New York by percentage of population when my father got there in 1897 than there is a percentage of Spanish-speaking in any city or in any State of the Union today.

You have to learn the language. You say that they go to school without being able to speak English. I could not speak English when I went to school. My mother could not speak English.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. DENT. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Chairman, when I was in the first grade, half the kids in that room could not speak English. And if they had had Croatian teachers, Slovakian teachers, Serbian teachers, and Russian teachers, Italian and Polish teachers, they never would have learned to speak English. What do we want to do? Perpetrate these people so as not to be able to speak English forever and forever? Is that what we are up to?

As far as the Spanish-speaking people are concerned, I will say that half of them are here illegally, so that they ought to at least learn our language.

Mr. DENT. Mr. Chairman, I want to emphasize this, maybe because of the singular aspect of this, that we ought to continue this kind of a venture I do not know. But I do know this, that if we are at this point of bringing non-English-speaking Spanish children into Spanish classes to learn Spanish, then we are reversing the thing that was done that made this an American nation.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. DENT. I yield to the gentleman from New York.

Mr. HORTON. This bill does not have anything to do with what the gentleman in the well is talking about.

Mr. DENT. Mr. Chairman, I will just take my time back at that point. I know what the bill is all about, and I understand it, but we are adding again to the growth of a program that started on the basis of bilingual education. Now we are setting up a semi-Cabinet sort of position which will in turn become a Cabinet desk or something of that nature, and we will continue our children in the schools, and if they are already doing it with election notices in New York, I ask what do the children in the first grade have to do with election notices? And the State has to print bilingual election notices.

I want the Members to understand that I want to help where I can to ease the problems of any group, but when I am gone from here I hope that the Members will remember these words: That if we ever get to the point that we have conclaves of Spanish-speaking Americans then they will always be Spanish-speaking Americans.

If we analyze the Spanish-speaking groups in Los Angeles we know that they live as a unit. And that is why we broke up in this country the little Italys and the little Polands. We have broken them up to get them out so as to commingle in our society. At one time we were not allowed to walk on a certain street because we were foreigners or other such derogatory epithets. But we overcame that, and we overcame it with the English language.

Mr. WYDLER. Mr. Chairman, will the gentleman yield?

Mr. DENT. I yield to the gentleman from New York.

Mr. WYDLER. Mr. Chairman, the point the gentleman from Pennsylvania makes has a lot of validity, but I am sure the gentleman realizes that this bill has nothing to do with bilingual education. We do have such a program, however, as the gentleman from Pennsylvania well knows. I do not know if the gentleman from Pennsylvania has supported that in the past, but it is in the education bill.

Mr. DENT. I did. I supported it in the past. Certainly I did. But I do not want to continue it.

Mr. HAYS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think somebody is trying to cloud the issue a little bit here. I think everyone knows what is in this bill. I guess they also know that we have appropriated, I believe it is

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about $109 million this year for bilingualism. And as I understand what is in this bill, all that is in this bill is to make sure that everybody knows and is kept on the alert as to how to dip into this $109 million. How much it is going to cost in the allotted time I do not know, because I am not that familiar with the bill.

I think the gentleman from Pennsylvania is making a valid point, that we cannot expect to continue this bilingualism on and on and on and on without creating a bilingual society. That may be desirable; it may be debatable. Certainly my proposition, I suppose, is debatable. But I do not think it is desirable in this country, at this late stage when we are approaching our 200th anniversary, that we start out to create a bilingual society. That is what I object to.

I understand what is in the bill. Do not try to becloud the issue. Everybody understands what is in this bill. All this bill is doing is saying, make sure you get your piece of pie so that next year instead of $109 million, it can be $119 million or $190 million, or God knows what. These programs never diminish. They never diminish.

If we create a bureaucracy to promote bilingualism for Spanish-speaking people, it will never get any smaller; I will guarantee that.

Mr. BROWN of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have heard the remarks of the last two speakers, and there is a great deal of merit in what they say. If we are actually moving in the direction of creating or encouraging the creation of separate enclaves of non-English speaking groups in this country, I would feel very strongly opposed to it. I would oppose the bilingual education bill; I would oppose this bill. To the degree that they encourage this sort of thing, I think we need to scrutinize them very carefully.

My understanding, if I may refer back to the bilingual education bill, is that it it not intended to encourage the speaking of Spanish; it is intended to face the reality that we have tens of thousands of Spanish-speaking immigrants who come in every year, and that they can best learn English if they are given teachers who speak their language, who can teach them English, using their language, and that the whole purpose is to expedite the process of acculturalization to which the two preceding gentlemen referred, the process of bringing these immigrants into the stream of the majority culture in this country. If it were anything else, I would not support it.

I believe we should encourage bilingualism. I think all of us who speak only English—and I am so handicapped—ought to be able to speak another language. But to encourage the kind of a country that we want, we should have a common language, and I could not agree more with the distinguished gentleman from Pennsylvania who made this point.

This particular bill before us—and I am sure the preceding two speakers are well aware of it—is intended to provide assistance in utilizing some of the programs that we have already authorized, but it is not a permanent program. This Cabinet level committee expires in another 18 months or less. Its purpose also is to bring the Spanish-speaking people of this country into the mainstream of the American culture, not to continue them as non-English-speaking enclaves of some sort. This is the reason I support this bill.

Mr. PATTEN. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from New Jersey.

Mr. PATTEN. I thank the gentleman for yielding.

Mr. Chairman, I live in a town where I probably can truly say that when I was in the fifth grade I was the only fellow in the room who could speak English. We had night schools afforded by the State and the local board of education always during the war years of 1918 and 1919, and in the twenties we made vigorous efforts to get the Polish, the Slovaks, and the Italians to go to adult education to learn to read and write English. There is nothing new about this.

If we have a 6-year-old Puerto Rican child in this country 3 months and his mother takes him to school, the child cries and tries to go back home. It is better to have bilingualism.

Our problem in our town is, with the work of all of the teachers and of all of the organizations, we do not get enough money out of this bill. We do not go to California and Arizona. We get very little, but our boards of education all through New Jersey are carrying on bilingual programs, and we are paying for that with local money. They did this in the 1920's.

Mr. BROWN of California. I thank the gentleman for his contribution.

Let me conclude by saying my only point is that we are seeking to develop with this legislation one culture, to overcome the kind of obstacles that exist because of these enclaves. We do have night school programs and adult education programs for the adults, but we do not teach the Spanish-speaking people to speak English by only speaking English; we have to speak Spanish.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. After a cursory reading of the report I got the impression that the main function of this bill was to provide fairly high level and well paying jobs for Spanish-speaking people. Could the gentleman disillusion me on this point? Is this really going to get down to the grassroots where it really does some good? Apparently in the past it has not. It has provided a number of high level jobs for Spanish-speaking people, and that is fine for the people who are represented, but is it doing any good for the ordinary chicano?

Mr. BROWN of California. I can tell the gentleman from my own experience that this program has done a great deal of good. In order to carry on a program we have to have people to administer it. In this particular program they have obviously sought to help Spanish-speaking people, and they have sought out competent Spanish-speaking people to administer the program, but that is incidental to the program itself.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. Gross, and by unanimous consent, Mr. Brown of California was allowed to proceed for 1 additional minute.)

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, the gentleman says this is a temporary program. Does the gentleman know of anything so permanent in the Federal Government as a temporary bureaucrat, who, of course, is fed at the public till?

Mr. BROWN of California. I think the gentleman's point is valid. But I think we have to scrutinize all the programs which we authorize to make such that they are performing well so that we can justify that they continue to exist.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from New York.

Mr. HORTON. Mr. Chairman, I would like to remind the gentleman that the authorization for the Cabinet Committee expires on December 30, 1974.

Mr. BROWN of California. Yes.

Mr. HORTON. And to extend the program, Congress will have to enact new legislation.

Mr. BROWN of California. That is the point I made. I thank the gentleman for repeating it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. Wiggins).

The question was taken; and on a division (demanded by Mr. Wiggins) there were—ayes 40, noes 56.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. WIGGINS

Mr. WIGGINS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Wiggins: On page 4, line 20, delete the sentence beginning "At least 50 per centum . . .".

Mr. WIGGINS. Frankly, Mr. Chairman, this amendment is much more important than the last one. I direct the attention of the membership on page 4 of the bill to the last sentence of the bill:

> At least 50 per centum of the amount of any funds expended for salaries under this Act shall be expended for salaries of employees in regional offices of the Committee located outside Washington, District of Columbia.

Gentlemen, my amendment strikes the sentence which I have just read. To understand the reason for the amendment, one must understand the evolution of the Cabinet Committee and understand its objectives. The Cabinet Committee is not, nor was it ever created to be, an ombudsman for Spanish-speaking people in this country.

The Cabinet Committee was intended to focus its direction solely against agencies of the Federal Government.

In other words, the purpose of the Cabinet Committee was to encourage members of the Cabinet to be mindful of the needs of the Spanish-speaking people, as they fashioned programs within their jurisdiction.

The Cabinet Committee did not deal with the public. It dealt with the Government and the agencies of Government. That is the history of the Cabinet Committee. The Government Operations Committee has reported a bill which is going to change that historical direction and change it in a rather fundamental way.

Much of the discussion on the previous amendment by the gentleman from Ohio and the gentleman from Pennsylvania becomes very much germane relative to this amendment.

Mr. Chairman, if we are going to mandate in this bill that there shall be regionalism, regional offices for the Cabinet Committee for the Spanish-Speaking, can we in justice deny to any other ethnic group the right to have a store-front operation in their city so that the needs of that minority group can be better served by Government? I think not. If the Cabinet Committee is going to act as an ombudsman for a Spanish-speaking minority group, then in fairness and in equity all other minority groups should be similarly represented.

But, the committee was never conceived to discharge that function. The committee was conceived to act only on the Cabinet, to encourage that agencies of governments respond to the needs of the Spanish-speaking. If we adopt the language in the bill, when we are going to start down a road which makes very relevant the discussions of the gentleman from Ohio (Mr. Hays) and the discussions of the gentleman from Pennsylvania (Mr. Dent) because we most assuredly will be doing something visibly on the street for one minority and not for another.

I think the time is now to nip in the bud this concept of regionalism, this concept that the Spanish-Speaking Committee shall evolve into the general ombudsman for the Spanish-speaking people in this country.

Mr. Chairman, this is an important amendment. It reverses a fundamental change in direction contained in the committee bill, and I certainly urge its support. It is going to save all of us a great many headaches down the road if we stay away from this concept of regional offices for the Cabinet Committee.

Mr. Chairman, I urge an affirmative vote on my amendment.

Mr. STEELMAN. Mr. Chairman, I rise to speak in opposition to the amendment.

Mr. Chairman, the very simple intent here of the legislation is to decentralize the functions of the Cabinet Committee on Opportunities for Spanish-Speaking People. I think it might be worthwhile to review the history just briefly of the Cabinet Committee and its original purpose.

With all due respect to my distinguished colleague from California (Mr. Wiggins) I had the occasion before becoming a Member of this body to work occasionally with the Cabinet Committee. Its original intent was indeed, as the gentleman stated, to work with members of the Cabinet, but it was also to work with members of the Cabinet toward seeing that Federal programs which apply to the Spanish speaking indeed were directed to the community level. I think that was a laudible objective.

Mr. Chairman, I have been critical of Federal programs in the past operated just here in Washington which have not affected the people for which they were designed. There is no program money in this legislation. All this is designed to do, and I think advisedly so, is not to grant new programs and give them to another agency, but rather to try to see that agencies which have programs for the Spanish speaking do get to the community level, to serve as a liaison force with these agencies and see that there is indeed delivery on the original congressional intent of those programs.

Mr. Chairman, I would say particularly to my colleagues on this side of the aisle that we have all supported our President's efforts at decentralization. The thrust of the new federalism is to decentralize governmental programs to see that there is progress with respect to the programs reaching the people for which they were intended.

What this seeks to do is complement the President's programs, the President's thrust with regard to new federalism. This is in the finest tradition of the new federalism. That is simply what we are trying to do here, to be sure that the function of the Cabinet Committee on Opportunities for the Spanish-Speaking parallels that of the decentralized 10 Federal regions and their Federal programs. The purpose of this agency, I would say again, is not to create new programs, but is simply to see that delivery is made of existing Federal programs.

I urge my colleagues on both sides of the aisle to defeat the amendment.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. STEELMAN. I yield to the gentleman from New York.

Mr. HORTON. I believe the gentleman has made an extremely important point. During our hearings on this bill, one of the things we were most impressed with was that so much of the work of this Cabinet Committee needs to be done in the field. We felt it was important in enacting this legislation to provide funds for regional offices. In other words, we want to get the work of the committee out into the regions where the people are, at the grassroots. We feel this will make it easier for them to find out what are the problems of the Spanish speaking, and to make it easier for the people who have these problems to come in and talk to someone in their own area, rather than to have to come to Washington, D.C.

If this amendment succeeds, there will be no required funding for these regional headquarters. If that is the case, they will never be set up.

I believe it is very important that we oppose this amendment and urge that the amendment be defeated.

Mr. STEELMAN. I thank my ranking Member.

I should like to say that I do intend to vote for the bill on final passage. Let me say to those who argue against its intent and who intend to vote against it on final passage that this amendment I believe, represents what we all stand for. If this bill passes and if this program continues, at least let us assure that delivery is made at the grassroots level. It is especially important with regard to the Spanish-speaking community because of the concentration of the population in 5 to 10 States of the country.

I urge the defeat of the amendment.

Mr. HOLIFIELD. Mr. Chairman, I move to strike the last word.

I want to compliment the gentleman on the statement he has just made. There have been some flamboyant statements made here on the floor today that have nothing to do with this bill.

This is not a bilingual education bill. This is a bill to make available to the Spanish-speaking people who are in groups in Florida, in New York, in Texas, in Michigan, and in California.

I will read from the language of the bill and ask the Members to read the bill.

The bill, on page 2, section (2), subsection (3) says:

> To advise and assist Spanish-speaking and Spanish-surnamed groups and individuals in receiving assistance available by law.

That is the purpose. That is what we are talking about when we are talking about these regional offices.

We feel there should be someone there to tell these people, whether they be Cubans, Puerto Ricans, or other Spanish-Americans, "Here is a program already set up by law which you can avail yourselves of to learn the language, yes; to obtain vocational training, yes; to obtain educational training, yes; to obtain medical attention, yes."

These are the things we are talking about in this bill.

We in the committee unanimously considered that the place to do a lot of this work is right in these different areas of concentrated ethnic groups who speak Spanish. Many of them cannot speak English. We wish to give them an opportunity to know that they can go to a certain night school and learn English so that they can become American citizens in the full sense of the term.

I trust that the amendment will be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. Wiggins).

The question was taken; and on a division (demanded by Mr. Wiggins) there were—ayes 37, noes 55.

So the amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Karth, Chairman of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 10397) to extend the authorization of appropriations for the Cabinet Committee on Opportunities for Spanish-Speaking People, and for other purposes, pursuant to House Resolution 602, he reported the bill back to the House.

XUM

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

RECORDED VOTE

Mr. HOLIFIELD. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 273, noes 97, not voting 64, as follows:

[Roll No. 541]

AYES—273

Abzug
Adams
Addabbo
Anderson, Calif.
Annunzio
Archer
Arends
Armstrong
Ashley
Aspin
Badillo
Bafalis
Barrett
Bell
Biester
Bingham
Boggs
Boland
Bolling
Brademas
Brasco
Breckinridge
Brinkley
Brooks
Brotzman
Brown, Calif.
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Mass.
Burton
Carey, N.Y.
Cederberg
Chamberlain
Chisholm
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cohen
Collier
Collins, Ill.
Collins, Tex.
Conable
Conlan
Conte
Conyers
Corman
Cotter
Coughlin
Cronin
Daniels, Dominick V.
Danielson
Davis, Wis.
de la Garza
Delaney
Dellums
Diggs
Dingell
Donohue
Drinan
Dulski
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Fascell
Findley
Fish
Fisher
Flood
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fuqua
Gibbons
Gilman
Grasso
Green, Pa.
Gubser
Gude
Hamilton
Hanley
Hanna
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hawkins
Heckler, Mass.
Heinz
Helstoski
Hillis
Hinshaw
Hogan
Holifield
Holtzman
Horton
Howard
Hudnut
Hunt
Jarman
Johnson, Calif.
Johnson, Colo.
Jones, Ala.
Jones, N.C.
Jordan
Karth
Kastenmeier
Kazen
Ketchum
Kluczynski
Koch
Kyros
Latta
Lehman
Lent
Long, La.
Lujan
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKinney
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Matsunaga
Mayne
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Minish
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nix
O'Brien
O'Hara
O'Neill
Parris
Passman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Podell
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Railsback
Randall
Rangel
Regula
Reid
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robison, N.Y.
Rodino
Roe
Rogers
Roncallo, Wyo.
Roncallo, N.Y.
Rosenthal
Rostenkowski
Roy
Roybal
Runnels
Ryan
St Germain
Sarasin
Sarbanes
Saylor
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stokes
Stratton
Stubblefield
Stuckey
Studds
Symington
Teague, Calif.
Thompson, N.J.
Thone
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Waldie
Walsh
Whalen
White
Widnall
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Winn
Wolff
Wright
Wyatt
Wydler
Wyman
Yates
Yatron
Young, Alaska
Young, Ga.
Young, Tex.
Zablocki

NOES—97

Ashbrook
Bauman
Beard
Bennett
Bevill
Blackburn
Bowen
Bray
Breaux
Broomfield
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Camp
Carter
Chappell
Clancy
Clark
Cochran
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Ga.
Davis, S.C.
Dennis
Dent
Dickinson
Duncan
Edwards, Ala.
Evins, Tenn.
Flynt
Fountain
Gaydos
Gettys
Giaimo
Ginn
Gonzalez
Goodling
Green, Oreg.
Griffiths
Gross
Haley
Hays
Hechler, W. Va.
Henderson
Holt
Huber
Hungate
Hutchinson
Ichord
Jones, Okla.
Jones, Tenn.
Keating
Kemp
King
Kuykendall
Landgrebe
Long, Md.
Lott
McSpadden
Mann
Mazzoli
Mizell
Montgomery
Myers
Nichols
Poage
Powell, Ohio
Quillen
Rarick
Robinson, Va.
Roush
Rousselot
Ruth
Satterfield
Scherle
Shoup
Shuster
Snyder
Spence
Stephens
Symms
Taylor, Mo.
Taylor, N.C.
Teague, Tex.
Thomson, Wis.
Vigorito
Waggonner
Ware
Whitehurst
Whitten
Wiggins
Wilson, Charles, Tex.
Wylie
Young, Ill.
Zion

NOT VOTING—64

Abdnor
Alexander
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Baker
Bergland
Biaggi
Blatnik
Brown, Ohio
Buchanan
Burke, Calif.
Burke, Fla.
Carney, Ohio
Casey, Tex.
Culver
Dellenback
Denholm
Derwinski
Devine
Dorn
Downing
Eshleman
Flowers
Fulton
Goldwater
Gray
Grover
Gunter
Guyer
Hammerschmidt
Harrington
Hastings
Hébert
Hicks
Hosmer
Johnson, Pa.
Landrum
Leggett
Litton
McClory
McKay
Maraziti
Mathis, Ga.
Mills, Ark.
Mink
Moss
Obey
Owens
Patman
Rees
Rooney, N.Y.
Rooney, Pa.
Rose
Ruppe
Sandman
Sullivan
Talcott
Thornton
Veysey
Wampler
Young, Fla.
Young, S.C.
Zwach

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Rooney of New York for, with Mr. Downing against.

Mr. Hébert for, with Mr. Flowers against.

Mr. Rooney of Pennsylvania for, with Mr. Denholm against.

Mr. Fulton for, with Mr. Owens against.

Mr. Biaggi for, with Mr. Rose against.

Mr. Talcott for, with Mr. Andrews of North Dakota against.

Mr. Maraziti for, with Mr. Johnson of Pennsylvania against.

Mr. Carney of Ohio for, with Mr. Andrews of North Carolina against.

Mr. Ruppe for, with Mr. Devine against.

Mr. Hammerschmidt for, with Mr. Baker against.

Mr. Guyer for, with Mr. Abdnor against.

Mr. Sandman for, with Mr. Young of South Carolina against.

Mr. Blatnik for, with Mr. Dorn against.

Mr. Hicks for, with Mr. Alexander against.

Mr. Gray for, with Mr. Landrum against.

Mr. Brown of Ohio for, with Mr. Hosmer against.

Mr. Bergland for, with Mr. McKay against.

Mr. Gunter for, with Mr. Mathis of Georgia against.

Until further notice:

Mr. Moss with Mr. Zwach.

Mrs. Burke of California with Mr. Hastings.

Mr. Culver with Mr. Goldwater.

Mr. Leggett with Mr. Grover.

Mr. Thornton with Mr. Buchanan.

Mr. Casey of Texas with Mr. Burke of Florida.

Mr. Harrington with Mr. Anderson of Illinois.

Mrs. Mink with Mr. Dellenback.

Mr. Patman with Mr. Derwinski.

Mr. Mills of Arkansas with Mr. Eshleman.

Mr. Rees with Mr. Young of Florida.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO HAVE UNTIL MIDNIGHT OCTOBER 19, 1973, TO FILE REPORTS

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations may have until midnight Friday to file certain reports.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

RESIGNATION FROM NATO PARLIAMENTARY DELEGATION

The SPEAKER laid before the House the following resignation from the NATO parliamentary delegation:

WASHINGTON, D.C.,
October 17, 1973.

Hon. CARL ALBERT,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: I regret that I will have to resign as a member of the NATO parliamentary delegation due to the unfortunate scheduling of committee sessions on land use and surface mining legislation in the Committee on Interior and Insular Affairs. I informed the Chairman of the Delegation, Congressman Wayne Hays, of this problem on October 12.

I was extremely honored to have been asked to join the delegation, and I want to thank you for your consideration in appointing me to the group.

With kindest personal regards, I am
Sincerely,

PHILIP E. RUPPE,
Member of Congress.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

RESIGNATION AS MEMBER OF NORTH ATLANTIC ASSEMBLY IN TURKEY

The SPEAKER laid before the House the following resignation from the North Atlantic Assembly in Turkey:

WASHINGTON, D.C.,
October 17, 1973.

Hon. CARL ALBERT,
Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Due to unforeseen circumstances, I find that I will not be able to attend the 19th annual session of the North Atlantic Assembly which will be held from October 22nd through the 27th in Ankara, Turkey, as I had previously planned to do.

I very much appreciate your appointing me to the United States Congressional Delegation which will be participating in these meetings and sincerely regret that circumstances now prevent my participation.

Sincerely,

BOB MATHIAS,
U.S. Congressman.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

RESIGNATION AS MEMBER OF NORTH ATLANTIC ASSEMBLY IN TURKEY

The SPEAKER laid before the House the following resignation from the North Atlantic Assembly in Turkey:

WASHINGTON, D.C.,
October 15, 1973.

Hon. CARL ALBERT,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Due to unforeseen circumstances, it will not be possible for me to be a delegate to the North Atlantic Assembly meeting to be held in Ankara from October 21st through October 27th. I want you to know I appreciate the appointment and regret that I am unable to be in attendance.

Sincerely,

L. C. ARENDS.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

APPOINTMENT AS MEMBERS OF NORTH ATLANTIC ASSEMBLY IN TURKEY

The SPEAKER. Pursuant to the provisions of section 1, Public Law 689, 84th Congress, the Chair appoints as members of the U.S. group of the North Atlantic Assembly on the part of the House, to fill the existing vacancies thereon, the gentleman from Ohio, Mr. POWELL, and the gentleman from North Carolina, Mr. MARTIN.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 689. An act to amend section 712 of title 18 of the United States Code, to prohibit persons attempting to collect their own debts from misusing names in order to convey the false impression that any agency of the Federal Government is involved in such collection.

The message also announced that the Senate agrees to the amendment of the House to a concurrent resolution of the Senate of the following title:

S. Con. Res. 54. Concurrent resolution providing for the adjournment of the Senate from Thursday, October 18, 1973, to Tuesday, October 23, 1973.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2016) entitled "An act to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6691) entitled "An act making appropriations for the legislative branch for the fiscal year ending June 30, 1974, and for other purposes."

The message also announced that the Senate agrees to the House amendment to the Senate amendment numbered 34.

PERSONAL EXPLANATION

Mr. JOHNSON of California. Mr. Speaker, on rollcall 538 I was not recorded as voting. I was in the Chamber and placed my card in the box. Had I been recorded I would have been shown as voting "aye."

PERSONAL EXPLANATION

Mr. PRICE of Illinois. Mr. Speaker, on page 34448 of the RECORD of October 17, 1973, on rollcall 535, a quorum call, I am recorded as not being present. I was present and recorded my presence and I ask that this statement appear in the RECORD.

SENATE AMENDMENT ON H.R. 9639, NATIONAL SCHOOL LUNCH AND CHILD NUTRITION ACTS

Mr. PERKINS. Mr. Speaker, I move to take from the Speaker's desk the bill (H.R. 9639) to amend the National School Lunch and Child Nutrition Acts for the purpose of providing additional Federal financial assistance to the school lunch and school breakfast programs, with a Senate amendment to the House amendment to the Senate amendment No. 5 thereto, and concur in the Senate amendment No. 5.

The Clerk read the title of the bill.

Immediately before the first word of the House amendment to the Senate amendment insert the following sentence: "Notwithstanding the foregoing sentence, no such special assistance factor shall, for any State, be less than the average reimbursement paid for each free meal (in the case of the special assistance factor for free lunches), or for each reduced price meal (in the case of the special assistance factor for reduced price lunches), in such State under this section in the fiscal year beginning July 1, 1972."

PARLIAMENTARY INQUIRY

Mr. QUIE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. QUIE. Mr. Speaker, since the House has already adopted the conference report and since the other body added an amendment afterward when they adopted the conference report, is there anything we can do other than defeat the motion before us? Is there any way we can have a separate amendment to strike out?

The SPEAKER. The House can either accept or reject the Senate amendment.

Mr. QUIE. I thank the Speaker.

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, a parliamentary inquiry, if the gentleman will yield.

Mr. PERKINS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, are there copies of this amendment available? Are they printed and available to the Members?

Mr. PERKINS. It has been printed in the RECORD for several days. The CONGRESSIONAL RECORD of October 16, 1973, contained a printing of the amendment. It has been printed since then.

Mr. GROSS. That would be the RECORD we received yesterday, then?

Mr. PERKINS. Yes.

MOTION OFFERED BY MR. PERKINS

The SPEAKER. The Clerk will report the motion offered by the gentleman from Kentucky.

The Clerk read as follows:

Mr. PERKINS moves to concur in the Senate amendment to the House amendment to Senate amendment No. 5.

Mr. PERKINS. Mr. Speaker, I yield myself 5 minutes.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Speaker, when the gentleman from Kentucky finishes his 5 minutes, does he intend to yield me half the time?

Mr. PERKINS. Mr. Speaker, I intend to divide the time equitably between the minority and the majority.

Mr. QUIE. Mr. Speaker, would that be half and half, 30 minutes to each side?

Mr. PERKINS. Yes.

Mr. QUIE. Mr. Speaker, I thank the gentleman.

Mr. PERKINS. Mr. Speaker, this Senate amendment relates to the manner in which section 11 payments for free and reduced-price lunches are computed. One of the provisions of H.R. 9639 revises the existing manner of allocating moneys for free and reduced-price lunches from a formula allocation to a reimbursement on the basis of the number of such lunches served. The amount of section 11 funds a State will receive is determined by multiplying the number of free and reduced-price lunches served in the State by a special assistance factor.

H.R. 9639 establishes a minimum special assistance factor of 45 cents for free lunches and 35 cents for reduced-price lunches. These minimum figures represent a 5-cent increase over last year's minimum rates. Despite these increases, however, concern has been expressed that certain States—States which took advantage of a provision in existing law which allows additional assistance to especially needy schools—would suffer a reduction this year in the amount of section 11 funds.

Assuming that the Department were to pay the minimum rate of 45 cents for free lunches and that the same number of free lunches are served this year as were served last year, we are advised that New York, New Jersey, Rhode Island, and Maryland would receive fewer section 11 dollars. This is so because in these States, certain severely needy school districts received extra payments last year with the result that the section 11 State average payment for New York was 46.5 cents, for New Jersey it was 45.8 cents, for Rhode Island 45.5 cents, and for Maryland 45.4 cents.

The Senate amendment is essentially a State hold harmless provision. It would guarantee that the average reimbursement rate paid to a State would be no less than the rate paid in fiscal year 1973. The result this year would be that in New York the rate would be 46.5 cents rather than 45 cents, in New Jersey 45.8 cents rather than 45 cents, in Rhode Island 45.5 cents and in Maryland 45.4 cents. In dollars, New York will receive an additional $1,852,000, New Jersey will receive $260,000, Maryland $82,000, and Rhode Island $77,000. The total added cost of the Senate amendment is $2.4 million.

Mr. Speaker, I believe this is a fair and equitable amendment and in my judgment will insure that the intent of the Congress is carried out. It is in keeping with the spirit and intent of H.R. 9639 and I urge that the House concur in the Senate amendment.

Mr. THOMPSON of New Jersey. Mr. Speaker, will the gentleman yield at this point?

Mr. PERKINS. I yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. Mr. Speaker, as I understand the chairman's explanation of this, in light of previous history and the existing formula, New Jersey, Rhode Island, and Maryland would be in effect held harmless by this conference report provision; is that correct?

Mr. PERKINS. That is correct. The average rate of reimbursement cannot be less than the 1973 average rate.

Mr. THOMPSON of New Jersey. In other words, 45 cents is not, in the intention of this body or the other body, the maximum. Rather, it is the minimum; is that correct?

Mr. PERKINS. Let me explain it this way: The present law permitted the States under section 11 if they had needy schools to go above the minimum, which was 40 cents for free lunches and 35 cents for reduced-price lunches. The law permitted them to go above that and make extra funds available. Because of these payments in New York, New Jersey, and the other two States, the average rate was above 45 cents.

Mr. THOMPSON of New Jersey. New York, New Jersey, Rhode Island, and Maryland.

Mr. PERKINS. They received additional reimbursement.

Mr. THOMPSON of New Jersey. To make it absolutely clear for the Record, the interpretation that 45 cents was the maximum by the Department of Agriculture is erroneous and in fact the intention is that 45 cents be the minimum, and under section 11 the enumerated States go up to their 1973 rates. In New Jersey this would be 45.8 cents.

Mr. PERKINS. That is correct. A State cannot be paid at a rate less than the average rate in fiscal year 1973.

Mr. THOMPSON of New Jersey. I thank the gentleman.

The SPEAKER. The gentleman from Kentucky has consumed 5 minutes.

Mr. PERKINS. Mr. Speaker, I yield myself an additional 5 minutes.

Mr. Speaker, these States were planning on and have budgeted their school lunch programs, and their contributions from the State, in anticipation of increased help under the conference report we had before the House the other day.

I personally felt that the language in its new section 11 was flexible enough to permit the Secretary of Agriculture to go above the 45 cents in certain needy cases for reduced and free school lunches. Nevertheless, the Senate did not agree, and accordingly adopted the amendment before us. The effect will be to hold harmless these four States from any loss.

Mr. Speaker, I yield 10 minutes to the gentleman from Minnesota (Mr. Quie).

Mr. QUIE. Mr. Speaker, I urge the House to vote down the Senate amendment. The reason is that it is designed to benefit only four States at the expense of the taxpayers of all the other States.

To treat these four States which are mentioned different from all the other States on the average payments for free and reduced-cost lunches is what is involved.

Let me point out that this does not provide less money for those States for their lunch programs than the year before. It is not less than the aggregate of what they received before. It only has to do with section 11 and free lunches.

Also, the language was the same in both the House and the Senate bill with respect to free lunches. The House has already adopted the conference report. This matter was not a part of the conference report. It went over to the other body, and they added the amendment. They should have only voted up or down on the conference report.

I believe if we accept this the result will be inequitable.

Let me give the Members the background.

Under the old law, prior to the amendments proposed to be made to section 11 of the School Lunch Act, by H.R. 9639—and the proposed language is identical in both the House and the Senate versions and was not in issue in conference—the minimum cash support for all States for free lunches before this was 40 cents. However, there was a provision that any school which could establish to the satisfaction of the State Education Agency that it was "especially needy" could receive a higher rate, up to a maximum prescribed by the Secretary. That maximum for fiscal year 1973 was 50 cents.

Under the law, as unamended by this bill, there was no control over the number of schools a State agency might declare "especially needy," because if more money was needed by the State, that is, if their average for free and reduced price meals went above 40 cents, Federal funds were simply appropriated to make up the difference.

H.R. 9639 changes that. First, it raises the average payment for free lunches for all States to 45 cents, and it permits the Secretary to set a higher rate for meals served in especially needy schools to not less than 60 cents. But the higher rate would no longer be made up from additional Federal appropriations; it would have to come from the average of 45 cents, which would apply to all States.

Now, in fiscal year 1973, as was mentioned, in only four States, New York, New Jersey, Rhode Island, and Maryland, did the average rate of cash reimbursement for free lunches exceed 45 cents. In New York it was 46.5 cents; in New Jersey, 45.8 cents; in Rhode Island, 45.5 cents; and Maryland, 45.4 cents.

Now, why did the average rate exceed the new minimum average of 45 cents, as proposed in H.R. 9639? Largely, it was because these States took undue advantage of the "especially needy" school provision on which a higher rate of 50 cents per lunch was paid.

In Maryland 48 percent of all free lunches served were in schools declared to be "especially needy"; in Rhode Island it was 51 percent; in New Jersey it was 53 percent; and in New York it was a whopping 68 percent, with the tab picked up by the taxpayers of all the other States.

California, for example, held the average cost of a free lunch down to 38.8 cents last year, even below the 40 cents average, but in California less than 1 percent of free lunches served were in schools declared "especially needy."

Now Californians are asked in this Senate amendment to bail out the less prudent New York educational agencies and to help pay for a higher rate in New York in perpetuity.

Illinois declined to declare any of its schools "especially needy" under the act and held its average rate to 40 cents. Incidentally, Illinois provides State support for free lunches at 15 cents per lunch, coming from State funds, as compared with only 2 cents in New York, 1½ cents in Maryland, 1¼ cents in Rhode Island and 4 cents in New Jersey. Yet, Illinois taxpayers, under the Senate amendment, are going to be asked to pay for the higher rates for those four States.

About the only State which even comes close to the new 45 cents cash payment average is Michigan, with 44.7 cents, but they have had a high 48 percent of all

free lunches served in schools they had declared "especially needy," and, therefore, paid at a rate of 50 cents per lunch. Even so, Michigan will not benefit from this amendment, because its 1973 average is still below 45 cents.

Mr. Speaker, even here in the District of Columbia, with its preponderance of needy children, the average cash support for a free lunch was held below 40 cents. In Florida, with 43 percent of the lunches served in schools designated "especially needy," the average rate was held below 42 cents, and in Alabama, with 41 percent in the "especially needy" schools, the rate was held below 40 cents.

In Massachusetts, a high cost of living State, they served 36 percent of their free lunches in schools designated as "especially needy," and yet they held their average cost last year to 40.4 cents. And, of course, Massachusetts provides State support for free lunches at about 6 cents per lunch, as compared to 2 cents in New York.

Yet Massachusetts, nor any of these other States I have mentioned, will be benefited by the Senate amendment. Instead, Massachusetts taxpayers will join those in the other 46 States and the District of Columbia in helping bail out New York, New Jersey, Maryland, and Rhode Island.

Pennsylvania is a large, high-cost State with many poor children and major cities with major problems—yet it served 32 percent of its free lunches in schools designated as "especially needy" and still held its average rate in 1973 to 40.5 cents. So Pennsylvania will not be benefited by the Senate amendment.

In fact, Chairman Perkins' home State of Kentucky—despite all its poor areas—exercised discretion and served only 6 percent of free meals in schools designated to receive the 50-cent rate. So it held its average cash payment to the Federal allotment of 40 cents. Why in the world should Kentucky now receive less favored treatment than New York, New Jersey, Rhode Island, and Maryland?

The Senate amendment I am describing would "hold harmless" those States which in 1973 had an average cash payment for free lunches in excess of the new 45-cent minimum. In short, only those four States I have mentioned. The amendment would say that the average rate of cash reimbursement for free and reduced-cost lunches would never be less than the rate in fiscal 1973. Since under the amended act the rate would be 45 cents, only those four States with a 1973 rate of above 45 cents would benefit by this amendment. Moreover, these four States would receive the higher rate forever while the remaining States would receive only the new 45-cent average.

There is not any way to justify this kind of legislation. It is clearly inequitable and wrong in principle. So, I strongly urge that the House reject the Senate amendment.

Mr. PERKINS. Mr. Speaker, I yield 10 minutes to the distinguished gentleman from Washington (Mr. Meeds).

Mr. MEEDS. Mr. Speaker, the gentleman from Minnesota pointed out that at least it was his interpretation some of these States have taken undue advantage of the especially needy sections of the bill. I think two points ought to be made here.

First of all, New York State, which is a heavy loser in the interpretation of the department, is in the top 10 percent of the State contributors to the school lunch program. New York State provides 50 percent more for its free lunches than the gentleman's own State of Minnesota, which only provides 1.4 cents per meal. So I think it is rather unfair to describe what has happened with these especially needy sections as taking undue advantage. This may be. But one cannot say so with certainty.

If the gentleman from Minnesota were saying let us take a look at this and find out if this is what is happening and close this loophole, if that is what is happening, then I would agree with him. Indeed I think we ought to take a look at this and compare these especially needy schools in these States with what might be the same in other States.

But the facts we are faced with now are school lunch programs have been commenced for the year; budgets have been drawn and the effect of the interpretation of the gentlemen of the department would be to deprive the State of New York of $1.8 million, the State of New Jersey of some $260,000; and in a tightly run school lunch program and in a time of soaring food prices this can be a body blow to a good school lunch program in any one of those States.

Further I would like to point out that if we assume the gentleman from Minnesota is correct and that this gaping loophole exists, then the amendment offered by the gentleman in the other body, Senator Javits, has closed this loophole that the gentleman is talking about, because it has put the hold harmless agreement in, and with the present interpretation of the department, that constitutes a total closing of this loophole for this fiscal year.

So I would join the gentleman from Minnesota in saying to this House that I think we should look into it. I think we should look into it this year. And if this is, indeed, a loophole, then we ought to plug it, because I feel much the same as the gentleman from Minnesota does, I do not think it should be let go longer than a year. But to cut it off without really knowing what is going to happen, to cut it off in the middle of the school lunch program, and with the uncertainty that we cannot agree with the Senate and then go back into the old program where all of the schools in the Nation will suffer, I cannot go along to that extent.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MEEDS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, does the gentleman from Washington not agree that the Senator from New York was well aware of the fact that the school year had started when he offered his amendment?

Mr. MEEDS. Yes. The amendment of the Senator from New York, however, is corrective to a poor interpretation by the Department.

Mr. GROSS. That is a matter of some discussion.

Mr. MEEDS. We might have differences on that.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. MEEDS. I yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Speaker, I thank the gentleman from Washington for yielding to me.

I just wanted to say, Mr. Speaker, that this legislation does correct a loophole. Every State now will be able to have an average of 45 cents per free lunch that is suggested. They can now go up to 60 cents to the special needy, but they will have to take it from some other place in the State, they cannot make their decision and then have the Federal Government automatically pay what they decide.

Mr. MEEDS. And that is the thrust of the old law which we will have to go back to if this bill is beaten, and we cannot get an agreement with the other body.

Mr. QUIE. We have already adopted the conference report. Go over to the other body and count the number of Senators over there. I cannot see the other States will ever permit the legislation to die when the schools are standing out there ready to receive this money, and pay for the lunches and help the children out, because of four States that want more money than the other States get, and that they want the other States to pay for them.

If these four States, for instance, were to have an extremely difficult problem, or assume, say, that one of them was Alaska, and that we said we should study because of the high costs, that would be a different situation, but that is not the case with the States of New York, New Jersey, Rhode Island and Maryland; they want to have more money.

Mr. MEEDS. I am saying that these four States based their budgets under what the status of the law was at that time. I think they are entitled to be held harmless for this year. And that is the sole question before this body right now.

If the gentleman from Minnesota is saying that we should look into it, then I agree with the gentleman, and indeed maybe we ought to change it in the future. But the question is, right now, whether those four States are going to be held harmless under the circumstances existing at this time.

And I submit that what I have said with regard to the preparation of their budgets and with regard to the uncertainty if we have to go back to the other body, that 1 year does not make that difference.

Mr. QUIE. If the gentleman will yield further, I suggest that the gentleman from Washington has made one point, and that is that I would not be standing up here opposing it for 1 year. Because, as I said to the Senator from New York, that if they want a hold harmless for just 1 year I would not object. And I said to the gentleman from Kentucky, if we can change this so that they are held

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harmless for 1 year, then I would not object, but this is hold harmless in perpetuity. If one will look at the legislative intent from the colloquy between the Senator from Alabama (Mr. ALLEN) and the Senator from New York on the amendment, the gentleman will find it was intended to be in perpetuity.

Mr. MEEDS. I am not the sponsor of the amendment, and I cannot interpet their intent. If the gentleman had agreed with me the other day in colloquy we would not be in the position we are in now, and we would be in a much better position to get back into this program.

As far as I am personally concerned, I would say that it is only for 1 year. I would say we ought to go back and see about it, and I believe we ought to go back, and, if, indeed, there is a loophole that the gentleman says there is, we would step in. I cannot say that it is that.

Mr. QUIE. I would say, if the gentleman will yield further, the way to take care of that is to vote down the Senate amendment and let them put in a 1-year provision, if that is what they want.

Mr. MEEDS. If we vote down the Senate amendment, we are then left with the uncertainty that may leave all of the schools in this Nation in terrible condition.

Mr. QUIE. If the gentleman will yield on that, the other body has some responsibility here.

Mr. PERKINS. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Speaker, we are in an unusual situation which, I must say, I do not like to find myself in, and I do not think the House ought to find itself in. We have adopted the conference report. A part of what we did when we adopted the conference report was then the adoption of certain amendments in disagreement, amendments that came in disagreement because they were outside the purview of the conference report.

What the House did when it adopted those amendments was then to send it back to the Senate, and the Senate, by coming in through the back door, has amended a House amendment to a Senate amendment and sent it back here for us to either reject or accept. It is the Javits amendment offered by the gentleman from New York affecting four States, holding harmless those four States, because of the action of the report on this bill which closes a loophole.

In all honesty I do not comprehend, nor do I understand, nor do I really believe it is right for this House to fall over and play dead to an amendment that is so special, to an amendment that is wrong, to an amendment that says 46 States should pick up the tab for what 4 States have been doing historically, and that is the substance of the issue that is before us today.

Why should Wisconsin, which has an average free meal price of 40 cents, which did not go up to the 45 cents, pay for the additional funds that have come in through the State of New York, New Jersey, Maryland, and Rhode Island, where they had an average of 45 cents-plus?

The conference report, as the Members of this body will remember when we adopted it, said that each State may now have an average 45 cents free meal. Those four States in fiscal year 1973, because of an open-ended piece of legislation that allowed them to make some judgments about how many needy schools they would pick, had an average cost above that 45-cent level that is contained in this bill. So the issue that this House faces today is whether we should allow the other body to whipsaw us by coming in at the very last moment on a matter that was not in the conference, but was allowed to come into this conference because of the use of amendments in disagreement, and to force us—or so they think—to pick up the tab for four States, rather than attempting to equalize, as this bill does.

I would say to the Members quite honestly that this House today ought to follow the advice of the gentleman from Minnesota. We ought to reject the Senate amendment, send it back to the other body, and then let that body make a decision. Will they then recede, as I hope they would, or will they send back to us another amendment to provide only a 1-year period of time, in light of what the gentleman from Washington has said? I, frankly, think that we would not object to a simple 1-year period, but to do it forever is dead wrong, and I hope the House rejects this amendment.

Mr. CHARLES H. WILSON of California. Mr. Speaker, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from California.

Mr. CHARLES H. WILSON of California. I am very impressed by the statement made by the gentleman from Wisconsin and the gentleman from Minnesota. It seems to me that there is no emergency on this thing. The distinguished chairman of the Committee on Armed Services has already, as a result of the action taken yesterday, stated that we might be here until Thanksgiving.

I think we ought to reject the Javits amendment and not let the Senate do what they have done to us, but to do the thing properly and not subsidize the four States.

Mr. STEIGER of Wisconsin. I am grateful to the gentleman from California. He is absolutely right.

Mr. Speaker, I urge rejection of the amendment.

Mr. PERKINS. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. PEYSER).

Mr. PEYSER. Mr. Speaker, it seems to me the argument right now of whether we should be giving in to the other body or not is absolutely not to the point at all.

We are talking about school lunches for children. Specifically, we are talking about school lunches for the specially needy. Nobody has really spoken about the specially needy. The specially needy falls into a special category of schools where the majority of children, in excess of 75 percent, are at the poverty level or below, and where they really must have school lunches. For many of them it is the primary meal, if not the only meal of the day.

I think it is important to recognize that no State loses one penny of money if this conference report is agreed to. Nobody is going to take a deduction.

I have heard it mentioned that some States would be paying for other States to receive additional money under this bill. Everybody pays taxes, and if we used this criteria across the board and started measuring the taxes that one State pays, as against the benefits that that State receives, we would never be able to pass effective legislation. Under this bill, no State loses money.

There are many children in the specially needy category. In New York State alone there are over half a million children who fall into the specially needy formula. For us to take money away from them at this time just does not make good sense to me.

To stand on the argument that the other body has violated a parliamentary procedure of ours, I do not think makes sense. We can argue those cases, if we want, on other bills; but I certainly ask that we pass this conference report and include the children in the specially needy category in these four States.

Mr. PERKINS. I yield myself 1 minute.

Mr. Speaker, the gentleman from Minnesota (Mr. QUIE) stated that the amendment would extend into the future, and he is correct, the way I read the amendment. But sometime this year it is the intent of the committee to make sure that this extra consideration, this special consideration, does not go beyond 1 year. At this time however, in the interest of the overall program, I felt that we should concur with the amendment. Under present law, last year these four States were reimbursed at a rate in excess of 45 cents. They have planned and budgeted at least this amount, and I feel we should not now undertake to curtail their school lunch programs even though it is going to cost an extra $2.4 million. This amount will not come from the other States.

I feel we should go along and concur in the Senate amendment.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Speaker, I will say to the gentleman that if we wait, there are always ways to delay legislation and prevent it from coming out. We can take care of it right now by voting down the Senate amendment. Then we have this under control. It is before us now and we can vote on it right now.

Mr. PERKINS. Let me state to the gentleman that the authority existed in the Secretary under the present law to make these extra payments and in good faith those States relied on the amount they would receive during this current school lunch year. I feel we should go along for this 1 year.

Mr. QUIE. If the gentleman will yield further, the law prior to this amendment provided that the schools would ask the State education agency, and if that State

agency approved, as they did in the State of New York, the Secretary could not turn it down. So they put 68 percent of their free lunches under it, compared to 6 percent in the gentleman's State.

Mr. PERKINS. Yes, but that was in accordance with the law at the time.

Mr. QUIE. The old law tied the Secretary's hands. He could not keep those States under control. This legislation comes in, and now the Senate is trying to preserve the inequity.

Mr. PERKINS. Mr. Speaker, I would not consider it trying to preserve the inequity. I feel we are trying to do justice here. The amounts necessary to meet the hold harmless provision will not be taken from other States.

Mr. Speaker, I feel we should concur with the amendment.

Mr. ST GERMAIN. Mr. Speaker, the passage of this hold harmless provision is only fair and just. The clear intent of the Congress, the whole purpose of this bill, is to provide more assistance—not less assistance—to the States for the school lunch program. It would be a travesty to pass a bill that might be interpreted to result in fewer funds going to some States, including Rhode Island, under section 11. The overriding intent of the Congress would be frustrated. We are acting on this bill, because of the proven and acknowledged need for an increase in Federal subsidies for school lunches. We are all aware of the sharp increases in food costs. There is no need for me to linger on that point. I am sure that my colleagues in the House do not wish to penalize four States and put those four States in the position of suffering a reduction of funds instead of an increase.

But the existing language needs clarification so that this possibility is plainly excluded. The amendment before us is necessary to guarantee that there is no misunderstanding to the detriment of New York, New Jersey, Maryland, and Rhode Island.

The Senate approved this change without objection, and I ask my colleagues in the House to recognize the equity of the situation and approve this amendment.

Mr. RODINO. Mr. Speaker, I rise in strong support of the Senate amendment to the conference report on the school lunch amendments bill, H.R. 9639. It is extremely vital to my State of New Jersey and three other States which have been providing essential additional funding, with Federal reimbursement, for lunches in especially needy schools. In New Jersey, it is estimated that some 88,000–90,000 children may be adversely affected without approval of this amendment.

At first glance, it would appear that the provisions agreed upon by the conferees would simply increase the Federal reimbursement level, which no one would dispute is necessary to prevent a severe financial crisis due to the unprecedented rise in food costs. The conference report provides for funds to be apportioned on a performance basis, with each State receiving a minimum of 45 cents times the number of free lunches provided. This is an increase of 5 cents over the minimum free reimbursement last year of 40 cents.

However, in New Jersey, New York, Rhode Island and Maryland—States with extreme concentrations of especially needy children—it was impossible to provide the necessary school lunches for 40 cents. Under the previous act, it was possible to apply for additional funds. New Jersey did so, and the overall average reimbursement rate was 45.8 cents. So it is obvious that the bill, unless we accept the Senate amendment, by changing the method of payment to a uniform, average system throughout the country, will mean that New Jersey, and the other States involved, will actually receive less money than they have been receiving.

Mr. Speaker, this is certainly not the intent of the legislation, and I strongly urge adoption of the Senate amendment in the interest of justice, equity and humanity.

Mr. PERKINS. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER. The question is on the motion offered by the gentleman from Kentucky (Mr. PERKINS).

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. PERKINS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 145, nays 218, not voting 71, as follows:

[Roll No. 542]

YEAS—145

Abzug
Adama
Addabbo
Anderson, Calif.
Annunzio
Badillo
Barrett
Bauman
Bennett
Bingham
Bolling
Brademas
Brasco
Breckinridge
Brown, Calif.
Burke, Mass.
Burton
Carey, N.Y.
Carter
Chisholm
Clay
Collins, Ill.
Conable
Conte
Conyers
Corman
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
Delaney
Dellums
Denholm
Dent
Digga
Donohue
Drinan
Dulski
Duncan
Eckhardt
Edwards, Calif.
Eilberg
Evana, Colo.
Fascell
Fish
Flood
Foley
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Froehlich
Gilman
Green, Pa.
Gude
Hanley
Hanna
Hansen, Wash.
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hogan
Holt
Holtzman
Horton
Howard
Hunt
Jones, Ala.
Jordan
Karth
Kastenmeier
Kemp
King
Kluczynski
Koch
Lehman
Lent
Long, Md.
McCormack
McEwen
McFall
Madden
Meeds
Metcalfe
Mezvinsky
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Moorhead, Pa.
Morgan
Mosher
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nichols
Nix
O'Hara
O'Neill
Patten
Pepper
Perkins
Peyser
Pike
Podell
Price, Ill.
Rangel
Reid
Riegle
Rinaldo
Robison, N.Y.
Rodino
Roe
Roncallo, Wyo.
Roncallo, N.Y.
Rosenthal
Rostenkowski
Ryan
St Germain
Sarbanes
Schroeder
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Staggers
Stark
Stokes
Stratton
Stubblefield
Studds
Sullivan
Teague, Tex.
Thompson, N.J.
Waldie
Walsh
Whalen
Widnall
Wilson, Charles, Tex.
Wolff
Wright

NAYS—218

Alexander
Archer
Arends
Armstrong
Ashbrook
Ashley
Aspin
Bafalis
Beard
Bell
Bevill
Biester
Blackburn
Blatnik
Bogga
Boland
Bowen
Bray
Breaux
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Burgener
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Camp
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cochran
Cohen
Collier
Collins, Tex.
Conlan
Cotter
Coughlin
Crane
Cronin
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Wis.
de la Garza
Dennis
Dickinson
du Pont
Edwards, Ala.
Erlenborn
Evins, Tenn.
Findley
Fisher
Flynt
Fountain
Frenzel
Frey
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Goodling
Grasso
Green, Oreg.
Gross
Gubser
Haley
Hamilton
Hanrahan
Hansen, Idaho
Harsha
Harvey
Heinz
Henderson
Hillis
Hinshaw
Holifield
Huber
Hudnut
Hungate
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jonea, Tenn.
Kazen
Keating
Ketchum
Kuykendall
Kyros
Landgrebe
Long, La.
Lott
Lujan
McCloskey
McCollister
McDade
McKinney
McSpadden
Macdonald
Madigan
Mahon
Mailliard
Mallary
Mann
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Melcher
Michel
Milford
Miller
Minshall, Ohio
Mizell
Montgomery
Moorhead, Calif.
Moss
Nelsen
O'Brien
Parris
Passman
Pettis
Pickle
Poage
Powell, Ohio
Preyer
Price, Tex.
Pritchard
Quie
Railsback
Randall
Rarick
Regula
Reuss
Rhodes
Roberts
Robinson, Va.
Rogers
Rose
Roush
Rousselot
Roy
Roybal
Runnels
Ruth
Sarasin
Satterfield
Saylor
Scherle
Schneebeli
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Skubitz
Snyder
Spence
Stanton, J. William
Stanton, James V.
Steed
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stuckey
Symington
Symms
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Thomson, Wis.
Thone
Towell, Nev.
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Ware
White
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Winn
Wyatt
Wylie
Yates
Yatron
Young, Alaska
Young, Ill.
Young, Tex.
Zablocki
Zion

NOT VOTING—71

Abdnor
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Baker
Bergland
Biaggi
Brown, Ohio
Buchanan
Burke, Calif.
Burke, Fla.
Carney, Ohio
Casey, Tex.
Cleveland
Culver
Dellenback
Derwinski
Devine
Dingell
Dorn
Downing
Esch
Eshleman
Flowers
Ford, Gerald R.
Fulton
Ginn
Goldwater
Gray
Griffiths
Grover
Gunter
Guyer
Hammerschmidt
Harrington
Hastings
Hawkins
Hébert
Hicks
Hosmer
Johnson, Pa.
Landrum
Latta
Leggett
Litton
McClory
McKay
Maraziti
Mathis, Ga.
Mills, Ark.
Mink
Myers
Obey
Owens
Patman
Quillen
Rees
Rooney, N.Y.
Rooney, Pa.
Ruppe
Sandman
Talcott
Thornton
Tiernan
Veysey
Wampler
Wyman
Young, Fla.
Young, Ga.
Young, S.C.
Zwach

So the motion was rejected.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Gerald R. Ford.

Mr. Rooney of New York with Mr. Devine.

Mr. Culver with Mr. Derwinski.

Mr. Dingell with Mr. Grover.

Mrs. Griffiths with Mr. Anderson of Illinois.

Mr. Gray with Mr. Esch.

Mr. Rooney of Pennsylvania with Mr. Dellenback.

Mr. Mills of Arkansas with Mr. Eshleman.

Mr. Hicks with Mr. Buchanan.

Mr. Landrum with Mr. Abdnor.

Mr. Leggett with Mr. Johnson of Pennsylvania.

Mr. Carney of Ohio with Mr. Goldwater.

Mrs. Burke of California with Mr. Cleveland.

Mr. Biaggi with Mr. Hosmer.

Mr. Bergland with Mr. Hastings.

Mr. Fulton with Mr. Andrews of North Dakota.

Mr. Ginn with Mr. Latta.

Mrs. Mink with Mr. Maraziti.

Mr. Owens with Mr. Hammerschmidt.

Mr. Rees with Mr. McClory.

Mr. Litton with Mr. Baker.

Mr. Mathis of Georgia with Mr. Myers.

Mr. Flowers with Mr. Guyer.

Mr. Downing with Mr. Brown of Ohio.

Mr. Dorn with Mr. Quillen.

Mr. Casey of Texas with Mr. Ruppe.

Mr. Andrews of North Carolina with Mr. Burke of Florida.

Mr. Gunter with Mr. Talcott.

Mr. Harrington with Mr. Wampler.

Mr. Hawkins with Mr. Thornton.

Mr. Young of Georgia with Mr. Tiernan.

Mr. McKay with Mr. Wyman.

Mr. Sandman with Mr. Young of Florida.

Mr. Zwach with Mr. Young of South Carolina.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION OFFERED BY MR. PERKINS

Mr. PERKINS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Perkins moves that the House disagree to the Senate amendment to the House amendment to Senate amendment No. 5.

The motion was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the matter just considered.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. ARENDS asked and was given permission to address the House for 1 minute.)

Mr. ARENDS. Mr. Speaker, I take this time for the purpose of inquiring of the majority leader as to the program for the following week.

Mr. O'NEILL. If the distinguished acting minority leader will yield, I will be happy to explain.

Mr. ARENDS. I yield to the gentleman.

Mr. O'NEILL. Mr. Speaker, the program for the House of Representatives for the week of October 22, 1973, is as follows:

Monday: Veterans Day recess.

Tuesday: H.R. 10586, use of health maintenance organizations for CHAMPUS program, open rule, 1 hour of debate.

Wednesday: S. 607, lead-base paint, conference report;

H.R. 3927, Environmental Education Act extension, open rule, 1 hour of debate.

Thursday and balance of week: H.R. 10956, emergency medical services, subject to a rule being granted;

H.R. 9456, Drug Abuse Education Act extension, subject to a rule being granted; and

H.R. 10265, audits of the Federal Reserve Board, subject to a rule being granted.

Of course, conference reports may be brought up at any time, and any further program will be announced later.

As the gentleman knows, by resolution that was passed yesterday, when we adjourn today at the conclusion of all business, we adjourn until noon Tuesday next.

Mr. ARENDS. I thank the gentleman.

CONGRESS MUST DEFINE EXECUTIVE PRIVILEGE

(Mr. ERLENBORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ERLENBORN. Mr. Speaker, a U.S. district court yesterday rejected a petition of the Senate Watergate Committee for access to the Presidential tapes. The court ruled that Congress never has granted jurisdiction to the judiciary over questions such as this, although Congress clearly has the power to do so.

Earlier this year, when acting Attorney General Richard Kleindienst testified before the Senate Government Operations Committee, he expressed the administration's view that executive privilege is absolute. His assertion was that no document, no testmony, no evidence whatsoever could be compelled by the Congress or a committee thereof from the executive branch without the acquiescence of the President.

Mr. Speaker, it is impossible for me to believe that this Congress can fail to define and limit executive privilege, and to confer jurisdiction upon the courts to enforce our rights as a coequal branch of Government. If we fail, we will no longer have the right to be considered the equal of either of the other branches.

As I have observed before, our inaction to date has allowed Presidents throughout the years to assert and use this privilege as suits their purpose at the time.

We appear now to be heading toward a constitutional crisis over the question of executive privilege. In assessing relative blame for this impending crisis, much has been said about the actions of President Nixon. I agree that he has gone much too far in his claim of privilege. Furthermore, I have called upon him to comply without further delay with the recent opinion of the circuit court of appeals.

But, Mr. Speaker, we in this Congress must share a large part of the blame. Our failure over the years to come to grips with this problem has been an invitation to this President and to his predecessors to expand the limits of executive privilege.

Let us now move with dispatch to remedy our failure.

While we do so, I hope the President will move to reduce the tensions and avoid a crisis by conforming to the Appeals Court decision. I believe he should release the relevant portions of the tapes to the grand jury and subsequently to the Congress.

RURAL AMERICA HAS BEEN NEGLECTED

(Mr. EVANS of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. EVANS of Colorado. Mr. Speaker, with the exception of Appalachia, the focus of the antipoverty and housing programs of the past decade has been on our cities. The problems of urban areas are deep-seated and critical and well deserve both the attention and the governmental resources that have been directed toward their solution. I have been a consistent and committed supporter of such efforts.

In this same decade, however, rural America has been the beneficiary of more than neglect. Our ignorance of the plight of rural areas is overwhelming; otherwise we would not measure our assistance to these areas in such small coin. For every $6 of Federal housing and community development moneys allocated to our Nation's cities, only $1 has been spent on rural areas. Yet with only 30 percent of the population rural America can lay claim to 44 percent of the country's poverty families and nearly two-thirds of her substandard housing. In rural areas an astounding 1 out of every 7 homes is substandard compared to 1 in 25 in metropolitan centers. Thus, even more than our cities, rural areas suffer from a concentration of poverty and a severe shortage of decent housing. Clearly the search for solutions to urban problems must be extended to the very real needs of rural America as well.

The statistics attest to the inadequacy of current programs. There are 3 million households in nonmetropolitan areas living in dwelling units that lack essential plumbing facilities or are overcrowded. Yet nearly half the Nation's counties—with one-fifth the population—have no public housing program. The Federal Housing Administration insurance assistance programs were responsible from January 1970 through June 1972 for the subsidization of 645,000 units yet only one-fifth of these were in nonmetropolitan areas. The Farmers Home Administration is geared primarily to farm families, operates a dozen major programs in addition to housing and works with limited housing tools wholly inadequate to the needs of many low-income rural families. Furthermore in 1971, only 11.5 percent of all section 502 homeownership interest-subsidy loans, the largest single loan program administered by the FHA, went to families with incomes below $4,000. The fact that income levels are generally lower in rural areas and that they suffer from a scarcity of credits and other essential institutional resources makes it all the more difficult for rural inhabitants to deal with their housing problems.

The Emergency Rural Housing Act of 1973 is designed to fill the enormous gaps left by the inadequacies of existing laws. It aims to make good at last on our national commitment to "a decent home and a suitable living environment for every American family."

The bill would establish an independent single-purpose agency dedicated to the goal of providing minimal housing facilities to residents or would-be residents of rural areas over a 5-year period. The Emergency Rural Housing Administration—ERHA—would be free from the orientations that have hampered HUD and FHA efforts in this area. Hopefully it would be sensitive to the special needs of rural citizens and to the reality of their lower rent-paying capacity and their high proportion of poor and elderly families. At the same time it would have full authority to work with existing agencies and institutions in order to further its legislatively established goals.

The ERHA would have a broad range of flexible tools with which to support its aggressive housing assistance campaign. These mechanisms include homeownership loan subsidies, rehabilitation grants, and rental financing.

The homeownership subsidy is modeled on a plan that has been very effective in the Scandinavian countries. At least 50 percent of the principal amount of the housing loan is amortized over a period of up to 40 years at a low interest rate. The remainder of the loan is secured by a second mortgage and becomes payable and interest bearing when the first mortgage has been repaid or upon the sale or other disposition of the property. The ERHA sets the interest rates in each case within legislative limits. The agency may not require a borrower to pay more than 20 percent of adjusted annual income—as determined by a formula in the legislation—on principal, interest, taxes and insurance, but a borrower could at his option, pay more. Indeed many of our poorly housed citizens are already paying much more than that for inadequate housing.

The bill provides for rehabilitation grants of up to $3,500 to homeowners too poor to participate on the terms of the Scandinavian plan and authorizes a total of $1 billion for them.

While the bill puts a priority on homeownership, it includes rental housing provisions to assist the very poorest families for whom even the homeownership subsidies would be inadequate. It is well to remember that there are nearly a million inadequately housed rural American families with an average rent-paying capacity of $14 a month. The bill authorizes annual contributions contracts through State-chartered rural housing associations, provides 40-year, interest-free financing for the construction of rental units, and authorizes repayments to the Government to the extent that rent collections exceed operating and maintenance costs of the projects. Rents are required to bear a reasonable relationship to the income of those eligible for such assistance and in no case may they exceed 25 percent of adjusted income.

Unlike Farmers Home which is limited to towns of 10,000 population or less, the ERHA would administer its programs in all rural areas and all communities of under 25,000 people—except within SMSA's where the upper population limit would be 10,000.

The field level adjuncts of the ERHA would be the State-chartered rural housing associations. These would function as housing delivery institutions with areawide coverage responsibilities. They would have access to direct Treasury credit, subsidies, and direction provided by the Emergency Rural Housing Administration. The associations would be authorized to determine the eligibility of persons seeking assistance under the act; make homeownership loans and rehabilitation grants; own and operate rental facilities or make loans to and enter into contracts with public and private nonprofit organizations to own and operate such facilities.

The bill provides that each association be controlled by a board of directors, one-half of whose members would be elected by those eligible for assistance under the act; one-sixth to be chosen by those so elected; one-sixth appointed by the Governor; and one-sixth appointed by the ERHA Administrator. Thus the act provides for major input from those it serves while at the same time assuring an important voice for those with some prior experience or expertise in housing, financing, or related areas.

A rural housing investment fund would be established with direct capitalization from the Treasury to finance land acquisition and housing construction. Grant funds and other housing subsidies would be made from direct congressional appropriation. Funding would be generous in the short run but the government would recover much of its investment as loans are repaid and rental income rises. In any case the goal of providing decent housing for rural America cannot be achieved without some expense. I happen to think it is well worth the price.

Let me close, Mr. Speaker, by expressing my hope that we will make a firm commitment to wipe out the legacy left by years of neglect of rural America. The resources required to fulfill that objective are small indeed when one considers that our gross national product is over a trillion dollars. Beyond that, we have proven as a people time and again our capacity for meeting difficult challenges. Only by providing a decent home for every American family will we meet the challenge of poverty in rural America.

A CALL FOR INDIVIDUAL RESPONSIBILITY

(Mr. MILFORD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MILFORD. Mr. Speaker, recently, Prof. Hubert L. C. Matthias—professor of government at the University of Texas at Arlington—published a column in the Fort Worth Star Telegram which I would like to commend to my colleagues

In the professor's sagely worded article, he has raised the questions of our society which are answered by individual responsibility. To elicit such solutions, Professor Matthias has hit on the need to remain flexible, to admit and to correct errors. And he has illuminated the paradoxes of man which find man championing mass causes, but failing to work toward these goals as an individual.

I have found this article to be both timely and interesting and would like to have it appear in the Record:

We Need To Look "Inside"

(By Hubert L. C. Matthias)

A corporate president was quoted recently as saying that only a company that can constantly correct its mistakes will survive. That's what Aristotle said some 2,300 years ago about the self-sufficing society.

History proved him right. The absence of forces of renewal, or the intolerance of any such efforts, in the Roman Church brought on the Reformation. Obviously the Roman Empire hadn't shown the strength to regenerate itself. No longer did moral leadership qualities make a man emperor, but the ruthless use of power and money. The voices of criticism were cowed, forced into suicide or murdered.

Carrying on this disagreeable thought (obviously professors sadistically enjoy saying the unpopular truth) we have to answer the question: Are we so rotten, hypocritical and cynical, such cunning evaders of the truth as are some of those in high office? While I leave it to each one to search his own life, allow me to put our situation in a different perspective.

We in the West seem to have arrived at a level of development of the individual where any means within quite formally conceived limits of legality are acceptable for pursuing one's desire for the "good" life. The good therein is probably more materialistically conceived than ever before. It has mainly to do with gadgets, status and power, and money makes all of them attainable.

In this I see the climax of the development that started in the Greek city states some two-and-a-half millennia ago. Man was a communal being then. He lived wrapped up in his community. Political thinkers saw the state as the individual writ large, so much did the interest of the individual coincide with that of the state.

If the community was victorious and prospered, the citizen prospered. If his state lost out, he and his family might be sold as slaves by their captors.

The Sophists and their critic, Socrates, began to see the beginning of the individual as a separate entity. Socrates was put to death (he was the most unpopular professor ever) because he taught his students, "Take care of your souls." For a decision of right and wrong, he meant, you must look deep into your own soul, never mind what your government tells you. He was one of those mental revolutionaries of whom the Agnews of all times have a paranoiac fear.

Whatever the contribution of the Stoics and other philosophies and religions to the development of the individual, the duality of standards of ethical conduct between people and their governments remained. Government always wants its particular brand of sordidness to be the standard. Those who object are the minority, and are persecuted.

Degrees of this differ, of course. The dangerous moment in the evolution of the individual as an entity separate from his community arrives when the pursuit of money, status and power has severed him in his personal cravings from all inner connections with his community, and when there aren't enough people left who agree on what "isn't done."

Then government starts to impose its standards on the people and begins to prevent dissenters from publicly dissenting

The balance between the individual and his community has given way. The pendulum has reached the opposite extreme from the communal being of the Greek city state. The individual sees nothing worthwhile beyond the pursuit of his individual desires. He finds himself deprived of moral leadership as the elites seek wealth or power or both. Through their bad examples the atmosphere deteriorates further.

Some of our students, working the summer months in defense industries, have been ostracized by older workers because the youngsters, in their enthusiasm, want to give a full day's work for a full day's pay, and reject a slow-down at the expense of the taxpayer.

Professors start to sign their names to false statements about committee meetings that never took place, and join the hypocrites. Administrators and bureaucrats revel in intolerance and insensitivity, and the people at large don't care about anything but their own gratification.

Police pay more attention to victimless crimes, perhaps because that gets them better publicity, than to robberies and rapes. The streets are unsafe and the people are fearful.

Each acts as if he were alone in the world. The fisherman throws his empty beer can wherever it suits him, though the evening before he may have attended an ecological meeting to stop the construction of the Alaskan pipeline.

When the news media ask us to conserve fuel, drive only 60 m.p.h. and not use our air conditioners, one out of 20, perhaps, cooperates. The others couldn't care less.

It seems to me that on the long road from the Athenian community being to the modern ego-centric, self-seeking individual we didn't stop to think where the point of balance lies, the mean between extremes which, according to the Greeks, is always the best.

Perhaps our youngsters aren't so wrong in wanting to live for a while in a commune where everybody shares the cost of everything and the pernicious chase of the buck is left behind. Maybe they respond to an inner need that our a-communal individualism no longer satisfies.

Political scientists debate whether the end of ideology is upon us, whether total secularization has made us a valueless society.

I do not believe this. We are struggling to overcome crises which this country has not known before in such diversity of afflictions. Nobody has the patent solution, but each can contribute to the communal regeneration by critically relating what is happening to his own life.

The spirit of the individual, not the letter of the law, must make the difference. While he pursues his goals as an individual, he must again become conscious that his own fulfillment, if gained at the expense of his community, destroys the very foundation that sustains his individuality.

BILL ALLOWS FOR AUDIT OF FEDERAL RESERVE SYSTEM

(Mr. ASHLEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ASHLEY. Mr. Speaker, the House schedule for next week includes consideration of H.R. 10265, a bill reported by the House Committee on Banking and Currency which provides for an audit of the Federal Reserve System by the General Accounting Office.

While I support that portion of H.R. 10265 which authorizes a financial audit of the Fed to make sure that funds are properly accounted for, that adequate control procedures exist, and that the Fed's resources are employed economically and efficiently, I share the opposition of other members of our committee to the additional authority that would authorize a GAO evaluation of Federal Reserve monetary policymaking. When the bill is considered next week, I intend to offer, with the support of my colleague from Ohio, Mr. J. William Stanton, an amendment that would specifically preclude an evaluation of monetary policymaking by the General Accounting Office. I am pleased to say that this position and course of action have widespread support and backing, including that of every living ex-Secretary of the Treasury, Democrat and Republican alike.

The expression of their support is set forth in the following letter which was directed to the Speaker of the House of Representatives:

October 18, 1973.

The Honorable Carl Albert,
The Speaker of the House of Representatives,
Washington, D.C.

Dear Mr. Speaker: We are writing to express our deep concern about the provisions of H.R. 10265 relating to a GAO audit of the Federal Reserve System.

If H.R. 10265 merely prescribed a financial audit, we would not be seriously troubled. But the bill reported to the House would go much further, authorizing GAO to evaluate monetary policymaking. It would encroach upon the independence of the monetary authorities, weakening the safeguards Congress has established to assure objective decisions in the critical area of money and credit policies.

The Federal Reserve reports to the Congress, and particularly to the Committees on Banking and Currency, Ways and Means, Finance, and the Joint Economic Committee. In exercising its oversight responsibilities, Congress receives a steady flow of authoritative information directly from the Federal Reserve, including candid testimony from its Chairman. As former Secretaries of the Treasury, we see no need, and considerable potential for trouble, in asking the Comptroller General to engage the services of consultants—as yet unidentified—to second-guess decisionmaking by the responsible monetary authorities.

In a comparable situation in 1970, Congress provided for a GAO audit of the Exchange Stabilization Fund, but limited the scope of the audit. We believe the provisions for audit of the Exchange Stabilization Fund could serve as a useful model for a GAO audit of the Federal Reserve. We understand that Mr. Ashley will offer an amendment to accomplish that purpose, and we commend it to the attention of the House.

We are submitting a copy of this letter to the Minority Leader for his information.

Respectfully,

John W. Snyder, Robert B. Anderson, C. Douglas Dillon, Henry H. Fowler, Joseph W. Barr, David M. Kennedy, John B. Connally.

THE NAVY SENDS A SHIP AND 19 MEN TO TUNISIA

(Mr. DAVIS of South Carolina asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. DAVIS of South Carolina. Mr. Speaker, I take this opportunity to arise and inform the House of something that I consider very tragic. It is something that I believe shows the total lack of compassion of our country at this time.

I speak today of a transaction between this country and another which may very well prove to be a stab in the back to the State of Israel, one of our closest allies, and a country which is fighting at the present time for its very existence.

I am speaking of the sale by the United States of the destroyer escort *Thomas J. Gary* to Tunisia. The U.S.S. *Gary* sailed from Charleston, S.C. in my home district on October 5 and is due to arrive in Tunisia on October 19. As matters now stand, it will be transferred to Tunisian command on October 22.

I have been attempting for several days now to have the U.S. Navy, which is still in command of the *Gary*, to put that ship into a friendly port rather than allow her to continue on to her final destination where an announced enemy of Israel will take command of her and make her the flagship of the Tunisian fleet.

My requests have all but fallen on deaf ears in the Navy Department. They did, on the other hand, apparently embarrass the Navy to the point that high officials have been calling almost daily to assure me that Tunisia is not actively involved in the current Mideast war and that the war will not last long and that the *Gary* will not be sailed into a war zone.

The Navy even assured me that they would keep a close watch on the Mideast situation and would halt the *Gary* at Rota, Spain if it appeared the Mideast war was not going to end before October 22.

Two days ago, in fact, the Navy pleaded with me not to make statements critical of the transfer until they had had time to make some decisions. Meanwhile, the *Gary* sailed on.

Today, I was informed by the Navy that the *Gary* will sail on to Tunisia as planned. She will arrive in Bizerte on October 19, and she will be transferred to Tunisian command on October 22.

The dismaying thing about all this, Mr. Speaker, is that not only are we sending Tunisia the ship to become the flagship of their Navy, we are also committing 19 U.S. Navy men to remain in Tunisia to train the Tunisian Navy.

Facts are facts, Mr. Speaker. There is no question that Tunisia is an announced enemy of Israel. She has committed 900 troops to the Arab cause, and they were flown to the Sinai front in Algerian aircraft with the admonition of the President of Tunisia to "Conquer or die!"

The *Gary* is a fighting ship. Tunisia is an announced enemy of Israel. The time has come for us to decide who are our allies and who are not. And when we have made that decision, I suggest that we in the Congress take the opportunity to inform the Navy of that decision so that the Navy may conduct itself accordingly.

SOCIAL SERVICES AMENDMENTS OF 1973

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. Rostenkowski) is recognized for 10 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, on Tuesday, October 16, 1973, Mr. Corman, of California, introduced H.R. 10920, the Social Services Amendments of 1973. As one of the six members of the House Ways and Means Committee to cosponsor this much-needed piece of legislation, I would like to congratulate both my colleague from California (Mr. Corman) as well as the chief sponsor in the other House, Senator Mondale, for their energies on this matter. They have patiently but persistently developed a workable and effective plan for administering the existing social service programs in order that the original intent of Congress in establishing these programs might best be carried out. I do believe that this legislation adequately meets the chief objections raised against the latest proposed HEW regulations while at the same time, maintains the budgetary ceiling enacted by the Congress last year.

Since the key elements of H.R. 10920 were quite clearly enunciated by Mr. Corman at the time of introduction of this legislation in the House last Tuesday—page 34383—and by Senator Mondale when he introduced a similar bill on the Senate side—October 3, 1973, S. 2528; page 32665—I shall not dwell on that particular aspect of this matter. However, I would like to take this opportunity to point out just some of the many objections raised by my Chicago constituency to the latest regulations. It was because of these specific objections and many others like them, that I joined in the sponsorship of this important and timely legislation.

I would like to insert in the Record at this point, some of the correspondence that I have received in recent weeks as I feel that it clearly articulates some of the potential problems that seem to be inherent in HEW's latest proposed regulations—problems that led to the introduction of H.R. 10920:

City of Chicago
Richard J. Daley, Mayor
October 15, 1973.

Hon. Dan D. Rostenkowski,
U.S. House of Representatives, Washington, D.C.

Dear Congressman Rostenkowski: I wish to share with you my comments on the revised social service rules published by the Department of Health, Education and Welfare on September 10th. Although the revisions are an improvement over those published February 16th, May 1st, and June 1st, they still do not deal adequately with the basic issue of criteria of eligibility for services, program goals, and the state's authority to define service priorities.

I would appreciate your consideration of these comments and hopefully enlist your support in bringing about additional modifications of the proposed regulations.

Sincerely,

Mrs. Murrell Syler,
Administrative Assistant to the Mayor.

City of Chicago
Richard J. Daley, Mayor
October 11, 1973.

Hon. Caspar A. Weinberger,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

Dear Mr. Secretary: I wish to take this opportunity to comment on the proposed social service regulations governing the use of Title IV–A funds, as published in the *Federal Register*, February 16th, and revised May 1st, June 1st, and September 10th, 1973. In Chicago, we find that the regulations are still such that they prohibit the providing of essential social services to individuals and families for whom the social services programs were designed. Although the most recent revision does relax the eligibility requirements, we are still concerned that there are needy families which will be ineligible for basic social services, such as day care. The regulations are still too oriented to financial assistance for eligibility and tend to discourage people from striving to become or retain self-sufficiency.

1. SECTION 221.7(1) DETERMINATION AND REDETERMINATION OF ELIGIBILITY FOR SERVICES

This section which requires that the family or individual be determined currently or potentially eligible for financial assistance raises question about the eligibility for social services for most low income, intact, two parent families. In Illinois and other states, families headed by able-bodied males are generally considered as ineligible for financial assistance. In Illinois, the only eligible families are those where the male head of the household is incapacitated or unemployable due to lack of marketable skills.

Since this is the case, then, two parent, low income families where both parents are working in order to earn enough to buy the food, shelter and clothing their families need for a minimal standard of decency, will be deprived of services, regardless of their income classification as poor or near poor if this regulation goes into effect.

Two parent families, where the mothers are working and earning a small income to help their husbands keep their families financially stable, may be forced to quit their jobs if they are deprived of free or partially subsidized day care. The unskilled fathers who are enrolled in schools or job-training may be forced to drop out and may be prevented from increasing their earning capacity and thus keep their families out of the ranks of poverty. The combined incomes of most of these families averages between $5,000 and $7,000 annually.

In Chicago, there are about 70,180 (1970 census data) working mothers with children under six years of age. Of this number, 50,846 of these working mothers have husbands in the home and only 19,334 are female heads of household.

Additionally, we have 66 day care centers in Chicago which are either totally or partially supported by Title IV–A funds. There are approximately 6,000 children enrolled in these centers. At least 25 percent are from two parent, low income families and can therefore not meet the eligibility criteria as "recipients of financial assistance" so long as their families remain intact. We, therefore, contend that the two parent, intact families need these social services as much as those families headed by one female parent.

2. SECTION 221.8 SERVICES TO ADDITIONAL FAMILIES AND INDIVIDUALS

We accept the need to use some type of income criteria to determine that families and individuals are eligible for social services, but we feel that the use of the state's financial assistance payment standard is an unreliable index of need for social services to prevent dependency on financial assistance.

For example, the proposed regulations require payment on a sliding scale for families at the "lower" standard of living and some who are below this standard. No day care is provided for families just above the "lower" status. This system of determining eligibility tends to prohibit families from moving upward towards affording the total cost of day care.

We propose, instead, that the Bureau of Labor Statistics, Cost of Living Indexes be used to establish income criteria. For instance, the financial base for day care services should be on the geographically adjusted income needed to maintain "lower" standards of living by area and adjusted for cost of living increases by areas.

Determination of eligibility for free day care on a graduated fee scale could be easily developed by each state using this data.

3. SECTION 221.8 PROGRAM CONTROL AND COORDINATION

The goal for social services should include, "to maintain, strengthen family life, foster child development and achieve permanent and adequate compensated employment."

4. SECTION 221.9 DEFINITION OF SERVICES

Day care is an essential service to strengthening family life by enabling families to obtain financial independence. We, therefore, strongly urge that day care be restored as a mandatory service under the family services program.

5. SECTION 221.55 LIMITATION ON THE TOTAL AMOUNT OF FEDERAL FUNDS PAYABLE TO THE STATE FOR SERVICES

The provisions under (c) of this section, that funds be allocated to the states on the basis of their percentage of national population does not deal with the varying levels of poverty which exist at the state level. Therefore, we propose that the formula for state fund apportionment take into consideration the additional factor of the state's proportion of the nation's poor.

Finally, I strongly urge that more, not fewer, services be provided to the marginal income families and individuals to assure their movement towards self-sufficiency and that once this status is obtained, they are enabled to sustain their independence. We learned, for instance, during our recent study on the cost of day care in Chicago, that it cost nearly 250 percent more to support families on public assistance, than to pay the full cost of day care so mothers can work. The average cost per family for day care was less than $2,000 per year, while the average cost for public aid per family was over $4,200 per year or the difference of about $2,200 more per year for public aid per family than for child care. Over 71 percent of the families utilizing day care services supported by Title IV–A funds indicated that they would require public assistance if publicly supported day care was not possible.

I, therefore, urge that further revision of the social service regulations be given serious consideration so that they ensure the proper delivery of the essential supportive social services.

Sincerely,

Mrs. Murrell Syler,
Administrative Assistant to the Mayor.

XUM

Chicago Community Coordinated
Child Care Committee,
Chicago, Ill., October 2, 1973.
Hon. Dan Rostenkowski,
U.S. House of Representatives,
Washington, D.C.

Dear Sir: In response to the public outcry to the proposed Health, Education and Welfare regulations for the use of Title IV–A funds, I have sent the attached letter to Secretary Weinberger on behalf of the Chicago Community Coordinated Child Care Committee Title IV–A Planning Subcommittee, of which I am Chairman. Because the latest revision, published in the Federal Register September 10, 1973, still does not deal with the fundamental problems inherent in the proposed regulations, which are planned to go into effect November first, I am asking your support in seeking to have these regulations changed.

In brief, the main concerns indicated in that letter are as follows:

Allocation among states of available funds should be based not only on each state's percentage of the nation's total population, but also on its proportion of the nation's poor.

The states' financial assistance payment standards should not be used as a base for calculating service eligibility. We recommend basing service provision on Bureau of Labor Statistics standard of living estimates for each area, as adjusted yearly for cost of living change. Services would be free for those earning less than the BLS's estimate of the income needed to maintain a "lower" standard of living in each area, and would be available on a sliding fee scale to those earning up to the midway point between this amount and the BLS estimate of the income needed to maintain an "intermediate" standard of living.

The requirement that to be eligible for services families must have problems that would lead to dependency under Title IV–A should be modified to make it clear that two-parent homes with marginal financial resources would be eligible for services, as well as single-parent households with incomes qualifying them to receive public assistance.

All redetermination of eligibility and withdrawal of services should take place for each separate case no less than one (1) year after the previous determination that such a present or past recipient was eligible for services.

Determination of eligibility for services should be performed not by the state agency, but by the local service agency in the neighborhood where the service is to be provided, to minimize administrative bottlenecks and improve service delivery.

We hope that upon consideration of the above points, you will concur with our reservations concerning the proposed regulations. We urge you to give this matter the attention which its gravity demands, and to do all you can to see that our suggestions or similar corrective measures are implemented.

Sincerely,

Denton J. Brooks, Jr.,
Commissioner,
Department of Human Resources.

NIXON REAFFIRMS U.N. RESOLUTION 242

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. Findley) is recognized for 5 minutes.

Mr. FINDLEY. Mr. Speaker, President Richard Nixon today told us that the United States intends to "carry out the provisions of U.N. Resolution 242 in the Middle East."

U.N. Resolution 242 was passed unanimously by the Security Council after the Six Day War in 1967. It calls for:

> Withdrawal of Israeli armed forces from territories occupied in the recent conflict [Six Day War];
>
> The right to live in peace within secure and recognized boundaries;
>
> Guaranteeing freedom of navigation through international waterways; and
>
> A just settlement of the refugee problem.

Yesterday, in a speech on the floor of the House of Representatives, I called upon the United States to reaffirm clearly its support for U.N. Resolution 242.

At the White House today, I stated to the President that the primary thing which concerns the Arabs is that much of their territory has been occupied by Israel ever since the 6-day war.

The President said, "I know that." He reminded me that he had been to most of the Arab countries, as well as to Israel, and assured me that "the Middle East is going to work out all right. Don't worry about it."

Then the President restated U.S. support for U.N. Resolution 242.

The statement the President made to me today, and which he authorized me to quote directly, represents the first time in many months, and certainly since the outbreak of the current hostilities, our Government has restated clearly and publicly its support for the U.N. policy we helped to forge almost 6 years ago.

Nothing which the United States could say or do could help more to bring a rapid halt to the fighting in the Middle East. The primary, perhaps the only, reason the Arabs began this latest offensive was to recover the territories they lost in 1967.

The Israelis have steadfastly refused to return occupied lands and instead have begun moving Israeli settlers into oil-rich Arab lands. As this has occurred, U.S. references to the return of occupied lands have become infrequent and muted.

Today, President Nixon has once again restated this principle as essential to peace in the Middle East. As soon as the fighting can be stopped, hopefully Israel and the Arab States will seize upon this initiative and require that each side live up to the requirements of the 1967 U.N. resolution.

I was at the White House to present the new Princess Soya, Miss Christy Carter from Eldred, Ill., to the President.

ELECTION REFORM

The SPEAKER. Under a previous order of the House, the gentleman from Minnesota (Mr. Frenzel) is recognized for 5 minutes.

Mr. FRENZEL. Mr. Speaker, today I have introduced an election reform bill in which some Members may be interested. While it is not identical to the recommendation of the Republican Task Force on Election Reform published in this Record on pages 27038–47 of July 31, it does follow most of those proposals. Most importantly, it does contain that task force's most significant recommendation—the prohibition of "pooled contributions" except through political party groups, unless the original contribution has specifically designated the recipient.

The idea of this feature is to encourage individual political participation, to increase party responsibility, and to reduce the influence of special interests which collect money from many people and dispense it to political candidates on the basis of decisions of a few people.

The other principal feature of the bill is the creation of a Federal Elections Commission to assume supervisory duties now vested in three offices, the GAO, the Secretary of the Senate, and the Clerk of the House. The Republican Elections Task Force made this FEC its first recommendation, but it did not recommend the prosecution powers which are included in this bill.

The bill limits contributions by individuals to $5,000 per congressional election and $25,000 for a Presidential election. Expenditures are limited to 25 cents per eligible voter, or $150,000, whichever is larger, and the present media maximums are maintained.

Cash contributions are limited to $100. Checks drawn on foreign banks are prohibited. "Earmarked" contributions, permitted to political parties, are forbidden unless the original contributor is identified, and reported by the recipient.

Mr. Speaker, my bill is one of many on the subject of election reform. I hope some of its ideas will find their way into whatever election bill the House passes.

In any case, this House must pass an election reform bill this year. It is my hope the Elections Subcommittee of House Administration will accelerate its schedule, and increase its efforts to produce a bill in the next few weeks.

EULOGIES TO THE LIFE AND WORKS OF LUDWIG VON MISES

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. Kemp) is recognized for 15 minutes.

Mr. KEMP. Mr. Speaker, it was said of Ludwig van Beethoven that—

> No man dies who leaves behind him works that live.

It is in this spirit and in the deepest of admiration and respect that we eulogize today the life and works of Professor Ludwig von Mises, an intellectual giant whose unfailing devotion to libertarian principles served as the inspiration for an entire school of economic thought and whose unceasing efforts to bring economic policies into harmony with the realities of human action will stand collectively as a triumph of genius in an age not devoid of great thinkers.

Professor Mises imparted truth—not theory, not ideas unbased in demonstrable fact. He was a realist par excellence. He thought, wrote, and spoke of human experience and its impact upon, and relationship to, economic systems. He brought to bear with full force in his

teachings and classic works an understanding of, and appreciation for, the history of economic theories and their various applications unparalleled among modern analysts. In an "In Memoriam" feature within the pages of the Wall Street Journal of Friday, October 12, my good friend, Dr. William H. Peterson, a New York University faculty member who formerly served on that illustrious staff with Professor Mises, summarized the force of Mises' thinking upon several generations of economists, as follows:

In Memoriam

Professor von Mises * * * was an uncompromising rationalist and one of the world's great thinkers. He built his philosophical edifice on reason and individualism, on freedom and free enterprise. He started with the premise that man is a whole being with his thought and action tightly integrated into cause and effect—that hence the concept of "economic man," controlled by impersonal force, is in error.

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Mr. von Mises believed in choice. He believed that choosing among options determines all human decisions and hence the entire sphere of human action—a sphere he designated as "praxeology." He held that the types of national economies prevailing across the world and throughout history were simply the various means intellectually, if not always appropriately, chosen to achieve certain ends.

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His litmus test was the extent of the market; accordingly, he distinguished broadly among three types of economies; capitalism, socialism, and the so-called middle way—interventionism, or government intervention in the marketplace.

A BELIEF IN CHOICE

Mr. von Mises believed in government but in limited, non-interventionistic government. He wrote: "In stark reality, peaceful social cooperation is impossible if no provision is made for violent prevention and suppression of antisocial action on the part of refractory individuals and group of individuals." He believed that while the vast majority of men generally concurs on ends, men very frequently differ on governmental means—sometimes with cataclysmic results, as in the various applications of extreme socialism in fascism and communism or of extreme interventionism in the "mixed economies."

He reasoned that regardless of the type of economy the tough universal economic problem for the individual in both his personal and political capacities is ever to reconcile ends and choose among means, rationally and effectively. Free—i.e., noncoerced—individual choice is the key to personal and societal development if not survival, he argued, and intellectual freedom and development are keys to effective choices. He declared: "Man has only one tool to fight error—reason."

Mr. von Mises thus saw something of an either/or human destiny. While man could destroy himself and civilization, he could also ascend—in a free society, i.e., a free economy—to undreamed-of cultural, intellectual and technological heights. In any event, thought would be decisive. Mr. von Mises believed in the free market of not only goods and services but of ideas as well—in the potential of human intellect.

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The failure of socialism, according to Mr. von Mises, lay in its inherent inability to attain sound "economic calculation," in its denial of sovereignty to the consumer. He argued in his 1922 work, "Socialism," published five years after the Bolshevik Revolution that shook the world, that Marxist economics lacked an effective means for "economic calculation"—i.e., an adequate substitute for the critical resource-allocation function of the market pricing mechanism. Thus is socialism inherently self-condemned to inefficiency if not disorder, unable to effectively register supply and demand forces and consumer preferences in the marketplace.

Socialism must fail at calculation because an effective economy involves the simultaneous decisions of many individual human actors—which creates far too large a task for any central planning board, argued Mr. von Mises.

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He maintained economic interventionism necessarily produces friction whether at home or, as in the cases of foreign aid and international commodity agreements, abroad. What otherwise would be simply the voluntary action of private citizens in the marketplace becomes coercive and politicized intervention when transferred to the public sector. Such intervention breeds more intervention. Animosity and strain if not outright violence become inevitable. Property and contract are weakened. Militancy and revolution are strengthened.

In time, inevitable internal conflicts could be "externalized" into warfare. Mr. von Mises wrote: "In the long run, war and the preservation of the market economy are incompatible. Capitalism is essentially a scheme for peaceful nations. . . . To defeat the aggressors is not enough to make peace durable. The main thing is to discard the ideology that generates war."

Mr. von Mises had no stomach for the idea that a nation could simply deficit-spend its way to prosperity, as advocated by many of Keynes' followers. He held such economic thinking is fallaciously based on governmental "contracyclical policy." This policy calls for budget surpluses in good times and budget deficits in bad times so as to maintain "effective demand" and hence "full employment."

He maintained the formula ignored the political propensity to spend, good times or bad. And it ignored market-sensitive cost-price relationships and especially the proclivity of trade unions and minimum wage laws to price labor out of markets—i.e., into unemployment.

Thus, he held Keynesian theory in practice proceeds through fits of fiscal and monetary expansion and leads to inflation, controls and ultimately stagnation. Further, it results in the swelling of the public sector and shrinking of the private sector—a trend that spells trouble for human liberty.

To be sure, many economists and businessmen have long felt that Mr. von Mises was entirely too adamant, too impolitic, too "pure," too uncompromising with the real world on its terms and assumptions. If that is a fault, Mr. von Mises, was certainly guilty.

But Ludwig von Mises, the antithesis of sycophancy and expediency, the intellectual descendant of the Renaissance, believed in anything but moving with what he regarded as the errors of our times. He sought the eternal verities. He believed in the dignity of the individual, the sanctity of contract, the sovereignty of the consumer, the limitation of state, the efficacy and democracy of the market.

He opposed the planned society, whatever its manifestations. He held that a free society and a free market are inseparable. He gloried in the potential of reason and man. In sum, he stood for principle in the finest tradition of Western civilization. And from that rock of principle, during a long and fruitful life, this titan of our age never budged.

There are lessons to be studiously learned from the professor. They are few, but they are focal:

> Political freedom cannot long exist without economic freedom . . .
>
> The market economy, allocating resources by the free play of supply and demand, is the single economic system compatible with the requirements of personal freedom . . . and . . . is at the same time the most productive supplier of human needs . . .
>
> When government interferes with the work of the market economy, it tends to reduce the moral and physical strength of the nation . . .
>
> When it [government] takes from one man to bestow on another, it diminishes the incentive of the first, the integrity of the second, and the moral autonomy of both.

These ideas have been proved by the events of the mid-20th century to be as true as they were when first stated. Government regulation of, and interference with, the economy—no matter how well intentioned or how well conceived and refined—produces more maladjustments than it corrects. This has always been the case; it always will be. Our national leaders, unfortunately, pay more heed to the perceived exigencies of politics than they do to the realities of history. In the words of Santayana, those who do not learn from history are doomed to repeat it.

But Professor Mises never despaired. He labored untiringly to relay to all those willing to listen the realities of economic life. In his classic works, "Socialism" of 1922, and "Human Action," of 1949, he conveyed his knowledge, all that he had learned and observed, to learned scholars students, commentators, and public leaders. We are to be grateful for these efforts:

> Books are the legacies that a great genius leaves to mankind, which are delivered down from generation to generation, as presents to the posterity of those who are yet unborn.

Few have left a legacy of works as significant as Professor Mises, and a good legacy alleviates the sorrow that men would otherwise more acutely feel at the passing of a great man and an apostle of freedom.

In these times of wage and price controls, increased Government regulation of the economy and the means of production and distribution of goods and services, increased international trade barriers, unparalleled tamperings with monetary policy and money supply, rampant inflation and devaluation, we need to pay closer attention than ever to the alternatives provided through the free market system—the alternatives espoused by Professor Mises. But we, like the professor, must never despair:

> Truth never yet fell dead in the streets; it has such affinity with the soul of man, the seed however broadcast will catch somewhere and produce its hundredfold.

You can, Professor, now rest in peace. It is we, the living, who must toil. And our pledge to you is that we shall.

Mr. ARCHER. Mr. Speaker, I join in tribute to the late Dr. Ludwig von Mises, a man correctly judged as the dean of free market economists.

His classic work "Human Action" was a great economic treatise and a significant defense of freedom in the economic sphere. This book as has been referred to as the most effective answer to Karl

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Marx's "Das Kapital" and John Maynard Keynes' "General Theory of Employment, Interest, and Money." In this treatise, Dr. von Mises with perception and insight defined the proper function of the government in its relation to the economy, discussed the measurement of economic value in a society, analyzed the problem of inflation and the functioning of the monetary system, and thoroughly examined the effect of governmental intervention in the economy. The economist Henry Hazlitt made this comment about this work:

> If any single book can turn the ideological tide that has been running in recent years so heavily toward statism, socialism, and totalitarianism, "Human Action" is that book. It should become the leading text of everyone who believes in freedom, in individualism, and in a free market economy.

The many writings and books of this great scholar remain a permanent tribute. During a time when the United States is experiencing the great problems of governmental intervention in the economy by controls, we need to reflect on the career of Dr. von Mises. We need to follow the guidance he has given us on the superiority of a free market economy over that of a government-controlled economy. The defenders of the free enterprise system have lost an outstanding champion with the death of Dr. Ludwig von Mises.

Mr. SYMMS. Mr. Speaker, today a memorial service is being held in Manhattan for Ludwig von Mises who was one of America's distinguished citizens. To this I wish to add just a few words of my own in tribute to one whose writings served as an inspiration to me as they have to so many others. Professor von Mises was a friend of freedom. His entire adult life was devoted to defending freedom intellectually against those who would destroy it. That his work was formidable can be judged from the fact that it was singled out for special suppression by Adolf Hitler's Nazis. Mises was forced to flee in such haste when his native Austria fell that he was unable to return to his library to recover scholarly manuscripts which were burned by the Nazis. Ludwig von Mises fled to America where he was able to continue his vital work in demonstrating that the freedom of the simple, individual man is key to achieving prosperity and justice in society. The fact that he was able to write and prosper here in America, a Jewish refugee from Nazi persecution, reflects what is best about America. Recently we have heard that the rise to power of one who arrived under similar circumstances proves that greatness of our country. But I doubt it. The fact that a refugee could make his way in America by helping to manipulate power is far less impressive to me than the fact that America became the refuge of one who argued against power. That one refugee could articulate the policy objectives of the U.S. Government and never mention the word "freedom" once does us far less credit than the work of Ludwig von Mises who devoted his life to the defense of freedom. I hope that the Congress will take greater note of his work now that he is dead than they did while he was living.

I join the friends who are gathered in Manhattan today to mourn the passing of one of the great men of this or any time.

GENERAL LEAVE

Mr. KEMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

REPRESENTATIVE BUCHANAN ON THE RHODESIAN CHROME AMENDMENT

The SPEAKER. Under a previous order of the House, the gentleman from Minnesota (Mr. FRASER) is recognized for 5 minutes.

Mr. FRASER. Mr. Speaker, yesterday our distinguished colleague, the gentleman from Alabama (Mr. BUCHANAN) made an extremely valuable contribution to congressional and public understanding of issues involved in the debate over the Rhodesian chrome amendment and U.N. sanctions. In lucid testimony before a joint hearing of the Subcommittee on Africa and the Subcommittee on International Organizations and Movements, he made a convincing case for the political, economic, security, and moral reasons why Congress should pass H.R. 8005 for amending the United Nations Participation Act of 1945 to halt importation of Rhodesian chrome and restore the United States to full compliance with U.N. economic sanctions against the minority regime of Ian Smith.

Mr. BUCHANAN is presently serving with great distinction as a U.S. Delegate to the United Nations General Assembly and is hereby well qualified to comment on the damaging effects of the Rhodesian chrome amendment. He cited the seriously adverse effect that piece of legislation has had on U.S. interests at the U.N., especially in our relations with African countries. He noted the availability of alternative sources of chrome and ferrochrome for U.S. industry, and warned against tying U.S. interests to the oppressive racist regime in Rhodesia.

Pointing out the need for the United States to maintain high standards of international conduct since most people in the world expect the United States to set a good example, he appropriately quoted Chaucer:

> If gold doth rust, what will iron do?

Mr. BUCHANAN's statement was of such high caliber that I would like to take this opportunity to share it with all our colleagues. I, therefore, insert it in the RECORD at this point.

STATEMENT BY THE HONORABLE JOHN BUCHANAN, OCTOBER 17, 1973

Mr. Chairman, members of the Subcommittees, I appreciate the opportunity to testify before you today on H.R. 8005 which would prohibit the importation of chrome and other products from Rhodesia.

The second anniversary of the enactment of Section 503 of the Military Procurement Act, otherwise known as the Byrd Amendment, is next month and the history of events of the past two years regarding our supplies of chrome and ferro-chrome speak for themselves and, in so speaking, cry out for repeal of this legislation.

It would appear that, at this point in our history, the economic and security reasons which led to our 1971 stand are no longer valid, if indeed this ever was the case.

I would first like to discuss some of the domestic implications of the current situation.

Chrome, of course, is still important to our national defense, but the necessity for obtaining it from Rhodesia has diminished substantially

As Deputy Secretary of Defense W. P. Clements, Jr. noted in a letter to the distinguished chairman of the Subcommittee on International Organizations and Movements.

"According to an estimate prepared in 1973 by the Office of Emergency Preparedness, the metallurgical grade chromite needed by industry to support the Defense Department's steel requirement during the first year of a war amounts to 128,300 short tons, or 2.3 per cent of the quantity held in the inventory as of 31 December 1973. Thus, it can be seen that the Defense requirement for metallurgical grade chromite is relatively small and that the bulk of the stockpile inventory would be used by the non-defense industry in the event of an emergency."

His remarks were strengthened by those of U.N. Ambassador John Scali in testimony earlier this year before the Senate Foreign Relations Committee, who stated, "Adequate quantities to meet all of the United States defense needs are available from Turkey, Iran and South Africa."

As you know, the U.S. has already released from its stockpiles some 900,000 tons of chrome and the Defense Department, the President and the State Department have recommended the release of an additional 2 million tons of chrome from the stockpile.

I am not arguing that our stockpiles can provide all of the chrome or ferro-chrome needed to continue our current production rates for all of the products using this material. It would appear, however, that we do have sufficient supplies of chrome and ferro-chrome to meet our vital defense needs in an emergency.

I find it hard to justify our continued violation of the sanctions which the U.S. supported when they were adopted by the United Nations in 1965, 1966 and again in 1968, given the availability of chrome and ferro-chrome on the world market and the abundance of these materials in our own stockpiles.

Secondly, we imported more chrome from the Soviet Union than Rhodesia prior to 1972 and this has continued to be the case. For example, in 1971, prior to the enactment of Section 503, we imported 134,442 content tons of chrome ore from the USSR and 10,700 content tons from Rhodesia. During the first year in which these sanctions were lifted, our Russian imports increased to 180,000 tons while our Rhodesia imports increased to only 27,955 and during the first six months of this year our Soviet imports totalled 28,500 tons as compared to only 1,082 tons from Rhodesia.

Thus, while our total chrome imports have decreased drastically in the past several years, Rhodesia is claiming a smaller and smaller percentage of our total imports of chrome.

Much of the reason for our declining importation of chrome is due to the major increase in the amount of ferro-chrome which the United States is now importing instead. As a matter of fact, it is my understanding that the availability of chrome from Rhodesia has been greatly reduced because of that country's decreased exportation of chrome per se and its increased production and exportation of ferro-chrome, in direct competition with our own ferro-chrome industry.

Our imports of ferro-chrome from Rhodesia now far exceed those for chrome both in gross tonnage and in dollar value. Figures available for the first six months of this year indicate that we have imported some 26,700 gross tons of high carbon ferro-chrome at a cost of $4.4 million compared to approximatley 2,100 gross tons of metallurgic grade chrome valued at $67,000.

But while our imports have increased, it is not and will not be necessary for the United States to rely on Rhodesian ferro-chrome to meet our defense and other needs, in my judgment.

The United States is currently importing ferro-chrome from some 11 countries around the world—none of which includes the Soviet Union. Through June of this year, these imports have totalled $20 million, of which Rhodesian ferro-chrome comprises about one quarter.

The ferro-chrome which we are importing from Rhodesia is, by no means the most reasonable in cost. For example, the average value of high carbon ferro-chrome imported from Finland during the first half of this year was 9.83 cents as compared to the average value of high carbon ferro-chrome from Rhodesia at 12.05 cents per content pound.

Both Finland, which is currently a relatively minor source of ferro-chrome and Turkey, from whom we are also obtaining supplies of this material, are substantially increasing their production of ferro-chrome.

Those who urge the retention of Section 503 charge that chrome and ferro-chrome prices will skyrocket. It is my understanding, however, that U.S. Department of Commerce officials who have some expertise in this area, say that just the opposite is true.

Our continued reliance on imported ferro-chrome to the detriment of domestic ferro-chrome industry has already cut that American industry in half. If this trend continues, the United States will be faced with the possibility of becoming the only major nation in the world without a viable domestic ferro-chrome industry.

While Rhodesia is only part of this problem, that country has doubled its production of ferro-chrome and greatly reduced its exportation of chrome.

Our importation of ferro-chrome from Rhodesia has contributed to the loss of hundreds of American jobs and to the threatened extinction of an industry which could be important to our national security.

As a matter of fact, other nations have found a domestic ferro-chrome industry so vital that they have chosen to subsidize this industry rather than export it. This may well be something which we should be considering at this point in our history.

We are presently discovering the danger of reliance upon a limited number of relatively small oil rich countries for this vital sources of energy to avoid total dependence wise to further cultivate our reliance upon a single small and unstable country for chrome and ferro-chrome. Just as we now belatedly searching for alternative forms and sources of energy to avoid total dependance upon the Middle East, so we ought to be potecting our domestic ferro-chrome industry and cultivating other sources of chrome and ferro-chrome lest we become too reliant on Rhodesia.

I would like to turn now to the more international aspects of the American position with regard to Rhodesian trade as exemplified by Section 503.

It would appear to me that there is one major question being totally ignored by those who support continued trade with Rhodesia and that question is, how long can the regime of Ian Smith be expected to remain in power?

There are growing indications of unrest both from within and outside the government. The sanctions appear this year to be having a greater affect than has been the case heretofore. For example, automobiles and trucks which were plentiful in the past are decreasing in number to the dismay of Rhodesian businessmen.

On the other side, the Africans who seek to play a greater role in the destiny of Rhodesia are becoming increasingly militant.

The possibility of the replacement or violent overthrow of the Smith regime is not out of the question and, if it comes, I wonder how sympathetic the new Rhodesian government will be to countries such as the United States which gave economic and psychological support to the oppressive Smith government.

We could well find ourselves totally cut off from access to Rhodesian ores in that instance.

There are, of course, substantial U.S. investments in Rhodesia which could well be seized by a new government as well, and this brings me to another major area of concern. The United States currently has investments valued in excess of $3.5 billion in a number of African states outside Rhodesia—countries which are looking with an increasing lack of sympathy on our continued trade relationship with Rhodesia. I personally do not find much joy in the thought that our policy might result in substantial loss to American companies elsewhere in Africa, but this is another very real possibility.

Our balance of trade is not in as good a position as it could be as you well know. The developing African nations are in need of a number of goods and services produced in the United States and are, in fact, beginning to import substantial quantities of such items as tractors, railway cars, metal pipe and so forth. These nations are a rich source for future American exports which we can ill afford to disregard.

Our open policy in support of continued trade with the Smith regime could tip the balance to where such competitors as Japan or Western European nations would be the beneficiaries of the increasing African market.

Can we afford to continue to antagonize the other African nations which are large and increasing markets for U.S. products through our support of Rhodesia?

Turning to yet another side of our present position, Section 503 is, in my judgment, having an adverse affect on the possible effectiveness of the United States in the United Nations.

I cannot help but feel, for example, that the action taken by the Senate in September 1971 in approving the language of the Byrd Amendment was detrimental to American efforts to line up sufficient votes in the United Nations to support the retention of the Republic of China in that body.

As you may know, the vote which replaced the Republic of China with the Peoples Republic of China came some two weeks after the Senate vote.

The U.N. vote to expel the Republic of China was 76 to 35, with 24 of the African nations voting against the U.S. and against the Taiwan government. Simple arithmetic will give you the results of this vote had these 24 nations supported the U.S. position.

What affect our present position will have on our future effectiveness within the U.N. remains to be seen. But in the month in which I have served as a member of the United States delegation to the U.N., it has become very clear to me that our continued violation of the U.N. sanctions is hampering not only our relations with the African and developing countries, but with our strong and traditional ally, the United Kingdom, as well.

The other governments of the United Nations consider us to be in violation of international law in our public policy of trade with Rhodesia.

This is compounded by the fact that our representatives at the United Nations joined in the imposition of U.N. sanctions and repeatedly voted for them prior to the passage of Section 503.

This is further complicated by the facts that the United Nations does not recognize Rhodesia as an independent nation; that our most trusted ally, the United Kingdom, insists that it is an illegal regime which violation of sanctions is helping to sustain and that no nation in the world has officially recognized its existence.

Many Americans would agree that our continued open violation of these sanctions is needlessly providing major psychological support to a repressive regime.

Many of those in support of retaining the provisions of the Byrd Amendment have argued that other nations who also voted for the sanctions are secretly violating them so the United States should not worry about its position in this regard.

It is true that the United States accounts for only an estimated 5 per cent of the total Rhodesian exports. Obviously the other 95 per cent is going to similar violators of the U.N. sanctions. But the finger of the world is not pointed elsewhere, it is pointed at the United States because we are the ones with an acknowledged double standard.

We are the only nation, while trying to fulfill the role of an advocate for human rights, was first a party to the sanctions, then made their violation a matter of public law and official policy through the enactment of Section 503.

As General Yakubu Gowon, Head of the Federal Military Government of Nigeria said during a recent address in the United Nations, "The illegal regime in Salisbury still continues because of the non-compliance by certain member countries of this organization with the unanimous decisions of the Organization and of mankind. Perhaps those who prefer to sell a few goods to such an illegal clique, or to buy such commodities as the racists of Salisbury wish to sell in order to maintain themselves in power, have made their own calculations and prefer their temporary material profit to their sense of honour and their position in history." The foregoing underlines the strong feeling of our African friends concerning our position on this matter.

It also appears that our position of open trading with Rhodesia on "strategic" materials is encouraging some Americans to continue trade relations in other areas as well. For example, four individuals and two corporations were indicted by federal grand jury for violating the U.N. sanction against Rhodesia last year. All pleaded guilty to planning to build a $50 million chemical fertilizer plant in Rhodesia and to enter into a secret agreement with the Rhodesia regime to ship $5 million worth of ammonia to Rhodesia. All were fined.

Allegations of an American firm selling spare parts to Air Rhodesia are also under consideration by the U.N. at this time.

As you may know, the United Nations has established a special committee to deal with the Rhodesian situation and to investigate alleged violations of the sanctions, not only ours, but those of other nations. The enforcement efforts undertaken by this committee are being substantially strengthened and, in my judgment, will be more effective in the future than they have been heretofore.

Up to this point, I have discussed primarily the economic and political implications of our policy toward trade with Rhodesia. I would like to turn now to the very serious moral question which the existence of Section 503 poses.

Whatever violations of international law or human justice may be made by other nations, the simple fact is that most people in the world expect something better than this from the United States. In the words of Chaucer, "If gold doth rust, what will iron do."

Mr. Chairman, the United States is the greatest free republic in the history of the world—providing the greatest protection to individual rights and liberties. Yet, through our trade policy with Rhodesia we are casting aside ideals and principles embodied in the Declaration of Independence, the Constitution and our civil rights laws for real or imagined economic benefits.

It is not understandable how we, in the United States, who chose our form of government by majority rule can continue by our present policy to give aid and comfort to a government which not only does not permit rule by the majority of the population, but actually prohibits such majority rule.

The Rhodesian constitution, adopted in 1969, for example, provides that the House of Assembly shall be comprised of 50 Europeans plus 16 Africans. While there are provisions for increased African representation, they are based on economic requirements. Even the amount of African participation in the Assembly is restricted by that provision which requires, and I quote: "when parity of representation with the Europeans is reached, there is to be no further increase in African representation."

Thus, the Africans who comprise 95 per cent of the population can attain at best, assuming a substantial increase in wealth, only parity with that portion of the population which comprises the remaining 5 per cent.

In permitting trade with Rhodesian and, in fact, therefore, permitting American involvement in Rhodesian industry, is the United States not contributing to continued racial discrimination in wage scales? Can we as a nation morally justify the exploitation of Africans who work in the mines of Rhodesia? The subcommittees have already heard testimony that "most Rhodesian Africans are living below the Poverty Datum Line and that 1971 wages for African workers in the mining industry were 353 Rhodesian dollars per year. The average for Europeans, coloureds and Asians in the mining industry was 4,310 Rhodesian dollars per year. Thus in mining wages a racial disparity of 1:13 existed."

A shocking reflection of the lack of concern over the welfare of Africans in Rhodesia is reflected in the disaster which occurred in a mine owned by the Afro-American Corporation. Some 490 miners were killed, 95 per cent of which were Africans, yet the survivors of these victims reportedly received an average of only $41 in compensation.

Mr. Chairman, the civil rights movement is the most important thing which has happened in our country in my lifetime, indeed in many generations, because it accomplished the beginning of the end of such a double standard in the U.S.

It sounded the death knell for the consummate evil of a system of discrimination and apartheid legally sanctioned and enforced in some places but practiced in many more.

It is not easy to create or sustain "one nation under God, indivisible with liberty and justice for all." We are, however, privileged in our time to witness a rebirth of liberty and justice in our land and the beginning of the fulfillment of the Great American Dream for all this nation's people.

That this should be accomplished is important not only to Americans but to all the world because as Abraham Lincoln once said our nation does comprise "the world's last best hope for freedom."

Just as surely as we must make America a land in which every man can find his place in the sun and rise to his full stature and become the best that it is within him to be, even so in our foreign policy we must identify ourselves with freedom and justice in the world and with the aspirations of the peoples of such developing countries as those in Africa.

Just as our country is made stronger when each individual can fulfill whatever gift God has placed within him, so the world in which we live shall be made stronger as the legitimate aspirations of people of Asia, Africa and Latin America are fulfilled.

Our national interest does not lie in the encouragement of repressive regimes of the left or the right but in the achievement of freedom and justice in the world.

Within this context, if we continue to cast our lot with the transient and repressive regime of Ian Smith in Rhodesia, we will be building our house upon the sands. The winds of change are blowing across the continent of Africa with such force that I cannot believe that any structure of colonialism, ethnic minority rule or repression can long stand.

Within the African majority in Rhodesia and their counterparts throughout Africa, there is a determination to bring to a final end the last vestiges of political subjugation and economic exploitation. Through the repeal of the Byrd Amendment, and the clear identification of our country with the aspirations of the people of Rhodesia, we can build our house upon the rock of a position that is economically, politically and morally right.

Such a house will be able to withstand the storms and stresses of our time. I, therefore, urge that this committee favorably report and the House do pass H.R. 8005 to effect the repeal of Section 503 of the Military Procurement Act at the earliest possible time.

FEDERAL AGENCIES AND NEPA

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. DINGELL) is recognized for 5 minutes.

Mr. DINGELL. Mr. Speaker, I have been given a short but highly important paper by Mr. Irwin Schroeder, which appeared in the May Land and Natural Resources Division Journal, and which I feel should be given wide circulation. It deals with the important question of judicial review of agency decisions which comply, or attempt to comply, with the National Environmental Policy Act.

Our committee has maintained a careful and continuing oversight into the progress of the courts and the agencies in developing workable, valid NEPA review processes. It is my feeling, on the basis of this oversight, that mary questions are becoming clearer and that the outlines of what may and may not be done are also clearer. The Journal article is of considerable assistance in this regard.

The article makes the point, on the basis of two Supreme Court decisions, and several by various circuit courts of appeal, that agencies should provide a statement of reasons for their decisions to proceed with major projects—reasons which include nonenvironmental factors as well as the traditional environmental considerations outlined in the NEPA statement. This statement of factors comprises the ultimate decisionmaking document, and provides the public with a adequate basis upon which to evaluate the agency's proposed action. Presumably these factors are included in the final decision in any case, and so it should create no special burden upon the agency to articulate them.

The results of this type of record should be highly beneficial in the long-run, and will unquestionably result in the significant diminution of court reversals of agency actions. As the article points out, the implementation of these procedures may well cause some pain at first to agency personnel who are not accustomed to explaining their decisions to anyone else. The benefits, however, seem far to outweigh the costs, and it is my hope that the Council on Environmental Quality will consider this matter carefully and develop guidelines that will enable agencies to comply with this suggestion.

In the long run, it will result in better agency decisions and fewer court appeals. From this, we will all benefit.

The article follows:

DECISION RECORD IN NEPA CASES—A PROPOSAL

(By Irwin Schroeder)

Substantive review of agency decisions under an arbitrary and capricious standard appears to be an inescapable fact in litigation involving the National Environmental Policy Act (NEPA) in view of recent decisions in courts of appeals for several circuits. This article is intended as a review of this development and to suggest in a general way some approaches to creation and designation of an administrative record which may make the burden of litigation more bearable.

The pivotal cases in this area are *Citizens to Preserve Overton Park* v. *Volpe*, 401 U.S. 402 (1971) and *Camp* v. *Pitts*, 41 L.W. 3515 (March 26, 1973). The *Pitts* case is basically an application of the rules stated in *Overton Park*. It is significant primarily in the tone used by the Supreme Court with regard to the function of an administrative record in judicial review.

Overton Park was a highway case commenced prior to the enactment of NEPA based upon the requirements in 23 U.S.C. 138 relating to use of parkland. Under that statute, the Secretary of Transportation was directed to approve the use of parkland for roads only if he found that no feasible and prudent alternatives exist and all possible planning has been done to minimize harm. It was argued on behalf of the Secretary that no formal finding of compliance with the statute was necessary and that in any event the finding had been made. No contemporaneous record existed of that finding. The Supreme Court indicated that formal findings were not required but that affidavits created after the fact for litigation purposes would not suffice for judicial review. The case was remanded to the district court for a "substantial inquiry," including testimony by the Secretary if necessary, to determine the basis for the decision to approve the use of parkland. The district court was instructed to consider the "whole record" to determine whether the Secretary's decision was, in light of the appropriate legal standard, arbitrary or a clear error of judgment.

Overton Park was the basic authority relied upon by the Eighth Circuit in *Environmental Defense Fund* v. *Corps of Engineers*, 4 E.R.C. 1721, and the Fourth Circuit in *Conservation Council of North Carolina* v. *Froehlke*, 4 E.R.C. 2039, which hold that substantive review under NEPA can be had. These holdings are contrary to the decision of the Tenth Circuit in *Upper Pecos* v. *Stans*, 452 F.2d 1233. The Tenth Circuit decision is, however, from an early phase of the development of NEPA case law and the issue of substantive review was not squarely presented. Supreme Court review is possible but would not in any event produce results in less than a year.

The cruicial point now is the manner in which the review is conducted. A comparison of *Environmental Defense Fund and Conservation Council* is illuminating on this point. The Eighth Circuit determined from the record before it that the decision was not arbitrary. The Fourth Circuit, on the other hand, remanded the case to the district court for a hearing and determination of that

issue. In both cases the appeal had been taken from a decision by the district court that review was limited to procedural issues and that the environmental impact statement was procedurally adequate. In the *Environmental Defense Fund* case, however, the impact statement was accompanied by a statement of findings in which the responsible official stated the reason for his decision to proceed with the project. The statement of findings was not limited to environmental questions but attempted to weigh and balance all relevant factors including economic and social benefits. In *Conservation Council* no such statement of findings had been prepared.

That the presence of a statement of reasons is crucial to litigation success is indicated by *Camp* v. *Pitts*. That decision did not involve NEPA. It was a challenge to a denial by the Comptroller of the currency of an authorization to open a new bank. The district court had granted a summary judgment for the Comptroller and had been reversed by the court of appeals with directions on remand to hold what amounted to a *de novo* hearing on the agency decision. The denial of the authorization was made in a terse letter which stated simply that a need for the new bank had not been shown by the applicant.

The Supreme Court reversed the holding of the court of appeals stating that a review of an agency decision should be based upon the administrative record compiled by the agency and not a record created later in a courtroom. If the administrative record is insufficient for that review, the matter should be remanded to the agency for the making of a more detailed record. The *Pitts* case relied on *Overton Park* for this view of judicial review. It highlights the need for an agency to designate an administrative record which generally would cover the period from inception of the proposal, including the preparation of the impact statement, to the decision to proceed.

From the foregoing discussion it seems obvious that, in any situation in which an environmental impact statement is considered necessary, the agency should, after filing the final statement with the Council on Environmental Quality, go further and articulate the reasons for whatever action is to be taken, with specific cross-references to the administrative record, including the impact statement. The articulation of reasons should canvass all relevant factors, environmental, social, economic, technical and political, with as detailed references as possible to the appropriate portions of the administrative record. The person drafting the statement of reasons should keep in mind the language in *Calvert Cliffs* v. *A.E.C.*, 449 F. 2d 1109 (C.A. D.C. 1971), which states that NEPA requires that:

> Each agency decision maker has before him and takes into proper account all possible approaches to a particular project (including total abandonment of the project) which would alter the environmental impact and the cost-benefit balance. Only in that fashion is it likely that the most intelligent, optimally beneficial decision will ultimately be made.

The *Calvert Cliffs* decision is the lending case for the proposition that NEPA requires a "finely tuned and systematic" balancing of environmental and other considerations.

The Proposed Guidelines for Preparation of Environmental Impact Statement published by the Council on Environmental Quality on May 2, 1973 (38 Fed. Reg. 10856) do not call for a subsequent statement of reasons. They are not inconsistent, however, with such a procedure. This procedure is implicitly suggested, however, in Section 2 of the Proposed Guidelines, which sets forth general policies to the following effect:

> Agencies should *consider* the results of their environmental assessments along with their assessments of the net economic, technical, and other benefits of the proposed actions and use all practicable means, consistent with other essential considerations of national policy, to avoid or minimize undesirable consequences for the environment. (Emphasis added.)

It seems reasonable to assume that NEPA cases in the not-too-distant future will be primarily of the type discussed above. An impact statement, by itself, will not prevent a diffuse, "scatter-gun" kind of review of diverse subjects that can reach intolerable levels if repeated too often. The well reasoned documentary articulation of reasons for agency decisions may limit review to manageable proportions. Designation of an administrative record may prevent frequent remand of the decision to the agency for further explanation. To implement such procedures among the various federal agencies, however, may prove very difficult.

VICA

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, 34 Members of the House have joined with me in cosponsoring the resolution I am introducing today to designate February 10 to 16, 1974, as National Vocational Education, and National Vocational Industrial Clubs of America—VICA—Week.

In this time when our country has a great need for skilled young people in the labor market I feel that it is important to recognize vocational education, along with the vocational clubs which are doing such a fine job in encouraging young people to develop a skill or trade that can be so useful to them and to our country.

I understand that close to a million students in the United States—male and female—are enrolled in trade, industrial, and technical education courses at the secondary level and are being trained in vocational and occupational oriented skills.

Membership in VICA is important to the student in vocational education as it offers that student an opportunity for fellowship and identification with other students who share similar interests and goals in life. Because trade and industrial education involves more than 100 skills, this identification is often lacking.

VICA, because of its intercurricular nature, offers participation to students in all of the diverse occupational-training curriculums.

Although students throughout the country may never meet in the classroom or shop, the student learning cosmetology will share interests and activities with students in printing and auto mechanics through VICA.

In the past 10 years a college education has been emphasized as the major goal for young people, and this is as it should be. But there is also a great need for people trained in vocational skills, and I feel we should pay tribute to these young people and bring their fine endeavors to the attention of the American people. I urge your consideration and support for this resolution.

RESOLUTION

To designate February 10 to 16, 1974, as "National Vocational Education, and National Vocational Industrial Clubs of America (VICA) Week."

Whereas the objectives of Vocational Industrial Education are to develop, in high school students, manipulative skills, technical knowledge, and related information necessary for employment in any craft, skilled trade, service, and certain semiprofessional occupations; and

Whereas Vocational Industrial Education provides high school students with the necessary skills to enter the world of work; and

Whereas the Vocational Industrial Clubs of America (VICA) is *the* National Youth organization for high school vocational industrial education students; and

Whereas VICA helps promote high standards in trade ethics, workmanship, scholarship, and safety, and aids in developing the ability of students to plan together and to organize projects through the use of the democratic process; and

Whereas VICA creates among students, faculty members, patrons of the school, and persons in industry, a sincere interest in, and esteem for vocational industrial and educational pursuits: now therefore be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled. That February 10–16, 1974, be designated as "National Vocational Education, and National Vocational Industrial Clubs of America (VICA) Week".

PROCLAMATION OF INDEPENDENCE OF THE REPUBLIC OF GUINEA-BISSAU

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. DIGGS) is recognized for 5 minutes.

Mr. DIGGS. Mr. Speaker, on October 16, I held a press conference in which I surveyed the facts as found by the United Nations on the Government, the territory, and the people of the new Republic of Guinea-Bissau and called upon our Government to recognize forthwith the new state. I wish to insert the text of my statement for the thoughtful consideration of my colleagues:

STATEMENT OF THE HONORABLE CHARLES C. DIGGS, JR.

In 1976 we will celebrate the 200th anniversary of the Declaration of Independence, the formal birth of our country. In our protracted war for independence, the freedom loving people of the United States were engaged in a bitter struggle against the greatest world power of that time. The war was not over at the time of independence. But that declaration symbolized both the beginning of the end of colonialism in America and the coming into the world community of a new state, the United States of America. The British neither recognized our right to self determination, nor the declaration of independence, nor, did they voluntarily hand over power to us. We seized it because it was our *inalienable right*.

We are now faced with another declaration of independence: this time, in the former Portuguese colony in West Africa which has become the new Republic of Guinea-Bissau. The proclamation ceremony which took place on September 24th in the forest of the Boe region was attended by the 120 deputies of the Peoples Assembly and the foreign journalists from Sweden, the Soviet Union, Eastern Germany and China. (The Agence France Presse, 27 September 1973).

Just as the United States in the revolutionary war, the people of Guinea-Bissau—

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led by the African Party for the Independence of Guinea-Bissau and Cape Verde (PAIGC)—is fighting for the right to independence against an alien colonial regime. Not even the assassination of their leader, Amilcar Gabral, has interrupted their march towards independence. Since the proclamation of independence, the new state has been recognized by 57 states according to the Department of State and by 62 states according to the OAU. More are expected to do so soon. But the United States decision is so closely held that this office has been informed that as of now even the press guidance is marked classified.

As we approach the Bicentennial of the declaration of independence of the United States, we should make it our national objective to follow our own tradition of liberty and independence with respect to the similar struggle of oppressed people for their liberation and independence.

We recognize that under international law there are certain basic conditions of statehood; that the question of recognition of a new state is entirely within the discretion of the recognizing government; that recognition may be granted or withheld for whatever reasons deemed proper by the recognizing government; and finally, that the United States understandably looks at recognition from the standpoint of doing, or not doing, what will best serve the interests of the United States. We will therefore examine the two fundamental questions posed here. Does the proclaimed republic fulfill the conditions for statehood; and secondly, what policy will best serve the interests of the United States.

PRE-REQUISITES FOR STATEHOOD

I. Government

An essential consideration as to the existence of a new state is whether there is in fact a politically organized community. On this question, see the attached chart which sets forth in diagram form, available information on the political organization of the State of Guinea-Bissau. (Chart not printed in Record.)

The May 1973 Working Paper Prepared by the UN Secretariat* reports that in 1964 "The PAIGC had started to establish a network of elected village committees to be responsible for the supervision of trade, education, public health, and everyday security and for the administration of the law. . . . In 1969–70 the PAIGC created sector committees with elected members for some 30 administrative sectors into which it had divided the liberated areas. In 1971 . . . PAIGC set up elected regional committees for each of its 15 regions. This political administrative organization of the liberated areas of Guinea-Bissau provided the structure for the election of the first People's National Assembly in 1972." Elections were held for seats in the 15 regional councils. Seventy-two of these elected candidates were chosen to sit in the People's National Assembly. "To these were added five more to represent the trade unions of Guinea-Bissau and three persons elected by students, most of whom were in Europe. To the total of 80 elected representatives PAIGC added another 40 from its members." (p. 144)

According to the 58 article Constitution of the new state, the People's National Assembly is the supreme body of state power and makes laws and resolutions. It is elected for a three-year term and must meet at least once a year. PAIGC is the leading political force. According to the Constitution, the party represents the people's supreme objectives and sovereign determination. It also decides on the state's political direction and its achievement. The third major political body is the State Council which according to available information exercises the functions normally executed by the head of state and takes over the functions of the National Assembly while the latter is in recess. The State Council consists of 15 members elected by the national assembly. Its president represents the state in international relations and is also the supreme commander of the people's revolutionary armed forces. (As reported by Agence France Presse 28 September 1972)

Domestic Administration

PAIGC's policy in the liberated areas is aimed at eliminating all vestiges of a system imposed by the Portuguese and replacing it with a governmental system appropriate to the needs of the people.

According to the Report of the Special UN Mission of May 1972 a judicial system was set up in the liberated areas in 1969 with three tiers of *courts*. In explaining the judicial system to the UN Special Mission, Mr. Fidelis Almada, the Guinea-Bissau representative in charge of justice, said that the courts were independent of PAIGC and the forces and that all court hearings are public.

With respect to *education*, in 1965 to 1966 the PAIGC was reported to have set up a network of 127 primary schools in the liberated areas with 191 newly trained teachers and 13,361 pupils aged 7 to 15 years. In 1972 PAIGC reportedly had 20,000 children enrolled in some 200 primary schools with a staff of 251 teachers. A total of 495 persons were attending high schools or universities in friendly countries. By 1972 PAIGC had also trained 497 high level and middle level civil service and professionals who were working within the territory. (Working paper of the UN Secretariat, of April 1973, p. 149) *Health* services have also been expanded in liberated areas. In 1969 PAIGC was reported to have six field hospitals, 120 clinics and 23 mobile medical teams at work. By January 1973 200 clinics had been established in liberated areas (ibid.).

The following words of the Special UN Mission indicate that the PAIGC is the sole effective power in the territory: *"The schools operated by PAIGC provide a complete education for the children of Guinea (Bissau) many of whom were born in liberated areas and have never seen a Portuguese"*. (Emphasis supplied)

Foreign Relations

Since 1971, PAIGC has represented Guinea-Bissau in the Economic Commission for Africa of which the territory was designated an associate member. Since its declaration of independence, among the 62 states which have recognized the new state, are included almost all the African states, the Soviet Union, China, and India. Following a meeting between General Gowon, President of the OAU, and Nzo Ekangaki, the Secretary-General of the OAU, it was announced that the OAU will take steps to admit Guinea-Bissau into full membership of the OAU and that the OAU will do everything possible, with full consultation, to ensure the admission of the new state to the United Nations (Lagos Domestic Service, 2 October 1973). In his statement of October 5 to the U.N. General Assembly, General Gowon stressed the importance of this issue for Africa, appealed for further support from "the friends of Africa" and expressed the hope that "that the new nation will shortly take its rightful position as a proud member of the international community." The Foreign Minister of the new Republic is expected in New York next week.

II. Territory

Another condition basic to statehood is that the entity in question have substantial control over its territory. On this point the May 1973 Working Paper Prepared by the UN Secretariat states:

"Since the beginning of the arms struggle in Guinea-Bissau in 1963, the forces of PAIGC have gradually penetrated the entire territory. By 1964 PAIGC was already organizing its liberation forces into a regular army. In 1968 PAIGC began attacks on Portuguese military outposts and by 1969 was striking urban centers. PAIGC reports that by June 1969 the Portuguese forces had withdrawn to the main urban centers, to those sections linking the main urban centers and to some waterways essential for supplying inland military camps. (p. 143)

"By 1971 it was reported that Portuguese forces were no longer safe in any part of the territory; civilians in urban centers lived in a permanent state of alert; and most Portuguese officials have sent their families back to Portugual. Portuguese forces continued their frequent bombing of the liberated areas. In June 1971 despite Portuguese repression, PAIGC artillery with infantry support prepared to break through the Portuguese defenses of Bissau, the capitol, and attacked military positions in the town. The attack on Bissau was followed up with an intensification of political activities in the capitol. (ibid.)

"In 1973 the PAIGC reported that almost ¾ of the territory had been liberated and ⅔ was under PAIGC control." (ibid. page 144)

The Special UN Mission visiting Guinea-Bissau in May 1972 reported *"that the struggle for the liberation of the territory continues to progress and that Portugal no longer exercises any effective administrative control in large areas of Guinea-Bissau are irrefutable facts*. (Emphasis supplied). According to PAIGC, the liberated areas now comprise either more than ⅔ or between ⅔ and ¾ of the territory." (ibid, p. 144.)

Compare this report from UN and other observers who visited the territory with the view of the State Department that the PAIGC has control over no more than ⅓ of the territory. Note, on my visit to Guinea-Bissau in August 1971 it was clear then that even the capitol city of Bissau was an armed camp and that the Portuguese were hard pressed.

On the basis of the report of the Special Mission, the Special Committee on April 13, 1972 adopted a resolution that "expresses its conviction that the successful accomplishment by the Special Mission of its task—establishing beyond any doubt *the fact that de facto control in these areas is exercised by the Partido Africano da independencia da Guinea-Cabo Verde, the national liberation movement of the territory—constitutes a major contribution by the United Nations in the field of decolonization*" (operative para. 5)

It is to be noted with respect to the question of Cape Verde, that the proclamation of the new state (see attached for text) addresses this point precisely:

"It is the duty of the state of Guinea-Bissau to accelerate by all possible means expulsion of the aggressive forces of Portuguese colonialism from the part of the territory of Guinea-Bissau they still occupy and to intensify the struggle in the Cape Verde islands, an integral and inalienable part of the national territory of the people of Guinea-Bissau and the Cape Verdes.

"In the Cape Verde islands, the popular assembly of the Cape Verdes will be set up at the opportune moment. It will create the supreme sovereign body of our people in its unified state—the supreme assembly of the people of Guinea-Bissau and the Cape Verdes."

III. People

The reporter who has made continuous observation of the developments in Guinea-Bissau, Basil Davison has reported:

"Most of the PAIGC area was in the deeply populated south where Amilcar Cabral had built up a system based on village support." (Sunday Times, 21 January 1973).

The Special UN Mission "was impressed by the enthusiastic and wholehearted cooperation which PAIGC receives from the people in the liberated areas and the extent to which the latter are participating in the administrative machinery set up by PAIGC and of the various programs of reconstruction."

"According to detailed figures produced by the PAIGC, the total number of registered voters was 85,517. Direct and secret elections were then held in the villages where 'yes' and 'no' votes were cast for lists of local candidates for each sector. A total 82,032 persons cast their votes. Of this total 79,680 voted yes and 2,352 no. (From the working paper of the UN Secretariat on the establishment of the People's National Assembly in Guinea-Bissau" (p. 143 ff.)

On the basis of the experience of the Special Mission to Guinea-Bissau, the Special Committee unanimously adopted a resolution affirming on April 13, 1972 that PAIGC is "the only and authentic representative of the people of the territory." (operative paragraph 2)

IV. The US Test of Recognition of a New State: Acquiescence of the Colonial Regime

First, our own history must be cited as the refutation of any requirement that the acquiescence of the colonial power is an indispensable condition for U.S. recognition of a new state.

The facts here, moreover, clearly establish that the government of Portugal itself has rendered any such requirement by our government inoperative. The United Nations has rejected Portugal's claim that the colonies are an integral part of Portugal. Portugal took no steps to comply with the 1960 Declaration on the Granting of Independence to Colonial Countries and People, G.A. Res. 1514 (and G.A. Res. 1542)—resolutions in which the international community called on all colonial powers (and in particular Portugal) to take immediate steps towards the transfer of power to the people of non-self-governing territories (and in particular to the people of Guinea-Bissau.) Nor did Portugal comply with G.A. Res. 2621 of October 12, 1970 which contains a full program for the implementation of the Declaration. In G.A. Res. 2918 of November 15, 1972, the General Assembly has condemned "the persistent refusal of the government of Portugal to comply with the relevant provisions of these and other UN resolutions." On November 22, 1972 our government supported the action of the Security Council in unanimously adopting S.C. Res. 322 which called on Portugal to enter into negotiations "with the parties concerned". Portugal responded by defending her position that UN bodies under the charter (Article 27) were not competent to deal with the matter.

Moreover, in its proclamation of independence, the new state declared that:

"It supports the solution of conflicts between nations by negotiations; and in this context in accordance with the resolutions of the highest international bodies, it declares it is prepared to negotiate a solution to end the aggression of the Portugese colonial government."

On September 29, 1973 the Agence France Presse reported that the Portuguese government flatly rejected the offer to discuss a solution to the situation and that an official source said the Portuguese government:

"is not disposed to discuss with terrorists who represent nobody, unless it is foreign powers and interests, especially now that they have proclaimed a fictitious independence."

The continued intransigence of Portugal with respect to the offer of negotiations and its history, as found by the United Nations in G. A. Res. 2818, of "the continuation by Portuguese military forces of the indiscriminate bombing of civilians, the wholesale destruction of villages and property and the ruthless use of napalm and chemical substances in Angola, Guinea-Bissau and Cape Verde and Mozambique" reduce any such requirement of acquiescence of the colonial regime to absurdity.

Under international law, it is established that "so long as the new entity exercises sovereign authority over some inhabitants and in some territory, the three indispensable elements of statehood (government, territory and people) exist, and the new state may be recognized as an international personality. (2 Whiteman p. 113, citing Schwarzenberger, International Law (1957)).

U.S. INTERESTS

Since the state of Guinea-Bissau possesses those prerequisites of statehood (machinery of state, substantial control of territory and consent of the governed), the question becomes what is the U.S. interest with respect to the recognition of the new state. There is no real issue here because the interest of the United States must be on the side of the principles which we have pledged in the United Nations charter, including:

—the development of "friendly relations among nations based on respect for the principal of equal rights and self determination of peoples". [Art. 1(2)] Thus our NATO alliance with Portugal cannot be an excuse for our condoning its struggle to repress equal rights and self determination of the people of Guinea-Bissau.

—the achievement of "international cooperation . . . in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion". [Art. 1(3)] Thus our NATO alliance with Portugal cannot be an excuse for failure to promote and encourage respect for human rights and fundamental freedoms for the people of Guinea-Bissau.

Further, an enlightened view of our foreign policy, economic and geo-political interests make clear that our interests lie in recognizing the new state. Let us not, on the eve of our Bicentennial, turn our back on the words of Jefferson in 1972 in reference to the revolution in France: "It accords with our principles to acknowledge any government to be rightful which is formed by the will of the nation, substantially declared."

CONCLUSION

It is for these reasons that I call on the United States:

(1) to recognize the State of Guinea-Bissau

(2) to comply with the General Assembly resolutions calling on all states to provide moral and material assistance to the people of Guinea-Bissau.

Further, if our government nevertheless refuses to take the above course, I specifically call upon it: **first to state fully and** honestly its policy reasons and not to hide behind the subterfuge that it does not have sufficient facts to make a determination; and secondly, not to block or seek to block the admission of Guinea-Bissau into the United Nations or the Specialized Agencies.

ADDENDUM

Finally, I would draw your attention to the following:

The publication of the hearings of the Subcommittee on Africa on the Implementation of the Embargoes against South Africa and Portugal and Related Issues—These hearings are quite revelatory, particularly with respect to the growing supportive relationship between the United States government and Portugal.

The publication of the hearings of the Subcommittee on Africa on Minority Rule and Refugees in Africa. Only last week President Mobutu advised that 800,000 refugees have fled to Zaire alone because of Portuguese colonialism.

The necessity for continued vigilance less the infamous Azores Agreement be renewed. This Agreement which was concluded in 1971—leading to my resignation from the U.S. delegation to the General Assembly—is coming up for renewal now, as it expires in early 1974. (See attachment for further information) As to the meaning of the Azores Agreement, Dr. Caetano advised a Portuguese audience that

"The treaty is a political act in which the solidarity of interest between the two countries is recognized and it is in the name of that solidarity that we put an instrument of action at the disposal of our American friends who are also now allied."

The growing concern of the Congress as to U.S. government support of Portugal, as indicated by the adoption of the House and Senate of the Young and Tunney amendments, respectively, to the foreign aid bill, providing that both assistance under the Foreign Assistance Act, and the furnishing of defense articles or services or of P.L. 480 Agricultural Commodities *to Portugal shall be suspended* if it is determined that such assistance or item has been used in support of Portugal's military activities in its African colonies.

WE SHOULD KEEP OUR PERSPECTIVE

The SPEAKER. Under a previous order of the House, the gentleman from Louisiana (Mr. Waggonner) is recognized for 5 minutes.

Mr. WAGGONNER. Mr. Speaker, I was interested to read today's prediction by the New York Times that "ahead lies perhaps the most sweeping investigation ever made of an American political figure," referring to the confirmation of the Vice-Presidential nominee.

I do not question the accuracy of this prediction or the propriety of a complete examination of the nominee's qualifications. I simply want to issue a warning. As these proceedings move forward, it is as certain as night follows day that during the next few weeks, a large bevy of investigative reporters in search of an elusive Pulitzer prize, overzealous congressional staffers, and some Members of Congress will be placing the nominee under a microscope subjecting him to scrutiny that demand superhuman qualities. You can count on them to treat minor incidents from the past as major revelations in the hopes of promoting their own individual ambitions. There is nothing that attracts ambitious people more than the prospect of universal acclaim as a "giant killer."

If we allow ourselves to be entrapped during these proceedings, the House will be the victim, not the President or the nominee. I do not suggest anything less than a thorough examination because the nominee comes from our ranks or an examination that does not establish sound precedent. I simply suggest that a perspective should be maintained as we move forward in this matter. We should resist any effort to stampede us into demanding standards beyond the reach of any public figure including Members of Congress. We should proceed with all deliberate speed as we would want Congress to proceed if each of us were in Jerry Ford's shoes.

VETERANS DAY

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, October 22 is Veterans Day. It is a national holi-

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*A19023/ADD. 3, 19 September 1972.

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day set aside to pay our respects and offer our thanks to the millions of men who have interrupted and even sacrificed their lives in military service to keep this Nation free. The Nation will always be indebted to these men. Over the years a wide array of programs and services have been designed to help these young men and women make a smooth transition from military to civilian life, to help those injured and wounded in the service of their country, and to provide for widows and children left behind.

Perhaps the best known of these programs is commonly referred to as the GI bill, a program of educational assistance that offers veterans at least $220 per month for up to 36 months at educational institutions of their choice. The single veteran is thus eligible for a $1,980 scholarship for each of 4 school years, making the GI bill the most generous Federal scholarship available. With Veterans Day around the corner, it seems appropriate to take a close look at this $2.5 billion veterans program and how well it is serving the veteran.

The conclusions from such a study are startling to anyone who has casually assumed that the Federal Government is taking good care of its ex-GI's. In fact, educational benefits are not equivalent to the benefits provided to veterans following World War II. Those who most need GI bill education benefits, that is, those who had the least education before entering the service, use the GI bill far less than their more educated counterparts. Finally, whether or not a Vietnam veteran can take advantage of his GI bill benefits depends more on the State in which he resides than upon any other factor. As a result many States, including New York, are losing millions of dollars in GI bill benefits which could be flowing into private and public colleges in the State because veterans find it too difficult to use the GI bill.

Some of these conclusions are well known to many observers of veterans programs and to the Veterans' Administration itself. For example, although the Veterans' Administration doesn't like to admit it, dollar for dollar we give today's ex-GI less than we gave his father after World War II. In those years, the GI bill paid for practically all tuition, books, and educational fees, with the payment going directly to the college chosen by the veterans. In addition, the VA paid each veteran $75 per month for living expenses, putting a 4-year education at a public college or university within the reach of every veteran. Today there is no direct tuition payment, and increases in the cost of living plus the dramatic increase in educational costs at both public and private colleges, have made today's GI bill relatively less helpful for the GI who wants to return to school. For example, in 1948, the $75 per month living allowance received by veterans represented 35.4 percent of average U.S. monthly earnings as determined by the U.S. Department of Labor. Using that measure today, 35.4 percent of average monthly earnings represents $220 per month—ironically, the exact payment Vietnam veterans receive to cover all educational expenses as well as living cost.

The level of assistance provided by the GI bill may help explain why those who need the GI bill the most use it the least. Substantial additional resources are needed by the ex-GI if he wants to use the GI bill to return to school, but the chronic, above-average unemployment facing the veteran and the difficulty in securing educational loans certainly contributes to discouraging veterans. Those with the least preservice education are likely to be the most negative about their prospects for further education anyway, and the economic obstacles thrown into their path must seem insurmountable in many cases. As a result veterans who had some preservice college experience are two to three times as likely to return to college or junior college as high school graduates, and up to four times as likely as those veterans who dropped out of high school before entering the service. Stated another way, about 20 percent of Vietnam era veterans have less than a high school education, yet these men account for only about 3 percent of those veterans enrolled in college or junior college under the GI bill.

Perhaps the most startling conclusion of all, however, is the fact that there is a clear geographic use pattern of GI bill education benefits, with a wide variation in the number of veterans who use the GI bill in each State. For example, 37 percent of California's Vietnam era veterans have used the GI bill to go to college or junior college, but only 17 percent of New Jersey's veterans have. This is a remarkable disparity.

A comparison of utilization rates by States reveals the fact that Western and Midwestern States seem to enroll far more of their veterans in schools than other parts of the country. No Eastern State has more than 25 percent of its eligible Vietnam-era veterans enrolled in college under the GI bill, but 19 other, primarily Western States do. Perhaps this pattern is explained by the relative availability of inexpensive, accessible, public education opportunities supplied by State colleges and junior and community colleges. The growth of these types of institutions has been uneven nationally concentrating primarily in the South and West. A veteran returning to a State with an underdeveloped community college system has a set of opportunities far less attractive than the veteran in a State with a fully developed system. The costs at private colleges are out of reach for most veterans, and if public college opportunities are not readily available, the use rate drops.

Let me describe this pattern as it relates to my own region of the Nation and as it compares to California. The percentage of veterans who have ever used the GI bill to go to college in New York is 21.3 percent; in New Jersey, 17 percent; and in Connecticut, 19.4 percent. California's 37-percent use rate far outstrips all of these figures. Interestingly enough, California also has 763,000 junior college slots, compared with only 216,000 in New York and 55,000 in New Jersey. Tuition charges for public colleges in these three States are also higher than in California, with the notable exception of the City University of New York, whose low charges have attracted thousands of veterans as students.

When these use rates of the GI bill are translated into Federal dollars the consequences are truly staggering. In the fiscal years 1968 through 1973, California veterans have received $1,270,000,000 in GI bill payments. New York veterans have received $457,360,000 or a little more than one-third what California's veterans have received even though New York has almost two-thirds the number of California's veterans. In fiscal year 1973 alone, California's veterans received $380,085,982 in GI bill education benefits and New York only $141,885,629. Because New York State has not been able to attract as many veterans into its educational institutions, New York's veterans and the educational institutions of the State have been losing hundreds of millions of dollars. California has not been getting more than its share or depriving the veterans in other States, however, since the GI bill is an open-ended program for which Congress appropriates whatever funds are needed. While I can estimate the dollar losses to the State of New York, it is impossible to estimate the damage of the lost training opportunities, the potentially higher skills, higher incomes, and higher taxes paid by a better educated work force. The World War II and Korean war GI bills had a great broadening effect on our society by giving men and women veterans the skills they needed to become competitive. Today's GI bill operates in such a way that some States may be losing their ability to compete with others, as huge disparities in the Federal Government's largest educational assistance program continue.

All of these problems with the current GI bill can be solved. I am today introducing some of the necessary legislative solutions, most of which I have introduced in previous Congresses. Foremost among these is an immediate increase in GI bill educational assistance allowances from the current base of $220 to $250 a month, with scaled increases depending on the number of the veterans dependents. The 13.6-percent increase would compensate for cost-of-living increases, making the return to school a more attractive option for many veterans. I have been advocating this step since I first came to Congress 9 years ago. This legislation would also allow veterans 10 years in which to use the GI bill, rather than the current 8, and would allow veterans to accelerate their educations and speed up the rate at which they can draw on their educational entitlement. These measures would make the GI bill more flexible and encourage veterans to return to school. Finally, this bill would give all veterans an additional 9 months of educational assistance, to compensate for the fact that so many veterans have professional reasons for continuing their educations after college into graduate school.

I am also introducing a bill to provide for direct tuition payments of up to $1,000 for each school year as a means of equalizing the opportunities of veterans in the several States. A veteran's chances for higher education should not depend on what State he lives in. A national GI bill should provide nationally comparable

benefits, which the current GI bill clearly does not.

I was encouraged to note last week that the Education and Training Subcommittee of the House Veterans' Affairs Committee has already accepted some of these proposals, including the 13.6-percent increase in benefits, the 10-year entitlement period, and the additional 9 months of benefits. I am hopeful that action will also be taken on the direct tuition proposal, which is crucial to the future of thousands of discouraged veterans who have found the doors to higher education shut in their faces.

The final element of a restructured veterans education program does not require new substantive legislation. The veterans cost of instruction program operated by the Office of Education, pays a bonus to colleges which increase their enrollment of veterans by 10 percent. While the current program discriminates against those colleges with large veteran enrollments, its principal problem is that it is underfunded. Although only $25 million has been appropriated, $144 million has been requested by colleges and universities all over the Nation. New York State received $1,471,568 of this amount but could use 10 times as much. The cost of instruction program promises to be just the incentive colleges need to enroll veterans and provide the remedial, counseling and supportive services which will not only get veterans into school but to stay there until graduation as well. I am hopeful that the Appropriations Committees of the House and Senate will approve greatly expanded funding for this program in this fiscal year.

Today's GI bill provides inadequate benefits which are used least by those who need them the most. Its usefulness depends too heavily on what State the veteran returns to. The program I have outlined would increase benefits to a level comparable to those granted veterans of previous wars. The direct tuition payments would equalize access to higher education for all veterans and wipe out State differentials which have deprived too many veterans in New York and other States of a realistic chance at higher education. Adequate funding for the cost of instruction program would provide the necessary incentive to colleges to reach out to veterans and increase the utilization of the GI bill.

The measures I have outlined are a bare minimum if we are to fulfill our responsibility to the men and women who have served their Nation so well. Service in an unpoular war should not make service to these men and women unpopular as well. An improved GI bill is both obligation and necessity.

PERSONAL ANNOUNCEMENT

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, I was unavoidably absent from the floor for rollcalls 532, 533, and 534. Had I been present and voting, I would have voted "aye" on rollcall 532, "noe" on rollcall 533, and "noe" on rollcall 534.

THE WORLD STRENGTH OF COMMUNIST PARTY ORGANIZATIONS

(Mr. ICHORD asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ICHORD. Mr. Speaker, the 25th annual report of the U.S. State Department's Bureau of Intelligence and Research regarding the world strength of Communist Party organizations has recently come to my attention, and for the benefit of those of my colleagues who may not have seen it, I would like to report a few of its highlights.

The State Department notes that the "vulnerability of a country may have no direct relationship to the size of its Communist Party." This is a significant declaration, confirming what many of us who are concerned with the Communist menace have long maintained. Italy, for example, has a very large Communist Party but it has not gone Communist as a nation while Fidel Castro, with only a relative handful of cobelievers, was able to subvert Cuba.

The State Department says 1972 membership among Communists outside the United States totaled 47.7 million—half a million more than in 1971.

Most ruling Communist parties did not report gains in membership last year while in the nonruling Communist parties of Japan and Italy plus the newly created one in Bangladesh there were sufficient increases to boost nonruling party membership to 6.1 percent of the world Communist total.

The report puts party membership in Red China at 17 million and in the Soviet Union at 14.7 million. Of the 14 countries in which Communists are ruling today, the Chinese Communists and Russians account for 71 percent of total world Communist membership. However, the figure for mainland China dates back to 1961 because there have been no new figures released since then, the State Department reported.

A total of 39 Communist Parties are proscribed, as of December 1972, but the State Department adds that "many other countries would not tolerate Communist activities if the parties attained any importance; and in most countries where Communist Parties are legal but not in power, their activities are restricted in some degree."

Due in large part to the Communist takeover of mainland China in 1949 and Cuba in 1959, world party membership has more than doubled since 1948 when it amounted to 21.4 million.

The report notes that "the Communist movement in 1972 maintained its customary show of dutiful loyalty to Moscow by most parties, large and small" but there were still periodic outbursts from Western European and Australian Communists over the U.S.S.R.'s heavy-handed treatment of Czechoslovakia in 1968 and since.

The dispute between the Soviets and Red Chinese increased in vehemence and vitriol in 1972 and there are now 25 countries in the world with both pro-Moscow and pro-Peking Communist Parties. Among ruling parties, only Albania sides with Peking. The State Department considers North Korea and North Vietnam neutral, Yugoslavia and Romania "independent" on the Sino-Soviet question and all the rest decidedly pro-Soviet.

Peking enjoys its greatest support among nonruling parties in Burma, Cambodia, Thailand, Malaysia, Singapore, and New Zealand. Nonruling parties which are critical of both Peking and Moscow are found in Japan, the Netherlands, Spain, Sweden, and Reunion. With the possible exception of parties in Laos and South Vietnam, the rest appear to side with Moscow.

The report points out that in Yugoslavia party membership is falling off, the number of workers in the party amount to only 28.8 percent and the number of workers in the 620-member, 5-chambered Federal Assembly is 5—a fact publicly deplored by Yugoslav Communist leaders.

Excluded from the State Department survey is the Communist Party of the United States, however, the 1973 Yearbook on International Communist Affairs, published by the Hoover Institution Press at Stanford University, tells us that in 1972, General Secretary Gus Hall reportedly claimed a party membership of between 16,000 and 17,000 dues-paying members and from 120,000 to 125,000 "state of mind" Communists. This would have meant an increase of 1,000 to 2,000 regular members over the 1971 figure. In May 1972 the current membership of the party's youth organization, Young Workers' Liberation League was reported at 1,150.

I consider the membership figure given out by Gus Hall to be a highly inflated one. As I advised this House on July 19 of this year, there have been no registrations conducted of Communist Party membership in the past 15 years and party leaders really don't know what the membership of the party is at the present time.

Communist Party officials, in giving membership figures to the press for any particular year or years, have varied considerably indicating that the party uses the term "member" to suit its own needs. The numerical strength of the Communist Party as a measuring device for determining the party's potential as a threat to our internal security is misleading for it does not reflect the true facts. It is vital to recognize that the current hard-core CP membership through its fanaticism, its propaganda, and its masked activities through front groups and infiltration of mass organizations, wields an influence far out of proportion to the actual number of party members. A good example of this was organization of the National Defense Organization Against Racist and Political Repression—NDO—in mid-May. I reported at some length on this Communist Party, U.S.A. front group to the House on May 17, 1973, noting at the time that the NDO had attracted the support of a number of well-meaning noncommunists who endorsed NDO's program for opposing internal security legislation and attempting to repeal security statutes now on the books.

I said at that time that "there are whose who may scoff at the significance of the NDO program, but let us make no mistakes; the CP does not consider the NDO program insignificant. Those who choose to downgrade the threat of this Communist Party-directed operation are sadly underestimating the zeal and dedication of some of the participants."

We must ever be alert to the activities of the Communist Party U.S.A.—no matter what their claimed or actual membership may be—for they are dedicated to causing much mischief in pursuit of their avowed goal of subverting and ultimately destroying our system and institutions of government.

ACCREDITATION OF HOSPITALS: FIRE HAZARDS AT BETHESDA NAVAL HOSPITAL

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, our colleagues will recall my interest in the subject of the accreditation of hospitals and the fact that I have introduced three bills—H.R. 1898, 1899, 1909—during this session of the 93d Congress. I regret to report that as of this date, there has been no action on any of these proposals.

Mr. Mal Schecter has recently written a preceptive article dealing with the history of the Joint Commission on the Accreditation of Hospitals for the magazine "Hospital Practice." I am including his article as a part of my remarks and commend it to all those who wish to gain a better understanding of the accreditation process and why it is necessary for the Congress to act on the legislation I have introduced.

With regard to the Bethesda Naval Hospital, I invite our colleagues particular attention to Mr. Schecter's comments, to wit:

> Yet much of it is a firetrap; specifically, the hospital's 14-story tower, which is set on a 4-story pedestal.
>
> What qualifies it as a firetrap, according to fire-safety experts consulted by "Hospital Practice," is the fact that the tower has but a single stairwell. The Life Safety Code of the National Fire Protection Association requires at least two means of egress from patient floors. Elevators, which cannot be relied upon in fires, are not legitimate egresses under the code.
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> The presidental quarters are in the pedestal, with plenty of escape routes, the Navy says. But there are no external fire escapes to bring down Members of Congress and other dignitaries who typically are given private rooms in the tower. Some 110 of the hospital's 690 beds are above the tenth floor, which probably would be impossible to evacuate with ladders. The usual patient load on these floors is 75 to 90. Most of the patients are said to be ambulatory.

Mr. Speaker, I am including as a part of my remarks, a memorandum from Dr. D. J. Monarch of the Department of the Navy dated October 25, 1972, and an exchange of correspondence I have had with officials of that Department. I have also included the text of the bills dealing with the subject of accreditation which I have introduced.

Arbiter or Adviser: JCAH Tackles Task of Being Both

In 1918, the Regents of the young American College of Surgeons suppressed the first report on hospital standardization. In the basement of a New York hotel, they incinerated the names of hospitals that could not meet the simple requirements. Some 700 had been visited; only 89 made the grade. Some prestigious institutions did not.

The forerunner of the nation's foremost hospital accreditation program, conducted now under the Joint Commission on Accreditation of Hospitals, was thus born on a tide of embarrassment. One critic has called the incineration "intellectual and moral cowardice." Yet, says a JCAH commissioner, Dr. Carl P. Schlicke, a less "tactful" approach might have aborted the program.

In the present age of public accountability for professional activity, JCAH today faces a dilemma similar to that resolved by the hotel burning of survey records. It would like to be the public's friend but it can function, in its view, only by being the professional's confidant.

Meanwhile public expectations have changed and to some laymen, who, rightly or wrongly, consider that JCAH functions (or should function) as arbiter and guarantor of good care, JCAH's modus operandi is obsolete and in need of revision. Even some JCAH advocates seem to see a handwriting on the wall: Change or die. Dr. Schlicke, writing in *JAMA*, put it this way:

"In my opinion, the JCAH will have to broaden its base and include representatives of the public on its governing board. They should serve not as a disruptive minority group but as responsible participants in policymaking. The JCAH needs their advice regarding the acceptability, accessibility, and aptness of health services."

He suggests representation as well from nursing, allied health professions, and possibly "even from government." Such representation need not sacrifice decision-making by professionals in their own sphere. Looking further ahead, he believed JCAH "will have to develop and adopt methods of judging the substance and quality as well as the surroundings of medical care. It will have to have the courage to adopt and apply standards for the delineation of clinical privileges. If it will do these things, I believe it will endure."

Some critics believe the end of the line has been in sight for some traditional JCAH precepts for some time. For example, the commission maintains it is not the regulator the public thinks it is and its accreditation certification is not a public guarantee of quality care at the institution. Rather, JCAH is a consultant and the certificate is an indicator. Yet, institutions recognize that the certificate is the gateway to far more than a friendly JCAH pat on the back. Accreditation is the basis for regulatory actions. Sixteen Blue Cross plans base institutional eligibility to serve subscribers on hospitals' being accredited. The federal government in Medicare and Medicaid also takes accreditation as prima facie evidence of qualification to serve. A hospital's acceptability as a site for training interns and residents is based on accreditation. Therefore, critics contend, JCAH's insistence that it is not regulatory but consultative or tutorial may be technically correct but practically wrong or misleading.

The commission's Executive Director, Dr. John D. Porterfield, protests that JCAH is not responsible for the uses to which outside groups put accreditation. Acceptance of a regulatory role would undercut the quintessential JCAH function of tutoring institutions on how to improve voluntarily. Instead of confiding, hospitals would start hiding their problems from surveyors, he suggests. Yet some hospital and consumer observers say that in many institutions this is an anachronistic posture: a lot of hiding goes on precisely because of the need for accreditation.

"Consumers and government want much more from us than we are prepared to give," says Dr. Porterfield. JCAH, he continues, is prepared to survey the "nest"; approval signifies likelihood that the "egg" of patient care is not in bad odor. He believes there is a clear linkage between a good environment for patient care and its excellence, but the linkage is not guaranteed. Critics of JCAH agree but believe the preannounced surveys, lasting from one to three days, are superficial, subjective, and too reliant on paperwork.

As a matter of principle, JCAH has avoided direct assessment of the quality of medical care, insisting the job be done by the hospital medical staff. JCAH does review records indicating the staff's care-review activity. JCAH's avoidance of direct assessment has been partly due to political problems: medical staffs have been jealous of outside interference or demands for accountability. It has been partly because of technical problems: objective tools for evaluating care have been slow in coming.

But in this regard, too, events are propelling JCAH in directions it never dreamed of a decade ago. Expressed principally through government is a demand for public accountability of the quality of care. The 1972 Social Security Act authorized Professional Standards Review Organizations as mechanisms to assure the medical need for and quality of services under Medicare and Medicaid. These peer review mechanisms obviously are to be available for application to privately financed care, too. The demand by government and the public for assurances has put many health care bodies on the spot. Among them are JCAH's prime sponsors—the American Hospital and American Medical associations. Each controls 7 of the 20 seats on the JCAH Board of Commissioners, with three seats each held by the American College of Surgeons and American College of Physicians. The demand for public accountability has produced a competition among various groups for hegemony over peer review. The AMA is pushing harder than ever for peer review while the AHA is promoting a general, inhospital plan called Quality Assurance Program. JCAH, itself on the spot, is at center stage because it has produced possibly the only widely available practical method of self-audit of medical staff performance. The system, developed coincidentally with the preparation of federal legislation and application of the 1970 revised JCAH standards, is being explained nationally through Trustee-Administrator-Physician Institutes.

Though still not directly assessing quality of care, JCAH may be approaching—by requiring use of its audit system or the equivalent—its public image of guarantor of quality care. Peculiarly enough, the more successful the commission is in improving hospital performance, the greater the public reliance and expectation and the more likely will be pressures to reform JCAH into a quasi-public body, some observers believe. The clash of public and professional expectation may produce a break in the commission's historic policies.

The differing concepts of what JCAH is, how it serves or should serve the public interest, and what it ought to be present an enormous public relations problem. Dr. Porterfield has been at pains in congressional hearings to distinguish among accreditation, licensure, and certification. He told a Senate health subcommittee last year that accreditation "was never intended as a device to protect the public, even though in former decades it was almost the only identifiable benchmark of reliability." He acknowledged

that consumers see accreditation as a protective guarantee of quality. Accreditation, he indicated, begins where licensure ends, licensure being a government agency's approval of an institution as fit to serve the public by virtue of meeting minimum essential standards. "All we can say, with our accreditation, (is) that the hospital is apparently living up to a normal, reasonably close approximation to nationally adopted standards and that we have no reason to think that (it) will willfully be in default on a certain day," Dr. Porterfield told Sen. Edward M. Kennedy (D–Mass.).

Some problems of defining JCAH result from its own growth and evolution amid changing expectations. Its $1.3 million budget of 1969 mushroomed to $4.5 million in 1972. The annual workload is now 2,800 hospital surveys. The frequency of surveys and their depth, the toughening and addition of standards, and the widening of special accreditations for longterm care facilities, institutions for the mentally retarded, and psychiatric hospitals have put a strain on JCAH resources. Simultaneously, the commission has undertaken a federal contract to list hospitals with special services, such as cancer and heart disease facilities, possibly a forerunner of more special accreditations. JCAH also has begun experiments in collaborative surveys with several state licensure agencies and with the California Medical Association, which directly evaluates the quality of the medical care "egg" while JCAM assesses the "nest." Added to all this is the medical-audit initiative.

Some critics think JCAH has bitten off more than it can chew, given its income, sponsors, and staff. One result may be that the quality of its surveying has become spotty. Dr. Porterfield acknowledges that JCAH has egg on its face because it accredited and then, following a *Chicago Sun-Times* exposé of deplorable conditions, had to disaccredit the city's Cermak prison hospital; the original survey was poorly done. Ralph Nader's Health Research Group has charged that JCAH pulled its punches in granting a two-year accreditation to a Maryland hospital with poor record-keeping procedures. However, numerous federal and private hospital sources report JCAH does a solid job in general, despite occasional lapses.

Some JCAH problems may relate to the doubling of its survey staff in the last few years. The corps of 41 full-time and 29 part-time surveyors includes 36 physicians (17 full time), 18 hospital administrators (14 full time), and 13 nurses (10 full time). The turnover is a glaring 50% annually, says Dr. Henry Speed of JCAH's Hospital Accreditation Program. The big turnover among physicians, many of whom are retirees, is laid to the tough "gypsy" life they lead, perhaps three months on the road for a single itinerary. At about $17,000 a year, physician pay is a restriction of recruitment. The commission would like to pay more but its income from fees is paced by what small hospitals can afford; they bridle at the current $350 per diem. Another strain comes from the impending retirement of veteran JCAH officials, such as Dr. Otto Arndahl, longtime head of the Hospital Accreditation Program.

Additional pressure stems from the realization that JCAH needs a modern, formalized curriculum for training surveyors to meet the investigative, instructional, and diplomatic complexities of the accreditation visit. Techniques of detecting problems and giving consultation are being studied as part of a surveyors' "West Point" in preparation. Meanwhile a vastly stepped-up effort to teach the medical audit procedure is being led by Charles Jacobs, assistant JCAH director. A lawyer, he is one of several new faces in an aging hierarchy, and is director of legal affairs as well as of professional education activities.

The tempo and variety of current activity hardly suggest a moribund organization. The commission has moved from antiquated quarters to the 21st floor of the mammoth John Hancock Center on Chicago's Near North Side, within easy walking distance of the AMA, AHA, and Blue Cross Association headquarters. Occupying virtually the entire floor, the offices impress the visitor with bustling activity, informality, and, just before the accreditation committee meets, piles of records and correspondence in a rush of processing.

The corporate existence of JCAH as an Illinois not-for-profit corporation dates from 1951. In 1919, the year after the records-incineration episode, the American College of Surgeons began operating a hospital standardization program, six years in preparation. The original standards fit on a single page; current standards take 150 pages. Basic principles were that standards of practice would be developed and applied to hospital performance by professionals, taking into account "the unique position of each institution of its own community." The ACS operated the program on several thousand dollars a year, obtained entirely from dues. But the load grew. Finally, the ACS asked the American College of Physicians, AHA, AMA, and the Canadian Medical Association to form a joint commission. (The Canadians withdrew in 1959 and formed their own national program.)

Since 1951, JCAH has revised standards from time to time, enlarging their scope from concern mainly with hospital and medical staff organization to such other facets as environmental and fire-safety services.

The year 1965 was a watershed. With standards overdue for upgrading, JCAH found itself in a central role in Medicare legislation. The law used accreditation as a basis for hospital eligibility in the program. Simultaneously, Congress authorized an alternative entry into Medicare through application by state agencies of federally prepared standards—which the statute said could not outstrip those by JCAH. The law stimulated self-examination by JCAH and the growth of state licensure agencies, thus etablishing an alternative national benchmark to the JCAH system. By writing JCAH standards into Medicare, Congress gave the commission a regulatory function Dr. Porterfield says it never asked for. The delegation of power later was attacked in lawsuits as unconstitutional.

The year 1965 was a watershed in other respects as well. Dr. Porterfield, a former deputy surgeon general of the U.S. Public Health Service and past president of the American Public Health Association, became JCAH executive director. Also that year, an Illinois court decided in the celebrated Darling case that a hospital governing board was responsible to patients for quality of medical care. The decision, says JCAH's Mr. Jacobs, dissipated the myth that medical care was solely within the province of physicians and beyond reach of the hospital corporation. One effect of the decision was to thrust JCAH into redefining standards covering relationships between the governing board and medical staff. It had to develop a means by which the medical staff could satisfy the governing board that responsibility for checking the performance of the staff was being met.

The limelight Medicare cast on JCAH proved to be unflattering. In 1967, the Health Insurance Benefits Advisory Council, Medicare's chief advisory group, mostly comprising professional persons and some consumers, told Congress that JCAH standards were applied inadequately by individual surveyors and that some placed an undesirably low ceiling on health and safety conditions. The council called for federal standards. "In response to this criticism, JCAH introduced team surveys and reduced the maximum interval between surveys from three years to two," says Dr. Schlicke, JCAH commissioner.

Other observers believe JCAH was confronted with a survival crisis. The growth in government regulatory systems seemed to be catching up with JCAH making its existence questioned as redundant, some observers say. In 1970, two lawsuits by groups representing senior citizens attacked the Medicare-JCAH relationship. Citing 76 violations of more than 16 JCAH standards at District of Columbia General Hospital and even more at San Francisco General Hospital, the plaintiffs asserted that JCAH set "inadequate standards for patient care in hospitals which treat Medicare patients" and enforced these standards in a manner "not calculated to protect patients' rights to 'adequate hospital care." Accreditation permitted the hospital to continue receiving over $2 million annually from Medicare despite "overwhelming evidence" in JCAH's possession that the hospital rendered "inadequate and unsafe treatment to San Francisco's elderly citizens who are dependent upon it for medical care." Since the Medicare law rendered accredited hospitals immune to federal oversight, and since JCAH had no mechanism for public hearings, the plaintiffs said they had to sue. (The suits were mooted in 1972 when Congress changed the Medicare-JCAH relationship to permit federal oversight and promulgation, if necessary, of standards exceeding JCAH's.)

Consumerism also left a mark on the revised JCAH standards in the form of a preamble embodying a statement of patients' rights, which antedates by two years the AHA's 1973 statement of patients' rights. JCAH established a consumer advisory committee and agreed to meet regularly with a Coalition on Health Care that evolved from the committee. But it resisted demands that one third of the JCAH board be consumers, that each survey team include a consumer, that consumers have a right to appeal an accreditation decision, and that survey records be made public. After the 1969–71 period, consumer interest seems to have diminished, according to Dr. Porterfield.

In 1969, the revised JCAH standards were completed and distributed for discussion and approval. They had taken four years to develop by a research staff of four and 21 advisory panels comprising 320 experts working under a $605,000 Kellogg Foundation grant. Many professional observers believe the revisions marked a substantial upgrading. But a few believe the standards were simply a tightening of the old minimum-essential level and the inclusion of several additional areas in the interest of being comprehensive. The commission describes standards as having moved up from minimum essential to "optimum achievable," an amorphous concept under which institutions are judged accreditable if they approximate a level of performance that is within reach, though not ideal.

Some observers are skeptical about the extent of upgrading in the new standards, which were adopted in 1970. A recent unsigned commentary in the *Georgetown Law Journal* finds that they undercut the hospital's obligation, as stated in *Darling*, to ensure that physicians request consultation under certain circumstances. The 1956 JCAH standards, the article says, held the staff responsible for seeing that its members "do not fail in the matter of calling consultants as needed." The new standards declare that use of consultations and qualifications of consultants should be reviewed as a part of medical care evaluation, the article says, adding: "This weakening of the 1956 Standards is inconsistent with the statement of the (JCAH board) that the (new) Standards were designed 'to raise and strengthen the Standards from their present level of minimum essential to the level of optimum achievable.' The Commission appears to be more interested in insulating hospitals from liability than in improving the quality of medical care."

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An authority on medical records administration believes the new standards are not very high. "Hospitals won't allow it," she comments. "They want the accreditation certificate for third-party insurers and other purposes. In 1970, JCAH did not raise standards so much as tighten them up at the old, inadequate level by bringing in more detail."

Such critical comments, Hospital Practice found in a score of interviews, were in the minority. Fairly typical of comments were those by an official of the 326-bed Samuel Merritt Hospital, Oakland, Calif. Dr. James A. Stark, president of the medical staff, believes the new standards help assure good patient care and give the medical staff a springboard for obtaining reforms. He adds, however, that there are physician complaints that JCAH requirements on recordkeeping go overboard by demanding more information than pertinent to some inpatient admissions. A Michigan hospital administrator commented tersely, "JCAH is getting tougher."

Some observers think JCAH has picked up speed in prodding for improved hospital performance, possibly moving a bit faster than many hospitals would like. Dr. Porterfield reports that about 20% of surveyed hospitals now receive less than the two-year accreditation, a considerably larger percentage than in the past. In the 1960's, reaccreditation of most large hospitals was virtually automatic, but that era may have ended—at least for large municipal hospitals—with the disaccreditation of Boston City Hospital in 1970. Recent statistics suggest that JCAH denies almost 1 in 4 hospitals the maximum accreditation period. In January-March 1973, the commission reviewed 965 hospitals, of which 740 received a two-year and 174 a one-year accreditation. The remaining 51 were not accredited.

Accompanying the revised standards were new procedures for implementing them. They call for the institution to complete a presurvey questionnaire to help delineate problems to be focused on by the surveyors. A self-survey by the hospital during the year in between surveys also is called for so that JCAH can check on progress in meeting promises to improve. How well the entire system works is not entirely clear as yet, since it is still on a shakedown cruise. Dr. Porterfield believes it is working out. In an AHA study in the New York area, some 14% of hospitals said professionals were not stimulated by the JCAH survey, and 8% said postsurgery feedback was not worthwhile; presumably the rest were not dissatisfied.

Several hospital consultants remarks that JCAH probably has its greatest impact on smaller institutions. At the same time that they have difficulty meeting standards, JCAH seems to make greater allowances for them in the application of surveyor judgment. The discretion allowed to the surveyor and the JCAH review hierarchy is said to "dilute" standards. The commission's position is that tailoring in implementation is necessary if a national set of standards is to apply to institutions with diverse resources. Consumer critics believe, however, that JCAH at bottom lacks an objective basis for finding a hospital accreditable; it is possible, they say, for an institution with severe deficiencies to be judged qualified. A federal official says that criticism applies both to JCAH and to Medicare assessments; in Medicare, the doctrine by which certification can be made despite deficiencies is called "substantial compliance," and it derives conceptually from the JCAH system. However, being governmental, "substantial compliance" is challengeable in the courts as permitting arbitrary and capricious certifications, according to some consumer lawyers.

The presumption on which the JCAH system rests, according to Dr. Porterfield, is that medical-hospital professionals know how to conduct the delivery of medical care expertly, have a public trust to do so, and can be trusted to discipline themselves. In the current climate of public attitudes toward the medical care "system" or health "industry," that presumption is under considerable strain. The Department of Health, Education, and Welfare now has the power to conduct validation surveys of JCAH-accredited hospitals and to write standards different from JCAH's. The development of Professional Standards Review Organizations under government auspices also indicates that there may be less than total reliance on the traditional view. Moreover, JCAH itself has opened the door to consumer inputs into what had been entirely professional deliberations on development of standards and has revised its policy on releasing accredition information concerning specific hospitals. Although the survey recommendations are confidential, JCAH now tells the public whether or not a facility is acrcedited, for how long, and the forthcoming survey dates.

Also signifying the "public accountability" climate have been advances in government licensure and certification programs. As these rise above primitive, or minimum essential levels, pressure is generated on JCAH to move ahead. Some observers suggest JCAH's evolution should be into a system that recognizes excellence by grading hospitals, while licensure or accreditation recognizes basic fitness to serve the public.

One member of Congress who has a different view of JCAH's future is Rep. John Saylor (R-Pa.), an influential member of House committees on interior and veterans' affairs. He has introduced, in the last two congresses, bills to create a 32-member Federal Commission on Accreditation of Hospitals. Three seats would go to consumers the rest mainly to physicians and other professional persons. The body would set and enforce standards, provide the public and hospital workers with an opportunity to make comments during an inspection, publish results, and make accreditations. Termination of accreditation would mean removal from the Medicare and Medicaid programs and the end of any federal financial aid, such as grants for training, construction, and demonstration services. A disaccredited federal hospital would stop operating until reformed. Mr. Saylor has also introduced bills to pull the Veterans Administration out of the JCAH system unless the JCAH furnished VA hospitals with detailed findings, not just summary reports and recommendations. He has published in *Congressional Record* the summary reports and recommendations by JCAH on a score of VA hospitals and long-term care facilities.

The Saylor bills are not considered likely to get very far, but they are indicative of a growing trend on Capitol Hill. An approach that has been relatively comfortable for physicians and hospitals has now come under challenge.

How Some "Outsiders" Assess JCAH Performance

How well does JCAH really work?

Objective studies are lacking on the impact of the Joint Commission on Accreditation of Hospitals in effecting improvement at specific hospitals. Detailed findings by surveyors—which not even the hospitals receive—are stored in a closely supervised room at JCAH's Chicago office. Not even Executive Director John D. Porterfield can emerge from the room without some staff member's comment implying the inadvisability of removing them. The nitty-gritty details of survey findings, however, are imparted orally at an end-of-survey summary conference at the hospital. Apart from the two-year, one-year, or non-accreditation judgment, the JCAH document received at the hospital contains little news, hospital officials say. Two Michigan hospital administrators assert the real value of the survey lies in the surveyor's comments, helpful tips, and on-the-spot answers to questions.

Some JCAH reports are said to encompass the "best" of two worlds by making numerous recommendations for change (thus implying many major problems) while still offering full accreditation. To some elements in the hospital field, this kind of strategy also offers the "worst" of two worlds by noting severe problems but implying, with accreditation, that they aren't intolerable.

That accreditation may not assure quality of care was a point emphasized in a lawsuit involving District of Columbia General Hospital. In 1970, the 951-bed institution was downgraded from the then maximum accreditation period of three years to one year, with notice that a second one-year accreditation would not be allowed. The 30 recommendations by JCAH called for correcting dangerous environmental conditions, establishing a chief executive with real authority to deal with the city bureaucracy, rebuilding antiquated obstetric facilities as planned, adding clinical lab personnel, and studying the adequacy of the outpatient department staff. Patients' advocates thought the hospital should have been disaccredited, thus threatening $2 million of Medicare (and Medicaid) reimbursement the city received and, presumably, forcing reform. In 1971, a patient's lawsuit contested Medicare participation based on accreditation. It cited 76 violation of 16 JCAH standards as indicated by house staff, other employees, and community members. Lost records, lack of nurses, poor lab reports, and other deficiencies "render the hospital unable to provide medical care . . in compliance with Joint Commission standards," which, the suit said, didn't guarantee Medicare beneficiaries the protections promised in federal law.

Also in 1971, after the death of a patient who had waited six hours in the emergency room, a federal judge ordered D.C. General to meet its own requirements of having at least three licensed physicians on duty in the emergency room at all times. Hospital users alleged that only one physician, usually an intern, was on duty. Nonetheless, while under the injunction and with the Medicare suit still pending, the hospital gained a two-year accreditation.

While D.C. General, with all its problems, was receiving a two-year accreditation, another eastern hospital—with half the beds and far fewer than half the problems—was accredited similarly for two years. That two hospitals in vastly different shape can receive the safe "full" accreditation is a fact, puzzling to outsiders, of the JCAH system and makes an evaluation of that system difficult.

Officials at the eastern hospital, voluntary, nonprofit, and anonymous by request, believe JCAH was of little value to them. They found the local government's licensure review far more helpful. Placed side by side, the three-page JCAH document and the 10-page licensure document read like reports on different institutions. They reflect differing emphases. The licensure report had nothing on adequacy of medical recordkeeping, on which JCAH dwelled, finding too many incomplete physical examinations and too many belated records.

The licensure report called for delineating of surgical privileges for all physicians, for creation of an emergency treatment manual, for changing the 1:1,000 adrenalin dilution erroneously posted on an emergency cart to 1:10,000, and for establishing nurses' duties to report the sending of blood and urine for analysis and reactions to blood transfusions. The JCAH report had nothing on these points.

"There's no comparison about the depth of the reports," says a hospital executive. "JCAH sent in three surveyors for three days; the licensure crew of eight was here for three days. If it weren't for outside requirements for having accreditation, I think the

hospital could drop JCAH." A medical staff official generally concurred, though he felt JCAH had taken a big step forward by devising a practical retrospective medical care audit procedure. JCAH is advising hospitals that this or an equivalent system must be in operation by their next surveys.

In California, where JCAH and the California Medical Association are working cooperatively, it is possible for both to approve a hospital despite major deficiencies. In 1972, JCAH awarded Valley Medical Center of Fresno, a 583-bed county facility, a two-year accreditation. It recommended improvement in peer review, medical staff minutes and voting procedures, documentation of pharmacy-therapeutic committee work, medical recordkeeping, and fire protection. The medical association approved the medical staff activities after finding parallel but not identical deficiencies, including 2,500 delinquent patient records, inadequacies in review and documentation of medical credentials, and deficiencies in emergency room organization and in physicians' understanding of methods of lowering infection rates.

New York State sources provide mixed criticism of JCAH from the standpoint of one of the better licensure programs. JCAH has good marks in evaluating medical staff, with a potential considered excellent to bring further improvement because of its medical audit system. But JCAH is rated less effective than the state in evaluating nurse staffing, rehabilitation therapy, nutritional services, and physical environment (i.e., fire safety). "Too many hospitals are being tolerated by JCAH with physical environment problems," says a state official. (Other officials said JCAH's special accrediting program for psychiatric hospitals was way behind in making surveys, and the long-term care facilities' program was rated poor.) Sources in several other states said JCAH generally did better than licensure programs but had a glaring weakness in not following up to see deficiencies corrected.

Perhaps the closest thing to a nongovernmental hospital rating service on a national basis is conducted by such veterans' groups as the American Legion. The Legion sends six field representatives into Veterans Administration hospitals around the country, seeing each once in 15 months. Visits last a week and include tours of the facility, chats with employees and patients, and interviews with hospital officials. Recommendations are sent directly to the Administrator of Veterans Affairs.

Taking the Legion as a benchmark provides a limited perspective on JCAH, suggesting that it may miss significant problems. In May 1972, both the Legion and JCAH visited the 260-bed VA Hospital in Washington, D.C. The JCAH called for better, individualized nursing care plans, a nursing representative on the medical records committee, written reports and evaluations of all fire drills, authenticated signatures on medical records, and pertinent, complete nursing notes. It gave a two-year accreditation.

The Legion reported excessive delays for patients in radiology, up to six hours, because of overcrowding and inadequate staff. Among other problems, it found totally inadequate space for the pharmacy. Overall, the report concluded that veterans got "a good quality of care" but there were urgent space problems.

Two Veterans Administration observers divided on JCAH's value. One commended JCAH for giving the agency an independent appraisal based on "good" standards and implementation. He acknowledged, however, that standards represent an estimate of what the hospital field in general will tolerate and that VA is several cuts above that level. One VA hospital was justifiably disaccredited, triggering immediate concern. But the other VA official found JCAH's work superficial when compared with VA's own internal audits. "JCAH misses too much," the official said.

Prestigious, Accredited, Yet in Part a Firetrap

Because it takes care of the President, Supreme Court justices, members of Congress, and other dignitaries besides servicemen, the Bethesda (Md.) Naval Hospital (below) ranks as one of the most politically and professionally sensitive health care institutions in the nation.

Yet much of it is a firetrap: specifically, the hopsital's 14-story tower, which is set on a four-story pedestal.

What qualifies it as a firetrap, according to fire-safety experts consulted by Hospital Practice, is the fact that the tower has but a single stairwell. The Life Safety Code of the National Fire Protection Association requires at least two means of egress from patient floors. Elevators, which cannot be relied on in fires, are not legitimate egresses under the code.

The presidential quarters are in the pedestal, with plenty of escape routes, the Navy says. But there are no external fire escapes to bring down members of Congress and other dignitaries who typically are given private rooms in the tower. Some 110 of the hospital's 690 beds are above the tenth floor, which probably would be impossible to evacuate with ladders. The usual patient load on these floors is 70 to 90. Most of the patients are said to be ambulatory.

The Navy recognizes what officers privately call "the tower crisis" by having frequent fire drills and the installation of fire-safety devices. The building is all concrete and steel; it won't burn, the Navy says, and tower patients could get away from fire on lower floors by going further upstairs. However, fire-safety experts point out that noncombustible structures tend to retain smoke, the big danger to patients.

The Joint Commission on Accreditation of Hospitals noted the fire-safety hazard in its biennial survey of the hospital. Nonetheless, although it is supposed to apply the Life Safety Code, it accredited the hospital for a full two-year period.

Some independent hospital consultants believe JCAH may have violated its own rules by giving the hospital more than a provisional, one-year accreditation. A one-year accreditation would have started the flagship hospital down the road to disaccreditation. JCAH rules on severe structural fire hazards require correction within a year or installation throughout of automatic sprinklers. Replacement of the tower as a patient care facility would take five years but Congress has yet to be asked for the $100 million the Navy estimate expanding and renovating the hospital and allied facilities will cost. The tower does not have automatic sprinklers because, the Navy says, the structure is noncombustible.

Asked why the JCAH had given the two-year accreditation, JCAH Executive Director John D. Porterfield consulted a detailed survey report. He said it included a Navy memorandum implying that the hazard would be corrected within a year. However, the memo's reference to "major new hospital construction commencing a year from now" [i.e., beginning in October 1973] does not apply to removing patients from the hazardous tower, Hospital Practice discovered on obtaining the memorandum. The reference actually is to preparatory work.

The JCAH recommendations and comments on the naval hospital were obtained under the federal Freedom of Information Act despite Navy resistance. Other federal installations provided JCAH reports as part of this journal's attempt to learn how the JCAH process works at the grass roots.

"There is no way to remedy the problem without new construction," a Navy spokesman said. He insisted the tower was safe and as proof cited the fact that no fires had ever occurred there and that JCAH would not have offered a two-year accreditation if it thought the situation dangerous.

According to the JCAH report, "as previously recommended, attention is directed to the potential fire hazard existing in the tower floors where there are three blind corridors, with patients, and only one exit in the fourth corridor. In addition, the hospital should plan to move patients out of the lower building to areas appropriately secure from fire hazards."

The precast concrete structure was designed in 1938 by President Franklin D. Roosevelt on the back of an envelope. He dedicated the hospital when it was completed in 1942. Fire-safety experts unanimously agreed no such structure would be built today as a hospital facility.

Memorandum

From: Public Works Officer
To: Administrative Officer, Naval Hospital
Subj.: Status of Fire Protection Engineering Survey

1. During discussion on 24 Oct. 1972 with Mr. C. V. Wynne of the JCAH inspection team, certain questions were raised relative to what progress has been achieved in eliminating fire protection deficiences. During the previous JCAH visit they were appraised of military construction project P–040 for correction of the deficiencies within hospital spaces at an estimated cost of $1,100,000. This project was included in the Navy's five year military construction program. Recent approval of the RTKL core study conclusions and the DOD medical facilities replacement and modernization program will result in major new hospital construction commencing approximately one year from now. The facility problems associated with NH Bethesda are certainly more than fire protection deficiencies thus the emphasis on new facilities has preempted MILCON project P–040 which was limited to fire protection deficiencies. Of course our new facilities will be designed in accordance with current code requirements thus we can optimistically look forward to a modern medical facility without fire protection hazards.

2. During the interim since the last JCAH visit progress has been made in eliminating fire hazards. Combustionable ceiling tile and partioning has been eliminated from numerous hospital spaces. A new CO_2 system has been installed in the Navy Exchange galley and a facility project has been submitted to BUMED for installation of a CO_2 system in the main galley with estimated funding in summer 1973. The new pharmacy was equipped with an automatic sprinkler system. The new air conditioning system incorporated current code requirements for smoke detection, automatic shutdown and fire dampers. Continued progress towards correcting deficiencies will be subject to availability of resources.

3. Mr. Wynne also inquired about the status of emergency power for CCU and doctors paging system. Emergency power service has been provided to the CCU in 3–B. It was determined that the doctors paging system would not be connected to the emergency power system due to the use of "Bell Boy" paging units for key personnel.

D. J. Monarch, Jr.

Congress of the United States,
House of Representatives,
Washington, D.C., April 30, 1973.

Hon. John W. Warner,
Secretary of the Navy,
The Pentagon,
Washington, D.C.

Dear Mr. Secretary: As one who served for some time in the U.S. Navy and as one who has been a patient several times in the Naval Hospital in Bethesda, I was concerned by the report of the Joint Commission on Ac-

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creditation of Hospitals, providing accreditation for the Hospital for two more years, which found several deficiencies.

Under "Environmental Services," I think that points 1, 3, and 4 are of particular importance, and I was amazed to learn that there are "three blind corridors with patients, and only one exit in the fourth corridor." Item 6, having to do with doors and fire separations, is of great importance, as I am sure you know, and I am wondering what steps are necessary to correct these deficiencies. Is it lack of money or a lack of planning, or a combination of both?

As you may know, I have introduced in the last Congress and in the present Congress three proposals to set up a new commission of accreditation of hospitals and reorganize this procedure. Be that as it may, I am quite concerned over the report which deals with the Bethesda Naval Hospital and would appreciate your full comments on this subject.

Sincerely,

JOHN P. SAYLOR,
Member of Congress.

P.S.—I am personally surprised at the stupidity of the accreditation group in failing to call attention to the vulnerability of the "tower" in case of fire, explosion, or other disaster.

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, D.C., June 8, 1973.

The Honorable JOHN P. SAYLOR,
House of Representatives
Washington, D.C.

DEAR MR. SAYLOR: Thank you for your recent letter regarding the Naval Hospital, Bethesda, and its accreditation. I appreciate your concern in this matter. Continuing approval of the facility was given by the Joint Commission on Accreditation of Hospitals (JCAH) on the basis of an evaluation of the seriousness of the deficiencies in relation to proposed remedies for the cited problem areas.

Your concern with the environmental services portion of the report, particularly as it relates to fire safety, is well founded. This was discussed in detail with the JCAH reviewers, although not reflected in the survey document. In particular, item 4 was intended to reflect the potential danger in the tower building because the structure has only one stairwell. The Navy is presently working to expeditiously correct this as well as other cited deficiencies.

The problems existing at Bethesda are recognized, and appropriate immediate and long range solutions have been initiated.

Thank you for your continuing interest in the Navy and in the Bethesda Naval Hospital. If I may be of any further assistance, please do not hesitate to contact me.

Sincerely,

FRANK SANDERS,
Under Secretary of the Navy.

H.R. 1898

A bill to authorize the Secretary of Health, Education, and Welfare to require hospitals as a condition to participation in Federal programs to meet accreditation standards established by him

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if the Secretary of Health, Education, and Welfare determines that the accreditation standards applied to a hospital by the Joint Commission on Accreditation of Hospitals do not assure the delivery of safe, effective, and economical health care in that hospital, he may (under regulations prescribed by him) require, as a condition to (1) its receipt of any grant, contract, or loan under any law administered by him, and (2) its eligibility to participate as a provider of services under title XVIII or XIX of the Social Security Act, that the hospital meet such accreditation standards as the Secretary may by regulation prescribe.

H.R. 1899

A bill to establish the Federal Commission on Accreditation of Hospitals, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Federal Commission on Accreditation of Hospitals Act".

TITLE I—ESTABLISHMENT OF COMMISSION

ESTABLISHMENT

SEC. 101. There is established a commission to be known as the Federal Commission on Accreditation of Hospitals (hereinafter in this Act referred to as the "Commission").

MEMBERSHIP

SEC. 102. (a) NUMBER AND APPOINTMENT.—The Commission shall be composed of thirty-two members as follows:

(1) The chief medical officer of the Veterans' Administration (or his designee) and a medical officer designated by the Secretary of Defense shall be ex officio members of the Commission.

(2) Nine members shall be appointed by the Comptroller General of the United States. Of the members appointed under this paragraph, six shall be appointed from persons who are experienced in the administration of hospitals and three shall be appointed from members of the general public.

(3) Twenty-one members shall be appointed by the Secretary of Health, Education, and Welfare. Of the members appointed under this paragraph, six shall be appointed from practicing physicians and fifteen shall be appointed from persons employed in any allied health profession, nurses, and engineers experienced in the construction and operation of hospitals.

A vacancy in the appointed membership of the Commission shall be filled in the manner in which the original appointment was made.

(b) TERMS.—

(1) Except as provided in paragraphs (2) and (3), the appointed members shall be appointed for terms of six years.

(2) Of the members first appointed by the Comptroller General, three shall be appointed for terms of two years and three shall be appointed for terms of four years, as designated by the Comptroller General at the time of appointment; and of the members first appointed by the Secretary, seven shall be appointed for terms of two years and seven shall be appointed for terms of four years, as designated by the Secretary at the time of appointment.

(3) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of his term until his successor has taken office.

(c) PAY AND TRAVEL EXPENSES.

(1) Except as provided in paragraph (2) and subsection (e), members of the Commission shall each be entitled to receive the daily equivalent of the annual rate of basic pay in effect for grade GS–18 of the General Schedule for each day (including traveltime) during which they are engaged in the actual performance of duties vested in the Commission.

(2) Members of the Commission who are full-time officers or employees of the United States shall receive no additional pay on account of their service on the Commission.

(3) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5 of the United States Code.

(d) QUORUM.—Seventeen members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(e) CHAIRMAN.—The Chairman of the Commission shall be elected by the members of the Commission from the membership of the Commission. The Chairman shall serve for a term of four years or until the expiration of his term of office as a member of the Commission, whichever occurs first. The Chairman shall serve on a full-time basis and shall be compensated at the annual rate authorized for level V of the Executive Schedule.

(f) MEETINGS.—The Commission shall meet at the call of the Chairman or a majority of its members, but not less often than once every three months.

DIRECTOR AND STAFF OF COMMISSION; EXPERTS AND CONSULTANTS

SEC. 103. (a) DIRECTOR.—The Commission shall have a Director who shall be appointed by the Commission and who shall be paid at the rate of basic pay in effect for grade GS–18 of the General Schedule.

(b) STAFF.—Subject to such rules as may be adopted by the Commission, the Director may appoint and fix the pay of such personnel as he deems desirable.

(c) APPLICABILITY OF CIVIL SERVICE LAWS.—The Director and the personnel appointed under subsection (b) shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and such personnel shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(d) EXPERTS AND CONSULTANTS.—Subject to such rules as may be adopted by the Commission, the Director may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay in effect for grade GS–18 of the General Schedule.

(e) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist it in carrying out its duties under this Act.

GENERAL POWERS OF COMMISSION

SEC. 104. (a) HEARINGS AND SESSIONS.—The Commission may for the purpose of carrying out this Act hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission may deem advisable. The Commission may administer oaths or affirmations to witnesses appearing before it.

(b) POWERS OF MEMBERS AND AGENTS.—When so authorized by the Commission, any member or agent of the Commission may take any action which the Commission is authorized to take by this section.

(c) OBTAINING DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(d) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(e) MAILS.—The Commission may use the United States mails in the same manner and

upon the same conditions as other departments and agencies of the United States.

(f) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

TITLE II—ACCREDITATION

DEFINITIONS

SEC. 201. For purposes of this title:

(1) The term "hospital" shall have the meaning prescribed for it by section 645(c) of the Public Health Service Act (42 U.S.C. 291o), except that it shall also include outpatient facilities, rehabilitation facilities, and facilities for long-term care (as those facilities are defined, respectively, by sections 645(f), 645(g), and 645(h) of such Act).

(2) The term "accreditation standards" means standards the attainment and maintenance of which, in the judgment of the Commission, are requisite to the delivery of safe, effective, and economical health care in hospitals. Such standards shall include—

(A) requirements relating to the design, construction, and maintenance of hospital buildings;

(B) training and experience qualifications for hospital personnel, including physicians employed by a hospital or permitted to use its facilities, nurses, food service employees, and employees engaged in the allied health professions:

(C) requirements for provision, at a reduced rate or without cost, of services to persons unable to pay therefore; and

(D) requirements respecting the organization and delivery of health care in hospitals.

ACCREDITATION STANDARDS

SEC. 202. (a)(1) The Commission shall by regulation establish (A) accreditation standards for hospitals, and (B) procedures (i) to determine if a hospital is in compliance with such standards, (ii) for accreditation of those hospitals determined to be in compliance with such standards, and (iii) for termination of accreditation of a hospital found to be in noncompliance with such standards.

(2) Procedures established under clauses (B) (i) and (ii) of paragraph (1) shall—

(A) prescribe the effective period of an accreditation;

(B) prescribe the minimum number of inspections or surveys required for accreditation;

(C) permit a reasonable opportunity for the submission of comments, during an inspection or survey, by the employees of the hospital being inspected or surveyed and by other persons in the community served by the hospital who are interested in the delivery of health care in the hospital;

(D) require the assessment and collection of such fees as may be necessary to reimburse the United States for the costs of inspections and surveys under this title; and

(E) provide for the publication and distribution of the accreditation determinations of the Commission and the basis for such determinations, including the results of surveys and investigations.

(3) Procedures established under clause (B) (iii) of paragraph (1) shall require the Commission to give written notice of noncompliance when it finds a hospital to be in noncompliance with the Commission's accreditation standards. The notice—

(A) shall be served on the persons responsible for the operation of the hospital (as determined by the Commission) and on the State health agency which has jurisdiction over the hospital, and

(B) shall be designed to fully inform the persons receiving it of the basis for the Commission's determination of noncompliance, shall specify the corrective action that must be taken to bring the hospital into compliance with the accreditation standards, and shall provide a ninety-day period, beginning on the date the notice is served, for bringing the hospital into compliance with the accreditation standards.

(b) The Commission shall conduct survey and accreditation programs which will encourage members of the health professions and hospitals voluntarily to—

(1) promote high quality of care in all aspects in order to give patients the optimum benefits that medical science has to offer;

(2) apply certain basic principles of physical plant safety and maintenance, and of organization and administration of function for efficient care of the patient; and

(3) maintain the essential services in the facilities through coordinated effort of the organized staffs and the governing bodies of the facilities.

(c) No member or employee of the Commission who was employed by, or permitted to practice in, a hospital during the five-year period preceding an inspection or survey of it conducted under this title may participate in the inspection or survey or in any determination of the Commission made on the basis of such inspection or survey.

ENFORCEMENT

SEC. 203. If the Commission determines that a hospital for which a notice of noncompliance has been served in accordance with regulations made under section 202 (a)(3) is not, after the expiration of the ninety-day period specified in the notice, in compliance with the accreditation standards in effect under this title and—

(1) if the determination is made with respect to a Federal hospital, the head of the department or agency of the United States which operates the hospital shall terminate its operation until such time as the Commission accredits the hospital; or

(2) if the determination is made with respect to any other public or private hospital, no Federal financial assistance may be paid to or on the behalf of the hospital, and the hospital shall not be eligible to participate as a provider of services under title XVIII or XIX of the Social Security Act, until such time as the Commission accredits the hospital.

For purposes of paragraph (2) of this section, the term "Federal financial assistance" includes payments under grants and loans under the Public Health Service Act.

H.R. 1909

A bill to amend title 38 of the United States Code to prohibit payment of hospital inspection fees by the Administrator of Veterans' Affairs to the Joint Commission on the Accreditation of Hospitals until certain information regarding such inspections is received by the Administrator

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5001 of title 38, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) The Administrator may not pay to Joint Commission on the accreditation of Hospitals any fee or other charge for any inspection by the joint commission of any Veterans' Administration hospital or domiciliary until after the Administrator receives from the joint commission a copy of the surveyors report and such other information regarding the inspection as the Administrator may require.".

SAN CARLOS MINERAL STRIP

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, the San Carlos mineral strip bill, H.R. 7730, has been strongly opposed by the major environmental organization of this country. The concept of paying money from the taxpayers' pockets to reimburse 32 Arizona ranchers for Federal grazing permits, they have correctly said, would violate longstanding national policy and could create a new Federal liability amounting to an estimated $362 million.

In case the seriousness of this matter is in doubt, let me remind my colleagues that legislation is already pending in both Houses of Congress that would require the Federal Government to pay the permittees for any grazing permits that are canceled. H.R. 7730 is only the nose of the camel. After the camel puts its nose into the tent, the whole camel is sure to follow; that is, the next step would clearly be to extend the principle of the San Carlos bill to all the public lands, as is contempated in this other legislation to which I have referred.

The Salt Lake City Tribune, a respected voice in the heart of cattle country, has editorialized against the concept of H.R. 7730, pointing out that if it is applied to other public lands it would deny Federal land-management officials the flexibility that is needed in good resource management.

I am hopeful that a new version of the San Carlos bill can be worked out; that it will not open this long-settle issue all over again. Fairness to the grazing permittees in the San Carlos mineral strip need not entail an attack on our fundamental public land policies.

With respect to the issues mentioned here, I am appending to my remarks the editorial from the Tribune, a letter from the national conservation organizations, and a letter from Friends of the Earth:

[From the Salt Lake Tribune, Oct. 4, 1973]

COMPENSATION FOR LOST GRAZING BAD PRECEDENT AND WRONG

While the $362.5 million figure that Friends of the Earth see as the ultimate cost to American taxpayers if the Congress enacts the San Carlos Mineral Strip bill might be something off the top of someone's head, the conservation group's opposition to the bill is proper.

There is something very wrong with compensating any lessee simply because the lessor chooses not to renew the lease. At least, it is wrong if the man occupying any premises is given adequate notice that his lease is going to be cancelled.

The bill would authorize payment of $2.5 million to a group of Arizona ranchers because their cattle have been pushed off land that has been returned to the San Carlos Apache Indians. Formerly the ranchers used the land for grazing.

The point made by Friends of the Earth legislative director George Alderson that, "The bill would set an unacceptable precedent and enthrone livestock grazing as the dominant use of all public lands being used under permit," is well taken.

Federal land and resources managers, knowing that they would likely be required to compensate cattle and sheep men, would likely be very reluctant, even for some very sound ecological reasons, to cancel or substantially change a grazing permit. They would thus be denied a necessary flexibility that is inherently part of a good resource management plan.

This is not to argue against reasonable notification if for good conservation management reasons a grazing permit must be withdrawn or altered. Such notification is

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only fair to the rancher. He must have sufficient time to arrange for additional grazing, negotiate other grazing permits or change his methods of operations.

But to pay a rancher because his grazing permit has been withdrawn would be the equivalent of paying him for the loss of property he never owned. The land under consideration in the San Carlos Mineral Strip has never belonged to those Arizona ranchers They have only been given federal permission to use, a privilege they had to pay for.

Nevertheless, the title for that land, regardless of how many years the land has been used by the ranchers, has never been conveyed to the ranchers. The land remains public land.

Those ranchers have suffered no less because the land has been turned back to the Apaches. The ranchers have received everything they have paid for—the right to graze the land. And in all probability, at prices far below what they would have had to pay if they had been leasing private land of comparable quality.

The mere fact that they probably enjoyed some pretty cheap grazing for many years more than compensates them for any imagined loss they might have incurred by withdrawal of their grazing permits.

WASHINGTON, D.C.,
September 26, 1973.

HON. JOHN P. SAYLOR,
House of Representatives,
Washington, D.C.

DEAR MR. SAYLOR: This is in response to your letter of September 24, requesting our views on the San Carlos Mineral Strip bill, H.R. 7730.

The San Carlos bill would direct the Department of the Interior to pay livestock owners for the termination of their grazing permits on some 200,000 acres of formerly Federal land in the "San Carlos Mineral Strip" in Arizona. The land in question was returned to the San Carlos Apache Indian Tribe in 1969, and the Tribe gave notice to the ranchers three years ago that their grazing privileges would be cancelled. The Tribe later granted extensions to allow grazing to continue until June, 1973.

Under long-standing Federal policy, grazing permits confer no vested rights that are compensable by the Government, but only a privilege which can be revoked without compensation. The Taylor Grazing Act (43 U.S.C. 315b) explicitly states:

"The issuance of a permit pursuant to the provisions of this Act shall not create any right, title, interest or estate in or to the lands."

(The only exception to this principle was enacted by the Congress in 1942, covering only the cancellation of grazing privileges for war or national defense purposes.)

In our view, it is absolutely essential to maintain this policy, because it insures that our public lands will not become a captive of the livestock industry. These lands must serve many public purposes besides grazing, including recreation, water and wildlife. If livestock owners secure a vested right in grazing permits, the other public uses will be relegated to a subservient status.

The ranchers holding Federal grazing permits in the San Carlos Mineral Strip were just as aware as thousands of other permittees on the national forests and public domain lands their grazing privileges could be revoked at any time without compensation. In addition, they had three years' notice of the planned cancellation. While holding these permits, the ranchers also enjoyed the advantage of grazing at fees far below what they would have had to pay on equivalent private grazing lands.

By directing the Interior Department to pay the San Carlos Strip permittees for their cancelled permits, H.R. 7730 would establish a precedent completely at odds with many years' Federal policy. This bill would constitute a Congressional recognition of a compensable property right in Federal grazing permits. This could establish a Federal liability in grazing permits all over the country amounting to hundreds of millions of dollars. Whenever a grazing permit were cancelled by the Department of Interior or Agriculture, either to convert the land to a higher public use or to let it recover from overgrazing, the permittee would have to be paid with the taxpayers' money.

Although H.R. 7730 contains language disclaiming that it constitutes a precedent, we believe that its true significance is indeed to abrogate the policy that has thus far protected our public range lands from being monopolized by the livestock industry. The basic circumstances of the grazing permits in the San Carlos Mineral Strip are the same as those in countless grazing areas throughout the National Forest System and the public domain lands.

We note that H.R. 7730 is opposed by both the Department of the Interior and the Department of Agriculture.

The undersigned organizations recommend that the principle of the grazing permit as a non-compensable privilege be upheld. Unless the bill is amended to remove the provisions authorizing compensation for cancelled permits, we would strongly oppose H.R. 7730.

Sincerely,

William E. Towell, Executive Vice-President, American Forestry Association; Jane Risk, Director, Washington Office, Animal Protection Institute; Stephen Seater, Staff Biologist, Defenders of Wildlife; James Conroy, Legislative Coordinator, Environmental Action; Douglas W. Scott, Northwest Representative, Federation of Western Outdoor Clubs; George Alderson, Legislative Director, Friends of the Earth; Lewis Regenstein, Executive Vice-President, Fund for Animals; Cynthia Wilson, Washington Representative, National Audubon Society; Brock Evans, Washington Representative, Sierra Club; Carl R. Sullivan, Executive Secretary, Sport Fishing Institute; and Stewart Brandborg, Executive Director, the Wilderness Society.

FRIENDS OF THE EARTH,
Washington, D.C., September 28, 1973.

DEAR CONGRESSMAN: Environmentalists strongly oppose the San Carlos Mineral Strip bill (H.R. 7730), which may come to the House floor next Thursday, October 4. This bill is opposed not only by Friends of the Earth, but by the following national organizations:

National Audubon Society, National Wildlife Federation, Sierra Club, Sport Fishing Institute, Wildlife Management Institute, and The Wilderness Society.

The San Carlos bill would set a precedent for recognizing a vested right in the grazing permits which many ranchers hold, allowing them to pasture livestock on federal lands. Under long-standing national policy, established by the Congress, such permits are not a right, but a privilege, and the permittees cannot demand to be compensated by the federal government if their permits are cancelled to convert the land to a higher public use. The thousands of permittees throughout our national forests, national grasslands and public domain lands know that they will not be compensated if their permits are cancelled.

This well-established policy would be abrogated by H.R. 7730. The policy of the San Carlos bill, if applied to all public-land grazing permits, would result in a new federal liability of hundreds of millions of dollars. It would also enthrone livestock grazing as the dominant use of all pubic lands now under permit, because it would give livestock owners a vested right that is enjoyed by no other users of the public lands.

Under the policy established by H.R. 7730, if grazing needed to be curtailed for public purposes—such as to protect watershed or wildlife values, to establish a recreation area or national park, or simply to let the land recover from past overgrazing—the government would have to pay off the permittees with the taxpayers' money.

Even though the bill disclaims being a precedent, it will certainly be used as one by ranchers seeking compensation through the Courts and the Congress. This bill unnecessarily re-opens an issue that was settled long ago.

We would not oppose this bill if it were restricted to acquisition of the ranchers' base property (land owned in fee) within the San Carlos Mineral Strip. But compensation for public-land grazing permits is a policy that we believe the Congress should firmly reject.

Sincerely,

GEORGE ALDERSON,
Legislative Director.

THE END OF AN ERA—AFTER 231 YEARS

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, in the year 1737, an ironmaker named Peter Grubb obtained a warrant for a 142-acre tract of land in Pennsylvania in what is now Lebanon County, in order to develop the "rich and abundant" iron ore that was to make the Cornwall mine of Big Hill, Middle Hill, and Grassy Hill, famous throughout prerevolutionary America, and indeed, right up through today. Iron ore mining began in the year 1742, and continued with only short interruptions, until Hurricane Agnes boiled through the area last year.

In its 231 years of production, the mine gave us over 110 million tons of iron ore in addition to copper, cobalt, gold, silver, and sulfur. For years, the Cornwall was this country's only source of cobalt east of the Mississippi River.

After more than two centuries of operations, the Cornwall mine is being phased out of existence by the Bethlehem Steel Corp. which took title to the mine in 1921. The deep pits were filled with water after the hurricane of 1972 and the surface operations have ground to a halt in 1973. In the nature of all things dealing with free enterprise and the interplay of natural economic laws, th Cornwall mine ceases to operate at the crossing of the imaginary lines on the imaginary chart showing projected profitability and/or marginal utility.

Bethlehem Steel Corp. has not indicated it would return the surfaced-mined area of the operation to its original contour, but I am confident the corporation will make an extra special, public-spirited effort to preserve the area as an attractive and suitable historic site. Such preservation would be natural considering the importance of the Cornwall mine in the pageant of American industrial prowess.

A brief history of the mining at Cornwall appeared in the recent issue of Bethlehem Review, and knowing of the

interest of all our colleagues in the subject of mining, and their corollary interest in matters relating to our Government's forthcoming 200th birthday. I have appended the article to my remarks for their perusal:

MINED SINCE 1742: HISTORIC ERA ENDING AT CORNWALL

Bumper crops of corn and wheat did not make the gently rolling, fertile farmland around Big Hill, Middle Hill, and Grassy Hill, in Lebanon County, Pa., famous. An abundance of iron ore did. Farmers were not destined to work those hills and surrounding countryside. Ironmasters and hardrock miners were. And they have—for almost 250 years.

Next month, one of the most fascinating—and certainly the longest—chapters in American iron mining history will draw to a close. The mine that has been producing iron ore since before the Revolutionary War, which turned out cannons and cannon balls for George Washington's army, will give up its last iron ore.

In 1737, when Peter Grubb obtained a warrant for a 142.5-acre tract of land—part of King Charles of England's original landgrant to William Penn—the parcel included the three now famous hills. It was known, because of outcroppings, that the land included "rich and abundant" iron ore. Just how rich and how abundant Grubb could never have imagined. Grubb eventually acquired 450 surrounding acres.

Though others may have been aware of the iron deposit that lay beneath, Grubb certainly was the first to recognize the ore's worth. At least two previous owners of the land were ironmasters in the young colony of Pennsylvania, but they did not bother to mine any of the ore.

Mining began at Cornwall in 1742. Grubb had, by that time, completed his Cornwall charcoal furnace. In the years that followed, charcoal furnaces literally dotted the surrounding countryside.

Ore production, by pick and shovel, mounted. Several men digging and others pushing wheelbarrows easily kept a single furnace supplied. The ore was easy to remove, for it lay close to the surface.

Demand for the ore remained so steady that for almost a hundred years no major change was made in the mining system—no changes beyond the substitution of mule or horsepower for manpower to wheel the ore from mine to furnace. In its first hundred years, Cornwall produced about three-quarters of a million tons of iron ore.

By the 1900's (over 150 years into its operation), the deposit's output had totaled 15 million tons. But the surface barely had been scratched. Actually, the mine was to produce more in its last 30 years of operation than in the first 200.

Toward the end of the 1800's holdings in the mine property—by then held in the name of the Cornwall Ore Banks Company—began to pass into the hands of the Pennsylvania Steel Company. Through acquisition of the Pennsylvania Steel Company, title to the historic ore banks passed into Bethlehem Steel's hands in 1921.

In the second half of the 19th century, the horse-drawn wagons gave way to a steam locomotive and a railroad. By that time, the pit at Big Hill was 250 feet below ground level and the narrow-gage train spiralled its way to the surface on 2½ miles of track. Steam-powered drills replaced manpowered picks and steam shovels replaced manpowered shovels.

Just before Bethlehem took over ownership of the mine, an inclined skip hoist (at a 45° angle) replaced the railroad to move ore to the screening and crushing plant.

There was only one lengthy break in surface mining at Cornwall in its 231-year history. That came in 1953, when geologists and miners thought the economic limits of such mining had been reached. But new techniques and new equipment—primarily a concentrator located at the mine site—gave new life to the pit. Resumed in the early 1960's, surface mining continued until this year.

Though two very shallow shafts had been driven into the ore body below the level of the open pit in the early 1900's, it wasn't until 1921 that the first permanent underground mine—later known as No. 3 mine—was developed. A second and deeper ore body was discovered at about the same time.

Two parallel inclined shafts were sunk in 1927 into a new ore body discovered in the mid-20's. Soon thereafter came the big depression and in 1931 underground operations were stopped. But as steel industry activity picked up in the mid-30's, dewatering of the mine began; deep mining was resumed in 1937.

But work underground in No. 3 mine stopped again in 1940, so as not to disturb the open pit mining operation. But No. 4 mine—more than a mile from the pit—continued to be mined. World War II was looming and ore production became the name of the game.

In 1940 Cornwall turned out a little more than 350,000 tons of ore. Annual production jumped to over a million tons during the war years and on into the 1960's, when output began to taper off. Bethlehem people knew by then that the ore body was nearing depletion and, as early as the mid-1960's, plans were made for the gradual close down of the operation. Shutdown was projected for the early 1970's.

But the planners did not know Hurricane Agnes was due in June, 1972. By the time the torrential rains and flooding stopped, so had deep mining at Cornwall. The underground workings were completely filled with water. Bethlehem simply sealed off the underground openings, but surface mining continued for another year.

Cornwall's iron ore was never as rich as Peter Grubb thought; it ran slightly over 40% iron. But it certainly was as "abundant." The 110 million tons or so of iron ore that Cornwall banks yielded in their 231 years was by no means all the mineral wealth that came from Big, Middle, and Grassy Hills. Copper, cobalt, gold, silver, and sulfur have been separated from the raw ore since Bethlehem took over the property. Cornwall has been this country's only source of cobalt east of the Mississippi River.

Actually, nearly 100 different minerals have been found at Cornwall. And because of its mineral riches, Cornwall has been a mecca for "rock hounds"—rock collectors.

When Hurricane Agnes struck last June, about 650 people were working at Cornwall—in the surface and underground mines and in the concentrator. As the phase-out has progressed, about half of them have been transferred to other Bethlehem operations. Another 200 or so, long aware of the approaching end of mining, have retired on company-paid pensions. Only a handful of people—those with less than two years of service—are currently unplaced, and another couple hundred hold deferred rights to Bethlehem pensions.

CHROME AND OUR NATIONAL INTERESTS

(Mr. RANDALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RANDALL. Mr. Speaker, legislation has been introduced in Congress to repeal the Byrd amendment to the Strategic and Critical Materials Stockpile Act. This amendment made it possible for the United States to import Rhodesian chromium despite mandatory economic sanctions voted by the United Nations.

Chrome is an essential raw material and is widely utilized in the food, pharmaceutical, chemical, aerospace, atomic energy, and even dairy industries. One of its single most important uses is in the manufacture of stainless steel. Today, more than 40 percent of all stainless steel is earmarked for the production of pollution control equipment.

The United States is totally dependent on foreign supplies of chromium. The largest high grade reserves of this strategic material in the free world are found in Rhodesia. While the United States has measurably increased importation of Turkish and South African chromium, we must, nevertheless, still import 28 percent of our total chromium supply from the Soviet Union. This is a dangerous situation for the United States since Soviet production has been and always will be linked to overriding political considerations.

In view of the current Middle East war and traditional Soviet capriciousness in the foreign policy arena, we cannot permit this Nation to become dependent on Communist-dominated nations for vital raw materials. Détente, if it ever really existed, could conceivably evaporate overnight, leaving the United States hostage to the Soviet Union for continuation of its chromium supplies.

We must also look at what has happened to world chrome prices since the United Nations sanctions were first imposed. Prior to the enactment of sanctions against Rhodesia, American firms were buying chrome for $26.66 per long ton. With the prohibition against the importation of chrome from Rhodesia, the price shot up to $56.39 for Russian ore. As a consequence of the Byrd amendment, the price has stabilized again with Rhodesian ore selling for $38.79 per long ton and Russian ore going for $37.59 to $39.62. Thus, repeal of the Byrd amendment, which will eliminate Rhodesian competition on the world market, will result in a "captive" sellers market where the Soviet Union can extract virtual ransom from the United States for chrome imports.

Increased chrome prices, furthermore, can only result in higher consumer prices in this country, feeding our already spiraling inflation.

In short, the issue is not one of minority rule in Southern Rhodesia, but instead a matter of satisfying U.S. chromium needs. I am concerned only that the United States have an adequate supply of chrome of a competitive grade at a competitive price. If American manufacturers are compelled to abandon importation of Rhodesian chromium, which is less expensive and of a higher grade than alternative sources, then we will be at a decided economic disadvantage in face of stiff competition from nations like Japan, West Germany, and Italy which presumably will continue to purchase Rhodesian chrome. They will be able to produce consumer products and other equipment at a much lower price, undermining the competitive position of many U.S. corporations.

Finally, the United States has no more

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business interfering in Rhodesia's internal policies, however distasteful those policies might be to some of our citizens, than we did in involving ourselves in Vietnamese politics.

With this preface, I would like to share with my colleagues certain portions or excerpts from the statement of Mr. Martin N. Ornitz, president of the Stainless Steel Division of the Crucible Materials Group, Colt Industries, Inc., before the African Affairs Subcommittee of the Senate Foreign Relations Committee:

STATEMENT OF MARTIN N. ORNITZ

Mr. Chairman and members of the Subcommittee. I am president of the Stainless Steel Division of the Crucible Materials Group of Colt Industries Inc. The specialty steel industries—stainless, alloy and tool steels—are the major consumers of chromium in the United States and overseas.

I thank you for the opportunity to submit this statement to your Committee. I want to take advantage of the opportunity by bringing two points to your attention.

One is the economic consequence for the American citizen of shutting off the United States from access to any source of metallurgical chrome, at a time when worldwide demand for chrome is rising and America must compete for it with a host of other countries.

The second point is that the Committee's consideration of chrome opens the way for you to help find a solution for the problem of the raw materials shortage that besets the United States. Instead of adding to the shortage, as the pending bill would, I urge that you begin the positive search for means to assure the continuing availability of raw materials, particularly chrome. I do not intend to address political aspects of the legislation, about which the Committee is in a position to know more than I, but it is obvious that the narrow and negative approach of the pending legislation will not long—if ever—help the people of Africa in whose interest the legislation was drafted. For Africa is not going to benefit from a "have-not" United States. Africa deserves better than that. The United States deserves better than that.

Regarding the economics, the legislation before you creates a serious immediate problem for the American public. If the legislation is enacted in present form, it will reduce the amount of chromium ore, i.e., chromite, and ferrochrome—a steel-making alloy made from metallurgical chromite—available to the United States. All usable chromite is mined overseas. This reduction of chrome will threaten the stainless steel industry with reduction in output. As a matter of law as well as a matter of consumer preference, stainless is used in many applications that are critical to our way of life and the public health. The dairy industry, for example, uses much stainless steel in the interest of public health, from the milking of the cow, to vats used in cheese-making, to tank trucks that haul milk to the dairy and the dairy equipment itself. Stainless is employed in the making of tractors and a variety of other agricultural machines. Our country needs and the world needs the American farm. Perhaps the relationship between the farm and chrome was overlooked in the advocacy of this legislation.

Furthermore, stainless is one of the specialty metals essential to national defense. It is important in the reduction of air pollution. There are many other uses, which I list later in this statement, including the manufacture of automobiles, airplanes, and railway equipment. I know that the legislation is not aimed by intent at dairymen, at the environmentalists or at national defense or American transportation.

But they are the "innocent bystander" targets of the legislation. It takes chrome to make stainless. There is no escape from that reality.

In summary, the situation is:

The production and consumption of stainless steel and other chrome-bearing specialty steel has increased substantially since 1970 in the United States. Each individual type of market for stainless in the U.S. (except aircraft) has increased since 1970. It has gone from a total domestic consumption of 802,000 metric tons in 1970 to 941,000 metric tons in 1972. The consumption for 1973 first six months is 29 percent greater than in first six months of 1972.

The worldwide demand for the same steels and their production also has increased substantially since 1972. The market for stainless produced in all countries increased by 15 percent from 1971 to 1972, and is further increasing in 1973.

The result is rising demand and worldwide competition for available chromite and ferrochrome from sources outside the United States. Hope for a domestic ore is dashed by the fact that ore identified in Montana is not economically practical in filling ferrochromium requirements. Ferrochrome production in the United States is down due to the problem of chromite availability, cost of compliance with environmental laws, and change in requirements for the type of ferrochrome used resulting from changes in melting techniques.

The change in type of ferrochrome needed results from increasing usage of the new AOD process to make stainless steel. This process greatly increases usage of charge chrome and reduces use of the more expensive low carbon ferrochrome. Crucible believes that the AOD process is a key element in keeping us competitive against foreign made stainless steel. In addition to lowering costs, the process also provides higher quality stainless. Crucible has put in operation a 100-ton AOD unit, which is the largest operating vessel in the world. My company bought practically all of its ferrochrome in the United States until it became almost impossible to do so. The United States is competing with many countries for the available ferrochrome—Japan, Great Britain, France, Sweden, Austria, Belgium, West Germany, Italy, Soviet Union, Peoples Republic of China, Spain, Brazil, Canada, Australia, Mexico, and Norway. Cost as well as availability is a fundamental consideration. If it happens that the only way the United States can obtain chrome is to pay a premium price, the national struggle against inflation is set back.

The specialty steel industry in the United States must have assurance of adequate supplies of ferrochrome. Given the worldwide demand situation, no country can afford the elimination of Rhodesia as a source of chromite for making ferrochrome unless Rhodesia is replaced by assured access to a substitute source. Geologists have not found new supplies in the earth that are being worked. Chromite is mined in several countries, but that fact can be misleading.

For example, it has been pointed out that the Philippines are a source of chromite. That means nothing to the stainless industry in the United States. The Philippine metallurgical chromite desirable for steel-production goes to Japan. The Philippine exports to the United States consist of ore for the refractories industry and is not suitable for steel-making purposes. Philippine chromite production increased from 1968 through 1971 (Metal Statistics 1973, a publication of Fairchild Publications, Inc.), along with increases in the production of South Africa, Turkey, U.S.S.R., Albania, India, Iran, Greece, and Rhodesia. As with the Philippines, not all those sources are available to the United States, because of established commercial relationships, long-term contracting, etc. And not all chromite mined goes into international trade; the U.S.S.R., a major steelmaker, consumes part of its own chromite production.

The world increase in chromite production 1968–71 was 27 percent. The world increase in stainless production 1968–1972 was 24 percent—nearly parallel. At present the ferrochrome supply is so tight that American producers of stainless are on allocation—rationed. Production of stainless cannot be sustained at required levels if one source of chrome is removed without another source of comparable quality and quantity being provided.

An additional problem of sourcing is that not all furnaces used in making ferrochrome can convert all types of ore. Some of the furnaces in South Africa can convert only Rhodesian ore. The character and quality of ores vary. Poor quality ores are included in the statistics of world production, but are not commercially suitable for use.

The report of the National Materials Advisory Board adds these words about quality: "Of the Free World's supply of high-grade ore, 70 percent of the reserves in this quality are found in Rhodesia."

This report is available from the Clearinghouse of Federal Scientific and Technical Information, Springfield, Virginia, 22151 and it contains many facts which clarify the importance of chrome to the future of our country.

Bearing further on the problem of cost and inflation, I would like to comment on recent correspondence between me and members of Congress, some of which was printed in the Congressional Record—Senate, July 16, 1973.

1. World deposits of chromium ore. As stated above it is true that there are deposits of chromium ores in countries other than Russia, Rhodesia, Turkey and South Africa. It is true that there are chromium ore bodies in the United States. I respectfully submit, however, that we must look at this on a practical basis. Ores from many sources cannot be ecomonically or practically used.

2. When I say there is no effective substitute for chromium, I mean no practical substitute. We could, of course, substitute titanium for stainless steel in many applications—or gold or silver for that matter. But not on a practical cost basis.

It has been stated that Turkey might mine more chrome ore "if the United States, Japanese and European consumers were willing to assist them". But why should the Japanese and Europeans subsidize Turkish mines if they are to share the output with their American competitor?

It has been stated that the price of chrome has gone up, not just because of the embargo on Rhodesia but for other world economic reasons. Naturally, laws of supply and demand still govern. But a U.S. buyer of chrome ore cites the following prices he paid, F.O.B. shipping point:

Russian ore—1966 (before sanctions), $26.24 per ton.

Russian ore—1971 (after embargo), $55.50 per ton.

Russian ore—1972 (after Byrd amendment), $45.72 to $47.25 per ton.

Rhodesian ore—1972, $39.50 per ton.

Gentlemen, the specialty steel industry in this country is having a hard enough time staying afloat, what with imports, high expenditures to comply with new laws governing pollution of air and water, rising costs of energy—without having to pay more for chromium than other nations with whom we compete, many of which also signed the U.N. agreement on Rhodesian.

The British Foreign Secretary told Parliament a year ago, "A lot of Rhodesian exports are going to countries which are members of the United Nations and which are supposed to be supporting sanctions."

This hearing is taking place at a time when the problem of supply of chrome is far more critical than it was when the embargo on Rhodesian chrome imports went into effect and in 1971 when the embargo was removed.

The U.S. Bureau of Mines' Mineral Industry Surveys report of August 7, 1973, on "Chromium in May, 1973," shows that consumption of chromite by the metallurgical industry increased by 46 percent in the first quarter of 1973 compared with the first quarter of 1972.

The comparative figures are 150,788 short tons in January-March 1972; 221,547 short tons in January-March 1973.

The chrome steels made in the United States are shipped to every State. They are indispensable to farming, to transportation, and to the safeguarding of health.

Alloy steels are used in the manufacture of farm equipment, trucks, buses, earth-moving equipment, mining machinery, oil country goods, hand tools, machine tools, power generation equipment, aircraft and space vehicles.

Stainless steels are used in dairy, hospital and restaurant equipment, food processing, oil refineries, power plants, home appliances, automobiles, airplanes, chemical plants, paper mills, and many other vital industries.

Tool steels are used to machine or form the alloy steels, stainless steels and all other materials of construction such as aluminum, copper, plastics and the like.

The catalytic converter which is scheduled to be included in the exhaust system of some 1975 model cars and all 1976 model cars will use approximately 30 to 60 pounds per car of steel containing about 12% chromium. We have been advised by the automotive industry that the requirements for the 1975 model will be around 150,000 to 175,000 tons of this stainless steel. For the 1976 model year this demand can be up to 250,000 tons of 12% chromium stainless steel which would mean the consumption of up to 50,000 tons of ferrochrome per year. An estimate of 20,000 tons made for the Carnegie Endowment for International Peace does not fit the requirement.

The foregoing examples of use of stainless in American society make it obvious that the Congress would be recklessly disruptive if it diminished the ability of the United States to produce stainless in required quantities. Jobs are at stake. The specialty steel industry is an important employer of skilled workers. Investments are at stake, on the farm and in stainless-using industries.

To cut down the availability of chrome would make it impossible for the United States to halt its decline in the share of the world production of metals. The Second Annual Report of the Secretary of the Onterior Under the Mining and Minerals Act of 1970, dated June, 1973, points out that the U.S., which produced 47 percent of steel in 1950, now produces 19 percent. The report notes the problem of the U.S. in obtaining raw materials abroad:

The American "relative role as a world consumer of mineral raw materials . . . has shrunk.

"Consequently, the United States is encountering steadily increasing competition in the acquisition of non-domestic mineral raw materials as other industrialized countries also seek reliable sources of reasonably-priced mineral raw materials."

The report contains a chart showing that all of the chromium used in the U.S. comes from foreign sources. For those sources we are in competition with all the countries producing stainless and alloy and tool steels.

Mr. Chairman, S. 1868 will intensify the problem noted in the report of the Secretary of the Interior. The majority population in Rhodesia cannot benefit from a weakened America. The sacrifice which the enactment of S. 1868 would require of America will only benefit our country's industrial competitors abroad. If our stainless production goes down from lack of chrome, foreign production can continue to rise. Chrome is to stainless what feedgrains are to livestock and poultry. The feedgrain requirement is rising. The chrome requirement is rising. Stainless needs chrome as a hog needs corn.

As long as no replacement source is clearly availabe to the United States for Rhodesian chrome and for ferrochrome made from Rhodesian chromite, I urge the Committee to reconsider its interest in the pending bill.

I am not urging any particular source of supply of chrome ore or ferrochome. The point is that the sources must be adequate to meet the need, and they must be continuingly available as the need grows.

Distinguished men have said that an embargo on chrome from Rhodesia could be offset by use of the chrome in the American stockpile. But that stockpile is not accessible in adequate quantity. Legislation is required to release from the stockpile sufficient quantities to satisfy the increasing requirements. Enactment of a law cutting off Rhodesian chrome without concurrent existence of a law releasing chrome in large quantities from the stockpile would result in shortages that are bound to harm the interest of the many Americans who rely on stainless steel in their daily life and work. The stockpile promises only short-term relief, since its stock of metalurgically useful ore and of ferrochrome is limited. Resort to the stockpile could intensify the problem of the United States when the stockpile is exhausted. Lines of trade from ore-producing and ferrochrome-producing countries to stainless-producing countries can become so fixed for fulfillment of needs of other countries that it will be difficult for the United States to find sources after the stockpile days.

So the stockpile solution is a solution that leads in time to the aggravation of the American raw materials problem.

But if the Committee is morally determined that it will prohibit American access to Rhodesian chrome, it would be short-sighted to do so before Congress legislates full access to the stockpile.

The law removing the embargo which the Congress passed in 1971 is not resigned to benefit the Government of Rhodesia but to lend economic support to the United States in the era of the race for raw materials which the Secretary of the Interior incisively describes. We need materials. Don't shut the door on Rhodesia until you have opened another one of equal utility.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. TALCOTT (at the request of Mr. GERALD R. FORD), for today, on account of official business.

Mr. MCCLORY (at the request of Mr. GERALD R. FORD), for October 18 through October 19, on account of official business.

Mr. MARTIN of North Carolina (at the request of Mr. GERALD R. FORD), for October 23 through October 31, on account of official business.

Mr. BURGENER, for October 23, 24, and 25, on account of assignment as United States representative at the dedication of United States-Venezuela Cultural Center in Maracaibo, Venezuela.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. RONCALLO of New York) and to revise and extend their remarks and include extraneous matter:)

Mr. FINDLEY, for 5 minutes, today.

Mr. FRENZEL, for 5 minutes, today.

Mr. KEMP, for 15 minutes, today.

(The following Members (at the request of Mr. ROSE) and to revise and extend their remarks and include extraneous matter:)

Mr. FRASER, for 5 minutes, today.

Mr. DINGELL, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. NIX, for 5 minutes, today.

Mr. DIGGS, for 5 minutes, today.

Mr. WAGGONNER, for 5 minutes, today.

Mr. EILBERG, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SAYLOR and to include extraneous matter notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,201.75.

Mr. HOLIFIELD, and to include extraneous material.

(The following Members (at the request of Mr. RONCALLO of New York) and to revise and extend their remarks:)

Mr. MITCHELL of New York in two instances.

Mr. YOUNG of Alaska in two instances.

Mr. ARCHER.

Mr. WYMAN in two instances.

Mr. EDWARDS of Alabama.

Mr. HUBER.

Mr. PRICE of Texas.

Mr. DERWINSKI.

Mr. MCCLOSKEY.

Mr. ASHBROOK in four instances.

Mr. GILMAN.

Mr. MCEWEN.

Mrs. HOLT.

Mr. CLEVELAND.

Mr. GUBSER.

Mr. BROYHILL of Virginia.

Mr. NELSEN.

Mr. HANRAHAN.

Mr. RHODES.

(The following Members (at the request of Mr. ROSE) and to include extraneous material:)

Mr. PREYER.

Mr. HARRINGTON in four instances.

Mr. DE LA GARZA.

Mr. EVINS of Tennessee in two instances.

Mr. SLACK.

Mr. GONZALEZ in three instances.

Mr. DRINAN.

Mr. MOSS.

Mr. DINGELL in three instances.

Mr. RARICK in three instances.

Mrs. BURKE of California in 10 instances.

Mr. WOLFF in two instances.

Mr. YATRON.

Mrs. MINK.

Mr. BRASCO in six instances.

Mr. ASHLEY.

Mr. DAN DANIEL.

Mr. WILLIAM D. FORD.

Mr. Nix.
Mr. Roush.
Mr. Tiernan in two instances.
Mr. Anderson of California in two instances.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 6691. An act making appropriations for the legislative branch for the fiscal year ending June 30, 1974, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2016. An act to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes.

ADJOURNMENT TO TUESDAY, OCTOBER 23, 1973

Mr. ROSE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER. Pursuant to the provisions of Senate Concurrent Resolution 54, 93d Congress, the Chair declares the House adjourned until 12 o'clock noon on Tuesday, October 23, 1973.

Thereupon (at 3 o'clock and 35 minutes p.m.), pursuant to Senate Concurrent Resolution 54, the House adjourned until Tuesday, October 23, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 or rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1461. A communication from the President of the United States, transmitting proposed supplemental appropriations for fiscal year 1974 (H. Doc. No. 93–167); to the Committee on Appropriations and ordered to be printed.

1462. A letter from the Federal and State cochairmen, Upper Great Lakes Regional Commission, transmitting the annual report of the Commission for fiscal year 1973, pursuant to section 510 of the Public Works and Economic Development Act of 1965, as amended; to the Committee on Public Works.

1463. A letter from the Administrator, National Aeronautics and Space Administration, transmitting notice of the proposed transfer of NASA lands at the Michoud Assembly Facility, New Orleans, La., to the U.S. Postal Service, pursuant to section 7 of Public Law 93–74; to the Committee on Science and Astronautics.

1464. A letter from the Administrator, National Aeronautics and Space Administration, transmitting notice of the proposed reporting as excess of certain NASA lands at the Corpus Christi tracking station, pursuant to section 7 of Public Law 93–74; to the Committee on Science and Astronautics.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMPSON of New Jersey: Committee on House Administration. H.R. 9075. A bill to authorize the disposition of office equipment and furnishings; with amendment (Rept. No. 93–597). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOLIFIELD: Committee on Government Operations, Report on information from farmers' income tax returns and invasion of privacy (Rept. No. 93–598). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 10956. A bill Emergency Medical Services Systems Act of 1973 (Rept. No. 93–601). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOLIFIELD. Committee on Government Operations. Report on evaluating the Federal effort to control drug abuse: Improvin the Federal strategy (Rept. No. 93–602). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOLIFIELD: Committee on Government Operations. Report on the economy and efficiency of international air travel by Government officials (Rept. No. 93–599). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOLIFIELD: Committee on Government Operations. Report on income tax return preparation—IRS and the commercial return preparer; IRS taxpayer assistance services (Rept. No. 93–600). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California (for himself, Mr. Boland, Mr. Addabbo, Mr. Pepper, Mr. Nix, Mr. Clark, Mr. Charles Wilson of Texas, Mr. Green of Pennsylvania, Mr. Young of Florida, Mr. Fraser, Mr. Koch, Mr. Carney of Ohio, Mr. Sikes, Mr. Ketchum, Mr. McKinney, Mr. Ryan, Mr. Sarbanes, Mr. Hawkins, Mr. Wolff, Mr. Mayne, Ms. Heckler of Massachusetts, Mr. Biester, Mr. Fascell, Mr. Pike, and Ms. Burke of California):

H.R. 11005. A bill to provide for a 7-percent increase in social security benefits beginning with benefits payable for the month of January 1974; to the Committee on Ways and Means.

By Mr. ANDERSON of California (for himself, Mr. Biaggi, Mr. Clay, Mr. Dellums, Mr. Harrington, Mr. Podell, Ms. Abzug, Mr. Stark, Mr. Moakley, Mr. Rinaldo, Mr. Rees, Mr. Brasco, Mr. Dominick V. Daniels, Mr. St Germain, Mr. Melcher, Ms. Mink, Mr. Studds, Mr. Matsunaga, and Mr. Adams):

H.R. 11006. A bill to provide for a 7-percent increase in social security benefits beginning with benefits payable for the month of January 1974; to the Committee on Ways and Means.

By Mr. ANNUNZIO:

H.R. 11007. A bill to provide full deposit insurance for public units and to increase deposit insurance from $20,000 to $40,000; to the Committee on Banking and Currency.

By Mr. BINGHAM:

H.R. 11008. A bill to amend title 38 of the United States Code in order to increase the rates of educational assistance and to otherwise improve the educational assistance programs; to the Committee on Veterans' Affairs.

H.R. 11009. A bill to amend chapter 34 of title 38, United States Code, to provide additional educational benefits to Vietnam-era veterans; to the Committee on Veterans' Affairs.

By Mr. DOMINICK V. DANIELS (for himself, Mr. Esch, Mr. Perkins, and Mr. Quie):

H.R. 11010. A bill to assure opportunities for employment and training to unemployed and underemployed persons; to the Committee on Education and Labor.

H.R. 11011. A bill to assure opportunities for employment and training to unemployed and underemployed persons; to the Committee on Education and Labor.

By Mr. BROYHILL of North Carolina (for himself and Mr. Robison of New York):

H.R. 11012. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rates under that act, to expand coverage of that act, and for other purposes; to the Committee on Education and Labor.

By Mr. BURTON:

H.R. 11013. A bill to designate certain lands in the Farallon National Wildlife Refuge, San Francisco County, Calif., as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. CONTE:

H.R. 11014. A bill to provide for the conservation of energy through observance of daylight saving time on a year-round basis; to the Committee on Interstate and Foreign Commerce.

By Mr. CRONIN:

H.R. 11015. A bill to direct the Administrator of the General Services Administration to release a condition contained in a deed conveying certain real property to the city of Lowell, Mass.; to the Committee on Government Operations.

By Mr. DINGELL (for himself, Mr. Mailliard, Mr. McCloskey, Mr. Biaggi, and Mr. Kyros):

H.R. 11016. A bill to provide additional funds for certain projects relating to fish restoration, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. EVANS of Colorado:

H.R. 11017. A bill to provide housing for persons in rural areas of the United States on an emergency basis; to the Committee on Banking and Currency.

By Mr. FASCELL:

H.R. 11018. A bill to amend title VII of the Older Americans Act relating to the nutrition program for the elderly to provide authorization of appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. FISH:

H.R. 11019. A bill to prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising; to the Committee on the Judiciary.

By Mr. FRENZEL:

H.R. 11020. A bill to amend the Federal Election Campaign Act of 1971 and the Communications Act of 1934 to provide for more effective regulation of elections for Federal office, and for other purposes; to the Committee on House Administration.

By Mr. GAYDOS:

H.R. 11021. A bill to authorize the disposal of silicon carbide from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

By Mr. GIBBONS (for himself, Ms. Holtzman, Mr. Rinaldo, Mr. Sarasin, and Mr. Stokes):

H.R. 11022. A bill to amend the Accounting and Auditing Act of 1950 to provide for the audit of certain Federal agencies by the Comptroller General; to the Committee on Government Operations.

By Mr. HANSEN of Idaho:

H.R. 11023. A bill to enable the Secretary of Agriculture to extend financial assistance to desertland entrymen to the same extent as such assistance is available to homestead entrymen; to the Committee on Agriculture.

By Mr. HASTINGS (for himself and Mr. Rangel):

H.R. 11024. A bill to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 and other laws to discharge obligations under the Convention on Psychotropic Substances relating to regulatory controls on the manufacture, distribution, importation, and exportation of psychotropic substances; to the Committee on Interstate and Foreign Commerce.

By Mrs. HOLT (for herself, Mr. Ketchum, and Mr. Bauman):

H.R. 11025. A bill to reestablish November 11 as Veterans Day; to the Committee on the Judiciary.

By Mr. KASTENMEIER (for himself, Mr. Steiger of Wisconsin, Mr. Zablocki, and Mr. Fraser):

H.R. 11026. A bill to provide for the establishment of an open cities program between the United States and the Soviet Union; to the Committee on Foreign Affairs.

By Mr. McCORMACK (for himself, Mr. Teague of Texas, Mr. Mosher, Mr. Goldwater, Mr. Conlan, Mr. Cotter, Mr. Parris, Mr. Camp, Mr. Cronin, Mr. Bergland, Mr. Martin of North Carolina, Mr. Pickle, Mr. Brown of California, Mr. Milford, Mr. Thornton, and Mr. Gunter):

H.R. 11027. A bill to provide for the early commercial demonstration of the technology of solar heating by the National Aeronautics and Space Administration in cooperation with the National Bureau of Standards, the National Science Foundation, the Secretary of Housing and Urban Development, and other Federal agencies, and for the early development and commercial demonstration of technology for combined solar heating and cooling; to the Committee on Science and Astronautics.

By Mr. McCORMACK (for himself, Mr. Teague of Texas, Mr. Mosher, Mr. Goldwater, Mr. Hechler of West Virginia, Mr. Bell, Mr. Davis of Georgia, Mr. Wydler, Mr. Downing, Mr. Winn, Mr. Fuqua, Mr. Frey, Mr. Symington, Mr. Hanna, Mr. Esch, and Mr. Roe):

H.R. 11028. A bill to provide for the early commercial demonstration of the technology of solar heating by the National Aeronautics and Space Administration in cooperation with the National Bureau of Standards, the National Science Foundation, the Secretary of Housing and Urban Development, and other Federal agencies, and for the early development and commercial demonstration of technology for combined solar heating and cooling; to the Committee on Science and Astronautics.

By Mr. ROSENTHAL (for himself, Mr. Adams, Mr. Breaux, Mr. Coughlin, Mr. Fish, Mr. Mitchell of Maryland, and Mr. Stokes):

H.R. 11029. A bill to provide that the special cost-of-living increase in social security benefits enacted by Public Law 93–66 shall become effective immediately, and for other purposes; to the Committee on Ways and Means.

By Mr. SEIBERLING (for himself, Ms. Abzug, Mr. Stokes, and Mr. Wolff):

H.R. 11030. A bill: the Tax and Loan Account Interest Act of 1973; to the Committee on Ways and Means.

By Mr. STAGGERS:

H.R. 11031. A bill to authorize and direct the President and State and local governments to develop contingency plans for reducing petroleum consumption, and assuring the continuation of vital public services in the event of emergency fuel shortages or severe dislocations in the Nation's fuel distribution system, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STUDDS (for himself, Mr. Addabbo, Mr. Badillo, Mr. Bafalis, Mr. Barrett, Mr. Bauman, Mr. Brasco, Mr. Byron, Mr. Cleveland, Mr. Cotter, Mr. Dominick V. Daniels, Mr. Davis of South Carolina, Mr. Dent, Mr. Edwards of California, Mr. Gaydos, Mr. Gettys, Mr. Giaimo, Mr. Ginn, Mr. Gunter, Mr. Helstoski, Mr. Hogan, Mr. Ichord, Mr. Jones of North Carolina, Mr. McSpadden, and Mr. Mitchell of Maryland):

H.R. 11032. A bill to extend on an interim basis the jurisdiction of the United States over certain ocean areas and fish in order to protect the domestic fishing industry, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. STUDDS (for himself, Mr. Moss, Mr. Podell, Mr. Rodino, Mr. Runnels, Mr. Ryan, Mr. Sarasin, Mr. Thompson of New Jersey, Mr. Waldie, Mr. Wolff, and Mr. Yatron):

H.R. 11033. A bill to extend on an interim basis the jurisdiction of the United States over certain ocean areas and fish in order to protect the domestic fishing industry, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. SYMINGTON:

H.R. 11034. A bill to protect the public health and safety by assisting local fire protection districts and departments maintain and improve their firefighting and rescue operations; to the Committee on Science and Astronautics.

By Mr. TEAGUE of Texas (for himself, Mr. Davis, of Georgia, Mr. Mosher, Mr. Hechler of West Virginia, Mr. Bell, Mr. Downing, Mr. Wydler, Mr. Fuqua, Mr. Winn, Mr. Symington, Mr. Frey, Mr. Hanna, Mr. Goldwater, Mr. Flowers, Mr. Esch, Mr. Roe, Mr. Cronin, Mr. Cotter, Mr. Martin of North Carolina, Mr. McCormack, Mr. Bergland, Mr. Pickle, Mr. Brown of California, Mr. Milford, and Mr. Gunter):

H.R. 11035. A bill to declare a national policy of converting to the metric system in the United States, and to establish a national metric conversion board to coordinate the voluntary conversion to the metric system over a period of 10 years; to the Committee on Science and Astronautics.

By Mr. DAVIS of Georgia (for himself, Mr. Blackburn, Mr. Blatnik, Mr. Casey of Texas, Mr. Coughlin, Mr. Drinan, Mr. Fraser, Mr. Gibbons, Mr. Helstoski, Mr. Hosmer, Mr. Ichord, Mr. McKinney, Mr. O'Hara, Mr. Pettis, Mr. Podell, Mr. Quie, Mr. Robison of New York, Mr. Rosenthal, Mr. Tiernan, Mr. Won Pat, and Mr. Matsunoa):

H.R. 11036. A bill to declare a national policy of converting to the metric system in the United States, and to establish a national metric conversion board to coordinate the voluntary conversion to the metric system over a period of 10 years; to the Committee on Science and Astronautics.

By Mr. WOLFF (for himself, Mr. Bingham, Mr. Brasco, Mr. Brown of California, Mrs. Chisholm, Mr. Collier, Mr. Derwinski, Mr. Fauntroy, Mr. Fraser, Mrs. Grasso, Mr. Harrington, Mr. Moss, Mr. Podell, Mr. Rangel, Mr. Rosenthal, Mr. Stark, Mr. Whitehurst, Mr. Yatron, Mrs. Heckler of Massachusetts, Mr. Mitchell of Maryland, and Mr. Vander Jagt):

H.R. 11037. A bill to amend title 39, United States Code, to prohibit the mailing of knives to persons under the age of 18 years, and for other purposes; to the Committee on Post Office and Civil Services.

By Mr. YOUNG of Georgia:

H.R. 11038. A bill to suspend for a 1-year period the duty on certain carboxymethyl cellulose salts; to the Committee on Ways and Means.

By Mr. YOUNG of South Carolina (for himself and Mr. Davis of South Carolina):

H.R. 11039. A bill to provide for the control of imported fire ants by permitting the judicious use of Mirex in coastal counties; to the Committee on Agriculture.

By Mr. ARCHER:

H.J. Res. 778. A Joint resolution proposing an amendment to the Constitution of the United States relative to force and effect of treaties; to the Committee on the Judiciary.

By Mr. GONZALEZ (for himself, Mr. Bevill, Mr. Dan Daniel, Mr. Scherle, Mr. Taylor of North Carolina, Mr. Thone, Mr. Jones of Oklahoma, Mr. Johnson of Colorado, Mr. Mayne, Mr. Helstoski, Mr. Mazzoli, Mr. Meeds, Mr. Duncan, Mr. Wolff, Mr. Whitehurst, Mr. Fisher, Mr. Mitchell of Maryland, Mr. Eshleman, Mr. Stubblefield, Mr. Lent, Mr. Bell, Mr. Charles Wilson of Texas, Mr. Quie, Mr. Sikes, and Mr. Nix):

H.J. Res. 779. A Joint resolution to designate February 10 to 16, 1974, as "National Vocational Education and National Vocational Industrial Clubs of America (VICA) Week"; to the Committee on the Judiciary.

By Mr. GONZALEZ (for himself, Mr. Stratton, Mr. Rinaldo, Mr. Cronin, Mr. Denholm, Mr. Pickle, Mr. Yatron, Mr. Runnels, Mr. Nichols, Mr. Patman, and Mr. Won Pat):

H.J. Res. 780. A Joint resolution to designate February 10 to 16, 1974, as "National Vocational Education and National Vocational Industrial Clubs of America (VICA) Week"; to the Committee on the Judiciary.

By Mr. RONCALLO of New York:

H.J. Res. 781. A Joint resolution to provide for the issuance of a special postage stamp in commemoration of Gugliemo Marconi; to the Committee on Post Office and Civil Service.

By Mr. SEIBERLING:

H.J. Res. 782. Joint resolution proposing an amendment to the Constitution of the United States guaranteeing the right to life to the ill, the aged, or the incapacitated; to the Committee on the Judiciary.

By Mr. SYMMS:

H.J. Res. 783. Joint resolution to urge the preservation of Israeli sovereignty and territorial integrity and continued friendly relationship with the Arab nations in the Middle East through a balanced settlement of the present conflict; to the Committee on Foreign Affairs.

By Mr. BARRETT:

H. Con. Res. 357. Concurrent resolution expressing the sense of Congress that the President should curtail exports of goods, materials, and technology to any nation that restricts the flow of oil to the United States; to the Committee on Banking and Currency.

By Mr. BRADEMAS (for himself, Mr. Rinaldo, Mr. Rosenthal, and Mr. Stokes):

H. Con. Res. 358. Concurrent resolution expressing the sense of the Congress regarding the free emigration and expression of ideas by citizens of the Soviet Union; to the Committee on Foreign Affairs.

By Mr. FISH (for himself and Mr. Harrington):

H. Con. Res. 359. Concurrent resolution calling for action by the United States with regard to the Schoenau processing center in Austria; to the Committee on Foreign Affairs.

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By Mr. LONG of Maryland (for himself, Mr. Helstoski, Mr. Nix, Mr. Badillo, Mr. Seiberling, Mr. Rees, Mr. Bell, Mr. Veysey, Mr. Corman, Mr. Won Pat, Mr. Hogan, Mr. Brown of California, Mr. Coughlin, Mr. Rangel, Mr. Eilberg, Mr. Charles Wilson of Texas, Mr. Roncallo of New York, Mr. Ashley, Mr. Young of Georgia, Mr. Edwards of California, Mr. Foley, Mr. Brasco, Mr. Waldie, Mr. Moakley, and Mr. Fulton):

H. Con. Res. 360. Concurrent resolution expressing the sense of the Congress with respect to the Middle East conflict; to the Committee on Foreign Affairs.

By Mr. LONG of Maryland (for himself, and Mr. Breckinridge):

H. Con. Res. 361. Concurrent resolution expressing the sense of the Congress with respect to the Middle East conflict; to the Committee on Foreign Affairs.

By Mr. O'NEILL (for himself, Mr. Yates, Mr. James V. Stanton, Mr. Hays, Ms. Abzug, Mr. Price of Illinois, Mr. Charles H. Wilson of California, Mr. Vanik, Mr. Burke of Massachusetts, Mr. Anderson of California, Mr. Burton, Mr. Long of Maryland, Mr. Evans of Colorado, Mr. Koch, Mr. Giaimo, Mr. Sisk, Mr. Morgan, Mr. Bingham, Mr. Roncalio of Wyoming, Mr. Rees, Mr. Meeds, Mr. Wolff, Mr. Fascell, Mr. Rostenkowski, and Mrs. Grasso):

H. Res. 613. Resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

By Mr. O'NEILL (for himself, Mr. Adams, Mr. Addabbo, Mr. Alexander, Mr. Anderson of Illinois, Mr. Andrews of North Carolina, Mr. Annunzio, Mr. Archer, Mr. Ashley, Mr. Aspin, Mr. Badillo, Mr. Bafalis, Mr. Barrett, Mr. Bell, Mr. Biaggi, Mr. Blatnik, Mrs. Boggs, Mr. Boland, Mr. Brademas, Mr. Brasco, Mr. Breckinridge, Mr. Brinkley, Mr. Broomfield, and Mr. Brown of California):

H. Res. 614. Resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

By Mr. O'NEILL (for himself, Mr. Burke of Florida, Mrs. Burke of California, Mr. Carey of New York, Mr. Carney of Ohio, Mr. Casey of Texas, Mr. Chappell, Mrs. Chisholm, Mr. Clancy, Mr. Clark, Mr. Don H. Clausen, Mr. Clay, Mr. Collier, Mrs. Collins of Illinois, Mr. Conable, Mr. Conte, Mr. Corman, Mr. Cotter, Mr. Coughlin, Mr. Crane, Mr. Cronin, Mr. Culver, Mr. Dominick V. Daniels, Mr. Danielson, and Mr. Davis of Georgia):

H. Res. 615. A resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

By Mr. O'NEILL (for himself, Mr. Davis of South Carolina, Mr. de la Garza, Mr. Delaney, Mr. Dellums, Mr. Dent, Mr. Derwinski, Mr. Diggs, Mr. Donohue, Mr. Dorn, Mr. Drinan, Mr. Dulski, Mr. Edwards of California, Mr. Eilberg, Mr. Fish, Mr. Flood, Mr. Flowers, Mr. Foley, Mr. Forsythe, Mr. Frelinghuysen, Mr. Frenzel, Mr. Fuqua, Mr. Gaydos, Mr. Gilman, and Mr. Ginn):

H. Res. 616. Resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

By Mr. O'NEILL (for himself, Mr. Goldwater, Mr. Gonzalez, Mr. Gray, Mr. Green of Pennsylvania, Mrs. Griffiths, Mr. Grover, Mr. Gude, Mr. Gunter, Mr. Guyer, Mr. Haley, Mr. Hanley, Mr. Hanrahan, Mr. Harrington, Mr. Hastings, Mr. Hawkins, Mr. Hechler of West Virginia, Mrs. Heckler of Massachusetts, Mr. Heinz, Mr. Helstoski, Mr. Hicks, Mr. Hillis, Mr. Holifield, Miss Holtzman, and Mr. Horton):

H. Res. 617. Resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

By Mr. O'NEILL (for himself, Mr. Howard, Mr. Huber, Mr. Hudnut, Mr. Hunt, Mr. Johnson of Pennsylvania, Mr. Johnson of California, Miss Jordan, Mr. Karth, Mr. Kemp, Mr. King, Mr. Kluczynski, Mr. Kyros, Mr. Leggett, Mr. Lehman, Mr. Lent, Mr. Litton, Mr. McClory, Mr. McCormack, Mr. McEwen, Mr. McFall, Mr. McKinney, Mr. Macdonald, Mr. Madden, and Mr. Mailliard):

H. Res. 618. Resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

By Mr. O'NEILL (for himself, Mr. Matsunaga, Mr. Mayne, Mr. Metcalfe, Mr. Mezvinsky, Mr. Minish, Mr. Mitchell of New York, Mr. Moakley, Mr. Mollohan, Mr. Moorhead of Pennsylvania, Mr. Murphy of New York, Mr. Murphy of Illinois, Mr. Myers, Mr. Nedži, Mr. Nix, Mr. O'Brien, Mr. O'Hara, Mr. Passman, Mr. Patten, Mr. Pepper, Mr. Pettis, Mr. Peyser, Mr. Pike, and Mr. Podell):

H. Res. 619. Resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

By Mr. O'NEILL (for himself, Mr. Preyer, Mr. Pritchard, Mr. Quie, Mr. Railsback, Mr. Rangel, Mr. Reid, Mr. Reuss, Mr. Rhodes, Mr. Rinaldo, Mr. Rodino, Mr. Roe, Mr. Rogers, Mr. Roncallo of New York, Mr. Rooney of Pennsylvania, Mr. Rose, Mr. Rosenthal, Mr. Roush, Mr. Roy, Mr. Roybal, Mr. Ryan, Mr. St Germain, Mr. Sarasin, Mr. Sarbanes, and Mr. Satterfield):

H. Res. 620. Resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

By Mr. O'NEILL (for himself, Mr. Scherle, Mrs. Schroeder, Mr. Seiberling, Mr. Shipley, Mr. Slack, Mr. Smith of Iowa, Mr. Spence, Mr. Stark, Mr. Steed, Mr. Steele, Mr. Steelman, Mr. Steiger of Wisconsin, Mr. Stokes, Mr. Stratton, Mr. Studds, Mr. Symington, Mr. Teague of Texas, Mr. Thompson of New Jersey, Mr. Tiernan, Mr. Udall, Mr. Van Deerlin, Mr. Veysey, Mr. Vigorito, and Mr. Waldie):

H. Res. 621. Resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

By Mr. O'NEILL (for himself, Mr. Walsh, Mr. Williams, Mr. Charles Wilson of Texas, Mr. Winn, Mr. Wyatt, Mr. Wydler, Mr. Wyman, Mr. Yatron, Mr. Young of Georgia, Mr. Young of Illinois, and Mr. de Lugo):

H. Res. 622. Resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

By Mr RANDALL:

H. Res. 623. Resolution expressing the sense of the House of Representatives with respect to U.S. involvement in the Middle East crisis; to the Committee on Foreign Affairs.

By Mr. YOUNG of Illinois:

H. Res. 624. Resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII,

330. The SPEAKER presented a petition of the Texas Shrimp Association, Brownsville, Tex., relative to protection of the American shrimp industry's fishing rights in the Gulf of Mexico; to the Committee on Merchant Marine and Fisheries.

EXTENSIONS OF REMARKS

JERRY FORD—A LEADER

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 13, 1973

Mr. ARENDS. Mr. Speaker, the spontaneous acclaim in the East Room of the White House when the President announced his nomination of Congressman Gerald R. Ford for Vice President is typical of the enthusiastic reaction across the Nation. This choice is an excellent one.

The President had previously noted three basic criteria for the assignment. First, the nominee must be qualified to be President. After all, the Vice President is only a heartbeat away. Second, he must share the views of the President on the critical questions of foreign policy and national defense. Finally, he must be able to work with Congress on programs affecting the national interest. Jerry Ford has all these qualifications—and more.

It has been my privilege to know Jerry Ford throughout all of his 25 years in the Congress. In his job as minority leader and mine as minority whip, we have worked even more closely for the last 8 years. You get to know a lot about a man in that time. Observing him in this day-to-day relationship—often under heavy pressure, called upon many times to make quick judgments

which affect the welfare of the country—his performance has never failed to inspire confidence.

Then, too, in leadership conferences at the White House with the President, the Cabinet, and top Government officials, I have also had a unique opportunity to evaluate Jerry's influence on public policy. Here, as well, we have to give him high marks. The success of any legislative program—for any administration—depends to a great degree on the caliber of the party's leadership in Congress. Few fully appreciate the extent or importance of his contributions. His ability is beyond question.

As a person, Jerry Ford knows the meaning of courage, the value of education, the decency of sportsmanship, and the wisdom of moderation. These qualities are not just the product of his Washington years. They go back early in life—to his midwest childhood, to his studies at the University of Michigan and later at Yale, to his naval service, and the practice of law. They are reflected not only in the character and integrity of the man himself, but in the wholesomeness of his family and their lifestyle. He has never neglected them in the pursuit of his career.

Considering the heavy demands of his leadership post, Jerry has never been cavalier about his responsibilities, never callous in his dealings with his colleagues, never scornful of his adversaries. Such would not be his nature. This is all part of his success as a leader. His perennial advice to House freshmen is to "make your office the human link between a vast Federal Government and the individual at home." This, too, is reassuring.

The House of Representatives has been called "the forge of democracy." Certainly the Nation will benefit by Jerry Ford's experience in a time of great need.

COUNTRY MUSIC MONTH

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. EDWARDS of Alabama. Mr. Speaker, most of the words that fill this Chamber describe serious problems that face our country. We talk about inflation, the energy crisis, national defense, scarcities in the marketplace, loss of confidence in government, housing needs, health care, transportation problems, war in the Middle East, and many others. We discuss how these problems often seem to interface and how an exacerbation in one area seems to cause an unraveling in another. We talk again and again about problems that we say should have been solved yesterday or last year or about problems where no immediate solution seems possible.

But, Mr. Speaker, America has solved tough problems before and will do so again. In fact, history has shown that America often thrives on adversity. So I think that it is appropriate occasionally to step from under the clouds of difficulties that sometimes hang over this Chamber to reflect on a lighter subject.

I refer to Country Music Month, 1973, which is transpiring this month at the declaration of President Nixon. Country music has enjoyed unprecedented popularity in recent years, popularity which knows no socioeconomic boundaries. Listening to country music is probably the only way to learn what it really is, but there are words to describe it, words like straightforward, down-to-earth, sincere, homemade, American, and genuine. Names of people and places speak the language of country music, too, names like Roy Acuff, Bill Monroe and the Blue Grass Boys, Flatt and Scruggs, Eddie Arnold, the Carter family, Nashville, the Grand Ole Opry, Tom T. Hall, Johnny Cash, and Merle Haggard, to mention a few.

It was my pleasure not too long ago to see Merle Haggard perform at the White House, and the Americanism of the music came through: "We still wave Old Glory down at the courthouse," Haggard sang, and "we like living right and being free."

Country music is probably only about 50 years old, but its roots run deep into American history. The poor man's music, as it has been broadcast every Saturday night since. Hank Williams, who called my State of Alabama his home, once remarked that—

> You got to have smelled a lot of mule manure before you can sing country music.

But fortunately, you do not have to engage in that olfactory exercise to enjoy listening to country music. So I join President Nixon and the rest of the Nation in saluting country music, a truly American art form.

THE 75TH ANNIVERSARY OF THE KNIGHTS OF ST. CASMER

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. YATRON. Mr. Speaker, the Knights of St. Casmer, a Polish-American brotherhood in Reading, Pa., held its diamond jubilee celebration recently to commemorate the 75th anniversary of its foundation. I attended this most memorable affair and would like to congratulate Mr. John Cebula, chairman of the Diamond Jubilee Committee, for his excellent work in making the evening a resounding success.

The observance of the 75th anniversary of the Knights of St. Casmer is certainly an occasion of deep pride for the Polish-American community in my hometown of Reading, Pa. Accordingly, three-quarters of a century ago and beyond, it is quite evident that the Poles have contributed much of their rich cultural, historical, and spiritual heritage to Berks County, our State of Pennsylvania and the Nation. Certainly, in the development and continuing promise of our country, Polish-American citizens will always play a vital role.

This early Polish contribution to America gives us a better understanding of our heritage and helps us to appreciate the principles which should guide us in our endeavors through the years to come. As the Polish-American community in my congressional district undeniably illustrates, the entire history of our Nation—from the first Polish immigrant to American shores 365 years ago until today—contains ample evidence that men and women of Polish blood contributed their toil and talents to the settlement and success of our great Nation.

These facts, Mr. Speaker, should be remembered by all of us and we should take pride in them, especially in view of the diamond jubilee of the Knights of St. Casmer. We should be equally proud, however, of the countless other men and women who came to this land from Poland and have contributed immeasurably to their local communities.

In these days of fast moving events, it is necessary to pause and to reflect upon our proud heritage; to draw strength and inspiration from past accomplishments and use these experiences to achieve present goals. The observation of the 75th anniversary of the Knights of St. Casmer is certainly a day for which we can all be proud.

WASHINGTON STAR-NEWS GIVES BALANCED VIEW OF ENERGY CRISIS

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. PICKLE. Mr. Speaker, for the past 2 days there has been spirited debate on the House floor concerning the mandatory allocation of petroleum. During the debate there seems to be a certain disbelief that the energy crisis was a nationwide crisis, and not just one of the upper Midwest and the extreme Northeast.

In view of yesterday's debate, I include in the Record an article by John Fialka. This article appeared in the October 17 issue of the Washington Star-News. The article mentions the various areas that are facing a very cold and dark winter because of the shortage of fuel. The article follows:

> Although it hasn't arrived yet, the winter of 1973–74 already looms as one that will be remembered.
>
> In terms of energy, the Ghost of Christmas Future has already appeared in some areas as states and municipalities grapple with plans to meet fuel shortages that could be accelerated by Arab curbs on imported oil.
>
> For instance, according to the Interior Department's new Petroleum Allocation Program office, the City of Austin, Tex., has cut off street, freeway and public park lighting because the city's power company does not have enough natural gas or fuel oil.
>
> From the data now going into PAP files, it appears that the Texans groping down darkened streets will not be struggling alone:
>
> In Massachusetts, Gov. Francis Sargent has asked Civil Defense and the Red Cross to develop plans to feed and house Massachusetts residents if home heating oil runs out.

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In Oregon, a ruling by the governor to shut off all outdoor signs will also apply to outdoor Christmas lights this winter.

The mayor of St. Paul, Minn., recently revealed that the city was thinking about closing schools during January and February to save fuel. Statewide, Minnesota school systems are short some 13 million gallons of fuel needed to heat classrooms this winter.

In California, Gov. Ronald Reagan has ordered the heat and air conditioning turned off in state office buildings on weekends.

In Detroit, city officials have decided that the United Fund's 44-foot-high torch will burn only two days this winter.

Some fuel problems are more closely related to the energy crisis than others. For example, the Alabama Power Company in Birmingham has been unable to find enough oil to fire up its new coal-powered boiler. Oil is needed to ignite some coal units.

Last week, PAP received its third complaint from a coal mine that was running out of diesel fuel to operate its machinery.

It would appear, however, that in Washington, where numerous officials are now plotting contingency plans to deal with an expected crisis, there will be plenty of fuel to keep the center of power warm and well lighted.

A White House spokesman said that the temperature in the Executive Offices will run between 70 and 72 degrees, in line with other federal government agencies.

Although it happened once during the energy-fat years of the Johnson era, the spokesman said that there are no plans to turn out the battery of spotlights that illuminate the outside walls of the White House.

"The feeling is that the country wants to mark a place of historical interest," the spokesman explained. He did point out, however, that the White House no longer keeps its fleet of limousines idling outside when not in use.

And the national Christmas tree will shine too, although this year, according to a Park Service spokesman, indirect lights at the base of the tree will reflect off its ornaments.

Because the capital's tree will be a live one, for the first time, he explained, it was feared that hanging strings of light on it might confuse the tree's growing cycle.

"But I don't know whether it'll save any juice or not," he added.

THE PASSING OF EUGENE M. GOODWIN

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. DE LA GARZA. Mr. Speaker, funeral services will be held this afternoon at Mission, Tex., for one of the most remarkable men I have ever known.

Eugene M. Goodwin, who passed away at the age of 101 years, befriended me when I was a young man, and I have been so fortunate as to retain his friendship ever since. I remember back through the years how he talked with the small boy I then was as if I were in every respect his peer. All through his long life he retained the faculty of gaining the confidence of young people, even children—mainly, I think, because he talked with them instead of at them.

A native of Missouri, Mr. Goodwin first came to the Rio Grande Valley of Texas in 1925, passing through the area on his way to Monterrey, Mexico. He stopped for a visit with friends and was so impressed by the valley that a year later he returned to stay. He purchased land which was covered with cactus and mesquite and had no irrigation. The area now boasts productive citrus trees—and that is symbolic of the monument created by this outstanding man. A pioneer in the valley citrus industry, he was instrumental in securing a year-round citrus marketing season for south Texas. He organized the Hidalgo County Water Control and Improvement District No. 6 and built the first concrete line canal system for the valley.

During his useful life he received numerous awards in recognition of his outstanding service to the citrus industry. Among these was the Arthur T. Potts Award presented to him by the Valley Horticultural Society in 1957.

Mr. Goodwin, the son of a Methodist preacher, served his church in numerous capacities from young manhood until his later years. He was active in civic affairs and earned the title of "Mr. Rotary of the Valley." He held many offices in Rotary International and was much in demand as a Rotary speaker. He had been honored annually on his birthday by the McAllen Rotary Club until last year when his failing health made it impossible for him to attend.

Mr. Goodwin is survived by a son, Ray D. Goodwin, of Mission, two grandsons and five great-grandchildren. They have a proud tradition to live up to, for Eugene M. Goodwin was in every way a tremendous human being. I proudly pay my respects to his memory.

CONGRESSMAN NIX POINTS OUT THE IMPORTANCE OF THE RESOLUTION OF THE CITY COUNCIL OF PHILADELPHIA SUPPORTING ISRAEL'S FIGHT FOR SURVIVAL

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. NIX. Mr. Speaker, the city of Philadelphia on October 11, 1973, enacted Resolution No. 213, the wording of which I will request be included in the RECORD at the conclusion of my remarks.

The importance of a resolution in support of Israel is that city representatives of one of America's largest cities are willing to go on record in that support in the face of Arab threats to create a heating oil shortage in the United States this winter. This step by the City Council of Philadelphia, under the leadership of its dynamic city council president, George X. Schwartz, is certainly commendable. We all know what Americans may have to face this winter with cold homes and sick children.

But Americans have never submitted to blackmail. Americans know, as the people of Philadelphia know, that we have a commitment to democracy around the world.

Israel is a democracy with a population of 3 million facing the combined hatred of the Arab world with populations 40 times their own size. The Arab nations are dictatorships whose armed might comes from the Soviet Union.

After weighing all of these factors, the City Council of Philadelphia went on record in order to do their share in convincing the Arab world that the mixing of blackmail and oil will not gain them anything in dealing with Americans.

The resolution follows:

RESOLUTION NO. 213

Resolution memorializing the President and the Congress of the United States to continue and maintain a policy in support of the State of Israel and to effectively provide the means for the people of the State of Israel to defend themselves in this hour of peril

Whereas, The overt and vicious attack of aggression by Egypt and Syria upon the State of Israel on the most solemn Jewish holy day of Yom Kippur, was an outrage against all men of conscience; and

Whereas, Israel's right to exist within secure boundaries is now manifestly the cornerstone of peace in the Middle East, and since a negotiated peace is the only practical way for Israel to gain the peaceful recognition long sought from its neighbors; and

Whereas, A most earnest appeal must be directed to the governments of Syria and Egypt to forsake the paths of war and violence and to enter into face-to-face negotiations with Israel for peaceful settlement of Middle East problems; and

Whereas, We laud and support the sentiments of the Senate of the United States expressed in Senate Resolution 179 "deploring the outbreak of hostilities in the Middle East and supporting the good offices of the United States by the President and the Secretary of State to urge the participants to bring about a cease-fire and a return of the parties involved to lines and positions occupied prior to the outbreak of current hostilities," leading, hopefully for a more stable condition leading to peace in that region; therefore

Resolved, By the Council of the City of Philadelphia, That we hereby memorialize the President and the Congress of the United States to continue and maintain a policy in support of the State of Israel and to effectively provide the means for the people of the State of Israel to defend themselves in this hour of peril until there is an Israeli-Arab negotiated settlement based on recognition of Israel's right to exist as a soverign nation with secure borders.

Resolved, That certified copies of this Resolution be forwarded to the President of the United States, the Secretary of State, the U.N. Secretary General and the U.S. Ambassador to the United Nations.

AN IMPORTANT BIRTHDAY

HON. JOHN M. SLACK

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. SLACK. Mr. Speaker, American Airlines and Charleston, W. Va., are sharing an important birthday this month.

It was 40 years ago—on October 18, 1933—that a Ford Tri-Motor operated by one of American's predecessor companies, American Airways, took off from old Wertz Field to give this city its first commercial airline service.

The famed "Tin Goose" left here for Washington, D.C., at 1:20 p.m. carrying a delegation of local and State officials that was headed by West Virginia Gov. H. G. Kump and Charleston Mayor R. P. DeVan.

With a cruising speed of 122 miles per hour, the Tri-Motor took about 2½ hours to reach the Nation's Capital. The 727 Astrojets that American uses at Charleston today could make that same flight in under 50 minutes—carrying 93 passengers compared to the Tri-Motor's capacity of 11.

Said Eric Thon, American's manager here:

> Commercial aviation has been a key factor behind the progress of the Charleston area over the last 40 years, and American is proud to have launched this long and fruitful partnership.

Thon estimated that the airline through the years has boarded about 500,000 passengers and 10,000 tons of cargo here, first at Wertz Field and then at Kanawha County Airport, which was opened in December of 1947.

Between the Tri-Motor and the Charleston introduction of the 727 in February 1969, American served the area with eight different airplanes. They included the twin-engine Curtiss Condor biplane, the famous DC-3, the DC-6 and the four-engine Lockheed Electra.

The airline today operates two daily 727 flights between here and Cincinnati and Chicago, with one of the westbound flights going on from Chicago to San Antonio, Tex. Thon noted that the 42-minute trip to Cincinnati used to take the Tri-Motor 1 hour and 21 minutes.

A Charleston newspaper editor was one of those on hand when the first Tri-Motor arrived at Wertz in preparation for the 1933 inaugural, Thon said. He said the editor summed up the significance of the event for the community with this passage from an editorial:

> There no longer is a question of the success of commercial aviation. Airlines eventually will prove to be as important as railroads and highways now are.

THE HONORABLE HAMILTON FISH, SR.: "HENRY KISSINGER, AN OUTSTANDING SECRETARY OF STATE"

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. GILMAN. Mr. Speaker, the Honorable Hamilton Fish, Sr. who served as a Member of Congress for over 25 years, representing that portion of New York State which now comprises my congressional district recently wrote to me expressing his thoughts concerning the appointment of Dr. Henry Kissinger as our Secretary of State.

In order to give my colleagues the benefit of the thoughts of former Congressman Fish, I insert the following text of his letter in this portion of the RECORD:

LETTER FROM HAMILTON FISH, SR.

DEAR CONGRESS GILMAN: A number of friends of mine have asked me why Henry Kissinger was appointed Secretary of State. They want to know if we did not have some American-born who is qualified for such a high office. Having served as a member of the Foreign Affairs Committee of the House of Representatives for almost a quarter of a century, and as ranking minority member for ten or twelve years, every Secretary of State during that time appeared before our Committee and I knew them personally, all upright and honorable men. The most outstanding was Charles Evans Hughes of New York who had a crystal clear mind. Some of the Secretaries were often vague, indecisive and garrulous.

I naturally have the highest regard and respect for the office of Secretary of State as my own grandfather, Hamilton Fish, served as Secretary of State for eight years and probably no Secretary of State was better versed on international law. He was offered the appointment of Chief Justice and declined on the grounds he had been holding public office for 20 years and not practicing law.

There has probably been no Secretary of State in the last 75 years who has had better training and more experience in foreign affairs than Henry Kissinger. As an instructor at Harvard and as the author of books on foreign affairs, he has devoted his adult life to American international policies and stands almost alone as the chief and ablest spokesman for our foreign policies. Acting as the representative of President Nixon, he did much to help win the war, bring back our Armed Forces from Vietnam and to negotiate an honorable peace. There is no one except the President who is more entitled to the Nobel Peace Prize than Henry Kissinger.

I was also asked why appoint a Jew, born in Germany. My answer to that is that the United States, particularly at this time, needs the most available, ablest and experienced Secretary of State. There is no one who is anywhere near so well qualified or who has such a record of successful negotiations with foreign nations.

I predict that Henry Kissinger, like the famous Disraeli, the Prime Minister of England, will succeed in promoting peace and understanding among the nations of the world within the next three years and will restore our prestige and leadership in the free world, which under recent Administrations, sank to a very low level.

It should be clearly understood by all Americans, regardless of partisanship, that Henry Kissinger was appointed Secretary of State because of his well known abilities, experience, record and will make an outstanding Secretary of State.

HAMILTON FISH, SR.

ENTERTAINER OF THE YEAR AWARD

HON. DAN DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. DAN DANIEL. Mr. Speaker, last night in Nashville, the Country Music Association honored Roy Clark, cohost of television's "Hee Haw," with its "Entertainer of the Year Award."

With his millions of fans in this country and around the world, Roy's award will win much favor, for he has come to symbolize many of the good qualities which all of us like to see in our heroes. He represents in a commendable way the best in good entertainment and has brought pride to his family, to his native State, to the field of entertainment and indeed to his country.

Because I have the honor of representing Roy's home area in the Congress and because his parents, Mr. and Mrs. Hester L. Clark, of Meherrin, Va., are my constituents, I share the pride which they have in his achievements. Recently while in my district, I had the honor of meeting Mr. and Mrs. Clark and it did my heart good to listen to their accounts of Roy's activities and to see in their faces the satisfaction they enjoy in the progress he has made in his chosen field.

In 1970, the Country Music Association honored Roy as the "Comedian of the Year" and he has received many other recognitions in the highly competitive field of country music. His versatility, good humor, and native ability to communicate have stood him well. Although he did not have the benefit of professional music training, he is accomplished in playing the guitar, violin, banjo, trumpet, trombone, piano, and drums. "Hee Haw" is seen each week by millions and his personal appearances around the country have endeared him to an army of fans who love good country music and the light-hearted humor which has become a trademark.

But Roy is more than an entertainer, he has expended much time and effort in the promotion of many worthwhile causes. One of the principal ones of these is the "Johnny Horrizon" environmental program, sponsored by the Department of the Interior. He has given himself unselfishly in the promotion of the goals of this program and officials of the Department are high in praise of his efforts to promote good environmental practices and conservation of our natural resources.

Born on April 15, 1933, near Meherrin, Roy and his family moved to Washington in 1942 and most of his early steps toward a music career were taken in the metropolitan area, in the company of Jimmy Dean and other entertainers, who also went on to stardom. He travels widely and makes a favorable imprint wherever he goes and I am convinced that, at heart, countless millions of Americans subscribe to the basic concepts of honor, patriotism, decency, and love of family which Roy so well exemplifies.

DOLLAR DEVALUATION NOW AGGREGATES 30 PERCENT IN 2 YEARS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. EVINS of Tennessee. Mr. Speaker, the recent vote by the House on the appropriation of $2.2 billion to maintain the value of U.S. contributions to international financial institutions points up the fact that the value of the dollar has dropped about 30 percent in recent months since the disastrous Smithsonian monetary conference.

The Smithsonian conference in De-

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cember of 1971 was hailed by then Secretary of the Treasury John Connally as the world's greatest monetary meeting. As a result of this conference the dollar was devalued 7.89 percent and Congress then appropriated $1.6 billion to maintain the value of the dollar in its participation in international financial institutions.

However, the fruits of this conference turned sour—the effort collapsed—and this year a further devaluation of 10 percent was put into effect, further eroding the dollar.

With the increase in the value of other currencies, the dollar now is estimated to be worth 70 percent of its value 2 years ago.

The $1.6 billion appropriation and the $2.3 billion appropriation recently voted total $3.9 billion appropriated just to maintain the par value of our contributions to the International Monetary Fund, the World Bank, the Inter-American Development Bank, the International Development Association and the Asian Development Bank.

I voted in opposition to the $2.3 billion appropriation to these institutions because I think it is time we faced up to reality—I believe the time has arrived to carefully reconsider, evaluate and drastically curtail our participation in these foreign-aid programs. Resulting in devaluations of the dollar and bad balance-of-payments situation.

The facts are that this administration is willing to do for other countries what it refuses to do for our people at home.

We need to strengthen the dollar—not continue to weaken it and siphon off billions of dollars into the "Alice in Wonderland" financial world of international monetary institutions.

It is certainly my hope that the appropriate committees of the Congress will carefully review this entire matter and develop legislation to bring about a more practical approach to our massive foreign-aid programs.

"MURDER BY HANDGUN: THE CASE FOR GUN CONTROL"—NO. 35

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. HARRINGTON. Mr. Speaker, handguns in today's society do not serve the purpose of the innocent citizen. Rather, they protect the criminal whose victims die quickly and certainly when assaulted with this deadly weapon.

More lives are lost than saved by homeowners who keep a gun on hand for protection; neighbors are often mistaken for prowlers, playing children shoot—and do not miss, and during an argument, the gun is easy to wave around and threaten with; and when someone gets killed the regrets are too late.

The only way to get the guns away from the criminals before they use them is by handgun control legislation. And the best way to prevent accidental killings is to make owning a handgun illegal for private citizens.

At this time, I would like to include a September 27 article from the Washington Post:

NE HOLDUP VICTIM DIES OF WOUNDS

The manager of a Northeast delicatessen died yesterday at Freedmen's Hospital from gunshot wounds he received Sept. 18 during a holdup at the delicatessen, Washington police reported.

Police said Mehmet Derberoglu, 40, of 5823 36th Ave., Hyattsville, was shot by one of the two armed men who held up the Kris Delicatessen, 2 Quincy Pl. NE. One of the men disarmed Derberoglu and shot him with his gun as the second robber took an undetermined amount of money from the cash register.

Derberoglu's brother, Zeki Ceci, 24, a clerk in the store, was shot once in the right hand by the robbers as he chased them from the store, firing several shots at them from a revolver kept in the shop.

A suspect, Robert David Grinnage, 21, of 203 P St. NW, was arrested shortly after the robbery in a nearby alley. He was charged with robbery and held at D.C. jail. Police said he will be charged with homicide in Derberoglu's death.

SURGICENTERS NEED STUDY BY HEW NOW

HON. J. EDWARD ROUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. ROUSH. Mr. Speaker, in January of this year the second free-standing surgical center in the United States was opened in Fort Wayne, Ind. Since that time the Fort Wayne Surgical Center has been providing a valuable health care service to the people of my district in northeastern Indiana.

I believe it is time for the Department of Health, Education, and Welfare to recognize that surgicenter patients should be eligible for medicare and medicaid. And I believe that the "Federal foot dragging" discussed in the following article from the September 26, 1973, Arizona Republic should stop:

FEDERAL FOOT-DRAGGING

As anyone who has been sick knows, health care costs have mounted astronomically in the last few years.

In 1970 two Phoenix physicians, Dr. Wallace A. Reed and Dr. John L. Ford, came up with an idea that would reduce hospital costs. They secured permission to build a free-standing surgical facility in which minor operations could be done and allow patients to go home the same day.

A good example is a tonsillectomy. Until Dr. Reed and Dr. Ford opened Surgicenter, most persons wanting their tonsils removed had to spend two days in a hospital, with costs running up to $100 a day. In Surgicenter a patient can walk in, have the operation, spend four or five hours under medical supervision to be sure there are no complications, and walk out.

Because a surgeon can schedule four or five minor operations in quick succession, he can save time. Because the patient can walk in and walk out, without having to stay in bed for a couple of days, he can save money.

Although most hospitals opposed licensing of Surgicenter, they soon realized the procedure was a good one. Today the big Phoenix hospitals have made their own surgical facilities open to ambulatory patients.

In the three and a half years since it opened Surgicenter has completed 16,000 operations without a death or a life-threatening complication. Most health care insurance companies, both commercial and non-profit, pay Surgicenter a portion of what they would pay a hospital for the same services.

But Medicare, the Social Security Administration's program that pays a large portion of hospital bills for everyone over 65 years of age, has refused to make payments of any sort to Surgicenter.

Surgicenter has been writing letters to, and holding conferences with, Social Security Administration officials. All efforts to get Medicare support for the Surgicenter program have failed.

Last October Congress passed a law authorizing the secretary of the Department of Health, Education, and Welfare to develop a demonstration project with Surgicenter. The Social Security Administration, which is under HEW, was ordered to carry out the law's provision. The last communication from the Social Security Administration, dated May 17, suggested that "further delays of unpredictable duration are to be anticipated."

The preceding quotation is from a bulletin Surgicenter recently sent to its Community Advisory Committee. In commenting on Medicare's delay, Dr. Reed and Dr. Ford said: "For the first two or three years, we were somewhat amused by this known inability of the federal bureaucracy to move effectively. Now, however, it's beginning really to alarm us, not because of what it means financially—we are managing to get along without Medicare Part A paying its way—but because of what it portends for the survival of our society."

It is hard to understand why the federal government, which is at least partly responsible for spiraling health costs, shows such disregard for a cost-cutting program that has worked well in Phoenix.

It is impossible to understand why the federal government cannot even run a demonstration project to determine for itself whether Surgicenter is a success or a failure.

THE JUVENILE COURTS AND LAWYERS

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. HELSTOSKI. Mr. Speaker, every community, large or small, has been confronted in varying degrees with the problem of the juvenile delinquent.

As the caseload of the juvenile courts increases in number and societal impact, it is imperative that lawyers who practice in this field have a full awareness of the dimensions of their professional responsibilities to the system, the litigants, and the bar.

Because of his experience as presiding judge of the Juvenile and Domestic Relations Court of Passaic County, N.J., and his formidable credentials of scholarship and community leadership in the field of social service, Judge Harold M. Nitto is particularly qualified and gives a highly authoritative quality to his views on the functions of the juvenile court

and the lawyers who practice in that particular area of the law.

I wish to present to my colleagues the article written for the Reporter, a publication of the Passaic County Bar Association, by Judge Harold Nitto. I commend this article to my colleagues and hope that it may serve as a guide to many of the juvenile courts throughout the country.

The article follows:

THE JUVENILE COURTS AND LAWYERS

(By Judge Harold M. Nitto)

The Juvenile Court is not the forum for assemblyline treatment of troubled and disturbed children. It is not the unpleasant and unprofessional place which, in the past, many attorneys may have avoided and many laymen criticized. The Juvenile Court of today is a sophisticated, complex, professional and concerned branch of our court system which warrants equal recognition with any other type of court. This positive definition, however, is totally dependent upon the individuals who operate within this court. In order for the Juvenile Court to attain its optimum level of effectiveness, both the judge and the attorney must demonstrate a high degree of skill, initiative, and concern.

This court is but one branch within the overall court structure which has been developed to deal with the varied types of problems which confront our society. The performance level of sophistication and professionalism in the Juvenile Court should not be any lower than that in any other court. The personal trauma to a charged and convicted juvenile defendant is at least as severe as that of any adult criminal defendant or one who is ordered to pay damages in a civil lawsuit. The important fact which must be remembered is that the judge and the attorney must approach each juvenile case on an individual basis. By so doing, we can achieve a strong and effective Juvenile Court System and maintain and enhance the respect for all courts.

The lawyer who practices in the Juvenile Court must be a highly trained and skilled professional advocate whose sole function is to reach a full and proper adjudication of his client's problems. He must realize that this court is no different from any other court in relation to the time and preparation which must be put into each case. He must also realize that the scope of his preparation must include a careful factual analysis in the context of the applicable law.

Representation in this Court requires that a lawyer should be fully knowledgable of the procedural details of practice in the Juvenile Court. Finally, the lawyer must keep himself informed of those areas of constitutional law which specifically relate to the juvenile offender. It is most significant that the base area of legal rights which are involved in juvenile law are now frequently overlooked. Prior to 1967 the parens patriae theory prevailed within the courts and the juvenile was considered to have very few personal rights. However, in 1967 the landmark decision of In re Gault, 387 U.S. I (1967) transformed the Juvenile Court into an entirely different forum. While the Supreme Court in Gault did not make a sweeping conclusion that the juvenile defendant was entitled to all the procedural guarantees which apply to an adult criminal defendant, it did specifically hold that the due process clause of the Fourteenth Amendment applies to state juvenile court proceedings. The Court explicitly noted that the defendant is entitled to a reasonable and fair notice of the charges made against him, he is entitled to be represented by legal counsel; he has the right to be free from self-incrimination and also the right to cross examine witnesses. Of course, this case opened up the entire spectrum of juvenile rights. Whether one agrees with Mr. Justice Black, who, in his concurring opinion stated, "I think the Constitution requires that he (the juvenile) be tried in accordance with all the guarantees of all the Bill of Rights made applicable to the States by the Fourteenth Amendment," or whether one's views align more so with Mr. Justice Stewart in dissent, who said, "Whether treating with a delinquent child, a neglected child, a defective child, or a dependent child, a juvenile proceeding's whole purpose and mission is the very opposite of the mission and purpose of prosecution in a criminal court", the fact remains that the rights of the juvenile defendant have been established and must be recognized and protected.

The lawyer of today who practices in the Juvenile Court must be fully cognizant of the fact that there are many crucial stages of the proceedings in which the juvenile's right to certain constitutional guarantees must be advanced. This principle applies from time of arrest, (In re Gault, supra), to the question of waiver of jurisdiction, (Kent v. United States, 383 U.S. 41 (1966)), to the degree of proof necessary to substantiate a finding against a juvenile defendant (In the Matter of Samuel Winship, 397 U.S. 358 (1969)). These rights are so precious and so significant that any lawyer who fails to recognize their application is doing a great disservice both to his client and to his profession.

The lawyer who practices in the Juvenile Court must not only be well versed in the applicable statutory, procedural, and case law, but he must also be equipped to deal with the sociological, psychological, and sometimes medical aspects which surround many juvenile problems. Before the attorney can attempt to counsel his client, he must fully understand the underlying causes of the existing problem. This, in all probability, will involve an in-depth sociological and psychological analysis of the problem. While attorneys must rely on the expertise of probation officers, psychologists and psychiatrists, they must still prepare themselves to the extent that they can confer with these experts and participate meaningfully with them in the recommendation process. It is for this reason that a skilled and concerned attorney is needed to represent a juvenile defendant.

In summary, every lawyer who practices before the Juvenile Court must realize that this representation is as demanding as any other type of case. He must prepare himself to fully understand the underlying problems of the juvenile and although this aspect may involve many hours of preliminary study and discussion, the time spent is priceless in relation to the overall result which will benefit the client. The attorney must be fully sensitive to the needs of his client and he must exert extra effort not only to develop an initial rapport with his client, but to maintain the element of trust throughout. The attorney must assert his legal skills with the same vigor as he would in any other case. Finally, because of the special nature and treatment which is accorded juvenile problems, the initial disposition is not always the ultimate disposition and the attorney must be fully aware that each case involves a good deal of follow-through on his part. This follow-through will, of course, demand his time and effort, but again, these additional hours will prove to be invaluable in the overall benefits to the juvenile offender and to the proper solution of his problems.

The lawyer who practices in the Juvenile Court will find full satisfaction for his effort and skill.

U.S. TAX DOLLARS SUPPORT THIEU POLICE STATE REPRESSION

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. SEIBERLING. Mr. Speaker, I recently received a petition from 67 people in my district asking for an end to U.S. aid to the police force and prison system of South Vietnam.

The interesting thing about this petition is that it was circulated by its author, a factory worker, among his fellow workers in a tire-mold plant, and all but five of the people to whom he showed it signed the petition.

The people who signed this petition have a great respect for human liberty and self-government, and are disturbed that their tax dollars are being used to undermine these principles in South Vietnam. The text of the petition, along with an article from the Akron Beacon Journal, follows my remarks.

Mr. Speaker, there are between 50,000 and 250,000 political prisoners in South Vietnam. The police force in South Vietnam has increased from 20,000 men in 1964 to 120,000 in 1972. The South Vietnamese ground and air forces have increased from 216,000 men in 1964 to 1.1 million in 1972. These forces are being supported by American tax dollars.

The South Vietnamese economy is largely supported by American dollars as well. The South Vietnamese Government relies on American aid to maintain the economic, military, and repressive political structure in South Vietnam. It seems to me that, at the very least, we should insist that none of our economic aid be used to construct or operate political prisons or a system for repression of basic liberties and human rights.

ANTI-VIET SUPPORT STUNS HIM

(By Bruce Larrick)

When Phillip LoCascio, 22, went to his fellow workers at the Goodyear tire mold plant in Stow asking them to sign petitions opposing foreign aid to South Vietnam, the results astounded him.

In a plant where LoCascio doubts he would have gotten a handful of signatures four years ago, 67 of the 72 men he asked signed the petition "to express support for the deletion of aid to South Vietnam's prison system and police force."

"I doubt if even I would have signed the thing four years ago," said LoCascio, of 1006 Oakland av., Akron.

"If the men in Stow feel we should discontinue the support, it's an indication that most American people would support it. Most of those guys are over 30 and generally conservative."

The petition written by the 1969 Hower High School graduate argues against the approximately $20.4 million for South Vietnamese police in a foreign aid bill now being considered by a House-Senate conference committee.

It states in part: "We believe our hard-earned tax dollars should not be given to a country that detains thousands of civilians on charges as minor as 'a declaration of neutrality.'"

LoCascio said he wrote to the South Viet-

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namese embassy in Washington, D.C., asking the officials there to respond to charges that as many as 250,000 South Vietnamese may be political prisoners.

"You know how they responded?" he asked. "They said it was only about 50,000!"

LoCascio, a machinist at the plant, mailed copies of the petition to Sen. J. William Fulbright (D-Ark.), chairman of the Senate Foreign Relations Committee; Rep. Thomas E. Morgan (D-Pa.), chairman of the House Foreign Affairs Committee and Rep. John F. Seiberling (D-Akron).

Text f the Petition Received by Mr. Seiberling

"The below signed wish to express support for the deletion of aid to the prison system and police force of South Vietnam.

We believe our hard-earned tax dollars should not be given to a nation that imprisons thousands of its own civilians for offenses as minor as "a declaration of neutrality." We understand that President Nguyen Van Thieu uses approximately 20.4 million U.S. dollars to operate his police force and prison system, and we also know that American manufacturers have supplied nearly all of the equipment needed for the operation of these institutions.

There have been numerous reports on the tortures, beatings, and executions without trial in South Vietnam. However, we do not advocate American intervention into Thieu's policies; we merely want our federal government to discontinue funding and condoning the police-state of South Vietnam.

We are Americans who hope to see an improvement in our country's reputation abroad, as well as at home. It is hard for us to trust, praise, and respect a nation that promotes an undemocratic dictator such as Thieu.

South Vietnam has existed 95% on our financial aid for the last ten years, when we could have used the billions of dollars right here in the United States.

Mr. Seiberling, please work for the cause of justice, humanity, and our economy. Stop financial aid to South Vietnam's prison system and police force."

ALASKA DAY

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. YOUNG of Alaska. Mr. Speaker, today marks a very special date in Alaska. On October 18, 1867, in Sitka, the Russian flag was lowered and the American flag raised to symbolize the transfer of sovereignty over the Alaskan territory from Russia to the United States. Alaskans are commemorating that historic occasion today by celebrating Alaska Day.

Since that memorable date, there have been three major achievements in the development of Alaska—the Statehood Act, making Alaska the 49th State in 1958, the Native Land Claims Act in 1971, and the passage of legislation for construction of the trans-Alaskan pipeline this year.

Of these three important victories for Alaska, I have had the very exciting opportunity of contributing to the last—the legislation to construct the pipeline. This is a major piece of legislation, not only for Alaska, but for the other 49 States, both in its employment of local as well as nonlocal skilled workers and the many benefits this major source of oil will have for the entire country.

I am very proud to have been elected to the Congress by this State and I am sure my colleagues will join me in celebrating the 106th year of flying the American flag over Alaska. We can appreciate now, more than ever, the contributions of a unique culture and beauty that Alaska has brought us.

AMERICANS FOR DEMOCRATIC ACTION OPPOSE FORD NOMINATION

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Ms. ABZUG. Mr. Speaker, on October 14 the National Board of Americans for Democratic Action adopted a resolution opposing the confirmation of Gerald Ford as Vice President of the United States. As a man next in line for the Presidency, nominated by the President whose own tenure is presently in jeopardy, the nominee must be clearly fit to serve as President. Gerald Ford is not such a man. According to ADA, Ford's voting record over the last decade averages 9 percent. His latest labor rating charted by the AFL–CIO's Committee on Political Education was 11 percent in 1972. The League of Conservation Voters gave him a 23 percent environmental rating last year, up from 17 percent in 1971

The ADA resolution on the Vice-Presidential nominee and the ADA Legislative Newsletter containing a summary of Ford's voting record follow. I urge my colleagues to read these documents carefully.

The articles follow:

Resolution Adopted at National Board Meeting

Americans for Democratic Action,
Washington, D.C., October 14, 1973.

VICE-PRESIDENTIAL NOMINEE

On the basis of his record thus far developed, ADA opposes the confirmation of Gerald R. Ford as Vice President of the United States. We urge Congress to confirm only a nominee who is clearly fit to serve as President of the United States. Especially where a nomination is made by a President whose tenure is in jeopardy, the Congress should deliberate long and carefully before approving the designate.

The apparent popularity of a nominee should not cause Congress to act quickly. The committees of the House and Senate and the full Congress itself should consider Mr. Ford fully and deliberately. Speed is not essential; care is. Congress must remember the candidates normally are subjected for months to public scrutiny during the campaign and election in the usual political process. During those months the candidates' policy positions are made clear. That process is not now available. Therefore Congress must provide an effective substitute, recognizing that it is acting as surrogate for the electorate.

Congress should require a full investigation into the allegations of mishandling of the nominee's campaign funds. During its interrogation of Mr. Ford Congress should fully satisfy itself on the following issues:

(a) The responsibility of a President to enforce civil rights legislation.

(b) The responsibility of a President to protect civil liberties, including protection against invasion of privacy and wiretapping.

(c) The responsibility of the President to fully inform the Congress and the American people and to limit claims of executive privilege and confidentiality.

(d) The responsibility of a President to secure congressional authorization to commit armed forces to hostilities.

(e) The responsibility of the President to faithfully execute the laws including expenditure of funds for the purposes appropriated by Congress.

(f) The responsibility of the President to obey decisions of the courts.

ADA Legislative Newsletter: Gerald Ford Should Not Be Confirmed

Rep. Gerald Ford (R-Mich.) may be the next President of the United States. Richard Nixon could well leave office during the next three years, through death, resignation—or impeachment. The decision of the U.S. Appeals Court ordering the President to release the tapes makes his future uncertain, to say the least.

It is in this light that Gerald Ford should be judged. He is not simply a candidate for the vice presidency, a ceremonial job with few duties. He is not merely a stand-in for Spiro Agnew. His nomination should be considered in terms of his fitness to be President of the United States.

It is on this basis that Americans for Democratic Action opposes his confirmation. ADA urges consideration of Ford's record in office just as any candidate for President is so judged. Congress should confirm a nominee who is clearly fit to serve as President, and Gerald Ford is not such a man.

Its decision on Ford—selecting someone who may become President—will be Congress' first act under the 25th Amendment. Normally a candidate is subjected for months to public scrutiny during the campaign and election. That process is not now available. Each Member of Congress should treat Ford's nomination as he or she would treat it in a voting booth for in this case Congress is a surrogate for the electorate.

The apparent popularity of a nominee should not cause Congress to act quickly. This Administration's past record of appointments makes it clear that other candidates for high position merited more scrutiny. The Carswell, Haynsworth, Mitchell, Stans, Haldeman, Erlichman, Magruder, Dean and Colson selections—to say nothing of Agnew—highlight the need to consider Ford fully and deliberately. Speed is not essential; care is. Both the full House and Senate as well as their respective committees must regard this nomination with great concern.

GERALD FORD'S RECORD

If elevated to the Presidency, Gerald Ford will be called upon to make decisions on key national and international issues. His record hardly qualifies him for that position.

Ford's record, to say the least, places him squarely among the most reactionary elements of the House. This record dates back well before he became Minority Leader in coup in which he defeated Rep. Charles Halleck (R-Ind.) in 1965. His ADA rating over the last 24 years follows:

Year:	*Percent*
1949	15
1950	33
1951	38
1952	31
1953	36
1954	22
1955	60
1956	57
1957	67
1958	42
1959	22
1960	33
1961	10
1962	13
1963	0
1964	15
1965	11
1966	0
1967	13
1968	17
1969	7
1970	12
1971	8
1972	6

His cumulative rating is 24 percent and his record over the last decade averages nine percent.

Ford's labor rating is not much better. The AFL–CIO's COPE (Committee on Political Education) scores on Ford as compiled by Congressional Quarterly show Ford with a 33 percent rating in 1969, 0 percent in 1970, 25 percent in 1971 and 11 percent in 1972. He has a lifetime cumulative COPE rating of 14 percent.

Ford's environmental rating is just as bad. The League of Conservation Voters gave Ford 23 percent in 1972 and 17 percent in 1971. His record on ten key votes in the previous decade averaged 10 percent.

On specific issues:

Vietnam War—Rep. Ford was a consistent supporter of the war under Presidents Johnson and Nixon. He opposed every piece of legislation to end the war, including ten votes this year and eight last Congress.

Military Spending—Ford has consistently supported high military spending, always opposing even modest efforts to restrain defense spending. He voted for the ABM in 1969 and opposed the Aspin (D-Wis.) amendment earlier this year to cut $950 million from military authorizations.

Domestic Spending—While a big spender for the military, Ford is very frugal in funding domestic programs. He has voted against public housing, rent subsidies, federal aid to elementary and secondary schools, public works in high employment areas, mass transit aid, Medicare, model cities, urban renewal and the 1967 poverty program. He is more generous on bills to help business interests, supporting the loan to Lockheed, the SST and subsidies to shipbuilders.

Labor—Ford has a poor labor record. He voted for "right-to-work" laws in 1965, opposed providing workmen's compensation to migrant workers in 1970, publicly opposed the Farm Worker's boycott in 1971, and this year voted to weaken the minimum wage bill.

Civil Rights—Ford has a record of voting for civil rights legislation on the final vote, but he supports crippling amendments while the bill is in progress. He voted to eliminate a provision for federal examiners in the 1965 Voting Rights Act which, if successful, would have emasculated the bill. He voted to recommit the 1966 Civil Rights Bill in order to delete the fair housing provision. He supports "freedom-of-choice" school desegregation plans and supports a constitutional amendment to ban school busing completely in civil rights cases.

Women's Rights—While Ford voted for the Equal Rights Amendment, he failed to vote for or against a weakening amendment. He supported an amendment to limit EEOG powers to enforce the law, and voted against the child care bill.

Environment—Besides voting for the SST, Ford has voted to increase logging in national forests, and against the 1965 Clean Air Act.

In sum, Gerald Ford on the issues has an extremely poor record. While he is a popular man throughout Congress, congressional "clubbiness" should not become an excuse to overlook Ford's stands on issues. He should be judged as a potential President.

The Wall Street Journal, in an October 15 editorial, summed up the case on Gerald Ford: "The nomination of Mr. Ford caters to all the worst instincts on Capitol Hill—the clubbiness that made him the choice of Congress, the partisanship that threatened a bruising fight if a prominent Republican presidential contender were named, the small-mindedness that thinks in terms of who should be rewarded rather than who could best fill the job."

Gerald Ford cannot best fill the job. It is doubtful that he can fill the job at all.

STATEMENT ON NOBEL PRIZE AWARD TO LE DUC THO

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. CRANE. Mr. Speaker, the announcement that this year's Nobel Prize for Peace will be shared by Secretary of State Henry Kissinger and North Vietnam's Le Duc Tho has been greeted with enthusiasm by many, but with some serious questions as well.

The New York Times, for example, in its editorial of October 17, 1973, noted that:

> The awarding of the Nobel Peace Prize to Henry A. Kissinger of the United States and Le Duc Tho of North Vietnam is, at the very least premature. The truce agreement they achieved in months of tortuous negotiation and mutual recrimination was promptly met by new combat.

The Times noted that:

> The withdrawal of American troops from South Vietnam has not yet brought Southeast Asia to a state that can conceivably be called peace.

The reason why peace has not been brought to Southeast Asia is, in large measure, the same reason for believing that the award of the Nobel Prize for Peace to Le Duc Tho is seriously in error. It is the Communist regime in Hanoi which is determined to make the truce signed in Paris a mockery. Its goal of dominating South Vietnam is the same as it ever was, and its conduct since the signing of the truce is an indication that the rhetoric of peace has simply been a smokescreen for the actions of war.

The evidence of North Vietnamese violation of the Paris truce agreement is overwhelming. In April, for example, Henry Kissinger said that:

> It is a brutal fact that North Vietnam has systematically . . . and cynically violated the "important clauses of the Vietnam peace settlement.

Dr. Kissinger told an Associated Press meeting that:

> The United States was very disappointed in the compliance by the North Vietnamese with the agreement. We have believed, and have said so publicly, that the end of the war in Vietnam should start a process of normalization in the relations between Hanoi and the U.S.

He cited as the major North Vietnamese violations—

> The commitment to withdraw from Cambodia and the commitment to withdraw from Laos—which was unconditional—the commitment not to introduce troops or supplies into South Vietnam—which was also unconditional except through authorized checkpoints—(and) respect for the Demilitarized Zone on which we spent four weeks in Paris.

At that same time the State Department declared that rebel forces fighting in Cambodia are "trained, supplied, and supported" by North Vietnamese regular army forces.

On July 19, 1973, Michel Gauvin, head of the Canadian delegation to the International Commission of Control and Supervision, left Saigon after having struggled for nearly 6 months to make the commission an effective peace-keeping organization.

At a news conference, Mr. Gauvin asserted that the Communists had created insurmountable obstacles to policing the cease-fire. He said that Poland and Hungary, which along with Canada and Indonesia made up the commission, had consistently refused to acknowledge publicly violations of the truce by the Vietcong and the North Vietnamese, and charged that the Vietnamese Communists generally had not cooperated with the commission.

Terror within South Vietnam has continued since the cease-fire. Officials of the Vietnamese Confederation of Labor—SVT, South Vietnam's trade union movement, told AFL–CIO leaders that,

> The long struggle for control of the South Vietnamese people is entering a new and important phase, full of uncertainties and difficulties. The North Vietnamese and the Viet Cong are stepping up their terror activities, including the assassination of union officials, village and hamlet leaders.

CVT President Tran Quoc Buu points out that since the January 28 cease-fire went into effect, more than a dozen labor leaders, including Can Van Nang, a vice president of the strong national federation of tenant farmers, had been "brutally assassinated." Can Van Nang was killed in Communist terrorist action in Van Binh province.

Concerning Hanoi's record with regard to abiding by the truce agreement, columnist James Reston, writing in The New York Times of March 11, 1973, notes that,

> . . . the plain fact seems to be, if U.S. intelligence reports are even close to the mark, that Hanoi has shipped as many as 300 tanks into the South—the evidence is that they are cheating.

We could take pages of the Record up with additional indications of North Vietnam's continued support of terrorism, and violation of almost every provision of the truce agreement.

All of this should make it clear that any Nobel Peace Prize based upon the January 28 cease-fire agreement is not only "premature" but also ill-advised. To give a peace award to Le Duc Tho, the representative of a government which is committed to imposing its will through the use of force, makes a mockery of the values the Nobel Prize was meant to advance.

LOSS OF A GREAT ECONOMIST

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. ASHBROOK. Mr. Speaker, a few days ago one of the few giants in the field of economics died. Of course, I am speaking of Ludwig von Mises who has been described as "the greatest analytical economist of his generation." I would add that he was one of the major free market economists of any generation.

Von Mises wrote 19 volumes during his lifetime as well as hundreds of articles. Among his works are "Theory of Money and Credit," the manumental "Human Action," "Omnipotent Government," "The Anti-Capitalist Mentality," "Socialism," and "Bureaucracy." At a time when some seem to be in a headlong flight from the free market system, it may do us all well to reread his works and remember his message.

At this point, I include in the RECORD "Salute to von Mises" by Henry Hazlitt which appeared in the October 1, 1973 issue of Barron's. This article commemorated von Mises' 92d birthday. His work will live on in his many books and articles.

SALUTE TO VON MISES—FOR 92 YEARS HE HAS FOUGHT THE GOOD FIGHT

Last Saturday marked the 92nd birthday of Ludwig von Mises, the greatest analytical economist of his generation. He has also been one of this century's ablest champions of private enterprise and the free market.

Those 92 years have been amazingly fruitful. In conferring its Distinguished Fellow award in 1969, the American Economic Association credited Mises as the author of 19 volumes if one counts only first editions, but of 46 if one counts all revised editions and foreign translations.

In his late years other honors have come to Mises. He was made an honorary doctor of laws at Grove City College in 1957, an honorary doctor of law at New York University in 1963, an honorary doctor of political science at the University of Freiburg in 1964. In addition, two *Festschrifts* were devoted to him—*On Freedom and Free Enterprise* in 1956, containing essays in his honor from 19 writers, and *Toward Liberty*, a two-volume work published in 1971 on the occasion of his 90th birthday, with contributions from 66 writers.

But such honors, even taken as a whole, seem scarcely proportionate to his achievements. If ever a man deserved the Nobel Prize in economics, it is Mises. But in the few years of its existence, that award has gone to a handful of so-called "mathematical economists"—in large part, one suspects, because only a parade of unintelligible mathematical equations impresses the laymen responsible for finding laureates as being truly "scientific," and perhaps because granting it to economists primarily for their mathematical ability relieves the donors from seeming to take sides in the central political and economic issues of our time—the free market vs. government controls and "planning," capitalism versus socialism, human liberty versus dictatorship.

Ludwig von Mises was born on September 29, 1881, in Lemberg, then part of the Austro-Hungarian Empire. He entered the University of Vienna in 1900, studied under the great Eugen von Boehm-Bawerk, and acquired his doctorate in law and economics in 1906. In 1909, he became economic adviser to the Austrian Chamber of Commerce, a post he held till 1934.

In 1913, following the publication of his *Theory of Money and Credit* the preceding year, he was appointed professor of economics at the University of Vienna, a prestigious but unpaid post that he also held for 20 years. His famous seminar in Vienna attracted and inspired, among others, such brilliant students as F. A. Hayek, Gottfried Haberler and Fritz Machlup.

In 1934, foreseeing the likelihood that Hitler would seize Austria, Mises left, advising his students to do the same. He first became professor of international economic relations at the Graduate Institute of International Studies in Geneva. In 1940, he came to the United States.

Mises was already the author of more than half a dozen books, including three masterpieces, but only one of these, *Socialism: An Economic and Sociological Analysis*, had been translated into English. So Mises was practically unknown here, and, as the fashionable economic ideology then was Keynesianism and its New Deal offspring, he was shrugged off as a reactionary.

Gaining an academic appointment proved difficult. Turning to books, he wrote *Omnipotent Government*, a history and analysis of the collapse of German liberalism and the rise of nationalism and Nazism. It was not until 1945 that he became a Visiting Professor at the Graduate School of Business Administration of New York University, a post he held until 1969.

His body of work is large and impressive. But we can confine ourselves here to considering two of his three masterpieces—*The Theory of Money and Credit*, which first appeared in German in 1912; *Socialism*, originally in German in 1922; and *Human Action*, which grew out of a first German version appearing in 1940.

Mises' contributions to monetary theory have been too numerous to list completely. For one thing, he succeeded in integrating the theory of money with the great body of general economic theory. Before him general economic theory and the theory of money were kept separate, almost as if they were unrelated.

Mises also saw the fallacies in the proposals of the so-called monetarists, that "the price level" could or should be stabilized by government managers who increased the quantity of money by a certain percentage every year. He saw that inflation cannot be automatically controlled—that because of its changing effects on expectations, an increase in the quantity of money, in its early stages, tends to increase prices less than proportionally; in its later stages, more than proportionally.

Mises also rejected the simplistic concept of "the price level." He pointed out that increases in the quantity of money do not raise all prices proportionately; the new money goes to specific persons or industries, raising *their* prices and incomes first. The effect of inflation is always to redistribute wealth and income in ways that distort incentives and production, create obvious injustices, and enkindle social discontent.

Moreover, Mises presented in this book, for the first time, at least the rudiments of a satisfactory explantion of the business cycle. He showed that boom and bust were by no means inherent in capitalism, as the Marxists insisted, but that they did tend to be inherent in the monetary and credit practices prevailing up to that time (and largely since). The fractional bank-reserve system, and the support furnished by central banks, tend to promote the over-expansion of money and credit. This raises prices and artificially lowers interest rates, thus giving rise to unsound investment. Finally, for an assortment of reasons, the inverted pyramid of credit shrinks or collapses and brings on panic or depression.

Mises' *Socialism* is an economic classic written in our time. It is the most devastating analysis of the system ever penned. It examines that philosophy from almost every possible aspect—its doctrine of violence, as well as that of the collective ownership of the means of production; its ideal of equality; its proposed solution to the problem of production and distribution; its probable operation under both static and dynamic conditions; its national and international consequences.

This is by far the ablest and most damaging refutation of socialism since Eugen von Boehm-Bawerk published his memorable, *Karl Marx and the Close of His System*, in 1898. It is more. Boehm-Bawerk confined himself mainly to an examination of Marx's technical economics. Mises scrutinized socialism in all its ugly aspects.

His outstanding contribution was to point out that socialism must fail because it is incapable by its very nature of solving "the problem of economic calculation." A socialist government does not know how to distribute its labor, capital, land and other factors of production to the best advantage. Since it does not know which commodities are being produced at a social profit and which at a social loss, it does not know how much of each commodity or service to plan for.

In short, the greatest difficulty to the realization of socialism, in Mises' view, is intellectual. It is not a mere matter of goodwill, or of willingness to cooperate energetically without personal reward, "Even angels, if they were endowed only with human reason, could not form a socialistic community." Capitalism solves this problem of economic calculation through money prices and money costs of both consumers' and producers' goods, which are fixed by competition in the open market.

On the basis of this single achievement, the late Oscar Lange, a Marxist economist who later became a member of the Polish Politburo, once proposed that future socialists erect a statue to Ludwig von Mises. Said Lange: "It was his powerful challenge that forced the socialists to recognize the importance of an adequate system of economic accounting to guide the allocation of resources in a socialist economy." Lange was at least brought to recognize the problem and thought he had solved it. In fact, the only way that socialists can solve it is by adopting capitalism.

Because it illustrates not only the cogency of his logic, but also the depth of his feeling, the power of his intellectual leadership, and the uncanny foresight with which he judged the course of events more than 40 years ago, I cannot forbear from quoting a passage from the last page of Mises' *Socialism*:

"Everyone carries a part of society on his shoulders; no one is relieved of his share of responsibility by others. And no one can find a safe way out for himself if society is sweeping towards destruction. Therefore everyone, in his own interests, must thrust himself vigorously into the intellectual battle. None can stand aside with unconcern; the interests of everyone hang on the result. Whether he chooses or not, every man is drawn into the great historic struggle, the decisive battle into which our epoch has plunged us."

As the eminent French economist Jacques Rueff once put it: "Those who have heard him have often been astonished at being led by his cogency of reasoning to places whither they, in their all-too-human timorousness, had never dared to go."

RUSSIA'S SUCCESSFUL HAMSTRINGING OF DÉTENTE

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. BRASCO. Mr. Speaker, I have long hoped that some agreements might at last emerge to ease the long years of tension between the United States and the Soviet Union. In recent months, it looked as if such a possibility was very real. Regrettably, the events of the past week have changed my thinking.

When the Syrians and Egyptians launched their surprise attack upon Israel, it had to be with the full knowledge of the Russians, otherwise why else would they have evacuated their dependent personnel in the affected countries? Certainly they had advance knowledge of what was contemplated by the Syrians and Egyptians, especially in light of the fact that Russia is the only important supplier of armaments for the combatant Arab States, and has been the sole supplier for some years now.

When President Nixon and Brezhnev met last year in Moscow, a number of communiques were issued, pledging both sides to an easing of tensions. Russia's leader poured out soothing words like oil upon the waters, and everyone congratulated themselves on all the progress we were making toward détente with the Soviets.

Today, that entire scenario emerges as a vast sham, although, to his credit in this, President Nixon cannot be accused of bad faith. When the fighting broke out in the Middle East, the United States asked for great power cooperation to end it, and was rebuffed. Nor was this all. Rather, it turned out to be merely the commencement of a calculated policy of Soviet deceit, warmongering and betrayal. In the process, the Russians played with the very essence and balance of world peace.

While the fighting grew in intensity, the Russians were engaged in a careful, methodical campaign throughout the entire Arab world to draw every nation possible into the growing combat. How callously and cold-bloodedly the Russians acted. Tunisia, Algeria, Lebanon, and Jordan were all actively encouraged by the Russians to join in ganging up on Israel, once the hostilities were well underway. Here was an invitation to holocaust across the globe. Here was the true face of the Soviet Union. Each of the letters delivered by every Russian ambassador repeated the same message. In effect, Russia was saying, "Jump in now, boys, and kill Israel while you have the chance."

Détente cannot survive such irresponsibility. One can only term the Russian behavior a calculated policy designed to insure Israel's destruction. In the process, she acted with incredible cynicism toward the United States. While putting on the face of reconciliation, the Soviet regime was busily engaged in going about its old business of seeking world domination and hegemony at the expense of the West. No matter how it is bent to and fro, the final result still emerges the same.

To compound the bloody, chancy business, the Russians have emerged with a massive airlift of modern weapons to the irresponsible aggressor states in the Middle East who staged the Pearl Harbor-style sneak attack, Syria and Egypt. Once again, here is the true face of Soviet thinking and diplomacy.

Brezhnev is revealed as the same kind of cynical Communist dictator as his predecessors. He may wear a business suit, smile, pat children on the head, and make little jokes to the television camera. However, in the past few days he and the regime he heads emerge as purveyors of weapons to desperate gamblers who would plunge mankind into the ultimate and final battle. It is bad enough to place a loaded pistol with a hair trigger into the hands of an irresponsible child. But what does one think of the person who deliberately does so, and seeks to gain at your expense by it? Does one then proceed to trust that calculating, cynical opportunist with one's life savings, virtue, and future? Hardly.

The Soviets are like a drunkard who can never stop. They cannot resist the opportunity to conquer a part of the world on the sly and on the cheap. Having been burned by Arab irrationality again and again, they seek to maintain control over the uncontrollable, even though it is like running through a powder magazine with a lighted torch.

The United States must carefully reconsider any and all agreements, formal and otherwise, with the Soviet Union. If they were willing to act in this thrice deceitful manner in the Middle East, how will they act in a crisis with us. Suppose in some three-cornered disagreement with China, we suddenly find ourselves confronted with a unified Russia and China arrayed against us. Are we not fools to believe these people, when the recent Middle East actions on their part are piled upon the chicanery of other similar actions?

Previous to this, only those on the most conservative edge of the American political spectrum took such a stance. While I have not converted to that philosophy, however, it is my feeling that numbers of Americans who are of the liberal philosophical persuasion share my feelings. This by itself does not augur well for the so-called "détente" promoted so assiduously by many among us. Perhaps Senator HENRY JACKSON is right when he states that the Russians are more like a burglar walking down a hotel corridor, stating aloud that he has reformed while he simultaneously turns the handle of every doorknob he happens to pass.

BEYOND DESEGREGATION—WHAT OUGHT TO BE DONE?

HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. PREYER. Mr. Speaker, a main concern of American public life in the last century has been to bring the black man from slavery into the mainstream of American society. In the long view of history, our country will be judged to have made a great effort, unprecedented in the history of mankind, to achieve this goal.

The capstone of this effort was to have been the integrated school system. It was thought that the integration of schools would work out very much like the integration of athletic teams and of restaurants, motels, movie houses and other public facilities. Once the discriminatory laws and customs were broken down and blacks, even if only a few, were admitted to formerly all white schools, integration would follow naturally and relatively painlessly. Everyone would realize how unfair the past practices had been and would welcome the new dispensation as lifting a great load of guilt from the national conscience. It has not worked out that way, because the desegregation of schools, unlike the desegregation of sports and lunch counters, involves the restructuring of educational institutions and conflicts with other important values.

It is difficult for liberal and progressive people to admit that integration is not working, for they have invested an enormous amount of emotional capital in the ideal of integrated schools, and they continue to see the difficulties as being caused primarily by white racism. While a small number of parents may be diehard segregationists, I submit that the majority of them are conscientious and sincere and are concerned for the welfare of their children. They are good citizens, who by and large, have faithfully supported public education and who have provided the resources to nourish it. They have also accepted integration as right and just. But they are heartsick to see the deterioration in discipline and in the quality of education in our schools and what this means for the future of their children. They see the education and life chances of their children being jeopardized in the interest of improving others. They do not object to leveling up, but violently resist leveling down.

Actually, the effort to bring the black man into the mainstream of society through school desegregation has been both a success and a failure. It has been a success in that the principle of legal, official segregation has been denied everywhere. The legal structure of segregated schools has been destroyed and the idea repudiated. For moral as well as historical reasons, all of the United States stand firmly for the principles of racial equality. This has been a considerable achievement. But it has been a failure in that dismantling the legal, official structure of segregation has not automatically integrated schools.

The extent of the failure can be illustrated by two points on which there is a reasonable degree of consensus: First, there is a high degree of racial segregation in the Nation's public schools despite Brown v. Board of Education; and, second, there is a substantial gap between Negro and white educational achievement levels.

The exclusive response of courts to these two problems has been to order

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more actual integration of schools. To the question of how much further we should push beyond the abolition of official segregation—and thereby increase actual integration in schools—the courts have answered that the objective is "the greatest possible degree of actual racial balance as closely as possible through the use of cross-busing. This is where the trouble begins.

Racial balance as a remedy for illegal segregation derives a logical and idealistic appeal from being the opposite of official segregation. The black columnist for the Washington Post, William Raspberry, has said:

> Racial segregation in public schools is both foolish and wrong, which has led a lot of us to suppose that school integration must, therefore, be wise and just. It ain't necessarily so.

The courts have been unable to achieve the best educational results using this racial balance approach because courts cannot control all the conditions necessary to bring about educationally effective integration. We do not have much evidence on what makes for educationally effective integration, but the evidence we do have, primarily the Coleman Report, indicates that improving the education of low-income students requires integration with middle-income students in a proportion that assures a majority of middle-income students. There is no benefit derived from mixing low-income students with other low-income students, and if low-income students constitute a majority when mixed with middle-income students, the education of both groups suffers. This means that educationally effective integration requires a delicate balancing of low-income and middle-income students.

The courts, however, are unable to control this balance because people are free to live wherever they choose and are free to send their children to private schools. As a result, we get the phenomenon of "white flight" from the public schools and "resegregation," and the educationally effective balance is continually disturbed.

It is difficult to condemn any parent, rich or poor, for seeking the best schooling for his child that he can find and afford. But parents with lower incomes have much less choice, and this has an invidious consequence, because where the integration of schools is possible, the burden of bringing it about falls heaviest on low-income whites. Many low-income parents have chosen their place of residence largely on the basis of the schools available, exercising almost the only degree of choice they have. It is small wonder that they explode emotionally when they are told that their children must be sent elsewhere to further what they consider a vague sociological goal rather than the interests of their children. They resent this as an unfair restriction on their freedom of choice, rather than being concerned with busing as such.

In some areas of the country, especially the large cities of the North and East, integration by racial balance seems a practical impossibility. For example, it is hard to see how the 20-square-mile black area of Chicago can be integrated in any practical way. This situation creates two consequences. It leads to a discriminatory legal double standard whereby law and school policy are applied differently in different areas of the country. Furthermore, it begs the question of what is to be done about the black inner-city schools of our large cities, for they should not be left in isolation while we turn our attention to integrating those schools in which integration is possible.

The controversy over school integration has, of course, led to demands on Congress to "do something." Congressional response has been uncertain. Only in the past 2 years has Congress considered comprehensive legislation to deal with the problems as a whole or attempted to express a national policy on the subject. The objective of these comprehensive bills, with different degrees of emphasis, is to formulate a national policy designed to encourage a reduction of de facto—unofficial—school segregation and to deal constructively with the problem of achievement disparities in those situations in which racial concentration remains. The comprehensive bills fall into three major categories.

The first category of proposed legislation is based on "improving the schools where they are." The instrument for doing this is compensatory spending. The difficulty with this approach, apart from its overtones of a return to the "separate but equal" doctrine, is that there is a great deal of evidence to indicate that compensatory spending has no measurable effect in improving the educational achievements of the recipients.

Educational achievement appears to depend, as Christopher Jencks has written, not on the quality of the school itself but "largely on a single input, the characteristics of the entering children." These characteristics are determined by a number of factors, including genetics, environment—especially the first 4 years—family background—including the nutrition of the mother when pregnant with the child—and the influence of television. Compensatory spending on schools touches none of these factors.

Compensatory spending as the sole answer to our school problem is no answer. But despite the findings that compensatory programs have little effect on achievement, compensatory spending should not be ruled out as a part of the answer.

The second category of comprehensive legislation is addressed to court remedies. An example is H.R. 13915, passed last year by the House of Representatives. This bill also includes compensatory spending features, but its main thrust is directed at limiting the remedies courts may apply when discrimination has been found.

Such bills endorse the principle of an integrated school system, but would limit the remedies the courts can apply to bring an integrated system into existence. They do not ban all busing, but tightly circumscribe busing remedies that may be ordered in de jure cases, that is, cases in which officially sanctioned segregation exists. H.R. 13915, for example, directs that a court may not resort to busing until it has first sought to bring about an integrated school system by attempting other specified remedies. If the goal of a unitary school system is not achieved in this fashion and if it then becomes necessary to bus, such busing is limited to the school nearest or next nearest to the student's residence.

There are several problems with this category of legislation. In addressing itself primarily to the question of excessive busing remedies, it is largely silent on the question of reducing racial concentration in unitary school systems. Its positive legislative policy toward de facto school segregation is weak, putting all its eggs in the basket of compensatory education. The inner-city school is left largely untouched.

There is also a practical difficulty with the "next nearest school" provision of H.R. 13915. In most cities of 50,000 or above in population, blacks tend to live together in one or more sections of the city. These sections are often bordered by low-income white areas. As a result, busing to the next nearest school will usually result in mixing two low-income groups, since middle-income sections are often further removed geographically from black sections. The educationally effective mix of middle-income students with low-income students, as recommended by the Coleman Report, is not achieved, and the low-income white is further embittered.

These problems can be avoided. Congress unquestionably has the authority to deal at large with the problems of education, although it is treading on dangerous ground whenever it attempts to control judicial decrees in an area in which the courts are applying the Consituation. H.R. 13915, and other bills in the second category of legislation, seek to stop the courts from granting certain remedies but do not attack the problems at which these remedies are directed. Congress goal should be to use its legislative power to reduce the need for busing in achieving a unitary school system. This is much better than creating false hopes by attempting to foreclose the remedies of the courts.

The third category of pending legislation before Congress attempts to address the problems rather than the courts. An example of this type of legislation is the Preyer-Udall bill which was first introduced last year. The principal draftsman of this bill is Prof. Alexander Bickel, Chancellor Kent Professor of Law and Legal History at Yale Law School. The bill does not seek to give a categorical answer to the problems of schools, because in our judgment, the problems of unequal and inadequate educational results and of racial concentration in some schools are not susceptible of resolution by a categorical national policy.

The bill also recognizes that the courts are poor instruments for bringing about specific reforms in education. When confronted with racial isolation in a school district that is doing little on its own to attack the problem, a court will order busing because there is little else it can do that will have much impact. A court may well decide that it is foolhardy to insist on racial balance, which busing promsies but all too often fails to achieve,

as the sole or even the principal means of solving the problem of racial isolation in a particular school district. But what else is the court to do? We need to assist the courts by offering them alternatives to busing rather than just prohibiting the use of busing.

How can we bring about this new educational reality and develop constructive alternatives for the courts' consideration? Such alternatives will appear only when the reins of education control are handed back to local officials. Otherwise, embittered communities will continue to watch from the sidelines as the courts administer clumsy and drastic remedies to their educational ailments. Community involvement and community control might become a reality if local school districts were required to take a hard, organized look at their problems and then to devise a comprehensive 10-year plan for improvement. Such a plan would be more than a simple desegregation scheme. It would necessarily include methods to reduce racial concentrations, but it would also include any number of innovative techniques to improve the educational process, as a whole. Significantly, there is every reason to believe that school districts in the process of charting their own educational course might be viewed differently by Federal judges who so often in the past have had only a choice of either issuing a busing decree or seeing nothing done.

The Preyer-Udall bill carries out this suggestion. It would require that each State within 2 years of enactment submit a plan to carry out the objectives of the act, that is, to improve and equalize educational results throughout the Nation and to alleviate racial isolation. Federal financial assistance would vary not only in accordance with the population of a State, but also in accordance with the number of minority families. Plans would be reviewable annually and would be geared to achieve their objectives in 10 years. Acceptable plans would include one or more of such features as magnet schools, educational parks, cooperative exchanges, and joint participation programs for minority-group and nonminority-group children who attend different schools, whether public or private. The list contained in the bill is not exclusive. Its purpose is to give examples of techniques that might be included in a State plan.

Each plan would be developed in consultation with local educational agencies, a local advisory committee, including parents of students, and a State advisory council. A National Advisory Council, appointed by the President, would work with the Secretary of Health, Education, and Welfare in developing criteria for the approval of plans and in reviewing the operation of the plans.

The bill also includes a "majority transfer" provision which gives a student a right at the beginning of the school year to transfer from a school in which his race is in a majority to a school in which his race is in a minority, with transportation furnished. This is a first step and would result in siphoning off some students from inner-city schools to the suburbs, thus relieving racial isolation. Experience indicates, however, that it would not result in any mass exodus.

Another feature of the bill is an "equalization of resources" provision which directs local educational agencies to eliminate disparities in educational practices between schools that result in unequal educational opportunities. Eight examples of such disparities are listed, such as comparative overcrowding of facilities, higher pupil-teacher ratios, provision for fewer student services and inadequate buildings. This provision could be easily coordinated with new tax law to provide a structure through which new financing plans for schools could be channeled. Rather than the hit-or-miss system of each school district applying for grants, it would provide for a coordinated statewide program for the use of such funds.

It should be pointed out that the Preyer-Udall bill does not require busing. Our real range of action probably involves modest and limited busing, together with the use of other techniques, such as redrawing of neighborhood attendance zones, magnet schools and majority-minority transfers. The recent Lambda study indicates that we can revise the more extensive busing plans and still carry forward desegregation.

It could be argued that the Preyer-Udall approach is utopian and will only provide an excuse for more delay and foot dragging. However, there are two powerful inducements for the States to submit plans for approval. The first inducement is Federal financial support for needed educational programs. The second is the threat of a court takeover, with the probable imposition of a mathematical racial balance decree if no good faith effort is made to achieve the objectives of reducing racial concentrations and reducing the disparities of educational achievements among schools.

All three branches of the Federal Government can share the blame for the emotional controversy over busing. Clearly, something must be done. But it is important that the balance to be struck be morally and intellectually right. Congress should act in cooperation with the courts and not in conflict with them.

The question is one not of goals but of the wisest choice of means to achieve racial desegregation in the schools. The courts have adjudged proportional racial balancing, achieved by busing, as the best temporary answer. But this is a bad long-term answer. It is disruptive to society. It damages our educational system. It results in resegregation and therefore is futuile by its own terms. Proportional racial balance, as ordered by the courts, is not the best and only way to reach the goals of improving our schools, providing equal educational opportunity and overcoming racial concentration. Rather, we should put our funds and energies into developing new educational plans, locally evolved and locally administered.

Mr. Speaker, yesterday the gentleman from Arizona (Mr. UDALL) and I are reintroducing our legislation of last year in substantially identical form. I commend this bill to our colleagues and hope it will receive the serious consideration that we believe it deserves.

VETERANS DAY—1973

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. PRICE of Texas. Mr. Speaker, the history of Veterans Day itself reflects the military history of our troubled times. It has evolved from an observance commemorating the termination of hostilities of World War I to a day of solemn recollection and acknowledgement of the debt we owe to all of the brave men who gave their lives in our country's defense. On Veterans Day we now also honor the veterans among us who bore the brunt of battle and served their country well in its times of peril and need.

On November 4, 1921, Congress, by joint resolution, authorized the President to proclaim November 11—of that year only—a Federal legal public holiday in honor of the burial of the Unknown Soldier at the Arlington National Cemetery. During the years that passed immediately thereafter, the observance, held each November 11 at 11 a.m., the month, day, and hour of the cessation of World War I hostilities, became known throughout the country as Armistice Day.

In 1938, Congress declared the day to be a permanent Federal legal public holiday. The statutory language of the act of Congress by which this was achieved was brief and businesslike for a day that carried such a heavy burden of emotion, especially for those who had lost a loved one in the First World War:

> Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled; that the 11th day of November in each year, a day to be dedicated to the cause of world peace and to be hereafter celebrated and known as Armistice Day, is hereby made a legal public holiday to all intents and purposes and in the same manner as (other legal public holidays).

After World War II and the Korean conflict, the inappropriateness of confining a holiday to the commemoration of the ending of the First World War was apparent; Congress, therefore, by an act approved on June 1, 1954, changed the name of the day from Armistice Day to Veterans Day. Thus the designation was made all-inclusive, and November 11 was thereafter observed in honor of both the dead and the living members of the Armed Forces of the United States.

This year, under the provisions of the Monday Holiday Act, we observe Veterans Day on the fourth Monday in October. I would like to say that I am very much opposed to the moving of Veterans Day from its traditional day of observance—November 11—to its present date. I have sponsored legislation to return Veterans Day to its rightful historical place, and I trust that the Congress and the President will join in making the 11th day of the 11th month once again our national and honored Veterans Day.

In honoring Veterans Day, let us remember that each man answered his country's call according to the dictates of his own conscience. One of the most moving expressions of this individual sense of responsibility was made by Washington during the first year of his Presidency when he addressed the Legislature of the State of Connecticut in these words:

> I have obeyed a summons to which I can never be insensible . . . When my country demands the sacrifice, personal ease must always be a secondary consideration.

For those veterans who were fortunate enough to have returned unscathed, we must remember the war-caused disruption of their lives, their willingness to risk the desperate hazards of combat, and the agonizing separation from their loved ones which they endured.

We are also well aware that the contribution of our veterans to the national welfare is not limited only to wartime. The evidence of their leadership is all about us, in business, in public life, and in the professions. Our last five Presidents have been veterans, and today veterans are contributing to a stronger and better America through their efforts in every form of human endeavor.

But we are all tragically aware that all the Veterans Days that have been observed, and all these that will be observed, can never bring back those who have died, or fully compensate the maimed and ill among our veterans. Yet we must do something to express our devotion and thanks, and our Veterans Day observance are one of the ways that we have adopted. Let us therefore observe Veterans Day in the proper spirit of humble thanksgiving for the gift of freedom bestowed upon us by our American fighting men, and pray that we shall not again be forced to ask our young men to take personal risk in our defense.

KEEP ST. ALBANS NAVAL HOSPITAL OPEN

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. WOLFF. Mr. Speaker, evidence of community support for keeping St. Albans Naval Hospital open continues to mount. This support is not for turning this facility into an animal quarantine center, as the Department of Agriculture has proposed, but rather to keep the hospital operating to serve the half a million veterans of Queens, Nassau, and Suffolk Counties. These veterans, many of whom became disabled in an unpopular war, deserve the best attention that this country can provide. I would like to insert the following statements of the Jamaica Hospital and the Podiatry Society of New York in the RECORD:

THE JAMAICA HOSPITAL,
Jamaica, N.Y., October 11, 1973.

Congressman LESTER WOLFF,
Great Neck, N.Y.

DEAR CONGRESSMAN WOLFF: The Ambulatory Care Advisory Committee of Jamaica Hospital consists of consumers and providers of health care, and has a consumer majority. The Ambulatory Care Advisory Committee is deeply concerned with health services in the entire borough of Queens as well as in our own hospital. We wish to go on record that we oppose the closing of St. Albans Hospital.

There is a serious shortage of hospital beds and ambulatory care facilities in the borough of Queens. We suggest that the hospital be converted to a Veterans Administration hospital which will also include community health facilities and thus provide needed health care to veterans, their families, and to the Queens community.

Very sincerely yours,
GEORGE MCCOY,
Ambulatory Care Advisory Committee of Jamaica Hospital.

THE PODIATRY SOCIETY OF
THE STATE OF NEW YORK, ,
October 9, 1973.

Hon. LESTER WOLFF,
Great Neck, N.Y.

DEAR MR. WOLFF: As president of the Queens Podiatry Society of the State of New York, I would like to inform you that our Executive Board and Board of Trustees in Queens County has gone on record to oppose the discontinuance of the present program at the St. Albans Naval Hospital. It is our firm conviction that this facility be reorganized to service the surrounding community as a public health center.

Yours very truly,
DR. LESTER S. KELLER,
President.

NEW YORK STATE LOSES A DISTINGUISHED CITIZEN

HON. ROBERT C. McEWEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. McEWEN. Mr. Speaker, the death of the Honorable Fred A. Young took from my constituency one of its most outstanding and respected citizens. Judge Fred A. Young, who died on October 16, was an able lawyer who had distinguished himself as a legislator, jurist, and, above all, as a politician in the very best sense of the term. Beginning as a justice of the peace in his village, he went on to serve as a member of the New York Assembly, a State senator, judge of the New York State Court of Claims and, finally, as presiding judge of that court. A former county chairman, he was elected in 1963 as chairman of the New York Republican State Committee. Most of my New York colleagues on both sides of the aisle knew Fred Young as a friend.

I include the following statement by Gov. Nelson A. Rockefeller on the death of Judge Young:

STATEMENT BY GOV. NELSON A. ROCKEFELLER

The death of Judge Fred A. Young takes from New York State a man respected for his abilities as legislator, political leader and judge—beloved for his kindness to his fellow man.

Fred Young served the people of New York with distinction and energy. He won acclaim as a practicing attorney and county chairman in Lewis County. He rose through the ranks of public life to become successively a State Assemblyman, a State Senator and Judge of the Court of Claims.

A lifelong Republican, Fred served as a county chairman for more than 15 years. His popularity among the men and women of his party was underscored in 1963 when he was elected head of the Republican State Committee—a post in which he served with characteristic vitality and effectiveness. Known to fellow Republicans throughout the nation, Fred was also vice chairman of the New York delegation to the GOP National Convention in 1964.

His accomplishments as Presiding Judge of the Court of Claims are a matter of record. He took justifiable pride in the reduction of a large backlog of cases before the Court during his last term as Presiding Judge.

Fred Young's generosity and humanity will always be legendary. It is virtually impossible to chart the number of worthy causes to which he dedicated himself. He was my friend and I valued that friendship. Mrs. Rockefeller and I extend our deepest sympathies to Mrs. Young, their two children and all other members of the family.

GLYPTOTHECA, PINACOTHECA, AND THE NEED FOR THE MUSEUM SERVICES BILL

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. BINGHAM. Mr. Speaker, the strike by the Museum of Modern Art's employees in New York City is but one indication of a growing need for Federal financial assistance to insure the well-being of the Nation's museums. H.R. 10596, the Museum Services Act, would establish a program of grants and technical assistance to ease the financial strains affecting many, if not all, of the country's museums.

The purpose of the Museum Services Act is to enable institutions with small endowments, such as the Museum of Modern Art, to absorb increased labor, material, acquisition, and exhibition costs without sacrificing their hard-earned reputations that are so important in drawing the viewing public, and hence, local fiscal support. The bill would not place the entire burden on the Federal Government as the only source of money, but would provide the support needed to insure that the educational and cultural benefits provided the public through this medium are not lost.

I commend to my colleagues an article that appeared in the October 16, 1973, edition of the New York Post detailing the situation facing the Museum of Modern Art:

IT IS THE BOTTOM LINE IN A PAY PROTEST

(By Jane Perlez)

There were several prints of Picasso's "Boy Leading the Horse," stuck on cardboard and strung around the neck of strikers parading outside the Museum of Modern Art on E. 53d St. The boy had a sign scrawled across the lower part of his torso. It reads: "We're Down to the Bare Minimum."

The museum's 135 professional and administrative employes who walked out a week ago begin a new round of negotiations today. They feel they are down to the bare minimum in dollars.

More than 40 earn less than $7000 a year. Many earn the minimum $6100. Some of them, like the 26-year-old chairman of the union negotiating team, Susan Bertram, earn $9750.

A senior program assistant responsible for exhibitions sent to South America, Miss Bertram says her salary jumped $3000 in the last year. She credits the rise to the formation of the Professional and Administrative Staff Assn., the first union of professional museum staff in the country.

SOME QUESTIONS

"Eighty per cent of the negotiating unit are women, 75 per cent of the staff are women but 75 per cent of the management are men," says the vigorous, lanky blond. "Why," she asked, "do the salaries of the 40 management staff total more than $1 million, and the total for the 170 people in the bargaining unit only $1.2 million?"

Inside the main doors, film department director Willard Van Dykes, a gray-haired man with a striped bow tie and gray flannel suit, was answering questions at the information desk. Film screenings stopped last week after the projectionists refused to cross the picket line.

"If they stuck to the questions of wages I could listen with more equanimity," he said, looking at the strikers on the sidewalk. "But there's an attempt to take over some of the prerogatives of the management."

And that, according to the museum's labor counsel, Robert Batterman, is the key to the talks. The union wants 16 people in supervisory positions—curators and assistant curators included—given union status. "We've discussed this at great length," Batterman said last night. "But we're at an impasse on it."

Today's meeting with state mediator Solomon Kreitman is the first since the strike began last week. The museum offered a 5½ per cent across-the-board increase over two years.

The union wants a rise in the minimum from $6100 to $7200. As well, it has asked for a nine per cent increase on all salaries for the first year. And it wants a representative on the board of trustees.

Elizabeth Shaw, director for public information, sat in her fifth floor office yesterday afternoon with the chance of the youthful picketers drifting through the windows.

"IT'S VERY DIFFICULT"

"We all know that museum work is not paid as well as any institution that makes money," she said. "This museum has a tiny endowment and it's very difficult. I think we'd like to do better in times of inflation."

How long can the museum tolerate the strike? "We're not hurting," she said.

But some vocal pickets were confident. "Attendance is down 50 per cent. Book sales are right down," said one, citing "friends on the inside."

Al Evanoff, vice president of District 65 of the parent Distributive Workers of America, looked over the picket line and said his 30,000 members were prepared to back the strike. Already, he said, food for the restaurant was not being delivered and garbage not being collected.

JAMES S. COPLEY

Hon. Yvonne Brathwaite Burke

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mrs. BURKE of California. Mr. Speaker, a great California newspaper publisher, Mr. James S. Copley, died on October 6. His death was not only a great loss to the newspaper publishing enterprise he headed, but to all Californians.

He was a man with a steadfast belief in American ideals and principles, and refused to compromise those beliefs for expediency or profit. He opposed totalitarianism in any form. He maintained an independent stance throughout his entire career.

Mr. Copley believed that the press had an obligation to present the news fairly and completely. He epitomized the kind of responsibility we expect and deserve in our daily newspapers. His newspapers reflected the professionalism that is a hallmark of good journalism.

When I served in the California State Assembly in Sacramento, I had occasion to deal frequently with the Copley Press and the Sacramento Union, his local paper, on many issues. Although we sometimes did not see eye to eye on a particular issue, my side was always represented factually and fairly. I can say that I always got proper coverage.

Mr. Copley defended our institutions and our heritage with vigor and courage. We are all somewhat the less for the passing of Mr. Copley.

However, I understand that his widow, Mrs. Helen Copley, has pledged to carry on in the same tradition. For that, we are grateful and wish the Copley Press continued life and success.

ADMINISTRATION CONTINUES TO LOSE IMPOUNDMENT BATTLES IN COURT

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. EVINS of Tennessee. Mr. Speaker, the administration is continuing to lose court battles contesting the massive and excessive impoundment of funds appropriated by the Congress.

The latest development is a recent refusal by the U.S. Supreme Court to hear a case directly from the State of Georgia which was not channeled through normal appeal procedures. The administration had requested that the case be heard.

States who resisted the effort for a direct trial of the suit in the Supreme Court pointed out that this might delay other cases which will reach the court through the normal appeals process.

Congressional Quarterly reported recently that the administration has lost 25 of 30 impoundment cases in lower courts.

Because of the interest of my colleagues and the American people in this most important matter, I place in the RECORD excerpts from an article in the Washington Post concerning the recent ruling by the U.S. Supreme Court and an article from Congressional Quarterly summarizing legal developments in impoundment cases.

The articles follow:

HIGH COURT DECLINES IMPOUNDMENT TRIAL

(By John P. MacKenzie)

The Supreme Court, rejecting pleas by the state of Georgia and the Nixon administration, refused yesterday to conduct a full-scale trial over the administration's power to impound funds appropriated for Georgia and other states.

In a brief order the court dealt a strategic setback to the administration, which now must continue to fight impoundment battles in lower courts, where it has lost nearly every case.

The court's refusal to entertain the Georgia case was among 900 actions taken as the justices disposed of cases accumulated during the summer.

* * * * *

The bid for a Supreme Court trial over impoundment came in a suit by Georgia demanding appropriated funds for highway, education and anti-pollution projects. Georgia invoked the high court's power to hear lawsuits in which states are a party, but the justices adhered to their practice of avoiding such suits where possible.

Both the state and Solicitor General Robert H. Bork conceded that lower courts also had jurisdiction over the controversy. But they said the fight could be settled sooner by bypassing the lower tribunals.

Ten states and New York City, also locked in impoundment litigation, urged the court to ignore the suit and wait for cases to come up in the regular appellate process. They argued that the court might actually slow the development of other cases if it took charge of the entire problem in prolonged proceedings here in Washington.

"It cannot be overlooked that the government's interests in an impoundment case are served by any delay," the states argued.

* * * * *

IMPOUNDMENT: ADMINISTRATION LOSES MOST COURT TESTS

As Congress nears final agreement on legislation to prohibit executive impoundment of appropriated funds, the Nixon Administration's impoundment policies are taking a solid drubbing in the courts as well. (*Legislation, Weekly, Report p. 2359*)

According to a study being prepared by the Library of Congress, about 30 cases dealing with the impoundment issue have been decided, primarily at the federal district court level. The government was on the losing side in all but five, according to a Library of Congress expert, but will appeal at least 10 of the adverse decisions.

Several suits are aimed at prying loose almost one-third of the $1.8-billion the Department of Health, Education and Welfare (HEW) impounded in fiscal 1973 under a self-imposed spending plan. Because of the pending cases, according to an HEW official, about $559-million was earmarked as "contingent obligations" before July 1, when the funds would have reverted to the Treasury.

Most courts have swept aside the administration's contention that in order to "faithfully execute" the laws, the President may impound funds to control inflation or prevent a tax increase. In most cases, specific anti-impoundment language covering certain programs supersedes the President's discretionary authority to withhold funds, the courts have ruled.

Typical was a decision handed down Aug. 3 by Federal District Court Judge Gerhard A. Gesell ordering HEW to process grant awards totaling $52.1-million for community mental health centers. He termed the President's economic concerns "pertinent," but cited clear statutory obligation to spend the funds.

Because of the special anti-impoundment provision of a 1970 act covering the program, Gesell wrote, the President "does not have complete discretion to pick and choose between programs when some of them are made mandatory by conscious, deliberate congressional action."

SPENDING PLAN CONTROVERSY

The dispute between HEW and Congress over how much was appropriated for HEW programs in fiscal 1973 is a complicated one, stemming from the fact that two regular appropriations bills for HEW in fiscal 1973 were vetoed. Funding was covered by a continuing resolution; its requirements are at the core of the initial controversy. (*1972 Almanac p. 865*)

Congress cleared the resolution June 30, 1972, before the first HEW appropriations bill had emerged from conference. Under the congressional interpretation, the resolution required spending at the lower of the House-passed or Senate-passed figures contained in the first bill. The fact that this bill was vetoed would not alter the resolution's requirements, according to the congressional viewpoint.

Another section of the resolution allowed spending at the lower of the administration's 1973 budget request or fiscal 1972 appropriations, if neither the House nor Senate had passed a fiscal 1973 appropriations bill for HEW. The administration, citing the two vetoed bills, has contended that this provision governed required spending.

The deadlock was complicated further by the administration's decision in January to submit revised fiscal 1973 budget requests for many health programs it proposed to kill or phase out in fiscal 1974. Because these requests were the lowest available funding levels for the disputed programs, HEW has used them as its fiscal 1973 spending plan.

These interpretations have caused both confusion and anger in Congress. ". . . The administration's spending plan changes from day to day and from hour to hour," complained Rep. Daniel J. Flood (D Pa.), chairman of the House Labor-HEW Appropriations Subcommittee, on June 26. "It is like a railroad timetable."

But at the request of House Interstate and Foreign Commerce Committee Chairman Harley O. Staggers (D W. Va.), HEW June 20 submitted figures detailing HEW's impoundment of $1.1-billion Congress claims it appropriated for health programs in fiscal 1973. Staggers termed the impoundments a "sad failure of our government's commitment to serve its people." On July 12, he asked HEW Secretary Caspar W. Weinberger to submit a detailed justification for the impoundments. (*Programs affected, box, next page*)

In addition to the $1.1-billion withheld for health programs, an HEW budget official told Congressional Quarterly that $642-million was impounded for education programs. An additional $70-million was not spent for the Social Security program, he said, because the funds were not needed.

COURT SUITS

Angered by the loss of funds required under the congressional interpretation of the resolution, states and groups representing recipients of HEW funds turned to the courts for relief. Their arguments have centered not so much on the general authority of the President to impound funds, but on the requirements of special congressional directives, written into law, to spend funds appropriated for the programs.

Some key cases were:

The National Council of Community Mental Health Centers won a final injunction Aug. 3 when Judge Gesell ordered HEW to award $52.1-million in mental health center staffing grants. Gesell refused to delay the order pending a likely appeal of the decision.

The National League for Nursing has filed a suit aimed at the release of $21.7-million in nurse training funds. On July 10, the group obtained a preliminary injunction from Gesell requiring HEW to carry over the funds until the case is settled.

Associations representing schools of optometry, pharmacy and podiatry obtained a similar injunction June 26 from a federal district judge in Washington, D.C.

Funds totaling $13.7-million, or 50 per cent of the congressionally required appropriation, were withheld from the schools. A ruling on a final injunction is expected in September.

Suits aimed at the release of about $480-million in education funds have been brought by several states. Pennsylvania, joined by some other states, won a ruling June 28 from Federal District Court Judge Joseph C. Waddy requiring HEW to set aside $380-million in elementary and secondary education funds. A final ruling is expected in early September. Other suits deal with library services and construction funds and special equipment programs.

MANDATORY LANGUAGE

Key to the outcome in the HEW cases is the existence of provisions of law specifically requiring expenditure of health and education funds. A provision (Section 601) of the 1970 extension of the Hill-Burton hospital construction act, passed over a presidential veto, required spending in major health programs. The provision was extended through fiscal 1974 as part of the omnibus health extension bill (PL 93–45). (1970 act, 1970 Almanac p. 221; 1973 extension, Weekly Report p. 1465)

Section 601 is identical to a 1970 amendment to the General Education Provisions Act, covering most education programs. Both provisions provide that funds appropriated before July 1, 1973, for the programs covered "shall remain available for obligation and expenditure until the end of such fiscal year."

In his ruling, Gesell admitted that the meaning of this language was not "readily apparent on its face nor free from doubt," but decided that the legislative history of Section 601 mandated spending of the mental health funds, regardless of the President's general impoundment authority.

Moreover, Gesell said, the President implictly recognized this requirement by stating in his veto message on the 1970 act that Section 601 amounted to congressional insistence that funds "to carry out the programs involved must be spent." Passage of the act over the veto reaffirmed this intent, Gesell ruled.

ADMINISTRATION ARGUMENTS

Government attorneys arguing the HEW impoundment cases have preferred to ignore the special anti-impoundment provisions and stress the administration's general justifications for executive impoundment. According to Pennsylvania Deputy Attorney General James R. Adams, who argued the education suit, government attorneys "effectively conceded that it (the education provision) was not discretionary."

Weinberger wrote Staggers in June that the meaning of the special provisions "remains unclear and most debatable." But reacting to HEW's impoundment of $1.1-billion for health programs, Sen. Jacob K. Javits (R-N.Y.) and 10 other Republican senators wrote Weinberger Aug. 2 to question his interpretation of the provisions.

At Jan. 17 confirmation hearings by the Senate Labor and Public Welfare Committee, the senators wrote, Weinberger said of the mandatory spending requirement for education programs: ". . . I know the mandatory clause requires the spending. That is my interpretation of it."

Arguments over special provisions aside, the government has relied on legal justifications for impoundment outlined Feb. 6 by Deputy Attorney General Joseph T. Sneed before a joint hearing of two Senate committees. (*Weekly Report* p. 291)

Sneed said the President had "an implied constitutional right" to impound funds if spending would aggravate shaky economic conditions or require a tax increase. Laws requiring the President to control the economy, he said, include the Anti-Deficiency Act of 1905, the Full Employment Act of 1946, the Economic Stabilization Act Amendments of 1971 and the debt limit imposed by Congress in 1972.

WEINBERGER DEFENSE

Weinberger's defense of the impoundments has centered on the requirements of his interpretation of the continuing resolution.

". . . It would be quite unrealistic, quite absurd, really," he said in an Aug. 6 television interview, "for the President to say, well, I must pick the interpretation that requires me to spend at the level I vetoed twice, when clearly, from my point of view, from the point of view that the Department of Justice advised me, it doesn't require that."

He also maintained that more spending, especially for programs which the administration believes have outlived their usefulness, would not guarantee improved health programs.

ROGERS REPLY

Appearing on the same television program, Rep. Paul G. Rogers (D Fla.), chairman of the House Interstate Commerce Subcommittee on Public Health and Environment, hotly contested Weinberger's interpretation of the continuing resolution. Earlier, Rogers had threatened subcommittee hearings aimed at seeking the resignation of the HEW officials "who failed to carry out the law" by impounding health funds.

Even in the HEW documents on health impoundments delivered to the Commerce Committee, Rogers said, the department had recognized that congressionally approved health spending was $1.1-billion more than what HEW spent. It "is a little ludicrous, that people who are supposed to receive health funds have to go to court to get the secretary of HEW to carry out the laws that the Congress passed," Rogers complained.

SUPREME COURT FIGHT?

Although the administration has decided not to appeal several adverse rulings in impoundment suits, including the first decision in a Missouri highway fund case handed down April 2, Weinberger has pledged to appeal all HEW cases to the Supreme Court if necessary. (Highway case appeal, *Weekly Report* p. 2284)

Weinberger dismissed adverse decisions to date as the rulings of lower courts without the force of a "definitive Supreme Court decision." He and Rogers clashed again Aug. 6 on the requirements of the lower court rulings.

Weinberger: "You practiced law and you know perfectly well that if you have an adverse—"

Rogers: "That I am bound by the court order until it is overturned, right?"

Weinberger: "But you certainly have every right to appeal it and not to carry (it) out while it's under appeal."

Rogers: "That's not true."

Weinberger: "Well, that is true."

Georgia Case. Because the impoundment suits deal with funds appropriated before final passage of any general anti-impoundment bill, some Supreme Court test of the President's impoundment authority, in the face of special congressional directives to spend funds, is considered likely. Failure by Congress to override a probable veto of an impoundment bill could magnify the immediate importance of any Supreme Court decision.

Georgia, which has brought suit challenging impoundment of highway, water pollution and education funds, is seeking to have the Supreme Court hear its case directly without lower court action. The Justice Department is believed sympathetic to the request because its current approach—fighting impoundment cases all over the country—is proving costly and time-consuming.

IMPACT OF DELAY

The time required to mount even a successful court challenge to HEW impound-

ments is discouraging also to groups fighting the suits. They are fighting for the release of funds they contend were needed last year and are needed even more desperately now.

Impoundment of $21.7-million of the $38.5-million Congress maintained it appropriated for grants to nursing schools in 1973 will force nursing schools to open their doors in September without enough funds to keep accepted students in school, according to nursing association representatives.

FISCAL 1973 HOLDING PATTERN

In addition, according to an HEW internal memo made public Aug. 26, the department plans to continue to withhold health and education funds in fiscal 1974, pending enactment of an HEW appropriations bill for fiscal 1974.

Until Sept. 30, fiscal 1974 HEW appropriations are covered by a new continuing resolution which specified that programs were to be funded under the congressionally approved terms of the fiscal 1973 continuing resolution. The dispute over the fiscal 1973 resolution thus has been continued. (*Fiscal 1974 resolution, Weekly Report p. 1855.*)

The controversy could last even longer if Congress does not override an expected presidential veto of the fiscal 1974 bill, which passed the House June 26. The House-passed version exceeded the President's budget requests by $1.3-billion. Presidential Counselor Melvin R. Laird has said he would recommend a veto of a bill with that funding level. The Senate version of the legislation is expected to contain even higher funding. (*Weekly Report p. 2361.*)

HEALTH IMPOUNDMENTS

Documents submitted to the House Interstate and Foreign Commerce Committee June 20 by the Department of Health, Education and Welfare and released by the committee July 25 listed the following amounts unspent for major health programs in fiscal 1973:

Mental Health	$199, 209, 000
Health Services Planning and Development:	
Research and development	13, 001, 000
Comprehensive health planning	6, 886, 000
Regional medical programs	89, 900, 000
Hill-Burton hospital construction	195, 254, 000
Health Services Delivery:	
Comprehensive health services	5, 283, 000
Maternal and child health	12, 697, 000
Family planning	32, 442, 000
Preventive Health Services	15, 982, 000
National Institutes of Health:	
National Cancer Institute	58, 859, 000
National Heart and Lung Institute	44, 217, 000
National Institute of Dental Research	6, 112, 000
National Institute of Arthritis, Metabolism and Digestive Diseases	24, 043, 000
National Institute of Neurological Diseases and Stroke	22, 741, 000
National Institute of Allergy and Infectious Diseases	10, 392, 000
National Institute of General Medical Sciences	28, 966, 000
National Institute of Child Health and Human Development	19, 033, 000
National Eye Institute	4, 120, 000
National Institute of Environmental Health Sciences	4, 736, 000
Research Resources	2, 155, 000
John E. Fogarty International Center	709, 000
Health manpower	297, 562, 000
*Total	1, 095, 431, 000

* Does not equal the total of listed amounts because of omission of some unspent funds and some spending in excess of amounts included in the continuing resolution, as interpreted by Congress.

MANPOWER LEGISLATION

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. ESCH. Mr. Speaker, today, I join with Chairman DOMINICK DANIELS of the Select Labor Subcommittee introducing comprehensive manpower reform legislation. I believe that this represents a truly significant step in our current efforts to reform our job training programs.

The chairman and other members of the majority have worked long and hard to make this possible and I commend them for their actions. I also thank our ranking Republican member, Mr. QUIE, and Mr. STEIGER of Wisconsin for their efforts.

It should be emphasized that our agreement today was to disagree. In both bills there is language which specifically includes public employment programs to be utilized at the discretion of the local prime sponsors. In both bills there is a special public employment program. Title II is targeted into the areas of prime unemployment and, more importantly, targeted to the individuals who are in most need of job training and employment.

The specific disagreement is this: Should we mandate from an authorized committee or is this the responsibility of the Appropriations Committee. We would be remiss if we did not give credit where credit is due; that is, to the cooperative efforts not only of the interested parties involved but also the Office of Management and Budget and those in the administration who have worked diligently toward a compromise position.

The specific offer to request $250 million for the remainder of fiscal year 1974 was a most significant contribution by the White House. It is imperative that we move forward on this legislation to utilize the $250 million this year.

The majority believes that they must mandate in the legislation specific amount for fiscal year 1975. The minority view is that that is the responsibility and the prerogative of the Appropriations Committee. It is unreasonable to suggest that the White House can at this time concur with a specific dollar amount prior to the preparation of the fiscal year 1975 budget. What they have emphasized, I believe, is their good faith in recognizing the value of public employment programs and in the immediate allocation of $250 million for this fiscal year. It is obvious that this good faith act will be followed by a continued support of the public employment programs during 1975.

UNITED STATES NEEDS THE "BRICKER AMENDMENT"

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. ARCHER. Mr. Speaker, the proposed constitutional amendment I introduce today would better define the treatymaking power of the United States.

This amendment has been known over the years as the Bricker amendment, named for Senator John Bricker who introduced it in 1952. Unfortunately, the proposed legislation failed to receive the two-thirds vote necessary to pass the Senate. The Bricker amendment was a worthwhile idea then and it is especially a worthwhile idea today. It is time we give serious consideration to the content of this amendment.

The participation of the United States in World War II and the aftermath of that war extensively involved our country in world affairs through treaties which required the advice and consent of the Senate and executive agreements, international agreements made by the President without the advice and consent of the Senate. These international agreements have resulted in a whole series of major foreign commitments for the United States.

Article VI, section 2, of the Constitution declares that the Constitution, laws made in pursuance of the Constitution, and all treaties made under the authority of the United States are considered the supreme law of the land. The courts have declared that Presidential power in the domestic field is limited by the Constitution but this limitation does not apply to the matter of foreign affairs. Treaties are not made under the authority of the Constitution but "under the authority of the United States." Treaties and executive agreements stand outside the limits of the Constitution.

This "loophole" in the Constitution has never become a serious problem until recent years. However, with a large number of proposed interational treaties which could affect the basic rights of American citizens like the genocide convention, it has become necessary to make sure that treaties are not brought into effect which could adversely affect the rights and procedural guarantees of American citizens protected by the U.S. Constitution. According to article VI, section 2, treaties may be held valid even though they might achieve a result which would be unconstitutional if contained in other legislation. A treaty has never been declared unconstitutional by the U.S. Supreme Court. A treaty could grant extensive new authority to the Federal Government or some international agency. We need to close this "loophole."

We have seen the expanding role of

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the President in foreign affairs and the erosion of the power of Congress in this field. The conflicts in Korea and Indochina merely emphasize this development.

This Congress has been concerned with a war powers bill which would restore to Congress the power to join the President in deciding whether to commit the Nation to a long term war by limiting the time a President could commit U.S. troops in an undeclared war without congressional authorization.

The proper time to assert congressional control is before a commitment is made in a treaty or executive agreement, not after U.S. troops are committed under some international agreement. We need to prevent the problem rather than merely reacting to it. This amendment I propose would also discourage a president from entering into an executive agreement because approval of a treaty on a controversial matter appeared doubtful.

This amendment would prevent a treaty or other international agreement from abridging our constitutional rights and no treaty could become effective as internal law but only through appropriate legislation adopted by the Congress. This amendment would also protect the rights of United States citizens and limit the overwhelming potential power of treaties and executive agreements.

We must deal with closing this "loophole" now. This amendment would not only protect our constitutional rights but would give the Congress a more responsible and more effective role in foreign affairs.

The amendment follows:

TEXT OF THE "BRICKER AMENDMENT"

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States relative to force and effect of treaties.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein). That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress.

"ARTICLE —

"SECTION 1. A provision of a treaty which denies or abridges any right enumerated in this Constitution shall not be of any force or effect.

"SEC. 2. No treaty shall authorize or permit any foreign power or any international organization to supervise, control, or adjudicate rights of citizens of the United States within the United States enumerated in this Constitution or any other matter essentially within the domestic jurisdiction of the United States.

"SEC. 3. A treaty shall become effective as internal law in the United States only through the enactment of appropriate legislation by the Congress.

"SEC. 4. All executive or other agreements, between the President or any international organization, foreign power, or official thereof shall be made only in the manner and to the extent to be prescribed by law. Such agreements shall be subject to the limitations imposed on treaties, or the making of treaties, by this article.

"SEC. 5. The Congress shall have power to enforce this article by appropriate legislation.

"SEC. 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission."

CONFIRMATION OF THE VICE PRESIDENT

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. RHODES. Mr. Speaker, because the 25th amendment provides that the House, as well as the Senate, will confirm a nominee for Vice President, the House finds itself with an unaccustomed task to perform. To the Senate, this is old hat. They have confirmed appointments ever since the founding of the Republic. The House does not even have an established procedure for this job.

It is my hope that the Committee on Rules will provide a procedure to insure that a resolution on the confirmation of a designee, filed by the Committee on the Judiciary, will be brought expeditiously to the floor of the House and that a roll call vote will be made mandatory. This is certainly a matter of great importance, and each Member should cast his vote on the record, with no delay.

It is my hope that the Committee on the Judiciary will conduct an adequate inquiry into the qualifications of the designee. The American people need to have confidence that the new Vice President is completely qualified in every way to hold that office, and, if necessary, to hold the office of the President.

It is also my hope that the temptation, which I am sure exists, to try to obtain some partisan advantage will be foresworn. This is not a matter for partisan politics. There is a constitutional crisis, and the people of the country expect it to be resolved expeditiously. I feel certain that the people would be angered with the Congress if undue delay were to cause this constitutional crisis to exist longer than absolutely necessary.

I am particularly certain that were the confirmation of the Vice-President-designate to be held hostage for some peripheral reason, such as production of the Watergate tapes, the people of our country would be particularly incensed. They should be. The matter of the tapes is in the courts, where it belongs. I am sure the good sense of the majority of the Democratic Members will prevail, and that nothing as reprehensible as this type of blackmail will be attempted. To prolong our constitutional crisis for such an unworthy purpose would be an act of irresponsibility unworthy of the great Democratic Party and its fine Members serving in the Congress of the United States.

We have a job to do. Let us do it well—and expeditiously.

ACCOLADES FOR "THE STAR-SPANGLED HUSTLE"

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. DELLUMS. Mr. Speaker, last year, I was delighted to be able to contribute the foreword to an important new book, "The Star-Spangled Hustle," written by Arthur Blaustein and Geoffrey Faux, and dealing with the relationship between the Nixon administration and the minority business community.

Since its release, the book has received numerous accolades from leaders throughout the Nation and, at this time, I would like to place a number of these comments in the RECORD:

ACCOLADES FOR "THE STAR-SPANGLED HUSTLE"

Edward M. Kannedy, United States Senate: "In a first rate book that mixes the research of academic scholars and the plain writing of old-time reporters Arthur Blaustein and Geoffrey Faux have taken a sharply critical look at the Nixon Administration's policies toward the disadvantaged—policies that comprise 'The Star-Spangled Hustle' for poor Americans. This is a book that should be read by all who are concerned with America's pressing social issues."

Senator George S. McGovern: "The Star-Spangled Hustle is a hard hitting and fascinating book. It reveals how the Nixon Administration has been fooling the American public for four years. Blaustein and Faux have done a fine service to those who are genuinely concerned with this country's major domestic problems."

Representative Shirley Chisholm: "There may be debate in some quarters about the real purpose of the highly touted "Black Capitalism" drive by the Nixon Administration, but there can be little discussion about the results. In *The Star Spangled Hustle,* Arthur Blauatein and Geoffrey Faux have produced a highly readable critical analysis of the sort of thinking which first conceived of the Administration's programs for minority enterprise, and the often cynical exploitation of people's dreams. Society needs to know about the desperation of a people allowed to hope—for a moment, only to see those hopes disappear even more rapidly than the small businesses they had mortgaged their lives for.

"The figures and the facts are there, but Blaustein and Faux have not forgotten about the "people" who are the victims of the "Hustle," and they have let us know, in their compelling book, also who the "Hustlers" and their leaders are.

"There were many of us who wondered why so many of the Government's plans to help develop healthy economic growth in minority communities were so poorly planned, and so tragically underfinanced, so lacking in potential that the outcome was entirely predictable. Who among us was willing, at first, to believe that the tragic failures were a price that the Administration in collusion with big business was willing to pay, "because the corporations were interested in image not performance."

"*The Star-Spangled Hustle* has shredded the veil of benevolent concern with which these programs have been surrounded. Mr. Blaustein and Mr. Faux point out that the total amount of the loans made to minority businesses by the Federal Government in 1971, for example, was less than that which the same Federal Government guaranteed one white-owned firm—the Lockheed Aircraft Corporation—to save it from bankruptcy.

"This great nation and its incredible technology brought us from horse-and-buggy days to a walk-on-the-moon within the space of less than three-fourths of a century surely we possess the talent and the knowledge to solve the problems faced by Black people, Spanish-speaking people, women and others who want to become part of the system of Democratic capitalism. We must not tolerate any further tampering with the aspirations of these people.

"Arthur Blaustein and Jeff Faux have produced an outstanding investigative report which will prove not only an accurate guide to clinical observers and potential victims of this Administration version of the old "shell-game," but a starting point for the future planning—needed to avoid recurrence of this nightmare.

"John Kennedy once said, "A journey of a thousand miles must begin with one step." I believe that *The Star-Spangled Hustle* will help society take that first step."

Reverend Jesse L. Jackson, President, People United to Save Humanity, Operation P.U.S.H.: "Many of the books now written by literary "hustlers" contribute to pollution, this book, if read, understood and action ensues, is part of the solution.

"The scholarship as reflected in the research and clarity by Blaustein and Faux is a major contribution to contemporary, political analysis."

Congressman Louis Stokes (Chairman, Black Caucus): "The Star Spangled Hustle shows how the promise of black capitalism grew dim and finally disappeared under the Nixon Administration. It carefully proves that the concerns of this Administration—for minority poor and disadvantaged Americans—went no further than former Attorney General John Mitchell's statement, "As far as we're concerned, blacks don't exist." It is this attitude that black and poor citizens will have to combat in the fight for economic equality. Blaustein and Faux have written an important book."

Ernesto Cortez, Jr., Mexican-American Unity Council: "The Star Spangled Hustle is an important and thoughtful book that should be read by every Chicano leader."

DeForest Brown, Executive Director, National Congress for Community Economic Development: "The Star Spangled Hustle is a highly readable and important book. Particularly for elected officials and community leaders, i.e. those who are working with Community Action Agencies, Model Cities Programs, Community Development Corporations, co-ops and Legal Services Programs—across the nation. The practical problems and solutions that the book deals with focus directly on the problems of blacks, Chicanos, Indians, Puerto Ricans and white poor (rural and urban ethnic) . . . and in a very practical and real sense the subject matter is not very far removed from the problems of mid-America."

Samuel S. Beard, President, the Development Council: "Blaustein and Faux have written and excellent and incisive book. It is by far the most thoughtful on one of America's most vital domestic issues. It is especially important that this book be read by the leaders of corporate America—bankers, businessmen and other corporate executives who have spoken so often about the private sector having the capacity, the will and the "social conscience" to deal with the problems of race and poverty."

Robert Browne, Director, Black Economic Research Center: "A hard hitting and effective book on a subject of vital importance to the black community and indeed to all of America. The authors have amassed a wealth of informative detail and woven them into a highly readable narrative that tells the black capitalism story *as it is!!* What is most distinguishing about the Star Spangled Hustle is that in a very direct and cogent manner it interrelates various fields and disciplines. Therefore, it should be compelling to those who are concerned with political science, economics, sociology, history, business administration and community planning."

CALIFORNIA LITTLE LEAGUE SUPPORTER RETIRES

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. GUBSER. Mr. Speaker, as an enthusiastic supporter of Little League, it is with regret that I take note of the retirement of Mr. Joseph Kuczler, who has dedicated over 20 years of hard work to Little League baseball. I am honored to have several Little League teams in my congressional district under Mr. Kuczler's leadership, and am proud of the recognition which he has brought to the west coast. I applaud Mr. Kuczler's fine efforts, and recognize what his dedication in carrying out the principles of Little League has meant to our youth.

Some comments about Joe's background follow:

BIOGRAPHY

Joseph Kuczler was born on April 22, 1920, in Wallsenburg, Colorado. His family moved to McKeesport, Pennsylvania, where they resided until 1943 before coming to California.

Joe first became involved in Little League in 1952 as a Coach at Sunnyvale Southern Little League and later became a Manager and League President. By 1958 he had risen to Assistant District Administrator and the following year became Administrator of California District No. 44 which encompasses Campbell, Cupertino, Santa Clara, Sunnyvale and West San Jose, providing recreation for approximately 7000 boys ranging in age from 8 through 18.

Joe is a true volunteer. He has received no salary whatsoever for his 20 years of service to our youth. At his own expense he has attended several Administrator seminars in Williamsport, Pennsylvania, and has attended the semi-annual Little League Congresses in Los Angeles, New York, Washington, Detroit, Houston, Portland and Tampa.

Four of Joe's teams from Congressional District No. 10, represented by Congressman Charles S. Gubser, have competed in Little League World Series play during the past 11 years. Moreland LL won the world title in 1962; Briarwood LL became the 1969 National Champion; Campbell LL was the 1970 runner-up and in 1971 his Big League team (16–18) won the World Championship.

No other District in the United States can match this record.

This year, in recognition of Joe's administrative ability, the Western Regional Director, Al Houghton, awarded the State Championship Tournament to his District—the first time ever to be held outside Southern California.

Recently Joe was honored by the Santa Clara Valley Sportswriters and Broadcasters Association for his contribution to Little League Baseball.

Friday, August 10, a Joe Kuczler Testimonial Dinner was held by the District No. 44 Executive Board at which time State Assemblyman Richard Hayden presented Joe with a commendation; Santa Clara Mayor Gary Gillman gave a plaque and commendation and Chairman Ralph Mehrkens of the Santa Clara Board of Supervisors presented a Resolution concerning Joe's untiring efforts in behalf of the youth of this area.

The following day, the San Jose Bees (K.C. Royal Farm team) honored Joe and his entire Executive Board with a plaque presented at home plate before the game.

AIRLINES OVERSELL TICKETS

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. ASHLEY. Mr. Speaker, on October 9 my secretary telephoned the American Airlines ticket office and received a confirmed reservation for October 11 on their flight 377 to Chicago, first class. The ticket was subsequently issued and picked up and I arrived at the American Airlines check-in counter at the airport some 15 minutes prior to scheduled departure.

There I was told that my reserved seat was not available because the flight had been oversold. I was further told that this was a common practice which the airline engaged in to offset customers who might not show up after booking a reservation. The American Airlines employee acknowledged that when all passengers with confirmed reservations in fact do show up, their policy is one of first come, first served.

What this means, of course, is that a confirmed reservation, whether first or second class, does not mean a thing as far as American Airlines is concerned. It means, to cite my own example, that when 20 "confirmed" first-class passengers show up for a flight that can accommodate only 18 such passengers, then none of the 18 have a confirmed reservation. They may get on or they may not. It all depends on when they arrive. In my case, obviously, it meant that arriving 15 minutes before flight time was too late, and instead of me a person was seated who bought his ticket after the flight was sold out.

The customer's recourse in this kind of situation is interesting. If a person is actually denied passage on a given flight and the airline cannnot get him to his destination on another flight within 2 hours of the originally scheduled time, the airline has to pay "denied boarding compensation"—under title 14, CFR 250, Civil Aeronautics Board of Regulations—with a minimum of $25 and a maximum of $200.

When no other flights are available and the purpose of the travel is to arrive at a destination by a specific time, then the only recourse of the consumer is to abandon the trip entirely and file for a refund.

Obviously this customer-be-damned attitude and practice on the part of American Airlines and other carriers is condoned with an understanding wink from the CAB. I can only conclude, Mr. Speaker, that if this is the extent of the responsibility that air carriers and their regulatory agency feel the traveling public is entitled to, then it is the obligation of Congress to propose and adopt specific legislation. This I will offer shortly.

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FEDERAL ENERGY REGULATION STUDY

HON. CHET HOLIFIELD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. HOLIFIELD. Mr. Speaker, for several decades the Federal Government's role in regulating all forms of energy has continued to grow. This role has sometimes been expanded to achieve short-term and narrow regulatory goals with little attention to the overall coordination of the energy regulation system.

One consequence of this growth in Federal energy regulation has been the creation of a complex network of regulatory agencies, departments, and bureaus. At times, these regulatory units overlap, and occasionally even compete with each other. There are no doubt many inefficiencies in this network, some of which affect not only the interrelationships among the agencies but their inherent capacity to act expeditiously in protecting the public interest.

On June 29 of this year the President directed that a comprehensive study be undertaken of all energy-related regulatory activities of the Federal Government with a view toward determining how these activities could be better organized. This study—the Federal energy regulation study—is now being conducted under the chairmanship of William O. Doub, a Commissioner of the Atomic Energy Commission.

The Federal energy regulation study is about to begin a phase of public participation by inviting interested individuals and groups to submit written statements to the study team and to meet with it in Washington, D.C. This invitation was made in a press release issued by Commissioner Doub on October 15, 1973. Owing to the importance of this matter, I include Mr. Doub's release in the Record following my remarks:

FEDERAL STUDY GROUP SEEKS VIEWS ON ENERGY REGULATION ORGANIZATIONAL PROBLEMS

Comments from individuals and groups representing a wide variety of interests are being requested by the Federal Energy Regulation Study Team in connection with its study of alternative ways to organize all energy-related regulatory activities of the Government.

A call for statements on this subject was issued today by William O. Doub, Chairman of the study group.

Mr. Doub said:

"We are seeking written statements reflecting a wide spectrum of viewpoints concerning problems in the organization of Federal energy-related regulatory activities. When we have received these statements, we will arrange public meetings in Washington during the mid-November-December period. Our goal is to provide the opportunity for all interested individuals and organizations to comment on these increasingly important matters."

The Federal Energy Regulation Study was established by President Nixon in his June 29 Energy Statement. The President set forth the following scope of the Study:

"I have asked that a comprehensive study be undertaken, in full consultation with the Congress, to determine the best way to organize all energy-related regulatory activities of the Government."

The White House Fact Sheet accompanying the President's Statement further stated:

"A wide variety of interests and objectives are involved, including economic, public health and safety, environment, and adequacy and conservation of energy (demand). The interface with state and local regulatory activities will also be considered and opportunity for Congressional and public participation in the study will be provided."

Mr. Doub, a Commissioner of the Atomic Energy Commission, was asked to head the study, which is focused on ways in which Federal energy-related regulatory activities might be improved. He emphasized that the study will identify alternatives for improving the existing regulatory organization. Mr. Doub has invited comments, criticisms, and suggestions concerning (1) inadequacies of existing organization of Federal energy-related regulatory activities; (2) current or foreseeable energy problems that stem from this regulatory organization; and, (3) ways in which these problems could be alleviated or resolved by changes in such organization.

Written statements should address the following points:

(1) A brief description of the interested individual or group responding to this notice.

(2) Identification of the Federal energy-related regulatory activities, and the Federal agencies performing those activities that affect the interests of the individual or group.

(3) Enumeration of problems in the relations between the individual or group and the Federal agencies identified above. This should be limited only to problems that stem from the existing organization of Federal energy-related regulatory activities: e.g., duplication of regulatory authority, inefficiencies in coordination among several agencies, inadequate coordination among several agencies, inadequate coordination between Federal and state agencies, undesirable administrative redundancies among several agencies, conflicting regulatory goals and/or practices that discourage or bias energy research and development programs, and inabilities of agencies to embrace and implement promising new technologies. This list is not intended to be all-inclusive. The Study Team invites any information pertinent to energy regulatory organization, including the views of those who are aware of problems even though they may not be directly involved.

(4) Suggestions as to how the problems identified could be eliminated or mitigated by a modification or reorganization of Federal energy-related regulatory activities or the overall energy regulation system. The Study Team would also welcome comments on the strong points and desirable features of the existing energy regulation system. Responding individuals or groups should discuss these suggestions with as much specificity and detail as necessary.

All statements should be as brief as possible. In addition, to assure orderly procedures and full consideration of all submittals, responding individuals or groups are invited to:

(1) Submit written statements by November 9, 1973.

(2) Request to meet with the Study Team in Washington, D.C., if such a meeting is desired. This request should be received by the Study Team no later than November 2, 1973. A prerequisite to such a meeting is the submittal of the written statement described above. The format of the meetings will be informal round-table discussions and will be open to interested observers and the news media.

Both the request for a meeting and the written statement should be addressed to: Herbert Brown, Director, Federal Energy Regulation Study, New Executive Office Building, Washington, D.C. 20503. Telephone inquiries should be made to area code 202 395-3686.

Mr. Doub will announce the schedule for the meetings as soon as possible after November 2.

A BILL REQUIRING FEDERAL COMPREHENSIVE SCHOOLBUS SAFETY REGULATIONS INTRODUCED

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. ASPIN. Mr. Speaker, 100 Members of the House have cosponsored a bill introduced by the distinguished gentleman from California (Mr. Moss) and myself to require Federal comprehensive schoolbus safety regulations.

On September 23, NBC News devoted a portion of a special report to the problem of schoolbus safety. While schoolbuses rarely have accidents, when they do, the results are often catastrophic. Example after example outlined in a recent report indicate the need for Federal comprehensive schoolbus safety regulations.

Last May, the Subcommittee on Commerce and Finance of the Interstate and Foreign Commerce Committee, chaired by the distinguished gentleman from California (Mr. Moss) held 2 days of hearings on this proposed legislation. It is my hope that sometime within the near future, the subcommittee and full committee will consider this bill and that it may reach the House floor.

The need for schoolbus safety is real and urgent. A transcript of the NBC program follows:

NBC NEWS REPORT, SEPTEMBER 23, 1973

FLOYD KALBER. Tomorrow morning twenty million American children will board the familiar yellow school bus. These buses are so common now that most of us don't even pay any attention to them. We do know that sometimes school buses are used for controversial purposes, school consolidation and busing for integration, but there is another school bus controversy that's starting to get some attention. People are asking just how safe is the school bus vehicle, and how are the people who drive the school buses hired and trained? There are now some people both in and out of government who have been looking into these things.

MAN. Last year there was forty thousand school bus accidents. We had five thousand youngsters who were injured. We had roughly seventeen youngsters killed inside of the buses.

WOMAN. Some of the bus drivers, you know, they stall the buses out and they really don't know how to shift the gears and . . .

MAN. The school bus is nothing more than a modified truck, built on a truck chassis they put thin sheet metal around it and attach hard, bench-like seats to the floor.

MAN. The bus, when it is involved in an accident, it literally disintegrates.

MAN. We have found in a number of accidents, people driving buses who, I'm sure, you would not want your children to be riding with and I wouldn't want my children to be riding with.

KALBER. A lot of questions about school bus safety have been raised in Congers, New York. High school students from Congers are bused to Nyack, a town on the other side of the Penn Central railroad tracks. On the morning of March nine, 1972, the school bus number 595 began picking up high school youngsters in this comfortable, new section of Congers. An unexpected detour had delayed the bus, and forced driver Joseph Larkin to change his normal route. After picking up forty-nine students, bus 595 started up this road.

On the other side of the hill a slow-moving freight train was headed towards the crossing. At that time there were no gates at this spot. Some of the students who were on the bus that morning describe what happened next.

BOY. Well, everybody was just sitting down like normal, then I heard someone mention up at the top of the hill that there was a train coming.

GIRL. We were coming down the hill. A lot of the kids, you know, looked out the window and they saw the train and all of a sudden, you know, they started screaming.

BOY. Bus guy didn't even slow down. You know, then somebody started screaming "stop". The train was right there.

GIRL. We just saw the train coming and that's it.

KALBER. Although the train was only going twenty-five miles an hour, the bus was demolished.

(Sirens in background.)

BOY. The train cut through the bus like it was just a piece of paper and I—the roof came off, the sides, totally demolished it.

GIRL. The back of the bus, just broke away, turned around with the train for a while and then just broke off. Just got ripped off.

BOY. Couldn't recognize it after the accident. Just was kind of in pieces, you know, like a jigsaw puzzle.

MAN. Now, what we saw here was a massive failing in the structure of the bus. In this section of the bus, above the part that was carried down the track, the structure failed almost completely. The rivets were insufficient and the bus literally peeled apart, and when I arrived there about an hour later, examining the seams of the school bus itself, that the metal was hardly bent in most areas, but the metal parted at its joint.

MAN. The panels become separated, exposing sharp edges, and children are being thrown about in the bus, and not being contained, and they come in contact with the sharp edges. They call school buses "cookie cutters". We send our kids to school in cookie cutters.

KALBER. This is what happens when a cookie cutter gets into an accident. Five teenagers were killed; two died after falling through the separated floor panels of the bus; all others aboard were injured.

Some in Congers blame driver Larkin, he was convicted of negligent homicide although he insisted he had stopped before crossing the tracks. But a National Transportation Safety Board report put much of the blame on the construction of the bus. The board said there would have been fewer deaths and injuries if the bus had been properly built. The results of this UCLA school bus test, and its own studies of real accidents have caused the Safety Board to demand safer buses.

In this test UCLA placed life-like dummies in a conventional school bus. Most were put in the low-backed seats commonly used today. A number of improved safety seats also were tested.

(Crash.)

If these dummies were real children, many of them would not have survived. Almost five years after the UCLA test the federal government proposed a safety standard on school bus seats; another rule on body strength may be proposed soon.

Doctor Charles Warner of the Highway Traffic Safety Administration explained what his office is trying to do:

DOCTOR CHARLES WARNER: . . . I'm not happy with it today. I think there needs to be a substantial improvement in the form of padding and anchorage and restraint of seats and children, and I mean to restrain children by improving seats and their anchorages.

KALBER. Why do you want to revise the seats, first?

WARNER. Well, there are several things that are wrong with the seats. I think if you were to imagine yourself sitting in a school bus seat, as you probably remember it, there's a, maybe, an inch or an inch and a half diameter steel pipe around many of them. They're not all this way, but many of them have this as the major structure of the seat, around the top of the seat back, that's correct. And that type constitutes a rather significant injury hazard to one who is thrown forward in an impact, if the bus either suddenly stops to avoid an accident or is involved in a crash.

KALBER. Now, why is it there, the pipe?

WARNER. Well, the pipe is there because that is a rather inexpensive way to build a seat, and the economics of the competitive school bus procurement process that we have throughout the country today has led us to that kind of seat.

KALBER. There are ten major firms making school buses today. They claim that competitive bidding keeps profit margins low. The manufacturer who can produce a seat or a whole bus a little cheaper gains a big advantage over the rest.

This is the cheapest way to build a bus; a series of metal panels is riveted on to a framework of heavier metal. These buses are being built in one of the country's largest school bus factories, the main plant of the Ward Company in Conway, Arkansas.

MAN. Most people are very surprised to learn that the average school bus costs less than a Cadillac or Lincoln Continental. It runs about nine thousand dollars for a sixty-six passenger bus.

KALBER. Every rivet in the bus increases the cost a little more, so the rivets are usually placed as far apart as possible, up to four or five inches. That causes a problem that engineers call "poor joint efficiency". This is another way of saying the joints can pull apart easily on impact.

Charles Ward says he has licked that problem by riveting school buses this way, for any purchaser willing to pay extra money.

CHARLES WARD. To put in these additional rivets it requires no great advance in the state of our building school buses, you merely drill more holes and put more rivets in the bus and it's something that's not that expensive. To increase the joint efficiency in that bus, the levels that I recommend on a nationwide basis, would cost about two hundred dollars per bus. I think that's a very low figure, and something that school districts could easily afford.

KALBER. A few communities have bought safer buses without prodding from the federal government. This is one of a fleet of Ward's Safety Buses just put into service in Newton, Massachusetts. Eventually all school buses may look like this. Newton school officials seem satisfied with the new, safer buses, although some aren't sure how the safety seat backs will affect student behavior.

The Newton buses are leased from a private contractor. The safety features cost Newton a total of one hundred nine dollars more a day for the twenty-seven bus fleet. So far, it's been a popular investment.

MAN. We recognize our responsibility to take them from home to school and back to home in a fashion that each parent would want.

MAN. What we looked to was what we were receiving for the additional costs. The fact that the School Committee, in its judgment could feel that they had provided the safest vehicle for children that they were responsible for. These young peopre are our most expensive and most valuable commodity.

KALBER. A lot of manufacturers of school buses and school bus equipment apparently have decided that safety has become a selling point. At this trade show in Chicago a new safety bus and a safety seat conversion kit got a lot of attention.

DEMONSTRATOR. . . . along the outside and the inside of the bus. . .

MAN. We have taken the old seat and have made an energy absorption system adaptable for the current buses.

MAN. We have three of the strainer members running the length of the vehicle, and we're installing an energy absorption system.

KALBER: But there's also a counter offensive. It is indisputable that whatever happens to a school bus in an accident, school bus accidents don't happen often. That fact is often cited by the defenders of the school buses now in use.

MAN: Our accident record speaks pretty well for itself. There's no question but what we could do a great deal more in terms of putting in airline seats, well, I don't want to say gingerbread, but this vehicle does do more than keep the rain out, as some people have said. It meets a need, it does the job, and it does it with one very vital item right out in front of us and that is, about as economically as we can do it.

WOMAN: The school budget has five percent allotted to transportation and that's a pretty general figure, nationally. That's all you can have, and you buy and get as much safety as you can with that. Where does the money come from to buy more features? In other words, we're getting the ultimate out of what we have to work with.

MAN: The State of Ohio is third in the nation in peoples transported by a million, three hundred thousand kids a day. Over seven hundred thousand road miles, and yet with all of these children and all of this potential we had two hundred and seventy-two children injured last year inside of buses, two hundred and seventy were treated and released and two held overnight for observation. The chance of being injured is very remote.

WOMAN: We're the people who own the buses and buy them and operate them. We don't manufacture them, but we're stuck with the end product. We're saying that with the type of safety record that we have, we deserve, as an industry, the right to have things tested.

KALBER: The school bus people admit that their public image has been hurt by the safety controversy. At first they tried to ignore the charges that school buses were poorly built and the drivers badly trained. Now, one group, the private school bus contractors, has been trying to repair the damage with a rather ambitious public relations campaign. This is a part of the campaign; The National School Bus Rodeo in the parking lot of Chicago's Soldier Field. It's considered the Indianapolis Five Hundred for school bus drivers. It's not a race, of course, just the opposite. The drivers are supposed to show how skillfully they can pilot the clumsy-looking buses through a complex obstacle course.

The contractors say this event encourages the drivers to develop their skills. Their association does admit that driver training is a big problem. The federal government has even ordered the states to come up with training programs for school bus drivers. At least a quarter of the states have ignored this federal order and many others have not complied fully.

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RESTRUCTURE OF NATION'S FOREIGN TRADE POLICY

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. BROYHILL of Virginia. Mr. Speaker, as a member of the Ways and Means Committee which recently reported out a bill to restructure this Nation's foreign trade policy, I am very

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much concerned by the actions of the Soviet Union in the war in the Middle East. I am particularly concerned by the effect that Russia's actions are having on this Nation's trade, our economy and, world peace.

The trade bill is very kind to the Soviet Union—a little too kind to my way of thinking—in view of the part the Communists are playing in this conflict.

Last year our Nation made vast concessions to Russia—at considerable cost to our people—in an effort to establish detente between us. I believe the American people truly thought the Communists wanted to bury the hatchet and bring peace to the world.

Mr. Speaker, it appears the American people have been taken by the Communists as a bunch of suckers. In my book there are two ways to play this game. One is for this Nation to immediately halt the shipment of all our farm produce and goods to that country until such time as the Russian Government ceases to fan the fires of war in the Mideast by stopping the shipment of war supplies to the Arab world.

I, as one Member of Congress, am ready to take this action today.

VETERANS DAY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. DINGELL. Mr. Speaker, the United States will honor the American veteran and service men and women of the Armed Forces October 22, 1973—4 days hence—on the first occasion in many years of a Veterans Day observance that finds U.S. troops not committed to battle. However, the international ramifications of the current Mideast crisis are most concerning.

It is my privilege at this time to have this opportunity to honor Americans and their comrades who have fallen in the line of duty in previous U.S. military confrontations and full-scale wars. The American service men and women deserve the thanks of this country for their dedicated efforts to preserve the country, the peace, and the freedom.

I think it is indeed appropriate that the Congress urge the White House to issue a proclamation designating the month of March 1974 to honor the Vietnam veteran.

In this instance, I am referring to the letter I received from our colleagues, Congressmen THAD DULSKI, H. R. GROSS, and BILL SCHERLE. These gentlemen, in their October 10, 1973, letter noted:

> Next March will mark the anniversary of the last soldier's departure from Vietnam. These veterans served their country well and honorably.

In their letter, these three Members of the House of Representatives suggested "that a stamp be issued to commemorate their—the Vietnam veterans—contribution."

The Members informed me that if other Congressmen wanted to join in this effort, and I certainly do, that we should write to Mr. Norman Halliday, the Assistant Postmaster General, urging that the stamp be issued for the Vietnam veterans. Letters of support should be mailed to the Postmaster General in care of the Congressional Liaison Office, Governmental Relations Department, 475 L'Enfant Plaza, Washington, D.C. 20260.

Mr. Speaker, I am happy to join my colleagues in this effort today and direct my support for the Presidential proclamation and the stamp to commemorate the Vietnam veterans.

I will point out that there have been such statements of honor and commemorations for veterans of wars previous to the Vietnam era veteran and I believe such tributes are in order for the veterans of the most recent Southeast Asian war.

THE COMMUNIST PARTY, U.S.A., PEACEFUL COEXISTENCE, AND WARS OF NATIONAL LIBERATION

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. ASHBROOK. Mr. Speaker, as far as the average, trusting American citizen is concerned, I would venture to say that his interpretation of the doctrine of "peaceful coexistence" as it applies to our relations with the Soviet Union is synonmous with the spirit of "live and let live." Unfortunately, the Soviet interpretation is quite different. Here is a definition of peaceful coexistence as it appears in the Soviet publication, Philosophical Encyclopedia:

> Peaceful coexistence is a specific form of class struggle between socialism and capitalism in the international arena . . . The policy of peaceful coexistence which is carried out by socialist countries represents a powerful factor hastening the global revolutionary process . . .

The Soviet definition then goes on to say that—

> Peaceful coexistence does not exclude revolutions in the form of armed uprisings and just national liberation wars against imperialist oppresson which takes place within the framework of the captalist system.

The use of "revolutions in the form of armed uprisings" as a factor of the peaceful coexistence doctrine must come as a surprise to those Americans who view the term in its literal sense.

The Communist Party, U.S.A., has been very careful in recent years to deny that it advocates the overthrow of the Government by force and violence or that it supports violent revolutionaries and terrorists in other countries. We have long known, of course, that these public pronouncements of the Communists were a lie. New evidence of Communist support for violent revolution, guerrilla warfare, and terrorism has just become available. This weekend in Chicago, Ill., a conference will take place for "Solidarity With Africa." The purpose of the conference is to organize support for guerrilla warfare and terrorist groups in Africa. Speakers representing such goups are scheduled to appear at the Chicago meeting.

The Communist Party, U.S.A., is providing the apparatus to organize this conference. The conference coordinator is Franklin Alexander, member of the National Council of the Communist Party. The eastern region coordinator for the conference is Tony Monteiro, a Communist Party member who ran as a Communist candidate for Congress from Philadelphia in the 1972 election. The public announcement of the organization of the conference was made by Tom Curtis, an associate editor at the Communist Party publishing house, International Publishers, and a teacher at a Communist Party school, the Harlem Institute for Marxist Studies, in New York City.

Among the speakers scheduled at this conference are Thami Mhlambiso of the African National Congress and Theo-Ben Guiriaias of the Southwest African Peoples Organization. Both of these men are in the United States representing their organizations at the United Nations. Both organizations—ANC and SWAPO—are presently involved in guerrilla warfare and terrorism and have their publications printed for them by the Communist government of East Germany.

Other speakers at the Chicago conference are Henry Winston, chairman of the Communist Party, U.S.A., and Angela Davis, another Communist Party functionary.

The sponsors of the Chicago conference include a number of identified Communist Party members. These include Carl Bloice, Angela Davis, Jesse Gray, Esther Jackson, Charlene Mitchell, William L. Patterson, John Pittman, Carlos Russell, Jose Stevens, Victoria Stevens, Jarvis Tyner, and Henry Winston. A partial list of sponsors follows:

LIST OF SPONSORS

Rev. Ralph Abernathy—National President, SCLC.

Rev. Forest Adams—Tucker Baptist Church Syracuse, New York.

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Lerone Bennett—Senior Editor, Ebony.

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Black Women and Men—Los Angeles, California.

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Professor Dennis Brutus—Northwestern University, Sec., Int'l Campaign Against Racism in Sports, President, South African Non-Racial Olympic Committee.

Professor George Bunch—Afro-American Studies, Syracuse, New York.

Haywood Burns—Executive Director, National Conference of Black Lawyers.

Margaret Burroughs—Founder, DuSable Museum, Chicago, Illinois.

Father Robert Chapman—Former Director of Social Justice National Council of Churches.

Rev. Ben Chavis—Commission of Racial Justice, United Church of Christ.

Rev. Robert Clay—St. Paul A.M.E. Church, Chicago, Illinois.

Matt Crawford—Chairman, Berkeley Black Caucus.

McKinley Dabney—Third World Students Union, University of Kentucky.

Margot Dashiell-Ben—Berkeley Black Caucus.

Angela Davis—Co-Chairperson, National Alliance Against Racist and Political Repression.

Mrs. Sallye Davis—Birmingham, Alabama.

Rev. Al Dortch—S.C.L.C., Los Angeles, California.

O'Dell Franklin—Secretary-Treasurer, Local No. 10 International Longshore and Warehousemen's Union.

Hoyt Fuller—Editor, Black World.

Emily Gibson—Los Angeles Sentinel, Columnist.

Jesse Gray—New York State Assemblyman, National Tenants Organization.

Dick Gregory—Chicago, Illinois.

Odela Griffin—Southern Committee to Free All Political Prisoners.

Irving Hamer—Urban League, Harlem Street Academy.

Jack Hart—International Representative of the United Electrical, Radio and Machine Workers of America.

Professor Freddye Hill—Northwestern University.

Esther Jackson—Managing Editor, Freedomways.

Hulbert James—President of the Board, Pan-African Skills Program, New York.

Minerva Johnican—Democratic Coalition, Memphis, Tennessee.

Professor Leon Johnson—Trenton State College.

Professor Charles Junior—Rennsaeler Polytechnic Institute.

William Lucy—Secretary-Treasurer, American Federation of State, County and Municipal Workers.

Rev. Wycliff Jangdarrie—Philadelphia, Pennsylvania.

Malcolm X Student Government—Chicago, Illinois.

Professor Bernard Magubane—University of Connecticut.

Kavin Mercodel—President, Harvard-Radcliffe University Association of African and Afro-American Studies.

Ronald McCantz—Seafarers Local 777, Chicago, Illinois.

L. A. Dunigan—International Representative of Textile Workers Union of America; Vice President, Black Labor Leaders, Chicago, Illinois.

Curtis Ellis—Owner, Ellis' Book Stores.

Carl Farris—Labor Director, SCLC.

For Members Only (Black Students Organization)—Northwestern University.

George Murphy—Editor, Washington Afro-American.

Melika A. Najiola—Progressive Black Youth, Memphis, Tennessee.

Dr. Lendor C. Nesbitt—Chicago, Illinois.

Prexy Nesbitt—African Information Service, New York, New York.

Rozell Rufus Nesbitt.

Juana Nkomo—Young Workers Liberation League, Martin Luther King Branch.

Organization of Black Students—University of Chicago, Chicago, Illinois.

Nareshiamh Osei—United Defense Against Repression, Los Angeles, California.

Frank Paige—Black Students Union, University of Kentucky.

Lu Palmer—Editor, Black X-Press.

William L. Patterson—Author, We Charge Genocide.

Gwen Patton-Woods—Former Co-ordinator National Association of Black Students.

Janis Payne—Black Panther Party, Memphis, Tennessee.

Peoples Action Union—Los Angeles, Calif.

Peoples Voters League—Shrevesport, Louisiana.

John Pittman—Editor, Daily World.

Leo Rabouine—Black Caucus; Chairman, Citywide Brewery Workers, New York, New York.

Scottie Ray—African American Solidarity, Solidarity Committee, Chicago, Illinois.

Professor Harold Rogers—Editor, African Agenda.

Carlos Russell—Dean of the School of Contemporary Studies, Brooklyn, New York.

Bill Scott—Committeeman; Local #664, United Auto Workers, Tarrytown, New York.

Vermont McKinney—President, Los Angeles Chapter National Association of Black Social Workers.

Midwest Coalition of Black Trade Unionists.

Charlene Mitchell—Executive Secretary, National Alliance Against Racist and Political Repression.

Professor Leith Mullings—Yale University, Chairperson, Continuations Committee, 10th World Youth Festival.

K. Shabazz—W. E. B. DuBois Community League, Memphis, Tennessee.

Judi Simmons—Southern Conference Educational Fund.

Mary Smith—Black Labor Leaders; Independent Service Employees Union, Chicago, Illinois.

—Black Panther Party, Memphis, Tennessee.

Ray Smith—Teamsters, Local #208, Los Angeles, California.

Jose Stevens—Director, W. E. B. DuBois Community Center, New York, New York.

Victoria Stevens—Campus Director, Young Workers Liberation League.

Lola Taylor—Afro-American Exhibits, Memphis, Tennessee.

Johnnie Tillman—Executive Director, National Welfare Rights Organization.

Edward Todd—Textile Workers Union of American, AFL–CIO.

Jarvis Tyner—National Chairman, Young Workers Liberation League.

Rev. Cecil Williams—Glide Memorial Church—San Francisco, California.

Rev. Hosea Williams—President, Atlanta Branch, SCLO.

Agnes Willis—President, National Afro-American Labor Council, New York, New York.

Clarence Willis—Memphis Committee to End Repression and Free All Political Prisoners.

Stan Willis—University of Chicago Organization of Black Students.

Henry Winston—National Chairman, Communist Party, U.S.A.

John Woodford—Reporter, Chicago Sun Times.

ADAK HIGH SCHOOL

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. YOUNG of Alaska. Mr. Speaker, it gives me great pleasure today to call to the attention of my colleagues a unique contribution to the world of sports from the State of Alaska.

Adak High School, located at Adak in the Aleutian Islands, is the westernmost school in the world under the American flag. For the first time in its history, Adak High has a girls' varsity basketball team. This team will travel in February to the regional tournaments on the mainland, with the hopes of advancing to the State tournament.

I am very proud of the Adak High School and the fine contribution of Willie Theis, the girls' basketball coach. I am sure my colleagues join me in wishing the girls every success in this first season's competition.

HELP FOR ELDERLY AMERICANS

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. WILLIAM D. FORD. Mr. Speaker, the cost of living has brought such an economic crunch that for some, daily existence is a life or death matter. I am speaking now for our elderly Americans. There is no doubt that inflation has taken its toll on everyone's pocketbook, but those who struggle on limited, fixed incomes have been particularly hard hit.

President Nixon's September 10 state of the Union message proposed few benefits for the elderly. Not only is there a lack of initiative on the part of Mr. Nixon, but he has fought against more social security increases and has recommended even higher medicare payments. This could cost senior citizens $1 billion more for medicare next year.

Combating these difficulties, Congress has made some good strides for legislation to serve the needs of the elderly. The following areas of legislation are especially important:

Social security. To combat spiraling inflation, Congress has passed legislation which will allow recipients to receive a 5.9 percent across-the-board increase, beginning in June of 1974.

Unfortunately, as you are well aware, the cost of living continues to rise and to rise sharply. The price of food alone has taken over 27 percent of our budgets and has increased by 20 percent over last year. An average $10 increase in monthly benefits does not suffice.

It is for these reasons that I have cosponsored legislation which will increase social security benefits to 7 percent. Benefits would also be paid in January 1974, rather than in June.

Pension. I firmly believe that we must seek a system which insures that a person will benefit from every pension contribution made on his or her behalf. Because of this concern, I have introduced the Williams-Javits pension protection bill in the House of Representatives. My bill contains a provision for portability—it permits a working man or woman to retain his or her pension protection insurance even though he or she changes jobs.

Services. The comprehensive older Americans services bill was signed into law May 3, 1973. As a cosponsor of this bill, I am pleased that I had a part in establishing this necessary and important legislation.

The measure contains many programs for community activities and services. It establishes an administration on aging and a national information and resource center which will prepare information related to the needs of senior citizens. It provides for library services, useful part-time work opportunities, and expands the foster grandparent and retired senior volunteer programs. There also

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will be a national older Americans volunteer program for senior citizens who wish to serve their community.

Nutrition. The national nutritional program for the elderly, administered by the Administration on Aging, is designed to provide older Americans, particularly with low incomes, with low cost, nutritionally sound meals.

Michigan has just recently received $3,518,273 for this program. The program will provide hot meals at least 5 days a week for persons 60 years or older who do not wish to prepare and eat a meal alone or who have difficulties with transpotration to grocery stores or are unable to prepare nourishing meals for themselves.

Another piece of legislation, of special interest to the elderly, is the portion of the Agriculture and Consumer Protection Act of 1973 which allows persons age 60 and over and their spouses to use food stamps to purchase meals prepared by public or private nonprofit eating establishments which regularly serve the elderly at designated times.

Even though Congress has enacted the above measures, there is much more to be acted upon.

Health is one major area of concern. The average elderly American now pays more out of his own pocket for medical treatment than he did before the medicare program was inaugurated in 1966.

There are proposals to establish new programs of health care for aged persons at a cost related to income. However, the administration is sadly uncooperative. It is indeed distressing that President Nixon vetoed the Emergency Medical Services Act which would have provided $185 million over 3 years toward saving the lives of at least 175,000 men and women who die each year for lack of adequate medical services.

Housing and property tax relief are other important areas of concern. There are proposals to provide special allowances for the housing costs of senior citizens and to allow certain property tax deductions for the elderly.

Mr. Speaker, I urge that social security benefits be increased to a minimum of 7 percent and that Congress proceed quickly with enacting further legislation to combat the difficulties faced in the areas of health, housing and tax relief.

The desperate needs for our elderly Americans can no longer wait.

VETERANS DAY—1973

HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. HANRAHAN. Mr. Speaker, Veterans Day is once again with us, and it is only fitting that a grateful Nation pause to honor those who have answered the call of their country in its time of greatest need. We earnestly pay our respect to the millions of brave men and women who served America all over the world.

And we honor them all, whether they served in battle or performed less hazardous, but equally important, duties elsewhere. For each veteran answered duty's call according to the needs of history and in tune with individual conscience. One of the most moving expressions of this individual sense of responsibility was made by George Washington during the first year of his Presidency when he addressed the Legislature of the State of Connecticut in these words:

> I have obeyed a summons to which I can never be insensible . . . When my country demands the sacrifice, personal ease must always be a secondary consideration.

Yes, Mr. Speaker, Veterans Day is a day for remembrance, gratitude, hope, and prayer. The freedom and liberty which are our heritage today have been preserved only through the sacrifices of our veterans.

Let us make Veterans Day, 1973, therefore, a time when we pay respect to these bravest of men and women—and a time when we pledge ourselves to continue to work for a world in which peace, freedom, dignity, mutual understanding, all that they fought for, become part and parcel of the normal life of men and nations everywhere.

CAMPAIGN FINANCING

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. TIERNAN. Mr. Speaker, in this time of uncertainty regarding the Presidency and the Vice Presidency and the question of political campaign financing I include two articles from the October 3, 1952, issue of U.S. News & World Report in the RECORD at this point:

LETTER OF DANA C. SMITH EXPLAINING THE PURPOSES OF THE NIXON FUND

(Following is the letter written by Dana C. Smith to Arthur Crites on Sept. 25, 1951, explaining the nature and purposes of the Nixon fund.)

MR. ARTHUR CRITES,
1001 Oleander Avenue,
Bakersfield, Calif.
Re: Senator Nixon's activities.

DEAR MR. CRITES: Bernie Brennan suggested that you will be interested in knowing about a program which we have set up to make Senator Nixon's work more effective, and that you might perhaps be interested in participating in it with us. A group of us here, after the dust of battle had settled and we found that Dick was safely elected, began to realize that electing him was only part of what we really wanted to accomplish. We not only wanted a good man in the Senate from this State, but we wanted him to continue to sell effectively to the people of California the economic and political systems which we all believe in.

It was immediately apparent to us that this would take money and that Dick himself was not in position financially to provide it. We have therefore set up a pool, to which a considerable number of us here are contributing on an annual basis, to meet expenditures which seem necessary to accomplish this object. We have aimed at a total of $20,000 or $25,000 and have succeeded in raising a large proportion of it here. We have only included in our group people who have supported Dick from the start, so that it does not provide any way for people who are "second guessers" to make any claim on the Senator's particular interest.

We have also limited contributions to a minimum of $100 a year and a maximum of $500. The reason for the minimum is that anybody who is not in position to come in for at least that amount without feeling it, should be left to contribute only to regular party activities and campaigns when they come around. The reason for the maximum was so that it can never be charged that anyone is contributing so much as to think he is entitled to special favors.

The type of activities for which this money would be used would be such as the following:

Transportation and hotel expenses to cover trips by the Senator to California more frequently than his mileage allowance permits.

Payment of air-mail and long-distance phone charges above his allowances, and the payment of long-distance charges while here in California.

Preparation of material for the Senator to send out to the people over the State who have supported him, so as to keep in touch with them and let them know what he is doing and why, and obtain their views.

Defraying the expenses of his Christmas cards to the people who worked in his campaign or contributed financially to it. Much to our surprise, we find that this group numbers 20,000.

Paying for getting out material for radio broadcasts and television programs, and for advertising and publicity in connection with them.

There are of course various other similar items involved.

As I was Finance Chairman for Dick during his campaign, he and Bernie asked me to look after this fund, so I am handling it through a trust account subject to review by Bernie and a couple of other stalwarts of Dick's campaign. Nobody is drawing any salary or other compensation out of this, so you can count on it that the money will be effectively used where it will do all of us, including Dick, the most good.

As you helped Dick very substantially during the campaign, I am writing you about it with a two-fold purpose:

1st: So that when you see or hear of money being spent on Dick's behalf you will know how it has been raised and that there isn't anybody who is thereby acquiring any kind of a hold on our Senator.

2nd: So that if you agree with the usefulness of such a program, both to the Senator and all of the rest of us including yourself, and want to come in with us on it, you will know about it and have the opportunity to do so.

Within the limits of the contribution sizes above indicated, we would be delighted to have you join with us in this program, and Dick will of course be very appreciative of your continuing interest. We do not, however, want to conflict with other needed candidate and party contributions, so if you do join us, it should not be with the thought that this will affect what you might otherwise contribute other places where needed. Your check should be drawn to me and will be deposited in my trust account for this fund, which is subject to periodic audit.

Very sincerely yours,

DANA C. SMITH

RADIO ADDRESS OF SENATOR NIXON EXPLAINING HIS USE OF THE EXPENSE FUND

(Following is the text of the radio and television address of Senator Nixon from Los Angeles on Sept. 23, 1952.)

My fellow Americans: I come before you tonight as a candidate for the Vice Presidency and as a man whose honesty and integrity has been questioned.

Now, the usual political thing to do when charges are made against you is to either ignore them or to deny them without giving details. I believe we have had enough of that in the United States, particularly with the present Administration in Washington, D.C.

To me the office of the Vice Presidency of the United States is a great office, and I feel that the people have got to have confidence in the integrity of the men who run for that office and who might attain them.

I have a theory, too, that the best and only answer to a smear or to an honest misunderstanding of the facts is to tell the truth. And that is why I am here tonight. I want to tell you my side of the case.

I am sure that you have read the charge, and you have heard it, that I, Senator Nixon, took $18,000 from a group of my supporters.

Now, was that wrong? And let me say that it was wrong. I am saying it, incidentally, that it was wrong, not just illegal, because it isn't a question of whether it was legal or illegal, that isn't enough. The question is, was it morally wrong. I say that it was morally wrong—if any of that $18,000 went to Senator Nixon, for my personal use. I say that it was morally wrong if it was secretly given and secretly handled.

And I say that it was morally wrong if any of the contributors got special favors for the contributions that they made.

And now to answer those questions let me say this. not 1 cent of the $18,000 or any other money of that type ever went to me for my personal use. Every penny of it was used to pay for political expenses that I did not think should be charged to the taxpayers of the United States.

It was not a secret fund. As a matter of fact, when I was on "Meet the Press"— some of you may have seen it, last Sunday—Peter Edson came up to me, after the program, and he said. "Dick, what about this fund we hear about?" and I said, "Well, there is no secret about it. Go out and see Dana Smith, who was the administrator of the fund," and I gave him his address. And I said you will find that the purpose of the fund simply was to defray political expenses that I did not feel should be charged to the Government.

And, third, let me point out, and I want to make this particularly clear, that no contributor to this fund, no contributor to any of my campaigns, has ever received any consideration that he would not have received as an ordinary constituent.

I just don't believe in that, and I can say that never, while I have been in the Senate of the United States, as far as the people that contributed to this fund are concerned, have I made a telephone call for them to an agency, nor have I gone down to an agency in their behalf.

And the records will show that, the records which are in the hands of the Administration.

Well, then, some of you will say, and rightly, "Well, what did you use the fund for, Senator? Why did you have to have it?"

Let me tell you in just a word how a Senate office operates. First of all, the Senator gets $15,000 a year in salary. He gets enough money to pay for one trip a year, a round trip, that is, for himself and his family, between his home and Washington, D.C., and then he gets an allowance to handle the people that work in his office to handle his mail.

And the allowance for my State of California is enough to hire 13 people. And let me say, incidentally, that this allowance is not paid to the Senator.

It is paid directly to the individuals that the Senator puts on his pay roll, but all of these people and all of these allowances are for strictly official business; business, for example, when a constituent writes in and wants you to go down to the Veterans' Administration and get some information about his GI policy—items of that type, for example. But there are other expenses which are not covered by the Government. And I think I can best discuss those expenses by asking you some questions.

Do you think that when I or any other Senator makes a political speech, has it printed, should charge the printing of that speech and the mailing of that speech to the taxpayers?

Do you think, for example, when I or any other Senator makes a trip to his home State to make a purely political speech that the cost of that trip should be charged to the taxpayers?

Do you think when a Senator makes political broadcasts or political television broadcasts, radio or television, that the expense of those broadcasts should be charged to the taxpayers?

I know what your answer is: It is the same answer that audiences give me whenever I discuss this particular problem.

The answer is no. The taxpayers should not be required to finance items which are not official business but which are primarily political business.

Well, then the question arises, you say, "Well, how do you pay for these and how can you do it legally?" And there are several ways that it can be done, incidentally, and it is done legally in the United States Senate and in the Congress.

The first way is to be a rich man. I don't happen to be a rich man. So I couldn't use that.

Another way that is used is to put your wife on the pay roll. Let me say, incidentally, that my opponent, my opposite number for the Vice Presidency of the Democratic ticket. does have his wife on his pay roll and has had her on his pay roll for the past 10 years. Now just let me say this: That is his business, and I am not critical of him for doing that. You will have to pass judgment on that particular point, but I have never done that for this reason:

I have found that there are so many deserving stenographers and secretaries in Washington that needed the work that I just didn't feel it was right to put my wife on the payroll—My wife sitting over here.

She is a wonderful stenographer. She used to teach stenography and she used to teach shorthand in high school. That was when I met her. And I can tell you folks that she has worked many hours nights and many hours on Saturdays and Sundays in my office, and she had done a fine job, and I am proud to say tonight that in the six years I have been in the House and in the Senate of the United States Pat Nixon has never been on the Government pay roll.

What are other ways that these finances can be taken care of? Some who are lawyers, and I happen to be a lawyer, continue to practice law, but I haven't been able to do that.

I am so far away from California and I have been so busy with my senatorial work that I have not engaged in any legal practice and, also, as far as law practice is concerned, it seemed to me that the relationship between an attorney and the client was so personal that you couldn't possibly represent a man as an attorney and then have an unbiased view when he presented his case to you in the event that he had one before the Government.

And so I felt that the best way to handle these necessary political expenses of getting my message to the American people and the speeches I made—the speeches that I had printed for the most part concerned this one message of exposing this Administration, the Communism in it, the corruption in it—the only way that I could do that was to accept the aid which people in my home State of California, who contributed to my campaign and who continued to make these contributions after I was elected, were glad to make.

And let me say I am proud of the fact that not one of them has ever asked me for a special favor. I am proud of the fact that not one of them has ever asked me to vote on a bill other than my own conscience would dictate. And I am proud of the fact that the taxpayers by subterfuge or otherwise have never paid one dime for expenses which I thought were political and should not be charged to the taxpayers.

Let me say, incidentally, that some of you may say, "Well, that is all right Senator, that is your explanation, but have you got any proof?" And I would like to tell you this evening that just an hour ago we received an independent audit of this entire fund. I suggested to Governor Sherman Adams, who is the chief of staff of the Eisenhower campaign, that an independent audit and legal report be obtained, and I have that audit in my hand.

It is an audit made by Price Waterhouse & Co. firm, and the legal opinion by Gibson, Dunn & Crutcher, lawyers in Los Angeles, the biggest law firm, and incidentally one of the best ones in Los Angeles.

I am proud to report to you tonight that this audit and this legal opinion is being forwarded to General Eisenhower, and I would like to read to you the opinion that was prepared by the certified public accountants.

"It is our conclusion that Senator Nixon did not obtain any financial gain from the collection and disbursement of the funds by Dana Smith; that Senator Nixon did not violate any federal or State law by reason of the operation of the fund; and that neither the portion of the fund paid by Dana Smith directly to third persons, nor the portion paid to Senator Nixon, to reimburse him for office expenses, constituted income in a sense which was either reportable or taxable as income under income tax laws.

"(s) GIBSON, DUNN AND CRUTCHER.
By ELMO H. CONLEY."

That is not Nixon speaking, but that is an independent audit which was requested because I want the American people to know all the facts and I am not afraid of having independent people go in and check the facts, and that is exactly what they did.

But then I realized that there are still some who may say, and rightly so—and let me say that I recognize that some will continue to smear, regardless of what the truth may be—but that there has been understandably, some honest misunderstandings on this matter, and there are some that will say, "Well, maybe you were able, Senator, to fake this thing. How can we believe what you say—after all, is there a possibility that maybe you got some sums in cash? Is there a possibility that you might have feathered your own nest?" And so now what I am going to do—and, incidentally, this is unprecedented in the history of the American politics—I am going at this time to give to this television and radio audience a complete financial history, everything I have earned, everything I have spent, everything I own, and I want you to know the facts.

I will have to start early. I was born in 1913. Our family was one of modest circumstances, and most of my early life was spent in a store, out in East Whittier. It was a grocery store, one of those family enterprises.

The only reason we were able to make it go was because my Mother and Dad had five boys, and we all worked in the store. I worked my way through college and, to a great extent, through law school. And then, in 1940, probably the best thing that ever happened to me happened. I married Pat, who is sitting over here.

We had a rather difficult time, after we were married, like so many of the young couples who might be listening to us. I practiced law. She continued to teach school.

Then, in 1942, I went into the service. Let me say that my service record was not a

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particularly unusual one. I went to the South Pacific. I guess I'm entitled to a couple of battle stars. I got a couple of letters of commendation. But I was just there when the bombs were falling. And then I returned. I returned to the United States, and in 1946, I ran for the Congress. When we came out of the war, Pat and I—Pat during the war had worked as a stenographer, and in a bank, and as an economist for a Government agency—and when we came out, the total of our savings, from both my law practice, her teaching, and all the time that I was in the war, the total for that entire period was just a little less than $10,000—every cent of that, incidentally, was in Government bonds—well, that's where we start, when I go into politics.

Now, whatever I earned since I went into politics—well, here it is. I jotted it down. Let me read the notes.

First of all I have had my salary as a Congressman and as a Senator.

Second, I have received a total in this past six years of $1,600 from estates which were in my law firm at the time that I severed my connection with it. And, incidentally, as I said before, I have not engaged in any legal practice, and have not accepted any fees from business that came into the firm after I went into politics.

I have made an average of approximately $1,500 a year, from nonpolitical speaking engagements and lectures.

And then, fortunately, we have inherited a little money. Pat sold her interest in her father's estate for $3,000, and I inherited $1,500 from my grandfather. We lived rather modestly.

For four years we lived in an apartment in Parkfairfax, Alexandria, Va. The rent was $80 a month. And we saved for the time that we could buy a house. Now, that was what we took in.

What did we do with this money? What do we have today to show for it? This will surprise you, because it is so little, I suppose, as standards generally go of people in public life.

First of all, we've got a house in Washington, which cost $41,000 and on which we owe $20,000. We have a house in Whittier, Calif., which cost $13,000, and on which we owe $3,000. My folks are living there at the present time.

I have just $4,000 in life insurance, plus my GI policy, which I have never been able to convert, and which will run out in two years.

I have no life insurance whatever on Pat. I have no life insurance on our two youngsters, Patricia and Julie.

I own a 1950 Oldsmobile car. We have our furniture. We have no stocks and bonds of any type. We have no interest of any kind, direct or indirect, in any business. Now, that is what we have. What do we owe?

Well, in addition to the mortgage, the $20,000 mortgage on the house in Washington, a $10,000 one on the house in Whittier. I owe $4,500 to the Riggs Bank, in Washington, D. C., with interest at 4 per cent.

[In his speech, Senator Nixon indicated at one point that the mortgage on the $13,000 home in Whittier was $3,000, at another point that it was $10,000. The latter figure is correct. Nixon's secretary, James Bassett, told reporters later, explaining the discrepancy as "a verbal error."]

I owe $3,500 to my parents, and the interest on that loan, which I pay regularly, because it is a part of the savings they made through the years they were working so hard—I pay regularly 4 per cent interest. And then I have a $500 loan, which I have on my life insurance.

Well, that's about it. That's what we have. And that's what we owe. It isn't very much. But Pat and I have the satisfaction that every dime that we have got is honestly ours.

I should say this, that Pat doesn't have a mink coat. But she does have a respectable Republican cloth coat, and I always tell her that she would look good in anything.

One other thing I probably should tell you because if I don't they will probably be saying this about me, too. We did get something, a gift after the election.

A man down in Texas heard Pat on the radio mention the fact that our two youngsters, would like to have a dog, and, believe it or not, the day before we left on this campaign trip we got a message from Union Station in Baltimore, saying they had a package for us. We went down to get it. You know what it was?

It was a little cocker spaniel dog, in a crate that he had sent all the way from Texas, black and white, spotted and our little girl, Tricia, the six-year-old, named it Checks.

And, you know, the kids, like all kids, loved the dog, and I just want to say this, right now, that regardless of what they say about it, we are going to keep it.

It isn't easy to come before a nation-wide audience and bare your life, as I have done. But I want to say some things before I conclude, that I think most of you will agree on.

Mr. Mitchell, the Chairman of the Democratic National Committee, made the statement that if a man couldn't afford to be in the United States Senate, he shouldn't run for the Senate. And I just want to make my position clear.

I don't agree with Mr. Mitchell when he says that only a rich man should serve his Government, in the United States Senate or in the Congress. I don't believe that represents the thinking of the Democratic Party, and I know it doesn't represent the thinking of the Republican Party.

I believe that it's fine that a man like Governor Stevenson, who inherited a fortune from his father, can run for President. But I also feel that it is essential in this country of ours that a man of modest means can also run for President, because, you know—remember Abraham Lincoln—you remember what he said—"God must have loved the common people, he made so many of them."

And now I'm going to suggest some courses of conduct.

First of all, you have read in the papers about other funds, now. Mr. Stevenson apparently had a couple. One of them in which a group of business people paid and helped to supplement the salaries of State employees. Here is where the money went directly to their pockets, and I think that what Mr. Stevenson should do should be to come before the American people, as I have, give the names of the people that contributed to that fund, give the names of the people who put this money into their pockets, at the same time that they were receiving money from their State government and see what favors, if any, they gave out for that.

I don't condemn Mr. Stevenson for what he did, but until the facts are in there is a doubt that would be raised. And as far as Mr. Sparkman is concerned, I would suggest the same thing. He's had his wife on the pay roll. I don't condemn him for that, but I think that he should come before the American people and indicate what outside sources of income he has had. I would suggest that under the circumstances both Mr. Sparkman and Mr. Stevenson should come before the American people, as I have, and make a complete financial statement as to their financial history, and if they don't it will be an admission that they have something to hide.

And I think you will agree with me—because, folks, remember, a man that's to be President of the United States, a man that is to be Vice President of the United States, must have the confidence of all the people. And that's why I'm doing what I'm doing, and that is why I suggest that Mr. Stevenson and Mr. Sparkman, if they are under attack, that should be what they are doing.

Now, let me say this: I know that this is not the last of the smears. In spite of my explanation tonight, other smears will be made. Others have been made in the past. And the purpose of the smears, I know, is this, to silence me, to make me let up.

Well, they just don't know who they are dealing with. I'm going to tell you this: I remember, in the dark days of the Hiss trial, some of the same columnists, some of the same radio commentators who are attacking me now and misrepresenting my position, were violently opposing me at the time I was after Alger Hiss. But I continued to fight, because I knew I was right, and I can say to this great television and radio audience that I have no apologies to the American people for my part in putting Alger Hiss where he is today. And as far as this is concerned, I intend to continue to fight.

Why do I feel so deeply? Why do I feel that in spite of the smears, the misunderstanding, the necessity for a man to come up here and bare his soul, as I have—why is it necessary for me to continue this fight? And I want to tell you why.

Because, you see, I love my country. And I think my country is in danger. And I think the only man that can save America at this time is the man that's running for President, on my ticket, Dwight Eisenhower.

You say, why do I think it is in danger? And I say, look at the record. Seven years of the Truman-Acheson Administration, and what's happened? Six hundred million people lost to the Communists.

And a war in Korea in which we have lost 117,000 American casualties, and I say to all of you that a policy that results in a loss of 600,000,000 people to the Communists and a war which costs us 117,000 American casualties isn't good enough for America, and I say that those in the State Department that made the mistakes which caused that war and which resulted in those losses should be kicked out of the State Department just as fast as we can get them out of there.

And let me say that I know Mr. Stevenson won't do that, because he defends the Truman policy, and I know that Dwight Eisenhower will do that, and that he will give America the leadership that it needs.

Take the problem of corruption. You have read about the mess in Washington. Mr. Stevenson can't clean it up because he was picked by the man, Truman under whose Administration the mess was made.

You wouldn't trust the man who made the mess to clean it up. That is Truman. And, by the same token you can't trust the man who was picked by the man who made the mess to clean it up, and that is Stevenson. And so I say, Eisenhower, who owes nothing to Truman, nothing to the big-city bosses—he is the man who can clean up the mess in Washington.

Take Communism. I say that as far as that subject is concerned the danger is great to America. In the Hiss case they got the secrets which enabled them to break the American secret State Department code.

They got secrets in the atomic-bomb case, which enabled them to get the secret of the atomic bomb five years before they would have gotten it by their own devices. And I say that any man who called the Alger Hiss case a red herring isn't fit to be President of the United States.

I say that a man who, like Mr. Stevenson, has pooh-poohed and ridiculed the Communist threat in the United States—he said that they are phantoms among ourselves—he has accused us, that have attempted to expose the Communists, of looking for Communists in the Bureau of Fisheries and Wildlife. I say that a man who says that isn't qualified to be President of the United States.

And I say that the only man who can lead us into this fight to rid the Government of both, those who are Communists and those who have corrupted this Government is Eisenhower, because General Eisenhower, you can be sure, recognizes the problem, and knows how to handle it.

Let me say this, finally. This evening I want to read to you just briefly excerpts from a letter that I received, a letter which after all this is over no one can take away from us. It reads as follows:

"Dear Senator Nixon:

"Since I am only 19 years of age, I can't vote in this presidential election, but believe me if I could you and General Eisenhower would certainly get my vote. My husband is in the Fleet Marines in Korea. He is in the front lines. And we have a two-month-old son, he has never seen. And I feel confident that with great Americans like you and General Eisenhower in the White House, lonely Americans like myself will be united with their loved ones now in Korea. I only pray to God that you won't be too late. Enclosed is a small check to help you in your campaign. Living on $85 a month it is all I can afford at present, but let me know what else I can do."

Folks, it is a check for $10, and it is one that I shall never cash. And just let me say this: We hear a lot about prosperity these days, but I say why can't we have prosperity built on peace, rather than prosperity built on war? Why can't we have prosperity and an honest Government in Washington, D.C., at the same time?

Believe me, we can. And Eisenhower is the man that can lead the crusade to bring us that kind of prosperity.

And, now, finally, I know that you wonder whether or not I am going to stay on the Republican ticket or resign. Let me say this: I don't believe that I ought to quit, because I am not a quitter. And, incidentally, Pat is not a quitter. After all, her name was Patricia Ryan and she was born on St. Patrick's Day, and you know the Irish never quit.

But the decision, my friends, is not mine. I would do nothing that would harm the possibilities of Dwight Eisenhower to become President of the United States. And for that reason I am submitting to the Republican National Committee tonight through this television broadcast the decision which it is theirs to make. Let them decide whether my position on the ticket will help or hurt. And I am going to ask you to help them decide. Wire and write the Republican National Committee whether you think I should stay on or whether I should get off. And whatever their decision is, I will abide by it.

But just let me say this last word. Regardless of what happens. I am going to continue this fight. I am going to campaign up and down America until we drive the crooks and the Communists and those that defend them out of Washington; and remember, folks, Eisenhower is a great man. Folks, he is a great man, and a vote for Eisenhower is a vote for what is good for America.

GERALD FORD EXCELLENT CHOICE

HON. DONALD J. MITCHELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. MITCHELL of New York. Mr. Speaker, as with all of my colleagues in the House, I share in pride and honor we feel upon the selection of our distinguished minority leader as President Nixon's choice for Vice President.

Needless to say, I was highly pleased when the President announced Congressman Ford's nomination last Friday evening. Upon returning to the 31st District Saturday morning I was also pleased to learn that so many of my constituents share my feeling that Jerry Ford is the best man for the job.

It was gratifying Saturday evening to discover that one of the earliest editorial endorsements of Congressman Ford's nomination appeared in the Utica Observer-Dispatch, a highly respected newspaper in my district.

In order to give my colleagues the benefit of these observations I wish to insert this editorial in the Record.

Ford Wise Choice

In making his nomination for vice president last evening, President Nixon listed three qualities that he believed necessary. They were (1) a man qualified to serve as President, (2) one who shared the President's views on both foreign and domestic policy, and (3) a nominee who could be quickly approved by the Senate and House of Representatives.

No one fits these conditions more fully than Gerald R. Ford, who has been minority leader of the House since 1965. He is 60 years old.

He has served for a quarter century in Washington so he knows government, politics and issues intimately. He has been a strong Republican partisan, working with Mr. Nixon and defending the administration's record. Finally—as events last evening at the White House suggested—he is highly respected and popular with his congressional colleagues.

The President wisely took the route away from the so-called glamour possibilities. John Connally, Nelson Rockefeller, Ronald Reagan all were on any lists, but, while all are capable, all would have encountered trouble in winning congressional confirmation. Too many associate them with ambition for 1976 attention.

Mr. Ford inevitably will be viewed as a contender for the presidential nomination. President Nixon, resourceful politician that he is, understands this, but, more importantly, he sees in the man he has picked, one who will work easily and effectively with him, who will bring a high sense of integrity to the No. 2 place, and who will be able to maintain strong ties with Congress.

Although he is well and favorably known in the Congress, Representative Ford should receive full and careful assessment in the Senate and House. All of the nooks and crannies of his personal and political life should be examined. In view of the crisis in confidence that fills much of the national life today, the American people want to know all about this man who now stands the proverbial heart beat away from the presidency.

CONGRESSIONAL LEADERS HAVE NO GREATER RIGHT TO CLASSIFIED INFORMATION THAN ALL MEMBERS OF CONGRESS

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. DRINAN. Mr. Speaker, I attach herewith an article which I published in the October 19, 1973, issue of the National Catholic Reporter. It is my contention in this article that no President has any right to give classified or secret information to selected Members of the House or Senate.

President Nixon has asserted that he told certain congressional leaders about the secret 3,630 bombings of Cambodia during the 14 months prior to April 30, 1970. This clandestine war cost an estimated $140,000,000. It is my ever deepening conviction that those congressional leaders who knew of these raids and these expenditures and who withheld this information from their colleagues in the Congress are, consciously or otherwise, implicated in the deception of the President.

The article follows:

Nixon Bombing Defense "Inadequate"

(By Robert F. Drinan)

In the statement which I submitted on July 31 justifying the resolution of impeachment of the president, I pointed to the secrecy of the bombing in Cambodia as a clearly impeachable offense. In his press conference at San Clemente, President Nixon pretended that he had resolved this problem in his Aug. 20 address in New Orleans to the Veterans of Foreign Wars. The justification attempted in that talk of the secrecy of the 3,630 air raids during 14 months in Cambodia is inadequate on several counts.

The president stated that the United States was under "no moral obligation to respect the sham" of the neutrality of Cambodia occupied by the North Vietnamese. The president clearly concedes that the United States was under a legal obligation not to bomb a neutral nation.

The president's allegation that the "enemy-occupied sanctuaries" of Cambodia "were no more neutral . . . than was northern France or Belgium in the late spring of 1944 when those territories were occupied by the Germans" is obviously false. France and Belgium were our allies in a war declared by the U.S. against Germany while Cambodia has always been neutral and is not even a member of SEATO.

The fact that allegedly the "Cambodian government did not object to the strikes" cannot justify the first military assault in American history on a neutral nation with which America is at peace. Title 18 of the U.S. Code specifically forbids such an assault. In addition, Prince Sihanouk has on several occasions after Aug. 20 expressly denied that he ever agreed to the bombing.

The president states, furthermore, that he informed "appropriate congressional leaders" of the bombings. In a matter of this gravity there is no such thing as an "appropriate" congressional leader. The president has no constitutional or statutory right of any nature to give information to selected congressional leaders. Any practice to the contrary violates my rights as a member of Congress and the rights of the 474,000 citizens I represent. If classified information is to be given to Congress all 53 members should be given (or denied) that security clearance which is granted, when necessary, even to the GS-4 typist.

The president, seeming to recognize his vulnerability because of his action in launching an air war without telling the American people, states that "there was *no* secrecy as far as the government leaders were concerned who had any *right* to know or *need* to know" (emphasis supplied).

Can a very few congressional "leaders" (a title acquired by sheer seniority and not by any selection by the members of Congress or the people) have any "right" or "need" to know about a secret war costing at least

$140,000,000 which is greater than the identical "right" and "need" of all 535 members of Congress? The answer has to be "no."

The most outrageous contentions made by Nixon to justify 14 months of secret bombing rest on his assertion that "had we announced the air strikes, the Cambodian government would have been compelled to protest" and "the bombing would have had to stop." This shocking double standard evokes two comments:

Cambodia would have been "compelled" to protest, we are told, because that nation is and must continue to be a neutral country. If Cambodia asserted this neutral status the United States, Nixon tells us, would have been required to recognize the truth and stop the bombing! The U.S., in other words, will bomb a neutral nation until or unless that nation protests and proclaims its neutrality before the court of world opinion. In admitting to this incredible way of acting, Nixon concedes that the U.S. would not air bomb a neutral nation—even to save the lives of American soldiers in South Vietnam—if that nation asserted its neutrality as a shield against our B 52s!

Mr. Nixon claims that Prince Sihanouk invited him to visit Cambodia during the first spring of the bombings. The president claims this as evidence of approval by Sihanouk of the bombings. If, however, the head of the Cambodian government is this friendly why would a public protest by him of the bombings—a protest which would have allegedly been inevitable if the U.S. made public the air raids—have compelled the U.S. to stop the strikes? It would not be the point of international law raised by Sihanouk but, to be blunt, by American public opinion.

Mr. Nixon has elaborated hypotheses and premises to justify his secrecy about his escalation of the war into Cambodia eight weeks after he became president. All that he says, and implies, points to the unavoidable conclusion that he conducted the air war over Cambodia in secrecy because he was afraid—or he knew—that American public opinion would not tolerate it.

Such deception, in my judgment, is an impeachable offense.

SOLAR ENERGY: AN IDEA MADE PRACTICAL

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. PICKLE. Mr. Speaker, we are all well aware of the renewed interest in using the sun to supply some of our energy needs in light of growing shortages in other fuels. But I do not think the fact has really hit home how close we are to making this energy source both technically feasible and economically competitive.

In fact, use of solar energy to heat buildings already is technically feasible—is becoming competitive with fossil fuel heating systems—and is, in general, already cheaper than electricity for heating.

Advances are rapidly being made for making solar energy competitive for cooling purposes as well.

A recent article in the Civil Engineering magazine outlines recent progress in this field, and I would like to include it in the Record at this time:

Solar Heating and Cooling: Untapped Energy Put To Use

(By George O. G. Löf and Dan S. Ward)

The idea of building a home heated by solar energy is not new. As long ago as 35 years the first significant solar space heating project had been initiated. Since then almost two dozen buildings have been designed and built utilizing solar energy for heating. During the years 1958–1960 alone, eight different buildings were constructed, four of which were designed as laboratories, and four destined to be used as residences. Now, with the energy crisis demanding new alternatives, there is another surge of interest in solar buildings.

There is enough sunshine in this country—an average of 4 kilowatt-hours of solar energy per square meter per day—to supply twice the energy need to heat and cool every building. A solar energy system does not require clear days, but also collects diffused solar radiation. Deciduous trees do not interfere with collection. The National Science Foundation predicts that in/by the year 2020, 35% of our buildings will use solar heating and cooling at a savings of $12 billion at present electricity rates.

While the prospects of using solar energy for power generation are still in the stages of considerable uncertainty, the heating of buildings by solar energy is now technically feasible and nearly economically competitive. Locations of successful solar heated buildings in the United States range from Arizona and New Mexico to Colorado and Massachusetts. Techniques have varied with the use of air or water as the heat transfer medium, use of crushed rock, water, or heat of fusion of certain salts for heat storage, widely varying configurations of a solar collector, and a wide range of percentage load carried by the system. But technical feasibility must have an economic counterpart.

ECONOMICS

Richard A. Tybout, Professor of Economics at Ohio State University and author Löf made an extensive cost analysis in eight U.S. cities on a solar climate control system. Conclusions were that solar heating is becoming competitive with fossil fuel heating systems and is, in general, already cheaper than electricity. The economics could be improved even more by adding cooling to the load on the solar systems; thus using the same equipment all year long at very little extra cost.

Author Löf's house in Cherry Hills Village near Denver, Colorado is an example of a solar heated building which has been operating over a long period; in this case fifteen years.

The building utilizes a heating system with air as the heat transport medium and crushed rock as the heat storage material. The system consists of two solar collector banks, two vertical heat storage cylinders, hot water preheater, blower, conventional natural gas furnace, central equipment, and the necessary air ducts. The two collector banks on the roof are surrounded by a four ft (1.22 m) parapet wall. They are 50 ft (15.25 m) long, six ft (1.83 m) high, and face south at an angle of 45° with the horizontal. Each consists of ten "cold panels" and ten "hot panels" located alternately. Glass wool insulation is provided on the back of the panels. Cold air from the house or storage unit enters the cold air manifold and is distributed to the ten "cold collector panels" in each bank. After partial heating, the air passes to the corresponding "hot panes" via cross-connecting ducts. The air is heated further in the hot panels and delivered to the house or storage unit via the hot air manifold and duct system. The collecting panels are of the overlapped glass plate type.

SOLAR COOLING

But the technical uncertainties of solar cooling are considerably greater than those involved with heating systems. This is underscored by the fact that no complete heating and cooling system has ever been built and operated. In an effort to remedy this situation and to answer some of the technical questions, the National Science Foundation recently awarded Colorado State University a grant to design and build the first solar heated and cooled house. The key factor will be the addition of a lithium-bromide absorption air conditioner, modified to utilize hot water from a solar collector instead of a gas flame. The University of Wisconsin will collaborate on the design, and Honeywell will engineer the controls.

There is a considerable advantage to solar cooling since peak demands for air conditioning usually coincide with peak solar radiation levels. It should be stressed, however, that solar systems are designed to supplement, and not replace, conventional heating and cooling units. It is more economical to provide auxiliary energy for prolonged bad weather than to design a solar system which would handle the entire load and be used only a few days a year at full capacity.

Couvinced of these facts, a wide variety of architects and engineers are making considerable strides in the solar field. One engineering consultant, Frederick Dubin of Dubin, Mindel, Bloome Associates of New York City, is already working on four projects involving solar energy. Two of the projects are for the General Services Administration of the federal government, and consist of solar heating systems for office buildings to be located in Manchester, N.H. and Saginaw, Mich., In addition, Dubin has plans for a ten-unit condominium in Vermont and an office/laboratory for the New York Botanical Gardens. He feels that large-scale systems are more feasible than single family residences and that primary emphasis in all projects should be on energy conservation and totally integrated systems.

Gerson Meckler, an engineering consultant in Washington, D.C., is also currently working on several designs for solar energy systems. One of them has already been used in a small office building in Denver for Financial Programs, Inc., now in its fifth year of operation. And in Denver, Colo., Cabell-Childress Associates are investigating solar heating in conjunction with a maximum energy conservation design in the construction of a corporate office building for an oil company.

AUDUBON SOCIETY

In other parts of the country, Arthur D. Little, Inc., is devising a solar space conditioned office building for the Massachusetts Audubon Society (MAS) to be located at their headquarters in Lincoln. According to MAS Executive Vice President, Allen H. Morgan, the answer lies in the Society's statement of objectives which includes the key phrase of finding "realistic solutions to environmental problems . . . ". MAS considers the energy dilemma to be one of the most serious environmental problems, and the solar space heating and air conditioning can play a major role in alleviating pressures on the environment. It is their hope to demonstrate a method for conserving energy is feasible, realistic, and environmentally acceptable. J. C. Burke, of Arthur D. Little, Inc., described MAS's concern as ". . . fostering a positive approach toward conservation of energy and environment."

The building design will permit a reasonably large solar collector [3500 sq ft 325.5 m²)], facing south at a slope of 45°, and will accommodate the MAS requirements for office space, a library, and a lecture hall—a total floor space of approximately 8000 sq ft (744 m²).

Arthur D. Little, Inc. estimates that depending on the choice of certain design options, the heat demand will be in the range of 40,000 to 70 000 BTU/degree-day (11.72—20.51 kw hr/degree day). Thus a solar system using a two-pane 3,500 sq ft (325.5 m²) collector is estimated to be able to account for between 65% and 75% of the total seasonal heating load. Heat gain estimates indicate a design air conditioning load of about 15 tons (52.74 kw), most of which will be due to internal heat generation (i.e., lighting and people). Burke hopes that by making skillful use of natural ventilation, it

will be possible to minimize the periods of time during which complete air conditioning is required; and further that the proposed 15-ton lithium bromide water cooled absorption machine driven by the solar collector will be able to supply a substantial portion of the air conditioning requirements.

PHOTOVOLTAIC CELLS

Looking even further ahead, Karl Boer, Director of the Institute of Energy Conversion of the University of Delaware, is in the finishing stages of a solar house which, in addition to thermal collectors, will also employ space age photovoltaic cells. These solar cells, which convert solar radiation directly into electricity, are now far too expensive to be commercially used; in competing with electricity from a central power plant, they are two or three orders of magnitude too costly. However Boer is optimistic that mass production and other factors may improve the economics of photovoltaic cells, and in the not too distant future.

The cost of silicon in sufficient purity used in these cells keeps the price up. Alternatives to silicon, such as germanium and cadmium sulfide are being experimented with, but at present are less efficient than silicon. The photovoltaic cell as a source of electricity would be preferable to present means in many ways—it is compact, neat and uncomplicated.

DEMONSTRATION HOME

A photovoltaic conversion system is included in the demonstration house being built in Shanghai, West Virginia, designed by Burt, Hill Associates of Pittsburgh, Pa. (See box and Figs. 4, 5, 6, 7.) The home will be occupied by Ms. A. N. Wilson of the Department of Interior, and will be approximately 1,400 sq ft (130.2 m²) of finished living space and 350 sq ft (32.5 m²) of mechanical equipment space. Principal construction materials will include reinforced concrete masonry foundation walls, wood floor, wall and roof framing systems, and wood exterior siding. The project will contain several subsystems including: 1. solar thermal collection system; 2. photovoltaic conversion system; 3. wind driven electrical generating system; and 4, aerobic composter, for organic wastes.

The first two sub-systems are intended to provide a platform for the on-going evaluation of various manufacturing techniques, component designs and comparative data. They will be designed and installed in such a manner as to facilitate installation and replacement of the various components. The latter two sub-systems are included primarily for demonstration purposes. The main solar array is 588 sq ft (54.7 m²), tilted south at an angle of (45° Latitude +6°). A 50% solution of ethylene glycol will be the heat transfer fluid, and the thermal storage system will be a two temperature liquid; sensible heat tank located beneath the residence. The sun should supply about 18% of the residence's heating and electrical needs.

While most authorities are dubious on the power supply prospects, they feel that solar energy stands to mitigate the energy crisis, and in a variety of ways. At this time it is too early to eliminate any realistic possibility. Therefore, while use of photovoltaic cells are further down the road, thermal solar heating and cooling systems will soon be here. And given the encouragement and possible subsidies other industries enjoy, such systems could be commonplace in a few years.

ARMS INVENTORIES IN MIDDLE EAST

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. LONG of Maryland. Mr. Speaker, I have obtained new information which substantiates the feelings voiced by me and others that since the 1967 Six Day war, the Soviet Union has poured arms into the Arab states at unprecedented rates. This report was written just before the Arab attack on October 6, has been published by the American Enterprise Institute, and is entitled "The Arab-Israeli Military Balance Today." It dramatically contrasts with recent statements by the Nixon administration that the Soviets have been acting with moderation and responsibility. Nothing could be farther from the truth.

I insert some of the tables included in the AEI study for the benefit of my colleagues.

Table 1 shows that while the Israelis have only doubled the number of their combat planes, Egypt, Syria, and Jordan have tripled theirs. In 1968 Israel had 230 fighter-bombers; Egypt and Syria had 225 and 25, respectively. By 1972–73 the Egyptians alone had 568 combat aircraft to Israel's 456—about 25 percent more. If we add the total combat aircraft of other possible belligerents—Jordan, Iraq, Libya, Algeria, and Saudi Arabia—the Arab total rises to 1,391 aircraft to Israel's 456.

While the number of Arab combat planes was rising, AEI reports:

> The Russians also began improving Egypt's air defenses and increased the number of SA–2 surface-to-air missiles in Egypt from 120 to 180.

While the Soviets have only armed their Arab clients, the United States has shown a disturbing tendency to arm both sides. In fact, the AEI study speculated that the "sale of American F–4E Phantoms to Saudi Arabia" could contribute to "an edge of about 10 percent in terms of first-strike ordnance delivery capability," when added to the 38 French Mirages reportedly ordered by the Saudis. On June 8 I told this House that the proposed sale of E–4's to Saudi Arabia and Kuwait could "only threaten the shaky peace in the Middle East first by fueling an arms race among Arab nations and second by threatening Israel, our closest ally in the Middle East."

Particularly distressing is the fact that Saudi Arabia could use its western F–4's to strike at the heart of Israel, a fact documented in the AEI report.

Other tables demonstrate that Egypt has a 2 to 1 edge in helicopters, and that Egypt—aided by the Soviets—increased its tanks by some 500 percent between 1968 and 1972. The Syrians and Jordanians increased their supply of tanks by 200 percent, while Israel only increased its number of tanks by about 90 percent. These figures, as interpreted by AEI, complement the immediate pre-Yom Kippur forecasts that "Egypt reportedly has been supplied with enough amphibious equipment, including tactical bridges, to move approximately 200,000 troops across the canal."

Mr. Speaker, the United States has given the Soviet Union many concessions in trade and in international bargaining.

We have exacted few, if any, return concessions and accommodations. We have yet to insist to the Soviets that they cut their armament activities in the Middle East to avoid encouraging an arms race among Arabs and a war with Israel.

The facts presented in this report make it clear that the Soviet Union kept right on with the Middle East arms race. It is time the United States bargained as hard as our Soviet counterparts.

The tables follow:

TABLE 1.—COMBAT AIRCRAFT INVENTORIES IN THE MIDDLE EAST

Country/aircraft type	1967-68[1]	1968-69	1969-70	1970-71	1971-72	1972-73
Egypt:						
Mig-21 interceptor	100	110	100	150	200	220
Mig-19 all-weather fighter	45	80				
Su-7 fighter-bomber		40	90	105	110	120
Mig-15 fighter	60	120	120	165		
Mig-17 fighter-bomber					200	200
Il-28 light jet bomber	20	40	30	28	25	10
Tu-16 medium bomber		10	12	15	18	18
Total	225	400	352	463	553	[2] 568
Syria:						
Mig-21 interceptor		60	55	90	100	[3,4] 140
Su-7 fighter-bomber		20	20	40	30	30
Mig-7 fighter-bomber						80
Mig-15 fighter	[3] 25	70	70	80	80	
Total	25	150	145	210	210	[3] 250
Jordan:						
Hunter ground attack		12	11	20	18	35
F-104A fighter bomber				18	15	15
F-86 fighter		4				
Total		16	11	38	33	50
Iraq	170	213	213	229	220	189
Libya:						
Mirage V ground attack/interceptor						60
Mirage IIIB/E interceptor						12
F-5A interceptor				7	7	10
Total				7	7	82
Algeria:						
Mig-21 interceptor		140	140	140	30	30
Mig-15, 17 fighter-bomber					60	95
Il-28 light jet bomber		30	30	30	24	30
Magister armed trainer					28	26
Total		170	170	170	142	181
Saudi Arabia:						
BAC-167 ground attack				24	20	21
Lightning fighter	4	24	28	35	20	35
Hunter ground attack	4	4	4			
F-86 fighter	12	11	11	16	15	15
Total	20	39	43	75	55	[7] 71

Footnotes at end of table.

TABLE 1.—COMBAT AIRCRAFT INVENTORIES IN THE MIDDLE EAST—Continued

Country/aircraft type	1967–68[1]	1968–69	1969–70	1970–71	1971–72	1972–73
Israel:						
F-4E fighter-bomber/interceptor			(1)	36	75	[4,8] 120
A-4E/H fighter-bomber		48	48	67	72	125
Mirage fighter-bomber/interceptor	65	65	65	60	60	50
Vautour light bomber	15	15	15	12	10	10
Mystere IVA fighter-bomber	25	35	35	30	27	27
Oragan fighter-bomber	50	45	35	30	30	30
Super Mystere interceptor	25	15	12	10	9	9
Magister trainer with limited ground attack capability	50	65	65	85.	85	85
Total	230	288	275	330	368	[3] 456

[1] All data in this table and those following are generally from June 30 to June 30. Losses incurred in the fighting which broke out on Oct. 6, 1973 are not taken into account.

[2] As of Oct. 8, 1973, Institute for Strategic Studies figures are: Egypt 620, Syria 326, Israel 488. (Washington Post, Oct. 8, 1973.)

[3] Includes 40 that reportedly were delivered during previous 3 months. (Washington Post, Apr. 21, 1973.)

[4] "Israel Expected To Seek More Arms," Washington Post, June 19, 1973.

[5] Includes some MIG-17's and 21's.

[6] About 60 have been delivered according to Israeli Foreign Minister Abba Eban.

[7] Does not include reported order of 38 Mirages from France. (Le Monde, Sept. 29, 1973.)

[8] Does not reflect the first deliveries of Phantoms in late 1969.

[9] Does not reflect losses incurred in the Sept. 13, 1973 Israeli-Syrian air battle.

Source: International Institute for Strategic Studies, The Military Balance 1967–1968 (London, 1967), and succeeding issues through 1972–73.

TABLE 4.—HELICOPTER INVENTORIES IN THE MIDDLE EAST

Country and aircraft type	1967–68	1972–73
Egypt:		
Mi–4 and Mi–6	30	—
Mi–1, 4, 6, and 8	—	180
Syria:		
Mi–1	7	4
Mi–4	3	10
Mi–8	—	(1)
Total	10	14+
Jordan:		
Alouette III	4	7
Whirlwind	4	—
Total	8	7
Iraq:		
Mi–1	—	4
Mi–4	9	30
Mi–8	—	12
Wessex	11	—
Total	20	[2] 46+
Libya:[3]		
AB–206	—	2
OH–13	—	3
Alouette III	—	10
Super Frelon	—	6
Total	—	21
Algeria:		
Mi–1		4
Mi–4	[4] 50	42
Hughes 269A		6
Sa–330		2
Total	50	54
Saudi Arabia:		
Alouette III	2	1
AB–204		1
AB–205		8
AB–206		20
Total	2	10
Israel:		
CH–53C		10
AB–205		30
Super Frelon	40	12
Alouette		20
S–58		
Total	40	72

[1] Number is unknown.

[2] Iraq has also reportedly received an unspecified number of Mi–6 helicopters. (Dusko Doder, "Soviets Ship Jets, Arms to Syria," Washington Post, 21 April 1973.)

[3] In the summer of 1970 Libya had some helicopters, including 3 Alouette IIs. (Military Balance 1969–1970.)

[4] 1969–1970 was earliest information available.

Source: Military Balance 1967–68, 1969–70, and 1972–73.

TABLE 6.—NUMBER OF TANKS IN THE MIDDLE EAST, 1968 AND 1973 (AS OF 30 JUNE)

Country and vehicle type	1968	1973
Egypt:		
JS–3	20	50
T–62		10
T–54/55	250	1,500
T–34	70	400
Pt–76		100
Centurion Mark 3	30	
Total	370	2,060
Syria:		
JS–3		30
T–54/55		900
T–34	200	240
T–54	150	
Pt–76		(1)
Old German tanks	50	
Total	400	1,170+
Jordan:		
M–60		14
M–47 and M–48		190
Centurion	50	140
M–48	50	
Total	100	344
Israel:		
M–60		(1)
M–48	225	450
Ben Gurion	250	250
Centurion		700
Isherman and Super Sherman		200
Super Sherman	175	
AMX–13	140	
TI–67		100
T–54	200	
Total	990	1,700+

[1] Exact number unknown.

Source: Military Balance 1967–68 and 1972-73.

ALASKA PIPELINE BILL

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. TIERNAN. Mr. Speaker, I read in today's Washington Post that the conferees have reached a tentative agreement in their attempts to resolve differences between the House and the Senate version of the Alaska pipeline bill. With the current uncertainty concerning a long-term supply of oil from the Middle East due to the political instability of that region and the fact that the Arabs apparently intend to use oil as a political weapon, it is important that we begin to develop domestic oil reserves with as much speed as possible. Further the 70-percent increase in crude oil prices which has been announced makes the production of domestic oil even more important in relation to our balance-of-payments problem.

I commend Chairman MELCHER and the other House conferees for refusing to give in to the pressures that I understand were put on them by the administration on the question of absolute liability. If the Senate version of the liability clause had prevailed the oil companies would not have been liable for damage caused to the environment by earthquakes or other acts of God.

The conferees have apparently agreed to include "no-fault" liability and to provide for a $100 million trust fund for the purposes of paying for any damages caused by the operation of oil tankers. The establishment of such a fund is to be commended as it insures the availability of moneys to pay for any such damage regardless of the financial condition of the operator of the pipeline or tanker company.

AFL–CIO INSTITUTIONAL TRAINING PROGRAM

HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mrs. HOLT. Mr. Speaker, much lip-service has been paid in support of job training programs for inmates in our penal institutions. However, often these programs show little discernable evidence of results.

Dominic Fornaro, president of the Metropolitan Baltimore Council of AFL–CIO Unions, has brought to my attention an offender training project sponsored by his organization, in cooperation with the Maryland Department of Corrections, and private industry. Authorities in this field have testified that the project is demonstrating positive results.

I would like to quote from a letter written by Paul A. Wageley, superintendent of the Maryland Correctional Training Center in Hagerstown, Md.:

> The Maryland Correctional Training Center, its residents and indeed Corrections itself, needs salient programming of this very nature which can and has produced valid accomplishments if it is to ever attain its/their goal of reintegrating the offender to the community. I cannot emphasize too strongly the desire of the Maryland Correctional Training Center to have this project continued.

Robert R. Lucas, assistant director of Urban Services for the National Council on Crime and Delinquency, midwestern office, says:

> Undoubtedly, the AFL–CIO Institutional Training Program that you have going is one of the best of its kind in the United States today.

In future deliberations by this body on projects of this type, the AFL–CIO program will certainly serve as a valuable source of reference.

PEER REVIEW FOR COMPLAINTS AND CRITICISMS OF NURSING HOMES

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. WALDIE. Mr. Speaker, throughout the Nation there exist 22,000 long-term residential care facilities for the elderly. Both Federal regulations and State licensing requirements guarantee certain standards of quality in these homes. But quality can always be improved and every effort should be made to better the lives of our respected elderly citizens.

The California Association of Health Facilities has initiated a program that will improve the quality of care for their patients.

Mr. Speaker, I wish to share that plan with my colleagues, and I would like to include in the RECORD at this time an article which appeared in Health News, the monthly publication of the California Department of Health:

LEADERSHIP ROLE—NURSING HOME ADMINISTRATORS ADOPT PEER REVIEW SYSTEM

In an effort to upgrade the quality of life in long-term care facilities, the California Association of Health Facilities has instituted a program which will enable its members to impove standards of care for their patients.

Using a system of Peer Review and an advertising campaign which actively encourages patients and their families to communicate criticism and complaints, CAHF plans to work with members whose standards do not meet state licensing requirements, making it unnecessary for the Department of Health to take action against them.

Adoption of guidelines for Peer Review of nursing homes and other long-term residential care facilities which are members of CAHF were announced in August by Henry Heil, president of the association.

Peer Review is a manifestation of the belief that CAHF can and must take a leadership role in upgrading quality of care, according to John Drobney, newly appointed executive vice president of CAHF. "Such review should be on a regular basis to encourage improvement, not merely to respond to complaints," he said. "Voluntary action on the part of the industry is the best means of achieving the goal of improving quality of care."

Drobny, who had been deputy director of the state Department of Consumer Affairs (formerly the Department of Professional and Vocational Standards) until assuming his present position in July, emphasized that Peer Review is an educational process, not a punitive action. "The objectives of the program are to help facilities correct any deficiencies and meet accepted standards," he added. "CAHF will, as much as possible, provide consultants to visit facilities and offer advice about problems in specific areas."

Formerly known as the California Association of Nursing Homes, Sanitariums, Rest Homes and Homes for the Aged, Inc., CAHF is a nonprofit organization which has as its published objectives improving the quality of life of those persons who are patients or residents in long-term care facilities and assisting the owners, administrators, and employees of such facilities in achieving this goal. Membership in CAHF is open to all licensed residential care or long-term health care facilities in California which subscribe to the association's principles and which are accepted after an evaluation by the local chapter Peer Review Committee.

The health facilities association is coordinating its efforts with those of the Department of Health, according to Howard A. Worley, director of Governmental Relations for CAHF since October 1972. "Copies of reports of surveys of member facilities by the state department will be supplied to local chapter Peer Review Committees," he said. "The committees will seek to upgrade the quality of care by review of the activities of each member on a periodic basis, and by special review when there are repeated or serious deficiencies reported by the Department of Health."

Worley emphasized that about 60 percent of California's long-term care facilities are members of CAHF. "Of course, we cannot assist those facilities that are not members," he added. "But, in the case of member facilities, we can offer our suggestions, advice, and help in their efforts to conform to the high standards set by the state and the association."

As part of its efforts to cooperate with the Department of Health in policing the standards of CAHF members, the association has been working with the Manpower Training Section of the department. "Our Peer Review Committees need assistance in learning methods of surveillance and review, which the department is arranging for us," Worley explained.

While CAHF cannot revoke licenses of those members who refuse to improve their standards of care to conform with state requirements, it has recourse to other disciplinary actions, the governmental relations director asserted. "The association can expel from its membership those who cannot or will not comply, thereby withdrawing its approval of their operation," he stated. "Such a disciplinary measure would be publicized in the media, as well as communicated to the Department of Health."

To provide a mechanism for patients, their relatives, or friends to talk to someone about their problems, frustrations, or difficulties with nursing homes or other health facilities, CAHF is pioneering a program which it calls "Cool Line." Posters advertise the availability of nursing home personnel to discuss complaints and criticism. In the event that the administration of a facility seems unreceptive to such communication the posters provide the telephone number of the CAHF offices.

"Anyone who calls CAHF can be assured that someone will look into his complaint and report back," Worley promised. "Information will be referred to the chapter president, chairman of the Peer Review Committee, or other appropriate persons for investigation and report."

The California Association of Health Facilities is affiliated with the American Nursing Home Association. The CAHF Peer Review program is based on ANHA's Code of Ethics, to which all member facilities must subscribe:

. . . A basic human right of all Americans is to have quality health care which is accessible and acceptable.

. . . Members will provide care which will meet the physiological, psychological, enviromental, and spiritual requirements of the patient-resident in licensed facilities.

. . . Members will provide qualified staff in sufficient numbers to perform competent services to meet the patient's/resident's requirements.

. . . Members are encouraged to engage in research and education which will be done with the assurance that the interest and dignity of the individual is preserved and the conduct of the program is of professional quality.

. . . Members will clearly delineate their policies and will receive and act upon complaints and suggestions, utilizing established procedures of the state and national associations and related community resources.

. . . Members will be an integral part of the community's health program.

CAHF has found that much of the criticism leveled at long-term care facilities comes from misunderstanding and lack of knowledge about the role of the facility in the community. The association hopes that Cool Line will open up dialogue between the facilities and those who use them. "Effective dialogue can be another tool in the effort to provide high quality care for people needing long-term residential care," Worley added.

THE ROAD TO PEACE IN THE MIDDLE EAST

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. RANGEL. Mr. Speaker, as the tragic war in the Middle East goes on, there is a growing concern by all men, whatever their allegiances or political philosophy, over the carnage and the terrible, wasteful loss of human lives. Our attention must turn towards an effort to find a way out of this horrible war and a way to provide a lasting peace in this area of the world.

The General Coordinating Committee of the Jewish Cultural Clubs and Societies has adopted a resolution on the war in the Middle East that is addressed towards finding a way toward a lasting peace. It calls first and fundamentally for a guarantee of the continued existence of Israel, the existence of which cannot be questioned as a basis for peace in the Middle East. The resolution also calls for the formation of an Arab Palestinian State on the territories won by Israel in the 1967 war, and for United Nations guarantees of a permanent cease-fire.

Without endorsing these specific proposals, I strongly endorse the thrust of the resolutions issued by the Jewish Cultural Clubs and Societies toward finding a viable basis for a cease-fire to put an end to the current war and towards finding a solution to the grave hostilities between Arab and Jew that threaten continued warfare in the Middle East.

JEWISH CULTURAL CLUBS AND SOCIETIES,
New York, N.Y.

STATEMENT ON THE WAR IN THE MIDDLE EAST

(By the General Coordinating Committee, Jewish Cultural Clubs and Societies, adopted October 10, 1973)

The Jewish Cultural Clubs and Societies express their deep shock and concern at the violation of the cease-fire by Egypt and Syria. War is now raging in the Sinai and Golan Heights. Many lives—both Israeli and Arab—are being lost and more thousands wounded.

It is in the interest of both sides that this war be ended at once, for the termination of the Middle East crisis lies in a political solution, not in war. This was true before Egypt and Syria attacked, and it will be true when a truce is restored.

Foremost in our thoughts is the very existence of Israel. Israel must live, we proclaimed from the day it was founded, and we say it today when many Arab leaders, heads of governments and leaders of terrorist organizations like El Fatah, which are supported by many Arab governments, plot and work to destroy Israel.

We call for a cease-fire at once. It is imperative in behalf of peace, for which the United Nations was established, that the Security Council overcome the malaise of power rivalries and demand a cease-fire and end to the war in the Middle East immediately. Every day's delay results in the tragedy of increased bloodshed among combatants and innocent men, women and children on both sides. Delay also intensifies the danger of the Middle East war growing into a world conflagration.

Most important, it is necessary to end the causes of the wars between Israel and its Arab neighbors by taking definite steps on both sides to effectuate the United Nations Security Council Resolution 242 of November 22, 1967. This would mean agreement to return the occupied territories by Israel on the basis of a peace agreement which will guarantee Israel and the Arab countries secure and recognized borders.

The Jewish Cultural Clubs and Societies oppose the annexation of Arab lands as a barrier to peace in the Middle East. We decry the lack of past initiatives on part of the Israeli government to establish a lasting peace with the Arabs. We condemn the refusal of the Arab countries to enter negotiations for peace and their support of the terrorist organizations which operate from bases in their territories and commit some of the most heinous crimes on record against Israel and humanity. On the one side the terror and threats against the existence of Israel must be halted; on the other side the moves to annex large areas of Arab land must be reversed.

Significantly, the New York Times of October 4, 1973, reports a speech by Israel's Foreign Minister, Abba Eban, made the day before at the United Nations General Assembly in which he said, "It would be agreeable to Israel that a peace settlement include two nations in the area of the former Palestine mandate 'on both sides of the Jordan between the desert and the sea.'

"One of these nations would be Israel, and the other would be 'a Palestinian Arab state in its composition, whatever its name or constitutional structure,' and "that it would be up to the Arabs to determine the precise nature of the state bordering Israel on the East." Then: "Israel, he said, is ready to withdraw forces from the land occupied during the six-day war of 1967, but this withdrawal can come only in a permanent peace agreement and 'to the positions and boundaries determined in the peace agreements.' "

This is in line with the U.N. resolution in 1947 for the establishment of two independent states, an Arab and a Jewish state on the territory of Palestine. There may be a hopeful basis for peace in the policy outlined by Foreign Minister Eban, but before any measures for solving the Middle East crisis can be considered the present war must be ended.

Only a future of Arab-Israel friendship and cooperation can auger well for the existence of Israel and peace in the Middle East. All those who cherish Israel and world peace must work to achieve this, and the Jewish Cultural Clubs and Societies have dedicated themselves to this goal.

GENERAL COORDINATING COMMITTEE.
GEDALIA SANDLER, *General Secretary.*
SAM PEVZNER, *Executive Director.*

THE ENERGY PROBLEM—SCARCITY AMID PLENTY

HON. JAMES C. CLEVELAND

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. CLEVELAND. Mr. Speaker, in my remarks yesterday in connection with the passage of the Emergency Petroleum Allocation Act of 1973, I commented that, necessary though it was, the legislation did nothing to increase our overall supply of energy. With that action now behind us, there is an urgent need to take stock of our overall energy problems and press for their resolution.

The fact is that this country is running short of energy. It is not a matter of resources; they remain abundantly available. But we do not have effective access to them in terms essential to the Nation's welfare: adequate supplies of all forms, at reasonable and stable prices, without sacrificing our environmental quality, economic vitality, or national security.

I am convinced that this is a reasonable goal and one we are capable of achieving. But it will demand top priority, long-term efforts rivaling, in urgency, resources, and commitment, our Manhattan project in World War II and our program to land men on the moon. Surely, a nation, which by the cooperative effort of Government and industry, has built the world's greatest transportation network—the interstate highway system—can create and implement a national strategy to meet this fundamental need.

Evidence that such an effort is necessary lies in the role energy plays in our society. Our entire way of life is based on a modern industrial economy, made possible by the substitution of energy for human toil. Everything we use—from basic food, clothing, and shelter to the amenities of modern life—depends largely on energy for production, distribution, and use.

Yet, for all its importance to the Nation, we are beginning to run short. The reasons are easy enough to identify. With the same recklessness with which we have abused our environment, we have let abundance blind us to the need for conservation. We have adopted wasteful consumption practices and depleted the most easily recoverable sources of oil and natural gas.

Yet we continue to increase our reliance on energy. There are estimates that per capita use of energy will increase by two-thirds by 1985 over 1970, with each of us consuming the energy equivalent of 100 barrels—4,200 gallons—of oil per year. With population increase, that means a doubling of demand.

At the same time, for a people who pride ourselves on our technological sophistication, we have failed dismally in applying this capability to the energy field. To be sure, we have spent heavily in research on nuclear power generation. But we have neglected or severely shortchanged other resources. Total public and private spending for energy research and development was roughly $1.5 billion last year, with industry spending estimated at $1 billion and Government at a half billion. For the Government portion, well over half of the research dollar has been devoted to nuclear energy.

This imbalance is highlighted by our dependence for the foreseeable future on other sources of energy. The breakdown for all sources of energy for 1972 was: petroleum, 46 percent; natural gas, 32 percent; coal, 17 percent; hydroelectric power, 4 percent; and nuclear power, 1 percent.

Major energy markets are industrial, 32 percent; electric utilities, 25 percent; transportation, 14 percent; residential, 14 percent; and commercial 5 percent. Of the utilities sector 68 percent goes for industrial and commercial purposes, the remainder to residential consumers.

Against this background, it has been estimated that we fail to recover more than a fraction of the resources discovered and we waste half of what we produce.

NO OVERALL ENERGY POLICY

More striking to me is the fact that the Nation has not developed a comprehensive energy policy, with responsibilities fragmented among dozens of executive agencies in Washington, committees of the Congress, and the States.

Regulatory actions and narrowly focused environmental restrictions in the absence of a comprehensive energy policy have created distortions in consumption and fostered uncertainty that deter mobilization of industrial resources to do the long-rang job that must be done.

This is reflected in the origins of the short-term aspects of the energy problem. Prices of clean-burning natural gas sold nationally have been held down by Federal regulation to unrealistic levels. This is demonstrated by higher unregulated prices paid for gas within producer States, higher prices paid for liquefied natural gas imported from abroad and higher prices paid for synthetic gas. This situation has vastly increased demand for natural gas in recent years, deterred exploration for new resources, and distorted the economics of other forms of energy.

The resulting natural gas shortage has prompted utilities and others to switch to oil, already under increased demand pressure from conventional users. Because of environmental restrictions on mining and burning of coal, additional demand for oil results. Despite drastically higher costs, some utilities are beginning to produce synthetic natural gas from naphtha, a petroleum derivative, again adding demand for oil. At the same time, fuel consumption has been increasing rapidly in the transportation market, which means mostly oil. With automobiles accounting for more than half the demand in transportation, fuel economy has declined sharply with increased vehicle weight, power options like air conditioning and the automatic transmission, and environmental restrictions on exhaust emissions.

TOUGH DECISIONS AHEAD

Without massive, long-term efforts to improve our energy posture, we will be confronted with three totally unacceptable alternative: A drastic cutback in energy consumption, with the inevitable economic consequences; wholesale abandonment of our environmental goals; or vastly increased oil imports—if, indeed, we can get them—with dangerous dependence on one of the most politically unstable areas of the world.

We cannot rely on consumption cutbacks alone to bring demand into balance with supply. This overly simplistic solution would have serious drawbacks. It would guarantee stagnation of our economy and abandonment of the aspirations of those who do not share in our general affluence. We would forfeit our ability to bring the disadvantaged into the mainstream of the economy, and sacrifice environmental goals. For example, the billions my Public Works Committee has voted to clean up our rivers and streams simply would not be there.

Nor can we relinquish the environmental goals and our hard-won progress toward them to date. This does not involve an either-or choice between the standard of living and environmental quality. A clean, healthful and attractive environment is becoming recognized for what it is: A very basic element in our standard of living in which all should be able to share. This is not to say that environmental concern should rule out any rescheduling of regulatory action in response to temporary shortages of crisis proportions, provided health standards are maintained. But in our fundamental, long-range policies we must continue to rank steady improvement of the environment among top priorities.

Undue reliance on imports should be quickly ruled out on national security and economic grounds. We often tend to think of world hostilities and antagonisms in terms of persistent East-West tensions and nuclear stalemate. On reflection, however, economic rivalries, anti-U.S. sentiment based on resentment of size and affluence, conflicts based on religion, race, language, and national ambition all suggest vast potential for instability. In these circumstances, legitimate self-interest demands that we maintain a reasonable degree of self-sufficiency. Indeed, to the extent that we continue to import petroleum, the ability to weather a cutoff of import supplies and resist blackmail through increased self-sufficiency should help reduce the likelihood of being threatened.

At the moment, the Arab petroleum exporting nations are threatening to use oil as leverage to force a change in our Middle East policies, emphasizing the reality of these concerns. But over the long pull, even that area's vast supplies are not unlimited.

Petroleum demand in the other industrialized nations of the world is increasing at a rate twice our own. Developing nations, while starting from a much smaller base, are increasing their consumption of petroleum at an even higher rate.

Canada is an example closer to home. When the trans-Alaskan pipeline legislation was first before the House, a trans-Canada route was proposed as an alternative. This I viewed with great skepticism. For one thing, I find it difficult to believe that Canada would welcome a pipeline across thousands of miles of Canadian soil, carrying American oil to Americans, through a pipeline our own country rejected because of possible damage to our own environment.

But, I also concluded that it would be unwise to repose control over a significant portion of our supply in non-U.S. hands. Shortly afterward, Canada proclaimed its intention to reduce exports of crude to this country to reduce its own imports from Venezuela and the Middle East and thus hold prices down. The cutback could be as much as 50 percent over 3 years. To point this out does not necessarily mean to question Canadian cooperation unduly, but merely to emphasize that our national interests too do not invariably coincide. Both governments have primary responsibility to their own people.

ENERGY: KEY TO OUR WAY OF LIFE

An element to all these considerations is cost. With energy use so pervasive in our national economy, energy costs function as a sort of value-added tax, increasing cost at each stage of production and distribution from the raw material to the finished product. It thus influences our standard of living and world standing in exports, an area in which technology holds the greatest promise for our continued vitality.

Many examples of domestic well-being and strong export position can be cited, including aircraft manufacture and computers. But I prefer to cite American agriculture as a striking illustration of vast productivity stemming from our industrial base. Few realize it, but agriculture and directly related industries represent the single largest consumer of our energy-intensive industrial output, accounting for a giant share of demand on the national transportation system, the chemical industry, equipment for extensive mechanization and a vast educational establishment. Development of our advantages in mobility, education, communications and other amenities has gone hand in hand with the release of manpower from agriculture and the comparatively low proportion of disposable income expended for food.

By another measure, the average worker in the United States worked 15 minutes for a pound of medium-priced beef in April 1972, compared to 36 minutes in Germany, 37 minutes in England, 46 in France and 116 in Japan. In the period since, food prices worldwide have increased at rates comparable to or exceeding our own. Spot checks by world capitals in early July showed boneless sirloin running $1.99 a pound in Washington, versus $4.55 in Bonn, $2.99 in London, $2.73 in Paris and Rome, and $14.04 in Tokyo.

Thus, adequate energy at reasonable cost in this field alone serves to illustrate the implications of energy policy in terms of meeting our domestic needs and reaping additional advantage through exports.

NATIONAL GOALS

Hence the goal is indicated at the outset: adequate supplies of all forms of energy, at reasonable and stable prices, without sacrificing our environmental quality, economic vitality or national security.

Our fundamental policy in the years ahead must therefore be to develop a high degree of self-sufficiency in conventional resources while developing the technology for new sources of energy. The experts are virtually unanimous that we can assure future generations of an abundance of clean energy when fossil fuels are depleted only by nuclear power. But we should not be captivated by complexity to the point of ignoring resources far simpler in concept. Tree farming for fuel has been suggested, for example, as generation of a renewable resource which basically represents one form of solar energy conversion.

Self-sufficiency will demand fuller use of available resources, including coal, additional oil offshore, oil shale and nuclear energy. This may well involve higher costs, and will demand immense efforts in research and conservation of energy, which in turn will depend largely on research.

Environmental protection alone poses an awesome research task in the context of our policy objectives. Since production and use of energy involves the harnessing of natural forces, no form of energy yet devised by man has been without some impact on the natural environment. Two examples of energy processes often cited as cleanest, hydroelectric power, one of the oldest, and solar energy, one of the newest, illustrate the point. Hydro power generation emits no pollution into the atmosphere, but effects downstream flow and aquatic life, and requires large amounts of acreage to be flooded for impoundment. Large-scale use of solar energy would require in all probability vast amounts of land for systems of energy conversion cells; alternative systems of reflectors to concentrate solar rays could be attacked as esthetically unacceptable. In reality, many energy policy decisions may well increasingly become a matter of choice among environmental objectives.

Demands for cleaner-burning fuel will lead to continuing research and development in production of synthetic gas and liquid fuel from coal, the most abundant remaining fossil fuel in this country. Vast additional reserves of oil in this country await economic and technological developments to make feasible petroleum extraction from shale deposits. But research also must include new techniques for reclamation of land, if strip-mined, and measures to control pollution of underground water and subsidence in the case of deep mining.

Conservation in the broadest sense will also require new and improved exploration techniques to discover the location of resources and to recover higher percentages of reserves once discovered. For example, it has been estimated that oil production from a given site can yield from 5 to 80 percent of the oil in the ground, with averages improved from 18 to 30 percent over the past two decades; but 30 percent in unacceptable. Offshore oil also will require improved exploration measures and development of safeguards to prevent pollution by "blowouts," and clean-up measures should they occur.

NEED FOR RESEARCH

With electric power generation, as well, we must look to research for greater efficiency and reduction of pollution. Existing systems convert combustion energy at a rate of less than 40 percent. Reduced emission of pollution and demand for raw energy sources would result from substantially increased efficiency in the conversion process. One promising process in the advanced research stage would pass hot gases through a magnetic field to convert otherwise wasted heat—a form of pollution—into energy.

Research must be followed by incentives, particularly in the environmental area. A White House statement issued at the time of the President's April 18 energy message referred to technology developed in this country to remove sulphur dioxide from coal combustion, a major source of pollution from this resource. The statement said two operating installations in Japan have proven highly efficient and reliable, and the process should be applied here in small quantities by 1975. Introduction of such innovations must be accelerated sharply.

The list of energy research topics is nearly endless. New materials alone would have application in new nuclear conversion processes, generation by conventional systems at higher temperatures and greater efficiency, transmission with less resistance and hence less loss.

Energy research, like energy policy must be a coordinated whole. As we move into a more technologically-dependent era decisions involving energy will resemble those in the defense and space fields. We identify an objective, determine the elements of an interrelated system to bring us toward that objective, and invent, research and innovate our way forward. Risks and costs are high. But there is no alternative.

TOO MUCH WASTED ENERGY

Energy conservation—waste in extraction and conversion aside—also means less consumption where possible. The range of possibilities includes more efficient industrial applications, conservation at the individual consumer level, and development of less-wasteful automobiles. Possibilities at the consumer level may appear slight, since residential and commercial consumption is a small portion of overall use. But because of the inefficiencies or loss of energy in the production, conversion, and transmission chains, end-use economies have multiple effect. Potential savings here depend on individual effort. Lower consumption of energy for lighting, insulation to improve heating and cooling, and greater emphasis on more efficient air-conditioning can make a substantial contribution. One utility in Michigan has recently offered customers interest-free loans to finance home insulation. Labeling of energy-consumption ratings of appliances and gas economy of automobiles will help. Recent trends toward smaller cars indicate that information programs toward these objectives will find a receptive response by the public.

Companion measures for the near term will include development of deepwater ports, a subject recently explored by my Energy Subcommittee of the Public Works Committee. Capable of handling imports by way of the new supertankers, these will drastically reduce transportation costs and involve far less danger of spills resulting from collision or grounding.

Domestic refining capacity must also be expanded to avoid repetition of the cycle of shortages of gasoline during summer and heating oil in winter as existing plants work at capacity. For New England, development of capacity is essential to assure availability and to reduce costs, since transportation of refined products substantially affects price.

As we confront the prospect of shortages this winter, the mandatory allocations program we voted yesterday must be administered so as to assure fair allocation of available supplies where needed. Controls, however, have a poor record for any long term solution to the energy problems and indeed have seriously aggravated various aspects of it.

STEPS TOWARD SOLUTION

As indicated earlier, we do not yet have the decision-making structure adequate to the task. My own activities have included support for the Trans-Alaska pipeline, a resolution calling for cooperation among petroleum using nations to forge a common front against divide-and-conquer tactics by Arab producer nations, efforts to obtain information concerning domestic producers' pricing policies, support for legislation to curb oil pollution of the seas, support for geothermal energy research, pressure on the Administration to adopt a fuel allocation program, and cosponsorship of a measure to centralize legislative responsibility for energy in a single committee in the House.

The Administration is pressing for Federal reorganization with creation of a Department of Natural Resources, and reorganization of research responsibilities. This is a worthwhile objective in its own right, and if adopted should help reform the Congress' own approach to energy matters.

The day of cheap and abundant energy is past. We can meet our energy objectives in terms of our economy, our environment and national security. But it will require an end to the swings between crisis and complacency, and an extended period of sustained, informed concern.

Simplistic approaches which attempt to deal singly with surface aspects of the problem, such as rigid regulation of prices at one point or another in the production chain, must be rejected. We have seen how a distorted sense of the "consumer" interest has contributed to the natural gas shortage and fuels. As controls on fuel prices and other products have demonstrated more recently, severe distortions of price and supply can result, with manifest unfairness to segments of the industries involved. Broader and deeper understanding of the problems in all their interrelated aspects is essential to sound public decisionmaking. It is my hope that this statement makes some contribution toward that end.

It is also my hope we can avoid the simplistic and demagogic solution that selects villains for each crisis and solutions for none. The problem has many facets and is immensely complex. Part of the problem is the refusal of politicians to recognize this publicly. Our energy problem must be placed in perspective as a point of beginning for its rational solution.

Then we must mobilize public support for the massive commitment of public resources—Federal spending—which will be necessary to solve the problems we face. While the public role will be great, it will be dependent on our success in stimulating the ability and creativity which unquestionably exists in the private sector.

VETERANS DAY, 1973, WITH LIBERTY AND JUSTICE FOR ALL

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. McCLOSKEY. Mr. Speaker, on October 18, I introduced two bills providing amnesty for those who sought to avoid military service during the recent hostilities in Vietnam.

The first bill, H.R. 10979, is conditioned upon 2 years of humanitarian service—Peace Corps, hospital assistance, firefighting, conservation work, and the like—the second, H.R. 10980, provides for an unconditional amnesty.

I have been working on the details and phraseology of the first bill for some months, since the cease-fire of last January 25. It has been my view until recently that fairness to those who did serve in Vietnam required at least an equal period of humanitarian service on the part of those who did not.

The events of the past week, however, give me great pause in seeking less than full and unconditional amnesty for those who declined to kill fellow human beings in a cause in which they did not believe.

Justice is the cornerstone of our system of government. We daily pledge allegiance to our flag with the ringing declaration: "With liberty and justice for all."

Last week a Vice President of the United States was granted his liberty after admitting that he had wilfully and knowingly filed a false income tax return and had evaded payment of his taxes.

A few days later, a Member of Congress was granted his liberty after admitting that he had obstructed justice and committed mail fraud.

If justice for all permits leniency for high public officials who violate their trust, it seems to me it must also include leniency for those young men who did not want to fight in a war which Congress never declared.

I do not condone the refusal to obey the law by those who went to Canada or deserted between March 1965 and January 1973.

I do feel, however, that their crimes were of no greater degree than those for which 2 of the 537 elected leaders of the Nation have just been sentenced to a fine and straight probation.

Service to the Nation's Armed Forces should be considered no more important than honest service by those who are elected to high office.

We should not impose heavier penalties on ordinary citizens than we do on our leaders.

Justice for all is our most precious possession as a nation. It remains an elusive goal, yet our constant and continuing quest for equal justice is among the most important effort we can pursue at a time when we are assiduously seeking to restore public faith in the fairness of our system of government and law.

In this vein, Mr. Speaker, I urge reconsideration by those who have set their hearts against amnesty in the past.

The situation is different now.

If justice includes freedom for tax evaders and obstructors of justice, it should include freedom for draft evaders as well.

On the eve of Veterans Day, 1973, we might well accept the principle that justice for all now should mean amnesty for all.

THE 365TH ANNIVERSARY OF THE LANDING OF POLISH IMMIGRANTS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. DERWINSKI. Mr. Speaker, on October 3, I held a Special Order with the cooperation of a number of Members on the 365th anniversary of the landing of the first Polish immigrants in Jamestown, Va.

As a result of this, I have received a letter from Frank P. Rossiter, mayor pro tempore of the city of Savannah, Ga., which I am pleased to insert in the RECORD at this point:

CITY OF SAVANNAH, GA.,
OFFICE OF THE MAYOR PRO TEMPORE,
October 11, 1973.

DEAR CONGRESSMAN: Impressed by your comments in the Congressional Record on Polish contributions to the United States and the sacrifice of such noblemen as Casimir Pulaski on the altar of American freedom, I thought you would like to know that Savannah did not let the observance pass un-noticed.

Fourth Degree Knights of Columbus held impressive ceremonies on Sunday, October 7th at the Pulaski Monument, located in a beautiful Savannah park. U.S. District Judge Alexander A. Lawrence, historian, author and student of the law, was the speaker. As Mayor Protem, I introduced him.

Monsieur de la Gorce, minister plenipotentiary of France, and the French consul general from New Orleans were also here for the observance of the 194th anniversary of the Siege of Savannah in which Pulaski was killed, along with more than 1,000 Frenchmen. The battlefield is only a few city blocks away from the monument.

Speakers at the various functions brought out details of Pulaski's heroic death, and how the loss of his religious scapulars, had given him a premonition of his impending death.

LaFayette was in Savannah in 1825 to lay the cornerstone for a Pulaski monument. He noted at the cornerstone laying ceremony that he had introduced Pulaski to the American Army, had introduced him to the commander in chief, George Washington, and now some 46 years later he was participating in a ceremony at a monument to the gallant Pole.

The Savannah Historic Site and Monuments Commission after ten-year struggle has a toe-hold to restore the battlefield site. They now have title to 5.6 acres and also some nationally rated historic buildings. About 50 additional acres are available. The French are interested in some form of participation in the project which is in close proximity to I–16 and I–95.

It would be fitting if this project could reach fruition by the time of America's Bicentennial. This was the site of one of the bloodiest battles of the Revolution, and a great example of the ethnic contribution to American freedom by Poles, French, Irish and others who gave their lives in this battle. Why not a national monument, like Andersonville?

Thus would be created a site of great pride for Polish Americans who would want to visit the battlefield during their travels on the two major Interstate Highways.

Permit me to echo the warm sentiments you have expressed on the part Polish-Americans played in making America great.

Sincerely,

FRANK P. ROSSITER,
Mayor pro tempore.

NEDA URGES CLEAN AIR LEGISLATION

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. NELSEN. Mr. Speaker, a declared purpose of this Nation's Clean Air Act is "to promote the public health and welfare and the productive capacity of its population."

As with all environmental measures, it is important to distinguish between its goals, which we all support, and what may be humanly achievable within a given period of time. As we have learned through bitter experience, monitoring of such laws is essential and modifications are occasionally required to accommodate reality.

To use the recent words of the President, addressed to "those who concentrate entirely on clear air:" If a person freezes from lack of fuel, "it doesn't make any difference whether the air is clean."

In this connection, as ranking Republican on the House Public Health and Environment Subcommittee, I was much interested in last month's testimony on the Clean Air Act which was presented before our panel by Mr. Thomas A. Young, President of the National Environmental Development Association. It appears of such pertinence, I submit it for publication in the RECORD at this point in my remarks:

STATEMENT OF NATIONAL ENVIRONMENTAL DEVELOPMENT ASSOCIATION BEFORE THE SUBCOMMITTEE ON PUBLIC HEALTH AND THE ENVIRONMENT, HOUSE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE CONCERNING THE CLEAN AIR AMENDMENTS OF 1970, SEPTEMBER 1973

Mr. Chairman, honorable members of the Subcommittee, the National Environmental Development Association appreciates this opportunity to set forth our overviews on the implementation of Public Law 91–604, the Clean Air Amendments of 1970.

National Environmental Development Association (NEDA) is a non-profit, non-political, non-stock corporation comprised of labor, agriculture, industry and other private and public interest organizations and individuals. NEDA was established for the purpose of promoting the conservation, development, and use of America's resources to enhance "the quality of its human environment" 42 U.S.C. 4332. NEDA endeavors to do this by encouraging public awareness and informed input on such proposed or prevailing public policies as may serve to attain or impair that overriding human goal.

As to the matter before the Subcommittee, we espouse as all men must, the objectives of the Clean Air Act—and those other objectives of full employment and economic growth essential to the general welfare of all Americans. In these and other statutory matters affecting the human environment, it is our insistent view, however, that each be pursued in a manner compatible with attainment of the others.

It is therefore fitting that the Subcommittee undertake this oversight review of the Clean Air Act at this time, for it is our considered belief that we are now at a point where one of that Act's major constraints must be moderated, or modified, to accord with the policy of this Nation's National Environmental Policy Act.[1] We discuss that particular constraint later.

As we look back over the past two and a half years, there have been many gains under the Clean Air Act, all of which served to substantially improve air quality, nationwide. The Subcommittee is familiar with these. EPA has promulgated both national primary air quality standards, insuring protection of the public health, and national secondary air quality standards, protecting public welfare. The States have taken and are taking emission control actions which reduce air pollution concentrations, not only in heavily polluted areas, but also in their outer peripheries, and in the outlying rural areas beyond. Emission standards for new motor vehicles have effected a steady reduction in new motor vehicle emissions, and will continue to do so through the nineteen seventies and on into the eighties. And the Federal standards for new stationary sources of emissions, inhibiting atmospheric reactions, further reduce concentration of atmospheric particulates. In brief, it must be admitted that much has been accomplished to fulfill the goals of the Clean Air Act over the past two and a half years.

We must also stress however, that the cost of those accomplishments, the context in which they were imposed, and certain of their other consequences, have been equally arresting. These same past two and a half years have also been a period of disturbing, cumulating economic crises—of towering consumer and other price rises, of inflationary erosions of savings, take home pay, and living standards, of shortages and threatened shortages of energy, fuel and other commodities, of stymied but neeeded new Federal and non-Federal projects and productive capacity, of increasing restrictions on resource use, or mounting dependency on foreign imports, of continuing unemployment for many, and of steadily increasing costs of government—all of which must continue to be borne by the remaining economic activity of other Americans. And we see signs of more of the same to come.

We are not prepared to ascribe those increasingly adverse social and economic trends to the Clean Air Act, or to the Federal Water Pollution Control Act, or Noise Pollution Control Act, or Coastal Zone Protection Act, or National Environmental Policy Act, or any of the numerous other recent environ-

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[1] That is: "to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of" all Americans PL 91–190, 42 U.S.C. 4331(a).

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mentalist measures enacted by Congress. It is sufficient merely to point out that there is a necessary and we submit substantial connection between those many measures, and the enormous costs they have entailed, and these adverse social and economic trends.

We therefore respectfully urge that in any report the Subcommittee may issue at the conclusion of these hearings, it emphasize that the objectives of this Clean Air Act must hereafter be implemented, and interpreted by the courts: with greater awareness of the huge cost burdens they and other environmentalist measures impose on the American economy, and in a manner and at a rate that does not further impair its carrying capacity and that of the many millions of its people it must sustain.

More specifically, we respectfully urge that the Subcommittee recommend new legislation overriding recent court determinations, holding that the Clean Air Amendments of 1970 now require States to prohibit *any* "significant deterioration" of air quality, anywhere (i.e., *Sierra Club et al.* v. *Administrator of EPA*, 344F. Supp. 253, DC 1972; affirmed 4 ERC 1815, DC Cir. 1972; affirmed by tie vote, U.S. Supreme Court, 41 U.S.L.W. 4825, June 11, 1973).

Those rulings now bar numerous categories of economic activity, essential economic activity, across the boundless clean air regions of the country. Unless altered, those rulings permanently deny the use and benefit of much of America, and American resources, to present and future generations.

Those rulings clearly were not the legislative intent of the Clean Air Amendments of 1970, or of any other statute with which we are familiar. Whatever the reason for them, be it inapposite legislative language or judicial rigor, resolution of the primal policy question those rulings now present should not be abandoned to the unguided discretion of an administering agency. Further, whatever its eventual answer, as and if reached, it may be overturned anew by the courts, as now happens so often in so many seemingly abstract environmental matters.

Accordingly, we urge the Subcommittee to recommend clarifying legislation, affirming that an otherwise allowable undertaking or activity may go forward, in any area—providing it meets the primary and secondary ambient air quality standards of section 109, protecting both the "public health" and "public welfare from any known or anticipated adverse (air quality) effects."

Thank you very much.

THOMAS A. YOUNG,
President.

SUPPORT OF ISRAEL

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. BIAGGI. Mr. Speaker, I am pleased to join with the distinguished majority leader (Mr. O'NEILL) in introducing a resolution reaffirming the continued strong support of the U.S. Government for the nation and people of Israel in their struggle for survival against the Arab States.

This latest tragic and untimely war in the Middle East continues to command the attention and fears of the entire world. The rapidly changing developments in this conflict make it impossible for Americans to remain aloof from this crisis.

A particularly alarming development has been the Soviet Union's unwillingness to work with the United States to bring about a fair and equitable solution to this war. They have demonstrated their full and unequivocal support of the Arab cause with their massive shipments of sophisticated aircraft and other weaponry to assist the Arabs in achieving their objective of destroying the sovereign State of Israel.

While I and others in the House have spoken out deploring the outbreak of hostilities in the Middle East, one fact emerges; the United States has an immediate responsibility to support Israel in her fight for survival. Our policy toward Israel should not be intimidated by Saudi Arabia's or any Arab nations threat to cut off oil supplies to this country. We have never allowed threats of intimidation to govern U.S. policy before, there is no reason to begin now. Our need for Middle East oil is nowhere as great as the need to prevent the democratic State of Israel from falling under the clutches of Russian communism.

The aforementioned resolution would provide this necessary support by calling for the release of all Phantom aircraft as well as tanks and other military equipment which have been contracted for but have not yet delivered to Israel. The need for these materials is immediate and imperative if the beleaguered Israelies are to survive as a nation against the relentless attacks of the Arab nations.

Yet we must remember that the road to peace is not limited to one lane. As much as we can assist the Israelies in achieving military successes, we must also continue to pursue a displomatic solution with an equal if not a greater sense of urgency. I applaud Secretary of State Kissinger for his dedicated efforts at promoting a durable peace in the Middle East.

We are experiencing an extremely perilous time in international relations. It is time that the two superpowers begin to act responsibly in this matter, making their sole objective, peace in this battle-torn area of the world. But, let us assure the Russians that our support of Israel will not waver, and her security and survival remains our foremost priority.

METALS FORMED IN SKYLAB'S WEIGHTLESSNESS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. TEAGUE of Texas. Mr. Speaker, each day a new and important contribution is added to the list of the Skylab program's achievements. In the most recent flight to Skylab, a number of experiments were done with metals to determine how the weightless condition of space could be used to provide new or different alloys. The Wall Street Journal, Wednesday, September 26, 1973, describes the samples returned from Skylab and their significance as possible contributors to improved metals useful to our daily lives. The article follows:

METALS FORMED IN SKYLAB'S WEIGHTLESSNESS RETURN WITH ASTRONAUTS, MAY MAKE SPLASH

HOUSTON.—Aboard the spacecraft that returned from Skylab late yesterday were a few ounces of what may be temporarily the world's most precious metals.

They are some alloys and crystals that were formed in the weightlessness of space and may be unlike any ever seen on earth. The alloys, for instance, are mixtures of elemental metals that can't be mixed on earth because gravity would cause them to separate as they are melted or cooled.

The metals were formed in a small electric furnace aboard the space laboratory by the Skylab 2 astronauts during their record-breaking 59-day flight. The space venture, the second of three planned Skylab flights, ended when the command module carrying the three astronauts and a cargo of experimental results splashed down in the Pacific yesterday at 6:20 p.m. (EDT) about 230 miles southwest of San Diego.

Included in the scientific cargo were three alloys and several semiconductor crystals of the kind used to make transistors and other electronic devices. A dozen industrial and university scientists are anxiously awaiting a chance to study the materials to see if manufacturing in space can produce stronger, purer, more reliable or even new materials.

Of the alloys one is a mixture of lead, zinc and antimony, a second is composed of gold and germanium and the third is lead, tin and indium, said Jo Reger, a materials scientist for TRW Inc. in Redondo Beach, Calif.

Because these materials have different densities, they can be alloyed only in tiny amounts under extremely unusual conditions on earth, such as forcing them to cool during a two or three-second drop from a high tower. In cooling a molten mixture of lead, tin and indium under the influence of gravity, for example, the tin will precipitate out before the other two metals solidify, Mr. Reger said.

Although the alloy samples weigh only fractions of an ounce each, they are "bulk" quantities compared with what scientists have had to work with before, Mr. Reger said. "They're really priceless," he said. What the alloys will be like and what their potential uses will be is, however, uncertain, he added. The experiments are really designed to provide basic clues on why some metals mix and others don't on earth. However, he added, one of the alloys, the lead-zinc-antimony mixture, might be a new superconductor, a material that when cooled to near absolute zero, loses all resistance to electricity.

Also on board was a sample of a semiconductor crystal of indium antimonide which was melted and resolidified aboard the Skylab. The key to making highly reliable and efficient transitors and other semiconductors is getting atoms and molecules of an impurity material distributed uniformly throughout a semiconductor crystal, explained Harry C. Gatos, professor of metallurgical and materials science at Massachusetts Institute of Technology. Gravity interferes with getting a uniform distribution; the molten materials become disturbed because the cooler molecules tend to sink and the warmer ones to rise.

"None of these problems should exist in space where zero gravity should allow the solids to grow from undisturbed melts," Mr. Gatos said. When the crystals from the Skylab are returned to the scientists, "we will study extensively the way they grew in space, the way the active ingredients were distributed there and how the electrical properties in all their details have changed."

If the experiments show that weightlessness can produce better or even new materials, it isn't inconceivable that commercial manufacturing might be done in space. Mr.

Reger noted that the quantities needed of some materials, such as semiconductors, are measured in ounces or only a few pounds. Such quantities wouldn't be difficult to produce in a spacecraft during flights in only a few days or weeks."

A TRIBUTE TO JOHN GALVIN, OUTSTANDING CITIZEN OF WESTERN NEW YORK

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. KEMP. Mr. Speaker, if one is lucky in his lifetime, he will run across someone who has devoted his entire life to public service—to serving the people at any cost, sacrificing his own time for the benefit of others. Such a person is John M. Galvin of Amherst, N.Y.

John is retiring on November 1 as a director of Marine-Midland Bank, but his record of 52 years of outstanding service to the community makes me quite sure that he will continue.

John's life truly exemplifies the American dream. He entered the banking field in 1921 as a messenger for the old Lafayette National Bank, which later became a part of Buffalo Trust Co. before it was merged into Marine in 1925.

After being named an assistant treasurer in 1933, he organized Marine's first Midland time plan department when the bank entered the consumer field 3 years later.

John's career continued to rise as he was promoted to assistant vice president in 1945 and to vice president in 1948. He returned to Marine Midland Bank—Western, in 1951 as director of public relations. John was elected senior vice president in 1958, executive vice president in 1961, and chief executive officer, chairman of the executive committee, and a director in 1962. From 1968 to 1971, he served as vice chairman of the bank's board of directors.

John has earned for himself a reputation for public service for which he can hold his head high. Among his many awards for these services are the Award Citation from the Buffalo Council on World Affairs, the Distinguished Citizens Achievement Award from the Board of Regents at Canisius College, "Boss of the Year" Award from the Buffalo Area Jaycees, "Man of the Year" Award from Buffalo magazine of the Buffalo Area Chamber of Commerce, a National Brotherhood Citation of the National Conference of Christians and Jews, and a Silver Beaver Award from the Boy Scouts of America.

A member of the Board of Trustees of Rosary Hill College since 1966, John has throughout his long career taken an active leadership role in educational, civic, and religious affairs of the community. He is a past president of the Buffalo Area Chamber of Commerce, a cofounder of the United Way of Buffalo and Erie County and has served as a regent of Canisius College.

John's activities in religious affairs in the Diocese of Buffalo include membership on the Executive Board of the Bishop's Lay Council of the Diocese of Buffalo and of the Pastoral Council of the Diocese, and he has also served as a trustee of Catholic Charities of Buffalo. He is a Knight of St. Gregory, a Knight of Malta and a Past Grand Knight and Past District Deputy of Buffalo Council No. 184, Knights of Columbus.

Mr. Speaker, John Galvin has throughout his career served the people of Buffalo and western New York with honor and distinction and I am proud to number him among my friends. I congratulate John for his devotion and dedication to the cause of humanity throughout his lifetime and I extend to him my warmest wishes for his continued health, happiness, and prosperity in the years ahead. When a man is so filled with life as John Galvin, I know that this step means not an end but a beginning—his undampened energies and enthusiasm will be channeled from old triumphs to new pursuits.

FUTURE ROLE OF THE STATE HOSPITAL—ADDRESS BY WILLIAM R. ROY

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. DULSKI. Mr. Speaker, on October 11 in Buffalo, N.Y., my distinguished colleague, Dr. WILLIAM ROY, of the Second District of Kansas, addressed a conference of the future role of the State hospital, sponsored by the Division of Community Psychiatry of the State University of New York at Buffalo and the Western New York Education and Training Team of the New York State Department of Mental Hygiene.

The conference was indeed fortunate to obtain a speaker with his unique qualifications. As a physician for over 20 years, he has firsthand knowledge of medical problems and health needs of the country; as a lawyer and member of the Kansas Bar Association, he is aware of the legal intricacies involved in implementing governmentally assisted health care; and as an active member of the House Subcommittee on Public Health and Environment, he is striving to correlate information from around the Nation and working to formulate constructive legislation from it.

Dr. ROY's thoughtful speech reflects his combined training and experiences. Recent administration proposals for slashing Federal assistance in health care, including dropping community mental health centers, have been postponed pending a thorough congressional study. Scientific and technological advances in medical science as well as changing sociological factors call for reevaluation of our health care delivery systems, and the address last week in Buffalo is a very perceptive one.

I am pleased to insert the text of Dr. ROY's timely remarks on the future role of State mental hospitals, and commend it to my colleagues:

REMARKS OF DR. WILLIAM ROY

The state mental hospital is not dead, nor is it necessarily dying—but it most certainly is headed for a radical change.

In many states throughout the country, as many of you are aware, the decision has already been made to substantially transform the mental hospital system. In many other states, the decision is about to be made.

And these decisions have been made, or are being made, because over the past decade two experiences matured which literally compelled a shift in orientation of the state mental hospital system as we have traditionally known it.

First was the increasing wide-spread use of psychotropic drugs which facilitated the treatment and rehabilitation of the mental patient, and thereby sharply diminished the need for institutional care.

Second—and really the most compelling—was the flowering *of first* the concept *and then* the realization of treatment in the community setting—a happening that was crystallized by the community mental health centers program.

By 1966 or 1967 when the centers program was fully underway—underway in the sense that a number of facilities were then operating and delivering services pursuant to the comprehensive model—it was rapidly becoming clear that the community setting had dramatic advantages over the state mental hospital for the treatment of the mentally ill. Advantages in terms of both dollar savings to both the patient and to the state, as well as savings in terms of human suffering—separations from family, job and friends.

We all know the story—with the comprehensive community program the patient can get treatment sooner and complete the therapy sooner so that his "time out of circulation"—if there is any—is drastically reduced.

With these experiences—the psychotropic drugs and community mental health centers—the public state mental hospital experienced a dramatic decline in the number of resident patients: from 540,604 in 1963 to 275,995 in 1972. And the population continues to decline.

Where, then, goest the state mental health facility—the often old, the often rural facility that too often has been used to warehouse the mentally ill?

Several states, we know, have made the decision to get out of the business of operating state hospitals. In some cases the ownership has simply been transferred to another level of government, usually the county, but in most cases, the change has been a sincere one designed to alter the mode of treatment—to really capitalize on the advantages of the community model.

The most typical reassignment scheme for a state mental hospital is for it to take on the role of a community service facility, most likely with broader responsibilities than it formerly had. In such cases as the facility takes on a new role, it also takes on a new image. The walls and fences come down, the spacious campuses are opened up to general public use and the inhibitions of the community to use the facility tend to drop.

This is essentially the change that is taking place at St. Elizabeth's Hospital in Washington, D.C. One unit was turned into a community mental health center to serve one of the city's four catchment areas. Other parts of the hospital have changed their style of service or orientation—and the public has begun to think of St. Elizabeth's as a resource for them, rather than just a huge but isolated facility that divided up the community.

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In Wisconsin, another technique was used for its two state mental hospitals—they were turned into specialized treatment and research facilities. Each of the hospitals has several such specialized facilities, and the purpose is to develop new insights, new skills, new techniques into the treatment of particular mental illness problems—as well as to treat those who are residents of the facility and therefore part of the research effort.

Such a scheme is patterned after the National Institutes of Health, which—although primarily research facilities—treat people with specialized problems as part of the research.

In some instances, conversion to community treatment may not be so simple. Where there is no viable use for the state mental hospital for the treatment of the mentally ill, and the facility is still a good one, then it should be turned over to other pursuits which are in the public interest—schools, general health care facilities, recreational units, and the like.

And some state mental hospitals, indeed, will simply need to be abandoned. Old facilities which are sufficiently dilapidated that they will require near-total rebuilding to be useful. Perhaps these buildings should be torn down and the land used for a totally different purpose.

There are, of course, many problems connected with the transfer of a state mental hospital to new functions. Where these facilities are the main—perhaps the only significant—employer in a community, the community understandably views such a shift as a serious threat to its economic well-being.

But there is no need for serious concern here. The employees of a state mental hospital can be retrained to provide similar types of services within the community-oriented program, or even retrained to serve in the new program to be operated out of the facility.

In those instances where the residents of the facilities continue to need residential care and the hospital is abandoning that role, often the solution has been to find an alternative residential facility, but one which is—it often turns out—more appropriate. The elderly constitute a large segment of this population, and often the change to smaller residential facilities more a part of the community and particularly adapted to the needs of the elderly has proven beneficial.

So I foresee no problem in continuing the transition away from the traditional mental hospital. It is happening, it will continue to happen—the real question is how swift the transition will be.

One of the important questions remaining relating to this transition is what is the appropriate role for federal government.

Although the federally sponsored community mental health centers program has played a key role in developing the community programs and demonstrating their viability—and thus creating the countervailing force to the state hospital system—much of the impetus for redesigning the use of state hospitals, or for closing them down, has come from leaders within the states themselves.

This leadership has come mainly from two directions—

Those responsible for the fiscal stability of the state—the money managers who see the savings in terms of dollars primarily, and only secondarily in terms of benefits to human beings.

And those responsible for the delivery of an effective mental health service program, who do see the savings primarily in terms of improved well-being for those receiving care.

The momentum is there—the thrust is there at the state level, but what the Congress and the Administration does in Washington will also have a significant impact on the rapidity with which the transition is made.

For example, one of the proposals for national health insurance—S. 22, the Kennedy-Griffiths bill—has in it a provision relating to coverage of treatment for mental illness which says, in effect, that there should be unlimited coverage for services provided within the setting of a community mental health center, but that the coverage should be restricted for those services provided in a hospital setting.

Obviously, enactment of such a provision tomorrow would intensely accelerate the rate at which states move from delivering services through a system of hospitals to delivery through a system of community programs.

National health insurance is still some distance off.

But enactment of legislation which will have an impact on the kind of change I am talking about is probably not so far off.

One very real possibility has to do with a change in the Medicaid law. Under the program as presently designed, the provision of clinic—or outpatient—mental health services is optional within the state plan. The Administration has all along opposed the inclusion of required outpatient mental health services because of a fear that the cost will be too great, although it has accepted—and it is part of the Medicaid law—that inpatient hospital services for the mentally ill shall be covered. And Congress has gone along with this distinction.

But now that the Administration is proposing that federal support for the community mental health centers program be eliminated, it is under pressure—as well as a moral obligation—to help develop alternative sources of funding for community mental health programs. Since the federal CMHC staffing grant—once the center is fully operational—essentially goes for paying the cost of delivering services to the poor, an obvious device for supplying some relief is by broadening the medicaid law to require the inclusion of outpatient mental health services in a state medicaid plan. And if the change were accomplished in such a way as to make the delivery of such services in the clinic or community program setting more attractive financially than for those provided in the state mental hospital, then there would be another impetus for states to accelerate the conversion process.

But I think the Administration and the Congress can do more to speed the shift.

Every time we in the Congress consider and pass a piece of legislation that relates in some way to the delivery of mental health services, then we ought to make it clear—through the establishment of incentives—that the way of the future is service delivery within the community program setting.

And every time the Administration deals with such issues through the implementation of rules and regulations or other devices, then it, too, should make sure that the emphasis is on community service programs.

For the momentum is underway. It is now only a question of how swift the transition shall take place.

DRAWING THE CURTAIN OF INDIFFERENCE

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. MOSS. Mr. Speaker, C. P. Snow, the late British writer, once said of the world's hunger crisis:

> We know it is happening. We see people starving before they have died, we know that they are going to die. We know so much, and we can do so little. We turn away. . . . We draw what in England we call curtains, and we try to make an enclave of our own.

Certainly the same can be said of America. For although our Nation has the scientific expertise to send men to and from the moon, and the technical know-how to provide a new heart or kidney for a few, it seems that we have not yet mustered our national will and resources to tackle the basic problems of hunger and malnutrition.

For most Americans this is an unprecedented year of national crisis. Engrossed as we are, however, in the selection of a new Vice President, in the labyrinth of the Watergate scandals and with our current economic problems, we here in Congress must not forget the basic and ominous fact, that everyday throughout the world, more than 130,000 human beings die of starvation and malnutrition.

It is true that we Americans no longer have unlimited food surpluses, but certainly we can allocate our priorities to better serve food shortages in the less-developed countries. Indeed, it is estimated that America's garbage cans over the next year alone will contain enough wasted food to prevent a significant proportion of famine deaths that will otherwise occur in Asia and Africa.

The facts also indicate that congressional response to the problems of world famine are not equal to the severity of the world crisis. World production of food has declined for the first time since World War II, but our humanitarian food shipments under the food for peace program have decreased by as much as 40 percent. In the Sahelian nations of West and Central Africa, where 8 to 12 million human beings face imminent starvation within the next several months, the President has contributed only $12 million and three Air Force planes to supply relief for these drought areas.

U.S. funds for world projects in food production, nutrition, and population planning are the smallest to be allocated in the past 27 years. Indeed, as Fred Bergsten of the Brookings Institute says:

> The U.S. is the least responsive to Third World needs of any industrialized country. U.S. help is small in quantity, and getting smaller. It lags far behind the policies of Europe and Japan. The Administration and Congress must share in this indictment.

During the next 30 years, the population of the world will double. Of the 7 billion people who will be alive in 2000 A.D., nearly 90 percent of them will reside in the less developed countries. Probably one half of these people will be condemned at birth to an early death because of hunger and malnutrition.

There is a direct cause and effect relationship between an increasing population and food scarcity, but birth control is a complicated economic-religious-educational and cultural process that requires significant financial commitment in order to be even partially successful. Yet, for the past 2 years, America's contribution to contraceptive research and development has been frozen at $40 million a year. This is an amount equal to what the Department of Defense spends in less than 7 hours and is $60 million less than what the Department of Health, Education, and Welfare has estimated is needed in order to carry out the mandate of the Family Service and Population Research Act of 1970. All of this in spite of the recent report of the U.S. Commission on Population Growth which recommended substantial increases in governmental assistance for improved birth control methods and education.

We hear a great deal of talk these days about the research for a "generation of peace," yet we continue to spend $80 billion a year for weapons of war, but only pennies for food for peace.

Perhaps it was Adlai E. Stevenson who best summed up the obvious political problems created by hunger, malnutrition, and over-population:

> We travel together, passengers on a little ship all committed for our safety to its security and peace. We cannot maintain it half fortunate, half miserable, half confident, half despairing; half slave—to the ancient enemies of man—half free in a liberation of resources undreamed of until this day. No craft, no crew can travel safely with such vast contradictions. On their resolutions depends the survival of us all.

No one knows all the answers to the problems of worldwide hunger and malnutrition and most of us realize that America alone cannot resolve them. But we must not permit such complexity to lead to inaction and indifference.

Justice Brandeis once said, that the greatest menace to freedom is an inert people. This year alone an estimated 50 million human beings will die from starvation and malnutrition. I only hope that Congress will be aroused by their sufferings and react accordingly. To stimulate debate on this vital subject, I insert the following article from the Wall Street Journal by Roy L. Prosterman, entitled "The Growing Threat of World Famine":

THE GROWING THREAT OF WORLD FAMINE

(By Roy L. Prosterman)

A disaster that could cost as many lives as World War II currently threatens the world. The disaster stems directly and indirectly from the severe food shortage in the less-developed countries. Over the next 12 months, there may be from 10 million to 30 million incremental deaths in these countries as a result of starvation and of diseases rendered fatal by malnutrition. Only a larger effort by the fortunate minority of developed, well-fed nations can prevent this disaster.

The enormous scope of the pending disaster has been obscured until very recent weeks by several factors—the difficulty of collecting and analyzing farm production data, the reluctance of governments in the affected poor countries to set off a panic or hoarding reaction, and the hard-dying hope in each government that it, at least, would somehow be able to buy the needed grain. But even for the most determined optimist, the signs are now clear that the situation is desperate.

World surplus grain stocks are at a 20-year low. A series of floods, droughts and crop disasters in the past year have hit the Philippines, India, Bangladesh, and particularly Pakistan and six West African countries. The UN Food and Agriculture Organization has just called an urgent meeting of the great grain-exporting nations in Rome next Thursday to develop coordinated measures to deal with an anticipated nine million ton wheat shortage in the less developed nations.

Meanwhile, reflecting the drastic shortage of exportable wheat, the Kansas City price for a basic grade, for September delivery, has shot up from $2.06 a bushel in April to an unheard of $5.05. There is also a multi-million ton shortage of rice in Asia.

In considering the massive grain deficit, it should be kept in mind that one million tons of grain represents a year's minimum food supply for between four million and five million people in a less-developed country, and the total grain shortage will probably add up to between 10 million and 15 million tons. Minimum estimates of the shortage in the worst hit countries are:

Country:	*Tons*
India	4,500,000
Pakistan	1,500,000
Bangladesh	1,000,000
African Drought Belt	1,000,000 plus
Philippines	500,000

Substantial shortages also are likely in Indonesia and Sri Lanka (Ceylon) and perhaps in several other countries as well.

Moreover, the shortage will not be "spread out" over the whole population, which would be had enough. For tens of millions of Asians whose crops have been destroyed or who live in cities whose supply sources have dried up, and for millions of African herdsmen who have lost the cattle which are their sole means of support, the dependence on imported foodstuffs over the next year will be *almost total.*

PESTILENCE AND FLOODS

Already, widespread food riots have occurred in India. And malaria, largely dormant since the 1950s, is showing signs of an unwelcome resurgence among the undernourished population. In Pakistan, the floods have hit hardest at the nation's two most populous provinces, Punjab and Sind, destroying a million tons of stored food grains and inundating 5 million acres under cultivation. In the Philippines, the government has had to call on the army to supervise rice distribution.

If nothing is done to head off the impending disaster, the starvation of millions could be accompanied by a widespread breakdown of social and political order that would bring chaos to Asia and invite a series of great power clashes. The destruction of central government control and the "balkanization" of India, for example, could well be the signal for a cataclysmic Sino-Soviet conflict as the two powers struggled for areas of domination or influence. Neither from a humanitarian, nor a religious, nor a pragmatic viewpoint can Americans stand aside as starvation engulfs large parts of the Asian and African continents.

Distressingly, however, press reports in the past few days have indicated that America's humanitarian food shipments under the Food for Peace program—instead of being *increased*, which is the clear need—may actually be *decreased* 40% from last year's rice quantities, and 66% from last year's wheat quantities. Even this may be optimistic under the current approaches at the Department of Agriculture. The volume of food available for distribution through the voluntary agencies (such as CARE) that have administered a good part of America's longstanding antifamine programs is now expected to be the equivalent of only 25% of last year's $197 million volume. The current year's $80 million available appropriation will buy only about what $50 million would buy last year.

If the public and its leaders understand the historic gravity of the issues, this disaster need not occur. Despite the low level of world surplus stocks, most of the famine can still be avoided. World consumption estimates are artificially inflated not only to allow for overeating and waste in the affluent societies but for their hard currency grain acquisitions from one another. The expected nine million ton shortfall of wheat in certain less developed countries compares with anticipated total world production this year of 330 million tons, up 20 million tons from last year. None of the industrialized countries is in the slightest danger of going hungry, and there is in fact ample grain.

But the problem is to find mechanisms insuring that enough of it will be shared with the dozen or so less developed countries where it is urgently needed, and this is a problem of profound difficulty. To solve it will require a maximum effort by the wealthy countries to help, an effort which will almost certainly have to be led and galvanized by the moral authority of the United States in order to be successful, and which would have to mobilize public cooperation and international technical resources on a scale virtually unmatched since the food-saving and food-transporting efforts of World War II.

To deal with the grim prospects of the next 12 months, a series of specific steps will be needed:

(1) The U.S. should send a delegation of highest stature and prestige to the Rome conference called by the FAO for next week. Given the fact that one of the great calamities of the century is almost upon us, it would not be out of line if Secretary of State-designate Henry Kissinger were to attend personally. Paradoxically, however, at midweek some officials at the Department of Agriculture were working actively to boycott the conference. Apparently bureaucratic feathers were ruffled when the FAO failed to consult with them in advance before the call for the conference went out two weeks ago.

(2) If the five-nation conference (U S. Canada, Australia, France and Argentina) confirms the full gravity of the situation, as it is expected to do, a series of deliberate emergency measures should then be taken:

First, to bring home the urgency of the problem, it might be appropriate to have a two-part television presentation, in which a statement by the President was followed by a statement by leaders of Congress. This would be a dramatic means of sounding the alarm and of emphasizing that this was a matter transcending all personal differences.

One major emphasis of all public announcements and appeals should be a World War II-type message: Don't waste food. It is hardly an exaggeration to say that America's garbage cans over the next year will contain a large enough amount of thrown-away food to prevent a significant proportion of the famine deaths that will otherwise occur in Asia and Africa. But in all probability, without a conscious, grassroots effort to prevent waste of food, the surpluses needed to feed the hungry of Asia and Africa simply will not exist. Restaurants offering "two-thirds" or "four-fifths" portions on all their dishes; dieters starting their diets now rather than later; diners having only one appetite stimulating drink before dinner instead of two, thus achieving a double saving of grain—all will help.

(A saving of about 100 calories a day, or around 3% in the food that Americans buy would be equivalent to what is needed to provide a supplemental and probably life-saving 1,000 calories a day to 21 million people in the less-developed countries.)

VOLUNTARY COOPERATION

In all these efforts, the emphasis should be on *voluntary* public cooperation. At no time should the attempt be made to "take away" food that the buying public wants, even if they want it only to overeat or to throw away into their garbage cans. There is no way that the individual or collective buying power of Indians, Africans or Filipinos making $20 to $30 a month can bid it away—even to fend off starvation—from Americans or Canadians making $20 to $50 a day. Only the voluntary withholding of the bid, conscious of the moral choices to be made, can free that food so that the Indian or African or Filipino will not die.

XUM

As soon as it became clear that even 1% or 2% was being saved in food consumption through the elimination of waste, action by the Department of Agriculture would be needed to declare corresponding amounts available for famine relief. It is almost certain that certain clarifying changes—changes already in the legislative hopper—by Congress in Public Law 480 or other existing law would be needed to expedite this process. Additional appropriations to acquire the surplus grain would be necessary in the several hundred million dollar range.

Two other measures might add to available surpluses for export to the less-developed nations. One would be the identification of present grain delivery contracts for affluent importing nations, including Russia and Western Europe. The latest Agriculture Department figures show at least nine million tons of wheat firmly committed for shipment to these countries over the balance of the fiscal year. Where such grain has only marginal or future benefits for the importing nation—to raise consumption from 2,800 to 3,000 calories per day, for example, or for use many months from now—there should be strong representations from the U.S. government asking these relatively rich nations to accept *deferred delivery*, so that the grain intended for them can be diverted for immediate delivery to the desperately hungry nations. A second measure would be to work out exchange arrangements, under which nations geographically close to the most needy nations would be urged to send immediate supplies out of their existing stockpiles, with the U.S. and other grain exporting nations making good the loss in later months as transportation becomes available.

Transportation, of course, is a related urgent need. To transport the surplus food that is found would require a large-scale coordinated effort to mobilize world merchant fleets for the shipment of food to the needy countries on a highest priority basis.

(3) Over the longer run, the present crisis underlines the need for vastly improved and increased assistance to agriculture in the less-developed world: Deep-rooted problems such as land tenancy and smallholder credit must be solved if we are not simply to move from crisis to crisis. (The Asian nations that have already made progress in these matters are precisely the nations that are *not* caught up in the present disaster.)

THE MORAL REQUIREMENT

If astronomers told us that a comet would crash into the earth one year from today probably killing 30 million or more people and possibly spinning the whole planet out of its orbit, the whole world would mobilize its technical resources to try to deflect the comet from its path and avoid the disaster. It remains to be seen whether this less tangible but equally certain threat, of massive starvation and political upheaval, can be dealt with in time. The technical resources to avoid the disaster certainly exist on this planet. The crucial question is whether the *moral* resources exist to practice the degree of self-discipline and pulling together which will be needed to mobilize those technical resources in time.

CONGRESS ACTS TO AID THE INDEPENDENT PETROLEUM MARKETER

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. HARRINGTON. Mr. Speaker, for the last 6 months independent petroleum marketers have faced serious threats to their economic well-being and, in some cases, have met wtih extinction. Their problems have originated both from the behavior of the major petroleum companies, which have taken advantage of the current oil shortage to cut their supply commitments to independents, and from the administration's Cost of Living Council, which designed more burdensome price regulations than for the petroleum majors.

The independent marketers did not play dead and accept this damage to themselves. They communicated the situation to Congress in a well documented and impressively organized lobbying effort. On September 12, 20 independents from my district visited me in Washington to describe their personal predicaments and present their proposals for corrective action.

Since then, three developments promise substantial relief for the independent sector. First, in response to pressure from independents and Congress, the Cost of Living Council has recently permitted upward adjustments in petroleum product ceiling prices.

Then, on October 17, the House approved the Emergency Petroleum Allocation Act, which is almost certain to be approved by the Senate. The measure directs petroleum producers to allocate their products according to supply relationships existing during corresponding times of the year in 1972. As one who joined my colleague from Massachusetts, Congressman MACDONALD, in cosponsoring the bill when he first introduced it. I want to congratulate him for the skill and care he has shown in guiding this legislation to passage.

The bill provides priority treatment to independents by directing that the program of mandatory allocations contribute to the "preservation of an economically sound and competitive petroleum industry; including the priority needs to restore and foster competition in the producing, refining, distribution, marketing, and petrochemical sectors of such industry, and to preserve the competitive viability of independent refiners, nonbranded marketers, and branded independent marketers."

In addition to requiring allocations, the bill permits a dollar-for-dollar passthrough of net increases in the cost of refined products to all marketers or distributors at the retail level. It also directs the President, through the Cost of Living Council, to use the same date in the computation of markup, margin, and posted prices for all marketers or distributors of refined products.

In addition to the allocation measure, on October 11 the House passed an amendment to a bill providing operating funds for the Cost of Living Council forbidding the Council to impose discriminatory price regulations on independent petroleum marketers. The amendment reads:

> None of the funds made available by this Act shall be used by the Cost of Living Council to formulate or carry out a program which discriminates among petroleum marketers in the method of establishing prices for petroleum products.

The general wording of this provision will reinforce the specific passages in the allocation bill regarding passthrough of costs and use of identical dates. The provision should also effectively prohibit the Council from unfairly treating independents in the future.

These two measures are concrete means of aiding the independent marketer. It seems to me, however, that permanent justice for the independent small businessman in the petroleum industry can come only by divestiture legislation—the divorce of marketing activity from the other components of the petroleum industry and the effective breakup of the monopolistic petroleum majors now dominating the industry. In a recently completed 2-year study, the Federal Trade Commission concluded that the industry was indeed beset with a situation of monopoly in which the major oil firms cooperated rather than competed with each other.

Pending this kind of long-term assistance to the cause of free and genuine economic competition in the petroleum field, legislation of the type approved by Congress in the last several weeks is critical to the survival of independent marketers.

I look forward to working with all of my colleagues to improve the business position of independents in the future.

THE PUBLIC INTEREST AND BANK CHARTERING

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. ST GERMAIN. Mr. Speaker, yesterday I addressed the House for the purpose of advising my colleagues of the Banking and Currency Committee's intention of bringing to light all facts surrounding the recent disapproval action by the Comptroller of the Currency of an application for a national bank in Key Biscayne. Press and media comments clearly implicate the close personal friend of the President, Mr. C. G. Rebozo, and by inference casts doubt upon the integrity of reviewing officials charged with the duty of reaching such decisions solely based upon the general public's need for additional services in a free and competitive environment.

For the edification of my colleagues, Mr. Speaker, I insert at this point in the RECORD the transcript of Monday's Walter Cronkite's newscast, Wall Street Journal stories of October 15 and 18, and Chairman PATMAN's letter of October 16 to Comptroller of the Currency, James E. Smith.

TRANSCRIPT OF NEWSCAST

CRONKITE. Bebe Robozo's intimate relationship with President Nixon has caused some questions to be asked about Rebozo's relationship with the government agency which regulates a major business interest of his. Robert Pierpoint looked into the situation.

ROBERT PIERPOINT. Charles G. "Bebe" Rebozo is President Nixon's closest friend, considered almost a member of the Nixon family. A Florida businessman, Rebozo is the chair-

man of the board and the president of the Key Biscayne Bank and Trust Company. Last year, it was one of the most profitable banks in the country for its size, earning a net income as a percent of capital almost twice the national average. It is also one of the fastest-growing banks in a fast-growing area. Its assets have almost tripled since 1968. Key Biscayne Bank is currently the only financial institution on the island.

Because of the opportunities for fun in the sun, more and more people are moving to Key Biscayne, and more and more buildings are being constructed to house them. As Key Biscayne's population keeps growing, so does business here. There are half a dozen hotels, six service stations, four grocery stores, but only one bank. Last year, a group of residents on the Key, dissatisfied with the services offered by the Key Biscayne Bank, decided to organize and try to acquire a charter for a new bank, but none of them had ever fought a monopoly controlled by a close friend of a President of the United States. Here's what happened.

At the outset, a government official warned they might have what he bluntly called "political problems." There followed a careful investigation of the economic and service needs of Key Biscayne by a federal bank examiner, Mr. Richard Sherlock. But in his report, Sherlock noted that "comments of local residents tended to indicate that satisfied business people either owned stock in the existing bank or were taken care of and were afraid to make any adverse comment." Key Biscayne Bank is operated much more like an investment house than a full-service bank. Partly for that reason, Sherlock concluded, "If the existing bank were responsive to the needs of the community, there would be hardly any need for a new bank at all. However, this is not the case."

After a thorough investigation, Sherlock recommended that the application for a federal bank charter be approved. But, in Atlanta, Sherlock's immediate superior, Joseph M. Ream, reversed the field investigator. Ream's disapproval was upheld in Washington by the Comptroller of the Currency, William B. Camp. The rival banking group then requested, and was granted, the right to re-submit its application. A public hearing was held at Atlanta by Regional Administrator Ream. Present at the hearing were officials of the existing Key Biscayne Bank, the bank's lawyers, and a director, Robert Abplanalp, another close friend of President Nixon, as well as Rebozo, himself.

Mr. Fried, what did Mr. Rebozo and Mr. Abplanalp do during the hearing?

MORT FRIED (rival bank group). Nothing. Nothing more than I did. We sat there and listened, but—it's—it's a different type of sitting and a different type of listening, depending on who you are and where you are.

PIERPOINT. Joseph Ream declined to be filmed but denied political pressure. At one point, however, Ream told CBS NEWS that, with Rebozo's interest in the case, Ream knew he had a problem. "I was," he said, "damned if I did and damned if I didn't grant the charter to a rival bank." He didn't, and his decision was upheld by the Comptroller of the Currency.

During the time that Rebozo's bank was fighting the charter application of a potential competitor, its lawyer was a director of the Key Biscayne Bank, Thomas H. Wakefield. In his letter to federal officials. Wakefield opposed the new bank, in part, because he claimed the resident population growth factor of Key Biscayne is vastly exaggerated, and added, there is a highly restricted and limited growth potential for the area. Wakefield also cited a moratorium on construction, "the end of which," he stated, "is not in sight." At the same time, however, a group headed by Wakefield, and including another member of the board of the Key Biscayne Bank, had an application pending for a state savings and loan association charter for the Key. After an initial refusal by the Federal Home Loan Bank Board in Washington for federal insurance required by Florida, Wakefield submitted new data almost identical to the population growth data submitted earlier by the rival bank group.

The construction moratorium having in the meantime been lifted, Wakefield's application also pointed out the strong need for mortgage loans on the Key and for another financial institution to grant them. On July 19th of this year, the savings and loan insurance was granted to the Wakefield group, although the Federal Home Loan Bank Board says it discourages interlocking directorates. With the application to the board was a lease showing the new Key Biscayne savings and loan will locate next door to the bank. The building is owned by C. G. Rebozo.

Federal Home Loan Bank Board Chairman Thomas R. Bomar, a recent Republican appointee, declined to talk to CBS News, but, through an aide, Bomar said he had no need to defend the board's decision to grant the Wakefield group federal insurance, since it had been treated as "a routine case."

The federal approval surprised Florida's comptroller, who was interviewed by Bruce Hall.

BRUCE HALL. How long has it been since a savings and loan association had been approved in the state of Florida?

FRED DICKINSON (Florida Comptroller). That's an interesting question, Bruce. None have been approved, since I've been comptroller, which has been nine years, until this one. And, we have sent others to the Home Loan Bank Board, and they've always, perfunctorily or otherwise, finally just turned them down.

PIERPOINT. The Federal Home Loan Bank Board's chairman had no explanation for why Wakefield's group acquired the first federal insurance in Florida in nine years. Wakefield was asked how he could refute certain data to keep out one financial institution, and then use essentially the same data to support another.

THOMAS H. WAKEFIELD (Director, Key Biscayne Bank). A savings and loan association can be founded for probably the same reasons which, if stated for a commercial bank application, might not support a commercial bank operation. Now, that's—that's my answer to your question, I believe.

PIERPOINT. What is the relationship of Mr. Rebozo to this savings and loan group? He's not listed as a founder, I note.

WAKEFIELD. No, Mr. Rebozo, as I say, when I first mentioned the board of directors on this bank recognize the need of a savings and loan, approved the concept the same as the rest of the board. He has certainly encouraged us. He is not a member of it. He did not participate in any phase of my application and its re-consideration.

PIERPOINT. Wakefield also declared, "We use no influence whatsoever in keeping out competition on the Key."

Rebozo, himself, declined to be interviewed and would not even return calls from CBS NEWS.

We have found no concrete evidence that Rebozo or his associates did anything illegal in maintaining their financial monopoly on the Key. But the fact remains that a charter was granted the savings and loan based on essentially the same date on which a charter was denied the rival bank.

PIERPOINT. Robert Pierpoint, CBS News, Key Biscayne.

CRONKITE. By the way, in another matter of involving Rebozo, the White House today said Mr. Nixon was not aware of any contributions by billionaire, Howard Hughes. Rebozo reportedly received $100,000 in cash from Hughes associates in 1969 and 1970 as a contribution to the President, but Rebozo reportedly has told Senate Watergate investigators that he held the money in a safety deposit box until returning it last spring.

President Nixon is having a White House dinner tonight in honor of former Secretary of State William Rogers. The list of invited guests includes former Commerce Secretary and Nixon campaign fund raiser, Maurice Stans, who's under federal indictment in New York in the Vesco case.

[From the Wall Street Journal, Oct. 15, 1973]

A PLAN FOR A BANK TO COMPETE WITH BEBE REBOZO'S IS BARRED BY UNITED STATES; "IT BOILS DOWN TO CLOUT"

(By Stanley Penn)

NEW YORK.—The Nixon administration has done a good turn for one of President's Nixon's dearest friends, Charles (Bebe) Rebozo.

Mr. Rebozo runs the only commercial bank in the affluent community of Key Biscayne, Fla. A rival group, consisting of lawyers and business people, tried to start a bank in competition with Mr. Rebozo's But the Treasury Department, through the Comptroller of the Currency in Washington, last month rejected the group's application for a bank charter.

The rejection came despite a recommendation by a hearing examiner last year that the new group be given a charter to compete against Mr. Rebozo.

The rival group is bitter. "It boils down to who's got the clout," charges Mortimer Fried, a Key Biscayne lawyer and a member of the group.

"The Rebozo bank doesn't meet the community's needs, and it enjoys a monopoly position," argues B. Mark Fried, a Springfield, Va. lawyer, who's another member of the investing group. (The Frieds aren't related).

Joseph M. Ream, a spokesman for the comptroller, denies the favoritism charge. He says the application was turned down for strictly economic reasons. The Key Biscayne population is too small to justify another commercial bank, says Mr. Ream, who's the comptroller's Atlanta-based, regional administrator of national banks.

Mr. Rebozo, for his part, made it quite clear to federal banking officials that he didn't want a competing bank in his own backyard. To dramatize his opposition, he showed up at public hearings on the matter in Atlanta last June.

"Bebe was sitting there right in the front row," Mortimer Fried recalls.

Also attending the hearings in full view of banking officials was another of Mr. Nixon's close friends, Robert Abplanalp, the wealthy industrialist. Mr. Abplanalp is a director of Mr. Rebozo's bank, according to the comptroller's office.

Key Biscayne is a six-mile-long island connected to Miami by a causeway. It has an estimated 8,000 to 9,000 population. Among the prominent property owners is Mr Nixon, who maintains a vacation residence there.

Mr. Rebozo, a companion of the President when Mr. Nixon is in Key Biscayne, formed Key Biscayne Bank & Trust Co. in 1964. It has had a rapid growth, with total assets now of about $20 million.

The rival group that got turned down largely based its argument on the contention that Key Biscayne's growth warrants a second commercial bank. "By the end of the '70s, we're projecting a population of about 20,000," says Mortimer Fried.

Don MacFarland, a Key Largo, Fla., investor in the unsuccessful group, says federal officials were asserting that Key Biscayne wouldn't grow much above 10,000 people. "That's ridiculous," Mr. MacFarland says.

Mortimer Fried, who patronizes Mr. Rebozo's bank, claims the service leaves a lot to be desired. "You go in there on a Friday around lunch time, there could be 40 to 50 people there, and you find just one teller," he says.

XUM

The rival group also made the point to federal officials that Mr. Rebozo's bank is allegedly stingy in handing out loans to the needy, including small business loans.

Thomas Wakefield, vice chairman of Mr. Rebozo's bank, denies it. "We make 95% of all loans requested," he says. "We advertise heavily in Key Biscayne. The whole area is statistically proven to be high income, and the end result is you don't have a high loan demand for our area."

If another commercial bank came in, Mr. Wakefield charges, neither bank would make any money.

Mr. Ream, the regional administrator for the comptroller, concedes that a local examiner found in favor of the rival group when it first applied for a charter. "But a charter application goes through five levels"—two in Atlanta, including the local examiner, and three levels in Washington before a decision is made by the comptroller.

Mr. Ream says that William Camp, then the comptroller, rejected the first application. The rival group sought—and was granted—a reconsideration.

During the second go-round, a different local examiner looked into the matter. He recommended against the group. Mr. Ream, who opposed the application the first time, says he was against it when the group reapplied. James Smith, the current comptroller, then rejected the second application.

Mr. Ream is quick to admit that this was a hot potato. "We pored over this. We knew we'd be damned if we do, and damned if we don't," he says. Mr. Ream adds the comptroller's office has been sued "innumerable times" over the granting and nongranting of charters. "We've never lost a case," he says.

[From the Wall Street Journal, Oct. 18, 1973]

NIXON AIDES DENY ROLE IN RULING BARRING BANK RIVALING REBOZO'S BANK

Presidential spokesman Gerald Warren said there was "no White House involvement whatsoever "in the Comptroller of the Currency's rejection of an application by a group of businessmen and attorneys to open a new Florida bank in Key Biscayne to compete with a bank headed by Charles (Bebe) Rebozo, President Nixon's close friend.

On Monday, this newspaper reported that the rival group's application was turned down last month by Comptroller James Smith despite an earlier recommendation by a bank examiner in Miami that a charter to form a new national bank be granted. Mr. Rebozo's Key Biscayne Bank & Trust Co. is the only commercial bank on the island, which is connected to Miami by a causeway.

Tuesday, Wright Patman, chairman of the House Banking and Currency Committee, asked Comptroller Smith to turn over the whole file in connection with the application's rejection. The comptroller's office, an agency of the Treasury Department, regulates national banks.

Mortimer Fried, a Key Biscayne attorney who was a member of the group that sought to form a competing bank, has charged that favoritism was responsible for his group losing out. "It boils down to who's got the clout," he said.

The comptroller's office has contended that Key Biscayne doesn't have a big enough population to justify a second commercial bank. The Rebozo bank, formed in 1964, has total assets of about $20 million.

In another development, a regional administrator in the comptroller's Atlanta office conceded he'd been in error when he previously told this newspaper that although one examiner had favored the application another examiner had later opposed it.

"I was wrong," said Joseph M. Ream, the regional administrator. "I didn't have the file at the time, and I was talking from memory. Both examiners did recommend approval."

The application for a charter was first rejected by William Camp, then the comptroller, earlier this year.

The rival group was then granted a reconsideration, only to be turned down last month by Comptroller Smith.

Mr. Ream said he opposed the application both times.

COMMITTEE ON BANKING
AND CURRENCY,

Hon. JAMES E. SMITH,
Office of the Comptroller of the Currency,
Washington, D.C.

DEAR JIM: As you are aware, the news media has reported major questions about a charter application for a national bank to compete with the Key Biscayne Bank and Trust Company headed by C. G. Rebozo.

If the news reports are correct, the application of the rival group has been faced with several conflicting decisions at various levels within the Comptroller's office. The end result has been the rejection of the application leaving the Rebozo bank as the sole commercial bank in the immediate area.

The news reports, which emanate from various media, raise very serious questions which I feel must be answered both in the interests of the public and the integrity of the Comptroller's office. At this point, I do not have any data which would either refute or support the position taken by your office and I am in no way prejudging the case.

In the past, when these questions have been raised about charters, this Committee has taken the position that it should review the pertinent facts and I feel that it is important that we do so in this instance. Therefore, I am requesting that your office furnish me with the entire file on this application and the letters and records of telephone calls which bear on the case in any way and which would indicate what outside contracts, if any, were made with the Comptroller's office, at any level, concerning this application.

You are acquainted with the news stories and the television broadcasts in the past few days and I would hope, in addition to the raw file, you would respond to the questions raised in these news articles in the fullest manner possible. I am enclosing a copy of a story which appears in the Wall Street Journal and I also call your attention to the CBS Evening News program of October 15.

In conclusion, I am requesting that you produce for the Committee the fullest report possible on the reason why this application for a rival bank was turned down by you and your predecessor and why the earlier decisions at lower levels in the Comptroller's office were reversed and what economic data is available to support the decisions.

Sincerely,

WRIGHT PATMAN,
Chairman.

OUR COMMITMENT TO ISRAEL

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Ms. ABZUG. Mr. Speaker, I hope there will be speedy House action on a resolution introduced today, which I am cosponsoring, calling on the U.S. Government to maintain Israel's deterrent strength and provide her with Phantom aircraft and other equipment necessary to repel the surprise aggression by the Arab nations and to offset the massive airlift of supplies to Egypt and Syria by the Soviet Union.

As the Yom Kippur war nears the end of its second week, reports about the tragic conflict in the Middle East become more ominous with new evidence of Soviet involvement. We know that the Soviet Union has been airlifting enormous supplies of sophisticated arms and equipment to Egypt and Syria. We know that the Soviet Union's fleet is massing in the Mediterranean.

Rumors of impending peace proposals and formulas for achieving a settlement are also increasing, and these are welcome. A protracted war would mean incredible suffering and sacrifice for the people involved and would also escalate the threat of an international conflagration. The Israelis, who are fighting for the survival of their nation, have made abundantly clear their basic position; they are willing to negotiate, but the security of Israel must be paramount.

As Israeli Foreign Minister Abba Eban said at the United Nations yesterday:

> If you want to know what we will give for a peace agreement, then we will certainly be ready for the most substantial compromises, provided that our basic security is not affected.

While everything must be done to promote a peaceful settlement, we dare not relax in our determination to maintain our commitment to the sovereignty, independence, and preservation of the State of Israel. Our Government has now rightfully decided to continue supplying Israel's defense forces, whose arms, aircraft, and material have been depleted as a result of the Arab aggression. Under existing legislation, which authorizes the President to transfer to Israel by credit sale whatever arms may be needed to enable Israel to defend itself, we are helping Israel to the material without which its survival would be jeopardized and its negotiating position hopelessly compromised. A clear statement by the House in support of that position, as proposed in this resolution, is of the utmost importance.

It is also important not to let ourselves be blackmailed by the statement of the Arab oil-producing nations yesterday that they are cutting oil exports by 5 percent a month. There is no need for any alarm about this particular threat. The fact is that less than three percent of oil consumption by the United States, about 620,000 barrels a day, comes from Arab producers. Just recently the Treasury Department, issued a statement that if the American public took steps to cut back on energy waste, "savings could amount to the equivalent of about 3 million barrels of oil a day.

While taking every necessary measure to guarantee the survival and security of Israel, the United States must use its good offices, in conjunction with other interested governments, to support the search for a peaceful and lasting solution in the Middle East. The American people have long been steadfast friends of the courageous Israelis, who built a great and democratic nation with the strength of a people who suffered the incredible agonies of nazism and who are determined to survive. We must reaffirm

our commitment to that humanitarian goal and to the secure existence of Israel.

The text of the resolution follows:

H. RES. 613

> Resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies
>
> Resolved, Whereas the people of the United States deplore the outbreak of hostilities in the Middle East and earnestly hope that peace may be negotiated in that area; and
>
> Whereas the President is supporting a strong and secure Israel as essential to the interests of the United States; and
>
> Whereas the armed forces of Egypt and Syria launched an attack against Israel shattering the 1967 cease fire; and
>
> Whereas Israel refrained from acting preemptively in its own defense; and
>
> Whereas the Soviet Union, having heavily armed the Arab countries with the equipment needed to start this war, is continuing a massive airlift of sophisticated military equipment to Egypt and Syria; and
>
> Whereas Public Law 91–441 authorizes the President to transfer to Israel by credit sale such arms as may be needed to enable Israel to defend itself. THEREFORE BE IT RESOLVED THAT:
>
> It is the sense of the House that the President, acting in accordance with the announced policy of the United States Government to maintain Israel's deterrent strength, and under existing authority should continue to transfer to Israel the Phantom aircraft and other equipment in the quantities needed by Israel to repel the attack and to offset the military equipment and supplies furnished to the Arab states by the Soviet Union.

CPA AND THE BANKING REGULATORS

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. FUQUA. Mr. Speaker, I wish to continue in my attempt at clarifying the impact of the pending Consumer Protection Agency on Federal agencies most likely to be subject to the new unit's advocacy powers as defined in the three bills now before the Government Operations Subcommittee on which I serve.

As you may remember, yesterday I set forth the proceedings of the Cost of Living Council, a small agency, that would be subject to the CPA's advocacy powers as proposed in the bills.

Today, I shall also be concerned with four relatively small agencies: The Office of the Comptroller of the Currency; the Federal Deposit Insurance Corporation; the Federal Home Loan Bank Board, and the Board of Governors of the Federal Reserve System.

As mentioned yesterday, to increase perspective and avoid undue speculation, I have asked the selected agencies to list those actual proceedings undertaken last year that would be subject to CPA advocacy under the various bills.

The bills being considered by us are H.R. 14 by Congressman ROSENTHAL, H.R 21 by Congressmen HOLIFIELD and HORTON, and H.R. 564 by Congressman BROWN of Ohio and myself.

The major difference between the bills is that H.R. 14 and H.R. 21 would allow the CPA to appeal to the courts the final actions, including inactions, of other agencies; the Fuqua-Brown bill would not grant such an extraordinary power to the nonregulatory CPA.

In this regard, it should be noted that, not counting refusals to act and other inactions, under all bills except the Fuqua-Brown bill—

The Federal Home Loan Bank Board reports that all of its final actions would be subject to CPA court appeal;

FDIC makes a similar statement, citing the Administrative Procedure Act, but also notes specifically that the 85-bank merger approval and 10 cease-and-desist order actions taken by it in 1972 would be appealable by the CPA under its organic statute.

The Comptroller of the Currency specifically lists, for 1972, 1,443 application actions, 147 reorganization actions, 18 conversion actions and 125 Freedom of Information Act actions which would have been appealable by CPA, and

The Federal Reserve did not respond to the question.

As indicated in the responses, many of these CPA appealable actions, by statute, would have to be resolved by de novo court review. That is, the court would be forced, in effect, to act as an administrative agency and come to a final decision on the matter when the CPA appealed.

Mr. Speaker, for the important reasons already stated, I ask unanimous consent to have printed in the RECORD the responses from these four agencies delineating the various categories of their 1972 proceedings and activities that would have been subject to CPA advocacy under the three pending CPA bills.

The responses follow:

THE ADMINISTRATOR OF
NATIONAL BANKS,
Washington, D.C., October 1, 1973.

Hon. DON FUQUA,
House of Representatives
Washington, D.C.

DEAR MR. FUQUA: This is in reply to your letter of September 7, 1973, requesting certain factual information in connection with several pending bills (H.R. 14, 21, 564) which would create an independent consumer protection agency (CPA). In order to avoid the delay which would necessarily be incurred if this Office were to comment upon or make recommendations concerning this important legislation, our response is herein limited to supplying the factual data requested. Creation of a CPA could bring about important changes in the operations of the three federal banking agencies, and this is particularly true of the Comptroller's supervisory functions. We therefore appreciate the opportunity to comment upon and make recommendations concerning the proposed legislation and herewith reserve our right to do so at a subsequent date.

The following is a question-by-question response to your inquiries:

QUESTION ONE

The following items subject to 5 U.S.C. 553 were proposed by this Office during calendar year 1972:

1. An amendment to the Securties Act disclosure rules regarding the exemption from § 16(b) of the Securities Exchange Act of 1934 (short swing profit prohibition) of disposition of securities of national banks pursuant to certain mergers and consolidations, 37 F.R. 15000, 25818;

2. Addition of new sections to Title 12 of the Code of Federal Regulations setting forth the eligibility, pursuant to request, of certain securities for purchase, dealing in underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24, 37 F.R. 21622;

3. Adoption of amendments to Part 9, Chapter 1 of Title 12 of the Code of Federal Regulations dealing with the application for exercise of fiduciary powers by national banks pursuant to 12 U.S.C. 92a, 37 F.R. 24161.

QUESTIONS TWO THROUGH FIVE

None.

QUESTION SIX

The following is a representative list of public and nonpublic activities of the type proposed or initiated by this Office during calendar year 1972:

Proceedings to amend, revise, delete or alter the following regulations:

1. Investment securities.
2. Loans secured or covered by government guaranties.
3. Supplemental application procedures for charter, branches, mergers and relocations.
4. Loans secured by obligations of the United States.
5. Interpretive Rulings.
6. Fiduciary powers of national banks; collective investment funds.
7. Securities Act disclosure rules.
8. Ownership reports.
9. Employee stock option and stock purchase plan.
10. Changes in capital structure.
11. Reports of change in controlling ownership.
12. Offering circulars—capital debentures and new bank securities.
13. Required notification to nominate bank directors.
14. Form and content of financial statements.
15. Cease and desist orders; rules and procedures.
16. International operations.
17. Minimum security devices and procedures.

Hearings held at the request of an interested party on applications to:

1. Charter national banks.
2. Merge, consolidate with or purchase the assets of another bank where the resulting bank is a national bank.
3. Establish branches.
4. Relocate offices of national banks.

Informal Activities:

1. Preparation of competitive factor reports issued pursuant to section 3(b) of the Bank Holding Company Act of 1956, as amended (12 U.S.C. 1842(b)).
2. Proceedings necessary to enforce compliance with the Fair Credit Reporting Act (15 U.S.C. 1681, *et seq.*).

QUESTION SEVEN

The following is a summary representation of all those actions taken by the Comptroller's Office in 1972, with certain exceptions, which might have been reviewed by the courts. It should be noted that it is assumed, solely for the purpose of answering your inquiry, that petitioners for review in each instance would meet the requisite standing requirements to seek judicial review:

Applications for:	
Charters (de novo)	144
Branches (de novo)	1,041
Relocations	[1] 200
Mergers	61
Reorganizations:	
New banks	80
"Phantom" banks	67
Conversions	18
Requests for information under the Freedom of Information Act	[2] 125

We trust this letter has been responsive to your inquiry.

Very truly yours,

JAMES E. SMITH,
Comptroller of the Currency.

FOOTNOTES

[1] Figures for relocations are not available at this time, so in the interest of speedy reply, an estimate is presented.

[2] This Office does not maintain figures on the total number of requests received under the Freedom of Information Act or their disposition. In answer to a Freedom of Information Act inquiry from the House Foreign Operations and Government Information Subcommittee in September 1971, this Office conducted a search of its records and found that approximately 100 formal requests were received for the period July 4, 1970, through July 4, 1971.

FEDERAL DEPOSIT
INSURANCE CORPORATION,
Washington, D.C., September 20, 1973.

Hon. DON FUQUA,
House of Representatives
Washington, D.C.

DEAR MR. FUQUA: By letter dated September 7, 1973 you requested that the Corporation answer seven questions concerning its activities during the calendar year 1972 in order to provide information for the current hearings on the proposed independent Consumer Protection Agency.

The nature of bank supervision is such that resort by the Corporation to adjudicative proceedings under the Administrative Procedure Act (APA) seldom occurs. We are usually able to discover potentially unsafe or unsound practices at an early stage through the ongoing bank examination process, and voluntary remedial action is often undertaken by the bank before any formal enforcement proceedings are necessary. We are nevertheless responding to your inquiry with the relevant factual information we do have.

QUESTION 1

The Corporation proposed three regulations for comment under the notice and comment provisions of the APA (5 U.S.C. 553) in 1972. Regulations were proposed to further implement the nondiscrimination requirements in residential lending, to permit FDIC employees to own shares of mutual funds which hold the stock of insured banks, and to revise the provision relating to the valuation of trust interests for purposes of deposit insurance coverage.

QUESTION 2

No regulations subject to the on-the-record rulemaking provisions of section 6 and 7 of the APA (5 U.S.C. 556 and 557) were proposed in 1972.

QUESTIONS 3 AND 4

The only administrative adjudications under the APA proposed by the Corporation during calendar year 1972 are as follows:

(1) The Corporation initiated five termination-of-deposit-insurance proceedings against insured banks pursuant to section 8(a) of the Federal Deposit Insurance (FDI) Act (12 U.S.C. 1818(a)).

(2) The Corporation initiated 10 cease-and-desist proceedings against insured nonmember banks pursuant to section 8(b) of the FDI Act (12 U.S.C. 1818(b)).

(3) The Corporation initiated one Notice of Removal against an officer of an insured nonmember bank pursuant to 8(e) of the FDI Act (12 U.S.C. 1818(g)).

QUESTION 5

The Corporation proposed no proceedings on the record other than those mentioned in the answers to questions 3 and 4.

QUESTION 6

The following is a list of representative activities of the FDIC during 1972:

(1) Conducting regular and special examinations of insured banks.

(2) Instituting proceedings to correct unsafe or unsound practices of insured nonmember banks.

(3) Determining the eligibility of State-chartered nonmember banks for deposit insurance.

(4) Authorizing certain bank mergers and the establishment of branches by insured State nonmember banks.

QUESTION 7

As regards the request for all final appealable actions taken by the Corporation in 1972, we would note that the Administrative Procedure Act permits *any* final agency action to be appealed by anyone adversely affected on the grounds that the action was "arbitrary, capricious [or] an abuse of discretion" (5 U.S.C. 701–06). With respect to those final actions which are appealable under a specific statutory provision, the FDIC approved 85 proposed bank mergers which are subject to *de novo* court review if challenged under the antitrust laws (12 U.S.C. 1828(c)). The 10 cease-and-desist orders issued by the Corporation under section 8(b) of the FDI Act would also be appealable.

We hope the foregoing information will be of assistance to you.

Sincerely,

FRANK WILLIE, *Chairman.*

FEDERAL HOME LOAN BANK BOARD,
Washington, D.C.

Hon. DON FUQUA,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. FUQUA: In response to your letter of September 7, 1973, requesting information regarding the administrative activities of the Federal Home Loan Bank Board, we are submitting the following information:

QUESTION 1

What regulations, rules, rates or policy interpretations subject to 5 U.S.C. 553 (the Administrative Procedures Act notice and comment rulemaking provisions) were proposed by your agency during calendar year 1972?

A complete listing of these actions can be found in Attachment "A." The list is subdivided as follows: (1) proposals carred over from earlier years, (2) proposals made during 1972—without final adoption, and (3) proposals made and finalized during 1972. In summary, there was a total of 88 proposals considered during 1972, of which 50 were finally adopted.

QUESTION 2

What regulations, rules, rates, or policy interpretations subject to 5 U.S.C. 556 and 557 (that is, A.P.A. rulemaking on the record) were proposed or initiated by your agency during calendar year 1972?

During 1972, the Federal Home Loan Bank Board initiated no proceedings which were subject to sections 556 or 557 of Title 5 of the U.S. Code involving regulations, rates or policy interpretations.

QUESTION 3

Excluding proceedings in which your agency sought primarily to impose directly (without court action) a fine, penalty or forfeiture, what administrative adjudications (including licensing proceedings) subject to 5 U.S.C. 556 and 557 were proposed or initiated by your agency during calendar year 1972?

Under the provisions of the Financial Institutions Supervisory Act of 1966, the Federal Home Loan Bank Board has the power to oversee various aspects of the operations of Federal savings and loan associations and institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation. Based on recommendations and examination reports from the field, the Board authorized 34 formal investigations of associations during 1972. These investigations include the authority to issue subpoenas and to administer oaths so that witnesses could be compelled to testify concerning the affairs of the association or their part in transactions affecting the association under investigation. As a direct result of these investigations, the Board issued eight final cease-and-desist orders and one officer removal order. Four other investigations resulted in negotiated agreements or other informal actions. The remainder either resulted in no action, because of inconclusive evidence, or are in various stages of completion.

QUESTION 4

What adjudications under any provision of 5 U.S.C. Chapter 5 seeking primarily to impose directly (without court action) a fine, penalty or forfeiture were proposed or initiated by your agency during calendar year 1972?

During 1972 the Federal Home Loan Bank Board neither proposed nor initiated any adjudicative procedures which fit this description.

QUESTION 5

Excluding proceedings subject to 5 U.S.C. 554, 556 and 557, what proceedings on the record after an opportunity for hearing did your agency propose or initiate during calendar year 1972?

During 1972 the Board acted on 1,103 applications for the creation of, or for significant changes in the operation or structure of, Federal and insured savings and loan associations. These activities are detailed in Attachment "B". While these proceedings are not covered by the provisions of the A.P.A., Chapter 5 of Title 5 of the U.S. Code, Board regulations do provide for an administrative hearing before a supervisory agent with an opportunity for an oral presentation of arguments.

QUESTION 6

Will you please furnish me with a list of representative public and nonpublic activities proposed or initiated by your agency during calendar year 1972?

(a) The Office of Finance established and implemented during 1972 a new investment policy which allows the Federal Home Loan Banks a diverse range of investments, including additional money market instruments.

(b) During 1972 the responsibility for coordinating, planning, and establishing accounting and auditing policies was centralized in the Chief Accountant's Office, of the Office of Examinations and Supervision. These policies cover the auditing and reporting practices for savings and loan associations in connection with their annual audit reports and certain required financial reports.

(c) There were 15 new registrations of savings and loan holding companies during 1972 and 9 deregistrations. Applications to acquire 25 insured associations were processed for review and decision by the Federal Home Loan Bank Board; 24 applications for holding companies and their nonsavings and loan subsidiaries to borrow funds were considered and approved; and 91 applications for transactions with affiliates were approved by District Office Supervisory Agents.

(d) The Office of the Federal Savings and Loan Insurance Corporation is primarily responsible for furnishing financial assistance such as insurance payouts, loans, contributions, and purchases of assets of problem institutions. The Corporation, as receiver, is now managing the liquidation of five defaulted associations.

(e) In 1972, the Office of Economic Research continued its policy, originated in 1969, of disseminating the findings of its research very quickly to the Board, District Banks, and others through a series of working papers. These papers summarize the work done by OER staff economists on housing problems related to the mission of the Agency and are reproduced at the Board for distribution to all who desire the information. At yearend, there was a total of 41 staff working papers on hand. In addition, OER publishes "invited" working papers, produced by researchers outside the Agency.

QUESTION 7

Excluding actions designed primarily to impose a fine penalty or forfeiture, what final actions taken by your agency in calendar year 1972 could have been appealed to the courts for review by anyone under a statutory provision or judicial interpretation?

Given the normal requirements, such as standing and case or controversy, virtually, if not actually, all of the final administrative actions taken, as described in the answers to the questions above, could have been appealed.

I hope the foregoing information adequately responds to the questions you raised. Please call on me if you require any further information.

Sincerely,

THOMAS R. BOMAR.

BOARD OF GOVERNORS,
FEDERAL RESERVE SYSTEM,
Washington, D.C., September 27, 1973.

Hon. DON FUQUA,
House of Representatives,
Washington, D.C.

DEAR MR. FUQUA: I am writing in response to your letter of September 7 concerning H.R. 14, 21, and 564, bills which would create a Consumer Protection Agency within the Executive Branch.

Because hearings by the Subcommittee on Legislation and Military Operations have begun, we have not undertaken the extensive research which would be necessary to answer precisely each of the questions you raised in your letter. We are, instead, supplying information which we believe will be generally responsive to your inquiry.

Enclosed are:

1. A copy of the Board's 1972 *Annual Report,* which contains on pp. 67–103 a section entitled, "Record of Policy Actions of the Board of Governors." This section describes the regulations issued by the Board last year, giving a good indication of the scope of the Board's regulatory activities.

2. A list of proceedings and activities of the Board which would be affected by one or more of the pending bills.

Finally, I should like to quote an excerpt from a letter dated April 12 which the Board sent to Chairman Holifield in response to his request for comment on the pending bills.

"Another area of concern to the Board is the power granted the new agency to intervene in the proceedings of other Federal agencies. Both bills would allow the Consumer Protection Agency to intervene in the formal rulemaking proceedings of other agencies, the kinds that are conducted on the record with an opportunity for a hearing. But H.R. 14 would go further, and allow the new agency to intervene in less formal proceedings as well. This authority, if given to the new agency, would present very serious problems to the Board. There are certain actions the Board takes, such as setting margin requirements for the purchase of securities on credit, and approving changes in the discount rate at Reserve Banks, which are directly related to the Board's responsibilities in the area of monetary policy. Intervention by the new agency in the processes which lead to such action would destroy the confidentiality which is essential for the conduct of monetary policy and would severely impair the Board's capacity for timely, decisive action.

"The Board supports the provisions of H.R. 21, which would limit the new agency to intervening in formal rulemaking or adjudicatory proceedings. However, if the committee adopts the approach of H.R. 14, then we would recommend the insertion of the following language on page 19, line 10, by deleting the period and inserting:

, except when the agency for good cause finds that such intervention or participation is impracticable, unnecessary, or contrary to the public interest.

"To be consistent, the same language should be inserted on line 8, page 22.

"Also, the following should be inserted on line 17, page 18, after striking the period: in accordance with subsection (c) below.

"For further substantive commentary on the three bills, the Board defers to the Office of Management and Budget and other Executive Branch agencies. We appreciate the opportunity you have afforded us to comment on these bills, and express the hope that our comments will prove useful to you and your committee in the consideration of this important legislation."

I hope the foregoing information will prove helpful to you and the other members of the Subcommittee. Please let me know if I can be of further assistance.

Sincerely yours,

ROBERT L. CARDON,
Assistant to the Board.

VOTES FOR FREEDOM FROM A SOVIET FORCED LABOR CAMP

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. HUBER. Mr. Speaker, support for the efforts of Andrei Sakharov in his fight for human freedom and dignity in the Soviet Union came to light recently in Moscow. The London Daily Telegraph of October 12, 1973, reports that a letter signed by 16 political dissidents lodged in one of the more notorius forced labor camps in Perm reached Moscow and Western newsmen. Most significant, in my view, is the fact Simas Kudirka, the Lithuanian sailor we turned back to the Soviets in 1970 was among the signers of this letter.

Therefore, I feel that my House concurrent resolution granting Sakharov and Solzhenitsyn honorary U.S. citizenship can become more than just a gesture in these times and play a role in achieving real détente.

The newspaper article follows:

[From the (London) Daily Telegraph, Oct. 12, 1973]

SOVIET LABOUR CAMP BACKING FOR SAKHAROV

(By Tony Conyers in Moscow)

A letter smuggled from a Soviet labour camp and signed by 16 political dissidents backs Academican Andrei Sakharov, the Russian nuclear physicist, in his fight for human rights and freedom in the Soviet Union.

It reached Western correspondents yesterday through dissident sources, who said it had been brought to Moscow from Perm, one of the most notorious labour camps in the country.

It lies in the foothills of the Urals, some 700 miles north-east of Moscow, which in the days of Stalinism was a sprawling camp empire. One of those who was detained there was Anatolv Marchenko, author of "My Testimony"—a harrowing account of camp conditions.

The prisoners' letter condemns the recent campaign in the Soviet Press villifying Sakharov, and claims that all those Soviet citizens who participated in it had made it easier for "prison guards to bait and pressure us."

YAKIR DENOUNCED

They also denounced the former dissident Pyotr Yakir, who last month pleaded guilty with Viktor Krasin to anti-Soviet activities and displayed his willingness to recant his beliefs at a Press conference for Soviet and foreign journalists.

Both were sentenced to three years imprisonment to be followed by three in exile. Later, on appeal, their prison sentences were cut drastically and later this month they are expected to start their period of exile in Siberia.

The 16 prisoners comment: "We are taking this precious occasion to reject before the whole world the lies of the traitor Pyotr Yakir about the actions in the Soviet Union of the democratic movement. Hundreds of political prisoners have not changed their democratic convictions and believe that the cause of democracy in the Soviet Union will win.

One of those who has signed the letter is Simas Kudirka, the Lithuanian sailor who jumped from his ship onto an American Coastguard vessel off the New England coast in 1970. He was handed back by the American ship and is now serving a ten-year sentence at the camp.

Another letter handed to Western correspondents yesterday was signed by Vladimir Osipov, who has served a seven year sentence for his involvement in the underground newspaper *Phoenix* in the early Sixties.

He appealed to amnesty international to intervene over Soviet political prisoners. He gave the names of 63 persons detained for their political beliefs.

PROTECTING THE INTEGRITY OF PRIVATE PENSION PLANS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. ASHBROOK. Mr. Speaker, a growing percentage of the American labor force is being covered by private pension plans. The expansion of these plans to uncovered workers should be encouraged. These private pensions have enabled many people to enjoy a more fruitful retirement.

At the present time more than 30 million Americans are covered by private pension plans. It is expected by 1980 that more than 42 million workers will be covered. Today more than $8 billion in benefits are paid to approximately 6 million retirees. Voluntary private pension plans are now making contributions to the retirement security of about 50 percent of the private nonfarm labor force. It is estimated that this figure will reach 60 percent by 1980.

With the growing number of plans, it is important that the rights of the workers covered be protected. It is also important that encouragement be given to the continued growth of plans and improvement of benefits. To further these ends, the House Education and Labor Committee on which I serve has been investigating pension reform legislation for the past 4 years. The bill that we have reported out of committee—H.R. 2—is much superior to H.R. 4200 which has already been passed by the Senate.

A number of people who depend upon

XUM

profit-sharing plans to help finance their retirement programs have rightfully been concerned about the effects that H.R. 4200 would have on their plans.

H.R. 4200 would seriously hurt the pension plans which use profit sharing proceeds. Sears, J. C. Penney, General Mills and many old companies have established excellent records in this area and should be encouraged rather than legislatively discouraged to continue these fine practices.

Protection of the rights of those workers presently covered is assured in H.R. 2. This bill requires vesting the accrued benefits of employees with significant periods of service with an employer. This bill also requires plans to meet minimum standards of funding. These two provisions by requiring stringent vesting and funding standards negate the need for plan termination insurance which unfortunately is also contained in the bill.

Although legislation cannot eliminate all pension plan terminations, possible losses by any such termination would be drastically reduced by including provisions in the bill:

First, to prevent dilution of benefit security in business acquisition and merger situations;

Second, to provide for partial plan terminations with the approval of the Secretary of Labor;

Third, to provide fund distribution priorities on termination so there will be a more equitable distribution of all assets;

Fourth, to prevent "raiding" of assets by participants who leave the plan.

I will continue to work to maintain the integrity of the private pension system. No bill passed by the Congress should have the effect of reducing those contributions or limiting the size of pensions that workers may obtain. Private pension plans are worthwhile. More and better plans should be encouraged to be developed.

SENATE—*Tuesday, October 23, 1973*

The Senate met at 12 o'clock noon and was called to order by the Acting President pro tempore (Mr. METCALF).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, unto whom in all ages men have lifted up their hearts in prayer, as we draw near to Thee, draw near to us. We know not what to ask, but we trust Thee, and Thou knowest what we need—clean hands and pure hearts—goodness and grace and wisdom. Come upon this Nation at this moment of dismay, disappointment, and distress. Give to it a new sense of purposeful direction. Grant enabling grace to the President, the Congress, and all in authority, that they may unite their best efforts for the health and strength of the Nation and for peace and justice in the world.

We pray in His name who came to serve and give Himself for others. Amen.

MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of October 18, 1973, the Secretary of the Senate, on October 18 and 19, 1973, received messages from the President of the United States.

EMERGENCY SECURITY ASSISTANCE FOR ISRAEL AND CAMBODIA—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate a message from the President of the United States, received by the Secretary of the Senate on October 19, 1973, under authority of the order of the Senate of October 18, 1973, which, with the accompanying document, was referred to the Committee on Foreign Relations. The message is as follows:

To the Congress of the United States:

I am today requesting that the Congress authorize emergency security assistance of $2.2 billion for Israel and $200 million for Cambodia. This request is necessary to permit the United States to follow a responsible course of action in two areas where stability is vital if we are to build a global structure of peace.

For more than a quarter of a century, as strategic interests of the major powers have converged there, the Middle East has been a flashpoint for potential world conflict. Since war broke out again on October 6, bringing tragedy to the people of Israel and the Arab nations alike, the United States has been actively engaged in efforts to contribute to a settlement. Our actions there have reflected my belief that we must take those steps which are necessary for maintaining a balance of military capabilities and achieving stability in the area. The request I am submitting today would give us the essential flexibility to continue meeting those responsibilities.

To maintain a balance of forces and thus achieve stability, the United States Government is currently providing military material to Israel to replace combat losses. This is necessary to prevent the emergence of a substantial imbalance resulting from a large-scale resupply of Syria and Egypt by the Soviet Union.

The costs of replacing consumables and lost equipment for the Israeli Armed Forces have been extremely high. Combat activity has been intense, and losses on both sides have been large. During the first 12 days of the conflict, the United States has authorized shipments to Israel of material costing $825 million, including transportation.

Major items now being furnished by the United States to the Israeli forces include conventional munitions of many types, air-to-air and air-to-ground missiles, artillery, crew-served and individual weapons, and a standard range of fighter aircraft ordnance. Additionally, the United States is providing replacements for tanks, aircraft, radios, and other military equipment which have been lost in action.

Thus far, Israel has attempted to obtain the necessary equipment through the use of cash and credit purchases. However, the magnitude of the current conflict coupled with the scale of Soviet supply activities has created needs which exceed Israel's capacity to continue with cash and credit purchases. The alternative to cash and credit sales of United States military materials is for us to provide Israel with grant military assistance as well.

The United States is making every effort to bring this conflict to a very swift and honorable conclusion, measured in days not weeks. But prudent planning also requires us to prepare for a longer struggle. I am therefore requesting that the Congress approve emergency assistance to Israel in the amount of $2.2 billion. If the conflict moderates, or as we fervently hope, is brought to an end very quickly, funds not absolutely required would of course not be expended.

I am also requesting $200 million emergency assistance for Cambodia. As in the case of Israel, additional funds are urgently needed for ammunition and consumable military supplies. The increased requirement results from the larger scale of hostilities and the higher levels of ordnance required by the Cambodian Army and Air Force to defend themselves without American air support.

The end of United States bombing on August 15 was followed by increased communist activity in Cambodia. In the ensuing fight, the Cambodian forces acquitted themselves well. They successfully defended the capital of Phnom Penh and the provincial center of Kampong Cham, as well as the principal supply routes. Although this more intense level of fighting has tapered off somewhat during the current rainy season, it is virtually certain to resume when the dry season begins about the end of the year.

During the period of heaviest fighting in August and September, ammunition costs for the Cambodian forces were running almost $1 million per day. We anticipate similar average costs for the remainder of this fiscal year. These ammunition requirements, plus minimum equipment replacement, will result in a total funding requirement of $380 million for the current fiscal year, rather than the $180 million previously requested. To fail to provide the $200 million for additional ammunition would deny the Cambodian Armed Forces the ability to defend themselves and their country.

We remain hopeful that the conflict in Cambodia be resolved by a negotiated settlement. A communist military victory and the installation of a government in Phnom Penh which is controlled by Hanoi would gravely threaten the fragile

structure of peace established in the Paris agreements.

I am confident that the Congress and the American people will support this request for emergency assistance for these two beleaguered friends. To do less would not only create a dangerous imbalance in these particular arenas but would also endanger the entire structure of peace in the world.

RICHARD NIXON.

THE WHITE HOUSE, *October 19, 1973.*

EXECUTIVE MESSAGE REFERRED

As in executive session, the Acting President pro tempore (Mr. METCALF) laid before the Senate a message from the President of the United States submitting a nomination, which was referred to the Committee on the Judiciary.

(For nominations received today, see the end of Senate proceedings.)

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, October 18, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, informed the Senate that, pursuant to provisions of section 1, Public Law 689, 84th Congress, the Speaker had appointed Mr. POWELL of Ohio and Mr. MARTIN of North Carolina, as members of the U.S. Group of the North Atlantic Assembly on the part of the House.

The message announced that the House had passed a bill (H.R. 10397) to extend the authorization of appropriations for the Cabinet Committee on Opportunities for Spanish-Speaking People, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

S. 2016. An act to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corp., and for other purposes; and

H.R. 6691. An act making appropriations for the legislative branch for the fiscal year ending June 30, 1974, and for other purposes.

The ACTING PRESIDENT pro tempore (Mr. METCALF) subsequently signed the enrolled bills.

HOUSE BILL REFERRED

The bill (H.R. 10397) to extend the authorization of appropriations for the Cabinet Committee on Opportunities for Spanish-Speaking People, and for other purposes, was read twice by its title and referred to the Committee on Government Operations.

ORDER FOR EXTENSION OF PERIOD FOR ROUTINE MORNING BUSINESS TODAY

Mr. ROBERT C. BYRD. Mr. President, there being little if any other business to come before the Senate today, with the possible exception of a conference report, I ask unanimous consent that the period for the transaction of routine morning business today be limited to 3 hours, with statements therein limited to 20 minutes.

Mr. GRIFFIN. Mr. President, reserving the right to object, what is the present order in effect with regard to morning business for today?

The ACTING PRESIDENT pro tempore. In the absence of an order from the floor by unanimous consent agreement, we would go into rule VII.

Mr. GRIFFIN. I see. Then there is no other business——

The ACTING PRESIDENT pro tempore. Under the previous order, there was to be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

Mr. GRIFFIN. I thank the Chair. That was my understanding.

The ACTING PRESIDENT pro tempore. Yes.

Mr. GRIFFIN. I wonder whether the distinguished majority whip might, for the time being at least, consider the possibility of extending the period to 1 hour with statements therein limited to 10 minutes.

Mr. ROBERT C. BYRD. Yes; I will be very agreeable to that suggestion. The only reason I made the suggestion was because I would anticipate that Senators on both sides of the aisle may wish to deliver themselves of speeches today in connection with the events of the past weekend and I dare to believe that 3 minutes might not be enough time.

Mr. GRIFFIN. I share the distinguished majority whip's belief. We should lengthen it and provide more time. We can judge later to see whether it is adequate.

The ACTING PRESIDENT pro tempore. Will the Senator from West Virginia restate his modified unanimous-consent request?

Mr. ROBERT C. BYRD. Mr. President. I ask unanimous consent that there be a period for the transaction of routine morning business today, not to exceed 1 hour, with statements therein limited to 10 minutes.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Does the Senator from Michigan seek recognition?

Mr. GRIFFIN. Not at this time, Mr. President.

THE PRESIDENT'S ACTIONS OVER THE PAST WEEKEND

Mr. ROBERT C. BYRD. Mr. President, the events of the past weekend have been unprecedented in the history of our country. So grave are the implications of these events that they cannot be viewed except with the greatest of apprehensions. So shocking were they, in my estimation, as to overwhelm the most credulous observer with utter disbelief.

I have been appalled, as I am sure that millions of Americans have been appalled, by the swiftness of the actions taken by the Chief Executive of our country, actions that I find impossible to believe to be justified or reasonable.

So sobering is the significance of these happenings that even the most trusting citizen should have reason to be concerned about the state of the Nation.

Before I go further, I should recall my personal affection for the President. I do not discount the services which he rendered our country during his years in Congress and his years in the Presidency. For example, I supported his nominees for the Supreme Court because I believed it imperative that the philosophical imbalance of that Court be corrected.

I stood with him on the Vietnam war until the culmination of the Paris peace talks because I believed in his Vietnamization policy, and I felt he was right in refusing to be stampeded by those who appeared to advocate capitulation.

I honored him for his advocacy—in earlier years—of reverence for law and his insistence that order be restored throughout the land.

Over the past year, amid rumblings suggesting impeachment, I have urged restraint. I have repeatedly said that such talk was premature and that there was no clear evidence on which to sustain an impeachment or on which reasonably to expect a resignation from office.

I have consistently urged restraint, even in the face of the growing Watergate scandals.

Even at this hour, I urge restraint.

I am also constrained, however, to state my utter abhorrence of the President's actions over this past weekend. I cannot bring myself to defend such actions. I feel compelled vigorously and publicly to object to them.

The actions to which I address my comments are these:

First. In my judgment, failure of the President to appeal the order of the district court, as sustained by the court of appeals, and his failure to comply with the court's order is, in my opinion—and I emphasize, in my opinion—a clear defiance of the rule of law, the foundation on which this Republic exists.

Second. His firing of the special prosecutor and his abolishment of the special prosecutor's office was a violation of a compact arrived at by the administration and the Senate as a precondition for the confirmation of Elliot Richardson to the Office of Attorney General.

Third. His ordering of the FBI men into the offices of the special prosecutor, the sealing off of records and files within those offices, and the refusal of the FBI men to allow personnel in those offices—as was reported in the newspapers—to remove even their personal belongings from those offices, smacks of tactics for-

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profit-sharing plans to help finance their retirement programs have rightfully been concerned about the effects that H.R. 4200 would have on their plans.

H.R. 4200 would seriously hurt the pension plans which use profit sharing proceeds. Sears, J. C. Penney, General Mills and many old companies have established excellent records in this area and should be encouraged rather than legislatively discouraged to continue these fine practices.

Protection of the rights of those workers presently covered is assured in H.R. 2. This bill requires vesting the accrued benefits of employees with significant periods of service with an employer. This bill also requires plans to meet minimum standards of funding. These two provisions by requiring stringent vesting and funding standards negate the need for plan termination insurance which unfortunately is also contained in the bill.

Although legislation cannot eliminate all pension plan terminations, possible losses by any such termination would be drastically reduced by including provisions in the bill:

First, to prevent dilution of benefit security in business acquisition and merger situations;

Second, to provide for partial plan terminations with the approval of the Secretary of Labor;

Third, to provide fund distribution priorities on termination so there will be a more equitable distribution of all assets;

Fourth, to prevent "raiding" of assets by participants who leave the plan.

I will continue to work to maintain the integrity of the private pension system. No bill passed by the Congress should have the effect of reducing those contributions or limiting the size of pensions that workers may obtain. Private pension plans are worthwhile. More and better plans should be encouraged to be developed.

SENATE—*Tuesday, October 23, 1973*

The Senate met at 12 o'clock noon and was called to order by the Acting President pro tempore (Mr. METCALF).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

> Eternal Father, unto whom in all ages men have lifted up their hearts in prayer, as we draw near to Thee, draw near to us. We know not what to ask, but we trust Thee, and Thou knowest what we need—clean hands and pure hearts—goodness and grace and wisdom. Come upon this Nation at this moment of dismay, disappointment, and distress. Give to it a new sense of purposeful direction. Grant enabling grace to the President, the Congress, and all in authority, that they may unite their best efforts for the health and strength of the Nation and for peace and justice in the world.
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> We pray in His name who came to serve and give Himself for others. Amen.

MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of October 18, 1973, the Secretary of the Senate, on October 18 and 19, 1973, received messages from the President of the United States.

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To the Congress of the United States:

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For more than a quarter of a century, as strategic interests of the major powers have converged there, the Middle East has been a flashpoint for potential world conflict. Since war broke out again on October 6, bringing tragedy to the people of Israel and the Arab nations alike, the United States has been actively engaged in efforts to contribute to a settlement. Our actions there have reflected my belief that we must take those steps which are necessary for maintaining a balance of military capabilities and achieving stability in the area. The request I am submitting today would give us the essential flexibility to continue meeting those responsibilities.

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Thus far, Israel has attempted to obtain the necessary equipment through the use of cash and credit purchases. However, the magnitude of the current conflict coupled with the scale of Soviet supply activities has created needs which exceed Israel's capacity to continue with cash and credit purchases. The alternative to cash and credit sales of United States military materials is for us to provide Israel with grant military assistance as well.

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RICHARD NIXON.

THE WHITE HOUSE, *October 19, 1973.*

EXECUTIVE MESSAGE REFERRED

As in executive session, the Acting President pro tempore (Mr. METCALF) laid before the Senate a message from the President of the United States submitting a nomination, which was referred to the Committee on the Judiciary.

(For nominations received today, see the end of Senate proceedings.)

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, October 18, 1973, be dispensed with.

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Mr. GRIFFIN. I thank the Chair. That was my understanding.

The ACTING PRESIDENT pro tempore. Yes.

Mr. GRIFFIN. I wonder whether the distinguished majority whip might, for the time being at least, consider the possibility of extending the period to 1 hour with statements therein limited to 10 minutes.

Mr. ROBERT C. BYRD. Yes; I will be very agreeable to that suggestion. The only reason I made the suggestion was because I would anticipate that Senators on both sides of the aisle may wish to deliver themselves of speeches today in connection with the events of the past weekend and I dare to believe that 3 minutes might not be enough time.

Mr. GRIFFIN. I share the distinguished majority whip's belief. We should lengthen it and provide more time. We can judge later to see whether it is adequate.

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Does the Senator from Michigan seek recognition?

Mr. GRIFFIN. Not at this time, Mr. President.

THE PRESIDENT'S ACTIONS OVER THE PAST WEEKEND

Mr. ROBERT C. BYRD. Mr. President, the events of the past weekend have been unprecedented in the history of our country. So grave are the implications of these events that they cannot be viewed except with the greatest of apprehensions. So shocking were they, in my estimation, as to overwhelm the most credulous observer with utter disbelief.

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So sobering is the significance of these happenings that even the most trusting citizen should have reason to be concerned about the state of the Nation.

Before I go further, I should recall my personal affection for the President. I do not discount the services which he rendered our country during his years in Congress and his years in the Presidency. For example, I supported his nominees for the Supreme Court because I believed it imperative that the philosophical imbalance of that Court be corrected.

I stood with him on the Vietnam war until the culmination of the Paris peace talks because I believed in his Vietnamization policy, and I felt he was right in refusing to be stampeded by those who appeared to advocate capitulation.

I honored him for his advocacy—in earlier years—of reverence for law and his insistence that order be restored throughout the land.

Over the past year, amid rumblings suggesting impeachment, I have urged restraint. I have repeatedly said that such talk was premature and that there was no clear evidence on which to sustain an impeachment or on which reasonably to expect a resignation from office.

I have consistently urged restraint, even in the face of the growing Watergate scandals.

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I am also constrained, however, to state my utter abhorrence of the President's actions over this past weekend. I cannot bring myself to defend such actions. I feel compelled vigorously and publicly to object to them.

The actions to which I address my comments are these:

First. In my judgment, failure of the President to appeal the order of the district court, as sustained by the court of appeals, and his failure to comply with the court's order is, in my opinion—and I emphasize, in my opinion—a clear defiance of the rule of law, the foundation on which this Republic exists.

Second. His firing of the special prosecutor and his abolishment of the special prosecutor's office was a violation of a compact arrived at by the administration and the Senate as a precondition for the confirmation of Elliot Richardson to the Office of Attorney General.

Third. His ordering of the FBI men into the offices of the special prosecutor, the sealing off of records and files within those offices, and the refusal of the FBI men to allow personnel in those offices—as was reported in the newspapers—to remove even their personal belongings from those offices, smacks of tactics for-

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eign to democratic institutions and to democratic government.

Fourth. Returning the Watergate investigation to the authority of the Justice Department placed the executive branch in the position once again of investigating itself.

Now, let me address my attention briefly to each of these actions singly.

First, noncompliance with the orders of the courts. Of course, it is for the court—and not for me—Mr. President, to judge finally as to whether the President has failed to comply with the court order.

If the court decides that there has been compliance, then I will not contend otherwise, even though I may still hold to my own opinion, but let us examine the facts. The President has suggested that Watergate be removed from television and that it be settled in the courts, and I have concurred with that suggestion publicly.

Yet, the President's actions can only serve to hamper and obstruct the judicial process. He stated that he would abide by a "definitive" court ruling on the tapes. Yet, in failing to appeal the lower court's decisions, he deprived the Nation's highest tribunal of any opportunity to make a definitive ruling. He said that he was confident that the Supreme Court would have ruled in his favor. Why, then, did he not give that Court a chance to rule in his favor? If it had been given the opportunity to rule in his favor and had so ruled, the whole controversy surrounding the tapes would have been resolved. There was a definitive ruling by the district court, but the President did not abide by it. He appealed that ruling, and he had a right to appeal that ruling. There was a definitive ruling by the court of appeals, by a 5-to-2 vote, but the President did not abide by it, in my judgment. Both courts ruled that the tapes should be surrendered; the President did not surrender the tapes. He offered, instead, what he called a compromise. Let us examine the compromise.

The compromise is to consist of a so-called summary of portions of the tapes dealing with conversations concerning Watergate. The summary is to be prepared by the President himself. The summary is then to be submitted to Senator Stennis, who will listen to the tapes and verify the accuracy of the summary. The summary will then be submitted to the Ervin committee and to Judge Sirica.

On its face, the compromise may appear to be a reasonable and valid one. In reality, it falls far short of meeting the requirements under the court orders. As for the Ervin committee, the compromise may very well be sufficient; I do not presume to speak for the committee. The committee took its case to the court and lost; the compromise, therefore, is a gain for the committee. It has gained something, whereas the court gave it nothing.

We have to remember that the legislative committee's purpose, under the Senate resolution, is to secure information on which to base legislation to prevent recurrences of future Watergate scandals. The committee has no duty to find guilt or innocence. It cannot indict; it cannot prosecute; it cannot conduct a trial; it cannot convict.

The court of appeals, in suggesting that the President's lawyers seek a way of compromise, was not directing its remarks to the needs of the legislative committee. It was not directing any effort to accommodate the wishes or the needs of the committee. It suggested a compromise with Cox and Sirica—not with the committee. The thrust of the court's order was directed toward a reasonable approach to the submission of evidence involving the possible commission of crimes for evaluation by the district court and the grand jury. In this regard, the so-called compromise, in my judgment, was no compromise at all. In the first place, as long as the tapes are in existence, they constitute the best evidence as to what the tapes say. A written "summary" of their contents is mere hearsay and is not likely to be viewed as permissible evidence in a court of law. In the second place, the President will not avail himself for cross-examination as to the veracity or the accuracy or the thoroughness of the summary. Unless the tapes themselves, together with handwritten notes, papers, documents, and so forth, are surrendered, the prosecution, of various defendants in the Watergate case—includes Messrs. Mitchell, Stans, Erlichman, and others—dropped, inasmuch as defendants would not be able to adequately cross-examine witnesses produced by the prosecution—witnesses who have testified to the contents of the tapes and whose conversations are reportedly recorded thereon.

Mr. ALLEN. Mr. President, I ask recognition in order that I might yield my 10 minutes to the distinguished acting majority leader.

The ACTING PRESIDENT pro tempore. The Senator from Alabama is recognized.

Mr. ALLEN. I yield my 10 minutes to the distinguished acting majority leader.

Mr. ROBERT C. BYRD. I thank the distinguished Senator from Alabama.

Finally, sight must not be lost of the fact that papers, notes, documents, and other memoranda in the possession of the White House, may be even more important than the tapes in determining guilt or innocence. Hence, a mere summary of relevant portions of the tapes, even if such summary were absolutely accurate and thorough, would not include such other important documents as were being sought by Special Prosecutor Cox. The President himself, some time ago, stated that the tapes could be subject to misconstruction; therefore, the handwritten notes and other papers and memoranda may be vital to the proper construction of the tapes' contents. Again, I say, a summary such as has been proposed in the compromise would, in my opinion, fall far short of the whole story.

The President indicated that a very distinguished Member of this body, Senator Stennis, would be chosen to verify the accuracy of the summary. Every Senator has the utmost respect for the integrity, the objectivity, and the impeccable reputation of Senator Stennis. I view the placing of such a responsibility on Senator Stennis, at this time, a severe imposition, and I regret that he has been asked to shoulder this additional burden. Characteristically, of course, he has responded to the call as one of duty, and I admire him for it. I think it is unfair, however, to expect Senator Stennis, or anyone else who has not been associated day by day and hour by hour with the Watergate case, to sit in judgment as to the relevancy of tape recorded conversations dealing with the Watergate developments. Judge Sirica has been intimately associated with the Watergate case from its very inception, and he would be the individual best equipped to decide what portions of the tapes are relevant. Both the district court and the court of appeals suggested that the responsibility of making such determinations be his.

As to the firing of Special Prosecutor Cox and the abolishment of his task force, I can only view the action as high handed. I know that there are those who maintain that the President had no alternative but to fire one who refused to obey his orders. Ordinarily, I would agree with that 100 percent. But what were the orders? The orders were for Cox to desist from resorting to judicial process to secure the tapes, papers, handwritten notes, and other documents containing information bearing upon the possible commission of serious felonies. Cox was doing his duty. He was fired for doing his duty. He had already won two court battles in his effort to subpena the tapes which contained conversations the President held between June 1972 and April 1973. Cox's role from the beginning had been that of an independent prosecutor with instructions to seek evidence on the Watergate scandals, even if his search led behind the wall of executive privilege and into the White House files. The President, a long time ago, assured the Nation that there would be no White House coverup. Yet, the special prosecutor not only met repeatedly with obstructions from the White House in his efforts to secure information in the possession of the White House bearing upon the Watergate crimes, but, for his pains, he also was summarily fired and his office was abolished.

Cox could not have desisted without unfaithfulness to the pledge which he gave to the Senate prior to his appointment as special prosecutor. The President was asking him to abandon any further legal challenges to claims of executive privilege. Cox could not do this and remain true to his commitment to the Senate. The nomination of Attorney General Richardson was confirmed on the strength of Cox's assurance that he would follow the Watergate case wherever it led.

The President's abolishment of the special prosecutor's force was in my opinion, an act uncalled for, unjustified, and utterly provocatory. He has professed a desire to avoid confrontation with Congress; yet, the abolishment of the prosecutors' task force deliberately and calculatingly invites confrontation. The President, in appointing Elliot Richardson to be Attorney General, expressed

his approval of the appointment of a special prosecutor. Elliot Richardson selected that prosecutor. The President publicly expressed approval of an independent investigation. The guidelines by which the special prosecutor was to conduct his investigation were submitted to the Judicary Committee by Mr. Richardson, and they purportedly had administration backing. Those guidelines were refined during Mr. Richardson's confirmation hearings, and the refinements had the approval of the administration. Why now this drastic action of summarily dismissing the special prosecutor and abolishing the special prosecutor's office, and, with it, the independent investigation?

We hear it said that Mr. Cox was becoming a fourth branch of Government. Yet, two courts had ruled in his favor, and the written record of a Senate legislative committee will sustain a commitment which he was attempting to carry out.

As to the naked use of the FBI on last Saturday to swiftly descend after 9 p.m., upon the special prosecutor's office, preventing Cox's staff personnel from claiming their own personal possessions, can one deny that there is cause to fear what may happen next? Have we been introduced to the American version of the Soviet KGB? Speaking as one citizen and as one Senator, such use of the FBI was reprehensible. It was as though the FBI were closing in on a ring of criminals. One wonders if the Army might not one day be an instrument of misused power.

The very establishment of the office of the special prosecutor resulted from the failure last year and early this year of the Justice Department and the FBI, under Acting Director Patrick Gray, to conduct a thorough investigation of the Watergate scandals. District Court Judge Sirica publicly stated his disappointment with that investigation, and he expressed the hope that congressional committees would get the facts. There is ample history to justify Judge Sirica's frustrations. It was in such a context, that a special prosecutor was selected. Obviously, the executive branch should not be allowed to investigate itself. Yet, that is precisely where we are now. The independent investigation has been squelched. The Justice Department, acting under the direction of an Assistant Attorney General, will again be in charge. That Department is under the direction of the Chief Executive. It is subordinate to him and it is subordinate to his wishes and directions. It should be obvious to anyone that an investigation under such circumstances can never be independent. It is obvious that any real investigation of the Watergate scandals requires prosecutors who are independent and who have the courage to insist upon access to all relevant tapes, papers, notes, and documents at the White House. It is imperative that an independent investigation still be pursued vigorously.

Mr. President, this constitutes my evaluation of the discouraging events of the past week end. I do not maintain that there are yet absolute grounds for impeachment of the President, but I do maintain that there is adequate cause for profound concern. Impeachment is a matter to be determined by the other body, and I will reserve any final personal judgment until trial by the Senate, after the House impeached—if that occurs. Certainly, I do not maintain that, although the firing of Cox is an indirect affront to the Senate and the summary abolishment of the prosecutor's office force smacks of totalitarian authority—these acts, in my judgment, do not in themselves appear to formulate a just basis for impeachment.

However, if the courts should decide that the President has failed to meet the requirements of court orders and that he is, therefore, in contempt of the courts, such, in my opinion, would probably come within the purview of the constitutional reference to "high crimes and misdemeanors," and the foundation would have been laid for the House to consider impeachment proceedings. I hope that, somehow the President will review his position in this regard and will yet fully comply with the order of the courts and submit the tapes and relevant evidence required by the court order.

Finally, Mr. President, considerable sentiment has surfaced to the effect that Mr. Ford's nomination for the Office of Vice President should be held hostage. I think it would be unfortunate if the Congress, under Democratic leadership, sought in this way to repeal the results of last year's election. In my judgment, Mr. Ford's confirmation should rise or fall on the merits of his own personal case and on the basis of his qualifications to fill the Office of Vice President. I may vote against him or I may vote for him, but I will not be a party to intentional delay of action on his confirmation out of pique or as an indirect means of changing the election results of 1972.

Mr. President, I ask unanimous consent to have printed in the Record certain extracts from the hearings of the Committee on the Judiciary—of which I am a member—on the nomination of Elliot Richardson to be Attorney General. The purpose of the extracts is to substantiate the compact agreed upon by the Senate Committee on the Judiciary, and to show that Mr. Cox was living up to his commitment as special prosecutor.

There being no objection, the material was ordered to be printed in the Record, as follows:

Senator Byrd. Mr. Secretary the Assistant Attorney General, Mr. Henry E. Petersen, on September 16, 1972, in a press release, stated in part as follows:

"This investigation has been conducted under my supervision. In no instances has there been any limitation of any kind by anyone on its conduct. Indeed, the investigations by both the FBI and the Grand Jury have been among the most exhaustive and far-reaching that I have seen in my 25 years in the Department."

In the opinion of some of us, at least, the Watergate investigation was not exhaustive, was not far-reaching, and it was not without limitation.

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Senator Byrd. Well, Professor Cox, if we may view Watergate as a generic term for infamy, do you see any limitations or outer boundaries whatsoever in connection with the investigations that you will pursue? And if there are any outer boundaries, if there are any off-limits areas, would you state them at this time?

Mr. Cox. There is nothing that I see that this document puts off limits that I could possibly wish to go into. I am more overwhelmed by its scope than by its limitations, Senator. I don't mean that I hope I won't be overwhelmed, but it is a rather awesome thing, to be honest about it. But I don't see anything here that could prevent my doing anything which I felt in my responsibility to myself and to this committe, the other organs of governments, the people, that would limit me in performing them. If I did find anything, I would find some way of insisting that that barrier be removed.

Senator Byrd. The second paragraph, which speaks of your full authority, uses the phrase with respect to that authority,

". . . all offenses arising out of the 1972 Presidential Election for which the Special Prosecutor deems it necessary and appropriate to assume responsibility. . . ."

Can you envision any offense arising out of the 1972 Presidential Election which you would not deem it necessary and appropriate to pursue?

Mr. Cox. Well, I can imagine there being things so small and so remote from senior personnel in the Government, both in distance and time and association that it might be a mistake to encumber myself and my staff with them. That would be my only criteria. In other words, if it seemed to me that this is something that was so trivial and so remote, as I put it—you know, somebody out in the State of X has committed some offense which is a technical one; we investigate and can't find that he has any link to any public figure beyond a county chairman, or seems to have no link with any public figure. I would think that if we had to deal with all of those beyond satisfying ourselves on those very essential points we would be in danger of overwhelming ourselves with trivia.

But I think that one would have to have it very firmly in mind that the special prosecutor wasn't expected by anyone to be sloughing things off. And that would be my leaning unless it was a clear case for interfering with more important things.

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Senator Byrd. Mr. Cox, in your opinion, will the Attorney General have any authority whatsoever—based upon the charter, upon your discussions with him, upon your understanding with him—to overrule you in any matter without dismissing you?

Mr. Cox. No, sir, he wouldn't have any such authority that I can think of except there is possibly a little edge in the budgetary matters that we talked about, where one would have to try to go over his head and behind his back, but that is the only one that I recall.

And I should make it perfectly clear that there is no private understanding between us. I know there is no commitment on my part to him. There were some things which weren't originally written down, there may be some commitments that he has made to me that I was relying on, not basically different from his position here, but he didn't ask me for any and I didn't give any, and I guess, Mr. Secretary, they are all written down now, the things we talked about.

Secretary Richardson. I believe they are, yes,

Senator Byrd. Mr. Secretary, do you differ in any matter with the understanding which has been expressed by Professor Cox?

Secretary Richardson. No, I don't. I would feel that if I had thought that something was being done that verged on the edge of an extreme impropriety, that I might bring it to his attention. If he agreed, he presumably would correct it or not do it. If he didn't agree, then, of course, the situation would become one in which the only recourse I could have would be that of dismissal.

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Senator Byrd. What would you do, Mr. Secretary, if the President asked you for a report from the Special Prosecutor on the progress of the investigation?

Secretary Richardson. I would refer this to the Special Prosecutor and he would have to decide what the response should be insofar as he is not required to report to me except to the extent that he deems appropriate, so it would follow that any report to the President would have to be looked at in terms of whatever he believed the public interest at stake required.

As I said earlier in the hearings, so far as these investigations are concerned, my own relationship to the White House and the President will have to be an arm's length one in the first instance. And of course, this is especially true for the Special Prosecutor insofar as under these guidelines, he is the one exercising direction and immediate responsibility for the investigation.

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Senator Byrd. You don't subscribe to his (Mr. Kleindienst's) broad theory with respect to application of the privilege?

Secretary Richardson. As far as I understand it, no. I would add further that in my view, there is an appropriate role for the courts in the adjudication of a claim of privilege. As between the Congress and the executive branch, the President specifically, there may be a problem in getting adjudication of this issue because, of course, they may conclude that it is a so-called political issue and thus decline jurisdiction. But in a criminal prosecution, where the jurisdiction of a court attaches from the outset, it seems to me appropriate that the court should adjudicate an issue arising out of a claim of privilege by the executive branch or by or on behalf of the President on the one side and a prosecutor of criminal violations on the other.

It is therefore my understanding that for purposes of the Watergate investigation and all the other related matters, if such an issue should arise, the President will be represented by counsel on one side of that issue and that the Special Prosecutor would assert his claim to obtain the information or the evidence on the other, and that if that could not be resolved otherwise, then in my judgment, the issue would have to be resolved by a court.

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Senator Byrd. Would the Special Prosecutor have the authority to direct the FBI to broaden the scope of its investigation and to pursue any matter which comes within the context of this charter?

Secretary Richardson. Yes, he would. Of course, he would have some FBI personnel presumably assigned to him as part of the Watergate Special Task Force.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to insert in the Record at this time the guidelines agreed upon by the Judiciary Committee and Mr. Richardson and Mr. Cox during the hearings to which I have alluded.

There being no objection, the guidelines were ordered to be printed in the Record as follows:

Duties and Responsibilities of the Special Prosecutor

THE SPECIAL PROSECUTOR

There will be appointed by the Attorney General, within the Department of Justice, a Special Prosecutor to whom the Attorney General shall delegate the authorities and provide the staff and other resources described below.

The Special Prosecutor shall have full authority for investigating and prosecuting offenses against the United States arising out of the unauthorized entry into Democratic National Committee Headquarters at the Watergate, all offenses arising out of the 1972 Presidential Election for which the Special Prosecutor deems it necessary and appropriate to assume responsibility, allegations involving the President, members of the White House staff, or Presidential appointees, and any other matters which he consents to have assigned to him by the Attorney General.

In particular, the Special Prosecutor shall have full authority with respect to the above matters for:

Conducting proceedings before grand juries and any other investigations he deems necessary;

Reviewing all documentary evidence available from any source, as to which he shall have full access;

Determining whether or not to contest the assertion of "Executive Privilege" or any other testimonial privilege;

Determining whether or not application should be made to any Federal court for a grant of immunity to any witness, consistently with applicable statutory requirements, or for warrants, subpoenas, or other court orders;

Deciding whether or not to prosecute any individual, firm, corporation or group of individuals;

Initiating and conducting prosecutions, framing indictments, filing informations, and handling all aspects of any cases within his jurisdiction (whether initiated before or after his assumption of duties), including any appeals;

Coordinating and directing the activities of all Department of Justice personnel, including United States Attorneys;

Dealing with and appearing before Congressional committees having jurisdiction over any aspect of the above matters and determining what documents, information, and assistance shall be provided to such committees.

In exercising this authority, the Special Prosecutor will have the greatest degree of independence that is consistent with the Attorney General's statutory accountability for all matters falling within the jurisdiction of the Department of Justice. The Attorney General will not countermand or interfere with the Special Prosecutor's decisions or actions. The Special Prosecutor will determine whether and to what extent he will inform or consult with the Attorney General about the conduct of his duties and responsibilities. The Special Prosecutor will not be removed from his duties except for extraordinary improprieties on his part.

STAFF AND RESOURCE SUPPORT

1. Selection of staff

The Special Prosecutor shall have full authority to organize, select, and fire its own staff of attorneys, investigators, and supporting personnel, on a full or part-time basis, in such numbers and with such qualifications as he may reasonably require. He may request the Assistant Attorneys General and other officers of the Department of Justice to assign such personnel and to provide such other assistance as he may reasonably require. All personnel in the Department of Justice including United States Attorneys, shall cooperate to the fullest extent possible with the Special Prosecutor.

2. Budget

The Special Prosecutor will be provided with such funds and facilities to carry out his responsibilities as he may reasonably require. He shall have the right to submit budget requests for funds, positions, and other assistance, and such requests shall receive the highest priority.

3. Designation and responsibility

The personnel acting as the staff and **assistants of the Special Prosecutor shall be** known as the Watergate Special Prosecution Force and shall be responsible only to the Special Prosecutor.

CONTINUED RESPONSIBILITIES OF ASSISTANT ATTORNEY GENERAL, CRIMINAL DIVISION

Except for the specific investigative and prosecutorial duties assigned to the Special Prosecutor, the Assistant Attorney General in charge of the Criminal Division will continue to exercise all of the duties currently assigned to him.

APPLICABLE DEPARTMENTAL POLICIES

Except as otherwise herein specified or as mutually agreed between the Special Prosecutor and the Attorney General, the Watergate Special Prosecution Force will be subject to the administrative regulations and policies of the Department of Justice.

PUBLIC REPORTS

The Special Prosecutor may from time to time make public such statements or reports as he deems appropriate and shall upon completion of his assignment submit a final report to the appropriate persons or entities of the Congress.

Mr. HASKELL. Mr. President, I regret very much what I must say today. I speak from my knowledge of what has occurred in the last few months concerning the bringing of impeachment proceedings against the President and of other matters.

The distinguished Senator from North Carolina (Mr. Ervin) and his committee and the special prosecutor, Mr. Archibald Cox, have pursued this case diligently. But now I have to discuss this matter, because it seems to me that we have reached the last straw.

Just last Friday, at midnight, the President announced he would not appeal to the Supreme Court of the United States the decision of the Court of Appeals ordering him to present certain tapes and certain other documents—these possibly much more important than the tapes. The President chose not to appeal, but he also chose not to abide by the judgment of the court.

Our Nation was founded in law and survives on the belief that no man or woman is above the law. I can only conclude from Mr. Nixon's actions that he considers himself above the law. If he is allowed to pursue the course he has chosen, we can come to no other conclusion than that this is the end of the Republic of the United States. But that cannot be allowed to happen. There is only one procedure left to show that we are a government of laws, not a government of men. That is the course of impeachment. I, therefore, hope that the House of Representatives brings the charges.

I recognize, of course, the disruption to the country which would result from impeachment, but I am equally aware that it would mean the end of the country if we allow one man to stand above the law. Should the House of Representatives bring the charges, we in this body would sit as jurors. We would hear the defense and, as jurors would make up our minds. I speak as a prospective juror. I have not prejudged the President. I say only that he is accountable for his actions and that sufficient prima facie evidence exists to call him to account.

I submit that this is not the time for compromise. This is not the time for resolutions. It is not the time for finding ways out. I am sorry to say that the gauntlet has been thrown down.

To illustrate the seriousness of the situation, while I was at home in Colorado over the weekend the telephone at my house rang constantly. Approximately one-tenth of the people did not want to give their names. They were calling in desperation, asking for action by Congress along the lines I have suggested. But they did not want to give their names, because they were afraid of "investigation." It is unthinkable that in the United States of America people should be afraid to criticize, afraid that what happened in Nazi Germany might happen here. The situation which bred such fear must be rectified.

Mr. President, I ask unanimous consent to have printed in the Record following my remarks a more elaborate articulation of my position. May I say again that it is very painful to have to utter these words, but I felt compelled to do so.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator Haskell

Unless it is prepared by its inaction to guarantee the dissolution of our American government of laws, the House of Representatives must bring immediate impeachment proceedings against President Nixon.

There can no longer be any serious question about the course Richard Nixon has set for this country: government by the whim of a single man. If our faith in the traditional constraints of decency, morality and conscience in government was ever valid, it cannot have survived the unprecedented events of the past few days. Since this country was founded, we have lived with the concept that no citizen stands above the law. Now the President has put himself above the law. I find that intolerable.

Archibald Cox, Elliot Richardson and William Ruckelshaus have not been forced from public service for routine insubordination. They were abhorrent to the President because their integrity forbade them to participate in his scheme to defy the courts and the Congress.

As the President obliterated the last traces of integrity within his administration he simultaneously demonstrated his intense contempt for the Constitution, the Congress, the judiciary and, most tragically of all, the American people. This revelation will benefit us only if it finally galvanizes the House of Representatives into action toward impeachment.

Even though we have heard some tentative discussions of impeachment—the process and the ramifications—since the Watergate miasma began to spread, serious consideration has always given way to fervent hope for another solution. That has been my hope as it must have been for any reasonable man, so repellent is the prospect of subjecting this country to so dangerous and disruptive a procedure as the impeachment of its president.

But we have seen the President defy both the Congress and the courts in their efforts to find a less catastrophic resolution. Now we are bankrupt of alternatives. Now we must turn to the Constitution for our direction. It prescribes the ultimate restraint of a willful President who responds to no other—impeachment.

The prospect of impeachment is still a grave one. But the mortal danger to the country lies in refusing to recognize that there is no other choice. The President has shattered any contrary illusions. And that is the significance of his dismissal of the special prosecutor. The President was answerable, and thus impeachable—triable—months ago for his role in the Watergate affair. But we recoiled from impeachment then so long as there seemed another way to get at the truth—which was, after all, the goal both of Mr. Cox and the Senate Watergate Committee.

The Watergate burglary was only a minor manifestation of a massive attack on the Constitution of the United States waged over the past several years by the administration. Only if all of us see the incident in that perspective can we realize how truly close we are to the loss of the individual liberties we have enjoyed for over 200 years.

Once the storm broke, we became aware of the whole range of incursions the Nixon Administration has made into that body of freedom. We do not know the truth yet about the President's involvement in the systematic electronic eavesdropping, burglaries and intimidations. We don't know the extent of the role in the apparently coercive campaign which raised millions of dollars for his re-election. But we do know these things happened.

We also know attempts were made to subvert justice in the offer of the FBI directorship to Judge Matthew Byrne who was sitting in the Ellsberg case at the time. We know, too, that presumably incriminating documents were destroyed by L. Patrick Gray acting FBI director, at the direction of administration officials. We know these same officials sought to limit the Watergate investigation, asking the CIA to pressure the FBI. Burglary, breaking and entering, suppression of information, interference with judicial processes, eavesdropping—all seem to be standard procedures.

The President's dismissal of Mr. Cox adds nothing material to the evidence that the man in whose administration these abuses were practiced could hardly have been unaware of them. It simply says with finality that there will be no easy answer. But the country cries out for an explanation of the President's participation. The President, at this very moment in contempt of court, has left a single avenue open to us.

As a United States Senator and a prospective juror in the matter, I do not presume to prejudge the President. But he invites prejudgement with his campaign to thwart every reasonable effort to get at the truth.

And we must have the truth. For the one thing we cannot long survive is the shroud of corruption lingering over the Nixon Administration in a kind of evil half-life, contaminating every aspect of government.

An impeachment proceeding will prove that we are a people of laws, that no individual is above the law and that we, in fact, adhere to our Constitution. I urge the House of Representatives to begin the process. Then each member of the Senate, according to his conscience, can weigh the mounting evidence against the President.

Mr. BENNETT. Mr. President, before I begin my prepared statement, I would just like to say this in all candor and friendliness to my friends who feel that the President ought to be impeached: If they are going to sit as jurors, they may morally disqualify themselves in advance by the statements they make on the floor of the Senate, because statements made in strong disagreement with what is going on can carry them over the line to the point where they can be in the position of making it obvious that they have already prejudged the case.

Mr. HASKELL. Mr. President, will the Senator yield for a comment?

Mr. BENNETT. I will be happy to, provided I do not lose any time.

Mr. HASKELL. I certainly do not want the Senator to lose any of his time.

The ACTING PRESIDENT pro tempore. Without objection, the time will not be counted against the Senator.

Mr. HASKELL. The record will show that this Senator said that we would sit as jurors, we would hear the defense, and we would then make up our minds; but the overwhelming prima facie evidence, in my judgment, indicates what has to be done.

Mr. BENNETT. That is just the kind of attitude I am warning my fellow Senators about.

Mr. President, there has been a wide spectrum of reactions to the President's proposal that Senator Stennis become the channel through which the material on the White House tapes would reach the Senate committee, the courts, and the public. These have ranged all the way from acceptance and approval to the most strident kind of partisan denunciations which ended in shrill demands for the President's immediate resignation or his impeachment. The wildest of these now ring a little hollow against the significance of the Russian cooperation in securing yesterday's cease-fire and underline the risks involved in this extreme course of action. They also bring two questions into sharp focus for me. Today I ask all my colleagues to face them with me.

Recognizing fully the seriousness and complexity of the problem created by the uncertainty about the White House tapes, I have first asked myself:

Do the American people want a solution which will do the least damage to the Government itself—and to our international standing and strength, or do they agree with those who see this as a chance to bring President Nixon down—even at the risk of dangerously weakening the Office of the Presidency itself?

The second question follows naturally. If we seek the best possible solution, with which should we be most concerned—the substance or the form?

Because I am one who thinks we ought to choose a solution rather than a circus and substance rather than form, I like the President's proposal to use Senator John C. Stennis as a screening intermediary. In the first place—and most importantly, I trust Senator Stennis—as a man of the highest character and a loyal American, as a Senator tuned to the finest traditions of this body, and as a fine lawyer with sound judicial experience. As the developing course of events swirls around the Watergate episode, all three branches of Government—executive, legislative, and judicial—have been moving on collision courses. When President Nixon, representing the executive branch, entrusted his fate to John Stennis, who has been part of the other two branches—legislative and judicial—I think we have been given a way in which these forces can come together without an explosive confrontation, and be contained and resolved in the magnificent capability and character of this man—whom we all trust. Moreover, this can

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be the quickest solution of all—Senator STENNIS' report can be ready in a few days, or at most a few weeks—and save the Congress and/or the country from being locked into months of debilitating debate.

Over the weekend the Stennis plan has been denounced as "jerry-built" and "illegal." I do not see it that way at all. Obviously, so long as the tapes are in the President's hands, he can do with them as he pleases. As a matter of fact, this plan is only a variation of the idea put forth by Judge Sirica who, in calling for the tapes, proposed to do essentially what Senator STENNIS will do. In passing, it is interesting to note that Mr. Cox rejected the Sirica proposal also.

Many seem to believe that the President's decision to pass up his right to carry his appeal to the Supreme Court was the action of a desperate man seeking to prevent the exposure of information that he knew would destroy him if made public.

The fact that in turning the tapes over to Senator STENNIS, he also gave him authority to reveal the pertinent data, should set that idea to rest. I think he really made that choice because he feared that if the Executive were to bow completely to the judiciary it would inevitably create a precedent which could weaken his power and that of any of his successors to protect sensitive information from fishing expeditions conducted by resourceful and imaginative lawyers who could bring cases in any one of our 400 Federal courts.

Of course, human nature being what it is, it is easy to see why some politicians and their supporters in the media have rejected this proposal out of hand. As a solution, it is too simple and direct. It is unacceptable to some because it minimizes the opportunity for political exploitation. Instead, it could shorten up the legal process, and thus reduce the prospect for a continuing stream of future headlines.

Most vocal among those who feel they would be shortcircuited by the Stennis solution are those who are even too impatient to wait for the courts. These are mostly Members of Congress who want to move the hoopla and the headlines into the area where they can benefit politically from them. The privilege of participating in a once-in-a-century impeachment proceeding is a heady and exciting prospect. Some want to vent their political spleen, and some, looking beyond a hoped-for successful impeachment, see it as a unique opportunity—an historical first—to transfer the Presidency from one party to another without the risk of an election.

To me, the injection of partisanship into this problem is a dangerous game. Any weakening of the office of the President would represent a chance that it could permanently affect the power of every future President to carry his responsibilities regardless of his party.

To repeat, to me it is ridiculous to charge that the President did it in fear of being forced by the court to reveal something that was on the tapes which would establish his personal guilt. If any such material is there, Senator STENNIS will find it and he has been given complete freedom to reveal whatever may be on the tapes which he feels should be subject to further action by the Senate committee or the courts. His responsibility is to be a filter—not a plug.

To me the values of accepting and following the President's Stennis plan are obvious. By refraining from any rash action until we have the benefit of this study, we preserve the ability of both the President and the Congress to continue to act with power in the present international crisis as well as against our domestic problems. Yesterday's ceasefire in the Middle East was a great and welcome evidence of the value of the détente that the President worked out with Russia, but the hardest work and the greatest need for U.S. strength lies still ahead when the negotiations for the final boundaries begins. You can be sure Russia will be in there doing all she can for her client states. Of what use will our help be to our friends if both the President and Congress are immobilized by what may well prove to be a futile impeachment procedure? Actually both the President and Congress already "have on their plates more than they can say grace over" during the rest of this year.

If the impeachment process were to be justified, it should not be undertaken in a circus atmosphere. It is a most solemn and tragic matter—and ought not to be triggered by trivia or set in motion with a lot of hoopla. I have been heartened to hear the comments of many authorities on this subject, including former Supreme Court Justice Arthur Goldberg. They agree that in the resignations and firing that have taken place over the weekend, the President has not exceeded his consitutional authority or create the basis for impeachment. Still there have been many strident voices calling for it for these reasons, and some Congressmen are fighting for the brief headline that will come to those whose names are on the resolutions that are being introduced in the House today. Still, to me, it is significant that many of the President's most vigorous press critics have stopped short of demanding impeachment now.

So, I close as I began. Facing this very serious problem, do we want a solution or a circus—and if a solution, which is more important to us, form or substance? To me, by entrusting these tapes to Senator STENNIS, the President has offered us a solution with substance, and it is one for which we will not have long to wait and also one that will still allow for appropriate court action if, after Senator STENNIS responds, that seems warranted.

Because I have faith in both President Nixon and Senator STENNIS, this is the solution I prefer—and I hope we will all have the patience to wait for it before we start anything more drastic which might be damaging to the Senate, the Presidency, and the country, and in the end, be revealed as futile and unjustified

INTRODUCTION OF S. 2600, TO PROVIDE FOR THE APPOINTMENT OF AN INDEPENDENT SPECIAL PROSECUTOR

The PRESIDING OFFICER (Mr. ABOUREZK). The Senator from Florida is recognized.

Mr. CHILES. Mr. President, I intend to introduce a bill calling for the appointment of a special prosecutor.

I think that the Senate was on the right course some months ago when it felt that it was completely necessary to have a completely independent special prosecutor look into the matters of prosecuting crimes which occurred in the Watergate events.

At that time, Mr. President, Attorney General Richardson was up for confirmation. And upon his assurances that he would appoint Archibald Cox—who has a high reputation, certainly with me, that he would be given complete independence, and upon such assurances being guaranteed by the President of the United States, the Senate allowed Mr. Richardson to be confirmed and the appointment to be made by Mr. Richardson of Special Prosecutor Cox. We now see that has all come to naught. We find ourselves back in a situation in which the President is now in complete charge of the prosecution of wrongdoing in his Office and investigating possible charges against himself. And we see that now the order of the court is being defied and no one is left to even litigate the bringing of a citation for a ruling to show cause that the order is being defied because of the firing of Special Prosecutor Cox.

I think that right now, more than anything else the people want to know that there is order in this country, that there is a rule of law in this country, and that Congress is trying to bring some order into this matter. I think that what we need to display more than anything else is that we have a course of action and that we will appoint a special prosecutor and attempt to get the truth of the matter and will let the facts speak for themselves and will let the people judge those facts.

Mr. President, I know that several other Members want to introduce bills for this purpose. A letter has been written to Judge Sirica. I have signed that letter along with other Members of the Senate.

I ask unanimous consent that a copy of that letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

Hon. JOHN J. SIRICA,
Chief Judge, District Court,
Washington, D.C.

DEAR JUDGE SIRICA: We are the sponsors of bills which would establish the Office of Special Prosecutor as a statutory entity to continue the work begun by the Watergate Special Task Force. Our bills differ in some respects, but they share a common objective: the establishment of an instrumentality to continue the work begun by Mr. Cox' office in such a way as to maximize the chances that justice will be done and the truth told.

Our purpose in writing is to lay to rest any appearance of opinion on our part that

the course of action we propose is the only available means for assuring that the investigation proceeds in the most effective way. The introduction of these bills is in no way intended to derogate, or conflict with, the inherent, statutory and constitutional powers vested in the U.S. District Court for the District of Columbia and other Federal courts, or to express any opinion, for or against the exercise of any such powers. Because of our firm commitment to the doctrine of separation of powers, we believe that the exercise of all powers vested in your office is not a matter with which members of other branches of the Federal government should interfere.

We, therefore, take no position on the advisability of exercise of your supervisory power over grand juries to appoint a Special Counsel to present evidence to, and otherwise assist, the special Grand Jury currently investigating various incidents related to the 1972 Presidential Campaign. Although such a Special Counsel may not be provided with the authority to sign an indictment on behalf of the United States, or to conduct post-indictment criminal proceedings, appointment of such a Special Counsel appears to be a legally permissible means of preventing an interruption of the present investigation during the present period of uncertainty.

We hope that this letter, which is being made available to the press and the public, will make clear our firm conviction that officials of other branches should in no way interfere or be perceived to interfere with the efforts of the Judicial Branch to discharge its duties with respect to the Watergate investigation.

Respectfully yours,

STEVENSON.
——— ———.
——— ———.
——— ———.

Mr. CHILES. Mr. President, the letter was written to assure Judge Sirica that by taking this action, we in no way do away with the power and the right he has as chief judge and as the person now in charge of the criminal matters under investigation.

We are simply trying to take the course that we feel Congress should take. We do not seek to divide his powers at the time we enact into law the office of special prosecutor. We should wrap up the Watergate case. At the same time, I think that the Watergate Committee has performed well for the country and has brought to light many of the events which occurred in that matter. We are now in a position where we do not want to be going in two directions by having the Senate committee and the office of special prosecutor. Enough facts have been developed now so that the Congress can turn this matter over to the courts and to the special prosecutor.

I would hope that at the time we do involve ourselves in the appointing of a special prosecutor and bringing that law into effect, we would then abandon the Watergate Committee and have them go ahead with the recommendations for legislation that would prevent such things occurring in the future.

Further investigation of crimes would be left to the special prosecutor.

Mr. President, I send the bill to the desk and ask that it be appropriately referred.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. CHILES. I yield.

Mr. STEVENS. Mr. President, did I understand the Senator from Florida to say that he is introducing a bill to allow Congress to appoint a special prosecutor?

Mr. CHILES. Mr. President, I am introducing a bill to allow Congress to create the office of special prosecutor. The appointment would be made by the chief judge.

Mr. STEVENS. Is the Senator from Florida of the opinion that the grand jury is unable to continue its investigation?

Mr. CHILES. The Senator from Florida is of the opinion that the people of the United States want to get the facts and the complete facts in this matter. And the best way to do that is to have an impartial prosecutor that would be available to prosecute this case, and no person, regardless of whether it is Mr. Petersen—who I think possesses a high reputation, certainly with me—involved in the Justice Department now has the confidence of the people or would meet with the approval of the people.

Mr. STEVENS. Mr. President, does the Senator from Florida believe that the court does not have the authority to appoint persons to assist the grand jury, if the judge feels that the prosecutor who is duly designated by the executive branch cannot for any reason carry out his functions?

Mr. CHILES. The Senator from Florida in his remarks also said that he was having printed in the RECORD a copy of the letter which was signed by several Senators who will introduce bills in this particular matter, a letter to Judge Sirica. The letter set forth our statement that in no way would the action we were taking take away any of the rights of the court, but would assist it in carrying out its duties in the appointment of a special prosecutor. This is simply a direction to provide for the office of special prosecutor.

Mr. STEVENS. I notice that the Senator from Florida agrees with the President that the Watergate Committee has served its purpose and that the matter should be left to the courts. Is the Senator from Florida willing to leave the matter to the courts?

Mr. CHILES. Is the President of the United States willing to leave the matter to the courts?

Mr. STEVENS. I think the Senator from West Virginia has very clearly pointed out that that matter remains to be seen. This is a matter between the executive branch and the courts. And the matter still rests with the courts.

Mr. CHILES. If it is a matter between the executive branch and the courts, then I really have a hard time understanding why the Stennis agreement comes into play. It is certainly an agreement involving three parties. And the Senator is correct that the Senator from Florida now feels that if we create the office of special prosecutor—which we should do—and if we set up a special prosecutor, then we should leave the matter to him. I think that the Watergate Committee has completed its task and we should not be going off in several directions. We should leave the matter to the special prosecutor and to the courts.

Mr. STEVENS. Mr. President, I am confused as to what the Senator from Florida suggests, because the Senator from Alaska understands that Judge Sirica has yet to rule on the compromise suggested by the President of the United States.

If that is the case, what in the world is all the hurrah about on the floor of the Senate today?

Mr. CHILES. I would be delighted to try to enlighten the Senator from Alaska. If he is confused, I will be glad to counsel with him and try to enlighten him.

The PRESIDING OFFICER. The 10 minutes of the Senator from Florida have expired.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees may be permitted to meet during the session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR SECRETARY OF THE SENATE TO RECEIVE MESSAGES DURING ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Secretary of the Senate may be authorized to receive messages from the President of the United States and from the other body during Senate adjournment over to Friday next at 12 noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PRESIDENT'S ACTIONS DURING THE PAST WEEKEND

Mr. CURTIS. Mr. President, now is the time to keep cool and to think clearly in reference to Watergate. The facts do not coincide with everything that the headline seekers would indicate.

I believe that Mr. Cox made a serious error in not going along with the arrangement for Senator JOHN STENNIS of Mississippi to listen to the tapes. This arrangement called for Senator STENNIS to have access to the total tapes—not summaries nor excerpts. Senator STENNIS, the chairman of the Senate Committee on Standards and Conduct, stands as the foremost man of integrity in public life today.

Mr. Cox received an executive appointment. Legally his status was that of an assistant to a cabinet officer. The right of the President to remove him raises no legal or constitutional problem. Impeachment talk may be, in the minds of some good smear talk, but there are no legal grounds for impeachment.

The Congress could have passed a law

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setting up a totally independent prosecutor for the Watergate matters. This was done back in the 1920's in connection with the Teapot Dome scandal. At that time, the House of Representatives and the Senate passed a statute which provided for the appointment of a prosecutor and the carrying on of the prosecution. I understand this was discussed in the Senate Committee on the Judiciary, but a decision was made not to do so. Instead a procedure was followed involving agreements and understandings.

It seems to me that Mr. Cox ought to have respected the agreement entered into by Senator Sam Ervin, Senator Howard Baker, and President Nixon and made an attempt to see what would develop following Senator John Stennis' report.

Mr. President, I think I am quite charitable when I point out that Archibald Cox is no superman, neither is he noted for being a nonpartisan and objective participant in these matters. Let us look at a few of the facts.

When Mr. Cox was given his assignment, according to Assistant Attorney General Petersen, the Watergate case had been 90 percent broken. The seven principals had already been sentenced.

Mr. Cox was given his assignment on May 18. Since that time, three individuals have pled guilty, each to one count of an indictment, as have three corporations in reference to their campaigning contributions and there has been one indictment of another individual. This is not a very impressive record for the Cox bureau of 81 lawyers for whom the Senate voted a recent appropriation of $2.8 million.

The record is very clear that Cox desired not to have the tapes delivered to Judge Sirica but Mr. Cox wanted the tapes himself.

Neither Mr. Cox nor his staff had any part in the handling of the case against Maurice Stans and John Mitchell.

Few people can appreciate the burdens on the President of the United States. Every Congressman and every Senator must delegate matters to his staff that he would like to do himself. Our responsibilities and the size of our constituency are such a small fraction of those of the President. In addition to the tremendous burdens falling on the President in reference to domestic matters, he is the world's foremost peacemaker. His last campaign had to be managed by others. I am convinced that President Nixon not only was not involved but never condoned any wrongdoing and that the real facts were withheld from him far too long.

A few weeks ago I appeared with a panel on the public radio network. The subject of discussion was the Watergate scandals. I asserted that there had been no evidence whatever involving the President of the United States with these wrongdoings. I would like to quote to you what was said by Mr. Edmisten, the assistent counsel to the Ervin committee. Incidentally, Mr. Edmisten has been employed by Senator Ervin for 10 years. He is in a position to know. Here is what Mr. Edmisten said:

> I agree with Senator Curtis entirely that there's not been any evidence whatsoever to link the President with any of these doings. It's not credible evidence. . . .
>
> Senator Curtis. I appreciate you saying that. . . .
>
> Mr. Edminsten. . . . and, as a lawyer, I agree, too, that no court in the land would admit an iota of it.

Mr. President, I yield the floor.

Mr. CURTIS subsequently said: Mr. President, earlier today I spoke on matters relating to the Watergate proceedings. Within the last hour I have learned that the President has decided to turn the tapes over to Judge Sirica.

It is my understanding that the President has done this in order to clear up any public misunderstanding. There were people who were not aware that the arrangement called for Senator Stennis to have total access to the tapes, not summaries nor excerpts.

Earlier I said that I thought Mr. Cox had made an error in not complying with the agreement entered into by Chairman Ervin and President Nixon in reference to the role to be played by Senator Stennis. It was a wise and fair procedure. Mr. Cox was out of line in the action he took in refusing to go along with the agreement for Senator Stennis to listen to the tapes. Had Mr. Cox been willing to honor the arrangement entered into by the President and Chairman Ervin for Senator Stennis to listen to the tapes, many of the subsequent actions could have been avoided.

Mr. HANSEN. Mr. President, despite the trauma of the times, this is no moment to give way to hysteria. The President proposed to provide a summary of the White House tapes for the special Senate Investigating Committee. Whether this will be accepted by the committee remains to be seen. The President has not defied any court order, according to a statement just recently made by the former Attorney General Elliot Richardson. Certainly, the cries some have made for impeachment proceedings are reactionary and premature.

Impeachment of a President is one of the most serious acts a Congress can take, and it is a step that must not be made on uncertain or emotional grounds. Our Nation has more at stake here than the question of jurisdiction of the White House tapes. The world is in turmoil, with war in the Far East, and war in the Middle East. Stability is needed desperately. It seems justifiable to conclude that no President could discharge the demanding responsibility of that office in these times of increasing crisis without a responsible approach by the Congress and other political leaders in the Nation.

I believe most Americans agree that the challenges of the present and the opportunities for a better more peaceful tomorrow, which these times provide, demand that there be as speedy a resolution to Watergate as is possible. America's future and indeed the future of many millions of people throughout the world is inextricably tied in with the effective President of the United States.

Calm and reason in this Nation are most desirable at all times. They are of the greatest necessity now. Some points on the matter of the White House tapes and the Watergate require court action before they can be resolved. We are a Nation of law, and we must have the patience to let the system work. No nation has a better system.

There is no reason to hold up, or to delay unnecessarily, the confirmation of Jerry Ford. His confirmation is not a part of the Watergate investigation action at all. The country needs to have a Vice President installed for the good of the country. I compliment the distinguished majority whip for voicing essentially the same feelings about Jerry Ford's nomination to the Vice-Presidency.

The President's selection of John Stennis to hear the White House tapes and determine what is pertinent to the Watergate investigation is a choice with which few Senators would seek to find fault.

Senator Stennis' integrity and character are unquestionable—second to none. As chairman of the Committee on Armed Services, John Stennis is in a key position to judge which, if any, of the tapes may be so sensitive as to harm the national security if the confidentiality of them were broken. As chairman of the Committee on Standards and Conduct he enjoys the unqualified admiration of every Member of this body.

His choice by the President deserves the support of every American.

Mr. President, I regret very much that Mr. Cox, the special investigator employed by the executive department of the U.S. Government, did not choose to let the compromise which was worked out by the chairman and the vice chairman of the Special Select Committee of the Senate with the President be implemented. I think that, had that been done, the matter could have moved forward toward resolution far more quickly than now seems likely to be the case, and full prosecution of the Watergate case could have proceeded so as to have permitted the President to discharge with greater effectiveness his very onerous responsibilities worldwide.

I regret that that course was not taken by Mr. Cox. I think that now we are faced with a situation which will undoubtedly draw out further the argument and the debate over the actions of the President.

As was noted by the distinguished Senator from Nebraska (Mr. Curtis), even the special assistant to Senator Ervin admitted there was not one iota of evidence to indicate any grounds at all to believe there had been any Presidential involvement in the wrongdoing which we characterize as Watergate.

Mr. DOMENICI. Mr. President, I thank the distinguished Senator from Kentucky. I just wanted to use a couple of minutes of his time to make some comments to the distinguished Senator from West Virginia (Mr. Robert C. Byrd), the majority whip, and to say that I was present this morning as he delivered his statement regarding the problem that confronts the American people and the Senate.

At the outset, let me say that I commend the distinguished Senator from

West Virginia for his remarks. Although I might not agree with them in every detail, I agree with them in principle and in concept. I especially commend the Senator from West Virginia for, in my opinion, rising above the partisan arena and addressing himself in a real and statesmanlike manner to the serious problems we face.

Mr. ROBERT C. BYRD. Mr. President, I thank the Senator from New Mexico very much for his comments.

Mr. DOMENICI. Mr. President, I would also say, aside and apart from the Presidential problem, that the Senator from West Virginia, in referring to the President's nominee for Vice President and urging that we get on with that business and not hold it as some kind of club, has shown the kind of statesmanship I expect from him and I commend him again for that.

However, with reference to his statement about the events of the past weekend, I have one question and one observation I should like to share with the distinguished Senator from West Virginia.

As I listened to the events of the past weekend I, too, was concerned about the involvement of the FBI. I concluded, at least temporarily, at one point during the weekend, as did the Senator from West Virginia, that it was perhaps a deplorable condition and one that caused me to think about the kinds of regimes I do not want to be a part of and which our Constitution does not permit. But as I continued to think about it, I thought of what, to me, seemed like a plausible and reasonable alternative so far as what was in the mind of the President at that particular time. I suggest to the Senator from West Virginia, because he was very concerned, that if the Senator had found himself in the same position as the President that particular evening, and had decided that he was going to abolish the office of the special prosecutor, Mr. Cox, and if, in fact, he had arrived at the point in time when he, as President, said, "There is no more Special Prosecutor," that then the President is confronted with another real problem: 3 days from that day, what would people be saying about the evidence in that room? What would some other faction in the Government be saying about its whereabouts, or its destruction, or its disappearance?

I believe that one could conclude, if he was as concerned about this possibility, at that point in time, even politically, that he would not want to face another accusation that he was party to destroying it or getting rid of it, or saying it was pilfered. Even those who had collected it could conclude that they might be subject to such an accusation, such an inference. So I determined that, unless I was prepared to say that the FBI and the people who went down there and the present Director were all acting in concert with some scheme of the President as compared with some true objective of preserving it intact, I should give the FBI the benefit of the doubt. It may be that this was the one way to preserve it and make sure at least that we had a third party who could say it was intact.

As I say, that is an alternative. In all other aspects, I commend the Senator for his comments.

Mr. ROBERT C. BYRD. Mr President, I thank the Senator from New Mexico. I am quick to say there is something certainly to be said for his viewpoint. I recognize the necessity of some action to protect the files and the evidence that had been accumulated there. The way in which it was reported to have been done, frankly, scared me, if I may use a well-understood word, and I am sure that millions of Americans reacted to this in the same way.

It was reported, as I indicated in my statement, that the personnel were not allowed to remove their belongings, their personal items, pictures of their wives and children, and so forth. I thought that was going to the extreme. It seems that there could have been some way whereby the actions taken to protect the evidence could have been taken without this display of raw power.

I regret that the FBI was used in this regard. I understand that after a while, on Saturday evening, the FBI agents were removed. I assume that U.S. marshals have taken their place. I think the appearance of this use of the FBI is what gave me great concern. The manner in which the FBI was used, especially in the context of the events of the past year and a half, merely lends additional credence to the fear that the FBI is being used, and will be used, now and in the future, under any administration, as a super secret police force which will act at the political behest and the beck and call of the Chief Executive, whether he be a Democrat or a Republican, to achieve whatever ends he may seek to promote—be they legitimate or otherwise.

I thank the Senator for his observation.

Mr. DOMENICI. I would comment further, Mr. President——

The PRESIDING OFFICER. The time for morning business has expired.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be an extension of the time for an additional hour, if need be, and that there continue to be a limitation on statements therein of 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from New Mexico now has the floor.

Mr. DOMENICI. Let me comment further on the observations of the distinguished Senator from West Virginia.

I wholeheartedly agree with that aspect of his response and discussion with me as it concerns the appearance and the show of force and that kind of attitude, which I think should not be present. In that respect, I concur wholeheartedly.

I think the final test will be what the status is of the evidence in that room. That is why I bring it up. I hope that 2 weeks hence or a month hence, it will prove to have been beneficial ultimately to whatever course we take, that somebody saw to it that it was safeguarded. I do not refer to those who were there because I do not have any reason to mistrust those who worked for Mr. Cox. I am referring to the appearance later on for the American people. But I share the Senator's concern as to what the American people could conclude from the way it was done.

Mr. WILLIAM L. SCOTT. Mr. President, will the Senator yield?

Mr. DOMENICI. I yield.

Mr. WILLIAM L. SCOTT. Mr. President, we ought to consider the organization of our Federal Government and recognize that the Federal Bureau of Investigation is a bureau within the Department of Justice, just as the Office of U.S. Marshal is a branch of the Department of Justice. So when we talk about the Federal Bureau of Investigation seeing that the files are secure, this is the Department of Justice. Frankly, I see nothing wrong with either the U.S. Marshal's Office or the Federal Bureau of Investigation doing this. Both are branches of the Department of Justice.

Mr. DOMENICI. I hope the distinguished Senator does not conclude that I saw anything wrong with it. I was addressing myself to the same proposition.

Mr. WILLIAM L. SCOTT. I appreciate what the Senator was doing.

Mr. COOK. Mr. President, I have read the remarks and listened to most of the remarks of the Senator from West Virginia, and I conclude that I am in agreement with many of them.

The point I want to make with respect to the discussion this morning is that I am very much concerned that many of us are passing judgment on a question that we may have to resolve later, and I am concerned about some of the remarks that many of my colleagues already have made on national television. I heard one over the weekend who said:

> Therefore, I conclude the President should be impeached.

For a Member of the U.S. Senate to pass judgment on what the House will do and then to sit as a juror to make that determination smacks of a conclusion that I doubt seriously the Senator really wants to make.

Another Senator made the remark that if a certain thing happened, this would be an impeachable offense. We have had one impeachment in the Congress of the United States. I have read the entire record, and I could not glean from having read that record that this Member of the Senate could say with absolute clarity that this would constitute an impeachable offense, unless he was trying to pass judgment on his colleagues in the House and saying, "If you will do this, you send it over to us, and we will have a stacked jury."

Mr. President, under the Constitution of the United States, if impeachment proceedings are brought, they are brought in the House. The charges are made and those charges are sent here, and we then act as a jury. The President of the United States cannot ask for a change in venue. It must be heard here.

The only point this Senator wants to make—and to make to all his colleagues—is that I do not think we should have a lynch mob or that the Senate of the United States should constitute a lynch mob and that we should not go around the country, for the benefit of

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our brethren up in the gallery, behind the Presiding Officer, who want to take a poll as to how many want to vote tomorrow to impeach or not to impeach. This is not a Qualye poll we are going through or a Kraft poll. This is a determination relative to the stability of the Government of the United States.

What bothers me is that we may be able to go through this record, if in fact that does occur, and it comes over here, and be able to stand on this floor at the time this occurs and say that 22 or 31 or 18 Members of the U.S. Senate have already expressed themselves so vehemently that they cannot even sit and listen to the case. Most of the gentlemen who are saying these things are lawyers. I know that in representing a client before a jury anywhere in the United States, they would not let anybody who had made such reports about their client sit on the jury.

When we talk about the agreement that the President proposed to submit to all concerned, to which Mr. Cox disagreed, I would read to Mr. Cox and to the Members of the Senate what the court of appeals said. It did not say that the tapes in toto shall be turned over. It said:

> He may give the grand jury portions relevant to Watergate, by using excerpts in part and summaries in part, in such a way as not to divulge aspects that reflect the pungency of candor or are otherwise entitled to confidential treatment. It is not so long ago that appellate courts routinely decided cases without an exact transcript, but on order of the trial judge settling what was given as evidence.

So I would only say that there is no violation of a court order at this point. I think Elliot Richardson made that clear in his press conference this morning, in his mind, that the President of the United States had not violated a court order.

I suggest, again, that the country is looking to this body relative to whether it can conduct its business here or whether it is going to conduct it in every news medium in the United States, whether it is going to refuse its commitment and totally and completely, piecemeal, prejudge this matter.

This Senator will utilize his judgment and will utilize it to the best of his ability. But I am not going to prejudge it, and I am not going to prejudge it for anybody in the press. I am not going to prejudge it for anybody on television. I must say that this Senator will have a degree of disrespect for those who do so and who must sit on a jury.

Apparently, none of the gentlemen of the press corps ever has to sit on a jury. If they did, they would know the admonition to which they have to subscribe.

So let us use a degree of logic and understanding and calmness, as the Senator from West Virginia has said, because we have a great duty and responsibility that is ours at any time, and we have to fulfill it. I hope we will not fulfill it in a way that routinely gives accolades and routinely extends congratulations and routinely gives a number of reporters and cameras access to one's office so that one can give a good 30-second or 1-minute spot for the late news—because that is not what we are here for.

I hope that if we do judge this matter, we certainly do not judge it as a stacked jury. I do not think that anybody in the United States who is accused of a crime or accused of a civil violation or action wants to be prejudged by a jury that walks by him before he walks into the courtroom and say, "This won't take very long, because we're going to get you." As a matter of fact, the judicial system, thank God, is not set up that way in the United States.

Mr. TAFT. Mr. President, I wish to commend the distinguished Senator from Kentucky for the words he has spoken and to associate myself with them. Certainly this is a time when we must not prejudge any case. I think that every Senator has a duty to withhold his judgment and to examine very carefully any of the questions he may be called upon to decide.

Perhaps I differ to some extent with the Senator from Kentucky in this regard; perhaps not. I think that Senators have another duty that must be considered equally strongly; that is, to try to explain to the American people what the processes and the difficulties are with regard to decisions that may or may not confront this body or the other body, or by those in the executive branch of the Government. I think we cannot move hastily but must gain a clear perspective.

I was particularly impressed this morning to read an editorial in the Cincinnati Enquirer dealing with some of the historical precedents involved. I should like to call the Senate's attention to a certain portion of the editorial in the Enquirer of October 23, which reads as follows:

> By extraordinary coincidence, the crux of President Nixon's difficulties at the moment are strikingly similar to those that beset Andrew Johnson, the nation's 17th President, against whom the House of Representatives instituted impeachment proceedings 105 years ago.
>
> The 40th Congress, as hostile to President Johnson and what he perceived as his mandate as the 93rd has been to President Nixon and his, undertook to declare that the President could not remove from office a Cabinet member to whose confirmation the Senate had consented. President Johnson proceeded to violate the Tenure of Office Act; his impeachment resulted. But after a trial before the Senate that consumed more than two months, President Johnson was acquitted. A further vindication came when the Supreme Court, in Myers vs. the United States, struck down the Tenure of Office Act as an unconstitutional invasion of the President's powers.

Mr. President, I call that to the Senate's attention because I think it points out that even as to an act of Congress, or even as to an act of Congress that is contemplated and may be passed, there are particular circumstances when judgment should be reserved.

Some of us, when this matter was up before—I remember when the distinguished Senator from Massachusetts (Mr. Brooke), a fine lawyer, who was the attorney general of his State—considered whether law enforcement can be brought up by any branch of the Government other than the executive branch. We should certainly not speculate on arriving at a judgment in regard to such a decision.

The Cincinnati Enquirer this morning published an editorial commenting on the current developments on the national scene. It seems to me that the comments are worth considering by those of us who may be called upon to act.

Mr. President, I ask unanimous consent that the entire editorial from the Cincinnati Enquirer of October 23, 1973, be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Impeachment in the Air

> Congress returns from its Veterans Day weekend today with its passions more inflamed than at any time since the beginning of the Watergate inquiry.
>
> Only a week ago, ironically, President Nixon's nomination of Rep. Gerald R. Ford (R-Mich.) to be the new vice president seemed to have inaugurated a long-overdue truce in the President's relations with Congress.
>
> Only hours ago, also ironically, the White House came forward with what seemed an eminently sensible compromise on the thorny issue of the so-called Watergate tapes.
>
> But now Congress is angrier than most Americans have ever seen it. Its mood, its rhetoric are impatient and ugly. Impeachment—with all its shattering implications—is in the air.
>
> By extraordinary coincidence, the crux of President Nixon's difficulties at the moment are strikingly similar to those that beset Andrew Johnson, the nation's 17th President, against whom the House of Representatives instituted impeachment proceedings 105 years ago.
>
> The 40th Congress, as hostile to President Johnson and what he perceived as his mandate as the 93rd has been to President Nixon and his, undertook to declare that the President could not remove from office a Cabinet member to whose confirmation the Senate had consented. President Johnson proceeded to violate the Tenure of Office Act; his impeachment resulted. But after a trial before the Senate that consumed more than two months, President Johnson was acquitted. A further vindication came when the Supreme Court, in Myers vs. the United States, struck down the Tenure of Office Act as an unconstitutional invasion of the President's powers.
>
> The President's dismissal Saturday night of Watergate special prosecutor Archibald Cox came, like President Johnson's effort to remove Secretary of War Edwin M. Stanton, as the climax of a long chain of disputes. In 1868, the President came to regard Secretary Stanton as a virtual agent of his congressional opponents. Last weekend, President Nixon apparently came to see Mr. Cox as hell-bent on forcing a constitutional confrontation of the sort that prudent men customarily seek to avert—a confrontation, moreover, that the White House had gone far to forestall. The reason is that issues resolved before the Supreme Court more often than not have ramifications that reach far beyond the case at hand.
>
> In this instance, any definitive ruling that may be arrived at in the case of President Nixon's tapes presumably would be applicable to all future chief executives.
>
> Certainly, the powers of the presidency would be gravely diminished if presidential documents should become, for all times, subject to the subpoenas of the legislative or judicial branch.
>
> Just as certainly, only the cause of presidential arrogance, again for all times, would be served by a firm declaration that nothing that crosses a presidential desk or occurs in a presidential office may be subpoenaed by either of the two other branches of the federal government.
>
> That is why The Enquirer had hoped, from the very beginning of the tapes dispute, that a satisfactory compromise could be found and a precedent-setting showdown prevented.
>
> We shall learn this week whether the compromise the White House proposed Friday night is a viable one. If it is, the Watergate case's outstanding issues should be resolved relatively quickly. If it is not, even stormier days are likely to lie ahead.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the Record a telegram from the Honorable Mike Mansfield, majority leader of the U.S. Senate, addressed to the Honorable James Eastland, chairman of the Judiciary Committee, and dated October 21, 1973, in which the distinguished majority leader urged the chairman of the Committee on the Judiciary to convene a meeting of that committee as soon as possible to consider all the factors involved in the recent developments relating to the ousting of Archibald Cox and of William Ruckelshaus as Deputy Attorney General and the resignation of Attorney General Elliot Richardson.

There being no objection, the telegram was ordered to be printed in the Record as follows:

October 21, 1973.

Hon. James Eastland,
U.S. Senate,
Washington, D.C.

In view of recent developments relative to the ousting of Archibald Cox and William Ruckelshaus and the resignation of Elliot Richardson as Attorney General, I most respectfully request that you convene a meeting of the Senate Judiciary Committee as soon as possible to consider all the factors involved.

Certain promises and pledges were made by the Attorney General to the Senate Judiciary Committee. Certain commitments were made so that Mr. Archibald Cox could assume an independent position as Special Prosecutor. The Senate proceeded in good faith on the basis of those promises, pledges and commitments.

The resignation and discharges of the above mentioned individuals are matters of the highest importance and I believe they should be considered by the full Judiciary Committee as soon as possible. This is a matter which, in my opinion, confronts not only the Judiciary Committee but the full Senate, the Congress and the American people as well.

Sincerely yours,

Mike Mansfield,
Majority Leader, U.S. Senate.

INTRODUCTION OF S. 2603, TO PROVIDE FOR THE CONTINUATION OF AN INDEPENDENT INVESTIGATION OF CERTAIN ACTIVITIES BY HIGH OFFICIALS

SUBMISSION OF SENATE RESOLUTION 191, RELATING TO THE CENSURE OF ROBERT BORK

Mr. STEVENSON. Mr. President, Benjamin Franklin at the Constitutional Convention in 1787 said our Government could end in despotism, as others had before it, only when we ourselves become so corrupted as to need despotic government and incapable of any other form of government.

That day will come when our fear of despotism, or our indignation at corruption, is so long sustained, that we tire, and suffer it, and do nothing.

However much the White House may profess surprise at the public outcry, the day when the American people suffer corruption or despotism in silence is far off. The great strength of the American people, the deeply held conviction that all Americans are equal under the law, our faith in an independent judiciary—all are manifesting themselves.

It is the Congress now, not the American people, which is tested.

As Archibald Cox said:

> It is now up to the Congress to determine whether our system of laws is to be replaced by a system of men.

The institutions of Government will either be defended or corrupted. We have no middle course. The choice is to act, or not to act—to purge ourselves of the corruption or, tired, to suffer it.

The President proposed a deal. But his tapes "compromise," insofar as it applies to the lawsuit brought against Richard M. Nixon by Archibald Cox on behalf of the United States, would not compromise an issue. It would compromise the Government itself. No man subject to an order of court can be permitted to substitute his own action for that required by the court.

As Lincoln said:

> The courts are the tribunals prescribed by the Constitution and created by the authority of the people to determine, expound and enforce the law. Hence whoever resists the final decision of the highest tribunal, aims a deadly blow to our whole republican system of government—a blow, which if successful, would place all our rights and liberties at the mercy of passion, anarchy and violence.

In this case the highest tribunal is the court of appeals. The President proposes to place himself above the court and the law.

Senator Stennis is a man of unquestioned integrity who would diligently review the tapes and could reasonably do so with respect to the tapes sought by the Senate select committee. In that case no court order binds the President; there a compromise between equal branches of Government is in order.

But to interpose Senator Stennis, or any other man, between the President and the judicial process is to accept the proposition that the President is not accountable to the law. We dare not accept that proposition.

Of greater importance, access to the tapes by means of a summary or transcript or whatever is intended to be offered is at most access to only a part of the evidence.

The evidence of criminality in the 1972 Presidential campaign goes far beyond the Watergate break-in and coverup; it involves the solicitation and expenditure of illicit campaign contributions, alleged payoffs for campaign contributions, and political espionage.

Moreover, the possible criminal actions of this administration for which the President and his appointees may be responsible go far beyond the 1972 campaign; they include the break-in at the office of Mr. Ellsberg's psychiatrist, the possible misuse of public funds for improvements to the President's personal properties at San Clemente and Key Biscayne, the possible nonpayment of Federal and local taxes by the President, the gift by Mr. Hughes to Mr. Rebozo, and wiretapping cloaked in the mantle of national security.

In all these cases, the evidence lies uniquely within the control of the President. As the court of appeals said in the Cox case—

> The court's order must run directly to the President, because he has taken this unusual step of assuming personal custody of the Government property sought by the subpoena.

The "compromise" permits limited access to only a part of the evidence in the Watergate case. It permits no access to the other evidence or to leads in that case, including the President's logs. On the contrary, the President directed the special prosecutor to desist his efforts to obtain through the courts logs, memoranda, and other documents within the control of the President, notwithstanding they may contain evidence of criminal conduct altogether unrelated to the conduct of official business.

Now, with the removal of Mr. Cox, the investigation of the Nixon administration is under the control of Mr. Nixon. And no one under his control is in a position to challenge his assertion that he and he alone will judge his own case. The "compromise," insofar as the criminal investigation is concerned, demands capitulation.

Public confidence in the integrity of the government, the search for truth and the enforcement of the law all require a thorough and impartial investigation by a prosecutor equipped with the necessary powers and resources, including access to all the evidence. President Nixon's "compromise" tolerates nothing remotely resembling a full, thorough, and independent investigation—and the American people know it.

During Senate confirmation proceedings on the nomination of Elliot Richardson to be Attorney General, both the President and Mr. Richardson acknowledged the importance of a thorough investigation of the 1972 campaign by a truly independent prosecutor. Mr. Richardson, on behalf of the administration, gave the Senate explicit and detailed assurances that the prosecutor would have full authority and all the requisite resources and powers of independence. The record is comprised of exchanges of correspondence between myself and Mr. Richardson, his testimony before the Senate Judiciary Committee and the final guidelines for the prosecutor submitted by Mr. Richardson to that committee. Mr. President, I ask unanimous consent that this correspondence and the guidelines be inserted in the Record at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. Hughes). Without objection, it is so ordered.

(See exhibit 1.)

Mr. STEVENSON. Mr. President, those assurances include "full authority for investigating and prosecuting offenses against the United States arising out of the unauthorized entry into the Democratic National Committee Headquarters at the Watergate, all offenses arising out of the 1972 Presidential election for which the Special Prosecutor deems it necessary and appropriate to assume responsibility, allegations involving the President, members of the White House staff, or Presidential appointees, and any other matter which he consents to have assigned to him by the Attorney General."

More specifically, the special prosecutor was assured "full authority" with respect to "conducting proceedings before grand juries and any other investigations he deems necessary"; "reviewing all documentary evidence available from any source as to which he shall have full access"; "determining whether or not to contest the assertion of executive privilege or any other testimonial privilege"; "initiating and conducting prosecutions, framing indictments"; and "filing informations, and handling all aspects of any cases within his jurisdiction."

Mr. Richardson assured the Senate:

> The special prosecutor will not be removed from his duties except for extraordinary improprieties on his part.

In his address April 30, announcing Mr. Richardson's nomination, the President said he was giving Mr. Richardson "absolute authority to make all decisions bearing upon the prosecution of the Watergate case and related matters," including "the authority to name the Special Prosecutor for matters arising out of the case."

The President said he knew Elliot Richardson would be "fearless in pursuing the case wherever it leads."

In his testimony before the Senate Judiciary Committee hearings on his nomination, Mr. Richardson acknowledged his "absolute authority" from the President and said he was passing on full authority to the special prosecutor.

The crisis now facing us arises because Mr. Richardson and Mr. Cox took their mandate seriously.

The Senate relied upon those assurances of Mr. Richardson and the President, and so did the American people.

The Senate trusted the President, and on this basis of trust, it confirmed the nomination of Elliot Richardson to be Attorney General.

During the Senate debate immediately prior to Mr. Richardson's confirmation I said:

> It is upon the understanding contained in these documents (the correspondence between Mr. Richardson and myself), the record before the Judiciary Committee and the revised guidelines offered by Mr. Richardson, that the investigation will now proceed. I am hopeful the Senate will now approve Secretary Richardson's nomination and the appointment of Archibald Cox, and that the investigation will proceed. If so, it will be upon the assumption that, the Senate's advice and consent given, the rules and the central personalities will not be changed by the Executive branch.

The rules and the central personalities have been changed. The President has broken faith with the Senate and with his own Attorney General who acted at all times wisely and in good faith. The President has relieved the special prosecutor of his duties because the prosecutor performed his duties. The President has disobeyed the orders of two courts, and has sought to set himself above the law.

At this point it would be unwise for Congress to confess its impotence or to commence impeachment proceedings. I do not find either course of action acceptable at this point.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRIFFIN. Mr. President, if I may be recognized, I yield to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. STEVENSON. I thank the Senator from Michigan.

I propose, instead, several steps which could lead to a more orderly resolution of the dispute in which the President, the Congress, and the courts are enmeshed. These steps could be the last steps before it becomes incumbent on the Congress to take more drastic measures.

I introduce and send to the desk for appropriate reference a bill establishing the office of Special Prosecutor.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

Mr. STEVENSON. Mr. President, this office would be headed by a prosecutor with all of the requisite jurisdiction, resources, and powers originally granted Archibald Cox.

Mr. President, I ask unanimous consent that a copy of the bill be printed at the conclusion of these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. STEVENSON. Mr. President, the appointment of a prosecutor would be made by the chief judge of the district court in Washington, D.C. Under article II, section 2, clause 2 of the Constitution, the Congress has the constitutional power to vest that function in a Federal court.

I also ask unanimous consent that a legal memorandum supporting that conclusion be printed in the RECORD at the conclusion of these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. STEVENSON. Mr. President, the chief judge now has the inherent authority to appoint a special counsel to present evidence to and otherwise assist the grand jury. This legislation will transfer additional authority to the judge. A special counsel probably could not be given the authority to sign indictments in the absence of the statute. The prosecutor appointed pursuant to this legislation would have such authority. The appropriation to Archibald Cox would be transferred by this legislation to the new office.

I would not presume to suggest whom the judge might appoint to this office, but Archibald Cox has conducted himself ably and bravely. He is in a unique position to continue the investigation he began. I would hope the judge would favorably consider his credentials and that Mr. Cox might be induced to resume his duties.

This legislation would probably have to be enacted without the President's approval. I believe that is possible. If enacted, the President would receive another, perhaps a last chance, to keep his promises to the Senate, to uphold his oath of office, and to bring this ugly matter to an early conclusion in the courts.

Other Members of the Congress are introducing similar legislation. I have sent a letter to Judge Sirica, which is signed by the sponsors of such legislation in the Senate, assuring him that our actions are in no way intended to derogate from his inherent power, to conflict with that power, or to urge upon him any course of action. His exercise of the power to appoint a special counsel to present evidence to the grand jury would be altogether consistent with action by the Congress to create an office of a special prosecutor to be filled by the judge. The offices would merge. The bills of this nature should in no way discourage—or encourage—the appointment of a specal counsel by Judge Sirica. Mr. President, I ask unanimous consent that a copy of the letter be inserted in the RECORD at the conclusion of these remarks.

The PRESIDING OFFICER (Mr. HUGHES). Without objection, it is so ordered.

(See exhibit 4.)

Mr. STEVENSON. Mr. President, I turn now to the availability and continued existence of evidence currently in the possession of the president and his subordinates.

We have seen a consistent pattern of extra-legal efforts to suppress such evidence. The President permitted Haldeman, Ehrlichman, and Dean, who left office in disgrace, access to papers left behind. In the case of men who left office under the most honorable of circumstances—Richardson, Ruckelshaus, and Cox—the Federal Bureau of Investigation was instructed to deny them the access previously accorded the malefactors.

So long as evidence remains in the custody of the President or persons acting on his behalf, there exists the possibility that the evidence will be destroyed or tampered with. As a practical matter, the only way to get at the evidence is to establish an office of special prosecutor which can utilize the existing processes of law to require its production. While it is true that the courts, like the pope, have no battalions at their disposal and could not enforce their order in the face of defiance by the President, presidential noncompliance under those circumstances would serve to indicate the need for more drastic measures. Attempts to destroy or tamper with evidence, with the intent of preventing that evidence from becoming available to law enforcement officials or grand juries, is a crime. The problem is one of detection, and that problem can be surmounted only by the reestablishment of a prosecutor as provided for in this bill.

The importance of full access to all such evidence at the earliest possible

time underscores the importance of prompt enactment of this legislation.

Elliot Richardson, as Attorney General, respected the solemn assurances he had made to the U.S. Senate on behalf of himself and the President. He refused to fire the special prosecutor. He acted honorably. He gave up his office before he would break his word. So also did Mr. Ruckelshaus, his immediate successor. Mr. Bork, on the other hand, broke faith with the Senate. He violated the assurances solemnly given on behalf of this administration when, in his first official act, he fired Mr. Cox.

The legally and morally binding nature of the commitment to the Senate was recognized by Mr. Richardson and Mr. Ruckelshaus on October 20. Mr. Bork's action violated that legal and moral commitment made to Mr. Cox and to the U.S. Senate by the administration. It besmirches his reputation and casts grave doubts on his willingness to uphold the law and his oath of office. It is his action which has precipitated the current turmoil.

The Government cannot stand for long if it cannot trust itself. And it cannot stand for long, and remain free, if the people do not trust it. This breach of trust can only lead to greater distrust of the Executive in the Congress and in the citizenry. The public concludes that Mr. Cox was doing his job too well, and the Congress must conclude that the word of the President and his agents is not to be believed. I suggest, Mr. President, that the removal of Mr. Cox by the Acting Attorney General constituted a most dangerous contempt upon the Senate which we dare not approve by our silence.

In order to give the Senate the opportunity to express its disapproval of Mr. Bork's conduct, I also submit a resolution of Senate censure of Mr. Bork based on the actions he has taken. Mr. President, I ask unanimous consent that the resolution be reprinted in the RECORD at the conclusion of these remarks.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

Mr. STEVENSON. Mr. President, I ask unanimous consent that the resolution be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 5.)

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARRY F. BYRD, JR. Mr. President, if the Chair will recognize me, I will gladly yield 2 minutes of my time to the Senator from Illinois.

Mr. STEVENSON. I thank the Senator from Virginia.

The PRESIDING OFFICER. The Sentor from Virginia is recognized for an additional 2 minutes.

Mr. STEVENSON. Mr. President, I hope that in its executive session tomorrow the Senate Judiciary Committee, to which my resolution will be referred, will consider the resolution in hearings on Mr. Bork's role in the dismissal of Mr. Cox.

Mr. President, I believe history will record that these were among the best of our times; the people and their elected representatives in the Congress did not tire of the struggle for virtue in Government and freedom. Given the choice between freedom and repose, we saw that we could not have both. We acted—not with courage. For men of faith it takes no courage. We acted with the resolution and decency which have on the whole characterized the actions of the Nation from its birth until recently.

Our duty is clear. The press and the courts and the public have done theirs. I am confident the Congress will do its duty. If the measures which I and others propose in this body today do not resolve the issue, our duty will remain. And we dare not ignore it.

EXHIBIT 1

U.S. SENATE,
Washington, D.C., May 3, 1973.

HON. ELLIOT L. RICHARDSON,
Attorney General-Designate,
Department of Justice,
Washington, D.C.

DEAR MR. RICHARDSON: As Attorney General you would immediately be faced with an unprecedented task of restoring public confidence in the integrity of the Federal government. We know you share our concern that justice prevail in all questions of official misconduct and that the public receive speedy assurance that an impartial investigation of the so-called Watergate Affair will be conducted thoroughly and relentlessly.

The Senate has called for appointment of an "independent" prosecutor. The true independence and impartiality of the prosecutor is essential. You have the power to make such an appointment. But a prosecutor is not made independent by virtue of an adjective. Neither his selection from outside the Justice Department, nor his approval by the Senate assures independence and a truly thorough and impartial investigation. That depends upon the character of the prosecutor and his authority, and powers and resources.

We trust you to select for this position a man of unquestioned integrity, the highest professional ability and the tenacity with which to get the job done. We also expect you to make the scope of his inquiry broad enough to encompass all illegal conduct arising out of the conduct of the President's recent campaign and the growing evidence that justice has been obstructed in conjunction with that illegal activity. But that is not enough. The minimal powers and resources of a thoroughly independent prosecutor must include:

(1) The power to convene and conduct proceedings before a special grand jury, to subpoena witnesses, and to seek in court grants of immunity from prosecution for witnesses;

(2) The power and financial resources with which to select and hire an adequate staff of attorneys, investigators and other personnel, answerable only to himself;

(3) Assurance that the funds to pay for the services of staff and prosecutor will be continued for the time necessary to complete the investigation and prosecute any offenders;

(4) Assurance that the prosecutor will not be subject to removal from his duties except for the most extraordinary improprieties on his part;

(5) Full access to the relevant documents and personnel of the Department of Justice and all other offices and agencies of the Executive Branch; and

(6) Assurance that the prosecutor would be able to cooperate with any appropriate congressional committees.

The law appears to give you the authority to confer these powers, resources and assurances upon a special prosecutor. If the need arises for legislation to insure these requisites of independence and thoroughness, we will cooperate to that end in every way we can.

In closing we reiterate our trust in you, our confidence in your ability and our hope that forthright action now by the Executive will be enough to resolve these trying matters to the satisfaction and benefit of the nation.

Sincerely,

COSIGNERS OF STEVENSON LETTER TO RICHARDSON

Adlai E. Stevenson, III, Harold E. Hughes, Stuart Symington, Gaylord Nelson, Edmund Muskie, Philip A. Hart, Thomas F. Eagleton, James Abourezk, Lloyd Bentsen, Dick Clark, Joe Biden, William Proxmire, Alan Cranston, and Lawton Chiles.

Hubert Humphrey, John Tunney, Walter F. Mondale, Lee Metcalf, Walter D. Huddleston, William D. Hathaway, Arbaham Ribicoff, Harrison Williams, Frank Church, Quentin Burdick, Mike Mansfield, Jennings Randolph, Thomas J. McIntyre, J. Bennett Johnston, Jr., and Claiborne Pell.

WASHINGTON, D.C.,
May 17, 1973.

Hon. ADLAI E. STEVENSON III,
U.S. Senate.

DEAR SENATOR STEVENSON: Thank you for letter of May 3 and for your expression of confidence in me. I agree wholeheartedly with your observations about the need to restore public confidence. I agree that this end will be served by the appointment of an independence Special Prosecutor with unquestioned integrity, the highest professional ability and great tenacity.

In examining both the record of the Senate Judiciary Committee hearing on my nomination and the points articulated in your letter, I am struck by how close we actually are in our approach to the definition of the Special Prosecutor's role. The detailed description of the Special Prosecutor's authority which I have today sent to the members of the Senate Committee on the Judiciary meets, I believe, all the points enumerated in your letter:

His scope of authority will extend beyond the Watergate case to include all offenses arising out of the 1972 Presidential Campaign and all allegations involving the President, members of his staff and other Presidential appointees:

His powers will include the handling of all prosecutions, grand jury proceedings, immunity requests, assertions of "Executive Privilege" and all decisions as to whom to prosecute and whom not to prosecute;

He will have the authority to organize and select his own staff, responsible only to him, and to secure adequate resources and cooperation from the Department of Justice;

He will have access to all relevant documents;

He will handle relations with all appropriate Congressional Committees; and

He will be subject to removal only by reason of extraordinary improprieties of his part.

Some misunderstanding seems to persist on the subject of the relationship of the Special Prosecutor to the Attorney General. I have repeatedly stated that the Special Prosecutor must be given the authority to do his job independently, thoroughly and effectively. He will possess a truly unique of independent authority within the Department of Justice. But it is also critical, in my view, both in the interests of the effective performance of the Department of Justice as a whole and the speedy and efficient support for the Special Prosecutor's mission, that the Attorney General retain that degree

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of responsibility mandated by his statutory accountability.

The laws establishing the Department of Justice give the Attorney General ultimate responsibility for all matters falling within the jurisdiction of the Department of Justice. Under the law, there is no way to handle prosecutions under the applicable Federal criminal laws outside that Department. A change in the law making the Special Prosecutor an independent agency, which I think would be wrong and harmful on the merits, could in any event be very complicated and time consuming. The outcome of any effort to change the law would be uncertain, the investigation would be disrupted, and prosecution seriously delayed.

Further, only the Attorney General can effectively insure the cooperation of other personnel within the Department of Justice (and within other agencies of the Exective Branch) and thus assure the marshalling of additional resources, including professional investigatory and prosecutorial staff, when the Special Prosecutor needs them. The Attorney General is responsible for allocating the overall resources of his Department consistent with the proper pursuit of its various responsibilities. Without being able to draw on these resources and the various sources of authority which are vested in the Attorney General as chief legal officer of the National, any investigation by a Special Prosecutor might be severely hampered.

The approach which I have developed is designed to provide the maximum possible assurance to the public that truth and justice will be properly, thoroughly and effectively pursued. As I have said before, the public will have an insurance policy comprised of four clauses:

The integrity of the Attorney General as reviewed and confirmed by the United States Senate;

The integrity of the Special Prosecutor as reviewed and affirmed by the United States Senate;

The terms and conditions articulated in my detailed description of the Special Prosecutor's authority and in testimony before the Senate Judiciary Committee, which assure the authority and independence of the Special Prosecutor; and

The investigation of the "Ervin Committee" as established by Senate Resolution 60.

With best regards,

Sincerely,

Elliot Richardson.

U.S. Senate,
Washington, D.C., May 18, 1973.

Hon. Elliot L. Richardson,
Secretary, of Defense, Department of Defense, Washington, D.C.

Dear Mr. Secretary: Your letter to me of May 17 is positive and represents a long step in the direction of an "independent prosecutor" in the Watergate episode.

It is my hope that with a clarification of certain points in that letter and your statement to members of the Judiciary Committee that remaining doubts about the impartiality of the investigator can finally be resolved and that justice delayed can now proceed with dispatch and the government can get on with all its business.

Specific points about the prosecutor's functions which you make in your May 17 letter and statement to the members of the Judiciary Committee are still consistent with your statement of May 7 that the investigation would be conducted "in the Department of Justice" and that as Attorney General you would retain "final responsibility" for all matters within the Department.

It would be helpful if at your earliest convenience you could explain the following points in your May 17 letter:

1. You state that the prosecutor's authority will extend to "all *offenses* arising out of the 1972 presidential campaign and all *allegations* involving the President, members of his staff and other presidential appointees." It is unclear whether you intend that the prosecutor will have the authority to investigate allegations of official misconduct of a *non-criminal* nature on the part of Executive branch personnel. The Congress has the constitutional responsibility for making the laws and overseeing the manner in which Executive branch personnel execute those laws. The Congress is the most appropriate body to investigate and make judgments about instances of official misconduct of a non-criminal nature. The Senate is exercising that responsibility. Is it your intention that the prosecutor's functions include the investigation of such non-criminal misconduct?

2. Your letter states that the prosecutor's powers "will include the *handling* of all prosecutions of 'Executive privilege' and all *decisions* as to whom to prosecute and whom not to prosecute." Thus, the only decision-making power to which you explicitly refer concerns questions of whom to prosecute and whom not to prosecute. Is it the Administration's intention to reserve the decision-making responsibility on all such questions as convening grand jury proceedings, seeking in court grants of immunity for prospective witnesses and passing upon whether present or former Executive branch personnel can properly invoke "Executive privilege"?

3. You state that the prosecutor "will have the authority to organize and select his own staff." Does that authority include the authority to select staff members not now employed by the Department of Justice? What financial resources will be at the disposal of the prosecutor with which to retain the services of any such staff members outside the Department of Justice? And will you assure that the personnel and other resources of the Justice Department are at the disposal of the Prosecutor, except in cases where his use of personnel would unduly interfere with other activities of the Justice Department?

4. You state that the special prosecutor "will have access to all *relevant* documents." Is it your intention to reserve the right to determine what is relevant?

5. You state that the special prosecutor "will *handle* relations with all appropriate congressional committees." Is it your intention to reserve the right to control the access of the prosecutor to committees of the Congress, including the furnishing of information to such committees? My own strong conviction is that both justice and the truth will best be served by a prosecutor free to cooperate with both the Executive and the Legislative branches and to help coordinate their potentially conflicting investigatory activities.

6. The most serious doubt left lingering by your letter and oft-repeated statements is that by some law the Attorney General must retain the "responsibility" or final authority. You oppose a law to remove any such conflict between your statutory duty as Attorney General—and your duty to the people as their chief law enforcement official. In the past, Attornies General, including the acting Attorney General in this very matter, have resolved that conflict by disqualifying themselves. Your failure to do so in favor of an independent prosecutor raises no doubts in my mind about your integrity, but many doubts about your freedom to act. You are, after all, an agent of the President and also a servant of the public. Those roles are not inevitably harmonious. Why do you refuse to disqualify yourself in favor of a prosecutor who can serve the people with a singleness of purpose?

Without a resolution of these questions it could be as difficult in the future as it has been in the recent past to find a man of the highest professional attainment and character to serve as prosecutor. In the meantime, delay eats like acid at the public trust and the cause of justice.

With the resolution of the questions raised by this letter and in the hearings of the Senate Judiciary Committee, I would hope your confirmation as Attorney General would proceed rapidly. At the same time, the prosecutor's investigation of the Watergate episode could proceed and in harmony with the investigation by the Senate Commission. If that does not happen, the doubts and suspicions will linger, partisan politics will intrude, the investigations will be disorderly and the integrity of the Presidency impossible to restore for many years, I therefore, look forward hopefully to your early response.

Sincerely,

Adlai Stevenson.

The Secretary of Defense,
Washington, D.C., May 17, 1973.

Hon. Adlai E. Stevenson III,
U.S. Senate.

Dear Senator Stevenson: Thank you for your letter of May 3 and for your expression of confidence in me. I agree wholeheartedly with your observations about the need to restore public confidence. I agree that this end will be served by the appointment of an independent Special Prosecutor with unquestioned integrity, the highest professional ability and great tenacity.

In examining both the record of the Senate Judiciary Committee hearing on my nomination and the points articulated in your letter, I am struck by how close we actually are in our approach to the definition of the Special Prosecutor's role. The detailed description of the Special Prosecutor's authority which I have today sent to the members of the Senate Committee on the Judiciary meets, I believe, all the points enumerated in your letter:

His scope of authority will extend beyond the Watergate case to include all offenses arising out of the 1972 Presidential Campaign and all allegations involving the President, members of his staff and other Presidential appointees;

His powers will include the handling of all prosecutions, grand jury proceedings, immunity requests, assertions of "Executive Privilege" and all decisions as to whom to prosecute and whom not to prosecute;

He will have the authority to organize and select his own staff, responsible only to him, and to secure adequate resources and cooperation from the Department of Justice;

He will have access to all relevant documents;

He will handle relations with all appropriate Congressional Committees; and

He will be subject to removal only by reason of extraordinary improprieties on his part.

Some misunderstanding seems to persist on the subject of the relationship of the Special Prosecutor to the Attorney General. I have repeatedly stated that the Special Prosecutor must be given the authority to do his job independently, thoroughly and effectively. He will possess a truly unique level of independent authority within the Department of Justice. But it is also critical, in my view, both in the interests of the effective performance of the Department of Justice as a whole and the speedy and efficient support for the Special Prosecutor's mission, that the Attorney General retain that degree of responsibility mandated by his statutory accountability.

The laws establishing the Department of Justice give the Attorney General ultimate responsibility for all matters falling within the jurisdiction of the Department of Justice. Under the law, there is no way to handle prosecutions under the applicable Federal criminal laws outside that Department. A change in the law making the Special Prosecutor an independent agency, which I think would be wrong and harmful on the merits, could in any event be very complicated and time consuming. The outcome of any effort to change the law would be uncertain, the investigation would be disrupted, and prosecution seriously delayed.

Further, only the Attorney General can effectively insure the cooperation of other personnel within the Department of Justice (and within other agencies of the Executive Branch) and thus assure the marshalling of additional resources, including professional investigatory and prosecutorial staff, when the Special Prosecutor needs them. The Attorney General is responsible for allocating the overall resources of his Department consistent with the proper pursuit of its various responsibilities. Without being able to draw on these resources and the various sources of authority which are vested in the Attorney General as chief legal officer of the Nation, any investigation by a Special Prosecutor might be severely hampered.

The approach which I have developed is designed to provide the maximum possible assurance to the public that truth and justice will be properly, thoroughly and effectively pursued. As I have said before, the public will have an insurance policy comprised of four clauses:

The integrity of the Attorney General as reviewed and confirmed by the United States Senate;

The integrity of the Special Prosecutor as reviewed and affirmed by the United States Senate;

The terms and conditions articulated in my detailed description of the Special Prosecutor's authority and in testimony before the Senate Judiciary Committee, which assure the authority and independence of the Special Prosecutor; and

The investigation of the "Ervin Committee" as established by Senate Resolution 60.

With best regards,

Sincerely,

Elliot Richardson.

U.S. Senate,
Washington, D.C., May 3, 1973.

Hon. Elliot L. Richardson,
Attorney General-Designate, Department of Justice, Washington, D.C.

Dear Mr. Richardson: As Attorney General you would immediately be faced with an unprecedented task of restoring public confidence in the integrity of the Federal government. We know you share our concern that justice prevail in all questions of official misconduct and that the public receive speedy assurance that an impartial investigation of the so-called Watergate Affair will be conducted thoroughly and relentlessly.

The Senate has called for appointment of an "independent" prosecutor. The true independence and impartiality of the prosecutor is essential. You have the power to make such an appointment. But a prosecutor is not made independent by virtue of an adjective. Neither his selection from outside the Justice Department, nor his approval by the Senate assures independence and a truly thorough and impartial investigation. That depends upon the character of the prosecutor and his authority, powers and resources.

We trust you to select for this position a man of unquestioned integrity, the highest professional ability and the tenacity with which to get the job done. We also expect you to make the scope of his inquiry broad enough to encompass all illegal conduct arising out of the conduct of the President's recent campaign and the growing evidence that justice has been obstructed in conjunction with that illegal activity. But that is not enough. The minimal powers and resources of a thoroughly independent prosecutor must include:

(1) The power to convene and conduct proceedings before a special grand jury, to subpoena witnesses, and to seek in court grants of immunity from prosecution for witnesses;

(2) The power and financial resources with which to select and hire an adequate staff of attorneys, investigators and other personnel, answerable only to himself;

(3) Assurance that the funds to pay for the services of staff and prosecutor will be continued for the time necessary to complete the investigation and prosecute any offenders;

(4) Assurance that the prosecutor will not be subject to removal from his duties except for the most extraordinary improprieties on his part;

(5) Full access to the relevant documents and personnel of the Department of Justice and all other offices and agencies of the Executive Branch; and

(6) Assurance that the prosecutor would be able to cooperate with any appropriate congressional committees.

The law appears to give you the authority to confer these powers, resources and assurances upon a special prosecutor. If the need arises for legislation to insure these prerequisites of independence and thoroughness, we will cooperate to that end in every way we can.

In closing we reiterate our trust in you, our confidence in your ability and our hope that forthright action now by the Executive will be enough to resolve these trying matters to the satisfaction and benefit of the nation.

Sincerely,

COSIGNERS OF STEVENSON LETTER TO RICHARDSON

Adlai E. Stevenson, III, Harold E. Hughes, Stuart Symington, Gaylord Nelson, Edmund Muskie, Philip A. Hart, Thomas F. Eagleton, James Abourezk, Lloyd Bentsen, Dick Clark, Joe Biden, William Proxmire, Alan Cranston, and Lawton Chiles.

Hubert Humphrey, John Tunney, Walter F. Mondale, Lee Metcalf, Walter D. Huddleston, William D. Hathaway, Abraham Ribicoff, Harrison Williams, Frank Church, Quentin Burdick, Mike Mansfield, Jennings Randolph, Thomas J. McIntyre, J. Bennett Johnston, Jr., and Claiborne Pell.

The Secretary of Defense,
Washington, D.C., May 21, 1973.

Hon. Adlai E. Stevenson III,
U.S. Senate,
Washington, D.C.

Dear Senator Stevenson: Thank you for your letter of May 18. I certainly share your hopes that any remaining doubts about the impartiality of the independent investigation and prosecution, to be handled by Archibald Cox, can now be finally resolved. Hopefully, as you so aptly point out, justice delayed can now proceed with dispatch and government can get on with all its business. I have just given members of the Senate Committee on the Judiciary a somewhat revised version of the guidelines under which the Special Prosecutor would operate. A copy is enclosed for your information.

In response to the specific questions raised by your letter, let me make the following points.

1. While the Special Prosecutor's functions would focus primarily on the investigations and prosecution of criminal offenses, he may in the process uncover improprieties or irregularities of a non-criminal kind. He would be free to take whatever action with regard to such improprieties or irregularities as he deemed appropriate, including disclosing them publicly and reporting them to other authorities for their action. There will inevitably, of course, be considerable overlap with the Ervin Committee's investigations, whether or not prosecution is sought in specific cases.

2. It is not my intention to reserve decision-making responsibility on any of the matters enumerated in the description of the Special Prosecutor's duties and responsibilities, as to which he is given full authority. Thus, all decisions as to grand juries, assertions of executive privilege, and seeking grants of immunity will be made by the Special Prosecutor, in a manner consistent with applicable statutory requirements.

3. The Special Prosecutor will have authority to select staff members not now employed by the Department of Justice. The Special Prosecutor will have all the financial resources that he will reasonably need for all his activities, including funds with which to hire non-departmental personnel. I will assure, as the guidelines make clear, that the personnel and other resources of the Department will be at the disposal of the Special Prosecutor, to the extent he may reasonably require them.

4. The Special Prosecutor, not the Attorney General, will determine what documents may be relevant to his mission.

5. The Special Prosecutor will be fully free to make all decisions relating to his dealings with Congressional Committees. I will not control the Special Prosecutor's access to any committee.

6. Having provided the Special Prosecutor with a charter which assures his total operational independence from the Attorney General, together with the resources necessary to carry out his mission effectively, I see no need to "disqualify" myself. I have no personal stake in this matter other than to see that justice be done swiftly, thoroughly and fairly. I hope that the selection of former Solicitor General Cox for the position of Special Prosecutor makes my determination in this regard amply clear.

I regard the questions you have raised as fair and responsible and I have tried to answer them in that spirit. I trust that the Senate and the Department of Justice can and will cooperate in this mission of enormous public importance. I will certainly do everything in my power to see that this occurs.

With kindest regards,

Sincerely,

Elliot L. Richardson.

DUTIES AND RESPONSIBILITIES OF THE SPECIAL PROSECUTOR

The Special Prosecutor—There will be appointed by the Attorney General, within the Department of Justice, the Special Prosecutor to whom the Attorney General shall delegate the authorities and provide the staff and other resources described below.

The Special Prosecutor shall have full authority for investigating and prosecuting offenses against the United States arising out of the unauthorized entry into Democratic National Committee Headquarters at the Watergate, all offenses arising out of the 1972 Presidential Election for which the Special Prosecutor deems it necessary and appropriate to assume responsibility, allegations involving the President, members of the White House staff, or Presidential appointees, and any other matters *which he consents to have* assigned to him by the Attorney General.

In particular, the Special Prosecutor shall have full authority with respect to the above matters for:

Conducting proceeedings before grand juries and any other investigations he deems necessary;

Reviewing all documentary evidence available from any source, as to which he shall have full access;

Determining whether or not to contest the assertion of "Executive Privilege" or any other testimonial privilege;

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Determining whether or not application should be made to any Federal court for a grant of immunity to any witness, consistently with applicable statutory requirements, *or for warrants, subpoenas, or other court orders;*

Deciding whether or not to prosecute any individual, firm, corporation or group of individuals;

Initiating *and conducting* prosecutions, framing indictments, filing informations, and handling all aspects of any cases within his jurisdiction (whether initiated before or after his assumption of duties), including any appeals;

Coordinating and directing the activities of all Department of Justice personnel, including United States Attorneys;

Dealing with and appearing before Congressional committees having jurisdiction over any aspect of the above matters *and determining what documents, information, and assistance will be provided to such committees.*

In exercising this authority, the Special Prosecutor will have the greatest degree of independence that is consistent with the Attorney General's statutory accountability for all matters falling within the jurisdiction of the Department of Justice. The Attorney General will not countermand or interfere with the Special Prosecutor's decisions or actions. *The Special Prosecutor will determine whether and to what extent he will inform or consult with the Attorney General about the conduct of his duties and responsibilities.* The Special Prosecutor will not be removed from his duties except for extraordinary improprieties on his part.

STAFF AND RESOURCE SUPPORT

1. *Selection of Staff*—The Special Prosecutor shall have full authority to organize, select, *and hire* his own staff of attorneys, investigators, and supporting personnel, on a full or part-time basis, in such numbers and with such qualifications as he may reasonably require. He may request the Assistant Attorneys General and other officers of the Department of Justice to *assign* such personnel and to provide such other assistance as he may reasonably require. All personnel in the Department of Justice, including United States Attorneys, shall cooperate to the fullest extent possible with the Special Prosecutor.

2. *Budget*—The Special Prosecutor will be provided with such funds *and facilities* to carry out his responsibilities as he may reasonably require. He shall have the right to submit budget requests for funds, positions, and other assistance, *and such requests shall receive the highest priority.*

3. *Designation and Responsibility*—The personnel acting *as the staff and assistants* of the Special Prosecutor shall be known as the Watergate Special Prosecution Force and shall be responsible only to the Special Prosecutor.

Continued Responsibilities of Assistant Attorney General, Criminal Division—Except for the specific investigative and prosecutorial duties assigned to the Special Prosecutor, the Assistant Attorney General in charge of the Criminal Division will continue to exercise all of the duties currently assigned to him.

Applicable Departmental Policies—Except as otherwise herein specified *or as mutually agreed between the Special Prosecutor and the Attorney General,* the *Watergate Special Prosecution Force* will be subject to the administrative regulations and policies of the Department of Justice.

Public Reports—The Special Prosecutor may from time to time make public such statements or reports as he deems appropriate and shall *upon completion* of his assignment *submit a final report to the appropriate persons or entities of the Congress.*

Duration of Assignment—The Special Prosecutor will carry out these responsibilities, with the full support of the Department of Justice, until *such time as, in his judgment, he has* completed *them* or until a date mutually agreed upon between the Attorney General and himself.

EXHIBIT 2

S. 2603

A bill to provide for the continuation of an independent, thorough investigation of certain activities by high federal officials and persons acting in concert with them

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this bill may be cited as the Independent Investigation Act of 1973.

SEC. 2. The Congress finds and declares—

(a) That the conduct of a thorough, fair and impartial investigation of possible violations of Federal law occurring in connection with the 1972 Presidential primaries and general election and any campaign, canvass, or other activity related to such election is essential to the restoration of public confidence in government, to the fullest possible public disclosure of the facts about illegal or improper activities performed in connection with the 1972 Presidential elections, and to the dispensation of equal and exact justice to all persons and organizations against whom charges have been or may be directed;

(b) That the goals enumerated in paragraph (a) of this section cannot be accomplished if the investigation is conducted by an individual subject to dismissal by the President of the United States, the Attorney General, or any other official in the Executive Branch of the United States Government;

(c) That the October 20, 1973 dismissal of Special Prosecutor Cox, coupled by statements made on behalf of the President concerning the future conduct of the investigation, make it clear that investigators serving within the Justice Department will be denied access to important tapes, papers, and other evidence in the possession of the President of the United States and other Federal officials, and that such investigators will not be permitted to utilize established procedures of law to issue or enforce any subpoenas that may be required to secure such tapes, papers, or evidence;

(d) That the national interest requires, and Article II, Section 2, Clause 2 of the Constitution permits, the investigation to proceed under an agency over which the President of the United States and other Executive Branch officials who are or may be targets of the investigation shall have no control.

SEC. 3. There is hereby established an Office of Special Prosecutor (hereinafter referred to as the "Office").

SEC. 4. The Office is empowered to investigate (i) possible violations of Federal law, and possible instances of official misconduct by Federal officials, which occurred in connection with the 1972 Presidential primaries and general election and any campaign, canvass, or other activities related to such election and (ii) allegations of other illegal conduct or official misconduct on the part of the President, members of the White House staff, or Presidential appointees.

SEC. 5. The Office shall be headed by a Special Prosecutor, who shall be appointed by the Chief Judge of the United States District Court for the District of Columbia pursuant to Article II, Section 2, Clause 2 of the Constitution of the United States. The Special Prosecutor shall serve for a term beginning upon his appointment and ending on June 30, 1977, and shall be removable only by impeachment.

SEC. 6. The Special Prosecutor shall have exclusive jurisdiction over the conduct of all investigations, prosecutions, and civil actions on behalf of the United States to enforce all provisions of Federal law violated by (i) any person in connection with the Presidential primaries and general election of 1972, and any campaign, canvass, or other activity related to such election; or (ii) by the President, members of the White House staff, or Presidential appointees. The Attorney General shall cooperate with the Special Prosecutor to the fullest extent possible to insure that the Special Prosecutor has exclusive control of all activities relating to any such investigation and prosecution resulting from such election.

SEC. 7. Notwithstanding any other provision of law, the Special Prosecutor is vested with all of the powers and duties of the Attorney General of the United States and of the United States Attorney in any judicial district of the United States in which legal proceedings are or may be brought pursuant to this Act, insofar as such powers and duties are necessary to the performance of the duties of the Special Prosecutor under Section 4. The powers granted under this section include, but are not limited to, the power to convene and conduct proceedings before grand juries (including special grand juries) of the United States, the power to subpoena witnesses, the power to frame indictments, and the power to seek in court grants of immunity from prosecution for witnesses.

SEC. 8. The Special Prosecutor shall have power to employ and fix the compensation of such attorneys, investigators and other personnel as he deems necessary without regard to the provisions of Title 5, United States Code, governing employment in the competitive civil service, and without regard to Chapter 51 and subchapter III of Chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title. Any person so employed shall be answerable only to the Special Prosecutor.

SEC. 9. The Attorney General shall, to the maximum extent consistent with the performance of his other duties, permit the Special Prosecutor to utilize the personnel, facilities, and other resources of the Department of Justice in carrying out his duties under this Act.

SEC. 10. Each department, agency, and independent instrumentality of the Government shall cooperate with the Special Prosecutor.

SEC. 11. All personnel of the Office shall, upon request, appear before, consult with, and cooperate in other respects with all Congressional committees having jurisdiction over any aspect of the Office's activities.

SEC. 12. The Office shall remain in existence until such time as the Special Prosecutor certifies to the Chief Judge of the United States District Court for the District of Columbia that all investigations and prosecutions conducted pursuant to this Act have been completed, or on June 30, 1977, whichever occurs first. The certification shall be accompanied by a full and complete report of all activities conducted by the Office.

SEC. 13. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act. Such funds shall remain available, without fiscal year limitation, until expended. All funds appropriated to the Watergate Special Task Force pursuant to The State-Justice-Commerce Appropriations Act for fiscal year 1974 and not previously expended shall be by virtue of the enactment of this legislation be transferred on the date of enactment to the account of the Office; to be expended by the Special Prosecutor in furtherance of the functions the Office is empowered to perform. The Office shall submit its budget requests directly to the Congress and shall furnish the Office of Management and Budget with informational copies thereof.

SEC. 14. In the event that the United States District Court for the District of Columbia, prior to the enactment of this legislation, appoints one or more persons to serve as special counsel to the special grand jury currently investigating incidents relating to the 1972 Presidential campaign, and in the event that funds to compensate such person or persons for services rendered or expenses incurred are unavailable, any funds transferred to or appropriated for the Office shall be utilized to compensate or reimburse such person or persons.

SEC. 15. In the event that the President of the United States, or anyone acting on his behalf, or any other person initiates legal proceedings challenging the constitutionality of any provision of this act, the Office shall have the right to defend the constitutionality of this Act in any such proceeding, and shall be entitled to utilize the funds transferred or appropriated to the Office to defray any expenses incurred in the course of such a defense. No decision invalidating any portion of this Act shall take effect until such decision becomes final. Exclusive jurisdiction over lawsuits challenging the constitutionality of this Act shall reside in the United States District Court for the District of Columbia.

SEC. 16. The invalidation of any provision of this Act shall not affect the validity of any other provision of this Act.

EXHIBIT 3

CONSTITUTIONAL BASIS FOR LEGISLATION CREATING THE OFFICE OF SPECIAL COUNSEL OR SPECIAL INVESTIGATIVE AGENCY

Article II, Section 2, clause 2, of the Constitution provides in general for appointment by the President, with the advice and consent of the Senate, of "All . . . officers of the United States." However, it also provides that "Congress may by Law vest the Appointment of such inferior Officers, as they deem proper, . . . in the Courts of Law."

Acting under this grant of authority, Congress has frequently provided for appointment of federal officers by the federal courts. For example, 28 U.S.C. sec. 546, provides:

"The district court for a district in which the office of United States Attorney is vacant may appoint a United States Attorney to serve until the vacancy is filled."

Even though United States Attorneys are appointed to their full terms by the President, with the advice and consent of the Senate, 28 U.S.C. sec. 541, and carry out "executive" branch duties, *Ponzi* v. *Fessenden,* 258 U.S. 254, *United States* v. *Cox,* 342 F. 2d 167 (5th Cir. 1965), this provision for filling vacancies by judicial appointments does not violate the constitutional provisions of Separation of Powers. *United States* v. *Solomon,* 216 F. Supp. 835 (D.C.N.Y. 1963).

It is settled that Congress, acting under Article II, section 2, clause 2, may provide for appointment by the courts of officers other than judicial officers. Thus the power of the judges of the United States District Court for the District of Columbia to appoint members of the District of Columbia School Board under D.C. Code sec. 31–101 was upheld against constitutional attack in *Hobson* v. *Hansen,* 265 F. Supp. 902 (D.C.D.C. 1967). And the power of Congress under this clause to provide for judicial appointment of judicial officers has been upheld by the Supreme Court. *Ex parte Siebold,* 100 U.S. 371 (1880).

It is thus clear that—regardless of the label one might attach to the Office of Special Prosecutor—Congress has constitutional power to vest the appointment of that officer in the courts of law. The only limitation on that appointment power that has been adopted by any court construing the constitutional provision is that the duty of the appointed officer "may not have such incongruity with the federal function as would void the power sought to be conferred." *Hobson* v. *Hansen, supra.* And it is clear that counsel for grand juries and prosecutors do not exercise powers incongruous with the federal function.

EXHIBIT 4

OCTOBER 23, 1973.

The Honorable JOHN J. SIRICA,
Chief Judge, U.S. District Court, Washington, D.C.

DEAR JUDGE SIRICA: We are the sponsors of bills which would establish the Office of Special Prosecutor as a statutory entity to continue the work begun by the Watergate Special Task Force. Our bills differ in some respects, but they share a common objective: the establishment of an instrumentality to continue the work begun by Mr. Cox' office in such a way as to maximize the chance that justice will be done and the truth told.

Our purpose in writing is to lay to rest any appearance of opinion on our part that the course of action we propose is the only available means for assuring that the investigation proceeds in the most effective way. The introduction of these bills is in no way intended to derogate, or conflict with, the inherent, statutory and constitutional powers vested in the U.S. District Court for the District of Columbia and other Federal courts, or to express any opinion, for or against the exercise of any such powers. Because of our firm commitment to the doctrine of separation of powers, we believe that the exercise of all powers vested in your office is not a member with which members of other branches of the Federal government should interfere.

We, therefore, take no position on the advisability of the exercise of your supervisory power over grant juries to appoint a Special Counsel to present evidence to, and otherwise assist, the special grand jury currently investigating various incidents related to the 1972 Presidential Campaign. Appointment of such a Special Counsel appears to be a legally permissible means of preventing an interruption of the present investigation during the present period of uncertainty.

We hope that this letter, which is being made available to the press and the public will make clear our firm conviction that officials of other branches should in no way interfere or be perceived to interfere with the efforts of the Judicial Branch to discharge its duties with respect to the Watergate investigation.

Respectfully yours,

ADLAI E. STEVENSON.
WALTER F. MONDALE.
LAWTON CHILES.
EDWARD M. KENNEDY.
JOHN V. TUNNEY.
ALAN CRANSTON.

EXHIBIT 5

S. RES. 191

Whereas, on April 30, 1973, President Nixon nominated Elliot Richardson to be Attorney General and conferred upon Mr. Richardson the "absolute authority to make all decisions bearing upon the prosecution of the Watergate case and related matters," including the authority, where Mr. Richardson deemed it appropriate, "to name a special supervising prosecutor for matters arising out of the case,"; and

Whereas Mr. Richardson, during Senate Judiciary Committee hearings on his confirmation to be Attorney General, represented that, if confirmed, he as Attorney General would appoint such a special supervising prosecutor and indicated that as such prosecutor he would name Archibald Cox: and

Whereas Mr. Richardson and Mr. Cox represented to the Senate Judiciary Committee in a document entitled "Duties and Responsibilities of the Special Prosecutor" the terms of an agreement between them as to the authority Mr. Cox would have as Special Prosecutor; and

Whereas in this document Mr. Richardson represented that the Special Prosecutor would have "full authority for investigating and prosecuting offenses against the United States arising out of the unauthorized entry into Democratic National Committee Headquarters at the Watergate, all offenses arising out of the 1972 Presidential Election for which the Special Prosecutor deems it necessary and appropriate to assume responsibility, allegations involving the President, members of the White House staff, or Presidential appointees, and any other matters" which the Special Prosecutor consented to have assigned to him by the Attorney General; and

Whereas in this document Mr. Richardson further represented that the Special Prosecutor would have "full authority" with respect to these offenses, allegations and other matters for, among other things, "conducting proceedings before grand juries and any other investigations he deems necessary", "reviewing all documentary evidence available from any source", as to which Mr. Cox would have "full access", and "determining whether or not to contest the assertion of 'Executive Privilege', or any other testimonial privilege"; and

Whereas in this document Mr. Richardson further represented that in exercising his authority the Special Prosecutor would have "the greatest degree of independence that is consistent with the Attorney General's statutory accountability for all matters falling within the jurisdiction of the Department of Justice"; that "The Special Prosecutor will not be removed from his duties except for extraordinary improprieties on his part"; and that the Special Prosecutor would carry out his responsibilities, ". . . with the full support of the Department of Justice, until such time as, in his judgment, he has completed them or until a date mutually agreed upon between the Attorney General" and the Special Prosecutor; and

Whereas the Senate Judiciary Committee relied upon the aforementioned representations made by Mr. Richardson as Attorney General-designate under the plenary authority delegated to him by the President in reporting Mr. Richardson's nomination favorably to the full Senate; and

Whereas the Senate in turn relied upon these representations in confirming Mr. Richardson to be Attorney General; and

Whereas Mr. Cox, acting as the Special Prosecutor, did seek within the Courts certain documentary evidence from the President, and the Courts upheld the contentions of Mr. Cox to a substantial degree, and

Whereas the President refused to comply with the order of the United States Court of Appeals for the District of Columbia but instead directed Mr. Cox to agree to a certain arrangement in regard to seeking the documentary evidence Mr. Cox had been seeking and to desist future efforts to seek evidence from the President; and,

Whereas Mr. Cox refused to comply with this Presidential directive, indicating that under the commitment he and Mr. Richardson had made to the Senate and to the American people through the Senate he (Mr. Cox) would continue to seek in Court any documentary evidence as he saw fit; and

Whereas President Nixon thereupon directed Mr. Richardson to remove Mr. Cox from his duties as Special Prosecutor; and

Whereas in recognition of his "firm and repeated commitments" under oath to the Senate Mr. Richardson refused to comply,

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with the Presidential directive to remove Mr. Cox but instead resigned the office of Attorney General; and

Whereas President Nixon then directed Deputy Attorney General William Ruckelshaus to dismiss Mr. Cox, and Mr. Ruckelshaus also refused to carry out this directive and resigned his post as Deputy Attorney General; and

Whereas President Nixon thereupon designated Mr. Robert Bork to serve as Acting Attorney General and directed him to remove Mr. Cox from his duties, and Mr. Bork did in fact purport to remove Mr. Cox from his duties; and

Whereas this purported act by Mr. Bork was in derogation of the commitment made under oath to the United States Senate by Mr. Richardson as Attorney General-designate, upon the authority of the President, and Mr. Cox had not in fact committed any "extraordinary improprieties" which could permit his removal from office; and

Whereas Mr. Bork did not give Mr. Cox "the full support of the Department of Justice" of the Special Prosecutor as had been represented under oath to the Senate would be given Mr. Cox as Special Prosecutor: Now, therefore, be it

Resolved—

(1) that the Senate hereby finds the aforesaid action of Robert Bork is a breach of the aforesaid assurances made by Elliot Richardson on behalf of the President of the United States to the United States Senate, and

(2) that the Senate hereby condemns Robert Bork for removing Archibald Cox as Special Prosecutor in derogation of the aforesaid solemn assurances made to the United States Senate.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. HARRY F. BYRD, JR. Mr. President, I rise to commend House Speaker Carl Albert for his assertion today that the Congress should act expeditiously on the nomination of Representative Gerald Ford to be Vice President.

Speaker Albert emphasized in his statement that Representative Ford should not be held hostage because of any disagreements that Congress might have with the President of the United States.

Coming from Speaker Albert, these comments are most significant. Speaker Albert conceivably could benefit from a delay in the consideration of the nomination of Representative Ford to be Vice President, as Speaker Albert now is the first in line for the Presidency.

However, Carl Albert is not that kind of a man.

In his statement today he reflects, I think, the views of the vast majority of the American people that the qualifications of Representative Ford for the high office to which he has been nominated should stand on their own and should not be confused with other issues.

I, too, hope that the Senate and the House will act thoroughly but expeditiously on the nomination of Representative Ford to be Vice President of the United States.

I commend Speaker Albert for his statement today. I have a very high regard for the Speaker of the House. He is a dedicated, fine American, and the statement he has made today will enhance his prestige and standing in the hearts of the American people.

Mr. President, I yield back the remainder of my time.

Mr. FANNIN. Mr. President, I commend the distinguished Senator from Virginia, and I concur in the statement he has made. The remarks which the Speaker of the House of Representatives made today certainly indicates that we will go forward with the nomination of the new Vice President.

Mr. President, over the long weekend we heard many irate comments concerning President Nixon's firing of Archibald Cox. We have heard and seen wild talk and irresponsible resolutions demanding impeachment of the President.

It is my judgment that we have enough crises in the world without manufacturing another here in the Halls of Congress.

These are precarious times which call for strong leadership in international affairs. President Nixon, with the able assistance of Secretary Kissinger, has provided this leadership. With all due respect to others in Congress and in the Federal Establishment, I do not know of anyone who could at this moment step into the job of President and provide the world leadership which is demanded.

We must consider that President Nixon is not just the leader of this Nation; he is the world leader who has risen to the occasion time and again when peace was threatened.

His bold initiative in sending Secretary Kissinger to Moscow to arrange for a cease-fire in the Mideast is only the latest in a great series of achievements aimed at maintaining world peace.

I seriously doubt that had any other man been President of this Nation that we could have maitnained our détente with the Soviet Union in the face of the strains caused by the Mideast war.

No one else that I can conceive of as taking the President's job could offer us the powerful leadership which we need to solve the energy crisis, to stop the decline of the dollar in the world, and to come up with a new international trade agreement which will assure both free and fair trade.

With emotions running high and the Cox firing to fuel the flames, some would have us hurl ourselves over a cliff in this troubled time.

Mr. President, I believe that rash action at this time by the Congress could be disastrous to the Nation and to the world.

Many events are taking place at this very moment which could change the situation regarding the so-called Watergate tapes.

Nothing will be lost by waiting a day, a week, or a month before we take the next step to resolve the issue over the Watergate.

Mr. President, I believe that the compromise offered by President Nixon is reasonable and should be acceptable to reasonable men. I would point out that President Nixon has given considerable ground. He has gone just as far as he possibly can and yet protect the principle of separation of powers. To demand more is to demand that the President yield a part of his constitutional prerogative. He fears—and rightly so—that this case could set a dangerous precedent which would make it impossible for future Presidents to benefit from confidential conversations with advisers, including the military, and with leaders of other nations.

The President has acted to avoid a constitutional crisis. Responsible leaders in this country have accepted the compromise as a solution to this terrible dilemma.

When tempers cool, and when the partisan bombast subsides, then I believe there will be an understanding that the compromise offered by the President was, indeed, the wisest course to follow.

Mr. President, I believe President Nixon had no other choice than to fire Mr. Cox. It has always been my feeling that the appointment of Mr. Cox was a terrible mistake because of his known partisanship. The cadre of anti-Nixon assistants he assembled to help investigate the case only confirmed my fears. Let me make it clear that I do not believe the Special Prosecutor and his staff should be pro-Nixon. What we needed was an impartial, objective operation, and that is not what we had under the direction of Mr. Cox.

When Mr. Cox pressed for a constitutional confrontation after Mr. Nixon had achieved the means to avoid one, it was obvious that he had to go.

Those who are demanding a showdown on this issue are putting narrow, selfish desires to damage President Nixon before the national and international good.

To force the tapes issue further is tantamount to using nuclear weapons to settle a dispute for which a sensible compromise already has been offered at the conference table.

THE PRESIDENT AND THE LAW

Mr. SYMINGTON. Mr. President, inasmuch as it expresses much of my own thinking in this controversy, I ask unanimous consent that an editorial in the Washington Star-News of Monday, October 22, entitled "The President and the Law," be inserted at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Washington Star-News, Oct. 22, 1973]

The President and the Law

As FBI agents swooped down on his office and took possession of the files, Archibald Cox said it is now up to Congress, and ultimately the American people, "whether ours shall continue to be a government of laws and not of men." We would add that the courts, too, still have a part to play. Otherwise, the ousted special prosecutor just about summed it up.

President Nixon has blundered catastrophically in his handling of the White House tapes issue, and has placed himself in an untenable position in relation to the courts. Unless he can find a way to back-track quickly—and he is not behaving like a man who has much idea of retreating—he is on a course which could lead to unimaginable difficulties.

For starters, it seems almost inevitable hearings looking toward impeachment proceedings shortly will get under way in Congress.

Where did the President go so wrong?

His critical error was not the firing of Cox, which triggered the departure also of the attorney general and his deputy. Nixon should

have let the special prosecutor do the job for which he was hired. But presidents, technically speaking, have a right to fire whole cabinets if they see fit. It may indeed be that by the time Cox ended his remarkably effective news conference Saturday afternoon, it was too late for Nixon. Perhaps as a chief executive whose direct order had been defied, he really had no choice by then but to order Cox removed.

Nor was it wrong for Mr. Nixon to try to work out a compromise solution to his dilemma, a solution whereby he could comply in spirit, as he saw it, with the courts' demand for information as to the content of the tapes, but a solution which at the same time would not involve surrender on the basic issue of executive privilege. There is such an issue. There is substance to the contention that an administration could not function if its private consultations might at any time be laid bare at the order of a judge.

The President's willingness to provide digests of the tapes in question, authenticated by Senator Stennis, did assure so far as we are concerned that nothing on those tapes which related to Watergate would escape the grand jury's and the public's attention. That is no small concession—what part, if any, Mr. Nixon played in the Watergate cover-up has been, after all, the central question plaguing us all.

It seems clear that the President made his crucial mistake when, having learned that Cox was opposed to the suggested compromise, he forbade him to pursue in court any further effort to secure the tapes themselves. It was here that Mr. Nixon irretrievably crossed his Rubicon, precipitating what the White House now recognizes as the "firestorm" of events of Saturday. At that point, the President did two things. First, he broke the solemn word of his administration, offered at Elliot Richardson's confirmation hearing, as to the freedom of action that would be allowed the special Watergate prosecutor. Specifically, among other things, the senators were promised that the prosecutor would have full authority for "determining whether or not to contest the assertion of 'executive privilege.'" The prosecutor would be free to contest this issue. The courts would decide.

But the second thing Mr. Nixon did, in his Friday directive to Cox, was to make it cruelly plain that, so far as he was concerned, the courts would not decide between him and the prosecutor. He, the President, had done the deciding. The courts would not be permitted to hear from the prosecutor on this issue.

There would, moreover, be no appeal to the Supreme Court, such as might produce that definitive decision by which Mr. Nixon had once promised to abide. There would be no production of the tapes and other evidentiary material the District Court had ordered produced. There would be the digests described in the White House "proposal"—no longer a proposal, but a course of action proclaimed by the President. The courts, presumably, could like it or lump it. And Cox was forbidden to argue, on behalf of the grand jury, that the court was entitled to anything more.

Why? Why was it necessary to pursue this arbitrary course, flouting established institutions for the resolving of disputes? The office of special prosecutor had been set up to provide the courts with an officer who could argue the Watergate cases with no taint of White House influence, avoiding any suspicion that the administration might try to continue to cover up. Why at the crucial moment subject it, as just another twig on the executive branch, to precisely the sort of presidential control and interference from which it had been promised immunity?

Why should not the White House present its proposal to the court, while Cox stated his objections? Why should the court not decide?

Quite simply, because President Nixon has sought to adopt a position above the law. And that, to put it gently, has most serious implications for the future of government in the United States. There is a name for a system in which the executive assumes such a position. The name is dictatorship.

The Star-News hopes and believes that the courts and Congress will stand up to the challenge that has been thrown at them. We hope and believe, too, that Richard Nixon will turn back from the dark road which can lead only to tragedy for him and for the country.

THE DURABILITY OF DÉTENTE

Mr. HANSEN. Mr. President, I ask unanimous consent to have printed in the Record an article written by Joseph Alsop, entitled "The Durability of Détente," published in the Washington Post on Monday, October 22, 1973, so that most Americans will be better able to understand the dimensions of our problems worldwide and why it is so important that we dispatch as quickly as we possibly can the whole Watergate matter in order not further to undermine and weaken the ability of the United States of America to discharge its very significant duties, not only for our people but also for human beings everywhere.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Oct. 22, 1973]

The Durability of Détente

(By Joseph Alsop)

While we wait for the outcome of the battles in the Mideast, it is worth asking what the war there has done to the Nixon-Kissinger foreign policy. In this poisonous city, the number of people who never do their homework is constantly increasing. These people are now speaking of the Nixon-Kissinger policy's "collapse," on the ground that the Soviet-American "détente" has been shown to be worthless.

This is nonsense. The policy devised for President Nixon by Secretary of State Henry A. Kissinger was always a gamble against uncertain odds. What has happened in the Mideast has undoubtedly made the odds for the future look more dubious and worrisome. But there are times when men and nations have no alternatives to the best gamble that happens to be open to them.

The place to begin is with this matter of alternatives. The United States always had all sorts of alternatives in the happier time when the United States possessed superior military strength, and was united on the need for a serious world power position. But that was by no means the case by the time President Nixon and Secretary Kissinger became responsible for foreign policy.

By then, a ferocious attack had long been in progress on the American defense program and any kind of American policy based on power. The success of the attack was amply demonstrated, from the start of the Nixon years, by the annual drama of the defense budgets, always inadequate, yet always cut, and even then never passed by more than a vote or two in the Senate.

The men responsible for this shocking situation were such senators as Mike Mansfield (D-Mont.), J. William Fulbright (D-Ark.), Stuart Symington (D-Mo.) and many more, plus their countless allies in the House, in the intellectual world and in the media. From the very start, therefore, Dr. Kissinger was the first architect of U.S. foreign policy since 1941 who had to try to win the game with a terribly weak hand to play.

There are no sure bets for anyone who must try to win with a weak hand. The only chance is to choose the best gamble, and then to play the cards astutely. This has been the real success of the Nixon-Kissinger team. What has happened in the Mideast has not altered that success, although it has greatly darkened the future outlook.

It is here that we come to the problem of "detente" with the Soviet Union, as organized by President Nixon and Secretary Kissinger. For those who did their homework, the ambiguity of this "detente" was always perfectly plain. It was in fact analyzed in full detail in four reports in this space written well before the renewed Arab attack on Israel. The ambiguity, of course, lay in the fact the "detente" was no more nor less than a well justified gamble.

The Soviets, quite obviously, had long been approaching a final choice between two policies profoundly different in character and impact on the world. The first policy was to try to make the Soviet economy work much better by massive importations of credits and technology from the West. This inescapably requires what is called "detente."

The second policy was to escape from the increasingly dangerous Soviet internal economic mess by maximum exploitation of the main Soviet asset, which is greatly superior military power. This choice, if finally made, will automatically transform all the prepsrations for "detente" into a series of tranquilizers for the West, in advance of the Soviet attack. The first major Soviet attack, if launched, was and still is most likely to be a preventive nuclear attack on China.

Faced with the certainty that the Soviets were getting ready for so fundamental a choice, the President and Dr. Kissinger made a basic decision, and then took two steps to implement that decision. Their decision was that the United States would face a situation worse than the Hitler-time, if the Soviets were to opt for the policy based on naked use of military, and even nuclear power. The steps taken were to make what amounts to an informal, temporary and preventive alliance with Peking, and meanwhile to offer Moscow what is called "detente."

The aim of offering "detente" to Moscow was bleakly practical. It was to make the first of the two policies above-outlined—the one *not* based on naked use of military power—look more attractive and more feasible to the Kremlin's policy-makers. For obvious reasons, this hard inner-reality could not be loudly proclaimed from any public rostrum, although it was not hard for the clear-eyed to perceive. As an effort to influence a future Kremlin decision, it was also a gamble in the true sense.

The Soviet-sponsored Arab attack on Israel has now affected the U.S. gamble, by making it seem considerably more likely that the Kremlin is leaning toward a policy based on naked military power. But if guilty men are to be sought for this Soviet leaning, the right place to look is among those Americans who have worked so hard to undetermine the U.S. defense posture and power position in the world. That is the long and short of it.

PROVISIONAL ORDER FOR RECOGNITION OF SENATOR KENNEDY ON NOVEMBER 2, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, if the Senate is in session on November 2, the distinguished Senator from Massachusetts (Mr. Kennedy) be recognized for

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not to exceed 15 minutes after the recognition of the two leaders or their designees under the standing order.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 689) to amend section 712 of title 18 of the United States Code, to prohibit persons attempting to collect their own debts from misusing names in order to convey the false impression that any agency of the Federal Government is involved in such collection.

ENROLLED BILL SIGNED

The PRESIDENT pro tempore (Mr. METCALF) on today, October 23, 1973, signed the enrolled bill (S. 907) to authorize the appropriation of $150,000 to assist in financing the Arctic winter games to be held in the State of Alaska in 1974.

NATIONAL SCHOOL LUNCH AND CHILD NUTRITION ACTS

Mr. ALLEN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 9639.

The PRESIDING OFFICER (Mr. HUGHES) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the amendment of the House to Senate amendment No. 5 to the conference report on the bill (H.R. 9639) to amend the National School Lunch Nutrition Acts for the purpose of providing additional Federal financial assistance to the school lunch and school breakfast programs.

Mr. ALLEN. Mr. President, this is the conference report on the school lunch bill, and the parliamentary situation is that only one amendment remains unresolved between the House and the Senate, that being amendment No. 5, an amendment by the Senate which was amended by the House, returned then to the Senate, and the Senate added an amendment which would save harmless four States, the States of New York, New Jersey, Maryland, and Rhode Island, with respect to the free lunch payment of 45 cents provided by the bill, inasmuch as they were already receiving up to a cent and a half per free lunch more than the 45 cents allowed by the bill. The Senate amendment provided that these States would be saved harmless in the future, and that they would receive this additional amount, the amount that they are now receiving, and would not be cut back.

The House of Representatives rejected the Senate amendment, and has sent it back at this time.

I ask unanimous consent that the Senate recede from its amendment to the House amendment to the Senate amendment No. 5, in order that we can then seek to amend the amendment once again.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, reserving the right to object, I would ask the indulgence of the distinguished Senator from Alabama, because the ranking minority member of the Committee on Labor and Public Welfare (Mr. JAVITS), who has an interest in this matter, as the Senator from Alabama knows, is on his way to the floor.

Mr. ALLEN. Yes, I understand. The Senator from Alabama is paving the way for action by the Senate.

Mr. GRIFFIN. I would imagine and believe that he would not object to such action, but I wonder if further proceedings could be temporarily held in abeyance until he arrives.

Mr. ALLEN. I have no objection to that. This move at this time is being made by the Senator from Alabama at the request of and with the full knowledge of the distinguished Senator from New York. If he wishes to speak on the matter, it is quite agreeable.

Mr. GRIFFIN. Mr. President, I am now informed that we had better not wait for the distinguished Senator from New York, because he is absent on official business.

Mr. ALLEN. I see. As I stated to the distinguished Senator from Michigan——

Mr. GRIFFIN. And I am advised by the Senator's staff that the matter is in perfect order, and meets with the approval of the distinguished Senator from New York.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, I ask unanimous consent that the Senate concur in the House amendment to the Senate amendment No. 5 with an amendment, which I now send to the desk and ask that the clerk please state.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. ALLEN. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ALLEN's amendment is as follows:

> Immediately after the matter to be inserted by the House amendment to the Senate amendment, insert the following sentence: "Notwithstanding the foregoing two sentences, (1) for the fiscal year beginning July 1, 1973, no special assistance factor under this section 11 shall, for any State, be less than the average reimbursement paid for each free lunch (in the case of the special assistance factor for free lunches), or for each reduced price lunch (in the case of the special assistance factor for reduced price lunches), in such State under this section in the fiscal year beginning July 1, 1972; and (2) adjustments required by the sentence immediately preceding this sentence shall be based on the special assistance factors for the fiscal year beginning July 1, 1973, as determined without regard to any increase required by the application of this sentence."

Mr. ALLEN. Before putting the question, Mr. President, this amendment, instead of saving harmless these States indefinitely for the future, saves them harmless for only the current fiscal year. It is the understanding of the Senator from Alabama that this amendment will be agreed to by the House and that that will complete the enactment of the bill.

Mr. President, the House rejected by a vote of 125 yeas to 218 nays on October 18 a Senate amendment to the House amendment to the Senate amendment numbered 5 to H.R. 9639. The purpose of the defeated Senate amendment was to prevent any State from receiving less Federal reimbursement under section 11 of the National School Lunch Act than the State received during the last school year.

While all schools were guaranteed a minimum of 40 cents per meal for free lunches under section 11 of the National School Lunch Act, many schools were able to receive additional reimbursement under an exception in the law. Under this exception any school which needed an amount of reimbursement greater than the minimum of 40 cents to serve lunches could receive such greater amount if it could prove its need to the State agency. Both the House and the Senate, in passing H.R. 9639, eliminated this exception.

Under the new section 11 provided for in the conference report the States will receive Federal reimbursement on the basis of the number of free lunches served multiplied by a minimum of 45 cents. For reduced price lunches the States will receive reimbursement based on the number of reduced price lunches served multiplied by 35 cents. The Committee on Agriculture and Forestry and the conferees felt that we were giving all States an increase under the terms of H.R. 9639. However, subsequent to approval of the conference report it has been pointed out that four States, New York, New Jersey, Rhode Island, and Maryland, were receiving an average statewide reimbursement of more than 45 cents under existing law.

The amendment which was offered by the Senator from New York (Mr. JAVITS) and accepted by the Senate would have provided that no State would receive less under section 11 than it received during the last school year. However, the House rejected this amendment when it was considered on October 18. It was pointed out in House debate that, under the terms of the Senate amendment, the four States in question would continue to receive a higher rate of reimbursement than other States under the so-called escalator clause. In fiscal year 1973, New York received a statewide average rate of 46.5 cents; New Jersey a rate of 45.8 cents; Rhode Island a rate of 45.5 cents; and Maryland a rate of 45.4 cents. Under Senate amendment numbered 5 as amended by the House and as was amended by the Senate action of October 16, these 4 States would have continued to enjoy higher reimbursement rates than the other 46 States.

In opposing the Senate amendment the ranking minority member of the House Committee on Education and Labor (Mr. QUIE) indicated that he would not be opposed to a hold-harmless amendment which would apply to fiscal year 1974 only. The amendment which is being offered today would apply only

to fiscal year 1974 and it would provide that in subsequent years the four States in question would receive no higher rate of reimbursement under section 11 than any other State.

The PRESIDING OFFICER (Mr. HUGHES). Will the Senator from Alabama please renew his request?

Mr. ALLEN. Yes. I ask unanimous consent that the Senate concur in the House amendment to the Senate amendment numbered 5 with an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time? What is the pleasure of the Senate?

EXTENSION OF TIME FOR TRANSACTION OF ROUTINE MORNING BUSINESS TODAY

Mr. ROBERT C. BYRD. Mr. President, has the period for morning business expired?

The PRESIDING OFFICER. 10 minutes remain.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time for routine morning business be extended for an additional 10 minutes, with a limitation on statements therein of 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR BUSINESS

Mr. GRIFFIN. Mr. President, notwithstanding the fact that I was earlier recognized for 10 minutes, at which time I yielded to the Senator from Illinois, I now ask unanimous consent that I may be recognized for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

A NEW METHOD FOR SELECTING VICE PRESIDENTS

Mr. GRIFFIN. Mr. President, before eruption of the events of this past weekend, I had prepared a speech for delivery today. In the speech, which I shall proceed to deliver, I propose as a small step in the direction of the parliamentary system, a constitutional amendment to give Congress a direct role in the selection of all future Vice Presidents in a manner similar to that already provided under the 25th amendment in the case of a vacancy.

Frankly, my one and only reservation about the merit of my own proposal has been the concern that a highly partisan, opposition-controlled Congress might frustrate the process by holding a vice presidential nominee hostage for purposes of political extortion.

Ironically, even before the opportunity arrived today to formally present my proposal to the Senate, noises were sounded in connection with events over the weekend indicating that my worst fears about the performance of Congress under such circumstances might be realized, even in the case of the nomination of Congressman FORD, whose selection obviously reflected a high regard for the views of Congress.

If Congress should actually operate now to hold the FORD nomination hostage as some have openly threatened to do, it would not only frustrate implementation of the 25th amendment, but it would tend to prove that Congress itself is unworthy of a broader role in selecting future Vice Presidents as I am suggesting.

The clamor now being heard in some quarters for impeachment of the President affords no legitimate excuse whatever for delaying consideration of the FORD nomination on its merits. I was encouraged to hear the distinguished majority whip, the Senator from West Virginia (Mr. BYRD) make clear in his earlier remarks that he shares this view, and I salute him for his statesmanship in that regard.

If anything, suggestions being heard that impeachment proceedings might be a possibility should hasten, rather than delay, confirmation by a responsible Congress of a nominee like GERALD FORD.

Surely, no one could deny that, if narrow partisan considerations were put aside, there could be no question about the national need now to have a Vice President in office—a Vice President who is well qualified to step up and serve as President if necessary.

As a man of the Congress with a long and distinguished record of experience, JERRY FORD precisely fits those specifications. If Congress does not now proceed to confirm him with reasonable dispatch when the national need is so apparent, Congress will dismally fail an important test bearing on the merits of any proposal to expand the powers of Congress.

Accordingly, I hope and trust that Congress in this time of trial and testing will prove worthy of even a broader role in the selection of all future Vice Presidents by demonstrating that it is capable of putting the national interest above purely partisian interests.

THE PROPOSAL

Mr. President, 2 weeks ago the Vice President of the United States resigned his office under unprecedented circumstances. A little over a year earlier, the Vice-Presidential nominee selected by the Democratic Party at its national convention resigned just as the 1972 campaign was getting underway.

As everyone knows, the circumstances which led to the two resignations were entirely different. However, both cases have underscored the urgent need for meaningful reform of the traditional method of selecting the Vice President of the United States.

An essay which appeared in the August 7, 1972, edition of Time magazine included this paragraph:

> It is all done in a 3:00 a.m. atmosphere by men in shirtsleeves drinking room-service coffee—elated, frantic politicians running on sleeplessness, juggling lists, putting out phone calls, arguing in the bathrooms, trying to make their reluctant minds work wisely as they consider an afterthought: the party's nominee for Vice President of the U.S. It is the worst kind of deadline politics. For a year or two, or even more, the vast American political machine has been rumbling and ramshackling along, sifting presidential possibilities. Now a running mate must be chosen, checked out, signed on and presented to the convention with a triumphant but seldom very credible flourish ('Tom who?' 'Spiro who?')—all in a matter of hours. It is a procedure that invites error. Thus, most vice presidential candidates are too hastily chosen by only one man and his advisors without any real democratic process or sufficient investigation.

Surely, the American people deserve—and they are rightfully demanding—a better method than that for selecting the person who stands only a heartbeat away from the Presidency.

Today I announce my intention to introduce a resolution to amend the Constitution of the United States which in effect would provide:

First. That nominees for Vice President would not be selected at party conventions;

Second. That after a Presidential election, but prior to his inauguration, the President-elect would name his choice for Vice President;

Third. That the nomination would then be subject to confirmation by both Houses of the new Congress which convenes, following the election, in January.

In other words, my proposal would make certain that each future Vice President will be very carefully selected, with Congress as well as the President playing a significant role in the selection process, following a procedure similar to the one already available for filling a vacancy under the 25th amendment.

It is my strong view that almost any of a number of available alternatives would serve the national interest better than the traditional method now used to select the Vice President.

After careful consideration, I have decided to advance this approach for a number of reasons:

First. Instead of nominating a Vice President because his selection at the convention would balance the ticket or pay off a political debt, my proposal would emphasize and focus upon the national need to select an outstanding Vice President who would be highly qualified to step into the shoes of the President of the United States, if necessary.

Second. In contrast to the hurried, harried, haphazard way a Vice President is now selected, almost as an afterthought at the political convention, my proposal would allow the President-elect—as well as Congress—ample time for sober reflection, thorough investigation and deliberate consideration in choosing the Vice President.

Third. Speaking through their elected representatives in Congress, the people would have a stronger, more effective voice in the selection of a Vice President. As a practical matter, the people have little or no voice in the selection process as it now operates.

Fourth. Because the principal duty of a Vice President is to preside over the Senate, it is altogether appropriate that Congress should play a role in his selection. The President would be required to take the views of Congress into account, and it logically follows that such a procedure would encourage a closer working relationship between the White House and Capitol Hill.

Fifth. It is also important that the very operation of such a process inevi-

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tably would serve to elevate and increase the significance of the Vice President, thereby making the office more attractive to outstanding leaders of Presidential stature.

I recognize that the bold reform proposal which I now put forward may not be the perfect or final answer. But I am confident of one thing: it represents a major improvement over the process as it now operates.

THE PROBLEM IN PERSPECTIVE

Throughout our history, a number of very able men have held the office of Vice President. One of them serves the Nation now as President; another serves with us in the Senate.

Since the founding of the Republic, 12 Vice Presidents have attained the Presidency—8 of them directly because of the death of a President. In all, Vice Presidents have been called upon to serve 24 of the 32 years for which their deceased predecessors were chosen.

It is unfortunate that the Constitutional Convention of 1787 devoted only slight attention to the subject of the Vice-Presidency. Our Founding Fathers were divided as to whether the country even needed a Vice President at all.

A strange paradox has flowed from that early treatment of the subject by the Constitutional Convention. The Nation's second highest officer is assigned only minor insignificant duties but, at a moment's notice, he must be ready to exercise the vast, awesome responsibilities of the most powerful office in the world.

As John Adams put it:

> I am Vice President. In this I am nothing; but I may be everything.

Passage of time has done little to resolve the paradox. As historian Donald Young has written, Harry Truman conferred with President Roosevelt only twice, outside of Cabinet meetings—

> During his 82 days as Vice President. Several years after he succeeded Roosevelt, he remarked that he was the worst prepared man for the responsibility of the Presidency since Andrew Johnson. The Vice President has not even been told of the existence of the atomic bomb.

No wonder that Harry Truman, in his salty, characteristic way once commented that all the Vice Presidents in history—

> Were about as useful as a cow's fifth teat.

The absurd contradiction between what the office of Vice President is, and what the incumbent may become, poses a dilemma not only for those who must select a Vice President, but also for those who are considered for the office. At one and the same time, the office is both tempting and yet very unattractive to leaders of true Presidential stature.

John Nance Garner summed up his frustrations with this earthly comment:

> The Vice-Presidency isn't worth a pitcher of warm spit.

Throughout most of our history, Vice Presidents have been politically impotent and generally ignored, except when a President's death suddenly propelled one of them into the White House. No wonder it became popular to downgrade and poke fun at the Vice-Presidency.

Thomas R. Marshall, Vice President under Woodrow Wilson said: Once there were two brothers—one ran away to sea, the other was elected Vice President, and nothing was ever heard of either of them again.

Since the Presidency of Dwight D. Eisenhower, the Vice Presidency has commanded a bit more attention and respect. Mr. Justice Powell, when he testified before a Senate Committee in 1965 as President of the American Bar Association, made this statement:

> In considering any proposal on this subject, it is well to keep in mind that the office of Vice President has indeed become one of the most important positions in our country. The days are long past when it was largely honorary and of little importance in itself. For more than a decade the Vice President has borne specific and important responsibilities in the executive branch of Government. In addition, he has to a large extent shared and participated in the executive functioning of our Government, so that in the event of tragedy, there would be no break in the informed exercise of executive authority.

Despite the fact that some progress has been made, much more is needed. For the sake of the training of the person who holds the office, and for the well-being of the Nation which might suddenly inherit a new leader, the Vice President should be given even more responsibilities and should be allowed to work more closely with the President in the performance of his difficult duties.

President Nixon has a special opportunity to move in that direction now, particularly in light of the outstanding qualifications, experience and abilities of his Vice President-designate, GERALD R. FORD.

As we know, a growing recognition of the importance of the Vice President, combined with the obvious need for procedures to establish succession in the event of Presidential inability, led to development and adoption of the 25th amendment, ratified in 1967.

But, of course, the safeguards written into the 25th amendment were not designed to affect procedures for selecting a Vice President in the normal course of events.

ALTERNATIVES FOR REFORM

Even though there is general agreement that defects abound in the present system for selecting a Vice President, the ideas for reform are about as legion as the critics. Needless to say, it is one thing to find fault, but is it quite another to come up with a workable, acceptable alternative.

To date, most suggestions for change have focused on the need for reform of political party procedures.

These suggestions run the gamut from choosing the Vice Presidential nominees in a national primary to selection of Vice Presidential nominee by party leaders after the national party convention is over, much as the Democrats last year picked their replacement candidate for Vice President.

Even a simple change in convention scheduling would help a bit. I refer to a change so that the party's candidate for President would be nominated on the first day of a national convention, with selection of the Vice Presidential nominee taking place at least 2 days later. During the interim, the convention could focus on such matters as its party platform.

While convention procedural reform could be helpful, I have concluded that more drastic steps are desirable and really necessary—steps such as the one I am proposing.

Some have suggested that the easiest way to solve the problem would be to abolish the office altogether. Of course, that would solve nothing. Even in normal times a vacancy in the Presidency can produce a critical gap in leadership. But in times of crisis, the seriousness of such a gap is magnified many times over. I believe the Nation needs not only a Vice President—but a strong, well qualified Vice President.

On balance I have concluded that the most meaningful and effective reforms in the method of selecting the Vice President would be achieved by amending the Constitution as I am proposing rather than merely seeking to manipulate convention procedures.

Prompt and meaningful reform of the Vice Presidential selection process can be vital to the future of our Nation. To secure action in time for the 1976 elections, we must begin now. The Constitution cannot be amended overnight. Vigorous, searching debate of my proposal and other proposals is essential.

In any crusade to achieve reform the most important step—is the first step. I believe my proposal has great merit, and that it should be adopted. But even if my effort does nothing more than to sharpen the issues, to precipitate a national debate, and to set in motion the wheels of reform, it will serve a very useful purpose.

Mr. President, I send to the desk the joint resolution that I am introducing today and ask unanimous consent that the text be printed at this point in the RECORD.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

S.J. RES. 166

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within 7 years after the date of final passage of this joint resolution:

"ARTICLE —

"SECTION 1. Except as provided in section 2 of the twenty-fifth article of amendment, the Vice President shall be selected in accordance with the provisions of this article of amendment.

"SEC. 2. Each candidate for election to the office of the President shall submit to the President pro tempore of the Senate and to the Speaker of the House of Representatives, not earlier than the day after the day on which electors are appointed under section 1 of article II and not later than the next following fifteenth day of December, the name of a candidate for selection as Vice President. The President pro tempore and the Speaker shall receive the names without regard to whether the Congress is meeting at the time of their submission, and shall order an immediate investigation of each individual whose name is submitted with respect to his eligibility and suitability to serve as Vice President. Any individual whose name is submitted may withdraw his name from consideration, at any time prior to noon on the third day of January of the next year immediately following such fifteenth day of December, by written request submitted to the President pro tempore and to the Speaker. If any individual withdraws his name from consideration, the candidate who submitted that individual's name shall be notified in writing of the withdrawal of the name by the President pro tempore and the Speaker, and shall submit to those officers another individual's name within three days after being so notified.

"SEC. 3. Upon determining who is the President elect (if such determination is made before noon on the 20th day of January of such year), each House of Congress shall proceed to the consideration of the candidacy of the individual whose name was submitted by the President elect as a candidate for selection as Vice President. A majority vote of both Houses of Congress shall be necessary to select a Vice President under this section.

"SEC. 4. If the Congress fails to approve the candidate for Vice President named by the President elect within 10 days after the day on which the President elect is determined and in any event before noon on the 20th day of January of such year, or if the President elect has not been determined before that time, the office of the Vice President shall be filled in the manner provided in section 2 of the twenty-fifth article of amendment.

"SEC. 5. Any person who is ineligible under the Constitution to hold the office of President shall be ineligible to hold the office of Vice President.

"SEC. 6. The Congress shall have power to enforce this article by appropriate legislation.

"SEC. 7. This article shall take effect on the first day of May next following its ratification.".

EXTENSION OF TIME FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, how much time remains under the order for morning business?

The PRESIDING OFFICER. Two minutes.

Mr. ROBERT C. BYRD. I ask unanimous consent that there be an extension of time for the transaction of routine morning business, of not to exceed 1 hour, with statements therein limited to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PRESIDENT'S ACTIONS OVER THE PAST WEEKEND

Mr. McGEE. Mr. President, I had not intended to speak today, but in light of developments over the weekend and the many and diverse opinions that have been publicly expressed I think that one more will not do any harm.

I venture into this rather short statement with some trepidation. I am not a lawyer. I am not on the Judiciary Committee. But I suppose I would be a member of the jury, in spite of my professorial background, in the event more serious proceedings were to be undertaken in the House. It is in that context that I wanted to express for the record of this body my own reflections on this matter.

I would have to start by confessing that I was ill-prepared for the latest development over the weekend. I had boarded a plane in my hometown of Laramie, Wyo., Saturday afternoon, to fly to Dallas, Tex. ,for the purpose of addressing a United Nations group in honor of the anniversary date of the founding of the U.N.

When I landed in Dallas, there was, without any warning, an assemblage of the local press. They wanted to know what I thought about the most recent developments in Washington. I began to address myself to the resignation of the Vice President of the United States. They said, "Oh, no, we are not talking about that. Haven't you heard what has happened?"

That shows what can happen when one gets on an airplane. It is a kind of shattering experience to think that one can ride on a plane for a couple of hours and not learn that tumultuous events are happening on the ground.

I recall that I had my press secretary look up for me the number of times in the last 12 months that I have revealed my ignorance—at least my sentiments. I am sure that on six memorable occasions I summoned the media to make statements about developments in the Watergate case. On each of those six times I made the mistake of being inexact.

So this time I have sworn, pledged, and vowed not to make any direct forecasts or any predictions. But I would be less than honest if I failed to confess that I have been deeply shaken by the events of the weekend. As to those who would try to torture the right of the President to fire Mr. Cox and others, I would only have to say that they miss the whole point. The issue was not whether it was the prerogative of the President. The issue was the integrity of the appointment of the independent, special investigator, who apparently was fired because there was a difference of opinion concerning just what he had been appointed to do. It is this which looms largest in the minds of the people with which I had occasion to talk and who have confronted me with questions in the 2 or 3 days since the event. It is not the legality; it is the lack of wisdom, the lack of judgment, the shattering of credibility, that all seems to surface.

So in the light of that, I shall say what I have to say. The question should be approached, not in a legal sense, but I would hope a little bit in the historical sense, since that was my own profession for many years before entering this distinguished Chamber. In that sense, my petition is that we proceed with caution and with cool heads.

The whole prospect of impeachment proceedings ought to have a sobering effect on every Member of this body. The track record of the U.S. Senate on the impeachment of Presidents is not a distinguished one. There has been only one such occasion, the impeachment of Andrew Johnson right after the American Civil War. Andrew Johnson was impeached by the House for almost totally disgraceful reasons; narrowly partisan political reasons; tortured, unfair, persecutional reasons. It was a sorry, sorry episode in our country's history and should not serve as a parallel for any consideration at the present time, except to have taught us how not to proceed if such a situation were ever to arise again.

What I am saying is that I think it is most important that we have a little less rhetoric on this matter, at this moment. We should allow a moment for the cooling of heads to occur. Then as we proceed to the examination of the record in the other body, that it be done for the right reasons. It should be pursued for substantive reasons, for reasons of truth and proving facts, rather than for political considerations emotional considerations, publicity considerations, or whatever else. There already has been enough demeaning of the processes of government in the last year, and we should not indulge in still more. I think it behooves all of us in this body to proceed with that single thought uppermost in our minds, so that we can contribute to the restoration of dignity to the governmental mechanism and its processes by proceeding in an orderly way.

I know that we are all human. Sometimes it is easier to seek quick solutions. But I think the important thing is that we seek to achieve a wise solution, that we bring about a fair and just conclusion, and that we sort out the various factors that are exigent at the present time.

I think, likewise, that it should be sobering to us—at least it is to me—that we ought to be careful about saying who is guilty or who is not. At least, I think I should be, if I am to end up being a member of the jury. Do I not call into question my fitness to be a member of the jury if I pronounce the outcome before the vote is submitted?

What I am saying does not condemn those who are already calling for impeachment; but rather to say that we ought to be certain of what we are doing; certain of our reasons; in low key; and surrounded by the dignity for which these times desperately cry in this moment of serious national crisis.

I thought Archibald Cox put it correctly in his news conference, when we all heard him say, in effect, that what we must not overlook is that we are a nation of laws, not a nation of men. Men come and go, some good, some less good. But it is the law and the procedures through law that represent an ongoing continuity that is needed to establish the credibility of a system of government.

I think that is one of the things that loom large in the minds of many people around the world who do not aways understand our system, when they see us wracked by these grave crises. They are amazed when they have seen, on many occasions, how we have proceeded to make corrections and adjustments and have pursued in prosecutions where nec-

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essary, within the Constitution and under the law. They are amazed when in almost any other area of the world governments would have fallen, the system would have collapsed, a junta would have taken over, or there would have been open rebellion and civil strife.

I think, thus, we ought to keep in mind what it is we are exhibiting to the rest of the word; that is, that whenever we have a grave crisis, there is always a place for the orderly procedure under the rules prescribed in advance by the Constitution or statutes. It is for that reason that I beseech my colleagues to join hands in responding to the seriousness of this moment, in a way that lends prestige to this body.

I would add a footnote in light of the remarks just made by the distinguished minority whip of the Senate, the Senator from Michigan (Mr. GRIFFIN). I belong to that group in the other party who deplored any unreasonable delays in the selection of a Vice President. It was my view that there was too much of a delay as it was in waiting another month in the consideration of this question. I do think, in light of the record, there must be an intensive inquiry. A great many things are already known. With the facilities of investigation that are available, we do not need to strain or stretch it out. I think events of the past weekend make it even more imperative that we expedite a sober consideration of the pending nominee, JERRY FORD.

I would say, in that context, Mr. President, that, as a Democrat, I would certainly hope that no partisan rancor or political expediency be permitted to intrude into the considerations of that question. This question is far bigger than Democrats or Republicans or independents. It is a question that really holds very much of the resilient qualities capable of emanating from our system of government, and we have to evaluate them as Americans and as people first, and as partisans last, if at all.

So, Mr. President, I express the humble hope that calm spirits will prevail, that cool heads will lead, and that warm hearts will prevail; hearts that understand a system that others around this world have sought to emulate. I sincerely hope we will equate our responsibilities with the best interests of our Nation.

Mr. BAYH. Mr. President, I ask unanimous consent to introduce into the RECORD a statement which I made on yesterday relative to this whole matter which we have been discussing, based on the facts that existed at that time.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR BAYH

The events of the past week have placed unprecedented stress on our Constitutional form of government. We are at a critical point in history, confronting a fundamental test of whether political decision-making will be permitted to subvert our judicial institutions and, in fact, our very system of government.

Unlike most other nations, for almost 200 years, our governmental institutions have survived and our nation has prospered because Presidents, Congresses, the courts and individual citizens have placed the rule of law above personal partisan political advantage and have determined that preservation of our precious, yet fragile, form of government is more important than any one individual.

One hundred years ago Abraham Lincoln said, "No man is above the law." At this moment, that basic concept, and its corollary that all citizens should be treated equally under the law, are in greater jeopardy than at any previous point in our history. President Nixon's decision to ignore the judicial process and to discharge those who refuse to go along with his decisions specifically raises the question—is one man—even the President—above the law.

We all know what happens to most average Americans who run afoul of the law.

A driver who speeds pays a fine and perhaps loses his license.

A burglar who breaks into our homes is jailed.

A small businessman who violates the seemingly endless maze of federal regulations is fined.

The average citizen who cheats on his income tax feels the force of law, a fine and likely imprisonment.

The average citizen who commits perjury or extortion can well expect to end up behind bars. In short, each of us know, we either obey the law or we pay the price.

If that is what happens to most of our citizens, isn't that what we should expect to happen to all of our citizens? (Unfortunately, that logical and appropriate expectation is in jeopardy).

Two former Cabinet officers are under indictment for accepting a bribe of $100,000 in connection with a proceeding before the Securities and Exchange Commission.

There are well documented reports that a single industry offered a $2 million "campaign contribution" in exchange for a government decision providing windfall profits for its members.

Former top White House aides have been charged with a wide variety of criminal offenses, including perjury and obstruction of justice. Some have been indicted, and others have already pleaded guilty.

A doctor's office has been burglarized, and his confidential patient-doctor relationship violated, under orders emanating from the White House under the guise of national security.

Executives of major corporations have acknowledged that persons raising money for the President's reelection campaign actively solicited and accepted illegal campaign contributions, even to the point of implying that refusal would bring adverse regulatory action by the government.

And, of course, there is Watergate—which has come to mean not only the break-in at Democratic National Committee headquarters, but the full range of law violations designed to subvert the electoral process.

There has been an attempt made to imply that these misdeeds are normal in the political process. "They all do it" has been the common excuse and the result has been to further erosion of public confidence in the basic political process of our system.

When our homes are broken into, or our money stolen, we expect the culprit to feel the full force of law. In the cases I have just listed, no one is stealing money from our pockets; they are trying to steal our political heritage, our freedom, and to corrupt our system of justice.

Given the enormous magnitude of the crimes with which we must deal, it is all the more imperative to carry out the pledge made by President Nixon on April 30. He said, in a speech to the American people, "justice will be pursued fairly, fully, and impartially, no matter who is involved."

Many agreed with the President in August when he said, "The time has come to turn Watergate over to the courts where the question of guilt or innocence belongs. The time has come for the rest of us to get on with the urgent business of our nation." We desperately hoped to put Watergate behind us—to convict the guilty and exonerate the innocent—and get on about the business of the country.

Yet the President's recent decision to ignore a lawful court order that he provide the courts with access to his controversial tapes prevents fair, full or impartial administration of justice. The President's action actually makes it impossible to prosecute successfully the law violators through the courts. The fact is, that as a matter of law, the withholding of the tapes and the other evidence requested will prevent the conviction of the defendants in many of these cases, since under the law these defendants can demand that evidence, in the possession of the government, which may tend to prove their innocence be produced. (Brody v. Maryland 373 U.S. 83/1963).

Whether or not the tapes actually disclose Presidential involvement, so long as the President refuses to produce them for the court, it will be impossible to convict many of those whose guilt can be clearly established without the tapes. So even before we confront the crucial question of whether the President can ignore a lawful court order the American people must be alerted to the fact that as long as the President refuses to give the courts access to the evidence in his possession, no amount of prosecutorial skill can provide for the conviction of those guilty individuals who can hide behind the defense provided by the President himself.

Even more important than sending the Watergate conspirators to jail, is the fact that the President has deliberately broken an implicit commitment to the Senate and to the American people that there would be an *independent prosecution* of Watergate and related cases by a special prosecutor. That commitment was made when the President vested full authority for the Watergate case in former Attorney General Elliot Richardson authority to appoint an independent special prosecutor, and allowed Mr. Richardson's nomination to go forward after the Attorney General designate has assured the Senate Judiciary Committee that Mr. Cox could proceed fully and without constraint.

At the time of Mr. Richardson's nomination the President said, "I have given him absolute authority to make all decisions bearing upon the prosecution of the Watergate case and related matters. I have instructed him that if he should consider it appropriate, he has the authority to name a special supervising prosecutor for matters arising out of the case."

When the Senate confirmed Mr. Richardson, the President was well aware of the pending appointment of Archibald Cox as Special Prosecutor and of the special prosecutorial arrangement made by Mr. Richardson with the Senate and at no time uttered one word of objection. It is only now, when the special prosecutor, Mr. Cox, is prosecuting those involved, that the President enters his objection.

Thus, in addition to making prosecution more difficult, if not impossible, the President has denied the American people their right to a full, impartial and independent prosecutor who can restore confidence in the integrity of our legal system.

Last spring, when the Richardson nomination was before the Judiciary Committee, and the terms under which a special prosecutor would be appointed was the central issue, I was deeply and directly involved in the negotiations surrounding Mr. Cox's appointment and the precise terms of that appointment. Along with Senator Hart I engaged in elaborate and protracted negotiations with Mr. Richardson and Mr. Cox. The end product of those negotiations was an understanding of the conditions that would ensure an independent prosecution of the Watergate and attendant cases. The President's action of the past week destroys these efforts to let each American know that the courts would deal with the Watergate conspirators absent from political pressure and influence.

This obvious disrespect for the rule of law is what has created the grave Constitutional crisis that looms before us, posing a subtle but ominous threat to the very survival of our system of government with its checks and balances. This crisis atems directly from the President's refusal to abide by a lawful court order.

The President urged that Watergate be decided in the courts. Two courts have ruled against the President and he has refused to appeal the courts' decision to the Supreme Court. Rather the President has chosen to ignore the court orders. He has refused to obey the law.

Mr. Cox, for his part, was entirely correct in rejecting the extra-legal compromise offered by the President. That compromise must be regarded as unacceptable, not only because it ignored a court order, but because it seeka to substitute a privately agreed upon arrangement for a well established judicial procedure.

The net result of the resignation of Attorney General Richardson and the calculated dismissal of William Ruckelshaus and Mr. Cox, is that it vests in the Justice Department responsibility for prosecution of the violations of the law in Watergate and other cases previously within the jurisdiction of the special prosecutor. The American people are painfully aware of the fact that this is the same Justice Department which grossly mismanaged the Watergate prosecution prior to the 1972 elections, and prior to the appointment of the special prosecutor.

The President's actions have produced a ground swell of opinion demanding impeachment. It is clear that the House of Representatives has the responsibility of considering such a course of action.

But, perhaps there is one last chance to restore the rule of law to America, short of impeaching the President.

With this goal in mind, later this week I will introduce legislation requiring the appointment of a new special prosecutor and a deputy special prosecutor by the chief judge of the District Court for the District of Columbia. By calling for the appointment of two such special prosecutors, I am following the precedent established in the Teapot Dome case, when President Coolidge appointed prosecutors of differing political parties. The statute would assign to prosecutors the same responsibilities previously assigned to Professor Cox pursuant to the Guidelines agreed upon by the Senate Judiciary Committee, the Attorney General and Professor Cox and the President. Similarly, the special prosecutors would be by statute be given the full range of powers ordinarily available to the Attorney General of the United States investigating alleged misconduct and initiating and conducting all phases of the prosecutorial function.

The legislation would authorize the special prosecutor to organize and hire such staff as he may reasonably require, and provide him with an appropriate budget. In this regard, the legislation would again parallel the Guidelines under which Professor Cox has been operating successfully. The Department of Justice would be directed to provide such assistance as the prosecutor reasonably requests, including the investigatory resources of the FBI. If the prosecutor determines it necessary, he would be empowered to hire and direct his own investigatory staff. The special prosecutor, like Professor Cox, would be required to submit a final report to Congress; beyond that, he would be free to determine the need for additional reports and the time when his assignment is complete. Following the precedent of the Guidelines, the Chief Judge of the District Court could remove the special prosecutor or his deputy only for "extraordinary improprieties."

I recognize that this proposal involves legislation in areas where there are few constitutional precedents. But it is the President—not the Congress—who has set us adrift in these unchartered waters. I believe the Congress possesses the power under the Constitution to establish an independent prosecutor to pursue allegations of corruption by the very highest officials of the executive branch, the institution ordinarily charged with enforcing the criminal laws.

In the first place, Article II, Section 2 of the Constitution provides that "the Congress may by law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments." The Supreme Court has specifically held that the Congress may vest the power in the federal courts—pursuant to Article II, Section 2—to appoint "officers" performing various functions, generally those related to the work of the judiciary. See *Ex Parte Hennen*, 38 U.S. (13 Pet.) 230, 257–58 (1839) (clerks of the courts); *Ex Parte Siebold*, 100 U.S. 371, 397–98 (1880) (supervisors of Congressional elections); *Rice* v. *Ames*, 180 U.S. 371, 378 (1901) (United States Commissioners).

The special prosecutor is intended to perform functions which are intimately involved with the powers and responsibilities of the Judicial Branch. As with any attorney, representing the prosecution or the defense, he would discharge his functions as "an officer of the court." The District Courts are already authorized to appoint United States Attorneys—prosecutors—to fill temporary vacancies in their Districts. 28 U.S.C. § 546. And the validity of this provision has been specifically upheld against a constitutional challenge that it violates the separation of powers. *United States v. Solomon*, 216 F. Supp. 835 (S.D.N.Y. 1963). For these reasons, I believe that the Congress validly may vest the appointment of the special prosecutor in the Chief Judge of the District Court of the District of Columbia. It is essential to note that perhaps no other constitutional entity can so well perform the function required in this case—appointing a prosecutor of alleged corruption in the executive branch. As the Supreme Court said in holding that Congress could vest the appointment of Federal election supervisors in the Federal courts:

> It cannot be affirmed that the appointment of the officers in question could, with any greater propriety, and certainly not with equal regard to convenience, have been assigned to any other depository of official power capable of exercising it. *Neither the President, nor any head of department, could have been equally competent to the task. Ex Parte Siebold*, 100 U.S. 371, 398 (1880) (emphasis added).

Moreover, I believe that independent constitutional support for my proposal may be found in Article I, Section 8, Clause 17 of the Constitution, which authorizes the Congress to "exercise exclusive legislation"—plenary authority—over the District of Columbia. Congress acts in this capacity as a state legislature and the states clearly have authority to provide for the appointment of a special prosecutor in this manner. And a three judge federal court has held—both under Article I, Section 8 and under Article II, Section 2—that the Congress can constitutionally vest the District Court judges of the District of Columbia with powers far afield of their ordinary judicial responsibilities, specifically, the power to appoint the members of the District of Columbia Board of Education. *Hobson v. Hanson*, 265 F. Supp. 902 (D.D.C 1967), appeal dismissed, 393 U.S. 801 (1968).

Many of the alleged acts were performed in the District of Columbia, and a substantial amount of evidence concerning them remains in the District of Columbia. The legislation would provide that the special prosecutors would be authorized to bring suits in any court of competent jurisdiction, either in the name of the United States or in the name of the District of Columbia. This would allow the prosecutors to pursue crimes under either federal law or District of Columbia law (which, for example, contains a broad perjury provision).

Moreover, Article I, Section 8, Clause 18 empowers the Congress "to make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department or Officer thereof." The power to prosecute corruption within the Executive Branch is plainly a power vested by the Constitution in the government of the United States. More specifically, the Constitution specifically refers to the functions of the grand jury in the fifth amendment. And if the Congress can empower a prosecutor to conduct a grand jury proceeding aimed at producing an indictment or presentment against those guilty of such corruption, surely the necessary and proper clause permits the Congress to provide also for the independent prosecution which the Constitution anticipates following grand jury action.

As Chief Justice Marshall wrote more than 150 years ago: "Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consistent with the letter and spirit of the Constitution, are constitutional." *McCulloch* v. *Maryland*, 17 U.S. (4 Wheat.) 316, 421 (1819). I believe the necessary and proper clause was intended to provide Congress with sufficient flexibility precisely so that it could deal with difficult and unforeseeable circumstances such as the President has precipitated in this case.

In recent years there has been much political verbiage about crisis in government and screaming headlines that threaten to dull our senses to the historical nature of the situation now confronting this nation. But, like the story of the boy who cried wolf, the wolf is now at the door. The response of the Congress and the American people must be unflinching and unyielding. Otherwise, we could well find that those things we hold dear—our freedom and our liberty, indeed the very foundation of our democracy—have slipped away and left 210 million Americans hostage to the unlimited power of one man—the President.

We have known the rule of law in this country for two centuries. In Anglo Saxon jurisprudence it stretches back 500 years. Prudent and thoughtful men must now consider seriously the use of the ultimate option available when all others fail to ensure justice and the rule of law. The President may have left us no alternatives but impeachment. Perhaps it is the only alternative available to protect our system of laws.

My bill to establish an independent prosecutor is one last effort to make our system of justice function. If this last option fails, we have no alternative but to impeach the President and replace him with one who recognizes that even presidential power must be controlled. When efforts to protect presidential rights threaten to destroy our constitutional system and the guarantees that treat all citizens equally under the law—the people must prevail.

Mr. BAYH. Mr. President, I suggested in that statement a concern which I still have over the position the President

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has put the Senate, the Congress, and this Nation in, in which we may have no alternative but to seriously study, consider, and perhaps even ultimately act, on the matter of impeachment. I hope it does not come to that, Mr. President.

I listened with great care to what my friend and colleague from Wyoming suggested, and share the thoughts that he expressed. I think perhaps one other thought needs to be expressed—that we are desperately in need of whatever courageous action is necessary to try to shore up confidence in the whole system of government in the minds of the people of this country. Whenever a nation and its people lose confidence in the ability of its system to provide equality of treatment under the law for all of its citizens, then we shake the very cornerstone and foundation of the system.

I suggested on yesterday that one possible alternative to immediate and irreconcilable confrontation was the proposal contained in the statement just introduced into the RECORD to provide another vehicle for the appointment of a special, independent prosecutor, because where the country now is crying impeachment because of presidential action and where we need to give careful consideration to the merits of this outcry, I think it is also important for us to recognize that we have a responsibility to see that justice be done, whether it is conviction or exoneration, for those individuals who have been implicated in the Watergate affair.

So far as I, as a Member of the Senate, am concerned, I think we have a responsibility to see the carrying out of the pledge that was made by former Attorney General Richardson, by former Special Prosecutor Cox, and, by inference, the President of the United States, when he permitted us to proceed with the Richardson nomination and the Cox appointment, fully aware of the special problem facing us, with his own words promising a special approach, a nonpartisan and independent approach, so that wherever the tangled web of Watergate leads, the people of this country will have confidence that all the facts are on the table, that we are not playing politics as usual, that the great systems of this country are going to be permitted to function, that the guilty are going to be convicted and the innocent are going to be exonerated, that the great, the near great, and the not so great are going to be treated equally under our laws.

We are, as my friend from Wyoming has said, a nation of laws, not of men. It has been repeated historically with every generation, but I think it is also incumbent upon us to recognize that the way the laws are treated, the way they are administered, determines the caliber of justice and the caliber of government and, indeed, the confidence of the people in their government. It is almost impossible to separate men from laws, and indeed it is an axiom that hardly bears repeating that no man, large or small, should be above the law.

I yield the floor.

Mr. METCALF. Mr. President, the events over the weekend are so startling and so alarming that everyone in America is shocked and stunned. I have listened to the television reports, read three newspapers, the Washington Post, the Washington Star-News and the New York Times. I have heard not only reports of the compromise offered by President Nixon, but the reaction of the people concerned, Special Prosecutor Cox, Attorney General Richardson, Deputy Attorney General Ruckelshaus and others.

Many of my congressional colleagues in the House and Senate have made statements about impeachment. Many have suggested that this is the only course left to the Congress and the American people. In this context I make a personal statement.

I have never thought that the Senate committee, the Ervin committee, would be entitled to the Presidential tapes. As an investigative committee of the Senate, the Ervin committee is bound by statute and constitutional precedent. I concur with the opinion of Judge Sirica denying the tapes to the committee. Hence I agree that the ranking members of the Senate committee should have acquiesced to the President's proposal to let Senator STENNIS listen to the tapes and approve a summary. It appears that this was better than anything that the committee could have achieved through court action.

On the other hand, it would appear that Special Prosecutor Cox had no choice but to refuse to agree to this so-called compromise. The reasons that have already been stated this morning and that were enunciated in Mr. Cox's statement are self-explanatory. No prosecutor could prepare a case with such evidence missing, and every defense lawyer would object, and properly so, to the withholding of such vital information. Under the commitments made by the President and the agreement between Attorney General Richardson and the Senate Judiciary Committee at the confirmation hearings there was no other alternative than to resign. As honorable men, Mr. Cox, Mr. Richardson, and Mr. Ruckelshaus kept their word and refused to obey an order that would cause them to violate their promises or the express promises of President Nixon.

This morning and over the weekend several of my colleagues in the Senate have talked about impeachment. This is, of course, as has already been suggested by the Senator from Utah (Mr. BENNETT) a very delicate matter. In case an impeachment proceeding is instituted by the House of Representatives, the Members of the Senate will sit as the court and jury to decide the veracity of the charges brought by the House of Representatives. It will be the various articles of impeachment that will be voted upon by the Senate. Each Member of the Senate will vote guilty or not guilty in accordance with the evidence adduced. It is like a familiar legal story about the man who was charged with a crime and appeared before the judge at the preliminary hearing. The judge said, "How do you plead, guilty or not guilty." The accused said, "Your Honor how do I know I haven't heard the evidence?"

If an impeachment is brought it will be incumbent upon each Senator to vote upon the question as to whether the managers on the part of the House of Representatives have proved each respective article of the impeachment proceedings.

Several Senators have made statements about impeachment. Some have suggested that this is the only way to discover whether or not the President has failed to carry out his constitutional oath of office. Others have looked at the events of the last weekend and suggested that impeachment is the only recourse. I agree with the warning that the Senator from Utah expressed earlier today. Intemperate pronouncements might lead to a defense attorney's motion to disqualify such a Senator. But I have heard no such pronouncements.

Every Senator who has suggested impeachment has done so with the reservation that it would be incumbent upon the House managers to prove their case. Certain analogies come to mind. Frequently judges are called upon to issue preliminary restraining orders upon the basis of ex parte evidence presented. Just as frequently the same judge upon a hearing on the merits of the case will dissolve such order and dismiss the case.

In many of our States grand jury proceedings have been replaced by the prosecutor's appearance before the trial judge and asking for an information citing the accused for a crime. Sometimes this same judge presides at a trial without a jury and finds that the evidence is insufficient to convict. It is in this sense that some Members of the Senate are suggesting that there be an impeachment, if that is the last alternative but when the case comes to the Senate for trial and determination, if it ever does, these same Senators will adhere to their special oath to "do impartial justice according to the Constitution and laws."

EXTENSION OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business?

Mr. GRIFFIN. Mr. President, I ask that the period for morning business be extended, on the same basis, for an additional 30 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistance legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the following letters, which were referred as indicated:

REPORT OF OVEROBLIGATION OF AN APPROPRIATION

A letter from the Executive Director, Advisory Commission on Intergovernmental Relations, reporting, pursuant to law, on the overobligation of an appropriation. Referred to the Committee on Appropriations.

REPORT OF FEDERAL POWER COMMISSION

A letter from the Chairman, Federal Power Commission, transmitting, for the information of the Senate, a summary report entitled "Steam-Electric Plant Air and Water Quality Control Data, 1970" (with an accompanying report). Referred to the Committee on Commerce.

REPORT OF COMMISSION ON AMERICAN SHIPBUILDING

A letter from the Chairman and Members of the Commission on American Shipbuilding, transmitting, pursuant to law, a report of the Commission (with an accompanying report). Referred to the Committee on Commerce.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. METCALF):

Two joint resolutions from the Legislature of the State of California. Referred to the Committee on Commerce:

"ASSEMBLY JOINT RESOLUTION No. 17

"Relative to urging Congress to adopt a uniform certificate of title law

"Whereas, The need for a uniform, nationwide certificate of title law for vehicles is substantial and would help reduce interstate vehicle theft; and

"Whereas, Even if California, or any other state, were to develop the most effective controls imaginable for the prevention of illegal titling and stolen vehicle conversion, if other states have no title laws or very inadequate ones, the interstate aspects of vehicle theft will continue to create serious problems; and

"Whereas, Not all states have certificate of title laws and the certificate of title laws of some states are very weak and nearly as states have no title laws or very inadequate title laws whatsoever; and

"Whereas, because of this, it is possible for a vehicle stolen in California to be registered or titled in another state and sold or retitled in yet another state, or even in California if the numbers on the document are not the same as on the vehicle stolen; and

"Whereas, Two congressional bills were submitted last year which, in part, would have required certificate of title legislation in all states; and

"Whereas, These provisions of the bills were deleted so that states could be given the opportunity to develop such legislation on a voluntary basis; and

"Whereas, California would very much like to see eliminated the major governmental weakness in vehicle theft prevention which is external to California, thereby deterring interstate traffic in stolen vehicles; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature respectfully memorializes the President and Congress of the United States, if all states do not voluntarily enact adequate certificate of title statutes by the end of 1973, to enact legislation requiring each state to enact such statutes and to establish the necessary procedures and safeguards to assure a reasonable degree of integrity for the certificates of title issued thereunder; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of Transportation, to the Attorney General of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

"ASSEMBLY JOINT RESOLUTION No. 48

"Whereas, The United States is the only major industrial nation in the world that has not adopted the metric system as the principal system of measurement; and

"Whereas, the Secretary of Commerce has determined in a study authorized by Congress that the increasing use of the metric system is inevitable and that the adoption of the metric system would improve our position in world trade markets; and

"Whereas, Other nation's trading communities like the European Economic Community are establishing restrictive industrial standards favoring the metric system; and

"Whereas, the metric system would aid our educational system by simplifying the teaching of math and shortening the time needed to learn math; and

"Whereas, The State of Ohio has already instituted a 10-year plan to convert all highway mileage signs to metric; and

"Whereas, The spreading use of the metric system is creating confusion and unnecessary antipathy towards the metric system; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California jointly,* That the Legislature respectfully memorializes the Congress to enact this year legislation establishing the necessary machinery to coordinate the conversion from the imperial system to the metric system, and to establish a deadline of 10 years in which to achieve metric conversion; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

REPORT OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROBERT C. BYRD (for Mr. CANNON), from the Committee on Rules and Administration, without amendment:

H. Con. Res. 301. Concurrent resolution providing for the printing as a House document "A History and Accomplishments of the Permanent Select Committee on Small Business of the House of Representatives" (Rept. No. 93-479).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. CHILES:

S. 2600. A bill to provide for the appointment of an independent special prosecutor to prosecute certain investigations into criminal activities. Referred to the Committee on the Judiciary.

By Mr. BIBLE:

S. 2601. A bill to provide for commercial outdoor recreation purposes of certain lands of the forest reserves created from the public domain, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. STEVENSON:

S. 2602. A bill to provide that daylight savings time shall be observed on a year-round basis. Referred to the Committee on Commerce.

S. 2603. A bill to provide for the continuation of an independent, thorough investigation of certain activities by high Federal officials and persons acting in concert with them. Referred to the Committee on the Judiciary.

By Mr. ROBERT C. BYRD (for Mr. BENTSEN):

S. 2604. A bill designating the Texarkana Dam and Reservoir on the Sulphur River as the Wright Patman Dam and Lake. Referred to the Committee on Public Works.

By Mr. HELMS (for Mr. THURMOND):

S. 2605. A bill to prohibit the export of agricultural grain to any country which reduces the quantity of oil normally exported by such country to the United States, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. MONDALE:

S. 2606. A bill for the relief of Grant J. Merritt and Mary Merritt Bergson. Referred to the Committee on Interior and Insular Affairs.

By Mr. JACKSON (for himself and Mr. MAGNUSON):

S. 2607. A bill to establish the Alpine Lakes National Recreation Area, including within it the Alpine Lakes Wilderness Area in the State of Washington;

S. 2608. A bill to designate certain lands in the Snoqualmie and Wenatchee National Forests, Washington as "Alpine Lakes Wilderness" and "Enchantment Wilderness" for inclusion in the national wilderness preservation system;

S. 2609. A bill to designate certain lands as wilderness; and

S. 2610. A bill to designate the Alpine Lakes Wilderness, Snoqualmie, and Wenatchee National Forests, in the State of Washington.

Referred to the Committee on Interior and Insular Affairs.

By Mr. GRIFFIN:

S.J. Res. 166. A joint resolution proposing an amendment to the Constitution of the United States with respect to the selection of the Vice President of the United States. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CHILES:

S. 2600. A bill to provide for the appointment of an independent special prosecutor to prosecute certain investigations into criminal activities. Referred to the Committee on the Judiciary.

(Senator CHILE's remarks when he introduced the above bill and the ensuing debate are printed earlier in the RECORD.)

By Mr. STEVENSON:

S. 2602. A bill to provide that daylight savings time shall be observed on a year-round basis. Referred to the Committee on Commerce.

Mr. STEVENSON. Mr. President, this winter the American people face an energy crisis of unprecedented proportions.

Cold homes, closed schools, rotting grain, and idle factories are not only possible—they are a certainty, unless we find the national will to live by a new energy ethic—the ethic of conservation.

Why and how this happened is the subject of much debate. But whatever the reasons, everyone agrees that little can be done over the short run—particularly this winter—to increase our limited energy supplies.

We are short over 629 billion cubic feet of gas. We are short 1.3 billion gallons of

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propane. Under the best of circumstances, we were expected to be short over 100,000 barrels per day of fuel oil this winter. A colder than average winter here or in Europe, anything less than record domestic refinery production and a threatened Arab oil boycott could leave us with shortages of 1 million barrels per day of fuel oil and another 1 million barrels per day of crude oil.

If we cannot increase supplies, we must find ways to decrease demand. And we must do it together as individuals and as businesses and nationwide. The bill I am introducing today, calling for year-round daylight saving time, offers the Congress and the Nation a unique opportunity to take a decisive step in that direction.

On October 28—next Sunday—we are scheduled to turn our clocks back 1 hour and return to standard time. A soon to be released study by the Rand Corp. in California suggests that this time change may increase our total energy deficit this winter by as much as one-third to one-half. The time has come for the Congress and the administration to decide whether this energy starved Nation can afford to leave daylight saving time behind.

The Rand study—the most comprehensive on the subject to date—concludes that daylight saving time could save approximately 2 percent of all electrical output. Preliminary data indicates that the energy savings could be substantially higher during the peak load months of December, January, and February.

The production of electricity consumes one-third of all our Nation's energy resources. Assuming only a 2-percent electrical savings this winter, year-round daylight saving time would result in saving three-quarters of 1 percent of all our energy needs. That is 25 percent of our projected shortfall of 3 percent—and that is from electricity generation savings alone.

It previously has been assumed that the greatest energy savings from year-round daylight saving time would result from decreased electrical generation. Perhaps the most significant finding of the Rand Study is the 2 percent projected savings of fuel oil and natural gas which may result from decreased commercial and residential heating needs. Approximately 39 million homes and 3.3 million commercial buildings are heated with natural gas, and another 16.5 million homes and almost 1 million commercial buildings with fuel oil. These are also the fuels which are expected to be in shortest supply this winter.

Combining all these savings, the Rand study estimates the total energy saving from year-round daylight savings time may run as high as 1½ percent of our total energy needs this winter. This is one-half of our total projected shortfall of 3 percent.

In view of these substantial savings and the critical energy shortages we face this winter, my bill provides for a 1-year test of year-round daylight saving time as an energy conservation measure. It also authorizes the Department of Transportation, as administrator of the Uniform Time Act, to submit an evaluation of this 1-year trial to the Congress.

Daylight saving time was initiated as an emergency conservation measure during both world wars. The need is as great now. And the need is to move quickly. If daylight saving time makes any sense as an energy conservation measure, every effort must be made to avoid the energy loss and personal inconvenience which will occur with the scheduled time change this Saturday. Now is the time for Congress to move.

In addition to offering substantial fuel savings, daylight saving time will also help reduce crime, improve traffic safety, produce more daylight for the convenience and pleasure of most people and eliminate the confusing twice yearly time changes. Work and school schedules could be adjusted to convenience those adversely affected by early morning darkness.

Daylight saving time offers the opportunity to act quickly and easily to provide substantial energy savings while simultaneously providing a national focal point for sorely needed personal conservation initiatives. When used in conjunction with a conscientious nationwide energy conservation program of individual action, the energy savings associated with daylight saving time increase many fold.

The bill I am introducing today resolves that it is time we embark upon a nationwide energy conservation campaign, including personal efforts to:

Turn thermostats down several degrees, especially at night;

Limit unnecessary automobile travel and hold down the speed of necessary travel by automobile;

Keep automobiles in tune and buy small, efficient automobiles;

Use public transportation whenever possible;

Turn off office air-conditioners and heating plants an hour earlier in the afternoon;

Make a conscious effort to limit unnecessary use of lights; and

Shut off all unnecessary office building lights and outdoor displays.

These are only a few of the many individual actions which, together with daylight saving time, could save hundreds of thousands of barrels of petroleum products a day. In the short run, energy conservation is the only answer we have.

We are in serious trouble, and we are in serious need of strong national leadership to make energy conservation work—forthright leadership that rallies the Nation to the task.

Now, more than ever, the people are looking to the Congress for answers. It is time we establish a nationwide energy conservation program. And we can begin this week in Congress by passing year-round daylight saving time.

The future of the Nation may depend on how we meet the challenge of this winter's energy crunch. The stakes are simply too high to ignore a measure as promising as daylight saving time.

Mr. President, I ask unanimous consent that the full text of the Emergency Daylight Saving Time Energy Conservation Act of 1973 be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2602

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Daylight Savings Time Energy Conservation Act of 1973".

Sec. 2. The Congress hereby finds and declares—

(a) that the United States faces the probability of severe energy shortages, especially in the winter of 1973–1974 and in the next several winters thereafter;

(b) that taking into account curtailments of all other fuels, the most optimistic estimates of this shortage for the winter of 1973–1974 may be expressed as a shortfall of 100,000 barrels per day of number two fuel oil;

(c) that various studies by the Department of Transportation and other governmental and nongovernmental agencies indicate that if daylight saving time were in effect year-round there would be an energy saving of from one-half to three per centum of all energy used in electrical power generation;

(d) that although no definitive studies have been done on the savings of energy in areas other than electrical power generation, there are indications that there would be savings in these other energy areas;

(e) that the studies referred to in clause (c) of this section indicate that if daylight saving time were extended to be in effect year-round, such action by the Federal Government could serve as an incentive for other energy conservation by individuals, companies, and various governmental departments, agencies, and other entities at all levels of government, and that these energy conservation efforts could lead to greatly expanded energy savings and would help to meet the projected energy shortages, and that these energy conservation efforts could include but not be limited to such actions as:

(1) turning down thermostats several degrees, especially at night;

(2) limiting unnecessary automobile travel and holding down the speed of necessary travel by automobile;

(3) keeping automobiles in tune and buying small, efficient automobiles;

(4) using public transportation whenever possible;

(5) turning off office air conditioners and heating plants an hour earlier in the afternoon;

(6) making a conscious effort to limit unnecessary use of lights; and

(7) shutting off all unnecessary office building lights and outdoor displays; and

(f) that in addition, the use of year-round daylight saving time could have beneficial effects in other areas affecting the public interest, including the reduction of crime, improved traffic safety, more outdoor playing time for the children and youth of our nation, greater utilization of our parks and recreation areas, an expansion of tourism and travel, and the elimination of the confusion during the twice-yearly changeover in times which occur in most areas of the nation; and

(g) that the emergency nature of an energy shortage in the winter of 1973–1974 requires at least the temporary enactment of year-round daylight saving time.

Sec. 3. Section 3 of the Uniform Time Act of 1966 is amended by inserting at the end thereof the following:

"(d) Notwithstanding any other provision of law (1) the one hour advance in time provided by subsection (a) of this section shall continue during the period from 2 o'clock antemeridian on the last Sunday of October, 1973, until 2 o'clock antemeridian on the last Sunday of April 1974, and (2) the provisions of clauses (1) and (2) of subsection (a) of this section shall not apply during such period."

Sec. 4. The Secretary of Transportation shall (1) make an investigation and study for the purpose of determining the amount of energy in its various forms which is conserved as a result of the extension of daylight saving time pursuant to the amendment made by this Act, and (2) report the results of such investigation and study, together with his recommendations to the President and the Congress not later than June 30, 1974.

By Mr. STEVENSON:

S. 2603. A bill to provide for the continuation of an independent, thorough investigation of certain activities by high Federal officials and persons acting in concert with them. Referred to the Committee on the Judiciary.

(Senator Stevenson's remarks when he introduced the above bill and the ensuing debate are printed earlier in the Record).

By Mr. ROBERT C. BYRD (for Mr. Bentsen):

S. 2604. A bill designating the Texarkana Dam and Reservoir on the Sulphur River as the Wright Patman Dam and Lake. Referred to the Committee on Public Works.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the Record a statement by the distinguished Senator from Texas on the introduction of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Statement by Senator Bentsen

I am introducing today a bill to rename the Texarkana Dam and Reservoir in Texas the Wright Patman Dam and Lake.

The Texarkana Dam and Reservoir was authorized by the Flood Control Act of 1946 and was completed in 1958. It has operated successfully for the purposes of flood control, water supply, and recreation. The reservoir's recreational use is of particular pride to my state, and has provided enjoyment to over 2½ million visitors every year.

I am asking that the Congress rename this dam and reservoir for Wright Patman because he is a great Texan, a great statesman, and, above all, a great American.

Wright Patman has served continuously in the U.S. House of Representatives since March 4, 1929. Previously, he had been a member of the Texas State House of Representatives from 1921 to 1924, and also served as district attorney for the fifth judicial district of Texas from 1928 until his election to the Congress. As Chairman of both the powerful Committee on Banking and Currency and Joint House-Senate Economic Committee, and Vice-Chairman of the Joint House-Senate Committee on Defense Production, Congressman Patman has the ability to influence greatly the lives of all Americans. He has served with great distinction during his 45 years in Congress and has earned the respect and affection of his colleagues and constituents.

Chairman Patman has been particularly interested for many years in the field of water resources development, and it is only fitting that the Texarkana Dam and Reservoir be renamed in his honor The success of the dam epitomizes his contributions to the field of water resources and honors him for his many unselfish years in public service.

As I have stated before here on the Senate floor, I believe that the late President Johnson summed up very well what we all know about Congressman Wright Patman:

"(Few) have served longer and with more experience than Wright Patman. None has served better and few as well. He represents the best in America's conscience and heritage, but most of all he always votes and fights for what he believes is best for the folks."

I realize that it is a departure from traditional policy to rename a porject for a sitting Member of Congress, but I believe that departure in this case is more than justified by Chairman Patman's unique record of service and dedication.

I am very proud to call Wright Patman my friend, and I strongly urge the support of my colleagues in passing this bill.

By Mr. HELMS (for Mr. Thurmond):

S. 2605. A bill to prohibit the export of agricultural grain to any country which reduces the quantity of oil normally exported by such country to the United States, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. HELMS. Mr. President, I ask unanimous consent to have printed in the Record a statement by the distinguished Senator from South Carolina on the introduction of the bill, together with an insertion.

The PRESIDING OFFICER. Without objection, it is so ordered.

Statement by Senator Thurmond

In recent times, the investments of Amercan corporations and their stockholders have frequently been expropriated by foreign nations. These nations initially welcome with open arms U.S. capital investment and then at a later date nationalize the fruits of these investments.

In a typical example, one of our corporations will invest millions of dollars in a foreign nation to develop a particular property. It will then spend considerable time and additional money in bringing the property to maximum operating efficiency. Once these properties have been developed by American expertise and money, then they are nationalized by the benefiting nation.

Mr. President, there is also the very real problem of various nations attempting to influence U.S. foreign policy by threatening to nationalize our properties or by restricting imports upon which this country has depended for a number of years. I speak with specific reference to the current situation with which our Nation is faced in the Middle East. Although normally the conduct of American foreign policy by the Executive Branch should not be unduly restricted, in my opinion, it is incumbent upon the Congress to act when necessary to protect American investments and to discourage outright extortion. For these reasons, I send to the desk legislation which would require the President to prohibit any export from the United States of grain to any nation which is found to have reduced, for political purposes, the quantity of oil normally exported by such country or to have nationalized any of our properties in these countries. Any prohibition against such exports will be lifted when the offending nation ceases such activity or when such nation pays just recompense to our Nation. The President shall keep Congress currently informed of all actions taken by him under this Act.

Mr. President, I have obtained from the Agriculture Department some very informative figures on grain imports from many of the Middle Eastern countries. I add some tables to my remarks and urge all of my colleagues to give careful consideration both to these tables and to this legislation.

PERCENT IMPORTS OF CONSUMPTION

	1971–72	1972–73	*1973–74
Egypt:			
Wheat	49.5	54.0	53.3
Feed grain	.6	1.5	3.0
Iran:			
Wheat	34.6	16.4	14.6
Feed grain	25.2	33.3	23.3
Iraq:			
Wheat	28.2		38.5
Feed grain	32.9		
Jordan:			
Wheat	39.2	41.8	79.1
Feed grain	22.2	20.8	29.2
Kuwait:			
Wheat			
Feed grain		100.0	100.0
Lebanon:			
Wheat	[1] 101.4	72.9	93.3
Feed grain	[1] 104.9	[1] 101.2	81.7
Saudi Arabia:			
Wheat	100.0	100.0	100.0
Feed grain	100.0	100.0	100.0
Syria:			
Wheat	58.3	9.1	35.3
Feed grain	11.7	2.0	20.5
Israel:			
Wheat	54.0	60.2	54.2
Feed grain	92.1	96.2	96.6

[1] Percent of imports is greater than 100 percent due to build-up of stocks.

*Estimated.

IMPORTS: WHEAT AND FEED GRAINS FOR SPECIFIED COUNTRIES

[1,000 metric tons]

	1971–72	1972–73	*1973–74
Egypt:			
Wheat	1,695	1,900	2,100
Feed grain	19	50	110
Iran:			
Wheat	1,116	770	770
Feed grain	276	395	300
Iraq:			
Wheat	320	0	500
Feed grain	250	0	0
Jordan:			
Wheat	125	150	238
Feed grain	10	11	7
Kuwait:			
Wheat	0	0	0
Feed grain	0	7	16
Lebanon:			
Wheat	448	291	347
Feed grain	213	163	76
Saudi Arabia:			
Wheat	350	350	350
Feed grain	25	25	25
Syria:			
Wheat	698	100	400
Feed grain	40	10	100
Israel:			
Wheat	293	339	315
Feed grain	862	952	1,033

*Estimated.

By Mr. JACKSON (for himself and Mr. Magnuson):

S. 2607. A bill to establish the Alpine Lakes National Recreation Area, including within it the Alpine Lakes Wilderness Area in the State of Washington;

S. 2608. A bill to designate certain lands in the Snoqualmie and Wenatchee National Forests, Wash., as "Alpine Lakes Wilderness" and "Enchantment Wilderness" for inclusion in the national wilderness preservation system;

S. 2609. A bill to designate certain lands as wilderness; and

S. 2610. A bill to designate the Alpine Lakes Wilderness, Snoqualmie, and Wenatchee National Forests, in the State of Washington.

Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, I introduce for appropriate reference four distinctly different land use classification bills pertaining to the rugged and indeed beautiful Alpine Lakes region of Washington State. These bills represent the culmination of exhaustive research, including natural resource inventories of the Alpine Lakes region by private business, conservation organizations, and by the U.S. Forest Service—all of whom have recommended different approaches for preserving what is commonly referred to as the Alps of North America.

I wish to have it completely understood from the outset, Mr. President, that I am introducing all of these measures because of their timeliness, not because I support any particular proposal. The public hearings which must be held in the House and the Senate will serve as the proper forum for reaching decisions as to which areas should be added to the national wilderness preservation system and which should be categorized as national recreation areas, botanical areas, scenic, areas, management units, or continued to be managed by the U.S. Forest Service under their normal management system as required by the Multiple Use Sustained Yield Act of 1960. My colleague, Senator MAGNUSON, who is cosponsoring all bills and all seven members of the Washington State delegation from the House who are introducing identical bills share my beliefs in this regard.

Because of its beauty and immense natural resource values, the North Cascades and in particular the Alpine Lakes region have been the subject of many books, reports, and travelogs almost since the first Federal forest reserves were established in the 1890's. Because of the early and continuing controversy over whether a North Cascades National Park should be established, together with associated problems of resource balance between competing users, a North Cascades study team was appointed in 1963 to "explore in an objective manner all resource potentials of the area and the management and administration that appears to be in the public interest." The multiagency team spent 2½ years studying more than 6 million acres of Federal land in the North Cascades before publishing their comprehensive report in October 1965. I should emphasize that the North Cascades study team engaged in one of the most complete public airings of regional land use policy that this country has ever witnessed.

Mr. President, in 1967 and 1968, I devoted considerable time to legislation encompassing much of the North Cascades region, time which culminated in the establishment of a 505,000-acre North Cascades National Park. Another 700,000 acres of dramatic alpine scenery, active glaciers, and mountain lakes in northern Washington were placed in a special status, including the Ross Lake and Lake Chelan Recreation Areas, and Pasayten Wilderness, and additions to the Glacier Peak Wilderness.

Because of the sheer magnitude of undertaking long-range land use patterns for the entire North Cascades area, only those study team recommendations dealing with land north of the Stevens Pass Highway were the subject of legislation in 1967 and 1968. The measures I am introducing today represent one more step toward total congressional consideration of the study team's recommendations.

Nationwide interest has been focused on the entire Alpine Lakes area as a result of the establishment of the North Cascades National Park and related land areas. Conservationists for many years have expressed their concern about the protection, management, and development of the lands involved in these measures. Because of the public's concern for protection for the outstanding natural beauty and grandeur, much of the Alpine Lakes area is currently being managed for its exceptional scenic wilderness and recreational values.

Mr. President, the extensive field hearings which were held during the long and complex debate on the North Cascades Park legislation enabled Congress to enact legislation which, I believe, best represented the needs of the majority of citizens. In an effort to see that all sides are heard on the Alpine Lakes proposals, I anticipate using the same procedures here. I feel it is essential that all alternatives be considered and the public be provided with a full opportunity to discuss them in depth so that we may make the wisest decision with regard to the future use of the beautiful Alpine Lakes region.

It might be useful at this point, Mr. President, to review the North Cascades Study Team recommendations for treating the Alpine Lakes region. While there was considerable disagreement between study team representatives of the National Park Service and the U.S. Forest Service as to classification of the Alpine Lakes area, the final position of the study team was:

NORTH CASCADES STUDY TEAM RECOMMENDATIONS

Recommendation I. An Alpine Lakes Wilderness Area should be established.

On the crest of the Cascade Mountains, between Snoqualmie and Stevens Pass, is an extremely beautiful area of high mountain lakes and peaks believed to be unmatched elsewhere in the country. Much of this area has been in limited area status under Forest Service management.

The team concurs with the Forest Service proposal to create a wilderness area of some 150,000 acres. The area clearly meets the standards for classification as wilderness. Some additional miles of low standard trails should be developed for camping, hiking, riding, hunting, and similar wilderness pursuits.

Recommendation II. An Enchantment Wilderness Area should be established.

This area of about 30,000 acres in the Mount Stuart Range lying east of the recommended Alpine Lakes Wilderness Area. It is an area of outstanding scenic qualities, of sharp contrasts in elevation and topography, of challenging mountain climbing, and without roads.

The National Park Service recommended that the Alpine Lakes and Enchantment areas be combined into one, but the Forest Service recommended that the two areas be kept separate in order to permit better access and the development of a connecting road between Leavenworth and Cle Elum Lake. . . . The study team agreed with the Forest Service.

The National Park Service, in addition to supporting a single unit wilderness area, also recommended that the wilderness "be the core of a larger surrounding recreation region." This concept is similar in many respects to the legislative proposal I am introducing today for the Alpine Lakes Protection Society—an organization of conservationists which was established in 1968 for the purpose of advocating the preservation and protection of the Alpine Lakes region. Their proposal calls for land classification of some 936,000 acres, including a core wilderness area of 364,000 acres surrounded by a national recreation area consisting of 562,000 acres. Approximately 41,000 acres of the proposed wilderness are now in private ownership. Since there is no condemnation authority in the Wilderness Act, under their proposal this land would have to be acquired by the Federal Government either by purchase or exchange.

The second bill I am introducing at the request of another organization, the Alpine Lakes Coalition, closely resembles the original U.S. Forest Service recommendations to the North Cascades Study Team in 1965. The coalition proposal calls for an enchantment wilderness of 44,000 acres and an Alpine Lakes Wilderness of 172,000 acres with a corridor between these two areas. The remaining acreage outside the wilderness area would continue to be managed in accordance with the multiple use concept as established by the Multiple Use Sustained Yield Act of 1960.

The Alpine Lakes Coalition was recently formed following an extensive land use and natural resources inventory study conducted by a team of land managers from the forest products industry. The coalition is composed of forest industry representatives from several firms as well as recreation and business organizations including the Association of Washington Business, the Big Game Council, the Central Washington Cascades Study Team, the Northwest Mining Association, Outdoors Unlimited, the Pacific Northwest Four Wheel Drive Association, the Washington Farm Forestry Association, the Pacific Northwest Ski Association, the Trailer Coach Association, the Washington State Horsemen, Inc., the Washington State Snowmobile Association, the Washington Trail Riders Association, and the Western Environmental Trade Association.

The third legislative plan for the Alpine Lakes I am introducing is at the request of Dr. Pat Goldsworthy, a noted conservationist, on behalf of the North Cascades Conservation Council, the Sierra Club, Friends of the Earth, and the Mountaineers. Their proposal calls for a single unit wilderness area of approximately 600,000 acres. Like the ALPS proposal, there is a substantial amount of private property contained within their wilderness area request.

Mr. President, the last bill I am introducing represents the wilderness proposal of Region 6 office of the U.S. Forest Service. While this measure does not have the official administration stamp of approval of the executive branch, I am introducing it now because it could be up to 14 months before a final position would be taken by the administration regarding the Alpine Lakes. It was also felt by members of the Washington State congressional delegation and most individuals concerned with the Alpine Lakes that all the proposals should be introduced together in an effort to provide a forum for comment prior to and during subsequent congressional hearings.

I want to commend the Forest Service at this time for their work in defining the land use alternatives for the Alpine Lakes area and for their conduct in involving the public in their decision-making process. While many people disagree with the Region 6 recommendation of a 285,000 acre single-unit wilderness area, the Forest Service has nonetheless focused a great deal of public attention, and rightly so, on this magnificent area.

Under the Region 6 proposal, only their recommendation for wilderness would require congressional action. It is their intent to administratively classify some 634,000 acres surrounding their wilderness proposal as a "management unit" and another 24,000 acres as "Tumwater Canyon and Mount Index Scenic Areas." While the land use criteria for the management unit have not been clearly defined by the Forest Service, it is felt by most observers that national recreation area classification would be a logical statutory framework for the Forest Service region's management unit.

Mr. President, I ask that the text of these four bills be inserted in the RECORD at this point.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 2607

A bill to establish the Alpine Lakes National Recreation Area, including within it the Alpine Lakes Wilderness Area in the State of Washington

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

ESTABLISHMENT OF AREA—STATEMENT OF PURPOSES

SEC. 1. In order to preserve the scenic, scientific, historic, recreational and wilderness values of the Alpine Lakes region of the Cascade Mountains; to provide for the public outdoor recreation use, education, inspiration and enjoyment thereof by the people of the United States; to assure orderly and quality development or use of private lands within the region in a manner consistent with the purposes of this act, and to further the purposes of the Wilderness Act, there is hereby established, subject to valid existing rights, the Alpine Lakes National Recreation Area (hereinafter referred to as the "area") in the State of Washington.

BOUNDARIES OF AREA—WILDERNESS AREA CORE

SEC. 2. Alpine Lakes National Recreation Area shall comprise that particular area which is shown on a certain map, identified as Alpine Lakes National Recreation Area (proposed by Alpine Lakes Protection Society) 1972, which is on file and which shall be available for public inspection in the Office of the Chief, Forest Service, Department of Agriculture. As a part of the Alpine Lakes National Recreation Area, the core of such area, as depicted on the above-described map, is hereby designated as a Wilderness Area (hereinafter referred to as the "core") in accordance with the Wilderness Act.

ADMINISTRATION BY SECRETARY OF AGRICULTURE

SEC. 3. The administration, protection and development of the area shall be by the Secretary of Agriculture (hereinafter referred to as the "Secretary") in accordance with the provisions of this Act, and, to the extent consistent with these provisions, the laws, rules, and regulations applicable to national forests. The core shall be managed pursuant to the Wilderness Act, and regulations issued pursuant thereto, except as provided in sections 4, 5, and 8 of this Act.

ACQUISITION OF PROPERTY—AUTHORITY OF SECRETARY

SEC. 4. (a) The Secretary shall acquire by purchase with donated or appropriated funds, by gift, exchange, transfer from any Federal agency, or otherwise, such lands, waters, or interests therein within the boundaries of the area as he determines to be necessary or desirable for the purposes of this Act.

(b) Without limitation upon the preceding subsection, the Secretary may acquire less than fee interests, including scenic easements, when, in his judgment, such acquisition will sufficiently protect the interests of the United States for the purposes expressed in this Act.

(c) Any non-corporate owner or owners of improved residential property on the date of its acquisition by the Secretary may, as a condition to such acquisition, retain for a term ending at the death of such owner or owners, the right of use and occupancy of such property which does not unduly impair the scenic, natural or recreation values of the area. The Secretary shall pay to such owner the value of the property on the date of such acquisition, less the value on such date of the right retained by the owner. Such valuation shall be in accordance with the provisions of section 4(g) hereof. The retention of a right of use and occupancy shall not exempt the owner thereof from the provisions of section 5 of this Act.

(d) In exercising the authority to acquire granted by this Act, the Secretary shall, to the extent practicable, make such acquisitions in accordance with the following priorities—

(1) lands devoted to uses incompatible with, or needed to prevent threatened development or uses which would be incompatible with the purposes of this Act,

(2) lands within the core,

(3) other lands needed for preservation or protection of the scenic, natural or recreational values of the area, and

(4) lands needed for development of facilities.

Within each of the foregoing priorities, the Secretary shall give primary consideration to acquisitions where the owner needs to sell for reasons of personal hardship, or where the owner has placed or intends to place his property on the market for transfer.

(e) Notwithstanding any other provisions of law, any Federal property located within the area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for his use in carrying out the provisions of this Act.

(f) In exercising his authority to acquire property by exchange the Secretary may accept title to any non-Federal property within the area, and in exchange therefor he may convey to the grantor of such property any federally owned property under his jurisdiction which he classifies as suitable for exchange or other disposal and which is not within any other Wilderness or Primitive Area: *Provided*, That the Secretary shall not convey to the grantor any federally owned property within the area unless—

(1) such exchange will not substantially impair the scenic, natural or recreational values of the area;

(2) federally owned property outside of the area cannot reasonably be used for the exchange; and

(3) the exchange will not result in any decrease in federally owned property within the core. Federally owned property within the area shall not be conveyed in exchange for non-Federal property elsewhere. In selecting federally owned lands outside of the area to convey under this subsection, the Secretary shall make such selection without regard to whether such lands have similar characteristics to those lands the Secretary seeks to acquire. The values of properties exchanged pursuant to this subsection shall be approximately equal or, if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require,

(g) In acquiring any lands or interests therein the Secretary shall not pay more than the fair market value thereof. Such lands or interests shall be valued without regard to any decrease in the value thereof that may have resulted from the promulgation of regulations or adoption of zoning ordinances pursuant to section 5 of this Act: *Provided*, That the provisions of the last preceding sentence shall cease to be in effect after a period of ten years from the date of this Act.

REGULATION OF LAND USES—CONDEMNATION AUTHORITY

SEC. 5. (a) After consulting with appropriate local zoning agencies, the Secretary shall make and publish regulations, which may be amended from time to time, specifying standards for zoning ordinances to be adopted and applied by appropriate local zoning agencies to privately owned property within the boundaries of the area. Standards specified in such regulations shall have the object of assuring that the highest and best use of such privately owned land is consistent with the purposes of this Act and the management plans adopted by the Secretary pursuant to section 6 of this Act. Such regulations shall be as detailed and specific as is reasonably necessary to accomplish such objective and purpose.

(b) The appropriate local zoning agencies shall submit to the Secretary for his approval any zoning ordinance intended to apply to privately owned property within the area. The Secretary shall approve any zoning ordinance or any amendment to zoning ordinance submitted to him that conforms to the standards contained in the regulations in effect at the time of adoption of the ordinance or amendment. Such approval shall remain effective for so long as such ordinance or amendment remains in effect as approved.

(c) The Secretary shall, at the request of any local zoning agency having jurisdiction over privately owned lands within the area, assist and consult with such zoning agency in establishing zoning ordinances. Such assistance may include payments for technical aid.

(d) The Secretary shall, at the request of any owner of privately owned lands within the area, assist and consult with such owner regarding ways for such owner to use his property in a manner which is consistent with or in furtherance of the purposes of this Act.

(e) The Secretary is authorized to condemn privately owned lands or interests therein within the area if—

(1) such property is put to any use which does not conform to an approved zoning ordinance and the Secretary's regulations; or

(2) such property is made the subject of a variance, conditional use permit, or other exception to an approved zoning ordinance

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that does not conform to any applicable standard contained in regulations issued pursuant to this section; or (5) zoning in accordance with standards contained in regulations issued pursuant to this section is incapable of legally preventing a use of privately owned land which may substantially impair the scenic, natural or recreational values of the area. Before any condemnation action is commenced, the Secretary shall notify the owner of such property in writing that condemnation is being considered. Such notice shall contain a detailed statement as to why the Secretary believes that the use made or planned to be made of the property authorizes the Secretary to condemn that property. Any such owner shall have sixty (60) days following receipt by him of that written notice within which to discontinue or abandon the existing or proposed use referred to in such notice. Discontinuance or abandonment of such use within such sixty-day period shall have the effect of prohibiting the Secretary from acquiring such property by condemnation by reason of such use. In any case in which such use is not discontinued or abandoned within such sixty-day period, the Secretary may acquire such property by condemnation. The Secretary shall initiate no condemnation action under this section until he has made every reasonable effort to acquire such property by negotiation and purchase. A certificate of determination by the Secretary or his designated representative that such reasonable efforts have been exhausted shall be prima facie evidence of compliance with this requirement. This section shall not be construed as limiting any authority to condemn granted to the Secretary by any other law.

(f) In any action to condemn privately owned lands or interests therein pursuant to the provisions of this Act, such land or interests shall be valued to include compensation for any decrease in the value thereof, not otherwise compensated for, that may have resulted from the promulgation of regulations or adoption of zoning ordinances pursuant to this section: *Provided*, That the provisions of this subsection shall cease to be in effect after a period of ten (10) years from the date of this Act.

(g) In the event condemnations authorized by this section involve estimated expenditures in excess of current appropriations for these purposes, the Secretary shall proceed with such condemnations as current appropriations permit in accordance with the priorities established in section 4 (d) of this Act.

MANAGEMENT PLANS

SEC. 6. In the administration, protection and development of the area outside of the core (hereinafter called the "perimeter"), the Secretary shall prepare and implement a land and water use management plan, which shall include specific provision for, in order of priority: (1) protection of scenic, natural, scientific, and historic features contributing to public enjoyment, inspiration and education; (2) public outdoor recreation benefits; and (3) such protection, management and utilization of renewable natural resources, including forage and forest products, as is consistent with and does not significantly impair the scenic, natural or recreational values of the area. The Secretary shall, to the extent possible, apply the provisions of this section to privately owned lands in accordance with section 5 of this Act.

(b) The Secretary shall, as a part of the preparation of management plans for the perimeter, establish zones wherein timber harvesting on federally owned lands either shall not be conducted or shall be in accordance with the following guidelines. In a zone established by the Secretary including all lands within one mile of the core and such other areas as the Secretary may designate, utilization of commercial timber shall be limited to the following: (1) cutting related to construction and maintenance of recreational, scientific or historic facilities; (2) removal of trees posing a danger of injury to persons or property; (3) sanitation cutting of timber posing a substantial threat to other portions of the area or adjacent forest lands from insects, disease or fire hazard, where alternative means of protection are not feasible and where such cutting will not have a serious impact upon the scenic, natural or recreational values of the area; and (4) salvage cutting of timber killed or seriously injured by catastrophic events, including, but not limited to, fire, insect or disease epidemics, where such cutting will not substantially impair the scenic, natural or recreational values of the area. Salvage cutting in this zone shall not be undertaken to recover normal forest mortality. Elsewhere outside of the core, harvesting by clearcut shall not exceed thirty (30) percent of all acreage logged within the area in any year. Units for harvesting by clearcut shall not exceed twenty-five (25) acres per unit and shall not encroach upon streams, lake shores and existing trails. All harvesting shall be in accordance with landscape management practices with measures to assure prompt reforestation. No timber harvesting may be conducted in watersheds of local communities and reclamation districts without prior consultation by the Secretary with the parties to be affected.

(c) The Secretary shall, as a part of the preparation of management plans for the perimeter, conduct an inventory outside of the core of potential recreation facilities including, but not limited to ski areas, tramways, and lodges, including site surveys and feasibility studies where necessary, with the assistance of non-governmental specialists generally recognized for their technical ability and expertise in these fields. Such surveys and studies shall, where applicable, consider the impact of any such facilities upon the Wilderness Area Core.

(d) The Secretary shall, in furtherance of management plans for the perimeter, adopt regulations regarding off-road motorized traffic in those portions of the area outside of the core. In adopting such regulations, the Secretary shall consider the extent to which such traffic is compatible with other recreational uses of the area, potential disturbances of soil, vegetation and wildlife, fire prevention, and the availability of other public and/or private lands for the use of off-road motorized traffic by the public.

(e) The Secretary shall, in furtherance of management plans for the perimeter, adopt regulations regarding motorized water traffic on lakes and streams within the area. In adopting such regulations, the Secretary may prohibit such private traffic on those lakes and streams or portion thereof which, in his judgment, are suitable for canoe and kayak use.

(f) The Secretary shall, in furtherance of management plans for the perimeter, establish policies regarding the location and design of existing and proposed roads. In establishing such policies, the Secretary shall give primary consideration to the natural, scenic and recreational values of the area, rather than the convenience to or speed with which such roads may be traveled by the public or the lowest ratio of construction and maintenance costs. In determining the design standard for any road to be reconstructed, such standard shall be based upon projected usage of such road in accordance with its existing design, rather than in accordance with its proposed design. No new roads of a permanent nature shall be constructed except for primary recreation use.

(g) The Secretary shall permit the reasonable use of Lakes Kechelus, Kachess and Cle Elum for irrigation and municipal water supply purposes.

HUNTING AND FISHING

SEC. 7. The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction within the area in accordance with applicable Federal and State laws. The Secretary, after consultation with the Washington Department of Game, may designate zones where and establish periods when no hunting shall be permitted for reasons of public safety, administration, or public use and enjoyment. Nothing in this section shall affect the jurisdiction or responsibilities of the Washington Department of Game under other provisions of state law with respect to hunting and fishing.

MINING

SEC. 8. The lands within the area, subject to valid existing rights, are hereby withdrawn from location, entry or patent under the United States mining laws. The Secretary, under such regulations as he deems appropriate, may permit the removal of the nonleasable minerals from lands or interests in lands under his jurisdiction within the recreation area outside of the core in accordance with the provisions of section 192c of Title 30, and he may permit the removal of leasable minerals from lands or interests in lands within the recreation area outside of the core in accordance with the Mineral Leasing Act of February 25, 1920, as amended, or the Acquired Lands Mineral Leasing Act of August 7, 1947, if he finds that such disposition would not have serious adverse effects on the scenic, natural or recreational values of the area: *Provided*, That any lease or permit respecting such minerals in lands administered by the Secretary shall be issued subject to such conditions as he may prescribe, including but not limited to, adequate provisions for site restoration.

AIRCRAFT OVERFLIGHTS

SEC. 9. The Secretary shall consult with appropriate officials of the Department of Transportation, Department of Defense, and the Washington State Aeronautics Board regarding flights by aircraft over the area. In cooperation with such officials, the Secretary may adopt regulations regarding flight paths, altitudes, and other provisions applicable to all or certain types of aircraft flying over or near the area.

UTILITY EASEMENTS

SEC. 10. The Secretary shall consult with the Bonneville Power Administration regarding means for reducing the scenic impact of electric transmission lines through the area. The Secretary shall not grant easements for additional lines unless additional lines cannot be installed in existing corridors, the capacity of lines in existing corridors cannot reasonably be increased, or location of additional lines outside of the area is not practicable. If the Secretary determines that additional easements are required, preference shall be given to such easements through Stampede Pass, rather than the Snoqualmie Pass area. The Secretary shall require, to the extent practicable, multiple use corridors for other utilities requiring transmission easements.

WILD AND SCENIC RIVERS

SEC. 11. All portions within the area of the following rivers are hereby designated for study and recommendations for inclusion with the National Wild and Scenic Rivers System: Cle Elum, Icicle, Miller, Skykomish (south fork), Snoqualmie (all forks), Tye, and Wenatchee.

(b) There shall be no new water impoundments or diversions within the area except for reasonable irrigation and municipal water supply purposes. There shall be no new water impoundments or diversions outside of the area substantially affecting the quantity or quality of water in streams flowing through the area.

STATE JURISDICTION

SEC. 12. Nothing in this Act shall deprive the State of Washington or any political subdivision thereof of its right to exercise civil and criminal jurisdiction within the area consistent with the provisions of this Act, or of its right to tax persons, corporations, franchises, or other non-Federal property, including mineral or other interests, in or on lands or waters within the recreation area.

AUTHORIZATIONS OF APPROPRIATIONS

SEC. 13. There is hereby authorized to be appropriated such sums as may be necessary for the acquisition of land and interests in land pursuant to sections 4 and 5 of this Act. There is also authorized to be appropriated such sums as may be necessary for the study of and/or development of recreation facilities pursuant to section 6 of this Act.

S. 2608

A bill to designate certain lands in the Snoqualmie and Wenatchee National Forests, Washington as "Alpine Lakes Wilderness" and "Enchantment Wilderness" for inclusion in the national wilderness preservation system

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in furtherance of the purposes of the Wilderness Act (78 Stat. 890) that the Secretary of Agriculture is hereby authorized and directed to classify and manage as wilderness—

(1) those certain lands in the Snoqualmie and Wenatchee National Forests, Washington which comprise approximately one hundred seventy-two thousand acres and which are generally depicted on a map entitled "Alpine Lakes Wilderness" and dated October 3, 1973, and

(2) those certain lands in the Wenatchee National Forest, Washington which comprise approximately forty four thousand acres and which are generally depicted on a map entitled "Enchantment Wilderness" and dated October 3, 1973.

SEC. 2. As soon as practicable after such classification, the Secretary of Agriculture shall promptly transmit to the Congress a map and legal description of these wilderness areas and such description shall have the same force and effect as if set forth in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 3. Upon classification the wilderness areas designated by this Act shall be known as the "Alpine Lakes Wilderness" and the "Enchantment Wilderness" and shall be administered by the Secretary of Agriculture in accordance with the same provisions and rules as those areas designated as wilderness by the Wilderness Act of September 3, 1964 (78 Stat. 890), except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

S. 2609

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—ALPINE LAKES WILDERNESS

SEC. 101. In accordance with section 3(b) of the Wilderness Act (78 Stat. 890; U.S.C. 1132(b), there are hereby designated as wilderness certain lands in the Snoqualmie and Wenatchee National Forests, Washington, which comprise approximately six hundred thousand acres as depicted on a map entitled "Alpine Lakes Wilderness Conservations Groups Proposal, June 1973" these lands shall be known as "the Alpine Lakes Wilderness".

SEC. 102. As soon as practicable after this Act takes effect, the Secretary of Agriculture (hereinafter referred to in this Act as the "Secretary") shall file a map and a legal description of the Alpine Lakes Wilderness (hereinafter referred to in this Act as the "Wilderness") with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act; *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 103. The wilderness designated by this Act shall, upon filing of the legal description and map, was provided for in section 102 be administered by the Secretary in accordance with the provisions of the Wilderness Act governing areas designated by the Act as wilderness areas, except that any references in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

TITLE II—LAND ACQUISITION

SEC. 201. Within the boundaries of the Wilderness, the Secretary may acquire lands, waters, and interests therein by donation, purchase with donated or appropriated funds, or exchange, except that he may not acquire any such interests within the Wilderness without the consent of the owner, so long as the lands are devoted to uses compatible with the purposes of this Act.

S. 2610

A bill to designate the Alpine Lakes Wilderness, Snoqualmie, and Wenatchee National Forests, in the State of Washington

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the area generally depicted on a map entitled "Alpine Lakes Wilderness—proposed", dated September, 1973, which is on file and available for public inspection in the Office of the Chief, Forest Service, Department of Agriculture, is hereby designated as the Alpine Lakes Wilderness within and as a part of the Snoqualmie and Wenatchee National Forests, comprising an area of approximately 285,200 acres.

SEC. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and legal description of the Alpine Lakes Wilderness with the Interior and Insular Affairs Committees of the United States Senate and House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided,* That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 3. The Alpine Lakes Wilderness shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

By Mr. GRIFFIN:

S.J. Res. 166. Joint resolution proposing an amendment to the Constitution of the United States with respect to the selection of the Vice President of the United States. Referred to the Committee on the Judiciary.

(Senator GRIFFIN's remarks when he introduced the above joint resolution are printed earlier in the RECORD.)

ADDITIONAL COSPONSORS OF BILLS

S. 847

At the request of Mr. ROBERT C. BYRD, for Mr. NELSON, the Senator from Illinois (Mr. STEVENSON) was added as a cosponsor of S. 847, the School Bus Safety Act.

S. 948

At the request of Mr. MONDALE, the Senator from New Hampshire (Mr. McINTYRE) was added as a cosponsor of S. 948, to amend the Federal Property and Administrative Services Act of 1949 to provide for the use of excess property by certain grantees.

SENATE CONCURRENT RESOLUTION 55—SUBMISSION OF A CONCURRENT RESOLUTION AUTHORIZING THE PRINTING OF THE REPORT OF THE PROCEEDINGS OF THE 46TH BIENNIAL MEETING OF THE CONVENTION OF AMERICAN INSTRUCTORS OF THE DEAF AS A SENATE DOCUMENT

(Referred to the Committee on Rules and Administration.)

Mr. BAYH, for himself and Mr. HARTKE) submitted the following concurrent resolution:

S. CON. RES. 55

Resolved by the Senate (the House of Representatives concurring), That the report of the proceedings of the forty-sixth biennial meeting of the Convention of American Instructors of the Deaf, held in Indianapolis, Indiana, from June 24, 1973, through June 29, 1973, be printed with illustrations as a Senate document. Five thousand five hundred additional copies of such document shall be printed for the use of the Joint Committee on Printing.

SENATE RESOLUTION 191—SUBMISSION OF A RESOLUTION RELATING TO THE CENSURE OF ROBERT BORK FOR REMOVING ARCHIBALD COX AS SPECIAL PROSECUTOR

(Referred to the Comimttee on the Judiciary.)

(The remarks Senator STEVENSON made when he submitted this resolution appear earlier in the RECORD.)

SENATE RESOLUTION 192—SUBMISSION OF A RESOLUTION TO URGE THE PRESERVATION OF ISRAELI SOVEREIGNTY AND TERRITORIAL INTEGRITY AND CONTINUED FRIENDLY RELATIONSHIP WITH THE ARAB NATIONS IN THE MIDDLE EAST THROUGH A BALANCED SETTLEMENT OF THE PRESENT CONFLICT

(Referred to the Committee on Foreign Relations.)

Mr. HELMS. Mr. President, the cease-fire in the Middle East is a welcome development. A conflagration anywhere in the world carries with it the danger that the two superpowers may be gradually sucked in, one on each side, with an escalation of the conflict into a major con-

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frontation. In the present circumstances, the United States was being drawn deeper and deeper into the affair. On Friday, the President asked for $2 billion in grants for military aid to Israel, of which more than $800 million has already been spent. U.S. Marines were dispatched to the region, and U.S. ships were standing by. The danger of an incident became more prominent, an incident which could lead us to a more direct conflict with the Soviet Union.

Setting aside the potential for involvement with the Soviet Union, the confrontation was one which the United States could never win. The U.S. interest lies with both sides in the unending dispute. Israel is an object of much sentimental sympathy by many Americans who directly or indirectly participated in the establishment of that nation. But the United States has also had longstanding friends among the Arab nations, and we also participated in the modern development of those areas. Indeed, we have a situation in which neither side is our enemy, and neither side bears ill will toward the United States, except in so far as each has a perception that we are aiding the other side.

The United States interest, as I think everyone agrees, is in the achievement of a long-term settlement. It also lies in diminishing the perception of each side that we are aiding the other. In a highly emotional situation, where suspicions breed paranoia, it may be impossible to remove the duel perception. Simply being "even-handed" is not enough. Even-handedness leads to the doctrine that we must supply weaponry to one side to match the supply of arms which the Soviet Union gives to the other. Thus we have an even-handed escalation of the potential for conflict.

Instead, what we must do is to recognize the realities of the situation. A long-term solution must provide for a balanced political settlement, rather than balanced escalation of the potential for armed conflict. Israel is a fact of modern life, and any settlement must guarantee her political sovereignty, territorial integrity, and economic viability. At the same time, Israel must recognize the territorial integrity of her neighbors. The territorities which Israel seized by force of arms in 1967 must be given back to the nations from which they were wrested. This is a hard saying, but it must be said. At the same time, Israel's fears of massive troops concentrations on her border can be allayed by establishing appropriate demilitarized zones. These zones can be on both sides of the old boundary lines, and sufficiently broad to include whatever natural obstacles and distances may be suitable. Civilian administration of the areas seized by Israel should be reestablished immediately, including whatever portions may be demilitarized.

Such a settlement would satisfy the essence of the immediate controversy. Israel's aspiration for buffer zones would be fulfilled; at the same time, the desire of the Arab nations for the return of their territorities would be met. But it would not satisfy the long-term problems. The problem of the Palestinian refugees remains a festering sore. It is not only a problem of justice, but a problem of practical politics. The Arab guerrilla movements have been spawned in the refugee camps, where the young men have no hope and no future, and seek fulfillment in the burning cause of justice. They have not only committed terrorist acts throughout the West, but have incited political pressures and armed revolt against the moderate Arab leaders. They are not the cause of unrest in the Middle East, but they provide the tinder for ungovernable passions. It must be said that Israel has not fully recognized her obligations in this matter, nor have the Arab nations been able to provide the means for a solution.

Finally, we must turn to those means by which the economies of this region can be made equal partners in the system of free market countries. Israel has demonstrated that she can be economically viable, particularly if she does not have to maintain the burden of armaments. The Arab nations are divided into the oil producers and those who are not. Yet even the have-nots have other resources which could be the base for economic development. We must help the Arabs to diversify, and for those with a surplus of oil revenues to invest in their neighbors, so that the benefits of free enterprise can be spread around. We must not expect even the oil-producing nations to be content with the role of being suppliers of natural resources to the West.

Nor must we overlook the role that U.S. private enterprise can play in this diversification. We should look forward to the day when there will be a broad range of private industrial relationships between the United States and our Arab friends, helping the Arabs to develop their own economies, instead of simply being the recipient of oil royalties. Even our cooperation in the past, I fear, has been somewhat one-sided. A prime aim of such activity should be to provide an economic base for the solution of the problem of jobless refugees. We must not make the mistake of thinking that material means will solve the whole problem, but it is nevertheless an element that should be included.

In my view, a balanced political settlement would provide the long-term basis for peace in the Middle East. It is close to the terms under which the Arabs have indicated for the first time that they would sign a permanent treaty. We should use our influence with Israel, and it should be considerable, to induce them to sign a permanent treaty. I believe that a treaty could be signed in 6 months, if the basic premises of both sides were met as I have outlined.

Accordingly, Mr. President, I am today introducing a sense of the Senate resolution along the broad outlines I have suggested. In this resolution I am joined by Senators McClure of Idaho, Scott of Virginia, and Thurmond of South Carolina. I invite other like-minded Senators to join as cosponsors.

Mr. President, I ask unanimous consent that the text of the resolution be printed at this point in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Senate Resolution 192

Whereas, the negotiated cease-fire in the Middle East is a welcome development because military conflict endangers the political and economic structure of the entire region; and

Whereas, any permanent settlement must guarantee the political sovereignty, territorial integrity and economic viability of Israel; and

Whereas, the unresolved problems of Palestinian refugees and the unsettled territorial controversies will continue to increase rather than to reduce tensions in the area; and

Whereas, arms shipments by the superpowers to both sides can lead only to a renewal of military confrontations and to the potential of subsequent involvement by the super-powers; and

Whereas, the economic prosperity and future development of all nations of this region and of all nations which are dependent upon stability in the distribution of world energy resources can be jeopardized by the increase of Soviet influences in the area; and

Whereas, the recent tragic events demonstrated the necessity for a permanent balanced political solution rather than the maintenance of balanced military forces; Now therefore be it

Resolved, That it is the sense of the U.S. Senate that the President should continue his mediation between the opposing parties of the area to bring about a long-term, lasting peace settlement. Such a peace should consider all the political and economic realities of the region, including the territorial integrity of all states involved, the need of Israel for protective buffer zones, the Arab aspiration for the return of their territories, and the long-term development of a sound economic base for the elimination of social and political problems. In this spirit, the settlement should include—

(1) Re-establishment of the civilian administration of the Sinai Desert and Golan Heights areas and the west bank of the Jordan River under Egypt, Syria, and Jordan, respectively;

(2) Establishment of broad demilitarized zones on the borders between Israel and its neighbors;

(3) Achievement of a just settlement of the Palestinian refugee problem;

(4) The cooperation of major free market countries and the Arab world in a long-range program of technical and industrial investment and development, with special emphasis upon the creation of job opportunities for Palestinian refugees;

(5) The negotiation and signing of a permanent peace treaty within six months after the cease-fire.

ADDITIONAL COSPONSORS OF SENATE CONCURRENT RESOLUTIONS

SENATE CONCURRENT RESOLUTION 52

At the request of Mr. Curtis, the Senator from Tennessee (Mr. Baker) and the Senator from Ohio (Mr. Taft) were added as cosponsors of Senate Concurrent Resolution 52, expressing the sense of Congress relative to friendship with the Republic of China.

ADDITIONAL COSPONSORS OF SENATE RESOLUTIONS

SENATE RESOLUTION 189

Mr. GRIFFIN. Mr. President, on behalf of the distinguished Senator from Texas (Mr. Tower), I ask unanimous consent that he be added as a cosponsor of Senate Resolution 189, relating to the transfer to Israel of Phantom aircraft and other equipment.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEARING ON NOMINATION OF RUSSELL W. PETERSON TO BE MEMBER OF COUNCIL ON ENVIRONMENTAL QUALITY

Mr. JACKSON. Mr. President, on Tuesday, October 30, the Committee on Interior and Insular Affairs will hold an open public hearing on the President's nomination of Russell W. Peterson to be a member of the Council on Environmental Quality. The hearing will begin at 2:30 p.m. in room 3110 of the Dirksen Senate Office Building. The public is invited to attend, and any Member of the Senate wishing to participate is welcome to do so.

For the information of the Senate, I ask unanimous consent that a biographical sketch of Governor Peterson be placed in the Record at this point in my remarks.

There being no objection, the sketch was ordered to be printed in the Record, as follows:

The President today announced his intention to nominate Russell W. Peterson, of Rehoboth, Delaware, to be a member of the Council on Environmental Quality. The President also announced that upon his confirmation by the Senate he would designate Mr. Peterson as Chairman of the CEQ. As both member and Chairman he will succeed Russell E. Train, who held the positions from February 9, 1970, until he became Administrator of the Environmental Protection Agency on September 13, 1973.

Governor Peterson was Governor of Delaware from 1969 to 1973. Since leaving office he has been Chairman of the Executive Committee of the National Commission on the Future of America in Its Third Century.

From 1942 to 1969, Governor Peterson was with E. I. DuPont de Nemours & Co., Inc., in Wilmington, Delaware, serving as: Research Director, Textile Fibers Department (1954–55, 1956–59), Merchandising Manager, Textile Fibers (1955–56), Director, New Products Division, Textile Fibers (1959–62), and Director, Research and Development Division, Development Department (1963–69). He is also a former Chairman of the Board of Directors and former Chairman of the Executive Committee of the Textile Research Institute, Princeton, New Jersey.

He was born on October 3, 1916, in Portage, Wisconsin. Governor Peterson received his B.S. degree in 1938 and his Ph. D. in 1942 from the University of Wisconsin, where he was elected to Phi Beta Kappa.

Governor Peterson is married to the former E. Lillian Turner. They have two sons and two daughters.

The Council on Environmental Quality was established by the National Environmental Policy Act of 1969 to formulate and recommend national policies to promote the improvement of the quality of the environment. The Council consists of three members. Current members are Dr. Beatrice E. Willard and John A. Busterud.

ADDITIONAL STATEMENTS

AIMS OF ANGELS, TOOLS OF TYRANTS

Mr. FANNIN. Mr. President, one of the finest journalists in this area is Mrs. Shirley Scheibla, the Washington editor of Barron's.

On October 10, Mrs. Scheibla was the speaker at the luncheon of the Security Subcommittee of the National Security Industrial Association in Washington.

The title of her talk, "Aims of Angels, Tools of Tyrants," refers to the mistaken actions taken by Congress in the name of ecology and the public good. She provides us with a penetrating analysis of the devastating effect that actions by the Environmental Protection Agency can have on the economic security of our Nation.

This country's ability to compete on the world market already is threatened by high wages and lagging productivity; additional self-inflicted burdens of costly and unnecessary environmental controls administered in an adversary manner will cause economic and social disaster.

Mr. President, I believe all Members of Congress should consider the points made in this excellent speech, and I ask unanimous consent that it be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Aims of Angels, Tools of Tyrants

Scientists probably won't know for years the full significance of the astronauts' proven ability to live in space for 59 days. But one bad fallout from the space program already is readily apparent—the widespread belief that the United States government can do just about anything if it devotes enough resources to it.

The War on Poverty already has proven that this is not true. Instead of ending poverty, it has created monumental problems. Now the government has embarked on a crash program to stop pollution and make everything safe and beautiful. Like the elimination of poverty, it's a hard goal for politicians to quarrel with.

BEYOND GOAL-SETTING

This newest crash program, however, now has gone beyond the goal-setting stage. In addition to your activities of looking for those who would overthrow the government by force, it would be well worth your while to examine what this program has done so far and where it is leading. It has waked the nation up to the need to control pollution, and that is indeed laudable. But the hysteria and insistence on a crash program to end pollution at all costs already has made serious inroads on the profit system and actually has been counter-productive in several important instances. Unguided by common sense and the art of the possible, it can lead to totalitarianism and the end of capitalism.

ENERGY SHORTAGE

Since nothing can disrupt industry or bring a nation to its knees faster than an energy shortage, let's take a look first at what the environmental movement has done in that field. The fuel shortage is forcing the United States to currently import oil at a record rate of over a million barrels a day from the unstable, unfriendly Middle East. Yet if court action by environmentalists had not blocked construction of the Alaskan pipeline, today we already would be receiving over a million barrels a day from that one source.

Even if Congress passes pending legislation during this session to enable construction to go forward, we could not receive oil from that pipeline for four years since that is the minimum time required for construction. Meantime, the estimated cost of the pipeline has escalated from $1.5 billion to $3.6 billion, and a large part of one of the richest oil fields in the world lies unexplored because of lack of means to transport new discoveries.

(The planned capacity of the pipeline is 2 million barrels a day, while already discovered oil would mean 1.2 million barrels a day.) Let us all pause for a moment and give thought to Alaska's caribou and permafrost and the price we are paying for their comfort and preservation.

OFFSHORE OIL AND GAS

Another tremendous source of domestic oil and natural gas lies offshore. According to the Interior Department, about 3 million acres a year in prime prospective tracts should be made available for exploration. But back in 1971 when the Department started a five-year program calling for general lease sales, the Natural Resources Defense Council obtained a court injunction which held up the sale of 346,000 acres from December 1971 to September 1972. Environmentalists have protested the sales of more than a million acres of leases since then and are threatening to take the Interior Department to court over the first lease sale in the Florida Gulf Coast, scheduled for December of this year. Also taking in parts of Mississippi and Alabama, it is expected to involve 800,000 acres.

NASSIKAS WARNING

To help encourage exploration for natural gas, the Administration has called for ending price regulation by the Federal Power Commission. But FPC Chairman John Nassikas told me, "If we just de-regulated all gas, that wouldn't solve the problem because, without opening up the federal offshore leases, it would only run up the price and not bring out enough gas."

Thus, the environmentalists are discouraging exploration for one of the cleanest and most environmentally acceptable fuels.

SANTA BARBARA

Because of pressure from environmentalists, the Interior Department, in apparent violation of sanctity of contract and due process of law, indefinitely suspended 35 oil leases in the Santa Barbara channel. They are located in the vicinity of a blowout which several years ago poured oil over 400 square miles of ocean surface and 100 miles of coastline. However, production at the blowout site is continuing because capping would increase the risk of another disaster. As for the area comprising the 35 leases, the Geological Survey has concluded it is no more prone than any other to blowouts and that the potential benefits outweigh the slight risk involved in drilling.

OIL IMPORT QUOTAS

Back in 1959 the Interior Department imposed oil import quotas on grounds of national security. It said the quotas were essential to encourage domestic exploration and development. The idea very clearly was to bring about high enough prices for such encouragement. Prices never got that high, however, and the hoped for production boost did not occur. Because of pressure from the consumer movement, the Interior Department let the oil companies know it would increase imports if prices got too high. Now, of course, regardless of prices, the situation is too desperate to continue their import quotas.

DEEPWATER PORTS

The most efficient way to handle the increasing imports is to build deepwater ports, and several groups of companies are interested in spending the hundreds of millions of dollars each one would cost. Such ports would require legislation, however, and, naturally, the environmentalists are opposing it.

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REFINERIES

They already have blocked construction of several refineries in the U.S. Let me just tick off a few: A Stuart Petroleum refinery at Piney Point, Md. to operate in conjunction with a bulk plant it already has there; a 100,000 barrel a day facility by Supermarine Inc. at Hoboken, N.J. on the site of the old Todd Shipyard; a 65,000 barrel a day refinery by North East Petroleum at Tiverton, R.I.; expansion of the Amerada Hess plant at Port Reading, N.J. and expansion by Chevron East at Perth Amboy, N.J.

Shell Oil Co. tried to build a 150,000 barrel a day refinery on Delaware Bay but ran into a state law obtained by the environmentalists which prohibits refineries and other heavy industry within 10 miles of the coast. McClean Fuels Co. wanted to build a 200,000 barrel a day refinery at three different locations, South Portland, Me., Searsport, Me. and Riverhead, L.I., but failed to get environmental approval.

FUEL PENALTIES

Discouragement for obtaining petroleum would seem to dictate stringent use of it, but environmentalism is resulting in just the opposite. At the beginning of this year when he was head of the Office of Emergency Preparedness, General George Lincoln said that cleaning up auto exhausts already has cost 300,000 barrels a day of extra gasoline and will cost about two million barrels a day by 1980. Additional safety equipment means more fuel penalties because of the extra weight. Also, taking the lead out to please environmentalists means a 15% to 20% decrease in fuel efficiency.

BOILER FUEL

Because of the natural gas scarcity, the Federal Power Commission has been trying to discourage wasteful use of it as a boiler fuel. But here again environmental demands are causing trouble. The Commission is finding that many firms feel forced to use clean natural gas for boiler fuel because of antipollution requirements. Incidentally, some who converted their facilities to use oil because of FPC pressure and natural gas scarcity now are having trouble getting oil.

COAL IS BLACK

Coal, of course, is the only domestic fuel in plentiful supply. But it's name is black with environmentalists because it is dirty. Filters have not yet been perfected. Neither has liquified coal. Meantime reliance on limited supplies of low-sulphur coal is creating much economic hardship.

Since there are inadequate resources for extensive hydro-power, and technology is still evolving for oil shale, thermal, solar, tidal and other exotic sources of power, that leaves only the atom. But that's anathema to environmentalists.

NUCELAR POWER PLANTS

In a massive fuel study released early this year, the National Petroleum Council said that 23 nuclear power plants with a capacity of 20,000 megawatts will be delayed six months to three years by environmental obstacles. Let me stop here to translate for you the meaning of 20,000 megawatts. That's 20 million kilowatts, and a kilowatt is equal to 1,000 watts. I have a good-sized home covering 3,000 square feet, and it has 50 kilowatts. The next time we have a brown-out or black-out, you might consider how many homes, offices and factories those 20 million kilowatts would power. (The Council also said each year's delay could cost the electric utility industry between $5 billion and $6 billion.) For 17 months following the Calvert Cliffs decision by the Court of Appeals the Atomic Energy Commission licensed no plants at all while it took time to do the environmental studies required.

Now Ralph Nader and Friends of the Earth have gone to court to force closure of 20 of the 31 operating plants but have failed to obtain an immediate injunction, and the issue of whether they should be closed is still pending before a court of appeals.

AUTOS

A new game plan is to penalize use of private autos and compel greater travel by public transportation. This, so the reasoning goes, not only would mean purer air, but less use of gasoline, thus leaving more petroleum for other purposes. So far as I can determine however, no one has figured out how the nation's cities, already strapped financially, are going to be able to afford the big outlays for public transportation this will require. The tendency is to look to the federal government, but I suggest that those who do so also take a look at the current size of the federal budget. Also ignored is how greater public transport would affect the private auto market and, in turn, the nation's economy since the auto industry makes up such a large part of it.

CLEAN AIR ACT

The transportation edicts are framed by the Environmental Protection Agency under authority of the Clean Air Act which is one of the greatest instruments of tyranny fashioned by Congress. Although EPA itself admits that some of its orders under it lack scientific validity and that it is having trouble equating economic costs with health benefits, woe be to anyone who doesn't obey EPA. The Act calls for fines of up to $25,000 a day and imprisonment up to a year for a first violation of EPA rules and $50,000 a day and two years for a second offense. In some instances compliance requires passage of state laws. Yet, the Bill of Rights notwithstanding, the penalties for non-compliance apply to state and local officials as well as ordinary citizens.

Under the Act, EPA also is struggling with what one official calls the "biggest challenge in the air program" by trying to nail down specific requirements for about 50,000 individual stationery sources.

NONDEGRADATION OF CLEAN AIR

But that's only one facet of the Clean Air Act. Last June, in a case brought by the Sierra Club, the U.S. Supreme Court upheld the ruling of a lower court that there must be no significant degradation of air quality, even for areas which presently have cleaner air than required by federal standards. This could throttle industrial development for clean areas. In a stab at defining "significant" in a way that woulld allow some development, EPA held hearings in August on four rules it suggested. The Sierra Club, however, has notified EPA that it doesn't like any of the ideas and will take the agency to court if it tries to implement any of them.

LAND USE CONTROLS

The draconian Clean Air Act notwithstanding, EPA officials still aren't satisfied with their tools for forcing purity in the air and elsewhere. They are advocating legislation which would require an EPA okay for any use to which land might be put. Thus, a buyer who paid a handsome sum for a choice site with a specific use in mind might find that use vetoed by EPA—if the land use planning legislation goes through. If it does, kiss property rights good-bye in the name of purity.

WATER POLLUTION

Agency action under the Water Pollution Act is not so far along since the measure was enacted only last year. Here too, however, it appears that EPA is using it to impose expensive controls on industry. They are expected to cost billions of dollars and cause some plant closings. Nevertheless, in a study for EPA not yet made public, the National Academy of Sciences has found that many of EPA's criteria are faulty and lack adequate scientific justification.

DDT

EPA also administers the nationwide ban on DDT. The depredations of the Gypsy Moth in the east as a result are well known. Now the Tussock Moth is devastating northwest forests and worsening the shortage of timber. Consequently, some of the original Senate sponsors of the DDT ban are trying to get it rescinded.

OSHA

The Occupational Safety and Health Act, administered by the Labor Department, is providing just as potent anti-business weapons as the environmental and consumer movements. A year ago George C. Guenther, then Assistant Secretary of Labor for Occupational Safety, told me that under OSHA, the Labor Department commands enough power to put everybody out of business. That is not hard to understand. Senator Carl Curtis (R., Neb.) told the Senate that regulations implementing the law make up a stack 17 feet high. Virtually every employer is in violation of OSHA one way or another, and the Labor Department has authority under the law to assess fines without court review. Critics of the law are legion and even include some of its original Congressional sponsors. One of the main complaints is that it is inflating the cost of doing business without corresponding gains in safety and health.

As this cursory glance shows, the environmental and allied movements are using the aims of angels to fashion the tools of tyrants. Let us hope that the hysterical crash program soon succumbs to the rule of reason so that we can get on with the job of cleaning up under the system which affords the greatest freedom, efficiency and general well-being of any yet devised by man.

ISRAEL'S RIGHT TO EXIST IN PEACE

Mr. MONDALE. Mr. President, I would like to call to the attention of my colleagues an eloquent statement written by an eminent group of professors at the Hebrew University of Jerusalem during the fighting in the Middle East.

Mr. President, I believe this statement is still worth reading now that a tentative cease-fire has been agreed to by Israel and Egypt. Indeed, their message becomes even more appropriate.

As the professors state:

> We feel that it is the duty of free men . . . to insist on the overriding duty of the Arab states to recognize Israel's right to exist in peace, and to demonstrate this by agreeing immediately to meet the representatives of Israel for discussion and negotiation.

I ask unanimous consent that the statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of the Staff of the Hebrew University of Jerusalem, October 10, 1973

For the fourth time since its creation, Israel is engaged in battle with the neighboring Arab world. It is a battle which is uneven in two respects. In the first place, if Israel wins, the Arab world will endure; if the Arabs win, Israel will cease to exist. Secondly, there is no equivalence in the forces engaged. Syria and Egypt have drawn on enormous forces, both of manpower and materiel. Sixteen other Arab countries have expressed their solidarity with them, and a number have already sent units of their armed forces to join in the battle. Israel faces this situation as a small people fighting on its own. Nearly all of our students, and most of our colleagues, are today in uniform.

We, the undersigned, have always used our right as free men to express our views on

our country's policies, both external and internal; and some of us has disagreed with some of these policies in the past. Today it is clear to all of us beyond any shadow of doubt, that Egypt and Syria prepared this attack over a long period, and deliberately chose to launch it on the Day of Atonement, the most sacred day in the Jewish calendar.

It is equally clear to us that, though aware of the Egyptian and Syrian plans, the Government of Israel chose to abstain from a preemptive strike, and rather to do all it could to avert the danger by a diplomatic effort.

The real issue today, as it was in 1967, is the determination by Egypt and Syria to destroy Israel.

We are doubly convinced that the road to meaningful negotiations for a peaceful outcome has always been open to the Arab states. Had that road been taken by the Arab states, the response of our people and our government would have been such as to ensure that every conceivable step to bringing these negotiations to a mutually acceptable and positive conclusion would have been made by us.

The Egyptian and Syrian attack against us on the Day of Atonement, has led us to the painful conclusion that the policy of the present governments of the Arab states, is to go to any length to destroy the existence of Israel.

There can be no peace in the Middle East, unless the right of our people to independence and continued existence in Israel is fully recognized by our neighbors.

There can be no peace until the Arab states change their policy, and understand that the future of the Middle East must take the form of peaceful co-existence between them and Israel.

The cause of organizing a peaceful world is based on the right of all peoples to free existence and harmonious national self-expression and self-government. These rights cannot be denied to Israel and its people.

For this reason, we feel that it is the duty of free men throughout the world who cherish the cause of peace and see it as pre-condition for humanity's survival and development, to insist on the overriding duty of the Arab states to recognize Israel's right to exist in peace, and to demonstrate this by agreeing immediately to meet the representatatives of Israel for discussion and negotiation.

The Arab doctrine of prior agreement by Israel to withdraw from territory, is illogical and unacceptable. Everyone of us is wholly convinced that our very existence today—that we have been able, at considerable cost in lives, to withstand Egyptian and Syrian assault and turn it back—are due to the fact that this doctrine was rejected by us. The way in which the Egyptian and Syrian attack was prepared and launched must convince the world that this rejection was thoroughly justified.

The argument has been heard that having suffered military defeat in the past, the Arabs cannot be expected to negotiate with Israel without a "gesture" from Israel. The "gesture" demanded has been that Israel should place the Arabs unconditionally, and before any agreement or commitment on their part, in a condition where, as experience shows, it would be made easier for them to attack Israel. We cannot agree that this is morally acceptable or practically feasible. Nor should the world agree. For the fourth time since 1948, we have seen our country besieged and attacked, our friends and relatives killed; we have been the target of terror on a world-wide scale; yet today, when everyone of us has members of his family, students and colleagues, at the front, we say that we remain ready for a peace process with our Arab neighbors. A peace process must mean mutual recognition, with peaceful co-existence as its goal, achieved by free negotiations. In the circumstances which have arisen, the secure nature of the agreed boundaries is, more than ever, seem to be imperative. The nature of the territorial settlement will only emerge as a function of mutual trust.

We address ourselvs to our colleagues, to students, and to men of good will all over the world in the hope that they will use their influence to the utmost to bring home to the Arab countries the demand of the world that the language of hate and vilification, and the dialogue of war, must be replaced by the dialogue of peaceful coexistence.

Shlom Avineri, Joseph Ben-David, Ernst Bergmann, Aryeh Dvoretzky, Samuel Eisentadt, Saul Friedlander, Natan Goldblum.
Jack Gross, Yehoshafat Harkabi, Avraham, Harman, Alex Keynan, Don Patinkin, Joshua Prawer, Michael Rabin.
Nathan Rotenstreich, Gershom Scholem, Moshe Shilo, Gabriel Stein, Jacob Talmon, Ephrain Urbach, David Weiss.

The above signatories are on the staff of the Herbrew University in Jerusalem.

ENVIRONMENTAL PROTECTION AGENCY REGULATIONS

Mr. NELSON. Mr. President, the Environmental Protection Agency—EPA—has promulgated regulations in the July 5 and September 7 issues of the Federal Register pursuant to sections 301—effluent guidelines—and section 402, the National Pollutant Discharge Elimination System—NPDES—of the Amendments to the Federal Water Pollution Control Act—FWPCAA—of 1972 establishing those agricultural pollution areas that will be classified as "point sources" and thereby have to file for a NPDES permit and meet the zero discharge of waste effluent guideline by 1985.

The EPA regulations define both large and small "concentrated animal feeding operations" as "point sources" although the EPA later excluded farm operations with less than 1,000 beef cattle, 700 dairy cows, 290,000 broilers, 180,000 laying hens, 55,000 turkeys, 4,500 hogs, 35,000 feeder pigs, 12,000 sheep and lambs and 145,000 ducks from compliance with sections 301 and 402 of the act.

During the debate of the FWPCAA Congress clearly indicated that small farm operations were not to be considered "point sources" of pollution unless they met three criteria developed by Senator Muskie in a colloquy on the floor of the Senate with Senator Dole. It appears that neither set of the EPA regulations follows the congressional intent in the manner small farm operations are excluded from the compliance with the act.

The Natural Resources Defense Council—NRDC—has filed suit against the EPA alleging that the agency cannot define all concentrated animal feeding operations as "point sources" and then exclude small operations when the act specifically states that all "point sources" are to be controlled through the issuance of a permit and compliance with published effluent guidelines.

The NRDC agrees that there should be a numerical cutoff determined with public hearings that distinguishes a small farmer-feeder operation, a "nonpoint source," from a large "concentrated animal feeding operation" that is a "point source." The public interest law firm does not specifically object to the feedlot-point source criteria established by Senator Muskie, rather they object to the way EPA has drafted its regulations.

Furthermore, numerous constituent letters indicate that the public has not had an adequate and full opportunity to draft responses for consideration in the decisionmaking process. In fact, public hearings were not held in Wisconsin until October 2, 7 days before the public comment period expired on the draft effluent guidelines.

Therefore, in a letter to the Administrator of the EPA, Mr. Russell Train, I have urged the EPA to: First, extend the public comment time for the September 7, 1973, effluent limitation guidelines, second, hold public hearings on both the NPDES and effluent programs, and third, redraft these two sets of regulations to reflect in specific language the congressional intent and legislative history—Legislative History , volume II, pages 1298–99—of the FWPCAA as it pertains to agricultural problems.

The July 5 regulations developed the numerical cutoff point for farm operations that must file for a NPDES permit while EPA's second set of regulations establish effluent guidelines for point sources of pollution under section 301 of the act. The September 7 draft effluent regulations initially proposed that all farmers regardless of size would have to meet a zero-discharge-total confinement of runoff by 1985. Seven days before the public comment time expired, the EPA announced a dramatic change in policy: The farm operations that were exempt from the NPDES regulations would now be exempt from the effluent guideline limitation program. This action appears not only to be in variance with the law but contrary to published EPA policy—38 Federal Register, 128, page 18001.

The question is one of implementation rather than intent. Senator Muskie's colloquy clearly sets forth criteria which the EPA should follow in determining whether feedlots are "point sources" of pollution. The criteria state:

> "If a man-made drainage ditch, flushing system or other such device is involved and if any measurable waste results and is discharged into water, it is considered a 'point source.' Natural run-off from confined livestock and poultry operations are not considered a 'point source' unless the following concentrations of animals are exceeded: 1,000 beef cattle, 700 dairy cows, 290,000 broiler chickens, 180,000 laying hens, 55,000 turkeys, 4,500 slaughter hogs, 35,000 feeder pigs, 12,000 sheep or lambs, 145,000 ducks. Any feedlot operations which result in the direct discharge of waste into a stream that transverses the feedlot are considered point sources without regard to number of animals involved."

This statement shows that if a feedlot is a "point source" a permit is to be required. The Congress gave the EPA the discretion to distinguish between a "concentrated feeding operation", which would require a permit and effluent guidelines and a farmer-feeder operation which would not.

The EPA admits the proposed regula-

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tions will be most harsh economically on the small farm and will in fact promote the decline of the small operation and encourage the growth of larger facilities which are less family oriented.

The Wisconsin Legislature has expressed its concern by passing a joint resolution calling for the EPA to amend its regulations. In addition, a large number of constituents have written to me asking for more time to draft comments to the EPA.

Mr. President, I ask unanimous consent that my letter to EPA Administrator Train and the Wisconsin Legislatures joint resolution be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OCTOBER 9, 1973.

Hon. RUSSELL TRAIN,
Administrator, Environmental Agency, Washington, D.C.

DEAR MR. ADMINISTRATOR: I am concerned over the EPA regulations which have been published in the Federal Register that establish the National Pollution Discharge Elimination System (NPDES) and the effluent limitation program of the Federal Water Pollution Control Act Amendments of 1972 (FWPCAA). It appears to me that neither set of regulations follows the Congressional intent of the legislation. Furthermore, numerous constituent letters indicate that the public has not had an adeqaute and full opportunity to draft responses for consideration or meaningfully participate in the decision-making process, and in fact, public hearings were not held in Wisconsin until October 2.

The National Resources Defense Council's suit raises serious legal questions surrounding the manner in which the EPA has exempted small farm operations from compliance with the mandates of PL 92–500. The Congress clearly did not intend that small farm operations would be covered by the permit and effluent limitation program except when such farm was a "point source" of pollution as described by Senator Muskie in his discussion of legislative intent on the floor of the Senate (Legislative History, Vol. II, pp. 1298–99).

The EPA's final regulations which will be published in the *Federal Register* should make a clear distinction between a "concentrated animal feeding operation", a point source pollution problem covered by the NPDES program, and a small farmer-feeder operation, a non-point source.

On October 2, 1973, seven days before the public comment times for the effluent limitation was due to expire, two representatives of the Region V EPA briefed members of the state legislature, the Governor's office, and members of the public at a public hearing in Madison, Wisconsin. Not only did that meeting come too late in the 30-day review period but a significant change in policy was anounced by Mr. John Kirkwood. A message from Robert Sansom indicated that those farmers who qualified for exclusion from the July 5 NPDES regulations would also be excluded from complying with the September 7 effluent guidelines. This action appears not only to be in variance with the law but contrary to published EPA policy (38 *Federal Register* 128 p. 18001).

To permit adequate public participation in the review of the proposed standards the time limit for the reception and consideration of citizen comments should be extended. In addition public hearings should be shceduled to permit the public full opportunity to comment on the specific proposals to implement the legislation.

The EPA must promulgate its regulations on sounder legal grounds. The July 5, 1973 *Federal Register* citation clearly states that, "the agency proposes to exclude for the present time certain classes of agricultural and silvicultural point sources from the requirements of the NPDES program." The Sansom telegram extends this exclusion to the effluent guidelines. According to the FWPCCAA, the NPDES program provides for the establishment of a permit program to regulate the "discharge of any pollutant" or combination thereof. Section 502(6) defines "pollutant" among other substances as "agricultural wastes discharged into the water" of any kind. The terms "discharge of pollutants" and 'discharge of a pollutant" seem to include "discharge of any pollutant" are defined in section 502(12) of the Act as meaning, "any addition of any pollutant to navigable waters from any source." Navigable waters (section 502(7)) is defined as, "The waters of the United States . . ." Finally, the term, "point source," is defined (section 502(14) to include any, "concentrated animal feeding operation . . . from which pollutants are or may be discharged.

Although the EPA exempted small farm operations there is a serious question they did so pursuant to the guidelines spelled out by Senator Muskie. The intent of the Congress is clear: *all* point sources of pollution are to be covered by the NPDES program. Section 502(14) does not define "concentrated animal feeding operations." Senator Muskie in a colloquy with Senator Dole on the floor of the Senate on November 2, 1972, sets forth criteria which the EPA should follow in determining whether feedlots are point sources. The criteria state:

"If a man-made drainage ditch, flushing system or other such device is involved and if any measurable waste results and is discharged into water, it is considered a 'point source.' Natural run-off from confined livestock and poultry operations are not considered a 'point source' unless the following concentrations of animals are exceeded: 1,000 beef cattle, 700 dairy cows, 290,000 broiler chickens, 180,000 laying hens, 55,000 turkeys, 4,500 slaughter hogs, 35,000 feeder pigs, 12,000 sheep or lambs, 145,000 ducks. Any feedlot operations which result in the direct discharge of waste into a stream that transverses the feedlot are considered point sources without regard to number of animals involved."

This colloquy clearly shows that if a feedlot is a "point source," a permit is to be required. The Congress gave the EPA the discretion to distinguish between a "concentrated animal feeding operation," which would require a permit and a small feeder-farmer operation which would not.

There seems to be a good deal of unresolved controversy surrounding the numerical formula that determines who is excluded under present EPA regulations. Should EPA choose to redraft their regulations along the lines suggested by the Senate a numerical formula would still be needed to distinguish between a small farmer-feeder operation and a point source concentrated animal feeding operation. The Secretary of Agriculture has suggested an even more stringent definition for an agricultural point source. He defines a "concentrated animal feeding operation" as:

". . . a feed lot, feed yard, or confined feeding facility having more than 300 animal units at one time. Feed lots, feed yard, or confined feeding facilities shall mean the feeding of livestock on sites or facilities from which wastes must be removed and that are not normally used for raising crops, or on which no vegetation intended for livestock feeding is growing. Thus, permit applications will be required from operators of feed lots, feed yards, or confined feeding facilities having the equivalent of 300 animal units. The following data are suggested as minima for the requirement of a permit:

"Slaughter steers or heifers	300
Dairy cows	200
Boilers	35,000
Laying hens	32,000
Turkeys	10,000
Butcher hogs	1,200
Feeder pigs	10,000
Sheep	2,300"

The Sansom telegram represents a significant change in policy at a very late stage in the decision-making process. Such changes should be printed in the Federal Register and given the opportunity to be fully examined and discussed in public. It is clear that the public has not had the opportunity to fully participate in the review and consideration of these regulations. Therefore, I urge you to: (1) extend the public comment time for the September 7, 1973 effluent guideline regulations (2) hold public hearings on both the NPDES and effluent limitation regulations and (3) redraft these two sets of regulations to reflect in specific language the Congressional intent and the legislative history of the FWPCAA as it pertains to agricultural pollution problems.

Sincerely,

GAYLORD NELSON,
U.S. Senator.

STATE OF WISCONSIN: 1973 SENATE JOINT RESOLUTION 80

Request the U.S. environmental protection agency to amend the proposed effluent limitations guidelines for the feedlots category of the federal water pollution control act.

Whereas, on September 7, 1973, the U.S. environmental protection agency published proposed rules in the Federal Register concerning effluent limitations guidelines for the feedlot category of the federal water pollution control act; and

Whereas, the proposed rules apply to nearly all producers of milk, meat and eggs in the state of Wisconsin; and

Whereas, the proposed rules require that by 1977, the water runoff from a feedlot containing dairy cattle, beef cattle, hogs or poultry shall be postively stopped from entering streams except in unusual circumstances; and

Whereas, to meet the requirements demanded by the proposed rules, most Wisconsin producers of milk, meat and eggs would have to spend a prohibitive amount of money in order to stay in production; and

Whereas, the prefatory statement to the proposed rules as set out in the Federal Register of September 7, 1973, contains language indicating that the environmental protection agency accepts the fact that small producers are going out of business and being replaced by larger facilities and that this trend will be accelerated by these proposed rules; and

Whereas, Wisconsin farmers, who produce over 16% of the total volume of milk in the United States, are primarily small producers with 77% of the milking cows in Wisconsin being in dairy herds of less than 50 heads; and

Whereas, if the proposed rules as finally published do not include exemptions for the small producer, it will mean the ruin of the small family farm in Wisconsin and an increase in the cost of food to the consumer; and

Whereas, representatives of the environmental protection agency appearing at the joint hearing of the senata agriculture and rural development committee and the assembly agriculture committee on October 2, 1973, testified that the agency interpretation is that the proposed rules would only apply to dairy herds' of over 700 head, beef herds of over 1,000 head, herds of swine of over 2,500 head or to significant contributors to pollution; and

Whereas, the proposed rules do not contain any specific exemptions or make any reference to the assertion that the proposed rules only apply to significant contributors to pollution or make any attempt to define what constitutes a discharge from an animal feedlot or the discharge which constitutes a significant contributing source of pollution; and

Whereas, the farmers of Wisconsin, who have been leaders of the state and of the nation in stopping the excessive erosion of the land and in protection of the water supply, are willing to continue to be leaders in developing methods of water pollution control by cooperating with reasonable laws and regulations; now, therefore, be it.

Resolved by the senate, the assembly concurring, That the environmental protection agency is strongly urged to amend the proposed rules concerning feedlots to include specific exemptions which exempt, for example, operations containing less than 700 dairy cattle, 1,000 beef cattle and 2,500 swine and that definitions be provided specifying what constitutes a discharge from an animal feedlot and what discharge constitutes a significant contributing source of pollution; and, be it further

Resolved, That the proposed rules also be amended to direct that in all cases enforcement shall be carried on in a reasonable manner to avoid the dislocation of present producers and to provide for survival and revitalization of the small farmer; and, be it further

Resolved, That duly attested copies of this resolution be immediately transmitted to Mr. Phillip B. Wisman, EPA Information Center, Environmental Protection Agency, Washington, D.C. and to each member of the congressional delegation from Wisconsin.

GENOCIDE CONVENTION UNJUSTLY CRITICIZED

Mr. PROXMIRE. Mr. President, critics of the Genocide Convention have expressed their concern that ratification of this treaty would make a wide range of activities subject to punishment under international law.

Article II of the convention defines genocide as any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such:

First. Killing members of the group;

Second. Causing serious bodily or mental harm to members of the group;

Third, Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

Fourth. Imposing measures intended to prevent births within the group; and

Fifth. Forcibly transferring children of the group to another group.

In a number of previous statements before the Senate I have pointed out that the Genocide Convention does not apply to many of the acts which some of its critics fear that it would. The Senate Foreign Relations Committee has enumerated those concerns which are not covered by the Genocide Convention:

It does not alter the rules of warfare, or the obligations of parties to the Geneva Conventions on the treatment of prisoners or war and the protection of civilian persons in time of war.

It does not apply to civil wars as such.

It does not apply to discrimination, racial slurs, and insults and the like.

It does not apply to voluntary population control measures.

It does not apply to the past.

However distressing some such actions may be, they do not constitute genocide under the terms of the Genocide Convention and the understandings attached to it.

Mr. President, we must ratify the Genocide Convention.

THE NEED TO ESTABLISH AN OFFICE OF CONGRESSIONAL LEGAL COUNSEL

Mr. MONDALE. Mr. President, I recently introduced legislation (S. 2569) to establish an Office of Congressional Legal Counsel to aid in our attempts to insure that the executive branch obeys the law and the will of Congress.

In the October 17 edition of the Minneapolis Star, Austin Wehrwein analyzes this proposal and effectively demonstrates the need for its speedy adoption. I urge that this article be read as an excellent summary and analysis of the important changes that the establishment of such an office could bring about.

Mr. President, I ask unanimous consent that Mr. Wehrwein's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOUSE COUNSEL FOR CONGRESS

(By Austin C. Wehrwein)

Watergate didn't create arrogant excutive clout.

It was made possible by the existence of power there to be abused, by an accelerated, cumulative growth centered in the White House.

That trend can be summed up in two words. Before Watergate they served, in effect, as the White House's response to congressional challenge.

They were, "So what?"

The rebuttal to that, henceforth, might well be: "So we'll sue you."

This is the point of a new bill introduced by Sen. Walter F. Mondale, D-Minn., which was inspired by Ralph Nader.

Under it the legislative branch would create its own law office. Explained Mondale:

"This office would give senators and congressmen an in-house capability to bring suit against illegal executive branch actions."

The concept in full is a breakthrough.

Still, there are partial precedents.

The General Accounting Office (GAO) is Capitol Hill's own auditing and fiscal investigation agency. It is deep into legalism all the time, of necessity.

The Office of Legislative Counsel aids members in the drafting of bills, a highly technical legal art.

But neither litigates.

Impoundment brought the "so what" problem to the fore.

In the recent past there have been some 20 often successful impoundment lawsuits, including one involving rural disaster relief in Minnesota, brought by the Farmers Union.

A leading precedent for the Mondale concept was the lawsuit brought by the Missouri Highway Commission in which 22 Senators and five representatives filed an amicus curiae brief.

A. U.S. Court of Appeals affirmed a lower court's ruling that the secretary of transportation could not, contrary to express law, block appropriated funds.

Too, members of Congress filed lawsuits to attempt to end the war. Others have filed suits to gain information under the Freedom of Information Act. These cases have, however, been less successful than the Missouri highway case.

On the other hand, Mondale joined three other senators in suing successfully for the ousting of Howard Phillips from his job as acting director of the Office of Economic Opportunity (OEO). It seems the White House just hadn't bothered to send his name up to Capitol Hill for confirmation, so he had no legal right to his paycheck.

The crucial missing element in such tests is that the actual litigation was handled by private lawyers, not by employees of Congress.

Mondale praised their work. But he thinks that if the prerogatives of the legislative branch are to be restored it must have the full potential present only in an Office of Congressional Legal Counsel (CLC). Its own law firm, so to speak, one always on tap. More precisely, what lawyers call "house counsel."

The "senior partner" would be appointed by the speaker and the president pro tem of the Senate from nominations made by the leaders of both parties in both houses.

The CLC would render legal opinions.

It would, armed with appropriate authority, work with private parties bringing civil actions against the executive branch.

It could intervene in actions testing executive abuse of power. Or it could actually represent either house, or committees and individual members or employees of Congress involved in a test of the "validity of any official proceedings."

Finally, and again only after obtaining the green light under regulations, the CLC could iself bring civil actions.

In sum, the CLC would have a busy schedule, including the representation of the Congress and individual members both as plaintiffs and defendants.

This adds a new dimension to our governmental process.

Historically, the power to investigate and the power of the purse were the main joists and beams under the lawmaking function.

Mondale is now proposing the Congressional power to employ, as well as make, the laws so as to guarantee that the executive shall faithfully execute them, constitutionally.

THE NEED FOR A CEASE-FIRE IN THE MIDDLE EAST

Mr. BAYH. Mr. President, it was indeed distressing to learn this morning that the cease-fire has not taken hold in the Middle East. While we must strive for implementation of the cease-fire and adherence to the U.N. Security Council resolution, we must not lose sight of the fact that a major reason for the continued fighting has been the refusal of Syria, Iraq, and Jordan to accept the terms of the Security Council resolution.

Although the reason for the collapse of the cease-fire in the Suez area is less clear, there have been news reports that Egypt—after accepting the terms of the cease-fire—sought to take certain strategic lands and thus precipitated the fresh outbreak of fighting in that region.

Regardless of the success in restoring the cease-fire, it is clear that Israel will require massive military assistance to reequip its forces and to maintain a balance with its Arab enemies who have received large amounts of sophisticated military hardware from the Soviet Union.

To this end I called some days ago for the United States to provide Israel with Phantom aircraft and other military equipment necessary to replace losses

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since war broke out and to maintain the power balance essential to maintaining any cease-fire which will, inevitably, be fragile and subject to great stress.

On Friday the President responded to those of us who had recommended military aid for Israel by requesting a $2.2 billion authorization to guarantee Israel the hardware it must have. I am pleased to support the President's request and shall certainly do all that I can to see that Israel receives the assistance we realize is so crucial to her survival and to lasting peace.

But I must remind my colleagues that the President, as he did last year, has sought to lump together aid for Israel and aid for Cambodia. The President's request includes an additional $200 million in military assistance to Cambodia, something of much less obvious merit than aid to Israel.

I have never had any problem distinguishing in my mind between U.S. policy in the Middle East and U.S. policy in Indochina. The President has repeatedly tried, as he is now doing, to draw a parallel in these two troubled areas, despite the fact that the situations and the U.S. national interest are really quite different in Israel and Cambodia.

Last year the Senator from Idaho (Mr. CHURCH) and I were successful in offering an amendment to weigh aid to Israel and aid to Cambodia separately. As a member of the Senate Appropriations Committee I shall again seek to draw a necessary and valid distinction between these two separate and very different matters of foreign policy.

There simply has not been adequate justification for a supplemental military aid program for Cambodia. Indeed, I am confident that if the President did not have the more compelling argument of aid to Israel he would not even be seeking the supplemental request for Cambodia at this time. We must not be blackmailed into this piggyback arrangement, whereby we have to authorize highly questionable aid for Cambodia in order to help Israel at a time of great duress.

Without an elaborate review of old arguments, let me say briefly there is no valid analogy between Israel—fighting to defend itself from a calculated invasion made possible by Soviet aid—and Cambodia—where the question of external involvement is far less obvious and the basic character of the government is so different from the democracy in Israel.

Aiding a democracy from external attack is something we can and must do; aiding a nondemocratic government in a battle of uncertain origins is something we had better look at very carefully.

I want to reiterate my deep hope that a cease-fire can be arranged in the Middle East, as a necessary prelude to direct negotiations among the belligerents on a final peace agreement to end 25 years of intermittent warfare. But there will not be such a cease-fire, nor a lasting peace in the Middle East unless the United States provides Israel with the equipment—including aircraft—essential to restoring a balance of power. To this end I am prepared to support the President's request for a supplemental military assistance program for Israel, but reserve the right to seek a sharp distinction between that program and the proposed supplemental aid to Cambodia.

FAMILY HEARINGS

Mr. MONDALE. Mr. President, recently the Subcommittee on Children and Youth, which I chair, began a series of hearings on the "American Families: Trends and Pressures." In these hearings we are seeking to understand what influence governmental policies have on families, and to determine the extent to which public policies are helping or hurting families.

Several weeks ago, the St. Paul Pioneer Press included a very kind editorial supporting the purposes and objectives of this inquiry. The editorial said in part:

> There is no denying there are significant trends affecting the family's structure and its effectiveness as a basic unit in society and that pressures on the traditional nuclear family organization are growing . . .

Because it contains such a clear and concise statement of the goals of the subcommittee's investigation, I ask unanimous consent that a copy of this thoughtful editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A NEW MONDALE INQUIRY

Minnesota's Senator Walter Mondale, the work of his rather generously publicized Select Committee on Equal Education having been concluded, has launched hearings in another, but related field, as chairman of the Subcommittee on Children and Youth. The Inquiry is into "American Families: Trends and Pressures."

There is no denying there are significant trends affecting the family's structure and its effectiveness as a basic unit in society, and that pressures on the traditional nuclear family organization are growing, so the inquiry is germane. As the Christian Science Monitor recently observed, it may not be a subject to give a potential presidential candidate (which Mondale is) daily headlines and TV exposure, but "all the national issues impinge on the family. The state of the family tempers or aggravates all (of them)."

Right now the hearings are concentrated on the economic pressures on the family. The findings, judging by what has been heard so far, doubtless will bolster Mondale's long-pursued objectives of government helps to those Americans struggling at or under the poverty income level.

Robert Coles, who won the Pulitzer Prize this year for his books on minority and "backwoods" families, was the lead-off witness for the Mondale subcommittee. His plea was for greater consideration for the mental and emotional burdens placed on a family whose breadwinner is unemployed or underemployed. "A jobless man's situation becomes a wife's mood," Coles said, "(and) a child's feeling for what is in store for him or her, too." In other words, welfare payments and government subsidies cannot remove this psychological burden and therefore do not attack the problem at its base. Depending upon how much impact testimony of this sort may have on Congress and the public, the work of Mondale's subcommittee could bring fundamental changes in the direction and application of legislation affecting the poor.

Not as dramatic as Sen. Ted Kennedy's impending attack on the natural gas suppliers, and certainly without the exposure the Watergate hearings have given a couple of Republicans mentioned as possible presidential candidates, Mondale's work may have more basic meaning. And it would be unfair to the senator and to the work of his subcommittee to suggest that the hearings are part of any campaign build-up. There is no reason to believe Mondale's humanitarianism and interest in the well-being of the American family are anything but sincere and deeply motivated.

THE 4-F SHORTAGE: FOOD, FUEL, FERTILIZER, AND FORESIGHT

Mr. ABOUREZK. Mr. President, the senior Senator from South Dakota (Mr. McGOVERN) has a well-deserved reputation as a spokesman for family farmers. He has served 4 years in the House of Representatives, 2 years as director of the food for peace program, and 11 years in the U.S. Senate. He has been a member of the Agriculture Committee in both House and Senate.

On October 16, 1973, Senator McGOVERN spoke to the annual convention of the South Dakota Farmers Union. His remarks once more establish the depth of his concern and understanding regarding American agriculture.

He points out that even in a time of high farm prices and high farm income, the picture is not entirely rosy. Energy production has not been adequate to meet agricultural needs. Fertilizer is in short supply. Prices on the commodity markets have been characterized by wild fluctuations. Transportation has not been adequate to meet rural needs.

All of these shortages are at least partially explained by the failure of foresight. We need not accept shortages as inevitable. Most of all we need not accept the ultimate demise of the family farm as unavoidable.

Senator McGOVERN is committed to the concept that the family farm is the cornerstone of American food and fiber production. In his remarks he suggests four steps that will help preserve the family farm and will help provide the foresight needed as we move from an era of abundance to an era of scarcity.

Mr. President, I feel that the remarks of Senator McGOVERN are of such importance that I would commend them to each and every Member of the U.S. Senate. I ask unanimous consent that his comments be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE 4-F SHORTAGE: FOOD, FUEL, FERTILIZER, FORESIGHT

(By Senator GEORGE McGOVERN)

It is an unusual pleasure to be here tonight, with so many of my long-time friends—farm leaders whose advice and opinions have been invaluable to me for all the 16 years that I have been in Washington.

As I reflect over those four years in the House of Representatives, two as President Kennedy's Food for Peace director, and nearly 11 years as your Senator, I find it difficult to name any single year which has been so momentous for American agriculture as the past year.

Average prices for farm products surpassed 100 per cent of parity for the first

time since 1952. Corn stands at 114 per cent, wheat at 127 per cent.

U.S. farm exports this year will set another new record—probably approaching $20 billion.

You are harvesting an all-time record crop—nearly six billion bushels of corn, two billion bushels of wheat and one and one-half billion bushels of soybeans.

A harvest-season price of $2.50 per bushel for corn and $4.75 per bushel for wheat is almost unheard of.

And there are no surpluses overhanging the market, threatening to force prices down to depression levels.

At no time since I became your representative in Washington—at no time since I first joined the House Agriculture Committee back in 1957—could it have been possible to report such encouraging facts.

"Secretary of Agriculture Butz, as early as May of this year, was referring to prosperity for agriculture as ". . . the promised land of sustained growth, profitable production, and income commensurate with that realized by non-farm sectors of the economy . . ."

But is the picture honestly that rosy? Have we really reached the "promised land" in American agriculture?

Let's examine a few more developments of the past year.

The productive miracle of the American farm, for the first time since World War II, could not produce all the food to meet domestic and foreign demand.

U.S. energy production, for the first time, failed to make enough petroleum available for every need. There is not enough propane for crop drying, and many fuel dealers could not meet commitments for harvest operations.

Fertilizer is in seriously short supply. Anhydrous ammonia alone is projected to be one-million tons short in 1974, and many farmers already cannot obtain fertilizer for this fall's field preparation.

The prices of future contracts on many commodities have swung wildly up and down, out of all relation to supply and demand, causing anxiety and uncertainty throughout the food chain.

Boxcars have not been available to move grain to market.

A number of Federal rural assistance programs—REA, rural water and sewer, conservation cost-sharing and others—were arbitrarily cut back by the Administration earlier this year.

And the cost of everything you buy—from feed and feeder livestock to machinery, supplies and interest rates—have increased enormously.

These problems have led to unprecedented complications.

For the first time when the Nation was not at war, the Administration imposed price controls on food and farm products. For the first time in memory, limitations were placed on farm exports.

In the cities, housewives held angry meetings to denounce the price of food and, at least by inference, denounce the farmer for unfairly increasing his prices.

It has been an eventful year for American agriculture. And no wonder that many of us, despite the most encouraging farm prices in a quarter century, have been justifiably nervous.

Most of you have wondered, as I have, how the strongest nation in the history of the world, with the most advanced economy and sophisticated technology, could blunder into chronic shortages of the "three F's"—food, fuel and fertilizer.

The answer, it seems to me, lies in the shortage of a fourth "F"—foresight.

We have known for years that per capita food consumption in the United States and the rest of the developed world has been growing faster than the world's capacity to produce.

We know that the American consumer has become accustomed to 110 pounds of beef, 65 pounds of pork, and 560 pounds of milk and dairy products each year. And we know that rising incomes in the industrial nations make it possible for consumers in other countries—notably Japan and Western Europe—to want and to bid for as much.

Yet we did not plan for an era of scarcity. We continued to plan as if we were destined for centuries of abundance.

It took no great prophet to warn that a Nation with 6 per cent of the world's people using 34 per cent of the world's energy resources would some day exhaust those supplies.

Yet we continue to build two-ton automobiles to carry one person to and from work, consuming a gallon of gasoline in every 7 or 8 miles.

And certainly it has been apparent for many years that, as developing nations improved their economies, they would learn and want the tools of modern food production.

But still, in the face of rapidly rising world demand for farm inputs such as fertilizer, the world's capacity to produce fertilizer slipped relatively behind.

I wonder how it might have been different if the foresight and the ideas of the people in this arena tonight had been setting American food and farm policy. By looking back at some of the policy recommendations over the past 10 or 15 years, I think we can see how it might have been different.

Had one of your key recommendations prevailed, America would have had a strategic reserve, stored on farms, adequate to cope with periods of unanticipated demand such as we have just seen.

We would have had adequate supplies to meet export needs such as that of the Soviet Union last year, without the need for a massive taxpayer subsidy for the grain trade, and without selling one-fourth of your wheat crop in a manner that did not adequately reimburse the producer.

If we had adopted the kind of price policies advocated by the Farmers Union for so many years, food prices and farm income would have moved up steadily over the past 25 years, rather than ballooning in a period of a few short months.

I am convinced that the anguish expressed by consumers earlier this year would have not occurred, if only food and farm prices had kept pace with urban people's incomes and the increases in cost of everything else they buy.

As a result, there would have been no boycotts, no pressure for price rollbacks, and no imposition of this year's unfair and self-defeating food price controls by the President.

Your forward-looking transportation policies could have served to prevent, or at least ease, the crunch created by the lack of rail facilities to move grain to market.

Certainly, the time-honored Farmers Union position on price and income supports, had it been listened to many years ago, would have resulted much earlier in the kind of "target price" system which is in this year's farm bill. But it would have been a far better one.

I am pleased with this year's farm bill, because it establishes in part the concepts first articulated in the Brannan Plan a quarter-century ago. It sets a minimum price, below which the Federal government will not permit farm income to fall. And if market prices should drop below that minimum target price, a direct payment makes up the difference.

And it almost goes without saying that your forward-looking advocacy of greater public control of the Nation's energy resources could have prevented the kind of energy shortage which American farmers are facing this year.

But the Farmers Union position which I regard as the foundation on which all other policies rest is your unending insistence on the family farm as the cornerstone of American food and fibre production.

Had American agricultural policy been established on the firm protection of America's farm families, I am convinced that we would not find ourselves in the contradictions which face us today.

The consumer would be less prone to criticize our agricultural sector if he or she knew that the principal beneficiary of increased food prices were families just like them, and not the corporate giants whose principal responsibilities are to wealthy stockholders.

The substantial increases in farm income this year would be spread more evenly, and spent more widely in the rural communities of America.

And there would have been, over the past dozen years, sustained growth in the farm market for fuel, fertilizer and other farm inputs which are in short supply, and healthy railroad systems serving all rural America.

But, to my regret, this kind of foresight has been lacking in Washington. And we are faced with a number of problems and challenges which must be met. I would like to outline for you just *four* of the steps which, I believe, we must take to prevent a recurrence of many of the less hopeful developments of the past year.

First, we must re-direct our policy from one which grew out of a surplus mentality to one which deals with an age of scarcity. That means we must come to grips with America's role as a food provider in the face of spreading world hunger. We no longer have surpluses to give away, and we must determine how we are to respond to famine and drought in less developed areas.

Maintaining a capability to provide foo[illegible] for those in need is not only a humanita[illegible] goal, but one which is important to e[illegible] American farmer. This week I release[illegible] a study, done for my Senate Nutrition Committee, which demonstrates the impact on the American farm economy of our domestic and foreign food assistance programs. It demonstrates how Food for Peace, food stamps and child feeding programs have provided a sustained, steady source of farm income.

The senior Republican member of the Senate, George Aiken of Vermont, has joined me in an effort to establish a U.S. policy of cooperation and leadership in the development of domestic and foreign food reserves. We should never be caught short again, such as we were in 1973.

Second, we must do more to provide incentive to American farmers to produce the food and fibre that will be demanded by a growing world population and rising world income.

That means that the Secretary of Agriculture should fully use the powers granted under the new farm bill to make it more certain that the farmer will earn a profit if he expands production as the Secretary asks.

One significant action by the Secretary this year goes counter to that goal. In calling for all-out feed grain production, Secretary Butz established a national acreage allotment of 89 million acres for 1974. That compares with 130.1 million acres this year. While it is not likely that prices will fall significantly in 1974, and deficiency payments to make up the target price are not likely to be paid on the farmer's allotted acreage, such a low allotment is a dangerous precedent. It further increases the financial risk of not getting your crops planted or harvested because

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of natural disaster, because the bill provides disaster payments only on allotted acres.

And it means that we should increase the target prices in existing law. When we set the target prices in the Senate Agriculture Committee in April of this year, we used figures which then represented 70 per cent of parity. But by the time the bill came out of Conference, because of the threat of a veto, they had been reduced—to $2.05 per bushel for wheat, $1.38 for corn. And we lost two years of the escalator clause.

But since we started to draw up the farm bill, production costs have increased 7.6 per cent—that's an annual rate of almost 18 per cent. To be fair, then, and have the Federal government share the risk of all-out production, I believe the target price should be increased to at least 70 per cent of parity. Based on today's prices and costs, that means $2.46 for wheat and $1.65 for corn.

Compared with today's market prices, target levels such as those are modest indeed.

Third, we must reform the system of commodity futures trading which affects the price of everything you sell and everything you buy.

Last Friday, I introduced a bill to overhaul the system of Federal regulation of commodity exchanges, in the hope that we can stop the excessive speculation which brought soybean prices to $12.90 a bushel—a price that no farmer in this room ever received or is likely ever to receive.

I propose the creation of an independent, five-member Commodity Exchange Commission, patterned after the Securities and Exchange Commission, which regulates the stock market. My bill would give that commission significantly expanded powers to deal with speculators, and to prevent conflicts of interest which can serve to harm both farmers and consumers.

Some sort of legislation is likely to pass the Congress next year. I have spent the last four months studying the need for reform, and I am convinced that the time is at hand for a positive result.

And *fourth*, we should enact the Family Farm Act of 1973. Senator Abourezk and Senator Gaylord Nelson of Wisconsin and I have introduced a bill which would prohibit farming by large, non-farm corporations which compete unfairly with the family farmers of America.

They are not more efficient; they are less efficient. But they have tax breaks and can compete unfairly for capital, machinery, and other production inputs.

These four steps, I submit, would help develop a system of production of food and fibre which would fairly reward the men and women whose labors are at the very heart of that system. It would be fair to the consumers in our great cities, and to the people of the world.

Such policies would help restore America's image in the world community. And they would, more than anything else, affirm America's leadership in the world.

It does us little good to have the most damaging weapons and the strongest war machine if our economy is in chaos and our capacity to produce food is in disarray. Because America must be more than a first-rate military power. We must be a first-rate moral power if we are to bring peace and order to a troubled world.

With your help, and your continued foresight, we can build the kind of world that we deserve and our children require.

MAKING AMERICA SAFE FOR DEMOCRACY

Mr. McGOVERN. Mr. President, tonight I will address an audience at the Virginia Commonwealth University in Richmond, Va. This is an address which grows out of weeks of thought on my part as to the constitutional crisis the Nation now confronts. I have come to the painful conclusion that given the disturbing revelations of misconduct in the Nixon administration, the dismissal of Special Prosecutor Cox, and the difficulty of pursuing unanswered questions by other methods, that the time has come to begin impeachment proceedings.

Since the election last year, I have been reluctant to speak on the President's involvement in Watergate, because I felt my remarks might be interpreted as the vindictive behavior of a defeated candidate. But I have now come to the conclusion that the only way we can restore public confidence in our constitutional system and establish either the President's innocence or his guilt once and for all is through the constitutional process of impeachment.

I ask unanimous consent that the full text of the address I intend to deliver this evening be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

MAKING AMERICA SAFE FOR DEMOCRACY

(By Senator GEORGE McGOVERN)

In the oath of office taken by the President and members of Congress, there is a single thread from which the fabric of our Republic is woven—and that is to protect and defend the Constitution.

If this thread is broken, then the tapestry on which we have predicated almost two hundred years of our national existence becomes unraveled and meaningless. Those who disregard the Constitution do so at their own peril. And when the office they hold is high enough, and their power great enough, any defiance of the Constitution imperils us all.

The Constitution has been challenged before. And we have survived, because men of honor have put the law and the Constitution above all other concerns. And now we are being tested again.

I do not know what is on those celebrated White House tapes. I do not even care to speculate.

But I do know this: America cannot function with a President who believes he is above the law and who claims the right to defy the Courts, the Congress, and the Constitution.

And I also know that after this turbulent weekend, there is just one agency left with a constitutional remedy. It is the Congress, and the remedy is impeachment. And if we fail to use that remedy, then we, too, invite the contempt of the American people. So as a citizen who loves this nation and as a United States Senator, I believe that the House of Representatives should exercise its constitutional power to begin impeachment proceedings.

We are surrounded by grave national concerns. Yet, the national government is at a standstill, paralyzed by the worst political scandal in our history.

We turn on the news hoping to hear about progress on the fuel crisis so that there will be enough heating oil this winter. Instead, we hear that still another White House aide has been indicted.

We hope to hear that inflation is abating, but instead, we read that the "law and order" Vice President of the United States, after protesting his innocence for so long, has copped a plea to avoid a prison term.

We hope to learn that crime is more nearly under control. Instead, we hear more about a crime wave at 1600 Pennsylvania Avenue.

And finally, we learn that one clear difference between Mr. Nixon and Mr. Agnew is that Mr. Agnew could not fire the people who were investigating him.

Mr. Nixon would have us believe that our national government has not responded to urgent needs in other areas because the Congress has been "wallowing" in Watergate.

But let us not forget who created this wallow and who now keeps us in it—not those who are determined to seek out the truth and to punish the guilty—but those who committed and condoned crimes and who now obstruct justice.

Since the election a year ago, I have been reluctant to speak on the President's involvement in Watergate. For many months I have remained almost silent in the belief that it might seem vindictive for the defeated presidential candidate to comment on the conduct of his opponent's campaign.

So when I have discussed this issue, I have expressed a desire to accept the President's claim of innocence. And I have suggested that even these bad times for the few who have failed the American people could lead to good times for the American system by inspiring a new appreciation for the rule of law and a new respect for the Constitution.

But those hopes, without prompt and vigirous action by the Congress, no longer hold.

How can we take seriously the President's claim to the presumption of innocence if by his every action he invites the assumption of guilt?

And how can we proclaim a renewed faith in the Constitution, if we fail now to use the constitutional mechanisms devised by the framers for precisely the condition we are in today?

It is important that we know the nature of that remedy—that we understand what impeachment does and does not mean. For what I propose today is not that Mr. Nixon be removed from office; it is only that we begin this one kind of inquiry that he must take seriously, because he knows it could lead to that result.

Our constitutional draftsmen understood the lessons taught by the rule of powerful and often arrogant monarchs in England. They feared an excess of power in executive hands. And they took two steps to prevent it.

First, they established checks and balances among the three branches of government. The war power and the power of the purse—those most susceptible to abuse—were placed in the Legislature, the branch closest to the people.

And second, the framers understood that even checks and balances in the Constitution might not suffice in the absence of checks and balances in the President's own conscience. I think they recognized that even the most carefully constructed system could not restrain any leader who was determined to thwart it. So Congress was given the power to investigate the conduct of the President and, in cases of high crimes or misdemeanors, to remove him from office.

If we draw a parallel with the laws by which the rest of the American people are governed, the role of the House of Representatives is similar to that of a Grand Jury. If after investigating and evaluating the facts, a majority of the House votes for impeachment, all that means is that probable cause of wrongdoing has been found and that the case should be tried by the Senate. In other words, the House, like a grand jury, may bring an indictment, which then opens the way for a trial by the Senate.

After the President is impeached by the House of Representatives, the Senate determines his guilt or innocence, with the Chief Justice of the United States presiding over the trial. And here, the standard is more stringent. While the impeachment, or indictment, is accomplished by a simple majority vote in the House, conviction, or removal from office, cannot be voted by anything less than a two-thirds majority in the Senate.

So the procedure is straightforward. It includes ample safeguards for the President and rigorous standards of proof.

And while it provides that remedy, the Constitution also assures that the removal of one man shall not mean either the collapse of the Presidency or the fall of our system. Indeed, James Madison and his colleagues saw the power of impeachment as an essential restraint against arbitrary one-man rule.

The American people can be assured that the government will continue. Considering the performance of government over the past nine months, it may well be that impeachment, far from damaging our political system, is the best method of restoring public confidence in that system. It could dispel the dark clouds over the White House, either by vindicating the President's claim of innocence or by replacing him with someone who will heed the obligations of the Constitution.

As a member of the Senate, I must reserve my judgment on conviction until the case is before the Senate. But the process of impeachment should begin now.

Indeed, some authorities, including members of the House of Representatives and the entire national board of the distinguished American Civil Liberties Union, have seen grounds for impeachment for some time.

In describing the "decisive engine" of impeachment, James Madison declared that it should make the President personally responsible for his subordinates—"to superintend their conduct so as to check their excesses." Certainly, there is cause to question whether that responsibility has been met.

The list of Nixon Administration offenses includes bribery, forgery, burglary, perjury, unlawful wiretapping, obstruction of justice, destruction of evidence, improper use of sensitive government agencies such as the Internal Revenue Service, the FBI and the CIA, and the "fixing" of antitrust suits.

If Mr. Nixon knew about this criminal behavior and either condoned it or covered it up, he has obviously betrayed his high office. If he did not know that all about him, his top aides were sabotaging our democratic process, he is obviously unqualified to lead a great nation.

The President's oath of office requires that he uphold and defend the Constitution, which assigns the war power to Congress. Yet, Mr. Nixon deceived the Congress and the American people by covering up and denying fourteen months of bombing in Cambodia. Did that action uphold the Constitution, or were the Constitution and the presidential oath both betrayed?

Those activities and others—including the establishment of a White House "plumbers" unit with a mandate which contemplated clear violations of law—all raise the impeachment question.

But Mr. Nixon has gone much further. He says he offers compromise through the courtesy of Senator Stennis or the White House tapes; but in fact, he stands in contempt of definitive orders by the United States District Court and the Court of Appeals. Judge Sirica did not instruct Mr. Nixon to summarize selective portions of the tapes for a single Senator of his choosing. He ordered him to surrender the tapes for examination by the Court. The Court of Appeals sustained Judge Sirica. The President's obligation was to appeal those decisions of the highest Court in the land, or else to obey them. He has done neither. And his conduct not only prevents a full and fair investigation of his own role in a clear defiance of the rule of law; it also jeopardizes the prosecution and the defense of other alleged participants in Watergate.

Finally, Mr. Nixon stands in contempt of the United States Senate. Elliot Richardson was confirmed as Attorney General only after the President pledged that Mr. Richardson would have absolute authority to make all decisions bearing upon the Watergate case and related matters . . . [including] the authority to name a special supervising prosecutor for matters arising out of that case."

And before he was confirmed, Mr. Richardson promised the Senate that he would do just that, and that the special prosecutor would be independent. Mr. Richardson kept his promise, even though he was ordered to violate it, and even at the risk of his career. And Mr. Nixon kept appointing acting Attorneys General until he found one who wanted the job badly enough to dismiss Special Prosecutor Cox and then seal off and close down his office, and stop the Watergate inquiry dead in its tracks.

In effect, Mr. Nixon has served notice that no inquiry by the Justice Department or by the judicial system will be permitted to follow the truth into the oval office. Is this not clearly an obstruction of justice? Surely, Mr. Nixon knows that the Senate insisted on an impartial prosecutor in the first place because it had ample reason to doubt the reliability of the Administration's investigation of itself. But beyond this, the courts have spoken clearly to Mr. Nixon and he has chosen to ignore their orders.

After this most recent constitutional challenge, the Congress has no choice but impeachment.

Other nations have fallen in the wilderness in which we now wander, where the pursuit of power breaks the bounds of principle, where there is justice only for some and finally liberty for none.

Yet, there is a beacon in the gathering darkness; it has lighted our way and the work of our forbearers throughout the life of this land. That beacon is the Constitution, and if we follow it now, we can come home again to the true America. We can live once more by ideals instead of deals. We can be ruled once more by democratic traditions instead of dirty tricks. We can step again to the message which has seemed until recent days to be sounded only by a distant drummer—a faith which was kept by Archibald Cox even as he lost his position—that ours must be a government of laws, not of men, and certainly, not of one man. No one man is indispensable to the Presidency, but the Constitution is indispensable. The law must be sustained; and the highest officials of government have the most solemn obligation of conscience to bend their wishes and their will before the bar of justice.

So the question of impeachment is put to the Congress and the country. We hoped to avoid it, but it has come. We sought to avert a constitutional crisis, but unless we face it, we will sanction and perhaps fasten upon our children the excess of an unrestrained executive power. If what this President has done is not a cause to begin impeachment, what can ever call any President to account?

This is not a partisan matter, but a matter of principle. Elliot Richardson and William Ruckelshaus are Republicans who resigned, not to help the Democratic Party, but because they put duty to America ahead of any political party. And this is not an attack on the Presidency, but a defense of it. For if we condone, even by our inaction, the wrongs of Watergate and the White House horrors, our political process will be dishonored; the office of the Presidency will be disgraced; and we will be blamed as long as men read or remember history for betraying the promise of America.

We cannot wait for history's judgment. We must have the courage to judge. We must find a way out of the wilderness. And there is only one path, marked out for us by Thomas Jefferson in the Declaration of Independence and by James Madison, the father of the Constitution. Here in this historic City, we remember their heritage; and in every part of this country we must resolve to make our own. We must follow our conscience and our Constitution wherever they take us, even to impeachment. We can change Presidents, but we must not change our principles.

Almost sixty years ago, a great Virginian and a great President, Woodrow Wilson, called on the people of this nation to make the world safe for democracy. Now, we the people must summon ourselves to a task at least as difficult and even more fundamental—to make America safe for democracy.

THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a call of the calendar beginning with Calendar No. 444 and extending through Calendar No. 450.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL EXPENDITURES BY THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

The resolution (S. Res. 178) authorizing additional expenditures by the Committee on Interior and Insular Affairs for routine purposes was considered and agreed to as follows:

Resolved, That the Committee on Interior and Insular Affairs is authorized to expend from the contingent fund of the Senate, during the Ninety-third Congress, $25,000 in addition to the amount and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act of 1946, and in S. Res. 96, agreed to May 10, 1973, and S. Res. 137, agreed to July 20, 1973.

ADDITIONAL COPIES OF SENATE HEARINGS ON COPYRIGHT LAW REVISION

The resolution (S. Res. 188) authorizing the printing of additional copies of Senate hearings on copyright law revision was considered and agreed to, as follows:

Resolved, That there be printed for the use of the Committee on the Judiciary one thousand additional copies of the hearings before its Subcommittee on Patents, Trademarks, and Copyrights during the present session on Copyright Law Revision.

SUPPLEMENTAL EXPENDITURES BY THE COMMITTEE ON VETERANS' AFFAIRS

The Senate proceeded to consider the resolution (S. Res. 170) authorizing supplemental expenditures by the Committee on Veterans' Affairs for inquiries and investigations which had been reported from the Committee on Rules and Administration with an amendment on page 1, line 1, after the word "Resolved," strike out "That S. Res. 47, Ninety-third Congress, agreed to February 22, 1973, is amended as follows:

(1) In section 2, strike out the amounts "$100,000" and "$40,000" and insert in lieu thereof "$250,000" and "$50,000", respectively." and, in lieu thereof, insert: "That section 2 of Senate Resolution 47, Ninety-third Congress, agreed to February 22, 1973, is amended by striking out the amounts "$100,000" and "$40,000"

and inserting in lieu thereof "$210,000" and $50,000", respectively."

The amendment was agreed to.

The resolution, as amended, was agreed to.

ORDER FOR PRINTING OF A COMPILATION OF THE 25TH AMENDMENT

The Senate proceeded to consider the resolution (S. Res. 183) authorizing the printing of a compilation of materials on the 25th amendment as a Senate document which had been reported from the Committee on Rules and Administration with an amendment on page 1, at the beginning of line 6, strike out "document for the use of that committee." and insert "document, of which one thousand copies shall be for the use of the Committee on the Judiciary and one thousand copies shall be for the use of the Committee on Rules and Administration."

The amendment was agreed to.

The resolution, as amended, was agreed to, as follows:

Resolved, That a compilation entitled "Selected Materials on the Twenty-fifth Amendment", prepared by the Subcommittee on Constitutional Amendments, Committee on the Judiciary, be printed as a Senate document, and that there be printed two thousand additional copies of such document, of which one thousand copies shall be for the use of the Committee on the Judiciary and one thousand copies shall be for the use of the Committee on Rules and Administration.

ORDER FOR PRINTING ADDITIONAL COPIES OF HEARINGS ENTITLED "U.S. INTERESTS IN AND POLICY TOWARD THE PERSIAN GULF"

The concurrent resolution (H. Con. Res. 275) providing for the printing of 1,000 additional copies of the hearings before the Subcommittee on the Near East of the Committee on Foreign Affairs entitled "U.S. Interests in and Policy Toward the Persian Gulf" was considered and agreed to.

ORDER FOR PRINTING ADDITIONAL COPIES OF REPORT OF THE COMMISSION ON THE BANKRUPTCY LAWS OF THE UNITED STATES

The concurrent resolution (H. Con. Res. 322) to reprint and print the corrected Report of the Commission on the Bankruptcy Laws of the United States was considered and agreed to.

ORDER FOR PRINTING AS A HOUSE DOCUMENT THE CONSTITUTION OF THE UNITED STATES

The Senate proceeded to consider the concurrent resolution (H. Con. Res. 184) to print as a House document the Constitution of the United States which had been reported from the Committee on Rules and Administration with an amendment on page 2, add the following new section:

SEC. 2. There shall be printed fifty-one thousand five hundred additional copies of the document authorized by section 1 of this concurrent resolution for the use of the Senate.

The amendment was agreed to.

The concurrent resolution, as amended, was agreed to.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, October 23, 1973, he presented to the President of the United States the following enrolled bills:

S. 907. An act to authorize the appropriation of $150,000 to assist in financing the arctic winter games to be held in the State of Alaska in 1974; and

S. 2016. An act to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HELMS). Without objection, it is so ordered.

THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 442 and 443.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES AND IMMUNITIES TO THE ORGANIZATION OF AFRICAN UNITY

The bill (S. 1526) to amend the International Organizations Immunities Act to authorize the President to extend certain privileges and immunities to the Organization of African Unity was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1526

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the International Organizations Immunities Act (22 U.S.C. 288–288f) is amended by adding at the end thereof the following new section:

"SEC. 12. The provisions of this title may be extended to the Organization for African Unity in the same manner, to the same extent, and subject to the same conditions, as they may be extended to a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation.".

CERTAIN PRIVILEGES GRANTED TO THE COUNCIL OF THE ORGANIZATION OF AMERICAN STATES

The bill (H.R. 5943) to amend the law authorizing the President to extend certain privileges to representatives of member states on the Council of the Organization of American States was considered, ordered to a third reading, read the third time, and passed.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, on Friday, October 26, 1973, the Senate will convene at 12 o'clock noon.

Under the order previously entered, after the recognition of the two leaders or their designees under the standing order, there will be a period for the transaction of routine morning business not to exceed 30 minutes, with statements therein limited to the usual three minutes.

I do not anticipate any business, unless there are measures on the Calendar which have been cleared for action and possibly any conference reports that may be available and awaiting action.

I do not, at this time, anticipate any yea-and-nay votes.

ADJOURNMENT TO FRIDAY

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon on Friday next.

The motion was agreed to; and at 3:07 p.m. the Senate adjourned until Friday, October 26, 1973, at 12 o'clock noon.

NOMINATION

Executive nomination received by the Senate on October 19, 1973, pursuant to the order of October 18, 1973:

FOREIGN CLAIMS SETTLEMENT COMMISSION

Kieran O'Doherty, of New York, to be a member of the Foreign Claims Settlement Commission of the United States for a term of 3 years from October 22, 1973 (reappointment).

HOUSE OF REPRESENTATIVES—*Tuesday, October 23, 1973*

The House met at 12 o'clock noon.

Rabbi Sally Preisand, Stephen Wise Free Synagogue, New York, N.Y., offered the following prayer:

Once again, we consecrate ourselves to the task of building a better world. Those who sit here have been granted positions of authority by their fellow citizens. May they use their power wisely and for the good of all, and may their decisions ever reflect a true sensitivity toward human needs. May they uphold the law of righteousness in America and courageously defend the democratic system wherever its survival is threatened. Proud of our achievements, yet aware of our shortcomings, may all our citizens unite in the spirit of concord and compassion to solve the problems of contemporary life and to create a world in which all people might at last live together in peace and in unity with none to make them afraid.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

RABBI SALLY PREISAND

(Ms. ABZUG asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Ms. ABZUG. Mr. Speaker, today we have been privileged to hear the prayer and receive the guidance of Rabbi Sally Preisand, assistant rabbi of the Stephen Wise Free Synagogue in New York.

This is indeed a historic occasion for more reasons than one. One is because, Mr. Speaker, Rabbi Preisand is the first woman rabbi in America and the first to offer the morning prayer to the House of Representatives.

Ordained over a year ago, Rabbi Preisand is now associated with one of the finest synagogues in all New York, the Stephen Wise Free Synagogue, which serves many of my constituents and those of other Members of this House. Educated at the University of Cincinnati and the Hebrew Union College, she fulfills all the duties of a member of the clergy. She performs marriages and leads confirmation classes and Hebrew studies; she meets with the youth groups and with the trustees; she works with the elderly and the young; and conducts the Friday night and Saturday morning worship services.

But as Rabbi Preisand has said, "A rabbi is also a leader and a counselor." Rabbi Preisand recognizes the importance of her position as a model for young Jewish women. She has said, "I'm proud, perhaps proudest, that now little girls can grow up knowing they can be rabbis if they want to." Her accomplishments have been recognized by many all over the country.

As we learn from her words today, so can we learn from her life; to help others, to give leadership and to be open to change within the institutions of our society must be our goal, as it is hers.

MAJORITY LEADER THOMAS P. O'NEILL, JR., SAYS JUDICIARY COMMITTEE TO STUDY IMPEACHMENT QUESTION

(Mr. O'NEILL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. O'NEILL. Mr. Speaker, let us review the action of the President of the United States.

No other President in the history of this Nation has brought the highest office in the land into such low repute. His conduct must bring shame upon us all.

By his highhanded firing of the special prosecutor, President Nixon has violated the solemn promise he made to the Congress and to the American people on nationwide television last April 30.

The resignation of the Attorney General, Mr. Richardson, and the Deputy Attorney General, Mr. Ruckelshaus, was the only course available to honorable men. And of honorable men, this administration has had few enough. Now it is poorer still by two and many excellent staff assistants.

I have never seen such an avalanche of angry telegrams. The Capitol required extra help on the switchboard over the weekend. The Western Union lines were jammed.

Mr. Speaker, many people are demanding impeachment. They have suffered patiently through the whole sordid Watergate mess. In the American spirit of fairplay and the right to a presumption of innocence, they accepted the arrangement proposed by President Nixon last April—a special prosecutor who would investigate Watergate wherever it might lead and who would make the truth known to the American public. Those were the terms fixed by President Nixon himself.

Now he has chosen to violate those terms—deliberately and with premeditation. His act raises serious questions of President Nixon's ability to govern this Nation.

He has left the people no recourse. They have had enough doubledealing. In their anger and exasperation, the people have turned to the House of Representatives. It is the responsibility of the House to examine its constitutional responsibilities in this matter. The case must be referred to the Judiciary Committee for speedy and expeditious consideration. The House must act with determined leadership and strength.

LEGISLATION TO PROHIBIT PRESIDENT FROM APPOINTING ACTING DIRECTOR OF FBI

(Mrs. GRIFFITHS asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. GRIFFITHS. Mr. Speaker, I have today introduced a bill which I have had under consideration for some time, a bill which would prohibit the President of the United States from appointing an Acting Director of the FBI. I do not believe that any man should be able to appoint an Acting Director of the FBI and ask that the files of anyone whom he chose be turned over to the President.

I have given this authority to the oldest-in-seniority Justice of the Supreme Court, and then just to make sure I have said that anyone who acts under color of authority of the President be liable to 6 months in jail and a $10,000 fine.

I urge the Committee on the Judiciary to take immediate recognition of this bill and to enlarge it so that a President of the United States cannot appoint an Acting Director of anything for any period whatsoever.

The President should not be able to tell a day enforcement officer, "Do what I tell you to do and I will promote you; or I will fire you if you do not." This is dictatorship and contrary to the American system.

REPUBLICAN LEADERSHIP SUPPORTS REFERRAL OF RESOLUTIONS TO COMMITTEE ON JUDICIARY

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, I wish to announce to the Members of the House that the House Republican leadership met this morning and I communicated the information to the distinguished Speaker of the House that we do support the referral of any resolutions to the House Committee on the Judiciary.

IMPEACHMENT OF THE PRESIDENT

(Mr. WALDIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALDIE. Mr. Speaker, I have introduced a resolution of impeachment.

I have done so because I think the crisis that today confronts the country demands that we in the House not step away from confronting that crisis by taking less than the concrete step of impeachment. To begin an "inquiry," to begin less than an impeachment process, is an admission on the part of the House of Representatives that this body is not willing to accept the responsibility that the Constitution thrusts upon it, and that the bizarre actions of the President last weekend thrust upon it.

The President's incredible and bizarre actions this last weekend have culminated a long pattern of pure and unmistakable obstruction of justice. The President has shown utter contempt for the judicial branch of the Government. He has shown equal contempt for the legislative branch of the Government. The President does not believe in a rule of law. His arrogance and lawless activity can no longer be tolerated.

If the House of Representatives refuses to embark upon a proceeding of impeachment, the House of Representatives will be deserving of that contempt.

Mr. Speaker, I urge the House of Representatives to commence impeachment proceedings against the President immediately.

PROPOSED SELECT COMMITTEE

(Mr. SISK asked and was given permission to address the House for 1 min-

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ute and to revise and extend his remarks.)

Mr. SISK. Mr. Speaker, it is with a great deal of sorrow that I find myself in a situation today where I introduced a resolution to create a select committee of 15 Members empowered and with full authority to report an impeachment resolution to the House within 30 days, or such other resolution of censure or anything else that that committee may find necessary to meet this situation.

Mr. Speaker, I deeply regret that this action is necessary, but this Nation is confronted not only with a constitutional crisis, but a question of whether, in fact, the President of the United States has placed himself above the law and has actually violated laws.

Mr. Speaker, certainly in connection with the statement made by the minority leader a few moments ago, I will support a full-scale investigation and immediate action by the Judiciary Committee, if that is the desire of the leadership. But I want it clearly understood that I feel very strongly that this matter must be done immediately, that we can no longer drag our feet; that it is no longer a matter that can be swept under the rug and that we must proceed expeditiously, because the country demands it. I think America demands it in equity and in justice.

Therefore, we as Members of this House must live up to our constitutional requirements and meet our obligations.

PROPOSED IMPEACHMENT PROCEEDINGS

(Mr. HAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYS. Mr. Speaker, I as chairman and 11 other Members of the House were in Ankara, Turkey, to attend a meeting of the North Atlantic Assembly, when on early Sunday morning we received this news. The immediate decision was, because we did not know what might happen today, to return; and we arrived only at 11:30 today at Andrews Air Force Base. But I can say that when this word was given to the standing committee which met on Sunday of what the President had done, there was absolute amazement, shock, and horror, from every delegate there. In any other country in the world the President would have resigned. If he had not, he would have been forced by a vote of no confidence by precipitating this crisis and taking over as his domain the judiciary of the United States.

I have supported the President a lot more than I have ever opposed him. I have supported him almost 100 percent in foreign policy, but I cannot condone this kind of action.

I would have no more confidence in the Justice Department under his handpicked man than I would in an Egyptian war communique.

I just want to say that I am willing to wait for a reasonable investigation, that is, in a reasonable length of time; but if it drags on, then I think the House will be confronted with some Member calling up an immediate impeachment resolution for a vote up or down.

IMPEACH THE PRESIDENT

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Ms. ABZUG. Mr. Speaker, will the gentlewoman yield?

Ms. SCHROEDER. I yield to the gentlewoman from New York.

Ms. ABZUG. Mr. Speaker, I have introduced today a resolution setting forth reasons why President Nixon should be impeached for high crimes and misdemeanors.

The President has shocked the Nation by defying a Federal court order on the tapes and violating a solemn commitment to the Senate by summarily dismissing special prosecutor, Archibald Cox, and abolishing his office. There has been a groundswell of protest from every part of the Nation, from Republicans as well as Democrats, from citizens who profoundly respect our constitutional form of democracy and are appalled that the Chief Executive does not.

A common theme appears in the phone calls and telegrams pouring into my office: The President is not above the law or beyond the reach of the courts. He must be called to account for his actions through the process of impeachment by the House and trial by the Senate.

Since last May I have been asking the House Judiciary Committee to inquire into the conduct of the President to determine whether he has committed impeachable acts. I believe it is now evident that he has done so. His contempt for the Constitution, the courts, and the people, as seen in the Cox dismissal, climaxes a long series of unlawful and antidemocratic actions by the President. His attempt to cover up the evidence and to shut down the Cox investigation indicates that the trail was indeed leading into the Oval Office.

The articles of impeachment I have offered charge the President with seven separate violations of the Constitution and the law, ranging from the tapes issue and the ouster of Mr. Cox to the impounding of funds and the secret, illegal bombing of Cambodia.

All these and other charges should be thoroughly investigated by the Judiciary Committee so that the people may have the full facts.

IMPEACHMENT OF THE PRESIDENT

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, my office and my home have been flooded with calls from constituents since the President discharged Special Prosecutor Cox last Saturday evening.

One woman from Rhinelander, Wis., called me at 12:30 Saturday night. She told me that last November, even though she was 8½ months pregnant, she had distributed literature in support of the reelection of the President. She asked me to please support impeachment proceedings. Her call was not unique. Many good Republicans are every bit as disturbed as Democrats over the sobering turn of events of this weekend.

There are many important questions surrounding the events of the past weekend and the entire Watergate controversy. But, for the country, the most important question to ask is whether Richard Nixon's Presidency has lost its usefulness. I believe it has. For this President, trust is gone, belief is gone, the public's good will is gone, and nothing short of a miracle will restore it.

Presidents are elected for 4 years to govern, not to rule, and it is sadly apparent that this President can no longer really govern.

Mr. Speaker, I believe you and a delegation from the House should call upon the President, pledge early action on the nomination of Representative Ford to the Vice Presidency, and urge Mr. Nixon's immediate resignation for the good of the country upon the confirmation of Mr. Ford. That would be the best thing Mr. Nixon could do for the country.

CENSURE OF THE PRESIDENT

(Mr. LONG of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LONG of Maryland. Mr. Speaker, heretofore, I have been reluctant even to think about impeachment, but if the President persists in his defiance of the courts, and in his orders to the Federal prosecutors not to seek to invoke the judicial process further to compel production of recordings, notes, and memoranda regarding the Watergate prosecution, then our Constitution is imperiled and Congress has no alternative, but to proceed with impeachment proceedings.

I represent a district which voted for Nixon by a 75-percent margin. Yet, yesterday, I received 239 telephone calls of which 200—5 to 1—were for impeachment. These calls came from people of all economic conditions and political persuasion. Never has anything even approached this outpouring of sentiment in my district. It is as if a dam had broken.

First, I support the launching of an inquiry leading to impeachment.

Second, if the inquiry results in a finding that the President is in violation of the law, and of the Constitution, I shall vote for impeachment.

Third, I urge that the investigation into the qualifications of Gerald Ford be speeded up, in the hope that Congressman Ford can be confirmed by Congress as Vice President with the view of removing any political considerations from the impeachment proceedings.

Fourth, I came here today introducing a resolution of censure of the President; a resolution that does not prejudice or preclude any subsequent proceedings for impeachment.

PREMATURE IMPEACHMENT PROCEEDINGS

(Mr. FISHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FISHER. Mr. Speaker, I am amazed at the Members who have so prematurely urged impeachment proceedings against the President. After all, as of this time, what has he done? The Attorney General has said the President as of this time has violated no court order.

The issue over revealing the contents of recordings of private conversations by the President with his aides has been litigated extensively. Last week Mr. Nixon announced a plan to reveal the contents of the recordings and have the accuracy and completeness of his summary verified by Senator John Stennis. That arrangement had the approval of Senator Ervin and of Senator Baker, spokesmen for the Senate Watergate Committee. If it is not approved by Judge Sirica, then that would present another question. But that point has not yet been reached.

In regard to the President firing Archibald Cox, who had defied the President's plan to reveal the contents of the tapes, that certainly is no grounds for impeachment. I recall that when President Truman fired General McArthur, thousands of telegrams of protest were received on Capitol Hill. But no one even suggested impeaching Truman. After all, Mr. Cox worked for the executive branch and President Nixon was his boss.

Let us restrain ourselves until the outcome of the President's proposal to reveal the contents of the tapes has been determined.

IMPEACHMENT OF THE PRESIDENT

(Mr. WOLFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WOLFF. Mr. Speaker, it is with a heavy heart that I rise today to call for the impeachment of President Nixon for the high crime of refusal to obey an order of the Federal Court of Appeals of the District of Columbia. If the law of the land is to be maintained and anarchy or totalitarianism to be avoided, there is no alternative but that the President comply with the order of the court or suffer this body to begin immediate impeachment proceedings.

This weekend the Nation was rocked by the news of the resignations of Attorney General Elliot Richardson and Deputy Attorney General William Ruckelshaus and the firing of Special Watergate Prosecutor Archibald Cox. These tragic events bring to a head the unconscionable abuse and arrogation of power by the President of the United States who has placed himself in defiance of both the courts and the laws of our land.

Indeed, the issue of impeachment concerns more than the President's refusal to comply with the order issued by District Judge John Sirica and the U.S. Court of Appeals that he turn over the White House tapes in a specific and prescribed manner. The shielding of witnesses in criminal investigations through the improper use of executive privilege, the seizing and sealing of the Special Prosecutor's files and the concealment and withholding of documents and other evidence relating to alleged criminal activities constitute a shocking and blatant obstruction of the process of justice, which is itself a felony and clearly an impeachable offense.

Mr. Speaker, the President's actions leave the Congress no alternative but to act to bring about whatever procedures may be necessary for a return to orderly government within the democratic process.

PROPOSED IMPEACHMENT OF THE PRESIDENT

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, as a result of the President's incredible actions last Saturday which resulted in the removal from Government of Attorney General Richardson, Deputy Attorney General Ruckelshaus and Special Prosecutor Cox, I am joining those of my colleagues who are introducing impeachment resolutions.

It was my hope that this action would not be necessary—that the President would comply with the order of the Federal courts—that the President would allow the special prosecution to move without restraint; that the President would support due process of law.

The President's dissolution of the prosecution is equivalent to an order that further proceedings be dropped against indicted former Attorney General Mitchell, against indicted former Commerce Secretary Stans, against indicted White House aides, as well as other White House manipulators.

The President's action grossly violates his solemn constitutional promise to support the laws of the land. He leaves the Congress with no other alternative than to review his disobedience to the law and his right to remain in office.

A RESOLUTION OF IMPEACHMENT

(Mr. RIEGLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIEGLE. Mr. Speaker, like every other Member who rises to speak today, I have given long and careful thought to my own remarks, and I speak with all my feeling.

I think President Nixon has broken the law and he has violated his sworn oath of office. He has done this not once, but several times. By so doing, he has disgraced his country and himself. This is a matter of great sadness; it is also a cause of justified public outrage. The President has broken his word to the American people and has violated the bond of sacred trust that must exist between the President and our people.

The President with his specific actions of the last week is openly involved in a criminal obstruction of justice. If he does not cease this obstruction and end his lawlessness, then he leaves the American people and this Congress no choice but to remove him from office. We can have only one set of laws in America, and they must apply equally to all of us.

Therefore, my sworn oath of office to protect and defend our Constitution and our laws requires me to file a formal resolution of impeachment. As soon as I can properly and carefully prepare such a resolution, I will so file it.

A LEGISLATIVE LYNCH MOB

(Mr. KUYKENDALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUYKENDALL. Mr. Speaker, time and time again today this situation has been called unprecedented. Those Members who are students of history know that this situation is not unprecedented. It happened to a President of the United States from my home State of Tennessee. Shortly after the Civil War, a man stood for unity, stood against the Congress of the United States for even treatment of all parts of this Nation, and he was lynched legislatively in this House. It took one man in the U.S. Senate being hauled in on a stretcher to save this Nation from one of the blackest spots that would have been in its history.

It was President John F. Kennedy in his book, "Profiles in Courage," who finally told the true story of what happened.

I warn everyone in this House to go slowly. Do not be part of a legislative lynch mob. This can happen, as it did happen in this House to Andrew Johnson shortly after the Civil War.

For those who would rush into this proceeding without going through an investigation, without going through the procedure suggested by the gentleman from Michigan (Mr. Gerald R. Ford), I have here a symbol for their actions.

THE PRESIDENT HAS NOT DEFIED A COURT ORDER

(Mr. WYMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYMAN. Mr. Speaker, let us not go off the deep end here today. It is very clear that Mr. Cox and the President have been having differences in regard to the former's jurisdiction. It is also obvious that the President feels very deeply about the privilege of Executive papers for this President or any President.

It does not make sense to me, and I am sure it does not to most of us, for the President not to appeal the Court of Appeals decision, and then after having failed to appeal within the designated limit, to offer a compromise, which if it is not accepted can only result in a possible contempt citation.

But let it be remembered at this hour that the President has not yet defied a court order of any court in this land. It is

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to be fervently hoped that he will not do so, for at stake is the very integrity of our system, our system of justice and even the Constitution of the United States itself.

At this juncture the developments of the past few days are regrettable but not impeachable. I think it is important to set the record straight in this respect, in light of some of the near hysterically misleading statements we have been listening to this noon.

IMPEACHMENT OF PRESIDENT NIXON

(Mr. BROYHILL of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROYHILL of Virginia. Mr. Speaker, this Congerss has an opportunity today to display a maturity of legislative judgment in response to outcries for the impeachment of President Nixon.

We must not, Mr. Speaker, be led down the garden path of prejudgment behind the prejudice of the Nation's press, and the political bias of the anti-Nixon claque in our country.

Archibald Cox has chosen to set himself above the compromise on the tapes worked out between the President and the Senate Watergate Committee. To allow Mr. Cox to continue in office would be to allow him to function as a fourth branch of Government.

Every one of us, Mr. Speaker, understands the President's right to confidentiality in the operation of his office. None of us could long remain in office if we violated the confidentiality of the daily letters we receive and conversations we have with our constituents. They trust us to protect their privacy in their discussions with us regarding their marital, financial, emotional, employment, and other personal problems.

Let us proceed, Mr. Speaker, as the people's Representatives, and determine the full facts before we allow mass media hysteria to replace reasoned judgment.

IMPEACHMENT CRY PREMATURE

(Mr. DICKINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DICKINSON. Mr. Speaker, following the cries of impeachment which have been heard this morning, I would observe that some persons uttering this cry are well-meaning and sincere, others are mounting sheer sloppy demagoguery. Mr. Speaker, all cries are premature and not well founded.

Article II, section 4 of the Constitution states:

> The President, Vice President, and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high crimes and Misdemeanors.

What are these high crimes and misdemeanors committed by President Nixon?

I find it rather amazing that anyone could demand the impeachment of the President of the United States—the most extreme action the Congress could take and which has never happened to a President in our history—simply because he fired an employee of the executive branch which he appointed. Nowhere in the Constitution of the United States do I find such action listed as an impeachable offense. It may not have been good judgment, but it is certainly no crime.

If the firing of one's employee, in this case Mr. Cox, is a high crime of misdemeanor, then I say that there has not lived a President who should not have been impeached.

Is the President's high crime or misdemeanor that he is defying the courts?

I think not. Less than 1 hour ago the Acting Attorney General of the United States relayed the word that talks were underway and that negotiations were being considered to resolve the tapes conflict. I predict that if the courts order President Nixon to produce the tapes he will comply.

Mr. Speaker, the President of the United States has been charged with no crime, and he has committed no crime. This morning's cries of impeachment are, to say the least, premature and unfounded.

CONFIRMATION OF GERALD R. FORD AS VICE PRESIDENT

(Mr. WILLIAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAMS. Mr. Speaker, the resignations this weekend of Attorney General Elliot L. Richardson, and Deputy Attorney General William D. Ruckelshaus, and subsequent removal from office of Watergate Special Prosecutor Archibald Cox, are serious and grave steps taken by President Nixon.

On a number of occasions, President Nixon has demanded that Watergate be tried in the courts. This is exactly what Watergate Prosecutor Cox was attempting to do when fired by the President.

The resignations and firing which were brought about by Mr. Nixon represent a 180-degree turn in his commitment to the Congress and the American people to have a thorough, full, and impartial investigation into the Watergate incident and its subsequent coverup effort. Actually, when President Nixon appointed Elliot Richardson as Attorney General, William Ruckelshaus as Deputy Attorney General, and Richardson appointed Archibald Cox as Watergate Prosecutor, Mr. Nixon was selecting his own people and repeatedly announced that he had complete confidence in their integrity and character.

Due to this abrupt reversal on the part of the President, I am willing to participate in the debate of possible impeachment proceedings. However, I must make clear my total opposition to any impeachment of the President prior to the confirmation by the House and Senate of Gerald Ford as Vice President.

When Gerald Ford was nominated to be Vice President a week ago last Friday, that action was met by acclaim by almost all Republicans and Democrats in Congress. It is time now to put aside partisan politics and confirm Mr. Ford's nomination, before any attempt is made to institute impeachment proceedings.

CONGRESSIONAL INVESTIGATION WITH RESPECT TO IMPEACHMENT

(Mr. GUDE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUDE. Mr. Speaker, the Congress must immediately pick up the threads of the investigation which have been cut by the President this weekend. We should retain Mr. Cox to continue this investigation.

The President may now agree to a court order but, because of the imminent danger of an unprecedented constitutional impasse, the Congress must assemble all evidence which would point to an impeachment of the President so that we are prepared to act with reason and justice, and without prejudice.

IN SUPPORT OF PRESIDENT NIXON

(Mr. PASSMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASSMAN. Mr. Speaker, I would be remiss in my responsibility as a God-fearing and God-loving American if I did not express myself now as my heart and conscience dictate, keeping in mind that of my position you may deprive me, but of my integrity, never.

Our great country has never had a bad President. Some have been greater than others, and in my considered judgment history will record Richard M. Nixon as the greatest President this Nation has ever had. We should be commending this great President, not condemning him. We are inclined to forget too quickly what he has accomplished for this land that we love.

He concluded, under most difficult circumstances, the Vietnam war; he established a dialog with Mainland China and doubtless prevented them from going into the arms of Russia. This act may have prevented world war III. And, it appears, that he is well on his way to bringing peace in the Middle East.

There comes a time when the fainthearted run for the showers; then, those with courage must speak up. I am taking my position on the side of the President, because I believe he possesses unimpeachable integrity. I contend that his troubles began when he put the Communist, Alger Hiss, in jail.

Those with the brains of a juvenile moron know that the President is working within the framework of the law. We should not persecute our President for trying to protect the office of the Presidency. There are those who would settle for nothing less than to force the President, if they could, to confess to crimes he has not committed. There are those who would destroy the Presidency if it would mean the destruction of Richard M. Nixon.

IMPEACHMENT IS NOT THE ANSWER

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I also think that talk of impeachment at this time is unreasonable.

If we impeach President Nixon, what happens next? I believe that after the people of the Nation get over the shock of the last 2 weeks, they are not going to support this drastic action.

Mr. Speaker, quite frankly, this talk of impeachment gives me a knot in my stomach.

ON IMPEACHMENT

(Mr. ROUSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ROUSH. Mr. Speaker, the indignation of those who have spoken out concerning the President's brash and irrational actions in dismissing Mr. Cox and Mr. Ruckelshaus and causing the resignation of Mr. Richardson is well founded. What he has done deserves the sharpest of criticism and condemnation.

Should we now proceed with impeachment? What a profound and difficult question to deliberate. Mr. Speaker, I am overwhelmed by the events which have overtaken us. I, too, am indignant and have strong feelings concerning the President's action and immediate judgment is tempting; however, because of the importance and the gravity of this matter my decision on the question of impeachment must be well considered and deliberate. It must be consistent with the dictates of the Constitution and the laws of the land and above all serve the best interests of my country and its people. My decision will be made accordingly.

THE PRESIDENT'S ALTERNATIVES

(Mr. WYLIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYLIE. Mr. Speaker, when I first heard of the arrangement to release the tapes on Saturday, I felt relieved. This seemed like a happy solution in order to avoid a confrontation on the question of separation of powers, and I thought that maybe we will get Watergate behind us and get on with the country's normal business.

It was my impression that Mr. Cox wanted the tapes to obtain information regarding Watergate. The President has said that he would release the information on the tapes pertaining to Watergate. Senator Ervin has agreed to this arrangement. Apparently Mr. Cox wanted more and refused to compromise. Mr. Cox threw down the gauntlet.

The President had no alternatives but to ask for his resignation. How can that possibly be a high crime and misdemeanor? What court order has the President disobeyed?

Elliot Richardson made it clear that the President had violated no court order, speaking in his press conference this morning.

Mr. Speaker, let us act like professionals and not guardhouse lawyers.

IMPEACHMENT PROCEEDINGS

(Mr. STEIGER of Arizona asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEIGER of Arizona. Mr. Speaker, I will not belabor this unduly, but I would suggest that perhaps there is a single area of agreement that everybody who is concerned about this problem could confront. One is that the problem is very genuine because the feelings not only in this House but in the Nation are very genuine; two, we have an assigned task before us which can help to alleviate the problem of what to do with the President's apparent disregard for at least the feelings of many people in this country and the feelings of many people in this House, that is, to address ourselves to our constitutional assignment regarding the confirmation of the Vice President designate.

Mr. Speaker, that is a problem we must confront. If we confront that now and dispose of that and confirm the gentleman from Michigan as Vice President, then we can approach completely objectively the problem of whether or not the President is indeed guilty of any high crimes, treason, or misdemeanors.

I urge that we get on not only with the rhetoric that I know is inevitable, but with the constitutional obligation of confirming the gentleman from Michigan.

CRIME DOESN'T PAY—EXCEPT FOR NIXON

(Mr. LEGGETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, the President has maliciously manipulated the law to suit his mischief by capriciously eliminating a man charged with investigating one of the most odious episodes in our political history. And today the President attempts to kiss off months of frustration of the legal investigative officer's efforts to get the evidence by simply divulging the contents of 10 tape recordings.

The time has come for a body truly independent of and coequal with the executive branch to bring all the facts to the fore. It is abundantly clear that we cannot expect any employee of the present administration to put the handcuffs on his employer. Since Mr. Cox had a staff of more than 80 lawyers, the Judiciary Committee must be authorized to hire at least that number for the purpose of investigating charges including but not limited to the following:

Charges

I. Bribery (USCA, 18-203, 18-201(g), 2 years/$10,000). ITT deal, milk deal, Vesco deal. (USCA 18-201(d), 15 years/3X value value of bribe.) Hush money to Watergate defendants. (USCA 201 (b) and (f), 3X monetary equivalent of bribe/15 years.) Offer of FBI to Byrne.

II. Misprision of Felony (USDA 18-4, 3 years/$500). Failure to report break-in of Ellsberg's psychiatrist's office.

III. Wiretapping (USCA 18-2511, 5 years/$10,000). DNC bugging/tapping, 1969 taps on newsmen.

IV. Perjury (USCA 18-1621) and subornation of perjury (USCA 18-1622) (each 5 years/$2,000). Submission of false reports on Cambodian bombing to Congress.

V. Obstruction of criminal investigations (USCA 18-1510, 5 years/$5,000). Use of CIA to prevent FBI investigation of Mexican laundry. Hush payments to Watergate defendants, withholding of information from Ellsberg jury, prohibition of investigation of plumbers, disguising corporate campaign contributions to avoid penalties.

VI. Conspiracy against rights of citizens (USCA 18-241, 10 years/$10,000). Denial of Ellsberg's right to fair trial by withholding evidence.

CONFIRMATION OF VICE-PRESIDENTIAL NOMINEE IS FIRST ORDER OF BUSINESS IN CONGRESS

(Mr. HOGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HOGAN. Mr. Speaker, we have a serious constitutional crisis confronting us. This is not the time for partisan rhetoric but a time for calm, objective, rational deliberation.

If this body is going to seriously consider an impeachment resolution, each Member of the House is comparable to a member of a grand jury who is being asked whether the accused is guilty before the facts are heard. This is especially true for those of us who serve on the Judiciary Committee.

The firing of Special Prosecutor Cox is not the real issue. As the head of the executive branch, the President has the power and the right to fire any appointees in his administration. Firing a subordinate is certainly not an impeachable offense.

Defiance of a court order, however, is another matter and herein lies the constitutional dilemna confronting us. The separation of powers between the three branches of the Federal Government is the cornerstone of our system of government. Can one branch compel the other to do something which the other branch feels contravenes the separation of powers? That is the constitutional crisis facing us. How we resolve it could have ramifications for succeeding centuries.

The solution of this issue is more important than the personality of Richard M. Nixon or the Nixon administration. The consequences are historic and that is why it is so imperative that we be statesmanlike rather than partisan in our deliberations and judicious in our statements.

The Congress has a paramount responsibility before us which takes precedence over impeachment resolutions and all else: that is the prompt confirmation of the President's nominee for Vice President. There is an intolerable vacuum in our Government until this vacancy is filled. We cannot and should not tarry in this discharge of our responsibilities under the Constitution.

Let us get on with this important task

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at once before we consider anything else. We cannot even consider impeachment until this question is resolved.

MORE DELEGATED POWER

Mr. GROSS. Mr. Speaker, I assume that you will shortly lay before the House a message from the President requesting $2.2 billion to finance his intervention in the Middle East war.

President Nixon's unilateral intervention—without the advice or consent of Congress—is another demonstration of what takes place when a spineless, irresponsible Congress delegates its powers to a President. Beyond the perilous act of intervention in a war, it leads as in this case to a projected colossal raid on America's already overburdened taxpayers.

Mr. Speaker, I believe it is especially important that those who voted to give the office of President almost unlimited power, as well as those who performed in the role of doves 3 months ago, hear this message. Or have the wings of the Vietnam doves suddenly been stilled by the moulting process in the Middle East?

To the end that all Members will be able to hear and report promptly to their constituents on this proposed $2.2 billion raid on their constituents' pocketbooks, I will urge that a quorum be present when the message is read.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

October 19, 1973.

The Honorable CARL ALBERT,
The Speaker, House of Representatives.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 3:03 p.m. on Friday, October 19, 1973, and said to contain a message from the President concerning emergency security assistance for Israel and Cambodia.

With kind regards, I am
Sincerely,
W. PAT JENNINGS,
Clerk, House of Representatives.
By W. RAYMOND COLLEY.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I believe that the request for $2,200,000,000, or $2,400,000,000 is of sufficient interest to the Members of the House that all Members ought to hear it. Therefore, Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 543]

Adams
Alexander
Barrett
Beard
Biaggi
Blatnik
Bolling
Brown, Mich.
Brown, Ohio
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Butler
Carey, N.Y.
Casey, Tex.
Chisholm
Clark
Clay
Dellums
Derwinski
Diggs
Dulski
Foley
Fraser
Gettys
Green, Oreg.
Grover
Guyer
Hansen, Wash.
Harsha
Harvey
Johnson, Pa.
Jones, Tenn.
Keating
McKay
Macdonald
Mailliard
Michel, Ill.
Mills, Ark.
Mitchell, Md.
Moorhead, Pa.
Murphy, Ill.
Myers
Poage
Quie
Rees
Roy
Roybal
Ryan
St Germain
Sandman
Saylor
Scherle
Skubitz
Slack
Spence
Steele
Steelman
Stuckey
Udall
Van Deerlin
Veysey

The SPEAKER. On this rollcall, 371 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

EMERGENCY SECURITY ASSISTANCE FOR ISRAEL AND CAMBODIA—MESSAGE FROM THE PRESIDENT (H. DOC. 93-170)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed.

To the Congress of the United States:

I am today requesting that the Congress authorize emergency security assistance of $2.2 billion for Israel and $200 million for Cambodia. This request is necessary to permit the United States to follow a responsible course of action in two areas where stability is vital if we are to build a global structure of peace.

For more than a quarter of a century, as strategic interests of the major powers have converged there, the Middle East has been a flashpoint for potential world conflict. Since war broke out again on October 6, bringing tragedy to the people of Israel and the Arab nations alike, the United States has been actively engaged in efforts to contribute to a settlement. Our actions there have reflected my belief that we must take those steps which are necessary for maintaining a balance of military capabilities and achieving stability in the area. The request I am submitting today would give us the essential flexibility to continue meeting those responsibilities.

To maintain a balance of forces and thus achieve stability, the United States Government is currently providing military material to Israel to replace combat losses. This is necessary to prevent the emergence of a substantial imbalance resulting from a large-scale resupply of Syria and Egypt by the Soviet Union.

The costs of replacing consumables and lost equipment for the Israeli Armed Forces have been extremely high. Combat activity has been intense, and losses on both sides have been large. During the first 12 days of the conflict, the United States has authorized shipments to Israel of material costing $825 million, including transportation.

Major items now being furnished by the United States to the Israeli forces include conventional munitions of many types, air-to-air and air-to-ground missiles, artillery, crew-served and individual weapons, and a standard range of fighter aircraft ordnance. Additionally, the United States is providing replacements for tanks, aircraft, radios, and other military equipment which have been lost in action.

Thus far, Israel has attempted to obtain the necessary equipment through the use of cash and credit purchases. However, the magnitude of the current conflict coupled with the scale of Soviet supply activities has created needs which exceed Israel's capacity to continue with cash and credit purchases. The alternative to cash and credit sales of United States military materials is for us to provide Israel with grant military assistance as well.

The United States is making every effort to bring this conflict to a very swift and honorable conclusion, measured in days not weeks. But prudent planning also requires us to prepare for a longer struggle. I am therefore requesting that the Congress approve emergency assistance to Israel in the amount of $2.2 billion. If the conflict moderates, or as we fervently hope, is brought to an end very quickly, funds not absolutely required would of course not be expended.

I am also requesting $200 million emergency assistance for Cambodia. As in the case of Israel, additional funds are urgently needed for ammunition and consumable military supplies. The increased requirement results from the larger scale of hostilities and the higher levels of ordnance required by the Cambodian Army and Air Force to defend themselves without American air support.

The end of United States bombing on August 15 was followed by increased communist activity in Cambodia. In the ensuing fight, the Cambodian forces acquitted themselves well. They successfully defended the capital of Phnom Penh and the provincial center of Kampong Cham, as well as the principal supply routes. Although this more intense level of fighting has tapered off somewhat during the current rainy reason, it is virtually certain to resume when the dry season begins about the end of the year.

During the period of heaviest fighting in August and September, ammunition costs for the Cambodian forces were running almost $1 million per day. We anticipate similar average costs for the remainder of this fiscal year. These ammunition requirements, plus minimum equipment replacement, will result in a total funding requirement of $380 million for the current fiscal year, rather than the $180 million previously requested. To fail to provide the $200 million for additional ammunition would deny the Cambodian Armed Forces the ability to defend themselves and their country.

We remain hopeful that the conflict in Cambodia be resolved by a negotiated settlement. A communist military victory and the installation of a government in Phnom Penh which is controlled by Hanoi would gravely threaten the fragile structure of peace established in the Paris agreements.

I am confident that the Congress and the American people will support this request for emergency assistance for these two beleaguered friends. To do less would not only create a dangerous imbalance in these particular arenas but

would also endanger the entire structure of peace in the world.

RICHARD NIXON.
THE WHITE HOUSE, *October 19, 1973.*

USE OF HEALTH MAINTENANCE ORGANIZATIONS CHAMPUS PROGRAM

Mr. LONG of Louisiana. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 603 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 603

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10586) to amend title 10, United States Code, to authorize the use of health maintenance organizations in providing health care. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Louisiana (Mr. LONG) is recognized for 1 hour.

Mr. LONG of Louisiana. Mr. Speaker, I yield the usual 30 minutes on the minority side to the distinguished gentleman from California (Mr. DEL CLAWSON) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 603 provides for an open rule with 1 hour of general debate on H.R. 10586, a bill to amend title 10, United States Code to authorize the use of health maintenance organizations in providing health care.

H.R. 10586 authorizes dependents of active duty military personnel, and dependents of retired military personnel to utilize health maintenance organizations as an alternative to the health care now provided by the civilian health and medical program of the uniformed services—commonly known as CHAMPUS.

Enactment of this bill is not expected to result in any increased cost to the Federal Government.

Health maintenance organizations—HMO's—are organized systems of health care providing comprehensive services for enrolled members at a fixed-prepaid annual fee. HMO's place great emphasis on preventive services, rehabilitation services, and diagnostic services on an ambulatory basis.

Mr. Speaker, I urge adoption of House Resolution 603 in order that we may discuss and debate H.R. 10586.

Mr. DEL CLAWSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 603 is an open rule with 1 hour of general debate, providing for the consideration of H.R. 10586, authorizing the use of health maintenance organizations as an alternative to the CHAMPUS program.

The purpose of H.R. 10586 is to permit beneficiaries under the CHAMPUS program to utilize health maintenance organizations.

The CHAMPUS program—Civilian health and medical program of the uniformed services—presently is limited to traditional health insurance concepts. This bill would allow the Department of Defense to utilize health maintenance organizations—HMO's—as an alternative to the CHAMPUS program. An HMO is an organized system of health care providing comprehensive services for enrolled members for a fixed prepaid annual fee. The bill would prohibit the Defense Department from entering into a contract which would provide for annual payments by both the beneficiaries and the Government of an amount greater than an estimated annual cost for comparable care provided under the CHAMPUS program.

Dissenting views were filed by Members TREEN, MONTGOMERY, and ARMSTRONG opposing this bill. They note that "prepaid group practice systems are frequently akin to supermarket medicine, with impersonal and uncoordinated care." Further they point out that the Defense Department might be held liable for the quality of the medical care delivered uider the contracts. They oppose passing this bill until HMO's have proved effective.

In September of this year, the House passed a bill, H.R. 7974 from the Interstate and Foreign Commerce Committee to provide funds to assist in setting up HMO's. The present bill, H.R. 10586, is a different piece of legislation reported out by the Armed Services Committee.

Mr. Speaker, regardless of any individual position on the bill, the rule is an open rule and the House, upon its adoption, can work its will.

Mr. TREEN. Mr. Speaker, will the gentleman yield?

Mr. DEL CLAWSON. I yield to the gentleman from Louisiana.

Mr. TREEN. Mr. Speaker, those of us who oppose this legislation are not opposed to the adoption of the rule.

It is a very simple bill, and it should come to the floor and be discussed. We will refrain at this time from making remarks and discussing the proposed legislation. We have no objection to the rule itself.

Mr. DEL CLAWSON. Mr. Speaker, I have no further requests for time.

Mr. LONG of Louisiana. Mr. Speaker, I have no requests for time, and, consequently, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. FISHER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10586) to amend title 10, United States Code, to authorize the use of health maintenance organizations in providing health care.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 10586, with Mr. ADAMS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. FISHER) will be recognized for 30 minutes and the gentleman from California (Mr. GUBSER) for 30 minutes.

The Chair now recognizes the gentleman from Texas.

Mr. FISHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a rather simple bill. It simply allows dependents and survivors of active duty military and military retirees and their dependents a free choice to make use of health maintenance organizations—HMO's—as an alternative to the CHAMPUS program.

This bill is supported by the administration. To begin with, I emphasize that the use of HMO's is expected to reduce, not increase, the costs to the Government because inpatient hospital days are expected to be reduced. The bill specifically prohibits the Government from entering into any contract with a HMO where the costs exceed the present average costs to the Government and the beneficiary.

Under the CHAMPUS program, enacted in 1956 and later amended, outpatient benefits are provided for retired members and their dependents and also for the survivors of deceased retired members and their dependents and also for the survivors of deceased retired members and dependents of active duty members. Beneficiaries contribute to the cost under CHAMPUS.

CHAMPUS has been popular and now covers about 6 million persons. Under CHAMPUS the main thrust is in treating ailments after they occur, whereas under the HMO emphasis is on prevention. Unlike the limited coverage provided by CHAMPUS, HMO covers vaccinations, rehabilitation services, diagnostic services, baby care, and other treatments designed to prevent serious illness and hopefully avoid the need of so much normal hospitalization and possibly lingering illnesses.

HMO's are organized systems of health care providing comprehensive services for enrolled members for a fixed, prepaid fee. Because their revenues are fixed, their incentives are naturally to keep patients well for they benefit from patient well days, not sick days.

HMO plans have been rather thoroughly tested by such organizations as the Group Health Cooperative of Puget Sound and the widely acclaimed Kaiser Foundation Health Plan, to mention but two. The Kaiser plan serves more than 2½ million members, and is almost 100 percent self-supporting. It has an investment of $350 million of its own money in hospital and clinicial facilities.

XUM

The various programs under HMO have been able to reduce, nationwide, traditional average costs per hospital admission from $594, as with Blue Cross and medicare, to the average cost of only $397 under HMO. In other words, the average hospital admission cost under HMO is about one-third—and in some instances one-half—less than the traditional medicare average.

Under the pending legislation, the Secretary of Defense after consulting with the Secretary of Health, Education, and Welfare, could utilize so-called HMO's in providing a variety of vital services which are not now permitted under the law which limits and restricts the coverage of services under CHAMPUS. Membership under this proposed plan would be voluntary—no compulsion whatever on the individual who voluntarily chooses to participate in lieu of the CHAMPUS program. It provides an alternative at no cost whatever to the Government per beneficiary, and indeed over the long pull it will in all likelihood reduce the Government's cost. And it would give the people who participate the same privilege that has been accorded civil services employees for many years.

In conclusion, if you want to enable a lot of people to save a lot of money and at the same time get more services for their investment, here is your chance. It deserves to be overwhelmingly approved.

Mr. GUBSER. Mr. Chairman, I yield 10 minutes to the gentleman from Louisiana (Mr. Treen).

Mr. TREEN. Mr. Chairman, I am reluctant to rise and oppose this because of my great regard for the chairman of our subcommittee, the gentleman from Texas (Mr. Fisher). He has labored effectively and quite fairly for this bill. However, I feel constrained to do so for several reasons.

This legislation is controversial, and, I suppose, for the Committee on Armed Services, more controversial than most, inasmuch as there were 14 votes against reporting the bill favorably. I will quickly cover the five reasons why I oppose this legislation.

First of all, I do not think the soundness of the HMO program or concept has been proven in this country. Despite the fact that we have had HMO's for approximately 40 years, only some 2½ to 3 percent of our population has chosen to avail themselves of this type of medical care. It is true that HMO's are not available throughout the country, but according to the report filed by this committee, approximately 20 percent of our population is within the service areas of HMO's. This would mean some 40 million people have HMO's available, and yet only 5 to 7 million people have chosen that type of medical care.

I am concerned about the Department of Defense placing its stamp of approval on a form of medical care, the soundness of which has not been proven. One of the most successful of these plans—and one which will be cited by the proponents of this legislation—is the Kaiser plan in California.

Let me quote to the Members what Dr. Sidney Garfield, one of the founders of the Kaiser plan said recently, and I quote:

> Prepayment makes medical care a right by eliminating fee-for-service, and for years we have been deeply concerned with our relative inability to keep up with the soaring demand that this right produces, and to maintain a level of service satisfactory to us.
>
> It is distressing to realize that elimination of fees can be as much a barrier to early care as the fee itself. The reason is that when we removed the fee, we removed the regulator of flow into the system.

Continuing to quote Dr. Garfield:

> The result is a massive uncontrolled flood of . . . the well, the worried well, the early sick, and the sick into the point of entry—the doctor's appointment—on a first-come, first-served basis that has little relation to priority of need. The impact of this demand overloads the system and, since the well and worried well are a large component of that entry mix, their usurping of doctor time actually acts as a barrier to the entry of the sick.

That is a founder of the Kaiser plan speaking.

So, first of all, I am concerned about the soundness of the HMO concept. Second, while I concur in the right, and defend the right of doctors to join together in groups of this type, and I defend the right of people to elect this type of medical care—that is a basic element of human freedom—I think it is another thing entirely to have Government encourage this type of program through subsidy, either directly or indirectly.

Third, we are dealing here with a population that is much more mobile than the average population of the country. We are dealing with military dependents primarily. These people move around, and in many States of this country HMO's are actually illegal, or there are legal impediments, and in still other areas there are no HMO's at all.

So the Members can see that for a mobile population the idea of contracting for medical services in advance for a given period of time has serious defects.

Fourth, I am concerned about the cost. I respectfully dissent from the chairman of the committee's remarks about cost. I would not be up here if I were fairly well convinced that this legislation would reduce costs, because I think that is an important factor, but I do not think it is going to reduce costs. This bill does not provide an authorization for funds. Indeed the bill provides, as the proponents point out, that under this program the Department of Defense may not spend more than the combined cost of the CHAMPUS program—but that is the point. Under the CHAMPUS program, the Government is paying approximately two-thirds of the costs and the beneficiaries approximately one-third.

Under this bill the Government may pick up the entire cost. We spent in fiscal year 1973, as the Government's part of the CHAMPUS program, $522 million. The beneficiaries spent approximately $266 million, which made a total expenditure of $788 million. Under this bill the Government could pay all of that.

Assistant Secretary McKenzie came before the committee and said in response to a question that he felt the Government would have to pay about 90 percent of the enrollment fee in order to attract a sufficient number of eligibles into this program. Under the bill the Government legally could pay 100 percent. But if it has to pay 90 percent to attract enough people into this program, that would mean, if we took the fiscal year 1973 for illustrative purposes, that instead of the Government paying $522 million, it would pay $709 million, an increase of $187 million.

I know that the proponents will respond that the HMO program is going to cost less. I will be glad to debate that and the statistics on which that assumption is based.

But, let me get to the fifth and final reason why I oppose this bill. This is an entirely new concept for the Department of Defense. Heretofore our dependents of military people and retired people and dependents of deceased retired military people were entitled, under the CHAMPUS program, to select their own doctors and discuss with their own doctors the type of medical care that each person thought he needed, and that the doctor thought would be needed, and then the patient could elect the type of medical care suggested by the doctor. Under the HMO program the Defense Department would contract with the health maintenance organization and the beneficiary would become legally a third-party beneficiary. That is, the Department of Defense would have a contract with the organization, and the beneficiary would find that his entitlement to services are determined by the interpretation of that contract by the Department of Defense and the health maintenance organization.

What is this going to mean? Whenever an eligible under this program elects an HMO program and finds that the services are not adequate, or that he cannot get the doctor he wants, or that he should have hospitalization, but the HMO says he does not need it and he is not going to be given it, then the complaint would come right back to the Department of Defense and right back to us as Members of Congress. It puts us and the Defense Department in a continual supervisory role over the HMO program.

In summary, who wants this program? The American Medical Association took no position. Another organization, small in number but nevertheless an association of physicians, the American Associations of Physicians and Surgeons opposed this bill. The second largest medical organization in America, the Council of Medical Staffs, opposed this bill.

Do the military people want this program? Do the dependents want this program?

Let me refer the Members to the remarks that were made by the chairman of our subcommittee when we began consideration of this legislation. It was reported by him that in 1968 the Department of Defense commissioned the School of Public Health and Administrative Medicine of Columbia University to conduct a study of CHAMPUS. They reported in 1969 and made recommendations concerning the use of HMO's. This was a study commissioned by the Department of Defense, and these were the recommendations (quoting from Chairman Fisher's statement):

"That the Department of Defense conduct a survey to determine whether or not an interest exists among persons eligible for the CHAMPUS in having offered to them a program of comprehensive care from civilian sources as an alternative to the present CHAMPUS benefits; that if such interest exists, the Department of Defense work out with one or more prepaid group practice plans a method of giving service families a choice between present CHAMPUS benefits and a prepaid group practice program, on an experimental basis; and that a comparative study of the two alternative modes of medical care delivery be conducted throughout the experimental phase." In other words, they recommended a study be made to determine if there was interest, and if there was, then to conduct a program on an experimental basis. In testimony before our subcommittee in response to a question I asked of the DOD witness, he said, no, that no survey had been made by the DOD to determine if there was interest.

Just the other day we voted on this floor, and some of us were opposed to it, to spend $240 million to experiment with HMO's, to provide grants and certain start-up costs incident to starting up HMO's.

We recognized it to be an experimental program.

I say we should postpone this program by voting down this bill. Let us not give the stamp of approval of the Department of Defense on HMO's just yet; let us find out what happens with the experimental program that this House has approved.

The CHAIRMAN. The time of the gentleman from Louisiana has again expired.

Mr. GUBSER. Mr. Chairman, I yield 1 additional minute to the gentleman from Louisiana for the purpose of responding to a question from the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. TREEN. I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, I was interested in the gentleman's statement that the American Medical Association took no position on this question. I was wondering if that and all other medical associations were given an opportunity to testify, and what if anything was said.

Mr. TREEN. Mr. Chairman, it might be better for someone else to comment on that question. As I understood it this legislation was originally not considered controversial. I do not know that originally notices were sent to them, but they were at a later time. Perhaps the chairman of the subcommittee could answer that.

Mr. FISHER. Mr. Chairman, will the gentleman yield?

Mr. TREEN. I yield to the gentleman from Texas.

Mr. FISHER. Mr. Chairman, in response to the gentleman's inquiry, I will tell him that last year when this identical legislation was before a subcommittee of the Committee on Armed Services, the American Medical Association was contacted and given an opportunity to express an opinion. They did not choose to do so, and expressed themselves as being neutral regarding it.

Mr. DICKINSON. Mr. Chairman, I thank the chairman for his reply.

Mr. FISHER. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. Charles H. Wilson of California).

Mr. CHARLES H. WILSON of California. Mr. Chairman, I wish to reply to some of the dissent voiced in opposition to the legislation before us. I refer to the CHAMPUS legislation that would authorize the Defense Department to use the facilities of health maintenance organizations as an alternative to the traditional CHAMPUS program.

The proposal, it seems to me, is not complicated. It would simply permit the Secretary of Defense to utilize HMO's where they exist to provide medical care for the dependents of members of the Armed Forces. That these facilities exist is a fact. They exist for nearly 8 million Americans. These HMO's provide high-quality medical care in comprehensive benefit packages in areas that cover 20 percent of our population.

Yet the opposition would have us believe that there is something untried and experimental about such programs.

In an effort to bolster their dissent the opponents of this reasonable proposal quote—out of context, I might add—Dr. Sidney Garfield, a founder of the Kaiser prepaid group medical practice program. Dr. Garfield is quoted as warning that prepaid group practice tends to create a flood of what he calls the worried-well, the early sick, as well as the really sick into the doctors' offices.

Now, of course, if the opponents had read the rest of Dr. Garfield's article in Scientific American, they would have discovered that what he was advocating was a screening process to screen healthy people out or away from the busy doctors.

Of course, there are lots of well people who are worried. But there are obvious ways to handle such problems. These worried-well persons may need some treatment or some attention other than the attention of a busy internist.

Health maintenance organizations have learned to handle such problems the same as individual fee-for-service physicians have learned their lessons. All Dr. Garfield really was saying was that some screening process is a must if a prepaid group practice plan is to keep itself from being overwhelmed by the worried-well and others who may not really need the doctors' time.

The other side of the coin, so to speak, is that there are an uncounted number of Americans who need medical attention but do not go to a doctor simply because of the possibility of catastrophic costs.

It seems to me that, in the name of humanity, it is better to chance the possibility of having to screen out the worried-well so that we may be sure that we take care of the truly ill.

There is nothing extreme about the CHAMPUS proposal before us. It does not state that the HMO concept is the only concept to be utilized. It simply says that if an HMO exists in the area where the Armed Forces dependents are living, and if the CHAMPUS beneficiaries so choose, they may elect, voluntarily, to participate in the HMO program. What's wrong with that? Is not that a kind of freedom of choice that we so often hear advocated.

I am in favor of giving CHAMPUS beneficaries the choice. It will not cost the Government any more money than the CHAMPUS program now costs because the proposed law is written in such a way as to prevent increased costs.

Such alternate medical care plans are already available to medicare and medicaid beneficiaries. We should see that the rapidly growing HMO program is at least made available to CHAMPUS beneficiaries, if they so desire. That is all the legislation asks.

I would add that there is really no difference in the HMO and the regular military hospital.

The gentleman from Louisiana was suggesting that by utilizing HMO's, if I understood him correctly, the patient would be perhaps losing the opportunity of the individual physician and might not be able to go to a hospital, if he so desired, or might not have the personal attention that he would have if he went to an HMO, as contrasted to a private physician.

I think we should remember that the whole CHAMPUS program is designed to utilize private physicians only in those cases where military hospitals are not available to the individual. If a person goes to a military hospital, he has no choice of physician. He has no choice of going into the operating room and having an operation at the individual's request.

I think this is very similar to what a person would have who was to go to a military hospital, where ordinarily the beneficiary of the military would be going, if one were available to him.

The Defense Department is in complete support of this program. They have determined that it does not require any additional experimentation.

The record of the HMO's that are in practice and have been operating for many years now is certainly convincing. There is no reason why we should have to experiment at all.

I hope we can pass this legislation with the minimum amount of difficulty.

Mr. GUBSER. Mr. Chairman, I yield 5 minutes to the gentleman from Colorado (Mr. Armstrong).

Mr. ARMSTRONG. Mr. Chairman, I rise in opposition to the legislation. I do so with some reluctance, because when I initially heard the concept underlying this proposal, it seemed to me a hopeful one. Certainly there is no field for which innovation is more seriously needed than in controlling the costs of a medical practice. It is obvious to all of us the advances in medical science and technology have been matched by a rapid escalation in costs that threatens health care availability to all Americans.

Unfortunately, however, on closer examination, particularly at the urging of the gentleman from Louisiana, I became convinced that there are serious defects in this legislation. I announce my opposition in this perspective, so that Members will know that I do not oppose the concept, but simply this legislation, which I think is premature.

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There are four reasons why I shall vote against this proposal. First, because I think it authenticates a concept which at least in part is still experimental.

Regardless of all that may be said, this is not a well accepted concept of medical practice throughout the United States. It is in its essence an experiment.

Second, there have been inadequate data to substantiate the cost projections. Although I am not prepared to say what the costs will be, I personally believe HMO's will cost more, not less, than conventional medical practice.

Third, this legislation will require the Department of Defense to undertake a supervisory burden which it is ill-equipped to handle; that is, the supervision and administration of HMO contracts.

Finally, as my friend from Louisiana has aptly pointed out, there has been little showing that the beneficiaries of this program are interested in having it adopted.

In the absence of any compelling need, and without a showing of interest by those who are to be served by the HMO programs, it seems to me to be wrong to adopt it at this time.

So, Mr. Chairman, for these reasons I shall vote against it, and I urge the Members of the Committee of the Whole to do the same.

Mr. FISHER. Mr. Chairman, I yield 5 minutes to the gentleman from Mississippi (Mr. Montgomery).

Mr. MONTGOMERY. Mr. Chairman, I would like to thank my subcommittee chairman, the gentleman from Texas (Mr. Fisher) for yielding me this time, and I commend him for being very fair concerning this bill. I say that because I oppose this legislation.

I am sorry that not all of my colleagues could have heard the gentleman from Louisiana (Mr. Treen) and the gentleman from Colorado (Mr. Armstrong) when they spoke in opposition to this bill. They made some very, very strong points.

Mr. Chairman, I rise in opposition to the bill under consideration which would allow the use of health maintenance organizations as an alternative under the CHAMPUS program. I am afraid if we pass this bill we will only be opening a can of worms that will gnaw away at the presently successful and efficient means of delivering civilian health care for certain dependents of the uniformed services. Furthermore, I feel very strongly that the proposed legislation will lead to increased costs for the Federal Government regardless of the unsubstantiated statements by Department of Defense officials to the contrary. They have no experience on which to base their statements. If it doesn't cost the Government more money, it will in all probability prove to be more expensive to the present beneficiaries of the CHAMPUS program.

The Group Health Association of America, which by the way supports this bill, has admitted in a letter to the House Armed Services Committee that 25 States in the Nation will not allow HMO's or would be restrictive to the development of HMO's. These States are Alabama, Alaska, Arkansas, Georgia, Idaho, Illinois, Indiana, Kentucky, Louisiana, Maine, Michigan, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Texas, West Virginia, and Wyoming.

Mr. Chairman, considering the fact that military personnel are always being transferred from one section of the Nation to another, I just wonder what would happen when a military person is transferred from an HMO State to a State that does not allow HMO's. I am afraid this situation would prove intolerable and would play havoc with the program.

Would a serviceman stationed in California who had paid for a year's medical care under an HMO and was transferred to a non-HMO State after 3 months be refunded for the balance of the year? As you can see there are all kinds of possibilities for administrative headaches.

Those favoring this bill make the argument, with which I disagree, that the traditional fee-for-service method of health care induces physicians to prescribe unnecessary treatment in order to increase their profits. If we assume the existence of that kind of doctor, there is a similar risk that the doctor will under prescribe because that would increase his profits as a member of a health maintenance organization.

Mr. Chairman, I feel very strongly that we are rushing into an area in which there is very limited experience on which to base a firm conclusion of success. For this reason, I urge my colleagues not to tamper with the successful CHAMPUS program and to defeat this bill.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, I wonder if the gentleman knows what the States are in which HMO's have been in practice, and for how long, and what their success has been.

Mr. MONTGOMERY. Mr. Chairman, the main States are California and the State of Washington. They have had HMO's for about 40 years.

Mr. DICKINSON. I will ask further, Mr. Chairman, what degree of success have they had there, if the gentleman knows?

Mr. MONTGOMERY. I think all in all there are 2.5 million people in the country who do use the HMO program. As stated, by the gentleman from Louisiana (Mr. Treen), one of the founders of the Kaiser program said what concerned him most was that it would get too many people coming into the HMO programs and they would not be able to take care of them as stated on the report.

Mr. DICKINSON. As the gentleman knows, I serve on the subcommittee out of which this legislation comes. I have very grave reservations, also, first as to the health aspects of it and, second, because there is no proof whatsoever of need.

Third, let me say we have already set up a pilot program in the Congress in the sum of $240 million to prove the efficiency and the value of HMO's.

I see no reason at this time for us to get the military involved. Is there any assurance now that those who are subject to coverage under the CHAMPUS program will not be forced somewhere along the line to go to the HMO's and lose their present benefits?

The CHAIRMAN. The time of the gentleman has expired.

Mr. FISHER. Mr. Chairman, I yield the gentleman one additional minute.

Mr. MONTGOMERY. There is no assurance. I believe I told the gentleman there were 2.5 million people in the United States covered. I believe the figure is 6 million.

Mr. FISHER. Will the gentleman yield to me?

Mr. MONTGOMERY. I yield to the chairman of the committee.

Mr. FISHER. The gentleman did say there were 2.5 million people covered by HMO's in this country. Actually there are about 7 million people covered, and those are just in the places where it is being used. It now covers 2.5 million people in the Kaiser foundation alone in their health plan. According to their witness, they are highly pleased with it and strongly recommend the enactment of this legislation.

Mr. TREEN. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I am glad to yield to the gentleman from Louisiana.

Mr. TREEN. I was very interested in the gentleman's remarks about the fact that the people in this HMO program, in going from an area where there is an HMO to one is which there is not would have problems. They would also have this problem; under this bill the Department of Defense would contract with each individual HMO and, these contracts could be different in different areas. In other words, you could have a different set of medical benefits from one HMO to the next. That is not only possible, but I think it is contemplated by the legislation. So you would have the problem of the military dependent moving from one set of benefits to a different one.

Mr. MONTGOMERY. Plus, 25 States are not eligible under their State laws.

Mr. FISHER. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri (Mr. Randall).

Mr. HICKS. Mr. Chairman, will the gentleman yield?

Mr. RANDALL. I yield to the gentleman.

Mr. HICKS. Mr. Chairman, I rise in support of this legislation.

Mr. Chairman, I am in favor of H.R. 10586 which would authorize the CHAMPUS program to utilize health maintenance organizations. I think our armed forces personnel and their dependents ought to have the same freedom of choice in health care that other Federal personnel has. Other Federal employees and the beneficiaries of the Social Security Administration's medicare program and the beneficiaries of the medicaid program are permitted to select health maintenance organizations to provide medical care. Or if they desire they may select the traditional health insurance arrangement.

The opponents of this legislation apparently do not understand that HMO's offer their enrollees a more comprehensive health-care package than other programs at no increased cost to the Federal Government. There is nothing new about HMO's. Prepaid group medical practice plans have been in existence in the United States in various forms for about 40 years. They are self-supporting, highly efficient deliverers of quality medical care to their member enrollees. For example, the Kaiser prepaid group practice plan delivers good medical care to approximately 2½ million enrollees.

All that this legislation would do is to lift the restriction the present law has and permit the Defense Department, after consultation with the Secretary of Health, Education, and Welfare, to enter into agreements with existing HMO's to provide health care to CHAMPUS beneficiaries.

This would not cost the Federal Government any more of the taxpayers' money than it now spends on the CHAMPUS program. That cost restriction is written into this legislation.

There are approximately 6 million persons now covered by the CHAMPUS program and the 1973 fiscal year cost of the program was $522 million.

In reading the report of the Committee on Armed Services which recommends passage of the legislation, I note that HMO's, in some cited cases, have been able to cut hospitalization costs for Medicare beneficiaries under the national average. This indicates to me that HMO's can, and do, provide high quality care at greater economy because of their efficiency of operation.

I note also that the Secretary of Defense, under this legislation, would have authority to contract with HMO's without having to adhere to cost-sharing arrangements prescribed in the existing CHAMPUS law and without regard to the prohibitions on certain types of care such as immunization and well-baby care, prescribed in the present law.

The Civilian Health and Medical Program of the Uniformed Services, the full name of CHAMPUS, should be modernized so that the Defense Department can take advantage of the expanding HMO program. I understand that there are already between 7 and 8 million Americans who are voluntarily enrolled in some form of HMO across the Nation. Our CHAMPUS beneficiaries should have the same opportunity to enroll in HMO's if they desire. That is all the legislation proposes. It is a good proposal and should be approved. I urge my colleagues to vote in favor of H.R. 10586.

Mr. RANDALL. Mr. Chairman, I support H.R. 10586 which would give CHAMPUS beneficiaries, about 6 million of them, a choice of medical care. I will emphasize that thought repeatedly in these remarks. That is all this legislation does—provide a choice for beneficiaries.

A rumor is going around the floor as to the high cost of this program. Actually, it will probably be less than some of the alternatives we have been talking about.

This bill in effect provides that if an HMO organization, which means a health maintenance organization, exists and operates in an area, then the beneficiaries in such area may, if they desire, choose to receive benefits from an HMO. That is all there is to the bill.

The gentleman from Mississippi who just left the well listed 25 States that do not have HMO service. Well, there would be no choice in those areas. I was very glad to observe he did not enumerate some of the States in the Midwest such as Kansas, Missouri, and Iowa. We do have some large military bases in the midlands and CHAMPUS beneficiaries will have a choice there.

Mr. FISHER. Will the gentleman yield?

Mr. RANDALL. I am glad to yield to the distinguished chairman of our subcommittee.

Mr. FISHER. In respect to the fact, as pointed out by the distinguished gentleman from Mississippi, that only 25 States now permit HMO's and 25 do not, let me say this:

I think it should be made clear the reason they are not is because of some technicality in the law where the HMO's have to go through some sort of a corporation procedure to quality to operate in that State. So it is a rather technical thing. I might add that several States in recent years have changed their laws, and several of the States are in the act of changing them.

So it is entirely up to Mississippi and Texas and those States that are not now permitting HMO's to operate to change their law, and make use of the HMO's if they see fit, at any time that their State legislatures may choose.

Mr. RANDALL. I thank our subcommittee chairman, the gentleman from Texas, for his comments.

Mr. Chairman, the law as it now exists does not give CHAMPUS beneficiaries a choice of any kind. Present law provides they must receive their medical care from a fee-for-service physician and be reimbursed for covered benefits by an indemnity insurance program. Of course, we are all aware that all other Federal employees as well as the beneficiaries of the medicare and medicaid programs are now permitted by law to choose to receive their medical care from a prepaid medical group practice plan. Only CHAMPUS—which means civilian health and medical program for the uniformed services—only CHAMPUS beneficiaries are not provided this choice.

Mr. Chairman, I confess to be no great expert on matters concerning HMO's. I did enjoy a conversation a few minutes ago with our colleague from Kansas, Dr. Roy, whom I see is getting ready to participate in this debate. The gentleman can be very convincing as to the merits of the HMO plan in rebuttal of some of the arguments that have been heard on the floor here a few moments ago.

The proposed bill specifically states that no more of the taxpayers' money can be spent to institute this new program. So no matter what rumors you hear it will not cost the Government any more money. Regardless of some of the careless allegations that may have been made, there will be no added cost and in the long run it may very well cost less.

Now, what may not be realized is that the prepaid group medical practice plans have existed in the United States in one form or another not just for a matter of 2, 3, 4, or 5 years, but for 40 long years. Right now these HMO's provide for and serve the needs of about 8 million Americans of all ages. These programs have been self-supporting, and are regarded by knowledgeable persons in the health field as highly efficient programs, and from some small measure of personal experience I can report that they give quality medical care for their enrollees.

I am sure the Members all know about the Kaiser plan out on the west coast. Here in Washington, D.C., there are three such HMO's, the best known of which is the Group Health Association, which dates back to 1937, and which now has about 90,000 enrollees. Mr. Chairman, I neglected to mention that the enrollees in the Kaiser plan number about 2.5 million.

Now is the time for Congress to modernize the CHAMPUS program. Let us make it possible for the members and their dependents to take advantage of this—and, note this—only if they so desire, of the medical care facilities of prepaid practice plans, if those plans are available in the area they reside. Of course, we have all just been exposed to the fact that in some of the States the choice may not be available.

Mr. Chairman, if we enact this legislation it does not mean endorsement for any single kind of medical program. There was an expression of fear or worry awhile ago by someone that we are putting the stamp of approval of the Government on the HMO plan if we pass this bill. This is not true, all we are providing for is freedom of choice. And the obvious question is why should we deny only the beneficiaries of members of the Armed Services this freedom of choice?

The Nation today is spending an estimated $83 billion annually for medical care. There are those who feel—and I am among them—that the American people are not really getting their money's worth. Prepaid group practice plans are one way that the American people can get more for their money. I am convinced on the record of several such prepaid group practice plans, that these HMO's can and do offer high-quality medical care at reasonable cost. In some cases, I have determined, these programs can cut overall costs because of their efficiency of operation and because of greatly reduced hospital utilization.

Mr. Chairman, the opponents of this legislation would have us believe that we would be making guinea pigs out of 6 million members of the Armed Forces and their dependents. Nothing could be farther from the truth. These programs have been in existence many years and the results are well documented.

Mr. Chairman, I urge my colleagues to support H.R. 10586 and to enable CHAMPUS beneficiaries to participate, if they choose, in existing medical care plans that already are available to all other Federal employees.

Mr. GUBSER. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota (Mr. Nelsen).

Mr. NELSEN. Mr. Chairman, I rise for

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the purpose of asking a question or two. I think the Members recall that our committee, the committee on Interstate and Foreign Commerce, came out with an HMO bill a while back.

The bill we are now considering includes language prohibiting annual payments to a beneficiary which would exceed the estimated average annual cost for comparable care that could be provided under the cost-sharing provisions of CHAMPUS. I do not know what provisions are in CHAMPUS for payments for health care, but this language would imply that any payments which would be permitted under CHAMPUS would also be permitted for an HMO.

The things we sought in the HMO bill was to provide that a premium for an enrollee would not be payed by the Government. The reason for this was that, if we do that, really what we would be doing would be to put the Government in competition with existing health care delivery systems, which would be unfair.

So I am wondering, would this lead to a Federal Government payment of premiums where an enrollee was shifted from the CHAMPUS program to the HMO? This is a question that I think we ought to clear up.

Mr. FISHER. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from Texas.

Mr. FISHER. I thank the gentleman for yielding.

In response to the question by the gentleman from Minnesota, I think there is some confusion in that area which I recognize, but, as I understand it, we now pay on a contributing basis with the beneficiaries as the Government does under the CHAMPUS program. That sort of thing would be continued, as I understand it, under the HMO, if that service is chosen by those who would have the option to do so. The purpose, as I understand it, of the amendment that was added to the bill after it was sent up to the Congress was to put a ceiling on the total amount that could be spent to be sure that it would not cost any more than it would under the CHAMPUS program. That is the purpose of it.

Mr. NELSEN. I think that is a laudable provision. However, in the deliberations in our committees, we felt that HMOs should be encouraged. However, we did feel that the idea that the premium be paid for by the Government, or part of it, would put the existing medical delivery system at a disadvantage because one would be subsidized and the other would not be. However, we want the HMO to have a chance. I do not know what the ramifications here would lead to, but I just want to call that to the Members' attention, and I hope the understanding is that we do not move in a subsidy direction.

As far as the pre-emption is concerned, some of the States do not permit an HMO. In our bill there was a preemption provision but we struck it in markup and I hope we will hold firm in conference—so it is not in the House bill now. We feel the States ought to make their own decisions on these matters.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GUBSER. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana (Mr. Treen).

Mr. TREEN. In connection with the remarks of the gentleman from Minnesota who was just in the well, I wanted to make sure that my understanding and that the understanding of the committee is correct with respect to how much the Federal Government may pay under this program. Is it not true under this bill that the entire cost of the program, that is, the entire enrollment fee may be paid by the Government and that under the CHAMPUS program approximately one-third of the cost of medical care is paid for by the beneficiary and approximately two-thirds by the Government?

Under this bill the limitation is that the Government may not pay more than the total combined cost to the Government and the beneficiary, but there is no restriction on what percentage of that total the Federal Government may pay; is that correct?

Mr. FISHER. I think the legislation speaks for itself. It is quite clear, I think, that it does provide a ceiling over which the total cost cannot be increased. If through the operation of this system we can save the beneficiaries any money, I am sure the gentleman from Louisiana will agree with me that that would be a laudable objective, and that may very well be the result of what we are undertaking here.

Mr. TREEN. Mr. Chairman, if the gentleman will yield further, that may be a laudable objective. I was only trying to clear up the proposition that the Government itself may end up paying a greater percentage of the total medical costs of this program than it did under the present CHAMPUS program.

Mr. FISHER. I think the gentleman's concern is not well founded. When this thing is implemented, if and when it is enacted into law, the Secretary of Defense in collaboration with the Secretary of Health, Education, and Welfare would work out programs and contracts and take into account all these things and make appropriate provisions in those contracts or those arrangements that are worked out to see to it that it does not cost the Government any more money than is now paid under the CHAMPUS program. I think we have a right to assume that they will follow that obligation which stems from the wording of the law we are dealing with here today.

Mr. TREEN. I thank the gentleman. I hope he is correct.

Mr. FISHER. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. Leggett), an author of one of the bills.

Mr. LEGGETT. Mr. Chairman, I would like first to commend the chairman of the subcommittee and the chairman of the full committee and those members of the full committee who were enlightened and voted for this legislation and for reporting the bill out in the form in which we have it on the floor today.

I think that this bill is correlative to the legislation which we passed on this floor just a few weeks ago by a vote of 369 to 40, where we agreed we wanted to stimulate at a total Federal cost of about $250 million—the Senate bill is about $800 million and we will have to get together on a hybrid form—but we indicated and very strongly that we wanted to encourage not only Kaiser but also all other doctors in the United States to get together in the form of these HMO's to give better treatment to people.

The gentleman from Louisiana has had some trepidation about this legislation and I think the trepidation is sincere but I do not believe that it is well founded. To begin with, the allegation is made that the soundness of these programs has not been proven. They have been proven in 40 years in California with the Kaiser program and with a great number of other people and organizations around the country. While we have 2.5 million who are subscribers in the State of California and three other Western States, we can see that merely allowing for creation of HMO's does not mean that the HMO's totally dominate the scene.

As far as allowing the program to interrelate with other Federal systems, we have the precedent of Federal employees where the Federal departments are allowed to contract with Kaiser and other health medical organizations for civil servants and for Federal civil service retired people, and I think that is an excellent precedent.

The question is also raised that HMO's allow for over treatment of the well and the worried well. I think that if that is true we run into the same problem with the Veterans' Administration treatment and with the Army and Navy and Air Force hospital treatment, because that is exactly the system they have, and if the Members of the House will consider it just for a moment, that is exactly the system we have. We have in fact through the Capital physician's services a health maintenance organization that we take advantage of.

The statement is made that the Government should not encourage these HMO's. We are not encouraging here just the Kaiser program. We are encouraging every single group of private doctors in the country to get together under the bill we passed a few weeks ago and at the same time dovetail that legislation in with the pending bill.

The statement is made that mobile populations will be confused and hampered by this legislation. That is not true at all because we have 7 million members of group health organizations around the country today who, when they are injured or suffer trauma or malaise outside the group health area of treatment, are treated in private facilities and that bill is then taken care of by the group health organization.

As far as cost, as cited at pages 143 and 144 of the report, we have adequate proof under the social security system that, for the Federal employee health benefits programs, under Blue Cross system, the annual hospital utilization rate is 878 days per 1,000 subscribers.

Under group health program, annual hospital utilization is 418 days per 1,000 subscribers. Under the budget experimentation, the average cost was $594 per

participant, per hospital admission. Under the group health cooperative program, the average cost was $387, substantiating the fact that we save in fact about a third by allowing the Government, and particularly the Department of Defense, to participate if they want to.

This is a "may" situation. This is a "may" bill. They may contract and allow some participation in this program.

The question is raised, is there a demand? I would say that there is, because I receive calls every week in my offices in California from people demanding a better service than they are currently getting, because the existing military hospitals cannot handle the CHAMPUS beneficiaries. They do not like, some of them, to go out into the private arena. They would rather be covered by a type of HMO capability. That is exactly what they are used to in the Air Force hospitals, the Army hospitals, the Navy hospitals, and I think if we want to be fair to these dependents, we will enact this legislation without hesitation.

Mr. Chairman, we have here today a bill which will finalize the action we took 6 weeks ago when we passed legislation to assist in the development of health maintenance organizations. This bill will make the use of those facilities available to the millions of CHAMPUS beneficiaries in the United States who are currently not able to do so under the auspices of that program. It is also very good news for those of us with an interest in saving Federal money, for there is specific provision here that this bill shall not cost us one penny more than we are paying for health care for military beneficiaries; all it does is to allow these people to choose the kind of health care they want. The CHAMPUS budget will continue to cover the costs as it has in the past, with no expansion of it asked or required.

That is just one problem the bill meets. Another is the problem we face with doctors in uniform. We have a severe crunch in military medicine in that we cannot get doctors, our hospitals are overcrowded, and our potential caseload in those hospitals grows every day. We enacted the CHAMPUS bill to allow dependents and retirees to overflow into the private sector, and even that proved inadequate. These dependents and retirees object to being treated outside of military hospitals not because they object to the quality of care in the civilian sector, but because they are used to the type of care where they get all their medical services in one place, and they like it. My own district has a large number of military people, and I can document this from letters I have received. So what we would do here would be simply to make this type of care an option for them in the civilian sector, thus helping to release military medical facilities for the care of the active duty military without abandoning their other patients.

I would like to point out further that we have hospitals that we just built that are being underutilized; we must come up with better ways to utilize them beyond what we currently have available. The House has already recognized the efficacy of the HMO approach by passing the HMO assistance bill by the overwhelming vote of 369 to 40. Additionally, I might point out that the committee reported a bill identical to this one in the 92d Congress, but it was not called up for a vote on the floor. We are not trying to break hard ground with any wild-eyed new proposals here, we are justifying to provide medical care to those to whom we have that obligation at the least possible cost.

Since we seem to keep coming back to cost whenever we talk about medical care, let me point out another very significant point in that regard. Members are, I am sure, acutely aware of the high cost of providing medical care; in that regard HMO's have established a tremendous record in lowering that cost. The hearings on this bill produced the fact that some HMO's have been able to deliver health care services at one-third less cost than the Federal Government is paying through the medicare program. Certainly there is no good reason why we should not be eager to avail ourselves of savings of that magnitude.

Mr. Chairman, in the final analysis this bill does nothing more than to give CHAMPUS beneficiaries medical parity with the rest of the United States; however, desirable side effects of this action abound. It will cost us not one dime more than we are now paying, it introduces flexibility into the medical programs we have available, and it releases badly needed military medical space and manpower to its primary task, that of caring for the active duty military. I strongly recommend that we pass the committee's bill as reported.

Mr. GUBSER. Mr. Chairman, I yield 3 minutes to the chairman of the committee, the gentleman from Texas (Mr. Fisher).

Mr. FISHER. Mr. Chairman, I yield to the gentleman from Michigan (Mr. Nedzi).

Mr. NEDZI. Mr. Chairman, the purpose of the legislation before us is simple enough. It would enable the Defense Department to take advantage, under the CHAMPUS law, of qualified health maintenance organizations in providing Armed Forces beneficiaries with health care. The Defense Department states that such an alternate system would not cost the Federal Government any more money that the present program, which totaled $522 million for fiscal year 1973.

The CHAMPUS law is now written in such a manner as to limit the operation of the program to the health insurance indemnity concepts and methods as traditionally utilized.

The HMO concept, as I understand it, provides for the delivery of direct medical care to the beneficiaries who are enrolled in such programs. A fixed prepaid fee would be paid by the Defense Department for each enrollee. These HMO's, or prepaid group medical practice plans, are organized systems of health care providing comprehensive medical services.

The HMO concept is not new nor is it experimental. There are an estimated 8 million Americans currently enrolled in such programs in several States.

These existing HMO plans provide high quality medical care to their enrollees of all ages. These HMO's are organized in various ways but they all provide their enrollees with a mixture of outpatient and hospital care through a single organization and under a single payment mechanism.

I am particularly attracted to the finding that because HMO revenues are fixed the incentives are to keep patients well because HMO's benefit from healthy patients and not sick ones. I am assured that the cost structure of the prepaid group practice program is designed to prevent illness and to promote prompt recovery.

I have always thought that to some extent it is unfortunate that our traditional medical care system seems to emphasize restoring health when sickness occurs rather than emphasizing the maintaining of health and the prevention of costly illness.

The experience of the Federal employees health benefits program has amply demonstrated that HMO's can reduce the expense of hospitalization while, at the same time, furnishing a broad array of health care benefits on a quality basis.

I am convinced that opening up the CHAMPUS program to permit our Armed Forces' dependents to utilize prepaid group practice plans, if they so desire, is a sound and economically feasible proposal. It is a step in the right direction to bringing higher quality medical care to those who are entitled to participate in this program.

Everything about the changes proposed in the CHAMPUS law makes good sense and I urge my colleagues to support this sensible and potentially cost-saving option for CHAMPUS beneficiaries.

Mr. FISHER. Mr. Chairman, I yield to the distinguished gentleman from Kansas (Mr. Roy).

Mr. ROY. Mr. Chairman, I rise in support of H.R. 10586. As I understand the bill, after closely listening to the debate, it will provide a choice to CHAMPUS beneficiaries of care from either an HMO or the traditional health care systems in the area.

There has been some comment that HMO is not sound.

After many weeks of study in our subcommittee, we concluded that the concept is sound. We have closely examined the many HMO's that care for over 6 million people in this Nation. There is strong evidence that they care for people for a lesser cost because they are an organized system of medical care, and under this system of prepaid, relatively comprehensive benefits, HMO's are able to care for people in appropriate facilities and with appropriate personnel.

I will not take your time to speak to many other points made by the opposition. They have been adequately answered but I think one is particularly important. That is the point that there are a number of states which presently have laws which appear to prohibit HMO's. Many times these laws appear to prohibit HMO's and after a period of time and study are found not to prohibit HMO's.

I want to point out that the laws,

where they exist, were not conceived as laws to prohibit HMO's. They date back to the 1930's, when Blue Shield laws were established for provider insurance programs. Some require, for example, that the Board of Directors be entirely physicians or a majority be physicians. This kind of law was not intended to prohibit HMO's. They were good laws for the purposes of establishing Blue Shield, but not for the purposes of establishing HMO's.

Mr. Chairman, in closing I want to place the emphasis on choice. I think the reason our subcommittee and this House decided by an overwhelming margin to assist in the establishment of HMO's is because we felt that we were introducing an element of competition in the health-care delivery system. I do not think any of us who support HMO legislation conceive that HMO's will become the only system of health care in this country. We want people wherever possible to have a choice and the benefits which ordinarily come from competition in our great free enterprise system to be available to all who seek health care. In order to make these benefits of competition available, we have properly passed a law which permits medicare and medicaid beneficiaries to choose whether to receive their health care from HMO's or from the traditional system.

The bill is one more step to permit freedom of choice of the individuals—in this case CHAMPUS of recipients—whether they purchase health care from HMO's.

Today everyone who pays for their own health care has this choice. I think those who are assisted in their medical care by CHAMPUS should also have a choice.

I want to compliment the gentleman from Texas (Mr. Fisher) and the others on the committee for bringing this bill to the floor.

I would also like to say, this is an enlightened approach by the Defense Department bill.

I urge support of this bill and yield back the balance of my time.

Mr. GUBSER. Mr. Chairman, I yield myself such time as I may consume.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. GUBSER. I yield to the gentleman from Illinois briefly.

(By unanimous consent, Mr. Anderson of Illinois was allowed to speak out of order.)

ANNOUNCEMENT THAT PRESIDENT NIXON WILL TURN OVER TAPES

Mr. ANDERSON of Illinois. Mr. Chairman, I merely want to inform the Members that according to the UPI at 2:28 p.m., President Nixon has agreed to turn over the secret Watergate tapes for judicial review.

Mr. GUBSER. Mr. Chairman, I rise in support of this bill as one of its coauthors.

First, I would like to address myself to some of the points that have been made in good faith by the opponents of this bill. It has been mentioned there were 14 Members in the Armed Services Committee who voiced their opposition. It so happened that I was not present that day, but it is my understanding there was a great lack of information and a great deal of misunderstanding which permeated the committee room.

It is my considered opinion that if a vote were to be held today, there would be considerably less than 14 votes in opposition.

It has been said today that HMO's are bad medicine. The Kaiser plan has been mentioned. I happen to have several thousand constituents who are subscribers to the Kaiser plan. All that I have spoken to unanimously approve it as a very marvelous health care plan and they are very well satisfied.

Representatives of the California Medical Association have come into my office and told me that they have no objection to health maintenance organizations. All they ask is that organized medicine be given a chance to participate in the policymaking.

If the California Medical Association, which is an adjunct of the American Medical Association, is not opposed to HMO's, why are they bad medicine?

The opposition has quoted a former official of the Kaiser plan. I would like to counter that with a statement from a study of the "military medicare" conducted by the Columbia University School of Administrative Medicine and Public Health.

It says, and I paraphrase it in an effort to save time, that the Government has recognized the potential value of prepaid group practice plans, and goes on to say, in effect, that the CHAMPUS program is a likely place to extend the HMO principle. This is from the Columbia University School of Administrative Medicine and Public Health.

Mr. FISHER. Mr. Chairman, will the gentleman yield?

Mr. GUBSER. I yield to the gentleman from Texas.

Mr. FISHER. It should be emphasized that since the Kaiser plan has been referred to by those who have reservations under this, it should be emphasized that the Kaiser spokesman before our committee is strongly in support of this legislation. It should also be emphasized that the Kaiser plan covers 2.5 million voluntary beneficiaries and costs the Federal Government not one dime.

Mr. GUBSER. I thank the gentleman.

The question of whether HMO is good medicine or not is not the point at issue here today. That issue was settled several weeks ago when this House in its wisdom determined that $244 million of the taxpayers' money should be used to subsidize the development of HMO's.

Mr. Chairman, there is no subsidy in this bill. This is not going to cost any more than the CHAMPUS program will already cost. This House has made the decision that HMO's are a worthwhile area to pursue. So that is not the issue before us today.

What is the issue? The issue is: Shall we discriminate against the dependents, the civilian dependents of military personnel, simply because their fathers or their guardians happen to wear the uniform of the United States? All this bill does is to give exactly the same option to the Department of Defense in the care of civilian dependents as it gives to the dependents of the Federal employees.

Why should we discriminate against a person, a civilian, because his parent happens to be in the uniformed services?

This is only a test. It is not an endorsement of health maintenance organizations; it is not mandatory; it does not penalize a patient who transfers from an HMO area to one which is not an HMO area, because he is covered by contract and his HMO must pay for the cost of his care in that non-HMO area. At the very worst, he still is allowed the benefits of the CHAMPUS program.

This bill does not deny him a thing if he transfers; it only adds to his options.

Mr. Chairman, we are not putting the Government into the medical business by this bill. We are in it. It costs $2,200,000,000 a year for military medicine, of which $522 million is the cost of the CHAMPUS program.

This bill could save money, because if we will look at page 4 of the report, we will find that invariably the people who are enrolled in group hospital plans spend less time in the hospital than those who are covered under individual health insurance policies. This could save money.

Basically a health maintenance organization is an organized system of health delivery which renders or arranges for the provision of health services to a defined population on a prepaid basis. The services are delivered through a medical group comprised of qualified personnel in the necessary specialties, who are either directly employed or are in a contractual relationship with the prepaid group practice plan. The advantages to the subscribers of health services are numerous. The emphasis is placed on outpatient preventive care, avoiding costly hospitalization except where necessary.

In prepaid group practice plans we have what can be called one-stop care with a full range of comprehensive services offered in a single setting. Because the plans are prepaid the expense of illness or injury at the time it occurs, when the consumer can least afford it, is avoided.

Mr. Chairman, and members of the committee, this legislation is long overdue. The report on the legislation shows that we are now spending $522 million for the CHAMPUS program. Like health costs generally, coupled with inflation, we can expect even higher costs in the next few years. In providing this option to CHAMPUS beneficiaries an element of cost control is possible. In fact, in the 1967 Report of the President's National Advisory Committee on Health Manpower, it was concluded that prepaid organized systems that provide health care on a direct service basis have been able to give high quality care with maximum economic efficiency. Moreover, a study of enrollment and utilization of health services under the Federal employees health benefits program, conducted under the auspices of the Health Services and Mental Health Administration, prepared by an eminent health economist, George Perrott, shows some fairly dramatic differences between prepaid group practice and indemnity type plans. For example, hospital utilization

is from one-third to one-half that of the other plans. The rate of inpatient surgical procedures are significantly lower. The hearings cite data from the Perrott studies. Page 4 of the report cites some of this supporting data. I suggest to you that the evidence and the experience of these programs over the last 25 years make it a demonstrable fact that a qualified HMO will more than adequately serve the health needs of those eligible CHAMPUS beneficiaries who choose them.

Additional reasons why the military should be interested in the potential of prepaid group practice are the crowded conditions which presently prevail in military outpatient facilities, the limitations on preventive and diagnostic benefits under CHAMPUS—by contrast with their availability to beneficiaries using military facilities—and the utility of the group practice plans as potential yardsticks for measuring the quality of care throughout the program.

We recommend that CHAMPUS embark on a series of steps designed to bring the program abreast of the other Federal programs in its capacity for growth, evolution, and experimentation.

Mr. Chairman, the supporting evidence in favor of this legislation is conclusive. This bill is a modest proposal which can help improve the administration of the CHAMPUS program by the Department of Defense. It deserves the strong support of the House of Representatives.

The CHAIRMAN. The gentleman from California (Mr. Gubser) has yielded back the balance of his time.

The gentleman from Texas (Mr. Fisher) has 2 minutes remaining.

Mr. FISHER. Mr. Chairman, I yield myself those remaining 2 minutes.

I do that for the purpose of underscoring and emphasizing the point which the gentleman from California (Mr. Gubser) just made when he said that under the HMO's relative to admissions to the hospital, the time consumed in admissions into the hospital is much less than under the traditional systems which we are generally familiar with and to which many of us are often subjected.

Actually, nationwide, in the millions of instances upon which those statistics are based, it has been found that hospital admissions for individuals run about $594 for the Blue Cross and the medicare people.

Mr. Chairman, do the Members know what it runs under HMO's?

It is one-third less, $387. It runs one-third less than it does for the traditional, ordinary hospital admission. That is because they treat them in a manner that prevents them from having to go to the hospital.

It is a great program, Mr. Chairman, and it should be promptly approved overwhelmingly by this committee.

Before closing, however, Mr. Chairman, I want to tell this committee of the valuable service Mr. David Treen renders to the Armed Services Committee and to subcommittee No. 2 of that committee, which I have the honor to chair. He always sees that both sides of every question are explored. He has rendered that service to the Members of the House today. I commend him on the excellent presentation.

Nevertheless, I urge your support of H.R. 10586.

Mrs. HOLT. Mr. Chairman, I rise to express my opposition to H.R. 10586 which would authorize the Department of Defense to contract with Health Maintenance Organizations to provide health care to the beneficiaries of the Department's CHAMPUS program for retired servicemen, the dependents of active military personnel, and survivors of deceased active duty and retired servicemen.

CHAMPUS is a good program and I believe that it should be expanded to include preventive medicine; that is, physical examinations and immunizations. I feel that the evidence is less than conclusive that Health Maintenance Organizations will add tangible improvements to the CHAMPUS program. I am concerned that this legislation would put an official Department of Defense stamp of approval on HMO's which at this point are still in the experimental stages. There is also the distinct possibility that the widespread use of prepaid group practice systems will result in impersonal and uncoordinated health care.

There are a number of questions which should be answered concerning Health Maintenance Organizations before opening up CHAMPUS to this mode of health care. Congress recently adopted an authorization bill for HMO experimentation. It would seem to me that it would be more prudent to wait until we can evaluate the results of this experimentation before altering the CHAMPUS program.

All of us are concerned about improvements in the delivery of health care services. However, we must exercise caution that in our efforts to improve the system, we do not destroy existing well-functioning programs.

For these reasons, and the fact that HMO's are currently not available in 25 States, I must oppose the passage of H.R. 10586.

The CHAIRMAN. All time having expired, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 55 of title 10, United States Code, is amended as follows:

(1) By adding the following new section at the end thereof:

"§ 1089. Use of health maintenance organizations

"In carrying out the provisions of section 1079 and 1086 of this title, the Secretary of Defense, after consulting with the Secretary of Health, Education, and Welfare, may contract, under the authority of this section, with health maintenance organizations as identified by the Secretary of Health, Education, and Welfare. The provisions of such a contract may deviate from the cost-sharing arrangements prescribed and the types of health care authorized under sections 1079 and 1086 of this title when the Secretary of Defense determines that such a deviation would serve the purpose of sections 1071 through 1089 of this title. Such a contract, however, may not provide for annual payments per beneficiary, by the Government and a beneficiary, of any amount greater than the estimated average annual cost for comparable amounts of care of similar quality provided under the cost-sharing arrangements prescribed in sections 1079 and 1086 of this title.".

(2) The analysis is amended by adding the following item:

"1089. Use of health maintenance organizations.".

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Adams, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 10586) to amend title 10, United States Code, to authorize the use of health maintenance organizations in providing health care, had directed him to report the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. TREEN. Mr. Speaker, I object to the vote on the grounds that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 345, nays 41, not voting 48, as follows:

[Roll No. 544]

YEAS—345

Abdnor
Abzug
Adams
Addabbo
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspin
Badillo
Bafalis
Baker
Barrett
Bauman
Beard
Bell
Bennett
Bergland
Bevill
Biester
Bingham
Blackburn
Boggs
Boland
Bowen
Brademas
Brasco
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Broyhill, N.C.
Burke, Calif.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byron
Camp
Carey, N.Y.
Carney, Ohio
Carter
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clay
Cleveland
Cohen
Collier
Collins, Ill.
Consble
Conte
Conyers
Corman
Cotter
Coughlin
Cronin
Culver
Daniel, Dan
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dent
Dingell
Donohue
Dorn
Drinan
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Giaimo
Gibbons
Gilman
Gonzalez
Grasso
Gray
Gubser

Gude
Gunter
Guyer
Haley
Hamilton
Hanley
Hanna
Hanrahan
Hansen, Idaho
Harrington
Harsha
Hastings
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Hollfield
Holtzman
Horton
Hosmer
Howard
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kemp
Ketchum
King
Kluczynski
Koch
Kuykendall
Kyros
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKinney
McSpadden
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Morgan
Mosher
Moss
Murphy, N.Y.
Natcher
Nedzi
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Podell
Preyer
Price, Ill.
Price, Tex.
Pritchard
Railsback
Randall
Rangel
Regula
Reid
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Runnels
Ruppe
Sarasin
Sarbanes
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Smith, Iowa
Smith, N.Y.
Snyder
Staggers
Stanton, James V.
Stark
Steed
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Ullman
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—41

Archer
Armstrong
Ashbrook
Broyhill, Va.
Clawson, Del
Cochran
Collins, Tex.
Conlan
Crane
Daniel, Robert W., Jr.
Dennis
Devine
Dickinson
Downing
Flowers
Flynt
Ginn
Goldwater
Goodling
Green, Pa.
Gross
Hammerschmidt
Holt
Huber
Landgrebe
Landrum
Lott
Montgomery
Moorhead, Calif.
Nelsen
Parris
Powell, Ohio
Quillen
Rarick
Robinson, Va.
Rousselot
Ruth
Satterfield
Symms
Treen
Young, Fla.

NOT VOTING—48

Alexander
Anderson, Ill.
Biaggi
Blatnik
Bolling
Brown, Mich.
Brown, Ohio
Buchanan
Burgener
Burke, Fla.
Butler
Casey, Tex.
Derwinski
Diggs
Dulski
Foley
Ford, Gerald R.
Gettys
Green, Oreg.
Griffiths
Grover
Hansen, Wash.
Harvey
Johnson, Pa.
McKay
Macdonald
Maraziti
Mills, Ark.
Moorhead, Pa.
Murphy, Ill.
Myers
Poage
Quie
Rees
Roybal
Ryan
St Germain
Sandman
Saylor
Scherle
Schneebeli
Slack
Spence
Stanton, J. William
Steele
Udall
Van Deerlin
Veysey

So the bill was passed.

The Clerk announced the following pairs:

Mr. Blatnik with Mr. Gerald R. Ford.

Mrs. Hansen of Washington with Mr. Casey of Texas.

Mr. Moorhead of Pennsylvania with Mr. Foley.

Mr. Macdonald with Mr. Scherle.

Mr. Biaggi with Mr. Saylor.

Mr. Diggs with Mr. Dulski.

Mr. Gettys with Mr. Butler.

Mrs. Green of Oregon with Mr. Myers.

Mr. Slack with Mr. Burke of Florida.

Mrs. Griffiths with Mr. Grover.

Mr. St Germain with Mr. Brown of Ohio.

Mr. Van Deerlin with Mr. Derwinski.

Mr. Murphy of Illinois with Mr. Harvey.

Mr. Udall with Mr. Brown of Michigan.

Mr. Alexander with Mr. Buchanan.

Mr. Mills of Arkansas with Mr. Johnson of Pennsylvania.

Mr. Rees with Mr. Anderson of Illinois.

Mr. Roybal with Mr. Quie.

Mr. Ryan with Mr. Maraziti.

Mr. McKay with Mr. Schneebeli.

Mr. Sandman with Mr. Spence.

Mr. Steele with Mr. J. William Stanton.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON EDUCATION AND LABOR TO HAVE UNTIL MIDNIGHT TO FILE REPORT ON DRUG ABUSE EDUCATION ACT

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor may have until midnight tonight to file a report on the Drug Abuse Education Act.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

PRELIMINARY INVESTIGATION TO DETERMINE IF SUFFICIENT GROUNDS EXIST FOR IMPEACHMENT PROCEEDINGS

(Mr. MILFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MILFORD. Mr. Speaker, I have introduced a House resolution directing our Judiciary Committee to conduct a preliminary investigation, to determine whether or not sufficient grounds exist for this House to consider formal impeachment proceedings against the President of the United States.

According to our Constitution, impeachment proceedings can only be instituted by the House of Representatives. This action cannot be initiated in the Senate or the judicial branch.

Our Nation is in turmoil. This past week, the American people were incensed and the Congress was insulted when the President summarily dismissed an independent prosecutor. Emotions were further aroused when he seized that prosecutor's records and effectively stopped a judicial review of his alleged wrongdoings.

Let it be clearly understood by all, I am not proposing an impeachment proceeding nor am I avoiding one. I am simply saying that a formal impeachment action is a very drastic measure that will gravely affect this Nation. We should know what we are doing before we initiate such an action.

The majority of both the Congress and the American people have an indefinable "gut" feeling that our President has not been totally honest with us in his conduct of national affairs. Some even believe that he has committed gross illegal acts and indiscretions, warranting immediate impeachment. Even his most enthusiastic supporters now have gnawing doubts.

In truth and in fact, none of us really know. The type of investigation that could factually prove or disprove these suspicions, has not been conducted. Furthermore, the very backbone of our Constitution and Bill of Rights dictates that every person has the right to be proven guilty before he is convicted.

The majority of both the Congress and the American people insist that the President is not beyond our laws. I agree. But I also insist that any action against the President must be conducted in accordance with our laws and Constitution. This means that he must have the full rights of any accused person.

In keeping with these basic constitutional rights, one cannot be convicted on the basis of press reports, emotional feelings, editorial opinions, nor highly charged partisan statements issued by headline-seeking politicians. When one fairly discounts these factors, a portion of the case against the President fades away.

On the other hand, there has been substantial and credible evidence to indicate the possibility that the President of the United States may have been involved in illegal, immoral, or unethical activities. If true, these do warrant formal impeachment proceedings.

Again—we are not sure. We do not have the positive and credible evidence that would allow us to make such a decision.

Our sister body, the Senate, has been conducting an investigation that indirectly involved Presidential actions. However, the Senate's primary purpose was to look at our election laws. Furthermore, in the opinion of many people, that investigation evolved into a "TV spectacular" rather than a factual investigation for truth. The Senate has neither the power nor the authority to initiate an impeachment action.

Until this past Saturday, Special Prosecutor Cox had been methodically and properly investigating alleged Presidential indiscretions through our judicial system. If his investigation could have continued, it would have provided this House with a reliable indicator concerning the need for formal impeachment proceedings.

While the dismissal of Mr. Cox indicates the need for the House of Representatives to investigate, this action

alone does not necessarily dictate the need for immediate formal impeachment proceedings.

In defending his actions against Mr. Cox, the President contended that the special prosecutor was his employee and that the employee had refused to obey his command. However, the President's action was contrary to his own word and violates the basic rules of our system of justice.

In effect, the President—who was an accused—fired the "district attorney" and insisted on having direct control over his own prosecutor, his own judge, and his own jury.

Furthermore, the President argued that he cannot be tried in a court of law as long as he is in office. This may be technically correct. I shall not debate that point. Neither will I participate in arguments concerning executive privileges, confidential conversations, and other complex points of law.

On one point, I am sure: The Constitution clearly states that the President can be indicted by the House of Representatives. I am not sure that we should bring an indictment at this point in time.

Our judicial system very wisely uses a grand jury to conduct preliminary investigations of all major criminal allegations. The grand jury investigates significant evidence against an accused and recommends a full trial if that evidence warrants. In my resolution, I am doing exactly the same thing.

In the resolution that I introduced today, we would appoint a proper forum that will have indisputable constitutional power to investigate all serious allegations against the President of the United States. Rather than a formal impeachment proceeding, this special subcommittee will in effect be the "grand jury" of the House of Representatives.

After this subcommittee has done its work—within the specified 30-day period—it will report back to the full House. Afterward, each individual Member will then be able to responsibly make a decision concerning the advisability of holding formal impeachment proceedings.

Mr. Speaker, I request immediate consideration of this resolution, and I ask each of my colleagues to support it.

RESOLUTION TO INVESTIGATE ACTIONS OF PRESIDENT RICHARD M. NIXON

(Mr. SEIBERLING asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, what a terrible day it is when the people of the country fear for the future of its institutions, not from any threat by an external enemy or an internal revolt, but from the actions of the President of the United States. Yet that is the situation we are facing today.

Since Saturday evening's announcement by the White House, my offices in Washington and Akron have received over 750 telephone calls and telegrams about the President's actions. During my service in Congress, no other single event has produced such an incerdible volume of communications from my constituents in a comparable period of time. The reaction indicates the gravity of the situation and the degree of the crisis of confidence in the integrity of the Federal Government.

The common reaction combines shock, fear, and a sense of having been betrayed. Over 90 percent of the communications I have received have been critical of the President. A clear majority have demanded impeachment. The message my constituents have sent to Washington is unmistakable: Americans still demand that their government be administered according to the Constitution and laws of the United States.

As Members of Congress, we are individually and collectively sworn to protect and defend the Constitution. Today, we face an unprecedented series of events which the public perceives—and with good reason—as a threat to that Constitution.

Mr. Speaker, Congress must discharge its constitutional authority to investigate the serious allegations of impeachable conduct by the President of the United States..

With other members of the Judiciary Committee and of the House, I intend today to introduce a resolution calling upon the Judiciary Committee to investigate the President's activities and to determine whether there are grounds for impeachment or other action by the House of Representatives. My resolution does not call for the impeachment of the President. It merely calls for an investigation into the President's activities, including those concerning the Watergate case and related matters.

The actions of this past weekend raise grave questions about the ability of the Justice Department to carry out an impartial investigation of White House involvement in the Watergate case and in other incidents suggesting impropriety and criminal activity by Government officials.

Mr. Speaker, I am today cosponsoring a bill introduced by the distinguished gentleman from Iowa, JOHN C. CULVER, which would create an independent prosecutor. However, even if such an independent prosecutor were created, the same problems might arise which confronted Special Prosecutor Archibald Cox in his efforts to obtain evidence from the White House.

It is in the interest of the public, the President, and the Congress to clear the air in the most expeditious manner possible. I believe that the proper way to accomplish this is for the House Judiciary Committee—pursuant to the powers of the House of Representatives under the impeachment clauses of the Constitution—to initiate at once an investigation to determine whether facts exist which would justify a resolution of impeachment of Richard M. Nixon or other appropriate action.

Mr. Speaker, I include the text of my resolution in the RECORD at this point:

H. RES. 645

Resolved, That the Committee on the Judiciary immediately undertake an investigation of the activities of Richard M. Nixon, President of the United States, including his activities in connection with the so-called Watergate case and related matters, in order to ascertain all facts bearing on the possible commission by Richard M. Nixon of high crimes and misdemeanors under section 4 of article II of the Constitution, and that upon completion of such investigation said Committee report to the House its recommendations with respect thereto, including, if the Committee so determines, a resolution of impeachment.

IMPEACHMENT OF THE PRESIDENT

(Mr. MITCHELL of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MITCHELL of Maryland. Mr. Speaker, my colleagues, there comes a time in every man's life when he must face up to his own integrity, with the hope that his integrity mirrors the integrity of the House and the integrity of the United States of America.

I stand before you this morning agonized, because I do not want—I do not desire to take this quantum step. But, my heart, my conscience, my soul, all that is me, demands that this step be taken. The step is very simple.

I shall introduce today a resolution calling for the impeachment of Richard Milhous Nixon, President of the United States. This is not an easy decision, and it is not a happy decision for me. I love my country as much as any man, woman, or child within the sound of my voice, but the reality is, that this Nation is being wracked by an exquisite agony, and that agony is the result of the President having interposed himself in the judicial process, having placed himself above the law of the land, and having treated the Congress and my countrymen with contempt.

I would urge and entreat the Members' support of my resolution which requires the impeachment of the President, charging him with high crimes and misdemeanors.

Mr. Speaker, a man was dismissed from his job. Another resigned. And this country cries for impeachment of its President. How has this come to pass? How have we come to be here today?

True, the man held no ordinary job. His was the responsibility, by virtue of congressional and Presidential mandate, to investigate one of the most far-reaching scandals this country has ever known.

The resignation of the other man? Well, perhaps he was a friend of the one fired. Or perhaps he was merely a man who realized that the justice for which he thought he had been working, no longer existed.

I am talking about the wielding of arbitrary power. The kind of power which exists in a dictatorship, not in a democracy.

Is this single issue important enough to warrant impeachment? I personally think so. However, the President has provided us with a lengthy list of breaches of trust, of obstructions of justice. Ours is no longer a difficult decision to make. The illegal and secret bombings of Cambodia, the commitment of public funds without the authorization of Congress, the dismantlement of programs upon which the lives of millions of poor, aged,

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and handicapped citizens depended, the sanctioning of illegal wiretaps and the ensuing violations of private property. Each of these singly provide sufficient grounds; cumulatively, they spell out an unquestionable course of action.

For nearly 200 years the President of the United States has been to the American people the embodiment of the principles upon which this country was founded. Richard Nixon himself was elected on a platform of law and order. That election has since been rendered tragically farcical. The law has been perverted. No vestige of order exists.

We cannot look at the Constitution of the United States without being conclusively struck by the overwhelming intention of its framers that no man be allowed to put himself above the law. The Constitution reflects this country's fervent rejection of monarchy, of dictatorship. The framers of the Constitution felt that they had laid a governmental framework strong enough to keep any man from taking the law into his own hands. The very stability of our country has been based on the fact that while administrations may change every 4 years, the law remains constant.

Now the very stability of our country is threatened. One man has succeeded in overriding the dictates of the Constitution. He will continue to do so unless we stop him. We, as Members of the House of Representatives, are the only ones who can do this. Know well, fellow colleagues, that if Richard Nixon is allowed to make a mockery of the U.S. Constitution for another 3 years to the point at which it will become meaningless as document and as law, it will be because you failed to act when the mandate was upon you.

IMPEACH THE PRESIDENT

(Mr. BADILLO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BADILLO. Mr. Speaker, I am today cosponsoring the resolution of impeachment against President Nixon authored by the gentleman from California (Mr. Waldie) and the Democratic study group resolution reestablishing the special Watergate prosecutor independent of the President.

These are basic steps essential to restore order and sanity to our National Government and to reestablish public confidence in our political process. In my judgment, these resolutions are now the most urgent business of the Congress and while a tragic war in the Middle East and urgent social problems here at home demand our attention, the impeachment of Richard Nixon and the continuation of the Watergate investigations and prosecutions must be the highest priority.

It is ironic indeed that the man who campaigned from coast to coast in 1968 on a pledge to restore respect for the law has now become the Nation's No. 1 lawbreaker and obstructer of justice. Let this serve as a lesson to those who are so easily seduced by the glib and easy rhetoric of politics, and who cannot be bothered with determining whether any substance lies behind the slogans.

I find it incredible that the movement within Congress for impeachment is not overwhelming. What the President has done—in its most basic terms—is assume to himself the right and power to determine who shall be prosecuted for serious crimes, what evidence will be made available for such prosecutions, and to whom that evidence will be given. These are not the constitutional prerogatives of a President of the United States. They are the powers of a dictator, or an absolute monarch.

What Richard Nixon has forgotten, or has chosen to ignore, is that regardless of how strong or dominant the Presidency has become since the founding of the Republic, we are still a Nation governed by the rule of law, not by the rule of men. Once men—elected or appointed—are permitted to become a greater power than the law, the very fabric of our political and social life will be destroyed.

Richard Nixon's contempt for the law and for our constitutional system really was apparent long ago, in the conduct of the war in Southeast Asia. I still feel there were more than adequate grounds for impeachment on the basis of the Nixon war policies and, even now, would welcome a broadening of the current impeachment effort to include that ground, although I recognize that many of my colleagues would feel that adding the war issue might be a distraction.

The task of Congress now is to restore decency, honor and justice to our political process. Impeachment is a most serious and drastic measure, but it is the sole mechanism available to us. Richard Nixon's contempt for the American people, for the Congress, for the courts, for his very oath of office, has cut the cord of accommodation and mediation. Whatever upheavals may be caused by the impeachment of the President would not compare with the chaos that would exist were he not brought to justice.

HOUSE OF REPRESENTATIVES SHOULD CONSIDER IMPEACHMENT RESOLUTION

(Mr. MEEDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MEEDS. Mr. Speaker, I asked for this time to discuss a topic we all have been forced to seriously consider during the recess. I refer, of course, to the impeachment of the President of the United States.

President Nixon, by his actions over the weekend, has defied the courts of the United States. He has defied the desires of the American people that charges of corruption in his administration be fairly investigated. And he has defied the Congress of the United States to do anything about it.

Mr. Speaker, as much as I respect the Presidency and its traditions, I have reluctantly concluded that consideration of an impeachment resolution by the House of Representatives is the only answer. It is the only totally effective remedy yet available if any of the serious charges against the administration are to be thoroughly investigated and it is the only means by which President Nixon can effect to clear his administration of these charges, if they are unjustified.

The American public will not believe an in-house investigation. They will believe, and perhaps rightly so, that an in-house investigation cannot rise above the suspicion of whitewash.

This suspicion was in part encouraged by the performance of the Justice Department in the early stages of the Watergate investigation. After all, creation of a special prosecutor's office itself was to answer these suspicions and avoid further allegations of coverup.

The public's suspicions were confirmed over the weekend when President Nixon fired the special prosecutor and abolished his office. The departure of the top two appointees in the Justice Department only confirms the widespread belief that Archibald Cox was fired for doing his job too well.

Now we have an acting Attorney General who pledges to run the now in-house investigation with vigor. What I would like to know is that if a vigorous investigation was what the White House really wanted, why did not the President keep Archibald Cox on the job?

I respect Mr. Bork's statement and I hope he succeeds in his intentions. But no matter how hard he or the remaining staff tries, they cannot prevent being subverted in their desires if they listen to the President's statements.

We are left with no demonstrably reliable means by which the public can learn if the President was involved in Watergate, whether improper influence was exerted in the ITT antitrust settlement, the raising of dairy support prices, the remodeling of the President's San Clemente home, the issuance of bank charters to Presidential friends, the enrichment of large grain distributors and the activities of Presidential staff members with more zeal than judgment.

It is for these reasons that Congress must take over the investigation for the good of America. And the best way to base this investigation is upon a resolution of impeachment. Impeachment is the means the Founding Fathers of this Nation placed in the Constitution to protect us from dictatorial excesses. The revolution that brought about the existence of the United States resulted from our experiences with kings and royalty. The Constitution deliberately created an elected President under the law to avoid any future would-be kings above the law. Impeachment is the only constitutional remedy to deal with a President who believes himself beyond the law.

I think last weekend's events clearly demonstrate what President Nixon thinks of the law's restraints. He violated an order by the U.S. court of appeals. And he fired and impeded those persons who were bringing out the facts about the worst corruption charges in American history.

Consideration of an impeachment resolution is the best legal position from which a congressional investigation can proceed. Setting up another special

prosecutor or a special committee without an impeachment resolution would only mean more spinning of wheels. Even if guilt was established, the House would then still have to conduct a further investigation before any action on articles of impeachment could be taken.

Secondly, only a proper impeachment investigation would have sufficient legal standing to override Presidential claims of executive privilege. Executive privilege cannot be a defense in the impeachment process. Under this process, the House can require the President to produce any and all materials it feels is necessary and relevant to its inquiry—including those refused to the special prosecutor and the Senate Watergate Committee.

It is an intrusion by the legislative into the executive branch, agreed; but the purpose of impeachment is to allow this intrusion to save the Nation from the excesses of executive power.

I feel that Congress must investigate under the legal standing of an impeachment—rather than create another committee to investigate whether there should be an investigation.

I have similar qualms about creation of a special prosecutor's office by the legislature. It may be an improper intrusion into executive domain simply because it does not have the sound legal basis of an impeachment resolution. And again, there is the inadequacy of trying to investigate the grounds for possible impeachment without having the ability to report an article of impeachment for House action.

I believe the House committee system is precisely adapted for an intensive, fair investigation of these allegations under the legal shelter of a resolution of impeachment. Any such committee should hire Archibald Cox as its special counsel.

Impeachment is a strong word—a word most of us mouth reluctantly and with great sadness. But the tumultuous events of this year and last weekend leave the Congress little choice. I believe Congress must not sidestep, procrastinate or approve cosmetic investigations. It is time to stand up and be counted. It is time to initiate an investigation under a resolution of impeachment to determine whether the Nation should continue under a President who believes himself above the law and its constraints.

INVESTIGATION TO DETERMINE WHETHER GROUNDS EXIST FOR IMPEACHMENT OF THE PRESIDENT

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, I have today introduced a resolution calling for an investigation to determine whether grounds exist for the impeachment of the President of the United States.

The thought of subjecting our Nation to the trauma of a Presidential impeachment deeply disturbs me, yet I feel Congress now has no other recourse than to stare that possibility directly in the eye.

It is a prospect which I never thought I would ever have to face. It is a prospect which I hope may still be averted.

But the events of the past weekend mean to me that serious questions which should have been resolved in an orderly manner by the courts now cannot be so resolved in the absence of an independent prosecution.

By his action in ordering the dismissal of Special Prosecutor Archibald Cox, President Richard Nixon has circumvented the process through which the grave allegations against his administration were to have been fairly evaluated in our system of courts.

I do not pretend to know whether this act by the President, of itself, or in concert with previous actions, constitutes an impeachable offense.

I do know, however, that our Constitution clearly holds the House of Representatives responsible for determining whether a President should be impeached—and thus be tried before the Senate on the question of whether he must forfeit his office.

I also know that the people of America want—and deserve—to know the answer to this question—an answer which only the Congress can provide.

The very thought that our President could be, or should should be, impeached is poisonous to the conduct of our Nation's affairs. It dangerously limits the President's abilities to act, creating a form of paralysis which imperils the welfare of the country.

It is my belief that this poisonous attitude is rampant across the land in the minds of well-meaning citizens, and therefore the question of impeachment must be resolved—one way or the other—as quickly as possible.

My resolution proposes simply that an imemdiate investigation be made as to whether grounds exist for impeachment. Such an investigation should first endeavor to define, as precisely as possible, what constitutes an impeachable offense.

Second, there should be a rigorous examination of Mr. Nixon's actions as President to determine whether they fit the definition.

The investigation should not involve—and I wish to stress this—philosophical or political activities by the President which might be at variance with the preferences of a majority of the Members of Congress. The President, indeed, has an electoral mandate, and has a perfect right to disagree with Congress on questions of philosophy and policy. I will defend that right.

Along that line, I think it incumbent upon the House to proceed expeditiously with its consideration of the nomination of Minority Leader Gerald Ford for Vice President. As in the consideration of impeachment, philosophical and political differences should play no part in the decision on Mr. Ford's qualifications to assume the office of Vice President.

I disagree most vehemently with the suggestion that Congressman Ford's nomination should be held "hostage" until such time as President Nixon's situation is resolved.

I believe that, if an examination of Mr. Ford's finances and his past conduct in public office shows no discrepancies, and if Mr. Ford is able to demonstrate a proper grasp of the duties and responsibilities of the office of the Vice Presidency—as well as the Presidency he may someday occupy—he should promptly be confirmed.

In the event that it should become necessary to remove President Nixon from office, I think it would be most unfortunate and most divisive if the Speaker of the House of Representatives, a member of the opposition political party, were to be in line to succeed to the Presidency simply because the Democratic Congress had declined to approve a Republican nominee for Vice President.

In conclusion, I simply wish to say that this is a painful day in my life. I have no desire to play any part, however slight, in bringing about the turmoil and upheaval of a Presidential impeachment. But, I feel that my oath of office requires that I move to force House consideration of that terrifying prospect.

If the President is not subject to impeachment, he deserves nothing less than a declaration by the House that they have so found. If he is subject to impeachment, the people of the country deserve nothing less than House action to bring him to trial before the Senate for a determination as to whether he should be removed from office.

IMPEACHMENT OF THE PRESIDENT OF THE UNITED STATES

(Mr. THOMPSON of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of New Jersey. Mr. Speaker, it is with considerable regret that on this day I have introduced a resolution calling for the impeachment of the President of the United States, Richard M. Nixon.

I have taken this action only after long and careful consideration. It had been my hope that the President would relent and obey the orders of the Federal courts. He has refused to do so and at the moment is before the courts which may make a determination as to whether or not he is in contempt.

My action is predicated not only on the President's handling of the tape question. The resolution cites seven specific charges in the bill of particulars.

Viscount James Bryce reminds us in "The American Commonwealth" that impeachment:

> Is like a one hundred ton gun which needs complex machinery to bring it into position, an enormous charge of powder to fire it, and a large mark to aim at.

There can be no doubt that President Nixon has generated "an enormous charge of powder." Obviously, the President of the United States is a large mark. The founders put the impeachment provisions in the Constitution after careful deliberation. The founders were agreed that:

> The power of impeachment ought to be, like Goliath's sword, kept in the temple and not used but on great occasions.

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The tragic fact is that the President, by a long series of actions, has literally demanded that the sword of impeachment be taken from the temple. I believe that no reasonable person will disagree with my feeling that the President's firing of Prosecutor Archibald Cox, Attorney General Richardson, and Assistant Attorney General Ruckelshaus has created "a great occasion."

James Madison told the Virginia Ratification Convention that:

> If the President be connected, in any suspicious manner with any person, and there be ground to believe that he will shelter men he may be impeached.

The President's refusal to make available the tapes and documents which the courts have ordered him to release indicates that the President is sheltering a number of persons who have been part of his administration in that his refusal amounts to the withholding of essential evidence needed in the judicial process. I have, therefore, in the exercise of my oath to support the Constitution no alternative but to introduce a resolution of impeachment. A copy of my resolution including the charges is included.

SPECIAL PROSECUTION CONSERVANCY ACT

(Mr. CULVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CULVER. Mr. Speaker, I am today introducing a bill to reestablish the special Watergate prosecutor independent of control by the President.

This is most emphatically not a partisan proposal. It is a serious effort to redress the evident conflict of interest that deprives the Executive of the capacity to conduct a fair and evenhanded prosecution of those persons other than the President who have been implicated in the Watergate affair. It addresses the fundamental proposition that, in matters of public importance especially, justice must not only be done, but be seen to be done.

In preparing this measure, we have consulted preliminarily with experts in constitutional law. They have advised us that there appears to be adequate justification, at least in the present circumstances, for conferring the appointing authority on the chief judicial officer who supervises the work of the grand juries principally concerned. The relevant legal considerations are set forth in a brief memorandum we have prepared to accompany the bill.

Interestingly enough, we have discovered that Richard M. Nixon is on record essentially in support of our approach. In 1951, while in the U.S. Senate, Mr. Nixon introduced legislation that would have empowered any district judge to appoint an independent special counsel on request of a grand jury. This counsel would have had charge of the investigation and would have had power to sign indictments. The bill I am introducing is narrower, since it is focused only on the Watergate and related prosecutions where there is an established conflict of interest involving the regular prosecution.

I must emphasize that this measure in no way substitutes for or concludes consideration of the entirely separate matter of impeachment. Nor does it take a position upon the agitated question of release of the White House tapes. Deliberation upon those questions may and should go forward in the appropriate forums. No matter how they are resolved, it will still be necessary to restore the evenhanded administration of justice and to conserve the prosecutional resources developed to date. That is the object of my bill.

Mr. Speaker I will include the text of my resolution and a summary of the effect at a later point in the Record.

PROPOSED IMPEACHMENT OF THE PRESIDENT

(Mr. FASCELL asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. FASCELL. Mr. Speaker, with millions of Americans, I was stunned and dismayed by the President's actions this weekend.

By directing the Special Prosecutor, Archibald Cox, to cease efforts through the courts to obtain tapes or other Presidential documents, and engineering his firing, the President reneged on the solemn pledges made by the administration to the U.S. Senate and the American people that there would be a truly independent investigation.

The President summarily has destroyed the independence of the criminal investigation and prosecution of suspects and defendants in the Watergate and related cases. He thus makes it appear that there is a continued, determined and calculated effort to defeat the ends of justice by obstructing or hampering it.

The President apparently refuses to fully obey a Federal court order to make available evidence which could assist in establishing the guilt or innocence on grave criminal charges affecting former high Government officials of his administration. By his decision not to seek a decision by the Supreme Court, the President is bound by the district court decision. It remains to be seen whether the district court will accept the so-called "Stennis Proposal" as action in compliance with its order.

The President has precipitated a constitutional confrontation between the three branches of Government unprecedented in our history. As one commentator has pointed out, Mr. Nixon, who has based his refusal to make the disputed tapes available to the courts and the Congress on the principle of "Executive privilege" and the separation of powers, chose a member of the legislative branch to review the executive branch tapes to comply with a court order of the judicial branch. His actions have brought dismay, frustration, and disbelief. He has cast doubt in the minds of millions of Americans on the ability and stability of our democratic institutions. The very heart and soul of our Government is at stake.

Only Congress and the American people can redress these grievances.

The Congress must act swiftly and positively to restore the independence of the criminal investigations and prosecutions and take whatever steps are necessary to assure prompt and orderly disposition of all criminal cases.

I have, therefore, today joined the sponsoring legislation to provide for the appointment of a special Watergate prosecutor independent of the President. The resolution is designed to assure the integrity of the special prosecutor's staff and records, incorporate in statute the guidelines for the special prosecutor's independence, give him independent authority to collect and safeguard evidence and extend the life of the grand jury—scheduled to expire on December 5, 1973—for an additional 6 months.

The Congress must simultaneously proceed to broaden the entire investigation of the Watergate and related incidents to determine if there is an impeachable offense against the President.

Toward this end, I am today also joining in the introduction of a resolution authorizing and directing the House Judiciary Committee to inquire into and investigate the official conduct of Richard M. Nixon to determine whether in the opinion of the committee Mr. Nixon has been guilty of any high crime or misdemeanor which in the contemplation of the Constitution requires the interposition of the constitutional powers of the House of Representatives. The committee is directed to report its finding to the House. And I would hope that the action contemplated in the resolution be initiated at the earliest possible time.

IMPEACHMENT OF THE PRESIDENT

(Mr. McKINNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McKINNEY. Mr. Speaker, we stand in the House of Representatives today at a troubled time in our history. The cries are ringing out throughout the Nation for impeachment of the President of the United States. I do not take these cries lightly. Nor do I underestimate the confusion and the argumentation that will go forth as to whether the President is impeachable or not.

I feel that the basic confidence of the American people in their Government is at stake. I do not think we can get lost in the political or legal arguments of impeachment and do nothing under the excuse of parliamentary time and legal maneuvering.

Mr. Speaker, I would suggest to you that this House, this building, stands for rule by law, not by fiat from any man. That if any officer of the Government subverts or puts himself above the law, or manipulates the law to destroy its credibility and effect, that this House must be concerned about democracy and its survival.

Mr. Speaker, I would make several suggestions today. First, I would suggest that you use the total power of your office and

that of the Senate leader's office on your side of the aisle to pass through these bodies immediately special legislation calling for the reestablishment of a special prosecutor under the power of the Congress of the United States; second, I would request that you set up a committee structure to immediately study all the impeachment resolutions that will be introduced today and to study the legal aspects of the President's actions; third, I would further request that this study be given a very severe time mandate and that these special bodies or committees report back to the general body of the House within the period of 1 month so that the House may either act on impeachment, should that be the proven course, censor, should that be the proven course, or indict for criminal offense, should that be the necessary course.

Mr. Speaker, I would suggest that a cloud hangs over the very beliefs that this building stands for. If we, as the representatives of the people, allow that cloud to remain, I seriously question the future of our Nation as we love and know it.

IMPEACHMENT OF THE PRESIDENT

(Mr. RHODES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RHODES. Mr. Speaker, it is profoundly shocking to have one Member of the House after another come to the well of the House and talk about impeachment of the President of the United States. Almost without exception, each one who did so expressed his regret, and because I have great respect for the Members of this House, I do not doubt the sincerity of those expressions of regret.

However, I do doubt the judgment which impels anyone to speak of impeachment at this particular time in our history, particularly when one examines the Constitution of the United States.

The words of the Constitution are rather plain. It says that impeachment may lie for the commission of high crimes and misdemeanors.

I ask each Member to reflect upon those words and then ask himself if there have been high crimes and misdemeanors committed which would justify impeachment.

It has been said that the President has defied an order of the court. The former Attorney General of the United States not over an hour ago said that this is not true; he has not defied an order of the court. Actually, what the President did was to propose an alternative which would in his mind, and I think in the minds of many of us, have actually complied in the spirit of the order which was issued by the District of Columbia court of appeals. The key members of the Watergate Committee approved of his proposal. The Attorney General of the United States not only approved of it, but had a lot to do with its formulation. The only one who did not approve of it was the special prosecutor, Mr. Cox.

Mr. Speaker, I ask the Members, was Mr. Cox appointed with the idea of setting him up as a fourth branch of the Government who would not have to answer to anybody at all? I do not think that this was the intention of the Executive nor the intention of the Congress when Mr. Cox' office was set up.

Was it a high crime or misdemeanor for the President of the United States to fire Mr. Cox, or to accept the resignation of the Attorney General and the Deputy Attorney General? Of course not, No one has indicated that such was the case. If this were the case, then we would have impeached many Presidents in the past who have from time to time made controversial personnel changes, but there has been no talk of impeachment in those cases.

I am afraid, Mr. Speaker, that those who are talking about impeachment today have been thinking about impeachment for a long time. I do not think that this suddenly came bursting full blown from the brows of the Members on my right. I think there has been a lot of thinking about this; a lot of wishful thinking, I might say. The American people do not deserve this. Our people have had one blow after another for the last several months, and it does not do the Republic or the people of the United States any favor to talk about impeachment at a time like this, with no evidence available to justify impeachment.

I ask, Mr. Speaker, that this talk be stopped immediately, and that we proceed with the business of serving our people and this Republic.

CONGRESS MUST NAME PROSECUTOR

(Mr. BENNETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BENNETT. Mr. Speaker, we have all been shocked by the firing of Archibald Cox and the resignations of Mr. Richardson and Mr. Ruckelshaus. The Nation still faces many unanswered questions and the answers to those questions still must be found. The precedent for this type of appointment was set during the Teapot Dome Scandal and I feel the precedent is appropriate here.

Under a bill I have introduced the House and Senate would be required to appoint an individual of the highest character and integrity to serve as special prosecutor for the Government of the United States. The selection of the special prosecutor would be required to be made from outside the Government and also be required to be made from among individuals who do not now hold any public elective office.

The appointment of the special prosecutor would be made by a majority vote in each House. Once appointed, the special prosecutor would be indepedent from any department or agency of the United States and would have authority to appoint his own independent staff to assist him with the investigation and prosecution.

I am convinced that this current confidence crisis will escalate still further if the future handling of Watergate is not now conducted in an impartial, unprejudiced manner—free from partisan political controversy. Only by adhering strictly to the traditional American concepts of jurisprudence can we be certain that the further handling of these tragic cases will be conducted in a just and impartial manner.

As to the matter of impeachment, I believe that at this moment the best procedure is to refer the resolutions on this to the Judiciary Committee for prompt and complete consideration and recommendation. A matter of such gravity should be handled with careful deliberation, not in heat and emotion.

I personally believe that the President had the legal power to fire Cox, but that he has acted unconstitutionally in a number of other important matters. He has, for instance, ended programs and projects which the law has directed him to carry out. This is unconstitutional, according to the courts, and I believe this to be so.

I would hope that the President would rectify this situation and that this weakness in his administration can thus be removed from the area of consideration in the impeachment hearings. In saying this I am not referring to impoundment procedures allowable under the deficiency Act; but to the the actual killing of entire programs and projects directed by law. This he cannot constitutionally do.

IMPEACHMENT PROCEEDINGS

(Mr. ADAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADAMS. Mr. Speaker, as one who has been a former district attorney and who understands that the House sits as an indicting body on the question of issuing articles of impeachment, I had been prepared today to offer a resolution that there be a select committee appointed to consider impeachment. I felt that a select committee would be a better vehicle than the Committee on the Judiciary which already has pending before it the confirmation of a new Vice President.

There being a resolution for impeachment pending, I have examined the precedents and found it could be either called up immediately or referred to the House Committee on the Judiciary or referred to a select committee.

I have been assured by the leadership—and I accept that assurance—on both sides of the aisle that this matter will be referred to the Committee on the Judiciary.

You can call it investigation, you can call it whatever you wish. But when that resolution is heard, and it is going to be heard before the Committee on the Judiciary, then evidence will be taken, I have been assured, as well as procedures established so that the matter of impeachmen can be presented in an orderly fashion to the House with a recommendation either for or against.

I personally feel, as I am sure most Members of the House do, that we do not have the evidence at this point to deter-

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mine whether or not articles of impeachment should be drafted, and those articles, once drafted, taken to the Senate for trial. Therefore, I hope the Committee on the Judiciary will proceed immediately—and it is my understanding that they will—so that it can be presented to the House for our considered judgment.

I think there is a grave constitutional crisis, caused by the existing conflict between the executive and the judiciary. The only remaining way to resolve that crisis is through the constitutional process, which puts the responsibility on this House to proceed in an orderly fashion with impeachment proceedings.

IMPEACHMENT PROCEEDINGS

(Mr. McCLORY asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. McCLORY. Mr. Speaker, in the light of recent developments which have culminated in the resignation of the Attorney General and Deputy Attorney General, as well as the dismissal of the special Watergate prosecutor, it is not surprising that serious, and in many respects, irrational attacks have been directed against the President of the United States.

However, it would be both unwise and unbecoming for this body to take summary action which would brand the President's conduct as amounting to "an impeachable offense."

Mr. Speaker, there is serious doubt on the question of the authority of the Watergate Committee or of the district court to require the production of taped accounts of private and confidential conversations between the President and members of his staff. In the district court, the judge recognized the limitations on ordering any such production of taped conversations by directing that he would first undertake to review the taped conversations—privately—and then determine what part or parts, if any, might appropriately be reported to the grand jury.

The special prosecutor appealed from this ruling, contending that the entire tapes should be surrendered to him—and it is important to observe that the special prosecutor appeal was denied and his appeal dismissed. Indeed, the court of appeals in its opinion, called attention to the significance of conversations which had been held by the special prosecutor, counsel for the President, and the court, in an effort to avoid a needless constitutional adjudication.

There is other qualifying evidence in the opinion, leading to the view that some such compromise as that arranged by counsel for the President and the Attorney General, with the chairman and ranking minority members of the Senate Watergate Committee were consistent with achieving justice without impairing the constitutional separation of powers inherent in this celebrated case.

Mr. Speaker, it would seem entirely appropriate for the House Judiciary Committee to consider the various aspects of the charges and countercharges involving the so-called Watergate case. However, initially, it would seem important for the committee to consider the legal and constitutional grounds upon which such hearings would be warranted. It is my considered opinion that the committee should consider the right of a court or committee of the Congress to order the surrender of confidential and private conversations engaged in by the President of the United States with his staff. Clearly, if the so-called Watergate conversations may be demanded, there would seem to be no end to the demands which the Congress or the courts might make with respect to private White House conversations.

Mr. Speaker, the other legal question involved is whether the President as head of the executive branch of Government, may be denied the right to control the execution or enforcement of the laws. In this connection, the Office of President—and not the President as an individual—is in control of the executive branch. While subject to the laws as an individual, it would not seem possible for some third party—or fourth branch of Government—to possess autonomous authority to proceed against the President. The Constitution does not provide for, and the people have not granted any authority to the so-called special prosecutor to assume the prerogatives of the Congress or to supersede the President in his role as head of the executive branch. At any rate, this presents very sensitive and technical, legal, and constitutional questions.

Mr. Speaker, it is my hope that the House Judiciary Committee or an acceptable subcommittee may review these constitutional and legal questions preliminary to any consideration of charges of wrongdoing or so-called impeachable offenses leveled at the President of the United States.

Mr. Speaker, the stability and effectiveness of the U.S. Government, both in the management of our domestic as well as our foreign affairs are dependent upon a strong governmental system. The strength of our President, as a national as well as an international leader are beyond question. The entire free world looks to our Nation's leadership for an enduring peace, and for the solution of the grave international problems, including improved relations with the People's Republic of China, and an era of détente between the nations of Eastern Europe and the Western free world.

Mr. Speaker, I hope that we can use both patience and judgment in our efforts to meet this critical challenge. Let us hope that an acceptable resolution of the pending court proceedings—similar to that agreed upon in the Senate Watergate hearings—may be reached.

IMPEACHMENT PROCEEDINGS

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HECHLER of West Virginia. Mr. Speaker, article II, section 3 of the Constitution very clearly reads that the President "shall take care that the laws be faithfully executed."

The President has deliberately precipitated a series of events to enable him to remove a special prosecutor whom he has long wanted to remove because that prosecutor's activities were embarrassing to the President personally, although the special prosecutor has attempted to carry out the orderly processes of justice.

Very clearly in this situation President Nixon is obstructing justice. I have, therefore, introduced a resolution of impeachment, and I have also cosponsored resolutions to reestablish by statute the independent office of special prosecutor.

This grave constitutional crisis is not only an issue of the special prosecutor personally but the issue of his office, his papers, and his independence in carrying out an investigation of criminal activities which are apparently reaching too close to the President and the White House. The President seems to be oversensitive to the special prosecutor and has, therefore, sacrified both Mr. Richardson and Mr. Ruckelshaus to stop the prosecutor from doing his duty.

Mr. Speaker, I was most interested in what the gentleman from Ohio (Mr. Ashley) related with regard to the background of the impeachment of President Andrew Johnson. That political impeachment has cast an inhibiting cloud over all of our actions today.

The brilliant description that John F. Kennedy wrote in "Profiles of Courage," sank into the consciousness of every American, and has muted and slowed down the requests for impeachment, both by Congress and the Nation.

We do not want to proceed with any political impeachment, such as occurred with Andrew Johnson. Therefore, when the people today demand impeachment they are demanding it in a sober fashion against the background of that unfortunate chapter in American history.

I believe such an impeachment resolution deserves a very thorough inquiry by the Committee on the Judiciary. The President is clearly obstructing justice. Entirely too much emphasis has been placed on "the tapes," when the fundamental issue is whether the President is obstructing justice, placing himself above the law, and refusing to insure that the laws be "faithfully executed."

ON IMPEACHMENT

(Mr. GRAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GRAY. Mr. Speaker, as one who has been subjected to inuendo, smears, and false accusations by members of this administration, I could very easily rise today and say that I immediately would vote to impeach President Nixon; however, my conscience requires that I not take such precipitious action. I have always followed the standard of justice that a person is innocent until proven guilty. Mr. Speaker, the American people are upset over the firing of Special Prosecutor Archibald Cox who was told by the President that he had a free hand in investigating not only Watergate but any other charges of misconduct. As far as I am concerned, the tapes issue was not the real reason for Mr. Cox's firing. I think this was proven by the turn of events this afternoon. If the President knew last Saturday that he was willing to eventually turn over to the courts the tapes in question as he did today, why then would he go ahead and allow the resignations of Attorney General Richardson and Deputy Attorney General Ruckelshaus in order that Acting Attorney General Bork could go ahead and fire Mr. Cox? For these reasons, I feel that the entire matter of a specal prosecutor should be considered before any thought should be given to impeachment. Accordingly, I support the following resolution in order that all the facts surrounding this dispute can be considered. I am sure every Member of Congress, both Democratic and Republican, would then be in a better position to judge what course of action Members of Congress should take in fulfilling their constitutional responsibilities. The resolution follows:

Resolution directing the Committee on the Judiciary to inquire into and investigate whether grounds exist for the impeachment of Richard M. Nixon

Resolved, That the Committee on the Judiciary shall, as a whole or by any of its subcommittees, inquire into and investigate the official conduct of Richard M. Nixon to determine whether in the opinion of said committee he has been guilty of any high crime or misdemeanor which in the contemplation of the Constitution requires the interposition of the power of the House of Representatives under the Constitution. The Committee on the Judiciary shall report its findings to the House of Representatives, together with such resolutions, articles of impeachment, or other recommendations as it deems proper.

FIRING OF SPECIAL PROSECUTOR

(Mr. YATES asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. YATES. Mr. Speaker, I was outraged to learn last Friday night of President Nixon's peremptory firing of special prosecutor Archibald Cox. It was an out and out violation of the pledges he had given the country when Elliot Richardson was named Attorney General and Mr. Cox was appointed special prosecutor. The impression given the country at that time by Mr. Nixon's statement was that Mr. Cox would be given total independence and cooperation in all his endeavors to investigate and bring to justice those who had committed offenses in or against the Government. Now the President has slammed the door on judicial investigation by his dismissal of Mr. Cox. Can anybody believe that the Department of Justice can or will do an impartial thorough job of the task now assigned to them?

The legislative branch must continue that investigation to seek the truth about all the wrongs committed by Mr. Nixon's appointees and associates. I have cosponsored a resolution, Mr. Speaker, which requests the House Committee on the Judiciary to make that investigation to determine whether an impeachment should be voted against President Nixon. The committee must act expeditiously. The country is now shaken by the actions of Mr. Nixon not only in the Watergate scandals but in so many other curious and potentially scandalous incidents as well. The committee should lay aside its other business and devote itself to this most important question.

I have also joined, Mr. Speaker, as a cosponsor of a resolution seeking the appointment of a special prosecutor to carry on in court the investigation begun by Archibald Cox. That inquiry should not be dependent upon the whims of a President whose administration is being investigated.

Finally, Mr. Speaker, this is not only a question of the disclosure of the tapes. The tapes are only one source of information. That is why the President's proposal of using Senator Stennis to hear the tapes to check a Presidentially prepared summary is so inadequate. There are documents, letters, records, and so forth, that are also proper subjects for investigation.

The American people deserve to know what their Government has done in the past and is doing now. The present crises in Government will not be alleviated nor will the confidence of the people be restored until that information is forthcoming.

FRIGHTENING EVENTS

(Mr. STOKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STOKES. Mr. Speaker, the resignations of the two highest Justice Department officials and the firing of Special Prosecutor Archibald Cox as well as the ruthless seizure of his offices and files by the FBI are frightening events. The Nation has been shocked to witness such arrogant abuse of governmental power to protect the private interests of one man. Only 2 weeks ago we saw the resignation and virtual guilty plea to tax evasion of the Vice President of the United States. That was a plea contrived in such a way as to insure that the American people would never be able to ascertain the facts which brought about this bizarre event.

Mr. Speaker, I call for the impeachment of the President, the impoundment of all relevant tapes, records, documents and files in the Justice Department and the White House, and the continuation of the special prosecutor in order to completely prosecute all those guilty of crimes, including the President.

The recent actions of Richard Nixon have led me to believe as firmly as I have ever believed in anything, that this country is in mortal danger. I urge all my colleagues to consider with the gravest seriousness the fundamental interests of this Nation in preserving our democratic form of government.

The true honor of the country, its ability to believe in itself, in its laws, in its governmental system, and in its public officials is in danger of being not just damaged, but permanently crippled or destroyed.

Great questions remain concerning the exceptional situation of the resignation and conviction of the second highest official of this Nation, and until these questions about the number and extent of Mr. Agnew's crimes are resolved, publicly for the entire Nation to judge, we must not act on another Nixon appointment to the same position. The American people have a right to know. We cannot entrust to a man so implicated, and who I believe must be impeached, the power to choose the next President of this country. To do so would be foolish and blind, and a betrayal of trust.

Having witnessed the actions of the past few weeks I cannot but wonder if they were not almost designed to overwhelm the American people and induce a state of shellshock rendering them incapable of recognizing the significance of subsequent acts. Each crisis blurs the last and now we have the resignations of two Justice Department officials who in contrast to so many others displayed high principles and concern for the Nation. Such men, apparently, the Nixon administration cannot long endure. This Nation cannot long endure Richard Nixon. We must impeach him now.

The remarkable thing about the events of the last weeks, months and years is not simply that Mr. Nixon has done what he has done, but that this Nation did not see it coming; and that even now we may not be able to imagine what may yet happen in his remaining 39 months.

Impeachment proceedings are no longer premature, they are essential to the future well-being of this Nation. The disruptive nature of such proceedings now pales beside the clear and present danger which Richard Nixon poses to our Nation, our liberties, and our self-respect.

I call for the immediate impoundment by the court, if not by the Congress, of Mr. Cox's files, of the Presidential tapes, and of all documentary evidence and material requested by Mr. Cox in connection with his investigation. Every hour that these materials remain in the possession of an interested and biased party to the investigation, there is great risk of destruction, alteration, and improper disclosure to adversary parties, all of which we have already seen occur.

The only action capable of countering demonstrated Presidential defiance of the Senate and the courts is for all responsible Members of Congress to rise above party concerns and rid ourselves of this Nation's worst President, by impeachment. Furthermore, I call upon all citizens who care about their country to let those who represent you, know of your continued and persistent outrage at the current President's behavior. Let them know you demand impeachment.

Mr. Speaker, my office has been flooded with telegrams, letters and telephone calls from citizens all over this Nation who are outraged at the dictatorial, despotic conduct of Richard Nixon. Every single person, without exception, has urged his impeachment.

Mr. Speaker, at a time like this in our history it is well for all of us to remember the words of someone who said, "Resistance to Tyranny is Obedience to God."

Mr. Speaker, I ask unanimous consent that a copy of the resolution which I intend to file with the House be printed in the Record at this point.

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H. RES. —

Resolved, That Richard M. Nixon, President of the United States, is impeached of high crimes and misdemeanors.

IMPEACHMENT PROCEEDINGS

(Mr. BINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BINGHAM. Mr. Speaker, the President has given this House no alternative but to ge ahead with impeachment proceedings. This does not mean we are to take a vote today, tomorrow, or next week, and no one is proposing that. It does mean the Judiciary Committee must proceed expeditiously and responsibly to investigate charges that have been lodged and to make appropriate recommendations to this House.

Mr. Speaker, it has been almost a year and a half since the abortive breakin of the Democratic National Committee's office at the Watergate. In these past months, the scandal, corruption, and crisis have constantly intensified, as wave after wave of shocking new developments have splashed onto the front pages of our newspapers and poured forth from television sets. This unending stream of revelations has left us stunned and waiting for some indication that the flow of scandal will at some point stop, that all the facts will be revealed, and that we can then pause and assess the situation.

The events of October 19 through 23 seemed for a while to shortcircuit the need for that kind of pause and reflection. President Nixon dismissed the Deputy Attorney General and the Watergate special prosecutor, forced the resignation of the Attorney General, and abolished the Watergate Special Prosecution Force, all in the name of a compromise solution to the issue of access to Presidential tapes and documents. The nationwide reaction to this apparent defiance of the courts, the Congress, and the American people was staggering in its vehemence. The letters, telegrams, and telephone calls to my office and many others were full of outrage and insistent calls for impeachment. The reaction apparently so startled the White House that today the President's lawyer announced to Judge John Sirica that the President will, once again, reverse himself and comply with the orders of the Court of Appeals, releasing the subpenaed tapes and documents to Judge Sirical for an in camera inspection.

Many questions remain unanswered. The special prosecutor who obtained the subpena which the President will reluctantly obey is no longer on the job. Who will now press the investigation? Can we really believe that the Justice Department will prosecute those individuals associated with the White House for crimes growing out of Watergate as vigorously as the special prosecutor?

The country demanded a special prosecutor early this year and the President's conduct with respect to the tapes makes me feel that the need for the special prosecutor is more acute now than ever. What will the tapes reveal about the President's and other high officials' involvement in a wide range of illegal activities and their subsequent coverup? These and other critical questions could well lead many of us to once again hold our breaths and wait for another shoe to drop, another revelation, another indictment. However, in good conscience I can no longer wait for the ultimate development in this prolonged crisis before deciding what action should be taken.

I have today joined with many of my colleagues in introducing a resolution directing the Judiciary Committee to inquire into the official conduct of the President to determine whether his removal from office is warranted. I believe this investigation will and should result in the reporting to the full House of Representatives of a resolution to impeach the President.

This call for the initiation of impeachment proceedings is not to be taken lightly. I have refrained from such action for the 17 months since Watergate first entered the political lexicon. Impeachment is not to be used as a weapon of partisanship, or as a means of expressing or resolving political differences. I do not so use it today. Impeachment proceedings, beginning with the investigation of the many charges which have been developed over the past months, are a responsible reaction to the accumulated controversy and political rot which surpass partisan differences. The administration's obstruction of justice and assault on the Constitution and the individual liberties it protects can no longer be tolerated. The patterns of malfeasance and misfeasance, of official deception and belated disclosure, have been repeated so often and stretch so far into the core of the President's government that his resignation or removal from office appears to be the only honorable way to resolve the present crisis and restore the people's faith in government.

The resolution I have introduced today mandates a thorough investigation of all the allegations regarding the President's misconduct in office. Should the Judiciary Committee recommend to the House that articles of impeachment be presented to the full House, as I believe it should, the process would be one not unlike that which we use to initiate criminal proceedings against an ordinary citizen. The House in the case of the President would have a function similar to the grand jury—that is to lay the charges of misconduct. If the House agrees, it will impeach, just as the grand jury indicts. Instead of a regular trial court, in the case of a President, the Senate acts as a court, with the Chief Justice of the Supreme Court presiding. The text of the resolution follows:

Resolved, That the Committee on the Judiciary shall, as a whole or by any of its subcommittees, inquire into and investigate the official conduct of Richard M. Nixon to determine whether in the opinion of said committee he has been guilty of any high crime or misdemeanor which in the contemplation of the Constitution requires the interposition of the powers of the House of Representatives under the Constitution. The Committee on the Judiciary shall report its findings to the House of Representatives, together with such resolutions, articles of impeachment, or other recommendations as it deems proper.

I am supporting this form of resolution because I believe that the Judiciary Committee must be given the discretion to fashion articles of impeachment on the basis of the evidence they receive. Some of my colleagues have made valiant and commendable attempts to list those charges upon which the President should be tried before the Senate, and I am in sympathy with those efforts; however, for myself I prefer to withhold the introduction of such a resolution until all the evidence, including the tapes just turned over to Judge Sirica, have been made available.

The responsibility of the Judiciary Committee to sift through this mass of conflicting data is enormous, but it is one which must be accomplished without unnecessary delay. By giving the Judiciary Committee responsibility to decide, in the first instance which alleged offenses committed by the President warrant impeachment, we will provide the House with a highly scrutinized document, which we may be reasonably certain is free from the errors of passions which lie in hastily conceived charges.

The range of possible charges to be laid against the President is broad. First and foremost, presumably, would be obstruction of justice, through some or all of the following: Participation in the Watergate coverup, including involvement of the CIA, restriction of the Justice Department investigation, frustration and finally abolition of the Office of the Special Prosecutor; seizure of files and other evidence material to investigations by Federal grand juries; offering a high Federal post to the presiding judge at the Ellsberg-Russo trial; and withholding information regarding the Ellsberg breakin from a Federal court. Other possible grounds for impeachment include Mr. Nixon's creation of "the plumbers," a special White House group to engage in covert illegal operations in the United States; abridgement of citizens' first amendment rights by illegal wire-tapping of staff telephones and those of newsmen that disagreed with the administration; the employment of the FBI, IRS, or other Government agencies to "get" political enemies; the ordering of 14 months of secret bombings in neutralist Cambodia and the deception of the American people with respect to it; and finally the receipt of massive campaign contributions in return for favorable action by the Federal Government, for example, with regard to permissible milk prices.

Neither the Judiciary Committee's investigation of the President's conduct, nor the submission of the tapes to Judge Sirica lessen the need for a special prosecutor, independent of the executive branch of the Government, for Watergate related cases. To meet the demands of the American people for full and fair prosecution of Watergate crimes, I have also joined in sponsoring legislation to reestablish the office of Special Prosecutor. This legislation should be a complement to, rather than a substitute for, the Judiciary Committee's investigation. The bill would authorize Judge Sirica to appoint a new special prosecutor and assure the integrity of existing staff and records pending his appointment. It would also extend the life of the Watergate Grand Jury so that it may complete its investigation, and give the special prosecutor sufficient funding to do the kind of job the American people have a right to expect.

A RESOLUTION OF INQUIRY

(Mr. ASHLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ASHLEY. Mr. Speaker, because President Nixon appears committed to the obstruction of justice and thwarting of the political process, I have today introduced a resolution directing the Committee on the Judiciary to inquire into and report back to the House of Representatives with respect to whether or not there is probable cause of Presidential wrongdoing sufficient to justify impeachment proceedings.

I was interested in the comments of the gentleman from Tennessee (Mr. (KUYKENDALL), Mr. Speaker, because it was just over 100 years ago that my great grandfather James M. Ashley, served in this body, and introduced the impeachment proceedings against President Andrew Johnson. I have studied that action and what led to it and what its consequences were. That resolution of impeachment failed, as it should have, because it was introduced by my great grandfather for purely partisan political reasons.

The same cannot be said, Mr. Speaker, of the resolution that I have offered today nor, I think, of the other resolutions offered by my colleagues. This is not a partisan action on my part or on their part. The truth of the matter is that the President has given us no alternative. There has been a question in all of our minds for months and months as to whether or not with respect to the Watergate situation the President had clean hands or whether he did not, in which case it would be our responsibility to consider impeachment proceedings. This body, very wisely I believe, has taken the view that there must be strong evidence of illegal acts by the President to satisfy the constitutional requirements with regard to impeachment. Instead of moving precipitously against the President, this body has preferred to allow the facts to be developed by the special prosecutor's office headed by Mr. Cox and by the Senate Watergate Committee.

The issue today is in sharper focus. If the President persists in his refusal to turn over the tapes and other evidence in his possession, in defiance of a Federal court order, would such a thwarting of the judicial process be sufficient grounds for impeachment? By firing Archibald Cox and dismantling his independent investigatory unit, is the President guilty of obstruction of justice?

The issue, Mr. Speaker, is whether our Nation is being governed by a rule of law or by a ruler who sets the law as he deems appropriate.

These are the questions that Americans are asking today and I believe it is the responsibility of this House to provide answers.

LEGISLATION ESTABLISHING AN INDEPENDENT OFFICE OF SPECIAL PROSECUTOR

(Mr. MOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOSS. We confront a grave national crisis. Our Constitution, rule of law and our institutions are threatened by Presidential actions of recent days.

The President:

First, appears to be in direct violation of Federal court orders;

Second, he obstructs justice, not delivering relevant evidence of possible criminal acts to the grand jury and Senate Watergate Committee;

Third, he jeopardizes criminal trials of dozens of former administration officials by interfering with functions of the Prosecutor;

Fourth, he breaches public commitments and his own Executive order by discharging Cox.

Fifth, he breaches commitments to the Senate and the people by denying the Prosecutor full authority to contest assertions of "executive privilege," and by countermanding his decisions.

The House has sole constitutional duty to initiate proceedings to consider Presidential impeachment for offenses and breaches of duty. I do not feel the House will shirk its duty.

We must continue investigation and prosecution of Watergate-related crimes jeopardized by Presidential actions. I am introducing a bill to establish an independent office of Special Prosecutor to have exclusive authority for investigating and prosecuting such offenses. It provides that the Prosecutor shall have exclusive authority to conduct proceedings before grand juries, to obtain documentary evidence from Government agencies to determine whether to contest assertion of "Executive privilege," to determine whether to seek immunity for witnesses, and to prosecute any individual or corporation.

The prosecutor will be appointed and may be removed solely by the chief judge of the Court of Appeals for the District of Columbia. Appointment is with advice and consent of the Senate. All records in possession of Cox and his staff on October 21, 1973, will be transferred to the Prosecutor.

We must assure our people this is a government of laws, not of men; that prosecution of persons violating Federal law will not be frustrated by Presidential actions. This legislation is a first step toward restoring public confidence in Government.

IMPEACHMENT PROCEEDINGS

(Mr. DON H. CLAUSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DON H. CLAUSEN. Mr. Speaker, today is both a dramatic and potentially traumatic day in our Nation's history. Members of Congress are very vocal in expressing their views and the views of many of their constituents who are deeply concerned and frustrated by the President's action over the weekend.

With the President's decision to dismiss Special Prosecutor Archibald Cox and the related resignations of Attorney General Richardson and Deputy Attorney General Ruckleshaus, the country has lost three highly qualified, distinguished, and experienced public servants, and many people are wiring, writing, and calling my office indicating their lack of confidence in President Nixon and calling for his resignation or impeachment. In time of crisis, as always, I firmly believe we in the Congress owe it to ourselves, the American public, and the principles and traditions on which our Government was founded to place matters of this nature in proper perspective.

The resignation of the President, even in the face of serious crisis now confronting the country, remains an uncertainty. Of course, as everyone knows, the Congress has the authority and power to initiate impeachment proceedings, and no one would accuse any Member of Congress of prejudging and convicting the President if the Member were to begin now to study and evaluate the purpose and application of impeachment proceedings. But let us remember a few important factors about impeachment.

First, impeachment is a means of removing the President from office for high crimes, misdemeanors and other reasons, and its infrequent use in the history of our country attests to the grave implications it holds for the political stability of the Nation. It would do us all well to remember, then, that the House of Representatives does not—or at least should not—bring impeachment proceedings against a President of the United States as a result of the deepest partisan differences, no matter how divisive the relations between the President and Congress comes to be. In my view, impeachment of a President can and should only be sought when and if it is clearly determined that the President has committed some crime or, in current parlance, when it is proven that he has in fact placed himself "above the law."

Apart from this issue, the fundamental question that must still be resolved, however, is whether or not the American people will get the full, impartial adjudication of the Watergate matter to which they are clearly entitled. As Mr. Ruckelshaus said yesterday, "the need at this point to see that the trials are carried forward probably outweighs" the President's claim of privilege and protection of confidentiality. Legally valid that the President "get the facts out" as he has promised by making the Watergate-related portions of Presidential tapes available to the courts if justice requires it.

To continue the process of "carrying forward" which Messrs. Richardson, Ruckelshaus, Cox, and millions of Americans deem so important, and to which President Nixon pledged his full support, the Congress has another alternative—it can and should move now to authorize the appointment of a free and independent investigating authority by the courts for gathering the facts and prosecuting the Watergate case, so this tragic chapter

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in our history can be brought to its long-awaited end.

As Attorney General Richardson said this morning, the President has not defied any court order or given an indication of doing so. In a legal sense, he apparently has further appeals opportunities available to him and, further, the courts and Judge Sirica, specifically, can consider the possibility of approving the President's compromise offer which he, the President, feels is necessary to uphold the established principles of confidentiality and separation of powers between the three branches of Government.

This compromise offer, as I understand it, included an authenticated summary of the tapes including relevant quotes and was offered to Judge Sirica and the Watergate Select Committee of the Senate.

Senator JOHN STENNIS, who has been described by his colleagues in the Senate and more recently in a radio interview with Senator ERVIN as a man of impeccable integrity and character, has been asked to review and verify the authenticity of the tapes. The decision of the court of appeals itself authorized the preparation of summaries by the District Judge. Verbatim quotes are to be included in the summary.

It is my understanding that Attorney General Richardson played a major role in the preparation of this compromise and advanced it as a means of avoiding a constitutional confrontation and the potential crisis that might develop.

In my view, all of this could have been avoided by turning over these tapes to the courts but obviously the President feels very strongly about precedents and his constitutional obligation to protect the Office of the Presidency and the separation of powers, principle, and tradition.

What is really at stake is confidence, integrity and trust in and of governmental institutions and processes. This must be restored, above all, and restored immediately. The people are, very appropriately, demanding it. We need the earliest possible judicial determination of any verified record. The court has issued a subpena at the request of the grand jury for the tapes and certain documents. If the President fails to respond to the satisfaction of the court, he could be held in contempt of court. This is a matter that must be determined by the court at the earliest possible time.

However, time and public patience are running out. The President and the President alone must satisfactorily explain the reasons for his actions to and redeem himself with the American people. They have a right to expect this type of leadership from any President.

The international crisis in the Middle East, the energy crisis, the economy, the cost of living, and the many other problems facing this Nation demand his and our full attention—free from the burdens of this constitutional crisis.

The electorate gave President Nixon an overwhelming mandate and vote of confidence indicating their faith in him and his policies. Now, however, people have lost faith in him and his administration. I believe his place in history and the well-being of our people is dependent in large part on the restoration of that faith and confidence.

INDEPENDENT PROSECUTOR IS ESSENTIAL

(Mrs. HECKLER of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. HECKLER of Massachusetts. Mr. Speaker, like millions of Americans, I am shocked and appalled at the President's dismissal of Special Prosecutor Archibald Cox and the elimination of the independent investigator's office. The result has been the loss of three outstanding public officials—Cox, Attorney General Elliot Richardson, and Deputy Attorney General William Ruckelshaus—further weakening the Presidency and harming the entire Nation during one of the most troubled times in our history.

For this reason, I believe it essential that the Congress promptly approve a resolution I am introducing today calling for appointment of a new independent prosecutor to pursue the Watergate affair and allied crimes, with the appointment subject to confirmation by the Senate.

I am relieved that President Nixon agreed today to satisfy the court order by turning over the White House tapes, thus avoiding a constitutional crisis. If he had only done so last week, we could have averted the crisis of the past weekend, the loss of three public officials of well-known integrity, and the resulting damage to public confidence.

This is a Nation of laws and not of men. If the President fails to satisfy the court order to make the White House tapes, or a compromise acceptable to the courts, available, then he will precipitate a constitutional crisis by taking the position that he is above the law.

What little credibility remaining with this administration is further diminished by the loss of three men of excellent reputation. Mr. Richardson and Mr. Ruckelshaus resigned out of conscience and I commend them for it.

I have personally known Mr. Richardson for many years, and while I have not always agreed with him, I respect his ability and integrity.

The actions of the White House during the past few days convince me that now, more than ever, we need a thorough, independent investigation to get to the bottom of these crimes.

THE IMPEACHMENT OF PRESIDENT NIXON

(Mrs. MINK asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. MINK. Mr. Speaker, it is with regret that I have concluded that there is only one course of action left for the Congress of the United States to take on behalf of the people of this Nation if our democracy is to survive.

Accordingly I plan to introduce a resolution to impeach the President.

I do not quibble with a President's right to fire his staff. But in this instance President Nixon has gone far beyond the prerogative of merely firing a staff member. He has stepped solidly in between the promised impartial investigation of his own soiled administration and the right of Americans to know the final answer to the question of the President's conduct in office. When the President abolished the office of special prosecutor he abolished impartiality with it. President Nixon has broken the people's trust both in him and in the office of the Presidency. He has in this final act of disregard for justice laid before the people his intentions to obstruct—not to uphold—the laws and the Constitution which he twice swore to uphold as President. I regard this as a high crime against the people of this Nation.

In a country which shuns public controversy, the Congress has been asked repeatedly to hold back action and to offer the President compassion.

But the President no longer deserves this defense. It is up to the Congress to act now to protect the American people from further abuses of power.

This Nation is in need of moral leadership. It obviously cannot expect it from the President. It must be able to expect it from the Congress. If we fail our people in this crisis, we shall have yielded to what is expedient rather than what is just.

For all that has happened, there is nothing left to cheer in this Presidency. From the corruption of public trust of the Vice President, to the obstruction of justice and secret police tactics of the Presidency, there has been a relentless decadence which has sapped the people's confidence in justice as well.

We are a nation of law and morality. And we shall remain that way only if the people, the courts, and the Congress remain true to their pledge of allegiance to country and not allow loyalty to one man obscure this solemn responsibility.

The President's professed dedication to constitutional principle which previously prompted him to refuse to surrender the tapes to the court, suddenly with cries for impeachment from all corners of America ringing in his ears, gave way to the shallow and obvious expediency of saving his own skin.

It is my firm view that the tapes were a clever subterfuge to obscure the real struggle. It is clear to me that the President accomplished his major objective, that of firing the independent prosecutor whose investigation was closing in on the President's own activities.

If our Government based on law is to survive, we must insist on a full and impartial investigation to determine all the facts in the Watergate scandal and related matters bearing on President Nixon's fitness for office. Without an independent special prosecutor within the executive branch, the Congress must now assume this responsibility which can be done only by impeachment proceedings.

During impeachment the Congress has the full and uncontestable right to the

highest and best evidence. It can initiate and conduct its own inquiry. The refusal of the Executive to supply requested information can in itself become grounds for impeachment, and it is in this context that we must proceed. Given President Nixon's repeated efforts to block the disclosure of relevant data, together with his attempts to obstruct the orderly process of justice by firing Mr. Cox, it has now been demonstrated that we can expect no reliable solution to the problem unless Congress acts.

I believe we must proceed with the impeachment of President Nixon so that the American people can finally know that justice has prevailed.

IMPORTED FIRE ANTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. YOUNG) is recognized for 60 minutes.

Mr. YOUNG of South Carolina. Mr. Speaker, the imported fire ants, samples of which I hold in these bottles in my hand, are a hazard to the health and safety of any person or animal living in an area which they infest. They concentrate in mounds in open fields and forests.

Members of my staff have counted 200 of these mounds in a 5-acre field in South Carolina. One of my constituents, an employee of the South Carolina Public Service Authority, stepped off his truck into a fire ant bed, and before he could undress, he had 156 bites. An employee of the State highway department has holes and rotten places on his legs from fire ant bites. One farmer has lost more than 100 pigs at birth due to the fire ants' swarming. Young cattle have been killed and there is even one case of a full-grown bull being fatally attacked.

Doctors have reported an unusually high number of cases where treatment for these bites was required in my district. There have been more complaints about fire ants this year than ever before, and I have literally hundreds of pleas for help.

What makes all of this so tragic, Mr. Speaker, is that the help is available. Help could be given. This help, however, is blocked by a ridiculous ruling from the Environmental Protection Agency. The chemical pesticide, Mirex, can and does eliminate the fire ant. Because of the biology and life cycle of the imported fire ant and the composition of Mirex bait, there are two periods in the year in which treatment can be effectively made—from about March 15 to May 15—and from about September 1 to November 15. The bait is most likely to attract ants after the end of August since the colonies will by then have grown large enough to have continuous foraging activities. Scientists from the Department of Agriculture and from State universities agree that the only effective and practicable method of distributing this poison is by airplane. Ground broadcast application will not work and the cost of even such partial treatment is four times as high as aerial application. The Environmental Protection Agency permits the aerial application of Mirex except on or near rivers, streams, lakes, ponds, and other aquatic areas, and also—this is where we find fault—it prohibits the aerial application of Mirex in coastal counties or parishes.

The Environmental Protection Agency admits that troublesome concentrations of Mirex have not been demonstrated in the aquatic environment and is prohibiting such aerial application only because the Administrator says:

> I am naturally reluctant to permit distribution of Mirex bait in a manner that might contaminate estuaries and lakes and streams.

The U.S. Department of Agriculture, the State departments of agriculture in the affected areas, the State universities knowledgeable in this area, and I, all believe that the environment will be equally well protected if the Agency's orders were amended to delete the reference to coastal counties. This would still prohibit the treatment of estuaries, rivers, streams, lakes, swamps, ponds, heavily forested areas, and other aquatic areas; thus the protection of the aquatic environment which was the rationale for the Agency's prohibition of aerial application in coastal counties would not be impaired. At the same time, people living in coastal counties and in areas remote from estuaries would receive the benefit of the imported fire ant cooperative control program.

There are presently 72 infested coastal counties containing 8 million people in a land area of 37 million acres. Protection of estuaries from contamination is a function of distance and topography, not political boundries. Some coastal counties contain areas as far as 80 miles from the coast, while some noncoastal counties contain areas only 5 miles from the coast. Compare Baldwin County, Ala., a coastal county, with Washington County, Fla., a noncoastal county. Contour maps and aerial photographs show that most of the 72 infested coastal counties have significant upland areas identical to those in noncoastal counties. A good example is Horry County, S.C. This area is infested by the imported fire ant—735,000 acres of infestation and this acreage grows each year that treatment is disallowed. This infested area is, in virtually every respect, identical to an upland area in a noncoastal county. There is a high percentage of rich, heavily farmed area with no direct drainage whatsoever into the estuaries. Further, a major highway, U.S. 17, runs above the coastline and it would be highly improbable for there to be any movement of Mirex bait into the estuary from aerial treatment on the inland side of this highway. The Environmental Protection Agency might have good arguments that it would be inadvisable to have aerial application too close to the estuary, but areas far removed therefrom could and should be so treated with no significant risks of contamination. An examination of a contour map would show that the sensitive area to be avoided in this county is really the Waccamaw River which originates in North Carolina.

Yet the danger of contamination is as great in noncoastal counties in North Carolina, as it is on the South Carolina coast. In such noncoastal counties, the river would be protected not by an artificial coastal county prohibition, but rather by the prohibition of aerial treatment upriver. We seek the same treatment for coastal counties.

I have been using Horry County as an example because I am, of course, most familiar with it. Some counties come within 5 miles of the coastline yet do not actually touch the coast so spraying is allowed, while in Horry County, we are not even allowed to spray 43 miles from the coast. Everyone knows that I am for preserving the environment in every way possible, but the EPA is using political boundaries—county lines—and the only justification I can see for this is because it is easier on them to do it this way rather than to judge cases on the basis of their individual facts and merits. All of the other 72 coastal counties with fireant infestation deserve the same treatment.

Earlier this summer my office sought, along with the Horry County Agricultural Extension Agent, Clemson University, and the U.S. Department of Agriculture, a special exemption for Horry County to permit the aerial spraying of Mirex bait in 90,000 of the 735,000 infested acres. The closest approach to the coastline was 8 miles. The plan had been worked out with careful coordination from the EPA. The Department of Agriculture has proposed a close monitoring program. Every effort to compromise and cooperate in good faith has been made. Shortly before the August recess, two officials of the Environmental Protection Agency sat in my office and gave me the green light—the go-ahead that some kind of aerial spraying in Horry County would be allowed so long as the proposed plan would stay away from aquatic areas. Clemson University was notified, the county was notified—the Mirex was purchased and the planes were hired—yet in mid-September, the Agency went back on its commitment, given by its agents in my office. EPA wants to await the results of a public hearing which was scheduled this spring, then rescheduled this summer, then rescheduled for late summer, then rescheduled for fall, now rescheduled for winter before modifying its existing orders relating to Mirex.

Mr. Speaker, EPA has bamboozled many good and decent people who look to them for help into missing this year's opportunity to control the fire ant. These people will have to live with the fire ant for another year. I do not think we in the Congress should permit EPA to go through this same process once again.

Last week I introduced legislation to require the Administrator of the Environmental Protection Agency to modify his Mirex orders, to delete the prohibition of aerial application within coastal counties or parishes and yet at the same time to permit such applications by using the same standards applicable to the noncoastal counties. H.R. 11039 would not tamper with EPA's tentative, unsupported, determination that Mirex might, in some cases, be potentially harmful to aquatic organisms. What it would do is require EPA to quit letting arbitrary, artificial, political boundaries from determining the environmental policy of the United States.

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These ants are a health hazard—they are injurious to livestock, people, and farms. We cannot stand by and watch them damage our people just because some Washington bureaucrats apparently have no intention of being bothered with this serious problem. If the Environmental Protection Agency is unwilling to be responsive to the needs of our people, then it is Congress' responsibility to act.

Mr. SYMMS. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of South Carolina. I would be glad to yield to the gentleman from Idaho.

Mr. SYMMS. Mr. Speaker, I thank the gentleman for yielding, and I appreciate the gentleman's efforts in bringing this information before the House.

I will ask the gentleman, is there any way we could get those fire ants turned loose down at the EPA offices?

Mr. YOUNG of South Carolina. Mr. Speaker, I would like to respectfully submit to the gentleman from Idaho that they would not let me bring them up here alive. I agree that would have been a very appropriate place to put them. The only way I could bring them here would be to bring them in formaldehyde.

Mr. Speaker, I thank the gentleman for his question.

We are very concerned about this problem, and yet we seem to get no real response from these folks. We feel the best way to do it is to bring it to the attention of this Congress, because we feel the final law of this land rests with this body.

Mr. Speaker, these mounds are some 2 feet high, and these fire ants are very tenacious as they attack not only animals but human beings in our area. We feel very strongly that something needs to be done immediately to stop this epidemic in the coastal counties of this area.

Mr. DAVIS of South Carolina. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of South Carolina. I would be glad to yield to my colleague, the gentleman from South Carolina.

Mr. DAVIS of South Carolina. Mr. Speaker, I join my distinguished colleague from South Carolina, in asking the Congress to grant some form of relief from the growing and very serious problem of fire ant infestation.

As is well known, the chemical agent Mirex is one of the best proven killers of fire ants. Mirex, in order to be effective against this pest, needs to be spread over a wide area. Airborne distribution is the only feasible way of doing this, but the Environmental Protection Agency has prohibited aerial application of Mirex in the coastal counties of the Nation and, in particular, the First District of South Carolina, regardless of ecological safety measures taken in advance and regardless of the distance from the coastline of the proposed spraying.

That is a pretty arbitrary ruling by the Environmental Protection Agency. It specifically forbids aerial spraying of Mirex. And it further sets forth restrictions against ground use that pretty effectively curtail use of the chemical at all.

Time and again, complaints have been voiced to EPA officials concerning this arbitrary policy, but in true bureaucratic fashion the EPA has turned a deaf ear on these complaints and has steadfastly refused to modify its policy.

The EPA had promised to hold public hearings on the fire ant problem, but they have delayed the hearings for months now. I have in my files some of these hearing notifications, and the files go back over a year. Time and again, the EPA has delayed the hearings. Time and time again, the people affected by the spread of fire ants have been thwarted by the EPA in their attempts to tell their side of the story.

I have a suspicion that at least part of the reason for this lackadaisical attitude on the part of the Environmental Protection Agency is that officials there have a generally hazy view of what the fire ant problem is all about.

Undersecretary of Agriculture J. Phil Campbell, for instance, said in a meeting in the Longworth Building in May that—and I use his words now—"the problem is mainly that of a people pest and is not damaging economically."

That kind of statement shows a general unfamiliarity with the fire ant. Of course it is a "people pest," as anyone who was ever bitten by the fire ant will be quick to tell you. But it is a very major economic problem also. It is so "damaging economically" that 50 farmers in and around Colleton County in South Carolina, which is part of my district, were distressed enough to come to a meeting on the fire ant problem. They sure thought the fire ant was "damaging economically" and they were there to find out what could be done to solve the problem. My files are absolutely bulging with letters from people concerned with the infestations of fire ants in their fields and pastures and forests. My files are filled with requests for immediate help in fighting this so-called people pest.

Just how serious is the problem? Let me quote from a letter of a cattleman in Charleston County, S.C.

> I have a cattle ranch on Highway 17, and the fire ants are about to run us crazy. For a long time, the government had a program of spraying Mirex from airplanes which kept the ants well under control and almost had them eradicated. However, in the last two or three years, that program has been stopped, and the fire ants have really taken over the pastures. The only treatment we know is to take buckets of mirex and treat with a spoon each individual mound. I am sure you can see the impossibility of this practice.

This cattleman and others in the First District of South Carolina have told me of the death of calves and, in some instances, full-grown steers, from multiple bites of the fire ant. Others tell of the serious injury to their livestock by what one government official describes in an off-hand manner as being a "people pest."

Any ant which can kill a full-grown cow is a pretty awesome insect. For those here today who are unfamiliar with the fire ant, let me describe to you how they operate. Fire ants build nests of dirt above the ground. They resemble a few shovelsful of dirt piled up. If you take a stick or something and just scrape off some of the dirt, you will behold literally millions of rather smallish red ants swarming in the nest.

When an animal steps into a nest like this, the ants simply swarm all over it. They inflict very painful bites, which effectively destroy tissue and cause infection. An animal can die of shock from the multiple bites, or it can die of infection or a combination of the two factors. In any event, an animal can die.

Human beings are not immune, either. If you can imagine an adult beef steer being killed by a swarm of fire ants, it is easy to imagine what they could do to a toddler who accidentally wandered into a nest. As far as humans are concerned, I have a letter in my files about a young woman in the Charleston area. The letter comes from her mother and tells about an incident early this year:

> In April, while in her yard, one fire ant stung her on her toe. She was instantly on fire and had what the medical people call a massive reaction. Only the fact that a neighbor could get her to a doctor, we believe, saved her life. Now we understand, if she is stung again, she would have less than five minutes to get medical help. Her doctor has provided her with a small kit to give herself medication, in the hope that if she is stung, she can ward off a reaction long enough to get to a hospital.

I think that letter from a constituent does more than anything I could say to place the fire ant problem in its proper perspective. The fire ant certainly is more than a "people pest." It is a people killer in some cases. It is a livestock killer. And in that light, it can wreak economic havoc.

I just wish some of the Agriculture Department and Environmental Protection Agency decisionmakers would get out from behind their desks here in Washington and travel to the First District of South Carolina to get a firsthand look at the severity of the fire ant problem.

They would see entire fields and pastures dotted with fire ant beds. They would see forest land which is unsafe to walk through for the same reasons. They would see surburban lawns with fire ant nests.

The people do not know what to do. On a recent trip in my district, I was shown a large fire ant bed in a lady's front yard. She knew what it was but not what to do about it. She had not been advised by the Agriculture Department or the EPA about Mirex. She was of the opinion that gasoline might work on the nest. It would not. The ants simply burrow underground and come to the surface some distance away, where they build a new nest.

Surely this situation has got to be rectified. Fire ants are an increasing problem in my district as well as other portions of South Carolina. Coastal areas are not the only places affected. And South Carolina is not the only Southern State affected.

We have got to have a totally effective program to eradicate the fire ant, and that includes a program which can be used in the coastal areas in the Southeast. If we do not have such a program, we will simply be wasting money on a half-hearted effort.

To quote a source in State government in South Carolina:

> The EPA has literally tied our hands as far as eradication of fire ants is concerned, and control programs are also likely to be affected.

The Environmental Protection Agency has, to be sure, recently issued an order allowing limiting air spraying of Mirex in six Southeastern States this fall. The order is similar to one in the early part of the year, but the order permits Mirex by aerial spraying only on fields near small streams and farm ponds which are not shown in U.S. Geological Survey maps with a scale of 1:24,000.

The order bars this spraying from coastal counties, even counties which have only a small portion of their borders touching the ocean and others which touch not at all but have a stream running into a river.

So, when the ant is driven from the interior land areas by the Mirex spraying, they are, in all likelihood, going to migrate into the coastal areas, where they are already in residence in great numbers.

Many of the farmers in the coastal areas of my district, already contending with large fire ant colonies, cannot fight such a handicap any longer, and they certainly will not know what to do with even more of the insects.

Some sort of realistic compromise is in order here, and it must come pretty soon. I understand the environmental concerns relating to Mirex, but I would point out that no one has definitely proven any ecological disasters in the past due to aerial spraying of this pesticide. I am of the opinion that some measures must be implemented immediately in the coastal areas of the Southeast, and if the Environmental Protection Agency is not ready to take them, then the Congress must.

The environment we are protecting, after all, includes animals and human beings affected by the fire ant.

If the EPA will not get off dead center on this question, I feel Congress must do it for the EPA. Let us work out some acceptable formula with the EPA so that the coastal areas can get some relief, but let us not just continue to turn a deaf ear to the complaints we are hearing from these areas.

And if the EPA wants no part of this problem, then I say the Congress must be prepared to go its own way. We are speaking of people with a problem here, the very same people who elect us to office and who expect us to help them and work for them.

I join with my colleague from South Carolina in supporting legislation which will lay down new ground rules for battling the fire ant. And I would urge all of my colleagues to do likewise.

Mr. YOUNG of South Carolina. Mr. Speaker, I wish to thank the gentleman from South Carolina (Mr. Davis) for his comments.

I would like to conclude by recognizing the gentleman from Pennsylvania (Mr. Goodling).

Mr. GOODLING. Mr. Speaker, I thank the gentleman for giving me this time. I wish to rise in support of what the gentleman is saying.

While I do not have a fire ant problem in my district, just this morning the gentleman from Idaho (Mr. Symms) told EPA some things that they did not like to hear.

I think it is time EPA gets somebody into its organization who knows something about the practical application of pesticides. Apparently they have no one down there who does.

Our argument this morning was on banning the use of DDT to control tussock moths and gypsy moths which we have throughout the entire country.

We hear a great deal about conserving, conserving, conserving. Our environmentalists say nothing but conserve, conserve, conserve. Yet we have lost millions of acres of trees which we desperately need today for lumber, and in spite of that they refuse to allow us to use DDT.

So I compliment the gentleman for bringing this to the attention of this House.

Mr. YOUNG of South Carolina. I would like to thank the gentleman from Pennsylvania. I could not agree with him more about the moths.

I am glad to yield now to the gentleman from Idaho (Mr. Symms).

Mr. SYMMS. I would like to congratulate the gentleman for bringing this matter before the House.

We have had the same problem with regard to coyotes eating up sheep in the western part of the United States. We want to preserve the coyotes, but we do not want to destroy the sheep.

We have the same problem with timber, as the gentleman from Pennsylvania (Mr. Goodling), mentioned. We could go on and on and on with many other items.

If there has even been a time in our history when we need to have common sense with regard to the conservation of our natural resources, now is the time.

Many of the decisions coming out of the bureaucratic arm of our Government overrule the professionals in the other branches of the Government who want to make the right decisions in this regard.

I point out that the Forest Service has skilled technicians who are capable of making proper decisions, but they are not allowed to use their professional abilities to seek out the tools that they should use simply because the Environmental Protection Agency's irrational and irresponsible decisions have been coming out of that organization with regard to the use of DDT and many other pesticides and rodenticides which are very clearly defined under the proper act.

However, the EPA has new authority and becomes a very activist agency. We cannot afford that at this time in our history.

I commend the gentleman from South Carolina for bringing this matter before the House today.

Mr. YOUNG of South Carolina. I would like to thank the gentleman from Idaho for his remarks.

I believe we need to be practical here. One of the things we need to point out is that the Myrex used to destroy the fire ants is a pellet form of insecticide which is put out for use. Ants carry that Myrex into the ants hills inside and in turn it is given to the queen fire ant. When the queen ants eats this Myrex, it in turn destroys the queen.

We have the method here. What concerned us throughout this whole matter is that the method is in hand. Yet the EPA allows us to treat within 5 miles of the coast in a county whose boundary does not touch the coast. Yet they prohibit us from treating 43 miles inland. That is unreal because we have such a desperate need to rid this area of the epidemic of fire ants which we have in our area.

ELECTION CAMPAIGN ESPIONAGE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Don H. Clausen) is recognized for 20 minutes.

Mr. DON H. CLAUSEN. Mr. Speaker, I rise today to introduce legislation that I believe would make a significant contribution in the area of election campaign reform and which I further believe is consistent with the inherent responsibility of the Congress to insure open and free elections in this country.

I am a politician and I am proud of my profession. Throughout my 17 years in elected public office at both the local and national levels of goverment, I have witnessed with increasing frequency and momentum the steady downgrading and maligning of this honorable profession.

More important than our individual and collective reputations, however, has been a corresponding loss of public faith and confidence in both our governmental and political processes in this country.

Watergate and related episodes, as we are aware, have pointed up some facets of political campaigning that have shocked and surprised not only the general public, but many of us in elected positions as well, who—naively or not—believed we knew everything there was to know about practical politics. Granted, I have read and heard about political "dirty tricks" practically all my life and, as I look back now, I recall that many people passed them off as inevitable and even humorous political pranks. And, further we have all heard of individual cases of political bribery and extortion and many of us in this body have known some of the principals involved. But, they were always "isolated cases" and many of us assumed they represented little more than that tiny handful of mis-

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guided people in politics who "make us all look bad."

Out of the Watergate revelations, however, has come a term that has come into increasing usage in describing recent political election activities. That term is "political espionage" which I would describe as the "practice of political spying or the use of political spies to obtain information about and/or disrupt the plans and activities of other political candidates or committees." If nothing else, Watergate has caused me to look into and reflect upon just how valid and widespread "political espionage" has become in American election campaigns, particularly in Presidential campaigns. It has caused me to question, for instance, whether massive vote frauds in the 1960 Presidential election in fact resulted in the wrong person being "elected" President of the United States. After all, massive frauds in five populous States do not just happen. And I wonder, now, having reflected on the 1972 Presidential election and others, how many able, qualified, and deserving candidates for Federal elective office may have been defeated or driven out of the race solely because of political espionage and the dirty tricks which can and often do result?

Sooner or later every concerned American and every Member of this body will have to ask himself the question. "Is this what we want in our political process?" If we are to continue to pride ourselves on having "free and open elections" in this country, how much longer can or should we be expected to tolerate political spying? Quite frankly, I find the term "political espionage" repugnant and repulsive when equated to free and open elections.

I believe I speak for many Members of this body when I say that political espionage has no place in American politics and that legislation to deal with it is an idea whose time has come.

There is no question in my mind that public trust and confidence in government, in politics, and in politicians has reached a new low in American history. As elected officials, we have a choice. We can either sit by, do nothing, and witness a further deterioration in public confidence in our system of government which has the potential of destroying it, or we can face the issue and take positive and constructive actions that will help restore trust, faith, and confidence in this country. The choice is ours. The responsibility to act and take the initiative is ours.

Thus far in this first session of the 93d Congress we have witnessed the introduction of bill after bill intended to strengthen campaign financing in one way or another. Certainly, this is a matter of genuine concern to the American people, to those of us who are faced with the awesome prospects of raising thousands and thousands of dollars every 2 years to get reelected, and to those who challenge us every 2 years and must do likewise. To my knowledge, however, not a single piece of legislation has been introduced thus far to deal with political espionage or spying.

Today, Mr. Speaker, I am introducing such a bill, known as the Election Campaign Espionage Act of 1973. Specifically, my bill serves a three-fold purpose:

First. It would prohibit any employee or volunteer working on behalf of one candidate or political committee to provide any service to another candidate or committee with the intent of interfering with any election or campaign activity of such other candidate or political committee.

Second. It would prohibit the use of contributions or any campaign funds for the above purpose, or to aid in the commission of any other offense already prohibited by State or Federal law such as wiretapping, electronic surveillance, burglary, breaking and entering, and so forth.

Third. It establishes as a felony any attempt on the part of an employee or volunteer working in a political campaign to intentionally or deliberately conceal any known or suspected violation of this act or any provision of the Federal Election Campaign Act of 1971 dealing with campaign financing and the reporting thereof.

Section 1 of the bill addresses itself to the fundamental technique of political spying—that of "planting" people representing one candidate or committee into the headquarters or campaign of an opponent for the express purpose of gathering information and/or interfering with the election. Developing the specific language in this section was difficult but I believe it is both specific and comprehensive enough to make its meaning and intent unmistakable.

For the purpose of this section, an "employee" is defined as any individual volunteering a portion or all of his time on behalf of any candidate or political committee excluding any individual having the status of independent contractor with respect to such candidate or committee.

Section 2 of the bill goes one step further by prohibiting the use of contributions or any campaign funds for the "planting" of political operatives or for any other illegal purpose. One of the lessons learned from the Watergate break-in and related acts of political espionage was the astonishing realization that thousands of dollars worth of campaign funds were spent to purchase equipment for illegal purposes. Thus, while the acts of breaking and entering, burglary and "bugging" were unlawful, purchasing the equipment was not, provided it was reported in accordance with existing campaign financing laws. So, this provision of the bill attempts to close that glaring loophole as well.

Section 3 of the bill makes it a felony to conceal or "coverup" known or suspected violations of this act. Throughout the Watergate hearings, I was struck by the fact that, apparently, countless individuals who may have been involved directly with the "dirty tricks" that went on—were nevertheless aware that such activities had been conceived, planned, and carried out. In researching this point a little further, I also learned that the Congress had failed to include a "concealment" provision in enacting the Federal Election Campaign Act of 1971 as it relates to the recording and reporting of campaign finances. In my judgment, this is a "door" that must be closed. Had we had such provisions in effect in 1972, I venture to say the Watergate "whistle" would have been blown a lot earlier than was actually the case. In considering this or any future campaign reform legislation, I believe the Congress must include safeguards against coverups by spelling out provisions which prohibit the deliberate or intentional concealment of unlawful campaign acts.

On the question of punishment upon conviction of any of the three offenses established in this legislation, I have specified a maximum $10,000 fine or imprisonment for not more than 10 years.

In offering this legislation for consideration I realize full well that it is not the comprehensive election reform "package" that is needed to repair the ailing body politic in this country. I am also aware and sensitive to the fact that we in the Congress must avoid what some have described as "an orgy of reform" or "band-aid reform" or reform which takes on the appearance of change just for the sake of change.

In the wake of Watergate and the ongoing hearings by the Senate Select Committee on Presidential Campaign Activities, it no doubt will be the view of some that we should wait until the committee has completed its hearings and deliberations on needed campaign reform legislation so that we might have a better understanding of what the problem is and the benefit of the committee's findings and recommendations. With respect to a comprehensive reform approach, I agree with this contention. On the question of political espionage and spying, however, I for one do not feel constrained in the least. On the contrary, I believe it is absolutely essential that this or a similar measure not only be included in any comprehensive campaign reform "package" that may be forthcoming, but that the Congress act swiftly to end political espionage before next year's election campaigns get underway.

Therefore, it is with this conviction and this sense of urgency that I offer this legislation now. I would hope that extensive and broad-based hearings into the question of political spying could be initiated soon and that the House will take the lead and exert the necessary leadership in this much-needed area of campaign reform.

Lest there be any misunderstanding, this legislation is neither intended as nor does it constitute criticism of this or any other administration. Rather, it is a reflection and a commentary on political campaigning in this country over many years. The fundamental reform embodied in this legislation goes

far beyond Watergate and the need for it did not originate with Watergate. Watergate was merely the catalyst.

I am told that a nationwide poll some 15 years ago showed that 80 percent of the American people thought government could and should be trusted—but, that in the intervening years, that percentage has declined to the point that, today, only 1 in 2 Americans places much trust or confidence in the integrity of public office holders. Certainly, we in Congress and in government cannot restore this massive erosion of public faith overnight, or through the enactment of laws alone. But, we must begin somewhere and we must begin soon.

I am convinced that if we, as Federal legislators, can demonstrate to the American people by word, by deed, and by personal example that we are worthy and deserving of their trust and that we have truly engaged in the kind of political soul searching that is essential in these trying times, we can indeed turn the tide and restore public confidence in government.

In the coming days, I will be contacting all of my colleagues on both sides of the aisle urging cosponsorship and favorable consideration of the Election Campaign Espionage Act and their support for it. In addition, I will be asking the committee to which this bill is assigned to hold hearings promptly and I am hopeful that it will be so considered.

This question of campaign reforms is, without a doubt, one of the most compelling challenges facing the 93d Congress, and I am both confident and optimitic that we will rise to the occasion by enacting this or comparable legislation which will help bring political espionage in America to its much deserved end.

THE CASE OF ZELIK GAFONOVICH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. RONCALLO) is recognized for 2 minutes.

Mr. RONCALLO of New York. Mr. Speaker, the right to emigrate is a universal human right which the Soviet Union agreed to honor, but, regretfully, does not. Emigration from the Soviet Union is very restricted.

Therefore, friends in Israel of Zelik Gafonovich and freedom-loving people everywhere have reason to be concerned about his fate.

Except for one synagogue, this 24-year-old Jew from Vilna can find almost no evidence in his city of the thriving, intensive cultural and spiritual life which once earned for it the name Jerusalem of Lithuania. At present, Soviet Jewish youth in increasing numbers feel that there is no future for Jewish life in the Soviet Union. They want to live in Israel, and are ready to face whatever danger lies ahead there.

Almost 2 years ago, Gafonovich applied to OVIR—passport office—for an emigration permit to Israel. It was denied, and since that time the Soviet authorities have subjected him to harassment and punishment.

On February 21, 1973, 2 days before the defense of his thesis, Gafonovich was summarily expelled from the Technical Institute. He had been a good student and had incurred no reprimands. Yet his expulsion was demanded by the chairman of the Lithuanian KGB—secret police—and carried out by the institute administration without delay.

Also, the telephone in the family's apartment was disconnected because the family had received personal calls from Israel. Court action by Sarah Gafonovich against the director of the Vilna City Telephone Network was dismissed. Zelik sent letters of protest to the Soviet authorities demanding the reconnection of the telephone.

Zelik's apartment has been searched many times. It is feared that the KGB will find some pretext for arresting him and that he will be imprisoned.

Congress must pass the Mills-Vanik bill and help open the gates of emigration from the Soviet Union.

PRESIDENT NIXON AND THE WATERGATE TAPES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. CLEVELAND) is recognized for 5 minutes.

Mr. CLEVELAND. Mr. Speaker, I asked for this special order because I am deeply concerned as to the manner in which this body appeared disposed to respond to recent developments involving the Watergate tapes, the firing of the special prosecutor, and the resignation of the Attorney General and his deputy.

I outlined some of my thoughts on the subject in a statement I issued in response to numerous requests much earlier today and which I am inserting in the RECORD following these remarks.

Many of the 1-minute speeches which were delivered here since this morning—including calls for impeachment—reflected a disturbing inclination to prejudgment.

The Congress, which so often has been accused both rightly and wrongly of inaction, today seemed moved to overreact and to do so in ill-conceived haste.

The Vice President requested this body for an action which well could have had the effect of initiating impeachment proceedings against him. It would be ironic indeed if this body, so recently reluctant to respond to that request on grounds court action was in progress, now dismissed all caution in this instance. Yet the courts are manifestly at work on matters which would bear on the subject of impeachment.

I have recently reread John Kennedy's Profiles in Courage treatment of the popular passions over the impeachment of Andrew Johnson, and find disturbing parallels in the emotions evident in this body earlier today.

Naturally, I am pleased that the President has seen fit to release the tapes, as I myself urged this morning. Another of the more operative of my observations concerns the difficulty in making a definitive statement that will not be at once overtaken by events.

Many questions remain unresolved by the President's decision concerning the tapes, and in view of them I maintain my support for a congressional investigation or an inquiry by an impartial body established by the Congress. Hopefully it would be conducted in a calm and thoughtful manner in keeping with the momentous responsibilities we bear.

Watergate and its ramifications require that we find the facts and face the facts—with fairness and fortitude. The times demand it. We should not overreact, nor should we act precipitously as we deal with complex and critical problems which test our very capacity for self-government.

The statement follows:

CLEVELAND STATEMENT ON WATERGATE INVESTIGATION

The events of the past weekend have been deeply disturbing to me in view of my repeatedly stated support for thorough and impartial investigation and prosecution of all implicated in criminal activity. I regret the resignations of the Attorney General and his deputy and their reasons for resigning. It is difficult if not impossible to speak definitively on a fast moving and complex situation which is still developing.

As to the question of the Watergate tapes, it has yet to be determined whether the compromise offered by the President's attorneys represents a reasonable compliance with Judge Sirica's order acceptable to the courts. This will be resolved in further court action, which in turn may shed further light on the President's grounds for dismissing Mr. Cox.

While recognizing a president's need to protect the confidentiality surrounding certain activities of his office, I believe the higher interests of the office and the nation now dictate release of the tapes as required by the courts.

I regard talk of impeachment as premature, in that final court determinations bearing on the possible grounds for impeachment have yet to be made. I'm also afraid it will give Congress a tempting excuse not to act promptly on the Ford nomination. Although action on impeachment may be premature, I would support a Congressional inquiry or the establishment by Congress of an independent investigatory unit, or both.

MILITARY INVOLVEMENT IN MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. MARAZITI) is recognized for 5 minutes.

Mr. MARAZITI. Mr. Speaker, in times of war, events move swiftly. No one knows what at any moment will trigger the military involvement of the United States in another tragic war.

The stage is set for another "Vietnam."

Therefore, it behooves us to act at once to take precautions and prevent our military involvement in the Mideast holocaust.

I do not object to the sale of military equipment to Israel. However, I do, ve-

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hemently, object and deplore the delivery of the equipment into Israel and the combat zone by American planes and transport and the use of American military personnel to unload the equipment in Israel or the combat zone.

The Defense Department has announced that American Air Force Reservists are participating in an airlift directly to Israel and approximately fifty—50—American military personnel are on the ground in Tel Aviv unloading U.S. military supplies.

This action cannot and should not be tolerated by Congress.

I call on the President to forthwith cease and desist in the use of American personnel—military or civilian—and the use of American transport to deliver and unload military supplies directly into Israel or the combat zone.

OUR COMMITMENT TO THE MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. COHEN) is recognized for 5 minutes.

Mr. COHEN. Mr. Speaker, from the beginning, I have deplored the outbreak of hostilities in the Middle East and have earnestly hoped that a peace would be negotiated in that area. Consequently, I welcomed with relief the news early Monday morning that a cease-fire resolution, unanimously agreed to by the United Nations Security Council, had been accepted by at least two of the principal combatants, Israel and Egypt, ending 14 days of untold terror and hardship for all. Today, I find it impossible to express my disappointment that after only a few hours the cease-fire has completely crumbled and the carnage is continuing unabated.

In determining the U.S. response to this situation, we must remember that Israeli intelligence had knowledge of the inevitability of conflict because of the arms buildup in the nations surrounding her. However, the Israelis exercised restraint in not attacking first and thereby gaining a tactical advantage. This restraint, proof of Israel's desire to seek a solution to the Mideast impasse by means other than all-out war, has cost her greatly in terms of men and materiel. Therefore, I have strongly supported the Nixon's administration's decision to replace weapons lost by the Israelis, and, in view of the renewed hostilities, I believe it is imperative that the United States continue this policy.

I applaud the continuing efforts by the President, Secretary of State Kissenger, the United Nations, and the Congress to effect a lasting peace in this troubled area of the world. As of last week, 12 resolutions had been introduced to the Congress reemphasizing the need for a prompt response to this crisis. These resolutions are proof that congressional support of the President's action in the Middle East remains steadfast. More important, however, is a statute enacted by the 91st Congress which authorizes the President to transfer to Israel by credit sale such arms as may be needed to enable Israel to defend herself. I plan to direct my energies to the implementation of this law.

In my opinion, before we can achieve a semblance of lasting peace in the area, there must exist a balance of power from which to negotiate by force of words not arms. Maintaining this balance is the commitment we must pursue.

THE WAR IN THE MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. DRINAN) is recognized for 5 minutes.

Mr. DRINAN. Mr. Speaker, I spoke and wrote about the sad and tragic happenings in the Middle East on many occasions during the past 2 weeks. Today I have the hope that at least a cease-fire has occurred and that hopefully some type of lasting peace may now be worked out.

It is still indeed dreadful to think of the enormous casualties and the personal tragedies which have come to some 12,000 Israeli soldiers west of Suez in Egypt and another body of many thousands of Israeli soldiers deep in Syria far beyond the Golan Heights only a few miles from Damascus.

Everyone thinks with sorrow of how Soviet Jews in Kiev, Moscow, and Leningrad must feel with respect to the postponement of the enactment of the trade bill with the Jackson-Vanik amendment.

About the only bright spots in the entire picture of Israel's fourth war in 25 years is the fact that the United States has lived up to its commitments and that the United States during the first 12 days of the conflict authorized shipments to Israel of material costing $825 million. We are told by the Pentagon that the shipments to Israel by the United States equaled the fantastic outpouring of military hardware by the Soviets for Egypt and Syria.

It should be noted that much of the equipment sent by the United States during the war will be paid for by Israel and that all previous U.S. military equipment sent to Israel was paid for by that nation and not received on a grant or gift basis. New legislation is necessary for Israel to receive military equipment on a direct-grant basis.

I think at this particular time it will be helpful if we review first, the consistent foreign policy of America toward Israel as enunciated by the Congress, second, the vast amount of aid to the Arab States given by the United States over the past 20 years and third, the new perils which Israel will confront in the months and years ahead.

I. CONSISTENT CONGRESSIONAL INTENT TO ASSIST ISRAEL

From the very day of the establishment of Israel in 1948 by the United Nations, the Congress of the United States has consistently authorized assistance to this small nation. I have often wondered whether it would not be better if the mutual assistance agreements between Israel and the United States were not reduced to a treaty or a clear executive agreement. I raised this point with officials in Israel on more than one occasion. They took the position that this was the problem of the United States and that they had every confidence that they could continue to rely upon the bipartisan policy of aiding Israel which has always been an unchallenged feature of American law.

In 1949 Congress made it clear that Israel was eligible to receive military assistance from the United States under the provisions of the Mutual Defense Assistance Act. Similarly on December 7, 1951, Congress gave aid for refugee and relief projects under the terms of the Economic Assistance Agreement.

During the 1950's and 1960's Israel was able to purchase those items necessary for its defense from the United States. After the Six-Day War in 1967 Congress made it overwhelmingly clear in section 651 of the Foreign Assistance Act that it was a policy of the United States to provide Israel with an adequate deterrent force. The language of this section reads as follows:

> It is the sense of Congress that the President should take such steps as may be necessary . . . to negotiate an agreement with the government of Israel providing for the sale by the United States of such number of supersonic planes as may be necessary to provide Israel with an adequate deterrent force capable of preventing future Arab aggression by off-setting sophisticated weapons received by the Arab states and to replace losses suffered by Israel in the 1967 conflict.

On October 7, 1970, the Congress once again made American intentions toward Israel very clear. In section 501 of the Armed Forces Appropriation Authorization Act the Congress set forth these words:

> The Congress views with grave concern the deepening involvement of the Soviet Union in the Middle East and the clear and present danger to world peace resulting from such involvement which cannot be ignored by the United States. In order to restore and maintain the military balance in the Middle East, by furnishing to Israel the means of providing for its own security, the President is authorized to transfer to Israel, by sale, credit sale, or guaranty, such aircraft, and equipment appropriate to use, maintain, and protect such aircraft, as may be necessary to counteract any past, present, or future increased military assistance provided to other countries of the Middle East. Any such sale, credit sale, or guaranty shall be made on terms and conditions not less favorable than those extended to other countries which receive the same or similar types of aircraft and equipment . . .

The authority for sales provided by this section 501 was further extended to December 31, 1973. On February 7, 1972, the Congress clarified and updated its policy with these words:

> It is the sense of Congress that (1) the President should continue to press forward urgently with his efforts to negotiate with the Soviet Union and other powers a limitation on arms shipments to the Middle East, (2) the President should be supported in his position that arms will be made available and credits provided to Israel and other friendly states, to the extent that the President determines such assistance to be needed in order to meet threats to the security and independence of such states, and (3) if the authorization provided in the Foreign Military Sales Act, as amended, should prove to be insufficient to effectuate this stated policy, the President should promptly submit to the Congress requests for an appropriate supplementary authorization and appropriation.

It should be pointed out that when President Nixon on October 19, 1973, urged the Congress to appropriate $2.2 billion for Israel he was carrying out his legal obligation pursuant to section 3 quoted above wherein it is provided that, should the President find the authorization for the sale of military equipment to Israel to be "insufficient," the "President should promptly submit to the Congress requests for an appropriate supplementary authorization."

It should also be pointed out, however, that the $2.2 billion for Israel proposed by President Nixon is the largest grant ever urged by any President for the military needs of Israel. President Nixon noted that he is "requesting that the Congress approve emergency security assistance to Israel in the amount of $2.2 billion." The President noted that if the conflict moderates or is brought to an end very quickly "funds not absolutely required would of course not be expended."

It is most significant that the total amount of grants—not loans or credits—to Israel during all of the years from 1946 to 1972 came only to a total of $420 million.

II. STATISTICS ON AID TO THE ARAB NATIONS AND TO ISRAEL DURING THE PAST 25 YEARS

Many Americans appear to feel that the U.S. Government has given very vast sums to Israel during the 25 years of its existence. As noted above, however, Israel has received only $420 million compared to at least $2.7 billion granted outright by the United States to the Arab States during the years 1946 to 1972.

During the past several years the Arab States have, of course, also received at least $6 billion in military equipment from Russia and other Communist states. This massive acquisition of military hardware by the 10 Arab States began when Czechoslovakia in 1955 first sent arms to Egypt.

Israel, in order to be prepared against a possible onslaught from its fantastically well equipped neighbors, has expended vast sums on its defense. In 1972 41 percent of Israel's total budget went for defense purposes. In that same year, 1972, 26 percent of the total gross national product of Israel was expended for military purposes.

Since Israel receives virtually nothing for its own defense from other governments the Israeli people have taxed themselves to an incredible extent. In 1972 the tax on an annual salary of $5,000 was 50 percent; the tax in that same year on a salary of $10,000 was 63 percent.

The external debt of Israel continues to mount in a very dangerous way. The external debt mounted from $2.1 billion in 1970 to $4.1 billion in 1973. This means that Israel continues to have the highest per capita foreign currency debt in the world. In 1972 the service charge on the external debt of Israel amounted to $687 million.

In 1972 Israel had the burden—although a happy one—of resettling 31,652 Soviet Jews who came to Israel on a permanent basis.

U.S. military aid to Arab nations in the decade between 1961 and 1971 included the sum of $221 million for Jordan, and $172 million to Saudi Arabia.

In early June 1973 I protested the then recently announced plans of the United States to sell between 24 and 30 sophisticated F–4 Phantom fighter-bombers to Saudi Arabia. In June the State Department indicated that it would require Saudi Arabia to make a pledge that if it received these planes it would not use them against Israel.

Under congressional questioning, however, Under Secretary of State Joseph Sisco conceded that there was no way that the United States could guarantee that these aircraft would not be used against Israel.

In addition to the extensive military aid which Arab nations receive from the United States during the past several years, these Arab countries received in the years 1961 to 1971 at least $3.8 billion worth of military equipment from the USSR.

Shocking as it may appear, in the year 1972 the United States sold to Saudi Arabia $306 million worth of arms.

In the light of the foregoing facts it is clear that the aid given to several Arab States has far exceeded that given to Israel. In fact Israel has received only one-seventh of all of the vast amount of American money extended to the enemies of Israel. Consequently the $2.2 billion proposed by the Nixon administration for Israel would be merely an extension of the policy of "even-handedness" which the Nixon administration has mentioned on many occasions as one of the principles embraced by the Nixon administration in its dealings with the Middle East.

III. THE PROBLEMS AND DIFFICULTIES AHEAD FOR ISRAEL

Those who are opposed to any assistance for Israel regularly bring up the question of the Palestinian refugees. Although no one pretends that enough has been done to resettle these individuals, it is overwhelmingly significant that the United States in the past 22 years has given $525,224,592 for the relief of these unfortunate persons. This sum constitutes 65.7% of the UNRWA income. All of the Arab States have given some $23 million, or about 3 percent of the total income over the past 22 years of the 2 million Palestinian refugees.

Little Israel has given almost $4 million to the Palestinian refugees while Russia has contributed not a single ruble.

Just as Russia orchestrated the past agonizing war in the Middle East, so also has Russia victimized the Palestinian refugees and permitted Arab rulers to exploit the unfortunate situation of these individuals.

On October 21, 1973, as some of the most savage fighting in the Sinai and in Syria was going on, a constituent phoned me and identified himself as a person of Arab ancestry. He revealed to me that his grandmother lived in Damascus and demanded to know how I could justify Israeli hostilities against that city. I did everything within my power to make clear to this man that I deplored the hostilities and felt just as much anguish of soul for every Arab casualty as for every Israeli casualty. I indicated to this caller that I had personally viewed in June 1972 the incredibly squalid living conditions of Palestinian Arabs in and around Bethlehem. I pointed out, however, that these people of Arab origin were being exploited by the rulers of the countries where they resided and that these rulers in turn were being exploited by the Soviet Union. I indicated that I was not in agreement with Dr. Henry Kissinger's statement with regard to the Soviet Union's action in the 1973 war. In the early days of that war Secretary Kissinger commented:

> If you compare their (the Russians') conduct in this crisis to their conduct in 1967, one has to say that Soviet Union behavior has been less provocative, less incendiary, and less geared to military threats than in the previous crisis.

I would rather be included to agree with Mr. Seymour Graubard, the national chairman of the Anti-Defamation League of B'nai Brith, who charged that the Soviet Union was coordinating the entire war with an aim to control Middle East oil supplies in order to gain "an energy stranglehold more effective than armies of occupation."

I am not certain that I was entirely persuasive to my constituent who called, but the fact of his grandmother's residence in Damascus made a profound impression upon me and deepened enormously my conviction and my hope that the war of October 1973 in the Middle East simply must become the war that will end all wars in that vast region of the Earth.

As the debate emerges in the Nation with respect to the granting of the $2.2 billion to Israel, many American citizens, sincerely troubled about the possibility of another Vietnam-type war in the Middle East, will object that the United States should remain neutral with respect to the disputes among nations in the Middle East. From the foregoing very clear declarations of congressional intent toward Israel it should be very clear that successive administrations are not operating on some vague Tonkin Gulf resolution, but rather on a carefully articulated bipartisan policy enunciated by the Congress over a long period of time.

Senator Eugene McCarthy, the original founder of the protest against the war in Vietnam, wrote very persuasively a few days ago about the total difference between the quagmire in Southeast Asia

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and the battle for the preservation of the territorial integrity of Israel. Senator McCarthy wrote as follows:

> The historical record amply demonstrates that any sign of America's equivocation in the Middle East is an inducement to Arab adventurism.
>
> These inducements have come from an odd coalition in our country. Equating their own special interests with the national interest, some oil companies have sought to blame Israel for an energy shortage having nothing to do with the existence of Israel and very little to do with our support for it. At the same time, some in the liberal community have foolishly adopted the facile anti-Israel rhetoric of Third World politics. From whatever source, calls for American neutrality in the Middle East offend every sense of justice and international morality.

It is very unfortunate in my judgment that President Nixon has combined his request for $2.2 billion to Israel with a request for $200 million for military assistance to Cambodia. Many people, including myself, will reject the request of the President for $200 million for additional ammunition for the Cambodian armed forces. The President notes that since the end of the U.S. bombing on August 15, there has been an increase of Communist activity in Cambodia. The President feels that the Cambodian forces which, in his view, have successfully defended the capital of Phnom Penh as well as the principal supply routes, should be given military equipment so that they will be able to defend themselves against the fighting which will in all probability be resumed after the current rainy season.

It is unfortunate that the President has linked the request of aid for Israel and Cambodia because, as appropriately the President himself has pointed out, the recommendation of assistance for Israel is entirely new, since Israel has obtained all of its military equipment up to this time "through the use of cash and credit purchases."

It is to be hoped that the Christian churches in America and elsewhere will finally be able to understand the problems that Israel has confronted in the wars of 1949, 1956, 1967 and 1973. Unfortunately the National Council of Churches, a body which represents most Protestant denominations, in its statement on October 15, 1973, did not see the realities of the Middle East situation. The National Council of Churches statement called for an embargo on military assistance to Israel and in fact did not even point out that Syria and Egypt were the aggressors on October 6, 1973.

Despite this unfortunate statement I see everywhere Christian and religious spokesmen who understand as never before the situation in which Israel finds itself.

During the recent past I recommended that the Vatican give diplomatic recognition to Israel. As is well known the Holy See has formal diplomatic relations with more than 70 nations of the earth. The absence of diplomatic relations, as is the case of the United States, cannot be said to bring any harm to a nation but it was my judgment that "all Christians owe reparations to the Jewish people because of all of the afflictions they have suffered at the hands of Christians." I recommended that the Holy See take the occasion of the 25th anniversary of the establishment of Israel as the occasion for the establishment of diplomatic relations between the Vatican and Israel.

In the days and weeks ahead I think that it is very important that the diplomatic efforts of the U.S.S.R. and the United States to bring about peace in the Middle East should not go beyond inducing the parties into direct and open negotiations. It seems to me that no peace terms, either provisionally or permanently, should be imposed by outside third parties. Similarly any attempt to enforce a cease fire should not result in granting a reward to Egypt or Syria because they initiated the attack on Yom Kippur.

Every effort must be made to reassert and re-emphasize the fact that Israel has never asked for American troops to fight in the Middle East and that she never will require or ask that American military personnel come to assist Israel. To raise such a possibility simply flies in the fact of every reality and every fact of history in the 25 year history of Israel.

Mrs. Golda Meir, the Prime Minister of Israel stated the essence of the conflict in the Middle East in these beautiful words on October 13, 1973:

> We did not ask for the war of 1967. It was forced on us . . . no sooner was the war over then the Israeli government asked the heads of the Arab states: Now let us sit down, as equals and negotiate a peace treaty. And the answer came back from Khartoum,—no recognition, no negotiation, no peace.

Mrs. Meir summed up the struggle simply but eloquently in these words:

> We are a small people, surrounded by enemies, but we have decided to live.

I am happy to say that 224 Members of the United States House of Representatives have sponsored a resolution supporting the administration's decision to supply Israel with aircraft and arms. As one of the cosponsors of this resolution I am happy to have this clear and cogent reaffirmation of the traditional strong support guaranteed by the Congress through so many years for the support of Israel. The resolution condemns Egypt and Syria as aggressors in the war and accuses the Soviet Union of supplying the Arab States by a "massive airlift of sophisticated military equipment."

I close these comments on Israel by quoting in full House Resolution 616 of the 93d Congress:

> Whereas the people of the United States deplore the outbreak of hostilities in the Middle East and earnestly hope that peace may be negotiated in that area; and
>
> Whereas the President is supporting a strong and secure Israel as essential to the interests of the United States; and
>
> Whereas the armed forces of Egypt and Syria launched an attack against Israel shattering the 1967 cease-fire; and
>
> Whereas Israel refrained from acting preemptively in its own defense; and
>
> Whereas the Soviet Union, having heavily armed the Arab countries with the equipment needed to start this war; is continuing a massive airlift of sophisticated military equipment to Egypt and Syria; and
>
> Whereas Public Law 91-441 authorizes the President to transfer to Israel by credit sale such arms as may be needed to enable Israel to defend itself: Now, therefore, be it
>
> *Resolved*, That it is the sense of the House that the President, acting in accordance with the announced policy of the United States Government to maintain Israel's deterrent strength, and under existing authority should continue to transfer to Israel the Phantom aircraft and other equipment in the quantities needed by Israel to repel the attack and to offset the military equipment and supplies furnished to the Arab States by the Soviet Union.

SOUTH AFRICAN POPULATION REMOVAL SCHEME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. DIGGS) is recognized for 5 minutes.

Mr. DIGGS. Mr. Speaker, I would like to bring to the attention of my colleagues the situation in South Africa in which thousands of people are being disqualified, uprooted, and resettled in areas designated purely on the basis of race. This resettlement process is in accordance with the Group Areas Act and is implemented by the Minister of Planning whose decision cannot be appealed. The policy includes initiating "growth points" for racial groups provided with insufficient funds, and the eradication of "black spots" in white areas by removing Africans to barren "homelands." I must point out that these policies are in flagrant violation of articles 55 and 56 of the United Nations charter in which all state members of the United Nations pledge to "take joint and separate action in cooperation with" the United Nations to promote "universal respect for and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion." I wish to submit a 1973 report on "Population Removal Schemes" by the South African Institute of Race Relations for the benefit of my colleagues.

POPULATION REMOVAL SCHEMES

(By Frank Joffe)

INTRODUCTORY NOTE

The removal of large numbers of people from their homes, and their resettlement in new townships or in rural areas, some of which are many hundreds of kilometers distant, has been a constant feature in the implementation of Government policy.

It has never been clear precisely how many individuals have been involved in removal schemes of various sorts, nor is it clear how many may yet be affected. However, the numbers are large, and the final figures will number millions rather than thousands.

The following collation of official material is nowhere near complete, as will be indicated in various places. However, it does serve to clarify the situation as it now stands, as well as giving a basis from which estimates may be extracted in order to arrive at some indication of the numbers affected by removal policies. In most cases, the reason for the lack of inclusion of relevant information is simply that the particular information is not available. In some instances the Minister concerned has refused to provide information in reply to Parliamentary questions. The figures that are used, however, are all taken either from the official reports of relevant Government departments, or from answers to questions put in the House of Assembly.

The different racial groups are affected largely by distinct policy implementations, under the provisions of different Acts of Parliament. In many cases, however, sections of more than one group are affected in by a single scheme. This is especially true of proclamations under the Group Areas Act.

GROUP AREAS

Broad policy

Over and above the implementation of the Group Areas Act in the segregation of the different race groups in specific towns, certain policy considerations have governed the proclamation of group areas in entire districts. Government policy has been stated at various times since 1966, in the Reports of the Department of Planning as well as by relevant Ministers.

In the Cape Province two boundaries have been designated, resulting in the division of the southern part of the territory into three areas: the area east of the line from Aliwal North to Fort Beaufort and thence along the Kat and Fish Rivers to the sea; the area west of the line joining Colesberg and Humansdorp; and the section between these two areas. These areas are referred to as the Eastern Cape, the Western Cape, and the Cape Midlands. The Cape Province north of the Orange River is referred to as the Northern Cape.

In the application of the Group Areas Act, it has been the official policy to restrict, as far as possible, the proclamation of Coloured and Indian group areas in the Eastern Cape in an attempt to ensure the settlement of these groups in the Western Cape. The labour policy has also been based on the principle of employment preference for the Coloured group in the Western Cape and Cape Midlands, and the African group in the Eastern Cape.

In Natal, a similar division has been drawn between those areas north of the Tugela River (Zululand), and the remainder of the Province. Group area proclamations have been geared to the gradual removal of the entire Coloured and Indian populations living north of the Tugela (except for the descendants of John Dunn).

There are no Indian group areas in the Orange Free State, and in this province Coloured areas have been confined to predetermined "growth points".

In the Transvaal it is convenient to distinguish between the Witwatersrand, the Vaal Triangle, Pretoria and Johannesburg (the PWV region), and the remaining areas. The arbitrary division into East and West Transvaal, using Pretoria as a reference point, is made for ease of identification.

The concept of "growth points" has also been applied to group area proclamation policy in the Transvaal. Rather than entrench the defacto Coloured and Indian inhabitants in the smaller towns, a policy of proclaiming group areas for these groups at specific local centres is apparently being applied. The entire populations of the outlying areas will eventually be required to vacate their homes, and move to the nearest "growth point". As yet, however, some ambiguity exists, since group areas have already been proclaimed in the Transvaal in some towns *not* designated as growth points. The promise has also been made repeatedly that these group areas will not be arbitrarily deproclaimed, but that they will not be developed beyond their present needs. However, the situation of the relevant groups in these towns is anything but secure.

In all, 1,325 group areas of different types had been proclaimed up to 30 June 1971. It has been officially estimated that while 1,648 White families had been moved or would be moved in terms of group area proclamations, no fewer than 111,991 Coloured, Indian and Chinese families were affected. Thus it is immediately obvious that the implementation of this policy has resulted in the minimum of upheaval for the White population group at the expense of the other groups, of which something in the region of 500,000 people have had to vacate their homes.

NUMBERS AFFECTED BY GROUP AREA PROCLAMATIONS

From the inception of the Group Areas Act to 31 December 1972, 1,513 White families, 44,885 Coloured families, 27,694 Indian families and 71 Chinese families had been moved as a result of the application of the Act.

Official estimates of the numbers still to be moved in terms of group area proclamations as at the same date were 135 White families, 27,538 Coloured families, 10,641 Indian families, and 1,162 Chinese families. The figures for each province are given below:

	White	Colored	Indian	Chinese
Number of families moved to Dec. 31, 1972:				
Transvaal	414	7,579	7,375	
Natal	780	1,519	19,154	
Orange Free State		1,017		
Cape	319	34,770	1,165	71
Number of families moved during 1972:				
Transvaal	2	423	795	
Natal	68	61	389	
Orange Free State		118		
Cape	10	3,495	216	3
Number of families still to be moved at Dec. 31, 1972:				
Transvaal	29	2,099	2,399	725
Natal	80	2,730	6,977	25
Orange Free State		1,753	7	1
Cape	26	20,956	1,258	411

GROWTH POINTS

Growth points in decentralised areas have been established, and at certain of these, the employment of Indian and Coloured labour is being encouraged. It is to be expected, then, that the development of these areas will take precedence and that group areas proclaimed in these centres will be developed further. It has been stated that the development of group areas in other centres will be discouraged.

In the 1971 White Paper on the Report of the Inter-Departmental committee on the Decentralisation of Industries, the following growth points for Indians and Coloured were mentioned:

Coloured

Bloemfontein, Meilbron, Kimberley, De Aar. Beaufort West, Upington, Mossel Bay/George/Knysna, Oudtshoorn.

Indian

Stanger, Verulam, Tongaat.

The Department of Planning had mentioned prior to this, that rather than declare group areas in each outlying town, Coloured and Indian groups would be encouraged to settle in "self-supporting" communities in specific focal areas. Even some group areas already declared were to be limited only to those already resident there, and development was to be discouraged.

It would appear to be the intention of the Government to establish a Coloured growth point for the Western Cape region, to the North of Cape Town, at Faure, and to the South-East at the Firgrove—Macassar complex.

The situation at this stage remains very unclear. In order to decentralise industry, development is encouraged in certain areas, and the labour supply in these areas must be assured. However no final statement has been made by either the "Growth Points Committee" or the Commission of Enquiry into the Decentralisation of Industry. Further complications arise out of the stated plan to develop rural Coloured communities. Whatever the final decision on these policies may be, it is certain that over and above the hundreds of thousands of people who have had to move from their homes as a result of the implementation of the Group Areas Act, many more will yet have to move if any of the decentralisation and growth point plans are to be carried out, and if schemes for the regional grouping of Coloured and Asian people are to be promoted.

REMOVAL OF AFRICANS

While the application of the Group Areas Act has been responsible for the removal of mainly Indian and Coloured families from their original homes, the African people have been affected more seriously by the implementation of the policy of consolidating the homelands.

Black spot removals

In the report of the Tomlinson Commission it was estimated that 188,660 morgen of land should be purchased in order to accommodate Africans from "Black Spots". These were farms owned by Africans but situated in predominantly White rural areas.

Official estimates made in 1961, of the area of these "Black Spots" before removal schemes began were:

Natal 48,390 morgen comprising 210 separate areas.

Transvaal 55,000 morgen comprising 55 separate areas.

Cape 62,022 morgen comprising 63 separate areas.

Orange Free State 7,787 morgen comprising 4 separate areas.

Total 173,199 morgen comprising 332 separate areas.

When the rounding-off of badly situated African areas was taken into account as well, the total area to be cleared was estimated at 728,537 morgen, including 469 "Black Spots".

By July 1961, 16 "Black Spots" measuring 15,255 morgen had been cleared in the Transvaal, and another 16 measuring 4,398 morgen had been cleared in the Cape Province.

Since the inception of the policy of "Black Spot" removals however, plans for the consolidation of the homelands have been altered, and are still in a state of flux. Thus it is not known how many people may eventually be required to move.

In addition to the clearing of "Black Spot" enclaves in White areas, certain removals have been made in the process of homeland consolidation, mainly in order to round off the boundaries.

The tables below give the official figures for the clearing of "Black Spots" and boundary consolidation:

Up to	1963	1964	1965	1966	1967	1968	1969	1970
Land area cleared: [1]								
Natal	2,367	1,118	465	97	4,432	1,990	1,046	2,837
Transvaal	39,746	1,280	761	7,580	7,113	489	3,801	1,558
Cape	49,813	622	31,023	16,222	1,560	3,373	2,014	3,005
Orange Free State	Nil	704	Nil	176	Nil	Nil	Nil	3,384
Total	91,926	3,725	32,249	24,076	13,105	5,852	6,861	10,784

Up to	1963	1964	1965	1966	1967	1968	1969	1970
Number of Africans removed: [2]								
Zulu	24,579	1,100	358	52	600	1,325	1,623	452
Tswana	11,677	3,455	4,060	725	600	225	1,565	150
Lebowa								8
Ciskei								160
N. Sotho	14,170			95	400	310	6,602	
Xhosa	697	22	310	16	150	230	304	
Total	51,123	4,577	4,728	888	1,750	2,090	10,094	770

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[1] Areas for the years up to and including 1968 are given in morgen, while those for 1969 and 1970 are in hectares.

[2] Figures up to and including 1965 represent the number of individuals involved, while figures for the remaining years are for the number of families removed.

In a reply to a question in the House of Parliament, the Minister gave the estimated total number of persons removed from "Black Spots", small scheduled areas and outlying parts of other scheduled areas since 1948, as 175,788.

By the end of 1971, it was indicated that 63,255 ha. of "Black Spot" land remained to be cleared, while 196,530 ha. of poorly situated scheduled land would have to be vacated. Since then, however, the position has changed with the publication of official plans for the partial consolidation of the various homelands.

The Minister of Bantu Administration stated in February 1972 that an estimated 300,000 Africans in Natal still had to be resettled. However, the Natal Agricultural Union estimate, based on the subsequently proposed partial consolidation, was that 343,000 Africans, 8,400 Indians, 2,500 Coloured persons and 8,157 Whites would be involved in resettlement. Figures for the other homelands are not available.

REMOVAL OF SQUATTERS

The official figure given, at the end of 1962, for the number of persons resident as squatters in White rural areas was 109,882, of whom 40,763 had been resettled. In addition 3,433 labour tenants were described as "redundant", and 1,620 of these had been resettled in homeland areas.

The following are the figures of the Department of Bantu Administration, showing the resettlement of people in terms of the Native Trust and Land Act of 1936:

1962	42, 383
1963	15, 897
1964	6, 859
1965	1, 358
1966	16, 236
1967	3, 345
1968	23, 730
1969	44, 089
1970	21, 177

Thus, more than 175,000 people have been removed from White rural areas as being resident illegally, or redundant in terms of labour requirements. Others are likely to be required to move.

In recent years, an attempt has been made to phase out the labour tenant system, and thus labour tenants have become increasingly subject to removals. It was estimated in 1971, that possibly 400,000 Africans were affected by this "phasing out" of labour tenants on farms of Whites in Natal alone.

In answer to a question in the Assembly, the Minister of Bantu Administration said that at the end of 1970 there were 2,996 registered labour tenants in the Transvaal, and 24,589 in Natal. (These figures exclude their dependents.) There were none in the other provinces.

REMOVALS FROM URBAN AREAS

In February 1971, the Minister of Bantu Administration gave the following figures for the number of Africans removed from urban areas in 1970:

	Men	Women	Total
Witwatersrand	23, 267	1, 528	24, 795
Cape Peninsula	191	35	226
Pretoria	3, 551	498	4, 049
Durban	2, 695	2, 071	4. 766
Port Elizabeth	13	2	15
Total	29. 717	4, 134	33, 851

In 1969 the numbers were marginally lower, except in the case of Pretoria. The totals then were:

Men	30, 238
Women	3, 019
Total	33, 257

It is not possible to estimate how many Africans have actually been required to vacate the urban areas as a result of the implementation of "pass law" legislation. The above figures indicate only the numbers physically removed during the particular year.

THE GAS BUBBLE—X

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Gonzalez) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, San Antonio, Austin, and other Texas cities that rely on Coastal States Gas Co. for their fuel supply have been undergoing curtailment for months, because Coastal sold more gas than it could deliver.

Up until this time, the situation has been held in reasonably good check. Nobody has suffered any great catastrophe, although industrial plants have been closed, and although electricity use has been cut back. Austin can live without streetlights for awhile, and so can San Antonio, but there is definitely a limit on how much gas supplies can be curtailed before very serious damage is done. We have been hurt, but not mortally.

This relatively happy state of affairs might not last much longer, thanks to a little-known aspect of Coastal's business practices.

Coastal made several deals, not long ago, wherein they sold actual gas reserves. These reserves were supposed to have been developed for customers like Austin and San Antonio, which had contracts calling on Coastal to deliver certain amounts of gas. In other words, Coastal promised San Antonio and other customers to develop reserves sufficient to deliver a certain amount of gas. Then it took those same reserves and sold them. San Antonio gets a lot of nothing, for which it has paid about $200 million, Coastal gets millions in illicit profits, and the new customers get the gas that San Antonio paid to have developed.

These new contracts are known as diversion contracts. They call on Coastal to divert from its customers the gas that comes from the reserves that the nev customers bought from Coastal. In all, these contracts will take away from the Coastal system serving Texas about 25 percent of its total supply. This is supposed to happen on November 1.

Today, Coastal should be delivering about 1.8 billion cubic feet of gas per day in Texas. It actually is capable of delivering only about 1.4 billion cubic feet a day. After the diversion contracts go into effect, that will drop to less than a billion cubic feet a day. That is less than the amount that is estimated to be required for human use needs in the system served by Coastal's Texas subsidiary. If the diversion contracts go into effect, and those Texas customers have no alternate fuel available for electrical generation and industrial needs, Coastal's Texas customers will be in the dark and without jobs. Those whose homes depend on electricity for heat and cooking would be without heat or power. If Coastal had devised some means of destroying the Texas communities they serve, the company could not have come up with a better idea than the diversion contracts.

But there is no need for this threat to exist. I believe that the diversion contracts are illegal.

San Antonio and other customers have asked the Texas Railroad Commission to set aside the diversion contracts, and I hope that it will do so. But there is no assurance that this will be done before the fateful day of November 1.

I have accordingly recommended that the Texas attorney general seek an injunction to prohibit the diversion contracts from being enforced until Coastal's victims are able to determine their rights and exercise their appeals to the administrative agencies and the courts. If the contracts go into effect, Coastal's Texas customers will be irreparably damaged—and some would face absolute disaster.

Whatever the outcome of this, I think that everyone should know what Coastal has done here. It has told one customer that it will furnish gas, if that customer will pay to develop the necessary reserves. Then, with the reserves in hand—paid for by the customer, it went to someone else and sold the reserves to them—leaving the first customer with empty pockets and empty pipelines.

The diversion contracts are sheer thievery. Coastal, and Oscar Wyatt, who dreamed up the whole scheme, should never be allowed to get away with this. If the diversion contracts are allowed to go into force, there is not a community in America that can feel it has a valid contract with its gas supplier. America can afford only one Oscar Wyatt—if even that. His breed has no place in business, or anywhere else.

I hope that Coastal's customers can obtain justice, and that means retaining the gas they have bought and paid for. It also means that some way, some day, Coastal will have to pay for every dime of the hundreds of millions of dollars' worth of damage this pack of thieves has inflicted on millions of innocent people.

CPA AT DSA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. Fuqua) is recognized for 5 minutes.

Mr. FUQUA. Mr. Speaker, I wish to continue with my attempt to prevent any confusion similar to that experienced by us last Congress. We soon shall consider on the floor again proposals for a Consumer Protection Agency to advocate the interests of consumers in Federal decisionmaking.

As you know, I have been introducing into the Record letters I have received from Federal agencies which are subject to a CPA's advocacy rights as proposed in the bills now before a Government operations subcommittee on which I serve. These agencies were asked to list their 1972 proceedings and activities that would be subject to CPA action and to delineate them by the various categories set forth in the bills.

I have already inserted material from five small agencies—the Cost of Living Council, and four of the banking regulatory agencies. Today, I would like to call your attention to the proceedings and activities of another small agency, the Defense Supply Agency, which would be

subject to the CPA's powers under the bills.

The bills are H.R. 14 by Congressman Rosenthal, H.R. 21 by Congressmen Holifield, Horton, and others, and H.R. 564 by Congressman Brown of Ohio and myself.

The major difference between the bills is that H.R. 14 and H.R. 21 would allow the CPA to appeal to the courts the final decisions of other agencies. The Fuqua-Brown bill would not grant such an unprecedented power to a nonregulatory agency. In addition, with regard to the DSA, only the Fuqua-Brown bill would exempt from CPA's jurisdiction the national security functions of any agency. Therefore, at least as far as procurement of goods and services for military purposes, the DSA would not be covered by H.R. 564.

On the critical question of giving the CPA court appeal power, the Rosenthal and Holifield-Horton bills would grant such a far-reaching right to the CPA wherever anyone else had such a right. Under both of these bills, it would be up to the CPA's sole discretion to determine if there were sufficient consumer interest to intervene fully in an agency proceeding, and, having so intervened, it would have an unchallengeable right to appeal the decision arising out of such proceeding. Under both bills, as well, the CPA could appeal decisions arising out of proceedings in which the CPA never appeared, although the court may deny such an appeal if it makes certain unlikely findings. As mentioned, the Fuqua-Brown bill would not allow the CPA to appeal to the courts any final decision of its brother agencies.

With this in mind, it is worthy to note that there were at least 863,000 actual appealable decisions made by the DSA in 1972. I say "actual decisions" because, under the two bills which would allow appeal, a refusal to act—inaction—is also appealable by the CPA.

Counting the estimated 40,000 to 60,000 actual appealable decisions listed by the Cost of Living Council and the several thousand noted by the banking agencies, the DSA information puts the tally of potentially appealable decisions annually by the CPA at almost the million mark—for five small agencies, alone.

This, of course, is not to say that the CPA would find sufficient consumer interest in all or most of these decisions to want to participate in them or appeal them. The technical legal power to do so is all that we can judge now, a power not found in the Fuqua-Brown bill.

Mr. Speaker, for the important reasons already stated, I insert in the Record information from the Defense Supply Agency which shows that Agency's 1972 proceedings and activities which would be subject to the CPA's advocacy powers as proposed in the various bills now in subcommittee.

Defense Supply Agency,
Alexandria, Va., September 26, 1973.

Hon. Don Fuqua,
House of Representatives,
Washington, D.C.

Dear Mr. Fuqua: This is in reply to your letter of 7 September 1973 asking about the activities of this Agency as they relate to H.R. 1421, and 564, 93d Congress, bills to create an independent Consumer Protection Agency.

Before considering your specific questions, I believe it would be helpful to provide a brief statement of the general functions and responsibilities of the Defense Supply Agency (DSA). This Agency is responsible for the procurement, storage and distribution of assigned items for use by the military services. DSA also administers most contracts awarded by the military services and conducts the DoD Contract Compliance Program (Executive Order 11246, as amended) and Industrial Security Program. Other major functions are: Property disposal (including the sale of Department of Defense surplus personal property); cataloging; management of idle industrial plant equipment; and administration of the Defense Documentation Center.

Post exchanges and commissary stores are resale activities operated by the military services rather than by DSA. We do, of course, purchase many of the subsistence items that are sold through the commissary stores. However, the determination of the items that will be sold in the commissaries and the preparation of specifications that are used are the responsibility of the military services. Also, the inspection of such items is performed by Department of Agriculture and military service veterinary personnel. With respect to items sold by post exchanges, DSA furnishes a portion of their milk requirements, as well as some standard military uniform items procured by this Agency. Clothing items are normally sold through clothing stores operated by the military services.

None of the activities conducted by this Agency are subject to the procedures of 5 U.S.C. 553, 554, 556, and 557. There are, however, some activities conducted by this Agency which involve hearings and decisions based on the record. These are:

a. Appeals to the Armed Services Board of Contract Appeals (ASBCA) involving disputes arising under contracts awarded or administered by this Agency (Armed Services Procurement Regulation Appendix A);

b. Proposals to impose sanctions on a contractor for failure to comply with the Equal Opportunity requirements of Executive Order 11246, as amended; and

c. Proposals to debar a contractor because of criminal conduct or other action which reflects adversely on the contractor's integrity as it relates to the performance of Defense contracts (ASPR 1–604).

In addition to the proceedings listed above, the following Agency activities, although not involving hearings, may be of interest to you:

a. Pre-award surveys designed to determine whether a proposed contractor has the necessary facilities and technical and financial ability to perform a Defense contract satisfactorily (ASPR Appendix K).

b. Inspection of products for the purpose of assuring that items delivered meet contract specifications. As mentioned above, this does not include the inspection of some subsistence items for troop issue or commissary resale.

c. Suspension of contractors suspected of criminal conduct in the performance of Defense contracts (ASPR 1–605). This is a temporary measure designed to protect the interests of the Government pending further investigation of a contractor's activities.

d. Protests by bidders or contractors to the Comptroller General (GAO). With the above comments in mind, the answers to your specific questions are set forth below:

Since none of the DSA activities are subject to the rulemaking, adjudication, and hearing provisions of the Administrative Procedures Act, Questions 1, 2, 3, and 4 are answered, "None".

Question 5 relates to proceedings on the record after an opportunity for hearing. As indicated above, for the Agency this includes appeals to the Armed Services Board of Contract Appeals, proposals to impose sanctions against a Defense contractor for violation of the Equal Opportunity clause, and debarments. For DSA in Calendar Year 1972 there were 184 appeals filed with the ASBCA and two debarments were initiated by the Agency.

With respect to Question 6, see general discussion aoove.

In view of the nature of the functions and responsibilities assigned to this Agency, it is not feasible to list all the final actions which could have been appealed to the Courts during 1972. The following information, however, may be helpful to you in connection with Question 7. During Calendar Year 1972 this Agency awarded approximately 774,000 procurement contracts and 89,00C sales contracts. Any bidder whose bid was not accepted, as well as any contractor who was dissatisfied with a decision of the ASBCA, could have brought a court action to test the validity of the action taken concerning him. As a matter of information, only nine court actions involving the award or administration of DSA contracts were filed in calendar year 1972.

Sincerely,

D. H. Richards,
Major General, U.S.A.,
Deputy Director.

GO AHEAD WITH IMPEACHMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. Abzug) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, President Nixon's last-minute agreement to turn over to Judge Sirica the nine tapes and supporting documents requested by Special Prosecutor Archibald Cox is a victory of the American people, but the issues requiring consideration of impeachment by the House Judiciary Committee remain as urgent as ever.

In the last few days, Americans all over the country, of all political beliefs, from plain citizens and members of the AFL–CIO, to law professors and the president of the American Bar Association, spoke out passionately in defense of the Constitution and the rule of law, which the President was challenging.

The President's attempt at total defiance of the courts has been turned aside. Under the storm of protests and rising demands for his impeachment, Mr. Nixon has been forced to back down. My office alone received hundreds of phone calls and telegrams calling for impeachment.

Sweet as this victory is, we must not overlook what Mr. Nixon has gotten away with. Special Prosecutor Archibald Cox remains ousted, and his office abolished. The Justice Department remains beheaded, its integrity shattered. The special files gathered by the Cox investigators remain in custody of the President's puppets.

The Congress must demand the immediate reinstatement of Mr. Cox and the reestablishment of the special prosecutor office, which was created as a solemn commitment to the U.S. Senate. If the President fails to do this, Judge Sirica has the authority to name Mr. Cox as counsel to the grand jury and to subpena all the files, and I urge him to do so.

In addition to introducing a bill of impeachment earlier today charging the President with seven separate violations of the Constitution over a period of time, I am also cosponsoring a bill to establish

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a special prosecutor that will be truly independent of manipulation by the President.

I am gratified that leaders of the House Judiciary Committee have indicated they will continue with their plans to inquire into the impeachment issue. The American people cannot feel confidence in government so long as a President who has exhibited such contempt for the Constitution and the judicial process throughout his tenure remains in office.

The articles of impeachment I introduced earlier today against President Nixon accuse him of separate violations of this Constitution and the law over a long period of time.

The articles cover charges of unlawful conduct in connection with the President's defiance of the court order on the tapes, his dismissal of Special Prosecutor Cox and seizure of his files, his establishment of a personal secret police within the White House that engaged in burglaries, wiretaps, espionage and perjury, his obstruction of justice in the Ellsberg-Russo case, violations of campaign fund laws, his impounding of funds appropriated by Congress, and his authorization of the secret bombing of Cambodia.

In addition, there remain unanswered questions about Mr. Nixon's involvement in the Watergate coverup, in the ITT scandal, the milk deal, the mysterious Howard Hughes contribution of $100,000 to Mr. Nixon's closest friend, Bebe Rebozo, as well as mounting evidence of Presidential wrongdoing in connection with payment of taxes and misuse of taxpayers' money to improve his personal property at Key Biscayne and San Clemente. All these are issues into which a House Judiciary inquiry must look very closely.

It is tragic that President Nixon should have precipitated this national crisis over the tapes in the midst of an international crisis. While the people of Israel were fighting for the survival of their nation, their strongest supporters, the American people, were forced to turn their attention to the survival of their democratic institutions of law.

I welcome this administration's support for Israel and its efforts to achieve a peaceful settlement of the Middle East war. It is evident, however, that the President was attempting to use our justified concern over the outcome of this war to mute criticism of his shocking defiance of the court and his firing of the special prosecutor. This is a familiar tactic of the President, who habitually invokes "national security" as a blanket rationalization for his unlawful acts and violations of civil liberties.

Just how far along the President thought he was in his bid for one-man rule was evident in a report by New York Times columnist Anthony Lewis about the statement made by the President's chief adviser on civilian affairs, General Haig. This military man called Assistant Attorney General William Ruckelshaus and asked him to do what the Attorney General had refused to do, to fire Mr. Cox. When Mr. Ruckelshaus also refused, according to Mr. Lewis, General Haig said, "This is an order from your Commander in Chief." No wonder that news commentators said that Washington, D.C., this past weekend smelled of an attempted coup d'etat.

Only the vigilance of the Congress, the courts and the American people can keep our democratic rights safe. They are certainly not safe in the hands of President Nixon.

Text of resolution follows:

HOUSE RESOLUTION —

Resolved by the House of Representatives, that

Whereas, there is substantial evidence of President Richard M. Nixon's violation of his oath of office, the Constitution and laws of the United States and his lawful usurpation of power,

Resolved, that President Richard M. Nixon be impeached for high crimes and misdemeanors under Article 2, Section 4 of the Constitution of the United States,

Resolved, that the articles agreed to by this House, as contained in this resolution, be exhibited in the name of the House and of all the people of the United States, against Richard M. Nixon, President of the United States, in maintenance of the impeachment against him of high crime and misdemeanors in office, and be carried to the Senate by the managers appointed to conduct the said impeachment on the part of this House.

Articles exhibited by the House of Representatives of the United States, in the name of themselves and all the people of the United States, against Richard M. Nixon, President of the United States, charging him with high crimes and misdemeanors in office.

ARTICLE I

That said Richard M. Nixon, President of the United States, unmindful of his oath of office and contrary of the Constitution and laws of the United States, has defied an order of the United States Court of Appeals for the District of Columbia Circuit to produce for inspection of the court certain tapes, documents and other materials requested by Special Prosecutor Archibald Cox.

ARTICLE II

That said Richard M. Nixon, President of the United States, unmindful of his oath of office and contrary of the Constitution and laws of the United States, has dismissed Special Prosecutor Cox, abolished his office and seized control of files and evidence that are material to investigations by federal grand juries, in violation of his commitment to the United States Senate, upon which confirmation of Elliot Richardson as United States Attorney General was based, that the Special Prosecutor would have full and independent authority to carry out investigations and to utilize the judicial process.

ARTICLE III

That said Richard M. Nixon, President of the United States, unmindful of his oath of office and contrary to the Constitution and laws of the United States, has invaded the First Amendment rights of citizens of the United States by establishing within the White House a personal secret police, operating outside the restraints of the law, which engaged in criminal acts including burglaries, wiretaps, espionage and perjury.

ARTICLE IV

That said Richard M. Nixon, President of the United States, unmindful of his oath of office and contrary of the Constitution and laws of the United States, has participated together with a principal aide in the obstruction of justice by offering a high federal post to the presiding judge during the Ellsberg-Russo trial and, for a prolonged period, withholding from the federal court knowledge of the burglary of the office of one of the defendant's psychiatrist.

ARTICLE V

That said Richard M. Nixon, President of the United States, unmindful of his oath of office and contrary of the Constitution and laws of the United States, was either fully aware of or criminally negligent about violations of federal law in the collection and illegal use of campaign funds to ensure his reelection in November, 1972.

ARTICLE VI

That said Richard M. Nixon, President of the United States, unmindful of his oath of office and contrary of the Constitution and laws of the United States, did impound and refuse to spend more than $40 billion in funds for domestic programs affecting the health, safety and welfare of the American people, which were appropriated by the Congress in legislation signed into law by said President.

ARTICLE VII

That said Richard M. Nixon, President of the United States, unmindful of his oath of office and contrary of the Constitution and laws of the United States, has usurped the war-making and appropriation powers of the Congress as set forth in Article I, Section 8 of said Constitution by authorizing the secret bombing of neutral Cambodia and falsification of official reports about military actions in Cambodia, and by deliberately concealing the bombing from Congress and the people of the United States.

WE MUST GUARD AGAINST DIVISIVENESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. UDALL) is recognized for 5 minutes.

Mr. UDALL. Mr. Speaker, the American people are stunned and unbelieving. Staggered by the previous disclosures of 1973, they have held on thinking that sooner or later the hearings, investigations and trials would conclude and the truth would be out and justice would be done.

Now they reel from another body blow: Elliot Richardson, Archibald Cox, William Ruckelshaus—the three men whose presence guaranteed complete disclosure and fearless pursuit of all the facts—have been forced out by the President.

The calls and telegrams to my office confirm what everyone knows: Confidence in our Government and its leaders sinks to record lows. What is worse, no end is in sight.

While the President adamantly digs in to "tough it out," large numbers of Representatives openly call for impeachment and even moderate and conservative Members of the House begin to seriously weigh the need for such proceedings. And if the President and the courts keep on their respective courses, here is the agony the country could face in the coming weeks and months:

The vice presidential nomination of GERALD FORD is held hostage pending court suits and impeachment proceedings;

The House may actually be forced to vote in impeachment of a President—only the second time in this Nation's history;

Judge Sirica refuses to dismiss the tapes case and holds a President in contempt; appeals follow and the Supreme Court must ultimately decide;

The Senate refuses to confirm a new Attorney General unless a new prosecutor is appointed or a law is passed establishing an independent prosecutor's office;

The evidence compiled against the President and his associates is seized by the Justice Department amid charges that it will be destroyed or tampered with;

The Watergate grand jury expires as legislation to extend its life is vetoed or embroiled with other issues.

Surely the people of this country deserve better than this from their Congress and their President. There is, I suggest, a better way. But it will require sacrifice and restraint and magnanimity on the part of all of us—and most especially from Richard Nixon. It will require that we all stop maneuvering for partisan advantage and uttering loud ultimatums against each other. The Congress must give something basic and the President must respond.

I propose:

First. The Democratic Congress give up any effort, apparent or real, to reverse the election of 1972 and somehow parlay the Agnew tragedy into a Democratic President. GERALD FORD is a member of the party that won that election. He is a man of integrity whom Richard Nixon has picked as the person to carry out his foreign and domestic policies in the event he ceases to be President. The Congress should expeditiously complete its investigation of the Ford nomination, and finding no irregularities, as I expect will be the case, confirm the nomination.

Second. When Mr. FORD has been confirmed, Mr. Nixon should resign. The President is a proud and often stubborn man, whose Presidency is not without solid achievements. To step aside will be difficult for him, but I believe he loves his country and has the greatness to make this ultimate political sacrifice so the Nation he has led can have some semblance of unity once again.

I would hope that the major national Republican leaders might now ponder whether they cannot best serve their country and their party by urging President Nixon to step aside.

This proposal—and only this proposal—offers any prompt and conclusive way out of the jungle in which this great country finds itself. We would all do well—our President especially—to remember the ordeal of another President, Lyndon B. Johnson, who found himself to be the symbol of disunity, and who had the greatness to move aside. In his speech of March 31, 1968, he said:

> The ultimate strength of our country and our cause will lie not in powerful weapons or infinite resources or boundless wealth, but will lie in the unity of our people . . .
>
> And in these times as in times before, it is true that a house divided against itself by the spirit of faction, of party, of region, of race, is a house that cannot stand.
>
> There is division in the American house now. There is divisiveness among us all tonight. And holding the trust that is mine, as President of all the people, I cannot disregard the peril to the progress of the American people and the hope and the prospect of peace for all peoples.

So, I would ask all Americans, whatever their personal interests or concerns, to guard against divisiveness and all its ugly consequences.

PRESIDENT RELEASES TAPES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. RIEGLE), is recognized for 10 minutes.

(Mr. RIEGLE asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. RIEGLE. Mr. Speaker, I wish I were not rising so late in the day when so few people are in the Chamber, but that is the way the procedures work here. But I think it is important to comment, if to no one else, at least to the people who are in this Chamber now, on the announcement that we had a few minutes ago that the President changed his mind and decided to release the nine tapes to Judge Sirica relating to the Watergate case.

Mr. HUNT. Mr. Speaker, will the gentleman yield at that point?

Mr. RIEGLE. I will yield a little later, but I will not at this time.

Mr. HUNT. Mr. Speaker, I want to get an audience for the gentleman.

Mr. RIEGLE. I will not yield to the gentleman at this time.

CALL OF THE HOUSE

Mr. HUNT. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. The Chair will count. Evidently a quorum is not present.

Without objection, a call of the House will be ordered.

There was no objection.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 545]

Alexander
Anderson, Ill.
Ashley
Biaggi
Blatnik
Bolling
Brasco
Broomfield
Brown, Mich.
Brown, Ohio
Buchanan
Burgener
Burke, Fla.
Butler
Carey, N.Y.
Casey, Tex.
Chamberlain
Chisholm
Clark
Conlan
Conyers
Delaney
Dent
Derwinski
Dickinson
Diggs
Dulski
Esch
Evins, Tenn.
Findley
Fish
Foley
Ford, Gerald R.
Fraser
Fulton
Gettys
Goldwater
Gray
Green, Oreg.
Grover
Hanley
Hanna
Hanrahan
Hansen, Wash.
Harsha
Harvey
Hébert
Holifield
Horton
Ichord
Johnson, Pa.
Jones, Tenn.
King
Landrum
Lujan
McClory
McKay
Macdonald
Mallary
Mathis, Ga.
Melcher
Michel
Mills, Ark.
Moorhead, Pa.
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
O'Neill
Parris
Patman
Pepper
Poage
Powell, Ohio
Quie
Rees
Reid
Roberts
Rose
Roybal
Runnels
Ruppe
Ryan
St Germain
Sandman
Saylor
Scherle
Schneebeli
Shipley
Skubitz
Slack
Spence
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Stephens
Stuckey
Teague, Tex.
Tiernan
Udall
Van Deerlin
Veysey
Widnall
Wilson, Charles H., Calif.
Zion

The SPEAKER. On the rollcall 327 Members have recorded their presence by electronic device, a quorum.

By uanimous consent, further proceedings under the call were dispensed with.

PERSONAL ANNOUNCEMENT

Mr. PEPPER. Mr. Speaker, I entered the Chamber at the time the announcement was being made. I should like for the RECORD to show that I am present.

PERSONAL ANNOUNCEMENT

Mr. CAREY of New York. Mr. Speaker, I was detained and was unable to reach the Chamber in time to record my presence on the last rollcall.

PERSONAL ANNOUNCEMENT

Mr. HANLEY. Mr. Speaker, I also was unable to reach the Chamber in time to record my presence on the last rollcall.

PRESIDENT RELEASES TAPES

The SPEAKER. The gentleman from Michigan (Mr. RIEGLE), has 9 minutes remaining.

Mr. RIEGLE. Thank you, Mr. Speaker.

I am flattered by this wonderful turnout at this late hour to hear what I have to say in this special order.

The gentleman from New Jersey, my friend of long standing, JOHN HUNT called this quorum call. As to the circumstances, I had risen to speak on a 10-minute special order, JOHN asked me to yield, and I declined to yield at that point. He then moved a call of the House.

I would not want the gentleman from New Jersey to think I would not yield to him at the end of my remarks, because certainly I would.

I prefer not to yield until such time as I complete my statement. Then I will yield first to the gentleman from New Jersey.

So, Mr. Speaker, the reason I took a special order today was to respond to the announcement of a few moments ago that the President apparently changed his mind and decided to release the nine tapes in question under the appeals court order to Judge Sirica.

At this time it is not clear whether the information that the White House will release goes beyond just the tapes and gets to very profoundly important question of the documents and the relevant memoranda and White House logs which Special Prosecutor Cox spoke about and which he indicated quite clearly had been denied him up to this point.

I believe several points ought to be considered right now before any more time passes. No. 1, it seems to me that what the President has said by this action is that the special prosecutor was right in insisting that the tapes be turned over; namely, that the President comply with the court order.

Apparently, on reflection, the President has decided that the special prosecutor was right. That represents a gain and one that is useful.

I believe now it is fundamentally important the the President likewise act to reinstate the special prosecutor. What he has in effect said is that the special prosecutor was right from the beginning.

I hear some snickers in the chamber. I hear some snickers here. I think that is unfortunate, because there is one thing that the American people want today. It is not a partisan question. I believe they want the facts and they want the truth.

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They want to find out who is guilty and who is innocent.

It seems to me that we all have a right to have that done, and that was the purpose for a special prosecutor. There were very few Members in this Chamber on either side of the aisle who objected to the establishment of a special prosecutor when this thing began. As a matter of fact, there was a very strong sentiment that there was a clear need for a special prosecutor. There still is.

There is just as much need for a special prosecutor today. I think we all know that the Watergate part of the story is probably the smaller part of the story now. I assume that most Members have seen the story on the wire that the trial of Maurice Stans and John Mitchell in New York had to be postponed today, because the White House is withholding evidence. That has nothing to do with Watergate. That is the Vesco case.

Are we going to proceed to allow the courts to work to find out who is guilty and who is innocent? Or are we not? That is a question which the President has not answered.

So, Mr. Speaker, I think what is appropriate now is that the President, in light of the fact that he has admitted today that he was wrong—he admitted it by turning over the tapes—ought to reinstate his special prosecutor, and he ought to do it today before any time is lost or any records are lost or misplaced, or what have you.

I believe this House ought to express itself on that point, and I hope that all the Members in the House will express themselves on that point. If there is some good reason why the special prosecutor should not be reinstated. I would like to have the Members rise later and explain what that reason might be.

I think, secondly, the question of the supporting memoranda and documents and the White House logs is absolutely vital. In other words, their submission, turning those over to the courts, is every bit as important as the tapes themselves, because when I heard our former colleague and friend, Mel Laird, speak on "Meet the Press" on Sunday, he finished the question as to whether the supporting documents would be turned over by saying,

> Well, the tapes themselves are a more complete record.

Well, they are a more complete record if they are in their origial form. I suppose they are, but there is no way we can know that now. Many people in the country ask that question, I think quite properly. The only way to know if the tapes have been altered is by checking them against the memorandums and supporting documents and the White House logs that were prepared at exactly the same time.

So it is essential that they be turned over. As a matter of fact, if we had to do without one or the other, they probably are more useful than the tapes.

So what is the President's position in that area?

Finally, as I said before, the Watergate situation, I think, today is the smaller part of this whole thing. I think the White House would like to make that be the issue, because that sort of gets over into the area of political sabotage, and most people in the country take a dim view of politics and they tend to give that less weight.

But we are talking about a whole pattern of criminal activity. We are talking about special deals, about enemy lists, about favors, about money changing hands with no accurate records. We are talking about special audits by the Internal Revenue Service and a number of other things.

I do not honestly believe that there is a single Member in this chamber in either party who believes that this Government should operate that way. I know that in the 6 years I spent here in the House as a Member of the Republican Party, I never at one time heard one Republican colleague of mine advocate a police state under any kind of a President. Never once did I hear that. And I do not think they advocate that today, and I know that Members of the Democratic Party do not advocate that.

However, that has been the pattern, and it must be cleaned up, and the American people have a right to have it cleaned up. That is why we had a special prosecutor.

And so we have seen the President, through what seems to be a very clever maneuver, a very tricky maneuver, say, "No, you cannot have the tapes," and then we have the prosecutor do what he should do, and he says, "Mr. President, I cannot comply because that violates the court order."

So then the President fires the prosecutor and then promptly takes his advice.

Let us not be fooled by this. The American people are not going to be fooled by this.

I think what is at stake here is whether this chamber and we, as a Congress, really mean anything. When we talk about "law and order," that has got to mean law and order for everybody, and I think we have to be as quick to dismiss people and to punish people in either party if they commit offenses and break the law.

There cannot be two sets of rules. If we let the President or ourselves or any public officeholder commit crimes and get away with it and say they have special powers, we are doing the wrong thing. We are saying to every potential criminal in this country, dope addicts and muggers and others, that if you have the raw power to commit whatever crime you want to, you can get away with it. That is what we say when we allow that kind of a precedent.

Does the President live by a different set of rules? I hope not, because he should be the premier example of obeying the law.

Laws have been broken in a dozen cases here. You know them better than I do. I do not have to cite them. The milk deal, the Vesco and the ITT deal, and all the rest of the things. Who knows what the true facts are? But are we to say we do not have the right to know that a coverup can go on by means of a diversion of a special prosecutor who gets booted out because he was doing exactly what he should be doing, namely, tracking down the facts?

I want to know who is guilty and who is innocent. I will be the first person into this well, the first person into this well, to congratulate the President of the United States if after a full and unhindered independent investigation he is cleared of all wrongdoing. I will be the first person into this well to congratulate him and pledge my support for the remainder of his term.

But if the coverup goes on, we will destroy our country and destroy the meaning of this Congress and destroy both political parties. We can do it if you want to. We can do it out of loyalty to an individual, but I think that is wrong.

Mr. BRECKINRIDGE. Mr. Speaker, I rise in support of the remarks of the gentleman from Michigan (Mr. Riegle) and while welcoming the reported action of the President in releasing the Watergate tapes to Judge Sirica, I deny that this action puts an end to the matter or meets the exigencies of the constitutional crisis imposed upon America by the President's action in denying the independent investigation and prosecution called for under the rule of law.

Mr. Speaker, today I joined with the gentleman from Iowa (Mr. Culver) and others, in introducing the Special Prosecutors Conservancy Act of 1973 for the purpose of securing inviolate the constitutionally ordained separation of powers and checks and balances inherent in our form of government, and the maintenance of the independence of the judiciary in the administration of justice.

The statement of the Honorable Chesterfield H. Smith, president of the American Bar Association, as it appears in today's New York Times has set forth below, makes clear the fact that—

> There can be no menace to our security from within and none from without more lethal to our liberties at home and fatal to our influence abroad than this defiant flouting of laws and courts.

The article follows:

The Constitutional Crisis

(By Chesterfield H. Smith)

Chicago.—As the President of the American Bar Association, I urge in the strongest terms that appropriate action be taken promptly by the courts, and if necessary by Congress, to repel the attacks which are presently being made on the justice system and the rule of law as we have known it in this country.

The American Bar Association last spring called for the appointment of an independent prosecutor with responsibility for the investigation and prosecution of the Watergate affair.' The A.B.A. position was based upon its Standards for Criminal Justice, which provide that a prosecuting officer should have no conflict of interest or the appearance of a conflict of interest. Thus, under the standards, it would be improper for an investigation of the President himself, of the office of the President, or of the executive branch of the Federal Government to be conducted by a prosecutor subject to the direction and control of the President.

Based upon assurances made publicly by high officers of the Administration, the A.B.A. was most hopeful that Archibald Cox would be allowed to pursue justice in all aspects of his investigation without control by those whom he was charged with investigating.

Now, the President, by declaring an intention, and by taking overt action, to abort the established processes of justice, has instituted an intolerable assault upon the

courts, our first line of defense against tyranny and arbitrary power. The abandonment, by Presidential fiat, of the time-tested procedures to insure the equitable distribution of justice constitutes a clear and present danger of compelling significance.

The substitution, again by Presidential fiat, of a makeshift device—unilaterally improved and conferring upon one individual functioning in secret the power to test evidence—may well be acceptable for a Congressional investigation, but to also insist that it be utilized by the courts in criminal proceedings is an assault of wholly unprecedented dimension on the very heart of the administration of justice. The absolute gravity of the situation demands the most resolute course on the part of the courts and, if necessary, Congress.

There can be no menace to our security from within and none from without more lethal to our liberties at home and fatal to our influence abroad than this defiant flouting of laws and courts. I express my hope and confidence that the judicial and legislative forces of this nation will act swiftly and decisively to repeal and correct this damaging incursion by the President upon the system of justice, and therefore upon our basic liberties.

I hope also that the President will change his course and cease what I believe to be an unprecedented flouting of the rule of law. I also believe that the Congress should, as its first priority, re-establish the office of the Special Prosecutor and make it independent.

The people of this country will never believe that justice has been done until such time as the independent prosecutor is permitted to go into all aspects of Watergate without limitations or control imposed on him by those whom he has reason to believe are possible participants. At the same time, it is clearly proper that those who are being investigated by the Special Prosecutor present their objections to his conduct to the courts for a determination as to whether such conduct is legally permissible.

I pledge to see that the A.B.A. assist the United States District Court for the District of Columbia and any other Federal court in the discharge of its duties and responsibilities in this constitutional crisis.

I applaud the acton of three great lawyers, Elliot Richardson, William Ruckelshaus and Archibald Cox, who have emphasized to the nation that they are lawyers who honor the tradition of the legal profession and that they are lawyers who properly and without hesitation put ethics and professional honor above public office.

The question of impeachment must, Mr. Speaker, in the final analysis, find its resolution in the judicial system and the investigatory processes of the House. The Special Prosecution Conservancy Act of 1973 is the sine qua non to the reestablishment of the balance of power and integrity of our system of government. I urge its early passage.

THE EVENTS OF THE DAY

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. Brown) is recognized for 5 minutes.

Mr. BROWN of California. Mr. Speaker, I will be happy to yield to the gentleman from New Jersey (Mr. Hunt).

Mr. HUNT. I rise for the purpose of clarification. Considering the fact that my colleague from Michigan did not see fit to carry out what he said he would do; namely, let me answer him.

I want the Record to reflect why I called a quorum.

The gentleman from Michigan in his initial address made some facetious remarks that there was no one in this House again to hear an important message, as usual. I do not want the Record to be sanitized when he gets through as to the reason why I called that quorum. I am certain the President of the United States will be most happy to accept the gentleman from Michigan's apology when he gets ready to make it, which I doubt he ever will.

Mr. BROWN of California. Mr. Speaker, I had intended to make a few remarks about the events of the day myself, but in view of the circumstances which have developed, I would merely like to request unanimous consent to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BROWN of California. Mr. Speaker, today I have joined in the introduction of two measures designed to bring about consideration by this House of articles of impeachment of the President of the United States. It is not merely Richard Nixon I seek to impeach, but an entire style of politics, an approach to the use of power which takes the attitude that the end is so virtuous—namely the election of Richard Nixon to office—that any means necessary to that end is legitimate no matter what laws are broken, what institutions are corrupted, or what reputations are sullied.

Lest anyone mistakenly believe that the events popularly known as Watergate are somehow peculiar to the period of the 1972 election and the excesses of persons involved in what they viewed as a holy crusade to save the country from the fate of a McGovern Presidency, one can readily find similar examples in each of Mr. Nixon's past major campaigns. Not only that, but many of the very campaign aides who demonstrated so well their talent for using any means necessary to elect Richard Nixon a decade ago or a quarter century ago have been carried with him up to the present. Mr. Nixon cannot dissociate himself from the actions of his aides in the White House and the Committee to Reelect the President when he knew only too well what these men were prepared to do to elect him.

In 1946 when Mr. Nixon first ran for public office, it was against veteran Congressman Jerry Voorhis, named "first in integrity" among Members of the House of Representatives by the Washington newsmen. As a member of the House Committee on Un-American Activities he had even authored the Voorhis Act which was bitterly assailed by the Communist Party publication People's Daily World.

Nevertheless, Mr. Nixon, following the advice of his public relations adviser, Murray Chotiner, accused Voorhis of being a dupe of the Communists and of "consistently voting for the Moscow-PAC-Henry Wallace" line in Congress. In the same fashion as the anonymous phone calls in the New Hampshire primary that were used to sabotage the Muskie campaign, Mr. Voorhis' candidacy was subjected to anonymous phone calls to voters who were told that he was a Communist.

With Murray Chotiner as his campaign manager in his 1950 campaign for the U.S. Senate, Mr. Nixon depicted his opponent U.S. Representative Helen Gahagen Douglas as the "Pink Lady," distributing over a half million flyers printed on pink paper which purported to demonstrate that she had voted the same way as the New York Congressman Vito Marcantonio who was outspoken in his Communist sympathies. The flyer, of course, did not mention that a majority of the Democrats in this body had voted the same way and that Richard Nixon himself had done likewise on many occasions.

During the course of the Watergate investigation, not surprisingly, we have learned that Mr. Chotiner was responsible for corrupting the journalistic coverage of the 1972 campaign by his use of paid spies who masqueraded as legitimate news reporters while preparing reports on the Democratic campaigns to be read by White House officials the next morning.

Moving closer to the present, we come to Mr. Nixon's losing 1962 campaign for Governor of California. During that campaign he honed techniques that were to prove useful 10 years later. Among these was the use of a $70,000 phony mailing. California Democrats received a large post card from the nonexistent "Committee for the Preservation of the Democratic Party." Purporting to be a poll, the card's "questions" were instead used to put across a Nixon campaign message that the Democratic Governor was a captive of extremists. In addition, this phony Democratic committee solicited contributions from the Democratic voters to "preserve our Democratic processes."

The State's official Democratic Party went to court and a State judge ruled against the Nixon campaign committee and its campaign manager, one H. R. Haldeman. It held that:

> In truth and in fact, such funds were solicited for the use, benefit and furtherance of the candidacy of Richard M. Nixon.

The judge found that the phony postcard poll "was reviewed, amended and finally approved by Mr. Nixon personally." The judgment was never appealed.

It is not surprising that extensive use was made of phony mailings in 1972 by Nixon campaign worker Donald Segretti. Responsible for payments to Mr. Segretti and for recommending approval of his activities to H. R. Haldeman, was former Presidential Appointments Secretary Dwight L. Chapin. Mr. Chapin is also famous as a result of John Dean's testimony that it was Chapin who proposed getting some thugs to discourage a lone demonstrator in Lafayette Park. And when one examines the list of Mr. Nixon's paid campaign aides in the 1962 gubernatorial campaign he finds, in addition to H. R. Haldeman, Dwight L. Chapin plus Herbert Kalmbach and Ronald Ziegler. Other men who participated in the Nixon campaign that year were Maurice Stans, John Ehrlichman, and Murray Chotiner.

Mr. Speaker, those of us in this body from California remember only too well these and similar facets of Richard Nixon's willingness and the willingness of the men with which he surrounds himself to use whatever means they see

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as necessary to obtain and hold political power. Watergate is not an aberration. It is merely 1946, 1950, and 1962 on a grander scale. It is also a demonstration of what happens when a person such as Richard Nixon has at his fingertips the powers of the executive branch of the Government.

The investigations of the Watergate Committee and the Special Prosecutor have been only too successful in revealing for all to see the extremes to which Mr. Nixon and his aides are willing to resort. It was for this reason that Richard Nixon found he had to end the work of the special prosecutor and it is for this reason that Richard Nixon must be impeached.

RESOLUTION OF INQUIRY INTO THE QUESTION OF IMPEACHMENT

The SPEAKER. Under a previous order of the House, the gentleman from Utah (Mr. OWENS) is recognized for 10 minutes.

Mr. OWENS. Mr. Speaker, in the past 5 days, we have witnessed events unprecedented in American history. On Friday, the President failed to appeal from a decision directing him to produce for judicial inspection tapes, notes and other memoranda which had been subpenaed by the special prosecutor. Instead, he announced arbitrarily a so-called compromise and demanded that everyone—the courts, the Senate Watergate Committee, and the special prosecutor—accept it. The special prosecutor, with good reason, refused to abide by the President's attempt to settle unilaterally the suit for the tapes.

The summaries of the tapes which the President proposed to supply would not be sufficient to enable the grand jury to reach an informed decision as to the necessity of indicting individuals under investigation. The summaries would not be admissible as evidence in court, in any trials which come out of the grand jury investigation. Finally, and perhaps most importantly, the President ordered the special prosecutor not to seek court orders for any further records of Presidential conversations, papers or records.

On Saturday the President forced the resignation of the Attorney General Elliot Richardson, and the Deputy Attorney General William Ruskelshaus, who in good conscience could not carry out the President's order to dismiss Mr. Cox and thereby destroy the independent status of the special prosecutor's office. Such independent status was and is essential to reestablish the integrity of the executive branch and the rule of law.

After forcing the resignation of the only uncompromised men in the Justice Department, the President ordered the special prosecutor's office and files sealed and placed under FBI guard. Those are the tactics of a dictator, a man who fears independence and the orderly and impartial pursuit of justice.

This afternoon, incredibly, the President announced that he would comply fully with the court of appeals' order to produce the tapes. This seemingly erratic action raises the gravest questions about the President's motives in dismissing Mr. Cox. If the President's sole concern had been preserving the confidentiality of the tapes, why was he willing to go to such extraordinary lengths last week to preserve that confidentiality, and then reverse his decision 5 days later? His action certainly lends credence to the argument that the confrontation with the special prosecutor was planned in order to create a pretext for his removal.

I believe that the President had the special prosecutor fired, not because of any impropriety on the prosecutor's part, but because Mr. Cox exercised the very qualities of independence which his task demanded. His firing leads me to the conclusion that the President feared the revelations and actions which could come from the special prosecutor's investigations into a host of improprieties involving the White House and the President himself.

Those improprieties include the following:

On July 25, 1970, the President personally approved the "Huston Plan" for domestic political surveillance by such methods as breaking and entering, wiretapping, and military spying on civilians.

The President usurped the warmaking powers of Congress by the bombing of neutral Cambodia and deliberately concealing the bombing from Congress.

The President established within the White House a secret police, the so-called "Plumbers," who operated outside the law, engaging in criminal acts including burglary and perjury.

The President compromised Judge Byrne by offering him the post of FBI director while the judge was trying the Ellsberg case.

The White House directed the settlement of the ITT antitrust case at a time when ITT was making a substantial contribution to the Republican Party.

The milk support prices were raised after the dairymen made a substantial contribution to the President's reelection campaign.

The President has engaged in a pattern of practice seeking to cover-up crimes related to the Watergate break-in, including early attempts to limit the scope of the Watergate investigation, use of campaign contributions to buy the silence of Watergate conspirators, and, most recently, the firing of the special prosecutor.

The gift of his Vice Presidential papers, for which the President received a substantial tax break, raises questions that he has used the IRS improperly for his personal enrichment.

The financing and tax implications of the purchases of the San Clemente and Key Biscayne residences of the President are of doubtful propriety.

This list, as well as the conduct of the Watergate investigation prior to the creation of the special prosecutor's office and other incidents, clearly demonstrates the need for a prosecutor who is independent of the White House and the entire executive branch.

Of greatest emergency this afternoon is the necessity of protecting the files and evidence already gathered by the special prosecutor and assuring an independent prosecution of this investigation. Consequently, I have today cosponsored a bill which would reestablish the special prosecutors' office as a branch of the judiciary.

This bill would authorize Chief Judge Sirica to appoint a new special prosecutor, who could then be removed only by Judge Sirica or his successor chief judge. It would provide funding for the prosecutor's staff, and direct the FBI to provide him with such investigations and material as he may require. It would also extend the life of the Watergate grand jury, now due to expire on December 5, for 6 months, and for longer periods if Judge Sirica found further extensions to be necessary. Finally, the bill encourages Judge Sirica to disqualify himself from judging any cases brought by the special prosecutor whom he appointed.

I have also cosponsored a resolution calling for the establishment of an investigation into the necessity of impeachment, as I promised last Sunday morning. I am here inserting that statement and the resolution for the RECORD.

There is a danger that any move in the direction of impeachment will be seen as an attempt by Democrats to replace the Republican President with a Democratic Speaker of the House. The Democrats do not seek such an advantage. Nor can my party even appear to wish such an eventuality. This issue transcends all partisan concerns, and to allow such an appearance could raise such partisan feelings as to make an objective inquiry into a possible impeachment completely impossible. For that reason, I believe that the House must expedite the hearings and consideration of GERALD FORD to be Vice President. If, for some reason, he is not confirmed, then provision must be made to place a Republican next in line of succession in the event that the President should be impeached. This could be done by our election of a Republican, of Presidential capabilities, as temporary Speaker of the House.

Above all, Mr. Speaker, we must have the courage to assert the proper role of the House of Representatives at this time of grave constitutional crisis. If we will proceed vigorously, in a manner completely free from partisan objectives, we can be sure the country will support us in our attempts to make a rational judgment about the continuation of Richard Nixon as President of the United States.

The items follow:

STATEMENT FROM REPRESENTATIVE WAYNE OWENS

The President's erratic actions of the last two days are unsupportable, in my opinion, by any theory of executive privilege. He has allowed and would allow persons of his own choice to hear the disputed tape recordings, yet has refused definitive court orders that they be secretly heard by impartial judges who would protect the confidentiality of non-criminal matters.

I have concluded that the President was less than honest when he said that he wanted all the facts to come out, because he has destroyed the only chance that the judicial process could bring out the truth by removing the only uncompromised men in the Justice Department.

This leaves a very reluctant Houses of Representatives no alternative to commencing impeachment proceedings immediately. I hope and pray we have the courage to face up to that responsibility in a sober, judicious manner, completely free of partisanship or political overtones.

RESOLUTION

Resolved, That the Committee on the Judiciary immediately undertake an investigation of the activities of Richard Nixon, President of the United States, to ascertain all facts bearing on the possible commission by him of high Crimes and Misdemeanors under section 4 of Article II of the Constitution, and that upon completion of such investigation said Committee report to the House its recommendations with respect thereto, including, if the Committee so determines, a resolution of impeachment.

THE PRESIDENT AND ARCHIBALD COX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. PODELL) is recognized for 10 minutes.

Mr. PODELL. Mr. Speaker, the action of President Nixon in dismissing Special Prosecutor Archibald Cox and closing down his office is perhaps the greatest outrage against the public ever worked by a President on the American people.

Piling crisis upon crisis, virtually all of them swirling about his own conduct of the presidency and his own campaign for reelection, the President has now committed the ultimate indiscretion of a leader. He has broken faith with the people, with the Congress and with the courts.

Pressed for some shred of credibility some months ago, the President appointed an "independent" prosecutor who would be unhindered in his search for the truth in the Watergate scandal, the coverup, election law violations and other matters. Now, like a bad sport, he wants to take his marbles and go home. He wants to change the rules in the middle of the game. He would change the Constitution and then do away with due process.

There is no more deadly action he could take in a nation that has revered its constitutional democracy. He would do away with the even distribution of justice. This recent move of the President amounts to transferring the crisis of confidence the people have felt about the man, to a crisis of confidence about the office, and the Government.

This Nation works because the people believe that government works toward evenhanded justice for all, through due process and without favoritism by the administration, the Justice Department or the courts. It is this usurping of constitutional privilege and power on top of demonstrated dirty tricks and crime in the quest for more power that brings this matter before the House today.

Previously Presidential actions were akin to this most recent outrage, but this is nonetheless shocking.

When the late J. Edgar Hoover would not lend the FBI to the White House as political operatives, the White House set up its own special investigative unit—the Plumbers—who then proceeded to violate the private and civil rights of those who had incurred the administration's wrath. And the Plumbers broke practically every law on the books in the process. Guided from the White House, they used, and were used, by deceit, misrepresentation, half truths and a feeling they were above the law of the land while they were working out of the White House.

As Prosecutor Cox moved with due process closer to the truths about this most corrupt of administrations, he was summarily dismissed, his record impounded, and his investigation set back to where it was 6 months ago.

Mr. Speaker, we are here today considering this matter of impeachment because it was thrust on us by an administration indifferent to the structures of the Constitution and the requirements of a civilized society.

Let us act accordingly.

IMPEACHMENT PROCEEDINGS

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON. Mr. Speaker, this past weekend's events, where the President fired his special prosecutor and precipitated the resignation of his Attorney General and Deputy Attorney General, were the latest in a chain of events that has raised grave doubts about the propriety of President Nixon remaining in office.

Over the months there have been numerous allegations of criminal wrongdoing extending to the highest levels of the White House. Now he has broken his promise that these charges would be pursued by a Special Prosecutor to wherever they lead.

These activities have rightly generated an unprecedented public outrage and demands that the President be removed from office. Under the Constitution, the House of Representatives has the responsibility for initiating impeachment proceedings. This resolution, that is being introduced by 61 of my colleagues and myself, directs the Judiciary Committee to begin its investigation to determine if grounds exist for impeachment.

It is imperative that this inquiry begin immediately. Only by a proper and thorough investigation can this matter be resolved in the fair matter dictated by the Constitution.

Following is a list of 61 Members cosponsoring this legislation.

LIST OF COSPONSORS

Abzug, Anderson, G., Aspin, Bergland, Bingham, Brasco, Brown, G., Burton, Boland, Brademas, Chisholm, Culver, Conyers.

Dellums, Drinan, Eckhardt, Edwards, Evans, Fascell, Fauntroy, Foley, Ford, W., Fraser, Giaimo, Grasso, Green, Harrington, Hawkins, Helstoski, Hicks.

Howard, Jordan, Karth, McCormack, Mazzoli, Metcalfe, Mezvinsky, Mink, Moakley, Mollohan, Moorhead, (PA), Murphy, J., Nedzi, Obey, O'Hara, O'Neill, Pepper.

Podell, Rees, Rooney, Fred, Roybal, Schroeder, Seiberling, Stark, Studds, Symington, Tiernan, Thompson, Udall, Yates, Young, A.

Resolution, directing the Committee on the Judiciary to inquire into and investigate whether grounds exist for the impeachment of Richard M. Nixon

Resolved, That the Committee on the Judiciary shall, as a whole or by any of its subcommittees, inquire into and investigate the official conduct of Richard M. Nixon to determine whether in the opinion of said committee he has been guilty of any high crime or misdemeanor which in the contemplation of the Constitution requires the interposition of the powers of the House of Representatives under the Constitution. The Committee on the Judiciary shall report its findings to the House of Representatives, together with such resolutions, articles of impeachment, or other recommendations as it deems proper.

PUBLIC REGULATION BEFORE PRIVATE MONOPOLY

(Mr. MOSS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MOSS. Mr. Speaker, natural gas provides more than 36 percent of our domestic energy. It is the cleanest of fossil fuels, its combustion producing far less air pollution than any other conventional fuel. In some areas, it is the only fuel that can be burned in quantity without significantly violating air quality standards and causing hazards to public health. These desirable properties, together with availability at reasonable prices, have caused demand for natural gas to increase rapidly.

At the same time since 1968 reported reserve additions have lagged behind annual consumption. During the past year, 15 of the Nation's largest interstate pipelines were unable to provide enough gas to meet needs of customers. In many communities, natural gas is not available to new customers.

Deregulation has been offered as a solution by the administration. In my judgment, however, the deregulations of interstate natural gas called for by the President indicates he believes, rather simply, that what is good for the oil industry is also good for the country. If prices of natural gas, for example, were allowed to increase by 30 percent, the value of natural gas reserves would climb by $300 billion. More drilling would perhaps occur, but "windfall profits" for the industry would be staggering. The policies advocated by the President would increase benefits for the industry, but at the expense of the American consumer. In essence, deregulation is part of the problem, and not part of the solution. I am, therefore, introducing today a comprehensive regulatory proposal to provide

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an alternate approach, known as the Oil and Gas Regulatory Reform Act.

I am proposing this regulatory reform bill because the pattern of recent shortages of gasoline, threats of renewed scarcities of heating oil, and rising prices of petroleum products have suggested the existence of serious structural problems and anticompetitive behavior within the petroleum industry.

The Cost of Living Council; and States of New York, Hawaii, Florida, Colorado, Minnesota, and Massachusetts have either filed suit or are about to bring antitrust actions against major oil companies. In Los Angeles, the Antitrust Division of the Justice Department is conducting an inquiry to determine whether there was a massive conspiracy to fix wholesale and retail gasoline prices in 1971 and 1972. Recently, James Halverson, Director of the Federal Trade Commission's Bureau of Competition, testified before the Senate Anti-Trust and Monopoly Subcommittee:

> 1. Serious underreporting by natural gas producers to the Federal Power Commission of natural gas reserves has existed and continues to exist;
>
> 2. Procedure of reporting reserves through subcommittees of the American Gas Association composed of employees of major producers could provide the vehicle for a conspiracy among companies involved to underreport gas reserves, but more information is needed in this area.

Cost of Living Council Director Dunlop recently stated that—

> Rapidly increasing prices for gasoline are one of the major contributors to inflation in this country.

The Federal Trade Commission on July 17, 1973, issued a complaint against the Nation's eight largest petroleum companies charging monopolization and maintenance of a noncompetitive market structure.

Because the petroleum industry does not appear workably competitive I propose a Regulatory Reform Act designed to assure adequate supplies of petroleum at reasonable prices to consumers. Principal provisions of this proposal are:

Extend Federal Power Commission regulatory authority to intrastate transportation and wholesale sales of natural gas. This would eliminate an arbitrary distinction currently existing between interstate and intrastate gas. The public cannot be adequately protected if more than 40 percent of the market is not subject to a uniform. comprehensive system of regulation. As a result of the current situation, the intrastate market has been able to enjoy substantial economic advantage in competing with the interstate market. There have been massive diversions of natural gas for low priority industrial uses within producing States. There is no more reason to assume that the intrastate market is any more competitive structurally than the interstate market. Consequently, regulatory protections would be desirable there, too.

It would authorize the Federal Power Commission to establish a national area rate in a rulemaking procedure. Variations in rates for different regions would be preserved, however, to account for differences in area costs. Such a national area rate would be based on cost of production and subject to congressional disapproval. The Commission is authorized to grant exemptions to the national area rate in a rulemaking procedure. Variatotal revenues. This bill would incorporate incremental pricing concepts in marketing of synthetic and liquified natural gas. Small producers producing less than 10 million M.c.f. of gas per year would be exempted from Federal Power Commission price regulation. This procedure would streamline FPC regulation and eliminate the enormous regulatory lag currently plaguing the Commission.

Title I of this bill requires natural gas companies to report efforts to increase gas reserves and directs the Commission to conduct an independent evaluation of such reserves. Hard facts behind producers' claims of declining natural gas reserves must be subjected to public scrutiny.

Gas producers are seeking and obtaining massive price increases for the purpose of stimulating their investment in new gas exploration and development. Many believe the gas shortage has been deliberately exacerbated by industry to obtain approval of excessive rates from the FPC. My proposal would authorize and direct an independent comprehensive evaluation of natural gas reserves to settle this issue.

Title I establishes a workable procedure for filing and approval of contracts by natural gas producers. It would remove a major area of uncertainty for producers by sanctifying contracts approved by the Commission. The Commission would be authorized to allocate natural gas production among pipelines to assure equitable distribution among all regions and classes of customers.

We must ascertain whether this new streamlined natural gas regulatory structure should be extended to cover oil production as well. The Cost of Living Council, under authority of the Economic Stabilization Act, is currently regulating the price of petroleum products. This job is not being done effectively because their staff is wholly inadequate, controls are temporary, and petroleum companies do not utilize a uniform system of accounts. To correct these serious deficiencies, we must build a record on the question of whether or not the Federal Power Commission should also assume primary responsibility for petroleum economic regulation.

We should discover whether or not effectiveness of Federal Power Commission regulation of natural gas is impeded by its lack of jurisdiction over oil. It has been suggested that, if a comprehensive regulatory mechanism is desirable for natural gas, the same regulatory system would be appropriate for the oil industry. Both natural gas and oil are developed and produced by similar methods, natural gas and oil are substitutes for each other in terms of uses, they are in great demand to meet the Nation's growing energy needs while proved reserves are both declining and inadequate. To a large extent, both natural gas and oil are produced by the same persons: Major petroleum companies.

Both natural gas and oil producers suffer from the same structural imperfections and patterns of anticompetitive behavior and, consequently, the free market cannot be relied upon to assure adequate supplies of either natural gas or oil to the consumer at reasonable prices. For these reasons, we must inquire whether oil should also be covered by applicable provisions and regulatory framework of the Natural Gas Act.

Title II of this bill addresses the special problem of oil pipeline transportation. Senate hearings on the "Fair Marketing of Petroleum Products Act" and exhaustive Federal Trade Commission investigations convince me major oil companies have abused and exploited ownership and control of oil pipelines to maintain and reinforce a noncompetitive market structure and limit supply of crude oil to independent refiners.

This proposal would give the Federal Power Commission power to compel pipeline operators to provide service and storage facilities to producers and refiners meeting reasonable minimum requirements. Noncompliance by any pipeline owner would subject him to treble damage suits. It further gives the Federal Power Commission authority over construction of oil pipeline facilities, transferring all functions of the Interstate Commerce Commission with respect to regulation of oil pipelines under Part I of the Interstate Commerce Act to the Federal Power Commission.

I need not remind my colleagues that the history of Federal Power Commission regulation has been uneven, to say the least. At times, it has been dominated by those very interests it is charged with overseeing. There is almost universal dissatisfaction with the way the FPC has performed in the past 5 years. While I do not believe regulation is to blame for current shortages of natural gas, it appears the agency misresponded on many issues, if it responded at all.

Therefore, a preferable solution to the problem of anticompetitive behavior in structures may well be divestiture and deconcentration of all our energy industries. Until a structure of workable competition is restored, I believe an effective, comprehensive system of regulation of economic aspects of natural gas production and oil transportation is necessary.

For what America needs is what we still do not have—a truly national, public-oriented energy policy that addresses itself to the harsh realities of our present crisis while presenting rational solutions toward their resolution. To paraphrase a current industry slogan: A nation that runs on oil and gas cannot afford to run short of governmental policies that allocate energy reserves effectively, sagaciously, and in a manner that will most productively contribute to the improvement of the general welfare. In my judgment, the Oil and Gas Regulatory Reform Act represents a significant step in this direction.

WASHINGTON STATE CONGRESSIONAL DELEGATION INTRODUCES FOUR ALPINE LAKES BILLS

(Mr. MEEDS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MEEDS. Mr. Speaker, the Washington State congressional delegation is today introducing four separate bills to extend wilderness classification to the lands in the Alpine Lakes region of our State. One of the bills also creates a national recreation area.

The four proposals are recommendations made by the various user-conservation groups and by region 6 of the U.S. Forest Service. The delegation emphasizes that we are beginning the legislative process on Alpine Lakes with no fixed boundaries in mind, no commitment to this or that specific proposal. All four measures are being introduced so that they may receive a fair hearing.

Special recognition has been accorded to the Alpine Lakes region for over 27 years, for in 1946 the U.S. Forest Service designated 256,000 acres as the Alpine Lakes limited area. More recently the North Cascades study team in 1965 recommended creation of a 150,000-acre Alpine Lakes Wilderness Area and a 30,000-acre Mount Stuart Wilderness Area.

What makes the Alpine Lakes country so unique is that nature has given us an area close to major population centers in which 5 out of 7 biotic or life zones are represented. Half of Washington's population lives within 60 miles of the Alpine Lakes area.

Mountain scenery in the Pacific Northwest is spectacular by any measure, but in the Alpine Lakes region you find 700 lakes, heavily timbered valleys, and soaring peaks all within a relatively compact area. Since the Cascades act as a weather barrier, you have in the Alpine Lakes region a tremendous differential in the amount of rainfall. The forests are characterized by variety with Douglas-fir, nobel fir, western larch, lodgepole pine, and even ponderosa pine represented.

Proximity to population centers and the fragile nature of some of the Alpine Lakes terrain makes it imperative that we extend wilderness classification to some of the land and that ways be found to disperse recreationists. In its environmental impact on the region 6 proposal, the Forest Service observed:

> In 1972, 930,000 persons stopped to engage in recreational pursuits in the Alpine Lakes area. Based on an average expenditure of $10 each day, they spent $23,500,000. With increased National recognition and prediction of upward trends in outdoor recreation, this figure could be expected to be five times greater in the year 2020 based on 1972 dollars.

Later in the report, the Forest Service cautions:

> Estimates of future use indicate that hiking will increase fourfold in popularity by 2020, while pleasure driving could triple by the same year. Unless proper emphasis in the form of management planning and funding aimed toward a better dispersion of recreation users is forthcoming, an increase in restrictions to the individuals using these lands appears imminent.

Aside from its recreation resources, the Alpine Lakes country contains a significant timber resource. In the high mountain terrain, nearly all the land is owned by the U.S. Forest Service. As one moves out into the lower valleys, "checkerboard" ownerships prevail. Alternate sections are owned by both the Government and by private corporations. The principals are Burlington Northern, Weyerhaeuser, and Pack River Lumber Co.

All four bills we are introducing today will have an impact on timber harvesting, although the exact estimates are difficult to obtain. Not only do various groups and the U.S. Forest Service use different calculations, but the Forest Service itself is proposing a "management area" around the wilderness core that could, according to the Forest Service, bring about a 30-percent reduction in the annual allowable timber cut.

Two of the bills call for substantial amounts of private land to be classified as wilderness. It should be understood from the outset that there is no general condemnation authority in the Wilderness Act and that designating private land as wilderness would probably require land exchanges. Since the Forest Service would be trading away some of its land, such exchange would remove these lands from the allowable cut calculations.

Now I would like to describe briefly the four bills.

The first measure creates a 285,000 acre wilderness area and is the recommended land use plan of region 6 of the U.S. Forest Service. The Forest Service cannot give its stamp of approval to the proposal since it has not been cleared by the Office of Management and Budget and by the White House. But this will take months, and the congressional delegation asked the Forest Service in September of 1971 to expedite its work on the Alpine Lakes region.

Not contained in the bill are significant land use proposals made by the Portland office of the agency. They have suggested acquisition of some private inholdings so that another 82,000 acres could be managed as wilderness. They are recommending an Index Mountain and Tumwater Canyon Scenic Area totaling 24,000 acres. Finally and most importantly, Region 6 recommends that 443,754 acres of national forest land and 190,110 acres of private lands be included in something they call a "management area." Dispersed recreation, facilities for the same, timber harvesting, and watershed protection are the management objectives in this unit, although the Forest Service is vague as to precise resource impacts and allocations.

The second proposal comes from the Alpine Lakes Coalition, a group of timber industry and other recreation users. This bill creates an Alpine Lakes Wilderness Area of 172,000 acres and an Enchantment Wilderness Area of 44,000 acres. Surrounding the wilderness but not identified in the legislation is a very large multiple-use management unit.

The third measure is the bill presented by a coalition of conservation groups including the North Cascades Conservation Council, the Friends of the Earth, the Sierra Club, and the Mountaineers. This bill establishes an Alpine Lakes Wilderness Area of approximately 600,000 acres, including large amounts of land now held by the three major landowners described earlier. This bill also envisions closure of several roads.

The fourth proposal is offered by the Alpine Lakes Protection Society, and this measure creates an Alpine Lakes Wilderness Area as a 364,000 acre "core" within a national recreation area that totals 926,000 acres. Much of the plan involves private land. Within the wilderness and national recreation area the Forest Service is to be given broad authority to acquire land, limit timber harvesting, and prescribe zoning regulations. Clearcutting would be limited to units no larger than 25 acres. Lands within the area will be withdrawn from location, entry, or patent under the mining laws of the United States.

Mr. Speaker, these four bills are constructive and positive in the way they seek to classify the magnificent Alpine Lakes country. It is my hope that citizens of Washington State and the Nation will study the proposals carefully and give the delegation their views. We are uncertain just yet when hearings might be held, but the delegation will be conferring to map out a schedule. Now that the bills have been introduced, the U.S. Forest Service and private owners should exercise prudence in resource management. The Forest Service in particular should be cautious in the decisions made concerning lands within the boundaries of the various proposals. With the helpful cooperation of public agencies and private groups we will be able to move forward and set aside the Alpine Lakes area for the use and enjoyment of our people.

END OF AN ERA—KEY WEST NAVAL STATION CLOSES

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, on Wednesday, October 17, 1973, the submarine U.S.S. *Amberjack* was decommissioned. The significance of this event lies in the fact that the *Amberjack* was the lone vessel still stationed at the Key West Naval Station. Thus, the submarine's retirement marks the end of 150 years of history for the Navy Base at Key West.

The base was first established on April 3, 1823, by Commodore David Porter as a depot for the West India Squadron, created to fight the pirates who plundered the Caribbean in those days. Porter tagged Key West "the Gibraltar of the Gulf" because of its strategic location and its qualities as a fine natural port.

During the Civil War, Key West became the busiest port in the Nation. The only Union port in the South, it was the headquarters of the Union's naval blockade. Following the war the naval presence lessened but the city of Key West blossomed. By 1890 it had become the biggest city in Florida and one of the richest in the country, despite the fact that it was to remain accessible only by water until the 1920's. Key West again became the center of the Nation's naval activity during the Spanish-American War, as it lies only 90 miles across the Straits of Florida from Cuba. In World War I Key West was an important submarine warfare research center. During World War II 14,000 ships passed through the port.

Key West geared up from its peacetime routine as a quiet Navy town for the last time in October of 1962 when the Cuban missile crisis made the base the scene of furious activity as the headquarters for the U.S. blockade of arms shipments to Cuba.

Following the Cuban crisis, the Key West base became, for the most part, a submarine base. In more recent years the naval station has suffered a disproportionate share of cutbacks. These severe cutbacks occurred despite the vigorous and eloquent objections of those who felt that Key West was one of our Nation's most important naval installations and that such heavy cutbacks represented cockeyed priorities within the military establishment. Supporters of the Key West base argued that Key West was the most strategically located position within the U.S. mainland for the defense of the Gulf of Mexico, the Panama Canal, the Caribbean, and the Southeast United States.

As the sighting of German U-boats off the Florida coast in World War II and the Cuban missile crisis both graphically demonstrated, the Southeast has long been the soft underbelly of the defense of the U.S. mainland. In both of these crises, the strategic value of Key West was made dramatically clear. There has been nothing to demonstrate that this area has become strategically less crucial since then. The complete elimination of seaborne military capability on the basis of economic limitations does seem, under these circumstances, to be poor planning.

Besides having demonstrated its strategic importance for over 150 years, Key West has demonstrated that it is physically an excellent naval location. The port of Key West is deep and well-protected, and lies only 6 miles from the deep waters of the Florida Straits. No other U.S. port lies so close to waters deep enough for complete submarine security and maneuverability.

In spite of these and many other points made by proponents of a viable Key West Naval Station, the severe cutbacks have continued. It eventually became obvious to those most concerned that the Key West Naval Base was doomed to death by slow strangulation. Thus, the events of last Wednesday, the deactivation of Key West's last naval vessel, came as no surprise. However, the lack of surprise makes this event no less sad, for it underscores the end of a strategically important naval base, as well as the end of an era: For the first time in 150 years ships of the U.S. Navy will not be stationed at Commodore Porter's "Gibraltar of the Gulf."

Mr. Speaker, I include two articles from the Miami Herald and an article from the Key West Citizen which portray vividly the illustrious history of the Key West Naval Station:

[From the Miami Herald, Oct. 13, 1973]

It's Anchors Aweigh For Key West Base

(By Jeanne Bellamy)

The wheel of history will make another turn next Wednesday at the U.S. Naval Station at Key West, which observed its 150th birthday last April 3. Oddly, its shift toward civilian use will have circular overtones in relation to its origin.

The last submarine to be based at the station, the diesel-powered Amberjack, will be decommissioned Wednesday as the Navy moves toward an all-nuclear force. The base itself will be mothballed early next year, but the nearby Boca Chica Naval Air Station's roster of manpower will be beefed up by more than the loss at the sub base.

Meanwhile, the City of Key West has leased a pier and building at the naval station annex as facilities for the Port of Key West. Its first visitor, due Oct. 19, will be the MS Bolero, which will return every Friday for a 15-hour stay.

The Bolero is a luxury cruise car liner with space for 500 passengers. She will sail from Miami and Key West each Saturday for stops in three Mexican Gulf ports before retracing her course.

The link with Mexico seems to complete a circle started long ago by Commodore David Porter, who was quite a guy. During the War of 1812, he skippered the Essex when she rounded Cape Horn in 1813 and became the first Navy vessel to display the American colors in the Pacific, where she cruised for a year, supporting herself entirely by capturing enemy ships.

Porter was tapped to command the West India Squadron, then engaged in suppressing piracy. On April 3, 1823, Porter established a depot at Key West and put Marines ashore to protect the stores and provisions of his base against "the buccaneering brethren of the coast." Porter's two years with the squadron left the pirates virtually out of business.

At one point in this assignment, Porter was displeased by the reception given his men at a port in Puerto Rico, then owned by Spain. He landed a force and demanded an apology. The incident was seized upon by his enemies, who succeeded in having him suspended briefly.

Proud and sensitive, Porter resented deeply any penalty for upholding the honor of the flag, as he saw it. He resigned in 1826 and accepted an offer to head the Mexican navy at $12,000 a year, then an immense sum, plus a large land grant.

He served the Mexican government for three years, which included a year of cruising, chiefly near Key West. His salary went unpaid and the experience wrecked his fortune. His friends had the upper hand by this time in Washington under President Jackson, and Porter ended his career in diplomatic posts in Algiers and Turkey.

Passengers on the cruises between Key West and Mexico may sense that they are sailing in the wake of Commodore Porter.

[From the Miami Herald, Oct. 18, 1973]

Tear Her Tattered Ensign Down—Key West Base Left Shipless

(By Wright Langley)

Key West.—The submarine USS Amberjack was decommissioned Wednesday, leaving the 150-year-old Key West Naval Station without a ship. * * *

The Navy has now converted almost exclusively to nuclear-powered subs that have far greater speed, range and firepower.

However, the mostly civilian audience heard Rear Adm. John H. Maurer, commander of the base and a World War II submarine skipper himself, hold out hope that "the possibilities for future naval vessels (at Key West) are not necessarily foreclosed."

The base, he said, "will continue to occupy an important geographical location."

Merriken, whose sub had never fired a torpedo in anger despite being named after a vessel whose squadron sank 96 ships off South Florida during World War II, greeted the Amberjack's new crew in Portuguese.

"I am very happy," he told Brazilian Capt. De Fragata Silva Castro and his crew, "that the ship I have been so proud of will not die today, but will live on under your care and guidance."

Replied Rear Adm. Ramon Labarthe, Brazilian naval attache from Washington, "Friendship is stronger between submarine people."

The Amberjack, the sixth U.S. sub turned over to the Brazilian Navy, will sail to Philadelphia for repairs before heading for her new home port. Asked what his country needed with submarines, a Brazilian officer replied, "We have a large coastline to take care of."

Wednesday's ceremonies marked the end of a 150-year era that saw "The Gibraltar of the Gulf," as Key West was once termed, serve as port for thousands of vessels that swept into her harbor under both sail and steam.

And though the area's economic loss will be more than offset by the arrival of Reconnaissance Attack Wing One early next year at nearby Boca Chica Naval Air Station, the psychological blow to a city whose history is so intertwined with the Navy is harder to measure.

"It's a nostalgic thing," says Mayor Charles (Sonny) McCoy of the prospect of a naval station without ships. But respect for the past has not prevented the City Commission from mounting a determined effort—complete with an updated master plan that will evaluate the uses of the property—to latch on to the station when it is closed.

If that happens, the dream of some Navy officers that America's southernmost naval base will once again assume its role of guardian of the Caribbean seems unlikely to materialize, despite the island's strategic location.

It was that location that first attracted Commodore David Porter, the venturesome commander of the West Indian Squadron assigned to rid the area of pirates. A man whose buccaneering instincts matched those of the "brethren of the coast" he fought, Porter spent two years chasing the pirates across salt water flats in shallow-bottomed boats and an old ferryboat he brought from New York.

Terming Key West, which at that time was unconnected to the mainland, the "Gibraltar of the Gulf," Porter convinced Secretary of the Navy Smith Thompson to establish a depot on the Key. On April 3, 1823, Porter and a contingent of Marines landed to do just that. The Navy had come to stay.

It was not until 1844, however, that architect Robert Mills, a protege of Thomas Jefferson and the man who designed the Washington Monument, was selected to

design the base's first permanent building, a hospital. In 1943, the facility was converted to quarters for WAVEs.

In 1856 "Building 1," which today is headquarters for the U.S. Coast Guard station, was built, and the base continued to grow as the nation plunged into Civil War.

Though most islanders were Confederate sympathizers, Key West was the only Southern port that remained in Union hands during the war.

As the most active port of the period, Key West saw 300 captured blockade runners hauled in to anchor under the guns of Fort Taylor in addition to hosting Union warships.

Though activity at the base slumped with the end of the war in 1865, Key West by 1890 had swelled to 18,000 people, making it Florida's largest city. And as the Hearst newspaper empire to the north signaled the onset of the Spanish-American War, the naval base again began to fill up with warships and men.

In fact, one of the first shots of the war was fired just offshore by the USS Nashville, which sent a shell across the bow of the Spanish steamer Buena Ventura. Ignorant of the newly declared war, the captain raised his flag—and promptly became the first captain taken prisoner.

Sitting just 90 miles off Cuba the station was briefly the home of the entire U.S. Atlantic Fleet and was considered the most important in the nation. Many of the dead crewmembers of the battleship USS Maine, which mysteriously exploded in Havana harbor on February 15, 1893, are buried in local cemeteries.

After the war, Key West fell back into what one naval historian termed "a state of leisure" and remained virtually dormant until 1914 and the onset of World War I. The station then became headquarters for the Seventh Naval District, with repair facilities for convoy escort vessels, while serving as home port for anti-submarine patrols.

The "war to end all wars" also brought Thomas Edison to the base to work on a "top-secret" project—developing depth charges—and saw the first submarines tie up there. This period also saw the development at the base of the Momsen Lung, the first submarine escape device, which was tested in the clear waters off the key.

By 1932, though, the station had been cut back to almost nothing, serving as home for a Navy radio station and staffed by just 17 men. There was so little activity that civilians were permitted to use Navy facilities for docking, and Pan American Airways landed its seaplanes in the submarine basin.

But by September, 1939, the station was again closed to civilian traffic as America prepared for World War II. And the next few years saw the greatest activity in the base's history, as more than 14,000 ships logged into the port and shore strength surged to as many as 15,000 men at one time.

The end of the war saw Key West again decline in size, though not in publicity, for it became one of President Harry Truman's favorite vacation spots. Truman stayed at Quarters "A" on the base 11 times. It became known as "The Little White House" and, unlike President Nixon's two vacation homes today, is still the property of the Navy.

October 1962 saw the station again achieve front page prominence during the week long Cuban missile crisis. President John F. Kennedy and British Prime Minister Harold MacMillan conferred on the Key about the crisis while Navy ships were dispatched to quarantine Castro's island.

Since then, however, the base has steadily declined in size, influence and prestige. In recent years, it has been almost exclusively a submarine port, home of the Fleet Sonar School as well as Submarine Division 12, the last of the all-diesel powered sub divisions in the Atlantic Fleet.

And today, with diesel-powered subs rapidly going the way of the Caribbean buccaneer, "The Gibraltar of the Gulf" is an unneeded anachronism.

[From the Key West Citizen, Oct. 16, 1973]

End of an Era: Last Key West-Based Submarine To Go

The USS Amberjack (SS–522), the Navy's last operating diesel submarine, commissioned in 1946, will be decommissioned tomorrow afternoon at the submarine base and turned over to the Brazilian Navy. Her departure will mark the end of nearly 33 years of submarine service in Key West.

Since its beginning in Key West as Submarine Squadron 12 in December, 1940, the sub base here has been assigned more than 50 submarines and two tenders, the USS Gilmore and the USS Bushnell.

The squadron was credited with sinking 98 enemy ships during WW II, totaling more than 400,000 tons. Only one submarine was lost in action.

Submarine activity in Key West began with the assignment of three subs to provide service to the Fleet Sound School. By September, 1941, SubDiv 12 totaled seven new R-Class boats which served as training ships until the outbreak of the war.

After WW II, all seven subs had either been decommissioned in Key West or ordered to Philadelphia for that purpose.

Submarine Squadron 12 was dissolved in 1945 after Japan surrendered, but was reorganized on July 1, 1952, in Key West. The subs participated regularly in Fleet exercises, deployments to the Mediterranean, operations with NATO and with the Atlantic Fleet Training Group in Guantanamo, Cuba.

Squadron 12 was officially decommissioned here in June.

The Amberjack, the last submarine assigned to Squadron 12 still remaining in Key West, is the third vessel to be decommissioned here this month. Earlier, the USS Tirante (SS–420) and the USS Kretchmer (DER–329) were decommissioned.

The decommissioning ceremony of the Amberjack, delayed for several days so that the Brazilian Naval Attache to the United States, Rear Admiral Ramon Gomes Leite Labarthe, could be present to accept the sub for his country, is set for 2 p.m. tomorrow at the sub base.

The USS Amberjack was commissioned in March, 1946 and joined the fleet immediately after WW II. She took the name of the first Amberjack (SS–219) which, during WW II sank or damaged more than 40,000 tons of enemy shipping before being sunk herself in 1943.

Amberjack was converted to a guppy type sub in 1952 and joined Submarine Squadron 4, then headquartered in Key West. In the same year, when Squadron 4 was transferred to Charleston, the sub was transferred to Squadron 12, which remained in Key West until its decommissioning this year.

In addition to many cruises to the Mediterranean area, the Amberjack attained notoriety by being the first American submarine to visit the port of Tunisia. She was recently called into action during the Sea-Link rescue operation in which the Navy assisted in a rescue attempt of an oceanographic submarine trapped wreckage in the Gulf of Mexico.

While the decommissioning marks the end of an era in Key West, the Navy, also sees the event as an historic occasion. With the passing of the Amberjack the U.S. Navy submarine service will be comprised entirely of nuclear powered ships.

NEW HOPE FOR U.S. LATIN AMERICAN POLICY

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, one of the United States' most astute observers of inter-American relations is Mr. Milan B. Skacel, president of the Chamber of Commerce of Latin America in the United States. In Mr. Skacel's October monthly letter to the chamber's membership, he comments favorably on Secretary of State Henry Kissinger's recent expressions of interest in improving hemisphere relations. I am certain that Mr. Skacel's comments on Dr. Kissinger's efforts to improve relations and on our own often contradictory attitudes toward developments in Latin America will be of great interest to all Members of Congress:

A Policy for Latin America

(By Milan B. Skacel)

New York, October 1973.—One of the best kept secrets in these days of leaks and confessions is that the United States has no comprehensive policy for Latin America. The main reason for discretion has little to do with national security considerations. The sad fact is that few people seem to care, one way or the other.

Official Washington, however, now seems determined to risk intruding on America's preoccupation with inflation and football, and help us rediscover the existence of our neighbors south of the Rio Grande. There is no danger of raising the consciousness of the American public to a level of acute concern. After all, Latin America has been there for a long time, and treating it in a parenthetical manner has become accepted practice. Yet even a modest initiative is worthy of note.

The new Secretary of State, Dr. Henry Kissinger, has taken a step in the direction of closer hemispheric cooperation when he recently called on Latin American governments to join with the U.S. in a "new dialogue" that would reexamine the basic structure of U.S.-Latin American relations.

"We in the United States will approach this dialogue with an open mind," Dr. Kissinger said. "We do not believe that any institution or any treaty arrangement is beyond examination."

The Kissinger address to Latin American foreign ministers and ambassadors has been interpreted as a major effort by the Nixon Administration to work out a fresh approach to the problems in the Hemisphere. The Secretary of State also has revived the old concept of amity based on mutual needs.

"If the technically advanced nations can ever cooperate with the developing nations," he said, "then it must start here in the Western Hemisphere."

RHETORIC AND REALITY

Dr. Kissinger's remarks have generally been well received, and understandably so. Latin Americans have long felt that the U.S., concerned with Asia and Europe, has lost interest in closer hemispheric ties. Moreover, the Nixon-Kissinger "grand design" of five equidistant powers seemingly has left Latin America to fend for itself—relegated to the periphery of the global struggle for influence and recognition. This apprehension has not been laid to rest, but the U.S. initiative in reopening the door to a more vigorous, possibly fruitful, interchange of views and ideas is doubtless welcome.

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It is of prime importance, however, to retain perspective and avoid wishful thinking. The Alliance for Progress, for example, also had been hailed as a milestone in hemispheric relations, but rhetorical overkill and unrealistic expectations soon helped turn this promising venture into a point of contention between the U.S. and the Latin American republics. The irresponsible claim that Latin America could be "transformed" within a decade into an economically viable and socially less stratified area exploded in the faces of overoptimistic theoreticians, and the attendant letdown soured the public and many dedicated inter-Americanists on grandiose schemes of any kind.

Today, in trying to open up new vistas in U.S.-Latin American relations, unpleasant home truths must be faced, persistent myths debunked, and pet dogmas exposed and discarded.

It is, of course, always fashionable, and safe, to contend that the U.S. should confine its support and friendship to the "democratic forces" in Latin America. But what is "democratic"? If a regime is deemed to be "democratic" when its policies and actions reflect the wishes, and enjoy the support, of a majority, then both the rightwing Brazilian government and the left-oriented government of Peru probably qualify. Yet neither has come to power by constitutional means—another requisite for a regime to be considered "democratic."

If we are searching for "democratic forces" that would be willing and interested in introducing in their respective countries a form of government based on the U.S. model, then we are guilty of rank hypocrisy. We tried exporting our brand of democracy in the late 1940's and the 1950's, and failed. It did not take root in climates vastly different from our own, nor were the putative recipients persuaded that it suited their needs and national aspirations. If today, after more than three decades of trying to ram down other people's throats the idea that our type of government is "best" for everybody and anybody, we were to extend our friendship only to those whose system of government meets our criteria, America would be lonely indeed.

No one can, or should, expect the United States to cease opposing, at least in principle, totalitarianism of any kind. We cannot do otherwise, if we wish to preserve our self-respect and the ideals the country was founded upon. Yet neither must we allow our individual political or ideological preferences to warp our judgment and sense of fair play.

There are those, for example, who now argue that the repression in the People's Republic of China has been necessary to unify the country and accelerate its economic and social development. The same people, however, inveigh against military rule in Latin America, although the military, too, contends that only a "strong" government—divorced from politicking and ideological confrontation—can plan and implement meaningful economic growth in parts of Latin America.

The issue is not whether these are compelling arguments, or merely a rationale for a takeover. The issue is rather who or what makes us Americans so "wise" and "superior" as to know best what system of government will, or will not, work for another country. Surely our own domestic problems of the past 15 years should have taught us to shun absolute judgments and question our "infallibility."

We simply cannot have it both ways. On the one hand, we often deplore Latin America's lack of determination and forcefulness in charting its future; on the other, we cling to the old role of a tutor who feels duty bound to tell its pupils exactly what to do, and how to do it. If we really want the Latin American countries to become our equal partners, has not the time come to treat them as adults, and let each country develop and live under a system of government that suits its needs—rather than one that conforms to our preferences?

At the same time, however, our Latin American friends would be well advised to temper the compulsive Yankee-baiting that has become a national pastime in several Latin American countries. Finding a ready whipping boy is a time-honored diversionary tactic, but, in the long run, it is conducive neither to helping resolve deep-seated internal problems, nor to laying the groundwork to genuine partnership based on respect and tolerance.

Secretary of State Kissinger's address, it is hoped, may mark the begining of a new, more realistic period in U.S.-Latin American relations. The question now is whether all parties can forget about old wounds, discard counterproductive stereotypes, and help translate lofty rhetoric into reality.

CALL FOR WORLD CONFERENCE ON ENERGY CRISIS

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, I am today introducing legislation calling on the President to initiate action necessary for the convening of a World Energy Conference at the soonest practicable date. While the recent action by Arab oil-producing nations to cut back production and to boycott American markets and other nations sympathetic to Israel has focused increased attention on the need for international cooperation to assess and meet energy needs, the need for concerted action is far greater than simply as a response to this political and economic pressure.

It has become increasingly clear that present energy sources are insufficient for the long-term continued economic growth and prosperity of people throughout the world. And the consequences of substantial reliance, particularly by the United States, on a single energy resource which is subject to political manipulation clearly point to the need to develop economical alternative sources. In my judgment, the severity of these problems demands the collective research capability and know-how of all nations.

The present world situation would best be served by an immediate World Energy Crisis Conference for the purpose of discussing: the ramifications of the decision by certain oil-producing nations to reduce production; immediate steps, including self-imposed rationing, to counter those ramifications and to reduce dependence on Near East oil supplies; and the possibility of large-scale joint research projects on alternative energy sources.

At that emergency meeting plans for a long-term Energy Resources Conference should be considered. Such a long-term conference would be convened for the purpose of: exploring new ways to promote world energy planning; reviewing the world's energy requirements and resources; expanding and coordinating worldwide research into energy conservation and the development of new sources of energy; establishing a plan for world cooperation in the fair allocation of energy resources whenever unexpected disturbances threaten ordinary patterns of energy allocation; and exploring the implications for the world's ecology of project patterns of energy use through the end of the century.

A long-term joint study of all aspects of energy needs and sources would have important implications for all nations of the world. There must be recognition of the scope of world energy needs and development of coordinated actions to meet those needs without endangering economic growth or the environment. All contingencies must be studied and programs developed to meet all situations.

While our goal has been to achieve independence in meeting our energy requirements, I feel that the necessity for interdependence among all nations is growing. The pervasive nature of this crisis demands decisive, concerted international cooperation, and I am hopeful the international conference which I propose will be held in the near future.

PROVIDING FOR APPOINTMENT OF SPECIAL PROSECUTOR

(Mr. CULVER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. CULVER. Mr. Speaker, this bill is not intended as a substitute for impeachment, but as a responsible first step to deal with immediately pressing problems. The bill would:

Assure the integrity of the special prosecutor's staff and records pending the appointment of a successor;

Authorize Judge Sirica—or a successor chief judge—to appoint a new special prosecutor;

Encourage the judge to disqualify himself from sitting on any cases brought by his appointee;

Incorporate in statute law the guidelines for the special prosecutor's independence presented to the Senate Judiciary Committee last spring;

Give the special prosecutor independent authority to collect and safeguard evidence, with the FBI reporting to him for this purpose;

Extend the life of the grand jury which is scheduled to expire on December 5, 1973; and

Authorize the necessary funding for the activities of the special prosecutor.

The bill follows:

H.J. Res. —

Joint resolution to provide for the appointment of a Special Prosecutor, and for other purposes

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. This Act may be cited as the Special Prosecution Conservancy Act of 1973.

Sec. 2. The Chief Judge of the United States District Court for the District of Columbia is vested with supervisory jurisdiction to issue and enforce all orders necessary and appropriate to insure the integrity and inviolability of all files, notes, correspondence, memoranda, documents, physical evidence, and other records and work product compiled, obtained or otherwise produced and maintained by the Office of Special Prosecutor from the date of assumption of that office on May 24, 1973 until the appointment of a successor Special Prosecutor pursuant to Section 3 of this Act.

Sec. 3. The Chief Judge of the United States District Court for the District of Columbia is vested with authority to appoint a Special Prosecutor for the purposes and with the powers set forth in this Act, and to replace said officer only for extraordinary improprieties in the exercise of his responsibilities as an officer of the court.

Sec. 4. The Chief Judge of the United States District Court for the District of Columbia, after making an appointment or reappointment pursuant to Section 3 of this Act, shall be expected to excuse himself from presiding over or otherwise participating in any prosecution or other judicial proceeding arising out of the exercise of responsibilities by a Special Prosecutor appointed by him.

Sec. 5. The Special Prosecutor appointed pursuant to this Act may, without regard to the laws relating to the competitive service, appoint or reappoint such permanent or temporary staff at such salaries (not to exceed the rate of $36,000 per annum) as may be necessary to assist in the exercise of his responsibilities, and may for that same purpose make use of necessary support services and facilities at Government expense. The United States Department of Justice is authorized and directed to pay the salaries and expenses of the Office of Special Prosecutor hereunder, including any that may have accrued and remain unpaid since October 20, 1973, all from its general funds including contingency funds. Notwithstanding any other provision of law, any impounding or withholding or other impediment to the provision of such funds shall be unlawful.

Sec. 6. Anything in the laws of the United States regarding the authority and responsibilities of the Attorney General or of the several United States Attorneys to the contrary notwithstanding, the Special Prosecutor shall have exclusive authority and responsibility on behalf of the United States of America to conduct all grand jury presentments and all other criminal proceedings, including without limitation the initiation and conduct of prosecutions, the framing and signing of indictments and the filing of informations, and all pre-trial and post-trial motions, orders, trials, appeals, petitions, and other processes (whether initiated before or after his assumption of duties) in all Federal courts including the Supreme Court of the United States, arising out of any or all of the following acts or transactions:

(1) all offenses arising out of the unauthorized entry into Democratic National Committee Headquarters at the Watergate.

(2) all offenses arising out of the 1972 Presidential election for which the Special Prosecutor deems it necessary and appropriate to assume responsibility.

(3) allegations of criminal offenses involving the President, members of the White House staff, or other Presidential appointees.

(4) other matters previously being conducted by the Special Prosecutor who assumed office on May 24, 1973, whether on his own motion or on delegation from the Attorney General, and

(5) such new matters, bearing a proximate relation to the foregoing, as the Chief Judge of the United States District Court for the District of Columbia may deem appropriate for assignment to the Special Prosecutor, and which the Special Prosecutor consents to accept.

Sec. 7. The Special Prosecutor shall have full access to and use of the material described in section 2 of this Act, and shall have power throughout the territory of the United States to compel the production of testimonial and documentary or physical evidence relating to any or all of the subject matter described in section 6 of this Act. In particular, and without limiting the generality of the foregoing, the Special Prosecutor shall have full power to—

(1) determine whether and how far to contest the assertion of "executive privilege" or any other testimonial or evidentiary privilege;

(2) determine whether or not application should be made to any Federal court for a grant of total or partial immunity to any witness, consistently with applicable statutory standards, or for other warrants, subpoenas, or other court orders including an order of contempt of court;

(3) issue instructions to the Federal Bureau of Investigation and other domestic investigative agencies for the collection and delivery solely to the Special Prosecutor of information and evidence bearing on matters within the jurisdiction of the Special Prosecutor, and for safeguarding the integrity and inviolability of all files, notes, correspondence, memoranda, documents, physical evidence, and other records and work product compiled, obtained or otherwise produced and maintained by the Office of Special Prosecutor; and

(4) decide whether or not to prosecute any person and how to conduct and argue any appeals or petitions arising out of his prosecutorial activities.

Sec. 8. All offices, departments, and agencies of the Federal government shall cooperate fully with all lawful requests by the Special Prosecutor for information and assistance. In particular, the Department of Justice shall assign to the temporary supervision and control of the Special Prosecutor such personnel as he may reasonably require.

Sec. 9. The Special Prosecutor shall have the authority and responsibility to deal with and appear before Congressional committees having jurisdiction over any aspect of the matters covered by this Act, and to provide such information, documents and other evidence as may be necessary and appropriate to enable any such committee to exercise its authorized responsibilities.

Sec. 10. (a) Notwithstanding any provision of rule 6(g) of the Federal Rules of Criminal Procedure, or any other law, rule, or regulation—

(1) the United States District Court for the District of Columbia is authorized to extend the term of the grand jury of that court which was impaneled on June 5, 1972, for an additional period of six months, if the court determines that the business of that grand jury has not been completed at the expiration of the term otherwise provided by law;

(2) the United States District Court for the District of Columbia is authorized further to extend the term of that grand jury for additional periods of six months, if the court determines that the business of that grand jury has not been completed at the end of any six-month term as extended under this section, but the term shall not be extended more than 36 months under paragraphs (1) and (2); and

(3) during any period of extension under this Act, the grand jury shall have the powers and duties of a grand jury during its regular term.

(b) With respect to any failure to extend the term of the grand jury under this section, the grand jury shall be considered a special grand jury, and the failure to extend shall be considered a failure to extend under section 3331(b) of title 18 of the United States Code.

Sec. 11. The Special Prosecutor may from time to time make public such statements or reports, not inconsistent with the rights of any accused or convicted persons, as he deems appropriate; and he shall upon completion of his assignment submit a final report to the Chief Judge of the United States District Court for the District of Columbia and to the Speaker of the House of Representatives and to the President Pro Tempore of the Senate.

Sec. 12. The Special Prosecutor shall carry out his responsibilities under this Act until such time as, in his judgment, he has completed them or until a date mutually agreed upon between the Chief Judge for the United States District Court for the District of Columbia and himself.

Sec. 13. There is authorized to be appropriated to the Office of Special Prosecutor hereunder such sums as may be necessary to carry out the purposes of this Act.

Sec. 14. The invalidity of any portion of this Act shall not affect any other portions thereof, which shall remain in full force and effect.

Sec. 15. The Congress declares that the faithful execution of the provisions and purposes of this Act, and the noninterference therewith, is a matter of the highest public trust.

Mr. Speaker, at this point I also include the following list of 83 Members who are cosponsoring this legislation:

Ms. Abzug, Mr. Addabbo, Mr. Anderson, Mr. Ashley, Mr. Aspin, Mr. Badillo, Mr. Bergland, Mr. Bingham, Mr. Blatnik, Mr. Boland, Mr. Brown of Michigan.

Mr. Brademas, Mr. Burton, Mr. Breckinridge, Mr. Carney, Mrs. Chisholm, Mr. Clay, Mr. Cotter, Mr. Danielson, Mr. Dellums.

Mr. Eckhardt, Mr. Edwards, Mr. Evans, Mr. Fascell, Mr. Fauntroy, Mr. Foley, Mr. William D. Ford, Mr. Fraser.

Mr. Giaimo, Mrs. Grasso, Mr. Gunter, Mr. Hamilton, Mr. Hanley, Mr. Harrington, Mr. Hawkins, Mr. Hechler of West Virginia.

Mr. Helstoski, Mr. Hicks, Mrs. Holtzman, Mr. Howard, Mr. Jordan.

Mr. Karth, Mr. Koch, Mr. Leggett, Mr. McCormack, Mr. Matsunaga, Mr. Melcher, Mr. Metcalfe, Mr. Mezvinsky, Mr. Mitchell, Mr. Moakley, Mr. Mollohan, Mr. Nedzi, Mr. Obey.

Mr. O'Hara, Mr. Owens, Mr. Pepper, Mr. Pike, Mr. Podell, Mr. Rees, Mr. Reid, Mr. Rooney, of Pennsylvania, Mr. Rosenthal, Mr. Roush, Mr. Roy, Mr. Roybal.

Mr. Sarbanes, Mrs. Schroeder, Mr. Seiberling, Mr. Sisk, Mr. Smith of Iowa, Mr. Stark, Mr. Stokes, Mr. Symington, Mr. St Germain, Mr. Thompson, Mr. Tiernan, Mr. Udall, Mr. Waldie, Mr. Wilson of California, Mr. Wolff, Mr. Yates, Mr. Young of Georgia.

Mr. Speaker, the agreement reached between former Attorney General Richardson and the Senate Judiciary Committee, whereby a special prosecutor was appointed and endowed with carefully enumerated authority to conduct an independent prosecution of offenses arising out of or related to the 1972 Presidential campaign, embodied a recognition of a conflict of interest in these extraordinary proceedings between the Executive as prosecutor and the Executive as potential defendant. That conflict of interest persisted and provoked the discharge and resignations of Special Prosecutor Cox, Attorney General Richardson, and-Deputy Attorney General Ruckelshaus.

In the wake of these departures, there are pending indictments and criminal investigations involving a number of former high Federal officials other than the President himself. These officials, being no longer in office, are not subject to impeachment power of the House. Information and evidence bearing on their guilt or innocence remains in the possession of the President. The President's actions in removing from office Justice Department officials who disagree with

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his treatment of this information and evidence shows that the Department has been deprived of the capacity to conduct an independent prosecution. At the present time, it is this Department that has succeeded to custodial responsibility for the staff and work product of the special prosecutor.

It is imperative to assure the integrity and independence of these resources. For this purpose a special prosecutor independent of control by the Executive is required. The proposed Special Prosecutor Conservancy Act would assign the supervisory and appointive powers necessary to this task to the chief judge of the U.S. District Court for the District of Columbia.

This action would join together the sum of the constitutional authorities possessed by the legislative and judicial branches. The Federal judiciary has inherent as well as statutory authority to effectuate its orders and to preserve the integrity of pending grand jury and other judicial processes. It may as one analogy appoint trustees in bankruptcy to conserve assets in contention before a court. The Congress has the appropriations power and the "necessary and proper" clause to make the constitutional system work. In addition under article II the Congress may by law "vest the appointment of such inferior officers, as they think proper—in the courts of law." From sources of authority such as these, and in the extraordinary circumstances of the day, it is reasonable to conclude that the Congress and the courts together have power adequate to endow with the requisite authority an independent special prosecutor.

There is to be sure no Federal precedent directly in point, just as there is no precedent for the constitutional confrontation that makes this action necessary. In the Teapot Dome scandal, an independent prosecution was established by the usual process of legislation confirming the appointive authority on the President, by and with the advice and consent of the Senate. But President Harding was by then no longer in office, and no conflict of interest afflicted his successor.

At least one of our States has dealt by law with this situation in a manner comparable to that proposed in the Special Prosecution Conservancy Act. In Illinois, when a prosecution affects the interests of the officials who would normally conduct the prosecution, the presiding judge has authority to appoint a special prosecutor; it was pursuant to this law that Attorney Banabas Sears was appointed to conduct the prosecution of Chicago State's Attorney Hanrahan.

Present Federal law also supports the appropriateness of such an appointment; 28 United States Code section 546 empowers a district court to appoint a U.S. Attorney to fill a vacancy in that office. This statute has been on the books, and appointments have been made under its authority, at least since 1898.

Beyond the appointment question is the question of combining administrative and adjudicative functions in the same affair. It could well offend due process of law for a judge who has appointed a prosecutor to sit in judgment on a cause involving that prosecutor. The judiciary is of course itself habitually alive to such consideration. For this reason, the proposed act sets forth Congress expectation that the appointive judge would excuse himself from participating in such cases.

There is a possibility that the President would claim continuing authority to direct the exercise of the special prosecutor's responsibilities, or to discharge him, or to direct Federal marshals to refrain from executing court orders. Section 15 of the proposed act would emphasize the seriousness of any such action by declaring the faithful execution of the purposes of the act, and the noninterference therewith, to be "a matter of the highest public trust."

LET'S TAKE TIME TO GET THE FACTS

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, no man can be above the law. The question is has the President placed himself above the law. He failed to comply in full with the court orders on the Watergate tapes. This controversy brought on the firing of Archibald Cox and the resignations of Attorney General Richardson and Deputy Attorney General Ruckelshaus. On the surface it looks as if the President has made a serious mistake; one which has brought on his deepest crisis.

There are widespread demands for impeachment, but impeachment of a President is a traumatic process which can tear a nation apart. It should be resorted to only when there is clear evidence of gross wrongdoing. We do not have all the facts, and we need facts, not controversy. America has had too much of controversy. Internal dissension is beating our country to its knees. Congress should move quickly to get the facts, then decide what course of action is proper.

IRAN'S ACCEPTANCE OF RESPONSIBILITY ON PEACEKEEPING IN VIETNAM

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, little public note has been taken of the recent entry of Iran into the peacekeeping force in Vietnam. Congress and the American people have reason to be grateful to this staunch friend of freedom.

It was disappointing when Canada threw up its hands and left the International Commission for Control and Supervision in Vietnam. Few have been surprised that the Communist-oriented nations in this force have been far from cooperative. Their zeal for the Viet Cong and North Vietnamese have made the mission of the Commission exceedingly difficult. A new, strong voice was needed for the peace keeping body.

Iran was selected as a proper choice to fill the vacancy created by Canada and Iran unhesitatingly accepted the responsibility. Here is a nation of peace-loving people. It has been a true friend of the United States. It knows the horrors of war and the value of peace.

The Government of Iran, in announcing its decision to step into the void in Vietnam, did so with the full knowledge it would not be an easy task. At best, the peace there is fragile, but Iran knows that, when it comes to working for peace, even limited success is better than no success at all.

I have met and talked with many of the leaders of the Iranian Government. I gained clear impression that Iran recognizes its responsibility to the community of nations. Iran has emerged as a strong leader in that part of the world; it has done great things for its own people, and is dedicated to the principles of peace, freedom, and progress.

The world needs the leadership which Iran provides. Iran asks for nothing except to be an integral pat of the free world. It does not engage in a policy of harassing its neighbors.

Truly Iran has demonstrated its friendship to the United States. The people of America should be proud of our relations with Iran and we should all be grateful this outstanding nation is on duty in Vietnam to do what it can to keep alive the flame of peace which flickers there.

Beyond doubt, Iran's role as a peacekeeper will bring credit to its people and its government.

ON IMPEACHMENT

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, it is with a sense of overwhelming responsibility and sadness that I urge the President to resign and that I join with other Members in cosponsoring a resolution to initiate impeachment proceedings. Over the course of the last year I have been importuned by constituents to sponsor impeachment resolutions and have declined to do so because I believed such proceedings to be premature if initiated prior to the report of the Ervin committee. I advised those who wrote to me that the report of the Ervin committee was essential if impeachment proceedings were to have any real meaning and garner the support of the necessary number of Members of this House to pass such a resolution, and not simply be an idle gesture in a matter involving such grave consequences for the country.

As the result of the President's action over the weekend and in particular the President's indication of his apparent intention to avoid an order of the U.S. district court to produce for the inspection by the Chief Judge of the U.S. District Court for the District of Columbia certain tapes, documents, and other materials requested by Special Prosecutor Archibald Cox, relating to the break-in of the Democratic Headquarters on June 17, 1972, I believe that Members of Congress have no alternative but to initiate proceedings at this time.

This is a government of laws, not of men. The President like all citizens of

this country, is subject to those laws. He is not above the law. He is the President, not the emperor. It is not too late for the President to reconsider his action and to comply with the order of the U.S. district court and I urge him to do so.

This is not a time to be unreasonable or vindictive. Too much unreason and spite has already been employed by the White House. Their contempt for honesty and fairness cannot become the prevailing attitude in Congress for resolving this crisis. Too much is at stake.

But at the present time, we have a President who by his own actions has so undermined the public trust in his office that his capacity to govern is in serious question. And we have no Vice President yet to replace him. Furthermore, there is no longer any special prosecutor with full authority and complete independence to pursue the Watergate investigation with all its menacing ramifications.

We will not avoid this crisis by pretending with the White House that one does not exist. For if the Congress were to accede to half-measures which permit the President to defy the courts and limit the investigation, then the public's trust in the legislative branch would be undermined as well.

We must not pursue a popular course of action because it is politically self-serving. We must not pursue a partisan course of action because it is politically expedient. We must pursue a course of action that considers impeachment on legitimate grounds, that respects the civil liberties of every citizen including the President and that once and for all guarantees the American people the right to a full and fair inquiry of all Watergate-related matters.

The Congress must appoint an independent prosecutor to carry out the investigation started by Archibald Cox. Indeed it would be helpful if it were Cox himself. It is clear that we no longer can rely on a Justice Department appointee to pursue an investigation free of pressure and limitations imposed by the very persons that are being investigated.

In taking these initiatives we cannot be certain that we will redeem the damage already done. But our "democratic experiment," almost two centuries old and now in such grave jeopardy, gives to this Congress an unprecedented burden and opportunity. If our American constitutional system fails to work now, we will have repudiated our past and lost our future.

VETERANS INFORMATION DAY

(Mr. HAMMERSCHMIDT asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HAMMERSCHMIDT. Mr. Speaker, I am pleased to announce that tomorrow, October 24 from 10 a.m. to 5 p.m., a Veterans Information Day for Members of Congress will be held in room S207 of the Capitol. The National Committee, Jobs for Veterans, in cooperation with the other Government committees and agencies concerned with veterans is sponsoring the event.

James F. Oates, Jr., national chairman of Jobs for Veterans, will be on hand to greet our honored guests, former POW's and disabled veterans of the war in Vietnam, and the Members of Congress. Our former colleague, Bill Ayres, hopes that everyone will take advantage of this excellent opportunity to show their interest and concern for our returning veterans. This is a rare chance to get the latest information on how the laws which we've passed are taking effect at the local level.

I am sure you will find it worth your while to stop by room S207 in the course of the day. If you cannot make it, please send someone from your staff.

A CASE FOR ACCOUNTABILITY

(Mr. HANNA asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HANNA. Mr. Speaker, the events of this past weekend emphasize the intensity and dimensions of the fundamental question forcing itself upon the people and the Congress. The question is what accountability is there in the office of the Presidency short of the election procedure. I cannot answer this question for every man. For myself, the answer is clear and lies in two parts. First, the President is accountable to the judiciary if one believes in and supports two simple, but powerful precepts that this is a government of laws, not men and that all men are equal under the law. Second, in the event these simple precepts are thwarted either by the guise of separation of powers or under a plea of the transcendence of national security, then we are faced with the constitutional proviso for impeachment proceedings. The Founding Fathers were all too familiar with the penchant of executives by whatever name—King or President—toward the abuse of power. Aware, as they so painfully were, of the weaknesses of the flesh that pervade all living men, they provided the ultimate court for the determination of responsible and responsive leadership in all Federal offices, including the Presidency. They included impeachment in the Constitution as a procedure to test stewardship of office.

We are not faced with Watergate, the tapes, personalities such as Cox or others, but with the solemn question of the accountability of the President. Remember that in the procedure of impeachment, what is tested is the stewardship of the occupant of the office, not the viability nor integrity of the office itself. The strength of our institutions rests on the effectiveness of the passage of power under the conditions prescribed and ordained in the Constitution. Up to now all the tests of the viability of this system and the laws which govern the retention and passage of power have been met and passed.

For this representative of the people, the question of accountability of the President of the United States, does at this time warrant a serious and sober consideration of the procedure for impeachment. I come to this determination from two basic conclusions: First, that the question of accountability has on the available evidence reached proportions both in substance and in procedural posture which dictate a decision by the process of impeachment; and second, because I sincerely and earnestly believe that a thorough investigation of the relevant questions is essential to assure that this ultimate and unusual last political resort for accountability be not lightly nor erroneously employed.

Mr. Speaker, some Members of the Congress will no doubt say that if the President now delivers the tapes and documents to the court that any discussion of impeachment should cease. I disagree. The fact that the American people will by their outcry of calls and telegrams have brought Richard Nixon kicking and screaming before the bar of justice is no credit to Mr. Nixon. The fact remains that he was prepared to defy the law as long as he could get away with it.

The events of the past few days make it obvious that the President was willing to violate the law not as a matter of conscience or principle, but solely as a matter of tactics. This flagrant disregard for his constitutional oath to faithfully execute the laws, now more clearly than ever, raises the question of whether allegations of similar abuses of power are in fact not true or may not be repeated in the future.

I ask my colleagues to keep in mind the incisive, if simple doggerel current in some coffee houses:

> As you go through life, my brother, no matter what your goal—keep your eye upon the donut and not upon the hole.

I think it is in order here, Mr. Speaker, for us to remind ourselves that the handing over of the tapes is not the ball game. It is still incumbent upon the Congress to look at the way in which the President has handled this affair in the context of other events which suggest that the abuse of power and public confidence in this one instance was not an isolated case at all, but a part of a general pattern of abuse of power.

Let me address myself to what I find are the most cogent areas of investigation:

First. The President must be held accountable to answer fully the questions raised concerning obstruction of justice even though he has complied with this latest court order. It must be remembered that the issue of releasing the tapes arose after it became apparent that appointment of a Special Prosecutor was necessary. The premise for that appointment was that the criminal activity of the administration could reach into the Oval Office itself. Last Saturday night, the President argued that high constitutional principles necessitated his circumvention of the Special Prosecutor and his manipulation of the adversary procedure which is the very foundation of the Anglo-American system of law. But it can now be clearly seen that the President's position on the tapes was not for the protection of his office—but for the protection of his person.

Mr. Speaker, I submit that this on-again-off-again manipulation of the judicial process requires an inquiry by the Congress into whether there are grounds for holding the President ac-

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countable for obstructing justice, not only in this latest series of events, but during the entire course of the various judicial and grand jury proceedings into corruption in his administration.

Second. The President must be held accountable for the caliber and quality of men selected by him to share in and to give expression to the power of his office. To be sure, all Presidents must and should be granted the concession that some error in judgment of personnel is inevitable and should be tolerated. At the same time, it must be clear that a wide and pervasive misjudgment which so invades and dominates the office as to touch and taint all who stand near and speak for the President raises a question of accountability and complicity that cannot be lightly dismissed and cannot be characterized as a predictable limitation in assessing the behavior or standards of a fellow human.

Let me just add, Mr. Speaker, that we in the House should insure that we are not tempted also to sacrifice the integrity of our own appointment procedures by subjecting the appointment of the Vice President to any unwarranted delays or partisan considerations. I am one Democrat who holds the matter of the approval of the Vice Presidential-designate as completely separate from the question of impeachment of the President.

Third. The President must be held accountable for alleged abuses of power which threaten the fabric of the civil service system .Those acting for and in the name of the President have allegedly invaded the ranks of those serving in the departments of Government, not just at the first and second level, but pervasively and have allegedly followed a practice of pressure and badgering which reached to the third and fourth levels and below. Certainly all Presidents have been and will be plagued with the frustrations which accompany the task of making the vast Federal bureaucracies responsive to their leadership. But must we also concede that this well recognized fact justifies the furtive foiling of a basic section of the existing law the President has sworn to uphold?

Fourth. The President must be held accountable for allegedly turning agencies created to serve the public into menial servants of politics. There is the legion of the SEC and Vesco, of the FTC and the dairies, of the Justice Department and ITT, of the CIA and Watergate, and of the FBI and political surveillance. Should we not review the specific evidence and explore for more?

Fifth. The President must also be held accountable for the suspicion that he has used his office to gain for himself personal compensation outside that provided by law. Let us not forget that the Constitution itself provides that the President shall receive no "other emolument" besides that set down in statute.

Mr. Speaker, this list of areas of investigation is not meant to be inclusive. The fact that the charges against the current President are so numerous itself demands that investigative proceedings by the House under its impeachment responsibilities be undertaken. It is the entire pattern of events that has been exposed—the entire pattern of falsehood, of coverup, of obstruction, of interference—which requires attention now. If some of these actions were required by national security, then let that issue be before the Committee of the Judiciary and before the House as it considers the question of laying a bill of particulars before the Senate. But let us not shrink from our duty—for that duty is all too clear.

These past abuses of power, culminating in the events of the past few days, make it imperative that the House Judiciary Committee begin to investigate the actions of the administration to determine whether or not there are sufficient grounds for impeachment, and also to recommend to the House the ground rules under which such a proceeding should be conducted. If we are to undertake this grave responsibility, we must insure that it be done in the soberest manner and with the utmost credibility. To this end, the purposes of each step we may take must be made fully explicit to the American people. They must understand that to impeach a President is not to remove him from office, but merely to bring charges against him, and that it is tantamount to bringing an indictment against someone by a grand jury. The actual determination of guilt or innocence and the removal from office is a matter before the U.S. Senate. Theirs is the task of judging the evidence relating to articles of impeachment handed down by the House of Representatives.

Mr. Speaker, the fact that this procedure has been set in motion only once in our Nation's history makes it imperative that we proceed on the basis of sober reflections and not emotion. This historic vacuum, however, should not dissuade the Congress from this undertaking.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Burke of Florida (at the request of Mr. Arends), for today through October 29, on account of official business to attend the Interparliamentary Union.

Mr. Blatnik (at the request of Mr. O'Neill), for this week, on account of official business.

Mr. Saylor (at the request of Mr. Gerald R. Ford) on account of medical reasons.

Mr. Steele (at the request of Mr. Gerald R. Ford), from October 23 to November 3, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Sisk, for 30 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Lent) to revise and extend their remarks and include extraneous material:)

Mr. Don Clausen, for 20 minutes, today.

Mr. Roncallo of New York, for 2 minutes, today.

Mr. Cleveland, for 5 minutes, today.

Mr. Maraziti, for 5 minutes, today.

Mr. Kemp, for 10 minutes, today.

Mr. Findley, for 5 minutes, today.

Mr. Edwards of Alabama, for 5 minutes, today.

Mr. Cohen, for 5 minutes, today.

(The following Members (at the request of Mr. Breckinridge), to revise and extend their remarks, and to include extraneous matter:)

Mr. Drinan, for 5 minutes, today.

Mr. Diggs, for 5 minutes, today.

Mr. Gonzalez, for 5 minutes, today.

Mr. Wolff, for 5 minutes, today.

Mr. Fuqua, for 5 minutes, today.

Mr. Rooney of Pennsylvania, for 5 minutes, today.

Mr. Culver, for 15 minutes, today.

Ms. Abzug, for 10 minutes, today.

Mr. Udall, for 5 minutes, today.

Mr. Riegle, for 10 minutes, today.

Mr. Brown of California, for 5 minutes, today.

Mr. Melcher, for 5 minutes, today.

Mr. Owens, for 10 minutes, today.

Mr. Podell, for 10 minutes, today.

Miss Holtzman, for 5 minutes, today.

Mr. Burton (at the request of Mr. Breckinridge), for 5 minutes, and to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Appendix of the Record, or to revise and extend remarks was granted to:

Mr. Gross to revise and extend his remarks and include extraneous matter immediately preceding reading of President's message.

Mrs. Heckler of Massachusetts to revise and extend her remarks and include extraneous matter with 1-minute speeches today.

Mrs. Mink to revise and extend her remarks and include extraneous matter to be included with 1-minute speeches today.

Mr. Breckinridge to extend his remarks following those of Mr. Riegle.

Mr. Mahon.

(The following Members (at the request of Mr. Lent) and to include extraneous material:)

Mr. Rhodes in five instances.

Mr. Widnall.

Mr. Ketchum.

Mr. Sebelius.

Mr. McCloskey in three instances.

Mr. Horton.

Mr. Robison of New York.

Mr. Carter in three instances.

Mr. Hosmer in three instances.

Mr. Baker.

Mr. Wyman in two instances.

Mr. Derwinski in two instances.

Mr. Hammerschmidt.

Mr. McClory.

Mr. Cronin.

Mr. Young of South Carolina.

Mr. Gross.

Mr. Miller in six instances.

Mr. Michel in five instances.

Mr. Zwach.

Mr. Del Clawson.

Mr. Kemp.

Mr. Cohen.

Mr. Whitehurst in two instances.

(The following Members (at the request of Mr. Breckinridge), and to include extraneous matter:)

Mr. McFall.

Mr. Gonzalez in three instances.

Mr. Rarick in three instances.

Mr. Long of Maryland.

Mr. Badillo.

Mr. Drinan.

Mr. Fascell in three instances.

Mr. Waldie in three instances.

Mr. Boland in five instances.

Mr. Harrington in five instances.

Ms. Abzug in 10 instances.

Mr. Long of Louisiana.

Mr. Kyros.

Mr. Hawkins.

Mr. Flowers in two instances.

Mr. Breckinridge in two instances.

Mr. Obey in three instances.

Mr. Zablocki in two instances.

Mr. Biaggi in five instances.

Mr. Carney of Ohio in two instances.

Mr. Anderson of California in two instances.

Mr. Hungate.

ENROLLED BILL SIGNED

Mr. **HAYS**, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 689. An act to amend section 712 of title 18 of the United States Code, to prohibit persons attempting to collect their own debts from misusing names in order to convey the false impression that any agency of the Federal Government is involved in such collection.

BILL PRESENTED TO THE PRESIDENT

Mr. **HAYS**, from the Committee on House Administration, reported that that committee did October 18, 1973, present to the President, for his approval a bill of the House of the following title:

H.R. 9590. Making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1974, and for other purposes.

ADJOURNMENT

Mr. **BRECKINRIDGE**. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock p.m.) the House adjourned until tomorrow, Wednesday, October 24, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1465. A communication from the President of the United States, transmitting amendments to the request for appropriations in the budget for fiscal year 1974 for emergency security assistance for Israel and Cambodia (H. Doc. No. 93–168); to the Committee on Appropriations and ordered to be printed.

1466. A communication from the President of the United States, transmitting an amendment to the request for appropriations in the budget for fiscal year 1974 for foreign assistance to Pakistan, Sahelian Africa, and Nicaragua (H. Doc. No. 93–169); to the Committee on Appropriations and ordered to be printed.

1467. A communication from the President of the United States, transmitting notice of his intention to waive the restriction of section 620(m) of the Foreign Assistance Act of 1961, as amended, as it applies to military assistance for fiscal year 1974 to Portugal, pursuant to section 652 of the act; to the Committee on Foreign Affairs.

1468. A letter from the Assistant Secretary of Defense, transmitting a report that no use was made during the period January 1 to June 30, 1973, of funds appropriated in the Department of Defense Appropriation Act, 1973, or the Military Construction Appropriation Act, 1973, to make payments under contracts for any program, project, or activity in a foreign country except where it was determined that the use of currencies of such country acquired pursuant to law was not feasible; to the Committee on Appropriations.

1469. A letter from the Assistant Secretary of the Navy (Installations and Logistics), transmitting a report of the facts concerning a Department of the Navy shore establishment realinement action at the Construction Battalion Center, Davisville, R.I., pursuant to section 613 of Public Law 89–568; to the Committee on Armed Services.

1470. A letter from the Under Secretary of Agriculture, transmitting a statement of Departmental views on S. 2482, a bill to amend the Small Business Act; to the Committee on Banking and Currency.

1471. A letter from the Acting Assistant Secretary of the Interior, transmitting a copy of a proposed concession contract for the continued provision of accommodations, facilities, and services for the public within the Ross Lake National Recreation Area, Wash., during a period ending December 31, 1988, pursuant to 67 Stat. 271 and 70 Stat. 543; to the Committee on Interior and Insular Affairs.

1472. A letter from the Chairman, Indian Claims Commission, transmitting the final determination of the Commission in docket No. 198, *the Confederated Tribes of the Warm Springs Reservation of Oregon*, plaintiff, v. *the United States of America*, defendant, pursuant to 25 U.S.C. 70t; to the Committee on Interior and Insular Affairs.

1473. A letter from the Vice President for Public and Government Affairs, National Railroad Passenger Corporation, transmitting a report covering the month of September 1973, of the average number of passengers per day on board each train operated, and the on-time performance at the final destination of each train operated, by route and by railroad, pursuant to section 308(a)(2) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Interstate and Foreign Affairs.

1474. A letter from the Administrator, U.S. Environmental Protection Agency, transmitting a report on the administration of the ocean dumping permit program authorized under the Marine Protection, Research, and Sanctuaries Act of 1972 (Public Law 92–532), covering activities through June 23, 1973; to the Committee on Merchant Marine and Fisheries.

1475. A letter from the Chairman and members, Commission on American Shipbuilding, transmitting the report of the Commission, pursuant to the Merchant Marine Act of 1970; to the Committee on Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POAGE: Committee on Agriculture. H.R. 9295. A bill to provide for the conveyance of certain lands of the United States to the State of Louisiana for the use of Louisiana State Univeristy (Rept. No. 93–603). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Science and Astronautics. H.R. 11035. A bill to declare a national policy of converting to the metric system in the United States, and to establish a national metric conversion board to coordinate the voluntary conversion to the metric system over a period of 10 years. (Rept. No. 93–604). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 9456. A bill to extend the Drug Abuse Education Act of 1970 for 3 years; with amendment (Rept. No. 93–605). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California (for himself, Mr. Tiernan, and Mr. Steele):

H.R. 11040. A bill to provide for a 7-percent increase in social security benefits beginning with benefits payable for the month of January 1974; to the Committee on Ways and Means.

By Mr. ARCHER:

H.R. 11041. A bill to amend the Occupational Safety and Health Act of 1970 to improve the administration of that act with respect to small businesses; to the Committee on Education and Labor.

H.R. 11042. A bill to amend title 23, United States Code, to insure that no State will be apportioned less than 80 percent of its tax contribution to the highway trust; to the Committee on Public Works.

By Mr. BENNETT:

H.R. 11043. A bill to provide for the appointment of a Special Prosecutor to prosecute any offenses against the United States arising out of the "Watergate affair"; to the Committee on the Judiciary.

By Mr. BERGLAND (for himself, Mr. Andrews of North Dakota, Mr. Bowen, Mr. McSpadden, Mr. Seiberling, Mr. Fraser, Mr. Leggett, Mr. Preyer, Mr. Litton, Mr. Thone, Mr. Mathias of California, Mr. Hungate, Mr. Melcher, Mr. Johnson of Colorado, Mr. Johnson of Pennsylvania, Mr. Breckinridge, Mr. Charles Wilson of Texas, and Mr. Railsback):

H.R. 11044. A bill to amend the Consolidated Farm and Rural Development Act; to the Committee on Agriculture.

By Mr. CARNEY of Ohio:

H.R. 11045. A bill to establish uniform dates for the holding of Federal primary elections; to the Committee on House Administration.

H.R. 11046. A bill to authorize voluntary withholding of District of Columbia, Maryland, and Virginia income taxes in the case of employees of the House of Representatives and the Senate; to the Committee on Ways and Means.

By Mr. CONABLE:

H.R. 11047. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to prohibit the Secretary of Transportation from imposing certain seatbelt standards, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DON H. CLAUSEN:

H.R. 11048. A bill to amend chapter 29 of title 18, United States Code, to prohibit certain election campaign practices, and for

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other purposes; to the Committee on House Administration.

By Mr. FULTON:

H.R. 11049. A bill to amend the Consolidated Farm and Rural Development Act; to the Committee on Agriculture.

By Mr. FUQUA:

H.R. 11050. A bill to provide that meetings of Government agencies and of congressional committees shall be open to the public, and for other purposes; to the Committee on Rules.

By Mr. GINN:

H.R. 11051. A bill to extend on an interim basis the jurisdiction of the United States over certain ocean areas and fish in order to protect the domestic fishing industry, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mrs. GRIFFITHS:

H.R. 11052. A bill to amend title 28 of the United States Code to provide that, in the event of the failure of the President to appoint a Director of the Federal Bureau of Investigation, by and with the advice and consent of the Senate, upon a vacancy occurring in that Office, the Justice of the Supreme Court who has longest served as a Justice of that Court shall in certain cases appoint such a Director, and for other purposes; to the Committee on Judiciary.

By Mr. KING:

H.R. 11053. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to prohibit the Secretary of Transportation from imposing certain seatbelt standards, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KOCH (for himself and Mr. Harrington):

H.R. 11054. A bill to amend the National Security Act of 1947 to prohibit the Central Intelligence Agency from providing training or other assistance in support of State or local law enforcement activities; to the Committee on Armed Services.

By Mr. KOCH (for himself, Mr. Cohen, Mr. Stark, and Mr. White):

H.R. 11055. A bill to amend chapter 49 of title 10, United States Code, to prohibit the inclusion of certain information on discharge certificates, and for other purposes; to the Committee on Armed Services.

By Mr. McCORMACK (for himself, Mr. Teague of Texas, Mr. Mosher, Mr. Goldwater, Mr. Meeds, Mr. Fish, Mr. Edwards of Alabama, Mr. Blatnik, Mr. Sisk, Mr. Young of Georgia, Mr. Quie, Mr. Shriver, Mr. Mayne, Mr. Robinson of Virginia, Mr. Fraser, Mr. Burgener, Mr. Archer, Mr. J. William Stanton, Mr. Kemp, Mr. Carney of Ohio, Mr. Danielson, Mr. Pepper, Mr. Corman, Mr. Johnson of Colorado, and Mr. Vanik):

H.R. 11056. A bill to provide for the early commercial demonstration of the technology of solar heating by the National Aeronautics and Space Administration in cooperation with the National Bureau of Standards, the National Science Foundation, the Secretary of Housing and Urban Development, and other Federal agencies, and for the early development and commercial demonstration of technology for combined solar heating and cooling; to the Committee on Science and Astronautics.

By Mr. McCORMACK (for himself, Mr. Teague of Texas, Mr. Mosher, Mr. Goldwater, Mr. Udall, Mr. Baker, Mr. Walsh, Mr. Long of Maryland, Mr. Lent, Mr. Thomson of Wisconsin, Mr. Roush, Mr. Keating, Mr. White, Mr. Roncallo of New York, Mr. Rosenthal, Mr. Scherle, Mr. Charles Wilson of Texas, Mr. Pritchard, Mr. Young of Illinois, Mr. Roy, Mr. Froehlich, Mr. Aspin, Mrs. Sullivan, Mr. Wright, and Mr. Roncalio of Wyoming):

H.R. 11057. A bill to provide for the early commercial demonstration of the technology of solar heating by the National Aeronautics and Space Administration in cooperation with the National Bureau of Standards, the National Science Foundation, the Secretary of Housing and Urban Development, and other Federal agencies, and for the early development and commercial demonstration of technology for combined solar heating and cooling; to the Committee on Science and Astronautics.

By Mr. McCORMACK (for himself, Mr. Teague of Texas, Mr. Hosmer, Mr. Goldwater, Mr. Badillo, Mr. Dellums, Mr. Eshleman, Mr. McKinney, Mr. McDade, Mr. Young of South Carolina, Mr. Helstoski, Mr. Annunzio, Mr. Hechler of West Virginia, Mr. Wyatt, Mr. Harvey, Mr. Breaux, Mr. Hicks, Mr. Bingham, Mr. Cleveland, Mr. Mitchell of New York, Mr. Metcalfe, Mr. Hastings, Mr. Studds, Mr. Moorhead of California, and Mr. Reuss):

H.R. 11058. A bill to provide for the early commercial demonstration of the technology of solar heating by the National Aeronautics and Space Administration in cooperation with the National Bureau of Standards, the National Science Foundation, the Secretary of Housing and Urban Development, and other Federal agencies, and for the early development and commercial demonstration of technology for combined solar heating and cooling; to the Committee on Science and Astronautics.

By Mr. MEEDS (for himself, Mr. Pritchard, Mrs. Hansen of Washington, Mr. McCormack, Mr. Foley, Mr. Hicks, and Mr. Adams):

H.R. 11059. A bill to establish the Alpine Lakes National Recreation Area, including within it the Alpine Lakes Wilderness Area, in the State of Washington; to the Committee on Interior and Insular Affairs.

H.R. 11060. A bill to designate certain lands as wilderness; to the Committee on Interior and Insular Affairs.

H.R. 11061. A bill to designate the Alpine Lakes Wilderness, Snoqualmie and Wenatchee National Forests, in the State of Washington; to the Committee on Interior and Insular Affairs.

H.R. 11062. A bill to designate certain lands in the Snoqualmie and Wenatchee National Forests, Washington, as "Alpine Lakes Wilderness' and "Enchantment Wilderness" for inclusion in the National Wilderness Preservation System; to the Committee on Interior and Insular Affairs.

By Mr. MINISH:

H.R. 11063. A bill to require the Secretary of Transportation to prescribe regulations governing the humane treatment of animals transported in air commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. MOAKLEY:

H.R. 11064. A bill to amend the Consolidated Farm and Rural Development Act; to the Committee on Agriculture.

H.R. 11065. A bill to amend the Elementary and Secondary Education Act of 1965 to assist school districts to carry out locally approved school security plans to reduce crime against children, employees, and facilities of their schools; to the Committee on Education and Labor.

By Mr. MOSS (for himself, Mr. Aspin, and Mr. Dingell):

H.R. 11066. A bill to amend the Natural Gas Act to secure adequate and reliable supplies of natural gas and oil at the lowest reasonable cost to the consumer, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MOSS (for himself and Mr. Dingell):

H.R. 11067. A bill to establish an Independent Office of Special Prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. PARRIS:

H.R. 11068. A bill to amend section 1951, title 18, United States Code, act of July 3, 1946; to the Committee on the Judiciary.

By Mr. ROONEY of Pennsylvania (for himself, Mr. Vigorito, Mr. Hechler of West Virginia, Mr. Charles Wilson of Texas, Mr. Helstoski, Mr. Frenzel, Mr. Charles H. Wilson of California, Mr. Gunter, Mr. Seiberling, Mr. Wolff, Mr. Long of Maryland, Mr. Roush, Mr. Cotter, Mr. Rangel, Mr. Stark, and Mr. Drinan):

H.R. 11069. A bill to prohibit without congressional approval expenditures of appropriated funds with respect to private property used as residences by individuals whom the Secret Service is authorized to protect; to the Committee on Public Works.

By Mr. ROYBAL (for himself, Ms. Abzug, Mr. Badillo, Mr. Brown of California, Mrs. Chisholm, Ms. Collins of Illinois, Mr. Davis of South Carolina, Mr. Dellums, Mr. Eckhardt, Mr. Edwards of California, Mr. Fascell, Mr. Fraser, Mr. Harrington, Mr. Helstoski, Mr. Leggett, Mr. Lehman, Ms. Mink, Mr. Moakley, Mr. Mollohan, Mr. Moss, Mr. Rangel, Mr. Rees, Mr. Riegle, Mr. Roe, and Mr. Rooney of Pennsylvania):

H.R. 11070. A bill to provide for the establishment of a National Office for Migrant and Seasonal Farmworkers within the Department of Health, Education, and Welfare, with responsibility for the coordinated administration of all of the programs of that Department serving migrant and seasonal farmworkers; to the Committee on Education and Labor.

By Mr. ROYBAL (for himself, Mr. Roy, Mr. Sarbanes, Mr. Sebelius, Mr. Stark, Mr. Thompson of New Jersey, and Mr. Waldie):

H.R. 11071. A bill to provide for the establishment of a National Office for Migrant and Seasonal Farmworkers within the Department of Health, Education, and Welfare, with responsibility for the coordinated administration of all of the programs of that Department serving migrant and seasonal farmworkers; to the Committee on Education and Labor.

By Mr. CULVER (for himself, Ms. Abzug, Mr. Addabbo, Mr. Anderson of California, Mr. Ashley, Mr. Aspin, Mr. Badillo, Mr. Bergland, Mr. Bingham, Mr. Blatnik, Mr. Boland, Mr. Brown of California, Mr. Brademas, Mr. Breckinridge, Mr. Burton, Mr. Carney of Ohio, Mrs. Chisholm, Mr. Clay, Mr. Conyers, Mr. Cotter, Mr. Danielson, Mr. Dellums, Mr. Eckhardt, Mr. Edwards of California, and Mr. Evans of Colorado):

H.J. Res. 784. Joint resolution to provide for the appointment of a Special Prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. CULVER (for himself, Mr. Fascell, Mr. Fauntroy, Mr. Foley, Mr. William D. Ford, Mr. Fraser, Mr. Giaimo, Mrs. Grasso, Mr. Gunter, Mr. Hamilton, Mr. Hanley, Mr. Harrington, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Hicks, Miss Holtzman, Mr. Howard, Miss Jordan, Mr. Karth, Mr. Koch, Mr. Leggett, Mr. McCormack, Mr. Matsunaga, and Mr. Melcher):

H.J. Res. 785. Joint resolution to provide for the appointment of a Special Prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. CULVER (for himself, Mr. Metcalfe, Mr. Mezvinsky, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Mollohan, Mr. Nedzi, Mr. Obey, Mr. O'Hara, Mr. Owens, Mr. Pepper, Mr. Pike, Mr. Podell, Mr. Rees, Mr. Reid, Mr. Rooney of Pennsylvania, Mr. Rosenthal, Mr. Roush, Mr. Roy, Mr. Roybal, Mr. St Germain, Mr. Sarbanes, Mrs. Schroeder, Mr. Seiberling, and Mr. Sisk):

H.J. Res. 786. Joint resolution to provide for the appointment of a Special Prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. CULVER (for himself, Mr. Smith of Iowa, Mr. Stark, Mr. Stokes, Mr. Symington, Mr. Thompson of New Jersey, Mr. Tiernan, Mr. Udall, Mr. Waldie, Mr. Charles H. Wilson of California, Mr. Wolff, Mr. Yates, and Mr. Young of Georgia):

H.J. Res. 787. Joint resolution to provide for the appointment of a special prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. GREEN of Pennsylvania:

H.J. Res. 788. Joint resolution to provide for the appointment of a special prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. MINISH:

H.J. Res. 789. Joint resolution to authorize the President to proclaim the last Friday of April of 1974 as "National Arbor Day"; to the Committee on the Judiciary.

By Mr. RUTH:

H.J. Res. 790. Joint resolution designating the week commencing February 3, 1974, as "International Clergy Week in the United States" and for other purposes; to the Committee on the Judiciary.

By Mr. ARCHER (for himself, Mr. Bell, Mr. Biaggi, Mr. Blackburn, Mr. Eilberg, Mr. Fisher, Mr. Frenzel, Mr. Goldwater, Mr. Hogan, Mr. Ketchum, Mr. Koch, Mr. Long of Maryland, Mr. Mitchell of Maryland, Mr. O'Brien, Mr. Won Pat, Mr. Podell, Mr. Rhodes, Mr. Steelman, Mr. Widnall, and Mr. Charles Wilson of Texas):

H. Con. Res. 362. Concurrent resolution: a resolution to commend the courageous action of Andrei Sakharov and Aleksandr Solzhenitsyn; to the Committee on Foreign Affairs.

By Mr. BARRETT (for himself, Mr. Nix, Mr. Davis of South Carolina, Mr. O'Neill, Mr. Madden, Mr. Holifield, Mr. Edwards of California, Mr. Morgan, Mr. Flood, Mr. Eilberg, Mr. Studds, and Mr. Green of Pennsylvania):

H. Con. Res. 363. Concurrent resolution calling for the President to curtail exports of goods, material, and technology to nations that restrict the flow of oil to the United States; to the Committee on Banking and Currency.

By Mr. FASCELL:

H. Con. Res. 364. Concurrent resolution expressing the sense of the Congress with respect to the present world energy crisis; to the Committee on Foreign Affairs.

By Mr. LONG of Maryland:

H. Con. Res. 365. Concurrent resolution of censureship without prejudice to impeachment; to the Committee on the Judiciary.

By Ms. ABZUG:

H. Res. 625. Resolution impeaching Richard M. Nixon, President of the United States, for high crimes and misdemeanors; to the Committee on the Judiciary.

By Mr. ASHLEY:

H. Res. 626. Resolution directing the Committee on the Judiciary to investigate whether there are grounds for the impeachment of Richard M. Nixon; to the Committee on Rules.

By Mr. BINGHAM:

H. Res. 627. Resolution directing the Committee on the Judiciary to inquire into and investigate whether grounds exist for the impeachment of Richard M. Nixon; to the Committee on Rules.

By Mr. BURTON (for himself, Ms. Abzug Mr. Anderson of California, Mr. Aspin, Mr. Bergland, Mr. Bingham, Mr. Brasco, Mr. Brown of California, Mr. Boland, Mr. Brademas, Mrs. Chisholm, Mr. Culver, Mr. Conyers, Mr. Dellums, Mr. Drinan, Mr. Eckhardt, Mr. Edwards of California, Mr. Evans of Colorado, Mr. Fascell, Mr. Fauntroy, Mr. Foley, Mr. William D. Ford, Mr. Fraser, Mr. Giaimo, and Ms. Grasso):

H. Res. 628. Resolution directing the Committee on the Judiciary to inquire into and investigate whether grounds exist for the impeachment of Richard M. Nixon; to the Committee on Rules.

By Mr. BURTON (for himself, Mr. Green of Pennsylvania, Mr. Harrington, Mr. Hawkins, Mr. Helstoski, Mr. Hicks, Mr. Howard, Miss Jordan, Mr. Karth, Mr. McCormack, Mr. Mazzoli, Mr. Metcalfe, Mr. Mezvinsy, Mrs. Mink, Mr. Moakley, Mr. Mollohan, Mr. Moorhead of Pennsylvania, Mr. Murphy of New York, Mr. Nedzi, Mr. Obey, Mr. O'Hara, Mr. O'Neill Mr. Pepper, Mr. Podell, and Mr. Rees):

H. Res. 629. Resolution directing the Committee on the Judiciary to inquire into and investigate whether grounds exist for the impeachment of Richard M. Nixon; to the Committee on Rules.

By Mr. BURTON (for himself, Mr. Rooney of Pennsylvania, Mr. Roybal, Mrs. Schroeder, Mr. Seiberling, Mr. Stark, Mr. Studds, Mr. Symington, Mr. Tiernan, Mr. Thompson of New Jersey, Mr. Udall, Mr. Yates, and Mr. Young of Georgia):

H. Res. 630. Resolution directing the Committee on the Judiciary to inquire into and investigate whether grounds exist for the impeachment of Richard M. Nixon; to the Committeee on Rules.

By Mr. HECHLER of West Virginia:

H. Res. 631. Resoluton that Richard M. Nixon, President of the United States, is impeached of high crimes and misdemeanors; to the Committee on the Judiciary.

By Mrs. HECKLER of Massachusetts:

H. Res. 632. Resolution to appoint a Special Prosecutor; to the Committee on the Judiciary.

By Mrs. HECKLER of Massachusetts (for herself, Mr. Cotter, Mr. Moss, Mr. Duncan, Mr. Rosenthal, Mr. Mitchell of Maryland, Mr. Podell, Mr. Won Pat, Mr. Stark, Ms. Holtzman, Mr. Riegle, Mr. Gaydos, Mr. Rangel, Mr. Bray, Mr. Gonzalez, Mr. Koch, Mr. Leggett, Mr. Goldwater, Mr. Harrington, and Mr. Horton):

H. Res. 633. Resolution creating a Select Committee on Privacy; to the Committee on Rules.

By Mr. McCLOSKEY:

H. Res. 634. Resolution of inquiry; to the Committee on the Judiciary.

H. Res. 635. Resolution for the impeachment of Richard M. Nixon; to the Committee on the Judiciary.

By Mr. MAZZOLI:

H. Res. 636. Resolution: an inquiry into the existence of grounds for the impeachment of Richard M. Nixon, President of the United States; to the Committee on Rules.

By Mr. MILFORD:

H. Res. 637. Resolution providing for the establishment of an Investigative Committee to investigate alleged Presidential misconduct; to the Committee on Rules.

By Mr. MITCHELL of Maryland (for himself, Mr. Burton, and Mr. Fauntroy):

H. Res. 638. Resolution impeaching Richard M. Nixon, President of the United States, of high crimes and misdemeanors; to the Committee on the Judiciary.

By Mr. MOAKLEY (for himself, Mr. Stokes, Mr. Fraser, and Mr. Rosenthal):

H. Res. 639. Resolution expressing the sense of the House that there be no action on confirmation of the Vice Presidential nominee until such time as the President has complied with final decision of the court system as it regards the White House tapes; to the Committee on the Judiciary.

By Mr. O'NEILL (for himself, Mr. Bolling, Mr. Brooks, Mr. Broyhill of Virginia, Mr. Cleveland, Mr. Dan Daniel, Mr. Fauntroy, Mr. Fisher, Mr. Fraser, Mr. Keating, Mr. McCloskey, Mr. McCollister, Mr. Riegle, Mr. J. William Stanton, Mr. Thone, Mr. White, Mr. Won Pat, and Mr. Young of Alaska):

H. Res. 640. Resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

By Mr. OWENS:

H. Res. 641. Resolution directing the Committee on the Judiciary to investigate the question of impeachment of the President; to the Committee on Rules.

By Mr. REID (for himself, Ms. Abzug, Mr. Aspin, Mr. Boland, Mr. Dent, Mr. Eckhardt, and Mr. McCloskey):

H. Res. 642. Resolution directing the Committee on the Judiciary to inquire into commencement of impeachment proceedings; to the Committee on Rules.

By Mr. ROSENTHAL:

H. Res. 643. Resolution for the impeachment of President Richard M. Nixon, and for other purposes; to the Committee on the Judiciary.

By Mr. ROY:

H. Res. 644. Resolution directing the Committee on the Judiciary to investigate the official conduct of the President; to the Committee on Rules.

By Mr. SEIBERLING (for himself, Ms. Abzug, Mr. Drinan, Mr. Fraser, Mr. Hechler of West Virginia, Mr. Edwards of California, Mr. Rooney of Pennsylvania, Mr. Sarbanes, Ms. Holtzman, Mr. Danielson, Mr. Lehman, and Mr. Conyers):

H. Res. 645. Resolution to investigate the activities of Richard M. Nixon, President of the United States; to the Committee on Rules.

By Mr. SISK:

H. Res. 646. Resolution to create a Select Committee to consider an impeachment resolution against the President of the United States, and for other purposes; to the Committee on Rules.

By Mr. THOMPSON of New Jersey (for himself, Mr. William D. Ford, Mr. Badillo, and Mr. Waldie):

H. Res. 647. Resolution of impeachment; to the Committee on Rules.

By Mr. WALDIE (for himself, Ms. Abzug, Mr. Badillo, Mr. Brown of California, Mr. Clark, Mr. Dellums, Mr. Drinan, Mr. Fauntroy, Mr. Fraser, Mr. Hechler of West Virginia, Mr. Leggett, Mr. Meeds, Mr. Rangel, Mr. Rees, Mr. Rosenthal, Mr. Roybal, Mr. Ryan, Mr. Charles H. Wilson of California, Mr. Burton, Mr. Long of Maryland, Mr. Vanik, Mr. Koch, Mr. Thompson of New Jersey, Mr. Moakley, and Mr. William D. Ford):

H. Res. 648. Resolution impeaching President Richard M Nixon; to the Committee on the Judiciary.

By Mr. WALDIE (for himself, Mr. Stark, Mr. Helstoski, Mr. Clay, and Mr. Podell):

H. Res. 649. Resolution for the impeach-

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ment of the President of the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FREY:

H.R. 11072. A bill for the relief of South Florida Council, Inc., Boy Scouts of America; to the Committee on Interior and Insular Affairs.

By Mr. REUSS:

H.R. 11073. A bill for the relief of Grace Nien-Tsu Yu; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

321. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to the Charles River watershed proposal of the Army Corps of Engineers; to the Committee on Public Works.

PETITIONS, ETC.

Under clause 1 of rule XXII,

331. The SPEAKER presented a petition of Milton Mayer, New York, N.Y., relative to redress of grievances; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

MARVIN JONES MEMOIRS

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. MAHON. Mr. Speaker, one of the most distinguished Americans of this century is Judge Marvin Jones, who served 24 years in Congress, from 1917 to 1941.

The Texas Western Press of the University of Texas at El Paso has performed a fine public service in publishing a few weeks ago the memoirs of this outstanding government leader, who has devoted more than half a century to public service.

Elected to Congress from the Amarillo, Tex., district, Judge Jones served in the House of Representatives with distinction until he resigned to take a position as Judge of the U.S. Court of Claims in 1941. As a Congressman he wrote a record of achievement in the field of agriculture without parallel in the history of this country, serving as chairman of the House Committee on Agriculture from 1931 until his resignation from Congress.

In 1943 Marvin Jones became Assistant Director of Stabilization and later that year War Food Administrator, a position which he held until the end of World War II. Judge Jones enjoys the distinction of being one of a very few U.S. citizens to have served in a high-level position in all three branches of the Government.

Serving from 1947 to 1964 as chief judge of the U.S. Court of Claims, Marvin Jones has been a senior judge of the U.S. courts since that time. He divides his time between his old hometown, Amarillo, Tex., and Washington, D.C., where he maintains an office at the Court of Claims, 717 Madison Place, NW.

Friends of Judge Marvin Jones and students of the history of this century will be interested in his colorful memoirs. The following is a captivating column about Judge Jones which appeared in the Avalanche-Journal newspaper of Lubbock, Tex., on September 18, 1973.

ONE MAN'S OPINION

(By Kenneth May)

As a small schoolboy, Judge Marvin Jones of Amarillo recalls, he walked across a pasture of a field where some of his brothers and sisters were working.

"My brother Hub asked me where I was going and I replied, 'I am going to Congress'. They made quite a joke of it," Jones writes in his memoirs.

"Brother Hub" is Hub Jones of Lubbock and Judge Marvin Jones is one of the few men in history to hold top jobs in all three branches of the federal government.

In a book newly published by the Texas Western Press at the University of Texas-El Paso, Jones tells his story in a folksy manner.

He calls the book simply, "Marvin Jones Memoirs." It is filled with anecdotes and personal bits of philosophy with which the West Texas reader can easily identify.

Jones did, indeed, go to Congress. He served the Panhandle-Plains area from 1917 to 1941 and was chairman of the House Agriculture Committee when the New Deal record of farm legislation was written.

During the war, Jones served as War Food Administration, earning a "You did a great job, Marvin" from President Franklin D. Roosevelt.

Jones was appointed chief judge of the U.S. Court of Claims in 1947 and became a Senior Judge of U.S. Courts upon his partial retirement in 1964.

Through it all, he carried with him the philosophy that "it's all right to dream if you don't go to sleep."

Among those who gave the young Congressman good advice during his early years in Washington was John Nance Garner.

"He advised me to be careful of what I placed in the Congressional Record the first two or three years," Jones writes. "He told me a man is not beaten on what he does not say."

Jones got favorable response, though, to a speech he made in 1919 about a move advocating use of the bomb and torch to achieve social and political reform.

He suggested that those who preached violent resolution be deported to remote islands to try out "their absurd doctrines on one another."

During the first 100 days of the Roosevelt Administration, Jones recalls, he handled more major bills in their passage through Congress than did any other member.

"These included the Agricultural Adjustment and Soil Conservation Act, the act for Refinancing of Farm Mortgages, the Farm Credit Administration Act and the measure reducing the gold content of the dollar," he points out.

During that time, too, he was instrumental in getting a number of regional governmental offices headquartered in Amarillo.

Jones became a favorite of President Roosevelt's, who appointed him to the U.S. Court of Claims in 1940. Early in World War II, though, he was asked to become assistant to James F. Byrnes, the Director of Stabilization.

Then, in 1943, Roosevelt summoned Jones.

"The President called me to say he was appointing a new United States War Food Administrator, adding facetiously that the choice was between Herbert Hoover and me," Jones writes.

"I responded that Mr. Hoover had had a lot of experience. He (the President) laughed and said that I must take it," Jones adds.

"He suggested that I should resign and that he would later reappoint me to the place I then held or a better one. I said the way he had the food job set up, no man could hold it for six months and then be confirmed to any other position.

"He laughed again and said, 'You can'," Jones relates.

For the remainder of the war, Jones was the dominant voice in allocating food to the armed forces, the civilian population and to our primary allies.

In an appendix to the book, editor Joseph M. Ray notes that "one technique Marvin Jones mastered (while in Congress) might be termed 'dealing from strength'."

In one such instance, Jones ran into a bureaucratic stone wall with regard to the special problems of dealing wih wind erosion.

He won his point by holding up the annual appropriation for any Soil Conservation until the bureaucracy saw the light.

Jones' book is filled with anecdotes, some at his own expense as when he asked another Congressman to agree that his hat "makes me look like a statesman."

"No, I wouldn't quite say that," came the reply. "It goes as far as a hat can."

BUYERS OBJECT TO BUCKLING UP

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. GAYDOS. Mr. Speaker, auto salesmen in my western Pennsylvania district report a strong and bitter customer opposition to the federally regulated seatbelt, shoulder-harness combination system which is mandatory on the 1974 models.

The objection is to the fact that the harnesses must be buckled up completely before the new cars can be started. The people, according to the salesmen, do not like this. Indeed some fear it, citing the possibility of being trapped if the apparatus fails.

I know the safety experts who dictated this regulation have good reasons to believe that seat and shoulder belts can save lives by holding a person in place and keeping him from being thrown against the windshield or out of the car in case of a crash. But the complaints in the auto showrooms, the salesmen say, go beyond this theory and into the realm of individual liberty.

"People just do not like to buckle up, and we are the first to know about it," salesman Jerry Nuzum told William Allan, Pittsburgh Press features editor, who investigated the matter.

"Everyone wants to know how to get around them," Joe Mazza, a sales manager, added and then summed up the public reaction to the belt system as "terrible!"

Jim Stockton, another salesman, told Mr. Allan that more complaints can be expected once the new car purchasers "really find there is nothing they can do" about the belts.

It seems to me that, in this regulation, the power of Government indeed has moved, perhaps unwittingly, into an area of the citizen's inherent rights. Seat and shoulder belts may be fine protections for the motorist. But they are effective only when a crash occurs and thus serve no purpose in increasing traffic safety generally, or in reducing the public peril. They apply only to the individual and to compel him to use them by attaching them to his car's ignition system, and making it a punishable crime to unhook them, is for Government to assume the "Big Brother" role.

"Big Brother" may know best in this matter and have surveys to support the view. But we remain a nation of some rugged individualism and there are bound to be millions of our citizens who will resent this, and many are already expressing their resentment in the auto salesrooms. They are willing to obey orders to protect others. But they still think they should make the decisions necessary to protect themselves.

Our Nation has attempted in other matters to regulate the individual in his own personal interest. Prohibition had this objective even though a part of the liquor ban was thought to be in the public interest because of the public effects of drunkenness. But in every instance where large numers of individuals concluded that Government rules were a trespass on their individual rights, these rules have been circumvented and, in time, grossly violated. The new seat and shoulder harness regulation appears headed for this kind of result—another widespread breach of law—and, because of it, I feel our safety experts had better reconsider the matter now in all its aspects and not only in the light of what they think is something needed to force us as individuals to protect ourselves. I respect the individual's right to make his own choice. As for myself, I will continue to buckle up.

FORCED BUSING IS HINDERING RATHER THAN HELPING BLACKS

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. BAKER. Mr. Speaker, in representing the Chattanooga, Tenn., area, the interests of our citizens becomes a concern in the light of a recent syndicated column by Kevin Phillips. The vast majority of my constituents are concerned about quality education more than any facet of the busing controversy. Most would endure the gross inconvenience in racial assignment if it was doing any good educationally. We have had good relations between the races and have made great strides in establishing a climate of cooperation among all our people. I contend for opportunity for every citizen regardless of race, creed, color, or national origin. To expend money and energies at this risk of community tranquility without reasonable assurance of success has to be highly questionable.

I include for the RECORD the column of Kevin P. Phillips:

[From the Chattanooga News-Free Press, Oct. 17, 1973]

FORCE BUSING IS HINDERING RATHER THAN HELPING BLACKS

(By Kevin P. Phillips)

WASHINGTON.—When the U.S. Supreme Court takes up as it soon must, the question of school busing, each Justice ought to be required to read—ten times if necessary—an incredibly good socio-legal analysis published in the Indiana University Law Journal for May, 1973.

I have just read it myself for the first time, and it is a bomb. It ought to be excerpted and reprinted wherever common sense still prevails in this land, because it shatters the whole legal concept of busing, using exactly the criteria promulgated by liberals in support of the idea.

One column is not enought to do justice to Jeffrey J. Leech's article, but I shall try. His theme is simple: that busing has slowly developed as the judiciary's method of carrying out the basic sociology of the orginal 1954 school desegregation case, namely that separate education generated inferiority in black students and otherwise impaired their educational and mental development. Ultimately, in the 1971 Swann (Charlotte, N.C.) case, the Supreme Court approved busing as a legitimate tool to "desegregate" and thereby ameliorate the educational and psychological burdens of black children.

What Leech has done is brilliantly simple. He has studied all available surveys of the impact of busing in cities that have it, and his research assembles a stunning array of "current sociological evidence which indicates that busing to achieve integration may in fact produce no educational gains, may hinder the psychological development of black children, and may intensify racial misunderstanding."

His sociological research emphasizes three categories of busing impact: (1) on achievement levels; (2) on the psychology of black youngsters; and (3) on improved race relations. Each analysis is devastating in its documentation, but space allows only the summaries:

(1) Achievement levels: In ten cities, six show mixed or inconclusive results (Sacramento, Hartford, Rochester, Buffalo, Evanston, White Plains) and four show either losses or no significant gains (Ann Arbor, Berkeley, Boston, Riverside). "In every city studied, busing failed to reduce the gap between black and white achievement. In fact, most cities reported that the achievement gap had grown even larger after busing. Scholars who have reviewed the evidence, including Armor, Bell, Edmonds, Glazier and St. John, have concluded that busing has little if any effect on the academic achievement of either black or white children. Thus, the most recent sociological evidence fails to confirm a basic premise underlying the rationale for court-ordered busing, i.e., that it will positively affect the academic performance of minority children."

(2) Psychological effects: "In summary, researchers have found that busing for racial integration significantly lowered black students' educational aspirations in Ann Arbor and Boston, the only two cities which studied this problem. At the same time, the academic self-concepts of black students were significantly lowered in Boston and Evanston, raised in Ann Arbor (males) and not significantly altered in Ann Arbor (females), New Haven and Riverside. Viewing this evidence in its most farvorable light, busing for racial integration would appear to lower black students' educational aspirations and have no consistent effect on their academic self-concepts. . . . The evidence reveals that the busing experience imports few psychological benefits to black children and may inflict harmful psychological consequences upon them."

(3) Improved Race Relations: "In summary, the busing studies available demonstrate rather conclusively that busing for racial integration has produced little or no improvement in race relations. In fact, the results appear to be to the contrary. In Ann Arbor and Riverside, interracial peer acceptance declined. In Boston, busing heightened racial consciousness and encouraged separatist ideologies. In Buffalo, Evanston and Rochester, disciplinary problems, frequently with racial overtones, threatened termination of the busing programs. In no city did busing appear to increase interracial contact or better racial understanding."

There is still some reason for hope. Leech cites the Mapp case (Chattanooga, Tenn.) as an example where the U.S. Appeals Court weighed the new sociological evidence and found that "induced busing" would have an adverse effect on educational achievement and race relations. This is consistent with the Swann case, which left the door open to antibusing findings where busing would "significantly impinge on the educational process." Therein lies the hope: that the Nine Justices of the High Court will read the wisdom of Mapp and the wisdom of Leech and, having done so, will use new sociology to redress the injury of the old.

A LETTER FROM EUROPE

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. WHITEHURST. Mr. Speaker, one of my young constituents, who is currently studying in Europe, recently wrote an article for the Alternative, entitled "A Letter from Europe." In this article, Mr. Christopher Hughes offers his own reactions and some selections from the European press on issues currently confronting our Nation. I believe that the thoughts presented in this article merit the attention of my colleagues, and I am consequently inserting "A Letter from Europe" in the RECORD for their consideration:

A LETTER FROM EUROPE

(By Chris Hughes)

Having grown up in Europe as a military brat during the late sixties, when a dollar was still what our own hordes of U.S. tourists used to call "real money"; when it was still financially feasible (and socially chic) to blitz Europe on $5 a day, or in assembly-line tours for quick lunch-counter intellectualizing; my recent return to Europe, as a college student, has brought me to a rude awakening. America is no longer regarded as the towering paragon of uncontested strength. To the contrary, our international credibility has now been seriously eroded, and our international stature and prestige have declined accordingly.

I left the United States for Europe in January of this year, after having worked in the national election for the Republican ticket. Nixon's overwhelming victory, I believed, apparently like many others, was a popular mandate to reverse the trend of the New Deal-Great Society philosophy which for so long had prevailed in Washington, D.C. But then the Watergate affair broke.

I have had to rely on European press coverage of the Watergate for most of my information, coverage which has not always illustrated a terribly astute awareness and understanding of our political process. None-

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theless, European attitudes and interpretations of this event are still very important because of the far-reaching implications which could develop in Euro-American relations.

In Paris, where I had been attending the Sorbonne University, one of France's most highly respected and widely read newspapers, *Le Figaro,* argued that the Watergate hearings have been turned into a Disneyland for lawyers and that those (Senators and committee staffers) who have allowed the hearings to flounder into ridiculousness are forgetting that not only is the President himself a lawyer, but that he is, in fact, one of the country's best. *Le Figaro* also defended the President's refusal to release the White House tapes *carte blanche,* and argued that without such privilege no government is possible. The newspaper further stated that "in standing fast he [Nixon] is defending the integrity of the Presidency itself. The time will come when the versatile American democracy will be grateful to him for this."

Although reaction elsewhere in Europe has not always been that abiding, Europeans are most concerned about what they feel has been a decline of confidence on the part of the American public in its leadership. England's liberal newspaper, *The Guardian,* expressed a fairly common European reaction to the Watergate hearings when it charged that the Watergate committee was somewhat reminiscent of the McCarthy hearings of the fifties. One of Europe's most conservative newspapers, Rome's *Il Tempo,* argued more provocatively and lashed out at Senator Ervin's committee, charging that the hearings seemed to be a colossal machination aimed at undermining both Nixon and Nixon policy. One of the most revealing observations on this issue, however, came from the German political weekly *Die Zeit*. Discussing what it called the decline in presidential power and a catharsis for the United States, *Die Zeit* also pointed out that probably no American administration will be interested in foreign policy to the extent of the Nixon Administration. Thus it concluded, "particularly for Europeans, the Nixon-Kissinger team is an optimum and is absolutely irreplaceable." Europe, in short, is concerned with the international implications emanating from Watergate.

1973 was designated the "Year of Europe" by the Nixon Administration. The United States and its European allies were expected to rejuvenate Europe's postwar Atlantic alliance system as a solid basis for the upcoming fall negotiations, on mutual and balanced force reductions in Europe (MBFR), between the NATO countries, the Soviet Union, and its Warsaw Pact allies. But although some low-keyed transatlantic talks are underway between the United States and its European allies to establish a common front for the fall conference, the common political purpose of the West, as well as the social and economic compatibility of the United States and Europe, has been severely strained in recent months.

The European concern over present and future U.S. economic and defense policies has arisen because of two dollar devaluations in short succession, the continuing erratic behavior of the dollar on the international money exchanges (which is both a symptom and a cause of the uncertainty in Euro American relations), as well as the imposition of agricultural export restrictions. Europeans reacted particularly sensitively to the agricultural embargo of soybeans and one French newspaper asserted that the embargo was deliberately aimed at Europe's Achilles' tendon (its lack of resources), to demonstrate U.S. power over Europe. If nothing else, the embargo did force the Europeans to realize that the Americans were not only willing to close down their market to them without warning, but that the Europeans themselves were to become the first victims of the newly established détente. A major factor in the scarcity of agricultural products, of course, had been the U.S. decision to sell grain and corn to the communist giants, irrespective of European needs and the traditional transatlantic ties.

Thus, there is unrest among the European nations. They are concerned about the weakness of the U.S. dollar, U.S. disregard for its allies, and the pace of Mr. Nixon's moves toward détente with the Soviets. Of particular concern for the Europeans is whether a "Watergate-weakened" White House can resist congressional pressures to unilaterally reduce U.S. troop strength in Europe.

Recent reports that the United States is about to announce formal diplomatic recognition of East Germany may not be surprising to the governments of Western Europe, but it has surprised many private citizens. Further, the United States' willingness to give the Soviets whatever help they need to stabilize their economy (which in turn permits the Soviets to channel their resources into the military realm), has also raised doubts in European minds about American reliability. These doubts have been further compounded by the recent report in *Jane's Fighting Ships,* the world's most authoritative annual study on the world's military navies. The 1972–73 edition of *Jane's* reported that the Soviet navy has made (and is continuing to make) "staggering advances," and that the U.S. navy has now been relegated to second position (to the Soviets) among the globe's naval powers—no slight task for what has been historically a land locked bear.

These events have produced an assessment which is gaining increasing acceptance in Europe and which was recently expressed by the *London Daily Mail*. Arguing that the United States is sick of foreign wars and responsibilities, the *Daily Mail* commented: "More and more Americans are saying. What does it matter to us if the whole of Southeast Asia goes Communist? Is it worth risking a single GI for Cambodia? Will we live to hear Americans ask whether it is worth risking a single American life for Britain? . . . Now that the Watergate comedy show is switched off for a moment, you can just hear the Kremlin purring as it prepares to lap up the cream."

The impact of recent events has, then, not been lost on those who fear the possible "Finlandizing" of Western Europe. As one commentator in Europe observed " 'Finlandization' of Europe would (perhaps) mean no basic change in the social order, but there would be no American troops in Europe and NATO would be dissolved. Western European governments would be so weak as a result that they would be forced to coordinate their foreign policies with the Kremlin. This is not a very promising prospect."

Although the President's calendar of events has not been firmly established yet, it is already quite clear that the President will be cautiously received in Europe. Unless very intensive preliminary work is done before Nixon's visit, the Administration's attempt to revitalize Euro-American relations and to produce some very tangible political returns, as well as trade and monetary reforms, could fall far short of its goal.

Unfortunately, not even these many events seem to startle the Europeans out of their atavistic resentment and mutual suspicions of each other. Thus the transatlantic alliance and the very nature of the international system is in question and, for the western alliance at least, there is need for serious misgivings. For the Europeans, therefore, Nixon's attempt to put Watergate behind him is being applauded so that he can direct his attention to these many problems. And, looking in from the outside. I too believe it would be wise to allow our judicial process to take over Watergate so that the country's leadership can direct its attention to issues which may well determine the course of future history.

THE NOMINATION OF GERALD FORD AS VICE PRESIDENT

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. SEBELIUS. Mr. Speaker, a few days ago, in the newsletter I regularly send to the people in my congressional district, I made several comments regarding the nomination of Congressman GERALD FORD as Vice President and I would like to share them with my colleagues:

Since attending the White House ceremonies involving the nomination of a new Vice President, I have been doing quite a bit of thinking and I would like to share a few personal throughts with you.

My experience within the Kansas State Senate in some ways led me to look at government and public service through rose colored glasses. Within the Kansas legislature, I never once questioned whether or not government could be responsive to the needs of the individual citizen. That we could find answers to our problems in Kansas was assumed; where there was a will there was a way. Since coming to Congress, I confess my staff and I have been most frustrated in trying to make "big government" more responsive to the needs of citizens in our rural areas. It has been an uphill battle and getting steeper all the way.

Last week, the President invited and solicited suggestions for nominees for the office of Vice President. My single suggestion, along with those of many others, was hand delivered to the White House. I felt that with this nomination, somehow, someway, integrity and faith in government must be restored. I felt that at this very difficult time in our nation's history we needed a man of unquestioned integrity and, just as important, a man whose experience would enable all of us to work together to once again make government a partnership with people. I suggested JERRY FORD.

Hopefully, this nomination will help to heal the divisions that have developed and grown too wide between the executive and the legislative branches of government. I have worked with JERRY FORD ever since coming to the Congress. He is not flamboyant, he is not a charismatic man, he will not seek the spotlight of publicity and he is not politically ambitious. My observation of JERRY FORD is that he is an expert at getting along with people and in bringing folks of differing views together behind a compromising position. Most important, he knows how to make government work for people.

Perhaps it was because I was privileged to be part of a moment in history, but for the first time since serving in the Kansas legislature, I feel as if we can begin to build anew a working and effective partnership between the federal government and the citizens of the "Big First" district.

ALBERT HOPES TO STAY IN HOUSE

HON. JOHN J. McFALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. McFALL. Mr. Speaker, there is a plaque in the Speaker's lobby which, as a reference to past Speakers, reads "Speakers of the House of Representatives, chosen by the people, honored by the preferment of their associates, these makers of history are memorialized as a tribute of their worth to the Nation." It is a source of comfort in these trying times to know this tradition of greatness is being continued by the distinguished gentleman from Oklahoma, the Honorable CARL ALBERT. In the past few weeks Speaker ALBERT has, again, demonstrated insight, courage, and plain commonsense in his actions relating to the conduct of the House. These actions truly justify the continued preferment of his associates, and, I might add, their sincere gratitude.

Mr. Speaker, I am pleased to include in my remarks an article about Speaker ALBERT which recently appeared in the Boston Globe:

[From the Boston Evening Globe, Oct. 11, 1973]

ALBERT HOPES TO STAY IN HOUSE

WASHINGTON.—Until President Nixon picks a vice president and has his choice confirmed by Congress, the next in line for the Presidency will be a man who already has a job he likes better.

Carl Albert wanted to be Speaker of the House of Representatives from the day he entered Congress in 1947, and when he made it in 1971 he declared his highest political ambition had been achieved.

Any disclaimer of interest in being President by a politician is usually regarded with skepticism, but in Albert's case there is no reason to doubt it.

For one thing, at age 65 there is little likelihood of his being nominated by the Democrats—unless, of course, he should succeed to the office while a replacement for Spiro T. Agnew is being found.

But more importantly, Albert seems genuinely convinced that the House of Representatives, as the branch of government closest to the people, is the ideal place for a public servant to be, and that the head man of the House has the ideal job.

Albert formed his opinion about the House as a schoolboy in the tiny southeastern Oklahoma town of Bug Tussle. The area's Congressman visited the two-room schoolhouse one day and his talk about Congress and Washington fired the imagination of the little barefoot boy, who even now stands only 5 feet, 4 inches tall with his shoes on.

Albert went on to an outstanding scholastic career, winning election to Phi Beta Kappa at the University of Oklahoma and later gaining a Rhodes scholarship that saw him through three years and two law degrees at Oxford University, England.

He returned to the US in the midst of the Depression and had to put aside his political ambitions to make a living, first as an office clerk in Oklahoma City and then as a lawyer for an oil company.

While serving as a legal officer during World War II, he met and married a pretty Pentagon clerk named Mary Harmon. They have a daughter, 25, who teaches school in Washington, and a son, 16, who is a freshman at Harvard.

Albert got his chance to come to Congress in 1946 when the incumbent congressman decided the night before the filing deadline not to run for reelection. Albert raced to Oklahoma City to beat the deadline and plunged into a campaign against three other candidates in the Democratic primary. He won by 359 votes and hasn't had any trouble being elected since. A fellow freshman in the class that entered Congress that year was Richard Nixon.

Even before he was elected, Albert had formed a friendship with the late Speaker Sam Rayburn, whose Texas district bordered Albert's, and Rayburn took the eager young Oklahoman under his wing. In 1954 he made Albert the Democratic whip and in 1961, when Rayburn died, Albert moved up to majority leader.

He achieved his goal of speaker when John McCormack retired in 1970.

After a shaky start in the last Congress, Albert has succeeded in welding the House Democrats into a more effective majority and has led a reform movement that has brought him more power than any speaker has enjoyed since "Czar" Joe Cannon did in the early 1900s.

GREATER LOWELL ASSOCIATION FOR RETARDED CITIZENS CELEBRATES 20TH ANNIVERSARY

HON. PAUL W. CRONIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. CRONIN. Mr. Speaker, on November 9, 1973, the Greater Lowell Association for Retarded Citizens will celebrate their 20th anniversary of service to the Greater Lowell community embracing the towns of Groton, Pepperell, Townsend, Billerica, Tyngsboro, Tewksbury, Chelmsford, and Wilmington.

The beginnings of this organization were humble. Concerned because there was no local aid for parents of retarded children or for the retarded themselves, about a dozen parents met in Lowell to organize. With the aid of a local legislator to guide them in organizing, these people undertook the task of bringing hope, understanding, and dignity into the lives of the retarded. Today, thanks to the work of these organizers, the retarded citizens of this community can look forward to specialized training that enables them to realize their entire potential as citizens with occupations that fully utilize their capabilities.

One year after they organized, the president of the association presented a modest budget to the members—$2,910. It covered a salary for a teacher one afternoon a week, supplies, summer camp fees, a speech therapist, and a small scholarship for a promising student to take courses to help train the retarded. Slowly, over the years, help arrived in many forms. One anonymous donor contributed two shares of IBM stock which was quickly converted to cash. Religious, civic, and fraternal organizations rallied to give support in time, skills, and money. Students from local colleges and high schools volunteered time and skills both to train the retarded as well as repair and maintain the association's facilities. Labor organizations also gave talents and funds. Local businesses and industries lent trained management specialists to aid the association in solving many of its problems, both financial and administrative.

Last year, the budget was in excess of $26,500. The association now owns a school and recreational facilities; employs a full time executive director who oversees the entire operation; maintains a halfway house for retarded adults plus a staff of specialists to aid retarded citizens. It is my contention that the spirit that motivated these people to form the association and the manner in which the community supports it represents Americanism in its finest and most typical spirit.

The association has become an old and respected member of the Greater Lowell community. I congratulate them on their fine record on this their 20th anniversary, and hope that the association will continue to ably serve the citizens of this area for years to come.

WILLIE MAYS

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. FLOWERS. Mr. Speaker, when the 1973 baseball season ended in Oakland on Sunday, it also marked the conclusion of the active career of one of the game's most colorful players—Willie Mays. After 22 seasons, the "Say Hey Kid" has hung up his glove at age 42.

Willie Mays was an enthusiastic ballplayer and the spirit he aroused in his teammates is the real meaning of baseball. His retirement brings to a close an era of baseball the likes of which we will probably never see again.

Born in Westfield, Ala., on May 6, 1931, Willie was raised in nearby Fairfield in my congressional district. He was already a regular in left field for the Birmingham Black Barons in 1950 when the New York Giants acquired him at age 19.

He played one full season and a portion of another in the minors before being called up by the Giants just 19 days after his 20th birthday. The stories of the exploits and achievements of Willie Mays are many. It is interesting to note that his first hit in the majors was a homerun over the left field roof in the Polo Grounds. He went on to hit 19 more homers that first year and was named National League Rookie of the Year.

To list all of Willie Mays' career figures would take many pages. His name appears often in the record books of baseball. But these facts and figures do not tell the whole story. They cannot tell you about the type of player Willie was and the many hours of enjoyment and pleasure he gave the fans. Those of us who grew up watching and listening to the game of baseball as played by

Willie Mays can truly say we saw a great man at work.

There should be no doubt that when the mandatory 5-year wait expires the famous No. 24 of Willie Mays is a sure bet for inclusion in the Baseball Hall of Fame.

DONALD R. NEWHOUSE, RECOGNIZED NATIONAL EXPERT IN NEWSPAPER AUTOMATION, AND SPRINGFIELD, MASS., CIVIC LEADER

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. BOLAND. Mr. Speaker, my home city of Springfield, Mass., was stunned last Thursday night at the sudden death of Donald R. Newhouse, general manager of the Springfield Newspapers, and a widely respected community leader.

Mr. Newhouse was recognized throughout this country as an expert in newspaper automation, served as chairman last year of the American Newspaper Publishers Association's computerization and production management committees, and had been a consultant to newspapers making changes in mechanical departments.

Although he went to Springfield 6 years ago from Portland, Oreg., to supervise the design and construction of the new Springfield Newspapers building and plant, he soon became known for his civic involvement and leadership. As recently as 2 weeks ago, Mr. Newhouse led a group of 40 members of the Greater Springfield Chamber of Commerce to the Nation's Capital as chairman of "Operation Washington III," a biennial visit of community leaders for briefings by Federal agencies and members of the Massachusetts congressional delegation.

Mr. Newhouse was also a trustee of Springfield Hospital Medical Center, a trustee of Hampshire College and Springfield Community Technical Community College, a member of the executive committee of the Pioneer Valley United Way, chairman of the finance committee of the Metropolitan Springfield YMCA, a member of the Zoological Society board and publicity chairman of the Springfield Rotary Club. Early last week, Massachusetts Welfare Commissioner Steven A. Minter asked Mr. Newhouse to serve on the State welfare advisory board. He also served on the boards of Beth-El Temple and the Springfield Jewish Federation.

Mr. Speaker, in his eulogy at funeral services Sunday, Rabbi Jordan Ofseyer summed up the feelings of Mr. Newhouse's many friends and associates when he characterized him as—

> An accomplished man combining in one person qualities of wisdom, courage, and a gentle sense of humor.

Mr. Newhouse began his newspaper career as a copyboy on the Long Island Press in New York, where he worked for 7 years, advancing to assistant Sunday editor before enlisting in the Army Signal Corps in World War II. He received an electrical engineering degree from Massachusetts Institute of Technology in 1950 and went to the Portland Oregonian as production manager and later became business manager. He was a cousin of Samuel I. Newhouse who owns the Newhouse group of newspapers.

Mr. Speaker, Mr. Newhouse represented the very best of what a newspaperman ought to be. His passing is a great loss to the newspaper profession and our community of Metropolitan Springfield. I join with many other friends of Donald R. Newhouse in expressing profound sorrow to his beloved wife, Mrs. Leila Newhouse, and their five children.

The loss of Donald R. Newhouse to employees of the Springfield newspapers was best summed up by Linda Siteman of the Springfield Union staff and Joseph W. Mooney, editor of the Springfield Union and the Sunday Republican. I insert their signed articles at this point with my remarks, together with an editorial printed in the Springfield Daily News.

The material follows:

DONALD NEWHOUSE WAS JUST BEGINNING

Donald Newhouse came to us as a stranger six years ago, but now leaves many friends.

He came from Oregon to apply his knowledge and experience to the task of designing, erecting and equipping our newspaper plant, and to be our general manager.

To us and to himself, he promised that he would devote his full attention to the building project until it was finished. However, he found it difficult to decline any request for his time and talents in community service.

At the time of his death Thursday, the community had only started to feel the full impact of his generosity and leadership.

He was on the boards of several leading charitable institutions and was "going up the chairs" in the United Way, the Metropolitan YMCA and other organizations.

We who have benefited from his broad knowledge, good judgment and oversized capacity for work know that his community service was really only beginning.

If the community misses him, we will miss him more, and that gives us at least a dim realization of how much his family will miss him. Our community has lost a leader of great capacity, our newspapers have lost a capable and understanding manager, and our sympathy is with his wife and children who must sustain the much greater loss.

THE QUIET MAN

Donald R. Newhouse, the general manager of The Springfield Newspapers, died Thursday night during lengthy heart surgery at the age of 54.

He is gone from Springfield as quietly as he arrived.

But the mark he left in six years is equal to most men's lifetime accomplishments. It will reverberate for a long time.

He has left a legacy to his adopted city in terms of civic performance, newspaper skill and family devotion. And for a man who touched adversity when a sniper shotgunned him in his former Oregon home during a newspaper strike, he bounded back without flinching. He surmounted the physical pain and distress. He achieved success without leaning on anyone.

He had the capacity for anything. If it was a broken newspaper part, he fixed it with expertise. If it was a damaged employe's psyche, he mended it with logic and nurtured it with kindness. If it was humorous, he laughed. If it was conservative, he applauded.

He was stubborn when he felt he was right. He was tractable when he was wrong . . . and able to admit it.

He was a listener, not a talker. A doer, not a procrastinator. A giver, not a taker.

He was unassuming, yet for someone nearing the peak of community leadership his influence was catching. He made sense out of the intricate problems that stymied most. The conclusions of others were his beginnings.

He was a family man who worked devotedly to make the home he, his wife and five children lived in a happy and worthwhile place.

To those nearest him, we extend our condolences. And while theirs is the greatest emptiness, it has touched his friends and co-workers, too. His calm competence was appreciated by all.

These are the tangibles. The intangibles that made him a friend are missing.

What Don Newhouse gave his family, his profession and his community will remain. But the man was a little more unique and irreplaceable than most.

He is missed already.

BECAUSE HE CARED, WE CARED, TOO

(By Linda Siteman)

You didn't have to make an appointment to see Donald R. Newhouse. You just walked in.

Employes at The Springfield Newspapers said yesterday they hadn't lost a boss in the death of their general manager. They had lost a friend, co-worker.

Newhouse had had several brushes with death.

The first was in October, 1960, when he was shot and seriously wounded by an unknown assailant during a bitter strike of the stereotyper's union at the Portland Oregonian while he was general manager there.

While recuperating, Newhouse was scheduled to be flown to a convalescent hospital in Florida for rest. He missed the plane, which crashed en route.

And later, while standing in the entry hall to the Oregon Museum of Science and Industry, which he helped found, he was nearly struck by a massive piece of machinery when a pulley rope snapped.

He never walked anyplace. He always zoomed. But he had time for his employes.

Mechnically-inclined and always tinkering with a piece of machinery or an electronic gadget, Newhouse was often in the composing room talking with "the guys."

"He was just one of the guys to them," a secretary recalled. "He viewed his employes as people, as individuals."

If "the guys" in the composing room had problems, he knew of them. He was easy to talk to. He listened.

He knew most of his employes by their first name. And they called him by his. He didn't like to be "Mr. D."

He liked to fish, and to talk fishing with other buffs of the sport. Recently, he purchased a new boat to get in some blue fishing. He offered it to an employee who had ruined his own boat in an accident, so a planned fishing vacation wouldn't be spoiled.

And when employes brought in broken radios and tape recorders—as they often did—he took them home and repaired them.

Don Newhouse was like that. He was witty and kind, innovating and intelligent. He was himself. And he didn't care what you were, as long as you weren't trying to be someone else. He cared, and because he did, we did, too.

WHAT WE NEED IS HOUSING, NOT ANOTHER STUDY OF THE HOUSING PROBLEM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. RANGEL. Mr. Speaker, the executive director of the National Urban League, Vernon E. Jordan, Jr., penned his reaction to the administration's long-awaited housing program in his weekly syndicated column which appeared in the October 12, 1973, issue of the New York Voice.

Mr. Jordan's reaction to the President's housing message is the same as that expressed by others who have been working to meet and overcome our Nation's housing crisis: that Mr. Nixon has suggested no solutions to the crisis that he has worsened because of his ill-timed, ill-advised moratorium on Federal housing subsidy programs. All he has done, after 9 months of study, is come forth with a proposal for further study of the housing needs of the Nation's poor. What the poor need is housing, not another study. This message comes through clearly in Mr. Jordan's column entitled "Housing Crisis Deepens."

The article follows:

HOUSING CRISIS DEEPENS

(By Vernon E. Jordan, Jr.)

The Administration's long-awaited housing program has finally been unveiled and while it contains some constructive elements it falls far short of the kind of comprehensive building and subsidy package that would finally lick this country's ever-deepening housing crisis.

On the same day that it was announced, the Commerce Department reported that new housing starts fell again in August, as they have almost without a break since the start of the year. At the very least, this nation has to build two million new homes each year just to keep a bit ahead of a serious housing shortage. It is now doubtful whether as many as 1.5 million new homes will be built this year.

Part of the reason for this is the credit crunch. Interest rates have sky-rocketed, putting a damper on housing construction and pricing housing beyond the reach of most people. The Administration proposes to deal with this by extending a tax credit to lending institutions, primarily savings and loan associations, as a reward for investing in the housing market.

This may ease the credit crunch but it doesn't do anything to bring housing money into black neighborhoods or into many central city areas. The Urban League's study of Savings and Loans in Bronx County, New York, showed a persistent policy of disinvesting in areas where black and other minorities are residents. Elsewhere in the country too, there seems to be a pattern of pulling in deposits from ghetto areas and investing them elsewhere. It seems to me that along with further incentives to such institutions must go stricter regulation.

The Administration offers other suggestions aimed at increasing access to tight money by builders and developers but offers little new in the way of housing the millions who have been priced out of the market by spiraling costs, inflation and discrimination.

It seems to be leaning in the direction of a housing allowance—a rent subsidy that would allow poor people to rent houses or apartments at the market rentals with the federal government picking up the tab.

As the President recognized in his message, this is an idea that needs a lot more testing than has been done to date. So he proposes the plan for the elderly, with its expansion to low-income families later, perhaps not until 1975. This means, in effect, that housing for poor and moderate income families will be placed in limbo for at least two years and maybe more. What are people supposed to do in the meantime: live in the parks?

The problems connected with housing allowances are serious ones. Unless a housing allowance program has a strong counseling element built into it, a lot of people are going to be cheated and the government will lose millions. Previous housing subsidy programs floundered on this very point as unscrupulous people took advantage of house-hungry buyers and left the government with unpaid mortgages running into the hundred of millions of dollars.

Any housing allowance plan must also be accompanied by rigid code enforcement or face the probability of exploitation by slumlords. We've had enough experience with welfare departments paying exorbitant rentals to landlords running slumholes to know the dangers.

And without a permanent high rate of building, a housing allowance scheme may just drive the market level of rentals up, leaving everyone in a worse condition. This is not to say the allowances won't work; they very well might work and further tests may show us how to overcome these problems.

But the basic flaw in the housing message is that it does nothing to overcome the critical housing shortage facing moderate income families and doesn't even promise anything to relieve their plight beyond an "iffy" proposal that may start two years from now.

WELFARE MYTHS

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. HAWKINS. Mr. Speaker, the facts about welfare have been stated many times but some people still do not want the truth.

Others, often public officials, deliberately spread false information to cover up their own shortcomings.

The following "Dear Ann" letter states the case in a clear and unmistakable fashion. I am sure it will not stop the lies about welfare but it sure tells the facts as they are:

ANN LANDERS: SOME FACTS ABOUT WELFARE

DEAR ANN LANDERS: I am 15 years old. Dad died four years ago of cancer. There are five children in the family younger than I. My dad didn't belong to a union, he was self-employed, had no social security, and his insurance just barely covered his medical bills. Three years ago Mom had to go on welfare.

When we buy groceries with stamps some folks in the store look at us as if we are taking money out of their pockets. Sure, people on welfare cost taxpayers money, but Dad paid his taxes when he was alive and Mom can't feed us kids on what she makes working in a bakery.

I read some facts about welfare in an article put out by The Committee on Political Education. Every American should see it. You run the biggest billboard in America, Ann. Please print it.

Fact No. 1: People wind up on welfare not because they are cheats or loafers but because they are poor. They are poor not only in money, but in everything. They have had poor education, poor health care, a poor chance at decent employment and poor prospects for anything better.

Fact No. 2: Of the 15 million people on welfare, two million are aged, permanently disabled or blind. Three million are mothers.

Fact No. 3: Nobody is getting rich on welfare. At best, it allows barebone living. Maximum payment for a family of four ranges from $700 a year in Mississippi to $3,600 in New York, New Jersey, Massachusetts and Connecticut.

Fact No. 4: Cheating on welfare is not rampant, but minimal. No program involving 15 million people can be completely free of fakers. Probably less lying and cheating goes on in the Welfare Department than in the Internal Revenue Department.

Fact No. 5: Welfare mothers are not having babies just to collect extra money. Nearly 70 per cent of all children on welfare are legitimate, according to HEW.

Fact No. 6: The welfare rolls are not made up mostly of blacks. More than 48 per cent of the welfare families are white, 43 per cent black, the remaining are Orientals American Indians and other ethnic groups.

I hope this will help to reduce bigotry and clear up some misunderstanding—You Might Be Next.

DEFEAT OF THE JAVITS AMENDMENT—A BLOW FOR POOR YOUNGSTERS

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. BADILLO. Mr. Speaker, I was deeply saddened and disturbed at the defeat of the Javits hold harmless amendment to the National School Lunch and Child Nutrition Acts. The amendment was designed to assure that no State receive less than it did last year under section 11 of the act, moneys of which go solely to pay for free and reduced price lunches.

The defeat will mean a crushing blow to children in New York State, 635,000 of whom received free lunches last year. Of these meals 477,600 were served in schools designated as "specially needy," meaning that over 60 percent of their students came from poor families. These institutions have designed their programs and planned their budgets in anticipation of the badly needed increases in reimbursement rates and will have a difficult time in absorbing instead a reimbursement cut.

Mr. Speaker, I would not and did not advocate that children in any one State receive preferential treatment at the expense of youngsters in other States. This was not the purpose of the amendment, and a perusal of the Senate colloquy makes this very clear. The language was designed merely to allow States with especially high procurement costs and unusually high populations of needy children to fulfill the mandate of Congress and provide the youngsters with a balanced, nutritious meal a day.

Food procurement costs in New York City have risen 20 percent over the

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1972–73 level for this program, adding a total of $7.6 million to the school lunch budget. Labor costs rose 9 percent, accounting for another $3.2 million. Overhead expenses went up an unprecedented 10 percent, costing the city an additional $1 million. Contrary to the impression created during the debate, this is no "free" program for the city of New York. Last year it earmarked an approximate $20 million in municipal funds to assure the continuance of this effort and this year its contribution is expected to be commensurate. The $1,852 differential the amendment would have secured would not have represented a windfall—it would merely have assured that all the city had to find additional funds for was the $11.8 million in cost increases without having to absorb, in addition, a reimbursement loss.

Mr. Speaker, I feel certain that a majority of those voting against the amendment did not want to penalize poor youngsters—that they voted against the measure because of a misunderstanding of the prevailing situation. I hope that some way will be found and found soon to rectify this situation.

YEAR-ROUND DAYLIGHT SAVING TIME

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. WHITEHURST. Mr. Speaker, I am introducing into the RECORD an editorial from the Ledger-Star of Norfolk, Va., one of the outstanding newspapers in the Old Dominion. It clearly states reasons for year-round observance of daylight saving time. The energy crisis facing the country this winter is fast approaching. Steps must be taken to reduce the amount of fuels consumed, and I believe the Federal Government can take action providing the opportunity to make a zero-cost reduction by passing the daylight saving time bill, H.R. 7647. The editorial follows:

FAST TIME ALL THE TIME

Tidewater's Rep. William Whitehurst and Rep. Craig Hosmer of California, an early-rising former admiral, have taken a good opportunity to propose switching the United States' clocks and clock-watchers to year-round Daylight Savings Time, which the country now runs on from the last Sunday in April to the last Sunday in October.

As Mr. Whitehurst reminded West Virginia Congressman Harley Staggers, whose House Commerce Committee has present custody of the Whitehurst-Hosmer legislation, year-round DST was employed during World War II as an energy conservation measure. It reduced evening-hour peaks in electrical power consumption, which are even higher in winter than summer.

At this juncture, as everyone knows by now, the United States is confronted by the possibility of not having enough fuel oil to get through the winter. Already Washington has initiated distributor-level rationing and a public information campaign to reduce consumption, steps reminiscent of World War II. And the situation may get worse.

The Middle East war and the Arab oil-producers' attempts to blackmail the West add to the uncertainty. Thus, the U.S. cannot afford to overlook any practical precautionary measure. The one Reps. Whitehurst and Hosmer are suggesting is not only practical, it also would offer the country an opportunity to try out a further extension of Daylight Saving Time, which has steadily gained favor since its year-round use was dropped at the end of World War II.

The proposal is "timely" also in that quick action by Congress, as urged by Rep. Whitehurst, would permit sliding into the new system without the scheduled Oct. 28 clock-resetting exercise. This should lessen the impact even if it does not remove all the controversy.

There certainly would be some opposition, for the uniform time system in use now, though a vast improvement over the crazy-quilt of DST areas and varying DST periods once prevailing during the summer, is actually a compromise designed to split the year 50-50 between the Standard Time advocates and the DST proponents.

Many of the "slow time" defenders are farmers who labor by the sun, transact their business by the clock and value an extra hour for morning chores before the stores open. They would be loath to give up their half-year. But their number dwindles, and there are cogent arguments on the other side.

Bit by bit for a generation, rural America has been adjusting to a trend favoring the city's and the suburb's clock-punchers, who like the extra hour of sunlight at the end of the work day—for recreation, lawn ministrations, or as protection against being mugged. The urgency now to conserve fuel just might prove to be the decisive factor in placing the country, clocks, cows and all, on "fast time" all the time.

GERMAN DAY

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. COLLINS of Texas. Mr. Speaker, each year in Texas we honor our citizens of German descent by celebrating German Day. Our German population has long played a vital part in the history of our State by contributing to our heritage their outstanding cultural, educational, and scientific achievements. This year, German Day was especially dedicated to Gershon Canaan, a prominent architect and civic leader in Dallas. Gershon typifies the characteristics of hard work and dedication which have made our German-Americans valuable as leaders in our State and our country.

I would like to include an editorial from the October 13, Dallas Morning News concerning Gershon Canaan and German Day:

GERMAN DAY

Back in 1963, German Day was initiated in Texas, honoring the large part played in in building our state by the pioneers of the mid-19th century and subsequent constructive immigrants. No people other than our U.S.A. forefathers have played as important and continuing role in Texas development as the Germans who founded several towns and were great citizens in others. The start 11 years ago of signalizing a German Day was the inspiration of Gershon Canaan, Dallas architect and native of Germany. Canaan brought to this country his sense of fervid patriotism nearly a quarter century ago.

German Day will be fittingly celebrated in Texas, Dallas and notably at the State Fair Sunday, Oct. 14, by making Gershon Canaan the official honoree of the occasion. The start will be made Saturday night in the eleventh annual pre-German Day banquet but will continue on through the always interesting program on the day itself.

Although now an American citizen, Canaan represents the Federal Republic of Germany as its honorary (and active) consul here and has been awarded his native country's Distinguished Order of Merit for exceptional service. He was also awarded in 1964 our own Presidential Citation for outstanding contribution as Design Consultant to the U.S. Public Housing Administration.

German Day symbolizes honor to whom honor is due, most of all this is to the generations of Texas Germans who have done so much for us both as citizens and as soldiers in our two world wars. A similar debt of gratitude is owed in other states to a great people who have helped build America since the first German colony landed in this country 290 years ago in 1683.

Presidential, gubernatorial and mayoralty proclamations greet the day. It is fitting that every Texan join this weekend in commemorating service, achievement and superb loyalty, all exemplified by our German Americans.

BUSINESS AND PROFESSIONAL WOMEN'S CLUBS, INC., OF AMERICA, OCTOBER 23, 1973

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mrs. MINK. Mr. Speaker, when the equal rights amendment is ratified next year, it will mark the culmination of more than 30 years of struggle on its behalf by the Business and Professional Women's Clubs, Inc., of America.

Long an active organization interested in seeing women "counted as people," this week the BPW is marking another milestone of growth since its formation in 1919 with the celebration of National Business Women's Week, October 21 to 27. The form of excitement they are generating over this event is a concerted drive for ratification of the equal rights amendment. In line with this effort the BPW, no stranger nor token contributor to the struggle for equality for women, has set a goal of $250,000 for its equal rights amendment ratification fund.

Their ratification drive began last Saturday with their national federation president Ms. Jean McCarrey's press conference in Springfield, Ill. Her stop was the first to 14 States that have not yet ratified the equal rights amendment and which have State legislatures meeting in 1974. Her objective is to clarify the benefits of the equal rights amendment and to urge its passage. President McCarrey's National Business Women's Week tour will see her meeting people at press conferences, banquets, receptions, rallies, and a multitude of other activities. She will often be eating breakfast in one State, lunch in another, and sitting down to dinner in yet a third State. In air miles, President McCarrey will have crossed the country at least twice over by the end of National Business Women's Week.

The BPW's efforts will certainly form an important and valuable contribution to our struggle for "8 More in '74!" Congratulations to the National Federation of Business and Professional Women's Clubs of America as they celebrate National Business Women's Week with the struggle for equal rights.

FDA REGULATION: HOW MUCH PROTECTION CAN WE STAND?

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. CRANE. Mr. Speaker, at the present time the United States is lagging seriously behind Great Britain and other countries in the introduction of new therapeutic drugs.

In the 10 years before the 1962 drug regulations, the pharmaceutical industry produced and marketed an average of 43 new medicines each year. Between 1963 and 1970, this figure dropped to 17. In the last 5 years, the average has fallen to 13.

A recent study shows that nearly four times as many new drugs became available during the last decade in Britain as in the United States. When examined by therapeutic category, this drug lag was found to be most marked in the areas of cardiovascular, gastrointestinal, and respiratory medicine, and diuretic, and antibacterial therapy.

Writing in the September 1973 issue of Private Practice, the journal of the Congress of County Medical Societies, Allan C. Brownfeld, newspaper columnist and recently named that journal's editor, discusses the impact of FDA regulations upon the Nation's health.

Reviewing a study conducted by Prof. Sam Peltzman of UCLA, Mr. Brownfeld writes that:

> He found that the cost of delaying a beneficial innovation is approximately 10 to 100 times the value of avoiding a mistake. Peltzman estimates that delaying the drugs that conquered tuberculosis by 2 years would have meant about 45,000 additional deaths, and twice that number of additional persons with the disease.

In addition to keeping new drugs off the market, Mr. Brownfeld points out that the FDA has also been—

> Removing old remedies—such as combination cough medicines and vitamin combinations—which it now deems to be in violation of rules concerning "safety" and "efficacy".

Part of the problem, he writes, is that—

> The governmental bodies regulating drugs are almost totally devoid of practicing doctors who base their judgments on daily clinical evaluation in routine settings. The FDA has only 4,500 employees and of these there are only approximately 200 physicians, 80 pharmacologists and 100 pharmacists. What we face, more and more, is medical regulation by bureaucrats, something which is unprecedented even in countries with socialized medicine.

It is time for the Congress to assert its authority in this area, to carefully review the manner in which the Food and Drug Administration has kept new drugs from the American market, and has removed remedies long believed to be effective. Such agencies are not meant to be autonomous, but to follow carefully developed guidelines developed within the Congress. In many respects, we in this body have neglected our responsibilities in this field.

I wish to share with my colleagues the article, "FDA Regulation: How Much Protection Can We Stand?" by Allan C. Brownfeld, as it appears in the September 1973 issue of Private Practice, and insert it into the RECORD at this time.

The article follows:

FDA REGULATION: HOW MUCH PROTECTION CAN WE STAND?

(By Allan Brownfeld)

The role of the Food and Drug Administration in approving new drugs for use by Americans, and withdrawing drugs from the market when they are deemed unfit for use, has stirred increasing controversy in recent months.

There is mounting evidence that the FDA, rather than helping to improve the nation's health, has hindered the development of new drugs and kept many important new medications from the American market. Critics have argued that if penicillin were developed today, it would be ten years before Americans would have the legal right to use it. The FDA, in addition, has arbitrarily removed from the market many drugs which have been used effectively for years in treating a variety of health problems.

The FDA was created in 1906 with the protection of the public its primary aim. Since that time, the powers of the agency have been strengthened considerably. Today it is a huge bureaucracy which has the power to determine which drugs can—and which cannot—be used.

The two following examples illustrate the problem faced in making new drugs available for use.

One drug which the FDA has effectively kept from the American market is Dimethyl sulfoxide (DMSO). Originally synthesized in 1866, it remained a laboratory curiosity for more than three quarters of a century. The medical applications of this drug sprang from a collaboration in the early 1960s between chemist Robert Herschler of the Crown Zellerbach Corporation and Dr. Stanley Jacob of the University of Oregon Medical School.

Herschler had been experimenting with DMSO, until then used primarily as a liquid solvent for industrial purposes, and told Dr. Jacob that the solvent could carry other substances deep into the interiors of plants and trees. If it could penetrate plant membranes, he wondered, could DMSO have similar effects within the human body?

The two men set up an experiment on rats, scald-burning them while the animals were under anesthesia. When the anesthesia wore off, the rats treated with DMSO sat more quietly in their cages than did the others. Herschler and Jacob surmised that the DMSO might have acted as a painkiller.

Some time later, Herschler accidentally suffered burns of his hand and forehead. He phoned Jacob. "I want to be a human guinea pig for DMSO," he said. Jacob then daubed the drug on Herschler's left hand, but left the other burns untreated. Within minutes, the pain and swelling disappeared from the treated areas and remained in the untreated spots.

Working with animals, the two men demonstrated that DMSO could pass through tissues, taking other substances along; that it would reduce inflammation; that it could clock nerve conduction (which would explain DMSO's effect as a painkiller). Later on, Dr. Jacob and Dr. Edward Rosenberg, associate clinical professor of medicine at the Oregon Medical School, had almost 100 per cent success in their use of DMSO on 20 patients with bursitis. Other research turned up encouraging progress in treating the common cold. Rubbing DMSO on the skin of the nose, for example, relieved congestion and drainage problems for several hours. Using DMSO for sinusitis removed pain and symptoms for several days.

During the summer of 1965 a major German drug manufacturer sponsored the first international symposium on DMSO and 140 German and Austrian physicians attended, as did Dr. Jacob and Dr. Rosenberg. The exchange resulted in the sanctioned use of DMSO as a prescription drug in Germany and Austria as of September 1, 1965.

Despite its overwhelming success, DMSO was banned in the United States by the FDA. The ostensible reason: "Certain species of animals treated with DMSO had developed changes in the lens of the eye." Discussing the FDA action, Senator Mark Hatfield (R-Oregon) declared that, "There was no proof that DMSO had any deleterious effect on the eyes of a single human being. The FDA action was premature . . . Dr. James Goddard, then chief administrator of FDA, is a very aggressive, very dogmatic man, and he was determined to rule in all areas of medical drugs. The tragedy of thalidomide . . . was fresh in everyone's minds, and the FDA was anxious not to let anything like that happen again. So they got over-cautious without being at all scientific. It was a political reaction."

DMSO is now used safely and effectively throughout the world—but not in the United States, where it was developed.

Another drug therapy kept from the American market is the "U" series developed by Dr. Henry Turkel which, experts state, can effectively remove accumulations in such diverse genetic disorders as Down's syndrome, arteriosclerosis, the adult form of diabetes, ataxia telangiectasia, certain forms of arthritis produced by accumulations, various allergies, angioneurotic edema, and those forms of leukemia in which the patient has the Philadelphia chromosome.

Primarily used in therapy for mongoloid children, the "U" series is now effectively being used in England, Israel, West Germany, Switzerland, and many other countries—but not in the U.S. where it was developed, except for the city of Detroit. Before the 1962 amendments to the Food and Drug Act, more than 40 doctors in the United States were improving the health and outlook of mongoloid children by using the "U" series to remove the internal pollutants responsible for the artificial starvation and consequent retardation on the mongoloid child. Today, interstate shipment of the drugs in the "U" series have been made illegal.

Part of the problem are bureaucratic regulations demanding proof of the "safety" and "efficacy" not only of the drug, but of every ingredient in it. Dr. Turkel declares that, "Very few substances can be guaranteed to be safe for all human beings, because of our individual idiosyncrasies and allergies. Very few medicines can be guaranteed to be effective for all patients, for the same reasons. Congress opened a Pandora's box when it permitted bureaucrats to determine 'safety' and 'efficacy' of substances for purposes of interstate shipment. Congress added to the possibility of abuses by not demanding guidelines for new drug applications—so that the FDA could always respond with the words 'incomplete' or 'incorrect' regardless of the data on the application, without supplying any further information about the data required. This . . . can make it possible for those officials to approve or disapprove any application almost at their whim."

In his book *New Hope For Mentally Retarded—Stymied By The FDA* (Vantage Press, 1972, Dr. Turkel writes that, "Until the 1962 law, when making proof of safety and efficacy a necessary preliminary was passed, the FDA intimidated companies whose drug they did

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not wish to approve by rejecting the labeling. In the case of the 'U' series, the medications must be taken as a series and not as individual drugs. Just as a pile of bricks, a stack of lumber, and some window glass do not make a suitable habitation, but first must be put together with mortar, nails, and other material to make a house, the individual ingredients of the series do not make a suitable medication for the removal of excessive metabolites. I stated that it was impossible to write labeling for the individual ingredients—that the labeling would have to be for the entire series."

Dr. Jean Lockhart of the FDA told Dr. Turkel that, "It is our opinion that it may be impossible to write suitable labeling for efficacy of this product; in view of the cytogenetic basis of Mongolism we recommend that you abandon work on this application." This "recommendation" was more strongly worded by the Commissioner of Food and Drugs in a letter dated November 26, 1963: "Discontinue administering it to human beings. You may submit additional information when available . . ." This, noted Dr. Turkel, "is a neat trick: stop investigating the action of the drug and submit more information regarding the action of the drug when available. This agency decides who shall be treated and who shall not; who shall live and who shall die. This agency is symbolic of power abused, power given because of an accident of judgment by politicians."

Opposition to the FDA is becoming increasingly vocal. Economist Milton Friedman recently urged repeal of the 1962 amendments to the Food, Drug and Cosmetic Act because the "unduly stringent" requirements were delaying the approval of new drugs.

Testifying before the FDA's National Advisory Drug Committee, Dr. Robert D. Dripps, vice-president for health affairs of the University of Pennsylvania, declared that, "Our present system has shortcomings in concept and application that may be adversely affecting pharmaceutical progress, medical practice, and the health of our people."

Dr. Dripps cited these "concerns": (1) "Extraordinary lengthening of time for the development and approval of new drugs in this country; (2) . . . continued discontent with the U.S. system of drug regulation among various sectors of our society . . .; (3) . . . increasing bureaucratic involvement in the research process itself . . .; (4) . . . unnecessary delay in the introduction of useful agents . . .; (5) . . . potentially useful compounds are being prematurely discarded because of extreme caution in the interpretation of animal toxicity data that science may some day learn are inapplicable to man."

In a recent economic study to determine whether a drug was "good" or "bad," Sam Peltzman of U.C.L.A. used the decisions doctors make in the marketplace as his basic criterion. If over a long period of time they continue to prescribe a medicine, if it withstands the "ultimate test" of time, then Peltzman categorized it as "good." He stated that, "I wouldn't feel disturbed if a doctor relies on that information which he thinks is most reliable."

The basic question addressed by Peltzman was whether the public had benefited by the 1962 amendments to the drug law. For the most part these amendments required manufacturers to provide substantial pre-marketing evidence of efficacy, in addition to the pre-marketing evidence of safety required by the existing law. The amendments also tightened the requirements for safety and empowered the FDA to act against false and misleading promotion of drugs to physicians.

Peltzman concluded that the amendments have done far more harm than good and that the public would be well served by their repeal. Milton Friedman, citing the Peltzman data, went even further. To comply with the amendments, "FDA officials must condemn innocent people to death. Indeed, further studies may well justify the even more shocking conclusion that the FDA itself should be abolished."

Citing the Peltzman data, Dr. Friedman noted that, "The stiffer standards had a spectacular effect on the rate of innovation. In the 12 years prior to 1962, 41.5 'new chemical entities'—that is, really new drugs—were introduced on the average each year; in the next eight years. 16.1. And their introduction was delayed by two years on the average."

Friedman expressed the view that, "Peltzman used highly imaginative techniques to assign dollar values to the benefit from suppressing harmful drugs or postponing the introduction of useful new drugs . . . To make sure that his results would hold up, he leaned over backward, overstating benefits from the stricter standards, and understating costs. And of course, he recognized full well that dollar estimates are a pale reflection of the human benefit and harm in terms of lives saved and lost. But that seems the only feasible way to get a numerical measure that combines the value of comfort gained by relief of a minor distress, days gained by avoiding or shortening illness and lives gained by curing a hitherto deadly disease."

According to Peltzman's estimates, the 1962 drug amendments cost consumers of drugs over and above any benefits—$200 to $500 million per year at a very minimum. This is 5 to 10 per cent of the money spent annually on drugs. It is as if a 5 to 10 per-cent tax were levied in drug sales and the money so raised was spent, writes Friedman, "on invisible monuments to the late Senator Kefauver."

To discover the effects of regulation on the more dramatic mistakes and discoveries, Peltzman examined the costs to society of a thalidomide type mistake, the benefits to society from a penicillin type success, the frequency of such occurrences prior to 1962, and the areas, notable heart disease and cancer, where major discoveries are needed for the future.

Making the assumption that no discoveries would permanently be kept from the market by the post-1962 procedures, and that their only effect would be to delay an innovation by two years, he found that the cost of delaying a beneficial innovation is approximately 10 to 100 times the value of avoiding a thalidomide mistake. Peltzman estimates that delaying the drugs that conquered tuberculosis by two years would have meant about 45,000 additional deaths, and twice that number of additional persons with the disease.

The FDA has been exercising its authority not only in preventing new drugs from reaching the market, but in removing old remedies—such as combination cough medicines and vitamin combinations—which it now deems to be in violation of rules concerning "safety" and "efficacy."

Commenting upon the FDA's regulations concerning vitamins and food supplements, syndicated columnist Nicholas von Hoffman noted that, "The FDA, an outfit that has as poor a record as any regulatory agency around, has at length succeeded in scoring one triumph. It has brought about a marriage between Rep. Bella Abzug . . . and Craig Hosmer, the right wing Republican . . . Rep. Abzug has joined with about 150 other members of the House in sponsoring a bill authored by Hosmer which would prevent the FDA from putting into force a series of regulations making vitamins and food supplements less convenient and more and more expensive to buy."

Discussing the FDA's lack of responsiveness to the very real criticisms leveled against it, Von Hoffman declared that, "The FDA has mounted a campaign that suggests that any one who opposes it, the medical cartels and the drug companies, are kooks, faddists and secret sympathizers with the John Birch Society. People once thought much the same of Pasteur, for it has been the peculiar tradition of medicine in the last 200 or 300 years to prefer exorcism and excommunication of new hypotheses to the scientific testing of them. The non-MDs, and even some of the doctors of this era will not be intimidated by old dogmas and old dogmatists, even if they are enforced by the power of the state. People want more and better than the FDA can give them. . . ."

Members of Congress are showing renewed interest in the role being played by the FDA. Rep. Jerry Pettis (R-Cal.), a member of the House Ways and Means Committee, said that "a convergence of dissatisfaction with food, drug, biological product and other regulatory programs" indicates that changes in the law are needed.

Discussing the action of February 9, 1973 in which the FDA, through the Federal Register, declared its intention to remove 23 cough mixtures from the market, Rep. Philip M. Crane (R-Illinois) noted that, "This action is only part of a continuing effort by the FDA to eliminate the use of standard-dose combinations. The decisions made in this field are the result of bureaucratic determinations from within the FDA and its advisory panels . . . It is essential that we carefully review the extensive and often arbitrary authority which has been given to the Food and Drug Administration."

The fact is that the governmental bodies regulating drugs are almost totally devoid of practicing doctors who base their judgments on daily clinical evaluation in routine settings. The FDA has only 4,500 employees and of these there are only approximately 200 physicians, 80 pharmacologists and 100 pharmacists. What we face, more and more, is medical regulation by bureaucrats, something which is unprecedented even in countries with socialized medical systems.

In a letter to the House Commerce Subcommittee on Health, some of the nation's leading scientists and physician-researchers declared that the FDA has been too strict and arbitrary in its use of power. They noted that, "We believe a change in the drug regulatory system is badly needed. The system too often stifles creativity and escalates costs of research; perpetuates a continuing decline in the number of new drugs entering the market in this country; and may be depriving the practicing physician of agents beneficial to patient care."

Efforts to challenge this arbitrary power through the Courts have not been successful. In June, 1973, the FDA won a major victory in the Supreme Court which frees it to proceed with a four-year timetable for removing what it calls "ineffective prescription medicines" from the marketplace.

Agency counsel Peter Hutt believes that the Court's 7-0 decisions in three related cases have implications reaching far beyond prescription drugs. By incorporating a rare advisory opinion on the estimated 100,000 to 500,000 over-the-counter medications, the rulings validated the agency's efforts to halt the marketing of such drugs if they are "ineffective, unsafe, and misbranded."

In addition, said Hutt, the court has implicitly removed doubts about the legality of FDA's industry-wide approaches to regulation of food, food additives, and medical diagnostic products.

Common questions run through all of the FDA's regulatory efforts in each field: is the agency limited to merely acting on marketing and other proposals submitted by regu- industry generally contends? Or can the FDA lated companies and to suing violators, as make rules that deal comprehensively with each basic regulatory issue?

In the June rulings, the Court dealt with industry challenges to the FDA's across-the-board approach to the 1962 amendments requiring manufacturers to provide, within two years, substantial evidence of efficacy for thousands of prescription drug products marketed in the previous twenty five years. Justice William O. Douglas said that case-by-case regulation may be "the way best to serve the public's needs" but said the public's needs are "opposed and paramount." Consequently, "the comprehensive rather than the individual treatment may indeed be necessary for the quick effective relief" from medicines sold with unsubstantiated claims, Douglas said.

If forbidden to proceed on a comprehensive basis against "ineffective" prescription drugs it wanted to bar from sale, the FDA would have to hold possibly 3,500 separate hearings, "each one lasting probably for weeks," Douglas said.

The Supreme Court has, in effect, said that drugs may be removed from the market without a hearing. This is consistent with the FDA's view of its own authority. Counsel Peter Hutt stated, at the Food and Drug Law Institute Conference in December, 1972, that, "Except where expressly prohibited, I believe FDA is obligated to develop whatever innovative and creative regulatory programs are responsible and most appropriate to achieve fundamental objectives laid down by Congress. I am not at all certain that FDA has yet begun to explore the full reaches of existing statutory authority."

Mr. Hutt's former law partner, Mr. H. Thomas Austern of Covington and Burling law firm in Washington, D.C. describes this interpretation of agency authority in his reply to Mr. Hutt: "It is no distortion of his (Mr. Hutt's) basic approach to read it as meaning: Everything we want to do that is not specifically prohibited can be made mandatory, if we think it is in the public interest."

Commenting upon this formulation of the FDA role, the National Ethical Pharmaceutical Association declared that, "If every attorney of every government agency took a similar position, there would be very little need for a Congress to enact laws. Mr. Hutt further believes that the FDC Act may be regarded as a constitution granted to FDA by the Congress. This General Counsel of FDA incredibly states further that judgment and discretion play an even more important role in the administration of the Act than does the statutory language itself: This not only violates legal principles, but also ignores the actions and intent of Congress."

Unfortunately, the FDA is much like other administrative agencies in that it has become, more and more, a law unto itself, outside of the effective control of the Congress. Rather than having laws passed by the men and women they elect to Congress, and who must return to them at stated intervals for their approval or disapproval, Americans are now subjected to a maze of rules and regulations and policy decisions which are made by non-elected government administrators—"bureaucrats."

Our government was created as one of strict checks and balances. In *The Federalist Papers*, James Madison states plainly: "In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself." Today, many of these controls are gone.

The first thing that is needed with regard to the Food and Drug Administration is the reassertion of Congressional authority over what that organization is, in fact, doing. In addition, Congress needs to state quite clearly what it means by such broad terms as "safety" and "efficacy." To permit non-doctors in the Congress and non-doctors in the bureaucracy to determine which drugs can be used and which cannot is a dangerous manner through which to "control" the drug market.

Dr. Warren D. Smerud of Concordia College has made a suggestion which merits consideration. He writes that, "One alternative which may be worth considering would be to allow the FDA to require labeling of all medications which FDA 'experts' are not convinced are effective with a label simply notifying the physician that the medication although recognized as 'safe' is not recognized as efficacious, or some equivalent in acceptable bureaucratese. Possibly some physicians would take such a notice as a quasi-divine verdict; others, one suspects, would be capable of an independent appraisal."

Beyond this, in a free society should not men and women have a right to take drugs which all admit are "safe" but which some doubt are "efficacious?" Does freedom stop at the door to the doctor's office, or should it go beyond?

Hopefully, these questions and others concerning the FDA will be asked—and answered. The current dilemma can be permitted to continue only at great risk to the health of the American people and to their freedom. Though few seem aware of it, the two—health and freedom—may have a relationship that also is worthy of consideration.

AMBASSADORS OF GOOD WILL

HON. WILLIAM S. COHEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. COHEN. Mr. Speaker, today we welcome Washington's own Arena Stage Theater Company back from a tour in the Soviet Union. These ambassadors of good will truly represent the most sincere efforts to bring the peoples of the Soviet Union and the United States together.

Their expression of détente was not political nor economic, but a détente of the spirit. Through their portrayal of "Our Town" and "Inherit the Wind," they reached out and lessened the gap of understanding in a way that politicians and tourists cannot do.

As a strong supporter of the recently authorized extension of the National Foundation for the Arts and the Humanities, I believe the fine arts are the medium through which all can find understanding.

As I said in a statement I made at the time the foundation was extended, the song of a bird may have no monetary value, no cost-benefit ratio, and perhaps no moral purpose, but its influence is nonetheless humanizing. In this sense, the same must be said for the arts and the humanities, for they reach the highest form of expression, of history and prophecy. And I would respectfully suggest that we do not measure the success of a society or a civilization in terms of its gross national product, but in the quality and the character of the men and women it produces.

The arts and humanities give us inspiration and the impetus to reach for the ideal. And, given the times in which we live, there can be no greater need. As a recipient of support from the foundation, the Arena Stage Theater Company has certainly manifested Congress legislative intent. I applaud its success.

DÉTENTE DELUSION DEBUNKED

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. DRINAN. Mr. Speaker, a very perceptive editorial entitled "Détente Delusion Debunked" by Joseph G. Weisberg, the distinguished editor of the Jewish Advocate, an extraordinarily fine weekly published in greater Boston and read throughout the Nation.

Mr. Weisberg makes the point that it has been Russia which has planned and precipitated the war in the Middle East. He notes that Russia has had designs on the Middle East since Czarist days and that an Arab victory would serve Russian purposes.

I commend this very thoughtful and persuasive editorial to my colleagues:

Détente Delusion Debunked

(By Joseph G. Weisberg)

It is ironic that the announcement Tuesday of the Nobel Peace Prize to Dr. Henry A. Kissinger should have come on the morning after the pledge by Russia to "assist in every way" the Arab war on Israel. The cynical Soviet decision not only dashed hopes for an immediate joint superpower move to halt the hostility in the Middle East, but threw cold water on the Nixon Administration's passionate pursuit of detente.

Yet Moscow's determination should come as no surprise, for, if the truth be recognized, there has been no Russo-American detente, only the delusion of one. A look at the record of the past year will show that the United States is held by the Soviet Union as a teabag to be dipped to satisfy its thirsts. The craving for grain and favored nation status may have induced the USSR to speak softly, but it still speaks out of both sides of the mouth.

If détente were in Moscow's mind, it would not have been laid low by the pledge to give all-out support to the Arab cause in naked defiance of Secretary of State Kissinger's warning that "détente cannot survive irresponsibility in any area, including the Middle East."

The Soviet Union is pragmatic. It is also mendacious and treacherous, as past actions prove. It broke through on MIRV weapons despite the SALT talks. It went back on its promise not to move up or install new missile sites on the Egyptian side of the Suez Canal exacted as a condition precedent to the 1970 Ceasefire. Now it has reneged on its recent agreement with the United States not to exacerbate the situation in the Mideast.

Russia has a number of designs in the Middle East: a desire since Czarist days for a warm port, a short trade route to the Far East, control of oil supply as control over the West, availability of Arab billions for her own economic development, and the spread of communism, among other objectives.

Most of these goals conflict with U.S. interests and those of its allies. While, there-

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fore, it will serve Russian ends to have an Arab victory, such victory would be a defeat not only for Israel, but for the U.S.

This war and that of 1967 would not have occurred had not Russia seized upon Arab hostility against Israel to entrench herself in Arab lands through the supply and resupply of billions of dollars worth of sophisticated weapons. It can be assumed that Russian adventurism in the Middle East will stop short of actual physical participation in combat because of the risk of military confrontation with the United States. It is obvious, however, that the Soviet Union is prepared to fight to the death of every Arab and Jew to gain dominion over that part of the world. Let's face it, this is more Russia's war than it is Arabdom's.

In a display of hypocrisy that exceeds even the hyperbole of "chutzpah," Russia has branded Israel in the United Nations as an "international gangster" and an "aggressor nation" and demands that she draw back to her vulnerable 1948 borders, conveniently overlooking her own enlarged frontiers drawn over land formerly Finnish, Latvian, Estonian, Lithuanian and Polish.

Russian involvement in the Mideast conflict was assailed by Israeli Premier Golda Meir in a heart-rendering state of the war message to the Knesset this week deploring the toll of casualties. She was also scathing in her attacks on Britain and France. Britain, she said, has put an "embargo on the shipment of arms to Israel at a time when we are fighting for our very life" and the shooting down of Mirage jets by Israeli forces proves that "Israel's repeated protests against French sales of these fighters to Libya has been justified."

In contrast, she paid tribute to the United States saying, "Its people and its government are dear to us."

Mrs. Meir concluded: "I am certain that when we have succeeded in bringing our enemies to the verge of collapse representatives of various states will not be long in volunteering to try to save our atackers by means of a ceasefire and then there will be considerable activity at the Security Council of the United Nations. At any rate, now as in previous wars, the ceasefire depends first and foremost on the strength of the Israeli armed forces."

Israel has made it plain that she seeks not troops from America. What she needs is planes, tanks and armaments to replace her heavy losses and electronic equipment to counter missile strikes.

In helping this doughty little nation America helps herself.

THE WORLD LOSES ITS GREATEST CELLIST

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. BADILLO. Mr. Speaker, in the death of Pablo Casals the world has not only lost one of its greatest musical geniuses but also a great humanist and a staunch defender of democratic institutions. Also, the people of Puerto Rico have lost one of their most distinguished and beloved adopted sons.

A man of deep compassion and feeling for his fellow man, Casals was a forceful and effective spokesman for the cause of peace and opposition to tyranny, whether of the right or left. Both his personal and professional lives were dedicated to the cause of peace and better understanding among the peoples of the world. Pablo Casals held deep convictions and, at times, spurned awards and honors which might compromise his personal beliefs—a quality which we have seen sorely lacking in recent months.

This great musician, composer, conductor, and world citizen chose to spend his latter years in Puerto Rico and during the remainder of his life he made many significant contributions to the quality of life on the island—foremost of which is the annual Casals Festival which attracts musicians and audiences from all parts of the world. It is most appropriate that his last composition—A Hymn to Peace—was commissioned by the United Nations as this so accurately reflected his thoughts and background.

The esteem and respect in which Pablo Casals was held by all peoples was aptly noted by the late philosopher Thomas Mann when he declared that Casals "is one of those artists who come to the rescue of humanity's honor." Pablo Casals was certainly an outstanding musician because he was personally a great man. I deeply lament his passing—both for myself and for future generations in this land and others.

THE NATION CAN SURVIVE MR. NIXON'S IMPEACHMENT; BUT CAN DEMOCRACY SURVIVE MR. NIXON?

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. ROSENTHAL. Mr. Speaker, I have today filed a resolution of impeachment against President Richard M. Nixon.

Although impeachment is an extraordinary remedy to invoke against a sitting President, Mr. Nixon has made it clear that he will not answer to any other process. He has proclaimed himself above the law—above the courts, the Congress, and the Constitution.

When the President fired Special Watergate Prosecutor Archibald Cox, he did much much more than dismiss a "disobedient" subordinate employee, as Mr. Nixon's apologists would have us believe. Mr. Cox's appointment was a response, in the first instance, to a widely held belief throughout the country that the executive branch had been tarnished by extreme corruption and that only a special and independent prosecutor could ferret out this corruption and restore the Nation's faith in its Government in Washington.

Archibald Cox stood for the rule of law and the preeminence if constitutional government in a democratic America. His appointment by former Attorney General Elliot Richardson with the concurrence of Mr. Nixon, was a sacred contract entered into by the President with the Congress and the American people. Mr. Nixon has now deliberately breached that contract; he has gone back on his word; he has violated his oath of office.

Mr. Speaker, there are a number of tragic ironies surrounding this terrible crisis:

It is ironic that the man who promised the Nation "law and order" has wrought only disobedience to the law and disrespect for the Government;

It is ironic that the man who said that the Watergate affair belonged in the courts and not in the public arena, flaunted the unmistakable order of the U.S. courts until impeachment pressure from Congress forced an apparent reversal of that decision.

Mr. Speaker, I view my action today in filing this impeachment resolution as an affirmation of my faith in America and my trust in the American people. This great Republic can survive the impeachment of its President; but it cannot I fear survive 3 more years of doubt, cover-up, and Presidential disrespect for the law.

THE AGNEW DISGRACE

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. MOSS. Mr. Speaker, much has been written by journalists about the varied performances of former Vice President Spiro Agnew, but none has described his machinations more tellingly than Charles McCabe, in his popular column, the Fearless Spectator, appearing in the San Francisco Chronicle on October 17, 1973. The column follows:

THE AGNEW DISGRACE

Among the ceremonial duties delegated by Mr. Nixon to his Vice President, Mr. Spiro T. Agnew, was the presidential neurosis about the press. When Mr. Agnew took after us here "effete snobs" of the media, he was as surely Charlie McCarthy as Mr. Nixon was Edgar Bergen.

That was before the summer of '73, when Mr. Nixon got in deep trouble, and Mr. Agnew allowed, a little less privately than proved to be useful, that he could don the purple without so much as an altered hem. That, too, was before Agnew got dumped and confessed to a felony, and before his 19-minute free TV whine of Monday.

That the political air is corrupt these days we do not have to be told. If your breakfast has fully settled, let us consider the way Mr. Agnew used the press, and by extension everyone who was affected by what the press disclosed, in his shameless public plea bargaining to save his skin from going behind prison bars.

In his first plea bargaining sessions, which were admittedly set in motion by Mr. Nixon, a sentence in the slammer was apparently a condition insisted upon by Assistant Attorney General Henry E. Peterson, representing Justice. Mr. Agnew apparently figured he could do better than this; but not in the office of Mr. Peterson.

After these bargaining sessions, late in September, Mr. Agnew entered upon as conscienceless a program of hype as has been seen in many a day. He yelled some more about his "purgatory," knowing he was guilty as Cain. He put the heat on the White House. "I will not resign if indicted! I will not resign if indicted!" He waltzed into the House demanding an impeachment hearing.

He began leaking portentous quotes to the weeklies. "I have been completely destroyed, in my judgment. My political future

is zero . . . I am fighting for my integrity and my reputation. That is more important now than any political office." Those words were spoken when Mr. Agnew knew he was guilty as Cain.

He attacked Henry E. Peterson directly if not by name as one of those who were ineffectual in getting to the bottom of the Watergate scandal and "are trying to recoup their reputations at my expense. I am a big trophy."

The big trophy, in a super grandstand play, had his lawyers sue a group of newsmen to reveal their sources, especially of a quote attributed to Mr. Peterson: "We've got the evidence. We've got it cold." When he made his play Mr. Agnew knew this statement to be the bald truth, whether Mr. Peterson said it or not.

All these deviousities, all those brave grand speeches to adoring groups of Republican women, can now be seen as the efforts of a not-very-smart crook to keep out of jail at any cost.

The tactic worked, as we know. Mr. Nixon's top political and personal priority had become the dumping of his Vice President. The President would have paid anything to achieve this. He just about did. Mr. Agnew may see the inside of a slammer yet; but it will not be the doing of Mr. Nixon.

The whole scheme is a mighty depressing story. Brother Agnew went out with a whimper. Not, however, without making a lot of bang bang noises. I, for one, feel ever so slightly had by the whole performance.

Try as one might, you can't blame the press or the telly in this instance. If the Vice President of the Republic decides to lie himself blue in the face about his probity, what the hell can the press or anybody else do? Public lying of this stripe is a serious crime, but it's not on the books as such.

I'm far from suggesting that Democrats or Tories or Prohibitionists do not lie. They most certainly do, since mendacity is the high road to public office. But few have used the public with such cynical brutality as this desperate man. As the man said in the North Beach bar, "There's no way you can libel that guy."

JOE CREASON

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. CARTER. Mr. Speaker, just recently I read this poignant story from the pen of Joe Creason in the Louisville Courier-Journal. I submit it for persual of the Members.

The story follows:

JOE CREASON

How does one go about separating fact from fiction—or, perhaps better put, should one even attempt to separate fact from fiction—in what undoubtedly is a real, All-American folk tale?

Today being Veterans Day, let me pass on a simple little tale that comes encased in the barest framework of fact and you judge if the absence of exact names, dates and places are important.

The tale comes to me from a Louisville friend, Herbert F. Hillenmeyer, and was told to him many years ago by his mother. When you read it, I think you'll understand why, after all the years, he never sees a yellow butterfly without thinking of the story.

The time is prior to World War I; the place a Midwest farm; the main character is a laughing, blond-headed little boy. As she watches him playing in the summer meadows, his doting mother always notices a cluster of yellow butterflys dancing almost like a vapor above his head. They move with him wherever he goes, accentuating his sunny disposition.

The boy grows up, is drafted into WW I service and is sent to France. Eventually his mother receives the dreaded telegram—missing in action. He is never found.

Comes the day for the burial of the Unknown Soldier in the heroes grave at Arlington National Cemetery. The boy's mother is present for the ceremony. Sorrowfully, she wonders if the soldier being honored could possibly be her missing son. Against all odds, could it possibly be he?

Then suddenly she has her answer. For over the head of the casket, dancing like a vapor as it is borne toward the tomb, is a cluster of yellow butterflies.

VETERANS' AFFAIRS CHAIRMAN DORN ADDRESSES AMERICAN LEGION EXECUTIVE COMMITTEE MEETING

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. TEAGUE of Texas. Mr. Speaker, the distinguished chairman of the House Veterans' Affairs Committee recently addressed the National Executive Committee of the American Legion in Indianapolis, Ind. Chairman DORN spoke about a number of important veterans' issues which are the subject of very serious consideration by the Veterans' Affairs Committee of the Congress.

For the benefit of my colleagues, I include the text of the press release covering Chairman DORN's remarks:

PRESS RELEASE

In his report to the Legion's National Executive Committee, Dorn said that the Congress is presently engaged in processing two important pieces of veterans benefit legislation that, when enacted, will improve benefits for several million veterans. Chairman Dorn said that following lengthy hearings the Subcommittee on Education of the Veterans Affairs Committee has reported a bill which would grant a 13.6% increase in education and training allowances. Under this formula, the rate for a single veteran would go from $220 to $250 per month for the full time trainee with the same percentage increase across the board for all other classes of trainees and types of training. In addition, Chairman Dorn said that the Education Subcommittee had recommended an extension of two years for the period in which the veteran may take training. Under existing law, a veteran must complete all his training within a period of eight years. The Veterans Affairs Subcommittee has recommended an additional two years.

Dorn said that the Subcommittee had also recommended that the vocational rehabilitation program for disabled Vietnam veterans be made identical to the World War II program which was more liberal. The additional first year benefit cost of the legislation recommended by the Subcommittee was estimated at $555 million. Chairman Dorn said that he expected the full Committee to act quickly and that he is striving to gain passage of the bill by the House as soon as possible and hopes that the bill can become law before the Congress adjourns.

Chairman Dorn briefed the Legion Executive Committee on the status of nonservice connected pension legislation and told the body that a bill raising pension rates for about two million veterans and widows is in the final stages of consideration and that the bill had passed both the House and Senate, and that the Committees were in the process now of working out the differences between the two bills. Chairman Dorn predicted that agreement will be achieved soon and expressed the hope that this bill could be signed by the President in time for the veterans and widows to receive a raise in their pension checks at least by January 1 of next year. Chairman Dorn said that the pension bill would provide about $246 million in additional pension benefits for veterans and widows.

Chairman Dorn referred also to a bill which the House of Representatives passed in May of this year that is aimed at making more attractive service in the Reserve and National Guard. This bill, which is presently pending in the Senate, would provide 365 day insurance coverage under the Servicemens Group Life Insurance Program for members of the Reserve and National Guard in amounts up to $15,000. At the present time, these individuals are covered only while they are actually engaged in training or on active duty. The bill contains a provision which would permit the reservist who has completed at least twenty years service to retain his insurance coverage after separation until he reaches age 60 and becomes eligible for retirement. Dorn said that this is one of several provisions supported by the Department of Defense and the Congress aimed at making Reserve and National Guard service more attractive. The Senate has not yet acted on this bill, but Chairman Dorn said that he expected them to do so in the near future.

Chairman Dorn lauded the American Legion for its cooperation with the Congress and commended the practical approach and restraint of the organization. Chairman Dorn said, "Legislation practically conceived and executed with consideration for the other citizens of the nation who pay the tax bill is the correct way to benefit veterans. Under these guidelines we have been able to produce a very good legislative program for veterans and their dependents this year. Upon completion of the education bill and the pension bill, which are presently being considered, Congress will have achieved for veterans additional benefits exceeding $800 million."

"Execution of a program such as this is not easy," said Congressman Dorn, "particularly when we must give careful consideration to the level of Government expenditures. Success of this kind is dependent on a cooperative approach between the veteran organizations, the Congress and the Administration."

REMARKS BY ADM. E. R. ZUMWALT, JR.

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. HAMMERSCHMIDT. Mr. Speaker, in view of recent weeks of debate and scrutiny over authorizations and appropriations for our national defense needs, I would like to share with my colleagues some timely remarks made by Adm. E. R. Zumwalt, Jr., Chief of Naval Operations.

Admiral Zumwalt, on October 11, addressed the National Newspaper Association's 88th Convention in Hot Springs, Ark. Since he delivered this speech in my congressional district, I am inserting it in the RECORD. In my judgment, his discussion of military responsibility and the need for a more rational debate of issues merits attention and serious consideration.

REMARKS BY ADM. E. R. ZUMWALT, JR.

I am delighted to have this opportunity to be with you and to talk briefly about the Navy, but equally important to me, to express a few of my thoughts on the matter of communicating with people from the perspective of my office and some of the experiences I have had in this area over the years.

It would be presumptuous and naive of me to attempt to lecture this group on the subject of how to, or for that matter, how *not* to communicate with people. You have forgotten more about the technical nature of this subject than I, as a military officer, will ever begin to know. I do believe, however, that I might possibly contribute something to this evening's discussion by passing along a few observations from the perspective of an observer and often a participant in the daily, and often confusing, debate on national military priorities.

Before setting sail into those troubled waters, however, let me first touch lightly upon what it is that we in the Navy have been up to in the past few years in order to set some frame of reference and perhaps explain how I found myself the subject of and a participant in that debate on military priorities.

As I am sure all of you know, the question of our military and, in turn, our naval budget has been the subject of considerable discussion of late. The fundamental question seems to break down to the simple matter of whether or not we are spending too much for defense.

As I enter the final nine months of my tour as Chief of Naval Operations, and look back at what has transpired in the preceding three and a quarter years. I am more than ever convinced that my original assessment of where we were in 1970—and what lay ahead for the Navy—was correct. In my approach to the job, I attempted to identify the major problem areas that I felt were the most pressing and most influential on our future Navy.

It seemed to me then, as we wound down the war in Vietnam, that our people were beginning to go through the same type of psychological rejection of things military as we have seen after every war. A major difference, however, was that disenchantment with Vietnam formed only a fraction of the sociological forces involved. The American people also are more than ever determined to influence the direction of their own lives; more quick to question those established institutions that those of us of the older generation took for granted, and more eager to turn to social ills of the community.

Technological advances in modern communications helped provide the instant translation of these ideas and attitudes as never before, and from these came new factors that had to be considered in leading our military services:

We would soon see an end to the draft and an all-volunteer armed forces.

There was, and would continue to be, severe questioning of military service as a suitable career for our young men and women.

The nation's desire to turn swords into plowshares needed to be recognized as a sincere desire to do what is right, but at the same time should be considered in the light of an undeniable need for maintaining creditable military forces for our nation's defense.

We have now reached that era of an all-volunteer Navy, and while we have gone through some growing pains in gearing up our recruiting effort to meet the challenge, I am pleased to report that we are making good progress in obtaining both the numbers and quality of personnel that we believe are necessary to keep the Navy a viable force. We still have a difficult and demanding job to do in this area, and we are going to need your help in getting across the very important message that a career in our nation's armed services still is an honorable one. That it offers our young people as fine an opportunity for career satisfaction as any other profession you might name.

We have also made considerable progress in retaining those people who were already on active duty in the Navy. Our reenlistment rates for first-tour sailors have increased each year for the past three years, from about 10% in 1970 to a current rate of about 23%. As you are probably aware, we have introduced a host of changes designed to make service in the Navy a more desirable career. These changes, coupled with recent pay increases, have, I believe, contributed in large measure to these increased reenlistment rates.

It was also, I might add, these series of changes—which, for your information, amounted to more than two hundred actions—that have been the subject of considerable controversy both within and without the Navy. I shall return to that later.

Finally, as to the matter of swords and plowshares, it was here that I found a combination of forces at work that appeared to me to require the greatest attention.

First, it was apparent that the mood of the country was such that it would demand reductions in defense expenditures. At the same time, however, I was faced with the prospect of a rapidly aging U.S. Fleet and a rising Soviet Navy, one which, for the first time since World War II, has become able to seriously challenge our ability to maintain our maritime alliance, an alliance which has been fundamental to the security of this island nation of ours from more than three decades.

I am deeply concerned about this growing Soviet Navy, but not because I believe that the Soviet Union will attack us, either with their substantial nuclear arsenal or their conventional land and sea forces. I am concerned, rather, with our known ability to respond in a meaningful and convincing manner to any threat of possible military confrontation by the Soviets—a response that is credible, believable and convincing enough that friend or foe, alike, will clearly recognize that we have the military might to take any stand we perceive to be in our vital national interest.

The problem, then, was how to be responsive to this obvious desire to reorder our national priorities and at the same time reconstruct a Navy that had reached a point of near obsolescence in many areas in the face of the growing Soviet fleet.

I elected to go at this in two ways. First, to ruthlessly cut back on the number of aging ships and aircraft still in active service in order to redirect the money used in keeping them going into the construction of new equipment. Toward that end, your Navy has, in the past five years, reduced in size by nearly 47%—down from 926 ships in 1968 to a projected 522 ships by the end of this fiscal year. We have also come down some 22% in the number of our aircraft and some 17% in the number of personnel.

At the same time, we have begun design and construction of a number of new ships which I like to refer to as a Hi-Lo mix. Simply put, this consists of a few high cost, highly effective ships such as our fourth nuclear-powered aircraft carrier, the CVN–70; our Trident submarine and its long range missile system; the F–14 aircraft, the most advanced aircraft weapons system in the world today; and the SSN–688 nuclear-powered attack submarine. The low end of the mix would be made up of larger numbers of less costly ships. In this area we are planning on a new ship known as the Sea Control Ship, in effect a small carrier which can handle up to 17 helicopters or vertical take-off aircraft; a new class of patrol frigate to give us the redundancy in weapons platforms we need to carry out our anti-submarine and anti-air requirements in fleet defense, and a new class of patrol hydrofoil equipped with surface-to-surface anti-ship missiles to operate in the narrow seas areas against large surface ships. Finally, in the area of research and development, we are working on a Surface Effect Ship which rides on a cushion of air and can travel at speeds up to 80 or 100 knots. It has the potential for revolutionizing war at sea with its ability to outrun submarines and even their torpedoes.

I have greatly oversimplified the foregoing objectives, in the interest of not making this address run on all night. It is important for you to keep in mind, though, that I thought these objectives, however simple in concept, nevertheless proscribed the direction in which we should proceed, considering the mood of the country at the time. I still do.

Very soon after assuming my present post, I began to learn some very interesting things about communicating with people, both within and without the Navy. Let's look first at the matter of the personnel initiatives.

When I assumed my present post in the summer of 1970, I was, of course, familiar with something called a "NAVOP" message—in essence, a telegram from the Chief of Naval Operations to all ships and stations. "NAVOP" messages were the primary vehicle for periodically passing the word to all hands on matters of individual concern ranging from, say, advisories that a certain type of canned fruit was spoiled and it might be well to deep six it or risk food poisoning, to matters of policy or other topics of Navy-wide importance and interest.

It seemed to me a good idea to use this form of communications to get out the word on our personnel changes. However, I had had enough experience to know that, by and large, most people in the Navy knew that NAVOP messages, while theoretically the exact words of the CNO himself, were, in fact, more likely those of a junior action officer whose job it was to look after canned fruit. Since I felt so strongly about the need for personnel changes, and having once been a CO myself on the receiving end of those NAVOPS, I decided that I would number each that I personally put out starting with Z–1, Z–2 and so on up the ladder, so that all of our people would know that it was indeed the CNO who personally put out the word. Thus began, as the NAVY TIMES named them, the now-famous Z–Grams.

I quickly learned several important lessons. There was no doubt who was sending the message, but there were a lot more people reading them than I thought would do so. Parenthetically, there also was an even larger number who were not reading them but thought they knew what was in them, anyhow. Third, despite the fact, as I mentioned earlier, that more than two hundred separate personnel actions have been initiated by the 118 Z–Grams, only one really caught the eye of the public and this one was immediately and widely misunderstood.

It was at this point that I learned another lesson, one that no public official should ever overlook: It is folly to presuppose that whatever makes sense to you will be equally clear to everyone else. As a case in point, my "notorious" directive which changed hair standards was greatly misunderstood by the press, and within and without the Navy, because we did a poor job in explaining it at the very beginning by not spelling out clearly and exactly what the new standards were. Many were left with the impression that it was now permissible for sailors to let their hair grow down to their shoulders if they wished. In fact, a sailor's hair must still present a

tapered appearance in the back, may not hang over his collar, and his sideburns may come only to the bottom of his earlobe.

Thus it was I quickly learned that if you want to get the message out you indeed can do it, but you had best be sure you know who is receiving it and you have made your point clearly.

This, then, leads me to my final points on the matter of communicating with people. My first, in-depth experience iwth the press came during my time as Commander of our Naval Forces in Vietnam, where for some 20 months I was exposed to the Saigon press.

During that time I believed I talked to just about every newsman and woman who covered the war while I was there. Much has been written and said about the job they did in reporting on Vietnam. Opinions range from S. L. A. Marshall's strong criticism of the quality of press coverage of the war to charges by a number of Saigon bureau chiefs in 1969 that the military ". . . is deliberately withholding information from the news media."

I suspect the truth, as usually is the case, lies somewhere in between and that Peter Braestrup of the WASHINGTON POST put it best: "We were right, I think, more often than we were wrong," he said. "Whether that is a sufficiently good collective batting average on a crucial story remains a question."

Regardless of one's opinion of the coverage of the war, I can report that I never once had my faith in a reporter betrayed and, so long as the ground rules were clear on both sides, was never deliberately misquoted or taken out of context. This had also been my experience in my present job.

This is not to say that I have not been criticized by the press nor that I do not expect to come under fire from you or your colleagues again. I have, and I do, and I hope that I have the good sense and grace to realize that this is what the game is all about. After all, even Thomas Jefferson, despite his claim that he preferred a nation without government to a nation without newspapers, was accused by the press of being an athiest, keeping a mistress, trying to seduce a friend's wife and padding his expense account.

At this point, you might well conclude either that I am pandering to your good intentions or that my relations with the press, as far as I am concerned, have been delightful and I am satisfied with the status-quo.

Neither of these conclusions would be correct. The fact of the matter is, I am greatly disturbed by what I perceive to be a dangerous and unnecessary but continuing gap between public officials and you of the fourth estate. By this I do not mean to suggest that the press and government should hold hands together and agree, as the song goes, that everything is beautiful. It is not, and it probably never will be. Keyes Beech of the Chicago Daily News, whom I got to know in Vietnam, said, "The relationship between the information officer and the press should be one of mutual suspicion." I agree completely.

What worries me is that the gap has become a gulch and, in too many cases, suspicion has become contempt. I think this is a very dangerous state of affairs for the American public—the people both of us claim to represent. I see examples of this almost every day in carrying out my responsibilities as Chief of Naval Operations. I believe that we in uniform are at fault and I believe that some of the fault lies with the press.

In the case of the military, there is simply no question of our responsibilities to the American people and one of the most important of those responsibilities is keeping them informed of what we're doing and why—insofar as security will allow. We must be accountable to that public for our actions in doing so. Much less understood among my fellow officers, however, is the role of the press in representing the public in its quest for that accounting.

I believe that the press also has a responsibility to educate themselves on current defense issues as fully as they can. There are, of course, many reporters I could name whose knowledge of the Pentagon is greater than my own. There are many others, however, who have a tendency to "tune out" when the man in uniform speaks, or to discount his 30 or 40 years of military experience when stacked up against that of the non-governmental "military analyst" who has never flown a plane, never carried a rifle or never been the target of enemy fire, and uses his lack of experience to qualify himself as being objective.

Let me go on record for you, now, as I have for your colleagues elsewhere, as stating firmly that I believe completely that our military defense needs are a legitimate and vital subject for intense discussion and debate.

What I find difficult to accept, however, is the growing tendency to assume that the man in uniform is overpaid, underworked, not too bright and, therefore, is not to be trusted in what he says. I just cannot buy that, and neither should you.

Only in the heat of combat is unquestioning obedience an inviolable rule. But in your own business, don't let yourselves be snowed by those who only ask questions, without putting forth rational solutions to the problems they like to discuss.

No rational military man will object to criticism based upon knowledge, or questions stemming from a genuine desire to learn. What he does object to is polemics based upon ignorance and bias. Doubtless you feel much the same.

In summary, I would like very much to see a more rational debate of issues that need discussion. We have had enough polemics during the past ten years and it is time that we get back to that utopian world of Keyes Beech, one of "mutual suspicion."

I await your questions.

PROTECTING THE BIG CYPRESS

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. ROGERS. Mr. Speaker, on October 3, the House took one of the most significant environmental actions of the 93d Congress by passing legislation to establish the Big Cypress National Preserve in Florida.

I have worked with my colleagues in the Florida delegation for several years to bring this matter to the attention of the Congress and I am certainly gratified by this recent House action. I represented most of the area know as the Big Cypress for 18 years until congressional redistricting took this area out of my district in 1973, and I am convinced that there is not a more unique, unspoiled area in the Eastern United States than the Big Cypress.

Equally significant is the recent action of the State legislature and the Governor of Florida in approving $40 million of State money for acquisition of lands in the Big Cypress. I am certainly hopeful that the Senate will follow the lead of the House and give this legislation speedy consideration.

At this point in the RECORD, I would like to include the text of an editorial from the October 20 edition of the Washington Post entitled "Protecting the Big Cypress." This is an excellent summary of the needs and goals of the House passed legislation and I commend it to my colleagues in the other body.

PROTECTING THE BIG CYPRESS

Despite the daily abuses to the land by strip mining and continued neglect of such national shorelines as Fire Island, occasional notes of triumph are sounded. One of these recently came when the House of Representatives approved legislation to establish the Big Cypress National Preserve in Florida. The Big Cypress Watershed—a true watershed, not the metaphorical kind—is a subtropical land area of about 2,450 square miles in southern Florida. A significant part of that is a central subbasin not yet exploited by man. It is this subbasin—570,000 acres—that is proposed for preservation.

In few other places is nature so delicately balanced. The flat land of the Big Cypress ecosystem slopes seaward at a barely perceptible two inches per mile and any variation in the water level—due to man's tampering—can change the ecology of several thousand acres of land. The Big Cypress lies north of the Everglades National Park, and more than half of the waterflow into the bays and estuaries of the park comes from the natural drainage systems of the cypress swamp. The House Committee on Interior and Insular Affairs did not exaggerate when it noted that "it is difficult to imagine an area with more oustanding scientific values than (the) Big Cypress-Everglades ecosystem. Students of the evolution of life and the biologists will find the resources of this area almost unequaled. It is equally important as a wildlife sanctuary. In addition to the thousands of migrating birds which utilize the area as a feeding, nesting and resting place, it provides the proper habitat for more than 20 animals whose status has been listed . . . as rare, endangered, or otherwise in jeopardy."

Politics at its creative best has helped protect this national treasure. Florida's state legislature, persuaded by Gov. Reubin Askew, has put up $40 million for land purchases. Committee chairman, Rep. James A. Haley (D-Fla.), combined both local and national interests when he worked energetically for the bill. In addition, the Interior Department has given solid support to the preserve and agrees to the proposed $116 million share of federal money. What is now needed is immediate Senate action to pass similiar legislation. Opportunities for enlightened policies toward the environment do not come along every day.

McCLOSKEY RESOLUTIONS ON IMPEACHMENT AND THE COX INVESTIGATION FILES

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. McCLOSKEY. Mr. Speaker, I have filed today two resolutions, the first seeking to protect the integrity of the files of the Watergate special prosecution force abolished by the President last Saturday, and the second a resolution of impeachment specifying five instances of high crimes and misdemeanors which have been admitted in Presidential speeches and news releases.

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The impeachment resolution does not include the President's refusal thus far to comply with the order of Chief Judge Sirica of August 29, 1973, as modified by the decision of the Court of Appeals for the District of Columbia Circuit dated October 12, 1973. I am hopeful that the President will yet elect to comply with Judge Sirica's order, as modified.

The resolutions are set forth in full below:

H. RES. —

Resolved, That the Acting Attorney General of the United States, to the extent not incompatible with the public interest, is directed to furnish to the House of Representatives, not later than fifteen days following the adoption of this resolution, true copies of all papers, documents, recordings, memoranda, and items of evidence in the custody of the Special Prosecutor and Director, Watergate Special Prosecution Force, Archibald Cox, as of noon, Saturday, October 20, 1973.

H. RES. —

A resolution for the impeachment of Richard M. Nixon

Resolved by the House of Representatives, That a Committee be appointed to go to the Senate and, at the bar thereof, in the name of the House of Representatives and of all the people of the United States, to impeach Richard M. Nixon, President of the United States, of high crimes and misdemeanors in office, and acquaint the Senate that the House of Representatives does hereby exhibit these particular articles of impeachment against him, and make good the same.

Articles exhibited by the House of Representatives of the United States, in the name of themselves and all the people of the United States, against Richard M. Nixon, President of the United States in maintenance and support of their impeachment against him for high crimes and misdemeanors in office.

ARTICLE I

Richard M. Nixon, President of the United States, commencing on or about June 18, 1972, and continuing through October 23, 1973, committed high crimes and misdemeanors in that he wilfully and knowingly violated Title 18, Section 3 of the United States Code in that knowing that offenses against the United States had been committed by G. Gordon Liddy, E. Howard Hunt and others during their employment by the United States Government or by the Committee to Re-elect the President, the said Richard M. Nixon assisted the said G. Gordon Liddy and E. Howard Hunt and others in order to hinder and prevent their apprehension, trial and punishment.

ARTICLE II

The said Richard M. Nixon, commencing on or about June 18, 1972, and continuing through October 23, 1973, committed high crimes and misdemeanors, in that he wilfully and knowingly violated Title 18, Section 4 of the United States Code in that having knowledge of the actual commission of a felony cognizable by a court of the United States on the part of G. Gordon Liddy, E. Howard Hunt and others, the said Richard M. Nixon concealed and did not as soon as possible make known the same to some judge or other person in civil or military authority under the United States.

ARTICLE III

The said Richard M. Nixon, commencing on or about June 15, 1971, and continuing until on or about May 11, 1973, committed high crimes and misdemeanors in that he willfully and knowingly violated title 18, section 1505 of the United States Code in that in a proceeding pending before the United States District Court for the Southern District of California, entitled, *United States* v. *Ellsberg*, the said Richard M. Nixon corruptly influenced, obstructed, impeded and endeavored to influence, obstruct and impede the due and proper administration of the law under which such proceeding was being had before such Court.

ARTICLE IV

The said Richard M. Nixon, commencing on or about June 18, 1973, and continuing until October 23, 1973, committed high crimes and misdemeanors in that he willfully and knowingly violated title 18, section 1510 of the United States Code in that he willfully endeavored by means of bribery, misrepresentation and intimidation to obstruct, delay and prevent the communication of information relating to a violation of criminal statutes of the United States to criminal investigators employed by the Department of Justice of the United States and by Archibald Cox, Special Prosecutor and Director, Watergate Special Prosecution Force.

ARTICLE V

The said Richard M. Nixon, on or about July 15, 1970, committed a high crime and misdemeanor by issuing an order entitled Top Secret Decision Memorandum, The White House, Washington, D.C., July 15, 1970, authorizing and directing agencies and employees of the United States Government to violate the constitutional rights of American citizens to be secure in their persons, houses, papers, and effects from unreasonable search and seizure; such order specifically authorized and directed searches and seizures by means of burglary, breaking and entering of the mails and by wiretapping without proper order of the Court; that at the time of issuing such order, the said Richard M. Nixon know the actions he was authorizing and directing to be unconstitutional, illegal, and in violation of his oath of office as President of the United States.

PEACE CORPS CONTINUES TO WIN FRIENDS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. DERWINSKI. Mr. Speaker, at a time when many people in this country are doubting the validity and effectiveness of our foreign assistance programs, it is encouraging to see that the Peace Corps continues to win friends not only in the United States but, most important, in the countries that it serves, thereby proving to be one of our most effective foreign programs.

In working toward and achieving the three goals mandated by its enabling legislation: To help developing nations meet their needs for trained manpower; to promote better understanding of American people on the part of the people being served; and to promote better understanding of other peoples among Americans, the Peace Corps is, indeed, proving that there is still a spirit of dedication and service among the American people.

I have recently received a copy of a speech delivered by Dr. Robert K. A. Gardiner, Executive Secretary of the Economic Commission for Africa, during a recent Peace Corps country directors conference in Monrovia, Liberia.

Since 1962 Dr. Gardiner has been Executive Secretary of the United Nations Economic Commission for Africa headquartered in Addis Ababa, Ethiopia.

A native of Ghana, he studied at Cambridge and Oxford Universities and has been a lecturer at various universities throughout the world. A career civil servant both in the national and international fields, Dr. Gardiner is a worldwide recognized authority on Africa.

It is, indeed, a great satisfaction for those of us who have supported the Peace Corps to have this man who is so involved in the development problems of Africa speak so highly of the Peace Corps and pay tribute to the work the organization and its volunteers are carrying out in Africa.

At this point I would like to share with my colleagues some excerpts from Dr. Gardiner's speech:

EXCERPTS FROM DR. GARDINER'S SPEECH

It is, however, most unrewarding to concentrate on worldwide and regional negotiations without preparing the domestic base. For instance, in the commodity market only those who produce efficiently and at reasonable costs can compete successfully in the sale of their products. It is only those countries which produce semi-manufactures and manufactures who can hope to gain access for their products into the markets of the industrialized countries. This has actually happened. At present, only about 12 countries are responsible for about 80 percent of the export trade of developing countries in semi-manufactures and manufactures. Benefits from Africa's relations with Europe are also dependent on productivity and ability to take advantage of opportunities offered in a competitive market. This is why the grassroot activities of voluntary agencies are so important. The approach of these agencies is realistic and of the population by the generation of new ideas; the imparting of new skills; the provision of water; the improvement of farming methods, storage, marketing and credit facilities; the increase in food production; and better nutrition and health, etc. In 1970, ECA took a count of the activities of voluntary agencies and realized that they were sponsoring about 20,000 projects. Thus these agencies with their seemingly modest resources, reinforced with commitment and dedication, are fostering fundamental changes.

On close examination one discovers that the international voluntary agencies, the United Nations system, bilateral donor institutions and volunteer services such as the Peace Corps and IVS, are all tackling socio-economic problems in Africa from different angles. It is therefore necessary for us to be familiar with what each member of this very mixed group is doing, not merely in the negative sense of avoiding duplication but rather more positively, to enable the members of this group to complement each other's effort.

Already Peace Corps is involved in a growing number of multilateral programmes in connection with river blindness, rural health, urban planning, smallpox eradication and rural development. This trend has the support of OECD and the World Bank and some of the countries involved include Canada, the Netherlands, Germany, Japan and Austria. Some of the agencies working with the Peace Corps such as CARE, Catholic Relief Service and OXFAM as well as the IVS, have made working arrangements with ECA. It is my hope that as a result of this conference, similar arrangements may be entered into between Peace Corps and ECA.

At the beginning of the First Development Decade, the general idea was that the rate of economic advancement could be measured in terms of increases in the GNP and per capita income. The generally accepted view now is that economic growth is necessary but more as a rough indicator than as a target.

The idea was that overall growth measured in quantitative terms would percolate through the community. This "trickle-down" notion of development does not appear to provide a satisfactory explanation of the persistent poverty of the masses of the population. The percolation of prosperity to all levels of society is not taking place rapidly enough to relieve the poverty and deprivation of a great majority of the community.

The international strategy for the Second Development Decade has shifted its emphasis from the quantitative approach as a measure of economic advancement to the material well-being of populations. In this respect, one may say that the UN system is beginning to catch up with the ideas and programmes of the international voluntary agencies. Agencies such as OXFAM have always placed special emphasis on agricultural development including the training of young farmers; improvement of rural health, water systems for irrigation, livestock and human needs; and basic vocational training in such skills as carpentry, welding and auto-mechanics. All these activities include not just production for one season or provision to satisfy an immediate need, but also the imparting of skills and knowledge which enable communities in developing countries to fend for themselves. A recital of the main topics in the programme of the Peace Corps, namely agriculture and rural development, formal and informal education, health, public works and business advisory services demonstrates how deeply involved the Peace Corps is in the development process in Africa.

I would like to single out certain significant features of the Peace Corps programme. The curricula of African schools are devoid of intensive programmes for the teaching of mathematics and science. African governments appreciate this shortcoming but the lack of teachers, laboratories and equipment has been a serious constraint. The most serious has been the lack of teachers. Peace Corps Volunteers are playing a vital role in meeting this need—over 500 volunteers are teaching these subjects in African schools and the demand is very likely to increase. In teaching these subjects, the Peace Corps is not merely serving the needs of the educational system, it is playing a significant role in laying the basis for the application of science and technology to economic and social development in Africa.

Low productivity is also the result of the general lack of skills. Most African countries have little or nothing in the way of vocational and technical education or even an effective apprenticeship system. True, indigenous tradition provided for some form of apprenticeship but this was mostly in connection with activities which approximate more to subsistence production than to production for a market economy. Moreover, the educational system has led to a structure of the labor force which consists of a large number of unskilled labor on the one hand, and a sprinkling of professionals, with little or nothing, in between. In other words, the middle of thhe pyramid of skills consisting of technicians, craftsmen and ancillary personnel in agriculture, trade and industry is missing. This is where a radical socio-economic change in Africa must start. The masses of farmers and potential middle-grade personnel constitute a very powerful lever for economic expansion. They form the market for agricultural as well as industrial products.

The Peace Corps has been active in the field of vocational and technical training. The urban development and public works sector is involving Africans in activities which were confined until recently, to a few expatriate supervisors in charge of banks of unskilled labourers in such areas as urban planning, housing, water and sewage systems, electricity, road construction and in general, the provision of the physical infra-structure or social capital. There is a training component in the public works programme which allows for formal instruction in organized classes and acquisition of skills on the job. I have cited the public works sector as an illustration, but training on-the-job in courses, seminars and workshops informs all the other sectors in which the Peace Corps operates. By working alongside African technicians and artisans-in-training, Peace Corps Volunteers are helping African States to build up a better appreciation of the middle-level personnel and also giving such personnel a sense of identity and inculcating in them a feeding of pride and work discipline.

Work in the technical field illustrates more than anywhere else, the increasing sophistication of the needs of the African countries. This has already been observed by the Peace Corps and the policy of programming from strength, to use the language of the Peace Corps Plan for 1973, illustrates the flexibility and pragmatic nature of the Peace Corps programme. To paraphrase the implications of the Peace Corps approach: some parts of the US have special skills in irrigation; American universities produce each year a large number of graduates in mathematics and science; the executives and managers of some of the most successful national enterprises and of powerful multinational corporations are products of American Schools of Business Administration; the US can also claim extensive and varied expertise in animal husbandry; in education, experiments in modern techniques of teaching have been carried on, on an immense scale in the US. All these are sources of strength of the Peace Corps and if I interpret the policy correctly, the Peace Corps offers to assist in areas where the US has established a reputation for competence and excellence. I believe that publicity should be given to this principle and if it were done, confidence in the Peace Corps which is already great, would increase and the value of a Peace Corps Volunteer would be more fully appreciated.

Vocational and technical training will unleash forces for development which are at present dormant. The masses of unemployed and underemployed persons are a drag on development. Their contribution to the national product is minimal. Their participation in the exchange economy is insignificant and their place as part of the market, namely consumers, assisting in the circulation of purchasing power is unfilled. With the spread of education, a rapid population growth and the exodus from the rural areas, there is no doubt that the most serious challenge to social and political stability as well as economic advancement in Africa, is the growing number of unemployed. This is an area where all agencies, bilateral, multilateral and voluntary, should explore and institute programmes to cope with the situation. Already, the ILO is taking a lead in this area and has undertaken studies in a number of countries including Kenya. About five other African countries are on the waiting list.

In at least three areas—agriculture, health and rural development—the Peace Corps is playing a significant role in checking what may be described as the "sucking undertow" which drags down societies into poverty or at best, holds back development. Among the multiple causes of low productivity and poverty, hunger, disease and ignorance feature prominently. The underfed and undernourished African worker is often described as being lazy, sluggish and unproductive. The lack of water systems, sanitary and social amenities aggravate health problems which further reduce the output of the debilitated rural worker. Rural communities suffer from ignorance of better techniques to increase their output. African governments have emphasized repeatedly the need to introduce modern ideas into rural areas and this is why most of them accord top priority to agriculture and rural development. The communities in rural areas participate actively in efforts to improve roads in order to break their isolation, and in the construction of clinics to facilitate the provision of medical care, and of schools and cmmunity centres to support formal education and literacy classes. At present, the rate at which new ideas seep through into the rural areas is very slow. Are there quicker ways of promoting change? Are our methods too cumbersome and expensive? These are some of the issues which we need to examine.

The drought in the Sahel has drawn our attention dramatically to the frailty of African economies, especially rural economies. There is a threat of a world-wide grain shortage. Up to now, a large number of African countries have been receiving food support under the PL–480 programme which is now likely to be modified because the surpluses have either already disappeared or are in the process of depletion. These developments put an extra emphasis on the need to increase food production, an effort which the Peace Corps has been supporting actively. In this regard, the Peace Corps operating in 23 countries in Africa can serve as a vehicle for the dissemination of the results of successful experiments. One can think of the possible effect of sharing experience from the minimum package programme of Ethiopia, the Ujama village scheme of Tanzania, the feed yourself campaign of Ghana, etc.

The business and industry advisory programme represents a peace building effort. Historical reasons have confined Africans to the role of small retail shop owners. In some countries, they did not attain even this modest role before independence. As a result, there is intense feeling against foreigners—even non-tribesmen who own and run enterprises. One should mention here the expulsion of aliens from Ghana and several other countries and the nationalization of foreign owned businesses, industries and banks. The feeling is understandable, but African economies are not likely to develop rapidly without the participation of outside skills and capital. Migration of skills has played and still continues to play, an important role in the advancement of economies in all parts of the world. The resentment against foreigners and the fear of economic domination will undoubtedly diminish when enough Africans enter business and industry as sole owners or partners of industrialists and traders already in the field. Moreover, relations between African states and multinational corporations are likely to improve when more Africans understand industrial operations and can negotiate effectively on behalf of their governments. It is therefore very necessary to have a programme which helps small businessmen and trains Africans to qualify as supervisors, executives and managers.

The language training programme of the Peace Corps is a unique service. Technical assistance in language teaching from the former metropolitan countries has been directed to schools in the ex-colonial territories—the United Kingdom to English-speaking countries and France to francophone countries. The Peace Corps, on the other hand, has been teaching English and training prospective teachers of English in French-speaking countries.

As you know, the continent of Africa is virtually cut up into anglophone and francophone segments. Under such circumstances, the teaching of English by about 380 volunteers in French-speaking Africa is a mission of reconciliation. African States have rec-

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ognized the need to be able to share ideas in their principal working languages and have resolved that French and English be taught in their secondary schools—English in French-speaking States and French in English-speaking ones. There is another important aspect to the language teaching programme. A modern language is a key to the world beyond the confines of an African State. Sometimes, even within the nation-state in many instances, there is no national language and a foreign language serves as a medium of communication and instruction. Apart from solving the immediate problems, I believe that the techniques introduced by the Peace Corps, if well mastered, can be applied to the teaching of indigenous languages as well.

Peace Corps activities in the field of education, illustrate changes in the demand and the complexity in the requirements of African countries. Assistance has been provided for teaching in primary schools, in secondary schools and teachers training institutes. The pattern has more or less followed very closely the evolution and expansion of education in newly independent States. Provision has been made for specialist courses such as industrial arts, curriculum development, physical training, home economics, use of mass media, library science, audiovisual aids, the organization and operation of national archives and help to African universities to improve the qualifications of their lecturers. The trend has been from direct teaching to the training of trainers. This is as it should be; because the effort of the Peace Corps is expected to have a multiplier effect.

It seems to me that the Peace Corps has grown in stature and matured in ideas. An ideal volunteer is described as "a participant in the process of development, living with people in rural areas, working with them, talking their language". The qualities expected of a volunteer are very exacting and are in this respect, in keeping with the high ideals of the late President Kennedy whose administration created the Corps. The volunteers' methods of working with people is a key factor in development. It makes it possible for people in rural areas to observe change taking place before their very eyes. This in itself, will influence and change attitudes.

The importance of this is summed up in the observation "Money (all forms of aid) can narrow the gap. Only people can bridge it." We may not all be good linguists, but when the people amongst whom we work notice that we are trying, it increases their confidence in us. I notice that the Peace Corps disavows all claims to being "an economic planning and development agency." Perhaps they do not wish to be mistaken for bodies like the Economic Commission for Africa. I do not blame them. But the important principle which emerges from this disavowal is the recognition of the fact that rural communities have some ideas of their needs even if they are unable to satisfy them. On the other hand, the Corps is not obliged to respond positively to every request. This is a basis for mutual respect and trust. In this sense, a volunteer is essentially a skilled person who responds to a request to perform a specific task.

In the documents concerning the Corps, there are references to bi-nationalism which I interpret to mean that the Corps attempts to find a local base so that it does not appear or act as an alien imposition on host countries. In many parts of Africa, there are signs of the beginnings of local volunteer organizations, work camps as well as national service corps organized by governments. If there is any possibility of some links being established it is possible to find a formula which will enable the youth of the countries which the Peace Corps and other Volunteer organizations serve to emulate the sentiments which inspire them.

NACOA FINALLY HOLDS A PUBLIC MEETING

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. OBEY. Mr. Speaker, the National Advisory Committee on Oceans and Atmosphere—NACOA—will hold a public meeting this Friday and Saturday—at least "to the extent of the very limited seating available on a first come, first served basis"—and it is about time that NACOA did so.

Last May, NACOA gave unlawfully scant 1-day notice that it was going to hold a closed meeting—such brief notice that anyone wishing to challenge the closure decision under the Federal Advisory Committee Act was precluded from doing so. A representative of Science Trends wanting to attend the meeting then challenged in the only way left—by refusing to leave—and was escorted from the premises by four uniformed Federal guards.

On September 18, when NACOA announced in the Federal Register it would be meeting September 27 through 29 and that the first day's session would be closed to the public for "discussion of pending legislation," I inserted the meeting notice in the RECORD and pointed out that—

First. The proposed closure did not appear to comply with the Federal Advisory Committee Act;

Second. NACOA's eagerness to retreat behind closed doors to discuss pending legislation did not square with the tough talk it had used in the annual report to the President and the Congress it filed on June 29.

To provide a detailed account of that NACOA meeting last May, highlight related problems, and indicate what the Federal Advisory Committee Act's open-meeting requirement has meant in terms of the greater availability of health and science news, I should like to insert items from the issues of Science Trends for May 14 and October 8, sent to me by its editor, Art Kranish, as well as NACOA's notice of public meeting from the Federal Register of October 19.

The material follows:

COMMERCE BARS PRESS

Four uniformed Federal guards ejected a representative of Science Trends from a government agency this past week to prevent press coverage of an advisory group drafting a national report on marine and atmospheric policies and programs.

The action was ordered by Commerce Department officials despite a Congresssional mandate opening such meetings to members of the press and public, under the Federal Advisory Committee Act of 1972.

Chairman W. A. Nierenberg of the National Advisory Committee on Oceans and Atmosphere (NACOA) refused to open the scheduled meeting at Commerce Department headquarters until the Trends representative agreed to leave.

The request was declined on the basis of the Advisory Committee Act and the Freedom of Information statutes. In addition, it was pointed out that the Committee had failed to provide the advance notice required by statute and by White House guidelines.

After a delay of almost one hour, four police guards were called in to escort the Trends representative from the building.

Nierenberg is Director of the Scripps Institution of Oceanography and a member of the informal Science and Engineering Council (SEC) organized by supporters of President Nixon in the last campaign. (Science Trends, April 30–May 7, 1973).

NACOA is composed of 25 members appointed by the President from state and local governments, industry, science and other interests. The group is preparing a report requested by Congress, covering such topics as coastal zone management, energy, minerals, living resources, ocean science, atmospheric programs, engineering support and operations.

Trends Publishing has covered a number of similar advisory committee meetings since the Advisory Act went into effect, without encountering any opposition from Departmental or committee officials.

Opening the committees to press coverage in this manner has resulted in news stories on such topics as the artificial heart program, coal/gas conversion, National Science Foundation summer faculty support, cadmium emissions, science information programs, radiation/drinking water standards, energy programs, and other matters of scientific and technical interest.

Committee members have ordered, and Trends has not contested, a policy which closes such meetings when competing grant applications are under discussion, or when classified national security matters are involved.

However, the NACOA action was the first instance in which Trends has been barred on other grounds, which would appear to violate the Congressional mandate that advisory committee meetings "shall be open to the public."

NACOA and Department officials based their action on the grounds that the Committee would discuss "working documents" and "exchanges of opinions and discussions which, if written" would be exempt from Freedom of Information statutes.

The "if written" clause is being viewed by the press as a major loophole which permits agencies to close advisory sessions, virtually at will.

A similar opinion is being pressed in Washington by the Institute for Public Interest Representation, which is affiliated with the Georgetown University Law Center.

Jane Dolkart, an attorney-member of the group, which is preparing several court challenges, said that there is nothing in the legislative history of the Advisory Committee Act or the Act itself pertaining to an exchange of views.

"Such committees," she said, "almost by definition, exist to give advice to an agency, and there will almost always be an exchange of views. This kind of rationale could be used to close virtually all advisory meetings."

In their discussions, before the Trends representative was forced to leave the NACOA meeting room, officials generally conceded that they had failed to follow statutory requirements of reasonable advance notice of such meetings, which has been interpreted by the White House Office of Management and Budget as requiring at least ten days advance notice in the "Federal Register."

NACOA did not file its notice with the Federal Register until Tuesday, May 8, for publication in the edition of May 9. The meeting was held Thursday, May 10, as had been planned several weeks ago.

A Committee member suggested that this delay was inadvertent, and added that news

media representatives were probably too sensitive as to such matters as the result of the Watergate scandals.

According to a report released this past week by the Office of Management and Budget, there were more than 1400 advisory committees in existence in 1972; representing a substantial growth from the time when George Washington appointed the first such group, to assist him in dealing with the Whiskey Rebellion.

Officials estimated that such committees cost the government approximately $25 million per year, in addition to the time spent by Federal employees involved in committee efforts.

AGENCIES OPEN ADVISORY MEETINGS

Three Federal agencies decided this past week to open previously-closed advisory committee meetings, following protests by Trends Publishing, Inc., that they were failing to follow laws and regulations.

The protests were made by Trends on the basis of the Federal Advisory Committee Act, which sets forth a National policy of "open" meetings between government officials and advisers from outside the government.

As previously reported (SCIENCE TRENDS, 5/14/73 and 9/10/73), the law, when observed by the agencies concerned, has made available a wide variety of scientific and technical information.

The developments of the past week, opening meetings to the press and public, each represent a reversal of policy, since the sessions were originally expected to be closed.

The agencies and the meetings include:

The National Advisory Committee on Oceans and Atmosphere.—This group, which has never held an open meeting in Washington, held two days of open sessions to discuss, in considerable detail, the status and future prospects of subjects ranging from marine pollution to short-term weather forecasts. This advisory committee deployed uniformed guards earlier in the year to prevent press coverage of similar sessions.

The Atomic Energy Commission.—This agency originally announced that its Research Subcommittee would hold closed meetings in Washington, Oct. 8–9. Trends protested, and also pointed out that, contrary to law, the agenda was being kept secret. AEC subsequently decided to open most of the meeting, and disclosed that basic research aspects of coal as an energy source, including gasification and liquefaction, would be discussed.

The National Science Foundation.—This agency scheduled meetings with representatives of scientific societies and industry, and turned down requests by Trends to have the sessions open. Following a subsequent protest, Director H. G. Stever agreed to permit the press and public to attend his Oct. 24 meeting with members of the industrial scientific research community. They will be permitted to take notes, submit questions or statements in writing, and may ask questions at a closing press conference.

In the case of AEC and NSF, Trends was represented by the Institute for Public Interest Representation, Georgetown University Law Center.

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

NOTICE OF MEETING

The National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a 2-day meeting on October 26–27, 1973. The meeting will be open to the public. All sessions will be held in room 6802 of the U.S. Department of Commerce Building 14th and Constitution Avenue NW., Washington, D.C. Both sessions will begin at 9 a.m.

The Committee, consisting of 25 non-Federal members appointed by the President from State and local governments, industry, science, and other appropriate areas, was established by Congress by Public Law 92–125, on August 16, 1971. Its duties are to: (1) Undertake a continuing review of the progress of the marine and atmospheric science and service programs of the United States, (2) submit a comprehensive annual report to the President and to the Congress setting forth an overall assessment of the status of the Nation's marine and atmospheric activities on or before June 30 of each year, and (3) advise the Secretary of Commerce with respect to the carrying out of the purposes of the National Oceanic and Atmospheric Administration.

A general agenda consists of the following topics:

"Friday the 26th—agency briefings on Federal programs related to multiple-use management in the coastal zone and offshore areas of the United States.

"Saturday the 27th—review of NACOA draft study on marine science. Discussion of NACOA work in progress and plans for future meetings."

The public will be admitted to the extent of the very limited seating available on a first come, first served basis. Questions from the public will be permitted during specific periods announced by the Chairman. Persons wishing to make formal statements must notify the Chairman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Dr. Douglas L. Brooks, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, Department of Commerce Building, Room 5225, Washington, D.C. 20230. The telephone number is 967–3343.

Issued in Washington, D.C., on October 16, 1973.

DOUGLAS L. BROOKS,
Executive Director.

[FR Doc. 73–22269 Filed 10–18–73; 8:45 a.m.]

NORMAN CHANDLER

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. DEL CLAWSON. Mr. Speaker, the loss of Norman Chandler, so long associated with a great newspaper, the Los Angeles Times will be deeply felt in the entire community in southern California served by that newspaper. His leadership in civic affairs will also be keenly missed. Today's issue of the Los Angeles Times contains an editorial tribute which I commend to the attention of my colleagues in the House. The editorial follows:

[From the Los Angeles Times, Oct. 23, 1973]

NORMAN CHANDLER

Norman Chandler, whose memory will be honored by family, friends, associates and civic leaders today in private services, was the principal architect of Times Mirror's rapid growth to its present position as one of the world's leading communications companies.

He built the foundations for this enterprise with his prior leadership of The Times, of which he was the third publisher.

As a businessman, he presided over some of the greatest expansion in the history of The Times, and left it firmly established on a sound economic base.

As a newspaperman, he laid the groundwork for the comprehensive metropolitan daily of news, opinion, entertainment and information that The Times has become.

As a person, he brought to The Times those values he expressed last December while thinking back on his leadership: "I wanted to be fair to all sides, to all people. I wanted The Times to be respected by our readers and by our advertisers. But, above all, I wanted to render the greatest possible public service that a publication could."

To public service in the ordinary sense of the phrase he was no stranger. He served on many boards. He was a trustee of USC and, for more than 30 devoted years, of Caltech. He worked, often quietly but always powerfully, on many civic enterprises. He energetically supported the successful efforts of his wife, Dorothy Buffum Chandler, to keep open the Hollywood Bowl, and then to build the Music Center An abiding special interest of his was the Times financed multitude of facilities and activities for young people.

But for Mr. Chandler, public service meant chiefly public service through The Times and its parent company, Times Mirror, and it was to these that he devoted more than 50 years of wise attention, balancing a sharp eye for detail with a long view of what The Times and Times Mirror were to become.

That view encompassed the future excellence of The Times as a newspaper, and the growth of Times Mirror as an enterprise.

On the business side of the paper, he early undertook a process of modernization that is still going on. On the editorial side, he began the shift from a paper of moderate size and modest ambitions to The Times of 1973.

When he was publisher of The Times, from 1944 to 1960, the paper under his direction campaigned for the economic and cultural development of Los Angeles, for improved highways, for cleaner air. He was a vigorous defender of the free press.

After relinquishing the title of publisher in 1960, he led Times Mirror, as chairman of the board and later as chairman of the executive committee, into the program of expansion that has made it the nation's largest communications company.

To the thousands of persons here and around the world who know Norman Chandler in his business and public capabilities, he was man of dignity and gentle forcefulness. Those who know him more intimately had the great good fortune to know even better his indelible personal qualities: his unfailing thoughtfulness, his natural courtesy, his resolute, unpretentious courage, his steadfast allegiance to family, to friends, to associates and to conscience.

IMPEACHMENT

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. HUNGATE. Mr. Speaker, when the subject of impeachment is under discussion by many, these writings and remarks of Alexander Hamilton, Richard Sheridan, and Edmund Burke may be of interest.

ALEXANDER HAMILTON, 1787, "THE FEDERALIST PAPERS," PAGE 416

> The President of the United States would be liable to be impeached, tried, and, upon conviction of treason, bribery, or other high crimes or misdemeanors, removed from office; and would afterwards be liable to prosecution and punishment in the ordinary course of law. The person of the King of Great Britain is sacred and inviolable; there is no constitutional tribunal to which he is amenable; no punishment to which he can be subjected without involving the crisis of a national revolution. In this delicate and important circumstance of personal responsibility, the President . . . would stand upon no better ground than a governor of New York, and upon worse ground than the governors of Virginia and Delaware.

Richard Brinsley Sheridan in 1787 delivered a 5-hour speech against Warren Hastings, Governor General of India. Despite widespread acclaim—Lord Byron called it "The very best oration ever conceived or heard in this country"—no full copy of this address exists. A short excerpt will give an idea of its style.

> The public capacity of Mr. Hastings exhibits no proof that he has any just claim to . . . greatness. We see nothing solid or penetrating, nothing noble or magnanimous, nothing open, direct, liberal, manly, or superior, in his measures or his mind. All is dark, insidious, sordid and insincere. Wherever he has option in the choice of his objects, or his instruments, he instinctively settles on the worst. His course is one invariable deviation from rectitude. And the only trace or vestige of system discernible in the whole of a dozen years' administration is that of "acting without any." The serpent may as well abandon the characteristic obliquity of his motion for the direct flight of an arrow, as he can excuse his purposes with honesty and fairness. He is all shuffling, twisting, cold and little. There is nothing open or upright, simple or unmixed. There is by some strange, mysterious predominance in his vice, such a prominence as totally shades and conceals his virtues. There is, by some foul, unfathomable, physical cause in his mind, a conjunction merely of whatever is calculated to make human nature hang its head with a sorrow or shame. His crimes are the only great thing about him, and these are contrasted by the littleness of his motives. He is at once a tyrant, a trickster, a visionary, and a deceiver. He affects to be a conquerer and law-giver, an Alexander and a Caesar; but he is no more than a Dionysius and a Scapin . . . He reasons in bombast, prevaricates in metaphor, and quibbles in heroics.
>
> Like a vulture with her harpy talons grappled into the vitals of the land, they flap away the lesser kites, and they call it protection. It is the protection of the vulture to the lamb.

On June 13, 1788, Sheridan spoke at the Hastings trial:

> The inquiry, which now only remains, my lords, is whether Mr. Hastings is to be answerable for the crimes committed by his agents. It has been fully proved that Mr. Middleton signed the treaty with the superior begun in October, 1778. He also acknowledged signing some others of a different date, but could not recollect the authority by which he did it! These treaties were recognized by Mr. Hastings, as appears by the evidence of Mr. Purling, in the year 1780. In that of October, 1778, the jagir was secured, which was allotted for the support of the women of the Khord Mahal. But still the prisoner pleads that he is not accountable for the cruelties which were exercised. His is the plea which tyranny, aided by its prime minister, treachery, is always sure to set up. Mr. Middleton has attempted to strengthen this ground by endeavoring to claim the whole infamy in those transactions and to monopolize the guilt. He dared even to aver that he had been condemned by Mr. Hastings for the ignominious part he had acted. He dared to avow this because Mr. Hastings was on his trial, and he thought he never would be arraigned; but in the face of this court, and before he left the bar, he was compelled to confess that it was for the lenience and not the severity of his proceedings that he had been reproved by the prisoner.
>
> It will not, my lords, I trust, be concluded that because Mr. Hastings has not marked every passing shade of guilt, and because he has only given the bold outline of cruelty, he is therefore to be acquitted. It is laid down by the law of England, that law which is the perfection of reason, that a person ordering an act to be done by his agent is answerable for that act with all its consequences, quod facit per alium, facit per se. Middleton was appointed in 1777 the confidential agent, the second self of Mr. Hastings. The Governor General ordered the measure. Even if he never saw nor heard afterward of its consequences, he was therefore answerable for every pang that was inflicted and for all the blood that was shed. But he did hear, and that instantly, of the whole. He wrote to accuse Middleton of forbearance and of neglect. He commanded him to work upon the hopes and fears of the princesses, and to leave no means untried, until, to speak his own language, which was better suited to the banditti of a cavern, "he obtained possession of the secret hoards of the old ladies." He would not allow even of a delay of two days to smooth the compelled approaches of a son to his mother on this occasion! His orders were peremptory. After this, my lords, can it be said that the prisoner was ignorant of the acts or not culpable of the consequences? It is true he did not direct the guards, the famine, and bludgeons; he did not weigh the fetters, nor number the lashes to be inflicted on his victims; but yet he is just as guilty as if he had borne an active and personal share in each transaction. It is as if he had commanded that the heart should be torn from the bosom, and enjoined that no blood should follow. He is in the same degree accountable to the law, to his country, to his conscience, and to his God!

In the same debate, in 1788, Edmund Burke closed with these words:

> I impeach Warren Hastings, Esquire, of high crimes and misdeameanors.
>
> I impeach him in the name of the Commons of Great Britain in Parliament assembled, whose parliamentary trust he has betrayed.
>
> I impeach him in the name of the Commons of Great Britain, whose national character he has dishonored.
>
> I impeach him in the name of the people of India, whose laws, rights, and liberties he has subverted; whose properties he has destroyed; whose country he has laid waste and desolate.
>
> I impeach him in the name, and by virtue, of those eternal laws of justice which he has violated.
>
> I impeach him in the name of human nature itself, which he has cruelly outraged, injured, and oppressed in both sexes, in every age, rank, situation, and condition of life."

PRESIDENTIAL LAWLESSNESS WARRANTS IMPEACHMENT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. RANGEL. Mr. Speaker, never before in America's history has there been a Presidential administration so marked by lawlessness and callous disregard for human rights.

President Nixon's latest actions in defiance of a court order to turn over the tapes of telephone conversations relating to Watergate is an inexcusable undermining of our system of justice. But we should not be surprised by the events of the past few days. We should not be surprised in the firing of Archibald Cox and the total dismantling of the Special Prosecutor's office. We should not be surprised at the President's attempts to thwart the course of justice. America has had ample warning of the lawlessness of this President.

Tale after sordid tale of the Presidential abuses have emerged since Richard M. Nixon took office in January of 1969. His latest indication of contempt for the courts, the Constitution, and the Congress is consistent with his previous behavior and his prostitution of the highest office in the land.

The entire Watergate episode with its political sabotage, political espionage and attempted coverup is only one example of this lawlessness.

There is also the fact of illegal campaign contributions which helped fund his reelection.

There is also the fact of special favors granted by the Nixon administration to big political contributors.

There is also the fact of the White House plumbers unit which conducted illegal burglary raids on the office of Daniel Ellsberg's psychiatrist.

There is also the fact of the administration's blatant attempt to bribe the Federal judge conducting the Ellsberg trial by offering him the position of Director of the Federal Bureau of Investigation.

There is also the fact that the Department of Justice illegally wiretapped people whose political views differed from those of the President. And the White House illegally wiretapped employees of the National Security Council. And it illegally wiretapped high level officials in Senator MUSKIE's campaign staff.

There is also the fact of White House lying and covering up the illegal bombing of Cambodia, denying the truth to Congress and the American pepole.

There is also the fact of President Nixon's impoundment of money appropriated by Congress for crucially needed housing, health, employment, and education programs.

There is also the fact of President Nixon's illegal effort to dismantle the Office of Economic Opportunity and to unlawfully allow Howard Phillips to serve as Acting Director of OEO.

There is also the fact of the misuse of Federal funds to improve the value of private property owned by Richard M. Nixon in California and Florida.

There is also the fact of special privileges given by Federal regulatory agencies and executive departments to the personal friends of the President.

It is time to see that the perpetrators of illegal actions connected with Watergate and the 1972 Presidential elections are brought to justice. It is time for impeachment.

MRS. BETTY BANKS: QUEENS WOMAN OF THE YEAR

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. BIAGGI. Mr. Speaker, on October 25, the Queensboro Council for Social Welfare will bestow their prestigious Queens Woman of the Year Award on Mrs. Betty Banks.

Few women have been as richly deserving of this high honor as Betty Banks. To know her is to know a rare and unique individual, a person with seemingly endless energy and dedication to serve her fellow citizens of Queens. As a long-time resident of Jackson Heights, she has unselfishly devoted both time and energy to philanthropic, humanitarian, civic, and cultural organizations throughout Queens.

Her particular work on behalf of the Queens Chapter of the American Red Cross has earned her the respect and recognition by the residents of Queens for the truly wonderful individual she is.

In addition, Mrs. Banks has contributed much to such varied and important organizations as the Queens Botanical Gardens Association, the National Conference on Christians and Jews, and the Committee for Italian Migration.

Betty Banks' work has not gone unnoticed in the past. She is the recipient of a number of prestigious awards, including the Cardinal Cushing Award, she is a past honoree of AMITA and she was cited in 1969 as the Outstanding Citizen of Queens by the borough president. Yet the Queens Woman of the Year Award still has a special significance for Betty Banks, because she is being honored by her fellow friends and neighbors of Queens for her outstanding work on their behalf.

I would also like to pay tribute to the Queensboro Council for Social Welfare, the presenters of this Queens Woman of the Year Award. The council serves a vital role in the Queens Community as the main coordinating agency for all the various health and welfare agencies in Queens. The council has provided thousands of residents of Queens with expert referral and informational services to help make life a little brighter for these people in hours of need.

Despite all the time Betty Banks donates to working with the aforementioned organizations, she still finds enough time to be a dedicated and loving wife. In fact she and her husband, Jack, will be celebrating their 50th wedding anniversary next year. Let me at this time be the first to offer them my sincerest congratulations and best wishes for continued happiness. Betty Banks over the years seems to have an uncanny ability to defy age. Her boundless energy and youthful looks at age 68 make women 20 years younger envious.

Mr. Speaker, it has been my distinct honor to pay tribute to this fine humanitarian and good friend, Betty Banks. I am confident that the coming years will find her continuing in the work she loves so much. I congratulate the Queensboro Council for Social Welfare for their excellent choice of Betty Banks as Queens Woman of the Year, and assure them that they could not have made a more appropriate choice.

THE IMRE NAGY CASE AND ITS REPERCUSSIONS

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. HORTON. Mr. Speaker, on June 17, 1958, the Hungarian and Soviet news agencies simultaneously reported that Imre Nagy, Prime Minister of Hungary during the revolution of October 1956, and several other leaders of the revolution had been tried and sentenced, and that four of them, Imre Nagy, Pál Maléter, Miklós Gimes and József Szilágyi had been executed.

Today, the 17th anniversary of the Hungarian Revolution, rekindles our memory of these events and offers us an opportunity to assess the case of Imre Nagy and his codefendants.

The Soviet troops crushed the popular uprising on November 4, 1956. Imre Nagy, the duly appointed Prime Minister of Hungary, and his associates were forced to seek asylum at the Yugoslav Embassy at Budapest. After the end of the fighting, Imre Nagy and his government were removed from office and János Kádár was appointed Prime Minister. The Kádár government concluded diplomatic negotiations with the Yugoslav Government, according to which Imre Nagy and his entourage were granted safe conduct, including a promise that they "will not be molested for their past political activities."

On the basis of this agreement Imre Nagy and the others decided to leave the Yugoslav Embassy but they were immediately arrested by Soviet military personnel in front of the Embassy building.

Contemplation of this action leads one to two alternative conclusions. If the Soviet authorities acted with the approval of the Government of Hungary, then the latter violated its international obligation "not to molest" Imre Nagy and his associates. If, however, the Soviet military personnel acted without the Kádár government's approval, or in spite of that government's wishes, then this step was the precursor of the "limited sovereignty" formulated by Leonid Brezhnev 10 years later to justify the Soviet intervention in Czechoslovakia.

If the arrest of Imre Nagy and his associates was illegal, his trial was an even more flagrant violation of both the international obligations undertaken by the Government of Hungary and the Hungarian law in force at that time.

The safe conduct granted Imre Nagy obviously became fully operative again the moment the Kádár government gained custody of Imre Nagy and the others arrested with him by the Soviets, even if the arrest had been made without their complicity. The subsequent move by the Hungarian Government to convict persons granted safe conduct must be considered, by any lawful standard, as a serious violation of an international undertaking. That this arrest was regarded as such is proven by the fact that the Yugoslav Government described the actions of the government of Hungary in its protest note as "a gross and unprovoked attack on Yugoslavia."

The fact that Imre Nagy and his codefendants were tried and sentenced by a Special Bench of the Supreme Court during a secret trial was also a serious violation of several Hungarian laws in force at the time. Section 27(1) and (2) of the constitution of the Hungarian People's Republic, as in force in 1958 explicitly provided that—

> (1) The Council of Ministers shall be responsible for its activities to Parliament. It shall regularly render reports on its work to Parliament.
>
> (2) The Chairman ([or] his deputy) and the members of the Council of Ministers shall also be individually responsible for their actions and conduct. A special law shall regulate the manner of impeachment.

The special law referred to in section 27(2) of the constitution has never been adopted by the legislature. Therefore, Law No. III of 1848 on the Creation of a Responsible Hungarian Government was still applicable, because the provisions of this law have not been repealed or superseded, even up to the present day.

According to this law only Parliament has jurisdiction in a case instituted against the Prime Minister or a member of the Council of Ministers for any malfeasance or misfeasance committed in their official capacity. Reading the official communications there cannot be any doubt that, apart from minor details, all acts charged to Imre Nagy and his codefendants had been committed in their official capacity. Thus, the Special Bench of the Supreme Court lacked jurisdiction in the cases of Imre Nagy, Pál Maléter, Zoltán Tildy, and Géza Losonczy.

The secrecy of the trial was another violation of the existing laws. The Code of Criminal Procedure in effect in 1958 provided that the public may only be excluded from a criminal trial by the court if such a measure is required for the preservation of state, military, or official secrets, or for moral reasons. The official announcement on the trial and convictions—which is even today the only source material regarding this case—does not give any justification for the exclusion of the public from the trial.

In retrospect it may be said that the

reasons for the extreme secrecy were not legal, but entirely political. Less than 2 years after the revolution, the Government of Hungary probably did not feel secure enough to withstand the possible reverberations of an open political trial. Neither was the Soviet Union prepared to bear the burdens of a long lasting trial in the face of publicity from the world press.

The facts that this secrecy has lasted for 15 years and that during this period not a shred of evidence concerning the trial has come to light raise serious doubts as to whether such a trial was ever held at all. It is indeed remarkable that for the past 15 years not one of the participants; that is, judges, clerical staff, prosecutors, defense counsel, surviving defendants, family members of the former—in such an important event of recent history has yet come forward to reveal the slightest detail of the alleged trial. The official announcement carefully avoided any legal or personal references, and the charges listed in it were given in a narrative form without including the citations of the laws on which the charges or the convictions were supposedly based. Even less was said about the evidence on which the sentences were justified. No person participating in the trial, except for the defendants, was ever named. Such secrecy is very unusual in the history of Communist regimes not only in Hungary, but also in the other Communist-dominated countries, including the Soviet Union.

In view of this secrecy and the lack of sources and evidence it would be an exercise in futility to deal in detail with the charges of conspiracy to overthrow the government, treason, and the other "crimes" mentioned in the official announcement.

It should be enough to mention that it is difficult to understand how a duly and lawfully appointed prime minister could conspire to overthrow by force a government led by himself. Neither is it clear how treason may be said to exist, if a high official of a country wants to rid his own country from any occupying force. Questions like these would probably have been innumerable had any solid evidence of the trial ever been available.

Instead of such a guessing game it seems more worthwhile to try to assess the effects of the revolution of October 1956, and the supreme sacrifice of Imre Nagy and his fellow martyrs.

It may be paradoxical to state that one of the most important consequences of the Hungarian revolution was the détente between the United States and the Soviet Union. It is true that during and after the revolution, and again in 1958, after Nagy's execution was announced, the official circles and public opinion of the West, including the United States, openly condemned the Soviet Union for the suppression of the revolution in Hungary, and later for the execution and imprisonment of its leaders. However, nothing was done to aid the Hungarians in their fight for freedom. The reasons for this inactivity may be found in the Yalta Agreements in which the United States agreed to regard Hungary as belonging to the sphere of Soviet interest.

Prior to 1958 the Soviet Government had not been certain whether or not, beyond the occasional outburst resulting from the cold war, real adherence to the former agreements could be expected. The total passivity of the Western World, following the example of the United States, gave proof that the American Government would strictly observe any agreement to which it was a party, even if the other parties violated the same agreement.

A thaw in cold-war relationships had begun, and this process—despite some relapses like the Cuban missile crisis, or the 1968 intervention in Czechoslovakia—led to a better understanding between the two superpowers.

But the obvious question still remains: has the sacrifice of Imre Nagy and that of the other known and unknown heroes of the Hungarian revolution benefited Hungary and her much tormented people? The answer to this question must also be given in the affirmative.

It is undeniable that the fate of the Hungarian nation today is better than it was before October 1956. This, of course, does not mean that the free world may be satisfied with its progress, nor are the Hungarians satisfied. The process of liberalization is very slow indeed. Soviet troops in large numbers are still on Hungarian soil because of the Warsaw Pact which Imre Nagy attempted to renounce. Political oppression and the one-party system are still the main features of life in Hungary today, but the methods used to enforce them are less harsh than before.

It is undoubtedly the result of October 1956, that the ruling regime realized, and apparently were able to convince even the overlords in the Kremlin, that at least some regard must be given to the wishes of the consumer, the man in the street, and this has resulted in the reform of the country's economic management.

One of the most important demands of the revolutionary youth in 1956 was that the government put an end to the isolation of Hungary from the Western countries, their civilizations and cultures. The flight of 300,000 refugees over a few weeks gave dramatic emphasis to this demand. Most of those who left their homeland fled for political reasons; or simply because they wanted to live the rest of their life in freedom. But a great number of them, especially the young people, came out, because they were curious to know what lay beyond the Iron Curtain, so carefully guarded by the Communist rulers.

Slowly the Government of Hungary realized that such isolation is an untenable policy, and today more Hungarians may travel abroad in 1 year than have been allowed in a decade prior to 1956. Similarly, more foreigners, particularly from the Western countries, may visit Hungary, thus giving rise to a cultural exchange for which the world may be grateful to Imre Nagy and his fellow martyrs.

The increasing cultural intercourse has inevitably led to economic and political connections between Hungary and the rest of the non-Communist world, even with the United States. Although the major share of Hungary's foreign trade is still tied to the Soviet Union and its satellites in COMECON, economic connections with the West are slowly growing, and even the Soviet Union is following the example of Hungary. This is also an important result of the October revolution of 1956.

It is impossible to tell what would have happened to Hungary and to the rest of the world if the 1956 revolution and Imre Nagy's declaration of neutrality had been successful. But it is safe to say that even though the revolution was crushed and Imre Nagy and his associates, both named and nameless, paid with their lives, it was not a worthless sacrifice because, for their efforts, the world and the fate of the Hungarians therein is a little better today.

MURDER BY HANDGUN: THE CASE FOR GUN CONTROL, NO. 36

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. HARRINGTON. Mr. Speaker, I have received many letters in response to my daily gun control inserts. One of the major points in these letters is the belief that handgun legislation would not reduce violent crime. A recent article in the Washington Post clearly demonstrates that this assertion is wrong. In this article, Dr. Czajkoski, expert on criminology, concludes:

> Gun control legislation would reduce the murder rate.

I would like to ask when Members of Congress are going to respond to the facts of gun control, rather than to their emotions. The facts show conclusively that gun control would prevent many of the murders committed by handgun.

I include a murder that might have been prevented, and the article from the Washington Post entitled, "Gun Laws Linked with Murders."

The material follows:

DICE-GAME DEATH BRINGS 6 YEARS

A 6-year prison sentence was given yesterday to a 33-year-old man convicted of manslaughter in the fatal shooting of another man after an argument over whether crooked dice were being used in a dice game.

Bernard Baskerville, of the 200 block North Mount street, received the sentence for the shooting of David L. Powell, 35, of the 1600 block West Fayette street, last November 10 at a tavern in the 1500 block West Fayette street.

Baskerville had been accused by the shooting victim of using crooked dice. Even though Mr. Powell was assured by the tavern manager that the dice were not irregular, he nevertheless continued his complaint and approached Baskerville, who whipped out a pistol and shot him, according to testimony produced by Mark Vau Bavel, the prosecutor.

Judge Albert L. Sklar imposed the term in Criminal Court.

GUN LAWS LINKED TO MURDERS

ATLANTA, GA., September 25.—An absence of gun control legislation in Southern cities may be one reason why those metropolitan areas are dominating the nation's murder statistics according to some professional observers.

FBI data show Atlanta leading the nation in 1972 with a rate of 23 slayings per 100,000 population, followed by Gainesville, Fla.; Little Rock, Ark.; Greenville, S.C.; Columbus, Ga.; Tuscaloosa, Ala.; Richmond, Va., and Savannah, Ga.

Out of 53 metropolitan areas that reported 12 or more homicides per 100,000 population, 42 were in a 12-state Southern region.

"Generally in the South, restrictions on gun ownership are rather loose," said Dr. Eugene Czajkoski, chairman of the department of criminology at Florida State University.

He said although statistics are unreliable, he is personally convinced that gun control legislation would reduce the murder rate. In a telephone interview from his Tallahassee office, he claimed Northern cities have tighter gun restrictions.

Based on per 100,000 population, New York reported 19.1 murders last year while Los Angeles reported 12.8. Las Vegas had 18.3, Baltimore 17.6, Detroit 17.3 and Chicago 11.5.

By comparison, Gainesville had 22.3, Little Rock and Greensville 20.4, Columbus and Tuscaloosa 20.2, Richmond 19.8, Savannah 19.2, Raleigh, N.C., 18.7, Lubbock, Tex. and Memphis, Tenn., 18.6, New Orleans and Jackson, Miss., 17.9, Charlotte, N.C., 17.6, Chattanooga, Tenn., and Jacksonville, Fla., 17.4.

Houston reported 17.3 murders per 100,000 population, Birmingham, Ala., and Augusta, Ga., reporterd 17.1 and Wilmington, N.C., had 17.

"If I had my way they would take every handgun ever made and throw them in the river," said Georgia Division of Investigation Director William Beardsley.

ESEA

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. LANDGREBE. Mr. Speaker, on October 2 of this year I introduced H.R. 10639, a bill to phase out over a 4-year period Federal aid to education authorized by the Elementary and Secondary Education Act. The reasons the passage of such a bill is urgent are many: first, Federal aid to education is unconstitutional; second, Federal aid has not in fact aided education, but has generally had no measurable effect on the education of children, and where its effects have been measurable, they are generally detrimental to education; third, Federal aid has accelerated the removal of the control of children from parents and has given it to the State; and fourth, Federal aid has increasingly been directed toward noncognitive learning, that is, away from education altogether and toward the modification of the behavior of children and the inculcation of alien values in the minds of children. In view of these facts, it is deceitful to label H.R. 69 as Federal aid to education: It is not designed for education, and it has not aided education. The only slightly truthful word in the phrase "Federal aid to education" is "Federal", and that is a weasel word that obscures the source of the money expended under the ESEA: the American people.

Miss Solveig Eggerz, in an article which appeared in the July 14, 1973 issue of Human Events, has ably described and enlarged upon reasons 2, 3, and 4 given above for the phaseout of Federal aid. I commend her article to the attention of my colleagues in the House and ask that it be printed in the RECORD:

FEDERAL AID TO EDUCATION SHOULD BE ABOLISHED

(By Solveig Eggerz)

The liberal-dominated House Education and Labor Committee is about to press upon the public's back a new version of the multi-billion-dollar Elementary and Secondary Education Act (ESEA), the federal government's most potent vehicle for intervening in local school affairs. Sponsored by Chairman Carl Perkins (D-Ky.), and backed by the Republicans' ranking member, Rep. Albert Quie of Minnesota, the legislation will not only cost some $2-billion-plus per year but is designed to commit the taxpayer to funding ESEA for at least five more years.

While many of the ESEA advocates may think this legislation contributes to the welfare of children, there is no more reason to think it will solve our education ills than there is to believe bloodletting will cure a hemophiliac. A closer look at the projects for deprived children under Title I, the experimental programs of Title III and the similar fare offered under Title V forces the question—what in the world did the kids ever do to deserve this?

If test scores and evaluations are any indication, the $8.77 billion spent thus far on compensatory education under Title I has all been wasted.

Indeed, the progressive infusion of federal funds into education appears to parallel a downward trend in test scores in basic skills. While it may be too much to say that federal funding is the sole cause of this, it's clear that governmental programs controlled from Washington have done nothing to improve the knowledge of children and in many cases have worsened the educational situation.

The National Assessment of Educational Progress revealed recently that 15 to 20 per cent of the nine-year-olds cannot read at all, ranging from 7 per cent in the affluent suburbs to 35 to 45 per cent in the extreme inner city. Despite the fact that more Americans go to school for more years than ever before, some 15 to 20 per cent of adults are functionally illiterate.

Children in cities such as Washington and Chicago read below grade level and the situation seems to be deteriorating. In Boston, the head of the school board has proposed that the amount of time pupils spend on reading be doubled because reading scores have dropped to a record low.

In New York, the percentage of public school pupils reading below grade level has increased every year. In May 1966, 45.7 per cent of the city's second-graders were reading at or above the national norm for that grade. On the national reading test last year, the figure had dropped to 42.3 per cent. The reading scores had fallen off even more sharply in other grades.

An idea of just how bad things have become can be gleaned from the actions of an 18-year-old graduate of Galileo High School in San Francisco who recently filed a million-dollar suit charging that the school system had failed to teach him how to read.

Traditional reservations about federal aid to education were overcome in 1965 by selling ESEA to Congress as basically an anti-poverty bill. Those who should have balked at involving the federal government in a multi-million-dollar school program were soothed into support when ESEA was described as aid to children rather than as aid to schools.

But Title I programs, far from really aiding children, seem aimed more at decorating the schools with new equipment, "innovative" programs, and courses that patronize the poor rather than in teaching the tough, basic skills necessary for children to succeed in later life.

"For all their variety, the programs have generally suffered from one fundamental difficulty: they are based on sentiment rather than on fact," states Prof. Edmund W. Gordon who coauthored the book, *Compensatory Education for the Disadvantaged*.

Much of the compensation comes in the form of arbitrary material gain. Mark Arnold, congressional correspondent for the *National Observer*, in his survey of Title I schools in Washington, D.C., found in one school, among other things, 33 record players, 37 film strip projectors, 24 radios, three sewing machines and three washer/dryer combinations.

Of Title I programs he says, "From the first time the first $5.4 million was received in 1965 with little time for advance preparation, the program has been characterized by poor planning, sloppy management, superficial evaluation, and until recently, precious little concern with results."

Many of the innovations introduced through Title I do not nourish the intellect, but focus on mental health concerns such as "self-image" or "self-awareness." Moreover, there is an abnormal amount of money spent on complicated machinery, new teaching methods and "cultural enrichment" programs.

Black psychologist Kenneth B. Clark, who believes in a tough curriculum for children, shows a marked lack of enthusiasm for this variety of innovation, much of it funded through Title I.

For minority children, Clark says, "there is a proliferation of enrichment programs . . . in fact, one of the burdens of being a child in a predominantly minority school is that you have no way of protecting yourself from innovative programs."

A large portion of Title I funds go for the hiring of "para-professionals" to aid the schools. Most of these people come from the neighboring community and many of them cannot provide assistance to the children beyond helping them tie their shoelaces and put on their galoshes. Any cutback in Title I funds threatens this army of "para-professionals" with unemployment, thus making such cutbacks politically unpopular.

Dr. Rhoda L. Lorand, a clinical psychologist in New York City, has been sharply critical of the para-professionals and the programs they're engaged in. People are "fooling themselves if they think these programs give the children what they need," she says. "You can't kill two birds with one stone—both provide the children with the kind of people they need and find general employment for the community."

"These children should only be taught by teachers who *choose* to teach in the ghetto, by people who really care," says Dr. Lorand. "Just having a lot of people around, just hiring anyone who happens to be in the neighborhood, isn't going to help. Just throwing a lot of money at them isn't doing any good."

George Weber of the Council for Basic Education has done a study of inner-city schools in the hope of finding successful ones. In his booklet, *Inner City Children Can Be Taught to Read: Four Successful Schools*, Weber lists several qualities common to successful inner-city schools. Among them are strong leadership and high standards at the top, emphasis on reading, the use of phonics, special reading personnel and individualized attention.

While all four schools were Title I schools, this was not the reason for their success, Weber points out. "Rather it's just the opposite. It's a sign of the failure of Title I that I came up with only four successful schools."

A disbeliever in the value of federal funds to education, Weber says Title I is based "on the simplistic faith that money can do the job. . . . Although some schools have made good use of Title I money, most of it has been spent to no effect."

Harvard sociologist Christopher Jencks,

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who views things through Socialist-tinted glasses and might be considered an ally of Title I, has acknowledged its shortcomings. He states in his expansive study of the schools, *Inequality*, that "students in Title I programs do worse than comparison groups as often as they do better. . . . These programs have often been misspent. Often they have been widely diffused. Their aims are typically hard to pin down.

"Most announce improved reading or mathematics achievement as their principal goal, but many also seek to improve students' self-concept, eliminate truancy, prevent dropouts, improve school community relations, increase parent involvement or prevent fallen arches."

While some short-term evaluations of Title I programs have shown gains in achievement, these gains have proven to be temporary in nature. More importantly, the average inner-city child continues to drop farther behind the national norm, whether he has been in a Title I program or not.

One of ESEA's original sponsors, former Rep. Roman Pucinski (D.-Ill.), called the program "a monumental flop."

The conclusions of Title I evaluations have been more depressing each year. In its first report on Title I in 1967 the Office of Education disclosed that in 19 tests covering basic skills participating children had diminished their lag on 10 tests but increased it on the other nine. The second-year report showed the Title I child to be farther behind national norms after going through the program than he had been before.

Harry Piccariello did an evaluation of Title I for the Office of Education in 1969 in which he noted that significant change occurred in 108 of the 198 projects studied and that of these 58 were significant positive changes. He points, however, to the 50 significant *negative* changes and states that "the implication here is that participation in Title I programs for these children resulted in lower achievement than would have been the case had they not participated in these Title I projects at all."

The most conclusive evaluation of Title I to date, done by the American Institute for Research in March 1972, found that 'ESEA Title I has never been implemented nationally as intended by Congress," and that, "there is little evidence at the national level that the program has had any positive impact on eligible and participating children."

Despite this mass of negative data on Title I, Congress apparently is still under the delusion that by pouring out huge doses of federal funds "deprived" children will be miraculously educated. But a number of experts in the field have demonstrated that good education does not depend on the sums spent per pupil.

James S. Coleman of Johns Hopkins University, who in 1965 and 1966 headed the largest and most thorough examination of American public schools ever undertaken, discovered the following: "The evidence revealed that within broad geographic regions, and for each racial and ethnic group, the physician and economic resources going into a school have very little relationship to the achievements coming out of it." He concluded that "if it were otherwise, we could give simple prescriptions: increase teachers' salaries, lower classroom size, enlarge libraries and so on. But the evidence does not allow such simple answers."

The *New York City School Fact Book* found in 1969: "The evidence we have accumulated is somewhat surprising. We have recorded traditional variables that supposedly affect the quality of learning: class size, school expenditure, pupil/teacher ratio, condition of building, teacher experience and the like. Yet, there seems to be no direct relationship between these school measurements and performance. . . ."

Harvard's Prof. Jencks said in 1969 that "Variations in schools' fiscal and human resources have very little effect on student achievement—probably even less than the Coleman Report implied." In his 1972 magnum opus on education, *Inequality*, Prof. Jencks elaborated on the point:

"More specifically, the evidence suggests that equalizing educational opportunity would do very little to make adults more equal. If all elementary schools were equally effective, cognitive [by which Jencks means the ability to manipulate words and numbers, assimilate information and come to logical conclusions] inequality among sixth-graders would decline less than 3 per cent. If all high schools were equally effective, cognitive inequality among twelfth-graders would hardly decline at all, and disparities in their eventual attainment would decline less than 1 per cent.

"Eliminating all economic and academic obstacles to college attendance might somewhat reduce disparities in educational attainment, but the change would not be large. Furthermore, the experience of the past 25 years suggests that even fairly substantial reduction in the range of educational attainments do not appreciably reduce economic inequality among adults.

"The schools, of course, could move beyond equal opportunity, establishing a system of compensatory opportunity in which the best schooling was reserved for those who were disadvantaged in other respects. The evidence suggests, however, that educational compensation is usually of marginal value to the recipients. Neither the over-all level of educational resources nor any specific, easily identifiable school policy has much effect on the test scores or educational attainments of students who start out at a disadvantage. Thus even if we reorganized the schools so that their primary concern was for the students who most needed help, there is no reason to suppose that adults would end up appreciably more equal as a result. . . ."

In short, there is no reason whatsoever to believe that federal aid to education is anything but a drain on the taxpayer. Yet Congress does not even question the value of these programs. The primary source of discord in the House Education and Labor Committee at the present time is not whether to continue ESEA, but just how the funds should be divided.

Traditionally, Title I funds have been channeled into the most impoverished school districts. Rep. Albert Quie (R.-Minn.), the ranking Republican on the committee, proposes a somewhat different method, which seems to have caught the fancy of many of the members. Quie would like to spend the most funds in areas where students score the poorest in national standardized tests as judged by the National Assessment of Educational Progress. The Quie proposal not only ignores the studies cited above, but adds a new wrinkle in placing a premium on having the students do poorly; i.e., a negative incentive. The worse the students, the more money from Washington.

Under the Quie plan, moreover, the NAEP, funded by such liberal outfits as the Office of Education, the Ford Foundation and the Carnegie Corporation, would not only assess student skills but student progress in becoming a good citizen (the "Attainment in Citizenship" program). The development of national goals for citizenship could obviously be controversial, particularly under the auspices of an organization dependent on liberal sources for money.

Title I, however, is not the only problem with ESEA. Funded at only $146 million a year, as opposed to the $1.8-billion figure for Title I, Title III is frequently not seen as the sometimes silly, sometimes pernicious provision that it is.

With emphasis on exporting "experimental" and "innovative" pilot projects to school districts throughout the country, projects filled with sham are often aimed at altering the values of Middle America. Title III has a great potential for rendering harm.

"Change agent" is a household word in Title III projects. Gerald Kluempke, secretary of the National Advisory Council on Supplementary Centers and Services, ESEA, Title III, urged the Appropriations Labor-HEW subcommittee in recent testimony not to abolish Title III, but to reexamine "the role of the Office of Education as a change agent."

The Office of Education is presently planning an evaluation of Title III and four other OE programs to assess their "impact as agents of change."

What sort of change? Instead of being content with the goal of getting students to develop basic skills, a goal it has distressingly failed to attain, the Office of Education, through Title III programs, wants to mold children in the image of the liberal. Title III projects often focus on making a child skeptical of religion, the police and parental authority. Title III projects also indulge in much foolishness. For instance:

On-the-Job Training in Human Relations Education is a project in Buffalo, N.Y., which sets "attitudinal and behavioral objectives." Among the Title III projects to win the "Educational Pacesetter Award" this year are many behavior modification programs. While some "behavior mod" programs are merely a method whereby good learning behavior is reinforced through rewards, many are geared toward developing certain liberal values and attitudes.

An award winner is *Project Adventure* in Hamilton, Mass., which received $86,800 in federal funds and promises to "transmit a sense that life should be entered into fully, actively and compassionately."

A typically unintellectual endeavor is *Self-Direction Through Group Dynamics* in Danvera, Mass. The $75,000 in federal funds and $30,000 in local funds go toward "helping students and faculty improve their concepts of themselves, their awareness of their own and others' feelings, their communication skills and their capacity to function effectively in a group."

Project on Student Values in Grand Rapids, Mich., promises to test students for their "value orientation." Because of Title III's orientation toward change, clues to what we can expect in the future as a result of funding these projects can be read out of Title III projects.

Project Redesign, for example, already covers 10 per cent of the schools in New York. It calls for a "New System of Education" which instead will emphasize "direct, real and relevant experiences," "human interaction," and "positive self-concept."

In short, federal aid to education is a monstrous waste of money. Because it has been a massive failure, ESEA can be abolished without qualms of conscience that a small child's education is at stake. Indeed, it would be argued that a small child's education depends on the elimination of ESEA.

IMPEACHMENT OF PRESIDENT RICHARD M. NIXON

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. WALDIE. Mr. Speaker, I rise today to introduce a resolution of impeachment against the President of the United States. I wish to assure the Speaker and my colleagues that I sincerely wish this moment had not come. If there were any other recourse, even within reasonable sight, of restoring public confidence in Government; of assuring that the President obeys the Constitution and the laws of the land as every other American must; and of determining that the President actually did not authorize, concur in, or cover up burglary, breaking and entering, illegal wiretapping, espionage, and perjury—I would then not take this course of action.

However, this Nation is now confronted with a constitutional crisis of unprecedented proportions. The events of the past weekend alone are simply staggering. The President first defied an order of one of the Nation's highest courts to produce tape recordings and documents, memorandums, and other material relevant to the investigation of the sordid affair we now know as "Watergate."

The President then fired Special Prosecutor Archibald Cox and dismantled and abolished his entire office. He then forced the resignation of the Nation's two top law enforcement officers, Attorney General Elliot Richardson and Deputy Attorney General William Ruckelshaus.

Within hours, therefore, the President had disobeyed a court order and substituted his own arrangement which was called a "compromise" but was actually an order to cease further inquiry into a number of legitimate areas, and then divested himself and the country of the services of three men of high principle and honor, characteristics which have been sadly lacking in many of the President's closest associates and advisers.

Mr. Speaker, the events of the past weekend are the culmination of President Nixon's repeated attempts to institutionalize his notion that the Executive has unlimited powers and is accountable to no one, and they make it abundantly clear that the President does not intend to obey the law of the land, nor keep promises made to Congress, nor abide by his oath of office made twice to the people.

It is indeed regrettable that the President, by the acts of the past weekend, and the many others which he has undertaken to systematically obstruct the investigation of the "Watergate" and related incidents, has made a resolution of impeachment necessary. However, we can no longer avoid the conclusion that impeachment is the only legal and proper avenue remaining for us to preserve the integrity and form of our Government as provided for in our Constitution. Thomas Jefferson wrote:

> An elective despotism was not the government we fought for, but (we fought for) one which should not only be founded on free principles, but in which the powers of the government should be so divided and balanced among several bodies . . . as that no one could transcend their legal limits, without being effectually checked and restrained by the others.

The President has ignored the traditional separation of powers and thereby brought about this constitutional crisis. We have no other reasonable and effective choice but impeachment.

The people of this country have every right to expect Congress to zealously protect our constitutional form of government. In addition, the people of this country have a right to know the truth about activities, such as "Watergate," which may have subverted our free electoral processes. The people have a right to expect the executive branch of Government to be free from personal misconduct, and to operate in conformity with the legal and moral system; the people have the right to know that no member or branch of the Government, and no citizen, is above or beyond the law.

We are now faced with a President who, by ignoring the Constitution and by obstructing justice, may limit or destroy these rights. The President has made clear that he will not comply with the law as interpreted and set forth by the U.S. Court of Appeals. The President has systematically sought to delay and obstruct the investigation of misbehavior surrounding the 1972 Presidential elections. In addition, we know by the personal admissions of certain participants, that this misbehavior involved high-ranking staff members of the administration; and we cannot escape the fact that at least one individual has charged that the President himself had knowledge of this misbehavior long before the facts were made public. Finally, some criminal indictments have been issued in connection with activities undertaken during the 1972 Presidential election and, at the time of his discharge, Special Prosecutor Cox was in the process of presenting further indictments.

When Mr. Cox was told late Saturday that he was fired as special prosecutor—President Nixon having finally found an Acting Attorney General willing to do the deed—he responded with one sentence:

> It is now up to the Congress and the people to uphold the principle that ours is a government of laws, not of men.

Congress and the people are now left with only one way to vindicate the rule of law and the constitutional structure of this Nation. That way is impeachment. All other courses of action have been blocked by the President.

It has been said that last Saturday was not "7 days in May," but 1 day in October. In Communist countries, fascist dictatorships, "banana republics," and other nations where democracy is supposedly more fragile than in America, it is all too familiar for the head of state or the leader of a coup to announce that he has regretfully decided, in the best interests of the state, to dissolve the legislature. Last week President Nixon announced that the process of justice in the United States was being dissolved, insofar as it relates to the high crimes, obstruction of justice, and attacks on our electoral system that have come to be known as Watergate. This was a Presidential coup directed at the rule of law on which the Nation is based, and at the judicial and legislative branches in their attempts to meet their constitutional responsibilities.

Impeachment is not a course to be taken lightly; to shrink from it now, however, is to take our constitutional system and the rule of law lightly. But it must be remembered that impeachment is what the Founding Fathers intended should be used in such a time as we now find ourselves—where the President deems himself answerable to no one, not even the courts. Impeachment is part of the law—it is mentioned in the Constitution five times. Unless the House faces up to its duty, the people will again perceive the House as unwilling to assert its legitimate role as one of the equal branches of the Government.

Mr. Speaker, impeachment is serious business. But in my view, all other ways within our constitutional system for dealing with the scandal and crisis of Watergate have been tried, and have now been ruthlessly cut off by the President himself:

First, the regular processes of criminal justice were tried first, and failed.

The trial of the "seven" Watergate defendants is now universally acknowledged to have been a sham, shot through with perjury and obstruction of justice designed to protect the higher-ups in the White House and the Committee To Re-elect the President. This was why a special prosecutor was appointed, President Nixon having specifically authorized Attorney General Richardson to do so, and why the Senate's Select Committee was established. The work of the Special Prosecutor and the Select Committee reassured the American people that their processes of law and government were working. President Nixon has now defied and repudiated those processes.

Second, President Nixon now stands in open defiance of a final order of a Federal court.

The Court of Appeals, affirming District Judge Sirica, has ordered the President to turn over his tapes to the court, so it may determine what portions, if any, are needed by the grand jury. When President Nixon last Friday refused to appeal that order to the Supreme Court, it became final and binding. President Nixon declares openly to the Nation that he will not obey the court's order. This abrogation of the judicial process not only withholds evidence needed by the grand jury, but may result in dismissal of all cases brought against Watergate defendants, since the defendants can demand dismissal if the Government refuses to produce relevant evidence in its possession. This defiance would equally block the efforts of any other prosecutors, regular or special.

Third, President Nixon has abrogated the prosecutorial function by dismissing the Special Prosecutor, dismantling his entire investigation, and compelling the the two Attorneys General who refused to go along to resign.

President Nixon authorized Attorney General Richardson to appoint a special prosecutor; with the President's approval, Richardson promised that the Special Prosecutor would be independent, would not be interfered with, could contest claims of executive privilege in court, would not be fired except for extraordinary misconduct. In firing Cox because he pursued his duty, the President has abrogated the prosecutorial function just as he repudiated the judicial one.

He seeks to assure that there will be no real or independent prosecution of the Watergate offenders. This is a coverup of a coverup, an obstruction of process

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of justice aimed at those guilty of obstructing justice. Any notion that the Justice Department can step into the shoes of the special prosecutor is negated, not only by the original Justice Department performance, but by the President's obvious reason for firing the special prosecutor—his prosecution was too good for the President's comfort—and by the President's firing of the two Attorneys General who dared to assert their independence last Saturday.

Fourth. President Nixon has also defied the Congress and repudiated its processes.

In at least two ways, he has undercut and frustrated the attempts of Congress to uphold the rule of law, to inform the public, and to develop necessary legislation regarding the events of Watergate.

He has refused to make available to the Senate Select Committee evidence it needs for its investigation.

By dismissing the special prosecutor for pursuing his investigation, the President has reneged on his commitment to the Senate, through Attorney General Richardson, to appoint a special prosecutor and give him appropriate independence and powers.

So the efforts of Congress to use two of its constitutional powers in the Watergate crisis—the power to investigate, and the power of the Senate to advise and consent to Cabinet nominations—have met with obstruction, repudiation, and deception on the part of the President.

The other branches of the Government, acting in good faith and within their constitutional authority, have thus tried various ways to uphold the rule of law and the interest of the public with regard to Watergate, but all their attempts have been blocked by President Nixon. The legitimate actions of the grand jury and the courts, of the special prosecutor, and of the Congress have all been defied and repudiated.

However, as I noted earlier, Mr. Speaker, the most recent events are but the last in a long series of actions which constitute a systematic and concerted attempt by the Nixon administration to subvert the Constitution of the United States.

The litany of impeachable offenses that have accumulated during the past 5 years are truly shocking. I will simply list the most salient.

First, the President personally approved plans for political surveillance by such methods as burglary, breaking and entering, and wiretapping. At the time of approval, Mr. Nixon was advised that certain aspects of the "Huston Plan" were illegal, and yet the plan was ordered implemented, and were stopped after 5 days only at the insistence of J. Edgar Hoover.

Second, the Nixon administration conducted a clandestine bombing campaign in Cambodia for over 14 months, and not only withheld information from the American people and the Congress concerning this matter, but also told the American people that such raids were not occurring. This subversion of the war-making powers necessitated a falsification of records and documents by the executive branch, and, in my view, because the funds spent on the bombing was obtained from the Congress under "false pretenses," they were spent in an unconstitutional manner.

Third, the Nixon administration established within the White House a super secret police force known as the "plumbers" which acted outside of the law for the political purposes of the Nixon administration.

The list of potentially impeachable offenses would also include:

A deliberate assault on civil liberties.

The use of governmental powers to harass critics.

Interference with peaceful assembly and protest.

A continuation of the impounding of funds, notwithstanding the fact that every court decision on this subject has found impoundment to be unconstitutional and,

The attempt to pervert and subvert the various agencies of the executive branch, including the Justice Department, the State Department, the Defense Department, and the Central Intelligence Agency.

Therefore, Mr. Speaker, it is clear that the House should impeach the President. The reasons for impeachment are not limited to events of the past weekend, but are rooted in the concerted and systematic attempt by the President to subvert the Constitution.

The events of this weekend were indeed symbolic, however, for in dismissing three men who have clearly demonstrated a high degree of character, honesty, and courage, Mr. Nixon placed in unmistakable contrast his parting accolades to Mr. Haldeman and Mr. Ehrlichman.

In this regard, I would like to quote James Madison, on the responsibility of the Executive for the acts of his subordinates:

> I think it absolutely necessary that the President should have the power of removing from office. It will make him, in a peculiar manner, responsible for their conduct and subject him to impeachment, if he suffers them to perpetrate with impunity high crimes and misdemeanors against the United States or neglects to superintend their conduct as to check their excesses.

Mr. Speaker, in view of the myths that abound as to the various grounds for impeachment, I feel it appropriate to state why there are presently existing grounds for impeachment, even if one assumes the absence of proof of indictable crime.

One of the grounds for impeachment is "high crimes and misdemeanors." Because these words are familiar words in criminal law some persons have erroneously concluded that this ground of impeachment necessarily involves an indictable offense as that term is used in the criminal law. However, precedent in the Senate clearly confirms that impeachment for "high crimes and misdemeanors" does not require an indictable offense. As Prof. Raoul Berger, the country's leading expert on impeachment, recently wrote:

> The great preponderance of authority, including extrajudicial statement by Chief Justice Taft and Justice Hughes, regards "high crimes and misdemeanor" as not confined to criminal conduct.

The country's Founding Fathers well understood that the institution of impeachment had a much broader base than the criminal law. Hamilton said impeachment was to reach misconduct of public men in abusing or violating some public trust. It was for injuries done immediately to the society itself. It was a method of national inquest into the conduct of public men. In No. 65 of the Federalist Papers, Hamilton pointed out that England and several of the States regarded the practice of impeachment "as a bridle in the hands of the legislative body upon the executive servants of the Government."

The Senate has appreciated the broad meaning of "high crimes and misdemeanor." For example, the Senate has convicted a judge in an impeachment proceeding on the ground that his conduct was "to bring his court into scandal and disrepute, to the prejudice of said court and public confidence in the administration of justice."

Although I would not go so far, evidently this history of impeachment led the minority leader GERALD FORD to conclude as follows in 1970:

> What, then is an impeachable offense? The only honest answer is that an impeachable offense is whatever a majority of the House of Representatives considers it to be at a given moment in history; conviction results from whatever offense or offenses two-thirds of the other body considers to be sufficiently serious to require removal of the accused from office—there are few fixed principles among the handful of precedents. CONGRESSIONAL RECORD, volume 116, part 9, page 11913.

By what I have just said I do not mean to imply that crimes in the sense that term is used in criminal law may not be involved in the proposed impeachment proceeding. There is every reason to suspect that criminal activity is involved and will be revealed in an investigation that cannot be thwarted by coverups and the discharge of prosecutors when they begin to uncover the crimes. However, my point is that the institution of impeachment has a higher purpose than the ferreting out of crime and criminals. As Hamilton said, it is a "national inquest" into the conduct of public men, or as John Pym said at the impeachment of the Earl of Strafford—

> To alter the settled frame and constitution of government is treason in any state. The laws whereby all other parts of a Kingdom are preserved should be very vain and defective, if they have not a power to secure and preserve themselves.

I suspect that there will be efforts to compare this impeachment with the impeachment of Andrew Johnson. There is no similarity in the two cases. The impeachment of Andrew Johnson was undertaken for the basest of political motives, and was not founded upon the sort of misconduct which is present here. Andrew Johnson was the victim of an aggressive Congress intent on pursuing a personal vendetta against a particular individual. Here, as I have already discussed, every effort has been made to avoid this final choice. We now know that, because of the actions of President Nixon, impeachment is the only procedure which can guarantee a full resolution of the issues before us. We have tried to use every mechanism of government within our control, and President Nixon has impeded each of our efforts. Accordingly, we must turn to impeachment.

Just before the Constitution was signed in Philadelphia on September 17, 1787, Benjamin Franklin addressed the Convention and focused upon the nature of the people and their government. He said:

> [T]here is no Form of Government but what may be a Blessing to the People if well administered; and I believe farther that this is likely to be well administered for a Course of Years, and can only end in Despotism as other Forms have done before it, when the People shall become so corrupted as to need Despotic Government, being incapable of any other.

I reject the notion that we, the people of the United States, have become so corrupted as to need despotic government. It is specifically for this reason that we must regrettably make use of the impeachment process.

Moreover, Mr. Speaker, the people are demanding action on this matter. Responsible Members of the Congress should no longer talk about the impossibility of impeachment, but about the need to cleanse our Nation. Impeachment is not so much designed to remove Richard Nixon from office, as it is to preserve the Constitution, and it is the only alternative for saving the Nation's democratic form of government from Executive fiat and tyranny.

DOCTOR IMMIGRATION TERMED HARMFUL

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. ROGERS. Mr. Speaker, in recent years, I have become more and more concerned about the numbers of foreign doctors immigrating to the United States. Not only does this situation have an adverse effect on those nations from which these doctors are emigrating, but it points up the reliance of the U.S. medical system on these foreign-trained physicians. I recently read an article in the October 17 edition of the New York Times entitled "Doctor Immigration Is Termed Harmful in U.S. and Abroad."

This article was written about the remarks of Dr. Richard Warren of Harvard at the recent Congress of the American College of Surgeons in Chicago. It is a most interesting article and I would like to insert it in the RECORD at this point for the benefit of my colleagues.

> DOCTOR IMMIGRATION IS TERMED HARMFUL IN UNITED STATES AND ABROAD
>
> CHICAGO, October 16.—Immigration of doctors to the United States must be stopped, a Harvard professor, Dr. Richard Warren, says.
>
> Instead of allowing foreign doctors to immigrate, the United States should provide for medical training for Americans, Dr. Warren says. He spoke as a panelist on surgical manpower at the annual clinical congress of the American College of Surgeons.
>
> Dr. Warren said at a news conference that although many foreign-trained physicians were outstanding, others had inferior training.
>
> He added that it was unfair for these doctors to leave their homelands, which have invested vast amounts of money in their education.
>
> About half of the doctors graduating from medical schools in the world outside the Communist nations are trying to get into the United States, he said.
>
> Seven per cent of doctors practicing in the United States in 1971 were foreign medical graduates, Dr. Warren reported, and 3,000 of the net increase of 7,000 doctors in the United States in 1971 were foreign medical graduates.
>
> While 7,000 Filipino doctors practice in the United States, he said, there are only 6,000 American black doctors.
>
> Dr. Robert A. Chase of Stanford University said it was "a national shame" that the United States did not have space for those who wanted to attend medical school.
>
> Dr. Francis D. Moore, of Harvard, added that there were 70,100 applications for the 13,500 openings in the most recent freshman medical school classes.

THE "HOLIDAZE"

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. DERWINSKI. Mr. Speaker, the Star Tribune publications, serving south suburban Cook County, Ill., have a well-deserved reputation for the quality of their editorial commentary. I believe it is appropriate that I insert in the RECORD today that publication's editorial of Thursday, October 18, on the subject of Monday holidays.

Since we observed one of the most traditional holiday dates yesterday, the point made in this editorial certainly applies:

> THE "HOLIDAZE"
>
> Tradition, it appears, is stronger than expediency. Or at least that is one conclusion that can be drawn from recent efforts by governmental groups and others to manipulate the calendar in the name of leisure.
>
> In 1970 the Illinois General Assembly, in accordance with recommendations of the federal government, adopted legislation switching five commemorative holidays from the traditional dates to a Monday close to the original date. The date was to create more "three-day" weekends. Now, however, less than three years later, three of the official state observances have been restored to their former dates.
>
> The latest about-face in the "holidaze" sweepstakes in Illinois involves Memorial day—or Decoration day, as it was once known. Originally it was observed on May 30. Then it was switched to the last Monday in May. Now, by action of the state legislature, it's back to May 30.
>
> Other observances that have been restored to their traditional dates are Lincoln's birthday (February 12) and Veterans day (November 11).
>
> The only survivors of the 1970 edict are Washington's birthday (from February 22 to the third Monday in February) and Columbus day (from October 12 to the second Monday in October).
>
> To date, we're happy to report, there are no plans to switch the traditional observance of Independence day. It would be a little silly to celebrate the Fourth of July on any other date. Tradition deserves more consideration than it enjoyed for a time.

MR. TERRY JONES—FATHER OF THE YEAR, 1973

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. STARK. Mr. Speaker, I would like to take this opportunity to say a few words about Mr. Terry Jones, a constituent of mine who has recently been named "Father of the Year, 1973," by the Minority Adoption Committee—MAC. He has been selected as the adoptive father who best typifies the essential qualities of parenthood which MAC is seeking for all children in need of love, security, and permanent homes.

Mr. Jones, at the age of 31, is a fine example of a concerned and active citizen who any child would be proud to claim as his or her father. While pursuing his goal of teaching social science on the university level, Mr. Jones has been actively involved in serving his community. He has worked as an assistant human relations coordinator for the city of Berkeley and has assisted in the development of the Berkeley model cities program. He has also done individual and group counseling for the Contra Costa County Probation Department. Most recently Mr. Jones has been a teaching assistant at the University of California at Berkeley and the director of the health care outreach project in Richmond, Calif.

Mr. Jones has made an invaluable contribution to the community by volunteering his time, knowledge, and effort to better the economic, social, and political lives of the black citizens of Vallejo by helping to organize and develop the Black Society on Unity and Liberation. He has developed and staffed a tutorial project in the Vallejo area as well as having recruited black students to the school of social welfare, working closely with the black caucus and black faculty of the University of California, Berkeley.

In addition to his many other activities, Mr. Jones is a member of the California Association of Afro-American Educators and the Associated Bay Area Black Social Workers. In 1972, to make their lives more complete, Mr. Jones and his wife adopted a baby boy through MAC.

I am sure that his family and all who have seen his efforts will attest to the fact that Mr. Jones is one of the most outstanding men of our community. A man of fine character. Mr. Jones' concern for others is admirable. Thank you, Mr. Jones, for all that you have done to make our community a better place to live.

XUM

ON LEGISLATION TO DECRIMINALIZE THE PERSONAL USE OF MARIHUANA

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. KOCH. Mr. Speaker, the national movement toward removing or substantially reducing the criminal penalties against the possession for personal use of marihuana has taken a major step forward as a result of two recently enacted Oregon statutes.

The statutes, passed in the 1973 session of the Oregon State Legislature and signed by Governor McCall, have as their aim the substantial reduction of penalties for private possession and use of marihuana. The statutes provide that possession of less than 1 ounce of marihuana be classed as a violation, that is, neither a felony nor a misdemeanor—punishable by a maximum of a $100 fine. Possession of more than 1 ounce of marihuana may be treated by the court, at its discretion, as a misdemeanor—which in Oregon is punishable by no more than 1 year imprisonment and/or $1,000 fine.

The other new substantive legal change provides that the prior record of a convicted marihuana possessor and/or user may be expunged upon a successful petition to the court by the individual, 3 years after the person's conviction.

A civil law suit has been filed in Federal District Court in Washington, D.C. by the National Organization for the Reform of Marihuana Laws—NORML—to have prohibitions against personal marihuana use presently in existence on the Federal, State, and local levels declared unconstitutional as "an unwarranted intrusion into the private lives of millions of Americans." In addition, the suit seeks to establish the position that current penalties for marihuana use constitute cruel and inhuman punishment, and that the present laws deny "equal protection of the laws" since the use of potentially more harmful substances such as alcohol and cigarettes have no penalty attached.

The National Commission on Marihuana and Drug Abuse—the Shafer Commission—appointed by President Nixon has stated as its first recommendation that possession of marihuana for personal use no longer should be considered as a criminal offense, though it does urge that marihuana possessed in public remain contraband, subject to seizure and forfeiture.

Such prestigious and conservative organizations such as the American Bar Association and the National Education Association have urged that possession for personal use be decriminalized. The ABA even supports the dropping of penalties for "casual distribution of small amounts not for profit." Texas has made the possession of two ounces or less of marihuana a misdemeanor punishable with a maximum of a 6-month jail sentence and a $1,000 fine. The new penalty is in sharp contrast to the previous situation in Texas where the average sentence for marihuana violators was 9½ years, with one defendant receiving the incredible sentence of 30 years for the use, not sale, of marihuana.

It is clear that a profound rethinking on this subject is occurring and in light of these developments I am surprised that my bill, H.R. 6570 which would decriminalize, not legalize personal use of marihuana, has garnered only eight sponsors.

The Javits-Koch bill has four straightforward provisions: a. Possession of marihuana for personal use whether in public or private of 3 or less ounces would no longer be a crime, b. marihuana in an individual's lawful possession would no longer be considered contraband subject to seizure and forfeiture, c. marihuana intoxication would not be a valid defense to any violation of Federal law, and d. that the sale, distribution, or transfer for profit would continue to be a crime.

My bill, I believe, would put into legislation what is now accepted as the reasonable attitude of the medical, legal, and sociological professions—and most importantly, the bill reflects the attitude of the people of this country.

The Shafer Commission in its original report found that 24 million Americans have tried marihuana at least once, that 8,300,000 still use the drug occasionally, and that 500,000 are heavy users. The Shafer Commission's most recent figures as of February 1973, showed that 26 million Americans, or 16 percent of the adult population has used marihuana at least once, and that 13 million Americans smoked marihuana on a regular basis. The number of potential felons under present law that thus exist is simply staggering. This wholesale disregard for the marihuana statutes by a substantial segment of our population can only serve to bring law in general into disrepute and public contempt. We must remove the present savage penalties that apply to the mere possession of marihuana. And remember, my bill does not in the least affect the current criminal penalties against sale for profit of marihuana, which will continue.

Let us not try to enforce the unenforceable. Let us bring our laws in line with reality. Let us change the law by decriminalizing possession for personal use of marihuana.

The following are two articles from the Washington, D.C., Star-News and Time magazine which deals with the Oregon and other governmental actions to reduce penalties for marihuana possession. I have also included the Congressional Research Service summary of the Federal legal recommendations of the National Commission on Marihuana and Drug Abuse—the Shafer Commission.

[From the Washington Star-News, Aug. 7, 1973]

OREGON POT PENALTY NOW JUST A TICKET

(By William Hines)

For the next several months at least, the state of Oregon is likely to be happy land for members of the drug subculture.

In a move unparalleled on the state level in this country, the Oregon legislature passed—and Gov. Tom McCall late last month signed—a measure removing nearly all penalties for simple possession and use of marijuana.

As a result, since July 23, under Oregon law, possession of up to an ounce of pot has been not a felony or even a misdemeanor but a mere "violation," similar to a traffic ticket, punishable only by a fine of no more than $100 and not carrying with it the stigma of a permanent criminal record.

The purpose of the law, as perceived by McCall and the majority of the state legislators, was not to foster the drug habit, but to remove a lifelong blot from the records of youngsters guilty of nothing more than smoking a disapproved but not very dangerous weed. Trafficking in marijuana remains a felony in Oregon as elsewhere.

Owing to a technicality unintended by the law's framers, criminal penalties for possession of up to an ounce of hashish or "hash oil" also were eliminated. As any "head" will testify, an ounce of either of these marijuana derivatives is a substantal amount.

McCall said upon signing the measure that he was aware of the hashish loophole but was reluctant to veto the bill because of it, lest a death blow be dealt to the worthwhile objective of decriminalizing marijuana. He urged the legislature to close the loophole when it meets early next year.

[From Time magazine, Sept. 10, 1973]

GRASS GROWS MORE ACCEPTABLE

It could be written off to the kids last year when the city council of Ann Arbor, Mich., voted to make marijuana use a misdemeanor subject to a maximum fine of $5, payable by mail. And this spring the radicals were apparently responsible as 60% of Berkeley, Calif., voters passed the "marijuana initiative," which ordered police to give marijuana laws "their lowest priority" and required authorization of the city council for any "arrest for possession, use or cultivation" of the weed. Both cities' policies were later knocked out. But last month in Washington, D.C., a still more revolutionary idea came from an unexpected source: the American Bar Association proposed the total removal of criminal laws against marijuana possession in small amounts.

POPULAR DRUG

With the A.B.A. behind decriminalization of pot, can the rest of the nation be far behind? Perhaps not. Since 1971 state legislatures across the nation, with the notable exception of Rhode Island, have reduced possession of small amounts of grass from a felony to a misdemeanor. Supporting the trend are prestigious organizations like the National Conference of Commissioners on Uniform State Laws (lawyers, judges, law professors and state officials who draft model legislation). The American Medical Association favors the misdemeanor penalty for possession in "insignificant" amounts, though it advocates more research on the drug. A National Commission on Marijuana and Drug Abuse survey shows that 26 million Americans have tried grass, and 13 million are regular users.

Just how far the weed has come with the middle class since the first furtive puffs in college dormitories in the 1960s was evident at the A.B.A. convention. A year ago, Whitney North Seymour Sr., past president of the A.B.A., helped water down a decriminalization motion. This year Seymour was the first speaker in favor of the revised resolution. Says he: "Reflecting on the consequences of criminal penalties to the 20-odd million young people using marijuana, I decided that we ought to concentrate on trying to stop sales and start removing penalties for possession." Seymour was joined by a host of law-and-order spokesmen, and the motion even received personal endorsement from a representative of the hard-line National District Attorneys Association. When the votes were counted, the A.B.A. was solidly behind dropping penalties for both possession of limited quantities and "casual distribution of small amounts not for profit." The lawyers' vote showed concern that police and courts have been busy with pot cases at the expense of more serious crime. The A.B.A. was also distressed over the dangerous legal precedent of open disregard for marijuana laws. Concluded Frank Fioramonti, legislative counsel to NORML (National Organization for the Reform of Marijuana Laws): "When the A.B.A. delegates get around to advocating a progressive step, you know it's an idea whose time has come."

The idea has arrived in some other surprising places.

Until this year Texas was known as a dangerous place indeed to smoke. Eight hundred marijuana offenders were in jail, serving an average sentence of 9½ years for possession. Thirteen were in for life, and Lee Otis Johnson, a black activist arrested in 1968, was sentenced to 30 years for having passed a marijuana joint to an undercover agent. Last May the Texas legislature voted to make possession of two ounces or less of marijuana a misdemeanor punishable with a maximum six-month jail sentence and $1,000 fine.

In 1968 pot-smoking hippies were a key target of Atlanta police. Virtually all of Georgia drug-law enforcement resources were directed against pot. Then last year the state legislature reduced first-offense possession of one ounce or less to a misdemeanor. Today only 20% of the state's anti-drug campaign is aimed at marijuana.

On Oct. 5, Oregon will become the first state to remove completely criminal penalties for the private possession and use of grass. The new law reclassifies possession of up to one ounce as a "violation," with a maximum penalty of a $100 fine. Offenders will receive no criminal record, in effect making pot smoking no more criminal in Oregon than illegal parking.

Elsewhere in the country, resistance to softer pot laws continues. Though possession of marijuana in small quantities is now just a misdemeanor in Maine, police around Baxter State Park this summer are conducting a campaign to arrest campers who light more than camp fires. So far, raiders have busted more than 150 vacationers and slapped them with a total of $40,000 in fines. In Massachusetts, despite reduced penalties for marijuana use, 47% of all drug arrests in the state are still for pot. Florida Circuit Court Judge Edward Cowart declares: "The thing that bothers me most is that authorities say they have yet to find someone on the hard stuff who didn't start with marijuana." Says Albert Le Bas, chief of the civil division of the Los Angeles County sheriff's office: "Our concern is that there is still conflicting medical testimony on how harmful it is to the body."

California legislators voted last year to reduce marijuana possession to a misdemeanor, but Governor Ronald Regan vetoed the bill. State law now offers a range of penalties for first-offense pot possession from probation to a ten-year jail term. The nation's harshest drug law is New York's, making life sentences mandatory for some hard-drug offenses but leaving marijuana possession punishable as either a misdemeanor or a felony. State police officials say that enforcement will be minimal against pot smokers. Prosecution of pushers in New York, as in all other states, will remain a top priority. * * *

CONGRESSIONAL RESEARCH SERVICE SUMMARY: NATIONAL COMMISSION ON MARIHUANA AND DRUG ABUSE

RECOMMENDATIONS

"The Commission is of the unanimous opinion that marihuana use is not such a grave problem that individuals who smoke marihuana, and possess it for that purpose, should be subject to criminal procedures. On the other hand, we have also rejected the regulatory or legalization scheme because it would institutionalize availability of a drug which has uncertain long-term effects and which may be of transient social interest.

"In general, we recommend only a decriminalization of possession of marihuana for personal use on both the State and Federal levels. The major features of the recommended scheme are that: production and distribution of the drug would remain criminal activities as would possession with intent to distribute commercially; marihuana would be contraband subject to confiscation in public places; and criminal sanctions would be withdrawn from private use and possession incident to such use, but, at the State level, fines would be imposed for use in public."

RECOMMENDATIONS FOR FEDERAL LAW

Possession of marihuana for personal use would no longer be an offense, but marihuana possessed in public would remain contraband subject to seizure and forfeiture.

Casual distribution of marihuana for no remuneration or insignificant remuneration not involving profit would no longer be an offense.

A plea of marihuana intoxication shall not be defense to any criminal act committed under its influence, nor shall proof of such intoxication constitute a negation of specific intent.

TAX-FREE VACATION—FOR DOCTORS ONLY

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. McCLOSKEY. Mr. Speaker, I believe all of us have wondered from time to time at the rising expression of resentment over Congress failure to move with meaningful tax reform.

A doctor in my district recently sent me the enclosed advertisement with the words:

> Any workingman earning a marginal income should justifiably be outraged at this kind of robbery of tax dollars.

After reading the advertisement, offering expensive trips to Mexico tax free, but only to doctors, I am forced to agree. Is it not time we insisted on a comprehensive tax reform which will more fairly distribute the privileges and burdens of being an American citizen?

The advertisement follows:

[Advertisement]

TAX DEDUCT A GLORIOUS VACATION IN THE SUN

MCI PROUDLY PRESENTS ITS EXCLUSIVE TAX DEDUCTIBLE DECEMBER VACATIONS, YOUR CHOICE OF JAMAICA OR ACAPULCO

The Club: Medical Convocations International is a club for doctors only. The purpose of the club is to arrange a variety of exciting trips throughout the year (at least one per month) and combine them with medical conferences so that the doctor may deduct the cost of the trip.

Future Vacations: M.C.I. offers vacation-conferences with a wide and varied list of itineraries. M.C.I. will offer at least one trip per month and several during holidays and vacation seasons. M.C.I. is anticipating trips of varying types: long and short, conducted tours and simple vacations, to resorts and to places unique and exotic. M.C.I. looks forward to serving your travel needs while keeping you up to date on your profession.

AN EXCITING WEEK IN GLAMOROUS ACAPULCO

Acapulco: Mexico's gift to the jet-set and to anyone else who loves sand and sea. A lively town . . . yet with miles and miles of uncrowded beaches. Dance all night or retire early and be on the beach at dawn. Glittering sun, gleaming waters and beautiful people. Join us at Las Brisas . . . the jewel of Acapulco. Here you will enjoy your own private casita, with private terrace, bar, refrigerator and private (or sharing) pool. Las Brisas is situated on a bluff overlooking Acapulco Bay and you will enjoy the panorama from your own private terrace with your own private bar stocked with ice, soft drinks, alcoholic beverages and fresh fruit. After the sun has slipped into the sea, lively Acapulco awaits you. Join us . . . December 1–8.

SPLENDID, LUXURIOUS MONTEGO BAY YOURS FOR A WEEK

Jamaica: Translated means "land of wood and water." The legendary beauty of Jamaica is still unspoiled . . . tropical birds sing, exotic flowers and fresh fruit grow wild, sparkling rivers wind through blue-green mountains. Jamaica is the Old World, the New World . . . a world unto itself. Make it your world for one glorious week at the Half Moon Hotel and Cottage Club, in Montego Bay. This distinguished hotel boasts gourmet cuisine, a mile long beach, 60 exotic areas, an 18 hole golf course, 7 tennis courts, fishing and sailing. The Half Moon . . . where an exclusive club atmosphere is the keynote. . . . Jamaica . . . where everyone seems to be happy. Join us . . . December 10–17.

The details: Since these fabulous vacations are available only to M.C.I. club members, a fee of $50.00 will make you a member and enable you, your family and guests to enjoy these and/or any other M.C.I. vacations. Acapulco: Price is $257.00 per person, plus air fare and includes a double room at Las Brisas, continental breakfast, transfers and baggage, all taxes and gratuities, all seminars, and a special cocktail party for all club members.

Montego Bay: Price is $360.00 per person, plus air fare and includes double room at the Half Moon, breakfast and dinner daily, six days of green fees, transfers and baggage, all tips and taxes, all seminars and a special cocktail party for all club members.

Upon receipt of reservations, M.C.I. will arrange your air transportation from your home town. Air arrangements must be made through M.C.I. and our travel department will secure the most economical fares available.

Instructions: To join M.C.I., just fill out the top of the coupon and enclose a check or charge No. in the amount of $50 which is also tax deductible. To reserve space on this trip, fill out the entire coupon and enclose your $50 membership fee and a deposit of $100 per person travelling. We will immediately forward to you your Club membership kit and confirmations. Payment in full is due by October 15, 1973.

THIS IS A GOOD TIME

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. ZWACH. Mr. Speaker, to say that the world is plagued by problems is a gross understatement.

War in the Middle East, unrest, violence, and revolution in many countries; hunger and famine; lack of ethics in governments; crime and immorality, all constitute an indictment of our way of life.

Some people ask, "Was the world ever in a worse state?"

The answer is easy—"Yes."

Almost every age has had its period of deep dispair from which we always arose to new heights.

Margery Burns, a rural newspaper columnist in our Minnesota Sixth Congressional District, pointed this out in a recent article which I would like to share with my colleagues by inserting it in the RECORD:

THIS IS A GOOD TIME

You are enjoying this wonderful world, aren't you? You have a good life. Really good.

To help you realize how lucky you are to be living today, take a quick look at another time . . . the 14th century. The Pulitzer Prize winning writer, Barbara Tuchman, tells of that time as an epidemic of plague, famine, war, violence, bad government, oppressive taxes, decline of morals, and many other unbelievable things.

That was the time of the Black Death, the plague that swept over the known world and killed a third of the population. The people were already weakened by famine which was brought on by over-population in proportion with the primitive way food was produced. And then came a series of heavy rains and floods with even a sudden Little Ice Age. Miss Tuchman says, "This makes it the most lethal episode known to history, which is of some intrest to an age equipped with the tools of overkill."

The plague killed with a "terrifying speed". Whole families died, leaving empty houses and property a prey to looters. Wolves came down from the mountains to attack plague-stricken villages, crops went unharvested, dikes crumbled, salt water reinvaded and soured the lowlands, the forest crept back.

"For lack of gravediggers, corpses piled up in the streets or were buried so hastily that dogs dug them up and ate them . . .

"People reacted variously, as they always do: some prayed, some robbed, some tried to help, most fled if they could, others abandoned themselves to debauchery on the theory that there would be no tomorrow."

That was the time too when the Church was divided under two popes. There was no conflict of ideology, it was simply a squabble for the office of the papacy, and it lasted for 50 years. Countries, principalities and towns took sides, and that brought on endless wars. The public lost confidence in the Church and its integrity.

This was the time of the Hundred Years' War which actually lasted from 1337 to 1453. Everyone fought against everyone else constantly. Fighting was the way of life for all the landed nobles and knights.

Miss Tuchman writes, "Every one of these conflicts threw off Free Companies of mercenaries, organized for brigandage under a professional captain, which became an evil of the period as malignant as the plague."

When a sovereign halted his war for the time being, he quit paying his soldiers, and that's when they started plundering on their own. They ravaged the countryside, "burned, pillaged, raped and slaughtered their way back and forth across Europe. No one was safe, no town or village knew when it might be attacked. . . . Smaller bands, scavenged like jackals, living off the land plundering, killing, carrying off women, torturing peasants for their small horde of grain or townsmen for their hidden goods, and burning, always burning. . . . Destruction and cruelty became self-engendering, not merely for loot but almost one might say for sport."

The plague came back at intervals of every twelve to fifteen years over the second half century. And because of all the terrible things happening, the working class erupted time and again against the cost of constant wars which the people paid for in "hearth taxes, salt taxes, sales taxes, and the debasement of coinage."

Yet they came through that horrible period in history.

So, when you look around you today, knowing you can live the way you want to, say the things you want to say, enjoy these beautiful summer days in any way you wish you must feel very thankful you are living now.

AMERICAN DENTAL HYGIENISTS CELEBRATE GOLDEN ANNIVERSARY

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. KYROS. Mr. Speaker, I would like to call attention to the observance by the American Dental Hygienists' Association of their golden anniversary this month. At the 50th anniversary meeting of the association in Houston, October 28 to November 1, some 2,000 dental hygienists from across the Nation will meet to celebrate an era that has seen the profession of dental hygiene play a significant role in maintaining the oral health of the Nation.

From a nucleus of only 46 dental hygienists representing 11 States—California, Colorado, Connecticut, Illinois, Iowa, Massachusetts, Michigan, New York, Ohio, Pennsylvania, and West Virginia—the association has grown to include over 12,000 active members representing the 50 States, the District of Columbia, and Puerto Rico.

With the primary goal of providing oral hygiene care and instruction, the dental hygienists of the Nation, since their organization in September 1923, have assumed the basic responsibilities fundamental to every profession. The ADHA, headquartered in Chicago since 1958, has fostered organizational growth and dental hygiene education. It has produced a journal and other publications along with maintaining liaison with the communications media. It has sponsored a loan and scholarship program for students, a junior membership status for students, and an office of educational services. The ADHA now has some 8,100 junior members.

With all States licensing dental hygienists since 1951, more than 140 accredited dental hygiene education programs now exist. In addition, the association has become involved with dental hygiene developments worldwide, sponsoring four international symposia on dental hygiene.

The association has cooperated with other agencies in developing accreditation of dental hygiene programs, achievement and aptitude testing procedures, licensure in all States, and national board examination in dental hygiene. Working relationships have been established with the American Dental Association, American Dental Assistants' Association, and many other related organizations, thereby strengthening the role of the dental hygienist on the oral health care team.

The concept of preventive dentistry is not a new idea. Dentists have advocated and taught effective oral hygiene habits to prevent tooth decay since the invention of the toothbrush, but the idea of turning over to a dental assistant the primary responsibility for maintenance and instruction of oral hygiene for patients was not formalized until the early 1900's.

Today, dental hygienists are trained for a minimum of 2 years, and are engaged in much more than the polishing and cleaning of teeth, although this remains one of their primary duties. They prepare dental X-rays, and instruct patients in proper techniques for the cleaning of teeth, gum treatment, and the role of nutrition in oral health. Working under the supervision of dentists, many dental hygientists have expanded their functions to include curettage and root-planing in the treatment of periodontal disease and administering anesthesia, as well.

As dental hygienists have become more involved in organizational efforts to make the public more aware of their role in providing dental care, the ADHA has expanded to operate on various levels. A Washington office was established in 1971 to maintain liaison with Federal health programs affecting dental hygiene practice and education, as well as make known the association's views on significant items of health legislation.

Educating the public to good oral health as an integral part of total physical well-being continues to be a major concern of the profession, as well as encouraging the continuing education of dental hygienists and setting standards for implementing innovative dental hygiene techniques in keeping with State practice acts.

It is apparent, then, that dental hygienists have established themselves as an indispensible part of the dental health team by relieving the dentist of those responsibilities for which the hygienist is specially trained, thereby increasing dentists' productivity, and by offering the patient professional expertise to aid establishment of a good oral health regimen.

Although dental hygiene has come into its own as a profession in recent years, it has by no means reached a static stage. ADHA's constant innovation and continuous involvement with dental health concerns at every level—educational, legislative, and direct care delivery—are evidence that the association is still striving to fulfill its goals and thereby, better address the Nation's oral health needs.

I am happy to salute the ADHA and the dental hygiene profession as they commemorate 50 years of growth and service to the Nation.

LUDWIG VON MISES

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. CRANE. Mr. Speaker, Ludwig von Mises, one of the foremost economists of the century and one of the most dedicated advocates of freedom and of a free economy, died at the age of 92 on October 10, 1973.

Professor von Mises was a firm opponent of government intervention in the economy and developed a complex theory of the business cycle resulting from the expansion and contraction of the money supply. Booms, he said, resulted from the expansion of fiduciary bank credit, which inflated the money supply and artificially lowered interest rates. This in turn led to overinvestment, which set the economy up for a slump. Depression would follow as the expansion of the money supply was brought to a halt. Rational economic organization, he believed, was logically impossible in the absence of free markets.

The economist was born in Lemberg, Austria, on September 29, 1881. He left his professorship at the University of Vienna as the Nazis approached Austria, and became professor of International Economic Relations at the Graduate Institute of International Studies in Geneva.

Discussing his career, Leonard Silk, writing in the New York Times, noted that:

> Professor von Mises was credited with helping to revive respect for free-market economics in Europe. He was considered by some the intellectual godfather of the German post-war "economic miracle."

While Professor von Mises believed in government, the kind of government in which he believed was noninterventionistic. He wrote:

> In stark reality, peaceful social cooperation is impossible if no provision is made for violent prevention and suppression of anti-social action on the part of refractory individuals and groups of individuals.

The failure of socialism, he believed, lay in its denial of the sovereignty of the consumer. Only 5 years after the Russian Revolution he wrote in his volume, Socialism, that Marxist economics lacked an effective means for "economic calculation," or an adequate substitute for the critical resource-allocation function of the market pricing mechanism. Thus, he pointed out, socialism is inherently condemned to inefficiency, if not disorder.

The real threat in the West, Professor von Mises believed, was not outright socialism, but Government intervention in the economy. Discussing the career of Ludwig von Mises, Prof. William H. Peterson, a former New York University faculty colleague, notes that, for Von Mises, intervention by Government was "ever undermining if not outrightly supplanting the marketplace. Interventionism from public power production to farm price support, from pushing minimum wages up and to forcing interest rates down, from vigorously expanding credit to contracting, however inadvertently, capital formation."

In his important book, Bureacuracy, Professor von Mises pointed out that Government agencies have essentially no criterion of value to apply to their operations, while "economic calculation makes it possible for business to adjust production to the demands of consumers."

In an era when lesser minds accepted the intellectual fads of the moment, Ludwig von Mises stood for what he believed to be time-tested truths. Professor Peterson notes that:

> Ludwig von Mises, the antithesis of sycophancy and expediency, the intellectual deascendant of the Renaissance, believed in anything but moving with what he regarded as the errors of our times. He sought the eternal verities. He believed in the dignity of the individual, the sanctity of contract, the sovereignty of the consumer, the limitation of the state, the efficacy and democracy of the market. He opposed the planned society, whatever its manifestations. He held that a free society and a free market are inseparable.

It is with a real regret and sense of loss that we mark the passing of Ludwig von Mises. I wish to share with my colleagues the essay written in memory of Professor von Mises by Prof. William H. Peterson, as it appeared in the Wall Street Journal of October 12, 1973, and insert it into the RECORD at this time:

[From the Wall Street Journal, Oct. 12, 1973]

LUDWIG VON MISES: IN MEMORIUM

(By William H. Peterson)

"Laissez faire does not mean: let soulless mechanical forces operate. It means: let individuals choose how they want to cooperate in the social division of labor and let them determine what the entrepreneurs should produce. Planning means: let the government alone choose and enforce its rulings by the apparatus of coercion and compulsion." Ludwig von Mises—"Planning for Freedom." 1952.

A generation of students at New York University's graduate business school who took the economics courses of Ludwig von Mises remember a gentle, diminutive, soft-spoken, white-haired European scholar—with a mind like steel.

Professor von Mises, who died Wednesday at the age of 92, was an uncompromising rationalist and one of the world's great thinkers. He built his philosophical edifice on reason and individualism, on freedom and free enterprise. He started with the premise that man is a whole being with his thought and action tightly integrated into cause and effect—that hence the concept of "economic man," controlled by impersonal force, is in error.

All this was subsumed under the title of his 900-page, magnum opus, "Human Action," first published in 1949. Mr. von Mises, a total anti-totalitarian and Distinguished Fellow of the American Economic Association, was professor of political economy at New York University for a quarter-century, retiring in 1969. Before that he had a professorship at the Graduate Institute of International Studies in Geneva. And before Geneva he had long been a professor at the University of Vienna—a professorship which the oncoming Nazi "Anschluss" take-over of Austria, understandably, terminated.

Among his students in Vienna were Gottfried Haberler, Friedrich Hayek, Fritz Machlup, Oskar Morgenstern and Karl Popper who were to become scholars of world renown in their own right.

Starting right after World War II, Mr. von Mises gave three courses at NYU: Socialism and the Profit System, Government Control and the Profit System, and Seminar in Economic Theory. In each course he carefully established the primacy of freedom in the marketplace. He stated that the unhampered pricing mechanism, ever pulling supply and demand toward equilibrium but never quite reaching it, is the key to resource optimization and, indirectly, to a free and creative society.

Mr. von Mises believed in choice. He believed that choosing among options determines all human decisions and hence the entire sphere of human action—a sphere he designated as "praxeology." He held that the types of national economies prevailing across the world and throughout history were simply the various means intellectually, if not always appropriately, chosen to achieve certain ends.

His litmus test was the extent of the market; accordingly, he distinguished broadly among three types of economies: capitalism, socialism, and the so-called middle way—interventionism, or government intervention in the marketplace.

A BELIEF IN CHOICE

Mr. von Mises believed in government but in limited, non-interventionistic government. He wrote: "In stark reality, peaceful social cooperation is impossible if no provision is made for violent prevention and suppression of antisocial action on the part of refractory individuals and groups of individuals." He believed that while the vast majority of men generally concurs on ends, men very frequently differ on governmental means—sometimes with cataclysmic results, as in the various applications of extreme socialism in fascism and communism or of extreme interventionism in the "mixed economies."

He reasoned that regardless of the type of economy the tough universal economic problem for the individual in both his personal and political capacities is ever to reconcile ends and choose among means, rationally and effectively. Free—i.e., noncoerced—individual choice is the key to personal and societal development if not survival, he argued, and intellectual freedom and development are keys to effective choices. He declared: "Man has only one tool to fight error—reason."

Mr. von Mises thus saw something of an either/or human destiny. While man could destroy himself and civilization, he could also ascend—in a free society, i.e., a free economy—to undreamed-of cultural, intellectual and technological heights. In any event, thought would be decisive. Mr. von Mises believed in the free market of not only goods and services but of ideas as well—in the potential of human intellect.

The failure of socialism, according to Mr. von Mises, lay in its inherent inability to attain sound "economic calculation," in its denial of sovereignty to the consumer. He argued in his 1922 work, "Socialism," published five years after the Bolshevik Revolution that shook the world, that Marxist economics lacked an effective means for "economic calculation"—i.e., an adequate substitute for the critical resource-allocation function of the market pricing mechanism. Thus is socialism inherently self-condemned to inefficiency if not disorder, unable to effectively register supply and demand forces and consumer preference in the marketplace.

Socialism must fail at calculation because an effective economy involves the simultaneous decisions of many individual human actors—which creates far too large a task for any central planning board, argued Mr. von Mises.

The problem, as Mr. Hayek later pointed out, is of the use of knowledge in society. A central planning board cannot obtain the knowledge of the decentralized market. To do so ultimately would be to require the central planning board to know as much as each human actor. Thus this knowledge is far beyond the reach of any centralized agency, even with the aid of computers.

Some years afterwards, Oskar Lange, then of the University of California and later chief economic planner of Poland's Politburo, recognized the challenge of the von Mises critique on Socialist economic calculation. So he in turn challenged the Socialists to somehow devise a resource allocative system to duplicate the efficiency of market allocation. He even proposed a statue in honor of Mr. von Mises to acknowledge to invaluable service the leader of the Austrian School had presumably rendered to the cause of socialism in directing attention to this as yet unsolved question in Socialist theory. The statue has yet to be erected in Warsaw's main square.

But probably to Mr. von Mises the more immediate economic threat to the West was

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not so much external communism as internal interventionism—government ever undermining if not outrightly supplanting the marketplace. Interventionism from public power production to farm price supports, from pushing minimum wages up to forcing interest rates down, from vigorously expanding credit to contracting, however inadvertently, capital formation.

As in socialism, interventionism also incurs the problem of economic calculation, of denial of consumer sovereignty. In his "Bureaucracy," he held that government agencies have essentially no criterion of value to apply to their operations, while "economic calculation makes it possible for business to adjust production to the demands of the consumers."

On the other hand, he maintained, "if a public enterprise is to be operated without regard to profits, the behavior of the public no longer provides a criterion of its usefulness." He concluded, therefore, "the problem of bureaucratic management is precisely the absence of such a method of calculation." Indeed, interventionism, he maintained, usually achieves results precisely opposite to those intended; subsidies to industries make them sick, minimum wage laws boomerang on labor, welfare hurts the poor, industrial regulation reduces competition and efficiency, foreign aid undermines developing countries.

So, citing German interventionist experience of the 1920s climaxing in the Hitlerian regime and British interventionism of the post-World War II era culminating in devaluations and secular economic decline, he held so-called middle-of-the-road policies sooner or later lead to some form of collectivism, whether of the Socialist, Fascist or Communist mold.

INTERVENTION BREEDS INTERVENTION

He maintained economic interventionism necessarily produces friction whether at home or, as in the cases of foreign aid and international commodity agreements, abroad, What otherwise would be simply the voluntary action of priviate citizens in the marketplace becomes coercive and politicized intervention when transferred to the public sector. Such intervention breeds more intervention. Animosity and strain if not outright violence become inevitable. Property and contract are weakened. Militancy and revolution are strengthened.

In time, inevitable internal conflicts could be "externalized" into warfare. Mr. van Mises wrote: "In the long run, war and the preservation of the market economy are incompatible. Capitalism is essentially a scheme for peaceful nations. . . . To defeat the aggressors is not enough to make peace durable. The main thing is to discard the ideology that generates war."

Mr. von Mises had no stomach for the idea that a nation could simply deficit-spend its way to prosperity, as advocated by many of Keynes' followers. He held such economic thinking is fallaciously based on governmental "contracyclical policy." This policy calls for budget surpluses in good times and budget deficits in bad times so as to maintain "effective demand" and hence "full employment."

He maintained the formula ignored the political propensity to spend, good times or bad. And it ignored market-sensitive cost-price relationships and especially the proclivity of trade unions and minimum wage laws to price labor out of markets—i.e., into unemployment.

Thus, he held Keynesian theory in practice proceeds through fits of fiscal and monetary expansion and leads to inflation, controls and ultimately stagnation. Further, it results in the swelling of the public sector and shrinking of the private sector—a trend that spells trouble for human liberty.

To be sure, many economists and businessmen have long felt that Mr. von Mises was entirely too adamant, too impolitic, too "pure," too uncompromising with the real world on its terms and assumptions. If that is a fault, Mr. von Mises was certainly guilty.

But Ludwig von Mises, the antithesis of sycophancy and expediency, the intellectual descendant of the Renaissance, believed in anything but moving with what he regarded as the errors of our times. He sought the eternal verities. He believed in the dignity of the individual, the sanctity of contract, the sovereignty of the consumer, the limitation of the state, the efficacy and democracy of the market.

He apposed the planned society, whatever its manifestations. He held that a free society and a free market are inseparable. He gloried in the potential of reason and man. In sum, he stood for principle in the finest tradition of Western civilization. And from that rock of principle, during a long and fruitful life, this titan of our age never budged.

Mr. Speaker, Ludwig von Mises was ignored by many in the academy because his belief in freedom and in the free market ran counter to the intellectual orthodoxies of the day. He was not concerned, however, with the passing academic fads of the moment, but with the eternal truths about the nature of man and society.

Slowly, men of equally independent mind began to gather about him, and at his death he began to witness a revival of philosophy of freedom and free enterprise. Discussing this fact, one of his close friends, Prof. Murray Rothbard, writes that:

> I am confident that Mises was heartened by these signs of a new awakening of freedom and of the sound economics which he had carved out and which was for so long forgotten.

I would like to share with my colleagues Professor Rothbard's very personal farewell to Ludwig von Mises as it appeared in Human Events of October 20, 1973, and insert it into the RECORD at this time:

LUDWIG VON MISES: 1881–1973

(By Murray N. Rothbard)

For those of us who have loved as well as revered Ludwig von Mises, words cannot express our great sense of loss: of this gracious, brilliant and wonderful man; this man of unblemished integrity; this courageous and lifelong fighter for human freedom; this all-encompassing scholar; this noble inspiration to us all. And above all this gentle and charming friend, this man who brought to the rest of us the living embodiment of the culture and the charm of pre-World War I Vienna.

For Mises' death takes away from us not only a deeply revered friend and mentor, but it tolls the bell for the end of an era; the last living mark of that nobler, freer and far more civilized era of pre-1914 Europe.

Mises' friends and students will know instinctively what I mean: for when I think of Ludwig Mises I think first of all of those landmark occasions when I had the privilege of afternoon tea at the Mises'; in a small apartment that virtually breathed the atmosphere of a long lost and far more civilized era. The graciousness of Mises' devoted wife Margit; the precious volumes that were the remains of a superb home library destroyed by the Nazis; but above all, Mises himself spinning in his inimitable way anecdotes of Old Vienna, tales of scholars past and present, brilliant insights into economics, politics and social theory, and astute comments on the current scene.

Readers of Mises' majestic, formidable and uncompromising works must have been often surprised to meet him in person. Perhaps they had formed the image of Ludwig Mises as cold, severe, austere, the logical scholar repelled by lesser mortals, bitter at the follies around him and at the long trail of wrongs and insults that he had suffered.

They couldn't have been more wrong; for what they met was a mind of genius blended harmoniously with a personality of great sweetness and benevolence. Not once has any of us heard a harsh or bitter word escape from Mises' lip. Unfailing gentle and courteous, Ludwig Mises was always there to encourage even the slightest signs of productivity or intelligence in his friends and students; always there for warmth as well as for the mastery of logic and reason that his works have long proclaimed him.

And always there as an inspiration and as a constant star. For what a life this man lived! Ludwig Mises died soon after his 92nd birthday, and until near the end he led his life very much in the world, pouring forth a mighty stream of great and immortal works, a fountainhead of energy and productivity as he taught continually at a university until the age of 87, as he flew tirelessly around the world to give papers and lectures on behalf of the free market and of sound economic science—a mighty structure of coherence and logic to which he contributed so much of his own creation.

Ludwig Mises' steadfastness and courage in the face of treatment that would have shattered lesser men, was a never-ending wonder to us all. Once the literal toast of both the economics profession and of the world's leaders, Mises was to find, at the very height of his powers, his world shattered and betrayed. For as the world rushed headlong into the fallacies and evils of Keynesianism and statism, Mises' great insights and contributions were neglected and scorned, and the large majority of his eminent and formerly devoted students decided to bend with the new breeze.

But shamefully neglected though he was, coming to America to a second-rate post and deprived of the opportunity to gather the best students, Ludwig Mises never once complained or wavered. He simply hewed to his great purpose, to carve out and elaborate the mighty structure of economics and social science that he alone had had the genius to see as a coherent whole; and to stand foursquare for the individualism and the freedom that he realized was required if the human race was to survive and prosper. He was indeed a constant star that could not be deflected one iota from the body of truth which he was the first to see and to present to those who would only listen.

And despite the odds, slowly but surely some of us began to gather around him, to learn and listen and derive sustenance from the glow of his person and his work. And in the last few years, as the ideas of liberty and the free market have begun to revive with increasing swiftness in America, his name and his ideas began to strike chords in us all and his greatness to become known to a new generation.

Optimistic as he always was, I am confident that Mises was heartened by these signs of a new awakening of freedom and of the sound economics which he had carved out and which was for so long forgotten. We could not, alas, recapture the spirit and the breadth and the erudition, the ineffable grace of Old Vienna. But I feverently hope that we were able to sweeten his days by at least a little.

Of all the marvelous anecdotes that Mises used to tell I remember this one the most clearly, and perhaps it will convey a little of the wit and the spirit of Ludwig Mises. Walking down the streets of Vienna with his friend, the great German philosopher Max Scheler. Scheler turned to Mises and asked, with some exasperation: "What is there in the climate of Vienna that breeds all these logical positivists [the dominant school of

modern philosophy that Mises combatted all his life]?" With his characteristic shrug, Mises gently replied: "Well, after all, there are several million people living in Vienna, and among these there are only about a dozen logical positivists."

But oh, Mises, now you are gone, and we have lost our guide, our Nestor, our friend. How will we carry on without you? But we have to carry on, because anything less would be a shameful betrayal of all that you have taught us, by the example of your noble life as much as by your immortal works. Bless you, Ludwig von Mises, and our deepest love goes with you.

SUPERPORT CONTROL

HON. GILLIS W. LONG

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. LONG of Louisiana. Mr. Speaker, the energy crisis is one of the paramount issues of the day. How we solve this problem will affect all future generations. Playing no small part in the ultimate solution will be the deepwater harbor—the superport. Because of this, I wanted to share with my colleagues a most interesting editorial which appeared in the October 13, 1973, edition of the New Orleans States-Item. The text follows:

The Nixon Administration is attempting to convince Congress that states should not have the final say concerning the construction of superports off their coastlines. The argument should be resisted.

As the people of Louisiana are well aware from experience with the offshore oil industry, superports will mean added responsibilities in the area of support facilities, and added environmental dangers.

It is only right that those who must assume the responsibilities and dangers should have the final say over such installations.

Transportation Secretary Claude S. Brinegar, representing the administration before the House Subcommittee on Water Resources and Energy, urged rejection of a bill that would give states veto power over superport construction off their coasts.

"The cumulative impact of a bunch of no's is that we are rationing gasoline and running out of fuel oil," he argued.

He contended that oil is a vital element of the nation's transportation system and the final authority for the construction of a superport must be made at the federal level.

All of this may be true, but the fact remains that the states have a right to oversee the development and operation of facilities with such a direct bearing on the lives of those most closely associated with them.

That is why Louisiana has a Superport Authority. If a superport is to be built off the coast of Louisiana, it must be done right.

Outside of the Nixon Administration there is considerable agreement for final state jurisdiction. Those who believe that the states should have the final say in the matter include the members of the Louisiana Deep Draft Harbor and Terminal Authority (the Superport Authority), and the Southern Governors' Conference.

The Nixon Administration is attempting to stampede Congress with doomsday predictions on the energy crisis.

Congress should not bow to the administration arguments. The final decision on the construction of superports should be made by the states required to live with them.

AMNESTY MUST NOT BE FORGOTTEN

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. DELLUMS. Mr. Speaker, the bitterness of the war years lives on. More than ever we need comprehensive amnesty legislation, so that we may—to use a current phrase—move beyond the obsessions of the past. More and more people are beginning to realize that amnesty legislation may set a good precedent in these troubled times.

One of the most determined opponents of amnesty has recently received a suspended sentence. No one has suggested that he now wear a distinguishing mark, as he once did in the case of resisters. I say this in no spirit of taunting bitterness, but—could this man now find it in his heart to advocate suspending the penalties of those who transgressed the law, not through greed, but through conscience? Who stood up and received the penalties Mr. Agnew understandably wished to spare himself and his family?

All around us the powerful are toppling, betrayed by their distorted view of the world. But let us not allow the sound of the crashing pillars of state smother the sound of those languishing in our prisons, or living in barren flats in Sweden and Canada, or looking for a job with the stigma of a bad military discharge. There is no greater duty than to remember the weak, and I ask my colleagues to take time from their pressing concerns to undo the damage the war has wrought—more for our sake than theirs.

At this point I would like to put in two statements on amnesty and tax resistance that have been prepared by the Church of the Brethren and adopted by their annual conference of this year. I think these are excellent statements that bring out all aspects of the question in a fair, clear manner. The statement on amnesty is especially to be commended for emphasizing the duties and opportunities of local communities to do the job of amnesty on the concrete, human level. I hope these statements will remind us of an issue that should not be forgotten, and will not be forgotten until it is resolved:

CONFERENCE STATEMENT, 1973—AMNESTY

AN ANNUAL CONFERENCE STATEMENT

The following "Statement of the Church of the Brethren on Amnesty" was adopted by the Church of the Brethren Annual Conference, Fresno, CA, June, 1973.

INTRODUCTION

There are thousands of persons today who have felt the effects of the dividing wall of hostility which has been generated by war. Social relationships in the family and between families have been damaged because persons have had different beliefs and convictions about war. Even after the war has been declared over, there remain divisions which cause suffering for persons and groups in our society.

The Church of the Brethren regards this situation with concern and sorrow not only because we believe that war is sin, but also because we understand that the gospel message can bridge the walls of hostility which exist, between exiles, families, and government.

At its root, the concept of amnesty had to do with the biblical understanding of reconciliation. How can there be reconcilation between parents and children in the United States? How can there be reconciliation between the government and exiles? How can there be reconciliation between those with different opinions on war? How can we restore the unity of our nation while maintaining integrity both for the country and its people?

We, the members of the Church of the Brethren, believe that reconcilation is most likely if the following things occur:

1. The United States Government should grant unconditional amnesty to all those who are alienated from their nation because of their personal acts of conscience in relation to war.
2. Christians, both individually and as denominations, should become agents of reconciliation wherever such service is needed.

BIBLICAL BASIS

In the New Testament, the theme of reconciliation is central to the understanding of God's love for persons in Jesus Christ. The gospel calls us to a ministry of reconciliation.

First, according to Ephesians 2:14, reconciliation is a gift of God. *For he is our peace, who has made us both one, and has broken down the dividing wall of hostility . . .* Through God's action in Jesus Christ, there is reconciliation between people while there are differences (John 10:16; Galatians 3:28). Even though the disagreements on many issues separate people within our nation, there can be reconciliation if we accept it as God's gift.

A declaration of amnesty follows this model. Through amnesty, a government can forget the legal penalties connected with the actions of a group of persons, and thereby declare that the unity of its people is more important than continued hostility and division. Amnesty can bring reconciliation even though significant differences remain on the issues at stake, because such an action removes the punitive measures related to such differences. Reconciliation is a gift of God and he will bring peace if we trust him (Psalm 118:8–9).

Second, according to II Corinthians 5:18, the church is called to be an agent of reconciliation. (*All this is from God who through Christ reconciled us to himself and gave us the ministry of reconciliation.*) The Church of the Brethren has always taken this Scripture seriously and we have set out to be reconcilers. As Christ was the mediator between sinners and God, so the Church is called to a ministry of reconciliation between persons and God and between people in conflict with one another.

Whatever the government does about amnesty, there will be need for reconciliation. Many men have become alienated from their families and local communities and now want to be reunited. Many young people could return home now without legal difficulties, and may if they have a supportive community. Some may decide to return and face the legal penalties rather than remain as exiles. On many levels there is work of reconciliation which could be done by the Church. The Scriptures lead us to such a ministry.

HISTORICAL BACKGROUND

Throughout its history, the Church of the Brethren has taken seriously the task of bringing persons together. During the Revolutionary War the Brethren refused to side with either army, but worked to bring peace in their communities. It was Elder John Kline, in the War between the States who

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tirelessly rode the circuit of reconciliation to keep persons as one in faithfulness to Christ. During and following World War II, Brethren took in and aided Japanese-American refugees. The present situation presents the Brethren another opportunity to be involved in healing the wounds of war and to be faithful to the ministry of reconciliation.

THE PRESENT CRISIS

The question of amnesty is being debated in the press, discussed on radio and television, and kept much alive in our nation's capital. Several amnesty bills and resolutions have been introduced since the present session of Congress began.

In any discussion of amnesty, we are talking about hundreds and thousands who have suffered some legal disability because of war. For instance, tens of thousands of these persons have come out of the military service in the Indochina War with less than honorable discharges, have been convicted of Selective Service violations or have become exiles, for conscience's sake.

CONCLUSION

Therefore, we come to these conclusions on the question of amnesty:

1. As United States citizens, we believe that reconciliation is more important for our nation than the punitive wrath of the law. We favor unconditional amnesty for all those who due to an act of conscience are alienated because of war. We recommend the officers of Annual Conference make these views known to the President and appropriate persons in Congress.

2. As Christians we believe that our ministry of reconciliation begins now. Whatever the government does, we must begin working now to bring reconciliation between those who have become separated because of their views on war. We recommend the following action:

(a) We recommend that our members and local congregations provide a supportive community for all persons who desire reconciliation with their government, families, and/or local communities. This might involve such activities as providing a context in which persons can talk with their parents or children, providing a home for those who need a place to live while becoming reestablished in a community, helping men who choose to face a prison experience.

(b) We recommend our General Board provide program and resources to help members and local congregations be agents of reconciliation for persons alienated from their government, their families and/or their local communities. This might involve communication with and support of exiles and deserters in various parts of the world, publicity on the services, and education of local congregations.

We pray that reconciliation can become a reality and that our nation can become unified around purposes which reflect the will of God in our time.

Adopted by the Church of the Brethren Annual Conference, 1973. A related statement is available:

"A Statement of the Church of the Brethren," Annual Conference, 1970, 15¢.

CONFERENCE STATEMENT, 1973—TAXATION FOR WAR

AN ANNUAL CONFERENCE STATEMENT

The following statement on "The Christian's Response to Taxation for War" was adopted by the Church of the Brethren Annual Conference meeting in Fresno, CA, June 1973.

THE REPORT OF THE COMMITTEE

This study assumes as its background the church's long-established position regarding peace and war and, in particular, the Statement of the Church of the Brethren on War as adopted by the 1970 Conference. What is affirmed there, that all war is sin and that the gospel calls us to the way of peace, is taken for granted in this paper without further investigation.

That the payment of federal taxes inevitably involves one in war and preparation for war is self-evident (See Exhibit A. This and other exhibits are in a separate printed piece.) Yet when the Christian understanding is applied to this issue, the matter immediately becomes complex and problematic. On the one hand, our calling is to obey God rather than men, to witness for Christian peace and presumably, also, to protest the evil of war. But on the other hand, the New Testament makes it clear that the Christian just as certainly has been called to stand alongside his fellowmen, to participate in their common life, and to take a responsible role in the larger world.

Regarding taxes, then, the first calling would seem to imply that the Christian should entirely divorce himself from that society which has dedicated its energies to the waging of war and refuse to support it in any way—including, of course, tax support. However, the second calling would imply a Christian obligation to participate fully in the social effort of humanity—including, of course, the payment of one's fair share of taxes. The problem is to find the proper balance between these two callings.

This finding of balance is complicated by the difficulty in distinguishing between "war taxes" and other taxes when the government itself makes no such distinction. Still further complication is introduced when the question arises as to whether one actually is able to withhold tax money or in any way affect the amount that ultimately is spent for war purposes. That matter is not an easy one.

NEW TESTAMENT GUIDANCE

As we turn to the New Testament we realize that the early Christians had to seek the same balance that we do; undoubtedly there have been few if any times in history when a Christian's tax bill did not include "war taxes." And it is certain that money paid to the Roman Empire went not only to support war but also idolatry, slavery, and other evils as well.

The New Testament, of course, is consistent in its opposition to war and violence; yet at every point where the particular issue of taxes is raised, the counsel is to pay them; no explicit precedent for withholding them is to be found.

Paul, in Romans 13:4–8 (NEB), speaks in terms of general principle: "You are obliged to submit. It is an obligation imposed not merely by fear of retribution but by conscience. That is also why you pay taxes. The authorities are in God's service and to these duties they devote their energies. Discharge your obligations to all men; pay tax and toll, reverence and respect, to those to whom they are due. Leave no claim outstanding against you, except that of mutual love (cf. 1 Peter 2: 13–17).

When faced with the specific question of paying taxes to Caesar, Jesus' response was "Pay Caesar what is due to Caesar, and pay God what is due to God." (Matthew 22:15–22; cf. Mark 12:13–17 and Luke 20:19–26). The intended implication would seem to be that what belongs to God is much more inclusive and in every way prior to what belongs to Caesar. And yet if Jesus' statement means to indicate as legitimately belonging to Caesar, it is precisely that coin of taxation which Caesar himself had minted.

Finally, in Matthew 17:24–27, Jesus, in order "not to cause offense," shows himself willing to pay even that tax which, he asserts, could not rightly be claimed of him. The reference may be to the temple tax, although Jesus does speak of "earthly monarchs" collecting it. Be that as it may, the temple came under just as strong a judgment from Jesus as the state did. And it seems clear that the gospel writer wants to use this incident to teach, with Paul, that the liberty of the Christian is not a license for him to disregard his civic obligations in matters such as tax payment.

Certainly, all of the above texts must be held in tension with such commands as obeying God rather than men, separating oneself from evil, not conforming to the world, and so on. But the evidence is that, in this tension, the New Testament Christians found their proper balance to include the paying of taxes rather than the withholding of them (see Exhibit B).

THE BRETHREN TRADITION

Historical research (see Appendix) indicates that the official position of the church consistently has been that of paying all taxes, including some that were much more directly "war taxes" than any that can be so identified today. Indeed, even the *possibility* of withholding taxes was given almost no consideration until very recently. When such consideration was given, the church in every instance granted the right of conscience to tax resisters even while declining to recommend their action. It should be noted, too, that some of the Brethren who have been most honored for their peace witness also took a stand in favor of paying taxes; the person's position regarding tax payment was not made a test of his commitment to Christian peace.

THE CURRENT SITUATION

One complicating aspect of tax resistance is the fact that tax monies are not clearly differentiated into military and non-military categories; most of the functions of government are financed out of the same general fund. Money withheld (if that actually is possible) is withheld as much from the humane programs of the government as from military programs; and it takes some care to make it clear that what one is protesting is *war* and not taxation in and of itself. In our day, the telephone tax comes the closest to being an explicit "war tax"—although even that situation is debatable (see Exhibit C).

The Christian's problem is further complicated by the fact that he cannot actually withhold taxes, deprive the war effort of funds, or prevent his money from being used for war purposes—short of doing without a telephone (and perhaps other items subject to federal excise taxes), keeping his income below taxable level, or resorting to questionable dodges (see Exhibit D). Whatever taxes the individual does not pay voluntarily, the government is able to collect by means of liens and confiscations (and penalties which have the effect of actually increasing the amount of one's money that goes to the government).

In its effect, then, tax resistance must be understood simply as one means of registering strong and dramatic opposition to war—a protest which may or may not be more effective than other means of protest. In fact, unless it is also accompanied by some other form of witness, tax refusal, in and of itself, has the disadvantage of being sheerly negative protest against war rather than a positive witness to the Prince of Peace and his way.

THE FINDING

We find no specific biblical counsel directing that taxes should be withheld, while we do find some calling for the payment of taxes even to a sinful, militaristic government. However we can appreciate the fact that a number of Brethren, out of a truly Christian aversion to war based on the total Spirit and life of Jesus and the overall teachings of the New Testament do feel led of God to make protest by means of tax refusal. But whatever action the Christian takes, it should mark a serious and dedicated effort to realize the lordship of Jesus Christ and become obedient only to him. It should never be merely the practice of a current political

technique on the one hand or a heedless and cowardly way of avoiding trouble for oneself on the other.

RECOMMENDATIONS

Although the Brethren cannot agree as to whether tax withholding is proper, they all can recognize the propriety of using the means of dissent which the social order itself recognizes and provides. We recommend, therefore, that all who feel the concern be encouraged to express their protests and testimonies through letters accompanying their tax returns, whether accompanied by payment or not, in correspondence with appropriate legislators and officials, and in other such ways.

We recommend, also that both the denomination and individual Brethren give strong and active support to appropriate legislation providing alternative tax arrangements for peaceful purposes for those persons conscientiously opposed to war.

A FINAL PLEA

We plead for a mutual and brotherly honoring of one another in this matter. To those whose reading of scripture leads them conscientiously to pay their full tax requirement, may they recognize the sincere Christian intention of the withholders in their desire to protest against what the New Testimony clearly identifies as the sinfulness and demonism of war. To those who because of their Christian conviction conscientiously feel that they must withhold payment in some degree, may they realize that their brethren who pay are themselves striving to be obedient to the instruction of scripture and dare not be assumed to be any less dedicated to the Prince of Peace than are those who withhold.

Finally, we would consider it most unfortunate if, because of the taxation issue, the church allows its peace emphasis to become focused upon this on particular technique of anti-war protest and so be diverted from the much more important matters of deepening our biblical and theological understanding of the Christian peace position and of being about the positive work of reconciliation at all levels of human interaction through our witness to Him who is our Reconciliation.

Adopted by the Church of the Brethren Annual Conference, 1973. (G–4) 9–27–73, Price: 20c, 1150–750–250. Related statements available: the Appendix to this statement called "The Historical Tradition of the Brethren Regarding the Payment of Taxes for War Purposes," free, attached; "A Statement of the Church of the Brethren on War," Annual Conference, 1970, 15c; and "Taxes for War Purposes," a statement adopted by the General Board, November 1967, 5c).

CONGRESS MUST REESTABLISH THE OFFICE OF SPECIAL WATERGATE PROSECUTOR

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. RANGEL. Mr. Speaker, President Nixon's decision to turn over the Watergate tapes to District Court Judge John Sirica for judicial review indicates that the cries of the outraged public and Congress have reached the President's Camp David mountain top. The President has obviously decided that he cannot maintain his arrogant position of total defiance of the courts, the Congress, the Constitution, and the American people.

To celebrate this as a victory of reason over arrogance, however, is premature. The President has decided to comply with the court order to produce specific tapes and documents requested by Special Watergate Prosecutor Archibald Cox. He has, however, succeeded in removing the special prosecutor and by so doing has succeeded in insulating himself and his White House associates from further investigation of Watergate and other campaign finance-related matters.

We do not know what is on the tapes Mr. Nixon is giving over to Judge Sirica. We can be sure, however, that the President is not turning over material that will directly implicate him in any of the Watergate crimes. We can also be certain that despite assurances the Department of Justice will not vigorously pursue a Watergate investigation. It is clear that no Attorney General can conduct such an investigation and keep his job.

What is needed is the establishment of an independent prosecutor by the Congress who will be able to investigate the President's role in Watergate related crimes and deliver his evidence to the Watergate grand juries. I am cosponsoring legislation to establish an independent Office of Special Prosecutor which will be filled by judicial appointment and will be charged with the responsibility of conducting a full, unimpeded investigation of White House involvement in all the Watergate and campaign finance-related crimes.

UNITED STATES—SHOCKED AND DISCOURAGED

HON. WILLIAM M. KETCHUM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. KETCHUM. Mr. Speaker, I was shocked and discouraged, as were millions of people across the United States, at the President's precipitate and ill-advised action in firing Special Prosecutor Archibald Cox and thus causing the resignations of Attorney General Richardson and Deputy Attorney General Ruckelshaus.

When we consider the assurances given Mr. Cox at the time of his appointment and repeated thereafter, we realize that Mr. Richardson and Mr. Ruckelshaus had no alternative to resignation when ordered to fire Mr. Cox. I congratulate and commend Mr. Cox for his tenacity and his courage in his long struggle to work through the courts and to see that the court's order concerning the tapes be respected.

I think that it is easy to understand the willingness of Senators ERVIN and BAKER to accept the President's suggested compromise. After all, Judge Sirica had quite properly denied them any other legal access to the tapes. After all the Senate committee is an investigative, not a judicial body.

The issue remains as to whether the compromise satisfies the directive of the U.S. Court of Appeals. After that court upheld Judge Sirica's order, the President chose not to appeal to the Supreme Court. Although I am not a lawyer, this implied to me that the President intended to comply with the court's order. Now Judge Sirica must decide whether the order has been complied with. I rather doubt that he will rule in the affirmative.

Mr. Speaker, the President in his action has thrown down the gauntlet to the people of this country through their Congress. We in this body dare not yield, for to do so would be to admit that one man is above the law. This must never be.

So now, let us wait for the judgment of the court and study Judge Sirica's opinion before embarking on any crash course. Then, at the appropriate time, let us undertake whatever actions are necessary for the good of this Nation.

MR. GEORGE VICTOR, POET LAUREATE, OF THE 19TH OHIO CONGRESSIONAL DISTRICT

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. CARNEY of Ohio. Mr. Speaker, on Saturday, September 29, 1973, new congressional district offices to serve the citizens of the 19th Ohio District who reside in Trumbull County were officially opened. On that occasion, Mr. George Victor, of 1135 Ward Avenue NW., Warren, whom I have designated "Poet Laureate of the 19th Ohio Congressional District," presented a poem he wrote entitled, "Liberty."

In his poem, Mr. Victor expresses appreciation for my efforts to improve communication between the citizens of the 19th Ohio District and their Government in Washington, and pride at being an American. Mr. Speaker, it is people like Mr. Victor that make public service so rewarding. I insert his beautiful poem in the RECORD at this time:

LIBERTY

(By George Victor)

As I look out and see you folks from here upon this dias,

I do believe I am a man who does not have any type of bias,

I wear a title for which I'm proud, I'll share it with every man—I am a Warrenite and a nephew of dear old Uncle Sam.

To me he is the greatest and gives me quite a thrill, because my friends and neighbors "my liberty I have still."

Today before your eyes a working man am I and as I look upon you, I see many a wonderful eye,

Yes you have your problems—this I really know—but really good Americans—this is the way, life does go,

So as I stand here and speak I really am so proud—cause I'm just a working millwright and yet in this great land—"me", I can speak out loud.

So cheer up—be happy and really friends be gay—for now our Congressman has given us another easier way—

To come and speak and say our words of what we would like to see done and if you as true Americans use this facility I'm sure you will enjoy some fun.

Its great to be an American—living in this city I love—I really enjoy—you people your like the stars above,

XUM

Thank God that we have this freedom—like
me standing here to speak—just step
forth my neighbors—please don't be
mild and meek.
This office has been opened for you my
friend—come in and speak the truth
and if you just look over at that flag
you will see it—as living proof.
Good luck—God bless you Congressman—
and I thank God I'm a nephew of
Uncle Sam and I have met you folks
that care and really give a dam.

ATTEMPTS AT ENERGY CONSERVATION BY THE GENERAL SERVICES ADMINISTRATION

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. ROBISON of New York. Mr. Speaker, the uncertainty of the depth of the energy crisis confronting us has given us all pause to consider our stewardship of the energy we consume. Too often we, both individually and collectively, talk a good deal about what can, or should, be done but without actually taking positive, concrete steps to accomplish meaningful energy conservation.

For that reason, it is refreshing and encouraging to note the initiative which is being taken by the General Services Administration to conserve energy. The efforts of the General Services Administration deserve our support, and it is my hope that the following remarks by Larry Roush, Commissioner of the Public Building Service, will become a pattern for not only Government, but for the private sector as well. The kind of commitment to energy conservation evidenced in these remarks need to be shared by all Americans.

Mr. Speaker, I intend to do what I can to bring these energy-saving ideas to the attention of the larger and industrial building operators in my congressional district. At the moment, the most practical way of doing so would seem to be through my area's chamber of commerce, with the hope in mind that they, in turn, will pass this information along to where it could do some good. This is essential because since the saving of energy ought to be a nationwide, cooperative effort, the Federal Government—with its responsibility for only 200 million square feet of building space out of some 2.5 billion square feet in private use—can only lead and encourage others to follow. In conclusion, I now encourage my colleagues to follow my example in this regard.

The remarks of Commissioner Roush follow:

ENERGY CONSERVATION IN BUILDINGS

(By Larry F. Roush)

For the people present in this meeting today, the word "conservation" needs no definition in ordinary conversation. It is my contention, however, that as we develop an energy conservation policy for public office buildings, the general understanding of "conservation" is not enough. We have recognized that this word means more than just "saving." and that energy conservation must be a continuing effort to achieve the *best balance between the benefits and costs* of energy use.

The Public Buildings Service has been vitally concerned with the conservation of energy for many years. In our primary role as the builders and operators of office space for the Federal Government, we have attempted to use the most economical source of energy, while using it in the most efficient manner. We have had several on-going energy conservation programs to reduce energy consumption in 2,600 GSA-owned and operated buildings nationwide. These programs were not based primarily on the development of new technologies, but rather emphasized more efficient use of energy in existing buildings.

We quickly realized, however, that new technologies needed to be developed and tested, and their energy conservation features quantified, if we were to achieve optimum energy utilization in existing office buildings and those planned for the future. GSA's energy conservation policy for public office buildings is to incorporate features which insure the best possibilities of energy use. To do this we have attempted to recognize the trade-offs in terms of energy conservation, work area, costs and the environment in general.

For example, in considering the trade-offs between energy conservation and the work area, we must consider the people and the services they provide. For any energy conservation system to be viable, it must be compatible with the comfort and safety requirements of the occupants. We must answer many questions such as: How much light is really required to do specific kinds of work? What noise levels can be tolerated before they become distracting? How "good" are our current air purification and odor control systems? What levels of heat, humidity, and air movement provide the optimum level of thermal comfort for the building occupants? The answers to these and similar questions can provide the information necessary to balance energy usage against an adequate work environment. To do this we must apply the latest systems for measuring these factors in an actual work situation where we can correlate the human response with the environmental conditions.

To evaluate these and other energy conservation related questions, we needed a laboratory—a place where we could accurately measure and compare various energy conservation systems and their impact. And, in June 1972 Mr. Sampson designated the new Federal Office Building in Saginaw, Michigan, as the GSA Environmental Demonstration Building. Most of the experimental features of the Saginaw Project are directly related to environmental concerns. The prime energy conservation feature of the Saginaw Project is the proposed solar energy collector.

Recognizing the need for additional experimental work in energy conservation, the Administrator designated the new Federal Office Building in Manchester, New Hampshire, as the GSA Energy Conservation Building.

For the Manchester Project, we put together a design team consisting of the architect-engineer, an energy conservation consultant, the National Bureau of Standards and GSA. Energy conservation was made a prime design parameter to be considered equally with function, firesafety, life cycle cost and aesthetics. Determinations were made regarding features, systems, and equipment which would contribute greatly towards reduction in energy requirements *before* developing a concept for the building. From the very beginning of the design process, energy conservation possibilities were given major attention.

The final design of the building is expected to make a positive contribution to the urban surroundings and provide a pleasant interior environment for employees and visitors. We expect the building to operate with at least 20 percent less energy consumption than other comparable existing buildings.

In addition to energy conservation features in the basic architectural design, we intend to demonstrate energy savings in the mechanical, electrical, lighting, plumbing, and space conditioning areas. We have included such energy conservation features as heat recovery systems, computer programmed mechanical and electrical systems, and a solar collector. Once the building is complete with the various energy conservation systems installed, they will be monitored and evaluated, based on built-in instrumentation and occupant reaction. From this experimentation we will be able to develop guidelines and criteria for use in the design and construcion of future buildings.

I would like to pause for a moment—to quote the President—as he said on September 10: "while energy is one of our Nation's most pressing problems, and while the preservation and effective use of our natural resources is an imperative policy goal, it is presently impossible to administer these related objectives in a coordinated way. Our abilty to manage our resources and provide for our needs should not be held hostage to old forms and institutions." I couldn't agree more and commend the President for his initiative to create Governor Love's office and his proposal for the new Energy Research and Development Administration.

The NBC white paper on the Energy Crisis, aired over two weeks ago, emphasized that there were over 40 Federal government agencies involved in some way or another with the energy question. To my way of thinking this indicates that; first, there is a great deal of enthusiasm to solve the problem and second that it must become a coordinated effort if we are going to effectively manage the solutions to our problems. Governor Love's office is a great step toward pulling us all together. GSA hopes that the Manchester and Saginaw projects will help act as a catalyst for the coordination of the *technical* effort.

But the need to conserve energy is *real* and *now*. Therefore, our greatest efforts are being made toward reduction of energy use in the buildings we presently operate.

As you all know, President Nixon has established a requirement to reduce the Federal Government's anticipated energy consumption by 7 percent. In this regard, GSA views its responsibility as the overseer of energy utilization in Federally-occupied buildings and of eliminating wasteful practices and concepts which developed during the past period of apparent energy abundance.

In order to fulfill this requirement we established a task force to develop and implement GSA's accelerated energy conservation program. When we considered that our annual utilities cost exceeds *$90 million* and that all resources in our buildings equate to over 5 billion kilowatt hours. We also had to review those current building operating practices which result in the consumption of substantial quantities of energy, such as nighttime cleaning operations, lighting levels and the temperature being maintained in our buildings.

It is imperative that you as executives in your organizations gear onto what we're doing. And, it is important to emphasize that, in revising operational procedures, it is critical that the employees at the grass roots level be aware of what you're doing and why you're doing it. This is a voluntary effort and when dealing with existing buildings, the occupants must be educated to energy saving actions.

Accordingly, to the extent feasible, the following changes in operating practices are being initiated in all GSA-operated/owned buildings and GSA's 7,800 leased buildings. I think you can do the same things in your space:

We have advanced nighttime force-account cleaning operations *from* the 5 p.m.–1:30 a.m. time frame *to* 11 a.m.–7:30 p.m. daily.

We have reduced the amount of lighting required in various space throughout a building without reducing the level at work stations;

We have raised (by 4 degrees) the setting on room thermostats serving office space during the airconditioning season to a range of 76–78 degrees;

And, we have lowered the setting (4 degrees) on room thermostats serving office space during the heating season to a range of 70–72 degrees; and

In addition we have made appropriate temperature and lighting changes in other types of space to realize similar energy savings.

Lessors who provide building services and utilities have been notified by the regional PBS offices to take appropriate action to reduce the anticipated energy consumption during the next 9 months by 7 percent.

Federal agencies have been notified that the aforementioned practices are being initiated, to the extent feasible, in all GSA-managed buildings in a way which will not impair the provision of vital services, nor curtail the proper functioning of the departments and agencies. In addition, each Federal agency has been requested to designate a headquarters representative as a point of contact to assist in realizing these objectives.

These revised operating practices already have been adopted in our Central Office and Regional Office Building, both in Washington, with excellent results.

As an example of savings that may be realized, 22 percent of the fluorescent light tubes have been removed from buildings here in Washington, with an opportunity to do more. Assuming we are able to achieve similar savings throughout the nation, we will eliminate approximately 1.2 million tubes and save 164 million kilowatts of electrical energy each year.

We believe that with the changes in operation, we will be able to reduce our overall energy consumption by approximately 20 percent. This equates to over 1 billion kilowatt hours of electricity or 600,000 barrels of oil or 580,000 tons of coal that may be saved per year. But we're not stopping here:

—We have begun a building profile study to determine the energy consumption characteristics of existing buildings as affected by their physical features.

—We are conducting an Air Change Rate Study to determine the minimum number of air changes required for acceptable heating and air conditioning of buildings.

—We are conducting a study of lighting levels and distribution required for the performance of the various work tasks in Federal buildings.

—And we are conducting a study to develop a fully automated building control system using computer techniques and sophisticated equipment to optimize operations, manpower and energy utilization.

The research and the efforts in existing buildings will help GSA accomplish the President's conservation goal. They can be far more valuable, however, if we can get them out to industry and local government. To that end, we have written to all of the nation's governors and the mayors of 20 of our largest cities to urge their cooperation in the energy conservation effort.

We think we have a strong start in the race to alleviate an energy crisis. But all of our efforts are really minimal when you consider that we only have the responsibility for 200 million square feet out of 2.5 billion square feet of space. 200 million out of 2.5 billion!! That means that you are very important. Have your employees turn off lights, lower thermostats, etc. I hope we can rely on you for this assistance in our effort, and we will assist you in yours, because it will take the voluntary cooperation of many Federal employees if it's going to be a complete success.

Thank you.

HOUSE OF REPRESENTATIVES—*Wednesday, October 24, 1973*

The House met at 12 o'clock noon.

Charles F. Betts, associate conference council director, North Alabama Conference, the United Methodist Church, offered the following prayer:

O living God, who has made today a time for greatness, be to this House of Representatives a sign that hope's promised hour is now.

May all of us receive this day's alarms as a call to choose for the truths we cherish. Against the winds that push toward war, may we take one step toward lasting peace. Surrounded by broken dreams of personal glory, may we act with a stronger trust in common people. Pressured by the insistent demands of human need, may compassion claim a new place in our hearts.

Stir us, O Lord, to live as those who intend the future. Give us courage to right those wrongs nearest us. And give us energy to shape the swirling forces of change for mankind's good. In Thy name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill and concurrent resolutions of the House of the following titles:

H.R. 5943. An act to amend the law authorizing the President to extend certain privileges to representatives of member states on the Council of the Organization of American States;

H. Con. Res. 275. Concurrent resolution providing for the printing of 1,000 additional copies of the hearings before the Subcommittee on the Near East of the Committee on Foreign Affairs entitled "U.S. Interests In and Policy Toward the Persian Gulf"; and

H. Con. Res. 322. Concurrent resolution to reprint and print the corrected Report of the Commission on the Bankruptcy Laws of the United States:

The message also announced, that the Senate receded from its amendment to the amendment of the House of Representatives to the amendment of the Senate numbered 5 to the bill (H.R. 9639) entitled "An act to amend the National School Lunch and Child Nutrition Acts for the purpose of providing additional Federal financial assistance to the school lunch and school breakfast programs," and concur in the amendment of the House of Representatives to the amendment of the Senate numbered 5 with an amendment.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:

H. Con. Res. 184. Concurrent resolution to print as a House document the Constitution of the United States.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1526. An act to amend the International Organizations Immunities Act to authorize the President to extend certain privileges and immunities to the Organization of African Unity.

REV. CHARLES F. BETTS

(Mr. BEVILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEVILL. Mr. Speaker, I was honored today to have my brother-in-law, the Reverend Charles F. Betts, from my State of Alabama, give the opening prayer on the floor of the U.S. House of Representatives.

Reverend Betts is from Birmingham, Ala., and received the bachelor of arts degree from the University of Alabama, bachelor of divinity degree from Emory University, and served for 3 years as director of the Wesley Foundation at the University of Alabama.

He has served as pastor of several United Methodist Churches in Alabama and at the present time is the associate conference council director, North Alabama Conference, of the United Methodist Church.

I am very happy to have this member of my family to offer prayer here today.

TANKS AND PLANES FOR PEACE

(Mr. DORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORN. Mr. Speaker, we must not let Watergate—serious and critical as it is—prevent an opportunity for lasting peace in the Middle East and throughout the world. Make no mistake, Mr. Speaker, there are those in the world who would take advantage of the Washington situation to advance their sinister ends. The second cease-fire in 24 hours has been broken by the aggressors, apparently fearful that their aggressive war is ending disastrously. When the third cease-fire is reached we must make sure that this is not a trick or stalling tactic by the aggressor nations, designed to stop the Israeli flanking movement and gain time to regroup and reattack with new Russian armament.

Regardless of cease-fires or resumption of fighting it is essential in the interest of peace that the United States provide Israel with military armaments for its defense. While the Russians continue to pour in arms and materiel to the aggressor nations the United States has no alternative.

Appeasement is not the answer. Submission to oil blackmail is not in the the interest of peace. Appeasement and blackmail led directly to World War II, the bloodiest in history. The raving racist Hitler was aided and abetted by appeasement. Blackmail was his trump card. We must not let it happen again.

Mr. Speaker, again I urge the House to approve the resolution calling for tanks, ammunition, and planes for Israel. Lack of modern equipment in Israel will only whet the appetitite of the aggressor and contribute to more war with the risk of a world conflagration. To strengthen Israel is a giant step toward world peace.

A RESOLUTION TO RESTORE COX, RICHARDSON, AND RUCKELSHAUS TO THEIR POSITIONS

(Mr. PEPPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEPPER. Mr. Speaker, while I believe the investigation to determine whether there are grounds for impeachment of the President, initiated by the House of Representatives, should continue and the Senate should make such inquiries as it chooses to make and the Watergate grand juries under Judge Sirica should continue their investigation, nevertheless, I think the President should immediately restore the office of independent prosecutor and rename Archibald Cox to that position, should renominate Elliot Richardson as Attorney General, and renominate William Ruckelshaus as Deputy Attorney General. I am introducing in the House today a resolution that it is the sense of the House and Senate that the President should do that.

THREAT OF VETO ON ALASKAN PIPELINE BILL

(Mr. MELCHER asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. MELCHER. Mr. Speaker, because I believe the whole House is entitled to know what goes on concerning the Alaskan pipeline conference, both behind the scene as well as on the scene, I take the time of the House this morning to tell of a threat of a veto.

I was visited yesterday by Mr. Roy Ash to convey that message to me, that he would recommend a veto unless the bill were changed materially. He requested changes in five areas.

Not only is it the 11th hour for Mr. Ash to be approaching me on this matter, but it is half past quitting time, because the conferees have had their last meeting. While we will review any technical or inadvertent mistakes in our deliberations, we are not receptive to Mr. Ash, or other members of the administration, who approach us at this late hour on opening up the whole bill to accommodate their wishes.

I am not impressed by Mr. Ash's threat that we must rewrite five provisions of the bill which he advocates, or else. I am including at the end of my statement the factsheet which was presented to me.

The five points that he mentioned included the provisions to exempt stripper wells from price controls. The conferees as of yesterday after being polled by committee staff, have agreed to a 10-barrel limit which had been in the original Senate bill. This partially removed objections by Dr. John Dunlop, Chairman of the Cost of Living Council.

On the other points, the conferees had given considerable consideration to: First broadening the Federal Trade Commission's regulatory authorities; second, taking from the Office of Management and Budget the prerogative of screening regulatory agencies questionnaires and turning them over to the General Accounting Office for review; third, Senate confirmation of the Director of the Energy Policy Office and the head of the Mining Enforcement and Safety Administration; and, fourth, the provision for liability without fault up to $100 million for oil spills at sea. This point certainly is not urgent as it will be 3 years until completion of the pipeline before any oil on tankers.

The conferees have given consideration to all of these points. Mr. Ash and other Government officials have had sufficient time since the Senate bill was passed in July and the House bill on August 2 to make their views known to the individual conferees but they have only now become dragons spouting fiery threats of a veto if their wishes are not followed by the conferees, the conference reconvened and the bill amended to, first, restrict power of the Federal Trade Commission; second, protect the power of the Office of Management and Budget over regulatory agencies; third, protect the power of the President to make appointments without Senate review; and fourth, reduce the extent of oil company liability for oil spills at sea.

Mr. Ash and his party were in my office when word came that the President had agreed to obey the order of the court in regard to the Watergate tapes.

Possibly Mr. Ash did not overhear, or did not get the message inherent in that announcement.

In any event, I did not appreciate what seemed to me rather highhanded ultimatums to reconvene the conferees and revise the bill to suit Mr. Ash's tastes about the OMB's powers, the President's powers, and the oil company's marine liability.

I am very much for the bill as it is being reported, and I believe a large majority of the House Members support it.

It was for that reason I assured Mr. Ash and his party that they were completely free—it was their right—to attempt to get someone to offer a motion to recommit with instructions to the conferees.

I believe in decisions openly and regularly arrived at—not deals consummated in executive meetings at the point of a popgun pointed by Mr. Ash.

Following are the objections Mr. Ash presented to me:

Fact Sheet—Conference Committee Action on Alaskan Pipeline Bill (S. 1081)

The following agencies have deep reservations about the following provisions approved by the Conference Committee on the Alaskan Pipeline Bill:

Cost of Living Council—opposes exemption from the Stabilization Act of the output of leases the wells of which produce less than 20 barrels per day. Inasmuch as 40 percent of the nation's crude is estimated to come from wells under the twenty-barrel criterion, the maintenance of a ceiling on the balance would be untenable. Domestic prices would inevitably rise to world prices. The immediate effect would be to increase gasoline prices at the pump to 8 cents per gallon and home heating oil by an even greater amount.

Department of Justice—opposes authorization of the Federal Trade Commission to take its enforcement actions in its own name directly into Federal courts at all levels if the Department of Justice does not first take the action proposed by the FTC. This provision would set a precedent for similar autonomy by all other agencies and seriously damage the Department of Justice's control of federal litigation.

Energy Policy Office—The requirement that the incumbent Director (as well as the incumbent head of the Mining Enforcement and Safety Administration) would have to be confirmed by the Senate is particularly troublesome in view of the President's veto of a similar requirement for the OMB Director and Deputy Director on constitutional and policy grounds.

Offices of Management and Budget—opposes deletion of the authority granted OMB under the Federal Reports Act of 1942 to review and approve requests for business information by all independent regulatory agencies. The authority transferred to the General Accounting Office would be a review and advisory one only, so that GAO could not ultimately prevent an agency from making burdensome, duplicative requests. GAO opposes the transfer. The immediate and predictable result would be a proliferation of requests for information from industry.

Industry—We are informed that the petroleum industry is quite concerned with the strict liability provisions governing the sealeg portion of the oil transportation scheme. A significant burden of proof would be placed on the vessel owner or operator, and he would be liable for the first $14 million of allowable claims. The balance up to $100 million would be paid out of a fund created by taxing oil owners five cents per barrel. However, other legal liability could exist as well. Industry representatives have conveyed the initial reaction that these provisions require them to seriously reassess the desirability of becoming involved in the Alaska Pipeline venture.

THE PRESIDENT IS NOT OFF THE HOOK

(Mr. BADILLO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BADILLO. Mr. Speaker, the President's decision to release the Watergate tapes is a welcome one, but it is by no means the end of the constitutional and leadership crisis his administration has precipitated.

Still unresolved is the question of access to the letters and documents related to those tapes which Special Prosecutor Cox had been seeking. Still unresolved are the apparently endless leads which Mr. Cox and his staff had been following and which reportedly touch on crimes

not directly related to the Watergate affair, but which involves this administration at its highest levels.

In view of this, the House of Representatives must press on with its inquiry into grounds for impeachment and it must begin now to prepare for its prosecutorial role in an impeachment proceeding. I call upon the Judiciary Committee to move immediately to take on the investigative and prosecutorial functions demanded by a preimpeachment inquiry and the impeachment proceeding itself. In particular, the committee must begin now to put together the professional staff and other resources that are necessary and should such an effort require additional funds in the committee budget, I am confident the House will vote its approval.

In addition, the reestablishment of a completely independent special prosecutor to continue the work of Mr. Cox and his staff is an immediate and urgent priority. It is vital that the rule of law be reaffirmed and applied to the leaders of Government, as well as to private citizens. Unless and until that is done, our National Government will be crippled by a cloud of suspicion and distrust.

GROWING NEED FOR INDEPENDENT PROSECUTOR TO PURSUE INVESTIGATIONS ONCE UNDER MR. COX'S JURISDICTION

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, last Friday, I approved a letter to Mr. Archibald Cox concerning the ITT affair.

I wrote this letter as a member of the House Interstate and Foreign Commerce Committee's Special Subcommittee on Investigations. This subcommittee has spent 10 months investigating the actions of the Securities Exchange Commission with regards to the ITT-Hartford merger, and other related matters to the ITT affair.

My letter makes four points:

First. Mr. William Casey, former Chairman of the SEC, in my judgment with the knowledge and encouragement of certain White House officials, did everything he could to keep from a committee of the Congress certain ITT documents.

Second. Possible improprieties involved with the transfer of Hartford stock by ITT to Mediobanca of Italy, and later to the Dreyfus Fund;

Third. Inconsistencies between the testimony by Charles Colson to our subcommittee and a memorandum he wrote to H. R. Haldeman over a year earlier; and

Fourth. The revelation before our subcommittee that officials in the White House passed documents held by the FBI to investigators for ITT.

Now, Mr. Speaker, to whom do I send my letter?

Mr. Henry Petersen announced last year that he had withdrawn himself from consideration of ITT matters. He said that he did so, because he had testified before the Senate during the Kleindienst confirmation hearings. Since these hearings form the main reference point for certain aspects of the ITT investigations, Mr. Petersen felt that he could not properly participate in the ITT investigations.

Obviously, Mr. Speaker, serious study needs to be given to the question of who is going to finish, with thoroughness, the ITT investigation begun by Mr. Cox. One must contend now that there is a growing need for an independent prosecutor to pursue this and other investigations once under Mr. Cox's jurisdiction.

REFUSAL TO ACCEPT NOBEL PEACE PRIZE

(Mr. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BLACKBURN. Mr. Speaker, I note with some interest that Le Duc Tho has refused to accept the Nobel Peace Prize. I congratulate Mr. Tho on his decision because his announcement is a recognition of what every fair minded and impartial observer in the world recognizes, and that is that there does not exist any peace in South Vietnam. It has been estimated that 50,000 people have been killed since that so-called peace came into existence.

If Mr. Kissinger wants to be honest about it he should elect to turn down his share of the Nobel Peace Prize as well.

WATERGATE, ITT, AND NOMINATION OF GERALD R. FORD

(Mr. WILLIAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAMS. Mr. Speaker, I would like to suggest to the distinguished gentleman from Texas who just referred to a letter he had written concerning ITT to Mr. Cox, that Mr. Cox was the wrong place for his letter to be sent. Mr. Cox was appointed Watergate special prosecutor, and any letter that the gentleman has written concerning ITT should be directed to the head of the Department of Justice.

Incidentally, yesterday I informed this House I was willing to debate the merits of the impeachment of the President. However, a President can be impeached for only certain reasons. The action of the President in releasing the tapes yesterday afternoon has removed the President from any probability of possibility of impeachment.

I would also like to say I stressed yesterday that a week ago last Friday the nomination of GERALD R. FORD for Vice President was met with acclamation by most Members of the House and the Senate and that we should rapidly move forward with the confirmation of GERALD R. FORD as Vice President.

ATOMIC ENERGY COMMISSION

(Mr. FISH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FISH. Mr. Speaker, today I am introducing legislation to authorize industrial operations of the Atomic Energy Commission.

The projected plans for nuclear power development and expansion in the Hudson Valley in New York and throughout the United States has understandably troubled many of us. People are rightfully concerned about safety and want to be reassured. Therefore, now is the time for a full-scale scientific inquiry into the licensing and regulation of nuclear powerplants. The Congress and the American people have a right to know more about the problems and hazards involved before we make a commitment to nuclear power that will soon be irrevocable.

My bill would authorize a comprehensive investigation by the National Academy of Sciences, which would then report its findings and recommendations back to Congress within 1 year. During the period that the study is being conducted, the AEC would be prohibited from issuing any new construction permits. The scope of the inquiry will include such items with safety implications as: First, current AEC licensing procedures; second, present criteria for selecting the location of nuclear plants; third, plant security and design; fourth, ongoing AEC monitoring of plant operations; fifth, the level of routine radioactive emissions now permitted; sixth, environmental effects of nuclear plants; seventh, the risk of accident; and eighth, present plans for protecting the public should an accident occur.

I do not mean to downplay the seriousness of the energy crisis. We must deliver new energy sources as quickly as we can. But, at the same time, we cannot allow ourselves to be panicked into a nuclear energy policy that could prove disastrous in the long run.

MAJORITY LEADER THOMAS P. O'NEILL, JR., SAYS HOUSE WILL CONDUCT ITS IMPEACHMENT INQUIRY IN AN ORDERLY, THOROUGH, AND EXPEDITIOUS FASHION

(Mr. O'NEILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. O'NEILL. Mr. Speaker, like everyone else, I was glad to hear that President Nixon has agreed to turn over the Watergate tapes to the court.

That is a very appropriate recognition of the fact that we are a Nation of laws and not of men, and that no man—not even the President—is above the law.

This action by the President, however, does not change the status of the impeachment resolutions referred to the Judiciary Committee yesterday. It permits the House and the Judiciary Committee to undertake the inquiry in an orderly, thorough, and expeditious fashion.

The House is not driving toward a preordained objective. It is, instead, conducting a careful and deliberate inquiry into possible grounds for impeachment.

But there is ro doubt that we owe it to the American people to conduct the most conscientious investigation of

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which we are capable. The House leadership has already said—and I repeat today—that we will support the Judiciary Committee with all the special staffing, financial assistance and other resources necessary to this inquiry. Chairman RODINO will be able to supplement his excellent judiciary staff with whatever specialists or experts he needs.

PERMISSION TO HAVE UNTIL MIDNIGHT FRIDAY, OCTOBER 26, 1973, TO FILE CONFERENCE REPORT ON S. 1081, GRANTING RIGHTS-OF-WAY ACROSS FEDERAL LANDS

Mr. MELCHER. Mr. Speaker, I ask unanimous consent that the managers in the conference on S. 1081, granting rights-of-way across Federal lands, have until midnight Friday to file a conference report.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

THE CASE OF BORIS PAVLOVICH AZERNIKOV

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GONZALEZ. Mr. Speaker, the Soviet Union is not complying with the very declaration they signed in 1966, the Universal Declaration of the Rights of Man, which sets forth the principle of free immigration for all people. Today in the Soviet Union people are not free to emigrate.

Boris Pavlovich Azernikov is a physician who submitted documents for emigration to Israel at the end of June 1971, and on August 10 of that year was arrested.

Boris had attended an ulpan—program of intense Hebrew study—in Leningrad and joined the organization in April of 1970.

In June of 1970 Boris worked to create a Zionist youth summer camp. Then on June 15, a few hours after the so-called plane hijacking in the Leningrad airport a search was made in Boris' apartment and his place of work. He was not in Leningrad at the time but was vacationing in Odessa. Boris was not arrested, but a friend with him was and this friend was convicted at the second Leningrad trial to 5 years in prison.

After his return to Leningrad Boris was summoned for questioning by the KGB. He was summoned 25 times during the summer and autumn of 1970. The KGB had found typewritten brochures on Jewish culture, history, and language in this room in Leningrad.

During 1970 and 1971 Boris was required to testify in the first and second Leningrad trials in which he gave testimony in defense of the defendants. When Boris was arrested, after applying for his passport for emigration to Israel, he was presented with the same charges as those convicted at the second Leningrad trial. Judging by everything the KGB had no other "new materials" except his conduct at the two trials. The question is whether Boris' arrest is a warning of an even harsher policy in relation to the Jews in the Soviet Union.

Mr. Speaker, the situation confronting Soviet Jews is awaiting our immediate attention. We are their only hope. We can help by passing the Mills-Vanik amendment.

SUCCESSFUL SURGERY ON THE HONORABLE JOHN P. SAYLOR OF PENNSYLVANIA

(Mr. RONCALIO of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RONCALIO of Wyoming. Mr. Speaker, Members of the House, I would yield to Chairman JAMES HALEY of the Committee on Interior and Insular Affairs if he were here. I would like to report to the Members that he reported to the Committee on Interior and Insular Affairs this morning the good news that our friend and colleague, Mr. SAYLOR, of Pennsylvania, was operated upon this morning in Houston for the removal of a huge aneurysm from his aorta.

Mr. Speaker, the physicians have pronounced the surgery a success. I am happy to report this to the House.

RELEASE OF TAPES NOT ENOUGH

(Mr. LONG of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LONG of Maryland. Mr. Speaker, I was relieved as were most House Members by the announcement yesterday in court by the President's counsel that the tapes and various documents and memorandums will be released to Judge Sirica and that the President will comply with the law.

Nevertheless, I want to point out that last night I spent some hours in my district office. I could not get away because the phone was constantly ringing. I had three people helping answer the calls and I talked to many people myself.

Very few of them who called seemed mollified by this apparent concession of the President.

Something has happened—the dam has broken, as I said yesterday—and the people are expressing long pent-up feelings.

Mr. Speaker, the President and his supporters should be advised that the President has two strikes on him and that one more major defiance of morality and law that he committed in the firing of Mr. Cox or in the refusal in the first instance to obey a desire of the courts, will give momentum to impeachment proceedings that will not be stopped.

IMPEACHMENT SHOULD BE EXAMINED BY THE JUDICIARY COMMITTEE

(Mr. HUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNT. Mr. Speaker, I was more than gratified a few moments ago to hear the very distinguished majority leader of the House, my friend, Mr. O'NEILL from Massachusetts, inject into these somewhat ribald discussions we have been hearing here in the last couple of days about the impeachment of the President, some reservation and restraint into the prior discussions. I want to thank him.

I believe he is entirely right that the impeachment procedure should be examined by the Judiciary Committee in a sensible light and the findings then brought to this floor.

I do not believe it is inherent upon this House membership to discuss mollification of the people by the President. Rather we should stick to the plain, ordinary truth without satire.

I am not alluding to the gentleman from Massachusetts (Mr. O'NEILL). I allude to another Member who spoke on the floor today. I would like to compliment Mr. O'NEILL; his remarks were timely.

What has been done, what we have seen and witnessed in many respects here on this very floor, has been the conviction, without a bona fide indictment, of the President of the United States before the evidence is in.

I simply say if these people who are so hellbent to have the President removed from office have any information, regardless of what it might be, that it be just cause for impeachment, that would satisfy the constitutional requirements, then let them come forward now and speak their piece or forever hold it in the future.

CALL OF THE HOUSE

Mr. WYDLER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 546]

Alexander
Anderson, Ill.
Ashley
Aspin
Biaggi
Blatnik
Bolling
Brown, Mich.
Brown, Ohio
Buchanan
Burke, Calif.
Burke, Fla.
Carey, N.Y.
Chisholm
Dellums
Derwinski
Diggs
Edwards, Ala
Gettys
Gray
Green, Oreg.
Grover
Hansen, Wash.
Harrington
Harvey
Hastings
Hébert
Heckler, Mass.
Henderson
Johnson, Pa.
Ketchum
Kuykendall
Lott
McCloskey
McKay
Macdonald
Mills, Ark.
Mitchell, Md.
Moorhead, Pa.
Myers
Rees
Rooney, N.Y.
Ryan
St Germain
Sandman
Saylor
Shipley
Shriver
Sikes
Steele
Steiger, Ariz.
Sullivan
Symington
Teague, Tex.
Van Deerlin
Veysey
Wyman

The SPEAKER. On this rollcall 377 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. PEPPER. Mr. Speaker, on behalf of the Committee on Rules I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will announce that the Chair will receive unanimous-consent requests, but not for speeches.

RICHARDSON AS SPECIAL PROSECUTOR

(Mr. FINDLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FINDLEY. Mr. Speaker, the need for a special prosecutor has been made more imperative, not less, by the events of recent days. Still at stake is the integrity of the governmental processes which have now been under question for over a year.

The integrity of our Government, and the confidence of the American people in it, cannot be restored by lodging the responsibility for this investigation within the Department of Justice. Congress should establish and fill the office of the special prosecutor immediately.

This is not because the Department is without integrity. In fact, the events of recent days make clear that the leadership of the Department has demonstrated remarkable integrity at considerable personal sacrifice.

Nor do I mean to insinuate that the man who would be in charge of the investigation, Assistant Attorney General Henry Petersen, lacks the ability or desire to prosecute the Watergate case fully.

As Mr. Richardson stated yesterday, the investigation remains within the Justice Department now, "the situation is fraught with great difficulty." Perhaps the greatest difficulty will be the credibility of the entire investigation, not because of the people leading it, but because of the way they gained their position of leadership.

Always hanging over Mr. Petersen and others will be the sword of Damocles which slew Archibald Cox. Will the public believe that the sword has been forever sheathed?

If "the whole milieu of national concern" was the reason for the President's wise decision to give up the tapes yesterday, as Alexander Haig suggested, that national concern must be satisfied by continuing the independence of the special Watergate prosecutor.

In all that has developed in the last few days, one man stands head and shoulders above the rest—Elliot Richardson. He has demonstrated clearly that his integrity is above reproach. Of utmost importance to Congress, he has demonstrated that his word is binding; that he can make a commitment to Congress and stand by it, no matter who challenges it.

For this reason, I suggest that the Congress designate Elliot Richardson special Watergate prosecutor. His demonstrated integrity should be sufficient to assure Republicans and Democrats alike that he will keep whatever commitment he might make to Congress and to the American people in assuming this new responsibility. More than any other person, Mr. Richardson can help to restore the public confidence in the institutions of government, which is so lacking today.

CONFERENCE REPORT ON S. 607, LEAD-BASED PAINT POISONING PREVENTION ACT AMENDMENTS

Mr. BARRETT. Mr. Speaker, I call up the conference report on the Senate bill (S. 607) to amend the Lead-Based Paint Poisoning Prevention Act, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the statement.

(For conference report and statement see proceedings of the House of September 25, 1973.)

Mr. BARRETT (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Pennsylvania (Mr. BARRETT).

Mr. BARRETT. Mr. Speaker, S. 607, a bill to amend and extend the Lead-Based Paint Poisoning Prevention Act, was passed by the House on September 5, 1973, by an overwhelming vote of 368 to 11 and it previously passed the Senate on May 9, 1973. Your conferees met September 19 and have produced a conference report which reflects, in my opinion, the basic provisions of the bill as passed by the House. There were seven items in disagreement on this conference report and only two of them were major controversial points.

The conference report adopted the House provision authorizing the Chairman of the Consumer Product Safety Commission, instead of the Secretary of HEW, to conduct research on multiple layers of lead-paint film and to submit a complete report on his findings and recommendations to the Congress no later than December 31, 1974.

The conference report also contains the Senate provision with the House provision providing for consultation of the Secretary of HEW and the Secretary of HUD with regard to steps and conditions to be taken to prohibit the use of lead paint in residential structures receiving any Federal assistance and would also prohibit the application of lead paint in the manufacture of certain toys and utensils that may be used by children.

Probably the most controversial provision in conference was the establishment of a new definition of the safe level of lead paint. The present definition of the safe level of paint is 1 percent lead by weight. The conferees adopted the House provision that the new definition of safe level of lead based paint would be 0.5 percent up until December 31, 1974, and that after December 31, 1974, the definition of lead-based paint would be 0.06 percent lead by weight except that if prior to December 31, 1974, the Chairman of the Consumer Product Safety Commission, based on studies conducted in accordance with section 301(b) of this act, determines that another level of lead, not to exceed 0.5 percent, is safe shall be effective after December 31, 1974.

Authorizations contained in the Senate-passed bill were $300 million and in the House passed bill were $105 million. Conferees agreed on a total authorization of $126 million greatly below the level in the Senate bill and only $21 million above the authorizations contained in the House passed bill.

The conference report also contains the House provision providing for Federal preemption of any and all laws of States and local governments regarding the requirement prohibitions and standards relating to lead content in paints on any other surface coating in materials which differs from the provisions of this act or regulations issued pursuant thereof. The Senate bill contained no similar provision.

The final item in disagreement was the Senate provision providing that no funds appropriated pursuant to the authorization of section 314(e) of the Public Health Service Act shall be available for lead-based paint poisoning control of the type authorized under the Lead-Based Paint Poisoning Prevention Act. The conference report contains this provision.

Mr. Speaker, I believe that this conference report basically reflects the bills as was passed by this body on September 5, and believe that the House should act promptly to approve this most important piece of legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. WINDALL).

Mr. WIDNALL. Mr. Speaker, I support the conference report on S. 607, the Lead Based Paint Poisoning Prevention Act now before us.

As the gentleman from Pennsylvania (Mr. BARRETT) has stated, our conference was quite constructive. The report will verify that the bill has been strengthened without sacrifice of major features passed by the House.

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As I have previously stated, there is an urgency associated with the prevention of poisoning of our children through the ingestion of lead-based paint. It is a matter that demands the application of all appropriate resources and facilities for the most comprehensive and effective results.

I urge passage of the bill as reported by the conference.

Mr. CARTER. Mr. Speaker, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Kentucky.

Mr. CARTER. I thank the gentleman for yielding.

Mr. Speaker, I regret to say that in this bill today we have four times the amount of money authorized which is spent each year for rheumatoid arthritis, and three times as much money as is spent in the detection and research on diabetes. This is all out of proportion. Certainly I want to see sufficient funds in this bill to take care of children who have lead poisoning from the ingestion of lead-based paint, but, again, we are going overboard and spending too much in this area.

We are not basing our authorizations on morbidity, mortality, or economic impact of the disease.

I thank the distinguished gentleman for yielding.

Mr. ROSENTHAL. Mr. Speaker, I rise in support of the conference report on S. 607, a bill to amend the Lead Based Paint Poisoning Prevention Act. The Senate approved the report last week and I urge the House to give its assent today. This is a good bill; although it does not provide the assistance I had hoped for when I introduced H.R. 3006, it does combine the best features of the House and Senate passed bills and represents a significant step toward detecting, curing, and preventing a disease which afflicts some 400,000 American children.

Fewer than 16,000 of these young victims actually receive treatment and half of them are left mentally retarded. About 200 youngsters die each year from lead poisoning.

In my city of New York there are 30,000 children who each year suffer from lead poisoning, but fewer than 1,000 cases are reported each year. Lead poisoning is a disease endemic to the slums. Although the city outlawed the use of lead in interior paints more than 10 years ago, leaded paint still remains on walls which have been covered with new nonleaded coats.

Nearly 2½ million children are vulnerable to lead poisoning because they live in substandard housing with leaded paint peeling off interior walls. Many mothers are unaware of the dangers of eating lead chips and are not prepared to indicate to the physician that such dangers exist in the home. What is more, the early symptoms of lead poisoning are vague—nausea, lethargy and crankiness—consequently both parent and physician have a difficult time attributing the symptoms to their proper cause.

Even hospital treatment to remove the lead is not a completely effective means to combat lead poisoning. Simply sending a deleaded child back to a leaded environment where he can once more swallow peeling chips of lead-based paint is as ridiculous as curing a man of pneumonia and then forcing him out into a freezing rainstorm with no shoes, no hat, and no coat.

This bill authorizes $63 million a year for 2 years for the detection, treatment, and elimination of lead-based paint poisoning plus research to find the best methods to remove lead-based paint from interior and exterior surfaces of residences.

This legislation, as approved by the conferees, limits the lead content of interior paint to 0.5 percent by weight until December 31, 1974. After that date, the limit drops to 0.06 percent, unless the Product Safety Commission shows that a higher level—not to exceed 0.5 percent—is safe.

I commend the conferees for writing a valuable piece of consumer health legislation and urge my colleagues to support this measure. Its enactment will stand as a tribute to our late colleague William Fitts Ryan of New York, who for so long worked for this type of legislation and to whom much of the credit must be given for the current awareness in the Congress and in the Nation about lead poisoning.

Mr. BARRETT. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BARRETT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to on S. 607.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

EXTENDING THE ENVIRONMENTAL EDUCATION ACT

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 600 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 600

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3927) to extend the Environmental Education Act for three years. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Indiana (Mr. Madden) is recognized for 1 hour.

Mr MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. Del Clawson) pending which I yield myself such time as I may consume. Mr. Speaker, House Resolution 600 provides for consideration of H.R. 3927, which, as reported by our Committee on Education and Labor, would extend for a period of 3 years the Environmental Education Act of 1970. The resolution provides an open rule with 1 hour of general debate, with the time being equally divided and controlled by the chairman and ranking minority member of the committee.

House Resolution 600 further provides that, after general debate, the bill shall be read for amendment under the 5-minute rule, at which time it shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill as an original bill for the purpose of amendment under the 5-minute rule. At the conclusion of such consideration, the Committee would rise and report the bill to the House with such amendments as may have been adopted, and any member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall then be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. Speaker, the proposed legislation would continue the highly successful environmental education programs which were instituted under the authority of the 1970 act. While the primary focus of these programs has been in elementary and secondary schools and in local communities, environmental studies have actually been aided at all levels: from preschool to college and adult education levels.

The committee has noted that in fiscal years 1971 and 1972, a total of 236 projects in environmental education were supported in all of the 50 States, including 78 projects for curriculum, 33 for statewide assessment and dissemination, 21 community education programs, 20 outdoor study centers, 15 personnel training programs, and 69 other individual grants.

The result of environmental education on such a broad scale has been an increasing national awareness of the critical role that the individual citizen plays in helping to solve the problems of environmental pollution.

Mr. Speaker, the battle against pollution is a continuing one. Building upon accomplishments under the 1970 act, H.R. 3927 would assist the public to acquire a better understanding of such major problems as land use and area development, automobile pollution requirements and the energy crisis. To accomplish its objectives H.R. 3927 would authorize the following appropriations: Fiscal year 1974, $5 million; fiscal year 1975, $15 million; and fiscal year 1976, $25 million.

Mr. Speaker, I urge the adoption of House Resolution 600 in order that H.R. 3927 may be considered.

Mr. DEL CLAWSON. Mr. Speaker, House Resolution 600 provides for the consideration of H.R. 3927, extending the Environmental Education Act, under an open rule with 1 hour of general debate. The rule also makes the committee substitute in order as an original bill for the purpose of amendment.

The primary purpose of H.R. 3927 is to extend for 3 years the Environmental Education Act.

This act provides grants to encourage awareness of environmental problems. For example, in fiscal years 1971 and 1972, a total of 236 projects in environmental education were supported, including 78 projects for curriculum, 33 for statewide assessment and dissemination, 21 community education programs, 20 outdoor study centers, 15 personnel training programs, as well as 69 small grants.

There are no departmental letters in the committee report. However, the report indicates that administration witnesses opposed this bill, preferring instead the administration-proposed Better Schools Act, a special education revenue sharing, which would allow States and local school districts to support environmental projects as their priorities determine.

Minority views were filed by Members Landgrebe, Ashbrook, and Huber arguing that there is no valid reason for extending this act. They point out that ecological issues have been brought to "the height of public consciousness." They also point out that this narrow categorical grant program, is not consistent with the President's budget, or his effort to provide broader categories of assistance, thus leaving more discretion at the local level.

Additional views were filed by Members Quie, Erlenborn, Eshleman, Kemp, and Towell, noting that this act was never intended to be permanent legislation. They propose a 1-year extension to provide an orderly phaseout of Federal involvement.

Mr. Speaker, regardless of the position of a Member on the subject legislation, the rule is an open rule and should be adopted in order that the House may begin debate on H.R. 3927.

Mr. Speaker, I have no requests for time.

Mr. MADDEN. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HOSMER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 369, nays 15, answered "present" 1, not voting 49, as follows:

[Roll No. 547]

YEAS—369

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Badillo
Bafalis
Baker
Barrett
Bauman
Beard
Bell
Bennett
Bergland
Bevill
Biester
Bingham
Blackburn
Boggs
Boland
Bowen
Brademas
Brasco
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Calif.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Conable
Conte
Conyers
Cotter
Coughlin
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, S.C.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Grasso
Green, Pa.
Griffiths
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanrahan
Hansen, Idaho
Harsha
Hawkins
Hays
Hechler, W. Va.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Hollfield
Holt
Holtzman
Horton
Hosmer
Howard
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kemp
Kluczynski
Koch
Kuykendall
Kyros
Landrum
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKinney
McSpadden
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, N.C.
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Regula
Reid
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Sarasin
Sarbanes
Satterfield
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shoup
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steelman
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Symington
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Vander Jagt
Vanik
Waggonner
Waldie
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wright
Wyatt
Wydler
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—15

Ashbrook
Camp
Collins, Tex.
Conlan
Crane
Davis, Wis.
Flynt
Gross
King
Landgrebe
Martin, Nebr.
Mathis, Ga.
Poage
Symms
Young, S.C.

ANSWERED "PRESENT"—1

Mollohan

NOT VOTING—49

Anderson, Ill.
Ashley
Aspin
Biaggi
Blatnik
Bolling
Brown, Mich.
Brown, Ohio
Buchanan
Burke, Fla.
Corman
Davis, Ga.
Derwinski
Esch
Gettys
Gray
Green, Oreg.
Grover
Hanna
Hansen, Wash.
Harrington
Harvey
Hastings
Hébert
Heckler, Mass.
Johnson, Pa.
Ketchum
McKay
Macdonald
Mills, Ark.
Myers
Rarick
Rees
Rooney, N.Y.
Ryan
St Germain
Sandman
Saylor
Shipley
Shriver
Steele
Steiger, Ariz.
Sullivan
Van Deerlin
Veysey
Vigorito
Widnall
Wolff
Wyman

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Macdonald.

Mr. Rooney of New York with Mr. Wyman.

Mr. Gray with Mr. Widnall.

Mr. Blatnik with Mr. Shriver.

Mr. Harrington with Mr. Sandman.

Mr. Shipley with Mr. Saylor.

Mr. St Germain with Mr. Hastings.

Mrs. Sullivan with Mr. Brown of Michigan.

Mr. Wolff with Mrs. Heckler of Massachusetts.

Mr. Ashley with Mr. Esch.

Mrs. Hansen of Washington with Mr. Anderson of Illinois.

Mr. Vigorito with Mr. Myers.

Mr. Mills of Arkansas, with Mr. Burke of Florida.

Mr. Gettys with Mr. Johnson of Pennsylvania.

Mrs. Green of Oregon with Mr. Brown of Ohio.

Mr. Corman with Mr. Grover.

Mr. Biaggi with Mr. Buchanan.

Mr. Hanna with Mr. Harvey.

Mr. Rarick with Mr. Derwinski.

Mr. Rees with Mr. Steele.

Mr. Ryan with Mr. Aspin.

Mr. McKay with Mr. Van Deerlin.

Mr. Davis of Georgia with Mr. Steiger of Arizona.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. BRADEMAS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3927) to extend the Environmental Education Act for 3 years.

The SPEAKER. The question is on the motion offered by the gentleman from Indiana (Mr. Brademas).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 3927 with Mr. Roush in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Indiana (Mr. Brademas) will be recognized for 30 minutes and the gentleman from Pennsylvania (Mr. Eshleman) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Indiana (Mr. Brademas).

Mr. BRADEMAS. Mr. Chairman, I rise in support of H.R. 3927, a bill to extend the Environmental Education Act for 3 years.

BACKGROUND

The Select Subcommittee on Education, which I have the honor to chair, Mr. Chairman, held hearings on this bill during April and May. On May 24, the subcommittee reported H.R. 3927 by a vote of 7 to 3 and on May 30, the measure was reported out of the full Committee on Education and Labor by a voice vote.

The strong favorable vote in both the subcommittee and the full committee reflects, Mr. Chairman, the bipartisan support the Environmental Education Act enjoys.

I should like at the outset, Mr. Chairman, to commend, in particular, the gentleman from Kentucky, the chairman of the Education and Labor Committee (Mr. Perkins) as well as the gentleman from Minnesota, the ranking minority leader (Mr. Quie), the gentleman from Idaho (Mr. Hansen), the gentleladv from Hawaii (Mrs. Mink), and the gentleman from New York (Mr. Peyser).

FLEXIBLE AUTHORITY

Briefly, Mr. Chairman, the original act, signed into law on October 30, 1970, provides flexible and broad authority for support of environmental education activities, particularly in elementary and secondary schools and in local communities.

Specifically, the Environmental Education Act provides for:

The encouragement, and support of the development, demonstration, and evaluation of innovative and improved curricula in environmental studies;

The dissemination of significant materials for use in teaching at the preschool, elementary, secondary, college and adult education levels;

The initiation and maintenance of programs in environmental education at the elementary and secondary schools level;

Preservice and inservice teacher training programs;

The training of other educational and public service personnel, including community, business, and professional leaders, as well as Government employees at the local, State, and Federal levels;

Adult and community education programs;

The development of programs and materials for use by the mass media in dealing with ecological problems;

Outdoor ecological study centers.

GREAT NEED

Evidence of the great need for the environmental educational program, Mr. Chairman, lies in the following statistics:

In the 3 years in which this effort has been funded, fiscal years 1971, 1972, and 1973, the Office of Environmental Education has received over 4,700 applications, with requests totaling approximately $180 million.

Yet the Office of Environmental Education, Mr. Chairman, has been able to fund only 286 projects at a cost of $5.843 million.

Clearly, Mr. Chairman, both the educational community, and the public, understand the need to better inform our citizenry about the wide array of problems we call environmental if we are to adequately address such problems as air and water pollution and the energy crisis.

MAJOR PROVISIONS

Mr. Chairman, H.R. 3927 extends the act for 3 additional years—that is through fiscal year 1976, at the following levels:

Fiscal year 1974, $5 million.

Fiscal year 1975, $15 million.

Fiscal year 1976, $25 million.

The bill further provides for the continuation of the Advisory Council on Environmental Education through June of 1976.

SUPPORT FOR H.R. 3927

Mr. Chairman, without exception, the question of the need for environmental education has not been challenged and the committee views this measure as the best Federal approach to environmental education activities.

There were suggestions that we extend the act for 1 year in order for the Education and Labor Committee to consider consolidating this program with other education measures. The committee has concluded overwhelmingly that environmental education should not be a part of a consolidation plan and agrees with the earlier actions of the subcommittee that the broad flexible authority reflected in this act does not fit the definition normally referred to as a "narrow categorical program."

PRESIDENTIAL SUPPORT

Mr. Chairman, there have been many expressions of support for the concept of environmental education, but perhaps none more heartening than the many statements issued in the past several years by President Nixon.

For example, the President said in his February 8, 1971, message to Congress:

> The building of a better environment will require in the long term a citizenry that is both deeply concerned and fully informed. Thus, I believe that our educational system, at all levels, has a critical role to play.

On June 29 of this year, yet another eloquent statement of Presidential support was heard when the President delivered a lengthy statement on the energy crisis.

Said the President:

> But the final question of whether we can avoid an energy crisis will be determined by the response of the American people to their country's needs.

And, he concluded:

> I believe that the American people must develop an energy-conservation ethic.

The committee has therefore, Mr. Chairman, accepted the views expressed by President Nixon, as well as other members of this administration; namely, that environmental education studies and activities are a cornerstone of effective action aimed at solving environmental problems and enhancing environmental protection.

And we have accepted, as well, Mr. Chairman, the opinion of the many students, educators, environmentalists, and other public witnesses, that extension of the Environmental Education Act is essential to the development of better understanding on the part of the American people of the ecological problems we are now beginning to confront.

OTHER PROBLEMS

Mr. Chairman, let me take just a minute before concluding my remarks to comment on several problems which members of the Committee on Education and Labor have encountered with respect to the administration of the Environmental Education Act.

I refer, Mr. Chairman, to the intent of Congress with respect to the National Advisory Council on Environmental Education as well as the position of the Office of Environmental Education within the Office of Education.

Mr. Chairman, when Congress originally approved the Environmental Education Act, we clearly intended that there be a strong and active advisory body for the Office of Environmental Education.

Yet the Advisory Council, mandated by the law, was not appointed for a full year after passage of the legislation, and we have discovered that the Council was not actively involved in the development and implementation of the environmental education program as we intended.

So I want to make it crystal clear, Mr. Chairman, that the Advisory Council, which is continued by the legislation before us today, is to be fully involved with the continued development of the programs supported by the Office of Environmental Education.

Yet another area of concern, Mr. Chairman, has been the fact that, until recently, the Director of the Office of Environmental Education has not had the access to the Commissioner of Education which we in Congress intended when we approved this act.

So that there will be no misunderstanding on this point, either, Mr. Chairman, let me make clear the intent of Congress that the Office of Environmental Education is supposed to be an important element in the Office of Education, and the Director of that Office is to report directly to the Commissoner of Education, and not be submerged within the bureaucracy.

Mr. Chairman, let me conclude by noting that we debate this bill to extend the Environmental Education Act at a time of grave crisis with respect to the wise allocation and use of our resources.

For we must, within the very near future, make crucial decisions on the energy policies which will be established as national goals.

We will have to make some judgments, for example, on the wisdom of offshore drilling in the Atlantic to seek additional sources of oil.

We will have to decide the proper means of allocating scarce fuel oil so that families are not facing bitter winters without adequate heat.

And we will, of course, have to continue to grapple with the problems of automatic emissions which are now the most significant source of the pollutants which are befouling our air.

Mr. Chairman, it is critical to the formation of sound judgments on these matters of crucial national importance that the public be informed and aware of the issues involved.

The Environmental Education Act, Mr. Chairman, is designed to stimulate and strengthen public discussion of these issues. I, therefore, urge my colleagues to join with me to support passage of H.R. 3927.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. BRADEMAS. I yield such time as he may consume to the distinguished chairman of the full committee, the gentleman from Kentucky (Mr. Perkins).

Mr. PERKINS. Mr. Chairman, initially I want to commend the chairman of the Select Subcommittee on Education, our colleague from Indiana, John Brademas, for his work on this legislation. Largely through his insights and leadership in 1970, we constructed and approved an act which in a variety of ways deals with problems which we had ignored for too long a time.

The Environmental Education Act is a well-designed response to widespread pleas from school officials for aid to assist the public in a better understanding of environmental problems and what we must do about them. In the intervening 3 years, progress under the act has been substantial despite inadequate appropriations. Clearly the act has contributed toward the stimulation of a broad national awareness of and interest in ecological issues.

Everyone of the 50 States participated in well over 200 projects in environmental education which were supported in fiscal year 1971 and fiscal year 1972. Thousands of teachers and community leaders received training and participated in workshops designed to deal with many areas of interest in environmental studies.

As has been indicated, appropriations have been modest. But Mr. Chairman, to the extent that these appropriations were available, the record shows a significant amount of activity under the act in line with congressional intent.

The bill before us today seeks to extend the act for an additional 3 years. The committee report provides ample justification and support for taking such action. I will mention only one item as it by itself demonstrates why the act should be extended. During the last 3 years, close to 5,000 applications have been received requesting funds totaling $180,000,000. Only 286 requests were funded.

In effect, the interest and requests of schools across the Nation are still pending and it is in response to these that we are urging the continuation of the program.

Mr. Chairman, the proposed authorizations for the 3-year program are more modest than I would want and far more modest than what our hearing record shows is needed. The proposed authorization for the current fiscal year is only $5,000,000. This is $20,000,000 less than last year's authorization. For fiscal year 1975 and fiscal year 1976, the authorizations move to $15,000,000,000 and $25,000,000 respectively.

Mr. Chairman, this is a good bill and I think it is a bill which deserves the support of the House membership.

Mr. BRADEMAS. I thank the distinguished chairman of the committee.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Pennsylvania is recognized.

Mr. ESHLEMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. Quie).

Mr. QUIE. Mr. Chairman, my love of the outdoors and the beauty of nature has always been a source of great strength and inspiration to me. I am concerned as an individual that this Nation do everything to protect our environment and the gifts that God has given to us. Anything that we, as Members of Congress, can do to provide the means which help protect and improve the quality of the world I favor. Quite often, however, the question of how best to achieve a goal becomes a point of disagreement. Today we have before us the Environmental Education Act which provides dollars to educate children about ecology and how they can contribute to a cleaner, healthier environment. While I am supporting this bill I think it is important that my colleagues be aware that there are other Federal dollars from other legislative authorities which are being spent within the public schools on this subject and, in fact, exceed the amount which is being expended under this act.

During the deliberations on the Elementary and Secondary Education Act in the Committee on Education and Labor I attempted to incorporate environmental education into a package of programs being consolidated in a new title. It was my feeling then that schools throughout the Nation should be given an opportunity to make the determination as to where environmental education programs fit in relationship to all other programs and that they—the local schools—should be allowed to establish and set their own priorities. I was convinced that the existing programs which are presently funded under title III of ESEA gave school systems the flexibility that I was seeking and were making a significant impact in our schools. A compromise consolidation plan was adopted by the committee but environmental education was not included as part of the agreement. While I still believe that environmental education should have been a part of the consolidation, and would hope that it would be incorporated in some future Congress, I feel that the consolidation which we developed was a good one.

So that Members may be better able to understand just why I felt environmental education would be a good basis for building a base of support under consolidation, I am inserting at this point a listing of title III projects on environmental education which was compiled by the National Advisory Council on Supplementary Services and Centers and was supplied to me by the Office of Education. Although the projects listed were funded in fiscal year 1972 they reflect what the Office of Education is still doing under this title.

TITLE III ESEA—ENVIRONMENTAL EDUCATION AND ENVIRONMENTAL EDUCATION RELATED PROJECTS

ELEMENTARY AND SECONDARY EDUCATION ACT, TITLE III

Los Angeles City Unified School District, Los Angeles, California, $292,000.

Title: A Model Educational Program in Ecology, K-Adult Education

A comprehensive program in ecology from K-Adult Education will be developed, implemented and monitored. A sequential program in environmental education will be developed, and instructional materials for pupil and teacher use will be prepared. An ecology center complex will be established; two mobile ecology laboratories will be developed; and a television series on ecology for elementary and secondary school levels will be produced.

District School Board of Lee County, Fort Myers, Florida, $111,400.

Title: Model Strategy for an Effective Environmental Education Program.

A program to foster environmental awareness, sensitivity and responsibility on the part of students at all grade levels will be implemented. Curriculum materials for grades

6–8 will emphasize understanding ecological consequences. For grades K–5 materials will center on environmental awareness, sensitivity, and very basic ecological concepts. Students will acquire skill in sampling, surveying, and maintaining environmental conditions.

Community Unit School District No. 200, Woodstock, Illinois, $80,000.

Title: Woodstock Environmental Education Project.

An environmental education program will be established to develop positive attitudinal and behavioral patterns of teachers, students, and other citizens concerning environment so as to effect improvement and enhancement of environmental quality. Students, teachers, and parents will identify environmental problems of the area, State, and Nation; will formulate proposed solutions to identified problems and will develop materials and programs to augment the existing curriculum. Through these activities, participants will gain understanding of ecology and will learn to identify environmental problems, and to work through legal means for orderly solutions.

Shawnee Mission Unified District No. 512, Shawnee Mission, Kansas, $111,000.

Title: Cooperative Learning Through Environmental Activities in Nature.

An environmental education program will be established which will eventually serve the entire school district. The program will include cross-curricular involvement, interaction among children at all grade levels, indoor-outdoor ecological study, urban-suburban-rural-underdeveloped areas field studies, and cooperative use of existing county park facilities and nonprofit outdoor education foundation facilities. An environmental education laboratory will be cooperatively developed. Selected school personnel will participate in a summer workshop to develop the program and related audiovisual materials including programmed cassette tapes for small group student field study.

School District of City of Wyandotte, Wyandotte, Michigan, $240,000.

Title: Strategies for Environmental Education—Project SEE.

A model environmental education program aimed at developing people who are consciously aware of their environment and are motivated to assume an active role in efforts to maintain and improve the environment will be implemented. The curriculum will include specially designed environmental education packages which will be utilized by selected students. Efforts will be made to involve the entire community in the project on a continuing basis. University personnel will assist in the preservice and inservice environmental education of teachers.

Sole Supervisory District to Putnam and Westchester Counties, BOCES, Yorktown Heights, New York, $250,000.

Title: The Area Education Agency's Role in Developing Environmental Education.

An educational program involving two school districts will be developed. Activities in each district will focus on establishment of multi-district student environmental monitoring network concerning air, water, soil, waste, noise and population to function first within the project area and later to spread throughout and beyond the State. The project will also establish a clearinghouse to deal with environmental materials for elementary and secondary education and will plan for the active involvement of State Education Department and State Environmental, Conservation Staff, as well as the 45 other Boards of Cooperative Education Services (BOCES) in the State.

Golden Valley School District No. 275, Golden Valley, Minnesota, $162,469.

Title: Community Environmental Studies Program for Grades 5–12.

An environmental studies program will be established to promote environmental literacy through continued exposure to underlying principles and concepts presented within the matrix of the learner's immediate experience. Participants will make naturalistic field observations to describe the socio-ecological research, classical design and statistical procedures, controls, social action and survey methods. The learner's knowledge of man-land problems will stem from observations and experiences with environmental problems in the social context within which they occur.

Berks County School Board, Reading, Pennsylvania, $112,000.

Title: An Interdisciplinary Problem Solving Approach in Environmental Education.

An interdisciplinary, problem-solving curriculum in environmental education for all age levels will be developed in conjunction with the State-funded construction of facilities at the Nolde Forest State Park. The curriculum will be developed around five major resource areas—water, earth, biological resources, meteorological resources, and heritage—and will be pilot-tested in the Park facility and surrounding communities. Teacher training in the use of the facilities and curriculum will also be conducted.

Anderson School District No. 5, Anderson, South Carolina, $115,000.

Title: An Environmental-Ecological Education Center.

An environmental/ecological education center will be established for exceptional students, including academically talented and handicapped students. A resident and day environmental learning center will be developed on a 45 acre site near a lake. There all environmental resources and problems peculiar to the area will be investigated by the participating students and their teachers.

Carteret County Board of Education, Beaufort, North Carolina, $100,000.

Title: School Community Cooperative Environmental Studies Project.

A program designed to promote self-directed and investigation-oriented learning which molds schooling with education in the "real life" of the community and the total environment by placing students in actual situations to observe the functioning of the socioeconomic system. Three classes of juniors and seniors of "moderate abilities and ambitions" will be placed in a full-year, half-way elective course replacing their regular English, social studiec, and science program in order to conduct individual and group field research in the community.

Laramie County School District #1, Cheyenne, Wyoming, $60,000.

Title: ECO Curriculum Development and Learning Laboratory.

A curriculum development and learning laboratory and satellite sites will be established to develop and present an environmental education curriculum for Grades K–12 and a special curriculum for handicapped children. The curriculums will emphasize knowledge of environmental problems, methods of solving these problems and will be developed by instructional teams from social, behavioral and hard sciences.

In addition, the National Advisory Council on Supplementary Centers and Services has reported 60 projects totaling $4,419,051.

PROJECTS SUBMITTED BY THE NATIONAL ADVISORY COUNCIL ON SUPPLEMENTARY CENTERS AND SERVICES

ALABAMA

Reading Enrichment and Outdoor Education, Tuscaloosa, Ala., $30,000.

ALASKA

The Kenai Environmental Education Program, Soldotna, Alaska, $85,463.

ARIZONA

Space Sciences In A Controlled Environment, Buckeye, Ariz., $25,000.

CALIFORNIA

Project MER (Marine Ecology Research), Pleasant Hill, Calif., $75,658.

Humboldt County Environmental Education Project, Eureka, Calif., $105,145.

COLORADO

Cultural Relationship of Man to His Environment—Past, Present, Future, Delta, Colo., $14,400.

CONNECTICUT

Pratt Outdoor Center, New Milford, Conn., $2,500.

DISTRICT OF COLUMBIA

Model Comprehensive Program in Urban Environmental Education, Wash., D.C., $130,000.

FLORIDA

Broad Spectrum Environmental Education, Program, Cocoa, Fla., $151,713.

Interdisciplinary Environmental Education, K–12, Ft. Lauderdale, Fla., $135,974.

Environmental Sensitivity Project, Pensacola, Fla., $81,000.

Environmental Laboratory, Arcadia, Fla., $50,000.

GEORGIA

Student-Teacher Environmental Relationships Investigations, $199,127.

Project Success Environment, $244,000.

ILLINOIS

Operation Survival Through Environmental Education, Grafton, Ill., $124,810.

The Upper Mississippi River Eco-Center, Thomson, Ill., $83,380.

INDIANA

Indianapolis Public Schools Resident Outdoor Education Program, Indianapolis, Ind., $10,000.

IOWA

Project Eco, Ames, Iowa, $84,547.

Handicapped Children's Nature Study Center, $17,923.

LOUISIANA

Environmental Education Curriculum, Development, St. Martinville, La., $93,293.

MAINE

Maine Environmental Education Project, Yarmouth, Maine, $52,385.

Maine Environmental Improvement, Yarmouth, Maine, $93,293.

MARYLAND

Environment—A Basis for Curriculum, Oakland, Maryland, $185,629.

MASSACHUSETTS

Project SCENIC, Auburn, Mass., $40,000.

Project QUEST (Quality Urban Environment Studies Training), Brockton, Mass., $56,465.

Project ECOS (Environmental Center for Our Schools), Springfield, Mass., $97,365.

MICHIGAN

Discovery Through Outdoor Education, Mt. Clemens, Mich., $54,985.

Education in the Natural Environment, Grand Rapids, Mich., $24,900.

MINNESOTA

Eco-Experiences, Grand Marais, Minn., $90,000.

MISSOURI

Environmental Ecological Education Program, Chesterfield, Missouri, $91,000.

MONTANA

Powell County Environmental Curriculum, Center, Deer Lodge, Montana, $27,100.

Environmental Education Curriculum Project, Hamilton, Montana, $20,696.

NEVADA

Verdi Outdoor Education Facility, Verdi, Nev., $36,000.

NEW JERSEY

Pollution Control Education Center, Union, N.J., $83,905.

Implementation of the New Jersey State Master Plan for Environmental Education, Upper Montclair, N.J., $442,600.

NORTH CAROLINA

Environmental/Ecological Education, Morganton, N.C., $75,542.

Environmental/Ecological Education, Oteen, N.C., $75,542.

Environmental Science Study Curriculum, Washington, N.C., $84,965.

OHIO

Center for the Development of Environmental Curriculum, Willoughby, Ohio, $136,000.

Robinson Environmental Centers, Akron, Ohio, $125,000.

PENNSYLVANIA

Tayamentasachta, Greencastle, Pa., $14,752.

Transdisciplinary Involvement Program, Pittsburgh, Pa., $20,800.

Environmental Education Program, Pittsburgh, Pa., $5,678.

Project LIFE (Living Instruction for Ecology, Waynesburg, Pa., $27,000.

SOUTH CAROLINA

Oceanographic Science Conceptual Schemes Project, Charleston, S.C., $27,345.

SOUTH DAKOTA

Inter-Lakes Environmental and Outdoor Education K–8, Chester, S. Dak., $47,902.

Environmental Education K–12, Rapid City, S. Dakota, $42,400.

TEXAS

Study of Ecology of Lower Rio Grande Valley, Harlingen, Texas, $10,000.

Environmental Education Curriculum for Ft. Worth Indian School District Outdoor Learning Center, Ft. Worth, Texas, $20,000.

VERMONT

Development of Outdoor Ecological Laboratory, Bellows Falls, Vt., $15,000.

VIRGINIA

Craig County Conservation and Recreation Exploration (CARE), New Castle, Va., $77,000.

Program for the Gifted, Hampton, Va., $54,403.

WASHINGTON

Weather Satellite Station, Kirkland, Wash., $33,000.

Center for Ecological Studies, Mount Vernon, Wash., $55,016.

A Model Marine Science Lab, Poulsbo, Wash., $78,000.

Project Ecology (Environmental Career-Oriented Learning), Seattle, Wash., $25,000.

WISCONSIN

ICE—Instruction, Curriculum, Environment, Green Bay, Wisc., $89,302.

K–12—Environmental Education Curriculum Menomonie, Wisc., $25,000.

WYOMING

Kemmerer Outdoor Lab, Kemmerer, Wy., $61,046.

GUAM

Environmental Education for Guam Schools, Agana, Guam, $53,102.

The total sum for projects submitted is $6,052,920.

ESEA TITLE III PROJECTS FOR ENVIRONMENTAL EDUCATION

ALASKA

The Kenai Environmental Education Program, Mr. Peter Larson, Kenai Peninsula Borough School District, Environmental Education Program, P.O. Box 1266, Soldotna, Alaska 99669.

ARIZONA

Project OUTREACH, Dr. Paul Plath, 2042 W. Thomas Road, Phoenix, Arizona 85015.

CALIFORNIA

A Model Educational Program in Ecology, Kindergarten Through Adult, Mr. Grant R. Cary, 1044 N. Hayworth, Los Angeles, California 90046.

An Environmental Approach to Investigation and Inquiry in Science, Mr. Leon Hunter, Barstow Unified School District, 551 South H Street, Barstow, California 92311.

Planning Solutions to Urban Educational Problems, Mr. William Webster, 1025 Second Avenue, Oakland, California 94606.

COLORADO

Cultural Relationship of Man to His Environment—Past-Present-Future, M. C. Kreutz, Route 1, Box 66, Delta, Colorado 81416.

CONNECTICUT

Pratt Outdoor Center, Dr. Daniel Hart, Paper Mill Road, New Milford, Connecticut 06776.

Project Outdoors, Mrs. Norman B. Newton, Natural Science Center, 269 Oak Grove Street, Manchester, Connecticut 06040.

Talcott Mt. Science Center, Mr. Donald La Salle, Montevideo Road, Avon, Connecticut 06001.

DELAWARE

Environmental Laboratory, Mr. Hess G. Wilson, New Castle-Gunning Bedford School District, Blound Road, New Castle, Delaware 19720.

DISTRICT OF COLUMBIA

Model Comprehensive Program in Urban Environmental Education, Mr. Rueben Pierce, Department of Science, Presidential Building, 415–12th Street, N.W., Washington D.C.

FLORIDA

Broad Spectrum Environmental Education Program, Dr. Clair Bemiss, 705 Avocado Avenue, Cocoa, Florida 32922.

Interdisciplinary Environmental Education K–12, Mr. John Arena, 3600 S.W. 70th Avenue, Ft. Lauderdale, Florida 33314.

Environmental Learning Laboratory, Mr. John A. Reynolds, P.O. Box 759, Arcadia, Florida 33821.

Environmental Sensitivity Project, Mr. Roy Hyatt, Environmental Studies Center, 2501 North Hayne Street, Pensacola, Florida 32503.

Model Strategy for an Effective Environmental Education Program, Mr. William F. Hammond, Gwynne Institute, 2266 Second Street, Ft. Myers, Florida 33901.

Resource-Use Outdoor Education Center, Mr. James M. Phillips, P.O. Box 539, Perry, Florida 32347.

GEORGIA

Student-Teacher Environmental Relationships Investigations, Mr. Fred Schlein, Savannah Youth Museum, 4405 Paulsen Street, Savannah, Georgia 31405.

ILLINOIS

Woodstock Environmental Education Project, Mr. James Hires, Woodstock School, 14124 South Street Rd., Woodstock, Illinois 60098.

Operational Survival Through Environmental Education, ~~Mr. Ray~~ Miller, Box 122, Grafton, Illinois 62052.

Sell: Student Endowment Learning to Live, Barry Gowin, Superintendent, Meridian Community Unit School District 101, Mounds, Illinois 62964.

IOWA

Project ECO, Dr. Luther Kiser, 120 S. Kellogg, Ames, Iowa 50010.

KANSAS

Cooperative Learning Through Environmental Activities in Nature (Project CLEAN), Mr. Ernie Kumpf, 7235 Antioch Street, Shawnee Mission, Kansas 66204.

Environmental Education Demonstration Project, Mr. Donald French, 1601 Van Buren, Topeka, Kansas 66612.

KENTUCKY

Environmental Education, Mr. Harold Grooms, Bourbon County Board of Education, Paris, Kentucky 40361.

MAINE

Maine Environmental Education Project, Mr. Dean Bennett, Intermediate School, Yarmouth, Maine 04096.

MARYLAND

Environment—A Basis for Curriculum, Mr. Ernest Spoerlien, Garrett County Board of Education, 40 S. Fouth Street, Oakland, Maryland 21550.

MASSACHUSETTS

Project SCENIC, Mr. Paul Lemire, Randall School, West Street, Auburn, Massachusetts 01501.

Project SURVIVAL, Mr. Richard Todd, Locke Junior High, Allen Road, Billerica, Massachusetts 08121.

Project QUEST (Quality Urban Environment Studies Training), Mr. Bill White, Brockton High School, Brockton, Massachusetts 02402.

Project ECOS (Environmental Center for Our Schools), Mr. Clifford Phaneuf, 195 State Street, Springfield, Massachusetts 00108.

MICHIGAN

Strategies for Environmental Education, Mr. Thomas Sparrow, 639 Oak Street, Wyandotte, Michigan 48192.

MINNESOTA

Environmental Learning Center, Mr. Gerald Foldenauer, Cook County High School, Grand Marais, Minnesota 55604.

Education in the Natural Environment, Mr. Robert Block, 820 Pokegama Avenue North, Grand Rapids, Michigan 55744.

Inter-disciplinary Environmental Workshop, Mr. Robert Hofflander, Box 152, Windom, Minnesota 56101

Environmental Science Center, Mr. Richard Myshak, Independent School District No. 275, 5400 Glenwood Avenue, Minneapolis, Minnesota 55422

Community Environmental Study Project, Mr. Mike Naylon, 5400 Glenwood Avenue, Golden Valley, Minnesota 55422

Mobile Science Laboratory, Mr. Charles Carpenter, Brookside Junior High School, 1209 Columbus Street, Albert Lea, Minnesota 56007

Environmental Mobile Laboratory, Mr. Sherwood Cleveland, Box 191, Anoka, Minnesota 55303

MISSOURI

Environmental Ecological Education Program, Mr. Verlin Abbott, Parkway School District, 455 North Woods Mill Road, Chesterfield, Missouri 63017

MONTANA

Powell County Environmental Curriculum Center, Mr. Gary Swant, Powell County High School, Deer Lodge, Montana 59722

Environmental Education Curriculum Project, Mr. John Smith, 408 Daly Avenue, Hamilton, Montana 59840

NEVADA

Verdi Outdoor Education Facility, Mr. Brian Wise, Verdi Elementary School, Verdi, Nevada 89439

NEW HAMPSHIRE

Nature Study Center, Mr. Emile Rocheleau, Monadnock Regional High School, RFD #1, Keene, New Hampshire 03431

Squam Lakes Science Center, Mr. Gilbert Merrill, Holderness, New Hampshire 03245

Dartmouth Outward Bound Center, Mr. Frederick S. Bartlett, P. O. Box 481, College Hall, Hanover, New Hampshire 03755

NEW JERSEY

Pollution Control Education Center, Dr. James M. Caufield, Union Public Schools, 2369 Morris Avenue, Union, New Jersey

Implementation of the New Jersey State Master Plan for Environmental Education, Dr. Edward Ambry, New Jersey State Council for Environmental Education, Montclair State College, Upper Montclair, New Jersey 07043

NEW MEXICO

Outdoor Education, Mr. John Cox, 724 Maple, S.E., Albuquerque, New Mexico 87103

NEW YORK

The Area Education Agency's Role in Environmental Stewardship, Dr. Frank Thompson, 42 Triangle Center, Yorktown Heights, New York 10598

NORTH CAROLINA

Environmental/Ecological Education, Mr. Earl Whitener, Burke County Schools, Drawer 989, Morganton, North Carolina 28655

School/Community Cooperative Environmental Studies, Mr. Will Hon, Courthouse Annex, Beaufort, North Carolina 28516

Environmental/Ecological Education, Dr. Larry Liggett, Environmental Education Center, 13 Veterans Drive, Oteen, North Carolina 28805

Environmental Science Study Curriculum, Mr. William Moffit, Washington City Schools, P.O. Box 466, Washington, North Carolina 27889

OHIO

Center for the Development of Environmental Curriculum, Mr. Dennis M. Wint, 37047 Ridge Road, Willoughby, Ohio 44094

PENNSYLVANIA

Knowledgeable Action to Restore Our Environment (Project KARE), Dr. Donald L. Wright, Colony Office Building, Route 7 & Butler Pike, Bell, Pennsylvania 19422.

An Interdisciplinary Problem-Solving Approach in Environmental Education, Mr. Louis Ritrovato, Nolde Forest State Park, Box 392—R.D. 1, Reading (Cumru), Pennsylvania 19601.

Tayamentasachta, Mr. Fred C. Kaley, Greencastle Antrim S.D., 370 S. Ridge Avenue, Greencastle, Pennsylvania 17225.

Transdisciplinary Involvement Program, Mr. Frank Christy, Fox Chapel Area S.D., 611 Field Club Road, Pittsburgh, Pennsylvania 15238.

Environmental Education Program, Dr. Robert C. Campbell, State College Area S.D., 131 W. Nittany Avenue, State College, Pennsylvania.

Living Instruction for Ecology, Mrs. Alberta R. Covert, Central Green S.D., Waynesburg, Pennsylvania 15370.

SOUTH CAROLINA

Oceanographic Science Conceptual Schemes Project, Gary Awkerman, 3 Chisolm Street, Charleston, South Carolina.

An environmental-Ecological Education Center, Mr. Ryan Faulkenberry, Anderson County School District No. 5, P.O. Drawer 439, Anderson, South Carolina 29621.

SOUTH DAKOTA

Inter-Lakes Environmental and Outdoor Education K–8, Mr. Major Boddicker, Chester Area School District, Chester, South Dakota 57017.

Environmental Education K–12, Dr. E. R. McLaughlin, Instructional Materials Center, 827 Franklin Street, Rapid City, South Dakota 57701.

TENNESSEE

Oak Ridge Schools Phase II Simulation Project, Mr. Peter H. Cohan, Cooperative Science Center, Inc., 156 Adams Lane, Oak Ridge, Tennessee 37830.

TEXAS

Living Curriculum, 5th Grade, 3210 W. Lancaster, Forth Worth, Texas 76107.

Study of Ecology of Lower Rio Grande Valley, 1409 E. Harrison Street, Harlingen, Texas 78550.

VERMONT

Development of Outdoor Ecological Laboratory, Mr. William Lienhard, Atkinson Street, Bellows Falls, Vermont 05101.

VIRGINIA

Craig County Conservation and Recreation Exploration (CARE), Mr. Walton F. Mitchell, Jr., P.O. Box 245, New Castle, Virginia 24127.

WASHINGTON

Weather Satellite Station, Mr. Clayton Lanum, Lake Washington School District, Box 619, Kirkland, Washington 98033.

Center for Ecological Studies, Mr. Patrick Hayden, Mount Vernon School District, 1219 E. Division Street, Mount Vernon, Washington 98273.

A Model Marine Science Lab, Mr. Andrew Driscoll, School of Marine Science, Route 1, Box 631, Poulsbo, Washington 98370.

WISCONSIN

ICE—Instruction, Curriculum, Environment, Mr. Robert J. Warpinski, CESA No. 9, 1927 Main Street, Green Bay, Wisconsin 54301.

K–12—Environmental Education · Curriculum, Mr. David Schiotz, Menomonie Public Schools, 718 North Broadway, Menomonie, Wisconsin 54751.

WYOMING

Conservation Center for Creative Learning, Mr. Robert Legoski, Starrett Junior High School, Lander, Wyoming 82520.

Kemmerer Outdoor Lab, Mr. Bill Mowry, Kemmerer Junior High School, Kemmerer, Wyoming 83101.

ECO Curriculum Development and Learning Laboratory, Dr. Bill Edwards, Rural Route 1, Box 550A, Cheyenne, Wyoming 82001.

PUERTO RICO

San Cristobal: Environmental Studies, Mrs. Ines Julia Guzman de Perez, Social Studies Program, Department of Education, Hato Rey, Puerto Rico 00919.

VIRGIN ISLANDS

Environmental Studies Program, Mrs. Doris Jadan, Outdoor Education Teacher, Department of Education, P.O. Box 630, St. Thomas, Virgin Islands 00801.

Mr. ESHLEMAN. Mr. Chairman, I yield such time as may consume to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Chairman, I rise today in support of H.R. 7056, the Environmental Education Act extension. The passage of the Environmental Education Act of 1970 was a major step toward awakening the American public to the environmental problems and possible solutions which lie in the years ahead. The programs it has funded have begun the process of establishing an understanding of ecological issues.

It would be hard to do anything at all which would not help this much-neglected field. But, although the act of 1970 was a great beginning, neither the act, nor its administration has fulfilled early hopes. The Congress has not tried to accommodate to the wishes of an unenthusiastic bureaucracy, or more importantly, to the needs of local and regional environmental educators.

When this act passed in 1970 the public response was overwhelming. In that first year, without any advance publicity, almost 2,000 project funding requests were submitted within 2 weeks. Despite growing administrative apathy at the Office of Environmental Education and discouraging amounts of redtape, this outflow of interest and support continued. The Office of Environmental Education was moved five times in 18 months. The Federal Advisory Council was extremely late in getting started and never did fully function. Programs which were successful were not shared with those who were attempting similar projects, nor was information on successful projects generally disseminated or coordinated.

The record of the Congress has not been all that good either. We have consistently underfunded the program. This year we are actually considering an extension after the appropriations bills have already been considered. This, to me, does not represent much of a commitment to the ideal of environmental education.

On May 15 I testified before the Select Subcommittee on Education in favor of a bill which had initially been drafted by a group of some of the outstanding environmental educators in the midwest region. I cannot adequately explain this bill to this committee in 5 minutes, so I do not intend to introduce that as a substitute here. But, I am extremely hopeful that it will receive more than a cursory review in next year's hearings.

My bill is one attempt to overcome some of the known difficulties we have encountered, by making limited, but important changes. The committee bill, which I will support, has ignored known problems and while it will keep environmental education afloat, it will condemn our Federal environmental education program to continued mediocrity.

The primary purpose of my proposal would remain the same as the act the committee bill extends; to educate our citizens of all ages about environmental quality and substance. That purpose is great, but the committee bill, unfortunately, would not achieve it. My proposal will come closer to the achievement of these purposes.

The principal features of my proposal, as distinguished from the existing law are these:

First. The purposes and findings are only altered to stress local responsibility.

Second. Reorganization of the National Advisory Council.

Third. Decentralization of OEE by the creation of regional councils and offices.

Fourth. Allowing State input in grants and allocation of 90 percent of Federal grants at the regional level. This would free the central OEE for coordination, information, and financial assistance and give local people "the piece of the action" they need; and

Fifth. Providing for 1-year funding at $10 million to force annual program reevaluation.

My proposal will not make up for insufficient funding, but it will provide for more effective use of the funds now available.

I will support the committee bill, but I consider it a half-hearted effort, indicative of a congressional unwillingness to seek effective solutions to real problems.

Mr. ESHLEMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Idaho (Mr. HANSEN).

Mr. HANSEN of Idaho. I thank the gentleman for yielding.

Mr. Chairman, it was 3 years ago, as the distinguished chairman of the subcommittee has pointed out, that the Congress first passed the Environmental Education Act, unanimously if my memory serves me. I was one of those, along with the chairman, the distinguished gentleman from Indiana (Mr. BRADEMAS),

the gentleman from New York (Mr. REID), and the gentleman from New York (Mr. SCHEUER), who wrote the original Environmental Education Act. The reasons for its original enactment apply today with equal or greater force. I might note that while we did have strong expressions of support from those within the executive branch, who identified this as a high priority program their deeds have not measured up to their words. There has been something less than enthusiastic support, the kind of support that is needed to give the program a reasonable chance to achieve its purpose and to demonstrate its value.

Since we enacted the original law 3 years ago, however, there have been several changes in the country and the world that make it even more urgent that it be renewed and vigorously implemented. In recent months we have come face to face with some tough issues that require hard choices involving attitudes toward the environment and other high priority national needs. We are facing the question of utilization of our coal resources versus the problems of strip mining and air pollution from burning certain kinds of coal. We are faced with the need to license construction of nuclear plants, while at the same time being concerned with the effects of radiation and thermal pollution.

We want to have clean water. We passed a tough Clean Water Act some months ago, but there was a price tag on the measure necessary to achieve clean water. We want clean air.

We are now finding it necessary to pay the cost in terms of the investment in new technology and application of air-pollution-control devices to assure clean air.

We are finding that limitations on the use of chemicals, fertilizers, herbicides and insecticides conflict with the growing need to provide ample supplies of food at stable prices.

We are finding—and I would say particularly in the West—that our failure to make provision for the intelligent use of DDT under carefully controlled circumstances will deprive us of billions of board feet of lumber, because of tussock moth infestation, that we require to meet the housing requirements of the Nation. We are faced with these hard choices. The need, therefore, is to have some intelligent basis for making rational decisions, so that we can meet important national goals while transmitting to future generations a clean and wholesome environment.

The bill before us does not provide for conservation education; it provides for environmental education covering a whole spectrum of issues.

These include conservation but include also the economics that the gentleman from Pennsylvania (Mr. SHUSTER) will call to the attention of the Members. It includes also the necessity of incorporating as a component in all of education the environmental considerations, and this includes, in addition to economics, the engineering, the scientific disciplines, the architectural studies and all the rest. There needs to create an awareness of the environmental concerns in making the decisions in all of these disciplines. For these reasons we cannot afford not to continue with the kinds of innovative programs such as this to help build this basis of knowledge and understanding on which the public and their representatives in government can make intelligent decisions.

Mr. Chairman, most Americans are aware of the deterioration of the quality of the environment and genuinely desire to reverse that trend. Three years ago when the original Environmental Education Act was passed unanimously by both House and Senate we recognized that our normal system of education had not adequately prepared us to meet current demands on the environment's fragile resources. Three years ago we were impressed with the necessity of providing a contingent education for sound resource management and environmental planning. It was clear that the education system needed to be revised and revitalized in this area if we were to cope effectively with the ecological crisis.

Environmental education of an adequate nature was not then envisioned as simply another name for conservation education or outdoor education. It was more far-reaching, embracing approaches and materials from the natural sciences, the social sciences and the humanities coordinated into a total view of man's relationship with his surroundings. Just adding courses dealing with environmental problems to existing curricula would fall far short of the need.

That need for understanding went beyond the reach of our public schools. The Environmental Education Act, signed into law October 30, 1970, was intended by the Congress to address the environmental needs of all citizens.

Congress took action on many environmental fronts, but the creation of an effective program to increase citizen awareness of the serious consequences of ecological mismanagement was considered essential.

President Nixon emphasized the point saying:

> The basic causes of our environmental troubles are deeply embedded. It should be obvious that we cannot correct such deep-rooted causes overnight. We must see nothing less than a basic reform in the way society looks at problems and makes decisions. Our educational system has a key role to play in bringing about this reform. It is also vital that our entire society develop a new understanding and new awareness of man's relation to his environment—what might be called environmental literacy. This will require the development and teaching of environmental concepts at every point in the education process.

That key idea referred to by the President in 1970 was reemphasized in testimony given by Tom Dustin, executive secretary of Izaak Walton League, before hearings on the Environmental Education Act in April. He said:

> It is essential for the well-being of our nation, and indeed of much of the rest of the world, that the confrontation between environmental imperatives and the developments of civilization be lowered. Our experience leads us absolutely to the conclusion that only through education is there the slightest hope of creating a public outlook capable of achieving this goal.

The work envisioned in the Environmental Education Act of 1970 has just begun. The Office of Environmental Education is beginning to overcome initial difficulties. It is becoming a visible and efficient beacon directing national attention toward new and imaginative environmental education.

After undergoing the trials and expenses of making this program operational, it is now proposed that we dismantle it, that its impetus be sifted back through other agencies into the system deemed inadequate in the first place.

But the need has not diminished and the goal has not been met. Provided initially with such a very modest budget for so momentous a task, appropriations never even approximated authorizations. Actual program funding totaled only $1.7 million in 1971 and $3 million in 1972. Three thousand five hundred applications were received but only 236 grants were awarded. Original provisions of the bill authorized $45 million over the 3 years.

The estimated program funding for fiscal 1973 is $3.1 million. Despite these limitations, public interest has remained high and fiscal 1973 applications are expected to reach earlier levels.

Because of cuts below the original intent of the act, there has not been a fair opportunity to see how well the program really can work. Even so, the act has served a tremendously valuable role in stimulating environmental programs all across the country.

The arguments presented against continuing the Environmental Education Act have been adequately answered in the Education and Labor Committee's report, accompanying H.R. 3927 which I introduced with the distinguished chairman of the Select Subcommittee on Education, Congressman JOHN BRADEMAS of Indiana.

It is my pleasure to serve on that subcommittee and I wish to take this opportunity to commend the very able efforts of its chairman, Mr. BRADEMAS, and thank him for initiating the informative and worthwhile hearings on this measure. I recommend the record of those hearings, conducted in April and May of this year, as presenting strong support for continuation of the Environmental Education Act.

As an original sponsor of the 1970 act, I would also like to include portions of my statement during initial passage of the bill at the conclusion of my remarks today.

It is of upmost importance that this extension of the Environmental Education Act be adopted, that our sincere efforts of the Congress only 3 years ago will not have been in vain. In making this judgment there are two price tags to be considered. One in the very moderate cost of renewing this worthwhile program. The other, if we continue to live on borrowed time, will be the price we will someday have to pay for our ecological misunderstanding. I do not think we can afford to pay that price.

[From the CONGRESSIONAL RECORD, Aug. 3, 1970, CONGRESSIONAL RECORD, vol. 116, pt. 20, pp. 26991–92]

EXCERPTS FROM A STATEMENT OF CONGRESSMAN ORVAL HANSEN IN SUPPORT OF THE ENVIRONMENTAL EDUCATION ACT OF 1970

As we enter the decade of the 1970's, concern about the quality of the environment has intensified. We see all around us disturbing signs of the ecological crisis and the steady deterioration of the environment. The danger we face in the degradation of the quality of the water, air, soil, and other elements necessary to sustain life should not be underestimated.

The President, Members of Congress, and the public have indicated their willingness and desire to allocate a greater share of this Nation's resources to counteract pollution and to provide expanded and improved recreational facilities for our citizens.

To help provide the assurances that these resources will be wisely and efficiently used we must build a base of knowledge and understanding to serve as a foundation for the comprehensive programs needed to awaken the Nation to the crisis and to stimulate an adequate response. There is need for a major educational effort directed at developing a better understanding and attitudes toward our environment in order that future generations will not be confronted with the same problems.

The problem is much deeper than the development of improved technology and better methods of pollution control. While we must continually strive to improve technology and to find better ways to dispose of our waste, the more basic need is to develop an awareness in all of the people of the dimensions of our environmental problems and to equip them with the knowledge and understanding needed to solve these problems.

There are real signs of hope for our country and for mankind. Throughout the country there is an awakening concern, especially on the part of young Americans, to the dangers to the environment which go far beyond protests against pollution of our land, water and air. The rapidly rising awareness of the environment reflects a deepening sensitivity to the fundamental values of human life.

To meet the ecological crisis we will need an informed citizenry that is educated about the whole spectrum of issues that are called environmental. There is also a need to change basic attitudes toward the environment and man's place in it. The Environmental Education Act that is before us today is a response to these needs.

Environmental education is defined in the bill as follows:

"The educational process dealing with man's relationship to his natural man-made surroundings, and includes the relation of population, resource allocation and depletion, conservation, technology, and urban and rural planning to the total human environment."

At the present time most environmental education in the school system is limited to education and conservation. Few textbooks or integrated courses of study are available which represent an adequate presentation of ecological principles, of the problems and responsibilities connected with environmental management or of the fundamental criteria needed to maintain an ecological balance.

The bill before us proposes to help remedy these deficiencies by:

Encouraging and supporting the development, demonstration and evaluation of innovative and improved curiculums in environmental studies;

Providing for the dissemination of significant materials for use in programs at preschool, elementary, secondary college, and adult education levels;

Initiating and maintaining programs in environmental education at the elementary and secondary school level;

Conducting preservice and inservice teacher training and training of other educational and public service personnel, community, business and professional leaders, and Government employees at local, State and Federal levels;

Operating adult and community education programs which would attract individual citizens and citizen groups in their communities;

Developing programs and materials for use by the mass media in dealing with the environment and ecology, and

Planning outdoor ecological study centers.

While there are encouraging signs that educational institutions throughout the country are developing programs of environmental education, witnesses before the committee emphasized the need for the kind of Federal leadership that this bill will provide.

It is anticipated that during the first operative year of the bill, priority will be given to the development of new and improved curriculums in environmental studies. This is a fundamental step in the establishment of an effective nationwide educational effort aimed at increasing environmental awareness on the part of young people and adult citizens alike.

The bill also provides a curriculum developed with Federal funds as well as other curriculums deemed by the Secretary of Health, Education, and Welfare to have use in environmental education programs may be tested in pilot programs to determine their effectivenes. The bill allows for a more effective system of dissemination of the curriculum materials and other information regarding the environment and ecology which are developed under funds provided by the bill.

The bill provides that grants may be made for the preparation and distribution of materials and the development of programs suitable for use by mass media in dealing with the environment and ecology.

It is significant that the training programs provided for under the bill are not limited to the traditional formal classroom. A great deal of valuable environmental education can and does occur outside the classroom and outside the school itself. There are many noneducational institutions that can qualify for grants to provide training programs outside the ordinary classroom setting. Under one of the provisions of the bill the Secretary is authorized to make small grants—up to $10,000 annually—to citizens groups, volunteer organizations working in the environmental field, and other public and private organizations for conducting courses, workshops, seminars, symposiums, institutes and conferences especially for adult and community groups.

Mr. Speaker, while the amount of money authorized by this bill is relatively modest when measured against the magnitude of the challenge, it can provide a powerful stimulus to harness and mobilize the collective concerns, talents and energies of those within and outside the educational system in the development of programs that can help to turn the tide and give this generation an opportunity to leave the world we live in to future generations in better condition than we found it. In meeting this challenge the problem we face and the response we must make was eloquently summed up by an eminent theologian Prof. Joseph Sittler of the University of Chicago, who emphasized the importance of our own attitudes toward the world we live in and the need to develop a reverence for the earth. In his testimony before the subcommittee Professor Sittler said:

"If the world of not-self is felt as a mere resource to be used it will surely be used: if the world is regarded as a gift, a wonder, as a reality having an integrity of its own—it will be rightly used. That proposition is swiftly and powerfully true; and our present ecological crisis is a result of the denial of its truth. For nature, though often silent is not without power to condemn as well as power to bless man. And, when man so uses nature as to deny her integrity, defile her cleanliness, disrupt her order, ignore her needs—the reprisals of insulted nature taken an often slow but terribly certain form. Nature's protest against defilement is ecological reprisal."

The prompt passage and effective implication of this bill will reassure an anxious nation that the Congress is determined to rise to the challenge.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. HANSEN of Idaho. I yield to the gentleman from Washington.

Mr. McCORMACK. Mr. Chairman, I thank the gentleman from Idaho for yielding and I commend him for his remarks, and particularly for raising the point that it is essential for any environmental education program to deal in truth and in fact rather than in blind emotionalism.

Today this country is in serious trouble in many areas because too many persons claiming to be environmentalists, who are, in reality, only self-proclaimed experts are dealing exclusively in emotionalism rather than in fact. Thus we have a total banning of the use of DDT in our forests and we have almost a billion board feet of timber destroyed this year alone from the Tussock moth and the gypsy moth. We have what amounts to the complete ban on sulfur dioxide in our atmosphere because standards have been set that cannot be attained. As a result, 400 central power stations have been forced to burn oil rather than coal, which thus has helped precipitate the present energy crisis we face today.

We find situations in which the Environmental Protection Agency is setting unreachable standards for the amounts of heat that can be absorbed by some of our rivers and lakes, making it virtually impossible to build nuclear reactors or fossil fuel plants in many areas where they are required.

What we need is a discussion of fact with respect to the environment; not fancy and blind emotionalism that ties our hands. It is certainly my hope that any educational program dealing with the environment, while teaching the value of preserving the environment, will also teach us to deal in truth and in fact rather than in blind emotionalism.

Mr. BRADEMAS. Mr. Chairman, will the gentleman yield?

Mr. ESHLEMAN. I yield to the gentleman from Indiana.

Mr. BRADEMAS. Mr. Chairman, I, too, commend the gentleman for what he had to say as well as indicate my awareness of the importance of the point the gentleman from Washington (Mr. McCORMACK) just made and indicate my own intention to support the amendment the gentleman from Idaho has already indicated will be offered later by the gentleman from Pennsylvania (Mr. SHUSTER) which will provide for taking into account in the educational programs the economic impact.

Mr. ESHLEMAN. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. PEYSER).

Mr. PEYSER. Mr. Chairman, I rise at this time merely to join with the other Members in support of this legislation.

One of the comments that has been raised by some who have questioned this legislation has been that this act was never intended to become a permanent act. While I think the extension of this act for another 3 years is in no way necessarily making it permanent, I think the problems we have been facing with the environment and the beginnings we are now making in schools and in places where young people can be reached toward educating them to not only the problems but also how to live in our environment. I hope nobody is going to feel that the continuation of this act for the next 3 years is in any way overextending the interest that the Congress should have in the environmental problems facing this country.

Mr. BIAGGI. Mr. Chairman, I rise in support of the bill H.R. 3927 to extend the Environmental Education Act for 3 years.

This act was conceived in 1970 after the Congress and the administration recognized the important need to provide solutions to the grave environmental problems which this Nation faces. The purpose of this act is to provide comprehensive environmental education activities and courses in schools and organizations throughout the United States so as to educate both children and adults to the environmental problems of the day.

Yet as important as the need is for this legislation, this administration has seen to it to provide the act with pitifully inadequate funding. In the 3 years in which this effort has been funded, the Office of Environmental Education has received over 4,700 applications from schools and organizations seeking $180 million. Unfortunately out of these requests only 286 requests have been able to be funded at a total appropriation of only $8.694 million. This represents a tragic situation, as many of the casualties represented extremely worthwhile and innovative programs which would have greatly aided this effort.

Yet despite these fiscal adversities and limitations, the Environmental Education Act can point with considerable pride to the significant accomplishments it has achieved in the stimulation of public concern and action on ecological issues.

It is because of my strong belief that education is a key to the solving of our environmental crises, that I urge this worthwhile program be extended for 3 years. It is only through this extension that a unified national effort to reach solutions to these real problems can be achieved.

To continue the present funding policies will only result in continued large-scale apathy of the public to these important problems.

Mr. Chairman, I wish to pay particular tribute to the Committee on Education and Labor and the distinguished sponsor of the bill, Mr. BRADEMAS, for reporting out this excellent legislation. I urge its immediate passage so as to indicate to the American people our concern with the preservation of our environment.

Mr. PRICE of Illinois. Mr. Chairman, we consider the extension of the Environmental Education Act at a time when the ecology movement must be given strength by fully informing the American people as to the problem which confronts us. As Dr. Robert McCabe, president of the National Association for Environmental Education told the Education and Labor Committee:

> We are in the crucial transitional phase of moving from volunteerism to institutionalization.

Concern with the environment has lost much of the crusade-like glamor it had only 3 or 4 years ago, and our task is to replace that initial attractiveness with an educational foundation for a lasting commitment.

In three state of the Union messages and three special messages on the environment, President Nixon has spoken for the need for environmental literacy, new values and attitudes, and environmental awakening. The President tells us:

> The building of a better environment will require in the long term a citizenry that is both deeply concerned and fully informed. Thus, I believe that our educational system of all levels has a critical role to play.

Caspar Weinberger, Secretary of Health, Education, and Welfare, has said that—

> Governmental action to protect the quality of life in California or anywhere can succeed only if the public understands and supports that action. Therefore, the first and most important role for government is in our schools.

I trust that these words were the product of genuine conviction and not uttered merely because it seemed the fashionable thing to do at the time. Mr. Chairman, the Environmental Education Act meets the very objectives of which the President and his HEW Secretary have spoken so enthusiastically, and it thus deserves the support of every member of this House.

The Environmental Education Act has already demonstrated its effectiveness. In my district, with its significant heavy industry and a large industrial labor force, the problems of pollution and working environment are of grave concern to all citizens. Last year the Office of Environmental Education indicated its willingness to work with union people by funding the Committee for Environmental Information in St. Louis. CEI has brought members of the United Auto Workers and the Teamsters Union together with environmental writers and scientists for the purpose of identifying special environmental information needs of industrial workers, and developing the educational material necessary to meet those needs. It is this type of educational structure that the Environmental Education Act has fostered, and we need more of the same.

Mr. Chairman, I urge my colleagues to support this extension so that every sector of the American community can be informed of the real problems facing life on this planet.

Mr. MILLER. Mr. Chairman, what began just 2 years ago as a demonstration effort to stimulate environmental education has predictably become a full-fledged permanent member of the categorical aid program club. Once an idea gets programed around here it turns into flypaper—you just cannot get rid of subsidizing it at the Federal level. That which is to be temporary will be permanent and self-justifying. It is a closed process that feeds on itself.

Through its seed money the Federal Government has moved what I think is a very good idea of environmental education off the ground and given it wings of its own. Widespread public support and enthusiasm for the concept should be adequate to asure that it will be incorporated in many school curricula and community programs.

State and local government are generally in much better financial shape these days than the Federal Government to carry the ball for environmental education. As a matter of fact, this coming week we will be asked to vote on another national debt limit increase. Washington cannot afford to pick up every idea that comes along and put money into it. Moreover, the U.S. Treasury nurses a whole host of narrow, categorical programs that are either outmoded or which could be spun off and picked up locally. This program is a good place to start.

Mr. ESHLEMAN. Mr. Chairman, I have no further requests for time. I reserve the balance of my time.

Mr. BRADEMAS. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Pursuant to the rule, the Clerk will read the committee amendment in the nature of a substitute printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 3(c)(1) of the Environmental Education Act (20 U.S.C. 1532) is amended by adding at the end thereof the following new sentence: "Subject to section 448(b) of the General Education Provisions Act, the Advisory Council shall continue to exist until July 1, 1976.".

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I am intrigued by some of the wording in this bill, particularly in the majority report. I notice something new, the word "S-y-n-e-r-g-i-s-m."

Mr. Chairman, I would like to ask the chairman of the committee or someone conversant with this bill, if that means a sneeze or a cough? Just what does that mean?

Mr. BRADEMAS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Indiana.

Mr. BRADEMAS. Mr. Chairman, I might say to my friend from Iowa that this phrase was employed, as the committee report indicates on page 10, not by the Committee, but was originally employed by the Office of Education for defending its proposition, which the Committee did not accept, that environmental education activities could be supported under other legislative authorities as distinguished from this one. It was used in that context.

Mr. GROSS. Mr. Chairman, it seldom fails in this place, when we have a first class boondoggle before us, that there is some fancy word put on display.

How did the gentleman pronounce that?

Mr. BRADEMAS. The gentleman from Indiana did not pronounce it, but the gentleman from Iowa did pronounce it correctly.

Mr. GROSS. I spelled it.

Mr. BRADEMAS. Synergism.

XUM

Mr. GROSS. I have never seen a boondoggle that did not contain something like this. I wondered if this was a word of common usage down in the hills and hollows of Kentucky and the sand dunes of Indiana—synergism.

I thank the gentleman. He has explained something that I had never before seen, and I have been around a few years.

The committee report says that on October 8, 1971—and the gentleman understands I am reading from the majority report—"Dr. Rodney Brady—"

I do not know what kind of a doctor he is—on October 8, 1971, Dr. Rodney Brady of the Department of Health, Education, and Welfare promised the Senate Subcommittee on Intergovernmental Relations a breakdown, totaling $11.2 million, of funds being spent on environmental education and other authorities.

Over 6 months later, on April 17, 1972, Dr. Don Davis, formerly with the Office of Education, was unable to give the House Select Subcommitte on Education such a breakdown, but instead provided the committee with a listing of only $4.6 million while promising that a listing of $11.4 million would be available in June 1972. Dr. Davis went on to claim that the Office of Education would be spending over $14 million in fiscal 1973 on environmental education.

The committee did not receive the 1972 listing until May 17, 1973—fully 18 months after the list had first been promised.

The committee still has not received the 1973 breakdown.

The committee goes on to say on page 11 of the report that—

> The Committee, in light of the 18-month delay involved in producing this so-called "synergy"—

Or whatever it is—

> list, as well as the changing contents of the listing, and the doubtful nature of many of the projects included, is not satisfied that the Office of Education did, in fact, spend over $11 million in 1973 under other legislative authorities, on environmental education

Despite all of these doubts and the failure of these bureaucrats to give the committee the information it sought, the committee is going to provide $5 million in the current fiscal year, $15 million for fiscal year 1975, and $25 million, five times the amount this year, for fiscal 1976.

If we vote for this bill, we will be the biggest dupes on Earth.

What in the world is to be done under the terms of this bill? Educate people in what?

I believe one Member said that moths have destroyed a billion feet of lumber, or something to that effect. Is this $45 million for moth eradication?

What is it to be spent on? How much other money is being spent on the so-called environment? The record is silent.

This bill ought to be defeated out of hand.

Yesterday we had before the House a message from the President and a bill accompanying it, calling for delegated power to the President—untrammeled power—to spend $2.2 billion in financing his intervention in the war in the Middle East.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

(By unanimous consent, Mr. GROSS was allowed to proceed for 1 additional minute.)

Mr. GROSS. Where is it proposed to get $2.2 billion for that purpose? And there is a forgiveness clause in the legislation that the administration sent up. The beneficiaries of that $2.2 billion need not pay back one single dime if the bill is enacted as the administration wants it.

When is it proposed to start saving some money around here to pay these bills? Or is the House going to go on irresponsibly piling up the national debt, increasing the deficit and inflation?

This unjustified request for $45 million in this bill ought to be defeated.

Mr. LANDGREBE. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Sixty-one Members are present, not a quorum. The call will be taken by electronic device.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 548]

Anderson, Ill.
Ashbrook
Aspin
Barrett
Biaggi
Blatnik
Bolling
Brown, Mich.
Brown, Ohio
Buchanan
Burke, Fla.
Clark
Cleveland
Corman
Coughlin
Danielson
Davis, Ga.
Derwinski
Diggs
Drinan
Dulski
Esch
Fraser
Gettys
Giaimo
Gray
Green, Oreg.
Grover
Gude
Hansen, Wash.
Harrington
Harvey
Hastings
Hébert
Horton
Hosmer
Johnson, Pa.
Ketchum
Leggett
Long, La.
McKay
Macdonald
Mills, Ark.
Murphy, N.Y
Myers
Nichols
Rangel
Rees
Reid
Rooney, N.Y.
Ryan
St Germain
Sandman
Saylor
Seiberling
Shipley
Shriver
Steele
Steelman
Steiger, Ariz.
Sullivan
Teague, Tex.
Van Deerlin
Veysey
Wiggins
Winn

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. ROUSH, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 3927, and finding itself without a quorum, he had directed the Members to record their presence by electronic device, whereupon 368 Members recorded their presence, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

> Page 2, line 7:
>
> SEC. 2. Section 7 of such Act is amended by striking out "and" after "1972," and by inserting after "1973," the following: "$5,000,000 for the fiscal year ending June 30, 1974, $15,000,000 for the fiscal year ending June 30, 1975, and $25,000,000 for the fiscal year ending June 30, 1976,".

AMENDMENT OFFERED BY MR. SHUSTER

Mr. SHUSTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. SHUSTER: at the end of the bill add the following:
>
> SEC. 3. Section 2(b) of such Act is amended by inserting "while giving due consideration to the economic implications related thereto" following "maintain ecological balance."
>
> SEC. 4. Section 3(2) of such Act is amended by inserting "and economic impact" following "technology."
>
> SEC. 5. Section 3(c)(1) of such Act is amended by inserting "economic" following "medical,".

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to our distinguished Speaker.

(By unanimous consent, Mr. ALBERT was allowed to speak out of order.)

VISIT TO THE CHAMBER BY FORMER SPEAKER JOHN W. M'CORMACK

Mr. ALBERT. Mr. Chairman, I take this time to advise my colleagues, if they have not already learned it, that one of the greatest Members ever to serve here, one of the greatest leaders this Congress ever produced, younger than ever, honors us with his presence today, Speaker McCormack.

[Applause, the Members rising.]

The CHAIRMAN. The gentleman from Pennsylvania is recognized.

Mr. SHUSTER. Mr. Chairman, the thrust of my amendment provides that the economic implications of environmental decisions should be recognized as an inherent part of the environmental issue. My amendment provides that we give balance to the question of our environment. Specifically, my amendment does three things. First, it changes the purpose of the act to give due consideration to the economic implications of the environmental question; second, it changes the definition of the act which defines environmental education to include the economic impact as part of environmental education.

Third, it changes the knowledge and experience required for members of the Environmental Educational Council to include economic experience and education as part of the background which such members should possess.

Mr. Chairman, I believe we must concern ourselves with protecting the environment but at the same time we must face the reality of considering the very important economic implications relating thereto.

Mr. BRADEMAS. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Indiana.

Mr. BRADEMAS. Mr. Chairman, the gentleman from Pennsylvania has discussed his amendment with us on this side of the aisle and we are prepared to accept it.

Mr. ESHLEMAN. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Pennsylvania (Mr. ESHLEMAN).

Mr. ESHLEMAN. Mr. Chairman, I believe the gentleman's amendment strengthens the bill and we accept it on this side of the aisle.

Mr. HANSEN of Idaho. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Idaho.

Mr. HANSEN of Idaho. Mr. Chairman, I thank the gentleman for yielding and commend him for offering his amendment to this bill. It emphasizes one of the major purposes of the original bill and carries out the clear intent of the Congress as spelled out in the bill's legislative history. I support the amendment.

Mr. MILFORD. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Texas.

Mr. MILFORD. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in wholehearted support of this amendment offered by the gentleman from Pennsylvania (Mr. SHUSTER). Often we find ourselves embroiled in very heated rhetoric concerning any environmental issue and in our very forthright desire to clean up our environment we overlook the necessity for close scrutiny of the economic impact of our activities.

This legislation will provide us a very fine vehicle with which to insure adequate review of any economic environmental situation under consideration. I am firmly convinced that we must not allow ourselves to needlessly jeopardize one segment of our environment in our earnest quest for a more palatable place to live. At times we tend to overlook the "environmental impact" of the loss of jobs on a community and all its programs when a major industry of that city is forced to close its doors, because of stringent environmental regulations.

Mr. Chairman, please do not misunderstand what I am saying. I have spent most of my adult life involved in our environment. As a professional meteorologist I was harping on the need for cleaner industries and automobiles long before it became a popular pastime for many of our pseudoenvironmentalists. I have despaired as the atmosphere over my fine Dallas-Fort Worth midcities area has become increasingly polluted and have stood in amazement at the seeming lack of concern for our total environment.

The essence of what I am saying, Mr. Chairman, is that we are now calling for a hard look at our "total environment" when we are making those much needed long-range planning decisions aimed at a better place to live and a cleaner environment in which to exist. I am saying that the economic portion of our "total environment" has been virtually ignored and that situation simply cannot be allowed to continue. A man is miserable if he breathes heavily polluted air or is angered by foam in the water he drinks—but, Mr. Chairman, I would proffer that he is equally disturbed if his job is taken from him by an environmental issue that has not given just consideration to his economic needs. I would suggest that his understanding of our aims for a cleaner environment are greatly curtailed if he is worried about how he is to feed his family. I would insist that his hope for a better tomorrow is greatly dimmed if he is sleepless at night, because he has no income with which to meet his mortgage payments. Mr. Chairman, we must consider every aspect of our environment if we are to be truly encouraged toward a better tomorrow, and I most earnestly submit that the economic impact on any activity is an integral part of that environment. Mr. SHUSTER's amendment will provide at least one vehicle with which we can review the "total environment" we are all so earnestly discussing.

I would again reiterate that my genuine concern for our environment predates our current "fad environmentalist" by at least 15 years. But, as a trained meteorologist, and as a former small businessman, I can see both sides of the fence. I would question where the income to clean the parks and streets is going to come from if we arbitrarily close those job-producing factories. I would wonder where the taxes to pay for the local and national "environmental councils" are to come from if our American worker is out pounding the pavement trying to simply find a way to feed his family. Mr. Chairman, my district has been, in the past, highly dependent upon Federal national defense expenditures. Many of my folks at home are aerospace workers and, because of the cutback in defense aviation production, are either working reduced hours or are simply out of work. I do not feel justified, Mr. Chairman, in adding to the burdens of these fine people by asking them to give up additional jobs without strong justification. We simply cannot say "close down this business because it is polluting"—but must diligently work toward finding that well balanced "compromise" for which our system of government is so famous. Mr. Chairman, I am firmly convinced that Mr. SHUSTER's amendment is a step in that direction and I wholeheartedly urge its passage.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Pennsylvania (Mr. WILLIAMS).

Mr. WILLIAMS. Mr. Chairman, I commend the gentleman. It is about time we start to concern ourselves with the environmental rulings that seriously affect our economy and which have helped to bring on the present energy crisis.

I congratulate the gentleman from Pennsylvania for the amendment he has offered.

Mr. SHUSTER. I thank the gentleman.

Mr. CLEVELAND. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from New Hampshire.

Mr. CLEVELAND. Mr. Chairman, I commend the gentleman from Pennsylvania and I support his amendment.

Mr. SHUSTER. I thank the gentleman from New Hampshire.

Mr. CLEVELAND. Mr. Chairman, this is not the first time that the distinguished gentleman from Pennsylvania (Mr. SHUSTER) has called the attention of this House to the importance of coupling considerations of how to improve the quality of our environment with the economic implications thereof. Congressman SHUSTER serves with great distinction on the Public Works Committee, and there is no better place in the Congress to learn this fact.

One of our areas of jurisdiction is the economic development of disadvantaged areas in the United States. Another one of our jurisdictions is a matter of controlling water pollution. These considerations are often in head on and crushing conflict.

Mr. Chairman, it makes absolutely no sense in the world to improve the quality of our environment if there is nobody around with a decent job who can afford to enjoy it. This is not to say and I am sure that the gentleman from Pennsylvania agrees with me that we must relax our efforts to improve the quality of our environment. This is simply to say that we have to do so in an intelligent manner and give our job producing industries fair opportunity to adjust to new requirements. We must also be mindful of the fact that they are sometimes competing with industries in other parts of the world where environmental requirements are not as strict as ours.

Mr. Chairman, I believe my colleagues may be interested in a recent poll of my constituents in which I addressed myself to the precise problem area which the amendment offered by the gentleman from Pennsylvania addresses. I asked my constituents, whether in view of the fact that major public projects of economic significance must undergo extensive assessment as to their environmental impact, should major environmental measures be subjected to similar scrutiny as to their economic impact. More than 75 percent of my constituents answered in the affirmative, which reveals a heartening public awareness of the need to give balance to the environmental issue.

Mr. Chairman, I repeat that this does not mean that we should relax our efforts to improve the environment, rather it means that we should make a common cause of commonsense, so that our battle can be more effectively waged.

Other questions in my poll revealed that my constituents consider improving the environment one of the major problems facing our country, that it is not receiving adequate attention by various levels of government, and even with the energy crisis facing us, environmental restrictions should not be relaxed. I commend the gentleman from Pennsylvania for his efforts to bring balance to the issue.

Mr. Chairman, on another note, I would like to state for the RECORD that I am not recorded as being present for the proceedings under the last quorum call. I was attending a meeting in the Rayburn Building cosponsored by the Public Relations Society of America, George Washington University, and International Management and Development Institute. My distinguished constituent, James Carter, who is chairman of the Nashua Corp. in Nashua, N.H., was with me at the meeting. We were not notified of the quorum call in a timely manner and although I reached the floor before the proceedings under the quorum call concluded, the Chair did not recognize my presence.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. SHUSTER).

The amendment was agreed to.

PREFERENTIAL MOTION OFFERED BY MR. LANDGREBE

Mr. LANDGREBE. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

> Mr. LANDGREBE moves that the Committee now rise and report the bill back to the House with a recommendation that the enacting clause be stricken.

XUM

Mr. LANDGREBE. Mr. Chairman, I take note of the amendment that just passed that perhaps sugar-coats this bill a little bit and makes it perhaps more acceptable to some, but in my opinion it still leaves us dealing with an unnecessary bill and a bill which is, if nothing else, certainly fiscally unsound.

Mr. Chairman, before us today is a bill extending the Environmental Education Act for 3 years and authorizing expenditures over seven times as great as the amount spent during the past 3 years of its operation.

Apparently the sponsors and supporters believe that there has been not enough propaganda by the Federal Government for the express purpose of creating a nature ethic. On the contrary, the act has succeeded in achieving its stated goal of raising the national consciousness to a high level of environmental concern. During the past 3 years the country has been swept by hysterical movements seeking to enlighten us about the ecology crisis to the point where we are faced with a severe fuel shortage which may rapidly push our civilization in the direction the ecologists wish it to be pushed—back to nature.

The supporters of the 3-year extension of this act apparently believe insufficient damage has been done so far. They are determined to enlarge the propaganda machine which has contributed to the stoppage of the Alaskan pipeline, the cessation of offshore drilling, the banning of DDT, and the slowing down of the building of electric generating plants and oil refineries. The full consequences of these "achievements" have yet to come and might be felt by all of us this winter.

Mr. Chairman, I would just like to take a moment to read the first paragraph of the additional views for those Members who may have overlooked them; the additional views introduced by my colleagues, Mr. Quie, Mr. Erlenborn, Mr. Eshleman, Mr. Kemp, and Mr. Towell:

> Quite often a Member of an authorizing committee finds himself in the awkward position of supporting the concept or program under his Committee's jurisdiction but opposing the specific piece of legislation authorizing it. Such is the case with H.R. 3927. While we agree with the intent of this bill, we feel that the time has come for responsible Members of Congress to critically evaluate each program as it is up for renewal and determine whether it should be continued as an individual categorical program or combine its purposes with programs having broader goals.

I would also like to read just a few lines of the minority views introduced by myself, Mr. Ashbrook and Mr. Huber:

> There is no valid reason for extending the Environmental Education Act.
>
> First of all, the Act was never intended to be permanent. Its purpose was to stimulate nationwide interest in environmental education—a goal which, as explained by Assistant Secretary of Health, Education and Welfare Sidney P. Marland in his testimony before the Select Education Subcommittee, has been fulfilled.

My dear colleagues, I would remind the Members that the administration is opposed to this legislation. It is unnecessary legislation; it is fiscally unsound legislation.

The purposes of the original act have been achieved, which is in itself unfortunate. But some Members of Congress wish to see the program continue. The only reason I can fathom for their support of the extension is that they fear to be considered "antienvironmental." At the risk of being so considered, I advocate termination of this program, and defeat of H.R. 3927, for I am on the side of the human beings, and not, as Justice William O. Douglas once declared that he was, on the side of the fish. The 45 million dollars that this bill would authorize are dollars collected from the workingmen and women of this Nation and ought to be returned to them for their use as they see fit, and not as we see fit.

If this bill passes, specific instructions should accompany it, stating that its funds must be used to finance educational programs designed to explain why it is more important not to disturb the migratory pattern of reindeer than it is to have a warm home in the winter and the use of a private automobile. Perhaps the extended Act could also fund programs explaining why it was necessary that 10,000 people should die of malaria in Ceylon last year following the prohibtion of the use of DDT.

Once the American people understand that those deaths resulted because DDT allegedly weakened the shells of eggs laid by certain birds, they will be well on the way toward developing a "nature ethic."

In conclusion, I believe that passage of this bill will only serve to debase public understanding of man, nature, and the economy. Like all governmental programs that exceed the proper limitations of a government, this program is doing more harm than good. Its effects on the thinking of the American people are incalculable, but the effects of such thinking are becoming more obvious as winter approaches, and the energy crisis worsens.

I respectfully urge the acceptance of my motion.

Mr. BRADEMAS. Mr. Chairman, I rise in opposition to the motion offered by the gentleman from Indiana. I hope it will promptly be voted down.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Indiana (Mr. Landgrebe).

The question was taken; and the chairman announced that the noes appeared to have it.

Mr. LANDGREBE. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the preferential motion was rejected.

AMENDMENT OFFERED BY MR. SYMMS

Mr. SYMMS. Mr. Chairman, I offer an amendment.

The Clerk read as folows:

> Amendment offered by Mr. Symms: On page 2, line 10, strike the remaining portion of the bill following "1974."

Mr. SYMMS. Mr. Chairman, I will be very brief. My amendment, very simply, stops this bill from being a 3-year authorization and brings it back to a 1-year authorization.

I think after we have gone through a cold winter, we may have a little different outlook on some of the environmental hysteria that has swept this country in the past 10 years. I think it would be well advised for the House to save the $40 million my amendment would deauthorize and keep in mind next year in June, if we feel that this is a valuable program, and we could then extend the act at another time when it would be more appropriate.

Mr. Chairman, it was just last week in the House that we passed a mandatory fuel allocation rationing bill. Both proponents and opponents of the bill pointed out that we were not doing anything to produce any oil or petroleum products. I would think that this amendment would be very sensible, and both those who find themselves opposing and those who are for this concept, can support this amendment instead of authorizing millions and millions of dollars to be spent in the future. We could bring it back and authorize it for 1 year.

I would say that the gentleman from Pennsylvania (Mr. Shuster) in his amendment, does make the bill a little bit more palatable, but I believe as the gentleman from Indiana (Mr. Landgrebe) has pointed out, we still have our same problem here; that is, what business is this of the Federal Government in the first place?

Mr. BRADEMAS. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Idaho.

Mr. Chairman, by virtue of the evidence set forth in the debate earlier today and by virtue of the evidence adduced in the hearings and summarized in the committee report, it seems clear to me it is essential that this program be funded for at least another 3 years in order to carry out the purposes of the act.

I hope the gentleman's amendment is defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho (Mr. Symms).

The question was taken; and on a division (demanded by Mr. Symms) there were—ayes 58, noes 64.

RECORDED VOTE

Mr. SYMMS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 140, noes 252, not voting 42, as follows:

[Roll No. 549]

AYES—140

Abdnor
Archer
Arends
Armstrong
Ashbrook
Bafalis
Baker
Bauman
Beard
Bevill
Blackburn
Bray
Breaux
Broyhill, Va.
Burgener
Burleson, Tex.
Butler
Byron
Camp
Cederberg
Chappell
Clancy
Clawson, Del
Cochran
Cohen
Collier
Collins, Tex.
Conable
Conlan
Crane
Daniel, Dan
Daniel, Robert W., Jr.

Davis, Wis.
de la Garza
Dennis
Devine
Dickinson
Dingell
Dorn
Downing
Duncan
Edwards, Ala.
Erlenborn
Eshleman
Findley
Fisher
Flowers
Flynt
Fountain
Frelinghuysen
Frey
Gilman
Goldwater
Gonzalez
Goodling
Gross
Guyer
Hammerschmidt
Hanrahan
Harsha
Heinz
Henderson
Holt
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Johnson, Colo.
Jones, Ala.
Jones, N.C.
Kazen
Kuykendall
Landgrebe
Landrum
Latta
Lent
Lott
Lujan
McClory
McEwen
Madigan
Maraziti
Martin, Nebr.
Mathias, Calif.
Mathis, Ga.
Michel
Milford
Miller
Montgomery
Moorhead, Calif.
Nichols
Parris
Pettis
Poage
Powell, Ohio
Price, Tex.
Pritchard
Quillen
Railsback
Rarick
Rhodes
Robinson, Va.
Rogers
Roncallo, N.Y.
Rose
Rousselot
Ruth
Satterfield
Scherle
Schneebeli
Sebelius
Shuster
Skubitz
Smith, N.Y.
Spence
Steiger, Ariz.
Stephens
Stuckey
Symms
Taylor, Mo.
Teague, Tex.
Thomson, Wis.
Treen
Vander Jagt
Vigorito
Waggonner
Walsh
Wampler
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wydler
Wylie
Young, Fla.
Young, S.C.
Zion

NOES—252

Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, N. Dak.
Annunzio
Ashley
Badillo
Barrett
Bell
Bennett
Bergland
Biaggi
Biester
Bingham
Boggs
Boland
Bowen
Brademas
Brasco
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Broyhill, N.C.
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Chamberlain
Chisholm
Clark
Clausen, Don H.
Clay
Cleveland
Collins, Ill.
Conte
Conyers
Corman
Cotter
Cronin
Culver
Daniels, Dominick V.
Danielson
Davis, S.C.
Delaney
Dellenback
Dellums
Denholm
Dent
Diggs
Donohue
Drinan
Dulski
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Evans, Colo.
Evins, Tenn.
Fascell
Fish
Flood
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frenzel
Froehlich
Fulton
Fuqua
Gaydos
Giaimo
Gibbons
Ginn
Grasso
Gray
Green, Pa.
Griffiths
Gubser
Gude
Gunter
Haley
Hamilton
Hanley
Hanna
Hansen, Idaho
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holtzman
Horton
Hosmer
Howard
Jarman
Johnson, Calif.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Keating
Kemp
King
Kluczynski
Koch
Kyros
Leggett
Lehman
Litton
Long, La.
Long, Md.
McCloskey
McCollister
McCormack
McDade
McFall
McKinney
McSpadden
Madden
Mahon
Mailliard
Mallary
Mann
Martin, N.C.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Passman
Patman
Patten
Pepper
Perkins
Peyser
Pickle
Pike
Podell
Preyer
Price, Ill.
Quie
Randall
Rangel
Regula
Reuss
Riegle
Rinaldo
Roberts
Robison, N.Y.
Rodino
Roe
Roncalio, Wyo.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Sarasin
Sarbanes
Schroeder
Seiberling
Shoup
Sikes
Sisk
Slack
Smith, Iowa
Snyder
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steelman
Steiger, Wis.
Stokes
Stratton
Stubblefield
Studds
Symington
Talcott
Taylor, N.C.
Teague, Calif.
Thompson, N.J.
Thone
Thornton
Tiernan
Towell, Nev.
Ullman
Vanik
Waldie
Ware
Whalen
White
Whitten
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wyman
Yates
Yatron
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki
Zwach

NOT VOTING—42

Anderson, Ill.
Andrews, N.C.
Aspin
Blatnik
Bolling
Brown, Mich.
Brown, Ohio
Buchanan
Burke, Fla.
Coughlin
Davis, Ga.
Derwinski
Esch
Gettys
Green, Oreg.
Grover
Hansen, Wash.
Harrington
Harvey
Hastings
Hébert
Johnson, Pa.
Ketchum
McKay
Macdonald
Mills, Ark.
Myers
Rees
Reid
Rooney, N.Y.
Ryan
St Germain
Sandman
Saylor
Shipley
Shriver
Steele
Sullivan
Udall
Van Deerlin
Veysey
Young, Alaska

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. MICHEL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I supported the amendment that just failed by a rather substantial margin. I do not know that it is all that important that the 1-year extension be defeated in favor of the 3-year, but the point I would like to make here is the difference between the appropriation level of the past several years and the authorizing level, and to point out here again that an authorizing level is no magic figure.

If we go back to when this act was initially authorized, it was at a $5 million level for 1971, and it moved to 15 in 1972 and 25 in 1973, and here we are in 1974, after taking another look at it, proposing to extend it right back at the authorizing level we initially thought we had to have 3 years ago. So it kind of proves to me, and to some of those of us who serve on the Committee on Appropriations, that we have been right all along in restraining ourselves when it came time to appropriate for this program. Maybe we ought not be criticized as severely as we are sometimes when we do not appropriate more than 25, 50, or 75 percent of the authorizing level for some of these pieces of legislation.

So it is only with a word of caution that I speak here today. I wonder whether or not we are still escalating this authorization figure too rapidly. Taking a look at the committee report, we find that in 1971 the program was authorized at $5 million and we only appropriated $2 million; in 1972 it was authorized at $15 million, and we saw fit to provide only $3½ million; and in fiscal year 1973 it was authorized at a level of $25 million and we appropriated $4 million. But then there was only $1.45 million actually spent in the fiscal year because of a contract problem in the Division of Contracts and Grants in the Office of Education.

So I am not altogether sure, depending upon what kind of arguments we get in the balance of the debate here, as to whether I will be supporting the bill on final passage or not, but I simply wish to issue the warning here that I am quite sure that our Committee on Appropriations, if it is passed at this level of funding, will not be inclined to appropriate the full amounts authorized in the legislation.

If I vote no on final passage it does not necessarily mean I am absolutely opposed to the legislation, but rather the excessive limits of the authorizing levels.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

In reading the report, did the gentleman find any real justification for the program and the amounts of money that are here proposed, or any amount, for that matter? Did he find any real justification?

Mr. MICHEL. I cannot see the arguments at the level at which the authorization is pegged. I do not feel, however, that we ought to dismiss it out of hand. I am not yet to that point, but willing to give it a further chance, because some of these programs in the initial experimental stage have not had the opportunity to operate fully. I am willing to give it a chance to succeed, but I have not been overwhelmingly impressed with what has been done to date.

Mr. GROSS. If the gentleman will yield further, I wonder why the committee proposes to quintuple the appropriation of $5 million in this fiscal year to $25 million in 1976, and a 3-year total of $45 million when there is no real justification. Why we do not get figures in this report as to the total spending for all the environment programs?

Mr. MICHEL. The questions the gentleman from Iowa raises are very good ones, and they are, frankly, unanswered, unless the chairman of the committee can answer them.

Mr. BRADEMAS. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Indiana.

Mr. BRADEMAS. I thank the gentleman for yielding.

I think there are two points. First of all, as the gentleman will realize in reading the report, members of our committee were equally critical of the failure of the Office of Education to make available, after repeated requests on our part, the kind of information to which the gentleman from Iowa has alluded. We shall continue to badger the Office of Education to give us such information.

Second, with respect to the amount of money authorized and appropriated, as the gentleman from Illinois has indicated, the authorizing figure for fiscal year 1974 is $5 million, and the House has already voted $4 million. In that respect I think there is a closer linkage between the authorization and appropriation figures than might first appear.

The gentleman from Indiana is sensitive to this kind of point the gentleman from Illinois has made. That indeed is one of the reasons several of us on the subcommittee reduced the overall authority in the bill from the $60 million as the bill was originally introduced to $45 million.

So I would say finally I support the point made by the gentleman from Illinois. I think certainly it is something we should have in mind. The authorizing committee tries to use its best judgment and the Appropriations Committee tries to use its best judgment, and the authorizing committee thinks the figures in the bill represent our best judgment.

Mr. GROSS. Mr. Chairman, if the gentleman will yield further, when the gentleman from Indiana speaks of the original proposal as having been for $60 million, he is simply bearing out the usual action of that committee. They are never modest in asking for money in the Labor and Education Committee. I am not at all surprised that they settled for $45 million rather than $60 million, but I am concerned by the gentleman's admission that they sought information and could not get it, yet, without justification, the committee seeks to hike spending on this boondoggle up to $45 million.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROUSH, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 3927) to extend the Environmental Education Act for 3 years, pursuant to House Resolution 600, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment adopted in the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. GROSS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device; and there were—yeas 335, nays 60, not voting 39, as follows:

[Roll No. 550]

YEAS—335

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Arends
Armstrong
Ashley
Badillo
Bafalis
Barrett
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blackburn
Boggs
Boland
Bowen
Brademas
Brasco
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Calif.
Burke, Mass.
Burton
Byron
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clay
Cleveland
Cohen
Collins, Ill.
Conable
Conte
Conyers
Corman
Cotter
Coughlin
Cronin
Culver
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Froehlich
Fulton
Fuqua
Gaydos
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Grasso
Gray
Green, Pa.
Griffiths
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Idaho
Harsha
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holtzman
Horton
Hosmer
Howard
Hudnut
Hungate
Hunt
Jarman
Johnson, Calif.
Johnson, Colo.
Jones, Ala.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kemp
Kluczynski
Koch
Kyros
Landrum
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McFall
McKinney
McSpadden
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, N.C.
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Milford
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Podell
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Regula
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Sarasin
Sarbanes
Schroeder
Sebelius
Seiberling
Shoup
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steelman
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Symington
Talcott
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Udall
Ullman
Vanik
Waggonner
Waldie
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—60

Archer
Ashbrook
Baker
Bauman
Beard
Burleson, Tex.
Burlison, Mo.
Butler
Camp
Clawson, Del
Cochran
Collier
Collins, Tex.
Conlan
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Wis.
Dennis
Devine
Dickinson
Fisher
Flynt
Goldwater
Goodling
Gross
Henderson
Holt
Huber
Hutchinson
Ichord
Jones, N.C.
King
Landgrebe
Lott
McEwen
Martin, Nebr.
Mathis, Ga.
Michel
Miller
Montgomery
Poage
Powell, Ohio
Rarick
Robinson, Va.
Rousselot
Ruppe
Ruth
Satterfield
Scherle
Schneebeli
Steiger, Ariz.
Symms
Taylor, Mo.
Treen
Vander Jagt
Vigorito
Whitten
Wiggins
Young, S.C.

NOT VOTING—39

Anderson, Ill.
Aspin
Blatnik
Bolling
Brown, Mich.
Brown, Ohio
Buchanan
Burke, Fla.
Derwinski
Frey
Gettys
Green, Oreg.
Grover
Hansen, Wash.
Harrington
Harvey
Hastings
Johnson, Pa.
Ketchum
Kuykendall
McKay
Macdonald
Mills, Ark.
Myers
Rees
Reid
Rooney, N.Y.
Ryan
St Germain
Sandman
Saylor
Shipley
Shriver
Steele
Sullivan
Van Deerlin
Veysey
Widnall
Young, Alaska

So the bill was passed.

The Clerk announced the following pairs:

Mr. Macdonald with Mr. Anderson of Illinois.

Mr. Rooney of New York with Mr. Derwinski.

Mrs. Hansen of Washington with Mr. Buchanan.

Mr. Blatnik with Mr. Brown of Michigan.

Mr. Harrington with Mr. Frey.

Mr. Shipley with Mr. Grover.

Mr. Mills of Arkansas with Mr. Burke of Florida.

Mr. Gettys with Mr. Harvey.

Mrs. Green of Oregon with Mr. Saylor.

Mr. Reid with Mr. Brown of Ohio.

Mr. St Germain with Mr. Hastings.

Mrs. Sullivan with Mr. Kuykendall.

Mr. Aspin with Mr. Myers.

Mr. McKay with Mr. Sandman.

Mr. Rees with Mr. Shriver.

Mr. Ryan with Mr. Steele.

Mr. Van Deerlin with Mr. Widnall.

Mr. Young of Alaska with Mr. Johnson of Pennsylvania.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

PERSONAL EXPLANATION

Mr. GREEN of Pennsylvania. Mr. Speaker, through some mistake, I am recorded as having voted "no" on rollcall No. 544, on yesterday, October 23, 1973. I did not intend to vote "no." I support the measure then under consideration and wish to make my support clear. If the rules allowed, I would ask unanimous consent that the printed recording of my vote in the permanent RECORD be changed.

NATIONAL SCHOOL LUNCH AND CHILD NUTRITION ACTS

Mr. PERKINS. Mr. Speaker, I call up from the Speaker's desk the bill (H.R. 9639) to amend the National School Lunch and Child Nutrition Acts for the purpose of providing additional Federal financial assistance to the school lunch and school breakfast programs, with a Senate amendment to the House amendment to Senate amendment No. 5, and consider the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment to the House amendment to the Senate amendment as follows:

> Immediately after the matter to be inserted by the House amendment to the Senate amendment insert the following sentence: "Notwithstanding the foregoing two sentences, (1) for the fiscal year beginning July 1, 1973, no special assistance factor under this section 11 shall, for any State, be less than the average reimbursement paid for each free lunch (in the case of the special assistance factor for free lunches), or for each reduced price lunch (in the case of the special assistance factor for reduced price lunches), in such State under this section in the fiscal year beginning July 1, 1972; and (2) adjustments required by the sentence immediately preceding this sentence shall be based on the special assistance factors for the fiscal year beginning July 1, 1973, as determined without regard to any increase required by the application of this sentence.

MOTION OFFERED BY MR. PERKINS

Mr. PERKINS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. PERKINS moves to concur in the Senate amendment to the House amendment to Senate amendment No. 5.

Mr. PERKINS. Mr. Speaker, subsequent to our action on last Thursday rejecting a Senate amendment to the school lunch program, the Senate has adopted a further amendment which I believe is responsive to the House concerns.

As was indicated in our previous debate, the school free and reduced price lunch program in four States—New York, New Jersey, Maryland, and Rhode Island—would be adversely affected by the provisions of H.R. 9639. The first Senate amendment which we rejected was designed to hold harmless these States from any loss in section 11 funds for free and reduced price lunches. That Senate amendment would have continued indefinitely a preferred reimbursement rate for these States, and I believe it was because of this indefinite continuation that the House rejected the Senate amendment.

Recognizing our concern, the Senate yesterday receded from its initial amendment with an amendment which in effect holds harmless these four States only for the current fiscal year. As my colleagues know, H.R. 9639 guarantees a minimum 45-cent reimbursement rate for free lunches and a minimum 35-cent reimbursement rate for reduced price lunches. The Secretary may set a higher rate. If the Secretary promulgates the minimum rate, however, under the Senate amendment the rate in New York will be 46.5 cents, in New Jersey 45.8 cents, in Rhode Island 45.5 cents, and in Maryland 45.4 cents instead of the 45-cent rate which will be paid elsewhere. These are the average rates paid in these four States last year.

The important and significant difference in the amendment before us now and that rejected last week is that the preferred rate is only guaranteed in the current fiscal year. It is a 1-year hold harmless provision which I believe in equity and justice we should adopt.

Unless we adopt this provision, there is a likelihood that these four States will receive less section 11 funds than they received last year.

Mr. Speaker, the States have incurred this indebtedness in good faith. They acted last year under the law. In terms of dollars the difference totals $2,400,000. Assuming the same number of lunches are served as last year, New York will receive $1,852,000; New Jersey, $260,000; Maryland, $182,000; and Rhode Island, $77,000—more than what they would receive without the amendment. After the fiscal year, I must repeat, these four States will be treated like all other States.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the distinguished gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Speaker, I thank the chairman, the gentleman from Kentucky (Mr. PERKINS) for yielding to me.

Mr. Speaker, I, too, join with the gentleman from Kentucky in urging that this body concur in the Senate amendment. As I had indicated in my comments the other day when we debated the Senate amendment, it would be acceptable to me for us to have the hold-harmless provision for this school year. We are already in the school year, and we have the budget problems right now. However I did not want such a provision to continue beyond this school year for special treatment for those States.

Also, Mr. Speaker, I am pleased that the language is written so that the adjustments that are needed because of increased cost of living will not be made on top of, say, in the case of New York, 46½ cents, but rather on top of 45 cents, just as all the other States, and so with the expected increase in the cost of living all States would be treated the same, or if we did not have an increased cost of living then they would all still be the same at 45 cents.

Mr. PERKINS. The gentleman from Minnesota is absolutely correct.

Mr. QUIE. I thank the gentleman again for yielding me this time.

The SPEAKER. The question is on the motion offered by the gentleman from Kentucky (Mr. PERKINS).

The motion was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members who may desire to do so may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

PERSONAL STATEMENT

Mr. HANRAHAN. Mr. Speaker, yesterday on rollcall No. 545 I was recorded not present. I was present and recorded myself present, but I was shown as not present in the CONGRESSIONAL RECORD.

THE UNITED STATES STILL LIVES

(Mr. COTTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. COTTER. Mr. Speaker, the surprise decision by the President yesterday to abide by the lawful decisions of the court of appeals and the district court is a victory for the American people.

Bowing to unprecedented public outrage and pressure, the President was literally forced to do the right thing. This was not an exercise in leadership as much as an exercise in leadership as it is still a commendable first step to reestablishing confidence in the American institutions.

I hope the President in his speech tonight will again heed the people's voice and reestablish the Office of Special Prosecutor. In so doing, I urge the President to give both verbal and written assurances that he and his White House aides will not only give the special prosecutor full independence, but also full cooperation in his multifaceted investigation.

Further, Mr. Speaker, I can think of nothing that would help ease the cataclysmic events of last weekend than the reappointment of Elliot Richardson as Attorney General and Archibald Cox as special prosecutor.

Never in my political career have I witnessed the torrent of mail, telegrams, and telephone calls that followed the actions of the President this weekend. Of the over 340 letters and telegrams and 120 telephone calls, there was only 1 letter and 7 telephone calls supporting the President. The rest overwhelmingly called for the immediate impeachment of the President, and calls I have been receiving today indicate a continuing support for the preliminary investigation being undertaken by the House Judiciary Committee.

I am hopeful that the President will act constructively in his speech tonight and move to reaffirm the people's faith in our institutions. However, I am confident that even if the President falls short in his own efforts to restore confidence in his Presidency, the American people are eminently capable of continuing their Government institution.

In short, Mr. Speaker, the United States lives—its strength is in its people and in its elected officials who heed the basic good instincts of our people.

TAX TREATMENT OF REAL ESTATE INVESTMENT TRUSTS

(Mr. LANDRUM asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LANDRUM. Mr. Speaker, the bill I have introduced today deals with the tax treatment of real estate investment trusts. The real estate investment trust—REIT—industry was accorded special tax treatment with the enactment in 1960 of the Federal tax amendments which, in general, provided real estate investment trusts with the same general conduit principle that had been applied to mutual funds; that is, substantially all of the income of the REIT must be passed through the REIT each year to its shareholders. This income will be taxed to them, and not to the REIT owners. In the case of REIT's this means that the income from equity and mortgage investments in real estate and other permitted income sources would be distributed to investors each year and taxed to them without being subjected to a tax at the REIT level.

The purpose of this special tax treatment for REIT's is to provide an opportunity for small investors to secure advantages from investing in real estate normally available only to those with larger resources. This allows these smaller investors to invest in real estate assets under professional management and allows them to spread the risk of loss by the greater diversification of investment which can be secured through the means of collectively financing projects which the investors could not undertake individually.

In order to qualify as a REIT under the present tax laws for purposes of the conduit treatment, the trust must satisfy three tests on a year-by-year basis: organizational structure, source of income, and nature of assets. These conditions are intended to allow the special tax treatment for REITs only if there really is a pooling arrangement which is evidenced by their organizational structure, if their investments are basically in the real estate field and if the income is clearly passive income from real estate investment, as contrasted to income from the active operation of businesses involving real estate.

With respect to the organizational structure, a REIT, in general, must be an unincorporated trust or association—which would be taxable as a corporation but for the REIT provisions—managed by one or more trustees, the beneficial ownership of which is evidenced by transferable shares or certificates of ownership held by 100 or more persons, and which would not be a personal holding company even if all its adjusted gross income constituted personal holding company income.

With respect to the income requirements, at least 75 percent of the income of the REIT must be from rents from real property, interest on obligations secured by real property, gain from the sale or other disposition of real property—or interest therein, including mortgages—distributions from other REIT's, and abatements or refunds of taxes on real property. An additional 15 percent of REIT income must come from these sources, or from other interest, dividends, or gains from the sale of securities. Income from stock or securities held less than 6 months, or real property held less than 4 years—except in the case of involuntary conversions—cannot equal as much as 30 percent of the REIT's income.

With respect to the asset requirements, a REIT must have at least 75 percent of its assets in real estate, cash and cash items, and government securities. However, not more than 5 percent of the assets can be in securities of any one nongovernment-non-REIT issuer, and such holdings may not exceed 10 percent of the outstanding voting securities of such issuer. In addition, no property of the REIT may be held primarily for sale to customers.

In addition, a REIT is required to distribute at least 90 percent of its income—other than capital gains income—to its shareholders during the taxable year, or declare it as a dividend by the due date for filing its tax return for the year—including any extension—and pay the dividend within 12 months from the close of the taxable year. If all of these conditions are met, then a REIT is qualified for the special conduit treatment which allows the income that is distributed to the shareholders to be taxed to them without being subjected to a tax at the trust level so that the REIT is only taxed on the undistributed income. Otherwise, a REIT that does not meet the requirements for qualification would be treated as a corporation, in which case all of its income would be taxed to the REIT first, not just the undistributed income.

Although the provisions have been amended from time to time, the basic rules with respect to REITs have remained the same since their enactment in 1960. Since that time, the REIT industry has grown enormously in size and is responsible for a large proportion of the investment in the real estate field in the United States today. There are, however, certain problems that have arisen with respect to the REIT provisions which could significantly affect the industry if they are not modified.

Basically, these problems relate to the fact that under present law if a REIT does not meet the various income, asset and distribution tests, the REIT will be disqualified from using the special tax provisions even in those cases where the failure to meet a requirement was unintentional. This would have the effect of not only changing the tax status of the REIT itself—which could result in substantial economic loss to the REIT since its income would be subject to tax at the corporate rates at a time when it has already been distributed to shareholders—but also would affect the interests of the public shareholders in the REIT. It appears to me that to totally disqualify a REIT where it unintentionally fails to meet one or more of the qualifying requirements is too harsh a penalty and that less drastic penalties should be provided, which will nevertheless maintain the original objectives in the REIT law provisions.

The bill that I have introduced is intended to alleviate this type of problem in those cases where a REIT inadvertently fails to meet a requirement for qualification and also deals with a limited number of other problems. The following is a brief summary of some of the major features of the bill:

First. Under present law, a real estate investment trust—REIT—is required to distribute 90 percent of its taxable income each year to its shareholders. If it does not meet this requirement, the trust will be disqualified as a REIT and must pay tax on its income as if it were a regular corporation. This could cause problems for a REIT which in good faith believed it met the 90-percent distribution requirements, but upon audit, did not meet the requirements—this could occur, for example, with an increase on audit of the taxable income of the REIT. The bill establishes a deficiency dividend procedure which would allow a REIT that fails to meet the income distribution requirements upon an audit by the Internal Revenue Service to make a late distribution to its shareholders, to avoid disqualification. This procedure would only be available if the REIT initially missed the 90-percent distribution requirement for reasonable cause. Furthermore, the REIT would be subject to interest and penalties on the amount of the adjustment under this procedure.

Second. Under present law, certain percentages of a REIT's income must be from designated sources, and if the source tests are not met it must pay taxes on its income as if it were a regular corporation. This could cause problems for a REIT which in good faith believed it met the income source tests, but upon audit, did not meet the tests—this could occur, that is, with an increase on audit of the REIT's gross income. The bill provides that a REIT that fails to meet the income source test upon audit by the Internal Revenue Service would not be disqualified but would be allowed to pay tax on the amount by which it failed to meet the source tests. This provision would be available only if the REIT initially had

reasonable ground to believe and did believe that it met the income source tests.

Third. A REIT also may inadvertently have difficulty under present law meeting the income source tests if it must foreclose on a mortgage that it owns. For example, the interest a REIT receives on a loan secured by a real estate mortgage may be qualified income, but the rents received from the same property acquired upon foreclosure may not qualify. The bill provides that a REIT would not be disqualified because of income which it receives from foreclosure property since, presumably, the REIT should not be held responsible for the type of lease or other transaction entered into by its mortgagee. At the election of the REIT, a 2-year grace period—generally subject to two 1-year extensions—would be afforded so that the REIT could liquidate the foreclosed property in an orderly manner.

However, during the grace period, the REIT would pay corporate tax on the nonqualified income received from property acquired on foreclosure.

Fourth. Present law prohibits a REIT from holding any property for sale to customers. This rule has been difficult to apply because of the absolute prohibition on holding such property and because of problems involved in determining when a REIT holds property for sale. The bill changes this rule to allow the REIT to have up to 1 percent of its gross income from such sources; this income however, would be subject to corporate tax. Any income from such sources in excess of 1 percent would be subject to an additional tax under the provisions discussed in paragraph (2) above, rather than disqualify the REIT, provided the REIT had reasonable ground to believe that the excess income would not be determined to be from such sources.

Fifth. Certain types of income which customarily are earned in the real estate business but which now do not qualify under the income source tests are treated as qualifying income under the bill. These include first, certain rents from property leased together with the real property; second, charges for services customarily furnished in connection with the rental of real property whether or not such charges are separately stated; and third, commitment fees received for entering into agreements to make loans secured by real property. Because these and the other amendments discussed above remove a significant portion of income from the category of unqualified income—which now may be 10 percent of a REIT's gross income—the income source requirements are increased by the bill so that unqualified income could be only 5 percent of gross income.

Sixth. Under the bill, REIT's would be permitted to operate in corporate form; under present law, REIT's must operate as a trust or association.

Seventh. Certain other changes are made concerning technical rules applicable to REIT's, such as, regarding income from sale of mortgages held for less than 4 years, and regarding options to purchase real property.

I would like to point out that prior to my introducing this bill the staff of the Joint Committee on Internal Revenue Taxation reviewed in detail the matters dealt with in the bill. On the basis of this initial study, the staff recognizes the need for corrective legislation in the areas covered by this bill and advises me that the solutions proposed probably are reasonable ones.

I have requested the staff to continue to review the bill to make sure that the solutions adopted, particularly in the more difficult problem areas, are the best ones.

Mr. Speaker, I am authorized to say that in the introduction of this bill today the gentleman from California (Mr. Pettis) and the gentleman from New York (Mr. Conable) also will appear as cosponsors of the bill.

Mr. CORMAN. Mr. Speaker, will the gentleman yield?

Mr. LANDRUM. I yield to the gentleman from California.

Mr. CORMAN. Mr. Speaker, I am cosponsoring the bill introduced by Mr. Landrum dealing with the tax treatment of real estate investment trusts. The special tax treatment of real estate investment trusts was provided in 1960 primarily to allow small investors to pool their resources for purposes of investing in the real estate field. In general, a real estate investment trust—REIT—is treated for tax purposes as a conduit in which case the income that is earned on its investments must be passed through to the investors and is taxed to them rather than being taxed at the REIT level, as long as the REIT meets certain qualifying requirements.

The real estate investment trust industry has grown at a rapid pace since the enactment of the special tax provisions in 1960. It has contributed significantly to the expansion in the real estate field by providing an additional source of investment money, especially during periods when other channels for mortgage loans and other real estate investment money has been tight.

Although the success of the REIT's since the enactment of the tax provisions has been considerable, certain problems have arisen with respect to some of the tax provisions applicable to REIT's which in certain cases have the effect of disqualifying a REIT if one of the conditions for REIT status is not met, even though it may have been inadvertent on the part of the REIT. Disqualification of a REIT could present significant problems, since the failure to meet a qualifying requirement may not be determined until a future year in which case the income has already been distributed by the REIT to its shareholders. This bill deals with these types of problems, as well as certain other problems, to allow a REIT to continue its special status when it has inadvertently failed to meet a requirement for qualification.

I understand that the staff of the Joint Committee on Internal Revenue Taxation, which initially reviewed this legislation, recognizes the need for corrective legislation in the areas covered by this bill and will continue to review the legislative proposals contained in the bill. I agree with Mr. Landrum that the staff should make sure in its further study that the solutions proposed are the best ones.

IMPEACHMENT OF THE PRESIDENT

(Mr. STARK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. STARK. Mr. Speaker, I believe the President's decision to release the tapes cannot divert us from pursuing an investigation of conduct which could lead to his impeachment.

The country's stubborn system of justice has begun its inexorable movement toward truth, and no act of the President, however desperate, can stop it.

Too much has occurred, much of it even before the incidents brought to light by Watergate. In my judgment, the President's prolonging of the Indochina war was, of itself, an impeachable offense.

The Watergate revelations, and the Agnew affair have revealed the Nixon administration as the most corrupt in the history of the Nation.

Reviewing incidents of the past several months is like reading a James Bond thriller, and the last chapters have yet to unfold. Recall with me, if you will, the paranoic yet effective political sabotage which corrupted our electoral processes, the conspiracy, bribery, burglaries, espionage, destruction of accusatory documents, wiretaps, land deals, economic favors, and all the rest involving the topmost political figures in the Nation, persons closest to the Chief Executive of the most powerful Nation in the world, his Cabinet officers, the Vice President, perhaps the President, himself.

We must find out exactly what happened. Why is the executive branch allowed to misuse its power to such an extent? What is the nature of the Presidency today? What business did the Deans and Ehrlichmans, and Haldemans have in the White House in the first place? Were they performing legitimate business of the country? Is it legitimate business to violate the rights of Americans to select a Presidential candidate? Is it a legitimate business which protects special interests and grants favors to friends of the President?

We must have answers to these and similar questions before the conscience of our democracy will be satisfied. Only the truth will preserve the continuity of our Government and the truth will prevail.

Despite this scandal, the worst in U.S. history, our standards are high and our institutions strong. Otherwise, unscrupulous conduct surrounding the Presidency might never have been exposed in the first place. It is this strength, our Republic, which will carry us through the present crisis and make us even stronger.

We need not fear the actions of one man, however powerful or dictatorial he seeks to be, so long as we maintain our freedom under the law of the land, our

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freedoms to question, to expose, to seek and live the truth.

WAR IN THE MIDDLE EAST

(Mr. RUPPE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUPPE. Mr. Speaker, the war in the Middle East is a tragic event for millions of Arabs and Jews caught up in the irrationality of armed conflict. It is also fraught with dangers for America.

We have a historic and traditional responsibility toward the security of Israel—a responsibility which cannot be abrogated. At the same time, however, we have an ever-growing dependence on the Arab nations of the Middle East for our energy needs. We can in no way equate these two exigencies, and I am certainly not suggesting that we negotiate the security of Israel for the sake of our energy needs. However, there have been statements in the national news media to suggest that the threat of an oil embargo by the Arab nations should not be taken too seriously. In order to put the so-called oil question of the Middle East conflict into focus, I would like to discuss with my colleagues the degree of our Nation's dependence on Middle East oil resources.

Most estimates agree that during the first half of this year, the United States imported an average of 807,000 barrels per day of crude oil from Saudi Arabia, Iran, Algeria, and Libya. Another 230,000 barrels per day comes from Egypt, Tunisia, and Kuwait. In addition, a considerable amount of Arab crude oil is sent to Canada, Europe, and the Caribbean to be refined into fuel oil, gasoline, and other distillates before it is shipped to the United States. We are currently purchasing about 336,000 barrels of refined product from Europe, of which about 80 percent originated in the Middle East. From the Caribbean, we are getting some 1.6 million barrels per day. Of this amount, about 16 percent, or 250,000 barrels per day, is refined from Middle East crude. Canada now exports about 1,056,000 barrels per day of crude oil to the United States from its western oil fields. In turn, Canada purchases Middle East oil for consumption in its eastern regions. Presumably, a Middle East embargo would force Canada to further limit its exports, and it is estimated that Canada would withhold about 400,000 barrels a day for its own use.

Therefore, the result of an embargo by the Arab oil producing nations would be a reduction of Arab oil imports to the United States of about 2 million barrels per day.

Mr. Speaker, I am not suggesting, by any means, that our dependence on Middle East oil should be the determining factor in our policy in that region of the world. However, at the same time, we cannot ignore the energy-related consequences of our actions in the Middle East.

UNPARALLELED ARTISTRY

Mr. DE LA GARZA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LA GARZA. Mr. Speaker, the death of Maestro Pablo Casals removed from the living Earth a musical genius and a human being whose great soul reached out to all mankind. Although the world is diminished by his passing, he left behind a legacy that will forever enrich the lives of all who heard him perform.

On the occasion, in 1969, of his last appearance in Washington, a performance of his oratorio "El Pesebre," I was moved as I listened to the magic sounds he produced to jot down what I was pleased to call a poem—an effort to express, however inadequately, the feeling aroused in me by his unparalleled artistry.

I was bold enough to send the maestro my effort, and shortly afterward I received a generous letter of acknowledgement from Senor Casals. He even invited me to visit him should I ever come to Puerto Rico, where he had made his home for many years, an invitation which I regret to say I never had the pleasure of accepting.

My poem, entitled simply "Pablo Casals," has never been published. I insert it here, not in pride of authorship, but as a heartfelt tribute to a man who, during his long life, brought beauty into the lives of a multitude of people:

PABLO CASALS

Music—Music, the word does no justice to the sound—
Sound—it's almost a sacrilege to call it sound—
Vibrations—it would seem vulgar—to speak so of his work—
What then, what then is this thing Casals creates?
The Universe in motion tempered by the soul,
The rhythm of the heavens,
The wind of light,
The sound of time,
The voice of God—
We should sample of his wonders with the utmost of delight,
For few will have the privilege of being in his presence—
And when he shall leave us, to grace the heavens with his soul—
We shall be jealous of the Lord,
And through an eternity and more
The angels will lay claim to him, but we on earth shall still exclaim:
"Though the beauty of his soul befits the heavens,
" 'Pao' nonetheless belongs to us."

—KIKA DE LA GARZA.

APPOINTMENT OF A SPECIAL PROSECUTOR

(Mr. FUQUA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FUQUA. Mr. Speaker, today I am presenting for the consideration of the Congress a measure calling for the appointment of a special prosecutor to continue the investigation and prosecution of those responsible for the perpetration of gross crimes in connection with the 1972 election for the Presidency of the United States.

This measure calls for the Chief Judge of the U.S. District Court for the District of Columbia to appoint such Special Prosecutor.

Mr. Speaker, the President of the United States has broken faith with the American people and with the Congress in firing Special Prosecutor Archibald Cox. However, I do not believe that this particular action warrants impeachment proceedings. What he did was legal, but it certainly was with flagrant disregard of our understanding at the time of the appointment of Mr. Cox.

I think it critical to any such discussions to point out that the President has not directly flaunted a court order. That is a critical point in consideration of impeachment discussion.

Mr. Cox was appointed upon the confirmation of Elliot Richardson as Attorney General. It was our clear understanding that when such Special Prosecutor was named, he would be allowed to conduct an investigation wherever the trail might lead.

It was, therefore, astounding to find Mr. Cox was issued orders to cease and desist in his efforts to secure the Presidential tapes through lawful court proceedings. He was placed in a position where compliance was impossible and he was dismissed in an unprecedented act.

The incident was then followed by the resignation of the Attorney General and the firing of the Deputy Attorney General. They had no other choice, for to have done otherwise would have been to destroy the very reason they were nominated and confirmed—to bring respect back to the U.S. Department of Justice.

While my bill does not designate the individual to be named, that not being proper, it would certainly be my recommendation, if asked, that Mr. Cox be named to this new position.

Mr. Speaker, this is a difficult period when our institutions of Government have suffered losses of credibility, the like of which this Nation has seldom seen.

It is time that this administration stopped going on television with a plea to the American people to explain one crisis after another and get down to the business of governing. I cannot find in any of these speeches any comments that would have been as productive as allowing the special prosecutor to continue and complete his work.

In an effort to see that the circumstances we have seen this week do not happen again, one section of my bill would provide that the special prosecutor not be subject to the supervision or control of the President. He can be removed only for neglect of duty or malfeasance in office, but for no other cause.

I doubt that such a presumptive act as the removal of Mr. Cox would be attempted again. If it were, then we would have to make a judgment on those circumstances and proceed as a government of law and not of emotion or whim.

The President has now agreed to comply with the court order to turn over the tapes to Judge Sirica. Why did he have to put us through this crisis and add further to the doubt and suspicion surrounding us in this period? He could have done this last week and alleviated the devisiveness for which he must take a large share of the responsibility.

I want to add to these comments a very strong recommendation that the Congress move immediately with the consideration of a nomination of Congressman GERALD FORD to be the Vice President of the United States. His nomination should in no wise be a part of the controversy over the circumstances relating to the firing of Mr. Cox.

Congress can show the American people that we are not petty or partisan when such matters of grave importance are to be considered. His nomination should be considered on his fitness to serve as Vice President of the United States and on no other basis.

Personally, I have the highest possible regard for his ability and integrity.

Much is going to be said in the coming days about impeachment. It is a part of our system that those who feel such action is justified present their views. I ask only that the Judiciary Committee move with dispatch in its deliberations. I personally appreciate the statements made yesterday by Speaker ALBERT and Judiciary Committee Chairman RODINO. They are in the finest traditions of this institution and we are fortunate to have their leadership in this sensitive time.

My colleagues, the situation is grave and the hour is late.

We are faced with a loss of confidence in government which transcends the imagination. All public officials are going to be tarred with this brush and it is a heartrending situation.

Here we face another crisis in the Middle East and an energy crisis the like of which we have never experienced. The economy is of grave concern.

The Vice President has pled guilty to a grave offense and forced to resign in order not to be sentenced to prison.

It is in this atmosphere that I call for the appointment of another special prosecutor, Back in May I said that only with a complete and total disclosure would this matter be set to rest. I said at the time:

> I think it is just as important that the finger of suspicion be lifted from the innocent as it is to pinpoint the guilty.

Mr. Speaker and my colleagues, I continue in that view.

The circumstances surrounding the firing of Mr. Cox can only add fuel to the flames of strife and discord. It is my considered judgment that the naming of another special prosecutor outside the province of the administration would be justified and warranted in these circumstances.

I urge the prompt and favorable consideration of this measure.

NEW PROGRAM AFFECTING PEANUT FARMERS

(Mr. DICKINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKINSON. Mr. Speaker, just this morning the Secretary of Agriculture has announced a new program affecting all the peanut farmers in the country, most of which are in the South. The Secretary said he was going to cut off price support for peanuts found to contain aflatoxin; eliminate the transfers of allotments by lease or sale by the owner; increase the present charges from $15 to $17 per ton for storage, handling and inspection costs; permit no tolerance in acreage compliance; and transfer full field and supervisory functions from grower associations to the county and State ASC offices.

These actions by the Secretary would, in effect, wreak havoc with the entire peanut industry.

I asked the representative from the Department of Agriculture what these changes were supposed to say in the way of dollars and cents. The answer was $6.6 million.

Of course, this is a lot of money, but, Mr. Speaker, when we examine what is proposed here we see that the administration would wreck the entire economy of a section of the country to say $6.6 million in the interests of so-called economy, while at the same time the administration wants to give $1½ billion to Southeast Asia, $2.2 billion in aid to Israel, $200 million more to Cambodia, and ad infinitum.

Mr. Speaker, I say this is silly.

Apparently, certain high, heartless Agriculture officials have decided to single out the peanut-producing States of the South as whipping boys so we can give more foreign aid to countries to buy their friendship.

Today's announcement by the Agriculture Department concerning peanuts would, if implemented, severely damage the agricultural economy of my district, the Second District of Alabama—"Peanut Capital of the World."

Mr. Speaker, my district, with the possible exception of my distinguished colleague from Georgia's Second District, DAWSON MATHIS, produces more peanuts than any other district in the United States. Therefore, it is only natural that I vehemently condemn this unwarranted and callous action by a few unthinking, insipid "intellectuals" in the Agriculture Department.

I strongly urge the Secretary of Agriculture to reconsider these hasty actions. Furthermore, I promise that I will do all I can to fight the implementation of these discriminatory and possibly illegal actions.

WE MUST NOT RUSH INTO IMPEACHMENT PROCEEDINGS

The SPEAKER pro tempore (Mr. MILFORD). Under a previous order of the House, the gentleman from Alabama (Mr. EDWARDS) is recognized for [illegible] minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, yesterday as I came back to my office from the House of Representatives, the cries of "impeach him" were still ringing in my ears. Many Members of Congress exercised their right to speak out on the President, Watergate, Archibald Cox, the Presidential tapes, the obstruction of justice, and all the rest.

To hear it all, you would believe that this great Nation of ours is going to come tumbling down, and the truth is we do face a real crisis.

Yesterday, Tuesday, was the first day that the House had been in session since the President proposed his compromise to the court concerning the tapes and since the firing of Special Prosecutor Cox and the resignations of Attorney General Elliot Richardson and Deputy Attorney General William Ruckelshaus.

The cries of impeachment are the end result of the frustration and bewilderment of the last 6 months as revelation after revelation of the whole sordid Watergate affair has been spread before the people. Telegrams and phone calls are coming in from all over the country now and, from what I have been told by many Members of Congress, I estimate that 99 percent of them are saying "get rid of the President."

And so there is almost a feeling of mob hysteria.

The impeachment resolutions that have already been hurriedly introduced have been referred to the House Judiciary Committee for hearings and investigation before the matter comes to the House for a vote.

Television crews have been in my office, the wire services have been ringing my phone off the wall, newspaper reporters come by or call, and everyone wants to know how I am going to vote. Everybody wants an instant comment and frankly many of them seem somewhat distressed that I will not join the crowd calling for "impeachment now."

Well, the truth is that I may well have to vote in the next few days or weeks on the question of impeaching the President, and I am not about to take a position "now" on that vote without having all the facts.

The impeachment of a President, any President, is almost too awesome to contemplate. It cannot, it must not be done in an air of frenzy and emotion. By the same token, it must not be done on the basis of partisan loyalty. In fact, if ever there was a time when a vote should be approached on a nonpartisan basis, it is in the case of impeachment.

It is true that the country has been thrown into a turmoil, and it is equally true that we must not allow that turmoil to drive us to impeaching the President unless it is clearly warranted.

The present crisis is all tied up in those blasted tapes. I urged the President months ago to release the tapes, because I felt there was such a crisis of confidence in our Government that the people desperately needed to know that the President had nothing to hide. I know that he feels very strongly about "executive privilege" and "separation of powers," but the need to come clean with the people, to me, is overriding. Fortunately, the President, at the 11th hour, has now advised the court and the Nation that he will turn over the tapes to the court. It is too early to assess the real effect of his last minute decision as far as impeachment is concerned. In the last few days, things have happened so fast that it has been extremely difficult to finish a speech before new events have changed the whole thing. At any rate, a new prosecutor must be named so this whole mess can be resolved just as soon as possible.

To those folks in my district who have urged me to move immediately for impeachment, I just have to say: "Go slow." Let us be sure what we are doing before we invoke this extraordinary remedy

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which has been adopted only once in the history of this Nation. The cry for impeachment, however sincere, is one thing. But to actually cast that vote when the historic roll is called is something entirely different.

SOVIET MILITARY MIGHT: WESTERN MADE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. ASHBROOK) is recognized for 60 minutes.

Mr. ASHBROOK. Mr. Speaker, Korea, Hungary, Cuba, Vietnam, Czechoslovakia, the Middle East—the presence of the Soviet Union has been felt in all these and many other places. In none of these places has the Soviet Union been a promoter of peace. Soviet space shots, Soviet missiles, Soviet invasions, and Soviet aid to other aggressive countries have all depended on their ability to produce weapons of war—depended on their technology. But that is not quite true either. In a few words, there is no such thing as Soviet technology.

Perhaps as much as 90 to 95 percent of Soviet technology came directly or indirectly from the United States and its allies. Now this may sound incredible, but the facts substantiate this claim. Soviet aggression is dependent upon American-made and Western-made technology.

In effect the United States and the NATO countries have built the Soviet Union—its industrial and its military capabilities. This massive construction job has taken 50 years. Since the revolution in 1917, it has been carried out through trade and the sale of plants, equipment, and technical assistance.

By listening to administration spokesmen—or some newspaper pundits—you get the impression that trade with the Soviet Union is some new miracle cure for the world's, and particularly America's, problems.

That is not quite accurate.

Peace through trade?

The idea that trade with the Soviets might bring peace goes back to 1917. The earliest proposal is dated December 1917—just a few weeks after the start of the Bolshevik revolution. It was implemented in 1920 while the Bolsheviks held power. They needed foreign supplies to survive.

Last year the Soviets needed wheat. They only had one place to purchase that wheat—the United States. Did our Government use that Soviet need to extract something for the United States in return? Our Government did not. Instead, the American taxpayers were forced to subsidize the Soviet wheat deal with several hundred million dollars of their tax money.

Seemingly not learning anything from the wheat deal, the administration has now asked for most-favored-nation status and other concessions for the Soviet Union. When some have suggested that the Soviets should also give something in return, the State Department's reply has been that we cannot get involved in the internal affairs of the Soviet Union. There seems to be no similar prohibition about getting involved in the internal affairs of Rhodesia or other friendly countries.

The American financial newspapers give accounts of further credits from the Export-Import Bank, American governmental agencies, and American banks. First National City Bank of New York still has $40 million in unsettled claims against the Soviet Union. An estimated $200 million in validated claims is owed by the Kremlin to U.S. citizens.

The history of our construction of the Soviet Union has been blacked out—much of the key information is still classified—along with the other mistakes of the Washington bureaucracy.

Fifty years of dealing with the Soviets has been an economic success for the U.S.S.R. and a political and economic disaster for the United States. It has not stopped war, it has not given us peace. It has given the Soviets increased industrial and military power and the ability to accomplish its never ceasing goal of world domination.

The United States is spending billions of dollars a year on defense. A defense that is made necessary by the threat and aggression of the Soviet Union and other Communist countries. While we are spending billions on defense, we still help build that enemy we are defending against.

Let us take a look at a statement made by Stalin to Ambassador Averell Harriman. This is what Harriman told the State Department that Stalin said to him:

> About two-thirds of all the large industrial enterprises in the Soviet Union had been built with United States help or technical assistance.

That is right, in Stalin's own words, two-thirds of Soviet large industry was made with U.S. help. By the way, today Harriman is still in favor of trade with the Soviet Union. Much of the other third was built by firms from Germany, France, Britain, Italy, and so on.

Stalin could have said also that the explosive and ammunition plants originated in the United States.

From 1930 to 1945 only two major items—SK–B synthetic rubber and the Ramzin "once-through" boiler—and about a handful of lesser designs can accurately be considered the result of Soviet technology. Almost every other important technological advance and skill was transferred from the West.

At least 218 firms from the West were involved in the building of Soviet industry and military capability from 1930 to 1945. Of this number, 139 were American. The Western buildup of Soviet technology helped make possible Soviet expansion in Eastern Europe, the Berlin blockade, and Soviet aid to North Korea and Communist China while they were fighting the United States. The massive technical assistance continues right down to the present day.

Now the ability of the Soviet Union to create any kind of military machine, to ship missiles to Cuba, to supply arms to North Vietnam, to supply arms for use against Israel—all this depends on its domestic industry.

In the Soviet Union about three-quarters of the military budget goes on purchases from Soviet factories.

This expenditure in Soviet industry makes sense. No army has a machine that churns out tanks. Tanks are made from alloy steel, plastics, rubber, and so forth. The alloy steel, plastics, and rubber are made in Soviet factories to military specifications, just like in the United States.

Missiles are not produced on missile making machines. Missiles are fabricated from aluminum alloys, stainless steel, electrical wiring, pumps, and so forth. The aluminum, steel, copper wire, and pumps are also made in Soviet factories.

In other words, the Soviet military gets its component parts and materials from Soviet industry. There is a Soviet military-industrial complex just as in our country. The Soviet military base depends on the Soviet industrial base just as in our country. Steel can be used for consumer goods or weapons, just as in our country when we build their industrial capacity. We build their military capacity, just as in our country.

This kind of reasoning makes sense to the man in the street. The farmer in Ohio knows what I mean. The salesman in California knows what I mean. The taxi driver in New York knows what I mean. But the policymakers in Washington do not accept this kind of commonsense reasoning, and never have.

So let us take a look at the Soviet industry that provides the parts and the materials for Soviet armaments: The guns, tanks, aircraft.

SOVIET INDUSTRY—WESTERN MADE

Advanced weapon technology relies on sophisticated computers. Between 1959 and 1970, General Electric, through its European subsidiaries sold to the Soviet Union a number of medium capacity computers. Soviet computer technology has always been years behind that of the West. GE has been helping the Soviets progress. IBM and RCA through subsidiaries have also sold computers to the Soviets. Computers would be the main purchase in any Kissinger-promoted trade expansion with our enemy.

The Soviets have the largest iron and steel plant in the world. It was built by McKee Corp. It is a copy of the U.S. Steel plant in Gary, Ind.

All Soviet iron and steel technology comes from the United States and its allies. The Soviets use open hearths, American electric furnaces. American wide strip mills, Sendzimir mills and so on—all developed in the West and shipped in as peaceful trade.

The Soviets have the largest tube and pipe mill in Europe—1 million tons a year. The equipment is Fretz-Moon, Salem, Aetna Standard, Mannesman, and so forth. Those are not Russian names.

All Soviet tube and pipemaking technology comes from the United States and its allies. If you know anyone in the space business, ask them how many miles of tubes and pipes go into a missile.

The Soviets have the largest merchant marine in the world—about 6,000 ships. I have the specifications for each ship.

About two-thirds were built outside the Soviet Union.

About four-fifths of the engines for these ships were also built outside the Soviet Union.

There are no ship engines of Soviet design. Those built inside the U.S.S.R. are built with foreign technical assistance. The Bryansk plant makes the largest marine diesels. In 1959, the Bryansk plant made a technical assistance agreement with Burmeister & Wain of Copenhagen, Denmark—a NATO ally—approved as peaceful trade by the State Department. The ships that carried Soviet missiles to Cuba 10 years ago used these same Burmeister & Wain engines. The ships were in the *Poltava* class. Some have Danish engines made in Denmark and some have Danish engines made at Bryansk in the Soviet Union.

About 100 Soviet ships were used on the Haiphong run to carry Soviet weapons and supplies for Hanoi's annual aggression. I was able to identify 84 of these ships. None of the main engines in these ships were designed and manufactured inside the U.S.S.R.

All the larger and faster vessels on the Haiphong run were built outside the U.S.S.R.

All shipbuilding technology in the U.S.S.R. comes directly or indirectly from the United States or its NATO allies.

If you think that is bad, let us take one industry in more detail: motor vehicles.

All Soviet automobile, truck, and engine technology comes from the West; chiefly the United States. Study each Soviet plant, its equipment, and who supplied the equipment. The Soviet military has over 300,000 trucks—all from these U.S.-built plants.

Up to 1960 the largest motor vehicle plant in the U.S.S.R. was at Gorki. Gorki produces many of the trucks American pilots used to see on the Ho Chi Minh Trail or would see now if they were flying there. Gorki produces the chassis for the GAZ–69 rocket launcher used against Israel. Gorki produces the Soviet jeep and half a dozen other military vehicles. These same vehicles were used this month in the Arab attack on Israel.

And Gorki was built by the Ford Motor Co.—as peaceful trade.

In 1968 while Gorki was building vehicles to be used in Vietnam and Israel, further equipment for Gorki was ordered and shipped from the United States.

Also, in 1968 we had the so-called "Fiat deal"—to build a plant at Volgograd three times bigger than Gorki. Dean Rusk and Walt Rostow told Congress and the American public this was peaceful trade—the Fiat plant could not produce military vehicles.

Let us not kid ourselves. Any automobile manufacturing plant can produce military vehicles. I can show anyone who is interested the technical specification of a proven military vehicle—with cross-country capability—using the same capacity engine as the Russian Fiat plant produces.

THE FIAT DEAL

The term "Fiat deal" is misleading. Fiat in Italy does not make automobile manufacturing equipment—Fiat plants in Italy have U.S. equipment. Fiat did send 1,000 men to Russia for erection of the plant—but over half, perhaps well over half, of the equipment came from the United States, from Gleason, TRW of Cleveland, and New Britain Machine Co.

So in the middle of a war that at that time had killed 46,000 Americans and countless Vietnamese with Soviet weapons and supplies, the Johnson administration doubled Soviet auto output. These are the uncontroverted facts. The Johnson administration also supplied false information to Congress and the American public.

In 1971, the Soviets received equipment and technology for the largest heavy truck plant in the world: Known as the Kama River plant. It will produce 100,000 heavy 10-ton trucks per year—that is more than all U.S. manufacturers put together.

This will also be the largest plant in the world. Period. It will occupy 36 square miles.

Will the Kama truck plant have military potential?

The Soviets themselves have answered this one. The Kama truck will be 50 percent more productive than the Zil–130 truck. Well that is nice, because the Zil–130 truck is a standard Soviet army truck. It is used in Vietnam and the Middle East.

Who built the Zil plant? It was built by the Arthur J. Brandt Co. of Detroit, Mich.

Who is building the Kama truck plant? That is classified "secret" by the Washington policymakers. I do not have to tell you why.

The Kama River plant will be only a small endeavor though if reported negotiations between General Motors and the Soviet Union are successful. GM is negotiating to build a mammoth heavy truck plant in Siberia which some reports say will be twice as large as the Kama River plant.

The Soviet T–54 tank is in Vietnam. It was in operation at Kontum, An Loc, and Hue. It is in use today in Vietnam. It is being used against Israel.

According to the tank handbooks, the T–54 has a Christie-type suspension. Christie was an American inventor, not a Russian.

Where did the Soviets get a Christie suspension? Did they steal it? No, why should they. They stole our atomic secrets, but get our technology through the front door.

They bought it. They bought it from the U.S. Wheel Track Layer Corp.

However, this administration is apparently slightly more honest than the previous administration.

In December 1971, I asked Assistant Secretary Kenneth Davis, of the Commerce Department—who is a mechanical engineer by training—whether the Kama trucks would have military capability. In fact, I quoted one of the Government's own interagency reports. Mr. Davis did not bother to answer, but I did get a letter from the Department and it was right to the point. Yes. We know the Kama truck plant has military capability; we take this into account when we issue export licenses.

These files are all classified. I cannot get them declassified. The Government will supply military technology to the Soviets, but gets a little uptight about the public finding out. I can understand that.

Of course, it takes a great deal of self-confidence to admit in writing that you are building factories to produce weapons and supplies for a country providing weapons and supplies to kill Americans, Israelis, and Vietnamese.

Many people—as individuals—have protested our suicidal policies. What happens? Well, if you are in Congress—you probably get the strong arm put on you—not me, but most. I have personally sued the Pentagon for release of the Penkovisky papers.

If you are in the liberal academic world—you soon find it is OK to protest U.S. assistance to the South Vietnamese but never, never protest U.S. assistance to the Soviets. Forget about the Russian academics being persecuted or the Jews who cannot emigrate—we must not say unkind things about the Soviets.

If you press for an explanation, what do they tell you?

First, you get the Fulbright line. This is peaceful trade. The Soviets are powerful. They have their own technology. It is a way to build friendship. It is a way to a new world order.

This is demonstrably false. The Soviet tanks in An Loc are not refugees from the Pasadena Rose Bowl parade. The Soviet ships that carry arms to Haiphong are not peaceful. They have weapons on board, not flower children or Russian tourists.

Second, if you do not buy that line you are told, "The Soviets are mellowing." This is equally false.

The killing in Israel and Vietnam with Soviet weapons does not suggest mellowing, it suggests premeditated aggression. Today—now—the Soviets are sending more arms to the Middle East. For what purpose? To put in a museum?

No one has ever presented evidence, hard evidence, that trade leads to peace. Why not? Because there is no such evidence. It is an illusion. Our trade in the 1930's with a war-bent Japan proved that.

It is true that peace leads to trade. But that is different than what is occurring today. You first need peace and then you can trade. That does not mean if you trade you will get peace.

But that seems too logical for the Washington policymakers and it is not what the politicians and their business backers want anyway.

Trade with Germany doubled before World War II. Did it stop World War II?

Trade with Japan increased before World War II. Did it stop World War II?

What was in this German and Japanese trade? The same means for war that we are now supplying the Soviets. The Japanese air force after 1934 depended on U.S. technology. And much of the pushing for Soviet trade today comes from the same groups that were pushing for trade with Hitler and Tojo 35 years ago.

The Russian Communist Party is not mellowing. Concentration camps are still there. The mental hospitals take the overload. Persecution of the Baptists and other Christians continues. Harassment of Jews continue. Persecution of dissidents continues.

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The only mellowing is when a Harriman and a Rockefeller get together with the bosses in the Kremlin. Some think that is good for business, but it is not much help if you were a GI at the other end of a Soviet rocket in Vietnam.

There is even a question whether trade with the Soviets is good for business. In 1926 a leading Soviet spokesman had the following to say about East-West trade and Western concessions in the Soviet Union.

> On the one hand, we admit capitalist elements, we condescend to collaborate with them; on the other hand our objective is to eliminate completely, to conquer them, to squash them economically as well as socially. It is a furious battle, in which blood may necessarily be spilled.

Immediately preceding Brezhnev's recent visit to the United States, a leader of the Communist Party in Moscow stated:

> In politics you may conclude alliances with the Devil himself if you are certain that you can cheat the Devil.

The Soviets, like Hitler in his book "Mein Kampf," are telling us their plans, but too many in the West refuse to believe the Soviets just as in the 1930's many would not believe Hitler's own words.

I have learned something about our military assistance to the Soviets.

It is just not enough to have the facts—these are ignored by the policymakers.

It is just not enough to make a commonsense case—the answers you get defy reason.

Only one institution has been clearsighted on this question. From the early 1920's to the present day only one institution has spoken out. Not the chamber of commerce. Not the manufacturers association. Only the AFL–CIO has been consistently right.

From Samuel Gompers in 1920 down to George Meany today, the major unions have consistently protested the trade policies that built the Soviet Union. Because union members in Russia lost their freedom and union members in the United States have died in Korea and Vietnam, the unions know—and apparently care.

No one else cares. Not Washington. Not big business. Not the Republican Party. Not the Democratic Party. Few of us buck the tide to warn you.

And 100,000 Americans have been killed in Korea and Vietnam—by our own technology.

The only response from Washington and each administration is the effort to hush up the scandal.

These are things not to be talked about. The professional smokescreen about peaceful trade continues.

The plain fact is that irresponsible policies have built us an enemy and maintain that enemy in the business of totalitarian rule and world conquest. The tragedy is that intelligent people have bought the political double talk about world peace, a new world order and mellowing Soviets.

I suggest that the man in the street, the average taxpayer-voter thinks more or less as I do. You do not subsidize an enemy.

When this story gets out and about in the United States, it is going to translate into a shift of votes. I have not met one man in the street so far—from New York to California—who goes along with a policy of subsidizing the killing of his fellow Americans. People are usually stunned and disgusted.

It requires a peculiar kind of intellectual myopia to ship supplies and technology to the Soviets when they are instrumental in killing fellow citizens.

What about the argument that trade will lead to peace? Well, we have had United States-Soviet trade for over 50 years. The first and second 5-year plans were built by American companies. To continue a policy that is a total failure is to gamble with the lives of several million Americans and countless allies.

You can not stoke up the Soviet military machine at one end and then complain that the other end came back and bit you. Unfortunately, the human price for our immoral policies is not paid by the policymakers in Washington. The human price is paid by the farmers, the students, and working and middle classes of America—and our fighting men in Korea and Vietnam.

The citizen who pays the piper is not calling the tune—he does not even know the name of the tune.

Let me summarize my conclusions:

First. Trade with the U.S.S.R. was started over 50 years ago under President Woodrow Wilson with the declared intention of mellowing the Bolsheviks. The policy has been a total and costly failure. It has proven to be impractical—this is what I would expect from an immoral policy.

Second. We have built ourselves an enemy. We keep that self-declared enemy in business. This information has been blacked out by successive administrations. Misleading and untruthful statements have been made by the executive branch to Congress and the American people.

Third. Our policy of subsidizing self-declared enemies is neither rational nor moral. I have drawn attention to the intellectual myopia of the group that influences and draws up foreign policy.

Fourth. The annual attacks in Vietnam and the wars in the Middle East are made possible only by Russian armaments and our assistance to the Soviets.

Fifth. This worldwide Soviet activity is consistent with Communist theory. Mikhail Suslov, the party theoretician, recently stated that the current détente with the United States is temporary. The purpose of the détente, according to Suslov, is to give the Soviets sufficient strength for a renewed assault on the West. In other words, when you have finished building the Kama plant and the trucks come rolling off—watch out for another Vietnam.

Sixth. Internal Soviet repression continues—against Baptists, against Jews, against national groups, and against dissident academics.

Seventh. Soviet technical dependence is a powerful instrument for world peace if we want to use it. So far it has been used as an aid-to-dependent-Soviets welfare program. With about as much success as the domestic welfare program.

Why should they stop supplying Hanoi? The more they stoke up the war the more they get from the United States. Not only do the Soviets get more goods from the United States, they get them on credit. The U.S. Export-Import Bank is providing credits to the Soviet Union with an interest rate of 6 percent. It costs the Export-Import Bank 7¾ percent to raise that money it lends to the Soviet Union. The U.S. Government subsidizes the Export-Import Bank, which means, of course, the American taxpayer is picking up the bill. While interest on mortgages are 9½ percent in many parts of the United States, the Soviet Union gets loans at 6 percent on materials that they will use to defeat us. If they get most-favored-nation status which this administration foolishly pushes, they will get even lower interest rates.

Why did the war in Vietnam continue for over 4 long years under this administration before it finally was ended?

With 16,000 killed under the Nixon administration alone?

We can stop the Soviets and their friends in Hanoi, in the Middle East, in Cuba or anywhere, anytime we want to, without using a single gun or anything more dangerous than a piece of paper or a telephone call.

But that has not been done. Instead, the present administration seeks most-favored-nation status for the Soviet Union, extends credits to that totalitarian country, and concludes commercial agreements. All this some want to give to the Soviets while we receive precious little in return.

We have Soviet technical dependence as an instrument of world peace. The most humane weapon that can be conceived.

We have always had that option. We have never used it. Americans should wonder why.

Few people care. I have been telling this story for more than 10 years. Now it is even fashionable for Republicans to hold hands across the caviar with our bloody Communist enemies. The press is hopelessly pro-Soviet trade. Yet the American people must be alerted. One who has done that for decades is my good friend Anthony Sutton of the Hoover Institution. He has just published a book entitled "National Suicide"—Arlington House. It is a massively factual research into the suicidal policies I have outlined today. A true patriot, Mr. Sutton deserves to be listened to by every American. I gratefully acknowledge his research and help in the preparation of these remarks. His book is must reading for those who want to avert another Pearl Harbor.

MATTER OF EXTREME URGENCY AND IMPORTANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. WILLIAM D. FORD) is recognized for 5 minutes.

Mr. WILLIAM D. FORD. Mr. Speaker, I rise to speak about a matter of extreme urgency and importance. The activities of the President of the United States have brought our great Nation to the brink of what could be the most serious crisis in our history.

We have reached a point at which we can no longer turn on a television or pick up a newspaper without learning of still another charge of corruption and lawlessness related to the administration of Richard Nixon.

Mr. Nixon, in his tenure as President, has demonstrated a total disregard for the two most crucial elements of our democracy—our laws and our Constitution.

Since Mr. Nixon has taken office, we have seen top White House officials forced to resign because of their participation in and coverup of illegal actions; we have seen two Cabinet members—including an Attorney General—indicted on criminal charges; we have seen former White House aides plead guilty to criminal charges, and we have seen the Vice President of the United States resign his office and submit himself before the court to be convicted for criminally violating our Federal tax laws.

Further, we have watched as President Nixon has done everything in his power to subvert the judicial process and to prevent the gathering of evidence when legitimate attempts are made to seek out and convict persons who have broken our laws.

In light of the events which have occurred during this past weekend, there is little reason to doubt that the President himself has participated in the crimes of his administration—and as a result, the country is in an uproar.

In response to this, yesterday my friend and distinguished colleague from New Jersey (Mr. THOMPSON) and I undertook three separate actions to restore order and justice to our troubled Nation.

First, we cosponsored legislation to reestablish the Office of the Special Prosecutor and safeguard the evidence compiled by the staff of the former special prosecutor, Mr. Archibald Cox.

Second, we cosponsored a House resolution instructing the Judiciary Committee to investigate the official conduct of the President to determine whether he has been guilty of any high crime or misdemeanor.

Third, we took the extraordinary step of introducing a resolution of impeachment—and I might add, Mr. Speaker, we did so very reluctantly. In doing so, we charged President Nixon with committing acts which, in the contemplation of the Constitution, amount to bribery and other high crimes and misdemeanors, and we set forth seven specific allegations.

One charge in our resolution was that Mr. Nixon refused to obey the mandates issued against him by the courts of the United States. This charge was specifically directed at the President's refusal to comply with the court's order to submit to it the White House tapes which were subpenaed by the special prosecutor. Shortly after introducing our resolution, we learned that the President's lawyer, in an abrupt turnabout, announced that President Nixon would comply with the court's mandate and would submit the tapes to the U.S. district court. But let us look, as this morning newspaper did, at what it took to make our President comply with the court's order.

It took the resignations, in protest, of the two top Justice Department officials; the firing of the Watergate special prosecutor and abolition of his office; the breaking of a solemn compact with the U.S. Senate; a call for the President's removal from office by leaders of the AFL–CIO unions representing 13.6 million workers; a virtual breakdown of the machinery of Western Union under the weight of an avalanche of telegrams to Members of Congress calling for Presidential impeachment; the formal beginnings of an impeachment process in the House; an outpouring of critical editorial opinion from around the country, and a raw warning from his own party's congressional leaders that they could not save him unless he changed course.

Now this evening, we are told, Mr. Nixon intends to address the Nation and tell us that all is well—that by handing over the tapes, the crisis is over.

Mr. Speaker, if the President feels that by handing over the tapes he has ended the crisis, he is dead wrong.

The tapes are merely a side issue. The major question is, whether in light of all the evidence, the President has committed any crimes for which he may be impeached. The real issue is whether or not the President is fit or deserving to hold that high office—and this issue is not resolved merely because the President has announced his decision to comply with a court order to hand over the tapes.

The issue of the tapes is only a part of one of several serious charges we have brought against Mr. Nixon. The 'others still remain.

Mr. Nixon must be called upon to answer the charge that he attempted to corrupt the judicial process by trying to influence a judge who was presiding over a case concerning prior illegal conduct of the President or his agents.

He must be called upon to answer the charge that he deliberately misled the American people by giving false and perjured testimony, through his official agents, to the U.S. Senate with respect to the bombing of Cambodia and other military action.

Mr. Nixon must be called upon to answer the charges of illegal bugging and wiretapping, of accepting illegal campaign donations, of bribery, and of removing the Attorney General solely because he was unwilling to carry out the President's dirty work.

Mr. Speaker, at no time in my 9 years of service in this body have my constituents been so united and vocal in their outrage over any given issue. They have completely lost faith in their President and they are frightened. The Constitution has specifically provided a mechanism to respond to the present situation, and that mechanism is impeachment.

Impeachment is a procedure by which this body makes a determination based on the evidence and facts before it as to whether or not there is sufficient evidence to justify bringing a Federal officer before the Senate to stand trial for a specific charge or charges.

The evidence is now mounting before us, and the people are waiting. The duty and responsibility is now ours alone, and we have an obligation to fulfill it. We can do so only by commencing with impeachment proceedings at once.

BLACK CAUCUS DEMANDS MOVE ON IMPEACHMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STOKES) is recognized for 5 minutes.

Mr. STOKES. Mr. Speaker, as chairman of the Congressional Black Caucus I wish to share with my colleagues in the House a joint statement issued by members of the caucus.

This statement is in response to the large number of inquiries as to the position of our organization relative to the question of the impeachment of Richard Nixon. Today the Congressional Black Caucus issued the following news release:

CAUCUS DEMANDS HOUSE MOVE ON IMPEACHMENT

> The Congressional Black Caucus, sharing an opinion held by millions of Americans, is dismayed and shocked by recent actions on the part of Richard M. Nixon. In the opinion of the Congressional Black Caucus, the decisions to discharge Archibald Cox and abolish the office of Special Prosecutor were both irresponsible and unconscionable. The totality of recent events culminating in the resignation of the two highest Justice Department officials unnecessarily precipitated a constitutional crisis. The end result represents not only an insult to the intelligence of American citizens but also an assault on established governmental institutions and more fundamentally the Constitution itself.
>
> The call for impeachment of Richard Nixon is neither new nor unique. Members of the Congressional Black Caucus introduced impeachment resolutions as long as two years ago, based upon the strong contention that Nixon was carrying on an illegal war in Southeast Asia. Nixon's adventurism in Indochina was—and is—both illegal and impeachable, and the cascade of ensuing executive crimes—the ITT, Vesco, milk and wheat deals, Watergate and all its associated criminal activities, the shady campaign contributions and payoffs, and Nixon's bevy of illegal impoundments of critical social program funding—only further serve to strengthen the position that Richard Nixon should—and must—be removed from office.
>
> The Congressional Black Caucus urges the leadership of the House of Representatives immediately to define and establish procedures and mechanics for dealing with consideration of the impeachment of Richard Nixon. We further urge that these procedures be made known to all members of the House and to the American people without delay.
>
> The Members of the Congressional Black

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Caucus oppose any consideration of Gerald Ford's nomination for Vice President of the United States. The consensus is that to do so before the question of impeachability of Richard Nixon is resolved constitutes utter misinterpretation of basic priorities. Therefore, the Congressional Black Caucus recommends that the Democratic Leadership of the House instruct the Judiciary Committee to hold in abeyance any consideration of Gerald Ford until a full and thorough determination has been made concerning the pending serious charges of high crimes and misdemeanors against the nation by Richard Nixon.

The Nixon agreement to comply with the order of the Court to release the tapes is a complete vindication of Mr. Cox's insistence that Nixon comply with the Court's order. The Congressional Black Caucus therefore insists that Richard Nixon now reestablish this independent Prosecutor's Office and that Mr. Cox be reappointed immediately. Only in this manner will the American people be assured of an honest, objective and vigorous pursual of all ramifications of Watergate in the original manner promised by Nixon when he promised an investigation which would be pursued "fully and fearlessly, wherever it may lead."

The Congressional Black Caucus strongly recommends that all citizens concerned about this current crisis make their concerns known to the leadership of the House immediately. Contact Carl Albert, Speaker; Thomas P. O'Neill, Jr., Majority Leader; John J. McFall, Majority Whip and Peter W. Rodino, Jr., Chairman, Committee of the Judiciary.

CONSUMER PROTECTION AGENCY AT NLRB

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. Fuqua) is recognized for 5 minutes.

Mr. FUQUA. Mr. Speaker, we shall soon consider on the floor of this House proposals for creation of a Consumer Protection Agency which will advocate the interests of consumers in Federal decisionmaking. For this reason, I wish to continue my effort to avoid the confusion experienced in the last Congress when similar bills were considered.

A Government Operations Subcommittee, on which I serve, is now considering three CPA proposals. The bills are H.R. 14 by Congressman Rosenthal, H.R. 21 by Congressmen Holifield, Horton, and others, and H.R. 564 by Congressman Brown of Ohio and myself.

The major difference among the bills is that H.R. 14 and H.R. 21 would both allow the CPA to appeal the final decisions of other agencies to the courts while the Fuqua-Brown bill would not grant this nonregulatory agency so extraordinary a power.

As you know, I have asked those Federal agencies which would be subject to the CPA's advocacy rights to list their 1972 proceedings and activities which would be subject to CPA action and to delineate them by the several categories set forth in the bills.

I have been introducing their replies in the Record, and have already inserted material from six small agencies: the Defense Supply Agency, the Cost of Living Council, and four of the banking regulatory agencies.

Today I wish to call to your attention the proceedings and activities of another small, but important and highly visible, agency which would be subject to the CPA's power under the proposed bills, the National Labor Relations Board.

The NLRB, in 1972, held 2,900 unfair labor practice and representation proceedings. The chairman of the NLRB asserts that the agency "would not be classed as a consumer-oriented agency." However, in response to my request the AFL–CIO submitted a legal opinion to our subcommittee which stated that—

> It is possible to imagine instances in which the CPA might wish to take a position contrary to the position of a union in NLRB proceedings.

It should be noted that, should the CPA participate in NLRB adjudications—as the AFL–CIO memorandum observes—it would join the general counsel of the NLRB as a second prosecutor against the union. The union would thus be faced with double prosecution. And, remember, the CPA has the right to carry its attack on the union into the courts by appealing an unfavorable NLRB final decision under two of these bills, but not the Fuqua-Brown bill.

The Rosenthal and Holifield-Horton bills would grant the CPA the right to appeal whenever anyone else had such a right. These bills would allow the CPA, whenever the CPA determined there was sufficient consumer interest, to intervene fully in an NLRB proceeding and then to have the unchallengeable right to appeal the resulting decision. Further, even where the CPA did not take part in the agency proceeding, the CPA could appeal the agency decision to the courts, except where the court makes certain unlikely special findings.

The Fuqua-Brown bill, however, would not allow the CPA to appeal any final decisions of its sister agencies to the courts. While the NLRB letter lists only 1,200 decisions in 1972 as appealable, it also lists new areas of jurisdiction for the NLRB, and consequently for the CPA: Horse racing, dog racing, and symphony orchestras.

While the CPA would not be likely to find a sufficient consumer interest in all or even most of the proceedings of the NLRB, the technical legal power to do so, and to appeal them, would be granted by some CPA bills. Only the Fuqua-Brown bill would withhold that power.

I might add that, for the six small agencies already reported, the number of actual 1972 decisions technically appealable by the CPA under all bills except the Fuqua-Brown bill is now approximately 1 million annually. I say "actual decisions" because under the other two bills, the CPA could appeal refusals to act as well as action. And, I repeat, we have only considered six tiny agencies.

Mr. Speaker, for these important reasons, I insert in the Record information from the National Labor Relations Board and the opinion letter of the associate general counsel of the AFL–CIO, which shows how the proceedings of the NLRB would be subject to the CPA advocacy powers as proposed in the various bills now in subcommittee.

National Labor Relations Board,
Washington, D.C., September 14, 1973.

Hon. Don Fuqua,
House of Representatives,
Washington, D.C.

Dear Congressman Fuqua: Your letter of September 7, 1973, requesting responses to seven questions dealing with our Agency's operations and the impact if an independent Consumer Protection Agency (CPA) were created under H.R. 14, 21, and 564, has been carefully reviewed.

As you are undoubtedly aware, the National Labor Relations Board is a quasi-judicial Agency whose two principal functions are to investigate questions concerning employee representation and to resolve them through elections and to investigate and prosecute unfair labor practices brought against employers and unions. Except for rulemaking, the Board has no statutory authority to initiate proceeding *sua sponte*, and an unfair labor practice charge or election petition must be filed to invoke our jurisdiction. Any "person" may file a charge or petition. Representation proceedings under Section 9 of our Act are not subject to the adjudicatory provisions of the Administrative Procedure Act while unfair labor proceedings are so subject. Our rulemaking proceedings under Section 6 of the Act are subject to the APA and permits interested parties to participate through submission of written data, views or arguments, with or without oral argument.

With this background in mind, the following responses to your questions follows:

Question 1: Proposed Rule Making—1972.

Answer: (a) Exercise of jurisdiction over the Horseracing and Dogracing Industries (July 18, 1972).

(b) Offers of Reinstatement to Employees in the Armed Forces (August 4, 1972).

(c) Exercise of jurisdiction over Symphony Orchestras (August 19, 1972).

Question 2: Regulations, rules, etc., subject to APA Sec. 556, 557 proposed during 1972.

Answer: None.

Question 3: Administrative Adjudications subject to 556, 557.

Answer: All unfair labor practice proceedings numbering approximately 1200 in 1972.

Question 4: Adjudications imposing directly fines, penalty, etc.

Answer: None.

Question 5: Excluding proceedings subject to 5 U.S.C. 554, 556, 557, what proceedings on the record were held by the Agency in 1972.

Answer: All representation hearings, approximately 1700 in calendar year 1972.

Question 6: A list of representative public and non-public activities.

Answer: (a) Oral arguments monthly before the Board in actual cases (public).

(b) Budget hearings in House of Representatives and Senate (basically nonpublic).

(c) Administrative meetings of Board Members on administrative matter (nonpublic).

(d) Budget meetings of Chairman and budget officer (nonpublic).

(e) Rules Revision Committee Meetings (nonpublic).

(f) Panel of Board Members—on pending cases (nonpublic).

(g) Board agenda on pending cases (nonpublic).

(h) Selection Committee meetings on Regional Directors (nonpublic).

(i) Meetings with American Bar Association Committees and Chambers of Commerce Committees (nonpublic).

(j) Hearings in unfair labor practice and representation proceedings approximately 2900 (public).

(k) Upon request, meetings with litigants by General Counsel or his representative to discuss merits of case in issue (nonpublic).

Question 7: What final actions could have been appealed in 1972.

Answer: All unfair labor practice decisions, approximately 1200 in number, are appealable to the United States Circuit Courts.

It should be kept in mind that being in the labor-management field, our Agency, unlike others, would not be classed as a consumer-oriented Agency. I trust the above information will be helpful.

Sincerely,

Edward B. Miller,
Chairman.

June 28, 1971.

Hon. Chet Holifield,
U.S. House of Representatives,
Washington, D.C.

Dear Mr. Chairman: My attention has been called to the colloquy between Congressman Fuqua and Mr. Kenneth Peterson during the Hearings on H.R. 14. The question was raised by Representative Fuqua whether cases could arise in which the Consumer Protection Agency might intervene under Section 204 in a proceeding before the National Labor Relations Board for the purpose of taking a position adverse to the interests of some union. Mr. Peterson stated that he would consult counsel on this matter and provide an answer for the record.

I think that it is possible to imagine instances in which the Consumer Protection Agency might wish to intervene in a proceeding before the NLRB to take a position contrary to the interests of a union. In order for the Agency to intervene, however, not only would the proceeding have to affect the interests of consumers but the Agency would have to find that these consumer interests might not be adequately protected unless the Agency intervened. It is rather unlikely that this second finding could be made, since in proceedings where unions are respondents under the National Labor Relations Act the adverse position is already represented by the General Counsel of the NLRB and by counsel for the employer.

Since the hearing Representative Fuqua, on June 23, wrote Mr. Peterson requesting that we not only supply an answer for the record, as Mr. Peterson had undertaken to do, but that we supply "a legal memorandum on what proceedings of the Department of Labor would be subject to intervention under the bill . . ." While we would like to accommodate Representative Fuqua we simply do not have the legal staff to do so.

Yours very truly,

Thomas E. Harris,
Associate General Counsel.

COMMITTEE ON THE JUDICIARY MUST DEAL WITH IMPEACHMENT RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. Thompson) is recognized for 5 minutes.

Mr. THOMPSON of New Jersey. Mr. Speaker, as we all know, President Nixon yesterday said he will comply with Judge Sirica's order, as modified by the Court of Appeals, to make the White House tapes available.

Notwithstanding that this proposed compliance comes 3 days after the court's deadline, I am gratified by the President's dilatory law and order position.

And notwithstanding that this proposed compliance comes—

Only after a blatant attempt to subvert Judge Sirica's order;

Only after the removal of Prosecutor Cox, Attorney General Richardson and Deputy Attorney General Ruckelshaus; and

Only after a bipartisan outpouring of outrage from the Congress and the American people;

Notwithstanding these facts, I appreciate the President's new-found spirit of cooperation.

But the President has missed the point—by turning over the tapes he will not stop the movement in the House of Representatives to inquire into impeachment. Of the eight charges contained in such a resolution introduced yesterday by my esteemed colleague Representative William Ford of Michigan and me, only one deals with the White House tapes. This body must still deal with the remaining seven charges:

First. That the President may have committed acts which, in contemplation of the Constitution, amount to bribery, and high crimes and misdemeanors;

Second. That the President may have corrupted the judicial process through conversations with the deciding judge, in cases then pending in the U.S. Courts, concerning the appointment of the said judge to higher Federal office;

Third. That the President may have intentionally misled the American people, and, through his appointed spokesmen, given false, misleading, and perjured testimony to the U.S. Senate concerning his prior activities in connection with the bombing in Cambodia;

Fourth. That the President may have violated the Constitution and laws of the United States by engaging in illegal and unauthorized electronic surveillance of private citizens and into the proper and privileged activities of political opponents;

Fifth. That the President may have violated the laws of the United States by soliciting and accepting illegal donations for use in his political campaigns, and by conspiring with others to keep this illegal activity secret;

Sixth. That the President may have knowingly solicited, accepted, and concealed large cash emoluments and other things of value from private individuals to influence governmental decisions favorable to said donors;

Seventh. That the President may have violated the laws of the United States and a public pledge and promise made to the U.S. Senate, by removal of or forcing the resignation from the high office of the Attorney General of the United States, persons who were competent and faithful in the discharge of their public duties, and by appointing a person to said high office solely because he was willing to discharge a "special prosecutor" whose security and tenure was immunized by law from Presidential dismissal.

Indeed, with President Nixon's recent history for veracity and changing course, we cannot even now be confident that Judge Sirica's order will be complied with. And after compliance there remain the questions of the tape's contents and their electronic integrity.

In light of these matters, the Judiciary Committee must continue to develop procedures for handling impeachment resolutions and must begin the appropriate inquiries into the remaining charges set forth in those resolutions.

President Nixon cannot be permitted to trade nine tapes for complete immunity from criminal and congressional inquiry.

GEN. ALEXANDER HAIG: A CIVILIAN?

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. KOCH. Mr. Speaker, one of the most disturbing aspects of recent Nixon maneuvers on Watergate is the conduct of the White House Chief of Staff, Alexander Haig. It ill serves the national interest or mood to have a general in the White House whose actions and language are more appropriate to a military junta than a civilian government.

Many Americans were shocked by his "the Commander in Chief has given you an order" language to Deputy Attorney General Ruckelshaus and Haig's order to seal off the offices of the special prosecutor by the FBI. These may not have been significant moments when compared to the President's reckless actions over the weekend but they added to an apprehension of what was happening or might happen.

It seems the White House has no intention of abandoning the arrogant style that was the hallmark of H. R. Haldeman and John Ehrlichman. The palace guard is now run by a general who forgets that the President and his staff are the public's servants not its masters.

It is a continuing disgrace to our democratic traditions that President Nixon has given such power to men so lacking in subtlety and so contemptuous of our traditions.

When I was in the Army, I had to learn how to do things in a military manner. Now that General Haig is a civilian, he should relearn how to do things in a civil manner.

TEAPOT DOME REVISITED?

(Mr. MOSS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MOSS. Mr. Speaker, many voices have been raised across the land in recent months decrying what has come to

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be known as "the energy shortage." Foremost among those weeping copious tears and frightening the public have been the major oil companies whose policies have, in large part, been responsible for mismanagement of our vast energy resources. Obsessed with greed and oblivious to consequences of wasteful exploitation, the few companies dominating our oil and gas industries have squeezed consumers in a variety of illegal, cynical ways.

For years, the oil industry has been characterized by monopoly and combinations in restraint of trade. A recent 2-year study by the Federal Trade Commission shows beyond a shadow of doubt that power concentrations within this industry are worsening. Eight major corporations control most supplies of crude oil, refinery capacity, pipelines and marketing networks.

Not content with such domination, these few corporations have mounted a new compaign aimed at annihilating what remains of their competition, including independent refiners and marketers. Deliberately withholding existing supplies of raw materials, they have driven significant numbers of these independent business enterprises into bankruptcy, where they are easy prey for major oil companies seeking to acquire their resources and facilities.

On the retail level, gasoline station operators are caught between the rock and the hard place as oil companies owning their franchises raise tank wagon prices and government has not allowed them, up-to-now, to compensate for such hikes. No move is made to prevent continued price hikes by the majors as their profit figures indicate. To indicate how massive such profits are, I enclose a recent report on how much money they made and what percentage of increase their profits showed in the second quarter of this year.

20 QUARTER PROFITS OF THE NATION'S 10 LARGEST OIL COMPANIES[1]

[Dollar amounts in millions]

Company	Sales	Profits	Percent change from 1972
Exxon	$5,830.0	$510.0	+54
Mobil[2]	2,880.0	184.2	+41
Texaco[3]	2,727.0	267.5	+44
Gulf[2]	2,397.0	195.0	+82
Standard (California)	1,817.2	181.7	+42
Standard (Indiana)[3]	1,527.2	121.3	+37
Shell[3]	1,211.9	89.5	+54
Atlantic Richfield[4]	1,069.8	68.4	+50
Continental[2]	1,029.9	51.7	+24
Occidental	810.3	26.9	+566

[1] Ranking based on 2d quarter sales in dollars.
[2] Sales include excise taxes and other income.
[3] Sales include other income.
[4] Sales include excise taxes.

Source: Business Week; Aug. 11, 1973, p. 79.

This, however, is only an introduction. Not content with this kind of pillage at the expense of everyone in the Nation using gas and oil products, they have sought out every last advantage, seeking to exploit it at public expense. One such attempt involves the outcry over the "energy crisis," and how individual majors are seeking to exploit it, even down to exploiting naval petroleum reserves.

The President indicated in his second state of the Union address that he was going to ask that the Elk Hills, Calif., Naval Petroleum Reserve be opened up in the name of this energy crisis in order to alleviate predicted shortages. Apparently he was unaware at the time of certain circumstances surrounding this reserve, which I now take the liberty of bringing to his attention.

There are four such Navy oil reserves. One is the well-remembered Teapot Dome Reserve in Wyoming. Another is a vast tract in Alaska as large as Indiana. A third is Buena Vista Hills in California. The fourth is the one I address myself to here; Elk Hills, Calif.

Exploring the Elk Hills situation, I have discovered some rather unique facts which I believe the President, the Congress, the public and the press should know.

First, Standard Oil of California operates the field and has been extracting oil from it in significant quantities at given intervals with consent of the Navy. Payment for such withdrawals has been deferred for some time. Presently, SOCAL owes the Navy some $24 million.

Second, Shell Oil, largely foreign-owned, possesses a contract with the Navy allowing it to obtain such oil as may be pumped out of the ground at the reserve.

Third, the only pipelines leading out of the Elk Hills Reserve are owned by Atlantic Richfield and Standard Oil of California. If the reserve is opened as the President indicated and begins producing 160,000 barrels of oil daily for 1 year—which was the publicly announced production goal—then Shell will claim the oil, trade it off, and transfer title to it when it enters any other major's pipeline. Taxpayer's oil will be sold by the majors for what it will bring—an average of some $3.60 per barrel based on going market prices in the Elk Hills area, as of today.

Informed legal opinion notes that if the reserve is opened for other than a military emergency, SOCAL could take the Navy to court, stand a chance of abrogating the contract, and seek forgiveness of the $24 million owed the Navy in deferred payments.

Simultaneously, even if the contract remains in existence and production is expanded, SOCAL would be entitled to receive, under the agreement, some 22 percent of all production. Capital expenditures by the company could be deferred and a gross of $576,000 daily would be realized by sale of the 160,000 barrels daily at $3.60. SOCAL would, therefore, come into a windfall of some $115,000 daily, at public and Navy expense, profiting from the energy shortage SOCAL weeps so copiously about. This comes to a minimum of $42 million in pure profit for one company in 1 year alone, not counting what Arco and Shell would be making.

Another rather curious combination of circumstances came to light as I investigated the Elk Hills situation, mainly revolving around the rather intriguing activities of the Bureau of Land Management of the Department of the Interior.

Federal regulations prohibit issuance of oil and gas leases by BLM within a mile of a naval petroleum reserve boundary. Over Navy protests and in violation of such a rule, the BLM issued such leases around and adjacent to the Elk Hills Reserve to—by sheer coincidence—Standard Oil of California, which proceeded to drill a well within 1 mile of the reserve boundary and, by luck and accident, I am sure, hit major oil strikes.

This has resulted in significant drainage of oil pools under the Elk Hills Reserve, requiring the Navy to drill offsetting wells from which were extracted significant quantities of oil which then became available to the same company through Shell. SOCAL gains while its illegal drilling outside the reserve had caused the problem.

One question immediately arises. If SOCAL's illegal drilling near the Elk Hills boundary is forcing the Navy to drill offset wells, why are the Navy and the Justice Department not acting to obtain an injunction to restrain them? Surely they should be halted in their course until it can be ascertained whether or not their drilling is damaging the reserve. By granting of similar leases at Teapot Dome where drilling was performed to within 50 feet of the reserve boundary, the major oil pools there have also been partially drained.

This summary has only barely scratched the surface of what may end up as an offense against the public as blatant and unprincipled as the Teapot Dome imbroglio. What emerges is a cumulative attempt by several major oil corporations to loot a Government oil reserve with connivance or incompetence by Government authorities. If Elk Hills is opened to exploitation now, without built-in protections for the Navy and the taxpayer's interests, SOCAL will reap massive windfall profits, and so will other majors.

The country will be the loser, especially the Navy and oil consumers. Price-fixing also figures in this scandal, to be covered in another presentation I shall make. It is touched upon in a letter I have just sent to the President informing him of what I have ascertained. At a minimum, an excess profits tax should be imposed on any and all operations covering Elk Hills oil. Declaring private carriers to be common carriers when carrying Elk Hills oil is another useful alternative. Certainly, no one should benefit from a shortage which they have had a large part in creating. That was the useful, pertinent principle established in World War II, and it should apply today just as well.

Further, an investigation of the most intense sort is called for in regard to activities of the Bureau of Land Management and the manner in which it defied the law and the Navy in allowing this situation to develop around the Elk Hills and Teapot Dome Reserves. One year ago, in a Government Accounting Office report, this activity was reported. Yet, seemingly, it escaped congressional and Presidential attention. Today, hopefully, that situation is remedied and the people will find out how—in at least this one

way—major oil companies were seeking to use the energy crisis as a shield from behind which to loot the patrimony of our Nation.

At this point, I am including a copy of the letter I have sent to the President informing him of this situation and evidence I have unearthed. Copies of the Shell and Standard Oil of California contracts plus the GAO report are available in my office, if anyone should wish to examine them at length and in depth.

HOUSE OF REPRESENTATIVES,
Washington, D.C., October 18, 1973.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I noted with interest your proposal to open up the Elk Hills Naval Petroleum Reserve in California because of the "energy shortage." Sharing your concern over oil shortfalls and wishing to ensure that neither our Navy's needs nor the taxpayer's interest should come to harm, I have delved into the Elk Hills situation, discovering factors worthy of your attention.

The question of naval oil reserves is fraught with danger to any government, particularly in light of the Teapot Dome Scandal and questions which would inevitably arise concerning opening up and exploitation of such resources. A recent report by the General Accounting Office entitled, "Capability of the Naval Petroleum & Oil Shale Reserves To Meet Emergency Oil Needs," estimates value of proven recoverable resources owned by the Navy in this reserve at a minimum of $2.6 billion.

It is publicly proposed to open up Elk Hills to production of at least 160,000 barrels of oil daily. Shell Oil Company, largely foreign-owned, possesses a five year contract to purchase all current and projected production from that Reserve at a price based on average current posted prices, largely set throughout California by Shell and Standard Oil of California. Under such a contract, which I have a copy of, if massive production is instituted, will Shell not benefit in the form of windfall profits? Unless any new production is let out for bids to independents under open bidding, what is to prevent Shell from claiming all new production? Further, who could or would compete with Shell in such a situation? There are no storage facilities at Elk Hills, so any production must be sold and moved immediately. What is to prevent an Alaska North Slope situation from developing, when a consortium of major oil companies joined together to offer bids? Suppose their bid is far below market prices?

This oil must be marketed upon extraction. Only a pipeline assures this. It is my understanding that the only pipeline leading out of Elk Hills and from the reserve to market are owned entirely by two major oil companies: Standard Oil of California and Atlantic Richfield. There is a strong possibility that Shell could take title to Elk Hills production, immediately transferring it to the majors owning existing pipelines, in exchange for a portion of their profits to be derived from its sale. Additionally, Shell could receive other payment in form of substantial, equal allocations of oil from any other majors involved, at Shell refineries in other locations. Such tradeoffs are common between major oil companies and have been consistently termed practices in restraint of trade.

When the Shell contract was advertised and the invitation for bid was put out, bidders were required to provide prior certification of assured transportability. The sole method of transport available at the time was through the Standard Oil of California or other private carrier lines. Was the Navy aware then there was a strong possibility of prior arrangement between Shell and Socal for use of the line? Could this not be termed collusion, especially because both Shell and Socal emerged as the prime bidders?

Use of a private carrier line means sale of oil to the carrier when it enters the pipeline. If Elk Hills is opened, Shell will be able to transfer the major share of Navy oil produced in any crisis to Socal. Socal will be able to sell it for what the market will bear, or to another private carrier yielding a substantial profit. Is this in the taxpayers interest?

Involvement of private carrier lines in such a context means a possibility of price arrangement between the majors in question. One small bidder, Pima Refining Co., was, I have discovered, rejected in bidding because of lack of transportation facilities. Certainly examination of the invitation for bid and the transcript of proceedings on bid-letting is in order. In light of the fact that the Justice Department was supposed to review such proceeding thoroughly, was there any concern with investigation of possible collusion and antitrust action? Inexplicably, no action has been taken. Now both companies are in line to profit immeasurably from a national emergency at taxpayer expense.

After Teapot Dome, a requirement was put through under President Roosevelt that all contracts respecting any Navy oil reserves must be reviewed by Justice before presentation to the President or Armed Services Committees of each House of Congress. Existing contracts and government concessions to industry have drastically altered the viability of several of the reserves, allowing private oil interests to drain away oil from the outside, while in some cases draining it from within a reserve. Why has Justice done nothing about what seems to be an obvious situation?

Pricing discrimination and artificially low prices for state-owned crude oil involving both these companies and their posted pricing are presently under investigation in California by the Joint Committee on Public Domain of the State Assembly, headed by J. Kenneth Corey (D.-Garden Grove). Dominance by Socal and Shell, plus questions surrounding such pricing make their position vis-a-vis Elk Hills more suspect. Compounding this compromising situation is the fact that companies involved in this investigation have largely refused to cooperate. Instead, they are attempting to enjoin the state legislature's investigation of their pricing procedures, refusing to surrender requested information.

Once any oil comes into possession of majors, another windfall profit could accrue through manipulation of posted prices. A bid price is based on prices posted in vicinity of an oil field. Nothing can prevent majors involved from merely posting prices far in excess of what is charged today. The ongoing California State Assembly investigation has discovered that free market prices established by open bidding were found to differ by $1.25 per barrel from what was being paid the state under a posted contract much like that Shell enjoys on Elk Hills, showing they have had experience in manipulation defrauding the state, which can now be applied to a massive defrauding of the Federal Government. To prevent unacceptable profits at public expense, the Federal Government should impose limitations in form of an excess profits tax on Elk Hills oil, as was done in World War II to prevent profiteering in an emergency. Another alternative open to government is to declare private carrier pipeline systems leading to Elk Hills directly to be common carriers all the way to final delivery points for the purpose of carrying Elk Hills oil during any emergency. I stand ready to sponsor any legislation you might seek to implement these objections.

Another windfall profit could be in order for Socal if Elk Hills is opened up for any other reason than national defense. A unit plan contract is presently in force between the Navy and Socal. Socal is both unit and nonunit operator of this field. At given intervals, Socal has been permitted to remove significant quantities of oil from Elk Hills under agreement with government. Through June 30, 1973, Socal owes the Navy and taxpayers approximately $24,000,000 in deferred payments for removals in production and cost balances related to maintenance and development of both Navy and Socal wells. These monies are owed under terms of an existing contract. Socal has been allowed to remove approximately 25 million barrels of oil from the field as payment for entering into the contract with the Navy. Socal may be able to claim the entire contract is ended if Elk Hills is opened up for any purpose other than military emergency. This would not only forgive the $24,000,000 and the obligation concerning the 25 million barrels, but would leave Socal free to drain U.S. Government oil from the reserve through adjoining wells at will.

Alternatively, even if the contract remains in existence, and should production be opened up, Socal, under the existing contract, would receive somewhere in the neighborhood of 22% of all production. Any capital expenditures by the company in that case would be deferred in terms of payments to the government at a later date. If production is set at 160,000 barrels daily, as has been publicly suggested and projected and the price per barrel is $3.60, based on today's going prices, the gross would come to $576,000 daily. At least $115,000 per day would go to Socal. This comes out to a minimum of some $42,000,000 in one year; hardly a pittance.

Another point concerning the Elk Hills Reserve revolves around curious actions of the Bureau of Land Management of the Interior Department. Federal regulations prohibit issuance of oil and gas leases by BLM within a mile of a petroleum reserve boundary, unless the land is being drained by private operators already or it is determined after consultation with the Navy that the Reserve could not be adversely affected. In the cases of Teapot Dome and Elk Hills, the BLM issued such leases. At Teapot Dome, BLM allowed an oil company to drill to within 50 feet of reserve boundaries, despite protests by the Navy and in violation of regulations. This policy, I am informed, began in the fifties, when BLM allowed the first encroachments. In the case of Elk Hills, the BLM has allowed such drillings by Socal up to ½ mile of the reserve boundary, where the company has made major oil strikes, draining off Navy oil through the law of capture, and significantly injuring the Reserve. In self-defense, as was the case in the Teapot Dome situation, Navy has been forced to undertake offset drilling, extracting large quantities of oil. Such extractions have made more oil available to Shell under its contract. Presumably, Shell must have marketed such oil through the Socal pipeline, the major artery leading to market from that reserve.

The other day, testimony by R. G. Rothwell, Deputy Director of the Logistics & Communications Division of the General Accounting Office confirmed what I had established by independent investigations; questionable and illegal granting of permission to drill for oil to private companies has damaged and depleted two of four Navy oil reserves. In the face of Navy protests in one case and Navy inertia and inaction in the other, the Bureau of Land Management has allowed Elk Hills and Teapot Dome to be harmed. It seems that Teapot Dome has been significantly affected, both in terms of being a naval oil reserve and for purposes of relieving any emergency situation involving a domestic energy crisis.

The far richer Elk Hills field is in the process of being drained by such illegal production, in this care carried out by Socal, which would directly benefit as a result of opening of the reserve. In this case, the Bureau of Land Management is also the major culpable party. The Navy, in fact, is currently drilling two new wells at Elk Hills to offset recently initiated additional private production next to the reserve.

A major investigation of the Teapot Dome Reserve's status is in order. It is my understanding that wells there are not capable at this point of major production. If the reserve has been harmed, we have a second Teapot Dome scandal of serious proportions. An intense investigation should be made of illegal drilling presently being carried on in the buffer zone around Elk Hills by Standard Oil of California under BLM auspices. We can no longer ignore what the General Accounting Office revealed about this state of affairs last year.

Before Elk Hills is opened to exploitation and drainage, BLM, oil company activities surrounding the reserve and the Teapot Dome situation should and must be carefully investigated and the results be made publicly known. If windfall profits have already accrued to major oil companies and more such are in the offing, we should know before further steps are taken. I assure you, sir, of my willingness to cooperate with you in protecting the public interest.

Sincerely,

JOHN E. MOSS,
Member of Congress.

In addition, it is my understanding that boundary drilling in violation of existing Federal regulations and allowed by the Bureau of Land Management has significantly harmed the Teapot Dome Reserve, creating, if proven to be true, a second scandal. I have asked the President for a complete investigation of this state of affairs, as well.

CONGRESSMAN BILL GUNTER PROPOSES TOTAL FINANCING OF FEDERAL ELECTIONS

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, my good friend and colleague from Florida, the Honorable BILL GUNTER of the Fifth Congressional District, recently introduced H.R. 10889, which proposes total financing of federal elections, to include primary as well as general elections.

BILL outlined his proposal in a recent speech to the Kansas City Rotary Club where he was a guest speaker. Given the timeliness of this proposal in light of recent events in politics with which we are all aware, I thought our colleagues would want to familiarize themselves with BILL's proposal as he outlined it in his speech.

SPEECH BY CONGRESSMAN BILL GUNTER

Nine years ago, Americans opposed public financing of presidential elections by the convincing margin of seventy-one to eleven percent.

Now, the latest Gallup Poll reveals an incredible turn-around—nearly two-thirds of those polled recently favored public financing of congressional as well as presidential campaigns.

A lot of water has spilled over the gate in nine short years.

Mr. Agnew may not have intended it, but his speech to the Nation contained the essential elements that make a strong and compelling case for public financing.

In stepping down, the former Vice President appeared as stunned by events as those he supported and those who supported him. The charges of accepting cash contributions from contractors were based, after all, he said, on common practices in politics as he knew them to be.

And there is more truth to what Mr. Agnew had to say than many would care to admit.

The fact is that as long as candidates for public office are dependent upon private contributions for the financing of their campaigns, there will continue to be influence peddling and favors to the few at the expense of the general public.

Indeed, it is evident that the most convincing argument to be made for public financing is the desirability of removing both the undue influence of monied interests, and the extortion of contributions or gifts by the politicians from the business interests of this country.

The man-bites-dog analogy occurs when the tough political fund raiser shakes down the reluctant contributor. We saw it aplenty last year. The setting of $100,000 quotas by the Committee to Reelect the President on a number of firms which had legal and business matters pending before various Federal regulatory agencies.

The assessment of individuals at one percent of net worth for campaign donations.

The outright pressuring and shake-down of American Airlines and other businesses . . . the laundering of money through Mexico . . . the suitcases brimming with cash . . . the tax loopholes which permit big donors to avoid gift taxes by breaking down large contributions into smaller donations and distributing them to various committees supporting the same candidate.

Last year, the president and his supporters spent $60 million to stay in office. Senator McGovern and his supporters spent nearly $24 million in a losing effort to unseat the president. Both of the amounts are staggering . . . and both carry the same unsatisfactory and unsavory implications.

A senatorial campaign in many states can cost upward of $2 million per candidate and $200,000 spent in a race for the House of Representatives is not uncommon at all.

But these are only the obvious costs . . . there are other costs as well.

Disregarding the likelihood that much more than the $145 million that was reported for Federal campaigning in 1972 was actually spent, the American citizen is becoming increasingly and painfully aware of significant "hidden expenses."

Hidden expenses are the increases you pay for milk at the grocery store and for oil at the gas pump because wealthy interests gave major contributions to a politician in a position to grant favors.

There was the matter of the $400,000 in campaign contributions by milk producers to the President's reelection efforts, followed closely in time by a healthy boost in Federal price supports for milk.

Today, this is costing consumers . . . the public, if you will . . . between $500 and $700 million a year in higher prices. I might add that this sum alone would provide three to five the times the cost of financing all Federal elections from President down to the fifth congressional district in the state of Florida . . . in which I have some interest.

Then there was the half-million dollars donated in 1968 and tripled to $1.5 million in 1972 by the oil lobby to the Nixon campaigns for President. There are those who argue that there is a cause and effect relationship between that donation and the fact that despite a recommendation of his own cabinet task force, the President has resisted lifting oil import quotas.

This cost to consumers is estimated at $5 billion a year—30 times the most expensive estimate of the biennial cost of public campaign financing of all Federal elections.

"Should we publicly finance our election campaigns?" asked Jerry Landauer in the Wall Street Journal. "Don't kid yourself," he wrote, "We already do."

These are some examples of the hidden costs of financing elections under the present system. I hope you will agree with me that it is too much of a price to pay.

But there are other problems as well with our present system . . . a system which allocates money to incumbents, to the sure winners, to those who cozy up to, and become the handmaidens of the rich and the super rich.

Most Americans would agree that we should have vigorously competitive elections. The truth is that most elections are decided virtually by default. The incumbent has the advantage of office and more ready access to the donors.

If, however, through public financing each candidate has equal access to campaign financing, and incumbent and challenger alike are beholden to the voters in the purest meaning of the phrase . . . then, we just might revitalize politics in the United States of America.

You might see more of your elected representative. And he, in turn, might pay a little more attention to what the ordinary voter has to say.

There are five major proposals pending before the U.S. Senate and a sixth in the House of Representatives which advocate some form of public financing. I recently submitted a bill which proposed total public financing for all federal elections to include primary as well as general elections campaigns.

My bill differs from the others in certain key respects. Most importantly, it precludes private contributions to individual candidates . . . this, in my opinion, is vital if public financing is to succeed. The bill does allow private contributions up to $100.00 to the National party of the individual's choice.

It authorizes a unique petition procedure for a candidate to qualify for federal office . . . which also serves as a safeguard to prevent persons from receiving public funds who do not have or cannot generate a substantial base of support.

In the case of a primary election for the U.S. House of Representatives, for example, the signatures of 3,000 individuals who are eligible to vote would be necessary to qualify a candidate for disbursements from the public fund.

The sum per qualified candidate in this particular race would be $40,000. In the event of a runoff election, each candidate would receive $20,000 and the winner an additional $60,000 for the general election. Similar petition procedures involving greater numbers of eligible voters are provided for campaigns for the U.S. Senate and for the office of President and Vice President.

Suffice it to say that the petition procedure serves two very useful purposes.

First, it insures that persons who qualify have significant public support and, secondly, it entices incumbent officeholders as well as challengers to get out and campaign vigorously among their constituencies.

In closing, a word about cost.

Those who think I've come up with a scheme to bankrupt the U.S. Treasury are quite mistaken. Under the most generous cost analysis, which imagines three times the number of qualified candidates as ran in 1972 . . . an unlikely event . . . the total expenditure would be $174 million a year for all federal races or less than one-tenth of one percent of the annual federal budget. To break it down another way, the cost would be $1.25 per year per eligible voter.

If the number of candidates is, more realistically, twice the number as in 1972, the cost

would be $150 million per year or $1.06 per voter per year. But the real question is not whether we can afford to publicly finance elections, but whether we can afford not to. How else can we get ourselves out of the political morass we are in today?

How else can we realize an ideal we all learned not so long ago in school:

That in America, one man's vote is worth the same as any other man's.

DALLAS-FORT WORTH TO OPEN WORLD'S LARGEST AIRPORT THIS MONTH

(Mr. MILFORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILFORD. Mr. Speaker, an article concerning the mammoth engineering undertaking of the world's largest airport appeared in the September issue of Consulting Engineer.

With interest being so widespread in the Dallas/Fort Worth Regional Airport since its dedication last month, I would like to include the articles by Stanley Cohen, senior editor, for the RECORD:

DALLAS/FORT WORTH TO OPEN WORLD'S LARGEST AIRPORT THIS MONTH

(By Stanley Cohen)

Dallas/Fort Worth Airport, the largest airport in the world, is scheduled to open this month on a plot of ground that is larger than Manhattan Island. The opening will mark the completion of only the first phase of construction. The entire project is being earmarked for the year 2001, making Dallas/Fort Worth the first jumbo jetport of the 21st century.

The $700 million airport, which sprawls across the North Texas Plains midway between Dallas and Fort Worth, covers some 17,500 acres, or more than 27 square miles. Its area is large enough to contain New York's John F. Kennedy International Airport, Chicago's O'Hare, and Los Angeles' International Airports combined. Size, however, is only the most apparent distinction. Its planners contend it will be the world's most sophisticated airport in providing passenger comfort and airline operating efficiency.

When Dallas/Fort Worth opens, this is what the passenger will find:

Four half-loop terminal superstructures with a total of 66 passenger gates. This capacity will serve some 8 million passengers expected to enplane during the first year of operation. Ultimately, 260 passenger aircraft gates will be available in 13 half-loops, accommodating an estimated 100,000 passengers a day by the year 2001.

A series of modular "mini-terminals" within each terminal loop. Each independent module will serve passengers for one group of airplanes with air traveler able to park his auto directly opposite his flight gate. Walking distances, thus, will be minimal.

Spacious runways, taxiways, and apron areas, allowing jumbo jets plenty of room to maneuver. Planes will be able to land and move quickly through taxiways into terminal areas. Movement from terminal to runway for takeoff also will be unrestricted.

An automated AIRTRANS people-mover system, with electrically-powered and guided vehicles whisking passengers and baggage throughout the airport complex. AIRTRANS will provide the link between the four terminal half-loops, remote long-term parking areas, an on-site 450-room hotel, and the Federal Aviation Administration control facility. Average riding time between any two points will be eight to 12 minutes.

On the whole the project has been planned to meet virtually every problem known to the aviation industry, ranging from noise to saturated airways and penned-in runways, as well as a variety of environmental considerations.

A LONG HISTORY

The decision to build the world's largest airport is not made at a whim. In fact, the first suggestion of a regional airport for Dallas/Fort Worth can be traced as far back as 1927, the year that Charles A. Lindbergh flew the first solo flight across the Atlantic

Fort Worth moved into commercial aviation in 1927 with the construction of Meacham Field on the city's far north side. That same year, the two cities held brief discussions on the possibility of a regional field. However, the talks proved fruitless, and Dallas struck out on its own with the purchase of the Army airport known as Love Field in 1928.

Both airfields were improved and expanded during the 1930s, but as larger aircraft, such as the four-engine airliners began operation, more expensive improvements were necessary. The airlines also became reluctant to operate from two fields as close together (the two cities are only 34 miles apart) as those of Dallas and Fort Worth because of the costs involved.

The question of a regional airport was raised again in 1940 when both cities requested Federal help for expansion of their airports. In 1941 the Army asked the Civil Aeronautics Administration (forerunner of the Civil Aeronautics Board) to help locate an airfield for its use midway between Dallas and Fort Worth. The CAA turned to Arlington, then a city of only 4000 people and ideally located between the two larger cities. Plans were made for a 1000-acre facility called Midway Airport to be located in Arlington (at the present site of Greater Southwest International Airport) and governed by a seven-member board drawn from all three cities. Once again, difficulties developed, this time with respect to the location of the terminal buildings, and in 1943 Arlington took over the operation of the airport at the request of the U.S. Secretary of Commerce, Jesse Jones.

Dallas, in the meantime, decided to proceed with further development of Love Field to make it a major aviation center. Fort Worth acquired Midway from Arlington in 1947 and continued to expand it in the early 1950s into what is now Greater Southwest International Airport.

The Federal Government continued to press for a single facility, and following years of hearings, negotiations, amendments to the State constitution, and voter referendums, the Dallas/Fort Worth Regional Airport Board was formed in 1965. The New York City-based consulting firm of Tippetts-Abbett-McCarthy-Stratton was engaged to prepare the site selection report, which was completed and submitted by the end of 1965. By 1968, TAMS also completed the airport master plan report and the highway development program and was retained as general consultant responsible for overall management and coordination of the project as well as planning, design, and construction management of the entire project except for the terminal complexes and the AIRTRANS system. The terminals were to be designed by a joint venture of two firms: Hellmuth Obata and Kassabum, of St. Louis; and Brodsky, Hopf & Adler, of New York City. The AIRTRANS system was developed by the Ground Transportation Division of the LTV Aerospace Corp., of Dallas.

THE AIRPORT CRISIS

In the sweep of its size and the detail of its design, Dallas/Fort Worth is a response to the airport tangle that has been enveloping the country. Air traffic has been growing at a staggering rate. Total U.S. airline enplanements reached 170 million in fiscal 1971 and 183 million in fiscal 1972. It is expected to hit 524 million by 1984. Many airports already are close to saturation. Los Angeles International, Moissant in New Orleans, O'Hare in Chicago, and both LaGuardia and Kennedy International in New York are running out of room. Kansas City International is the only new facility to be opened since the age of the jumbo jet. Dallas/Fort Worth will be the second and, very likely, the last for the foreseeable future.

The airport crisis has been compounded by the passage of the Airport and Airways Development & Revenue Act of 1970, in which Congress confined airport development projects to those that "shall provide for the protection and enhancement of the national resources and the quality of the environment of the nation." Since it is virtually impossible to build a major airport without matching Federal funds, many authorities believe that no new airports will be built until the act is revised.

THE NOISE FACTOR

Although Dallas/Fort Worth was begun prior to the passage of the 1970 airport act, environmental considerations, particularly noise levels, played a major part in the design and, in fact, were the principal factors in determining its Texas-size dimensions. A computer study was used by TAMS to simulate the noisiest airplane in existence, operating at full capacity and on a hot day—conditions that cause planes to make the most noise. An acceptable noise level was agreed upon—one that already has won court approval—and these tests established the boundaries of the airport. Even when fully developed to meet air traffic demands of the year 2001, the airport's northern and southern boundaries will be more than three miles from the ends of the primary runways, and crosswind runways will end two miles from the airport limits.

The sound analysis took into consideration an estimate of the number, type, and operating characteristics of aircraft expected to be in service by 2001. This information was supplemented by the findings in the Federal Aviation Administration's 1966 air traffic computer simulation study. The results confirmed that 144 peak hour operations could be accommodated.

Aircraft noise is mainly a function of engine characteristics, power setting during takeoff and landing operations, the frequency of these operations, the time of day, and the distance from aircraft. Other factors that affect noise levels, but are relatively unpredictable, are wind direction, temperature, and cloud cover at the moment of observation. All of these were taken into account in making the study.

Also significant in the noise study were projections of aircraft conversion to all-jet operations up to 1985, when it is expected that all airlines using the airport will have converted to jet aircraft. Shortly after 1985, the commercial fleet is expected to retire all turbojet equipment, replacing it with turbofan equipment. The increase in the proportion of these aircraft—including the McDonnell Douglas DC–10, Boeing 747, Lockheed L–1011 and L–500, and Boeing 2707 Supersonic—also was considered in the computer simulation, as many international flights are diverted from traditional seacoast points of entry.

ECOLOGICAL CONCERNS

Ecology also was considered before the site of the airport was chosen. Prior to land acquisition, approximately 12,000 acres of the site were devoted to agricultural uses. Part of the present land management program includes leasing some 2000 of these acres to a resident farmer for agricultural purposes. There are no significant bodies of water, forests, fish, or wildlife species that will be endangered, nor any recreational areas, wildlife refuges, or areas of scenic beauty that will be disturbed by the development and operation of the airport. Neighboring municipalities are rezoning land adjacent to the airport to discourage the con-

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struction of such incompatible buildings as schools, hospitals, or residences.

Concern for the ecology has made the airport the site of one of the largest landscaping projects in the country. During the early stages of its design, ecology-conscious planners determined that D/FW's miles of steel and concrete should be in harmony with nature. The result was a master plan calling for greenbelts along airport roadways and in infield areas of the terminal buildings. More than 1.4 million ground cover plants, 10,000 trees, and 3600 shrubs are being used in the project at a cost of $1.5 million.

THREE STAGE PLANNING

The overall plan for Dallas/Fort Worth Airport calls for three developmental stages, the opening to be followed by target dates in 1985 and 2001. The first stage will consist of a 3-million-square-yard runway, taxiway, and apron pavement system; taxiway bridges designed for 1¼ million-pound aircraft; a 10-lane spine highway system; all utilities and communications; four terminal buildings; and 66 passenger gates. The FAA is providing the control tower complex and navaids for the airport. Highways and interchanges at the north and south entrances are being constructed by the Texas Highway Department in accordance with the highway program recommended by TAMS.

The Dallas/Fort Worth facility is the first new airport conceived and planned using the Computer Simulation Facility of the FAA's National Aviation Facilities Experimental Center. In 1968, computer simulation studies by TAMS and the D/FW Airport planning staff on air-space saturation beyond 1985 and subsequent projections indicated that the new regional airport and its 80 nautical-mile air-space could sustain an ultimate annual enplanement demand of more than 50 million passengers.

EXPANDABLE AUNWAYS

Initially, the airport will provide three commercial runways capable of simultaneous aircraft operations, with 66 passenger and 12 cargo gates. The master plan calls for three more runways for commercial use and a ground capacity of 230 passenger aircraft gates and 200 all-cargo gates. In addition, a 5000' runway will be built later to service general aviation, and two small landing areas are earmarked for STOL (Short Take-Off and Landing) aircraft. Runways will be sufficiently long and thick to handle any plane now in service, and they will be readily expandable to service the rocket-powered aircraft envisioned for future commercial use.

The Phase I layout will include two main north-south runways—one on each side and parallel to the terminal/spine road complex—and a single northwest-southeast crosswind runway. The main runways will be 11,400' long and 200' wide, each serviced by two, 100'-wide, full-length, parallel taxiways. The cross-wind runway will be 9000' by 200', with a single parallel taxiway.

The possibility of expansion was built into the runway system. The main runways can be extended to 13,400', and future parallel main runways extending 20,000' can be added. Additional main runways also would have single parallel taxiways. The present crosswind runway could be extended to 11,000', and another crosswind runway of similar length could be located on the west side of the airfield.

A time-oriented computer simulation was developed by TAMS to evaluate the performance of the runway, taxiway, and apron layout under various operating environments. This was used to test design and control modifications for improving the efficiency of aircraft ground operations. The program traced the entire series of operations that each aircraft performs between arrival and departure, including runway selection, landing and take-off runway occupancy, turn-off selection, taxiway routing, runway crossings, taxiing delays, parking, apron routing, and gate assignment. Movements to and from cargo and maintenance facilities also were monitored. Operating conditions were varied to test different wind directions, weather conditions, and the effects of flow control. Airline assignments also were varied to determine maximum efficiency of operation.

The computer simulation was coordinated with the FAA and the airlines. The FAA developed the operating rules and procedures to control ground traffic at D/FW, and the airlines provided their projections of future service, including the number of flights, types of aircraft, and gate service times. The simulation concentrated on three time periods—1975, 1985, and the saturation period, probably around the year 2000. The studies showed that certain taxiways could be deleted from the ultimate plan and the construction of others could be deferred from Phase I without impairing operating efficiency.

LOOP SYSTEM OF TERMINALS

The original plan for Dallas/Fort Worth called for a standard terminal design, with long fingers, or corridors, connecting the gates to the main terminal. Parking facilities were to be located directly over the passenger terminal area, with access provided by elevators and escalators. However, horizontal walking distances would have varied from a minimum of 350' to as much as 1000', about a fifth of a mile.

In 1968, Thomas M. Sullivan, who was the chief airport planner for the Port of New York Authority and directed the development of Kennedy, LaGuardia, and Newark Airports, was appointed executive director of D/FW. He opted for a drive-to-the-gate concept, which allows the passenger to drive to an entrance opposite his aircraft, thus reducing walking distances to a minimum. As a result, the central plan is replaced with a loop system, which consists of a series of modular mini-terminals. In addition to permitting the traveler to drive directly to his own departure gate, the loop systems provide for modular expansion as airline needs grow.

The drive-to-gate concept is similar to that used at local airports in some of the nation's smallest cities. There one might find a small parking lot fronting a single terminal building which has one ticket counter, one gate, and one plane waiting to be boarded. The D/FW plan, in use since last November at the new Kansas City International Airport, enables the traveler to park his auto in front of the terminal gate serving his flight. Here again, computer simulations were used to program passenger flows and the location of the various functions within the terminal.

LONG-RANGE OUTLOOK

The mini-terminals are contained in four half-loop, crescent-shaped terminal buildings. The mini-terminals will serve a small group of airplanes, and modules can be added as more planes are used. The master plan calls for a total of 13 terminal crescents, increasing the number of gates from 66 to as many as 260, all capable of handling jumbo jets.

Ticketing, check-in services, and baggage check, as well as facilities such as newsstands, lunch counters, and rest rooms will be located near the check-in areas. From front building door to plane door, the passenger may walk as little as 120' after parking his car in front of the terminal building opposite his aircraft gate. Terminal space below the passenger level will be used for airline offices, a utility road for service equipment, and the airport's intra-airport transportation system.

A modular concept, using precast concrete members, was employed in building the terminal structures. The precast members were factory-formed off-site and trucked in for building assembly. The precast columns and beams were assembled into small modular structural units, permitting maximum flexibility in the size of the facilities to meet the requirements of the individual airlines. The use of structural wedges made the semicircular shapes possible and allowed for the expansion of the terminal buildings. Each of the terminals can be expanded from a length of several hundred feet to a maximum of 3600'. The flexibility of design enabled the buildings to be constructed initially with a minimum cross section of 45', providing a corridor with small hold rooms, and enlarging where necessary to encompass baggage handling, baggage claim equipment, ticketing areas, holding rooms, amenities, and other areas that may be required by future types of aircraft. Holding the modules to a workable size will make it easy to modify the buildings with minimum interference to the normal function of the operating airport.

ACCESS TO AIRPORT

D/FW has been designed for ease of access to and from the airport, which is accessible from both the north and south. The passenger arriving in his own car will drive along International Parkway, a multilane, high-speed roadway. Passenger traffic will use a separate roadway from trucks and other service vehicles to eliminate confusion and keep traffic flowing.

Concise, easy-to-read signs provide the necessary information on the use of the airport. Large pylons, bearing logos of the various airlines, will be mounted in the median areas of International Parkway adjacent to the terminals serving those airlines. Further signs will indicate which airline terminals are coming up so that drivers will have ample time to turn off into the terminal areas. Signs on the roadways will direct the passenger to the enplaning area, where he will be able to leave his bag with a skycap and drive to a convenient parking location. Boarding areas will be denoted by graphics at the entrances to the terminals.

The terminal roadway system has two road levels. The lower level allows enplaning passengers to drive close to the aircraft gate. The elevated level permits deplaning passengers to get into departing transportation also adjacent to their aircraft gate.

AIRTRANS PEOPLE-MOVERS

Movement within the airport will be as fluid as travel to and from. The decentralized design of Dallas/Fort Worth created the need for a mobile link among its various parts. The solution was found in AIRTRANS, a people-mover system that uses electrically-powered and guided vehicles to move passengers, baggage, mail, and refuse throughout the airport complex.

Basically, two factors were involved in designing the AIRTRANS system: some passengers will come in on one airline and leave on another; and some will leave from one terminal and return to another while their automobile remains at the first terminal.

Initially, the system will use a total of 68 vehicles. Fifty-one of these will be passenger models with a capacity of 40 persons. Seventeen utility vehicles—similar in appearance to a railroad flat-car—will carry baggage, mail, supplies, and trash. The cars are rubber-wheeled and constructed of a fiberglass shell mounted on a chassis equipped with commercially available components. Traveling mainly in pairs, they will move through 13 miles of U-shaped, concrete guideways, connecting terminals with remote parking areas, the on-site hotel, FAA control facilities, and a support area containing an airmail facility and three commissaries. There will be 53 stations.

A central control console system will monitor AIRTRANS movements. There will be 13 predetermined routes and the routing of each car will be controlled by on-board logic. This, however, will be subject to modification by inputs from the central controller to change vehicle routing. Route flexibility is made possible by advance switch design, which allows

cars to branch off and reenter the main guideway path, bringing service where it is needed without breaking the flow of straight-through traffic. With a maximum speed of 17 miles an hour, AIRTRANS will have an average ride time of 10 minutes from any one point in the airport to any other. The cars could be adapted for higher-speed operations outside the airport. The system will have a total handling capacity of 9,000 passengers, 6,000 pieces of luggage, and 70,000 pounds of mail and supplies each hour.

CARGO HANDLING

When Dallas/Fort Worth is completed, it will likely be handling more freight than a seaport. Manufacturers in the area already use air freight service extensively. Forty percent of these firms now ship at least a portion of their products by air. Hundreds more, within easy driving time of the airport, could make use of air freight.

Projections indicate that air cargo traffic will total some 100,000 tons in 1975, increase to 160,000 tons by 1980, and rise to 410,000 tons by 1985. Initially, the freight will be channeled through facilities the airlines have constructed in, or in close proximity to, terminal areas. However, D/FW has in its master plan the eventual development of two cargo cities, one at the north and one at the south end of the airport. Each area could be developed to hold up to 100 gates, with each gate large enough to facilitate loading and unloading jumbo jet aircraft. Full development of the facilities could make D/FW the rival of any seaport.

A NEW AIR AGE

The impact of Dallas/Fort Worth Airport on North Texas is expected to be staggering. Projections call for the employment of 18,000 people on-site by 1975, with a like number of jobs being created off-site because of the airport's existence. Daily population figures, including passengers, employees, and visitors, will skyrocket from just under 90,000 in the first year of operation to nearly 220,000 by 1985. Every community in the area will see tremendous growth. Estimates are that 100,000 people will be moving into the area annually for at least 10 years. Economically, the facility is expected to contribute almost $267 million in direct purchases of goods and services in North Central Texas in its first year of operation. An additional $360 million will be spent indirectly in support of airport operations in the area.

Dallas/Fort Worth will be America's first jumbo jetport built for the 21st century. It might also be more than that. In time, it will provide North Texas with direct air links to all parts of the world. It could do for that section of the country what the intersection of railroad lines did for Chicago in the early 1900s. It could, in effect, be the first step in rearrangement of the country's geographic pivots. A new Air Age may be upon us.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. Green of Oregon (at the request of Mr. Ullman), for October 22 through October 30, on account of church convention.

Mr. Buchanan (at the request of Mr. Gerald R. Ford), from September 18, on account of official business as U.S. Delegate to the United Nations.

Mr. Mosher (at the request of Mr. Gerald R. Ford), for today through November 5, 1973, on account of Ditchley Foundation Conference on World Energy Resources and Requirements and Their Effect on International Relations.

Mr. Ketchum, for the balance of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Sarasin) and to revise and extend their remarks and include extraneous matter:)

Mr. Edwards of Alabama, for 5 minutes, today.

Mr. Ashbrook, for 60 minutes, today.

(The following Members (at the request of Mr. Ginn) to revise and extend their remarks and include extraneous material:)

Mr. William D. Ford, for 5 minutes, today.

Mr. Gonzalez, for 5 minutes, today.

Mr. Stokes, for 5 minutes, today.

Mr. Fuqua, for 5 minutes, today.

Mr. Thompson of New Jersey, for 5 minutes, today.

Mr. Diggs, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Perkins, and to include extraneous material.

Mr. Gross, and to include extraneous matter.

Mr. Green of Pennsylvania, for his remarks to appear immediately following rollcall No. 544, in the House, on Tuesday, October 23, 1973, in permanent Record.

Mr. Milford, and to include extraneous matter notwithstanding the fact that it exceeds two pages of the Record and is estimated by the Public Printer to cost $470.25.

(The following Members (at the request of Mr. Sarasin) and to include extraneous matter:)

Mr. Hanrahan.
Mr. Robison of New York.
Mr. Dickinson in two instances.
Mr. Erlenborn.
Mr. Shuster.
Mr. Hunt.
Mr. Heinz in two instances.
Mrs. Holt.
Mr. Conte.
Mr. Hogan.
Mr. Rousselot.
Mr. Hosmer in four instances.
Mr. Smith of New York.
Mr. Derwinski.
Mr. Ashbrook in four instances.
Mr. Widnall.
Mr. Wyman in two instances.
Mr. Bray in two instances.
Mr. Bauman in three instances.
Mr. Kemp.

(The following Members (at the request of Mr. Ginn) and to include extraneous material:)

Mr. Nichols.
Mr. Gonzalez in three instances.
Mr. Rarick in three instances.
Mr. Evins of Tennessee in three instances.
Mr. Lehman in three instances.
Mr. Stokes.
Mr. Alexander in 10 instances.
Mr. Fisher in three instances.
Mr. William D. Ford.
Mr. Bennett.
Mr. Rees in two instances.
Mr. Byron in 10 instances.
Mr. Harrington in three instances.
Mr. Reid.
Mr. Riegle.
Mr. Dorn in two instances.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 5943. An act to amend the law authorizing the President to extend certain privileges to representatives of member states on the Council of the Organization of American States.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on October 23, 1973, present to the President, for his approval a bill of the House of the following title:

H.R. 6691. Making apppropriations for the legislative branch for the fiscal year ending June 30, 1974, and for other purposes.

ADJOURNMENT

Mr. GINN. Mr. Speaker, I move that the House do now adjourn.

Accordingly (at 3 o'clock and 1 minute p.m.), the House adjourned until tomorrow, Thursday, October 25, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1476. A letter from the Acting Director, Office of Management and Budget, Executive Office of the President, transmitting a work plan for the Nutwood Watershed project, Illinois, which involves no single structure providing more than 4,000 acre-feet of total capacity, pursuant to 16 U.S.C. 1005; to the Committee on Agriculture.

1477. A letter from the Secretary of Defense, transmitting a report on disbursements made from the appropriation for "Contingencies, Defense" during fiscal year 1973, pursuant to Public Law 92–570; to the Committee on Appropriations.

1478. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notice of the location, nature, and estimated cost of a facilities project proposed to be undertaken for the Marine Corps Reserve, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

1479. A letter from the Acting Secretary of State, transmitting the first annual report on arms, ammuntion, and implements of war exported under license to all foreign countries and international organizations, covering fiscal year 1972, pursuant to section 657 (a)(3) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1480. A letter from the Chairman, U.S. Atomic Energy Commission, transmitting a draft of proposed legislation to amend Public Law 93–60 to increase the authorization for appropriations to the Atomic Energy Com-

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mission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LONG of Louisiana: Committee on Rules. House Resolution 655. Resolution providing for the consideration of HR 10956. A bill, Emergency Medical Services Systems Act of 1973 (Rept. No. 93–606). Referred to the House Calendar.

Mr. MURPHY of Illinois: Committee on Rules. House Resolution 656. Resolution providing for the consideration of HR 9456. A bill to extend the Drug Abuse Education Act of 1970 for 3 years (Rept. No. 93–607). Referred to the House Calendar.

Mr. PEPPER: Committee on Rules. House Resolution 657. Resolution providing for the consideration of H.R. 10710. A bill to promote the development of an open, nondiscriminatory, and fair world economic system, to stimulate the economic growth of the United States, and for other purposes (Rept. No. 93–608). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BIAGGI (for himself, Mr. Carney of Ohio, Mr. Cohen, Mrs. Collins of Illinois, Mr. Grover, Mr. Hanley, Mr. Helstoski, Mr. Johnson of Pennsylvania, Mr. Lehman, Mr. Mitchell of Maryland, Mr. Nix, Mr. Stark, Mr. White, and Mr. Won Pat):

H.R. 11074. A bill to amend the Export Administration Act of 1969 to provide for the regulation of the export of agricultural commodities; to the Committee on Banking and Currency.

By Mr. BIESTER (for himself, Mr. Coughlin, Mr. McDade, and Mr. Heinz):

H.R. 11075. A bill to provide for the appointment of a Special Prosecutor to investigate and prosecute any offense arising out of campaign activities with respect to the election in 1972 for the Office of President; to the Committee on the Judiciary.

By Mr. BRINKLEY (for himself, Mr. Jones of North Carolina, Mr. Bevill, Mr. Eilberg, Mr. Podell, Mr. Ginn, Mr. Wright, Mr. Hungate, Mr. Helstoski, Mr. Waldie, Mr. Mazzoli, Mr. Tiernan, Mr. Davis of South Carolina, Mr. Mathis of Georgia, and Mr. Harrington):

H.R. 11076. A bill to provide for a comprehensive, coordinated 5-year research program to determine the causes of and cure for cancer, to develop cancer preventative vaccines or other preventatives, and for other purposes; to the Committee on Ways and Means.

By Mr. BROTZMAN:

H.R. 11077. A bill to provide for the early commercial demonstration of the technology of solar heating by the National Aeronautics and Space Administration in cooperation with the National Bureau of Standards, the National Science Foundation, the Secretary of Housing and Urban Development, and other Federal agencies, and for the early development and commercial demonstration of technology for combined solar heating and cooling; to the Committee on Science and Astronautics.

By Mr. FAUNTROY:

H.R. 11078. A bill to protect trade and commerce against the unlawful restraints and monopoly of organized baseball; to the Committee on the Judiciary.

By Mr. FISH:

H.R. 11079. A bill to authorize an independent study of the civil nuclear power functions and special industrial operations of the Atomic Energy Commission; to the Joint Committee on Atomic Energy.

By Mr. FROEHLICH:

H.R. 11080. A bill to establish an Office of Rural Health within the Department of Health Education, and Welfare, and to assist in the development and demonstration of rural health care delivery models and components; to the Committee on Interstate and Foreign Commerce.

By Mr. FUQUA:

H.R. 11081. A bill to provide for the appointment of a Special Prosecutor to investigate and prosecute any offense with respect to the election in 1972 for the Office of President; to the Committee on the Judiciary.

By Mr. HARRINGTON (for himself and Mr. Saylor):

H.R. 11082. A bill to establish a loan program to assist industry and businesses in areas of substantial unemployment to meet pollution control requirements; to the Committee on Banking and Currency.

By Mr. LANDRUM (for himself, Mr. Corman, Mr. Conable, and Mr. Pettis):

H.R. 11083. A bill to amend the Internal Revenue Code of 1954 with respect to the taxation of real estate investment trusts; to the Committee on Ways and Means.

By Mr. LENT:

H.R. 11084. A bill to amend the Voting Rights Act of 1965 to guarantee the constitutional right to vote and to provide uniform procedures for absentee voting in Federal elections in the case of citizens who are residing or domiciled outside the United States; to the Committee on House Administration.

By Mr. McKINNEY:

H.R. 11085. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to dietary supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 11086. A bill to amend title XVIII of the Social Security Act to authorize payment under the supplementary medical insurance program for regular physical examinations; to the Committee on Ways and Means.

By Mr. MOAKLEY:

H.R. 11087. A bill to amend the Internal Revenue Code of 1954 and the Social Security Act to provide a comprehensive program of health care for the 1970's by strengthening the organization and delivery of health care nationwide and by making comprehensive health care insurance available to all Americans, and for other purposes; to the Committee on Ways and Means.

By Mr. MORGAN (by request):

H.R. 11088. A bill to provide emergency security assistance authorizations for Israel and Cambodia; to the Committee on Foreign Affairs.

By Mr. PEPPER (for himself and Ms. Holtzman):

H.R. 11089. A bill to amend the Elementary and Secondary Education Act of 1965 to provide for drug abuse therapy programs in schools; to the Committee on Education and Labor.

By Mr. PRICE of Texas:

H.R. 11090. A bill to provide a tax credit for expenditures made in the exploration and development of new reserves of oil and gas in the United States; to the Committee on Ways and Means.

By Mr. ROYBAL:

H.R. 11091. A bill to amend the Social Security Act to require the use of forms and documents printed in languages other than English, in appropriate cases, under the various Federal-State public assistance programs; to the Committee on Ways and Means.

By Mr. STAGGERS (for himself and Mr. Devine):

H.R. 11092. A bill to amend the Interstate Commerce Act, to grant additional authority to the Interstate Commerce Commission regarding conglomerate holding companies involving carriers subject to the jurisdiction of the Commission and noncarriers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. JAMES V. STANTON (for himself, Mr. Danielson, Mr. Edwards of California, Mrs. Grasso, and Mr. Won Pat):

H.R. 11093. A bill to regulate Federal election campaign financing by establishing a Federal Election Campaign Bank and by establishing a Board of Elections and Ethics; to the Committee on House Administration.

By Mr. STUCKEY (for himself and Mr. Gude):

H.R. 11094. A bill to extend the protection of the mechanic's lien law of the District of Columbia to subcontractors beyond the first tier, and for other purposes; to the Committee on the District of Columbia.

By Mr. WAMPLER:

H.R. 11095. A bill to establish an Office of Rural Health within the Department of Health, Education, and Welfare, and to assist in the development and demonstration of rural health care delivery models and components; to the Committee on Interstate and Foreign Commerce.

By Mr. WHITE:

H.R. 11096. A bill authorizing the extension of the American Canal at El Paso, Tex., and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 11097. A bill to amend the Internal Revenue Code of 1954 to provide a basic $5,000 exemption from income tax for amounts received as annuities, pensions, or other retirement benefits; to the Committee on Ways and Means.

By Mr. CHARLES H. WILSON of California (for himself and Mr. Veysey):

H.R. 11098. A bill to clear title to certain real property located in the vicinity of the Colorado River in Imperial County, Calif.; to the Committee on Interior and Insular Affairs.

By Mr. YOUNG of South Carolina (for himself, Mr. Rose, Mr. Young of Texas, Mr. Breaux, and Mr. Huber):

H.R. 11099. A bill to provide for the control of imported fire ants by permitting the judicious use of Mirex in coastal counties; to the Committee on Agriculture.

By Mr. ZWACH (for himself, Mr. Harrington, and Mr. Railsback):

H.R. 11100. A bill to amend title 39, United States Code, to maintain and extend rural mail delivery service; to the Committee on Post Office and Civil Service.

By Ms. ABZUG:

H.R. 11101. A bill establishing an Office of Congressional Legal Counsel; to the Committee on House Administration.

By Mr. DONOHUE:

H.J. Res. 791. Joint resolution to provide for the appointment of a special prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. NIX:

H.J. Res. 792. Joint resolution to provide for the appointment of a special prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. ROE:

H.J. Res. 793. Joint resolution to provide for the appointment of a special prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. PEPPER (for himself and Mr. Waldie):

H. Con. Res. 366. Concurrent resolution expressing the sense of the Congress that the President should reappoint Archibald Cox as special prosecutor, and renominate Elliot Richardson as Attorney General, and renominate William Ruckelshaus as Deputy Attorney General; to the Committee on the Judiciary.

By Ms. ABZUG (for herself, Mr. Badillo, Mrs. Burke of California, Mr. Burton, Mr. Clay, Mr. Dellums, Mr. Drinan, Mr. Fraser, Mr. Helstoski, Mr. Leggett, Mr. Mitchell of Maryland, Mr. Podell, Mr. Rangel, Mr. Stark, Mr. Stokes, Mr. Waldie, and Mr. Young of Georgia):

H. Res. 650. Resolution impeaching Richard M. Nixon, President of the United States, for high crimes and misdemeanors; to the Committee on the Judiciary.

By Mr. KOCH:

H. Res. 651. Resolution directing the Committee on the Judiciary to inquire into and investigate whether grounds exist for the impeachment of Richard M. Nixon; to the Committee on Rules.

By Mrs. MINK:

H. Res. 652. Resolution impeaching Richard M. Nixon, President of the United States, of high crimes and misdemeanors; to the Committee on the Judiciary.

By Mr. MOAKLEY (for himself and Mr. Badillo):

H. Res. 653. Resolution to express the sense of the House that there will be no action on the nomination for Vice President until such time as the President has complied with the final decision of the court system as it relates to the White House tapes; to the Committee on the Judiciary.

By Mr. ROE:

H. Res. 654. Resolution directing the Committee on the Judiciary to inquire into and investigate whether grounds exist for the impeachment of Richard M. Nixon; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mrs. BURKE of California:

H.R. 11102. A bill for the relief of Tze Tsun Lee; to the Committee on the Judiciary.

By Mr. BURTON:

H.R. 11103. A bill for the relief of Leila M. Eitz (Dieu Thi Minh Nguyet); to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

WALTER HARNISCHFEGER: A GREAT AMERICAN PASSES

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. GROSS. Mr. Speaker, on September 21, 1973, the United States lost one of its most distinguished citizens with the death in Milwaukee, Wisconsin, of Walter Harnischfeger at the age 77. Free men everywhere are poorer for his passing.

Walter Harnischfeger's long and distinguished career as one of this country's most enterprising industrialists spanned a period of more than 60 years from the time he began work as an apprentice at 10 cents an hour until his retirement as chairman of the board of the Harnischfeger Corp., one of the Nation's leading manufacturers of construction equipment.

It was my pleasure and privilege to have known this great American over a period of years and I can say without hesitation that his friendship was one of my most valued possessions.

He was tireless in his advocacy of the sound principle that fiscal sanity must be practiced by government, just as it must be practiced by prudent individuals everywhere.

For those whose lives were not directly enriched by Walter Harnischfeger, I include for insertion in the RECORD at this point a brief biography:

BIOGRAPHY OF WALTER HARNISCHFEGER

Walter Harnischfeger was born in 1895, the son of Henry Harnischfeger, one of the two co-founders of the Harnischfeger Corporation.

He began his business career in his father's firm as a ten-cent-an-hour apprentice at the age of 16. After serving several years as an apprentice in the shop, engineering, estimating, and service departments, he became a salesman and began a series of assignments requiring extensive travel throughout the United States and abroad. From that time on, Walter Harnischfeger was a ceaseless world traveler and a perceptive student of industry and politics in many quarters of the globe.

Largely self-educated, Harnischfeger acquired some formal education by attending night school during his apprentice years. This led to an interest in "learn-while-working" educational institutions, such as the Milwaukee School of Engineering. Harnischfeger took a deep interest in this school and eventually became Chairman of its Board of Regents. For many years his generosity and enthusiasm were keystones in the school's steady growth.

Upon the death of his father in 1930, Walter Harnischfeger became President of the firm and in 1959 became Chairman of the Board.

For many years, Harnischfeger conducted a tireless campaign seeking to encourage a sound fiscal operation in the government. He argued that the public pocket was not bottomless and that even the government had to conduct its affairs in a business-like manner within its income. He decried "give-away" programs, yet he encouraged aid to the underprivileged countries of the world through sound investment programs which enabled the people in those countries to help themselves. As a result of this attitude, the Harnischfeger Corporation became international in operation with eight overseas manufacturing plants making substantial contributions to the economies and welfare of communities in Germany, Japan, Canada, Australia, Chile and Brazil.

Mr. Harnischfeger has long been recognized for his intense interest in people, places and current events. He was a world traveler and an avid champion and believer in the rights and dignity of the individual.

HIS ACTIVITIES INCLUDED

Member of the Board of Trustees of the American Enterprise Institute for Public Policy Research, Washington, D.C.

Member of the Board of Directors of the American Institute for Foreign Trade, Phoenix, Arizona.

Member of the Board of the Milwaukee Chapter of the American Red Cross.

Tustee of America's Future, Inc., New Rochelle, New York.

Member of the Board of Directors of the Boys' Clubs of America, New York, New York.

Former National Chairman and Honorary Chairman of the Citizens Foreign Aid Committee, Washington, D.C.

Member of the Advisory Board of the Committee for Constitutional Government, New York, New York.

Member of the Federal Finance Committee of the Council of State Chambers of Commerce. Formerly Chairman of the Committee for Constitutional Government, New York, New York.

Member of the Federal Finance Committee of the Council of State Chambers of Commerce. Formerly Chairman of the Committee on Federal Expenditures.

Member of the Board of Directors of the Far East-America Council of Commerce and Industry, Inc., New York, New York.

Member of the Greater Milwaukee Committee for Community Development.

Member of the Board of Trustees and Executive Committee of the Herbert Hoover Birthplace Foundation, Inc., West Branch, Iowa.

Member of the Advisory Board of Leader Dogs for the Blind, Rochester, Michigan.

Member of the Board of Trustees and Governors of the Menninger Foundation, Topeka, Kansas.

Honorary Chairman of the Board of Regents of the Milwaukee School of Engineering. Formerly Chairman of the Board of Regents.

Member of the Finance Committee of the National Association of Manufacturers. Former Director.

Director of National Economic Council, Inc,. New York, New York.

Member of the Executive Committee of the International Section of the New York Board of Trade, Formerly Vice Chairman.

Member of the New York Chamber of Commerce.

Member of Omicron Delta Alpha.

Trustee of the Pestalozzi Foundation of America, Inc., New York, New York.

Trustee of the United States Inter-American Council and Member of the Executive Committee, New York, New York.

Former Member of the Advisory Committee of the Federal Reserve Bank—7th District, Chicago, Illinois.

Former Director and Chairman of the National Affairs Committee of the Milwaukee Association of Commerce.

Former member of the National Defense Committee of the United States Chamber of Commerce.

Former Director of the Wisconsin Manufacturers' Association.

Mr. Harnischfeger served as a Delegate to the Congress of the International Chamber of Commerce at Lisbon, Portugal; Vienna, Austria; Naples, Italy; and Copenhagen, Denmark.

Mr. Speaker, one who knew him well, Mr. Eugene F. Rinta, executive director of the Council of State Chambers of Commerce, wrote as follows to members of the Council on Mr. Harnischfeger's death:

STATEMENT OF MR. EUGENE F. RINTA

Many of you knew "W. H." as an active member of the Council's Federal Finance Committee and a regular attendee at the Council's annual meetings until just a few years ago when his health began to fail. A few of you know that he was the first Chairman of our Federal Expenditures Subcommittee and that, ever since the Council became active in national affairs after World War II, he was one of the most active and loyal participants and supporters that the Council has ever had.

I, personally, have had the privilege of association and friendship with Walter Harnischefeger for almost 25 years, not only

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during our committee meetings but more so during innumerable luncheons and dinners with only a few, if any, others present. To me he was much more than an eminently successful industrialist, of which this nation has many. He was the most public-spirited citizen I have known. He did not favor causes commonly characterized as the "do-gooder" approach. Instead, he was a vigorous advocate of government fiscal policies and other measures designed to produce sound economic growth with stable prices to the benefit of all.

Through his extensive travels on all continents, he many years ago became aware of the futility and waste of our foreign aid programs. Typically, he let his views be known and he testified on numerous occasions before Senate and House committees responsible for the annual foreign aid bills. Similarly, he has consistently called for elimination of wastes in defense and domestic nondefense spending and for better overall spending control.

A tribute that well describes W. H. was expressed in January 1960 by his good friend, the late former President Herbert Hoover. Mr. Hoover said:

"I have enjoyed the friendship of Walter Harnischfeger over many years.

"He is one of the most sturdy of Americans. He has built up a large enterprise from the grass roots in true American fashion. He has a great knowledge of our foreign relations from frequent study on the ground in nations abroad. He has devoted a large part of his fortune to charity and the promotion of public welfare.

"In sum. Walter Harnischfeger is the Uncommon Man which the American way of life creates."

Truly the nation has lost a great citizen and the Council has lost a great friend.

Mr. Speaker, to me the most fitting epitaph to Walter Harnischfeger is one he might well have written himself. It goes like this:

Life did not pass me by.

I passed by it.

Fully aware that my place only filled the space left by someone before me, and that it would be filled by another after I was gone.

My purpose, while here, was to take the place given me, to fill it with what I could to help my family, my friends, my country and my company.

To you who might fill my space when I am gone I say . . . do what your conscience dictates, say what your mind believes, influence favorably those whom you meet, and accept the fact that you are mortal. Mourn my passing only to the extent that my passing by influenced you. And, after you have briefly mourned, move on.

REQUEST FOR COMMEMORATIVE STAMP

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. BIAGGI. Mr. Speaker, the United States during the course of history has been proud of its achievements of producing the highest level of educational excellence among its citizenry. The reason for this is partially due to the high caliber of our institutions of higher education. One of the foremost leaders in this field has been Hunter College of New York.

Hunter College has submitted a request to the Citizens Stamp Advisory Council to have a commemorative stamp issued to honor the college. I feel this request is worthy of favorable consideration in light of the following facts.

Hunter College was the first institute to offer free higher education for women. In addition, it was the first public institution to establish a free kindergarten in the United States.

Hunter College throughout its long and illustrious history has always been in the forefront of civic, community, and even international life. Without a doubt, Hunter College's single most distinguished honor was its being chosen as the first seat of the United Nations during the first days of the world body's existence. Hunter College has made its influence felt in the community as well as with the establishment, by their alumni association of the Lenox Hill Neighborhood Settlement House and Northrop Camp for underprivileged children.

Hunter College also points with pride to her distinguished list of alumni. Included on this impressive list is my colleague from New York, Ms. BELLA ABZUG, as well as Bess Myerson, former consumer affairs commissioner for the city of New York. The alumni list of Hunter College reads like a veritable "Who's Who" of prominent individuals in all major professions.

In light of these significant credentials, I recommend that they write to the Citizens Stamp Advisory Council and urge them to issue this commemorative stamp. Hunter College has provided quality education for over 100 years, and the issuance of this stamp would be a fitting tribute to the unique contributions and historic firsts this institution has made to the educational history of the United States.

VETERANS DAY CELEBRATION IN BIRMINGHAM

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. NICHOLS. Mr. Speaker, at America's largest Veterans Day celebration in Birmingham, Ala., on Monday, Gen. Creighton W. Abrams gave a speech that captured the feelings of the American public toward the country's role in preserving world peace.

General Abrams, long recognized as one of the finest members of our military service, supported the feelings of détente that the Government has established with other world powers. He did not stop here though but further explained that to keep a lasting peace we must keep a strong military to protect us from coercive threats.

I submit General Abrams' speech to the RECORD for I feel the remarks merit the reading of all Members of Congress:

ADDRESS BY GEN. CREIGHTON W. ABRAMS, CHIEF OF STAFF, U.S. ARMY, WORLD PEACE LUNCHEON, BIRMINGHAM, ALA., MONDAY, OCTOBER 22, 1973

It is a pleasure for me to be here, among so many people who have come together to honor our veterans. It is especially gratifying at a time when it sometimes seems that in the heat of debate and discussion about our policies, the sacrifices of those who fought for their country are forgotten. It is a rare opportunity indeed, for me—or for any officer in the United States Army—to be able to talk directly with so many people about their Army—our Army. I appreciate this chance to tell you how I see the Army today, and how it fits into the world picture.

The environment today is a difficult one for the country's security. The word "détente" has gained some currency.

"Détente" is expressed by some as a fact.

It is applauded by others as a policy.

It is saluted by still others as a new era.

And it provides the basis—at least the semantic basis—for some who would reduce military capabilities to what I believe would be a dangerous level, some who desire that we withdraw out of hand large numbers of troops deployed in Europe against very real and very capable opposing forces, and some whose philosophies discourage young men and women from serving their country in its Armed Forces.

I think it's fair to say that we may be enjoying the beginnings of détente—but we do not have world peace. For some people, the fact that we, ourselves, are not at war may be peace enough. But unless we can lessen the threat of war everywhere in the world, we cannot have a stable, durable peace in which we can depend.

Détente is an idea, a perception of intentions among countries. As such, it is not an objective fact. It can change as quickly as perceptions change. But we must deal in facts—in the reality of power, of capability, of strength—when we are addressing the Nation's security. We should not cast off the dream of peace—God help us if we lost that vision. We should not ignore the hope that possible détente offers, and all the benefits it could bring to mankind. But neither should we lose sight of the real threats and the real dangers where they exist, and of our need to be prepared for them.

We do not have world peace. We do not have peace in any Utopian sense. Nor do we have peace in the down-to-earth sense of a greatly lessened need for our military forces. Yet, today, less than a year after the last U.S. ground combat forces were brought home from Southeast Asia, our Army is less than half the size it was at the peak of our effort there. We are many divisions smaller, and we have fewer weapons. These are in the facts and realities of our capability.

It is also interesting to observe that we are the only major power to have reduced our forces in Europe in the past decade. The Warsaw Pact nations, and the Soviet Union itself, have not reduced their forces. The fact is, in past years, the Warsaw Pact forces have grown steadily and at a rather impressive rate. Again, possible détente—but not assured peace. And again, the delicate balance between hope—human hope—and reality.

In my period of service, which includes the span of three wars, I can tell you that I don't need or want any more war—but then I could have made the same statement a month after I arrived in Europe in 1944. Nobody in his right mind welcomes war, especially those who have seen it. The carnage, the destruction, the pain are beyond telling. But the less prepared we are, the more wishful our thinking, the greater the costs of war when it comes.

I came into the Army in 1936. Where I was, we were a horseback and rifle Army in a country that was still largely convinced that we couldn't have another World War. The idea that we had ended the possibility of war at Versailles blinded many of us to reality. We had heard that there was a German Army, but we ignored the facts in our desire for peace—until we were forced into action. And you know what happened. We did not prepare. When we could no longer avoid it, we got thrown into a huge war in Europe—unready, ill-trained in many respects, saved only by distance and the time bought by our Allies' efforts. In the Pacific, we have Pearl Harbor

and Bataan to remember for our complacent outlook. The cost was dreadful. In Europe, in Africa, in the Pacific we paid and paid and paid again—in lives and in blood—for our unpreparedness; we paid for our insistence that because our shores were not under direct attack, we were at peace.

When that war ended, we erased history again.

When the Korean War broke out, our situation was not much different than it had been in the opening days of the Second World War. We were not prepared. We were not adequately trained. We were not adequately equipped. But we entered the war rapidly, throwing half-ready units in to buy time for the Army to get ready. And again, during those early days in Korea, we paid dearly for our unpreparedness with our most precious asset: the lives of men.

The monuments we raised to heroism and sacrifice in each of these wars are really surrogates for the monuments we owe ourselves; monuments for our blindness to reality, for our indifference to real threats to our security, for our determination to deal in intentions and perceptions, and for our wishful thinking about how war could not come.

In this period of possible détente—not real peace, but possible détente—we are opposed by formidable strength. We face, at various places around the world, strong and capable adversaries, becoming stronger all the time. These are facts. As our relations throughout the world improve, we should consider that we have more and more to gain by preventing another war, and there is only one way I know of to do that. The only way that really ever has worked is for us to maintain our own strength, our capability and our own resolve to defend our security, our freedom, and those of our Allies.

And so for the Army today, this means we must be ready, prepared to stand for our country. Insuring that the Army is prepared is my most fundamental duty, and it is the Army's mission today, as always.

For the Army to be prepared, we must look beyond the countable, measurable indicators of preparedness. We must look to a spirit of preparedness. A "ready" spirit is a precious commodity for our Army: it gives credibility to our strength. And by our credible strength we assure our friends and deter our enemies in the interests of peace.

We hold and nurture and support this precious spirit everywhere in the Army—and we anxiously look for it elsewhere in the country. For this spirit of readiness cannot be sustained by the Army alone. It must have its roots in the rest of the country, or it cannot survive. There must be clear evidence throughout the country that we, as a Nation, are prepared, that we have the spirit and will do what is necessary to defend the country, and to insure its well-being. We must hear the people express their determination:

To support the efforts of their Army,

To meet the needs of the country,

And to avoid the terrible costs of being prepared too late or not at all.

The spirit of preparedness must resound so that any potential enemy can discern it, and can see that he cannot set out on a cheap adventure at our expense.

We cannot do this from the reclining position. We cannot say, "If you start something with us, we will spring to arms," for there will be too little time to begin to get ready. We must be far more committed, far more dedicated, far more prepared than that.

Each time we have faced major war unprepared, we have barely gotten ready in time, and the costs have been atrocious and a disgrace to this Nation. With the support of the people of this Nation, we should not have to pay that price again.

I have faith in this country, and its people. And of course, I have faith in our Army. We have met challenge upon challenge, at home and overseas, in ways that only a Nation of great spirit could have met them. If we set ourselves to the task of preparing for war if it comes, of being ready to meet the challenge of war before it is upon us, we shall be achieving the real peace that men everywhere can understand, and that nations everywhere can respect. Other men have given greatly of themselves for this peace. We cannot let them down.

GIVING THE COMPUTER A CONSCIENCE

HON. H. JOHN HEINZ III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. HEINZ. Mr. Speaker, the mushrooming data banks that will store law enforcement information on over 50 million Americans pose an obvious threat to their civil liberties. Doubtless, we are beginning to see evidence that data banks, unguarded and uncontrolled, can cause embarrassment or even severe economic hardship to individuals in this country.

The current issue of Harper's magazine carries a provocative article on the dangers of data banks by J. Taylor DeWeese. A native of my own Pittsburgh and a distinguished young attorney now working in Philadelphia, he is also a member of the Federal Advisory Committee on Data Banks. "Tate," who has been helpful in answering a number of my questions on this subject, suggests that we control the computer and give it a conscience in order to protect the rights of our citizens who become involved with law enforcement agencies. I respectfully insert the reprinting of the article, which follows:

GIVING THE COMPUTER A CONSCIENCE

(By J. Taylor DeWeese)

Two of every five American males will be arrested on a nontraffic charge at some time in their lives. For urban residents, it's three out of five; for blacks, four out of five. A Presidential Commission on Law Enforcement estimates that at this rate some 50 million Americans will have criminal arrest records by the end of the decade.

When they are arrested, their names will be sent to a local data center, then forwarded to the FBI computer at the National Crime Information Center (NCIC) in Washington. There, the record will be encoded on magnetic tape and fed into a data bank that can be instantaneously accessible to employers, police, courts, and credit bureaus at the push of a button on any of some 40,000 remote-access terminals scattered across the country. A "criminal" record for each person remains in the system forever—even if the charges are dismissed, or the matter is referred to the juvenile courts, or the convicted offender is fully rehabilitated.

The Federal Law Enforcement Assistance Administration has spent nearly $90 million to create more than one hundred local data banks. The FBI began feeding criminal histories into its computer last year, and hopes to have the entire national network of local data centers operational by 1975.

The mushrooming data banks that will store law-enforcement information on over 50 million Americans pose an obvious threat to civil liberties. For, despite the presumption of innocence written into the Constitution and the Judeo-Christian doctrine of redemption, a person once accused of a crime is permanently relegated to second-class citizenship. His chances of gaining lawful employment, credit, insurance, education, and community acceptance are greatly diminished. For the person once convicted, these opportunities are often extinguished altogether.

The potential for injury is magnified by the very real possibility that a person's record will be inaccurate or misleading. One-third of the FBI's records are incomplete because local courts and police agencies have failed to submit the final disposition of the charge. Why the FBI continues to broadcast records it knows are inaccurate remains a mystery.

Even more disturbing, many people who have never been associated with a crime will find their names on record. The local crime computer in Kansas City, Missouri, for example, contains the following questionable categories of information: local and national intelligence subjects, college students known to have participated in disturbances, persons with a history of mental illness, persons suspected of shoplifting, persons who have confronted or opposed government officials. Thus, an individual who has merely sought medical treatment or appeared "suspicious" may find himself in files labeled "criminal justice information." The slipshod standards in Kansas City are especially disturbing, because the system was built up during the tenure of police chief Clarence M. Kelley—who is now director of the FBI.

In the past, the inefficiencies of traditional record-keeping gave individuals at least some hope of escaping their past and starting a fresh life. Records scattered across the geographic landscape were lost, buried, or simply inaccessible. A person had a second chance—if only by default.

Today, the growing network of computer record repositories guarantees the immortality of past charges, offenses, and suspicions. The data banks will become a kind of prison—a "record prison"—as the computer with its indefatigable memory and its instantaneous recall locks many into their status as criminal offenders and walls them off from the rest of society. For the record prisoner there is no possibility of parole or time off for good behavior, and no hope of release.

To avoid this scenario, we cannot ~~and need~~ not pull the plug on the computers. Ironically, the same technology that magnifies the potential for abuse offers some opportunities to safeguard individual rights. Computers can be programmed to forget as well as to remember. Complex schemes for expunging names that would have taken hundreds of clerks thousands of man-hours to accomplish can easily be programmed into the computer and performed automatically in a matter of seconds. Codes and passwords can be built into modern data systems to prevent unauthorized access. The computer's memory can be compartmentalized so that users with the right password can get certain information but not other portions of the data. In short, the National Crime Information Center can be programmed to police itself.

Effective controls on the computer must address the threshold issue. Namely, certain classes of personal information—because of their questionable value to law enforcement, their private nature, and their potential for harmful misuse—should be excluded outright from data banks. Legislation should prohibit the inclusion of political surveillance data in the NCIC or its federally funded counterparts at the state and local levels. The retention of such information has a chilling effect on the full expression of First Amendment political rights.

The data banks should be permitted to collect and disseminate only information of an official nature. Raw, unverified intelligence data and informant reports should be excluded. Similarly, all medical information, including records of mental health treatment and narcotics rehabilitation, should be prohibited.

Official criminal justice information should exclude all data on youth arrests and juvenile court proceedings as well as lower-level

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brushes with the law, such as vagrancy, drunkenness, traffic violations, and disorderly conduct.

All information that is retained should be carefully screened for accuracy and periodically "cleansed" to remove stale data. The precise provisions of any scheme will generate considerable controversy and will be the product of debate and compromise. Therefore, the following suggestions are designed merely to illustrate the principles at work in striking a balance between the interests of law enforcement and those of the individual.

In determining the length of time data should be stored, it would be helpful to differentiate between the two categories of users: "insiders" and "outsiders." "Insiders" are law-enforcement officials using the system for strictly law-enforcement purposes—the solution of a specified crime, setting bail, determining a sentence. "Outsiders" are licensing agencies, employers, credit bureaus, insurance companies—those who are interested in a person's past as a predictor of present character.

When an individual suspected of a crime is apprehended by the police, a record of his arrest would be entered in the data system. However, it should be sealed to "outsiders" and disseminated only to law-enforcement users.

If the individual has no previous convictions and is acquitted of the present charge, the arrest record should be sealed to *all* users after a probationary period of two years. If the individual is convicted of a new crime during the probation period, his previous arrest would become a permanent part of his record for law-enforcement use. However, only the conviction portion of his record would be disseminated to outsiders.

Likewise, if the individual had a previous conviction, the record of his arrest would be permanently retained for law-enforcement use, but the nonconviction portion of his criminal history would be sealed to outsiders.

In short, all arrests not resulting in conviction would be sealed to employers, licensing agencies, and other outsiders. If an individual had no previous convictions and had a clean record for two years following his arrest, his arrest record would be sealed to all users. If his record was clean for four years, the arrest record would be expunged altogether.

In response to such schemes, law-enforcement officials may contend that the retention of an arrest record serves the legitimate needs of law enforcement even when the individual has no previous conviction. There is some support for this contention. Acquittal means only that the defendant was not proven guilty beyond a reasonable doubt. It can result from the death of a single witness or the illegal seizure of evidence. With this in mind, the drafters of remedial legislation should consider including a provision allowing the police to make application to a federal court for an order authorizing the continued maintenance of an arrest record for law-enforcement purposes. This relief should be exceptional and should be granted only in those cases in which the petition has substantially shown the existence of special circumstances. In the case of the individual who has never been convicted of a crime, the possibility that arrest data will be leaked to outsiders warrants the sealing and ultimate destruction of nonconviction records in the absence of exceptional circumstances.

Arrest records are only one dimension of the problem. Programs should also be designed for expunging the records of convicted first offenders and of offenders with multiple convictions, although the probationary periods should be must longer.

The thoughtful application of computer technology will also help preserve distinctions between authorized and unauthorized use. Manual record-keeping often made efforts to regulate use meaningless. Files marked "sealed" or "for official use only" afford the individual little real protection. Computers offer new safeguards. Think of the data base of a computer's memory as a tree with data leaves on its various branches. Data of varying sensitivities can be stored in different leaves. As a user passes through the hierarchy of memory, the computer can run an automatic check on the user's security clearance to determine if he is authorized to proceed into that area of the memory bank. For instance, the computer could be programmed to grant outsiders access to conviction data while denying them arrest information.

To help ensure observance of the insider-outsider distinction, all criminal data systems should be under the control of a disinterested agency that is neither an inside nor an outside user of criminal records.

The FBI is definitely not a disinterested agency, and its indiscriminate data collection has received so much detailed criticism that one state—Massachusetts—refused to become part of the National Crime Information Center. This decision cost Massachusetts dearly in lost federal funds, but state officials nevertheless resolved not to participate in a system with such a loose regard for individual rights. They recognized a principle that should apply to all computer crime networks—that unproven accusations, ancient transgressions long since expiated by responsible conduct, and inaccurate and misleading information should not be indiscriminately broadcast under governmental auspices.

The reality of the modern computer closely resembles the heartless nature of Omar Khayyám's Moving Finger which, "having writ,/Moves on: nor all thy Piety nor Wit/ Shall lure it back to cancel half a Line, / Nor all thy Tears wash out a word of it." Like the Moving Finger, computers lack the inherent ability to forget, to forgive, to understand.

By giving the computer a conscience, we can give many more Americans a chance for a fresh start and a new life.

ARE POSTAL CHANGES FOR THE BETTER?

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. ALEXANDER. Mr. Speaker, no example better illustrates the truth of the saying that not all changes are for the good than the actions of our Postal Service. I would like to share with my colleagues at this point a letter from two of my constituents commenting on the mail service between their city in eastern Arkansas and the State university in the extreme western portion of the State:

HELENA, ARK.,
October 17, 1973.

Hon. WILLIAM ALEXANDER,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN: We are writing to inform you of the poor mail service from Helena to other points in Arkansas. Our son is a student at the Univ. of Ark. at Fayetteville and it takes two days for a letter to reach him from Helena. The reason for this is that all mail leaving Helena is sent to Memphis where it is resorted and then sent to points in Arkansas. We do not have direct mail service from Helena to Little Rock which we did have up until a few months ago.

We wish that something could be done to improve all mail service.

Sincerely,

BARTON G. WELLBORN,
ELIZABETH WELLBORN.

IS THE DOOR CLOSED?

HON. E. G. SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. SHUSTER. Mr. Speaker, the tragedy of the Vice President has evoked criticism and shock, sympathy and disillusionment, from every strata of our society. Indeed, such emotions are justified, but the real tragedy may not yet be uncovered.

The real tragedy may be those young, talented, and aspiring public servants who may choose to drop out of public life rather than be subjected to constant pressures by their financial supporters. The real tragedy may be those candidates who cannot afford to finance a campaign and who have to rely on the contributions of their supporters, for such contributions may dwindle quickly rather than undergo constant and threatening scrutiny.

Our political system has suffered a jolt. But we cannot allow the quality of government to suffer as a result. Steps must be taken to insure that each and every qualified candidate for public office be given the same opportunity, the same chance to be elected.

Mr. Speaker, the Altoona Mirror, a daily newspaper in my congressional district with a circulation of approximately 36,000, has recognized this manifestation of the Vice President's tragedy, and had an excellent editorial in the October 20, 1973, issue. I insert at this time the editorial in the RECORD, so that all may share in the remarks of this enlightened newspaper:

IS THE DOOR CLOSED?

Is the door to high public office now closed to the sons and daughters of the poor, the middle class and even the moderately well-to-do citizens of the United States? Is the lock to that door contrived so that only the golden key of the multimillionaire will open it? Has the party that has always claimed to be most interested in the poor, the working people, the minority groups now adopted the theory that only the very, very rich have the right to select from their own group those who are to head this nation?

The persecution as well as the prosecution of Spiro T. Agnew as vice president of these United States raises these serious questions. Are those who proclaim themselves as liberals really liberal in the ordinary sense of the word? Or are they more interested in building an autocracy in this nation than in preserving it as a democracy? How long can they fool so many people into thinking that those who possess great material wealth are the only ones fitted for high office?

The son of the hard-working but poor Greek immigrant possessed a real political talent. It might have been buried forever if some of his friends had not encouraged him with gifts of money and influence, for even the smaller political offices are won by campaigns, and campaigns need money. Not all political contributions are made in the expectation of getting favors in return for the donations. Sometimes friends and neighbors just like to see a young politician get ahead in his chosen profession.

As the young politician rises in stature and the jobs become larger, the costs of getting elected also rise. Corporations are forbidden to give campaign contributions, but organized labor groups are not. Neither are those millionaires to whom the big political contribution is merely "pocket money." Fund-raising for candidates is usually turned over to people who have the ability to raise funds, and candidates are not always aware of the ways by which such funds are raised.

"The new morality" seems to suggest that the candidate is responsible for everything that happens in his campaign. They seem to forget that most candidates spend all their strength and thought in the campaign itself. They exhaust their physical energy shaking hands, making speeches, rushing hither and yon to "meet the people," but somehow they are supposed to also know all that is going on in the other campaign to raise funds for them and for their party.

"The new morality" can forgive a man whose companion drowns while he escapes from the same car and "forgets" to report the accident until all hope for the trapped companion is gone. He can escape questions at an inquest. He can escape questions when he is reelected to high public office. His family has money.

We do not condone the buying of political favors. Neither do we think a government expenditure of tax money to finance elections would be a safe way to insure fair elections. We do not believe that big unions should contribute great sums of money to buy influence at all levels of government from dues extracted from the working people. We do believe that all those who cherish real democracy, who want the door open for men of talent, should reexamine their own capacity to give money and effort toward the election of those in whom they believe.

Isn't it about time our two great political parties quit name-calling, mud-slinging and character assassination and get back to clear-cut political objectives that define the party stand on leading questions?

Keep the door open for those whose talents for political leadership outweigh the circumstances of their birth.

MADRIGAL SINGERS

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. SMITH of New York. Mr. Speaker, in these times of international tensions, it is encouraging to hear of efforts to dispel the image of the "ugly American" and promote good will.

Sixteen boys and girls from my district, calling themselves the Madrigal Singers of LaSalle Senior High School, toured Romania for 3 weeks this summer. Recently, the supervisor of music for Niagara Falls public schools, James E. Buffan, received a letter from Charles Abdoo, president of American Youth Performs, Inc., sponsors of the tour.

It is obvious that the small group of Madrigal Singers from Niagara Falls has won the hearts of the Romanian people.

Mr. Abdoo said:

And, this tour probably did more to cement better relations between the United States and Romania than anything that has happened to date.

We were glad to sing for anyone who asked us.

The youngsters say they sang not only in scheduled concerts, but in restaurants and hotel lobbies and even while walking down the street during their sightseeing tours.

Their joy and enthusiasm were contagious to the Romanian people.

Mrs. Margaret C. Bowen, LaSalle music teacher, says of her group:

Wherever we went people stopped to watch or join in our activities.

The Madrigal Singers were born about 3 years ago as an extracurricular, after-school activity. The students raised funds for their trip through donations from area corporations and individuals, community concerts, sales of bumper stickers and buttons, raffles, and a dinner dance.

I applaud and thank the Madrigal Singers: Marlisa Bach, Sherry Brothers, Cynthia Conmy, Robert Crouch, Susan Fallon, Barbara Gruver, Hillard Harris, Wayne Heck, Majorie Horne, Mary Ellen Illig, Matthew Keller, William Potter, Suzanne Ranchil, Linda Reisig, Lois Stipp, and William Woods.

Also, those who accompanied them deserve praise:

Mrs. Bowen, Miss Judith Ottaviani, the Rev. Vincent Verrastro, Terence Brown, and Bonnie Milburn.

ISRAEL IS NOT VIETNAM

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. LEHMAN. Mr. Speaker, the President has requested that the Congress authorize emergency security assistance for Israel.

There are many reasons for American support for Israel and for the judgment that Israel is different from South Vietnam.

South Vietnam is a military dictatorship where opposition politicians and religious leaders are jailed and newspapers critical of the government are suppressed. Israel is a democracy with strong opposition parties and freedom of speech.

In Southeast Asia, the fighting was Vietnamese versus Vietnamese. Israel is the victim of attacks across recognized cease-fire lines by military forces of other nations and other peoples.

The South Vietnamese Government asked for U.S. troops from the beginning of their war and Americans did most of the heavy fighting there for a number of years. In four wars, Israel has never asked for American troops. It has proven it is willing and able to fight its own wars.

Our effort in the Middle East is limited to counterbalancing Soviet arms sent to the area. In Vietnam, the mistake was sending American troops, in addition to equipment, while the Soviets and the Chinese were supplying only equipment.

In Vietnam, American psychological warfare experts felt it was necessary to launch special campaigns to win "the hearts and minds" of the South Vietnamese people to the cause of their government. There is no such problem in Israel.

The United States spent years trying to force the South Vietnamese to sit down at the conference table with their adversaries. Additional months were spent quarreling over the shape of the table. For years Israel has been actively seeking to sit down and negotiate all differences with its adversaries.

It is no secret that South Vietnamese officials pocketed millions of dollars in U.S. economic aid. Aid to the Israelis has meant the draining of swamps, the building of factories and the resettling of refugees in desert areas which were barren for a thousand years.

There is one last reason why Americans know that Israel is different from Vietnam. They know a Vietnamese nation will survive regardless of the outcome of the war in Southeast Asia. If Israel loses its war, it would be the end of the Israeli nation.

ACTION ON THE GEOTHERMAL FRONT

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. HOSMER. Mr. Speaker, 3 years ago Congress passed and the President signed the Geothermal Steam Act of 1970. This act authorized the Secretary of the Interior to identify and lease Federal lands with a known or potential geothermal promise. It was an important first step in the development of this resource.

Tuesday a second important step was taken in this regard: The Department of the Interior released a massive final environmental impact statement, as required by section 102(c) of the National Environmental Policy Act. The thrust of the impact statement is that the development of geothermal energy is not without some environmental consequences, but that these impacts are not intolerable and in some cases far less severe than those of competing energy sources.

I think it is important to note that the Department took a full 3 years to draw up implementation plans and to study the environmental ramifications involved in the exploratory development of this vital new resource. This was longer than I had thought it should take. But in a very real sense, this time-consuming yet necessary process shows us that the Department and the administration are firmly committed to the idea that we can, must, and will meet the energy demands of the years ahead with a balanced concern for the many environmental equities involved. The many departmental officials who took part in this effort deserve thanks and respect for their diligent efforts.

It is now time to proceed with a measured and considered program to develop what could eventually be a vital cornerstone of the energy sector. Geothermal energy offers much to those with the vision and wherewithal to grasp its implications.

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FINEST EAGLE SCOUT IN THE UNITED STATES

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. HUNT. Mr. Speaker, John S. Jordan, 17, a resident of my congressional district, has been chosen as the best of the best by the National Activities Committee of the Boy Scouts of America in Chicago. John reached the finals by being judged the outstanding Explorer Eagle Scout in the Northeastern part of the country and Europe in mid-September.

I had the distinct pleasure of meeting this young man not too long ago when he visited a Masonic lodge. Contrary to what many think about the youth of today, John Jordan, I feel, typifies what is right with the youth of America and what is right about our great country. He is completely dedicated to his God, his family and his country.

Nothing could please me more than to take this opportunity to pay tribute to Eagle Scout John S. Jordan of Oaklyn, N.J.

I submit the enclosed article from the Courier-Post so that my colleagues might share his accomplishments.

The article follows:

SINGLED OUT AS FINEST EAGLE SCOUT IN UNITED STATES—OAKLYN YOUTH IS CHOSEN BEST OF THE BEST

(By Pete Finley)

In between serving as the current Boy's State governor of New Jersey, winning the outstanding biology student award at Collingswood High School, being elected to the National Honor Society, being the drum major of his high school band, playing first solo trombone for the dance band at the same school and lots of other things too numerous to mention, John Jordan has just been chosen THE Eagle Scout of the entire United States.

The 17-year-old high school senior was picked as the best of the best by the National Activities Committee of the Boy Scouts of America in Chicago earlier this week. He reached the finals by being judged the outstanding Explorer Eagle Scout in the Northeastern part of the country and Europe in mid-September.

LOCAL START

John and other finalists began the quest for the impossible dream by first winning the nod of their local activities committee which, in John's case, was the Camden County unit. According to John, almost all Eagle Scouts and Eagle Explorer Scouts were eligible which meant that literally thousands of candidates were in contention.

The finalists represented the best from six geographical areas of the country. There were 12 finalists, six Explorer Scouts and six Scouts.

In February the two winners will get the red carpet treatment which includes a Congressional breakfast on Capitol Hill in Washington, followed by a personal interview with President Richard M. Nixon.

John, who lives at 119 Woodland Terrace, Oaklyn, with his mother and maternal grandparents, hopes to study medicine "in some top university like Dartmouth." He wants to "serve his fellow man" and considers the role of a physician "as a very special way to serve." "If I find that I don't like medicine, I'll enter some other form of social work," he said.

A member of Explorer Post 335 of the Camden County Council, John started as a Cub Scout at age eight, advancing to Scout which, he said, is geared to age groups from 11 to 15. At 15, he became an Explorer Scout, an activity which includes coeducational programs up to age 21.

John said the academic discipline and personal motivation which helped get him where he is "was due in a large measure to the many trying and demanding experiences of scouting which developed character and leadership qualities that might have lain dormant."

A member of the First United Methodist Church of Collingswood where he is song leader for Sunday School and youth organist, John finds relaxation in music and swimming "in whatever spare moments I have."

He said he will remain in Scouting "probably for the rest of my life" in one capacity or another. The program has "too much to offer to others for me not to stay interested in it," he said.

BENNETT ACTS ON AGNEW GRAFT

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. BENNETT. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following: The recent disclosures surrounding the resignation of Vice President Agnew have led me to believe that legislation is very much needed which would require that all U.S. Government contracts for services and materials be awarded to the lowest qualified bidder. I have prepared such legislation, the wording of which is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all contracts by the United States Government for services and materials shall be awarded to the lowest qualified bidder, including contracts for architectural and engineering work. Further, that all contracts financed in whole or in part by Federal funds shall be awarded only to the lowest qualified bidder, including contracts for architectural and engineering work.

This legislation includes Government contracts for architectural and engineering work now passed out generously without bids to interested firms. The bill would also provide that all contracts financed in whole or in part by Federal funds would be awarded to the lowest qualified bidder.

The 40-page statement compiled against the former Vice President reveals in the State of Maryland what is apparently a longtime pattern there of political corruption through the noncompetitive awarding of contracts. I believe that Congress should do everything it can right now to see that this is no longer allowed on the Federal level.

I am currently seeking cosponsors for this legislation.

SPECIAL NIXON-COURT-CONGRESS CRISIS QUESTIONNAIRE BEING SENT TO CONSTITUENTS

HON. H. JOHN HEINZ III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. HEINZ. Mr. Speaker, the events of the past week surrounding the Watergate investigation threaten government with a confrontation that may only be resolved by action in the Congress. Because I value the opinions of my constituents and want their advice, I am mailing the following questionnaire to each household in the 18th Congressional District of Pennsylvania.

My constituents are asked about their recent and prospective voting habits, how they view themselves politically, whether they feel the office of the President is above the law under any circumstances, and their opinion of impeachment proceedings against the President should he refuse a court order to turn over relevant tapes and documents regarding the Watergate.

Moreover, the poll attempts to gage the level of trust people have in their elected public officials. It seems to me that restoring eroded confidence is of vital importance to all elected officials. I am hopeful this questionnaire will reveal the extent of the work ahead for all of us in public life.

Mr. Speaker, I ask that the full text of the questionnaire be printed at this point in the RECORD.

The text follows:

1. Did you vote in the 1972 Presidential election?

2. Would you vote if a national election were held right now?

3. Do you intend to vote in the 1974 General Election for a governor, U.S. Senator, and U.S. Representative?

4. What is your political registration? (Republican, Democrat, not registered, other)

5. Which of the following best describes your political views? (Check one)

Conservative
Moderate
Liberal

6. Do you feel that the office of the President is above the law under any circumstances?

7. With the abolition of the office of the Special Prosecutor, would you favor action by Congress to establish a Special Prosecutor's Office to pursue the Watergate grand jury investigation?

8. Which of the following best expresses your feelings about the President's actions to dismiss Special Watergate Prosecutor Cox and force the resignations of Attorney General Richardson and Deputy Attorney General Ruckelshaus? (Check one)

Strongly approve
Mostly approve
Mostly disapprove
Strongly disapprove
No opinion

9. How would you feel about impeachment proceedings if the President refuses to obey a court order to turn over Watergate tapes, telephone logs and other relevant documents?

Strongly favor
Mostly favor
Mostly opposed

Strongly opposed
No opinion

10. How would you describe your attitude toward elected public officials (Check one).

Trust all
Trust most
Trust some
Trust none

CHILD ABUSE AND NEGLECT

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. BIAGGI. Mr. Speaker, last week I introduced a new, compromise bill on child abuse and neglect, H.R. 10968. I think it is now pertinent to make clear in some detail the features of this compromise of the several bills, including my own, currently before the Select Education Subcommittee of the Education and Labor Committee.

The bill has three titles. Title I establishes a clearinghouse in the newly created Office of Human Development in the Department of Health, Education, and Welfare. The purpose is to centralize information concerning the many and various efforts that are currently being made on the question of abuse and neglect. This is similar to my data bank proposal and the clearinghouse proposal of other bills; $1 million annually is authorized for this title.

Title II is the crucial provision. It authorizes $20 million annually to States which submit appropriate child abuse and neglect plans to the Secretary of Health, Education, and Welfare.

The rationale is that certain minimum facilities and procedures are necessary in the community if money spent is to be of any value.

I wish to emphasize the plan requirements in the bill represent minimum standards for State action, and are not meant to mandate a detailed blueprint for child services. The States are left free—as they should be—to write the details of their own programs on child abuse and neglect.

Specifically, the State plans must include an effectively enforced child abuse reporting law, mandatory reporting requirements, immunity from prosecution for reporting—should there be any difficulties with a mistaken report—and a provision for misdeameanor penalty for those who fail to report.

The State plan must also provide for prompt investigation of complaints of abuse and neglect, and contain minimum procedures for handling the broad problems of prevention and treatment. Additionally, it must provide for emergency custody of the child in appropriate cases.

Finally, the State agency is mandated to enter into cooperative arrangements with private, nonprofit groups to insure all the resources of the community are utilized.

Title III authorizes $5 million annually for demonstration grants for research, training, and innovative projects. This meets the special needs in this area not served by a State program, and assists the funding of existing private programs already doing useful work in these areas.

H.R. 10968 is a compromise between my previous bill, which relied exclusively on funding State agencies with State plans, and those bills concentrating on demonstration grants and further studies.

My bill adds demonstration programs to the State agency mechanism, but drops the study commission called for in the demonstration grant approach.

It is my conviction that existing studies and research programs cover the need in this area. Moreover, I am concerned that a bill which concentrates on further study—through the creation of a National Commission—will delay a commitment to a broad based program. We have sufficient information to proceed with the beginings of such a program, while continuing to study the program through the mechanisms associated with both the State programs and the demonstration grants.

Finally, I have altered the definition of abuse to include neglect, a much larger and tougher problem in the long run. This area, touching on matters such as exploitation of the child, and severe detriments to his psychological health—is so closely related to the problem of abuse that I feel it should be treated as an integral part of the problem.

MININUKES AND DISESTABLISHMENT OF THE AIR FORCE AND OTHER THINGS

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. HOSMER. Mr. Speaker, on Friday last, I spoke at a Navy dinner sponsored by the Armed Services Committee of the city of Long Beach. The remarks covered such subjects as resupply in the Mideast, the advisability of disestablishing the Department of the Air Force, possibilities for using small, clean, discrete nuclear weapons, called mininukes, and their implications to NATO and to the Navy, whose 198th birthday the occasion was celebrating, and other things. The text of these remarks follows:

U.S. NAVY BIRTHDAY, 1973

This evening we have gathered to celebrate the 198th birthday of the United States Navy—an institution described by Herman Wouk as a thing "conceived by geniuses for operation by idiots."

But whatever its origin and whoever may have been its creator, the United States Navy stands today—in ships—in men—in tradition—in spirit—and in its unparalleled record of victories at sea—as indisputably the greatest Navy that history has ever known.

And, we rededicate ourselves to keeping it that way.

I am proud and grateful for my 33 years service as an enlisted man and officer in that Navy's Reserve Forces. I know each of you is proud and grateful for your own particular association with this unparalleled organization.

In this audience tonight are many who have been shipmates with the great naval persons of our times such as: Chester Nimitz, Ed Spruance, Bull Halsey, Arleigh Burke, Jack McCain, Tom Moorer, Bud Zumwalt, Hyman Rickover and a host of others who—in hot war and cold—have protected their country with courage and brilliance.

And behind shining leaders such as these—and as it always has been from our Navy's beginning in 1775 to this very moment—active duty personnel, reservists, civilian employees, dependents and retirees have combined forces to forge a proud naval tradition of commitment and service to our Nation.

These people, and people like yourselves who support this Navy so loyally, constitute our naval family. This family, through nearly two centuries of peace and war, has continued to affirm the truth of President John Adams' words that "naval power is the natural defense of the United States."

From sail to steam to nuclear power—from cutlass and cannon to guided missiles—from the open seas to outer space—the unfailing skill, selfless sacrifice and wholehearted devotion of the Navy family have remained ever constant to place and to maintain our Navy at its historic pinnacle of preeminence.

By this ceremony today we rededicate ourselves to maintaining this Navy's dominance of the world's oceans during the indefinite future. For, it is only by control of the seas that an island nation such as ours can, for long, control its own destiny.

This each of you knows as surely as you know that day follows the night. And, what each of you also suspects, is that it will be no easy task to keep control of the seas and maintain that preeminence of the United States Navy in the years ahead. That is the prospect as I see it, too. That is what I want to speak with you about this evening.

It is said that those who fail to remember the lessons of history are doomed to relearn them. In the recent period of relaxation of tensions between the world's two superpowers some people in very high places have already forgotten those lessons. Ignoring the ceaseless stream of battles and conflict that have characterized the relations of people and nations throughout history, the House of Representatives, within just the past few weeks, dealt a stunning blow to the defense of this nation by adopting the Aspin amendment imposing a blanket reduction in this year's defense authorization of almost a billion dollars. Then the United States Senate came within two votes of killing the TRIDENT submarine program which is so essential to the deterrence of a nuclear attack on this Nation. On vote-after-vote other measures were adopted, one-by-one, each dealing some further blow to the capability of the armed forces of the United States to defend the United States.

All this was done by those who quickly forgot the existence of an inexorable ebb and flow in hostility between nations which was only recently reaffirmed at an awful cost in American lives by the Vietnam War. To such naive legislators the Russians seem friendly; therefore they are friendly. Things are what they seem. That is the fallacy of *post hoc ergo propter hoc*, and any nation which embraces such a delusion must embrace it as a hari-kari knife.

An essay under my name in the August issue of U.S. Naval Institute Proceedings warns that no nation can fall for long below a certain minimum level of defense effort without arousing the instincts of predators. Fortunately some of the House and Sen-

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ate blows to the Armed Services Authorization bill were eased because the outbreak of the renewed fighting in the Arab-Israeli war served to remind some of my Congressional colleagues of the existence of such predatory instincts.

But even so, the long range trend in this country is definitely anti-military and that means that those of us who do remember History's lessons are going to be hard pressed to garner appropriations from the Congress year-after-year which will support the minimum necessary national defense.

Even today, in real terms of constant value dollars, 1974 Defense Department resources will be almost 14% below those of 1964, that year being the last peacetime year before Vietnam. Our military investment in ships, research and construction will be almost a third lower in 1974 than it was 10 years ago in 1964. This means that this year the U.S. defense effort will be lower than during any year of the 1950's—a decade when things were relatively placid.

But the truth is that things generally around the world and things particularly between the United States and the Union of Soviet Socialist Republics are just not that much better than they were then.

In my Naval Institute article I pointed out that the current detente between the U.S. and the U.S.S.R. and the Peoples Republic of China occurs not because we all suddenly love each other. Communist dogma decrees that all other systems must be destroyed; and that until they are, the world is not safe for communism; and that communist military power is the ultimate instrument by which the world is to be made safe for communism. Now, dogma does not say when all this is to be done or exactly how, and it warns against doing it in some reckless or adventurous way that risks ultimate defeat. Dogma also is a little unclear about many other things and the Soviets and the Chinese interpretations of them are quite at odds. In fact, they have fallen into a serious dialectical dispute with each other about it all.

And, even more relevant to the situation at hand, those two countries also have fallen into a much more basic kind of a dispute. Each is a growing, vital, expanding society. Each knows that achieving its ultimate destiny requires expansion into the vast Siberian heartland of Asia. Moreover, both know that, as enormous as the vacant real estate is, there is room enough there for just one of them, not for both of them. Thus they recognize and acknowledge themselves to be in a bitter conflict for ultimate survival.

Detente simply means that while those two are fighting their intramural Communist battle—which might well turn into a hot war, even employing nuclear weapons—the rest of us may be able to relax somewhat for a little while. But it certainly does not mean that we can pound our swords into plowshares. It does not even mean that the United States can assume that the P.R.C. and the U.S.S.R. will not call a truce in their own dispute if an opportunity arises whereby they can temporarily join forces to eliminate the United States as the next largest threat to either of them.

That is one reason why the current war in the mideast poses such dangers to us. I do not believe the Soviets at this point want that war to get out of hand. I believe they want to deal with their China problem first and for that reason they will try reasonably hard to keep alive the spirit of detente with the West.

But should the United States move too decisively in the mideast—move too far toward developing circumstances there inimical to the basic interests of the Soviet Union—then there is a possibility that Moscow can come to believe that its self-interest can only be forwarded by a direct confrontation with the United States. I hope we are smart enough—and patient enough—to avoid precipitating that kind of a confrontation. I believe we are. I pray we are.

Despite the caution I have just expressed, I think the United States and Russia can get away with replenishing the material losses their respective client states are suffering as the fighting goes on. I believe that each will carefully look the other way as this is discreetly done. But neither had better try any augmentation—and they both know it.

But, there are other players in the mideast tragedy and therefore other dangers.

There are rumors that Israel has nuclear bombs and would use them as a last resort if pressed too hard.

There are rumors that Red China might clandestinely give a few nuclear weapons to either or both sides, hoping to trigger an escalation of warfare in the mideast which would envelope the superpowers in mushroom clouds that simultaneously consume both of China's superpower enemies.

In addition to these nuclear threats, there is the volatile, unpredictable psychology of the Arabs to consider. This might lead to an effort by them to pressure and distress the United States through denial of petroleum which we are coming to rely upon in ever increasing measure. Such a move would likely disturb Western Europe and Japan as much or more than the United States.

Nothing of what I have said in this recital of the perils and dangers our country faces in just one region of the world can be anything but deeply disturbing to each of us. I only ask that you try to visualize how much more hazardous the situation might become—and how much deeper in harm's way we might be—if today in the Mediterranean there were no United States Sixth Fleet.

Today's crisis is another vivid current history lesson pointing to the absolute indispensability of U.S. naval forces to the security of our nation.

Think about it—and then try to give me one good reason why we should allow those to succeed who want to scuttle the United States Navy in the name of economy, or under the banner of "social needs", or alleged "human priorities", or any other soft-headed slogan. This Navy is not only our life-line, it is basic to our national life itself.

Yet this is the Navy that is steadily being debilitated by reductions in dollar support from the Congress and by the steady erosion of the buying power of the dollars it does manage to lay hold of. A moment ago I mentioned that we are living through a bleak period of anti-militarism which is likely for the indefinite future to severely restrict the allocation of public resources to defense. Therefore we must examine ways by which the reduced number of dollars likely to be available can suffice to buy the bare minimum defense effort which experience in our hostile world tells us we cannot safely be without.

At this point I am going to take a brief stroll through the political minefields by examining two of those possible ways. One has to do with the Air Force and the other with nuclear weapons of a new type which are clean and discrete in their effects. A few months ago I coined for them the name "mininuks" and that is how they are known in the Pentagon, NATO and elsewhere.

First, as to the Air Force, born in 1947, during post-WWII enthusiasm for the wild blue yonder. Today, 26 years later, there exists a very legitimate question—and it is a hot one—whether reconsolidating airpower functions back into the Army and the Navy from whence they came might lead to considerably improved effectiveness in the expenditure of limited defense dollars. As it is we tend to think of the defense appropriation as a pie to be sliced up annually in three roughly equal pieces. Yet the burden of defense necessities in the post Vietnam world do no fall equally at all. They fall heaviest on the Navy which must function worldwide, next on the Army, and last on the Air Force. I'm not going to delve any further into the subject of disestablishing the Air Force. I just light the fuse and toss it, realizing the thing is likely to be back in my face by the time it is ready to go off.

And, the same is probably true for the subject of mininuks to which I now proceed. Let me introduce it by recalling that the essence of military power is the ability to destroy, which we conventionally think of in terms of 100, 500, 1000, 5000 and 10,000 pound bombs and warheads. Paradoxically, if we possess such a capability for destruction of military forces and the ability to project it wherever and whenever it is needed, we are unlikely ever to use it, simply because others are deterred by this potential from challenging us.

Unfortunately, of late the cost of lugging that power around and projecting it when and where needed has escalated considerably and there is no end to this economic phenomenon in sight. If we are going to continue to adequately defend our interests and our independence with fewer dollars that buy less, then we are going to have to explore less costly ways of going about it.

I'll return to the Navy situation in a minute, but the thought I have in mind is most easily projected by reference to its application in a land war situation. Let's think for the moment of the defense of Europe by NATO forces from an invasion by Soviet forces, or, put another way, NATO's ability to deter such an invasion by maintaining an obvious capability to repel it. Now, think of a map of that area with a lot of red dots on the Soviet side of it representing tanks and soldiers and airplanes. Think of a lot of blue dots on our side of the map representing American and other NATO forces.

At this point, if you are thinking realistically, you are seeing a lot more of their red dots than you are seeing of our blue dots—and the disparity in numbers and strength is growing. One reason it is growing is that a Soviet tank costs maybe $100,000, while the NATO tank we need to neutralize it costs maybe $1,000,000. At those prices our side can soon get tilted out of the game. We need an equalizer. We need an equalizer which we can afford to buy in quantity and project against those tanks and destroy them if they come after us.

To accomplish that kind of destruction with 1000 pound bombs requires a lot of $2 million airplanes operating from several $200 million bases backed up by a $2000 million logistics supply train. In contrast, a clean and discriminate mininuk might pack the effect of 1000 pounds of TNT in less than a 100 pound package. This small, clean package of destruction might be accurately delivered at a rather modest cost by a relatively small piece of artillery or a guided rocket. Even on a tight budget one could afford to buy enough of this kind of blue dots to stand off a very large number of their kind of red dots.

Now let us return to the naval arena and test out what the potential is there for this anti-red dot mininuk thing.

As prices now stand, in capital costs alone, projecting naval destruction from a patrol frigate costs $50 million per frigate and $90 million per each new 963 Spruance class destroyer. From a 92,000 ton nuclear carrier the cost runs about a billion dollars for the ship and a half billion more for an air wing. The new 10,000-ton nuclear guided missile destroyers cost a quarter of a billion dollars each, without their missiles.

But for a 1,000-ton, 80-mile-an-hour surface effect ship, the cost is $2½ million.

Yes, that's right—not $50 or $90 or $250 or a thousand million dollars, but only $2½ million for a ship that could carry enough light, mininuk-tipped guided rockets to equal the firepower of a modern DD. You could buy 36 of them for the cost of one single 963 class destroyer. The potentiality of this new and infinitely cheaper kind of naval hardware, if and when combined with the clean, sharp destructive potential of mini-weight mininuks, is truly startling. The combination offers an equalizer at a price we can afford to pay which can put us efficiently back into the business of controlling the seas and defending this country's vital national interests.

The barrier to utilizing it is simply the fact that mininuks bear the stigmatized nuclear name.

The truth is that, though based on nuclear principles, the nature and destructive power of this warhead will be much closer to that of gunpowder than it is to an atomic bomb. The general public must be brought to understand this so we can get over the anti-nuclear psychological hurdle that prevents mininuk additions to the defense arsenal of the United States. This roadblock constitutes a particularly severe handicape to development of the less costly naval hardware our Navy must have if it is to acquire the quantity of naval surface units required to assure freedom of the seas in the face of rapidly expanding hostile forces.

As indicated, the two propositions I have spoken of tonight are highly controversial—so controversial that neither of them has had the informed public discussion they deserve. I hope tonight may help serve to break the ice.

But whether it does so or not, I am confident that our unique naval heritage and the spirit of Navy Birthday 1973 which we have been privileged to share together this evening will continue to guide our Navy's growth in the year ahead as we rededicate ourselves with pride, professionalism and patriotism to the tasks that lie before us.

WEST VIRGINIA REHABILITATION ASSOCIATION CITES CONGRESSIONAL OVERSIGHT OF REHABILITATION LEGISLATION

HON. CARL D. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. PERKINS. Mr. Speaker, on August 3, during an oversight hearing on the Rehabilitation Services Administration, conducted by the Select Subcommittee on Education, so ably chaired by our colleague from Indiana, Mr. BRADEMAS, it was revealed that a memorandum, written by William A. Morrill, Assistant Secretary for Planning and Evaluation, Department of Health, Education, and Welfare, called for the dissolution of the highly successful, 53-year-old program of vocational rehabilitation.

Knowledge of the existence of this memorandum, Mr. Speaker, has led to strong and heated reaction throughout the country.

Evidence of that reaction is a resolution, unanimously approved by the West Virginia Rehabilitation Association during its annual meeting on September 5 which commends Congressman BRADEMAS and the Select Subcommittee on Education for their diligence in protecting handicapped Americans.

Mr. Speaker, I insert the resolution at this point in the RECORD:

WEST VIRGINIA REHABILITATION ASSOCIATION,
Charlestown, W. Va., September 10, 1973.

Hon. JOHN BRADEMAS,
Chairman, Select Education Subcommittee of the House Committee on Education and Labor, U.S. Congress, Washington, D.C.

DEAR MR. BRADEMAS: Enclosed is a Resolution passed unanimously by the West Virginia Rehabilitation Association during its annual meeting on September 5, 1973, expressing strong support for you and members of the Select Education Subcommittee of the House Committee on Education and Labor in the oversight hearings on the State-Federal Vocation Rehabilitation program. The Association, made up of 1,020 members, recognizes your efforts to protect the Vocational Rehabilitation program against any moves to dismantle and destroy it.

I am sending copies of the Resolution to other members of the Subcommittee and to Congressmen from West Virginia.

Sincerely yours,

EDDIE MICKEL, *President.*

RESOLUTION

Whereas, Congressman John Brademas and the Select Education Subcommittee of the House Committee on Education and Labor conducted oversight hearings on the State-Federal Vocational Rehabilitation program; and

Whereas, Congressman Brademas and the Subcommittee were alert to a move by the Department of Health, Education, and Welfare to dismantle the Vocational Rehabilitation program; and

Whereas, Congressman Brademas and the Subcommittee took prompt and decisive action to protect the Vocational Rehabilitation program against any moves to destroy it: Therefore be it

Resolved, That the West Virginia Rehabilitation Association and its 1,020 members commend Congressman Brademas and the Subcommittee for their diligence, scrutiny, and concern in the oversight hearings toward protecting handicapped people against Administration moves to dismantle and destroy the program they so desperately need; and be it

Resolved further, That this resolution be sent to Congressman Brademas and each member of the Select Education Subcommittee of the House Committee on Education and Labor.

EDDIE MICKEL, *President.*

WE NEED A NEW MINIMUM WAGE BILL

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. ERLENBORN. Mr. Speaker, there are chairmen who watch things happen; chairmen who complain about what has happened; and chairmen who make things happen.

The chairman of our General Subcommittee on Labor (Mr. DENT) watched while the minimum-wage bill headed toward a veto. Then he complained when it was vetoed.

He can still rank among chairmen who make things happen by bringing a new minimum-wage bill to the floor. If he tries hard enough, he could make the new year start right for millions of people.

THREE ARTICLES ON EVENTS OF RECENT DAYS

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. RIEGLE. Mr. Speaker, three items appear in today's Washington Star-News that shed important light on events of recent days. One is a news story by James Polk; the other two are editorial page columns, one by James Reston, and the other by Charles Bartlett.

I include these three items for the interest of my colleagues:

[From the Washington Star-News, Oct. 24, 1973]

LETTER REVEALS MILK LOBBY OFFER

(By James Polk)

The milk lobby, while seeking White House favors, promised President Nixon $2 million in campaign contributions in a letter written by a former Nixon aide and congressman.

Patrick J. Hillings of California, the former aide who had won Nixon's old seat in The House, sent the letter to the President telling him of the offer of campaign money from the milk lobby a few months before the Nixon administration raised price supports for the dairy industry.

The milk lobby eventually gave $422,500 for the Nixon campaign, starting the week of the price increase.

Hillings, then a Washington attorney for the milk lobby, wrote to Nixon on Dec. 16, 1970, asking the President to approve import quotas on ice cream and other dairy products. Nixon granted them.

The Hillings letter, now in the possession of the Senate Watergate committee, is considered a major piece of evidence in the probe of the controversial Nixon dairy donations.

The letter is the first indication that Nixon personally knew about the forthcoming flow of money from the milk lobby while the favorable decisions were being granted to the dairy industry.

Witnesses from both the campaign organization and the milk lobby had testified previously in a federal court case that no money had been promised before the prices were raised.

Records show the campaign checks started arriving in March 1971 during the same week that the Nixon administration reversed itself and increased price supports in a move estimated to be worth $700 million to the dairy industry.

Two days before that turnabout, Nixon had met with dairymen in the Cabinet Room as they asked for the price intervention. According to testimony, the farm leaders gathered with Hillings in his nearby law offices before walking over to that White House meeting.

The three major milk groups in the Midwest, including the giant Associated Milk Producers, Inc. (AMPI), based in Texas, were clients of Hillings' law firm.

Hillings opened his December 1970 letter to Nixon on quotas by saying "This letter discusses a matter of some delicacy . . ."

Then, before making his argument for import protection, Hillings mentioned that the milk lobby had made about $135,000 in campaign contributions to GOP candidates in the 1970 Senate and House elections. He added:

"We are now working with Tom Evans and Herb Kalmbach in setting up appropriate channels for AMPI to contribute $2 million for your re-election. AMPI also is funding a special project."

Herbert W. Kalmbach, the President's personal attorney in Los Angeles, and Thomas W. Evans, a former Nixon law partner in New York, were key fund-raising officials for the 1972 campaign.

The "special project" mentioned by Hillings remains a mystery. The milk lobby did furnish a $5,000 campaign check in September 1971 that was used to pay the costs of the White House plumbers' break-in in the Daniel Ellsberg case, but there is nothing to tie that with Hillings' 1970 letter.

Hillings was urging the President to approve import quotas on dairy products already recommended by the U.S. Tariff Commission. Nixon put them into effect on Dec. 31, 1970.

Hillings' association with Nixon goes back a quarter-century, to when he was an assistant to Nixon as a congressman. When Nixon won a Senate seat in 1950, Hillings was elected to succeed him in the House district east of Los Angeles. He served four terms.

As a Washington lawyer, Hillings practiced in the same firm that another longtime Nixon loyalist, Murray Chotiner, joined upon leaving the White House in March 1971, two weeks before the milk price increase.

Chotiner has testified he went back to talk with his White House colleagues that month and warned them, "If you don't help the farmer, you don't get his support." But he said he was referring to votes, not money.

Consumer advocate Ralph Nader has charged the price boost was a favor granted in return for the campaign donations and has sued in federal court to have the increase rolled back. Chotiner and other witnesses have denied Nader's allegation in the suit, which is still pending.

Hillings, now 50, returned to California in 1970. He could not be reached last night for comment.

Copies of both the Hillings letter and a White House memo in 1972 that cited the $2 million commitment have been obtained by the Star-News.

Even though the contribution promise was never completely fulfilled, the milk lobby did become one of the five largest donors for the Nixon campaign last year.

Most of its money was contributed in a $327,500 outpouring in 1971, made through several dummy committees in Washington. But after news stories uncovered the milk money and coupled it to the price increase, the contributions stopped. The final $95,000 did not come until the last weeks before the 1972 election.

Only a few days after the Nader suit was filed, former White House aide Gordon R. Strachan told Nixon chief-of-staff H. R. Haldeman in a Feb. 1, 1972, memo that Kalmbach was "very concerned."

Strachan noted Kalmbach might be subpoenaed and suggested that he not be used any more "in the milk project because of the risk of disclosure." Haldeman replied he would discuss the problem with then Atty. Gen. John N. Mitchell.

That memo mentions an aide to former Treasury Secretary John Connally.

The aide, Jake Jacobsen, was mentioned as one of two men handling the milk pledge. Strachan quoted Kalmbach as predicting that Jacobsen and the other person "will deliver, though they have cut the original 2,000 commitment back to 1,000."

In political shorthand the figures referred to $2 million and $1 million. But the tap on the milk money was actually closed a few days later.

Testimony in the Nader suit shows Kalmbach met in February 1972 with the new head of AMPI and when that official said all further donations would be made on public record, Kalmbach informed him a short time later that he was "terminating" his request for AMPI money.

The Tapes Buy Time

(James Reston)

The one thing you have to say for Richard Nixon is that he knows when he is licked. Almost everything he always said he would never do—compromise with Moscow, recognize Peking, accept deficit financing, or be unfaithful to his promises—he has done. And he has done it again by releasing the Watergate tapes, which he said he would never release.

It was a clever move. He has retreated from one mess to another, but he has gained time. It will take weeks to get the tapes down on paper and to get a new team to take over the prosecution at the Justice Department, but meanwhile, he has gotten rid of Archibald Cox, the "independent" prosecutor, which was probably his objective, and he has postponed—though he has not avoided—a critical battle with both the courts and the Congress.

The President, was in terrible trouble before he switched and agreed to let the tapes go to the courts. He judged Archibald Cox well enough. He gave Cox a dishonorable order he knew Cox wouldn't accept, and he was right.

But the President misjudged Atty. Gen. Richardson, and Deputy Atty. Gen. Ruckelshaus. He appealed to Richardson to concentrate on the Middle East crisis, and stay on even if Cox disappeared.

The White House didn't even give Richardson time to respond to the President's order to fire Cox. Gen. Alexander Haig called Richardson at 7 o'clock last Saturday night and told him the President was sending him a message, which seemed to call for an answer from Richardson, but while the attorney general was trying to draft a reply, the White House put out its announcement that Cox was fired.

Then the White House turned to Ruckelshaus to fire Cox, and Haig not only told him this was an order from "the commander in chief" but appealed to him on patriotic grounds to carry out the order. Ruckelshaus, according to his associates, replied that patriotism was not the same as obedience, that in his mind it was sometimes the opposite, and that he would not comply. So he was fired.

Meanwhile, Richardson appealed to the President's aides and lawyers to consider what the reaction would be in Congress and in the country if they fired Cox for carrying out the independent prosecution he was promised by the President and the attorney general, but his appeals were rejected.

It is interesting and significant that during those critical five days when Richardson was negotiating with the White House staff, and warning them not to fire Cox or force his own resignation, the President never discussed the problem personally with his own attorney general, until the very end when it was clear that the President was determined to get rid of Cox. Only then, when Richardson said he would resign if Cox was fired, did the President agree to see him.

It was a typical, bold, and desperate Nixon play, but this time it didn't work. Public reaction went against the President.

Accordingly, the President was confronted with precisely the power struggle he had sought to avoid. The Congress was proceeding toward impeachment proceedings in the House. The unions were demanding his dismissal from the presidency. More important, the old Republican establishment, led by the leaders of the bar, was denouncing the dismissal of Cox and the resignation of Richardson.

Facing all this, and the prospect that the controversy would go back into the streets if he defied the courts and the Congress, the President agreed to hand over the tapes. This will avoid the clash for a time but not for long.

For once he has admitted the tapes to evidence in the courts, it will be hard for him to exclude other relevant documents, or to argue against another special prosecutor. He is rid of Cox for the moment, but not of prosecution. He has saved his skin, but not his honor.

Ironically, he chose to challenge in this latest of his political crises three men—Cox, Richardson and Ruckelshaus—who had become the most attractive and articulate symbols of objectivity and probity in his administration. And in the process, he lost all three.

This has shocked Washington more than anything since the Watergate burglary, and while he now has time to try to sort things out, he has affronted his own most loyal supporters and even his own Cabinet, and raised the most serious questions about his moral authority to govern over the next three years.

The Ax That Fell on Cox

(Charles Bartlett)

With yesterday's release to Judge Sirica of the Watergate tapes, the dust has settled enough to discover that President Nixon fired Archibald Cox because he ran out of tolerance for a pack of Ivy League lawyers who seemed bent on running him to the ground.

On May 22 the President described Cox as a symbol of his determination "to see the truth brought out." However, by late summer he became convinced, mainly by the anguish of ex-associates who were being investigated, that the special prosecutor posed a running affront to the presidency. Cox would have been fired earlier if the President had not needed to wait out the Spiro Agnew drama.

Temperament more than tactics seems to have forced the denouncement. Cox was viewed with emotion from the White House as a swollen-headed professor propelled by partisan malice into an anti-Nixon crusade. While wholly at odds with this observer's, the White House view gained substance from the "highly motivated" demeanor of some of the young lawyers he recruited.

Two factors make it appear that the President did not force the hounds out of the hunt because they were getting close to his heels. First, according to an objective source who should know, Cox's sleuths have not acquired evidence that involves Nixon in criminal activities. Second, the elimination of Cox makes it almost certain that another special prosecutor, named by Congress or the grand jury, will take up the inquiry, perhaps at an even hotter pace.

The negotiations over the tapes were carried on last week against the growing awareness of insiders that Nixon meant to dump Cox at his earliest opportunity. His use of the tapes issue was a tricky, clever gambit. It is obvious that he could have sought acceptance of his compromise from the Court of Appeals without disturbing his arrangement with the special prosecutor.

The gambit fooled the three senators—John Stennis, Sam Ervin and Howard Baker—who were apparently not told that they were being offered no more or less access to the tapes than the grand jury was to have. They gratefully took what they

were offered without realizing that they had undermined the special prosecutor. If members of Congress had been quicker to grasp what was going on, they might have saved Cox with their protests.

The President will pay a high price for relief from his antipathy towards Cox. In losing Elliot Richardson and William Ruckelshaus, he draws further upon his dwindling reservoir of trust. Richardson was the honest broker, the public-interest mediator between the President's narrow concept of the Cox mandate and the wide horizons of the Watergate scandal. Nixon is now without a broker, even without an attorney general.

He has nettled his skeptics once again with a show of arrogant disregard for an earlier commitment. He added chill to the drama by deploying the FBI in a Gestapo-type flourish on Saturday night. With the surrender of the tapes, he is no closer to losing his office than he was before, but he has pulled further away from the hearts of his countrymen.

Nixon has virtually insured that the onus of Watergate prosecutions will no longer be left to the control of his administration. He has provoked a vacuum which Congress or the grand jury will fill. He can at least take one comfort—his next tormentor will probably not be Archibald Cox, a man too modest to be drawn by fate into a serialized contention with the President.

NATIONAL SECURITY—NO. 1 PRIORITY

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. YOUNG of Florida. Mr. Speaker, as a member of the House Armed Services Committee I have long been concerned over the state of our national security and military readiness, especially in view of the readiness of some groups to slash deeply into our military budget without regard for consequences.

Therefore, I was especially pleased to learn that the 1973 National Convention of the Military Order of the World Wars set the tone of its deliberations by declaring without equivocation that our national security must be accorded priority above all other programs. Following is the text of the first day resolution which sets forth the position that we should fund and implement without delay those military programs necessary to maintain our preeminent military posture in the world.

The resolution follows:

NATIONAL SECURITY—NO. 1 PRIORITY

Whereas, military strength second to none and the will to use it in defense of our national interests is the surest path to peace; and

Whereas, our national posture in current and projected negotiations for military detente and arms control is vitally dependent upon our present and projected military strength; and

Whereas, serious efforts are being made to erode this goal which at this time has been projected to a twenty year low; and

Whereas, other national programs can flourish only when our national security is assured.

Therefore be it resolved, that The Military Order of the World Wars in National Convention assembled, affirms that national security should have first priority among all national programs and calls upon the Congress to expand, as necessary, the military funding needed to continue our country as a first rate power in the world.

MRS. HELEN "CHILDS" BOYDEN

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. CONTE. Mr. Speaker, I come with a profound sadness in my heart today to inform my colleagues of the death of a fine and gentle woman, Mrs. Helen "Childs" Boyden, wife of the late, renowned headmaster of Deerfield Academy in Deerfield, Mass., Frank L. Boyden.

Lest you think Helen Boyden will be remembered only as the wife of a great man, I would point out that this woman stood in no man's shadow. She was helpmate, soulmate, companion, and colleague to the headmaster. Her dedicated work at Deerfield Academy as an accomplished teacher of mathematics and science complemented that of her husband.

A native of Deerfield and a graduate of Smith College, Helen Childs came home to Deerfield Academy as a science teacher in 1905. Headmaster Boyden warned her then:

> If you ever have any trouble with the boys, remember that I'll be on their side.

From the beginning, she was on the boys' side, too.

In 1907, the headmaster and Helen Childs were married. Years later, the headmaster was to write this tribute to his wife:

> She is much more important than I am. She has a wonderful sense of humor and deep affection for the boys. She has more influence on the boys than I have. She makes them want to do the work. Her judgment is excellent. It is interesting that a combination such as the two of us could get together. She could have been the head of any school.

It would be hard to imagine a woman more respected by more people. She was held in high regard by the academic community and was awarded honorary degrees by a number of institutions including her own alma mater, Smith College; St. Lawrence University; Trinity College; and Mount Holyoke College. She left an indelible impression on her students and her passing will be noted with sorrow by all of them, many of whom have labored in this Chamber.

I was privileged to call Helen Boyden my good friend. Although she was buried on Monday, her memory, like that of her husband, will live on in the hearts of all of those who have been members of the Deerfield "family" throughout the years. At this time, I would like to ask my colleagues to join me and my wife, Corinne, in expressing our deepest sympathy to her children John, Theodore, and Elizabeth, and her grandchildren.

SANTA ANA RIVER FLOOD CONTROL HELP REQUESTED

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. HOSMER. Mr. Speaker, a serious and threatening condition exists in Orange County, Calif., with respect to the flood potential of the Santa Ana River. A large number of my constituents in California's 32d Congressional District could be adversely affected. The nature and extent of the problem as well as the key to its solution is contained in my letter of October 17 to Gov. Ronald Reagan requesting his help and the help of California's Legislature in establishing a unified flood control authority for both upper and lower reaches of this river. The letter follows:

OCTOBER 17, 1973.

Re Santa Ana River Basin flood control problem.

DEAR GOVERNOR REAGAN: For some months I have been seeking a solution to the multibillion dollar flood threat posed in Orange County by the Santa Ana River. If this river ever goes out of control, thousands of my constituents in California's 32nd Congressional District as well as many other citizens of the County would be disastrously affected.

This letter requests your help and that of the California Legislature to forestall such a tragedy.

Various data and reports on the problem originated by the Los Angeles District of the U.S. Corps of Engineers reveal that in Orange County what is known for planning purposes by the Engineers as a Standard Project Flood could result in over $2 billion in damages to homes, businesses, industries, transportation, local governments, other entities and from work lost.

I have an overlay map indicating that such a flood could inundate as many as 100,000 acres of Orange County, including part or all of the communities of Fountain Valley, Huntington Beach, Seal Beach, Surfside, Sunset Beach, Costa Mesa, Los Alamitos, Garden Grove, Westminster, Santa Ana, Tustin, Midway City, Orange, Anaheim, Cypress, Stanton, La Palma, Buena Park, Fullerton and Yorba Linda.

Even what is known as a 100-year flood (one which records suggest could occur about once a century) could cause an estimated half-a-billion dollars in damages in Orange County's coastal plain, with depths of water rising up to 7 feet over 35,000 acres of homes, businesses and public properties.

The Engineers have devised several alternate plans for the control of these and lesser floods of the Santa Ana River which, with its tributaries, runs through Orange, Riverside and San Bernardino Counties. They have calculated their costs to range from about $300 million to some $450 million. Orange and San Bernardino Counties have passed resolutions supporting Alternate Plan #6. Riverside County appears to favor something like #6. This degree of consensus among the counties appears to be based less on the merits of Alternate Plan #6 as an effective flood control instrumentality than it does a belief that this plan is the one least offensive to Riverside and San Bernardino interests.

XUM

Alternate Plan #6 contemplates a very large dam in the Mentone area which would be located astride the San Andreas Fault. A board of experts is being convened by the U.S. Corps of Engineers to evaluate the wisdom of such a location. It will probably take some time to act and I gather that extensive drilling and other geologic work would have to follow before any final technical decision could be expected. If it is negative, things must start from scratch again. Meanwhile, the clock ticks toward the inevitable time when actual flood conditions could materialize.

The root of our difficulty in coming up with a really effective plan to protect Orange County citizens from flooding lies in the disparity between physical benefits and financial burdens any plan will impose among the three affected counties. Although a major fraction of the costs of any of the various alternative flood control plans suggested would be borne by the Federal government, depending on the alternative selected, *direct* local costs could range from a few million dollars in the case of some alternatives to many millions in the case of others. Additionally, numerous *indirect* local costs, such as removing land from the tax rolls, relocating homes, farms and industries and the like, will result from any flood control project.

Whereas most of the beneficiaries of flood control will be Orange County taxpayers it can be assumed that most of the local costs will fall primarily on taxpayers living at the River's upper reaches in Riverside and San Bernardino counties where most of the actual flood control works would be located. This is partly because there are different flood control districts for each county, each with its separate financial structure. Upstream areas hardly can be expected to jump with joy at the prospect of assuming substantial costs which benefit them less than others. Nor, can they be expected to embrace an alternative which provides the most technically effective flood control but at a far higher price to them than some cheap but less adequate alternative.

I respectfully suggest to you, and by copy of this letter to the state legislators and county governments of the affected area, that for the purpose of overall Santa Ana River Basin flood control the existing control districts of each of the counties be consolidated by law into one unity with the power, insofar as possible, to allocate the direct and indirect local costs of flood control in the Basin up and down the River in some reasonable relationship to local benefits. Or, if there are more simple ways to achieve the same end, that they be adopted quickly so that we can get on with the necessary flood control construction in a timely fashion, in a fair fashion, and in an adequate fashion.

My point is, that if this situation is to be met, if disastrous flooding sometime in the near or intermediate future is to be avoided, then responsible officials of the State of California must initiate the required measures for speeding the achievement of a local consensus on a safe and adequate project. Until this is done, progress is stymied because the Federal government cannot, will not and should not attempt to impose its will in this local matter upon local people and local interests.

Some reasonable agreement among them is an absolute condition precedent to getting on with further major flood control work in the Santa Ana River Basin.

It is impossible for the U.S. Corps of Engineers to ask Congress for Federal millions for any project unless and until there is general agreement along the River on a carefully planned and technically sound project. As soon as, but not until, that is done, I and others of California's delegation in the Congress can bear our weight in Washington to enact the necessary major Federal appropriations.

Obviously, even if the help I ask you for is swift to come, the inherent delay in organizing and funding a project of the magnitude involved, and the lead time required for building it, will aggregate a period of several years. Thus, even if all goes smoothly, the odds for the occurrence in Orange County of a 100-year flood sometime during the next 10 years are 1 in 10. The odds for the occurrence of the larger and more devastating Standard Project Flood are 1 in 20 or 30. Consequently, the prospects are far from negligible that the Santa Ana River Basin will experience serious flooding before a project can be completed to protect it.

For that reason I strongly urge homeowners and businessmen in the area to avail themselves of Federally subsidized flood insurance available through regular brokers. Presently, the limits on this insurance are $17,500 for a house, $5,000 for its contents and $30,000 for commercial buildings. Legislation which has passed the House of Representatives and is pending in the Senate will raise these limits to $35,000, $10,000 and $100,000, respectively.

The potential value of this insurance in relation to the flood risks present in the communities listed earlier in this letter should not be lightly regarded. Pending completion of an adequate Santa Ana River Basin Flood Control Project, I hope that public officials of the affected area will join me in publicizing the availability of this insurance to residents and property owners in the Basin.

I also believe that cities, counties and flood control districts in the area should explore the feasibility of obtaining blanket flood control insurance for all interests within their political boundaries, and financing the premiums by a special local flood control tax to be enacted for that specific purpose.

Thank you and the other responsible officials for all you will do to straighten this matter out.

Sincerely,

CRAIG HOSMER,
Member of Congress.

"MURDER BY HANDGUN: THE CASE FOR GUN CONTROL"—NO. 37

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. HARRINGTON. Mr. Speaker, today I am inserting an article on a murder-suicide that has destroyed the lives of a husband and wife.

Gun control legislation is the only way to help stop these "easy" killings.

The Washington Post article from October 16 is included below:

MURDER-SUICIDE RULING IN DEATHS

A D.C. medical examiner ruled yesterday that the shooting death of a 26-year-old man and his 25-year-old wife in Anacostia Sunday night were murder and suicide.

Deputy Medical Examiner Dr. William J. Brownlee said Steven Michael Greene, of Oakland, Calif., had apparently killed his estranged wife, Carolyn Hill Greene, 3035 Massachusetts Ave. SE, in a wooded area near her home here, and then taken his own life by shooting himself in the head.

Police said they believed Greene had arrived here from Oakland sometime Saturday. But they said they did not know when he met his wife, who has been working here as a secretary.

Charles Crocker, who has been living in the red brick apartment building where Mrs. Greene had been living, said the woman arrived in the District one or two months ago. He said he did not know her and had only seen her in passing.

Neither police nor any neighbors could give any reason for the incident.

The bodies were found about 9 p.m. Saturday near the bottom of a hill at Minnesota and Anacostia Avenues, SE, about two blocks from the woman's home.

WELFARE MYTHS

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. LEHMAN. Mr. Speaker, unfortunately, there has been a great deal of misunderstanding about our welfare system. The picture of hundreds of thousands of free-loading welfare cheaters getting rich off the American taxpayer is pure myth.

While there are certain areas of the system which need correction, the facts show that welfare goes largely to those groups in our Nation which are unable to help themselves—the aged, blind, disabled, children, and mothers who must stay home to care for young children.

Ann Landers has recently printed a letter from a youngster whose family was forced by tragedy to go on welfare. The letter seeks to dispel some of the more popular welfare myths.

The letter follows:

DEAR ANN: I am 15 years old. Dad died four years ago of cancer. There are five children in the family younger than I. My dad didn't belong to a union, he was self-employed, had no social security, and his insurance just barely covered his medical bills. Three years ago Mom had to go on welfare.

When we buy groceries with stamps some folks in the store look at us as if we are taking money out of their pockets. Sure, people on welfare cost taxpayers money, but Dad paid his taxes when he was alive and Mom can't feed us kids on what she makes working in a bakery.

I read some facts about welfare in an article put out by the Committee on Political Education. Every American should see it. You run the biggest billboard in America, Ann. Please print them.

Fact No. 1: People wind up on welfare not because they are cheats or loafers but because they are poor. They are poor not only in money, but in everything. They have had poor education, poor health care, a poor chance at decent employment and poor prospects for anything better.

Fact No. 2: Of the 15 million people on welfare, two million are aged, permanently disabled or blind. Three million are mothers.

Fact No. 3: Nobody is getting rich on welfare. At best, it allows barebone living. Maximum payment for a family of four ranges from $700 a year in Mississippi to $3,600 in New York, New Jersey, Massachusetts and Connecticut.

Fact No. 4: Cheating on welfare is not rampant, but minimal. No program involving 15 million people can be completely free of fakers. Probably less lying and cheating goes on in the Welfare Department than in the Internal Revenue Department.

Fact No. 5: Welfare mothers are not having babies just to collect extra money. Nearly 70 per cent of all children on welfare are legitimate, according to HEW.

Fact No. 6: The welfare rolls are not made up mostly of blacks. More than 48 per cent of the welfare families are white, 43 per

cent are black, the remaining are Orientals, American Indians and other ethnic groups.

I hope this will help to reduce the bigotry and clear up some misunderstanding.

—You Might Be Next

Thank you for helping educate millions of people today. I checked your facts with the Department of Health, Education and Welfare and they are correct.

U.S.A. IS NOT SO BAD, A CANADIAN REPORTS

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. FISHER. Mr. Speaker, with so many bad things being said about our country these days, it is refreshing to have some contrary viewpoints, particularly from a friendly Canadian named Gordon Sinclair. His remarks, which should be read by everyone, are contained in an editorial which appeared in the October 8 issue of the San Antonio Light, which follows:

GOOD NEIGHBORS

Gordon Sinclair, a Canadian commentator and author of several books, wrote the following article several weeks ago. We reprint it from the Anchorage Daily Times as a refreshing view at a time when Canadian-American relations are somewhat strained—partly, to be sure, because of controversies involving the trans-Alaska pipeline project. The article is as follows:

"The United States dollar took another pounding on German, French and British exchanges . . . It has declined there by 41 per cent since 1971, and this Canadian thinks it is time to speak up for the Americans as the most-generous and possibly the least-appreciated people in all the Earth.

"As long as 60 years ago, when I first started to read newspapers, I read of floods on the Yellow River and the Yangtze. Who rushed in with men and money to help? The Americans did.

"They have helped control floods on the Nile, the Amazon, the Ganges and the Niger.

"As the rich bottomland of the Mississippi is under water, no foreign land has sent a dollar to help.

"Germany, Japan and, to a lesser extent, Britain and Italy, were lifted out of the debris of war by the Americans, who poured in billions of dollars and forgave other billions of debts.

"None of those countries is today paying even the interest on its remaining debts to the United States.

"When the franc was in danger of collapsing in 1956, it was the Americans who propped it up and their reward was to be insulted and swindled on the streets of Paris.

"I was there; I saw it.

"When distant cities are hit by earthquake, it is the United States that hurries in to help . . . Managua, Nicaragua, is one of the most-recent examples. This year, 59 American communities have been flattened by tornadoes. Nobody has helped.

"The Marshall Plan, the Truman policy, all pumped billions upon billions of dollars into discouraged countries. Now newspapers in those countries are writing about the decadent, warmongering Americans.

"I'd like to see just one of those countries that is gloating over the erosion of the United States dollar build its own airplanes.

"Come on, let's hear it!

"Does any other country in the world have a plane to equal the Boeing jumbo jet, the Lockheed Tristar or the Douglas 10? If so, why don't they fly them? Why do all international lines except Russia fly American planes!

"Why does no other land on Earth even consider putting a man or woman on the Moon?

"You talk about Japanese technocracy and get radios. You talk about German technocracy and you get automobiles. You talk about American technocracy and you find men on the Moon, not once, but several times . . . and safely home again.

"You talk about scandals and the Americans put theirs right in the store window for everybody to look at.

"Even their draft dodgers are not pursued and hounded. They are here on our streets. Most of them . . . unless they are breaking Canadian laws, are getting American dollars from Ma and Pa at home to spend here.

"When the Americans get out of this bind . . . as they will . . . who could blame them if they said 'the hell with the rest of the world. Let someone else buy the Israel bonds. Let someone else build or repair foreign dams or design foreign buildings that won't shake apart in earthquakes.'

"When the railways of France, Germany and India were breaking down through age, it was the Americans who rebuilt them. When the Pennsylvania Railroad and the New York Central went broke, nobody loaned them an old caboose. Both are still broke.

"I can name you 5,000 times when the Americans raced to the help of other people in trouble.

"Can you name me even one time when someone else raced to the Americans in trouble?

"Our neighbors have faced it alone and I'm one Canadian who is tired of hearing them kicked around. They will come out of this thing with their flag high. And when they do, they are entitled to thumb their noses at the lands that are gloating over their present troubles.

"But there are many smug, self-righteous Canadians.

"And finally, the American Red Cross was told at its 48th annual meeting in New Orleans that it was broke. This year's disasters . . . with the year half over . . . had taken it all and nobody has helped."

WHY IS NACOA MEETING IN A CLOSET?

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. OBEY. Mr. Speaker, the public meeting of the National Advisory Committee on Oceans and Atmosphere this Friday and Saturday is to be held in room 6802 of the U.S. Department of Commerce Building, and NACOA has announced that the public will be admitted "to the extent of the very limited seating available on a first-come-first-served basis."

Now, a completely public meeting of NACOA is something of a novelty, so no one knows how many people will turn out to witness the proceedings. I am curious, however, why this advisory committee of 25 members will be meeting in dinky room 6802—which is little more than a closet—when the Commerce Department auditorium is available, at least for the Saturday session.

I cannot help thinking that NACOA, which has large-scale responsibilities, prefers a small-scale audience.

UNITED NATIONS WEEK

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. ASHBROOK. Mr. Speaker, United Nations Week is an appropriate time to take a good look at that international organization. It has been popular to refer to its as "man's best hope" for so long that we rarely take a good hard look at the work of that body. Is it really man's best hope for peace. In all honesty, I answer "no." Man's best hope for peace, I am certain, still rests in a strong and vital United States of America. Despite the hopes and aspirations of founders, the U.N. gives little indication it will be able to cope with serious international problems.

It was founded in the hope that the victorious allies in World War II would continue their "commitment" to peace. However, even then the Communists were not committed to peace and 28 years later are even less committed. If the past 28 years have shown anything, it is that it is difficult if not impossible to have general rules of behavior acceptable to Communist and free states. By their very nature, Communist states utilize an entirely different rule. If the U.N. were limited to nations which have open and free societies, it could come closer to achieving its purpose.

Having followed the United Nations closely through the years, I can safely make two categorical statements: First, the United Nations should in no way be given any of our basic American sovereignty nor should we trust its decisions for important peacekeeping operations. Second, none of its actions should be implemented in any way or form in this country without a specific vote of Congress. There are too many inconsistencies and errors in its operation.

A case in point is a recent resolution adopted by the Committee on Colonialism regarding the status of Puerto Rico. By a vote of 12 to 2, the U.N. committee affirmed Puerto Rico's right to independence. The resolution requests that the United States "refrain from taking any measures which might obstruct the full and free exercise by the people of Puerto Rico of their inalienable right to self-determination and independence." It also keeps the Puerto Rican question under the Colonialism Committee's "continuous review."

John Scali, our Ambassador to the United Nations, has rightfully labeled this resolution "ludicrous." In a free and open election held last year, 51 percent of the Puerto Rican people voted for the Popular Democratic Party, a party which advocates maintenance of the current commonwealth status. Another 43 percent voted for the New Progressive Party, which is pressing for statehood in the United States. Only 5 percent of the electorate cast ballots in favor of the Independence Party.

The Committee on Colonialism is, therefore, pushing a plan that has been rejected by 95 percent of the voters. Perhaps, as Mr. Scali indicates:

XUM

It may be some consolation to the people of Puerto Rico, who undoubtedly will be as outraged as I am by this blatant interference in their internal affairs, to realize that many of the nations which took the lead in supporting the resolution do not permit their citizens freely to express their views on who will govern them and for how long.

If Americans watched the day-to-day actions and votes in the U.N., they would not be calling it man's best hope for peace. In my observations, it is interesting that the loudest critics of the United States here at home are more often than not the same ones who want some basic American sovereignty transferred to the U.N.

"MR. BUCK" OUTSTANDING AS COMMUNITY LEADER

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. ALEXANDER. Mr. Speaker, since coming to Congress, I have dedicated a large portion of my energies and time to legislation and programs designed to assist the development of nonmetropolitan communities. However, programs and legislation do little good if the citizens themselves are not interested and concerned over the future of their cities.

I would like to share with my colleagues an article on one man from my hometown who has contributed greatly to the development of Osceola. Mr. J. C. Buchanan has exhibited endless energy in working with the civic organizations and the people of Osceola to improve and expand the economy and general welfare of the people who live there. Knowing such men gives me continued enthusiasm for the future of nonmetropolitan America and our Nation:

"MR. BUCK" OUTSTANDING AS COMMUNITY LEADER

(By Phil Mullen)

Since 1946, J. C. Buchanan has contributed as much or more to the expansion of the local economy, and to the general welfare of the community, as any other citizen.

"Mr. Buck" has received recognition in these columns before but what has made this writer think of him lately has been his great good sense about other people and his relationship with them.

He is a master salesman but he goes further than that. For instance, he has never been chincy in delegating authority to his son-in-law, Dewey Neely, who is vice president of the firm and then he gets along so very well with all of his help, because of his sincere interest in their personal welfare and he has a very low turnover of personnel at Buchanan Chevrolet & Olds.

One salesman came back a couple of years ago from 20 years of service in the Air Force and said that he had planned all of those years to "come back one day and sell cars for Buck."

He was one of the organizers of the Osceola Chamber of Commerce in 1947 and served on the board of directors almost continuously until about three years ago when he said, "It's time for a younger man to take over." More demonstration of good sense.

Mr. Buchanan is one of the four local leaders given most of the credit for the record industrialization of this small city. When the Chamber of Commerce was organized, those 36 years ago, members dug down in their pockets and put up their own money to encourage more housing and to afford more job opportunities for the community.

The other three who engaged in that long drive for industry were late Mayor Ben F. Butler, Faber White and Harold Ohlendorf.

When things looked bleak, Mr. Buchanan never lost his drive, never stopped working, and there is no telling how much those four gentlemen spent out of their own pockets to finance the trips that had to be made "up north" to contact the industrial headquarters and make the sales presentation about the attraction of Osceola.

Some 2,000 people now employed on the Industrial Park, their families, and the entire community well know and appreciate this work.

"Mr. Buck" never quit, until a few years ago, and he can register more enthusiasm than anyone in the State of Arkansas about his home town and how it is still due growth and economic expansion.

Mr. Buchanan began his association with the Chevrolet Motor Co. in 1925. He is a native of Neboovilie, Tenn. and began "coming across The River to Blytheville to sell automobiles when he was in knee britches." He spent 20 years in Blytheville before being able to acquire the operation of the agency in Osceola. Since that time, he has, with his valued associates, made the Osceola agency one of the most successful in the nation and he has been highly recognized by his fellow dealers on district and regional levels and by General Motors, several times.

As a widower, Mr. Buchanan married the former Miss June Armintrout in 1937 and this is one fine lady. The daughter, Helen, and her husband, Dewey Neely, say, "June has been everything a mother could be to us." The grandchildren, Kerri, Jay Lynn and Fanny, echo those sentiments.

"Mrs. Buck" was an expert insurance agency secretary for years then she joined the automobile firm and for years she has been a perfect complement to her husband. To everyone who comes calling, she has a friendly smile and a cheerful greeting, but she never intrudes herself.

In recent years, Mr. and Mrs. Buchanan have been taking long vacations, in Arizona, and at other noted spots but they seem to have been around home much lately.

"Buck" has been a member of the Osceola Rotary Club for many years, and he always seems to have a happy good time at the luncheons but here, also, he doesn't try to occupy the spotlight.

His great business knowhow has resulted in the establishment of two other Chevrolet agencies, the Bill Childers place in Poplar Bluff, Mo. and the Charles Cannon place in Ponca City, Okla.

What prompted this piece about Mr. Buchanan this week were the thoughts of this writer about our own personal relationship.

We've had some rugged political differences but they never became personal. He made it plain always that such differences had nothing with our doing business with each other and using each others products and services where such would be of benefit.

And you'll have to give him credit. He stands up for what he believes, for the good of the community, and he'll speak out plainly. Perhaps that's the best test of all of a good citizen—his activity in local politics, his drive, sometimes controversial, in community affairs, have never cost him a dime's worth of business.

Seeing him active around the auto agency you'd never accuse him of being one of the Elder Businessmen of the City but he does take it much easier than he used to.

Because he has built an organization that will take care of the business, if need be, and he has built a reputation that will last.

PRESIDENCY SHOULD BE FORD TEST

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. STOKES. Mr. Speaker, in view of the latest evidence of President Nixon's unfitness to continue in office, it is most important that the Congress entertain second thoughts about confirming his nomination for the Vice Presidency. Regardless of the particular nominee's virtues, anyone handpicked by a man so committed to trampling the Constitution and laws of this democracy, must be thoroughly and rigorously examined to determine just what kind of President he will be.

Only the day before the firing of Archibald Cox and the abolition of the special prosecutor's office, Mr. William C. Barnard, chief editorial writer of the Cleveland Plain Dealer, wrote:

> One year ago it was unthinkable that President Nixon might be impeached or forced to resign because of scandals in his administration. It is no longer unthinkable. . . . Because of these political uncertainties, Congress must not look at Ford in light of his vice presidential qualifications, but instead must determine whether he is capable of being president.

Bill Barnard displayed sharp foresight. But how could even he have known that just 24 hours after publishing that statement, the whole of the American people would suddenly cry out for the President's impeachment?

I wish to share with my colleagues the well-considered admonition Mr. Barnard has addressed to us:

PRESIDENCY SHOULD BE FORD TEST

There is a growing possibility that Richard M. Nixon may not serve out the final three years of his presidency.

This is a harsh observation, but it is one borne out by the incredible events of the past year. The reputations of President Nixon and his administration have been under constant assault for political treachery and immorality. There appears no letup to the barrage of accusations and evidence.

The following circumstances should be kept in mind when Congress considers the nomination of Gerald R. Ford to fill the vacancy in the office of vice president:

For the first time in the history of the United States a vice president has been forced to resign his office because of criminal wrongdoing.

Two former Nixon cabinet members, former Atty. Gen. John N. Mitchell and former Secretary of Commerce Maurice H. Stans, await trial on felony charges. They are under indictment for perjury. Former White House counsel John W. Dean III has been named a coconspirator with them.

Several lesser personages in the Nixon administration are under investigation or have been indicted for activities connected with the Watergate break-in or the President's re-election campaign.

And still the bottom is not in sight. Both the Senate committee and the U.S. attorney general are continuing their separate investigations. Special prosecutor Archibald Cox last week won a U.S. appellate court decision that ordered Nixon to turn over to a district judge presidential tape recordings related to Watergate. These are crucial and could exonerate or implicate the President.

Still another committee of Congress is investigating the use of government funds at President Nixon's private estates. The chairman of that committee has said evidence has been turned up that raises "serious questions of propriety."

Never has the presidency been so besmirched. Public opinion polls have never before recorded such low trust in the presidency. Seldom has Congress regarded the presidency so suspiciously.

One year ago it was unthinkable that the vice president and other top members of government might be forced to resign and face criminal prosecution. It is no longer unthinkable, it is now fact.

One year ago it was unthinkable that President Nixon might be impeached or forced to resign because of scandals in his administration. It is no longer unthinkable. The Watergate investigations have an uncontrolled momentum and no one can predict what their outcome will be.

It is in this atmosphere that Congress is considering the vice presidential nomination of Ford. Because of these political uncertainties. Congress must not look at Ford in light of his vice presidential qualifications, but instead must determine whether he is capable of being president.

President Nixon's removal from office is a possibility that is not relished, but it is a possibility that exists.

STATEMENT REGARDING WATERGATE TAPES

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. HOSMER. Mr. Speaker, the degree of confidentiality with which a U.S. President, as the head of a separate and independent branch of the Government, shall conduct his business has been in steady dispute with the Congress and the courts since the inception of the Republic.

President Nixon's position in this regard in connection with the Watergate tapes is neither more nor less than a part of this historic issue.

I thought that the compromise worked out to satisfy the court's order by furnishing verified summaries of the tapes was an intelligent approach which respected both public and Presidential interests. I believe Special Prosecutor Cox properly could have agreed to it. When he chose not to do so, his logical course was to resign in disagreement, as did the Attorney General.

Since this matter is one involving disagreement among legal experts on an ambiguous question of constitutional law, I do not regard impeachment of the President as a logical response to the situation.

Moreover, it appears to me that the President's subsequent action in releasing these tapes may set an unhappy precedent. How skillfully Judge Sirica handles them will have a lot to do with that. Advisers to Presidents could become reluctant to speak frankly knowing that their words might be freely publicized. Representatives of other nations might be inhibited unduly in discussing grave matters of state with American Presidents for the same reason.

In short, the real question here is not, as Cox said, whether we will have government by law rather than government by men, but whether we shall have government or whether we shall have a public mess.

AFL–CIO CALLS FOR RICHARD NIXON TO RESIGN OR BE IMPEACHED

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. RANGEL. Mr. Speaker, the public outcry over the President's actions this past weekend has been amazing. On October 22, at the 10th Constitutional Convention of the AFL–CIO, the executive council adopted a resolution asking for the resignation of President Nixon, and in the event of his failure to resign, his impeachment. I have taken the liberty of placing this resolution into the CONGRESSIONAL RECORD, for the benefit of my colleagues:

STATEMENT BY THE AFL–CIO EXECUTIVE COUNCIL ON PRESIDENT NIXON TO THE 10TH CONSTITUTIONAL CONVENTION, BAL HARBOR, FLA., OCTOBER 22, 1973

The Constitutional crisis that began with what the White House once described as a "third-rate burglary" has now been brought to a head by the absolutely unprecedented and shocking actions of President Nixon within the last 48 hours.

In rapid succession, these events have taken place:

The President demanded that Attorney General Elliot Richardson fire special Watergate prosecutor Archibald Cox. Richardson refused and resigned. The President demanded that Deputy Attorney General William D. Ruckelshaus fire Cox. Ruckelshaus refused and was fired. The President ordered his Solicitor General, Robert H. Bork, to fire Cox, and Bork, now Acting Attorney General, complied. The President ordered the FBI to seal off the offices of the special prosecutor, the Attorney General and the Deputy Attorney General—thereby, in effect, taking possession of the Watergate evidence.

These incredible actions have revealed the extent to which Mr. Nixon is prepared to go to prevent the full disclosure of evidence relating to the Watergate cover-up and other charges of criminal conduct by high government officials. He had already refused the orders of two courts to turn nine of his tapes bearing on the Watergate matters over to Judge John Sirica.

The President seems determined not to discharge the chief obligation of his office. Article II, Section 3 of the Constitution states that, "he shall take care that the laws be faithfully executed." But Mr. Nixon seems utterly determined to frustrate the full and impartial administration of the law.

When the Senate Judiciary Committee confirmed the appointment of Cox, it acted with the understanding, spelled out in the guidelines drawn up by the Attorney General, on May 19, that he would have: "full authority with respect to . . . determining whether or not to contest the assertion of 'executive privilege' or any other testimonial privilege. . . . The attorney general will not countermand or interfere with the special prosecutor's decisions or actions. . . . The special prosecutor will not be removed from his duties except for extraordinary improprieties on his part."

The special prosecutor's decision to press forward on the legal front to obtain the President's tapes hardly constitutes an "extraordinary impropriety." On the contrary, it constitutes the fulfillment of his mandate to "review all documentary evidence available from any source, as to which he shall have full access."

Similarly, the refusal of Attorney General Richardson to fire Cox was in accordance with the understanding between him and the special prosecutor, which understanding was also at the basis of the Senate's confirmation of Mr. Richardson as Attorney General.

Mr. Nixon's determination to prevent judicial examination of his tapes, no matter what the cost to our constitutional system, can only further erode public confidence in him. When the President appears fearful of facing a Supreme Court composed in large measure of his own appointees, the public can scarcely resist the darkest speculations.

We believe that the American people have had enough. More than enough.

We therefore call upon Richard Nixon, President of the United States, to resign.

We ask him to resign in the interest of preserving our democratic system of government, which requires a relationship of trust and candor between the people and their political leaders.

We ask him to resign in the interest of restoring a fully functioning government, which his Administration is too deeply in disarray to provide.

We ask him to resign in the interest of national security.

If Mr. Nixon does not resign, we call upon the House of Representatives forthwith to initiate impeachment proceedings against him.

We also call upon the Congress to hold up further consideration of the President's Vice President-designate, Mr. Ford. Clearly, a President who has placed himself on the brink of impeachment should not be allowed to name his successor until the charges against him have been disposed of satisfactorily.

We concur completely with Archibald Cox, who said at the time of his dismissal: "Whether we shall continue to be a government of laws and not of men is now for Congress and ultimately the American people to decide."

Impeachment is not a prospect we contemplate with pleasure. No decent American can derive any partisan satisfaction whatever from the misfortune of his nation. And surely the American labor movement is not interested in aiding any reckless attacks on the Presidency. We are especially concerned about the office of the Presidency in these times of grave danger on the international front.

But the cause of peace and freedom in the world cannot be served by a discredited Presidency at home. Our allies' best hope—mankind's best hope—lies in the strength of our democratic institutions.

Justice may be done, the risks of not doing it being more than a democracy can safely bear.

CONGRATULATIONS TO JAMES DAVIS

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. REES. Mr. Speaker, it is with great pride that I would like to share with you the accomplishment of a constituent of mine, James Calvin Davis of Studio City, Calif. Jim has been approved as an Eagle

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Scout and will receive the award at the Court of Honor of Troop No. 139 on November 3, 1973.

This young man has been very active in the Scouting program for several years. He recently exemplified the spirit of Scouting by building friendships with Scouts he met at the National Boy Scout Jamboree in August of this year, and by acting as host to two Japanese Scouts on their first visit to the United States. Jim still maintains a sincere correspondence with his former Japanese guests.

I am sure my colleagues will join with me in extending hearty congratulations to James Davis. He represents the large segment of our youth who constructively contribute to their communities and to whom our Nation will turn for guidance in the years to come.

UNITED NATIONS CELEBRATES ITS 28TH ANNIVERSARY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. BIAGGI. Mr. Speaker, today is the 28th annual celebration of United Nations Day throughout the world. It is a time when we should reflect on the history and accomplishments of this important institution, over the 28 tumultuous years of its existence.

It is particularly appropriate that as we celebrate United Nations Day 1973, we find it actively working toward the achievement of a durable cease fire to quell the raging warfare in the Middle East. The successful accomplishment of this will serve to silence the critics of the United Nations who feel that it no longer represents a viable institution for the solving of major world problems.

The United Nations can point to other significant achievements in the year 1973. The most significant action taken by the United Nations was the admittance of East and West Germany. This important action was interpreted by many international observers as a real breakthrough in solving the East-West tensions over the thorny questions of Germany.

It has been claimed by many international experts that the basis under which the United Nations was formed is no longer applicable today. Yet I contend that an international policy based on collective security is more viable today than at any other time in the 28 years of the United Nations' existence. With the emerging détente between the two super-powers, the United States and the Soviet Union, the emphasis will now shift to other major world powers such as China, Japan, and Germany, thus transferring our former bipolar world into a multipolar one. It is in this format that the United Nations can serve its most useful function.

It is in light of these facts that this year's celebration of United Nations Day is truly a significant event. I look forward to its continued growth and hope its influence is felt more in 1974 as we aim for the establishment for a generation of peace in the world.

IMPORTANCE OF A STRONG NATIONAL DEFENSE

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. DICKINSON. Mr. Speaker, on October 16, I was happy to invite a group of about 40 of our colleagues to meet informally with the distinguished Representative from Florida, Mr. LOUIS FREY, JR., who had just returned from a week in Israel. His acute observations, drawn from contact with Israeli civilian and military leaders all over the country, offered us a stark and chilling lesson in the need for defense preparedness. Let me give some examples:

First, the Israeli reserve forces were mobilized and committed to battle in 3 days. Some reserve units were in combat on the first day. Although the Arab forces apparently achieved considerable surprise, they were stopped without decisive military gains soon after the outset, by the very quick arrival of Israeli reservists. This is not to say that decisive psychological gains were not made.

There is a lesson for America here—an echo of 1776: We must have the desire to be and stay free. We have got to get behind our own Reserves and "get with it." The Reserve components, adequately trained and prepared, constitute an economical and essential insurance against threats to the United States.

Second, both sides in the Mid-East have been inflicting heavy damage with an assortment of very advanced antitank and antiaircraft systems. In fact, some are more sophisticated than any in our own arsenal. Arab effort centers around the sophisticated and highly mobile SA–6 and SA–7 antiaircraft missiles, and the Snapper antitank missile, all of which can deploy forward with armored units.

The SA–7 or Strella missile is man-portable, has a heat-sensing guidance system, and has been particularly effective against Israeli tank-fighter bomber teams. Press reports indicate that the Israelis have countered with the Shrike antiradiation missile, the Sparrow and Sidewinder air-to-air missiles, and a variety of electro-optical guided bombs.

Here is another lesson for thoughtful men: The combat environment of the future will be more uncertain than ever, as new technology is brought to bear. Supremacy in a future contest will depend greatly on current research and development, a field in which I would remind you that the Soviets are moving ahead with great speed. Obviously, we must mind our own progress here, and not fall asleep over the past success of American technology.

Third, there has been considerable surprise both in Israel and in this country that the Arab forces did not dissolve like a $2 suit in a heavy rain once the battle was fully joined. They have performed very creditably. Some Arab units have performed valorously. There is no question that rigorous training, improved leadership, and a sense of purpose have inspired both sides to do better. It is all a matter of attitude.

We, in America, should thereby recognize that a vigorous and spirited defense begins with a vigorous and spirited defense attitude. We cannot permit wooly-headed thinkers and flatulent critics to "rip off" the American military casually and destructively. Too much is at stake. We should instead nourish and invigorate the all-volunteer force by fostering constructive criticism when it is due, balanced praise when it has been earned, and by infusing the armed services with a keen sense of national responsibility and purpose.

Mr. Speaker, in an era of détente, when hopes are high for a structure of lasting peace, the Mid East war reminds us brutally that any such structure will be fragile, uncertain, and filled with latent danger.

It is not militarism to understand this; it is not warmongering to prepare against such hazards. It is, rather, basic to our discharge of citizenship. And the thoughtful, patriotic citizen should be in the forefront of such understanding. He will turn away from it at his peril and to the peril of all.

EXTENSION OF ENVIRONMENTAL EDUCATION ACT NOT NEEDED

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. ASHBROOK. Mr. Speaker, when the Environmental Education Act was enacted in 1970, it was not envisioned as a permanent piece of legislation. Its purpose was to encourage State and local school authorities to develop and support environmental education programs.

This purpose has certainly been achieved. Public awareness of environmental issues has probably never been at a higher level. Hundreds of environmental programs have been instituted, many of them initiated by students, teachers, and communities without any money from the Federal Government.

Today, however, we are asked to extend the Environmental Education Act for 3 years at a cost of $45 million. Despite the fact that the goals of the program have been achieved, many Congressmen seem intent on expending another $45 million for this bill rather than risk being labeled antienvironment.

This program should be terminated. We should not extend the act for an additional 3 years simply because it has the word "environment" in its title.

The following minority views on this legislation were joined in by Mr. LANDGREBE, Mr. HUBER, and myself:

MINORITY VIEWS ON H.R. 3927

There is no valid reason for extending the Environmental Education Act.

First of all, the Act was never intended to be permanent. Its purpose was to stimulate nationwide interest in environmental education—a goal which, as explained by Assistant Secretary of Health, Education and Welfare Sidney P. Marland in his testimony before the Select Education Subcommittee, has been fulfilled.

There is, we trust, no doubt that environmental and ecological issues have been brought to the "height of public consciousness." If there is any other issue presently more "sacred" to the public, we are not aware of it. As evidence, one need only note that Congress, never an institution to be out of step with the "public interest," has passed a virtual tidal wave of legislation designed to "protect the environment." As further evidence, one need only observe the extreme reluctance of many Members of Congress to oppose H.R. 3927, even though they agree that the program has served its purpose; apparently the fear of being labeled "anti-environment" is just too much to cope with.

Secondly, extension of the Environmental Education Act is inconsistent not only with the President's budget request but with his government reform strategy as well. The Act represents the sort of unduly narrow, categorical program which the Administration is in the process of phasing out in favor of broader categories of assistance which leave more decision making in the hands of State and local school officials. Since there is an automatic one-year extension of this Act, we have until June 30, 1974, to phase out funding under this authority and intergrate environmental educational efforts into the various broader authorities for Federal aid to education if we do so choose.

Let us acknowledge that this program has fulfilled its intended goal. Let us not waste the taxpayers money by extending an act simply because it has the word "environment" in its title.

EARL F. LANDGREBE,
JOHN M. ASHBROOK,
ROBERT J. HUBER.

WILLIAM McPHERSON McGILL

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. BYRON. Mr. Speaker, last week William McPherson McGill, one of Frederick County's most distinguished citizens, passed away. Mr. McGill, a Frederick County schoolteacher for 48 years, was the last teacher in the county to teach in a one-room school.

William McGill is remembered as a "Gentleman of the Old School" who kept his pupils on a strict schedule timed by his gold watch, who taught the three R's, plenty of geography and the flora and fauna of the woods and fields around his schools. He gave up a principal's job at Foxville to keep alive Phillips Delight, a one-room elementary school on the mountain near Catoctin Hollow.

Mr. McGill began teaching in 1910 at the Catoctin Furnace School. He served at Creagerstown Elementary, Ijamsville, the Deerfield School, Graceham, Bloomfield, Phillips Delight, and Foxville. He retired in 1955. William McPherson McGill will be sorely missed by his family and friends and his many ex-students. His many contributions to education and his community will be long remembered.

TELEPHONE PRIVACY IN KENTUCKY

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. ASPIN. Mr. Speaker, the assistant attorney general of Kentucky, Mr. Robert V. Bullock, has informed me that a telephone solicitation act will be presented to the Kentucky Legislature in January 1974, for its consideration.

I have sponsored in the House for the past 2 years a telephone privacy bill which will allow individuals to place a no-trespassing sign on their telephone. Individual telephone subscribers will be able to indicate that they do not wish to be solicited over the phone for commercial reasons.

Kentucky's proposal goes much further and makes it unlawful for any person to solicit the sale of merchandise or services by telephoning a prospective purchaser at his home.

Similar legislation has also been introduced in the Virginia Senate and public hearings have been held.

Telephone privacy, I believe, is the right of every citizen. I am hopeful that through either Federal legislation or actions by individual States that telephone subscribers will be able to halt the relentless attempts of telephone salesmen to hawk their wares over the phone.

A copy of the proposed Kentucky statute follows:

CONSUMERS' ADVISORY COUNCIL, DEPARTMENT OF LAW: AN ACT RELATING TO TELEPHONE SOLICITATION

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of Chapter 367 of the Kentucky Revised Statutes is created to read as follows:

It shall be unlawful for any person to solicit the sale of merchandise, goods or services primarily to be used for personal, family or household purposes by telephoning a prospective purchaser in his home.

Section 2. A new section of Chapter 367 of the Kentucky Revised Statutes is created to read as follows:

Section one of this act shall not apply to any telephone solicitation of a prospective purchaser who has an established charge account, or an established course of sales transactions between the prospective purchaser and the seller or company causing the solicitation.

Section 3. A new section of Chapter 367 of the Kentucky Revised Statutes is created to read as follows:

Section 1 of this Act shall not apply to non-profit charitable organizations who solicit for funds or charitable donations only, and who do not offer an accompanying sale of merchandise, goods or services, whose sales price does not exceed $3.00.

Section 4. A new section of Chapter 367 of the Kentucky Revised Statutes is created to read as follows:

Any person who conducts telephone solicitations to prospective purchasers in violation of this Act shall be guilty of a misdemeanor and be fined not less than $500 nor more than $1,000 or confined for 6 months or both, and for the second offense shall be fined not less than $500 nor more than $1,000 and shall be confined for not less than 30 days nor more than 90 days, and for conviction of a third offense shall be fined not less than $500 nor more than $1,000 and confined for not less than 90 days nor more than 10 months, and the Attorney General or a Commonwealth Attorney or a County Attorney may prosecute for a violation of this Act.

SPACE TECHNOLOGY

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. TEAGUE of Texas. Mr. Speaker, a recent article in the Lincoln Star by Dick Holman, Friday, September 14, 1973, discusses several innovations which were directly derived from our national space program. I include Mr. Holman's article in the RECORD as an example of the many and continuing contributions that our national space program is making to the daily lives of every American:

SPACE TECHNOLOGY OFFERS BETTER CHUCK-HOLE FILLER

(By Dick Holman)

Lincoln's chuck-hole problem—the bane of winter and spring motorists—could be solved with the technology that helped send man into space.

Louis Mogavero of the National Aeronautics and Space Administration (NASA) explained Thursday that the chuck-hole remedy is one of many spin-offs—new techniques and materials developed in the space effort—that NASA is offering the public.

"We try to return to the taxpayer some of his investment in the space and aeronautics program," said Mogavero, deputy director of NASA's technology utilization office.

He told newsmen that NASA wants to transfer technology to supply the needs of users—and let the free enterprise system take over."

For example, Mogavero said NASA learned municipalities are looking for a better chuck-hole filler that won't sink or crack. NASA took a thermoplastic used chemically to bind solid rocket propellants, adapted its technology and tested it.

"From preliminary observations," he said, "it seems a better mix" than what's available now.

Another NASA space spin-off has become available only in recent weeks: the rechargeable heart pacemaker.

NASA adapted a long-term battery developed for satellite power systems. The agency applied the same reliable miniaturized circuitry to the pacemaker.

NO OPERATION

"All the patient does now is put on a vest, plug it in and recharge the battery through induction." The innovation precludes expensive and hazardous operations required to recharge earlier pacemakers, he said.

NASA offers the spin-offs to municipalities, industry, business and entrepreneurs for free, Mogavero said; yet he said "we have trouble" convincing them to commercialize the technology for public use.

However, great numbers of spin-offs have already been put to practical applications.

Mogavero explained that a woman paralyzed from the neck down now operates her arm with very fine movements using a tongue switch. "For the first time in 18 years, she wrote a letter to her daughter," he said.

The switch was adapted from NASA's remote control devices.

EYE SWITCH

Because of tremendous G-forces that pinned astronauts to their seats, NASA developed a light sensor that reflects into the the astronauts' eyes and allows them to manipulate controls by mere eye movement.

That same technology, Mogavero said, has been adapted to allow an invalid to guide his wheel chair.

In nonmedical advances, he said, one spinoff allows inexpensive extraction of pure costly metals from abandoned cars. Another rapidly detects drug use through urinalysis, a technique "so finely tuned that it can pick up the casual user—once a week," he explained.

For the refrigerator in the home or the refrigerated boxcar, he showed a tiny IWI, an irreversible warning indicator, which indicates by color change if frozen goods have thawed.

The IWI costs two cents in large quantities and six cents in smaller quantities, and can prevent food poisoning, for example, if the power went out while a family was out of town.

BEGAN IN 1962

In an address to the Professional Engineers of Nebraska Thursday evening, Mogavero said the technology utilization program began in 1962.

He explained how NASA teams all over the U.S. "seek out technical problems that might lend themselves to solution by adaptations of existing space technology."

When a technology can be applied for commercial use, the information can be extracted from NASA's data bank or NASA puts the party in direct contact with the NASA inventor or innovator, he said.

"One of the problems we are working on is to effect changes in the NASA patent policy that ought to encourage more businessmen to use technology which is patented," he said. "NASA is now able to accelerate commercial use (of spin-offs) by granting exclusive licenses much earlier than was allowed under the old regulations."

Mogavero emphasized that "all this is not NASA hornblowing. It represents long hours of work and promotion of the idea that the taxpayers are entitled to maximum mileage for their hard-earned space dollars."

LOTTERIES: VICE AND VIRTUE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. CRANE. Mr. Speaker, at the present time in the city of Chicago, there are many who advocate a city lottery. Their argument is that since criminal lotteries take in $100 million a year and benefit only those who illegally operate them, and since a legal lottery would benefit the city, that it be instituted.

In fact, a report by the chairman of the license commission was given to the city council which declared that a legal city lottery would gross at least $150 million.

A number of States have entered the gambling business. The arguments for doing so are similar to those now being heard in Chicago. Too often, the arguments against doing so are not given the hearing they deserve.

We have all heard the argument that since people gamble anyway, why not benefit the State. George Will, writing in the Washington Post, expresses the view that this is no reason for Government to enter a self-destruction business on a grand scale.

Irving Kristol, writing in the Wall Street Journal, declares that—

> The case for legalized gambling is, at bottom, simply an argument in favor of the government raising revenues by swindling its citizens rather than taxing them.

When we speak of legalized gambling, Kristol notes, we are not speaking of simply rescinding the laws which make gambling illegal. He notes that—

> We are, in most cases, talking about legalizing it in a very special way—i.e., either as socialized industry or a regulated and monopolistic (or oligopolistic) "public utility." And we are inclined to think, these days, that such an extension of the public sector represents a natural increment to the "welfare state."

When government gets into the gambling business, according to Mr. Kristol:

> It necessarily assumes the responsibilities for seeing that this business grows and prospers. In effect, it proclaims that gambling is not a necessary evil but an inherently good thing. And it does this while telling its citizens that, if they are to be good Americans, they should work hard, save their money, shun all get-rich schemes. Is this not ridiculous?

If we believe that gambling should be legalized, then the thing to do is simply to repeal the laws prohibiting it. Gambling then would become a free and open part of the marketplace.

What those who seek State and city run lotteries are asking for, however, is something far different, it is not the legalization of gambling, but its socialization.

Concluding his article, Mr. Kristol writes that—

> If we legalize gambling in principle and then socialize it to boot, we have declared that it is in no way a blameworthy activity. That's going too far.

I wish to share this important article by Irving Kristol, which appeared in the September 13, 1973, Wall Street Journal, with my colleagues, and insert it into the RECORD at this time:

VICE AND VIRTUE IN LAS VEGAS

(By Irving Kristol)

LAS VEGAS, NEV.—They smiled indulgently when I said I was going to visit my sister and brother-in-law in Las Vegas. Oddly enough, I was telling the truth—well, half the truth anyway. The other half of the truth, of course, was that I was going to Las Vegas to indulge in the vice of gambling.

I use the word "vice" advisedly. The kind of gambling one does in Las Vegas is a vice. We are not, after all, talking about a friendly and convivial game of poker or canasta. That is more in the nature of "gaming" than of gambling. There is nothing friendly or convivial about Las Vegas. It is all impersonal and solitary—one abandons oneself to fantasies of omniscience, omnipotence, and of getting something for nothing. It most definitely undermines the classical virtues (moderation, self-reliance, self-discipline, thrift, diligence, etc.) while nourishing the classical vices (extravagance, avarice, the lack of social responsibility, etc.). Moralists and psychiatrists agree that this kind of gambling is altogether a bad thing; which is, I suppose, why it is so intensely pleasurable.

I have always been rather fond of Las Vegas because it candidly is an utterly vicious place (i.e., a place for vice). Despite the big-name entertainment and the lavish decor, everyone knows what the business of Las Vegas is, and everyone knows what transactions he has come to participate in. Set in the midst of a barren desert, with no industry of any kind, no pretty scenery or natural charms, Las Vegas exists for sinning and nothing else.

Or at least it used to. For Las Vegas is changing. Not only are more and more people coming every year—they are a different kind of people. Las Vegas now boasts a Holiday Inn and a Howard Johnson's. And it is attracting, in ever greater numbers, a Holiday Inn and Howard Johnson's crowd—cluttered station wagons, yelping dogs, whining children and all. The Chamber of Commerce is very proud of the fact that so many "middle Americans" are now casually stopping off here for a few days of fun and games. I am appalled. It is not only that they will ruin Las Vegas as an authentic city of occasional sin; these are people who are helping to obliterate the distinction between vice and innocent entertainment—a distinction crucial to a self-governing polity, in which (to borrow a phrase from "America the Beautiful") we propose to "confirm our soul in self control."

DANGER AHEAD

Las Vegas inverts the normal moral situation: here, vice is public and only virtue is a private affair. Such inversion is tolerable so long as one realizes how abnormal it is. But once Las Vegas comes to be regarded as just another vacation resort, to which one takes the family without a qualm, we are in danger of losing our moral bearings. Las Vegas may end up more virtuous—but only by de-moralizing the rest of the country.

The significance of the changes under way in American manners and morals is highlighted by the latest issue of Forbes to reach the Las Vegas newsstands. Its lead story, "Gambling: the Hottest Growth Industry?" predicts—with a confidence not to be challenged—the growing legalization of gambling in state after state. The cover is graced with a photograph of the late W. C. Fields peering from behind a "hand" of cards. Only four cards are visible; the fifth is presumably up his sleeve.

Now, I yield to no man in my admiration of W. C. Fields. A world without such deviants and eccentrics and rebels against morolaity would be a tedious place. But for a W. C. Fields to emerge in full splendor, he needs a "straight" millieu. One can envisage him easily enough at a typical Holiday Inn, selling snake oil or running a crooked game of bingo. In Las Vegas, he'd be trampled to death by the rush of housewives to the slot machines.

Do we really want to go the way of legalized gambling? There are important issues involved, which no one seems to be seriously discussing. In part, this is because serious discussion of moral issues—e.g., drugs, pornography, sexual promiscuity—goes against the spirit of the age, which would have trouble recognizing a moral issue if it ran over one on Main Street, in broad daylight. But in the case of gambling there is another reason why the moral aspect of the matter is so vigilantly ignored. This is because, when we are talking about legalizing gambling, we are in most cases talking about legalizing it in a very special way—i.e., either as socialized industry or a regulated and monopolistic (or at least oligopolistic) "public utility." And we are inclined to think, these days, that such an extension of the public sector represents a natural increment to the "welfare state."

The most common argument in favor of legalizing gambling is that a lot of people gamble anyway, so why make it a criminal activity? Let's "de-criminalize" it and thereby reduce the crime statistics. Despite its superficial plausibility, this argument makes little sense. If it is to be applied to gambling, it can be applied with equal cogency to faith-healing, "pyramid" sales schemes, and all such activities, now illegel, where the victim is a willing participant in the crime. The SEC does not sanction stock market swindles, even where the odds against the investor are scrupulously spelled out somewhere in a prospectus. And gambling—as distinct from what I have called "gambling"—is, technically, a

swindle; the payoffs on bets must be less than fair, and the overwhelming majority of the "investors" must eventually lose their money, if the gambling enterprise is to survive and prosper.

Besides being unconvincing, this argument in favor of legalized gambling is disingenuous. Just how disingenuous may be discovered by asking the question: If we wish to legalize gambling, why not simply erase the prohibitions from the law books and leave the rest to private enterprise? The rejoinder will be either (a) that gambling under private enterprise will chest the ordinary more than the state will (which is not always true, as every horse-better in New York City knows), or (b) that profits from such a sinful activity as gambling ought not to line private pockets but should rather be directed into the public purse. That last proposition is clearly absurd in its moral logic; as George Will has pointed out in The Washington Post, the fact that government cannot prevent people from being self-destructive is no reason for government to go on a grand scale. But morally absurd or not, this is the argument that counts. The case for legalized gambling is, at bottom, simply an argument in favor of the government raising revenues by swindling its citizens rather than by taxing them.

The article in Forbes makes it quite clear that the impetus for legalized gambling comes from the promise it holds of raising substantial revenues in a "painless" way. When the idea of legalized gambling began to take shape some years back, our state budgets were indeed in bad shape. But today that is no longer the case. For various reasons—revenue sharing, the declining birth rate, general prosperity—most states are now running budgetary surpluses, and tax cuts are becoming more common than tax increases. Nevertheless, there are a great many people in our society whose notion of "progressive" politics is always to be thinking of new ways for the government to spend money for the welfare of its citizens. And since taxation is unpopular, these people have persuaded themselves that it is in the public interest for the government to swindle its citizens so that it can then launch programs that would improve their lives, materially and spiritually.

As a result, various forms of legalized gambling are already in existence in several states while other states are contemplating the inaurguration of them. And we have learned something very interesting from our experience so far. This is that legalized gambling, if it is to "work" (i.e., raise revenues), must be run like any other business selling any other commodity. It has to be advertised and promoted: non-gamblers have to be *persuaded* to gamble. It has to be attractively packaged: there must be various forms of gambling to suit pocketbooks large and small, and to satisfy diverse tastes for a speculative fling. It must be innovative: new modes of gambling have to be devised and introduced, lest people become bored with losing their money. It must be deceptive: the odds against winning are emphatically *not* printed on your betting ticket. And both the stakes and the bets have constantly to be increased, so people can ignore their continuing losses while dreaming of an ultimate "killing."

DOES IT MAKE SENSE?

In short, when government gets into the gambling business it necessarily assumes the responsibilities for seeing that this business grows and prospers. In effect, it proclaims that gambling is not a necessary evil but an inherently good thing. And it does this while telling its citizens that, if they are to be good Americans, they should work hard, save their money, shun all get-rich-quick schemes. Is this not ridiculous? Does it really make sense for the government to insist that no one has a legal right to work for a penny less than the minimum wage and for the government then to encourage us all to blow our week's wages at the betting cage? Does it really make sense for the government to enact a mountain of legislation—from SEC registration to the labeling of consumer products—which protects people from unwise expenditures while urging them to make the unwisest expenditure of all, i.e., a gambling bet?

Of course it is ridiculous. And dishonest. And corrupting, both of people and government. But the urge to spend the people's money for the people's welfare is so powerful (and so mindless) that it actually comes to seem proper to cheat the people in order to get this money to spend on their welfare. This is paternalism run amok.

I have no doubt that there are some silly anti-gaming laws on the books—petty laws, ineffectual laws, which ought simply to be repealed. And if we really are tired and bored with enforcing the laws against *gambling*, then the honest thing to do is to repeal them as well. Gambling will then be the free folly of an individual.

But if we legalize gambling in principle, and then socialize it to boot, we have declared that it is in no way a blameworthy activity. That's going too far. One Las Vegas, far away and only sometimes visited, we can easily tolerate—even benignly tolerate. But one is quite enough.

MR. NIXON TAKES A WHITEWASH

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. RANGEL. Mr. Speaker, despite the President's recent action in complying with the U.S. District Court of Appeals' decision that he hand the disputed tapes over to Judge Sirica, serious questions still remain as to whether the investigation into his administration's activities will be able to continue unimpeded. It is, I think, most important that Congress immediately act to reestablish, by statute, the office of the special prosecutor, thereby insuring its independence from the President and the Executive Branch.

I am taking the liberty of inserting Mr. Tom Wicker's article on this subject which appeared in the October 23 edition of the New York Times. I am sure that my colleagues will be interested in Mr. Wicker's remarks on the need for an independent investigation into the Nixon administration's activities:

MR. NIXON TAKES A WHITEWASH

(By Tom Wicker)

WASHINGTON.—Richard Nixon has ordered his own whitewash. He has put an end to an investigation of his Administration's activities that he had promised would be independent, unhindered and complete, and he has reasserted his political direction of the Department of Justice.

In so doing, Mr. Nixon has made it impossible that any Justice Department continuation of the Cox investigation could be credible, conclusive or acceptable to the American people, much less effective in uncovering wrongdoing. If Mr. Nixon had wanted a no-holds-barred inquiry, he would not have fired Special Prosecutor Cox; if the Justice Department now attempts to provide such an investigation anyway, Mr. Nixon has left no doubt that he will stop that, too, by firing the next crop of investigators.

That the Watergate investigation has been quashed by the man being investigated should not be obscured by all the diversions this devious politician has prepared to disguise it. White House lawyers apparently are going into court to argue that Mr. Nixon's unilateral proposal of a self-serving means of resolving the tapes controversy met the court requirement that he turn the tapes over to Judge Sirica. They will argue further that this proposal was indeed a "compromise," although it takes two sides to a controversy to make a compromise, and although, on its face, Mr. Nixon's proposal was more nearly a fiat accompanied by a peremptory order to Mr. Cox not to return to the courts in further pursuit of the tapes.

It also is being argued that this Nixon power play is a compromise because it was accepted, more or less, by Senator Ervin, whose flabby inadequacy as an investigator was finally made clear, and by Senator Baker, who is a Republican Presidential possibility, on behalf of a committee that had no say in their decision. In fact, the committee already had been denied the tapes by the courts, so that the two Senators were not compromising but swallowing a Nixonian handout of sucker-bait. At that, they did not then know that their acceptance would be used to make Mr. Cox appear intransigent; although they presumably did know, as Mr. Nixon surely did, that whether or not they accepted on behalf of the Senate committee had no bearing on what the special prosecutor had to do on behalf of the grand jury for which he originally had sought the tapes.

As for Mr. Nixon's selection of John Stennis as auditor of the tapes—a political master-stroke—it is no reflection on Mr. Stennis' undoubted veracity to inquire why he, but not a Federal judge in his chambers, should pass on the accuracy of the "summaries" Mr. Nixon proposed to provide; or to point out that the proposal would set aside the normal judicial process, by Nixonian decree, in favor of an ad hoc arrangement with nothing to recommend it but the reputation of one elderly and infirm man. As Mr. Cox explained, moreover, however John Stennis might vouch for them, no court would or should accept "summaries" rather than the tapes themselves as evidence for either the prosecution or any defendant—which may be something Mr. Nixon had in mind all along.

All of these matters are diversionary and are being advanced by White House double-talk artists in order to hide from the public the snuffing out of Archibald Cox's special investigation, and the reassertion of the same kind of political control of the Justice Department that made Mr. Cox's appointment necessary in the first place.

That appointment was forced upon Mr. Nixon by Congress because the Senate would not have confirmed Elliot Richardson as Attorney General without the promise that a special prosecutor would be named and given independent powers to investigate; and Mr. Richardson's resignation was in recognition of that promise and of its violation by Richard Nixon. Therefore, Congress has no choice, if it is not to see its expressed will thwarted by Mr. Nixon's perfidy, but to reestablish a special and independent investigation in such a manner that Mr. Nixon cannot nullify it by whatever new tricks he may devise.

How this may be done, as to a general investigation into all the alleged offenses, is not clear, but as to Mr. Nixon himself, there is ready at hand a resolution by Representative B. F. Sisk of California that the House of Representatives establish a select committee to inquire into the question of impeachment. To impeach, which only the House can do, is not to remove Mr. Nixon from office but to indict him in specified charges, which then would be turned over to the Senate for a fair trial on the merits of the case.

XUM

Mr. Nixon could not quash such a constitutionally based House inquiry. He could not contend that it violated the separation of powers. If he refused to respond to its subpoena, the committee of inquiry could draw its own conclusions, and make its own recommendations. By thwarting the legal process, Mr. Nixon has asked for precisely such political judgment.

TAPIRS, TAKINS, KINODO DRAGONS—ONLY AT THE BRONX ZOO, AND SOON A MONORAIL, TOO

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. BINGHAM. Mr. Speaker, the Bronx Zoological Park, no doubt the finest institution of its kind, plans a most exciting new endeavor—a 40-acre Asiatic wildlife complex for such exotic creatures as kinodo dragons, Siberian tigers, giant bats, mouse deer, takins, gaurs, clouded leopards, and tapirs. And to protect the animals and the viewers from each other, there are plans to build a ground level monorail that can be halted at the command of the guide any time something unusual happens among the animals.

This project exemplifies the best efforts of zoo planners to provide the excitement and wildness of a first-class zoo in an urban setting. It would be regrettable if the money needed to realize these plans were not forthcoming. The museum services bill (H.R. 10596) designed to provide project grants and technical assistance would, if enacted, help to insure the success of endeavors such as that planned for the Bronx Zoo.

I commend to the attention of my colleagues an article appearing in the New York Times on October 19:

Asia Is Coming to the Bronx Zoo

(By Murray Schumach)

A monorail with expert lecturers, will be the style in which visitors to the Bronx Zoo's projected 40-acre Asiatic wildlife complex will watch kinodo dragons, Siberian tigers, elephants, rhinocerous, giant bats, mouse deer, the largest wild cattle in the world and other exotic creatures from the Arabian Peninsula to Java.

Moreover, the ground-level monorail will be built in such fashion that although it will run alongside the Bronx River Parkway for a stretch, as well as across the Bronx River, the rider will at all times, be turned from views of traffic and other unpleasant reminders of urban civilization.

This, and other aspects of the Asian exhibition that will be mostly outdoors, were disclosed yesterday by William G. Conway, director of the Bronx Zoo, after he appeared before the City Planning Commission, at City Hall, to urge inclusion of $5.5-million by the city for this development.

"The complex will be the most exciting thing of its kind ever built," Mr. Conway said. He said that the monorail will be able to be halted at the command of the guide any time he sees anything unusual happening among the animals.

NO NUTS, PLEASE

After leaving the hearing, he said that the New York Zoological Society has already committed itself to $6.5-million and that the work has started on the plans that the city has looked upon favorably in the past.

"The smallest section of this Asiatic wildlife complex," he said, "will be bigger than our present African plains for the lions." The plains cover about three acres and is now the zoo's largest display.

Mr. Conway, when asked if youngsters would be able to give peanuts to the elephants as they roam the outdoor Asian area, replied:

"No. We want to stop this custom of giving peanuts to elephants. The peanuts are no better for elephants than they are for people."

Included in the new exhibition area will be a building that will contain slithering pythons, treetop-swinging orangutans, and the komoto dragons.

SCHOOL IS PLANNED

One of the major outdoor features will be the Siberian tigers, of which the zoo now has a breeding group that has enabled the institution to raise between four and seven cubs a year. This work is particularly important because Mr. Conway said that there are now believed to be less than 180 Siberian tigers in their natural state left in the world.

Once the Asiatic exhibition is open, the zoo's old lion house will be phased out and be replaced by a school to teach conservation. Live animals will be part of the courses at this school.

The designer of the new exhibition is Morris Ketchum and Associates, of 919 Third Avenue, architects for the widely acclaimed World of Birds and World of Darkness at the Bronx Zoo.

Among other creatures in the new Asian exhibition, Mr. Conway continued, will be cranes, tapirs, takins (relatives of the musk ox, which are from Boreno), gaur, or giant wild cattle, that stand six feet at the shoulder; clouded leopards and flying foxes, which are bats with five-foot wingspreads.

Mr. Conway said that very few trees would have to be cut down for the new exhibition and that the natural beauty of the area would be protected since the building will be partly underground and be almost concealed by trees and other greenery.

Mr. Conway said that the New York Zoological Society began planning the project in 1969 and is hopeful that the first stage—the outdoor phase—will be open by 1975 and that the indoor section will be completed a year later.

The area for evoking Asia in the Bronx will run from the zoo's southern boundary at 180th Street north almost to the Pelham Parkway, and east from the Bronx River to the Bronx River Parkway. It is an underdeveloped tract within the zoo's 252 acres.

SECRETARY OF ARMY CALLAWAY DISCUSSES VOLUNTEER ARMY

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. DICKINSON. Mr. Speaker, recently I spoke on the floor of the House regarding the concept of an All-Volunteer Army and the fact that more support ought to be given to this effort.

Last Monday the Secretary of the Army, the Honorable Howard H. Callaway, addressed the Association of the U.S. Army convention here in Washington on this same subject. The Secretary's remarks should be of interest to other Members of the Congress and I, therefore, am inserting them in the RECORD at this point:

Address by the Honorable Howard H. Callaway

Ladies and Gentlemen, distinguished guests:

I'm delighted to have this opportunity to be with you this afternoon. We in the Army are aware of your long-standing support for a strong National defense and we feel that the Nation owes you a debt of gratitude.

It is an exciting time for me to be Secretary of the Army. We are entering a historic time, a time of basic change, as we try to do what has never been done before. The Army has set out to provide security for this great country, to keep our global commitments, to stand ready to face an aggressor on a moment's notice—and to do all this with an Army of volunteers. No nation in history has tried to meet such massive and complex commitments without compelling people to serve, through one form of conscription or another. It is a challenge—a great challenge, one which I assure you we are doing our utmost to meet. Today I want to address this question with you—this question of meeting the need for an Army with a volunteer force.

Unfortunately, discussions of the volunteer Army are usually accompanied by emotional considerations about the value of the draft or of Universal Military Training. There are many, both in the military and out, who genuinely feel that the maintenance of a draft is important to our country, and so the debate continues. But the debate is on the wrong subject.

Those who continue to hold out the false hope that the Army can or ought to simply dodge the problems of the volunteer environment by quick return to the draft are not facing up to today's realities. The country doesn't want a draft today. The Congress doesn't want a draft today. The alternative then is a successful volunteer Army or failure for the Army. The US Army has never failed this country. It has always turned the hard challenges of history into success. So today, the challenge for all of us who support the Army is clear. We must set our minds to making the volunteer Army work.

And the volunteer Army is working! It is working because there are still young men and women in America who want to serve their country—this is "an idea whose time remains" for all Americans, young and old, of every race, color, and creed. And it is working because the Army offers to young men and women a satisfying life and solid benefits in conjunction with their service. There are those who feel we are trying to buy an Army. This is not the case. We are giving young men and women who serve in the Army a standard of living that is roughly comparable to the standard of living they might get in the civilian community for doing a similar job. This means higher pay; paid annual leave; complete, superb medical and dental care; life in much improved barracks, and more.

All of these measures are necessary. I support them wholeheartedly. But let me emphasize that we are not trying to buy an Army! We will get the Army that the Nation needs only by appeal to sacrifice and service.

And this brings me to the second, most important way that we are making the volunteer Army work, by insuring that service to the country is a meaningful part of the young man or woman's life. We are making Army service a step forward in their lives, not an interruption. And to do this we are putting a great emphasis on education and training, and on insuring that our soldiers' jobs are important and useful.

We are doing this by making each soldier's job relate to the Army's mission, because this makes Army service mean something. Our young people want value from their

lives. They want a job that matters and we've got that job. We are also working to eliminate unnecessary irritants. We think this will make the Army more attractive, and our surveys have borne this out.

We have developed a very attractive package of education and training. To the high school dropout who has the ability and motivation, we offer work toward a high school diploma, as an adjunct to training. To the high school graduate, an opportunity for college training, part of which may be as an adjunct to training. To junior college and college students, the possibility of further training, and even this may be as an adjunct to training. And to all of them, the Army offers vocational training that will be useful when the soldier returns to civilian life.

With a meaningful job, a decent standard of living, and real opportunity for continued education and training, young men and women can look upon a period of service to the country as a genuine step forward in their lives. And when they leave the Service, they will realize other very important advantages. For one thing, under the GI Bill, they are entitled to more education, provided by the government to its veterans. And they are more mature. The Army has trained them, given them each a mission, and then held them responsible for professional results. This responsibility develops maturity. Thus, both the education and experience of military service prepare them for better jobs when they leave the Army for civilian careers.

All of these benefits are pointed toward the first term volunteer. For those who choose to reenlist for the volunteer Army, however, more opportunities for education, maturity, and service accrue.

We have, today, the finest noncommissioned officer leadership training we have ever had, with progressive career steps going from the recruit right on through our top command sergeant major. Our men and women enjoy the benefits of our new Noncommissioned Officer Education System, a system which offers to the noncommissioned officer a progressive, professional military education roughly comparable to the superb system of schooling we have always offered to our officers. The system trains, educates, and motivates our NCO leaders for the progressive challenges of an Army career.

Some of our strongest supporters don't fully understand today's Army. They think the Army lost something important when we initiated, for example, the idea of hiring civilian help—KPs—to work in the kitchens and dining rooms. They think that eliminating such irritants as KP has made the Army soft. But the Army's mission is not to peel potatoes; its mission is to fight. Peeling potatoes does not improve discipline or combat efficiency. So changes to some things held traditional in the past are in the wind, but if you look at them, you will see that each turns harder than ever on mission. We are not retreating from the Army's real business. The volunteer Army is ready to fight.

We do not have and we shall not have a permissive Army. We have and we shall have a disciplined Army, responsive to authority, and able to perform its mission in the service of the country. You expect it; the country deserves it; and I'm going to do my level best to see that it happens.

In brief, that's the program we have undertaken to attract young people, to encourage them to enter the Army. And once they're in, I know that many of them will choose to stay beyond their initial commitment, because they will see that the Army has a very fine career progression system.

I believe Americans will agree, then, that we have a package that is appealing to today's young people, appealing not only in terms of benefits, but in the opportunity for service to country. And the beauty of this is that it appeals to everyone in America. Service to country appeals equally to rich and poor, Northerner and Southerner, educated and uneducated. Pride in America and willingness to sacrifice for her is an ideal which knows no cultural or economic boundaries. In this fact lies the very strength of the Nation. I count on this appeal to give us an Army which mirrors America. It's not going to be a mercenary Army, it's going to be an all-American Army.

This then is our plan. It is not only our plan for the future, it is also a description of today's Army. For practical purposes, the draft ended for us on December 29, 1972, when the last draftee entered the Army. (Although a few deferred draftees entered later.) So we have had about 10 months' experience now in a volunteer environment, and I think it is appropriate that we review some of the results.

Because each month we openly discuss our goals and quotas, many have a distorted picture of our progress. They feel we are hopelessly short of recruiting goals, trying to make up the gap by lowering quality, and as a consequence, ending up with nothing worthwhile whatever. It is true that we have missed our goals during the past 10 months. But it is important to remember that our goals are akin to the salesman's goals—realistic, but difficult to meet.

What are the facts? During these past months, we have recruited into the volunteer Army some 124,000 young men and women; further, over 34,000 men and women have reenlisted during this period. In fact we have been running about 84 percent of our recruiting objective ever since December 29, 1972, when we abandoned the draft. And those who have come into the Army are of high quality. We have had a higher percentage of high school graduates entering the Army since the draft ended—about 10 percent higher—than we had in the 6 months before the end of the draft. As a result, we now have an Active Army of over 794,000 and this is 97 percent of our programed strength. Total accessions, then, have fallen somewhat short of our goals, but we are still filled far above any level of concern, and quality is high.

And we have many encouraging signs. Last year we decided to reactivate the 9th Infantry Division at Fort Lewis, Washington, but the manpower was not at hand. So we told the commander, General Fulton, that if he wanted a division, to take his cadre, the Division colors, and go out and recruit a division. General Fulton and his recruiters did just that. They began a vigorous recruiting campaign and today that Division stands at 102 percent strength, essentially filled with enlisted volunteer soldiers. Now, this is a real success story, a living example which illustrates concretely that the volunteer Army program is not an impossible dream, but a workable idea, and it is typical of many other units with similar successes.

We do not minimize our recruiting problems; we spend our time and energy working on them. We are trying many news approaches to recruiting, which stress quality together with quantity—such as increasing the number of recruiters, expanding our unit-of-choice and station-of-choice options, screening out poor soldiers in our reenlistments, administering new entrance tests, and even weeding out misfits in basic training. These efforts will continue.

Some also have expressed concern that the volunteer Army was doomed to failure because it would bring a decline in discipline. That has not been the case. If we compare discipline trends for FY 72 with FY 73, a period which includes both draft and volunteer Army experience, we find that rates for AWOL, desertion, crimes of violence, crimes against property, courts-martial, and separations under less than honorable conditions, are down.

Virtually every major indicator of discipline except drug offense has, in fact, remained or turned positive in the volunteer Army. Whatever factors contribute to this picture, it is clear that today's volunteer soldier is not causing an increase in disciplinary problems.

Many also had expected the volunteer Army to herald the demise of our National Guard and Army Reserve as viable outfits. No such demise is in sight, although we do face problems here. We have seen modest reductions in the strengths of both our Reserve Components from the December 1972 levels, a trend in fact dating from mid-1971. But current indications give us some encouragement that we may be able to restrain this decline. We have in the past several months, for example, been successful in recruiting trained, experienced, prior-service personnel into our Reserve Components to offset some of our shortfall. As you know, Reserve Component strength remains critically important, so we are very much concerned that it continue to receive close attention. Under the total force policy any future emergency buildup will have to rely upon the National Guard and Reserve rather than a draft for initial and primary augmentation of our Active forces. I expect the improving image of the volunteer Army to have the positive effect on the health of our Reserve Component recruitment that is needed.

Finally, combat readiness, which is the heart of our business, has shown significant improvement. When the draft ended, we had 13 divisions on the books, but only 10 fully formed. Of the 13 divisions, only 4 met the Army's stringent readiness standards and were considered ready for combat. By contrast, we now have all 13 divisions fully operational and 10 ready for combat. Thus, our divisions today, judged by the stringent standards reported to the Joint Chiefs of Staff, much more nearly meet their goals in terms of authorized strength, personnel job qualification, unit training, equipment on hand, and equipment serviceability than they did at the end of the draft. Six months to a year from now, I believe our readiness posture will be even better.

These simple facts and figures point to one conclusion—The Army is better today than it was at the end of the draft. But the figures are not nearly so meaningful as the subjective feel of those in the Army. I certainly don't pretend to be an expect on this, but by the end of this month I will have visited all 13 of the Army's active divisions, as well as many other posts and stations. During every visit I have talked with new soldiers, with senior noncommissioned officers, with junior officers, with senior officers and commanders. I can tell you that without any question, today's Army is a far better Army, far more prepared for combat than it was at the end of the draft. I can just feel it everywhere I go. It's in the air. Discipline is better, morale is better, training is better, and equipment is better. The Army's future is indeed now.

And, what is more important, all of our vital trends, with the possible exception of drug abuse (and we are working hard and effectively on that one), are in the right direction today. Let me emphasize—your Army is good now, ready to fight, and getting better with the passage of time. I foresee no doom ahead. Six months from today we will be better, and after that, better still.

This picture that I give you of today's Army is enthusiastic and optimistic, and purposely so. I am extremely proud of today's Army and what has been done to make it work in the volunteer atmosphere. But I recognize our challenges. Benjamin Franklin once said that, "the man who expects nothing . . . shall never be disappointed." I believe he would share my belief that men who do expect something worthwhile and are willing to work hard for it, are apt to achieve it, even if the task is difficult and unfamiliar.

We are daily working on new, innovative, and exciting ideas to insure that we get the right number of qualified men and women to man our Army. It will not be easy. It will perhaps be the toughest job that the U.S. Army has ever been called upon to do, but I am certain that today's Army will be equal to the challenge.

We in the Army have always needed the active support of the American people. Today, we need it even more than ever before. Even our strongest critics have recognized that the one vital element necessary for the success of the volunteer Army lies beyond the Army itself. I'm talking about the public support. We need your help as we plow new ground, as we steer an uncharted course to give the country the best Army it has ever had. Without your help, we cannot succeed; with it, we cannot fail. Together, we can meet the challenges and prove worthy of the Nation's trust.

Thank you.

LEGAL SERVICES OUTRAGE

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. BAUMAN. Mr. Speaker, in the very near future, this House will be taking up consideration of the Legal Services Corporation bill once again. The bill drawn up by the Senate differs considerably from the version passed by the House, and would, in my opinion, have disastrous effects on the country. No one knows better the vast potential for abuse in an independent Legal Services Corporation than the former Director of OEO, Howard Phillips. In a front page article in a recent issue of Human Events, the conservative Washington weekly, Mr. Phillips details the twisted road the bill has taken here on the Hill, and offers a warning about the consequences of enacting legislation without the minimal safeguards provided in a number of amendments passed here in the House in June.

Mr. Phillips also details the role which the White House could play, if it were of such a mind. I sincerely hope that the President takes note of the entreaty of the man he appointed to oversee the phasing out of the Office of Economic Opportunity, and I present Mr. Phillips' article here for the Members' consideration:

SENATE VOTE NEARS—WILL NIXON SWALLOW LEGAL SERVICES OUTRAGE?

(By Howard Phillips)

The moment of truth is close at hand in which will be resolved one of the most critical, yet least debated, domestic policy issues of the past decade: Legal Services. To a very great extent the outcome will be shaped by the attitude of Richard Nixon and those he has named to man his White House staff.

No activity of the federal government in the modern political era has had a more revolutionary impact on our society than legal services. In terms of leftist organizational success, high-impact radical propagandizing, pervasive administrative and legislative lobbying, landmark test case litigation, provision of patronage to the McGovern Democratic left, and countless other ways, the legal services program has become the state-subsidized theocracy of America's Liberal Establishment. It is the "establishment of religion," albeit a secular religion, against which James Madison and other libertarians warned us in the context of an earlier era. It is the extra-procedural instrument by which a militant left-wing political minority wields power, subsidized by the taxes of the American people.

While Nixon spokesmen irrelevantly denounce "acid, amnesty and abortion," legal services attorneys are quietly at work using Nixon Administration funds to promote liberalized drug policies, abortion on demand, and assistance to military dissenters.

While the President's legislative representatives lobby for the Alaska pipeline, legal services activists have played a leading role in delaying it. While Nixon opposes forced busing, legal services promotes it. While the President lectures about the work ethic and workfare, legal services leads the legislative strategy and grass-roots lobby for "welfare rights."

With funds, not just from the Office of Economic Opportunity, but the Departments of Health, Education and Welfare, Housing and Urban Development and the Law Enforcement Assistance Administration and other agencies as well, they have made their presence felt at San Quentin, in the front line of the anti-war movement, in Cesar Chevez' strategy meetings, in organizing for the American Indian Movement, in rent strikes, in underground newspapers, in marches against the President; they have become the vanguard of the "proletariat" which they have helped create.

Now the issue is coming to a head.

Operating in closed meetings, without yet having afforded any opportunity for public hearings, the Senate Committee on Labor and Public Welfare rushed this past week to mark up and send to the floor a heavily liberalized version of the proposal for a non-accountable Legal Services Corporation.

If the Senate committee has its way, the present legal services program would be locked into place without any of the procedural safeguards adopted by the House of Representatives in June, and minus the organizational accountability to the Congress and the President which are now available to curb abuses.

Critics of the OEO legal services program have pointed out that, under a centralized national corporation, with virtually all decisions made in Washington, rather than in the localities where the program operates, it has been relatively easy for a small clique to exercise undue influence over legal services policies and funding decisions.

Furthermore, legal services attorneys, compensated by salary, rather than fee, have found themselves much freer than attorneys in private practice to devote their energies to personal political priorities, rather than simply to respond to client needs. As a consequence of the monopoly staff system, which excludes reliance on private practitioners, clients are unable to be assured of assistance, let alone the choice of their own attorney. It is the salaried attorney who decides which clients and what causes shall gain attention.

Because current legal services policies have encouraged group representation, political organizing, legislative lobbying, propagandizing of the poor with radical social doctrines, and related activities, the House on June 21, adopted more than a score of amendments to limit such misdirection of resources. Without these restrictions, which are by no means comprehensive or fully adequate, present program outrages would be locked in and exacerbated, beyond the reach of accountability to elected officials.

Now, according to Senate insiders, the liberal committee has determined not only to emasculate the safeguards adopted by the House, but also to make the bill even weaker than the watered-down compromise introduced by the Administration in May.

The Labor and Public Welfare Committee, which is dominated by such prominent liberal senators, as Edward M. Kennedy (D.-Mass.), Walter Mondale (D.-Minn.), Thomas Eagleton (D.-Mo.), Gaylord Nelson (D.-Wis.), and William Hathaway (D.-Maine), relies for its GOP leadership on ranking Republican Jacob Javits—who, more often than not, is merely an extension of the Democratic leadership. Giving support to Javits on the Republican side are J. Glenn Beall (Md.), (brother of Vice President Agnew's prosecutor. Maryland U.S. Attorney George Beall), Richard Schweiker (Pa.), Robert Stafford (Vt.) and Robert Taft (Ohio).

Other liberal Democrats on the committee includes Chairman Harrison Williams (N.J.), Harold Hughes (Iowa), Alan Cranston (Calif.) and Claiborne Pell (R.I.).

Subcommittee action on the corporation bill was completed on October 2 and 3. Prodded by Senators Javits and Kennedy, ratification by the full committee and subsequent referral to the Senate floor was expected to have been completed within a few days thereafter.

Contrary to the assumption of those observers who have relied on Washington newspaper accounts for information about the legal services controversy, the Labor and Public Welfare Committe has not acted on the legal services bill which was adopted by the House on June 21. That bill has been sidetracked by the Democratic leadership of the Senate which has been heavily lobbied by politically oriented legal services grantees to start "from scratch" with a more permissive bill, free of restrictions on their actiivties.

It has been the equally significant objective of the program's attorney beneficiaries to deny jurisdiction over the proposed corporation to the relatively moderate Senate Judiciary Committee, which would normally have jurisdiction over legal services legislation and power of review over presidential appointments to the prospective corporation's Board of Directors.

The Standing Rules of the Senate state that the committee on the Judiciary shall have referred to it "*all* proposed legislation, messages, petitions, memorials and other matters related to . . . judicial proceedings, civil and criminal. . . ." (emphasis added.) Nothing in the rules would even seem to suggest Labor and Public Welfare's claim to authority over the legal services program, once it is separated from OEO.

But the legal services lobby has so far succeeded on both fronts, blocking the House bill *and* Judiciary jurisdiction.

When the House-passed bill reached the Senate, an attempt was made by liberals to refer it inconspicuously to the Senate Committee on Labor and Public Welfare. This tactic failed when Michigan Sen. Robert Griffin questioned it, inquiring whether the Judiciary Committee might not more properly receive the referral. Fearing an adverse parliamentary ruling, liberal senators decided to let the House bill "be held at the desk of the Senate," a procedural move to avoid a clear showdown on the Judiciary issue at this time. This left them free to proceed with a "clean" bill in Labor and Public Welfare.

In a related action, when the Brock-Helms proposal for a client-oriented, decentralized legal services program was referred to Judiciary, liberal staffers arranged to keep it bottled up, without hearings, in a new subcommittee headed by California Sen. John V. Tunney, the former roommate of Ted Kennedy, who received strong support from legal services employes when he defeated George Murphy in 1970.

The importance of the jurisdictional question is particularly evident given the history of recent months: In order to gain Labor and Public Welfare Committee approval of his appointment as OEO director, Alvin Arnett, who had been my principal administrative officer during the period in which I headed OEO, found it necessary to repudiate all his previous activities, not just iterms of rhetoric, but with respect to specific policy and funding decisions. He, in effect, surrendered control over the agency's management to the super-liberal committee, in return for a $42,500 salary and a chauffeured limousine.

Even if the President appoints men and women of stronger character than Arnett to the board of the corporation, they will become subject to persistent pressures from Javits and his colleagues to surrender key principles as a condition of Senate approval. Although Judiciary jurisdiction would not, of itself, assure immunity from prosecution, it would go a long way toward removing the legal services program from the clutches of an exclusive liberal clique and enhancing the prospect of independent governance for the new corporation.

Leading the fight for a radicalized version of the corporation proposal has been the rabidly anti-Nixon American Civil Liberties Union (ACLU), whose leaders have been plotting the impeachment of Richard Nixon in close cooperation with legal services activists. In fact, one of OEO's legal services back-up centers was founded by Father Robert Drinan, the congressman from Massachusetts who introduced the first impeachment resolution against Nixon. While dean of the Boston College Law School, Drinan played a key role in organizing the OEO-funded National Consumer Law Center, which bears the mark of his influence even today.

Despite ACLU's activities, ironically, the present advantage which Senate liberals enjoy in their legal services strategy and negotiations with the White House derives in large part from the fact that President Nixon now seems more interested in getting the corporation quickly passed and operational than do the radical forces which will benefit most from its enactment. As a consequence, Senate liberals feel encouraged to hold out for the best deal they can get on the corporation bill's provisions.

Liberal staff members of the Labor and Public Welfare Committee also reportedly plan to delay confirmation of corporation board members until they get appointees from the White House who will, for the most part, serve the present program's policies and grantees intact.

A major consideration in taking the pressure for a corporation off the liberals is their present control of the legal services program at OEO. The office has not had a designated director since early July. Day-to-day direction is now under the guidance of Dan Bradley, a protege of Watergate Committee Assistant Counsel Terry Lenzner. As a special assistant to Arnett, Bradley runs the show, with Frank Duggan, a left-wing Texas Democrat serving as operation chief. An ally of former Sen. Ralph Yarborough, Duggan was a bitter foe of both John Connally and John Tower while working with the AFL–CIO Committee on Political Education (COPE). Bradley and Duggin are busy "staffing up" their offices with like-minded colleagues, preparing for the corporation.

With Arnett's concurrence, legal services program guidelines and administration have reverted to the kind of permissive disregard of the law which characterized earlier periods of liberal program domination. Program funds are once again disbursed "among friends" at the whim of the leftist clique which dominates the program nationwide. In the short run, at least, program attorneys could hardly do better under a corporation. So they've decided to "up the ante" and see how many more concessions will be granted by eager White House staffers.

As senate liberals negotiate with Jim Cavanaugh, assistant director of the Domestic Council, the legal services lobby is helped by an incredibly foolish White House strategy which seeks a corporation at any cost.

Led by Office of Management and Budget Assistant Director Paul O'Neil, management-budget officials have been hard at work since November 1972 to "protect" President Nixon from his original determination to eliminate, not merely cover up, destructive and unproductive OEO activities.

Instead of cutting out bad grants and changing unwise policies, their objective has been to reduce "political flak" by shifting OEO components, unchanged, to new bureaucratic homes. They hoped to appease conservatives with the appearance of change, while keeping liberals happy with increased funding levels and the "institutionalization" elsewhere of OEO-initiated activities.

It is O'Neil's current tactic, adopted by Arnett and Cavanaugh, to whom Arnett reports, to insist that unless corporation legislation is swiftly passed and a board of directors is promptly confirmed, OEO, against the President's wishes, would have to continue. This isn't true, and the argument better serves the goals of the ACLU—which hopes to rush a legal services program into existence—than it does Richard Nixon. Despite O'Neil, OEO can be eliminated as an operational institution whenever the White House decides to veto further appropriations for its activities.

No matter what the President does, ACLU will still dislike him. His policies should be accountable not to legal services liberals, but to those who supported his re-election. Conservatives are tired of the cosmetic rhetoric reflected in the "corporation at any cost" strategy and anxious to see if real reform of anti-poverty programs is on the President's agenda.

Another flaw in the present Administration thinking can be seen in the notion that specific provisions in the legal services bill are unimportant, so long as the President has sole power to appoint its national board of directors. This OMB-promoted view is arrogant, ignorant and short-sighted, Even if Richard Nixon's leadership were provably infallible, it must be borne in mind that he will not always be President. Congress was created by the founding fathers to help assure that we would have a government of laws, to transcend the sway of any individual. Congress writes laws to provide us with safeguards against human imperfection in circumstances we cannot always foresee. These safeguards are especially needed in a corporation removed from both presidential and congressional control, with board members little more accountable than justices of the Supreme Court. Because legislated safeguards are absent from the present program and because the White House has sought to avoid criticism from the left through a policy of administrative neglect, legal services is presently excessively characterized by abuse.

If it is bad now, without safeguards, while theoretically accountable to the President directly, might things not get worse under an independent corporation? Would not responsible governance in the absence of statutory safeguards be even less likely under boards named by a President Mondale or President Kennedy?

ACLU has taken notice of the White House's apparent retreat from earlier positions and interpreted this as a sign of continuing decline in President Nixon's political strength.

In a Septemer 21 Legislative Memorandum ACLU urged its allies to raise their demands: ". . . [W]e have every right to insist on Senate passage of an uncompromisingly strong bill. Ironically, the Watergate scandal seems to be helping this effort . . . there should be far less negative pressure coming from the White House than there was last spring. And it is all the more possible for the Senate to pass a strong bill."

ACLU is being joined in its effort to prove the emasculation of Richard Nixon by a wide range of liberals who support the "Action for Legal Rights" legal services lobby. These include Clinton Bamburger, John W. Douglas, Jacob Fuchsberg, Roswell Gilpatric, Arthur J. Goldberg, Terry Lenzner, Sargent Shriver and Cyrus Vance. With a staff operation led by California Rural Legal Assistance veteran Mickey Bennett and former OEO Migrant chief Noel Klores, they have received important covert assistance from White House Counsel Leonard Garment and HEW Under Secretary Frank Carlucci.

If they win, it will only be a result of Richard Nixon's acquiescence. The simple fact is that, through his power of veto, President Nixon can insist on legislation that meets high standards.

Solid commitments and solemn promises were made last spring that the President would veto any bill which was the slightest degree to the left of the compromise version he sent to Congress in May—a draft already dangerously weakened by liberal pressures before it was sent to the Hill.

As part of those commitments and promises, conservatives were encouraged to advance strengthening amendments. The clear, oft-repeated message was "We welcome and will stand by such amendments."

On June 21, the House, though by no means doing a perfect job, did tighten some loopholes.

Now, as is evident to the opposition, White House spokesmen are waffling. The commitments are being conveniently fudged. It is said that the President is tired of the issue and wants to "get it off his back."

A lot of people still have faith that the President, in the final analysis, will use the power of his office to achieve a result consistent with his promises to conservatives. Others believe that Mr. Nixon simply wants to survive in office for the balance of his term and has concluded that, to do so, he must abandon domestic policy-setting to his liberal adversaries, in Congress, and in his own bureaucracy.

For a great many of us, this will be the moment of truth.

NERVE GAS TESTING PLANNED

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Ms. ABZUG. Mr. Speaker, we are now facing the prospect of open-air testing of deadly nerve gas. Jack Anderson's column of October 22 reports that the Pentagon has not yet decided whether it is necessary but would request permission before testing. I urge my colleagues to refresh their memories on this issue and refuse such permission.

Recently the Pentagon planned to transport this lethal gas by rail from Colorado to Utah. Because of the concern of Representative WAYNE OWENS, hearings were held and the plan was dropped. The Army also announced that a small portion of its Colorado stockpile would be destroyed—a portion already obsolete.

This does not solve the problem of dangerous weapons stored at some seven other points around the country; nor of the dangers ahead in testing the new "binary" weapons. Unfortunately, however, the Army's announcement ended the hearings and conveyed the impression that the problem of chemical weapons was solved. On the contrary, the Pentagon has simply found newer and "better" ways to make and stockpile chemical weapons, which should be totally outlawed.

I was privileged to present this point of view to the House Armed Services

Committee hearings and would like to include that testimony in the RECORD, along with the relevant portion of Jack Anderson's column.

The material follows:

ARMY WEIGHS OPEN-AIR GAS TESTS

(By Jack Anderson)

The Army is considering open-air tests of a deadly new nerve gas, presumably at Utah's Dugway Proving Ground where 6,400 sheep were killed five years ago in similar field tests.

The Army is trying to develop a nerve gas that would be safe to handle. The gas is produced by mixing two chemicals, which can be stored separately with complete safety. They are loaded into a shell, which is exploded over the target. This creates a chemical reaction that causes the deadly gas.

This binary system, as it is called, requires extensive testing. So far, the Army has confined its research to simulated tests. But an Army report states that, if permission can be arranged, "a limited number of open-air tests will be performed."

Alarmed over the possibility these tests may be conducted on the Utah range, Rep. Wayne Owens (D-Utah) has fired off a private letter to Army Secretary Howard Callaway.

"How soon is open-air testing of binaries to begin?" demands Owens. "When will congressional and EPA approval be sought?"

The Army Secretary hasn't replied to Owens, but a Pentagon spokesman told us: "No decision has been made as to whether it will be necessary to do open-air testing. If the decision were made, we would request permission."

The experts agree, however, that final development of the binary system nerve gas would be difficult without open-air tests.

Footnote: President Nixon has outlawed the production of biological but not chemical weapons. Critics of the binary system fear that the terrible nerve gas formula would be easy for small nations to produce. The two elements in the gas are fairly simple to make.

STATEMENT OF BELLA S. ABZUG

Mr. Chairman, I appreciate this opportunity to present my views on the urgent question of chemical weapons.

I welcome the announcement made yesterday by Army Secretary Callaway, that some 500,000 gallons of nerve gas stored at the Rocky Mountain Arsenal will be destroyed. I believe the Secretary is sincere in his wish to dispose of this menace, for he has earlier indicated that he saw no justification for keeping it. Let us hope that he will proceed with dispatch—since for four years now, the Army has promised to dispose of this lethal gas. For all those years, 4600 *tons* of poisonous gases have been stored within a mile of one of the nation's busiest airports, just outside of Denver. The citizens of the area have been immensely disturbed, as they should be—a plane crash at that location would be catastrophic.

We have lived so long with lethal weapons that we almost take them for granted; yet this situation is truly incredible.

There is enough nerve gas at the Rocky Mountain Arsenal to wipe out every human being on this earth, several times over. A drop of GB the size of a pin-head can kill a person in ten minutes. Yet the stuff is stored in steel containers, above ground, a mile from an airport.

Recently the Army proposed to move some of it to another depot in Utah (where a huge amount of chemical agents is already stored. This proposal too was fraught with danger. In the last few years we have seen many instances of citizens evacuated from their homes because of derailments or explosions of ammunition trains. In 1968 there were over 8000 railroad accidents in the United States. The Army has no right, now or ever, to subject citizens to such hazards.

I confess that I am skeptical about the content of the Secretary's announcement, however. There are eight locations in the country at which nerve gas is stored. Apparently it is not to be destroyed. Further, the attitude of the Department of Defense and the Administration is elusive.

You have heard the testimony of Rep. Wayne Owens, whose bill is being considered here. When he attempted to get information on the need for chemical weapons in modern defense strategy, he received full cooperation from the CIA and the Arms Control Agency; but from the Department of Defense he met "an absolute refusal to discuss the issue at all—even to allow lower level staff people to brief me." Such was the reception accorded the Representative whose District is vitally affected by these weapons.

As you are well aware, the United States has not yet signed the Geneva Protocol of 1925, outlawing poisonous or asphyxiating gases and bacteriological warfare. During the war in Vietnam, the Administration wanted to continue using chemical herbicides. Now that the hated war is ended, that rationale is removed, and the nation should move at once to join over 100 other countries, including all the big powers, who have ratified the Protocol. But the Chairman of the Senate Foreign Relations Committee has not yet received a reply from Mr. Nixon, to his letter of April 15, 1971, raising questions about the Protocol.

Mr. Owens' bill, H.R. 9745, calls for a reevaluation of the United States policy of stockpiling chemical nerve agents. I believe that this must be done—but that the Congress and not the Administration must make such a review.

The Army's announcement does not obviate the need for legislation to control the manufacture, use, storage and disposition of chemical weapons. I commend the intent of Mr. Owens' bill, but I fear that in actuality it would permit, rather than prevent, transportation of nerve gas. Its stated purpose is "to insure that no public funds be used for the purpose of transporting chemical nerve agents to or from any military installation in the United States for storage or stockpiling purposes unless it is the sense of the Congress to do so," but three conditions would nullify this effect. Transportation is prohibited *unless*

(1) the President has made known to Congress his position on the status of herbicides and tear gas under the Geneva Protocol of 1925;

(2) the President has provided Congress with a reevaluation of the necessity for the US policy of stockpiling chemical nerve agents and

(3) the President has certified to the Armed Services Committee of Congress that such transportation is necessary in the interest of national security and that its disposal by detoxification would be seriously detrimental to the chemical weapon deterrent capability of the United States.

"National security" as we have recently discovered, can cover a multitude of sins. The President could easily certify to the necessity of moving and storing gas for "national security" reasons, and no one could verify his statement.

It seems to me that we must provide a broader legislative mandate. Senator Floyd Haskell has called for a nine-month study to determine the best and safest method of eliminating *all* existing supplies of chemical warfare agents, the cost and time necessary to carry out such a program and the manner in which such a program should proceed. He believes, as I do, that our entire stockpile of chemical agents should be destroyed.

It is terrifying enough that our nuclear over-kill is in the nature of 10 to one: that is, we are able to kill every person on earth ten times over. Must we cling to this stockpile of chemical overkill also? In the nuclear age it is obsolete since it cannot be safely transported. Representative Frank Evans of Colorado has correctly stated that "the supreme irony of our chemical nerve agents is that they pose the greatest danger to our own people."

There is no justification to continue to store this horrendous materiel anywhere in this country or in the world. We have already rejected a first-use of it; and the thought that its existence would deter nuclear attack is illogical on its face. The danger, again, is to our own people.

Further, as Mr. Owens has pointed out, our refusal to destroy this stockpile encourages smaller nations to develop and maintain chemical weapons, which are so much easier to develop than a nuclear capability. Certainly it does nothing to promote a climate of international trust.

I am not reassured by the Army's announcement that it now plans binary munitions production—in which two ingredients are stored separately and not combined until the munition is ready for firing. The proliferation of such techniques would make it easier for small countries—even for terrorist and dissident groups—to obtain life-obliterating weapons. It would still leave the problem of open-air testing, already scheduled for the Dugway Proving Ground. A few years ago, open air testing at Dugway resulted in the death of 6400 sheep; next time, it could be people.

Apparently the Department of Defense is trying to take back with one hand what it gives with the other. If under public pressure it is compelled to destroy existing stockpiles of chemical weapons, it will start their immediate replacement with binary weapons. Meanwhile, we retain an offensive chemical capacity, and continue research on new toxic agents.

It is time—indeed it is already past time—that the Congress review the entire function of chemical warfare. I am convinced that it will be found useless, costly and so hazardous that no more time must be lost in deactivating such weapons.

AIDING GRADUATE STUDENTS

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. DULSKI. Mr. Speaker, as our Nation very properly gives its attention to the worsening energy crisis, a medical educator from Buffalo, N.Y., has issued a terse warning that our resources of "mind power" also are not endless.

During a Buffalo town meeting last week, Dr. M. J. Smith, assistant director of education at Roswell Park Memorial Institute, expressed concern for the national policy phasing out training of biomedical personnel.

Dr. Smith explains carefully why she feels it is a mistake to replace fellowships and training grants as the basic system of supporting research students.

Mr. Speaker, as part of my remarks, I include the text of Dr. Smith's presentation:

REMARKS OF DR. M. J. SMITH

Today, we are all well aware of the potential damage to our nation that develops when our natural resources are taken for granted.

However, it would appear that we do not learn from our mistakes.

We are here this afternoon not to remind you that our resources are in jeopardy but to speak of the imminent stifling of our most precious resource—"our mind power". It has to become clear that "a mind is a terrible thing to waste".

We need these minds to solve the energy crisis we are facing as well as a human crisis in terms of biomedical research with which we at Roswell Park Memorial Institute are so absorbingly involved.

The Federal administration has taken the position that the "need for greater numbers of biomedical personnel has passed", and that the supply of researchers will soon exceed the demand. Furthermore, they argue that this oversupply will lead to a situation of unemployment.

DISPUTE ON FEDERAL FACTS

These arguments are not consistent with the projections of the NIH reports that state that by 1983 we will need 112,360 biomedical scientists as compared to 66,800 in 1961. Accordingly, we question the justification for phasing out of training program at all levels and particularly for our young, gifted, potential biomedical personnel.

Also, this has been questioned rigorously by other representatives of the biomedical community to the point of causing the administration to revise its decision by promising a token $30 million for only restoring a training program that will be predominantly for post doctorates.

HEW promised that by October 1 the new rules governing the $30 million post doctoral fellowship program would be forthcoming. However, today is October 15 and we are still waiting to see these new guidelines which are being held up because of lack of agreement on pay-back provision and the manner of selecting participants.

BIOMED SURPLUS QUESTIONED

The President's Science Advisory Committee has stated that "the implication that we are training a surplus of biomedical Ph. D.'s appears unfounded. All but 1.3% of those Ph. D.'s graduated in 1968–69 found positions in which they are expertly utilizing their graduate education."

Furthermore, we must realize that with every new advance made, a broad range of research opportunities is created expanding the potential job market. The new proposed system of supporting students through investigators with research contracts and grants as an alternative to fellowships and training grants has been described.

We consider this system inadequate first because it tends to restrict students to specific projects and forces students to work only with professors having such money. An organization could not develop a dependable, identifiable training program of excellence using a research project grant technique.

BREAKDOWN OF TRAINING AIMS

We have had experience with this approach and it leads to a breakdown of training objectives. Moreover, it perpetuates the training of individuals in those departments rich in research grants and therefore does not assure training in critical areas of professional and supportive personnel needs in research areas, be it in cancer or in the area of supplying energy.

The objectives of a training grant and that of a research project grant are different. The trainee is forced to limit his thinking to the objectives of the investigator's grant rather than training himself to being an excellent researcher. He is forced to play the role of a technician.

INCREASE COSTS OF GRANTS

Secondly, this would increase the costs of a research grant inasmuch as we would have to pay salaries which are higher than stipends. If you did this, staff members or departments could only support a small number of employees at the expense of ongoing research effort.

We would recommend that:

1. NIH training grants be continued and even expended to meet shortages in personnel in the pre and post doctoral basic and clinical disciplines that provide research and service.

2. NIH training grants be continued and expanded for supportive personnel that provide service and research in areas where there are identifiable shortages.

3. Such training functions be conducted primarily at centers that are equipped to train professional and supportive personnel in basic and clinical areas.

4. NIH make a strong defense against using research project grants to support trainees because it is not reliable fiscally and does not assure excellence in training since it would not be consistent with the objectives of the research project grant and would not assure the training of personnel in critical areas.

RISK OF OVER-EXPECTATIONS

One of our greatest concerns is the risk of inordinately high expectations on the part of the Congress and the public. We must not think of this program as comparable to a moon shot or an atom bomb program. It cannot be regarded as a crash program for the accelerated implementation of known basic science.

Instead, this is a program in basic science matched with the endeavor to bring the best of today's science to solve crucial problems. We are not in search of a magic bullet, but rather are attempting to mobilize the best brains available in this nation and the world to insure that they have an opportunity to make their maximum contribution to the cause of solving problems and of minimizing the time required for the solutions to benefit the people of the world.

CORPORATE RESPONSIBILITY

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. PEYSER. Mr. Speaker, I was shocked and disappointed to see a recent statement by the former Deputy Secretary of Defense, and the present chairman of the board of the Hewlett Co., Mr. David Packard, in which he called for a curtailment of corporate support for higher education. Mr. Packard, at a luncheon sponsored by the Committee for Corporate Support of American Universities, not only called upon corporations to withhold their support from American colleges and universities, but also asked these same corporations to restrict any money that they do give to specific projects.

I am frankly amazed that someone with the background and long-term involvement in national affairs that Mr. Packard has would call for corporations to curtail contributions at a time of financial crisis for colleges and universities.

Anyone who has had an involvement with the problems of higher educational institutions knows the financial problems which these institutions now face. They also know the problems that restricted gifts necessarily create, although they are better than no contribution at all.

My belief, which has been shared by corporations for a good many years, is that corporations have a moral obligation to help colleges and universities when it is economically possible. At this time, the Government recognizing the financial plight of colleges and universities is seeking ways, not only to increase aid for needy students, but to give institutional aid to institutions of higher education throughout the country.

Mr. Packard's statements are clearly insensitive to the needs of our young people and to our colleges and universities across the country. His proposal runs counter to our governmental efforts in this area, and if adopted by the corporate community, could effectively reduce all forms of individual and corporate contributions. If we were to follow his theory through, I can see where perhaps only five or six major universities would receive aid. For instance, a great many corporations would believe that their money would yield the greatest benefit to them by investing it in specific programs at Harvard, MIT, Stanford, and the like, and then recruiting those program graduates for their corporations.

While I have nothing but respect for these universities, smaller and less well known schools also contribute greatly to the country and to the corporate community. They should in no way be ignored. They supply corporate leaders, and community leaders who interrelate to corporations.

It is estimated that at the present time, corporations give less than 1 percent of their pre-tax earnings to colleges and universities. Surely this is not a level that should be reduced. In recent years, many corporations have developed a program of raising dollar for dollar any gifts made to colleges and universities by their employees. The Packard proposal could place this program, which is proving to be very successful, in great jeopardy.

The Packard proposal would academically and financially brankrupt our colleges. He has obviously flunked his course in corporate responsibility for academic institutions, and I urge the corporate community to reject his suggestions.

USA IN MINIATURE

HON. STANFORD E. PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. PARRIS. Mr. Speaker, my constituent, Mr. John R. Kanline, of Alexandria, Va., has been diligently attempting for some time to gain the approval and assistance of the Federal Government, U.S. industry, and the general public for a project entitled "U.S.A. in Miniature," to be completed in time for the 1976 Bicentennial celebration.

On August 3, 1973, I included Mr. Kanline's letter to the editor of the Washington Star-News in the CONGRESSIONAL RECORD. As a follow-up on this subject, Mr. Kanline has provided me, in letter form, with an "action outline" for the implementation of this proposal. At this time, under my leave to revise and extend my remarks, I include that letter in the Record:

September 28, 1973.

Dear Congressman Parris: I appreciate your remarks on the proposal inserted in the August 3, 1973, Congressional Record and would like to add this to your "thoughts on the Bicentennial." The idea, you recall, is to create a small park in the National Capital area depicting the major sights of the U.S.A. in miniature as a major feature of the Bicentennial in 1976, and patterned after a similar park in the Netherlands called "Modurodam."

Modurodam is four acres in size with walkways interspersing the miniaturization of historical and modern features of the Netherlands with 44,000 lights, 2 miles of miniature operating railroad, shipping ports, windmills, oil refineries, manufacturing plants, etc. This park has operated for fifteen years at a profit.

To create a similar U.S. feature in time for the 1976 Bicentennial would require the interest and support of a number of segments of the U.S. such as government, general public, industry, agriculture and most of all the Bicentennial Commission and the media. I therefore suggest the following action outline for consideration of those who may see this:

(1) Government support in promoting and checking the feasibility of the proposal, including the Smithsonian, the Bicentennial Commission, the Park Service, the tourist section of the Department of Commerce, etc.;

(2) Individual and collective action of the Congress in suggesting to the Commission special features and sights from their constituencies for inclusion in this unique national park;

(3) The most necessary support of industry to participate in the technical creation of manufacturing plants in miniature such as steel mills, refineries, railroads, shipping ports, etc., and to help also by having certain segments of industry help finance parts of the project. This would constitute an excellent form of advertising:

(4) Historians, architectual designers and the Smithsonian to suggest historical topics for inclusion and to insure authenticity with financial help from philanthropic organizations;

(5) News media interest and support to editorialize the foregoing and help in its promotion in order to build up general public support. Their articles could be based on the letters to the Editor in both local papers and your article in the August 3, 1973, Congressional Record;

(6) The needed support of local citizens for the proposal and to make such support known to the Bicentenial Commission so this project can become a reality;

(7) Local government interest in a suitable location.

Since my earlier letter I have learned that several parties alerady have designs and cost estimates in hand for consideration.

I have also contacted steel companies, automobile manufacturers, insurance companies, refining companies, food manufacturers, camera and film producers, national associations of soft drink and beverage companies, and for the most part the response was enthusiastic after local representatives had passed the contents of your "Thoughts on the Bicentennial" on to their home offices.

My interest in this is non-monetary and stems from a visit my wife and I took to Modurodam several years ago.

With the vast resources of this nation, I cannot see why "U.S.A. in Miniature" cannot be created for the Bicentennial and its 40 million visitors to this area, as well as for the local children and adults who would find it both entertaining and educational.

John R. Kanline.

CHARLES T. BUSH, PATUXENT NAVY MAN OF THE YEAR

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. BAUMAN. Mr. Speaker, in these days of volunteer military service it is well for the Congress to recognize those who are willing to work in their capacity as members of the military and the naval forces. It has come to my attention that PNI Charles T. Bush has been chosen by the Navy League to be the Patuxent Navy Man of the Year. Chief Bush's reputation at the Patuxent Naval Air Test Center, Md., where he is stationed, is one of the highest order. He has not only been very active in his own profession achieving an excellent rating, but he has also been a model member of the community in which he lives as well as a leading layman in his church.

Mr. Speaker, these are the kind of men who our Armed Forces need, and I am happy to bring to the attention of the House the outstanding record of this young man. I include at this point in my remarks an article from the Guardian of Lexington Park, Md., regarding PNI Charles T. Bush:

Patuxent Navy Man of the Year

A dynamic young petty officer in Oceanographic Development Squadron Eight has been named Patuxent Navy Man of the Year for 1973. He is PN1 Charles T. Bush, 28 career counselor and personnel office supervisor in VXN-8.

PN1 Bush was selected from five nominees by a panel of representatives from the Naval Air Test Center, Naval Air Station and Fleet.

He will be presented a plaque and cash award by Mr. R. F. Gabrelcik, president of the Patuxent River Council of the Navy League, in ceremonies commemorating the Navy's 198th birthday on Oct. 13 at the Petty Officers Club. Witnessing the presentation will be RAdm. Roy M. Isaman, NATC commander; Capt. T. J. Kilcline, NAS commanding officer; and Cdr. R. L. Barr, VXN-8 commanding officer.

Honored as Navy Man of the year in his squadron in 1972 and 1973, PN1 Bush was a runner-up for the Patuxent River award last year. He also was nominated for the Navy League's Admiral Claude V. Ricketts Award in 1972.

PN1 Bush has been assigned to VXN-8 almost four of his seven years in the Navy.

He gained attention up the Navy chain of command earlier this year when he conceived and organized a coast-to-coast recruiting flight for a project airplane assigned to the squadron.

During one weekend between deployments, the Project Magnet visited Modesto, Calif.; St. Louis, Mo.; Oklahoma City, Okla.; and Groton, Conn. Advance contact with Navy recriting offiecrs in those cities resulted in 2,500 persons being exposed to the Navy and its unique project to measure the earth's magnetic field.

PN1 Bush organized a career development program which has boosted VXN-8's retention of first-term reenlistments to an average of 49 per cent. This figure compares to the Fleet norm of about 18 per cent.

PN1 Bush also created a Personnel Quality Control Board which aids division officers by identifying individuals who require specific training. The board also screens marginal performers.

The Patuxent Navy Man of the Year is active in the church, serving as an Eucharistic Minister, the highest rank a layman can attain. He has served as vice president and as chairman of the Liturgy Committee of the Patuxent River Catholic Parish Council.

PN1 Bush is a native of Baltimore.

He and his wife Joyce and three children, Tommy, 4; Gregory, 2; and Jennifer, two months, live aboard the station.

THE URGENT NEED TO DEVELOP SOLAR ENERGY

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. VANIK. Mr. Speaker, with the outbreak of yet another Middle East war our domestic energy crisis has been thrown into the chaotic turmoil of international politics. On Wednesday of last week ministers from 11 Arab oil states agreed to restrict exports to the United States. This restriction is to be progressive: Five percent reductions each month until the pre-1967 boundaries are re-established and "the legitimate rights of the Palestinian people are restored."

On Sunday it was announced that the Arab States had rejected this plan as too moderate and decided instead on a total boycott of American markets. Whatever the scheme, the intent is clear: It is political blackmail, clear and simple.

We will undoubtedly weather this crisis. Only about 10 percent of our total crude oil consumption of 17 million barrels a day comes from the Middle Eastern sources. Deputy Secretary of Treasury William Simon has already outlined steps that consumers and industry can take to cut our consumption by as much as 3 million barrels a day. There is good reason to believe that these conservation strategies—such as turning down thermostats and cold water clothes washing—can be successful in limiting our immediate dependence on Arab oil.

The major failing of these proposals is that they are highly individual actions. They depend for their success on the almost instantaneous development of a "conservation ethic" among consumers and industry. I am confident that Americans can meet this challenge. But I am concerned that we may be shortsighted in not understanding the vast dimensions of our oil shortage problem. The fact is that with present consumption trends, we will become increasingly dependent on Arab oil. The small conservation steps Mr. Simon suggests we take today will be no insurance for our security tomorrow.

We are all aware that the equation of declining domestic production and booming consumer demand adds up to our further dependence on foreign sources of petroleum. The National Petroleum Council, in projecting petroleum imports from all sources, estimates that by 1985, 57 percent of our total petroleum demand will be made up by imports.

The Middle East States are in the best position to supply this need. They are sitting on the largest known pools of oil in the world—over 67 percent of proven crude oil resources.

In today's unstable world, this overwhelming dependence on outside sources for petroleum imposes on our national security a serious vulnerability. Quoting from a study of the Senate Interior Committee:

> The growing proportion of total U.S. energy supply coming from foreign sources, or from particular regions, blocs or countries magnifies the potential impact on the U.S. economy from a variety of contingencies including wars or international political confrontations and insurrection or sabotage in producing regions.

An equally serious eventuality—because it is certain to occur—is the net outflow of capital from the United States to oil producers. In this development there are two impacts that must be considered. The first is the ability of the U.S. economy to support this massive outflow of capital. Estimates of the impact of this outflow vary widely, but it is certain to reach the neighborhood of $10 billion annually by 1980. While there is good reason to hope that the economy will support an outflow of this size without seriously threatening the dollar by expanding our own exports, there is little reason for optimism.

Most of the dollars flowing out of the United States will end up in the treasuries of small countries with a narrow economic base. Ordinarily, we could expect revenues from international trade to find their way to more populous countries with diverse economies. In this situation the dollars would be absorbed in the economic system without serious disruptions to world monetary flows. Unfortunately, the Arab countries are undiversified economies; there is oil production and little else. There are no wide-scale social programs and little incentive to develop other sectors of their economies. As the result, the governments of these countries have been able to accumulate enormous liquid monetary balances.

To quote again from the Senate Interior Committee report:

> By the 1980s the total incomes of the Middle Eastern and North African producing nations will reach many billions of dollars per year and their balances could cumulate to hundreds of billions.

Last winter, we had a brief look into the chaos these large sums of dollars can bring. By dumping these reserves on the world market Arab governments not only can aggravate the instability of international money markets but also can actually precipitate a crisis in the shaky system of international currency flows. In short, the Arab nations hold much more than oil. With these cash reserves they are in a position to gain an unparalleled position of power in the international economic system.

The conclusion of these ominous projections is that the United States must take steps now—today—to insure our future security by:

First, initiating immediately a Manhattan project for energy research and development, and

Second, limit our overdependence on petroleum by increasing the efficiency with which we consume it.

What is the Nixon administration doing to meet this challenge? After months of procrastination the administration's energy message was a remarkably low voltage document. The apparent Presidential strategy is to press for increased domestic production through the construction of the Alaskan pipeline, expanded leasing on the Outer Continental Shelf and increased tax incentives for drilling—while promoting a blind faith in nuclear power development. Quite simply, the President's program is narrow and shortsighted. There is no significant mention of energy conservation. There is no significant mention of solar energy. There is no consideration whatsoever of the environmental consequences of increased domestic energy consumption and production. And what is perhaps most worrisome of all, there is no evidence that the President comprehends the immense hazards—to the public health and the national security—of a headlong plunge to nuclear energy.

Planning for our energy future involves sophisticated and complex matters of policy. We cannot expect an administration which took 5 months to decide on a mandatory allocation plan to have much foresight in projecting our Nation's future energy needs. To provide another approach, I have introduced legislation to establish a massive, national program of energy research and development. This research will be funded by a $4 billion trust fund created through a tax on energy usage. An independent Commission will develop an overall energy strategy and fund research into technologies which offer the hope of clean, safe, and secure energy sources for the future. I would like to turn now to one of these alternatives—solar energy—in order to illustrate more completely the shallow, parochial nature of the Nixon energy program.

The President has announced—with apparent pride—that the National Science Foundation budget for solar research has been increased from a little over $3 million in fiscal year 1973 to over $12 million in fiscal year 1974. This is not so much a glorious victory for the advocates of solar energy as an admission of serious underfunding in past budgets.

The primary responsibility for solar research exists with the National Science Foundation, although some work is being done by the Atomic Energy Commission, the National Aeronautics and Space Administration, the Department of Housing and Urban Development, and the National Bureau of Standards of the Commerce Department. This diffusion of responsibility is largely a product of the low priority that has been assessed historically to solar research. There has been no established national priorities or goals. As a result, research has been geared to solve specific technical problems with little comprehension of the overall potential of solar research. By injecting more money into this research network, the Nixon administration has done little to solve the organizational and administrative obstacles to wide-scale adoption of realistic solar energy technology.

Basically, solar energy has three potential applications. The first is meeting the heating and cooling demands of residential and commercial buildings. The second is the generation of electricity. The third is the production of "clean" fuels such as methane through the conversion of organic solids. Because solar energy is a diffuse source of energy, conversion of the sun's radiation—to thermal, electrical, or chemical energy—suffers from unusually low efficiency levels. But in the heating and cooling of buildings, solar energy has found a perfect application. In fact, the technology for accomplishing this task is already at hand. What is needed is a coherent, national program to bring this technology out of the laboratory and to the stage of commercial development.

Significant strides have been taken already to this goal. Aside from numerous residential homes which depend on the sun for a significant portion of their energy requirements, a number of office buildings are now being designed and built to include solar space conditioning. The General Services Administration is planning two such buildings: One in Manchester, N.H.; the second in Saginaw, Mich. In addition the Massachusetts Audubon Society will build a solar office building in Lincoln, Mass., soon. Undoubtedly solar buildings will become increasingly popular as people begin to realize the long-run economic advantages of this design.

What is lacking in these efforts is a sense of urgency and national commitment. As we have seen, we can continue our reckless consumption of petroleum only at the peril of our national security. We must begin to move along a number of fronts to restrict our reliance on petroleum. Solar energy presents an obvious starting place.

Accordingly, I have introduced legislation—the Solar Energy Development Act—to publicize and unify the drive toward solar heating and cooling of buildings. This proposal has been sponsored by 39 of my colleagues. By establishing three distinct but interrelated programs, this legislation will move the solar equipment industry off economic dead center. By 1985, 10 percent of all new buildings should be built with solar equipment. In 40 years, 85 percent would be equipped.

Clearly, solar energy is not the only answer to our energy shortages. But there is not going to be any one answer. Any comprehensive energy strategy for the future will be multi-faceted and diverse. In this regard, solar heating and cooling must be considered as one of the most realistic potential alternatives for the future.

Equally as certain is the fact that we as a nation will no longer be able to consume wastefully enormous amounts of energy. The Nixon administration in its energy pronouncements seems to assume our enormous demand for energy is inevitable. Just a cursory examination of our energy consumption pattern reveals clear evidence of widescale inefficiencies. To withstand the trauma of declining domestic production without generating an unstable dependence on foreign sources, we must begin now to "tighten our belts." The obvious place to start is with the gas guzzling American automobiles.

The United States, which contains 5.7

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percent of the world's population, owns 46.1 percent of the world's automobiles. There are 97.65 millions cars circulating around our country consuming 73.5 billion gallons of gasoline each year. Seen in this perspective of our total energy budget, the automobile claims 14.3 percent of our energy consumed.

In terms of inefficiency, the automobile is perhaps the most inefficient machine invented by man—and that efficiency has been declining steadily in recent years. Blame for this decline has been shoved on the emission control devices mandated under the Clean Air Act. This blame is misplaced. A much more significant factor is the increased weight of American automobiles, the greater use of optional equipment, and, simply, the reluctance of management in Detroit to design energy efficiency into their automobiles.

To insure that efficiency becomes a serious consideration in the automaker's future plans, I have introduced, with Senator FRANK MOSS, the Fuel Economy Act of 1973. Beginning in model year 1977, this proposal establishes a graduated excise tax on all new cars based on the fuel economy of the vehicle. A car which achieves over 20 miles per gallon pays no tax. As the car's efficiency declines, the tax increases.

Through this tax the consumers of America will be insured of efficient automobiles in the future. In addition this provision will insure a one million barrel a day savings in our Nation's consumption of crude oil.

In the sweep of history, the "Petroleum Age" will be but a small episode in the events of man. It is the moral responsibility of the Federal Government to prepare the American people for the inevitable adjustments ahead. In this critical area, as in many others, the Nixon administration has revealed a bankruptcy of spirit and ideas. Congress must now assume the responsibility and the leadership to guide our Nation to a new and safe energy age.

PABLO CASALS

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Ms. ABZUG. Mr. Speaker, the death this week of Pablo Casals has taken from the world a great musician and a great humanitarian.

Throughout his long life, Pablo Casals used his great talents to defend the principles of liberty and freedom, unwilling to deny his conscience. Pablo Casals adopted Puerto Rico as his home for the last years of his life, bringing honor to the people of Puerto Rico and the United States.

I am inserting this tribute from the New York Times by Alden Whitman to Pablo Casals into the RECORD to pay homage to a great human being, whose life represents a standard of excellence to all humanitarians and all lovers of music.

The article follows:

[From the New York Times, Oct. 23, 1973]

CASALS, THE MASTER CELLIST, WON WIDE ACCLAIM IN CAREER THAT SPANNED 75 YEARS

(By Alden Whitman)

"I think it goes like this," a cello student struggling with a Johann Sebastian Bach suite once told Pablo Casals.

"Don't think," the master cellist replied. "It is better to feel."

With this emphasis on an inner sensitivity to a composer's intentions, Casals was able to demonstrate what luminescent and human music could be drawn from the strings of a rather awkward instrument. In concerts and recordings over some 75 years, he provoked awe and applause for the profundity of his insights, the felicity of his playing and, above all, the soaring purity of his interpretations of baroque and classical composers. Bach was his specialty, but he was also at home with Boccherini, Mozart, Brahms, Beethoven, Schumann and Dvorak.

At the same time Casals (he pronounced the name KaaSAALS) won much admiration and acclaim as a man of probity and principle for his humanitarianism, his personal musical "crusade for peace" and his one-man stand against the regime of Francisco Franco in his native Spain. Few musicians achieved in their own time the international renown accumulated by Casals.

Part of this fame in the United States at least, came very late in life and rested on Casal's talents in conducting, which he fancied as his real métier and which he had practiced, mainly in Europe, since 1920. Conducting gave him a sense of fulfillment, he said, because orchestras, with their human teamwork, are "the greatest of all instruments."

Early in his career, on his first American tour in 1901, a falling rock crushed the fingers of his left hand. His first thought, as Casals recalled it, was, "Thank God, I won't have to play the cello any more." He associated that reaction with his desire to conduct.

After a period of semiactivity in Europe starting in 1945, Casals went to Puerto Rico to live in 1956. He was then 79 years old and seemed spent. The next year, however, he started the Festival Casals, which became an annual springtime program of concerts. He had a heart attack just before the opening of the first festival, but he recovered buoyantly in the following years, using an orchestra brought together by Alexander Schneider, the violinist and an old friend. The concerts drew thousands of mainlanders to the island and introduced the post-World War II generation of music lovers to Casals.

Then in 1961 he joined Rudolf Serkin's Marlboro Music Festival in Vermont, where each July he conducted the orchestra and gave master classes in the cello. And, beginning in 1962, he conducted a choral work in New York every year. His first presentation was his own oratorio, "El Pesebre" ("The Manger"), a lengthy composition dedicated "to those who have struggled and are still struggling for the cause of peace and democracy."

WHITE HOUSE CONCERT

In this period of resurgence, Casals gave a widely publicized cello recital at the United Nations in New York in 1958 to mark that organization's 13th anniversary. Three years later he played to a distinguished gathering at the White House on the invitation of President John F. Kennedy.

The public attention that Casals generated in those years helped also to swell sales of his cello recordings, and this, in turn, created new esteem for his wizardry with the bow. Thousands who never saw him nonetheless came to know him intimately.

Another element of his appeal to the public was his apparent refusal to age or grow stale. "Sometimes I feel like a boy," he told an interviewer in 1964. "Music does that. I can never play the same piece twice in the same way. Each time it is new."

Watching him rehearse an orchestra when he was 89, an astonished student exclaimed:

"When the maestro came onto the stage he looked 75. When he stepped on the podium he seemed even 10 years younger. And when he began to conduct he could have been a youngster ready to chase Easter eggs."

INNOVATIONS IN PLAYING

In the musical world, Casals's enduring reputation was associated with two accomplishments: his single-handed restoration to the repertory of Bach's cello music, especially the six magnificent unaccompanied suites; and his innovations in bowing and fingering that gave the cello a new and striking personality in orchestral and solo works.

He greatly lightened the work of the left hand, for example, by changes of finger positions, thus adding to its mobility. He also showed that it was possible to attain fresh subtleties in tone by freer bowing.

His own style was aristocratic. He made the most difficult passages seem simple yet luscious, all the while shunning pyrotechnics and gimmicks.

Casals came upon the Bach suites by accident when he was 13 years old and browsing with his father in a Barcelona music shop.

"I forgot entirely the reason of my visit to the shop and could only stare at this music which nobody had told me about," he said years afterward. "Sometimes even now, when I look at the covers of that old music, I see again the interior of that old and musty shop with its faint smell of the sea.

"I took the suites home and read and reread them. For 12 years after that I studied and worked every day at them. I was nearly 25 before I had the courage to play one of them in public."

When he did play them, the suites were disclosed as a transcendent musical experience, not the abstract exercises they had previously been believed to be.

"For me, Bach is like Shakespeare. He has known all and felt all," Casals told Bernard Taper in a Profile published in The New Yorker in 1961. "He is everything. Everything except a professor. Professor Bach I do not know. When people ask me how I play Bach, I say, 'I play him as the pianist plays Chopin.' There is such fantasy in Bach—but fantasy with order."

Casals was of medium stature—not much taller than his Groffriller cello—and not heavily built. The top of his head had been bald since his early 20's. In repose, his face and his blue-gray eyes (behind round glasses) tended to be somber, but a smile imparted radiance and geniality to his face.

He was direct in his speech, exceedingly polite, a careful dresser (youthful photographs show him to have been quite a dandy in a romantic sort of way) and quietly dignified. He relaxed by reading, playing tennis, chatting with friends, smoking a pipe (he was rarely without one) and, in his late years, by watching Westerns on television.

To hear Casals was a moving and memorable experience. He sat with his eyes closed, his head turned sidewise and a little lifted, as though he were communing with some secret muse. His fingering and his bowing were so flawless that they seemed automatic, yet it was evident that they resulted from concentration.

He had superb savoir-faire. Once when a loose cuff bothered him, he stopped playing, slowly took off the cuff, put it on the floor and resumed playing where he had left off. When a string broke he would retire from the stage, replace it and, returning to his chair, start the solo from the beginning, such was his drive for perfection.

When Casals played a chamber music program at Perpignan, France, in July, 1951,

Howard Taubman, then music critic of The New York Times, wrote:

"As a musician Casals is all of a piece. Whether he conducts as he did in the second orchestral program of the Bach-Mozart-Beethoven festival . . . or plays the cello, there is a fine-grained consistency running through all his musical labors . . .

"His work at the cello . . . was remarkable for its modesty and restraint, and if one listened closely one could hear innumerable felicities of technical mastery. As an admiring violinist observed, 'Do you note the four shades of color he got in one bow?' "

Casals was an ardent supporter of the Spanish Republican Government. He never reconciled himself to the Franco regime, which he considered tyrannical. With the Franco victory in 1939 he went into self-imposed exile, living until 1956 in Prades, France, some 40 miles from the Spanish frontier.

Up until 1958 he refused to visit the United States because it recognized Franco. "I have great affection for the United States," he said when he moved to Puerto Rico, "but as a refugee from Franco Spain I cannot condone America's support of a dictator who sided with America's enemies, Hitler and Mussolini. Franco's power would surely collapse without American help."

But Casals bent his attitude sufficiently to play at the United Nations in 1958 because of "the great and perhaps mortal danger [of nuclear war] threatening all humanity."

Then in 1961 he relented further and played at the White House. In subsequent years he came to this country for regular yearly visits.

Pablo Carlos Salvador Defillo de Casals was born in the Catalan town of Vendrell, 40 miles from Barcelona, on Dec. 29, 1876, the second of 11 children of Carles and Pilar Defillo de Casals. His father was the town organist.

"From my earliest days," Casals recalled, "music was for me a natural element, an activity as natural as breathing." He could sing in tune before he would talk clearly, and at the age of 5 he was a soprano in the church choir. His father taught him the piano, violin and organ, and when he was 8 he began substituting for his father as church organist.

Shortly after Pablo's 10th birthday he heard a cello for the first time when José Garcia performed in Vendrell. After some coaxing, the elder Casals bought his son a cello and gave him a few lessons. Pablo was fascinated by the instrument and proved so adept at it that he quickly exhausted his father's pedagogical abilities.

ENROLLED IN MUSIC SCHOOL

With his mother's backing and against the wishes of his father (who wanted the boy to become a carpenter), Pablo—not quite 12—went with his mother to Barcelona, where he enrolled in the Barcelona Municipal School of Music. To earn his living he played evenings for dances with a trio at the Cafe Tost, and later he persuaded the owner to devote one night a week to classical music.

That night attracted serious musicians to the bistro, including Isaac Albéniz, the composer and pianist. When Casals was graduated from music school at the age of 17 with first prizes for cello, piano and composition, Albéniz gave him a letter of introduction to Count Guillermo de Morphy, a music patron who was an adviser to Queen Mother Maria Christina in Madrid.

The Count, taken with the young cellist, introduced him to Maria Christina, who was also charmed and who granted him a monthly stipend of 250 pesetas (about $50) for his studies.

Casals lived in Madrid from 1894 to 1897, going to school at the Royal Conservatory of Music, playing duets with the Queen Mother (she was a fair pianist), chatting with the child who was to become Alfonso XIII and being guided in his general education by the Count de Morphy.

From Madrid, Casals and his mother went to Brussels, but, miffed by an unfriendly reception at an audition there, he went to Paris, where he played at the Folies-Marigny at a wage barely sufficient to keep him and his mother from starvation. After a short time they returned to Barcelona, where Casals got a job teaching at the music school. For two years he taught cello, played it in the Barcelona Opera orchestra, gave concerts in churches and formed a string quartet, all the while saving money for a return to Paris.

In the fall of 1899, just before his 23d birthday, he arrived in that city again, carrying a letter of introduction to Charles Lamoureux, the eminent conductor, from the Count de Morphy. When Casals presented himself for an audition, the conductor was annoyed by the intrusion. Nonetheless, the cellist sat down and began to play parts of the Lalo Cello Concerto. With the first notes, Lamoureux hoisted himself up from his desk and stood facing Casals until he finished playing, whereupon he embraced the young man and said, "My boy, you are one of the elect!"

SENSATIONAL DEBUT

Lamoureux immediately engaged him to play the Lalo concerto with his orchestra, and Casals made his Paris debut Nov. 12, 1899. He created a sensation there, as he did in London shortly afterward. In Britain he also played for Queen Victoria.

From then on his career was made, and he never lacked for engagements or for an audience. He commanded top fees, but lived economically.

For the next 20 years, until 1919, Casals, using Paris as his base, played in the principal cities of Europe and the Americas. He made his New York debut in 1904, playing the Saint-Saëns Cello Concerto with the orchestra of the Metropolitan Opera and winning a chorus of critical bravos. Later that season he was the cello soloist here in Richard Strauss's "Don Quixote," with the composer conducting his own tone poem.

Many of Casals's performances in those years were chamber music, which he played with Jacques Thibaud, the violinist, and Alfred Cortot, the pianist. In the United States he also gave chamber music recitals with Harold Bauer, the pianist, and Fritz Kreisler, the violinist, and with Kreisler and Ignace Paderewski, the pianist.

In that period Casals formed intimate friendships with such musicians as Georges Enesco, Maurice Ravel, Camille Saint-Saëns, Sergei Rachmaniloff, Gregor Piatigorsky, Emanuel Feuermann, Artur Schnabel, Eugene Ysaye and Paul Hindemith.

In 1914 Casals married Susan Metcalfe, the American lieder singer. It was his second marriage, the first, to Guilhemina Suggia, a Portuguese cellist, in 1906, had ended in divorce six years later. For several years Casals was the piano accompanist for Miss Metcalfe, a soprano, and at one point he considered dropping his career to further hers. However, the couple parted in 1920.

After World War I and with the breakup of his marriage, the cellist turned his energies to Barcelona, where, in 1920, he founded the Orquestra Pau (Catalan for Pablo) Casals and subsidized it for seven years at a total cost of $320,000 until it became self-supporting. In these years (and afterward) he was its principal conductor.

Early in the nineteen-twenties Casals also founded the Workingmen's Concert Association in Barcelona, which gave its members, in return for nominal dues, an opportunity to attend Sunday morning concerts of his orchestra and to set up their own musical groups.

As busy as Casals was in Barcelona, he also found time to give concerts in the United States and in Europe and to appear in what seemed increasingly to be his favorite role, that of a conductor. He led the London Symphony, the New York Symphony and the Vienna Philharmonic.

When the Spanish Republic was proclaimed in 1931, Casals became one of its eager and hard-working supporters, all the more because the Republic restored many of his native Catalonia's ancient rights and granted the area a good deal of autonomy. He was president of Catalonia's music council the Junta de Musica, and, during the Civil War, he gave hundreds of benefit concerts abroad for the Republic and put a large part of his personal savings at its disposal. The Government, in turn, named streets and squares for him and encouraged his exertions to bring great music to the common people.

Casals was in Barcelona in January, 1939, when the Franco forces burst into the city, but he made good an escape to France, vowing never to return to Spain while Franco was in power. (Apart from a fleeting trip to Spain in 1955 to attend the funeral of his long-time close friend and housekeeper, Mrs. Francesca Vidal de Capdevila, he never did.)

After several demoralizing weeks of despondency in Paris, during which he grieved for his country, he went to live in Prades among the thousands of Spanish exiles. There he helped to organize the care of the Catalans held in French camps and solicited funds for them from his friends all over the world. He continued to live in Prades in World War II.

Toward the end of the war he went on tour again. In the autumn of 1945, however, he cut short a concert trip in Britain and retired to Prades.

In explanation, he said he had assumed that an Allied victory would doom not only Hitler and Missolini but also Franco. The democracies, he went on, had disillusioned him by not acting to topple Franco. He was therefore suspending his concert career until Spain was freed. He had, he pointed out, ceased playing in Germany with the rise of Hitler, had not played in Italy in the thirties, nor had he appeared in Russia after the Bolshevik Revolution. He said he could not separate his beliefs as a human being from his conduct as an artist.

Casals lived quietly and simply in Prades for close to 12 years. In 1950, however, he was prevailed upon to soften somewhat his vow of musical silence and take part in a Bach bicentenary festival. The event, which attracted hundreds of music lovers from many parts of the world, was held in the big Church of St. Pierre in Prades. The critics found that Casal's bow had lost none of its magic.

In that and subsequent Prades festivals Casals appeared in a triple role—as soloist, as chamber music ensemble player and as conductor. In these concerts he was joined by many internationally famous musicians, including Dame Myra Hess, Rudolf Serkin, Joseph Szigeti and Isaac Stern.

Some indication of a further shift in Casal's thinking came in 1951 in a colloquy with Albert Schweitzer, the humanitarian and philosopher. "It is better to create than to protest," Dr. Schweitzer said in urging the cellist to return to the concert stage. "Why not do both—why not create and protest both?", Casals replied. And he seemed to follow that course in his last years.

After a period of self-examination, Casals went to Mexico in 1956 for his first concert date outside the Prades area. It was there, in 1960, that "El Pesebre" had its premiere. The oratorio became the banner of his peace mission, which he carried to many major cities in the Western world. Discussing this crusade, he said in 1962:

"As a man, my first obligation is toward the welfare of my fellow men. I will endeavor to meet that obligation through music, the means which God has given me, since it transcends language, politics and national boundaries."

In August, 1957, when he was 80, he married Marta Montañez, one of his cello students, who was then 21. They lived in a cheerful modern house on the beach at Santurce, P.R., where Casals liked to take an early morning stroll before beginning his day by playing a Bach work on the piano. "It is like a benediction on the house," he said.

Casals had the unstinted admiration of his fellow artists. And one of them, Mr. Stern, put their feelings this way:

"He has enabled us to realize that a musician can play in a way that is honest, beautiful, masculine, gentle, fierce and tender—all these together, and all with unequivocal respect for the music being played and faith in it."

Appearing in New York last summer for a free Central Park concert with Mr. Stern—it was cut short by rain before the cellist could perform—Casals pronounced what could stand as his epitaph.

"What can I say to you?" he asked the assemblage. "I am perhaps the oldest musician in the world. I am an old man, but in many senses a very young man. And this is what I want to be, young, young all your life, and to say things to the world that are true."

TRIBUTE TO CALIFORNIA HOSPITAL WOMEN'S AUXILIARY

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. ROUSSELOT. Mr. Speaker, I would like to congratulate the Women's Auxiliary of California Hospital who will, on Friday, November 2, celebrate 50 years of volunteer service to the greater Los Angeles community. I am happy to join in this expression of appreciation and gratitude to the many members of the women's auxiliary who have, over the past half century, given generous support and tireless effort to help provide for the health care needs in the Los Angeles area. The California Hospital is a member of the Lutheran Hospital Society of Southern California, and the president, Samuel J. Tibbitts, is a constituent of my 24th Congressional District, residing in San Marino, Calif. A great many of my constituents have participated in a meaningful way to contribute to the beneficial works of the auxiliary, and I would like to submit to my colleagues in the U.S. House of Representatives a brief review of the activities of California Hospital's Women's Auxiliary over the past 50 years:

BACKGROUND INFORMATION, WOMEN'S AUXILIARY OF CALIFORNIA HOSPITAL

Founded on November 21, 1923, the Women's Auxiliary of California Hospital is entering its second half-century of volunteer service—proud of its venerable history and young enough in spirit to adapt to changing times and fresh perspectives.

The Auxiliary, one of the first hospital-affiliated women's groups to be organized in California, now has more than 600 members. They provide a wealth of services and fund-raising support to California Hospital Medical Center, a major 325-bed non-profit institution encompassing acute and out-patient care, educational programs and research activities.

Launched in 1887 as the third health care facility in Los Angeles, CHMC now includes the following divisions: the California Hospital School of Nursing, the California Pediatric Center and the Southern California Cancer Center.

In addition to staging periodic benefit events, Auxiliary members are involved in supplying tray favors; hostessing expectant mothers at "Stork Socials"; allocating scholarships for nursing students, and assisting at their capping and graduation exercises; operating the hospital's Gift Shop; overseeing baby photos and supplying substantial financial aid to the maternity and gynecology clinics.

Over the years, Auxiliary volunteers have donated more than one million volunteer hours and contributed nearly $700,000.00, earmarked for the medical center's growth and expansion.

Substantial donated sums have been used to help finance new physical medicine and emergency units, the prayer chapel, the pediatric wing, a remodeled medical-surgical unit, and the ultra-modern new Diagnostic and Treatment Center.

The Auxiliary was formed at the suggestion of G. W. Olson, then superintendent at California Hospital, who assembled women from several Lutheran churches. He asked them to organize an auxiliary—to work together to provide a "free bed" for impoverished patients. The call to organize was met enthusiastically, with 66 women signing the charter.

During the first ten years of its existence, the Auxiliary underwrote costs for 142 "free bed" patients, in addition to donating $7000.00 to the hospital. The Depression years put a temporary damper on fund-raising efforts, but the interest and enthusiasm of this dedicated band has remained undaunted to date.

JOHN C. CREAN

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. REES. Mr. Speaker, John C. Crean, one of the leading industrialists in the United States and founder and chairman of the board of Fleetwood Enterprises, is an individual whose dedication to the basic principles of American citizenship is worthy of the attention and commendation of this body.

Despite the great demands he must meet as the head of a large business organization, Mr. Crean has for many years given freely of his time and his resources for many philanthropic endeavors—all aimed toward giving a helping hand to his fellow man.

John C. Crean is indeed America's modern-day Horatio Alger. A native of Compton, Calif., Mr. Crean, an ex-paperboy and printer's devil, started from scratch a mere 20 years ago and built Fleetwood Enterprises into a dominant position in the design and manufacture of mobile homes and trailers.

And in the best tradition of good citizenship he is doing something to give back to the country and to his fellow Americans some of the benefits of his astounding success.

John Crean, and his gracious wife, Donna—parents to two sons and two daughters—best express their interest in their multi-varied philanthropic activities:

> We are happy to be able to share our success with others. Sharing and giving away some of our surplus helps keep our values straight.

While the Creans' philanthropic contributions are many and varied—including their gift of $1 million toward the construction of a YMCA in Anaheim, Calif.—the unselfish use they make of their historic 93-acre Rancho Capistrano is worthy of particular attention.

The Creans have made available the beauty and facilities of this great California ranch to civic, philanthropic, and religious groups representing the entire spectrum of American life—and on an entirely free basis.

Practically every week in the year some of these groups are utilizing the ranch and enjoying its manifold facilities—particularly large encampments of Girl Scouts and Boy Scouts. These facilities include a historic ranchhouse, horse riding trails, picnic grounds, a municipal-sized swimming pool, and a private lake, stocked with fish.

Many thousands of people—young and old—have had and will continue to have the opportunity of enjoying and experiencing the beauty and the natural environment of this great California ranch—due to the generosity and the spirit of sharing as expressed by Mr. Crean.

I am proud to have John C. Crean as a citizen of my State, and I believe that the example that he has set should be an inspiration to citizens of our business community and most deserving of the highest commendation of this legislative body.

VICE PRESIDENT-DESIGNATE FORD SHOULD BE CONFIRMED

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. BAUMAN. Mr. Speaker, I am disturbed at attempts presently being made by some Members of the majority party to tie the confirmation of Representative GERALD FORD as Vice President to the continuing battle over Watergate-related matters, and to his position on one political issue or another. I think most Americans will find this shameful opposition unacceptable. I am happy to note that both of the daily newspapers in Baltimore, neither of which is particularly fond of the Republican administration these days, have stated editorially their wishes for speedy hearings and confirmation of Representative FORD, free of any extraneous conditions imposed on the basis of partisan considerations. I believe that their positions are correct, and I share them at this time with the membership:

[From the Baltimore Sun, Oct. 23, 1973]

A VICE PRESIDENT NEEDED

Congress has a duty under the Twenty-fifth Amendment to proceed with the filling

of the vice presidency regardless of the latest escalation in the Watergate crisis. Indeed, the case for giving the nation a second-in-command is more compelling than ever because of the weakness of the first-in-command. This is not a plea for the confirmation of Gerald R. Ford, *per se*, because Congress must look thoroughly into Mr. Ford's background and qualifications. But it is a plea that Mr. Ford not be held hostage to the erratic behavior of President Nixon—behavior that has led to crises for impeachment from some respected figures on Capitol Hill.

Senator Kennedy, among others, has argued that Mr. Nixon's selection of Mr. Ford should not be accepted so long as Mr. Ford supports the President's stand in the Watergate tapes controversy. We disagree. We disagree not because we in any way condone the President's intolerable attempts to put himself above the law. We disagree because in important matters a Vice President-designate (like a Vice President in office) must be expected to give the President his loyalty. The alternative would be a kind of stress that could be dangerous or disruptive to the country, as the Agnew affair proved in its final stages.

The very fact for the first time impeachment of the President is attracting serious attention lends a special importance to the selection of a new Vice President. Whether he is to be Mr. Ford or another nominee must remain beside the point pending the congressional inquiry of Mr. Ford. What is not beside the point, however, is the unsavory political situation that would develop if the Democratic majority in Congress sits tight and does nothing while Mr. Nixon's future is in doubt. In such a case, Speaker Carl Albert, a Democrat, would stand as next in line of succession to the Republican incumbent in the White House. And the partisan strife inherent in these circumstances would be such that Congress could never handle the impeachment process with the judicial detachment envisaged by the Constitution. Democrats would be subject to accusations of trying to gain the White House for narrow party interests. Those Republicans appalled by Mr. Nixon's conduct would be under terrible pressures not to reverse the voters' selection of a GOP President last November.

We have no faith in schemes whereby Mr. Albert would become President, select a competent Republican as Vice President and then—maybe—resign. The Twenty-fifth Amendment dealing with the presidential succession was framed seven years ago to meet some of the problems stemming from the relative inflexibility of our system. To manipulate its provisions would be an affront to the Constitution at a time when the spirit and language of that doctrine are our last refuge.

[From the Baltimore News American, Oct. 23, 1973]

WHAT'S GOING ON HERE?

The confirmation of Gerald Ford as vice president seems to be running into a Democratic roadblock that is as politically motivated as it is unwarranted. The Democrats in Congress are trying to link the Watergate tapes to Ford's confirmation, when one really has absolutely nothing to do with the other.

It is curious that the loudest advocates of delay are Senator Kennedy and Representative Thomas O'Neill Jr., both Democrats from Massachusetts which is the only state out of 50 that President Nixon failed to win in 1972. And it is curious that, without a vice president, the next heart beat to the White House belongs to the Speaker of the House, Carl Albert, a Democrat from Oklahoma.

Sen. Kennedy and his clique may be hoping for a confrontation between the President and the Supreme Court that will lead to impeachment proceedings against Mr. Nixon. The odds against this taking place are large; even if impeachment proceedings were held, it remains unlikely that the President would be drummed out of office by Congress.

Then, why make such an issue over the vice presidency with so many ifs, buts and maybes strewing the road to a Democratic takeover of the White House? Why demand that Mr. Ford, who for 25 years in the House has never opposed the constitution, never urged an unconstitutional act, now give proof that he believes in the constitution? His quarter-century of service speaks eloquently to that point.

What's going on here is partisan politics as usual, at a time in this nation's history when the federal government is enduring a unique sequence of events.

The constitution requires a vice president. Congress should confirm Mr. Ford with deliberate speed. It is the one congressional action that can be taken right now to regularize the government.

OFFICE OF THE SPECIAL PROSECUTOR

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. WILLIAM D. FORD. Mr. Speaker, I am somewhat saddened by comments I have seen in the press and other news media in the last 18 or 20 hours indicating that those who would defend the recent actions of the President seem satisfied to suggest that now that the President of the United States has acknowledged that he, like other Americans, should obey the orders a court which are not under appeal but final in their nature, that this is sufficient unto the moment, and we should get on about other business and disregard the events that outraged the American public this last weekend.

The essential elements still missing from this country are public confidence in its President, in its government, and in its government's institutions. Until the President reassures the American people by reappointing the special prosecutor, Mr. Cox, or by appointing someone with the same mandate that the special prosecutor was given in the assurances that were made to the American people and Congress earlier this year by the President himself. That is, that these matters would be clearly and openly examined, and the public would be informed. I am afraid that the great outpouring of concern that was understandibly demonstrated over this past weekend by the American people will not subside.

Simply turning over some of the tapes under duress of court orders will not and should not satisfy the peoples' demand for a full and honest investigation.

Mr. Speaker, President Nixon's firing of the special prosecutor, Archibald Cox, and the subsequent abolishment of his office, shocked the nation, and he has grossly misled the American people and the United States Congress in his previous support of the special prosecutor's office.

It appears that the President took it upon himself to break a solemn compact when he was confronted with honest men who would not bend to his will. After urging that Watergate be "left to the courts," the President denied Mr. Cox the authority to return to the courts to obtain a judicial ruling on criminal evidence needed for prosecution. Mr. Cox had no choice—he was to forgo the notes and memoranda which were also covered by the subpenas, and he was to forgo any attempt to obtain any similar evidence relating to the other aspects of his investigation—or be fired. We now know what happened.

The public outrage will not subside until the people are satisfied that the Watergate and related investigations will continue with some assurance of honesty and integrity. Mr. Nixon, and those who blindly support his actions, seem to be satisfied that he has shrewdly and effectively stopped the investigations of Watergate and related criminal activities by firing the special prosecutor when he thought the trail of lawlessness pursued by Mr. Cox was leading the prosecutors to the President and his cronies.

The Senate had proceeded in good faith with the appointment of Elliot Richardson as Attorney General. This was based largely on Mr. Nixon's solemn promise to the Senate concerning the provisions for an appointment of a special prosecutor.

The special prosecutor had received full authority to investigate and prosecute all offenses arising out of the 1972 presidential election. He had received full authority to conduct proceedings before grand juries and to review all documentary evidence available from any source. He had received full authority to determine whether or not to contest the assertion of "executive privilege" or any other testimonial privilege. He had received assurances that the Attorney General would not countermand or interfere with his decisions or actions. Finally, he had received assurances that he would not be removed from his duties except for extraordinary improprieties on his part.

Clearly, Mr. Nixon has vigorously shaken the confidence of the American people, its existing institutions and the Congress in the firing of the special prosecutor and the abolishment of his office. There is no reason for confidence in further prosecutions without the Office of the Special Prosecutor. How could a Justice Department continuation of the Cox investigation be credible when the President has demonstrated that enthusiastic investigation of criminal activity will threaten the prosecutor with being fired or forced out.

Chesterfield H. Smith, president of the American Bar Association, justified the creation of a special prosecutor's office in saying:

> It would be improper for an investigation of the President himself, of the Office of the President, or of the Executive Branch of the Federal Government to be conducted by a prosecutor subject to the direction and control of the President.

The President told us he understood this and agreed to it.

Nixon's own appointee, William Ruckelshaus, former Deputy Attorney Gen-

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eral, had expressed doubt that the Justice Department could conduct an independent investigation. He said:

> For one thing, the department will be under such pressure after the events of the weekend that it might find it difficult "not to prosecute" when the evidence might be too slim to risk prosecution. He stressed that the investigation should be "done on an independent basis."

Former Attorney General Elliot Richardson, said just yesterday, that the administration should appoint a new prosecutor. He said that a "completely independent" special prosecutor "is an important guarantee of the integrity of any investigation." Mr. Richardson was the one gentleman who had restored our confidence in the honor and courage of men in public office when he resigned rather than compromise or succumb to pressure.

Mr. Speaker, it is my strong feeling that the President should reappoint Mr. Cox and his staff or appoint some other able and trustworthy prosecutor who will have the same privileges and rights of independence which the Senate and the President had agreed upon last spring.

Congress must not fail to insist that the President allow that these investigations be continued in the same honest and independent manner to which Mr. Cox and his staff had worked.

If the President fails to do this, it is up to the Congress to preserve the integrity of these investigations by reestablishing the Office of the Special Prosecutor.

A STATEMENT OF CONCERN

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. HELSTOSKI. Mr. Speaker, as a result of the dramatic events of the past few weeks, people throughout the Nation have begun to question the fundamental values of this society and the future of the American political system. It is within this context that I want to share with you and my colleagues something that has come to my attention.

Recently, a statement of concern, focusing on moral and ethical principles in public life, was unanimously adopted by the Baptist Joint Committee on Public Affairs. The committee, which adopted the resolution October 3, is a denominational agency in the Nation's Capital maintained by eight national Baptist bodies in the United States.

This statement, I believe, is noteworthy for two reasons. Primarily, the group has succeeded in offering perceptive insight into some of our national problems. In addition, however, I think this statement is a good example of the kind of forceful leadership groups such as the Baptist Joint Committee can provide in a time of crisis. Mr. Speaker, the statement follows:

A STATEMENT OF CONCERN

Believing that separation of church and state does not mean separation of religion from government or politics, nor should it imply the divorce of religion's basic moral and ethical principles from the conduct of public affairs, we voice our concern over some recent developments in public life and reaffirm our commitment to the fundamental principles of democracy.

At a time when there is widespread distrust of government resulting from the abuse of political power, we need to be reminded of the premises upon which our government was constituted. We are gratified that there is today a widespread reaction against this abuse. Indeed, we view this reaction as evidence of the intrinsic strength of our American tradition.

The times call for an affirmation of trust in the basic principles of the American system of democracy. These include: (1) government's powers are derived from the consent of the governed; (2) the harmful potential in any concentration of governmental power makes necessary the distribution of powers among those who make, execute, and interpret law; (3) government is to protect the rights and liberties, and to promote the well-being of all people; and (4) all public officials must be subject to law in both public and private conduct.

In affirming these principles, we express our faith in the ultimate triumph of the right and of the truth in a nation whose citizens are dedicated to justice and righteousness in every aspect of life. In this confidence, we urge our people to examplify and to require character and integrity in both public and private life, and to discharge responsibly their duties as citizens. Moreover, we encourage our Christian young people to seek for themselves a vocation through which they may make their contribution to government and to society in general.

OKTOBERFEST

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. HOGAN. Mr. Speaker, the Oktoberfest celebrations held during the month of October is one of many ways which the German people illustrate their festive mood and their appreciation for all mankind.

I wish to insert into the RECORD a poem written by Otto H. Kappus, in 1966, entitled, "Amerika." I recommend this poem to all my colleagues as it portrays the feeling of the many German-Americans and of their concern for the protection of the civil and political rights of citizens in this country.

I insert both the German version and the English translation.

Both versions of the poem follows:

AMERICA

You, America, Freedom's land,
Best of all upon this earth,
To you will I devote my strength
Till life's last hour comes to me.

You have our highest dreams fulfilled
Of justice and equality,
And have fraternal hatred stilled
And freed us from all class dispute.

The weight from troubled soul you took,
The weight of vain and haughty pride,
Again restoring mankind's worth
And built for us an epoch new.

Whether Christian, Jew, German, Slav,
Whether black or white, rich or poor,
No matter what our ancestry,
All of us are equal here.

Millions have in you found keep,
Those oppressed in their own land
Here now in peace and quiet dwell
Where now new generations stand.

So let us thank our Mighty Father,
That we are freemen of this land,
And let us not relax or waver
Till all men know this fortune too.

OTTO H. KAPPUS.

SEPTEMBER 13, 1966.

AMERIKA

Amerika, Du Land der Freien,
Du bestes auf dem Erdenrund!
Dir will ich meine Kräfte weihen,
Bis zu der letzten Lebensstund'!

Du hast den höchsten Traum erfüllet
Von Gleichheit und Gerechtigkeit,
Und hast den Bruderhass gestillet,
Befreit uns von dem Klassenstreit.

Auch nahmst hinweg die Seelenbürde
Der eitlen Überheblichkeit.
Du gabst uns wieder Menschenwürde
Und schufst so eine neue Zeit.

Ob Juden, Christ', ob Slav', Germanen,
Ob weiss, ob schwarz, ob arm, ob reich,
Wer immer waren unsere Ahnen,
Hier sind wir all einander gleich.

So wurdst Du Zuflucht für Millionen,
Die einst bedrückt in ihrem Land,
Hier nun in Ruh' und Frieden wohnen,
Sodass ein neu Geschlecht erstand.

Drum lasst uns dem Allmächtgen danken,
Dass Bürger wir von diesem Land,
Und lasst uns weichen nich noch wanken,
Bis alle Welt dies Glück erkannt!

OTTO H. KAPPUS.

13. September 1966.—Dem Bürgerverein gewidmet, am 30, September 1966.

NIXON'S FAILURE TO TRUST PEOPLE BRINGS MISTRUST OF GOVERNMENT

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. EILBERG. Mr. Speaker, President George Meany recently addressed the American Federation of Labor-Congress of Industrial Organization Convention with his usual candor on the present administration's stewardship of the National Government. I am inserting excerpts of his remarks in the RECORD for the review of our colleagues:

NIXON'S FAILURE TO TRUST PEOPLE BRINGS MISTRUST OF GOVERNMENT

The past two years have been years of grave problems for America. The labor movement, obviously, has not escaped the problems that affect all Americans in their daily lives. Neither will we escape the problems that are certain to come in the future.

Overriding all others is the crisis of public confidence in the institutions of government. Certainly Watergate has played a role in eroding public trust in government. But the erosion began when the people perceived that the government did not trust them enough to tell them the whole truth.

The Administration did not tell them the whole truth about its economic policies and their terrible consequences for working people.

The Administration did not level with the American people about the Russian grain deal.

The Administration has not let the people

in on what is really going on in our international relations.

And surely the Administration cannot expect the full trust and confidence of the American people when it pursues tax policies that penalize them for not being rich, while rewarding corporate wealth and special interests.

In a democracy, government rests on the informed consent of the governed, and the informed consent of the people can only be won by a government of candor.

Watergate would not have brought on the constitutional confrontation that faces this country today if the truth had been told on June 18, 1972. The economy would not be on the brink of a recession if the President had lived up to his promise of February 19, 1969, that inflation would be curbed without increasing unemployment.

The free trade union movement in America grew out of the soil of democracy. It was nurtured by the rights and liberties which are enjoyed by free citizens. Whenever those rights are threatened, whenever people are subordinated to money, then the free trade union movement is threatened.

Every American is affected every day by this Administration's mismanagement of the economy. Economic controls, as practiced by this Administration, are a sham and a shame.

The economic picture is deteriorating. Swollen corporate profits and exorbitant interest rates are feeding inflation but the Administration refuses to restrain the worst inflationary factors in the economy.

Housing construction is at a virtual standstill and threatens to trigger widespread unemployment. Worker buying power is declining, yet the Administration continues inequitable wage controls and vetoes a minimum wage bill that would bring some small measure of economic relief to low-income workers.

In fact, economic conditions today closely resemble those that led to the recession of 1969–70 and threaten again to cause recession this year.

Contrary to the opinion of some commentators and editorialists, the trade union movement in America is alive and well.

Affiliated unions have reported some collective bargaining gains, despite employer eagerness to serve as enforcers of the President's wage controls. There continues to be a steady, appreciable gain in membership, led by organization of government employes. In addition, several unions have reported new interest on the part of white collar workers in joining the labor movement.

Particularly heartening is the increase in union membership among members of minority groups in all industries and trades. This development brings new strength and talent to the labor movement and at the same time represents another signpost of progress in the continuing struggle for civil rights. For the surest way for minorities to be able to enjoy their civil rights is through the economic security and human dignity for which the labor movement has always stood.

Today, the labor movement is stronger politically than it has ever been in history. Many unions that had no political action programs before have good programs now.

The 1974 election becomes more and more important with every veto. The President is determined to falsely tag Congress with a "do-nothing" label, as a means of countering Watergate and of diverting attention from his own legislative failures.

In reality, the President is not seeking speedier congressional action, nor is he attempting to work with Congress as a co-equal branch of government. The President is using the veto, threats of the veto, and the impoundment of funds to blackmail Congress into accepting his own narrow programs.

President Nixon labels every program that benefits people as "inflationary," and every program that benefits the wealthy and the corporations as "in the national interest."

We reject that philosophy. We say that America cannot afford to junk decades of social progress for the many in the interest of further enrichment of the privileged and the powerful.

MEDIA VIOLENCE AND ITS EFFECT ON CHILDREN

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. HELSTOSKI. Mr. Speaker, I recently had the opportunity to preview a report soon to be published in the American Psychological Association's journal Development Psychology, studying the effects of media violence on children's behavior. Violence has become an increasingly accepted part of our lives, due in part, to the increasing amount of violence we allow to penetrate our home entertainment. Many of us have been concerned that the American people can, and have been anesthetized to violence at home and abroad through increasingly violent programs on television. The APA study lends great support to this fear.

The study showed that children who saw an aggressive film and then were made responsible for monitoring the behavior of younger children were much less likely to seek appropriate adult help when the younger children misbehaved than children who had not seen the film. The children appeared to have learned to tolerate real life aggression by being exposed to media violence. This suggests the frightening possibility that while some children are incorporating media-initiated violent responses into their everyday behavior, even more may be learning to tolerate them. Viewing violence under the guise of "entertainment" may increase tolerance to aggression occurring in the real world, and thus make a person less willing to assist when he witnesses such behavior in his own life.

I commend this study to the attention of my colleagues:

DOES MEDIA VIOLENCE INCREASE CHILDREN'S TOLERATION OF REAL LIFE AGGRESSION?[1]

(By Ronald S. Drabman[2] and Margaret Hanratty Thomas)

ABSTRACT

Twenty-two male and 22 female third and fourth graders were randomly divided into groups for a 2 (sex) by 2 (film, no film) factorial design. Children in the aggressive film group saw a cowboy film which depicted many violent events. All children were led to believe that they were responsible for watching the behavior of two younger children whom they could see on a video (TV) monitor. The younger children at first played quietly, then progressively became destructive. Their altercation culminated in a physical fight ending with the apparent destruction of the TV camera. The dependent measures were (1) the time it took a subject to seek adult help after the younger children began to be disruptive, and (2) whether or not the subject waited until the younger children had begun to abuse one another physically before seeking adult help. Results indicate that children who saw an aggressive film took longer to seek adult help than children who did not see the film. More importantly, children in the film group were much more likely to tolerate all but violent physical aggression and destruction before seeking help.

The widespread portrayal of violence in television and movies has come under strong attack during recent years due to increasing evidence that observation of such displays may foster similar behavior on the part of viewers. It is well documented that exposure to filmed violence may increase the likelihood that young children will exhibit aggressive behaviors toward both inanimate and live victims (e.g., Bandura, Ross, & Ross, 1961, 1963; Hanratty, *et al.*, 1969; Hanratty, O'Neal, & Sulzer, 1972; Liebert & Baron, 1972). These authors have consistently demonstrated that the presentation of media violence can provide opportunity for acquisition of novel aggressive skills and can encourage performance of similar behaviors through modeling and disinhibitory influences.

In addition to these effects, however, it appears reasonable to speculate that observation of filmed aggression may affect viewers in other undesirable ways. There is some evidence to suggest that children's conceptions of reality may be influenced by media dramatizations. In a study by Siegel (1958), seven-year-old children who heard radio serials about taxi drivers were asked to predict the ending of a newspaper story that was focused on a local cab driver. Those children who had listened to a dramatization in which taxi drivers were portrayed as being unusually aggressive attributed much more violence to the driver in the newspaper story than did children who had heard a radio serial in which taxi drivers behaved in a nonviolent manner. The conclusion that children's attitudes about the real world may be affected by fictional presentations is strengthened by the fact that only children who understood that newspapers report real events were retained in the final analysis.

Also, some writers have suggested that repeated observation of violence can result in emotional habituation (e.g., Goranson, 1970). Indeed, Berger (1962) demonstrated that adult subjects' emotional arousal progressively declined while watching a victim receive a large number of painful electric shocks. Similar findings have been reported by Lazarus and his associates (Lazarus, 1966; Lazarus & Alfert, 1964; Speisman, Lazarus, Mordkoff, & Davidson, 1964).

If observation of violence serves to shape viewers' expectancies about real life and behavior and/or reduce emotional responsivity to witnessed violence, it seems likely that reactions to aggression encountered in everyday life may be affected significantly by exposure to media violence. Specifically, it is proposed that viewing violence under the guise of "entertainment" may increase one's tolerance of aggression which occurs in the real world and thus make one less willing to aid when he witnesses such behavior in his own life. The present study was designed to assess the effects of viewing filmed violence and children's subsequent readiness to report to an authority figure an argument and fight between two younger children.

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[1] The assistance of Gregory J. Jarvie who served as the experimenter is gratefully acknowledged. Thanks for providing subjects are due Sister Ann Olivia, principal of St. James School. This research was supported, in part, by National Institute of Mental Health Grants 1–RO3–MH24502–01 and 1–RO3–MH22189–01A1 to the first and second authors, respectively.

[2] Requests for reprints should be sent to Ronald S. Drabman, Department of Psychology, Florida Technological University, Box 5000, Orlando, Florida 32816.

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METHOD

Participants and design

The subjects were 22 boys and 22 girls from the third and fourth grades of a parochial elementary school which serves a predominantly middle class area of a southern city. The study was carried out near the end of the school year. The same 21-year-old adult white male acted as the experimenter for all subjects. The experimental design was a 2×2 factorial with the variables of treatment condition (aggressive film versus no film) and sex of subject.

Procedure

The experimenter met each subject individually at the classroom and explained that he wanted the subject to "play some games." He then remarked that he was ahead of schedule and suggested that before beginning he show the subject his "new trailer." Upon arrival at the trailer, which was located in the school yard, the experimenter explained that the trailer was being used sometimes by a friend to work with kindergarten children from another school. The large room inside the trailer contained a variety of toys suitable for young children (i.e., a large number of blocks, picture books, crayons, and toy milk bottles). At the far end of the room, a large camera was mounted on a tripod. The experimenter pointed to the camera and said: "We have a a T.V. camera here. It takes pictures of everything going on in this room. In fact, it's taking pictures of us right new!" The experimenter then escorted the subject to a room in the school building where they were to "play games." Subjects in the *aggressive film group* were then shown an 8-minute western featuring Hopalong Cassidy. The film depicted several gunbattles, shootings, and fistfights. Immediately thereafter, the experimenter glanced at his watch and explained that he needed to make an important phone call. He then continued:

"I have somewhat of a problem. You see, I promised my friends who will be working with younger children in the trailer today that I would watch the children for him while he's gone. See, I can turn on this T.V. set and watch what's happening in the trailer. [The experimenter then turned on the monitor which showed the still vacant trailer.] Oh good! They haven't gotten there yet. There's no one there now. Well, I might get back before they arrive, but if I don't, could you watch the children for me? Thanks a lot. Just watch the T.V. and if the children get there before I come back, then you keep an eye on them. I imagine they'll be O.K. but sometimes little kids can get into trouble, and that's why an older person should be watching them. If anything *does* happen, come get me. I'll be in the principal's office."

Subjects in the *no film group* were given the same instructions immediately after their arrival at the room in the school building.

Each child then witnessed the same videotaped sequence. The purpose of the visit to the trailer was to insure that the subject would believe that the events he saw on the monitor were live.

After two minutes of tape which showed the unoccupied trailer, an adult male and two young children (a 4-year-old girl and a 5-year-old boy of approximately equal size) entered the trailer. The adult told the children that he had to leave, but that they could play while he was gone. After the adult left the children played quietly with crayons and paper for approximately one minute. They then each built two structures with the blocks. The girl criticized the boy's building, stating that hers was much nicer. After an interchange of derogatory comments, the boy maliciously knocked over one of the girl's buildings. The children continued arguing and destroyed each other's remaining buildings. They then began to push and threaten one another. The girl began chasing the boy, crying, while he taunted her with repeated shouts of "You can't catch me!" She hit him several times and, as they struggled near the camera, it appeared as though it was knocked over and had fallen to the floor. At this point, the video portion went dead, and the radio briefly continued while the children yelled accusations of blame at each other. Finally, the boy shouted "Watch out!", and a loud crash was heard. No more sounds were audible afterward.

The experimenter remained in the hallway outside the room and recorded the time which had elapsed from the beginning of the tape and the moment at which the subject left the room to notify him. If the subject did not respond within 70 seconds after the audio portion ended, the experimenter reentered the room and inquired if anything happened.

Debriefing

The experimenter immediately assured the subject that everything was being taken care of. He told the subject that his friend was now at the trailer and that no real harm had been done. No child appeared to have been upset by the experience. Finally, the experimenter asked the subject to solve five mazes and praised his performance warmly. Each child was thanked for his participation and given a candy bar.

RESULTS

Latency scores were computed by subtracting the amount of time which had elapsed before the first blocks were knocked down from the total time recorded by the experimenter. This number provided an accurate measure of the length of time during which the subject viewed the altercation before notifying the experimenter. Since these data were neither normally distributed nor showed homogeneity of error variance, nonparametric analyses were used. Table 1 presents the median latency scores for subjects in each of the four experimental groups. Comparisons by Mann-Whitney *U* tests revealed that, as anticipated, children who had seen the aggressive film responded more slowly than children who had not seen the film ($z=1.82$; $p=.034$) while sex of subject was not related to speed of responding ($z=0.27$, $p=0.39$).

TABLE 1.—MEDIAN LATENCY SCORES (IN SECONDS) FOR SUBJECTS IN THE 4 GROUPS

	Males	Females
Film	Md=104 range=13 to 196	Md=119. range=59 to 196.
No film	Md=63 range=13 to 196	Md=75. range=21 to 139.

Furthermore, since the primary interest was to determine the effect of viewing aggression and children's subsequent toleration of such behavior, subjects who notified the experimenter were classified on the basis of whether they responded to the children's arguing and destruction of each other's property or whether they responded only after more extreme forms of aggressive behavior were witnessed (i.e., hitting each other or breaking the camera). An analysis of these data (presented in Table 1) revealed a highly significant effect for treatment condition ($x^2=6.69$, $df=1$, $p<.01$). Whereas 58% of those subjects in the no film condition who notified the experimenter did so *before* the children began to fight physically, only 17% of the subjects in the film group responded to this type of aggression. Nonresponders were excluded from this analysis. There were 4 nonresponders in the film group and 3 in the no film condition. An analysis with these subjects included yielded similar results

$$(x^2=6.70, df=1, p<.01).$$

Analysis of the relationship between sex and number of responders before and after the critical event yielded no differences.

$$(x^2=1.93, df=1, p>.17).$$

TABLE 2.—SUBJECTS SEEKING HELP BEFORE OR AFTER PHYSICAL VIOLENCE

	Number of subjects responding before	Number of subjects responding after
Film	3	15
No film	11	8

Note: Nonresponders were excluded from this analysis.

Similarly, nonresponders were excluded from this analysis. There were 5 boys and 2 girls who failed to respond. An analysis with these subjects included also failed to reach significance ($x^2=0.42$, $df=1$, $p>.50$).

DISCUSSION

These results provide support for the notion that children's responsivity to real life aggression may be affected by previous observation of fictional violence. Latency scores were related to exposure to the aggressive film, and the basis on which the subject's decision to summon adult help was made also is clearly influenced by this variable. Several possible explanations of this effect are tenable. First of all, if media presentations furnish children with a concept of "what the world is really like" (National Commission on the Causes and Prevention of Violence, 1969; Siegel, 1958), then witnessing aggressive behavior on television and in movies may serve to make the viewer more likely to consider conflict and fighting as normative behaviors. Thus, when real life aggression is witnessed, it is not considered to be surprising or unusual and therefore does not seem to warrant action on the part of the observer. A similar interpretation is focused on contrast effects. Since it is quite unlikely that one might see aggression in his own life which is as extreme as that usually presented in the media, real life aggression might often seem to be trivial in comparison. Also, exposure to violence may reduce emotional responsivity to subsequent scenes of violence (Goranson, 1970) thereby making it less likely that individuals will react quickly. Because the subjects in the control group did not see a film, differential arousal might be offered as an alternative explanation for these findings. However, since all subjects were told explicity what they should do, it would seem that if subjects who had seen the aggressive film were more aroused than subjects in the no film group, then increased arousal should result in quicker responding by subjects in the film group (e.g., Spence, 1956; Zajonc, 1965). Further research is necessary to explore these alternative interpretations.

Many questions remain unanswered, and research is currently underway to investigate the impact of such variables as the degree and type of violence exhibited in the aggressive film, the age of the subjects, and characteristics of the participants in the real life aggression. However, the results of this study, taken together with others in which the modeling and disinhibitory effects of media violence have been demonstrated (Bandura, Ross, & Ross, 1961, 1963; Hanratty *et al.*, 1969; Hanratty, O'Neil, & Sulzar, 1972; Liebert & Baron, 1972), suggest the frightening possibility that while some children are incorporating such violent responses into their everyday behavior, even more may be learning to tolerate them.

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TREASURY DEPARTMENT STUDY SUPPORTS THE VANIK-MOSS APPROACH TO CONSERVE GASOLINE

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. VANIK. Mr. Speaker, the recent cutoff of petroleum supplies by the Arab States to the United States underlines the importance we must now attach to immediate efforts to cut down our wasteful consumption of irreplaceable petroleum. The gas-gulping American automobile presents us with an ideal starting point.

Despite the fact that as a nation we account for only 5.7 percent of the world's population, we own 46.1 percent of the world's automobiles. There are 97.65 million cars circulating around our country, consuming 73.5 million gallons of gasoline each year—that is 14.3 percent of the total energy this Nation consumes.

In recent years the efficiency of the American automobile has seriously declined. Contrary to popular attitudes, this decline is attributable not so much to emission control as to increased vehicle weight and more optional equipment. This trend can and must be reversed. I have introduced with Senator FRANK Moss legislation to encourage the production of more efficient automobiles through the imposition of a graduated excise tax (H.R. 9859).

The administration has been taking quiet steps in this direction. Under Secretary of the Interior John C. Whitaker recently announced that the Interior Department is actively contemplating the taxation of inefficient automobiles.

In addition, the Treasury Department has done some excellent work in evaluating the strength of the tax approach. Using a tax schedule similar to the one I have proposed in H.R. 9859, Treasury estimates that 1 million barrels of gasoline a day could be saved by 1980—that is the equivalent of over 2 million barrels of crude oil.

For the interest of my colleagues I am submitting this Treasury study to the RECORD:

TREASURY DEPARTMENT STUDY

SUMMARY

This study recommends a fuel economy tax to be levied on automobiles beginning in 1975.

The tax is based upon miles per gallon ratings developed by a uniform testing procedure to be conducted by automobile manufacturers under EPA guidance.

Basically the tax would establish a national automobile standard of 20 miles per gallon. Cars getting that mileage or better would pay no excise tax. Less efficient cars would pay a tax proportional to their fuel consumption. This tax was developed in lieu of a horsepower tax or a weight tax which are shown to be less effective.

The purpose of the tax is to save gasoline through encouraging the industry to design and produce more efficient vehicles. The basis for setting the tax rates are studies which assert that the industry can produce large cars which yield close to 20 miles per gallon using existing technology without sacrificing comfort, styling, or exhaust emission standards.

The tax should have the following effects.

1. Through inducing manufacturers to produce more efficient cars and reducing automobile purchases of large cars, it would save increasing amounts of gasoline. By 1980, the saving should reach 1 million barrels a day of gasoline.

2. The revenue from the tax would peak at $2.78 billion by 1976. Thereafter, it would rapidly decline as cars became more efficient and motorists increase their purchases of smaller cars. By 1980, the tax would draw about $600 million per year.

The tax is similar to bills already introduced this year in the Senate and the House designed to accomplish the same purpose.

The draft of the paper has been reviewed by staff in EPA, the Department of Transportation, and in Treasury tax analysis.

Introduction

One recurring energy conservation suggestion has been the thought that we could save considerable amounts of gasoline if we were to shift to more efficient automobiles. This has been constantly in the news columns of late, for example, in the *New York Times Magazine* on June 10, 1973, entitled "Auto-Suggestion." This memorandum is an exploration of the concept of a tax designed to encourage vehicle economy.

The trend in vehicle economy

Miles per gallon in passenger vehicles has been coming down significantly since 1050.

Automobiles in 1950 were averaging 14.95 miles per gallon. By 1972, this has dropped to 13.57. Why has automobile efficiency fallen so much? There seem to be several reasons.

a. Heavier cars

A study by the Environmental Protection Agency dated November 1972, entitled "Fuel Economy and Emission Control" indicates that vehicle weight is the most significant determinant of miles per gallon. Cars have been getting significantly heavier during the last 20 years. Each year the same model automobile is heavier than the year before. In 1955, for instance, the largest Ford V–8 weighed 3,236 lbs. By 1965, this weight grew to 3,422 lbs. and today a similar car weighs 4,292 lbs. The Cadillac Series 75 grew during the same period from 5,015 lbs. to 5,783 lbs. Even the Pinto grew from 1972 to 1973 from 2,094 lbs. to 2,216 lbs. In the absence of any economic incentives to reduce weight, therefore, cars are growing heavier, and hence greater users of fuel. On the other hand, much of the added weight has gone into safety or convenience features such as stronger frames, automatic transmissions, heavier but better tires, etc.

b. Increased accessories in automobiles

Factory installed power-using equipment has grown significantly in the last 10 years. Automatic transmissions have grown from 71 percent in 1960 to 93 percent in 1972. Power steering from 39 percent in 1960 to 86 percent in 1972. Factory air conditioning, the most costly of all, in terms of fuel use, has grown from 6.9 percent in 1960 to 70 percent in 1972. These added features require the use of addtiional gasoline.

c. Antipolution features

Pollution controls added since 1970 also take their toll in gasoline mileage. The EPA study shows that they have reduced engine efficiency by about 7 percent over comparable models without the pollution controls.

d. Urbanization of our population

We are becoming increasingly urbanized. Each year more of our population lives in urban areas and less in rural areas. In fact, 1960 to 1970, for instance, urban populations gained by 19.2 percent, whereas rural populations declined by 0.3 percent. This has a definite effect on mpg. City driving involves more stop and go, more idling, more fuel wastage than open country driving. This trend will probably continue.

The shift to smaller cars

Despite the long-term downward trend in fuel economy, the previous graph shows that in 1971 and 1972 the rate of decline in fuel economy has been less than it was in previous years. Why should this be so?

One important reason is that the public is shifting to the purchase of smaller cars. The following chart gives an indication of the change in the new car registrations during the last six years.

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REGISTRATION OF NEW CARS BY GENERAL MARKET CLASS

Market class	1967–73 calendar years, percentage of total registrations							
	1967	1968	1969	1970	1971	1972	1973	1973 sales[1] (thousands)
High price class (Cadillac, Lincoln, etc.)	2.9	2.6	2.9	2.3	2.7	2.7	2.4	238
Medium price class (Pontiac, Olds, Buick, etc.)	17.8	17.0	16.8	13.7	15.1	14.5	12.7	1,257
Regular size (Ford, Chevrolet, Plymouth, etc.)	28.6	27.0	25.7	22.5	20.9	19.3	16.3	1,614
Special sports type (Chevrolet Monte Carlo, Ford Mustang, Chevrolet Camero, etc.)	12.8	11.7	11.1	10.3	8.6	8.2	9.9	980
Intermediate size (Ford Torino, Chevrolet, Olds Cutlass, etc.)	21.8	24.0	22.2	21.0	18.1	19.2	18.8	1,861
Compact size (Chevrolet Nova, Ford Maverick, Dodge Dart, Plymouth Valiant, etc.)	6.7	7.1	9.8	13.8	12.1	12.9	14.4	1,425
Subcompact size (Vega, Pinto, Gremlin)				1.6	7.4	8.2	9.6	950
Foreign cars	9.3	10.5	11.2	14.7	15.1	14.5	15.9	1,574
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	9,900

[1] Projected based on current trends and R. L. Polk data.

Source: Ward's Automobile Yearbook based on R. L. Polk data.

A more practical way of looking at the same figures is to see the change in the percent of large cars (medium, regular size, intermediate size, and special sports type) versus small cars (compact, sub-compact) and foreign cars since 1967. High price cars are excluded. They remain at the same level regardless of time and price and continue to be about 2.6 percent of the market. This could indicate that these vehicles occupy a special place in the market due to prestige or other reasons, and are highly price-inelastic.

The percentage of large cars has fallen from 81 percent in 1967 to 57.7 percent in 1973, while the percentage of compacts, sub-compacts and foreign cars has risen from 16.0 percent in 1968 to 39.9 percent in 1973. What this indicates is that the public is shifting its buying habits and buying smaller cars. Why should this be so?

Reasons for the shift

The reasons for shift to smaller cars appear to be many. One important reason may be that a higher percentage of the public are buying second and third cars now which tend to be smaller than the basic family car. The percentage of households which own two or more cars increased from 19.0 percent in 1961 to 29.8 percent in 1971, a 50 percent increase.

A second reason is a general change in the public taste in transportation. Foreign cars, for instance, have become popular, although their percentage of total U.S. sales have grown from 9.3 percent to 15.9 percent since 1967, a gain of 6.6 percent, while those of American make sub-compacts have grown from 0 to 9.6 percent in only three years.

It is unlikely that the increasing prices of new cars has been a major factor in encouraging car buyers to shift to less expensive models. New car prices have risen more slowly than those of the cost of living.

CAR PRICE INCREASES COMPARED WITH COST OF LIVING INCREASES

	Percent change from previous year	
	All items[1]	Cars[2]
1967	3.0	2.2
1968	4.7	3.63
1969	6.1	1.83
1970	5.5	3.51
1971	3.4	5.90
1972	3.4	2.62

[1] Source: Bureau of Labor Statistics, reported in the Economic Report of the President, 1973, p. 252.

[2] Automotive News Almanac, Apr. 30, 1973, p. 78.

In fact, in real terms, the percentage of the family income spent on automobile purchases is declining. In 1950 a new car represented 62 percent of the average family income. By 1970, this figure had declined to 35%.*

AFL–CIO URGES NIXON RESIGNATION

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Ms. ABZUG. Mr. Speaker, on Monday, October 22, 1973, the AFL–CIO, the Nation's most powerful labor organization, called for President Nixon's resignation, or if the President refuses to resign, impeachment:

We believe that the American people have had enough. More than enough.

We therefore call upon Richard Nixon, President of the United States, to resign.

We ask him to resign in the interest of preserving our democratic system of government, which requires a relationship of trust and candor between the people and their political leaders.

We ask him to resign in the interest of restoring a fully functioning government, which his Administration is too deeply in disarray to provide.

We ask him to resign in the interest of national security.

If Mr. Nixon does not resign, we call upon the House of Representatives forthwith to initiate impeachment proceedings against him.

They also asked that Congress hold up the consideration of Representative GERALD FORD for Vice President:

Clearly, a President who has placed himself on the brink of impeachment should not be allowed to name his successor until the charges against him have been disposed of satisfactorily.

I insert the full text of the AFL–CIO statement for the benefit of my colleagues:

STATEMENT BY THE AFL–CIO EXECUTIVE COUNCIL ON PRESIDENT NIXON TO THE 10TH CONSTITUTIONAL CONVENTION, BAL HARBOUR, FLA., OCOBER 22, 1973

The Constitutional crisis that began with what the White House once described as a "third-rate burglary" has now been brought to a head by the absolutely unprecedented and shocking actions of President Nixon within the last 48 hours.

In rapid succession, these events have taken place:

The President demanded that Attorney General Elliot Richardson fire special Watergate prosecutor Archibald Cox. Richardson refused and resigned. The President demanded that Deputy Attorney General William D. Ruckelshaus fire Cox. Ruckelshaus refused and was fired. The President ordered his Solicitor General, Robert H. Bork, to fire Cox, and Bork, now Acting Attorney General, complied. The President ordered the FBI to seal off the offices of the special prosecutor, the Attorney General and the Deputy Attorney General—thereby, in effect, taking possession of the Watergate evidence.

These incredible actions have revealed the extent to which Mr. Nixon is prepared to go to prevent the full disclosure of evidence relating to the Watergate cover-up and other charges of criminal conduct by high government officials. He had already refused the orders of two courts to turn nine of his tapes bearing on the Watergate matters over to Judge John Sirica.

The President seems determined not to discharge the chief obligation of his office. Article II, Section 3 of the Constitution states that, "he shall take care that the laws be faithfully executed." But Mr. Nixon seems utterly determined to frustrate the full and impartial administration of the law.

When the Senate Judiciary Committee confirmed the appointment of Cox, it acted with the understanding, spelled out in the guidelines drawn up by the Attorney General, on May 19, that he would have:

"full authority with respect to . . . determining whether or not to contest the assertion of 'executive privilege' or any other testimonial privilege. . . . The attorney general will not countermand or interfere with the special prosecutor's decisions or actions . . . The special prosecutor will not be removed from his duties except for extraordinary improprieties on his part."

The special prosecutor's decision to press forward on the legal front to obtain the President's tapes hardly constitutes an "extraordinary impropriety." On the contrary, it constitutes the fulfillment of his mandate to "review all documentary evidence available from any source, as to which he shall have full access."

Similarly, the refusal of Attorney General Richardson to fire Cox was in accordance with the understanding between him and the special prosecutor, which understanding was also at the basis of the Senate's confirmation of Mr. Richardson as Attorney General.

Mr. Nixon's determination to prevent judicial examination of his tapes, no matter what the cost to our constitutional system, can only further erode public confidence in him. When the President appears fearful of facing a Supreme Court composed in large measure of his own appointees, the public can scarcely resist the darkest speculations.

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* Source: 1972 Automobile Facts and Figures, page 41.

We believe that the American people have had enough. More than enough.

We therefore call upon Richard Nixon, President of the United States, to resign.

We ask him to resign in the interest of preserving our democratic system of government, which requires a relationship of trust and candor between the people and their political leaders.

We ask him to resign in the interest of restoring a fully functioning government, which his Administration is too deeply in disarray to provide.

We ask him to resign in the interest of national security.

If Mr. Nixon does not resign, we call upon the House of Representatives forthwith to initiate impeachment proceedings against him.

We also call upon the Congress to hold up further consideration of the President's Vice President-designate, Mr. Ford. Clearly, a President who has placed himself on the brink of impeachment should not be allowed to name his successor until the charges against him have been disposed of satisfactorily.

We concur completely with Archibald Cox, who said at the time of his dismissal: "Whether we shall continue to be a government of laws and not of men is now for Congress and ultimately the American people to decide."

Impeachment is not a prospect we contemplate with pleasure. No decent American can derive any partisan satisfaction whatever from the misfortune of his nation. And surely the American labor movement is not interested in aiding any reckless attacks on the Presidency. We are especially concerned about the office of the Presidency in these times of grave danger on the international front.

But the cause of peace and freedom in the world cannot be served by a discredited Presidency at home. Our allies' best hope—mankind's best hope—lies in the strength of our democratic institutions.

Justice must be done, the risks of not doing it being more than a democracy can safely bear.

LABOR DELEGATES ARE NOT SATISFIED—CONSTITUTIONAL CRISIS CALLED UNRESOLVED BY NIXON MOVE

(By Philip Shabecoff)

BAL HARBOUR, FLA., Oct. 23.—Delegates to the A.F.L.-C.I.O. convention here, who voted yesterday to ask President Nixon to resign, were startled but not satisfied today when they learned that the President had decided to surrender the Watergate tape recordings to a Federal judge.

The news broke just after the convention adjourned, and George Meany, president of the American Federation of Labor and Congress of Industrial Organizations, said he would have no comment for the time being.

But other delegates said that they felt the President's reversal had not resolved the constitutional crisis and raised still more questions about the President's stability. Jerry Wurf, President of the American Federation of State, County and Municipal Employes, called the President's action one more illustration of the frightening irresponsibility of this man."

Mr. Wurf said that he took some comfort from the fact that the President had obviously seen that the American people "would not sit still for the kind of games he was playing." But the union leader added that the President must resign or be impeached.

ADDRESS BY HUMPHREY

Earlier, in an address to the convention, Senator Hubert H. Humphrey accused President Nixon of being a "man obsessed with power" and warned that "our existence as a democracy and our constitutional tradition of balanced and limited power are in mortal danger as of this hour."

Former Vice President Humphrey, after reviewing the recent actions of the President, asserted that "this pattern of behavior of exercising unrestrained power is dangerous; it is dictatorial; it is unacceptable for a free people."

The Minnesota Democrat who ran against Mr. Nixon in 1968, called on Congress and the judiciary to "act responsibly" to resolve the crisis of the Presidency.

He said that a new special prosecutor should be appointed either by Federal Judge John J. Sirica or by a special act of Congress and that the prosecutor should be given full access to evidence and all independent powers to carry forth the Watergate case.

"It is essential that this new inquiry be beyond the political reach of the President," Mr. Humphrey said.

He also urged "appropriate committees" of Congress to hold hearings quickly on impeachment motions filed by members of the House of Representatives. However, Senator Humphrey did not urge impeachment himself, explaining that as a Senator he would have to sit as judge or jury, if the House voted impeachment and that he did not want to "prejudge this case."

UNION ISSUES FADE

This tenth biennial convention of the A.F.L.-C.I.O. was dominated by the Presidential crisis to the extent that trade union issues faded almost into the background, at least on the floor of the meeting itself.

The only other major issue on the floor during this final day of the convention was the Middle East. It was not a controversial issue.

The convention voted unanimously for a resolution condemning what it said was Arab aggression against Israel, praising Israel's free democratic society and called on the United States Government to carry out a "massive airlift" of all equipment and supplies needed by Israel to replace her losses.

The convention also passed a resolution condemning the "violence" and "suppression" of the military junta in Chile and asked the United States Government to take diplomatic measures to speed the re-establishment of civilian rule and full political and trade union rights in that South American country.

DISTINGUISHED NEWSPAPERMAN WILLIAM B. STREET PASSES

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. KUYKENDALL. Mr. Speaker, it is my sad task at this time to announce to my colleagues, and particularly to those from the Mid-South area, that we have lost a friend and a distinguished newspaperman. I have just been informed of the death, this morning, of William B. Street, the political editor of the Memphis Commercial Appeal.

Those of us in public life who knew Bill Street can testify that honesty and fair play in journalism has lost one of its most devoted advocates. I think it fitting, and the way he would have wanted it, that he died at his typewriter in the Commercial Appeal newsroom, of a heart attack.

I will ask for a special order in the House next Tuesday, and invite those Members who knew him to join me in a tribute to a friend and outstanding journalist.

WHO IS AT FAULT

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. DERWINSKI. Mr. Speaker, it is very easy to blame all problems, real and imaginary, on others. We in public service recognize that while we deserve criticism for many of the problems that government has failed to solve, we are often criticized for events over which we have little or any control.

Harry "Scoop" Sklenar is a veteran journalist and editor of the Des Plaines Valley News, serving a number of constituents in my congressional district. His column of Thursday, October 18, is a truly penetrating, philosophical commentary which I am pleased to insert into the RECORD:

WHO IS AT FAULT

(By Harry Sklenar)

It was said that Diogenes spent a lifetime with a lantern seeking an honest man and failed. And a great Teacher told a crowd, "Whom among you without sin shall cast the first stone?" and none complied.

Perhaps Diogenes looked only in the high elective offices of the land, judging from recent disclosures of a top judge being termed guilty of accepting racing stock at below cost for allegedly securing favorable racing dates, reading that a U.S. Vice President pleaded no contest to charges of income tax evasion, and those Chicago policemen and their superior who were found guilty of gathering regular pay-offs from tavern owners.

Note, it takes two persons to complete a dishonest deal; one, the person making the offer, and another, the person accepting. Why is it so seldom that the person making the offer is given some form of punishment?

Perhaps we are all at fault for maintaining a society in which such acts are tolerated, becoming more acceptable rather than the exception to the point of having a relative add a device to a model car a youngster had allegedly constructed to assure victory.

Thus rather than cast a cynical eye on those holding political office and stating the system is rotten, remember it was you and I who make it so. We nominate the office holders, then endeavor to blemish their characters with wild accusations unrelated to their ability, then discover that few persons of high moral character and caliber care to even make a campaign try.

Currently, the Illinois state legislature is to consider a stronger ethics bill, yet the Governor, while backing the bill, is refusing to disclose the names of his own campaign contributors.

During the last decade, our character and moral principles dropped considerably. Today, we have states adding revenue from running lotteries with a portion of such revenue going to schools, then holding that gambling is wrong. Besides the gambling issue, we have the U.S. Supreme Court ruling on obscenity issues.

How many blemishes do you have on your character? Why not just take a casual observation on how many times you wished to hand a policeman some money for not writing that arrest ticket, or buying a magazine or book purely because it exhibits nude photos, or by attending films of that nature? To what extent have you added to the sales

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volume of cigarettes when printed warnings advise you desist? Cigarette sales have been on the increase despite those warnings of being detrimental to your health.

While seeking to curtail the selling and smoking of cigarettes on one hand, we attempt to legalize the smoking of marijuana on the other. We jail persons for race horse betting outside of the track and hold it is perfectly legal for betting inside.

We learn that TV exhibitors hold that portrayals of violence and criminal methods have no effect on children, yet use this same media to aid children to learn to read and use television in schools to aid in the child's learning process.

It is strange that mankind has survived this long without introducing sex lessons at the grade school level, or taking surveys on bedtime practices.

If we take to blaming politicians for the state of evil, society or the system, remember it is just the mass of individuals such as you and I which make up society and formulate that system.

This means that each of us is responsible to stop these evil practices simply because "everyone else is doing it." Look at your own conscience and let that be your guide.

PROVOST MARSHAL GENERAL RAMSEY

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. CARTER. Mr. Speaker, it is indeed a pleasure to share with the Members of this body an impressive monograph on Provost Marshal General Ramsey, which appeared recently in the Government Executive.

Gen. Lloyd B. Ramsey is originally from my congressional district and I am proud to say has had an outstanding and distinguished career as a true leader.

The article follows:

PROVOST MARSHAL GENERAL RAMSEY

Ernie Pyle, the late famed war correspondent, once had this to say about the caliber of troops in the U.S. Army's Military Police Corps during World War II:

"The Military Police haven't the taint to them that they did in the last war. This time, they're a specially picked, highly trained permanent organization.

"From the MPs I saw, judging by their demeanor and their conduct, I believe that, next to Rangers and Paratroopers, they really are the pick of the Army."

While many veterans of World War II and subsequent wars can attest to the effectiveness of the Military Police Corps in maintaining troop discipline and promoting law and order within the Army, few ex-soldiers are likely to recall that their infrequent dealings with MPs were noticeably friendly.

But then breaking up saloon brawls involving drunken GIs, bawling out military drivers who are causing traffic jams, collaring troops who are absent without leave, and thwarting supply thieves (with which any army abounds) hardly are activities designed to enhance the MPs' popularity.

The role of MPs vis-a-vis the rest of the Army, however, has been changing in recent years, according to Maj. Gen. Lloyd B. Ramsey, whose command includes the Military Police Corps.

"We've increasingly emphasized the training of the MP to be a friend of the soldier," Ramsey said, "and standards for becoming an MP are much higher than those of the average soldier."

Today's MP, he said, spends as much or more time trying to keep soldiers out of trouble as he does dealing after the fact with flagrant lawbreakers or troublemakers. The emphasis is on choosing MP recruits who are sensitive to soldiers' problems.

Both in military police school, which is not under Ramsey's command, and throughout the Corps worldwide, heavy emphasis is placed upon human relations training and the application of psychological principles rather than force where possible in achieving Corps goals.

Ramsey said that in his three years as Provost Marshal General he has "tried to get out in the field as much as possible because that's where you find out what the problems are."

VISITS WITH A PURPOSE

He said, "These aren't inspection trips. They are trips I take to find out how we at the headquarters level can assist our people in the field to do a better job.

"We found, for example, that the vehicles the MPs were using were in terrible shape.

"Now we have what we call a law enforcement sedan going out to field installations. It has a bigger motor to support power demands of more sophisticated communications equipment, the siren, lights and so on. It has heavier upholstery because MPs continually have to get in and out of a vehicle and this is hard on the upholstery. And there are other features that will give MPs more maneuverability."

Among other activities or proposed changes prompted by the field visits:

"A study is now under way of our entire communications system—what types of radios should be installed in which of our cars, for example?"

The MPs uniform is being studied with an eye to making it more functional—"the dress uniform now is simply too restricting considering the vigorous activities MPs sometimes have to engage in. Also I think we're going to go to a badge instead of the traditional arm brassard."

The Corps, which is responsible for investigating misdemeanors but not felony crimes, has established a job slot for a "military police investigator" (MPI).

"Their big job is crime prevention." Ramsey said, "and they've done a tremendous job. We put them in civilian clothes or uniforms of some other branch if necessary. The MPIs broke up a mugging operation near one post theater. Another time, they shut down a house of prostitution being run by a service club."

The Military Police Corps is considering replacing its combat .45-caliber pistol with the .38 used by most civilian police which is less lethal in crowd situations and easier to handle.

Ramsey noted that military crime rates often rise and fall in patterns similar to those of the civilian population. During the past fiscal year, he said, Army crime rates have been on a downward trend, except for marijuana use offenses which have increased.

The office of Provost Marshal General also has responsibility for correction, custody, and rehabilitation of military prisoners, physical security of installations, traffic control involving military operations, handling of prisoners of war and civilian internees during wartime, apprehension of absentees and civil disturbance and disaster control.

Some 1100 longterm military prisoners are held in the Army's disciplinary barracks at Ft. Leavenworth, Kan. About 1000 prisoners given sentences of six months or less are now with the Army's Retraining Brigade at Ft. Riley, Kan., where, hopefully, they will be rehabilitated and later returned to duty.

"The latest psychological, sociological, educational and vocational ideas are applied in our rehabilitation program," Ramsey said. "They get humane motivational training and are kept up to date in basic combat techniques. If they don't make progress we discharge them after their sentence is up. But we have had a high degree of success with this effort."

Before the job was turned over to the Defense Supply Agency in July, Ramsey's office provided physical security advice to vital defense industries, and such surveys, he said, "kept me on the road a lot."

Maintaining security of arms rooms and other Army supply facilities remains a difficult problem. Ramsey said. He added, "We are always studying the newest types of locking and intrusion detection devices.

Army deserters have a tougher time staying out of Ft. Leavenworth these days. A data file on deserters and absentees is maintained at Ft. Benjamin Harrison, Ind., and linked to the FBI's National Crime Information Center. "A man now can be picked up for a traffic violation somewhere and turn up as a deserter when they run it through the NCIC." Ramsey said.

Ramsey, 55, saw extensive combat during World War II, received multiple wounds, was awarded the Distinguished Service Medal and many other citations and decorations, and rose to infantry regiment and division staff posts. During 1969, he commanded the 23rd Infantry Division in Vietnam.

The word "leadership" crops up frequently when Ramsey is talking. He considers vigor and the ability to communicate two of the more important attributes of a good leader. A former athlete, he himself remains vigorous by working out in the gym regularly and playing badminton and golf. And his visits to the field help keep communications lines open.

"If a young man gets good leadership," Ramsey said, "he is going to be a good soldier. It is as simple as that."

ROBISON CALLS FOR INDEPENDENT "SPECIAL PROSECUTOR"

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. ROBISON of New York. Mr. Speaker, upon hearing that President Nixon agreed, this afternoon, to turn the White House tapes over to Judge Sirica in compliance with the court of appeals affirmative decision, one of my House colleagues said, "Whew, what a helluva high-wire act."

My own reaction is somewhat comparable for, though I have been cautioning both my constituents and myself to cool it insofar as early tendencies to conclude that the President, by his actions last weekend, had "put himself above the law" and was moving—in the words of the Waldie impeachment resolution as introduced in the House today—"knowingly and wilfully to obstruct justice" were concerned, it was obvious all along that the President had precipitated one of the most serious constitutional crises ever to plague and divide this Nation.

It will be difficult, now, to put back the pieces. Not all of them probably can be put back. Two of the brighter stars in the Nixon administration—Elliot Richardson and William Ruckelshaus—have left their posts and, at the moment

at least, we are without a special prosecutor to carry on the Watergate investigation with some assurance that, in the end, the full truth about Watergate would come out.

As to the latter problem, Congress should probably move now to do what it might better have done in the beginning—that is, to establish, through legislation, an independent special prosecutor for the purpose of completing the Watergate investigation who would not, then, be answerable, as was Archibald Cox, to the executive branch. It is largely hindsight, but it has seemed to me to have been an anomalous situation in which we placed Mr. Cox—that is, to charge him, as an employee of the executive branch—and, clearly, subject to removal from office by the President—to investigate that same executive branch all the way up to its top. From the beginning, this put the President and Mr. Cox in an awkward situation—an adversary situation—in which a confrontation like that which has now occurred was probably inevitable.

I have no way of knowing if Mr. Cox would resume his investigatory work into Watergate should Congress now so reestablish the special prosecutor post but that is at least a possibility. The chances of bringing either Mr. Richardson or Mr. Ruckelshaus back into Federal service are probably more remote, but they will be missed.

Looking back, I believe a number of things need to be said in behalf of the President. There are those, of course, who will give Mr. Nixon no quarter. To them—and this includes a number of my constituents who have contacted me over the weekend—the only reason the President did not earlier release the disputed tapes was because they must have been dangerously self-incriminating. As to that, we shall soon now see. But my earlier response was, if the tapes would have so incriminated the President why, then, did he agree to let Senator STENNIS hear them in their entirety? In point of fact, I now repeat what I also said, earlier in the weekend, to the effect that I felt the so-called Stennis compromise was not all that bad if what we really wanted to know from the tapes was the depth, if any, of Presidential involvement in either organizing Watergate or directing its subsequent attempted coverup. If the major question was over whether Judge Sirica or Senator STENNIS should hear the tapes, it was not on that ground, alone, that the President could be found to have moved "to obstruct justice."

Of more serious import, here, is the question—still unresolved—of the President's meaning in, at the same time, denying Mr. Cox access to other White House documents and material that might be pertinent to the Watergate inquiry. Perhaps Mr. Nixon will also backtrack now on this issue, as I think he should, though another way around that impasse — if it persists — would be through passage of the kind of law Prof. Alexander Bickel, of Yale, has suggested giving the Federal courts jurisdiction to enforce congressional subpenas. If we go that route, along with legislation recreating the independent special prosecutor post, it is clear that the President has not—as some have charged—put the executive branch above the other two branches of our Federal Government, nor could he do so if we are serious about pressing these matters.

Further, in the President's behalf, it needs to be suggested, at least, that he felt his proposed compromise was within the spirit, if not the letter, of the original Sirica decision as somewhat modified by the court of appeals. In my own judgment, this would have been obvious to all if, at the time of advancing that compromise, Mr. Nixon had also filed a timely appeal to the Supreme Court from the court of appeals decision. I cannot imagine that he did not get such advice for it would not only have been a necessary and proper legal move, but would also have avoided giving the appearance—with his compromise being considered as the judicial process moved on—of having put himself, on a take-it-or-leave-it basis, "above the law." Though this is water-over-the-dam, if such a course had been followed, I doubt that Mr. Cox would have felt is necessary to balk as he did, with his resulting dismissal followed by the Richardson resignation and the Ruckelshaus dismissal.

What all this points up once again, I feel, is that, despite the personnel changes that have been made in upper White House staff echelons, the President still remains too isolated both from public opinion and from those who, at least on occasion, could give him wise political advice.

In summary, the President sought to do what he thought was right but, in the manner chosen, botched the doing of it. With gratification and relief, I welcome the corrections in position be made today.

One final word about that question of impeachment: With alarm, did I note how readily that word sprang to so many lips—with scarcely a thought to the actual consequences, or to what such a traumatic experience, long-drawn out as it would be, would also be for a Nation already beset by so many serious problems and challenges both at home and abroad. I do not question the motives of those of my colleagues who have led today's impeachment drive, but it should be clear to all objective observers that, with the Vice Presidency now vacant, something like a political coup d'etat was being initiated and organized in an effort to overturn the mandate given by the electorate last fall which, if not given Mr. Nixon personally, was given in support of the political philosophy he was thought to generally espouse.

The President is not out of the Watergate woods yet—perhaps he never will be. But, if consideration must again be given to his impeachment on whatever grounds, let it be done only after the most mature and deliberative of thought on all our parts including that of the news media, large portions of which—over these past few days—came close to succumbing to that kind of advocacy journalism against which one of its own most distinguished spokesmen, Walter Cronkite, warned here in Washington only last week.

MENACE OF MULTINATIONAL CORPORATIONS

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. GAYDOS. Mr. Speaker, there is increasing concern over what effect the growth of American multinational corporations have on the American worker and the economy of the United States. Presently, there are hearings being conducted in the U.S. Senate on this very question.

I deem it appropriate, therefore, to insert into the RECORD for the consideration of my colleagues a resolution adopted by the 38th UE International Convention. The resolution appeared in the October 8 issue of the UE News.

The resolution follows:

MENACE OF MULTINATIONAL CORPORATIONS

A resolution on "The Menace of the Multinational Corporations" adopted by the 38th UE International Convention pointed out that these corporations now hold nearly $300 billion in cash reserves, more than twice as much as held by all central banks and monetary institutions.

This huge financial power is used to dictate policy to governments, menace workers and even the independence of nations.

One million American jobs were lost within five years as these corporations moved operations to cheap wage areas outside the U.S. The electronics industry was one specifically mentioned by the U.S. Tariff Commission as the center of such expansion away from the United States.

The convention resolution emphasizes that the interests of working people in foreign countries and those in the United States "can only be advanced by organizing and standing up to these Multi national corporations together." Such solidarity would help stop the attempts of the corporations to pit workers of one country against those of another "hammering down their standards of living and conditions of work."

The resolution calls for the UE to establish contact with foreign unions "in line with its policy of no discrimination as to ideology, in order to determine what cooperative steps must be taken to curb the power of the multi national corporations. . . .

That UE together with foreign unions encourage and assist the organization of unions where employees of such corporations are presently organized.

That UE fight the propaganda of those corporations which try to represent themselves as benevolent promoters of world peace and prosperity.

That the UE support legislation designed to curb the power of the multi-national corporations, such as the following provisions of the Burke-Hartke bill:

"(a) Compelling U.S. companies to pay U.S. income taxes on foreign profits whether or not the profits are returned to the U.S.

"(b) Repealing the U.S. tax credit allowed companies on foreign taxes.

"(c) Preventing the use of accelerated depreciation for overseas equipment.

"(d) Taxing the transfer of patents to overseas plants.

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"(e) Empowering the President to ban the transfer overseas of capital and technology.

"(f) Repealing the sections of the tariff code that provide an incentive for U.S. manufacturers to ship components across the border to low wage nations for assembling and other production.

"(g) Compelling officials of U.S. international corporations employed abroad to pay U.S. income taxes on their earnings abroad.

"(h) Repealing the overseas Private Investment Corporation which insures multinationals against the loss of the foreign investments."

Finally, the resolution states: "At all times, the UE should take the position that international organization of the workers themselves, not legislation, is the only effective way to deal with the multi-national corporations."

NO MORE HONORARY OR COURTESY APPOINTMENTS TO ADVISORY COMMITTEES

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. OBEY. Mr. Speaker, a letter in the October 19 issue of Science notes that Frank Sinatra accepted appointment to the National Advisory Heart and Lung Council to fill a 1-year unexpired term, then did not attend council meetings or contribute to the council's work between meetings.

The letter-writer, Julius H. Comroe, Jr., of the Cardiovascular Research Institute, School of Medicine, University of California at San Francisco, explains that he is bringing the matter to public attention, now that Mr. Sinatra's term has expired, for this reason:

> Simply in the hope that the public may ask the secretary of H.E.W. that there be no more honorary or courtesy appointments to working councils whose responsibilities require the dedicated efforts of all its members.

I think that his point is a good one, and I ask that his letter be printed in full.

The letter follows:

CARDIOVASCULAR RESEARCH INSTITUTE, SCHOOL OF MEDICINE, UNIVERSITY OF CALIFORNIA,
San Francisco, Calif.

APPOINTMENTS TO WORKING GOVERNMENT COUNCILS

In December 1972, Frank Sinatra was appointed a member of the National Advisory Heart and Lung Council, to fill a 1-year unexpired term. This council, by law, consists of 5 ex officio members and 18 members appointed by the secretary of the Department of Health, Education, and Welfare (HEW). The National Heart, Blood Vessel, Lung and Blood Act of 1972 states that 5 of the 18 "shall be selected from members of the general public who are leaders in the fields of fundamental or medical sciences or in public affairs." Neither I nor any other council member questions the principle of appointing nonscientists to the council, or the wisdom shown by the secretary of HEW in the appointment of any individual. However, the scientists on the council do have a right to expect full participation of all members in the heavy work load of the council, and to expect that the nonscientists will bring new concepts and fresh points of view to the council's discussions—and express these effectively. The council must meet from four to six times a year, and members must spend much time between meetings on the council's business.

Mr. Sinatra accepted appointment to the council but did not attend even part of the four council meetings held since then (15 to 17 March, 29 and 30 March, 13 to 15 June, and 17 and 18 September), nor did he contribute to the council's work between meetings. Since his term has now expired, why bring the matter to public attention? Simply in the hope that the public may ask the secretary of HEW that there be no more honorary or courtesy appointments to working councils whose responsibilities require the dedicated efforts of all its members. Surely the government can find ways to honor those whose special talents or contributions deserve recognition without lessening the effectiveness and prestige of its working councils.

JULIUS H. COMROE, Jr.

OFFICE OF CONGRESSIONAL LEGAL COUNSEL NEEDED TO CHALLENGE ILLEGAL EXECUTIVE ACTIONS

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Ms. ABZUG. Mr. Speaker, over the past several years we have witnessed an escalating succession of illegal actions on the part of the executive branch—actions flaunting the laws of the United States, the will of the Congress, and most importantly the trust of the American people.

The President's firing of Special Prosecutor Archibald Cox, in violation of a solemn agreement between the Attorney General and the Senate, is merely the most recent of these arbitrary and illegal acts. Mr. Nixon's seizing of evidence, material to the investigation of the Federal grand jury, his violation of the first and fourth amendment rights of U.S. citizens by sanctioning an elaborate series of wiretaps, burglaries, and espionage, his interference with the judicial branch during the Ellsberg-Russo trial, his illegal use of campaign funds to insure his reelection, his impounding of more than $40 billion in funds for domestic programs, and his authorization of secret bombing in Cambodia represent some of the President's illegal actions during the past year.

Today I have introduced legislation that would enable Members of both Houses of Congress as elective officials to challenge illegal executive actions in the courts through the mechanism of Congressional Legal Counsel. This bill, establishing an Office of Congressional Legal Counsel, is similar to legislation introduced by Mr. MONDALE in the other body.

The head of the Office of Congressional Legal Counsel would be appointed by the Speaker of the House and the President pro tempore of the Senate, from among names submitted by the majority and minority leaders of the House and Senate. Duties of the Counsel would include a variety of informational and representational activities.

First, he—or she—would be required, upon request of either House of Congress, a joint committee, a committee, at least 3 Senators or 12 Representatives, to render a legal opinion on questions arising under the Constitution and laws of the United States. These questions would include whether:

A request for information or inspection of records under the Freedom of Information Act was properly denied by an agency of the U.S. Government;

A nomination, or an agreement with a foreign country or regional or international organization, should have been submitted to the Senate for its advice and consent;

An activity has been undertaken or continued, or not undertaken or continued, by the executive branch of the U.S. Government in violation of the law or the Constitution or without any required authorization of law; and

Funds appropriated by Congress have been impounded in accordance with law.

Second, he would be required, upon requests from any of the same types of parties above, to advise and cooperate with other private parties bringing civil actions against officers and employees of the executive branch, or any agency or department thereof, regarding their execution of the laws and Constitution.

Third, he would be required, upon a similar request, to intervene or appear as amicus curiae in pending actions in Federal or State courts in which the issue is the constitutionality or interpretation of a law of the United States, or the validity of any official proceeding of or official action taken by either House of Congress, joint committees, committees or members, or any officer or employee of the Congress.

Fourth, upon request, he would be required to represent either House, a joint committee, committee, Member or employee of Congress in any legal action pending to which such House, committee, or employee is a party, and in which there is placed in issue the validity of any official proceeding of, or official action taken by, such House, committee, member, or employee.

Fifth, and most importantly, if the Congressional Legal Counsel has rendered a legal opinion, and if requested by either House, a joint committee, a committee, at least 6 Senators or at least 24 Representatives, he would be required "to bring a civil action, without regard to the sum or value of the matter in controversy, in a court of the United States to require an officer or employee of the executive branch of the U.S. Government, or any agency or department thereof, to act in accordance with the Constitution and laws of the United States as interpreted in such opinion."

The Congressional Legal Counsel, therefore, would be empowered to undertake a wide variety of activity, including representing the Congress and individual Members both as plaintiffs and defendants.

Most importantly, the bill would provide the Congress with an effective legal voice in combating illegal executive branch actions such as impoundment, overly broad claims of Executive privilege, failure to submit nominations to the Senate for confirmation, and other similar abuses.

The statute would confer broad standing on the Office of Congressional Counsel in its representational activity, so as to afford the Congress with wide-ranging authority in challenging executive branch action in the courts.

Just as the Office of Legislative Counsel has, over the years, aided Members of the House and Senate in developing important legislation, so should an Office of Congressional Legal Counsel aid us in reasserting the power which we need to insure that this legislative function is carried out by an often balky executive branch.

Mr. Speaker, I insert the text of the bill I have introduced at this point in the RECORD:

H.R. —

A bill establishing an Office of Congressional Legal Counsel

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for purposes of this Act—

(1) "Member of Congress" means a Senator, Representative, Delegate, or Resident Commissioner;

(2) "Member of the House of Representatives" includes a Representative, Delegate, or Resident Commissioner;

(3) "State" includes any territory or possession of the United States; and

(4) "impounding of budget authority" includes—

(A) withholding, delaying, deferring, freezing, or otherwise refusing to expend any part of budget authority made available (whether by establishing reserves or otherwise) and the termination or cancellation of authorized projects or activities to the extent that budget authority has been made available;

(B) withholding, delaying, deferring, freezing, or otherwise refusing to make any allocation of any part of budget authority (where such allocation is required in order to permit the budget authority to be expended or obligated);

(C) withholding, delaying, deferring, freezing, or otherwise refusing to permit a grantee to obligate any part of budget authority (whether by establishing contract controls, reserves, or otherwise); and

(D) any type of Executive action or inaction which effectively precludes or delays the obligation or expenditure of any part of authorized budget authority.

SEC. 2. (a) There is established within the Congress the Office of Congressional Legal Counsel, which shall be under the direction and control of the Congressional Legal Counsel. The Congressional Legal Counsel shall be appointed by the Speaker of the House of Representatives and the President pro tempore of the Senate from among recommendations submitted by the majority and minority leaders of the House of Representatives and the Senate. Such appointment shall be made without regard to political affiliation and solely on the basis of his fitness to perform the duties of his office. The Congressional Legal Counsel shall receive basic pay at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code.

(b) The Congressional Legal Counsel may appoint and fix the compensation of such Assistant Legal Counsels and other personnel as may be necessary to carry on the work of his office. All such appointments shall be made without regard to political affiliation and solely on the basis of fitness to perform the duties of their office.

(c) The Congressional Legal Counsel shall promulgate for his office such rules and regulations as may be necessary to carry out the duties imposed upon him by this Act. He may delegate authority for the performance of any such duty to any officer or employee of the Office of the Congressional Legal Counsel. No person serving as an officer or employee of such office may engage in any other business, vocation, or employment while so serving.

(d) The Congressional Legal Counsel shall cause a seal of office to be made for his office, of such design as the Speaker of the House of Representatives and the President pro tempore of the Senate shall approve, and judicial notice shall be taken thereof.

SEC. 3. (a) It shall be the duty of the Congressional Legal Counsel—

(1) to render, upon request of either House of Congress, a joint committee of Congress, any committee of either House of Congress, at least three Senators, or twelve Members of the House of Representatives, legal opinions upon questions arising under the Constitution and laws of the United States, including but not limited to, whether—

(A) a request for information or inspection of a record or other matter under section 552 of title 5, United States Code, was properly denied by an agency of the United States Government;

(B) a nomination, or an agreement with a foreign country or regional or international organization, should have been submitted to the Senate for its advice and consent;

(C) an activity has been undertaken or continued, or not undertaken or continued, by the executive branch of the United States Government in violation of the law or the Constitution or without any required authorization of law;

(D) a budget authority has been impounded in accordance with law;

(2) upon the request of either House of Congress, a joint committee of Congress, any committee of either House of Congress, at least three Senators, or at least twelve Members of the House of Representatives—

(A) to advise and to consult and cooperate with parties bringing civil actions against officers and employees of the executive branch of the United States Government or any agency or department thereof, with respect to their execution of the laws, and the Constitution of the United States; and

(B) to intervene or appear as amicus curiae on behalf of persons making such request in any action pending in any court of the United States or of a State or political subdivision thereof, in which there is placed in issue the constitutionality or interpretation of any law of the United States, or the validity of any law of the United States, or the validity of any official proceeding of, or official action taken by, either House of Congress, a joint committee of Congress, any committee of either House of Congress, or a Member of Congress, or any officer, employee, office, or agency of the Congress;

(3) to represent, upon request, either House of Congress, a joint committee of Congress, any committee of either House of Congress, a Member of Congress, or any officer, employee, office, or agency of the Congress in any legal action pending in any court of the United States or of a State or political subdivision thereof to which such House, joint committee, committee member, officer, employee, office, or agency is a party and in which there is placed in issue the validity of any official proceeding of, or official action taken by, such House, joint committee, committee member, officer, employee, office, or agency; and

(4) if an opinion has been rendered in accordance with subparagraph (1) of this section, and upon request of either House of Congress, a joint committee of Congress, any committee of either House of Congress, at least six Senators, or at least twenty-four Members of the House of Representatives, to bring civil actions, without regard to the sum or value of the matter in controversy, in a court of the United States to require an officer or employee of the executive branch of the United States Government, or any agency or department thereof, to act in accordance with the Constitution and laws of the United States as interpreted in such opinion.

(b) Upon receipt of written notice from the Congressional Legal Counsel to the effect that he has undertaken, pursuant to subsection (a)(3) of this section, to perform any such specified representational service with respect to any designated action or proceeding pending or to be instituted, the Attorney General shall be relieved of responsibility and shall have no authority to perform such service in such action or proceeding except at the request or with the approval of the Congressional Legal Counsel.

SEC. 4. (a) Permission to intervene or to file a brief amicus curiae under section 3 (a) (2) (B) of this Act shall be of right, and may be denied by a court only upon an express finding that such intervention or filing is untimely and would significantly delay the pending action.

(b) Where an actual case or controversy exists, persons making requests under section 3(a)(4) of this Act shall have the right to obtain judicial review of the conduct in question without regard to the requirements for standing as set forth in any statutes, rules, or other requirement of standing.

(c) For the purpose of all proceedings incident to the trial and review of any action described by subsection (a)(3) of section 3 with respect to which the Congressional Legal Counsel has undertaken to provide representational service, and has so notified the Attorney General, the Congressional Legal Counsel shall have all powers conferred by law upon the Attorney General, any subordinate of the Attorney General, or any United States attorney.

(d) The Congressional Legal Counsel, or any attorney of his office designated by him for that purpose, shall be entitled for the purpose of performing duties imposed upon him pursuant to this Act to enter an appearance in any such proceeding before any court of the United States without compliance with any requirement for admission to practice before such court, except that the authorization conferred by this subsection shall not apply with respect to the admission of any person to practice before the United States Supreme Court.

SEC. 5. All legal opinions rendered by the Congressional Legal Counsel under section 3(a)(1) of this Act shall be published and made available for public inspection under such rules and regulations as the Congressional Legal Counsel shall promulgate.

SEC. 6. (a) Section 3210 of title 39, United States Code, is amended—

(1) by inserting immediately after "respective terms of office" the following: "the Congressional Legal Counsel,"; and

(2) by inserting immediately before "or Legislative Counsel" the following: "Congressional Legal Counsel,"

(b) Section 3216(a) of such title is amended by inserting immediately before "and Legislative Counsel" the following: "Congressional Legal Counsel,".

SEC. 7. There are authorized to be appropriated to the Office of the Congressional Legal Counsel such sums as may be necessary for the performance of the duties of the Congressional Legal Counsel under this Act. Amounts so appropriated shall be disbursed by the Secretary of the Senate on vouchers approved by the Congressional Legal Counsel.

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DOUBLES IRON CONTENT OF WHITE BREAD

HON. RAY ROBERTS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. ROBERTS. Mr. Speaker, the Food and Drug Administration has taken action which could endanger the health of all Americans.

After 3 years of controversy and in the face of dire warnings from competent hematologists, the FDA has ordered the Nation's bakeries to double the iron content of white bread.

One California hematologist has pointed out, obviously to no avail, that excess iron in the body can produce cirrhosis of the liver and pancreas, heart failure, diabetes, and impotence in males. Another physician who has treated iron-related disorders predicted that many Americans would have an iron overload in 10 years.

The FDA Commissioner admits that there is legitimate concern about our getting too much iron in our diets, but he still favors the regulation, because his research shows that Americans are not getting enough iron in their diets.

The Commissioner's concern about deficiencies in the diets of Americans is admirable, but his dictatorial act to make them consume more iron at a risk to life and health is unthinkable.

It may be all right with the American Bakers Association if we start getting medication at the grocery store instead of the local pharmacy, but I believe that most Americans would be more interested in the approval of hematologists, the real specialists in this area.

"No official comments were received from national or international hematologial societies," wrote the FDA in its regulation. That is hardly reason to assume the silent approval of responsible spokesmen in this field of medicine.

The order also sets higher iron levels for enriched bread and rolls and for enriched dough. It reads:

> The Commissioner, on his own initiative, proposed that the standard for enriched bread, rolls, or buns also be amended by inserting the statement that iron and calcium may be added only in forms which are harmless and assimilable.

Unfortunately, what is harmless and assimilable is obviously open to debate. The FDA proposal has considerable support among the medical profession. But, there is also significant opposition from others in that same medical profession. The potential harm in adding to the iron content of bread is simply too important to be ignored.

It should not be the right of any Federal bureaucracy or any one bureaucrat to use the American public as human guinea pigs in a dietary supplement experiment.

I urge my colleagues to read the following United Press International account of the FDA action as it appeared in the October 13 edition of the Tyler, Tex., Morning Telegraph, one of the outstanding newspapers in my district.

DOUBLE RATION OF IRON DUE IN CONTENT OF WHITE BREAD

WASHINGTON.—In an order criticized by some doctors as a dangerous human experiment, the government Friday ordered the nation's bakeries to double the iron content of white bread.

The Food and Drug Administration said it was issuing the order, after three years of study and controversy, because research indicated Americans are not getting enough iron in their diet—partly because of the declining use of iron cookware. It will go into effect in six months.

Dr. William H. Crosby, chief of hematology at the Scripps Clinic in La Jolla, Calif., said there has been "absolutely no work done" to demonstrate that more iron in bread would be safe or effective.

"The manufacturers would not and could not provide such evidence," he said. "The fact that it may not be safe is really unconscionable."

Crosby said excessive iron can cause cirrhosis of the liver and pancreas, diabetes, heart failure and impotence in males.

Dr. Margaret Ann Krikker of Albany, N.Y., a general practitioner who has treated iron-related disorders and who helped circulate a petition against the proposal signed by more than 100 doctors, told UPI:

"This is an experiment, in my view an irresponsible experiment, unprecedented in the history of mankind . . . I predict a very significant portion of the population will have an iron overload in 10 years."

Dr. Alexander Schmidt, FDA commissioner, told UPI he realized there was "legitimate concern" from physicians who have said the move might result in too much iron in the diet—a potentially dangerous situation since the body can store and use iron but not eliminate it.

But he added: "As people's eating habits change, a significant number of people in the United States are getting less and less iron and becoming anemic. Some very good surveys have shown that as many as a quarter of young women in some areas have iron deficiency anemia . . ."

A spokesman for the American Bakers Association, which asked the FDA to order the change, said, "There are many children and women who are in menstruating years who have diagnosable anemia. This isn't going to cure that overnight, but it will make a very substantial contribution toward that."

The order sets higher iron levels for enriched bread and rolls and for enriched flour dough.

The new level of iron for enriched flour will be 40 milligrams per pound, compared to a present range of 13 to 16.5 mgs; for enriched bread it will be 25 mgs., compared to 8–12.5 presently.

RAW JUDICIAL POWER

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. LANDGREBE. Mr. Speaker, on September 11 I introduced House Joint Resolution 717 proposing an amendment to the Constitution of the United States for the protection of unborn children and other persons irrespective of their ages, health, functions or conditions of dependency. Such an amendment is made necessary by the Supreme Court's incredible decision last January prohibiting States from enacting laws prohibiting or regulating abortions. Associate Justice White in a dissenting opinion, said:

> I find nothing in the language or history of the Constitution to support the Court's judgment. The Court simply fashions and announces a new constitutional right for pregnant mothers and with scarcely any reason or authority for its action, invests that right with sufficient substance to override most existing state abortion statutes.

Mr. Justice White later refers to the Court's decision as "an exercise of raw judicial power" and a more apt description of this decision cannot be made. Because the Supreme Court has abdicated its constitutional duty to interpret law and has elected to enact law, it becomes incumbent upon Congress and the people of these United States to restore the Constitution to its proper place as the basis and foundation of the American system. This can first be accomplished by dispelling the myth that the Constitution is what the Supreme Court says it is. It is Abraham Lincoln who said in his first inaugural address:

> If the policy of the Government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court, the instant they are made in ordinary litigation between parties in personal actions, the people will have ceased to be their own rulers, having to that extent practically resigned their Government into the hands of that eminent tribunal.

The Constitution is most emphatically not what the Supreme Court says it is; the Supreme Court is what the Constitution says the Supreme Court is. Since the Constitution places judicial power and not legislative power in the Supreme Court, one can only conclude that the Supreme Court itself has overstepped the bounds of the Constitution, and that its decision in Roe against Wade is unconstitutional. Those sworn to uphold the Constitution of the United States are obliged by their oaths to perform precisely that action, and are not obliged to uphold a decision of the Supreme Court. Such an oath binds them to the Constitution as they have been given by God to understand the Constitution. Conversely, such an oath binds them to oppose the Supreme Court when the Court has acted unconstitutionally. It is for this reason that I have introduced the resolution proposing a constitutional amendment. As a Representative it is the very least I could do to fulfill the oath I have taken to uphold the Constitution.

B'NAI B'RITH STATEMENT ON MID-EAST CONFLICT

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. MOAKLEY. Mr. Speaker, as I speak to you now, I am heartened by news of a U.N.-sponsored cease-fire in the Middle East.

I fervently hope this will mean an end to the bloodshed and suffering in that beleaguered part of the world.

Along with other concerned colleagues, I introduced several resolutions in recent days to assist in Israel's defense against overwhelming odds. These measures called for first, an acceleration of the flow of economic and military aid to Israel; second, the initiation of diplomatic action to confine the war to its original combatants and third, an American commitment to bring about a negotiated settlement to the war.

At this time I should like to bring to the attention of my colleagues the following sensitive appraisal of the conflict by the B'nai B'rith Council of Greater Boston:

STATEMENT OF THE B'NAI B'RITH COUNCIL OF GREATER BOSTON

AN ANALYSIS OF THE CONFLICT

Egypt and Syria have once again chosen to violate a cease fire. Their armed forces crossed the cease fire lines initiating another major war. The battle is still fluid; the outcome uncertain. But surely one must ask why have the Arabs started a war that they are likely to lose?

THE ARAB PLAN

A. Even a small territorial gain would be a victory—if it could be solidified by a U.N. intervention for the establishment of a new cease fire. If the Egyptians, for example, can retain a bridgehead on the East Bank of the Canal, the two armies will no longer be separated by water, and the pressure for an imposed settlement will have been enhanced. The Arabs negotiating stance (if they choose to negotiate) would be stronger. Given the well-known UN pro-Arab bias and the "clout" afforded by Arab oil, a cease fire could be called as soon as the Egyptians consolidated any battle gains. They started this war in order to change the meaning and intent of UN Resolution 242. They seek to impose complete withdrawal of Israeli forces without linking it to a freely negotiated settlement and the establishment of secure boundaries. In this way they hope to set the stage for another round of war.

However, if the Israelis successfully counter-attack into Egyptian and Syrian territory, the Arabs count on the UN to bail them out. No cease fire will be passed by the UN Security Council, unless and until the Egyptians approve it—no matter what they say in public.

B. The Arab aim is to put an end to the State of Israel. As Nasser freely admitted, even the ostensibly limited objectives of today are stepping stones to a definitive solution tomorrow—the destruction of the State of Israel. At the same time, they are secure in the knowledge that no Israeli victory, however swift and large, can threaten the continued existence of any Arab states. The Arabs, therefore, feel, that given the disposition of international power they have everything to gain by attacking Israel. They place little value on human life and can gamble with impunity since the international community is not disposed to restrain them.

HISTORICAL BACKGROUND

The attack by Egypt and Syria is only the most recent in a long and unremitting series of Arab aggressions against Israel going back to the formation of the State.

1. In November 1947 the United Nations voted to partition Palestine. The Arabs refused to accept the decision and immediately began country-wide assaults on the Jewish community in an attempt to "drive the Jews into the sea." In May of 1948, when the UN recognized the State of Israel, the full brunt of Syrian, Egyptian, Jordanian and Iraqui army units was concentrated on Israel in a concerted attack. The result, contrary to general expectation, was an Arab defeat.

2. In the years that followed, the Arab states refused to recognize the existence of Israel and their responsibilities under the UN Charter. After years of terrorist raids from Egyptian territory and Arab refusal to allow Israel its rightful maritime passage through the Suez Canal and also into the Red Sea via the Straits of Tiran the Israeli forces finally reacted and drove to the Suez Canal in 1956. Israel withdrew her forces, only on the basis of UN and other specific international assurances on the use of the Suez Canal and the Red Sea, and the establishment of a UN presence in the Sinai and Sharm-el Sheik. Nevertheless, immediately upon the Israeli withdrawal, the Egyptians closed the canal to Israeli shipping. The Arabs continued to deny the right of Israel to exist. Terrorists soon resumed incursions along other frontiers. Moreover, the Arabs chose to maintain a "state of belligerency"—which meant that they claim the right to undertake any and all warlike acts. On the other hand the Arabs argued that Israel must be held to their cease fire obligations and had no right to respond.

3. In 1967, President Nasser of Egypt decided the time was ripe to reverse the verdict of 1956. He unilaterally expelled the UN peacekeeping forces from the Sinai; he closed the Straits of Tiran—thus cutting off Israel's lifeline from Eilat to Africa and the Far East, constituting, under international law, an act of war—and poured enormous quantities of armor and infantry into the Sinai right up to Israel's vulnerable front lines.

In Cairo and the other Arab capitals, as American television viewers will recall, officially-inspired mobs paraded carrying banners with the skull and cross bones, and called for "Death to the Jews", while government radio stations interspersed martial airs with a call to "drive the Jews into the sea" and similar blood slogans. On June 5, Israel finally replied, destroying Egyptian and Syrian air power, and after Jordan bombarded Jerusalem, Israel responded to that attack.

In 1967, when Israel did not have defensible borders, she lost more men, proportionately, in 6 days of war than the U.S. lost in 10 years in Indo-China.

Israel and the world, hoped and believed, that this victory, so costly to both sides, would finally bring the Arabs to the negotiating table. But backed by the Russians and their allies in the United Nations, the Arabs attempted instead to rewrite history. They tried to convince the world that they were the victims instead of the criminal aggressors. They tried to regain their lost territory by diplomatic pressure, citing Israel's gains after such Arab attack and subsequent defeat, as evidence of Israel's "expansionist" tendencies—like the boy who killed his parents and asked the court for mercy as an orphan.

4. The Egyptians, who in 1967 were saved by the UN cease fire, broke a cease fire again by initating massive artillery strikes against Irsaeli forces in what Nasser called "The War of Attrition". The Egyptians felt that they would wear the Israelis down by trading deaths. When the Israelis refused to acquiesce in their assigned role, and, by air strikes, caused great losses to Egyptian forces, Egypt accepted a cease fire—this time arranged by the U.S. It was not even a few hours old before the Egyptians boldly used it as a cover for advancing Russian missile launches closer to the Canal in violation of the agreement it had made a few hours before.

5. Now, in October 1973, when they found it politically convenient, they have once again violated the cease fire and initiated hostilities.

CONSEQUENCES

What are the consequences of this Arab aggression likely to be if the Arabs are permitted once more, to escape the responsibilities of their actions?

1. It will make peace harder to achieve. Israel and thoughtful people throughout the world cannot be expected to soon forget this infamous Arab attempt at a Pearl Harbor, which occurred on Yom Kippur, the holiest religious holiday in Judaism.

2. It will confirm Israel's conviction that Arab promises and agreements are not to be relied on; that cease fires are merely tactical conveniences to be shed when no longer wanted; and that the only assurance of safety and survival remains—defensible borders.

The Israelis are the survivors and heirs of the pogroms and concentration camps of Europe, and refugees and heirs of refugees from Arab lands. They have suffered and died enough and will not stand by and allow themselves to be decimated once again. They want and need peace more than the Arabs because they can afford war less and are a peaceful people; but the first step for peace must come from the Arabs.

RESOLVED

A true and lasting peace is now, as it has been in the past, the only sensible goal for U.S. policy in the Middle East.

Because we, as Americans and as Jews, are committed to real peace; because we see clearly the dangers, futility and immorality of continued appeasement of the Arabs, because we are tired of violence and bloodshed, and because, as has been seen over the past 25 years; a truce is meaningless, an armistice is meaningless, a cease fire is meaningless, we declare our firm and unyielding solidarity with the people of Israel in their insistence upon secure, recognized and defensibe borders, to be achieved in a settlement of Middle East problems through free and untrammelled negotiations between the parties directly concerned in the conflict.

Therefore, we call upon:

1. All thoughtful people to condemn and oppose the brutal Egyptian/Syrian aggression.

2. The U.S. to accelerate the flow of arms and economic aid to Israel and, in particular, to replace immediately the equipment lost in the current fighting.

3. The President to maintain his long-range policy of the last 3 years, the essence of which is "no imposed solution" to the Middle East conflict.

4. All thoughtful people to recognize that the United Nations has prevented rather than aided the search for peace in the Middle East for 25 years. It has been morally bankrupt in its one-sided pro-Arab resolutions. In its present disposition it has no useful role to play in the resolution of this conflict. We, therefore, urge the U.S. to work for the restoration of the integrity of the UN by acting in accordance with the high ideals on which it was founded—even if we must stand alone.

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HOUSE OF REPRESENTATIVES—*Thursday, October 25, 1973*

The House met at 12 o'clock noon.

Msgr. John Gannon, St. John's Church, St. John's Rectory, Clinton, Mass., offered the following prayer:

Almighty God, who has given to us countless blessings as a free people, may we gathered here today invoke Thy aid. Thou who has said "by wisdom the house shall be built and by prudence it shall be strengthened, by instruction the storerooms shall be filled with all precious and most beautiful wealth," guide and help us that we, the representatives of a people so act as to deserve the fullness of Thy life.

God, author of all knowledge, guide and strengthen our country by giving to each of us the will to use with zeal the opportunities and the talents to create a better world of peace, justice, and equal opportunities for all.

Jesus of Nazareth, You once said that anyone who wants to be a leader must learn to be everyone's servant. Teach me why the truly great leaders, those who accomplished the greatest good for the largest number of people, were men and women who knew that to lead is to serve. Motivate us to begin leading those we represent by discovering their needs and by striving to help them to live up to their potential. In true humility and spirit guide us through this day knowing that our words, decisions, and verdicts are accountable not alone to the trust of our fellow men but also to the Supreme Lawgiver.

Trusting always in God and with confidence in his aid may this session of the Congress of our country enact legislation to benefit all, to relieve the oppressed, to judge for the fatherless, and to defend the weak in the name of the Father and of the Son and of the Holy Spirit. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MSGR. JOHN F. GANNON

Mr. DONOHUE. Mr. Speaker, today we have been privileged to hear the opening prayer and receive the spiritual guidance of the Reverend Monsignor John F. Gannon, P.A., V.G., pastor of St. John's Catholic Church in Clinton, a community within my home county in Massachusetts.

Monsignor Gannon was born in Worcester, Mass., was graduated from Holy Cross College there in 1930, and was ordained into the priesthood at the American College in Rome, Italy, on December 5, 1933.

His first assignment was as curate at Our Lady of the Rosary Parish in Clinton. At the end of 1 year there, his superiors, because of the exceptionally high qualities of spiritual leadership he had demonstrated, selected him to found and establish the Italian Parish of St. Ann in the city of Leominster, Mass.

In further recognition of his extraordinary priestly dedication and administrative wisdom and energy, Monsignor Gannon was chosen, in 1950, as the first chancellor of the new Catholic Diocese of Worcester. In that same year, he was appointed monsignor papal chamberlain by Pope Pius XII. In 1952, he was appointed domestic prelate and vicar general of the Worcester Diocese. He was elevated to protonotary apostolic in 1960 by Pope John XXIII and was also designated pastor of St. John's Parish in Clinton. Monsignor Gannon currently continues to serve as vicar general of the Worcester Diocese, as well as pastor of St. John's Church.

I am sure that Monsignor Gannon's moving prayer today will inspire us all to continue to exert our fullest individual talents and energies in the patriotic discharge of the tremendous legislative responsibilities that face the Congress in this most critical period of our national and world history.

DALLAS HONORS FORMER CONGRESSMAN EARLE CABELL

(Mr. MILFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILFORD. Mr. Speaker, I would like to make an announcement of an event that many of our Members will be quite interested in. A former Member of this House, Congressman Earle Cabell, of Texas, will be honored by citizens of Dallas tomorrow afternoon on the occasion of his 66th birthday.

Congressman Cabell is now out of the hospital and continues to battle his ailment with the same spirit of determination that you have seen him display on the floor of this House.

If Members would like to send telegrams to this great American citizen and former colleague, you may send your wire to: Congressman Earle Cabell, 610 Noel Page Building, Dallas, Tex. 75206.

His actual birthday party will be held in that building Friday afternoon, October 26, 1973, from 3 to 5 p.m.

Congressman Cabell is being honored by citizens of Dallas for his outstanding service as a leader in business and civic affairs, as former mayor of Dallas, and as an outstanding Member of this House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

October 24, 1973.

Hon. CARL ALBERT,
The Speaker,
House of Representatives.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's office at 5:35 p.m. on Wednesday, October 24, 1973, and said to contain H.J. Res. 542, Joint Resolution concerning the war powers of Congress and the President, and a veto message thereon.

With kind regards, I am,
Sincerely,

W. PAT JENNINGS,
Clerk, House of Representatives.

WAR POWERS RESOLUTION—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93–171)

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I hereby return without my approval House Joint Resolution 542—the War Powers Resolution. While I am in accord with the desire of the Congress to assert its proper role in the conduct of our foreign affairs, the restrictions which this resolution would impose upon the authority of the President are both unconstitutional and dangerous to the best interests of our Nation.

The proper roles of the Congress and the Executive in the conduct of foreign affairs have been debated since the founding of our country. Only recently, however, has there been a serious challenge to the wisdom of the Founding Fathers in choosing not to draw a precise and detailed line of demarcation between the foreign policy powers of the two branches.

The Founding Fathers understood the impossibility of foreseeing every contingency that might arise in this complex area. They acknowledged the need for flexibility in responding to changing circumstances. They recognized that foreign policy decisions must be made through close cooperation between the two branches and not through rigidly codified procedures.

These principles remain as valid today as they were when our Constitution was written. Yet House Joint Resolution 542 would violate those principles by defining the President's powers in ways which would strictly limit his constitutional authority.

CLEARLY UNCONSTITUTIONAL

House Joint Resolution 542 would attempt to take away, by a mere legislative act, authorities which the President has properly exercised under the Constitution for almost 200 years. One of its provisions would automatically cut off certain authorities after sixty days unless the Congress extended them. Another would allow the Congress to eliminate certain authorities merely by the passage of a concurrent resolution—an action which does not normally have the force of law, since it denies the President his constitutional role in approving legislation.

I believe that both these provisions are unconstitutional. The only way in which the constitutional powers of a branch of the Government can be altered is by amending the Constitution—and any attempt to make such alterations by legislation alone is clearly without force.

UNDERMINING OUR FOREIGN POLICY

While I firmly believe that a veto of House Joint Resolution 542 is warranted solely on constitutional grounds, I am also deeply disturbed by the practical consequences of this resolution. For it would seriously undermine this Nation's ability to act decisively and convincingly in times of international crisis. As a result, the confidence of our allies in our ability to assist them could be diminished and the respect of our adversaries for our deterrent posture could decline. A permanent and substantial element of unpredictability would be injected into the world's assessment of American behavior, further increasing the likelihood of miscalculation and war.

If this resolution had been in operation, America's effective response to a variety of challenges in recent years would have been vastly complicated or even made impossible. We may well have been unable to respond in the way we did during the Berlin crisis of 1961, the Cuban missile crisis of 1962, the Congo rescue operation in 1964, and the Jordanian crisis of 1970—to mention just a few examples. In addition, our recent actions to bring about a peaceful settlement of the hostilities in the Middle East would have been seriously impaired if this resolution had been in force.

While all the specific consequences of House Joint Resolution 542 cannot yet be predicted, it is clear that it would undercut the ability of the United States to act as an effective influence for peace. For example, the provision automatically cutting off certain authorities after 60 days unless they are extended by the Congress could work to prolong or intensify a crisis. Until the Congress suspended the deadline, there would be at least a chance of United States withdrawal and an adversary would be tempted therefore to postpone serious negotiations until the 60 days were up. Only after the Congress acted would there be a strong incentive for an adversary to negotiate. In addition, the very existence of a deadline could lead to an escalation of hostilities in order to achieve certain objectives before the 60 days expired.

The measure would jeopardize our role as a force for peace in other ways as well. It would, for example, strike from the President's hand a wide range of important peacekeeping tools by eliminating his ability to exercise quiet diplomacy backed by subtle shifts in our military deployments. It would also cast into doubt authorities which Presidents have used to undertake certain humanitarian relief missions in conflict areas, to protect fishing boats from seizure, to deal with ship or aircraft hijackings, and to respond to threats of attack. Not the least of the adverse consequences of this resolution would be the prohibition contained in section 8 against fulfilling our obligations under the NATO treaty as ratified by the Senate. Finally, since the bill is somewhat vague as to when the 60 day rule would apply, it could lead to extreme confusion and dangerous disagreements concerning the prerogatives of the two branches, seriously damaging our ability to respond to international crises.

FAILURE TO REQUIRE POSITIVE CONGRESSIONAL ACTION

I am particularly disturbed by the fact that certain of the President's constitutional powers as Commander in Chief of the Armed Forces would terminate automatically under this resolution 60 days after they were invoked. No overt Congressional action would be required to cut off these powers—they would disappear automatically unless the Congress extended them. In effect, the Congress is here attempting to increase its policy-making role through a provision which requires it to take absolutely no action at all.

In my view, the proper way for the Congress to make known its will on such foreign policy questions is through a positive action, with full debate on the merits of the issue and with each member taking the responsibility of casting a yes or no vote after considering those merits. The authorization and appropriations process represents one of the ways in which such influence can be exercised. I do not, however, believe that the Congress can responsibly contribute its considered, collective judgment on such grave questions without full debate and without a yes or no note. Yet this is precisely what the joint resolution would allow. It would give every future Congress the ability to handcuff every future President merely by doing nothing and sitting still. In my view, one cannot become a responsible partner unless one is prepared to take responsible action.

STRENGTHENING COOPERATION BETWEEN THE CONGRESS AND THE EXECUTIVE BRANCHES

The responsible and effective exercise of the war powers requires the fullest cooperation between the Congress and the Executive and the prudent fulfillment by each branch of its constitutional responsibilities. House Joint Resolution 542 includes certain constructive measures which would foster this process by enhancing the flow of information from the executive branch to the Congress. Section 3, for example, calls for consultations with the Congress before and during the involvement of the United States forces in hostilities abroad. This provision is consistent with the desire of this Administration for regularized consultations with the Congress in an even wider range of circumstances.

I believe that full and cooperative participation in foreign policy matters by both the executive and the legislative branches could be enhanced by a careful and dispassionate study of their constitutional roles. Helpful proposals for such a study have already been made in the Congress. I would welcome the establishment of a non-partisan commission on the constitutional roles of the Congress and the President in the conduct of foreign affairs. This commission could make a thorough review of the principal constitutional issues in Executive-Congressional relations, including the war powers, the international agreement powers, and the question of Executive privilege, and then submit its recommendations to the President and the Congress. The members of such a commission could be drawn from both parties—and could represent many perspectives including those of the Congress, the executive branch, the legal profession, and the academic community.

This Administration is dedicated to strengthening cooperation between the Congress and the President in the conduct of foreign affairs and to preserving the constitutional prerogatives of both branches of our Government. I know that the Congress shares that goal. A commission on the constitutional roles of the Congress and the President would provide a useful opportunity for both branches to work together toward that common objective.

RICHARD NIXON.

THE WHITE HOUSE, *October 24, 1973.*

The SPEAKER. The objections of the President will be spread at large upon the Journal, and the message and joint resolution will be printed as a House document.

The question is, Will the House, on reconsideration, pass the joint resolution (H.J. Res. 542), the objections of the President to the contrary notwithstanding?

MOTION OFFERED BY MR. O'NEILL

Mr. O'NEILL. Mr. Speaker, I move that further consideration of the veto message from the President on House Joint Resolution 542 be postponed until Thursday, November 1, 1973.

The SPEAKER. The question is on the motion offered by the gentleman from Massachusetts (Mr. O'NEILL).

The motion was agreed to.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
October 24, 1973.

The Honorable CARL ALBERT,
The Speaker, House of Representatives.

DEAR MR. SPEAKER: On this date I have been served a summons and copy of the complaint in a Civil Action by the United States Marshal that was issued by the U.S. District Court for the District of Columbia. This summons is in connection with Civil Action No. 1872–73, Vladimir A. Zatko vs. The United States of America, The U.S. Congress and Richard Milhous Nixon, The U.S. President assigned to Judge J. Waddy in the U.S. District Court for the District of Columbia.

The Summons requires the Congress of

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the United States to answer the complaint within sixty days after service.

The Summons and complaint in question are attached, and the matter is presented for such action as the House in its wisdom may see fit to take.

With kind regards, I am,
Sincerely,
W. Pat Jennings,
Clerk, House of Representatives.

Washington, D.C.,
October 24, 1973.

Hon. Robert H. Bork,
Acting Attorney General of the United States, Department of Justice, Washington, D.C.

Dear Mr. Bork: I am sending you a certified copy of a summons and complaint in Civil Action No. 1872–73 filed against the United States Congress and others in the United States District Court for the District of Columbia, and served upon me this date by the U.S. Marshal.

In accordance with 2 U.S.C. 118 I have sent a certified copy of the Summons and Complaint in this action to the U.S. Attorney for the District of Columbia requesting that he take appropriate action under the supervision and direction of the Attorney General. I am also sending you a copy of the letter I forwarded this date to the U.S. Attorney.

With kind regards, I am
Sincerely yours,
W. Pat Jennings,
Clerk, U.S. House of Representatives.

Washington, D.C.,
October 24, 1973.

Hon. Harold H. Titus, Jr.,
U.S. Attorney for the District of Columbia, U.S. Courthouse, Washington, D.C.

Dear Mr. Titus: I am sending you a certified copy of a summons and complaint in Civil Action No. 1872–73 filed against the United States Congress and others in the United States District Court for the District of Columbia, and served upon me this date by a U.S. Marshal.

In accordance with Title 2, U.S. Code, sec. 118, I respectfully request that you take appropriate action, as deemed necessary, under the "supervision and direction of the Attorney General" of the United States in defense of this suit against the U.S. House of Representatives.

I am also sending you a copy of the letter that I forwarded this date to the Attorney General of the United States.

With kind regards, I am
Sincerely,
W. Pat Jennings,
Clerk, U.S. House of Representatives.

[U.S. District Court for the District of Columbia, Civil Action File No. 1872–73]

Vladimir A. Zatko, Plaintiff, v. The United States of America, The U.S. Congress, Richard Milhous Nixon, The U.S. President, Defendants.

To the above named Defendant: The U.S. Congress.

You are hereby summoned and required to serve upon plaintiff's P.P., whose address is Vladimir A. Zatko, P.O. Box B–34189, San Quentin State Prison, Tamal, California 94964, an answer to the complaint which is herewith served upon you, within 60 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

James F. Davey,
Clerk of Court.
Mary B. Deavers,
Deputy Clerk.

Date: October 4, 1973.

APPOINTMENT OF CONFEREES ON S. 386, AMENDING THE URBAN MASS TRANSPORTATION ACT OF 1964

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 386) to amend the Urban Mass Transportation Act of 1964 to authorize certain grants to assure adequate commuter service in urban areas, and for other purposes, with House amendments thereto, insist on the House amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. Patman, Minish, Gettys, Hanley, Brasco, Koch, Cotter, Young of Georgia, Moakley, Brown of Michigan, Widnall, Williams, Wylie, Crane, and McKinney.

THE VETO OF THE WAR POWERS RESOLUTION

(Mr. ZABLOCKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZABLOCKI. Mr. Speaker, I deeply regret the President's veto of the war powers resolution, House Joint Resolution 542. I am also disappointed by the President's attempted justification of such action.

The President's veto message is filled with vague generalities and unsupported allegations. More dismaying still, the message asserts the continued Presidential supremacy in decisionmaking on war and peace despite some lipservice to the contrary.

When the President states this resolution would seriously undermine "this Nation's ability" to act decisively and convincingly in international crises, does he really mean the whole Nation—including the public and its elected Congress—or the incumbent in the White House?

When he speaks of acting "decisively and convincingly" in international crises, does he have in mind mainly a free hand for the President or, as provided in our constitutional system, shared authority in foreign policy decisions?

Unfortunately, when viewed in the entire context of the message the answers to these questions will not be happy ones for the American people who believe in the constitutional mandate for a balance of powers.

Mr. Speaker, in the brief time I can make only a few initial comments about this unfortunate message:

The assertion that House Joint Resolution 542 would take away "authorities which the President has properly exercised under the Constitution for almost 200 years" is simply not true.

Constitutional lawyers and scholars have testified in favor of this legislation in lengthy hearings. Unfortunately, historically Presidents assumed unto themselves the power to send American forces into combat in foreign lands without proper congressional approval.

The basic fact is that the Constitution assigns to Congress, alone, the power to declare war. It confers authority on the President in this field only as Commander in Chief to execute any hostilities to which Congress may commit the Nation—not to start such hostilities himself.

House Joint Resolution 542 takes no constitutional power away from the President. It only affirms Congress rightful role.

The claim that House Joint Resolution 542 would undermine our foreign policy is totally unsubstantiated.

When the President professes concern about "unpredictability" of American behavior should the resolution become law, I think most Members will agree that recent events have shown that the President is not more predictable.

The allegation that the resolution, if it had been law, would have damaged the American response in a number of crises of recent years—including the current Middle East emergency—is not supported by fact. As a matter of fact, just the opposite is true. This resolution would enable Congress to participate more effectively and intelligently in foreign policy decisions relating to such crises.

Despite what the message contends, the resolution does not fail to require congressional action in an emergency. To the contrary, the resolution carefully provides for a yes-or-no vote under almost any conceivable circumstance in which the provisions of the measure would apply.

If the Congress decides not to approve the commitment of American forces abroad, I cannot agree with the President that this would handcuff him through failure to take positive action. The right for Congress not to declare war is as proper as its equal right to do so.

Lastly, the President suggests a nonpartisan commission to study the constitutional roles of the Congress and the President in foreign affairs and make recommendations. He makes no reference to the special Commission on the Organization of the Government for the Conduct of Foreign Policy, which is already set up and due to report on such matters by June 30, 1975.

As Members are aware, proposing a study commission is a time-honored way of sidetracking an issue. We need no further study now. The legislation before us is the product of 3 years of painstaking deliberation.

Mr. Speaker, the time is nearing for us "to act decisively and convincingly" to restore the responsibility of Congress under the Constitution to share in judgments of war and peace.

The vote to override the President's veto of the war powers resolution is scheduled for November 1, a week from today. I hope Members will take the opportunity in the intervening time to review the hearings and past congressional actions on this historic measure, and then vote overwhelmingly for its enactment into law.

Mr. Speaker, I notice that in one newspaper account today I am quoted as having little hope of an override vote in the House. This is not the case. To the contrary, I wish to point out that in the last two House votes on this bill the number of votes needed for a two-thirds majority has been reduced from 32 to 3.

I have confidence that recent events will add further to the mounting nonpartisan majority in the Congress who will reassert its constitutional authority. I submit this action will renew the faith and trust of the American people in their government.

PERSONAL EXPLANATION

Mr. HENDERSON. Mr. Speaker, on rollcall 546, the call of the House on October 24, 1973, I was in the Chamber, placed my card in the box, but was not recorded.

Had I been recorded, I would have been shown as present for the call of the House.

CELEBRATING NATIONAL SPACE WEEK

(Mr. HANLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANLEY. Mr. Speaker, I would like to bring to the attention of my colleagues that the city council of Oneonta has recently declared and celebrated National Space Week. The city council's action places them alongside the State of New York and over 20 other States that have joined together to celebrate our achievements in exploring outer space. There has been considerable turmoil over the funds we have used to venture into space and some question as to whether or not the money could have been better spent elsewhere. I would like to spend a minute in showing that, although much of the value of our efforts in space is intangible, there are many visible and positive results from our various space programs.

Recently, newspapers have carried probably one of the most exciting and positive results our space research has yet developed. I am referring to the discovery by one of our satellites that a simple barb wire fence may not only stop the Sahara Desert's encroachment into farmland, but may also finally enable man to reclaim the desert and make it livable. The benefits of drought-starved Africa could be enormous.

We should also note that today's technology developed from our space program is helping to prevent crop failures in India, and our satellites are charting ecological damage in America. Satellites are being used to beam television programs halfway around the globe, and the technology developed for use in our space programs promises to lead to breakthroughs in firefighting and medicine. The computer and computer processing industry are direct outgrowths of the NASA space program. The studies of the sun undertaken by the astronauts of Skylab II may help our scientists for ages to come.

I am sure you can all agree that it is fitting to be celebrating our efforts in space and I am sure you join me in congratulating the city council of Oneonta for observing and celebrating our space program.

WE MUST NOT SEND U.S. TROOPS TO MIDDLE EAST

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. GONZALEZ. Mr. Speaker, because I fear the temptation to divert from the very embarrassing situation at home that all the alternative possibilities will not be explored, I have sent the following telegram to the President:

> Mr. President, I urge that you exhaust every alternative before undertaking any move to send U.S. troops to the Middle East. If both U.S. and Soviet forces are placed in that area the risks of global war will be intolerably high. Considering the instability of the situation I respectfully recommend that you call upon the United Nations to immediately create an international force to police a cease fire in the Middle East. Such a force could protect the interests of all parties without further endangering world peace. Surely the great powers could finance such an international peacekeeping effort while others could furnish the necessary manpower. A mixed force with a mandate from the great powers might yet resolve the crisis and I hope that you will undertake to make the United Nations an effective instrument for stabilizing the situation and reducing the present great danger of armed confrontation between the United States and the Russia Soviet Union.

NECESSARY TO APPOINT A SPECIAL PROSECUTOR TO CONTINUE WATERGATE INVESTIGATION

(Mr. TAYLOR of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAYLOR of North Carolina. Mr. Speaker, today I am joining those who are insisting that a special prosecutor be appointed to continue the Watergate investigations. I have introduced a bill which directs Judge John Sirica to appoint a special prosecutor and I hope that the judge will reappoint Archibald Cox.

It is wrong for the President or any other person to decide who can investigate him and how it shall be done.

The prosecutor must be free to exercise his own judgment and to follow the evidence wherever it leads. In order to reestablish public confidence, it is important that the people know that he has such freedom.

Hopefully either President Nixon or Judge Sirica will take quick action to recreate the special prosecutor's office and the passage of this legislation will not be necessary.

THE LATE HONORABLE DAVID HOGG

(Mr. ROUSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROUSH. Mr. Speaker, I rise with regret to announce the death of a former Member of the House of Representatives, David Hogg.

Mr. Hogg passed away last Tuesday evening; he was 86 years of age. He served in the House of Representatives from March 4, 1925, to March 3, 1933. Until his last illness he was active in the practice of law in Fort Wayne, Ind., and commanded great respect from his colleagues because of his keen mind and outstanding ability. He was recognized as a legal advocate and scholar.

Mr. Hogg was born near Crothersville, Jackson County, Ind., August 21, 1886; he attended the common schools, was graduated from Indiana University College of Liberal Arts at Bloomington in 1909, and from the law department of Indiana University in 1912, was admitted to the bar in 1913 and commenced practice in Fort Wayne, Ind.

He was active in the affairs of the Republican Party; served as chairman of the Allen County Republican Committee 1922–24. Mr. Hogg was a dedicated church layman and devoted much of his time and energies to the work of his church.

Mr. Speaker, I had great personal admiration for Mr. Hogg. He was a man of great integrity and a pillar of strength in his profession, in his church, and in his community. I wish to extend my own heartfelt condolences to his widow, Mildred. May God sustain her in this hour of sorrow.

REFERRAL OF BILLS ON WATERGATE-RELATED MATTERS TO SUBCOMMITTEE ON CRIMINAL JUSTICE

(Mr. HUNGATE asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. HUNGATE. Mr. Speaker, various bills relating to the creation of a special independent prosecutor and extension of the grand jury term for Watergate and Watergate-related matters have been referred to the Subcommittee on Criminal Justice of the Committee on the Judiciary.

Hearings are beginning Monday. Further announcements will be made later today after the subcommittee meets to consider appropriate procedures to follow.

IMPEACHMENT RESOLUTION

(Mr. RIEGLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIEGLE. Mr. Speaker, I rise to say that I am today filing a formal resolution of Presidential impeachment. The bill of particulars covers five specific criminal violations. I hope and expect that the Committee on the Judiciary will carefully examine each item.

It is also my intention to later file a further article to this bill of particulars

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on another matter, namely, criminal violations in the manipulation of milk price supports in exchange for campaign contributions.

As I have said before, there can be only one set of laws in America, and they must apply equally to all of us. A President who violates the law must be removed from office. There is no other recourse.

PERMANENT DAYLIGHT SAVING TIME

(Mr. HANRAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANRAHAN. Mr. Speaker, for many years now, Americans have dutifully switched their clocks forward and backward in spring and fall—on and off daylight saving time, never questioning the wisdom behind continuing this practice. Now it appears to me that it is in the national interests to establish a permanent daylight saving time, for several reasons:

First, it has been clearly demonstrated that automobile drivers are more tired, less alert, and more often under the influence of alcohol during evening rush hours than morning rush hours—why compound that problem with darkness? Great Britain has experienced a 3.2-percent decrease in traffic fatalities since establishing permanent daylight saving time.

Second, research studies indicate that America's crime rate may be reduced by the established of year-round daylight saving time.

And finally, and most importantly, our Nation is now in the midst of a serious energy crisis which is expected to get worse, unless we citizens learn to conserve our precious, limited supply of fuel. Studies indicate that the establishment of a year-round daylight saving time would reduce America's fuel consumption by a minimum of 2 percent. While that figure may sound relatively insignificant, in actuality we are talking about at least 30,000 barrels of oil a day. It is the many small steps such as these which we can take, that will add up in the long run to sizable savings in fuel consumption.

I think this practical means of conserving our limited amounts of fuel should be implemented immediately. If Congress can expeditiously provide for the elimination of TV blackouts of football games, it can expeditiously serve the Nation's best interests by establishing year-round daylight saving time. For this reason, I ask my colleagues support of legislation I am today introducing to extend daylight saving time to the entire calendar year.

CONSUMERS-FARMERS EXPECT MEAT PRICE REDUCTION

(Mr. ZWACH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZWACH. Mr. Speaker, on October 12, Secretary of Agriculture Butz told the National Association of Food Chains that supermarkets have fattened their profit margins instead of cutting their retail prices on beef and pork.

Secretary Butz concluded that consumers and producers alike expect that every cent less the producer receives on his cattle and hogs should be realized and passed on in retail savings on beef and pork to consumers.

I agree with the Secretary. To date we have seen little or no reduction in supermarket prices since the going rate to producers has dropped about one-third.

Back on August 14 live cattle prices reached $57.50 per hundred pounds at south St. Paul. Yesterday the prices had dropped to $40.75 per hundred pounds, a decline of $16.75 in 2 months.

Also on August 14, live hog prices reached $61.50 per hundred pounds. Yesterday the price had dropped to $44 per hundred pounds, a decline of $17.50 in 2 months.

Yet the retail prices on beef and pork have not receded proportionally. I think it is time for prices paid by consumers to reflect the decrease in price received by producers. After all, when supermarket prices rose because of increased prices to producers, consumers screamed bloody murder. Now wholesale prices are down on beef and hogs, but supermarket prices remain high.

Is the farmer to blame for this? I say no. I say it is time to look to the middleman, the processor, the transportation firms, and the supermarket ownership and management for some of the answers for the increase in supermarket prices. I contend, as Secretary Butz contends, that the farmer is not to blame for the continued high prices of beef and pork in the local supermarkets.

U.S. TROOPS MUST NOT BE COMMITTED IN THE MIDEAST WITHOUT CONGRESSIONAL AUTHORIZATION

(Mr. SCHERLE asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous material.)

Mr. SCHERLE. Mr. Speaker, today I have introduced the following resolution:

RESOLUTION

Resolved, That it is the sense of the House of Representatives that United States combat troops not be introduced, committed, or involved, in any way or manner, directly or indirectly, in the present armed conflict in the Middle East without prior Congressional authorization.

The purpose of this resolution is to prevent the Congress from passing another Gulf of Tonkin resolution which would give the executive branch blanket authority to engage in the Mideast conflict to whatever extent they feel necessary. If we learned one thing from the Vietnam conflict it is that any commitment of American manpower should be carefully reviewed by the Congress. It is imperative that the United States continue to supply assistance to Israel—short of manpower—at the same level that the Russians are aiding the Arabs nations. Americans hope for a quick cessation of hostility in that area of the world.

THE UNITED STATES WILL STAND BY COMMITMENTS

(Mr. PEYSER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEYSER. Mr. Speaker, I am deeply disturbed by today's announcement of the potential movement of Russian forces to the Middle East.

We in Congress have recently had many discussions about domestic situations affecting congressional and Presidential prerogatives. But I think it important at this point that we reassure the world that Americans do have direction, that we do have purpose, and that we will stand by our commitments around the world.

I am confident that in spite of developments of recent days that the executive and the legislative branches of our Government will work closely together to protect our national interests and security.

Mr. Speaker, we are a strong and proud Nation that believes in peace and in justice. Let no nation of the world sell the United States short on courage or resolve.

INTERFERENCE WITH LEGISLATIVE RESPONSIBILITY OF JUDICIARY COMMITTEE

(Mr. RAILSBACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAILSBACK. Mr. Speaker, I have had the privilege of serving on the House Judiciary Committee since being elected to Congress in 1966 and have always been impressed with the cooperation and impartiality of the members of the committee in working for constructive and meaningful legislation. This year, it seems to me, we have not been very productive and it is becoming more and more apparent that we are losing some of the bipartisan cooperation.

We have much unfinished business, including the confirmation hearings on GERALD FORD, revision of the Criminal Code, parole reform, rules of evidence, death penalty legislation, copyright revision, newsmen's privilege, and many other important matters.

Now we are told, via the press, that the House Judiciary Committee is going to begin a "broad scale" investigation into "Watergate related" matters and other matters concerning the "President's conduct." All of these things were done, as far as I know, without consultation with the minority members of the Judiciary Committee and in some cases, I suspect, without authorization by the committee.

If the Judiciary Committee is to regain its rightful position as an effective legislative body then there has to be cooperation, there have to be priorities established, and there have to be ground rules set. I am particularly troubled by reports that the chairman seeks subpena power for himself. The demonstrated lack of communication on the Judiciary Committee makes it imperative that the full committee act as a collegial body in exercising its subpena power and not

grant a special authority to a single individual.

The procedures outlined by the chairman could result in an unparalleled fishing expedition and seriously interfere with our designated legislative responsibility.

CONGRESSMAN WHALEN INTRODUCES SPECIAL PROSECUTOR'S BILL

(Mr. WHALEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.

Mr. WHALEN. Mr. Speaker, I today have introduced a bill to establish a special independent Watergate prosecutor under the judicial branch of Government.

Appointment authority would be in the hands of the chief judge of the U.S. District Court for the District of Columbia, who presently is John Sirica.

My intent in proposing this legislation is to provide for a continuation of the undertaking initiated by former special prosecutor Archibald Cox but to create that office outside of the Executive branch. Over the weekend, I indicated my intention to seek support for special prosecutor legislation which House Judiciary Chairman RODINO and I sponsored earlier this year. That proposal, however, provided for the President to name the special prosecutor, which, under the present circumstances, makes the bill unsuitable.

THE CASE OF EITON FINKELSTEIN

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, emigration from the Soviet Union is not free. The Soviet Jews are especially victimized by the harsh emigration practices of the Soviet passport office.

Eiton Finkelstein, a former physics graduate student from Vilna, Lithuania, is one of these victims. In 1967 Finkelstein applied for and was denied an emigration permit to Israel. This action resulted in his expulsion from the Moscow Physics-Technical Institute. Employment in his field was barred to him, and he now does unskilled work in a metal crafts factory.

The passport office keeps denying him permission on the ground that he is in possession of "secret information" because of his graduate work. But Finkelstein has not attended the institute in 5 years, and denying him a visa on security grounds is no longer applicable.

He is being subjected to harassment by the KGB, the Soviet Secret Police, in order to discourage others from applying for emigration permits. His friends fear that he will soon meet the fate of other activists and that he will be imprisoned.

Although he has been denied a visa about 20 times, Finkelstein's determination to emigrate to Israel remains undiminished, for with the extinction of Jewish cultural and educational institutions, and with only a token number of synagogues open, he sees no future for the Jewish people in the Soviet Union.

Mr. Speaker, nations that seek trading relations with us should adhere to a principle enunciated in the Universal Declaration of Human Rights; namely, the right of free emigration. It is therefore incumbent upon this Congress to stand behind the Mills-Vanik amendment.

VICE PRESIDENCY SHOULD BE FILLED TO REMOVE CONFLICT OF INTEREST

(Mr. SHUSTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHUSTER. Mr. Speaker, I most respectfully suggest that if the impeachment question which is being discussed were viewed as part of the judicial process, participants with a conflict of interest would disqualify themselves from participation.

I believe it follows that so long as there is no Vice President the Members of the majority party have an obvious conflict of interest in that their party stands to gain the Presidency if our present President is removed.

If the Members of the majority party put their country above politics, as I believe the vast majority of them do, they will move expeditiously to fill the Vice Presidency and thereby remove an obvious conflict of interest.

ALERT FOR MILITARY DRAMATICALLY ILLUSTRATES NEED FOR WAR POWERS BILL

(Mr. FINDLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FINDLEY. Mr. Speaker, I want to express my agreement with the remarks made by my colleague, the gentleman from Wisconsin (Mr. ZABLOCKI) expressing his regret that the President did see fit to veto the war powers bill. It is one of the ironic twists of history that on the very same day the American people received news that some of our forces have been placed on alert over the Middle East crisis they would also receive news that the President had seen fit to veto the war powers bill.

The events of recent days I think illustrate dramatically the need for Congress to put on the statute books this very carefully constructed war powers bill and I hope when the day comes my colleagues will join me to override the veto.

EMERGENCY MEDICAL SERVICES SYSTEM ACT OF 1973

Mr. LONG of Louisiana. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 655 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 655

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10956), the Emergency Medical Services Systems Act of 1973. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 10956, the Committee on Interstate and Foreign Commerce shall be discharged from the further consideration of the bill, S. 2410, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 10956 as passed by the House.

The SPEAKER. The gentleman from Louisiana is recognized for 1 hour.

Mr. LONG of Louisiana. Mr. Speaker, I yield the usual 30 minutes to the minority to the distinguished gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

Mr. LONG of Louisiana. Mr. Speaker, House Resolution 655 provides for an open rule with 1 hour of general debate on H.R. 10956, a bill to create the Emergency Medical Services Systems Act of 1973.

House Resolution 655 also provides that it shall be in order to move to strike out all after the enacting clause of S. 2410 and insert in lieu thereof the provisions contained in H.R. 10956 as passed by the House.

Mr. Speaker, H.R. 10956 proposes to create new authority under the Public Health Service Act for the development and improvement of emergency medical services.

This measure is identical to S. 504 which was passed by Congress in July of this year and vetoed by the President on August 2, 1973, except that it does not contain the provision relating to the continued operation of the public health service hospitals. The hospital provision has since been incorporated into another bill and the conference report containing this matter is expected to come back to the House floor soon.

The estimated cost of this bill is $185 million over a 3-year period. It authorizes grants and contracts for feasibility studies, planning, establishment, operation, and expansion of emergency medical systems as well as research and training to save lives.

Mr. Speaker, this bill can help to save thousands of lives each year so I urge adoption of House Resolution 655 in order that we may discuss and debate H.R. 10956.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 655

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provides for the consideration of H.R. 10956, the Emergency Medical Services Systems Act of 1973. This is an open rule with 1 hour of general debate. In addition, the rule makes it in order to insert the House-passed language in the Senate bill, S. 2410.

The primary purpose of H.R. 10956 is to provide new authority for the support of emergency medical services.

This bill is identical to the emergency medical services bill vetoed by the President earlier this year, except that it does not contain the provisons relating to the continued operation of the Public Health Service hospitals.

This bill authorizes programs of grants and contracts for planning, establishment and expansion of emergency medical systems. It provides funds for research and training. This bill also provides that there be established an Interagency Committee on Emergency Medical Services.

The total cost of his bill is estimated at $185,000,000.

Mr. Speaker, I urge the adoption of the rule so the bill may be acted upon.

Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Kentucky (Mr. Carter).

Mr. CARTER. Mr. Speaker, the bill we are considering, H.R. 10956, The Emergency Medical Services Systems Act of 1973, is a truly significant piece of legislation. It would assist communities throughout the Nation to develop and improve their emergency medical services systems. In so doing, the bill would contribute directly to saving tens of thousands of lives each year.

There is, however, one serious shortcoming in this bill. It does not provide enough assistance directed specifically to rural areas. In 1972 twice as many people died from accidental deaths in rural areas as did in urban and suburban areas. This is particularly telling when one considers that only 25 percent of the Nation's people live and work in our rural areas. It leads one to the very obvious conclusion that the emergency systems in rural communities are not able to keep pace with their area needs.

For this reason, with the approval of the distinguished gentleman from Kansas (Mr. Roy), I am offering amendments to H.R. 10956 which would assure more assistance to the needy rural areas.

I should very quickly note that these provisions would in no way change the structure of the program authorized by this bill. The dollar level will stay exactly the same—$185 million over the next 3 years.

It is also important to note that the Senate adopted a similar set of amendments for its emergency medical services bill.

The first of these amendments would allow the Federal Government to pick up 75 percent of the cost of improving or expanding emergency medical services systems in needy areas. As the bill is presently written, no area can receive more than 50 percent Federal funding for these purposes. Such a limitation may be well for most areas of the Nation, but it would work a very real hardship on many of our poorer rural localities. These areas would find it difficult, if not impossible, to pay half the cost of purchasing sophisticated equipment and implementing up-to-date systems.

The second amendment would simply assure that there will be at least some funding priority given to research projects dealing with rural emergency services. Certainly the entire emergency medical services field is ripe for innovative research, but the problems of rural America are particularly acute. Funding priority for this research specialty would provide a much needed boost for these worthwhile efforts.

The third amendment in which Dr. Roy of Kansas and I concur would increase the rural set-aside from 15 percent, as it now appears in the bill, to 20 percent.

As I have already indicated, a greatly disproportionate share of accidental deaths occur in rural America. Distances between facilities are great and manpower is in short supply in these areas. Furthermore, rural communities generally have little in the way of financial resources with which to initiate needed improvements.

Therefore, Mr. Speaker, I strongly support H.R. 10956 with the amendments the gentleman from Kansas and I have agreed upon.

Mr. ROY. Mr. Speaker, will the gentleman yield?

Mr. CARTER. I am happy to yield to the distinguished gentleman.

Mr. ROY. I think my colleague from Kentucky with whom I have worked closely on the emergency medical services bill and on the amendments he so carefully explained. I want to emphasize, with him, the need for emergency medical services in rural areas.

Deaths due to accidents in rural areas have been reduced in recent years as a result of greater concern for safe living and working conditions and by improvements in emergency health services. Farming, however, remains the third most perilous occupation. Automobile accidents that occur in rural areas are more often fatal than those that occur in urban areas. In rural North Dakota, fatal accidents occur at a rate of 63.4 per 100,000 people and in Mississippi it ran 70.1 per 100,000 people. By comparison, urban States, such as New York and Massachusetts, have rates of 41.8 and 41.7 per 100,000 people.

So we can see that accidents do occur more often, and are more frequently fatal, in rural areas. Adequate emergency medical services would serve to improve this situation markedly.

In addition, 34.8 percent of the Nation's population live in nonmetropolitan areas and they receive much less than that proportion of funds from HEW for support of medical programs and services.

For example, less than 10 percent of all health research and development program dollars went to nonmetropolitan areas in fiscal year 1970.

The SPEAKER. The time of the gentleman has expired.

Mr. QUILLEN. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. CARTER. Mr. Speaker, I yield further to the gentleman from Kansas.

Mr. ROY. Thank you. Approximately 15 to 20 percent of the comprehensive health planning money goes to nonmetropolitan areas.

About one-eighth of total regional medical programs spending is in nonmetropolitan areas.

In view of this record, I think it is obviously necessary that we place a minimum on the amount of emergency medical services money to be spent in rural areas.

I am very happy to support the amendment of the gentleman from Kentucky (Mr. Carter) to do that. I appreciate his support on the amendment to go to 75 percent of the grants for rural areas to instruct the Secretary to give special consideration to applications for grants or contracts for research relating to the delivery of emergency medical services in rural areas.

I thank the gentleman for yielding.

Mr. CARTER. I was happy to yield to the gentleman.

Certainly it is a pleasure to work with him on the Subcommittee on Public Health and Environment.

Mr. QUILLEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. Broyhill).

(By unanimous consent, Mr. Broyhill of Virginia was allowed to speak out of order.)

A TIME FOR FORTHRIGHT ACTION IS AT HAND

Mr. BROYHILL of Virginia. Mr. Speaker, the definitive decision in the long controversy over Watergate, special prosecutors, and White House tapes came not from the Supreme Court nor from a committee of Congress but from the American people, including those in the 10th District of Virginia I have the honor to represent.

It was a voice of citizen concern for their country, a collective voice that was heard loud and clear in the Halls of Congress, the corridors of Justice, and the Oval Room at the White House.

I am proud of those who raised their voices and cast their ballot on behalf of a troubled nation. It came at the right time in the right way from reasonable men and women, not in a rage or rebellion but with the solemn conviction that all facts, all truths, all injustices must be laid on the table in final adjudication.

It is my belief that the Congress, the courts, and the Executive will now proceed to examine without prejudgment, free of the prejudice of political bias, and news media hysteria, every facet of the Watergate and related affairs, however long and tedious the task.

As a Member of Congress, I understand President Nixon's concern for the confidentiality involved in affairs of state. Initially, I supported the President's position on the confidentiality of the conversations that took place in the privacy of his office.

I have had literally thousands of conversations with and tens of thousands of letters from those I have represented

during my 21 years of service of a highly personal nature, involving their marital, health, family, employment, retirement, and their political problems and I have respected those confidences as they expected I would.

I honor the President's anxiety over the same issue and I share his convictions that out of the chaos of today the concern of tomorrow must not be neglected.

Our Founding Fathers, as I read the Constitution of the United States, gave no authority to a committee of Congress, nor a single Member thereof to force the executive branch into acts detrimental to national security and well-being. Nor does the Constitution allocate such powers to a single Federal judge, however lofty, his legal apprehension.

We have a tripartite government and all issues of vital concern to the Nation must be sifted through the constitutional thicket, however befuddling the maze, if the Republic is to function as it has for almost 200 years.

We do not have a fourth branch of Government, only three, and none of these include the mass media, political organizations, nor organized pressure groups.

Nonetheless, the American people have emphasized the fact, by their response, that they want extraordinary measures to be taken in this case, even though it means a temporary abandonment of the principle of confidentiality of the oval office of the President insofar as the Watergate affair is concerned. This is the only way this response can be interpreted. Therefore, the President, the Congress, and the courts must comply with the people's decision.

I believe there is a cleared path to the truth we seek. It is readily apparent the American people want a special prosecutor to get at the full facts in this whole affair. If there is to be another one and I think there should be, his role should be most clearly delineated and his ultimate responsibility must be to the American people.

All three branches of Government may have made mistakes in trying to get at the truth of Watergate. If so they must now tread with precision into the morass of misdeeds, real or imagined, if the voice from the American people is to be answered with honor, as it must be.

We are a Nation of new beginnings. We are a people of deep understanding and compassion for the mistakes of men, both those who govern and those who are governed. Now more than ever, we must test that compassion with precision, justice, and fairness. The time of political and press hysteria has ended. The time for hard decisions and forthright congressional and judicial action is at hand.

I am convinced the President understands this; I am convinced the Congress understands; I am convinced our courts will respond to this.

I believe the talk of impeachment has encouraged prejudice and political rabble-rousing. I believe it should be held in abeyance until the legally constituted arms of our democracy have had time to comply with the decision of the American people, without interference, coverup, or fear of the truth.

The American people have had the courage to speak collectively across this land. The challenge for the truth, lies now in the hands of those who govern. It is a challenge that stretches across political partisanship, the public survival of any officeholder, and of every level of business or industry. The President's action in turning over the tapes to the court is proof he, too, holds this conviction.

No man is above the law. Each man has a right to test the law as he sees fit, within the framework provided by the system of government available to all. Each should have the right to bring that test to the bar of justice, free from preconviction allegations outside the realm of justice, and with every protection provided by our judicial system including the rights of the President of the United States.

This, I believe, is what the American people have cried out for; this, I believe, is what the American people justly deserve in their concern for their future; this is what I stand for and have spoken out for.

I believe we are on our way to securing it, and will do so in protection of our national interest and the orderly process of government.

Mr. QUILLEN. Mr. Speaker, I have one more request for time, and I yield 3 minutes to the distinguished gentleman from Minnesota (Mr. Nelsen).

Mr. NELSEN. Mr. Speaker, I will be brief in my remarks, as this is the second time in but a few weeks that we are considering emergency medical services legislation.

The bill before us represents, word for word, the finished product of the House—Senate conference committee on the preceding emergency medical services measure. There is, however, one critical distinction—this bill contains no amendment relating to the Public Health Service hospitals.

It was the inclusion of the PHS hospital provision which compelled me to vote against the original bill. Without that amendment, I am now able to give, as I indicated I would, my full support to this bill, H.R. 10956.

The measure now under consideration would provide assistance to qualifying governmental and not-for-profit entities to plan and develop comprehensive emergency medical services. Funds are also available to assist currently functioning systems to expand and improve their services.

In assuring the availability of adequate emergency services it is not enough to provide for ambulances and drivers alone. Certainly these are important commodities, but they are only the very basic roots of an effective system. Ambulances are of no use if there are no staffs to man them. These staffs should be ready to serve the emergency victim any time of the day or night. Emergency situations do not occure on a convenient 9 to 5 schedule, 5 days a week. They can happen any time, and usually seem to happen at the least convenient times.

Our bill requires that grantee systems maintain adequate vehicles and always-ready, well-trained staffs to man those vehicles.

There are several other requirements, or mandatory goals set forth in the bill. Some of these deal with communications, emergency room availability, development of an areawide disaster plan and proper coordination with neighboring systems.

In all honesty, this very extensive list of requirements caused me some concern. In certain areas of our country it will not be easy to satisfy each and every one of these items. For this reason we have given the Secretary of HEW authority to extend the time period in which a locality must comply with difficult requirements. If, after a proper showing, the Secretary determines that it is absolutely impossible for a locality to meet a certain provision, he may approve a reasonable, workable alternative for that area.

I am confident now that this program, if properly administered, should not exclude any area because of a lack of ability to achieve certain highly sophisticated objectives.

The bill also provide a 15-percent set-aside for rural areas. This, I want to strongly emphasize, is only a minimum figure. Two-thirds of the accidental deaths which occur in this country are in the rural areas. Considering that only 25 percent of our population lives in these areas, and that less than half of the accidents occur there, this alarming two-thirds death figure makes it apparent that rural emergency services are, by far, the least adequate. This situation is compounded by a shortage of skilled planning and medical personnel in these areas. I would hope that rural America is not made a poor sister in this program. Adequate funds and technical assistance must be made available to rural localities if this program is to effectively deal with our Nation's most needy areas.

I would ask my colleagues to note that what we have employed in this legislation is a seed money approach. We do not intend to have the Federal Government replace local governments in accepting prime responsibility for financing and operating emergency medical services systems. This is now, and shall remain, a proper function for the local communities. We are merely providing seed money to get these smaller units of government over the hump toward developing truly superior emergency medical services programs.

Mr. Speaker, this is an important, lifesaving program and I urge my colleagues to support it.

Mr. LONG of Louisiana. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. CHARLES H. WILSON of California. Mr. Speaker, I object to the vote on the ground that a quorum is not pres-

XUM

ent and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 380, nays 2, not voting 52, as follows:

[Roll No. 551]

YEAS—380

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashbrook
Badillo
Baker
Barrett
Bauman
Beard
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Boggs
Bolling
Bowen
Brademas
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Calif.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Camp
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clay
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Conable
Conte
Corman
Cotter
Coughlin
Crane
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Devine
Dickinson
Diggs
Donohue
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Goodling
Grasso
Green, Pa.
Griffiths
Gross
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Idaho
Harsha
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Hosmer
Howard
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kemp
King
Kluczynski
Koch
Kuykendall
Kyros
Landrum
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKinney
McSpadden
Madden
Madigan
Mahon
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Morgan
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Regula
Reuss
Rhodes
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Sarasin
Sarbanes
Satterfield
Scherle
Schneebeli
Schroeder
Sebelius
Shipley
Shoup
Shuster
Sikes
Skubitz
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—2

Collins, Tex.
Landgrebe

NOT VOTING—52

Ashley
Aspin
Bafalis
Blackburn
Blatnik
Boland
Brasco
Brown, Ohio
Buchanan
Burke, Fla.
Burton
Clawson, Del
Conlan
Conyers
Derwinski
Dingell
Dorn
Gettys
Goldwater
Gray
Green, Oreg.
Grover
Hansen, Wash.
Harrington
Harvey
Hastings
Hawkins
Johnson, Colo.
Ketchum
Macdonald
Mailliard
Mills, Ark.
Moorhead, Pa.
Mosher
Moss
Myers
Rees
Reid
Riegle
Ryan
St Germain
Sandman
Saylor
Seiberling
Shriver
Sisk
Slack
Steele
Teague, Tex.
Van Deerlin
Waldie
Wright

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Brasco with Mr. Shriver.

Mr. Gray with Mr. Myers.

Mr. Sisk with Mr. Saylor.

Mr. Teague of Texas with Mr. Mosher.

Mr. Blatnik with Mr. Mailliard.

Mr. Boland with Mr. Burke of Florida.

Mrs. Green of Oregon with Mr. Del Clawson.

Mrs. Hansen of Washington with Mr. Buchanan.

Mr. Reid with Mr. Derwinski.

Mr. St Germain with Mr. Bafalis.

Mr. Van Deerlin with Mr. Harvey.

Mr. Moorhead of Pennsylvania with Mr. Conlan.

Mr. Dingell with Mr. Blackburn.

Mr. Moss with Mr. Brown of Ohio.

Mr. Gettys with Mr. Goldwater.

Mr. Burton with Mr. Grover.

Mr. Riegle with Mr. Conyers.

Mr. Waldie with Mr. Hastings.

Mr. Mills of Arkansas with Mr. Sandman.

Mr. Dorn with Mr. Steele.

Mr. Hawkins with Mr. Ryan.

Mr. Ashley with Mr. Aspin.

Mr. Harrington with Mr. Rees.

Mr. Macdonald with Mr. Slack.

Mr. Wright with Mr. Seiberling.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10956) Emergency Medical Services Systems Act of 1973.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia (Mr. STAGGERS).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 10956, with Mr. MATSUNAGA in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. STAGGERS) will be recognized for 30 minutes, and the gentleman from Minnesota (Mr. NELSEN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I rise in support of H.R. 10956 a bill to give the Secretary of the Department of Health, Education, and Welfare new authority to support the development and expansion of emergncy medical services.

This legislation is by now familiar to all of you. H.R. 10956 is identical to the conference report on emergency medical services vetoed earlier by the President, except that the provisions dealing with the U.S. Public Health Service hospitals have been omitted. The legislation would, in summary, create new authority under the Public Health Service Act for assistance by the Secretary of Health, Education, and Welfare in the development and improvement of emergency medical services. Specifically, the bill:

First. Defines "emergency medical service systems" and specific requirements for such systems which applicants for assistance must meet to qualify for grants or contracts.

Second. Authorizes programs of grants and contracts for feasibility studies and planning establishment and initial operation, and expansion and improvement of emergency medical services systems.

Third. Authorizes programs of grants and contracts for research and training in emergency medical services; and

Fourth. Requires that these programs be administered through an identifiable administrative unit, that there be establemergency medical services, that an annual report be submitted to the Congress on the programs, and that a report be submitted to the Congress 1 year after enactment on legal barriers to the effective delivery of emergency medical services. The total cost over the next 3 years would be $185 million.

While you all know how much this legislation is needed, I would like to remind you of the need for this legislation with a few facts:

Our committee found in its hearings that one of the most visible and unnecessary parts of our country's health care crisis is the present deplorable way in which we care for medical emergencies: 55,000 people die every year in automobile accidents; 16,000 children die every year in accidents; 275,000 people die every year from heart attacks before they reach the hospital. Our committee believes that as many as 35,000 of these deaths could be prevented by adequate, effective emergency medical services. In addition untold injury and unnumbered dollars could be saved by these same services.

Experts have estimated, for instance, that the cost of accidental death, disability, and property damage is $28 billion a year. This is good legislation. This is legislation to which essentially all Members of the House have already committed their support. This is legislation which will save American lives. Therefore, I urge its adoption.

We have two eminent doctors on our committee and we are very fortunate in having both of them and I congratulate both of them. I understand that today they will offer three amendments which will be helpful to the rural areas of America. I believe when the amendments are explained to the committee that everyone will be in favor of them. They will give just a little bit more attention to the rural areas and do it without changing the amount of money in any way.

At this point I congratulate every member of the Public Health and Environment Subcommittee not only for the work they have done on this bill but also for the work they have done throughout the year.

Mr. PEPPER. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Florida.

Mr. PEPPER. Mr. Chairman, I commend the able chairman, the gentleman from West Virginia and the members of the committee for this bill.

I want to ask the gentleman about one possibility. The city of Miami Beach, which is in my district, is spending about $300,000 a year keeping a number of emergency vehicles at the fire stations on the beach, fully equipped for emergency care for people who have acute illness. Each of these vehicles has a doctor in attendance in constant readiness to go with that vehicle to any emergency that might be occurring. Representatives of that group came here the other day to see me to determine whether or not that kind of thing, which they say has saved many lives already and within 2 minutes can get to any place on the beach with a doctor, might be helped by this bill, as well as others who have such systems for saving the lives of people. Is there any likelihood or possibility of that kind of program receiving assistance under this act?

Mr. STAGGERS. Yes, there is. It is temporary help, as all of the bill is. We do not plan to subsidize this program forever. We are just trying to get organized, to get the community started and into business on this. In all the areas of America where there is service they can use moneys for expansion and for modernization and they can get help in this way.

Mr. PEPPER. I would hope, Mr. Chairman, if the gentleman will yield further, that as this measure develops and progresses from time to time and with the experience that will be acquired under it, that it might expand if it is not already at that point, so the cities as well as rural areas might be encouraged to set up such systems of giving aid. Would that be compatible with the ideas of the gentleman and the able members of his committee to work toward that objective?

Mr. STAGGERS. That is the real objective of the bill, to have such services all over America, and when it gets to working properly the Federal Government will get out of it.

Mr. NELSEN. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Minnesota.

Mr. NELSEN. Mr. Chairman, I join the gentleman from West Virginia in support of the bill and also the amendments which will be offered by our two distinguished Members as the gentleman mentioned. This is a better bill.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Chairman, I appreciate the chairman of the Interstate and Foreign Commerce Committee yielding to me.

I have assured the chairman and others on the committee privately that despite the comments I made during the debate on the veto or at the time of the conference report, or in consideration of the bill in the House that I would support a second version only if it literally followed the proposal that was before us at that time. I do approve of this bill now on the floor. In addition I will support it if there are some reasonable adjustments that I understand may be offered in the form of several amendments. In other words, what I am saying is that my previous comments were not literal, my comments were figurative. I am flexible as to the amendments I understand may subsequently be introduced.

I appreciate the chairman yielding so I may clarify my previous comments.

Mr. STAGGERS. Mr. Chairman, I appreciate the remarks of the distinguished minority leader. I think the three amendments have been discussed with him, and I think he is in support of these three amendments because, in my opinion and I think also in his opinion, they make a stronger bill and a more equitable bill.

Mr. GERALD R. FORD. Mr. Chairman, that is my understanding, that it makes it a better bill with some adjustments to take care of unique situations.

Therefore, with those amendments, I support the legislation which is on the floor from the Committee on Interstate and Foreign Commerce, and I appreciate very much this opportunity to clarify my position.

Mr. STAGGERS. Mr. Chairman, I am very happy to have those comments, because so far as I know, the committee will certainly fight any other amendments which will be coming up. We have been through this several times. I do think the three amendments will make a stronger and more equitable bill.

Mr. Chairman, I yield to the gentleman from Pennsylvania, a member of the committee.

Mr. HEINZ. Mr. Chairman, I would like to join in the spirit of the minority leader's remarks, and also rise to compliment the chairman of the committee, Mr. STAGGERS, for his cooperation and hard work; also, our subcommittee chairman, Mr. ROGERS of Florida, for the excellent and expeditious manner in which he has presented this bill.

I rise in support of H.R. 10956, the Emergency Medical Services Act.

As a long supporter of EMS, and as a cosponsor of this years original EMS bill as reported from our Health Subcommittee, I believe the need for upgraded and coordinated emergency medical services in this country is absolutely clear. A simple investigation of the appalling toll of highway accidents and heart attacks reveals the thousands of American lives that could be saved if prompt and proper medical care were given at the scene and en route to the hospital. Hearings before our Health Subcommittee uncovered the fact that each year 15 to 20 percent of all highway victims could be saved if prompt and effective emergency care were available. 8,000 to 11,000 highway deaths would be prevented each year. In addition, 10 percent of the 275,000 heart attack fatalities could be saved by proper emergency care.

In just these two areas alone, auto accidents and heart attacks, each year as many as 35,000 Americans could be saved from tragic, unnecessary deaths.

As a cosponsor of the Emergency Medical Services Act, I believe Congress must act now to correct the weaknesses in this country's emergency medical facilities and practices. This year $350 will be spent on health care for every man, woman, and child in America, yet only 83 cents of that will finance emergency medical services. The results of this minuscule investment in emergency health care are a national scandal:

Only 10 percent of all emergency rooms are equipped to handle grave medical and surgical emergencies;

Only 17 percent of acute care hospitals have 24-hour physician staffing;

Only 5 percent of America's ambulance personnel have had adequate first aid training;

Each year more than 20,000 Americans are permanently injured or disabled by untrained ambulance attendents.

There is a need, therefore, for Federal assistance that will assure people the emergency care they desperately need. That is why we need this EMS bill—to help our States and local communities forge ahead in developing first-class emergency health services in their areas. In the Pittsburgh area, part of which

I represent, Federal assistance when combined with the dedicated health professionals in western Pennsylvania comprehensive health planning and at the University of Pittsburgh Medical School, will mean that necessary training and equipment will be supplied and a true system of emergency medical care will be developed and coordinated in the Pittsburgh area.

Mr. Chairman, I salute the Public Health and Environment Subcommittee chairman, Paul Rogers, for his prompt action on EMS. While this legislation had to be returned to the subcommittee because of an earlier Presidential veto sustained by the House, the distinguished gentleman from Florida exercised his usual wise and timely leadership paving the way for a successful bipartisan partnership to make quality emergency medical services a reality.

I urge all my House colleagues to give this critical legislation their wholehearted support.

Mr. NELSEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. Frenzel).

Mr. FRENZEL. Mr. Chairman, I rise to congratulate the committee for bringing this needed bill back to us after removing the nongermane Public Health Service hospitals amendment.

I particularly salute my distinguished colleague from Minnesota, Ancher Nelsen, for his work in insisting that emergency medical services be considered separately on its own merits. As one of his cosponsors, I know it will be approved today because it is a good step forward in helping to develop vitally needed emergency medical services.

Also, as one who voted to sustain the prior veto because of the offending Public Health Services amendment, I am pleased to have the opportunity to help move this worthy measure forward.

Again, I want to thank the distinguished gentleman from Minnesota for his leadership, without which this measure might never have appeared before us. I urge passage of this bill.

Mr. NELSEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma (Mr. Camp).

Mr. CAMP. Mr. Chairman, I strongly support the Emergency medical services systems legislation we have before us today and urge my colleagues to vote for H.R. 10956, which I consponsored.

Current statistics on accidental deaths and disabilities are more than alarming. They indicate that traffic fatalities are now occurring at a rate of 55,000 per year, with nonhighway accidents adding another 63,000 deaths per year. The need for immediate passage of H.R. 10956 becomes disturbingly clear when you consider that proper emergency care could save approximately 60,000 lives annually in our country.

H.R. 10956 attempts to meet this crisis in health care by authorizing $185 million over a period of 3 years to encourage local units of government to establish effective emergency medical systems which could spell the difference in life and death for accident victims. Five new programs are created to provide Federal assistance for feasibility studies and planning, establishment and initial operation, and expansion and improvement of emergency medical services systems; for research in emergency medical techniques; and for training programs.

I am particularly pleased to note that the committee has seen fit to strengthen language in the report on this bill concerning the special problems of rural communities. It seems all too apparent to me that rural areas, suffering a much higher ratio of deaths and disabilities in proportion to the number of emergency incidents, must be afforded special protection in any legislation dealing with development of emergency medical systems. H.R. 10956, as reported, specifies that 15 percent of the authorized funds shall be available only for grants and contracts in rural areas and the report emphasizes that this 15 percent is only a minimum. I think it is imperative that the Congress make every effort to assure adequate support for rural emergency care and, in fact, I would like to see even stronger provisions protecting rural areas.

Mr. Chairman, I would hope that we will not have any difficulty in getting this legislation approved by Congress and signed by the President in an expeditious manner. We know there is a crying need for the development of communitywide emergency medical services systems. H.R. 10956 is vital to the health of the entire Nation and I believe the safeguards written into the bill for rural areas will mean much to the people of my district. Again, I urge support for this much needed legislation.

Mr. NELSEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois, (Mr. Michel).

Mr. MICHEL. Mr. Chairman, early last month I voted to sustain the President's veto of this bill, which at that time contained the provision relating to the Public Health Service hospitals.

I still have reservations about this legislation, even though I believe its objectives are laudatory. I would hate to see this turn into just another equipment program of the kind we have seen so often on the Labor-HEW appropriations subcommittee.

How many times have we brought something out to the floor with flags waving, the band playing and its proponents telling us what a significant new step it is in helping the poor, curing the sick, aiding the disadvantaged, and so on, only to have it turn into a grant or equipment boondoggle that really helps no one but the guy who cashes the Federal check?

If we are going to approve this program, I would hope we would not just forget about it, as we do so many, and not follow through with proper oversight and review by the authorizing committee to make sure it does what it is designed to do.

There is perhaps a chance that the President will sign this version if he is convinced that it adequately provides for the special problems of the rural communities, so if we are going to send it back to him again, I would urge that we make sure the bill is not deficient in this respect.

Mr. STAGGERS. Mr. Chairman, I yield 5 minutes to the gentleman from Florida, the chairman of the subcommittee (Mr. Rogers).

Mr. ROGERS. Mr. Chairman, once again the House is being called upon to provide desperately needed emergency medical services to our people. The subcommittee on Public Health and Environment has reported this bill on three occasions, and this is the fifth time the House has considered whether our communities need and deserve comprehensive emergency medical services.

On the four previous occasions, the House has answered "yes" by overwhelming votes, although we were unable—by a mere four votes—to override the unfortunate veto of the conference report.

Mr. Chairman, this bill is identical to the conference report presented to the President last July, except that it does not contain the provisions relating to the continued operation of the Public Health Service hospitals. This bill will give a start to local EMS programs, which must be community based and community funded after the initial Federal startup support. It calls for the step-by-step development, in our urban areas and in our rural areas, of sophisticated emergency medical services systems with proper transportation, communications, training of personnel, and facilities to assure access to medical services in emergeny situations; $185 million is authorized for 3 years.

Mr. Chairman, we know what can be done with EMS. This bill will pay for itself in monetary savings, but its value cannot be measured in terms of reduction of death and suffering.

Mr. Chairman, my colleagues on the subcommittee, Mr. Roy and Mr. Carter will offer amendments to strengthen provisions in the bill pertaining to assistance to rural areas. I am in full support of these bipartisan amendments authored by the two distinguished physician members of the subcommittee. It is my understanding from talking to the distinguished minority leader, Mr. Ford, that he supports these amendments and that their adoption would have no effect on his position in support of this bill.

I urge my colleagues to again overwhelmingly approve the Emergency Medical Services Act of 1973—as they have done four times in recent months—so that the President and the American people know that Congress is insistent on bringing critically needed emergency medical services to our communities.

Mr. NELSEN. Mr. Chairman, I have no further requests for time.

Mr. STAGGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas (Mr. Roy).

Mr. ROY. Mr. Chairman, I will not prolong this time in discussion. I would like to say that Dr. Mary Tierney, a volunteer in my office, worked for 6 months on this legislation very closely with the staff of the committee. I think we are all indebted to her for the contribution she made.

I congratulate the gentleman from Florida (Mr. Rogers), my chairman, and the others on the subcommittee for working so diligently. I urge that the bill be passed.

Mr. NELSEN. Mr. Chairman, will the gentleman yield?

Mr. ROY. I yield to the gentleman from Minnesota.

Mr. NELSEN. The gentleman from Kentucky (Mr. Carter) wishes to extend his remarks following those of the gentleman from Kansas, if the gentleman will agree.

Mr. ROY. I agree.

Mr. CARTER. Mr. Chairman, today we are considering the Emergency Medical Services Systems Act of 1973.

Section 1201 consists of definitions.

Section 1202 consists of: First, grants for studying the feasibility of establishing—through expansion or improvement of existing services or otherwise—and operating an emergency medical services system; and second, planning the establishment and operation of such a system.

Section 1203 includes grants and contracts for establishment and initial operation of emergency medical services systems.

These grants and contracts are to be given to States, a unit of general local government, a public entity administering a compact or other regional arrangement or consortium, or any other public entity and any nonprofit private entity.

Section 1204 provides for the expansion and improvement of emergency medical services systems, including the acquisition of equipment and facilities and the modernization of facilities.

Section 1205 provides that the Secretary may make grants to public or private nonprofit entities, and enter into contracts with private entities and individuals, for the support of research in emergency medical techniques, methods, devices, and delivery.

Section 1206 includes the entities to which grants and contracts can be made, and the method in which they are to be made.

Section 1207 authorizes, for the purpose of making payments pursuant to grants and contracts under sections 1202, 1203, and 1204, the appropriation of $30,000,000 for the fiscal year ending June 30, 1974; $60,000,000 for the fiscal year ending June 30, 1975; and $70,000,000 for the year ending June 30, 1976.

Of the sums appropriated for any fiscal year, not less than 15 percent shall be made available for grants and contracts under this title for such fiscal year for emergency medical services systems which serve rural areas.

Of sums appropriated, 15 percent is made available for grants and contracts under section 1202 which relates to feasibility studies and planning;

Sixty percent for grants and contracts related to establishment and initial operation for such fiscal year;

And 25 percent of such sums shall be made available only for grants and contracts under section 1204—this relates to expansion and improvement of existing medical facilities.

After June 30, 1976, 75 percent of such sums shall be made available only for grants and contracts under section 1203—this is for establishment and initial operation.

And 25 percent shall be made available for grants and contracts under section 1204—this relates to expansion and improvement of existing facilities.

The program shall be administered by the Secretary through an identifiable administrative unit within the Department of Health, Education, and Welfare.

An interagency committee on emergency medical services will be established. The Secretary of Health, Education and Welfare or his designee shall serve as chairman of the committee; the membership shall include representation from the Departments of Transportation, Justice, Defense, the Veterans' Administration, the National Science Foundation, the Federal Communications Commission, and the National Academy of Sciences, and such other Federal agencies as the Secretary determines; and five individuals from the general public appointed by the President from individuals who by virtue of their training or experience are particularly qualified to particpate in the performance of the committee's function.

Section 1210 requires the Secretary to prepare and submit an annual report to the Congress on the implementation of this legislation.

On page 24 of this bill, section 776 provides for training in emergency medical services.

The Secretary may make grants to enter into contracts with schools of medicine, dentistry, osteopathy, and nursing, and training centers for allied health professions to assist in meeting the cost of training programs in the techniques and methods of providing emergency medical services, including the skills required in connection with the provision of ambulance services.

For the purpose of making payments pursuant to grants and contracts under this section, there are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1974.

An adequate number of necessary ground, air, and water vehicles and other transportation facilities to meet the individual characteristics of the system's service area will be provided.

Central communications systems will be established so that requests for emergency health care services will be handled by a communications facility. Adjacent areas will be joined in networks so that assistance can be given from one area to another; and that in case of disaster, such services can be combined to care for those who are affected.

The best facilities we have for diagnosis, treatment rehabilitation and transportation are none too good.

From 350,000 to 400,000 people die each year of heart attacks. It has been estimated by health authorities that 60,000 of these might well be saved with better trained ambulance attendants and medical personnel.

Some 54,000 people are killed each year on our highways. Thousands more are permanently injured due to faulty handling by untrained personnel; thousands more could well be saved.

As many of you know, up until approximately 3 years ago, funeral homes throughout much of the United States, and particularly in my State, furnished ambulance services. But a regulation from DOT required any company offering ambulance service to have two trained attendants on duty at all times. Because of this implementation of the Federal regulation, almost every ambulance company or funeral home offering ambulance service in my area was forced out of business.

A small company simply cannot afford to keep six trained men on duty during a 24-hour period. The funeral homes and many of the ambulance companies went out of business, and as a result the burden fell on the counties, the small county hospitals throughout Kentucky and the United States.

This places an intolerable financial burden upon our counties and hospitals. It would range in cost from $70,000 in a small county to millions of dollars in a county like Jefferson County. The Federal Government here in Washington promulgated these regulations and placed this enormous financial burden upon our small counties and communities.

Therefore, I submit, Mr. Chairman, that it behooves us to help the small counties throughout the United States in training ambulance personnel, and with financial assistance in the purchase of equipment necessary for adequate and meaningful ambulance service.

Many times on our highways, among the 54,000 who are killed each year, a femoral, brachial or carotid artery may be severed. The attendance of a skilled technician might well prevent a fatal hemorrhage. This legislation provides for such trained attendants. Will you, Mr. Chairman, be the one to deny the unfortunate person who is hemorrhaging to death the skillful care and attention which is necessary to save his life?

Mr. Chairman, on our highways, of the 54,000 who are killed each year, many suffer serious spinal injuries with pressure upon the spinal cord. Without experienced care, loading and transportation, this would result in irreparable paralysis. Would you, Mr. Chairman, vote to deny that person with a spinal injury the right to have a skilled attendant to see that he is not paralyzed as a result of unskilled handling?

The cost of this bill is $185,000,000, a little more than we pay each year for our deployment of troops in Italy, a little less than we pay for our military installa-

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tions in Great Britain. It would result in the savings of at least 60,000 people a year from fatal heart attacks, 30-odd-thousand people from crippling injuries.

Mr. Chairman, this bill is supported by almost every medical organization in the United States, the American Heart Association, the American Cancer Society, the American Hospital Association, the Association of Mayors and of County Officials.

The sum of money which we authorize today will cost approximately as much as a destroyer. We need to make our country stronger from within and a better place in which to live.

Fact Sheet

1. Accidents are leading cause of death among persons from 1–37 years old.
2. Accidents are fourth leading cause of death of all ages.
3. Montana—47.9/100,000 motor vehicle deaths. New Jersey—18.3/100,000 motor vehicle deaths.
4. An accident in a rural area is 4 times as likely to cause death than a similar accident in a urban area.
5. In 1972: 17,600 motor vehicle deaths in urban areas; 37,100 motor vehicle deaths in rural areas.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. de la Garza).

Mr. de la GARZA. Mr. Chairman, I strongly support this legislation—H.R. 10956—which is the revised version of the vetoed Emergency Medical Services System Act—which should provide some assistance to the ever mounting medical needs of my area and which should ease, in many respects, the tremendous financial burdens under which many of my area's hospitals are staggering.

Accidents are killing more persons in the productive age group and are the fourth most common cause of death. Heart attacks are striking down people in the prime of life. Poisonings and drug overdose require immediate medical attention. Unnecessary loss of life and disability resulting from sudden death and sudden illnesses are mounting.

This type legislation which would increase the planning and coordination of emergency medical services by local communities, States, and the Federal Government; which would provide expanded resources for the establishment, initial operation, expansion, and improvement of emergency medical service system; which would provide expanded research training, coordination, and rationalization of the presently fragmented and duplicative Federal programs for emergency medical services is something desperately needed.

Our hospitals are being burdened with a load they cannot afford to carry either in terms of personnel or in terms of mounting costs and resulting inabilities of some people to pay—with the result that they become charity patients—and the local areas have neither the financial resources or capabilities to pick up the total of the expenses accruing to the hospital system.

This is wide-ranging legislation. Our Nation possesses the expertise and the ability to provide efficient, effective, and acceptable emergency medical services to all our citizens.

The committee has done an excellent job in working up this legislation, for which I commend them, and it is my hope that something can be done as a result of it to fill the needs existing nationally—and certainly in the area I am privileged to represent.

The House is proposing three ways to fund the implementation of emergency medical services: First, by planning and feasibility grants and contracts; second, by establishment and initial operation grants; and third, by expansion and improvement grants.

With everybody working together and this legislation being affirmatively considered, we are taking a long step down the road toward helping communities develop comprehensive and improved emergency medical service—thereby fulfilling their requirement to the areas they serve.

I cannot urge too strongly my colleagues to vote affirmatively on this tremendously important piece of legislation.

Mr. STAGGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. Symington), a member of the committee.

Mr. SYMINGTON. Mr. Chairman, I just want to express my gratitude to the Republican members of the committee and the minority leader, Mr. Gerald R. Ford, for joining with us in what I believe is a bill that will mean a great deal to this country and for which the country will be grateful.

I want to thank the gentleman from Florida (Mr. Rogers), the chairman of the subcommittee, and all the hard-working staff members who worked so diligently on the bill.

I commend it to the House with my wholehearted support.

Mr. BUCHANAN. Mr. Chairman, I would like to join today with many of my distinguished colleagues in support of H.R. 10956, the Emergency Medical Services Systems Act of 1973.

This measure, which I am proud to cosponsor, offers an excellent solution to a most pressing problem in our Nation today. Nearly 120,000 Americans die annually as a result of traffic and other accidents and an additional 275,000 from heart attacks. Of these deaths, an estimated 40,000 lives could be saved each year if proper emergency care were available at the scene, en route to hospitals, and in emergency rooms.

We are all aware that health care costs have soared in recent years. This legislation would provide grants for planning, development and initial operation, expansion and improvement of emergency medical service systems and related training research programs. This bill would help already overburdened local health care organizations initiate vitally needed emergency health care.

Perhaps one of the best features of this bill is that it supports the initial impetus toward an effective emergency medical services system while still enabling the State and local governments to develop from the federally financed nucleus a program of their own designed locally to meet local needs.

The Birmingham area is a prime example of an area that would benefit greatly from this program. In 1972 a $300,000 Federal grant was made to the University of Alabama in Birmingham for a pilot program to coordinate efforts to the cities of Birmingham, Homewood, Mountain Brook, Hoover, and Vestavia Hills to handle medical emergencies, including major disasters. At the time the grant was made, each of these cities had a partially functional emergency medical system. This legislation, coupled with the earlier grant and the efforts being made by the area governments will enable the entire Birmingham area to continue development of an effective, fast acting, emergency medical services system. The benefits accruing to the Birmingham area as a result of this program are only but an example of the assistance this program could provide nationally if this legislation is passed.

Mr. Chairman, I wholeheartedly support this program which I believe will provide a valuable contribution to the well-being of hundreds of thousands of our citizens each year.

Mr. ABDNOR. Mr. Chairman, I rise in support of the bill here being considered to increase the amount of funds to be allocated to rural areas. I can best contribute to this discussion by pointing out the medical situation in my State of South Dakota.

Many lives are lost annually in South Dakota because of delays en route to the hospital, in reaching the patient, inadequate care at the scene, and inadequate training in use of equipment both en route and at the emergency room. In addition, no adequate communication system, transportation network, or trained emergency medical personnel exists to save those many lives which are lost due to accidents or sudden severe illness. This cost in lives is high with 70 percent of motor vehicle deaths alone occurring in rural areas with less than 2,500 population.

The problem in my State is not necessarily the same as in the large metropolitan and urban areas of the United States. South Dakota's basic problem is that of a small rural population with large geographic distribution. The principal industry of South Dakota is farming which is notorious as a high accident risk occupation. In addition large numbers of sportsmen and tourists bring added burdens to the emergency medical system year-round but particularly in the summer months to the Black Hills region where more than 2 million visitors alone visit Mount Rushmore in just 3 months.

No total comprehensive emergency medical system exists, and there is an obvious and implied need coming from our shortage of doctors and sparsely located hospitals.

The highway system in South Dakota, serving the local population, as well as a considerable number of tourists, has recorded 123,804 traffic accidents resulting in 2,520 deaths over the 10-year period 1962 through 1971. We lack an adequate transportation system to get the patients to where they can even receive the most common of first aid care.

There are six Indian reservations in my district and jurisdictional responsibilities preclude assistance from State governments. I need not say here how

badly we need better health care delivery systems for the Indians. The important point is that this EMS bill will be the only comprehensive approach for the Indians to utilize to meet their needs for emergency attention and access to the hospitals.

Rural America is experiencing the outmigration of her medical personnel. It is a well known fact that the medically trained leave rural areas before the general population begins to leave. We are very thankful and honored by the doctors who have remained, but we badly need the assistance of this bill to enable the development of a means whereby the outlying patient can be delivered to where the doctors are and facilities exist to accommodate his health needs.

I applaud the committee's intent to assure a minimum funding share for rural areas, but 15 percent is not enough, and somewhat doubt if 50 percent would be enough. We cannot ignore the medical needs of the rural areas for it can be shown that people move away into the cities not only for job opportunities, but in order to be close to facilities and personnel where their life-support needs are available if needed.

Mr. CONTE. Mr. Chairman, $851 million over a 3-year period of time is a tremendously modest proposal when compared to the life and death situations which confront thousands of Americans each year. A recent report by the National Academy of Sciences bears out the sad fact that our emergency medical services are, quote:

> One of the weakest links in the delivery of health care in the Nation.

There are no coherent systems for the provision of emergency medical services in the country today. The worth of what services we have varies tremendously from town to town. The results of such a situation are obvious—while the death rates continue to rise, our ability to deal with the problem declines.

It is conservatively estimated that 175,000 people die needlessly each year. Highway deaths alone constitute 56,000 of these victims, and we can save possibly as many as 11,000 of those roadway fatalities each year with the passage of this measure.

Aside from accidental deaths, the aged of this country find little solace in having to rely on present systems. In fact, they find the situation to represent a deadly threat to their lives which they must face on a day-to-day basis. It is a bad joke for them to be told that nearly half of the country's available ambulances are provided by funeral homes. They do not see the humor in the fact that, should they suffer some sort of seizure and live just beyond the jurisdictional line of a local emergency service, they may not be eligible for care because a law or policy would prevent an ambulance from crossing that boundary.

The statistics are astounding—nearly 400,000 victims of heart attacks die before they can get to either a doctor or a hospital. This bill could signal the updating and expansion of mobile emergency coronary units to take care of a good portion of these people. This bill could provide funding for the further research and training we so desparately need to improve our techniques for providing emergency medical care. This bill could, at last, provide us with fleets of totally equipped, first-rate ambulances, which could speed the injured and sick to fully equipped and staffed hospital emergncy rooms. Sixty thousand lives could be saved enroute from pick-up site to hospital.

We need this program. There is too much good in it to deny it to the American people.

All of us here in this Chamber, I am certain, have received countless pieces of mail; many calls, in support of this measure. Labor, veterans, civic groups, the public at large desire it and need it. The President, himself, has listed emergency medical services as an administration priority.

Let us get on with it. Let us enable our communities to include up-to-date emergency service in their health systems. They need our help. State and local governments are already strapped; what programs they have cannot survive without our help.

Let us get on with it.

Mr. DERWINSKI. Mr. Chairman, as a cosponsor of H.R. 10956, the emergency medical services bill, I am pleased that Congress is cooperating with the President in bringing this measure to the floor. This is a program I have strongly supported and I hope that we can complete the legislative process before Congress adjourns this fall.

The purpose of this bill is to give each Member of Congress an opportunity to vote, up or down on the EMS program without having to vote on the nongermane PHS hospital issue at the same time. Support for this approach has been indicated by the administration as well as a willingness to cooperate with Congress in producing an EMS program.

Emergency medical services can spell the difference between life and death. This bill would assist in developing better EMS delivery throughout the Nation.

The State of Illinois is a leader in emergency medical services and needs, as do the other States, the benefits which could be derived from this bill to further develop our fine emergency medical services system. I strongly urge your support of this bill which would establish an effective nationwide emergency medical services system.

Mr. PRICE of Illinois. Mr. Chairman, I rise in support of the Emergency Medical Services Systems Act of 1973. Emergency medical services are sorely needed to aid our Nation's already overburdened medical facilities. Improved emergency services could save 60,000 lives a year now lost to accidents and sudden illness. Accidents are the Nation's fourth most common cause of death yet our medical system can not cope with the problem. Proper emergency medical services will save lives.

This measure, insuring adequate emergency services to the American public, has already met a Presidential veto. The veto has already delayed the development of emergency care systems for several months. I feel such an important consideration should be beyond the scope of partisan politics. Let us no longer deny the public access to adequate emergency medical services.

The emergency medical service systems would provide community based emergency services through the Department of Health, Education, and Welfare. It would help communities develop comprehensive plans for medical services including ambulance services, emergency rooms and other facilities with properly trained personnel.

It is my hope that this measure be passed with wide bipartisan support. I urge my colleagues to vote for the passage of H.R. 10956.

Mr. KYROS. Mr. Chairman, I rise today in support of H.R. 10956, which would provide desperately needed improvements in the administration and delivery of our Nation's emergency medical services systems. I urge the Members of this body to act swiftly and decisively on this bill so that it can be enacted into law without further delay.

The need for this legislation, Mr. Chairman, is clear: It is reliably estimated that 60,000 lives are lost each year, because of the inadequacy of our Nation's emergency medical services. It is shocking that we have virtually the same emergency medical system that we had 50 years ago.

The current situation in my State of Maine, as in most States, is not very encouraging. Only 70 of our 2,500 licensed ambulance attendants meet the standards recommended by the Department of Health, Education, and Welfare. The others have advanced Red Cross training, but that is simply not enough to meet a wide range of emergency situations. Of even greater concern, is the fact that only 5 out of Maine's 63 hospitals have round-the-clock physician coverage. These are the sorts of situations which H.R. 10956 seeks to correct.

Mr. Chairman, it is estimated that 10 percent of Maine's 1,400 annual coronary fatalities and up to 20 percent of its 270 annual automobile deaths could be prevented. Passage of H.R. 10956 will be a giant step in that direction.

Mr. GILMAN. Mr. Chairman, I rise in support of H.R. 10956, the Emergency Medical Services Act now before us.

Federal assistance to communities in the area of emergency medical services is long overdue.

It is shocking to learn that accidents are the fourth major cause of death in our United States, frequently terminating lives at the height of productivity.

Yet, this statistic should not be shocking for we are all aware of the frequency with which this killer strikes—deaths on the highways, fires, drownings, poisonings and freak accidents—all part of the sad news on any given day.

We, in Congress, have a real opportunity to reduce this toll as we consider H.R. 10956. It is estimated that improved and adequate emergency care could save approximately 60,000 lives annually.

While we may be overly optimistic in hoping for vast reductions in accidental death tolls, we do have assurances that by passage of this legislation we will be saving lives and averting serious injuries. We must heed this call.

I know that many of you have shared my feelings of pride for those selfless, knowledgeable individuals, who volunteer to serve in ambulance corps, and the frustration we have felt when these very

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same people approach us seeking State or Federal aid for purchasing equipment and for training programs.

We will all be proud, in light of their dedication and devotion to their fellow man, to report to them that the Federal Government has finally recognized their needs and taken the initiative to encourage their good work.

Accordingly Mr. Chairman, I urge my colleagues to support these worthy objectives by voting in favor of H.R. 10956, the Emergency Medical Services Act of 1973.

Mr. RANDALL. Mr. Chairman, I enthusiastically support the Emergency Medical Services Act. Such a statement in this instance happens to be one that can be backed up with a measure of proof because on September 12, when the House sustained the veto on H.R. 6458 or S. 504, I voted to override the veto.

The President said he had two basic objections to S. 504 or H.R. 6458. First, that $185 million was too much to spend, even though it is a fact that only 10 percent of our Nation's hospitals are adequately equipped to handle medical emergencies. Then he objected to the eight Public Health Service hospitals, as to this objection the President should have known there is even a need for additional hospitals.

The new legislation, H.R. 10956, was introduced on October 19. It is similar to S. 504, the vetoed bill, with two exceptions. First, the provision relating to the eight Public Health Service hospitals has been deleted, and, second, in this new bill there is a new or special recognition given to the rural areas.

Mr. Chairman, I was pleased to note that in the bill as it came to the floor today, there was included a provision of not less than 15 percent of the sums appropriated be available for grants and contracts in the rural areas.

It was even more pleasing to note that by a floor amendment which was passed under a voice vote this 15 percent was increased to 20 percent. Moreover, the bill requires the Secretary of Health, Education, and Welfare to provide assistance needed by any communities in the rural areas to apply and qualify for the awards.

Mr. Chairman, the report accompanying this bill indicates the cost of this legislation, will, during its lifetime be about $185 million.

It has long been my belief we should not express the expense to save human lives in terms of cost in dollars but as one of the best investments this country can make. I do not have the figures at my fingertips but in the debate that took place at the time of the veto if we add all annual highway fatalities to all nonhighway deaths and when it is further considered that all these lives could be saved by prompt emergency medical service, then the expenditure for saving an individual life added up to approximately $1,000 per person.

Surely, we have not reached a point in this country that we can afford not to make an investment of such a small amount to try to save the lives of our citizens.

Mr. ROBISON of New York. Mr. Chairman, I rise to support passage of the Emergency Medical Services Act of 1973, a measure of such compelling purpose and scope that it has survived every possible obstacle before coming to us today. This time I am confident we shall see a large vote of approval, and I must admit to some personal satisfaction over that possibility, after riding the crests and ebbs of this bill for so long. I have been an ardent backer of the Emergency Medical Services Act from the beginning, when my colleague from West Virginia (Mr. MOLLOHAN) and I introduced the initial namesake of this proposal; and I have shared with other supporters of the bill the considerable frustration of watching a very necessary initiative become enmeshed in unrelated questions.

Twice before, this bill has come before us in substantially the same form as we now have it, and each time it was successfully approved, because a large majority of my colleagues were convinced by the facts in support of this proposal. What has been documented in the succession of committee reports which have come to us is that tens of thousands of lives will be saved, if the provisons of this legislation are carried out.

It is equally true that the Federal Government has a necessary role in assisting the development of emergency medical services throughout the country. The Federal Government is uniquely disposed to coordinate research and technological development which seeks improved means to treat patients at the site of accident or other medical trauma. The Federal Government is singly capable of evaluating and disseminating the results of innovations in emergency health care which are developed in various parts of the country. And, perhaps more importantly, the Federal Government must be concerned that whenever a citizen leaves his home and travels to another part of the country, that individual has some assurance of capable and timely medical treatment, wherever emergency strikes.

Contrary to the statements of a few of my colleagues, this legislation does not initiate a new Federal responsibility. It is not a new program, as some have maintained. Rather, the Emergency Medical Services Act pulls together the more than 25 Federal programs which now function in various agencies and offices of the executive branch, and the proposal, thereby, forms a consistent national policy governing Federal support and monitoring of emergency medical services.

The Federal Government has long recognized the need for coordination and research assistance—even direct funding assistance for the purchase of equipment—however, the Federal effort thus far has been characterized by many independent, unrelated efforts spread throughout a number of executive agencies. What coordination there is results primarily from the informal contacts which various administrators have developed in the course of their work. Until Congress began to consider this legislation, there had been no serious questioning of the need for a coordinating procedure which would lend both uniformity of purpose and consistent policy guidelines to the dozens of programs already in existence.

We have, for instance, one Federal agency—the National Highway Traffic Safety Administration—attempting to implement Federal guidelines concerning ambulance attendant training and ambulance equipment, while other Federal agencies, such as the Social Security Administration and the Veterans' Administration, are paying for ambulance services without questioning the standards of performance of those providing the service.

Through the Emergency Medical Services Act of 1973, the Federal Government will gain an "identifiable" administrative unit, within the Department of Health, Education, and Welfare, which shall administer all grants and contracts provided by the legislation and shall also be the responsible collecting point and the point of dissemination for all information and study results which might contribute to the improvement of emergency medical transportation and care.

In addition to the creation of an identifiable "lead agency," the measure before us establishes an Interagency Committee on Emergency Medical Services for the sole purpose of coordinating the presently disparate programs in emergency medical services, and for evaluating the adequacy and technical soundness of those programs.

To my mind, this is what the Emergency Medical Services Act is all about. It is preeminently a reorganization bill, which would bring together scattered Federal activities into a uniform and coordinated Federal assistance effort for emergency medical services. Should my colleagues have any doubt of the considerable need for an effectively functioning Federal effort, they need only look at the printed hearings which accompany this bill. Several of the salient points of those hearings have been reiterated today, and it is because of the commitment and dedication of the distinguished chairman of the Interstate and Foreign Commerce Committee, and the continuing concern of our colleague from Florida (Mr. ROGERS), that these facts have become part of the record of this Congress.

The facts and figures I refer to are a frightening litany of unnecessary death and disability which might be prevented if local communities and State governments have the purposeful leadership of those Federal agencies which are charged with providing assistance and guidance to local and regional ambulance systems.

Today, we must answer the need which should be obvious to every one of my colleagues, by completing final and overwhelming House passage of the Emergency Medical Services Act of 1973. I urge my colleagues to vote favorably on this legislation.

Mrs. HOLT. Mr. Speaker, I rise today to speak in support of the Emergency Medical Services Act of 1973. There is no excuse, in the light of modern medical knowledge, why we need lose thousands of Americans annually. It has been stated that 60,000 heart attack victims would be saved by competent, swift, well-trained emergency medical personnel; 16,000 children would live each year, whom we would otherwise lose from fatal accidents, and 20 percent of all

automobile fatalities could be averted by the utilization of modern equipment and skillful ambulance attendants.

We could spare needless anguish, disfigurement, and death by our vote today. We could relieve the burden of the isolated, rural community struggling to maintain adequate emergency room care in county hospitals. We could utilize the talents of veteran corpsmen, already trained in emergency and trauma work. We could save 30,000 Americans from crippling injuries, by insuring that they would receive immediate and careful handling. We could use our increased medical knowledge to bring benefits to communities across the Nation where hundreds die each year, not because medical knowledge was unavailable, but because that knowledge was not used.

We could stimulate planning, research, and action for regional emergency medical services. We could relieve human suffering at its most immediate level. And we could do all this at a cost which will surely be offset by the staggering expenses involved in long term care, rehabilitation and even death. It is a very small investment for such great dividends.

I urge my colleagues to join with me in supporting this vital and overdue legislation.

Mr. WIGGINS. Mr. Chairman, it is evident to all of us that there is nearly unanimous agreement as to this bill. However, I do wish to indicate my opposition to it and to state very briefly why I oppose the bill.

I have never felt that the subject of providing emergency medical services is a subject in which the Federal Government necessarily should involve itself. It seems to me that this is in essence a local responsibility, and in many places around this country, local areas and communities have responded to and met that responsibility. They certainly have in my area of southern California. I cannot believe that other areas of this country could not, if challenged to do so, meet their own responsibilities of providing emergency medical services for their own citizens.

Accordingly, Mr. Chairman, I am going to vote no on this bill, and I regret very much that we are moving down a path which is going to involve the Federal Government once again in what is essentially a local matter.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. WIGGINS. Of course, I will yield to the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I would just like to remind the gentleman that the money goes to the communities, and the communities can spend the money in any fashion they see fit. There are communities in this country such as that served by the gentleman from California which do not need these funds, but they are very few in America. We have many communities that need the help which we are going to give them and the cooperation which we will extend, and they cannot do the job alone. I do not think that we should legislate only for our own constituents, but that we should legislate for America.

Mr. WIGGINS. Mr. Chairman, I assure the gentleman that my community does need money. The difference is that my community has taxed itself historically to provide the service it now provides its citizens. What the gentleman is asking, I am afraid, by his legislation is that my people should also pay for services for other areas in addition to their own, and I object to this.

Mr. STAGGERS. Mr. Chairman, I believe the gentleman is wrong, because in the small counties in my State, we have several of these areas that simply need some help and some expertise and some trained personnel, and I am sure the gentleman's constituents could use that help.

Mr. STAGGERS. Mr. Chairman, I have no further requests for time on this side.

Mr. NELSEN. Mr. Chairman, I have no further requests for time, but I believe the gentleman from Kentucky (Mr. CARTER) has an amendment he wishes to offer.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 10956

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Emergency Medical Services System Act of 1973".

EMERGENCY MEDICAL SERVICES SYSTEM

SEC. 2. (a) The Public Health Service Act is amended by adding at the end thereof the following new title:

"TITLE XII—EMERGENCY MEDICAL SERVICES SYSTEMS

"DEFINITIONS

"SEC. 1201. For purposes of this title:

"(1) The term 'emergency medical services system' means a system which provides for the arrangement of personnel, facilities, and equipment for the effective and coordinated delivery in an appropriate geographical area of health care services under emergency conditions (occurring either as a result of the patient's condition or of natural disasters or similar situations) and which is administered by a public or nonprofit private entity which has the authority and the resources to provide effective administration of the system.

"(2) The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

"(3) The term 'modernization' means the alteration, major repair (to the extent permitted by regulations), remodeling, and renovation of existing buildings (including initial equipment thereof), and replacement of obsolete, built-in (as determined in accordance with regulations) equipment of existing buildings.

"(4) The term 'section 314(a) State health planning agency' means the agency of a State which administers or supervises the administration of a State's health planning functions under a State plan approved under section 314(a).

"(5) The term 'section 314(b) areawide health planning agency' means a public or nonprofit private agency or organization which has developed a comprehensive regional, metropolitan, or other local area plan or plans referred to in section 314(b), and the term 'section 314(b) plan' means a comprehensive regional, metropolitan, or other local area plan or plans referred to in section 314(b).

"GRANTS AND CONTRACTS FOR FEASIBILITY STUDIES AND PLANNING

"SEC. 1202. (a) The Secretary may make grants to and enter into contracts with eligible entities (as defined in section 1206 (a)) for projects which include both (1) studying the feasibility of establishing (through expansion or improvement of existing services or otherwise) and operating an emergency medical services system, and (2) planning the establishment and operation of such a system.

"(b) If the Secretary makes a grant or enters into a contract under this section for a study and planning project respecting an emergency medical services system for a particular geographical area, the Secretary may not make any other grant or enter into any other contract under this section for such project, and he may not make a grant or enter into a contract under this section for any other study and planning project respecting an emergency medical services system for the same area or for an area which includes (in whole or substantial part) such area.

"(c) Reports of the results of any study and planning project assisted under this section shall be submitted to the Secretary and the Interagency Committee on Emergency Medical Services at such intervals as the Secretary may prescribe, and a final report of such results shall be submitted to the Secretary and such Committee not later than one year from the date the grant was made or the contract entered into, as the case may be.

"(d) An application for a grant or contract under this section shall—

"(1) demonstrate to the satisfaction of the Secretary and the need of the area for which the study and planning will be done for an emergency medical services system;

"(2) contain assurances satisfactory to the Secretary that the applicant is qualified to plan an emergency medical services system for such area; and

"(3) contain assurances satisfactory to the Secretary that the planning will be conducted in cooperation (A) with each section 314(b) areawide health planning agency whose section 314(b) plan covers (in whole or in part) such area, and (B) with any emergency medical services council or other entity responsible for review and evaluation of the provision of emergency medical services in such area.

"(e) The amount of any grant under this section shall be determined by the Secretary.

"GRANTS AND CONTRACTS FOR ESTABLISHING AND INITIAL OPERATION

"SEC. 1203. (a) The Secretary may make grants to and enter into contracts with eligible entities (as defined in section 1206(a)) for the establishment and initial operation of emergency medical services systems.

"(b) Special consideration shall be given to applications for grants and contracts for systems which will coordinate with statewide emergency medical services system.

"(c) (1) Grants and contracts under this section may be used for the modernization of facilities for emergency medical services systems and other costs of establishment and initial operation.

"(2) Each grant or contract under this section shall be made for costs of establishment and operation in the year for which the grant or contract is made. If a grant or contract is made under this section for a system, the Secretary may make one additional grant or contract for that system if he determines, after a review of the first nine months' activities of the applicant carried out under the first grant or contract, that the applicant is satisfactorily progressing in the establishment and operation of the system in accordance with the plan contained in his application (pursuant to section 1206 (b) (4)) for the first grant or contract.

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"(3) No grant or contract may be made under this section for the fiscal year ending June 30, 1976, to an entity which did not receive a grant or contract under this section for the preceding fiscal year.

"(4) Subject to section 1206(f)—

"(A) the amount of the first grant or contract under this section for an emergency medical services system may not exceed (i) 50 per centum of the establishment and operation costs (as determined pursuant to regulations of the Secretary) of the system for the year for which the grant or contract is made, or (ii) in the case of applications which demonstrate an exceptional need for financial assistance, 75 per centum of such costs for such year; and

"(B) the amount of the second grant or contract under this section for a system may not exceed (i) 25 per centum of the establishment and operation costs (as determined pursuant to regulations of the Secretary) of the system for the year for which the grant or contract is made, or (ii) in the case of applications which demonstrate an exceptional need for financial assistance, 50 per centum of such costs for such year.

"(5) In considering applications which demonstrate exceptional need for financial assistance, the Secretary shall give special consideration to applications submitted for emergency medical services systems for rural areas (as defined in regulations of the Secretary).

"GRANTS AND CONTRACTS FOR EXPANSION AND IMPROVEMENT

"SEC. 1204. (a) The Secretary may make grants to and enter into contracts with eligible entities (as defined in section 1206(a)) for projects for the expansion and improvement of emergency medical services systems, including the acquisition of equipment and facilities, the modernization of facilities, and other projects to expand and improve such systems.

"(b) Subject to section 1206(f), the amount of any grant or contract under this section for a project shall not exceed 50 per centum of the cost of that project (as determined pursuant to regulations of the Secretary).

"GRANTS AND CONTRACTS FOR RESEARCH

"SEC. 1205. (a) The Secretary may make grants to public or private nonprofit entities, and enter into contracts with private entities and individuals, for the support of research in emergency medical techniques, methods, devices, and delivery.

"(b) No grant may be made or contract entered into under this section for amounts in excess of $35,000 unless the application therefor has been recommended for approval by an appropriate peer review panel designated or established by the Secretary. Any application for a grant or contract under this section shall be submitted in such form and manner, and contain such information, as the Secretary shall prescribe in regulations.

"(c) The recipient of a grant or contract under this section shall make such reports to the Secretary as the Secretary may require.

"GENERAL PROVISIONS RESPECTING GRANTS AND CONTRACTS

"SEC. 1206. (a) For purposes of sections 1202, 1203, and 1204, the term 'eligible entity' means—

"(1) a State,

"(2) a unit of general local government,

"(3) a public entity administering a compact or other regional arrangement or consortium, or

"(4) any other public entity and any nonprofit private entity.

"(b)(1) No grant or contract may be made under this title unless an application therefor has been submitted to, and approved by, the Secretary.

"(2) In considering applications submitted under this title, the Secretary shall give priority to applications submitted by the entities described in clauses (1), (2), and (3) of subsection (a).

"(3) No application for a grant or contract under section 1202 may be approved unless—

"(A) the application meets the application requirements of such section;

"(B) in the case of an application submitted by a public entity administering a compact or other regional arrangement or consortium, the compact or other regional arrangement or consortium includes each unit of general local government of each standard metropolitan statistical area (as determined by the Office of Management and Budget) located (in whole or in part) in the service area of the emergency medical services system for which the application is submitted;

"(C) in the case of an application submitted by an entity described in clause (4) of subsection (a), such entity has provided a copy of its application to each entity described in clauses (1), (2), and (3) of such subsection which is located (in whole or in part) in the service area of the emergency medical services system for which the application is submitted and has provided each such entity a reasonable opportunity to submit to the Secretary comments on the application;

"(D) the—

"(i) section 314(a) State health planning agency of each State in which the service area of the emergency medical services system for which the application is submitted will be located, and

"(ii) section 314(b) areawide health planning agency (if any) whose section 314(b) plan covers (in whole or in part) the service area of such system,

have had not less than thirty days (measured from the date a copy of the application was submitted to the agency by the applicant) in which to comment on the application;

"(E) the applicant agrees to maintain such records and make such reports to the Secretary as the Secretary determines are necessary to carry out the provisions of this title; and

"(F) the application is submitted in such form and such manner and contains such information (including specification of applicable provisions of law or regulations which restricts the full utilization of the training and skills of health professions and allied and other health personnel in the provision of health care services in such a system) as the Secretary shall prescribe in regulations.

"(4)(A) An application for a grant or contract under section 1203 or 1204 may not be approved by the Secretary unless (i) the application meets the requirements of subparagraphs (B) through (F) of paragraph (3), and (ii) except as provided in subparagraph (B)(ii), the applicant (I) demonstrates to the satisfaction of the Secretary that the emergency medical services system for which the application is submitted will, within the period specified in subparagraph (B)(i), meet each of the emergency medical services system requirements specified in subparagraph (C), and (II) provides in the application a plan satisfactory to the Secretary for the system to meet each such requirement within such period.

"(B)(i) The period within which an emergency medical services system must meet each of the requirements specified in subparagraph (A) is the period of the grant or contract for which application is made; except that if the applicant demonstrates to the satisfaction of the Secretary the inability of the applicant's emergency medical services system to meet one or more of such requirements within such period, the period (or periods) within which the system must meet such requirement (or requirements) is such period (or periods) as the Secretary may require.

"(ii) If an applicant submits an application for a grant or contract under section 1203 or 1204 and demonstrates to the satisfaction of the Secretary the inability of the system for which the application is submitted to meet one or more of the requirements specified in subparagraph (C) within any specific period of time, the demonstration and plan prerequisites prescribed by clause (ii) of subparagraph (A) shall not apply with respect to such requirement (or requirements) and the applicant shall provide in his application a plan satisfactory to the Secretary, for achieving appropriate alternatives to such requirement (or requirements).

"(C) An emergency medical services system shall—

"(i) include an adequate number of health professions, allied health professions, and other health personnel with appropriate training and experience;

"(ii) provide for its personnel appropriate training (including clinical training) and continuing education programs which (I) are coordinated with other programs in the system's service area which provide similar training and education, and (II) emphasize recruitment and necessary training of veterans of the Armed Forces with military training and experience in health care fields and of appropriate public safety personnel in such area;

"(iii) join the personnel, facilities, and equipment of the system by a central communications system so that requests for emergency health care services will be handled by a communications facility which (I) utilizes emergency medical telephone screening, (II) utilizes or, within such period as the Secretary prescribes will utilize the universal emergency telephone number 911, and (III) will have direct communication connections and interconnections with the personnel, facilities, and equipment of the system and with other appropriate emergency medical services systems;

"(iv) include an adequate number of necessary ground, air, and water vehicles and other transportation facilities to meet the individual characteristics of the system's service area—

"(I) which vehicles and facilities meet appropriate standards relating to location, design, performance, and equipment, and

"(II) the operators and other personnel for which vehicles and facilities meet appropriate training and experience requirements;

"(v) include an adequate number of easily accessible emergency medical services facilities which are collectively capable of providing services on a continuous basis, which have appropriate nonduplicative and categorized capabilities, which meet appropriate standards relating to capacity, location, personnel, and equipment, and which are coordinated with other health care facilities of the systems;

"(vi) provide access (including appropriate transportation) to specialized critical medical care units in the system's service area, or, if there are no such units or an inadequate number of them in such area, provide access to such units in neighboring areas if access to such units is feasible in terms of time and distance;

"(vii) provide for the effective utilization of the appropriate personnel, facilities, and equipment of each public safety agency providing emergency services in the system's service area;

"(viii) be organized in a manner that provides persons who reside in the system's service area and who have no professional training or financial interest in the provision of health care with an adequate opportunity to participate in the making of policy for the system;

"(ix) provide, without prior inquiry as to ability to pay, necessary emergency medical services to all patients requiring such services;

"(x) provide for transfer of patients to facilities and programs which offer such followup care and rehabilitation as is necessary to effect the maximum recovery of the patient;

"(xi) provide for a standardized patient recordkeeping system meeting appropriate standards established by the Secretary, which records shall cover the treatment of the patient from initial entry into the system through his discharge from it, and shall be consistent with ensuing patient records used in followup care and rehabilitation of the patient;

"(xii) provide programs of public education and information in the system's service area (taking into account the needs of visitors to, as well as residents of, that area to know or be able to learn immediately the means of obtaining emergency medical services) which programs stress the general dissemination of information regarding appropriate methods of medical self-help and first-aid and regarding the availability of first-aid training programs in the area;

"(xiii) provide for (I) periodic, comprehensive, and independent review and evaluation of the extent and quality of the emergency health care services provided in the system's service area, and (II) submission to the Secretary of the reports of each such review and evaluation;

"(xiv) have a plan to assure that the system will be capable of providing emergency medical services in the system's service area during mass casualties, natural disasters, or national emergencies; and

"(xv) provide for the establishment of appropriate arrangements with emergency medical services systems or similar entities serving neighboring areas for the provision of emergency medical services on a reciprocal basis where access to such services would be more appropriate and effective in terms of the services available, time, and distance.

The Secretary shall by regulations prescribe standards and criteria for the requirements prescribed by this subparagraph. In prescribing such standards and criteria, the Secretary shall consider relevant standards and criteria prescribed by other public agencies and by private organizations.

"(c) Payments under grants and contracts under this title may be made in advance or by way of reimbursement and in such installments and on such conditions as the Secretary determines will most effectively carry out this title.

"(d) Contracts may be entered into under this title without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"(e) No funds appropriated under any provision of this Act other than section 1207 or title VII may be used to make a new grant or contract in any fiscal year for a purpose for which a grant or contract is authorized by this title unless (1) all the funds authorized to be appropriated by section 1207 for such fiscal year have been appropriated and made available for obligation in such fiscal year, and (2) such new grant or contract is made in accordance with the requirements of this title that would be applicable to such grant or contract if it was made under this title. For purposes of this subsection, the term 'new grant or contract' means a grant or contract for a program or project for which an application was first submitted after the date of the enactment of the Act which makes the first appropriations under the authorizations contained in section 1207.

"(f)(1) In determining the amount of any grant or contract under section 1203 or 1204, the Secretary shall take into consideration the amount of funds available to the applicant from Federal grant or contract programs under laws other than this Act for any activity which the applicant proposes to undertake in connection with the establishment and operation or expansion and improvement of an emergency medical services system and for which the Secretary may authorize the use of funds under a grant or contract under sections 1203 and 1204.

"(2) The Secretary may not authorize the recipient of a grant or contract under section 1203 or 1204 to use funds under such grant or contract for any training program in connection with an emergency medical services system unless the applicant filed an application (as appropriate) under title VII or VIII for a grant or contract for such program and such application was not approved or was approved but for which no or inadequate funds were made available under such title.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1207. (a)(1) For the purpose of making payments pursuant to grants and contracts under sections 1202, 1203, and 1204, there are authorized to be appropriated $30,000,000 for the fiscal year ending June 30, 1974, and $60,000,000 for the fiscal year ending June 30, 1975; and for the purpose of making payments pursuant to grants and contracts under sections 1203 and 1204 for the fiscal year ending June 30, 1976, there are authorized to be appropriated $70,000,000.

"(2) Of the sums appropriated under paragraph (1) for any fiscal year not less than 15 per centum shall be made available for grants and contracts under this title for such fiscal year for emergency medical services systems which serve or will serve rural areas (as defined in regulations of the Secretary under section 1203(c)(5)).

"(3) Of the sums appropriated under paragraph (1) for the fiscal year ending June 30, 1974, or the succeeding fiscal year—

"(A) 15 per centum of such sums for each such fiscal year shall be made available only for grants and contracts under section 1202 (relating to feasibility studies and planning) for such fiscal year;

"(B) 60 per centum of such sums for each such fiscal year shall be made available only for grants and contracts under section 1203 (relating to establishment and initial operation) for such fiscal year; and

"(C) 25 per centum of such sums for each such fiscal year shall be made available only for grants and contracts under section 1204 (relating to expansion and improvement) for such fiscal year.

"(4) Of the sums appropriated under paragraph (1) for the fiscal year ending June 30, 1976—

"(A) 75 per centum of such sums shall be made available only for grants and contracts under section 1203 for such fiscal year, and

"(B) 25 per centum of such sums shall be made available only for grants and contracts under section 1204 for such fiscal year.

"(b) For the purpose of making payments pursuant to grants and contracts under section 1205 (relating to research), there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1974, and for each of the next two fiscal years.

"ADMINISTRATION

"SEC. 1208. The Secretary shall administer the program of grants and contracts authorized by this title through an identifiable administrative unit within the Department of Health, Education, and Welfare. Such unit shall also be responsible for collecting, analyzing, cataloging, and disseminating all data useful in the development and operation of emergency medical services systems, including data derived from reviews and evaluations of emergency medical services systems assisted under section 1203 or 1204.

"INTERAGENCY COMMITTEE ON EMERGENCY MEDICAL SERVICES

"SEC. 1209. (a) The Secretary shall establish an Interagency Committee on Emergency Medical Services. The Committee shall evaluate the adequacy and technical soundness of all Federal programs and activities which relate to emergency medical services and provide for the communication and exchange of information necessary to maintain the coordination and effectiveness of such programs and activities, and shall make recommendations to the Secretary respecting the administration of the program of grants and contracts under this title (including the making of regulations for such program).

"(b) The Secretary or his designee shall serve as Chairman of the Committee, the membership of which shall include (1) appropriate scientific, medical, or technical representation from the Department of Transportation, the Department of Justice, the Department of Defense, the Veterans' Administration, the National Science Foundation, the Federal Communications Commission, the National Academy of Sciences, and such other Federal agencies and offices (including appropriate agencies and offices of the Department of Health, Education, and Welfare), as the Secretary affecting the functions or responsibilities of emergency medical services systems, and (2) five individuals from the general public appointed by the President from individuals who by virtue of their training or experience are particularly qualified to participate in the performance of the Committee's functions. The Committee shall meet at the call of the Chairman, but not less often than four times a year.

"(c) Each appointed member of the Committee shall be appointed for a term of four years, except that—

"(1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and

"(2) of the members first appointed, two shall be appointed for a term of four years, two shall be appointed for a term of three years, and one shall be appointed for a term of one year, as designated by the President at the time of appointment.

Appointed members may serve after the expiration of their terms until their successors have taken office.

"(d) Appointed members of the Committee shall receive for each day they are engaged in the performance of the functions of the Committee compensation at rates not to exceed the daily equivalent of the annual rate in effect for grade GS-18 of the General Schedule, including traveltime; and all members, while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as such expenses are authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(e) The Secretary shall make available to the Committee such staff, information (including copies of reports of reviews and evaluations of emergency medical services systems assisted under section 1203 or 1204), and other assistance as it may require to carry out its activities effectively.

"ANNUAL REPORT

"SEC. 1210. The Secretary shall prepare and submit annually to the Congress a report on the administration of this title. Each report shall include an evaluation of the adequacy of the provision of emergency medical services in the United States during the period covered by the report, and evaluation of the extent to which the needs for such services are being adequately met through assistance provided under this title, and his recommendations for such legislation as he determines is required to provide emergency medical services at a level adequate to meet such needs. The first report under this section shall be submitted not later than September 30, 1974, and shall cover the fiscal year ending June 30, 1974."

(b)(1) Section 1 of the Public Health

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Service Act is amended by striking out "titles I to XI" and inserting in lieu thereof "titles I to XII".

(2) The Act of July 1, 1944 (58 Stat. 682), as amended, is further amended by renumbering title XII (as in effect prior to the date of enactment of this Act) as title XIII, and by renumbering sections 1201 through 1214 (as in effect prior to such date), and references thereto, as sections 1301 through 1314, respectively.

TRAINING ASSISTANCE

SEC. 3. (a) Part E of title VII of the Public Health Service Act is amended by inserting after section 775 the following new section:

"TRAINING IN EMERGENCY MEDICAL SERVICES

"SEC. 776. (a) The Secretary may make grants to and enter into contracts with schools of medicine, dentistry, osteopathy, and nursing, training centers for allied health professions, and other appropriate educational entities to assist in meeting the cost of training programs in the techniques and methods of providing emergency medical services (including the skills required in connection with the provision of ambulance service), especially training programs affording clinical experience in emergency medical services systems receiving assistance under title XII of this Act.

"(b) No grant or contract may be made or entered into under this section unless (1) the applicant is a public or nonprofit private entity, and (2) an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall by regulation prescribe.

"(c) The amount of any grant or contract under this section shall be determined by the Secretary. Payments under grants and contracts under this section may be made in advance or by way of reimbursement and at such intervals and on such conditions as the Secretary finds necessary. Grantees and contractees under this section shall make such reports at such intervals, and containing such information, as the Secretary may require.

"(d) Contracts may be entered into under this section without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"(e) For the purpose of making payments pursuant to grants and contracts under this section, there are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1974."

(b) Section 772(a) of such Act (42 U.S.C. 295f-2(a)) is amended—

(1) by striking out "or" at the end of paragraph (12),

(2) by striking out the period at the end of paragraph (13) and inserting in lieu thereof "; or", and

(3) by inserting after paragraph (13) the following new paragraph:

"(14) establish and operate programs in the interdisciplinary training of health personnel for the provision of emergency medical services, with particular emphasis on the establishment and operation of training programs affording clinical experience in emergency medical services systems receiving assistance under title XII of this Act."

(c) Section 774(a)(1)(D) of such Act (42 U.S.C. 295f-4(a)(1)(D)) is amended by inserting "(including emergency medical services" after "services" each time it appears.

STUDY

SEC. 4. The Secretary of Health, Education, and Welfare shall conduct a study to determine the legal barriers to the effective delivery of medical care under emergency conditions. The study shall include consideration of the need for a uniform conflict of laws rule prescribing the law applicable to the provision of emergency medical services to persons in the course of travels on interstate common carriers. Within twelve months of the date of the enactment of this Act, the Secretary shall report to the Congress the results of such study and recommendations for such legislation as may be necessary to overcome such barriers and provide such rule.

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

AMENDMENT OFFERED BY MR. ROY

Mr. ROY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROY: Page 7, insert "(i)" after "exceed" in line 21, and insert before the period at the end of line 22 the following: ", or (ii) in the case of a project for an emergency medical services system for a rural area, 75 per centum of the cost of that project (as so determined)".

Mr. ROY. Mr. Chairman, the amendment is a simple amendment.

Under the section on grants and contracts for expansion and improvement of Emergency Medical Services Systems, there is permission for grants and contracts not to exceed 50 percent in all other areas.

The amendment provides for the Secretary to go to 75 percent in rural areas.

The purpose of this is that in rural areas financial resources are frequently less and often rural areas have more to do to develop their medical services systems than urban areas.

Mr. STAGGERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am agreeable to the amendment.

Mr. NELSEN. Mr. Chairman, I move to strike the last word.

I just want to comment that in the hearings in our committee, two of our members were very concerned about the rural areas and the lack of assurances that an adequate effort will be made to support EMS programs in these localities.

The two gentlemen I speak of are Dr. CARTER and Dr. ROY. Both these doctors ought to know this subject. Both these gentlemen today got the idea and are going to offer an amendment. They agreed on it and are going down the road together in support of this amendment, which I believe makes this an even more acceptable bill that will do a better job.

Mr. GROSS. Mr. Chairman, I move to strike the penultimate word.

Mr. Chairman, far be it from me to strike a discordant note in this love feast that is going on now with respect to this bill.

I would just like to ask the Chairman of the Committee one simple question, and that is:

How much is this bill going to cost in total?

Mr. STAGGERS. Mr. Chairman, if the gentleman will yield, the total authorization is $185 million for a 3-year period, and we hope, I will inform the gentleman from Iowa, that at the end of that time we will not have to come back.

Mr. GROSS. Did the gentleman say the figure is $185 million?

Mr. STAGGERS. The gentleman is correct. That is less than $63 million a year.

Mr. GROSS. Mr. Chairman, I will not ask the gentleman the $64 question or the $164 question, which is: Where he proposes to get the money for this new and costly program.

I will simply thank him for his response, wish the taxpayers a good afternoon and yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas (Mr. ROY).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CARTER

Mr. CARTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CARTER: Page 18, line 23, strike out "15 per centum" and insert in lieu thereof "20 per centum".

Mr. CARTER. Mr. Chairman, I will be quite brief.

As it happens, 66 percent of the accidental deaths occurring in the United States occur in rural areas. The rural areas, we can see, are ill prepared at the present time to take care of these accidents, and that is one of the reasons why we have so many of these deaths.

This amendment would provide that 20 percent of the funds authorized would go to rural areas. It is just that short and simple, and I urge support of this amendment.

I am happy to have worked closely with the distinguished gentleman from Kansas (Mr. ROY) toward the development of amendments emphasizing the needs of our rural areas.

The bill itself will be helpful in supplying emergency medical care to the sick and injured throughout our country. Transportation will be afforded by means of this bill by land, air, or water to assist those who are injured or who are sick.

Funds for training physicians, doctors, dentists and allied medical professionals in emergency medical services will be supported by the Federal Government so that if seriously sick or dangerously injured an individual will receive the best in emergency medical care.

Mr. STAGGERS. Mr. Chairman, I move to strike the requisite number of words.

I would like to commend the gentleman from Kentucky and the gentleman from Kansas for offering the amendments they have. I think they are really essential in order to make this a good bill. It is a good bill now, but they make it more equitable and it goes to the very heart of the problem, Dr. CARTER has said.

Sixty-six percent of accidents in these rural areas occur and they are ill prepared to handle them and need help.

This side of the committee accepts it, and I personally accept it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky (Mr. CARTER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ROY

Mr. ROY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROY: Page 8, insert at the end of line 3 the following: "The Secretary shall give special consideration to applications for grants or contracts for research relating to the delivery of emergency medical services in rural areas."

Mr. ROY. Mr. Chairman, I think the amendment speaks for itself. Again this is a part of the three amendments on which I worked with the distinguished gentleman from Kentucky (Mr. CARTER).

This simply states that the Secretary is directed by the legislation to give special consideration for applications and grants for research relating to the delivery of emergency medical services, again emphasizing the rural areas.

Mr. STAGGERS. Mr. Chairman, I move to strike the requisite number of words.

I might say this is a part of the agreement worked out. I think this, too, is very essential for the rural areas. I am prepared to accept the amendment, and all on this side are, too.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas (Mr. ROY).

The amendment was agreed to.

The CHAIRMAN. Are there any further amendments? If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MATSUNAGA, Chairman of the Committee of the Whole House on the State of the Union, reported that that committee having had under consideration the bill (H.R. 10956) Emergency Medical Services Systems Act of 1973, pursuant to House Resolution 655, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. STAGGERS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 364, nays 18, not voting 52, as follows:

[Roll No. 552]

YEAS—364

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Arends
Armstrong
Ashbrook
Ashley
Aspin
Badillo
Baker
Barrett
Bauman
Beard
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Boggs
Boland
Bowen
Brademas
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Butler
Byron
Camp
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clay
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Conable
Conte
Corman
Cotter
Coughlin
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dent
Devine
Dickinson
Diggs
Donohue
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Grasso
Green, Pa.
Griffiths
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Idaho
Harsha
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Hosmer
Howard
Huber
Hudnut
Hungate
Hunt
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kemp
King
Kluczynski
Koch
Kuykendall
Kyros
Landrum
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKinney
McSpadden
Madden
Madigan
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Miller
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Morgan
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Rangel
Regula
Reuss
Rhodes
Rinaldo
Roberts
Robison, N.Y.
Roe
Rogers
Roncalio, Wyo.
Roncalio, N.Y.
Rooney, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Sarasin
Sarbanes
Satterfield
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shuster
Sikes
Skubitz
Smith, Iowa
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steelman
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Udall
Ullman
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—18

Archer
Burleson, Tex.
Collins, Tex.
Crane
Dennis
Flynt
Gross
Hutchinson
Ichord
Landgrebe
Mahon
Rarick
Robinson, Va.
Smith, N.Y.
Steiger, Ariz.
Symms
Treen
Wiggins

NOT VOTING—52

Bafalis
Blackburn
Blatnik
Bolling
Brasco
Brown, Ohio
Buchanan
Burke, Fla.
Burton
Clawson, Del
Conlan
Conyers
Derwinski
Dingell
Dorn
Gettys
Gray
Green, Oreg.
Grover
Gubser
Hansen, Wash.
Harrington
Harvey
Hastings
Hawkins
Johnson, Colo.
Ketchum
Macdonald
Mailliard
Milford
Mills, Ark.
Moorhead, Pa.
Mosher
Moss
Myers
Randall
Rees
Reid
Riegle
Rodino
Ryan
St Germain
Sandman
Saylor
Shriver
Sisk
Slack
Steele
Teague, Tex.
Van Deerlin
Waldie
Wright

So the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Blatnik with Mr. Moorhead of Pennsylvania.

Mr. Rodino with Mr. Ryan.

Mrs. Hansen of Washington with Mr. Waldie.

Mr. Teague of Texas with Mr. Wright.

Mr. Harrington with Mr. Shriver.

Mr. Brasco with Mr. Mailliard.

Mr. Burton with Mr. Harvey.

Mr. Macdonald with Mr. Burke of Florida.

Mr. Mills of Arkansas with Mr. Del Clawson.

Mr. Moss with Mr. Hastings.

Mr. Reid with Mr. Buchanan.

Mr. Sisk with Mr. Grover.

Mr. St Germain with Mr. Conlon.

Mr. Conyers with Mr. Rees.

Mr. Dingell with Mr. Hawkins.

Mr. Gettys with Mr. Myers.

Mr. Dorn with Mr. Bafalis.

Mr. Gray with Mr. Sandman.

Mrs. Green of Oregon with Mr. Mosher.

Mr. Randall with Mr. Blackburn.

Mr. Milford with Mr. Saylor.

Mr. Riegle with Mr. Derwinski.

Mr. Slack with Mr. Brown of Ohio.

Mr. Van Deerlin with Mr. Steele.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of House Resolution 655, the Committee on Interstate and Foreign Commerce is discharged from the further consideration of the Senate bill (S. 2410) to amend the Public Health Service Act to provide assistance and encouragement for the development of comprehensive area emergency medical service systems.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STAGGERS moves to strike out all after the enacting clause of the bill S. 2410 and to insert in lieu thereof the provisions of H.R. 10956, as passed, as amended, as follows:

SHORT TITLE

SECTION 1. This Act may be cited as the "Emergency Medical Services Systems Act of 1973".

EMERGENCY MEDICAL SERVICES SYSTEM

SEC. 2. (a) The Public Health Service Act is amended by adding at the end thereof the following new title:

"TITLE XII—EMERGENCY MEDICAL SERVICES SYSTEMS

"DEFINITIONS

"SEC. 1201. For purposes of this title:

"(1) The term 'emergency medical services system' means a system which provides for the arrangement of personnel, facilities, and equipment for the effective and coordinated delivery in an appropriate geographical area of health care services under emergency conditions (occurring either as a result of the patient's condition or of natural disasters or similar situations) and which is administered by a public or nonprofit private entity which has the authority and the resources to provide effective administration of the system.

"(2) The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

"(3) The term 'modernization' means the alteration, major repair (to the extent permitted by regulations), remodeling, and renovation of existing buildings (including initial equipment thereof), and replacement of obsolete, built-in (as determined in accordance with regulations) equipment of existing buildings.

"(4) The term 'section 314(a) State health planning agency' means the agency of a State which administers or supervises the administration of a State's health planning functions under a State plan approved under section 314(a).

"(5) The term 'section 314(b) areawide health planning agency' means a public or nonprofit private agency or organization which has developed a comprehensive regional, metropolitan, or other local area plan or plans referred to in section 314(b), and the term 'section 314(b) plan' means a comprehensive regional, metropolitan, or other local area plan or plans referred to in section 314(b).

"GRANTS AND CONTRACTS FOR FEASIBILITY STUDIES AND PLANNING

"SEC. 1202. (a) The Secretary may make grants to and enter into contracts with eligible entities (as defined in section 1206(a)) for projects which include both (1) studying the feasibility of establishing (through expansion or improvement of existing services or otherwise) and operating an emergency medical services system, and (2) planning the establishment and operation of such a system.

"(b) If the Secretary makes a grant or enters into a contract under this section for a study and planning project respecting an emergency medical services system for a particular geographical area, the Secretary may not make any other grant or enter into any other contract under this section for such project, and he may not make a grant or enter into a contract under this section for any other study and planning project respecting an emergency medical services system for the same area or for an area which includes (in whole or substantial part) such area.

"(c) Reports of the results of any study and planning project assisted under this section shall be submitted to the Secretary and the Interagency Committee on Emergency Medical Services at such intervals as the Secretary may prescribe, and a final report of such results shall be submitted to the Secretary and such Committee not later than one year from the date the grant was made or the contract entered into, as the case may be.

"(d) An application for a grant or contract under this section shall—

"(1) demonstrate to the satisfaction of the Secretary the need of the area for which the study and planning will be done for an emergency medical services system;

"(2) contain assurances satisfactory to the Secretary that the applicant is qualified to plan an emergency medical services system for such area; and

"(3) contain assurances satisfactory to the Secretary that the planning will be conducted in cooperation (A) with each section 314(b) areawide health planning agency whose section 314(b) plan covers (in whole or in part) such area, and (B) with any emergency medical services council or other entity responsible for review and evaluation of the provision of emergency medical services in such area.

"(e) The amount of any grant under this section shall be determined by the Secretary.

"GRANTS AND CONTRACTS FOR ESTABLISHING AND INITIAL OPERATION

"SEC. 1203. (a) The Secretary may make grants to and enter into contracts with eligible entities (as defined in section 1206 (a)) for the establishment and initial operation of emergency medical services systems.

"(b) Special consideration shall be given to applications for grants and contracts for systems which will coordinate with statewide emergency medical services system.

"(c) (1) Grants and contracts under this section may be used for the modernization of facilities for emergency medical services systems and other costs of establishment and initial operation.

"(2) Each grant or contract under this section shall be made for costs of establishment and operation in the year for which the grant or contract is made. If a grant or contract is made under this section for a system, the Secretary may make one additional grant or contract for that system if he determines, after a review of the first nine months' activities of the applicant carried out under the first grant or contract, that the applicant is satisfactorily progressing in the establishment and operation of the system in accordance with the plan contained in his application (pursuant to section 1206(b)(4)) for the first grant or contract.

"(3) No grant or contract may be made under this section for the fiscal year ending June 30, 1976, to an entity which did not receive a grant or contract under this section for the preceding fiscal year.

"(4) Subject to section 1206(f)—

"(A) the amount of the first grant or contract under this section for an emergency medical services system may not exceed (i) 50 per centum of the establishment and operation costs (as determined pursuant to regulations of the Secretary) of the system for the year for which the grant or contract is made, or (ii) in the case of applications which demonstrate an exceptional need for financial assistance, 75 per centum of such costs for such year; and

"(B) the amount of the second grant or contract under this section for a system may not exceed (i) 25 per centum of the establishment and operation costs (as determined pursuant to regulations of the Secretary) of the system for the year for which the grant or contract is made, or (ii) in the case of applications which demonstrate an exceptional need for financial assistance, 50 per centum of such costs for such year.

"(5) In considering applications which demonstrate exceptional need for financial assistance, the Secretary shall give special consideration to applications submitted for emergency medical services systems for rural areas (as defined in regulations of the Secretary).

"GRANTS AND CONTRACTS FOR EXPANSION AND IMPROVEMENT

"SEC. 1204. (a) The Secretary may make grants to and enter into contracts with eligible entities (as defined in section 1206(a)) for projects for the expansion and improvement of emergency medical services systems, including the acquisition of equipment and facilities, the modernization of facilities, and other projects to expand and improve such systems.

"(b) Subject to section 1206(f), the amount of any grant or contract under this section for a project shall not exceed (i) 50 per centum of the cost of that project (as determined pursuant to regulations of the Secretary, or (ii) in the case of a project for an emergency medical services system for a rural area, 75 per centum of the cost of that project (as so determined).

"GRANTS AND CONTRACTS FOR RESEARCH

"SEC. 1205. (a) The Secretary may make grants to public or private nonprofit entities, and enter into contracts with private entities and individuals, for the support of research in emergency medical techniques, methods, devices, and delivery. The Secretary shall give special consideration to applications for grants or contracts for research relating to the delivery of emergency medical services in rural areas.

"(b) No grant may be made or contract entered into under this section for amounts in excess of $35,000 unless the application therefor has been recommended for approval by an appropriate peer review panel designated or established by the Secretary. Any application for a grant or contract under this section shall be submitted in such form and manner, and contain such information, as the Secretary shall prescribe in regulations.

"(c) The recipient of a grant or contract under this section shall make such reports to the Secretary as the Secretary may require.

"GENERAL PROVISIONS RESPECTING GRANTS AND CONTRACTS

"SEC. 1206. (a) For purposes of sections 1202, 1203, and 1204, the term 'eligible entity' means—

"(1) a State,

"(2) a unit of general local government,

"(3) a public entity administering a compact or other regional arrangement or consortium, or

"(4) any other public entity and any nonprofit private entity.

"(b) (1) No grant or contract may be made under this title unless an application therefor has been submitted to, and approved by, the Secretary.

"(2) In considering applications submitted under this title, the Secretary shall give priority to applications submitted by the entities described in clauses (1), (2), and (3) of subsection (a).

"(3) No application for a grant or contract under section 1202 may be approved unless—

"(A) the application meets the application requirements of such section;

"(B) in the case of an application submitted by a public entity administering a compact or other regional arrangement or consortium, the compact or other regional arrangement or consortium includes each unit of general local government of each standard metropolitan statistical area (as determined by the Office of Management and Budget) located (in whole or in part) in the service area of the emergency medical services system for which the application is submitted;

"(C) in the case of an application submitted by an entity described in clause (4) of subsection (a), such entity has provided a copy of its application to each entity described in clauses (1), (2), and (3) of such subsection which is located (in whole or in part) in the service area of the emergency medical services system for which the application is submitted and has provided each such entity a reasonable opportunity to submit to the Secretary comments on the application;

"(D) the—

"(i) section 314(a) State health planning agency of each State in which the service area of the emergency medical services system for which the application is submitted will be located, and

"(ii) section 314(b) areawide health planning agency (if any) whose section 314(b) plan covers (in whole or in part) the service area of such system, have had not less than thirty days (measured from the date a copy of the application was submitted to the agency by the applicant) in which to comment on the application;

"(E) the applicant agrees to maintain such records and make such reports to the Secretary as the Secretary determines are necessary to carry out the provisions of this title; and

"(F) the application is submitted in such form and such manner and contains such information (including specification of applicable provisions of law or regulations which restrict the full utilization of the training and skills of health professions and allied and other health personnel in the provision of health care services in such a system) as the Secretary shall prescribe in regulations.

"(4) (A) An application for a grant or contract under section 1203 or 1204 may not be approved by the Secretary unless (i) the application meets the requirements of subparagraphs (B) through (F) of paragraph (3), and (ii) except as provided in subparagraph (B)(ii), the applicant (I) demonstrates to the satisfaction of the Secretary that the emergency medical services system for which the application is submitted will, within the period specified in subparagraph (B)(i), meet each of the emergency medical services system requirements specified in subparagraph (C), and (II) provides in the application a plan satisfactory to the Secretary for the system to meet each such requirement within such period.

"(B) (i) The period within which an emergency medical services system must meet each of the requirements specified in subparagraph (A) is the period of the grant or contract for which application is made; except that if the applicant demonstrates to the satisfaction of the Secretary the inability of the applicant's emergency medical services system to meet one or more of such requirements within such period, the period (or periods within which the system must meet such requirement (or requirements) is such period (or periods) as the Secretary may require.

"(ii) If an applicant submits an application for a grant or contract under section 1203 or 1204 and demonstrates to the satisfaction of the Secretary the inability of the system for which the application is submitted to meet one or more of the requirements specified in subparagraph (C) within any specific period of time, the demonstration and plan prerequisites prescribed by clause (ii) of subparagraph (A) shall not apply with respect to such requirement (or requirements) and the applicant shall provide in his application a plan, satisfactory to the Secretary, for achieving appropriate alternatives to such requirement (or requirements).

"(C) An emergency medical services system shall—

"(i) include an adequate number of health professions, allied health professions, and other health personnel with appropriate training and experience;

"(ii) provide for its personnel appropriate training (including clinical training) and continuing education programs which (I) are coordinated with other programs in the system's service area which provide similar training and education, and (II) emphasize recruitment and necessary training of veterans of the Armed Forces with military training and experience in health care fields and of appropriate public safety personnel in such area;

"(iii) join the personnel, facilities, and equipment of the system by a central communications system so that requests for emergency health care services will be handled by a communications facility which (I) utilizes emergency medical telephonic screening, (II) utilizes or, within such period as the Secretary prescribes will utilize, the universal emergency telephone number 911, and (III) will have direct communication connections and interconnections with the personnel, facilities, and equipment of the system and with other appropriate emergency medical services systems;

"(iv) include an adequate number of necessary ground, air, and water vehicles and other transportation facilities to meet the individual characteristics of the system's service area—

"(I) which vehicles and facilities meet appropriate standards relating to location, design, performance, and equipment, and

"(II) the operators and other personnel for which vehicles and facilities meet appropriate training and experience requirements;

"(v) include an adequate number of easily accessible emergency medical services facilities which are collectively capable of providing services on a continuous basis, which have appropriate nonduplicative and categorized capabilities, which meet appropriate standards relating to capacity, location, personnel, and equipment, and which are coordinated with other health care facilities of the system;

"(vi) provide access (including appropriate transportation) to specialized critical medical care units in the system's service area, or, if there are no such units or an inadequate number of them in such area, provide access to such units in neighboring areas if access to such units is feasible in terms of time and distance;

"(vii) provide for the effective utilization of the appropriate personnel, facilities, and equipment of each public safety agency providing emergency services in the system's service area;

"(viii) be organized in a manner that provides persons who reside in the system's service area and who have no professional training or financial interest in the provision of health care with an adequate opportunity to participate in the making of policy for the system;

"(ix) provide, without prior inquiry as to ability to pay, necessary emergency medical services to all patients requiring such services;

"(x) provide for transfer of patients to facilities and programs which offer such followup care and rehabilitation as is necessary to effect such followup care and rehabilitation as is necessary to effect the maximum recovery of the patient;

"(xi) provide for a standardized patient recordkeeping system meeting appropriate standards established by the Secretary, which records shall cover the treatment of the patient from initial entry into the system through his discharge from it, and shall be consistent with ensuing patient records used in followup care and rehabilitation of the patient;

"(xii) provide programs of public education and information in the system's service area (taking into account the needs of visitors to, as well as residents of, that area to know or be able to learn immediately the means of obtaining emergency medical services) which programs stress the general dissemination of information regarding appropriate methods of medical self-help and first-aid and regarding the availability of first-aid training programs in the area;

"(xiii) provide for (I) periodic, comprehensive, and independent review and evaluation of the extent and quality of the emergency health care services provided in the system's service area, and (II) submission to the Secretary of the reports of each such review and evaluation;

"(xiv) have a plan to assure that the system will be capable of providing emergency medical services in the system's service area during mass casualties, natural disasters, or national emergencies; and

"(xv) provide for the establishment of appropriate arrangements with emergency medical services systems or similar entities serving neighboring areas for the provision of emergency medical services on a reciprocal basis where access to such services would be more appropriate and effective in terms of the services available, time, and distance.

The Secretary shall by regulations prescribe standards and criteria for the requirements prescribed by this subparagraph. In prescribing such standards and criteria, the Secretary shall consider relevant standards and criteria prescribed by other public agencies and by private organizations.

"(c) Payments under grants and contracts under this title may be made in advance or by way of reimbursement and in such installments and on such conditions as the Secretary determines will most effectively carry out this title.

"(d) Contracts may be entered into under this title without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"(e) No funds appropriated under any provision of this Act other than section 1207 or title VII may be used to make a new grant or contract in any fiscal year for a purpose for which a grant or contract is authorized by this title unless (1) all the funds authorized to be appropriated by section 1207 for such fiscal year have been appropriated and made available for obligation in such fiscal year, and (2) such new grant or contract is made in accordance with the requirements of this title that would be applicable to such grant or contract if it was made under this title. For purposes of this subsection the term 'new grant or contract' means a grant or contract for a program or project for which an application was first submitted after the date of the enactment of the Act which makes the first appropriations under the authorizations contained in section 1207.

"(f) (1) In determining the amount of any grant or contract under section 1203 or 1204, the Secretary shall take into consideration the amount of funds available to the applicant from Federal grant or contract programs under laws other than this Act for any activity which the applicant proposes to undertake in connection with the establishment and operation or expansion and improvement of an emergency medical services system and for which the Secretary may authorize the use of funds under a grant or contract under sections 1203 and 1204.

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"(2) The Secretary may not authorize the recipient of a grant or contract under section 1203 or 1204 to use funds under such grant or contract for any training program in connection with an emergency medical services system unless the applicant filed an application (as appropriate) under title VII or VIII for a grant or contract for such program and such application was not approved or was approved but for which no or inadequate funds were made available under such title.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1207. (a) (1) For the purpose of making payments pursuant to grants and contracts under sections 1202, 1203, and 1204, there are authorized to be appropriated $30,000,000 for the fiscal year ending June 30, 1974, and $60,000,000 for the fiscal year ending June 3, 1975; and for the purpose of making payments pursuant to grants and contracts under sections 1203 and 1204 for the fiscal year ending June 30, 1976, there are authorized to be appropriated $70,000,000.

"(2) Of the sums appropriated under paragraph (1) for any fiscal year, not less than 20 per centum shall be made available for grants and contracts under this title for such fiscal year for emergency medical services systems which serve or will serve rural areas (as defined in regulations of the Secretary under section 1203(c)(5)).

"(3) Of the sums appropriated under paragraph (1) for the fiscal year ending June 30, 1974, or the succeeding fiscal year—

"(A) 15 per centum of such sums for each such fiscal year shall be made available only for grants and contracts under section 1202 (relating to feasibility studies and planning) for such fiscal year;

"(B) 60 per centum of such sums for each such fiscal year shall be made available only for grants and contracts under section 1203 (relating to establishment and initial operation) for such fiscal year; and

"(C) 25 per centum of such sums for each such fiscal year shall be made available only for grants and contracts under section 1204 (relating to expansion and improvement) for such fiscal year.

"(4) Of the sums appropriated under paragraph (1) for the fiscal year ending June 30, 1976—

"(A) 75 per centum of such sums shall be made available only for grants and contracts under section 1203 for such fiscal year, and

"(B) 25 per centum of such sums shall be made available only for grants and contracts under section 1204 for such fiscal year.

"(b) For the purpose of making payments pursuant to grants and contracts under section 1205 (relating to research), there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1974, and for each of the next two fiscal years.

"ADMINISTRATION

"SEC. 1208. The Secretary shall administer the program of grants and contracts authorized by this title through an identifiable administrative unit within the Department of Health, Education, and Welfare. Such unit shall also be responsible for collecting, analyzing, cataloging, and disseminating all data useful in the development and operation of emergency medical services systems, including data derived from reviews and evaluations of emergency medical services systems assisted under section 1203 or 1204.

"INTERAGENCY COMMITTEE ON EMERGENCY MEDICAL SERVICES

"SEC. 1209. (a) The Secretary shall establish an Interagency Committee on Emergency Medical Services. The Committee shall evaluate the adequacy and technical soundness of all Federal programs and activities which relate to emergency medical services and provide for the communication and exchange of information necessary to maintain the coordination and effectiveness of such programs and activities, and shall make recommendations to the Secretary respecting the administration of the program of grants and contracts under this title (including the making of regulations for such program).

"(b) The Secretary or his designee shall serve as Chairman of the Committee, the membership of which shall include (1) appropriate scientific, medical, or technical representation from the Department of Transportation, the Department of Justice, the Department of Defense, the Veterans' Administration, the National Science Foundation, the Federal Communications Commission, the National Academy of Sciences, and such other Federal agencies and offices (including appropriate agencies and offices of the Department of Health, Education, and Welfare), as the Secretary determines administer programs directly affecting the functions or responsibilities of emergency medical services systems, and (2) five individuals from the general public appointed by the President from individuals who by virtue of their training or experience are particularly qualified to participate in the performance of the Committee's functions. The Committee shall meet at the call of the Chairman, but not less often than four times a year.

"(c) Each appointed member of the Committee shall be appointed for a term of four years, except that—

"(1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and

"(2) of the members first appointed, two shall be appointed for a term of four years, two shall be appointed for a term of three years, and one shall be appointed for a term of one year, as designated by the President at the time of appointment.

Appointed members may serve after the expiration of their terms until their successors have taken office.

"(d) Appointed members of the Committee shall receive for each day they are engaged in the performance of the functions of the Committee compensation at rates not to exceed the daily equivalent of the annual rate in effect for grade GS-18 of the General Schedule, including traveltime; and all members, while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as such expenses are authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(e) The Security shall make available to the Committee such staff, information (including copies of reports of reviews and evaluations of emergency medical services systems assisted under section 1203 or 1204), and other assistance as it may require to carry out its activities effectively.

"ANNUAL REPORT

"SEC. 1210. The Secretary shall prepare and submit annually to the Congress a report on the administration of this title. Each report shall include an evaluation of the adequacy of the provision of emergency medical services in the United States during the period covered by the report, and evaluation of the extent to which the needs for such services are being adequately met through assistance provided under this title, and his recommendations for such legislation as he determines is required to provide emergency medical services at a level adequate to meet such needs. The first report under this section shall be submitted not later than September 30, 1974, and shall cover the fiscal year ending June 30, 1974."

(b)(1) Section 1 of the Public Health Service Act is amended by striking out "titles I to XI" and inserting in lieu thereof "titles I to XII".

(2) The Act of July 1, 1944 (58 Stat. 682), as amended, is further amended by renumbering title XII (as in effect prior to the date of enactment of this Act) as title XIII, and by renumbering sections 1201 through 1214 (as in effect prior to such date), and references thereto, as sections 1301 through 1314, respectively.

TRAINING ASSISTANCE

SEC. 3. (a) Part E of title VII of the Public Health Service Act is amended by inserting after section 775 the following new section:

"TRAINING IN EMERGENCY MEDICAL SERVICES

"SEC. 776. (a) The Secretary may make grants to and enter into contracts with schools of medicine, dentistry, osteopathy, and nursing, training centers for allied health professions, and other appropriate educational entities to assist in meeting the cost of training programs in the techniques and methods of providing emergency medical services (including the skills required in connection with the provision of ambulance service), especially training programs affording clinical experience in emergency medical services systems receiving assistance under title XII of this Act.

"(b) No grant or contract may be made or entered into under this section unless (1) the applicant is a public or nonprofit private entity, and (2) an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall by regulation prescribe.

"(c) The amount of any grant or contract under this section shall be determined by the Secretary. Payments under grants and contracts under this section may be made in advance or by way of reimbursement and at such intervals and on such conditions as the Secretary finds necessary. Grantees and contractees under this section shall make such reports at such intervals, and containing such information, as the Secretary may require.

"(d) Contracts may be entered into under this section without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"(e) For the purpose of making payments pursuant to grants and contracts under this section, there are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1974."

(b) Section 772(a) of such Act (42 U.S.C. 295f-2(a)) is amended—

(1) by striking out "or" at the end of paragraph (12),

(2) by striking out the period at the end of paragraph (13) and inserting in lieu thereof "; or", and

(3) by inserting after paragraph (13) the following new paragraph:

"(14) establish and operate programs in the interdisciplinary training of health personnel for the provision of emergency medical services, with particular emphasis on the establishment and operation of training programs affording clinical experience in emergency medical services systems receiving assistance under title XII of this Act."

(c) Section 774(a)(1)(D) of such Act (42 U.S.C. 295f-4(a)(1)(D)) is amended by inserting "(including emergency medical services" after "services" each time it appears.

STUDY

SEC. 4. The Secretary of Health, Education, and Welfare shall conduct a study to determine the legal barriers to the effective delivery of medical care under emergency conditions. The study shall include consideration of the need for a uniform conflict of laws rule prescribing the law applicable to the provision of emergency medical services to persons in the course of travels on interstate common carriers. Within twelve months of the date of the enactment of this Act, the Secretary shall report to the Congress the results of such study and recommendations for such legislation as may be necessary to overcome such barriers and provide such role.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 10956) was laid on the table.

GENERAL LEAVE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to further request of the gentleman from West Virginia?

There was no objection.

PERSONAL EXPLANATION

Mr. RODINO. Mr. Speaker, I would like to announce that I was on important committee business and that I failed to vote on the vote which was just taken. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. RANDALL. Mr. Speaker, I unavoidably missed the vote on the bill just passed due to official business.

Had I been present, I would have voted "aye."

PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO FILE REPORT

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means have until midnight tonight to file the report on H.R. 11104, to provide for a temporary increase in the public debt ceiling, along with any supplemental and/or minority views.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of inquiring of the distinguished majority leader the program for the remainder of the week, if any, and the schedule for next week.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I am happy to yield to my friend from Massachusetts.

Mr. O'NEILL. I shall be happy to respond to the gentleman's inquiry.

Mr. Speaker, the program for the House of Representatives for the week of October 29, 1973, is as follows:

Monday, there will be no legislative business. The House will be in session.

Tuesday, there will be consideration of H.R. 9456, the drug abuse education extension bill, under an open rule with 1 hour of debate.

Wednesday, there are scheduled S. 1081, the conference report on the trans-Alaskan pipeline authorization, and the bill providing for the public debt limit increase, subject to a rule being granted.

For Thursday and the balance of the week, there are scheduled the vote on the veto override of House Joint Resolution 542, the war powers resolution; and H.R. 10265, audits of the Federal Reserve Board, subject to a rule being granted.

Conference reports may be brought up at any time, and any further program will be announced later.

I am sure Members are aware of the fact that there are many important conference committees meeting on pending legislation at the present time, and it could very well be that during the course of the week, after Monday, we will have conference reports to consider.

ADJOURNMENT OVER TO MONDAY, OCTOBER 29, 1973

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. GROSS. Mr. Speaker, reserving the right to object, and I shall not object, in this mad rush to adjournment is any provision being made or is any plan being made for a recess for Thanksgiving and again for Christmas?

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Massachusetts.

Mr. O'NEILL. I must say that there was talk involving the leadership, in the whip organization meeting a week ago. Thanksgiving was informally discussed, and the tentative conclusion was that we would be in recess the week of Thanksgiving.

I am sure the gentleman is aware of the situation which exists around here, with the Senate majority leaders concerning the events of the last weekend. There is legislation pending before the Congress.

I am sure all Members are aware of the fact that an alert has taken place today.

The important legislation, other than that, which we had anticipated, would have been the debt limit bill, the trade bill and completion of action on the military procurement and construction authorization, as well as the bills for the defense procurement and construction appropriations, and the foreign affairs appropriations. That would have been the necessary legislation work for the year.

It is hard to estimate and it is hard to pin down any particular time when we are going to adjourn finally for the year. I would have to say that there are present plans for a week off at Thanksgiving time, with a great possibility that we would not be in on the Friday before that week and not be in on the Monday after. Those are in the formative stage. The Speaker will discuss the matter with the minority leader.

Mr. GROSS. I take it from those remarks Grandpa GROSS can be prepared to wear his Christmas uniform in Washington?

Mr. O'NEILL. I say, not seriously of course, that the gentleman would not make much of a Santa Claus.

Mr. GROSS. With considerable respect, I do not propose to be a Santa Claus.

Let me ask the gentleman, in a more serious vein, when may we expect to get the conference report on the Defense Department procurement authorization bill?

Mr. O'NEILL. I would have to say that is subject to action by the gentleman from Louisiana (Mr. HÉBERT). After having talked with the gentleman I would say we can expect it to be called up next week.

Mr. GROSS. I thank the gentleman.

Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

THE MIDDLE EAST SITUATION

(Mr. O'NEILL asked and was given permission to address the House for 1 minute.)

Mr. O'NEILL. Mr. Speaker, may I say that on my way to the White House this morning, to the briefing of the leadership on both sides of the aisle for the House and the Senate, I was listening to the radio and heard that we had an alert. When I arrived at the White House this morning, the President and Mr. Kissinger gave a confidential report to the leadership as to what the conditions were in the Middle East situation at that time.

Some of the Members, particularly on my side of the aisle, have questioned me about the meeting. I have been reluctant to say anything that transpired, because I feel it was confidential.

I actually believe that the Nation at this particular time is going through a very, very serious 24 or 48 hours. I must say, after having listened to the President and after having listened to Mr. Kissinger, to my mind there is absolutely nothing political in this matter.

Mr. Speaker, I want the Members of the Congress of the United States to know that the alert is of serious conse-

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quence to our Nation. I hope that the matter which is presently before the world is settled in the U.N. within the next 24 hours.

I listened this morning to Mr. Kissinger in his briefing, and he discussed many of these matters with us. I do not want to go into these matters myself, but I do wish to address myself to the Members on my side of the aisle.

I want to say this to the Members: in time of crisis we stay together.

In my opinion, there is nothing political about what is going on now. It is really a deep and a serious matter, and it is one of great interest to this country.

PERSONAL EXPLANATION

Mr. GUBSER. Mr. Speaker, on the vote just concluded, on the consideration of the Emergency Medical Services Systems Act of 1973, I was present, I inserted my card, and voted "aye." I would like the Record to show that, although I was present and did vote "aye," this electronic device failed to record my vote.

PERSONAL EXPLANATION

Mr. SEIBERLING. Mr. Speaker, I missed the vote on the legislation which we enacted today, the Emergency Medical Services Systems Act of 1973, because I was unavoidably detained. Had I been present, I would have voted "aye."

A CHANCE FOR PEACE

(Mr. PODELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PODELL. Mr. Speaker, the future of the Middle East is not much clearer now than it was before the new cease-fire was proposed and agreed to. On the Suez front the battle rages with each side blaming the other for the violation. In the north, Syria, showing her normal distrust for peace has not answered the proposals and Iraq has flatly rejected them. Still the prospects for temporary quiet are good by virtue of Israeli control of the military situation. The Egyptian forces on the East bank of Suez are threatened with annihilation and the Syrians have been neutralized.

If Mr. Kissinger and Mr. Brezhnev had agreed upon a settlement before the war broke out a great deal of suffering might have been avoided. The complicity of the Soviets in encouraging the fighting is clear. Nonetheless an agreement has now been reached and we must lay recriminations aside and look to the future. The terms of the cease-fire are ambiguous. They refer to an immediate implementation of the 1967 U.N. resolution. It is precisely the interpretation of the 1967 agreement that has been at issue these past 6 years. The Arabs hold that a complete Israeli withdrawal from all captured territories is a necessary prerequisite to a settlement, while Israel holds that any withdrawal can only be an element in a negotiated settlement for secure boundaries. The gulf is enormous.

But there is hope. Part of the cease-fire arrangement calls for negotiations to implement the 1967 resolution. If Egypt makes good on this promise there may at last be the direct negotiations which Israel has consistently maintained are the necessary first step towards peace. If both sides can modify their fears and their pride perhaps true progress can be made.

The Egyptians while, in the end, defeated in battle have demonstrated to themselves, to the world, and to the Israelis that they are brave men and good soldiers. Their army will not return home in the bitter disgrace which followed the 6-day war. This newfound self-confidence may enable them to deal more realistically at the conference table. The negotiations will, at best, be long and difficult and the security of Israel can in no wise be jeopardized; but the arrangement worked out with the Soviet Union does provide some hope for peace, if not for overconfidence.

All in all, I am truly gratified by the curernt policy of the U.S. Government. I only wish the administration were as rational in all its actions. In addition to achieving a cease-fire through diplomatic efforts, we have properly assured the military security of Israel. Already over $800 million worth of arms have been rushed to Israel to counter massive continuing shipments by the Russians to Syria and Egypt. The Soviet action left this country with no choice: Israel could not be left weaponless. I would also commend the administration's request for authority to provide $2.2 billion in military assistance to Israel.

In the past Israel has always paid for American arms and she will continue to do so to the extent possible. However, the enormous losses incurred in the war make it necessary to grant the President this new authority. The costs have been literally in the billions and these arms must be replaced as security needs dictate not according to an ability-to-pay timetable. The future is obscure and Israel must be safe if our hopes for peace are once again disappointed. I am confident that Congress will approve the President's request due speed.

PEANUT PROGRAM

(Mr. MATHIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MATHIS of Georgia. Mr. Speaker, yesterday morning the Secretary of Agriculture, Mr. Earl Butz, proved once again that this administration could care less about the farming community in this country. In proposing the new administrative changes for the 1974 peanut program, he not only displayed disdain for the farmer but a gross lack of knowledge about the actual growing of peanuts. Rather than delving on all the proposed changes, I think the new regulation to eliminate the transfer of allotments by lease or sale epitomizes the complete irrationality of the new decisions.

This one regulation could destroy the entire peanut program in itself for the simple reason that most farmers have already leased their allotments for the 1974 crops and in many cases the money has already changed hands.

While the Department is espousing the theory that agricultural exports will decrease our balance-of-trade deficits, they are playing God with individuals whose livelihood depends on making a livable income from farming, and I challenge Mr. Butz to closely examine the individual farmers while he is manipulating them on an international level.

Spokesmen for the Department made a commitment to the members of the Agriculture Committee that before any new changes were made that they would come to the Hill and sit down with us and discuss any new changes. Based on previous actions, I guess I should not have been so naive as to have believed them.

I would only remind the Secretary that behind his demagogic colloquy, the peanut community recognized the threat to destroy the program by administrative action if Congress does not pass new legislation. This threat is not new. as the Department knows, and when and if they come to discuss these proposals they had better have more accurate information than they have been publishing. I might also suggest to the Secretary that, instead of using consultants who probably think peanuts grow on trees, that he seek the advice of some Georgia farmers who make their living growing and selling peanuts.

Let me close, Mr. Speaker, by simply stating that this administration seems committed to the idea that if it runs out of people to alienate, it should double its efforts to find somebody new. I congratulate them on being successful once again.

REESTABLISHMENT OF THE OFFICE OF THE SPECIAL PROSECUTOR

(Mr. COHEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. COHEN. Mr. Speaker, during the past 5 days we have witnessed a display of national anger and concern which I believe has been seldom matched in this county's history. When on Friday evening, the President announced his compromise concerning the tapes and also instructed Mr. Cox as special prosecutor to cease and desist from further judicial efforts to secure tapes, notes and memoranda regarding the 1972 election and related events, a chain of events was set into motion which with the resignations of the Attorney General and Deputy Attorney General and the dismissal of the special prosecutor culminated in a true national crisis in confidence. The American people, whose Nation had been founded on the principles of equality and justice, suddenly felt that they could expect neither from their own Government, and they made it very clear that they would not tolerate this kind of situation.

The President's sudden decision Tuesday to submit the actual tapes to the

district court and his firm statement through his counsel Charles Alan Wright that he did not consider himself above the law, was a welcome and reassuring response to the intense public reaction, and I believe it has begun to dispel the terrible suspicions that the President was trying to circumvent justice.

Hopefully, the President will go even further tonight in his efforts to reassure the American people.

Regardless of these developments, however, one fact is still evident. Though the President has a constitutional right to dismiss Archibald Cox and abolish the Office of Special Prosecutor, his doing so was a principal factor in precipitating the present crisis. The firm reassurances of Acting Attorney General Bork that the Justice Department under Henry Peterson will continue to pursue the investigations started by the special prosecutor have done little to assure the public that criminal violations not related to the tapes will be vigorously investigated. I have come to believe, therefore, that only the appointment of a new special prosecutor under the old guarantees and guidelines of independence will be really effective in restoring the confidence of the Nation. For this reason, I am today introducing a resolution on behalf of myself and Congressman John Anderson, Howard Robison, Joel Pritchard, and Ronald Sarasin which urges the President to immediately reestablish the Office of the Special Prosecutor and to appoint a new Attorney General. The resolution also provides that before the Attorney General is confirmed he is to inform the Congress of whom he will name as Special Prosecutor and pledge that he will do everything in his power to protect the independence of that individual in fulfilling the duties of the office. Finally, the resolution provides, as an extra protection, that the Special Prosecutor himself would be subject to Senate confirmation.

There are several reasons behind the offering of this resolution. First, I feel it essential that the Congress clearly states that the Justice Department should not lack congressional confirmed and publicly supported leadership during this critical period when so many questions have been raised about the Department's ability to perform its responsibilities. Second, while I personally have every confidence in the ability and dedication of Mr. Bork and Mr. Peterson in the handling of the Watergate prosecution, I also realize that many others in this country have serious doubts about the amount of independence and flexibility they can actually maintain, faced as they are with inevitable pressures from both the White House and the public. In situations such as we are now facing, it is vital that we have not only justice, but the appearance of justice as well, and in my view only the reestablishment of the Special Prosecutor's Office can achieve this effectively.

The resolution also reflects my belief that the Office of the Special Prosecutor should continue to be located in the executive branch and within the Justice Department. I am aware of the bill that has been introduced by a number of my colleagues which would provide for reestablishing the office under the protection of the judicial branch with the new special prosecutor to be appointed by the chief judge of the U.S. District Court. I feel, however, that two serious objections can be raised to this approach. For one, there is considerable doubt whether it would be considered constitutionally correct. Regardless of individual opinion on this issue, it is certain that enactment of such legislation would lead to a protracted process of Presidential vetoes and/or challenges in the courts and thus divisiveness and delay. This would be incalculably discouraging and frustrating to the Nation. Second, I believe it could prove ultimately disastrous to the basic principle of separation of powers to fuse the judicial and executive functions. Even if the chief judge disqualifies himself from the case after appointing the special prosecutor, I fear that charges could develop of collusion between the prosecutor and the presiding judge, which would forever taint the impartiality of the judicial branch, however unfounded those charges might be.

It has been maintained that recent events have proven that it is impossible to have this investigation housed in the executive branch since it is pursuing possible misconduct of high executive officials. The dismissal of Mr. Cox by the President is cited as ultimate proof. In my opinion, however, the contrary is true. While Mr. Cox admittedly had great difficulties in procuring certain materials from the White House, I believe it would be even more difficult for an individual outside the executive branch and the Justice Department to obtain that information.

Also, the placement of the Office within the Justice Department actually insulated it from the White House, principally because of the Attorney-General's public commitment that he would work to maintain the independence and impartiality of that investigation. Because of that commitment, Special Prosecutor Cox was dismissed only after both the Attorney General and Deputy Attorney General had resigned. And I believe we would all admit that those resignations were a substantial reason for the intensity of feeling that developed in this country over the President's action and for the resulting decision of the President to submit the tapes. Recognizing the effectiveness of this mechanism, I believe that it should be continued, rather than taking the office out of executive branch or setting it up, as others have proposed as an independent agency. Further, I feel that the events of the past weekend will make it even more difficult for the President to discharge the special prosecutor without evidence of extreme improprieties and without the full support of the Attorney General.

In summary, I firmly believe that the most prompt and effective method of restoring public confidence is to reestablish the Office of the Special Prosecutor under procedures and guidelines which have already been established and proven effective. I hope that my colleagues will support me in this effort. Further, it is my hope and expectation that the President will agree to the wisdom of this course of action and act promptly to appoint a new Attorney General and provide for the continuation of the Office of Special Prosecutor.

DEATH OF THE HONORABLE FRANK SMALL, JR.

(Mrs. HOLT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. HOLT. Mr. Speaker, it is my sad duty to advise the House of the death of a former Representative, the Honorable Frank Small, Jr., of Maryland.

GENERAL LEAVE

Mrs. HOLT. Mr. Speaker, I ask that all Members may have 5 legislative days in which to extend their remarks in the Record relative to the life, character, and service of the late Honorable Frank Small, Jr.

The SPEAKER pro tempore (Mr. Mazzoli). Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

BRINKMANSHIP IN THE MIDEAST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. Maraziti) is recognized for 7 minutes.

Mr. MARAZITI. Mr. Speaker, the Mideast crisis rages with constant uncertainly. This morning's news weakens us with reports that U.S. troops are on Red alert. The cease-fire is uncertain with violations on both sides.

This is not new. History is lined with evidence that cease-fires can rarely be successsfully imposed on nations at war.

What then will be the future of the U.S. role?

We are presently supplying Israel with major items of military weapons.

To date, we have already supplied over $800 million worth of material. On Tuesday, the President requested an additional $2.2 billion of military aid for Israel.

Presently, we are supplying these items on a cash-credit basis. However, buried in the President's message is the possibility of grant assistance as well.

The legislation the Executive asks us to pass gives him the authority to release Israel from its contractual obligation to pay for those defense articles and services, leaving the burden to the American taxpayer.

I do not object to the sale of arms to Israel. What I do object to is the obscure manner in which the American taxpayer may be asked to foot the bill of a war effort in which they again do not want to become involved.

Further, American military personnel are being used to ship and unload these supplies in the war zone. The distinction between a "Loadmaster" on an Air

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Force cargo plane, or a "military adviser" quickly becomes lost when American lives are lost as a result of military action.

Let us not be lulled into a false sense of security that the President could not commit troops to the fight without the express consent of Congress.

I submit for the RECORD copies of the Middle East Peace and Stability Act and the Gulf of Tonkin resolution as they appear in the United States Code.

Although the Middle East Peace and Stability Act was passed some 7 years prior to the Gulf of Tonkin resolution, they are strikingly similar with respect to the President's authority to use American troops in armed intervention, if in his determination such action is necessary.

I am sure there are many in Congress who voted for the Gulf of Tonkin resolution, but would not have voted for it if they knew what hindsight tells them now. Yet, we are possibly faced with the same kind of piecemeal escalation of American men, dollars, and material to the Mideast.

The presence of American military personnel in Israel resembles the embryonic stages of our presence in the tragedy of Vietnam.

Congress, may or may not be in support of Israel. However, let the issue be decided here, in Congress by the American people.

If we have learned anything from the lessons of Vietnam, it should be that Congress must make the decision. Then, at no time in the future can it be said that the people were hoodwinked by Executive action.

It is the people, through their elected representatives, who should decide whether or not we as a nation support Israel, and if so, to what extent.

Let there be no mistake. It is we, the people, who shoulder the responsibility and pay the full price of our national commitments.

Therefore I urge the support and passage of House Resolution 607, which prevents the use of American troops in the Middle East without the express consent of Congress.

Let me further say we should let the White House and the Congress take heed of the temper of the American people and act accordingly.

Mr. Speaker, the Middle East Peace and Stability Act and the Gulf of Tonkin resolution are as follows:

CHAPTER 24A.—MIDDLE EAST PEACE AND STABILITY

Sec.
1161. Economic assistance.
1162. Military assistance; use of armed forces.
1163. United Nations Emergency Force.
1164. Report to Congress.
1165. Expiration.

SECTION 1961. ECONOMIC ASSISTANCE

The President is authorized to cooperate with and assist any nation or groups of nations in the general area of the Middle East demanding such assistance in the development of economic strength dedicated to the maintenance of national independence. Pub.L. 85–7, § 1, Mar. 9, 1957, 71 Stat. 5.

SECTION 1962. MILITARY ASSISTANCE; USE OF ARMED FORCES

The President is authorized to undertake, in the general area of the Middle East, military assistance programs with any nation or group of nations of that area desiring such assistance. Furthermore, the United States regards as vital to the national interest and world peace the preservation of the independence and integrity of the nations of the Middle East. To this end, if the President determines the necessity thereof, the United States is prepared to use armed forces to assist any such nation or group of such nations requesting assistance against armed aggression from any country controlled by international communism: *Provided*, That such employment shall be consonant with the treaty obligations of the United States and with the Constitution of the United States. Pub.L. 85–7, § 2, Mar. 9, 1957, 71 Stat. 5.

Library references: War and National Defense—46; C.J.S. War and National Defense § 61.

SECTION 1963. UNITED NATIONS EMERGENCY FORCE

The President should continue to furnish facilities and military assistance, within the provisions of applicable law and established policies, to the United Nations Emergency Force in the Middle East, with a view to maintaining the truce in that region. Pub.L. 85–7, § 4, Mar. 9, 1957, 71 Stat. 6.

Library references: International Law—10.45; C.J.S. International Law § 17.

SECTION 1964. REPORT TO CONGRESS

The President shall wherever appropriate report to the Congress his action hereunder. Pub.L. 85–7, § 5, Mar. 9, 1957, 71 Stat. 6; Pub.L. 87–195, Pt. IV, § 705, Sept. 4, 1961, 75 Stat. 463.

Library references: United States—28; C.J.S. United States. §§ 29, 30.

HISTORICAL NOTE

First Amendment. Pub.L. 87–195 substituted "whenever appropriate" for "within the months of January and July of such year."

Repeals. Section 705 of Pub.L. 87–195, which amended this section, was repealed by section 401 of Pub.L. 87–565, Pt. IV, Aug. 1, 1962, 76 Stat. 263, except in so far as section 705 affected this section.

Legislative History: For legislative history and purpose of Pub.L. 87–195, see 1961 U.S. Code Cong. and Adm.News, p. 2472.

1965. EXPIRATION

This chapter shall expire when the President shall determine that the peace and security of the nations in the general area of the Middle East are reasonably assured by international conditions created by action of the United Nations or otherwise except that it may be terminated earlier by a concurrent resolution of the two Houses of Congress. Pub.L. 85–7, § 6, Mar. 9, 1957, 71 Stat. 6.

Library references: Statutes—172; C.J.S. Statutes §§ 307, 308.

VI. AUTHORIZATION TO EMPLOY ARMED FORCES

MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY IN SOUTHEAST ASIA

Pub. L. 88–408, Aug. 10, 1964, 78 Stat. 384, provided that:

"Whereas naval units of the Communist regime in Vietnam, in violation of the principles of the Charter of the United Nations and of international law, have deliberately and repeatedly attacked United States naval vessels lawfully present in international waters, and have thereby created a serious threat to international peace; and

"Whereas these attacks are part of a deliberate and systematic campaign of aggression that the Communist regime in North Vietnam has been waging against its neighbors and the nations joined with them in the collective defense of their freedom; and

"Whereas the United States is assisting the peoples of southeast Asia to protect their freedom and has no territorial, military or political ambitions in that area, but desires only that these peoples should be left in peace to work out their own destinies in their own way: Now, therefore, be it.

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

"Sec. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia. Consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

"Sec. 3. This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, except that it may be terminated earlier by concurrent resolution of the Congress."

Mr. GROSS. Will the gentleman yield?

Mr. MARAZITI. I yield to the gentleman from Iowa.

Mr. GROSS. Let me say to the gentleman that I was one of those who voted for the Gulf of Tonkin resolution, under the persuasion of presenting a unified front.

It is a vote that I will regret for the rest of my life.

I want to commend the gentleman for an excellent statement, and I thank the gentleman for yielding.

Mr. MARAZITI. Mr. Speaker, I thank the gentleman. Let me say, Mr. Speaker, that I was present when the gentleman from Iowa made a statement several months ago, and for that statement I will respect the gentleman for the length of my life.

IMPEACHMENT

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Pennsylvania (Mr. WILLIAMS) is recognized for 15 minutes.

Mr. WILLIAMS. Mr. Speaker, President Nixon had promised Congress and the American people a full and complete investigation into the Watergate incident and its subsequent coverup. To accomplish this he appointed Elliot Richardson as Attorney General and William Ruckelshaus as Deputy Attorney General and Richardson appointed Archibald Cox as the Watergate special prosecutor. Repeatedly, the President expressed his complete confidence in the integrity and character of these men and assured them of complete independence in their investigation.

The President was ordered by the U.S. Court of Appeals to furnish Federal Judge Sirica with nine specific tapes which Watergate Special Prosecutor Cox had requested. The President attempted to offer a compromise but Cox rejected the offer. The President then ordered Richardson to discharge Cox but Richardson resigned rather than do so. When Ruckelshaus refused to fire Cox, his resignation was also accepted. This made the third man, Robert Bork, the Acting Attorney General, and he did fire Cox.

These resignations and firing represent a 180-degree turn in the President's commitment to the Congress and the American people. The President's actions during the weekend of October 19 turned many American people against him. When the House reconvened on October 23, a number of impeachment resolutions were offered by many Congressmen. I indicated my willingness to participate in the debate of possible impeachment proceedings but I made it clear that I would oppose all impeachment efforts until the House and Senate had confirmed GERALD FORD as Vice President. I know, from working closely with FORD for 7 years, that he is an outstanding leader.

Yet, during the afternoon of October 23, 1973, Nixon announced that he would surrender the nine tapes to Judge Sirica. This is exactly what the President could have done a week earlier, thereby avoiding the loss of confidence of many American people and avoiding the resignations and the firing. The releasing of the tapes does decrease the possibility of impeachment as it removes the possibility of the President being held in contempt of court. The investigation of Watergate, which was a product of the Committee To Reelect the President and which had absolutely no connection with the Republican Party, must be completed in a thorough and impartial manner.

WAR IN THE MIDDLE EAST

On the holiest day of the Jewish year, Yom Kippur, the Day of Atonement, Arab armies from Egypt and Syria made a sneak attack on Israel to open a new Mideast war. The Israeli Armed Forces have withstood the onslaught and have advanced into Syria and Egypt, but have suffered frightening losses. The Soviet Communists had given the Arab allies military equipment more sophisticated than that given the North Vietnamese to use against us. Three days after the fighting began, the Soviets started an airlift of military supplies for the Arabs. This airlift grew to massive proportions, yet Soviet Prime Minister Kosygin arrived in Cairo around October 16 to arrange a cease-fire with Egypt, Syria, and Israel.

The Arab intent was clearly the annihilation of the state of Israel. The United States began to supply Israel with replacement aircraft and established an American airlift in an effort to resupply the Israelis.

A cease-fire was agreed upon and supported by Russia and the United States. The cease-fire was broken but will undoubtedly be reestablished. The President has asked Congress to authorize assistance of $2.2 billion for Israel because the magnitude of the current conflict has far exceeded Israel's economic capacity to continue with cash and credit purchases. I am ready to support this appropriation, but I would not support the commitment of American forces in the Mid-East since the Israelis are capable of defending themselves.

I joined in a telegram to President Nixon concerning the cease-fire which said in part:

> When the cease-fire does come, the United States must use all of its resources to get Egypt, Syria and Jordan to agree to direct negotiations with Israel.

SOCIAL SECURITY INCREASE

I have requested the acting chairman of the House Ways and Means Committee to accept a 7-percent increase in social security benefits to take effect January 1, 1974, rather than the 5.9 percent increase which was supposed to go into effect June 1, 1974. The Senate Finance Committee has already added this proposal to H.R. 3153, previously passed by the House, which makes technical amendments to the supplemental security income program. All the House conferees on H.R. 3153 have to do to put this increased benefit into effect on January 1, 1974, is accept the Senate provision during the conference.

My action is in response to the spiraling increases in the cost of living which have severely hurt 30 million Americans who live on fixed incomes from their social security benefits. Inflation has seriously eroded the value of the dollar. Food prices have soared 20 percent in this year alone, and food accounts for 27 percent of the average older American's budget. The September wholesale price index showed a slight decrease indicating that inflation in the United States has started to level out.

The estimated cost of a 7-percent increase in January would be $1.6 billion in the current fiscal year. This would raise the average benefit to an older couple to just under $300 per month. We must act now to provide our senior citizens a sufficient income so that they can live in dignity. Anything less than this 7-percent increase would clearly be too little and too late.

OUR FEDERAL BUDGET

In fiscal year 1973 the Democratic-controlled Congress ran up a budget deficit of $14.4 billion. On October 18, Treasury Secretary George Shultz testified before the House Ways and Means Committee that in this fiscal year, fiscal year 1974, the President's budget requests will lead to a balanced budget at a spending level of $270 billion. However, there are 19 standing legislative committees in the House, all Democratic controlled, and all authorizing expenditures.

For this reason, I am working to win consideration of my bill to control expenditures. Earlier this year I again cosponsored legislation to establish a Joint Congressional Committee on the Budget, which would establish a spending ceiling, make certain that Federal revenues would cover this ceiling and then make certain that spending was kept within the ceiling. Our annual interest payment on the money we owe will be approximately $40 billion in this fiscal year. Even though the budget shows that we owe $462 billion, we have also borrowed from our numerous trust funds, such as $55 billion from the social security trust fund and $7 billion from the highway trust fund, and these are not included in the $462 billion figure.

URBAN MASS TRANSPORTATION ACT

On October 3, 1973, with my help, the House passed the Urban Mass Transportation Act, H.R. 6452. This bill extends the Urban Mass Transportation Act of 1964 by authorizing $400 million over the next 2 fiscal years for operating subsidies for urban mass transit, and increases the portion of capital cost funded by Federal grants.

This year alone Federal capital improvement grants for mass transit will reach $870 million, from funds authorized under the Federal Highway Aid Act of 1973, S. 502, which was passed with my help in April 1973. These grants are necessary since various links of the Interstate System running through centers of urban areas have drawn people away from mass transit and into their automobiles. S. 502 includes half fare for the elderly and the handicapped.

Mass transit must be improved in order to avoid choking our metropolitan areas with automobiles and diminish air pollution. With the capital improvement grants authorized by S. 502, and with operating subsidies to keep mass transit lines in operation until they can be improved, every metropolitan area should be able to take advantage of these two programs.

I will continue to support Federal subsidies to urban mass transit systems until they can make the necessary improvements. Then the operating subsidy should be used only long enough to attract people to use the mass transit systems. Once this happens, I am confident that additional Federal subsidy will not be necessary as urban mass transit systems become self-supporting. In fact, Red Arrow operated at a profit until it was taken over by SEPTA.

TODAY'S COLLEGE-BOUND VETERAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WALSH) is recognized for 15 minutes.

Mr. WALSH. Mr. Speaker, today's college-bound veteran is faced with an extremely difficult problem. Often, the college of his choice is an expensive one in terms of both tuition and living costs.

The single veteran receives less than $2,000 for the expenses he incurs at an institution of higher learning. More often than not, this barely covers the cost of living, let alone tuition.

Studies show that the average cost of tuition across the country in public institutions for a school year is $419. Some 40 percent of all veterans pay more than this amount, leaving less than $1,500 for living expenses.

I am, today, introducing legislation which will help alleviate this situation and assist in permitting our veterans a wider choice of a college or university, and make it possible for him to make ends meet at the same time.

My proposal is simple: Pay the veteran, in addition to his regular educational benefits, any tuition cost for the school year that exceeds $419. No payment, however, would exceed $600. In other words, the veteran would receive the difference between $419 and his actual tuition cost, but not more than $600.

Mr. Speaker, the cost of education, like everything else today, is spiraling upward. The unemployment rate for veterans is inordinately high, but a proper education will help alleviate this. But only if the veteran can afford to attend a college he chooses.

The veteran has made a major contribution to his country. He has risked his life for low pay over a period of years. The benefits he receives following separation from the service were earned many times over. They are well deserved.

Recent studies have shown that veterans who must pay more than the national average are receiving benefits that are less generous than their World War II counterparts. With cost of living increases and spiraling tuition rates, the disparity becomes more pronounced as time goes forward.

A recent Washington Post editorial backing my proposal said it was a step "clearly in the right direction." The editorial also pointed out the disparities between World War II and current GI bill benefits.

Mr. Speaker, I feel this proposal is the very least we can do for those who have served well and want very much to make a worthwhile contribution to a better way of life for this great Nation. Many of my colleagues have already indicated support for this measure and I urge the entire membership of the House to push for the speedy enactment of this legislation.

A TRIBUTE TO SPEAKER ALBERT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. McSpadden) is recognized for 5 minutes.

Mr. McSPADDEN. Mr. Speaker, I rise today to point out that, after this period of domestic agony has passed, and it will pass, and this Republic, comprised of the 50 United States, survive, as it shall survive, history will record the part one man played in saving this Republic.

History will record that, had this man been less trained, less talented, less intelligent, less experienced, or less regarded by his colleagues and the other two branches of the Federal Government: I respectfully submit that had this man been more power hungry, or had his own personal regard placed in a tier of values well below his love, devotion and concern for our Nation and its people, the year 1973 would be written as the year of the greatest civil discord since 1865.

President Andrew Johnson was the only President of the 37 who faced impeachment trial. The impeachment of the President, over a century ago, failed by the vote of one man, Senator Edmund G. Ross of Kansas. That one vote, one vote less than the two-thirds required, preserved the integrity of the Presidency, and the separation of powers, the very keystone of our democracy. The question is relevant then as it is now. Mr. Speaker, I would submit that the person to whom I refer will take a like spot in our Nation's history.

Had my longtime friend and colleague, the Congressman from the Third District of Oklahoma not been encouraged as he strived for an elementary education at Bug Tussle, had he not been nurtured and trained at McAlester High School and the University of Oklahoma, where he was described by the president of that great university as the most excellent student in its existence, history might have been changed.

Had he not combined great drive for excellency at Oxford University as a Rhodes scholar, all of whom must be all-around men of high character and superior scholarship; had he not served his country honorably and well during World War II and been elected to the 80th Congress, history might have been changed.

Mr. Speaker, I submit that if the little giant from Little Dixie had not served the people of his district with diligence and ability so as to be reelected to each successive Congress and had he not risen to more and more positions of responsibility and leadership within the Congress, history might have been changed.

The wisdom, leadership, judgment, and practical application of what we at home call "Oklahoma horse sense" of the honorable Carl Albert has been clearly demonstrated over the years, the past few days, and more specifically, since that day when the Nation found itself without a Vice President. As Speaker of the House, he, under the Constitution, was a heartbeat from the highest office in the land; a position I am sure he did not cherish and one I do not envy.

The historians, some day will record much of "today" as history and I would submit, Mr. Speaker, had the Speaker of the House of Representatives been a person other than Carl Albert, the history they will record could have been far from the history they will record. His leadership after the events of this past weekend has had an everlasting action on the pages of history.

In closing, Mr. Speaker, I would submit that this country, this great, viable, thriving, struggling, still young, and growing Nation, and future generations, owe a great debt of gratitude, unrepayable, to Carl Albert for being the man he has become.

CONGRESSMAN JIM WRIGHT SPEAKS ON HOUSING CRISIS IN UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Gonzalez) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, as a member of the Housing Subcommittee I have been decrying the plight of the many Americans who find that they can no longer afford to purchase a home. I would like to take this opportunity to insert in the Record a most perceptive speech made on this subject by my most distinguished colleague, the Honorable Jim Wright, when he spoke to the Texas Association of Home Builders in Fort Worth last week.

How To Get the Housing Program Off the Ground—And Prices Back to Earth

(Remarks of Congressman Jim Wright)

Last Saturday, October 13—one week ago today—marked the 160th anniversary of the laying of the cornerstone for the White House . . . a memorable occasion in the history of our nation.

Thirty-one days ago, President Nixon submitted to the Congress a message on housing.

My personal conviction is that we are fortunate to have already built the White House. If we had to start from scratch today, it would be infinitely more difficult!

If that seems glib and facetious, I don't really intend it to be. Those of you who know me are probably aware that I am not in the habit of summarily condemning an idea, message, or plan, merely because I disagree with a portion of it.

Nor do I propose to do so with the President's analysis of our current housing needs. There are several features of his message which warrant early and favorable response.

My overall reaction, however, is one of disappointment, for the President suggested nothing really new—certainly nothing which will quickly and effectively ease the increasing dilemma of trying to provide homes for America's families at prices they can afford.

There is nothing inherently wrong with the basic Housing Programs we presently have on the books, despite suggestions to the contrary. The failure of recent years has not been with the law, but with its implementation.

In 1934 a concerned Congress revitalized the theretofore piratical mortgage market by introducing the federally guaranteed amortized mortgage, requiring only small down payments and permitting up to 30 or 40 years for complete maturity. Regulated low interest rates made it possible for people to buy homes they could afford.

There was a lot of resistance to that proposition originally, but the proof of the pudding is in the eating. The conventional mortgage market soon fell in line with virtually the same type of financing, and everyone found that it worked.

In just one generation, it literally transformed this country from a nation of renters into a nation of home-owners. In 1934, only about 30% of the American people could ever really hope to own the houses they lived in. By the late 1950's, 70% were buying homes.

I mention this recent history because there are younger people here tonight who may not know that, at one time, the average first mortgage on a home ran 5–8 years. And required down payments were so high that a second mortgage business flourished throughout the country, making 30–40% of the required down payments available.

That's what prompted all those old melodramas depicting a heartless lender with a high hat and long moustache leering at the widow and suggesting things more dire than foreclosure.

In 1937, because Congress recognized that there was no way the building industry could house the itinerant or the truly poor, the

Housing Act of that year paved the way for Public Housing.

There arose a great furor against that law, too, and there still is a lot of objection to it.

"Why," the question goes, "should we who pay taxes help house those who don't?"

There are many answers to that question. Fundamentally, the answer is this:

Shelter is one of the three necessities of life. A humane people will no more condemn some of its members to suffer inadequate shelter than it would will them to go without sufficient food or clothing.

In a nation as wealthy as ours, every family should be entitled to certain minimum privileges, including a decent palce to live.

Pride in one's family surroundings is the starting place of good citizenship. Slums breed not only crime, but despair, alienation, and hostility toward society itself.

There are mothers in Washington, D.C. who stuff cotton in their children's ears at night to keep out cockroaches—and this environment is not exactly a seed bed for constructive citizenship.

It costs the average taxpayer something like $5 a year for the Housing Subsidy program, to provide decent shelter for this unfortunate segment of our own people.

You and I probably spent that much on this meal tonight.

Now those two laws, with subsequent amendments, are the only ones which control the financing and construction of American housing. They have remained on the books all these years and have made possible all the good things Mr. Nixon enumerated in his message. Permit me to quote briefly from the first page of that document. The President said:

"The housing record of recent decades should be a source of pride for all Americans. For example, the proportion of our people who live in substandard housing dropped from 43% in 1940 to only 7% in 1970. During the same period, the proportion of Americans living in houses with more than one person per room dropped from 20% to 8% and the proportion of our housing considered dilapidated fell from over 18% to less than 5%."

One vital point which the President neglected to mention—and perhaps did not think about—is that, during most of these years of dramatic progress, the cost of housing—while increasing—was consuming a steadily decreasing percentage of the average family's income. That's why homebuilding flourished, and why the industry prospered.

And that fact, when you get right down to it, is the basic reason for the decline in new home starts.

Closely related—at the very heart of the matter—is the fact that those very solid accomplishments of the nation and of the homebuilding industry to which the President called attention were chalked up during a 30 year period in which the average interest rate on home loans was between 5 and 6%.

This year we have seen the emergence of 10% loans—and a substantial decline in housing activity.

In my opinion, the principal deficiency of present administration policy is its failure to come to grips with the one truly profound illness affecting the housing market today—the cost of money.

In many markets, the young family trying to buy a $25,000 home—certainly not a mansion by present standards—must agree to pay over the period of amortization approximately $75,000.

You and I know that they simply cannot afford it, And an increasing number of *them* know it.

To expect them to pay three times the value of the property—simply for the privilege of borrowing—is, in a word, unconscionable.

The President recommended that we get all "anachronistic" usury laws raised where they exist and have Congress knock the roof off insured home loan interest rates. To a large degree, this has been done.

As a temporary alleviant, this should get more money available for home loans in the short range future. But for the long run, it can only be historically retrogressive, socially repressive and counter-productive.

The biggest single obstacle to new housing is the upward spiral of the interest rate, which has risen almost 65% just since the beginning of this year.

A like rise in the cost of almost any other vital necessity would have caused riots in the streets.

The approach by the Administration to this problem is not unlike that of a hopeless City Council deciding that, since they cannot afford the cost of eliminating crime, perhaps they ought to legalize crime.

I submit that it does no good simply to make it easier for people to get into debt if in the process we make it almost impossible for them ever to get out of debt.

It seems to me that what is really needed throughout the entire economy—and the only thing that will provide any lasting relief to our housing problems—would be a concerted plan, administered across the board by every agency of government, to bring about a gradual and systematic reduction in interest rates at the pace of approximately one-half of a percentage point every six months until the prime rate returns to six percent or less.

There are numerous palliatives that can provide some measure of help. For one thing, we recently increased the money for forest development roads in the highway bill to increase the supply of lumber. For another, Congress is attempting to curb the massive deportation of logs to Japan which has decreased the domstic supplies and increased prices.

The President has made several suggestions to increase the supply of housing money: tax credits, forward commitments, cash payments to low income tenants. Each of these may help to some degree, but none of them is especially new.

We've had Sections 235 and 236 to help house the low and modest income families. We've seen a measure of success in Section 23 which provides Leased Housing.

Each of these programs was decent and humane in concept. Each has suffered in some degree from greed on the one hand and poor management on the other.

All of us have heard the horror stories about tenants and occupants—even owners—who abuse, mutilate, demolish and ultimately abandon some of these projects which our tax dollars have made possible. I have seen a few such examples. They don't do much for your faith in human nature.

Fortunately, they represent an almost miniscule percentage of the whole. But they get wide publicity. And they leave the taxpayer understandably outraged.

Fortunately, most Americans—when given a chance—will rise to the occasion. And that is what has made the nation great.

There is one experimental program which never has really gotten off the ground because it has never received a very high planning priority, but it in my opinion contains the greatest potential promise of all for America's low income families.

This is the low rent program which allows a family to qualify for eventual ownership by its own demonstration of responsible occupancy. If all payments are duly met and the property truly well maintained for a period of two or three years, the family is allowed to convert the rent it already has paid into a downpayment, convert future monthly payments into amortization and equity and ultimately to own the unit.

I don't know much about homebuilding. But I think I know something about the public. And this is the kind of subsidized housing the public will willingly support.

If I were the President—or the Secretary of HUD—this is the kind of program I'd be pushing with all the strength of that office.

For the rest of it . . .

Rather than an abandonment of existing laws, even if only in name, what the nation needs is more money for housing at rates people can afford.

Here, for what its's worth, is a thought:

Why couldn't some new source of mortgage money be devised which would permit the very people who keep the mills and the factories running—the "middle Americans" who work and pay taxes and send kids to school and try to set aside a modicum of security for old age—to enjoy a home in peace rather than in anger and frustration?

Why could it not be arranged that all American business—foreign and domestic—be required to divert a very small portion of their overall profits to a centralized mortgage fund?

Such a diversion would not exactly constitute a tax, because a return would be made on it.

Suppose that the amount of the profit for a given corporation, be it computed at 1% or 1/10%, were channeled through some agency to a local bank or savings and loan at a charge of say 3%. Possibly a mortgage could be made at 6%.

Now it is true that a car manufacturer, for example, might not enjoy on that diversion the interest he could otherwise make; but, on the other hand, it might make it possible for a lot of mortgagors to keep trading for that manufacturer's cars for the life of their mortgages.

I am neither a sage, an Olympian prophet, nor an accountant. I'm not even certain that what I've just suggested makes economic sense. But it is, at least, an idea.

I do know this:

That a homeowner is a taxpayer, a contributor, a citizen with a vested stake in the future of this country;

That the expansion of home ownership produces the best possible base for national stability;

That a nation of homeowners is a nation best equipped to survive the vicissitudes of economic and social upheaval;

That a decent home for every American at a price he can afford is a dream worth pursuing and a goal not impossible of fulfillment;

And that American capitalism has introduced something entirely new in the history of mankind—the very real possibility of the humblest citizen's becoming a capitalist himself, owning a piece of property however modest, and getting at least a piece of the action. That, to me, is what America is all about.

You as homebuilders have a stake in all of this, and an indispensable role to perform in bringing it to pass.

INTERNATIONAL MONETARY REFORM AND FLOATING RATES: WHY NOT LEAVE WELL ENOUGH ALONE?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. Reuss) is recognized for 60 minutes.

Mr. REUSS. Mr. Speaker, August 15, 1971, was one of the better days in American economic history.

The administration, finally realizing that self-imposed stagnation in the domestic economy was not the way to fight inflation, ordered across-the-board

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price-wage controls. Realizing also that it was the fixed exchange rates of Bretton Woods which had produced the international crisis of the dollar, the administration closed the gold window, and permitted the dollar to float.

Both actions—the freeze and the float—worked excellently well.

Inflation was held under control during phase I and phase II. Then, last January, the administration abandoned effective price controls, and the indexes shot upward. We still have not gotten control of inflation.

This retrogression on the domestic front is now being duplicated on the international front. The world's money masters at Nairobi last month resolved to sink the float and to go back to "stable but adjustable" rates—the very system which got us into trouble in the first place.

WHY THE WORLD FLOATED

After a 4-month float for the dollar, exchange rates were fixed again at the Smithsonian Institution in December 1971.

The Smithsonian agreement, however, proved not to be durable, and began to fray in the summer of 1972. It was finally abandoned in February 1973, when massive international flows of liquid capital exceeded the willingness of central bankers to defend the Smithsonian rates. Another realinement was proposed in February 1973. But by the end of the month this schedule of exchange rates had also proved untenable. After being closed for a period, exchange markets were reopened in March. A number of major currencies, including the U.S. dollar and the Japanese yen, were allowed to float. A group of European nations decided to attempt a joint float of their currencies against the rest of the world.

Prior to the institution of the float in March 1973, there had been widespread calls for international monetary reform. Our congressional Joint Subcommittee on International Economics repeatedly joined in that call for reform.

We had seen the old Bretton Woods system of "fixed but adjustable" exchange rates bring about crisis after crisis. All through the 1960's, the dollar had progressively become more overvalued. The United States was able to over-import from abroad, over-invest abroad, over-travel abroad, and over-militarize abroad. Foreign countries were able vastly to increase their imports to this country.

But we finally began to realize that our over-valued dollar had caused us to run into short-term debt overseas to the tune of around $100 billion. And our trading partners suddenly realized that they were working like dogs in order to give Americans discount prices. Fixed rates were the cause of these miseries.

THE COMMITTEE OF 20 BEGINS

The demand for reform finally bore fruit. In July 1972, the IMF established the Committee of 20, representing all its members, to negotiate the reform of the international monetary system. Chief on the list of reforms was to move away from the Bretton Woods system of "stable but adjustable" rates.

Then, right in the midst of the Committee of 20's deliberations, came the involuntary float of March 1973. De facto, and in contravention of the spirit and letter of Bretton Woods, the international monetary system had reformed itself. To be sure, a little tidying up might be necessary. Perhaps the language of Bretton Woods should be altered to conform to the post-March 1973, float. And some sort of agreed rule for when nations might intervene to affect the exchange rate of their currencies should be adopted.

But the Committee of 20, and the world's monetary authorities, with a momentum all their own, have for the last 7 months kept drawing up detailed plans for "reform", with all the passion for mechanical perfection of the drafters of the Weimar Constitution.

Meanwhile, the reformed international monetary system has been performing rather well.

While the 7 months since last March have not provided a sufficiently long period from which to draw definitive conclusions about the success of floating exchange rates, they come off well when we consider the relevant questions: First, have floating exchange rates weathered the political and economic storms of recent months? Second, have world trade and world investment prospered under floating exchange rates?

The answer to both questions is yes.

WEATHERING THE STORM

Exchange markets were calm, and day-to-day changes in rates small, until May, when the potential economic implications of the Watergate and the possibility of a prolonged impeachment battle shook confidence in the dollar, and when the true dimensions of the rate of inflation in the United States came to be recognized worldwide. Naturally, the value of the dollar began to slip, and did not stop falling on the exchanges until, by July, it had tumbled a significant amount.

Was this reaction irrational, and are the central bankers and finance ministers who denigrate floating rates wise prophets of economic events in whom we can confidently trust? I believe that the market's reaction was rational. Its post-July recovery is due not so much to central bank intervention in New York and overseas, but rather to the strengthening U.S. trade balance, to a seemingly decreased likelihood for a time that the President would be impeached, to a lifting of our embargo on exports of soybean and protein feeds, to a rising trend of U.S. interest rates, and to a simultaneous decline of German interest rates.

Thus, if exchange rates have fluctuated in the period since May 1973, it is only because underlying economic and political forces have fluctuated. Events that could have caused severe crises under "fixed but adjustable" rates were readily digested.

EXPANDING TRADE AND INVESTMENT

Now let us ask how well floating rates have served the goals of international economics—expanding international trade and investment?

As the Governor of Italy's central bank, Guido Carli, noted in his Nairobi speech, notwithstanding the difficulties arising from exchange rate flexibility, "world trade has continued to expand at a record rate."

The latest IMF annual report notes that, due to reduced economic growth rates in several major industrial countries, including the United States, total world trade grew in 1971 at a rate of 5.7 percent, as contrasted with the annual average for 1960 through 1970 of 8.3 percent. But in 1972 the growth rate of world trade returned to 8.2 percent, virtually the same as the long-term trend. In 1973, when the most serious adverse effects from closed exchange markets and the horror of fluctuating rates might have been anticipated, the IMF annual report says:

> Imports into the industrial countries as a group continued to accelerate in the first several months of 1973, notwithstanding the fact that this was a period of marked deceleration . . . in the growth of imports into the largest importing country, the United States. In volume terms, world trade the first half of 1973 is estimated to have been about 12 percent higher than in the same period of 1972.

In other words, during the first half of 1973, world trade expanded at an annual rate that had not been equalled since 1968.

What about investments?

U.S. direct investment abroad expanded substantially during the first half of 1973. In fact, the total for the first half exceeded that for all of 1972. Probably U.S. direct investment overseas was reflecting increased domestic corporate earnings, and brisk rates of economic expansion abroad, and had not yet fully taken into account the impact of exchange rate changes.

More interestingly, however, foreign direct investment in the United States during the first half of 1973 also exceeded the totals for all of 1972. During the second quarter of this year, foreign direct investment in the United States recorded the largest quarterly inflow since the first 3 months of 1970. Moreover, foreigners made net sales of U.S. equities this year only in the month of May. Thus the decline in the dollar under fluctuating exchange rates hardly seems to have had the expected result of frightening foreigners away from investment in the United States.

WE CANNOT STAND SUCCESS

Thus, floating rates have survived the tempests. They have lubricated a great expansion of world trade and investment.

And for their success, they are about to be abandoned by the world's money doctors.

At this year's IMF meeting in Nairobi, the Chairman and Vice Chairman of the Committee of 20 presented their first outline of reform. This outline reflects their view on the stage reached in the committee's discussions; it does not carry the formal endorsement of the committee. The outline states:

> The exchange rate mechanism will remain based on stable but adjustable par values, and countries should not make inappropriate par value changes . . . Countries may adopt floating rates in particular situations, subject to Fund authorization, surveillance, and review.

BACK TO METHUSELAH

What does the phrase "stable but adjustable par values" mean? From the discussions and speeches I heard at Nairobi, it means nothing less than a return to fixed exchange rates:

The new managing director of the International Monetary Fund, H. Johannes Witteveen, set the tone for the attack on floating rates:

> We may draw some lessons from our recent experience with floating exchange rates. The experience has shown that, while the rigidity of rates in the old system must be avoided, free-floating offers no panacea for the problems confronting us in the exchange field. Understandably, exchange rates do not always take sufficient account of the lags involved in the effects of exchange rate adjustments on international trade. As the initial effects of changes in rates will usually be small, or even perverse, such changes cannot immediately restore an equilibrium position. Markets may become disappointed with the apparent failure of the balance of payments to adjust, and as a result, may allow currencies to appreciate or depreciate beyond the point needed to achieve equilibrium in the medium term. Also, as we have recently seen, market psychology can be sharply affected by a variety of special and temporary influences, both economic and non-economic.
>
> Freely floating rates cannot, therefore, be relied upon to reflect underlying payments trends and thus to achieve appropriate currency relationships. . . .
>
> Recent experience has shown the advisability of using intervention to prevent disorderly market conditions and excessive deviation from exchange rates considered to be appropriate in the medium term. For this reason, I welcome the resumption of intervention by central banks since July. I hope this will prove to be a first step in a gradual move toward a situation in which intervention is more widely used to stabilize exchange rates and to support an appropriate and internationally agreed set of currency values.

POOR-MOUTHING THE FLOAT

Similarly, the French Minister of Economy and Finance, Valery Giscard D'Estaing, said:

> The only good thing one can say about present practices is that they are providing their own proof that they do not work. Currency floats do not contain inflation, nor do they ensure correct market rates. This has been demonstrated beyond a shadow of a doubt . . . The idea of fixed and adjustable par values now appears to have gained wide acceptance . . . But it is also necessary that currency floats be authorized only on an exceptional and temporary basis.

The Belgian Deputy Prime Minister and Minister of Finance, Willy de Clerq, said:

> If the right to float were to be generally recognized in the new system without any limitation being applied, as regards either duration or the nature of the exceptional circumstances deemed to warrant it the very principle of "fixed but adjustable exchange rates" would become devoid of meaning. . . . Floating exchange rates seem to us to be a very poor reflection of the fundamental equilibria . . . The same applies in the case of over-frequent parity changes.

The Netherlands Minister of Finance, W. F. Duisenberg, said:

> We are, I believe, entitled to draw the conclusion that the exchange market alone isn't capable of establishing an orderly system of exchange rates. The market stands in need of clear guidelines if it is to achieve this goal; official intervention to keep exchange rates within agreed margins is essential. . . . The dangers inherent in the present world monetary situation make it necessary for an agreement to be reached speedily on a system of fixed exchange rates which can be adjusted in good time.

Our own Secretary of the Treasury, George Shultz, said:

> There is full acceptance of the idea that the center of gravity of the exchange rate system will be a regime of "stable but adjustable par values," with adequately wide margins and with floating "in particular situations". . . . It would be a fundamental error to mistake the present arrangments for monetary reform.

In Nairobi, four explicit criticisms were leveled against the fluctuating exchange rate regime: First—private parties dealing in exchange markets were asserted to have a short-range view, to overlook medium and long-run fundamental economic trends, and therefore, to cause excessive short-term fluctuations in exchange rates. Second—floating exchange rates were claimed to be subject to large fluctuations induced by massive speculative international transfers of liquid assets. Third—floating exchange rates were said to be unable to contain inflation, or to prevent the transfer of inflationary pressures from one country to another. Fourth—floating rates would prompt countries to resort to competitive devaluations during periods of high domestic unemployment.

I shall address these criticisms in turn.

IS THE MARKET SHORTSIGHTED?

Is the economic outlook of private exchange dealers and international traders and investors more shortsighted than that of monetary officials, and can the officials determine appropriate exchange rates more accurately than private parties? If the dollar fell to unreasonably low levels during the period from mid-May through the third week of July and consequently became undervalued, a self-correcting recovery has since set in.

The decline resulted largely from the daily revelations of the Watergate hearings, from rampant inflation in the United States, and from the absence of proper harmonization between United States and German monetary policies.

Could monetary officials confidently assert in May and June that political uncertainties in the United States would be resolved, and that the economic consequences of these uncertainties would be trivial?

The ultimate outcome of this investigation, and its economic consequences, are still in doubt. Only through the most gratuitous type of Monday-morning quarterbacking can monetary officials assert that they had a deeper understanding of political events in the United States than did the exchange dealers.

I am not asserting that monetary authorities should be prohibited from intervening in exchange markets, or that such intervention is invariably harmful. On the contrary, at times, most recently in July, central bank intervention was beneficial to help make a market for the dollar and to strengthen the confidence of those exchange dealers who were willing to take positions in dollars. After all, one cannot expect exchange dealers, traders, and investors to adapt overnight to a fluctuating exchange rate regime after fixed parities had been the norm from 1958 to 1971.

What I do challenge is the assertion that monetary authorities have a more accurate view than the market of what are appropriate exchange rates in the light of fundamental economic trends. After all, it was the monetary authorities who brought us the disequilibria of the 1960's and early 1970's, the abortive Smithsonian agreement, and the short-lived February 1973 realinement. Their past record has not been such as to give one confidence in their omniscience, or to continue them as the arbiters of the exchange rate structure.

THE IMPACT OF SPECULATIVE CAPITAL FLOWS

The second criticism of fluctuating exchange rates was that they change in response to large international transfers of liquid assets, frequently referred to loosely as speculative capital flows. The observation is certainly correct that under a regime of floating rates, the actual prices at which currencies trade in exchange markets are affected by international asset transfers, and that these rates, having been altered, have an impact on the magnitude and pattern of international trade and investment.

The only way to prevent large capital flows from having an impact on exchange rates is either to impose controls in an attempt to stifle the flows, or to counter them through official intervention in exchange markets. Controls have been shown to be ineffective when the incentives promoting international asset transfers are strong.

Similarly, the amount of official intervention needed to counter large flows has frequently been in excess of the resources that monetary institutions—for a variety of reasons—have been willing to commit to this purpose. When the dollar has been under pressure, sometimes foreign central banks have not been willing to increase their dollar reserves by the amounts that would be required to override the capital inflows. In addition, large increases in a country's reserves over a short period tend to expand its domestic monetary stock by similar amounts. Often countries have not been willing to tolerate the inflationary consequences of such large jumps in their domestic money supplies.

The critics in Nairobi overlooked some relevant considerations pertaining to large international transfers of liquid assets and their impact on exchange rates.

First, what is speculation? Speculation is defined by economists as purchasing an asset without also entering into a contract to sell that asset sometime in the future. This is also known as taking an uncovered position, and taking an uncovered position in foreign currencies or assets denominated in them is international monetary speculation. Speculation is not inherently evil, covert, underhanded, malicious, or necessarily harmful to the general public. It results from the normal desire of private individuals to employ their assets profitably, not only

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in foreign currencies but also in commodities and real estate.

What nobody in Nairobi bothered to mention was that most international monetary speculation that has occurred in the 1970's has been stabilizing rather than destabilizing, tending to push exchange rates toward levels which would help to diminish payments surpluses and deficits and to reestablish a sustainable equilibrium of trade and investment flows. If most speculative transfers tended to push exchange rates away from equilibrium levels, then that speculation could be termed destabilizing. But in fact the depreciation of the dollar and the appreciation of other currencies has helped the United States to rectify its external trade position and to redress incentives that caused excessive American investment abroad and that discouraged foreign investment here.

Only under the pressure of unprecedented political uncertainties and galloping inflation in the United States did speculative transfers possibly produce a marginal undervaluation of the dollar. The extent of any such undervaluation is far from clear. In any event, the market is demonstrating its growing ability for self-correction.

Three speakers in Nairobi—Finance Minister Aichi from Japan, Bank of Italy Governor Carli, and German Finance Minister Schmidt—mentioned the beneficial effects of floating rates in helping discourage excessive international transfers of liquid assets. Under fluctuating rates, if one currency appears to be a candidate for depreciation and another a candidate for appreciation, a flow of liquid funds tends to occur from assets denominated in the former to assets valued in the latter. This flow tends to bring about the expected consequences.

But then the incentive to transfer assets internationally is also eliminated. Avoided are both the disruptive effects on international trade and investment of controls over capital flows, and the inflationary consequences of large increases in the domestic money supplies of countries attracting funds.

For this reason, Finance Minister Schmidt said, "exchange rate elasticity will have to provide the needed protection" against large movements of capital that cannot be derived from international coordination of monetary policies and administrative controls. The cost of this benefit is some short-term fluctuation in exchange rates, and the consequent effects on trade and investment. But no benefit is costless, and the economic damage resulting from massive central bank intervention in futile attempts to defend disequilibrium exchange rates is much more costly.

DO FLUCTUATING RATES CONTAIN INFLATION?

Third, it was charged that fluctuating exchange rates do not contain inflation. I have just explained how flexible rates can help prevent the large international asset transfers and consequent reserve stock and money supply bulges that, for example, proved so disastrous to German domestic monetary management over the past decade. In this regard, it could be more persuasively argued that fixed rates tended to create inflation internationally. Otmar Emminger, Deputy Governor of the German Central Bank, adopted precisely this line of argument in a lecture delivered last June.

If a nation experiences excess demand and domestic inflation, then it will tend to export less and import more. Under fixed exchange rates, this tendency to draw more resources from the rest of the world and to transmit demand pressures overseas meets no price resistance. But, under floating rates, the value of its currency would tend to deteriorate. The consequence would be to help maintain its level of real exports, to discourage the growth of imports, and so to help contain demand pressures within its own borders.

THE DANGER OF COMPETITIVE DEPRECIATION

The Minister of Finance from the Netherlands, W. F. Duisenberg, raised the issue that fluctuating rates might tempt governments to resort to competitive exchange rate depreciation during periods of high unemployment:

> Full employment is a high priority for national governments; if it were put in jeopardy, governments might conceivably resort to manipulating exchange rates for the benefit of their domestic policy, and the drawbacks of the present system of floating exchange rates would then appear fully and clearly.

Mr. Duisenberg raised a legitimate point. No exchange rate regime or international payments adjustment mechanism can work without international surveillance. If a nation is experiencing high unemployment, it would reasonably be expected to ease its domestic monetary policies. The resulting decline in interest rates could well prompt an outflow of capital and some deterioration in the value of its currency. With fluctuating exchange rates, an international body would be needed to insure that governments did not carry easy money policies beyond the point that could reasonably be expected to stimulate domestic expansion. Liberal credit availability should not be used to manipulate exchange rates and promote exports at the expense of other countries.

What this criticism overlooks, however, is that fixed rates are subject to the same fault. For years the German mark and Japanese yen were undervalued. The Governments of these countries adamantly refused to revalue these currencies or let them freely appreciate to a level that would have avoided further reserve accumulation. During these years of undervaluation, German and Japanese workers produced goods for sale in the U.S. market that American laborers otherwise would have produced. Thousands of manufacturing jobs were transferred overseas as a result of the availability of foreign plant, equipment, and labor at discount prices. Whatever the exchange rate regime, the IMF must be in a position to review the policies of governments that affect the external values of their currencies.

CONGRESS WILL NOT APPROVE RETROGRESSION

The post-March 1973, de facto reform has as its central characteristic that nations should be allowed freely to choose between floating exchange rates, which the United States has elected, and "fixed but adjustable" exchange rates, which are favored by the countries of the European Economic Community.

In contrast to other countries, the United States particularly needs floating exchange rates. The international trade of the United States is only some 9 percent of the gross national product, as opposed to some 40 percent in countries like Great Britain, France, and Germany, and even large percentages in Belgium and the Netherlands. Unlike other countries, therefore, the United States cannot rely on overall monetary and fiscal policy to alter our international payments position. The expansion or contraction in GNP required to bring about a given change in our trade balance is simply too large to make the use of overall monetary and fiscal policy feasible.

The United States must therefore depend on exchange rate adjustments to maintain an appropriate balance-of-payments position with the rest of the world. Thus, the United States cannot accept an international monetary reform which gives up the option, as a normal procedure, of letting the dollar adjust to market pressures in order to maintain a satisfactory external equilibrium. Yet the IMF's proposed "stable but adjustable" rates, apparently agreed to by the United States, would prevent our selecting floating rates as our normal regime.

It is time to speak plainly. The United States should insist on the option of floating that has already been achieved in practice. We should not be led astray by the nostalgic hankerings of others for another regime of "fixed but adjustable" rates.

It takes the U.S. Congress to approve a new international monetary system. And Congress, unless I am very much mistaken, will simply not approve a so-called "reform" which puts the United States in the box of "fixed but adjustable" rates, with floating permitted only "in particular situations." The rest of the world should be aware of this now.

LEAVE WELL ENOUGH ALONE

The United States should speedily extricate itself from the maelstrom into which it is descending. We should withdraw our endorsement of the Nairobi "fixed but adjustable" rates "reform." We should make it clear that the United States, and anyone else so minded, should have the option of floating their currency. We should do so at once, and certainly no later than at the next meeting of the Committee of 20 in January.

With the air thus cleared, the Committee of 20 can go on in a streamlinued way to meet its July 31, 1974, deadline. Questions such as SDR's, convertibility, the dollar overhang, intervention will yield easier solutions as a result of this clearing of the air. I shall discuss these questions in a second speech in a few days.

The present option to float is working. Let us leave well enough alone.

STATEMENT CONCERNING H.R. 8005

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. DIGGS) is recognized for 5 minutes.

Mr. DIGGS. Mr. Speaker, I would like to insert for the thoughtful consideration of my colleagues the statement of Anthony Mazzocchi of the Oil, Chemical, and Atomic Workers International Union on H.R. 8005, to amend the United Nations Participation Act of 1945 to halt the importation of Rhodesian chrome and restore the United States to its position as a law-abiding member of the international community. Mr. Mazzocchi's statement carefully examines the effects on American workers and the loss of jobs caused by the enactment of the Byrd amendment and the importation of Rhodesian chrome to the United States. He stresses that—

> The price of employment for American workers should not be the health and safety in a clean environment, just as the price of freedom for the Black Rhodesians should not be valued in terms of cost of chrome and ferrochrome in the U.S. market. Yet Black Rhodesians and American workers have been pitted against each other in a manner not only insulting to their integrity, but to the basic and universal values of human dignity.

The text of the full statement follows:

Statement of Anthony Mazzocchi, Citizenship-Legislative Director, Oil, Chemical, and Atomic Workers International Union, Before the Subcommittee on International Organizations and Movements, House Committee on Foreign Affairs, Concerning H.R. 8005, October 12, 1973

On August 8, 1973 the Oil, Chemical and Atomic Workers International Union (OCAW) passed a resolution in support of the present Congressional attempt to restore economic sanctions against Rhodesia. I would like to submit the resolution to the record. It is our belief that the Byrd Amendment was a dangerous breach of an international trust vital to a responsible, interdependent world, as well as a callous blow to the struggle of the Black Rhodesians to control their own lives. We are concerned that 750 workers in the ferrochrome industry have already suffered the loss of their livlihoods due to this legislation, as may many more; furthermore, as the union representing many of Union Carbide's industries, including its domestic ferrochrome, we are particularly concerned about its hypocritical stance and dissemination of misleading information on this issue.

When Ian Smith's Rhodesian Front Party proclaimed Rhodesia's unilateral Declaration of Independence (UDI) in November 1965, rather than resorting to the all too usual military means of dealing with insurgents, Britain opted to bring the problem to the United Nations for international jurisdiction. Determining that the situation was a threat to the peace (the number of blacks killed by whites, and whites killed by blacks in Southern Africa in recent years should be proof of this threat) the Security Council, of which the U.S. is a prominent member, agreed to invoke an economic embargo against Rhodesia. Under the U.N. Participation Act of 1945, the U.S. committed itself to abide by the Charter of the U.N. If there were any doubts about the embargo's effectiveness or it seriously jeopardizing our own national security, we should have exercised our veto then. But even if these doubts did not arise until after the enactment of sanctions, the unilateral decision by the U.S. to simply selectively ignore the boycott, was a shockingly irresponsible way for a world leader to act. Doubts about an international decision should have been discussed within the international oragnization in which the decision was first made, with the intent of exploring every possible alternative action. As John Sheehan of the United Steelworkers points out in a letter to Congressman Fraser on August 8, 1972:

"If the embargo on chrome ore is to be questioned, then also the whole embargo technique should be questioned, and not just that aspect which affects the properties of two American companies holding mining deposits in Rhodesia."

Closer scrutiny of the factors underlying the Byrd proponents' arguments reveal more than just mining deposits at stake in Rhodesia. As we now know, Union Carbide also owns a rather sizable and ever expanding ferrochrome processing facility in Rhodesia on which much attention has been focused in these recent Congressional hearings. It is no surprise then that Union Carbide stressed their fears about dependence on the Soviet Union for chrome ore. One wonders if the company were to own chrome mines and ferrochrome plants in Russia whether the subject of dependence would be less of a threat and more of a profitable assurance as dependence on Rhodesia now is.

In fact, from the perspective of Union Carbide, the National Security argument was nothing less than specious. While Carbide was decrying the dangers of our dependence on the Communists for the strategically critical chromium ore, especially in time of war (although it must be noted that our 10 year involvement in S.E. Asia was conspicuously overlooked in their evaluations of "hypothetical" war needs), the company was also eargerly jumping the band wagon of detente with the Soviet Union and other Communist countries. In the June 17, 1973 *Wall Street Journal*, it was reported that Union Carbide has signed a three year, $15 million contract with the Soviet Union for the purchase of naphtha, an important petrochemical feedstock. It was also reported that Union Carbide's previous sales to the Soviet Union of such products as agricultural chemicals, processed chemicals and plastics have amounted to almost $9 million. In December 1970, the sale of more than $2 million worth of organic chemicals and other industrial materials was the result of the Corporation's exhibit, reportedly the largest American one, at Moscow's Chemistry-70 Fair. Last year, Union Carbide in Canada 75% affiliated with Union Carbide in the Unitd States, participated in a Canadian trade exposition in Peking, and this year sold some of its technology to Poland.

It is clear to us that Union Carbide has been manipulating foreign policy to its own benefit. Done at the expense of other companies in the ferrochrome industry, such action is a travesty of the concept of free trade expounded so often from the other side of the Corporation's mouth.

It is necessary, however, to understand the difficulties the ferrochrome industry has been in for the past decade. On page 23 of the report by Ms. Diane Polan at the Carnegie Endowment for International Peace, it is pointed out that:

"This industry, which recently consisted of four major and two minor producers, has been in decline since the early 1960's—*before* UDI and *before U.N.* sanction against Southern Rhodesia. It has been hard hit by imports and rising labor and power costs, as well as requirements to install costly pollution control devices to meet stiff new Federal air quality standards."

The report goes on to cite that by 1965, again before UDI, the number of companies in the U.S. producing ferrochrome dropped to six, from eleven in 1961. This, it says, was paralleled by a conspicuous increase in ferrochrome imports, including South Africa as a major contributor.

This analysis of the problems besetting the industry can be supported by a look at any of Union Carbide's Annual Reports during the latter half of the sixties. Under the sections concerning domestic ferroalloys, the constant variable of blame for difficulties in this industry went to heavy foreign imports, with a variety of other reasons contributing to the problems throughout the years, including "reduced steel operating rates, reduction of inventories by customers, and strikes at several plants." Not until 1969 was inaccessability to chrome from their Rhodesian mines mentioned as a source of difficulty. By 1971 there was again no mention of Rhodesian chrome, only of the steel industry slowdown and an all time high in ferroalloy and steel imports.

Yet we were advised that the way to save jobs was by lifting the embargo. The irony of dealing with the problem of ferroalloy imports by adding more imports has become too painfully clear for the 750 workers at the Stubenville and Brilliant, Ohio ferrochrome plants.

In May 1973 the Ferroalloys Association petitioned the U.S. Tariff Commission for relief from imports, stating that:

"Unless aid is forthcoming soon it will only be a matter of time until almost all domestic production of ferrochrome and chromium metal will cease and the bulk of our country's requirements will be supplied from and dependent on foreign production."

Mr. F. Perry Wilson, Union Carbide's Chairman of the Board, seemed to concur with this prediction when he stated in an April 4, 1973 interview with the *Wall Street Transcript:*

". . . obviously as time goes on and competition from other parts of the world gets keener . . . we will have to go where the ore is found and electrical cost is competitive . . . this suggest overseas expansion."

Moving to where the ore and "electrical cost is competitive," i.e. Rhodesia, would clearly be less of a hardship for Union Carbide than implied. For those members of OCAW whose livlihood depends on the vitality of the ferroalloys industry in the U.S., such a move could be disasterous.

The key question for our workers, of course, is if sanctions are reimposed, and Union Carbide is cut off from its Rhodesian supplies of chrome and ferrochrome, how would this affect chrome and ferrochromium related operations at the Corporation's plants in Alloy, West Virginia and Marietta, Ohio? The answer at this time can only be speculative, but we feel that the greater chance of job security lies in the reimposition of economic sanctions against Rhodesia.

According to our information, a breakdown of Union Carbide's sources of chromium ore for domestic use is 69% from Russia, 20% from Rhodesia, with the remaining 11% from other places such as Turkey. At Alloy, where 50 of our 1,200 members are included in ferrochrome products, the two chrome furnaces are relatively new and have all the required air pollution equipment. The company put considerable amounts of money into building these furnaces so as to meet the necessary pollution requirements, and it would seem foolishly wasteful to close down these operations if only 20% of its chromium source was discontinued.

At the Marietta plant where this issue concerns 300 of our 1,000 members, the Simplex chrome and Electrolytic chrome operations rely on the ferrochrome produced from the two furnaces at the same plant. While Carbide is then, apparently still depending on the Soviet Union for its chromium ore, its Rhodesian ferrochrome imports are not being used for its own ferrochromium related operations at Marietta and Alloy, but are instead directly contributing to the influx of low-cost, foreign imports with which other domestic ferrochrome and ferroalloy producers must compete. It would seem that lack of access to Rhodesian ferrochrome would only pinch the profits gained rather unfairly at other ferroalloy companies' expense.

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We fear that if it is cheaper for Union Carbide to move its operations to southern Africa, as it most certainly would be, in the not too distant future the Corporation might just decide to move all of its ferrochromium related operations there also. This kind of possibility not only prophesizes the loss of scores of American workers' jobs, and the doom of the domestic ferroalloys industry, already in serious trouble, it adds a new twist to the national security argument, for then America would truly be dependent on others for another of its vital and strategic materials.

For those who might question whether or not it is really cheaper for company operation in Rhodesia, allow me to elaborate on a few facts mentioned in our resolution. Although Union Carbide claims its presence in Rhodesia provides some golden opportunities for a better life for the Blacks in Rhodesia, no amount of photographs in its Annual Reports of smiling natives standing next to an Ever-Ready Battery truck can hide the fact that the mining of chrome in Rhodesia is largely accomplished with forced labor. Almost all of the workers in these operations are black migrants. They must sign individual long term (often 12 months) work contracts. During the contract the worker cannot leave his job, he is confined to company property and company barracks. He may not leave to visit his family, and breaking this agreement constitutes a criminal act.

Mr. Ted Lockwood of the Washington Office on Africa, presented some grim African wage statistics to the Senate Subcommittee on Africa on September 12:

"In 1973 wages paid to Africans in Rhodesia were 1/11th of wages paid to Europeans . . . Gross disparities in wages based on race appear in the statistics of Union Carbide's operations in Rhodesia. In 1970 it paid its African workers $46 to $130 a month while it paid $122.50 to $750 a month to European workers. According to statistics compiled by the Rhodesian 'government,' 1971 wages for African workers in the mining industry were R $353 per year (U.S. $565 per year or $47 per month). The average for Europeans, Coloureds and Asians in the mining industry was R $4,310 per year or U.S. $7,696 per year or $641 per month. Thus in mining wages a racial disparity of 1:13 existed."

Trade unionism is practically non-existent in Rhodesia. Mr. Lockwood points out that the Industrial Conciliation Act of 1959 with subsequent amendments imposes severe conditions on the right to strike and prohibits assistance from any international trade union movement. Gatherings of 12 or more Africans require official permission and are often closely supervised or taped by the Smith regime when meetings occur. Collective bargaining is virtually impossible, while the vast majority of Africans are simply barred access to trade unions. As Mr. Lockwood logically concluded, "It is not surprising that labor costs in the Rhodesian ferrochrome industry are only 10% of the cost of production."

The chrome and ferrochrome industry is also highly subsidized by the Rhodesian government: subsidies are given in the form of cheap electricity and transportation. This kind of subsidy and the fact that there are no environmental controls in Rhodesia is more than likely what Mr. Wilson was thinking about when he talked about moving operations to where "the electrical costs are competitive."

Competition for Union Carbide and the proponents of the Byrd Amendment reeks with the most insidious aspects of the profit motive. The price of employment for American workers should not be their health and safety in a clean environment, just as the price of freedom for the Black Rhodesians should not be valued in terms of cost of chrome and ferrochrome in the U.S. market. Yet Black Rhodesia and American workers have been pitted against each other in a manner not only insulting to their integrity, but to the basic and universal values of human dignity.

The Oil, Chemical and Atomic Workers Union is not so presumptuous as to contend that H.R. 8005 will be the panacea S. 503 was claimed to be. The U.S. ferroalloys industry has for a long time been, and still is in danger for its very life; reinstatement of sanctions may not be the boost it needs, but we know that without sanctions, Rhodesia imports are certainly not the boost this industry needs. Nor can H.R. 8005 promise Rhodesian Blacks their long overdue independence, but we are sure that our compliance once again with sanctions would certainly be a more honest and effective affirmation of our support for their struggle. As H.R. 8005 would also stand as a reaffirmation of our respect for international agreements, our hope is that its passage would inspire us to vigorously search within the U.N. for all possible ways to help the Black Rhodesians break their chains of oppression.

A RESOLUTION TO INVESTIGATE POSSIBLE GROUNDS FOR IMPEACHMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. THOMPSON) is recognized for 5 minutes.

Mr. THOMPSON of New Jersey. Mr. Speaker, I am today introducing, with 15 additional cosponsors, a resolution urging the Judiciary Committee to investigate possible grounds for impeachment. This brings the total number of House Members introducing this bill to 76. Recent events have demonstrated the urgency of prompt action by the committee, and I hope that a full inquiry can begin shortly.

AGRICULTURAL RESEARCH INSTITUTE ANNUAL MEETING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Dakota (Mr. ANDREWS) is recognized for 30 minutes.

Mr. ANDREWS of North Dakota. Mr. Speaker, the tremendous contribution of agriculture to the social and economic well-being of the Nation and the world, along with the research necessary to assure American farmers will be able to continue to make this contribution, is deserving of a great deal more attention. At the recent annual meeting of the Agricultural Research Institute in Washington, D.C., Dr. A. Richard Baldwin, vice president-executive director of research for Cargill, Inc. set the theme for the meeting with some outstanding remarks. Dr. Baldwin, who is president of ARI, discussed five major points about agricultural research and offered six suggestions on where new investments can strengthen the program.

I insert Dr. Baldwin's speech in the RECORD at this point and commend them to my colleagues:

INTRODUCTORY ADDRESS AGRICULTURAL RESEARCH INSTITUTE ANNUAL MEETING

(By Dr. A. Richard Baldwin)

The most efficient agricultural production system the world has ever seen is providing unbelievable supplies of food and fiber here in our nation. Agricultural research developed the technology which made the inputs of capital and the private enterprise system work efficiently.

Furthermore, the public and private investment in agricultural research has been so favorable that for every dollar invested there has been a return of 25 to 100 dollars. The consumer has been the main beneficiary of obtaining lower priced goods and a more reliable supply. Most of the rest of the world also has been able to feed and clothe itself better, because the knowledge gained here has been shared with them.

Yet those great contributions to the social and economic well-being of the nation and the world are not receiving their just attention! At no time within our memory has American and world agriculture come under such close scrutiny. In these times of budget cuts and fiscal awareness, we find our public and private agricultural research funds severely limited.

The challenges of meeting the burgeoning needs of our people now and in future generations must be met. So this afternoon I would like to try to clarify the problem by discussing five major points about our agricultural research. Then I'd like to offer six suggestions on where new investments can strengthen the program.

The first main point is the urgent need for more production research.

It is hard to become accustomed to talking about full agricultural output after so many years of burdansome surpluses and of subsidies for *reducing* production. Yet seemingly overnight, poor crops in many parts of the world and the affluence of Europe, Russia, Japan, and the U.S. have created unprecedented demands for our agricultural products.

Our economy depends more and more on agricultural production. Our international balance of trade in the 1972–73 crop year was highlighted by the largest positive contribution coming from agricultural products—$5.6 billion. By contrast, non-agricultural goods had a trade deficit of $9.1 billion.

So it's important to *all* of us for farmers to increase their production of crops, meat, milk and eggs at lower cost. Here's one way of gauging the need for technology to improve. During World War II we had all-out food production to feed the American population of 137 million. But that level of technology couldn't meet the demands of 210 million Americans in 1973 when we're again gearing up for high-level production. And surely the demands of the year 2000 when we have 300 million people in America cannot be met be continuing to use today's technology.

Another reason technology must improve is the limited availability of land. Too much of our good farmland disappears each year for urban development, environmental protection, conservation, recreation, and transportation. Also, much of the idle land being returned to production these days has marginal potential, and increased land by irrigation is expensive.

If it takes the production of about one-half acre to feed one person per year, think of this: there are more than 70 million new mouths to feed on this globe every year. That's as many people as we have living right now in the 24 states west of the Mississippi River. It means every 12 months the world needs the additional output of a new Iowa, and Illinois together, and there is no new land like that!

The problem is getting more serious all the time. A person born in 1930 had two billion neighbors on this planet. It took two million years to reach that population. By the year 2000, that septuagenarian will have more than six billion neighbors. Three times as many people to feed in just one lifetime!

Those are reasons why agricultural research must be increasingly aggressive in developing new and more productive varieties of crops, livestock and poultry. We must solve the difficult basic genetic problems. We must develop new and improved methods of controlling insects and other pests. We must come up with even more efficient farm equipment and management practices. We must lower the costs of irrigation and slow down erosion losses.

Furthermore, weeds, insects, and diseases do not give up. So agricultural researchers recently have used some of their limited research funds to fight Southern Corn Leaf Blight, Gibberella, and aflatoxin in Midwest corn, Encephalmalacia in Texas horses, the Citrus Black Fly in Texas groves, Newcastle disease in California poultry, the Gypsy Moth in Eastern forests, the Tussic Moth in the Pacific Northwest, the Southern Pine Beetle in Southern forests, and the Sugar Cane Stalk Borer in Florida's citrus groves. Even more of the research funds are being used to check the safety of nitrosamines in cured meats and late blight in potatoes.

Research to develop resistances to diseases and pests of crops, livestock and poultry is never ending because mutations of the diseases and pests make new problems.

Those aren't the only challenges to agricultural research. A *second* major point is that there is an urgent need for agricultural research on ways to protect and expand the quality of life.

We must continue to learn more about the essential nutritional needs of humans as well as livestock and poultry.

We must expand our knowledge of control and utilization of the byproducts of production. Solid nutrients from fields and feedlots must stay out of waterways, and farm odors must be kept out of urban areas. Proposals to recycle urban sludge and solid wastes on farmland require additional effort by agricultural scientists to study the safety of the heavy metals and pathogens that accompany the wastes.

Agricultural researchers also have taken up the vital challenge of employment and the general quality of life in the countryside, where nearly half of our population say they would really prefer to live.

In view of these vital challenges that will require tremendous efforts to solve, my *third* point is that agricultural research has the experience and capabilities for tackling these problems.

Let's look at the track record. Agricultural research led the way to more efficient production of crops, meat, milk and eggs by means of new varieties of plants and animals, improved fertilizers, irrigation, machinery, tillage and husbandry practices, better resistance to diseases and other pests, and new methods of farm management and marketing.

But it didn't stop there. Agricultural research has helped alleviate human suffering through basic discoveries related to vitamins, essential mineral elements, commercial production of penicillin, antibiotics, vaccines, viruses, genetics, artificial insemination, organ transplants, and control of anemias and diseases.

The environmental protection movement first surfaced in agriculture. Advances have been made in soil and water conservation, effects of air pollution, reforestation, and game management. Fundamental knowledge was acquired in economics, management, and social adjustment to technological change.

Our *fourth* point is that in spite of urgent needs for greater agricultural production, environmental enhancement, and rural development and the proven abilities to make major contributions in these areas, agricultural research is inadequately supported to meet the growing challenges of the future.

Agricultural research is such an "alphabet soup" of abbreviated agency names and multilayered organization charts that it is often difficult for the outsider to get the big picture. And it *is* a big picture! More than $1 billion a year divided about equally between public and private funding, and well over 20,000 agricultural scientists.

About 40% of the public half of agricultural research is conducted by 4,500 scientists in three agencies in the United States Department of Agriculture or USDA. Biggest is the Agricultural Research Service or the ARS, which had a budget of about $188 million in the last fiscal year. The House is considering a bill that would cut $15 million for fiscal 1974. This comes after similar cuts in the past two years which have meant closing 22 research locations, abandoning 42 lines of work, and leaving hundreds of jobs vacant after turnover. Other agencies under the USDA are the research arm of the Forest Service, which could see a $5 million cut from its previous budget of about $52 million, and the Economic Research Service or the ERS which may have $63,000 trimmed from its previous budget of $15,568,000.

About 60% of public research is done by 6,000 scientists at the state level, mainly in the 54 State Agricultural Experiment Stations known as SAES. Most are located on campuses of land-grant colleges and universities. For several years they have received about $260 million annually from non-federal sources such as state legislatures; grants-in-aid from other agencies of government, foundations, and agribusiness; as well as donations from farmers' groups collected as a checkoff on agricultural production marketed by their members.

The federal government also contributes to state programs through a mechanism called the Hatch Act and an administrative agency called the Cooperative State Research Service or the CSRS. Hatch Act funds were about $69 million last year. Congressional debate has kept the upcoming budget on a roller coaster ride up and down. Right now a joint conference committee is recommending a $1 million increase, primarily for higher salaries.

The CSRS disburses funds for two other significant programs. One is for agricultural research in 17 colleges of predominantly Black student enrollment, which were established in the year 1890. These "1890 Colleges" received long-overdue additional research money during fiscal 1972. This coming year they may get $10,883,000—a most satisfying trend. We're delighted to have several representatives from the 1890 Colleges among our Agricultural Research Institute (ARI) membership.

Another program administered by CSRS involves four new centers for regional cooperation on rural development. Funds don't begin to match the size of the challenge, however. The four programs covering the entire United States must share $300,000 at present.

Let's take a look at private industry. Although there are no precise budget figures available, my personal feeling is that private industry generally is not much more aggressive in its half of the agricultural research investment. Inflation is causing many firms to reduce research projects that lack early profitability. Also, some companies being faced with sharply higher research costs for developing pesticides and feed additives that can meet new regulations in the fields of consumer and environmental protection, have curtailed research in these areas.

Our *fifth* observation is that one of the possible reasons for restrictive budgets is the recent public criticism of agricultural research. Public agricultural research has undergone extensive review by a select National Academy of Sciences committee. Twenty suggestions were made for improved efficiency. Many of these have been put into effect by state and federal agencies. However, negative criticism in the press apparently has created an unfavorable attitude among the public that resulted in restricted appropriations by state legislatures and Congress.

Furthermore, this negative atmosphere has discouraged the public from comprehending recent, significant changes which have occurred in agricultural research in response to the NAS suggestions. I would like to describe a few of these.

One area is administrative. Both state and federal programs have tightened up their organizations. Joint federal and state planning committees are now functioning on a regional basis. Planning and review of projects by peers has been broadened. The private sector has been invited to participate in public research planning committees.

Another area is substantial changing of research emphasis to meet new needs. For example, the SAES in six years ending last year has had to reduce its effort by 232 scientist man-years (SMY's). Nevertheless, natural resources research increased 164 (from 592 to 756 SMY's). Research on communities, people, and institutions increased 104 (443 to 547). Environmental quality research rose 171 (74 to 245). Unfortunately, those changes had to be made at the expense of such production items as research on field and horticultural crops which declined 136 (2,461 to 2,325) and livestock and poultry research which went down 110 (1,382 to 1,172).

The issue of rural development which I spoke about earlier is another important area of increased emphasis. Establishment of priorities and pooling of knowledge on a regional basis are just getting activated at the new rural development centers. They are located at Cornell University in New York state for the Northeast Region, at Iowa State University for the North Central Region, and at Oregon State University for the Western Region. In the South, a regional council is based at Mississippi State, and Tuskegee Institute in Alabama is filling the same role for the 1890 colleges.

Still another improvement has been in the area of better communications. For example, the USDA's Agricultural Research Service has moved closer to its "customers" by dividing into four regional centers at Beltsville, Maryland; New Orleans, Louisiana; Peoria, Illinois; and Berkeley, California. The national coordinating office remains here in the Washington area. The object is to work more closely with state experiment stations and other agricultural researchers on a regional basis. You'll be pleased to know that our ARI group has had representatives on all the ARS/SAES Regional planning groups.

In fact, the ARI makes a unique contribution to the general improvement in communications. Our membership has representatives from 147 organizations from among state experiment stations, federal agencies, scientific organizations, and leaders of agribusiness research. We're a lot like an agricultural research information *exchange*. We discuss priorities in meetings like this one. We commisson study panels. We cooperate with other scientific organizations such as our host—the National Academy of Sciences; plus the Board on Agricultural and Renewable Resources; the Space Applications Board; the Agricultural Research Policy Advisory Committee; the National Industry-State Agricultural Research Council; the Council for Agricultural Science and Technology; the National Agricultural Institute; and the National Agricultural Communications Board.

I think changes like these prove that agricultural research is trying to meet the needs of today and tomorrow, and that it is cognizant of suggestions made for constructive improvements.

It is in that same spirit that I approach the following six suggestions on where public and private fund-setting agencies could make appropriate increases in the agricultural research investment to generate even larger returns for consumers. We need new technology fo the years 1980, 1990, and 2000.

1. Agricultural research budgets should be made adequate to provide for inflation. Al-

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most all budgets are failing to keep pace with the fact that research costs rise about 6% a year by inflation. No change in money from one year to the next actually results in less support.

2. Additional funds should be considered to provide more and/or better facilities and staffing in order to meet the ever-increasing research needs for our future agriculture. Likewise, funds for full staff operations should be provided when new facilities are built.

3. Congress could provide sufficient funds to the National Agricultural Library at Beltsville, Maryland to improve exchange of essential information required by agricultural scientists. This could be operated much like the National Library of Medicine. The agricultural library could use microfilm and computer to house the world's greatest collection of agricultural indexes, reports, periodicals, and references. Every library of land-grant universities and Colleges of 1890 should have quick electronic access to the data, instead of the current practice of every library having to try to collect everybody else's reports.

4. Current Research Information System (CRIS) needs additional funding to assure that all its project reports from public agencies are adequate, and current retrieval and distribution are complete and rapid, and a procedure be developed to include project reports from other research institutions.

5. I'd like to encourage more effective use of agricultural research results by a) more priority type planning between the researchers and the customers of research information and b) more urgency on the dissemination and application of research results. This would help avoid unwanted duplication, and direct the use of funds to the most urgent research needs of farmers, extension workers, rural communities, and agribusiness.

6. I'd like to offer one specific research project suggestion. Last year there were economic eruptions felt 'round the world when weather devastated crops on almost every continent. But so far there is no government agency, university, or private firm working to adapt the available technology of space satellites to worldwide monitoring of crop conditions. Agriculture needs this service. It is a challenge that needs attention and adequate funding either within the USDA or under the auspices of NASA.

In summary, we've discussed urgent needs for agricultural research on increased production, enhancing the environment, and rural development. Agricultural research has the experience and abilities to fulfill these needs if adequately funded. Funds have been restricted due to fiscal awareness and unfavorable public criticisms. Public agricultural research has responded to many of the NAS suggestions for improvements. Finally, we've suggested six ways in which additional funds could be profitably used.

Agricultural research is such an essential investment that we must take advantage of it.

PROPOSAL TO RAISE DEBT CEILING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Vanik) is recognized for 5 minutes.

(Mr. VANIK asked and was given permission to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, this morning the Committee on Ways and Means, over my protest, reported out a bill increasing the debt ceiling. It is as yet uncertain whether it will come to the floor of the House under a closed rule or an open rule. I expect to urge the Committee on Rules to give the House an opportunity to add a tax reform proposal or a social security proposal to this legislation.

I think the Members of the House are entitled to an opportunity to express themselves on these two items as a part of that legislation.

Mr. BURKE of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. VANIK. I yield to the gentleman from Massachusetts.

Mr. BURKE of Massachusetts. Mr. Speaker, I would also like to point out to the House that they have proposed to raise the debt ceiling to some $477.5 billion, an outrageous proposal at this time, and it is an outrageous proposal that cannot be justified.

Mr. Speaker, I voted against raising this debt ceiling. I pointed out that they could have gotten along with a debt ceiling of $470 billion up until January 31, 1974, or they could have at least kept it down to the limit of $475 billion. But, overnight, suddenly a request came in, and they have raised it up to the astronomical height of $477.5 billion.

This country is headed for a collision course with chaos. It is about time we did something about it. This is the only vehicle that is left with which we can do it. We can talk all we want to about the new Committee on the Joint Control of the Budget, but the only place we can act is in this debt ceiling bill.

I remember the speeches that were made on the floor of the House down through the years. I realize the country has to pay its bills, but we would not raise the debt ceiling so high as to be an incentive for the Congress and the executive branches to spend more money.

ONEONTA—CITY OF THE HILLS

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, the New York State Department of Commerce's magazine recently featured the fine community of Oneonta, N.Y., and I want to share the article with my colleagues and the readers of the Record.

As the article clearly indicates, Oneonta is an attractive and thriving community, a center for business, commerce, and education in one of the most beautiful natural settings I have ever seen.

The article follows:

Oneonta—City of the Hills

"We're a big, friendly farm town, that's all," says James Lettis, an auctioneer and the Mayor of Oneonta, New York, the "City of the Hills."

George Tyler, executive manager of the Greater Oneonta Chamber of Commerce, agrees with this modest appraisal up to a point. But, he hastens to add that this Otsego County city of 16,000 on the banks of the Susquehanna River is a *growing*, friendly farm town.

This growth he attributes to a working triple-threat formula: "Industry-Education-Shopping."

Industrial growth has been phenomenal. There was practically no industry in Oneonta in 1960. Today, area firms like Miller Trailer, Inc., Astrocom Electronics, Gladding-Del-Rey, Custom Electronics, Inc., Medical Coaches, Mold-A-Matic, Oneonta Dress Company, West-Nesbitt Inc., Sheffield Chemical, and many more, find in Oneonta an ideal industrial home.

Miller is Oneonta's newest industry, having begun full-scale production in December. This subsidiary of the Ryder system today manufactures a full line of Ryder truck and trailer transportation equipment, turning out 30 truck bodies and three 40-foot platform bodies daily, while employing 260.

Astrocom in nearby Colliersville employs more than 250 in the production of about 50 varieties of headsets and microphones. A major portion of Astrocom's business is for the U.S. Government and original equipment manufacturers, and the young firm has made substantial contributions to the nation's space program.

About 100 work at Gladding-Del-Rey, a division of Gladding Corporation, producing some 20 models of mobile recreation vehicles. Hottest Gladding item is the 30-foot "Fifth Wheel," a luxury split-level apartment on wheels.

"Industrial success in Oneonta is based on two factors," notes Robert W. Moyer, president of the Otsego County Development Corporation, as well as Wilber National Bank. "Helping existing industry expand and presenting an overall picture of community cooperation and good environment that proves singularly attractive to prospective new industries."

"The key lies in Oneonta, quite simply, being a good place to live," echoes Al Sayers, president of the Greater Oneonta Chamber and vice president and general manager of the city's major radio station, WDOS.

"I can see only growth in our future," adds Mayor Lettis.

Oneonta combines all the advantages of city living with a quiet, rural atmosphere. The city is centrally located, with convenient access to the entire Northeast market, almost equidistant from Albany, Utica and Binghamton, and smack in the center of one of the State's prime dairy farming areas.

Oneonta will become even more of an economic hub when I–88, the superhighway that will connect Binghamton and Albany, becomes a reality in a few years. A section around Oneonta is expected to be complete by December of this year.

In addition, Oneonta is just 64 miles from the east-west Thruway, 71 miles from the Northway to Canada, 61 miles from the North-South Expressway, and 60 miles from Route 17, which skirts the bottom of the State nearly to New York City.

Oneonta Municipal Airport, opened in 1966, makes Oneonta accessible by air, with two flights daily into LaGuardia in New York City provided by Catskill Airways, Inc.

The city's two fine colleges, Hartwick and State University College at Oneonta, have longbuttressed Oneonta's reputation as a major educational center. In addition, four elementary, one junior high, a new high school, a parochial school and one private school provide approximately 3,700 students with a fine consolidated school system. The Board of Occupational Education Services supplies vocational training facilities for about 300 students.

Hartwick College was founded in 1928, an outgrowth of Hartwick Seminary which was established in 1797. Today, it offers 21 major areas of liberal arts study to approximately 1,600 students.

Latest addition to its modern 16-building campus on Oyaron Hill overlooking the city is a $4 million Center for the Arts, expected to be fully occupied this fall.

State University College at Oneonta, an institution of higher learning at Oneonta since 1889, offers a wide variety of educational programs and awards both graduate and undergraduate degrees. With 5,000 students, 1,000 employees, and a budget of $15 million, Oneonta State is a dominant factor in the economic, social, educational and cultural life of the greater Oneonta area.

The third component of Oneonta's winning formula is its retail community. Shopping is unexcelled, with many excellent stores and shops servicing a trading population of some 100,000 within a 50-mile radius. Retail sales in Oneonta totaled in excess of $50 million in 1972, 46.6 percent of retail sales in all of Otsego County.

Four shopping centers spice the Oneonta retailing scene. The newest is Pyramid Mall, an enclosed climate-controlled complex of some 127,000 square feet. The others are Oneonta Plaza, West End Shopping Plaza and the Jamesway.

Oneonta abounds in greenery, with beautiful Neahwa and Wilber parks in the city, and State parks in Cooperstown and Gilbert Lake State Park in neighboring Laurens. There are three public golf courses and one private. Water sports enthusiasts can revel in nearby Goodyear and Arnold lakes, and incomparable Otsego Lake in Cooperstown.

For the spectator sportsman, the Class A Oneonta Yankees of the New York-Pennsylvania Baseball League, and the semi-pro football Oneonta Indians provide professional sport excitement. The city's two colleges provide baseball, basketball, wrestling and soccer thrills.

In 1972, Oneonta became the soccer capital of the State, when SUCO nosed out Hartwick in the NCAA torunament in a game played in Oneonta and then went from there to the finals at Edwardsville, Illinois. This interest has spilled over into the city's soccer program, with about 1,300 kids enrolled.

Quality of living is high in Oneonta, which once enjoyed considerable glory as a "Railroad Town." In fact, Oneonta, once inhabited by Algonquin and Iroquois Indians, really began to grow in 1865 when the Albany and Susquehanna Railroad, now the Delaware and Hudson, reached the city. By the early 1870's, Oneonta was a railroad center of national importance. At one time, 72 passenger trains operated in and out of Oneonta daily. The D & H roundhouse was one of the largest, and its turntable the longest, in the world. The "hump system" of switching freight cars was developed in Oneonta.

Today, the Oneonta scene is a modern and progressive one, with growing colleges, prosperous industry and a healthy and growing retail shopping base. An Urban Renewal project is well beyond the planning stage, with Federal approval having been granted for the 300,000 square foot, $5 million plus project that will alter the face, but not the vibrant personality, of the city. At present, two new buildings are under construction, seven buildings are being rehabilitated and one is being rehabilitated with an addition.

All in all, the "City of the Hills" is a city on the move!

PUBLIC OPINION AND ITS IMPACT

(Mr. KOCH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KOCH. Mr. Speaker, in the 5 years that I have been a Member of Congress, I have never witnessed a more vociferous and overwhelming outpouring of emotion as the mail I have received on the subject of the impeachment of the President. In just 3 days, and my office is still reading and counting, I have received 2,195 letters and telegrams calling for the impeachment of the President and 22 letters supporting the President. Many of those writing to me are doing so for the first time and the emotions conveyed range from the deepest sadness and disillusionment to the greatest anger.

Clearly as a result of the public outcry, the President yesterday agreed to turn over the White House tapes to Judge John Sirica. If anyone doubts the effect of public opinion, the outpouring of mail over the last few days to all Members of Congress and the White House and the President's subsequent reaction must surely remove those doubts.

TRUCKS CONTINUE TO POLLUTE

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, it has been brought to my attention through an article which appeared in the New York Times, of October 13, 1973, that the Environmental Protection Agency is either unwilling or unable to set necessary antipollution regulations for our Nation's 23 million trucks at this time. The article quotes a trucking industry representative's response in avoiding tough regulation as "the most effective coup that industry has pulled off on the Environmental Protection Agency."

Eric Stork, Deputy Assistant Administrator of the Agency, is cited in the article as predicting new regulations for trucks would be in effect by 1977 or 1978, though some officials of that Agency and apparently the trucking industry as well, are confident that such standards will not be in effect until 1980. Given the severe air quality problems of our central cities, that is an intolerable and unnecessary delay.

While there are only about one-fourth the number of trucks as cars on the road—23 million trucks to 100 million cars—a truck emits in the range of 10 times the pollutants as a car does. Though there are undoubtedly technical problems in setting the standards, it can be done. Indeed, the New York City Department of Air Resources has established tests to arrive at such standards. They are admittedly imperfect but far better than no standards.

I have written to EPA Administrator Russell Train requesting that whatever has to be done, testing or otherwise to establish antipollution norms for trucks be done now. To wait until 1980 or even 1977 would show an indifference by the Federal Government which could only be described as gross negligence. The Commissioner of the Department of Air Resources of New York City, Fred C. Hart, has told me that with current schedules of antipollution device implementation for cars, trucks would be causing 80 percent of the central Manhattan air pollution by 1980.

Without controls over truck emissions the current levels of truck pollution will make it virtually impossible for New York City to meet the ambient air quality standards required by the Clean Air Act.

It should be unacceptable to this Congress if the Environmental Protection Agency fails to immediately meet this problem. And if it fails to undertake to discharge its responsibility, then Congress will have to undertake to mandate these standards.

ELLIOT RICHARDSON

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, Elliot L. Richardson by his decision to resign rather than break his commitments to the Congress and to the American people, has provided us all with an outstanding example of the kind of integrity we should expect in high public office—integrity which has been unfortunately lacking in too many instances in recent years.

Since his appointment this spring as Attorney General, Elliot Richardson has consistently recognized that his office involved an obligation extending to all the people of this Nation. His understanding of the need for a special prosecutor in the Watergate case and related matters is perhaps the most obvious example, but there are many more.

Alone among recent Attorneys General, Elliot Richardson comprehended the vital necessity that the Justice Department not only be impartial but that it be perceived as impartial. In his short term as the Nation's chief law enforcement officer, he initiated a series of reforms designed to restore public confidence in the administration of justice by the Department of Justice.

Elliot Richardson had sought to remove the Justice Department from politics. He had initiated action to monitor ethics within the Department and to require records of communications to the Department by persons not directly concerned with matters before it. He had directed the reopening of the Kent State investigation and of the decision by his predecessors not to convene a grand jury.

I sincerely hope that his successor in the Office of Attorney General will reaffirm these policies.

As a member of the Judiciary Committee, I have followed closely the public acts of the Justice Department under the leadership of Elliot Richardson. While I did not always agree with his decisions, I would like to take this opportunity to commend Mr. Richardson's openness and fairness and his dedication to justice.

The Justice Department and the United States were well served while Elliot Richardson was Attorney General. I might add that, as a Harvard college classmate of Mr. Richardson, I have been particularly gratified by the honor his career has reflected on his alma mater.

Mr. Speaker, in August Attorney General Elliot Richardson made an illuminating speech to the American Bar Association outlining his reforms at the Justice Department. The text of his speech follows these remarks.

Address by Elliot L. Richardson

In addressing this great organization of lawyers, I speak as a lawyer who has returned to a profession he loves. Believing in the law as the organizing principle of an ordered society and the indispensable attribute of a humane one, I am sensitive to the law's imperfections and jealous of its reputation. Like

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you, I am eager to be called upon to play a part in assuring that all the members of our profession are held to its high ideals.

As a lawyer charged with heading the national government's legal department, I feel a special responsibility—and a special concern—toward the law. Whatever stains—whatever calls into question—the integrity of the Department of Justice damages confidence not simply in the Department but in government itself.

Confidence is not a structure built of stone that can withstand the buffeting winds of accusation and mistrust. It is the expression, rather, of trust itself. It is as fragile as it is precious, as hard to restore as it is easy to destroy. And yet it is obvious that trust is necessary to the very possibility of free self-government. The good health of the body politic needs the tonic of skepticism, but it cannot long survive massive doses of cynical acid.

Having taken office as Attorney General in the midst of the darkening cloud of suspicion and distrust engendered by Watergate, I recognize it as my first duty to do what I can to eliminate the causes of distrust. This is the charge the President placed upon me. This is the undertaking to which I have devoted my principal efforts since becoming Attorney General. This will continue to be the objective of my stewardship of that office—and I hope this tour will turn out to be longer than my past assignments!

I am reminded of the words of a great judge, a great legal scholar and man who gave much to the law—Mr. Justice Cardozo. As he said at the end of his "Ministry of Justice" address:

"The time is right for betterment. The law has its epics of ebb and flow. One of the flood seasons is upon us. Men are insisting, as perhaps never before, that law shall be made true to its ideal of justice."

For the Department of Justice, the first step toward betterment must be to look squarely and unblinkingly at the factors which have impaired confidence in us, however unfair their generalized formulation may be to the overwhelming majority of Department employees. Ninety-nine and $\frac{44}{100}$% pure is not now—if it ever was—good enough.

There are, it seems to me, three factors which—in the climate of Watergate—have contributed to diminished confidence in the Department of Justice:

(1) the suspicion that political considerations or political influence can color the administration of justice;

(2) the suspicion that who you are or what you stand for is reflected in the inconsistent or unfair application of legal standards;

(3) the suspicion that the Department is not sufficiently honest in its communication with press and public.

The first of these factors—the question of politcal influence affecting the administration of justice—is not a new one, but Watergate has given it a new burst of prominence.

In recent history, under both parties, the Attorney General has been more than a political appointee, he has frequently been—before and after he came to the Department of Justice—a politcal operative as well. Now, I have nothing aaginst political operatives. I have been one myself. And there is still a place for politics as usual—but not in the Department of Justice. To the extent we are handicapped by the suspicion of political influence, we cannot afford to have at the head of the Department—or in any of its key positions—a person who is perceived to be an active political partisan. Past Attorneys General have, I know, been able to draw a line between their political and professional responsibilities. But a citizen of the Watergate era who perceives an Attorney General wearing his political hat is scarcely to be blamed for doubting whether he ever really takes it off.

I have decided, therefore, that one direct contribution I can make to countering the suspicion of political influence in the Department of Justice is not only to foreswear politics for myself but to ask my principal colleagues to do the same. It is my earnest hope that those who follow us will see fit to make the same promise. Other Departmental employees, including the U.S. Attorneys, have recently been reminded by the Supreme Court that the Hatch Act is still alive and well, and on their part no new self-denial is needed.

I am, in addition, today announcing the issuance of a Departmental order formalizing and making uniform a procedure for making records of contacts with Departmental personnel by outside parties. The order requires Departmental employees to make a memorandum of each oral communication about a matter pending before the Department from a "non-involved party." The employee will keep one copy of the memorandum and place another in the case file.

A "non-involved party" is someone with whom the employee in the routine handling of the matter would not normally have contact, including Members of Congress and their staffs, other government officials, and private persons not directly concerned in the matter. Only news media representatives are excluded.

This new reporting system should result in at least two useful by-products. One is a contemporary record of contacts with the Department that can be called upon should the need arise to rebut some accusation of improper influence. Beyond that, its very existence will discourage approaches to the Department by those who are not confident of the purity of their motives.

As one more step in the same direction we have put an end to the practice of giving a Senator or Congressman, through advance notice, the chance to announce a grant in his state or district. While this is a time-honored practice—and there may be nothing inherently wrong with it—it does inevitably, if not intentionally, create the public impression that the Senator or Congressman had some sort of influence on the result when, in fact, he had nothing to do with it.

The second of the factors affecting confidence in the Department of Justice—the suspicion that who you are or what you stand for is reflected in the inconsistent or unfair application of legal standards—is one which, like so many, lends itself more easily to rhetorical expressions of concern than to rigorous attention to concrete performance.

It seems to me requisite that we fully appreciate what may seem like so much more facile rhetoric: that our democratic system fundamentally cannot tolerate—cannot withstand—one law for the rich and another for the poor, one law for the strong and another for the weak, one law for Washington and another for the country.

It is imperative—not only morally requisite but practically requisite—that our democratic rhetorical commitment to fairness-across-the-board be matched by consistent performance.

To ensure the consistent and fair application of legal and moral standards by the Department of Justice, I am considering the establishment of an Inspector General's Office—with full authority and responsibility to assure that those who are charged with executive responsibility for a precious public trust are consistently worthy of that trust. At my regular weekly staff meeting later today I will appoint a Committee on the Office of the Inspector General to analyze this concept and to report promptly to me on the merit of its application to the Department of Justice.

Bill Ruckelshaus, whom the President has nominated as Deputy Attorney General, will serve as chairman of this Committee—whose membership will also include the Director of the FBI and representatives of affected components of the Department.

To help ensure greater consistency in the application of legal standards across the country and across levels of government, I have established an Advisory Committee of U.S. Attorneys and taken steps to foster more frequent and more systematic contact with the National Association of Attorneys General. It is my hope that, working together, we may find ways to develop and implement coherent and consistent approaches to matters of widespread public concern—in such areas as consumer protection, drug abuse prevention and protection of the environment.

In so doing, we must of course recognize our obligation to preserve those variations in practice which are vital to the health of our pluralistic system. But we cannot allow ourselves to foster or to preserve practices which undermine respect for the capacity of the system to treat people—all the people—fairly under law.

The third area in which we are attempting to counter suspicion and create confidence is in the center and openness of our conduct of the administration of justice.

We start from the awareness that we are accountable to the people of the United States. The Department of Justice has no interests and no objectives separable from theirs. We have an affirmative responsibility toward enabling them to make wise and responsible choices among clashing policies and competing interests. We have a corresponding responsibility to help assure that they are as fully informed as possible about what we are doing and why. This means that information in our hands should be withheld only where in a given case some clear public interest outweighs the public interest in freedom of information. The burden of proof should always be on establishing the need for withholding information.

Where the administration of justice is concerned, there are inevitably numerous situations is which this burden has to be assumed. But most people are quite ready to recognize that the protection of a confidential source, the safeguarding of an individual reputation or the conduct of an investigation creates a legitimate need for confidentiality. The harder task is to make sure in each instance that the need is real and to insist upon the application of consistent standards.

As the Government's chief legal agency, we have a special responsibility for the administration of the Freedom of Information Act by the Government as a whole. It is vital that the justified expectations of our citizens for access to Executive information not be thwarted by administrative delays or inconsistent responses from the various agencies. Accordingly, in my testimony before three Senate subcommittees on June 26, I announced four new steps that the Justice Department would undertake immediately to insure that the Act fulfills its promise of opening up Government and bringing it closer to the people. As the first of these steps, I have advised all Executive agencies that our litigating divisions will not defend Freedom of Information lawsuits unless the Freedom of Information Committee in our Office of Legal Counsel has been consulted prior to denial of a request.

I am, further, initiating a comprehensive government-wide study of the Freedom of Information Act for the guidance of both the Executive Branch and the Congress in improving the administration of the Act and clarifying its provisions.

The way in which the Department of Justice carries out its functions in any situation where reporters or news media are involved is also important. Reporters have a primary responsibility to the public, just as we do. This responsibility can lead them into controversial situations. But the prosecutorial power of the Department should never be used—not even by indirection or

innuendo—in a way that could weaken the exercise of First Amendment rights. Responsive to this concern, the Department of Justice in 1970 issued guidelines restricting issuance of subpoenas to the news media. These have worked so well that only 13 subpoenas have been issued and only 2 of those were contested. These guidelines have been viewed as a model for the nation.

With the same concerns in view, we are now considering a new Departmental directive which will require my specific approval before a newsman can be questioned, served with a subpoena, or made a defendant in any Federal court proceeding.

Such, then, are the measures for dispelling suspicion and restoring confidence presently in effect or under consideration. More can certainly be done, and we are continuing to look for additional such measures. Suggestions will be welcome. But there is another—and more affirmative—side of the confidence-building process, and that is in the improvement of performance.

One obvious opportunity is in the management of the Department. My predecessors, by and large, have had little interest in this area, perhaps because they have thought of the Department as first and foremost a law office and only incidentally as a government department like other government departments. Having come to Justice directly from four and a half years in other bureaucratic institutions, I tend to emphasize its latter aspect. It is a fact, at any rate, that the Department includes nearly 50,000 people, of whom only 6½% are lawyers. Its biggest components are the FBI, the Immigration and Naturalization Service, the Bureau of Prisons, and the newly created Drug Enforcement Agency. These agencies, together with the Criminal Division, the Parole Board, and the Pardon Attorney, embrace all the elements of a criminal justice system except the courts. And yet, ironically, the Department has never had a comprehensive criminal justice planning capacity, notwithstanding our consistent preachment to the states and their subdivisions through LEAA that comprehensive planning is a prerequisite for the efficient allocation of criminal justice resources.

One of my aims is thus to build at the Federal level the kind of comprehensive planning capacity we have been urging on the states. More broadly, we need to apply the same approach to the allocation of resources for all Departmental functions. Our review of fiscal 1975 budget requests is just now getting under way, and each part of the Department, including the litigating divisions, is being asked to explain not only what resources, in terms of money and manpower, it allocates to which existing tasks, but also to rate those tasks on a priority scale. New requests will be similarly rated, and Assistant Attorneys General and bureau heads will be required to make tough choices whether to scrap old programs or whittle them down in order to accommodate new priorities.

To assist in this process I plan to create a new division in the Department to be headed by an Assistant Attorney General for Management and Budget. It is much too soon, however, to make any grandiose claims for the rigor and rationality of the likely results. To plan, to budget, to allocate is to choose, and in all too many areas of Departmental responsibility, we lack the criteria for intelligent choice. Our statistical data base is inadequate. Our ability to determine what works and what doesn't work—our capacity, in other words, to evaluate—is rudimentary. And while it is inherently difficult to measure the comparative costs and benefits of alternative approaches to dealing with any human situation, to recognize that the task is hard is no excuse for the failure to tackle it.

Take, for example, today's announcement of the Uniform Crime Report for 1972, which showed a two per cent drop in crime nationwide—the first in 17 years. Violent crime increased two per cent last year, which is certainly nothing to brag about, but it does represent the smallest increase in 11 years.

I wish I could tell you with certainty what caused that decrease. I certainly believe the strenuous efforts of the Justice Department, the Law Enforcement Assistance Administration's massive grants to all parts of the criminal justice system, and coordinated planning in each of the states had a lot to do with it. But the truth is no one knows with certainty what the causes of the reduction are, and finding out is one of the things we need to work on.

For us at Justice the opportunities that lie ahead are full of promise and excitement. We can help people to be less afraid by giving them less reason to be fearful. We can cut the toll of drug abuse and prevent young people from seeking employment in crime because no other employment is open to them. We can speed the administration of justice and promote the consistency of sentencing. We can bring honesty and realism to the question of why our correctional systems so seldom correct. We can cut through restraints on the freedom to compete and protect the victim of consumer fraud. We can bring greater equity and efficiency to the administration of our immigration laws. We can help bring about a cleaner environment. We can show by the promptness and courtesy, as well as the fairness and responsiveness, of our dealings with all of our fellow citizens that we recognize their individual worth.

In all of this we shall work closely with you, for we know you share the same ends and the same devotion to the law as a means to their achievement. By our actions, singly and in combination, we can take part in the building of a new confidence.

Thank you very much.

JAMES H. QUELLO

(Mr. MITCHELL of Maryland asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. MITCHELL of Maryland. Mr. Speaker, the President has nominated James H. Quello to serve on the Federal Communications Commission. I oppose Mr. Quello's nomination because despite his surface connections with the black community, I believe he is not sufficiently sensitive to the needs of black citizens, our aspiration in the world of the media. No one can deny that telecasts and broadcasts have tremendous impact on our lives and these can influence public opinion in a significant fashion.

However, there are other good reasons to oppose the Quello nomination. These reasons are spelled out in the editorial, "Why a Broadcaster" published in the Baltimore Afro-American newspapers. I would hope that my colleagues in the House will join me in opposing the nomination of Mr. Quello after reading this editorial.

WHY A BROADCASTER?

Why is it so important to President Nixon that a broadcaster be placed on the Federal Communications Commission?

Apparently the FCC works effectively without people whose interest in the industry could be stronger than their concern for the public welfare. Nixon's addition of former broadcaster Robert Wells (1966–1971) did nothing special for the FCC.

If the President goes ahead with the proposed nomination of retired industry man James H. Quello, a negative reaction will result.

For one thing, a confidential memorandum discussing his sensitivity to minorities and their problems rated Quello negatively.

In addition, Quello's former connections with Storer Broadcasting and Capital Cities Broadcasting Corp. would put him in a position of possibly removing himself from hearings involving stations that reach millions of people in some key markets.

The FCC has available to it expert broadcasting area people. It does not need a man with broadcasting history to assure its effectiveness. It certainly does not need a man with questionable sensitivity to minority problems among its members.

The public is losing one of the best representatives it ever had on the FCC with the departure of Nicholas Johnson.

The challenge to the FCC will be great over the next several years. It should not be hampered by fears that some of its members could be more interested with the industry's welfare than with that of the public.

President Nixon should keep that in mind when he makes appointments. The Senate must be aware of it when called upon to consent to any nomination.

PROPOSED CHANGE IN TRANSITIONAL RULES OF CHARITABLE REMAINDER TRUSTS

(Mr. BURKE of Massachusetts asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BURKE of Massachusetts. Mr. Speaker, I am today submitting for the Members attention some of the written statements of Shriners Hospitals for Crippled Children before the House Ways and Means Committee on the subject of tax reform, April 13, 1973. I feel it is imperative that the Members of this body act to approve H.R. 3227, legislation I have introduced this session, which will provide an extended transitional rule to conform certain unqualified charitable remainder trusts to the existing rules of section 644 of the Code so as not to unfairly deplete trust funds passing to charity. The evidence and justification for this move is ample and ably set forth in the following testimony:

TESTIMONY

I. SUPPORT OF PROPOSED CHANGE IN TRANSITIONAL RULES OF CHARITABLE REMAINDER TRUSTS

A. Summary

Under existing law, I.R.C. Sec. 2055(e) denies an estate a charitable contribution deduction for the value of a charitable remainder unless the contribution is in the form of a charitable remainder annuity trust or charitable remainder unitrust described in Sec. 664. A correlative result is that the unqualified interest, if in a trust, is not exempt from income tax (as are Sec. 664 trusts) and is subject to tax under the rules of Subchapter J. Existing regulations permitted unqualified charitable remainder trusts to be amended, if allowed under local law, and the amended (i.e., conformed) trusts are treated, for federal tax purposes, as if these trusts had been correctly drawn originally. See Regs. § 1.664—1(f)(3). The benefits under the regulation did not continue beyond December 31, 1972 (unless a judicial proceeding was begun before that time and amendment of the testamentary or inter vivos trust occurs thereafter). The transitional rule contained in H.R. 3227 would continue, in purpose and effect, the same rights granted by the regulations for an additional three years in the case of testamentary trusts. It does so by adding new Sec. 2055 (e)(3) and providing the Treasury Department with regulatory authority to deal with related federal tax matters affecting such trusts. The three additional years represents, in our judgment, and that of other public charities, the time reasonably and actually necessary to avoid undue hardship in the implementation of present law. The extension of time provided for in H.R. 3227 gives public charities the opportunity to reclaim substantial sums in lost trust principal [1] and assure that reformed charitable remainder trusts are subject to those private foundation rules which Congress thought appropriate for Sec. 664 trusts.

B. Description of need for extended transitional rule

Shriners Hospitals for Crippled Children receive approximately 100 wills each month providing bequests and devises and of this number there are, on the average, about 15 each month providing for charitable remainder trusts. Since the effective date of Secs. 664 and 2055(e), it received and became the beneficiary of more than 100 unqualified charitable remainder trusts created by testators who died after December 31, 1969.[2] The usual reasons for the failure of the charitable estate tax deduction (under Sec. 2055(e)) are as follows:

1. The trusts are not in proper annuity or unitrust format; or

2. The annuity trust or unitrust was inexpertly drafted and does not conform to the governing instrument rules contained in the statute, regulations and/or Rev. Rul. 72–395, I.R.B. 1972–36, 21; or

3. Existing instruments (in existence on October 9, 1969) were modified by codicils, both substantively and non-substantively, requiring the will to be treated as republished. (S. Rep. 91–552, 91st Cong., 1st Sess. at p. 34, fn. 5). See, Prop. Regs. § 20.2055–2 (e)(3) and (4), 37 F.R. 7895 (April 21, 1972).

If a trust contained in the will does not conform to the provisions of Sec. 664 and the regulations, the estate is denied a charitable contribution deduction under Sec. 2055(e). In the absence of a tax clause in the will, the incremental tax attributable to the loss of the deduction normally comes from the corpus of the split interest trust under the uniform rules governing allocation of federal estate tax.[3] This means, for example, in several of our unqualified trusts upwards of $250,000 in additional federal estate tax (payable by reason of the failure to have a qualified trust) comes out of the share of the monies otherwise payable to us upon the death of the income beneficiary. Likewise, if a charitable remainder trust is beneficiary of the residuary of an estate, and the will has the normal tax clause requiring that all federal taxes be paid out of the residuary, the additional estate tax due because of Sec. 2055(e) again falls upon the public charity. Thus, although the drafting error was made by the testator or his lawyer, the loss of trust principal (paid in additional estate taxes) is borne in nearly all events by the public charity. Since one of the principal purposes of Sec. 664 was to preserve and protect the charity's interest in the remainder, it is a peculiar irony that that particular change in law has the effect of depriving the public charities of amounts the law was trying to assure it would receive.

Of the 100 unqualified trusts, about 20 trusts involve a sufficient economic interest impelling us to seek reformation of the instrument by judicial proceeding or agreement between all parties in interest, if permitted by state law. Agreements by all concerned with the testamentary trust—except the decedent—to amend or conform the testamentary trust contained in the will may be done, without resort to judicial proceedings, pursuant to state legislation enacted principally on the initiative of our organization.[4] In addition, we are a party to various judicial proceedings where executors ask the local courts to amend or conform unqualified testamentary trusts to the requirements of Sec. 664. The parties in interest seek to have the local court add all of the necessary terms and conditions to the trust provisions contained in the will, to delete those provisions inconsistent with Sec. 664 and, thereby, provide a basis for the estate to claim a charitable deduction under Sec. 2055(a) not otherwise allowable because of Sec. 2055(e). When all the interested parties voluntarily join in these proceedings, we usually find that a court will enter a decree creating the necessary form of annuity trust or unitrust. The executor, thereafter, files his original or amended estate tax return, claiming the appropriate deduction for the present value of the remainder interest. Through December 31, 1972, the opportunity to reform unqualified trusts would preserve for our charitable activities approximately $500,000 to $750,000 in trust principal (with a corresponding loss in federal estate tax revenues).

Footnotes at end of article.

C. Review of Expired transitional rules contained in Tax Reform Act of 1969 and regulations

It was recognized by the Congress that the new rules for these trusts would require a certain amount of time to facilitate the changeover from the previous standards.[5] Section 201(g) of the Tax Reform Act provides that in the case of wills in effect on October 9, 1969, the old rules would apply if the decendent dies prior to October 9, 1972 without having republished his will by codicil or otherwise.[6] Even this latter condition may be modified. (*Cf.* H. Rep. 92–781, 92d Cong., 2d Sess. (to accompany H.R. 1247)). The transitional rule contained in the Tax Reform Act permitted an estate tax charitable deduction for trusts using the far less restrictive format permitted by prior law and *did not require reformation of the governing instrument.*

As the drafting process for the Sec. 664 regulations was undertaken, it became apparent that implementation of that section created a number of problems for the uninformed or underadvised testator. The Act's transitional rule was too narrowly drawn to protect the innocent. The first set of proposed regulations were promulgated August 5, 1970, 35 F.R. 12467. Under Prop. Regs. § 1.664–1(f), the Treasury Department attempted to minimize the adverse impact upon contribution deductions for governing instruments, drafted after the transitional rule date of October 9, 1969, which did not conform to the requirements of either Sec. 644 or the additional governing instrument tests contained within the proposed regulations.

The regulations permitted a reformed inter vivos or testamentary trust to be treated as a qualified trust for all purposes, including the allowance of a charitable deduction for income, estate or gift tax purposes as if the will (or other governing instrument) of the donor, regardless of when drawn, had been properly drafted in the first place. Amendments to reformed trusts had to be concluded by January 1, 1971 (or judicial proceedings begun before such date). After lengthy hearings on the original regulations, the August 5, 1970 regulations were withdrawn and a new set of proposed regulations were promulgated on September 18, 1971, 36 F.R. 18667.

During the intervening period, the Treasury Department published T.I.R. 1060 (December 18, 1970) and T.I.R. 1085 (June 11, 1971) extending the date for effecting reformation. At a subsequent hearing on the reproposed regulations. Shriners Hospitals suggested that the regulations make permanent the opportunity given to executors, trustees and other interested parties of unqualified charitable remainder trusts to amend the governing instrument to conform it to the rules of Sec. 664 and proposed regulations. A permanent "transitional" rule for the regulations was rejected.

It is apparent from both versions of the proposed regulations and the final regulations that the Treasury Department agrees that amendments to unqualified instruments (regardless of the date the trust was created after July 31, 1969) by judicial proceeding, binding agreement or otherwise,[7] until December 31, 1972,[8] was proper to assure orderly transition ino the new rules governing charitable remainder trusts.

D. General discussion of application of H.R. 3227

H.R. 3227 amends Sec. 2055(e) to add Sec. 2055(e)(3), a relief provision aimed at reducing the hardship caused by the enactment, in 1969, of the complex charitable remainder trust rules affecting certain charitable "bequests, legacies, devises or transfers." It should, accordingly, be liberally construed to effectuate its purpose of allowing a charitable deduction when the final version of the trust conforms to Sec. 664.[9] Its premise is that the resultant qualified trust, effectuated through judicial proceeding or binding agreement, was actually in the will (or other governing instrument) as of the date of the decedent's death.

H.R. 3227 liberalizes the amendment or conformation rights contained in Regs. § 1.664–1(f)(3) as applied to Sec. 2055(e). The bill has a number of material distinctions which should be noted in the event questions may arise as to the scope or extent of its application. Under the regulations, the original bequest or transfer had to be in trust and such trust had to be created subsequent to July 31, 1969 and prior to December 31, 1972 (apparently even if created as a revocable trust). In addition, at the time the trust was created, the governing instrument (whether deed of trust or will) had to give the qualified beneficiary "an irrevocable remainder interest in such trust." Regs. § 1.664–1(f)(3)(1).

1. H.R. 3227 requires only an "interest in property" to pass from the decedent to the charitable beneficiary. If the interest is not in trust at the time of decedent's death (*viz.*, from January 1, 1970 to December 31, 1975), the deduction is nevertheless allowable if the interest is properly and timely amended or conformed under proposed Sec. 2055(e)(3).

(2) The key date for application of the reformation right is the date of death of decedent, not the date on which the original transfer in trust (if that is the case) occurred. Under the regulations, it appears that if a revocable trust was created and funded before July 31, 1969 and later became irrevocable because of the death of one of the income beneficiaries or relinquishment of certain powers, no right of amendment or conformation exists in the regulation. This "creation" problem is eliminated by H.R. 3227, and the deduction allowed, where the transferred interest is properly and timely amended or conformed under proposed Sec. 2055(e)(3).

3. The regulations require that the donor have originally transferred an irrevocable remainder interest. This is not required by H.R. 3227. If the charity received, by reason of the death of the decedent, a future remainder, regardless of form, including clearly conditional interests, it is eligible to seek reformation of that interest into a Sec. 664 trust. For example, assume a charity received an interest from a decedent which provided for private income interests but a charitable remainder *only if* the decedent's daughter, childless at his death, dies without descendents who survive both her and her mother. Under prior law no deduction was

available (*Estate of Sternberger* v. *United States*, 348 U.S. 197 (1955)) because there was the possibility that the transfer to charity would not become effective. Under H.R. 3227, an estate tax charitable deduction is allowed if the end result is a qualified charitable remainder trust described in Sec. 664. In other words, H.R. 3227 will permit transfers or bequests conditional in form (*Cf.* Rev. Rul. 64–129, C. B. 1964–1, Part 1, 329) to be rendered deductible if they become unconditional in fact by an amendment or conformation contemplated by proposed Sec. 2055(e)(3).

4. Under prior law, before a deduction was allowable for the value of the charitable remainder in trust, the probability of invasion or divestment or dissipation (including allocation of capital gains to the income beneficiary) by the Trustee, for the benefit of the income beneficiary, had to be "so remote as to be negligible." *Ithaca Trust Co.* v. *United States*, 279 U.S. 151 (1929). Thus, as stated in regulations (Regs. § 20.2055–2(b)) applicable to decendents dying before January 1, 1970 (and thus unaffected by Sec. 2055(e) in its present form):

"If, as of the date of a decedent's death, a transfer for charitable purposes is dependent upon the performance of some act or the happening of a precedent event in order that it might become effective, no deduction is allowable unless the possibility that the charitable transfer will not become effective is so remote as to be negligible. If an estate or interest has passed to or is vested in charity at the time of a decedent's death and the estate or interest would be defeated by the performance of some act or the happening of some event, the occurrence of which appeared to have been highly improbable at the time of the decedent's death, the deduction is allowable. If the legatee, devisee, donee, or trustee is empowered to divert the property or fund, in whole or in part, to a use or purpose which would have rendered it, to the extent that it is subject to such power, not deductible had it been directly so bequeathed, devised, or given by the decedent, the deduction will be limited to that portion, if any, of the property or fund which is exempt from an exercise of the power. The deduction is not allowed in the case of a transfer in trust conveying to charity a present interest in income if by reason of all the conditions and circumstances surrounding the transfer it appears that the charity may not receive the beneficial enjoyment of the interest."

Regardless of the foregoing considerations, such as ascertainability of the value of the charitable interest as of decedent's death, a deduction will nevertheless be allowed if the transferred interest is properly and timely amended or conformed. Thus, even where prior law would have caused loss of the deduction,[10] if a testamentary trust as orginally created is amended or conformed so that there are *no* invasion rights (as required by Sec. 664, the deduction is permitted.

For example, suppose the decedent, by will, created an unqualified testamentary charitable remainder trust (without annuity or unitrust format) and, under the original terms of the testamentary trust, permitted the trustee to distribute to the wife such amounts of corpus as were necessary for her "happiness" (*Merchants Nat'l Bank* v. *Comm'r*, 320 U.S. 256 (1943)) or for her "pleasure" (*Henslee* v. *Union Planters Nat'l Bank*, 335 U.S. 595 (1949)). Under prior law, no deduction was allowed. Under proposed Sec. 2055(e)(3), a deduction would nevertheless be allowed if the trust is properly and timely amended or conformed to the unitrust or annuity trust format to extirpate all provisions which would disallow the deduction.

In similar fashion, suppose the decedent, by will, created an unqualified testamentary charitable remainder trust (without annuity or unitrust format) and the original trust permitted allocation of all capital gains to ordinary income for the benefit of the private beneficiary. Under prior law, the charitable deduction was not allowable. *Gardiner* v. *United States*, 1972–1 USTC §12,841 (9th Cir. 1972). A deduction would be allowed if the trust is properly and timely amended or conformed under Sec. 2055(e)(3) (which bars such allocations).

5. Under prior law, the death of a noncharitable income beneficiary was not treated as a disclaimer in order to render deductible a charitable bequest which was speculative at the time of decendent's death. *City National Bank and Trust Co.* v. *United States*, 312 F. 2d 118 (6th Cir. 1963). There may be instances when an income beneficiary may die after the period specified in the final flush sentence of Sec. 2055(a), necessitating the type of adjustment covered by H.R. 3227. When it is clear from the will that the deceased income beneficiary's interest passed from the decedent at the date of his death, then a court of competent jurisdiction, through a post-mortem guardianship, could appoint a guardian to facilitate the amendment or reformation enabling the estate to claim the deduction for the present value of the property passing to charity computed as of the date of decedent's death. In the above case, the deduction would be computed without regard to the income beneficiary's death, using the actuarial tables (age and sex) applicable at the time of the testator's death. No increase in the estate tax deduction would occur by reason of the premature death of the income beneficiary.

E. Expanded transitional rule induces unqualified trusts to become subject to Internal Revenue Service oversight

Part of the Chapter 42 limitations imposed upon private foundations' activities are applied to charitable remainder annuity trusts and charitable remainder unitrusts described in Sec. 664.[11] These rules are applied to qualified charitable remainder trusts to prevent the use of such trusts as vehicles to avoid the limitations placed on private foundations:

"Prior law did not impose restrictions or requirements on nonexempt trusts similar to those imposed by the Act on private foundations. In addition, the allowability of a charitable contribution deduction (for income, gift, and estate tax purposes) for a gift to charity in the form of an interest in trust was not conditioned on the existence of provisions in the trust instrument which prevent the trust from violating restrictions or requirements of this nature. * * * If a nonexempt charitable trust were not subject to many of the requirements and restrictions imposed on private foundations, it would be possible for taxpayers to avoid these restrictions by the use of nonexempt trusts instead of private foundations. * * * The Act prevents the avoidance of the foundation rules by providing generally that nonexempt charitable trusts are subject to most of the same requirements and restrictions as are imposed on private foundations. The restrictions made applicable are those relating to termination of private foundation status, governing instruments, self-dealing, retention of excess business holdings, and the making of speculative investments or taxable expenditures." [Generally, General Explanation of the Tax Reform Act of 1969, Dec. 3, 1970, at p. 88]

The two important limitations which apply to charitable remainder trusts deal with limitations on self-dealing (I.R.C. Sec. 4941) and making of taxable expenditures (I.R.C. Sec. 4945). Self-dealing limitations exist as a shield for the charitable remainder:

"[To] minimize the need to apply subjective arm's-length standards, to avoid the temptation to misuse private foundations for noncharitable purposes, to provide a more rational relationship between sanctions and improper acts, and to make it more practical to properly enforce the law, the Act generally prohibits self-dealing transactions and provides a variety and graduation of sanctions, as described below. This is based on the belief by the Congress that the highest fiduciary standards require complete elimination of all self-dealing rather than arm's-length standards." [Generally, General Explanation of the Tax Reform Act of 1969, *supra*, at pp. 30–31]

With the repeal of Secs. 681(b) and (c),[12] and the factor that none of the Chapter 42 taxes are applicable to unqualified charitable remainder trusts,[13] an unqualified charitable remainder trust is free of any federal tax limitations on self-dealing or similar noncharitable activities. Under prior law, Secs. 681(b) and (c) could be applied to the charitable income interest or charitable remainder interest regardless of the deductibility (or extent thereof) of the value of the property placed in trust representing the charitable interest. The limitations of these provisions dealt not only with application of Sec. 642(c) (charitable deductions of trusts) but could affect the deductibility of future contributions to the split interest trust by operation of Sec. 503(e).

If unqualified trusts are reformed to conform to the provision of Sec. 664 and Sec. 2055(e), such trusts become subject to the rules of Chapter 42 to the extent provided by Sec. 4947(a)(2). Assuming the basic purpose of Chapter 42 is to preserve and protect monies dedicated to public uses and prevent abuse of such funds, a bill which induces unqualified trusts to become subject to the rules of Chapter 42 will complement the legislative purposes for applying Chapter 42 to Sec. 664 trusts in the first place. The Government would be bringing into the regulatory scheme additional trusts which otherwise would have been free of any self-dealing, investment or similar limitations. This regulation or enforcement consideration should not be minimized in evaluating the total net effect of the transitional rule being suggested.

FOOTNOTES

[1] In most cases, loss of the estate tax charitable deduction means the tax is satisfied out of the property representing the principal of the trust destined eventually for charity.

[2] Under Sec. 201(g)(4)(A), Tax Reform Act of 1969, I.R.C. Sec. 2055(e) is effective, as to testamentary charitable transfers, for decedents dying after December 31, 1969.

[3] *Cf.* I.R.C. Sec. 2205 with McKinney's Cons. N.Y. Laws (Book 17B), Estates, Powers and Trust Law, § 2–1. 8. Annotated Code of Maryland, Art. 93 § 11–109 ("Uniform Estate Tax Apportionment Act").

[4] D.C. Code, Title 21, § 1801(d) (1972 Supp.); Annotated Code of Maryland, Art. 16, § 199D–1 (1972 Supp.); Ohio Code, §109.-232 (1972 Supp.). These statutes permit the trustee and all beneficiaries to agree, among themselves, to reform the instrument without resort to judicial proceeding in order to conform the instrument to the requirements of Sec. 664. Absent a legislative grant to perform the amendment or conformance rites, an action for reformation or, in probate parlance, "construction" is necessary to alter the testamentary disposition. *Cf. Estate of Pearlbrook*, CCH Private Foundation Reporter, ¶ 7310 (N.Y. Surrogates Ct., N.Y. County, August 7, 1972).

[5] For a recent study of policy considerations inherent in tax legislation, see Note, Setting Effective Dates for Tax Legislation: A Rule of Prospectivity, 84 *Harvard Law Review* 436 (1970).

[6] See generally, Prop. Regs. § 20.2055–2(e)(3) and (4), 37 F.R. 7895 (April 21, 1972).

[7] See, H. Rep. 92–610, 92d Cong., 1st Sess. (to accompany H.R. 11489) at p. 7.

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[8] The reformation date of December 31, 1971 contained in Prop. Regs. § 1.664–1(g)(3), 36 F.R. 18671, was extended to June 30, 1972 by T.I.R. 1120 (December 17, 1971) and extended in the final regulations to December 31, 1972 in I.T. Regs. § 1.664–1(f)(3).

[9] Because of a public charity's interest in an estate, the Supreme Court, sometime ago, upheld the tax benefits which in reality flowed to a hospital despite a "technical formality" which the Government tried to use to disallow the deduction. *Lederer* v. *Stockton*, 260 U.S. 3, 8 (1922). Since then, it has been generally recognized that deduction provisions which create incentives to give to charity should not be narrowly construed because they are "liberalizations of the law in the taxpayer's favor, * * * begotten from motives of public policy * * *." *Helvering* v. *Bliss*, 293 U.S. 144, 151 (1934).

[10] Rev. Rul. 70–452, C.B. 1970–2, 199.

[11] I.R.C. Sec. 4947(a)(2). Prop. Regs. § 53.4947–1(c)(1)(ii), 36 F.R. 5240 (March 18, 1971).

[12] 101(j)(18) of the Tax Reform Act of 1969.

[13] I.R.C. Sec. 4947(a)(2)(B).

PRESIDENT NIXON SOFTENS A CRISIS

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, I call yesterday's editorial of the Miami Herald to the attention of my colleagues in the House.

I do so because it expresses concisely and clearly a sensible viewpoint on matters over which the entire Nation has been agonizing:

The Law Is Not Defied—And a Crisis Is Softened

"This President," said his counsel yesterday in open court, "does not defy the law." In that motion Mr. Nixon turned over The White House Tapes and apparently all other relevant Watergate documents to the federal court which had subpoenaed them.

The President's wise action came better late than never. Whether it will cure the counts against him in Congress, where the House Judiciary Committee had begun a study of whether he should be impeached, cannot be determined at once. And whether this capitulation will appease the American people who, as former Attorney General Elliot Richardson said yesterday, are his ultimate judges, is problematical.

Our feeling, however, is that a constitutional crisis has been avoided, at least for the moment. Indeed, it is a feeling of relief.

In the words of Chesterfield Smith, who urged the President to change his course, defiance of the U.S. Court of Appeals and of U.S. District Judge John Sirica constituted an "attack on the justice system and the rule of law as we have known it in this country."

Mr. Smith, of Lakeland, a distinguished member of the Florida Bar and president of the American Bar Association, must have spoken tellingly for many aggrieved Americans. His organization seldom wets its toes in the hot waters of public controversy. But such were the dimensions of the crisis.

More is the pity, of course, that the crisis ever had to be precipitated. It made a shambles of the Justice Department and it diverted the nation and the White House with it from the new suddenly menacing developments of the Middle East war.

There are still demands in Congress for impeachment, and we have said, Go slow. Watergate and this week's aftermath is only one matter. Mr. Richardson mentioned the "integrity" of the judicial system, and he might as well have alluded to integrity in the executive. Disclosures about election spending and allegations about funds for favors are other factors. From every sign the American people have lost confidence in the Nixon administration. If Mr. Nixon has broken no law, he is yet cast in the public eye as a malefactor of political power.

If there is to be action in Congress we recommend the course of the House Judiciary Committee which is beginning a sober and orderly study of whether the President has in fact done anything for which he should be impeached.

It is through its representatives elected at the shortest intervals and most often answerable to them that the people govern themselves. The public should await the outcome of that inquiry without emotion and with, we think, well-placed confidence. For this is not the time for the Republic to go off half-cocked.

METRIC CONVERSION BILL (H.R. 11035) CONTAINS SEVERAL DEFECTS

(Mr. McCLORY asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. McCLORY. Mr. Speaker, it appears that the House Rules Committee will grant a rule within the next few days authorizing debate on the proposed metric conversion bill as reported by the House Committee on Science and Astronautics.

It is with some reluctance that I express dissatisfaction and disagreement with certain parts of this legislation. However, it is my feeling that the measure in its present form fails to fulfill the existing need for establishment of a mechanism for developing a coordinated national program for conversion to the metric system over a 10-year period.

Mr. Speaker, the title of the bill would seem to limit the measure to establishment of a national policy—instead of providing for a national program for conversion to the metric system of weights and measures. In addition, to require development of a comprehensive plan subject to later congressional or Presidential veto constitutes a built-in delay of at least 14 months before we can proceed to express a national commitment to convert to the metric system.

Mr. Speaker, many of my colleagues joined me in sponsoring a separate bill in the form of H.R. 19720. While I would prefer that measure as a substitute for the committee bill (H.R. 11035), I plan to limit my proposed changes to two amendments to H.R. 11035, which I will attach to these remarks for the further information of all of my colleagues.

Mr. Speaker, the first amendment will do nothing more than change the title of this bill to emphasize that we are indeed establishing "a program for the United States to convert to the international metric system."

Mr. Speaker, the second amendment would have the effect of making a national commitment now to convert to the metric system over a 10-year period, and would charge the Metric Conversion Board with carrying out a general conversion to metric measurements. The Board would be authorized to develop detailed plans and timetables and to generally guide the Nation in a coordinated, voluntary program in which every element of our society would participate.

Mr. Speaker, it is my understanding that none of the other nations which have engaged in a coordinated conversion to the international metric system has adopted the approach which is contained in the committee bill; namely, the development of a "comprehensive plan" subject to approval by the President and the Congress as well as the Department of Commerce. Indeed, it is my further understanding that the Canadian authorities encountered difficulties following their original decision to convert to the metric system—by authorizing the very kind of "comprehensive plan" which is required by the committee bill (H.R. 11035).

It is quite obvious that in developing a coordinated program of general conversion to the metric system of weights and measures, there must be separate and distinct plans which relate to the various segments of our society which are subject to the conversion program. The details, the timetables, and other subjects must undergo almost continual review and revision—particularly because of the voluntary and coordinated nature of the overall conversion program.

Mr. Speaker, with the benefit of the experience of many other nations, England, Australia, New Zealand, among others, for us to demand by legislation requirements which have been discredited in these other nations would appear on its face to be a grave mistake. This is the principal defect in the committee bill which my second amendment endeavors to correct.

Mr. Speaker, unless this second amendment is adopted, it cannot be said that the Congress is taking a decisive step to convert to the metric system. Instead, the bill as presented to the House contains built-in dangers which might delay indefinitely any such important step.

Mr. Speaker, it would be my hope that the Department of Commerce and the members of the Science and Astronautics Committee, as well as all of my colleagues in the House who are interested in providing a constructive and coordinated program of conversion to the international metric system, would join in supporting these two vital amendments.

Mr. Speaker, the two proposed amendments follow:

Amendment No. 1 to H.R. 11035, as Reported Offered by Mr. M'Clory

The title is amended to read as follows: "A bill to establish a program for the United States to convert to the international metric system."

Amendment No. 2 to H.R. 11035 Reported by Mr. M'Clory

Strike out all of Sections 9, 10, and 11 (beginning on line 14 of page 6 and ending on line 21 of page 11) and by renumbering the remaining sections of the bill accordingly, and inserting in lieu thereof, the following:

The Board is charged with the responsibility of implementing, with the voluntary participation of every interested sector and group in the United States, the recommendations of the United States metric study, undertaken pursuant to the Act approved August 9, 1968, including—

(1) that the United States change to the international metric system deliberately and carefully;

(2) that this be done through a coordinated national program;

(3) that detailed plans and timetables be worked out, within the guiding framework established and from time to time revised by the Board, by the various sectors and interests of the society themselves;

(4) that priority be given to educational programs to be carried out in the Nation's elementary and secondary schools and institutions of higher learning, as well as with the public at large, which shall be designed to enable all Americans to think and work in metric terms and which shall include—

(A) public information programs conducted by the Board through the use of newspapers, magazines, radio, television, other media, and through talks before appropriate citizen groups and public and private organizations;

(B) counseling and consultation by the Board, in cooperation with the Secretary of Health, Education, and Welfare and the Director of the National Science Foundation, with educational associations and groups so as to assure that the international metric system is made a part of the curriculums of the Nation's educational institutions and that teachers and other appropriate personnel are properly trained to teach the international metric system; and

(C) consultation by the Board with appropriate State and local weights and measures officials to assure that such officials are informed of steps being taken to convert to the international metric system;

(5) that the appropriate representatives of American enterprise participate in international standards activities;

(6) that in order to encourage efficiency and minimize the overall costs to society, the general rule should be that any changeover costs shall lie where they fall;

(7) that the Board establish such committees and advisory panels as it deems necessary to work with the various sectors of the American economy and governmental agencies in the implementation of the international metric system; and

(8) that the target date for conversion shall be January 1, 1985 after which date the nation shall be predominantly, although not exclusively, metric.

(9) that the Board shall cease to exist after the target date.

SPECIAL PROSECUTOR AND GRAND JURY HEARINGS

(Mr. HUNGATE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HUNGATE. Mr. Speaker, yesterday the chairman of the Committee on the Judiciary announced that the Subcommittee on Criminal Justice has been assigned various legislative proposals dealing with the establishment of an independent special prosecutor and legislative proposals to extend the life of the grand jury in the District of Columbia which is now considering various Watergate and Watergate-related matters.

At a subcommittee meeting today, it was decided that, because of the urgency and importance of these issues, hearings will begin on Monday, October 29, at 10 a.m., in room 2141, Rayburn House Office Building. They will continue on Wednesday, October 31; Thursday, November 1; and, if necessary, on into the following week.

Persons and organizations wishing to make their views known to the subcommittee should promptly contact counsel, Subcommittee on Criminal Justice, House Committee on the Judiciary, room 2137, Rayburn House Office Building, Washington, D.C., 20515—telephone number 202–225–0406.

The subcommittee has decided to proceed first on that phase of the legislation which would extend the grand jury's term, and expects to complete action on it on October 29, 1973.

On October 31, the subcommittee will turn its particular attention to legislative proposals for the appointment of a special prosecutor.

MAJORITY LEADER THOMAS P. O'NEILL, JR., SAYS THAT DESPITE THE PRESIDENTIAL CRISIS, THE OLD ECONOMIC CRISIS REMAINS

(Mr. O'NEILL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. O'NEILL. Mr. Speaker, since last weekend, the Nation's attention has been riveted on the crisis precipitated by President Nixon's firing of the special prosecutor, Archibald Cox.

There has almost been a tendency to forget such common, everyday crises as the price of food, the cost of living generally, and the prospects for employment.

Yesterday, Herbert Stein, Chairman of the Council of Economic Advisers, brought these matters to the Nation's attention once again. In a press conference, Mr. Stein said the Nation could expect an increase in unemployment in 1974. He suggested that credit will remain tight. And he could not say exactly when the price spiral might start to slow down.

For the housewife, and for all of us, that means continued high food prices. On that score, Mr. Stein retreated to a familiar administration refrain: Things are getting worse, but at a slower rate.

He said food prices would continue to go up during the next few months but, by later next year, food prices would no longer be a major concern of the housewife.

Well, Mr. Speaker, that is wonderful news—for next year. But the housewife and her family and all of us have to eat today and tomorrow and every day while we are waiting for the moderately rosy future predicted by Mr. Stein.

Despite the Watergate tapes mess in which the President has entangled himself—despite the international crises that we are confronting, the old problems still remain. The American people still suffer from the neglect, ineptitude, and negative economic policies perpetrated by this administration since it took office.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Burton (at the request of Mr. O'Neill), for today, on account of death in family.

Mr. Brasco (at the request of Mr. O'Neill), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Sarasin) to revise and extend their remarks and include extraneous material:)

Mr. Hanrahan, for 5 minutes, today.

Mr. Maraziti, for 7 minutes, today.

Mr. Kemp, for 15 minutes, today.

Mr. Williams, for 15 minutes, today.

Mr. Walsh, for 15 minutes, today.

(The following Members (at the request of Mr. Sarasin) and to revise and extend their remarks and include extraneous matter:)

Mr. Andrews of North Dakota, for 30 minutes, today.

(The following Members (at the request of Mr. Andrews of North Carolina) to revise and extend their remarks and include extraneous matter:)

Mr. McSpadden, for 5 minutes, today.

Mr. Gonzalez, for 5 minutes, today.

Mr. Reuss, for 60 minutes, today.

Mr. Diggs, for 5 minutes, today.

Mr. Thompson of New Jersey, for 5 minutes, today.

Mr. Vanik, for 5 minutes, today, to revise and extend his remarks and include extraneous material.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Donohue, immediately following the prayer.

(The following Members (at the request of Mr. Sarasin) and to include extraneous material:)

Mr. Peyser in two instances.

Mr. Young of South Carolina.

Mr. Esch.

Mr. Steiger of Wisconsin in four instances.

Mr. Gilman.

Mr. Spence in two instances.

Mr. Sebelius.

Mr. Davis of Wisconsin.

Mr. Walsh.

Mr. Ashbrook in two instances.

Mr. Lent in three instances.

Mr. Kemp in two instances.

Mrs. Holt in two instances.

Mr. Hosmer in three instances.

Mr. Treen.

Mr. Symms.

(The following Members (at the request of Mr. Andrews of North Carolina) and to include extraneous matter:)

Mr. Young of Georgia in six instances.

Mr. Badillo in two instances.

Mr. Hamilton in 10 instances.

Mr. Gonzalez in three instances.

Mr. Rarick in three instances.

Mr. Ashley.

Mr. Kluczynski.

Mr. Rooney of New York in two instances.

Mr. Vanik in two instances.

Mr. Dellums in five instances.

Mr. McCormack.

Mr. Harrington in four instances.

Mr. Jones of Tennessee in six instances.

Mr. Pickle.

XUM

Mr. Melcher.

Mr. Andrews of North Carolina.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 9639. An act to amend the National School Lunch and Child Nutrition Acts for the purpose of providing additional Federal financial assistance to the school lunch and school breakfast programs.

ADJOURNMENT

Mr. ANDREWS of North Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 13 minutes p.m.), under its previous order, the House adjourned until Monday, October 29, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1481. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report of receipts and disbursements pertaining to the disposal of surplus military supplies, equipment, and material, and for expenses involving the production of lumber and timber products, covering the fourth quarter of fiscal year 1973, pursuant to section 712 of Public Law 92–570; to the Committee on Appropriations.

1482. A letter from the Assistant Secretary of the Interior, transmitting a report on a major change being proposed in the plan for the Seedskadee project, Colorado River storage project, Wyoming; to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ULLMAN: Committee on Ways and Means. H.R. 11104. A bill to provide for a temporary increase of $13 billion in the public debt limit and to extend the period to which this temporary limit applies to June 30, 1974 (Rept. No. 93–609). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ULLMAN (for himself and Mr. Schneebeli):

H.R. 11104. A bill to provide for a temporary increase of $13 billion in the public debt limit and to extend the period to which this temporary limit applies to June 30, 1974; to the Committee on Ways and Means.

By Mr. BRADEMAS (for himself, Mr. Pepper, Mr. Eshleman, Mr. Perkins, Mr. Bell, Mr. Thompson of New Jersey, Mr. Dellenback, Mr. Dent, Mr. Esch, Mr. Dominick V. Daniels, Mr. O'Hara, Mr. Hansen of Idaho, Mr. Hawkins, Mr. Peyser, Mr. William D. Ford, Mr. Sarasin, Mrs. Mink, Mr. Meeds, Mr. Burton, Mr. Gaydos, Mrs. Chisholm, Mr. Biaggi, Mrs. Grasso, Mr. Mazzoli, Mr. Badillo, and Mr. Lehman):

H.R. 11105. A bill to amend title VII of the Older Americans Act relating to the nutrition program for the elderly to provide authorization of appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. BROWN of California:

H.R. 11106. A bill to amend the Internal Revenue Code of 1954 to provide that advertising of alcoholic beverages is not a deductible expense; to the Committee on Ways and Means.

By Mr. CORMAN (for himself, Mr. Pettis, and Mr. Mailliard):

H.R. 11107. A bill to amend the Philippine Trade Act of 1946 in order to remove the quota on Philippine cordage at the close of calendar year 1973; to the Committee on Ways and Means.

By Mr. DIGGS (for himself, Mr. Nelsen, Mr. Stuckey, Mr. Dellums, Mr. Rees, Mr. Fauntroy, Mr. Howard, Mr. Rangel, Mr. Breckinridge, Mr. Stark, Mr. Broyhill of Virginia, Mr. Gude, Mr. Landgrebe, and Mr. McKinney):

H.R. 11108. A bill to extend for 3 years the District of Columbia Medical and Dental Manpower Act of 1970; to the Committee on the District of Columbia.

By Mr. DULSKI:

H.R. 11109. A bill to name the Federal Office Building in Buffalo, N.Y., the "Robert F. Kennedy Federal Office Building"; to the Committee on Public Works.

By Mr. GUBSER:

H.R. 11110. A bill to incorporate World War I Overseas Flyers, Inc.; to the Committee on the Judiciary.

By Mr. HANRAHAN:

H.R. 11111. A bill to provide that daylight saving time shall be observed on a year-round basis; to the Committee on Interstate and Foreign Commerce.

By Mr. HANSEN of Idaho:

H.R. 11112. A bill to amend the Federal Metal and Nonmetallic Mine Safety Act of 1966 (80 Stat. 772); to the Committee on Education and Labor.

By Mr. HÉBERT (for himself and Mr. Bray) (by request):

H.R. 11113. A bill to amend title 10, United States Code, to authorize the selective continuation of certain regular commissioned officers on the active lists of the Army, Navy, Marine Corps, and Air Force upon recommendation of a selection board, and for other purposes; to the Committee on Armed Services.

By Mr. KUYKENDALL:

H.R. 11114. A bill to authorize financial assistance for opportunities industrialization centers; to the Committee on Education and Labor.

By Mr. MATHIS of Georgia:

H.R. 11115. A bill to amend the Truth in Lending Act to exempt from coverage under the act credit transactions involving extensions of credit for agricultural purposes; to the Committee on Banking and Currency.

H.R. 11116. A bill to amend the Economic Stabilization Act of 1970 to exempt stabilization of the price of fertilizer from its provisions; to the Committee on Banking and Currency.

H.R. 11117. A bill to provide financial assistance for a demonstration program for the prevention, identification, and treatment of child abuse and neglect, to establish a National Center on Child Abuse and Neglect, and for other purposes; to the Committee on Education and Labor.

H.R. 11118. A bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to provide for minimum Federal payments for 4 additional years, and for other purposes; to the Committee on Public Works.

By Mr. MITCHELL of Maryland (for himself, Mr. Hawkins, Mr. Moakley, Mr. Wampler, Mr. Conyers, Mr. Harrington, Mrs. Chisholm, Mr. Dellums, Mr. Mazzoli, Miss Jordan, and Mrs. Schroeder):

H.R. 11119. A bill to establish the Federal Protective Service Police force within the General Services Administration, provide minimum training, pay, and other benefits for such police force, and for other purposes; to the Committee on Public Works.

By Mr. MIZELL:

H.R. 11120. A bill to amend the Wild and Scenic Rivers Act of 1968 by designating a segment of the New River as potential component of the National Wild and Scenic Rivers System; to the Committee on Interior and Insular Affairs.

By Mr. PATTEN:

H.R. 11121. A bill to assure opportunities for employment and training to unemployed and underemployed persons; to the Committee on Education and Labor.

By Mr. PEPPER (for himself, Ms. Abzug, Mr. Addabbo, Mr. Anderson of California, Mr. Baker, Mr. Bergland, Mr. Biester, Mr. Bingham, Mr. Blatnik, Mr. Boland, Mr. Brasco, Mr. Breckinridge, Mr. Brown of California, Mr. Burke of Florida, Mr. Burke of Massachusetts, Mr. Carney of Ohio, Mrs. Collins of Illinois, Mr. Coughlin, Mr. Cronin, Mr. Culver, Mr. Dellums, Mr. Dingell, Mr. Drinan, Mr. Dulski, and Mr. Duncan):

H.R. 11122. A bill to amend title VII of the Older Americans Act relating to the nutrition program for the elderly to provide authorization of appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. PEPPER (for himself, Mr. Eckhardt, Mr. Edwards of California, Mr. Eilberg, Mr. Fish, Mr. Flood, Mr. William D. Ford, Mr. Fraser, Mr. Gonzalez, Mr. Gray, Mr. Green of Pennsylvania, Mr. Gude, Mr. Gunter, Mr. Guyer, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Hicks, Ms. Holtzman, Mr. Horton, Mr. Howard, Mr. Johnson of Pennsylvania, Mr. Johnson of California, Mr. Koch, and Mr. Kyros):

H.R. 11123. A bill to amend title VII of the Older Americans Act relating to the nutrition program for the elderly to provide authorization of appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. PEPPER (for himself, Mr. Long of Maryland, Mr. McCormack, Mr. McDade, Mr. Madigan, Mr. Matsunaga, Mr. Mayne, Mr. Metcalfe, Mr. Mitchell of Maryland, Mr. Mitchell of New York, Mr. Moakley, Mr. Mollohan, Mr. Moorhead of Pennsylvania, Mr. Morgan, Mr. Moss, Mr. Murphy of New York, Mr. Murphy of Illinois, Mr. Nix, Mr. Obey, Mr. Patten, Mr. Podell, Mr. Randall, Mr. Rangel, Mr. Rees, and Mr. Reid):

H.R. 11124. A bill to amend title VII of the Older Americans Act relating to the nutrition program for the elderly to provide authorization of appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. PEPPER (for himself, Mr. Riegle, Mr. Rodino, Mr. Roe, Mr. Rooney of Pennsylvania, Mr. Rose, Mr. Rosenthal, Mr. Rostenkowski, Mr. Roybal, Mr. Ruppe, Mr. Ryan, Mr. St Germain, Mr. Sarbanes, Mrs. Schroeder, Mr. Seiberling, Mr. Slack, Mr. James V. Stanton, Mr. Stark, Mr. Stokes, Mr. Studds, Mr. Thompson of New Jersey, Mr. Thone, Mr. Tiernan, Mr. Waldie, and Mr. Walsh):

H.R. 11125. A bill to amend title VII of the Older Americans Act relating to the nutrition program for the elderly to provide authorization of appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. PEPPER (for himself, Mr. Whitehurst, Mr. Bob Wilson, Mr. Charles Wilson of Texas, Mr. Charles H. Wilson of California, Mr. Wolff, Mr. Won Pat, Mr. Wydler, and Mr. Yatron):

H.R. 11126. A bill to amend title VII of the Older Americans Act relating to the nutrition program for the elderly to provide authorization of appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. PICKLE:

H.R. 11127. A bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the authority of the Secretary of Health, Education, and Welfare with respect to foods for special dietary use; to the Committee on Interstate and Foreign Commerce.

H.R. 11128. A bill to amend title 28, United States Code, to provide more effectively for bilingual proceedings in certain district courts of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. ROE:

H.R. 11129. A bill to amend the Internal Revenue Code of 1954 to provide an additional personal exemption of $750 for certain volunteer firemen; to the Committee on Ways and Means.

By Mr. ROONEY of Pennsylvania (for himself, Mr. Podell, Mr. Helstoski, Mr. Nix, Mr. Stokes, Mr. Riegle, Mr. Won Pat, Mr. Murphy of New York, Mr. Carney of Ohio, Mr. Rangel, Mr. de Lugo, Mrs. Burke of California, Mrs. Chisholm, Mr. Young of Georgia, and Mr. Harrington):

H.R. 11130. A bill to create a National Landlord and Tenant Commission, to establish housing courts, and to define or to provide therefor the rights, obligations, and liabilities of landlords and tenants so as to regulate the activities of the commercial rental housing operations which affect the stability of the economy, the amount of person's real income, the travel of goods and people in commerce, and the general welfare of all citizens of this Nation; to the Committee on the Judiciary.

By Mr. SKUBITZ (for himself and Mr. Sebelius):

H.R. 11131. A bill to authorize the Secretary of Transportation to release restrictions on the use of certain property conveyed to the city of Elkhart, Kans., for airport purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. TAYLOR of North Carolina:

H.R. 11132. A bill to provide for the appointment of a Special Prosecutor by Judge John J. Sirica of the U.S. District Court for the District of Columbia, to investigate and prosecute any offense with respect to the election in 1972 for the Office of President; to the Committee on the Judiciary.

By Mr. SMITH of Iowa (for himself, Mr. Culver, Mr. Mezvinsky, Mr. Gross, Mr. Mayne, Mr. Scherle, and Mr. Karth):

H.R. 11133. A bill to authorize the Secretary of Transportation to provide mass transportation assistance essential for the movement of basic commodities and energy resources to and from production areas and major distribution and processing centers; to the Committee on Interstate and Foreign Commerce.

By Mr. WALSH:

H.R. 11134. A bill to amend chapter 34 of title 38, United States Code, to authorize additional payments to eligible veterans to partially defray the cost of tuition; to the Committee on Veterans' Affairs.

By Mr. WHALEN:

H.R. 11135. A bill to provide for the appointment of an independent Special Prosecutor to prosecute certain investigations into criminal activities; to the Committee on the Judiciary.

By Mr. CULVER (for himself, Mrs. Burke of California, Mr. Dominick V. Daniels, Mr. Eilberg, Mr. Gude, Mr. Diggs, Mr. Kyros, Mr. McCloskey, Mr. Lehman, Mr. Preyer, Mr. Rangel, Mr. Pettis, Mr. Riegle, Mr. Studds, Mr. Nix, Mr. Patten, Mr. Hanna, Mr. Vigorito, Mr. Charles Wilson of Texas, and Mr. Yatron):

H.J. Res. 794. Joint resolution to provide for the appointment of a Special Prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. McDADE:

H.J. Res. 795. Joint resolution asking the President of the United States to declare Sunday, November 25, 1973, "MIA Awareness Day" to pay tribute to members of the Armed Forces who are missing in action in Indochina; to the Committee on the Judiciary.

By Mr. MATSUNAGA (for himself, Mr. Adams, Mr. Anderson of California, Mr. Bevill, Mr. Brown of California, Mr. Danielson, Mr. Dellums, Mr. Denholm, Mr. Edwards of California, Mr. Fascell, Mr. Flood, Mr. Ketchum, Mr. Mathis of Georgia, Mr. McCloskey, Mr. Meeds, Mr. Melcher, Mr. Montgomery, Mr. Morgan, and Mr. Moss):

H.J. Res. 796. Joint resolution to set aside regulations of the Environmental Protection Agency under section 206 of the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

By Mr. MATSUNAGA (for himself, Mr. Nichols, Mr. Owens, Mr. Pepper, Mr. Pickle, Mr. Roybal, Mr. Saylor, Mr. Seiberling, Mr. Stark, Mr. Teague of California, Mr. Thone, Mr. Towell of Nevada, Mr. Vanik, Mr. Vigorito, Mr. Whitehurst, Mr. Charles H. Wilson of California, and Mr. Yatron):

H.J. Res. 797. Joint resolution to set aside regulations of the Environmental Protection Agency under section 206 of the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

By Mr. THOMSON of Wisconsin:

H.J. Res. 798. Joint resolution designation of the second full week of October of each year as "University Extension Homemaker Week"; to the Committee on the Judiciary.

By Mr. LONG of Maryland (for himself, Mr. Burton, Mr. Murphy of New York, Mr. Fascell, Mr. Hillis, Mr. Leggett, and Mr. Patten):

H. Con. Res. 367. Concurrent resolution expressing the sense of the Congress with respect to possible curtailment of oil supplies from Arab producers; to the Committee on Ways and Means.

By Mr. PEPPER (for himself, Mr. Andrews of North Carolina, Mr. Badillo, Mr. Bevill, Mr. Gunter, Mr. Hanley, Mr. Murphy of Illinois, Mr. Rangel, Mr. Reuss, Mr. Rosenthal, Mr. Stark, Mr. Stokes, and Mr. Won Pat):

H. Con. Res. 368. Concurrent resolution expressing the sense of the Congress that the President should reappoint Archibald Cox as Special Prosecutor and renominate Elliot Richardson as Attorney General, and renominate William Ruckelshaus as Deputy Attorney General; to the Committee on the Judiciary.

By Mr. RODINO:

H. Con. Res. 369. Concurrent resolution to print as a House document, House Committee Print on Impeachment, Selected Materials; to the Committee on House Administration.

By Mr. COHEN (for himself, Mr. Anderson of Illinois, Mr. Robison of New York, Mr. Pritchard, and Mr. Sarasin):

H. Res. 658. Resolution expressing the sense of the House that the Office of the Special Prosecutor be reestablished; to the Committee on the Judiciary.

By Mr. McDADE:

H. Res. 659. Resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

By Mr. O'NEILL (for himself, Mr. Beard, Mr. Duncan, Mr. du Pont, Mr. Fulton, Mr. Lujan, Mr. Milford, Mr. Mitchell of Maryland, Mr. Towell of Nevada, and Mr. Wright):

H. Res. 660. Resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

By Mr. RIEGLE:

H. Res. 661. Resolution for the impeachment of Richard M. Nixon; to the Committee on the Judiciary.

By Mr. ROYBAL:

H. Res. 662. Resolution impeaching Richard M. Nixon, President of the United States, of high crimes and misdemeanors; to the Committee on the Judiciary.

H. Res. 663. Resolution directing the Committee on the Judiciary to inquire into and investigate whether grounds exist for the impeachment of Richard M. Nixon; to the Committee on Rules.

By Mr. SCHERLE:

H. Res. 664. Resolution expressing the sense of the House that U.S. combat troops not be introduced in the Middle East conflict without prior congressional authorization; to the Committee on Foreign Affairs.

By Mr. THOMPSON of New Jersey (for himself, Mr. Addabbo, Mr. Blatnik, Mr. Corman, Mr. Gaydos, Mrs. Burke of California, Mr. Carney of Ohio, Mr. Stokes, Mr. Lehman, Mr. Koch, Mr. Long of Maryland, Mr. Rosenthal, Mr. Roy, Mr. Charles H. Wilson of California, Mr. St Germain, and Mr. Hechler of West Virginia):

H. Res. 665. Resolution directing the Committee on the Judiciary to inquire into and investigate whether grounds exist for the impeachment of Richard M. Nixon; to the Committee on Rules.

By Mr. WALDIE (for himself and Mr. Stokes):

H. Res. 666. Resolution for the impeachment of the President of the United States; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

322. The SPEAKER presented a memorial of the Legislature of the State of Wisconsin, relative to Federal highway trust funds; to the Committee on Public Works.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

By Mr. HUNT:

H.R. 11136. A bill for the relief of Brandywine-Main Line Radio, Inc., WXUR and WXUR-FM, Media, Pa.; to the Committee on the Judiciary.

XUM

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

332. By the SPEAKER: Petition of the city council, Miami Beach, Fla., relative to national unity on the Middle East conflict; to the Committee on Foreign Affairs.

333. Also, petition of the city council, Binghampton, N.Y., relative to daylight saving time; to the Committee on Interstate and Foreign Commerce.

EXTENSIONS OF REMARKS

THE DEDICATION OF THE MEDICAL COLLEGE OF OHIO

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. ASHLEY. Mr. Speaker, on Friday, October 12, our distinguished colleague and close friend from my own great State of Ohio, Congressman CHARLES MOSHER, was the principal speaker at the banquet, during the dedication of the first building on the permanent campus of the new Medical College of Ohio in Toledo, in my congressional district. His address was entitled "Declaration of Interdependence: Scientists, Students, Professors, Politicians—We Need Each Other!"

As the ranking minority member of the House Science and Astronautics Committee, and as a recognized authority in the vital, complex field of public policy formation for science and technology, CHARLES MOSHER was well equipped to offer stimulating and insightful remarks to those assembled, and he did not let them down.

As the Toledo Blade commented in an editorial a few days later—

> Mr. Mosher, a living example of enlightened statesmanship, spelled out articulately and eloquently the need for closer ties between the Medical College of Ohio and area universities, and between the medical community and the government. His appeal for more extensive training of doctors so that they are better acquainted with the processes of government—particularly those involving decisions of funding medical science—was especially well taken.

I believe that the full text of CHUCK MOSHER's speech in Toledo deserves and demands special attention, and so I include it here for the Members:

DECLARATION OF INTERDEPENDENCE: SCIENTISTS, STUDENTS, PROFESSORS, POLITICIANS—WE NEED EACH OTHER!

I do feel very privileged to participate in this happy occasion this very significant, important celebration.

It happens that back in the 1950's I was a very active member of the Ohio Senate, in Columbus, as Chairman of the Senate Committee on Education and Health. And I remember well our early discussions, out of which finally developed (was it in 1964?) the Ohio General Assembly's decision to charter a new, state supported medical college here at Toledo.

So, it is with considerable personal satisfaction that I participate in this celebration of very impressive, tangible evidence that medical education and the medical sciences are indeed now in being, are alive and well, a dynamic force in this community.

My satisfaction in witnessing this accomplishment . . . my enthusiastic congratulations to all who have been most responsible for it, for this superb new Life Sciences Building . . . are rooted in an acute awareness of the difficult decision-making process required to bring this school to fruition, and also of the often agonizing decisions which constantly will burden all who are responsible for charting its future.

I emphasize that the first crucial decisions, the birth pains for the Medical College at Toledo, were political decisions, voting decisions in the state legislature. By the time your charter finally was voted, I was long since gone from Columbus to Washington. I cannot claim any personal credit for it; but from long legislative experience I am intimately aware of how complex that political process is, at best. So, to all of you, I urge your very realistic awareness . . . indeed, I *warn* you . . . that the future of this college, its vigor and quality and usefulness, will continue to depend in large part on policy decisions voted in both Columbus and Washington.

I strongly suggest that you who are most aware of and concerned for medical education, for medical research, for higher education in general (the realities, the needs and problems, the vast opportunities) . . . I suggest it is imperative that you take a most aggressively active, personal role in our political process. We legislators truly need your help as we struggle to process and vote wise and effective decisions. We politicians live a very kaleidoscopic, fragmented life, buffeted constantly by every conceivable interest. Often, it is extremely difficult to give any major problem . . . such as medical education . . . the concerted attention it may deserve. Each of us may become quite knowledgeable in some policy area related to our committee assignment. But in general it is true that we must rely on strong staff support and on the advice of presumed "experts". Most of us need and welcome the information, advice and criticism we receive from informed and concerned citizens and, certainly, concerning health policy decisions, or medical education and medical science decisions, we surely need (and I urgenly solicit) the assistance of many of you who are here this evening.

I implore you to communicate with your state legislators in Columbus and with your representatives and Senators in Washington, more frequently and more effectively. I repeat, we truly *need* your help!

I further suggest it might be appropriate now for medical colleges to begin to make an overt effort, as part of the curriculum, to "educate" future physicians concerning the rationale and processes of government, especially the formulating of public policy decisions which impact on the life sciences and the delivery of health services.

Only 25 years ago, I am told, about 31 percent of all medical research in the United States was funded by the federal government. By 1972, last year, that proportion had leaped to 63.7 percent. I'm guessing that long before the year 2000, at least 90 percent of policy for the funding of the life sciences will be by government decisions.

Thus, it is clear that all aspects of health services increasingly will be subject to social pressures, to legislative decisions. Hopefully these will be carefully and wisely considered, but sometimes, inevitably, by popular whim. It is my observation that doctors in general know little about the whys and hows of such decisionmaking. I submit it is imperative they learn.

Now, I assume that the legislative decision in Columbus by which the Medical College at Toledo was charted, resulted from a conviction that Ohio was training too few doctors. There was public discussion, some expert evidence, strong and increasing popular pressures, vigorous competition among several metropolitan areas where a new medical college might be located, and then the struggle to get funds appropriated . . . these essentially political pressures brought this school into being, the politically perceived need for Ohio to train more physicians.

(And, as a footnote, let me assure you that I use such phrases as "political process" or "political decision" only in their favorable sense, I use them with respect and devotion, despite my painful awareness of the faults, distortions, scandals that so weaken our political system.)

Essentially those same political pressures . . . the popular alarm because there are too few doctors, the skyrocketing costs for health care, the inequitable distribution of medical services, and unequal ability to pay for those services, especially as related to a growing popular belief that good health and good health care should be birthrights for all Aemricans rather than the privilege of a wealthy few . . . those same political pressures inevitably will produce from the Congress (perhaps as soon as 1974) some form of National Health Insurance Program for federally sponsored medical services available to all of us.

Nobody can say at this point what the details of that national program will be. A wide range of plans are being discussed. But I believe I am accurate in reporting that there does prevail among congressmen an uneasy belief that the success of *any* form of national health services program will require, first of all, a major increase in trained manpower . . . more physicians, more nurses perhaps, and probably a great many more paramedical technicians and assistants.

So, from the Ohio General Assembly in Columbus, and it is strongly echoed from Washington, there is a very forceful mandate on the Medical College at Toledo to produce more physicians. That is why this school exists, that is why we are dedicating a great new Health Sciences Building.

But what kind, what quality of physicians should Toledo produce, and what shall be the training emphasis here? I suspect neither Columbus or Washington is yet giving you any precise mandate as to your professional product, other than just the popular demand for more and more.

And certainly I don't have the credentials to offer expert judgments in attempting to answer those crucial questions: What kind of physicians shall we produce, and how shall we do it?

But I *do* have my own personal prejudices and hopes in that regard. As with paintings, I don't know much about art, but I know what I like. And so, just to be provocative, I will describe in quick, broad terms the physicians I hope the Medical College at Toledo will graduate.

First, I hope you will NOT attract nor train men and women who look upon their MD degree and license to practice as primarily sure tickets to personal wealth. I do not resent in anyone the accumulation of a modest fortune, if it is well earned in some useful, productive and creative, legitimate way; but I would resent it very much if this medical college became largely a trade school, producing mostly clever, glib, efficient, bedside-manner physicians intent on the business of making a profit. Personally, I am very pleased by recent reports that today's medical students are more socially concerned and service minded, men and women of sharpened conscience.

It is difficult to teach such qualities as humane compassion, sensitivity, moral wisdom, intellectual curiosity, creative imagination, scholarliness, sense of humor, humility and persistent, lifelong passion to learn . . . but I do believe you can, and you must, encourage those qualities in your students and in the physicians you graduate.

Especially, apropos this new Health Sciences Building which we now celebrate, I hope Toledo will produce physicians who by training and habit will be throughout their professional careers effective problem solvers, rather than mere routine prescribers or manipulators.

As I see it, the tremendous importance of involving a medical student in laboratory science, is to acquaint him (or her) with, and encourage a thorough understanding and appreciation of the scientific attitudes and methods, hopefully to excite a lifelong professional interest in, and by habit an intellectual bent toward the search for new knowledge and better understanding, so that his medical practice shall be always a continuing extension of his medical education.

I hope there will be here a very aggressive effort to involve medical students in the research of the scientists who shall be the primary users of these laboratories; but I suggest also the increasing involvement of undergraduates, of pre-med students from the neighboring universities of Toledo and Bowling Green. And most certainly, your clinical teaching faculty should have access to these laboratories and should be encouraged to become actively involved in good research.

My reference to the University of Toledo and to Bowling Green State University indicates a strong hope that this medical college will increasingly, intimately interrelate with those two universities. Frankly, I doubt the wisdom of any professional school isolated from a university atmosphere, and I assume this is not. It is of the very essence of a university that all its various elements shall be interacting, interdependent, mutually stimulating and mutually nourishing; and a medical college surely needs to be part of such a university community . . . especially so if, as many experts are saying, there needs to be a strong introduction to the biomedical sciences for undergraduate students, well before they enter a medical college.

Anticipating this evening, some weeks ago, I asked a friend, Dr. Frank Huddle, senior specialist for science and technology in the Library of Congress Research Service, for advice on what I should say here. And, because he is a sometime philosopher and classicist, I was not surprised when he urged me to take as my inspiration for these remarks several excerpts from *New Atlantis*, written by Sir Francis Bacon very early in the 17th Century. Some of you may remember that Bacon describes there an imaginary foundation for education and science which he calls "Salomon's House" and for its purpose he says:

> "The end of our foundation is the knowledge of causes, and secret motions of things; and the enlarging of the bounds of human empire, to the effecting of all things possible."

And in later passages, Bacon describes how that foundation will send into all parts of the universe "merchants of light" who shall gather in "all the books and abstracts, and patterns of experiments of all other parts", while others will try new experiments, others will analyze and interpret . . . and then most significantly Bacon tells his plans for activities which we today often label "technology transfer", the broad and usefully effective spreading and application of new knowledge.

Frank Huddle told me that Bacon's concept of Salomon's House in *New Atlantis* created a great stir in intellectual circles of that day and was immediately responsible for the founding of The Royal Society, now long since a most distinguished and famous British institution.

He also said, "Tell them in Toledo, it is imperative that scientists, students, teachers and physicians be Baconians, rather than Cartesians." And when I raised my questioning eyebrow, he went on to explain that the Cartesian ideal is for great minds (or talented scientists, I suppose) to work alone, in isolation and secrecy, whereas Baconians (as described in *New Atlantis*) are greater team players, working together in the gathering, sharing, critical analysis, spreading and application of a broad spectrum of new knowledge.

So, that Salomon's House ideal is exactly the burden of these remarks tonight, my enthusiastic hope and expectation that the dedication of this Health Sciences Building, symbolizes a genuine, firm commitment to the philosophy that graduates of the Medical College at Toledo shall be trained to work together in the ways of science . . . to have a persistent thirst for new knowledge, and better understanding and to make careful, methodical, critical distinctions and interpretations.

Despite all the glittery, sophisticated achievements of medical science in recent years, despite all the prophesies and promises of near magical technologies and miracle medicines, expectations of an end to disease and longer life for everybody . . . despite all this rhetoric which has raised the pressures of popular expectation and impatient demand to a probably impossible level . . . I am increasingly convinced that today's physicians and medical scientists, in relative terms (relative to 50 or 100 years from now), really don't begin to know enough, are really not adequate to the demands upon them. I am convinced we have only begun to learn the what and the how at least of the future of the medical profession.

But I very quickly and readily admit that also is even more true of my own political profession. And, incidentally, I am sure that students of government (or of political science if you accept that term) often would benefit greatly by more exposure to and understanding of the hard sciences, the disciplines of the laboratories.

Scientists hypothesize and experiment. Physicians practice. And the political decision making process now is largely by mere trial and error. But note that in all of these professions . . . in hypothesizing, experimenting, practicing, and process by trial and error . . . in each of these exercises there is inherent the basic assumption that the truth is very tentative, almost certain to change, surely in need of perfecting. Note that all of us . . . scientists, professors, physicians, legislators . . . enjoy considerable status as professionals; but I submit that anyone who professes, no matter what, should always be accepted with a grain of salt, with fingers crossed, with skepticism . . . and it is imperative that every professional be challenged and insistently challenged again, so that he (or she) shall be kept humble and forced to rethink, and to learn more.

Thus, you can see that my own view of what today's education for tomorrow's medical practitioners should be, obviously is still rooted in the then very revolutionary recommendations of the famed Flexner report in 1910. After more than 60 years, Flexner still has a lot of validity. Some impatient critics are demanding that we should speed medical education by diluting it with short cuts; but I am very skeptical of any such urgings. Again, I protest against any willingness to turn medical schools into mere trade schools. I urge that university officials resist strongly any popular or governmental or financial pressures which might now stampede them into unwise, retrogressive expedients. Hopefully, I interpret this dedication of your new science building as Toledo's dedication to maintaining *quality* and *progress* in medical education.

But at the same time, I fully recognize and insist on the necessity for change, change that improves and makes progress. Goals and priorities inevitably must change, to meet the needs of our changing way of life; of society's new demands. America today is profoundly different from the America of 1910, the year of the Flexner Report, recognized as a great turning point in the history of medical education. But I submit that we almost constantly are passing through possible turning points, through crossroads in policy making. Public policy is never fixed, it is dynamic, constantly wracked by the stresses and strains of new and changing people pressures; and in our increasingly intricate, interdependent society, certainly the goals, priorities and methods of medical education and medical science constantly will feel those stresses and strains.

If the future of medical education and medical science today seems to be extraordinarily uncertain, hanging in the balance, I suggest that is only part of the painfully apparent fact that *all* of our national policy directions are extremely uncertain right now. The future directions and levels in medical schools and in the health sciences will depend on decisions, political decisions yet to be made in many other areas . . . and no accurate prediction of those decisions is yet possible.

What will be the nature of a national health insurance system when it comes? Will the emphasis be on prepayment for medical services, or on the traditional fee-for-service system? An emphasis on preventive medicine, on ambulatory care, on group practice, much greater emphasis on and demand for more effective therapy . . . for care, rather than merely supportive care? Will there be an expansion, or contraction of hospital services as we know them today? Those are only a few of the questions which pop into my mind, to which none of us as yet can venture responsible answers.

And until there are some fairly definite answers, medical colleges can only guess what our medical manpower will be, which specialities will be in short supply, and thus what emphasis should be changed in training patterns. We can only guess . . . except as we surely know that we will need to train MORE medical personnel, and more will be women, and more will be from minority group origins.

What does it mean, as some are telling us, that medical colleges should no longer gear their output so much to the demands of the medical profession as to the needs of society?

Perhaps it means (and I assume this would be a really radical change) that physicians of the future might be trained not so much for the traditional one-to-one, doctor-patient relationships, for attention to the individual who is ill, but trained rather to be part of a team of physicians, nurses and other paramedicals whose target will be the health needs of groups or of communities of people. It is argued that this social emphasis is necessary to "optimize", to make more effective and at lower costs and with greater equity, the services of physicians who are in limited supply.

That troublesome choice, like many others, will depend increasingly on decisions we will make in Washington. But one very significant turn was taken very recently when the President proposed and both houses of the Congress voted, in differing forms, legislation for rapidly expanding Health Maintenance Organizations (HMO's) with federal government encouragement, guidance and financial assistance. The House vote on September 12 was overwhelmingly favorable, 369 to 40. There are fundamental differences between the House and Senate bills, and these will be difficult to compromise in the Conference Committee; but I submit that message from Capitol Hill is now very clear, the federal government soon will begin some form of very significant increased support for HMO's, as an attempt to improve the delivery of more effective, more economical health services . . . and this is only one step, with others to follow.

Now, I also suggest it is extremely important to recognize that many other public problems, many national needs and opportunities, and therefore national policy decisions which are well outside the realm of medical sciences and medical practice as usually perceived, nevertheless do influence profoundly and immediately our national health standards, the morbidity and mortality rates of the American people. Among today's examples of such national policy decisions that come quickly to mind are those required because of pollution and ecological concerns, or the energy and food scarcities, nutrition problems, narcotics, alcohol and tobacco abuses, highway and air traffic casualties, crime in the streets and proposed gun controls, plus prison and courts reform, fire prevention and safety, bad housing, poverty . . . you name it!!

Thus, the traditional realms of medical science and medical services are expanding into and are inextricably part and parcel of the much larger complex of all our public policy decisions. Surely, for example, medical research must increasingly be concerned with environmental health problems, with all public health problems in the broadest sense.

There is an immense popular enthusiasm and concern today for a complex pattern of human experience, impossible as yet to define in precise terms but which is often labeled the "Quality of Life". That enthusiasm and concern is strongly reflected in policy makers. And we see it particularly in the amazing (in some respects now alarming) leap in levels of expectation, the heightened standards demanded as acceptable or popularly anticipated, or required of government . . . for the conservation and enhancement of natural resources, protection of a balanced ecology, abatement of all forms of pollution, protection of consumers, eradication of poverty and hunger, provision of good housing . . . these are only a few of those popular demands; and certainly very high on any such list in the public's mind is better health services. And many people actually expect an end very soon to all major illnesses.

These popular demands, these extremely heightened expectations, are not being met in actual practice. President Johnson's promise to end poverty has so far failed miserably. Many of President Nixon's most heralded proposals are as yet only rhetoric . . . witness his "welfare reform" program. Bitter experience is beginning to prove very convincingly that it is most often a serious mistake, inevitably misleading and disappointing, to pick any small piece of the great complex of public problems and with great fanfare and promise (but usually with far too little funding) try to target a crash program for the solution of that particular piece of our problems, when we perhaps by that very effort tend all the more to neglect other related problems. Time after time, we legislators learn the probability that in trying to solve one problem, we inflame or create others . . . for human society is an extremely complex, organic whole, somewhat like the individual human organism.

Do not misunderstand me. I do *not* say solutions to our social problems are impossible. I am not discouraged. I say only that we in government have much to learn, have only begun to seek the effective scientific understanding and therapeutic treatment of social ills. We are as yet only groping, as I suspect medical practitioners are as yet only groping.

But the public, with its heightened expectations and impatience, tends to be considerably disappointed and disillusioned with all of us, for our failure to produce the miracles the public often believes we promised them. Scientists, teachers, physicians, politicians . . . all of us share a certain uneasy lack of credibility, of disdain in much of the popular opinion today, because we so obviously fail to accomplish what an impatient society expects of us.

The space program's dramatic successes are perhaps an element in this unhappy situation. I have constituents who say to me, "Now that NASA has put men on the moon and returned them safely, how come you can't put a man into Lake Erie and return him safely."

The public finds it very difficult to understand the truth, as you and I know it, that most of our great public problems . . . medical, social, health, energy, food, housing, transportation and environmental problems, including Lake Erie's pollution and eutrophication . . . these are far, far more complicated and difficult than was the seeming miracle of traveling to and from the Moon.

NASA's superb Apollo effort is the rare example of a crash program that succeeded. The Manhattan Project, to create an atomic bomb, was another such success. But I suggest that crash programs in the health sciences are as yet of very dubious wisdom or value. At the moment, with considerable fanfare and rhetorical promise, we are committing vastly increased funding to targeted research for the conquest of cancer and to cures for heart disease. Those have been named officially by the White House and the Congress as the two great priorities for our health expenditures, presumably because statistically they are the two greatest killer diseases.

Along with everyone else, I voted for those crash funds. I hope both efforts are a surprising success, and very soon. Personally, I feel extremely vulnerable to both cancer and cardiac troubles.

But as a legislator largely involved in the whole realm of national science and technology policy decisions, I am very skeptical about the wisdom or efficacy of such extreme distortions of program effort as are represented in the crash funding of targeted cancer and heart research. Other diseases also are big killers; and still other diseases do not kill so much as just make life miserable. It might best be recognized that death does not happen to any one person nearly so often as do distressing, debilitating illnesses for which we desperately need cures in order to enhance our "Quality of Life."

The fact is, during this period of enforced budget constraints, by allocating more money narrowly to cancer and heart research, we are robbing funds from all other elements of medical research; some programs are being barely maintained at previous levels in terms of absolute dollars, others are getting fewer dollars . . . all really are getting much *less* support, because the dollars are eroded by inflation. Thus, we may terribly handicap the ability of medical colleges, including Toledo, to improve and expand their research efforts, to meet the broader, valid demands upon them.

Most significant of all is the fact that in narrowly targeting research on cancer and heart disease, we quite probably, almost certainly are cutting back in the broad, basic fields of biomedical research which undergird and sustain all applied research, and which actually will be found essential to the success of even the target research.

It is true that nearly all national policy decisions translate into money, into expenditure levels as a measure of their priority importance. Nevertheless, it should be evident to all of us by now that more dollars do not necessarily buy more productive research nor at any level of our health services delivery system will a greater concentration of dollars necessarily buy that much more health. We've still a lot to learn about how best to invest the taxpayer's dollars in support of good research; but I suggest, perhaps the first requirement should now be stability of funding.

The doubts, the skepticism, the unhappy realities I have stated in my last few paragraphs apply throughout the whole spectrum of all science and technology policy making and funding in the federal government today. The uncertainties are everywhere, just as they are in the medical sciences . . . in part because of the rigid budget constraints and inflation; in part because of the huge pressures of popular expectation and demand, contrasted to the disappointing product of the golden age of expensive and expanding scientific activity in the past 20 years; in part because of the vigorously competing claims of many other public needs and government activities, many of which assert the necessity for changing priorities for research.

The fact that all of us are groping, that all science related policy is in flux, is dramatized in the new and uncertain responsibilities that have been loaded onto the National Science Foundation and its Director, Dr. Guy Stever, after the President dismantled his Office of Science and Technology and removed his Science Advisor from the White House level. These uncertainties also are seen in controversies over the future of NASA and the AEC; the inadequate funding for NOAA and the Coastal Zone Management program; the wide ranging struggle for jurisdictional control, directions and priorities in our immense new emphasis on energy-related research; the growing resistance to military R&D; the growing realization of how much we still have to learn in the environmental sciences; the growing awareness that many of our great national laboratories are not being used fully, nor as effectively and creatively as they should; and in the policy controversies current between the Congress and the Administration . . . especially the very controversial, new initiatives in decision-making by the Office of Management and Budget (OMB).

I wish we could find examples of that in the political world! Dr. Huggins described for us this afternoon a biological process which he asserts is established with certainty, nothing about it is treacherous, he said. The examples I have just cited and many other examples that could be cited, indicate that we in government . . . in the executive and legislative alike . . . have hardly begun to understand fully the needs and opportunities in science and technology as tools for the solution of vast public problems; there is a crucial need for us to strengthen, to be more foresighted and effective in our policy making procedures. And, in that regard, I urge your attention to a newly authorized staffing arm of the Congress, our Office of Technology Assessment (OTA), as one truly hopeful sign that we may be moving in the right direction.

Above all, we need more long time stability and assurance in our authorizations and appropriations for all basic research, especially in support for the life sciences. We have been afflicted with too much go-and-stop, stop-and-go, hurry up-and-wait.

And as a final note of unhappiness, I will inject here my own strong impression that Ohio, our own state, is very inadequate in any efforts it may be making on an official organized basis . . . I know of no such efforts . . . to provide vigorous leadership and support for the sciences and for new uses and development of technology. Obviously, your new Health Sciences Building is an exception to this complaint. But I do believe some Ohioans with special genius should be given a mandate, and the means necessary, to identify more clearly what needs and opportunities and resources exist in our state and for our state. And I especially emphasize that word *opportunities*. For example, I am confident there should be organized far more positive, creative, profitable working relationships between Ohio and the federal government. And I do hope that some of you present here tonight might be persuaded to work more vigorously to achieve that purpose.

Now, in conclusion, I remind you again of the distinction between the Baconian and the Cartesian ideals . . . the Cartesian emphasis on the great mind at work productively, but in seclusion and secrecy, in contrast to the Baconian belief in the many working productively together, sharing and distributing the fruits of their new knowledge. I cited the Health Sciences Building we are dedicating here as a prime example today of that Baconian idea, where excellent scientists, medical students, undergraduate students and members of the clinical faculty will be working and learning and sharing productively together.

I spoke also hopefully, of a growing interrelationships, mutually nourishing, between this medical college and the Universities of Toledo and Bowling Green.

I mentioned a variety of other such interrelationships . . . group practice of medicine; the interaction of many other national policy decisions with developments in policy for health services and for the life sciences; the danger in distortions from individual, crash programs, that result in neglect of broadly based stability in scientific research; and the need for a more productive coordination between the State of Ohio and the federal government, to use and develop more fully the scientific and technological resources of our State.

And I have reiterated in several ways a strong, urgent belief that physicians and scientists should be much less shy, should in fact be much more activist . . . but wisely and knowledgeably activitist . . . in participating in the political process by which so many profoundly important decisions are made in government which dictate the directions in which the medical professions and medical education must move.

My subject tonight, as listed on the program, was "Science and Public Support of Research". Perhaps I have touched on that subject, but superficially.

But now I have decided the title of these overly long remarks really should be "A Declaration of Interdependence".

I hope I don't sound too much like Karl Marx's "Workers of the World Unite!"

I do say to scientists, to students, to professors, to physicians, to administrators, and to policy-making politicians . . . we very much depend on each other, we *need* each other!

MATCOM CELEBRATES INTERNATIONAL CREDIT UNION WEEK

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. BAUMAN. Mr. Speaker, this week, October 22–26, is International Credit Union Week. Some 280 credit unions in the State of Maryland are observing the event, and among them is the MATCOM Federal Credit Union at Edgewood Arsenal.

Organized in 1953 by civilian and military employees of the Army Materiel Command in Baltimore, MATCOM has experienced enormous growth since then. Today, it enjoys a membership exceeding 14,000 and its assets are approaching $9 million. It is the 12th largest credit union in Maryland.

Like many credit unions, it grew from small beginnings. For the first 3 years or so, volunteers performed the work necessary to maintain and build the credit union. By the end of 1956, the board of directors had decided that MATCOM had grown to the point where it was necessary to hire a paid staff member to manage the office during the 3 days a week when the office was open. At that point, MATCOM had 324 members and $47,245 in assets.

Over the next 22 months, MATCOM experienced a 574 percent growth. A second employee was added to the payroll in October 1958. Today, MATCOM employs seven full-time and three part-time staff members.

MATCOM has provided needed financial assistance to thousands of members, making 43,623 loans during its 20 years of service. Funds have been borrowed for hundreds of reasons. There is little doubt that the loan services it provides have averted personal tragedies for many of its members.

Members' savings accounts earn generous dividends, which are compounded semi-annually. An interest refund of 5 percent was paid on June 30 of this year. Members can borrow at low interest rates, and many who have found it difficult or impossible to borrow from outside sources have found MATCOM ready to help them. Since its inception, it has made loans totaling $41,411,153.

The kind of service which MATCOM provides the civilian and military personnel of the Edgewood Arsenal area of the Aberdeen Proving Ground is representative of the benefits offered by the 23,000 Federal credit unions throughout the United States to their 20 million members. It is a record of which they can be justly proud, and I take pleasure in congratulating them this week. Their services are invaluable, and I wish them continued growth in the future.

BOLL WEEVIL ERADICATED IN U.S. TEST

HON. EDWARD YOUNG

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. YOUNG of South Carolina. Mr. Speaker, a number of economic and ecological benefits will flow from a boll weevil eradication program: First, cotton—unlike oil-base synthetics—is produced by an eternal energy source, the Sun. Second, 40 percent of all agricultural pesticides in the United States go into the cotton crop, whereas a successful eradication program can reduce this amount up to 75 percent. Third, the export demand/internal supply squeeze on cotton will be relieved, not only by the recapture of the $200 million annual loss to boll weevil damage, but also by the increased acreage planted to cotton by those farmers who previously had given up on cotton as a profitable crop.

I call to your attention a fine article prepared by the United Press International which appeared in the Washington Post of October 24, 1973:

BOLL WEEVIL ERADICATED IN U.S. TEST

Agriculture Department scientists said yesterday a successful two-year test proves they now have the techniques needed to drastically reduce the volume of pesticides used in farming by virtually eradicating a historic insect pest—the cotton boll weevil.

Since more insecticides are currently used to control the boll weevil than any other insect, its eradication would reduce the volume of pesticides pumped into the environment by American agriculture by about one-third, officials said in a statement. They added that elimination of the insect to the point at which it is no longer an "economic pest" would trim cotton production costs by around $275 million a year.

The two-year experiment, officials said, succeeded in practically exterminating the weevil in test areas by use of a carefully timed and staged combination of control measures including sex-lure traps and release of sterile male weevils.

Agriculture Department officials said the pilot test, which proved elimination of the boll weevil as an economic pest is "technically feasible . . . by the use of ecologically acceptable techniques," was conducted in a 5,000-square-mile area of Southern Mississippi and adjacent parts of Louisiana and Alabama.

By last spring, officials said, surveys found no evidence of boll weevil reproduction in 235 of the 236 cotton fields in the core of the test area where all suppression techniques were used. The only weevils found were in a lightly infested field near the border of the core area.

NATIONAL SECURITY—TOP PRIORITY

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. SPENCE. Mr. Speaker, a popular political cry in recent years has been "We must reorder our priorities." By this is meant, of course, that we must take money away from military programs so that the "savings" can then be made available to certain social-welfare-type endeavors.

For just as long, others of us here in Congress have tried to illustrate the dangers of such rhetoric. We have pointed out, for example, that the same inflation which boosts food prices also undermines the funds we have available for an already precarious military posture.

Fortunately, there still exist a number of newspapers in this country which are invaluable allies in making some of these factors known to the American people. One such editorial voice belongs to South Carolina's largest newspaper, the State. Earlier this month, the State printed a particularly outstanding editorial, which made an invaluable contribution to American military preparedness.

So that my colleagues may have the benefit of the timely points made in the editorial entitled "Top Priority Must Go to National Security," from the State, I insert it at this point in the RECORD:

TOP PRIORITY MUST GO TO NATIONAL SECURITY

Americans who worry about their nation's security can take some comfort from the Senate's approval of $21 billion for the procurement and development of weapons, but the comfort may be temporary. And it certainly should not lead to complacency.

There are strong forces in Congress these days, and especially in the Senate, which would whittle defense expenditures to the bone. This week's final 91–7 vote of approval for weapons procurement is misleading. More indicative of the serious threat to national security is the 49–47 vote by which the Senate barely saved the Navy's Trident missile submarine program.

The attitude of the self-styled liberals in Congress is both dangerous and disheartening. For one thing, it reflects either an ignorance or an indifference to the potential threat of Russian superiority in weapons systems. In some areas of defense activity, notably in naval developments, the Russians already are outstripping America's rate of progress.

Furthermore, there is a tendency among many congressmen to use the Pentagon as a whipping boy or scapegoat in their efforts to gain funds for use elsewhere. Capitalizing on the unpopularity of the American involvement in South east Asia, several ranking Democrats in Congress seek to divert needed military funds to their pet domestic programs.

Sen. Hubert Humphrey was in full voice (when isn't he?) during the debate on the weapons procurement bill. Seeking to trim the measure by $750 million, the Minnesota senator called upon the Senate to exercise "fiscal responsibility."

"I hear that time and again," he shouted. "Let's have some of it."

We agree that fiscal responsibility is indeed needed in the halls of Congress. But it should be applied not just to military spending but to the hosts of social welfare programs which have grown at a rate far surpassing anything in the defense sector.

In 1963, for example, defense spending accounted for almost 50 per cent of total national budget. This year, that ratio is expected to be in the range of 30 per cent. But, thanks to non-defense spending, the federal budget itself has grown 150 per cent in that decade, aptly described as "the era of triumphant liberalism."

For social welfare programs alone, federal expenditures burgeoned from $37 billion in 1965 to $92 billion within six years. And despite President Nixon's efforts to curb such spending, there seems little inclination on the part of the Democratic Congress to slacken the pace.

Federal spending has gotten completely out of hand. But the onus for extravagance rests not upon the military but upon the domestic sector.

Between two of the goals enumerated in the Constitution of the United States—"to provide for the common defense" and "to promote the general welfare"—Americans must insist that Congress give priority to the former. Without it, the latter could be meaningless.

URANIUM ENRICHMENT VIEWS OF HOLMES ALEXANDER

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. HOSMER. Mr. Speaker, many newspapers throughout the Nation recently carried Columnist Holmes Alexander's article discussing the Nation's new needs for nuclear fuel. I have received considerable favorable response and helpful comments from readers of the item and am pleased to ask that it be reproduced below as it was syndicated.

A LANGUISHING BUSINESS OPPORTUNITY

(By Holmes Alexander)

WASHINGTON, D.C.—The United States still holds an important and wealth-producing "atomic monopoly." But this multibillion-dollar advantage lies dormant and neglected. Deadline for decision making comes up next month when the Joint Atomic Energy Committee opens its October hearings on what to do about the uranium-enrichment industry. This business is already earning substantial revenue in a Free World market that could absorb 40 times its present supply.

Rep. Craig Hosmer (R-Calif.) knows more than anybody else about this obscure and neglected area of the energy crisis. This 11-term Congressman and Rear Admiral (U.S. Naval Reserve) worked as a lawyer at the Los Alamos Scientific Laboratory before election to the House in 1952 and has concentrated on nuclear-related matters ever since. In an extraordinary appeal this month, Hosmer asked the press, members of Congress and of the Administration, as well as the industrial and scientific community for "comment and discussion." He adds:

"These will be particularly valuable if made in the form of oral and written statements for the Joint Committee on Atomic Energy, Phase II, hearings, but the anonymity of anyone wishing to submit data to me in confidence will be fully respected."

At the risk of offering a dull column on an opaque subject, I think it in the public interest to donate my mite. There is no need to beat the gongs about the clear and present energy crisis nor about the need for America to make money that would ease the deficit in our international balance of payments. But there exists a residual superstition about the Hiroshima A-bomb, and a popular reluctance to believe in the vast potential of "peaceful" atomic uses.

Since the invention in 1950 of the H-bomb, the A-bomb has become nonexistent, a horse-and-buggy relic of the military arsenal. As a consequence, the manufacture of "enriched uranium" at the three government plants at Oak Ridge, Tenn., Paducah, Ky., and Portsmouth, Ohio, was drastically cut back, and the atomic concentration was reduced from a military high to a commercial low.

As Hosmer points out, the enriching of uranium is a "service," not a "product." The customers are the U.S. companies and industrialized friendly nations which have use for reactors to generate power. This is a very profitable business, and some 40 per cent of the sales are in the revenue-raising export trade.

In the so-called "separative" work, each unit sells for $50, and by the end of the century the sales are calculated to peak at $56-billion. At the present writing, the Atomic Energy Commission's cash receipts for sales to domestic and foreign buyers have passed the $1-billion figure.

It will be asked—why would such a lucrative and monopolistic enterprise need any promotion? One hangup is that the Nixon Administration has been waiting around for private industry to take over. The history of superstition, along with the financial risk and the antitrust laws, have proved too great an inhibition.

Hosmer is proposing to transfer the AEC facilities to a government corporation, the U.S. Enrichment Corp., as a starter. This will keep the business going, but only until "a responsible" U.S. applicant appears, at which time the government corporation will "suspend . . . for as long as private U.S. firms undertake to supply demand."

Immensely complex as the matter is, the essential ingredient is simplicity itself—popular acceptance of which will allow Congress and the Administration to get a move on.

HOWARD PHILLIPS ON ANTI-POVERTY PROGRAMS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. ASHBROOK. Mr. Speaker, Howard Phillips, the former Director of the Office of Economic Opportunity, has been writing a number of columns explaining the true situation within the governmental bureaucracy that is supposedly fighting poverty. These columns should be read by all in the Congress in order that a better understanding be obtained of this area.

Mr. Phillips urges the Nixon administration to stand up against the bureaucrats and their vested interests and to do the business of the people. At this point I include in the RECORD Phillips' article "How So-Called Anti-Poverty Programs Really Work" from the October 20, 1973, issue of Human Events:

HOW SO-CALLED ANTI-POVERTY PROGRAMS REALLY WORK

(By Howard Phillips)

The degree of influence exercised by liberal Democrat members of the "legal services establishment" on some officials of the Administration can be deduced from the following personal communication to a top OEO official from an OEO grantee:

"What the s - - - do you mean sending me a letter like this? Do you read what you sign or are you unable to understand the legal implications (including the lack thereof) of things which you write?

"You and Steve seem to be hell-bent on putting me in a position where ULI no longer is in existence as of tomorrow and this whole f - - - up mess over at OEO becomes a matter of public controversy which will make any current problems with CRLA look like a Sunday School picnic. Jean"

The author of the above diatribe, sent June 30, 1971, was Jean Cahn, a member of the OEO National Advisory Committee on Legal Services and co-dean of the Urban Law Institute, which has been funded at a rate in excess of $550,000 per year by OEO and has received additional hundreds of thousands from other federal departments. ULI's co-dean is Edgar Cahn (Jean's husband), the former special assistant to R. Sargent Shriver, the first director of OEO.

Mrs. Cahn was complaining to Fred Speaker, then head of the OEO Legal Services Program, that he had signed a letter to her which affirmed that OEO was "presently planning to fund the Urban Law Institute of

Antioch College at a level in excess of ULI's fiscal 1971 funding level."

This was not enough for Mrs. Cahn, who wanted a firm commitment on which she could borrow funds. In order to get what she wanted she threatened Speaker and Steve Huber, then in charge of legal services research and development projects, with public criticism "which will make any current problems with CRLA look like a Sunday School picnic."

This Cahn-Speaker "dialogue" bears consideration for more than the obvious irony of a federal grantee insisting in its "right" to federal subsidy. In a larger sense it typifies the legalized extortion engaged in by an elite group of Washington liberals at the expense of the over-all public.

Mr. Cahn referred to CRLA (California Rural Legal Assistance), an OEO-financed program which California Gov. Ronald Reagan had the temerity to veto, thereby incurring the daily disfavor of the nation's press and the Liberal Establishment in general, which sought to make the governor's decision and the Nixon Administration's reaction to it a *cause célèbre*.

Speaker and his superiors at OEO well knew the ability of the legal services "club" to harass divert and besiege bureaucrats who were less than fully cooperative. At the drop of a phone call there would be editorials in the Washington *Post*, New York *Times*, *New Republic*, and other Establishment organs. Investigative reports would appear on national television and thousands of letters would be generated, through the efforts of grantee employes and advisers whose causes and pocketbooks seemed threatened by shifts in policy.

To an Administration sure of its course and sufficiently confident to counter criticism of its policies, the threat of harassment would have little impact. Unfortunately, however, most Nixon Administration officials quickly learn that embarrassing press controversies are to be avoided. Surrendering a few hundred thousand, or million, dollars here and there, even to the President's enemies, provokes far less criticism from superiors than would a nasty article on page one of the Washington *Post*.

This tendency to avoid controversy—even such avoidance requires surrender in substantive points—became even more pronounced in the wake of Watergate, when top White House officials determined it necessary to limit the fronts on which the President was being attacked (forgetting the idea of themselves attacking on all those fronts).

The opposition learned very early how to read the signals. When your demands are in danger of being rejected, threaten attack. Offer "protection" in the form of a kind word from a newsman, to those who cooperate. In this manner, the bureaucracy continues to respond not to any Nixon-led "New American Revolution," but to the policies, programs and people of the Liberal Establishment who still dominate domestic decision-making in the fifth year of Richard Nixon's presidency.

Until Nixon is himself prepared to assert leadership in the shaping and implementation of domestic policy, he will be President in name only, yelding the "business of the people" to continued domination by the "hit men" of the prevailing liberal orthodoxy.

MELWOOD TRAINING CENTER

HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mrs. HOLT. Mr. Speaker, I recently had the opportunity to visit the Melwood Horticultural Training Center during their fourth annual day in the country affair. This was a most enjoyable and informative occasion.

Melwood is a private, nonprofit center which uses horticulture to teach vocational skills, job responsibility, and work attitudes to mentally retarded young people at three training sites in Prince Georges and Charles Counties in Maryland. During its brief, 10-year existence, Melwood has been transformed from a mere concept to a functioning institution which has been described as a "model for the Nation." The graduates of Melwood are going on to lead productive lives holding competitive jobs side by side with nonhandicapped workers.

This project is impressive both because of its results and because it serves as a national example of what concerned citizens can accomplish. I am extremely pleased to have the opportunity to commend the work of the Melwood Center and wish it every success in the future.

FDA'S WAR AGAINST VITAMINS AND THE BEGINNING OF A COUNTERATTACK

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. PICKLE. Mr. Speaker, the Food and Drug Administration's increasing propensity to issue sweeping new regulations in the guise of protecting the consumer has reached a new high with the final regulations, of August first of this year, on vitamins and food supplements.

They are prohibiting the food supplement industry from making claims about their products even when the claims are scientifically accurate. They presume to judge how much and what ingredients may be included in a "food supplement" even though eminent nutritionists widely disagree in this field.

Already pending before this Congress are several bills designed to correct these regulations. I call attention to H.R. 643 which I have the honor to cosponsor as well as several other bills now before the subcommittee on Public Health and Environment of the House Interstate and Foreign Commerce Committee. Hearings will be held next week on this important consumer legislation.

A recent article in the magazine Private Practice published by the County Medical Associations tells exactly what these regulations will do unless we enact legislation immediately. I would like to reprint that article at this time in the RECORD.

The article follows:

FDA'S WAR AGAINST VITAMINS AND THE BEGINNING OF A COUNTERATTACK

(By J. F. Baldacchino, Jr.)

Few groups in the United States, it is probably safe to say, are more familiar with the Food and Drug Administration's proclivity for issuing sweeping new regulations than the practicing physician. Although purportedly designed to bring about "consumer protection," in practice these regulations, often have the opposite effect. Yet, even practicing physicians may be startled by the sheer scope of the agency's recently proclaimed vitamin-mineral regulations.

Briefly stated, the new edicts, first published as proposals in the January 19 issue of the *Federal Register* and decreed as final regulations on August 1, 1973, will:

Limit the potencies of the permitted nutrients in a vitamin-mineral food supplement to a low, narrow range;

Redefine as "drugs" many products previously defined as "food supplements," subjecting them to the same unrealistic efficacy requirements that already plague the pharmaceutical industry;

Prohibit the food-supplement industry from making a number of promotional claims or suggestions about its products, even when scientifically accurate;

Limit the permissible combinations of ingredients in a dietary supplement; and

Limit the ingredients which may be included in a dietary supplement by permitting the inclusion of only those vitamins and minerals deemed necessary by the F.D.A.

The regulations establish what the F.D.A. terms a "U.S. Recommended Daily Allowance (RDA)" for each of 19 vitamins and minerals recognized as "essential" by the agency. According to the F.D.A., these Recommended Daily Allowances which are generally higher than the old Minimum Daily Requirements that they replace, are "sufficient to meet the nutritional needs of essentially any healthy individual." In defense of this position, the F.D.A. points out that the RDAs are based upon the recommendations of the National Academy of Sciences-National Research Council.

"The single most important purpose and effect of the regulations," Alexander M. Schmidt, F.D.A. commissioner, declared, "is to require full and honest labeling and fair promotion of vitamin and mineral products, whether marketed as foods, dietary supplements or as drugs . . . The regulations don't ban any vitamin or mineral from the market or force any manufacturer willing to provide proper formulation and full labeling out of business."

The fact remains, however, that the allowances for many of the nutrients fall extremely short of the dosages suggested by other, equally reputable nutrition experts. The RDA for Vitamin C. for example, is 60 milligrams. Yet, Dr. Linus Pauling, winner of a Nobel Prize for his research in chemistry, recommends that persons take 50 times that amount daily to prevent colds.

Despite the wide variation of opinion among nutritionists, the F. D. A. regulations arbitrarily accept the RDAs as "facts" and decree that all food supplements containing more than 150 per cent of the RDA will henceforth be redesignated as drugs.

While there has been much confusion concerning the fate of these newly classified drugs, with many fearing that all food supplements exceeding the upper limits on nutrient levels would be confined to use by prescription only, the F.D.A. denies this charge, pointing out that many of the newly defined "drugs" will probably be sold, like aspirin, as over-the-counter products.

Despite the F.D.A.'s denials, critics are less than satisfied. Initially, they point out, the recent orders already subject two nutrients to prescription sale. Beyond this, the F.D.A. admits that it plans to review the remaining products to decide which others should be similarly restricted. In view of the agency's past actions, they argue, it is difficult to be optimistic.

Restricted to prescription use thus far will be any vitamin product containing in excess of 10,000 I.U. of Vitamin A or 400 I.U. of Vitamin D. The reason for this, according to the F.D.A., is that there is a danger of toxicity in the ingestion of these vitamins in

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amounts exceeding those levels. Such danger, the agency says, is well documented in the medical literature.

The National Nutritional Foods Association challenges the F.D.A. claim. An examination of the evidence, declares this organization, which has been presented by the F.D.A. to substantiate its claim, "demonstrates . . . a total lack of support" for its position.

The NNFA points out that of the 104 references published in the December 14, 1972 *Federal Register* to support the agency's restrictions on Vitamins A and D, 84 were published before the Food and Nutrition Board, National Research Council, and National Academy of Sciences published its "Recommended Dietary Allowances," Seventh Edition in 1968.

"At the time when the overwhelming majority of the reports in the Vitamin A bibliography were available," the NNFA study continued, "the Food and Nutrition Board stated on Page 23 of its publication that, 'If large doses of Vitamin A (20 to 30 times the RDA) or of carotene are ingested for long periods of time, manifestations of toxicity develop.'"

The RDA for Vitamin A is 5,000 I.U. per day. Thus, the NNFA continued, in referring to toxicity at levels of 20 to 30 times the RDA, the Food and Nutrition Board speaks of manifestations of Vitamin A toxicity when taken at dosages of 100,000 to 150,000 I.U. per day for long periods of time.

Similarly, the NNFA study states, in its consideration of Vitamin D toxicity, the Food and Nutrition Board's 1968 publication states that, "there is no evidence that intakes of the order of 2,000 to 3,000 I.U. per day produce hyper-calcemia beyond infancy."

"It is thus obvious," the NNFA concluded, "that notwithstanding the reports set forth in the bibliography used to support the present proposal, the Food and Nutrition Board has considered the problem of toxicity at levels far beyond the arbitrary and unreasonably low levels for which prescription requirements are now being suggested."

This is the same Food and Nutrition Board which the F.D.A. has cited so proudly as the source for its vaunted RDAs and has referred to as "the recognized authority for determining vitamin and other nutritional requirements for the human . . ."

The new F.D.A. regulations have also been challenged by the National Health Federation, which represents health food enthusiasts. "There is no question about the fact that we will go to court," said Clinton Miller, the federation's vice president. He said that the suit would allege that the F.D.A. hasn't any authority to establish minimum and maximum amounts of vitamin and mineral content of supplements and that, in any event, lengthy agency hearings have not established the need for such restrictions.

Mr. Miller said that the federation also will pursue efforts to get Congress to overturn the regulations. It claims 165 House sponsors so far for a bill to prohibit F.D.A. restrictions on vitamins and minerals unless a safety threat can be demonstrated.

In New York, Morris Aarons, general counsel for the National Association of Pharmaceutical Manufacturers, which represents smaller drug and vitamin makers, called the F.D.A. action "absolutely wrong and without basis." He said that if necessary the association would take legal steps to block the regulations.

Edgar Udine, president of Hudson Pharmaceutical Corp., an 80%-owned subsidiary of Cadence Industries Corp., said that under the new regulations "people will have to pay more for vitamins if they want to continue taking the same dosages."

If public reaction to the new regulations has been laced with confusion on the prescription issue, there can be little doubt about the meaning of the other F.D.A. decrees which shed a great deal of light on the agency's attitude toward the taxpayers who support it. These, according to the new edicts, are findings of fact:

"Lay persons are incapable of determining, by themselves, whether they have, or are likely to develop, vitamin or mineral deficiencies. There is no rationale for allowing the promotion of dietary supplements of vitamins and/or minerals to the general public. . . . Vitamin or mineral deficiencies are unrelated to the great majority of symptoms like tiredness, nervousness, and rundown condition. . . ."

That many experts disagree with these so-called "facts" means nothing to the F.D.A. Indeed, even where there is agreement that food supplements may do some good, bureaucrats at the F.D.A. worry that the average consumer, poor creature, lacking the omniscience that stems from government employment, might be confused by scientifically accurate statements and buy more than he needs.

To preclude such a catastrophe, the F.D.A. regulations forbid manufacturers from making numerous truthful statements about their products.

Prohibited, for instance, will be any true claim or even an implication that any diet of ordinary foods may not supply adequate nutrients. Also proscribed will be any suggestion, even if correct, that the vitamin content of foods is affected by the soils in which they are grown or by the manner in which they are stored or processed.

Carrying its concern to even more extreme lengths, the agency has reduced to a handful the combinations of ingredients that will be available in coming years. Outlawed will be such products, now available, as a B-complex formula or the combination of calcium and Vitamin D. Never mind that many experts recommend such combinations. Never mind that many people want to buy them. Never mind that—with few, if any, exceptions—none of these products are toxic—or are even claimed to be

Virtually banned by the regulations will be the sale of the "P" vitamins, otherwise known as the bioflavonoids. Although these items can be sold as single-ingredient products, no claims whatsoever can be made concerning their nutritive value or may they be included in combination with any of the "essential" vitamins or minerals.

The reason for this restriction, the agency says, is that there is no scientific evidence to prove any nutritive value in the bioflavonoids; and "it is false and misleading to combine nutrients of proven value with food factors of unproven nutritional value because of the clear implication that the latter have nutritional value similar to the former."

Despite the F.D.A.'s flat denunciation of the bioflavonoids, however, there are hundreds of studies which attest to their value in preventing bodily disorders.

Discovered in 1936 by Albert Szent-Gyorgyi—a Hungarian physician, chemist and Nobel Prize winner—the bioflavonoids were found to help patients with bleeding problems that had not responded to Vitamin C. Because the substances appeared to have a curative action on the permeability of capillaries, they were called Vitamin P for permeability.

Prevention Magazine reports that it found more than 500 studies attesting to the efficacy of the bioflavonoids in almost every known disease state. It declared that, "We found that there are more than 200 different substances under the umbrella generally known as bioflavonoids. Not all of them are biologically active. We found that they are never toxic even in massive doses."

How many studies were found that judged the bioflavonoids ineffective? *Prevention Magazine* discovered only two, and stated that, ". . . it is these two studies both published in the *Journal of the American Medical Association* which reverberate through a subsequent review of the literature which is quoted in the *Pharmacological Basis of Therapeutics,* the text of which Dr. Alfred Gilman co-authored and which Dr. Gilman quotes in the decision which, as a member of the National Academy of Sciences, he drew up for the F.D.A."

There is significant data on the other side. In a national symposium at the New York Academy of Sciences held in 1955, for example, scientists reported that bioflavonoids appear to strengthen the wall of capillaries. In many disorders, such as polio, chicken pox, coronary thrombosis, ulcers, diabetes, high blood pressure and hemorrhages the walls of the capillaries are weakened. Because of this condition, scientists have searched for ways to decrease capillary fragility. Numerous drugs have been tried, but at the symposium in New York City, scientists reported in many cases the bioflavonoids seemed to be the most effective—and with no side-effects.

The intransigence which has characterized F.D.A. pronouncements on this subject has taken its toll in public opinion. Public response to the new edicts has been the strongest in the agency's history, with more than 95 per cent of all comments opposed.

Responding to this outcry, more than 165 members of Congress have agreed to cosponsor HR 643, introduced by Rep. Craig Hosmer (R-Cal.), that would prevent the Food and Drug Administration from banning the sales of truthfully labeled food supplements for reasons other than safety and fraud.

"Many of us are aroused," says Hosmer, "at the thought of the F.D.A. putting unneeded restrictions and regulations on vitamins and vitamin supplements. This, in my opinion, is just another attempt by the bureaucrats to control our very lives. I am confident that the majority of the American people have the wisdom and good sense to consume these items properly and beneficially."

With Congress finally peering into the F.D.A.'s closet, perhaps a few other skeletons might be brought out for public inspection. A good place to start: The aforementioned regulations keeping proven medications off the American market.

COLLEGE FOR PRISON INMATES PROPOSED

HON. WILLIAM F. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. WALSH. Mr. Speaker, I would like to call the attention of my colleagues to a bold new educational concept for rehabilitation in the correctional system.

The State University of New York and the Department of Correctional Services are exploring the establishment of a college for inmates to be located at the Department's complex at Bedford Hills, about 40 miles north of New York City.

Chancellor Ernest L. Boyer and Commissioner Peter Preiser recently announced that the proposed college, the first of its kind in the Nation, would make it possible for both men and women to engage in full-time study toward a 2-year degree in liberal arts or science.

In addition, a joint task force established by the university and the Department of Correctional Services will conduct a thorough study of higher educational opportunities in the 24 different correctional facilities of the State.

Chancellor Boyer emphasized that the college would be a unique experiment—a correctional facility which also serves as a separate campus—and would supplement the wide range of credit and occupational courses currently offered by State university at seven of New York State's correctional facilities.

Initially, the college would offer associate in arts and associate in science programs to 250 inmates. The task force would develop methods of selecting qualified students from the statewide inmate population and would work toward a network of programs which would draw upon the statewide higher education resources of the university. Chancellor Boyer said that administrative and faculty personnel for the college would be recruited from within the university itself.

Chancellor Boyer and Commissioner Preiser anticipate a program of counseling, remedial work, and college-level instruction at other correctional facilities which would provide basic academic or technical skills and introduce the possibility of full-time collegiate study for other groups of inmates.

Commissioner Preiser stressed the value of a liberal arts education in helping inmates to understand society and their place in it and in seeing themselves as a functional part of that society.

I commend Dr. Boyer and Commissioner Preiser for the tremendous strides they are making in helping to return prisoners to society to lead productive lives. The net result of this innovative program will most certainly benefit society at large as well as the inmates involved.

CONSTITUENTS WANT IMPEACHMENT

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. HARRINGTON. Mr. Speaker, I rise today to give my colleagues an indication of how my constituents and the Nation feel about the impeachment of the President. Beyond my role as a legislator, responsible to my own conscience, I must also, of course, take into account the diverse views and interests of my constituents. Each must strike this balance in his or her own way: to weigh out consciences with the views of the people we were elected to represent. Where little conflict arises, all the better. In such a case as this, where public opinion may be running well over 50 to 1 in favor of impeachment, I submit that the choice has already been made and that it is the duty of the Congress to begin impeachment proceedings immediately.

It is in this spirit that I enter the following statistics concerning the letters and telegrams I received between Saturday and last night. I urge my colleagues to do the same, so we may all see more clearly where the country stands.

In favor of impeachment, 291; opposed to impeachment, 6.

LEGAL SERVICES ABUSES

HON. DAVID C. TREEN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. TREEN. Mr. Speaker, the September 22 issue of Human Events included an article by former OEO Acting Director Howard Phillips which, quoting an OEO-financed publication, spelled out a number of recent legal services activities of questionable character. I hope the points raised will receive serious consideration before Congress takes final action on this legislation.

LEGAL SERVICES ABUSES

(By Howard Phillips)

Who would argue with the concept that America's less affluent citizens should have equal access to the nation's system of justice? Yet how many citizens realize that tax dollars appropriated under the banner of "legal aid for the poor" is in fact used to subsidize a wide-ranging liberal agenda for social change?

The fact is that present legal services activities subsidized by the Office of Economic Opportunity (OEO) and other government agencies are used to finance a nationwide network of nearly 3,000 legal services attorneys, hundreds of organizations, and additional thousands of support personnel who are almost totally free to establish their own priorities for issues to receive attention and access to legal services resources. With nearly $80 million in support annually from OEO alone, they work full-time, using the judicial system to change public policy.

The scope and nature of the "high-impact litigation" by these dedicated activists with law degrees is regularly reflected in *Clearinghouse Review,* a publication financed by OEO through a grantee at the Northwestern University School of Law.

The August 1973 edition of the magazine is typical, with case reports on legal services activities as diverse as a class action attack on the U.S. Postal Service for refusing to hire persons with histories of illegal drug abuse, a suit against Roy Ash, the head of the Office of Management and Budget, challenging the President's impoundment of funds for environmental programs, and a U.S. Supreme Court appeal insisting on the right of an unmarried minor to obtain contraceptives.

Other recent or pending cases receiving aid through the OEO program include:

A Pennsylvania suit challenging the detention of a convicted felon accused of committing an additional crime while free on bail;

A Washington State suit in which attorneys of the Prison Legal Services Project argued that their client, imprisoned on a marijuana charge, had been subjected to cruel and unusual punishment;

A Miami case arguing that seizure of an automobile by the U.S. Bureau of Customs in connection with an allegation of illegal possession of drugs violated the plaintiff's right to due process;

A Merced, Calif., case to gain reinstatement of a high school student accused by school administrators of participating in a race riot and improperly having in his possession a bicycle chain;

A suit by the Western Center on Law and Poverty contesting a college's termination of federal aid to a student convicted of battery in connection with a campus racial melee;

New York and Hawaii suits, knocking down the requirement that government employes be citizens of the United States;

A class action demanding that an Iowa statute prohibiting the civil service employment of convicted felons to be set aside;

A successful challenge to the denial to aliens of Medicare supplemental medical insurance benefits;

A suit supporting the demand of the Eastern Kentucky Welfare Rights Organization that tax-exempt status be denied hospitals refusing to provide free services to poor people;

A Boston class action challenging the city's right to discontinue or threaten to discontinue methadone treatment without a hearing;

A suit by the National Juvenile Law Center against parents who withdrew their child from psychiatric treatment;

A San Francisco Youth Law Project challenge to the State of California's attempt to reconvict a juvenile defendant of second degree murder after his initial conviction was reduced by a juvenile court judge to manslaughter;

A Missouri suit questioning the transfer to adult court jurisdiction of a minor charged with four counts of murder;

A West Virginia case demanding that the warden of the State penitentiary show cause why a prisoner should be denied his liberty before assigning the prisoner to solitary confinement;

A Norwalk, Conn., case challenging the authority of the state welfare department to close down a local welfare office solely on the grounds of administrative efficiency.

Although the above list represents only a partial sampling of one month's reported activity, it is well to observe that many of the cases described appear to have been undertaken in clear violation of regulations and statutes governing legal services activity.

Theoretically, OEO-funded attorneys are precluded from providing representation to those who are not poor or who are voluntarily poor, and in criminal cases. Unfortunately, these prohibitions, drafted with gaping loopholes, have been broadly interpreted and weakly enforced by the national office of legal services.

This points clearly to the need for Congress to spell out with precision the uses to which it wishes legal services appropriations to be put.

Shall legal services be provided so that minor children may bring suit against their parents? Are non-citizens to be represented while needy children are turned away? Are suits on behalf of prison inmates to be allowed at the expense of the noncriminal poor? Should attorneys for the poor be concentrating on marijuana and student disorder cases?

These are just a few of the questions which the U.S. Senate should face when it takes up the proposal for a Legal Services Corporation later this month. For, while attention has focused on presidential usurpation of congressional power, legal services attorneys seem to be having a far greater impact on the course of public policy than either Richard Nixon or Carl Albert.

SOUTHERN JOURNALISM LOSES A LEADER

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. JONES of Tennessee. Mr. Speaker, one of the South's most astute political columnists passed away unexpectedly yesterday in Memphis, Tenn. William B.

XUM

Street, political editor of the Memphis Commercial Appeal, was respected throughout the South by fellow journalists and politicians alike.

Bill Street was my friend, but our friendship never kept him from taking issue with me when he felt it necessary. I would sometimes call on him for advice on important matters and his comments always cut through to the basic facts. He was a master at paring away the rhetoric and getting to the real issues involved.

The Memphis Commercial Appeal has lost a man of stature. Its readers will miss Bill's sharp and incisive columns. I have lost a good friend and want to express openly my condolences to his wife, Maxine, and the rest of his family.

THE HONORABLE J. VAUGHAN GARY

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. ROONEY of New York. Mr. Speaker, it was with a great deal of sadness and a deep sense of personal loss that I received word of the passing of my good and longtime friend and former colleague, J. Vaughan Gary of Virginia on last September 6.

Vaughan Gary served his country well and often in many and diverse capacities. He was a soldier during the First World War, a practicing lawyer in Richmond, president of the Richmond Bar Association, and a trustee of the University of Richmond. His service to both his State and his country continued with his service in the Virginia General Assembly from 1926 to 1934.

After leaving the legislature his public service continued as chairman of the Virginia advisory legislature council committee. He was also a leader in the study of the interaction of Federal and State governments in slum clearance and penal reform.

In 1945, Vaughan was elected to the House of Representatives and served here for 20 years until his retirement in 1965 at the age of 72. It was my great honor to have served with Vaughan Gary on the Appropriations Committee, January 28, 1946, until his retirement. We served together on the State, Justice, Commerce, Judiciary Subcommittee of which I was chairman, and on Foreign Aid Subcommittee of which he was chairman.

Mr. Speaker, it was my pleasure to have known and served with Vaughan. He was a true Virginia gentleman, with whom I traveled over most of the world. He enjoyed a host of friends on both sides of the aisle during his two decades in the House. I am sure his memory is cherished by all those who knew him and that my sense of personal loss is shared by many, both in this Chamber and in the other body.

To Mrs. Gary and her family, I extended the Rooneys' deepest sympathy and personal condolences.

AMBASSADOR YASUKAWA'S SPEECH TO JAPAN-AMERICAN SOCIETY OF WASHINGTON

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. NIX. Mr. Speaker, Ambassador Takeshi Yasukawa of Japan made his first speech since coming to the United States before the Japan-America Society of Washington on October 11.

As one who served in Washington more than 10 years ago from 1957 to 1961, Ambassador Yasukawa is an old friend of the United States and it is a pleasure for me to welcome him to the United States in his new capacity.

Ambassador Yasukawa's speech was a statesmanlike address and I was gratified to find in it his belief in the firm bond uniting Japan and the United States through our joint commitment to democratic freedoms.

The Ambassador's speech was also notable for its measured and frank discussion of the security and economic problems which face our two countries and for his confidence that these problems would be solved through cooperation between us.

Because of his excellent statement of our problems and his optimistic appraisal of their solution, I am pleased to submit Ambassador Yasukawa's speech herewith for the information of my colleagues.

The speech follows:

Address by H. E. Takeshi Yasukawa

It is a great pleasure and honor for me to have this opportunity to make by first speech as Japan's Ambassador to the United States before the Japan-America Society of Washington.

I served in our Embassy in Washington more than 10 years ago, from 1957 to 1961, and tonight I am very pleased to meet many old friends I have known since then. Tonight, I have also a great pleasure of meeting many new friends and nothing is more encouraging and reassuring in performing my duties as Ambassador than to meet old friends and new friends all assembled in this room.

In the realm of international relations there are many dimensions. There are the economic dimensions, the political ones, and there are also the cultural dimensions. Your distinguished Society symbolizes the human dimension in U.S.-Japanese relations at its best. You are the personification of what is finest, most sensitive, and most informed in this respect, and as a result, the Japan-America Society is an important forerunner for advancing greater understanding and rapport between our two countries.

Your invitation therefore gives me a very welcome opportunity to share with you my views of U.S.-Japanese relations as they are today, and also to offer you my hopes and expectations for the future.

The timing is appropriate for another reason. The partnership between our two countries, which has matured very rapidly over the past quarter century—and especially over the last few years—has now reached a critical threshold. Indeed, the entire structure of international relations is in transition. The cold war confrontation is hopefully being eased by cautious steps toward a more stable and less dangerous deterrent balance and by the gradual expansion of East-West commercial and other exchanges, although we have a long way to go before a truly stable and lasting peace can be established all over the world.

North-South relations, between the developed one third and the developing two thirds of the world's peoples, are also being transformed by such "new" issues as the threatened gap between world demand and supply of energy resources, industrial raw materials and food, as well as by the demands of the developing countries for increased capital and technology.

Simultaneously, the international economic structures which have supported over the last quarter century the most rapid world economic growth and trade expansion in history may no longer be fully adequate to meet the world's current and future needs.

All these developments at once are now compelling governments and private interests around the globe to examine new trends and forces, and to weigh possible solutions which in many cases have little precedent in the past.

As Prime Minister Tanaka observed during his recent visit to the United States, "world politics have reached the most significant turning point since the war." The new dimension of our time, Mr. Tanaka indicated, is an "international interdependence" which creates "challenges (that) can be met only through global cooperation, and especially through the close collaboration of Japan, the United States and Europe." It is precisely this new dimension in the Japanese-American partnership that I should like to explore with you today.

The enduring foundations for our trans-Pacific partnership were succinctly summarized by President Nixon and Prime Minister Tanaka in the joint communique they issued, following their summit talks in Washington, last August 1. These are: "a common political philosophy of individual liberties and open societies, and a sense of interdependence."

Japan and the United States are firmly bound together by our shared commitment to democratic freedoms. This same bond, of course, also links Japan to the other great democracies as well, and it is one of the reasons why Secretary of State Kissinger has been seeking lately about what amounts to an Atlantic-Pacific community of democratic powers.

Given this common philosophical foundation, Japan and the United States have developed a natural interdependence over the last two decades. At the peak of cold war tensions in the early 1950s, our two countries entered into a mutual security arrangement, which was renewed and revised in 1906. Under the treaty, the United States is committeed to defend Japan against an armed attack. Japan, on its side, provided military bases to the United States as a contribution to the maintenance of peace and security in the Far East. These security links remain in force and are still the ultimate guarantee of Japan's security.

As I mentioned before, the world is now moving from an era of confrontation to one of dialogue. As a result, one now hears an argument in Japan that we no longer need the U.S.-Japan Security Pact. But I cannot accept such an argument. The most important element for the security and development of a country is for people to be able to do their day-to-day work with a sense of security. The Japanese people have been able to devote themselves to nation building, the economic development of their country, in particular, with such a sense of security for the last 20 years. Though world tension is becoming more relaxed, if the U.S.-Japan Security Pact were to be abolished, it is easy to foresee how insecure many Japanese would feel.

On the other hand, I realize that not a small number of Americans feel that Japan's defense efforts, in comparison with the commitments given by the United States for the defense of Japan, are inadequate. I cannot accept this argument either. In the small territory of Japan, crowded with 104 million people, large U.S. bases are maintained. The Japanese government, in order to maintain these U.S. bases effectively, takes heavy responsibilities not only financially, but also politically and psychologically. I should like to refer, in this respect, to the testimony of former Secretary of State Rogers who said that these U.S. bases in Japan contributed not only to the defenses of Japan, but also to the peace and security of the Far East, and thereby served the interests of the United States itself. The U.S.-Japan Security Pact therefore conforms to the mutual interests of both Japan and the United States.

Furthermore, Japan's Self-Defense Forces, which currently consume about one percent of the gross national product, are now undergoing a five-year $15 billion modernization program, which will greatly improve Japan's self-defense capabilities within her constitutional limits.

On the economic front also, the Japanese-American interdependence has matured over the years, and has changed significantly in quality and potential. For many years—in fact, even in the late 19th century—the United States has been the principal market for Japanese exports. The nature and quality of these exports has changed enormously, however, especially during the last decade or so as the fast-growing Japanese economy has become increasingly competitive in high-technology, high-quality industrial and consumer goods.

For the United States, Japan has long been its largest overseas market, second in value only to the continental U.S.-Canadian trade. Moreover, U.S. exports to Japan are more diversified than U.S. exports to any other country. Japan is by far the world's largest customer for American farm products. In the last U.S. fiscal year, Japan became the first country in the world to import more than $2 billion of American agricultural commodities a year. Japan is also a major world market for both U.S. raw materials and manufactured goods, including a high growth in demand for very high technology manufacturers—computers, aircraft, machine tools, etc.—and for quality consumer goods, such as home appliances and sporting goods and high-fashion apparel.

As might be expected in so vast and complex economic interdependence, we have had our share of problems—on both sides—in this relationship. Until the mid-1960s, most of the problems were on the Japanese side—substantial trade deficits with the United States and chronic payments deficits on a multilateral basis. During the mid-60s the deficits shifted to the U.S. side. And, during the last two years, as overall U.S. trade slipped into unprecedented deficits, Japan found itself in the unaccustomed position of being America's largest creditor on trade account, and a major surplus country in foreign currency reserves.

You will recall that it has taken a number of cooperative measures among all the principal trading and financial powers—including two successive multilateral currency realignments—to begin to reverse the deficit trend in U.S. trade. Japan took the most stringent measures in this joint global effort, including a 36 percent upvaluation in the yen against the dollar, unilateral tariff cuts and removal of quantitative restrictions and other trade barriers, selective export restraints, accelerated purchases of U.S. exports, an accelerated outflow of Japanese direct foreign investments, and a virtually complete decontrol of foreign investment in Japan.

You are also aware, I am sure, of the rapid and very welcome results of these combined efforts to restore equilibrium to U.S. imports from Japan grew by only 10.4 percent over the same period in 1972, while U.S. exports to Japan increased 68.6 percent. The U.S. deficit in its trade with Japan will almost certainly be cut in half this year, and should be in near balance once again within another 12 to 24 months. Largely as a result of the multilateral currency realignments, overall U.S. trade is also moving toward the black, and may be in reasonable balance by the end of 1973.

The efforts made by the United States in controlling domestic inflation, increasing the productivity of its industry and encouraging its industry to exploit foreign sales opportunities, undoubtedly, have made essential contribution to the improvement of the situation and the maintenance and furtherance of such efforts are expected in the future.

Much more important, probably, we need to understand that the world economy will never be quite the same again, now that we have crossed this historic threshold. One of the most important features is the emergence of new economic powers, such as the enlarged European community and Japan. The Soviet Union, China and the other centrally planned economies have so far had only a marginal impact on wider international trade, but that impact may increase rapidly.

And, as I suggested earlier, the resource-rich developing countries are demanding a much larger voice in world economic affairs, and a much larger share of world capital, technology, management expertise, and the benefits of economic growth and social modernization.

The most urgent task the world faces is to develop workable solutions to these common problems. We have reached a historic turning point where we need to cooperate creatively on the basis of our interdependence which has newly emerged.

High on our agenda is the job of restoring a healthy momentum to world trade expansion. The abnormal trade imbalances of the last couple of years not only undermined world monetary and price stability, they also revived protectionist formulas which threatened the orderly development of international trade. The GATT negotiations on trade which were successfully launched last month by the Ministerial Conference held in Tokyo, must succeed in upholding the principle of free trade while making necessary adjustments to the world trade mechanism to meet our present needs.

The healthy expansion of the world economy naturally requires world monetary reform. We must combine all our efforts to reach satisfactory solutions on this important issue by July next year as agreed in Nairobi last month. The most careful attention must also be paid to the problem of ensuring equitable access to finite energy resources and essential minerals and other industrial raw materials—especially in times of political stress. And the advanced industrialized democracies would also be wise to pool their research efforts in the development of alternative energy sources and raw materials substitutes.

There are a number of other difficult questions on our immediate agenda. One is inflation, which is apparently endemic in some measure to all high-growth, high-consumption societies, and which has become an international rather than a purely domestic concern. Another is industrial pollution and the management of environmental quality. This has also become an international concern first, because it is a costly byproduct of industrialization and second, because the effects of air and water contamination are not contained by imaginary national boundaries.

Perhaps the most urgent common problem we face is the challenge of speeding economic modernization of the developing regions. This is a matter, not of choice, but of necessity to endure future world stability and peace, to sustain world economic growth and prosperity, and to fulfill the legitimate aspiration of well over half the world's population.

Aid to the developing nations is, in fact, one of the stoutest pillars in Japan's foreign policy. Japan's annual aid outflow, which reached two and three quarters billion dollars last year, is second only to U.S. aid in value, and represents nearly 1% of our ONP. Japan's economic cooperation program is expanding steadily in value, and should match current U.S. aid levels in several years. For example, Japan is assuming a larger share of the economic aids to developing countries in Asia.

Of course, this does not mean that the role of the United States has diminished. On the contrary, it remains highly important. I am convinced that this provides one of the areas where Japan and the United States can most effectively cooperate. In this connection, I should like to emphasize that aid to the developing countries enjoys full support of our people. Deeply committed to the promotion of international security and peace, the people of Japan believe that a generous and effective foreign aid program is their principal contribution in this respect.

Now, I have referred to some of the important problems we face today. Although many of these problems are economic in origin, their political significance can never be ignored.

Japan is already trying to broaden its participation in world affairs, both multilaterally and bilaterally. Following Prime Minister Tanaka's visit to the United States, Japan has been very active in the current session of the United Nations, where it is contributing not only at the policy level, but to which it has also made a substantial financial contribution to ease the problems of this world-organization.

Moreover, as you are aware, Prime Minister Tanaka has been busy since late September in a broadly-based trip to Europe and the Soviet Union. His travels have been described in American newspapers as "the most extensive round of international summitry ever undertaken by a Japanese Prime Minister". Certainly his trip symbolizes a new phase in Japan's role in the world, in which it is trying to strengthen its ties and understanding with the European nations, and also to underscore that Japan is very much involved in world affairs today. This is another indication that Japan is preparing to "carry more load", politically and economically, in the international field.

For my part, I am optimistic about the future, Japan is not a large country; it is barely the size of California, with half the population of the United States. It is also a very vulnerable country—crowded and strategically vulnerable in this age of weapons of mass destruction, and vulnerable also in the sense that it depends for survival on imports of 90 percent or more of its energy and raw materials requirements. Very clearly, Japan's vital interests lie in a world that is at peace, and is working together to share the benefits of stable growth and prosperity. It is understandable, therefore, that we Japanese are eager to make our full contribution to the building of a more peaceful and more prosperous world society.

There is another important reason for my optimism. This is the extraordinary experience our two countries have shared in building one of the most productive and dynamic partnerships in the history of international relations. It is a remarkable relationship because our two peoples are, in so many respects, different and even distant from each other's comprehension. We had profound differences in an earlier generation, and we have had misunderstandings and even apprehensions of each other over the past few years. As my Prime Minister mentioned when he visited here last summer, "our capacity to communicate with each other is seldom equal to the demands of our evolving relationship."

Yet our relationship *has* evolved and matured. We have surmounted our most difficult problems, and are learning new reasons for broadening and deepening our cooperation. The United States and Japan, the two most productive societies in the community of democratic nations, are making their interdependence work for the common good.

That, I believe, is the most exciting dimension of the Japanese-American partnership, and a living demonstration to the world that peace and cooperation are indeed possible.

Let me thank you once more for your kind invitation to be with you this evening, and for your courteous attention. In speaking before the members of the Japan-America Society, I feel that I am speaking *with* understanding friends rather than *to* a number of persons in the United States who understand and are interested in Japan and U.S.-Japanese relations will grow substantially. For in the final analysis, the human dimension is the critical one, and our mutual capacity for understanding is the key for consolidating and amplifying the progress which has already been made.

Thank you most sincerely.

YOUNG REPUBLICANS CONCERNED OVER PROPOSED UNICEF CONTRIBUTIONS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. ASHBROOK. Mr. Speaker, in the October 4 CONGRESSIONAL RECORD, I pointed out that UNICEF, a United Nations agency heavily dependent on American financial contributions, is on the verge of giving aid to both North Vietnam and Communist controlled areas in South Vietnam. UNICEF's executive board has already authorized extending aid to North Vietnam and to the Communists in the South as part of a $30 million program for Indochina in 1973–74. Recent reports indicate that Hanoi is now negotiating with UNICEF officials in order to obtain this assistance.

The Young Republican National Committee, representing approximately 500,000 young Americans, has expressed its concern over the proposed UNICEF contributions. At its board meeting on October 21, the National Committee adopted the following resolution:

Whereas, the United States has spent over 46,000 lives; $150,000,000,000+; and 10 years fighting a "no-win" war in Vietnam, and

Whereas, the American people expressed strong opposition to the proposals for giving post-war aid to Communist North Vietnam, and

Whereas, UNICEF has stated their intent to supply aid to North Vietnam and Communist controlled areas of South Vietnam and

Whereas, UNICEF receives about 30% of its budget from the United States Government and additional funds from voluntary contributions from American citizens, especially on Halloween of each year, therefore

Be it resolved, that the Young Republican National Federation urges the state and local Y.R. organizations to inform their local communities of the intent of UNICEF to supply aid to North Vietnam and Communist controlled areas of South Vietnam.

I commend the Young Republican National Committee for adopting this resolution. Young Republicans can play a major role in educating their communities on this important issue.

CAFETERIA PRICES FOR GENERALS

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. ASPIN. Mr. Speaker, I recently revealed that while Pentagon cafeteria prices continue to climb, Army generals can still gorge themselves of a sumptuous full-course meal for only $1.

The Star-News enterprising columnist, John Cramer, has discovered that the chief of the Army Materiel Command, Gen. Henry A. "Hank" Miley, has a similar mess operating at the AMC's new headquarters in Alexandria.

General Miley recently spent $12,000 to set up carpeting and to equip his 10th floor commanding generals mess.

Mr. Cramer compares cost of a full meal for the general at his mess—$1.70—to the same meal purchased by the ordinary civil servant in the regular AMC cafeteria at $3.67. Now, Mr. Speaker, a general makes at least $40,000 when all his benefits are added in. A secretary probably earns less than $10,000. Mr. Speaker, why is it that the highly paid general buys a cheap meal, while a secretary making four times less pays more than double for the same meal? I wonder what General Miley's answer is?

Mr. Cramer's article follows:

GENERAL MILEY'S MESS BEATS SECRETARY'S, $1.70 TO $3.67

(By John Cramer)

The milicrats do very nicely when it comes to lunching in style—cheaply and partly at taxpayer expense.

Take four-star Gen. Henry A. (Hank) Miley who bosses the big Army Materiel Command from new headquarters on Eisenhower Avenue in Alexandria.

Recently, he spent $12,000 (a one-time expense to the taxpayers but with continuing cost for lost office space) to set up, carpet and equip a 10th-floor Commanding General's Mess, seating 30 generals, colonels and top civilians.

He staffs it, full-time, with a warrant officer and four enlisted men (at continuing cost to taxpayers).

In Miley's mess, a cocktail costs 55 cents and a beer 50. In a first floor bar, called the Supply Room, where the working stiffs can buy a drink, a cocktail goes for $1.25 and a beer for 75 cents, though occasional "specials" offer lower prices.

Miley's mess has waiter service. The hired hands pay a premium for it if they eat in the Supply Room. Most elect an adjoining cafeteria, where all items are sold a la carte; no specials.

Lunch in Miley's mess still costs a flat $1.25, though official word is that it soon will go to $1.50. On any given day it offers a choice of two entrees.

So, just for fun, I took a typical entree from a typical Miley menu (Aug. 31) and priced the general's lunch at what his secretary would have had to pay had she bought the same items at price-controlled rates in the AMC cafeteria.

I assumed that both had a single prelunch cocktail—his at 55 cents, hers at $1.25—plus a modest 15-cent tip. Then, when the secretary moved next door to the cafeteria, she found herself paying:

Soup du jour: bean with bacon or jellied tomato madriline, 35 cents.

Ham and asparagus roll, with cheddar cheese sauce, 95 cents.

Southern style corn, 25 cents; hot roll, 10 cents; butter, 3 cents.

Lemon pudding, sherbet or ice cream, 25 cents.

Large coffee, 25 cents.

So, including a cocktail, Miley and company would end up paying $1.70 with waiter service. The secretary, with a 4 percent sales tax on $2.18 for her lunch, would pay $3.67. (No tax on a general's mess.)

Moreover, we can assume that the servings in the general's mess are fairly generous and not subject to the strict portion control typical of government cafeterias. We further can assume that it's permissible to ask for "seconds."

In fairness to the general, let it be said that executive dining rooms are common in both industry and nondefense U.S. agencies though never, ever staffed by military personnel.

In fairness, too, let it be added that Miley is something of a piker free-loader compared with other top brass in the area.

A later review in this column will report just how handsomely Pentagon milicrats lunch at taxpayer expense.

NATIONAL SECURITY: THE DOLLAR IMPACT

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. SPENCE. Mr. Speaker, since becoming a Member of Congress my primary interest has been national defense. I have devoted a great deal of time to studying the relative strengths and weaknesses of our military posture in the world, vis-a-vis the Soviet Union. As in the case of most of those who have troubled to research this complex subject, digging beyond the rhetoric for a close look at the facts, I have become alarmed. In my opinion, it is increasingly important that we somehow make the American people aware of what our country faces militarily.

Fortunately, among those who have taken the initiative in this area is an especially able colleague of ours, who is also a close personal friend. Congressman LARRY HOGAN has supplied a very effective and articulate voice to the one priority which transcends all others in importance—that of national security. I, for one, am grateful for LARRY's efforts in this regard, and I know that millions of Americans share my respect and admiration for his vital work.

Recently, Mr. Speaker, Congressman HOGAN delivered an address which was exemplary of those outstanding contributions which I mentioned earlier. It is important that each of us has the opportunity to read and consider the points LARRY made in the speech he delivered before the national security symposium of the Reserve Officers Association on October 18, 1973. Therefore, I submit the address by Congressman HOGAN, entitled "National Security: The Dollar Impact," to be printed in the RECORD at this point:

NATIONAL SECURITY: THE DOLLAR IMPACT

(Address by Congressman LARRY HOGAN)

I want to talk today about the relationship between our economy and our military expenditures for national defense.

One of the most important upward pressures on inflation is, of course, government spending. Costs balloon when the federal budget rises, and the rising federal budget balloons costs still further. In 1960 we were spending less than one hundred billion dollars. Today we are spending over two and one-half times that amount. If we are to get a handle on rising prices, we will have to get a handle on government spending.

However, while virtually everyone extols the virtues of thrift, especially for Uncle Sam, specifically where the cuts should come is one of the most complex and difficult areas of deliberation which Congress faces.

One part of the budget that receives a great deal of attention, primarily because its size makes such a spectacular target, is defense spending. But it is our allocations for defense that deserve the most thoughtful and meticulous scrutiny of all, for our survival as a nation is at stake.

America is blessed with a very broad economic base that provides more goods and services to more people than any other nation in the world. Our gross national product is well over a trillion dollars. We could never have developed that kind of economic base and industrial capability if we had been weak. We have had both the ability and the resolve to protect our national interests.

Our ties to other nations grow more important all the time. Our trade in essential raw materials is growing. For some time we have looked overseas to get a large share of aluminum and manganese and tin. But now our own resources of all types of materials are diminishing, and we are blocking access to some of our other resources. In the immediate years to come, we will begin to import at least half of the iron, lead and tungsten we need. Petroleum imports are growing at tremendous rates.

The demand for petroleum is one of the most visible problems. If your gas station is closed when you run out of gas, or if you could get only ten gallons last time you wanted to fill the tank, you were feeling the pinch first-hand.

Last winter schools and factories in the midwest had to shut down from shortages of heating oil, and this spring farmers did not have sufficient fuel to dry crops. The worst might be yet to come.

The lesson that energy is an essential ingredient in our economy is not new, but it is being driven home with more force now than ever before.

Regardless of the arguable reasons for the shortages we face, one fact is clear: As our demand for energy escalates, our need for imported oil is going up with it. Domestic petroleum production has leveled off, exploration, for various reasons, is decreasing, but demand for energy in this country is growing at almost five percent a year. The shortage will largely be filled with oil, and the oil supply will have to come from the Middle East where Iran and the Arab States have the available reserves. We brought in only 4 to 6 percent of our total oil suply from the Middle East last year. By 1985 the share will have grown to 30 or 40 percent. If an oil tap that large were ever cut off, it would create more problems than a few motorists staying home on a vacation weekend. The economy might be mortally wounded.

At a time when our economic dependence on imported oil is increasing, potential threats that might deny access to that oil are increasing as well. The Arabs have just increased rates and indicated they intend to cut production.

Control of sea lanes by the U.S. Navy is no longer a foregone conclusion. The Soviet Navy has been growing by leaps and bounds to the point that Capt. John Moore, editor of the highly respected Jane's Fighting Ships, recently suggested that the Soviets have overtaken us as the number one naval power. They continue to build submarines and increase submarine construction capacity. Their fleet has now been expanded to include one deployed and at least one aircraft carrier under construction. The use of aircraft carriers is a wholly new area of sea control for the Soviet Union.

The presence of these ships and the Russian manned missile sites are not aimed at Israel but rather at our own fleet.

The size of the Soviet fleet is sobering but so is global reach. Their presence in the Mediterranean has been boosted to a complement of over 60 ships, and they are well established in the Indian Ocean. There is a clear possibility—and a dangerous one because of the location of the oil-rich Persian Gulf—that the Indian Ocean will become a private pond for the Russian Navy.

The existence of all those foreign ships does not necessarily suggest the likelihood of hostilities in the foreseeable future. But oil is so vital to our economy that we would be foolish to disregard the potential threat if our supply lines are cut off during some crisis.

Relaxed tension between the East and the West cannot assure our security, and this is not the time for our country to be lulled into the belief that a promising outlook for detente obviates the need to be strong militarily. I welcome better relations in the world, as everyone does, but I am also aware of the needs of national security and the importance of maintaining our strength. During a recent speech here on the Hill, the West German Defense Minister observed that there were not three different Soviet Unions, one with whom we have detente, one who is backing Arab nostilities and another in conflict with Red China, they are all one and the same.

Raw materials in general, and oil in particular, are not our only economic ties to the outside world. The interdependence of all nations has been growing steadily for years. Trade statistics reflect our own increased involvement. Six years ago the United States exported over thirty billion dollars in goods and imported a little more than 26 billion dollars in goods from other countries. Last year, five years later, the United States exported over 48 billion dollars and imported over 55 billion dollars in goods. This economic fact of life has a dramatic effect on our military posture.

Some effects of our trade have had highly visible impacts on the country: The wheat deal with the Soviet Union, imports of automobiles and cotton products from Western Europe and a variety of imports from Japan. Multinational corporations have grown in size and influence, and foreign direct investment in American domestic industry has increased suddenly in the last year. This also has serious ramifications for our position in the world balance of power.

All of this points to growing economic interdependence in the world. Our economy is now very sensitive to the degree of cooperation, good relations, and support of our allies, and even our adversaries.

In spite of this, critics of defense spending want to make unilateral reductions in American manpower stationed abroad and cut back military support and assistance to weaker countries, as well as to reduce our weapon and hardware development and production. Nothing could do more to undermine the confidence of allies and raise questions about the integrity of American commitments and threaten our own security. You simply cannot implement that kind of policy in isolation. That is, you cannot alter sensitive security and military policy without affecting trade and monetary relations. Where such action might have been feasible years ago, today it works against the orderly progress of important negotiations and the general stability of international economic relations.

As an interesting side comment, many of those who have been the most vociferous foes of military spending are now clamoring for the shipment of more arms and planes to Israel. Apparently they don't see this as any way impractical or paradoxical.

The protection of trade relations is one area that requires us to spend money on defense. The economic consequences of *not* spending that money go far beyond the potential threat of trade disruption. Other consequences strike at the functioning heart of the domestic economy in a direct way.

The Defense Department is far and away the biggest business organization in the world. During the last fiscal year DOD employed a little over one million civilians and paid them twelve-and-a-half billion dollars. There are currently 2,350,000 men and women in uniform here and abroad. The economies of many sections in the country are intensely dependent on military installations. In any one area, removal of an installation, or part of it, would create an economic vacuum. (Again in the hypocrisy by many of those Congressmen who argued the loudest for military cutbacks, screamed the loudest when military bases in their congressional districts were closed.) But the point I'm trying to make that our domestic economy can be seriously delocated by defense cuts.

The effect of removing base functions and dock facilities from New England is devastating. Rhode Island estimates the loss and dislocation of over 25,000 jobs in a region where unemployment is already high. The direct payroll loss equals five percent of the state's total income, with secondary effects of lost local expenditures magnifying the impact. Massachusetts, also in the throes of unemployment, is being hit as hard. In other words if the defense worker has no money to shop in his local stores, those whose livelihood are dependent upon those stores are also dislocated.

Severe economic dislocations are even more likely to occur when funding reductions are made in military research, development and procurement. The impact of lost contracts for specialized industry creates pockets of economic depression around the country.

Over seven percent of the country's total work force is employed in defense. The proportion of defense-related employment in manufacturing is comparable to the overall seven percent ratio. There are also large numbers of defense-related employees in mining, transportation, communications and electronics.

At the peak of the Vietnam war, 1968, one-tenth of the work force was in defense in one form or another. Five-and-one-half percent of private business employment was involved in defense work. Three years later, total defense employment had dropped two-and-one-half percent, and defense-related employment in private business had dropped an incredible two percent to three-and-one-half percent.

Reduction of men in uniform because of the ends of our involvement in Southeast Asia, has put more men into the domestic workforce and this aggravates the unemployment problem created by defense cutbacks.

It is no coincidence that overall unemployment in the country rose a little more than two percent over the same period as defense spending decreased. The unemployment ills of the country in the last two or

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more years have been closely tied to reduced government purchasing power in the defense field.

A particularly discomforting aspect of defense unemployment is its impact on highly skilled groups in the work force. Part of America's greatness is her reserve of skilled manpower, and our economy is rooted in the innovations and technological progress created by a broad base of scientists and engineers. Think of the automobile, the sewing machine, the jet engine, nuclear power, computers, or the laser. Breakthroughs like these hold together our complex economic structure. Let the reservoir of scientists dry up, let the expertise of engineers waste away, neglect the training of technicians, and the economy will stagnate.

Defense spending on research, development and procurement has a lot to do with the skilled manpower resources and industrial base for the economy as a whole. Defense industries support and provide the scientists that ultimately contribute to innovations in the civilian sector. Progress in defense technology spills over into useful benefits in non-military areas. Progress in one area is inseparable from progress in the other for industries such as aviation, communications, medicine and electronics. Communication satellites are one important example among many. The early exploration in this area was done by the Army Signal Corps. Since then, the work has expanded into a multi-million-dollar industry.

Take away defense contracts, and highly educated and experienced scientists and engineers are deprived of their jobs, with virtually no opportunity for similar employment. Only two years ago there were nearly 100,000 unemployed workers in the aerospace industry. This can have serious implications for the continued advance of aerospace technology and recruitment of young scientists into the field. Fortunately, many of the very large number of unemployed scientists are back at work, but not without a battle.

Take the B–1 bomber as an example. It is estimated that the 13.6 billion dollars gross investment in this system will generate a cumulative rise of 37 billion dollars in the gross national product. That means 60,000 aerospace jobs and 100,000 supporting jobs around the country. The tax revenue returned to our Treasury from the resulting incomes could be as much as seven billion dollars for the federal government and four billion dollars for state and local governments. In spite of that economic picture, the bomber has been a highly controversial project and has been threatened with cancellation more than once.

Just as we need to maintain a strong base of skilled manpower in the country, we also have to see that vital industrial capacity does not seriously erode from neglect.

There are a number of highly specialized industries in the country that depend on government contracts for their survival. As has become evident in recent years, they simply do not have the financial strength to carry enormous overhead costs, much less tool up for new projects on their own without government contract support.

The dangers of withdrawing that support over the long term are two-fold. First, we will undermine our basic industrial capacity. Industrial potential has been one of the pillars of America's greatness in facing crises. Its importance was clearly demonstrated in World War II.

Second, we will lose the technological edge that enables us to maintain a healthy trading position with other industrialized nations. This country has long been on the frontier of technology, and we are traditionally the leading exporter of sophisticated machines and equipment. The competitive edge will be quickly lost to Europe and Japan if we give our specialized industries no support. Without arguing the merits of the plane, that is exactly what we did by canceling the supersonic transport, a plane that is being produced now by England and France together. The balance-of-payments loss we suffer from canceling that project may prove to be very costly as well as the domestic employment.

Shipbuilding is a very good example of an area where defense spending is crucial. The nation has to have a strong merchant marine, particularly in this day and age. We need to carry imported oil and other products in our own ships as often as possible to reduce the outflow of American dollars. The demand around the world for tankers is growing at such a pace as to question whether enough ships will be available to carry our oil. There are 47 tankers under construction or on order in this country today. Without shipbuilding subsidies from the Federal Government, this industry would have disappeared long ago.

After 1966, private shipyard employment in the United States began to drop off. Employment in naval shipyards had already begun to fall by then. But now we have managed to turn that trend around, and our shipbuilding potential is being revitalized. Production is beginning to move again at a vigorous pace. We are still at a competitive disadvantage with Japan in shipbuilding, as in so many other areas.

Forty-eight percent of American shipbuilding is devoted to naval vessels, and the percentage is higher if one excludes non-self-propelled vessels such as oil drilling rigs. The defense budget, then, accounts for almost half of shipyard work. After revitalizing the industry, if we turn around and cut back on support now, the immediate impact will be layoffs and lost income. If the cuts are substantial, we will have to close many of the yards and forego any hopes of competing in world shipbuilding.

In looking for savings, we must be sure not to whittle away at the substance of defense programs. The distinction between fat and lean is often not made, and criticism is too frequently directed at defense spending in general—across the board. The reason is not because particular items in the budget are unnecessary, but because the budget, on the whole, seems so large. Those large figures need to be put into perspective.

Inflation has created distortions in defense spending. If we look at recent budgets in terms of constant dollars, the squeeze between demands for drastic cuts and the demands for an adequate defense becomes evident.

While critics call for a reduction in the military budget and a reordering of priorities, the fact is that since 1968, defense spending has gone down by 34 billion constant 1974 dollars, and other federal spending has gone up by 50 billion constant dollars. In fact, defense spending is down by ten percent, again in constant dollars, since fiscal year 1964. That was before we became deeply enmeshed in the Indochina war. Were it not for the dramatic rise in costs associated with increased military wages, retirement and fringe benefits, and were it not for inflation, defense spending would be much smaller than it appears.

Indeed it is reasonable to ask: Is the level of defense spending today too small? Inflation has dangerously affected the kinds and numbers of weapons we buy today and most drastically, those we need to develop and improve. As costs rise and real purchasing power diminishes, it may be that we spend too little on defense rather than too much.

Suggestions to cut military spending even further may be motivated by a desire to hold down the federal budget and fight inflation, but the result would do a great deal more harm than good. Harm would be done not only to the military security of the country, but also to the economy. What is penny wise is often pound foolish. We can only be as healthy economically as we are strong militarily. This fact must not be forgotten.

The economies of Japan and Germany were rebuilt at such a staggering rate because they did not have to spend money for military defense. They concentrated on profitable industries while sheltered under our very protective defense umbrella. Clearly economy and defense are inextricably entwined and established.

MAJ. GEN. CHARLES CARMIN NOBLE

HON. GILLIS W. LONG

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. LONG of Louisiana. Mr. Speaker, during the great Mississippi River flood of 1973, the people of Louisiana and the entire lower Mississippi Valley came perilously close to disaster. During this period the Nation's largest river reached levels in Louisiana and throughout other valley States, not previously experienced during the lifetimes of many of the residents.

Our flood this year was the third greatest flood of the century. Only the floods of 1927 and 1937 crested at higher levels. The threat posed by these waters was far-reaching and severe. But the human suffering and loss was substantially lower than in the previous floods. By way of comparison, approximately 40 deaths were attributed to the flood this year; in 1927 the death toll was 216. During the flood period last year, some 40,000 persons were evacuated from their homes, all in an orderly manner. During the flooding of 1937, more than 800,000 persons had to leave their homes, many of them literally fleeing for their lives.

One may ask, "Why this striking difference?" I believe that the difference is that this year we had both an effective flood control system and a man who was so capable and so determined that he was going to make the system work, complete or not.

To fully appreciate the contribution of this man, we must trace the development of the situation beginning before the flood waters ever began to rise.

The residents of the lower Mississippi Valley had not experienced a major flood since 1945. Many different groups, for a variety of reasons, felt that the need for new flood control construction was not pressing. Floods were felt to be a thing of the past. Those who most depended on an effective flood control system, had been lulled into complacency by the uneventful course of recent history.

Fortunately for the residents of the lower Mississippi Valley, the President of the United States, acting at the request of the U.S. Army, had in 1971, appointed a distinguished engineer and soldier, Maj. Gen. Charles C. Noble, to serve as president of the Mississippi River Commission. Furthermore, Major General Noble would also serve as division engineer for the lower Mississippi Valley Division. As an experienced engineer, General Noble realized that floods continued to pose a major threat to the people of the Mississippi Valley. As unusually

heavy rains fell throughout the vast drainage system of the Mississippi River, he began to prepare for a major flood.

In speeches throughout the State, he warned that conditions were ripe for a major flood during 1973. He stated before a committee of the Louisiana State Legislature "I am paid to worry, so I am worrying," awoke the minds of many to the danger at hand. But, General Noble did more than worry. He was responsible for protecting the lives and property of millions of American citizens along the length of the lower Mississippi River, and he began to act to carry out that responsibility.

He began by pressing ahead with a divisionwide, flood fight exercise scheduled for the spring of 1973. In order to make the exercise as realistic for the military as for civilians, he directed that members of the levee boards and other local agencies be invited to fully integrate their activities with the Commission's plans. The feedback and the sense of involvement generated by this civilian participation strengthened the overall flood control program.

In other areas, General Noble began preparatory actions, often against the backdrop of harsh criticism. These actions were based on his concern for the residents of the Mississippi Valley whom he was sworn to protect. He knew that every effort must be made to provide the maximum possible protection to those threatened by flooding. After careful study he came to the conclusion that the existing plan for flood protection in the lower valley, the M.R. & T. project, was basically sound. This plan, expressing the intent of the Congress and the best thinking of engineers familiar with the flood protection system, would form the foundation for his decisions in the days ahead. Although the M.R. & T. project was less than half completed, General Noble had to make it as effective as possible against the flood he believed was soon to come.

From December through June, General Noble was up and down the more than 1,200 miles of the swollen river. He led the preparations for the flood in cities and towns throughout the valley. City officials and private citizens alike benefited from his advice and assistance. He kept in constant communication with local directors in areas all along the river. By keeping abreast of what was going on and what was needed, he was able to make the necessary rapid decisions that often meant life or death. He was determined that every possible effort be made to protect lives and property.

I do not believe that it would be an exaggeration to say that General Noble's efforts were a major factor in our victory over the river. His professional competence and unquestioned integrity provided the sound decisions and the responsible leadership necessary to meet the crisis. Hard decisions, in an atmosphere of conflicting pressures, had to be made to make the plan work. In these decisions, he proved time and time again that his sole desire was to protect the residents of the valley area in accordance with the adopted plan. No sign of personal enrichment or desire for personal recognition ever colored his actions. His accomplishments, far above the call of duty, clearly mark General Noble as deserving of the highest honors this Nation can bestow.

It is ironic that at this time of highest recognition, Maj. Gen. Charles Noble is being forced to retire before the end of a normal 4-year tour of duty as president of the Mississippi River Commission. As a result of being passed over for promotion to the grade of permanent major general, General Noble will be forced to retire in August of 1974, instead of September of 1975.

Recent events clearly show that the people of the lower Mississippi Valley would be poorly served by the forced retirement of this valuable officer. He is the driving force behind the program to repair the damages to the flood control system resulting from the recent flooding. Furthermore, programs under his direction are modernizing the existing system and increasing its overall effectiveness. The successful completion of these repair and construction programs requires the unique blend of determination and experience that only General Noble can provide.

Mr. Speaker, it is my sincere hope that the next selection board considering promotions to the grade of permanent major general will favorably act on Charles Carmin Noble. In the event that the board should fail to act, I hope that the President, upon appropirate recommendation from the Secretary of the Army, would grant an extension of service for this dedicated and distinguished public servant. The people of Louisiana and the entire lower Mississippi Valley need the services of Major General Noble for the full 4-year term.

RESOLUTION ON COMPILATION OF EVIDENCE

HON. IKE F. ANDREWS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. ANDREWS of North Carolina. Mr. Speaker, when the House reconvenes next week, I shall introduce a resolution directing the Committee on the Judiciary to prepare a compilation of information and evidence tending to prove or disprove the commission of any act by Richard M. Nixon which amounts to an impeachable offense.

I am including this resolution in the RECORD, prior to introducing it, for consideration by my colleagues and invite any who wish to do so to join in cosponsoring it:

A resolution directing the Committee on the Judiciary to prepare a compilation of information and evidence tending to prove or disprove the commission of any act by Richard M. Nixon which amounts to an impeachment offense

Whereas, in recent months allegations have been made with respect to the possible commission of impeachable offenses by Richard M. Nixon with respect to his campaign for election to the office of President in 1972 and his conduct of the office of President; and

Whereas, such allegations have created a situation of utmost national gravity and have led many citizens to request that the House of Representatives consider the initiation of impeachment proceedings; and

Whereas, the Committee on the Judiciary has begun an investigation with respect to impeachment proceedings; and

Whereas, Members of the House of Representatives should have access to and be able to assess any information and evidence which assist them in the dispassionate and thorough performance of their functions in any impeachment proceedings; and

Whereas, information and evidence are presently available from various sources, including the Department of Justice, the Federal Bureau of Investigation, the Senate Select Committee on Presidential Campaign Activities, news periodicals, and individuals, but there is no central source of information and evidence which may be used by Members of the House of Representatives; and

Whereas, it is important that there be made available to Members of the House of Representatives a central source of information and evidence tending to prove or disprove any allegation made with respect to the conduct of Richard M. Nixon: Now, therefore, be it

Resolved, That (a)(1) the Committee on the Judiciary (hereinafter in this resolution referred to as the "committee") shall, as a whole or through any subcommittee of the committee, conduct research and prepare a report based upon such research which compiles, categorizes, and indexes information and evidence tending to prove or disprove the commission of any act by Richard M. Nixon which may amount to an impeachable offense under section 4 of article II of the Constitution of the United States.

(2) Such report shall include a reference to any provision of Federal or State law violated by any such act and the penalty imposed for violation of such provision.

(3) In conducting such research and preparing such report, the committee shall, with respect to the alleged commission of any impeachable offense, determine those allegations on which to obtain evidence and to include in the report. The committee shall provide Richard M. Nixon with an opportunity to respond to any such allegation in any manner he deems appropriate. The committee shall include any such response as part of its report, except that such inclusion shall not delay the committee in completing such report.

(b) The committee shall, as soon as practicable, furnish to Richard M. Nixon and to each Member of the House of Representatives a copy of the report prepared by the committee under subsection (a).

A BASIS FOR PEACE

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. SEBELIUS. Mr. Speaker, throughout the past few years there has been fighting in the Middle East and now with the latest outbreak of war there we must look for a lasting solution to the situation between the Arabs and the Israelis. A distinguished editor in Kansas, Whitley Austin, offered his solution in an editorial in the Salina, Kans., Journal on October 11 and I would like to commend it to the attention of my colleagues:

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A Basis for Peace

What could be the basis of peace in the Middle East?

After listening to both sides in the past as a reporter on the spot, I am convinced there are 2 essentials. The pride of the Arabs must be restored and Israel must be secure as an established nation.

Jerusalem, the Israeli declare, is not negotiable. They have developed it as their capital to the point that the city can not be internationalized. But because it contains the Dome of the Rock, a holy place for Moslems, the right of free access and worship for Arabs must be zealously protected.

The Palestinian refugees should be compensated for their seized lands and that long-festering wound healed.

To feed themselves, the Israeli probably must keep the Jordan valley west of the river. But the Golan Heights are chiefly of military significance. Some concessions here must be made to Syria provided it is agreed boundary lines are to be respected.

As for the Sinai, the keys are the Suez canal and Sinai oil. The Egyptians should have it back. But the Israeli also should have the right to use the canal and they should be assured of a continued oil supply, not only from Iran, their present major source, but also from Saudi Arabia.

Fold this into your Book of Genesis and see if the settlement is not along these general lines, if, indeed, the rival sons of Abraham can ever reach agreement.

THE FORD NOMINATION

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. LENT. Mr. Speaker, I noted with interest an editorial which appeared in the October 25 Washington Post, which urged rapid action on the nomination of Representative GERALD FORD as Vice President. The 25th amendment was adopted to insure continuity in the executive branch of Government, and the letter and the spirit of that amendment demand prompt action on the Ford nomination. I include the text of the editorial in the RECORD at this point:

The Vice-Presidential Vacancy

Every political crisis produces, among other things, a rash of ill-considered statements. By way of illustration, consider the suggestion, now being widely offered, that the Congress should delay action on the nomination of Rep. Gerald R. Ford to be Vice President. There have been arguments that Congress has no obligation to take up a nomination made by a President who faces possible impeachment proceedings. There has been talk of holding Mr. Ford as a hostage for better behavior by the President. There is the possibility—which some apparently find quite tantalizing—that the congressional Democrats, by failing to confirm Mr. Nixon's nominee, could engineer the elevation of one of their own, House Speaker Carl Albert, to the presidency if Mr. Nixon should be unable to complete his term—and thus sweep their party into a position of power it could not come even close to winning in last year's election.

The first point to note about this entire approach is that Speaker Albert quite properly is having none of it. Mr. Albert said Tuesday that the House should act on the Ford nomination quickly and that a new Vice President should certainly be confirmed before formal impeachment proceedings, if any, are begun against the President. The Speaker's concern is doubly understandable because events have placed him in a very awkward spot. As long as the vice-presidential vacancy remains, Mr. Albert faces the prospect of having to play a leading role in impeachment proceedings which could put him in the White House. Similiarly, as long as his nomination is pending, Mr. Ford has such an intense and involved personal stake in the proceedings that it would, in fact, be fitting for him to take himself out of any argument over impeachment—rather than lead the defense of the President in the House, as he is now doing.

The situation is doubly entangled in the House because the Judiciary Committee must deal with not only the Ford nomination, but also the impeachment investigation and the issue of a special prosecutor. In contrast, the Senate Rules Committee is not overburdened and should be able to process the nomination expeditiously. It would be useful for the Senate to take the initiative—and to take its lead from majority whip Robert C. Byrd's statement the other day that the nomination should not be held up, but should "rise or fall" on Mr. Ford's own qualifications for the vice-presidential post.

Such calls for prompt action reflect a sound understanding of the obligations imposed on Congress by both the 25th Amendment and the current low state of political affairs. In political terms, the last thing that the country wants or needs is any more distress, disunity and narrow partisanship. All this would certainly result from an attempt to hold the nomination of Mr. Ford as hostage, either to Mr. Nixon's future performance or in anticipation of the President's impeachment. Moreover, it would be profoundly wrong—and probably self-defeating as well—to try to turn impeachment into a congressional coup d'etat which would install a Democrat in the White House. That would be precisely the sort of cynical, exploitative abuse of power which the American people are now reacting so strongly against.

In contrast, there are large national benefits in the course which Speaker Albert advocates—the prompt completion of the investigations, the hearings, the committee reports, the floor debates and the votes in both houses on the nomination of Mr. Ford. Settling the issue of succession would remove one source of public uncertainty. It would also demonstrate that the Congress can perform responsibly at a time when a sense of responsibility is a precious commodity in public life.

Prompt action on the nomination also happens to be the only course which satisfies the letter and spirit of the 25th Amendment. The whole intent of Section II of that amendment is to insure that the nation will almost always have a Vice President—someone chosen specifically for that particular job, and able to bring both a reasonable degree of competence and some measure of continuity to the presidency if called on to assume that post. In other words, Section II of the amendment was approved so that the Speaker of the House would *not* henceforth be next in line to become President, except if an almost unthinkable disaster should remove both President and Vice President simultaneously from the scene. This reform acknowledged the fact that Speakers of the House, however able and experienced, are elected for a different job by a different, smaller constituency and sometimes, as now, by the opposition party.

Those who favor blocking the nomination of Mr. Ford, and keeping Speaker Albert next in line, are thus urging a course which Congress and the states specifically repudiated by approving the 25th Amendment. They are also pressing a course fraught with the most dangerous kind of political mischief. It is interesting to recall that the possibility of such perilous partisan sport was discussed during the Senate floor debate on the 25th Amendment in 1956. Then-Sen. Ross Bass (D-Tenn.) suggested that a Congress controlled by the opposition "would have much more of a problem in confirming the recommendations of the President if we knew . . . that one of our own people would go to the job next." The situation, Senator Bass said, "becomes a political bomb." To this Sen. Birch Bayh (D-Ind.), floor leader for the amendment, replied:

"I have more faith in the Congress acting in an emergency in the white heat of publicity, with the American people looking on. The last thing Congress would dare to do would be to become involved in a purely political move."

It is up to Congress to show that such faith was justified.

TIME TO CHANGE WAY WE CHOOSE OUR VEEPS

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. ESCH. Mr. Speaker, in recent days, I have been pointing out the urgent need for the major political parties to change the system of selecting Vice-Presidential nominees. Certainly the woes that befell Democrats in 1972 and Republicans this year provide ample evidence that reforms must be instituted before the 1976 Presidential election.

I recently wrote Chairman George Bush, of the Republican National Committee, to express my concern. He has informed me that the reactivated Coordinating Committee will consider the question of the nominating process for Vice President. In addition, the Democratic Party's Commisison on Vice-Presidential Selection will meet in Washington on November 7 to examine ways to reform that party's method of selecting Vice-Presidential nominees.

It is time all of us take a close look at the pitfalls in the current system. Candidates for Vice President can be nominated without even a cursory check of their qualifications. The stakes are too high for that kind of arrangement since eight Presidents have died while in office.

I have provided for the RECORD some of the editorial comment given the various alternatives proposals. The following editorial from the Ann Arbor News on October 19 offers still another point of view:

From Our Point of View: Time To Change Way We Choose Our Veeps

The Eagleton and Agnew affairs have demonstrated the haphazard way in which this country chooses the number two person in government. This makes two times in a little more than a year that the second man on the ticket has had to get off.

Theodore White, in "The Making of The President 1972," says that the way Americans choose Vice Presidents has always been absurd.

For 17 of the past 27 years, writes White, America had been governed by Presidents who made their entry to that office from the Vice Presidency. Yet the choice for that office "is the most perfunctory and generally the most thoughtless in the entire American political system."

That's probably no exaggeration. Spiro Agnew was the foundation stone of Nixon's southern strategy in 1968. Southern leaders such as Sen. Strom Thurmond objected to Lindsay, Percy and Reagan, among others. In the end, only Agnew and Gov. Volpe of Massachusetts were acceptable.

McGovern picked Eagleton for the normal reasons (balancing the ticket, photogenic qualities) but also in fatigue at a late hour. His background wasn't properly researched, with the result that he had to step down from the ticket weeks later when it was learned that he had a history of mental illness.

And so it goes. John F. Kennedy passed by all the logical choices and picked Lyndon Johnson because Texas was vital and he needed Johnson for the election. Eisenhower picked Nixon in 1952 on the basis of staff recommendation—or so Theodore White claims.

There ought to be a more rational system of selecting a presidential running mate. This office is simply too important for an individual to be chosen on political expediency. His selection ought not be an afterthought, the anticlimactic event in a heavy schedule for tired conventioneers.

He is often a sop to the presidential nominee's defeated party rivals. Americans need the chance to scrutinize vice presidential hopefuls; they don't have that chance now. Presidential nominees pick running mates not on the basis of philosophical compatibility, but to reconcile defeated party factions. The result is often a vice presidential nominee at odds with the presidential nominee himself.

It's time to change all that. One possibility would be for candidates to announce for the office of Vice President and actively campaign for that office before the conventions. That way, press and public would have a chance to look the man over. Letting Congress pick the Vice President, as some today are proposing, doesn't seem to be any improvement over the present "catch as catch can" method.

FEDERAL ASSISTANCE TO COLLEGE STUDENTS—PART II

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. LEHMAN. Mr. Speaker, despite the recommendations of the Council for Economic Development and the Carnegie Commission that tuition at institutions of higher education should be increased, the word I get from my constituents is that tuition is already high enough, and in fact, is getting out of reach for the middle income family.

Financial assistance thus becomes a necessity, and I would like to share with my colleagues a letter which I recently wrote to Commissioner Ottina, and his reply, regarding the outlook for the next school year on Federal aid to students. The letter and reply follows:

SEPTEMBER 27, 1973.

Hon. JOHN OTTINA,
Commissioner, Office of Education, Department of Health, Education, and Welfare, Washington, D.C.

DEAR COMMISSIONER OTTINA: I am now in the process of preparing an information package for high school seniors regarding Federal assistance programs for post-secondary education.

I have attached a list of some specific questions relative to this, and would appreciate any answers you might provide.

With best wishes, I am

Sincerely,

WILLIAM LEHMAN,
Member of Congress.

Basic Educational Opportunity Grants

1. Will BOGS grants for the 1974 school year be restricted to freshmen attending school full-time, who did not attend a post-secondary institution prior to July 1, 1974?
2. When should students apply?
3. What will be the size of grants awarded, generally?

GUARANTEED STUDENT LOANS

1. When should students apply:
2. Who may qualify for an interest-subsidized loan?
3. What will be the size of loans awarded?
4. What is the allowable cumulative total for Florida?

SUPPLEMENTARY EDUCATIONAL OPPORTUNITY GRANTS

1. When should first year students apply?
2. When should upper classmen apply?
3. What is the cumulative total that may be granted for four years of study? For five?
4. What percentage of these grants have gone to students with family incomes of less than $10,000 per year? Of less than $7000 per year?

COLLEGE WORK-STUDY

1. When should first year students apply? Upper classmen?
2. What is the average annual compensation?
3. What is the range of wages which may be paid?
4. What percentage of the work-study jobs have gone to students with family incomes of less than $10,000 per year? Of less than $7,000 per year?

NATIONAL DIRECT STUDENT LOANS

1. When should first year students apply? Upper classmen?
2. What is the total cumulative loan allowable?
3. What percentage of NDSL loans have gone to students with family incomes of less than $10,000 per year? Of less than $7,000 per year?

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., October 19, 1973.

Hon. WILLIAM LEHMAN,
House of Representatives,
Washington, D.C.

DEAR MR. LEHMAN: Thank you for your letter of September 27, concerning the information package about the Federally sponsored student financial aid programs which you are preparing for high school seniors. In addition to responding to the questions in the attachment to your letter, I am enclosing a recently published fact sheet describing these Federal programs.

BASIC EDUCATIONAL OPPORTUNITY GRANTS

At the present time, the extent of the 1974–75 recipient population for Basic Grants and the size of the grants are dependent upon the amount ultimately appropriated for the program. Since the amount stated in the President's budget and that proposed in the House and in the Senate differ substantially, any comments on your first and third questions about Basic Grants would be highly speculative. The Basic Grant applications for the 1974–75 academic year are expected to be available in February 1974. Students should apply as soon as the forms become available.

GUARANTEED STUDENT LOANS

To insure that the student has funds in hand at the appropriate time, we suggest that he initiate the application process for a Guaranteed Student Loan about three months prior to the time he will need the money to meet his educational costs. Any student who demonstrates a need for the funds to meet his educational costs according to a need analysis performed by the financial aid officer at his college and reviewed by the lending institution may qualify for interest benefits. A student may borrow up to $2,500 per academic year from a lender in Florida if his educational costs require borrowing to that extent. Total loans outstanding may not exceed $7,500 for undergraduate or vocational students. This maximum may be extended to $10,000 for students who borrow for graduate study.

SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS, COLLEGE WORK-STUDY EMPLOYMENT, AND NATIONAL DIRECT STUDENT LOANS

These three Federal student financial aid programs are college-based, i.e., the participating institutions receive the Federal program funds and award them to their needy students in accordance with applicable law, regulations, and guidelines. Each institution establishes its own deadline for receipt of applications and publishes that date in its catalogue. Both first year students and upper classmen should apply to the financial aid officer at their college or university before the institution's published deadline date.

A supplementary Educational Opportunity Grant may range from $200 to $1,500 per year. and cannot exceed one-half of the student's financial aid package. The SEOG may be received for up to four years of undergraduate study However, it may be received for a fifth year when the course of study requires the extra time. The total that may be awarded is $4,000 for a four year course of study or $5,000 for a five year course.

Wages paid under the College Work-Study Program may range from the current minimum of $1.60 to $3.50 per hour. The current projection of average annual compensation under the program is $580.

The cumulative amount a student may borrow under the National Direct Student Loan Program relates to the number of years of study the student has completed:

(a) $2,500 if the student is enrolled in a vocational program or if he has completed less than two years of a program leading to a bachelor's degree.

(b) $5,000 if the student is an undergraduate who has already completed two years of study toward a bachelor's degree. (This total includes any amount the student borrowed under NDSL for undergraduate study.)

(c) $10,000 for graduate study. (This total includes any amount borrowed under NDSL for undergraduate study.)

Data on the percentage of these three forms of assistance that has been awarded to students from specific family income levels are set forth below. Unfortunately, 1970 is the most recent year for which this information is available. Data for 1971 and 1972 are still being processed for computer analysis, and data for 1973 are currently being submitted by participating colleges and universities. The family income categories on the annual Institutional Fiscal Operations Report are not divided at $7,000 and $10,000 as would be necessary to provide the percentage distributions you requested. There are divisions, however, at $9,000, $7,000, $6,000, and $3,000. Since Fiscal Year 1974 is the first year of operation for the SEOG Program, data are shown below for its predecessor, the Educational Opportunity Grants Program.

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[In percent]

	National defense student loan	College work-study	Educational opportunity grants
0 to $2,999	22.2	27.4	31.0
$3,000 to $5,999	25.8	29.3	41.7
$6,000 to $7,499	13.9	14.8	15.2
$7,500 to $8,999	12.1	11.2	7.9
$9,000 and over	26.0	17.3	4.2

I hope you will find this information helpful. If I can be of further assistance, please do not hesitate to let me know.

Sincerely,

PETER P. MUIRHEAD,
Deputy Commissioner for Higher Education.

THE VICE PRESIDENT'S RESIGNATION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. HAMILTON. Mr. Speaker, under leave to extend my remarks I submit the following:

THE VICE PRESIDENT'S RESIGNATION

(By Congressman LEE HAMILTON)

In another stunning development in the most tumultuous year in modern American politics, Vice President Agnew's resignation, after he admitted evasion of federal income taxes, startled and saddened the nation.

My first reaction to this unprecedented personal and national tragedy was compassion for the former Vice President and his family, regardless of the actions which caused his resignation. There is no joy and no cause for celebration in seeing a man crash down from the nation's second highest political office to a convicted felon.

In my view the Vice President's action was appropriate. It avoided the peril to the nation of having a Vice President under indictment and involved in lengthy court proceedings, and as Mr. Agnew has acknowledged, the American people deserve a Vice President who commands their unimpaired confidence and trust. The 40-page summary of evidence against Mr. Agnew prepared by the Dept. of Justice described a decade of activity by Mr. Agnew, from County Executive in suburban Baltimore County to Vice President of the U.S., during which he received cash in envelopes, kickbacks and payments from engineers and businessmen who wanted government business. The settlement of the Agnew case may not be a triumph of justice, but it represents an acceptable solution to an unprecedented case, in which the claims of justice, politics, and the Constitution were inextricably mixed. The Vice President avoided jail, which the federal judge in the case acknowledged would be the ordinary sentence for the crime, but the public interest of removing a Vice President under criminal indictment was served, as was the political interest of the President

The news of the Vice President's resignation also gave me a sense of depression. At a time when the American people have experienced so many disappointments and disillusionments that their confidence in their political leaders and institutions is at a low ebb, Mr. Agnew's resignation is yet another staggering blow to millions of decent, honest and much put-upon Americans who want desperately to believe in the integrity of their high officials. Whether you agreed with Mr. Agnew or not, many Americans did believe in him, considered him their champion, and saw in him an extraordinary politician, purer and better than other politicians. Their cynicism and suspicion of American politics can only be reinforced by the fall of the man who was the preeminent American spokesman for law and order and attacker of permissiveness.

His resignation raises all sorts of difficult questions. Did he receive favored treatment and avoid a jail sentence because of his high office? And, if he did, will Americans believe that the law falls with equal application on the powerful and the powerless? What about the process by which Vice Presidents are selected? How is it possible that the process failed to reveal so obvious a pattern of corruption? Do all politicians, as the cynics insist, really take payoffs? How can we really remove the taint of money from the political process? Can we really believe any politician?

I am hopeful that the former Vice President's resignation will prompt further efforts in the Congress to improve campaign practices and procedures for selecting Vice Presidents, and provide all of us in government with a new determination to give the people integrity in government. It is that quality, above all others, that I think the American people now want in their government.

The immediate task of the Congress is to act with care and dispatch in confirming the President's nomination of Congressman Gerald Ford of Michigan as Vice President. Under the 25th Amendment to the Constitution, the Congress has an obligation to examine fully Mr. Ford's competence, not only for the responsibilities of the Vice Presidency, but for the more important ones he would assume if he became President.

Although I experienced some misgivings about the festive spirit surrounding the President's announcement of Mr. Ford, and thought that since it followed immediately upon the tragedy of the resignation, the occasion demanded a serious and restrained atmosphere, Mr. Ford is a popular choice in the Congress, and, barring unforeseen developments, I expect to join a majority of my colleagues in confirming his selection.

A UNIQUE INNOVATION IN CORRECTIONS REFORM

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. BADILLO. Mr. Speaker, one of the most frequent complaints I receive from inmates in both State and Federal correctional institutions, as well as from groups seeking prison reforms, is the lack of adequate or meaningful educational programs. The failure of prisons systems in general to provide proper educational programs which will prepare the offender with substantive and useful training is often one of the basic causes for various disturbances which occur from time to time. There is little question, but that some affirmative action in this critical area is long overdue and that steps must be taken at all levels in the corrections field to correct what are frequently inadequate education programs.

A very large percentage of prison inmates are uneducated and unskilled. Often they are unable to secure even a basic education or usable skills during their confinement and, upon their release, they are frequently unable to find employment or some type of rewarding work. This is one reason why the rate of recidivism continues to remain at high levels.

In recent years there have been some very laudable and successful efforts to provide worthwhile education to prison inmates and, in a few States—Texas, Illinois, and Connecticut—full-fledged, separate school districts have been established for prisons and these institutions thereby are able to benefit from Federal and State educational assistance programs. Shortly after the Attica tragedy, I proposed that the State of New York undertake such a program and create a separate school system specifically for the corrections system. It has a number of important advantages in terms of having the ability to provide good educational services to prison inmates. Regrettably, action has never been taken on my proposal.

Nevertheless, the State of New York has launched what is probably one of the most unique corrections education programs in the country—the establishment of a new State college solely for prison inmates. The New York State Department of Correctional Services and the State University of New York are developing plans to create a college—to be located at Bedford Hills, N.Y.—in which both male and female prisoners will study on a full-time basis toward 2-year liberal arts or science degrees.

I commend both the Department of Correctional Services and the State University of New York for their efforts to undertake this very innovative and worthwhile effort and hope that the proposal can be implemented at the earliest practicable date.

In order that our colleagues may learn more about this proposal I insert, for inclusion in the RECORD, an article from yesterday's New York Times and a joint news release from SUNY and the Department of Correctional Services:

[From the New York Times, Oct. 24, 1973]

COLLEGE FOR PRISONERS DUE IN 1974

(By Gene I. Maeroff)

The establishment of a new state college at which all of the students will be prison inmates is expected to be approved this morning by the trustees of the State University of New York.

Officials of the State University and the State Department of Correctional Services believe that the fully accredited, two-year college for men and women at Bedford Hills in Westchester County would be the first of its kind in the country.

The project is subject to the approval of the State Board of Regents and the Governor Dr. Ernest L. Boyer, chancellor of the State University, and others think there will be no obstacles to that approval.

Except for a few prisoners performing supportive services, only inmates who will be full-time students at the college are expected to be assigned to the prison. The tentative name of the institution is the State University Community College at Bedford Hills and it is to open next year, perhaps as soon as February.

COCHAIRMEN FOR TASK FORCE

Dr. Timothy S. Healy, vice chancellor for academic affairs at the City University of New

York, is taking a leave of absence to be co-chairman of a task force to plan the college.

Informed sources say that Dr. Healy, a Jesuit priest and former vice president of Fordham University, will become the first president of the college, though such an announcement has not been made.

The other co-chairman of the task force will be Edward W. Elwin, deputy commissioner for program services in the Correctional Services Department.

"This is an attempt to make serious the business of rehabilitation," Dr. Boyer said. "The college will have a liberal arts curriculum because the prison system already has vocational programs and the problem is not so much to prepare inmates for jobs as to educate them in the broader sense and give them a better self-image."

In a joint statement, Dr. Boyer and Peter Preiser, the Correctional Services Commissioner, said "We believe the proposed programs will make it possible for more prisoners to move back into society and lead productive lives."

The Bedford Hills Correctional Facility closed its men's division for renovation last April. It is proposed that the institution be reopened as the combination prison-college with 150 to 200 inmates.

In addition, according to spokesmen, 50 inmates at the neighboring women's division of the Bedford Hills Correctional Facility will be enrolled in the college. About 350 women are confined in the prison, which is the only one for women operated by the state.

Mr. Elwin said that the men prisoners at Bedford Hills would be selected from among the 13,000 confined at facilities throughout the state. An inmate-student will have to have a high school diploma or an equivalency certificate, which can be earned through the prison system's educational program. Classes for men and women will be separate at the beginning, Dr. Boyer said, with the professors going back and forth between the two facilities.

Prisoners who become students will have sentences ranging from a year to life and will be eligible to participate regardless of the offense for which they were convicted.

Pending approval of the State Legislature, the educational costs of running the institution will be paid by the State University and maintenance will be borne by the Department of Correctional Services.

Students will not be charged tuition, making the college the only tuition-free unit within the State University. Students will be able to earn up to an associate degree and will be guaranteed the right to transfer their credits to other colleges in the State University after their release from Bedford Hills.

"Arrangements are also being made with the City University for transfer provisions," Dr. Healy said. "This is important because the vast majority of the prisoners are from the city."

The decision to start the college apparently grew out of the studies undertaken to improve the prison system following the uprising at the correctional facility in Attica in September, 1971, in which 43 persons died.

Besides planning the college, the task force will also study educational opportunities in all 24 of the state's correctional facilities and recommend how best to build a "feeder system" for assigning students to Bedford Hills.

ESTABLISHMENT OF A COLLEGE FOR INMATES

ALBANY, October 24.—The State University of New York and the Department of Correctional Services are exploring the establishment of a college for inmates to be located at the Department's complex at Bedford Hills.

Chancellor Ernest L. Boyer and Commissioner Peter Preiser today announced that the proposed college, the first of its kind in the nation, would make it possible for both men and women to engage in full-time study toward a two-year degree in liberal arts or science.

In addition, the University and the Department of Correctional Services announced establishment of a joint task force to conduct a thorough study of higher educational opportunities in the 24 different correctional facilities of the State.

Co-Chairmen will be Dr. Timothy S. Healy, City University of New York's vice chancellor for academic affairs, who will join State University, and Edward Elwin, deputy commissioner for program services in the Department of Correctional Services. They will be assisted by other educators and correctional personnel.

In a joint statement, Dr. Boyer and Commissioner Preiser said:

"The time has come to introduce a bold new educational concept for qualified inmates to improve the prospects of rehabilitation in the correctional system.

"We anticipate a program of education which will lead to a degree and also provide opportunity to transfer to a baccalaureate program upon release.

"We're convinced such a college program and a carefully coordinated program of supporting educational activities at other correctional facilities will benefit society at large as well as the inmates involved. We believe the proposed prorgams will make it possible for more prisoners to move back into society and lead productive lives."

Chancellor Boyer emphasized that the college at Bedford Hills, about 40 miles north of New York City, would be a unique experiment—a correctional facility which also serves as a separate campus—and would supplement the wide range of credit and occupational courses currently offered by State University at seven of New York State's correctional facilities.

Initially, the college would offer Associate in Arts and Associate in Science programs to 250 inmates. The task force would develop methods of selecting qualified students from the statewide inmate population.

Classes for 200 males would be conducted in an existing but presently unoccupied facility at the Bedford Hills complex which would be refurbished to provide classroom and living space. Another 50 female inmates would receive instruction in the adjacent facility which they presently occupy.

Year-round operation is anticipated, possibly through a four-quarter calendar. Operational and facilities modification costs are being developed, and will be shared by the University and Correctional Services.

The joint task force will work toward a network of programs which would draw upon the statewide higher education resources of the University. The programs would build upon the instructional activities now offered by the State University at six New York State correctional facilities and provide a "feeder" system for new students at the college at Bedford Hills as classes graduate.

Chancellor Boyer and Commissioner Preiser anticipate a program of counseling, remedial work, and college-level instruction at other correctional facilities which would provide basic academic or technical skills and introduce the possibility of full-time collegiate study for other groups of inmates.

"The aim is not to move in one direction only or to focus on a single facility. Rather, we hope to develop a kind of master plan which will lead to a more rational and better coordinated educational program for inmates," Chancellor Boyer said. "Bedford Hills would be a key project in this educational network."

Commissioner Preiser hailed the proposed college as a "major step forward in one area that corrections has never really tried.

"We have run the gamut of varying kinds of treatment," he said. "Now," he continued, "we are in the stages of implementing a long-needed approach. I especially believe that a liberal arts education can help inmates to understand society and their places in it, improve their self-image and see themselves as a functional part of that society.

"We have concentrated on job training and vocational skills—which certainly have a place—but, if we can truly build self-image, understanding and attitude, vocational adjustment will take care of itself," the Commissioner concluded.

Chancellor Boyer said that administrative and faculty personnel for the college would be recruited from within the University itself.

Dr. Boyer pointed out that each year more than 1,000 New York State inmates qualify for high school equivalency diplomas in addition to 440 who take courses under auspices of University campuses. He said this demonstrates keen interest in education among inmates and clearly establishes that such academic work can be successfully completed.

Dr. Healy will bring vast experience in university administration and in literary, classical, and clerical scholarship to his new mission with the State University.

An ordained Jesuit priest, Dr. Healy holds three earned degrees, two magna cum laude, from Woodstock College in Maryland; an M.A. degree from Fordham University, a Ph.D from Oxford, and other academic honors from Faculté St. Albert in Louvain, Belgium.

Since 1969 he has had chief responsibility for academic and curricular planning for the 20 units in the 259,000-student City University system.

His teaching career at Fordham began as a member of the Fordham Preparatory faculty in 1947. He was later to serve as a member of Fordham University's English Department, rising from the rank of instructor to full professor; as director of alumni relations, as academic vice president, and from 1965 to 1969 as executive vice president. Dr. Healy graduated from Regis High School in New York City and attended various parochial and public schools in Queens and Manhattan.

Mr. Elwin assumed his position with Correctional Services on March 3, 1972. He has responsibility for directing, coordinating and administering such operational programs as inmate classification and movement, correctional industries, education and guidance and counseling in all state correctional facilities. He earned his bachelor's degree from Brooklyn College and his master's degree in public administration and correctional management from New York University.

Before joining the Department of Correctional Services, Mr. Elwin was deputy chief probation officer for the Second Judicial District, Kings County, New York.

When the plans for the new college at Bedford Hills are completed, they will be submitted to the Governor for his approval and subsequent consideration by the Regents and by the Legislature at the 1974 Legislative Session.

"MURDER BY HANDGUN: THE CASE FOR GUN CONTROL"—NO. 38

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. HARRINGTON. Mr. Speaker, a lot of people in this country are making

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money from the manufacture and sale of handguns, which, in turn, are responsible for more than half of the murders in this country every year.

A recent study has estimated that the amount of handguns presently in private ownership is enough to provide "one deadly handgun for every 1.5 American families." And, consequently, a majority of the people murdered by handguns are killed by a friend or relative.

I would like to include an article by Nathan Cobb of the Boston Globe, June 3, 1973, entitled "Booming Handgun Business Soars to Record $75 Million." And today's murder from the Baltimore Sun also follows:

YOUTH, 15, CHARGED IN CLASSMATE'S DEATH

A classmate of a 15-year-old boy found shot dead near the old St. Mary's Seminary on Paca street Tuesday has been arrested and charged with homicide in the death.

The dead youth was identified yesterday as Darrel J. West, of the 400 block Watty court, a student at PS 176. Arrested Tuesday at his home was James Anthony MacDougall, 15, of the 600 block West Mulberry street, a classmate.

BOOMING HANDGUN BUSINESS SOARS TO RECORD $75 MILLION

(By Nathan Cobb)

It's official.

The handgun—used by more murderers in the United States than all other weapons combined—is now as American as baseball.

During 1972, retail pistol and revolver sales across the country soared to a high of $75.6 million, according to excise tax figures filed with Internal Revenue Service (IRS). Americans spent roughly an equal amount—$76.1 million—on all types of baseball goods during the same year, the National Sporting Goods Assn. reports.

A month-long Globe study of the sale, ownership and use of America's number one criminal weapon concluded that despite Federal and Massachusetts laws passed in 1968 ostensibly to slow the massive flow of handguns into private hands, manufacturers and dealers of these deadly and concealable guns are enjoying a business boom.

In fact, becoming an economic equivalent of the "national pastime" has been only one recent accomplishment of the burgeoning handgun trade. Some others:

According to IRS figures, dollar volume of US retail handgun sales last year rose 59.4 percent over 1968, the year stiffer Federal laws governing handgun purchase were passed. During the same period, other firearm and ammunition sales rose only 14.1 percent.

American manufacturers produced 902,701 handguns during the last six months of 1972, according to newly-required reports filed with the Bureau of Alcohol, Tobacco and Firearms (ATF) of the US Treasury Dept. This is approximatelly a 50 percent jump over figures compiled in 1968 by a special presidential commission, and it represents a four-fold increase during the past decade. Additional figures filed with ATF show that four out of 10 guns now being made for private sale in the United States are handguns.

Imported handguns, which the 1968 Federal Gun Control Act restricts to those deemed "particularly suitable" or "readily adaptable" for sporting use, are skyrocketing in number. Last year, 439,883 handguns were imported for sale in this country, a solid 23.4 percent jump over 1971. In fact, handgun imports have now reached the level of the mid-1960s, when concern over their number led to a ban on the importation of small, cheap, so-called "Saturday Night Specials."

The 1968 law has spawned a whole new domestc industry of "Saturday Night Special" manufacturers, located primarily in New York and Florida, who are churning out tiny .22 and .25 caliber handguns which cost between $5 and $25. Because Federal law technically bans only the importation of frames for "non-sporting" guns, these new manufacturers have been able to apply for permits to import enough other types of parts to assemble 4,322,800 handguns since 1968.

"There's definitely been a shift in emphasis toward handguns by gun buyers," said Saul R. Arnstein, co-owner of the Ivanhoe Sports Center in Watertown during a recent interview. "Since 1968, handgun sales are up while rifle and shotgun sales are down. Our estimated percentages used to be about 50–50. Now about 70 percent of our sales are handguns, while 30 percent are rifles and shotguns."

Today, Arnstein's retail and wholesale gun dealership, which he claims is the largest in New England, sells 3000 handguns a year. In 1968, he estimates he sold about 1500.

Although a small number of handgun owners use their weapons for target shooting and hunting, the weapon's success and popularity comes primarily from its effectiveness as a killer and maimer of human beings.

"But the handgun is not only just a murder weapon," William J. Taylor, Supt.-in-Chief of the Boston Police Dept. explained recently: "There's no question that the ready availability of handguns increases all types of crime. I'm talking about robberies, rapes, everything. The handgun is definitely the most prevalent weapon in crime. And it's growing."

New England is the handgun manufacturing capital of the country. Of 68 domestic gun manufacturers listed in the 1973 issue of "Gun Digest," a gun trade directory published by the Chicago-based magazine of the same name, 17 are located in New England, far more than in any other single region. Ten of these are handgun makers, including the prestigious Smith and Wesson Inc., of Springfield and Colt Industries of Hartford, Conn.

(New England also holds two dubious handgun manufacturing distinctions. The .22 caliber pistol that Sirhan B. Sirhan used to murder Sen. Robert F. Kennedy was made by the Iver-Johnson Arms and Cycle Works, Inc. in Fitchburg, and the .38 with which Arthur H. Bremmer shot Gov. George C. Wallace was manufactured by the Charter Arms Corp., of Bridgeport, Conn.)

These and other handgun manufacturers have consistently refused to release production statistics, and until ATF recently required that they file such figures dating back to July 1, 1972, no Federal agency kept track of how many guns were being stockpiled in America.

In 1968, subpoenas were required from the National Commission on the Causes and Prevention of Violence to make figures public. Then it was learned that America had legitimately produced 22.6 million handguns for private sale since 1899 to go with the 5.4 million handguns that had been legally imported. Since the commission's initial findings, the recent handgun boom has buoyed the country's private arsenal by 12 to 15 million more concealable firearms.

Says William F. Fitzgerald, director of the Firearms Record Bureau of the Massachusetts Dept. of Public Safety: "Keeping track of the growing number of handguns isn't like taking a population count. Unlike people, guns don't die off. Very, very few of them ever disappear. The total number just keeps growing"

Thus, most current estimates of handguns place the national total at somewhere between 30 and 40 million—or about one deadly handgun for every 1.5 American families.

And the total continues to mount.

Although Massachusetts has relatively strong laws governing handgun purchase (roughly 25 percent of the state's 70,284 legal gun sales last year were handguns, and only about one out of every 135 handgun sales in the U.S. takes place in the Bay State), a Globe survey of local dealers revealed that business is brisk.

Some retailers reported sales up as much as 50 percent over 1968, when Massachusetts passed what is considered to be one of the toughest gun laws in the nation.

According to the Firearms Record Bureau, there are approximately 110,000 persons in Massachusetts with licenses to carry (and therefore purchase) handguns, as well as another 300,000 people who possess Firearms Identification Cards (F.I.D.), which allow them to keep guns in their homes. Both are issued by the local police chief in the gun owner's city or town. An F.I.D. card may also be used to purchase a handgun when accompanied by a sepcial permit to do so which is also issued by local police.

The Massachusetts system, however, registers legal owners, not guns. As Arthur A. Montouri, special agent in charge of the ATF put it recently, "A person with an F.I.D. card or a license to carry can own 20 guns. And often does."

Further, law enforcement officials interviewed this week contend that only a portion of the state's handgun owners have licenses, and that growing legal sales represent only part of the handgun market.

"I'd guess that for every legal owner there are two illegal owners," offered Lt. Det. Jerome P. McCallum, acting head of the homocide bureau of the Boston Police Dept. "It just seems to me that everyone and his brother has a handgun around here."

Clearly, these are bonanza days for the more than 150,000 Federally licensed gun dealers across the country, whether they are handling Colt's powerful 357 Magnum or the handy Model 733 .32 caliber revolver manufactured by Harrington and Richardson Inc., Worcester.

"The handgun supply simply hasn't been able to keep up with the demand," said James F. Mahoney, a clerk at Bob Smith's Sporting Goods, a Boston retailer and wholesaler. "For instance, Smith and Wesson has cut their allocation to us in half because they have so many orders."

Some manufacturers, Smith and Wesson included, sell through wholesalers. Others, such as Colt, move guns directly to retailers. The two-stage mark-up is approximately 35 percent, with about 15 percent going to the wholesaler if he is included.

While some of the increased sales are undoubtedly for sporting purposes, dealers report that the major reason people are buying handguns is fear—generally of other people with guns.

At Bob Smith's Sporting Goods, merchandise manager Stephen Vinciguerra stated that 60 to 70 percent of the firm's handgun sales are to people who want to "protect" themselves. "I'm selling handguns to guys who've never bought a gun before and who said they'd never buy a gun," Vinciguerra said. "They're buying good quality .22s, .25s, .32s and .38s. People are scared. There isn't a merchant in downtown Boston who doesn't have a gun under his coat."

Such buyers are apparently unconcerned by warnings similar to that which came from the National Commission on the Prevention of Crime and Violence, stating that handgun owners are more likely to shoot themselves or a member of their family than stop a criminal.

This view was echoed recently by Supt. Taylor, Boston's number two cop. "If these people think a gun will do any good to prevent a robbery, they're mistaken," Taylor said. "They'll just cause a threat to the criminal and the criminal will respond with more violence. Believe me, the criminal will make the first move. And if you move second, you're in trouble."

Meanwhile, the deadly stockpile continues to grow across America. A handgun legally crosses a sales counter every 12.6 seconds, and illegal transfers probably occur as frequently.

Handguns are in bedside tables, closets and bureaus. They're in cellars, garages and automobiles. Before the decade is out, there will be one handgun for every male in America.

"My house is a fortress," boasted one Boston gun dealer recently, taking up the cry for even more guns. "Why, I could hold off twenty guys from in there."

THE FUTURE OF THE AMERICAN GOVERNMENT

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. DELLUMS. Mr. Speaker, for a long time the present incumbent of the Presidential office, Richard Nixon, has disgraced that office in the eyes of the American people—and our whole country in the eyes of the world—by his arbitrary illegal acts and by his devious smokescreen of lies, evasions, and self-serving, self-pitying pleas with which he tries to cover his tracks.

Congress has been forced to sit back and take it, ever fearful of the consequences of removing him in a time of crisis and division. But the events of autumn, 1973, force us in Congress to ask ourselves whether we can avoid any turmoil by letting him stay—or whether Richard Nixon is using the powers of his office to destroy the very things that make politics in a democracy possible.

Politics in a democracy is possible only with a minimum of trust.

When the President violated a solemn commitment to the Senate and the American people to respect the independence of the special prosecutor, Richard Nixon showed that he thought that promises are not worth the paper they are written on, and are to be discarded when convenient. After the lies about the bombing in Cambodia—after the former Vice President threatened to divide the country for personal purposes—it becomes evident that the Government no longer even tried to gain men's loyalty by rational persuasion, but instead by force and trickery.

Politics in a democracy is possible only with a minimum of credibility in our judicial institutions, which provide the boundaries for political differences and conflicts. But to follow the plea bargaining of the formerly hard-hearted Mr. Agnew with a purge of the Justice Department removes from this scandal-ridden administration even the faintest sense of a commitment to fair play and self-restraint.

Politics in a democracy is possible only when there is some understanding of the difference between military discipline, based on unquestioning obedience, and civilian government, based on the dedicated loyalty of talented professionals.

Mr. Nixon had so forgotten this elemental distinction that he was surprised when Mr. Richardson and Mr. Ruckelshaus refused to obey his dishonorable orders.

There is one more fact that must be realized. This country has not quite yet lost the habit of freedom. When democratic politics are not possible, orderly stable government is not possible. We cannot go on to solve the real problems of our society when the head of our Government has so much to hide that he cannot avoid forcing us into crisis after crisis.

For all these reasons, there is only one course of action for the liberal—for the conservative—for the radical or the reactionary—for anyone interested in real issues instead of the petty crimes of inadequate men: Impeach the President.

HOW LIBERALS BENEFIT FROM TAXPAYER FUNDS

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. SYMMS. Mr. Speaker, with all the talk we have heard this year about political dirty tricks and politicalization of the Federal Government by Nixon administration officials, it is easy to forget that a great many powerful forces in the bureaucracy are hostile to the President and on good terms with the people who lost the 1972 election. The OEO legal services program has been a horn of patronage plenty for close associates of Sargent Shriver, for example.

It is not just the idea of patronage to the "out" party that bothers me. Some of the activities being funded with tax dollars would seem improper even if they benefited members of my own party—which they do not.

For evidence of my concern I refer readers of the RECORD to a September 29 article by Howard Phillips, the former head of OEO:

HOW LIBERALS BENEFIT FROM TAXPAYER FUNDS

(By Howard Phillips)

Who said George McGovern and Sargent Shriver lost the last election? At the Office of Economic Opportunity (OEO) they seem to have all the advantages of incumbency—still able to subsidize their friends with large grants, honorific titles, comfortable consultancies and salaries, tax-paid travel, and more. Even worse, they continue to dictate policy to a Watergate-weakened White House staff, implementing policies which should be anathema to Richard Nixon and the "New American Majority" which elected him.

Witness the Urban Law Institute of Antioch College. Before the Watergate "exposé" in March, OEO funding was to have been phased out. In fact, on Nov. 2, 1972, the liberal acting director of Legal Services, Theodore Tetzlaff, wrote: ". . . the grant now being proposed for Antioch represents a 50% cutback in the amount of funds provided Antioch Law School last grant year. And it is the intention of the Office of Legal Services that this amount will be reduced by 50% again during the next and final grant year. That is, by this schedule the Office of Legal Services will phase out its support for the grantee."

Now, OEO Director Alvin J. Arnett is reportedly planning to refund it.

Headed by Joan Cahn and her husband, Edgar, former special assistant to Shriver in his days at OEO, the program had been "expelled" by George Washington University only to be rescued, in 1971, by Frank Carlucci, who ran OEO before becoming No. 2 man at the Office of Management and Budget, then under secretary of HEW.

Amply subsidized by the federal government, the co-deans Cahn have been leading their student charges in challenges to TV license renewals in Washington, D.C., Chicago, and Los Angeles, in critical studies of revenue sharing, and in efforts to facilitate the use of cable TV as a means of propagandizing on "poverty" issues.

The overall goals of the Antioch program include shaping nationwide changes in law school curricula to foster greater emphasis on "poverty" concerns, providing research support to legal services back-up centers, and awarding academic sabbaticals to preferred legal services attorneys.

That Antioch has well-placed friends high in the Nixon White House is evidenced in a July 24, 1972, letter from Mrs. Cahn to Leonard Garment, a life-long liberal Democrat who is special counsel to President Nixon. The letter says in part:

"DEAR LEN: * * * A specific request. Time is of the essence. Can you help us over at Commerce to break loose some Public Works money. . . . As for the politics of it, we obviously can't turn the District Republican—but we can get strong backing from District Republicans and the School of Law can legitimately be projected nationally as a product of this Administration since its very existence is due to the untiring efforts of Frank Carlucci."

Mrs. Cahn added: "Our funding now comes from Commerce (OMBE) as HEW, Labor, and HUD, so we are no longer simply a legal services program."

A more dangerous Shriver crony who has gotten fatter on OEO dollars during the Nixon Administration is E. Clinton Bamberger Jr., and Shriver's personal pick as the first director of the OEO Legal Services program when it began in 1965. A pal of ex-Maryland U.S. Sen. Joe Tydings Jr., Bamberger has also been president of the National Legal Aid and Defenders Association, another OEO grantee.

Since taking office at the end of June, Director Arnett has given hundreds of thousands of dollars in OEO grants and contracts to projects in which Bamberger has been deeply involved.

The NLADA has not only been awarded a direct subsidy of nearly $300,000 by Arnett, it has also had restored to it the right to collect dues from federal grants made to hundreds of other OEO-funded projects. In 1972, more than $100,000 was raised in this manner from legal aid organizations, most of which were OEO supported.

It should give President Nixon little comfort to know that two of NLADA's vice presidents have been Terry Lenzner, now assistant chief counsel for the Senate Watergate Committee, and John Douglas, who in 1972 was national cochairman of the McGovern campaign. The executive director of NLADA is James Flug, who previously was a Senate staffer for the Hon. Edward M. Kennedy (Flug's wife, Carla, is an employe in the OEO Office of Legal Services. Flug was preceded as executive director by Frank Jones, whom Donald Rumsfeld had fired as deputy director of the OEO Legal Services Office.)

The Board of Directors is amply peopled

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with legal services veterans and present officials of OEO grantees, as well as prominent liberals, like former Atty. Gen. Nicholas Katzenbach, Mrs. Lucy Benson of the League of Women Voters, and Washington, D.C., lawyer Howard Westwood. A few token Republicans are retained for their value when it is time to lobby for funds or liberal policies.

An active force for "law reform," both in landmark litigation and legislative corridors, NLADA is subsidized by OEO to "monitor" and provide "technical assistance" to legal services grantees throughout the nation. This is achieved through "training" conferences and a network of 1,200 consultants.

Bamberger has also been a prime mover behind the Micronesia Legal Services program which, at his urging, received an initial grant of $60,000 in 1971 from then OEO Director Frank Carlucci.

This program has proven to be one of the most insidious legal services projects, fomenting anti-American sentiment, attacking Defense Department activities in the Trust Territories, even threatening action against the United States in the United Nations.

One of the project attorneys, Dennis Olsen, has actively criticized America's "institutional imperialism," urging that America "be compelled to pay for crimes" and stimulating support for "direct radical action."

Olsen is a booster of a man named Ataji, whom he compares with Ché Guevara, the late Cuban Communist leader. He says that "Ataji and his people—with the help of a handful of fellow travelers from the Peace Corps and the OEO—can win significant battles to reclaim their integrity as an island nation. But alone they can never finally prevail against the brazen power of America. Only pressure from liberals and radicals and humanists within the United States can render any real change in the policy and attitude of American administrators in the Pacific." If this be legal aid for the poor, make the most of it.

In addition to whatever ideological sustenance Mr. Bamberger may derive from such sentiments, the program affords mainland members of the Micronesia Legal Services advisory board, of whom Bamberger has been one, the luxury of cost-free stopovers in Hawaii while en route to semi-annual board meetings in the Pacific islands.

Moreover, at least one OEO employe, Frank Duggan, has had a free trip to Japan financed by Uncle Sam, on the way home from an inspection tour of the Micronesia program. Duggan, by the way, who came to OEO on the patronage of Texas Democrats Ralph Yarborough and Ben Barnes, and who worked for AFL–CIO COPE, now heads the Operations Division in the OEO Office of Legal Services at a salary in excess of $30,000 per year.

Prompted by my concerns, which were backed up by top officials at the Department of State and Interior, the White House agreed in March of this year to discontinue funding of the Micronesia program. For whatever reason, Mr. Arnett refunded it in August.

Still another Bamberber boondoggle recently funded by Arnett is a contract to Bamberger's own Law School, to provide training and technical assistance for Legal Services attorneys. More will be written of this program in a subsequent column.

The real test of whether President Nixon gets out of the Watergate syndrome will lie in the degree to which he can regain control of the executive branch and remove appointees who seek credit with his enemies for flouting the policies on which he won re-election.

Until then, the "business of the people'" is being handled by those who lost in 1972.

ADMIRAL RICKOVER'S INSPIRING COMMENTS ON THE PURPOSE OF MAN

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. HOSMER. Mr. Speaker, I am sure that everyone who has ever known Adm. H. G. Rickover has in some way been inspired by his contact with this remarkable man. Another sparkling facet of his mind is revealed by the following item from the editor's page of U.S. News & World Report for October 22:

THE PURPOSE TO LIFE

(NOTE.—Weeks before political scandals in Washington reached the headline proportions of the present, Vice Admiral Hyman G. Rickover made one of his frequent appearances before a congressional committee and discussed the moral fiber of America. The Admiral has for years let his caustic criticism range from bureaucracy to educators to ethics, to name just a few of his many targets. This time committee members asked this concept of man's purpose in life. His impromptu reply is excerpted below.—Howard Flieger, Editor.)

Man's work begins with his job, or profession. Having a vocation is always somewhat of a miracle, like falling in love. . . . But having a vocation means more than punching a timeclock. One must guard against banality, ineptitude, incompetence, and mediocrity.

We as a people seem inclined to accept average or mediocre performance. Mediocrity can destroy us just as surely as perils far more famous. It is important that we remember to distinguish between what it means to fail at a task and what it means to be mediocre. There is all the difference in the world between the life lived with dignity and style which ends up failing, and one which achieves power and glory, yet is dull, unoriginal, unreflective, and mediocre. In a real sense, what matters is not so much whether we make a lot of money, hold a prestigious job, or whether we don't; what matters is that we become people who seek out others with knowledge and enthusiasm—that we become people who can enjoy our own company.

Most of the work in the world today is done by those who work too hard; they comprise a "nucleus of martyrs." The greater part of the remaining workers' energy goes into complaining. Employes today seldom become emotional about their organization or its output; they are ony interested in getting ahead. And many organizations are killing their employes with kindness, undercutting their sense of responsibility with an ever-increasing permissiveness. This is a fatal error, for where responsibility ends, performance ends also.

The sense of responsibility for doing a job right seems to be declining.

The willingness to act and to accept responsibility is a symptom of America's growing self-satisfaction with the status quo. . . .

A major reason why so large a majority is smugly docile is that it has accepted the unwritten rules of the game: Don't rock the boat as long as you get your cut. Why become worked up over corruption as long as there are enough benefits of the fallout to go around? Once the acceptance of corruption becomes sufficiently widespread, effective exposure seems threatening to too many people and interests. Clamor for closing loopholes declines in direct proportion to the number of people who benefit from loopholes of their own. Freedom of speech seems less important when the majority persuades itself that it is not likely ever to want to speak out to complain.

For the person who strives to excel, to shoulder responsibility and to speak out, there is an enemy wherever he turns. The enemy is a man who has a total willingness to delegate his worries about the world to officialdom. He assumes that only the people in authority are in a position to know and act. He believes that if vital information essential to the makng of public decisions is withheld, it can only be for a good reason. . . .

The enemy is any man whose only concern about the world is that it stay in one piece during his own lifetime. . . . Nothing to him is less important that the shape of things to come or the needs of the next generation.

To struggle against these enemies, and against apathy and mediocrity, is to find the purpose to life.

NO BED OF ROSES

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. GAYDOS. Mr. Speaker, despite the fact that spokesmen for the administration have been tossing bouquets of flowers into the air and shouting hosannahs about our Nation's dwindling deficits in international trade, I want to dispel the notion that everything is smelling like roses.

It is not. There are onions in the rose garden. We still have a trade deficit and we have a continuing deficit in one of our most important industries—steel. Admittedly, there has been a slight decline in steel imports in general. This is due directly to an almost unprecedented demand for steel throughout the world. But there has not even been a dip in the importation of key specialty steels. To the contrary, these vital products have shown a marked increase.

The latest figures from American Iron and Steel Institute clearly show our foreign steel competitors have developed a taste for the meat-and-potato market of the American steel industry. The value of imported steel exceeded the value of our steel exports by more than $171 million in September, although our overall merchandise trade deficit was just $16.6 million.

Through August, our steel trade deficit was nearly $1.2 billion whereas the entire merchandise trade deficit was only $720 million. The declared value of foreign steel shipped here during 1972 is 10.3 percent higher than during the same period last year. Why? Because of the increase in key specialty steels. Tool steel is running nearly 64 percent over last year's pace and alloy steels are up nearly 7 percent.

Mr. Speaker, I hope my colleagues will not allow the smell of roses emanating from the White House to affect their vision. I hope they will not smell roses and not see the thorns. Our steel industry still is being hurt by foreign imports.

As long as it is, our workers are being hurt. As long as they are being hurt, our Nation is being hurt. I am inserting AISI's latest steel trade announcement into the RECORD for the consideration of my colleagues:

STEEL REMAINS TRADE PROBLEM, DESPITE IMPROVEMENTS ELSEWHERE

WASHINGTON.—Although the overall U.S. merchandise trade balance continues to improve, the trade balance in steel mill products does not.

Preliminary government data show that the value of steel imported into this country exceeded the value of U.S. exports of steel by $171.2 million during the month. This compares with an overall U.S. merchandise trade deficit for August of just $16.6 million.

Through the first eight months of 1973, this country's trade deficit in steel had reached nearly $1,282,600,000. During this same period, the entire U.S. merchandise trade deficit for all commodities was only $720,200,000.

August's steel imports of 1,316,000 tons raised the total for the first eight months of this year to 10,436,000 tons. Although this was 3.1 percent below the total recorded during the same period of 1972, the declared value of the foreign steel entering this country through August of this year was 10.3 percent higher than it was during the comparable period of last year.

Despite the slight decline in overall steel imports, foreign shipments of key specialty steel products have increased this year. Through August, for example, imports of tool steels were running 63.8 percent ahead of their 1972 pace, while foreign shipments of other alloy steels were up 6.9 percent.

Steel imports into the Gulf Coast region were up slightly over last year, while those into the Atlantic and Pacific coastal regions had dropped slightly. Foreign steel shipments into the Great Lakes area were running more than ten percent below their comparable 1972 pace.

THE VOLUNTEER ARMY IS WORKING

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. STEIGER of Wisconsin. Mr. Speaker, on Monday, October 15, Secretary of the Army Howard H. Callaway addressed the Association of the U.S. Army here in Washington.

Secretary Callaway spoke clearly and well about the progress of the volunteer Army. He pointed out that those seeking a return to the draft are not facing up to today's realities—the facts show "the volunteer Army is working."

Two of Secretary Callaway's points bear special attention. He noted that many have a distorted picture of the volunteer Army's progress, because of the monthly open discussion of goals and quotas. He said:

> But it is important to remember that our goals are akin to the salesman's goals—realistic, but difficult to meet.

Further, he emphasized that transition to a volunteer Army has made our military better, both in terms of discipline improvements and combat readiness improvements. He cited the 9th Infantry Division at Fort Lewis, Wash., which I recently had the opportunity to visit. This unit is made up almost entirely of volunteers—and at 102 percent strength. The Army Secretary also said:

> Virtually every major indicator of discipline except drug offenses has, in fact, remained or turned positive in the volunteer army.

Discipline trends in this transitional period have shown reductions in the rates for AWOL, desertion, crimes of violence, crimes against property, courts-martial and separations under less than honorable conditions.

Such indicators are encouraging. We can be even more encouraged by this impressive statement by an official who has one of the best perspectives into the way the volunteer Army is progressing. I commend it to your attention:

KEYNOTE ADDRESS BY THE HONORABLE H. CALLAWAY

Ladies and Gentlemen, distinguished guests: I'm delighted to have this opportunity to be with you this afternoon. We in the Army are aware of your long-standing support for a strong National defense and we feel that the Nation owes you a debt of gratitude.

It is an exciting time for me to be Secretary of the Army. We are entering a historic time, a time of basic change, as we try to do what has never been done before. The Army has set out to provide security for this great country, to keep our global commitments, to stand ready to face an aggressor on a moment's notice—and to do all this with an Army of volunteers. No nation in history has tried to meet such massive and complex commitments without compelling people to serve, through one form of conscription or another. It is a challenge—a great challenge, one which I assure you we are doing our utmost to meet. Today I want to address this question with you—this question of meeting the need for an Army with a volunteer force.

Unfortunately, discussions of the volunteer Army are usually accompanied by emotional consideration about the value of the draft or of Universal Military Training. There are many, both in the military and out, who genuinely feel that the maintenance of a draft is important to our country, and so the debate continues. But the debate is on the wrong subject.

Those who continue to hold out the false hope that the Army can or ought to simply dodge the problems of the volunteer environment by quick return to the draft are not facing up to today's realities. The country doesn't want a draft today. The Congress doesn't want a draft today. The alternative then is a successful volunteer Army or failure for the Army. The US Army has never failed this country. It has always turned the hard challenges of history into success. So today, the challenge for all of us who support the Army is clear. We must set our minds to making the volunteer Army work.

And the volunteer Army is working. It is working because thereare still young men and women in America who want to serve their country—this is "an idea whose time remains" for all Americans, young and old, of every race, color, and creed. And it is working because the Army offers to young men and women a satisfying life and solid benefits in conjunction with their service. There are those who feel we are trying to buy an Army. This is not the case. We are giving young men and women who serve in the Army a standard of living that is roughly comparable to the standard of living they might get in the civilian community for doing a similar job. This means higher pay; paid annual leave; complete, superb medical and dental care; life in much improved barracks, and more.

All of these measures are necessary. I support them wholeheartedly. But let me emphasize that we are not trying to buy an Army. We will get the Army that the Nation needs only by appeal to sacrifice and service.

And this brings me to the second, most important way that we are making the volunteer Army work, by insuring that service to the country is a meaningful part of the young man or woman's life. We are making Army service a step forward in their lives, not an interruption. And to do this we are putting a great emphasis on education and training, and on insuring that our soldiers' jobs are important and useful.

We are doing this by making each soldier's job relate to the Army's mission, because this makes Army service mean something. Our young people want value from their lives. They want a job that matters and we've got that job. We are also working to eliminate unnecessary irritants. We think this will make the Army more attractive, and our surveys have borne this out.

We have developed a very attractive package of education and training. To the high school dropout who has the ability and motivation, we offer work toward a high school diploma, as an adjunct to training. To the high school graduate, an opportunity for college training, part of which may be as an adjunct to training. To junior college and college students, the possibility of further training, and even this may be as an adjunct to training. And to all of them, the Army offers vocational training that will be useful when the soldier returns to civilian life.

With a meaningful job, a decent standard of living, and real opportunities for continued education and training, young men and women can look upon a period of service to the country as a genuine step forward in their lives. And when they leave the Service, they will realize other very important advantages. For one thing, under the GI Bill, they are entitled to more education, provided by the government to its veterans. And they're more mature. The Army has trained them, given them each a mission, and then held them responsible for professional results. This responsibility develops maturity. Thus, both the education and experience of military service prepare them for better jobs when they leave the Army for civilian careers.

All of these benefits are pointed toward the first term volunteer. For those who choose to reenlist for the volunteer Army, however, more opportunities for education, maturity, and service accrue.

We have, today, the finest noncommissioned officer leadership training we have ever had, with progressive career steps going from the recruit right on through our top command sergeant major. Our men and women enjoy the benefits of our new Noncommissioned Officer Education System, a system which offers to the noncommissioned officer a progressive, professional military education roughly comparable to the superb system of schooling we have always offered to our officers. The system trains, educates, and motivates our NCO leaders for the progressive challenges of an Army career.

Some of our strongest supporters don't fully understand today's Army. They think the Army lost something important when we initiated, for example, the idea of hiring civilian help—KPs—to work in the kitchens and dining rooms. They think that eliminating such irritants as KP has made the Army

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soft. But the Army's mission is not to peel potatoes; its mission is to fight. Peeling potatoes does not improve discipline or combat efficiency. So changes to some things held traditional in the past are in the wind, but if you look at them, you will see that each turns harder than ever on mission. We are not retreating from the Army's real business. The volunteer Army is ready to fight.

We do not have and we shall not have a permissive Army. We have and we shall have a disciplined Army, responsive to authority, and able to perform its mission in the service of the country. You expect it; the country deserves it; and I'm going to do my level best to see that it happens!

In brief, that's the program we have undertaken to attract young people, to encourage them to enter the Army. And once they're in, I know that many of them will choose to stay beyond their initial commitment, because they will see that the Army has a very fine career progression system.

I believe Americans will agree, then, that we have a package that is appealing to today's young people, appealing not only in terms of benefits, but in the opportunity for service to country. And the beauty of this is that it appeals to everyone in America. Service to country appeals equally to rich and poor, Northerner and Southerner, educated and uneducated. Pride in America and willingness to sacrifice for her is an ideal which knows no cultural or economic boundaries. In this fact lies the very strength of the Nation. I count on this appeal to give us an Army which mirrors America. It's not going to be a mercenary Army, it's going to be an all-American Army.

This then is our plan. It is not only our plan for the future, it is also a description of today's Army. For practical purposes, the draft ended for us on December 29, 1972, when the last draftee entered the Army. (Although a few deferred draftees entered later.) So we have had about 10 months' experience now in a volunteer environment, and I think it is appropriate that we review some of the results.

Because each month we openly discuss our goals and quotas, many have a distorted picture of our progress. They feel we are hopelessly short of recruiting goals, trying to make up the gap by lowering quality, and as a consequence, ending up with nothing worthwhile whatever. It is true that we have missed our goals during the past 10 months. But it is important to remember that our goals are akin to the salesman's goals—realistic, but difficult to meet.

What are the facts? During these past months, we have recruited into the volunteer Army some 124,000 young men and women; further, over 34,000 men and women have reenlisted during this period. In fact we have been running about 84 percent of our recruiting objective ever since December 29, 1972, when we abandoned the draft. And those who have come into the Army are of high quality. We have had a higher percentage of high school graduates entering the Army since the draft ended—about 10 percent higher—than we had in the 6 months before the end of the draft. As a result, we now have an Active Army of over 794,000 and this is 97 percent of our programed strength. Total accessions, then, have fallen somewhat short of our goals, but we are still filled far above any level of concern, and quality is high.

And we have many encouraging signs. Last year we decided to reactivate the 9th Infantry Division at Fort Lewis, Washington, but the manpower was not at hand. So we told the commander, General Fulton, that if he wanted a division, to take his cadre, the Division colors, and go out and recruit a division. General Fulton and his recruiters did just that. They began a vigorous recruiting campaign and today that Division stands at 102 percent strength, essentially filled with enlisted volunteer soldiers. Now, this is a real success story, a living example which illustrates concretely that the volunteer Army program is not an impossible dream, but a workable idea, and it is typical of many other units with similar successes.

We do not minimize our recruiting problems; we spend our time and energy working on them. We are trying many new approaches to recruiting, which stress quality together with quantity—such as increasing the number of recruiters, expanding our unit-of-choice and station-of-choice options, screening out poor soldiers in our reenlistments, administering new entrance tests, and even weeding out misfits in basic training. These efforts will continue.

Some also have expressed concern that the volunteer Army was doomed to failure because it would bring a decline in discipline. That has not been the case. If we compare discipline trends for FY 72 with FY 73, a period which includes both draft and volunteer Army experience, we find that rates for AWOL, desertion, crimes of violence, crimes against property, courts-martial, and separations under less than honorable conditions, are down.

Virtually every major indicator of discipline except drug offenses has, in fact, remained or turned positive in the volunteer Army. Whatever factors contribute to this picture, it is clear that today's volunteer soldier is not causing an increase in disciplinary problems.

Many also had expected the volunteer Army to herald the demise of our National Guard and Army Reserve as viable outfits. No such demise is in sight, although we do face problems here. We have seen modest reductions in the strengths of both our Reserve Components from the December 1972 levels, a trend in fact dating from mid-1971. But current indications give us some encouragement that we may be able to restrain this decline. We have in the past several months, for example, been successful in recruiting trained, experienced, prior-service personnel into our Reserve Components to offset some of our shortfall. As you know, Reserve Component strength remains critically important, so we are very much concerned that it continue to receive close attention. Under the total force policy any future emergency buildup will have to rely upon the National Guard and Reserve rather than a draft for initial and primary augmentation of our Active forces. I expect the improving image of the volunteer Army to have the positive effect on the health of our Reserve Component recruitment that is needed.

Finally, combat readiness, which is the heart of our business, has shown significant improvement. When the draft ended, we had 13 divisions on the books, but only 10 fully formed. Of the 13 divisions, only 4 met the Army's stringent readiness standards and were considered ready for combat. By contrast, we now have all 13 divisions fully operational and 10 ready for combat. Thus, our divisions today, judged by the stringent standards reported to the Joint Chiefs of Staff, much more nearly meet their goals in terms of authorized strength, personnel job qualification, unit training, equipment on hand, and equipment serviceability than they did at the end of the draft. Six months to a year from now, I believe our readiness posture will be even better.

These simple facts and figures point to one conclusion—The Army is better today than it was at the end of the draft. But the figures are not nearly so meaningful as the subjective feel of those in the Army. I certainly don't pretend to be an expert on this, but by the end of this month I will have visited all 13 of the Army's active divisions, as well as many other posts and stations. During every visit I have talked with new soldiers, with senior noncommissioned officers, with junior officers, with senior officers and commanders. I can tell you that without any question, today's Army is a far better Army, far more prepared for combat than it was at the end of the draft. I can just feel it everywhere I go. It's in the air. Discipline is better, morale is better, training is better, and equipment is better. The Army's future is indeed now.

And, what is more important, all of our vital trends, with the possible exception of drug abuse (and we are working hard and effectively on that one), are in the right direction today. Let me emphasize—your Army is good now, ready to fight, and getting better with the passage of time. I foresee no doom ahead. Six months from today we will be better, and after that, better still.

This picture that I give you of today's Army is enthusiastic and optimistic, and purposely so. I am extremely proud of today's Army and what has been done to make it work in the volunteer atmosphere. But I recognize our challenges. Benjamin Franklin once said that, "the man who expects nothing . . . shall never be disappointed." I believe he would share my belief that men who do expect something worthwhile and are willing to work hard for it, are apt to achieve it, even if the task is difficult and unfamiliar.

We are daily working on new, innovative, and exciting ideas to insure that we get the right number of qualified men and women to man our Army. It will not be easy. It will perhaps be the toughest job that the U.S. Army has ever been called upon to do, but I am certain that today's Army will be equal to the challenge.

We in the Army have always needed the active support of the American people. Today, we need it even more than ever before. Even our strongest critics have recognized that the one vital element necessary for the success of the volunteer Army lies beyond the Army itself. I'm talking about public support. We need your help as we plow new ground, as we steer an uncharted course to give the country the best Army it has ever had. Without your help, we cannot succeed; with it, we cannot fail. Together, we can meet the challenges and prove worthy of the Nation's trust.

A TRIBUTE TO WILFRED JENKS, ILO DIRECTOR GENERAL

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. ASHBROOK. Mr. Speaker, for the last 6 years I have had the opportunity of being a delegate to the International Labor Organization. At these sessions I was particularly impressed by the work of Wilfred Jenks, Director General of the ILO. It is therefore with deep sorrow that I note the recent passing of Mr. Jenks.

Wilfred Jenks dedicated his life to strengthening and improving the ILO. During his 42 years with the ILO, he served under every Director General in the history of that organization. His career was capped in 1970 when he himself became Director General of the ILO.

I have admired the courage, dedication, and leadership displayed at all times by Mr. Jenks. His tireless work in behalf of the working man and for human rights will long be remembered. The ILO and the peoples of the world have lost the services of an outstanding international civil servant.

IS JOB MARKET HEALTHY?

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. MICHEL. Mr. Speaker, last week AFL–CIO President George Meany was in Florida charging the President with "increasing unemployment" and giving the Nation "inflation without jobs."

At about the same time, the Peoria Journal Star was running an article entitled "Current Area Job Market 'Very Good.' "

The article quotes Thomas E. Barden, manager of the Peoria office of the Illinois State Employment Service as saying:

> This would be considered a worker's market right now because we've got a lot of job openings and we're looking for applicants. Out of the ten and a half years I've been here, I think this has been our best year. Already this year we've helped place 4,700 people in jobs, compared to 3,600 that we placed all of last year.

He went on to say that from August to September this year his file of job applicants decreased by another 1,400 persons.

There is considerable contrast between Mr. Meany's remarks and the report given by Mr. Barden. Enough of a contrast to make one wonder just how well Mr. Meany is in touch with the employment situation in this country.

The article follows:

CURRENT AREA JOB MARKET "VERY GOOD"

"It's very good," said Bob Schmidt. "I don't think it's been this good in a long time."

Schmidt is a manpower analyst in the regional Illinois State Employment Service office here, and he was talking about the current job market in this area—and the low unemployment rate.

"This would be considered a worker's market right now," said Thomas E. Barden, who is manager of the Peoria office of the state employment service, "because we've got a lot of job openings and we're looking for applicants."

"Out of the 10½ years I've been here, I think this has been our best year. Already this year we've helped place 4,700 people in jobs, compared to 3,600 that we placed all of last year."

Also, he says that from August to September this year his file of job applicants decreased by another 1,400 persons.

"I don't mean that we placed that many people in jobs in that time," he says, "but that's how many found work, either with help from us, or someone else, or on their own."

"We've done a lot of placement in the factories this year," said Barden. He said there have been a number of cases where factory workers will leave one plant to take a better paying job at another, and that this then creates more job openings.

Local factories have been going full steam and have been hiring, he said.

The employment service office here, in new quarters at Jefferson and Fayette, keeps a "job bank" of work available in Peoria and 10 other nearby counties.

As of the start of this month, there were 976 "listings" in that job bank, which Barden said involved 2,663 job openings.

Out of these, Barden said 75 were for professional-type work—"all kinds of engineers, draftsmen, registered nurses, licensed practical nurses, registered pharmacists, medical technicians."

There also were 42 listings for manager trainees, either in the fast food industry, retail trade, or savings and loans.

And there were 350 listings in the file for clerical jobs, sales clerks, bookkeepers, secretaries, receptionists, or general office work.

The demand for skilled work professional workers, especially engineers, is especially good. Machinists, welders, auto mechanics and tool and diemakers are also in demand.

"Any tool and diemaker could walk into almost any town and get a job right now," says Barden.

There is also a big market now for people to work in the retail trades, as store clerks or salespeople.

The opening of two area shopping centers—Pekin Mall and Northwoods Mall—swelled the number of job openings in those fields. Some stores in the Northwoods have had trouble finding enough help, while other places in other parts of town have had trouble with people leaving to take jobs in the new centers.

And the low rate of unemployment in this area doesn't make it easier for employers to get help—at least the kind they want.

The Tri-County (Peoria, Tazewell, Woodford) unemployment rate for August was 3.3 per cent, compared to a rate of 3.7 per cent for the state and 4.7 for the nation.

Last month, the Tri-County jobless rate dropped to 2.9 per cent, or 4,650 people without work out of a total work force of 159,075 persons.

Barring any upheaval such as a strike that would idle large numbers of workers, Schmidt looks for the unemployment rate to dip to about 2.7 per cent this month.

The low unemployment rate makes it especially rough for manufacturing firms to get workers, Schmidt said, "and the people they can get they don't want. But usually, if you're at least trainable, they'll take you."

Schmidt attributes the low unemployment here now to "just the good economic climate. The demand for the type of goods we handle in this area has gone way up."

And the rate is always lower in September and October because "all your manufacturing is going strong; construction work is at high tide; canning plants are canning; bottling plants are bottling, and so forth."

The state employment service office here doesn't merely wait for jobs or job seekers, however.

There are field representatives in the office who go out and call on businesses and industries periodically, checking their needs for workers.

Also staff members are sent periodically to several area towns—such as Eureka and Chillicothe—with the list of jobs available in the 10-county area and seek out job applicants.

Barden noted that he also works with local agencies or groups, Tri-County Urban League, Illinois Central College, and others, exchanging information on jobs available and job applicants.

And just this week, the state employment service opened a new branch office in Sheridan Village shopping center.

Barden also pointed out that services offered by the office are not strictly for people who are out of work, but that help also will be given to people seeking a change of jobs, or better or higher paying jobs.

THE CHICAGO BOARD OF TRADE TRIES TO DUCK

HON. JOHN MELCHER

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. MELCHER. Mr. Speaker, for about 4 years now, I have had a bill before Congress to require commodity exchanges offering futures contracts for farm commodities to establish multiple delivery points for the commodities.

The Chicago Board of Trade has recently announced two new delivery points for corn and soybeans: St. Louis, Mo., and Toledo, Ohio.

The board has for years been telling us that they were "studying" the designation of additional points. But their study excuse had worn threadbare, so now they have come out with an inadequate number of points—just two of them, neither centrally located, instead of the 15—suggested to be necessary by an Iowa State University study to make delivery on contracts reasonably possible.

Obviously aware that the two were not sufficient to quiet the demand for enough delivery points to tie the cash and future markets closely together, the board has accompanied its designation of the two alternate points with some more bait—it is still considering designation of Des Moines, Iowa, it announces.

This whole episode is simply proof that there must be full Government regulation of the commodity markets: They have no intention of self-reform beyond the minimum absolutely necessary to get by.

It does not take years to study the freight rates, necessary discounts, and transportation patterns involved in alternate point designation. There are problems, all right. But I am increasingly convinced that the biggest problem bothering the exchange, and taking so long to settle, is the question of who owns the warehouses in the cities to be designated for delivery. Is it the big grain firms that dominate the markets, or co-ops and independents that will accept and issue warehouse receipts to all who wish to deliver grain? If independents, that would make impossible the profitable market squeezes through which the sheep are shorn of their currency at the boards of trade.

The purpose of multiple delivery points is to make it possible for producers, grain elevators and other legitimate hedgers to deliver their grain and never get caught with undeliverable contracts outstanding, on which they can be required to pay whatever the longs want to extort from them.

If the exchanges are honest about wanting to be service establishments that serve a useful purpose, they would make delivery on contracts readily possible. When they duck—as the Chicago Board of Trade is doing—and limit or avoid the designation of enough delivery points to make such delivery readily possible—they are making opportunities for squeeze plays, shear the lambs, and do a disserv-

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ice to producers, legitimate marketing establishments, and the consumers of the Nation.

Congress must either create a commission with authority to take control of commodity markets out of the hands of the scalpers and speculators or forbid trading entirely in commodities that present delivery problems.

NEW PROSECUTOR, FULL DISCLOSURE AND A VICE PRESIDENT NEEDED NOW

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. MILLER. Mr. Speaker, with regard to the events of this past weekend, let me first comment that the departure of Elliot Richardson and Bill Ruckelshaus is most regrettable. Both are men of great competence and high personnal integrity and have served their country well over the last 5 years.

I have long believed that an independent investigation of Watergate would not only be in the national interest but would best serve the cause of justice. I still believe that. Accordingly, if the President does not appoint a new special prosecutor with the independence to investigate and prosecute completely, the Congress should do so. The integrity of the criminal justice system is at stake and I believe that the American people should be confident in the assurance that all the truth behind Watergate will be found and those guilty of wrongdoing will be properly punished.

I have fully appreciated the President's position with respect to the confidentiality of private conversations and documents and believe that certain official acts of the President should enjoy executive privilege under the Constitution. However, at this unprecedented time in our Nation's history the President would further the national interest by granting the judicial process full access to materials relevant to criminal investigation. I am, therefore, pleased that President Nixon has decided to abide by the district and appellate court decisions and turn over the subpenaed tapes to Judge Sirica. This action should go a long way in resolving conflicting testimony and establishing in fact what the President knew and when he knew it.

There are indeed serious questions of Government credibility and viability that must be confronted. It is critcially important that reason and good judgments prevail, not the emotions of reaction. Clearly, the House of Representatives is constitutionally empowered to make certain judgments with respect to the conduct of the executive branch. However, its first responsibility now is to proceed forthwith in the consideration of confirming a new Vice President. The nomination of JERRY FORD should not be held hostage to the resolution of any other issue. The Government requires a Vice President and I believe the American people expect the Congress to discharge its duty and approve one.

In brief then, the President should appoint a new special prosecutor as soon as possible and make available all relevant White House material to the grand jury. The Congress should move swiftly in its consideration of the nomination of GERALD FORD.

Tuesday's Washington Star-News and today's Washington Post carried editorials stating that the Congress has a constitutional responsibility to confirm a new Vice President under the 25th amendment. At this point I enter the full texts of these editorials:

FORD AND THE "FIRESTORM"

The nomination of Gerald R. Ford to be vice president is in danger of becoming a casualty of the "firestorm" over the Watergate tapes. Predictions are being heard on Capitol Hill and elsewhere that his confirmation will be held hostage to the outcome of the tapes controversy, or perhaps even to the ultimate determination by Congress on whether it will or will not move for impeachment of President Nixon.

We think that would be a mistake. It would be in the best interests of the nation for the Congress to proceed with all deliberate speed to hearings on the Ford nomination and to his confirmation.

In this time of turmoil, the needs of the country demand that some order and stability be brought to the political and governmental scene. If Congress refuses to fill the vice presidential vacancy, we believe it can only add to the tension abroad in the land and to the bewilderment people feel over the events that have shaken the foundations of the republic.

A compelling reason for filling the vacancy is that last November the people, by an overwhelming margin, voted in a Republican administration. It would be a travesty if, by a quirk of fate or an action of Congress, the voters were to find themselves with a Democratic president.

No doubt many people believe that a major reason for Mr. Nixon's continued troubles over Watergate and related matters is that some Democrats, and perhaps a few Republicans, have never accepted the result of the 1972 election and are doing their best to get Mr. Nixon removed from office. Confirmation of Ford by the Democrat-controlled Congress would do much to dispel that notion, for it would put a Republican in line to succeed Mr. Nixon.

Without a vice president, the next in line of succession is House Speaker Carl Albert, a Democrat. We believe that House Minority Leader Ford has the professional, political, moral and physical qualifications for the office of vice president and to succeed to the presidency if necessary. There is less certainty in our mind concerning Albert.

Moreover, the Congress, having put in motion the 25th Amendment to the Constitution providing for presidential succession and for filling vice presidential vacancies, and having seen it approved by the states, has no right to capriciously disregard or delay unduly the procedures established in that amendment. It has no right to withhold confirmation of a vice presidential nominee because it may not like what a President is doing on another matter.

Another argument in favor of prompt action on Ford is that Congress would be in a better position to deal with its confrontation with Mr. Nixon. Having provided a presidential successor of Mr. Nixon's party, it could then stand back and look at the tapes controversy and Mr. Nixon more dispassionately.

Many scenarios can be written about what might happen as a result of Mr. Nixon's ill-considered actions of last Saturday. But we do not believe that should interfere with the confirmation of Ford, and we hope the Congress will get on with it.

THE VICE-PRESIDENTIAL VACANCY

Every political crisis produces, among other things, a rash of ill-considered statements. By way of illustration, consider the suggestion, now beng widely offered, that the Congress should delay action on the nomination of Rep. Gerald R. Ford to be Vice President. There have been arguments that Congress has no obligation to take up a nomination made by a President who faces possible impeachment proceedings. There has been talk of holding Mr. Ford as a hostage for better behavior by the President. There is the possibility—which some apparently find quite tantalizing—that the congressional Democrats, by failing to confirm Mr. Nixon's nominee, could engineer the elevation of one of their own, House Speaker Carl Albert, to the presidency if Mr. Nixon should be unable to complete his term—and thus sweep their party into a position of power it could not come even close to winning in last year's election.

The first point to note about this entire approach is that Speaker Albert quite properly is having none of it. Mr. Albert said Tuesday that the House should act on the Ford nomination quickly and that a new Vice President should certainly be confirmed before formal impeachment proceedings, if any, are begun against the President. The Speaker's concern is doubly understandable because events have placed him in a very awkward spot. As long as the vice-presidential vacancy remains, Mr. Albert faces the prospect of having to play a leading role in impeachment proceedings which could put him in the White House. Similarly, as long as his nomination is pending, Mr. Ford has such an intense and involved personal stake in the proceedings that it would, in fact, be fitting for him to take himself out of any argument over impeachment—rather than lead the defense of the President in the House, as he is now doing.

The situation is doubly entangled in the House because the Judiciary Committee must deal with not only the Ford nomination, but also the impeachment investigation and the issue of a special prosecutor. In contrast, the Senate Rules Committee is not overburdened and should be able to process the nomination expeditiously. It would be useful for the Senate to take the initiative—and to take its lead from majority whip Robert C. Byrd's statement the other day that the nomination should not be held up, but should "rise or fall" on Mr. Ford's own qualifications for the vice-presidential post.

Such calls for prompt action reflect a sound understanding of the obligations imposed on Congress by both the 25th Amendment and the current low state of political affairs. In political terms, the last thing that the country wants or needs is any more distress, disunity and narrow partisanship. All this would certainly result from an attempt to hold the nomination of Mr. Ford as hostage, either to Mr. Nixon's future performance or in anticipation of the President's impeachment. Moreover, it would be profoundly wrong—and probably self-defeating as well—to try to turn impeachment into a congressional coup d'etat which would install a Democrat in the White House. That would be precisely the sort of cynical, exploitative abuse of power which the American people are now reacting so strongly against.

In contrast, there are large national benefits in the course which Speaker Albert advocates—the prompt completion of the investigations, the hearings, the committee reports, the floor debates and the votes in both houses on the nomination of Mr. Ford.

Settling the issue of succession would remove one source of public uncertainty. It would also demonstrate that the Congress can perform responsibly at a time when a sense of responsibility is a precious commodity in public life.

Prompt action on the nomination also happens to be the only course which satisfies the letter and spirit of the 25th Amendment. The whole intent of Section II of that amendment is to insure that the nation will almost always have a Vice President—someone chosen specifically for that particular job, and able to bring both a reasonable degree of competence and some measure of continuity to the presidency if called on to assume that post. In other words, Section II of the amendment was approved so that the Speaker of the House would not henceforth be next in line to become President, except if an almost unthinkable disaster should remove both President and Vice President simultaneously from the scene. This reform acknowledged the fact that Speakers of the House, however able and experienced, are elected for a different job by a different, smaller constituency and sometimes as now, by the opposition party.

Those who favor blocking the nomination of Mr. Ford, and keeping Speaker Albert next in line, are thus urging a course which Congress and the states specifically repudiated by approving the 25th Amendment. They are also pressing a course fraught with the most dangerous kind of political mischief. It is interesting to recall that the possibility of such perilous partisan sport was discussed during the Senate floor debate on the 25th Amendment in 1965. Then Sen. Ross Bass (D-Tenn.) suggested that a Congress controlled by the opposition "would have much more of a problem in confirming the recommendations of the President if we knew . . . that one of our own people would go to the job next." The situation, Senator Bass said, "becomes a political bomb." To this Sen. Birch Bayh (D-Ind.), floor leader for the amendment, replied:

"I have more faith in the Congress acting in an emergency in the white heat of publicity, with the American people looking on. The last thing Congress would dare to do would be to become involved in a purely political move."

It is up to Congress to show that such faith was justified.

U.S. ECONOMY AND TRUCKING INDUSTRY

HON. JOHN C. KLUCZYNSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. KLUCZYNSKI. Mr. Speaker, because we so often see trucks as individual units of freight movement, we sometimes tend to overlook the impact and importance of trucking as an industry.

Likewise, some of the remedies proposed for our Nation's economic and transportation problems are not viewed from the standpoint of how they would affect that industry and its ability to continue to provide vital service. This is particularly true in the case of some of the simplistic solutions offered, such as those which would measure the value of transportation service only on a basis of ton-miles.

Illuminating comments on this subject were made recently by a gentleman I have known for many years and for whose credentials in the transportation field I have great respect—Mr. Allan C. Flott, director of the department of research and transport economics of the American Trucking Associations, of Washington, D.C. Mr. Flott delivered his remarks before the symposium on truck marketing trends at Houston, Tex., on October 2, under the title, "The Trucking Industry and the U.S. Economy—A Look Ahead."

The remarks are as follows:

THE TRUCKING INDUSTRY AND THE U.S. ECONOMY—A LOOK AHEAD

(Remarks of Allan C. Flott)

By any reasonable method of measurement, trucking is the principal means of distributing the output of our complex economy to consumers.

Trucking is virtually the only means of moving goods about our cities, and it also handles the biggest part of the job of transporting them between cities.

Trucking has become the number one mover of goods in the United States because it can produce better transportation service—the kind of transportation service our economy must have if it is to maintain its position in this increasingly competitive world—for most of our economy at the lowest expenditure of resources.

Despite its efficiency—and it could be more productive were it not for certain artificial and unjustified restraints imposed upon it—it is under concerted attack from many quarters, including high government officials, as inefficient and wasteful. And there are in progress right now in Washington, plans designed not merely to stifle the growth of truck service but actually to shrink it by diverting freight from truck to railroads.

These misguided proposals are based upon the erroneous, yet deeply-rooted, belief on the part of some of our most influential planners that the task of transportation in our economy is to move tons—not goods—and that the distance they are moved somehow adds to their importance.

This is similar to the concept that the job of our farmers is to produce tons—not apples, potatoes and milk—and that our manufacturers should produce not clothing, television sets and steel—but tons. Thus, using the ton-mile or the movement of one ton—no matter what it consists of—one mile as the criterion, it is argued that truck service costs more than rail service, uses more fuel than rail service, and creates more pollution and highway congestion among other things to perform the same task as rail service. All of these conclusions are based upon invalid comparisons of truck and rail service.

Let me cite a few examples to illustrate what I am talking about. Here are some statements by Federal government spokesmen and from official government publications which illustrate the problem.

Here is one from the Office of Emergency Preparedness which appeared in its publication, "The Potential For Energy Conservation," released about a year ago:

"Enormous differences exist in the energy efficiency of the transportation modes. Airplanes are less energy-efficient than automobiles which are in turn less energy-efficient than buses and railroads for passenger movement. For freight movement, airplanes are less energy-efficient than trucks and considerably less efficient than pipelines, waterways, and railroads."

Here is another from a recent press release from the Environmental Protection Agency, which listed these "facts" and "remedies".

"Railroads carry one half of intercity freight tonnage at one tenth of the total fuel consumption . . . . promote shifting of intercity freight from highway to rail."

One final quote: In its 1972 National Transportation Report—Present Status-Future Alternative, The U.S. Department of Transportation said:

"The Nation's railroads hauled an estimated 760 billion ton-miles of cargo in 1970—37 percent of all intercity ton-miles, 35 percent of total ton-miles—to make them by far the Nation's largest freight carrier in terms of ton-miles carried. All trucking, intercity and local, for hire and private combined, carried just over 400 billion ton-miles. . . . In terms of impact on the economy, railroads are the Nation's most important intercity carrier."

I could go on and on citing similar statements from DOT, as well as Congressional staff sources, but I'm sure you are aware of the situation.

So that I am not misunderstood, I want to make it clear that I am not attacking the railroads. They are an efficient and necessary means of moving certain goods vital to the American economy. What I am attacking is the method of measuring freight transportation which suggests—actually claims—that rail and truck service can be properly compared and the role of transportation in our economy equated in terms of the number of tons moved multiplied by the number of miles they are moved.

This is similar to saying that the output of our Nation's farms can be properly measured in tons and that the way to insure the most efficient use of our agricultural land, labor etc. is to favor production of crops that yield high tons per acre, man-hour, fuel and so forth. Thus, if sugar beets yield high productivity levels in tons, their production should be encouraged at the expense of producing lettuce or apples, which might yield fewer tons per acre, man-hour etc.

In order to put things into perspective, let's look at our National Transportation System as a whole and then separate it into its components. The figures I am going to use to do this are not mine. They come from a Department of Transportation publication entitled "Transportation Projections 1970–1980." I have not reviewed them critically, so don't attribute them to me. They differ from most of the statistics in this area since they presumably cover only goods moving in "commerce" and the revenue or expenditure figures are expressed in constant (1958) dollars. I use them primarily because they are all from the same source and should be comparable.

Based on this source, we find that in 1970, all forms of transportation—airway, pipeline, railway, waterway and highway—moved 8.5 billion tons of goods in commerce. Of this total, 3.2 billion tons moved in local commerce by trucks. "Commerce" is stressed because trucks perform many services in our economy which are not counted as transportation. Thus, the use of trucks in construction and trade as well as in servicing our cities—trash removal and highway maintenance, for example—are not included in these data; yet, they are responsible for many of the trucks that are on the roads.

There are several other ways in which freight transportation output is measured. The most widely used unit (misused would be a better term) of freight transportation production is the ton-mile about which I talked earlier. This is defined as the movement of one ton the distance of one mile. Using this criterion, we find that all forms of transport performed—or produced—2,063 billion ton-miles of freight service in 1970. Of this total 35 percent was performed by rails, 28 percent by water, 21 percent by pipeline, 15 percent by truck and less than 1 percent by air. Local trucking, which handled more than 37 percent of the tons, performed only 2 percent of the ton-miles. Thus, intercity transport, responsible for 63 percent of tons, produced 98 percent of ton-miles.

Transportation service is also measured in terms of revenues of carriers or, more broad-

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ly, in the amount spent to move goods. When this criterion is used we find that about 40 billion dollars was spent (in 1958 dollars) to move goods in commerce in 1970. (Remember, these are all DOT figures.) Of this total 63 percent was spent for truck service, 28 percent for rail, 4 percent for pipeline, 4 percent for water, and 1 percent for air. Thus, it can be seen that a larger portion of our national transportation expenditure is made for truck service than for that of all other modes combined.

This brings us to the nub of the question. What is the proper way to measure transportation service?

Let's take a look at what happens to the relative size of the several modes when we use ton-miles on the one hand and revenues or expenditures on the other.

As I pointed out earlier, trucks produced only about 15 percent of total ton-miles, but accounted for 63 percent of the expenditures for the movement of goods in commerce. Obviously, truck service costs a lot more per ton-mile than does that provided by other forms of transport. Does this mean that truck transport is inefficient? Not on your life. What it means is that the concept of comparing different kinds of transportation in terms of ton-miles is wrong.

Let's take another look at the question of relative efficiency. If we take the total ton-miles of transportation service reported by DOT for 1970, which is 2 trillion 63 billion, and divide that figure into the $40 billion of expenditures, we find an average of 1.93 cents per ton-mile. For local trucking we find that expenditures were 26.23 cents per ton-mile. For air, it was 23.19 cents; for all intercity trucking, the rate per ton-mile was 5.46 cents; for rails, 1.54 cents; for pipeline, 0.39 cents; and for water, 0.25.

What does all this mean? Does it mean that railroads can move goods for one-fourth of truck costs or that water carriers can move freight for one-sixth of rail costs? Of course not. If it did, the answer to all our transportation problems would be simple: Just ship everything by water. The impracticality of this suggestion is readily seen. Yet those who suggest that great savings—in resources, cost, manpower, energy etc.—could be achieved by shifting freight from trucks to rail fail to recognize that for the kinds of goods they move and the kinds of service they provide, trucks are the low cost mode of transportation in every sense.

I've dwelt on this matter of the ton-mile because, as was pointed out earlier, this inappropriate measure is being widely used to "prove" that trucks are "inefficient". Unfortunately, the public generally doesn't have the technical background to see through the erroneous nature of such claims.

That means that you and I must tell the story like it is. We must point out that transportation is not a homogeneous undertaking in which a single product is involved. We must make people aware of the fact that transportation is just as widely diversified as is agriculture and manufacturing. For example, movement of iron ore cannot be properly compared with the movement of furniture in terms of cost per ton-mile.

Fortunately for the country, and for trucking, shippers know this. Demand for truck service is at an all-time high despite the campaign to impede its growth. And the demand for truck service is going to continue to increase relatively as well as absolutely for the foreseeable future.

Evidence of the strong demand for truck service is everywhere. In the first half of this year, for example, the gross revenues of the trucking companies regulated by the Interstate Commerce Commission were up about 16 percent; tons carried up about 11 percent; miles operated about the same above the levels achieved in the first half of 1972.

At this rate, the gross revenues of interstate regulated portion of the industry will reach about $21.5 billion for the year. This compares to about $15 billion for the railroads.

With so large a portion of our total transportation dollar being spent for trucking, one would expect that responsible government officials would be looking for ways in which they could help to improve the efficiency of the industry rather than foolishly seeking ways to discourage its growth.

One means of improving the efficiency of trucking, particularly intercity trucking, is readily at hand. This is to upgrade our outmoded size and weight laws. As many of you know, the U.S. Bureau of Public Roads (now the Federal Highway Administration) conducted a study at Congressional direction. This showed that our highways can accommodate—safely and economically—larger and heavier vehicles than are currently permitted under Federal and, in many cases, state laws. Lifting existing standards could go a long way toward alleviating both highway congestion and the cost crunch.

As I've said earlier, I have brought along some numbers that you might like to look at. Included in these numbers are DOT projections to 1980 for the various transport measures I've cited for 1970. You'll see from those data that even DOT expects trucking to increase its share of the total transportation market at least through 1980. Don't be confused by the differences between those figures and others I've given you. The DOT 1970 and 1980 projected figures are in 1958 dollars, whereas the others are in current dollars.

Let me sum up by saying that trucking is far and away the most important and efficient means of moving goods in this Nation and is becoming the chief means of moving goods throughout the world. Just look at our principal competitors in the world markets—Germany, Japan and even Russia. Yet, the future of trucking in America is being seriously threatened by misguided policies based upon an erroneous concept of measuring transportation service and efficiency.

If this same method, using physical standards only (weight and distance) were applied in any other segment of our economy—for example, if an attempt were made to compare the output and efficiency of a steel mill with that of a clothing manufacturer in terms of tons or cost per ton—the fallacy would be apparent to all. Yet, in transportation we find comparison of the output and cost of moving steel and clothing measured in the number of tons moved times the miles that they moved. We even compound this error by including the weight of packing material and using the miles moved rather than the distance between the points between which the goods are moved. Thus, heavier packing required to permit a shipment to withstand the rigors of movement by one mode, and wasteful circuitous miles are added to the productivity of the movement.

Remember: The United States has the best and most efficient transportation system the world has ever known. It is the only system in the world where the companies which provide the services are almost all privately owned. It achieved this level by allowing the shippers to choose the way they want to move their goods.

The trucking industry has played a significant role in the development of our system. It must be allowed to continue to contribute to our overall economic growth.

It isn't easy to dislodge long-held ideas, no matter how erroneous. It is going to take a lot of effort to overcome the idea that the ton-mile is a meaningful unit of transportation output. If intelligent decisions about our transportation system for the future are to be made, however, this must be done.

Each of us in the industry, and that includes all of you, must tell our story. We must point out the fallacious basis for the efforts to impede our growth. We and our Nation can't be allowed to adopt second best solutions to critical problems.

HOUSE SHOULD CONTINUE IMPEACHMENT INQUIRY: SEEK APPOINTMENT OF NEW SPECIAL PROSECUTOR

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, on October 23, I introduced in the House of Representatives a resolution which provides that:

> *Resolved*, That the Committee on the Judiciary shall, as a whole or by any of its subcommittees, inquire into and investigate the official conduct of Richard M. Nixon to determine whether in the opinion of said committee he has been guilty of any high crime or misdemeanor which in the contemplation of the Constitution requires the interposition of the powers of the House of Representatives under the Constitution. The Committee on the Judiciary shall report its findings to the House of Representatives, together with such resolutions, articles of impeachment, or other recommendations as it deems proper.

The delivery of the tapes to Judge Sirica in no way should deter the House from continuing its investigation into whether the President has engaged in impeachable offenses.

Further I believe—and I told this to the Speaker—the Judiciary Committee should hire Archibald Cox as a special counsel and then immediately subpena all of Cox's records and files at the Justice Department and employ them in the committee's own investigation.

In addition, I feel strongly that a new special prosecutor should quickly be appointed by Judge Sirica or the Congress through legislative mandate, should name a new special prosecutor to continue the investigative work of the task force which was headed by Cox.

In my mind, the President still faces serious charges involving the obstruction of justice and criminal investigations, wiretapping, bribery—Vesco, the wheat and milk deals—failure to report the break-in of Ellsberg's psychiatrist office, use of CIA to cripple FBI investigations, and the submission of false reports to Congress relating to the bombing of Cambodia.

If proven, these and other charges fit with the "high crimes and misdemeanors" impeachment clause of the Constitution.

A final determination by the Judiciary Committee should be made on all charges before we can and should quiet the voices seeking impeachment of Richard Nixon.

The committee also must expeditiously consider Gerald Ford's nomination as Vice President.

I do not believe his nomination should be tied to the committee's newest—most critical—responsibility, the inquiry into possible criminal actions by the President.

PROTECTION OF OUR FOREST LANDS IS PROTECTION OF THE ENVIRONMENT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. RARICK. Mr. Speaker, I feel that it is appropriate, during National Forest Products Week, that the Forests Subcommittee of the House Committee on Agriculture has conducted hearings to determine what legislative measures Congress can take to preserve and protect large areas of forests in this country from the ravages of insects.

Though the subcommittee was primarily concerned with the insect infestation problem on our Nation's forest lands, we were also interested in how this problem affects other agricultural crops.

The bill we considered, H.R. 10796, which has been authored by our colleague the Honorable Mike McCormack and cosponsored by 13 other Members, would authorize and direct the Administrator of the Environmental Protection Agency "to accept and approve registration applications filed with him pursuant to section 3(c)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a (c)(1)) by the U.S. Department of Agriculture for the application of DDT to forest or other agricultural lands as are, in the opinion of the Secretary of Agriculture, required for the control of and the protection against insect infestations of such lands."

The bill is designed to restore to the Secretary of Agriculture discretionary powers to provide the American farmer and forester with the best available tools to combat insect infestation and thus insure maximum production and an adequate supply of timber and other agricultural crops to meet the needs of all Americans.

We recognize that a problem of major proportions does indeed exist. We are concerned over this and wonder if we can afford to wait while alternative solutions are proposed and examined. We feel that it is not only tragic but costly that we stand by and see hundreds and thousands of acres of beautiful and valuable timberland devastated annually by insect infestation such as that facing the Nation from the ravages of the gypsy and tussock moth when we know that these pests can be controlled through the effective application of DDT. If the use of this pesticide is not made available soon, entire forests may be wiped out, with extensive secondary environmental damage.

It appears to us that we had better take a long hard look at all the alternatives, including the controlled use of DDT, before our environment is "protected" into extinction. We are concerned with excessive environmental rhetoric and believe that our concern for our environment must be balanced with a recognition of human and economic needs that must be met if we are to progress toward our goal of more and better housing for all Americans. We clearly have a problem which must be solved.

It was gratifying to see the President's concern, expressed in his proclamation of National Forest Products Week, for "the protection and renewal of our forest resources." This is precisely the aims of the Forests Subcommittee during these hearings.

Our forests lose more timber each year through devastation by insects than is lost through forest fires. The bill considered by my subcommittee would give the Department of Agriculture, and thus the Forest Service, another tool needed to protect the forest environment from further degradation by insect epidemics. When vast areas of our national forests are destroyed by insect infestation, it is clear that secondary environmental damage will occur. If we do not use the safe, effective weapons, we have to combat the destructive army of insects in our forests, the overall environment of the forests, and ultimately the entire country will suffer.

We must not allow this to happen.

I include in the Record the text of the President's Proclamation 4252:

PROCLAMATION 4252: NATIONAL FOREST PRODUCTS WEEK, 1973

As a Nation, we have grown increasingly dependent upon the resources of our forest lands, especially wood and wood products. As the 1970's have brought record worldwide demands for housing, pulp, paper, building materials, and furniture, Americans have become more keenly aware of the need for careful management and development of our timber resources so as to ensure a continuous supply of timber and other forest products. As Theodore Roosevelt put it many years ago, forest protection does not limit our resources but "on the contrary, gives the assurance of larger and more certain supplies."

We have also come to recognize the importance of the forest products industry to the vitality of the Nation's economy and the maintenance of our high standard of living. For example, the thousands of products that are manufactured from wood each year represent one-fifth of the industrial raw materials in the Nation. Forest products industries provide five percent of the Nation's employment, and five percent of our gross national product originates in timber based activities.

Projections for future demands of wood and wood products, both at home and abroad, indicate that consumers will want and need even more forest products in the 1980's and beyond. This means that we must give even greater attention to the protection and renewal of our forest resources. We must find better and more efficient ways to use our timber supply, ways which are consistent with our environmental values. And we must improve the technology for reclaiming and recycling forest products.

In order to give further recognition and emphasis to the importance of forest resources and forest products to the Nation, the Congress has by joint resolution of September 13, 1960 (74 Stat. 898) designated the seven-day period beginning on the third Sunday of October in each year as National Forest Products Week and has requested the President to issue an annual proclamation calling for the observance of that week.

Now, therefore, I, Richard Nixon, President of the United States of America, do hereby call upon the people of the United States to observe the week beginning October 21, 1973, as National Forest Products Week. I ask that public attention be directed through appropriate activities and ceremonies to the importance of forest products in American life and to the responsibility we have for protecting and using them in the most intelligent manner possible.

In witness whereof, I have hereunto set my hand this eighteenth day of October, in the year of our Lord nineteen hundred seventy-three, and of the Independence of the United States of America the one hundred ninety-eighth.

RICHARD NIXON.

GENE KRUPA

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. HELSTOSKI. Mr. Speaker, American jazz is a music form unique to our country. It began here, in New Orleans and Chicago, expressing the peculiarly American rhythm and drive that has made us a great nation. It became a symbol of the United States abroad, reflecting European views about our vitality.

The musicians who played this jazz are unique to our country, too. They developed the sound and the beat because they lived it. They also lived the American dream, rags to riches stories that are part of our heritage, rising from poor families to become famous and respected musicians.

American jazz has lost a man who was part of this unique set of men, a man whose drums beat out the tempo of his times. Gene Krupa, as much as any other American musician, drew people to jazz with his style: the audience not only heard the music of Gene Krupa's drums, it saw the music. From the early 1920's when he began playing in Al Gale's band and with Joe Kayser, through his work with Red Nichols, Irving Aaronson, and Buddy Rogers in the early 1930's, during his starring appearances with Benny Goodman and while leading his own bands, Gene Krupa made music on the drums, sounds with substance and continuity. His blurred hands style and chewing gum were as world famous as his Drum Boogie solo with matches on a match-box and his work on the 1936 hit, "Sing, Sing, Sing."

Mr. Speaker, I would like to join the many fans and friends of Gene Krupa in offering deepest sympathy to his children, Gene Michael and Mary Grace, and to his brother Julius. Gene Krupa's drums made America listen to itself, and we liked what we heard. Our music will miss him.

I include several news articles and the "Who's Who of Jazz" biography on Mr. Krupa's life and accomplishments:

[From the New York Times, Oct. 17, 1973]

GENE KRUPA, REVOLUTIONARY DRUMMER, DIES

(By John S. Wilson)

Gene Krupa, who changed the drummer in jazz bands from a timekeeper to a soloist through his flamboyant performances in Benny Goodman's orchestra in the nineteen-thirties, died yesterday at his home in Yonkers. He was 64 years old.

The cause of death was not announced immediately, but Mr. Krupa had been suffering from benign leukemia for the last 10 years. He had entered a hospital in Yonkers last week for treatment of a heart problem connected with his leukemia.

Mr. Krupa, whose success was due at least as much to the eye-catching image he created as it was to the sounds he produced on his drums, declared a few years ago:

"I've succeeded in doing two things. I made the drummer a high-priced guy and I was able to project enough so that people were drawn to jazz."

APPLAUSE-ROUSING STYLE

As a young man with the Goodman band, Mr. Krupa was lean, wiry and handsome. He hunched over his drums, chewing gum in vigorous tempo with the beat, a dangling lock of black hair waving back and forth in front of his eyes, which filled with an almost fiendish zest as he flailed away at his snare drum, tom-toms and cymbals. Suddenly he would rear back, holding both arms in the air as he pounded his bass drum with a foot pedal. And then, perspiration dripping from him like a tropical rainfall, his arms and drumsticks became a blur of motion as he built his solo to a crashing climax.

The cheers that filled the dance halls, nightclubs and theaters when he had finished sounded more like the response at an athletic event than a musical performance. As a result, the long drum solo quickly became a sure-fire applause rouser in jazz and has continued on through the rock era.

Despite the frenzied, flashy showmanship of his solos, Mr. Krupa tried to give them substance and continuity.

"Before I begin a solo," he told George Simon, a jazz historian who is a drummer himself, "I try to have a good idea of what I'm going to play. Then, while I'm playing, I'll hum some sort of thing to myself, something maybe like 'boom-bid-bee, boom-bid-bee, boom' and follow that with another phrase that relates to the one I just played.

FROM CHICAGO GROUP

"At the same time I keep humming to myself, so that each syllable becomes not only a separate beat, but also a separate sound. That's very important because drums, if they're to be musical, must produce sounds, not just noise. So a 'boom' could be a deep-sounding tom-tom and a 'dang' a rim shot on the snare drum and a 'paaah' could be a thin cymbal."

Mr. Krupa, who was born in Chicago on Jan. 15, 1909, came into jazz as part of a group of young musicians who were identified with "Chicago style" in the late nineteen-twenties—a group that included Benny Goodman, Eddie Condon, Bud Freeman and Jimmy McPartland, among others.

He was drumming with a band of youngsters called the Frivolians on a summer job at Wisconsin Beach near Madison, Wis., when he was 12. At 16, he entered St. Joseph's College, a preparatory seminary in Indiana to study for the priesthood, but dropped out after a year.

During the next 2 years he played in a band led by Thelma Perry, a girl bass player, in the Benson Orchestra of Chicago and in Leo Shukin's orchestra, which included Joe Sullivan, pianist, Mezz Mezzrow, saxaphonist, and Frank Teschemacher, clarinetist, all destined to become well-known jazz figures. He jammed with other young jazz-minded musicians at the Three Deuces and began to study drums with a variety of teachers.

He made his first record on Dec. 9, 1927, with the McKenzie-Condon Chicagoans, a group organized by Red McKenzie, a singer, and Mr. Condon. The Chicagoans also included Mr. Freeman, Mr. McPartland, Mr. Sullivan and Mr. Teschemacher, all of them making their recording debuts.

BROKE RECORDING TRADITION

This was one of the first recording sessions on which a bass drum had been used. Normally drummers used only small drums and wood blocks on records, because it was feared that the vibrations caused by a bass drum would cause the recording needle to jump. When Mr. Krupa innocently set up his usual equipment, including the bass drum, the recording manager rushed into the studio shouting, "You can't use those drums. Throw those drums out!"

But the musicians protested, and a compromise was reached when rugs were put down to absorb the vibrations.

"Gene beat the heck out of the drums all the way through the set," Mr. McPartland recalled, "which was fine for us because he gave us a good solid background."

During the next eight years, Mr. Krupa played in Chicago and New York, sometimes with his jazz friends in Red Nichols's or Mal Hallet's bands, more often in dance bands such as Irving Aaronson's, Russ Columbo's or Buddy Rogers. He was playing with Mr. Rogers in Chicago when he got the call to join Benny Goodman's new band in February, 1935.

DUBIOUS ABOUT CHANGE

Mr. Krupa was dubious about making the switch, because Buddy Rogers' band worked steadily, while the Goodman band, less than a year old, was a very shaky proposition that had already lost jobs at Billy Rose's Music Hall and at the Roosevelt Grill in New York. The drummer finally decided to take a chance with Mr. Goodman.

"From the time he joined us," Mr. Goodman recalled several years later, "Gene gave the band a solidity and firmness, as far as rhythm was concerned, that it never had before."

With the Goodman band, Mr. Krupa was able to put into practice some of the drummer's showmanship that he had been learning from watching Cuba Austin of McKinney's Cotton Pickers and from Chick Webb ("the most luminous of all drum stars," Mr. Krupa called Mr. Webb. "The master, the little giant of the big noise!").

His showmanship reached full flower with "Sing, Sing, Sing," a tune by Louis Prima that the Goodman band began playing early in 1936. At first this was a relatively standard Goodman-type arrangement by Jimmy Mundy, including a vocal by Helen Ward. But it was gradually extended as, midway through the performance, the band switched to Chu Berry's "Christopher Columbus" and Gene Krupa went to work on his tom-toms to create the first extended jazz drum solo.

A few months after he joined the Goodman band in 1935, Mr. Krupa took part in the first recording by the Goodman Trio, an experiment that had first been tried at a party at the home of Mildred Bailey, the singer, when Mr. Goodman, Teddy Wilson, the pianist, and Miss Bailey's nephew, a drummer, extemporized a few pieces.

Mr. Goodman liked the results so much that he decided to make some trio records, using Mr. Krupa. The success of these records not only set a style for big bands to draw small groups from the full band but pointed toward a small-group format that Mr. Krupa used in the last two decades of his career.

By early 1938, Mr. Krupa, who had become as celebrated as a drummer as Mr. Goodman was as "King of Swing," was at odds with the bandleader. Shortly after the precedent-setting concert by the Goodman band at Carnegie Hall in January, 1938, Mr. Krupa left the band and formed one of his own.

His band quickly developed a popularity that rivaled that of the Goodman band, particularly after Anita O'Day came on as vocalist and Mr. Krupa hired Roy Eldridge, a trumpet star who had been leading his own band.

SERVED JAIL TERM

Mr. Krupa's career was threatened in 1942 when he was arrested in San Francisco on a charge of possession of marijuana and served an 84-day sentence. He was released only after the chief witness against him, a valet Mr. Krupa had recently hired, recanted his testimony and the charges were dropped.

On his release, he joined Benny Goodman's band for several weeks in 1943, testing public reaction to his arrest. It seemed to be favorable to him—so favorable, in fact, that he was voted the country's outstanding drummer in January 1944. For the next six months he toured with Tommy Dorsey's orchestra and then formed a new big band of his own that, like the Dorsey band of the period, included a large string section.

The band was a disappointment to most Krupa fans, but, as he cut away the strings, it got back in a swinging groove but with new accents to accommodate the new sounds that were coming into jazz in the nineteen-forties, including arrangements by such young newcomers as Gerry Mulligan.

Mr. Krupa continued to lead his big band until 1951, when he began three years of touring with the Jazz at the Philharmonic troupe. From then on he led trios of quartets, at first featuring Charlie Ventura, a saxophonist who had been with the second of his big bands, and, from 1954 on, Eddie Shu, another saxophonist.

TEMPORARILY RETIRED

In 1960, he suffered a heart attack, and, on physician's orders, reduced his performances to six months a year. More than half of his time (18 weeks a year) was spent at the Metropole, just off Times Square. In 1967 he announced his retirement—"because I felt too lousy to play and I was sure I sounded lousy."

But three years later, chafing at his idleness, he was back at work again on a limited schedule. Last spring and summer, he made several appearances with the other members of the original Benny Goodman quartet—Mr. Goodman, Teddy Wilson and Lionel Hampton on vibraphone. They played at Carnegie Hall on the opening night of the Newport Jazz Festival in New York last June. His last appearance was with the quartet in August at Saratoga Springs, N.Y.

Mr. Krupa's first wife, Ethel, whom he married in 1933, died in 1955. He was divorced from his second wife, the former Patricia Bowler, whom he married in 1959. Survivors include two adopted children and a brother, Jules of Chicago.

A requiem mass will be held tomorrow at St. Denis Roman Catholic Church in Yonkers. The body will be flown to Chicago for burial.

[From the Washington Star-News, Oct. 17, 1973]

GENE KRUPA DIES AT 64; WAS SWING ERA DRUMMER

YONKERS, N.Y.—Jazz drummer Gene Krupa died yesterday at his home here. He was 64.

Mr. Krupa had been released from Yonkers General Hospital a week ago after undergoing treatment for heart problems associated with leukemia. Mr. Krupa had suffered from benign leukemia, for which he required periodic blood transfusions.

His last public appearance was Aug. 18 in Saratoga, N.Y., with Benny Goodman, whose band he joined in 1934.

Survivors include two adopted children and a brother, Jules, of Chicago.

Mr. Krupa suffered a heart attack in 1960, which kept him inactive for a time. He retired in 1967, but came back in 1970, leading a quartet at New York's Plaza Hotel.

Last summer, during the Newport Jazz Festival in New York, he played with the reunited Goodman quartet, including clarinetist Goodman, pianist Teddy Wilson and Lionel Hampton on the vibes.

Mr. Krupa also appeared July 4 at the renaming of the Singer Bowl in New York at Louis Armstrong Stadium. Later in the summer, Mr. Krupa gave a eulogy at the funeral of Jazz banjoist Eddie Condon.

After graduation from high school in his native Chicago in 1925. Mr. Krupa got a summer job as a soda jerk at a Wisconsin Beach "dime-a-dance" hall. When the drummer in the dance band fainted across the soda fountain, Krupa substituted for him and played the rest of the season.

After the summer, his family sent him off to a seminary in Rensselaer, Ind., where he studied for the priesthood. The following year, after his father's death, he left the seminary to play drums in Chicago. His first records were made in 1928 with a Chicago group.

In 1929 he went to New York to play in the orchestra of George Gershwin's show "Strike Up The Band." The orchestra, said to be the first white swing band on Broadway, included Goodman, Condon and trombonist Glenn Miller, and was led by Red Nichols.

After stints with bands led by Buddy Rogers and Goodman, Mr. Krupa formed his own orchestra in 1938. He remained a band leader thereafter, except for one year—1943, when he served a six-month prison term for a narcotics conviction. After his release he was briefly with Goodman and Tommy Dorsey before reforming his own band.

[From the Washington Post, Oct. 17, 1973]

GENE KRUPA, FAMED DRUMMER, DIES AT 64

(By Jean R. Hailey)

Gene Krupa, whose frenetic drumbeat sent teenagers jitterbugging in the aisles during the swinging 1930s and 1940s, died yesterday at his home in Yonkers, N.Y. He was 64.

Mr. Krupa, one of the most famous drummers of his time, had been suffering from leukemia for the last 10 years, his agent said. He had been released about a week ago from Yonkers General Hospital after undergoing treatment for a heart condition associated with the disease.

Mr. Krupa had performed infrequently in recent years because of his illness. This summer, however, he had appeared three times with the original Benny Goodman quartet. There was Mr. Krupa on drums, Goodman on clarinet, Lionel Hampton on vibes and Teddy Wilson on piano.

They were seen and heard in Chicago and Saratoga, N.Y., and at the Newport Jazz Festival in New York's Carnegie Hall.

It was in Carnegie Hall in 1937 that the quartet introduced "Sing, Sing, Sing," a number that featured Mr. Krupa on the drums and brought him world fame. The recording of it blared for years from juke boxes across the country.

Mr. Krupa, whose hands moved so swiftly that cameras had to be speeded up to record the action, was the idol of the bobby-soxers, not only because of his rhythm that sent young people into gyrations but also because of his handsome face.

As his tempo increased, the black wavy hair fell into his eyes, his head twisted from side to side, his jaw worked at a rapid pace on the chewing gum that seemed an integral part of him.

The audience not only heard the music of Gene Krupa. It saw it.

He had personal problems. There was a marijuana conviction in the 1940s that sent him to jail.

He was both loved as a person and respected as an artist by his associates in the field of music.

"Gene was really a gentleman, a real human being and just about one of the nicest people that ever lived. He never had a bad word for anybody . . . He'll be missed and he'll certainly be remembered," Goodman, himself a gentle man, said after learning of Mr. Krupa's death.

"One of the finest persons I've ever known, as friend and in every other capacity. He was the man who popularized the drum as a solo instrument," said Wilson, one of the jazz greats on the piano.

One of Mr. Krupa's toughest rivals, drummer Buddy Rich, said:

"I feel all cracked up—really bad. Gene was very gentle, very helpful, a very understanding man. I love the guy and I think he felt the same way about me. I don't think that Gene and I ever thought of each other as being competition to each other—he played the way he played it and I play the way I play it and we tried to do the best thing we could for the art of jazz and the art of drumming."

Mr. Krupa's heyday began when he joined Benny Goodman in 1934. It was the era of the big bands, swing music and one-night ballroom stands across the country.

Goodman had many stars, Eddie Condon, Glenn Miller, Red Nichols to name a few, but Mr. Krupa was the soloist who shone the brightest at that time. In addition to "Sing, Sing, Sing," he cut such memorable discs as "Dinah" and "Tea for Two."

By 1938, he was ready to branch out with his own band and it was an immediate success. With such sidemen as Charlie Ventura, Teddy Napoleon, Roy Eldridge and Gerry Mulligan, he toured the world.

"Sing, Sing, Sing" was still going strong, but now there were other songs, "Dark Eyes," "Drum Boogie" and "Let Me Off Uptown."

He was riding high until 1943 when he was charged and found guilty of contributing to the delinquency of a minor by using his valet to transport marijuana cigarettes. He served a six-month prison term.

The enormous publicity given his case pictured him as a dope addict and he lost much of his following.

After his release, Mr. Krupa worked briefly with Goodman and then with Tommy Dorsey before again forming his own band.

Once again he toured the country on one-night stands, but the successes of the past evaded him, although he announced his own personal war against marijuana, noting that his earlier trouble had "taught me the hard way that marijuana or any drug can ruin a musician."

In the early 1950s, with the advent of rock and roll, he quit the big band business to work with small combos. His name was no longer a headliner.

In 1960, Mr. Krupa suffered a heart attack that kept him inactive for awhile and he retired in 1967. He tried a comeback in 1970 with a quartet, but that, too, went nowhere when it came to headlines.

This past summer, in addition to appearing with the Goodman quartet, he was at the renaming of the Singer Bowl in New York as Louis Armstrong Stadium, and he gave a eulogy at the funeral of Eddie Condon.

Born Eugene Bertram Krupa in Chicago, Mr. Krupa started playing drums at the age of nine. From then on and throughout his career, if he wasn't working out on actual drums, he was practicing on a pad.

After graduating from high school in Chicago, Mr. Krupa got a job as a soda jerk at a local dance hall. When the band drummer fainted, he stepped in as a substitute and was on the way.

He played with Joe Kayser's band in Chicago and then in 1928 headed for New York, where he joined Red Nichols and met Benny Goodman. The rest is history.

Besides personal appearances with other bands as well as his own, he played drums on radio and TV and in a number of films, including "Some Like It Hot," "Ball of Fire," and "Syncopation." He also played in the Broadway musicals, "Strike Up the Band" and "Girl Crazy."

A film was made of his life, with Sal Mineo playing Mr. Krupa.

He is survived by two adopted children, Gene Michael and Mary Grace, and a brother, Julius Krupa, of Chicago.

[From Who's Who of Jazz]

KRUPA, GENE (DRUMS)

Born: Chicago, Illinois, 15th January 1909.

Attended Bowen High School, later studied at St. Joseph's College in Indiana—during summer vacations played a season with 'The Frivolians' in Madison, Wisconsin. In 1925 began studying percussion with teachers Al Silverman, Ed Straight, and Roy Knapp. During that year worked with Al Gale's Band and Joe Kayser, subsequently with Leo Shukin, Thelma Terry, Mezz Mezzrow, the Benson Orchestra, Eddie Neibauer's Seattle Harmony Kings, etc. Moved to New York (1929), began working for Red Nichols, and during next two years worked mainly in theatre bands directed by Nichols.

During the early 1930s played in various commercial bands including Irving Aaronson's Russ Columbo (1932), Mal Hallet (1933), and Buddy Rogers (1934). Starred with Benny Goodman from December 1934 until February 1938, then formed own big band for debut at Steel Pier, Atlantic City, in April 1938. Continued to lead own successful band until May 1943 when circumstances outside of music forced him to disband.

In San Francisco for a short while, then returned to New York and studied harmony and composition. Rejoined Benny Goodman in September 1943 until mid-December 1943, then joined Tommy Dorsey in New York, remaining with that band until following July. Left to organise own big band which got underway late in 1944—initially it proved to be an enormous band hovering between the 30- and 40-piece mark—it settled down to a more usual formal and enjoyed wide success until 1951.

From September 1951 began to tour regularly in 'Jazz At the Philharmonic' shows—usually featured with own trio. Toured with own trio/quartet in the 1950s (including trips overseas), also appeared regularly at the Metropole, New York. Temporarily inactive in late 1960 through heart strain, then resumed leading. In June 1963 led specially formed big band in Hollywood, a year later made second visit to Japan with own quartet. From 1954 Gene and Cozy Cole ran a drum-tuition school in New York. Continued leading own small groups during the 1960s. A supposedly biographical film 'The Gene Krupa Story' (retitled 'Drum Crazy' in some countries) was released in 1959, the role of Gene Krupa was played by actor Sal Mineo—Gene recorded the soundtrack. Semi-retirement from October 1967 until leading own quartet at Hotel Plaza, N.Y. (1970). Has resumed regular playing, occasionally touring.

Film appearances include: 'George White's Scandals', 'Some Like It Hot', 'Beat The Band', 'The Benny Goodman Story', etc.

RESOLUTION DIRECTS INQUIRY INTO ACTIONS OF PRESIDENT

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. REID. Mr. Speaker, I have introduced this week a resolution which directs the House Judiciary Committee to undertake an immediate inquiry into various actions which have been taken by President Nixon, and to report back to the House within 30 days with its specific recommendations, including whether or not there exists probable cause for the House to commence formal impeachment proceedings against the President.

XUM

I think it vital that the Judiciary Committee act on these issues of importance with deliberate speed; while their consideration should not, of course, be precipitous, neither should it be protracted. The 30-day period I have proposed would, I believe, afford reasonable opportunity for a preliminary investigation.

Mr. Speaker, our country looks now to the House of Representatives for thoughtful leadership and for appropriate action. Although the President has decided to respond at least in part to the district court mandate and turn the tapes in question over to Judge Sirica, there remains the question of other related documents and memoranda which, as of this moment, the President does not plan to release. Clearly, the withholding of these documents not only could preclude prosecution of present and potential defendants of alleged crimes relating to the Watergate matter, but also could deprive present and potential defendants of access to evidence tending to establish their innocence.

The Judiciary Committee should not, of course, limit itself to the matter of the tapes or documents; in addition, I would hope that it would investigate possible invasions of civil liberties and rights of American citizens by the so-called Plumbers unit, the significance of the Huston memorandum, questions involving the personal finances of the President, and other matters which could be construed to be in violation of laws of the United States and may indeed constitute "high crimes and misdemeanors" for which the President may be subject to impeachment and conviction.

Mr. Speaker, I insert in the RECORD the full text of the resolution I have introduced. The resolution follows:

RESOLUTION

Whereas the President of the United States, Richard M. Nixon, has been ordered by the United States District Court for the District of Columbia to produce to said Court certain tapes and documents pursuant to a subpoena *duces tecum* of the Federal grand jury investigating the so-called Watergate matter; and

Whereas the order of the District Court has been affirmed by the United States Court of Appeals for the District of Columbia Circuit; and

Whereas a temporary stay of the mandate of the Court of Appeals and the order of the District Court has expired; and

Whereas since the expiration of the temporary stay, the order of the District Court has been, and continues to be, in full force and effect; and

Whereas the President has not produced the tapes and documents specified in the subpoena *duces tecum* to the District Court since the expiration of the temporary stay of the order of the District Court; and

Whereas the President ordered the Special Prosecutor, Watergate Special Prosecution Force, to desist from efforts to obtain for the Federal grand jury the tapes and documents in question, and ordered the Special Prosecutor dismissed after the Special Prosecutor announced his intention not to desist therefrom; and

Whereas the withholding of the specified tapes and documents by the President could result directly in the prevention of due prosecution of present and potential defendants for alleged crimes relating to the so-called Watergate matter; and

Whereas the President's withholding of the specified tapes and documents could, alternatively, deprive present and potential defendants of access to evidence tending to establish their innocence; and

Whereas the actions of the President recited herein above may constitute contempt of a Court of the United States, refusal by the President to "take care that the Laws be faithfully executed" as he is commanded by Article II, Section 3 of the Constitution of the United States, and obstruction of criminal investigations and of justice in violation of the laws of the United States; and

Whereas these actions may, therefore, constitute "high Crimes and Misdemeanors" within the meaning of Article II, Section 4 of the Constitution for which the President may be subject to impeachment and conviction: Now, therefore, be it

Resolved, That the Committee on the Judiciary is hereby directed immediately to undertake an inquiry to determine whether, as a result of the matters recited herein above, or of any other matters not recited herein, there exists probable cause for the House of Representatives to commence formal consideration of impeachment of the President, and, further, at the conclusion of its inquiry, but not later than thirty (30) days following enacting of this Resolution to transmit its judgment to the House, together with whatever specific recommendations it may deem appropriate.

ABOUT KILLING THE UNBORN

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. LANDGREBE. Mr. Speaker, recently an excellent essay has come to my attention on the subject of abortion written by Dr. Medford Evans, who was chief of security for the atom bomb project. The article appeared in the magazine the Review of the News about a month after the Supreme Court announced its decision in the Roe against Wade case last January I enter the article in an abridged form in the RECORD:

ABOUT KILLING THE UNBORN

(By Medford Evans)

The Supreme Court January 22, 1973, ruled that state laws forbidding abortion are unconstitutional because they interfere with the right of privacy. Not only did seven of the nine men decide to absolve women of the first duty of motherhood—to keep the child alive—they also absolved physicians of the oath of Hippocrates which had previously, for some twenty-four centuries, guided the profession. Supreme Court decisions are supposed to end controversy, but this decision will deepen, if possible, the controversy over legalizing abortion.

For the Court did not *merely* legalize abortion. It prohibited laws intended to prevent abortion. A woman and her physician are not simply *permitted* to agree upon disposing of the unborn child, states are *forbidden to interfere* with the right of the two of them to kill the unborn child. Such an agreement, says the Court, is a private matter, and any interference by law unconstitutional. Whether the woman's husband has any right to object is a point the Court avoided. He is plainly enough of less importance than her physician.

It will be said that I have already begged the question on the main point at issue—which is whether an embryo or fetus prior to the seventh month of gestation is a human being, a person susceptible of being "killed." The Court avoided deciding when life begins (a question which is difficult only for those who do not like the obvious answer), contenting itself with the observation that "the unborn have never been recognized in the law as persons in the whole sense." Neither have minor children long out of the womb. Webster defines *majority* as "the age at which full civil rights are accorded"; yet the right to life—being accorded not by the state but by God—is, or has been, in our society recognized as belonging to infants. Indeed, if there is a difference, the infant's right to life is felt to be superior to that of the adult, certainly to that of the adult male. "Women and children first" into the lifeboats. The right to life has also been accorded to unborn children. That is why the states have *had* anti-abortion laws. The denial of the unborn's right to life is what makes the Court's decision so hideously revolutionary.

It will be objected that I am guilty of some kind of anthropomorphic fallacy when I refer to an embryo or a fetus as "un unborn child," or speak of the right to life of "unborn children." Children, I shall be told, are little darlings playing joyfully on the grass, or at worst little monsters smearing crayons on the wallpaper. A *fetus* (unpleasant word, don't you think?—but so scientific!) is not a *child*, for heaven's sake!

You are entitled to your opinion, but *Webster's Third New International Dictionary* (the unabridged) gives the following definition:

> child . . . 1 a: *an unborn or recently born human being: Fetus, infant, baby . . .*

Webster's Seventh New Collegiate is briefer, but almost equally embarrassing to Mr. Justice Blackmun: "child . . . 1 a: an unborn or recently born person." According to Webster, then, the unborn are not only "human beings," but also "persons." And a fetus is a child, is a baby.

According to the Associated Press, the Court's opinion was "supported with medical, religious, and philosophical as well as legal references." We should expect that—except for "religious" references. The Court has a well-established precedent for relying on social science rather than the law; yet one wonders how it reconciles *religious* references with its recent interpretations of the doctrine of the separation of church and state. I for one am glad to hear that the Court will now consider religious authority. I call its attention to a Biblical passage which it may possibly have overlooked, since its attention seems to be only recently turned to such considerations. The first chapter of the Gospel according to Saint Luke gives the story of the Annunciation of Jesus preceded by the annunication and conception of John the Baptist. We read how the angel Gabriel, having foretold to Mary the most blessed event which awaited her, continued:

> *And, behold, thy cousin Elisabeth, she hath also conceived a son in her old age; and this is the sixth month with her, who was called barren.*
>
> *And Mary arose in those days, and . . . entered into the house of Zacharias, and saluted Elisabeth.*
>
> *And it came to pass, that, when Elisabeth heard the salutation of Mary, the babe leaped in her womb. . . .*

Saint Elizsbeth certainly had no doubt that the child she was carrying was a live person. She told the Virgin Mary, "As soon as the voice of thy salutation sounded in mine ears, the babe leaped in my womb for joy." The unborn child not only leaped, but felt the motion of joy.

The question whether an unborn child is a person within the meaning of the law is the crux of the decision in the anti-abortion case. The Court correctly recognized this fact, but incorrectly reasoned regarding the legal meaning of *person*, and thus answered the question wrong. I speak as a friend of the court of public opinion. If it be asked how I, a nonlawyer, can dispute the correctness

of the reasoning of the Supreme Court regarding a constitutional matter, my reply is:

First, the Constitution is not what the Supreme Court says it is, the Supreme Court is what the Constitution says *it* is. Second, the Constitution itself is the basic law of the land, and the Constitution is a document written in the English language. It is too important a law to be left to the lawyers. Third, the final word on the meaning of such a document is not to be left to *any* small group of persons, but is to be approached (possibly never achieved) by the serious consideration of all reasonable men who understand English and are loyal to the United States. Fourth and finally, I am a Ph.D. in English from a reputable university (Yale) and a loyal citizen of the United States.

Here is the Court's opinion as to what constitutes the crux of the case:

> *The appellee* [State of Texas] *and certain amici* [friends of the court] *argue that the fetus is a "person" within the language and meaning of the 14th Amendment. In support of this they outline at length and in detail the well-known facts of fetal development. If this suggestion of personhood is established, the appellant's case, of course, collapses, for the fetus' right to life is then guaranteed specifically by the Amendment.*

Exactly. We shall return to emphasize what the Court here admits, that if personhood is established the easy-abortion case collapses, and to reinforce the argument that the right to life is guaranteed, by reference other than that to the Fourteenth Amendment. But because the matter is so important, and because we do not wish to be too far out of context, let me quote further from the Court's opinion, as excerpted in the *New York Times* of January 23, 1973:

> *The Constitution does not define "person" in so many words. The use of the word is such that it has application only postnatally.*
>
> *All this, together with our observation that throughout the major portion of the 19th century prevailing legal abortion practices were far freer than they are today, persuades us that the word "person," as used in the 14th Amendment, does not include unborn.*

I suppose the *New York Times* excerpt must here be incomplete. Surely Mr. Justice Blackmun, speaking for the majority, would not say "All this," referring to the two brief sentences of the preceding paragraph. Yet if he did actually go through the Constitution accumulating instances of the use of the word *person*, the paragraph would be less, not more, impressive. Mr. Justice Blackmun's sentence, "The [*constitutional*] use of the word [*person*] is such that it has application only postnatally," actually is, if it was not intended to be, equivocation. The word *person* is used in the Constitution only to specify who is not eligible to hold specified offices, or to define immunities, such as the provision that no person shall be convicted of treason without the testimony of two witnesses to the same overt act or confession in open court, and the provision that the migration of persons whom the states at the time thought proper to admit (euphemism for slaves) should not be prohibited before 1808. There is no use of the word *person* in the Constitution which has any relevance to the question of whether an unborn child is a person when abortion of the unborn child is at issue. Yet the question can be resolved logically, as follows:

The primary meaning of the word *person* in English is a *human being*, as distinguished from an animal, plant, or thing. A person is observable, or capable of acting or being acted upon. *Person* is plainly not a synonym for *any human being who has full civil rights and liberties*. The original Constitution twice refers to slaves as persons (Article I, Section 9, Clause 1, and Article IV, Section 2, Clause 3). The Fourteenth Amendment itself indeed begins with the statement "All persons born or naturalized in the United States . . . are citizens." *Born and naturalized* are both restrictive modifiers, and do *not* mean that aliens not naturalized, or children not born, are not persons—simply that they are not citizens. But the Constitution nowhere provides that noncitizens may be freely deprived of life.

A person is a human being considered in external relations. That is why the baby in the womb seems to its mother to be a person, but hardly seems so to others until after it is born. Yet when other people deal with an unborn child, it becomes a person. It becomes a person to the physician, which is doubtless why Hippocrates proscribed abortion.

The Constitution does not enumerate all individual rights, but it assumes at least those of the Declaration of Independence, and covers, as does the Declaration, a multitude of rights with the general terms *life* and *liberty*. The Declaration speaks of "life, liberty, and the pursuit of happiness"; the Fifth and Fourteenth Amendments of the Constitution restore the earlier Lockean formula of *life, liberty*, and *property*. Liberty, being a political term, has little or no relevance to the case of an unborn child. As for pursuit of happiness, who can say? That is indeed a private, not to say a subjective, matter; the unborn child may or may not have resources of his own. So many people want to retreat to the womb, they must believe they were happy there. (But they should be careful; they might get killed.)

Regarding *property*, I should suppose (not being a lawyer, I do not know, and language and logic alone will not solve this one) that a posthumous child can inherit property, which would seem to imply rights as a person at the time of his father's death, when the child itself was yet unborn. I have heard, too, that welfare mothers have claimed benefits for unborn children.

Life and the right to life are another matter entirely. The child in the womb cannot have civil liberty, and cannot be deprived of it; he may or may not have property rights and may or may not be deprived of them; but he certainly *does* have life and *can* be deprived of it. Let us consider that for just a moment.

No one has a right to what in the nature of things he cannot possess, and not possessing cannot lose. No one has a right to that which belongs to another, or to no human being. A *right* is a just claim to possession, which may or may not be enforced, either by him whose right it is, or by his protector. Rights may in general be conferred or taken away by higher authority. Certain rights are unalienable as rights, but unfortunately quite alienable by usurpation of authority in a wicked world. It has never been said better than in the Declaration of Independence:

> *We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness—that to secure these rights, governments are instituted among men, . . .*

With regard to other rights the status of the unborn child may be moot or ambiguous. But to life he has the unalienable right with which his Creator endowed him. He has this right more perfectly than he will ever have it again, for so long as he is unborn he will not be able to forfeit it through crime or other error of his own.

That the unborn child may be deprived of life by other persons puts him into relationship with these persons, and it is this relationship which makes him not only a human being, but also a person. If the unborn child were not in society, his mother and her physician could not remove him from society. Fetal death is not possible without fetal life, but if the fetus has life he has a right to it.

The Constitution is the supreme law of the land; the Declaration of Independence, ratified by the Treaty of Paris of 1783, is the basis of the Constitution. There would have been no "We, the people of the United States" without the Declaration. The Constitution itself was ordained and established to "secure the blessings of liberty to ourselves and our posterity." Thus, Constitutional rights belong to the unborn, and becoms real as soon as the unborn can be identified. (If a woman knows that she is pregnant—and she would have to know this to want an abortion—she knows that she ought not to have an abortion, she knows that the duty of motherhood has already begun, that someone is alive within her body, someone who has a right to life—no greater than her own, but the same. As a rule, the two rights are not irreconcilable; if they were, the human race wouldn't be here.)

"All men are created equal." If they are created equal, they are equal when they are created. When is that? The Supreme Court pretends that this is a difficult question. Difficult indeed if you expect to know in a particular case the precise microsecond when the particular life began—though even here husbands and wives who think back can in some cases figure out pretty well when it must have been.

In general terms, there is no other rational answer to the question when men are created than: *at the time the sperm fertilizes the ovum*. When else? Mr. Justice Blackmun, writing for the majority of the Court, assumes a curious know-nothing position:

> *We need not resolve the difficult question of when life begins. When those trained in the respective disciplines of medicine, philosophy and theology are unable to arrive at any any consensus, the judiciary, at this point in the development of man's knowledge, is not in a position to speculate as to the answer.*

If that phony-sounding intellectual modesty were genuine, the judiciary would not be revolutionizing laws of the states of the Union, suborning violation of the Hippocratic oath, treating fatherhood with scarcely disguised contempt (the Texas case didn't raise the question of the rights of fathers, said the Court), and inciting mothers—rightfully the most revered of human beings—revered *because* they sacrifice themselves for their children—to quasi infanticide.

Actually, "those trained in the respective disciplines" mentioned have a pretty practical consensus regarding "when life begins." I hold no great brief for the *Encyclopaedia Britannica*, but it is not exactly eccentric in such matters, and its article "Pregnancy" reads in part as follows:

> *Life has its beginning in the egg cell or ovum. . . . During healthy reproductive life one ovum is shed each month from one or the other ovary (ovulation). . . . there is only a short critical interval in the cycle during which fertilization is possible. . . . If the ovum is not fertilized, it escapes in the next monthly loss of blood. If it is fertilized by a sperm cell (spermatozoon), pregnancy has begun.*

Dr. Henry E. Garrett, former head of the psychology department at Columbia and president of the American Psychological Association, says in his book *Psychology And Life*: "When the egg of the female parent has been fertilized by the sperm of the male parent, life of the new individual begins." He then describes the contribution of chromosomes from each parent. When the genetic composition of an individual is determined, his life begins. Do we have to assume a know-nothing attitude about that?

It follows that every person from the time of conception has the right of equal protection of the laws, which includes the right not to be deprived of life without due process of law. Such due process might logically enough hinge upon a determination whether continuing the life of the embryo will critically endanger the life of the mother. Killing in self-

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defense or in defense of another is justifiable. It is difficult to imagine any other legitimate reason for abortion. If illegitimacy were a reason, it would follow that illegitimate children not aborted before birth should be destroyed after birth. Similarly with deformed children. Indeed, infantcide for these or lesser reasons has been practiced in the history of mankind, but seldom if ever in the civilized world in the Christian Era.

"Spontaneous abortion," says the *Columbia Encyclopedia*, "may occur after the death of the fetus and hemorrhage in the uterus." According to the *Encyclopaedia Britannica*, the World Health Organization in 1950 established the following classification to account for events less precisely known as stillbirth or abortion:

. . . group I, early fetal death—pregnancy of less than 20 weeks; group II, intermediate fetal death—pregnacy from 20 to 28 weeks; group III, late fetal death—pregnancy of more than 28 weeks; group IV, fetal death with length of pregnancy unknown.

Consider the simple but powerful significance of the expressions "death of the fetus" and "fetal death" which are precise medical and legal language. The noun *death* is defined as, the end of life, the intransitive verb *die* as, to end life. The transitive verb *kill* is defined as, to cause the end of life, to deprive of life.

Accident or disease may cause death, may kill. Human action may cause death, or kill. When fetal death occurs as a result of human action, killing occurs. Killing is not necessarily murder, not necessarily manslaughter, but it is killing. If a fetus is a human being, causing the death of a fetus is homicide.

Is a fetus a human being? It is a being, it is real. If the mother is human, the fetus is human. To cause the death of a human fetus is homicide. There is no basis for asserting the contrary.

What is generally called abortion is, then, homicide. That is not to say that abortion must never be performed. Sometimes homicide is justified. But it is not justified unless it is recognized for what it is, and the action taken only under the most severe circumstances.

SPECIAL AMERICAN SYSTEM TO KEEP ISRAELIS SUPPLIED WITH JETS

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. ASPIN. Mr. Speaker, for years we have been told that the military assistance we supply and the bases we maintain in Spain and Greece are essential to protect our interests in the Middle East and especially our policy of supporting Israel. Because of the Arab-Israeli war and the U.S. decision to resupply Israel with the munitions necessary to replace losses we have found once again that our Government was not telling the truth. Far from supporting our efforts, Greece and Spain have hindered them, even going so far as to deny our aircraft carrying supplies, refueling, or even overflight rights. Consequently, we must bypass direct routes and rely on midair refueling, thereby raising costs and no doubt causing delays.

Meanwhile we continue to pump more and more arms into those dictatorships which, probably for the sake of Arab oil, are willing to disregard the interests of the United States and Israel. How can we be sure they would assist us in more serious situations such as a war in Central Europe? The answer is plain that we cannot rely on bought allies and should certainly reexamine our military assistance policies and the justification for vast U.S. overseas military bases. It seems so far that our enormous expenditures are worthless when we need the facilities and the cooperation that we thought we were buying.

I include in the Record an article on this subject from the New York Times of October 25, 1973:

U.S. Jets for Israel Took Route Around Some Allies

(By Leslie H. Gelb)

Washington, October 24.—Diplomatic sources said today that the United States was forced to set up a special system to rush supplies to the Israelis because some of its North Atlantic Treaty Organization allies, along with Spain, balked at any cooperation.

The sources said that the refusal was based on a fear that the Arab countries would cut off Europe's oil supplies.

The resupply effort from bases in the United States, involved aircraft carriers and Air Force tanker planes, military officials disclosed.

The Navy and the Air Force had to adopt this roundabout system, the diplomats said, because—with the exception of Portugal and, to some extent, West Germany—some key Western European countries along the supply route made it clear that aircraft bound for Israel could neither land on nor fly over their territory.

A main reason cited by Washington over the years for American military aid to Greece and Turkey has been to make it possible to use bases on their territory in Middle East crises. Air Force contingency plans, according to knowledgeable sources, have looked to at least tacit Greek Government cooperation in an Arab-Israeli conflict.

The Turkish Foreign Ministry announced Oct. 11 that American military installations "are for the security and defense of the North Atlantic Treaty area and have been set up solely for defense cooperative purposes of Turkey." Nevertheless, a number of American officials report, Soviet resupply aircraft heading for Egypt and Syria have flown over Turkey and the Turkish Government has not publicly protested.

The Greek Government also ruled out any role in the supply flow to Israel.

NAVY PLAN FOR PLANES

The United States Navy had a plan for the urgent supply of A-4 Skyhawks to Israel. According to informed Congressional and Government officials, it worked in the following manner:

The Skyhawks, piloted by Navy men, took off from the East Coast and landed in the Azores to refuel. They then flew to the carrier John F. Kennedy, stationed near Gibraltar, and were refueled by tanker aircraft.

The next leg took them into the Mediterranean, where they landed on the carrier Franklin Delano Roosevelt and stayed overnight. The last leg took the Skyhawks into the eastern Mediterranean, where they refueled in the air near the carrier Independence.

Twenty to 30 Skyhawks were ferried to Israel, and 30 to 50 were sent on Navy transport ships.

The Air Force had worked out an alternative plan for the use of Greek airfields for the delivery of F-2 Phantom fighter-bombers. Government sources sketched the plan this way: The Phantoms, piloted by Air Force men, went via the Azores to the eastern Mediterranean, where they were refueled in the air by Air Force tanker planes.

About 40 have followed this route, officials say, and eight more are on the way.

The Skyhawks and the Phantoms retained their United States markings until they landed in Israel, where Israeli markings were applied. The American pilots returned home on transport planes.

Not a single incident involving these aircraft has been reported, the officials said.

The home base of the Air Force tankers used to refuel the Phantoms could not immediately be determined. Some sources asserted that during the first days they flew from the American bases in Spain. This stopped, the sources said, when the Spaniards objected. Another source, without denying that Spanish bases were used initially, said the tankers had been flying from the Azores, which are Portuguese.

Another resupply issue that remains somewhat clouded concerns West Germany. Government officials concede that in the first days of the Arab-Israeli fighting Air Force cargo planes flew from the American base at Ramstein, carrying small arms and munitions. Aviation Week, an authoritative source on such matters, says that these alcraft flew over Austria, Yugoslavia and Greece, all prohibited territory. Officials here deny this but will not suggest other possible routes.

The diplomatic effort became quite complicated, according to the diplomatic sources, with Washington and other NATO capitals jockeying to avoid open confrontation. At first it was said Washington simply decided not to raise the question of landing and flight rights, hoping its allies would look the other way.

However, the Governments of Greece, Turkey, Spain and Italy publicly forbade their territory to American aircraft. Other Governments, including that of Britain, made their positions clear privately. Portugal, was under pressure from the United States, the sources asserted, and agreed to use of the Azores base.

The sources asserted that the United States representative at NATO, Donald Rumsfeld, was asked to win support for American policy in the Middle East but was unable to do so, for the oil issue outweighed unity.

Two factors were at work in United States governmental discussions, a number of officials said:

One was that while the bulk of Soviet supplies to the Arabs were moving by sea, Hungary and Bulgaria, allies of the Soviet Union and Yugoslavia, a nonaligned nation, admitted Soviet cargo aircraft. Other airborne supplies, the sources asserted, were moved over Turkish territory either in regularly scheduled civilian aircraft or in military transport vessels.

The other factor, the sources relate, was the history of American aid to Greece, Turkey and Spain in the expectation that they would cooperate against the Russians in the Middle East.

From 1946 to 1972, according to Senate Foreign Relations Committee records, United States military aid to Greece totaled $2.3-billion, to Turkey $3.6-billion and to Spain $843-million, the figures do not take account of surplus stocks.

This year, the Nixon Administration has requested about $6-million in grant aid and support for Spain, over $250-million in various forms of military and economic aid to Turkey, and $65-million in credit sales to Greece. The requests were made, at least in part, in expectation of assistance in the Middle East.

President Nixon, responding in July, 1972 to George McGovern's criticism of aid to Greece, said that without aid to Greece and aid to Turkey you have no viable policy to save Israel.

The United States Ambassador to Greece, Henry J. Tasca, testifying before the House Foreign Affairs Committee on the role of Greece in a Middle Eastern crisis, said in August, 1971, that Greece had been and would continue to be "very cooperative in all of our security problems."

Particularly irksome, officials say, is the Spanish Government's position, since it will not allow the United States to use the $500-million chain of American-built bases.

CONGRESSMAN KEMP HAILS 1973 PULASKI PARADE IN BUFFALO

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. KEMP. Mr. Speaker, October 11 marked the 194th anniversary of the death of Count Casimir Pulaski, the Polish nobleman and patriot of our American Revolution.

In 1777, Benjamin Franklin wrote to George Washington from Paris concerning General Pulaski praising him as: "an officer famous throughout Europe for his bravery and conduct in defense of the liberties of his country."

At General Washington's request, Pulaski formed the first American cavalry unit and because of his heroic actions, which resulted in saving Washingtons army, he was commissioned a brigadier general in charge of the Continental Army's horsemen.

Pulaski fought bravely and brilliantly in many more battles to help gain our Nation's freedom and once again saved Washington's army from near destruction near Philadelphia. On October 11, 1779, General Pulaski finally succumbed to wounds he had suffered in a particularly gallant episode at the Battle of Savannah.

Mr. Speaker, the life of General Pulaski, one of the greatest patriots and military strategists of all time, stands as an inspiration and symbol of hope to freedom-loving people everywhere—and especially to his native land of Poland which today, as in Pulaski's time, suffers under the yoke of Russian repression.

In 1971, I visited Poland along with other members of my Education and Labor Committee and during my visit I was constantly reminded of the close ties we in America have with freedom-loving people of that nation. The words of one Polish worker with whom I spoke will always stay with me: "We have rebuilt Warsaw in spite of communism." The spirit of Pulaski lives on today in Poland and that proud spirit will never be conquered.

Mr. Speaker, each year in western New York, we honor General Pulaski by having a Pulaski Day Parade in Buffalo. And each year I am sure that the parade is the best ever and cannot be excelled.

Mr. Speaker, again this year the Pulaski Day Parade was better than ever, with my distinguished colleague, Mr. Dulski of New York, as grand marshal. It has been described as one of the largest and most successful parades of any kind ever to be held in Buffalo.

There were more units, more floats, more bands, than ever before. Even facing the stiff competition of a televised Buffalo Bills football game, the parade had a record crowd of some 80,000 persons lining the streets along Broadway between Bailey and Fillmore Avenues.

My good friend, Thad Dulski, led the parade along with our special guest Navy Capt. Paul Weitz of the Skylab I space mission. It was due to the efforts of Thad Dulski that Captain Weitz was able to attend the parade and meet personally with many of our leading citizens.

The selection of the astronaut, Captain Weitz, as parade guest of honor, was tied in with the parade theme, "The Year of Copernicus," in honor of the celebration of the 500th birthday of Nicolaus Copernicus, the Polish genius, who boldly challenged the prevailing scientific theories of his day and through his studies provided the foundation for modern astronomy and our present day explorations of space.

The General Pulaski Association of the Niagara Frontier, Parade Chairman Eugene R. Mruk, and the Honorable Thaddeus J. Dulski, are all to be commended for their dedicated work which made the 1973 Pulaski Day Parade one of the most memorable in the history of western New York.

Mr. Speaker, our fellow citizens of Polish heritage have made countless contributions to our Nation. I am proud that so many Polish Americans reside in my district and serve with me in Congress. Although I was unfortunately unable to attend the 1973 Pulaski Day Parade, I would like to pay tribute at this time to that great patriot and to Copernicus as we commemorate Pulaski Day and the Year of Copernicus.

Mr. Speaker, I include for the information of my colleagues, an editorial and article describing the Buffalo Pulaski Day Parade from the October 4 Am-Pol Eagle, the leading Polish-American publication of the Niagara frontier.

The material follows:

A Job Well Done

The bright, sunny day helped. So did the presence of Skylab astronaut Paul J. Weitz. But when all things are considered, it was the dedicated efforts of members of the General Pulaski Association of the Niagara Frontier that made last Sunday's Pulaski Day Parade one of the most successful in memory.

Everything went perfectly during the parade. There was perfect balance between musical units, marching units and floats. There were remainders of the contributions made to mankind by parade namesake Casimir Pulaski and Polish astronomer Nicolaus Copernicus, whose quinquecentennial was the theme of this year's parade. Also much in evidence in both marchers and spectators was a pride in being Polish Americans, a feeling that seems to be renewed each year through the parade.

Much of the credit for the success of this year's parade must be given to Parade Chairman Eugene R. Mruk. Mr. Mruk devoted countless hours over the past six months making sure that Polonia's largest single annual event would be successful. Praise must also be given to Congressman Thaddeus J. Dulski, Parade Grand Marshal, whose efforts in having Capt. Weitz attend the parade contributed much to the Copernican theme of the event.

Polonia can be proud of its tribute to Casimir Pulaski and Nicolaus Copernicus. It was an event that will be remembered for many years to come. Its success will be difficult to duplicate.

Pulaski Day Parade Hailed as Most Successful in Memory

Last Sunday's Pulaski Day Parade, blessed by sunny skies and warm temperatures, was hailed by veteran observers of Polonia's annual tribute to Revolutionary War hero Casimir Pulaski as the best and most successful in memory. Despite competition from a locally televised Buffalo Bills football game, Buffalo Police Department officials estimated that some 80,000 persons lined Broadway between Bailey and Fillmore Aves., to view the various floats and marching units participating in the parade.

Eliciting the greatest response from parade watchers were floats depicting the heroics of Gen. Pulaski and the scientific contributions of Nicolaus Copernicus, to whom this year's parade was dedicated. The "Year of Copernicus" was chosen as the theme for this Thirty-Seventh edition of the Pulaski Parade because 1973 is the 500th Anniversary of the birth of the famed Polish astronomer.

Leading the parade's line of march as it moved down Broadway were Congressman Thaddeus J. Dulski, Grand Marshal, and Navy Capt. Paul Weitz, a member of the Skylab I space mission who was a special guest at the parade in keeping with its Copernican theme.

Also in the first division were Rt. Rev. Msgr. Francis X. Wlodarczak, Honorary Grand Marshal, Parade Chairman Eugene R. Mruk, Gen. Pulaski Association President Arthur F. Kilichowski. Erie County Executive Edward V. Regan, and Lackawanna Mayor Joseph Bala.

After completing the parade's line of march, dignitaries viewed the remainder of the parade from a reviewing stand located in front of the Franczak Branch Libary. Included among the guests were three bishops: Most Rev. Daniel F. Cyganowski, Bishop of the Buffalo-Pittsburgh Diocese of the Polish National Catholic Church; Most Rev. Edward Head, DD, Bishop of the Diocese of Buffalo; and Most Rev. Bernard McLaughlin, Auxiliary Bishop of Buffalo. Also on the reviewing stand were parade chaplain Rev. Edward Kaukus, and Mayor Stanley Makowski. Edward Reska served as parade marshal.

Judges from the New York Penn Parade Judging Association selected the following units as best in their classifications:

Sr. Drum Corps—1st prize—Kingsmen Drum Corps.

Sr. Bands—1st prize—Sanborn Fire Co.; 2nd prize—Royal Canadian Legion Polish Veterans Branch 418, St. Catharines.

School and Jr. Bands—1st prize—Hinsdale Central School Band; 2nd prize—Depew H.S. Marching Band.

Pipe Bands—1st prize—Gordon Highlanders.

Uniformed Marching Units—1st prize—Hinsdale Fire Dept.; 2nd prize—Canisius College R.O.T.C.

Floats—1st prize—Holy Mother of the Rosary Cathedral—Man on the Moon Thanks to Copernicus; 2nd prize—Polish Union of America—PUA Youth Association; 3rd prize—Lechici Assoc.

Unattached Color Guard—1st prize—Baker Victory Guys and Gals; 2nd prize—Royal Rhythm Steppers; 3rd prize—Boston Amvets Post 209.

Jr. Drum Corps—1st prize—71st Lancers of Cheektowaga & Sloan; 2nd prize—Commodore Drum & Bugle Corps; 3rd prize—Polish National Alliance Youth Band; 4th prize—Mavericks Drum & Bugle Corps.

Sr. Twirling Corps—1st prize—Welland Rosettes.

Jr. Twirling Corps—2nd prize—Welland Rosettes.

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Men's Drill Team—1st prize—Baker Victory.

Women's Drill Team—1st prize—Baker Victory; 2nd prize—Royal Rhythm Steppers.

Unique Units—1st prize—Erie County Parks and Recreation Sr., Citizens Unit—Kazoo Band; 2nd prize—Sacred Heart Academy—Kazoo Band.

CASE FOR IMPEACHMENT STILL STRONG AS EVER

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. BROWN of California. Mr. Speaker, now that the President suddenly has reversed his public position and agreed to comply with the law—at least in part—by turning over his tapes to the court, many administration apologists are saying that the case for impeachment existed until Mr. Nixon agreed to turn over the tapes, but that his decision of Tuesday returned him to his previous status of law-abiding, unimpeachable President.

As I pointed out Tuesday, however, Richard Nixon's most recent actions—the firing of Special Prosecutor Cox and all that went with it—merely constitute a continuation of policies and attitudes that have characterized his handling of the entire Watergate affair, and, in fact, his entire administration; indeed, his entire political career. This was no isolated incident, to be forgiven and forgotten. From his first year in office, when he secretly ordered the illegal bombing of the sovereign nation of Cambodia—a country with which the United States was at peace—President Nixon has consistently violated the laws and the Constitution that he is sworn to protect.

When one thinks of the Oval Office today, one thinks of ITT entanglements, dairy industry payoffs, public financing of personal real estate improvements, illegal campaign donations, possible extortion, illegal fund impoundments, secret invasions, personal income tax difficulties, Cabinet members and high-ranking executive office staff members who have been indicted or convicted or who have resigned under fire—I could go on, but the list seems endless.

Let us keep in mind Edmund Burke's often-quoted remark that—

> The only thing necessary for the triumph of evil is for good men to do nothing.

Too many of us did nothing in 1946, when Richard Nixon smeared the Honorable Jerry Voorhis and entered this body. Too many of us did nothing when Richard Nixon 4 years later was elected to the Senate by the same tactics. Too many of us did nothing in 1952 when the Checkers scandal gave us our first evidence of Nixon's willingness to bend the law for his personal political advantage.

And too many of us did nothing 10 years later when gubernatorial candidate Nixon was found by the courts to have personally reviewed, amended, and finally approved an illegal phony mailing sent out during the campaign to California's Democratic voters—a smear piece against the incumbent Democratic Governor, soliciting financial support which supposedly would go to a "Committee for the Preservation of the Democratic Party," but which in fact was designed by members of his own Republican campaign staff, which included such men as Dwight L. Chapin, Herbert Kalmbach, Ronald Ziegler, Maurice Stans, John Ehrlichman, Murray Chotiner, and, as campaign manager, H. R. Haldemann. The money these Democrats donated to what they believed was a Democratic Party organization was actually used by the Nixon campaign, of course.

Too many times, too many good men and women have done nothing. Mr. Speaker, we must not stand aside and let evil triumph once again. The fate of our beloved Nation rests in the hands of the Congress in this dark hour. We have the power to determine whether this "noble experiment" shall continue, or shall end in a Fascist dictatorship through the inaction of the people's elected representatives.

I implore every Member of this House to respond to the massive outpouring of sentiment which has erupted throughout the Nation, to respond to our own consciences, and to move forward with all necessary steps to impeach Richard Nixon before it is too late.

SENATE—*Friday, October 26, 1973*

The Senate met at 12 o'clock noon and was called to order by the Acting President pro tempore (Mr. METCALF).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, our help in ages past, our hope for years to come, we come to Thee this day with thankful hearts for diminished violence, for the reprieve from larger wars, and for the promise of peace. Keep the warlike spirit from infecting our personal lives, the Congress, our Nation, or its leaders. Make us kindly but firm, compassionate but resolute, possessed of quiet hearts, clear minds, and sound judgment. Keep us ever sensitive to our local, our global, and our humane responsibilities. Grant to the President, his counselors, to all our leaders, and to the leaders of other nations that higher wisdom which Thou dost give to those who trust Thee and whose allegiance to Thee transcends all lesser loyalties. Once more from the depths of our being, we pray, "Thy kingdom come, Thy will be done on Earth as it is in Heaven."

We pray in the name of the Prince of Peace. Amen.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, October 23, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 607) to amend the Lead Based Paint Poisoning Prevention Act, and for other purposes.

The message also announced that the House insists upon its amendments to the bill (S. 386) to amend the Urban Mass Transportation Act of 1964 to authorize certain grants to assure adequate commuter service in urban areas and for other purposes, disagreed to by the Senate; had agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon; and that Mr. PATMAN, Mr. MINISH, Mr. GETTYS, Mr. HANLEY, Mr. BRASCO, Mr. KOCH, Mr. COTTER, Mr. YOUNG of Georgia, Mr. MOAKLEY, Mr. BROWN of Michigan, Mr. WIDNALL, Mr. WILLIAMS, Mr. WYLIE, Mr. CRANE, and Mr. MCKINNEY were appointed managers of the conference on the part of the House.

The message further announced that the House had passed the bill (S. 2410) to amend the Public Health Service Act to provide assistance and encouragement for the development of comprehensive area emergency medical services systems with an amendment in which it requests the concurrence of the Senate.

The message also announced that the House had agreed to the amendment of the Senate to the amendment of the House to the amendment of the Senate numbered 5 to the bill (H.R. 9639) to amend the National School Lunch and Child Nutrition Acts for the purpose of providing additional Federal financial assistance to the school lunch and school breakfast programs.

The message further announced that the House had passed the following bills in which it requests the concurrence of the Senate:

H.R. 3927. An act to extend the Environmental Education Act for 3 years; and

H.R. 10586. An act to amend title 10, United States Code, to authorize the use of health maintenance organizations in providing health care.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 5943. An act to amend the law authorizing the President to extend certain privileges to representatives of member states

on the Council of the Organization of American States; and

H.R. 9639. An act to amend the National School Lunch and Child Nutrition Acts for the purpose of providing additional Federal financial assistance to the school lunch and school breakfast programs.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. METCALF).

The enrolled bill (H.R. 689) to amend section 712 of title 18 of the United States Code, to prohibit persons attempting to collect their own debts from misusing names in order to convey the false impression that any agency of the Federal Government is involved in such collection, signed October 23, 1973, by the Speaker, was signed today by the Acting President pro tempore (Mr. METCALF).

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 3927. An act to extend the Environmental Education Act for 3 years; to the Committee on Labor and Public Welfare.

H.R. 10586. An act to amend title 10, United States Code, to authorize the use of health maintenance organizations in providing health care; to the Committee on Armed Services.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that any committees which may wish to meet today may be so authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PRINTING AS A HOUSE DOCUMENT "A HISTORY AND ACCOMPLISHMENTS OF THE PERMANENT SELECT COMMITTEE ON SMALL BUSINESS OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES"

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Concurrent Resolution 301.

The ACTING PRESIDENT pro tempore. The resolution will be stated by title.

The assistant legislative clerk read as follows:

House Concurrent Resolution 301, providing for the printing as a House document "A History and Accomplishments of the Permanent Select Committee on Small Business of the House of Representatives of the United States."

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the resolution (H. Con. Res. 301) was considered and agreed to.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, in view of the fact that no legislative business is expected to be acted on today or called up, other than what has already been transacted, and in view of the fact that Senators may wish to make statements in excess of 3 minutes—which is provided for by the order entered into previously—I ask unanimous consent that there be a period for the transaction of routine morning business of not to exceed 2 hours—and I certainly hope it will not take that long—with statements therein limited to 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, reserving the right to object—could I have 3 minutes now?

Mr. ROBERT C. BYRD. I am trying to get an order to supplant the 3 minutes with 15 minutes limitation so that the Senate could speak five times as long.

Mr. FULBRIGHT. I do not want to speak that long.

The ACTING PRESIDENT pro tempore. The Chair will recognize the Senator from Arkansas if the Senator from West Virginia is through.

Mr. ROBERT C. BYRD. Did the Chair act on my unanimous-consent request?

The ACTING PRESIDENT pro tempore. Yes. The Chair said that, without objection, it was so ordered.

Mr. ROBERT C. BYRD. I thank the Chair.

The ACTING PRESIDENT pro tempore. Does the acting minority leader desire recognition at this time?

Mr. BUCKLEY. Mr. President, not at this time. I have a statement I should like to make.

Mr. FULBRIGHT. I have a brief statement I should like to make.

Mr. BUCKLEY. I gladly yield to the Senator from Arkansas.

Mr. ROBERT C. BYRD. Would the Chair lay before the Senate a message first?

U.S. INFORMATION AGENCY APPROPRIATIONS AUTHORIZATION ACT OF 1973—VETO MESSAGE

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of the Senate which the clerk will state.

The assistant legislative clerk read as follows:

OCTOBER 23, 1973.

Senator JAMES O. EASTLAND,
President pro tempore of the U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: On Tuesday, October 23, 1973, shortly after the Senate had taken a recess until Friday, a message was received by me from the President of the United States, addressed to the Senate, which purports to contain a veto message on S. 1317, an act to authorize appropriations for the United States Information Agency.

I am herewith delivering to you the said message for presentation to the Senate.

Sincerely,

FRANCIS R. VALEO,
Secretary of the Senate.

The ACTING PRESIDENT pro tempore. The Chair now lays the President's message before the Senate which will be spread upon the Journal and printed in the RECORD, without being read at this time, if there is no objection.

The Chair hears no objection, and it is so ordered.

The text of the message is as follows:

To the Senate of the United States:

I am returning today without my approval S. 1317, the United States Information Agency Appropriations Authorization Act of 1973.

The major purpose of this bill is to authorize appropriations for operation of the USIA during fiscal year 1974. Unfortunately, however, the Congress has injected a separate issue which, in good conscience, I must oppose.

Traditionally, when it is deemed necessary for a Department or Agency to withhold certain confidential information that has been requested by the Congress, the President issues a directive or statement prohibiting the disclosure of such information and explaining the reasons for his action. The two branches then explore means of compromise by which data can be supplied in a way that is consistent with the constitutional obligations of each branch.

Section 4 of S. 1317 ignores this precedent. Instead, it would penalize the USIA with a possible cut-off of funds if it failed to meet a demand for confidential internal information made by the Senate Committee on Foreign Relations or the House Committee on Foreign Affairs—however unreasonable that demand might be.

The Justice Department has advised me that section 4 is an unconstitutional attempt on the part of the Congress to undermine the President's constitutional responsibility to withhold the disclosure of information when, in his judgment, such disclosure would be contrary to the public interest. From George Washington on, my predecessors have defended this Presidential responsibility, recognizing that the traditional division of powers and comity between the executive and legislative branches must be maintained. I intend to do no less.

A practical effect of section 4 would be to restrict the USIA access to sensitive foreign policy information essential to carrying out its mission. The Agency could also be forced to disclose internal documents and working papers which do not represent approved policy. Failure of the Congress to respect the confidentiality of such papers would prevent a free and frank exchange of views within the USIA and between it and other parts of the executive branch—an exchange that is vital if the USIA is to function as an effective arm of American foreign policy.

This Administration has invoked Executive privilege to withhold information only in the most compelling circumstances and only after thorough, thoughtful evaluation of the facts. As evidence of our good faith, the USIA has complied as fully as possible with every Congressional request for information during the authorization and appropriations hearings this year, and will continue to do so. For example, it provided the Senate Foreign Relations Committee alone with detailed answers to more than one hundred substantive

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questions prior to this year's authorization hearings.

If a President failed to take a stand in this instance to protect the division of powers and uphold the doctrine of Executive privilege, the door would be opened to even more serious encroachments on the constitutional system. Already, provisions similar to those in section 4 are contained in two vital bills at very advanced stages in the legislative process—S. 2335, the economic foreign assistance authorization bill, and S. 1443, the security assistance authorization bill.

The issue at stake is simple. It involves far more than the confidential documents of the USIA or our other foreign affairs and national security agencies. Rather, it involves the preservation of the basic ability of the executive branch to continue to function and perform the responsibilities assigned to it by the Constitution. Unless privacy in the preliminary exchange of views between personnel of the Executive agencies can be maintained, the healthy expression of opinion and the frank, forthright interplay of ideas that are essential to sound policy and effective administration cannot survive.

Richard Nixon.

The White House, *October 23, 1973.*

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the message remain at the desk temporarily.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CLARIFICATION OF VIEWS ON MIDDLE EAST CONFLICT

Mr. FULBRIGHT. Mr. President, I wish to clarify my views regarding the events of yesterday and the article by the Associated Press carried in the Washington Post this morning, which I believe may be misleading in some respects.

First, I strongly support the Secretary of State in his efforts to bring an end to the conflict in the Middle East.

Second, I support the Secretary's policy of détente with the Soviet Union.

These matters are interrelated, and I believe that the policy of détente contributed to the action of the Security Council yesterday, supported by 14 members, including the Soviet Union.

When asked about the statement by the Senator from Washington, characterizing a mesage from the Soviet Union to the President as "brutal," I stated that I thought that was an inappropriate way to describe it; that I considered it to be urgent but not "brutal" or threatening; and that this description of the note tended to increase our difficulties, to undermine any possibility of détente, and to increase further the arms race, military appropriations, and, in general, the tensions resulting from the war, which are already very great.

I regret that it was thought necessary by the National Security Council to order an alert, but I do not criticize that decision. The vote in the Security Council yesterday is, I believe, a justification of my view that the policy of détente is still viable and in our interest, and also that it is inaccurate to characterize the attitude of the Soviet Union as being "brutal."

In summary, I think the Secretary of State has shown determination, restraint, and wisdom in the way he has handled this affair.

Mr. President, I wish, in that connection, to have printed in the Record an article published in the Washington Post this morning, which I consider to be incomplete because it, by no means, reflects all that I said.

I also ask unanimous consent to have printed in the Record an article entitled "Some Small Hope," written by Stewart Alsop, and published in Newsweek magazine for October 29, 1973. I think it is quite significant that this writer suggests that it is in the interest of Israel to move in the direction which I believe the Secretary of State and the President are now moving. I would hope that this view will be taken seriously. I feel that the Secretary is doing everything possible, under great difficulty, to bring about a cessation of hostilities and also a beginning of negotiations designed to implement that policy which, in a general way, was announced by the administration as long ago as 1969 and has sometimes been referred to as the Rogers plan.

With this statement, I hope that any misunderstanding of my attitude may be clarified.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Washington Post, Oct. 26, 1973]

Fulbright Doubts Alert Justified

Sen. J. W. Fulbright (D-Ark.) said last night he doubts the administration's alert of U.S. forces was justified by Middle East developments.

Secretary of State Henry A. Kissinger said earlier that President Nixon had no choice but to act as he did. He described the alert as a precaution taken in view of ambiguity about possible Soviet intervention in the Middle East.

Fulbright, chairman of the Senate Foreign Relations Committee, said a Soviet note to President Nixon on the Arab-Israeli conflict apparently was couched in urgent terms, "but from what I know, it was not threatening."

He said he had felt since a White House briefing he attended yesterday morning that the situation was not one of crisis and that this feeling was borne out later in the day when the U.N. Security Council approved a peacekeeping force that excluded the big powers.

He suggested the crisis atmosphere may have been promoted to support the Pentagon military budget.

Fulbright also said the alert is likely to make it more difficult for Congress to override President Nixon's veto of the war powers resolution limiting use of U.S. troops in combat without congressional approval to a 60-day period.

At the White House, spokesman Gerald L. Warren said in response to Fulbright's assertions that "the reality of the situation was described by Secretary Kissinger" at his news conference.

Some Small Hope

(By Stewart Alsop)

Washington.—In 1947, that indomitable lady, Golda Meir, dressed as an Arab woman, made her way secretly to Amman, the capital of Jordan, to see old King Abdullah and enlist his support for the future state of Israel.

Her dangerous mission failed—Abdullah was assassinated shortly thereafter. But it may be worth recalling now. That was probably the last time that any of the current generation of Israeli leaders saw any Arab city, except the grubby towns occupied by Israel in 1967. And the difference between then and now tells something about what is happening now.

By chance, this writer was also in Amman in 1947. The other Arab capitals of that era were hardly vacation spots, but Amman was a dreadful place. The town was constructed largely of mud, the smell of excrement was inescapable and Amman's inhabitants were sad, undernourished creatures, shuffling about in dirty nightgowns.

The year 1947 was the tag end of the era of British imperialism. In Jordan, a British general, Glubb Pasha, was the real power behind the throne. In Iraq, a British Arabist, one Stewart Perowne, made no bones about the fact that he was really running the country. British troops still occupied the Kasr el Nil barracks in Cairo, and the British ambassador was accompanied by outriders as a visible symbol of his imperial power. Syria was still a French dependency in all but name.

A RESPECTABLE CITY

Twenty-two years later, I again visited Amman, and I was astonished by the change. I found, instead of the sprawling mud village I remembered from 1947, a respectable little city, built largely of stone, and with a water and sewer system better, I was told, than in many American towns of comparable size. The population seemed well-fed and reasonably cheerful.

When Mrs. Meir thinks of Amman, it would be only natural for her to see in her mind's eye the Amman of 1947, as I did before I went back there. But the Arab countries have changed. They have changed a lot more than the older generation of Israeli leaders may have allowed for. And that change confronts Israel with the most cruel of all the dilemmas that have faced that small beleaguered nation in its short history.

What has changed the Arab countries is money—money, plus time, plus Russian weapons. Most of the money is oil money, of course, but by no means all of it—the change extends to the oil-poor states, like Jordan and Egypt. Time has seen the debasing era of foreign control fade in the Arabs' racial memory—nobody calls the Egyptians "wogs," these days, as the British used to do, to their faces.

Russian weapons, notably the SAM-6 antiaircraft missile, have made it possible for the Arabs to challenge, for a while at least, the vastly outnumbered Israelis. But it would be an illusion to suppose that weapons wholly explain what has happened. Good weapons are no use in the hands of soldiers who panic and run, as the 1967 war proved. This time the Arabs have stood and fought.

In terms of technical proficiency, national cohesion and raw human courage, the Israelis remain the superiors of the Arabs. But as this war demonstrates, the gap is certain. It is certain to close further.

CLOSING THE GAP

Nahum Goldmann, former president of the World Zionist Organization, foresaw the closing of the gap in 1970, when it was the conventional wisdom that the Israelis were unchallengeably and permanently superior to the Arabs militarily. He wrote in Foreign Affairs:

"History proves that an imposed peace does not last for long, even if a defeated people is forced for a certain time to accept a truce extracted by arms. In the case of Israel and the Arabs, this probability is much smaller in view of the tremendous numerical superiority of the Arab peoples . . . at the moment,

and probably for some time to come, the qualitative superiority of Israel is outstanding; it is unrealistic, however, to rely on it forever; the Arab peoples have created a brilliant civilization in the past and will no doubt one day acquire the technical know-how of the-West, both in peaceful endeavors and in warfare."

The "qualitative superiority of Israel" is almost surely enough to make certain another Israeli victory, though a more costly one than ever before. But what happens when Israel wins? The Israeli Chief of Staff says that Israel will "break the bones" of the Arabs, and other Israelis talk about "teaching them a lesson, once and for all." But how? By using the nuclear weapon to destroy the Aswan Dam? By the population bombing of Cairo or Damascus, or their military occupation? By seizing still more Arab land? Or simply by hanging on like bulldogs to the 25,000 square miles of Arab land that Israel won in 1967?

The last is the most likely answer. Continued occupation plus "creeping annexation" constituted the basic Israeli policy before the war started. As a result of the Arab attack, many Israelis, including former "doves," believe that the post-1967 borders saved Israel in this war, and must be held at all costs.

A TERRIBLE TIME

It is not at all hard to see why they should think so. But if that is to be Israel's policy, another war is predictable, and another, and another after that, until at last a terrible time could come when the lesson-teaching would be done by the Arabs. Nothing is more clear by now than that there can be no peace while Israel holds great reaches of Arab land and rules as conqueror a million Arabs.

Goldmann quotes the great Chaim Weizmann as saying that the Arab-Jewish conflict is "a clash between two rights, not between right and wrong, and that is what makes it so . . . difficult." Difficult it certainly is. But there may be some small hope where there was none before.

At least Sadat has said what Nasser never said—that he is willing to sign a peace treaty recognizing Israel's right to exist. The United States has a brilliant new Secretary of State who, as himself a Jew, can hardly be accused of anti-Semitism. It was Henry Kissinger, back in 1970, who stated the basic American policy: "The United States is committed to defend Israel's existence, but not Israel's conquests."

For the Israelis to accept demilitarization of her borders or international guarantees as a substitute for the conquests that have provided the post-1967 borders would require a great and bold risk. But it is now more obvious than ever before that to hold onto those conquests will surely in the long run involve far greater risks. That is why there may be some small hope where there was none before.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries, and he announced that on October 18, 1973, the President had approved and signed the following bills:

S. 84. An act for the relief of Mrs. Naoyo Campbell;

S. 89. An act for the relief of Kuay Ten Chang (Kuay Hong Chang);

S. 396. An act for the relief of Harold C. and Vera L. Adler, doing business as the Adler Construction Company; and

S. 1141. An act to provide a new coinage design and date emblematic of the Bicentennial of the American Revolution for dollars, half dollars, and quarter dollars, to authorize the issuance of special silver coins commemorating the Bicentennial of the American Revolution, and for other purposes.

And that on October 19, 1973, the President had approved and signed the following bills:

S. 278. An act for the relief of Manuela Bonito Martin;

S. 795. An act to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes;

S. 1016. An act to provide for the use or distribution of funds appropriated in satisfaction of certain judgments of the Indian Claims Commission and the Court of Claims, and for other purposes; and

S. 1914. An act to provide for the establishment of the Board for International Broadcasting, to authorize the continuation of assistance to Radio Free Europe and Radio Liberty, and for other purposes.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. Metcalf) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

THE CRISIS OF CONFIDENCE

Mr. BUCKLEY. Mr. President, the public's immediate and extraordinary response to the events of the past week is a matter of the most profound political significance. At the heart of the matter is whether the President will be able to maintain that minimum degree of public confidence that will enable him to resume a role of effective leadership; and on the manner in which he meets this crisis of confidence may well depend the public's ultimate confidence in the Presidency itself.

Analytically, neither his compromise proposal on the Watergate tapes—one which met with the approval of the Senators most directly concerned—nor the firing and resignation of administration officials warranted the unprecedented calls for the President's resignation or impeachment that they have produced. It would seem, therefore, that the telegrams and letters and phone calls flooding Washington can be taken as conclusive evidence of a far deeper—and a deeply troubling—public concern. It is clear that a sizable portion of the public requires reassurance that our governmental system is strong enough to survive the impact of the repeated shocks that have recently shaken Washington and the Nation; and it is the first obligation of all who hold public responsibility to recognize and address this political imperative.

On July 24, 1973, on the first occasion I had to comment on the President's refusal to give up the tapes, I said:

> I think he (President Nixon) has painted himself into a very tight corner, unnecessarily, and foolishly. . . . (O)ne ought not to precipitate Constitutional confrontations. I think the virute of our Constitution has been the fact that it contains a number of gray areas, . . . at one point or another (in the past) the Congress or the President has backed away. This has avoided brittle court determinations of where the lines are to be drawn . . . I think clearly in the instant case the consensus of the American people will be that the President, while he has the right to exercise the privilege, ought not to be exercising it in this manner.

Last month I wrote:

> The head-on confrontation precipitated by Judge Sirica's order could and should have been averted. For this, the President must assume the blame. I say this even though I believe his position may be technically correct. Given the political facts of the Watergate situation, given his patent lack of public support, he ought to have backed away from a constitutional showdown. He could have done so without compromising the principle of executive privilege, for a privilege can be waived.

Unfortunately, "hysterical" is the best word to describe much of the media and public's response to the President's compromise with Senators Ervin and Baker and the subsequent series of events that evolved from that compromise. Contrary to public myth, the President broke no law in effecting that compromise. He, in fact, offered an accommodation that was acceptable to the chairman and vice chairman of the Watergate Committee, one that many felt should also prove acceptable to the court. He broke no law in firing Mr. Cox. He was not in contempt of court because of his actions for the simple reason that Judge Sirica never ruled on those actions. The President deserved a more rational and more informed criticism of his actions last week than the calls for impeachment that issued from persons who ought to have known better, calls which in themselves contributed to an overwrought public reaction to last week's events.

Yet, the fact of a hyperemotional criticism of the President for the wrong reasons does not relieve us of the obligation to acknowledge the seriousness of the current mood, nor the fact that it is in large part the product of the President's own errors of judgment. He misread the public's overriding desire to hear those portions of the tapes relevant to the Watergate inquiries. Thus his own persistent attempts to protect the principle of executive privilege have been met with increasing suspicion especially after he placed himself athwart the explicit directives of two Federal courts. As events have proven, the fact that his position may be constitutionally correct has not protected him or the Nation from the political consequences of his actions.

It is one of history's great ironies that, having vowed never to give up the tapes in order to avoid setting new precedents his successors would have to live with, he should finally have been forced by mounting pressures to capitulate on precisely that constitutional question of executive privilege he had so doggedly fought to protect. Thus, the President finds that he has both lost the battle for the tapes and endangered the principle he sought to defend. He could have, as I suggested, waived executive privilege and given up the tapes voluntarily under appropriate safeguards. But he did not and we find ourselves in a dilemma unprecedented in our history.

What can be done to restore confidence in the office of the President and

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in Government itself? I believe that three essential steps must immediately be undertaken, one by the President, one by Congress, and the third by the courts and the White House together.

First, I call upon the President to appoint a special prosecutor to carry on the work begun by Mr. Cox. This prosecutor should be appointed by the President and be confirmed by the Senate.

I want to make it clear that my call for a new special prosecutor is in no way based on my acceptance of the idea that the appointment of a special prosecutor is, in the normal course of events, either desirable or necessary under our system. Nor do I want to suggest any lack of confidence in Acting Attorney General Bork or in Assistant Attorney General Petersen. I am fully confident that they intend and would in fact carry forward a vigorous, effective investigation of all aspects of the Watergate affair and would not tolerate any attempt at interference with their discharge of their responsibilities. I am convinced that they would do an exceptionally thorough and competent job, and that the ends of justice would be fully served should they continue to be in charge of the investigation.

But this has become beside the point. These are extraordinary times and we must accept extraordinary measures if we are to achieve the primary goal of restoring public confidence. Given the current climate, any prosecution conducted within ordinary Justice Department channels will be held suspect by too many Americans, and will be subject to criticisms and innuendo, however unjust or however irresponsible, from the President's critics. Only an independent prosecutor can achieve the full confidence and credibility that the times so urgently require.

Second, Congress must move expeditiously in considering the nomination of Gerald Ford to be Vice President of the United States. Congress has a clear duty to the people and to the Constitution to proceed without delay on the matter. It is unthinkable that Mr. Ford should be held hostage to partisan considerations. To play politics with the matter of succession, to violate the clear spirit and intent of the 25th amendment, would further undermine public confidence in and respect for Government.

Congress, too, has a clear obligation to recognize the extraordinary nature of the current discontent. Anything less than a truly statesmanlike approach to the matter of succession would be a historic disservice the Nation and to Congress itself. Narrow concern for political advantage cannot be allowed to stand in the way of restoring a sense of stability and continuity. I speak of the public's right to what might be called a constitutional anchor, the knowledge that we once again have a Vice President of the United States.

Third, Judge John Sirica and the White House should immediately resolve any difficulties concerning the manner in which the tapes will be given to the judge and any questions of national security concerning the tapes. No interest could conceivably be served by a public haggling over the mechanics by which matters irrelevent to the grand jury's deliberations are excised.

These are three essential steps toward restoring confidence in the Presidency and in our system of government. It is not an exaggeration to state that at the present moment the very Office of the Presidency needs to be protected from the misjudgments, the passions, and the thoughtless partisanship that have already taken so heavy a toll.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Metcalf) laid before the Senate the following letters, which were referred as indicated:

Foreign Assistance Report

A letter from the Assistant Secretary of State transmitting, pursuant to law, a confidential report entitled "Annual Foreign Assistance Report, Part 3" (with an accompanying report). Referred to the Committee on Foreign Relations.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. Metcalf):

A joint resolution from the Legislature of the State of California. Referred to the Committee on Appropriations:

"Assembly Joint Resolution No. 18

"Relative to the Anadromous Fish Conservation Act

"Whereas, Congress in extending the Anadromous Fish Conseravtion Act (P.L. 91–249) made funds appropriated under such act available until expended; and

"Whereas, The Secretary of the Interior through administrative regulation has required the obligation of funds within the year of appropriation; and

"Whereas, Orderly planning, programming, and budgeting for participation by the various states is not feasible within the period of the fiscal year which remains after allocation; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California memorializes the Secretary of the Interior to extend the period of obligation for funds appropriated under the Anadromous Fish Conservation Act through the fiscal year following the year of appropriation; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the Interior, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California. Referred to the Committee on Interior and Insular Affairs:

"Assembly Joint Resolution No. 19

"Relative to anadromous fish conservation

"Whereas, The Anadromous Fish Conservation Act (Public Law 89–304, as amended by Public Law 91–249) provides that federal costs for projects administered by a single state shall not exceed 50 percent; and

"Whereas, Man's encroachment into the environment continues to negatively affect anadromous fish resources; and

"Whereas, There are insufficient state funds to accomplish all the programs necessary to properly maintain and enhance the anadromous fisheries; and

"Whereas, Several states have difficulty in providing enough matching funds to meet half the cost of some of the many needed projects; and

"Whereas, By paying 75 percent of the costs, the federal government could enable the states to match funds for many additional, severely needed projects; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President to support, and the Congress of the United States to enact, changes in the provisions of the Anadromous Fish Conservation Act to provide that the federal share for anadromous fish conservation projects be increased to 75 percent; and be it further

"*Resolved*, That the Legislature of the State of California further memorializes the President to support, and the Congress of the United States to enact, legislation to increase the annual expenditure authorization under such federal act to $20,000,000 and to increase the appropriation up to the amount authorized in order to more fully meet the needs of the anadromous fish resource, and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California. Referred to the Committee on Commerce:

"Assembly Joint Resolution No. 20

"Relative to the Federal Water Project Recreation Act

"Whereas, The Federal Water Project Recreation Act (P.L. 89–72) prescribes that full consideration be given to enhancement of fish and wildlife as a purpose of federal water projects; and

"Whereas, Anadromous and resident fish populations of the Pacific Coast traverse state lines and are exceptionally valuable resources of national significance for which the demand is greater than the supply; and

"Whereas, Some federal water developments may have the potential for increasing anadromous and resident fish resources with benefits to both commercial and sport fishermen; and

"Whereas, The act requires that nonfederal interests must agree to pay one-half of the separable costs and all operation, maintenance, and replacement costs assigned to fish and wildlife enhancement in connection with federal water projects; and

"Whereas, State or local agencies often do not possess the financial capability of meeting the cost-sharing provisions of the act, and because of budgetary limitations, the fish and wildlife enhancement purposes of the project will be deleted, permanently eliminating project potentials for enhancement; and

"Whereas, The act limits federal funding to $100,000 for fish and wildlife enhancement at projects authorized prior to 1965, and among such projects many opportunities to enhance fish and wildlife resources cannot be fully realized within this limitation; and

"Whereas, Some question exists as to the application of the provisions of the act to areas downstream from a project but within the project impact area, although it is in such downstream areas that enhancement may be achieved for species such as salmon and steelhead trout; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to amend the Federal Water Project Recreation Act (P.L. 89–72) as follows:

"(a) To make all costs of enhancing anadromous and resident fishes at federal water developments nonreimbursable federal costs; and

"(b) To provide for operation and maintenance of such enhancement facilities by either federal or nonfederal bodies as may be appropriate; and

"(c) To remove the $100,000 limitation that presently applies to projects authorized prior to 1965; and

"(d) To specifically include enhancement in areas downstream from any project but within the impact area of such project; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the Interior, to the Secretary of Commerce, to the Secretary of Defense, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of Wisconsin. Referred to the Committee on Finance:

"1973 Senate Joint Resolution 3

"Memorializing congress to release this state's share of held-back federal highway trust funds

"Whereas, an exceptionally harsh winter has left the surfaces of Wisconsin's highways in need of extensive repairs; and

"Whereas, the construction of new and improved highways is vital to this state's growing transportation needs; and

"Whereas, Wisconsin's climate, because of rapidly changing seasons, provides only a limited number of months suitable for highway construction, making it necessary that highway work commence as soon as the weather allows; and

"Whereas, despite these pressing present needs the United States department of transportation is holding back highway trust funds; and

"Whereas, this state's share of these funds had reached approximately $70,000,000 by June 30, 1972; now, therefore, be it

"Resolved by the senate, the assembly concurring, That immediate congressional action be taken to release this state's share of held-back highway trust funds at the earliest possible date; and, be it further

"Resolved, That duly attested copies of this resolution be transmitted to the secretary of the federal department of transportation, the secretary of the senate of the United States, the chief clerk of the house of representatives and the members of Wisconsin's congressional delegation."

A resolution of the Military Order of the World Wars urging the retention of control of the Panama Canal. Referred to the Committee on Armed Services.

A resolution of the Military Order of the World Wars urging the defense of national interests firmly and on a timely basis. Referred to the Committee on Foreign Relations.

A resolution adopted by the City Commission of the city of Fort Lauderdale, Fla., requesting the State and Federal governments to take measures to insure an adequate supply of chlorine for municipal water and sewage treatment plants. Referred to the Committee on Labor and Public Welfare.

PRESENTATION OF PETITIONS

RESOLUTION OF ALABAMA STATE LEGISLATURE ADVOCATING RECONFIRMATION OF FEDERAL JUDGES

Mr. ALLEN. Mr. President, during the almost 200 years of our national existence, there have been many changes in our way of life, as each generation has attempted to reshape the government to meet changing public needs.

But one of the most sharply felt and most disputed changes has been the gradual accumulation of powers in the Supreme Court to the extent that not only judicial authority, but also legislative and executive powers and functions are today exercised by the nonelective judicial branch of the Federal Government.

These actions have reshaped our Government and Constitution to fit a pattern drawn and cut by the Supreme Court. The Supreme Court's despotic seizure of power and authority over the past three decades has badly damaged the delicate system of checks and balances which were purposely built into our federal system by those wise and dedicated leaders who wrote our Constitution.

At the very beginning of the first session of the 92d Congress I introduced a joint resolution proposing an amendment to the Constitution of the United States relating to terms of office of Justices of the U.S. Supreme Court and Judges of other Federal courts and providing that Federal judges, who are assuming legislative or executive powers, be made responsible to the people or to the elected representatives of the people by limiting their terms of appointment while providing for reappointment subject to reconfirmation by the Senate.

Mr. President, the problems I speak of have not decreased, and Americans everywhere are increasingly concerned with this situation. During its regular 1973 session the Alabama Legislature passed House Joint Resolution 191, memorializing Congress to submit to the States a proposed constitutional amendment requiring periodic reconfirmation by the U.S. Senate of all Federal Judges. This is an important document not only because of the subject, but also because it is an official resolution of a State legislature.

Mr. President, I ask unanimous consent that this resolution, H.R. 191, passed by the Alabama Legislature be printed in the Record so it may be brought to the attention of all Members of this body and to the legislatures of the other States.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution was referred to the Committee on the Judiciary. It reads as follows:

House Joint Resolution 191

Resolution memorializing Congress to submit to the fifty States a proposed constitutional amendment to require that all Federal judges who are appointed for life must be periodically reconfirmed by the United States Senate

Whereas, the appointment of federal judges for life tenure have often-times resulted in a man being placed in a high federal judgeship who is irresponsible and not suited for the office; and

Whereas, there needs to be some procedure whereby this republic may be safeguarded from such irresponsible persons holding high federal office; now therefore

Be it resolved by the Legislature of Alabama, both Houses thereof concurring: That the United States Congress is hereby memorialized to submit to the fifty states of this republic a proposed Constitutional Amendment to the United States Constitution to require that all federal judges who are appointed for life be periodically reconfirmed by the United States Senate every ten years in order to continue holding their office.

Be it further resolved, That copies of this resolution be sent to all members of the United States House of Representatives and the United States Senate.

RESOLUTION OF ALABAMA STATE LEGISLATURE SUPPORTING FORT McCLELLAN AT ANNISTON, ALA.

Mr. ALLEN. Mr. President, the citizens of Alabama are deeply concerned over a study by the Department of the Army considering the closing of Fort McClellan, Ala., which is headquarters of the Women's Army Corps, the U.S. Women's Army Corps Center and the U.S. Women's Army Corps School. Earlier this year the Secretary of the Army announced his decision to make use of Fort McClellan's excellent facilities and location as the new home for the U.S. Army Military Police School—a decision which has yet to be implemented.

Fort McClellan has a long and honored place in the Army's roster of military bases. The long and pleasant relationship between the Army community at Fort McClellan and the civilian neighbors has been exemplary, a fact which has been of immeasurable value to the Army in meeting its responsibilities.

Mr. President, during its recent 1973 session, the Legislature of the State of Alabama passed House Joint Resolution 219, a resolution opposing the closing of the military base at Fort McClellan.

I ask unanimous consent that this resolution be printed in the Record.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution was referred to the Committee on Armed Services. It reads as follows:

House Joint Resolution 219

Resolution opposing the closing of the Military Base at Fort McClellan

Whereas, the announced decision that a study is being made to consider the closing of Fort McClellan at Anniston, Alabama has come as a distinct shock to the citizens of this state and particularly to the people of the Anniston area; and

Whereas, strong local support has always been given to the military forces at Fort McClellan since, when with the declaration of war with Germany in 1917, the War Department was rapidly surveying the country for possible camp sites, the citizens of Anniston patriotically underwrote additional funds in the amount of $136,000 necessary to compensate owners of crops planted on the desired site, an obligation which cost the citizens of Anniston much anxiety and hard work and was not paid off until 1934; and

Whereas, the unusually favorable climate of Anniston, the high caliber civilian personnel, including master craftsmen available for employment at the Fort and the economic, civic, social and cultural contributions of the military have resulted in a closely interwoven relationship of mutual respect between Fort McClellan personnel and the citizens of Anniston, a fact which is attested to by the large number of military retirees and five of the six past commanding officers of Fort McClellan who have chosen to make Anniston their permanent home; and

Whereas, the consideration of any plan to close Fort McClellan is a particularly severe blow in view of the fact that Fort McClellan was the home of the WACs and the plans were in the making to double the WAC strength by 1976, and that plans and expenditures have already been made in reliance upon the anticipated move of the Military Police School to Fort McClellan with the expected base strength to be 10,051, includ-

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ing some 8,851 military and 1,200 civilians by 1975; now therefore

Be it resolved by the Legislature of Alabama, both Houses thereof concurring, That we respectfully request the Army to study thoroughly and evaluate carefully the many advantages of keeping its installation at Fort McClellan open and activated to its fullest capacity and that all plans to close its facilities at that place be definitely abandoned as soon as possible.

Be it further resolved, That copies of this resolution be sent to the following:

The Honorable Howard H. Callaway, Secretary of the Army, Department of the Army, Washington, D.C. 20310.

General Creighton Abrams, Chief of Staff, Department of the Army, Washington, D.C. 20310.

Resolved further, That copies of this resolution also be sent to Senators John Sparkman and James Allen and to each member of the Alabama delegation in the House of Representatives of the United States Congress, with the urgent request that each officer do everything in his power which is necessary and appropriate to maintain the military facilities at Fort McClellan and to prevent the closing of its base of operations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HASKELL, from the Committee on Interior and Insular Affairs, with amendments:

S. 702. A bill to designate the Flat Tops Wilderness, Routt and White River National Forests, in the State of Colorado (Rept. No. 94–480).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. WILLIAMS, from the Committee on Labor and Public Welfare:

Harry J. Hogan, of Maryland, to be an Assistant Director of the ACTION Agency.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

By Mr. ROBERT C. BYRD, from the Committee on the Judiciary:

Thomas Arny Rhoden, of Mississippi, to be U.S. marshal for the southern district of Mississippi;

J. Raymond Bell, of New York, to be a member of the Foreign Claims Settlement Commission of the United States; and

Charles R. Work, of the District of Columbia, to be Deputy Administrator for Administration of the Law Enforcement Assistance Administration.

The above nominations were approved subject to the nominees' commitments to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. BAYH (at the request of Mr. Hart, Mr. Ervin, Mr. Kennedy, Mr. Burdick, Mr. Robert C. Byrd, Mr. Tunney, Mr. Mathias, Mr. Abourezk, Mr. Bible, Mr. Biden, Mr. Case, Mr. Chiles, Mr. Church, Mr. Clark, Mr. Fulbright, Mr. Gravel, Mr. Haskell, Mr. Hathaway, Mr. Hatfield, Mr. Humphrey, Mr. Inouye, Mr. Jackson, Mr. Javits, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Mondale, Mr. Moss, Mr. Muskie, Mr. Pastore, Mr. Pell, Mr. Ribicoff, Mr. Schweiker, Mr. Stevenson, Mr. Talmadge, Mr. Weicker, Mr. Williams, Mr. Montoya, Mr. Proxmire, Mr. Symington, Mr. Cannon, Mr. Magnuson, Mr. Metcalf, Mr. Randolph, Mr. Eagleton, Mr. Cranston, Mr. Nelson, Mr. Hughes, and Mr. Johnston):

S. 2611. A bill to insure the enforcement of the criminal laws and the due administration of justice; establish an independent special prosecutor. Referred to the Committee on the Judiciary.

By Mr. STEVENSON:

S. 2612. A bill to amend title 28, United States Code, to make the United States liable for damages caused as the result of ultrahazardous activities in which the United States is engaged. Referred to the Committee on the Judiciary.

By Mr. McGOVERN:

S. 2613. A bill to amend section 2 of the National Housing Act to increase the maximum principal amount of home improvement loans which may be insured thereunder and to increase the maximum maturity of such loans. Referred to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HUGHES (for Mr. Eagleton):

S. 2614. A bill to amend the Economic Stabilization Act of 1970 to provide for the application of price controls to certain export sales. Referred to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HARTKE:

S. 2615. A bill to establish an Office of Counsel General in the legislative branch of Government, and for other purposes. Referred to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BAYH (at the request of Mr. Hart, Mr. Ervin, Mr. Kennedy, Mr. Burdick, Mr. Robert C. Byrd, Mr. Tunney, Mr. Mathias, Mr. Abourezk, Mr. Bible, Mr. Biden, Mr. Case, Mr. Chiles, Mr. Church, Mr. Clark, Mr. Fulbright, Mr. Gravel, Mr. Haskell, Mr. Hathaway, Mr. Hatfield, Mr. Humphrey, Mr. Inouye, Mr. Jackson, Mr. Javits, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Mondale, Mr. Moss, Mr. Muskie, Mr. Pastore, Mr. Pell, Mr. Ribicoff, Mr. Schweiker, Mr. Stevenson, Mr. Talmadge, Mr. Weicker, Mr. Williams, Mr. Montoya, Mr. Proxmire, Mr. Symington, Mr. Cannon, Mr. Magnuson, Mr. Metcalf, Mr. Randolph, Mr. Eagleton, Mr. Cranston, Mr. Nelson, Mr. Hughes, Mr. Johnston, Mr. Packwood, Mr. Huddleston, and Mr. Hartke):

S. 2611. A bill to ensure the enforcement of the criminal laws and the due administration of justice; establish an independent Special Prosecutor. Referred to the Committee on the Judiciary.

INDEPENDENT SPECIAL PROSECUTOR ACT OF 1973

Mr. BAYH. Mr. President, the very essence of Democracy is that the people consent to be governed under a system in which they vest their faith and confidence. That system, and thus the strength of the Government, are dependent on maintaining the public's faith and confidence.

Today, as never before in our history, that faith and confidence are shaken, to such an extent, that our system of government is facing a crisis of unprecedented proportions.

If we are to govern effectively and responsively, the Congress must set out as its first order of business the difficult, but absolutely essential, goal of reestablishing the public faith and confidence from which all else proceeds in a democracy. And no amount of high-sounding lip-service will do the necessary job; the need is for immediate, constructive action to restore the faith of the American people in their governmental institutions.

In determining the appropriate course of action, Mr. President, we need only to look at the source of the problem. The American people, with good cause, regard the President's dismissal of Special Prosecutor Archibald Cox, and the forced resignations of the two top officials at the Department of Justice, as sufficient evidence that equality under the law is not being maintained and that justice is not being served.

Thus, the one thing we can do here in Congress to reverse this tidal erosion of confidence is to enact, speedily, legislation to create a new special prosecutor whose independence will be above reproach. That prosecutor must not answer to Congress, nor to the President. That prosecutor can answer only to the American people. Indeed, by the public outcry which has ensued since Mr. Cox was dismissed, it may be said that the public has demanded of us that we act in this regard.

To this end, I am introducing this measure today for Senator Hart, myself, and Senators Ervin, Kennedy, Burdick, Robert C. Byrd, Tunney, Mathias, Abourezk, Bible, Biden, Case, Chiles, Church, Clark, Fulbright, Gravel, Haskell, Hatfield, Hathaway, Humphrey, Inouye, Jackson, Javits, McGee, McGovern, McIntyre, Mondale, Moss, Muskie, Pastore, Pell, Ribicoff, Schweiker, Stevenson, Talmadge, Weicker, Williams, Montoya, Proxmire, Symington, Cannon, Magnuson, Metcalf, Randolph, Eagleton, Cranston, Nelson, Hughes, Johnston, Packwood, Huddleston, and Hartke.

I send the bill to the desk and ask that it be appropriately referred, and I ask unanimous consent to have the bill printed in the Record following my remarks.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

(See exhibit 1.)

Mr. BAYH. I should say that this measure, which is of great import, is the product of joint labors. I believe that special note should be directed at the leadership and the focal point of the joint effort—namely, the distinguished Senator from Michigan (Mr. Hart), who is unable to be here and to introduce the

bill himself. He and his chief staff assistant, Mr. Wides, have exercised the kind of prudence and legislative responsibility to which the Senate is accustomed.

Also, the distinguished services of Senator Kennedy, who is absent because of official business, have been extremely important. He and his staff, particularly Mr. Thomas Susman, have made a significant contribution, and the Senator has spoken eloquently on the need for the proposed legislation.

Senator Tunney and I, as members of the NATO Parliamentary delegation, were on our way to Ankara. In the middle of the night, in London, we were awakened. We immediately returned. Senator Tunney's staff, along with mine, had a significant input into this measure, and I know that the Senator from California is extremely concerned about the matter.

Senator Burdick, another member of the Committee on the Judiciary, made significant contributions to this measure in the form of amendments.

Senator Byrd, our distinguished assistant majority leader, as a member of the Committee on the Judiciary, also has expressed his concern and has added significant prestige to this measure by cosponsoring it.

The Senator from Maryland (Mr. Mathias), a dedicated and determined member of the Committee on the Judiciary, has continuously brought leadership and guidance in this area. The Senator from Illinois (Mr. Stevenson) and the Senator from Florida (Mr. Chiles) are among those Senators who earlier made independent proposals, not specifically like the one introduced today, but they have joined as cosponsors of this measure. The thrust of their initial action was very similar to the action sought here.

Mr. President, I ask unanimous consent that the name of the distinguished Senator from Montana (Mr. Metcalf) be added as a cosponsor because he also has shown a great deal of interest in this matter.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAYH. Mr. President, our legislation would require the Chief Judge of the U.S. District Court for the District of Columbia to appoint a special prosecutor and a deputy special prosecutor to take over the investigation and prosecution of the Watergate case and other matters which had been in Mr. Cox' jurisdiction.

These prosecutors would have full authority to proceed through the legal system so that justice can be served. They will have the necessary prosecutorial powers, staff, budget, and essential freedom to determine when their assignment is completed. Consistent with guidelines under which Mr. Cox had been operating, they could be removed from office only by the chief judge of the district court and only in the instance of "extraordinary improprieties."

I realize there are those who have called upon the President to appoint a new special prosecutor, and he may yet do so. But if that course is pursued we will again be in a situation in which a person, or persons, charged with the investigation of the executive branch would be beholden to the executive branch and subject to dismissal by the President. One thing our system of government cannot withstand is another trauma such as that of the past week and I caution my colleagues not to fall prey to an approach fraught with such danger.

There are those who say confidently that it would be incredible to think that the President would follow the same path again. However, I cannot help but recall that Mr. Richardson and Mr. Cox, in testimony to the Senate Judiciary Committee last spring, both said it was unthinkable that the President would dismiss a special prosecutor appointed by the Attorney General. Since that unthinkable exercise has come to pass, let us not jump to the unsubstantiated conclusion that it could not happen again.

Moreover, since our overriding objective here is to find a means to the restoration of public confidence in government, elected officials, and the impartial execution of justice, we must insist on the unquestioned and irrevocable independence of the prosecutors responsible for the Watergate and related cases. Were the President to appoint the prosecutor there would be no way to guarantee the independence which is the very key to the success of this effort.

We can perceive clearly the need for this independence if we are to adhere to the promise the President made to the American people on April 30. He said, at that time—

> Justice will be pursued fairly, fully, and impartially, no matter who is involved.

The inviolate independence of the prosecutors is the only way possible that the American people will be satisfied that fairness, thoroughness and impartiality are being observed. The public must know without an iota qualification, that the persons charged with the administration of justice are totally free from the inevitable constraint and possible dismissal which would result if they were appointed by the President.

The fact is that we must insist on both the reality and the appearance of independence for the persons charged with pursuing justice in Watergate. There has not been a time in my memory when cynicism and skepticism were so widespread among the public. And, sadly, given the events of recent months it is becoming increasingly difficult to dissuade those skeptics and cynics. Can anyone doubt that reasonable men would conclude that cynics and skeptics have the evidence on their side?

Thus, even if the President were to appoint a respected, nonpartisan independent prosecutor and give that person guarantees that the White House would not interfere in the investigation, we would still be without the appearance and ultimate reality of independence.

Such a route will simply not reawake public faith in the pursuit of justice; nor provide the urgent impetus toward the restoration of confidence of which I spoke a moment ago. No one was better able to engender public confidence than Mr. Cox, and recreating his situation is simply not responsive to the new situation we are facing.

There have been suggestions that the President could appoint a special prosecutor to be confirmed by the Senate and perhaps, under some elaborate device, subject to dismissal only with the concurrence of the Senate. This approach would have the unfortunate effect of injecting politics into an area which must be totally void of partisan consideration. I do not want Congress, any more than I want the President, to be in the inappropriate position of being able to dismiss a prosecutor.

How can we expect the American people to accept the validity of our claim to independence, impartiality and thoroughness if either the executive or legislative branches are in a position to infringe on the administration of justice.

I am gratified by the growing momentum which has developed in the Congress, the media, the legal community, and among the public since Monday when I first announced my intention to introduce the legislation now being presented to the Senate. Indeed, the number of cosponsors of this bipartisan legislation, including half the members of the Judiciary Committee, as well as the geographical balance of the sponsoring Senators, provides clear evidence of a wide national interest in this approach.

Permit me to review briefly the specifics of this legislation—the Independent Special Prosecutor Act of 1973.

In its findings and declarations the bill states that—

> Public confidence in the integrity of the Nation's criminal justice system cannot be maintained if the investigation of allegations and prosecution of illegal acts of high officials of the executive branch of Government are carried out under the authority of the executive branch itself.

The special prosecutor and deputy special prosecutor, to be appointed by the chief judge of the U.S. District Court for the District of Columbia, would be empowered to investigate:

First. The Watergate break-in and attendant offenses;

Second. Other offenses during the 1972 Presidential campaign;

Third. Offenses alleged to have been committed by the President, Presidential appointees, or members of the White House staff; and

Fourth. All other matters which had been under investigation by former special prosecutor Archibald Cox.

The special prosecutor would have all necessary powers to pursue every legal path toward the fulfillment of his assignments and the full administration of justice.

In addition, all the material, evidence, and information generated by the special Watergate prosecution force under Mr. Cox would be available to the new independent special prosecutor and the new prosecutor would be empowered to continue all legal steps begun by Mr. Cox.

As a further step to help protect the independence of the new special prosecutor, the bill specifically states that funding for the special prosecutor's office not

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go through the White House Office of Management and Budget. Clearly such an arrangement is necessary, for otherwise the White House would be in a position where it could possibly use budget authority to limit the staffing and thoroughness of the investigation.

The special prosecutor and deputy special prosecutor could only be removed from office by the chief judge and then only in the instance of extraordinary improprieties. The special prosecutor is left the final determination as to how long he must remain in office so that the administration of justice will not only be fair and impartial, but thorough as well.

I would like to now turn to a discussion of the constitutionality of the mechanism we propose today. There have been some questions raised in this regard that I would like to put to rest. I might note, at this point, that some 23 of the deans of the Nation's most distinguished law schools have endorsed our proposal and are of the opinion that it is constitutionally sound.

I ask unanimous consent, Mr. President, that the formal statement signed by these legal scholars be printed at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. HATHAWAY). Without objection, it is so ordered.

(See exhibit 2.)

Mr. BAYH. Article II, section 2 of the Constitution provides that the President—

> Shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law;

But this clause then goes on to say—

> The Congress may by law vest the appointment of such inferior officers, as they think proper in the President alone, in the courts of law, or in the heads of departments.

It is this last clause of article II from which Congress derives its authority to name a special prosecutor who is appointed by the "courts of law." These clear words give Congress the discretion to authorize the judicial appointment of officers of the United States.

The Supreme Court's interpretation of this clause of the Constitution dates back to 1839 where the Court held in *Ex parte Heinen*, 38 U.S. (13 Peters) 225, 257–58, that this appointment power could be granted only to departments of the Government "to which the officer to be appointed most appropriately belonged."

The PRESIDING OFFICER. The Senator's 15 minutes have expired.

Mr. TUNNEY. Mr. President, I yield 5 minutes to the Senator from Indiana.

Mr. BAYH. I appreciate the courtesy of my friend from California. I see him now, but I must say that when I first heard of this I was asleep when he called me in our hotel rooms in London. It was the urgency of the situation that brought us here instead of our continuing to Ankara. I think the Senator from California was here when I pointed out that it was the Senator from California who was "early on" part of the joint effort to move into this problem. This is not an individual effort; this is a joint effort.

Mr. TUNNEY. I think the Senator is making a very clear statement of the purport of the legislation, and I think he ought to continue, so the Congress and the country understand exactly what we are attempting to do. When the Senator is through outlining the nature of the bill, I will make remarks concerning the bill itself.

Mr. BAYH. I appreciate the Senator's statement. I apologize to my colleagues for the length of this statement, but if we are talking about constitutional arguments to sustain the position of those who are urging this proposal, it requires some particularity.

Forty years later, the court in ex parte Seibold, 100 U.S. (10 Otto) 371, 397–98 (1879), somewhat qualified this language in upholding a statute which authorized judges to appoint election supervisors. The Seibold court criticized the impracticality of a formalistic inquiry as to the department to which an officer "most appropriately" belonged, and indicated instead that congressional grants of authority to the judicial branch would be upheld unless such authority, and this is a key point, was incongruous with the judicial function.

Thus, for example, though Congress could not authorize the courts to appoint the Ambassador to the Hague, we could authorize the appointment by the courts of officers exercising judicial functions. The basic test is one of "congruity versus incongruity." The appointment of a special prosecutor would not produce incongruity with the normal judicial function because the court would not be involved in any continuing administration of prosecutions.

The possibility that the court or a particular judge of that court might also sit in trial upon cases brought by the special prosecutor it appointed would not affect the validity of the appointment since judges appoint defense counsel who routinely appear before them in trial, and, more importantly, our present Federal statutes provide that Federal district judges may appoint officers to fill vacancies in the U.S. attorney's office, lawyers who act as prosecutors for the Government (28 U.S.C. 546). See also, *Hobson* v. *Hausen*, 265 F. Supp. at 916–917.

It is true that there is broad language in some cases which deal with the relation between judges and prosecutors to the effect the proper prosecutorial discretion is an inherent executive function, and that prosecutorial discretion must remain unfettered by the courts. The most important of these cases is the opinion of the fifth circuit in *U.S.* v. *Cox*, 342 F.2d 167 (5th Cir., 1965). There the Attorney General refused to authorize the signing of grand jury indictments when ordered to do so by the district judge.

The Court of Appeals noted that "the functions of prosecutor and judge are incompatible." (*Cox* at 192) The crucial distinction, however, is that this line of cases deals with attempts by grand juries, courts, or plaintiffs to compel an unwilling prosecutor to initiate or stop a specific prosecution. As one of our most distinguished jurists, Judge Minor Wisdom pointed out in the Cox case:

> In the interest of justice and efficiency there should be some person able to prevent an unjust prosecution (*Cox* at 193).

As the branch of Government charged with carrying out our national policy on law enforcement, the executive is the proper organ to make such a judgment.

Executive discretion in this area is thus based on considerations of justice and efficiency, as well as upon the doctrine of separation of powers. In other words where the issue is one of prosecutorial discretion it is best exercised in its legitimate way by the executive. Legitimate meaning the traditional Anglo-American concept of measuring the punishment in individual cases to fit the crime. In present circumstances, however, legitimate prosecutorial discretion is not at issue since now we are faced with the issue of how the prosecutor of the executive branch can most fairly and objectively prosecute itself.

The appointment of a special prosecutor by the chief judge of the district court does not impinge on the critical area of prosecutorial discretion. No specific prosecutions are required in the statute, and the broad discretion contained in the charter for the special prosecutor insure that the very limited powers of removal will not be used to control him in the exercise of his discretion. Thus he will be fully able to prevent unjust prosecutions as well as to initiate those which are just.

While these policies are usually best weighed by the executive, there is a clear danger that where the executive is investigating itself, such executive discretion could defeat the purposes of the investigation. These special circumstances transform the arguments based on discretion into arguments in favor of a prosecutor free from the control of the executive branch. This is all the more pertinent considering the confidence problem which exists in the country today.

The PRESIDING OFFICER. The additional 5 minutes of the Senator have expired.

Mr. TUNNEY. Mr. President, how much time does the Senator want?

Mr. ALLEN. Mr. President, I ask for recognition in order that I might yield time to the Senator.

The PRESIDING OFFICER. The Senator from California has the floor.

Mr. TUNNEY. Does the Senator require any more time?

Mr. BAYH. I hate to impose further on the Senate, but perhaps another 4 or 5 minutes, because of the complexity of the subject.

Mr. TUNNEY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Ten minutes.

Mr. TUNNEY. I will yield another 5 minutes to the Senator.

Mr. BAYH. Is it possible that the Senator from Indiana might be given additional time?

Mr. ROBERT C. BYRD. No, no; Mr. President, I would have to object.

Mr. ALLEN. Mr. President, if the Senator would yield to me in order that I might obtain recognition, I will yield 10 minutes.

Mr. TUNNEY. Mr. President, I have been recognized. I have 10 minutes. I have yielded another 5 minutes to the Senator. If I run out of time, perhaps the Senator will yield me time.

Mr. ALLEN. Fine.

Mr. BAYH. I thank my colleagues.

Let us turn to the separation of powers arguments. The formal argument against a congressionally authorized, judicially appointed special prosecutor boils down to a simple assertion that such a procedure infringes upon the separation of powers. But the separation of powers is not a formal, rigid doctrine dividing our Government into watertight compartments.

As the Supreme Court said in the famous and important case, *Humphrey's Exector* v. *United States*, 295 U.S. 602, 631 (1935), where the court upheld the power of Congress to prevent the President from dismissing a member of the Federal Trade Commission—

> Whether the power of the President to remove an officer shall prevail over the authority of Congress to condition the power by fixing a definite term and precluding a removal except for cause will depend upon the character of the office.

The congressional power to authorize district judges to appoint prosecutors in certain circumstances has long been recognized in the Federal statutes as I have indicated. Although the district court opinion which upheld the validity of this statute emphasized the temporary and provisional nature of such an appointment it contained no suggestion that there is any inherent impropriety in such a procedure based on an improper mixing of functions.

Many States whose constitutions adhere to the separation of powers doctrine grant similar and even broader powers of prosecutorial appointments to State judges.

The doctrine of separation of powers is a functional one stemming from the basic concept that each of the separation powers is designed to serve as a check and balance on the others and that all power should never be in a single set of hands; that each holder of power should be subject to the scrutiny and restraint exercised by the other holders of power if arbitrary government is to be avoided.

It would be anomalous if this notion of separation of powers could be used to allow the executive to exercise power in its own case unchecked and unscrutinized and produce the ironic result of the executive branch investigating itself.

I turn now to the "necessary and proper" clause of article I, section 8. This clause clearly is an enlargement of the powers expressly granted to Congress. It was designed in such broad terms so as to enable the Legislature to select any means reasonably adapted to effectuate its constitutionally sanctioned powers.

As Justice Marshall wrote in the classic necessary and proper case, *McCulloch* v. *Maryland* (4 Wheat. 316 (1819):

> Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consistent with the letter and spirit of the Constitution, are constitutional.

In addition, the necessary and proper clause gives Congress a share in the responsibilities lodged in the other departments of government by virtue of its power to enact legislation necessary to carry into execution all powers vested in the National Government.

The direct applicability of the necessary and proper clause to the immediate question is readily apparent when one considers that, first, Congress has a direct grant of constitutional authority to establish a procedure for the appointment of inferior officers by the courts of law. That having been expressly authorized by article II, section II, it then follows that with the legitimate end "all means which are appropriate, which are plainly adapted to that end, which are not prohibited—are constitutional." The vesting of power to appoint an independent special prosecutor in the chief judge of the district court is clearly an appropriate means, plainly adapted to a legitimate end.

A second rationale is evident when one views Congress power to enact legislation necessary for the execution of all powers vested in the National Government. The power to investigate and prosecute alleged criminal activity in the executive branch is a power vested in the National Government. The necessary and proper clause has been interpreted to mean Congress can share in the responsibilities lodged in other departments of the government and the vesting of the power of appointment by the Congress in the chief judge of the district court for the creation of an independent special prosecutor clearly falls within this meaning of necessary and proper.

Mr. President, White House aides have publicly acknowledged the serious miscalculation made by the President in his actions of last weekend. The Secretary of State yesterday made direct reference to the "crisis of authority" facing this Nation.

Earlier this week we teetered on the brink of an even more serious problem, when there was the possibility that the President might defy a court order. Fortunately, he chose not to take that extreme step and in doing so showed the capacity to reverse himself when the national interest and public pressure demanded it.

I salute him for recognizing this interest.

While the President's compliance with the court order is a constructive step, it does not resolve the continuing crisis of confidence confronting us, nor has it stopped the public outcry for the thorough, unbiased administration of justice. We have a long road to travel before our Government can again claim the respect of the American people, and we can take a crucial and giant step down that road by passing the legislation being introduced today.

I fervently hope that the Congress will act speedily and affirmatively in passing this bill, and suggest to the President that he join us in the effort as part of an overall effort to correct past abuses and to begin the necessary reconstruction of the foundation of our democracy.

Mr. President, I would like to make one final point.

While we have the compelling responsibility to fulfill the constitutional and legal requirement that justice be administered fairy, fully, and impartially, no matter where the investigation may go and no matter who is involved, we have a second responsibility. That responsibility is to the prompt administration of justice. The American people rightly want to speed the day when all of the guilty are convicted and all of the innocent exonerated.

The importance of speed can best be demonstrated in the fact that until every allegation of misconduct is thoroughly investigated and until all offenses are fully prosecuted it will be exceedingly difficult to focus the full attention and energies of our Government and citizens on other vital national issues.

Of the other proposals that have been advanced for the prosecution of these cases, none offers the same speedy resumption of the special prosecutor's efforts as the bill we are introducing today. To develop some intricate procedure for the appointment of a special prosecutor will delay the time when this unfortunate episode in American history will be behind us.

Let us act now, let us have the chief judge make the necessary appointments as soon as possible, let us provide for the speedy, fair administration of justice in the pending cases, and let us move on to the other important business of this country.

EXHIBIT 1

S. 2611

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Independent Special Prosecutor Act of 1973".

SEC. 2. The Congress finds and declares that—

(a) Serious allegations of illegal acts of high officials of the Executive branch of government cannot under present extraordinary circumstances be fully and properly investigated and prosecuted by the Executive branch itself.

(b) Public confidence in the integrity of the nation's criminal justice system cannot be maintained if the investigation of such allegations and prosecution of illegal acts by high officials of the Executive branch of government are carried out under the authority of the Executive branch itself.

(c) The establishment of a Special Prosecutor independent of the Executive branch of government is "necessary and proper" under Article I, Section 8 of the Constitution of the United States to ensure the enforcement of the criminal laws and the due administration of justice through a complete investigation of such allegations and a vigorous and uncompromised prosecution of accused offenders.

(d) A Special Prosecutor independent of the Executive branch of government should properly be appointed by the Judicial branch of government, and Article II, Section 2 of the Constitution of the United States provides authority for Congress to vest such appointment "in the courts of law".

(e) The establishment of an independent

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Special Prosecutor is an appropriate exercise of the power under Article I, Section 8 of the Constitution of the United States to "exercise exclusive legislation in all cases whatsoever" over the District of Columbia, in that many such activities are alleged to have occurred in the District.

SEC. 3. (a) The Chief Judge of the United States District Court for the District of Columbia (hereinafter referred to as the "Chief Judge") is authorized and directed to appoint a Special Prosecutor who shall have the duties and powers prescribed in this Act. The Chief Judge is further authorized and directed to appoint a Deputy Special Prosecutor, who shall assist the Special Prosecutor in the performance of his duties and who, in the event of the disability of the Special Prosecutor or vacancy in the office of Special Prosecutor, shall temporarily become Special Prosecutor until the Chief Judge appoints a Special Prosecutor in accordance with Section 8 hereof.

(b) The Special Prosecutor is authorized and directed and shall have exclusive jurisdiction, to investigate, as he deems appropriate, and prosecute against and in the name of the United States—

(1) offenses arising out of the unauthorized entry into Democratic National Committee Headquarters at the Watergate;

(2) other offenses arising out of the 1972 Presidential election;

(3) offenses alleged to have been committed by the President, Presidential appointees, or members of the White House staff;

(4) all other matters heretofore referred to the former Special Prosecutor pursuant to regulations of the Attorney General (28 C.F.R. § 0.37, rescinded October 24, 1973); and

(5) offenses relating to or arising out of any such matters.

SEC. 4. The Special Prosecutor shall have full power and authority with respect to the matters set forth in Section 3 of the Act:

(1) to conduct proceedings before grand juries and other investigations he deems necessary;

(2) to review all documentary evidence available from any source;

(3) to determine whether or not to contest the assertion of "Executive Privilege" or any other testimonial privilege;

(4) to receive appropriate national security clearance and review all evidence sought to be withheld on grounds of national security and if necessary contest in court, including where appropriate through participation in in camera proceedings, any claim of privilege or attempt to withhold evidence on grounds of national security;

(5) to make application to any Federal court for a grant of immunity to any witness, consistent with applicable statutory requirements, or for warrants, subpenas, or other court orders;

(6) to initiate and conduct prosecutions in any court of competent jurisdiction, frame and sign indictments, file informations, and handle all aspects of any cases over which he has jurisdiction under this Act, in the name of the United States, and

(7) notwithstanding any other provision of law, to exercise all other powers as to the conduct or criminal investigations and prosecutions within his jurisdiction which would otherwise be vested in the Attorney General and the United States attorney under the provisions of chapters 31 and 35 of title 28, United States Code, and the provisions of 26 C.F.R. 301.6103 (a)-1(q), and act as the attorney for the Government in such investigations and prosecutions under the Federal Rules of Criminal Procedure.

SEC. 5. (a) All materials, tapes, documents, files, work in process, information, and all other property of whatever kind and description relevant to the duties enumerated in Section 3 hereof, tangible or intangible, collected by, developed by, or in the possession of the former Special Prosecutor or his staff established pursuant to regulation by the Attorney General (28 C.F.R. § 0.37, rescinded October 24, 1973), shall be delivered into the possession of the Special Prosecutor appointed under this Act.

(b) All investigations, prosecutions, cases, litigation, and Grand Jury or other proceedings initiated by the former Special Prosecutor pursuant to regulations of the Attorney General (28 C.F.R. § 0.37, rescinded October 24, 1973), shall be continued, as the Special Prosecutor deems appropriate, by him, and he shall become successor counsel for the United States in all such proceedings, notwithstanding any substitution of counsel made after October 20, 1973.

SEC. 6. The Special Prosecutor shall have power to appoint, fix the compensation, and assign the duties of such employees as he deems necessary, including but not limited to investigators, attorney, and part-time consultants, without regard to the provision of title 5, United States Code governing appointments in the competitive civil service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of such title. The Special Prosecutor is authorized to request any officer of the Department of Justice, or any other Department or agency of the federal or District of Columbia government, to provide on a reimbursable basis such assistance as he deems necessary, and any such officer shall comply with such request. Assistance by the Department of Justice shall include but not be limited to, affording to the Special Prosecutor full access to any records, files, or other materials relevant to matters within his jurisdiction and use by the Special Prosecutor of the investigative and other services, on a priority basis, of the Federal Bureau of Investigation.

SEC. 7. The Administrator of General Services shall furnish the Special Prosecutor with such offices, equipment, supplies, and services as are authorized to be furnished to any other agency or instrumentality of the United States.

SEC. 8. Notwithstanding any other provisions of law, the Special Prosecutor shall submit to the Congress directly requests for such funds, facilities, and legislation as he shall consider necessary to carry out his responsibilities under this Act, and such requests shall receive priority consideration by the Congress.

SEC. 9. The Special Prosecutor shall carry out his duties under this Act within two years, except as necessary to complete trial or appellate action on indictments then pending.

SEC. 10. The Chief Judge is empowered to dismiss the Special Prosecutor or the Deputy Special Prosecutor, if, in his discretion, he determines that the Special Prosecutor or the Deputy Special Prosecutor has willfully violated the provisions of this Act or committed other extraordinary improprieties, and for no other reason. In the case of the disability of the Special Prosecutor or Deputy Special Prosecutor, as determined by the Chief Judge, or the vacancy of either office, the Chief Judge shall be authorized to appoint a successor.

SEC. 11. The Special Prosecutor solely shall exercise the powers and perform the duties specified herein. Neither the Chief Judge or the President of the United States, nor any other officer of the United States shall have any authority to direct, countermand, or interfere with any action taken by the Special Prosecutor pursuant to this Act. Neither the President of the United States, nor any other officer of the United States, shall have any authority to remove the Special Prosecutor from office.

SEC. 12. The Special Prosecutor is authorized from time to time to make public such statements or reports as he deems appropriate and is authorized and directed upon completion of his duties to submit a final such statement or report to the Congress and the President.

SEC. 13. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

EXHIBIT 2

STATEMENT OF LAW SCHOOL DEANS

Whereas, substantial evidence exists that close associates of the President of the United States, and possibly the President himself, have engaged in a deliberate effort to obstruct justice;

Whereas public trust in the administration of justice requires that the evidence of such misconduct be investigated by prosecutors independent of those under investigation;

And whereas the President has prevented such an independent inquiry from being conducted,

Therefore, we the undersigned, deans of American law schools, respectfully petition the Congress of the United States to take the following measures:

We urge that Congress act immediately by statute to establish a special Watergate prosecutor's office, with the special prosecutor to be appointed by a specified law court (as authorized in Article II, Section 2 of the United States Constitution) and with complete independence of the executive branch of Government.

The President's stated refusal to comply with court rulings requiring him to produce relevant evidence raises a serious question as to whether he will cooperate fully with a Congressionally established prosecutor. There being only one course clearly open to the American people to protect against this contingency, we urge further that the House of Representatives create a select committee to consider the necessity of Presidential impeachment or refer the matter to its Judiciary Committee.

Albert Sacks, Harvard; Michael I. Sovern, Columbia; Abraham Goldstein, Yale; Robert B. McKay, New York University; Phil C. Neal, Chicago; Theodore St. Antoine, Michigan; Bernard Wolfman, Pennsylvania; Thomas Ehrlich, Stanford; Clinton Bamberger, Catholic; Adrian S. Fisher, Georgetown; Herbert O. Reid, Howard; Gordon Christiansen, American; Monroe H. Freedman, Hofstra; Kenneth L. Penegar, Tennessee; Otis King, Texas Southern; Willard D. Lorenser, West Virginia; Lindsay Cowen, Case Western Reserve; Edward Halbach, University of California at Berkeley; Richard Schwartz, State University of New York at Buffalo; and Monrad Paulsen, University of Virginia.

The names of additional Deans are expected.

Mr. BAYH. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the Senator from Michigan (Mr. HART).

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR HART

Mr. President, let me thank, first of all, Mr. Bayh, the Sentaor from Indiana, for agreeing to introduce a bill for me and 50 others establishing a court-appointed independent special prosecutor.

Under the provisions of our bill, the Chief Judge of the District Court for the District of Columbia would appoint the prosecutor and his deputy.

This legislation is sponsored by eight members of the Senate Judiciary Committee, six Republican Senators, and five members of the Select Watergate Committee.

In making this proposal, we are concerned with restoring public confidence in government which is necessary to make our system work, and, if possible, in the present Administration.

The fact that questions about possible connections between the Administration's troubles at home and the conduct of its foreign policy were raised at Secretary of State Kissinger's press conference yesterday indicates the degree of suspicion which exists in our country.

It is because we face serious crises at home and abroad, which can be met only by a government which has the support of our people, that we must press ahead with an investigation of Watergate and related events. And we must do so in a way that gives the public confidence that it will be done absent any hint of cover-up from the Republican Administration and free of any taint of partisanship through influence from the Democratically-controlled Congress.

Only in that way can the suspicion which now exists be ended. And that is why the Special Prosecutor should be named by the Judicial branch, and why the appointment of a Special Prosecutor by the President will fail to meet the independence rightfully demanded by the public.

Last Spring some considered the possibility of Congress establishing by statute the office of the independent Special Prosecutor. The idea was dropped when Elliot Richardson and Archibald Cox came before the Judiciary Committee and outlined safeguards which we had hoped would provide for the Prosecutor's independence.

Unhappily that "clear and firm" commitment turned out to be less than a guarantee, so today we are again faced with the task of providing for an independent investigation.

This bill would give the court-appointed Special Prosecutor the authority to operate as Professor Cox did. The prosecutor could:

Conduct grand jury proceedings;

Review all documentary evidence from any source;

Determine whether or not to contest claims of executive privilege;

Seek subpoenas, warrants or grants of immunity;

Frame indictments, conduct prosecutions and appeals.

The appointing judge could, under the bill, dismiss the Special Prosecutor only for extraordinary improprieties. Further, the files gathered by Professor Cox and his investigators would be turned over to the court-appointed Prosecutor.

Requests for funding would be conveyed directly to Congress by the Prosecutor. Tenure of the office would be two years, plus the necessary time to complete litigation.

The Constitutional basis for this bill is Article II, Section 2, which says: ". . . the Congress may by law vest the Appointment of such inferior Officer as they think proper, in the President alone, in the Courts of Law or in the Heads of Departments."

The deans of 20 law schools this week endorsed the constitutionality of Congress providing for an Independent Prosecutor.

All questions surrounding the constitutional basis have by no means been completely resolved. The authority from Article II, Section 2, has been used before, but not frequently. However, the unusual circumstances we now find ourselves in warrant an unusual remedy.

Mr. TUNNEY. Mr. President, I think that the Senator from Indiana has given an excellent statement demonstrating the need for this legislation. He has also outlined the specific provisions contained in the legislation.

Mr. President, as this long week has gone by, the mood of shock and outrage at the firing of the Watergate special prosecutor and the forced resignations of the Attorney General and Deputy Attorney General has not dissipated.

At a period in our history when dramatic event has been piled on dramatic event, the President's precipitous purge of the Justice Department frightened and galvanized the mood of millions of Americans.

My office has received, as of 10 a.m. this morning, over 7,000 telegrams and 5,000 letters. Inasmuch as it takes 3 to 4 days for a letter to move from California to Washington, D.C., I daresay that we will be receiving many thousands of additional letters over the next few days. Of these more than 12,000 telegrams and letters, all but 251 urged impeachment of the President. Many of them were written by lifelong Republicans. Many of them were written after the President's sudden reversal and decision to comply with the court order and surrender the tapes and documents. What many of the letters say is that the President's action is too little and too late.

No issue during the 9 years I have served in Congress has triggered such a swift and massive response from constituents.

There is no question that last weekend's action was wrong—and illegal. The President did not purport to order the dismissal of the Watergate special prosecutor on the only ground provided for such dismissal in the charter which the Senate had negotiated with Mr. Cox and then Attorney General Richardson. I might add that this contract, this charter, for the special prosecutor was published by the Attorney General in the Federal Register. Instead of firing Mr. Cox for committing "extraordinary improprieties," the President fired him for failing to carry out a direct command of the President—not to pursue the tapes issue any further.

The President's advisers said the matter came down to who was President: Richard Nixon or Archibald Cox. Acting Attorney General Bork, in explaining why he agreed to fire Mr. Cox on orders of the President, said he knew that someone would have to fire Cox and that the President's decision was "final and irrevocable. I also knew that he had the right to fire any member of the executive branch."

It is this last statement that persuades me no adequate investigation of Watergate and related scandals can ever take place unless the President is prevented from removing a prosecutor who gets too close to the White House door. It is well to remember here that analogies to past scandals, like Teapot Dome, are inadequate. There, a prior adiministration was being investigated. President Coolidge, who retained authority to appoint and fire the prosecutors in the case, was not himself under investigation. Even imputing the best of motives to President Nixon in the current case, there is no way he can be impartial about an investigation which concerns his own involvement.

Mr. President, the issue is simply whether an administration, any administration, can investigate itself with the fullness and fearlessness that the American people demand. After all we have gone through in this year of trauma and crisis, I believe it is clear that the people, whose confidence in the administration has been so badly shattered, would not, nor could not accept such a charade.

It is well to remember that appearances sometimes take on the quality of reality. It seems to me in view of this that we must have legislation that will create a special prosecutor wholly outside the executive branch.

Therefore, I join today in cosponsoring the Independent Special Prosecutor Act of 1973, a bill which a number of my collegues on the Judiciary Committee and myself developed to establish a special prosecutor immune from the whims of the White House. At this moment, a total of 42 Members of the Senate have agreed to cosponsor the legislation.

Essentially, the bill provides that the chief judge of the U.S. District Court for the District of Columbia—currently Judge Sirica—would appoint a special prosecutor and deputy special prosecutor to serve for a 2-year term, subject to extension if litigation is in process. The powers of the prosecutor include all those mentioned in Mr. Cox's charter and, in addition, include the power to review all evidence sought but withheld on grounds of national security, and the power to act as attorney for the Government. All materials in the possession of Mr. Cox or his staff are to be delivered to the new prosecutor, and he has authority to carry on all prosecutions, cases, litigation, and other proceedings that Mr. Cox had begun, even if some of those activities have been halted by successor counsel after Mr. Cox was fired on October 20. The prosecutor and his deputy can only be removed by the chief judge if he finds either of them has committed "extraordinary improprieties," and for no other reason.

Mr. President, I acknowledge that some raise the issue of whether such a mechanism can be set up outside of the executive branch. Considerable research has been done on this point and the conclusion is that, on balance, the precedents and the specific language of the Constitution justify the approach we have taken. Moreover, in the case at issue here, the President has shown that he is unwilling to allow any employee subject to his control to carry out the independent investigation necessary to, in the words of one Member of the House, give the President a clean bill of health or a bill of impeachment.

The President—and the American people—deserve an end to these long months of agony. Only through the approach mandated in this legislation will we reach an end.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ALLEN. Mr. President, if the Chair will recognize me, I yield 10 minutes to the Senator from California.

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The PRESIDING OFFICER. The Senator from California is recognized for an additional 10 minutes.

Mr. TUNNEY. Mr. President, I thank the Senator from Alabama. I will not need 10 minutes.

I think it is most important that the Senate Judiciary Committee begin early hearings on the legislation so that we can have a bill out of committee within the next 10 days to 2 weeks. I would then urge a quick vote in the Senate, so that the special prosecutor will be able to continue the investigation that was stopped as a result of the firing of Mr. Cox.

In reading through my mail and my telegrams, I have been alarmed by the loss of credibility that the President of the United States has sustained at this time. I think that when we talk about loss of credibility of the President, we are talking about not only the problems that the President has had in getting a legislative program through Congress and the crisis of confidence domestically, but we are also talking about the fact that other nations may very well begin to doubt that the Government of the United States can function in an effective and efficient manner.

I have no reason to know why it was that the National Security Council and the President decided to call for an alert of our Armed Forces around the world, other than the statement that Mr. Kissinger made yesterday. I am prepared to take Mr. Kissinger at his word that it was necessary to call for such an alert, because there was the fear that the Soviet Union might take initiatives, including the unilateral sending of troops into the Mideast situation, which would not only polarize matters in that area, but could lead to a great power confrontation.

Even so, I cannot help but speculate, in my own mind, that the Soviet Union may have been prepared to send troops unilaterally into the Middle East, because there was a perceived weakness in the ability of the President of the United States to govern. This perceived weakness is critical, not only in the context of the Middle East situation, but with respect to our international relations throughout the world.

We never know when the next crisis may erupt. Therefore, in order to overcome this perceived weakness in our leadership at home, the Congress must not allow this matter of the special prosecutor to be delayed or to protract the consideration of this legislation. I think it is absolutely essential that the special prosecutor be in office within the next 10 days or 2 weeks to pursue and resolve the matters under investigation by Mr. Cox when he was fired.

I would also like to say that I am one person, one Democrat, who does not feel that we ought to hold GERALD FORD's confirmation hostage to a resolution of the Watergate investigation. I think that Mr. FORD is entitled—not only under the 25th amendment of the Constitution and not only because of the Senate's responsibility to consider his nomination, but in terms of common decency—to have his background investigated by the appropriate committees of the House and the Senate, so that there can be an expeditious vote on his qualifications to be Vice President. It would be my hope that while the Judiciary Committee of the Senate moves ahead with the consideration of legislation to create the office of a special prosecutor and to designate a new special prosecutor, the Rules Committee will continue, as they plan to do, to hold hearings on Mr. FORD. I would also hope that the House Judiciary Committee, which has the responsibility not only for the passage of special prosecutor legislation but also the investigation of Mr. FORD, will continue apace on a dual track system on both matters.

Unless this crisis of confidence is resolved expeditiously, this country will suffer irreparable damage. I do not mean that we ought to limit the investigation in any way, or that we should try to whitewash any White House involvement in illegal matters.

The Constitution of the United States applies to any man, no matter how powerful, be he the President or some other person not in such exalted office. This issue was resolved at Runnymede in England, back in the days of King John, when he was forced to sign the Magna Carta. We do not apply divine right to our leaders in this country any more than the divine rights of kings is accepted in those countries that have monarchies.

I do think, however, that time is of the essence, and I am deeply concerned that if delays occur, we will not only lose credibility as to our capacity to rule effectively in matters of this kind, but I think such a loss of credibility could be very damaging to us around the world. The Soviet Union may well attempt to take advantage of such a situation. It is, therefore, imperative that we move expeditiously to solve this crisis of confidence in our Chief Executive.

Mr. President, I ask unanimous consent that a statement by the distinguished Senator from Massachusetts (Mr. KENNEDY) be included in the RECORD following my remarks on the bill that was introduced today to establish an independent special prosecutor.

Senator KENNEDY is unavoidably absent today and he wanted his remarks on this bill to be included in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR KENNEDY

I join Senator Philip Hart, six other Senate Judiciary Committee members and over 40 other colleagues today in introducing legislation to establish an independent Special Prosecutor—totally, completely, and unquestionably free from White House influence—to investigate Watergate and all other offenses related to the 1972 Presidential election.

I emphasize that independence because it is the influence, interference, and other actions of the White House and the President which have carried the nation to the brink of a Constitutional crisis.

Only an unprecedented public outcry produced an 11th hour reversal of the President's announced intention to defy a court order.

Yet, even that action cannot erase from the public record the unprecedented and frightening events of the past days, events which have further eroded public confidence in the institutions of government.

The President ordered the firing of the Special Prosecutor, Mr. Cox. He ordered the abolition of the Office of Special Prosecutor. He sought to deny to the courts material that was viewed as essential to the prosecution of those who are being investigated for their complicity in a wide range of criminal offenses.

Finally, the President forced the resignations of the Attorney General and the Deputy Attorney General, two men who placed their pledges to the Constitution and to the public interest above their loyalty to a single individual.

Had others within this Administration shown an equivalent courage, the ship of state would not be facing the violent gales that now threaten its future.

Instead, we now find ourselves left once again with a proposal by the Administration to forget about the headlines of the past year, to forget about the indictments against a former Attorney General and a former Secretary of Commerce, to forget about the clouded departure from office of Dwight Chapin, Jeb Magruder, Patrick Gray, John Dean, Richard Kleindienst, H. R. Haldeman, John Erlichman, David Young, Gordon Strachan, Robert Odle, Egil Krogh, and John Caulfield, to forget about the recent resignation of the Vice President, to forget about the charges of perjury and obstruction of justice against former White House aides, to forget about the wiretapping, to forget about the secret campaign funds, to forget about the officially inspired burglaries of the Watergate and of Daniel Ellsberg's psychiatrist.

We are being told again to forget and to rest assured that the investigation of possible felonies, which may reach far into the White House, will be carried out vigorously by men whose authority rests in the White House.

The American people have had that assurance before. They recall President Nixon's statement concerning the investigation of the Watergate of October 5, 1972. "I agreed with the amount of effort that was put into it. I wanted every lead carried out to the end because I wanted to be sure that no member of the White House staff and no man or woman in a position of major responsibility in the Committee for Re-Election had anything to do with this kind of reprehensible activity," he said.

That was a year ago when the President was satisfied with the effectiveness of the investigation.

Again, this year on March 3, they recall the President said: "I will simply say with regard to the Watergate case what I have said previously, that the investigation conducted by Mr. Dean, the White House Counsel, in which, incidentally, he had access to the FBI records on this particular matter because I directed him to conduct this investigation, indicates that no one on the White House Staff, at the time he conducted the investigation . . . was involved or had knowledge of the Watergate matter."

Again, the President was satisfied with the investigation.

They recall also when the President stated with regard to another investigation, this one allegedly carried out by Mr. Ehrlichman, "An investigation was conducted in the most thorough way."

They recall that throughout the past year we were assured that acting FBI Director Gray was leaving no stone unturned in getting to the bottom of this sordid affair.

Yet those investigations did not break through the cover-up. They did not bring the guilty to the bar of justice. Time after time, the investigations under the thumb of the White House produced only whitewashes.

Finally, it was for those reasons that the Senate Judiciary Committee, the entire Senate, and the American people demanded an independent special prosecutor who would not be responsible to the White House.

In the wake of the resignations of Mr. Haldeman and Mr. Erlichman and Mr. Kleindienst, even the President seemed to recognize the public demand for an independent prosecutor.

In his statement announcing the appointment of Mr. Richardson, he stated: "I have given him absolute authority to make all decisions bearing upon the prosecution of the Watergate case and related matters. I have instructed him that if he should consider it appropriate, he has the authority to name a special supervising prosecutor for matters arising out of the case."

"Whatever may appear to have been the case before, whatever improper activities may yet be discovered in connection with this whole sordid affair. I want the American people, I want you to know beyond the shadow of a doubt that during my term as President, justice will be pursued fairly, fully and impartially, no matter who is involved," continued the President.

When Mr. Richardson came before the Committee he stated that he would name a special prosecutor, independent of his own control and independent of the White House.

He said: "I do think that the public is entitled to an additional measure of reassurance as to the integrity of the process, and that, of course, is why I would propose to appoint a special prosecutor."

In the agreement finally submitted to the Committee establishing the independence of the Special Prosecutor, Mr. Richardson, as the President's nominee, established a contract with the Committee. The agreement read: ". . . the Special Prosecutor will have the greatest degree of independence that is consistent with the Attorney General's statutory accountability for all matters falling within the jurisdiction of the Department of Justice. The Attorney General will not countermand or interfere with the Special Prosecutor's decisions or actions. The Special Prosecutor will determine whether and to what extent he will inform or consult with the Attorney General about the conduct of his duties and responsibilities. The Special Prosecutor will not be removed from his duties except for extraordinary improprieties on his part."

Under no conceivable construction could the actions of Mr. Cox be deemed "extraordinary improperties." His actions were approved by the U.S. District Court and the U.S. Court of Appeals.

Indeed, the President's action in dismissing the Special Prosecutor may well have been an "extraordinary impropriety" on his own part. Certainly, James Madison, the principal architect of the Constitution and one of the greatest founding fathers, thought that such an act would be an impeachable offense in and of itself. The point was raised by Madison in 1789 during the famous "Removal Debate" in the First Congress. At the time, Madison was a member of the House of Representatives from Virginia. In discussing the possible abuse by the President of his power to remove officials in the Executive Branch of Government, Madison said:

"The danger, then, consists merely in this—the President can displace from office a man whose merits require that he should be continued in it. What will be the motives which the President can feel for such abuse of his power, and the restraints that operate to prevent it? In the first place, he will be impeachable by this House, before the Senate, for such an act of maladministration, for I contend that the wanton removal of meritorious officers would subject him to impeachment and removal from his own high trust.

"But what can be his motives for displacing a worthy man? It must be, that he may fill the place with an unworthy creature of his own.

"The injured man will be supported by the popular opinion; the community will take sides with him against the President; it will facilitate those combinations, and give success to those exertions which will be pursued to prevent his re-election."

Two days ago, Mr. Richardson told the American public exactly where he stands on the firing of Mr. Cox. When asked what he would have done in Mr. Cox's shoes, he said: "I would have done what he has done."

Mr. Richardson had told the Judiciary Committee in May that the President "could dismiss me, but the special prosecutor would be my appointee, in this case an appointee who, although not technically confirmed by the Senate, would still have been the subject of full opportunity for the Senate to satisfy itself as to his qualifications. And if I were directed to fire him and I refused, and I would refuse in the absence of some overwhelming evidence of cause, then the President's only recourse would be to replace me."

"Now again, these are things that in the present circumstances are so remotely possible as to be practically inconceivable.

Yet that is precisely what has occurred.

And it has occurred through the President breaking his pledge to the Senate and to the American people.

Once again, Mr. Richardson stated in his testimony: "The President . . . is pledged to a full and thorough investigation. He is pledged to cooperate in assuring that all the facts emerge."

The contract with the Senate was obviously agreed to by the President. Had he disagreed, he could have withdrawn the nomination.

We also had the statement of President Nixon on May 22 regarding the Special Prosecutor's determination to secure the full truth. "In this effort, he has my full support," the President told the nation.

We had as well the statement of Senator Scott at the Richardson hearings, in which he commented: "Now, the President this morning made it clear to me that he will in no way intervene in the selection of the prosecutor nor in the conduct of his office . . . that the investigation must proceed without fear or favor to the full and complete truth and toward the final fixing of responsibility through the judicial process."

Now we have the final admission by Charles Alan Wright, the President's attorney, the admission made two days ago, that the President indeed had broken his pledge to permit the independent special prosecutor to pursue justice, "fairly, fully and impartially."

The pledge was clearly made and now the pledge has been clearly broken, shattered in a billion pieces.

The intervention of the President, Mr. Richardson said, in "the way that the special prosecutor does his job and so on, would be totally at variance with the whole approach he set forth. It just will not happen."

It has happened.

And today, the nation watches as this 200-year experiment in constitutional government stands against its most severe test since the Civil War.

The President not only ordered the firing of a man who was conducting the inquiry with dedication, sacrifice, and commitment, he ordered the firing of a man who was conducting the inquiry with success.

It was that success that apparently has prompted the President to break his own pledges and to unilaterally abrogate the agreement with the Senate.

The President not merely fired Mr. Cox, but he also abolished the Office of Special Prosecutor. That action emphasizes the small value that ultimately was placed on producing the whole truth in the tragic Watergate affair and the corruption of the political process which accompanied it.

For by his unilateral action, the President has said that the system of justice shall not operate freely. Instead, he has tucked the investigation safely back into the Justice Department—from where the Senate and the public originally demanded it be removed—with no guarantee of independence, in fact, no pretense of independence.

It is the Administration again attempting to sit as prosecutor, judge and jury of its own indictment. And it is a continuation of the past history of White House whitewashes of the alleged involvement of the nation's highest officials in the Watergate Affair.

This week the Acting Attorney General has placed in the hands of Assistant Attorney General Henry Petersen the responsibilities formerly carried out by the Special Prosecutor.

Without casting any aspersions on the integrity or competence of Mr. Petersen, he has been on the record in the past in questioning the need for the special prosecutor. He, as all Justice Department employees, ultimately can be dismissed at the will of the President. Mr. Petersen recognizes that fact, telling the Watergate Committee last August: "If the President calls you up . . . you click your heels and say, 'Yes, sir.' " While I have no doubt that Mr. Petersen would reject any effort to compromise his investigation, we are operating in an area where the public confidence has been badly shaken. No appearance of being responsive to the will of the President in conducting this investigation can be permitted.

Finally, we know that if there is a belief that the investigation is not totally independent, then it is less likely that individuals will come forward and offer potentially incriminating evidence to the prosecutor. Earlier this year, convicted Watergate conspirator James McCord offered an explanation why he wrote directly to Judge Sirica. Mr. McCord said, "I cannot feel confident in talking with an FBI agent, in testifying before a Grand Jury whose U.S. Attorneys work for the Department of Justice, or in talking with other government representatives."

For all of these reasons, it is simply unacceptable to permit the Special Prosecutor's office to be abolished and the investigation submerged within the Justice Department.

For these reasons, and in this light, I have taken the following steps:

First, I introduced a resolution in the Senate Judiciary Committee urging that now that the tapes issue has been removed as a matter of controversy, Mr. Cox be reinstated as Special Prosecutor to permit his work to continue while the Senate is acting on legislation to establish a fully independent Special Prosecutor. I hope that the Committee will consider and act on this resolution next week.

Second, I asked for hearings of the Senate Judiciary Committee on the firing of Mr. Cox. The hearings that begin Monday will permit us to explore in depth not only the reasons for his dismissal, but also the lessons that we have learned concerning the need for full independence of the White House in the conduct of this investigation.

Third, I urged along with other Senators that the materials, documents and files of the Office of Special Prosecutor be retained by that task force and that none of those documents be turned over or made available to persons at the White House or to any other unauthorized person or to any person under investigation.

Finally, I am joining other Senate Judiciary Committee members in introducing legislation today to establish a permanent independent Special Prosecutor's Office totally free from the control of the President to complete the investigations begun by Archibald Cox. The single loophole of the guidelines establishing the special prosecutor is that he ultimately can be fired by the President—one of those being investigated. That loophole has now been used by the President

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to thwart the Watergate investigation. We must act now to see that this loophole is closed once and for all.

The bill I am introducing today would provide for the appointment of a Special Prosecutor to fulfill the duties and responsibilities vested in the former Special Prosecutor set up by Attorney General Richardson pursuant to agreement with the Senate Judiciary Committee. Since it has become clear that the President will not respect the independence of a prosecutor over whom he has any authority, our bill establishes the Special Prosecutor outside the President's reach. The Special Prosecutor and a Deputy Special Prosecutor are to be appointed by the Chief Judge of the United States District Court for the District of Columbia. I believe that Congress clearly has the constitutional power to vest such appointment in the Chief Judge under Article II, section 2 of the Constitution, which states that "the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments."

It is certainly clear that Congress can vest in the courts appointment power over officials performing duties relating to the responsibilities of the Courts. Congress has also provided that the courts can fill vacancies in the office of the United States Attorney, and upon such appointment by the court that U.S. Attorney is vested with the full prosecutorial powers of one duly nominated to that office by the President and confirmed by the Senate. But some question has been suggested whether, once properly appointed, the Special Prosecutor can exercise what is essentially considered an "executive function, given the Constitution's vesting of "executive power" in the President in Article II, section 1.

The most recent precedent we have is the Senate's passage of S. 272, which would establish a "Federal Election Commission" with authority to initiate civil and criminal proceedings and to prosecute, defend, or appeal any court action to enforce the law established by that bill and certain named statutes previously enacted. But as early as 1870 and 1871 Congress enacted "Enforcement" Acts which provided for judicial appointment of election supervisors—a role later incorporated into executive branch responsibilities under the 1965 Voting Rights Act. So there exist clear precedents for the vesting of what might otherwise be considered "executive" powers in officials appointed by the Judicial branch of government.

In addition to Article II, section 2, the Constitution provides authority for this bill under the "necessary and proper" clause. Under that provision, the Congress may "make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof." In the bill being introduced today, Congress makes explicit findings that the "serious allegations of illegal activities of high officials of the Executive branch of government cannot, under present extraordinary circumstances, be fully and properly investigated and prosecuted," and that "public confidence in the integrity" of the criminal justice system and of such investigation and prosecution cannot be maintained if they are "carried out under the authority of the Executive branch itself." Thus we believe that, under these extreme and special circumstances, the extraordinary step of establishing a Special Prosecutor as an appointee of the Judicial Branch is necessary and proper.

Mr. Nixon, as United States Senator in 1951, apparently believed it constitutional and indeed desirable that under ordinary circumstances a "special counsel" could be "appointed by the court" and empowered to conduct investigations and even sign indictments. A number of law school deans and professors and other constitutional experts around the country have concluded that the approach embodied in our legislation is constitutional. So did Mr. Nixon when he was in the Senate. And so do the sponsors of this bill.

(I ask unanimous consent that this bill introduced by then Senator Nixon in 1951 be printed in the Record at the conclusion of my remarks.)

The jurisdiction and powers given the Special Prosecutor in this legislation are adapted from the original charter for the Office of Special Prosecutor, developed between the Senate Judiciary Committee and Attorney General-designate Elliot Richardson in May of this year. Of course, the Special Prosecutor is vested with such additional authority as he needs to function fully and effectively without approval or any special authorizations necessary from the Attorney General or any other official of the Executive Branch. Thus, for purposes of appearances in court, entry before the Grand Jury, and signing indictments under the United States Code and the Federal Rules of Criminal Procedure, the Special Prosecutor is deemed to be an "attorney for the government."

In addition to those powers and authorities contained in the original Special Prosecutor's charter, our bill gives the Special Prosecutor authority to "receive appropriate national security clearance and review all evidence sought to be withheld on grounds of national security and if necessary contest in court, including where appropriate through participation in in camera proceedings, any claim of privilege or attempt to withhold on grounds of national security." This provision is added, although the original Special Prosecutor's authority in this regard was established through questioning during Judiciary Committee hearings with Mr. Richardson, to make clear Congress' intent that the full and thorough prosecutions undertaken by the Special Prosecutor not be impeded by continuing claims of the Executive branch that vague and often abstract notions of national security prohibit disclosure of information necessary for the Prosecutor's faithful performance of his responsibilities in enforcing the laws of the United States.

The proposed legislation provides further that all files and papers relevant to the work of the Special Prosecutor be delivered into his possession, and that he become successor counsel to any actions initiated by the original Special Prosecutor, even where there has been some intervening action by the Department of Justice.

While the Special Prosecutor will be authorized to call upon the Federal Bureau of Investigation and the Department of Justice generally for assistance in carrying out his responsibilities under the act, he will also have the authority to appoint his own legal and investigative staff. Of course we make it explicit that the Special Prosecutor be given access to departmental records, not only of the Criminal Division but also to the FBI, including fingerprint and other such records, as well as investigative and substantive materials.

As in the Judiciary Committee charter for the first Special Prosecutor, the new independent Special Prosecutor will be authorized to make statements and reports as appropriate and to submit a final report of his activities to the Congress and the President. And the Special Prosecutor will be able to go directly to Congress for appropriations to carry out his functions under this act.

Our bill provides that the Special Prosecutor shall carry out his duties for a two-year term, except as necessary to complete trial or appellate action on matters then pending, and the Chief Judge is given the power to dismiss the Special Prosecutor or his Deputy if the Judge finds that he has violated the provisions of the act authorizing his appointment or if he has committed "extraordinary improprieties," and for no other reason. This language is also borrowed from the Senate Judiciary Committee charter for the original Special Prosecutor. Congress, I believe, has full confidence that the Chief Judge will abide by these provisions faithfully—certainly a confidence that can no longer be extended to the Executive branch.

Finally, the bill states: "Neither the Chief Judge or the President of the United States, nor any other officer of the United States shall have any authority to direct, countermand, or interfere with any action taken by the Special Prosecutor pursuant to this act. Neither the President of the United States, nor any other officer of the United States, shall have any authority to remove the Special Prosecutor from office." This is the heart of the legislation. For even if the President decides to appoint another Special Prosecutor to replace Mr. Cox, that person will take office knowing that the President can dismiss him at any time, and will dismiss him for doing his job too well and too independently. Only legislation creating an independent Special Prosecutor insulated from such pressures and threats can fully restore the nation's confidence in the ability of our criminal justice system to weather the current crisis.

S. 2086

A bill to authorize in certain cases the appointment of special counsel and investigators to assist grand juries in the exercise of their powers

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the analysis of chapter 215 of title 18, United State Code, is amended by inserting immediately after item 3328 the following new item:

"3329. Powers of grand jury; special counsel and investigators; limitations on discharge; signing of certain indictments; charge."

Sec. 2. Title 18, United States Code, is further amended by inserting immediately following section 3328 a new section as follows:

"§ 3329. Powers of grand jury; special counsel and investigators; limitations on discharge; signing of certain indictments; charge

"(a) Any grand jury impaneled before a district court may inquire at the instance of the court or an attorney for the Government, or at its own instance, whether a crime cognizable by the court has been committed.

"(b) Any grand jury undertaking an inquiry upon its own initiative shall be entitled to the services of a special counsel and special investigators, not exceeding in number, who shall be appointed by the court before which any such grand jury was impaneled with the approval and upon the request of twelve or more jurors. Any such special counsel shall be entitled to compensation at the rate of $, and any such special investigators shall be entitled to compensation at the rate of $, per day for each day engaged in investigating or presenting evidence in connection with such inquiry. Such compensation shall be paid by the United States marshal on the voucher of the foreman of the jury out of any funds available for the payment of fees to grand and petit jurors.

"(c) Whenever a grand jury shall give notice to the court that it wishes to undertake an inquiry, such grand jury shall not be discharged by the court prior to such time as the court shall receive notice that such inquiry has been completed. The notice provided for in this subsection shall be given in writing signed by twelve or more members of the grand jury.

"(d) Upon the completion of any inquiry undertaken by a grand jury upon its own initiative, the grand jury may prepare one or more indictments upon the concurrence of twelve or more jurors and return such indictment or indictments to the judge in open court. Any such indictment shall be signed by the foreman and by the special counsel, if one shall have been appointed pursuant to subsection (b).

"(e) The district judge, on empanelment of a grand jury, shall charge the grand jury of its rights under this section."

Mr. FULBRIGHT. Mr. President, I have today cosponsored S. 2611, a bill to direct the chief judge of the U.S. District Court for the District of Columbia to appoint a special prosecutor. I fully believe that a special prosecutor is needed to help restore the confidence of the American people in the operation of our system of justice. I do not believe that the American people will be satisfied with an investigation carried out by a department of a President's own administration, no matter how highly regarded the officials conducting that investigation may be. While I fully support the basic philosophy behind S. 2611 of creating a prosecutor with complete authority to investigate and, where appropriate, to prosecute all offenses connected with the 1972 Presidential election and all offenses alleged to have been committed by the President, his appointees, or members of his White House staff, I believe that my fellow Senators and I will want to consider any suggestions that could improve this bill. I shall consider myself free to make such suggestions as the bill moves through the legislative process, and I am confident that such suggestions will be thoroughly considered by the Senate Judiciary Committee.

By Mr. STEVENSON:

S. 2612. A bill to amend title 28, United States Code, to make the United States liable for damages caused as the result of ultrahazardous activities in which the United States is engaged. Referred to the Committee on the Judiciary.

Mr. STEVENSON. Mr. President, at present, if a private party engages in an ultrahazardous activity—which courts have traditionally defined as an inherently dangerous activity involving a high risk of harm—and thereby causes damages, the private party may be held strictly liable for the damages caused. But if that same activity is engaged in by the Federal Government, the Federal Government may not be held strictly liable.

This anomaly was put in clearer perspective by the 1972 Supreme Court decision in *Laird* v. *Nelms,* 406 U.S. 797. In that case the sonic boom of an Air Force SR–71 caused $16,000 in damages to the private residence of Jim Nelms. Nelms sued the Government under the Federal Tort Claims Act. It seems clear that he could have recovered in almost every jurisdiction if a private plane flying at supersonic speeds had caused the damage. The Supreme Court held, however, that since the Federal Tort Claims Act is only a partial waiver of immunity, a claimant must prove that the Government acted negligently beyond its discretionary function in order to be awarded relief. In other words, the Court held that the Federal Government is not strictly liable for this and presumably all other ultrahazardous activities under the Federal Tort Claims Act.

Except through private bills enacted by Congress, an injured party does not have the right to seek recovery under existing Federal law.

The Military Claims Act of 1956 affords an administrative remedy, awarded at the discretion of the Secretary of Defense, for damages to property or for personal injury or death where the loss was not caused by a negligent or wrongful act of the claimant. But this act does not provide adequate protection. From 1961 to 1970, over 39,000 sonic boom claims were filed with the Air Force seeking over $29,000,000 in damages. Of the 39,000 claims, only 14,000 were settled for a little over $1,000,000. This is only 2 to 3 percent of the original relief sought. In addition, claimants under the Act do not have the right to a judicial review of the decision, and before 1970, claims could not exceed $5,000 and had to be accepted in full satisfaction of the claim. A 1970 amendment increased the ceiling to $15,000. It should be noted that the Military Claims Act has not been used as a vehicle for claims involving ultrahazardous activities other than sonic booms, and Congress has not taken any other steps to insure a right to relief from loss of property of personal injury caused by ultrahazadous activities.

I see no reason why the Federal Government should remain immune while private persons can be sued for the identical dangerous conduct. I am therefore introducing legislation to eliminate the inequity of Federal immunity from liability for such tortious conduct. The bill amends the Federal Tort Claims Act to allow for recovery from the Federal Government of damages caused by ultrahazardous activities in which the Federal Government engages.

Except for sonic booms, which the bill clearly sets forth as an ultrahazardous activity, what constitutes an ultrahazardous activity would depend on the laws of the State where the activity occurred. This is the procedure under the Tort Claims Act in negligence and other cases.

I would emphasize that the scope of the amendment is not limited to sonic boom cases but covers other types of ultrahazardous activities as well. I anticipate that such activities as blasting, storing explosives, nuclear testing, airplane spraying, test-firing guns, and testing experimental planes would also be covered by the bill.

Mr. President, this bill seeks justice. It is only fair that a person who suffers damages because of a dangerous activity engaged in by the Federal Government should be "made whole." We have already recognized this principle in the Federal Tort Claims Act for other kinds of tortious activity engaged in by the Federal Government and its representatives. Surely we can apply this same principle of fairness and equity to ultrahazardous activities. I urge the Congress to act quickly on this legislation.

I ask unanimous consent that the text of the bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2612

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1346 (b) of title 28, United States Code, is amended by adding at the end thereof the following: "Jurisdiction under this subsection shall include exclusive jurisdiction of civil actions on claims against the United States, for money damages, for injury or loss of property, or personal injury or death caused by the act or omission of any employee of the Government acting within the scope of his office or employment and while engaged in an ultrahazardous activity. For the purpose of this subsection, the term 'ultrahazardous activity' includes, but is not limited to, flying an aircraft at a speed in excess of the speed of sound.

(b) Section 2680(a) of such title 28 is amended by inserting after "Any claim" the following: "(other than a claim based upon the act or omission of a Government employee committed while engaged in an ultrahazardous activity)".

Sec. 2. The amendment made by the first section of this Act shall not apply to any claim arising prior to the date of enactment of this Act.

By Mr. McGOVERN:

S. 2613. A bill to amend section 2 of the National Housing Act to increase the maximum principal amount of home improvement loans which may be insured thereunder and to increase the maximum maturity of such loans. Referred to the Committee on Banking, Housing and Urban Affairs.

HIGHER FARM LOAN LIMIT

Mr. McGOVERN. Mr. President, I introduce for appropriate referral an amendment to the National Housing Act. The amendment is very simple and inexpensive, but it will fill a great need in the farming communities around the country as well as in South Dakota.

During recent visits to my home State, I encountered a number of constituents who feel that the maximum loan amount provided for financing new construction of farm buildings is much too low. The present figure is $5,000. My amendment would increase that figure to $10,000 and extend the maturation period of the loan by 5 years.

I have discussed this problem with bankers and builders as well as farmers, and their opinions are unanimous. They all agree that farm buildings of whatever nature—whether barns or sheds or shops or simple storage—simply cannot be constructed for $5,000 or less.

Mr. President, we have very few opportunities to present relatively simple changes that will not overburden the Federal budget and that will make a big difference to the small family farmer who is struggling to keep up with the corporate interests and the move toward agribusiness. This amendment presents just such an opportunity and I sincerely hope that the Senate Banking Committee will see fit to include it in the final version of the omnibus housing legislation they are now considering.

I ask unanimous consent that the text of my amendment be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2613

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2(b) of the National Housing Act is amended—

(1) by striking out "$5,000" in clause (1) and inserting in lieu thereof "$10,000"; and

(2) by striking out all before the proviso in clause (2) and inserting in lieu thereof the following: "(2) if such obligation has a maturity in excess of twelve years and thirty-two days, except that such maturity limitation shall not apply if such loan, advance of credit, or purchase is for the purpose of financing the construction of a new structure for use in whole or in part for agricultural purposes".

By Mr. HUGHES (for Mr. EAGLETON):

S. 2614. A bill to amend the Economic Stabilization Act of 1970 to provide for the application of price controls to certain export sales. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. HUGHES. Mr. President, on behalf of the Senator from Missouri (Mr. EAGLETON), I introduce a bill and I ask unanimous consent that a statement prepared by him in connection with the bill be printed at this point in the RECORD, together with the text of the bill itself.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR EAGLETON

Mr. President, I send to the desk a bill to amend the Economic Stabilization Act and ask that it be referred to the appropriate committee. I further request that the text of the bill be printed in the Record at the conclusion of my remarks.

The purpose of this amendment is to require the Cost of Living Council to subject exports of fertilizer to the same or equivalent price controls that apply to domestic sales of those commodities.

Mr. President, the American farmer today is confronted with a potentially calamitous shortage of fertilizer. Unless immediate steps are taken to deal with the problem, our whole farm program could be undermined and with it hopes for lower food costs.

Secretary of Agriculture Earl Butz recently forecast a shortage of 4 million tons of fertilizer in the next growing year, which translates into 20 million tons of lost grain production. There are many who think that that is a conservative estimate. The Fertilizer Institute, for example, puts the shortage at 5 million tons or 25 million tons of grain.

To get some idea of the impact this could have on food production and prices in this country, one should consider that the Russian grain deal involved only 16 million tons of grain.

The fertilizer problem stems in the first instance from restricted plant capacity and from the shortage of phosphates and of natural gas which is used in manufacturing anhydrous ammonia. Even so, I believe we would have an adequate supply of fertilizer next year were it not for the impact of Phase IV price regulations which have stimulated a substantial increase in U.S. exports of fertilizer, up some 30 per cent in the last fiscal year.

Under the Cost of Living Council program, most domestic sales of fertilizer are subject to strict price controls. Foreign buyers, however, are free to bid whatever they want. Given the enormous world demand for this basic commodity and given the abundance of devalued American dollars available overseas, it is not surprising that foreign buyers are scrambling to get what they can of our domestic production, even while some of these same countries—Korea, Taiwan and the Philippines—have placed embargos on their own exports.

The price being bid today by foreign buyers of U.S. fertilizer is, on average, about 30 per cent above the controlled domestic price and, in specific cases, 75 per cent or higher. For example, ammonia in September was selling at $40 a ton here at home, but attracting bids of $70 a ton when sold abroad. Urea was going for $67 a ton in the U.S. but $110 to foreign buyers.

No one can fault U.S. producers—who incidentally turn out about 25 per cent of the world's supply of fertilizer—from yielding to this price differential despite their preference to supply American farmers first. Even without foreign competition, I believe the present price ceiling is too low to assure these companies a fair return on their investments let alone to provide incentive for expanding production. So, in connection with the proposal I am making today, I would strongly support an upward adjustment of the ceiling price.

However, I would not favor complete deregulation of fertilizer prices at this time, as some have proposed. I am very much concerned that this would lead to unconscionable price increases and windfall profits. Even then it might not accomplish the purpose since foreign buyers would still enjoy the advantage of bidding with devalued American dollars.

It might be another matter if deregulation would stimulate additional production—the normal consequence of increased prices. In the case of fertilizer, however, production is sharply limited by plant capacity (already fully utilized) and the scarcity of raw materials, especially natural gas and phosphates. No matter what is done it will be several years before any substantial new supplies will come on line. Before that happened, unlimited world demand would drive the price out of reach of many farmers.

So long as the ceiling price is set at a level that allows recovery of cost and a decent return to the producers I think we will have a long range expansion of our fertilizer production while keeping price within reasonable bounds.

The bill I am offering would not create any obstacle for foreign buyers that was not there before the imposition of Phase IV price controls. It seeks merely to equalize the competition between our own farmers and those abroad and to correct the decisive advantage given foreign buyers by the Phase IV program. Under this program, I anticipate that overseas purchases would return to historical patterns, with the foreign buyer actually benefiting since the price he would pay would presumably be below the level which unlimited competition would produce.

Mr. President, it makes no sense for this country to follow policies which encourage the export of a commodity as basic to our food production as fertilizer. It is urgent that we correct this situation and I urge prompt action on my bill.

S. 2614

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 203 of the Economic Stabilization Act of 1970 is amended by adding at the end thereof the following:

"(k)(1) Except as provided in paragraph (2), any order or regulation which is issued under the authority conferred by this section, and which stabilizes the price of fertilizer shall apply to export sales of fertilizer, except that in applying any price ceiling to the price of any fertilizer export, there shall be excluded the additional cost of transportation and handling caused by the fact that the fertilizer is being exported.

"(2) The President or his delegate may exempt from the provisions of paragraph (1) any export sale which is determined to be necessary to meet fertilizer needs of the United States."

By Mr. HARTKE:

S. 2615. A bill to establish an Office of Counsel General in the legislative branch of Government, and for other purposes. Referred to the Committee on Rules and Administration.

A LEGAL COUNSEL FOR THE CONGRESS OF THE UNITED STATES

Mr. HARTKE. Mr. President, today I introduce a bill to establish a legal counsel for Congress to assist the legislative branch in the performance of its duties.

I first introduced a bill to establish a legal counsel in the Congress in 1967, as S. 1384. The bill that I introduce today was introduced in the 93d Congress on September 10, as an amendment to S. 1541, and is now being considered by the Committee on Government Operations.

The Founding Fathers of our Nation provided that the powers of the U.S. Government be distributed among the legislative, executive, and judicial branches. By this separation of powers and a number of checks and balances, the writers of the Constitution hoped to avoid excessive concentration of power which would lead to abuse. This system has stood the test of time because it has allowed for flexibility and change in a world in which enormous changes have taken place. To meet the changes, major shifts of power from the States to the Federal Government and from the legislative branch to the executive branch have taken place. These shifts in power have to some extent been necessary to cope with the problems of our age. The courts have kept in step with the times by challenging the encroachment of the Federal Government upon the rights and liberties of citizens. The executive has grown to meet the demands of a modern society. However, the legislative branch has not kept in step with these developments and has not acted to preserve its domain in a changing world. Consequently the doctrine of separation of powers and the doctrine of checks and balances are threatened by the fact that the legislative branch has not developed the means of dealing with the vast amount of power in the executive bureaucracy.

As the volume of business, size, and number of agencies and departments in the executive branch has proliferated, Congress has been forced to allow the executive branch to develop its own rules, regulations, and procedures, while at the same time relying more and more upon the executive branch to supply it with the information needed to legislate on complex subjects. As the size of this executive leviathan has grown to powerful proportions, Congress has done little to see that it remains responsive to congressional oversight and thus to the people. Today the legislative powers of Congress are in fact threatened by the vastness of the executive complex.

There is an increasing need for Congress to expand its watchfulness not in order to interfere with the proper functioning of the executive branch, but to insure its proper functioning by timely action to prevent abdication of its powers and abuse of powers delegated to the executive agencies. When Congress has been specific in its delegations of power, the agencies concerned have tended to be more able to apply themselves to the tasks at hand. By the same token, agency performance should be improved if Congress has a means to indicate when the departments and agencies have lost sight of the direction Congress has set forth.

The conflicts between the interests of Congress and those of the executive branch have increased with the proliferation of departments and agencies designed to serve special constituencies. These constituencies represent separate interests, which makes it increasingly necessary for Congress to have someone who can speak not for the constituencies which become involved in the daily administering of legislation, but for the Congress and the people who sought the legislation in the first place. Congress has always depended upon the courts and litigation to control the executive branch, and upon the Justice Department, which is simply another arm of the executive, to represent the view of Congress before the courts. However, in view of the vast changes which have taken place in recent years, the time has now come to equip Congress with the tools needed to challenge the growing supremacy of the executive in this area.

There have been cases in which there has been a sufficient conflict of interest between Congress and the Executive, or sufficient special interest by Congress, to make it desirable for special counsel for the Congress to be appointed to appear before the courts as amicus curiae. It is the duty of Congress to enact legislation, and there is certainly enough work in this area to keep it busy, but Congress needs assistance in seeing that the legislation once passed actually becomes the law and remains the law. This is not to suggest that the enforcement of laws or the interpretation of laws is the proper domain of Congress, nor that the courts have an obligation to read statutes the way Congress reads a statute. Indeed, Congress does not always have one clear intention, nor has its intention always been expressed clearly in the law it enacts. However, in an age where executive powers have become so extensive, the courts should be eager to seek the viewpoint of Congress on its laws in order to offset the growing power of the Executive, and it should be the practice for Congress to present its view before the courts if it so chooses.

At present the Justice Department represents the "United States" in court proceedings, and this is as it should be. However, the courts, like the framers of the Constitution, have always been concerned about the absolute power of the man who not only enforces the law but can also make the law he will enforce. Thus, since the Justice Department acting as a party to a case often presents the view of the executive branch that has made the regulations involved in the outcome of the case, it would seem to be only appropriate for the courts to consult Congress which made the law as to whether those regulations were an appropriate exercise of its delegation of authority. A counsel for the Congress would not be in the business of enforcing the law, but rather he would provide an authoritative interpretation of the laws on behalf of the institution of Congress rather than for the courts to rely solely upon the Justice Department or another party to the case. The court in the final analysis is to make the decision in the case as to which view of the law will be held valid, but it will be after listening to arguments, not only by the executive branch, but by the Congress as well.

Thus, in some cases, a remedy to abuse of executive powers may be found by the presentation of congressional intent to the Court. However, there often is no real remedy to be obtained from a court. In these cases which involve resolutions on foreign affairs or cases which are still at an earlier stage of executive rulemaking, if Members and committees of Congress could obtain the legal opinion of its counsel upon matters in dispute, some restraining influence might be exerted upon the executive branch.

To summarize, Congress needs a voice after legislation has been passed. This voice is that of a lawyer who will go before the courts and represent the Congress just as a private lawyer does, but he will not, except in exceptional cases such as contempt of Congress, actually intervene or initiate a case. Like a private lawyer, he will have functions as an adviser to Congress and in the presentation of legal opinion to committees or Members of Congress he will indicate whether the laws which Congress has adopted are being respected by the executive branch of the Government. I am today introducing legislation to establish a legal counsel for Congress.

The counsel of Congress should be the finest legal counsel Congress can obtain. Although this proposal limits his term of office to 4 years, it is probable that he would remain in office even as the composition of Congress changes. That is not only because his appointment is to be made without regard to political affiliation, but also because Congress would hesitate to remove a man who conscientiously attempted to ascertain the meaning of legislation and represent the interest of Congress as an institution. Congress would hesitate to politically devalue an office which would be so valuable to it. It is not, however, inconceivable that Congress may decide that its counsel has failed to maintain those high standards for which it hopes. In such cases, it would be in congressional interest to name a new man. Thus, the power of the congressional counsel would be directly proportional to his loyalty to ascertaining as accurately as possible the meaning and intent of legislation.

There are certain built-in checks on the Counsel General. First, he must have the authority of either the House or Senate Judiciary Committee to enter a court as an amicus. Second, his position as an amicus is limited to presenting the viewpoint of Congress on the constitutionality of its laws and to representing Congress in assisting the courts to ascertain the meaning of its legislation. To the extent that his views on the meaning of legislation are solidly based, he will become respected by the courts. However, to the extent that he would come under control of some political faction, he would tend to be disregarded by the courts.

There will be a great deal of restraint acting on any man who dares to present the legislative intent of Congress and act as the lawyer representing Congress. Like a private lawyer he must represent his own client, and also be persuasive to the court. It is indeed the quality of the counsel which would determine his success. Furthermore, there is essentially nothing new in his function since the Congress already has someone interpreting its intent in the form of the Attorney General. However, no matter how fine a lawyer he may be, the Attorney General is still a part of the executive branch which the Congress is seeking to control and cannot escape representing the interests of the executive branch. In an age where the volume of business has become so great that Congress cannot maintain a watchful eye over all the executive agencies, the idea that the Attorney General can present the view of congressional intent is in effect to allow the administrative agencies of the Government to have more and more opportunity to promulgate law at variance with the will of Congress. Much of the history of administrative law centers around the question of the delegation of authority of a growing and complex society. This delegation of authority has often been necessary. However, the courts in their development of administrative law have laid down limitations on the powers of the legislative agencies to make their own law. The delegation doctrine may at times seem rather broad, but the idea remains that Congress must not abdicate its powers wholesale to the executive branch. The Congressional Counsel General might be considered as an additional check against the executive power in support of that doctrine.

The precedent for such an officer in the legislative branch comes in part from the existence of the General Accounting Office which functions as an agency of Congress. The General Accounting Office under the Comptroller General makes independent examinations of the way that government agencies fulfill their financial responsibilities. The Comptroller General has access, with limited exceptions, to the papers of all departments. He also determines accounting procedures, settles accounts for disbursing and collecting officers, and renders decisions on the legality of expenditures of public funds. In many respects the Congressional Counsel General would be far more limited than the Comptroller General in that he will have no access to papers nor will he have any decision-making powers affecting the other branches of the government.

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THE FUNCTIONS OF THE CONGRESSIONAL COUNSEL GENERAL

The counsel for Congress under my bill will perform functions at several stages of the legal process subject to "such rules as the Committees on the Judiciary of the Senate and House of Representatives may prescribe jointly from time to time."

First of all, the Congressional Counsel General would "perform such duties with respect to legislative review of executive actions as shall be prescribed by such rules." Congress often fails to take into account all the factors which later arise in the administration of legislation. In order to encourage the administrative agencies and departments to respect congressional legislation, Congress must do a far better job of legislative oversight. Thus, the counsel of Congress could assist Congress in the initiation of new and corrective legislation. By reviewing the actions of courts and administrative agencies, he will uncover areas of policy where there is no existing legislation, where the existing legislation is unclear, or where legislation is in effect being made by the Executive. Each year, the counsel could present to Congress an agenda of law revisions with recommendations and alternatives to be considered. This would greatly help Congress perform its oversight and legislative review function. Emphasis upon this particular role of the Counsel General may very well reduce the role he will have to play in subsequent court proceedings.

Second, the counsel of Congress would "render to committees and Members of Congress advice with respect to the purpose and effect of provisions contained in acts of the Congress or to be inserted in proposed legislative measures." Thus; the counsel would provide upon request confidential advisories on the effects and constitutionality of proposed legislation during the legislative process so that legislation will have more likelihood of having effect and being enforced.

Third, the counsel of Congress would "render to committees, Members, and disbursing officers of the Congress, and to the Comptroller General, legal opinions upon questions arising under the Constitution and laws of the United States." The Congressional Counsel General, through the rendering of legal opinions upon the laws of Congress to committees of Congress, will provide a way for Members and committees of Congress to present an authoritative viewpoint to executive departments and agencies upon the validity, but not the merit, of regulations such as the new antidumping regulations or various income tax regulations. In this capacity the counsel will speak authoritatively in the sense of being the counsel representing Congress. However, he will have no dictatorial powers in as much as any department or agency will still be able to promulgate any rules it wishes and then test their validity in court.

In this capacity the counsel of Congress could maintain, with the coordination of the respective committees of Congress, the history, purpose, and intent of legislation so that after enactment of legislation there will be a complete and authoritative legislative history. This legislative history would become part of the material to be sent to the President with a bill and entered into the Federal Register or a similar publication. This will not only enable the executive to perform its function better but also assist future counsels of Congress in performing their functions of rendering legal opinions and representing Congress before the courts on the meaning of its laws. It should be noted that the proposal does not seek to integrate the legal staffs of the committees or legislative counsel. This is deliberate in order to maintain the pluralism of views within the Congress which the present system provides.

Fourth, the counsel would "appear as amicus curiae, upon the request, or with the approval, of the Committee on the Judiciary of the Senate or House of Representatives, in any action pending in any court of the United States in which there is placed in issue the constitutional validity or interpretation of any act of the Congress, or the validity of any official proceeding of or actions taken by either House of Congress or by any committee, Member, officer, office, or agency of the Congress." The courts will still have the right to determine who may appear as amicus curiae, but this section will make it possible for the courts to accept the Congressional Counsel General in the capacity of lawyer for Congress.

Fifth, the counsel would "represent, upon the request, or with the approval of the Committee on the Judiciary of the Senate or House of Representatives, either House of Congress or any committee, Member, officer, office, or agency of the Congress in any legal action pending in any court of the United States to which such House committee, Member, office, or agency is a party and in which there is placed in issue the validity of any official proceeding of or action taken by such House, committee, officer, office, or agency." The Congressional Counsel General would be authorized to replace the Attorney General in this capacity. The reason for this stems from the peculiar interest of Congress in these cases, and the right of Congress to prosecute its own contempt cases. Although this authority has been in the past delegated to the Justice Department, the existence of a full-time congressional counsel would only make it appropriate that he be responsible for a case within the traditional powers of Congress.

The purpose of these provisions is to restore the authority of Congress to make valid law. Individual Congressman or committees could follow the course of a bill after its enactment, but Congress already has its hands full with current legislation. Furthermore, no one Congressman can speak with much authority, nor can a committee coordinate these efforts without a large staff working in this area exclusively. On the other hand it has been suggested that the Justice Department could be made into an independent agency, but the question would then arise as to how to control it and make it responsible to the people. The Congressional Counsel General would be tied directly to the legislative branch.

In summary, the proposal to create a Congressional Counsel General is perhaps a novel one, but one which is necessitated by the growth of administrative bureaucracy. It is a means to assist Congress internally by assisting it in performing its oversight function, by review of executive and judicial acts as well as by assisting in improving its legislation. It is also a means to assist Congress externally by keeping the administrative departments and agencies responsive to Congress from which their authority is derived. In both his internal and external functions the Congressional Counsel General will assist in making Congress a more effective branch of our Government and thus strengthen the principle of separation of powers.

Mr. President, I ask unanimous consent that the text of my bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2615

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DECLARATION OF PURPOSE

Section 1. That the Congress finds and declares that there is a need for a professional legal counsel to the Congress learned in the law, the Constitution and the legislative process; that the Congress is a coequal branch of the United States Government with specific powers under Article I of the United States Constitution; that the enactment of laws necessitates the continual review of such laws under the United States Constitution; that representation of the Congress in the co-equal Judiciary branch in all matters of law and fact is now a function of the co-equal branch, the Executive; that to ensure the continued equality of the three branches of government under the United States Constitution and to advise Members of the constitutionality of proposed legislation, it is hereby declared to be the intent of Congress to establish within the legislative branch an Office of the Counselor General which will carry out the purposes herein setforth.

ESTABLISHMENT

Sec. 2. (a) There is established in the legislative branch of the Government the Office of Counsel General (hereinafter referred to as the "Office");

(b) There shall be in the Office a Counsel General (hereinafter referred to as the "Counsel") and a Deputy Counsel General (hereinafter referred to as the "Deputy Counsel"), each of whom shall be appointed by the President pro tempore of the Senate and the Speaker of the House of Representatives and confirmed by a majority vote of each House;

(c) The Counsel and Deputy Counsel shall be chosen without regard to political affiliation and solely on the basis of fitness to perform the duties of the Office;

(d) The Office shall be under the control and supervision of the Counsel, and shall have a seal adopted by him. The Deputy Counsel shall perform such duties as may be assigned to him by the Counsel, not inconsistent with this Act, and during the absence or incapacity of the Counsel, or during a vacancy in that office, shall act as the Counsel;

(e) The annual compensation of the Counsel shall be the same as Members of Congress. The annual compensation of the Deputy Counsel shall be at the rate provided for level IV of the executive schedule in Title 5 of the United States Code.

(f) No person may serve as Counsel or

Deputy Counselor while a candidate for or holder of any elected office, whether local, State or Federal, or while engaged in any other business, vocation, or employment;

(g) The terms of office of the Counsel and the Deputy Counsel first appointed shall expire on January 31, 1977. The terms of office of Counsels and Deputy Counsels subsequently appointed shall expire on January 31 every four years thereafter. Except in the case of his removal under the provision of subsection (h), a Counselor or Deputy Counsel may serve until his successor is appointed.

(h) The Counsel or Deputy Counsel may be removed at any time by a joint resolution of the Senate and House of Representatives, when, in the judgment of the Congress, either has become permanently incapacitated, or has been guilty of any felony, misconduct, or any other conduct involving moral turpitude.

DUTIES OF THE COUNSEL GENERAL

Sec. 3. (a) It shall be the duty of the Counsel General, under such rules as the Committees on the Judiciary of the Senate and the House of Representatives may jointly prescribe from time to time, to:

(1) Render to committees, Members, and disbursing officers of the Congress, the Comptroller General and other officers exclusively within the legislative branch, legal opinions upon questions arising under the Constitution and laws of the United States;

(2) Render to committees and Members advice with respect to the purpose and effect of provisions contained in Acts of the Congress, or to be inserted in proposed legislative measures;

(3) Perform such duties with respect to legislative review of executive actions as shall be prescribed by such rules;

(4) Appear as *amicus curiae*, upon the request, or with the approval, of the Committee on the Judiciary of the Senate or the House of Representatives, in any action pending in any court of the United States in which there is placed in issue the constitutional validity or interpretation of any Act of the Congress, or the validity of any official proceeding of or action taken by either House of Congress or by any committee, Member, officer, office, or agency of the Congress; and

(5) Represent, upon the request, or with the approval of the Committee on the Judiciary of the Senate or the House of Representatives, either House of Congress or any committee, Member, officer, office, or agency of the Congress in any legal action pending in any court of the United States to which such House committee, Member, officer, office, or agency is a party and in which there is placed in issue the validity of any official proceeding of or action taken by such House, committee, Member, officer, office, or agency.

(b) Upon receipt of written notice from the Counsel to the effect that he has undertaken pursuant to subsection (a)(5) of this section to perform any such specified representational service with respect to any designated action or proceeding pending or to be instituted in a court of the United States, the Attorney General shall be relieved of responsibility and shall have no authority to perform such service in such action or proceeding except at the request or with the approval of the Counsel General.

(c) The Counsel shall seek the assistance and cooperation of a Member, committee, officer, office, or agency in all proceedings under this Act when such Member, committee, officer, office, or agency is a party to an action or has a present or future interest in the action.

ADMINISTRATIVE PROVISIONS

Sec. 4. (a) In order to carry out the provisions of this Act, the Counsel is authorized to—

(1) appoint and fix the compensation of such Assistant Counsels General, clerks, and other personnel as may be necessary to carry on the work of the Office, Assistant Counsels General shall be appointed without reference to political affiliations and solely on the basis of fitness to perform the duties of the office;

(2) to make, promulgate, issue, rescind, and amend such rules and regulations as may be necessary to carry out the duties of the Office under this Act;

(3) delegate authority for the performance of any such duty to any officer or employee of such Office;

(4) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code;

(5) use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

AUTHORIZATION OF APPROPRIATIONS

Sec. 205. There are hereby authorized to be appropriated to the Office of the Counsel General such sums as may be required for the performance of the duties of the Counsel General under this Act. Amounts so appropriated shall be disbursed by the Secretary of the Senate on vouchers approved by the Counsel General.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 847

At the request of Mr. Robert C. Byrd (for Mr. Nelson), the Senator from New Hampshire (Mr. McIntyre) was added as a cosponsor of S. 847, the School Bus Safety Act.

S. 1769

At the request of Mr. Robert C. Byrd (for Mr. Magnuson) the Senator from Washington (Mr. Jackson) and the Senator from Massachusetts (Mr. Kennedy) were added as cosponsors of S. 1769, a bill to establish a U.S. Fire Administration and a National Fire Academy in the Department of Housing and Urban Development, to assist State and local governments in reducing the incidence of death, personal injury, and property damage from fire, to increase the effectiveness and coordination of fire prevention and control agencies at all levels of government, and for other purposes.

S. 2422

At the request of Mr. Mathias, the Senator from West Virginia (Mr. Randolph) was added as a cosponsor of S. 2422, a bill to establish a National Center for the Prevention and Control of Rape and provide financial assistance for a research and demonstration program into the causes, consequences, prevention, treatment, and control of rape.

S. 2602

At the request of Mr. Stevenson, the Senator from Illinois (Mr. Percy) was added as a cosponsor of S. 2602, a bill to provide that daylight saving time be observed on a year-round basis.

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE JOINT RESOLUTION 185

At the request of Mr. Domenici, the Senator from Oklahoma (Mr. Bartlett), the Senator from Utah (Mr. Bennett), the Senator from Tennessee (Mr. Brock), the Senator from New Jersey (Mr. Case), the Senator from Texas (Mr. Tower), the Senator from Kansas (Mr. Dole), and the Senator from West Virginia (Mr. Randolph) were added as cosponsors of Senate Joint Resolution 165, the Vocation Education and Vocation Industrial Clubs of America Week.

PUBLIC WORKS AUTHORIZATION ACT OF 1973—AMENDMENT

AMENDMENT NO. 635

(Ordered to be printed and referred to the Committee on Public Works.)

Mr. STEVENSON submitted an amendment intended to be proposed by him to the bill (H.R. 10203) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

SOCIAL SECURITY AMENDMENTS OF 1973—AMENDMENT

AMENDMENT NO. 636

(Ordered to be printed and referred to the Committee on Finance.)

Mr. HARTKE. Mr. President, I am introducing today an amendment to H.R. 3153, to liberalize the provisions of the Federal disability insurance law for blind persons.

On five separate occasions, the proposal has been approved by the Senate during the past dozen years. As an indication of the support which this disability for the blind bill has received in this Chamber, no less than 61 of my colleagues joined me in sponsoring the proposal as a bill this year.

My amendment would make it possible for a blind person who has worked for a year and a half in social security-covered work to qualify and draw disability benefits payments so long as he remains blind and regardless of his earnings. The present law requires that a blind person have worked in covered employment in 20 of the last 40 quarters. That eligibility requirement fails to take into account the fact that a blind person finds it difficult to secure work of any kind, however employable he may be on the basis of talents and training.

My amendment gives legal recognition to another hard fact confronting the blind—they must always function without sight in a society structured for sight, and they must work in an economy organized by sighted people for sighted people. As a result, the blind person will need varying degrees of sight to assist him no matter what he does or how able he may be, and the only sure way to get this help is to hire it. The blind person must thus have disability insurance payments to serve as a continuing source of funds to hire sighted assistance.

It is my hope, Mr. President, that this 93d Congress will be known as the most important of all Congresses for blind Americans. It can achieve that distinction if we enact the disability insurance for the blind amendment which I introduce today so that, at long last, blind people can be liberated, and elevated to

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a more equal relationship with their sighted fellows.

Mr. President, I ask unanimous consent that the text of my amendment be printed in the Record at this point.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

Amendment No. 636

At the end of the bill, insert the following:

Sec. 6. (a) Section 214 (a) of the Social Security Act is amended by adding "or" after the semicolon at the end of paragraph (3), and by inserting after paragraph (3) the following new paragraph:

"(4) in the case of an individual who has died and who was entitled to a benefit under section 223 for the month before the month in which he died, 6 quarters of coverage;".

(b) Section 215(b)(1) of such Act is amended by striking out "shall be the quotient" and inserting in lieu thereof "shall (except as provided in paragraph (5)) be the quotient".

(c) Section 215(b) of such Act is further amended by adding at the end thereof the following new paragraph:

"(5) In the case of an individual who is blind (within the meaning of 'blindness' as defined in section 216(i)(1)), such individual's average monthly wage shall be the quotient obtained by dividing (A) the total of his wages paid in, and self-employment income credited to, all of the calendar quarters which are quarters of coverage (as defined in section 213) and which fall within the period after 1950 and prior to the year specified in clause (i) or clause (ii) of paragraph (2)(C), by (B) the number of months in such quarters; except that any such individual who is fully insured (without regard to section 214(a)(4)) shall have his average monthly wage computed under this subsection without regard to this paragraph if such computation results in a larger primary insurance amount."

(d) Section 216(i)(3) of such Act is amended to read as follows:

"(3) The requirements referred to in clauses (i) and (ii) of paragraph (2)(C) are satisfied by an individual with respect to any quarter only if—

"(A) he would have been a fully insured individual (as defined in section 214) had he attained age 62 and filed application for benefits under section 202(a) on the first day of such quarter, and (i) he had not less than 20 quarters of coverage during the 40-quarter period which ends with such quarter, or (ii) if such quarter ends before he attains (or would attain) age 31, not less than one-half (and not less than 6) of the quarters during the period ending with such quarter and beginning after he attained the age of 21 were quarters of coverage, or (if the number of quarters in such period is less than 12) not less than 6 of the quarters in the 12-quarter period ending with such quarter were quarters of coverage; or

"(B) he is blind (within the meaning of 'blindness' as defined in paragraph (1) of this subsection) and has not less than 6 quarters of coverage in the period which ends with such quarter.

For purposes of clauses (i) and (ii) of subparagraph (A) of this paragraph, when the number of quarters in any period is an odd number, such number shall be reduced by one, and a quarter shall not be counted as part of any period if any part of such quarter was included in a prior period of disability unless such quarter was a quarter of coverage."

(e) The first sentence of section 222(b)(1) of such Act is amended by inserting "(other than such an individual whose disability is blindness as defined in section 216(i)(1))" after "an individual entitled to disability insurance benefits".

(f) Section 223(a)(1) of such Act is amended—

(1) by striking out the comma at the end of subparagraph (B) and inserting in lieu thereof "or is blind (within the meaning of 'blindness' as defined in section 216(i)(1)),";

(2) by striking out "the month in which he attains age 65" and inserting in lieu thereof "in the case of any individual other than an individual whose disability is blindness (as defined in section 216(i)(1)), the month in which he attains age 65"; and

(3) by striking out the second sentence.

(g) Section 223(c)(1) of such Act is amended to read as follows:

"(1) An individual shall be insured for disability insurance benefits in any month if—

"(A) he would have been a fully insured individual (as defined in section 214) had he attained age 62 and filed application for benefits under section 202(a) on the first day of such month, and (i) he had not less than 20 quarters of coverage during the 40-quarter period which ends with the quarter in which such month occurred, or (ii) if such month ends before the quarter in which he attains (or would attain) age 31, not less than one-half (and not less than 6) of the quarters during the period ending with the quarter in which such month occurred and beginning after he attained the age of 21 were quarters of coverage, or (if the number of quarters in such period is less than 12) not less than 6 of the quarters in the 12-quarter period ending with such quarter were quarters of coverage, or

"(B) he is blind (within the meaning of 'blindness' as defined in section 216(i)(1)) and has not less than 6 quarters of coverage in the period which ends with the quarter in which such month occurs. For purposes of clauses (i) and (ii) of subparagraph (A) of this paragraph, when the number of quarters in any period is an odd number, such number shall be reduced by one, and a quarter shall not be counted as part of any period if any part of such quarter was included in a period of disability unless such quarter was a quarter of coverage."

(h) Section 223(d)(1)(B) of such Act is amended to read as follows:

"(B) blindness (as defined in section 216(i)(1))."

(i) The second sentence of section 223(d)(4) of such Act is amended by inserting "(other than an individual whose disability is blindness, as defined in section 216(i)(1))" immediately after "individual".

Sec. 7. In the case of an insured individual who is under a disability as defined in section 223(d)(1)(B) of the Social Security Act, who is entitled to monthly insurance benefits under section 202(a) or 223 of such Act for a month after the month in which this Act is enacted, and who applies for a recomputation of his disability insurance benefit or for a disability insurance benefit (if he is entitled under such section 202(a)) in or after the month this Act is enacted, the Secretary shall, notwithstanding the provisions of section 215(f)(1) of such Act, make a recomputation of such benefit if such recomputation results in a higher primary insurance amount.

Sec. 8. The amendments made by sections 6 and 7 shall apply only with respect to monthly benefits under title II of the Social Security Act for and after the second month following the month in which this Act is enacted.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 565

At the request of Mr. Tunney, the Senator from New Jersey (Mr. Case) was added as a cosponsor of amendment No. 565, intended to be proposed to the bill (S. 1724) to amend title 28, United States Code, to provide more effectively for bilingual proceedings in certain district courts of the United States, and for other purposes.

AMENDMENT NO. 575

At the request of Mr. Robert C. Byrd (for Mr. Montoya), the Senator from New Mexico (Mr. Domenici) was added as a cosponsor of amendment No. 575, intended to be proposed to the bill (S. 1029) to provide, in cooperation with the States, benefits to individuals who are totally disabled due to employment-related respiratory diseases and to the surviving dependents of individuals whose death was due to such disease or who were totally disabled by such disease at the time of their deaths.

NOTICE OF HEARINGS ON PROPOSED HELLS CANYON LEGISLATION

Mr. JACKSON. Mr. President, it was recently announced that hearings on proposed Hells Canyon legislation would be conducted at LaGrande, Oreg., on December 3, by the Senate Subcommittee on Parks and Recreation. This date has subsequently been changed to December 6. Hearings on this proposed legislation will also be held at Lewiston, Idaho, on December 14 and 15.

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. ROBERT C. BYRD. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

John H. deWinter, of Maine, to be U.S. marshal for the district of Maine for the term of 4 years, reappointment.

Henry A. Schwarz, of Illinois, to be U.S. attorney for the eastern district of Illinois for the term of 4 years, reappointment.

John J. Twomey, Jr., of Illinois, to be U.S. marshal for the northern district of Illinois for the term of 4 years, vice John C. Meiszner.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Friday, November 2, 1973, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

INFORMATION HEARINGS ON REPORT OF NATIONAL COMMISSION ON MATERIALS POLICY

Mr. METCALF. Mr. President, I wish to remind all interested Senators and the public that the Subcommittee on Minerals, Materials, and Fuels of the Committee on Interior and Insular Affairs is holding information hearings on the report of the National Commission on

Materials Policy on October 30 and 31 and November 1.

The Commission's report contains many important recommendations about the need to strike a balance between production of goods and protection of the environment. The subcommittee will hear from a number of witnesses from Federal agencies and industry and from individual experts. We have asked them to discuss the need for legislation or administrative action by Federal agencies.

These hearings mark the beginning of a continuing study by the subcommittee of national materials policy.

The hearings will begin at 10 a.m. in room 3100, Dirksen Senate Office Building.

ADDITIONAL STATEMENT

YEAR-ROUND DAYLIGHT SAVING TIME

Mr. STEVENSON. Mr. President, tomorrow night millions of Americans will turn their clocks back 1 hour as the Nation goes through the annual ritual of changing from daylight saving time to standard time.

This year, however, it is a ritual we can ill-afford.

The United States faces the most serious energy shortage in its history. Standard time will increase the shortage.

Last Thursday when I introduced S. 2602—a bill providing for year-round daylight saving time as the centerpiece of a nationwide energy conservation campaign—I had hoped that the Congress and the administration might act in time to avoid the energy loss and personal inconvenience that would occur following the time change this weekend.

As the week passed, it became increasingly clear that it would be impossible to hold hearings on S. 2602 before Saturday. In the absence of hearings, the only hope of passage soon enough to avert the time change depended upon administration support. While repeated contacts throughout the week with administration officials proved encouraging, as of this morning the administration had not been able to reach an official position on daylight saving time. So now it appears we will turn our clocks back tomorrow night.

While the Congress and the administration remained silent, the people spoke out. Chicago Today asked its readers to fill in a ballot indicating their position on my bill. In one of the largest returns ever recorded by the paper for this kind of poll, readers expressed support for year-round daylight saving time by a margin of 20 to 1.

I have received—and I understand other Members of the Congress have, too—hundreds of letters favoring the change. The two most frequently mentioned reasons for favoring year-round daylight saving time were energy conservation and greater personal safety and convenience.

Much has been said about the energy crisis. But increasingly the people want to know what the Government is going to do about the energy crisis.

In the short run—particularly this winter—our hope lies in energy conservation. Yet, it is almost November, and we do not have a nationwide energy conservation program.

The time is long overdue for the Federal Government to provide the leadership it will take to make energy conservation work—in our homes, in our businesses and nationwide.

As both a national energy conservation measure and a psychological focal point for individual conservation initiatives, year-round daylight saving time would go a long way toward restoring the public's confidence in the ability of the Federal Government to deal with our shortrun energy problems.

Combining savings in electricity, natural gas and fuel oil, year-round daylight saving time could conserve anywhere from one-half to 1½ percent of the Nation's total winter energy needs. This is a substantial portion of our total projected shortfall of three percent.

In conjunction with a conscientious nationwide energy conservation program of individual action, the energy savings associated with daylight saving time would increase manifold. S. 2602 resolves that it is time we embark upon a nationwide energy conservation campaign.

S. 2602 provides for a 1-year test of year-round daylight saving time and authorizes the Department of Transportation, as the administrator of the Uniform Time Act, to submit an evaluation of this 1-year trial to the Congress.

In addition to offering substantial fuel savings, year-round daylight saving time would also help reduce crime, improve traffic safety, produce more daylight for the convenience and pleasure of most people, and eliminate the confusing twice-yearly time changes. Work and school schedules could be adjusted to the convenience of those adversely affected by early morning darkness.

Because I believe the Nation's confidence in the Government's ability to deal with our energy problems is at stake, I am fully committed to the passage of a bill like S. 2602 as soon as possible.

In view of the substantial energy savings that could be achieved with year-round daylight saving time and the critical shortages we face this winter, the Senate Commerce Committee will convene hearings on November 9 for the purpose of considering the necessary legislation. It is my hope that the committee will be able to report out a bill in time for enactment prior to the peak winter electrical load months of December, January, and February. It is unfortunate that in the interim we must suffer both unrecoverable energy losses and the personal inconvenience of further time changes.

In an effort to speed the passage of this legislation, I have today written to the Secretary of the Interior, the Secretary of Transportation, and the Director of the President's Energy Policy Office to urge again that the administration support the concept of year-round daylight saving time as an energy conservation measure.

The time has come to let the nations of the world know that the United States is taking decisive action to deal with its short-range energy problems.

An effective conservation program—nationwide and personal—is the best answer we have to foreign governments which would exploit our current energy shortages. We can demonstrate that we will not be intmidated by oil producers. By showing that we can and will act decisively to conserve energy, we will enhance the prospects of peace in the Middle East.

The stakes are simply too high to ignore a measure as promising as daylight saving time.

Mr. President, I ask unanimous consent that several articles and an editorial from Chicago Today, and an editorial from WBBM-TV in Chicago be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From Chicago Today, Oct. 22, 1973]

Saving Daylight—And Energy

Sen. Adlai Stevenson [D., Ill.] has come up with a proposal that strikes us as extremely sensible: in fact it struck us that way six weeks ago, when we ran an editorial favoring it. At a press conference Thursday, Stevenson called for keeping the nation on daylight saving time all year round, instead of the present patchwork system in which some states [including Illinois] have six months of daylight saving, and others have none. Under present federal law, this is the only option the states have.

Year-round daylight saving—to quote our Sept. 7 editorial—"would mean that a bigger share of most people's active working day would take place in daylight, with resultant sizable savings in electricity for lighting." Stevenson estimates the electrical reduction at 2 per cent; the savings in oil used for electrical generation would be perhaps 30,000 barrels a day.

The amount is not decisive, but it would be a big help—not only in saving energy resources, but in lessening American dependency on foreign oil supplies with all their touchy political involvements.

We hope the Senate Commerce Committee, which will have the first chance at Stevenson's bill, gives it a sympathetic hearing.

[WBBM-TV editorial, Chicago, Ill.]
Oct. 24, 1973]

Daylight Saving Time

On October 28th, Illinois and 46 other states will adhere to a silly practice that has far outlived its usefulness. We're going to shave off the hour we gained during the summer and return to Central Standard Time. Daylight Saving Time will be gone again until next season.

We are supporting Sen. Adlai Stevenson, who is calling for year-round Daylight Saving Time. The only way to make the change is through Congressional decree.

We need Daylight Saving Time for several reasons. Having that extra hour of daylight would certainly help improve traffic safety, especially with all those cyclists on the road. Stevenson's main contention is that Daylight Saving Time would help conserve fuel in a time when gas and oil reserves are sinking. The extra hour would save as much as 2% in electrical output. This translates into something like a saving of 30,000 barrels of oil a day. Another strong reason for Daylight Saving Time is the possible prevention of crime. It takes an hour of darkness from the criminally inclined.

XUM

Those in favor of Standard Time are in the main farmers who say Daylight Saving Time disrupts their chores and upsets the animals. We have no doubts, however, that cows can be trained to give milk on Daylight Saving Time. If you're tired of turning over at 2:00 in the morning twice a year to keep setting your clock, then write to Sen. Stevenson in support of his bill for year-round Daylight Saving Time.

That is the opinion of management of WBBM–TV.

[From Chicago Today, Oct. 25, 1973]

READERS BACK DAYLIGHT TIME, 20–1

Sen. Stevenson's bill calling for a one-year test of year-round daylight saving time has been overwhelmingly endorsed by Chicago Today readers.

In response to Today's poll, readers responded 20 to 1 in favor of the bill introduced in the Senate Tuesday by the Illinois Democrat.

Stevenson said if his bill is passed before the nation switches back to standard time on Sunday, it could result in a saving of half the nation's projected fuel shortage for the next year.

Of the 1,448 readers who responded to the poll, 1,300 approved the year-round daylight saving plan and only 65 said they preferred year-round standard time.

The greatest number of persons who gave reasons for approving perpetual daylight time cited the energy savings and added personal safety for both adults and children by extending daylight into the winter evening hours.

The other reason cited most frequent was elimination of the inconvenience of having to shift time twice each year.

"The Chicago Today poll shows that this certainly is a case where the people are way ahead of the politicians," a spokesman for Stevenson said.

He said the senator will cite the results of the poll tomorrow when he will attempt to obtain Senate approval of his daylight time bill.

Stevenson's bill was drawn up with the aid of preliminary findings of a comprehensive study on domestic fuel usage by the Rand Corporation.

"It previously has been admitted that the greatest energy savings from year-round daylight time would result from decreased electrical generation," Stevenson told the Senate.

"Perhaps the most significant finding of the Rand study is the 2 per cent projected savings of fuel oil and natural gas which may result from decreased commercial and residential heating needs."

Stevenson noted that the savings on heating and electrical generation resulting from daylight time combined with individual fuel economics could save the nation one-half its projected fuel shortage.

"Daylight time was initiated as an emergency conservation measure during both World Wars," Stevenson said. "The need is great now—and the need is to move quickly."

"Every effort must be made to avoid the energy loss and personal inconvenience which will occur with the scheduled time change this Sunday. Now is the time for Congress to move," he said.

The senator urged all persons who favor year-round daylight time to write or telegraph Secretary of Transportation Claude Brinegar. The Department of Transportation, which administers the current Uniform Time Act of 1966, will make the official evaluation of year-round daylight time under the terms of Stevenson's bill.

Other government officials who have an interest in the bill are Secretary of Interior Rogers Morton and former Colorado Gov. John Love, head of the federal Energy Policy Office.

State Rep. Harold Katz [D.,Glencoe], long-time advocate of year-round daylight time, said he will introduce a resolution in the Illinois House next week in support of the Stevenson bill.

Katz said he believes much of the opposition to daylight time in the state's rural areas simply does not exist except in the minds of some legislators.

"I agree with Sen. Stevenson that the people are ahead of the politicians on this issue," Katz said.

[From Chicago Today, Oct. 22, 1973]

YEAR-ROUND DAYLIGHT SAVING?

The first America's proponent of daylight saving time was Benjamin Franklin, a notorious tightwad, seeking solution to his personal energy crisis—the excessive use of expensive candles.

While ambassador to Paris be advocated setting clocks ahead an hour, making more daylight hours available for human activities thereby cutting down on his consumption of candles.

He told Parisians the new time scheme would spare them from unnecessarily inhaling candle smoke when they arose in the morning and would enable them to fully enjoy the early part of the day.

PRO

Now, another energy crisis has spurned another major push for year-round daylight time. Last Thursday Sen. Stevenson (D., Ill.) announced he will introduce a bill this week calling for daylight time as a part of a plan to conserve dwindling reserves of gas and oil.

He supported his proposed legislation with a study by the Rand Corp. showing that the nation's electrical consumption would be cut by as much as 2 per cent by the adoption of perpetual daylight saving time.

The Stevenson bill will be the third calling for year-round daylight time introduced in the Senate since mid-March, indicating considerable support from Senate colleagues, particularly among urban and suburban constituents.

An avid supporter of extended daylight time here is State Rep. Harold Katz (D., Glencoe).

Speaking for his North Shore constituents, Katz says he particularly favors extended daylight time because of the extra daylight hours it affords families—and particularly children—and the added safety factor during the winter months.

"It's much better for our kids because it gives them daylight in the afternoon hours when they can use it the most."

Illinois and 46 other states, will return to Central Standard Time on Oct. 28 under the terms of the Uniform Time act of 1966.

Sen. Stevenson (D., Ill.) has pledged to mount a campaign in the Senate this week to pass legislation calling for year-round daylight saving time which he says will save the nation thousands of barrels of scarce oil daily by reducing electrical consumption by 2 per cent.

Under the current federal Time Act, states may adopt one of two plans—six months of daylight time and six months of standard time or 12 months of standard time.

The issue of daylight time has been bitterly contested for years with the major division of opinion between the urban and rural communities.

This article presents the opposing viewpoints.

Chicago Today also wants to know your opinion. Please fill out the coupon and send it to TIME, Chicago Today, 441 N. Michigan Av., Chicago, Ill. 60611.

CON

"You can't tell a milk cow we're going on daylight saving time," said George Doup, president of the Indiana Farm Bureau Inc.

"And we're totally opposed to year-round daylight time," said Doup, head of the state farm bureau which in 1967 persuaded the state legislature to exempt virtually all of the state from central daylight time.

"Indiana tried daylight time one year and then at the next general assembly it was removed and I have not heard any static from either the urban or rural communities," Doup said.

He said one of the major reasons for opposing saving time on either a part, or full-time basis is the disruption it causes the farmer who is becoming increasingly dependent on the urban community.

"Farmers need to attend more meetings, classes, and other events off the farm than they did before," he said.

Doup scoffed at Sen. Stevenson's citing of the energy shortage as the reason for proposing year-round daylight time.

"There are plenty of other ways to conserve energy and we will have to be willing to accept some of them," he said.

He also said the government should get off dead center and immediately begin construction of the trans-Alaska pipeline to allow development of the huge North Slope oil fields.

But most important, Doup said, "We must find ways to trade grain for energy—we have grain and we don't have oil so we must keep the agricultural trade channels open."

Both Doup and Fay Meade, secretary-treasurer of the Wisconsin Farm Bureau Federation, cite the National Farm Bureau resolution to support daylight time only for the months between Memorial Day and Labor Day, with the right of each state legislature to vote total exemption.

Meade said farmers are "bothered a lot" by the twice-annual time changes. He also said a major objection to daylight time is that it forces rural children to wait by the roads in the dark for school buses in the morning.

YOU BE THE JUDGE

With the current energy crisis and this nation's increasing dependence on imported oil, do you think we should adopt a year round daylight saving time law?

Yes ------------------------------
No ------------------------------
Comment ------------------------------

Send to Time, Chicago Today, Room 530, 441 N. Michigan Av., Chicago, Ill., 60611.

THE MEANING FOR DÉTENTE

Mr. DOMENICI. Mr. President, this morning's edition of the Washington Post carried an editorial discussing what it termed to be "the true contours of Soviet-American détente." I think it is illuminating. The editorial correctly, I think, denies the notion that détente is or should be a sure and easy solution to great-power tension. Rather, détente is an attitude, an understanding, a frame of mind in which the great powers continue to conduct their rivalry and pursue their sometimes conflicting goals with, as the editorial states, "some sense of the need for pulling back on this side of the brink." Perhaps détente is a sober understanding of the responsibility imposed on a great power, a responsibility to the rest of the world—indeed, to all humanity—that the holder of the power to annihilate humanity must exercise extra restraint, even in the face of grave provocation. I think that if we can understand this, we can finally recognize the limits and true contours of détente and thus enable us to use it wisely and well.

Mr. President, I ask unanimous consent that the entire editorial from the Washington Post of October 26, 1973, entitled "And the Meaning for Détente" be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

AND THE MEANING FOR DÉTENTE

The culmination of the Mideast crisis yesterday etched in unforgettable if not historic terms the true contours of Soviet-American detente. As a result of the failure of the United Nation's earlier cease-fire calls to halt the momentum of battle, the Soviet Union apparently found itself faced with the imminent collapse of its Egyptian ally's army. As a great power, the Kremlin simply could not countenance being seen again, as in 1967, as an unreliable patron—a "pitiful helpless giant," if you will. So Moscow took steps aimed—we may not soon know which—either to introduce its own forces at the side of Egypt or to precipitate a political crisis whose intended result was to offer Egypt another form of relief.

President Nixon was then confronted with a situation in which his own ally's fortunes, and the United States' own principle of great-power conduct, were coming under challenge. He responded, in our view, with admirable firmness and restraint. On the unanimous advice of his National Security Council, he took certain "precautionary" moves to alert American forces, in order to convey to the Russians, who had made moves of their own, that he understood the great-power stakes. Through Secretary of State Henry Kissinger, he made known unmistakably the American judgment that either power's introduction of military forces into the Mideast, and especially a unilateral Soviet entry, could threaten "all that has been achieved" in improvement of relations so far. Again through Dr. Kissinger, he kept open an avenue for Soviet moderation, by not laying down an open challenge to Moscow and not spelling out the details of the situation in a way that would have tightened the demands on Soviet pride. Finally, he produced in the United Nations a satisfactory alternative—an enlarged emergency force, without participation by either Russians or Americans—to deal specifically with the possibility of Egyptian collapse. We presume Mr. Nixon also let the Israelis know just how important he regarded their own restraint to be.

The result was, in our view, perhaps the single most significant vindication of "détente," that much abused word, which the world has seen to date. It was a vindication all the more valuable for preventing an extremely serious potential disruption of great-power relations. It is entirely wrong, we believe, to say that the very flowering of the crisis demonstrated how illusory or unworkable détente. That is a view which may flow easily from the rosy and unreal image elaborated earlier by Mr. Nixon and others who spoke feelingly of building a "structure of peace." But it is a view consistent with the continuing reality of great-power rivalry.

Détente should never have been received, or purveyed, as the sure and easy solvent of great-power tensions. It never could be more than what it turned out to be this week: an attitude, an understanding, a frame of mind in which the two great powers could pursue their various political interests, and conduct their rivalry, with some sense of the need for pulling back on this side of the brink. Whether in this crisis we were in fact that close is something we may know more about when the administration produces, as Dr. Kissinger said it would, the appropriate texts and facts. A judgment on that can wait. What is important now is to note, with sober thankfulness, that the relationship created by Mr. Nixon and Mr. Brezhnev in recent years served both of them well in their contest this week

"The United States and the Soviet Union are, of course (ideological and to some extent political adversaries," Dr. Kissinger said yesterday. But, he went on, "we possess, each of us, nuclear arsenals capable of annihilating humanity. We, both of us, have a special duty to see to it that confrontations are kept within bounds that do not threaten civilized life . . .We will oppose the attempt by any country to achieve a position of predominance, either globally or regionally. We will resist any attempt to exploit a policy of détente to weaken our alliance. We will react if a relaxation of tensions is used as a cover to exacerbate conflicts in international trouble spots. We have followed this principle in the current situation."

Dr. Kissinger added a final observation about the contours of détente: "If the Soviet Union and we can work cooperatively, first toward establishing the ceasefire and then toward promoting a durable settlement in the Middle East, then the détente will have proved itself," he said. It must now be the American and Soviet purpose to make the second part of the statement—promoting a durable settlement—real.

CONSERVING OUR ENERGY

Mr. MATHIAS. Mr. President, my distinguished colleague from Maryland in the Senate recently received the recognition due him for his activities on behalf of conservation of our natural resources. Senator BEALL's efforts were the subject of a report by Leo J. Paulin, one of Maryland's most eminent columnists, in his publication, the Paulin Letter. I ask unanimous consent that Mr. Paulin's report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

CONSERVING OUR ENERGY

Maryland's Senator J. Glenn Beall, Jr., is moving to the front as an advocate for conservation of our national resources. In a recent address before the Maryland Chamber of Commerce and before the National Association of County Agricultural Agents, he advanced some very practical suggestions for conserving our energies.

"Increasing our supply of fuel is one answer to America's energy problem but conservation may be even more important," he said.

"Increasing our supply is something that we must rely on our government and our great scientific and business communities to handle, but conservation is something that we all can participate in.

"In the long run, it may be more important than discovering vast new resources of fossil fuels," he said.

Senator Beall said a recent Commerce Committee report estimated that nearly 60 per cent of the energy used in the United States is wasted.

"Experts have concluded that by the year 2000, we could reduce per capita energy consumption by some 37 per cent with proper conservation procedures—without reducing in any way our standard of living," the senator said.

The size of automobiles is a major factor in fuel waste. Increasing the weight of a car by 500 pounds can cut gasoline mileage by 14 per cent.

Senator Beall said there are estimates that if the average weight of an automobile was reduced to 2500 pounds, the projected consumption of fuel in 1985 would be the same as the 1975 level. That would represent a savings of 2.1 million barrels of oil per day.

Improving home insulation could save a home owner up to $150 a year in heating bills. A two-degree adjustment in thermostats would save the equivalent of 600,000 barrels of oil per day by 1980.

Senator Beall said long-range solutions to the energy crisis may be found through research involving new sources of power, such as solar, nuclear and geothermal energy.

For the time being, however, America's energy needs can only be met by increasing our use of convention fuels or finding ways of using these fuels more efficiently.

"A vigorous energy conservation program can give our nation the extra time it needs to fulfill the promises of these new technological developments, the senator said.

RURAL HOUSING

Mr. ABOUREZK. Mr. President, it has recently come to my attention that the Farmers Home Administration's "strategic objectives" for fiscal years 1975–79 do not include a priority for rural housing.

I count myself among the many in Congress who would like to see the Farmers Home Administration programs for rural housing strengthened and expanded in every possible way.

Thus it is my hope that the failure of the Farmers Home Administration to include a strong priority for rural housing in its stated goals was an accident or an oversight.

In any event it is a question which I think deserves clarification from the administration.

This is no slight matter, because the Congress is right now in the process of considering new housing legislation and the Farmers Home Administration, despite whatever its own in-house priorities may be, is in fact the primary vehicle for delivery of assisted mortgage credit in rural America.

Mr. President, I ask unanimous consent to print in the RECORD a recent newsletter from the Housing Assistance Council on this subject as well as a copy of the FHA directive to which I have referred.

There being no objection, the newsletter was ordered to be printed in the RECORD: as follows:

CONTRADICTIONS AT FARMERS HOME?

Although the Farmers Home Administration has focused nearly half of its attention—and funds—on rural housing programs, an apparent trend has emerged over recent months that seems to contradict these efforts.

The latest indication of this trend is the exclusion of rural housing from the recent listing of FmHA "Strategic Objectives" for Fiscal Years 1975–79. The list is part of a directive issued in August by new Administrator Frank B. Elliott to all FmHA state directors outlining future policy.

The non-mention of housing in the list of objectives, representing "the principal focal points for program planning, priority-setting, and resource allocation," will effectively reduce home construction for low income families in rural areas. Although not specifically noted in the same directive, housing could be included under "Resource Constraints": "Every effort should be made to redirect resources from obsolete, ineffective or lower priority on-going programs to meet higher priority needs."

An earlier move to dampen Farmers Home housing activity was a directive in May call-

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ing for an average of 10.3 percent reduction in FmHA staff nationwide by July 1, 1974 (HAC NEWS # 16). The cut will severely limit new loan activity.

The de-emphasis of housing seems ironic at a time when FmHA program activity is one of the highest in years. There was an 804 percent increase in program level from FY 1960 to 1972, but only a 67.5 percent staff increase. In addition, Farmers Home made 44.4 percent of its Section 502 loans with interest credit nationwide in FY 1973, despite the housing moratorium.

It also is peculiar that Elliott issued two June bulletins calling for increased lending activity to minorities and new emphasis on the Section 504 program (HAC NEWS # 21). A June 8 bulletin to all state directors stated "Recognizing that a large percentage of substandard housing in rural areas is occupied by minorities, special efforts should be made to increase minority participation in our Rural Housing loan program." A June 29 bulletin said, "Approximately 50 percent of the annual authorization for Section 504 loans has been used in recent years. A special effort should be made to meet the housing needs of low-income families with this authority."

The President, in his housing message to Congress on September 19, did not criticize the FmHA programs, and in fact, highlighted the need to emphasize rural housing. There is no question that without FmHA's unique production record, thousands of rural families would remain in substandard homes.

It is obvious that some clarification of policy at FmHA is needed.

STRATEGIC OBJECTIVES

Agency FY 1975–1979 program and financial plans should give priority to approved Presidential Objectives and should emphasize increasing supplies of agricultural commodities to meet growing domestic and export demands; assuring adequate farm income and strengthening the family farm; increasing agricultural exports; improving agricultural productivity; eliminating poverty-caused hunger and malnutrition; accelerating the development of rural communities; assuring adequate supplies of timber within environmental constraints and achieving equal opportunity.

While additional problem areas will receive consideration, including activities for improving the quality of the environment and developing natural resources, these eight strategic objectives represent the principal focal points for program planning, priority-setting, and resource allocation.

RESOURCE CONSTRAINTS

Proposed program levels for FY 1975 should conform to outlay targets specified in the June 20, 1973, memorandum calling for program and financial plans. Projections for subsequent years should assume continuation of a restrictive Federal budget for the next five years. Priority should be given to funding levels needed to meet approved Presidential Objectives.

Every effort should be made to redirect resources from obsolete, ineffective, or lower priority on-going programs to meet higher priority needs.

Limitations on Federal employment and average grades will continue to be restrictive. Preference will be given to alternatives that make maximum use of State and local agencies and private enterprise.

ORGANIZATION AND MANAGEMENT FACTORS

Management objectives to be built into forward planning include:

Continued progress under the President's New Federalism program, including decentralization; streamlining of assistance programs; and relocation of USDA activities from Washington to the field, with consolidation of field offices.

Achieving economies through full application of new technology and expansion of Department-wide centralized common services;

Consolidating research facilities and coordinating Federal and State research activities for the purpose of improving overall efficiency of agricultural research operations and programs;

Improving Department-wide management through an effective career development program;

Achieving equality of participation in USDA programs, and equality in USDA employment opportunities, for all minority groups; and

Implementing the management information and control system to improve attainment of approved annual targets and long-range guides.

U.S. DEPARTMENT OF AGRICULTURE,
FARMERS HOME ADMINISTRATION,
Washington, D.C., August 8, 1973.

Subject: Objectives and Constraints.
To: All State Directors, FHA.

As we move out together in the Farmers Home Administration, we will be doing so under the objectives, constraints and organization and management factors as listed on the attachment.

Please review these in order that we may make all of our actions consistent within these policies.

FRANK B. ELLIOTT, *Administrator.*

NUCLEAR POWERPLANTS

Mr. DOMENICI. Mr. President, late last month, here on the Senate floor, some concerns were expressed about the safety of nuclear powerplants. Several good points were raised, to some of which I hope to reply today.

At the outset, let me admit that I am neither a professional scientist nor a member of the Joint Committee on Atomic Energy. But I do represent a State which probably has more outstanding nuclear scientists than any other and which, for all intents and purposes, has been the cradle of applied nuclear science.

I number many of those scientists among my friends, and, as friends do, they offer me the benefit of their guidance and counsel. I would like to share with this body today some of their observations on the question of the safety of nuclear powerplants.

Before we look at the subject of safety alone, however, perhaps we should examine some ideas which must underlie any observations we make about it. Here is what many of my scientific friends tell me:

First, it is an incontrovertible fact of life that we cannot go on indefinitely consuming fossil fuels of which we have only a finite supply. Sooner or later, it is going to run out. Therefore, while our fuels still last, we must do the research necessary to develop practical alternate sources of energy.

Second, we must recognize there are other demands on our fossil fuel supply: these same fossil fuels, which took millions of years to form, are the critical raw material for our vast petrochemical industry which contributes so much to our lives, with products ranging from synthetic fibers to life-giving medicines. Considering the potentially greater economic and social value of coal as a chemical raw material, there may come a time when we will have to raise serious questions about the wisdom of merely oxidizing it to obtain the energy it contains.

For these reasons alone, it is clearly incumbent on us to slow and eventually end the voracious consumption of this vital raw material for fuel, and proceed with all deliberate speed to develop every potential source of energy—solar energy, geothermal energy, controlled thermonuclear energy, energy from fission reactors, and others. And the time is now.

It is this urgency that requires us to examine carefully every possible energy resource available to us right now, and it is a fact that of all the sources I have listed, only one has presently been developed to the point where it can be of help to us in the short term. That one is the nuclear fission reactor, on whose safety some of my colleagues have cast some doubt.

While I share the concern for safety and hope that some answers on the issue will be forthcoming from the Atomic Energy Commission, I remind this body of three things:

The first is that since the fission reactor is the only such resource we presently have at hand in this crisis, it must be used. That does not mean that we must risk a nation's safety to use it. Rather, it means the opposite, that we must find ways to make it safe to use, if need be.

Second, and almost in passing, I will ask this body when and where we ever can proceed in any of our affairs with the kind of total safety some seem to insist on only when it comes to nuclear affairs. What, that is worthwhile, has ever been achieved without risk? What does a prudent man ever do except weigh risks against potential benefits before deciding whether or not to proceed?

But the prudent man—and this is my third point—weighs real risks, not merely fancied ones.

What do we really, factually know about nuclear powerplants? Well, here is one thing—perhaps not as lurid as the Wall Street Journal or the Washington Post would like—but a fact all the same: experience to date shows that nuclear powerplants cost less in fatalities and injuries per megawatt hour produced than does the conventional generating station in your own hometown.

Let me be even more specific. As many of you know, the National Safety Council is composed of organizations that have committed themselves to promoting greater safety in their operations. Each year, it presents an award to the organization with the best safety record. I think it is of interest that this award has been won every year since 1962 by none other than the Atomic Energy Commission and its prime contractors, representing more than 100,000 workers.

Let me explain how it works. The award is based on the number of accidents per million man-hours. In 1970, the last year for which complete figures are available, the national average for all industry was 15.2 accidents per million man-hours. National Safety Council members nearly halved that with a rate of 8.87 accidents per million man-hours. The private nuclear power industry

bettered that mark with a rate of 6.2, and the AEC topped everybody with a rate of only 1.28 accidents per million man-hours, less than a tenth of the national average.

In his comments last month, one of our colleagues raised the specter of a nuclear accident in which fission products could be dispersed in the countryside killing many people. I was concerned about this and consulted with some of my scientific friends. Here is what they told me about that:

In order for this sort of accident to occur, the following four events would be required. First, the primary cooling system would have to rupture, an event, I am told, that has never occurred. Second, the emergency core cooling system also would have to fail. Third, the containment vessel would have to rupture. And finally, the containment building also would have to rupture. The AEC has previously referred to the chances of this remarkable coincidence of events as "an unlikely accident." My friends told me it has about the same chances as that of a 747 crashing in JFK Stadium during a Redskin game.

The question of nuclear plants susceptibility to sabotage or enemy attack also was raised. When I asked about that, I was told that nuclear powerplants are so heavily constructed that it would take an atomic bomb to rupture them from the outside. If you already have an atomic bomb in the area or can target one in that precisely, why bother with the nuclear plant?

Finally, since some people are concerned about the possibility of an explosion in a nuclear plant, I asked my friends about that. The phrase they used to characterize this possibility is an exact, scientific one: "essentially nonexistent." I repeat: the possibility of an explosion is essentially nonexistent.

Why then is there so much fear about the use of nuclear power? One of my scientific friends put it this way:

> If the first form in which gasoline was introduced into the world had been napalm, we would still be riding around in horse-drawn carriages.

I think that part of the problem is that we are used to one method of power generation and so tend to think of it as safe—as we think of our own homes as safe, which is far from factual. The other method is new—hence mysterious, and to many eyes, dangerous.

But this is no time for such superstition—if there ever is a time for that sort of deliberate suspension of intelligent thinking. We need nuclear power, and all the other suorces we can develop, as fast as we can develop them.

So, in view of this need, what must we do? It appears to me that if we are concerned about potential hazards of nuclear power, we should embark on a kind of research that will increase their safety and reduce still further the chances of "an unlikely accident." We can make the level of hazard from nuclear plants as small as we wish, depending only on the amount of research we are willing to do and the construction costs we are willing to tolerate. In short, our situation is this: We cannot let potential danger stop development of nuclear powerplants. Instead we must solve the danger problem, as intelligent men will always try to do.

At the same time, we also must provide the research and development funds to expand our knowledge about each of the other energy sources on which exploration has begun—solar, geothermal, and controlled thermonuclear energy. We also must be concerned about the limited availability of fissionable uranium. And it is this very problem that gives a special urgency to our development of the fast breeder reactor which can supply us with a virtually limitless supply of fuel and energy.

Just as I plead with you not to let fear stand in the way of our expansion of our supply of nuclear fission reactors, with equal strength I urge you not to let false economy stand in the way of research to develop these other alternate sources of energy, which we so urgently need.

Too often we have seen the Congress of the United States take a position of pride over the stemming of a flood when it has in fact only inserted a finger in the dike. That kind of shortsightedness will not serve us here, because our energy problem is of such depth and breadth as to be amenable only to broad gage solutions.

Mr. President, I most respectfully urge this body to give careful consideration to these facts concerning both the safety of current nuclear powerplants and the need for the development of new sources of energy with all deliberate speed. This problem is upon us right now and challenges this body to take intelligent and aggressive action now. I am confident that we will rise to meet it.

DAYLIGHT SAVING TIME

Mr. PELL. Mr. President, once again this Sunday, people throughout the United States will go through the annual ritual of turning back their clocks, ending daylight saving time for another 6 months. Unfortunately, in the present circumstances, as we are confronted by a growing energy crisis, the return to standard time will place an added burden on energy supplies.

Early in this session of Congress, on March 15, I introduced a bill (S. 1260) to provide for year-round daylight saving time. Since that time, the case for year-round observance of daylight saving time has become even more persuasive. I am pleased that the Senate Commerce Committee has taken cognizance of the merit of this proposal by scheduling a hearing on the subject.

Just a few days ago I returned from Rhode Island where I spent several days examining the effects of the fuel shortage upon firms in the State. While we experienced difficulties this summer, the disruptions now are even more noticeable with several firms having to lay off employees or cutback operations because of the inability to obtain petroleum products or raw materials made from crude oil and natural gas. In my State, already severely affected by economic disruptions, fuel shortages would lead to further serious problems beyond mere inconvenience.

Unquestionably, the most significant effect of the daylight saving time extension is the potential for energy savings in the consumption of electricity. Although more information is needed, reports do indicate the possible reduction in consumption of electricity by 1 to 2 percent. While this may seem insignificant in light of total energy consumption, it is important to note that the production of electricity consumes one-fourth of all our Nation's energy resources. Furthermore, it is the fastest growing consumer of energy. By 1985, it is expected that electric utilities will consume the largest percentage of all energy through the production of electricity. Hence, the potential for energy savings will be even greater in 10 years at a time when demands for Mideast oil will more than double.

I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks, a memorandum on potential energy savings under daylight saving time prepared by the Rhode Island Turnpike and Bridge Authority and provided by Mr. James Canning, director.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PELL. Recently Senator STEVENSON brought to my attention a Rand Corp. comprehensive study of the potential for energy savings from year-round daylight saving time. This data, which shows fuel oil and natural gas savings, has added new dimensions to the importance of energy savings. Combining all the savings, Rand estimates a total energy savings of as high as 1½ percent. This reduction would represent from three to four times the total energy consumption for the State of Rhode Island or more than one-fourth of all energy consumption in New England for a year. Given the problems faced across the Nation last year as a result of the fuel shortages and the widespread disruptions to date, these potential energy savings should be enough to warrant the extension of daylight saving time.

There are, however, some equally important benefits by extending daylight saving time. According to the National Safety Council for example, the rate and severity of traffic accidents is the highest just after sundown. Hence, as we return to standard time on Sunday, commuters from then on will be forced to return home during the hours of greatest hazard and at a time when more fatigued and least alert. That additional hour of daylight would make it possible, during most of the winter months, for commuters to reach their homes before the onset of darkness, without requiring them to travel to work in darkness during the morning.

Another key benefit would be the reduction in street crime. Statistics indicate that robbery, muggings and purse snatching are most frequent during the early evening. With the extra hour of daylight saving time at a time when most of the work force is enroute home, criminals would be less apt to threaten these individuals returning to their families.

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It seems quite clear to me that the benefits of extending daylight saving time far outweigh the continuation of the present system. As we look ahead to the increased demands upon our energy sources, the reasons for changing to year-round daylight saving time become all the more important. This would be one of the wisest energy conservation moves we could make and at no cost or loss to anyone, and I urge early and favorable consideration of this legislation.

EXHIBIT 1

ESTIMATE OF SAVINGS IN FUEL USED FOR LIGHT AND HEAT BY REMAINING ON DAYLIGHT SAVING TIME INSTEAD OF CHANGING TIME AS SCHEDULED TO BE DONE ON THE LAST SUNDAY IN OCTOBER

In Rhode Island in winter months, November, December, January and February, the sun sets at about 5:00 P.M. on Standard Time. Twilight begins before this and accordingly all over the New England region households turn on their lights at about 4:00 P.M. These lights remain on until an average time of 10:00 P.M., or a period of six hours. If the New England region should remain on Daylight Saving Time the sun would set in winter months at about 6:00 P.M., with twilight beginning about one-half hour before this, and household lights going on at about 5:00 P.M., or one hour later than if on Eastern Standard Time. Lights in the average household will still be turned off at about 10:00 P.M., having been on for a period of only five hours instead of six. This is a saving of 16.6% in energy (fuel) needed to produce electric power for household lighting. The saving for light in office buildings and business establishments will approach 50% since they close much earlier than the 10:00 P.M. figure used for households.

Also, in talking to engineers from various New England power companies, I find that prior to shifting off of Daylight Saving Time, there are two peak load periods of energy consumption. One of these is called the evening cooking load, and the other is the evening lighting load. One boiler generator combination can carry these two loads since they do not coincide. However, immediately after shifting off of Daylight Saving Time in October, these two loads occur at the same time, and most all power companies in New England find it necessary to put another generating combination on the line. This is very costly in terms of fuel consumption and could be eliminated by staying on Daylight Saving Time, especially since this extra generating system is only needed for the period of the peak load.

Further, in talking to an engineer from a local power company, I find that immediately after changing time at the end of October, the electrical load increases about 9%, and when the time is changed back in late April the electric load drops about 6%. Some of this is due to the higher heat needs for the months of November and April vs. the months of May and October. However, most of this change I believe is due to the change in the lighting load.

Concerning heating, usually household heat is maintained at or about 72° between the hours of 7:00 A.M. to 10 P.M. As the evening approaches the thermostat is turned higher and higher to maintain this heat. After changing time in October, this act of turning up the thermostat occurs earlier (at about 4:00 P.M. vs. 5:00 P.M.) and still continues until 10:00 P.M. In effect, if we did not change time we would have one more hour of solar heat heating our homes during our waking hours, or, also, we would delay by one hour the need to turn the heat up. At 10:00 P.M. the heat would be turned down for the night. The saving would not be as much as that for light, but it would be at least one hour out of the fifteen hours we are awake. One out of fifteen is a saving of 6.7%. This, averaged with the saving for light, will average out to about 10.0% by not changing time.

This is significant and I believe might just be the amount needed to carry us through the winter on a short fuel supply.

The above considerations are mainly for the State of Rhode Island, but the use of electricity and fuel in New England is quite regionalized. However, the further East one goes within the same time zone, the more fuel is saved by staying on Daylight Saving Time. There are some rather larger metropolitan areas in the Eastern side of this zone, such as Boston, Portsmouth (New Hampshire), Portland, Fall River, and New Bedford, wherein the saving would exceed the 10% if time were not changed. Hence I would recommend that the entire New England Region stay on Daylight Saving Time.

These principles, although not new, first became apparent in Germany after World War I, and were used successfully after World War II in Europe when fuel was in a critically short supply.

I am sure that the possibility of effecting these savings could be established by a study of the records of the various utility companies in New England, and I would recommend that this be done also.

MICHAEL P. SMITH,
Chief of Maintenance.

SAFEGUARDING THE PRIVACY OF INDIVIDUAL BANK ACCOUNTS

Mr. MATHIAS. Mr. President, recently, the Supreme Court announced that it would review lower court decisions concerning the constitutionality of the 1970 Bank Secrecy Act. I am pleased at this development, for I feel very strongly that this law permits unconscionable and unconstitutional invasions of the privacy of all Americans. I am hopeful that the Court will significantly decrease the opportunities for such serious mischief.

It should be clear to all of us, however, that there is an urgent need for statutory standards which would insure the privacy of individual bank accounts. Such standards should make clear that no Government officials would be able to review individual bank accounts without receiving consent from the bank customer or permission from a Federal judge.

Last year, Senator ERVIN and I submitted legislations which would establish such a standard. Hearings were held on the bill. On July 19, 1973, Senators CRANSTON, BROCK, TUNNEY, ERVIN, and myself introduced similar legislation, S. 2200. This bill is now pending before the Subcommittee on Financial Institutions of the Senate Banking, Housing and Urban Affairs Committee. I am hopeful that action will be taken on this important legislation in the very near future.

In order to further explain the importance of this legislation, I ask unanimous consent that a news account of the Supreme Court's decision to review the constitutionality of the Bank Secrecy Act be printed in the RECORD.

There being no objection, the news account was ordered to be printed in the RECORD, as follows:

HIGH COURT TO DECIDE IF BANK SECRECY ACT IS CONSTITUTIONAL; CABLE-TV CASE DOCKETED

WASHINGTON.—The Supreme Court agreed to decide whether the 1970 Bank Secrecy Act is Constitutional.

A lower court has struck down the law's requirements for reporting domestic banking transactions, but it has upheld the act's record-keeping regulations and its provisions requiring reports of foreign banking transactions.

BANK SECRECY ACT

The Bank Secrecy Act was adopted by Congress in October 1970 to "reduce the maintenance of appropriate types of records . . . where such records have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings." It requires financial institutions to maintain customary ledger-card records for commercial and savings accounts, plus microfilm of almost all checks, drafts or similar instrument drawn on or presented for payment or received for deposit or collection.

The Bank Secrecy Act also authorizes the Treasury Secretary to subpoena certain of these records and to share them with other government agencies, such as the Federal Bureau of Investigation, in connection with specified inquiries.

The act had been scheduled to take effect July 1, 1972, but was held up when the law was challenged in separate lawsuits filed by the American Civil Liberties Union and by the 158-member California Bankers Association. In September 1972, a three-judge federal appeals court panel in San Francisco held two to one that the law's domestic reporting provisions are unconstitutional. The panel said those provisions, along with the Treasury Secretary's subpoena power, violate the right of privacy guaranteed under the Constitution's Fourth Amendment.

However, the panel said it didn't find any constitutional violations in the act's record-keeping requirements or provisions covering foreign banking transactions. Both the government and those challenging the act sought high court review, urging the Supreme Court to reverse that part of the lower court ruling adverse to them. The court is likely to rule on the case later in its present term.

HON. ALF M. LANDON SPEAKS AT BAKER UNIVERSITY

Mr. DOLE. Mr. President, former Kansas Gov. Alf M. Landon recently shared his insight on the current political and international scene with the faculty and student body of Baker University. Speaking at the Baldwin, Kans., campus of this outstanding institution, Governor Landon brought his years of experience and finely honed powers of observation to bear on many of the trends and events making headlines today.

I found his views—particularly those relating to the importance of our national defense capabilities—to be quite thought-provoking and timely. And I ask unanimous consent that the text of his remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ON POLITICAL QUESTIONS

(By Alf M. Landon)

I am honored with your invitation to be the first speaker on your convocation for the ensuing academic year.

I am not going to discuss the obvious advantages you have in this splendid university to cultivate cultural and spiritual values. However, a well-rounded education requires interest in what is occurring in daily life around us as covered by daily newspapers, radio and television. This gets us closer to life as it is than what we read in books.

I am going to discuss—as a proud politician—the exciting and stimulating venturesome and unending time-consuming task of politicians necessary in governing people. That is true at all levels of government, starting with the public officials of municipalities, counties, states and the nation. Euphemistically, they are frequently referred to as public servants, when, as a matter of fact, they are the governing people. Yet they are never the masters of the people because they must always bear in mind that the ultimate power always rests in the hands of the voters.

The saving grace of America is that there are always sizeable groups interested in public service of one kind or another. Some love to preach or to teach—or to participate in civic clubs, chambers of commerce or lodge activities. Some love politics.

While I have been interested and active in politics from my earliest days, it has not been a vocation with me. The only paying full-time public job I ever had was four years as governor of our great and beloved state.

I cut my eye teeth in politics as County Chairman in the Progressive Party campaign in 1914. That old Bull Moose party was the party of the youth. We were the "wild" men of those days.

Before the Bull Moosers were the Populists. Their party lasted longer than the old Progressive Party. Yet both had a definite effect in shaping future state and national governments. The principles they advocated were subsequently adopted by the two major parties and have long been the law of the land.

The principal legislative changes they advocated were: direct primaries; popular election of U.S. senators; state and national regulation of big business; government warehouses for surplus agricultural crops; organization of free labor; women's suffrage and stringent regulations of women and child labor.

The old Bull Moose slogan, "Pass prosperity around," along with the New Nationalism that Theodore Roosevelt advocated in his Osawatomie, Kansas, speech in August, 1910, really describe the policies of both major parties that brought government in tune with the changing times in subsequent years to the extent that government power is now used to plan our national economy.

That, of course, means a great increase in the power of central government. So politicians are necessary not only in making decisions by the voters and working them out in both legislation and administration.

That brings me to the present heated discussion of the constitutional use and extent of executive power and the law, on which the judicial system will have the final say, as so many times in our history.

The question of executive privilege communication—although of great importance in the efficient operation of our immense government bureaucratic structure of today—misses the basic issue—compared to the steadily growing concentration of power in the chief executive that has been created by the Congress in managing the country's economy in meeting modern problems of our complex industrial and social life. That was never dreamed of in the original constitutional debates dealing with individual civil rights.

George Washington is rightfully called the father of our country. By the same token, John Marshall, the first Chief Justice of our Supreme Court—in establishing the implied powers of the presidency by his constitutional decisions—could rightfully be called the father of the executive power of the presidency.

That issue was fought over in the state conventions ratifying the constitution and has been fought over ever since. Perhaps the Watergate scandal will occupy a place in history of bringing—through judicial decisions—a clear definition—a summation—of the constitutional relationship between the President and the Congress and the vested power of each.

It is interesting that the warnings in those state conventions of the opposition speakers—like Patrick Henry—of the danger to our Republic of the ambiguous terms in the constitution as to the powers of the presidency—are now being heard once more from those rightfully incensed by the Watergate scandal, yet who are unmindful of far greater concentration of power in the hands of the chief executive.

The Watergate scandal is going to wind up in the courts where it started. Archibald Cox, the special prosecutor, and his staff—all strong and energetic active Democrats named by President Nixon's attorney general—are energetically and carefully preparing their criminal cases for presentation to the federal grand jury.

I do not dismiss lightly the extent of the stupid Nixon appointees' participation in the abuse of law and free political expression of human political rights.

I do not believe that the Watergate scandal threatens the future existence of our republic, as the ebullient Senator Sam Irvin describes it.

Af far as the future of our great and beloved republic is concerned, I have protested for forty years at the lack of concern at the steady increase in executive power concentrated in the presidency by and through the steady streamlining of economic legislation that started with President Franklin Delano Roosevelt's administration.

In the present Congress, there is pending legislation that will further nationalize American railroads. Just consider the tremendous increase in presidential power that is.

Furthermore, it is not a sound answer to the drastic changes in American transportation that are plainly in sight. America's railroads are not only the cheapest way of transportation; they also best meet ecological demands.

There are pending in the Congress some four or five different proposals for a solution to the northeast railroad crisis. These grow out of the Order of the Federal District Judge in charge of the Penn Central reorganization in granting further delays on the plea of the trustees that Congress should be given an opportunity to act in the matter. The court, by its inaction and refusal to exercise its powers, has confronted the Congress with unacceptable alternatives.

The trustees of the Penn Central, appointed by this judge, have been unable to secure funds for its continued operation. Why does not the judge give them the wide authority of receivers to liquidate the present indebtedness of the Penn Central and thereby have available its tremendous assets of some 15.6 billion dollars for refinancing and continuing its operation? The creditors—including preferred and common stock holders—would have to be satisfied with a scaling down of their investments, with the hope that—with sound financial and operating management—they could recover some of their loss.

Instead, he is asking the Congress to provide the necessary capital to continue the operation of the Penn Central.

What right does the Congress have to protect private investors against losing any money, at the expense of the American taxpayers?

I am opposed to the Congress taking this action. I opposed the Lockheed loan. If we start in now again with the Penn Central, will we have to bail out the five other northeastern railroads in bankruptcy and the six or seven other American railroads in financial distress? If the Congress is to assume the responsibility the Federal District Judge in the Penn Central case somewhat arrogantly confronts them with, it will mean they must also appropriate funds for these other railroads.

That is nationalization of the railroads through the back door. Think what awesome power this adds to the presidency—and what huge amounts of taxes the American taxpayers will have to dig up.

There is also legislation pending in the Congress that delegates increased power to the president of raising and lowering tariffs. It is almost impossible for the Congress to act on the spot when immediate action is required on matters of this kind. But the American presidents have already power to act on tariff questions that they have not used. Then why should the Congress give them additional power?

In almost any area you choose, it is awesome the power the Congress has delegated to the President—or to the executive officers under his control. This great increase in executive power has occurred with little protest in the last 40 years.

In 1974—certainly 1976—the basic issues are going to be what they have always been—even in tribal days—under any form of government—at any time and in any clime: simple existence. The cost of living. What you eat and what you wear. Whether times are good or bad. Jobs.

I sum it up easily—prosperity—and that requires enduring peace.

Peace is dependent on the foreign policies of President Nixon. We are not out of the bad lands of the cold war yet. Much can happen in foreign affairs between now and November, 1976.

For twenty-odd years, I have urged a detente with Russia and China—and promptly supported President Nixon's momentous policies with them.

Our President is in an extremely difficult position of pushing the Congress for adequate defense appropriations and, at the same time, pursuing his foreign policies that have changed the world.

Now is no time for the Congress to cut the President's defense budget, thereby endangering maintenance of our present level of military strength.

Such action would jeopardize President Nixon's work plans for a general disarmament agreement between governments, for it would prematurely and unilaterally disarm our nation. It would rob the United States of its strongest negotiating element, since other countries would have no great motivation to disarm.

It would leave America in a weakened position to reach a genuine and workable detente with Russia.

Peace is vitally based on multilateral disarmament and mutually beneficial trade relations. President Nixon's remarkable ability to negotiate those must not be reduced at this crucial juncture in the world's history. The stakes are high—peace and prosperity. We cannot afford to throw them away.

If we continue to find our way to the sound ground of collective agreements between different major governments that induce realistic cutting of enormously expensive military structures and promote better trade and commerce, and a higher standard of living—then the worldwide prosperity caused by enhancing continued peaceful prospects for the future will be of great importance to peoples all over the world for generations to come.

RESTORING NORMAL RELATIONS WITH SWEDEN

Mr. PELL. Mr. President, as a strong supporter of Senate Resolution 149 calling for restoration of normal friendly relations with Sweden and a prompt exchange of ambassadors—action long overdue—I was delighted by the Senate action on October 4 adopting the resolu-

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tion. I had hoped that the administration would respond to this urgent sense of the Senate by some immediate indication of intention to seal the breach in our traditionally close and beneficial relations with Sweden. I have maintained all along that this interruption should never have occurred in the first place. As I informed the Senate at the time (CONGRESSIONAL RECORD, January 6, 1973, p. 415), our refusal to receive a new ambassador from Sweden was "mistaken, petty, and inappropriate." It resulted from an unfortunate tendency on the part of the administration to take action affecting foreign affairs on the basis of pique.

In the case of Sweden, our brusque action was obviously prompted by the outspoken words of the Swedish Prime Minister in condemning U.S. terror bombing of North Vietnam during the Christmas season last year. In doing so, the Prime Minister reflected, too, the dismayed reaction of many of us in the Congress and of millions of other American citizens.

Happily, congressional action finally terminated our military involvement in Indochina. Thus a source of friction has been eliminated from the relations between two old and good friends with far more in common than in dispute.

Both our countries have much to gain from working closely together in defeating common enemies of mankind—poverty, violence, environmental, economic and social disorders. I have often said that if you want to foresee what is going on in the world on these fronts 5 years from now, take a look at what Sweden and the rest of Scandanavia are doing today.

The present sullen state of our relations with Sweden does not foster this mutually beneficial cooperation. This is why I think it is so important that the administration act in accordance with Senate Resolution 149. I urge this action now.

NATIONAL FEDERATION OF BUSINESS AND PROFESSIONAL WOMEN'S CLUBS

Mr. MATHIAS. Mr. President, this week—the week of October 21–27—the National Federation of Business and Professional Woman's Clubs, Inc., is recognizing all working women in their programs across the country. Appropriately in Maryland, this week follows by just a few days an event that was held in Baltimore. It was a women's fair, held in recognition of efforts by women to create a more meaningful role for themselves in society. The programs of the Business and Professional Women's Clubs, Inc., in Maryland and across the country, are a constructive part of this process. They deserve recognition and commendation. I am pleased to be able to join in the tribute that is being paid to the National Federation of Business and Professional Women's Clubs, Inc., as they observe this special week.

ARMS TO ISRAEL

Mr. STEVENSON. Mr. President, I am pleased that, after an initial delay, the administration decided to supply Israel with the equipment necessary to offset the massive infusion of Soviet armaments to the Arab belligerents in the current conflict. This step will help eliminate incentives to aggression and thereby create a climate in which a durable cease-fire and ultimately a settlement can be arrived at.

I ask unanimous consent that a copy of some remarks I made on this subject on October 12 be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM A SPEECH BY SENATOR STEVENSON, AS DELIVERED IN NEW YORK CITY, FRIDAY, OCTOBER 12, 1973

When I ran for the Senate in 1970, I was charged with having a split personality when it came to matters of war and peace; I was, according to my accusers, a dove about Vietnam—but a hawk about Israel.

I explained then that Israel is a free and democratic state—devoted to the principles of cooperation, not coercion. South Vietnam was not.

Israel has sought to buy arms and fight her own battles. South Vietnam did not.

There are some other, deeper reasons why Israel deserves the support and admiration of our government and our people.

The tiny nation of Israel symbolizes mankind's atonement for ancient injustices. Israel represents one of those rare moments when mankind has sought to restore what was taken away: to recompense a people dispossessed for centuries.

Israel shows what faith and energy and genius can do. The people of Israel have literally made the desert bloom, and Israel has made herself a model of economic and social creativity. Such achievements deserve to stand.

Israel is something rare among the nations of the earth: a nation founded not for reasons of conquest or empire, but in the service of an idea. The United States, also, is such a nation—and perhaps that is one reason we feel such a kinship with Israel: both of us trace our roots as nations to some deep and worthy principles.

For all these reasons, Israel deserves to live.

For all these reasons, Israel deserves to prosper.

And for all these reasons, Israel must have the means to defend herself against attack and the means to protect herself in the future.

I believe the Administration should immediately use its power—power that Congress gave the President in 1971—to help Israel re-supply herself with arms: arms to match the arms supplied to her enemies by other nations, and arms to assure the continued defense of Israel against aggression.

I urge the President to use that power—to use it immediately. It will be a sad day in the history of our proud country if it submits to blackmail. History would not look kindly upon our generation if we failed to grant Israel the means to survive, to succeed—and to live in peace. *Israel must not be sold for a barrel of oil.*

We must live up to our difficult responsibilities in the Middle East: to guarantee the survival of Israel, and promote a climate within which the parties will negotiate, as only they can, a just and enduring peace.

MILITARY RECORDS FIRE AT ST. LOUIS

Mr. HARTKE. Mr. President, as members of this body will recall, early on the morning of July 12, 1973, a fire was discovered on the sixth floor of the Military Personnel Records Center near St. Louis, Mo. That fire burned for 5 days, and when it was over, some 21.8 million military service records, principally belonging to Army veterans discharged between 1912 and 1959, were severely damaged or destroyed. As chairman of the Committee on Veterans' Affairs, I immediately sought to determine how this would affect applications for veterans' benefits which must be based on proof of service or, in the case of a disability, service connection. I therefore continue to closely follow developments in the aftermath of the fire, and recently received a detailed status report from the General Services Administration (GSA) which I believe will be of interest to my colleagues.

EXTENT OF DAMAGE TO RECORDS

GSA has informed me that an estimated 3.2 million of the 21.8 million records located on the sixth floor at the time of the fire can be salvaged. Records on the other floors were not damaged by the fire, although some suffered minor water damage. The specific files affected are as follows:

Army personnel discharged between November 1, 1912, and December 31, 1959: 2.5 million of 20 million can be salvaged;

Air Force personnel discharged between September 25, 1947, and December 31, 1963, last names beginning with the letters "I" through "Z"; 423,000 of 1.4 million can be salvaged; and

Army personnel discharged between January 1, 1973, and time of the fire; 314,000 of 316,000 can be salvaged.

It is interesting to note that some papers are being saved by placement in a space age vacuum chamber where they are dried out by lowering the humidity to approximately 15 percent.

SUBSTITUTION OF RECORDS

An Interagency Military Personnel Records Policy Working Committee was established by the Archivist of the United States to determine how much of the information destroyed is available from other Government records. The group met four times during the summer and reported that the information required to obtain benefits in the 18.6 million cases where service files were destroyed can be obtained in most instances from Veterans' Administration records, military payrolls and pay vouchers, Selective Service records, and other similar material maintained by Federal agencies.

PREVENTING A REPETITION

GSA has concluded that—

> There were serious deficiencies in the fire protection system at the Military Personnel Records Center.

Sprinklers had not been installed; some 60 percent of the records were in cardboard boxes rather that metal file cabinets; in addition, there had been 11 minor fires at the Center in the 2½ years prior to the July 12 blaze, six of them classified as cases of suspected arson. GSA has submitted to Congress a $7.9 million prospectus for restoring and upgrading the facility, including the installation of fire-rated partitions, fire detection systems, and automatic sprinklers. A request for supplemental funding is being prepared, and I stand ready to support it with the hope that my colleagues will see fit to do so as well. It appears to me that the duplication of military service records, perhaps by microfilm, with placement in a second location, also deserves careful consideration as an advisable precaution. I certainly expect that one such unfortunate tragedy, inconveniencing on the order of 20 million veterans, is sufficient to insure that all necessary steps will be taken promptly to prevent a recurrence.

The Senate Committee on Veterans' Affairs, which I am privileged to chair, is encouraged by the speed and good sense displayed by the GSA and other agencies in responding to this crisis affecting so many former American servicemen and their families. My distinguished colleagues can be assured that I and the members of the Veterans' Affairs Committee will continue to keep close tabs on this matter, and that we will initiate any legislation that the situation dictates as necessary to insure that the veterans affected receive the benefits and services to which they are entitled.

THE UNITED NATIONS

Mr. McGEE. Mr. President, on Wednesday of this week, the United Nations celebrated its 28th anniversary. In connection with this historic event, I believe we all should pause to reflect upon the intense difficulties of the Middle East and turn to serious consideration of the shared hopes of all Americans for a renewed faith in the United Nations.

We have seen for the first time, under the aegis of the United Nations, the Soviet Union and the United States cosponsoring resolutions calling for an end to major conflict in the world. The U.N. Security Council action has been a most hopeful sign for citizens of the world as the two major powers of our planet have turned to the only universal body we have in search of a solution to a very dangerous and delicate conditon in the Middle East.

Secretary-General Kurt Waldheim has often pointed out that collective measures for the prevention and removal of threats to the peace are required. Certainly, the United States and the Soviet Union are to be congratulated for this shared collective response. The crisis in the Middle East is not over, as events of yesterday bring reality harshly into focus. The situation remains potentially explosive, although the crisis appears to be easing. However, at some other time in the past, the major power resistance to seeking a solution would have been out of the question. Today, we are witnessing an historical period whereby the mutuality of interests between the two major powers, no matter how limited they might be, have apparently kept us from going over the brink. As a result, we have seen both the Soviet Union and the United States turning to the United Nations for a resolution of the crisis.

For the first time, the two major powers have also jointly requested the Secretary-General to "take measures for immediate dispatch of United Nations observers to supervise the observance of a cease-fire." Realistically, this is the manner by which the Security Council is able to play effectively its intended role under the Charter for the effecting of peace and security throughout the world.

As we are within the second quarter century of the United Nations, it seems appropriate to consider our goals in relation to improving the effectiveness of the United Nations and how the United States may reasonably proceed with that task.

Our firsthand experience at the U.N. has brought home the realization that, after 28 years of existence, the Organization, established to "save succeeding generations from the scourge of war," has not been able to exert any significant part of its cardinal mandate. However, with the joint efforts of the major powers, and particularly Secretary of State Henry Kissinger's responsible leadership, it is clear Security Council action may indeed move us to a new day and a new atmosphere of understanding, no matter how painfully slow the process may be. Previously, without a joint understanding between the Soviet Union and the United States, the U.N. had neither the power nor the moral authority to cope with the member nations' proclivity for violence.

In the past, the U.N. became an instrument through which concerted international action became possible in limited areas of human endeavor. The Organization has served as a mirror of the complex, disjointed, at times unpleasant reality, which characterizes the international community. The fault lies not with the institution, but with those who made it what it is—the sovereign nations of this world, each governed by its own ambitions and fears, each jealous of the prerogatives of its independence. The United Nations is uniquely their creature. It is neither more nor less than what the member states have been willing to make it.

The United States is one of the members partly responsible for this state of affairs; for, although we have played a major role in the founding and perpetuation of the Organization, American policy has encouraged little real growth in the U.N. Futhermore, we have extolled the virtues of international cooperation, while withholding from the U.N. the full measure of our political support which the Organization has needed in order to become an effective instrument for peace and progress in the world community.

It is hoped, as we reflect upon the observance of the 28th anniversary of the United Nations, that, under the leadership of Secretary Kissinger, a new emergence of American policy at the U.N. will be forthcoming—a policy which will bring the U.N. from the perimeter of our foreign policy efforts into the center of our international considerations.

It is also appropriate to reflect on congressional attitudes as they concern the United Nations. We are continually besieged by assaults on the organization in the Congress. Hardly a week passes that expressions of disenchantment, condemnation, or calls for disengagement from the institution are not heard. I suppose these expressions are to be expected since certain appeals have to be made to certain constituencies. It is an easy way out, for it does not require making difficult decisions which result in constructive approaches to our involvement in the U.N. I believe it also reflects a certain loss of faith in all mankind, a dilemma I personally do not share.

I would point out that the United Nations provides us with the vehicle to search out what limited areas of mutual interest may exist in the world today. In this way, we are laying a foundation, based upon a mutuality of interest, which can only serve to strengthen the international bond among nations. I sincerely believe that we must aggressively pursue this course if we are ever to have the chance of coming to grips with chaotic global concerns and problems.

With these reflections in mind, it would be my hope that sincere efforts be launched in the Congress to gain a greater appreciation for the potential of the United Nations and its positive accomplishments. To do otherwise is to "cop out" on the world as an admission that we do not possess the capability or capacity, as a nation, to work effectively in strengthening our institutions.

A HOME ON SINKING SAND

Mr. HARTKE. Mr. President, the mobility of the 20th century has made interstate land sales a very attractive market. Most of the purchases are of vacation homes or of land to be used when the buyer retires. The ownership of such property continues to rise sharply. In 1967, 1.7 million households owned second homes. In 1970, this figure rose to 2.9 million, approximately 4.9 percent of all households.

There are an estimated 10,000 developers of vacation homes in the United States. Many of them are honest and provide a quality vacation home. However, some developers take a person's lifetime earnings in exchange for a swamp or patch of desert. It is the unscrupulous dealer that must be regulated before more families lose their savings.

Mr. President, Robert H. Boyle wrote an article for the July 23, 1973, issue of Sports Illustrated magazine which, after thorough investigation, notes many of the frauds and swindles being perpetrated on the people.

My bill, S. 1753, which I introduced May 8, 1973, would require the licensing of developers and their agents. In order to attain a license, a developer would have to be of good character and business reputation; trained and experienced in the field; and not have committed any acts contrary to the intent of the bill within the past 5 years.

Mr. President, my bill would go a long way toward securing and preserving the savings of the families in America which seek a vacation home.

Mr. President, I ask unanimous consent that the article by Mr. Boyle appearing in the July 23, 1973, issue of Sports Illustrated, be printed in the RECORD.

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There being no objection, the article was ordered to be printed in the RECORD, as follows:

Buy Now and Cry Later

(By Robert H. Boyle)

(Step right up, folks. Hurry, hurry. Get some land and build your dream house for those declining years: golf in your backyard, tennis two blocks away, water all around, and fish—suckers—everywhere.)

The case of Mrs. Gomer Jones, widow of the Oklahoma athletic director and football coach, is simple and instructive for potential buyers of vacation homesites. When Mrs. Jones went to see the New Mexico lots that her husband had bought for retirement, she broke down and cried and subsequently *gave* her lots away.

There are an estimated 10,000 developers in the vacation home business in the U.S. Some have projects that are well conceived both financially and environmentally. But unfortunately, there are too many projects that are bad on either one count or the other or both. Indeed, the vacation home business, especially undeveloped lot sales, is rife with deceptive practices, and state and federal agencies have their hands full running down complaints from the victimized. There is so much fraud rampant that Vince Conboy, a real estate broker in Naples, Fla. and a crusader against the bunco artists roaming his state, says, "It's the single biggest swindle in the country."

George K. Bernstein, who recently took over and shook up the Office of Interstate Land Sales Registration in the U.S. Department of Housing and Urban Development, says of the industry, "Though there are many reputable developers who have every intention of performing their promises, there are those who are not reputable. We are dealing with salesmen—across the board, even among the reputable companies—who promise you the world and who are working on a commission, and thus have an incentive to sell and lie through their teeth."

For all the warnings by responsible public officials, it is almost impossible for any American with a postal address or a telephone to escape the hard-sell salesmen. Slick brochures bursting with color photographs of the great outdoors pour through the mail, and the phone rings with unsolicited calls about your chance for a second home in the wilderness—that retreat by the lake, your own beach on the sea. There are all sorts of come-ons, ranging from free plastic dishes to a free dinner at a local restaurant. The gullible who accept are met by an army of salesmen who wear bell-bottom trousers and have more teeth than Bert Parks. They pin a card on your lapel proclaiming you "Mr. V.I.P.," and within two minutes they are calling you by your first name. The pitch varies, but essentially it has the same opener. After dinner a movie is shown about the paradise you can buy. Both the film and the salesmen emphasize that Sleazy Acres is "totally planned," down to the new lake stuffed with bass built along the lines of Chicago aldermen. If the project is in Florida, anywhere in Florida, it is always "near Disney World." Wherever the locale there almost always are swimming, water skiing (and maybe skiing, too), sauna baths, a yacht club, horseback riding, sailing, golf and, if you're lucky, a kiddie zoo! You can't miss. The salesmen have an assortment of lines. "Why I'm buying here myself just as an investment." "Sail into coves no one else knows about." "Go out in the early morning, breathe deeply and catch a whiff of the American dream." In too many cases the dream turns out to be a nightmare. That desert "ranchette" turns out to be a quarter-acre lot miles from nowhere, and the water only 800 feet away is just that, straight down. The southern hideaway is just that, too; many buyers can never find theirs behind the stands of swamp grass. Resale value is often nil. But then again, you have to have vision, as the salesman says.

Whenever a land-development scheme is announced, conservationists are usually the first to protest. Aside from any rip-off of the public—and there may be none at all involved—a development might not only put a stress on the environment but become a tax burden. Last year the Northern Environmental Council in Duluth, which takes in a host of organizations from Michigan to the Dakotas, issued a paper noting that "Local and county zoning regulations have, with very few exceptions, shown themselves to be almost useless when dealing with large-scale developments. These mass recreational promotions suddenly create vast new urban communities without adequate local government or public services." As the study points out, the promoter departs when the lots are sold, and "Left behind is usually a weak landowners association and the same rural township government to deal with mounting demands imposed by hundreds of new homeowners who expect road maintenance, sanitary-waste disposal, fire and police protection, lake and (often) dam management and miscellaneous public services including schools for those who become permanent residents. In fact, a whole new urban community arises overnight, too large and complex for the capabilities of local governments to deal with."

When the NOREC made a study of a shore development on Lake Superior in Minnesota it reported that 40% of the shore surveyed was "unsuitable for soil absorption sewage disposal systems because the soil is too heavy or underlain with rock to permit percolation. And an additional 27% of Minnesota shoreline . . . is so permeable that it permits too rapid a percolation rate for complete neutralization of sewage contaminants before reaching the lake water." In Wisconsin, Senator Gaylord Nelson warned, "With vast areas of the state still unzoned, and weak controls on the massive new leisure living developments now being planned throughout the state, we are about as well equipped to deal with the recreation revolution as someone planning to shoot spitballs at a tornado. If we don't act decisively now, in a decade the once pristine environment of northern Wisconsin will be turned into a recreation slum. . . ."

Senator Nelson is working on an amendment to Senator Henry Jackson's federal land use bill that would make developers prove that their projects are environmentally justified, but the fact is that even where there are laws some developers will do their best to bend them. In New York, for example, it is not just a matter of legislative statute but an actual state constitutional amendment that forest preserve lands in the Catskills and Adirondacks must remain "forever wild." This constitutional amendment, adopted in 1894 after destructive logging of lands owned by the state since colonial days, has been upheld time after time by the voters. Even so, battles crop up, and there are several fights going on now. In the Catskills, John H. Adams, a former assistant U.S. attorney who is now the executive director of the Natural Resources Defense Council, has personally filed suit, along with Friends of the Earth, the Atlantic chapter of the Sierra Club and the Theodore Gordon Flyfishers, against Rockland Town authorities to prevent Mr. and Mrs. Fred Haas from developing Edgewood Lakes, Inc., a 400-acre property divided into half-acre vacation lots. Adams alleges that the town unlawfully amended zoning to allow the subdivision and, moreover he charged that sewage from the development would pollute Waneta Lake and the Beaver Kill, which are designated as forever wild areas under the state constitution. The Haases filed a counterclaim against Adams alleging that he was indulging in malicious prosecution and had prompted newspaper articles to appear that caused them financial harm. Decisions in the case may be a year off, but the New York State Department of Environmental Conservation has ruled, as the result of a hearing requested by petition, that although it is not opposed to the project, no sewage effluent could be placed either in Waneta Lake or the Beaver Kill.

In the Adirondacks, the largest wilderness area east of the Mississippi, conservationists have been contesting two proposed mammoth developments. The first of these, dubbed "Ton-Da-Lay" by promoter Louis Papparazzo, would house 20,000 people on 18,5000 acres near Tupper Lake. The second, as yet unnamed by the Horizon Corporation, is supposed to be set on 24,000 acres in the northern section of the mountains. Now, however, both projects may come to naught, at least as envisioned in the eyes of the developers. Following the recommendations of the Adirondack Park Agency, the state legislature last May passed a bill imposing strict rules on development of privately owned land, so strict in fact that one conservationist says, "Massive second-home developments in the Adirondacks will be a thing of the past."

In part, the Horizon Corporation's announcement of its purchase of land in the Adirondacks prompted the legislative action. In an open letter to New York newspaper editors and state officials, Harvey Mudd II, director of the Central Clearing House, a conservation group in Santa Fe, N. Mex., wrote in June 1972, "The people of New York will get no 'bargain' if the Horizon Corporation is allowed to develop the 24 thousand acre property in the Adirondack State Park. . . . Horizon Corporation controls nearly a quarter of a million acres of land in New Mexico in or near two gigantic parcels known as Paradise Hills and the Rio Communities (Rio del Oro, Rio Grande Estates, Rancho Rio Grande). Their massive sales organization in New York State sells these 'sure fire investments' to thousands of New Yorkers every year who are led to believe that they are buying a lot on the edge of a verdant golf course, when in fact they are getting a piece of worthless desert half a dozen miles from the nearest utility tie-up or community services.

"Horizon Corporation sends many thousands of letters urging people to invest successfully in real estate, Horizon Corporation itself is the successful investor. They purchase large tracts of land in New Mexico, the price often under $200 an acre, cover the land with lot grids and sell it to the gullible in small size lots at prices that usually exceed $4,000 an acre. . . . The real estate section of the *Albuquerque Journal* is full of Horizon Corporation resales, which are well under the original price paid. The market is glutted with second-sale subdivision lots, and the company is certainly making no repurchases itself.

". . . Horizon's largest holding in New Mexico exceeds 145 thousand acres. As of July 16, 1971 (when the latest Property Report was filed), only 154 homes had been built. In this operation, core unit development, a few houses, a golf course, and a sales office is used as the bait to sell the remote desert land."

In New Mexico, a Nirvana for big-city dwellers, more than one million acres have been scissored into small lots on paper. This land, if built upon, could accommodate more than eight million people, eight times the present state population. New Mexico's landscape is now ticktacked with roads bulldozed out of the desert (state law requires developers to provide access to lots), and the dust they raise contributes to air and stream pollution. In essence most of the parcels are ghost lots, peddled to people far away. Often the sales theme is investment. Horizon has advertised, "You can make money here even if you can't spell Albuquerque." When various civic, consumer-protection and conservation groups banded together last year to back a bill in the legislature that would have allowed the state to reject new developments that lacked sufficient water supply, they were soundly beaten, even though the legislation was supported by Governor Bruce King and leading newspapers. As State Senator Eddie Barboa argued in debate, "I don't see why we should spend hours worrying about somebody in New York spending $1,500 or $2,000 on a worthless piece of New Mexico land that doesn't have water. If they're that stupid, let them spend it. . . . I have a friend who is a stewardess with one of the airlines that flies them in and she tells me these people don't even drink water."

Many out-of-staters who buy lots are surprised to discover that it can rain heavily in the desert. A South Carolina man who bought a Deming ranchette after reading an ad in the *Washington Post* later decided to sell. He wrote a realtor in New Mexico, and the realtor replied, ". . . I am very sorry to inform you that I have been unable to interest anyone in [your property] at any price. . . . I don't know if you have seen the lots or not, but all the access roads, as well as the lots themselves, are under water during wet weather . . . when it is wet not even four-wheel drive vehicles can reach them"

Land sales in Florida are often an impossible mess. Robert J. Haiman, managing editor of the *St. Petersburg Times*, which has run a series of exposes, says, "The sale of Florida swampland to unsuspecting Northerners has long been a national joke. But it's not funny. It's a national scandal." With all deference to conservationists, Vince Conboy points out that the state has spent more money to protect alligators than it has to prevent buyers from being devoured by salesmen. Florida is crisscrossed with paper lots that are either under water or unreachable or hold no likely prospect of development for several hundred years, as Conboy makes clear in a book he wrote and published, *Expose, Florida's Billion Dollar Land Fraud*. Conboy is no anarchist slinging mud at the real-estate establishment. He has short hair and belongs to Kiwanis and the Knights of Columbus. Now 70 years of age, he is a native of Wisconsin who moved to Florida 15 years ago as a real-estate broker. In Wisconsin he had worked for the Federal Government as an appraiser, and what he found going on in Florida real estate shocked him into becoming a crusader. When the *St. Petersburg Times* assigned Staff Writer Elizabeth Whitney to check Conboy's allegations in *Expose*, it found him "virtually unimpeachable on almost every point." Conboy, who has gotten little help from either state or federal authorities, is particularly outraged by Golden Gate Estates near Naples in Collier County. GAC Properties, formerly the Gulf American Land Corporation, noted in a recent report that it had sold almost all the 113,000 acres in the subdivision. "They paid $100 to $150 an acre and sold it for as much as $1,800 an acre," Conboy says. "They went in and drained it so there are fires now. In fact, it's a forest-fire nightmare. The company boasted it would be the largest subdivision in the world, but in all this 113,000 acres there are just three houses after 10 years."

One of the houses is occupied by Wald and Mary Mitchell from Akron. The Mitchells, who are in their 70s, sank almost $6,000 of their savings into their lot, and rather than lose most of that trying to sell, they decided to build. However, they are so far out in the boondocks that they cannot afford a telephone. The phone company said the house was so remote that it would cost the Mitchells $2,880 to bring in a line. Even if the Mitchells could afford a phone, they would have little time to chat on it since fire fighting is a full-time job. In a two-month period they had to fight off fires on four fronts that threatened to engulf their little home.

Conboy says, "More than $100 million has been invested in that drained swamp by wonderful people. Some might call them suckers or fools for buying lots there, but these buyers were people who had been reared in a trusting way, people who couldn't believe that human beings could be so low as to steal their life savings." According to Conboy, Florida has more than two million lots that have little or no resale value even though many were purchased at fancy prices as an investment. When he began making noises about this, a General Development Corp. subsidiary wrote to his wife offering a $2,000 profit on lots she owned in Port Charlotte. Conboy replied that he would be happy to sell if General Development would repurchase all similar lots owned by other buyers for $1,500 each. The company refused.

The hard-sell hucksters peddling second home lots in Florida, New Mexico and other parts of the U.S. are having a feast on U.S. servicemen overseas. The European edition of *Stars and Stripes* last December devoted three special eight-page news supplements to U.S. land sales companies doing about $30 million a year of business in Europe with GIs. "All companies plead innocence of wrongdoing." *Stars and Stripes* said, "but exhaustive research in Europe turned up case after case of misrepresentation and half-truths, sins of omission and commission, advertising exaggeration and high-pressure sales tactics." Misrepresentation went so far that a salesman told one soldier that Discovery Bay was in Florida and not Mississippi.

Although European Command regulations prohibit land companies from operating on posts, the companies make the regulations a farce by routinely hiring military personnel as salesmen or scouts to find buyers. One master sergeant admitted he had collected $5 for every husband and wife "unit" that he steered to GAC. The former U.S. Army Europe commander-in-chief, General Bruce C. Clarke, has gone to work for Horizon to handle public relations. General Clarke, who last fall invited key military authorities to have lunch with him at various locations in Germany, prepared a mail-order flyer for Horizon entitled, "Why the Military Man Should Acquire Land—by General Bruce C. Clarke, U.S. Army, Retired." General Clarke was hopeful that authorities would allow salesmen who "qualify" to solicit on posts, but, as Captain David Naugle, chief of the Army's legal assistance division in Europe, advised *Stars and Stripes*, the best way to handle land salesmen is to "boot them into the North Sea."

For all the fraud and misrepresentation going on, relatively few of the swindled realize that they have recourse to a federal agency that has recently started going after the swindlers. The agency is the Office of Interstate Land Sales Registration run by George Bernstein and his deputy, John McDowell, in the Department of Housing and Urban Development. The agency, usually abbreviated as OILSR, came into being in 1968, primarily because Senator Harrison Williams Jr. of New Jersey was angered at seeing the elderly victimized while buying retirement lots. Still, until Bernstein took over the agency had accomplished little and was considered a lap dog of the land-sales industry.

A lawyer by profession, Bernstein is unusal in that he wears two hats; before he took over as OILSR chief, he was, and still is, the Federal Insurance Administrator, a position in which he caused some flap by going after Blue Cross. When he assumed controls at OILSR, he adopted the policy that he has followed to this day. "I publicly called our relationship with the land-sales industry an adversary relationship. They said we should 'work together.' My constituency is not the regulated industry but the public." That is rather a mild statement for Bernstein, who is given to such comments as "This is a bad industry—it's an industry not used to being regulated," or "I cut the big red apple and watch the worms crawl out." An aide has said, "Around here we rate developers from zero to minus 10."

The law under which Bernstein operates, the Interstate Land Sales Full Disclosure Act, requests developers selling subdivisions of 50 or more unimproved lots less than five acres in size, in interstate commerce, to file a detailed Statement of Record with OILSR. They must also give purchasers a Property Report that contains 19 items taken from the Statement of Record on such matters as the availability of sewer and water service or septic tanks and wells, distances to nearby communities over paved or unpaved roads, the number of homes currently occupied, soil conditions that could cause problems in construction, utility services and other matters. If the developer fails to give the buyer a copy of the Property Report either before or when he buys, the buyer may void the purchase. Moreover, should the developer fail to comply with the Full Disclosure Act in any way or indulge in fraud, the buyer may sue for damages, which are often measured by the purchase price and court costs. In addition, OILSR can seek criminal penalties of up to five year in prison, a fine up to $5,000, or both. Even if a developer is operating only within one state, Bernstein and OILSR can get him if he has used the U.S. mails. There are some drawbacks to the law. For one, if a buyer fails to understand the property Report and fails to understand or doesn't read the fineprint saying no water is available, he is in tough luck. As they say at OILSR, "The law will light the threshold but not unlock the door." Then again, as Bernstein puts it, "A developer could be raping the land ecologically, and there's not a thing we could do as long as there is full disclosure."

Still, the law can be effective, and to make certain that the public became aware of it and his office, Bernstein and McDowell made a nationwide swing of 17 cities last year to hold public hearings on the law and to listen to the aggrieved. They heard one horror story after another. The company that drew the most complaints was GAC, one of the largest developers. Most of the complaints concerned misleading sales practices and misrepresentation.

Last October Bernstein really stunned the American Land Development Association when he announced that a federal grand jury in Atlanta had returned a 22-count criminal indictment against four individual corporate officers, three corporations and eight land salesmen. One of the corporate officers indicted was Frank A. Carcaise, president of Great Northern Development Corporation and also chairman of the board of the American Land Development Association. Adding salt to the wound, Bernstein said, "If we were looking for a case illustrating all the abuses about which we have been warning the public at our abuses hearings we couldn't have found a more frightening example." Among the charges by the grand jury, all of which revolved around a development known as Treasure Lake of Georgia, Inc., were that the defendants had failed to register and file a Statement of Record prior to initial sales and that there was misrepresentation after they finally did; obtained by fraud the signatures of buyers on documents which showed that a Property Report had been received when it had not; showed buyers phony pictures of a lake, a golf course and other recreational improvements in a conspiracy consisting of "devices, schemes and artifices to defraud and establish a practice and course of business which would operate as a fraud and deceit."

In response to the land swindles and in

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answer to bad planning, several states—notably Vermont, California and Maine—have recently passed legislation to protect both the buyer and the environment. In California, Boise Cascade recently agreed to a $58.5 million settlement of lawsuits brought against the company for false and misleading sales practices, following a halt last July of recreational land sales. The Sierra Club *Bulletin* noted, "What sort of enterprise is it where a large, financially responsible corporation, with millions of dollars in assets, thousands of stockholders and a large staff of experts should fall so low while dozens of tacky operations continue to thrive? Boise's experience confirms what many have known all along—that the recreational land business, dealing in a largely unnecessary product that few people can afford, usually must rely for its success on glib salesmen and naive customers."

New legislation is pending on the federal level. Congressman Morris K. Udall of Arizona has introduced a bill that would, among other things, prohibit interstate advertising, and Congressman Barry Goldwater Jr. of California is drawing up a bill that would create a Securities and Real Estate Commission patterned on the Securities and Exchange Commission. Such a commission would regulate interstate land sales, not simply administer the Full Disclosure Act.

Yet for all the laws now on the books or aborning, much of the grief involved in land sales could be avoided if potential buyers used common sense. Any buyer interested in land should personally inspect it, carefully read the Property Report, have the land independently appraised and then confer with a lawyer before signing anything. As with any major purchase, but with land especially, let the buyer beware.

THE ROLE OF THE U.N.

Mr. McGEE. Mr. President, throughout the course of this year, we have been subject to an incessant denigration of the United Nations in the U.S. Congress.

It is therefore ironic, as the world confronts another Middle East crisis, one which could have forced the great powers over the brink, that the entire international community has turned to the U.N. in an effort to resolve this confrontation.

In this morning's Washington Post, Stephen S. Rosenfeld placed the United Nations' role in the proper perspective when he succinctly observed:

> It (the U.N.) provided a forum—one otherwise unavailable—in which the great powers and the Mideast combatants could register their common understanding that the shooting should end.
>
> Egypt and Israel could not, yet, make their own cease-fire. A cease-fire call from the United States and the Soviet Union, separately or together, would have put them in a direct guarantor's role, which neither of them wanted and which the local parties would have distrusted as a great-power dictate. Only a cease-fire appeal "laundered" through the United Nations could have been politically acceptable to all.

While realistically assessing the limitations of this international organization, it should be apparent to all that there is a continuing, and even increasing, role for the United Nations to play in our highly complex world. While it may be the political thing to do in appealing to a certain constituency by calls for our disengagement from the United Nation- or the dissolution of the organization altogether, it certainly does not reflect a wisdom or an understanding of international politics in the 1970's. I believe this attitude reflects a complete loss of faith in all mankind, a belief which I certainly do not share.

I believe Mr. Rosenfeld's assessment to be particularly acute and timely. For this reason, I ask unanimous consent that his article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE U.N.: FULFILLING ITS ROLE

(By Stephen S. Rosenfeld)

Let's hear it for the United Nations, not just because Wednesday was U.N. Day but because this was a week in which the U.N. once again showed its stuff. Consider, in order, what the world organization did.

It provided a forum—one otherwise unavailable—in which the great powers and the Mideast combatants could register their common understanding that the shooting should end.

Egypt and Israel could not, yet, make their own cease-fire. A cease-fire call from the United States and the Soviet Union, separately or together, would have put them in a direct guarantor's role, which neither of them wanted and which the local parties would have distrusted as a great-power dictate. Only a cease-fire appeal "laundered" through the United Nations could have been politically acceptable to all.

When the first appeal did not take, there arose the plain need to strengthen it, to turn it from an abstract summons to a real presence, and so U.N. observers were dispatched to the scene.

When Egypt began to feel the situation was souring, it turned quickly to the U.N. as the one place where a brave and indignant face could be put on its nervousness, by means of words. Those who deprecate this tactic should ask themselves whether they would have preferred to have Egyptian President Anwar Sadat launch a new offensive.

When the second cease-fire appeal did not take, still another proposal was advanced for a large "United Nations emergency force," intended as an effective alternative to direct Soviet or American participation. This result did indeed come about.

And now, one hopes, a search for an abiding settlement in the Mideast is to go forward within the framework of the U.N. Security Council resolutions of 1967 and 1973. These two settlement resolutions receive their moral authority, if not their political authority, from the fact that they represent an explicit and unanimous international consensus, a consensus which there is no other procedure or mechanism for establishing, outside the U.N.

Now, no one making a tally of the U.N.'s modest but real services during this Mideast crisis period can ignore the conventional streetwise cry that once again the U.N. has "failed"—failed because it could neither prevent nor immediately end the war and because it could not act at all until the two great powers came to a partial meeting of the minds.

A vast amount of good-willed nonsense about the U.N. is in circulation on any given day, especially, one might say, on U.N. Day. This Wednesday, for instance, the New York Times published a letter from a gentleman of the "man's best hope" school in which he declared that the problem is "the U.N. has not yet been given the authority to act as a world security system."

To that, most sensible people would have to say "amen." The day the U.N. is given the authority to act as a world security system is the day that world security utterly disintegrates. The U.N. can alternately provide a connection or a cushion between conflicting states, and this can often enhance their security. But to imagine that any state with choice in the matter would put its fate up to an international organization, whether it was dominated by friends or foes, is not idealistic but absurd, an escapist notion.

Often countries are chastised for not allowing the U.N. to roll over them. The Soviet Union used to be considered the pariah whenever it used its veto; these days it's usually Israel. It is common for countries so isolated to put the knock on the U.N., as the Russians tried to do with their aborted "troika" proposal and as the Israelis try to do with their scorn. Thankfully, the United States has been a bit less high and mighty about the matter ever since its automatic majority disappeared and its own policies came under criticism, at about the same time.

GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING

Mr. HASKELL. Mr. President, on September 4, 1973, the Administration on Aging announced in the Federal Register their proposed rules for the Grants for State and Community Programs on Aging. The Colorado State Department of Social Services, the State unit which implements the Older Americans Act, has reviewed the proposed rules and generally agrees that the rules will assist the State agencies in their service to the older population. The executive director, Mr. Con F. Shea, and the director, Mr. Robert F. Robinson, of the Colorado Department of Social Services have some reservations, however, about particular provisions. I ask unanimous consent that letters from Mr. Shea and Mr. Robinson to Dr. Flemming, the Commissioner on Aging, a resolution from the full Colorado Commission on the Aging, and the Notice of Proposed Rulemaking be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

STATE OF COLORADO,
DEPARTMENT OF SOCIAL SERVICES,
Denver, Colo., September 20, 1973.

Subject: Proposed Rules 45 CFR Part 903 Grants for State and Community Programs on Aging Published Federal Register September 4, 1973.

Dr. ARTHUR S. FLEMMING,
Commissioner Delegate, Administration on Aging, Department of Health, Education, and Welfare, Mary Switzer Building, Washington, D.C.

DEAR DR. FLEMMING: As one state which has diligently espoused programs for the aging, and which we feel is in the vanguard for innovation and pushing of Older Americans Act programs, we are deeply disturbed with one provision of the proposed rules, and that is Section 903.63(d) which would prohibit sub-units of a state agency on aging from being area agencies on aging. It would be permissible to designate the entire state as the area agency on aging under the proposed rule 903.57(f), but we believe that it would be better to subdivide the state for administrative convenience utilizing the structure of the 12 state planning regions Colorado has designated under provisions of OMB Circular A–95.

These would be combined as necessary so that the entire state could be served by the rather limited administrative resources available under Title III.

Such organizational structure would be prohibited by 903.63(d) as proposed and will result in a fragmented program with many active and interested general purpose units of local government being left out because of the severe restrictions on aged, minority populations which are also in the proposed rules. Furthermore, some of the fine programs already in existence under the former Title III would not be included in the fragmented areas and could not get funding in the future.

I am sure that Congress did not intend such a result in its passage of the Amendments to the Older Americans Act contained in Public Law 93–29.

We ask that Section 903.63(d) be withdrawn so that Colorado's Department of Social Services, the designated state agency for Titles III and VII of the Older Americans Act, is allowed the option of designating regional offices of its Division of Services for the Aging for the reasons stated above.

Sincerely,

CON F. SHEA,
Executive Director.

DEPARTMENT OF SOCIAL SERVICES,
DIVISION OF SERVICES FOR THE AGING,
Denver, Colo., September 25, 1973.

Subject: Proposed rules 45 CFR part 903 grants for State and community programs on aging, published Federal Register, September 4, 1973.

Hon. ARTHUR S. FLEMMING, Ph. D.,
Commissioner, Administration on Aging, Department of Health, Education, and Welfare, Washington, D.C.

DEAR COMMISSIONER FLEMMING: The Colorado Commission on the Aging and the Division of Services for the Aging (the organizational unit in Colorado identified to implement the Older Americans Act) have reviewed the proposed Rules for the State and Community Programs on Aging. In general we accept the premise that the rules will assist the state agencies in better serving the older population. However, we take exception to some specific areas.

1. As indicated in the letter from Mr. Con F. Shea, the Executive Director of the Department of Social Services, we concur with him that "it would be better to divide the state for administrative purposes, utilizing the structure of the twelve state planning regions Colorado has designated under provisions of OMB Circular A–95." We concur in his request that this Division be given the option of establishing regional offices to implement the proposed rules.

2. We feel that the rules as currently written do not provide adequately for direct services to the older people, but are too strongly focused on planning and coordination, particularly when one considers the limited resources available to the state agency. A large state such as Colorado, with extreme geographic and demographic differences, will require large planning service areas with few centers of population. In some cases regional centers may have less than three or four thousand older people, yet will be thirty to forty thousand square miles in area. Administratively it will become extremely difficult to implement planning on an equitable basis throughout such a region.

3. We are particularly disturbed with the proposed structure for the advisory committee. We recognize the merit and desirability of including consumers on such a committee, and also the professionals, but are concerned that there is no place for public representatives. For example, currently the Colorado Commission on the Aging is composed of eleven persons on a statewide basis, all interested in the problems of the elderly and of tremendous assistance to the staff. At the same time, using the guidelines proposed in Section 903.50, Paragraph (c) there might be only one or two of those persons who could remain on the Commission should these rules become effective. One of the major values of the advisory committee is their important place in state structure and their ability to communicate with the Governor and the General Assembly and Members of Congress on a personal as well as professional level. To lose this could adversely affect the program and the older people in the state. We propose that the advisory committee include consumers, professionals, and representatives of the general public.

4. We feel that our state in particular is not receiving an equitable amount of administrative funds to carry out the purposes of this Act. For example, for Wyoming with under 100,000, Colorado with nearly 300,000, and Minnesota with over 600,000, older people to have the same fiscal support of $160,000 is not only unrealistic, but inequitable. We recognize the need of the larger states with populations in the millions, to have additional funds, but feel our state is not receiving sufficient funds to effectively administer the programs that are outlined in the Amendments.

5. We feel the one year limitation on support of area plans and area administration as outlined in Section 903.4, Subparagraph (b) is too limiting, particularly in the beginning periods of the program, because those agencies will be required to submit simultaneously, first and second year plans, and this before they have any opportunity to review the resources available in the community and do any real planning or coordination.

The State Agency will be required to make judgments based on insufficient information from these area agencies as to whether or not we have selected the best area agency on aging, though they have not been given an opportunity to prove their full capabilities.

The Colorado Commission on the Aging, at the Annual Retreat, considered and supported unanimously the attached Resolution. They requested that we forward this to you with our letter commenting on the proposed Rules.

We strongly recommend that the changes and revisions shown above be included in the Rules when they are published. We feel this would be in the best interest of the older people, and that the state agencies would be able to carry out their assigned function with a minimum of confusion and a maximum of effort.

Sincerely,

ROBERT B. ROBINSON,
Director, Colorado Commission on the Aging and Division of Services for the Aging.

COLORADO COMMISSION ON THE AGING

RESOLUTION

Whereas, the Colorado Commission on the Aging has for the duration of the Older Americans Act and its concerns, been in the forefront of the advocacy and implementation of its spirit and intent of the provision of the Older Americans Act, and,

Whereas, the Staff of the Division of Aging of the Colorado State Department of Social Services and the Commission, have made possible a variety of services for the aging in the entire state, and have successfully achieved the purposes of the Administration on Aging and created a sense of cooperation among the various segments of the aging population and those local agencies which administer to the needs of the aging which could be defeated by a change which might contribute to such a defeat.

Be it resolved that: Section 903 be modified or interpreted in such a way as to provide for a single effective state agency with an advisory relationship to the Commission, so that the Division of Aging of the Department of Social Services may continue to expand its service to the entire state in the manner it has been operating since its inception with such provisions as the revised regulations include, but modified or interpreted to make this possible.

Particularly it is the sense of the Commission that the limitations, restrictions and conditions embodied in Section 903.57 are too limiting to make possible the freedom of choice and determination of administration procedures necessary to implement a satisfactory program as called for by the legislation enacted by the Congress. Accordingly, it is recommended that such operating interpretations mutually satisfactory to the Administration on Aging and the State Department of Social Services be arrived at by negotiation between officials of the Administration on Aging and the State Department of Social Services.

Adopted September 16, 1973 at Loveland Colorado.

[From the Federal Register, Vol. 38, No. 170, Sept. 4, 1973]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

[45 CFR Part 903]

GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING

Notice of Proposed Rulemaking

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Commissioner on Aging, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations implement a new title III of the Older Americans Act of 1965, as amended by P.L. 93–29, the Older Americans Comprehensive Services Amendments of 1973.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objectives thereto which are submitted in writing to the Commissioner on Aging, U.S. Department of Health, Education, and Welfare, Mary Switzer Building, 330 C Street SW., Washington, D.C. 20201, on or before October 4, 1973. Comments received will be available for public inspection in Room 3086, Mary Switzer Building, on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (Area Code 202–963–3581). The Commissioner on Aging will hold a public hearing on these proposed regulations in Washington, D.C. on September 17, 1973. Such hearings will be held between 9:30 a.m. and 5 p.m., in Room 5104, New Executive Office Building, 17th and Pennsylvania Avenue NW., Washington, D.C. Persons desiring to comment on these proposed regulations at such hearing should file a request with the Commissioner on Aging no later than September 12, 1973. Additional information may be obtained from the Office of the Commissioner, Administration on Aging, (Area Code 202–963–3581).

Upon the promulgation of these regulations, guidelines will be issued by the Commissioner on Aging. These guidelines will be designed to provide the additional guidance necessary to assure implementation of this program in conformity with the Act and the regulations.

Federal financial assistance extended under Part 903 is subject to the regulations in 45 CFR Part 80, issued by the Secretary of Health, Education, and Welfare, and approved by the President, to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000d).

Dated August 27, 1973.

ARTHUR S. FLEMMING,
Commissioner on Aging.

Approved August 27, 1973.

STANLEY B. THOMAS, Jr.,
Assistant Secretary for Human Development.

Approved August 28, 1973.

FRANK C. CARLUCCI,
Acting Secretary.

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(Catalog of Federal Domestic Assistance Program No. 13.700—Grants to States for Community Programs.)

Part 903 of Title 45 of the Code of Federal Regulations is revised to read as follows:

PART 903—GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING

Subpart A—Purpose

Sec.

903.1 Purpose of the program.
903.2 Definitions.

Subpart B—The State Plan

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903.13 Designation of the State agency.
903.14 Authority of the State agency.
903.15 Review of plan by Governor.
903.16 Plan submission and approval.
903.17 Plan amendments.
903.18 Plan review.
903.19 Plan disapproval.
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903.35 Methods of administration.
903.36 Staffing of the single organizational unit.
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903.49 Coordination and linkage of programs.
903.50 Administration.
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903.52 Establishment and maintenance of information and referral sources.
903.53 Direct provision of social services by the State agency.
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Subpart E—Designation of Planning and Service Areas by the State Agency

903.57 Designation of planning and service areas.
903.58 Determination of planning and service areas for which an agency on aging will be designated and for which an area plan will be developed.

Subpart F—Designation of Area Agencies on Aging by the State Agency

903.63 Designation of area agencies on aging.
903.64 Organization of the area agency.
903.65 Staffing of the area agency.
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903.67 Direct provision of social services by the area agency.
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Subpart G—Area Plans on Aging

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903.83 Federal financial participation of activities under an area plan.
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903.94 Purposes for which awards may be made.
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Subpart I—Authorization and Allotments for Planning, Coordination, Administration, and Evaluation of State Plans

903.107 Authorizations.
903.108 Use of State planning funds for administering area plans.
903.109 Use of area planning monies on a Statewide basis.
903.110 Allotments to the State for planning, coordination, administration, and evaluation of State plans.
903.111 Reallotment of funds for planning, coordination, administration, and evaluation of State plans.
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Subpart J—Authorization and Allotments for Area Planning and Social Services Programs

903.122 Authorizations.
903.123 Allotments for area agencies and social services.
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Subpart K—General

903.135 Public funds as part of the non-Federal share.
903.136 Payments.
903.137 Audit.
903.138 Maintenance of effort.
903.139 Confidentiality.
903.140 Opportunity for hearing.
903.141 State agency licensure requirements.
903.142 Fees for social services.
903.143 Continuation of support for existing activities.
903.144 Requests for postponement.

AUTHORITY: Sec. 301, P.L. 93–29, 87 Stat. 36–45 (42 U.S.C. 3021–3025).

Subpart A—Purpose

§ 903–1 Purpose of the program.

(a) It is the purpose of the program under title III of the Act to encourage and assist State and area agencies to concentrate resources in order to develop greater capacity and to foster the development of comprehensive and coordinated service systems to serve older persons.

(b) The systems are to be developed by the agenies' entering into new cooperative arrangements with each other and with providers of social services for planning for the provision of, and providing, social services, and where necessary, to reorganize or reassign functions.

(c) The goals of the comprehensive and coordinated service systems are to:

(1) Secure and maintain maximum independence and dignity in a home environment for older persons capable of self-care with appropriate supportive services; and

(2) Remove individual and social barriers to economic and personal independence for older persons, including the provision of opportunities for employment and volunteer activities in the communities where older persons live.

(d) In order to achieve this purpose, the resources made available under title III shall be used to:

(1) Provide for the development and implementation by designated State and area agencies, in conjunction with other planners and service providers, and older consumers of service, of State and area plans which set forth specific program objectives and priorities for meeting the needs of the elderly with emphasis on the needs of low income and minority elderly;

(2) Increase the capability of State and area agencies to develop and implement action programs designed to achieve the coordination of existing social service systems in order to make such systems more effective, efficient, and responsive in meeting the needs of the elderly;

(3) Draw in increasing commitments from public and private agencies which have resources that can be utilized to serve the elderly, and encourage such agencies to enter into cooperative arrangements directed toward maximum utilization of existing resources on behalf of the elderly;

(4) Make existing social services more accessible to older persons in need through the development and support of services such as transportation, outreach, information and referral and escort which can increase the ability of older persons to obtain other social services; and

(5) Promote comprehensive services for the elderly through the development and support of social services which are needed by older persons but which are not otherwise available.

(e) Funds made available under this part shall be used primarily to provide maximum incentive for attracting support from public and private agencies having resources for programs for the elderly.

(f) Funds made available under this part may be used to provide social services only when it has been clearly shown that:

(1) Such services are needed and are not already available; and

(2) No other public or private agency can or will provide such social services.

(g) Agencies providing services to older persons under this part must seek reimbursement for the cost of providing the services when a third party (including a government agency) is authorized or is under legal obligation to pay such costs.

§ 903.2 Definitions.

In addition to the definitions set forth in § 901.2, of this chapter, the following definitions are applicable for purposes of this part:

(a) "Area agency" means the single agency designated by the State agency to be responsible for the program described in this part within a planning and service area designated by the State agency.

(b) "Area plan" means the document submitted annually by an area agency to the State agency for approval which sets forth goals and measurable objectives and identifies the planning, coordination, administration, social services, and evaluation activities to be undertaken to carry out the purposes of this title.

(c) The term "comprehensive and coordinated system" means a system for providing all necessary social services in a manner designed to:

(1) Facilitate accessibility to and utilization of all social services provided within the geographic area served by such system by any public or private agency or organization;

(2) Initiate, develop and make the most effective use of social services in meeting the needs of older persons; and

(3) Use available resources efficiently and with a minimum of unnecessary duplication.

(d) The term "low income" means those persons whose income is below the current Department of Commerce, Bureau of Census poverty threshold.

(e) The term "minority" means those persons who identify themselves as American Indian, Negro, Oriental, or Spanish language, and members of any additional limited English-speaking groups designated as minority within the State by the State agency.

(f) The term "multipurpose senior center" means a community facility for the organization and provision of a broad spectrum of services, which may include the provision of health, social, and education services (as defined in § 903.2(g)), and provision of facilities for recreational activities for older persons.

(g) For the purposes of this part, the term "social services" means only the following services:

(1) Coordination activities which link together, in support of common objectives, existing planning and service resources, and

assure the utilization of such resources for the purpose of developing and carrying out action programs and activities which will result in improvement, expansion, and, as necessary, initiation of services needed by older persons.

(2) Information sources or services which provide a location where State, area or other public or private agencies or organizations;

(i) maintain current information with respect to the opportunities and services available to older persons, and develop current lists of older persons in need of services and opportunities; and

(ii) employ a specially trained staff, including bilingual individuals as appropriate, to inform older persons of the opportunities and services which are available, and assist such persons to take advantage of such opportunities and services.

(3) Referral services which assist individuals to identify the type of assistance needed, place individuals in contact with appropriate services, and followup to determine whether services were received and met the need identified, and which provide for the maintenance of proper records for use in identifying services offered and gaps in existing services systems.

(4) Transportation services designed to transport older persons to and from community facilities and resources for the purpose of applying for and receiving services, reducing isolation, or otherwise promoting independent living, but not including a direct subsidy for an overall transit system or a general reduced fare program for a public transit system. Such transportation services shall be, insofar as possible, part of an area transportation plan;

(5) Services designed to encourage and assist older persons to use the facilities and services available to them, including:

(i) Outreach services, including search and find activities, which seek out and identify hard-to-reach individuals and assist them in gaining access to needed services; and

(ii) Escort services which assist individuals who, for a variety of factors, are unable to use conventional means of transportation to reach needed services, or require such assistance for reasons of personal security or protection.

(6) Counseling services which provide direct guidance and assistance in the utilization of needed health and social services, and help in coping with personal problems which threaten personal health and social functioning;

(7) Health related services which identify health needs of individuals, and assist such individuals to obtain health services under Medicare, Medicaid, or other health services programs, and from other public or private agencies or providers of health services; planning, as appropriate, with the individual in need of service, and health providers, to help obtain continuity of treatment and carrying out of health recommendations; assisting such individuals where appropriate to secure admission to medical institutions and other health related facilities; and home health services as defined in paragraph (g) (8) (iii) of this section;

(8) Preventive services to avoid institutionalization, which may include any of the following services;

(i) Periodic screening and evaluation which provide for an assessment of an individual's need for those medical and social services necessary to retain his capacity for self-care and to maintain independent living in his home as long as possible;

(ii) Homemaker services which provide care for elderly individuals in their own homes and help them maintain, strengthen and safeguard their personal functioning in their own homes through the services of a trained and supervised homemaker;

(iii) Home health services which provide basic health services to individuals who can be cared for at home, including part-time bedside nursing care under medical supervision, occupational, physical, and speech therapy, homemaker-home health aide services, the services of a home health aide, and home delivered meals services which meet the nutritional standards prescribed in part § 909 of this Chapter;

(iv) Chore services which provide for the performance of household tasks, essential shopping, simple household repairs, and other light work necessary to enable an individual to remain in his own home, when, because of frailty or other condition, such individual is unable to perform such tasks himself;

(v) Friendly visiting services which provide regular visits to the homes of socially and geographically isolated individuals to provide socialization;

(vi) Telephone reassurance services which provide for telephone calls at specified times as often as necessary, to or from individuals who live alone, or who are temporarily alone, to determine if they are safe and well, if they require special assistance, and to provide psychological reassurance;

(vii) Protective services which are designed to assist those elderly persons carry out the activities of daily living who, because of impaired mental or physical functioning are unable to manage their own affairs, or protect themselves from neglect or hazardous situations without assistance from others; and

(viii) Housing assistance to aid individuals in obtaining adequate housing through the provision of technical help (as contrasted to financial help) in order to improve their present living arrangements or to relocate to more suitable housing when needed.

(9) Recreational services which foster the health and social well-being of individuals through social interaction and the satisfying use of time;

(10) Continuing education services, including consumer education, which are designed to provide individuals with opportunities to acquire knowledge and skills suited to their interests and capabilities through either formal academic courses or informal methods, with a view toward either vocational or personal enrichment;

(11) Legal services which provide legal advice and counseling to older persons in matters of importance to the individual, including serving as an advocate of older persons who have consumer problems;

(12) Welfare services which seek to assure the health and well-being of individuals, which neither duplicate nor overlap any cash assistance and social service programs, and the health and social services provided under Medical Assistance.

(h) The term "unit of general purpose local government" means:

(i) A political subdivision of the State, or a grouping of such subdivisions, whose authority is broad and general and is not limited to only one function or a combination of related functions; or

(ii) An Indian tribal organization, including any Indian tribe, band, group, pueblo, community, or Alaskan native village, which has a recognized governing body which performs substantial governmental functions.

Subpart B—The State Plan

§ 903.12 Purpose and content of the State plan.

In order for a State to be eligible for grants for a fiscal year from the allotments of funds under title III of the Act, it shall submit a State plan, prior to the beginning of each fiscal year, to the Commissioner for approval. The State plan shall consist of:

(a) A detailed commitment that the title III program will be carried out in keeping with the provisions of the Act and all regulations, policies and procedures established by the Commissioner; and

(b) A fiscal year operating plan which shall include:

(1) An analysis of the needs and characteristics of the elderly population in the State with emphasis on low income and minority older persons, and an identification of those persons who will be given priority in the implementation of the State plan;

(2) A statement of the goals and measurable objectives, in priority order, established for the title III program which relates to the national goals and objectives established by the Commissioner for a fiscal year and announced to the States;

(3) An identification of the barriers to achievement of the objectives established;

(4) An inventory and analysis of the resources available in the State to meet the needs of older persons; and

(5) A plan of action which describes in detail how the title III program will be implemented and how the funds made available under this part will be allocated by the State agency.

§ 903.13 Designation of the State agency.

(a) The State Plan shall identify the sole State agency that has been designated to:

(1) Develop the State plan to be submitted to the Commissioner for approval;

(2) Administer the State plan within the State;

(3) Be primarily responsible for the coordination of all State activities related to the purposes of the Act;

(4) Divide the entire State into distinct areas (hereinafter referred to as "planning and service areas") in accordance with the requirements prescribed in § 903.57;

(5) Designate a public or nonprofit private agency or organization as the area agency on aging for each planning and service area for which an area plan will be developed;

(6) Approve the area plans developed by such area agencies;

(7) Monitor and assess the implementation of each area plan, including the progress toward the achievement of the objectives set forth in the plan; and

(8) Carry out all other functions and responsibilities as prescribed in this part for the State agency.

§ 903.14 Authority of the State agency.

The State plan shall contain certification by the State Attorney General that the State agency has the authority to submit the State plan; is the sole agency responsible for the conduct of all the functions prescribed for such agency in this part; and that nothing in the State plan is inconsistent with State law.

§ 903.15 Review of plan by Governor.

The State plan must be submitted to the State Governor for his review and approval, and the State plan must provide that the Governor will be given an opportunity to review and approve all amendments to the State plan.

§ 903.16 Plan submission and approval.

The State plan shall be submitted for approval within 60 days following the effective date of this part, and for each fiscal year thereafter, at least 60 days prior to the beginning thereof. Any State plan or amendment meeting the requirements of this part as determined by the Commissioner shall be approved.

§ 903.17 Plan amendments.

The State agency's administration of the program under this part shall be in conformity with the State plan as approved by the Commissioner. Whenever there is any material change in the content or administration of the State plan as approved, or when there has been a change in pertinent State law or in the organization, policies, or operations of the State agency affecting the plan, the State plan shall be appropriately amended.

§ 903.18 Plan review.

The State plan as approved and all amendments thereto shall be subject to such review as the Commissioner may prescribe.

§ 903.19 Plan disapproval.

No State plan or any modification thereof, submitted under title III of the Act, shall be finally disapproved without first affording the State reasonable notice and opportunity for a hearing.

§ 903.20 Withholding of funds.

(a) Whenever the Commissioner, after giving reasonable notice and opportunity for hearing to the State agency administering a State plan approved under title III of the Act, finds that: (1) The State is not eligible under section 304 of the Act; (2) the State plan has been so changed that it no longer complies with the provisions of the Act; or (3) in the administration of the plan there is a failure to comply substantially with any such provision, the Commissioner shall notify such State agency that no further payments will be made to the State under title III of the Act (or in his discretion, that further payments to the State will be limited to projects under or portions of the State plan not affected by such failure) until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, no further payments shall be made to such State under title III of the Act (or payments shall be limited to projects under, or portions of, the State plan not affected by such failure).

(b) If there is no appeal, or if the action taken by the Commissioner is upheld as a result of an appeal in keeping with the procedures prescribed in § 903.21 of this subpart, the Commissioner shall take action to disburse the funds withheld in the following manner:

(1) The Commissioner shall, by whatever steps he deems appropriate, notify those appropriate public or nonprofit private organizations or agencies or political subdivisions of such State that they may submit a State plan under the authority of section 304(d)(3) of the Act for use of the allotments (or portions thereof) unused by the State as a result of action taken under paragraph (a) of this section.

(2) Any State plan so submitted must conform to all the requirements and procedures related to the submission of State plans prescribed in this part.

(3) The Commissioner shall give priority to any State level public agency submitting such a plan that has the authority and capacity to administer this program on a statewide basis. If no such State level public agency submits a plan, consideration shall then be given to those other agencies submitting such a plan that have the authority and capacity to administer this program on a Statewide basis.

§ 903.21 Appeal procedures.

A State which is dissatisfied with a final action of the Commissioner under § 903.19 or § 903.20 may appeal to the U.S. Court of Appeals for the circuit in which the State is located, by filing a petition with such court within 60 days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the Commissioner, or any officer designated by him for that purpose. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Commissioner may modify or set aside his order. The findings of the Commissioner as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Commissioner shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this section shall not, unless so specifically ordered by the court, operate as a stay of the Commissioner's action.

Subpart C—State Agency Organization

§ 903.34 Organization of the State agency.

The State plan shall provide that there will be a single organizational unit within the State agency designated in accordance with § 903.13, with delegated authority for, and whose principal responsibilities shall be, Statewide planning, coordination, administration, and evaluation of programs and activities related to the purposes of the Act, including all other functions prescribed for such agency in this part. Such unit shall be identified in the State plan. If the State agency is an independent single purpose agency, in its entirety, may constitute the single unit. In all other cases, the single organizational unit must be placed at an organizational level within the State agency to assure effective performance of all the responsibilities of the unit prescribed in this part. In establishing an organizational structure for the unit, including determination of the need for a State regional structure for the unit, due consideration shall be given to the geography of the State, the number and concentration of older persons, and other special conditions in the State.

§ 903.35 Methods of administration.

(a) The State plan shall provide for the use of such methods of administration as are necessary for the proper and efficient administration of the plan, and for the conduct of all functions for which the State is responsible under the plan and this part, including the coordination and integration of activities related to the purposes of the Act, adequate controls over operations, procedures for the development and standards, recordkeeping and reporting procedures, monitoring programs supported under this part, evaluation of program activities, and effective supervision of staff.

(b) If certain specified portions of the plan are to be administered by an agency other than the State agency, the State plan shall provide for such methods of administration as are necessary to assure the applicability of all requirements set forth in the State plan and this part.

§ 903.36 Staffing of the single organizational unit.

(a) The State plan shall contain a staffing plan that sets forth the projected staffing of the single organizational unit for the fiscal year for which the plan is submitted. The staffing plan must set forth the number and type of personnel employed, and the timetable for the hiring of staff set forth in such plan.

(b) The State plan must provide that:

(1) The single organizational unit will be headed by an individual qualified by education and experience to assume leadership of the program, assigned full-time solely to this activity; and

(2) Adequate numbers of qualified staff, including members of minority groups, will be assigned full-time, solely to the single organizational unit, to assure the effective conduct of the responsibilities under this part.

(3) Subject to the requirements of merit employment systems of the State, preference shall be given to persons aged sixty or over for any staff positions (full-time or part-time) in the State agency for which such persons qualify.

(c) The staffing plan contained in the State plan approved for a fiscal year must be followed in all personnel actions taken by the State agency.

(d) The State agency may contract for technical assistance to assist its staff in the performance of their duties and responsibilities.

§ 903.37 Standards of personnel administration.

(a) The State plan shall provide that methods of personnel administration will be established and maintained in the State agency administering the State plan and in local public agencies conducting activities under this part in conformity with the Standards for a Merit System of Personnel Administration, Part 70 of this title, and any standards prescribed by the U.S. Civil Service Commission pursuant to section 208 of the Intergovernmental Personnel Act of 1970 modifying or superseding such standards. Under this requirement, laws, rules, regulations, and policy statements, and amendments thereto effectuating such methods of personnel administration are a part of the State plan. Statements of acceptance of these standards must be obtained from all local public agencies conducting activities under this part, and methods must be established by the State to assure compliance by local jurisdictions. Citations of applicable State laws, rules, regulations, and policies which provide assurance of conformity to the standards in Part 70 of this title or to modifying or superseding standards issued by the U.S. Civil Service Commission must be submitted with the State plan. Copies of the materials cited and of similar local materials maintained by a State official responsible for compliance by local jurisdictions must be furnished to the Department on request.

(b) The State plan shall provide that the State agency will develop and implement an affirmative action plan for equal employment opportunity as specified in § 70.4 of this title. The affirmative action plan will provide for specific action steps and timetables to assure equal employment opportunity. This plan shall be made available for review upon request.

(c) The Commissioner shall exercise no authority with respect to the selection, tenure of office or compensation of any individual employed in accordance with such methods.

Subpart D—Functions and Responsibilities of the State Agency Under the State Plan

§ 903.47 Statewide planning, coordination, administration, and evaluation.

In addition to the responsibilities of the State agency as prescribed in § 903.13, the State plan shall provide that the State agency shall:

(a) Carry out ongoing planning, coordination, administration, and evaluation activities necessary to implementation of the title III program; and

(b) Provide an ongoing program of technical assistance to the designated area agencies in the development and implementation of the area plans on aging.

§ 903.48 Planning.

(a) The State plan shall provide that the State agency shall carry out those activities necessary for effective planning on behalf of all older persons in the State, including:

(1) Establishment of specific goals and measurable objectives in aging related to the purposes of the Act, and the goals established by the Commissioner;

(2) Conduct of special studies related to the needs of the elderly;

(3) Conduct of issue analyses in areas of special concern to the elderly; and

(4) Data gathering and analysis on the needs of the elderly in keeping with paragraph (c) of this section;

(c) The State plan shall provide that the State agency shall undertake or arrange for the regular collection of data on the needs of the elderly throughout the State, in consultation with the National Clearinghouse on Aging. The data collected shall include such areas of need as:

(1) Income;
(2) Physical and mental health;
(3) Housing;
(4) Employment;
(5) Nutrition;
(6) Social services;
(7) Transportation; and
(8) Any other subject area deemed appropriate by the State agency.

The data collected must identify the location, special needs and living conditions of those older persons found to be in greatest need in the State for the purpose of determining the population of older persons that will be given priority in the utilization of the funds available under this part. In this effort, special attention shall be given to the needs of low income and minority older persons in the State. The State agency shall take such steps as are necessary to move toward the development of a system that will provide for the systematic storage, retrieval, and analysis, of such data, and other data made available from the Administration of Aging, and for the dissemination of such data to other public and private agencies and organizations having programs affecting the elderly in the State, and the public at large.

§ 903.49 Coordination and linkage of programs.

(a) The State plan shall provide that the State agency will establish such procedures and mechanisms that are necessary to assure the effective linkage and coordination of all State planning and service activities and programs related to the purposes of the Act. To this end, the State agency will seek to develop and maintain effective working relationships with those public and private agencies having programs which affect the elderly, including the following activities:

(1) Dissemination of information on the needs of the elderly;

(2) Joint funding and programming to achieve the objectives established in the State plan to the maximum extent feasible;

(3) Development of interagency actions concerning State and area plans and objectives, and assessment of progress and problems in implementation of the plans; and

(4) Reporting of activities on aging under this program throughout the State;

(b) The State plan shall provide for the furnishing of technical assistance to public and private agencies and organizations engaged in activities relating to the needs of older persons.

(c) The State plan shall provide that the State agency shall enter into agreements with appropriate State or, until such time as area plans are submitted and approved, local public or private agencies and organizations, for joint utilization of their services and facilities in the administration of the plan and in the development of programs and activities for carrying out the purposes of the Act.

(1) The State plan shall provide that the State agency will carry out those programs and activities designed to bring about maximum possible coordination between the resources available under titles I, X, XIV and XVI of the Social Security Act and title VI, added by the Social Security Amendments of 1972, and the operation of the programs under this part. The State plan shall describe the activities to be undertaken by the State agency to accomplish such coordination.

(2) The State plan shall provide that the State agency, in conjunction with the designated area agencies, shall take the initiative in endeavoring to work out arrangements whereby recipients of grants or contracts for nutrition projects under § 909 of this chapter, mutually agree with area agencies, that such nutrition projects shall be made part of the comprehensive and coordinated service system for older persons under title III.

§ 903.50 Administration.

(a) *Training and manpower development.*—(1) The State plan shall provide for the initiation of a program designed to achieve the objective of a training and staff development program concerning the implementation of the Act, for all professional staff of State and area agencies and principal staff of all service programs initiated under this part. All expenditures of Federal resources under section 301(a)(1) of the Act for training shall be consistent with such program.

(2) The State plan shall provide that personnel working on Older Americans Act programs at the State and area levels will attend such training programs that are specifically developed for such individuals by the Administration on Aging at designated training centers, and that in all title III awards, the State agency will assure that adequate funds are budgeted to pay the travel, per diem and tuition costs of such individuals that atend such training.

(b) *Participation of Older Americans in implementation of the State plan.*—The State plan shall provide that procedures will be developed by the State agency that will assure effective participation of actual or potential consumers of services under this program in the implementation of the State plan at the State and local levels. These procedures shall provide for periodic public hearings on concerns of the elderly in the State with adequate public notice for such hearings.

(c) *Advisory committee.*—The State plan shall provide for the establishment of an advisory committee to the single organizational unit on the implementation of the State plan. At least one-half of the membership of such committee shall consist of actual consumers of services under this program, including low income, and minority older persons, at least in proportion to the number of minority older persons in the State, with the remainder being broadly representative of major public and private agencies and organization in the State who are experienced in or have demonstrated particular interest in the special needs of the elderly. This committee shall meet at least quarterly.

(d) *Public information.*—(1) The State plan shall provide for a continuing program of public information specifically designed to assure that information about the programs and activities carried out under this part are effectively and appropriately promulgated throughout the State.

(2) The State plan shall provide that the State agency will pursue a policy of freedom of information and that the State plan, approved title III program applications, all periodic reports made by the State agency to the Commissioner in accord with paragraph (g) of this section, and all Federal and State policies governing the administration of the title III program in the State will be available at reasonable times and places in the offices of the State agency for review upon request by interested persons including representatives of the media.

(e) *Review and comment on applications.*—The State plan shall provide that the State agency will review and comment on, at the request of any Federal department or agency, any application from any agency or organization within such State to such Federal department or agency for assistance relating to meeting the needs of older persons.

(f) *Fiscal administration.*—The State plan shall provide for such accounting systems and procedures as are needed to control and support all fiscal activities under title III in accordance with guidelines issued by the Administration on Aging. The State plan shall provide for the maintenance by the State agency and all recipients of awards under this part, of such accounts and supporting documents as will serve to permit an accurate and expeditious determination to be made at any time of the status of the Federal grants, including the disposition of all monies received and the nature and amount of all charges claimed to lie against the allotments to the States.

(g) *Reports.*—The State plan shall provide that the State agency will make such reports to the Commissioner in such form and containing such information as may reasonably be necessary to enable him to perform his functions under title III of the Act, and will keep such records and afford such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

§ 903.51 Evaluation.

(a) The State plan shall provide that the State agency will conduct ongoing monitoring, assessment, and periodic evaluation (including the capturing and recording of information relative to changes in public and private organizations in the field of aging and changes in the lives of older persons), of activities and projects carried out under the State plan, in accordance with criteria established by the Commissioner against national and State goals. The operations of the area agency on aging, and the total program of each planning and service area for which an area plan is developed, and each title III project outside such areas, shall be evaluated on-site by the State agency at least annually prior to the funding anniversary of such programs. The results of these evaluations shall be in writing, and shall be submitted to the Commissioner.

(b) The State plan shall provide that the State agency will evaluate on an ongoing basis the extent to which existing public and private programs in the State meet the needs of older persons, especially those older persons who will be given priority in the implementation of the programs under this part. As part of this responsibility, the State agency shall undertake an analysis of the services and resources available for serving older persons in the State. The data resulting from such analysis shall be updated at least on an annual basis and shall be submitted to the Commissioner.

(c) The State plan shall provide that the State agency and all recipients of awards under this part will cooperate in the carrying out of evaluations of the title III program by the Administration on Aging or those organizations having contracts with the Administration on Aging for such purposes.

§ 903.52 Establishment and maintenance of information and referral sources.

The State plan shall provide that the State agency will work toward establishing and maintaining information and referral sources in sufficient numbers, which will seek to achieve linkages with other information and referral sources in the State capable of serving the elderly, so as to assure that all older persons in the State who are not furnished adequate information and referral services under plans developed by area agencies will have reasonably convenient access to information normally available through such sources.

§ 903.53 Direct provision of social services by the State agency.

The State plan shall provide that no social service will be provided directly by the State agency, except where, in the judg-

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ment of the State agency, based on an assessment of needs of older persons and the resources available to meet such needs, provision of such service by the State agency is necessary to assure an adequate supply of such service and that no other agency in the State could effectively deliver such service. All such cases in which the State agency anticipates providing social services directly shall be identified in the State plan. This provision does not apply when the State agency designates a single planning and service area under § 903.57(f).

§ 903.54 Demonstration projects of Statewide significance.

(a) The State agency is authorized to carry out demonstration projects of Statewide significance relating to the initiation, expansion, or improvement of social services in relation to the purposes of this part. The State plan shall identify the demonstration projects proposed for funding during a fiscal year, the objectives of the projects, the projected impact or significance of the projects, the cost projections related to the projects, and the method by which the projects will be evaluated. The approval of all such demonstration projects shall be in the form of approval of the State plan each year. Such demonstration projects, as approved, shall be financed with funds made available under § 903.110 of this part and shall be subject to the cost sharing requirements for such funds.

(b) The State agency shall evaluate such projects at least annually in accordance with the method specified in the State plan. The results of these evaluations shall be submitted to the Commissioner.

Subpart E—Designation of Planning and Service Areas by the State Agency

§ 903.57 Designation of planning and service areas.

(a) The State plan shall provide that in order to carry out the purposes of this program, the State agency shall divide the entire State, after taking into consideration the provisions of paragraphs (b) through (e) of this section, into distinct multicounty, county, Metropolitan or city areas called planning and service areas. Wherever possible, an Indian reservation shall be designated as a distinct planning and service area.

(b) The State plan shall provide that in determining the boundaries of planning and service areas in the State, the State agency shall consider those factors, including those set forth under paragraphs (c) through (e) of this section, that will most significantly contribute toward the achievement of the purposes of title III, including:

(1) The boundaries of existing areas within the State which were drawn for the planning or administration of planning or social service programs;

(2) The location of units of general purpose local government within the State;

(3) The geographical distribution of individuals aged sixty and older in the State;

(4) The incidence of need for social services as determined by the data on the needs of the elderly collected by the State agency (including the numbers of low income and minority older persons residing in such areas); and

(5) The distribution of resources available to provide social services.

(c) The State plan shall provide that in every case, in determining the boundaries for planning and service areas, the State agency shall designate as a planning and service area, any unit of general purpose local government which has a population aged sixty or over of fifty thousand or more, or which contains 15 percent or more of the State's population aged sixty or over, except that the State agency may designate as a planning and service area, any region within the State recognized for purposes of areawide planning which includes one or more such units of general purpose local government when the State determines that the designation of such a regional planning and service area is necessary for, and will enhance the effective administration of the program authorized by this title.

(d) The State plan shall provide that the State agency may include in any planning and service area designated pursuant to the provisions of paragraph (e) of this section such additional areas adjacent to the unit of general purpose local government or region so designated as the State determines to be necessary for, and will enhance, the effective administration of programs authorized by this title.

(e) The State plan shall provide that in addition to paragraphs (b) through (d) of this section, and in order to avoid creating sub-State boundaries solely for the purposes of title III, the State agency shall conform to the boundaries of those planning and development districts or regions established by the State in accordance with the provisions of Part IV, 2, of Office of Management and Budget Circular A-95 (issued pursuant to the Intergovernmental Cooperation Act of 1968), or under the Comprehensive Planning Assistance program authorized by section 701 of the Housing Act of 1954, as amended (40 U.S.C. 461), or under the Areawide Health Planning Project Grant program authorized under section 314(b) of the Public Health Service Act (42 U.S.C. 246(b)).

(f) (1) The State agency may, with the approval of the Commissioner, designate all or substantially all of the State as a single planning and service area covering all or substantially all of the older persons in the State. The Commissioner's approval will be in the form of approval of the State plan each year;

(2) In considering a State's proposal, the Commissioner will consider these factors;

(i) Is the State too small to be divided effectively?

(ii) Is the size and distribution of the elderly population such that division of the State would spread coordination and management resources too thinly to be effective?

(iii) Is the State agency capable of performing area agency functions for the entire State?

(iv) Has the State constituted the entire State as one area for other planning or social service administration purposes?

(3) With the approval of such designation, the single organizational unit of the sole State agency shall be considered the area agency for such area, and shall assume all the functions and responsibilities as prescribed for the area agency in this part. In all such cases, the area plan shall be submitted each fiscal year to the Commissioner for review and approval prior to the obligation of funds, by the State agency for the implementation for such plan.

(g) The boundaries of the planning and service areas determined by the State agency shall be identified in the State plan. The State plan shall include a certification that the proposed boundaries of the planning and service areas have been cleared through the clearinghouse process established in accordance with Office of Management and Budget Circular A-95. The State plan shall include a statement of the rationale for the manner in which the State has been divided.

§ 903.58 Determination of planning and service areas for which an area agency on aging will be designated and for which an area plan will be developed.

(a) The State plan shall provide that for the first year of implementation of the program under this part, the planning and service areas for which an area agency will be designated and for which an area plan will be developed shall encompass not less than 60 percent of the total population of persons aged 60 or over in the State. The Commissioner may approve a State plan providing for coverage of less than 60 percent if the State agency can show that:

(1) The allotment available to such State for the purposes of this title is insufficient to meet this objective;

(2) The application of such requirement will result in serious barriers to achievement of the goals and objectives of this part; and

(3) Such requirement would cause undue difficulties in implementing the title III program because of the size and distribution of the elderly population in the State.

(b) The State plan shall provide that in determining the planning and service areas for which area agencies will be designated and area plans will be developed, or which will continue to receive funds under this part, the State agency shall give priority to those areas having significant concentrations or proportions of low income and minority older persons 60 years of age or older.

(c) The State plan shall describe how the State agency determined the areas for which plans will be developed and/or the areas for which plans have already been developed and approved by the State agency.

Subpart F—Designation of Area Agencies by the State Agency

§ 903.63 Designation of area agencies on aging.

(a) The State plan shall provide that following the determination of planning and service areas for which area plans will be developed, and prior to the obligation of funds to such areas to carry out the purposes of this part, the State agency shall designate a single public or non-profit private agency or organization as the area agency on aging.

(b) The State plan shall provide that the State agency shall establish procedures for considering views, with respect to the designation of the area agency on aging, offered by units of general purpose local government in the planning and service area.

(c) The State plan shall provide that for an agency or organization to be designated as an area agency on aging, it must be:

(1) An established office of aging which is operating within a designated planning and service area; or

(2) Any office or agency of a unit of general purpose local government which is designated for this purpose by the chief elected official or officials of such unit; or

(3) Any office or agency designated by the chief elected official or officials of a combination of units of general purpose local government to act on behalf of such combination for this purpose; or

(4) Any public or nonprofit private agency in a planning and service area which is under the supervision or direction for this purpose of the designated State agency and which can engage in the planning, coordination or provision of a broad range of social service, within such planning and service area.

(d) The State agency or any regional unit thereof shall not be eligible to be designated as an area agency on aging, except as provided in § 903.57(f). In addition, no other agency of the State or regional unit thereof shall be eligible to be so designated.

(e) The State plan shall provide that in designating an area agency on aging, the State agency shall give preference to an established office on aging, unless the State agency finds that no such office within the planning and service area will have the capacity to develop and carry out the area plan and the functions prescribed in § 903.66.

(f) The State plan shall provide that when in accordance with § 903.57(a), the planning and service area boundaries are essentially coterminous with those of an Indian reservation, the tribal organization of that reservation shall be designated as the area agency, unless it is determined by the State agency that such Organization

does not have the capacity to carry out the area plan.

(g) The State plan shall provide that, before an agency may be designated as an area agency on aging, the State agency must obtain adequate assurances that the agency will have the authority and capacity to develop an area plan, and to carry out, directly or through contractual or other arrangements, a program pursuant to the plan within the planning and service area.

§ 903.64 Organization of the area agency.

If the area agency designated by the State agency in accordance with § 903.63 has responsibilities that go beyond programs for the elderly, there must be created within such agency a single organizational unit with delegated authority for, and whose principal function shall be, the effective implementation of the program described in this part. It shall be the responsibility of this unit to carry out directly all of the functions and responsibilities prescribed in this part for the area agency.

§ 903.65 Staffing of the area agency.

(a) The area plan developed by the area agency shall contain a staffing plan for the area agency which sets forth the number, type of personnel employed and the timetable for the hiring of staff to carry out the functions and responsibilities of the area agency on aging. Such plan must provide that the area agency, or unit within such agency responsible for this program will:

(1) Be headed by an individual qualified by education or experience, working full-time, solely on the implementation of the area plan on aging under this program; and

(2) Provide for adequate numbers of additional qualified staff working full or part-time, including members of minority groups, for the development and implementation of the plan and the conduct of functions prescribed in this part for such agency.

(b) Once the staffing plan of the area agency has been approved by the State agency, such plan must be adhered to in all personnel actions taken by the area agency.

(c) The State plan shall provide that, subject to the requirements of merit employment systems of local government, preference shall be given to persons aged sixty or over for any paid staff positions (full-time or part-time) in the area agency for which such persons qualify.

§ 903.66 Functions and responsibilities of the area agency.

(a) The State plan shall provide that each area agency on aging shall develop, and submit annually to the State agency for approval, an area plan on aging that conforms to the provisions of §§ 903.78 and 903.79, designed to develop comprehensive and coordinated programs for older persons throughout the planning and service area.

(b) In addition to the development and administration of an area plan on aging, an area agency shall directly carry out, to the maximum extent feasible, the following functions:

(1) Provision of leadership and advocacy on behalf of all older persons within the geographic area for which the agency is responsible;

(2) Determination of the need for social services in the planning and service area, with special emphasis on the needs of low income and minority elderly;

(3) An inventory of the resources available within the area to meet the needs of the elderly and in evaluation of the effectiveness of the services provided by the public and private agencies within the area in meeting such needs;

(4) Establishment of measureable program objectives and priorities for implementation of the area plan, in keeping with the goals and objectives established by the State agency;

(5) Planning with existing planning agencies and the providers of services in the area concerning the needs of the elderly;

(6) Either directly or through contract or grant, provide for an action program designed to:

(i) coordinate the delivery of existing services for the elderly; and

(ii) pool untapped resources of public and private agencies in order to strengthen or inaugurate new services for older persons;

(7) Periodic evaluation of the impact of activities carried out pursuant to the area plan, including the views of older persons participating in such activities;

(8) Conduct of periodic public hearings concerning the needs of the elderly;

(9) Collection and dissemination of information concerning the needs of the elderly;

(10) Provision of technical assistance to providers of social services in the planning and service area covered by the area plan;

(11) Where necessary and feasible enter into arrangements, consistent with the provisions of the area plan, under which funds under this title may be used to provide legal services to older persons in the planning and service area, carried out through Federally assisted programs or other public or nonprofit agencies;

(12) Where possible, enter into arrangements with organizations providing day care services for children so as to provide opportunities for older persons to aid or assist, on a voluntary or paid basis, in the delivery of such services to children;

(13) Establish an advisory council which shall meet at least once each month. The council shall consist of representatives of program participants and the general public, including low income and older minority persons at least in proportion to the number of minority older persons in the area, and shall advise the area agency on all matters relating to development and administration of the area plan and operations conducted thereunder. At least one-half of the membership of such council shall be made up of actual consumers of services under the area plan. Where a nutrition project established under § 909 of this chapter is located within the planning and service area for which an area plan is to be developed, the director of such project shall also be included on the advisory council. Where more than one nutrition project is located within such planning and service area, the directors of such projects shall designate one of their number to represent all the nutrition projects of the area on the Advisory Council; and

(14) Take into account, in connection with matters of general policy arising in the development and administration of the area plan, the views of recipients of services under the area plan.

§ 903.67 Direct provision of social services by the area agency.

(a) The State plan shall provide that no social service under this part will be provided directly by the area agency, except where the State agency has granted specific approval to the area agency to do so. With the exception of information and referral services and coordination activities, no such approval may be given by the State agency unless the agency designated was providing social services prior to its designation as an area agency, or it can be clearly shown that the direct delivery of a service is necessary to assure an adequate supply of such services, and that no other agency in the area can or will effectively deliver such service.

(b) The approval for the area agency to deliver a social service directly shall be in the form of approval of the area plan on aging by the State agency.

§ 903.68 Public information.

(1) The area agency shall provide for a continuing program of public information specifically designed to assure that information about the programs and activities carried out under the area plan are effectively and appropriately promulgated throughout the planning and service area;

(2) The area agency shall pursue a policy of freedom of information. The area plan, all periodic reports made by the area agency to the State agency, and all Federal and State policies governing the administration of the title III program in the area will be available at reasonable times and places in the offices of the area agency for review upon request by interested persons, including representatives of the media.

Subpart G—Area Plans on Aging

§ 903.78 Development of the area plan.

(a) In accordance with guidelines established by the Commissioner regarding the content and format of the area plan, the area agency designated in accordance with § 903.63 shall develop and submit, on an annual basis, an area plan on aging to the State agency for approval. This plan must set forth in detail how the area agency proposes to develop a comprehensive and coordinated system for the delivery of social services to the elderly.

(b) The State plan shall set forth the criteria established by the State agency for determining whether an area plan as submitted by an area agency meets all of the requirements of the Act and this part. Any area plan which fails to meet such criteria shall not be approved.

(c) The area plan shall contain an assurance that the area agency designated has the authority and capacity to carry out directly all of the functions and responsibilities prescribed in § 903.66.

(d) The area plan shall provide that the area agency, in conjunction with the State agency, shall take the initiative in endeavoring to develop arrangements with recipients of grants or contracts for nutrition projects under Part 909 of this chapter whereby, subject to mutual agreement of both parties, such projects shall be made part of the coordinated and comprehensive system of services for older persons to be established under the area plan.

(e) The area plan shall provide assurances for maximum coordination between the programs and activities under the area plan, and the resources available under titles I, X, XIV, and XVI of the Social Security Act and title VI added by the Social Security Amendments of 1972 in order to achieve comprehensive and coordinated service programs for older persons as prescribed in this part.

§ 903.79 Conditions for approval of an area plan by the State agency.

(a) In order to be approved for the award of funds under this part by the State agency, the area plan must provide for:

(1) A continuous process of planning by the area agency, including the defining and redefining of objectives and the establishment of priorities; and

(2) The launching or strengthening of action programs within the area for coordinating the delivery of existing services for older persons, and for the pooling of untapped resources in order to strengthen existing services or inaugurate new services for older persons. Such activities may be carried out directly by the area agency, by a grant from the area agency to a public or nonprofit private agency, or through a contract between the area agency and a public or private agency in the planning and service area, and are subject to the provisions of § 903.83(c).

(3) The activities under paragraph (a) (1) and (2) of this section shall be carried out throughout the designated planning and service area in accordance with criteria established by the Commissioner.

(b) After the area agency has met the requirements of paragraph (a) of this section, a State agency may award funds to

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include as part of the area plan, support for those service programs found necessary to assist older persons to become aware of the social services available in the area (information and referral and outreach services) ,and to assist them in having access to these services (transportation and escort services).

(c) After the area agency has met the requirements of paragraph (a) of this section, and the services in paragraph (b) of this section have been made available to older persons in the planning and service area, a State agency may award funds to include as part of the area plan support for other social services needed by older persons, but which no public and private agencies of the area can or will provide. Only those services defined in § 903.2(g) (6) through (12) may be supported with funds made available under this part.

(d) In all cases, the area plan shall provide that priority be given to those activities and services which will assist and benefit low income and minority older persons throughout the planning and service area, and shall assure, to the extent feasible, and with respect to resources made available under the plan, low income and minority individuals will be served at least in proportion to their relative numbers in the planning and service area.

§ 903.80 Implementation of the area plan.

(a) Pursuant to its approval of the area plan, the State agency shall award all funds under this part to support implementation of the plan only to the designated area agency.

(b) With the exception of coordination and information and referral services which may be provided directly by the area agency subject to approval by the State agency and the conditions prescribed in § 903.67, the area agency shall enter into contracts on grants with other agencies providing services within the planning and service area for the actual delivery of those social services for which funds may be made available under the area plan. The area agency may contract with public or private nonprofit agencies or organizations, or profit-making organizations, for such purposes.

(c) The area plan shall provide for contracts or grants under the area plan to be operated by minority individuals, at least in proportion to their relative number in the planning and service area.

(d) It shall be the responsibility of the area agency to:

(1) Monitor on an ongoing basis the performance of the contracting agencies and grantees under the area plan, and ensure that funds made available by the State agency are expended in keeping with the purposes for which they were awarded; and

(2) Conduct periodic evaluations of the activities conducted under the area plan.

§ 903.81 Training of personnel engaged in implementation of the area plan.

The area agency shall make provision for the training of personnel necessary for implementation of the area plan, and the attendance of such individuals at designated training centers established by the Administration on Aging for individuals having specific responsibilities under the area plan.

§ 903.82 Establishment and maintenance of information and referral sources.

(a) The area plan shall provide that the area agency will take such steps as are designed to achieve the establishment or maintenance of information and referral sources in sufficient numbers to assure that all older persons within the planning and service area covered by the plan will have reasonable convenient access to such sources.

(b) Such information and referral sources shall be established or maintained in close coordination with the information and referral services which are available through the District Offices of the Social Security Administration of the Department. To the maximum extent possible, the services and resources available through such offices shall be utilized by the area agency for this purpose.

§ 903.83 Federal financial participation in activities under an area plan.

(a) Federal funds under this part may be used to pay up to 75 percent of the cost of the development and administration of the area plan on aging by the area agency and the conduct of the functions of such agency as prescribed in this part.

(b) Following the designation of an area agency, and prior to the submittal of an area plan, the State agency may make a one-time award of funds, subject to the provisions of paragraph (a) of this section, to the designated area agency for the development of the area plan to be submitted to the State agency for approval. Such an award may not be for a period in excess of six months.

(c) Funds under this part may not be awarded to carry out any of the activities prescribed in § 903.79 of this subpart until the area plan has been approved by the State agency. Once a plan has been approved, Federal funds may be used to pay up to 90 percent of the cost of the activities approved under the area plan.

§ 903.84 Duration of Federal support for activities under an area plan.

(a) The State agency shall approve an area plan for a maximum of one year. Funds provided under § 903.83(b) shall not be considered part of the first year of support. Prior to annual refunding of an area plan, the State agency must conduct an annual on-site evaluation of the area program. The State agency may approve refunding of the area plan, in whole or in part, when such evaluation demonstrates that:

(1) Substantial progress has been made in achieving the objectives of the area plan: and

(2) Substantial efforts have been made to attract financial resources from other public and private sources for the support and continuation of programs under the area plan.

(b) In keeping with paragraph (a) of this section, contracts made by area agencies with public or private nonprofit agencies or organizations or profitmaking organizations to conduct activities under the area plan, shall be limited to one year. Renewal of such contracts shall be limited to a maximum of one year at a time, and shall be subject to the final action taken by the State agency on refunding the area plan as a result of its program evaluation.

(c) Refunding of any social services under the area plan beyond three years must be approved by the Commissioner. Such approval by the Commissioner will be granted only when it can be shown that substantial efforts have been made by the area agency to attract resources for such social services from public and private agencies, and that the support requested will not be available from such sources in the forseeable future.

Subpart H—Activities and Services Not Under Area Plans on Aging

§ 903.94 Purposes for which awards may be made.

(a) The State plan shall provide that funds may be awarded by the State agency to projects not under area plans only when such projects will contribute directly toward achieving the purposes of title III set forth in § 903.1 of this part.

(b) Initiation of any social services under this subpart as defined in § 903.2(g) shall be permitted only when all older persons living in areas not covered by area plans have reasonably convenient access to information and referral services as defined in § 903.2(g) (2).

§ 903.95 Eligibility of applicants.

Only public or nonprofit private agencies are eligible for awards under this subpart.

§ 903.96 Approval of awards.

(a) The State plan shall provide that the State agency shall assure that each proposal to be considered for approval under § 903.94 must:

(1) Be submitted for comment to the local office on aging (if any) having jurisdiction over the geographic area from which the proposal is submitted;

(2) Be submitted for comment through the clearinghouse process established under the Office of Management and Budget Circular A–59.

(3) Have clearly specified objectives that are in keeping with the priorities established under § 903.94; and

(4) Be designed to serve primarily low income and minority older persons.

(b) That State plan shall provide that awards under this subpart will be approved initially for a maximum of 1 year. Before additional support is awarded for any subsequent year, the State agency must conduct an on-site evaluation of the project to determine if the objectives of the project are being met. The evaluation findings shall be submitted to the Commissioner.

(c) The State agency shall assure that only those projects which are making substantial progress toward achieving the objectives for which they were approved will be considered for refunding for any subsequent project year under this subpart.

§ 903.97 Federal financial participation.

(a) Federal funds under this subpart may be used to pay not more than 75 percent of the cost of activities and services under this subpart.

(b) Sponsors of existing projects must maintain the level of their non-Federal share in accordance with the requirements of § 903.138 of this part.

(c) Financial support may continue for activities under this subpart for as long as the State agency determines that such activities are effectively meeting the needs for which such award was made, and the purposes of title III, or until such activity is incorporated under an area plan.

Subpart I—Authorization and Allotments for Planning, Coordination, Administration, and Evaluation of State Plans

§ 903.107 Authorizations.

Amounts appropriated as authorized by section 303 of the Act may be used to make grants to States for paying such percentages as each State agency determines, but not more than 75 percentum, of the cost of the administration of its State plan, including the administration of the State plan amendment relating to title VII of the Act, incurred during the fiscal year for which such sums are appropriated, including the preparation of the State plan, the evaluation of activities carried out under such plan, the collection of data and the carrying out of the analysis related to the need for social services within the State, the dissemination of information so obtained, the provision of short-term training to personnel of public or nonprofit private agencies and organizations engaged in the operation of programs authorized by this Act, and the carrying out of demonstration projects of statewide significance relating to the initiation, expansion, or improvement of social services.

§ 903.108 Use of State planning funds for administering area plans.

Any sum allotted to a State under section 306 of the Act for covering part of the cost of the administration of its State plan which the State determines is not needed for such purpose may be used, as approved by the Commissioner, by such State to supplement the amount available under section 303(e) (1) to cover part of the cost of the administration of area plans. Approval by the Commissioner for the use of such funds in this manner will be in the form of approval of the State plan each fiscal year.

§ 903.109 Use of area planning monies on a statewide basis.

Any State which has designated a single planning and service area pursuant to § 903.57(f), may elect to pay part of the costs of the administration of State and area plans either out of sums allotted under this part or out of sums made available for administration of area plans pursuant to § 903.123, but shall not pay such costs out of sums allotted under both such sections.

§ 903.110 Allotments to the State for planning, coordination, administration, and evaluation of State plans.

Federal funds appropriated under section 306 of the Act for any fiscal year shall be allotted among the States in the following manner:

(a) From the sums appropriated for any fiscal year under section 303 for carrying out the purposes of this subpart, each State shall be allotted an amount which bears the same ratio to such sum as the population aged sixty or over in all States, except that:

(1) No State shall be allotted less than one-half of 1 percent of the sum appropriated for the fiscal year for which the determination is made, or $160,000, whichever is greater, and

(2) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted not less than one-fourth of 1 percent of the sum appropriated for the fiscal year for which the determination is made, or $50,000 whichever is greater. For the purpose of the exception contained in clause (1) of this paragraph, the term "State" does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(b) The number of persons aged sixty or over in any State and in all States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

§ 903.111 Reallotment of funds for planning, coordination, administration, and evaluation of State plans.

The amount of any State's allotment under § 903.110 for any fiscal year which the Commissioner determines will not be required for that year shall be reallotted, from time to time and on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under § 903.110 of this subpart for that year, but such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Such allotments shall be made on the basis of the State plan so approved, after taking into consideration the population aged sixty or over. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under § 903.110 for that year.

§ 903.112 Reduction in allotment amounts.

A State's allotment under section 303 for a fiscal year shall be reduced by the percentage (if any) by which its expenditures for such year from State sources under its State plan approved under section 305 are less than its expenditues from such sources for the preceding fiscal year.

Subpart J—Authorization and Allotments for Area Planning and Social Services Programs

§ 903.122 Authorizations.

Amounts appropriated as authorized may be used to make grants to each State with a State plan approved under section 305 of the Act (except as provided in section 307 of the Act) for paying part of the cost incurred during the fiscal year for which such sums are appropriated for the purposes of:

(a) The development and administration of area plans by area agencies on aging:

(b) The development of comprehensive and coordinated systems for the delivery of social services under area plans; and

(c) Activities not under area plans.

§ 903.123 Allotments for area agencies and social services.

(a) From the sums appropriated for a fiscal year each State shall be allotted an amount which bears the same ratio to such sum as the population aged sixty or over in such State bears to the population aged sixty or over in all States, except that:

(1) No State shall be allotted less than one-half of 1 percent of the sum appropriated for the fiscal year for which the determination is made;

(2) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted no less than one-fourth of 1 percent of the sum appropriated for the fiscal year for which the determination is made; and

(3) No State shall be allotted an amount less than that State received for the fiscal year ending June 30, 1973. For the purpose of the exception contained in clause (1) above, the term "State" does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(b) The number of persons aged sixty or over in any State and in all States shall be determined by the Commissioner on the basis of the most recent and satisfactory data available to him.

§ 903.124 Limitations on awards.

(a) From a State's allotment for a fiscal year under section 303 of the Act, such amount as the State agency determines, but not more than 15 percent thereof, shall be available to pay part of the costs of the development and administration of area plans;

(b) For the fiscal year beginning July 1, 1974 and for each fiscal year thereafter, not more than 20 percent of a State's allotment under section 303 of the Act, may be used to pay part of the costs of activities and services in areas not under an approved area plan developed by an area agency and approved by the State agency.

§ 903.125 Reallotment of funds for area agencies and social services.

Whenever the Commissioner determines that any amount allotted to a State for a fiscal year under § 903.123 of this subpart will not be used by such State to carry out the purpose for which the allotment was made, he shall make such amount available for carrying out such purpose to one or more other States to the extent he determines such other States will be able to use such additional amount for carrying out such purpose. Any amount made available to a State from an appropriation for fiscal year pursuant to the preceding sentence shall, for purposes of this part, be regarded as part of such State's allotment (as determined under the preceding provisions of this section) for such year.

Subpart K—General

§ 903.135 Public funds as part of the non-Federal share.

For fiscal year 1975, and for each fiscal year thereafter, not less than 25 percent of the non-Federal share of the total expenditures under the State plan shall be met from funds from State or local public sources.

§ 903.136 Payments.

Payments of grants or contracts under this part may be made (after necessary adjustments on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments, as the Commissioner may determine.

§ 903.137 Audits.

All fiscal transactions by the State agency, any other agency (if any) administering part of the plan, and any project grantee under title III of the Act, are subject to audit by the Department to determine whether expenditures have been made in accordance with the Act and this part.

§ 903.138 Maintenance of effort.

(a) A State's allotment under section 303 of the Act for a fiscal year shall be reduced by the percentage (if any) by which its expenditures for such year from State sources under its State plan approved under section 305 of the Act are less than its expenditures from such sources for the preceding fiscal year.

(b) The State plan shall provide reasonable assurance by the State agency that there will be expended by each recipient of an award under this part, for the purposes for which payments are made for activities under this part, for the year for which such payments are made and from funds from non-Federal resources, an amount not less than the amount expended for such purposes from such funds during the previous year.

§ 903.139 Confidentiality.

(a) The State plan shall provide that the State agency will take steps to insure that no information about, or obtained from, an individual, and in possession of an agency providing services to such individual under the plan, shall be disclosed in a form identifiable with the individual without the individual's informed consent.

(b) The State plan shall provide that lists of older persons compiled pursuant to § 903.2 (g) (2) shall be used solely for the purpose of providing social services, and only with the informed consent of each individual on such list.

§ 903.140 Opportunity for hearing.

(a) The State plan shall provide that any area agency on aging whose request for approval of an area plan is denied, will be afforded an opportunity for a hearing before the State agency.

(b) The State plan shall provide that any project applicant in areas not covered by an area plan, whose application for approval is denied, will be afforded an opportunity for hearing before the State agency.

§ 903.141 State licensure requirements.

The State plan shall provide that where the State or local public jurisdictions require licensure for the provision of social services, agencies providing such services under this part shall be licensed, or shall meet the requirements for licensure.

§ 903.142 Fees for social services

(a) The State plan shall provide that agencies providing social services under this part shall provide older persons receiving such services the opportunity to pay all or part of the costs of the social services provided. Where such services are provided under an area plan, the area agency shall consult with the advisory council to the area agency regarding the proposed fees to be charged.

(b) The State plan shall provide that each individual recipient shall determine for himself what he is able to contribute toward the cost of the social service. No older person shall be denied a social service because of his failure to pay all or part of the cost of such service.

(c) The State plan shall provide that the methods of receiving payments from individuals shall be handled in such a manner so as not to differentiate among individuals' payments publicly.

§ 903.143 Continuation of support for existing activities.

(a) The State agency is authorized, with the prior approval of the Commissioner, to

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continue Federal support for community project activities which meet the requirements of the Act, but which do not meet all of the requirements of this part, if such projects had been approved and funded prior to the effective date of these regulations.

(b) Such Federal financial assistance shall be available for not more than one year following the effective date of these regulations.

(c) A State agency request to continue such assistance shall be in writing, and shall set forth the reasons for which the State agency makes such a request, including:

(1) A showing that failure to continue support for the project would result in serious harm to the persons served, or to the effort for aging in the area of the project; and

(2) A showing that the State agency and community project have exhausted all efforts to obtain continuing financial assistance from other sources.

§ 903.144 Requests for postponement.

(a) In cases where a State agency has determined that it is unable to meet the requirements prescribed under this part, because such requirements in implementation of the title III program will place undue hardship on older persons, it may request the Commissioner to approve, for a specified period of time, not to exceed 120 days, a postponement of such requirements. This provision does not apply to the requirements of this part mandated by statute.

(b) The State agency shall submit a request for a postponement in writing to the Commissioner. The request shall state why the State agency is unable to meet the requirement, and therefore has need for a postponement; the effect of not granting a postponement on the implementation of the title III program; and what steps the State agency will take (and the time required), to meet the requirements for which postponement is requested.

(c) The Commissioner shall approve the postponement if he finds that it is needed to prevent undue hardships on older persons and that there is reasonable expectation that the State agency will be able to meet the requirements within the postponement period.

[FR 73-18646 Filed 8-31-73; 8:45 am]

ADMINISTRATION'S HOUSING PROGRAM

Mr. HASKELL. Mr. President, on September 19, 1973, President Nixon presented the administration's housing program to the American public. He has since that time sent to Congress legislation which implements that housing message.

In the September 19 message, there was a small section entitled "Improving Rural Housing." It is an extremely short piece and I would like to read it to you in its entirety.

> The problems of providing good housing in our rural areas are especially challenging, not only because the proportion of substandard housing is greater in rural areas but also because these areas often lack the resources to foster greater economic development—and better housing. Of course, many of our housing programs and proposals are designed to assist all families, urban and rural alike. But there is also a special need to address in a special way the rural housing challenge.
>
> Our recent housing study concludes that the basic housing problem in many rural areas is that our major financial institutions are not represented in these areas and that credit is therefore inadequate. The Farmers Home Administration has done a great deal to help change this picture—but further efforts are needed. At my direction, the Department of Agriculture and the Department of Housing and Urban Development will seek additional ways of correcting this situation and increasing credit availability in rural areas.
>
> In my Community Development Message last March 8th, I emphasized that "in pursuing a policy of balanced development for our community life, we must always keep the needs of rural America clearly in sight." I mentioned then my continuing support for a revenue sharing approach for rural development, acknowledging that the Rural Development Act fell short of what I preferred in this regard. I went on to indicate my intention, after fully evaluating the effectiveness of this act, to seek whatever additional legislation may be needed. I repeat that pledge today.

Now while the administration talks about the good work of the Farmers Home Administration and the need to develop additional efforts—and I agree with them—what has the administration been doing? They have ordered staff reductions which will average 10.3 percent nationally. This seems ironic when FmHA loan activity is at a peak level and some 44.4 percent of the section 502 homeownership loans using interest credit. Since 1960, FmHA has increased its housing activity by 804 percent while the staff has increased by only some 67 percent. The proposed staff cuts can only serve to slow up a fine rural housing program and expose it to the evils that beset urban programs from inadequate staffing.

The Congress legislated the Rural Development Act of 1972. The implementation of this act will be the responsibility of the Farmers Home Administration. This then presents an already understaffed agency with a new set of programs to administer. How can a staff cut at this time even be considered?

As part of this "economy" effort the administration is proposing to substitute fee inspectors and fee appraisers for the work normally done by Farmers Home Administration staff. I would remind you that many of the scandals in the various HUD programs were directly attributable to the use of such contracted help. The 15th report of the House Committee on Governmental Operations entitled "Defaults on FHA-Insured Programs—Detroit, Mich.," tells the story very clearly. A major factor in preventing such scandals in FmHA programs has been the fact that there has been a FmHA employee with ongoing responsibility available to perform the needed services.

Further, on August 8, 1973, Gen. Frank B. Elliott, Farmers Home Administration Administrator, issued a Bulletin No. 4707 (002) to all FmHA State Directors. This was titled "Objectives and Constraints". I am enclosing this document as part of the record. In the statement of "Objectives", General Elliott lists eight priorities which are:

First, increasing supplies of agricultural commodities to meet growing domestic and export demands;

Second, assuring adequate farm income and strengthening the family farm;

Third, increasing agricultural exports;

Fourth, improving agricultural productivity;

Fifth, eliminating poverty-caused hunger and malnutrition;

Sixth, accelerating the development of rural communities;

Seventh, assuring adequate supplies of timber within environmental constraints; and

Eighth, achieving equal opportunity.

Now I am sure that most would agree that the eight listed objectives are generally desirable, though this administration has had some strange ideas about preserving the family farm. The disturbing part of this list of objectives is that housing is not included.

This is strange indeed when you consider that housing represented 58 percent of the total dollar obligations of FmHA in fiscal year 1972. Housing has grown steadily in importance in FmHA activity so that it is today the largest part of the FmHA program. The attached statistics will give you a perspective on the growth of housing as a percentage of the FmHA total program effort.

Fiscal year	Total obligations	Housing obligations	Percentage
1969	$1, 431, 925, 647	$512, 089, 854	35
1970	1, 639, 748, 570	793, 834, 671	48
1971	2, 414, 315, 915	1, 399, 097, 122	57
1972	2, 789, 805, 921	1, 618, 776, 715	58
1973	3, 754, 945, 003	1, 863, 309, 283	49

The drop in fiscal 1973 can be attributed to the administration's housing moratorium.

The statistics I have presented not only establish the growing importance of housing as part of the FmHA budget, they show that we, the Congress, have recognized the housing problems in rural areas by authorizing and appropriating increasing amounts of money. This year has been no exception. The agriculture appropriation bill contains significant increases for FmHA housing programs.

While the administration has talked about rural housing problems, the Congress has acted. What is apparently now occurring is that the intent of Congress is being negated by bureaucratic restructuring of priorities.

If rural America is to survive, it will be necessary for housing to be high on any list of priorities. I am concerned that the Farmers Home Administration is being subjected to inordinately high staff cuts. I am concerned that housing is being downgraded by this administration. I ask that you join me in demanding that housing be restored to its rightful position of importance.

RETIREMENT INCOME SECURITY FOR EMPLOYEES ACT

Mr. NELSON. Mr. President, the Joint Committee on Internal Revenue Taxation has prepared an excellent summary of the landmark pension legislation passed by the Senate on September 19. This summary is particularly helpful because it compares proposed changes with present law regarding pensions. As could be imagined, there is great demand for this summary and I have been informed by the staff of the Senate Finance Committee that the demand is quickly exceeding the supply. To meet

the demand for this summary, therefore, I ask unaimous consent that an excerpt from the committee print be printed in the Record.

There being no objection, the summary was ordered to be printed in the Record, as follows:

Summary of H.R. 4200

I. REVENUE EFFECT

There are several different kinds of revenue effects which can be expected to arise from H.R. 4200, the Retirement Income Security for Employees Act, as passed by the Senate. These are summarized in table 1. First, three provisions designed to equalize the tax treatment of pensions have an impact on tax deductions. These are the provisions raising the maximum deductible amount that the self-employed can set aside annually for their retirement, making provision for a retirement savings deduction for those not now covered under any retirement provisions, and a provision which limits the maximum retirement benefit and the maximum deductible contribution on behalf of corporate employees.

Tax revenues are also affected by the modification of the tax treatment of lump-sum distributions.

A third category of revenue effect as a result of the imposition of two new taxes. One of these is the audit fee tax, designed to pay for the cost of the administration of pension plans by the Internal Revenue Service, and the second is the premium tax to provide necessary revenue for plan termination insurance. However, since both of these taxes are deductible for income tax purposes, the revenue gain which would otherwise occur is decreased to some extent.

Finally, a fourth category of revenue effect from the bill arises not because of any change in tax deductions as such, but rather because increased amounts are expected to be set aside for vesting and funding. The bill imposes additional requirements in the areas of vesting and funding which must be met if the present favorable treatment for pensions is to continue to be available. It is expected that these new requirements will result in employers making larger contributions to retirement plans, resulting in larger income tax deductions.

Table 1.—*Estimated annual revenue effect of the Retirement Income Security for Employees Act as passed by the Senate—at 1973 levels of income and employment*

[Millions]

I. Provisions designed to equalize tax treatment under pension plans:	
Increase in maximum annual deductible contribution by the self-employed under H.R. 10 plans to the greater of $750 (but not in excess of earned income) or 15 percent of earned income (up to $7,500)[1]	−$175
Allowing individuals not covered by pension plans to deduct annually up to the greater of $1,000 (but not in excess of earned income) or 15 percent of earned income (up to $1,500) for contributions to personal retirement plans, except that where employers also contribute the overall ceiling is $1,000 (longrun effect)[1]	—355
Limiting to $100,000 the maximum annual compensation for purposes of calculating the deductible contribution on behalf of corporate employees and limiting to 75 percent of the first $100,000 of compensation the maximum annual retirement benefit[2]	+40
Total, provisions designed to equalize tax treatment under pension plans	−$490
II. Revised tax treatment of lump-sum distributions from qualified plans (long-run effect)[3]	+35
III. Revenue effect of new taxes:	
Audit fee tax of $1 a year for each employee covered by plan[4] to finance IRS administration of provisions relating to pension plans and exempt organizations)	+30
Tax to finance plan termination insurance ($1 per plan participant)[5]	+30
Gross revenue collections	+60
Revenue loss due to tax deductions taken by employers:	
For audit fee tax[4]	−14.4
For tax to finance plan termination insurance[5]	−14.4
Total offset of new taxes against income tax collections	−28.8
Net revenue effect of new taxes	+31.2
IV. Revenue effect of minimum vesting provision:[6]	
Case 1: Assuming that the additional employer contributions to pension plans resulting from the minimum vesting requirement constitute a substitute for cash wages	−130
Case 2: Assuming that the additional employer contributions to pension plans resulting from the minimum vesting requirement constitute an addition to cash wages	−265
Case 3: Assuming that benefit levels of pension plans are adjusted downward to absorb the additional employer contributions to pension plans resulting from the minimum vesting requirement	0

Provisions designed to equalize tax treatment of retirement plans.—It is estimated that the provision increasing the maximum annual deductible pension contribution by self-employed persons on their own behalf to the greater of $750 (but not in excess of earned income) or 15 percent of earned income (up to $7,500) will result in an annual revenue loss of $175 million. The provision allowing individuals not covered by pension plans to deduct annually up to the greater of $1,000 (but not in excess of earned income) or 15 percent of earned income (up to $1,500) for contributions to personal retirement plans is expected to involve a revenue loss amounting to $225 million for 1974 and rising to $355 million for 1977 (at 1973 income levels). On the other hand, limiting to $100,000 the maximum annual compensation for purposes of calculating the deductible contribution on behalf of corporate employees and limiting to 75 percent of the first $100,000 of compensation the maximum annual retirement benefit is expected to increase revenue by $40 million a year at 1973 income levels. Altogether, when fully effective, these three provisions involve an estimated annual net revenue loss of $490 million.

Tax treatment of lump-sum distributions.—The revised tax treatment of lump-sum distributions from qualified plans (which provides for taxing that part of lump-sum distributions which is attributable to 1974 and later years as ordinary income under a separate tax rate schedule) is expected to result in relatively small increases in revenue over the next few years since the bulk of the lump-sum distributions in such years will be attributable to pre-1974 years. However, after a transition period, this provision can be expected to result in annual revenue gains amounting to $35 million a year based on 1973 levels of income.

New taxes and their effect on income tax deductions.—An audit fee tax of $1 a year for each employee covered by a qualified pension, profit-sharing, bond purchase, or stock bonus plan is expected to produce an estimated $30 million of revenue annually. The proceeds of this tax are allocated by the legislation for financing the Internal Revenue Service administration of provisions relating to pension plans and exempt organizations.

The second new tax is imposed on employers with qualified plans, except money purchase, stock bonus, and profit-sharing plans, and is to be used to finance plan termination insurance ($1 per plan participant, except that where employers elect to have no liability for losses a higher rate will be set by the trustees of the Guaranty Corporation). This tax, which is effective for plan years and taxable years beginning after 1973, is expected to raise an estimated $30 million annually.

However, there is an offset to the revenue gain expected from the two new taxes. Employers can take income tax deductions for the new taxes which, of course, will have the effect of reducing the net cost of these taxes to them. It is estimated that an annual revenue loss of $14.4 million will be incurred for 1974, and later years, as a result of deductions taken for payments of the audit fee tax; similarly it is estimated that revenue will be reduced $14.4 million for 1974, and for later years, as a result of deductions taken for the taxes required to be paid to finance plan termination insurance.

These deductions against income tax reduce the revenue from the new taxes from $60 million to about $31 million.

Revenue effect of minimum vesting and funding provisions.—The new minimum vesting standard, which generally becomes effective for plan years beginning after 1975, will also involve an indirect loss of revenue, ranging from zero to an estimated $265 million a year (at 1973 income levels).

The minimum vesting requirement involves little or no revenue loss to the extent that the benefit levels of plans are adjusted to absorb the increased employer costs resulting from the requirement. This is because, in that event, the requirement would have no effect on the deductions taken for contributions to plans or on the taxable income of covered employees. If the additional amounts required to be contributed to pension plans as a result of the vesting standard are a substitute for cash wages, rather than a net addition to cash wages, the annual revenue loss is estimated at $130 million. This could occur, for example, if the additional employer payments into the pension plan are taken into consideration in setting future wage increases. In this event, the revenue loss results from the fact that the covered employees are permitted to postpone payment of tax on the employer contributions involved, instead of being required to pay tax currently, as would be the case had they received an equivalent amount of wages. Some part of this postponed $130 million of taxes presumably will be recovered in the future in tax payments on the benefits paid out by the plan.

The upper range of the estimate, $265 million, represents the revenue loss if it is assumed that the additional employer payments into the pension plans required by the new vesting standard constitute an addition to the cash wages that will be paid in any event. In this case employers will have larger total wage bills (for the sum of cash wages and wage supplements) and hence will take larger tax deductions, giving rise to a $265 million revenue loss.

Footnotes at end of article.

It appears that realistically there is likely to be a combination of the three effects suggested above. However, it appears probable that the annual revenue loss will be in the vicinity of $130 million, the mid-point of the range.

No revenue estimate is given for the increased funding requirements under the bill. Data are not available which would make a reliable estimate of this type possible. However, it is believed that the minimum funding requirements will have a relatively modest revenue effect.

II. PARTICIPATION AND COVERAGE

(Secs. 201 and 261 of the Senate bill and secs. 401 and 410 of the Code)

1. Plan participation—Age and service requirements

Present Law

The Internal Revenue Code does not generally require a qualified employer pension, profit sharing, stock bonus, annuity, or bond purchase plan to adopt any specific age or service conditions for participation in the plan.[7]

Existing administrative practice allows plans to exclude employees who (1) have not yet attained a designated age or (2) have not yet been employed for a designated number of years, so long as the effect is not discriminatory in favor of employees who are officers, shareholders, supervisors, or highly compensated employees. Also, under administrative practice, a plan may exclude employees who are within a certain number of years of normal retirement age (for example, 5 years or less) when they would otherwise become eligible, if the effect is not discriminatory.

On the other hand, in the case of a plan benefiting owner-employees,[8] the plan must provide that no employee with 3 or more years of service may be excluded (sec. 401 (d)(3)).

The Senate bill (H.R. 4200)

The Senate bill provides that a plan which is qualified under the Code is not to require, as a condition of participation, more than one year of service, or an age greater than 30 (whichever occurs later).[9] It was felt that this rule will significantly increase coverage under private pension plans, without imposing an undue cost on employers. In addition, the bill contains a "look back" rule, which provides that once an employee becomes eligible to participate in a pension plan, his years of service with the employer (on and after the effective date of the plan) before becoming a participant, up to a maximum of 5 years, are to be credited toward his required years for minimum vesting (sec. 221(a) of the bill). Additional preparticipation service, beyond 5 years, is to be credited to the employee for any years for which (although the employee technically may not have been a participant) the employee contributed to the plan or the employer contributed on the employee's behalf. The bill does not provide any authority to exclude from the plan those employees hired within any specified number of years of normal retirement age.

For purposes of these rules, an employee is considered to have performed a year of service if he was employed for more than 5 months during the year, for at least 80 hours each month.[10] The "year" of service may be a calendar plan, or fiscal year, whichever is applied on a consistent basis under the plan.

Service with a predecessor of the employer is to be counted for purposes of the eligibility requirements to the extent provided in Treasury regulations. In the case of a multiemployer plan, service with any employer who was a member of the plan when the service was performed is to be counted toward an individual's participation requirement (see sec. 705 of the bill).

The provisions of present law with respect to coverage under an owner-employee (H.R. 10) plan are not changed by the Senate bill. Present law already requires relatively early participation (after 3 years of service) and 100-percent immediate vesting in the case of owner-employee plans. It was concluded that the retention of these provisions of present law was needed to protect employees in such cases.

Generally, these provisions apply to plan years beginning after the date of enactment. However, to allow time for amendment, in the case of a plan already in existence on the date of enactment, the provisions apply to plan years beginning after December 31, 1975 (or, if later, plan years beginning after the expiration of a preexisting collective bargaining agreement or after December 31, 1980, whichever is earlier).

2. Plans where a collective bargaining unit is involved; other antidiscrimination provisions

Present law

Under present law (sec. 401(a)(3)), a qualified retirement plan must cover either (1) a specified percentage of all employees (generally 70 percent of all employees, or 80 percent of those eligible to benefit under the plan if at least 70 percent of all employees are eligible) [11] or (2) such employees as qualify under a classification which is found by the Internal Revenue Service not to discriminate in favor of employees who are officers, shareholders, supervisors, or highly compensated employees. (A plan is not *per se* discriminatory for purposes of these rules merely because it is limited to salaried or clerical employees.)

Also, under present law, either the contributions or the benefits provided under a qualified plan must not discriminate in favor of employees who are officers, shareholders, supervisors, or highly compensated employees.

The Senate bill (H.R. 4200)

The Senate bill provides that collective bargaining employees may be excluded for purposes of applying the coverage test of the tax laws where there is evidence that retirement benefits have been the subject of good faith bargaining between the union employees and the employer in the negotiations relating to the most recent contract. Thus, if pension plan coverage had been discussed with the representtives of the union employees and no pension coverage was provided, either because the union employees were covered under a union plan (which might or might not offer comparable benefits to those provided under the employer plan), or because the employee representatives opted for higher salaries, or other benefits, in lieu of pension plan coverage, or for some other valid reason, then it would be permissible to exclude those union employees from the plan, or provide them with a lesser or different level of benefits without prejudice to future coverage if the subject is raised and agreed to in subsequent negotiations.

In addition, with respect to the coverage and antidiscrimination requirements, the bills provide for the exclusion of those employees who are nonresident aliens with no United States income from the employment in question. Also, for purposes of these requirements, the bills provide that employees of all corporations who are members of a "controlled group of corporations" (within the meaning of sec. 1563(a)) are to be treated as members of the same corporation (to prevent avoidance of the coverage and antidiscrimination requirements through the establishment of a management company or otherwise through the use of 2 or more corporations).

III. VESTING

(Secs. 221 and 261 of the Senate bill and secs. 401, 411, 413, 4973, and 6690 of the Code)

Present law

Plans which qualify under the Internal Revenue Code are now required to provide vested (i.e., nonforfeitable) rights to participating employees when they attain the normal or stated retirement age. Employees must also be granted vested rights if the plan terminates or the employer discontinues his contributions.

However, qualified employer plans are generally not required to provide vested rights to participating employees before normal retirement age unless this is considered to be necessary—in view of the likely pattern of employee turnover—to prevent discrimination against the rank and file employees in favor of officers, shareholders, supervisors, and highly paid employees. In other words, preretirement vesting is required only where its absence might cause discrimination in favor of officers, etc., who could be expected to remain with the firm long enough to retire and qualify for benefits, while the rank and file employees would continually be separated from the firm and lose their benefits.

Under an owner-employee plan,[12] the rights of all employees must vest in full as soon as they become participants (sec. 401 (d)(2)(A)).

The Senate Bill (H.R. 4200)

The Senate bill provides that a qualified retirement plan (whether trusteed or insured) would be required to give each participant vested rights to at least 25 percent of his accrued benefit from employer contributions after 5 years of service, plus 5 percentage points a year for each of the next 5 years of service and 10 percentage points a year for each year of service thereafter. This means that there must be 100 percent vesting after 15 years of service. (Also, under the bill, each participant would have to be fully and immediately vested in his accrued benefit derived from his own contributions.) Also, under a "look back" provision, once an employee becomes eligible to participate in a pension plan, his years of service with an employer before becoming a participant, up to a maximum of 5 years, are to be credited toward his required years for minimum vesting (if the pension plan was in existence during those years). Thus, an employee who began his service at age 25, and became a participant at age 30, would be 100 percent vested in his accrued benefits at age 40, after 15 years of service.

Generally, the vesting requirements of the bill apply to all accrued benefits, including those which accrued before the effective date of the provision, in order to afford protection to older employees who will already have the bulk of their working years (and benefits accrued during their lifetimes) behind them on the date when the act becomes effective. Years of service prior to the effective date are also to be counted for purposes of determining the extent to which the employee is entitled to vesting.

To allow some flexibility in the general vesting rule, the Senate bill provides that any plan which, on the date of enactment, provides for 100 percent vesting of employer contributions by the end of the tenth year of the employee's service with the employer under the plan may continue to use this vesting schedule. Also, a class year plan may meet the vesting requirements under the bill if the plan provides for 100 percent vesting of the employer contributions within 5 years after the end of the plan year for which the contributions were made.

The term "year of service" for purposes of these rules is to be defined under regulations prescribed by the Department of Treasury (after consultation with the Department of Labor) for years ending prior to January 1, 1982. After that time "year of service" is to be defined as any year where the employee has more than 5 months of service with at least 80 hours of work each month.

Footnotes at end of article.

Under the Senate bill, no rights to accrued benefits, once vested, can be assigned or alienated under a qualified plan, and such rights cannot be forfeited (except that benefits attributable to employer contributions may be forfeited in the event of death, or if the employee withdraws his own mandatory contributions to the plan).

To help enforce the vesting requirements, the bill also provides for the imposition of an excise tax on the employer in cases where the employer is not complying with the vesting requirements in practice, even though the plan contains a vesting schedule which is consistent with the requirements of the bill. Initially, the tax would equal 5 percent of the accumulated vesting deficiency and could go to 100 percent of this amount if the offense were not corrected. Also, the Secretary of the Treasury is authorized to bring actions for equitable relief to restrain plans from failing to comply with the vesting requirements in practice (sec. 262 of the bill).

In addition, the bill contains a provision which would authorize highly mobile employees, such as engineers, to trade off high benefits which might be available under one pension plan of their employer for the right to participate in another plan with lower benefits but very rapid vesting. Also, under the bill, the Secretary of Labor is authorized to develop recommendations for modifications of Federal procurement regulations to insure the highly mobile professional, scientific, technical and other personnel in occupations employed under Federal contracts will be protected against forfeitures of their retirement benefits.

Generally, these provisions are to apply to plan years beginning after the date of enactment. In the case of a plan already in existence, to allow time for amendment of the plan, the provisions will apply in plan years beginning after December 31, 1975. However, if the Secretary of Labor should find that implementation of the vesting requirements will impose "substantial economic hardship" on the plan, he will certify this fact to the Secretary of Treasury and the effective date may be postponed for a period of up to 6 years as recommended by the Secretary of Labor. The provisions will apply to Government plans in plan years beginning after December 31, 1980.

IV. FUNDING

(Sec. 241 of the Senate bill and secs. 4971 and 4972 of the Code)

Present law

Under present tax law, contributions to a qualified pension plan must be sufficient to pay the liabilities created currently (i.e., the normal pension costs) plus the interest due on unfunded accrued pension liabilities (past service costs) (regs. § 1.401–6(c)(2)(ii)).[13] This is to keep the amount of unfunded pension liabilities from growing larger, but does not require any contributions to be made to amortize the principal amount of the unfunded liabilities.

Pension plan costs[14] generally are estimates and are based on actuarial calculations. Consequently, all actuarial methods, factors, and assumptions used must, taken together, be reasonable and appropriate in the individual employer's situation (Regs. § 1.404(a)–3(b)). When applying for a determination letter from the Internal Revenue Service that a plan is qualified, the actuarial methods, factors, and assumptions used generally must be reported to the Service, along with other information to permit verification of the reasonableness of the actuarial methods used. Changes in actuarial assumptions and methods must be reported annually to the Service.

The value of plan assets also affects the amount of contributions. Under administrative rulings, assets may be valued by using any valuation basis if it is consistently followed and results in costs that are reasonable.

Actual experience may turn out to be different from anticipated experience, resulting in experience loss or experience gain. Depending on the circumstances, the contributions needed to make up experience losses may be deducted currently or may be added to past service costs and deducted only on an amortized basis.[15] Similarly, depending on the circumstances, experience gains may reduce the plan cost currently or reduce costs under one of the spreading methods used to determine the amounts deductible.[16]

If an employer does not make the minimum required contributions to a qualified plan, under administrative practice the deficiency may be added to unfunded past service costs. However, the plan also may be considered terminated, and immediate vesting of the employees' rights to the extent funded, may be required.

The Senate bill (H.R. 4200)

H.R. 4200 would establish new minimum funding requirements for qualified pension, profit-sharing, and stock bonus plans designed to give assurance that these plans will accumulate sufficient assets within a reasonable time to pay benefits to covered employees when they retire. These rules are to apply to any pension, profit-sharing, or stock bonus plan which, after December 31, 1975, has qualified (or has been determined to qualify by the Internal Revenue Service) under sec. 404(a)(2) or sec. 401(a) of the Code. These minimum funding requirements are to continue to apply to such plans and trusts even though they later lose their qualification.

Generally, under these requirements the minimum amount that an employer must annually pay under a defined benefit pension plan includes the normal cost of the plan (as under current law) for currently accruing liabilities, plus amortization of past service costs, experience losses, etc. The minimum amortization payments required by the bill are calculated on a level payment basis—including interest and principal—over various stated periods of time and take into account the accrued liabilities whether or not vested. Generally, initial past service costs (and past service costs established by substantial plan amendments), both vested and unvested, must be amortized over no more than 30 years, and experience losses generally must be amortized over no more than 15 years. (Decreases in cost from subatantial plan amendments also generally are to be amortized over 30 years, and experience gains are to be amortized over 15 years.) In calculating experience gains and losses, values of fund assets may be determined on a current basis or, if used consistently, on the basis of a moving average over not more than 5 years.

If an employer would otherwise incur substantial business hardship for a plan year, the Internal Revenue Service may waive that year's required payment of normal costs, and amounts needed to amortize past service costs and experience losses; the amount waived must be amortized over no more than 10 years, and no more than 5 waivers may be granted for any 10 consecutive years.

For money purchase pension, profit-sharing, and stock bonus plans, the minimum amount that an employer must annually contribute to the plan is the amount that must be contributed for the year under the plan formula (or other system used by the plan to determine the contribution level). For purposes of this rule, a collectively bargained plan which provides an agreed level of benefits and a specified level of contributions during the contract period is not to be considered a money purchase (or other type of defined contribution) plan. This type of plan is subject to the funding provisions of the bill, and contributions must be made which are adequate to fund the agreed benefit on the basis required under the bill.[17]

The Senate bill provides essentially the same rules for multiemployer plans as for other plans, except that 40 years is given to amortize past service costs and the initial unfunded liability, and any such 40-year period may be extended by the Secretary of Labor for up to an additional 10 years in cases where he determines that otherwise there would be substantial hardship for 10 percent or more of the contributing employers involved.

Because of the importance of actuarial determinations, the Senate bill requires the enrollment of actuaries before they may practice as such before the Internal Revenue Service, and requires periodic reports by actuaries.

The funding rules established by the bill are in addition to the present rules which provide the maximum deduction limits for contributions to a plan. However, in any event a contribution that is required by the minimum funding rules is deductible currently.

The bill would impose an excise tax on the employer if he fails to fund the plan at the minimum required level (but only if a waiver has not been obtained). The tax initially is to be 5 percent of the accumulated funding deficiency at the end of the plan year. The 5 percent tax is to be imposed for each plan year in which the funding deficiency has not been corrected. Additionally, in any case in which the 5 percent tax is imposed and the accumulated funding deficiency is not corrected within the correction period allowed after notice by the Internal Revenue Service, a 100 percent tax is imposed on the accumulated funding deficiency. In accord with present law respecting the excise taxes with regard to private foundations, neither the 5 percent nor the 100 percent taxes are to be deductible.

The funding provisions are to apply to plan years beginning after the date of enactment, for plans established after that date. These provisions are to go into effect for plan years beginning after December 31, 1975, for plans in existence on the date of enactment, however in cases of substantial economic hardship (as determined and certified by the Secretary of Labor) this may be extended to years beginning after 1981.

V. OTHER PROVISIONS ASSOCIATED WITH VESTING AND FUNDING

(Secs. 261, 262, 281, and 282 of the Senate bill and secs. 401 and 404 of the Code)

1. Right to elect a survivor annuity

Under present law, there is no requirement that a qualified retirement plan must offer the option of a survivor annuity. This can result in a hardship where an individual primarily dependent on his pension as a source of retirement income is unable to make adequate provision for his spouse's retirement years, should he predecease her.

To deal with this situation, the Senate bill requires that a joint and survivor annuity must be offered with respect to any benefit under a qualified retirement plan which is payable as an annuity. The benefit is to be paid as a joint and survivor annuity (with the survivor annuity being not less than half the annuity payable to the participant), unless the participant elects not to receive it in this form, within 2 years of normal retirement age, after receiving a written explanation concerning the terms of the annuity. The survivor annuity must be at

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Footnotes at end of article.

least half of the amount payable to the participant during the joint lives of the participant and his spouse.

This provision generally applies to plan years beginning after the date of enactment. However, in the case of a plan in existence on the date of enactment, the provision applies to plan years beginning after December 31, 1975.

2. Prohibition against maintaining nonqualified plans

Present law

Generally, as an employer maintains a funded plan which does not meet the requirements for qualification under the Internal Revenue Code, no deduction is allowed for contributions to the plan by the employer until the rights of the employees on whose behalf the contributions are made are no longer subject to a substantial risk of forfeiture or are actually paid. At that time, a deduction generally is allowed the employer, but the employee then must take the contribution into his income. Also the earnings on these contributions are not tax exempt.

Unfunded plans are the most common type of nonqualified plans and are typically found in a small business where the employer simply continues a part of the employee's salary after retirement. Unfunded plans are normally referred to as "pay as you go" plans, because they are not funded and the employer pays benefits out to his retired employees on a "pay as you go" basis. They receive no special tax benefits. Payments generally are deductible when made.

In comparison with the nonqualified plan, under the qualified plan the employer may deduct contributions to the plan when they are made, the earnings on the contributions are tax exempt, and the employees generally do not have to take the contributions into income until benefits are actually distributed to them. Thus, while there are substantial tax advantages to maintaining a qualified pension plan under present law, the maintenance of a nonqualified plan is not prohibited.

The Senate bill (H.R. 4200)

The Senate bill contains a provision which would prohibit any employer (in interstate commerce) from establishing a retirement plan (other than a profit-sharing plan) which does not meet the qualification requirements of the Internal Revenue Code. The Secretary of Treasury is to enforce this prohibition by obtaining an injunction against the continued maintenance of such nonqualified plans. In addition, no deduction will be allowed for a contribution by an employer under any such plan, even if the employee is required to take the amount of the contribution into income. Certain exceptions are provided in the case of plans maintained by governmental units, churches, fraternal societies, plans maintained to comply with workman's compensation laws, plans maintained outside the United States for noncitizens, and deferred compensation arrangements. In general, the bill distinguishes between pay as you go pension plans, which would be prohibited, and deferred compensation arrangements for officers and 5-percent shareholders, which would not. Generally, a plan could be maintained as a deferred compensation arrangement if it (1) was not in writing, (2) provided a benefit which is required to be paid in full within 5 years after it accrues, (3) is solely for officers or employees who are 5 percent stockholders in the corporation, or (4) does not provide a determinable retirement benefit.

Generally, these provisions would be effective for taxable years beginning after December 31, 1975.

3. Protection of pension rights under government plans

Plans of the Federal Government, and State and local governments, are not subject to the funding requirements of the bill because the Senate believed that taxing power of a governmental unit should generally be adequate to insure that funds will be available to pay the pensions which have been promised by governmental units. However, in some cases, questions have been raised, in view of the size of the future pension payment commitments, as to whether this may represent too heavy a future tax burden. In view of this, the Secretary of the Treasury is authorized and directed to make a study of the funding of government plans, which takes account of the minimum funding standards under the bill, and the taxing power of the governmental unit, and make recommendations as to whether it would be advisable to require such plans to comply with the funding requirements applicable to private pension plans, or some other funding standard, as recommended by the Secretary. The Secretary is to file his report with the Ways and Means Committee on the Senate Finance Committee by December 31, 1976.

4. Protection of the pension rights of highly mobile employees through use of the Federal procurement regulations

Many employees, such as engineers, who are employed in industries engaged to a substantial extent in the performance of Federal contracts, have an unusually high rate of mobility which is imposed to a considerable extent as a result of terminations or modifications of Federal contracts, grants, or procurement policies. As a result of this unusual mobility, these employees are particularly susceptible to the loss of their pension rights due to changes in their employment status before they can become vested.

To meet this situation, the Senate bill authorizes the Secretary of Labor to develop, in consultation with professional societies, business organizations, and other Federal agencies, recommendations for modifications of Federal procurement regulations to ensure, to the maximum possible extent, that professional, scientific, technical and other personnel employed under Federal contracts shall be protected against loss of their pensions resulting from job transfers or loss of employment. Such recommendations are to be published in the Federal Register within six months after enactment and are to be adopted by each Federal department and agency unless the head of such department or agency has substantial grounds for determining that the recommendations should not be applied in the case of his department.

VI. PORTABILITY

(Secs. through 310 of H.R. 4200 and secs. 402 and 403 of the Code)

Present law

Under present administrative practice, when an employee changes jobs an amount representing his vested benefits in his former employer's qualified retirement plan may, in certain circumstances, be transferred to the retirement plan of his new employer without the employee being taxed on the transfer. For this to be done, both his former and new employers must agree to the transfer, the transfer must be possible under the terms of both the plans and trusts involved, and the Internal Revenue Service's administrative requirements as to the method of transfer must be met. However, transfers of employee interests between qualified plans upon changes in employment do not appear to be usual.

The Senate bill (H.R. 4200)

The Senate bill includes several provisions that deal with portability. First, the bill establishes a voluntary central portability fund for the use of employees who leave an employer with vested retirement plan benefits. Second, the bill allows an employee to receive a complete distribution from his former employer's qualified plan and recontribute this amount within 60 days of receipt to the qualified plan of a new employer, or to the central portability fund or an individual retirement account, without being taxed on the distribution. Third, the bill provides that the Social Security Administration is to keep records of plans which an employee leaves with vested retirement benefits so that, upon retirement, he will know whom to consult to obtain his retirement benefits. These features of the bill are discussed below.

The bill establishes a voluntary central portability fund to enable an employee who changes jobs to consolidate all of his vested retirement benefits under one program (sec. 301 et seq. of the bill). Employers with tax-qualified plans may register (and withdraw registration) with the central fund on a voluntary basis. When an employee leaves an employer who is registered with the central fund, he may direct the employer's qualified plan to pay the value of his entire vested benefits to the central fund. The central fund is to establish an account for each employee on whose behalf it receives funds. The central fund will invest its assets and its income will be allocated to the participants' accounts. Funds may be invested in U.S. government obligations or interest-bearing accounts (or certificates of deposit) of banks, savings and loan associations, and credit unions which are members of a Federal insurance system (*e.g.*, Federal Deposit Insurance Corporation).

This income will not be taxed until it is distributed to the participants or their beneficiaries, and transfers between the central fund and qualified plans will be tax-free.

On a participant's retirement (no earlier than age 59½ and no later than age 70½) the central fund will pay him the value of his account or, at his request, will distribute an annuity contract to him. If a participant is disabled, payment may be made at that time, or if he dies prior to retirement or disability payment will be made to his beneficiaries. Alternatively, if a participant is hired by an employer who is a member of the central fund, the participant may direct (with this employer's concurrence) the central fund to transfer the value of his account to the new employer's qualified plan, to purchase actuarially equivalent retirement benefits in this plan. This transfer would be tax-free.

The central fund is to be operated by the Pension Benefit Guaranty Corporation (the Corporation is also in charge of the insurance program, as indicated below). Its administrative expenses in carrying on the portability program are to be provided for by appropriations. The Corporation is to establish the rules which govern the fund's operation, including its relations with individual participants and employers.

The bill also provides that an employee may receive, tax-free, a complete distribution of his interest from a qualified retirement plan if he reinvests (within 60 days after receipt) the full amount of the assets received in another qualified plan, in an individual retirement account (described subsequently), or in the central portability fund (sec. 309 of the bill). However, amounts equal to the employee's own voluntary nondeductible contributions to the plan need not be reinvested. This tax-free roll-over is available only with respect to complete distributions from a plan that occur within 12 months after termination of employment.

Employees who frequently change employment may have difficult problems in locating their former employers and the retirement plans in which they have vested benefits. To deal with this problem, the bill provides that each retirement plan must file an annual statement regarding individuals who have terminated employment and have a right to a deferred vested benefit in the plan (sec. 151 et seq. of the bill) and must also provide each such individual with a certificate of his rights. The Social Security Administration is to maintain records of the retirement plans in which individuals have vested benefits and is to provide this information to plan participants and beneficiaries on request and also upon their application for Social Security benefits, whether or not by request.

The provisions regarding the central portability fund and the tax-free roll-over are effective upon enactment of the bill. The Social Security registration provisions are to be effective for plan years ending after 1973.

VII. PLAN TERMINATION INSURANCE

(Secs. 401 through 491 of the Senate bill and secs. 162, 401, and 4981 of the Code)

The purpose of plan termination insurance is to provide a guarantee that participants will receive their full vested benefits (at least up to some specified income level) upon the termination of a plan. With the strengthening of funding requirements, the losses of vested benefits from the termination of a plan should significantly decrease. Nevertheless, since even the new funding requirements do not provide for the immediated funding of all unfunded vested liabilities and since the market value of plan assets can vary widely from year to year, the new funding rules give no guarantee that the termination of a plan may not result in the loss of a participant's benefits. These terminations may occur because of a closing or sale of a business, a merger, or because an employer decides to stop funding a plan in order to cut costs.

Present law

Present law does not require pension, profit-sharing, etc., plans to insure their liabilities.

The Senate bill (H.R. 4200)

A governmental corporation called the Pension Benefit Guaranty Corporation is established within the Department of Labor to provide plan termination insurance through administration of the Pension Benefit Guaranty Fund (Sec. 401 *et seq.* of the bill). The Corporation is to be directed by a board of directors consisting of the Secretaries of Labor, of the Treasury, and of Commerce, with the Secretary of Labor as chairman of the board.

The insurance program would be basically funded through premiums (imposed as taxes to lessen collection costs) imposed upon employers at an initial flat rate of $1 per plan participant. For plan years ending after 1976, however, the premium rate would be set by the Corporation according to the cost experience of the program. Because of the lesser possibility of termination in cases of multiemployer plans, a separate premium rate schedule could then be used for participants in multiemployer plans. These subsequent premium rates must be approved by Congress.

In addition to the amounts paid through the premium taxes, up to $100 million may be borrowed by the Corporation from the Secretary of the Treasury to avoid unexpected financial difficulties.

In order to be "qualified" for tax benefits in the sense of the Internal Revenue Code, defined benefit plans must provide plan termination insurance coverage for their participants through payment of the (excise tax) premiums. Defined contribution plans, such as money purchase, stock bonus, and profit-sharing plans would be excluded from the program because their benefits are defined in terms of amounts of employer contributions, and not in terms of promised, insurable, defined benefits to be paid to participants. Plans for governmental employees also are excluded because the power to tax is considered an adequate substitute for the insurance. In addition, plans of tax-exempt churches (or organizations or conventions of such churches) are exempted. However, these churches may elect to have their plans covered, and a church plan is not exempt from the coverage if it is only for employees of an unrelated trade or business, or if the plan is a multiemployer plan and one of the employers in the plan is not a church. Finally, plans for employees of tax-exempt fraternal societies are excluded if no contributions to the plan are made by the employer.

Coverage of a plan participant is limited to the lesser of 50 percent of the participant's average monthly gross income during his highest-paid five consecutive year period as a plan participant or $750 monthly (adjusted for changes in the Social Security contributions and benefits base). This coverage limitation includes any distributions from the terminating plan. All vested benefits that were created (whether resulting from the creation of a new pension plan or from the amendment of an existing plan) at least three years prior to the plan termination are to be insured. (This period is five years for plans in which employers elect to avoid liability for insurance losses by paying higher premiums, as discussed infra.) Whether the benefits were accrued or became vested before, or after, the enactment of the bill would be irrelevant. Coverage includes both retirement benefits and ancillary benefits (such as death or disability benefits) vested under one or several plans, but the amount that may be paid to any participant from the Fund, regardless of the number of plans in which the employee participated, cannot exceed the $750 per month limitation (adjusted to reflect changes in the Social Security contributions and benefits base).

Benefits of self-employed persons are also covered by the Fund, but their insurance payments are to be reduced by their proportionate share of any funding deficiency at the time the plan terminates.

In order to discourage the unrealistic creation of employee benefits, and the shifting of liabilities to the Corporation by employers who have the means to fund those liabilities, employers are liable to the extent of 30 percent of their net worth for the Corporation's payments upon terminations of their plans, but employers may elect to avoid this liability by paying an additional premium in an amount to be determined, from time to time, by the Corporation. By paying this additional amount for five years, employers would escape liability for subsequent terminations of their plans, if they do not remain in the same general line of business or become parties to reorganizations during the three years following the terminations.

If an employer ceases to exist by reason only of a change in identity, form, or place of organization, or in instances of liquidations or reorganizations, the successor corporation would remain liable for the Guaranty Corporation's loss.

In order to prevent possible abuses of the insurance system, the bill provides a mandatory system of allocation of plan assets applicable in cases of insured terminations. This is accomplished by setting aside first all voluntary contributions by employees, then allocating to participants all mandatory contributions (contributions required by the plan or required to obtain employer contribution benefits), then allocating to participants the amounts necessary to continue benefits that had been paid already for at least three years prior to the termination of the plan, but at the level that existed three years prior to the termination. Finally, any remaining plan assets would be allocated to participants to the extent of their other guaranteed benefits.

To avoid abuse of the insurance program by paying benefits in anticipation of a plan termination, certain large lump-sum distributions made within three years prior to termination and periodic payments that began within that time could be partially recaptured by the Corporation, except that no recapture could be made for benefits paid on account of disability or after the death of the participant and this rule in individual hardship cases.

Special provisions are made, in the case of multiemployer plans, for employers who withdraw from operation of the plans, where these employers have been contributing 10 percent or more of the plan's contributions. These employers could be required to pay into escrow their share of any potential employer liability, or to post a bond, upon their withdrawal from the plan. If the plan terminated within five years the payment or the bond (to the extent needed) would be turned over to the insurance Corporation, otherwise it would be returned to the employer. Other employers who have withdrawn can also be required, if feasible, to contribute their share of any loss if the termination occurs within five years of their withdrawal.

Alternatively, the Corporation could allocate the funds of a multiemployer plan into two or more funds and treat as a terminated plan those funds allocated to workers no longer covered by the plan, whenever it determines that employer withdrawals have endangered the rights of the employee-participants. The Corporation could waive both of these possibilities if it is satisfied that the members of the multiemployer group have entered into reciprocal indemnification agreements that insure that liabilities will be paid in the event of plan failure.

VIII. REPORTING AND DISCLOSURE

(Secs. 501 through 507 of the Senate bill)

Present law; reporting to government agencies

Every employer who maintains a funded retirement plan must file returns annually with the Internal Revenue Service, regardless of whether the plan is qualified or whether a deduction is claimed for the current year (regs. § 1.404(a)-2(a)). The employer's return generally must include information on the type of plan, plan coverage, participation requirements, vesting, benefits, funding, and actuarial methods and assumptions. Employer returns also must include a statement of all plan assets and liabilities and a statement of receipts and disbursements, including benefits paid.

A return disclosing whether the trust engaged in transactions which may have been "prohibited," (and a statement describing the transactions) must be filed annually with the Internal Revenue Service by the trustee of a qualified retirement trust. (Prohibited transactions include self-dealings between the trust and interested parties, and are described in the section on Fiduciary Standards.)

The Welfare and Pension Plans Disclosure Act (29 U.S.C. § 301 *et. seq.*) also provides for reporting of welfare and retirement plan transactions. Under this Act, most private employers (except certain tax-exempt organizations) engaged in interstate commerce or in an industry or activity affecting commerce who have welfare or retirement plans covering more than 25 participants must file a description of the plan with the Secretary of Labor when the plan is established or amended (29 U.S.C. §§ 303, 305). This report describes the plan coverage, plan administrators, plan benefits, and includes basic plan documents.

Further, if a covered plan includes at least

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100 participants, an annual report must be filed with the Labor Department providing information on plan participants, funding, benefits, actuarial assumptions and methods, assets and liabilities, receipts and disbursements, and transactions between the plan and interest parties. The financial data required by the Labor Department in its annual report is more detailed than that required by the Internal Revenue Service; therefore, the annual report filed with the Labor Department is accepted by the Service as satisfying its financial reporting requirement.

Present law: Disclosure to employees

Under Treasury regulations, employees must be informed of the establishment of a qualified retirement plan and its basic provisions (regs. § 1.401-1(a)(2)). This may be done by furnishing each employee with a copy of the plan, but where this is not feasible substitute methods may be used. Satisfactory substitutes must describe the essential features of the plan, and may be in the form of a booklet given to the employees or a notice posted on the company's bulletin board. Substitutes must state that the complete plan may be inspected at a designated place and times on the company's premises.

Under the Welfare and Pension Plans Disclosure Act, the plan description and annual reports filed with the Labor Department must be available for examination by participants and beneficiaries in the principal office of the plan. Additionally, upon written request, a copy of the plan description and summaries of the annual reports must be mailed to participants and beneficiaries (29 U.S.C. § 307).

The Senate bill (H.R. 4200)

The Welfare and Pension Plans Disclosure Act is amended by the bill to require that additional information be provided in the plan descriptions and annual reports filed with the Labor Department (secs. 502 and 503 of the bill). Furthermore, annual reports generally would be required for private funded employee benefit plans of any size maintained by an employer or employee organization affecting interstate commerce and coverage would be extended to most tax-exempt organizations (secs. 502 and 503 of the bill). Annual reports also would include the opinion of an independent auditor based on an annual audit (sec. 502 of the bill).

However, under the bill the Department of Labor could provide exemptions from these reporting requirements. It is anticipated that this authority to grant exemptions would be used on a relatively broad basis in the case of small plans. For example, it is anticipated that they might well be exempted from the filing requirements but nevertheless be required to have the same type of information generally available to their employees and also available in the case of an audit by Labor Department personnel. In addition, even where exemption is not granted, the Department of Labor is authorized to prescribe simplified reporting requirements for small plans.

Annual reports would include additional information of all investments, and include separate detailed schedules for transactions involving securities, other investment assets, and certain loans and leases (sec. 502 of the bill). Additionally, detailed reporting would be required for all transactions involving interested parties. Detailed actuarial information also would be required, in order to allow evaluation of the funding of the plan.

In addition to current requirements on disclosure to employees, plan administrators would have to furnish (or make available) to each new participant a summary of the plan's important provisions, including an explanation of plan benefits and the circumstances which would disqualify a person from receiving benefits (sec. 503 of the bill). Every three years a revised summary of the plan's provisions would be furnished (or made available) to participants. (Plan descriptions would be required to be written in a manner calculated to be understood by the average participant.) Participants also would be entitled to obtain copies of all the underlying plan documents. When a participant terminates service with a vested pension right, he would be given a certificate setting forth the benefits to which he is entitled (sec. 151 of the bill). Any participant or beneficiary may also request and receive a statement of benefit rights and benefit credits accrued.

In addition, the Internal Revenue Code would be amended to provide that applications for qualification of employee benefit plans (except for plans covering less than 26 persons) and annual returns filed with regard to these plans would be available to the public (sec. 706(k) of the bill).

The disclosure and reporting provisions are to be effective January 1, 1974.

IX. FIDUCIARY STANDARDS

(Secs. 511 through 522 of the Senate bill and sec. 4974 of the Code)

Present law

A retirement plan trust may be qualified under the Internal Revenue Code only if it is impossible under the government instrument for trust funds to be used for any purpose other than the exclusive benefit of the employees or their beneficiaries (sec. 401(a)(2)). In addition, a retirement plan trust will not be exempt from taxation if it engages in any of the specifically defined "prohibited transactions" (sec. 503).

Under administrative rulings, an investment generally meets the "exclusive benefit" requirement if it meets the following standards: the cost of the investment does not exceed fair market value, a fair return commensurate with the prevailing rate is provided, sufficient liquidity is maintained to permit distributions, and the safeguards and diversity that a prudent investor would adhere to are present. (IRS Publication 778 (February 1972).)

"Prohibited transactions" include the lending of funds to certain interested persons without receipt of adequate security and a reasonable rate of interest. Other prohibited transactions with disqualified persons include payment of excessive salaries, providing the trust's services on a preferential basis, susbtantial purchases or sales of property for other than adequate consideration, and engaging in any other transaction which results in a substantial diversion of trust assets.[18] If the trust engages in any prohibited transaction, it will lose its tax-exempt status for at least one year.

The Senate bill (H.R. 4200)

Both the Welfare and Pension Plans Disclosure Act and the Internal Revenue Code are to be amended to provide new standards of conduct for fiduciaries of employee benefit plans (secs. 511 and 522 of the bill). The Secretary of Labor is to have primary responsibility for administering the general fiduciary standards (such as the "prudent man" rule described below) and for administering the investment standards governing these plans.

The Secretary of Labor and the Internal Revenue Service both would administer the fiduciary standards that prohibit certain specific transactions ("prohibited transaction"). The Secretary of Labor would have primary responsibility to administer the prohibited transaction provisions with regard to fiduciaries, and the Service would have primary responsibility with regard to parties in interest.

The Secretary of Labor would administer the fiduciary provisions by bringing civil actions to surcharge a fiduciary (and civil actions could also be brought by participants and beneficiaries). The Service would impose an excise tax on parties in interest who participated in a prohibited transaction. This excise tax would replace the prohibited transaction provisions now in the Internal Revenue Code.

The fiduciary standards provided under the bill are outlined below, The fiduciary standards of the bill generally would supersede State standards of fiduciary conduct (see. 699 of the bill).

A fiduciary would be required to act as a "prudent man acting in a like capacity and familiar with such matters * * * in the conduct of an enterprise of a like character and with like aims" (sec. 511 of the bill). This "prudent man" rule would govern investing and other conduct such as custody of assets, protecting plan assets from loss or damage, etc. In addition, fiduciaries would be required to act in accordance with plan documents and for the exclusive benefit of participants and beneficiaries.

Investments by fiduciaries of plan assets would be governed by the prudent man rule and also, in the case of securities of the employer, by specific rules. Pension plans could have no more than 7 percent of plan assets in employer securities. Profit-sharing, stock bonus, thrift and savings, and similar plans would not be subject to this limitation if the plan documents so provided. Also, leasebacks of real property (and related personal property) to employers would be treated the same as holding employer securities (sec. 511 of the bill). Plans would be allowed ten years to divest themselves of excess securities (and leases) now held. In addition, without the approval of the Secretary of Labor a plan generally could not invest in assets outside the jurisdiction of U.S. district courts (sec. 511 of the bill). All the provisions discussed up to this point would be enforced by the Department of Labor, through civil actions.

Certain additional transactions involving plan assets and parties in interest would be specifically prohibited, under both the civil action and tax provisions. These include leases, purchases and sales,[19] extension of credit and furnishing of goods and services between plans and parties in interest. Prohibited transactions also would include use of plan assets by or for the benefit of parties in interest, dealings with plan assets in the interests of fiduciaries or parties in interest, and receipt by fiduciaries or parties in interest of consideration from other parties in connection with transactions involving plans. Additionally, fiduciaries would be prohibited from representing or acting for other parties with regard to the plan. Generally, the prohibition of these transactions would in the case of fiduciaries be enforced by the Department of Labor (and by participants and beneficiaries) by civil actions. The prohibition of these transactions insofar as parties in interest are concerned is to be enforced by the Internal Revenue Service by the imposition of excise taxes.

Exemptions could be provided from the prohibited transactions. The Secretary of Labor and Secretary of Treasury jointly could exempt classes of transactions or individual transactions from these prohibitions. Any such exemption would be after published notice to interested parties (and the opportunity to intervene), and could only be granted on joint findings that the exception is administratively feasible, is in the interests of all plans involved, and protects the rights of all participants and beneficiaries of these plans.

The bill also exempts specific transactions, generally allowing non-discriminatory loans by plans to participants if the loans are adequately secured and at a reasonable interest rate, and allowing plans to pay reasonable compensation to fiduciaries for services to the plan. Additionally, it would not be a prohibited transaction to pay reasonable compensation to parties in interest for office space or for other services necessary to operate the plan, nor would it be prohibited for an individual to serve as an officer, employee, etc., of a party in interest. The bill also allows receipt by fiduciaries or parties in interest of benefits as participants or beneficiaries in a plan. These exceptions from the prohibited transaction rules would apply equally to the civil action and tax provisions.

To prevent undue hardship, transition rules are provided for situations where plans are now engaging in activities which do not violate current law but would be prohibited under the bill. Ten-year transition periods would be available for the lease or joint use of property and for loans between a plan and party in interest under an existing contract. Additionally, where property is now under lease or joint use and qualifies for the ten-year transition rule, it could be sold at arm's-length terms to a party in interest.

Persons convicted of specified crimes would be prohibited from serving employee benefit plans for five years after conviction or end of imprisonment (unless the U.S. Board of Parole waives the prohibition). Violation of this provision would be a crime subject to a $10,000 penalty and one year imprisonment. Removal of trustees would be through the Department of Labor and enforcement of the criminal penalties would be through the Department of Justice.

In the case of the provisions to be administered by civil actions brought by the Secretary of Labor (or participants and beneficiaries), fiduciaries (and certain parties in interest) who violate the fiduciary standards would be liable to the plan for its losses or for the profits they made as a result of the breach of fiduciary duty in which they participated. Joint fiduciaries generally would have the duty to prevent a breach by other fiduciaries, or could avoid liability for surcharge by appropriate objection and notice to the Secretary of Labor. Exculpatory agreements also would be prohibited.

Parties in interest who participate in taxable prohibited transactions would be subject to a 5 percent excise tax on the amount involved in a transaction for each taxable year (or part of a year) that the transaction was not corrected. Additionally, if the transaction was not timely corrected after notice, a party in interest who participated in it would be subject to a 100 percent excise tax on the amount involved. These taxes generally follow the format of the excise tax on self-dealing with private foundations, enacted as part of the Tax Reform Act of 1969.

These taxes would be nondeductible and payment would not relieve parties in interest from their duty to the plan of correcting the transaction.

Generally, all employee benefit plans established by employers or employee organizations engaged in or affecting interstate commerce would be subject to the Welfare and Pension Plans Disclosure Act. However, the Welfare and Pension Plans Disclosure Act would not apply to government plans, workmen's compensation or unemployment compensation or disability insurance plans, certain religious organization plans, and plans maintained outside the U.S. primarily for the benefit of employees who are not citizens of the U.S. (sec. 502 of the bill). Generally, all tax-qualified plans would be subject to the excise tax on prohibited transactions (sec. 522 of the bill). However, government plans and certain church plans would not be subject to the excise tax.

The prohibited transaction provisions are to go into effect on January 1, 1975. The other fiduciary standard rules are to go into effect January 1, 1974 (sec. 512 and 522 of the bill).

X. ENFORCEMENT

(Secs. 101, 102, 601, 641, and 691 through 699B of the Senate bill and secs. 4975, 7476, 7477, and 7802 of the Code)

Present law

Plans which meet the requirements of the Internal Revenue Code (e.g., exclusively for benefit of employees, nondiscriminatory in regard to coverage and benefits, limit on contributions for self-employed persons under H.R. 10 plans) receive special tax treatment to foster their growth. It is not necessary, in order to receive this special tax treatment, that a prior determination be obtained from the Internal Revenue Service. However, to assist employers in their development of plans or plan amendments, the Internal Revenue Service issues determination letters that proposed plans or amendments qualify for the special tax treatment. As a practical matter, since taxpayers generally wish to be assured in advance that their plans or amendments will qualify, they obtain prior determinations from the Internal Revenue Service. Such a determination is with respect to the qualification of the plan (sec. 401 of the code) and tax-exempt status of the related trust (sec. 501 of the code).

Under the Internal Revenue Service's published procedures, this determination generally takes the form of a determination letter from a district director. The district director may request technical advice from the national office on issues arising from a request for a determination letter. Also, the applicant may request national office consideration of the matter if the district director does not act within 30 days from notice of intent to make such a request, or acts adversely.

Standards are set forth under which the national office is to determine whether it will entertain a request for consideration of a case. One situation where a request will be entertained is where the contemplated district office action is in conflict with a determination made in a similar case in the same or another district. The procedure provides for a conference in the national office, if it is requested by the applicant. In addition, determination letters issued by the district director are subject to post review procedure in the national office.

The Internal Revenue Service, besides granting prior determinations, also administers the tax provisions of the Internal Revenue Code relating to the continued qualification of pension and profit-sharing plans. If a plan does not comply with the requirements of the Internal Revenue Code, these special tax benefits are lost. Thus, to a considerable extent, the provisions of the Code in this area are self-enforcing (i.e., those in charge of a plan have an interest in seeing to it that the plan continues to comply with the antidiscrimination requirements, that the plan does not engage in prohibited self-dealing transactions, and that it otherwise acts in such a manner to preserve the complex of tax benefits to both the employer and the participants and their beneficiaries).

In addition, the Department of Labor administers the Welfare and Pension Plan Disclosure Act of 1958 (P.L. 85–832, as amended by P.L. 87–420), discussed above, under Reporting and Disclosure.

The Senate bill (H.R. 4200)

The bill is designed to provide additional opportunities for redress in case of disagreement with a decision of the Internal Revenue Service on retirement plan matters. Both employees and employers will be allowed to appeal determination letters issued by the Internal Revenue Service to the United States Tax Court after exhausting their remedies under the Internal Revenue Service's administrative procedures. Employees as well as employers are to be allowed to participate in the Service's administrative proceedings. If either the employer or the employee exercises his right of appeal and requests the Tax Court to issue a declaratory judgment, the other party is to have the right to intervene in the proceedings.

All interested parties to the controversy are to have an opportunity to participate in the administrative determination of the matter and to have an opportunity to contest the Internal Revenue Service's determination of the matter.

A second enforcement procedure under the bill requires an arbitration procedure to be provided in each employee benefit plan, for settlement of claims under the plans. The Department of Labor will prescribe regulations for the type of arbitration provisions which are to be included in the plans.

The bill establishes within the Internal Revenue Service a new office, headed by an Assistant Commissioner, to be known as the Office of Employee Plans and Exempt Organizations. This office is to have the supervision and direction of the basic activities of the Internal Revenue Service in connection with pension, etc., plans (governed by secs. 401 through 414 of the code) and tax exempt organizations (exempt from tax under sec. 501(a) of the code).

As discussed above (in Fiduciary Standards), the Secretary of Labor is to have primary responsibility in administering standards of conduct with respect to fiduciaries by bringing civil actions to enjoin or remedy a breach of conduct. The bill also provides that plan participants and beneficiaries may bring civil actions to redress breaches of fiduciary duties. The Internal Revenue Service is to have primary responsibility for enforcing restraints on specified prohibited transactions with respect to parties in interest, through an excise tax. Further, the bill provides for an excise tax on violations of the funding standards and on violations of the vesting standards.

The bill also provides for the imposition of a $1 audit-fee-excise tax on the employer for each plan participant in a qualified employee plan to provide for Internal Revenue Service costs of administering the retirement plan provisions. For purposes of administration and collection of this tax, the employment tax provisions of the tax law are to be applicable. However, this tax is to be deductible as a trade or business expense. The tax is with respect to participants of plans which are qualified under the tax laws and does not apply to agencies or instrumentalities of the United States, a State, or political subdivision.

The bill, in general, preempts State laws that "relate to the subject matter regulated by this Act or the Welfare and Pension Plans Disclosure Act * * *." However, general State regulatory (dealing with insurance, banking) and criminal laws would continue to apply.

The bill makes it illegal to discriminate against any participant or beneficiary for exercising any right to which he is entitled under the bill.

XI. EMPLOYEE SAVINGS FOR RETIREMENT

(Secs. 701 and 706 of the Senate bill and secs. 72, 219, 408, 409 and 4960 of the Code)

Present law

Generally, an employee is not allowed a deduction for amounts which he contributes from his own funds to a retirement plan. There is no provision for an employee to establish his own retirement plan with tax-free dollars. Also, while an employer's qualified plan may allow employees to contribute their own funds to the plan;[20] no deduction is allowed for these contributions (except to the extent that tax excludable contributions

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made in connection with salary reduction plans, described below, may be viewed as employee contributions). However, the income earned on employee contributions to an employer's qualified plan is not taxed until it is distributed.[21]

In the case of a salary reduction plan, however, in the past employees have been permitted to exclude from income amounts contributed by their employers to a pension or profit-sharing plan, even where the source of these amounts is the employees' agreement to take salary reductions or forgo salary increases. If the plan met certain nondiscrimination requirements, the Internal Revenue Service in the past had taken the position in a few private rulings that, under certain circumstances, the amount of the salary reduction would be treated as an employer contribution to a qualified pension plan, not taxable to the employee (until benefits were received from the plan). The maximum amount that could be so treated generally was 6 percent of compensation.[22]

On December 6, 1972, the Service issued proposed regulations (37 Fed Reg. 25938) which would change this result in the case of qualified pension plans by providing that amounts contributed by an employer to such a plan in return for a reduction in the employee's total compensation, or in lieu of an increase in such compensation, will be considered to have been contributed by the employee and consequently will be taxable income to the employee.[23] Public hearings have been held on these proposed regulations, but regulations in final form have not yet been issued.

The Senate bill (H.R. 4200)

In general.—Under the Senate bill, any individual who was not covered during a year as an active participant in a qualified retirement plan, or a government plan (whether or not qualified), or a section 403(b) annuity plan,[24] is to be permitted a deduction of $1,000 a year from earned income, or (if greater) 15 percent of earned income up to $1,500, for contributions to a personal retirement account. The bill provides that the deduction in this case is to be from gross income, and as a result can be taken even by those taxpayers who also take the standard deduction. Earnings on these contributions would also be tax free (until actually distributed to the employee as benefits from the account).

In the case of a married couple, each spouse may establish his or her separate retirement savings account and the $1,000 (or 15 percent $1,500) limitation is to be applied separately to the earned income of each spouse. For this purpose, earned income is to be determined without regard to State community property laws.

Under the bill, the employee can establish hs own retirement savings account, or the retirement savings can be made through the medium of contributions by an employer (either in the form of additional compensation provided by the employer or a salary reduction plan) if there is no qualified, government, or section 403(b) plan in which the employee in question is an active participant.

Where individual retirement accounts are set up by the employer, the aggregate tax excludable contributions and tax deductible contributions by the employee (which are to be accounted for separately in the records of the account) are not to exceed $1,000 per year.[25] Of course, all benefits under the salary reduction plan are to be immediately vested since the contributions, in effect, either represent compensation to the employee or come from his own funds.

Requirements for an individual retirement account.—If an individual wishes to establish an individual retirement account, the trustee of the account would have to maintain, under the provisions of a written governing instrument, a separate accounting of the individual's contributions, the earnings on them, and the distributions made either to the individual involved or to his beneficiaries. The balance in the account could, for example, be invested in insurance annuity contracts, in a common trust fund managed by a bank, in a savings account with a savings and loan institution or a credit union, or in stock of a mutual fund. However, in any case, the funds must be held by a bank or other person who establishes to the satisfaction of the Service that the manner in which it will hold the balance in the account is consistent with the intention of the new provision. The funds might be held in a trust, a custodial account, an annuity contract, or any similar arrangement approved by the Secretary of the Treasury.

The bill also contains a number of other provisions designed to ensure that the accounts will be used for retirement savings, many of which are similar to requirements which are already in the law with respect to H.R. 10 plans.

For example, the written governing instrument is to provide that no contributions in excess of the deductible limit can be made to the plan. Any excess contributions inadvertently made would have to be refunded to the individual with interest within 6 months after notice of the excess contribution was sent by the Internal Revenue Service. If the excess contributions were not repaid, the account would be disqualified for that year and all succeeding taxable years. In this case, the individual would also be required to take into income the assets of the account (valued as of the first day of the taxable year in which the account became disqualified), reduced by any contributions in the account for the current year (for which deductions are denied).

In addition to the rules on excess contributions, the written instrument is also required to provide that no distributions can be made to the individual prior to age 59½, except in the event of death or disability. On the other hand, under the bill, the plan is required to begin distributions not later than the year during which the individual attains the age of 70½, and distributions then have to be made at least on a ratable basis over the remaining lifetime (or period of life expectancy) of the individual, or of the individual and his spouse. After age 70½, an excise tax of 10 percent a year is imposed on the proportion of the individual's account that represents the amount that should have been (but was not) distributed. Also, under the bill, no tax deductible contributions could be made to the account during or after the taxable year during which the individual attains the age of 70½.

If the individual establishing the account dies before his entire interest in the account has been distributed to him, the governing instrument is generally to require that the undistributed assets be distributed, or be applied to the purchase of an annuity for his beneficiaries, within 5 years after his death. However, this rule does not apply if distributions began prior to his death, and the account was to be completely distributed over a period not exceeding the life expectancy of the individual and his spouse (measured as of the time when distributions from the account began).

In addition, if the assets of the account are invested in an insurance contract, the governing instrument must provide that any refunds of premiums are to be held by the insurance company and applied toward the payment of future premiums or the purchase of additional benefits within the current taxable year or the next succeeding year.

Premature distributions.—Premature distributions frustrate the intention of saving for retirement, and the bill, to prevent this from happening, imposes a penalty tax. If a premature distribution from the account is made before the individual attains the age of 59½, the distribution is subjected to a penalty tax of 30 percent of the amount of the taxable distribution.[26] This is in addition to any other income taxes payable on this distribution, and would not be offset by any tax credits. Also, this tax would not be treated as reducing the individual's tax liability under the minimum tax provisions (sec. 56).

The penalty tax is not to apply in the event of distribution due to death or disability.

To permit flexibility with respect to the investment of an individual retirement account, the bill provides that money or property may be distributed from an individual retirement account, without payment of tax, if the same amount is reinvested by the individual within 60 days in another qualifying individual retirement account.

Taxation of beneficiaries.—Generally, the proceeds of an individual retirement account are to be taxable to the individual when distributed. Since the contributions to the account will be made with tax free dollars, the employee's basis in the account will be zero.

The amounts distributed to the individual are not to be eligible for capital gains treatment, and the special averaging rules applicable to lump sum distributions (under sec. 72) are not to be available. However, the individual would be permitted to use the general averaging rules (sec. 1301).

If any individual borrows money, pledging his interest in the retirement account as security, the portion pledged as security is to be treated as a distribution from the retirement account to the individual. Any contribution to an individual retirement account, or any income of the account, applied to the purchase of current life insurance protection under any retirement income, endowment, or other life insurance contract also will constitute income to the individual.

For purposes of the estate and gift taxes the amounts in individual retirement accounts are not to be excluded from tax (secs. 2039(c) and 2517).

Other rules.—Under present law, if an asset of an individual is transferred pursuant to a divorce settlement, the individual is deemed to realize gain on the difference between his basis in the asset and its fair market value at the time of the transfer (if the asset has appreciated). Under the bill, if an individual retirement account is transferred to the individual's spouse pursuant to a divorce decree, or settlement agreement, this transfer is not to be taxable under the bill.

Qualified retirement bonds.—In addition to the various types of investment described above in which an individual retirement account can be placed, the bill also provides that these amounts may be invested annually in retirement bonds to be issued by the Government. The bonds are to be issued under the Second Liberty Bond Act and provide for the accumulation of interest until the time of redemption. In conformity with the general provisions for individual retirement accounts, the bill provides that the bonds generally can be cashed only after the individual has reached the age of 59½ years, or if he becomes disabled or dies before that age.[27]

Consistent with the general rules for individual retirement accounts, the bill provides that the bonds are to cease to bear interest when the individual reaches age 70½. In addition, during that year the individual is also required to take any of these bonds he is still holding into income, even if he does not cash them in.

Also the bill provides that bonds are to cease to bear interest not later than five years after the death of the individual in whose name the bonds have been issued.

Footnotes at end of article.

The bonds are to be issued in the name of the individual who purchases them for his retirement and are not to be transferable, under any circumstances, except to his executor in the event of his death (or to a trustee for his benefit in the event he became incompetent to manage his own affairs). For example, the bonds could not be pledged for the payment of debts, and could not be assigned to a trustee in bankruptcy. Also, the bonds could not be awarded to the individual's spouse as the result of a divorce settlement.

When the bonds are redeemed, the full proceeds of the bonds, including any interest earned on them, is to be treated as ordinary income to the individual, whose basis in the bonds would be zero. However, if the individual chose to do so, he could treat this income under the general averaging provisions of the tax law (sec. 1301 et seq.).

Salary reduction and cash or deferred profit-sharing plans.—As discussed above, until recently, the Internal Revenue Service had taken the position that amounts contributed to a qualified retirement plan on a salary-reduction basis could, under certain conditions be considered as tax excludable employer contributions to the plan. Under the bill, this treatment is continued with respect to contributions to a qualified pension or profit-sharing plan made prior to January 1, 1974. Thereafter, as is already true under present law in the case of employee contributions under the Federal Civil Service Retirement Plan or similar government plans, contributions which are really employee contributions (whether required to be made or made at the individual option of the employee in return for a reduction in his compensation, or in lieu of an increase in such compensation) are to be treated as such and will no longer be excludable from income by the employee. The only modification in this rule is that where an individual is not covered by a qualified plan, a government plan, or a section 403(b) annuity plan, employer contributions of up to $1,000 per annum can be made to an individual retirement account under a salary reduction arrangement. Income earned on amounts contributed under a salary reduction plan prior to 1974 would for the future remain tax exempt as also would the earnings of these amounts.

Section 403(b) annuity plans.—Under present law, the proceeds of a section 403(b) annuity plan, for the benefit of teachers or employees of tax-exempt organizations, may be invested only in insurance contracts. The Senate bill provides that the assets of these accounts may also be invested in mutual funds, under appropriate custodial restrictions.

Effective date.—These provisions will apply with respect to taxable years beginning after December 31, 1973.

XII. LIMITATION ON CONTRIBUTIONS

(Secs. 702, 704, and 706 of the Senate Bill and Secs. 72, 401, 404, 412, 414, and 1379 of the Code)

Present law

Under present law, different rules are provided for employer and employee contributions in the case of plans for self-employed individuals (H.R. 10 plans), plans of "regular" corporations, and plans of electing small business corporations (subchapter S).[28] These are described below.

H.R. 10 plans.—The amount of deductible contributions to an H.R. 10 plan on behalf of a self-employed person cannot exceed the lesser of 10 percent of his earned income[29] or $2,500 (sec. 404(e)). In addition, nondeductible contributions may be made in certain cases, but these contributions on behalf of owner-employees may not exceed the lesser of 10 percent of earned income or $2,500. Allowable voluntary contributions by employees of self-employed individuals must be at least proportionate to allowable voluntary contribution for self-employed (sec. 401(e)(1)(B)(ii)).

"Regular" corporate plans.—In the case of a "regular" corporate plan there are no limitations on how much may be contributed by the employer. There are, however, limitations on the amount of the contribution that is deductible. Different limitations apply to profit-sharing and stock bonus plans and to pension plans.

In the case of profit-sharing or stock bonus plans, the amount of the contribution that is allowable as a deduction is not to exceed in the aggregate 15 percent of compensation to employees covered under the plan. Contributions in excess of the 15-percent limitation may be carried over to future years. In addition, within certain limits, to the extent that an employer does not make the full 15-percent contribution in one year he may increase the amount of his deductible contribution in a future year.

In the case of pension plans, the amount of the contribution that is deductible is not to exceed 5 percent of the compensation to employees covered under the plan, plus the amount of the contribution in excess of 5 percent of compensation to the extent necessary to fund normal pension costs and remaining past service costs of all employees under the plan as a level amount or as a level percent of compensation. In the alternative, the taxpayer may compute the limit his deduction to his normal cost for the plan on his deductible contributions by limiting plus 10 percent of the past service cost of the plan (sec. 404(a)). In practice, these limitations have very little effect in limiting contributions to regular corporate pension plans.

Where an employer contributes to two or more retirement plans which are governed by different limits on deductions (pension, profit-sharing or stock bonus, or employee annuities), the total amount annually deductible under the plans cannot be more than 25 percent of compensation otherwise earned by the plan beneficiaries. If any excess is contributed, it may be deducted in the following year; the maximum deduction in the following year (for carryover and current contributions together) is 30 percent of compensation. A carryover is available for additional excess contributions which are deductible in the succeeding taxable years in order of time.

Subchapter S plans.—The limitations on the deductibility of contributions to a subchapter S corporation plan are the same as those in "regular" corporate plans. However, a shareholder-employee (an employee who owns more than 5 percent of the outstanding stock of such a corporation) must include in his gross income the amount by which the deductible contributions paid on his behalf exceed the lesser of 10 percent of his compensation or $2,500 (sec. 1379(b)).

Professional corporations.—Generally, lawyers, doctors, accountants and certain other professional groups in the past have been unable to carry on their professions through the form of corporations because of the personal nature of their responsibility or liability for the work performed for a client or patient. Consequently, their contributions to retirement plans were limited by the rules governing self-employed persons. In recent years, however, all States have adopted special incorporation laws which provide for what are generally known as "professional corporations." These have been used increasingly by groups of professional persons primarily to obtain the more favorable tax treatment for pensions generally available to corporate employees. The Treasury Department, in the so-called Kintner regulations, held that professional corporations were not taxable as corporations. A number of court cases, however, have overturned the regulations and the Service has now acquiesced and generally recognizes these professional corporations as corporations for income tax purposes.

The Senate bill (H.R. 4200)

H.R. 10 plans.—The Senate bill increases the maximum deductible contribution on behalf of self-employed persons to the lesser of $7,500 or 15 percent of earned income. (A similar, although not identical, rule is applied in the case of defined benefit pension plans.) However, no more than the first $100,000 of earned income may be taken into account in applying the percentage limits. The $100,000 ceiling on the earned income rate base means that a self-employed person with more than $100,000 income will have to contribute at a rate of at least 7½ percent on behalf of his employees if he wishes to take the full $7,500 deduction on his own behalf (in order to comply with the antidiscrimination requirements.)[30] The Senate bill also contains a minimum as to the amount self-employed individuals may set aside each year as a deductible contribution to a pension plan even though it exceeds the otherwise applicable percentage limitation. Each year a self-employed individual may set aside as a deductible contribution up to $750 out of his earned income even though this exceeds 50 percent of his earned income.

Also, the Senate bill contains a formula which would allow the self-employed, in effect, to translate the 15 percent-$7,500 limitation on contributions, to which they would otherwise be subject, into limitations on benefits which they could receive under a defined benefit plan.

Under the formula, the basic benefit for the employee (in terms of a straight life annuity commencing at the later of age 65 or 5 years from the time the participant's current period of participation began, with no ancillary benefits) is not to exceed the amount of the employee's compensation which is covered under the plan (up to a maximum of $50,000)[31] times the percentage shown on the following table.

Age at start of current period of participation:	*Percentage*
30 or less	6.5
35	5.4
40	4.4
45	3.6
50	3.0
55	2.5
60 or over	2.0

The percentages in early years are higher to reflect the fact that contributions made during these time periods earn interest for a longer period prior to retirement than contributions made in later years.

To illustrate how this formula would work assume that a self-employed person enters a defined benefit plan at age 30, and participates in the plan for 5 years, with income covered under the plan of $20,000 per annum. At age 35, he leaves the plan, but at age 50, he again becomes a participant. For the first 5 years his covered income is $30,000 per year, then $40,000 for the next 5 years, and finally $50,000 for the last five years prior to his retirement.

The benefit would be computed as follows:

Age	Compensation per year	Rate	Benefit earned per year	Total benefit
30 to 35	$20,000	6.5	$1,300	$6,500
50 to 55	30,000	3.0	900	4,500
55 to 60	40,000	3.0	1,200	6,000
60 to 65	50,000	3.0	1,500	7,500
Total				24,500

Footnotes at end of article.

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Thus, the maximum benefit which could be paid to that individual under that plan in the form of a single life annuity commencing at age 65 with no ancillary benefits would be $24,500 per year.

In addition, the Senate bill contains a provision generally limiting the annual benefits which can be paid out under defined benefit plans to 100 percent of the participant's average compensation from the employer during his highest 3 consecutive years of earnings adjusted for changes in the cost of living.

Another provision of the Senate bill would allow self-employed individuals, in effect, to pool their contribution limitations. In effect, a plan could provide that the senior partners in a law firm could accrue more than their share of retirement benefits, if the more junior partners accrued less than their share, the benefits do not result in prohibited discrimination, and the overall contribution limits were met. In such a case, however, the 75 percent-$100,000 limit on corporate plan benefits (described below) would also apply.

Contributions by self-employed persons (and other cash basis taxpayers) would be deductible, under the Senate bill, if they were made at any time up to the point when the Federal income tax return for the year in question is due (whereas, under present law, the contributions must be made by the end of the taxable year). Also, the Senate bill would permit owner-employees to withdraw their voluntary contribution to a self-employed plan prior to retirement, without penalty, whereas, under present law, this may not be done by owner-employees (although it may be done by other participants).

Corporate plans.—The Senate bill imposes limitations on the contributions which may be made or the benefits which may be paid under qualified corporate plans for all employees.

Under the Senate provisions, in the case of a defined benefit plan, no deduction is allowable for contributions in excess of those necessary to fund (from employer contributions and the earnings therefrom), a basic benefit in the form of a straight-life annuity commencing at age 65 (with no ancillary benefits), in excess of 75 percent of the participant's average high-three year compensation from the employer, not in excess of the first $100,000 per year. In other words, the basic pension benefit from employer contributions cannot exceed $75,000 per year. (To the extent that employee contributions are made the $75,000 limit could be exceeded.) This benefit would have to be funded over at least, a 10-year period and in the case of employees who participated in the plan for less than 10 years, the maximum permissible benefit would be scaled down proportionately.

In the case of a defined contribution plan (a money purchase pension, profitsharing, or stock bonus plan), the corporation would be permitted to make deductible contributions sufficient to fund for the employee a pension on this same 75 percent of average high-three year pay basis. For example, if an ex-employee had an average high three years salary of $50,000, this figure would be multiplied by 75 percent ($37,500) to determine the maximum amount of pension the employee would be entitled to receive. The amount of contributions needed to fund this size pension would then be computed. First, the amount of the pension would be multiplied by a conversion factor of 10 (in the case of a basic benefit commencing at age 65) to determine the total funding which will be needed to provide the pension at age 65 ($375,000). Second, from this amount ($375,000) will be subtracted any amounts already contributed by the employer on behalf of the employee (together with the past earnings on these contributions and the assumed interest which will be earned in future years on these contributions before the employee's retirement). The difference between these two amounts is called the "unfunded limitation balance" and (subject to certain other limitations imposed under present law) the employer may deduct contributions which, together with 6-percent earnings on these contributions, will be sufficient to build up to a $375,000 balance by the time the employee reaches normal retirement age.

If the corporation has both a defined benefit plan and a defined contribution plan, the maximum benefit payable under the defined benefit plan would have to be reduced in proportion to the amount of the benefit which was funded through the defined contribution plan.

Subchapter S corporations.—Under present law (sec. 1379 of the Code), as described above, shareholder employees of subchapter S corporations are subject to contribution limitations which are very similar to the limitations imposed on self-employed individuals. Under the Senate bill, these provisions would be repealed, and subchapter S corporations would be subject to the same limitations as other corporations.

Money purchase plans.—The Senate bill contains a provision that tax excludable contributions to a money purchase plan cannot exceed 20 percent of the employee's compensation. Any additional contributions on behalf of the employee must be included in income by him.

Any amount included in gross income under this provision would be considered as part of the employee's investment in the contract for purposes of computing the taxable amount of a distribution from the plan of the employee. However, these contributions would be considered to be made by the employer for purposes of qualification of the plan. If the employee's rights under the plan should terminate before tax excludable payments under the plan equaled the amounts included in gross income under this provision, a tax deduction would be allowed equal to the unrecovered contributions.

Custodial accounts.—Under present law, a custodial account may be treated as a qualified trust, but only if the custodian is a bank, and the investments are made solely in annuity, endowment, or life insurance contracts (and certain other conditions are met) (sec. 401(f)). The Senate bill would allow the custodian of the account to be someone other than a bank; however, the custodian would have to establish, to the satisfaction of the Internal Revenue Service, that it would manage the assets of the account in a manner consistent with the intention of the tax law. Also, the Senate bill would provide that someone other than the trustee or custodian, including the employer, can have authority to control the investments of the plan account, either by directing the investment policy of the plan, or by exercising a veto power.

Effective date.—Generally, these provisions will take effect in years beginning after December 31, 1973.

XIII. LUMP-SUM DISTRIBUTIONS

(Sec. 703 of the Senate bill and secs. 72, 402, and 403 of the Code)

Present law

Retirement benefits generally are taxed under the annuity rules (sec. 72) as ordinary income when the amounts are distributed, to the extent they do not represent a recovery of the amounts contributed by the employee. However, an exception to this general rule under the law in effect before the Tax Reform Act of 1969 provided that if an employee's total accrued benefits were distributed or paid from a qualified plan within one taxable year on account of death or other separation from service (or death after separation from service), the taxable portion of the payment was treated as a long-term capital gain, rather than as ordinary income.

The capital gains treatment accorded these lump-sum distributions allowed employees to receive substantial amounts of deferred compensation at more favorable tax rates than other compensation received currently. The more significant benefits under this treatment apparently accrued to taxpayers with adjusted gross incomes in excess of $50,000, particularly in view of the fact that a number of lump-sum distributions of over $80,000 have been made.

To correct this problem, the Tax Reform Act of 1969 provided that part of a lump-sum distribution received from a qualified employee's trust within one taxable year on account of death or other separation from service (or death after separation from service) is to be given ordinary income treatment, instead of the capital gains treatment it had been given under prior law. The ordinary income treatment applies to the taxable portion of the distribution (i.e., the total distribution less the employee's contribution) which exceeds the sum of (a) the benefits accrued during plan years beginning before 1970, and (b) the portion of the benefits accrued thereafter which does not consist of employer contributions (sec. 402 (a)(5) and 403(a)(c)).

The 1969 Act provided a special limitation in the form of a seven-year "forward" averaging formula which applies to the portion of the lump-sum distribution treated as ordinary income. An employee (or beneficiary) is eligible for the special 7-year forward averaging provision if the distribution is made on account of death or other separation from service (or death after separation from service) [32] and, in the case of receipt by an employee, if he has been a participant in the plan for 5 or more taxable years before the taxable year in which the distribution is made.

The Senate bill (H.R. 4200)

The Senate bill substitutes for the computational procedure provided under the 1969 Act a new procedure designed to simplify the calculations required to determine the tax while preserving revenues at at least as high a level as they would be under the proposed regulations.

Under the Senate bill the portion of the distribution attributable to post-1973 value, in excess of the employee's own contributions, is to be taxed as ordinary income, but the tax is to be determined separately from any other income which he may have and is to be eligible for 15-year averaging. The portion of the contribution attributable to pre-1974 value is to receive capital gains treatment and is to be included with the taxpayer's other income in determining his tax liability for the year of the distribution.

In computing the ordinary income element on the post-1973 value, a special minimum distribution allowance is to be provided to give assurance that the tax on relatively small lump-sum distributions will not be appreciably more than under present law. This allowance is half of the distribution up to $20,000. Above that level, it is phased out on a $1.00 for $5.00 basis with the result that it is entirely eliminated for distributions of $70,000 or more.

In determining the proportion of a distribution attributable to pre-1974 value (and, therefore, eligible for capital gains treatment) and the portion attributable to post-1973 treatment (and therefore treated as ordinary income but with 15-year averaging), the bill provides that the allocation is to be made on the basis of the amount of time in which the employee was covered by the plan before 1974 and after 1973.

In order to treat all distributees the same, all computations of tax on the 15-year averaging ordinary income portion are to be made on the basis of the tax schedule for unmarried individuals.[33] For this purpose, community property laws are to be ignored, and as a result, a distributee in a community property State is to compute his tax on the basis of the entire amount of the distribution.

Footnotes at end of article.

The bill provides that where the distributee accrued part of the value of his lump-sum distribution as a regular corporate employee and part as a self-employed individual, the 5-year averaging available for self-employed individuals is to be used for the entire distribution if the number of years while he was covered as a self-employed individual exceeds 50 percent of the total time he was a participant in the plan. Otherwise, the 15-year averaging rule is to apply to the entire amount.

To protect against possible tax avoidance possibilities the bill provides that distributions made during the previous five years are to be included in the 15-year averaging computation for purposes of determining the tax on the last distribution. When the total tax is determined, however, the amount of tax liability on any earlier distributions is to be subtracted and the tax on the final distribution is to be the remainder. All distributions made within the prior five years to the same distributee are to be subject to this 5-year lookback rule.[34]

The computation of the ordinary income element in the lump-sum distribution is to take into account any annuity purchased for the distributee in the year of distribution (or in the prior five years where the lookback provision applies). The value included for purposes of the annuity is its cash surrender value. Although the value of the annuity is included for purposes of determining the tax on the remainder, its value is not taxed as a part of the lump-sum distribution.

No changes are made with respect to the basic tax treatment of distributions of employer securities.

FOOTNOTES

[1] Effective for taxable years beginning after 1973.

[2] Effective for plan years beginning after 1973 for plans adopted after July 24, 1973, and effective for plan years beginning after 1975 for plans in existence on July 24, 1973.

[3] Takes effect Jan. 1, 1974.

[4] Effective for calendar years beginning after 1973.

[5] Effective for plan years and taxable years beginning after 1973; where employers elect to have no liability for losses a higher rate will be set by the trustees of the Guaranty Corporation.

[6] The minimum vesting provision is effective for plan years beginning after 1975 for plans in existence on the date of enactment; for plans adopted after the date of enactment the vesting requirement applies to plan years beginning after the enactment date. NOTE.—There will be some revenue loss from funding but data are not available to determine the extent of this loss.

[7] As described below (2. Plans Where a Collective Bargaining Unit is Involved: Other Antidiscrimination Provisions), a qualified plan must meet certain standards. Several of the alternative standards require certain percentages of employees, or of eligible employees, to be covered by the plan, but in such cases the employer is permitted to exclude employees who fail to meet the plan's service requirements, not exceeding five years of service. If the coverage standards are met, conditions other than age or service conditions may still be imposed, except in the case of owner-employee plans. The Senate bill would not change this rule.

[8] An owner-employee is a sole proprietor or a partner with a greater than 10-percent interest in capital or profits (see 403(c)(3)).

[9] This rule applies whether or not the plan is a trusted plan. That is, a plan funded through purchase of annuities from an insurance company is subject to these rules; as is a plan with investments managed by a trustee.

[10] This test of service is to be applied with regard to the actual employment of that employee. In this respect, it differs from similar definitions under present law (secs. 401(a)(3)(A) and 401(d)(3)), which determine employment service on the basis of the employee's "customary employment".

[11] In applying these numerical tests under present law, there are excluded employees who have been employed not more than a minimum period prescribed by the plan (up to 5 years), part time employees (customary employment for not more than 20 hours in any one week), and seasonal employees (those whose customary employment is for not more than 5 months in any calendar year).

[12] An owner-employee is a sole proprietor or a partner with a greater than 10-percent interest in capital or profits (sec. 401(c)(3)).

[13] The minimum funding requirement of present law applies only to pension and not to profit-sharing or stock bonus plans.

[14] In determining costs, an employer must take into account factors such as the basis on which benefits are computed, expected mortality, interest, employee turnover, and changes in compensation levels.

[15] Under the "10 percent" deduction limit (sec. 404(a)(1)(C) of the Code), if the deficiency occurs using the same assumptions as previously, the additional contributions may be deducted currently. If the deficit results from a loss in asset values or revaluation of liabilities using more conservative assumptions the deficit may be added to past service cost. Rev. Rul. 57-550, 1957-2 C.B. 266.

[16] See Rev. Rul. 59-153, 1959-1 C.B. 89, discussing a pension plan using the "entry age normal method," where adjustment for gains is generally made by deducting the amount of gains arising in any year from the next year's deductible limit under sec. 404(a)(1)(C). See also Rev. Rul. 65-310, 1965-2, C.B. 145, discussing a plan using the "frozen initial liability method," where adjustments for gains are spread automatically as a part of current and future normal costs.

[17] The only exception might be an instance where employers, in the aggregate, had no substantial voice in the determination of the levels and forms of benefits.

[18] More stringent rules govern trusts benefiting owner-employees who control the business (sec. 503(g) of the Code).

[19] Transfer of mortgaged property in some cases would be treated as a sale or exchange.

[20] Generally, if the plan allows it, employees may make voluntary contributions to a qualified retirement plan of up to 10 percent of compensation. I.R.S. Publication 778, p. 14 (Feb. 1972).

[21] At one time, Congress took the position that a contribution to an H.R. 10 plan on behalf of a self-employed person was made half by the employer and half by the self-employed person: no deduction was allowed for half of the contribution (the half regarded as "contributed by" the self-employed person). This limitation (sec. 404(a)(10)) was repealed for taxable years after December 31, 1967.

[22] In the case of employees of tax-exempt charitable, educational, religious, etc., organizations and employees of public educational institutions, a specific statutory provision provides for employer contributions of up to 20 percent of compensation, times years of service, reduced by amounts previously contributed by the employer for annuity contracts on a tax excluded basis to the employee (sec. 403(b)). The regulations under the statute allow the employer contributions to be made under these salary reduction plans. Antidiscrimination provisions that apply generally to qualified plans do not apply to those tax sheltered annuities. The Senate bill does not affect the tax treatment of these contributions.

[23] The proposed regulations would not affect the tax treatment of contributions to certain qualified profit sharing plans; where the contributed amounts are distributable only after a period of deferment: however it was indicated that there would be reconsideration of the rulings permitting exclusion of such profit sharing contributions. (Rev. Rul. 56-497, 1956-2 C.B. 284: Rev. Rul. 63-180, 1963-2 D.B. 169: Rev. Rul. 68-89, 1968-1 C.B. 402.)

[24] If contributions were made on behalf of an individual under a plan during the taxable year, he would generally be considered an active participant for that year.

[25] Any amount deductible or excludable under these provisions is not to be considered to be part of the employee's investment in the contract for purposes of computing the taxable part of the distribution, since all of the contributions would be made, in effect, with tax-free dollars. If contributions in excess of these limits are made, the employer is not to receive a deduction for the excess contribution, and all excess would have to be repaid to the employer.

[26] The distribution would not, however, be subject to the penalty provided under section 72(m)(5) for premature distributions to owner-employees.

[27] Such a bond could be redeemed within 12 months after issuance, but no interest is payable if it is redeemed in that period.

[28] All the types of plans must, in addition to the rules described below, meet the general reasonable compensation tests (sec. 162). The statute does not specify limitations on the benefits which may be paid under a qualified pension plan. However, in Rev. Rul. 72-3, 1972-1 CB, 105, the Internal Revenue Service ruled that pension benefits from a qualified pension plan are intended as a substitute for compensation, and that in general a plan which provides benefits in excess of an employee's compensation is therefore not qualified.

[29] "Earned income" is generally defined as being equivalent to "net earnings from self-employment"—the kind of income that may be subject to self-employment taxes in lieu of FICA taxes (secs. 401(c)(2) and 1402).

[30] The limitations on nondeductible contributions on behalf of owner-employees in a self-employed plan is not increased, however.

[31] For purposes of the antidiscrimination rules, the maximum amount of compensation which is to be taken into account is $100,000.

[32] Self-employed taxpayers, on the other hand, continue to be eligible for their special 5-year forward averaging only on lump-sum distributions received on account of death, disability as defined in sec. 72(m)(7) of the Code, or if received after age 59½ and, in the case of receipt by an employee, after at least 5 years of participation.

[33] Distributees in computing the tax on their other income (including the capital gain element of the distribution) may use any appropriate tax schedule. They may also use, when appropriate, the regular 5-year averaging method for the tax on this other income.

[34] For this purpose, the five years is to be measured from the time the distribution is reported to the insurance Corporation for purposes of the plan termination insurance provisions described above.

ORDER FOR VOTE ON THE VETO OVERRIDE OF S. 1317, USIA AUTHORIZATIONS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, with regard to consideration of the Presidential veto message on S. 1317, that on the debate

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with respect to the vote which will occur on overriding the President's veto message there be a time limitation of 1 hour and 45 minutes, the time to be equally divided between the distinguished Senator from Arkansas (Mr. FULBRIGHT) and the distinguished minority leader or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I ask unanimous consent that the time for debate on the override of the Presidential veto begin running on Tuesday next at the hour of 2:45 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the vote on the overriding of the President's veto of S. 1317 occur at the hour of 4:30 p.m. on Tuesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate go into executive session to consider treaties on the Executive Calendar, Nos. 18 through 21, with the understanding that there will be no votes on these treaties today.

The PRESIDING OFFICER. Without objection, it is so ordered.

PATENT COOPERATION TREATY AND ANNEXED REGULATIONS—EXECUTIVE S (92D CONG., 2D SESS.

The Senate, as in Committee of the Whole, proceeded to consider Executive S (92d Cong., 2d sess.), the Patent Cooperation Treaty, done at Washington on June 19, 1970, together with the regulations under the Patent Cooperation Treaty annexed thereto, which was read the second time, as follows:

PATENT COOPERATION TREATY

The Contracting States,

Desiring to make a contribution to the progress of science and technology,

Desiring to perfect the legal protection of inventions,

Desiring to simplify and render more economical the obtaining of protection for inventions where protection is sought in several countries,

Desiring to facilitate and accelerate access by the public to the technical information contained in documents describing new inventions,

Desiring to foster and accelerate the economic development of developing countries through the adoption of measures designed to increase the efficiency of their legal systems, whether national or regional, instituted for the protection of inventions by providing easily accessible information on the availability of technological solutions applicable to their special needs and by facilitating access to the ever expanding volume of modern technology,

Convinced that cooperation among nations will greatly facilitate the attainment of these aims,

Have concluded the present Treaty.

INTRODUCTORY PROVISIONS

Article 1—Establishment of a Union

(1) The States party to this Treaty (hereinafter called "the Contracting States") constitute a Union for cooperation in the filing, searching, and examination, of applications for the protection of inventions, and for rendering special technical services. The Union shall be known as the International Patent Cooperation Union.

(2) No provision of this Treaty shall be interpreted as diminishing the rights under the Paris Convention for the Protection of Industrial Property of any national or resident of any country party to that Convention.

Article 2—Definitions

For the purposes of this Treaty and the Regulations and unless expressly stated otherwise:

(i) "application" means an application for the protection of an invention; references to an "application" shall be construed as references to applications for patents for inventions, inventors' certificates, utility certificates, utility models, patents or certificates of addition, inventors' certificates of addition, and utility certificates of addition;

(ii) references to a "patent" shall be construed as references to patents for inventions, inventors' certificates, utility certificates, utility models, patents or certificates of addition, inventors' certificates of addition, and utility certificates of addition;

(iii) "national patent" means a patent granted by a national authority;

(iv) "regional patent" means a patent granted by a national or an intergovernmental authority having the power to grant patents effective in more than one State;

(v) "regional application" means an application for a regional patent;

(vi) references to a "national application" shall be construed as references to applications for national patents and regional patents, other than applications filed under this Treaty;

(vii) "international application" means an application filed under this Treaty;

(viii) references to an "application" shall be construed as references to international applications and national applications;

(ix) references to a "patent" shall be construed as references to national patents and regional patents;

(x) references to "national law" shall be construed as references to the national law of a Contracting State or, where a regional application or a regional patent is involved, to the treaty providing for the filing of regional applications or the granting of regional patents;

(xi) "priority date," for the purposes of computing time limits, means:

(a) where the international application contains a priority claim under Article 8, the filing date of the application whose priority is so claimed;

(b) where the international application contains several priority claims under Article 8, the filing date of the earliest application whose priority is so claimed;

(c) where the international application does not contain any priority claim under Article 8, the international filing date of such application;

(xii) "national Office" means the government authority of a Contracting State entrusted with the granting of patents; references to a "national Office" shall be construed as referring also to any intergovernmental authority which several States have entrusted with the task of granting regional patents, provided that at least one of those States is a Contracting State, and provided that the said States have authorized that authority to assume the obligations and exercise the powers which this Treaty and the Regulations provide for in respect of national Offices.

(xiii) "designated Office" means the national Office of or acting for the State designated by the applicant under Chapter I of this Treaty;

(xiv) "elected Office" means the national Office of or acting for the State elected by the applicant under Chapter II of this Treaty;

(xv) "receiving Office" means the national Office or the intergovernmental organization with which the international application has been filed;

(xvi) "Union" means the International Patent Cooperation Union;

(xvii) "Assembly" means the assembly of the Union;

(xviii) "Organization" means the World Intellectual Property Organization;

(xix) "International Bureau" means the International Bureau of the Organization and, as long as it subsists, the United International Bureau for the Protection of Intellectual Property (BIRPI);

(xx) "Director General" means the Director General of the Organization and, as long as BIRPI subsists, the Director of BIRPI.

CHAPTER I: INTERNATIONAL APPLICATION AND INTERNATIONAL SEARCH

Article 3—The International Application

(1) Applications for the protection of inventions in any of the Contracting States may be filed as international applications under this Treaty.

(2) An international application shall contain, as specified in this Treaty and the Regulations, a request, a description, one or more claims, one or more drawings (where required), and an abstract.

(3) The abstract merely serves the purpose of technical information and cannot be taken into account for any other purpose, particularly not for the purpose of interpreting the scope of the protection sought.

(4) The international application shall:

(i) be in a prescribed language;

(ii) comply with the prescribed physical requirements;

(iii) comply with the prescribed requirement of unity of invention.

(iv) be subject to the payment of the prescribed fees.

Article 4—The Request

(1) The request shall contain:

(i) a petition to the effect that the international application be processed according to this Treaty;

(ii) the designation of the Contracting State or States in which protection for the invention is desired on the basis of the international application ("designated States"); if for any designated State a regional patent is available and the applicant wishes to obtain a regional patent rather than a national patent, the request shall so indicate; if, under a treaty concerning a regional patent, the applicant cannot limit his application to certain of the States party to that treaty, designation of one of those States and the indication of the wish to obtain the regional patent shall be treated as designation of all the States party to that treaty; if, under the national law of the designated State, the designation of that State has the effect of an application for a regional patent, the designation of the said State shall be treated as an indication of the wish to obtain the regional patent;

(iii) the name of and other prescribed data concerning the applicant and the agent (if any);

(iv) the title of the invention;

(v) the name of and other prescribed data concerning the inventor where the national law of at least one of the designated States requires that these indications be furnished at the time of filing a national application. Otherwise, the said indications may be furnished either in the request or in separate notices addressed to each designated Office whose national law requires the furnishing of the said indications but allows that they be furnished at a time later than that of the filing of a national application.

(2) Every designation shall be subject to the payment of the prescribed fee within the prescribed time limit.

(3) Unless the applicant asks for any of the other kinds of protection referred to in Article 43, designation shall mean that the desired protection consists of the grant of a patent by or for the designated State. For the purposes of this paragraph, Article 2(ii) shall not apply.

(4) Failure to indicate in the request the name and other prescribed data concerning the inventor shall have no consequence in any designated State whose national law requires the furnishing of the said indications but allows that they be furnished at a time later than that of the filling of a national application. Failure to furnish the said indications in a separate notice shall have no consequence in any designated State whose national law does not require the furnishing of the said indications.

Article 5—The Description

The description shall disclose the invention in a manner sufficiently clear and complete for the invention to be carried out by a person skilled in the art.

Article 6—The Claims

The claim or claims shall define the matter for which protection is sought. Claims shall be clear and concise. They shall be fully supported by the description.

Article 7—The Drawings

(1) Subject to the provisions of paragraph (2)(ii), drawings shall be required when they are necessary for the understanding of the invention.

(2) Where, without being necessary for the understanding of the invention, the nature of the invention admits of illustration by drawings:

(i) the applicant may include such drawings in the international application when filed,

(ii) any designated Office may require that the applicant file such drawings with it within the prescribed time limit.

Article 8—Claiming Priority

(1) The international application may contain a declaration, as prescribed in the Regulations, claiming the priority of one or more earlier applications filed in or for any country party to the Paris Convention for the Protection of Industrial Property.

(2) (a) Subject to the provisions of subparagraph (b), the conditions for, and the effect of, any priority claim declared under paragraph (1) shall be as provided in Article 4 of the Stockholm Act of the Paris Convention for the Protection of Industrial Property.

(b) The international application for which the priority of one or more earlier applications filed in or for a Contracting State is claimed may contain the designation of that State. Where, in the international application, the priority of one or more national applications filed in or for a designated State is claimed, or where the priority of an international application having designated only one State is claimed, the conditions for, and the effect of, the priority claim in that State shall be governed by the national law of that State.

Article 9—The Applicant

(1) Any resident or national of a Contracting State may file an international application.

(2) The Assembly may decide to allow the residents and the nationals of any country party to the Paris Convention for the Protection of Industrial Property which is not party to this Treaty to file international applications.

(3) The concepts of residence and nationality, and the application of those concepts in cases where there are several applicants or where the applicants are not the same for all the designated States, are defined in the Regulations.

Article 10—The Receiving Office

The international application shall be filed with the prescribed receiving Office, which will check and process it as provided in this Treaty and the Regulations.

Article 11—Filing Date and Effects of the International Application

(1) The receiving Office shall accord as the international filing date the date of receipt of the international application, provided that that Office has found that, at the time of receipt:

(i) the applicant does not obviously lack, for reasons of residence or nationality, the right to file an international application with the receiving Office,

(ii) the international application is in the prescribed language,

(iii) the international application contains at least the following elements:

(a) an indication that it is intended as an international application,

(b) the designation of at least one Contracting State,

(c) the name of the applicant, as prescribed,

(d) a part which on the face of it appears to be a description,

(e) a part which on the face of it appears to be a claim or claims.

(2)(a) If the receiving Office finds that the international application did not, at the time of receipt, fulfill the requirements listed in paragraph (1), it shall, as provided in the Regulations, invite the applicant to file the required correction.

(b) If the applicant complies with the invitation, as provided in the Regulations, the receiving Office shall accord as the international filing date the date of receipt of the required correction.

(3) Subject to Article 64(d), any international application fulfilling the requirements listed in items (i) to (iii) of paragraph (1) and accorded an international filing date shall have the effect of a regular national application in each designated State as of the international filing date, which date shall be considered to be the actual filing date in each designated State.

(4) Any international application fulfilling the requirements listed in items (i) to (iii) of paragraph (1) shall be equivalent to a regular national filing within the meaning of the Paris Convention for the Protection of Industrial Property.

Article 12—Transmittal of the International Application to the International Bureau and the International Searching Authority

(1) One copy of the international application shall be kept by the receiving Office ("home copy"), one copy ("record copy") shall be transmitted to the International Bureau, and another copy ("search copy") shall be transmitted to the competent International Searching Authority referred to in Article 16, as provided in the Regulations.

(2) The record copy shall be considered the true copy of the international application.

(3) The international application shall be considered withdrawn if the record copy has not been received by the International Bureau within the prescribed time limit.

Article 13—Availability of Copy of the International Application to Designated Offices

(1) Any designated Office may ask the International Bureau to transmit to it a copy of the international application prior to the communication provided for in Article 20, and the International Bureau shall transmit such copy to the designated Office as soon as possible after the expiration of one year from the priority date.

(2)(a) The applicant may, at any time, transmit a copy of his international application to any designated Office.

(b) The applicant may, at any time, ask the International Bureau to transmit a copy of his international application to any designated Office, and the International Bureau shall transmit such copy to the designated Office as soon as possible.

(c) Any national Office may notify the International Bureau that it does not wish to receive copies as provided for in subparagraph (b), in which case that subparagraph shall not be applicable in respect of that Office.

Article 14—Certain Defects in the International Application

(1)(a) The receiving Office shall check whether the international application contains any of the following defects, that is to say:

(i) it is not signed as provided in the Regulations;

(ii) it does not contain the prescribed indications concerning the applicant;

(iii) it does not contain a title;

(iv) it does not contain an abstract;

(v) it does not comply to the extent provided in the Regulations with the prescribed physical requirements.

(b) If the receiving Office finds any of the said defects, it shall invite the applicant to correct the international application within the prescribed time limit, failing which that application shall be considered withdrawn and the receiving Office shall so declare.

(2) If the international application refers to drawings which, in fact, are not included in that application, the receiving Office shall notify the applicant accordingly and he may furnish them within the prescribed time limit and, if he does, the international filing date shall be the date on which the drawings are received by the receiving Office. Otherwise, any reference to the said drawings shall be considered non-existent.

(3)(a) If the receiving Office finds that, within the prescribed time limits, the fees prescribed under Article 3(4)(iv) have not been paid, or no fee prescribed under Article 4(2) has been paid in respect of any of the designated States, the international application shall be considered withdrawn and the receiving Office shall so declare.

(b) If the receiving Office finds that the fee prescribed under Article 4(2) has been paid in respect of one or more (but less than all) designated States within the prescribed time limit, the designation of those States in respect of which it has not been paid within the prescribed time limit shall be considered withdrawn and the receiving Office shall so declare.

(4) If, after having accorded an international filing date to the international application, the receiving Office finds, within the prescribed time limit, that any of the requirements listed in items (i) to (iii) of Article 11(1) was not complied with at that date, the said application shall be considered withdrawn and the receiving Office shall so declare.

Article 15—The International Search

(1) Each international application shall be the subject of international search.

(2) The objective of the international search is to discover relevant prior art.

(3) International search shall be made on the basis of the claims, with due regard to the description and the drawings (if any).

(4) The International Searching Authority referred to in Article 16 shall endeavor to discover as much of the relevant prior art as its facilities permit, and shall, in any case, consult the documentation specified in the Regulations.

(5)(a) If the national law of the Contracting State so permits, the applicant who files a national application with the national Office of or acting for such State may, subject to the conditions provided for in such

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law, request that a search similar to an international search ("international-type search") be carried out on such application.

(b) If the national law of the Contracting State so permits, the national Office of or acting for such State may subject any national application filed with it to an international-type search.

(c) The international-type search shall be carried out by the International Searching Authority referred to in Article 16 which would be competent for an international search if the national application were an international application and were filed with the Office referred to in subparagraphs (a) and (b). If the national application is in a language which the International Searching Authority considers it is not equipped to handle, the international-type search shall be carried out on a translation prepared by the applicant in a language prescribed for international applications and which the International Searching Authority has undertaken to accept for international applications. The national application and the translation, when required, shall be presented in the form prescribed for international applications.

Article 16—The International Searching Authority

(1) International search shall be carried out by an International Searching Authority, which may be either a national Office or an intergovernmental organization, such as the International Patent Institute, whose tasks include the establishing of documentary search reports on prior art with respect to inventions which are the subject of applications.

(2) If, pending the establishment of a single International Searohing Authority, there are several International Searching Authorities, each receiving Office shall, in accordance with the provisions of the applicable agreement referred to in paragraph (3)(b), specify the International Searching Authority or Authorities competent for the searching or international applications filed with such Office.

(3)(a) International Searching Authorities shall be appointed by the Assembly. Any national Office and any intergovernmental organization satisfying the requirements referred to in subparagraph (c) may be appointed as International Searching Authority.

(b) Appointment shall be conditional on the consent of the national Office or intergovernmental organization to be appointed and the conclusion of an agreement, subject to approval by the Assembly, between such Office or organization and the International Bureau. The agreement shall specify the rights and obligations of the parties, in particular, the formal undertaking by the said Office or organization to apply and observe all the common rules of international search.

(c) The Regulations prescribe the minimum requirements, particularly as to manpower and documentation, which any Office or organization must satisfy before it can be appointed and must continue to satisfy while it remains appointed.

(d) Appointment shall be for a fixed period of time and may be extended for further periods.

(e) Before the Assembly makes a decision on the appointment of any national Office or intergovernmental organization, or on the extension of its appointment, or before it allows any such appointment to lapse, the Assembly shall hear the interested Office or organizaton and seek the advice of the Committee for Technical Cooperation referred to in Article 56 once that Committee has been established.

Article 17—Procedure Before the International Searching Authority

(1) Procedure before the International Searching Authority shall be governed by the provisions of this Treaty, the Regulations, and the agreement which the International Bureau shall conclude, subject to this Treaty and the Regulations, with the said Authority.

(2)(a) If the Internatonal Searching Authority considers

(i) that the international application relates to a subject matter which the International Searching Authortly is not required, under the Regulations, to search, and in the particular case decides not to search, or

(ii) that the description, the claims, or the drawings, fail to comply with the prescribed requirements to such an extent that a meaningful search could not be carried out, the said Authority shall so declare and shall notify the applicant and the International Bureau that no international search report will be established.

(b) If any of the situations referred to in subparagraph (a) is found to exist in connection with certain claims only, the international search report shall so indicate in respect of such claims, whereas, for the other claims, the said report shall be established as provided in Article 18.

(3)(a) If the International Searching Authority considers that the international application does not comply with the requirement of unity of invention as set forth in the Regulations, it shall invite the applicant to pay additional fees. The International Searching Authority shall establish the international search report on those parts of the international application which relate to the invention first mentioned in the claims ("main invention") and, provided the required additional fees have been paid within the prescribed time limit, on those parts of the international application which relate to inventions in respect of which the said fees were paid.

(b) The national law of any designated State may provide that, where the national Office of that State finds the invitation, referred to in subparagraph (a), of the International Searching Authority justified and where the applicant has not paid all additional fees, those parts of the international application which consequently have not been searched shall, as far as effects in that State are concerned, be considered withdrawn unless a special fee is paid by the applicant to the national Office of that State.

Article 18—The International Search Report

(1) The international search report shall be established within the prescribed time limit and in the prescribed form.

(2) The international search report shall, as soon as it has been established, be transmitted by the International Searching Authority to the applicant and the International Bureau.

(3) The international search report or the declaration referred to in Article 17(2)(a) shall be translated as provided in the Regulations. The translations shall be prepared by or under the responsibility of the International Bureau.

Article 19—Amendment of the Claims Before the International Bureau

(1) The applicant shall, after having received the international search report, be entitled to one opportunity to amend the claims of the international application by filing amendments with the International Bureau within the prescribed time limit. He may, at the same time, file a brief statement, as provided in the Regulations, explaining the amendments and indicating any impact that such amendments might have on the description and the drawings.

(2) The amendments shall not go beyond the disclosure in the international application as filed.

(3) If the national law of any designated State permits amendments to go beyond the said disclosure, failure to comply with paragraph (2) shall have no consequence in that State.

Article 20—Communication to Designated Offices

(1)(a) The international application, together with the international search report (including any indication referred to in Article 17(2)(b)) or the declaration referred to in Article 17(2)(a), shall be communicated to each designated Office, as provided in the Regulations, unless the designated Office waives such requirement in its entirety or in part.

(b) The communication shall include the translation (as prescribed) of the said report or declaration.

(2) If the claims have been amended by virtue of Article 19(1), the communication shall either contain the full text of the claims both as filed and as amended or shall contain the full text of the claims as filed and specify the amendments, and shall include the statement, if any, referred to in Article 19(1).

(3) At the request of the designated Office or the applicant, the International Searching Authority shall send to the said Office or the applicant, respectively, copies of the documents cited in the international search report, as provided in the Regulations.

Article 21—International Publication

(1) The International Bureau shall publish international applications.

(2)(a) Subject to the exceptions provided for in subparagraph (b) and in Article 64 (3), the international publication of the international application shall be effected promptly after the expiration of 18 months from the priority date of that application.

(b) The applicant may ask the International Bureau to publish his international application any time before the expiration of the time limit referred to in subpargaraph (a). The International Bureau shall proceed accordingly, as provided in the Regulations.

(3) The international search report on the declaration referred to in Article 17(2)(a) shall be published as prescribed in the Regulations.

(4) The language and form of the international publication and other details are governed by the Regulations.

(5) There shall be no international publication if the international application is withdrawn or is considered withdrawn before the technical preparations for publication have been completed.

(6) If the international application contains expressions or drawings which, in the opinion of the International Bureau, are contrary to morality or public order, or if, in its opinion, the international application contains disparaging statements as defined in the Regulations, it may omit such expressions, drawings, and statements, from its publications, indicating the place and number of words or drawings omitted, and furnishing, upon request, individual copies of the passages omitted.

Article 21—Copy, Translation, and Fee, to Designated Offices

(1) The applicant shall furnish a copy of the international application (unless the communication provided for in Article 20 has already taken place) and a translation thereof (as prescribed), and pay the national fee if any), to each designated Office not later than at the expiration of 20 months from the priority date.

Where the national law of the designated State requires the indication of the name of

and other prescribed data concerning the inventor but allows that these indications be furnished at a time later than that of the filing of a national application, the applicant shall, unless they were contained in the request, furnish the said indications to the national Office of or acting for that State not later than at the expiration of 20 months from the priority date.

(2) Notwithstanding the provisions of paragraph (1), where the International Searching Authority makes a declaration, under Article 17(2)(a), that no international search report will be established, the time limit for performing the acts referred to in paragraph (1) of this Article shall be two months from the date of the notification sent to the applicant of the said declaration.

(3) Any national law may, for performing the acts referred to in paragraphs (1) or (2), fix time limits which expire later than the time limit provided for in those paragraphs.

Article 23—Delaying of National Procedure

(1) No designated Office shall process or examine the international application prior to the expiration of the applicable time limit under Article 22.

(2) Notwithstanding the provisions of paregraph (1), any designated Office may, on the express request of the applicant, process or examine the international application at any time.

Article 24—Possible Loss of Effect in Designated States

(1) Subject, in case (ii) below, to the provisions of Article 25, the effect of the internatitonal application provided for in Article 11(3) shall cease in any designated States with the same consequences as the withdrawal of any national application in that State:

(i) if the applicant withdraws his international application or the designation of that State;

(ii) if the international application is considered withdrawn by virtue of Articles 12(3), 14(1)(b), 14(3)(a), or 14(4), or if the designation of that State is considered withdrawn by virtue of Artcile 14(3)(b);

(iii) if the applicant fails to perform the acts referred to in Article 22 within the applicable time limit.

(2) Notwithstanding the provisions of paragraph (1), any designated Office may maintain the effect provided for in Article 11(3) even where such effect is not required to be maintained by virtue of Article 25(2).

Article 25—Review By Designated Offices

(1) (a) Where the receiving Office has refused to accord an international filing date or has declared that the international application is considered withdrawn, or where the International Bureau has made a finding under Article 12(3), the International Bureau shall promptly send, at the request of the applicant, copies of any document in the file to any of the designated Offices named by the applicant.

(b) Where the receiving Office has declared that the designation of any given State is considered withdrawn, the International Bureau shall promptly send, at the request of the applicant, copies of any document in the file to the national Office of such State.

(c) The request under subparagraphs (a) or (b) shall be presented within the prescribed time limit.

(2)(a) Subject to the provisions of subparagraph (b), each designated Office shall, provided that the national fee (if any) has been paid and the appropriate translation (as prescribed) has been furnished within the prescribed time limit, decide whether the refusal, declaration, or finding, referred to in paragraph (1) was justified under the provisions of this Treaty and the Regulations, and, if it finds that the refusal or declaration was the result of an error or omission on the part of the receiving Office or that the finding was the result of an error or omission on the part of the International Bureau, it shall, as far as effects in the State of the designated Office are concerned, treat the international application as if such error or omission had not occurred.

(b) Where the record copy has reached the International Bureau after the expiration of time limit prescribed under Article 12(3) on account of any error or omission on the part of the applicant the provisions of subparagraph (a) shall apply only under the circumstances referred to in Article 48(2).

Article 26—Opportunity to Correct Before Designated Offices

No designated Office shall reject an international application on the grounds of noncompliance with the requirements of this Treaty and the Regulations without first giving the applicant the opportunity to correct the said application to the extent and according to the procedure provided by the national law for the same or comparable situations in respect of national applications.

Article 27—National Requirements

(1) No national law shall require compliance with requirements relating to the form or contents of the international application different from or additional to those which are provided for in the Treaty and the Regulations.

(2) The provisions of paragraph (1) neither affect the application of the provisions of Article 7(2) nor preclude any national law from requiring, once the processing of the international application has started in the designated Office, the furnishing:

(i) when the applicant is a legal entity, of the name of an officer entitled to represent such legal entity,

(ii) of documents not part of the international application but which constitute proof of allegations or statements made in that application, including the confirmation of the international application by the signature of the applicant when that application, as filed, was signed by his representative or agent.

(3) Where the applicant, for the purposes of any designated State, is not qualified according to the national law of that State to file a national application because he is not the inventor, the international application may be rejected by the designated Office.

(4) Where the national law provides, in respect of the form or contents of national applications, for requirements which, from the viewpoint of applicants, are more favorable than the requirements provided for by this Treaty and the Regulations in respect of international applications, the national Office, the courts and any other competent organs of or acting for the designated State may apply the former requirements, instead of the latter requirements, to international applications, except where the applicant insists that the requirements provided for by this Treaty and the Regulations be applied to his international application.

(5) Nothing in this Treaty and the Regulations is intended to be construed as prescribing anything that would limit the freedom of each Contracting State to prescribe such substantive conditions of patentability as it desires. In particular, any provision in this Treaty and the Regulations concerning the definition of prior art is exclusively for the purposes of the international procedure and, consequently, any Contracting State is free to apply, when determining the patentability of an invention claimed in an international application, the criteria of its national law in respect of prior art and other conditions of patentability not constituting requirements as to the form and contents of applications.

(6) The national law may require that the applicant furnish evidence in respect of any substantive condition of patentability prescribed by such law.

(7) Any receiving Office or, once the processing of the international application has started in the designated Office, that Office may apply the national law as far as it relates to any requirement that the applicant be represented by an agent having the right to represent applicants before the said Office and/or that the applicant have an address in the designated State for the purpose of receiving notifications.

(8) Nothing in this Treaty and the Regulations is intended to be construed as limiting the freedom of any Contracting State to apply measures deemed necessary for the preservation of its national security or to limit, for the protection of the general economic interests of that State, the right of its own residents or nationals to file international applications.

Article 28—Amendment of the Claims, the Description, and the Drawings, Before Designated Offices

(1) The applicant shall be given the opportunity to amend the claims, the description, and the drawings, before each designated Office within the prescribed time limit. No designated Office shall grant a patent, or refuse the grant of a patent, before such time limit has expired except with the express consent of the applicant.

(2) The amendments shall not go beyond the disclosure in the international application as filed unless the national law of the designated State permits them to go beyond the said disclosure.

(3) The amendments shall be in accordance with the national law of the designated State in all respects not provided for in this Treaty and the Regulations.

(4) Where the designated Office requires a translation of the international application, the amendments shall be in the language of the translation.

Article 29—Effects of the International Publication

(1) As far as the protection of any rights of the applicant in a designated State is concerned, the effects, in that State, of the international publication of an international application shall, subject to the provisions of paragraphs (2) to (4), be the same as those which the national law of the designated State provides for the compulsory national publication of unexamined national applications as such.

(2) If the language in which the international publication has been effected is different from the language in which publications under the national law are effected in the designated State, the said national law may provide that the effects provided for in paragraph (1) shall be applicable only from such time as:

(i) a translation into the latter language has been published as provided by the national law, or

(ii) a translation into the latter language has been made available to the public, by laying open for public inspection as provided by the national law, or

(iii) a translation into the latter language has been transmitted by the applicant to the actual or prospective unauthorized user of the invention claimed in the international application, or

(iv) both the acts described in (i) and (iii) or both the acts described in (ii) and (iii), have taken place.

(3) The national law of any designated State may provide that, where the international publication has been effected, on the request of the applicant, before the expiration of 18 months from the priority date, the effects provided for in paragraph (1) shall be

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applicable only from the expiration of 18 months from the priority date.

(4) The national law of any designated State may provide that the effects provided for in paragraph (1) shall be applicable only from the date on which a copy of the international application as published under Article 21 has been received in the national Office of or acting for such State. The said Office shall publish the date of receipt in its gazette as soon as possible.

Article 30—Confidential Nature of the International Application

(1) (a) Subject to the provisions of subparagraph (b), the International Bureau and the International Searching Authorities shall not allow access by any person or authority to the international application before the international publication of that application, unless requested or authorized by the applicant.

(b) The provisions of subparagraph (a) shall not apply to any transmittal to the competent International Searching Authority, to transmittals provided for under Article 13, and to communications provided for under Article 20.

(2) (a) No national Office shall allow access to the international application by third parties, unless requested or authorized by the applicant, before the earliest of the following dates:

(i) date of the international publication of the international application.

(ii) date of the receipt of the communication of the international application under Article 20,

(iii) date of the receipt of a copy of the international application under Article 22.

(b) The provisions of subparagraph (a) shall not prevent any national Office from informing third parties that it has been designated, or from publishing that fact. Such information or publication may, however, contain only the following data: identification of the receiving Office, name of the applicant, international filing date, international application number, and title of the invention.

(c) The provisions of subparagraph (a) shall not prevent any designated Office from allowing access to the international application for the purposes of the judicial authorities.

(3) The provisions of paragraph (2) (a) shall apply to any receiving Office except as far as transmittals provided for under Article 12(1) are concerned.

(4) For the purposes of this Article, the term "access" covers any means by which third parties may acquire cognizance, including individual communication and general publication, provided, however, that no national Office shall generally publish an international application or its translation before the international publication or, if international publication has not taken place by the expiration of 20 months from the priority date, before the expiration of 20 months from the said priority date.

CHAPTER II: INTERNATIONAL PRELIMINARY EXAMINATION

Article 31—Demand for International Preliminary Examination

(1) On the demand of the applicant, his international application shall be the subject of an international preliminary examination as provided in the following provisions and the Regulations.

(2) (a) Any applicant who is a resident or national, as defined in the Regulations, of a Contracting State bound by Chapter II, and whose international application has been filed with the receiving Office of or acting for such State, may make a demand for international preliminary examination.

(b) The Assembly may decide to allow persons entitled to file international applications to make a demand for international preliminary examination even if they are residents or nationals of a State not party to this Treaty or not bound by Chapter II.

(3) The demand for international preliminary examination shall be made separately from the international application. The demand shall contain the prescribed particulars and shall be in the prescribed language and form.

(4) (a) The demand shall indicate the Contracting State or States in which the applicant intends to use the results of the international preliminary examination ("elected States"). Additional Contracting States may be elected later. Election may relate only to Contracting States bound by Chapter II as Article 4.

(b) Applicants referred to in paragraph (2) (a) may elect any Contracting State bound by Chapter II. Applicants referred to in paragraph (2) (b) may elect only such Contracting States bound by Chapter II as have declared that they are prepared to be elected by such applicants.

(5) The demand shall be subject to the payment of the prescribed fees within the prescribed time limit.

(6) (a) The demand shall be submitted to the competent International Preliminary Examining Authority referred to in Article 32.

(b) Any later election shall be submitted to the International Bureau.

(7) Each elected Office shall be notified of its election.

Article 32—The International Preliminary Examining Authority

(1) International preliminary examination shall be carried out by the International Preliminary Examining Authority.

(2) In the case of demands referred to in Article 31(2) (a), the receiving Office, and, in the case of demands referred to in Article 31(2) (b), the Assembly, shall, in accordance with the applicable agreement between the interested International Preliminary Examining Authority or Authorities and the International Bureau, specify the International Preliminary Examining Authority or Authorities competent for the preliminary examination.

(3) The provisions of Article 16(3) shall apply, *mutatis mutandis*, in respect of International Preliminary Examining Authorities.

Article 33—The International Preliminary Examination

(1) The objective of the international preliminary examination is to formulate a preliminary and non-binding opinion on the questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), and to be industrially applicable.

(2) For the purposes of the international preliminary examination, a claimed invention shall be considered novel if it is not anticipated by the prior art as defined in the Regulations.

(3) For the purposes of the international preliminary examination, a claimed invention shall be considered to involve an inventive step, having regard to the prior art as defined in the Regulations, if it is not, at the prescribed relevant date, obvious to a person skilled in the art.

(4) For the purposes of the international preliminary examination, a claimed invention shall be considered industrially applicable if, according to its nature, it can be made or used (in the technological sense) in any kind of industry. "Industry" shall be understood in its broadest sense, as in the Paris Convention for the Protection of Industrial Property.

(5) The criteria described above merely serve the purposes of international preliminary examination. Any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed invention is patentable or not.

(6) The international preliminary examination shall take into consideration all the documents cited in the international search report. It may take into consideration any additional documents considered to be relevant in the particular case.

Article 34—Procedure Before the International Examining Authority

(1) Procedure before the International Preliminary Examining Authority shall be governed by the provisions of this Treaty, the Regulations, and the agreement which the International Bureau shall conclude, subject to this Treaty and the Regulations, with the said Authority.

(2) (a) The applicant shall have a right to communicate orally and in writing with the International Preliminary Examining Authority.

(b) The applicant shall have a right to amend the claims, the description, and the drawings, in the prescribed manner and within the prescribed time limit, before the international preliminary examination report is established. The amendment shall not go beyond the disclosure in the international application as filed.

(c) The applicant shall receive at least one written opinion from the International Preliminary Examining Authority unless such Authority considers that all of the followng conditions are fulfilled:

(i) the invention satisfies the criteria set forth in Article 33(1),

(ii) the international application complies with the requirements of this Treaty and the Regulations in so far as checked by that Authority,

(iii) no observations are intended to be made under Article 35(2), last sentence.

(d) The applicant may respond to the written opinion.

(3) (a) If the International Preliminary Examining Authority considers that the international application does not comply with the requirement of unity of invention as set forth in the Regulations, it may invite the applicant, at his option, to restrict the claims so as to comply with the requirements or to pay additional fees.

(b) The national law of any elected State may provide that, where the applicant chooses to restrict the claims under subparagraph (a), those parts of the international application which, as a consequence of the restriction, are not to be the subject of international preliminary examination shall, as far as effects in that State are concerned, be considered withdrawn unless a special fee is paid by the applicant to the national Office of that State.

(c) If the applicant does not comply with the invitation referred to in subparagraph (a) within the prescribed time limit, the International Preliminary Examining Authorty shall establish an international preliminary report on those parts of the international application which relate to what appears to be the main invention and shall indicate the relevant facts in the said report. The national law of any elected State may provide that, where its national Office finds the invitation of the International Preliminary Examining Authority justified, those parts of the international application which do not relate to the main invention shall, as far as effects in that State are concerned, be considered withdrawn unless a special fee is paid by the applicant to that Office.

(4) (a) If the International Preliminary Examining Authority considers

(i) that the international application relates to a subject matter on which the International Preliminary Examining Authority is not required, under the Regulations, to carry out an international preliminary examination, and in the particular case decides not to carry out such examination, or

(ii) that the description, the claims, or the drawings, are so unclear, or the claims are so inadequately supported by the description, that no meaningful opinion can be formed

on the novelty, inventive step (non-obviousness), or industrial applicability, of the claimed invention,

the said Authority shall not go into the questions referred to in Article 33(1) and shall inform the applicant of this opinion and the reasons therefor.

(b) If any of the situations referred to in subparagraph (a) is found to exist in, or in connection with, certain claims only, the provisions of that subparagraph shall apply only to the said claims.

Article 35—The International Preliminary Examination Report

(1) The international preliminary examination report shall be established within the prescribed time limit and in the prescribed form.

(2) The international preliminary examination report shall not contain any statement on the question whether the claimed invention is or seems to be patentable or unpatentable according to any national law. It shall state, subject to the provisions of paragraph (3), in relation to each claim, whether the claim appears to satisfy the criteria of novelty, inventive step (non-obviousness), and industrial applicability, as defined for the purposes of the international preliminary examination in Article 33(1) to (4). The statement shall be accompanied by the citation of the documents believed to support the stated conclusion with such explanations as the circumstances of the case may require. The statement shall also be accompanied by such other observations as the Regulations provide for.

(3) (a) If, at the time of establishing the international preliminary examination report, the International Preliminary Examining Authority considers that any of the situations referred to in Article 34(4) (a) exists, that report shall state this opinion and the reasons therefor. It shall not contain any statement as provided in paragraph (2).

(b) If a situation under Article 34(4) (b) is found to exist, the international preliminary examination report shall, in relation to the claims in question, contain the statement as provided in subparagraph (a), whereas, in relation to the other claims, it shall contain the statement as provided in paragraph (2).

Article 36—Transmittal, Translation, and Communication, of the International Preliminary Examination Report

(1) The international preliminary examination report, together with the prescribed annexes, shall be transmitted to the applicant and to the International Bureau.

(2) (a) The international preliminary examination report and its annexes shall be translated into the prescribed languages.

(b) Any translation of the said report shall be prepared by or under the responsibility of the International Bureau, whereas any translation of the said annexes shall be prepared by the applicant.

(3) (a) The international preliminary examination report, together with its translation (as prescribed) and its annexes (in the original language), shall be communicated by the International Bureau to each elected Office.

(b) The preacibed translation of the annexes shall be transmitted within the prescribed time limit by the applicant to the elected Offices.

(4) The provisions of Article 20(3) shall apply, *mutatis mutandis*, to copies of any document which is cited in the international preliminary examination report and which was not cited in the international search report.

Article 37—Withdrawal of Demand or Election

(1) The applicant may withdraw any or all elections.

(2) If the election of all elected States is withdrawn, the demand shall be considered withdrawn.

(3) (a) Any withdrawal shall be notified to the International Bureau.

(b) The elected Offices concerned and the International Preliminary Examining Authority concerned shall be notified accordingly by the International Bureau.

(4) (a) Subject to the provisions of subparagraph (b), withdrawal of the demand or of the election of a Contracting State shall, unless the national law of that State provides otherwise, be considered to be withdrawal of the international application as far as that State is concerned.

(b) Withdrawal of the demand or of the election shall not be considered to be withdrawal of the international application if such withdrawal is effected prior to the expiration of the applicable time limit under Article 22; however, any Contracting State may provide in its national law that the aforesaid shall apply only if its national Office has received, within the said time limit, a copy of the international application, together with a translation (as prescribed), and the national fee.

Article 38—Confidential Nature of the International Preliminary Examination

(1) Neither the International Bureau nor the International Preliminary Examining Authority shall, unless requested or authorized by the applicant, allow access within the meaning, and with the proviso, of Article 30(4) to the file of the international preliminary examination by any person or authority at any time, except by the elected Offices once the international preliminary examination report has been established.

(2) Subject to the provisions of paragraph (1) and Articles 36(1) and (3) and 37(3) (b), neither the International Bureau nor the International Preliminary Examining Authority shall, unless requested or authorized by the applicant, give information on the issuance or non-issuance of an international preliminary examination report and on the withdrawal or non-withdrawal of the demand or of any election.

Article 39—Copy, Translation, and Fee, to Elected Offices

(1) (a) If the election of any Contracting State has been effected prior to the expiration of the 19th month from the priority date, the provisions of Article 22 shall not apply to such State and the applicant shall furnish a copy of the international application (unless the communication under Article 20 has already taken place) and a translation thereof (as prescribed), and pay the national fee (if any), to each elected Office not later than at the expiration of 25 months from the priority date.

(b) Any national law may, for performing the acts referred to in subparagraph (a), fix time limits which expire later than the time limit provided for in that subparagraph.

(2) The effect provided for in Article 11(3) shall cease in the elected State with the same consequences as the withdrawal of any national application in that State if the applicant fails to perform the acts referred to in paragraph (1) (a) within the time limit applicable under paragraph (1) (a) or (b).

(3) Any elected Office may maintain the effect provided for in Article 11(3) even where the applicant does not comply with the requirements provided for in paragraph (1) (a) or (b).

Article 40—Delaying of National Examination and Other Processing

(1) If the election of any Contracting State has been effected prior to the expiration of the 19th month from the priority date, the provisions of Article 23 shall not apply to such State and the national Office of or acting for that State shall not proceed, subject to the provisions of paragraph (2), to the examination and other processing of the international application prior to the expiration of the applicable time limit under Article 39.

(2) Notwithstanding the provisions of paragraph (1), any elected Office may, on the express request of the applicant, proceed to the examination and other processing of the international application at any time.

Article 41—Amendment of the Claims, the Description, and the Drawings, Before Elected Offices

(1) The applicant shall be given the opportunity to amend the claims, the description, and the drawings, before each elected Office within the prescribed time limit. No elected Office shall grant a patent, or refuse the grant of a patent, before such time limit has expired, except with the express consent of the applicant.

(2) The amendments shall not go beyond the disclosure in the international application as filed, unless the national law of the elected State permits them to go beyond the said disclosure.

(3) The amendments shall be in accordance with the national law of the elected State in all respects not provided for in this Treaty and the Regulations.

(4) Where an elected Office requires a translation of the international application, the amendments shall be in the language of the translation.

Article 42—Results of National Examination in Elected Offices

No elected Office receiving the international preliminary examination report may require that the applicant furnish copies, or information on the contents, of any papers connected with the examination relating to the same international application in any other elected Office.

CHAPTER III: COMMON PROVISIONS

Article 43—Seeking certain kinds of protection

In respect of any designated or elected State whose law provides for the grant of inventors' certificates, utility certificates, utility models, patents or certificates of addition, inventors' certificates of addition, or utility certificates of addition, the applicant may indicate, as prescribed in the Regulations, that his international application is for the grant, as far as that State is concerned, of an inventor's certificate, a utility certificate, or a utility model, rather than a patent, or that it is for the grant of a patent or certificate of addition, an inventor's certificate of addition, or a utility certificate of addition, and the ensuing effect shall be governed by the applicant's choice. For the purposes of this Article and any Rule thereunder, Article 2(ii) shall not apply.

Article 44—Seeking two kinds of protection

In respect of any designated or elected State whose law permits an application, while being for the grant of a patent or one of the other kinds of protection referred to in Article 43, to be also for the grant of another of the said kinds of protection, the applicant may indicate, as prescribed in the Regulations, the two kinds of protection he is seeking, and the ensuing effect shall be governed by the applicant's indications. For the purposes of this Article, Article 2(ii) shall not apply.

Article 45—Regional patent treaties

(1) Any treaty providing for the grant of regional patents ("regional patent treaty"), and giving to all persons who, according to Article 9, are entitled to file international applications the right to file applications for such patents, may provide that international applications designating or electing a State party to both the regional patent treaty and the present Treaty may be filed as applications for such patents.

(2) The national law of the said designated or elected State may provide that any designation or election of such State in the international application shall have the effect

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of an indication of the wish to obtain a regional patent under the regional patent treaty.

Article 46—Incorrect translation of the international application

If, because of an incorrect translation of the international application, the scope of any patent granted on that application exceeds the scope of the international application in its original language, the competent authorities of the Contracting State concerned may accordingly and retroactively limit the scope of the patent, and declare it null and void to the extent that its scope has exceeded the scope of the international application in its original language.

Article 47—Time limits

(1) The details for computing time limits referred to in this Treaty are governed by the Regulations.

(2) (a) All time limits fixed in Chapters I and II of this Treaty may, outside any revision under Article 60, be modified by a decision of the Contracting States.

(b) Such decisions shall be made in the Assembly or through voting by correspondence and must be unanimous.

(c) The details of the procedure are governed by the Regulations.

Article 48—Delay in meeting certain time limits

(1) Where any time limit fixed in this Treaty or the Regulations is not met because of interruption in the mail service or unavoidable loss or delay in the mail, the time limit shall be deemed to be met in the cases and subject to the proof and other conditions prescribed in the Regulations.

(2) (a) Any Contracting State shall, as far as that State is concerned, excuse, for reasons admitted under its national law, any delay in meeting any time limit.

(b) Any Contracting State may, as far as that State is concerned, excuse, for reasons other than those referred to in subparagraph (a), any delay in meeting any time limit.

Article 49—Right to practice before international authorities

Any attorney, patent agent, or other person, having the right to practice before the national Office with which the international application was filed, shall be entitled to practice before the International Bureau and the competent International Searching Authority and competent International Preliminary Examining Authority in respect of that application.

CHAPTER IV: TECHNICAL SERVICES

Article 50—Patent information services

(1) The International Bureau may furnish services by providing technical and any other pertinent information available to it on the basis of published documents, primarily patents and published applications (referred to in this Article as "the information services.").

(2) The International Bureau may provide these information services either directly or through one or more International Searching Authorities or other national or international specialized institutions, with which the International Bureau may reach agreement.

(3) The information services shall be operated in a way particularly facilitating the acquisition by Contracting States which are developing countries of technical knowledge and technology, including available published know-how.

(4) The information services shall be available to Governments of Contracting States and their nationals and residents. The Assembly may decide to make these services available also to others.

(5) (a) Any service to Governments of Contracting States shall be furnished at cost, provided that, when the Government is that of a Contracting State which is a developing country, the service shall be furnished below cost if the difference can be covered from profit made on services furnished to others than Governments of Contracting States or from the sources referred to in Article 51(4).

(b) The cost referred to in subparagraph (a) is to be understood as cost over and above costs normally incident to the performance of the services of a national Office or the obligations of an International Searching Authority.

(6) The details concerning the implementation of the provisions of this Article shall be governed by decisions of the Assembly and, within the limits to be fixed by the Assembly, such working groups as the Assembly may set up for that purpose.

(7) The Assembly shall, when it considers it necessary, recommend methods of providing financing supplementary to those referred to in paragraph (5).

Article 51—Technical assistance

(1) The Assembly shall establish a Committee for Technical Assistance (referred to in this Article as "the Committee").

(2) (a) The members of the Committee shall be elected among the Contracting States, with due regard to the representation of developing countries.

(b) The Director General shall, on his own initiative or at the request of the Committee, invite representatives of intergovernmental organizations concerned with technical assistance to developing countries to participate in the work of the Committee.

(3) (a) The task of the Committee shall be to organize and supervise technical assistance for Contracting States which are developing countries in developing their patent systems individually or on a regional basis.

(b) The technical assistance shall comprise, among other things, the training of specialists, the loaning of experts, and the supply of equipment both for demonstration and for operational purposes.

(4) The International Bureau shall seek to enter into agreements, on the one hand, with international financing organizations and intergovernmental organizations, particularly the United Nations, the agencies of the United Nations, and the Specialized Agencies connected with the United Nations concerned with technical assistance, and, on the other hand, with the Governments of the States receiving the technical assistance, for the financing of projects pursuant to this Article.

(5) The details concerning the implementation of the provisions of this Article shall be governed by decisions of the Assembly and, within the limits to be fixed by the Assembly, such working groups as the Assembly may set up for that purpose.

Article 52—Relations with other provisions of the treaty

Nothing in this Chapter shall affect the financial provisions contained in any other Chapter of this Treaty. Such provisions are not applicable to the present Chapter or to its implementation.

CHAPTER V: ADMINISTRATIVE PROVISIONS

Article 53—Assembly

(1) (a) The Assembly shall, subject to Article 57(e), consist of the Contracting States.

(b) The Government of each Contracting State shall be represented by one delegate, who may be assisted by alternate delegates, advisors, and experts.

(2) (a) The Assembly shall:

(i) deal with all matters concerning the maintenances and development of the Union and the implementation of this Treaty;

(ii) perform such tasks as are specifically assigned to it under other provisions of this Treaty;

(iii) give directions to the International Bureau concerning the preparation for revision conferences;

(iv) review and approve the reports and activities of the Director General concerning the Union, and give him all necessary instructions concerning matters within the competence of the Union;

(v) review and approve the reports and activities of the Executive Committee established under paragraph (9), and give instructions to such Committee;

(vi) determine the program and adopt the triennial budget of the Union, and approve its final accounts;

(vii) adopt the financial regulations of the Union;

(viii) establish such committees and working groups as it deems appropriate to achieve the objectives of the Union;

(ix) determine which States other than Contracting States and, subject to the provisions of paragraph (8), which intergovernmental and international non-governmental organizations shall be admitted to its meetings as observers;

(x) take any other appropriate action designed to further the objectives of the Union and perform such other functions as are appropriate under this Treaty.

(b) With respect to matters which are of interest also to other Unions administered by the Organization, the Assembly shall make its decisions after having heard the advice of the Coordination Committee of the Organization.

(3) A delegate may represent, and vote in the name of, one State only.

(4) Each Contracting State shall have one vote.

(5) (a) One-half of the Contracting States shall constitute a quorum.

(b) In the absence of the quorum, the Assembly may make decisions but, with the exception of decisions concerning its own procedure, all such decisions shall take effect only if the quorum and the required majority are attained through voting by correspondence as provided in the Regulations.

(6) (a) Subject to the provisions of Articles 47(2) (b), 58(2) (b), 58(3) and 61(2) (b), the decisions of the Assembly shall require two-thirds of the votes cast.

(b) Abstentions shall not be considered as votes.

(7) In connection with matters of exclusive interest to States bound by Chapter II, any reference to Contracting States in paragraphs (4), (5), and (6), shall be considered as applying only to States bound by Chapter II.

(8) Any intergovernmental organization appointed as International Searching or Preliminary Examining Authority shall be admitted as observer to the Assembly.

(9) When the number of Contracting States exceeds forty, the Assembly shall establish an Executive Committee. Any reference to the Executive Committee in this Treaty and the Regulations shall be construed as references to such Committee once it has been established.

(10) Until the Executive Committee has been established, the Assembly shall approve, within the limits of the program and triennial budget, the annual programs and budgets prepared by the Director General.

(11) (a) Until the Executive Committee has been established, the Assembly shall meet once in every calendar year in ordinary session upon convocation by the Director General and, in the absence of exceptional circumstances, during the same period and at the same place as the Coordination Committee of the Organization.

(b) Once the Executive Committee has been established, the Assembly shall meet once only in every third calendar year in ordinary session upon convocation by the Director General and, in the absence of exceptional circumstances, during the same period and at the same place as the General Assembly of the Organization.

(c) The Assembly shall meet in extraordinary session upon convocation by the Director General, at the request of the Executive Committee, or at the request of one-fourth of the Contracting States.

(12) The Assembly shall adopt its own rules of procedure.

Article 54—Executive Committee

(1) When the Assembly has established an Executive Committee, that Committee shall be subject to the provisions set forth hereinafter.

(2) (a) The Executive Committe shall, subject to Article 57(8), consist of States elected by the Assembly from among States members of the Assembly.

(b) The Government of each State member of the Executive Committee shall be representd by one delegate, who may be assisted by alternate delegates, advisors, and experts.

(3) The number of States members of the Executive Committee shall correspond to one-fourth of the number of States members of the Assembly. In establishing the number of seats to be filled, remainders after division by four shall be disregarded.

(4) In electing the members of the Executive Committee, the Assembly shall have due regard to an equitable geographical distribution.

(5) (a) Each member of the Executive Committee shall serve from the close of the session of the Assembly which elected it to the close of the next ordinary session of the Assembly.

(b) Members of the Executive Committee may be re-elected but only up to a maximum of two-thirds of such members.

(c) The Assembly shall establish the details of the rules governing the election and possible re-election of the members of the Executive Committee.

(6) (a) The Executive Committee shall:

(i) prepare the draft agenda of the Assembly;

(ii) submit proposals to the Assembly in respect of the draft program and triennial budget of the Union prepared by the Director General;

(iii) approve, within the limits of the program and triennial budget, the specific yearly budgets and programs prepared by the Director General;

(iv) submit, with appropriate comments, to the Assembly the periodical reports of the Director General and the yearly audit reports on the accounts;

(v) take all necessary measures to ensure the execution of the program of the Union by the Director General, in accordance with the decisions of the Assembly and having regard to circumstances arising between two ordinary sessions of the Assembly;

(vi) perform such other functions as are allocated to it under this Treaty.

(b) With respect to matters which are of interest also to other Unions administered by the Organization, the Executive Committee shall make its decisions after having heard the advice of the Coordination Committee of the Organization.

(7) (a) The Executive Committee shall meet once a year in ordinary session upon convocation by the Director General, preferably during the same period and at the same place as the Coordination Committee of the Organization.

(b) The Executive Committee shall meet in extraordinary session upon convocation by the Director General, either on his own initiative or at the request of its Chairman or one-fourth of its members.

(8) (a) Each State member of the Executive Committee shall have one vote.

(b) One-half of the members of the Executive Committee shall constitute a quorum.

(c) Decisions shall be made by a simple majority of the votes cast.

(d) Abstentions shall not be considered as votes.

(e) A delegate may represent, and vote in the name of, one State only.

(9) Contracting States not members of the Executive Committee shall be admitted to its meetings as observers, as well as any intergovernmental organization appointed as International Searching or Preliminary Examining Authority.

(10) The Executive Committee shall adopt its own rules of procedure.

Article 55—International bureau

(1) Administrative tasks concerning the Union shall be performed by the International Bureau.

(2) The International Bureau shall provide the secretariat of the various organs of the Union.

(3) The Director General shall be the chief executive of the Union and shall represent the Union.

(4) The International Bureau shall publish a Gazette and other publications provided for by the Regulations or required by the Assembly.

(5) The Regulations shall specify the services that national Offices shall perform in order to assist the International Bureau and the International Searching and Preliminary Examining Authorities in carrying out their tasks under this Treaty.

(6) The Director General and any staff member designated by him shall participate, without the right to vote, in all meetings of the Assembly, the Executive Committee and any other committee or working group established under this Treaty or the Regulations. The Director General, or a staff member designated by him, shall be ex officio secretary of these bodies.

(7) (a) The International Bureau shall, in accordance with the directions of the Assembly and in cooperation with the Executive Committee, make the preparations for the revision conferences.

(b) The International Bureau may consult non-governmental organizations concerning preparations for revision conferences.

(c) The Director General and persons designated by him shall take part, without the right to vote, in the discussions at revision conferences.

(8) The International Bureau shall carry out any other tasks assigned to it.

Article 56—Committee for Technical Cooperation

(1) The Assembly shall establish a Committee for Technical Cooperation (referred to in this Article as "the Committee").

(2) (a) The Assembly shall determine the composition of the Committee and appoint its members, with due regard to an equitable representation of developing countries.

(b) The International Searching and Preliminary Examining Authorities shall be ex officio members of the Committee. In the case where such an Authority is the national Office of a Contracting State, that State shall not be additionally represented on the Committee.

(c) If the number of Contracting States so allows, the total number of members of the Committee shall be more than double the number of ex officio members.

(d) The Director General shall, on his own initiative or at the request of the Committee, invite representatives of interested organizations to participate in discussions of interest to them.

(3) The aim of the Committee shall be to contribute, by advice and recommendations:

(i) to the constant improvement of the services provided for under this Treaty,

(ii) to the securing, so long as there are several International Searching Authorities and several International Preliminary Examining Authorities, of the maximum degree of uniformity in their documentation and working methods and the maximum degree of uniformly high quality in their reports, and

(iii) on the initiative of the Assembly or the Executive Committee, to the solution of the technical problems specifically involved in the establishment of a single International Searching Authority.

(4) Any Contracting State and any interested international organization may approach the Committee in writing on questions which fall within the competence of the Committee.

(5) The Committee may address its advice and recommendations to the Director General or, through him, to the Assembly, the Executive Committee, all or some of the International Searching and Preliminary Examining Authorities, and all or some of the receiving Offices.

(6) a() In any case, the Director General shall transmit to the Executive Committee the texts of all the advice and recommendations of the Committee. He may comment on such texts.

(b) The Executive Committee may express its views on any advice, recommendation, or other activity of the Committee, and may invite the Committee to study and report on questions falling within its competence. The Executive Committee may submit to the Assembly, with appropriate comments, the advice, recommendations and report of the Committee.

(7) Until the Executive Committee has been established, references in paragraph (6) to the Executive Committee shall be construed as references to the Assembly.

(8) The details of the procedure of the Committee shall be governed by the decisions of the Assembly.

Article 57—Finances

(1) (a) The Union shall have a budget.

(b) The budget of the Union shall include the income and expenses proper to the Union and its contribution to the budget of expenses common to the Unions administered by the Organization.

(c) Expenses not attributable exclusively to the Union but also to one or more other Unions administered by the Organization shall be considered as expenses common to the Unions. The share of the Union in such common expenses shall be in proportion to the interest the Union has in them.

(2) The budget of the Union shall be established with due regard to the requirements of coordination with the budgets of the other Unions administered by the Organization.

(3) Subject to the provisions of paragraph (5), the budget of the Union shall be financed from the following sources:

(i) fees and charges due for services rendered by the International Bureau in relation to the Union;

(ii) sale of, or royalties on, the publications of the International Bureau concerning the Union;

(iii) gifts, bequests, and subventions;

(iv) rents, interests, and other miscellaneous income.

(4) The amounts of fees and charges due to the International Bureau and the prices of its publications shall be so fixed that they should, under normal circumstances, be sufficient to cover all the expenses of the International Bureau connected with the administration of this Treaty.

(5) (a) Should any financial year close with a deficit, the Contracting States shall, subject to the provisions of subparagraphs (b) and (c), pay contributions to cover such deficit.

(b) The amount of the contribution of each Contracting State shall be decided by the Assembly with due regard to the number of international applications which has emanated from each of them in the relevant year.

(c) If other means of provisionally covering any deficit or any part thereof are secured, the Assembly may decide that such deficit be carried forward and that the Contracting States should not be asked to pay contributions.

(d) If the financial situation of the Union so permits, the Assembly may decide that any

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contributions paid under subparagraph (a) be reimbursed to the Contracting States which have paid them.

(e) A Contracting State which has not paid, within two years of the due date as established by the Assembly, its contribution under subparagraph (b) may not exercise its right to vote in any of the organs of the Union. However, any organ of the Union may allow such a State to continue to exercise its right to vote in that organ so long as it is satisfied that the delay in payment is due to exceptional and unavoidable circumstances.

(6) If the budget is not adopted before the beginning of a new financial period, it shall be at the same level as the budget of the previous year, as provided in the financial regulations.

(7) (a) The Union shall have a working capital fund which shall be constituted by a single payment made by each Contracting State. If the fund becomes insufficient, the Assembly shall arrange to increase it. If part of the fund is no longer needed, it shall be reimbursed.

(b) The amount of the initial payment of each Contracting State to the said fund or of its participation in the increase thereof shall be decided by the Assembly on the basis of principles similar to those provided for under paragraph (5) (b).

(c) The terms of payment shall be fixed by the Assembly on the proposal of the Director General and after it has heard the advice of the Coordination Committee of the Organization.

(d) Any reimbursement shall be proportionate to the amounts paid by each Contracting State, taking into account the dates at which they were paid.

(8) (a) In the headquarters agreement concluded with the State on the territory of which the Organization has its headquarters, it shall be provided that, whenever the working capital fund is insufficient such State shall grant advances. The amount of these advances and the conditions on which they are granted shall be the subject of separate agreements, in each case, between such State and the Organization. As long as it remains under the obligation to grant advances, such State shall have an ex officio seat in the Assembly and on the Executive Committee.

(b) The State referred to in subparagraph (a) and the Organization shall each have the right to denounce the obligation to grant advances, by written notification. Denunciation shall take effect three years after the end of the year in which it has been notified.

(9) The auditing of the accounts shall be effected by one or more of the Contracting States or by external auditors, as provided in the financial regulations. They shall be designated, with their agreement, by the Assembly.

Article 58—Regulations

(1) The Regulations annexed to this Treaty provide Rules:

(i) concerning matters in respect of which this Treaty expressly refers to the Regulations or expressly provides that they are or shall be prescribed,

(ii) concerning any administrative requirements, matters, or procedures,

(iii) concerning any details useful in the implementation of the provisions of this Treaty.

(2) (a) The Assembly may amend the Regulations.

(b) Subject to the provisions of paragraph (3), amendments shall require three-fourths of the votes cast.

(3) (a) The Regulations specify the Rules which may be amended

(i) only by unanimous consent, or

(ii) only if none of the Contracting States whose national Office acts as an International Searching or Preliminary Examining Authority dissents, and, where such Authority is an intergovernmental organization, if the Contracting State member of that organization authorized for that purpose by the other member States within the competent body of such organization does not dissent.

(b) Exclusion, for the future, of any such Rules from the applicable requirement shall require the fulfillment of the conditions referred to in subparagraph (a) (i) or (a) (ii), respectively.

(c) Inclusion, for the future, of any Rule in one or the other of the requirements referred to in subparagraph (a) shall require unanimous consent.

(4) The Regulations provide for the establishment, under the control of the Assembly, of Administrative Instructions by the Director General.

(5) In the case of conflict between the provisions of the Treaty and those of the Regulations, the provisions of the Treaty shall prevail.

CHAPTER VI: DISPUTES

Article 59—Disputes

Subject to Article 64(5), any dispute between two or more Contracting States concerning the interpretation or application of this Treaty or the Regulations, not settled by negotiation, may, by any one of the States concerned, be brought before the International Court of Justice by application in conformity with the Statute of the Court, unless the States concerned agree on some other method of settlement. The Contracting State bringing the dispute before the Court shall inform the International Bureau; the International Bureau shall bring the matter to the attention of the other Contracting States.

CHAPTER VII: REVISION AND AMENDMENT

Article 60—Revision of the Treaty

(1) This Treaty may be revised from time to time by a special conference of the Contracting States.

(2) The convocation of any revision conference shall be decided by the Assembly.

(3) Any intergovernmental organization appointed as International Searching or Preliminary Examining Authority shall be admitted as observer to any revision conference.

(4) Article 53(5), (9) and (11), 54, 55(4) to (8), 56, and 57, may be amended either by a revision conference or according to the provisions of Article 61.

Article 61—Amendment of Certain Provisions of the Treaty

(1) (a) Proposals for the amendment of Articles 53(5), (9) and (11), 54, 55(4) to (8), 56, and 57, may be initiated by any State member of the Assembly, by the Executive Committee, or by the Director General.

(b) Such proposals shall be communicated by the Director General to the Contracting States at least six months in advance of their consideration by the Assembly.

(2) (a) Amendments to the Articles referred to in paragraph (1) shall be adopted by the Assembly.

(b) Adoption shall require three-fourths of the votes cast.

(3) (a) Any amendment to the Articles referred to in paragraph (1) shall enter into force one month after written notifications of acceptance, effected in accordance with their respective constitutional processes, have been received by the Director General from three-fourths of the States members of the Assembly at the time it adopted the amendment.

(b) Any amendment to the said Articles thus accepted shall bind all the States which are members of the Assembly at the time the amendment enters into force, provided that any amendment increasing the financial obligations of the Contracting States shall bind only those States which have notified their acceptance of such amendment.

(c) Any amendment accepted in accordance with the provisions of subparagraph (a) shall bind all States which become members of the Assembly after the date on which the amendment entered into force in accordance with the provisions of subparagraph (a).

CHAPTER VIII: FINAL PROVISIONS

Article 62—Becoming Party to the Treaty

(1) Any State member of the International Union for the Protection of Industrial Property may become party to this Treaty by:

(i) signature followed by the deposit of an instrument of ratification, or

(ii) deposit of an instrument of accession.

(2) Instruments of ratification or accession shall be deposited with the Director General.

(3) The provisions of Article 24 of the Stockholm Act of the Paris Convention for the Protection of Industrial Property shall apply to this Treaty.

(4) Paragraph (3) shall in no way be understood as implying the recognition or tacit acceptance by a Contracting State of the factual situation concerning a territory to which this Treaty is made applicable by another Contracting State by virtue of the said paragraph.

Article 63—Entry into Force of the Treaty

(1) (a) Subject to the provisions of paragraph (3), this Treaty shall enter into force three months after eight States have deposited their instruments of ratification or accession, provided that at least four of those States each fulfill any of the following conditions:

(i) the number of applications filed in the State has exceeded 40,000 according to the most recent annual statistics published by the International Bureau,

(ii) the nationals or residents of the State have filed at least 1,000 applications in one foreign country according to the most recent annual statistics published by the International Bureau,

(iii) the national Office of the State has received at least 10,000 applications from nationals or residents of foreign countries according to the most recent annual statistics published by the International Bureau.

(b) For the purposes of this paragraph, the term "applications" does not include applications for utility models.

(2) Subject to the provisions of paragraph (3), any State which does not become party to this Treaty upon entry into force under paragraph (1) shall become bound by this Treaty three months after the date on which such State has deposited its instrument of ratification or accession.

(3) The provisions of Chapter II and the corresponding provisions of the Regulations annexed to this Treaty shall become applicable, however, only on the date on which three States each of which fulfill at least one of the three requirements specified in paragraph (1) have become party to this Treaty without declaring, as provided in Article 64(1), that they do not intend to be bound by the provisions of Chapter II. That date shall not, however, be prior to that of the initial entry into force under paragraph (1).

Article 64—Reservations

(1) (a) Any State may declare that it shall not be bound by the provisions of Chapter II.

(b) States making a declaration under subparagraph (a) shall not be bound by the provisions of Chapter II and the corresponding provisions of the Regulations.

(2) (a) Any State not having made a declaration under paragraph (1) (a) may declare that:

(i) it shall not be bound by the provisions of Article 39(1) with respect to the furnishing of a copy of the international application and a translation thereof (as prescribed),

(ii) the obligation to delay national processing, as provided for under Article 40, shall not prevent publication, by or through its national Office, of the international application or a translation thereof, it being understood, however, that it is not exempted from the limitations provided for in Articles 30 and 38.

(b) States making such a declaration shall be bound accordingly.

(3) (a) Any State may declare that, as far as it is concerned, international publication of international applications is not required.

(b) Where, at the expiration of 18 months from the priority date, the international application contains the designation only of such States as have made declarations under subparagraph (a), the international application shall not be published by virtue of Article 21(2).

(c) Where the provisions of subparagraph (b) apply, the international application shall nevertheless be published by the International Bureau:

(i) at the request of the applicant, as provided in the Regulations,

(ii) when a national application or a patent based or the international application is published by or on behalf of the national Office of any designated State having made a declaration under subparagraph (a), promptly after such publication but not before the expiration of 18 months from the priority date.

(4) (a) Any State whose national law provides for prior art effect of its patents as from a date before publication, but does not equate for prior art purposes the priority date claimed under the Paris Convention for the Protection of Industrial Property to the actual filing date in that State, may declare that the filing outside that State of an international application designating that State is not equated to an actual filing in that State for prior art purposes.

(b) Any State making a declaration under subparagraph (a) shall to that extent not be bound by the provisions of Article 11(3).

(c) Any State making a declaration under subparagraph (a) shall, at the same time, state in writing the date from which, and the conditions under which, the prior art effect of any international application designating that State becomes effective in that State. This statement may be modified at any time by notification addressed to the Director General.

(5) Each State may declare that it does not consider itself bound by Article 59. With regard to any dispute between any Contracting State having made such a declaration and any other Contracting State, the provisions of Article 59 shall not apply.

(6) (a) Any declaration made under this Article shall be made in writing. It may be made at the time of signing this Treaty, at the time of depositing the instrument of ratification or accession, or, except in the case referred to in paragraph (5), at any later time by notification addressed to the Director General. In the case of the said notification, the declaration shall take effect six months after the day on which the Director General has received the notification, and shall not affect international applications filed prior to the expiration of the said six-month period.

(b) Any declaration made under this Article may be withdrawn at any time by notification addressed to the Director General. Such withdrawal shall take effect three months after the day on which the Director General has received the notification and, in the case of the withdrawal of a declaration made under paragraph (3), shall not affect international applications filed prior to the expiration of the said three-month period.

(7) No reservations to this Treaty other than the reservations under paragraphs (1) to (5) are permitted.

Article 65—Gradual Application

(1) If the agreement with any International Searching or Preliminary Examining Authority provides, transitionally, for limits on the number or kind of international applications that such Authority undertakes to process, the Assembly shall adopt the measures necessary for the gradual application of this Treaty and the Regulations in respect of given categories of international applications. This provision shall also apply to requests for an international-type search under Article 15(5).

(2) The Assembly shall fix the dates from which, subject to the provision of paragraph (1), international applications may be filed and demands for international preliminary examination may be submitted. Such dates shall not be later than six months after this Treaty has entered into force according to the provisions of Article 63(1), or after Chapter II has become applicable under Article 63(3), respectively.

Article 66—Denunciation

(1) Any Contracting State may denounce this Treaty by notification addressed to the Director General.

(2) Denunciation shall take effect six months after receipt of the said notification by the Director General. It shall not affect the effects of the international application in the denouncing State if the international application was filed, and, where the denouncing State has been elected, the election was made, prior to the expiration of the said six-month period.

Article 67—Signature and Languages

(1) (a) This Treaty shall be signed in a single original in the English and French languages, both texts being equally authentic.

(b) Official texts shall be established by the Director General, after consultation with the interested Governments, in the German, Japanese, Portuguese, Russian and Spanish languages, and such other languages as the Assembly may designate.

(2) This Treaty shall remain open for signature at Washington until December 31, 1970.

Article 68—Depositary Functions

(1) The original of this Treaty, when no longer open for signature, shall be deposited with the Director General.

(2) The Director General shall transmit two copies, certified by him, of this Treaty and the Regulations annexed hereto to the Governments of all States party to the Paris Convention for the Protection of Industrial Property and, on request, to the Government of any other State.

(3) The Director General shall register this Treaty with the Secretariat of the United Nations.

(4) The Director General shall transmit two copies, certified by him, of any amendment to this Treaty and the Regulations to the Governments of all Contracting States and, on request, to the Government of any other State.

Article 69—Notifications

The Director General shall notify the Governments of all States party to the Paris Convention for the Protection of Industrial Property of:

(i) signatures under Article 62,

(ii) deposits of instruments of ratification or accession under Article 62,

(iii) the date of entry into force of this Treaty and the date from which Chapter II is applicable in accordance with Article 63 (3),

(iv) denunciations received under Article 64 (1) to (5),

(v) withdrawals of any declarations made under Article 64(6) (b),

(vi) denunciations received under Article 66, and

(vii) any declarations made under Article 31(4).

In witness whereof, the undersigned, being duly authorized thereto, have signed this Treaty.

Done at Washington, on June 19, 1970.

For Algeria: A. Dahmouche.

For Argentina: Pedro E Real, December 21st, 1970.

For Australia:

For Austria: Hans Georg Rudofsky, Dec. 22nd, 1970.

For Belgium: Walter Loridan, 30 décembre 1970.

For Brazil: Miguel A O de Almeida.

For Bulgaria:

For Cameroon:

For Canada: A. M. Laidlaw.

For the Central African Republic:

For Ceylon:

For Chad:

For the Congo (Brazzaville):

For Cuba:

For Cyprus:

For Czechoslovakia:

For Dahomey:

For Denmark: E. Tuxen.

For the Dominican Republic:

For the Federal Republic of Germany: Rupprecht v Keller, Kurt Haertel.

For Finland: Erkki Tuuli.

For France: Charles Lucet, 31 Décembre 1970.

For Gabon:

For Greece:

For Haiti:

For the Holy See: Mario Peressin.

For Hungary: Under reservation of Art. 59, E. Tasnádi.

For Iceland:

For Indonesia:

For Iran: Dr. A. Aslan Afshar, July 7th, 1970.

For Ireland: M. J. Quinn.

For Israel: Z. Sher, Mayer Gabay.

For Italy: Giorgio Ranzi.

For the Ivory Coast: T. Ahoua, December 3rd, 1970.

For Japan: subject to ratification, B. Yoshino, Y. Aratama.

For Kenya:

For Lebanon:

For Liechtenstein:

For Luxembourg: Jean Wagner, December 30th, 1971.

For Madagascar: Jules A. Razafimbahiny, December 10, 1970.

For Malawi:

For Malta:

For Mauritania:

For Mexico:

For Monaco: Professor Dr. Charles Schertenlieb, le 31 Décembre 1970.

For Morocco:

For the Kingdom of the Netherlands: R B Van Lynden, 31st December 1970.

For New Zealand:

For Niger:

For Nigeria:

For Norway: Leif Nordstrand.

For the Philippines: Suarez.

For Poland:

For Portugal:

For Romania: Corneliu Bogdan, Dec. 28, 1970.

For San Marino:

For Senegal: Cheikh I Fall, Dec. 29, 1970.

For South Africa:

For Spain:

For Sweden: Göran Borggård.

For Switzerland: Dr. Walter Stamm.

For Syria: George J. Tomeh, December 29th, 1970.

For Tanzania:

For Togo: Dr. Ohin, 12.23.70.

For Trinidad and Tobago:

For Tunisia:

For Turkey:

For Uganda:

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For the Union of Soviet Socialist Republics: A. Dobrynin, 23/XII 70.

For the United Arab Republic: Moh. Abdel Salam.

For the United Kingdom of Great Britain and Northern Ireland: Edward Armitage, James David Fergusson.

For the United States of America: Eugene M. Braderman, William E. Schuyler, Jr.

For Upper Volta:

For Uruguay:

For the Republic of Viet-Nam:

For Yugoslavia: Prof. Dr. Stojan Pretnar.

For Zambia:

REGULATIONS UNDER THE PATENT COOPERATION TREATY

PART A—INTRODUCTORY RULES

Rule 1—Abbreviated Expressions

1.1 *Meaning of Abbreviated Expressions*

(a) In these Regulations, the word "Treaty" means the Patent Cooperation Treaty.

(b) In these Regulations, the words "Chapter" and "Article" refer to the specified Chapter or Article of the Treaty.

Rule 2—Interpretation of Certain Words

2.1 *"Applicant"*

Whenever the word "applicant" is used, it shall be construed as meaning also the agent or other representative of the applicant, except where the contrary clearly follows from the wording or the nature of the provision, or the context in which the word is used, such as, in particular, where the provision refers to the residence or nationality of the applicant.

2.2 *"Agent"*

Whenever the word "agent" is used, it shall be construed as meaning any person who has the right to practice before international authorities as defined in Article 49 and, unless the contrary clearly follows from the wording or the nature of the provision, or the context in which the word is used, also the common representative referred to in Rule 4.8.

2.3 *"Signature"*

Whenever the word "signature" is used, it shall be understood that, if the national law applied by the receiving Office or the competent International Searching or Preliminary Examining Authority requires the use of a seal instead of a signature, the word, for the purposes of that Office or Authority, shall mean seal.

PART B—RULES CONCERNING CHAPTER I OF THE TREATY

Rule 3—The Request (Form)

3.1 *Printed Form*

The request shall be made on a printed form.

3.2 *Availability of Forms*

Copies of the printed form shall be furnished free of charge to the applicants by the receiving Office, or, if the receiving Office so desires, by the International Bureau.

3.3 *Check List*

(a) The printed form shall contain a list which, when filled in, will show:

(i) the total number of sheets constituting the international application and the number of the sheets of each element of the international application (request, description, claims, drawings, abstract);

(ii) whether or not the international application as filed is accompanied by a power of attorney (i.e., a document appointing an agent or a common representative), a priority document, a receipt for the fees paid or a check for the payment of the fees, an international or an international-type search report, a document in evidence of the fact that the applicant is the successor in title of the inventor, and any other document (to be specified in the check list);

(iii) the number of that figure of the drawings which the applicant suggests should accompany the abstract when the abstract is published on the front page of the pamphlet and in the Gazette; in exceptional cases, the applicant may suggest more than one figure.

(b) The list shall be filled in by the applicant, failing which the receiving Office shall fill it in and make the necessary annotations, except that the number referred to in paragraph (a)(iii) shall not be filled in by the receiving Office.

3.4 *Particulars*

Subject to Rule 3.3, particulars of the printed form shall be prescribed by the Administrative Instructions.

Rule 4—The Request (Contents)

4.1 *Mandatory and Optional Contents; Signature*

(a) The request shall contain:

(i) a petition,

(ii) the title of the invention,

(iii) indications concerning the applicant and the agent, if there is an agent,

(iv) the designation of States,

(v) indications concerning the inventor where the national law of at least one of the designated States requires that the name of the inventor be furnished at the time of filing a national application.

(b) The request shall, where applicable, contain:

(i) a priority claim,

(ii) a reference to any earlier international search or to any earlier international-type search,

(iii) choices of certain kinds of protection,

(iv) an indication that the applicant wishes to obtain a regional patent and the names of the designated States for which he wishes to obtain such a patent,

(v) a reference to a parent application or parent patent.

(c) The request may contain indications concerning the inventor where the national law of none of the designated States requires that the name of the inventor be furnished at the time of filing a national application.

(d) The request shall be signed.

4.2 *The Petition*

The petition shall be to the following effect and shall preferably be worded as follows: "The undersigned requests that the present international application be processed according to the Patent Cooperation Treaty."

4.3 *Title of the Invention*

The title of the invention shall be short (preferably from two to seven words when in English or translated into English) and precise.

4.4 *Names and Addresses*

(a) Names of natural persons shall be indicated by the person's family name and given name(s), the family name being indicated before the given name(s).

(b) Names of legal entities shall be indicated by their full, official designations.

(c) Addresses shall be indicated in such a way as to satisfy the customary requirements for prompt postal delivery at the indicated address and, in any case, shall consist of all the relevant administrative units up to, and including, the house number, if any. Where the national law of the designated State does not require the indication of the house number, failure to indicate such number shall have no effect in that State. It is recommended to indicate any telegraphic and teletype address and telephone number.

(d) For each applicant, inventor, or agent, only one address may be indicated.

4.5 *The Applicant*

(a) The request shall indicate the name, address, nationality and residence of the applicant or, if there are several applicants, of each of them.

(b) The applicant's nationality shall be indicated by the name of the State of which he is a national.

(c) The applicant's residence shall be indicated by the name of the State of which he is a resident.

4.6 *The Inventor*

(a) Where Rule 4.1(a)(v) applies, the request shall indicate the name and address of the inventor or, if there are several inventors, of each of them.

(b) If the applicant is the inventor, the request, in lieu of the indication under paragraph (a), shall contain a statement to that effect or shall repeat the applicant's name in the space reserved for indicating the inventor.

(c) The request may, for different designated States, indicate different persons as inventors where, in this respect, the requirements of the national laws of the designated States are not the same. In such a case, the request shall contain a separate statement for each designated State or group of States in which a particular person, or the same person, is to be considered the inventor, or in which particular persons, or the same persons, are to be considered the inventors.

4.7 *The Agent*

If agents are designated, the request shall so indicate, and shall state their names and addresses.

4.8 *Representation of Several Applicants Not Having a Common Agent*

(a) If there is more than one applicant and the request does not refer to an agent representing all the applicants ("a common agent"), the request shall designate one of the applicants who is entitled to file an international application according to Article 9 as their common representative.

(b) If there is more than one applicant and the request does not refer to an agent representing all the applicants and it does not comply with the requirement of designating one of the applicants as provided in paragraph (a), the applicant first named in the request who is entitled to file an international application according to Article 9 shall be considered the common representative.

4.9 *Designation of States*

Contracting States shall be designated in the request by their names.

4.10 *Priority Claim*

(a) The declaration referred to in Article 8(1) shall be made in the request; it shall consist of a statement to the effect that the priority of an earlier application is claimed and shall indicate:

(i) when the earlier application is not a regional or an international application, the country in which it was filed; when the earlier application is a regional or an international application, the country or countries for which it was filed,

(ii) the date on which it was filed,

(iii) the number under which it was filed, and

(iv) when the earlier application is a regional or an international application, the national Office or intergovernmental organization with which it was filed.

(b) If the request does not indicate both

(i) when the earlier application is not a regional or an international application, the country in which it was filed; when the earlier application is a regional or an international application, at least one country for which it was filed, and

(ii) the date on which it was filed, the priority claim shall, for the purposes of the procedure under the Treaty, be considered not to have been made.

(c) If the application number of the earlier application is not indicated in the request but is furnished by the applicant to the International Bureau prior to the expiration of the 16th month from the priority date, it shall be considered by all designated States to have been furnished in time. If it is furnished after the expiration of that time limit, the International Bureau shall inform the applicant and the designated Offices of the date on which the said number was furnished to it. The International Bureau shall indicate that date in the international publication of the international application, or, if, at the time of the international publication, the said number has not been furnished to it, shall indicate that fact in the international publication.

(d) If the filing date of the earlier application as indicated in the request precedes the international filing date by more than one year, the receiving Office, or, if the receiving Office has failed to do so, the International Bureau, shall invite the applicant to ask either for the cancellation of the declaration made under Article 8(1) or, if the date of the earlier application was indicated errroneously, for the correction of the date so indicated. If the applicant fails to act accordingly within 1 month from the date of the invitation, the declaration made under Article 8(1) shall be cancelled ex officio. The receiving Office effecting the correction or cancellation shall notify the applicant accordingly and, if copies of the international application have already been sent to the International Bureau and the International Searching Authority, that Bureau and that Authority. If the correction or cancellation is effected by the International Bureau, the latter shall notify the applicant and the International Searching Authority accordingly.

(e) Where the priorities of several earlier applications are claimed, the provisions of paragraphs (a) to (d) shall apply to each of them.

4.11 *Reference to Earlier International or International-Type Search*

If an international or international-type search has been requested on an application under Article 15(5), the request may state that fact and identify the application (or its translation, as the case may be) by country, date and number, and the request for the said search by date and, if available, number.

4.12 *Choice of Certain Kinds of Protection*

(a) If the applicant wishes his international application to be treated, in any designated State, as an application not for a patent but for the grant of any of the other kinds of protection specified in Article 43, he shall so indicate in the request. For the purposes of this paragraph, Article 2(ii) shall not apply.

(b) In the case provided for in Article 44, the applicant shall indicate the two kinds of protection sought, or, if one of two kinds of protection is primarily sought, he shall indicate which kind is sought primarily and which kind is sought subsidiarily.

4.13 *Identification of Parent Application or Parent Grant*

If the applicant wishes his international application to be treated, in any designated State, as an application for a patent or certificate of addition, inventor's certificate of addition, or utility certificate of addition, he shall identify the parent application or the parent patent, parent inventor's certificate, or parent utility certificate to which the patent or certificate of addition, inventor's certificate of addition, or utility certificate of addition, if granted, relates. For the purposes of this paragraph, Article 2(ii) shall not apply.

4.14 *Continuation or Continuation in Part*

If the applicant wishes his international application to be treated, in any designated State, as an application for a continuation or a continuation-in-part of an earlier application, he shall so indicate in the request and shall identify the parent application involved.

4.15 *Signature*

The request shall be signed by the applicant.

4.16 *Transliteration or Translation of Certain Words*

(a) Where any name or address is written in characters other than those of the Latin alphabet, the same shall also be indicated in characters of the Latin alphabet either as a mere transliteration or through translation into English. The applicant shall decide which words will be merely transliterated and which words will be so translated.

(b) The name of any country written in characters other than those of the Latin alphabet shall also be indicated in English.

4.17 *No Additional Matter*

(a) The request shall contain no matter other than that specified in Rules 4.1 to 4.16.

(b) If the request contains matter other than that specified in Rule 4.1 to 4.16, the receiving Office shall ex efficio delete the additional matter.

Rule 5—The Description

5.1 *Manner of the Description*

(a) The description shall first state the title of the invention as appearing in the request and shall:

(i) specify the technical field to which the invention relates;

(ii) indicate the background art which, as far as known to the applicant, can be regarded as useful for the understanding, searching and examination of the invention, and, preferably, cite the documents reflecting such art;

(iii) disclose the invention, as claimed, in such terms that the technical problem (even if not expressly stated as such) and its solution can be understood, and state the advantageous effects, if any, of the invention with reference to the background art;

(iv) briefly describe the figures in the drawings, if any;

(v) set forth at least the best mode contemplated by the applicant for carrying out the invention claimed; this shall be done in terms of examples, where appropriate, and with reference to the drawings, if any; where the national law of the designated State does not require the description of the best mode but is satisfied with the description of any mode (whether it is the best contemplated or not), failure to describe the best mode contemplated shall have no effect in that State;

(vi) indicate explicitly, when it is not obvious from the description or nature of the invention, the way in which the invention is capable of exploitation in industry and the way in which it can be made and used, or, if it can only be used, the way in which it can be used; the term "industry" is to be understood in its broadest sense as in the Paris Convention for the Protection of Industrial Property.

(b) The manner and order specified in paragraph (a) shall be followed except when, because of the nature of the invention, a different manner or a different order would result in a better understanding and a more economic presentation.

(c) Subject to the provisions of paragraph (b), each of the parts referred to in paragraph (a) shall preferably be preceded by an appropriate heading as suggested in the Administrative Instructions.

Rule 6—The Claims

6.1 *Number and Numbering of Claims*

(a) The number of the claims shall be reasonable in consideration of the nature of the invention claimed.

(b) If there are several claims, they shall be numbered consecutively in arabic numerals.

(c) The method of numbering in the case of the amendment of claims shall be governed by the Administrative Instructions.

6.2 *References to Other Parts of the International Application*

(a) Claims shall not, except where absolutely necessary, rely, in respect of the technical features of the invention, on references to the description or drawings. In particular, they shall not rely on such references as: "as described in part . . . of the description," or "as illustrated in figure . . . of the drawings."

(b) Where the international application contains drawings, the technical features mentioned in the claims shall preferably be followed by the reference signs relating to such features. When used, the reference signs shall preferably be placed between parentheses. If inclusion of reference signs does not particularly facilitate quicker understanding of a claim, it should not be made. Reference signs may be removed by a designated Office for the purpose of publication by such Office.

6.3 *Manner of Claiming*

(a) The definition of the matter for which protection is sought shall be in terms of the technical features of the invention.

(b) Whenever appropriate, claims shall contain:

(i) a statement indicating those technical features of the invention which are necessary for the definition of the claimed subject matter but which, in combination, are part of the prior art,

(ii) a characterizing portion—preceded by the words "characterized in that," "characterized by," "wherein the improvement comprises," or any other words to the same effect—stating concisely the technical features which, in combination with the features stated under (i), it is desired to protect.

(c) Where the national law of the designated States does not require the manner of claiming provided for in paragraph (b), failure to use that manner of claiming shall have no effect in that State provided the manner of claiming actually used satisfies the national law of that State.

6.4 *Dependent Claims*

(a) Any claim which includes all the features of one or more other claims (claim in dependent form, hereinafter referred to as "dependent claim") shall do so by a reference, if possible at the beginning, to the other claim or claims and shall then state the additional features claimed. Any dependent claim which refers to more than one other claim ("multiple dependent claim") shall refer to such claims in the alternative only. Multiple dependent claims shall not serve as a basis for any other multiple dependent claim.

(b) Any dependent claim shall be construed as including all the limitations contained in the claim to which it refers or, if the dependent claim is a multiple dependent claim, all the limitations contained in the particular claim in relation to which it is considered.

(c) All dependent claims referring back to a single previous claim, and all dependent claims referring back to several previous claims, shall be grouped together to the extent and in the most practical way possible.

6.5 *Utility Models*

Any designated State in which the grant of a utility model is sought on the basis of an international application may, instead of Rules 6.1 to 6.4, apply in respect of the

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matters regulated in those Rules the provisions of its national law concerning utility models once the processing of the international application has started in that State, provided that the applicant shall be allowed at least 2 months from the expiration of the time limit applicable under Article 22 to adapt his application to the requirements of the said provisions of the national law.

Rule 7—The Drawings

7.1 Flow Sheets and Diagrams

Flow sheets and diagrams are considered drawings.

7.2 Time Limit

The time limit referred to in Article 7(2)(ii) shall be reasonable under the circumstances of the case and shall, in no case, be shorter than 2 months from the date of the written invitation requiring the filing of drawings or additional drawings under the said provision.

Rule 8—The Abstract

8.1 Contents and Form of the Abstract

(a) The abstract shall consist of the following:

(i) a summary of the disclosure as contained in the description, the claims, and any drawings; the summary shall indicate the technical field to which the invention pertains and shall be drafted in a way which allows the clear understanding of the technical problem, the gist of the solution of that problem through the invention, and the principal use or uses of the invention;

(ii) where applicable, the chemical formula which, among all the formulae contained in the international application, best characterizes the invention.

(b) The abstract shall be as concise as the disclosure permits (preferably 50 to 150 words if it is in English or when translated into English).

(c) The abstract shall not contain statements on the alleged merits or value of the claimed invention or on its speculative application.

(d) Each main technical feature mentioned in the abstract and illustrated by a drawing in the international application shall be followed by a reference sign, placed between parentheses.

8.2 Failure To Suggest a Figure To Be Published with the Abstract

If the applicant fails to make the indication referred to in Rule 3.3(a)(iii), or if the International Searching Authority finds that a figure or figures other than that figure or those figures suggested by the applicant would, among all the figures of all the drawings, better characterize the invention, it shall indicate the figure or figures which it so considers. Publications by the International Bureau shall then use the figure or figures so indicated by the International Searching Authority. Otherwise, the figure or figures suggested by the applicant shall be used in the said publications.

8.3 Guiding Principles in Drafting

The abstract shall be so drafted that it can efficiently serve as a scanning tool for purposes of searching in the particular art, especially by assisting the scientist, engineer or researcher in formulating an opinion on whether there is a need for consulting the international application itself.

Rule 9—Expressions, Etc., Not To Be Used

9.1 Definition

The international application shall not contain:

(i) expressions or drawings contrary to morality;

(ii) expressions or drawings contrary to public order;

(iii) statements disparaging the products or processes of any particular person other than the applicant, or the merits or validity of applications or patents of any such person (mere comparisons with the prior art shall not be considered disparaging *per se*);

(iv) any statement or other matter obviously irrelevant or unnecessary under the circumstances.

9.2 Noting of Lack of Compliance

The receiving Office and the International Searching Authority may note lack of compliance with the prescriptions of Rule 9.1 and may suggest to the applicant that he voluntarily correct his international application accordingly. If the lack of compliance was noted by the receiving Office, that Office shall inform the competent International Searching Authority and the International Bureau; if the lack of compliance was noted by the International Searching Authority, that Authority shall inform the receiving Office and the International Bureau.

9.3 Reference to Article 21(6)

"Disparaging statements," referred to in Article 21(6), shall have the meaning as defined in Rule 9.1 (iii).

Rule 10—Terminology and Signs

10.1 Terminology and Signs

(a) Units of weights and measures shall be expressed in terms of the metric system, or also expressed in such terms if first expressed in terms of a different system.

(b) Temperatures shall be expressed in degrees centigrade, or also expressed in degrees centigrade if first expressed in a different manner.

(c) Density shall be expressed in metric units.

(d) For indications of heat, energy, light, sound, and magnetism, as well as for mathematical formulae and electrical units, the rules of international practice shall be observed; for chemical formulae, the symbols, atomic weights, and molecular formulae, in general use, shall be employed.

(e) In general, only such technical terms, signs and symbols should be used as are generally accepted in the art.

(f) When the international application or its translation is in English or Japanese, the beginning of any decimal fraction shall be marked by a period, whereas, when the international application or its translation is in a language other than English or Japanese, it shall be marked by a coma.

10.2 Consistency

The terminology and the signs shall be consistent throughout the international application.

Rule 11—Physical Requirements of the International Application

11.1 Number of Copies

(a) Subject to the provisions of paragraph (b), the international application and each of the documents referred to in the check list (Rule 3.3(a)(ii)) shall be filed in one copy.

(b) Any receiving Office may require that the international application and any of the documents referred to in the check list (Rule 3.3(a)(ii)), except the receipt for the fees paid or the check for the payment of the fees, shall be filed in two or three copies. In that case, the receiving Office shall be responsible for verifying the identity of the second and the third copies with the record copy.

11.2 Fitness for Reproduction

(a) All elements of the international application (i.e., the request, the description, the claims, the drawings, and the abstract) shall be so presented as to admit of direct reproduction by photography, electrostatic processes, photo offset, and microfilming, in any number of copies.

(b) All sheets shall be free from creases and cracks; they shall not be folded.

(c) Only one side of each sheet shall be used.

(d) Subject to Rule 11.13(j), each sheet shall be used in an upright position (i.e., the short sides at the top and bottom).

11.3 Material to be Used

All elements of the international application shall be on paper which shall be flexible, strong, white, smooth, non-shiny, and durable.

11.4 Separate Sheets, Etc.

(a) Each element (request, description, claims, drawings, abstract) of the international application shall commence on a new sheet.

(b) All sheets of the international application shall be so connected that they can be easily turned when consulted, and easily separated and joined again if they have been separated for reproduction purposes.

11.5 Size of Sheets

The size of the sheets shall be A4 (29.7 cm x 21 cm). However, any receiving Office may accept international applications on sheets of other sizes provided that the record copy, as transmitted to the International Bureau, and, if the competent International Searching Authority so desires, the search copy, shall be of A4 size.

11.6 Margins

(a) The minimum margins of the sheets containing the request, the description, the claims, and the abstract, shall be as follows:

top of first sheet, except that of the request: 8 cm
top of other sheets: 2 cm
left side: 2.5 cm
right side: 2 cm
bottom: 2 cm

(b) The recommended maximum, for the margins provided for in paragraph (a), is as follows:

top of first sheet, except that of the request: 9 cm
top of other sheets: 4 cm
left side: 4 cm
right side: 3 cm
bottom: 3 cm

(c) On sheets containing drawings, the surface usable shall not exceed 26.2 cm x 17.0 cm. The sheets shall not contain frames around the usable or used surface. The minimum margins shall be as follows:

top: 2.5 cm
left side: 2.5 cm
right side: 1.5 cm
bottom: 1.0 cm

(d) The margins referred to in paragraphs (a) to (c) apply to A4-size sheets, so that, even if the receiving Office accepts other sizes, the A4-size record copy and, when so required, the A4-size search copy shall leave the aforesaid margins.

(e) The margins of the international application, when submitted, must be completely blank.

11.7 Numbering of Sheets

(a) All the sheets contained in the international application shall be **numbered in consecutive arabic** numerals.

(b) The numbers shall be placed at the **top of the sheet, in** the middle, but not in the margin.

11.8 Numbering of Lines

(a) It is strongly recommended to number every fifth line of each sheet of the description, and of each sheet of claims.

(b) The numbers should appear on the left side, to the right of the margin.

11.9 Writing of Text Matter

(a) The request, the description, the claims and the abstract shall be typed or printed.

(b) Only graphic symbols and characters, chemical or mathematical formulae, and certain characters in the Japanese language may, when necessary, be written by hand or drawn.

(c) The typing shall be 1½-spaced.

(d) All text matter shall be in characters the capital letters of which are not less than 0.21 cm high, and shall be in a dark, indelible color, satisfying the requirements specified in Rule 11.2.

(e) As far as the spacing of the typing and the size of the characters are concerned, paragraphs (c) and (d) shall not apply to texts in the Japanese language.

11.10 Drawings, Formulae, and Tables, in Text Matter

(a) The request, the description, the claims and the abstract shall not contain drawings.

(b) The description, the claims and the abstract may contain chemical or mathematical formulae.

(c) The description and the abstract may contain tables; any claim may contain tables only if the subject matter of the claim makes the use of tables desirable.

11.11 Words in Drawings

(a) The drawings shall not contain text matter, except a single word or words, when absolutely indispensable, such as "water," "steam," "open," "closed," "section on AB," and, in the case of electric circuits and block schematic or flow sheet diagrams, a few short catch words indispensable for understanding.

(b) Any words used shall be so placed that, if translated, they may be pasted over without interfering with any lines of the drawings.

11.12 Alterations, Etc.

Each sheet shall be reasonably free from erasures and shall be free from alterations, overwritings, and interlineations. Non-compliance with this Rule may be authorized, in exceptional cases, if the authenticity of the content is not in question and the requirements for good reproduction are not in jeopardy.

11.13 Special Requirements for Drawings

(a) Drawings shall be executed in durable, black or blue, sufficiently dense and dark, uniformly thick and well-defined, lines and strokes without colorings.

(b) Cross-sections shall be indicated by oblique hatching which should not impede the clear reading of the reference signs and leading lines.

(c) The scale of the drawings and the distinctness of their graphical execution shall be such that a photographic reproduction with a linear reduction in size to two-thirds would enable all details to be distinguished without difficulty.

(d) When, in exceptional cases, the scale is given on a drawing, it shall be represented graphically.

(e) All numbers, letters, and reference lines, appearing on the drawings, shall be simple and clear. Brackets, circles or inverted commas shall not be used in association with numbers and letters.

(f) All lines in the drawings shall, ordinarily, be drawn with the aid of drafting instruments.

(g) Each element of each figure shall be in proper proportion to each of the other elements in the figure, except where the use of a different proportion is indispensable for the clarity of the figure.

(h) The height of the numbers and letters shall not be less than 0.32 cm. For the lettering of drawings, the Latin and, where customary, the Greek alphabets shall be used.

(i) The same sheet of drawings may contain several figures. Where figures on two or more sheets form in effect a single complete figure, the figures on the several sheets shall be so arranged that the complete figure can be assembled without concealing any part of any of the figures appearing on the various sheets.

(j) The different figures shall be arranged on a sheet or sheets without wasting space, preferably in an upright position, clearly separated from one another.

(k) The different figures shall be numbered in arabic numerals consecutively and independently of the numbering of the sheets.

(l) Reference signs not mentioned in the description shall not appear in the drawings, and vice versa.

(m) The same features, when denoted by reference signs, shall, throughout the international application, be denoted by the same signs.

(n) If the drawings contain a large number of reference signs, it is strongly recommended to attach a separate sheet listing all reference signs and the features denoted by them.

11.14 Later Documents

Rules 10, and 11.1 to 11.13, also apply to any document—for example, corrected pages, amended claims—submitted after the filing of the international application.

11.15 Translations

No designated Office shall require that the translation of an international application filed with it comply with requirements other than those prescribed for the international application as filed.

Rule 12—Language of the International Application

12.1 The International Application

Any international application shall be filed in the language, or one of the languages, specified in the agreement concluded between the International Bureau and the International Searching Authority competent for the international searching of that application, provided that, if the agreement specifies several languages, the receiving Office may prescribe among the specified languages that language in which or those languages in one of which the international application must be filed.

12.2 Changes in the International Application

Any changes in the international application, such as amendments and corrections, shall be in the same language as the said application (cf. Rule 66.5).

Rule 13—Unity of Invention

13.1 Requirement

The international application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept ("requirement of unity of invention").

13.2 Claims of Different Categories

Rule 13.1 shall be construed as permitting, in particular, either of the following two possibilities:

(i) in addition to an independent claim for a given product, the inclusion in the same international application of one independent claim for one process specially adapted for the manufacture of the said product, and the inclusion in the same international application of one independent claim for one use of the said product, or

(ii) in addition to an independent claim for a given process, the inclusion in the same international application of one independent claim for one apparatus or means specifically designed for carrying out the said process.

13.3 Claims of One and the Same Category

Subject to Rule 13.1, it shall be permitted to include in the same international application two or more independent claims of the same category (i.e., product, process, apparatus, or use) which cannot readily be covered by a single generic claim.

13.4 Dependent Claims

Subject to Rule 13.1, it shall be permitted to include in the same international application a reasonable number of dependent claims, claiming specific forms of the invention claimed in an independent claim, even where the features of any dependent claim could be considered as constituting in themselves an invention.

13.5 Utility Models

Any designated State in which the grant of a utility model is sought on the basis of an international application may, instead of Rules 13.1 to 13.4, apply in respect of the matters regulated in those Rules the provisions of its national law concerning utility models once the processing of the international application has started in that State, provided that the applicant shall be allowed at least 2 months from the expiration of the time limit applicable under Article 22 to adapt his application to the requirements of the said provisions of the national law.

Rule 14—The Transmittal Fee

14.1 The Transmittal Fee

(a) Any receiving Office may require that the applicant pay a fee to it, for its own benefit, for receiving the international application, transmitting copies to the International Bureau and the competent International Searching Authority, and performing all the other tasks which it must perform in connection with the international application in its capacity of receiving Office ("transmittal fee").

(b) The amount and the due date of the transmittal fee, if any, shall be fixed by the receiving Office.

Rule 15—The International Fee

15.1 Basic Fee and Designation Fee

Each international application shall be subject to the payment of a fee for the benefit of the International Bureau ("international fee") consisting of

(i) a "basic fee," and

(ii) as many "designation fees" as there are States designated in the international application, provided that, where a regional patent is sought for certain designated States, only one designation fee shall be due for those States.

15.2 Amounts

(a) The amount of the basic fee shall be:

(i) if the international application contains no more than 30 sheets: US $45.00 or 194 Swiss francs,

(ii) if the international application contains more than 30 sheets: US $45.00 or 194 Swiss francs plus US $1.00 or 4.30 Swiss francs per sheet in excess of 30 sheets.

(b) The amount of the designation fee shall be:

(i) for each designated State or each group of designated States for which the same regional patent is sought which does not require the furnishing of a copy under Article 13: US $12.00 or 52 Swiss francs,

(ii) for each designated State or each group of designated States for which the same regional patent is sought which requires the furnishing of a copy under Article 13: US $14.00 or 60 Swiss francs.

15.3 Mode of Payment

(a) The international fee shall be collected by the receiving Office.

(b) The international fee shall be payable in the currency prescribed by the receiving Office, it being understood that, when transferred by the receiving Office to the International Bureau, it shall be freely convertible into Swiss currency.

15.4 Time of Payment

(a) The basic fee shall be due on the date of receipt of the international application. However, any receiving Office may, at its discretion, notify the applicant of any lack of receipt or insufficiency of any amount received, and permit applicants to pay the

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basic fee later, without loss of the international filing date, provided that:

(i) permission shall not be given to pay later than 1 month after the date of receipt of the international application;

(ii) permission may not be subject to any extra charge.

(b) The designation fee may be paid on the date of receipt of the international application or on any later date but, at the latest, it must be paid before the expiration of one year from the priority date.

15.5 *Partial Payment*

(a) If the applicant specifies the States to which he wishes any amount paid to be applied as designation fee, the amount shall be applied accordingly to the number of States which are covered by the amount in the order specified by the applicant.

(b) If the applicant does not specify any such wish and if the amount or amounts received by the receiving Office are higher than the basic fee and one designation fee but lower than what is due according to the number of the designated States, any amount in excess of the basic fee and one designation fee shall be treated as designation fees for the States following the State first named in the request and in the order in which the States are designated in the request up to and including that designated State for which the total amount of the designation fee is covered by the amount or amounts received.

(c) The designation fee for the first mentioned State belonging to a group of States for which the same regional patent is sought and which is specified under paragraph (a) or which is reached under paragraph (b) shall, for the purposes of the said paragraphs, be considered as covering also the other States of the said group.

15.6 *Refund*

(a) The international fee shall be refunded to the applicant if the determination under Article 11(1) is negative.

(b) In no other case shall the international fee be refunded.

Rule 16—The Search Fee

16.1 *Right to Ask for a Fee*

(a) Each International Searching Authority may require that the applicant pay a fee ("search fee") for its own benefit for carrying out the international search and for performing all other tasks entrusted to International Searching Authorities by the Treaty and these Regulations.

(b) The search fee shall be collected by the receiving Office. It shall be payable in the currency prescribed by that Office, it being understood that, if that currency is not the same as the curency of the State in which the International Searching Authority is located, the search fee, when transferred by the receiving Office to that Authority, shall be freely convertible into the currency of the said State. As to the time of payment of the search fee Rule 15.4(a) shall apply.

16.2 *Refund*

The search fee shall be refunded to the applicant if the determination under Article 11(1) is negative.

16.3 *Partial Refund*

Where the international application claims the priority of an earlier international application which has been the subject of an international search by the same International Searching Authority, that Authority shall refund the search fee paid in connection with the later international application to the extent and under the conditions provided for in the agreement under Article 16(3)(b), if the international search report on the later international application could wholly or partly be based on the results of the international search effected on the earlier international application.

Rule 17—The Priority Document

17.1 *Obligation to Submit Copy of Earlier National Application*

(a) Where the priority of an earlier national application is claimed under Article 8 in the international application, a copy of the said national application, certified by the authority with which it was filed ("the priority document"), shall, unless already filed with the receiving Office, together with the international application, be submitted by the applicant to the International Bureau not later than 16 months after the priority date or, in the case referred to in Article 23(2), not later than at the time the processing or examination is requested.

(b) If the applicant fails to comply with the requirement under paragraph (a), any designated State may disregard the priority claim.

(c) The International Bureau shall record the date on which it received the priority document and shall notify the applicant and the designated Offices accordingly.

17.2 *Availability of Copies*

(a) The International Bureau shall, at the specific request of the designated Office, promptly but not before the expiration of the time limit fixed in Rule 17.1(a), furnish a copy of the priority document to that Office. No such Office shall ask the applicant himself to furnish it with a copy, except where it requires the furnishing of a copy of the priority document together with a certified translation thereof. The applicant shall not be required to furnish a certified translation to the designated Office before the expiration of the applicable time limit under Article 22.

(b) The International Bureau shall not make copies of the priority document available to the public prior to the international publication of the international application.

(c) Paragraphs (a) and (b) shall apply also to any earlier international application whose priority is claimed in the subsequent international application.

Rule 18—The Applicant

18.1 *Residence*

(a) Subject to the provisions of paragraph (b), the question whether an applicant is a resident of the Contracting State of which he claims to be a resident shall depend on the national law of that State and shall be decided by the receiving Office.

(b) In any case, possession of a real and effective industrial or commercial establishment in a Contracting State shall be considered residence in that State.

18.2 *Nationality*

(a) Subject to the provisions of paragraph (b), the question whether an applicant is a national of the Contracting State of which he claims to be a national shall depend on the national law of that State and shall be decided by the receiving Office.

(b) In any case, a legal entity constituted according to the national law of a Contracting State shall be considered a national of that State.

18.3 *Several Applicants: Same for All Designated States*

If all the applicants are applicants for the purposes of all designated States, the right to file an international application shall exist if at least one of them is entitled to file an international application according to Article 9.

18.4 *Several Applicants: Different for Different Designated States*

(a) The international application may indicate different applicants for the purposes of different designated States, provided that, in respect of each designated State, at least one of the applicants indicated for the purposes of that State is entitled to file an international application according to Article 9.

(b) If the condition referred to in paragraph (a) is not fulfilled in respect of any designated State, the designation of that State shall be considered not to have been made.

(c) The International Bureau shall, from time to time, publish information on the various national laws in respect of the question who is qualified (inventor, successor in title of the inventor, owner of the invention, or other) to file a national application and shall accompany such information by a warning that the effect of the international application in any designated State may depend on whether the person designated in the international application as applicant for the purposes of that State is a person who, under the national law of that State, is qualified to file a national application.

18.5 *Change in the Person or Name of the Applicant*

Any change in the person or name of the applicant shall, on the request of the applicant or the receiving Office, be recorded by the International Bureau, which shall notify the interested International Searching Authority and the designated Office accordingly.

Rule 19—The Competent Receiving Office

19.1 *Where to File*

(a) Subject to the provisions of paragraph (b), the international application shall be filed, at the option of the applicant, with the national Office of or acting for the Contracting State of which the applicant is a resident or with the national Office of or acting for the Contracting State of which the applicant is a national.

(b) Any Contracting State may agree with another Contracting State or any intergovernmental organization that the national Office of the latter State or the intergovernmental organization shall, for all or some purposes, act instead of the national Office of the former State as receiving Office for applicants who are residents or nationals of that former State. Notwithstanding such agreement, the national Office of the former State shall be considered the competent receiving Office for the purposes of Article 15(5).

(c) In connection with any decision made under Article 9(2), the Assembly shall appoint the national Office or the intergovernmental organization which will act as receiving Office for applications of residents or nationals of States specified by the Assembly. Such appointment shall require the previous consent of the said national Office or intergovernmental organization.

19.2 *Several Applicants*

(a) If there are several applicants and they have no common agent, their common representative within the meaning of Rule 4.8 shall, for the purposes of the application of Rule 19.1, be considered the applicant.

(b) If there are several applicants and they have a common agent, the applicant first named in the request who is entitled to file an international application according to Article 9 shall, for the purposes of the application of Rule 19.1, be considered the applicant.

19.3 *Publication of Fact of Delegation of Duties of Receiving Office*

(a) Any agreement referred to in Rule 19.1(b) shall be promptly notified to the International Bureau by the Contracting State which delegates the duties of the receiving Office to the national Office of or acting for another Contracting State or an intergovernmental organization.

(b) The International Bureau shall, promptly upon receipt, publish the notification in the Gazette.

Rule 20—Receipt of the International Application

20.1 *Date and Number*

(a) Upon receipt of papers purporting to be an international application, the receiving

Office shall indelibly mark the date of actual receipt in the space provided for that purpose in the request form of each copy received and one of the numbers assigned by the International Bureau to that Office on each sheet of each copy received.

(b) The place on each sheet where the date or number shall be marked, and other details, shall be specified in the Administrative Instructions.

20.2 *Receipt on Different Days*

(a) In cases where all the sheets pertaining to the same purported international application are not received on the same day by the receiving Office, that Office shall correct the date marked on the request (still leaving legible, however, the earlier date or dates already marked) so that it indicates the day on which the papers completing the international application were received, provided that

(i) where no invitation under Article 11(2)(a) to correct was sent to the applicant, the said papers are received within 30 days from the date on which sheets were first received;

(ii) where an invitation under Article 11(2)(a) to correct was sent to the applicant, the said papers are received within the applicable time limit under Rule 20.6;

(iii) in the case of Article 14(2), the missing drawings are received within 30 days from the date on which the incomplete papers were filed;

(iv) the absence or later receipt of any sheet containing the abstract or part thereof shall not, in itself, require any correction of the date marked on the request.

(b) Any sheet received on a date later than the date on which sheets were first received shall be marked by the receiving Office with the date on which it was received.

20.3 *Corrected International Application*

In the case refererd to in Article 11(2)(b), the receiving Office shall correct the date marked on the request (still leaving legible, however, the earlier date or dates already marked) so that it indicates the day on which the last required correction was received.

20.4 *Determination under Article 11(1)*

(a) Promptly after receipt of the papers purporting to be an international application, the receiving Office shall determine whether the papers comply with the requirements of Article 11(1).

(b) For the purposes of Article 11(1)(iii)(c), it shall be sufficient to indicate the name of the applicant in a way which allows his identity to be established even if the name is misspelled, the given names are not fully indicated, or, in the case of legal entities, the indication of the name is abbreviated or incomplete.

20.5 *Positive Determination*

(a) If the determination under Article 11(1) is positive, the receiving Office shall stamp in the space provided for that purpose in the request form the name of the receiving Office and the words "PCT International Application," or "Demande internationale PCT." If the official language of the receiving Office is neither English nor French, the words "International Application" or "Demande internationale" may be accomplished by a translation of these words in the official language of the receiving Office.

(b) The copy whose request sheet has been so stamped shall be the record copy of the international application.

(c) The receiving Office shall promptly notify the applicant of the international application number and the international filing date.

20.6 *Invitation to Correct*

(a) The invitation to correct under Article 11(2) shall specify the requirement provided for under Article 11(1) which, in the opinion of the receiving Office, has not been fulfilled.

(b) The receiving Office shall promptly mail the invitation to the applicant and shall fix a time limit, reasonable under the circumstances of the case, for filing the correction. The time limit shall not be less than 10 days, and shall not exceed 1 month, from the date of the invitation. If such time limit expires after the expiration of 1 year from the filing date of any application whose priority is claimed, the receiving Office may call this circumstance to the attention of the applicant.

20.7 *Negative Determination*

If the receiving Office does not, within the prescribed time limit, receive a reply to its invitation to correct, or if the correction offered by the applicant still does not fulfill the requirements provided for under Article 11(1), it shall:

(i) promptly notify the applicant that his application is not and will not be treated as an international application and shall indicate the reasons therefor,

(ii) notify the International Bureau that the number it has marked on the papers will not be used as an international application number,

(iii) keep the papers constituting the purported international application and any correspondence relating thereto as provided in Rule 93.1, and

(iv) send a copy of the said papers to the International Bureau where, pursuant to a request by the applicant under Article 25(1), the International Bureau needs such a copy and specially asks for it.

20.8 *Error by the Receiving Office*

If the receiving Office later discovers, or on the basis of the applicant's reply realizes, that it has erred in issuing an invitation to correct since the requirements provided for under Article 11(1) were fulfilled when the papers were received, it shall proceed as provided in Rule 20.5.

20.9 *Certified Copy for the Applicant*

Against payment of a fee, the receiving Office shall furnish to the applicant, on request, certified copies of the international application as filed and of any corrections thereto.

Rule 21—Preparation of Copies

21.1 *Responsibility of the Receiving Office*

(a) Where the international application is required to be filed in one copy, the receiving Office shall be responsible for preparing the home copy and the search copy required under Article 12(1).

(b) Where the international application is required to be filed in two copies, the receiving Office shall be responsible for preparing the home copy.

(c) If the international application is filed in less than the number of copies required under Rule 11.1(b), the receiving Office shall be responsible for the prompt preparation of the number of copies required, and shall have the right to fix a fee for performing that task and to collect such fee from the applicant.

Rule 22—Transmittal of the Record Copy

22.1 *Procedure*

(a) If the determination under Article 11(1) is positive, and unless prescriptions concerning national security prevent the international application from being treated as such, the receiving Office shall transmit the record copy to the International Bureau. Such transmittal shall be effected promptly after receipt of the international application or, if a check to preserve national security must be performed, as soon as the necessary clearance has been obtained. In any case, the receiving Office shall transmit the record copy in time for it to reach the International Bureau by the expiration of the 13th month from the priority date. If the transmittal is effected by mail, the receiving Office shall mail the record copy not later than 5 days prior to the expiration of the 13th month from the priority date.

(b) If the applicant is not in possession of the notification of receipt sent by the International Bureau under Rule 24.2(a) by the expiration of 13 months and 10 days from the priority date, he shall have the right to ask the receiving Office to give him the record copy or, should the receiving Office allege that it has transmitted the record copy to the International Bureau, a certified copy based on the home copy.

(c) The applicant may transmit the copy he has received under paragraph (b) to the International Bureau. Unless the record copy transmitted by the receiving Office has been received by the International Bureau before the receipt by that Bureau of the copy transmitted by the applicant, the latter copy shall be considered the record copy.

22.2 *Alternative Procedure*

(a) Notwithstanding the provisions of Rule 22.1, any receiving Office may provide that the record copy of any international application filed with it shall be transmitted, at the option of the applicant, by the receiving Office or through the applicant. The receiving Office shall inform the International Bureau of the existence of any such provision.

(b) The applicant shall exercise the option through a written notice, which he shall file together with the international application. If he fails to exercise the said option, the applicant shall be considered to have opted for transmittal by the receiving Office.

(c) Where the applicant opts for transmittal by the receiving Office, the procedure shall be the same as that provided for in Rule 22.1.

(d) Where the applicant opts for transmittal through him, he shall indicate in the notice referred to in paragraph (b) whether he wishes to collect the record copy at the receiving Office or wishes the receiving Office to mail the record copy to him. If the applicant expresses the wish to collect the record copy, the receiving Office shall hold that copy at the disposal of the applicant as soon as the clearance referred to in Rule 22.1(a) has been obtained and, in any case, including the case where a check for such clearance must be performed, not later than 10 days before the expiration of 13 months from the priority date. If, by the expiration of the time limit for receipt of the record copy by the International Bureau, the applicant has not collected that copy, the receiving Office shall notify the International Bureau accordingly. If the applicant expresses the wish that the receiving Office mail the record copy to him or fails to express the wish to collect the record copy, the receiving Office shall mail that copy to the applicant as soon as the clearance referred to in Rule 22.1(a) has been obtained and, in any case, including the case where a check for such clearance must be performed, not later than 15 days before the expiration of 13 months from the priority date.

(e) Where the receiving Office does not hold the record copy at the disposal of the applicant by the date fixed in paragraph (d), or where, after having asked for the record copy to be mailed to him, the applicant has not received that copy at least 10 days before the expiration of 13 months from the priority date, the applicant may transmit a copy of his international application to the International Bureau. This copy ("provisional record copy") shall be replaced by the record copy or, if the record copy has been lost, by a substitute record copy certified by the receiving Office on the basis of the home copy, as soon as practicable and, in any case, before the expiration of 14 months from the priority date.

22.3 *Time Limit under Article 12(3)*

(a) The time limit referred to in Article 12(3) shall be:

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(i) where the procedure under Rule 22.1 or Rule 22.2(c) applies, 14 months from the priority date;

(ii) where the procedure under Rule 22.2 (d) applies, 13 months from the priority date, except that, where a provisional record copy is filed under Rule 22.2(e), it shall be 13 months from the priority date for the filing of the provisional record copy, and 14 months from the priority date for the filing of the record copy.

(b) Article 48(1) and Rule 82 shall not apply to the transmittal of the record copy. Article 48(2) remains applicable.

22.4 *Statistics Concerning Non-Compliance with Rules 22.1 and 22.2*

The number of instances in which, according to the knowledge of the International Bureau, any receiving Office has not complied with the requirements of Rules 22.1 and/or 22.2 shall be indicated, once a year, in the Gazette.

22.5 *Documents Filed with the International Application*

For the purposes of the present Rule, the term "record copy" shall include also any document filed with the international application referred to in Rule 3.3(a)(ii). If any document referred to in Rule 3.3(a)(ii) which is indicated in the check list as accompanying the international application is not, in fact, filed at the latest by the time the record copy leaves the receiving Office, that Office shall so note on the check list and the said indication shall be considered as if it had not been made.

Rule 23—Transmittal of the Search Copy

23.1 *Procedure*

(a) The search copy shall be transmitted by the receiving Office to the International Searching Authority at the latest on the same day as the record copy is transmitted to the International Bureau or, under Rule 22.2(d), to the applicant.

(b) If the International Bureau has not received, within 10 days from the receipt of the record copy, information from the International Searching Authority that that Authority is in possession of the search copy, the International Bureau shall promptly transmit a copy of the international application to the International Searching Authority. Unless the International Searching Authority has erred in alleging that it was not in possession of the search copy by the expiration of the 13th month from the priority date, the cost of making a copy for that Authority shall be reimbursed by the receiving Office to the International Bureau.

(c) The number of instances in which, according to the knowledge of the International Bureau, any receiving Office has not complied with the requirement of Rule 23.1(a) shall be indicated, once a year, in the Gazette.

Rule 24—Receipt of the Record Copy by the International Bureau

24. 1 *Recording of Date of Receipt of the Record Copy*

The International Bureau shall, upon receipt of the record copy, mark on the request sheet the date of receipt and on all sheets of the international application the stamp of the International Bureau.

24.2 *Notification of Receipt of the Record Copy*

(a) Subject to the provisions of paragraph (b), the International Bureau shall promptly notify the applicant, the receiving Office, the International Searching Authority, and all designated Offices, of the fact and the date of receipt of the record copy. The notification shall identify the international application by its number, the international filing date, the name of the applicant, and the name of the receiving Office, and shall indicate the filing date of any earlier application whose priority is claimed. The notification sent to the applicant shall also contain the list of the designated Offices which have been notified under this paragraph, and shall, in respect of each designated Office, indicate any applicable time limit under Article 22(3).

(b) If the record copy is received after the expiration of the time limit fixed in Rule 22.3, the International Bureau shall promptly notify the applicant, the receiving Office, and the International Searching Authority, accordingly.

Rule 25—Receipt of the search copy by the International Searching Authority

25.1 *Notification of Receipt of the Search Copy*

The International Searching Authority shall promptly notify the International Bureau, the applicant, and—unless the International Searching Authority is the same as the receiving Office—the receiving Office, of the fact and the date of receipt of the search copy.

Rule 26—Checking and correcting certain elements of the international application

26.1 *Time Limit for Check*

(a) The receiving Office shall issue the invitation to correct provided for in Article 14 (1)(b) as soon as possible, preferably within 1 month from the receipt of the international application.

(b) If the receiving Office issues an invitation to correct the defect referred to in Article 14(1)(a)(iii) or (iv) (missing title or missing abstract), it shall notify the International Searching Authority accordingly.

26.2 *Time Limit for Correction*

The time limit referred to in Article 14(1) (b) shall be reasonable under the circumstances of the particular case and shall be fixed in each case by the receiving Office. It shall not be less than 1 month and normally not more than 2 months from the date of the invitation to correct.

26.3 *Checking of Physical Requirements under Article 14(1)(a)(v)*

The physical requirements referred to in Rule 11 shall be checked to the extent that compliance therewith is necessary for the purpose of reasonably uniform international publication.

26.4 *Procedure*

(a) Any correction offered to the receiving Office may be stated in a letter addressed to that Office if the correction is of such a nature that it can be transferred from the letter to the record copy without adversely affecting the clarity and the direct reproducibility of the sheet on to which the correction is to be transferred; otherwise the applicant shall be required to submit a replacement sheet embodying the correction and the letter accompanying the replacement sheet shall draw attention to the differences between the replaced sheet and the replacement sheet.

(b) The receiving Office shall mark on each replacement sheet the international application number, the date on which it was received, and the stamp identifying the Office. It shall keep in its files a copy of the letter containing the correction or, when the correction is contained in a replacement sheet, the replaced sheet, the letter accompanying the replacement sheet, and a copy of the replacement sheet.

(c) The receiving Office shall promptly transmit the letter and any replacement sheet to the International Bureau. The International Bureau shall transfer to the record copy the corrections requested in a letter, together with the indication of the date of its receipt by the receiving Office, and shall insert any replacement sheet in the record copy. The letter and any replaced sheet shall be kept in the files of the International Bureau.

(d) The receiving Office shall promptly transmit a copy of the letter and any replacement sheet to the International Searching Authority.

26.5 *Correction of Certain Elements*

(a) The receiving Office shall decide whether the applicant has submitted the correction within the prescribed time limit. If the correction has been submitted within the prescribed time limit, the receiving Office shall decide whether the international application so corrected is or is not to be considered withdrawn.

(b) The receiving Office shall mark on the papers containing the correction the date on which it received such papers.

26.6 *Missing Drawings*

(a) If, as provided in Article 14(2), the international application refers to drawings which in fact are not included in that application, the receiving Office shall so indicate in the said application.

(b) The date on which the applicant receives the notification provided for in Article 14(2) shall have no effect on the time limit fixed under Rule 20.2(a)(iii).

Rule 27—Lack of payment of fees

27.1 *Fees*

(a) For the purposes of Article 14(3)(a), "fees prescribed under Article 3(4)(iv)" means: the transmittal fee (Rule 14), the basic fee part of the international fee (Rule 15.1(i)), and the search fee (Rule 16).

(b) For the purposes of Article 14(3) (a) and (b), "the fee prescribed under Article 4(2)" means the designation fee part of the international fee (Rule 15.1(ii)).

Rule 28—Defects noted by the International Bureau of the International Searching Authority

28.1 *Note on Certain Defects*

(a) If, in the opinion of the International Bureau or of the International Searching Authority, the international application contains any of the defects referred to in Article 14(1)(a) (i), (ii), or (v), the International Bureau or the International Searching Authority, respectively, shall bring such defects to the attention of the receiving Office.

(b) The receiving Office shall, unless it disagrees with the said opinion, proceed as provided in Article 14(1)(b) and Rule 26.

Rule 29—International applications or designations considered withdrawn under article 14 (1), (3) or (4)

29.1 *Finding by Receiving Office*

(a) If the receiving Office declares, under Article 14(1)(b) and Rule 26.5 (failure to correct certain defects), or under Article 14(3)(a) (failure to pay the prescribed fees under Rule 27.1(a)), or under Article 14(a) (later finding of non-compliance with the requirements listed in items (i) to (iii) of Article 11(1)), that the international application is considered withdrawn:

(i) the receiving Office shall transmit the record copy (unless already transmitted), and any correction offered by the applicant. to the International Bureau;

(ii) the receiving Office shall promptly notify both the applicant and the International Bureau of the said declaration, and the International Bureau shall in turn notify the interested designated Offices;

(iii) the receiving Office shall not transmit the search copy as provided in Rule 23, or, if such copy has already been transmitted, it shall notify the International Searching Authority of the said declaration;

(iv) the International Bureau shall not be required to notify the applicant of the receipt of the record copy.

(b) If the receiving Office declares under Article 14(3)(b) (failure to pay the prescribed designation fee under Rule 27.1(b)) that the designation of any given State is considered withdrawn, the receiving Office shall promptly notify both the applicant and the International Bureau of the said declaration. The International Bureau shall in turn notify the interested national Office.

29.2 *Finding by Designated Office*

Where the effect of the international application ceases in any designated State by virtue of Article 24(1)(iii), or where such effect is maintained in any designated State by virtue of Article 24(2), the competent designated Office shall promptly notify the International Bureau accordingly.

29.3 *Calling Certain Facts to the Attention of the Receiving Office*

If the International Bureau or the International Searching Authority considers that the receiving Office should make a finding under Article 14(4), it shall call the relevant facts to the attention of the receiving Office.

29.4 *Notification of Intent to Make Declaration under Article 14(4)*

Before the receiving Office issues any declaration under Article 14(4), it shall notify the applicant of its intent to issue such declaration and the reasons therefor. The applicant may, if he disagrees with the tentative finding of the receiving Office, submit arguments to that effect within 1 month from the notification.

Rule 30—Time Limit Under Article 14(4)

30.1 *Time Limit*

The time limit referred to in Article 14(4) shall be 6 months from the international filing date.

Rule 31—Copies Required Under Article 13

31.1 *Request for Copies*

(a) Requests under Article 13(1) may relate to all, some kinds of, or individual international applications in which the national Office making the request is designated. Requests for all or some kinds of such international applications must be renewed for each year by means of a notification addressed by that Office before November 30 of the preceding year to the International Bureau.

(b) Requests under Article 13(2)(b) shall be subject to the payment of a fee covering the cost of preparing and mailing the copy.

31.2 *Preparation of Copies*

The preparation of copies required under Article 13 shall be the responsibility of the International Bureau.

Rule 32—Withdrawal of the International Application or of Designations

32.1 *Withdrawals*

(a) The applicant may withdraw the international application prior to the expiration of 20 months from the priority date except as to any designated State in which national processing or examination has already started. He may withdraw the designation of any designated State prior to the date on which processing or examination may start in that State.

(b) Withdrawal of the designation of all designated States shall be treated as withdrawal of the international application.

(c) Withdrawal shall be effected by a signed notice from the applicant to the International Bureau or, if the record copy has not yet been sent to the International Bureau, to the receiving Office. In the case of Rule 4.8(b), the notice shall require the signature of all the applicants.

(d) Where the record copy has already been sent to the International Bureau, the fact of withdrawal, together with the date of receipt of the notice effecting withdrawal, shall be recorded by the International Bureau and promptly notified by it to the receiving Office, the applicant, the designated Offices affected by the withdrawal, and, where the withdrawal concerns the international application and where the international search report or the declaration referred to in Article 17(2)(a) has not yet issued, the International Searching Authority.

Rule 33—Relevant Prior Art for the International Search

33.1 *Relevant Prior Art for the International Search*

(a) For the purposes of Article 15(2), relevant prior art shall consist of everything which has been made available to the public anywhere in the world by means of written disclosure (including drawings and other illustrations) and which is capable of being of assistance in determining that the claimed invention is or is not new and that it does or does not involve an inventive step (i.e., that it is or is not obvious), provided that the making available to the public occurred prior to the international filing date.

(b) When any written disclosure refers to an oral disclosure, use, exhibition, or other means whereby the contents of the written disclosure were made available to the public, and such making available to the public occurred on a date prior to the international filing date, the international search report shall separately mention that fact and the date on which it occurred if the making available to the public of the written disclosure occurred on a date posterior to the international filing date.

(c) Any published application or any patent whose publication date is later but whose filing data, or, where applicable, claimed priority date, is earlier than the international filing date of the international application searched, and which would constitute relevant prior art for the purposes of Article 15(2) had it been published prior to the international filing date, shall be specially mentioned in the international search report.

33.2 *Fields to be Covered by the International Search*

(a) The international search shall cover all those technical fields, and shall be carried out on the basis of all those search files, which may contain material pertinent to the invention.

(b) Consequently, not only shall the art in which the invention is classifiable be searched but also analogous arts regardless of where classified.

(c) The question what arts are, in any given case, to be regarded as analogous shall be considered in the light of what appears to be the necessary essential function or use of the invention and not only the specific functions expressly indicated in the international application.

(d) The international search shall embrace all subject matter that is generally recognized as equivalent to the subject matter of the claimed invention for all or certain of its features, even though, in its specifics, the invention as described in the international application is different.

33.3 *Orientation of the International Search*

(a) International search shall be made on the basis of the claims, with due regard to the description and the drawings (if any) and with particular emphasis on the inventive concept towards which the claims are directed.

(b) In so far as possible and reasonable, the international search shall cover the entire subject matter to which the claims are directed or to which they might reasonably be expected to be directed after they have been amended.

Rule 34—Minimum Documentation

34.1 *Definition*

(a) The definitions contained in Article 2(i) and (ii) shall not apply for the purposes of this Rule.

(b) The documentation referred to in Article 15(4) ("minimum documentation") shall consist of:

(i) the "national patent documents" as specified in paragraph (c),

(ii) the published international (PCT) applications, the published regional applications for patents and inventors' certificates, and the published regional patents and inventors' certificates,

(iii) such other published items of non-patent literature as the International Searching Authorities shall agree upon and which shall be published in a list by the International Bureau when agreed upon for the first time and whenever changed.

(c) Subject to paragraphs (d) and (e), the "national patent documents" shall be the following:

(i) the patents issued in and after 1920 by France, the former *Reichspatentamt* of Germany, Japan, the Soviet Union, Switzerland (in French and German languages only), the United Kingdom, and the United States of America,

(ii) the patents issued by the Federal Republic of Germany,

(iii) the patent applications, if any, published in and after 1920 in the countries referred to in items (i) and (ii),

(iv) the inventors' certificates issued by the Soviet Union,

(v) the utility certificates issued by, and the published applications for utility certificates of, France.

(vi) such patents issued by, and such patent applications published in, any other country after 1920 as are in the English, French, or German language and in which no priority is claimed, provided that the national Office of the interested country sorts out these documents and places them at the disposal of each International Searching Authority.

(d) Where an application is republished once (for example, an *Offenlegungschrift* as an *Auslegeschrift*) or more than once, no International Searching Authority shall be obliged to keep all versions in its documentation; consequently, each such Authority shall be entitled not to keep more than one version. Furthermore, where an application is granted and is issued in the form of a patent or a utility certificate (France), no International Searching Authority shall be obliged to keep both the application and the patent or utility certificate (France) in its documentation; consequently, each such Authority shall be entitled to keep either the application only or the patent or utility certificate (France) only.

(e) Any International Searching Authority whose official language, or one of whose official languages, is not Japanese or Russian is entitled not to include in its documentation those patent documents of Japan and the Soviet Union, respectively, for which no abstracts in the English language are generally available. English abstracts becoming generally available after the date of entry into force of these Regulations shall require the inclusion of the patent documents to which the abstracts refer no later than 6 months after such abstracts become generally available. In case of the interruption of abstracting services in English in technical fields in which English abstracts were formerly generally available, the Assembly shall take appropriate measures to provide for the prompt restoration of such services in the said fields.

(f) For the purposes of this Rule, applications which have only been laid open for public inspection are not considered published applications.

Rule 35—The competent international searching authority

35.1 *When Only One International Searching Authority is Competent*

Each receiving Office shall, in accordance with the terms of the applicable agreement referred to in Article 16(3)(b), inform the International Bureau which International Searching Authority is competent for the searching of the international applications

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filed with it, and the International Bureau shall promptly publish such information.

35.2 *When Several International Searching Authorities are Competent*

(a) Any receiving Office may, in accordance with the terms of the applicable agreement referred to in Article 16(3)(b), specify several International Searching Authorities:

(i) by declaring all of them competent for any international application filed with it, and leaving the choice to the applicant, or

(ii) by declaring one or more competent for certain kinds of international applications filed with it, and declaring one or more others competent for other kinds of international applications filed with it, provided that, for those kinds of international applications for which several International Searching Authorities are declared to be competent, the choice shall be left to the applicant.

(b) Any receiving Office availing itself of the faculty provided in paragraph (a) shall promptly inform the International Bureau, and the International Bureau shall promptly publish such information.

Rule 36—Minimum requirements for International Searching Authorities

36.1 *Definition of Minimum Requirements*

The minimum requirements referred to in Article 16(3)(c) shall be the following:

(i) the national Office or intergovernmental organization must have at least 100 full-time employees with sufficient technical qualifications to carry out searches;

(ii) that Office or organization must have in its possession at least the minimum documentation referred to in Rule 34, properly arranged for search purposes;

(iii) that Office or organization must have a staff which is capable of searching the required technical fields and which has the language facilities to understand at least those languages in which the minimum documentation referred to in Rule 34 is written or is translated.

Rule 37—Missing or Defective Title

37.1 *Lack of Title*

If the international application does not contain a title and the receiving Office has notified the International Searching Authority that it has invited the applicant to correct such defect, the International Searching Authority shall proceed with the international search unless and until it receives notification that the said application is considered withdrawn.

37.2 *Establishment of Title*

If the international application does not contain a title and the International Searching Authority has not received a notification from the receiving Office to the effect that the applicant has been invited to furnish a title, or if the said Authority finds that the title does not comply with Rule 4.3, it shall itself establish such a title.

Rule 38—Missing Abstract

38.1 *Lack of Abstract*

If the international application does not contain an abstract and the receiving Office has notified the International Searching Authority that it has invited the applicant to correct such defect, the International Searching Authority shall proceed with the international search unless and until it receives notification that the said application is considered withdrawn.

38.2 *Establishment of Abstract*

(a) If the international application does not contain an abstract and the International Searching Authority has not received a notification from the receiving Office to the effect that the applicant has been invited to furnish an abstract, or if the said Authority finds that the abstract does not comply with Rule 8, it shall itself establish an abstract (in the language in which the international application is published). In the latter case, it shall invite the applicant to comment on the abstract established by it within 1 month from the date of the invitation.

(b) The definitive contents of the abstract shall be determined by the International Searching Authority.

Rules 39—Subject Matter Under Article 17(2)(a)(i)

39.1 *Definition*

No International Searching Authority shall be required to search an international application if, and to the extent to which, its subject matter is any of the following:

(i) scientific and mathematical theories,

(ii) plant or animal varieties or essentially biological processee for the production of plants and animals, other than microbiological processes and the products of such processes,

(iii) schemes, rules or methods of doing business, performing purely mental acts or playing games,

(iv) methods for treatment of the human or animal body by surgery or therapy, as well as diagnostic methods,

(v) mere presentations of information,

(vi) computer programs to the extent that the International Searching Authority is not equipped to search prior art concerning such programs.

Rule 40—Lack of Unity of Invention (International Search)

40.1 *Invitation to Pay*

The invitation to pay additional fees provided for in Article 17(3)(a) shall specify the reasons for which the international application is not considered as complying with the requirement of unity of invention and shall indicate the amount to be paid.

40.2 *Additional Fees*

(a) The amount of the additional fee due for searching under Article 17(3)(a) shall be determined by the competent International Searching Authority.

(b) The additional fee due for search under Article 17(3)(a) shall be payable direct to the International Searching Authority. .

(c) Any applicant may pay the additional fee under protest, that is, accompanied by a reasoned statement to the effect that the international application complies with the reqnirement of unity of invention or that the amount of the required additional fee is excessive. Such protest shall be examined by a three-member board or other special instance of the International Searching Authority or any competent higher authority, which, to the extent that it finds the protest justified, shall order the total or partial reimbursement to the applicant of the additional fee. On the request of the applicant, the text of both the protest and the decision thereon shall be notified to the designated Offices together with the international search report. The applicant shall submit any translation thereof with the furnishing of the translation of the international application required under Article 22.

(d) The three-member board, special instance or competent higher authority, referred to in paragraph (c), shall not comprise any person who made the decision which is the subject of the protest.

40.3 *Time Limit*

The time limit provided for in Article 17(3)(a) shall be fixed, in each case, according to the circumstances of the case, by the International Searching Authority; it shall not be shorter than 15 or 30 days, respectively, depending on whether the applicant's address is in the same country as or in a different country from that in which the International Searching Authority is located, and it shall not be longer than 45 days, from the date of the invitation.

Rule 41—The International-Type Search

41.1 *Obligation to Use Results; Refund of Fee*

If reference has been made in the request, in the form provided for in Rule 4.11, to an international-type search carried out under the conditions set out in Article 15(5), the International Searching Authority shall, to the extent possible, use the results of the said search in establishing the international search report on the international application. The International Searching Authority shall refund the search fee, to the extent and under the conditions provided for in the agreement under Article 16(3)(b), if the international search report could wholly or partly be based on the results of the international-type search.

Rule 42—Time Limit for International Search

42.1 *Time Limit for International Search*

All agreements concluded with International Searching Authorities shall provide for the same time limit for establishing the international search report or the declaration referred to in Article 17(2)(a). This time limit shall not exceed 3 months from the receipt of the search copy by the International Searching Authority, or 9 months from the priority date, whichever time limit expires later. For a transitional period of 3 years from the entry into force of the Treaty, time limits for the agreement with any International Searching Authority may be individually negotiated, provided that such time limits shall not extend by more than 2 months the time limits referred to in the preceding sentence and in any case shall not go beyond the expiration of the 18th month after the priority date.

Rule 43—The International Search Report

43.1 *Identifications*

The international search report shall identify the International Searching Authority which established it by indicating the name of such Authority, and the international application by indicating the international application number, the name of the applicant, the name of the receiving Office, and the international filing date.

43.2 *Dates*

The international search report shall be dated and shall indicate the date on which the international search was actually completed. It shall also indicate the filing date of any earlier application whose priority is claimed.

43.3 *Classification*

(a) The international search report shall contain the classification of the subject matter at least according to the International Patent Classification.

(b) Such classification shall be effected by the International Searching Authority.

43.4 *Language*

Every international search report and any declaration made under Article 17(2)(a) shall be in the language in which the international application to which it relates is published.

43.5 *Citations*

(a) The international search report shall contain the citations of the documents considered to be relevant.

(b) The method of identifying any cited document shall be regulated by the Administrative Instructions.

(c) Citations of particular relevance shall be specially indicated.

(d) Citations which are not relevant to all the claims shall be cited in relation to the claim or claims to which they are relevant.

(e) If only certain passages of the cited document are relevant or particularly relevant, they shall be identified, for example, by indicating the page, the column, or the lines, where the passage appears.

43.6 *Fields Searched*

(a) The international search report shall list the classification identification of the fields searched. If that identification is effected on the basis of a classification other than the International Patent Classification,

the International Searching Authority shall publish the classification used.

(b) If the international search extended to patents, inventors' certificates, utility certificates, utility models, patents or certificates of addition, inventors' certificates of addition, utility certificates of addition, or published applications for any of those kinds of protection, of States, periods, or languages, not included in the minimum documentation as defined in Rule 34, the international search report shall, when practicable, identify the kinds of documents, the States, the periods, and the languages to which it extended. For the purposes of this paragraph, Article 2(ii) shall not apply.

43.7 *Remarks Concerning Unity of Invention*

If the applicant paid additional fees for the international search, the international search report shall so indicate. Furthermore, where the international search was made on the main invention only (Article 17(3)(a)), the international search report shall indicate what parts of the international application were and what parts were not searched.

43.6 *Signature*

The international search report shall be signed by an authorized officer of the International Searching Authority.

43.9 *No Other Matter*

The international search report shall contain no matter other than that enumerated in Rules 33.1(b) and (c), 43.1, 2, 3, 5, 6, 7 and 8, and 44.2(a) and (b), and the indication referred to in Article 17(2)(b). In particular, it shall contain no expressions of opinion, reasoning, arguments, or explanations.

43.10 *Form*

The physical requirements as to the form of the international search report shall be prescribed by the Administrative Instructions.

Rule 44—Transmittal of the International Search Report, Etc.

44.1 *Copies of Report* or *Declaration*

The International Searching Authority shall, on the same day, transmit one copy of the international search report or the declaration referred to in Article 17(2)(a) to the International Bureau and one copy to the applicant.

44.2 *Title or Abstract*

(a) Subject to paragraphs (b) and (c), the international search report shall either state that the International Searching Authority approves the title and the abstract as submitted by the applicant or be accompanied by the text of the title and/or abstract as established by the International Searching Authority under Rules 37 and 38.

(b) If, at the time the international search is completed, the time limit allowed for the applicant to comment on any suggestion of the International Searching Authority in respect of the abstract has not expired, the international search report shall indicate that it is incomplete as far as the abstract is concerned.

(c) As soon as the time limit referred to in paragraph (b) has expired, the International Searching Authority shall notify the abstract approved or established by it to the International Bureau and to the applicant.

44.3 *Copies of Cited Documents*

(a) The request referred to in Article 20(3) may be presented any time during 7 years from the international filing date of the international application to which the international search report relates.

(b) The International Searching Authority may require that the party (applicant or designated Office) presenting the request pay to it the cost of preparing and mailing the copies. The level of the cost of preparing copies shall be provided for in the agreements referred to in Article 16(3)(b) between the International Searching Authorities and the International Bureau.

(c) Any International Searching Authority not wishing to send copies direct to any designated Office shall send a copy to the International Bureau and the International Bureau shall then proceed as provided in paragraphs (a) and (b).

(d) Any International Searching Authority may perform the obligations referred to in (a) to (c) through another agency responsible to it.

Rule 45—Translation of the International Search Report

45.1 *Languages*

International search reports and declarations referred to in Article 17(2)(a) shall, when not in English, be translated into English.

Rule 46—Amendment of Claims Before the International Bureau

46.1 *Time Limit*

The time limit referred to in Article 19 shall be 2 months from the date of transmittal of the international search report to the International Bureau and to the applicant by the International Searching Authority or, when such transmittal takes place before the expiration of 14 months from the priority date, 3 months from the date of such transmittal.

46.2 *Dating of Amendments*

The date of receipt of any amendment shall be recorded by the International Bureau and shall be indicated by it in any publication or copy issued by it.

46.3 *Language of Amendments*

If the international application has been filed in a language other than the language in which it is published by the International Bureau, any amendment made under Article 19 shall be both in the language in which the international application has been filed and in that in which it is published.

46.4 *Statement*

(a) The statement referred to in Article 19(1) shall be in the language in which the international application is published and shall not exceed 500 words if in the English language or if translated into that language.

(b) The statement shall contain no comments on the international search report or the relevance of the citations contained in that report. The statement may refer to a citation contained in the international search report only in order to indicate that a special amendment of the claims is intended to avoid the document cited.

46.5 *Form of Amendments*

(a) The applicant shall be required to submit a replacement sheet for every sheet of the claims which, on account of an amendment or amendments under Article 19, differs from the sheet originally filed. The letter accompanying the replacement sheets shall draw attention to the differences between the replaced sheets and the replacement sheets. To the extent that any amendment results in the cancellation of an entire sheet, that amendment shall be communicated in a letter.

(b) The International Bureau shall mark on each replacement sheet the international application number, the date on which it was received, and the stamp identifying the International Bureau. It shall keep in its files any replaced sheet, the letter accompanying the replacement sheet or sheets, and any letter referred to in the last sentence of paragraph (a).

(c) The International Bureau shall insert any replacement sheet in the record copy and, in the case referred to in the last sentence of paragraph (a), shall indicate the cancellations in the record copy.

Rule 47—Communication to Designated Offices

47.1 *Procedure*

(a) The communication provided for in Article 20 shall be effected by the International Bureau.

(b) Such communication shall be effected promptly after the International Bureau has received amendments from the applicant, or a declaration that the applicant does not wish to make amendments before the International Bureau, or, in any case, when the time limit provided for in Rule 46.1 has expired. Where, under Article 17(2)(a), the International Searching Authority has made a declaration that no international search report will be established, the communication provided for in Article 20 shall be effected, unless the international application is withdrawn, within 1 month from the date on which the International Bureau has been notified of the said declaration by the International Searching Authority; such communication shall be accompanied by an indication of the date of the notification sent to the applicant under Article 17(2)(a).

(c) The International Bureau shall send a notice to the applicant indicating the designated Offices to which the communication has been effected and the date of such communication. Such notice shall be sent on the same day as the communication.

(d) Each designated Office shall, when it so requires, receive the international search reports and the declarations referred to in Article 17(2)(a) also in the translation referred to in Rule 45.1.

(e) Where any designated Office has waived the requirement provided under Article 20, the copies of the documents which otherwise would have been sent to that Office shall, at the request of that Office or the applicant, be sent to the applicant at the time of the notice referred to in paragraph (c).

47.2 *Copies*

(a) The copies required for communication shall be prepared by the International Bureau.

(b) They shall be on sheets of A4 size.

47.3 *Languages*

The international application communicated under Article 20 shall be in the language in which it is published provided that if that language is different from the language in which it was filed it shall, on the request of the designated Office, be communicated in either or both of these languages.

Rule 48—International Publication

48.1 *Form*

(a) The international application shall be published in the form of a pamphlet.

(b) The particulars regarding the form of the pamphlet and the method of reproduction shall be governed by the Administrative Instructions.

48.2 *Contents*

(a) The pamphlet shall contain:

(i) a standardized front page,

(ii) the description,

(iii) the claims,

(iv) the drawings, if any,

(v) subject to paragraph (g), the international search report or the declaration under Article 17(2)(a).

(vi) any statement filed under Article 19(1), unless the International Bureau finds that the statement does not comply with the provisions of Rule 46.4.

(b) Subject to paragraph (c), the front page shall include:

(i) data taken from the request sheet and such other data as are prescribed by the Administrative Instructions,

(ii) a figure or figures where the international application contains drawings,

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(iii) the abstract; if the abstract is both in English and in another language, the English text shall appear first.

(c) Where a declaration under Article 17 (2)(a) has issued, the front page shall conspicuously refer to that fact and need include neither a drawing nor an abstract.

(d) The figure or figures referred to in paragraph (b)(ii) shall be selected as provided in Rule 8.2. Reproduction of such figure or figures on the front page may be in a reduced form.

(e) If there is not enough room on the front page for the totality of the abstract referred to in paragraph (b)(iii), the said abstract shall appear on the back of the front page. The same shall apply to the translation of the abstract when such transaction is required to be published under Rule 48.3(c).

(f) If the claims have been amended under Article 19, the publication shall contain either the full text of the claims both as filed and as amended or the full text of the claims as filed and specify the amendments. Any statement referred to in Article 19(1) shall be included as well, unless the International Bureau finds that the statement does not comply with the provisions of Rule 46.4. The date of receipt of the amended claims by the International Bureau shall be indicated.

(g) If, at the time when publication is due, the international search report is not yet available (for example, because of publication on the request of the applicant as provided in Articles 21(2)(b) and 64(3)(c)(i)), the pamphlet shall contain, in place of the international search report, an indication to the effect that that report was not available and that either the pamphlet (then also including the international search report) will be republished or the international search report (when it becomes available) will be separately published.

(h) If, at the time when publication is due, the time limit for amending the claims under Article 19 has not expired, the pamphlet shall refer to that fact and indicate that, should the claims be amended under Article 19, then, promptly after such amendments, either the pamphlet (containing the claims as amended) will be republished or a statement reflecting all the amendments will be published. In the latter case, at least the front page and the claims shall be republished and, if a statement under Article 19(1) has been filed, that statement shall be published as well, unless the International Bureau finds that the statement does not comply with the provisions of Rule 46.4.

(i) The Administrative Instructions shall determine the cases in which the various alternatives referred to in paragraphs (g) and (h) shall apply. Such determination shall depend on the volume and complexity of the amendments and/or the volume of the international application and the cost factors.

48.3 *Language*

(a) If the international application is filed in English, French, German, Japanese, or Russian, that application shall be published in the language in which it was filed.

(b) If the international application is filed in a language other than English, French, German, Japanese, or Russian, that application shall be published in English translation. The translation shall be prepared under the responsibility of the International Searching Authority, which shall be obliged to have it ready in time to permit the communication under Article 20 by the prescribed date, or, if the international publication is due at an earlier date than the said communication, to permit international publication by the prescribed date. Notwithstanding Rule 16.1(a), the International Searching Authority may charge a fee for the translation to the applicant. The International Searching Authority shall give the applicant an opportunity to comment on the draft translation. The International Searching Authority shall fix a time limit reasonable under the circumstances of the case for such comments. If there is no time to take the comments of the applicant into account before the translation is communicated or, if there is a difference of opinion between the applicant and the said Authority as to the correct translation, the applicant may send a copy of his comments, or what remains of them, to the International Bureau and each designated Office to which the translation was communicated. The International Bureau shall publish the essence of the comments together with the translation of the International Searching Authority or subsequently to the publication of such translation.

(c) If the international application is published in a language other than English, the international search report, or the declaration referred to in Article 17(2)(a), and the abstract shall be published both in that language and in English. The translations shall be prepared under the responsibility of the International Bureau.

48.4 *Earlier Publication on the Applicant's Request*

(a) Where the applicant asks for publication under Articles 21(2)(b) and 64(3)(c)(i) and the international search report, or the declaration referred to in Article 17(2)(a), is not yet available for publication together with the international application, the International Bureau shall collect a special publication fee whose amount shall be fixed in the Administrative Instructions.

(b) Publication under Articles 21(2)(b) and 64(3)(c)(i) shall be effected by the International Bureau promptly after the applicant has asked for it and, where a special fee is due under paragraph (a), after receipt of such fee.

48.5 *Notification of National Publication*

Where the publication of the international application by the International Bureau is governed by Article 64(3)(c)(ii), the national Office concerned shall, promptly after effecting the national publication referred to in the said provision, notify the International Bureau of the fact of such national publication.

48.6 *Announcing of Certain Facts*

(a) If any notification under Rule 29.1(ii) reaches the International Bureau at a time later than that at which it was able to prevent the international publication of the international application, the International Bureau shall promptly publish a notice in the Gazette reproducing the essence of such notification.

(b) The essence of any notification under Rule 29.2 or 51.4 shall be published in the Gazette and, if the notification reaches the International Bureau before preparations for the publication of the pamphlet have been completed, also in the pamphlet.

(c) If the international application is withdrawn after its international publication, this fact shall be published in the Gazette.

Rule 49—Languages of Translations and Amounts of Fees Under Article 22(1) and (2)

49.1 *Notification*

(a) Any Contracting State requiring the furnishing of a translation *or* the payment of a national fee, or both, under Article 22, shall notify the International Bureau of:

(i) the languages from which and the language into which it requires translation,

(ii) the amount of the national fee.

(b) Any notification received by the International Bureau under paragraph (a) shall be promptly published by the International Bureau in the Gazette.

(c) If the requirements under paragraph (a) change later, such changes shall be notified by the Contracting State to the International Bureau and that Bureau shall promptly publish the notification in the Gazette. If the change means that translation is required into a language which, before the change, was not required, such change shall be effective only with respect to international applications filed later than 2 months after the publication of the notification in the Gazette. Otherwise, the effective date of any change shall be determined by the Contracting State.

49.2 *Languages*

The language into which translation may be required must be an official language of the designated Office. If there are several of such languages, no translation may be required if the international application is in one of them. If there are several official languages and a translation must be furnished, the applicant may choose any of those languages. Notwithstanding the foregoing provisions of this paragraph, if there are several official languages but the national law prescribes the use of one such language for foreigners, a translation into that language may be required.

49.3 *Statements under Article 19*

For the purposes of Article 22 and the present Rule, any statement made under Article 19(1) shall be considered part of the international application.

Rule 50—Faculty Under Article 22(3)

50.1 *Exercise of Faculty*

(a) Any Contracting State allowing a time limit expiring later than the time limits provided for in Article 22(1) or (2) shall notify the International Bureau of the time limits so fixed.

(b) Any notification received by the International Bureau under paragraph (a) shall be promptly published by the International Bureau in the Gazette.

(c) Notifications concerning the shortening of the previously fixed time limit be effective in relation to international applications filed after the expiration of 3 months computed from the date on which the notification was published by the International Bureau.

(d) Notification concerning the lengthening of the previously fixed time limit shall become effective upon publication by the International Bureau in the Gazette in respect of international applications pending at the time or filed after the date of such publication, or, if the Contracting State effecting the notification fixes some later date, as from the latter date.

Rule 51—Review by Designated Offices

51.1 *Time Limit for Presenting the Request to Send Copies*

The time limit referred to in Article 25 (1)(c) shall be 2 months computed from the date of the notification sent to the applicant under Rules 20.7(i), 24.2(b), 29.1(a)(ii), or 29.1(b).

51.2 *Copy of the Notice*

Where the applicant, after having received a negative determination under Article 11(1), requests the International Bureau, under Article 25(1), to send copies of the file of the purported international application to any of the named Offices he has attempted to designate, he shall attach to his request a copy of the notice referred to in Rule 20.7(i).

51.3 *Time Limit for Paying National Fee and Furnishing Translation*

The time limit referred to in Article 25 (2)(a) shall expire at the same time as the time limit prescribed in Rule 51.1.

51.4 *Notification to the International Bureau*

Where, under Article 25(2), the competent designated Office decides that the refusal, declaration or finding referred to in Article

25(1) was not justified, it shall promptly notify the International Bureau that it will treat the international application as if the error or omission referred to in Article 25(2) had not occurred.

Rule 52—Amendment of the claims, the description, and the drawings, before designated offices

52.1 *Time Limit*

(a) In any designated State in which processing or examination starts without special request, the applicant shall, if he so wishes, exercise the right under Article 28 within one month from the fulfillment of the requirements under Article 22, provided that, if the communication under Rule 47.1 has not been effected by the expiration of the time limit applicable under Article 22, he shall exercise the said right not later than 4 months after such expiration date. In either case, the applicant may exercise the said right at any other time if so permitted by the national law of the said State.

(b) In any designated State in which the national law provides that examination starts only on special request, the time limit within or the time at which the applicant may exercise the right under Article 28 shall be the same as that provided by the national law for the filing of amendments in the case of the examination, on special request, of national applications, provided that such time limit shall not expire prior to, or such time shall not come before the expiration of the time limit applicable under paragraph (a).

PART C—RULES CONCERNING CHAPTER II OF THE TREATY

Rule 53—The Demand

53.1 *Form*

(a) The demand shall be made on a printed form.

(b) Copies of printed forms shall be furnished free of charge by the receiving Offices to the applicants.

(c) The particulars of the forms shall be prescribed by the Administrative Instructions.

(d) The demand shall be submitted in two identical copies.

53.2 *Contents*

(a) The demand shall contain:

(i) a petition,

(ii) indications concerning the applicant and the agent if there is an agent,

(iii) indications concerning the international application to which it relates,

(iv) election of States.

(b) The demand shall be signed.

53.3 *The Petition*

The petition shall be to the following effect and shall preferably be worded as follows: "Demand under Article 31 of the Patent Cooperation Treaty: The undersigned requests that the international application specified below be the subject of international preliminary examination according to the Patent Cooperation Treaty."

53.4 *The Applicant*

As to the indications concerning the applicant, Rules 4.4 and 4.16 shall apply, and Rule 4.5 shall apply *mutatis mutandis*.

53.5 *The Agent*

If an agent is designated, Rules 4.4, 4.7, and 4.16 shall apply, and Rule 4.8 shall apply *mutatis mutandis*.

53.6 *Identification of the International Application*

The international application shall be identified by the name of the receiving Office with which the international application was filed, the name and address of the applicant, the title of the invention, and, where the international filing date and the international application number are known to the applicant, that date and that number.

53.7 *Election of States*

The demand shall name, among the designated States, at least one Contracting State bound by Chapter II of the Treaty as elected State.

53.8 *Signature*

The demand shall be signed by the applicant.

Rule 54—The Applicant entitled to make a Demand

54.1 *Residence and Nationality*

The residence or nationality of the applicant shall, for the purposes of Article 31(2), be determined according to Rules 18.1 and 18.2.

54.2 *Several Applicants: Same for All Elected States*

If all the applicants are applicants for the purposes of all elected States, the right to make a demand under Article 31(2) shall exist if at least one of them is

(i) a resident or national of a Contracting State bound by Chapter II and the international application has been filed as provided in Article 31(2)(a), or

(ii) a person entitled to make a demand under Article 31(2)(b) and the international application has been filed as provided in the decision of the Assembly.

54.3 *Several Applicants: Different for Different Elected States*

(a) For the purposes of different elected States, different applicants may be indicated, provided that, in respect of each elected State, at least one of the applicants indicated for the purposes of that State is

(i) a resident or national of a Contracting State bound by Chapter II and the international application has been filed as provided in Article 31(2)(a), or,

(ii) a person entitled to make a demand under Article 31(2)(b) and the international application has been filed as provided in the decision of the Assembly.

(b) If the requirement under paragraph (a) is not fulfilled in respect of any elected State, the election of that State shall be considered not to have been made.

54.4 *Change in the Person or Name of the Applicant*

Any change in the person or name of the applicant shall, on the request of the applicant or the receiving Office, be recorded by the International Bureau, which shall notify the interested International Preliminary Examining Authority and the elected Offices accordingly.

Rules 55—Languages (International Preliminary Examination)

55.1 *The Demand*

The demand shall be in the language of the international application or, when a translation is required under Rule 55.2, in the language of that translation.

55.2 *The International Application*

(a) If the competent International Preliminary Examining Authority is not part of the same national Office or intergovernmental organization as the competent International Searching Authority, and if the international application is in a language other than the language, or one of the languages, specified in the agreement concluded between the International Bureau and the International Preliminary Examining Authority competent for the international preliminary examination, the latter may require that the applicant submit a translation of that application.

(b) The translation shall be submitted not later than the later of the following two dates:

(i) the date on which the time limit under Rule 46.1 expires,

(ii) the date on which the demand is submitted.

(c) The translation shall contain a statement that, to the best of the applicant's knowledge, it is complete and faithful. This statement shall be signed by the applicant.

(d) If the provisions of paragraph (b) and (c) are not complied with, the International Preliminary Examining Authority shall invite the applicant to comply with them within 1 month from the date of the invitation. If the applicant fails to do so, the demand shall be considered as if it had not been submitted and the International Preliminary Examining Authority shall notify the applicant and the International Bureau accordingly.

Rule 56—Later Elections

56.1 *Election Submitted Later Than the Demand*

The election of States not named in the demand shall be effected by a notice signed and submitted by the applicant, and shall identify the international application and the demand.

56.2 *Identification of the International Application*

The international application shall be identified as provided in Rule 53.6.

56.3 *Identification of the Demand*

The demand shall be identified by the date on which it was submitted and by the name of the International Preliminary Examining Authority to which it was submitted.

56.4 *Form of Later Elections*

The later election shall preferably be made on a printed form furnished free of charge to applicants. If it is not made on such a form, it shall preferably be worded as follows: "In relation to the international application filed with ______ on ______ under No. ______ by ______ (applicant) (and the demand for international preliminary examination submitted on ______ to ______), the undersigned elects the following additional States(s) under Article 31 of the Patent Cooperation Treaty: ______"

56.5 *Language of Later Elections*

The later election shall be in the language of the demand.

Rule 75—The Handling Fee

57.1 *Requirement to Pay*

Each demand for international preliminary examination shall be subject to the payment of a fee for the benefit of the International Bureau ("handling fee").

57.2 *Amount*

(a) The amount of the handling fee shall be US $14.00 or 60 Swiss francs augmented by as many times the same amount as the number of languages into which the international preliminary examination report must, in application of Article 36(2), be translated by the International Bureau.

(b) Where, because of a later election or elections, the international preliminary examination report must, in application of Article 36(2), be translated by the International Bureau into one or more additional languages, a supplement to the handling fee shall be payable and shall amount to US $14.00 or 60 Swiss francs for each additional language.

57.3 *Mode and Time of Payment*

(a) Subject to paragraph (b), the handling fee shall be collected by the International Preliminary Examining Authority to which the demand is submitted and shall be due at the time the demand is submitted.

(b) Any supplement to the handling fee under Rule 57.2(b) shall be collected by the International Bureau and shall be due at the time the later election is submitted.

(c) The handling fee shall be payable in the currency prescribed by the International Preliminary Examining Authority to which

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the demand is submitted, it being understood that, when transferred by that Authority to the International Bureau, it shall be freely convertible into Swiss currency.

(d) Any supplement to the handling fee shall be payable in Swiss currency.

57.4 *Failure to Pay (Handling Fee)*

(a) Where the handling fee is not paid as required by Rules 57.2(a) and 57.3(a) and (c), the International Preliminary Examining Authority shall invite the applicant to pay the fee within 1 month from the date of the invitation.

(b) If the applicant complies with the invitation within the prescribed time limit, the demand shall be considered as if it had been received on the date on which the International Preliminary Examining Authority receives the fee, unless, under Rule 60.1 (b), a later date is applicable.

(c) If the applicant does not comply with the invitation within the prescribed time limit, the demand shall be considered as if it had not been submitted.

57.5 *Failure to Pay (Supplement to the Handling Fee)*

(a) Where the supplement to the handling fee is not paid as required by Rules 57.2(b) and 57.3(b) and (d), the International Bureau shall invite the applicant to pay the supplement within 1 month from the invitation.

(b) If the applicant complies with the invitation within the prescribed time limit, the later election shall be considered as if it had been received on the date on which the International Bureau receives the supplement, unless, under Rule 60.2(b), a later date is applicable.

(c) If the applicant does not comply with the invitation within the prescribed time limit, the later election shall be considered as if it had not been submitted.

57.6 *Refund*

In no case shall the handling fee, including any supplement thereto, be refunded.

Rule 58—The Preliminary Examination Fee

58.1 *Right to Ask for a Fee*

(a) Each International Preliminary Examining Authority may require that the applicant pay a fee ("preliminary examination fee") for its own benefit for carrying out the international preliminary examination and for performing all other tasks entrusted to International Preliminary Examining Authorities under the Treaty and these Regulations.

(b) The amount and the due date of the preliminary examination fee, if any, shall be fixed by the International Preliminary Examining Authority, provided that the said due date shall not be earlier than the due date of the handling fee.

(c) The preliminary examination fee shall be payable directly to the International Preliminary Examining Authority. Where that Authority is a national Office, it shall be payable in the currency prescribed by that Office, and where the Authority is an intergovernmental organization, it shall be payable in the currency of the State in which the intergovernmental organization is located or in any other currency which is freely convertible into the currency of the said State.

Rule 59—The Competent International Preliminary Examining Authority

59.1 *Demands under Article 31(2)(a)*

For demands made under Article 31(2)(a), each Contracting State bound by the provisions of Chapter II shall, in accordance with the terms of the applicable agreement referred to in Article 32(2) and (3), inform the International Bureau which International Preliminary Examining Authority is or which International Preliminary Examining Authorities are competent for the international preliminary examination of international applications filed with its national Office, or, in the case provided for in Rule 19.1(b), with the national Office of another State or an intergovernmental organization acting for the former Office, and the International Bureau shall promptly publish such information. Where several International Preliminary Examining Authorities are competent, the provisions of Rule 35.2 shall apply *mutatis mutandis*.

59.2 *Demands under Article 31(2)(b)*

As to demands made under Article 31(2)(b), the Assembly, in specifying the International Preliminary Examining Authority competent for international applications filed with a national Office which is an International Preliminary Examining Authority, shall give preference to that Authority; if the national Office is not an International Preliminary Examining Authority, the Assembly shall give preference to the International Preliminary Examining Authority recommended by that Office.

Rule 60—Certain Defects in the Demand or Elections

60.1 *Defects in the Demand*

(a) If the demand does not comply with the requirements specified in Rules 53 and 55, the International Preliminary Examining Authority shall invite the applicant to correct the defects within 1 month from the date of the invitation.

(b) If the applicant complies with the invitation within the prescribed time limit, the demand shall be considered as if it had been received on the date on which the International Preliminary Examining Authority receives the correction, or, when the handling fee is received under Rule 57.4(b) at a later date, on that date.

(c) If the applicant does not comply with the invitation within the prescribed time limit, the demand shall be considered as if it had not been submitted.

(d) If the defect is noticed by the International Bureau, it shall bring the defect to the attention of the International Preliminary Examining Authority, which shall then proceed as provided in paragraphs (a) to (c).

60.2 *Defects in Later Elections*

(a) If the later election does not comply with the requirements of Rule 56, the International Bureau shall invite the applicant to correct the defects within 1 month from the date of the invitation.

(b) If the applicant complies with the invitation within the prescribed time limit, the later election shall be considered as if it had been received on the date on which the International Bureau receives the correction, or, where the supplement to the handling fee is received under Rule 57.5(b) at a later date, on that date.

(c) If the applicant does not comply with the invitation within the prescribed time limit,. the later election shall be considered as if it had not been submitted.

60.3 *Attempted elections*

If the applicant has attempted to elect a State which is not a designated State or which is not bound by Chapter II, the attempted election shall be considered not to have been made, and the International Bureau shall notify the applicant accordingly.

Rule 61—Notification of the demand and elections

61.1 *Notifications to the International Bureau, the Applicant, and the International Preliminary Examining Authority*

(a) The International Preliminary Examining Authority shall indicate on both copies of the demand the date of receipt or, where applicable, the data referred to in Rule 60.1(b). The International Preliminary Examining Authority shall promptly send the original copy to the International Bureau. It shall keep the other copy in its files.

(b) The International Preliminary Examining Authority shall promptly inform the applicant in writing of the date of receipt of the demand. Where the demand has been considered under Rules 57.4(c) or 60.1(c) as if it had not been submitted, the International Preliminary Examining Authority shall notify the applicant accordingly.

(c) The International Bureau shall promptly notify the International Preliminary Examining Authority and the applicant of the receipt, and the date of receipt, of any later election. That date shall be the actual date of receipt by the International Bureau or, where applicable, the date referred to in Rule 60.2(b). Where the later election has been considered under Rules 57.5(c) or 60.2(c) as if it had not been submitted, the International Bureau shall notify the applicant accordingly.

61.2 *Notifications to the elected offices*

(a) The notification provided for in Article 31(7) shall be effected by the International Bureau.

(b) The notification shall indicate the number and filing date of the international application, the name of the applicant, the name of the receiving Office, the filing date of the application whose priority is claimed (where priority is claimed), the date of receipt by the International Preliminary Examining Authority of the demand, and—in the case of later elections—the date of receipt by the International Bureau of the later election.

(c) The notification shall be sent to the elected Office promptly after the expiration of the 18th month from the priority date, or, if the international preliminary examination report is communicated earlier, then, at the same time as the communication of that report. Elections effected after such notification shall be notified promptly after they have been effected.

61.3 *Information for the Applicant*

The International Bureau shall inform the applicant in writing that it has effected the notification referred to in Rule 61.2. At the same time, it shall indicate to him, in respect of each elected State, any applicable time limit under Article 39(1)(b).

Rule 62—Copy for the International Preliminary Examining Authority

62.1 *The International Application*

(a) Where the competent International Preliminary Examining Authority is part of the same national Office or intergovernmental organization as the competent International Searching Authority, the same file shall serve the purposes of international search and international preliminary examination.

(b) Where the competent International Searching Authority is not part of the same national Office or intergovernmental organization as the competent International Preliminary Examining Authority, the International Bureau shall, promptly upon receipt of the international search report or, if the demand was received after the international search report, promptly upon receipt of the demand, send a copy of the international application and the international search report to the said Preliminary Examining Authority. In cases where, instead of the international search report, a declaration under Article 17(2)(a) has issued, references in the preceding sentence to the international search report shall be considered references to the said declaration.

62.2 *Amendments*

(a) Any amendment filed under Article 19 shall be promptly transmitted by the International Bureau to the International Preliminary Examining Authority. If, at the time of filing such amendments, a demand for international preliminary examination has already been submitted, the applicant shall, at the same time as he files the amendments with the International Bureau, also file a copy of such amendments with the International Preliminary Examining Authority.

(b) If the time limit for filing amendments under Article 19 (see Rule 46.1) has expired without the applicant's having filed amendments under that Article, or if the applicant has declared that he does not wish to make amendments under that Article, the International Bureau shall notify the International Preliminary Examining Authority accordingly.

Rule 63—Minimum Requirements for International Preliminary Examining Authorities

63.1 *Definition of Minimum Requirements*

The minimum requirements referred to in Article 32(3) shall be the following:

(i) the national Office or intergovernmental organization must have at least 100 full-time employees with sufficient technical qualifications to carry out examinations;

(ii) that Office or organization must have at its ready disposal at least the minimum documentation referred to in Rule 34, properly arranged for examination purposes;

(iii) that Office or organization must have a staff which is capable of examining in the required technical fields and which has the language facilities to understand at least those languages in which the minimum documentation referred to in Rule 34 is written or is translated.

Rule 64—Prior Art for International Preliminary Examination

64.1 *Prior Art*

(a) For the purposes of Article 33 (2) and (3), everything made available to the public anywhere in the world by means of written disclosure (including drawings and other illustrations) shall be considered prior art provided that such making available occurred prior to the relevant date.

(b) For the purposes of paragraph (a), the relevant date will be:

(i) subject to item (ii), the international filing date of the international application under international preliminary examination;

(ii) where the international application under international preliminary examination validly claims the priority of an earlier application, the filing date of such earlier application.

64.2 *Non-Written Disclosures*

In cases where the making available to the public occurred by means of an oral disclosure, use, exhibition or other non-written means ("non-written disclosure") before the relevant date as defined in Rule 64.1(b) and the date of such non-written disclosure is indicated in a written disclosure which has been made available to the public after the relevant date, the non-written disclosure shall not be considered part of the prior art for the purposes of Article 33 (2) and (3). Nevertheless, the international preliminary examination report shall call attention to such non-written disclosure in the manner provided for in Rule 70.9.

64.3 *Certain Published Documents*

In cases where any application or any patent which would constitute prior art for the purposes of Article 33 (2) and (3) had it been published prior to the relevant date referred to in Rule 64.1 was published, as such, after the relevant date but was filed earlier than the relevant date or claimed the priority of an earlier application which had been filed prior to the relevant date, such published application or patent shall not be considered part of the prior art for the purposes of Article 33 (2) and (3). Nevertheless, the international preliminary examination report shall call attention to such application or patent in the manner provided for in Rule 70.10.

Rule 65—Inventive Step on Non-obviousness

65.1 *Approach to Prior Art*

For the purposes of Article 33(3), the international preliminary examination shall take into consideration the relation of any particular claim to the prior art as a whole. It shall take into consideration the claim's relation not only to individual documents or parts thereof taken separately but also its relation to combinations of such documents or parts of documents, where such combinations are obvious to a person skilled in the art.

65.2 *Relevant Date*

For the purposes of Article 33(3), the relevant date for the consideration of inventive step (non-obviousness) is the date prescribed in Rule 64.1.

Rule 66—Procedure Before the International Preliminary Examining Authority

66.1 *Basis of the International Preliminary Examination*

Before the international preliminary examination starts, the applicant may make amendments according to Article 34(2)(b) and the international preliminary examination shall initially be directed to the claims, the description, and the drawings, as contained in the international application at the time the international preliminary examination starts.

66.2 *First Written Opinion of the International Preliminary Examining Authority*

(a) If the International Preliminary Examining Authority

(i) considers that the international application has any of the defects described in Article 34(4),

(ii) considers that the international preliminary examination report should be negative in respect of any of the claims because the invention claimed therein does not appear to be novel, does not appear to involve an inventive step (does not appear to be non-obvious), or does not appear to be industrially applicable,

(iii) notices that there is some defect in the form or contents of the international application under the Treaty or these Regulations,

(iv) considers that any amendment goes beyond the disclosure in the international application as filed, or

(v) wishes to accompany the international preliminary examination report by observations on the clarity of the claims, the description, and the drawings, or the question whether the claims are fully supported by the description,

the said Authority shall notify the applicant accordingly in writing.

(b) The notification shall fully state the reasons for the opinion of the International Preliminary Examining Authority.

(c) The notification shall invite the applicant to submit a written reply together, where appropriate, with amendments or corrections.

(d) The notification shall fix a time limit for the reply. The time limit shall be reasonable under the circumstances. It shall normally be 2 months after the late of notification. In no case shall it be shorter than 1 month after the said date. It shall be at least 2 months after the said date where the international search report is transmitted at the same time as the notification. In no case shall it be more than 3 months after the said date.

66.3 *Formal Response to the International Preliminary Examining Authority*

(a) The applicant may respond to the invitation referred to in Rule 66.2(c) of the International Preliminary Examining Authority by making amendments or corrections or—if he disagrees with the opinion of that Authority—by submitting arguments, as the case may be, or do both.

(b) Any response shall be submitted directly to International Preliminary Examining Authority.

66.4 *Additional Opportunity for Amendment or Correction*

(a) If the International Preliminary Examining Authority wishes to issue one or more additional written opinions, it may do so, and Rules 66.2 and 66.3 shall apply.

(b) On the request of the applicant, the International Preliminary Examining Authority may give him one or more additional opportunities to submit amendments or corrections.

66.5 *Amendment*

Any change, other than the rectification of obvious errors of transcription, in the claims, the description, or the drawings, including cancellation of claims, omission of passages in the description, or omission of certain drawings, shall be considered an amendment.

66.6 *Informal Communications With the Applicant*

The International Preliminary Examining Authority may, at any time, communicate informally, over the telephone, in writing, or through personal interviews, with the applicant. The said Authority shall, at its discretion, decide whether it wishes to grant more than one personal interview if so requested by the applicant, or whether it wishes to reply to any informal written communication from the applicant.

66.7 *Priority Document*

(a) If the International Preliminary Examining Authority needs a copy of the application whose priority is claimed in the international application, the International Bureau shall, on request, promptly furnish such copy, provided that, where the request is made before the International Bureau has received the priority document under Rule 17.1(a), the applicant shall furnish such copy to the International Bureau and directly to the International Preliminary Examining Authority.

(b) If the application whose priority is claimed is in a language other than the language or one of the languages of the International Preliminary Examining Authority, the applicant shall furnish, on invitation, a translation in the said language or one of the said languages.

(c) The copy to be furnished by the applicant under paragraph (a) and the translation referred to in paragraph (b) shall be furnished not later than by the expiration of 2 months from the date of the request or invitation. If they are not furnished within that time limit, the international preliminary examination report shall be established as if the priority had not been claimed.

66.8 *Form of Corrections and Amendments*

(a) The applicant shall be required to submit a replacement sheet for every sheet of the international application which, on account of a correction or amendment, differs from the sheet originally filed. The letter accompanying the replacement sheets shall draw attention to the differences between the replaced sheets and the replacement sheets. To the extent that any amendment results in the cancellation of an entire sheet, that amendment shall be communicated in a letter.

(b) The International Preliminary Examining Authority shall mark on each replacement sheet the international application number, the date on which it was received, and the stamp identifying the said Authority. It shall keep in its files any replaced sheet, the letter acompanying the replacement sheet or sheets, and any letter referred to in the last sentence of paragraph (a).

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Rule 67—Subject Matter Under Article 34(4)(a)(i)

67.1 *Definition*

No International Preliminary Examining Authority shall be required to carry out an international preliminary examination on an international application if, and to the extent to which, its subject matter is any of the following:

(i) scientific and mathematical theories,

(ii) plant or animal varieties or essentially biological processes for the production of plants and animals, other than microbiological processes and the products of such processes.

(iii) schemes, rules or methods of doing business, performing purely mental acts or playing games,

(iv) methods for treatment of the human or animal body by surgery or therapy, as well as diagnostic methods,

(v) mere presentations of information,

(vi) computer programs to the extent that the International Preliminary Examining Authority is not equipped to carry out an international preliminary examination concerning such programs.

Rule 68—Lack of Unity of Invention (International Preliminary Examination)

68.1 *No Invitation To Restrict or Pay*

Where the International Preliminary Examining Authority finds that the requirement of unity of invention is not complied with and chooses not to invite the applicant to restrict the claims or to pay additional fees, it shall establish the international preliminary examinination report, subject to Article 34(4)(b), in respect of the entire international application, but shall indicate, in the said report, that, in its opinion, the requirement of unity of invention is not fulfilled and shall specify the reasons for which the international application is not considered as complying with the requirement of unity of invention.

68.2 *Invitation To Restrict* or *Pay*

Where the International Preliminary Examining Authority finds that the requirement of unity of invention is not complied with and chooses to invite the applicant, at his option, to restrict the claims or to pay additional fees, it shall specify at least one possibility of restriction which, in the opinion of the International Preliminary Examining Authority, would be in compliance with the applicable requirement, and shall specify the amount of the additional fees and the reasons for which the international application is not considered as complying with the requirement of unity of invention. It shall, at the same time, fix a time limit, with regard to the circumstances of the case, for complying with the invitation; such time limit shall not be shorter than 1 month, and it shall not be longer than 2 months, from the date of the invitation.

68.3 *Additional Fees*

(a) The amount of the additional fee due for international preliminary examination under Article 34(3)(a) shall be determined by the competent International Preliminary Examining Authority.

(b) The additional fee due for international preliminary examination under Article 34(3)(a) shall be payable direct to the International Preliminary Examining Authority.

(c) Any applicant may pay the additional fee under protest, that is, accompanied by a reasoned statement to the effect that the international application complies with the requirement of unity of invention or that the amount of the required additional fee is excessive. Such protest shall be examined by a three-member board or other special instance of the International Preliminary Examining Authority, or any competent higher authority, which, to the extent that it finds the protest justified, shall order the total or partial reimbursement to the applicant of the additional fee. On the request of the applicant, the text of both the protest and the decision thereon shall be notified to the elected Offices as an annex to the international preliminary examination report.

(d) The three-member board, special instance or competent higher authority, referred to in paragraph (c), shall not comprise any person who made the decision which is the subject of the protest.

68.4 *Procedure in the Case of Insufficient Restriction of the Claims*

If the applicant restricts the claims but not sufficiently to comply with the requirement of unity of invention, the International Preliminary Examining Authority shall proceed as provided in Article 34(3)(c).

68.5 *Main Invention*

In case of doubt which invention as the main invention for the purposes of Article 34(3)(c), the invention first mentioned in the claims shall be considered the main invention.

Rule 69—Time Limit For International Preliminary Examination

69.1 *Time Limit for International Preliminary Examination*

(a) All agreements concluded with International Preliminary Examining Authorities shall provide for the same time limit for the establishment of the international preliminary examination report. This time limit shall not exceed:

(i) 6 months after the start of the international preliminary examination,

(ii) in cases where the International Preliminary Examining Authority issues an invitation to restrict the claims or pay additional fees (Article 34(3)), 8 months after the start of the international preliminary examination.

(b) International preliminary examination shall start upon receipt, by the International Preliminary Examining Authority:

(i) under Rule 62.2(a), of the claims as amended under Article 19, or

(ii) under Rule 62.2(b), of a notice from the International Bureau that no amendments under Article 19 have been filed within the prescribed time limit or that the applicant has declared that he does not wish to make such amendments, or

(iii) of a notice, after the international search report is in the possession of the International Preliminary Examining Authority, from the applicant expressing the wish that the international preliminary examination should start and be directed to the claims as specified in such notice, or

(iv) of a notice of the declaration by the International Searching Authority that no international search report will be established (Article 17(2)(a)).

(c) If the competent International Preliminary Examining Authority is part of the same national Office or intergovernmental organization as the competent International Searching Authority, the international preliminary examination may, if the International Preliminary Examining Authority so wishes, start at the same time as the international search. In such a case, the international preliminary examination report shall be established, notwithstanding the provisions of paragraph (a), no later than 6 months after the expiration of the time limit allowed under Article 19 for amending the claims.

Rule 70—The International Preliminary Examination Report

70.1 *Definition*

For the purposes of this Rule, "report" shall mean international preliminary examination report.

70.2 *Basis of the Report*

(a) If the claims have been amended, the report shall issue on the claims as amended.

(b) If, pursuant to Rule 66.7(c), the report is established as if the priority had not been claimed, the report shall so indicate.

(c) If the International Preliminary Examining Authority considers that any amendment goes beyond the disclosure in the international application as filed, the report shall be established as if such amendment had not been made, and the report shall so indicate. It shall also indicate the reasons why it considers that the amendment goes beyond the said disclosure.

70.3 *Identifications*

The report shall identify the International Preliminary Examining Authority which established it by indicating the name of such Authority, and the international application, by indicating the international application number, the name of the applicant, the name of the receiving Office, and the international filing date.

70.4 *Dates*

The report shall indicate:

(i) the date on which the demand was submitted, and

(ii) the date of the report; that date shall be the date on which the report is completed.

70.5 *Classification*

(a) The report shall repeat the classification given under Rule 43.3 if the International Preliminary Examining Authority agrees with such classification.

(b) Otherwise, the International Preliminary Examining Authority shall indicate in the report the classification, at least according to the International Patent Classification, which it considers correct.

70.6 *Statement under Article 35(2)*

(a) The statement referred to in Article 35(2) shall consist of the words "YES" or "NO," or their equivalent in the language of the report, or some appropriate sign provided for in the Administrative Instructions, and shall be accompanied by the citations, explanations and observations, if any, referred to in the last sentence of Article 35(2).

(b) If any of the three criteria referred to in Article 35(2) (that is, novelty, inventive step (non-obviousness), industrial applicability) is not satisfied, the statement shall be negative. If, in such a case, any of the criteria, taken separately, is satisfied, the report shall specify the criterion or criteria so satisfied.

70.7 *Citations under Article 35(2)*

(a) The report shall cite the documents considered to be relevant for supporting the statements made under Article 35(2).

(b) The provisions of Rule 43.5(b) and (e) shall apply also to the report.

70.8 *Explanations under Article 35(2)*

The Administrative Instructions shall contain guidelines for cases in which the explanations referred to in Article 35(2) should or should not be given and the form of such explanations. Such guidelines shall be based on the following principles:

(i) explanations shall be given whenever the statement in relation to any claim is negative;

(ii) explanations shall be given whenever the statement is positive unless the reason for citing any document is easy to imagine on the basis of consultation of the cited document;

(iii) generally, explanations shall be given if the case provided for in the last sentence of Rule 70.6(b) obtains.

70.9 *Non-Written Disclosures*

Any non-written disclosure referred to in the report by virtue of Rule 64.2 shall be mentioned by indicating its kind, the date on which the written disclosure referring to the non-written disclosure was made available to the public, and the date on which the non-written disclosure occurred in public.

70.10 *Certain Published Documents*

Any published application or any patent referred to in the report by virtue of Rule

64.3 shall be mentioned as such and shall be accompanied by an indication of its date of publication, of its filing date, and its claimed priority date (if any). In respect of the priority date of any such document, the report may indicate that, in the opinion of the International Preliminary Examining Authority, such date has not been validly claimed.

70.11 *Mention of Amendments or Correction of Certain Defects*

If, before the International Preliminary Examining Authority, amendments or corrections have been made, this fact shall be indicated in the report.

70.12 *Mention of Certain Defects*

If the International Preliminary Examining Authority considers that, at the time it prepares the report:

(i) the international application contains any of the defects referred to in Rule 66.2 (a)(iii), it shall include this opinion and the reasons therefor in the report;

(ii) the international application calls for any of the observations referred to in Rule 66.2(a)(v), it may include this opinion in the report and, if it does, it shall also indicate in the report the reasons for such opinion.

70.13 *Remarks Concerning Unity of Invention*

If the applicant paid additional fees for the international preliminary examination, or if the international application or the international preliminary examination was restricted under Article 34(3), the report shall so indicate. Furthermore, where the international preliminary examination was carried out on restricted claims (Article 34(3)(a)), or on the main invention only (Article 34(3)(c)), the report shall indicate what parts of the international application were and what parts were not the subject of international preliminary examination.

70.14 *Signature*

The report shall be signed by an authorized officer of the International Preliminary Examining Authority.

70.15 *Form*

The physical requirements as to the form of the report shall be prescribed by the Administrative Instructions.

70.16 *Attachment of Corrections and Amendments*

If the claims, the description, or the drawings, were amended or any part of the international application was corrected before the International Preliminary Examining Authority, each replacement sheet marked as provided in Rule 66.8(b) shall be attached to the report as an annex thereto. Replacement sheets superseded by later replacement sheets shall not be attached. If the amendment is communicated in a letter, a copy of such letter shall also be annexed to the report.

70.17 *Languages of the Report and the Annexes*

(a) The report shall be in the language in which the international application to which it relates is published.

(b) Any annex shall be both in the language in which the international application to which it relates was filed and also, if it is different, in the language in which the international application to which it relates is published.

Rule 71—Transmittal of the International Preliminary Examination Report

71.1 *Recipients*

The International Preliminary Examining Authority shall, on the same day, transmit one copy of the international preliminary examination report and its annexes, if any, to the International Bureau, and one copy to the applicant.

71.2 *Copies of Cited Documents*

(a) The request under Article 36(4) may be presented any time during 7 years from the international filing date of the international application to which the report relates.

(b) The International Preliminary Examining Authority may require that the party (applicant or elected Office) presenting the request pay to it the cost of preparing and mailing the copies. The level of the cost of preparing copies shall be provided for in the agreements referred to in Article 32(2) between the International Preliminary Examining Authorities and the International Bureau.

(c) Any International Preliminary Examining Authority not wishing to send copies direct to any elected Office shall send a copy to the International Bureau and the International Bureau shall then proceed as provided in paragraphs (a) and (b).

(d) Any International Preliminary Examining Authority may perform the obligations referred to in (a) to (c) through another agency responsible to it.

Rule 72—Translation of the International Preliminary Examination Report

72.1 *Languages*

(a) Any elected State may require that the international preliminary examination report, established in any language other than the official language, or one of the official languages, of its national Office, be translated into English, French, German, Japanese, Russian, or Spanish.

(b) Any such requirement shall be notified to the International Bureau, which shall promptly publish it in the Gazette.

72.2 *Copies of Translations for the Applicant*

The International Bureau shall transmit a copy of each translation of the international preliminary examination report to the applicant at the same time as it communicates such translation to the interested elected Office or Offices.

72.3 *Observations on the Translation*

The applicant may make written observations on what, in his opinion, are errors of translation in the translation of the international preliminary examination report and shall send a copy of any such observations to each of the interested elected Offices and a copy to the International Bureau.

Rule 73—Communication of the International Preliminary Examination Report

73.1 *Preparation of Copies*

The International Bureau shall prepare the copies of the documents to be communicated under Article 36(3)(a).

73.2 *Time Limit for Communication*

The communication provided for in Article 36(3)(a) shall be effected as promptly as possible.

Rule 74—Translations of Annex of the International Preliminary Examination Report and Transmittal Thereof

74.1 *Time Limit*

Any replacement sheet referred to in Rule 70.16, or any amendment referred to in the last sentence of that Rule which was filed prior to the furnishing of the translation of the international application required under Article 39, or, where the furnishing of such translation is governed by Article 64)2)(a)(i), which was filed prior to the furnishing of the translation of the international application required under Article 22, shall be translated and transmitted together with the furnishing under Article 39, or, where applicable. under Article 22, or, if filed less than 1 month before such furnishing or if filed after such furnishing, 1 month after it has been filed.

Rule 75—Withdrawal of the Demand, or of Elections

75.1 *Withdrawals*

(a) Withdrawal of the demand or all the elections may be effected prior to the expiration of 25 months from the priority date except as to any elected State in which national processing or examination has already started. Withdrawal of the election of any elected State may be effected prior to the date on which examination and processing may start in that State.

(b) Withdrawal shall be effected by a signed notice from the applicant to the International Bureau. In the case of Rule 4.8 (b), the notice shall require the signature of all the applicants.

75.2 *Notification of Elected Offices*

(a) The fact that the demand or all elections have been withdrawn shall be promptly notified by the International Bureau to the national Offices of all States which, up to the time of the withdrawal, were elected States and had been informed of their election.

(b) The fact that any election has been withdrawn and the date of receipt of the withdrawal shall be promptly notified by the International Bureau to the elected Office concerned, except where it has not yet been informed that it had been elected.

75.3 *Notification of the International Preliminary Examining Authority*

The fact that the demand or all elections have been withdrawn shall be promptly notified by the International Bureau to the International Preliminary Examining Authority if, at the time of the withdrawal, the latter had been informed of the existence of the demand.

75.4 *Faculty Under Article 37(4)(b)*

(a) Any Contracting State wishing to take advantage of the faculty provided for in Article 37(4)(b) shall notify the International Bureau in writing.

(b) The notification under paragraph (a) shall be promptly published by the International Bureau in the Gazette, and shall have effect in respect of international applications filed more than 1 month after the publication date of the relevant issue of the Gazette.

Rule 76—Languages of Translations and Amounts of Fees Under Article 39(1); Translation of Priority Document

76.1 *Notification*

(a) Any Contracting State requiring the furnishing of a translation or the payment of a national fee, or both, under Article 39(1), shall notify the International Bureau of:

(i) the languages from which and the language into which it requires translation,

(ii) the amount of the national fee.

(b) Any notification received by the International Bureau under paragraph (a) shall be published by the International Bureau in the Gazette.

(c) If the requirements under paragraph (a) change later, such changes shall be notified by the Contracting State to the International Bureau and that Bureau shall promptly publish the notification in the Gazette. If the change means that translation is required into a language which, before the change, was not required, such change shall be effective only with respect to a demand submitted later than 2 months after the publication of the notification in the Gazette. Otherwise, the effective date of any change shall be determined by the Contracting State.

76.2 *Languages*

The language into which translation may be required must be an official language of the elected Office. If there are several of such languages, no translation may be required if the international application is in one of them. If there are several official languages

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and a translation must be furnished, the applicant may choose any of those languages. Notwithstanding the foregoing provisions of this paragraph, if there are several official languages but the national law prescribes the use of one such language for foreigners, a translation into that language may be required.

76.3 Statements Under Article 19

For the purposes of Article 39 and the present Rule, any statement made under Article 19(1) shall be considered as part of the international application.

76.4 Time Limit for Translation of Priority Document

The applicant shall not be required to furnish to any elected Office a certified translation of the priority document before the expiration of the applicable time limit under Article 39.

Rule 77—Faculty Under Article 39(1) (b)

77.1 Exercise of Faculty

(a) Any Contracting State allowing a time limit expiring later than the time limit provided for in Article 39(1)(a) shall notify the Intenational Bureau of the time limit so fixed.

(b) Any notification received by the International Bureau under paragraph (a) shall be promptly published by the International Bureau in the Gazette.

(c) Notifications concerning the shortening of the previously fixed time limit shall be effective in relation to demands submitted after the expiration of 3 months computed from the date on which the notification was published by the International Bureau.

(d) Notifications concerning the lengthening of the previously fixed time limit shall become effective upon publication by the International Bureau in the Gazette in respect of demands pending at the time or submitted after the date of such publication, or, if the Contracting State effecting the notification fixes some later date, as from the latter date.

Rule 78—Amendment of the Claims, the Description, and the Drawings, Before Elected Offices

78.1 Time Limit Where Elections Is Effected Prior to Expiration of 19 Months from Priority Date

(a) Where the election of any Contracting State is effected prior to the expiration of the 19th month from the priority date, the applicant shall, if he so wishes, exercise the right under Article 41 after the transmittal of the international preliminary examination report under Article 36(1) has been effected and before the time limit applicable under Article 39, expires, provided that, if the said transmittal has not taken place by the expiration of the time limit applicable under Article 39, he shall exercise the said right not later than on such expiration date. In either case, the applicant may exercise the said right at any other time if so permitted by the national law of the said State.

(b) In any elected State in which the national law provides that examination starts only on special request, the national law may provide that the time limit within or the time at which the applicant may exercise the right under Article 41 shall, where the election of any Contracting State is effected prior to the expiration of the 19th month from the priority date, be the same as that provided by the national law for the filing of amendments in the case of the examination on special request, of national applications, provided that such time limit shall not expire prior to, or such time shall not come before, the expiration of the time limit applicable under Article 39.

78.2 Time Limit Where Election Is Effected After Expiration of 19 Months From Priority Date

Where the election of any Contracting State has been effected after the expiration of the 19th month from the priority date and the applicant wishes to make amendments under Article 41, the time limit for making amendments under Article 28 shall apply.

78.3 Utility Models

The provisions of Rules 6.5 and 13.5 shall apply, *mutatis mutandis*, before elected Offices. If the election was made before the expiration of the 19th month from the priority date, the reference to the time limit applicable under Article 22 is replaced by a reference to the time limit applicable under Article 39.

PART D—RULES CONCERNING CHAPTER III OF THE TREATY

Rule 79—Calendar

79.1 Expressing Dates

Applicants, national Offices, receiving Offices, International Searching and Preliminary Examining Authorities, and the International Bureau, shall, for the purposes of the Treaty and the Regulations, express any date in terms of the Christian era and the Gregorian calendar, or, if they use other eras and calendars, they shall also express any date in terms of the Christian era and the Gregorian calendar.

Rule 80—Computation of Time Limits

80.1 Periods Expressed in Years

When a period is expressed as one year or a certain number of years, computation shall start on the day following the day on which the relevant event occurred, and the period shall expire in the relevant subsequent year in the month having the same name and on the day having the same number as the month and the day on which the said event occurred provided that if the relevant subsequent month has no day with the same number the period shall expire on the last day of that month.

80.2 Periods Expressed in Months

When a period is expressed as one month or a certain number of months, computation shall start on the day following the day on which the relevant event occurred, and the period shall expire in the relevant subsequent month on the day which has the same number as the day on which the said event occurred, provided that if the relevant subsequent month has no day with the same number the period shall expire on the last day of that month.

80.3 Periods Expressed in Days

When a period is expressed as a certain number of days, computation shall start on the day following the day on which the relevant event occurred, and the period shall expire on the day on which the last day of the count has been reached.

80.4 Local Dates

(a) The date which is taken into consideration as the starting date of the computation of any period shall be the date which prevails in the locality at the time when the relevant event occurred.

(b) The date on which any period expires shall be the date which prevails in the locality in which the required document must be filed or the required fee must be paid.

80.5 Expiration on a Non-Working Day

If the expiration of any period during which any document or fee must reach a national Office or intergovernmental organization falls on a day on which such Office or organization is not open to the public for the purposes of the transaction of official business, or on which ordinary mail is not delivered in the locality in which such Office or organization is situated, the period shall expire on the next subsequent day on which neither of the said two circumstances exists.

80.6 Date of Documents

Where a period starts on the day of the date of a document or letter emanating from a national Office or intergovernmental organization, any interested party may prove that the said document or letter was mailed on a day later than the date it bears, in which case the date of actual mailing shall, for the purposes of computing the period, be considered to be the date on which the period starts.

80.7 End of Working Day

(a) A period expiring on a given day shall expire at the moment the national Office or intergovernmental organization with which the document must be filed or to which the fee must be paid closes for business on that day.

(b) Any Office or organization may depart from the provisions of paragraph (a) up to midnight on the relevant day.

(c) The International Bureau shall be open for business until 6 p.m.

Rule 81—Modification of Time Limits Fixed in the Treaty

81.1 Proposal

(a) Any Contracting State or the Director General may propose a modification under Article 47(2).

(b) Proposals made by a Contracting State shall be presented to the Director General.

81.2 Decision by the Assembly

(a) When the proposal is made to the Assembly, its text shall be sent by the Director General to all Contracting States at least 2 months in advance of that session of the Assembly whose agenda includes the proposal.

(b) During the discussion of the proposal in the Assembly, the proposal may be amended or consequential amendments proposed.

(c) The proposal shall be considered adopted if none of the Contracting States present at the time of voting votes against the proposal.

81.3 Voting by Correspondence

(a) When voting by correspondence is chosen, the proposal shall be included in a written communication from the Director General to the Contracting States, inviting them to express their vote in writing.

(b) The invitation shall fix the time limit within which the reply containing the vote expressed in writing must reach the International Bureau. That time limit shall not be less than 3 months from the date of the invitation.

(c) Replies must be either positive or negative. Proposals for amendments or mere observations shall not be regarded as votes.

(d) The proposal shall be considered adopted if none of the Contracting States opposes the amendment and if at least one-half of the Contracting States express either approval or indifference or abstention.

Rule 82.—Irregularities in the Mail Service

82.1 Delay or Loss in Mail

(a) Subject to the provisions of Rule 22.3, any interested party may offer evidence that he has mailed the document or letter 5 days prior to the expiration of the time limit. Except in cases where surface mail normally arrives at its destination within 2 days of mailing, or where no airmail service is available, such evidence may be offered only if the mailing was by airmail. In any case, evidence may be offered only if the mailing was by mail registered by the postal authorities.

(b) If such mailing is proven to the satisfaction of the national Office or intergovernmental organization which is the addressee, delay in arrival shall be excused, or, if the document or letter is lost in the mail, substitution for it of a new copy shall be permitted, provided that the interested party proves to the satisfaction of the said Office or organization that the document or letter offered in substitution is identical with the document or letter lost.

(c) In the cases provided for in paragraph (b), evidence of mailing within the prescribed time limit, and, where the document or letter was lost, the substitute document

or letter as well, shall be submitted within 1 month after the date on which the interested party noticed—or with due diligence should have noticed—the delay or the loss, and in no case later than 6 months after the expiration of the time limit applicable in the given case.

82.2 Interruption in the Mail Service

(a) Subject to the provisions of Rule 22.3, any interested party may offer evidence that on any of the 10 days preceding the day of expiration of the time limit the postal service was interrupted on account of war, revolution, civil disorder, strike, natural calamity, or other like reason, in the locality where the interested party resides or has his place of business or is staying.

(b) If such circumstances are proven to the satisfaction of the national Office or intergovernmental organization which is the addressee, delay in arrival shall be excused, provided that the interested party proves to the satisfaction of the said Office or organization that he effected the mailing within 5 days after the mail service was resumed. The provisions of Rule 82.1(c) shall apply *mutatis mutandis.*

Rule 83—Right to Practice Before International Authorities

83.1 Proof of Right

The International Bureau, the competent International Searching Authority, and the competent International Preliminary Examining Authority, may require the production of proof of the right to practice referred to in Article 49.

83.2 Information

(a) The national Office or the intergovernmental organization which the interested person is alleged to have a right to practice before shall, upon request, inform the International Bureau, the competent International Searching Authority, or the competent International Preliminary Examining Authority, whether such person has the right to practice before it.

(b) Such information shall be binding upon the International Bureau, the International Searching Authority, or the International Preliminary Examining Authority, as the case may be.

PART E—RULES CONCERNING CHAPTER V OF THE TREATY

Rule 84—Expenses of Delegations

84.1 Expenses Borne by Governments

The expenses of each Delegation participating in any organ established by or under the Treaty shall be borne by the Government which has appointed it.

Rule 85—Absence of Quorum in the Assembly

85.1 Voting by Correspondence

In the case provided for in Article 53(5)(b), the International Bureau shall communicate the decisions of the Assembly (other than those concerning the Assembly's own procedure) to the Contracting States which were not represented and shall invite them to express in writing their vote or abstention within a period of 3 months from the date of the communication. If, at the expiration of that period, the number of Contracting States having thus expressed their vote or abstention attains the number of Contracting States which was lacking for attaining the quorum in the session itself, such decisions shall take effect provided that at the same time the required majority still obtains.

Rule 86—The Gazette

86.1 Contents

The Gazette referred to in Article 55(4) shall contain:

(i) for each published international application, data specified by the Administrative Instructions taken from the front page of the pamphlet published under Rule 48, the drawing (if any) appearing on the said front page, and the abstract,

(ii) the schedule of all fees payable to the receiving Offices, the International Bureau, and the International Searching and Preliminary Examining Authorities,

(iii) notices the publication of which is required under the Treaty or these Regulations,

(iv) information, if and to the extent furnished to the International Bureau by the designated or elected Offices, on the question whether the requirements provided for in Articles 22 or 39 have been complied with in respect of the international applications designating or electing the Office concerned,

(v) any other useful information prescribed by the Administrative Instructions, provided access to such information is not prohibited under the Treaty or these Regulations.

86.2 Languages

(a) The Gazette shall be published in an English-language edition and a French-language edition. It shall also be published in editions in any other language, provided the cost of publication is assured through sales or subventions.

(b) The Assembly may order the publication of the Gazette in languages other than those referred to in paragraph (a).

86.3 Frequency

The Gazette shall be published once a week.

86.4 Sale

The subscription and other sale prices of the Gazette shall be fixed in the Administrative Instructions.

86.5 Title

The title of the Gazette shall be "Gazette of International Patent Applications," and "Gazette des Demandes internationales de brevets," respectively.

86.6 Further Details

Further details concerning the Gazette may be provided for the Administrative Instructions.

Rule 87—Copies of Publications

87.1 International Searching and Preliminary Examining Authorities

Any International Searching or Preliminary Examining Authority shall have the right to receive, free of charge, two copies of every published international application, of the Gazette, and of any other publication of general interest published by the International Bureau in connection with the Treaty or these Regulations.

87.2 National Offices

(a) Any national Office shall have the right to receive, free of charge, one copy of every published international application of the Gazette, and of any other publication of general interest published by the International Bureau in connection with the Treaty or these Regulations.

(b) The publications referred to in paragraph (a) shall be sent on special request, which shall be made, in respect of each year, by November 30 of the preceding year. If any publication is available in more than one language, the request shall specify the language in which it is desired.

Rule 88—Amendment of the Regulations

88.1 Requirement of Unanimity

Amendment of the following provisions of these Regulations shall require that no State having the right to vote in the Assembly vote against the proposed amendment:

(i) Rule 14.1 (Transmittal Fee),

(ii) Rule 22.2 (Transmittal of the Record Copy; Alternative Procedure),

(iii) Rule 22.3 (Time Limit Under Article 12(3)),

(iv) Rule 33 (Relevant Prior Art for International Search),

(v) Rule 64 (Prior Art for International Preliminary Examination),

(vi) Rule 81 (Modification of Time Limits Fixed in the Treaty),

(vii) the present paragraph (i.e., Rule 88.1).

88.2 Requirement of Unanimity During a Transitional Period

During the first 5 years after the entry into force of the Treaty, amendment of the following provisions of these Regulations shall require that no State having the right to vote in the Assembly vote against the proposed amendment:

(i) Rule 5 (The Description),

(ii) Rule 6 (The Claims),

(iii) the present paragraph (i.e., Rule 88.2).

88.3 Requirement of Absence of Opposition by Certain States

Amendment of the following provisions of these Regulations shall require that no State referred to in Article 58(3)(a)(ii) and having the right to vote in the Assembly vote against the proposed amendment:

(i) Rule 34 (Minimum Documentation),

(ii) Rule 39 (Subject Matter Under Article (17(2)(a)(i)),

(iii) Rule 67 (Subject Matter Under Article 34(4)(a)(i)),

(iv) the present paragraph (i.e., Rule 88.3).

88.4 Procedure

Any proposal for amending a provision referred to in Rules 88.1, 88.2, or 88.3, shall, if the proposal is to be decided upon in the Assembly, be communicated to all Contracting States at least 2 months prior to the opening of that session of the Assembly which is called upon to make a decision on the proposal.

Rule 89—Administrative Instructions

89.1 Scope

(a) The Administrative Instructions shall contain provisions:

(i) concerning matters in respect of which these Regulations expressly refer to such Instructions,

(ii) concerning any details in respect of the application of these Regulations.

(b) The Administrative Instructions shall not be in conflict with the provisions of the Treaty, these Regulations, or any agreement concluded by the International Bureau with an International Searching Authority, or an International Preliminary Examining Authority.

89.2 Source

(a) The Administrative Instructions shall be drawn up and promulgated by the Director General after consultation with the receiving Offices and the International Searching and Preliminary Examining Authorities.

(b) They may be modified by the Director General after consultation with the Offices or Authorities which have a direct interest in the proposed modification.

(c) The Assembly may invite the Director General to modify the Administrative Instructions, and the Director General shall proceed accordingly.

89.3 Publication and Entry Into Force

(a) The Administrative Instructions and any modification thereof shall be published in the Gazette.

(b) Each publication shall specify the date on which the published provisions come into effect. The dates may be different for different provisions, provided that no provision may be declared effective prior to its publication in the Gazette.

PART F—RULES CONCERNING SEVERAL CHAPTERS OF THE TREATY

Rule 90—Representation

90.1 Definitions

For the purposes of Rule 90.2 and Rule 90.3:

(i) "agent" means any of the persons referred to in Article 49;

(ii) "common representative" means the applicant referred to in Rule 4.8.

90.2 *Effects*

(a) Any act by or in relation to an agent shall have the effect of an act by or in relation to the applicant or applicants having appointed the agent.

(b) Any act by or in relation to a common representative or his agent shall have the effect of an act by or in relation to all the applicants.

(c) If there are several agents appointed by the same applicant or applicants, any act by or in relation to any of the several agents shall have the effect of an act by or in relation to the said applicant or applicants.

(d) The effects described in paragraphs (a), (b), and (c), shall apply to the processing of the international application before the receiving Office, the International Bureau, the International Searching Authority, and the International Preliminary Examining Authority.

90.3 *Appointment*

(a) Appointment of any agent or of any common representative within the meaning of Rule 4.8(a), if the said agent or common representative is not designated in the request signed by all applicants, shall be effected in a separate signed power of attorney (i.e., a document appointing an agent or a common representative).

(b) The power of attorney may be submitted to the receiving Office or the International Bureau. Whichever of the two is the recipient of the power of attorney submitted shall immediately notify the other and the interested International Searching Authority and the interested International Preliminary Examining Authority.

(c) If the separate power of attorney is not signed as provided in paragraph (a), or if the required separate power of attorney is missing, or if the indication of the name or address of the appointed person does not comply with Rule 4.4, the power of attorney shall be considered non-existent unless the defect is corrected.

90.4 *Revocation*

(a) Any appointment may be revoked by the persons who have made the appointment or their successors in title.

(b) Rule 90.3 shall apply, *mutatis mutandis*, to the document containing the revocation.

Rule 91—Obvious Errors of Transcription

91.1 *Rectification*

(a) Subject to paragraphs (b) to (g), obvious errors of transcription in the international application or other papers submitted by the applicant may be rectified.

(b) Errors which are due to the fact that something other than what was obviously intended was written in the international application or other paper shall be regarded as obvious errors of transcription. The rectification itself shall be obvious in the sense that anyone would immediately realize that nothing else could have been intended than what is offered as rectification.

(c) Omissions of entire elements or sheets of the international application, even if clearly resulting from inattention, at the stage, for example, of copying or assembling sheets, shall not be rectifiable.

(d) Rectification may be made on the request of the applicant. The authority having discovered what appears to be an obvious error of transcription may invite the applicant to present a request for rectification as provided in paragraphs (e) to (g).

(e) No rectification shall be made except with the express authorization:

(i) of the receiving Office if the error is in the request,

(ii) of the International Searching Authority if the error is in any part of the international application other than the request or in any paper submitted to that Authority,

(iii) of the International Preliminary Examining Authority if the error is in any part of the international application other than the request or in any paper submitted to that Authority, and

(iv) of the International Bureau if the error is in any paper, other than the international application or amendments or corrections to that application, submitted to the International Bureau.

(f) The date of the authorization shall be recorded in the files of the international application.

(g) The authorization for rectification referred to in paragraph (e) may be given until the following events occur:

(i) in the case of authorization given by the receiving Office and the International Bureau, the communication of the international application under Article 20;

(ii) in the case of authorization given by the International Searching Authority, the establishment of the international search report or the making of a declaration under Article 17(2)(a);

(iii) in the case of authorization given by the International Preliminary Examining Authority, the establishment of the international preliminary examination report.

(h) Any authority, other than the International Bureau, which authorizes any rectification shall promptly inform the International Bureau of such rectification.

Rule 92—Correspondence

92.1 *Need for Letter and for Signature*

(a) Any paper submitted by the applicant in the course of the international procedure provided for in the Treaty and these Regulations, other than the international application, itself, shall, if not itself in the form of a letter, be accompanied by a letter identifying the international application to which it relates. The letter shall be signed by the applicant.

(b) If the requirements provided for in paragraph (a) are not complied with, the paper shall be considered not to have been submitted.

92.2 *Languages*

(a) Subject to the provisions of paragraphs (b) and (c), any letter or document submitted by the applicant to the International Searching Authority or the International Preliminary Examining Authority shall be in the same language as the international application to which it relates.

(b) Any letter from the applicant to the International Searching Authority or the International Preliminary Examining Authority may be in a language other than that of the international application, provided the said Authority authorizes the use of such language.

(c) When a translation is required under Rule 55.2, the International Preliminary Examining Authority may require that any letter from the applicant to the said Authority be in the language of that translation.

(d) Any letter from the applicant to the International Bureau shall be in English or French.

(e) Any letter or notification from the International Bureau to the applicant or to any national Office shall be in English or French.

92.3 *Mailings by National Offices and Intergovernmental Organizations*

Any document or letter emanating from or transmitted by a national Office or an intergovernmental organization and constituting an event from the date of which any time limit under the Treaty or these Regulations commences to run shall be sent by registered air mail, provided that surface mail may be used instead of air mail in cases where surface mail normally arrives at its destination within 2 days from mailing or where air mail service is not available.

Rule 93—Keeping of Records and Files

93.1 *The Receiving Office*

Each receiving Office shall keep the records relating to each international application or purported international application, including the home copy, for at least 10 years from the international filing date or, where no international filing date is accorded, from the date of receipt.

93.2 *The International Bureau*

(a) The International Bureau shall keep the file, including the record copy, of any international application for at least 30 years from the date of receipt of the record copy.

(b) The basic records of the International Bureau shall be kept indefinitely.

93.3 *The International Searching and Preliminary Examining Authorities*

Each International Searching Authority and each International Preliminary Examining Authority shall keep the file of each international application it receives for at least 10 years from the international filing date.

93.4 *Reproductions*

For the purposes of this Rule, records, copies and files shall also mean photographic reproductions of records, copies, and files, whatever may be the form of such reproductions (microfilms or other).

Rule 94—Furnishing of Copies by the International Bureau and the International Preliminary Examining Authority

94.1 *Obligation To Furnish*

At the request of the applicant or any person authorized by the applicant, the International Bureau and the International Preliminary Examining Authority shall furnish, subject to reimbursement of the cost of the service, copies of any document contained in the file of the applicant's international application or purported international application.

Rule 95—Availability of Translations

95.1 *Furnishing of Copies of Translations*

(a) At the request of the International Bureau, any designated or elected Office shall provide it with a copy of the translation of the international application furnished by the applicant to that Office.

(b) The International Bureau may, upon request and subject to reimbursement of the cost, furnish to any person copies of the translations received under paragraph (a).

REPORT OF THE U.S. DELEGATION TO THE WASHINGTON DIPLOMATIC CONFERENCE ON THE PATENT COOPERATION TREATY, WASHINGTON, D.C., MAY 25 THROUGH JUNE 19, 1970

Submitted to the Secretary of State:

Eugene M. Braderman, Co-Chairman of the Delegation.

William E. Schuyler, Jr., Co-Chairman of the Delegation.

Prepared by: Business Practices Division, Bureau of Economic Affairs; Office of the Assistant Legal Advisor, Department of State, Office of Legislation and International Affairs, Patent Office, Department of Commerce.

1. TITLE, SITE, AND DATE

The "Washington Diplomatic Conference on the Patent Cooperation Treaty" was held in the Conference Suite of the Department of State in Washington, D.C., from May 25 to June 19, 1970.

2. BRIEF BACKGROUND

As a result of a United States initiative in September 1966, the Executive Committee of the Convention of Paris for the Protection of Industrial Property unanimously approved a resolution asking the Secretariat for that Convention, the United International Bureaux for the Protection of Intellectual Property (BIRPI), to undertake a study of practicable means to simplify the patenting of any given invention in a number of countries.

In the present situation, patenting in each country is a wholly independent affair and the national laws of most countries generally do not take account of the fact that protection for the same invention may be sought in other countries. For example, it is estimated that more than 50 percent of the

700,000 patent applications filed worldwide are duplicates of other applications. As a result, there is a great deal of duplication of effort and a considerable waste of time, talent, and money, both for the patent applicant and the national Patent Offices.

On the basis of the 1966 resolution of the Executive Committee of the Paris Convention and after consultation with interested Governments and international governmental and non-governmental organizations, BIRPI released a first draft of a proposed Patent Cooperation Treaty at the end of May 1967.

In the United States, officials of the Patent Office and the Department of State discussed this draft in detail with bar and industry groups. In addition, a Coordination Committee on the Patent Cooperation Treaty composed of the major patent law and industrial associations in the United States was established to study the draft in depth. The input from all of these groups weighed heavily in developing the position of United States Government representatives at several meetings of experts called by BIRPI to consider the draft. As a consequence, the United States proposed a number of significant revisions which were accepted and incorporated in a new draft of the Treaty prepared by BIRPI and released in July 1968.

In order to intensify the efforts to develop a treaty draft that would best serve U.S. interests the Department of State, in conjunction with the Patent Office, established in July 1968 an International Industrial Property Panel composed of representatives of all the important United States organizations interested in this field. Meetings of the Panel on the proposed PCT were held in July and December 1968, in March 1969, and in February 1970.

Individual groups interested in patent matters, such as the American Group of the International Patent and Trademark Association and the American Patent Law Association, also studied and made suggestions for changes in the PCT. In all cases the Patent Office and the Department of State carefully considered these suggestions, and in many instances were successful in getting these changes incorporated in the treaty drafts.

In December 1968 there was a meeting of a Committee of Experts to which all Paris Union members were invited to consider the July 1968 Draft. Forty states participated. These countries approved the basic concepts of the PCT and indicated clearly a desire to move ahead toward the final negotiation of the Treaty at a diplomatic conference some time during the first half of 1970.

On the basis of the December 1968 Committee of Experts meeting, BIRPI revised the July 1968 Draft and issued new revised drafts in March 1969. In April 1969 a meeting of Government experts from nine Paris Union Member States (France, Federal Republic of Germany, Japan, Netherlands, Soviet Union, Sweden, Switzerland, United Kingdom, and the United States) met to consider the March 1969 Revised Drafts. BIRPI also consulted with interested non-governmental organizations in April and May. Following these meetings, there was a further meeting with the Government experts for the aforementioned nine Paris Union Member States in mid-June 1969. BIRPI once more revised both the PCT and the PCT Regulations and issued the July 1969 Drafts, which became the basic negotiating drafts for the Diplomatic Conference.

In March 1970 the member States of the Paris Union and a number of intergovernmental and non-governmental organizations were invited by BIRPI to a Preparatory Study Group on the draft PCT Regulations in Geneva. A total of 40 States, 9 intergovernmental organizations, and 11 non-governmental organizations participated in the Study Group. The basic purpose of the meeting was to expedite the work on the extensive and detailed Regulations at the Diplomatic Conference.

3. AGENDA

1. Opening of the Conference.
2. Address by the Director of BIRPI.
3. Election of the President of the Conference.
4. Adoption of the Agenda.
5. Adoption of the Rules of Procedure.
6. Election of:
   (a) the Vice-Presidents of the Conference.
   (b) the members of the Credentials Committee, the General Drafting Committee and the two Drafting Committees.
   (c) the Chairmen and Vice-Chairmen of the two Main Committees and of each of the four other Committees referred to in the preceding item.
7. Introduction of the Draft Patent Cooperation Treaty by the Secretary General of the Conference.
8. Introductory and general observations by Member Delegations.
9. Consideration of the reports of the Credentials Committee.
10. Consideration of the texts submitted by the two Main Committees and the General Drafting Committee.
11. Final vote on:
   (a) the text of the Patent Cooperation Treaty and of the Regulations under that Treaty.
   (b) any other instruments, resolutions, or recommendations.
12. Closing of the Conference by the President of the Conference.

4. PARTICIPATION

(a) Participating Countries (Member States of Paris Union):

Algeria (2).
Argentina (5).
Australia (4).
Austria (3).
Belgium (4).
Brazil (9).
Bulgaria (1).
Cameroon (1).
Canada (7).
Central African Republic (3).
Denmark (3).
Dominican Republic (1).
Finland (3).
France (7).
Gabon (1).
Germany (Federal Republic of) (8).
Hungary (5).
Indonesia (1).
Iran (3).
Ireland (1).
Israel (3).
Italy (14).
Ivory Coast (2).
Japan (6).
Luxembourg (1).
Malagasy Republic (3).
Malawi (1).
Malta (1).
Mauritania (1).
Mexico (1).
Monaco (1).
Netherlands (8).
Niger (1).
Norway (3).
Philippines (4).
Poland (4).
Portugal (7).
Romania (4).
Republic of South Africa (3).
Spain (4).
Sweden (5).
Switzerland (5).
Togo (3).
Trinidad and Tobago (1).
Turkey (1).
Uganda (2).
Union of Soviet Socialist Republics (8).
United Arab Republic (1).
United Kingdom (8).
United States (13).
Uruguay (2).
Yugoslavia (2).
Zambia (3).

(b) Observer Countries (non-member States of Paris Union):

Barbados (1).
Bolivia (1).
Burundi (1).
Chile (2).
Republic of China (3).
Costa Rica (1).
Ecuador (2).
Ghana (1).
Guatemala (2).
Guyana (1).
Jamaica (1).
Jordan (1).
Republic of Korea (3).
Laos (1).
Libya (1).
Malaysia (1).
Nicaragua (1).
Panama (1).
Paraguay (1).
Peru (1).
Rwanda (1).
Saudi Arabia (1).
Thailand (1).

(c) International Organizations:

(i) Intergovernmental Organizations:

United Nations (1).
United Nations Conference on Trade and Development (UNCTAD) (1).
United Nations Industrial Development Organization (UNIDO) (1).
International Patent Institute (IIB) (3).
International Institute for the Unification of Private Law (UNIDROIT) (1).
African & Malagasy Industrial Property Office (OAMPI) (1).
Commission of the European Communities (3).
European Free Trade Association (EFTA) (2).
Industrial Development Center for Arab States (IDCAS) (1).
Inter-Governmental Conference for the Setting Up of a European System for the Grant of Patents (2).
Organization of American States (OAS) (3).

(ii) Non-Governmental Organizations:

Asian Patent Attorneys Association (APAA) (8).
Committee of National Institutes of Patent Agents (CNIPA) (1).
Council of European Industrial Federations (1).
European Industrial Research Management Association (2).
Inter-American Association of Industrial Property (ASIPI) (3).
International Association for the Protection of Industrial Property (IAPIP) (2).
International Chamber of Commerce (2).
International Federation of Inventors Associations (IFIA) (2).
International Federation of Patent Agents (FICPI) (5).
Pacific Industrial Property Association (PIPA) (9).
Union of Industries of the European Community (UNICE) (1).

5. UNITED STATES DELEGATION

Co-Chairmen

Eugene M. Braderman, Deputy Assistant Secretary for Commercial Affairs and Business Activities, Department of State.

William E. Schuyler, Jr., Commissioner of Patents, Patent Office, Department of Commerce.

Alternate Co-Chairmen

George R. Clark, General Patent Counsel, Sunbeam Corporation, Chicago, Illinois.

Harvey J. Winter, Chief, Business Practices Division, Department of State.

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Senior Advisers

James W. Brennan, International Patent Specialist, Patent Office, Department of Commerce.

Edward F. McKie, Jr., Patent Attorney, Birch, Swindler, McKie and Beckett, Washington, D.C.

Advisers

Donald W. Banner, General Patent Counsel, Borg-Warner Corporation, Chicago, Illinois.

Robert B. Benson, General Patent Attorney, Allis-Chalmers Corporation, Milwaukee, Wisconsin.

Pasquale J. Federico, Examiner-in-Chief (Retired), Patent Office, Department of Commerce.

H. Dieter Hoinkes, International Patent Specialist, Patent Office, Department of Commerce,

W. Brown Morton, Jr., Patent Attorney, McLean, Morton and Boustead, Washington, D.C.

Sylvia E. Nilsen, Deputy Assistant Legal Adviser, Department of State.

William A. Smith, III, International Patent Specialist, Patent Office, Department of Commerce.

6. ORGANIZATION OF THE CONFERENCE

I. Conference

President: Mr. Eugene M. Braderman (United States).

Vice-Presidents:
Mr. Pedro E. Real (Argentina).
Mr. K. B. Peterson (Australia).
Mr. Celso Diniz (Brazil).
Mr. Michael K. Epangue (Cameroon).
Mr. Francois Savignon (France).
Mr. H. Groepper (Germany, Federal Republic of).
Mr. Emil Tasnadi (Hungary).
Dr. Giorgio Ranzi (Italy).
Mr. Fatagoma Coulibaly (Ivory Coast).
Mr. Bunroku Yoshino (Japan).
Mr. Pablo R. Suarez, Jr. (Philippines).
Mr. Y. Artemiev (Soviet Union).
Mr. A. Fernandez-Mazarambroz (Spain).
Mr. G. Borggard (Sweden).
Mr. M. Abel Salam (United Arab Republic).
Mr. Edward Armitage (United Kingdom).

Secretary General: Mr. Arpad Bogsch (BIRPI).

Assistant Secretary General: Mr. Joseph Voyame (BIRPI).

Assistant Secretary General for Administration: Mr. William T. Keough (U.S. Department of State).

II. Main Committee I

Chairman: Mr. William E. Schuyler, Jr. (United States).

Vice-Chairmen:
Dr. Kurt Haertel (Germany, Federal Republic of).
Mr. A. D. Ibrahim (Indonesia).

III. Main Committee II

Chairman: Mr. J. B. van Bentham (Netherlands).

Vice-Chairmen:
Dr. M. Besarovich (Yugoslavia).
Mr. V. C. Akponor (Zambia).

Secretary: Mr. Joseph Voyame (BIRPI).

IV. Credentials Committee

Chairman: Mr. Bunroku Yoshino (Japan).

Vice-Chairmen:
Mr. W. Koeffler (Autria).
Mr. C. Randrianasolo (Malagasy Republic).

Other Members:
Mr. E. Tuxen (Denmark).
Dr. M. Read-Vittini (Dominican Republic).
Dr. A. A. Afshar (Iran).
Mr. M. J. Quinn (Ireland).
Mr. Ze'ev Sher (Israel).
Mrs. K. Matlaszek (Poland).
Dr. Jose de Oliveira Ascensao (Portugal).
Mr. G. S. Lule (Uganda).
Miss S. Nilsen (United States).

Secretary: Mr. Joseph Voyame (BIRPI).

V. General Drafting Committee

Chairman: Mr. Y. Artemiev (Soviet Union).

Vice-Chairmen:
Mr. B. Roussin (Canada).
Dr. Walter Stamm (Switzerland).

Other Members:
Mr. Alvaro Gurgel de Alencar (Brazil).
Mr. P. Guerin (France).
Dr. R. Singer (Germany, Federal Republic of).
Mr. R. Messerotti-Benvenuti (Italy).
Mr. Kataro Otani (Japan).
Dr. C. Schertenleib (Monaco).
Mr. S. Lewin (Sweden).
Mr. J. D. Fergusson (United Kingdom).
Mr. G. R. Clark or Mr. H. J. Winter (United States).

Secretary. Dr. Arpad Bogsch (BIRPI).

VI. Drafting Committee of Main Committee I

Chairman: Mr. Edward Armitage (United Kingdom).

Vice Chairman:
Mr. E. M. Haddrick (Australia).
Mr. A. Braun (Belgium).

Other Members:
Mr. S. Finne (Finland).
Mr. R. Gajac (before June 8); Mr. P. Fressonnet (from June 8) (France).
Dr. H. Mast (Germany, Federal Republic of).
Mr. Yoshiro Hashimoto (Japan).
Honorable H. E. Corneliu Bogden (Ambassador, Embassy of the Socialist Republic of Romania).
Mr. Y.. Gyrdymov (Soviet Union).
Mr. G. R. Clark (United States).

Secretary: Mr. Klaus Pfanner (BIRPI).

VII. Drafting Committee on Main Committee II

Chairman: Mr. J. Balmary (France).

Vice Chairmen:
Mr. S. Bouzidi (Algeria).
Honorable Amir-Aslan Afshar (Ambassador, Embassy of Iran).

Other Members:
Dr. W. Tilmann (Germany, Federal Republic of).
Mr. Noriaki Owada (Japan).
Mr. L. Nordstrand (Norway).
Mr. E. Gavrilov (Soviet Union).
Mr. R. Bowen (United Kingdom).
Miss S. Nilsen (United States).
Dr. M. Besarovic (Yugoslavia).

Secretary: Mr. Joseph Voyame (BIRPI).

VIII. Steering Committee

Chairman: Mr. Eugene M. Braderham (President of the Conference).

Members:
Mr. Y. Artemiev (Chairman of the General Drafting Committee).
Mr. J. B. van Benthem (Chairman of Main Committee II).
Mr. William E. Schuyler, Jr. (Chairman of Main Committee I).
Mr. Bunroku Yoshino (Chairman of the Credentials Committee).

Secretary: Dr. Arpad Bogsch (Secretary General of Conference).

7. WORK OF THE COMMITTEE

The principal negotiating work of the Conference was carried out in two Main Committees. Main Committee I dealt with Chapters I (international application and international search), II (international preliminary examination), and III (common provisions) of the Draft Treaty PCT/DC/4) and with the related Rules of the Draft Regulations (PAT/DC/5). Main Committee II dealt with then Chapters IV (administrative provisions) and V (final provisions) and the Related Rules of the Draft Regulations.

During the Conference some new chapters were added to the Treaty which necessitated a renumbering of the chapters from those in the 1969 Draft (PCT/DC/4). A new chapter on "Technical Services" became Chapter IV and was dealt with in Main Committee I. Another new chapter on "Disputes" became Chapter VI and was handled by Main Committee II. Two articles of the 1969 Draft—Article 55 on "Revision of the Treaty" and Article 56 on "Amendment of Certain Provisions of the Treaty"—were put into a separate chapter (Chapter VII) and were dealt with in Main Committee II.

Eight Working Groups were set up during the Conference to deal with specific problems. Each of these Groups reported back to the two Main Committees, which acted upon the reports of the Working Groups.

On the basis of United States interests, we have selected for comment the following major issues which were acted upon in the two Main Committees.

ARTICLE 2—DEFINITIONS

In the negotiating draft (PCT/DC/4), inventors' certificates were treated in Article 43 of the "Common Provisions". That Article construed references to patents to include references to inventors' certificates. This enabled applicants in countries having inventors' certificates, when filing an international application, to base their priority claim on a first filed inventor's certificate. The system of inventors' certificates is used widely by Soviet applicants to protect industrial property in the Soviet Union and in some of the other Eastern European Countries. Since Article 43 did not equate inventors' certificates with patents, the United States position was to support treatment of inventors' certificates along the lines of this Article. In document PCT/DC/11, however, BIRPI proposed deletion of Article 43 and insertion of a paragraph in Article 2 (Definitions), stating that patents *meant* both patents and inventors' certificates.

The Soviet Union was in favor of removing the reference to inventors' certificates from the latter part of the treaty draft and placing it into Article 2. It further proposed that patents and inventors' certificates be defined as meaning "legal institutions which, for the purposes of this Treaty, were the main form of protection of inventions". Although this language did not specifically equate patents to inventors' certificates, it nevertheless placed them side by side and thereby went far beyond the original meaning of Article 43.

The United States suggested a further compromise along the general lines of the BIRPI proposal in PCT/DC/11. It involved the deletion of Article 43 and the insertion in Article 2 of the definition of inventors' certificates as contained in Article 43. Thus, inventors' certificates were given a physically more prominent spot in the Treaty, while assuring at the same time that the concept of patents would not be equated with that of inventors' certificates. The compromise proposal was accepted by the Soviet Union, which withdrew its proposal.

ARTICLE 4—THE REQUEST

Article 4 of the negotiating draft (PCT/DC/4) provided that for each international application the request should contain the name and other prescribed data concerning the inventor. Article 4(4) provided that where, according to the national law of a designated State, an inventor's identity would not be required in a national application, failure to indicate the name and other prescribed data concerning the inventor would have no consequence in such State.

The Soviet union proposed (PCT/DC/18) that Article 4 be amended to require that the name and other data concerning the inventor be indicated in the request *in any case*. On the other hand, France proposed (PCT/DC/19) that the compulsory naming of the inventor in the request at the time of filing be deleted from the Treaty and that the naming of the inventor be deferred until the start of the national phase. Specifically, the French proposal provided that

the inventor's name did not need to be furnished until the expiration of the 20th month time limit of Article 22. The French proposal permitted the request to contain the name of the inventor and the prescribed indications concerning his identity. However, if such particulars were not included in the request, they could be communicated at a later date to the designated State within the time limit of Article 22. Moreover, failure to mention such particulars in the request or in a separate communication at a later date would have been of no consequence in those designated States whose national law did not require an indication of the inventor's identity. Switzerland, Austria, Italy, the Federal Republic of Germany, the European Industrial Research Management Association (EIRMA), the Union of Industries of the European Community (UNICE), and the Council of European Industrial Federations (CIFE) supported the French proposal.

Sweden, United States, Hungary, Poland, Japan, Norway, United Kingdom, Spain, Israel and the Pacific Industrial Property Association (PIPA) supported the Soviet proposal. Israel urged support for naming the inventor at the earliest date, even though its own national law did not so require. It was pointed out that the Paris Union recognized the fundamental right of the inventor to be named in an application. While it was argued, on behalf of the French proposal, that only after the scope of the invention had been finally settled could the inventor be determined, it was suggested by Israel that postponing the naming of the inventor could increase the risk that the wrong inventor would be named.

The United States explained that under present United States law the inventor must sign the application as filed. Since failure to name the inventor is a fatal defect in a U.S. application, and since the intent of Article 11(3) is that the international application will have the immediate effect of a regular national application in each designated State, it is important that where the United States is designated, the inventor at least be identified in the request. This was essentially the United States position with regard to Article 4.

No votes were taken on the proposals when first raised, the matter being deferred until the conclusion of the deliberations on Chapter I of the Treaty. When again taken up, France presented a compromise proposal (PCT/DC/50), which was adopted. In substance Articles 4(1)(v) and 4(4) of the Treaty now require that the name of the inventor be furnished at the time of filing if the national law of *at least one* of the designated States requires such an indication. Otherwise, the name may be furnished in a separate notice addressed to each designated State whose national law requires the naming of the inventor, but permits it to be furnished at a time later than the filing of the application. Failure to indicate the name of the inventor on filing is to have no consequence in any designated State whose national law requires naming the inventor but permits it to be furnished later than the time of filing. Moreover, failure to furnish the name in a separate notice shall have no consequences in any designated State whose national law does not require it at any time.

ARTICLE 8—CLAIMING PRIORITY

Article 8(1) of the negotiating draft (PCT/DC/4) stated that an international application could contain a claim of priority of earlier national or international applications filed in any member country of the Paris Union. In light of the new definition of the term "application", references to "national" and "international" became superfluous and were deleted in the final draft by Main Committee I.

Paragraph 2(a) of Article 8 in the negotiating draft stated that "subject to subparagraphs (b) and (c)" the conditions and effects of priority claims should be as provided in the Paris Convention.

The United States position was that the provisions of the Paris Convention should be controlling and that the national law of a designated State could control only where the sole basis for the priority claim in that State was either an earlier national application filed in that State or an earlier international application in which *only* that one State was designated.

It was subparagraph (2)(c) which divided Main Committee I and ultimately led to the formation of a Working Group on the whole of Article 8. The negotiating draft of this subparagraph provided that where the claim of priority was based on a prior *international* application and where a State was designated in both applications, the validity of the designation and the conditions and effects of the priority claim in the later international application were to be governed by the national law of the designated State. On the basis of an earlier proposal by the Federal Republic of Germany, BIRPI suggested (PCT/DC/11) a change in this subparagraph, making the validity of the priority claim dependent upon the withdrawal, within a specified time period, of the earlier international application, or the designation of States contained therein which were also designated in the later international application. France had also submitted a proposal (PCT/DC/19) which was similar to the BIRPI proposal.

The United States position was that both the original and the rewritten drafts of paragraph (2)(c) were unacceptable since they encroached upon the rights granted under the Paris Convention. As an example, it was stated that if an earlier international application contained the designation of two States, the later international application claiming the priority of the earlier one should be able to contain the designation of the same two States, without any question of the validity of the claimed priority, since in one State the priority of the international application designating the other State could be claimed and vice versa. The United States noted that each State could amply protect itself against the dangers of double patenting, etc., in the national phase.

The Working Group dealing with the whole question of priority adopted the view of the United States in that it recognized that national law should only be controlling in the situations where the claim of priority in an international application designating a State was either based on an earlier national application of that State, or an earlier international application designating only that State.

France, the Federal Republic of Germany, the Netherlands, and the United Kingdom voiced preference for the BIRPI proposal in PCT/DC/11, but accepted the solution suggested by the Working Group which is reflected in the adopted version of Article 8.

ARTICLE 9—THE APPLICANT

Article 9(1) of the negotiating draft (PCT/DC/4) limited the filing of international applications to residents or nationals of Contracting States. The necessity for such a limitation was recognized and Article 9(1) was adopted without opposition. In discussing this provision, the Federal Republic of Germany explained the basis upon which a treaty could thus exclude residents or nationals of countries which were members of the Paris Union. It stated that where a treaty was open to any State member of the Paris Union, it could properly limit the availability of its benefits to nationals or residents of Contracting States. In other words, any resident or national of a State member of the Paris Union could be excluded, until that State became a Contracting State (i.e. a State party to the PCT). On the other hand, where a treaty was not open to every member State of the Paris Union, it could not exclude residents and nationals of non-participating Paris Union member States from its advantages, without violating the national treatment principles of the Paris Union.

Article 9(2) of the negotiating draft provided that the Assembly may decide to allow residents or nationals of "specified States", other than States party to the PCT, to file international applications. The BIRPI Secretariat proposed (PCT/DC/11) an Alternative to Article 9(2) which would have limited "specified States" to member States of the Paris Convention. A similar proposal was made by Japan (PCT/DC/7).

The Secretary General of the Conference, stated that in view of the strong sentiment for limiting Article 9(2) to Paris Union countries, as evidenced at the March 1970 meeting on Rules, he had drafted the alternative proposal appearing in PCT/DC/11.

The United States position on the question of limiting the "specified States" to Paris Union members was that although the United States favored in principle a patent treaty offering the fullest opportunity for filing by residents or nationals of any State, it recognized that opening the PCT to residents or nationals of non-Paris Union States would raise considerable administrative difficulties as well as substantive questions under the Paris Convention. The United States therefore supported the proposed BIRPI Alternative and the Japanese proposal. The Federal Republic of Germany and the United Kingdom also supported this position, pointing out that any member State of the Paris Union could join the PCT and to that extent it was indeed an "open" Treaty.

In discussing the proposed Alternative the general feeling was that it would not be prudent to permit access to the PCT by residents or nationals of non-Paris Union States since such persons would achieve all of the benefits of the PCT while their States would neither adhere to the broad principles of the Paris Convention, nor would they incur any of the obligations of the PCT. The BIRPI Alternative was accordingly adopted by the Conference and now appears as Article 9(2) of the Treaty.

ARTICLES 11(3), 27(5), 64(4)—PRIOR ACT RESERVATION

Article 11(3) of the negotiating draft (PCT/DC/4) stated that an international application would have the effect of a regular national application in each designated State as of the international filing date.

The negotiating draft contained a provision in Article 27(5) that the effective date of any international application for prior art purposes in each Contracting State was "governed by the national law of that State and not by the provisions of Article 11(3) or any other provision of this Treaty".

The provision in Article 27(5) of the negotiating draft traces its origin to a proposal made to BIRPI by interested United States groups in a meeting, hosted by BIRPI in Geneva, in May 1969. The intent of the proposal was to prevent the Treaty from overriding national substantive law. It was felt that any change should be accomplished through normal legislative processes.

Prior to the Diplomatic Conference, the United States had received many indications that the proviso would be attacked by European Delegations at the Conference.

A formal written proposal to delete the final sentence of Article 27(5) was co-sponsored by Austria, Belgium, Denmark, the Federal Republic of Germany, France, Ireland, Italy, the Netherlands, Spain, Sweden, Switzerland and the United Kingdom. This proposal was also supported by the Soviet Union.

Several Delegations stated that the proviso in Article 27(5) represented a grave exception to the fundamental principle of the Treaty, as expressed in Article 11(3).

Canada noted that the number of applications affected by Article 27(5) were extremely small and that although a breach in the principle of Article 11(3) existed, it was de minimis in practice.

The United States vigorously supported the retention of the provision in Article 27(5) and stated that it would probably be impossible for the United States to become a party to the Treaty under its present law if the proviso were deleted.

Several countries, notably Argentina and Brazil, supported the United States position that national law should be left untouched by the Treaty.

A Working Group consisting of the representatives of Argentina, Australialia, Canada, France, the Federal Republic of Germany, Israel, the Netherlands, Soviet Union, Switzerland, United Kingdom, United States and Zambia was formed. The Working Group held five sessions.

After extensive discussions the Working Group was able to report a compromise to Main Committee I which consisted of the following changes in the negotiating draft:

A paragraph was inserted in Article 64(4) under "Reservations" stating that any State whose national law does not equate for prior art purposes the priority date claimed under the Paris Convention for the Protection of Industrial Property to the actual filing date could so declare and state the date from which international applications designating that State would become effective as prior art in that State.

Article 11(3) was amended to read, "Subject to Article 64(4), any international application" would "have the effect of a regular national application in each designated State as of the international filing date, which date shall be considered to be the actual filing date in each designated State."

The last sentence of Article 27(5) was deleted.

This compromise was adopted by Main Committee I and is acceptable to the United States, with the understanding that in line with its position to allow complete freedom in applying the criteria of its own national law in respect of prior art, ratification by the United States of the PCT, would be conditioned upon the making by the United States of a reservation under Article 64(4), if, at the time of such ratification, United States law does not equate, for prior art purposes, the priority date claimed under the Paris Convention to the actual filing date in the United States.

ARTICLE 15—THE INTERNATIONAL SEARCH

In the negotiating draft (PCT/DC/4), Article 15(5) provided for an "international-type search" on a national application at the option of the applicant so that he could better evaluate the desirability of filing an international application.

At the request of Portugal and Brazil, subparagraphs (b) and (c) of Article 15(5) providing for an international-type search on national applications, at the option of the Contracting State, have been added to this Article. The effect of this provision is to permit any country, but especially countries which have no examination system or have an examination system which is not of high quality to require that any applicant obtain an international-type search from an International Searching Authority. It is expected that this search will be conducted by the International Patent Institute (IIB) which is expected to be the International Searching Authority for smaller countries.

Countries not members of the IIB, may thereby acquire a right to request such searches from the Institute even though they have not paid the large membership fee to become a member of the IIB.

This provision expands the concept of the international search of applications to domestic applications. In those countries in which an application is filed under the Paris Convention rather than PCT, the applicant may have to pay the additional costs of the IIB search. For this reason, it might be viewed as not being in the short-term interest of some applicants from developed countries, who may wish to avoid the prejudicial effect of a negative search report. This was discussed within the United States Delegation. There was general agreement by the Delegation, including patent counsels for two corporations having extensive foreign filing programs, to accept the Portuguese-Brazilian proposal for the following reasons:

1. Such a provision would tend to upgrade the national patent system of participating countries taking advantage of the proviso.

2. Although the "international-type search" would increase costs for those applicants filing applications outside the PCT, the PCT route could be utilized to avoid extra payment for the international-type search.

3. The desirable tendency of this provision would be to increase filings under PCT.

Accordingly, the United States did not oppose the provisions after being assured by the delegates from Portugal and Brazil that they intended to apply these provisions in a non-discriminatory manner.

The IIB first agreed to, but then questioned, the added subparagraphs, principally for the reason that it could thereby lose control of its workload. However, when assured by the Secretariat and the countries proposing the resolution that it would be subject to the searching agreement and to the provisions regarding gradual application of the Treaty, it withdrew its question.

ARTICLE 20—COMMUNICATION TO DESIGNATED OFFICES; RULE 44 TRANSMITTAL OF THE INTERNATIONAL SEARCH REPORT, ETC.

The negotiating draft contained no provision for furnishing the applicant with copies of the references cited in the international search report. At the Preparatory Study Group Meeting in March 1970 on the Regulations, the United States proposed that Rules 43 and 44 be amended to require that copies of the cited documents be forwarded to the applicant. This proposal is consistent with resolutions which had been adopted by the APLA and the ABA. At that meeting, Poland, however, urged that the proposal be broadened so that the International Searching Authority would be required to send, on request, a copy of any document cited in the international search report to any designated or elected Office or any International Preliminary Examining Authority.

At the Diplomatic Conference, Poland again suggested that the Searching Authority be requested to send copies not only to the applicant but also to designated or elected Offices. Other proposals relating to this general subject matter were submitted by Argentina (PCT/DC/71), Brazil (PCA/DC/34), Japan (PCT/DC/48), Portugal (PCT/DC/42), Sweden (PCT/DC/72) and BIRPI (PCT/DC/12, PCT/DC/88).

These proposals dealt not only with the supplying of copies of references but also with translations of the search report and the references and the requirements that especially pertinent references be indicated.

The first item discussed was the question of whether search reports should be translated into the languages of each of the designated Offices at the responsibility of the applicant, as proposed by Argentina. The Secretary General pointed out that this would be of little practical use since the search report would generally follow a standard format and would include little or no text matter except numbers and dates which do not require translation. When put to a vote, the Argentine proposal was defeated.

When discussing the Brazilian proposal (PCT/DC/34), Sweden and the United Kingdom questioned the meaning of the proposed requirement. Was the intent that each cited document be translated into the language of the developing country, or was only a translation of the most relevant portions of the cited documents intended? The Delegates continued to hold conflicting views and when put to a vote, the proposal was defeated.

There was considerable discussion on the merits of the Swedish proposal concerning the special indication of citations of particular relevance. The Federal Republic of Germany opposed the Swedish view, noting that it had been discussed before and that some "interested circles" were opposed on the grounds that search reports should be free of opinions. It further noted that the right to amend claims could make a reference irrelevant, although the same had once been considered of "particular relevance." Japan, Switzerland, the Netherlands, United Kingdom, and a number of observer Associations such as the International Association for the Protection of Industrial Property (AIPPI), International Federation of Patent Agents (FICPI), PIPA, and EIRMA supported the Federal Republic of Germany in its opposition to the Swedish proposal. On the other hand, Israel, Denmark, Austria, Finland, and Australia supported the Swedish proposal on the ground that it would produce a more useful and meaningful search report. The Secretary General pointed out that search reports would become complex and costly if too much was included in them. Austria pointed out that references of particular relevance could be "specifically indicated" merely by the use of an X or appropriate symbol.

The Swedish proposal was adopted and appears in the PCT as paragraph (c) of Rule 43.5. Insofar as the special indication might merely be an asterisk and insofar as it may improve the usefulness of search reports, it should not in any way burden International Searching Authorities.

The BIRPI proposal for Article 20(3) and Rules 44 and 71 (PCT/DC/88) was adopted, subject to minor drafting revisions, and now appears in Article 20 and Rules 44 and 71 of the approved text. Even though the BIRPI proposal is somewhat broader than the original United States proposal in that it permits not only the applicant, but also designated Offices, to request copies of the documents cited in the search report, it is acceptable. Moreover, when an International Searching Authority sends the search report and copies of references to the applicant it could, instead of sending copies of the cited references to interested designated States, send a set of these copies to the International Bureau which, in turn, could prepare additional copies for those designated States. The flexibility for this procedure is provided in paragraph (c) of Rule 43.3.

ARTICLE 21—INTERNATIONAL PUBLICATION AND ARTICLE 64(3)—RESERVATIONS

The negotiating draft (PCT/DC/4) stated in Article 21(2)(a), that subject to the exceptions ("Reservations") provided for in Article 60(3)(b) (now Article 64(3)), the international publication of the international application would be effected promptly after the expiration of 18 months from the priority date of that application. Article 60(3)(a) provided that any State could declare that international publication of international applications was not required as far as it was concerned.

Article 60(3)(b) provided that international applications would not be automatically published at the expiration of 18 months if they contained only designations of States which had made the declaration under Article 60(3)(a).

Switzerland made a proposal (PCT/DC/55) to delete the reservation provision of Article 60(3) and thereby make publication of all international applications mandatory at the end of the 18th month from the priority date.

The position of the United States was to support vigorously the retention of the reservation clause. The reason was that publication of an applicant's invention should not be forced on him without his authorization.

Canada supported the United States position and since Switzerland did not insist on its proposal, it was withdrawn and Main Committee II adopted the text of the negotiating draft. Article 60(3) became Article 64(a) in the adopted text of the Treaty.

ARTICLE 31—DEMAND FOR INTERNATIONAL PRELIMINARY EXAMINATION

Chapter II of the negotiating draft (PCT/DC/4) provided for a double option. In order to receive the international preliminary examination report, the applicant would have to elect a Contracting State, which itself had opted to adhere to Chapter II. In addition, the applicant could not obtain an examination report unless he was a resident or national of a Contracting State which itself had agreed to be bound by the provisions of Chapter II.

Israel proposed (PCT/DC/41) that the demand for international preliminary examination be available not only to an applicant who is resident or national of a Contracting State bound by Chapter II, but also to a PCT applicant who elected a State member of the PCT, which requires that every international application designating it be accompanied by an examination. The Israeli proposal was intended to modify Chapter II so that a designated State could require that *every* international application designating it be accompanied by an international preliminary examination report. This would have taken away from the PCT applicant the option of proceeding either under Chapter I only, or under both Chapters, in such countries.

A Working Group consisting of representatives of Austria, Brazil, France, the Federal Republic of Germany, Israel, Ivory Coast, Japan, the United Kingdom and the United States was appointed to consider the question.

At its first meeting, the Working Group considered a new proposal (PCT/DC/WG.V/2) submitted by Israel as a substitute for the prior proposal of PCT/DC/41 and PCT/DC/WG.V/1. The proposal concerned Articles 33 and 61, and in essence provided that, if the national law of a Contracting State bound by Chapter II so permitted, the applicant filing a national application might request that an examination similar to an international preliminary examination be carried out on such application provided that such national application had been the subject of an international-type search. This is a Chapter II counterpart to the Chapter I provision of Article 15(5) of the negotiating draft. The proposal was objected to by France, the Federal Republic of Germany, Japan and the United States. It was considered that this proposal even exceeded the scope of the original proposal.

After extensive discussion of Document PCT/DC/WG.V/2 Israel presented a revised proposal concerning Article 31 in Document PCT/DC/WG.V/3.

This new proposal provided that:

"The Assembly may decide to allow residents and nationals of Contracting States not bound by Chapter II to make demands for international preliminary examination of their international applications in designated States bound by Chapter II, whose national law permits such examination . . . provided, however, that in such case the Assembly shall provide to the national Office, which fulfills the requirements under Article 32, the opportunity to become the International Preliminary Examining Authority for such applications for which that national office is the receiving office."

The United Kingdom supported the Federal Republic of Germany and suggested that the details of what International Preliminary Examining Authority would be appointed for which Contracting States be left to the Regulations. Thereupon, Israel proposed that Article 31(2)(b) read as follows:

"The Assembly may decide to allow residents and nationals of Contracting States not bound by Chapter II to make demands for international preliminary examination of their international applications in designated States bound by Chapter II whose national law permits such examination, under conditions to be decided by the Assembly."

The United States supported the provision in the first half of Article 31(2)(b) and agreed with the United Kingdom proposal concerning the relegation to the Rules of the details of which International Preliminary Examining Authority would be appointed for a particular Contracting State. In addition the United States suggested that if the Israeli proposal for maintaining the first half of paragraph (b) were adopted, the language "whose national law permits such examination" be changed to read—"whose national law requires an examination for all applications". It was considered that this would be made consistent with the Pairs Convention. The United Kingdom presented a formal proposal (PCT/DC/WG.V/4) for specific amendments to Articles 31 and 32 and Rule 59. The proposal was generally accepted by the Working Group and subject to minor drafting changes approved by the Conference for incorporation into Articles 31, 32 and Rule 59.

The Treaty now provides that the Assembly may decide to allow persons entitled to file international applications to make demands for international preliminary examination even if they are residents or nationals of a State not party to the Treaty and not bound by Chapter II. Such applicants however may elect only such Contracting States bound by Chapter II which have declared that they are prepared to be elected by applicants under the terms of paragraph (2)(b) of Article 31. Moreover in the case of demands filed under the procedures of Article 31(2)(b) the Assembly shall (in accordance with the applicable agreement between the Preliminary Examining Authority or Authorities and the International Bureau) specify the Preliminary Examining Authority or Authorities competent for preliminary examination. This provision appears in Article 32(2). Details of the procedure for the appointment of an International Preliminary Examining Authority, in the case where the national Office in which the international application is filed is not itself an International Preliminary Examining Authority are spelled out in Rule 59.2 and provide that the Assembly shall "give preference" to the International Preliminary Examining Authority recommended by that Office.

This latter provision generally accommodates the United States position. Without being bound by Chapter II the United States may accept appointment as an International Preliminary Examining Authority for United States applicants who require an international preliminary examination for certain Chapter II States under Article 31(2)(b). To this extent the Rule requires that if the United States otherwise qualifies as an International Preliminary Examining Authority it will be given preference by the Assembly when considering which Preliminary Examining Authority should be appointed.

ARTICLE 45—REGIONAL PATENT TREATIES

Article 44 of the negotiating draft (PCT/DC/4) (now Article 45) dealt with regional patent treaties. Prior to the Diplomatic Conference, France and the Netherlands urged that the Article provide for the possibility for States members of regional patent treaty to consider applications designating them as applications for a regional patent rather than a national patent. In States taking advantage of such a provision, it would not be possible to obtain a national patent via the PCT route.

Various reasons were advanced in support of the proposal in private discussions. The Netherlands suggested that it was a means of phasing out its national patent system in the event that the European Patent became a reality. Others suggested that another reason for the proposal was the possibility of a supplemental search of every PCT international application coming into European countries by virtue of the European Patent Convention, where the initial search was conducted by an International Searching Authority which, in the opinion of the "European Patent Office", did not conduct adequate international searches. A third reason suggested for the French-Netherlands proposal relates to internal negotiations within the European Community as to which would be the dominant force in the European Patent system. By providing that all applications filed under the PCT will be considered as regional applications in France or the Netherlands, the number of domestic applications filed in other European countries would also be decreased since the applicant must file a regional patent application if he uses PCT. It was alleged that, given the above system, it did not make economic sense to obtain patents in other European countries via the traditional non-PCT route.

The Scandinavian countries and the United Kingdom opposed the Netherlands proposal. In the debate of the French-Netherlands proposal, it was clear that the Soviet Union would remain neutral and that the Scandinavian countries, the United Kingdom and Japan would be against it. Initially the United States aligned itself with the position of the United Kingdom, thereby making it clear to the supporters of the proposal that it would be impossible to have the provision adopted. Later, the United States indicated that it would be possible for it to support the provision provided it was amended to state that a regional patent treaty may provide that international applications designating a State party to the regional patent treaty and the PCT may be filed as applications for a regional patent if it gives to all persons who "according to Article 9, are entitled to file international applications, the right to file applications for such regional) patents."

This provision would assure that if the PCT were to be used as a route to a regional patent (European Patent), the regional treaty would have to be open to nationals and residents of all member states of the PCT, including the United States.

The Netherlands-French proposal, as amended by the proposal of the United States, was adopted by a vote of 15–14. The Soviet Union abstained.

Article 45, as adopted, gives member States of regional treaties power to exclude the filing of national applications via PCT. However, if this is done it must provide access to the regional convention via PCT to all member States of PCT. Representatives of United States industry and various observer non-governmental organizations regarded this to be a very satisfactory solution. Some went so far as to categorize Article 45 as the most important and beneficial Article to American industry in the entire Treaty.

The fact that it may be more expensive to file a European Patent via PCT than one or two national patents in Europe is not seen as a great disadvantage since it would be unlikely that American industry would desire protection in that small a number of European countries.

ARTICLE 50—PATENT INFORMATION SERVICES; ARTICLE 51—TECHNICAL ASSISTANCE; ARTICLE 52—RELATIONS WITH OTHER PROVISIONS OF THE TREATY

Chapter IV on "Technical Services" is completely new, having been developed at the Conference in Working Group II. The origin of this chapter may be traced back to an Israeli proposal (PCT/DC/20), which was introduced on the opening day of the Conference. Under the original proposal, entitled "Information Centers", the various International Searching Authorities would, upon payment of prescribed fees, have been called upon to provide information on issued patents and published know-how.

The Israeli proposal immediately aroused the interest of the developing countries and was strongly supported by them, with Brazil taking the lead. Since the Israeli proposal was rather loosely drafted, Main Committee I decided to establish a Working Group of fourteen countries, including the United States, to deal with this matter. Because of its expertise in the patent documentation field, the International Patent Institute (IIB) was also placed on the Working Group. Brazil was elected Chairman of the Working Group.

Soon after the Working Group began its discussion, it was quite clear that developing countries were not only interested in access to published technical information but also legal-technical assistance concerning improvement of their patent systems. The initial position of the United States was that these matters more appropriately might be dealt with under the new World Intellectual Property Organization (W.I.P.O.), an important task of which is to develop a legal-technical assistance program for developing countries. This position received support in the Working Group only from the Federal Republic of Germany and Japan.

After prolonged discussions in a series of meetings which began on May 27 and ended on June 10, a new Chapter IV was added to the Treaty. It was approved unanimously in the Working Group and adopted unanimously in Main Committee I.

Article 50, "Patent Information Services", states that the International Bureau may furnish services by providing technical and other pertinent information available in the form of *published documents*, primarily patents and published applications. This service is to be provided at cost to Governments of Contracting States and below cost to developing countries if the difference can be covered by profits made on services to other than Governments of Contracting States, or from international organizations.

Article 51, "Technical Assistance", provides for legal-technical assistance for developing countries to improve their patent systems individually or on a regional basis. A Committee for Technical Assistance will be established to organize and supervise this technical assistance. Financing for this is contingent on agreements between the International Bureau, and international financing organizations and intergovernmental organizations, especially the UN.

Article 52 divorces the Chapter on "Technical Services" from the financial provisions in any other Chapter in the Treaty. During the course of the discussion of Chapter IV in both the Working Group and the Main Committee several developing countries emphasized the point that this chapter would make the PCT more attractive to them. The new Chapter received specific endorsement by a wide range of developing and developed countries, including the United States.

In his closing speech the Secretary General of the Conference, Dr. Arpad Bogsch, summarized the principal accomplishments of the Diplomatic Conference. He had the following to say about Chapter IV:

"Among the many improvements effected by the distinguished Delegates attending this Conference, perhaps the most significant is the writing into the Treaty of a new Chapter—Chapter IV which goes beyond the original goals of the Treaty, and provides the framework for technical assistance to developing countries. Assistance to developing countries is the main preoccupation of our times and the most difficult of the tasks of international organizations . . ."

ARTICLE 53(6)(a)—ASSEMBLY; ARTICLE 58(2)(b)—REGULATIONS

Under Articles 50(6)(a) and 54(2)(b) of the negotiating draft (PCT/DC/4), adoption by the Assembly of amendments to the Regulations would have required two-thirds of the votes cast, subject to certain exceptions. The United States proposed (PCA/DC/58) that the majority be increased to three-fourths, subject to the exceptions. The proposal was adopted by Main Commitee II. Articles 50 and 54 became Articles 53 and 58 respectively in the adopted text.

ARTICLE 54—EXECUTIVE COMMITTEE

The negotiating draft of the PCT, unlike the Stockholm revision of the Paris Industrial Property Convention, did not contain a separate Article on the Executive Committee. Some provisions relating to the Executive Committee were, however, included in Article 50 of the negotiating draft (PCT/DC/4), on the Assembly. It was provided only, that when the number of Contracting States exceeded forty, the Assembly would establish an Executive Committee to which it could delegate for the intervals between the sessions of the Assembly certain specified functions. Further, it was provided that the Executive Committee would meet once in every calendar year in ordinary session and would meet in extraordinary session upon convocation by the Director General, either on his own initiative, or at the request of the Chairman of the Executive Committee, or of one-fourth of its members.

Yugoslavia proposed (PCT/DC/65), that a separate article be included covering the Executive Committee in view of the importance of the role of the Executive Committee and the fact that separate articles had been reserved for the Assembly, the International Bureau and the Committee for Technical Cooperation. The Secretary General indicated that a seperate article had not been included, since it would be some time before an Executive Committee could be established—only after forty States had become party to the Convention. The prposal by Yugoslavia, however, met with general support and no opposition from the Delegations. A text of an article on the Executive Committee (PCT/DC/81) was subsequently introduced by Yugoslavia. That text, with some few changes, was adopted by Main Committee II and is basically the same as the Article on the Executive Committee contained in the Stockholm revision of the Paris Convention for the Protection of Industrial Property. This addition was acceptable to the United States.

ARTICLE 57—FINANCES

Article 53 of the negotiating draft (PCT/DC/4) (now Article 57) dealt with finances. Paragraph 5(b) provided that if any financial year closed with a deficit, the contracting States should contribute to cover the deficit. The amount of the contribution was to be determined by the number of international applications emanating from each of them in the relevant year and "other pertinent factors". It is anticipated that the United States will file a rather large percentage of the applications under the Treaty; the Soviet Union on the other hand is expected to file a very small percentage. Japan would be in a situation similar to that of the Soviet Union.

Despite the fact that the Treaty is designed to be self-supporting, there is always the possibility that deficits may occur and therefore this question was considered important to the United States. It should also be noted that Article 57(7)(a) provided for the constitution of a working capital fund. Contributions to this fund would be based on factors similar to those taken into account in the payment of any deficits that occur on an annual basis.

Australia proposed elimination of the language "other pertinent factors" because it was too vague. The developing countries, with United States support, suggested that the most pertinent factor should be the level of development of each of the countries. The proposal to base the contribution upon industrial capability did not receive broad support from the developed countries.

A working Group was appointed to look into the problem and to present a proposal to Main Committee II which, if possible, would enumerate those factors which should be considered pertinent in arriving at the contributions of each country.

In the Working Group, the United States advanced the proposition that the number of applications *received* from abroad should be one of the important determining factors. It noted that patent offices receiving such applications would benefit, since either there would be less work involved in processing a PCT international application accompanied by a search report than is necessary today in examining countries or, in the case of registration countries, the file would be more complete. This argument was not accepted by other countries. After prolonged discussion, it became apparent that the members of the Working Group were unable to agree on a comprehensive list of pertinent factors. Accordingly, the United States agreed to accept the deletion of the words "other pertinent factors" provided that it was understood that in lieu thereof it would be agreed that no country would be required to pay more than 20 percent of the total deficit for any one year. This limiting factor would have protected the United States.

The report of the Working Group to Main Committee II with this limitation was not accepted. A principal objector was the Federal Republic of Germany which noted that such a limitation would put the United States and the Federal Republic of Germany in about the same position with respect to contributions.

A compromise to raise the amount to 25 percent likewise did not meet with approval. The provision was stricken by a vote in Main Committee II.

The United States decided to accept the outcome since the benefits accruing to United States applicants from the Treaty justified a contribution based on participation. It noted for the record, however, that (a) every effort should be made to assure that the Treaty would be selfsupporting, and (b) should deficits occur, there might well be limitations on the contributions which the United States could make to cover them. As adopted, the number of PCT international applications originating from each country was retained as the sole factor in determining contributions under Article 57(5) of the Treaty.

ARTICLE 59—DISPUTES; ARTICLE 64(5), (6)(A) AND (B)—RESERVATIONS

The negotiating draft PCT/DC/4) did not contain a provision on the settlement of disputes concerning the interpretation or application of the Treaty and the Regulations. A proposal (PCT/DC/86) for the inclusion of such a provision, similar to that contained in Article 28 of the Stockholm revision of the Paris Convention for the Protection of Industrial Property, was presented at the Conference by six States: Australia, France, Japan, the Netherlands, Switzerland, and Zambia.

An amendment (PTC/DC/92) to the six-Country proposal was presented by Portugal, but was subsequently withdrawn. The six-Country proposals (PCT/DC/86) also permitted a State to declare at the time of signature or of deposit of its instrument of ratification or accession that it did not consider itself bound by the provisions relating to the settlement of disputes. The amendment by Portugal would have permitted such a declaration to be made also at any later time.

The Soviet Union stated that, since it did not recognize the jurisdiction of the International Court of Justice, it would not want to have provisions in the Treaty as proposed in document PCT/DC/86, but that in a spirit of compromise it would not insist on a vote.

The six-Country proposal was adopted by Main Committee II but referred it to the Drafting Committee for transfer to Article 64 on "Reservations". These provisions permit a State to declare that it does not consider itself bound by the provisions on the settlement of disputes. The provisions as thus revised by the Drafting Committee were adopted by Main Committee II.

Inclusion of provisions for the submission of disputes to the International Court of Justice is in accord with United States Government policy.

ARTICLE 62(3) AND (4)—BECOMING PARTY TO THE TREATY

The negotiating draft (PCT/DC/4) did not have a provision on territorial application, as contained in Article 24 of the Stockholm revision of the Paris Convention for the Protection of Industrial Property. A proposal of the United Kingdom (PCT/DC/25), as revised and as adopted, added paragraph (3) to Article 62, which paragraph provides that Article 24 of the Stockholm revision of the Paris Convention ("Territories") shall apply to the Treaty.

A new paragraph (4), not contained in Article 24 of the Paris Convention, has, however, been added to Article 62. The addition of paragraph (4) was the result of a compromise resulting from a proposal (PCT/DC/111) by Algeria. The proposal by Algeria, presented three alternatives with respect to paragraph (3) on territorial application which was added under the United Kingdom proposal: Alternative I was to delete paragraph (3); Alternative II was to include the provision on territorial application among the provisions which could be subject to express reservations by States party to the Treaty; Alternative III was to add a new paragraph (4) as follows: "However, paragraph (3) of this Article shall not entail for any State party to this Treaty the recognition or tacit acceptance of any legal implications that might arise from such declarations or notifications."

The discussions on paragraphs (3) and (4) revealed the following: the Soviet Union preferred the deletion of paragraph (3) but might accept its inclusion if something along the lines of proposed paragraph (4) were adopted; the United Kingdom would prefer that no paragraph (4) be added, but might consider a revision of the proposed paragraph (4). A drafting group was set up to deal with the proposed paragraph (4) as being the one alternative which possibly could provide some basis for acceptance if revised. The drafting group was composed of Algeria, France, the Soviet Union, and the United Kingdom.

The text presented by the drafting group (PCT/DC/118) was adopted by Main Committee II and is included as paragraph (4) of Article 62. This text was acceptable to the United States.

ARTICLE 63—ENTRY INTO FORCE OF THE TREATY

Article 58 of the negotiating draft (PCT/DC/4), provided for entry into force of the Treaty three months after either of the following conditions were fulfilled:

1. Five States ratify of which three are countries in which the total number of applications filed per year exceed 40,000 (paragraph (1)(i)) or;
2. Seven States ratify which have either (a) received 10,000 patent applications from abroad, or (b) the citizens of which have filed at least 1,000 patent applications in one specific foreign country (paragraph (1)(ii)).

In a proposal which could have delayed the entry into force of the Treaty, Italy suggested the deletion of paragraph (1)(i) and an increase of the number of States in paragraph (1)(ii), from seven to ten (PCT/DC/69). The Secretariat proposed the compromise now appearing in Article 63 of the Treaty. Under this formulating, entry into force would occur upon ratification by eight States, provided at least four of them fulfilled any one of the three criteria set forth in the original version of the Treaty. The compromise was acceptable to the United States. It was accepted by Main Committee II.

Despite the fact that the required number of ratifying States has been increased, the effect of this compromise is to hasten entry into force of the Treaty while still providing for adherence by a number of "significant" States. Inasmuch as all criteria are now combined, it is likely that a combination of States sufficient to trigger operation of the Treaty should occur at an earlier date than would have occurred under the original formulation.

Rule 5.1(a)(vi)—The Description /Utility/

Rule 5.1(a)(vi) of the negotiating draft concerning the PCT Regulations (PCT/DC/5) stated that the description of the invention should indicate the way in which the subject of the invention could be made and used in industry, or if it could only be made or only be used, the way in which it could be made or used. The BIRPI Secretariat suggested an alternative for this Rule (PCT/DC/12) to read:

"Indicate the way in which the subject of the invention can be made and used in industry—'industry' being understood in its broadest sense as in the Paris Convention for the Protection of Industrial Property—or, if it can only be used, the way in which it can be used."

Switzerland objected to the wording of both PCT/DC/5 and PCT/DC/12, and proposed (PCT/DC/17) that, since the use of an invention was obvious in most cases, no special requirement was necessary or even desirable. Hence, an indication of utility should only be made where it could not be implied from the general description of the invention. France supported the Swiss view and further proposed (PCT/DC/21), to make the requirement of stating the utility of an invention entirely optional for the applicant.

The United States vigorously supported the retention of the requirement to show utility of an invention, stating that applications which did not include this criterion in their description of the invention did not satisfy the utility requirements of United States law and could be fatally defective in the United States. Furthermore, any dilution of this requirement would necessitate change in substantive U.S. law. Canada supported this position, stating that Canadian law had similar provisions.

The Secretary General noted that since the purpose of an international application was ultimately to become a national application in each of the designated States, it was important that all necessary elements of an application be present. The United Kingdom supported the view of the Secretary General.

The United States noted that its national law did not require the exact description of an obvious method of making and using an invention and that an indication of use would satisfy United States patent law.

France, however, insisted on its proposal which was put to the vote and rejected. Thereafter, the Rule was referred to the Drafting Committee which presented a version to Main Committee I that was adopted and does not conflict with United States law.

RULE 22.2—TRANSMITTAL OF THE RECORD COPY

The negotiating draft (PCT/DC/5) contained a provision in Rule 22.2 (e) to the effect that had the applicant opted for transmittal of the record copy through him and the Receiving Office did not hold the record copy for the applicant at least 10 days before the expiration of 13 months from the priority date, or had the Receiving Office agreed to mail the record copy to the applicant and he had not received the copy at the above mentioned date, he could file a copy of his international application directly with the International Bureau and pay to the Bureau a "special fee". The amount of the special fee was to be $25.00.

The imposition of a special fee was objected to by the United States, the Soviet Union and representatives from the AIPPI and NAM at the Study Group Meeting in March 1970 on the Regulations. It was considered unfair that the applicant be required to pay a penalty fee for a fault on the part of the receiving Office. On the other hand, various delegations including the Federal Republic of Germany, were of a view that, in the absence of a penalty, in practice the 13 month deadline could well become a 14 month deadline. Since no consensus was reached on this matter at the March 1970 Meeting, the Alternative proposed for Rule 22.2 (e) in document PCT/DC/12 still included the requirement for the payment of a special fee.

When discussing Rule 22.2 (e) at the Diplomatic Conference, the United States again raised its objection to the imposition of the penalty. Japan seconded the United States proposal, while the Federal Republic of Germany, the Netherlands and the United Kingdom supported the negotiating draft on the basis that without the penalty there may be a misuse of the provision with the result that copies of international applications would regularly be received late at the national Offices (for example, under Article 13). In apparent support of the United States position, Austria questioned whether other remedies might not be available to the applicant. The representatives of a number of international non-governmental organizations, for example IFIA, PIPA, AIPPI, and UNICE, agreed with the position of the United States. In view of the strong support by these organizations, the Federal Republic of Germany, withdrew its opposition as did the Netherlands. The United States proposal (PCT/DC/67) for deletion of the special fee was thereupon adopted.

RULE 42—TIME LIMIT FOR INTERNATIONAL SEARCH

The negotiating draft (PCT/DC/5) imposed a time limit for the production of the international search report. Rule 42.1 set this time limit at 3 months from the receipt of the search copy by the International Searching Authority, or 9 months from the priority date, whichever occurs later.

At the Study Group Meeting in March 1970 on the Regulations, the United States proposed that the word "Generally" be inserted in Rule 42 to give the International Searching Authority a certain amount of leeway in preparing search reports. The United States proposal was opposed by Austria, France and the Federal Republic of Germany, which feared that the 3 to 9 months time period of the Rule would thereby become the exception rather than

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the Rule and that most search reports would not be available until much later than the deadline provided by Rule 42. During the discussion, the BIRPI Secretariat stated that it would not specify different time limits for different Authorities even if "Generally" were included in the Rule.

At the Diplomatic Conference the United States proposed (PCT/DC/83) that for the first 5 years after implementation of the Treaty, the International Bureau and the International Searching Authorities be permitted to agree upon longer time limits for producing search reports than those presently set forth in Rule 42.

The United States pointed out that initially it would be dangerous to impose strict time limits on International Searching Authorities. Without experience in preparing search reports and without actually knowing the number of applications filed under PCT, these Authorities would be unable to agree to an inflexible time table. Austria opposed the United States view, while the Federal Republic of Germany, Japan, and the I.I.B. supported it.

The Secretary General mentioned that there were certain advantages to the United States proposal and that it semed preferable to the earlier proposal concerning the insertion of "Generally" into Rule 42. The Delegation of the United Kingdom supported by the I.I.B., proposed that the 5 year period should be diminished. Canada and the Soviet Union requested more time to study the proposal.

When the discussion was resumed, Canada with the support of Norway and the Soviet Union, proposed that the maximum extension of time be limited to 2 months during this transitional period. The Netherlands suggested that there should be an outside maximum of 18 months from the priority date for the production of the search report. The United Kingdom supported this proposal. When the views of the international non-governmental organizations were solicited, they were in favor of early search reports, but did not oppose reasonable flexibility for a transitional period.

When put to a vote the following sentence was adopted as an addition to the last part of Rule 42.1:

"For a transitional period of 3 years from the entry into force of this Treaty, time limits for the agreement with any International Searching Authority may be individually negotiated, provided that such time limits shall not extend by more than 2 months the time limits referred to in the preceding sentence and in any case shall not go beyond the expiration of the 18th month after the priority date."

Rule 42.1 now accommodates the United States position, particularly in view of the fact that the Treaty may not become operational until about 1975. The 3 year transitional period should enable potential International Searching Authorities to negotiate workable contracts for the production of search reports.

RULE 88—AMENDMENT OF THE REGULATIONS

Rule 88 of the negotiating draft (PCT/DC/5) provided that certain regulations could be amended only by unanimous vote in the Assembly. The United States proposed, that Rule 5 dealing with "The Description", and Rule 6 concerning "The Claims" be added to the list of regulations which could be amended only by unanimous vote.

When the United States proposal was advanced in Main Committee II, it was widely opposed. At the request of the United States, despite the opposition to this proposal, the matter was referred to a Working Group. As a compromise, a reference to Rules 5 and 6 was added in new Rule 88.2 which requires unanimity for revision during a transitional period of 5 years after entry into force of the Treaty. In view of the fact that changes in regulations now require a three-fourths vote (Article 58(2)(b)), instead of a two-thirds vote under the negotiating draft, this compromise satisfactorily safeguards the interest of the United States.

8. Work of the Conference

The Washington Diplomatic Conference on the Patent Cooperation Treaty concluded on June 19, 1970 with the signature of the approved text of the Treaty and the Final Act. Twenty countries, including the United States, signed the Treaty on June 19. The Treaty remained open for signature until December 31, 1970. During this period an additional fifteen countries signed the Treaty bringing the total number of signatories to thirty-five (Annex I).

A "Final Act", which in effect indicated that the signatories had attended the Washington Diplomatic Conference, was signed by 44 countries.

At the Plenary Session of the Diplomatic Conference on June 17 a "Resolution Concerning Preparatory Measures for the Entry Into Force of the Patent Cooperation Treaty" was approved unanimously (Annex II). This Resolution invited the Assembly and the Executive Committee of the Paris Industrial Property Union and the Director General of the new World Intellectual Property Organization to undertake certain measures for the preparation of the entry into force of the PCT. It was recommended that such measures include: (a) the setting up of an Interim Committee for Technical Assistance in connection with Article 51 of the Treaty, (b) the establishment of an Interim Committee for Technical Cooperation with respect to Article 56 of the PCT, and (c) the setting up of an Interim Advisory Committee for Administrative Questions to deal with questions which will necessitate solutions by the national Patent Offices and the International Bureau when the PCT enters into force.

9. Future Meetings

The "Resolution Concerning Preparatory Measures for the Entry Into Force of the Patent Cooperation Treaty", which was approved by the Washington Diplomatic Conference on June 17, 1970, was considered by the Assembly and Executive Committee of the Paris Industrial Property Union at the meetings of these bodies in Geneva, September 21–28, 1970. As a result of decisions taken at these meetings, the three Interim Committees to be established in connection with preparatory work for entry into force of the PCT will meet in Geneva, February 8–11, 1971.

10. Conclusions

The Patent Cooperation Treaty in its final form was consistent with the United States position on all major points and therefore the United States Delegation unanimously agreed that it should be signed by the United States. This was done at the signing ceremony on June 19, 1970.

ANNEX I—SIGNATORIES OF PATENT COOPERATION TREATY AS OF DECEMBER 31, 1970

STATE AND DATE OF SIGNATURE

Algeria, June 19, 1970.
Argentina, December 21, 1970.
Austria, December 22, 1970.
Belgium, December 30, 1970.
Brazil, June 19, 1970.
Canada, June 19, 1970.
Denmark, June 19, 1970.
Federal Republic of Germany, June 19, 1970.
Finland, June 19, 1970.
France, December 31, 1970.
Holy See, June 19, 1970.
Hungary, June 19, 1970.
Iran, July 7, 1970.
Ireland, June 19, 1970.
Israel, June 19, 1970.
Italy, June 19, 1970.
Ivory Coast, December 3, 1970.
Japan, June 19, 1970.
Luxembourg, Dec. 30, 1970.
Madagascar, December 10, 1970.
Monaco, December 31, 1970.
Kingdom of the Netherlands, December 31, 1970.
Norway, June 19, 1970.
Philippines, June 19, 1970.
Romania, December 28, 1970.
Senegal, December 29, 1970.
Sweden, June 19, 1970.
Switzerland, June 19, 1970.
Syria, December 29, 1970.
Togo, December 23, 1970.
Union of Soviet Socialist Republics, December 23, 1970.
United Arab Republic, June 19, 1970.
United Kingdom of Great Britain and Northern Ireland, June 19, 1970.
United States of America, June 19, 1970.
Yugoslavia, June 19, 1970.

ANNEX II—RESOLUTION CONCERNING PREPARATORY MEASURES FOR THE ENTRY INTO FORCE OF THE PATENT COOPERATION TREATY

The Washington Diplomatic Conference on the Patent Cooperation Treaty, 1970,

Considering the desirability of preparing the application of the Patent Cooperation Treaty pending the entry into force of the Treaty,

1. Invites the Assembly and the Executive Committee of the International (Paris) Union for the Protection of Industrial Property and the Director General of the World Intellectual Property Organization to adopt, direct and supervise the measures necessary for the preparation of the entry into force of the Treaty.

2. Recommends that such measures include:

(a) the setting up of an Interim Committee for Technical Assistance, which should prepare the establishment of the Committee for Technical Assistance referred to in Article 51 of the Treaty;

(b) the setting up of an Interim Committee for Technical Cooperation, which should prepare the establishment of the Committee for Technical Cooperation referred to in Article 56 of the Treaty and advise the prospective International Searching and Preliminary Examining Authorities on the questions which will require solution when the Treaty enters into force;

(c) the setting up of an Interim Advisory Committee for Administrative Questions, which should study and recommend measures on the questions which will require solutions by the national Offices and the International Bureau when the Treaty enters into force.

3. Expresses the desire that the organizations of inventors, industries, and the patent profession be associated, as in the preparation of the Treaty, in the preparatory work referred to in the present Resolution.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that supporting data be inserted in the RECORD at this point in explanation of the treaty.

There being no objection, the excerpt from the committee report was ordered to be printed in the RECORD, as follows:

PURPOSE

The basic objective of the Patent Cooperation Treaty is to simplify the procedure for applying for patents on the same invention in a number of countries by providing, among other things, a centralized filing procedure and a standardized application format.

At the present time, patent procedures differ from country to country and the national laws of most nations generally do not take account of the fact that protection for the same invention may be sought in other countries. For example, it is estimated that more than 50 percent of the 700,000 patent

applications filed world-wide are duplicates of other applications. This Treaty is intended to eliminate some of this wasted effort for both the applicant and the national Patent Offices.

BACKGROUND

As a result of a United States initiative in September 1966, the Executive Committee of the Convention of Paris for the Protection of Industrial Property unanimously approved a resolution asking the Secretariat for that Convention, the United International Bureau for the Protection of Intellectual Property—known as BIRPI from its French initials—to undertake a study of practicable means to simplify the patenting of any given invention in a number of countries.

In May 1967, BIRPI released a first draft of the Patent Cooperation Treaty. After three years of extensive negotiations and consultations on both the international and national level, a diplomatic conference was convened in Washington. Seventy-seven countries were represented at that Conference and on June 19, 1970, twenty-one countries signed the Treaty. As of October 9, 1973, thirty-five nations had become signatories. These countries are: the United States, Algeria, Brazil, Canada, Denmark, Finland, Federal Republic of Germany, Holy See, Hungary, Ireland, Israel, Italy, Japan, Norway, Philippines, Sweden, Switzerland, United Arab Republic, United Kingdom, Yugoslavia, Iran, Ivory Coast, Madagascar, Argentina, Austria, Togo, Soviet Union, Romania, Senegal, Syria, Luxembourg, Belgium, Netherlands, France, and Monaco. To date, only five countries with minor patent activity have ratified or acceded to this Treaty (the Ceneral African Republic, Senegal, Madagascar, Malawi and Cameroon).

On September 12, 1972, the Treaty was submitted to the Senate for its advice and consent to ratification. The enabling legislation (S. 2469) was introduced in the Senate on September 21, 1973, and was referred to the Judiciary Committee. As of this date, no action has been taken on this legislation.

MAJOR PROVISIONS

The Treaty consists of a short preamble, 69 articles and 95 rules or regulations.

Under Chapter I of the Treaty, an inventor applies for a patent by filing an international application with a Receiving Office, which is usually the Patent Office in the State of which he is a resident or national. This application will be filed in a specified language (English for U.S. applicants) in a standard format, and will include the designation of those States in which the inventor desires protection. After supplying the necessary information and paying the international fee, the applicant will have up to 20 months to prepare translations, assess the economic potential of his invention and pay patent fees in those countries where he desires protection. This is a distinct improvement over the existing Paris Convention, which has a waiting period of 12 months.

International search authorities will prepare a report on whether there exists "relevant prior art," that is, other patented inventions that are equal or so similar to the one described in the application that a granting of a new patent would be an infringement of previous rights.

Upon receiving a copy of the search report, the inventor may amend or correct his application, for distribution by BIRPI to each nation designated by the applicant. Domestic search, examination and legal processing will then proceed in accordance with each nation's patent laws.

Chapter II of the Treaty provides for a further procedure whereby, under certain conditions, an applicant may demand a preliminary examination report for one or more elected countries in which he intends to use the results of such report.

Chapter IV of the Treaty establishes information services which will be of benefit to developing countries in facilitating their acquisition of technology and technical information. This Chapter also establishes a committee which would organize and supervise technical assistance to improve the patent systems of developing countries.

The Regulations annexed to the Treaty provide rules concerning such matters as administrative requirements and procedures as well as details useful in the implementation of the provisions of the Treaty.

DATE OF ENTRY INTO FORCE

The Treaty will enter into force three months after eight governments ratify it—including four nations considered "major" in terms of patent activity. The six leading patent issuing countries are the U.S.S.R., U.S., Japan, West Germany, Great Britain, and France.

DECLARATIONS

The Secretary of State has requested that the Senate give its advice and consent subject to three declarations.

The first declaration, under Article 64(1)(a) is that the United States shall not be bound by the provisions of Chapter II of the Treaty. This declaration is necessary because present divergence of the examining systems of other potential member countries from that in the United States would make application of Chapter II, which deals with preliminary examination, impracticable for the United States at this time.

The second declaration, under Article 64(3)(a), is that, as far as this country is concerned, international publication of international applications is not required. Failure to make such a declaration would conflict with an underlying philosophy of our patent system which enables an applicant to keep his invention confidential until he obtains patent protection.

The third declaration, under Article 64(4)(a), is that the filing outside of the United States of an international application designating this country is not equated to an actual filing in the United States for prior art purposes. This declaration is necessary in order to avoid a conflict with United States patent law (35 U.S.C. 102(e)) which accords to a United States patent the effect as a prior art reference only as of its filing date in the United States.

It also is the intention of the United States that the United States Patent Office will become a Receiving Office and an International Searching authority in order to process international applications for patents filed under the Treaty.

COMMITTEE ACTION

During a public hearing held on October 9, 1973, the Committee on Foreign Relations received testimony on the Patent Cooperation Treaty from the following witnesses: Mr. George R. Clark, President, International Patent and Trademark Association; and Mr. Harvey J. Winter, Director, Office of Business Practices, Bureau of Economic and Business Affairs, Department of State. A copy of Mr. Winter's prepared statement is printed in the appendix of this report.

During that hearing, Mr. Clark suggested that the Committee act favorably on the Treaty, subject to the condition that the Executive would withhold filing the instrument of ratification until the implementing legislation is enacted. It is the understanding of the Committee that the Administration has agreed to comply with this procedure.

On October 11, 1973, the Committee met in executive session and, by a voice vote, ordered the Treaty reported favorably to the Senate for its advice and consent to ratification, subject to three declarations requested by the Department of State.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the treaty be considered as having passed through its various parliamentary stages up to and including the resolution of ratification.

The PRESIDING OFFICER. Without objection, the treaty will be considered as having passed through its various parliamentary stages, up to and including the resolution of ratification, which the clerk will state.

The legislative clerk read as follows:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Patent Cooperation Treaty and Annexed Regulations, done at Washington on June 19, 1970 Ex. S, 92–2), subject to the following three declarations:

(1) Under Article 64(1)(a), the United States shall not be bound by the provisions of Chapter II of the Treaty;

(2) Under Article 64(3)(a), as far as the United States is concerned, international applications is not required; and

(3) Under Article 64(4)(a) the filing outside of the United States of an international application designating this country is not equated to an actual filing in the United States for prior art purposes.

STRASBOURG AGREEMENT CONCERNING THE INTERNATIONAL PATENT CLASSIFICATION—EXECUTIVE E (93D CONG., 1ST SESS.)

The Senate, as in Committee of the Whole, proceeded to consider Executive E (93d Cong., 1st sess.), the Strasbourg Agreement concerning the International Patent Classification, signed March 24, 1971, which was read the second time, as follows:

STRASBOURG AGREEMENT CONCERNING THE INTERNATIONAL PATENT CLASSIFICATION OF MARCH 24, 1971

The Contracting Parties,

Considering that the universal adoption of a uniform system of classification of patents, inventors' certificates, utility models and utility certificates is in the general interest and is likely to establish closer international cooperation in the industrial property field, and to contribute to the harmonization of national legislation in that field,

Recognizing the importance of the European Convention on the International Classification of Patents for Invention, of December 19, 1954, under which the Council of Europe created the International Classification of Patents for Invention,

Having regard to the universal value of this Classification, and to its importance to all countries party to the Paris Convention for the Protection of Industrial Property,

Having regard to the importance to developing countries of this Classification, which gives them easier access to the ever-expanding volume of modern technology,

Having regard to Article 19 of the Paris Convention for the Protection of Industrial Property of March 20, 1883, as revised at Brussels on December 14, 1900, at Washington on June 2, 1911, at The Hague on November 6, 1925, at London on June 2, 1934, at Lisbon on October 31, 1958, and at Stockholm on July 14, 1967,

Agree as follows:

ARTICLE 1—ESTABLISHMENT OF A SPECIAL UNION; ADOPTION OF AN INTERNATIONAL CLASSIFICATION

The countries to which this Agreement applies constitute a Special Union and adopt a common classification for patents for in-

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vention, inventors' certificates, utility models and utility certificates, to be known as the "International Patent Classification" (hereinafter designated as the "Classification").

ARTICLE 2—DEFINITION OF THE CLASSIFICATION

(1) (a) The Classification comprises:

(i) the text which was established pursuant to the provisions of the European Convention on the International Classification of Patents for Invention of December 19, 1954 (hereinafter designated as the "European Convention"), and which came into force and was published by the Secretary General of the Council of Europe on September 1, 1968;

(ii) the amendments which have entered into force pursuant to Article 2(2) of the European Convention prior to the entry into force of this Agreement;

(iii) the amendments made thereafter in accordance with Article 5 which enter into force pursuant to the provisions of Article 6.

(b) The Guide and the notes included in the text of the Classification are an integral part thereof.

(2) (a) The text referred to in paragraph (1) (a) (i) is contained in two authentic copies, each in the English and French languages deposited, at the time that this Agreement is opened for signature, one with the Secretary General of the Council of Europe and the other with the Director General of the World Intellectual Property Organization (hereinafter respectively designated "Director General" and "Organization") established by the Convention of July 14, 1967.

(b) The amendments referred to in paragraph (1) (a) (ii) shall be deposited in two authentic copies, each in the English and French languages, one with the Secretary General of the Council of Europe and the other with the Director General.

(c) The amendments referred to in paragraph (1) (a) (iii) shall be deposited in one authentic copy only, in the English and French languages, with the Director General.

ARTICLE 3—LANGUAGES OF THE CLASSIFICATION

(1) The Classification shall be established in the English and French languages, both texts being equally authentic.

(2) Official texts of the Classification, in German, Japanese, Portuguese, Russian, Spanish and in such other languages as the Assembly referred to in Article 7 may designate, shall be established by the International Bureau of the Organization (hereinafter designated as the "International Bureau"), in consultation with the interested Governments and either on the basis of a translation submitted by those Governments or by any other means which do not entail financial implications for the budget of the Special Union or for the Organization.

ARTICLE 4—USE OF THE CLASSIFICATION

(1) The Classification shall be solely of an administrative character.

(2) Each country of the Special Union shall have the right to use the Classification either as a principal or as a subsidiary system.

(3) The competent authorities of the countries of the Special Union shall include in

(i) patents, inventors' certificates, utility models and utility certificates issued by them, and in applications relating thereto, whether published or only laid open for public inspection by them, and

(ii) notices, appearing in official periodicals of the publication or laying open of the documents referred to in subparagraph (i)

the complete symbols of the Classification applied to the invention to which the document referred to in subparagraph (i) relates.

(4) When signing this Agreement or when depositing its instrument of ratification or accession:

(i) any country may declare that it does not undertake to include the symbols relating to groups or subgroups of the Classification in applications as referred to in paragraph (3) which are only laid open for public inspection and in notices relating thereto, and

(ii) any country which does not proceed to an examination as to novelty, whether immediate or deferred, and in which the procedure for the grant of patents or other kinds of protection does not provide for a search into the state of the art, may declare that it does not undertake to include the symbols relating to the groups and subgroups of the Classification in the documents and notices referred to in paragraph (3). If these conditions exist only in relation to certain kinds of protection or certain fields of technology, the country in question may only make this reservation to the extent that the conditions apply.

(5) The symbols of the Classification, preceded by the words "International Patent Classification" or an abbreviation thereof to be determined by the Committee of Experts referred to in Article 5, shall be printed in heavy type, or in such a manner that they are clearly visible, in the heading of each document referred to in paragraph (3) (i) in which they are to be included.

(6) If any country of the Special Union entrusts the grant of patents to an intergovernmental authority, it shall take all possible measures to ensure that this authority uses the Classification in accordance with this Article.

ARTICLE 5—COMMITTEE OF EXPERTS

(1) A Committee of Experts shall be set up in which each country of the Special Union shall be represented.

(2) (a) The Director General shall invite intergovernmental organizations specialized in the patent field, and of which at least one of the member countries is party to this Agreement, to be represented by observers at meetings of the Committee of Experts.

(b) The Director General may, and, if requested by the Committee of Experts, shall, invite representatives of other intergovernmental and international non-governmental organizations to participate in discussions of interest to them.

(3) The Committee of Experts shall:

(i) amend the Classification;

(ii) address recommendations to the countries of the Special Union for the purpose of facilitating the use of the Classification and promoting its uniform application;

(iii) assist in the promotion of international cooperation in the reclassification of documentation used for the examination of inventions, taking in particular the needs of developing countries into account;

(iv) take all other measures which, without entailing financial implications for the budget of the Special Union or for the Organization, contribute towards facilitating the application of the Classification by developing countries;

(v) have the right to establish subcommittees and working groups.

(4) The Committee of Experts shall adopt its own Rules of Procedure. These shall allow for the possibility of participation of intergovernmental organizations, referred to in paragraph (2) (a), which can perform substantial work in the development of the Classification, in meetings of its subcommittees and working groups.

(5) Proposals for amendments to the Classification may be made by the competent authority of any country of the Special Union, the International Bureau, any intergovernmental organization represented in the Committee of Experts pursuant to paragraph (2) (a) and any other organization specially invited by the Committee of Experts to submit such proposals. The proposals shall be communicated to the International Bureau which shall submit them to the members of the Committee of Experts and to the observers not later than two months before the session of the Committee of Experts at which the said proposals are to be considered.

(6) (a) Each country member of the Committee of Experts shall have one vote.

(b) The decisions of the Committee of Experts shall require a simple majority of the countries represented and voting.

(c) Any decision which is regarded by one-fifth of the countries represented and voting as giving rise to a modification in the basic structure of the Classification or as entailing a substantial work of reclassification shall require a majority of three-fourths of the countires represented and voting.

(d) Abstentions shall not be considered as votes.

ARTICLE 6—NOTIFICATION, ENTRY INTO FORCE AND PUBLICATION OF AMENDMENTS AND OTHER DECISIONS

(1) Every decision of the Committee of Experts concerning the adoption of amendments to the Classification and recommendations of the Committee of Experts shall be notified by the International Bureau to the competent authorities of the countries of the Special Union. The amendments shall enter into force six months from the date of dispatch of the notification.

(2) The International Bureau shall incorporate in the Classification the amendments which have entered into force. Announcements of the amendments shall be published in such periodicals as are designated by the Assembly referred to in Article 7.

ARTICLE 7—ASSEMBLY OF THE SPECIAL UNION

(1) (a) The Special Union shall have an Assembly consisting of the countries of the Special Union.

(b) The Government of each country of the Special Union shall be represented by one delegate, who may be assisted by alternate delegates, advisors and experts.

(c) Any intergovernmental organization referred to in Article 5(2) (a) may be represented by an observer in the meetings of the Assembly, and, if the Assembly so decides, in those of such committees or working groups as may have been established by the Assembly.

(d) The expenses of each delegation shall be borne by the Government which has appointed it.

(2) (a) Subject to the provisions of Article 5, the Assembly shall:

(i) deal with all matters concerning the maintenance and development of the Special Union and the implementation of this Agreement;

(ii) give direction to the International Bureau concerning the preparation for conferences of revision;

(iii) review and approve the reports and activities of the Director General concerning the Special Union, and give him all necessary instructions concerning matters within the competence of the Special Union;

(iv) determine the program and adopt the triennial budget of the Special Union, and approve its final accounts;

(v) adopt the financial regulations of the Special Union;

(vi) decide on the establishment of official texts of the Classification in languages other than English, French and those listed in Article 3(2);

(vii) establish such committees and working groups as it deems appropriate to achieve the objectives of the Special Union;

(viii) determine, subject to paragraph (1) (c), which countries not members of the Special Union and which intergovernmental and international non-governmental organizations shall be admitted as observers to its meetings, and to those of any committee or working group established by it;

(ix) take any other appropriate action designed to further the objectives of the Special Union;

(x) perform such other functions as are appropriate under this Agreement.

(b) With respect to matters which are of interest also to other Unions administered by the Organization, the Assembly shall make its decisions after having heard the advice of the Coordination Committee of the Organization.

(3) (a) Each country member of the Assembly shall have one vote.

(b) One-half of the countries members of the Assembly shall constitute a quorum.

(c) In the absence of the quorum, the Assembly may make decisions but, with the exception of decisions concerning its own procedure, all such decisions shall take effect only if the conditions set forth hereinafter are fulfilled. The International Bureau shall communicate the said decisions to the countries members of the Assembly which were not represented and shall invite them to express in writing their vote or abstention within a period of three months from the date of the communication. If, at the expiration of this period, the number of countries having thus expressed their vote or abstention attains the number of countries which was lacking for attaining the quorum in the session itself, such decisions shall take effect provided that at the same time the required majority still obtains.

(d) Subject to the provisions of Article 11(2), the decisions of the Assembly shall require two-thirds of the votes cast.

(e) Abstentions shall not be considered as votes.

(f) A delegate may represent, and vote in the name of, one country only.

(4) (a) The Assembly shall meet once in every third calendar year in ordinary session upon convocation by the Director General and, in the absence of exceptional circumstances, during the same period and at the same place as the General Assembly of the Organization.

(b) The Assembly shall meet in extraordinary session upon convocation by the Director General, at the request of one-fourth of the countries members of the Assembly.

(c) The agenda of each session shall be prepared by the Director General.

(5) The Assembly shall adopt its own Rules of Procedure.

ARTICLE 8—INTERNATIONAL BUREAU

(1) (a) Administrative tasks concerning the Special Union shall be performed by the International Bureau.

(b) In particular, the International Bureau shall prepare the meetings and provide the secretariat of the Assembly, the Committee of Experts and such other committees or working groups as may have been established by the Assembly or the Committee of Experts.

(c) The Director General shall be the chief executive of the Special Union and shall represent the Special Union.

(2) The Director General and any staff member designated by him shall participate, without the right to vote, in all meetings of the Assembly, the Committee of Experts and such other committees or working groups as may have been established by the Assembly or the Committee of Experts. The Director General, or a staff member designated by him, shall be *ex officio* secretary of those bodies.

(3) (a) The International Bureau shall, in accordance with the directions of the Assembly, make the preparations for revision conferences.

(b) The International Bureau may consult with intergovernmental and international non-governmental organizations concerning preparations for revision conferences.

(c) The Director General and persons designated by him shall take part, without the right to vote, in the discussions at revision conferences.

(4) The International Bureau shall carry out any other tasks assigned to it.

ARTICLE 9—FINANCES

(1) (a) The Special Union shall have a budget.

(b) The budget of the Special Union shall include the income and expenses proper to the Special Union, its contribution to the budget of expenses common to the Unions and, where applicable, the sum made available to the budget of the Conference of the Organization.

(c) Expenses not attributable exclusively to the Special Union but also to one or more other Unions administered by the Organization shall be considered as expenses common to the Unions. The share of the Special Union in such common expenses shall be in proportion to the interest the Special Union has in them.

(2) The budget of the Special Union shall be established with due regard to the requirements of coordination with the budgets of the other Unions administered by the Organization.

(3) The budget of the Special Union shall be financed from the following sources:

(i) contributions of the countries of the Special Union;

(ii) fees and charges due for services rendered by the International Bureau in relation to the Special Union;

(iii) sale of, or royalties on, the publications of the International Bureau concerning the Special Union;

(iv) gifts, bequests and subventions;

(v) rents, interests and other miscellaneous income.

(4) (a) For the purpose of establishing its contribution referred to in paragraph (3) (i), each country of the Special Union shall belong to the same class as it belongs to in the Paris Union for the Protection of Industrial Property, and shall pay its annual contribution on the basis of the same number of units as is fixed for that class in that Union.

(b) The annual contribution of each country of the Special Union shall be an amount in the same proportion to the total sum to be contributed to the budget of the Special Union by all countries as the number of its units is to the total of the units of all contributing countries.

(c) Contributions shall become due on the first of January of each year.

(d) A country which is in arrears in the payment of its contributions may not exercise its rights to vote in an organ of the Special Union if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. However, any organ of the special Union may allow such a country to continue to exercise its right to vote in that organ if, and as long as, it is satisfied that the delay in payment is due to exceptional and unavoidable circumstances.

(e) If the budget is not adopted before the beginning of a new financial period, it shall be at the same level as the budget of the previous year, as provided in the financial regulations.

(5) The amount of the fees and charges due for services rendered by the International Bureau in relation to the Special Union shall be established, and shall be reported to the Assembly, by the Director General.

(6) (a) The Special Union shall have a working capital fund which shall be constituted by a single payment made by each country of the Special Union. If the fund becomes insufficient, the Assembly shall decide to increase it.

(b) The amount of the initial payment of each country to the said fund or of its participation in the increase thereof shall be a proportion of the contribution of that country for the year in which the fund is established or the decision to increase it is made.

(c) The proportion and the terms of payment shall be fixed by the Assembly on the proposal of the Director General and after it has heard the advice of the Coordination Committee of the Organization.

(7) (a) In the headquarters agreement concluded with the country on the territory of which the Organization has its headquarters, it shall be provided that, whenever the working capital fund is insufficient, such country shall grant advances. The amount of those advances and the conditions on which they are granted shall be the subject of separate agreements, in each case, between such country and the Organization.

(b) The country referred to in subparagraph (a) and the Organization shall each have the right to denounce the obligation to grant advances, by written notification. Denunciation shall take effect three years after the end of the year in which it was notified.

(8) The auditing of the accounts shall be effected by one or more of the countries of the Special Union or by external auditors, as provided in the financial regulations. They shall be designated, with their agreement, by the Assembly.

ARTICLE 10—REVISION OF THE AGREEMENT

(1) This Agreement may be revised from time to time by a special conference of the countries of the Special Union.

(2) The convocation of any revision conference shall be decided by the Assembly.

(3) Articles 7, 8, 9 and 11 may be amended either by a revision conference or according to the provisions of Article 11.

ARTICLE 11—AMENDMENT OF CERTAIN PROVISIONS OF THE AGREEMENTS

(1) Proposals for the amendment of Articles 7, 8, 9 and of the present Article may be initiated by any country of the Special Union or by the Director General. Such proposals shall be communicated by the Director General to the countries of the Special Union at least six months in advance of their consideration by the Assembly.

(2) Amendments to the Articles referred to in paragraph (1) shall be adopted by the Assembly. Adoption shall require three-fourths of the votes cast, provided that any amendment to Article 7 and to the present paragraph shall require four-fifths of the votes cast.

(3) (a) Any amendment to the Articles referred to in paragraph (1) shall enter into force one month after written notifications of acceptance, effected in accordance with their respective constitutional processes, have been received by the Director General from three-fourths of the countries members of the Special Union at the time the amendment was adopted.

(b) Any amendment to the said Articles thus accepted shall bind all the countries which are members of the Special Union at the time the amendment enters into force, provided that any amendment increasing the financial obligations of countries of the Special Union shall bind only those countries which have notified their acceptance of such amendment.

(c) Any amendment accepted in accordance with the provisions of subparagraph (a) shall bind all countries which become members of the Special Union after the date on which the amendment entered into force in accordance with the provisions of subparagraph (a).

ARTICLE 12—BECOMING PARTY TO THE AGREEMENT

(1) Any country party to the Paris Convention for the Protection of Industrial Property may become party to this Agreement by:

(i) signature followed by the deposit of an instrument of ratification, or

(ii) deposit of an instrument of accession.

(2) Instruments of ratification or accession shall be deposited with the Director General.

(3) The provisions of Article 24 of the Stockholm Act of the Paris Convention for the Protection of Industrial Property shall apply to this Agreement.

(4) Paragraph (3) shall in no way be un-

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derstood as implying the recognition or tacit acceptance, by a country of the Special Union, of the factual situation concerning a territory to which this Agreement is made applicable by another country by virtue of the said paragraph.

ARTICLE 13—ENTRY INTO FORCE OF THE AGREEMENT

(1)(*a*) This Agreement shall enter into force one year after instruments of ratification or accession have been deposited by:

(i) two-thirds of the countries party to the European Convention on the date on which this Agreement is opened for signature, and

(ii) three countries party to the Paris Convention for the Protection of Industrial Property, which were not previously party to the European Convention and of which at least one is a country where, according to the most recent annual statistics published by the International Bureau on the date of deposit of its instrument of ratification or accession, more than 40,000 applications for patents or inventors' certificates have been filed.

(*b*) With respect to any country other than those for which this Agreement has entered into force pursuant to subparagraph (*a*), it shall enter into force one year after the date on which the ratification or accession of that country was notified by the Director General, unless a subsequent date has been indicated in the instrument of ratification or accession. In the latter case, this Agreement shall enter into force with respect to that country on the date thus indicated.

(*c*) Countries party to the European Convention which ratify this Agreement or accede to it shall be obliged to denounce the said Convention, at the latest, with effect from the day on which this Agreement enters into force with respect to those countries.

(2) Ratification or accession shall automatically entail acceptance of all the clauses and admission to all the advantages of this Agreement.

ARTICLE 14—DURATION OF THE AGREEMENT

This Agreement shall have the same duration as the Paris Convention for the Protection of Industrial Property.

ARTICLE 15—DENUNCIATION

(1) Any country of the Special Union may denounce this Agreement by notification addressed to the Director General.

(2) Denunciation shall take effect one year after the day on which the Director General has received the notification.

(3) The right of denunication provided by this Article shall not be exercised by any country before the expiration of five years from the date upon which it becomes a member of the Special Union.

ARTICLE 16—SIGNATURE, LANGUAGES, NOTIFICATION, DEPOSITARY FUNCTIONS

(1)(*a*) This Agreement shall be signed in a single original in the English and French languages, both texts being equally authentic.

(*b*) This Agreement shall remain open for signature at Strasbourg until September 30, 1971.

(*c*) The original of this Agreement, when no longer open for signature, shall be deposited with the Director General.

(2) Official texts shall be established by the Director General, after consultation with the interested Governments, in German, Japanese, Portuguese, Russian, Spanish and such other languages as the Assembly may designate.

(3)(*a*) The Director General shall transmit two copies, certified by him, of the signed text of this Agreement to the Governments of the countries that have signed it and, on request, to the Government of any other country. He shall also transmit a copy, certified by him, to the Secretary General of the Council of Europe.

(*b*) The Director General shall transmit two copies, certified by him, of any amendment to this Agreement to the Governments of all countries of the Special Union and, on request, to the Government of any other country. He shall also transmit a copy, certified by him, to the Secretary General of the Council of Europe.

(*c*) The Director General shall, on request, furnish the Government of any country that has signed this Agreement, or that accedes to it, with a copy of the Classification, certified by him, in the English or French language.

(4) The Director General shall register this Agreement with the Secretariat of the United Nations.

(5) The Director General shall notify the Governments of all countries party to the Paris Convention for the Protection of Industrial Property and the Secretariat General of the Council of Europe of:

(i) signatures;

(ii) deposits of instruments of ratification or accession;

(iii) the date of entry into force of this Agreement;

(iv) reservations on the use of the Classification;

(v) acceptances of amendments of this Agreement;

(vi) the dates on which such amendments enter into force;

(vii) denunciations received.

ARTICLE 17—TRANSITIONAL PROVISIONS

(1) During the two years following the entry into force of this Agreement, the countries party to the European Convention which are not yet members of the Special Union may enjoy, if they so wish, the same rights in the Committee of Experts as if they were members of the Special Union.

(2) During the three years following the expiration of the period referred to in paragraph (1), the countries referred to in the said paragraph may be represented by observers in the meetings of the Committee of Experts and, if the said Committee so decides, in any subcommittee or working group established by it. During the same period they may submit proposals for amendments to the Classification, in accordance with Article 5(5), and shall be notified of the decisions and recommendations of the Committee of Experts, in accordance with Article 6(1).

(3) During the five years following the entry into force of this Agreement, the countries party to the European Convention which are not yet members of the Special Union may be represented by observers in the meetings of the Assembly and, if the Assembly so decides, in any committee or working group established by it.

In witness whereof, the undersigned, being duly authorized hereto, have signed this Agreement.

Done at Strasbourg on March 24, 1971.*

For Algeria: Pour L'Algerie:

For Argentina: Pour L'Argentine:

For Australia: Pour L'Australie:

For Austria: Pour L'Autriche: Strasbourg, le 9 septembre 1971, Laube.

For Belgium: Pour La Belgique: J. Lodewijck.

For Brazil: Pour Le Bresil. Strasbourg, le 28 juin 1971, Paulo Cabral de Mello.

For Bulgaria: Pour La Bulgarie:

For Cameroon: Pour Le Cameroun:

For Canada: Pour Le Canada:

For the Central African Republic: Pour La Republique Centrafricaine:

For Ceylon: Pour Ceylan:

For Chad: Pour Le Tchad:

For the Congo (Brazzaville): Pour Le Congo (Brazzaville):

For Cuba: Pour Cuba:

For Cyprus: Pour Chypre:

For Czechoslovakia: Pour La Tchecoslovaquie:

For Dahomey: Pour Le Dahomey:

For Denmark: Pour Le Danemark: E. Tuxen.

For the Dominican Republic: Pour La Republique Dominicaine:

For the Federal Republic of Germany: Pour La Republique Federale D'Allemagne: von Keller, Kurt Haertel.

For Finland: Pour La Finlande: Erkki Tuuli.

For France: Pour La France: Strasbourg, le 20 septembre 1971, M. de Camaret.

For Gabon: Pour Le Gabon:

For Greece: Pour La Grece: Georges Papoulias, ad referendum.

For Haiti: Pour Haiti:

For the Holy See: Pour Le Saint-Siege: Roland Ganghoffer.

For Hungary: Pour La Hongrie:

For Iceland: Pour L'Islande:

For Indonesia: Pour L'Indonesie:

For Iran: Pour L'Iran: Strasbourg, le 22 juin 1971, H. Pakravan.

For Ireland: Pour L'Irlande:

For Israel: Pour Israel:

For Italy: Pour L'Italie: P. Archi.

For the Ivory Coast: Pour La Cote D'Ivoire:

For Japan: Pour Le Japon: Strasbourg, le 13 septembre 1971, Hideo Kitahara.

For Kenya: Pour Le Kenya:

For Lebanon: Pour Le Liban:

For Liechtenstein: Pour Le Liechtenstein: Gerliczy-Burian.

For Luxembourg: Pour Le Luxembourg: J. P. Hoffman.

For Madagascar: Pour Madagascar:

For Malawi: Pour Le Malawi:

For Malta: Pour Malte:

For Mauritania: Pour La Mauritanie:

For Mexico: Pour Le Mexique:

For Monaco: Pour Monaco. Strasbourg, le 27 septembre 1971, R. Jung.

For Morocco: Pour Le Maroc:

For the Kingdom of the Netherlands: Pour Le Royaume Des Pays-Bas: Strasbourg, le 22 septembre 1971, J. G. de Jong.

For New Zealand: Pour La Nouvelle-Zelanda:

For Niger: Pour Le Niger:

For Nigeria: Pour Le Nigeria:

For Norway: Pour La Norvege: Leif Nordstrand.

For the Philippines: Pour Les Philippines:

For Poland: Pour La Pologne:

For Portugal: Pour Le Portugal:

For Romania: Pour La Romanie:

For San Marino: Pour Saint-Marin:

For Senegal: Pour Le Senegal:

For South Africa: Pour L'Afrique Du Sud:

For Spain: Pour L'Espagne: L. Martinez Campos Conde de Santovenia, Antonio P. Mazarambroz.

For Sweden: Pour La Suede: Göran Borggård.

For Switzerland: Pour La Suisse: Walter Stamm.

For Syria: Pour La Syrie:

For Tanzania: Pour La Tanzanie:

For Togo: Pour Le Togo:

For Trinidad and Tobago: Pour La Trinite et Tobago:

For Tunisia: Pour La Tunisie:

For Turkey: Pour La Turquie:

For Uganda: Pour L'Ouganda:

For the Union of Soviet Socialist Republics: Pour L'Union des Republiques Socialistes Sovietiques:

For the United Arab Republic: Pour La Republique Arabe Unie:

For the United Kingdom of Great Britain and Northern Ireland: Pour le Royauame-Uni de Grande-Bretagne et D'Irlande du Nord: E. Armitage.

For the United States of America: Pour les Etats-Unis D'Amerique: Richard A. Wahl, Harvey J. Winter.

For Upper Volta: Pour La Haute-Volta:

For Uruguay: Pour L'Uruguay:

**Note:* All the signatures were affixed on March 24, 1971, unless otherwise indicated.

For the Republic of Viet-Nam: Pour la Republique du Viet-Nam:

For Yugoslavia: Pour la Yougoslavie: N. Jankovic.

For Zambia: Pour la Zambie:

I hereby certify that the foregoing text is a true copy of the Strasbourg Agreement.

G. H. C. BODENHAUSEN.
Director General, World Intelectual Property Organizaion.
DECEMBER 15, 1971.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that supporting data be inserted in the RECORD at this point in explanation of the treaty.

There being no objection, the excerpt from the committee report was ordered to be printed in the RECORD, as follows:

PURPOSE AND PROVISIONS

According to the Administration, the purpose of the Strasbourg Agreement is generally similar to that set forth in the Nice Agreement Concerning International Classification of Goods and Services to Which Trademarks are Applied (Ex. M, 91–2), and the Locarno Agreement Establishing an International Classification for Industrial Designs (Ex. I, 92–2) which were approved by the Senate on December 11, 1971. Under the terms of the Strasbourg Agreement, a common classification is adopted for patents for inventions, inventors' certificates, utility models and utility certificates, to be known as the "International Patent Classification" and provisions are included for its amendment.

The Agreement provides that each contracting party shall have the right to use the classification as a principal or as a subsidiary system and that the classification shall be solely of an administrative character. The Patent Office has been applying the international patent classification to its published patent documents as a secondary or subsidiary system of classification since January 1969.

The Committee is informed that the Agreement will expedite inclusion of large numbers of foreign patents into United States Patent Office search files and will facilitate processing of patent documents among examining patent offices of the various countries on multilateral projects. It will facilitate the research into the existence of exclusive rights and will be of material assistance in the implementation of United States patent protection.

COST OF U.S. PARTICIPATION

The cost of United States participation in the Strasbourg Agreement will amount to approximately $3,200 per year.

COMMITTEE ACTION

The Committee held a public hearing on the Strasbourg Agreement on October 9, 1973, at which time Mr. Harvey J. Winter, Director, Office of Business Practices, Department of State, testified in support of the Agreement. His prepared statement is reprinted below.

During an executive session held on October 11, 1973, the Committee (by voice vote) reported the Agreement favorably to the Senate for advice and consent to ratification.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the treaty be considered as having passed through its various parliamentary stages up to and including the resolution of ratification.

The PRESIDING OFFICER. Without objection, the treaty will be considered as having passed through its various parliamentary stages, up to and including the resolution of ratification, which the clerk will state.

The legislative clerk read as follows:

Resolved (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the ratification of the Strasbourg Agreement Concerning the International Patent Classification, signed March 24, 1971 (Ex. E, 93–1).

STATUTES OF THE WORLD TOURISM ORGANIZATION—EXECUTIVE R (93D CONG., 1ST SESS.)

The Senate, as in Committee of the Whole, proceedcd to consider Executive R (93d Cong., 1st sess.), the Statutes of the World Tourism Organization, done at Mexico City on September 27, 1970, which was read the second time, as follows:

STATUTES OF THE WORLD TOURISM ORGANIZATION (WTO)

ESTABLISHMENT

Article 1

The World Tourism Organization, hereinafter referred to as "the Organization", an international organisation of intergovernmental character resulting from the transformation of the International Union of Official Travel Organisations (IUOTO), is hereby established.

HEADQUARTERS

Article 2

The Headquarters of the Organisation shall be determined and may at any time be changed by decision of the General Assembly.

AIMS

Article 3

1. The fundamental aim of the Organisation shall be the promotion and development of tourism with a view to contributing to economic development, international understanding, peace, prosperity, and universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion. The Organisation shall take all appropriate action to attain this objective.

2. In pursuing this aim, the Organisation shall pay particular attention to the interests of the developing countries in the field of tourism.

3. In order to establish its central role in the field of tourism, the Organisation shall establish and maintain effective collaboration with the appropriate organs of the United Nations and its specialised agencies. In this connection the Organisation shall seek a cooperative relationship with and participation in the activities of the United Nations Development Programs, as a participating and executing agency.

MEMBERSHIP

Article 4

Membership of the Organisation shall be open to:

(*a*) Full Members.
(*b*) Associate Members.
(*c*) Affiliate Members.

Article 5

1. Full membership of the Organisation shall be open to all sovereign States.

2. States whose national tourism organisations are Full Members of IUOTO at the time of adoption of these Statutes by the Extraordinary General Assembly of IUOTO shall have the right to become Full Members of the Organisation, without requirement of vote, on formally declaring that they adopt the Statutes of the Organisation and accept the obligations of membership.

3. Other States may become Full Members of the Organisation if their candidatures are approved by the General Assembly by a majority of two-thirds of the Full Members present and voting provided that said majority is a majority of the Full Members of the Organisation.

Article 6

1. Associate membership of the Organisation shall be open to all territories or groups of territories not responsible for their external relations.

2. Territories or groups of territories whose national tourism organisations are Full Members of IUOTO at the time of adoption of these Statutes by the Extraordinary General Assembly of IUOTO shall have the right to become Associate Members of the Organisations, without requirement of vote, provided that the State which assumes responsibility for their external relations approves their membership and declares on their behalf that such territories or groups of territories adopt the Statutes of the Organisation and accept the obligations of membership.

3. Territories or groups of territories may become Associate Members of the Organisation if their candidature has the prior approval of the Member State which assumes responsibility for their external relations and declares on their behalf that such territories or groups of territories adopt the Statutes of the Organisation and accept the obligations of membership. Such candidatures must be approved by the Assembly by a majority of two-thirds of the Full Members present and voting provided that said majority is a majority of the Full Members of the Organisation.

4. When an Associate Member of the Organisation becomes responsible for the conduct of its external relations, that Associate Member shall be entitled to become a Full Member of the Organisation on formally declaring in writing to the Secretary-General that it adopts the Statutes of the Organisation and accepts the obligations of full membership.

Article 7

1. Affiliate membership of the Organisation shall be open to international bodies, both intergovernmental and nongovernmental, concerned with specalised interests in tourism and to commercial bodies and associations whose activities are related to the aims of the Organisation or fall within its competence.

2. Associate Members of IUOTO at the time of adoption of these Statutes by the Extraordinary General Assembly of IUOTO shall have the right to become Affiliate Members of the Organisation, without requirement of vote, on declaring that they accept the obligations of Affiliate membership.

3. Other international bodies, both intergovernmental and nongovernmental, concerned with specialised interests in tourism, may become Affiliate Members of the Organisation provided the request for membership is presented in writing to the Secretary-General and receives approval by the Assembly by a majority of two-thirds of the Full Members present and voting and provided that said majority is a majority of the Full Members of the Organisation.

4. Commercial bodies or associations with interests defined in paragraph 1 above may become Affiliate Members of the Organisation provided their requests for membership are presented in writing to the Secretary-General and are endorsed by the State in which the headquarters of the candidate is located. Such candidatures must be approved by the General Assembly by a majority of two-thirds of the Full Members present and voting provided that said majority is a majority of the Full Members of the Organisation.

5. There may be a Committee of Affiliate Members which shall establish its own rules and submit them to the General Assembly for approval. The Committee may be represented at meetings of the Organisation. It may request the inclusion of questions in the agenda of those meetings. It may also make recommendations to the meetings.

6. Affiliate Members may participate in the activities of the Organisation individually

or grouped in the Committee of Affiliate Members.

ORGANS

Article 8

1. The organs of the Organisation are:

(*a*) The General Assembly, hereinafter referred to as the Assembly.

(*b*) The Executive Council, hereinafter referred to as the Council.

(*c*) The Secretariat.

2. Meetings of the Assembly and the Council shall be held at the headquarters of the Organisation unless the respective organs decide otherwise.

GENERAL ASSEMBLY

Article 9

1. The Assembly is the supreme organ of the Organisation and shall be composed of delegates representing Full Members.

2. At each session of the Assembly each Full and Associate Member shall be represented by not more than five delegates, one of whom shall be designated by the Member as Chief Delegate.

3. The Committee of Affiliate Members may designate up to three observers and each Affiliate Member may designate one observer, who may participate in the work of the Assembly.

Article 10

The Assembly shall meet in ordinary session every two years and, as well, in extraordinary session when circumstances require, Extraordinary sessions may be convened at the request of the Council or of a majority of Full Members of the Organisation.

Article 11

The Assembly shall adopt its own rules of procedure.

Article 12

The Assembly may consider any question and make recommendations on any matter within the competence of the Organisation. Its functions, other than those which have been conferred on it elsewhere in the present Statutes, shall be:

(*a*) to elect its President and Vice-Presidents;

(*b*) to elect the members of the Council;

(*c*) to appoint the Secretary-General on the recommendation of the Council;

(*d*) to approve the Financial Regulations of the Organization;

(e) to lay down general guidelines for the administration of the Organisation;

(*f*) to approve the staff regulations applicable to the personnel of the Secretariat;

(*g*) to elect the auditors on the recommendation of the Council;

(*h*) to approve the general programme of work of the Organisation;

(*i*) to supervise the financial policies of the Organisation and to review and approve the budget;

(*j*) to establish any technical or regional body which may become necessary;

(*k*) to consider and approve reports on the activities of the Organisation and of its organs and to take all necessary steps to give effect to the measures which arise from them;

(*l*) to approve or to delegate the power to approve the conclusion of agreements with governments and international organisations;

(*m*) to approve or to delegate the power to approve the conclusion of agreements with private organisations or private entities;

(*n*) to prepare and recommend international agreements on any question that falls within the competence of the Organisation;

(o) to decide, in accordance with the present Statutes, on applications for membership.

Article 13

1.The Assembly shall elect its President and Vice-Presidents at the beginning of each session.

2. The President shall preside over the Assembly and shall carry out the duties which are entrusted to him.

3. The President shall be responsible to the Assembly while it is in session.

4. The President shall represent the Organisation for the duration of his term of office on all occasions on which such representation is necessary.

EXECUTIVE COUNCIL

Article 14

1. The Council shall consist of Full Members elected by the Assembly at the ratio of one member for every five Full Members, in accordance with the Rules of Procedure laid down by the Assembly, with a view to achieving fair and equitable geographical distribution.

2. One Associate Member selected by the Associate Members of the Organisation may participate in the work of the Council without the right to vote.

3. A representative of the Committee of Affiliate Members may participate in the work of the Council without the right to vote.

Article 15

The term of elected members shall be four years except that the terms of one-half of the members of the first Council, as determined by lot, shall be two years. Election for one-half of the membership of the Council shall be held every two years.

Article 16

The Council shall meet at least twice a year.

Article 17

The Council shall elect a Chairman and Vice-Chairman from among its elected members to serve for a term of one year.

Article 18

The Council shall adopt its own Rules of Procedure.

Article 19

The functions of the Council, other than those which are elsewhere assigned to it in these Statutes, shall be:

(*a*) To take all necessary measures, in consultation with the Secretary-General, for the implementation of the decisions and recommendations of the Assembly and to report thereon to the Assembly;

(*b*) to receive from the Secretary-General reports on the activities of the Organisation;

(c) To submit proposals to the Assembly;

(*d*) to examine the general programme of work of the Organisation as prepared by the Secretary-General, prior to its submission to the Assembly;

(e) to submit reports and recommendations on the Organisation's accounts and budget estimates to the Assembly;

(f) to set up any subsidiary body which may be required by its own activities;

(g) to carry out any other functions which may be entrusted to it by the Assembly.

Article 20

Between sessions of the Assembly and in the absence of any contrary provisions in these Statutes, the Council shall take such administrative and technical decisions as may be necessary, within the functions and financial resources of the Organisations, and shall report the decisions which have been taken to the Assembly at its following session, for approval.

SECRETARIAT

Article 21

The Secretariat shall consist of the Secretary-General and such staff as the Organisation may require.

Article 22

The Secretary-General shall be appointed by a two-thirds majority of Full Members present and voting in the Assembly, on the recommendation of the Council, and for a term of four years. His appointment shall be renewable.

Article 23

1. The Secretary-General shall be responsible to the Assembly and Council.

2. The Secretary-General shall carry out the direction of the Assembly and Council. He shall submit to the Council reports on the activities of the Organisation, its accounts and the draft general programme of work and budget estimates of the Organisation.

3. The Secretary-General shall ensure the legal representation of the Organisation.

Article 24

The Secretary-General shall appoint the staff of the Secretariat in accordance with staff regulations approved by the Assembly.

2. The staff of the Organisation shall be responsible to the Secretary-General.

3. The paramount consideration in the recruitment of staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, technical competence and integrity. Subject to this consideration, due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

4. In the performance of their duties the Secretary-General and staff shall not seek or receive instructions from any government or any other authority external to the Organisation. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organisation.

BUDGET AND EXPENDITURE

Article 25

1. The budget of the Organisation, covering its administrative functions and the general programme of work, shall be financed by contributions of the Full, Associate and Affiliate Members according to a scale of assessment accepted by the Assembly and from other possible sources of receipts for the Organisation in accordance with the Financing Rules which are attached to these Statutes and form an integral part thereof.

2. The budget prepared by the Secretary-General shall be submitted by the Council to the Assembly for examination and approval.

Article 26

1. The account of the Organisation shall be examined by two auditors elected by the Assembly on the recommendation of the Council for a period of two years. The auditors shall be eligible for re-election.

2. The auditors, in addition to examining the accounts, may make such observations as they deem necessary with respect to the efficiency of the financial procedures and management, the accounting system, the internal financial controls and, in general, the financial consequences of administrative practices.

QUORUM

Article 27

1. The presence of a majority of the Full Members shall be necessary to constitute a quorum at meetings of the Assembly.

2. The presence of a majority of the Full Members of the Council shall be necessary to constitute a quorum at meetings of the Council.

VOTING

Article 28

Each Full Member shall be entitled to one vote.

Article 29

1. Subject to other provisions of the present Statutes decisions on all matters shall be taken in the Assembly by a simple majority of Full Members present and voting.

2. A two-thirds majority vote of the Full Members, present and voting, shall be necessary to take decisions on matters involving budgetary and financial obligations of the Members, the location of the headquarters of the Organisation, and other questions deemed of particular importance by a simple

majority of the Full Members present and voting at the Assembly.

Article 30

Decisions of the Council shall be made by a simple majority of Members present and voting except on budgetary and financial recommendations which shall be approved by a two-thirds majority of Members present and voting.

LEGAL PERSONALITY, PRIVILEGES AND IMMUNITIES

Article 31

The Organisation shall have legal personality.

Article 32

The Organisation shall enjoy in the territories of its Member States the privileges and immunities required for the exercise of its functions. Such privileges and immunities may be defined by agreements concluded by the Organisation.

AMENDMENTS

Article 33

1. Any suggested amendment to the present Statutes and its Annex shall be transmitted to the Secretary-General who shall circulate it to the Full Members at least six months before being submitted to the consideration of the Assembly.

2. An amendment shall be adopted by the Assembly by a two-thirds majority of Full Members present and voting.

3. An amendment shall come into force for all Members when two-thirds of the Member States have notified the Depository Government of their approval of such amendment.

SUSPENSION OF MEMBERSHIP

Article 34

1. If any Member is found by the Assembly to persist in a policy that is contrary to the fundamental aim of the Organisation as mentioned in Article 3 of these Statutes, the Assembly may, by a resolution adopted by a majority of two-thirds of Full Members present and voting, suspend such Member from exercising the rights and enjoying the privileges of membership.

2. The suspension shall remain in force until a change of such policy is recognised by the Assembly.

WITHDRAWAL FROM MEMBERSHIP

Article 35

1. Any Full Member may withdraw from the Organisation on the expiry of one year's notice in writing to the Depository Government.

2. Any Associate Member may withdraw from the Organisation on the same conditions of notice, provided the Depository Government has been notified in writing by the Full Member which is responsible for the external relations of that Associate Member.

3. An Affiliate Member may withdraw from the Organisation on the expiry of one year's notice in writing to the Secretary-General.

ENTRY INTO FORCE

Article 36

The present Statutes shall enter into force one-hundred-and-twenty days after fifty-one States whose official tourism organisations are Full Members of IUOTO at the time of adoption of these Statutes, have formally signified to the provisional Depository their approval of the Statutes and their acceptance of the obligations of membership.

DEPOSITORY

Article 37

1. These Statutes and any declarations accepting the obligations of Membership shall be deposited for the time being with the Government of Switzerland.

2. The Government of Switzerland shall notify all States entitled to receive such notification of the receipt of such declarations and of the date of entry into force of these Statutes.

INTERPRETATION AND LANGUAGES

Article 38

The official languages of the Organisation shall be English, French, Russian and Spanish.

Article 39

The English, French, Russian and Spanish texts of these Statutes shall be regarded as equally authentic.

TRANSITIONAL PROVISIONS

Article 40

The headquarters shall provisionally be in Geneva, Switzerland, pending a decision by the General Assembly under Article 2.

Article 41

During a period of one-hundred-and-eighty days after these Statutes enter into force, States Members of the United Nations, the specialised agencies and the International Atomic Energy Agency or Parties to the Statute of the International Court of Justice shall have the right to become Full Members of the Organisation, without requirement of vote, on formally declaring that they adopt the Statutes of the Organisation and accept the obligations of membership.

Article 42

During the year following the entry into force of the present Statutes, States whose national tourism organisations were members of IUOTO at the time of adoption of these Statutes and which have adopted the present Statutes subject to approval may participate in the activities of the Organization with the rights and obligations of a Full Member.

Article 43

During the year following the entry into force of the present Statutes, territories or groups of territories not responsible for their external relations but whose tourism organisations were Full Members of IUOTO and are therefore entitled to Associate membership and which have adopted the Statutes subject to approval by the State which assumes responsibility for their external relations may participate in the activities of the organisation with the rights and obligations of an Associate Member.

Article 44

When the present Statutes come into force, the rights, and obligations of IUOTO shall be transferred to the Organisation.

Article 45

The Secretary-General of IUOTO at the time of the entry into force of the present Statutes shall act as Secretary-General of the Organisation until such time as the Assembly has elected the Secretary-General of the Organisation.

Done at Mexico City on 27 September 1970.

* * * * *

The text of the present Statutes is an exact copy of the text authenticated by the signatures of the President of the Extraordinary General Assembly, President of the International Union of Official Travel Organisations, and of the Secretary-General of the International Union of Official Travel Organisations.

Certified true and complete copy.

ROBERT C. LONATI,
Secretary-General of the International Union of Official Travel Organisations.

ANNEX

Financing Rules

1. The financial period of the Organisation shall be two years.

2. The financial year shall be from 1 January to 31 December.

3. The budget shall be financed by the contributions of the Members according to a method of apportionment to be determined by the Assembly, based on the level of economic development of and the importance of tourism in each country, and by other receipts of the Organization.

4. The budget shall be formulated in United States dollars. The currency used for the payment of contributions shall be the United States dollar. This shall not preclude acceptance by the Secretary-General, to the extent authorised by the Assembly, of other currencies in payment of Members' contributions.

5. A General Fund shall be established. All membership contributions made pursuant to paragraph 3, miscellaneous income and any advances from the Working Capital Fund shall be credited to the General Fund. Expenditure for administration and the general programme of work shall be paid out of the General Fund.

6. A Working Capital Fund shall be established, the amount of which is to be fixed by the Assembly. Advance contributions of Members and any other budget receipts which the Assembly decides may be so used, shall be paid into the Working Capital Fund. When required, amounts therefrom shall be transferred to the General Fund.

7. Funds-in-trust may be established to finance activities not provided for in the budget of the Organisation which are of interest to some member countries or groups of countries. Such Funds shall be financed by voluntary contributions. A fee may be charged by the Organisation to administer these Funds.

8. The Assembly shall determine the utilisation of gifts, legacies and other extraordinary receipts not included in the budget.

9. The Secretary-General shall submit the budget estimates to the Council at least three months before the appropriate meeting of the Council. The Council shall examine these estimates and shall recommend the budget to the Assembly for final examination and approval. The Council's estimates shall be sent to Members at least three months before the appropriate session of the Assembly.

10. The Assembly shall approve the budget by years for the succeeding two-year financial period and its annual apportionment, as well as its administrative accounts for each year.

11. The accounts of the Organisation for the last financial year shall be transmitted by the Secretary-General to the auditors and to the competent organ of the Council.

The auditors shall report to the Council and to the Assembly.

12. The Members of the Organisation shall pay their contribution in the first month of the financial year for which it is due. Members shall be notified of the amount of their contribution, as determined by the Assembly, six months before the beginning of the financial year to which it relates.

However, the Council may approve justified cases of arrears due to different financial years existing in different countries.

13. A Member which is in arrears in the payment of its financial contributions to the Organisation's expenditure shall be deprived of the privileges enjoyed by the Members in the form of services and the right to vote in Assembly and the Council if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two financial years. At the request of the Council, the Assembly may, however, permit such a Member to vote and to enjoy the services of the Organisation if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

14. A Member withdrawing from the Organisation shall be liable for assessments on a *pro rata* basis up to the time the withdrawal becomes effective.

In calculating the assessments of Associate and Affiliate Members, account shall be taken of the different bases of their membership and the limited rights they enjoy within the Organisation.

Done at Mexico City on 27 September 1970.

* * * * *

XUM

The text of the present Financing Rules attached to the Statutes of the World Tourism Organisation is an exact copy of the text authenticated by the signatures of the President of the Extraordinary General Assembly, President of the International Union of Official Travel Organisations, and of the Secretary-General of the International Union of Official Travel Organisations.

Certified true and complete copy.

ROBERT C. LONATI,
Secretary-General of the International Union of Official Travel Organisations.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that supporting data be inserted in the RECORD at this point in explanation of the statutes.

There being no objection, the excerpt from the committee report was ordered to be printed in the RECORD, as follows:

PURPOSE

This treaty transforms the International Union of Official Travel Organizations (IUOTO, originally founded as the International Congress of Official Propaganda Associations in 1925), a non-governmental organization into the World Tourism Organization (WTO), an inter-governmental tourist organization. Its purpose will be the promotion and development of tourism "with a view to contributing to international development, international understanding, peace, prosperity * * *"

The WTO's organs will be a General Assembly (meeting at least once every two years), an Executive Council (meeting at least twice a year), and a Secretariat.

It is expected that the WTO will become affiliated with the United Nations system at some future date.

BACKGROUND

The development of the IUOTO from a non-governmental to an inter-governmental organization is described as follows in the August 24, 1973, letter of submittal by the Acting Secretary of State Kenneth Rush:

IUOTO was founded in 1925 and organized into its present form in 1947. Its membership consists of national tourist offices rather than the States they represent. IUOTO has been the only international organization that is continuously and exclusively concerned with matters relating to tourism on a worldwide basis. The fundamental aim of this organization has been the promotion and development of tourism to further the economic, social, and cultural progress of all nations. IUOTO has been the only forum where public and private tourism officials have been able to meet to exchange ideas and to discuss problems of mutual interest. One of its tasks has been the stimulation and coordination of tourism deveopment, including the special area of facilitation. It also has conducted a number of technical activities such as monitoring and identifying world tourism trends, studying travel demand and market trends, and assessing environmental impact of travel expansion. Perhaps most important, IUOTO has been the primary source for collection, analysis, and dissemination of international travel statistics on a worldwide basis.

The process of transition of IUOTO to WTO began in 1967 in Tokyo at IUOTO's XXth General Assembly meeting. At that meeting a resolution was adopted recommending that member governments create an intergovernmental tourist organization enpowered to deal on a worldwide scale with all matters concerning tourism, and as an independent body, to establish cooperation with other competent international organizations, especially those of the United Nations system. This resolution was later reaffirmed and expanded on at the Intergovernmental Conference on Tourism held in Sofia in May 1969 and later at the XXIst General Assembly of IUOTO held in Dublin in October of 1969. One month later in New York, the United Nations endorsed the future role of IUOTO through General Assembly Resolution 2529 (XXIV) recommending that IUOTO "amend the statutes of the Union in order to give the organization an intergovermental character."

An Extraordinary General Assembly meeting was held in Mexico City in September of 1970 to draft the statutes of WTO and then to adopt those statutes and to work towards the ratification of a simplified multilateral agreement by the member countries. The statutes change the character of IUOTO from an international organization of official travel offices governed by private law to an international organization of "intergovernmental character," governed by public law, to which countries rather than tourism organizations would be members. WTO will come into existence when 51 States whose national tourist offices were IUOTO members at the time of the General Assembly meeting in Mexico City have officially approved its statutes in accordance with their domestic procedures and deposited instruments of ratification with the Swiss Federal Government, the provisional depositary.

COMMITTEE ACTION

The treaty was transmitted to the Senate on Sepember 12, 1973, and a public hearing was held on October 9. The statement of the principal witness, Dr. Roy D. Morey, Deputy Assistant Secretary of State, is appended to this report. On October 11, the Committee (by voice vote) ordered the treaty reported favorably to the Senate.

COSTS

It is anticipated that the WTO budget will be in the neighborhood of one million dollars. The U.S. share of contributions is presently set at 4.5% of the total and would amount to approximately $45,000. The percentage of the U.S. assessment is expected to decrease when the membership exceeds 100.

Members' assessments are based on their gross national product and the volume of in-coming tourist business. The Committee takes this occasion to recommend strongly gradual abandonment of gross national product as a standard for determining U.S. contributions to international organizations and for other matters as well. The GNP is not a valid criteria of the wealth of a country and its capacity to pay and more realistic criteria should be developed.

COMMITTEE RECOMMENDATION

The Committee was informed that there was no objection to ratification of the Statutes. In fact, it was told that "the tourism industry here in the United States strongly supports ratification of these statutes." The Statutes will enter into force 120 days after 51 countries have signified their approval. To date 42 countries, all developing nations, have ratified.

The Committee noted the "concern which is shared by the U.S. Government agencies affected, that there will be a diffusion of tourism matters to various inter-governmental organizations in the U.N. system if their present centralization remains with a non-governmental organization like IUOTO. This could lead to a proliferation of work on tourism matters, and probably costly duplications."

The Committee believes, therefore that the national interest will be served by approving the Statutes of the World Tourism Organization and recommends that the Senate give its advice and consent to its ratification.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the statutes be considered as having passed through their various parliamentary stages up to and including the resolution of ratification.

The PRESIDING OFFICER. Without objection, the statutes will be considered as having passed through their various parliamentary stages, up to and including the resolution of ratification, which the clerk will state.

The legislative clerk read as follows:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Statutes of the World Tourism Organization, done at Mexico City on September 27, 1970 (Ex. R, 93–1).

CONVENTION CONCERNING THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE—EXECUTIVE F (93D CONG.,) 1ST SESS.)

The Senate, as in Committee of the Whole, proceeded to consider Executive F (93d Cong., 1st sess.), the Convention Concerning the Protection of the World Cultural and Natural Heritage, done at Paris on November 23, 1972, subject to a declaration under article 16(2) that the United States shall not be bound by the provisions of article 16(1) which was read the second time, as follows:

CONVENTION FOR THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE

The General Conference of the United Nations Educational, Scientific and Cultural Organization meeting in Paris from 17 October to 21 November 1972, at its seventeenth session,

Noting that the cultural heritage and the natural heritage are increasingly threatened with destruction not only by the traditional causes of decay, but also by changing social and economic conditions which aggravate the situation with even more formidable phenomena of damage or destruction.

Considering that deterioration or disappearance of any item of the cultural or natural heritage constitutes a harmful impoverishment of the heritage of all the nations of the world,

Considering that protection of this heritage at the national level often remains incomplete because of the scale of the resources which it requires and of the insufficient economic, scientific and technical resources of the country where the property to be protected is situated,

Recalling that the Constitution of the Organization provides that it will maintain, increase and diffuse knowledge, by assuring the conservation and protection of the world's heritage, and recommending to the nations concerned the necessary international conventions.

Considering that the existing international conventions, recommendations and resolutions concerning cultural and natural property demonstrate the importance, for all the peoples of the world, of safeguarding this unique and irreplaceable property, to whatever people it may belong.

Considering that parts of the cultural or natural heritage are of outstanding interest and therefore need to be preserved as part of the world heritage of mankind as a whole.

Considering that, in view of the magnitude and gravity of the new dangers threatening them, it is incumbent on the international community as a whole to participate in the protection of the cultural and natural heritage of outstanding universal value, by the granting of collective assistance which, although not taking the place of action by the State concerned, will serve as an effective complement thereto.

Considering that it is essential for this purpose to adopt new provisions in the form of a convention establishing an effective system of collective protection of the cultural and natural heritage of outstanding universal value, organized on a permanent basis and in accordance with modern scientific methods,

Having decided, at its sixteenth session, that this question should be made the subject of an international convention,

Adopts this sixteenth day of November 1972 this Convention.

I. DEFINITIONS OF THE CULTURAL AND THE NATURAL HERITAGE

Article 1

For the purposes of this Convention, the following shall be considered as "cultural heritage":

monuments: architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings and combinations of features, which are of outstanding universal value from the point of view of history, art or science;

groups of buildings: groups of separate or connected buildings which, because of their architecture, their homogeneity or their place in the landscape, are of outstanding universal value from the point of view of history, art or science;

sites: works of man or the combined works of nature and of man, and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological points of view.

Article 2

For the purposes of this Convention, the following shall be considered as "natural heritage":

Natural features consisting of physical and biological formations or groups of such formations, which are outstanding universal value from the aesthetic or scientific point of view;

Geological and physiographical formations and precisely delineated areas which constitute the habitat of threatened species of animals and plants of outstanding universal value from the point of view of science or conservation;

Natural sites or precisely delineated natural areas of outstanding universal value from the point of view of science, conservation or natural beauty.

Article 3

It is for each State Party to this Convention to identify and delineate the different properties situated on its territory mentioned in Articles 1 and 2 above.

II. NATIONAL PROTECTION AND INTERNATIONAL PROTECTION OF THE CULTURAL AND NATURAL HERITAGE

Article 4

Each State Party to this Convention recognizes that the duty of ensuring the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage referred to in Articles 1 and 2 and situated on its territory, belongs primarily to that State. It will do all it can to this end, to the utmost of its own resources and, where appropriate, with any international assistance and co-operation, in particular, financial, artistic, scientific and technical, which it may be able to obtain.

Article 5

To ensure that effective and active measures are taken for the protection, conservation, and presentation of the cultural and natural heritage situated on its territory, each State Party to this Convention shall endeavour, insofar as possible, and as appropriate for each country:

(*a*) to adopt a general policy which aims to give the cultural and natural heritage a function in the life of the community and to integrate the protection of that heritage into comprehensive planning programmes;

(*b*) to set up within its territories, where such services do not exist, one or more services for the protection, conservation and presentation of the cultural and natural heritage with an appropriate staff and possessing the means to discharge their functions;

(*c*) to develop scientific and technical studies and research and to work out such operating methods as will make the State capable of counteracting the dangers that threaten its cultural or natural heritage;

(*d*) to take the appropriate legal, scientific, technical, administrative and financial measures necessary for the identification, protection, conservation, presentation and rehabilitation of this heritage; and

(*e*) to foster the establishment or development of national or regional centres for training in the protection, conservation and presentation of the cultural and natural heritage and to encourage scientific research in this field.

Article 6

1. Whilst fully respecting the sovereignty of the States on whose territory the cultural and natural heritage mentioned in Articles 1 and 2 is situated, and without prejudice to property rights provided by national legislation, the States Parties to this Convention recognize that such heritage constitutes a world heritage for whose protection it is the duty of the international community as a whole to co-operate.

2. The States Parties undertake, in accordance with the provisions of this Convention, to give their help in the identification, protection, conservation and preservation of the cultural and natural heritage referred to in paragraphs 2 and 4 of Article 11 if the States on whose territory it is situated so request.

3. Each State Party to this Convention undertakes not to take any deliberate measures which might damage directly or indirectly the cultural and natural heritage referred to in Articles 1 and 2 situated on the territory of other States Parties to this Convention.

Article 7

For the purpose of this Convention, international protection of the world cultural and natural heritage shall be understood to mean the establishment of a system of international co-operation and assistance designed to support States Parties to the Convention in their efforts to conserve and identify that heritage.

III. INTERGOVERNMENTAL COMMITTEE FOR THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE

Article 8

1. An Intergovernmental Committee for the Protection of the Cultural and Natural Heritage of Outstanding Universal Value, called "the World Heritage Committee", is hereby established within the United Nations Educational, Scientific and Cultural Organization. It shall be composed of 15 States Parties to the Convention, elected by States Parties to the Convention meeting in general assembly during the ordinary session of the General Conference of the United Nations Educational, Scientific and Cultural Organization. The number of States members of the Committee shall be increased to 21 as from the date of the ordinary session of the General Conference following the entry into force of this Convention for at least 40 States.

2. Election of members of the Committee shall ensure an equitable representation of the different regions and cultures of the world.

3. A representative of the International Centre for the Study of the Preservation and Restoration of Cultural Property (Rome Centre), a representative of the International Council of Monuments and Sites (ICOMOS) and a representative of the International Union for Conservation of Nature and Natural Resources (IUCN), to whom may be added, at the request of States Parties to the Convention meeting in general assembly during the ordinary sessions of the General Conference of the United Nations Educational, Scientific and Cultural Organization, representatives of other intergovernmental or non-governmental organizations, with similar objectives, may attend the meetings of the Committee in an advisory capacity.

Article 9

1. The term of office of States members of the World Heritage Committee shall extend from the end of the ordinary session of the General Conference during which they are elected until the end of its third subsequent ordinary session.

2. The term of office of one-third of the members designated at the time of the first election shall, however, cease at the end of the first ordinary session of the General Conference following that at which they were elected; and the term of office of a further third of the members designated at the same time shall cease at the end of the second ordinary session of the General Conference following that at which they were elected. The names of these members shall be chosen by lot by the President of the General Conference of the United Nations Educational, Scientific and Cultural Organization after the first election.

3. States members of the Committee shall choose as their representatives persons qualified in the field of the cultural or natural heritage.

Article 10

1. The World Heritage Committee shall adopt its Rules of Procedure.

2. The Committee may at any time invite public or private organizations or individuals to participate in its meetings for consultation on particular problems.

3. The Committee may create such consultative bodies as it deems necessary for the performance of its functions.

Article 11

1. Every State Party to this Convention shall, insofar as possible, submit to the World Heritage Committee an inventory of property forming part of the cultural and natural heritage situated in its territory and suitable for inclusion in the list provided for in paragraph 2 of this Article. This inventory, which shall not be considered exhaustive, shall include documentation about the location of the property in question and its significance.

2. On the basis of the inventories submitted by States in accordance with paragraph 1, the Committee shall establish, keep up to date and publish, under the title of "World Heritage List," a list of properties forming part of the cultural heritage and natural heritage, as defined in Articles 1 and 2 of this Convention, which it considers as having outstanding universal value in terms of such criteria as it shall have established. An updated list shall be distributed at least every two years.

3. The inclusion of a property in the World Heritage List requires the consent of the State concerned. The inclusion of a property situated in a territory, sovereignty or jurisdiction over which is claimed by more than one State shall in no way prejudice the rights of the parties to the dispute.

4. The Committee shall establish, keep up to date and publish, whenever circumstances shall so require, under the title of "List of World Heritage in Danger," a list of the property appearing in the World Heritage List for the conservation of which major operations are necessary and for which assistance has been requested under this Convention. This list shall contain an estimate of the cost of such operations. The list may include only such property forming part of the cultural and natural heritage as is threatened by serious and specific dangers, such as the threat

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of disappearance caused by accelerated deterioration, large-scale public or private projects or rapid urban or tourist development projects; destruction caused by changes in the use or ownership of the land; major alterations due to unknown causes; abandonment for any reason whatsoever; the outbreak or the threat of an armed conflict; calamities and cataclysms; serious fires, earthquakes, landslides, volcanic eruptions; changes in water level, floods, and tidal waves. The Committee may at any time, in case of urgent need, make a new entry in the List of World Heritage in Danger and publicize such entry immediately.

5. The Committee shall define the criteria on the basis of which a property belonging to the cultural or natural heritage may be included in either of the lists mentioned in paragraphs 2 and 4 of this article.

6. Before refusing a request for inclusion in one of the two lists mentioned in paragraphs 2 and 4 of this article, the Committee shall consult the State Party in whose territory the cultural or natural property in question is situated.

7. The Committee shall, with the agreement of the States concerned, co-ordinate and encourage the studies and research needed for the drawing up of the lists referred to in paragraphs 2 and 4 of this article.

Article 12

The fact that a property belonging to the cultural or natural heritage has not been included in either of the two lists mentioned in paragraphs 2 and 4 of Article 11 shall in no way be construed to mean that it does not have an outstanding universal value for purposes other than those resulting from inclusion in these lists.

Article 13

1. The World Heritage Committee shall receive and study requests for international assistance formulated by States Parties to this Convention with respect to property forming part of the cultural or natural heritage, situated in their territories, and included or potentially suitable for inclusion in the lists referred to in paragraphs 2 and 4 of Article 11. The purpose of such requests may be to secure the protection, conservation, presentation or rehabilitation of such property.

2. Requests for international assistance under paragraph 1 of this article may also be concerned with identification of cultural or natural property defined in Articles 1 and 2, when preliminary investigations have shown that further inquiries would be justified.

3. The Committee shall decide on the action to be taken with regard to these requests, determine where appropriate, the nature and extent of its assistance, and authorize the conclusion, on its behalf, of the necessary arrangements with the government concerned.

4. The Committee shall determine an order of priorities for its operations. It shall in so doing bear in mind the respective importance for the world cultural and natural heritage of the property requiring protection, the need to give international assistance to the property most representative of a natural environment or of the genius and the history of the peoples of the world, the urgency of the work to be done, the resources available to the States on whose territory the threatened property is situated and in particular the extent to which they are able to safeguard such property by their own means.

5. The Committee shall draw up, keep up to date and publicize a list of property for which international assistance has been granted.

6. The Committee shall decide on the use of the resources of the Fund established under Article 15 of this Convention. It shall seek ways of increasing these resources and shall take all useful steps to this end.

7. The Committee shall co-operate with international and national governmental and non-governmental organizations having objectives similar to those of this Convention. For the implementation of its programmes and projects, the Committee may call on such organizations, particularly the International Centre for the Study of the Preservation and Restoration of Cultural Property (the Rome Centre), the International Council of Monuments and Sites (ICOMOS) and the International Union for Conservation of Nature and Natural Resources (IUCN), as well as on public and private bodies and individuals.

8. Decisions of the Committee shall be taken by a majority of two-thirds of its members present and voting. A majority of the members of the Committee shall constitute a quorum.

Article 14

1. The World Heritage Committee shall be assisted by a Secretariat appointed by the Director-General of the United Nations Educational, Scientific and Cultural Organization.

2. The Director-General of the United Nations Educational, Scientific and Cultural Organization, utilizing to the fullest extent possible the services of the International Centre for the Study of the Preservation and the Restoration of Cultural Property (the Rome Centre), the International Council of Monuments and Sites (ICOMOS) and the International Union for Conservation of Nature and Natural Resources (IUCN) in their respective areas of competence and capability, shall prepare the Committee's documentation and the agenda of its meetings and shall have the responsibility for the implementation of its decisions.

IV. FUND FOR THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE

Article 15

1. A Fund for the Protection of the World Cultural and Natural Heritage of Outstanding Universal Value, called "the World Heritage Fund", is hereby established.

2. The Fund shall constitute a trust fund, in conformity with the provisions of the Financial Regulations of the United Nations Educational, Scientific and Cultural Organization.

3. The resources of the Fund shall consist of:

(*a*) compulsory and voluntary contributions made by the States Parties to this Convention,

(*b*) contributions, gifts or bequests which may be made by:

(*i*) other States;

(*ii*) the United Nations Educational, Scientific and Cultural Organization, other organizations of the United Nations system, particularly the United Nations Development Programme or other intergovernmental organizations;

(*iii*) public or private bodies or individuals;

(*c*) any interest due on the resources of the Fund;

(*d*) funds raised by collections and receipts from events organized for the benefit of the Fund; and

(*e*) all other resources authorized by the Fund's regulations, as drawn up by the World Heritage Committee.

4. Contributions to the Fund and other forms of assistance made available to the Committee may be used only for such purposes as the Committee shall define. The Committee may accept contributions to be used only for a certain programme or project, provided that the Committee shall have decided on the implementation of such programme or project. No political conditions may be attached to contributions made to the Fund.

Article 16

1. Without prejudice to any supplementary voluntary contribution, the States Parties to this Convention undertake to pay regularly, every two years, to the World Heritage Fund, contributions, the amount of which, in the form of a uniform percentage applicable to all States, shall be determined by the General Assembly of States Parties to the Convention, meeting during the sessions of the General Conference of the United Nations Educational, Scientific and Cultural Organization. This decision of the General Assembly requires the majority of the States Parties present and voting, which have not made the declaration referred to in paragraph 2 of this Article. In no case shall the compulsory contribution of States Parties to the Convention exceed 1% of the contribution to the Regular Budget of the United Nations Educational, Scientific and Cultural Organization.

2. However, each State referred to in Article 31 or in Article 32 of this Convention may declare, at the time of the deposit of its instruments of ratification, acceptance or accession, that it shall not be bound by the provisions of paragraph 1 of this Article.

3. A State Party to the Convention which has made the declaration referred to in paragraph 2 of this Article may at any time withdraw the said declaration by notifying the Director-General of the United Nations Educational, Scientific and Cultural Organization. However, the withdrawal of the declaration shall not take effect in regard to the compulsory contribution due by the State until the date of the subsequent General Assembly of States Parties to the Convention.

4. In order that the Committee may be able to plan its operations effectively, the contributions of States Parties to this Convention which have made the declaration referred to in paragraph 2 of this Article, shall be paid on a regular basis at least every two years, and should not be less than the contributions which they should have paid if they had been bound by the provisions of paragraph 1 of this Article.

5. Any State Party to the Convention which is in arrears with the payment of its compulsory or voluntary contribution for the current year and the calendar year immediately preceding it shall not be eligible as a Member of the World Heritage Committee, although this provision shall not apply to the first election.

The terms of office of any such State which is already a member of the Committee shall terminate at the time of the elections provided for in Article 8, paragraph 1 of this Convention.

Article 17

The States Parties to this Convention shall consider or encourage the establishment of national, public and private foundations or associations whose purpose is to invite donations for the protection of the cultural and natural heritage as defined in Articles 1 and 2 of this Convention.

Article 18

The States Parties to this Convention shall give their assistance to international fund-raising campaigns organized for the World Heritage Fund under the auspices of the United Nations Educational, Scientific and Cultural Organization. They shall facilitate collections made by the bodies mentioned in paragraph 3 of Article 15 for this purpose.

V. CONDITIONS AND ARRANGEMENTS FOR INTERNATIONAL ASSISTANCE

Article 19

Any State Party to this Convention may request international assistance for property forming part of the cultural or natural heritage of outstanding universal value situated within its territory. It shall submit with its request such information and documentation provided for in Article 21 as it has in its possession and as will enable the Committee to come to a decision.

Article 20

Subject to the provisions of paragraph 2 of Article 13, sub-paragraph (c) of Article 22 and Article 23, international assistance provided for by this Convention may be granted only to property forming part of the cultural and natural heritage which the World Heritage Committee has decided, or may decide, to enter in one of the lists mentioned in paragraphs 2 and 4 of Article 11.

Article 21

1. The World Heritage Committee shall define the procedure by which requests to it for international assistance shall be considered and shall specify the content of the request, which should define the operation contemplated, the work that is necessary, the expected cost thereof, the degree of urgency and the reasons why the resources of the State requesting assistance do not allow it to meet all the expenses. Such requests must be supported by experts' reports whenever possible.

2. Requests based upon disasters or natural calamities should, by reasons of the urgent work which they may involve, be given immediate, priority consideration by the Committee, which should have a reserve fund at its disposal against such contingencies.

3. Before coming to a decision, the Committee shall carry out such studies and consultations as it deems necessary.

Article 22

Assistance granted by the World Heritage Committee may take the following forms:

(a) studies concerning the artistic, scientific and technical problems raised by the protection, conservation, presentation and rehabilitation of the cultural and natural heritage, as defined in paragraphs 2 and 4 of Article 11 of this Convention;

(b) provision of experts, technicians and skilled labour to ensure that the approved work is correctly carried out;

(c) training of staff and specialists at all levels in the field of identification, protection, conservation, presentation and rehabilitation of the cultural and natural heritage;

(d) supply of equipment which the State concerned does not possess or is not in a position to acquire;

(e) low-interest or interest-free loans which might be repayable on a long-term basis;

(f) the granting, in exceptional cases and for special reasons, of non-repayable subsidies.

Article 23

The World Heritage Committee may also provide international assistance to national or regional centres for the training of staff and specialists at all levels in the field of identification, protection, conservation, presentation and rehabilitation of the cultural and natural heritage.

Article 24

International assistance on a large scale shall be preceded by detailed scientific, economic and technical studies. These studies shall draw upon the most advanced techniques for the protection, conservation, presentation and rehabilitation of the natural and cultural heritage and shall be consistent with the objectives of this Convention. The studies shall also seek means of making rational use of the resources available in the State concerned.

Article 25

As a general rule, only part of the cost of work necessary shall be borne by the international community. The contribution of the State benefiting from international assistance shall constitute a substantial share of the resources devoted to each programme or project, unless its resources do not permit this.

Article 26

The World Heritage Committee and the recipient State shall define in the agreement they conclude the conditions in which a programme or project for which international assistance under the terms of this Convention is provided, shall be carried out. It shall be the responsibility of the State receiving such international assistance to continue to protect, conserve and present the property so safeguarded, in observance of the conditions laid down by the agreement.

VI. EDUCATIONAL PROGRAMMES

Article 27

1. The States Parties to this Convention shall endeavour by all appropriate means, and in particular by educational and information programmes, to strengthen appreciation and respect by their peoples of the cultural and natural heritage defined in Articles 1 and 2 of the Convention.

2. They shall undertake to keep the public broadly informed of the dangers threatening this heritage and of activities carried on in pursuance of this Convention.

Article 28

States Parties to this Convention which receive international assistance under the Convention shall take appropriate measures to make known the importance of the property for which assistance has been received and the role played by such assistance.

VII. REPORTS

Article 29

1. The States Parties, to this Convention shall, in the reports which they submit to the General Conference of the United Nations Educational Scientific and Cultural Organization on dates and in a manner to be determined by it, give information on the legislative and administrative provisions which they have adopted and other action which they have taken for the application of this Convention, together with details of the experience acquired in this field.

2. These reports shall be brought to the attention of the World Heritage Committee.

3. The Committee shall submit a report on its activities at each of the ordinary sessions of the General Conference of the United Nations Educational, Scientific and Cultural Organization.

VIII. FINAL CLAUSES

Article 30

This Convention is drawn up in Arabic English, French, Russian and Spanish, the five tests being equally authoritative.

Article 31

1. This Convention shall be subject to ratification or acceptance by States members of the United Nations Educational, Scientific and cultural Organization in accordance with their respective constitutional procedures.

2. The instruments of ratification or acceptance shall be deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

Article 32

1. This Convention shall be open to accession by all States not menbers of the United Nations Educational, Scientific and Cultural Organization which are invited by the General Conference of the organization to accede to it.

2. Accession shall be effected by the deposit of an instrument of accession with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

Article 33

This Convention shall enter into force three months after the date of the deposit of the twentieth instrument of ratification, acceptance or accession, but only with respect to those States which have deposited their respective instruments of ratification, acceptance or accession on or before that date. It shall enter into force with respect to any other State three months after the deposit of its instrument of ratification, acceptance or accession.

Article 34

The following provisions shall apply to those States Parties to this Convention which have a federal or non-unitary constitutional system:

(*a*) with regard to the provisions of this Convention, the implementation of which comes under the legal jurisdiction of the federal or central legislative power, the obligations of the federal or central government shall be the same as for those States Parties which are not federal States;

(*b*) with regard to the provisions of this Convention, the implementation of which comes under the legal jurisdiction of individual constituent States, countries, provinces or cantons that are not obliged by the constitutional system of the federation to take legislative measures, the federal government shall inform the competent authorities of such States, countries, provinces or cantons of the said provisions, with its recommendation for their adoption.

Article 35

1. Each State Party to this Convention may denounce the Convention.

2. The denunciation shall be notified by an instrument in writing, deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

3. The denunciation shall take effect twelve months after the receipt of the instrument of denunciation. It shall not affect the financial obligations of the denouncing State until the date on which the withdrawal takes effect.

Article 36

The Director-General of the United Nations Educational, Scientific and Cultural Organization shall inform the States members of the Organization, the States not members of the Organization which are referred to in Article 32, as well as the United Nations, of the deposit of all the instruments of ratification, acceptance, or accession provided for in Articles 31 and 32, and of the denunciations provided for in Article 35.

Article 37

1. This Convention may be revised by the General Conference of the United Nations Educational, Scientific and Cultural Organization. Any such revision shall, however, bind only the States which shall become Parties to the revising convention.

2. If the General Conference should adopt a new convention revising this Convention in whole or in part, then, unless the new convention otherwise provides, this Convention shall cease to be open to ratification, acceptance or accession, as from the date on which the new revising convention enters into force.

Article 38

In conformity with Article 102 of the Charter of the United Nations, this Convention shall be registered with the Secretariat of the United Nations at the request of the Director-General of the United Nations Educational, Scientific and Cultural Organization.

Done in Paris, this twenty-third day of November 1972, in two authentic copies bearing the signature of the President of the seventeenth session of the General Conference and of the Director-General of the United Nations Educational, Scientific and Cultural Organization, which shall be deposited in the archives of the United Nations Educational, Scientific and Cultural Organization, and certified true copies of which shall be delivered to all the States referred to in Articles 31 and 32 as well as to the United Nations.

The foregoing is the authentic text of the Convention duly adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization during its seventeenth session, which was held in Paris and declared closed the twenty-first day of November 1972.

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IN FAITH WHEREOF we have appended our signatures this twenty-third day of November 1972.

The President of the General Conference:
TORU HAGUIWARA
The Director-General:
RENE MAHEU

ARTICLE-BY-ARTICLE ANALYSIS

ARTICLE 1

The Article defines "cultural heritage" for the purposes of the Convention to include monuments, works of architecture, monumental sculpture and painting, groups of buildings and other archaeological sites which have "outstanding universal value" from a historical, aesthetic, scientific or ethnological point of view.

ARTICLE 2

This Article defines "natural heritage" for the purposes of the Convention to include geological, physical and biological formations, habitats of threatened species of wildlife, and other natural areas of "outstanding universal value" from a scientific, aesthetic or conservationist viewpoint.

ARTICLE 3

Article 3 emphasizes the primary responsibility of each State Party to the Convention to identify and delineate those areas and sites within its territory which fall within the definitions in Articles 1 and 2.

ARTICLE 4

This Article recognizes that each Party has a duty to identify and protect its own areas falling within the cultural and natural heritage of mankind to ensure its transmission to future generations, and to provide such financial, technical and scientific resources as may be necessary to fulfill this duty to the extent of its own ability or through technical assistance it may be able to obtain.

ARTICLE 5

Article 5 describes with greater particularity the measures which Parties are expected to undertake to protect areas of the cultural and natural heritage within their own territories. Among such measures, to the extent of each State's ability, are: the adoption of a general policy of integrating the protection of the cultural and natural heritage into the life of the community and public planning; the establishment of technical and administrative staffs to preserve these areas; the development of scientific and technical research and expertise to identify and counteract dangers thereto; the adoption of appropriate legal, financial, administrative, and technical measures to identify, restore and protect this heritage; and the establishment of national and regional centers to encourage the training and scientific research necessary for these purposes.

ARTICLE 6

This Article recognizes that the areas described in Articles 1 and 2 constitute a heritage of mankind as a whole which the international community should assist and protect, and that each Party should undertake including by provision of technical assistance, to assist others in this effort and to refrain from deliberate actions which might damage any areas in the cultural and natural heritage situated on others' territory. The Article recognizes the sovereignty of each State over its territory and property rights protected by its legislation.

ARTICLE 7

This Article recognizes that international protection of the world cultural and natural heritage should be effected through an international system of co-operation and assistance, as provided in subsequent articles.

ARTICLE 8

Article 8 establishes an Intergovernmental Committee for the Protection of the Cultural and Natural Heritage of Outstanding Universal Value, called the World Heritage Committee, within the UNESCO framework. The Committee would be composed of representatives of 15 Parties elected by all Parties meeting in general assembly during the ordinary session of each UNESCO General Conference. The size of the Committee would be increased to 21 members after at least 40 States have become Parties. In electing the Committee, equitable representation is to be given to the various regions and cultures of the world.

Representatives of the Rome Centre, ICOMOS, IUCN and other appropriate intergovernmental or non-governmental organizations may be invited to attend Committee meetings in an advisory capacity.

ARTICLE 9

This Article prescribes the term of office of members of the Committee, which extends from the end of the session of the UNESCO General Conference in which they are elected to the end of the third subsequent session (a period of 6 years). However, one-third of the initial membership of the Committee is to be replaced at the end of the first subsequent session and another one-third at the end of the second subsequent session, so that in the future one-third of the Committee would stand election at each session of the General Conference. The Article also requires Parties to select as their representatives persons qualified in the field of natural or cultural heritage.

ARTICLE 10

This Article provides for the adoption by the Committee of its own Rules of Procedure, and permits it to create such consultative bodies or to engage in such public or private consultations as it finds necessary for the performance of its functions.

ARTICLE 11

Article 11 provides for the creation of a World Heritage List of areas within the natural and cultural heritage of mankind, and a List of World Heritage in Danger of areas requiring special immediate international efforts to avert man-made or natural dangers.

The World Heritage List consists of those natural and cultural areas which the Committee deems to be of universal outstanding value. The List is drawn up, kept up to date and published by the Committee on the basis of criteria developed by the Committee and periodic inventories submitted by each Party of natural and cultural areas located in its territory which fall within the definitions in Articles 1 and 2. The inclusion of an area on the List requires the consent of the State in whose territory it is located.

The List of World Heritage in Danger is also maintained and published by the Committee, and consists of those areas on the World Heritage List for which the Committee finds major protective operations are necessary and for which international assistance has been requested. Areas may be placed on the "Danger List" as a result of any of a number of serious and immediate threats, including human developments, natural calamities, abandonment or changes in ownership, or accelerated natural deterioration. Before refusing a request for inclusion of an area on the "Danger List", the Committee is required to consult with the Party on whose territory the area is located.

ARTICLE 12

This Article recognizes that the mere fact that an area does not appear on one of the Lists provided in Article 11 does not necessarily mean that it lacks outstanding universal value for other purposes.

ARTICLE 13

This Article provides for the consideration by the Committee of requests for international assistance for natural and cultural areas, and delegates to the Committee decisions on the use for this purpose of the resources of the Fund established under Article 15. The Committee is directed to determine an order of priorities for its decisions in this regard, bearing in mind the relative importance of the areas requiring protection, the urgency of the work to be done, and the relative ability of States to protect their own areas through their own resources. In the performance of these functions, the Committee is authorized to call upon and cooperate with the Rome Centre, ICOMOS, IUCN and other international and national governmental and non-governmental organizations with similar objectives.

Decisions of the Committee are to be taken by two-thirds of the members present and voting.

ARTICLE 14

This Article provides for the appointment of a Secretariat by the UNESCO Director-General to assist the Committee in its duties and requires the Director-General to utilize the services of the organizations mentioned in Article 13 in preparing for the meetings of the Committee and in implementing its decisions.

ARTICLE 15

Article 15 establishes a Fund for the Protection of the World Cultural and Natural Heritage of Outstanding Universal Value, called the "World Heritage Fund", as a trust fund in conformity with UNESCO Financial Regulations. The resources of the Fund are to include contributions of the Parties, contributions, gifts and bequests of other States, United Nations bodies, and public or private bodies or individuals, and income from Fund resources. Political conditions may not be attached to contributions to the Fund, but contributions designated for a specific program may be accepted if the Committee has approved the program. Fund resources may only be used for purposes designated by the Committee.

ARTICLE 16

Article 16 makes provision for compulsory contributions by Parties to the Fund on a biannual basis in amounts determined by the Parties meeting in general assembly on the basis of "a uniform percentage applicable to all States". In no case are such contributions to exceed 1% of a State's contribution to the Regular Budget of UNESCO. One percent of the contribution of the United States to the Regular Budget of UNESCO for 1973 amounts to $155,045.

However, Article 16(2) provides that any Party may, at the time of deposit of its instrument of ratification, acceptance or accession, declare that it will not be bound by this provision for compulsory contributions. States which make such a declaration agree that they will undertake to make voluntary contributions to the Fund on a regular basis to assist the Committee to plan its operations effectively, and that its voluntary contributions "should not be less than the contributions which they should have paid if they had been bound" by the compulsory contribution requirement.

Any Party which is in arrears with its compulsory or voluntary contributions, as the case may be, would not be eligible for membership on the World Heritage Committee.

ARTICLE 17

This Article requires Parties to consider or encourage the establishment of public and private foundations to invite donations to the fund.

ARTICLE 18

This Article pledges Parties to lend their assistance to international fund-raising campaigns conducted by the Fund.

ARTICLE 19

Article 19 provides that any Party may request international assistance for any areas

in the cultural or natural heritage within its territory. The submission of appropriate information and documentation is required.

ARTICLE 20

This Article provides that international assistance under the Convention may only be granted for the protection of areas entered on one of the lists maintained by the Committee under Article 11, for the identification of potential heritage areas, and for the training of specialists in the disciplines required for the identification and protection of such areas.

ARTICLE 21

This Article directs the Committee to establish procedures for the consideration and content of requests, including information on the operation proposed, the cost expected, the degree of urgency involved and the reasons why the requesting State's resources are not adequate to meet all expenses. Requests based upon natural disasters are to be given priority attention, and the Committee is to establish a reserve fund to meet such possible contingencies.

ARTICLE 22

Article 22 delineates the forms of assistance which the Committee may grant, including the making of technical studies, the provision of experts, technicians and skilled laborers, the training of personnel, the supplying of equipment not available to the requesting State, the provision of low-interest or interest-free loans, or "in exceptional cases and for special reasons" the granting of non-repayable subsidies.

ARTICLE 23

This Article makes specific provision for international assistance to national or regional centers for the training of personnel in the various skills required for identification and protection of the natural and cultural heritage.

ARTICLE 24

Article 24 requires that international assistance "on a large scale" be preceded by detailed scientific, economic and technical studies, including a consideration of the means for making use of resources available to the requesting State.

ARTICLE 25

This Article makes clear that, as a general rule, only part of the cost of any project should be borne by the international community, and that the requesting State should contribute a substantial portion of the resources necessary to the extent it is able to do so.

ARTICLE 26

This Article requires that the Committee and the recipient State enter into an agreement for each project for which international assistance is to be granted defining the conditions under which the project is to be carried out. The recipient State is required to protect and maintain the property involved in accordance with the terms of that agreement.

ARTICLES 27–28

These Articles encourage Parties to undertake educational end information programs to promote public appreciation for and knowledge of their heritage sites, possible dangers to them, and the role played by the international community in granting assistance under the Convention.

ARTICLE 29

This Article provides for reports by Parties to the Committee and to the UNESCO General Conference, and by the Committee to the General Conference, on actions taken to apply and implement the Convention.

ARTICLES 30–38

These Articles constitute the Final Clauses for the Convention, and make standard provisions for ratification and accession, entry into force, denunciation, revision and other administrative details. The Convention will enter into force three months after the date of ratification or accession by twenty States. It may be denounced at any time, effective twelve months thereafter.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that supporting data be inserted in the RECORD at this point in explanation of the convention.

There being no objection, the excerpt from the committee report was ordered to be printed in the RECORD, as follows:

PURPOSE

The primary purpose of this Convention is to create international machinery for the identification and protection of natural and cultural areas of outstanding universal value which constitute the common heritage of mankind. For this purpose, the Convention establishes a World Heritage Committee to develop and maintain lists of areas of outstanding importance and a World Heritage Fund to provide international assistance for the protection and conservation of these areas.

BACKGROUND

This Convention was negotiated under the auspices of the United Nations Educational, Scientific and Cultural Organization (UNESCO). It is the direct result of a resolution adopted by the Sixteenth session of the UNESCO General Conference meeting of 1970. This resolution entrusted the Director General of UNESCO with the task of drafting a convention for the protection of monuments and cultural sites of universal value. Pursuant to this decision, the UNESCO Secretariat produced and circulated a draft convention on July 20, 1971.

In commenting on the UNESCO draft convention, the United States Government stated its support for a single World Heritage Convention which would include both cultural and natural areas. In February, 1972, the United States submitted to UNESCO a draft convention, drawing on both the UNESCO draft and a proposal prepared by the Intergovernmental Working Group of the U.N. Conference on the Human Environment.

In April 1972, UNESCO submitted a revised draft. This draft was referred to the UNESCO General Conference, October 17–November 21, 1972. In the interim, it was overwhelmingly endorsed by the U.N. Conference on the Human Environment, held in Stockholm in June, 1972. On November 16, 1972, the UNESCO General Conference adopted the present Convention.

The Convention was submitted to the Senate on March 28, 1973.

MAJOR PROVISIONS

The Convention consists of a short preamble and 38 articles. The following is an article-by-article analysis supplied by the Department of State in its letter of submittal.

ARTICLE 1

The Article defines "cultural heritage" for the purposes of the Convention to include monuments, works of architecture, monumental sculpture and painting, groups of which have "outstanding universal value" from a historical, aesthetic, scientific or ethnological point of view.

ARTICLE 2

This Article defines "natural heritage" for the purposes of the Convention to include geological, physical and biological formations, habitats of threatened species of wildlife, and other natural areas of "outstanding universal value" from a scientific, aesthetic or conservationist viewpoint.

ARTICLE 3

Article 3 emphasizes the primary responsibility of each State Party to the Convention to identify and delineate those areas and sites within its territory which fall within the definitions in Articles 1 and 2.

ARTICLE 4

The Article recognizes that each Party has a duty to identify and protect its own areas falling within the cultural and natural heritage of mankind to ensure its transmission to future generations, and to provide such financial, technical and scientific resources as may be necesstary to fulfill this duty to the extent of its own ability or through technical assistance it may be able to obtain.

ARTICLE 5

Article 5 describes with greater particularity the measures which Parties are expected to undertake to protect areas of the cultural and natural heritage within their own territories. Among such measures, to the extent of each State's ability, are: the adoption of a general policy of integrating the protection of the cultural and natural heritage into the life of the community and public planning; the establishment of technical and administrative staffs to preserve these areas; the development of scientific and technical research and expertise to identify and counteract dangers thereto; the adoption of appropriate legal, financial, administrative, and technical measures to identify, restore and protect this heritage; and the establishment of national and regional centers to encourage the training and scientific research necessary for these purposes.

ARTICLE 6

This Article recognizes that the areas described in Articles 1 and 2 constitute a heritage of mankind as a whole which the international community should assist and protect, and that each Party should undertake, including by provision of technical assistance, to assist others in this effort and to refrain from deliberate actions which might damage any areas in the cultural and natural heritage situated on others territory. The Article recognizes the sovereignty of each State over its territory and property rights protected by its legislation.

ARTICLE 7

This Article recognizes that international protection of the world cultural and natural heritage should be effected through an international system of co-operation and assistance, as provided in subsequent articles.

ARTICLE 8

Article 8 establishes an Intergovernmental Committee for the Protection of the Cultural and Natural Heritage of Outstanding Universal Value, called the World Heritage Committee, within the UNESCO framework. The Committee would be composed of representatives of 15 Parties elected by all Parties meeting in general assembly during the ordinary session of each UNESCO General Conference. The size of the Committee would be increased to 21 members after at least 40 States have become Parties. In electing the Committee, equitable representation is to be given to the various regions and cultures of the world.

Representatives of the Rome Centre, ICOMOS, IUCN and other appropriate intergovernmental or non-governmental organizations may be invited to attend Committee meetings in an advisory capacity.

ARTICLE 9

This Article prescribes the term of office of members of the Committee, which extends from the end of the session of the UNESCO General Conference in which they are elected to the end of the third subsequent session (a period of 6 years). However, one-third of the initial membership of the Committee is to be replaced at the end of the first subsequent session and another one-third at the end of the second subsequent session, so that in the future one-third of the Committee would stand election at each session of the General

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Conference. The Article also requires Parties to select as their representatives persons qualified in the field of natural or cultural heritage.

ARTICLE 10

This Article provides for the adoption by the Committee of its own Rules of Procedure, and permits it to create such consultative bodies or to engage in such public or private consultations as it finds necessary for the performance of its functions.

ARTICLE 11

Article 11 provides for the creation of a World Heritage List of areas within the natural and cultural heritage of mankind, and a List of World Heritage in Danger of areas requiring special immediate international efforts to avert man-made or natural dangers.

The World Heritage List consists of those natural and cultural areas which the Committee deems to be of universal outstanding value. The List is drawn up, kept up to date and published by the Committee on the basis of criteria developed by the Committee and periodic inventories submitted by each Party of natural and cultural areas located in its territory which fall within the definitions in Articles 1 and 2. The inclusion of an area on the List requires the consent of the State in whose territory it is located.

The List of World Heritage in Danger is also maintained and published by the Committee, and consists of those areas on the World Heritage List for which the Committee finds major protective operations are necessary and for which international assistance has been requested. Areas may be placed on the "Danger List" as a result of any of a number of serious and immediate threats, including human developments, natural calamities, abandonment or changes in ownership, or accelerated natural deterioration. Before refusing a request for inclusion of an area on the "Danger List", the Committee is required to consult with the Party on whose territory the area is located.

ARTICLE 12

This Article recognizes that the mere fact that an area does not appear on one of the Lists provided in Article 11 does not necessarily mean that it lacks outstanding universal value for other purposes.

ARTICLE 13

This Article provides for the consideration by the Committee of requests for international assistance for natural and cultural areas, and delegates to the Committee decisions on the use for this purpose of the resources of the Fund established under Article 15. The Committee is directed to determine an order of priorities for its decisions in this regard, bearing in mind the relative importance of the areas requiring protection, the urgency of the work to be done, and the relative ability of States to protect their own areas through their own resources. In the performance of these functions, the Committee is authorized to call upon and cooperate with the Rome Centre, ICOMOS, IUCN and other international and national governmental and non-governmental organizations with similar objectives.

Decisions of the Committee are to be taken by two-thirds of the members present and voting.

ARTICLE 14

This Article provides for the appointment of a Secretariat by the UNESCO Director-General to assist the Committee in its duties, and requires the Director-General to utilize the services of the organizations mentioned in Article 13 in preparing for the meetings of the Committee and in implementing its decisions.

ARTICLE 15

Article 15 establishes a Fund for the Protection of the World Cultural and Natural Heritage of Outstanding Universal Value, called the "World Heritage Fund", as a trust fund in conformity with UNESCO Financial Regulations. The resources of the Fund are to include contributions of the Parties, contributions, gifts and bequests of other States, United Nations bodies, and public or private bodies or individuals, and income from Fund resources. Political conditions may not be attached to contributions to the Fund, but contributions designated for a specific program may be accepted if the Committee has approved the program. Fund resources may only be used for purposes designated by the Committee.

ARTICLE 16

Article 16 makes provision for compulsory contributions by Parties to the Fund on a biannual basis in amounts determined by the Parties meeting in general assembly on the basis of "a uniform percentage applicable to all States". In no case are such contributions to exceed 1% of a State's contribution to the Regular Budget of UNESCO. One percent of the contribution of the United States to the Regular Budget of UNESCO for 1973 amounts to $155,045.

However, Article 16(2) provides that any Party may, at the time of deposit of its instrument of ratification, acceptance or accession, declare that it will not be bound by this provision for compulsory contributions. States which make such a declaration agree that they will undertake to make voluntary contributions to the Fund on a regular basis to assist the Committee to plan its operations effectively, and that its voluntary contributions "should not be less than the contributions which they should have paid if they had been bound" by the compulsory contribution requirement.

Any Party which is in arrears with its compulsory or voluntary contributions, as the case may be, would not be eligible for membership on the World Heritage Committee.

ARTICLE 17

This Article requires Parties to consider or encourage the establishment of public and private foundations to invite donations to the fund.

ARTICLE 18

This Article pledges Parties to lend their assistance to international fund-raising campaigns conducted by the Fund.

ARTICLE 19

Article 19 provides that any Party may request international assistance for any areas in the cultural or natural heritage within its territory. The submission of appropriate information and documentation is required.

ARTICLE 20

This Article provides that international assistance under the Convention may only be granted for the protection of areas entered on one of the lists maintained by the Committee under Article 11, for the identification of potential heritage areas, and for the training of specialists in the disciplines required for the identification and protection of such areas.

ARTICLE 21

This Article directs the Committee to establish procedures for the consideration and content of requests, including information on the operation proposed, the cost expected, the degree of urgency involved and the reasons why the requesting State's resources are not adequate to meet all expenses. Requests based upon natural disasters are to be given priority attention, and the Committee is to establish a reserve fund to meet such possible contingencies.

ARTICLE 22

Article 22 delineates the forms of assistance which the Committee may grant, including the making of technical studies, the provision of experts, technicians and skilled laborers, the training of personnel, the supplying of equipment not available to the requesting State, the provision of low-interest or interest-free loans, or "in exceptional cases and for special reasons" the granting of non-repayable subsidies.

ARTICLE 23

This Article makes specific provision for international assistance to national or regional centers for the training of personnel in the various skills required for identification and protection of the natural and cultural heritage.

ARTICLE 24

Article 24 requires that international assistance "on a large scale" be preceded by detailed scientific, economic and technical studies, including a consideration of the means for making use of resources available to the requesting State.

ARTICLE 25

This Article makes clear that, as a general rule, only part of the cost of any project should be borne by the international community, and that the requesting State should contribute a substantial portion of the resources necessary to the extent it is able to do so.

ARTICLE 26

This Article requires that the Committee and the recipient State enter into an agreement for each project for which international assistance is to be granted defining the conditions under which the project is to be carried out. The recipient State is required to protect and maintain the property involved in accordance with the terms of that agreement.

ARTICLES 27–28

These Articles encourage Parties to undertake educational and information programs to promote public appreciation for and knowledge of their heritage sites, possible dangers to them, and the role played by the international community in granting assistance under the Convention.

ARTICLE 29

This Article provides for reports by Parties to the Committee and to the UNESCO General Conference, and by the Committee to the General Conference, on actions taken to apply and implement the Convention.

ARTICLES 30–38

These Articles constitute the Final Clauses for the Convention, and makes standard provisions for ratification and accession, entry into force, denunciation, revision and other administrative details. The Convention will enter into force three months after the date of ratification or accession by twenty States. It may be denounced at any time, effective twelve months thereafter.

ENTRY INTO FORCE

This Convention shall enter into force three months after the date of the deposit of the twentieth instrument of ratification, acceptance or accession, but only with respect to those States which have deposited their respective instruments of ratification, acceptance or accession on or before that date. It shall enter into force with respect to any other State three months after the deposit of its instrument of ratification, acceptance or accession. No country has deposited an instrument of ratification to date.

DECLARATION

The Secretary of State recommends that the Senate give advice and consent to ratification of this Convention subject to a declaration under Article 16(2) that the United States shall not be bound by the provisions of Article 16(1), which require compulsory contributions to the World Heritage Fund in amounts determined by the Parties meeting in general assembly.

The State Department believes that compulsory contributions, as limited by Article 16, are unlikely to provide anything more

than a small portion of the funds necessary to carry out this work, and it is better to rely on voluntary contributions from States and private bodies and individuals for this purpose.

COMMITTEE ACTION

On July 26, 1973, the Committee on Foreign Relations conducted a public hearing on the Convention. At that time, Mr. John A. Busterud, a Member of the Council on Environmental Quality, presented the Administration's position in favor of the Convention.

On July 31, 1973, and October 11, 1973, the Committee considered the Convention in executive session. On the latter date, it was ordered reported favorably (by voice vote), subject to the declaration mentioned above.

In recommending that the Senate give its advice and consent to ratification, it is the understanding of the Committee that the State Department will eventually attempt to finance the U.S. share of the "World Heritage Funds" through private contributions rather than appropriated funds. The Committee encourages the Department to take the appropriate steps necessary to achieve this goal.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the convention be considered as having passed through its various parliamentary stages up to and including the resolution of ratification.

The PRESIDING OFFICER. Without objection, the convention will be considered as having passed through its various parliamentary stages, up to and including the resolution of ratification, which the clerk will state.

The legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention Concerning the Protection of the World Cultural and Natural Heritage, done at Paris on November 23, 1972, subject to a declaration under Article 16(2) that the United States shall not be bound by the provisions of Article 16(1) (Ex. F, 93–1).

The PRESIDING OFFICER (Mr. HASKELL). Without objection, the declarations to the resolutions of ratification on Executive S92–2 and F93–1 are agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the vote on the four treaties occur on Tuesday next at the hour of 2:30 p.m., and that there be one rollcall vote and that that one rollcall vote appear in the RECORD as four rollcall votes on the four treaties, thus saving 45 minutes of the time of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONFIRMATION OF NOMINATIONS

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate proceed to the consideration of certain nominations now at the desk, which were reported earlier today, one from the Committee on Labor and Public Welfare, and three from the Committee on the Judiciary.

The PRESIDING OFFICER. Without objection, it is so ordered.

ACTION AGENCY

The legislative clerk read the nomination of Harry J. Hogan, of Maryland, to be an Assistant Director of the ACTION agency.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES

The legislative clerk read the nomination of J. Raymond Bell, of New York, to be a member of the Foreign Claims Settlement Commission of the United States.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

The legislative clerk read the nomination of Charles R. Work, of the District of Columbia, to be Deputy Administrator for Administration of the Law Enforcement Assistance Administration.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

U.S. MARSHAL FOR SOUTHERN DISTRICT OF MISSISSIPPI

The legislative clerk read the nomination of Thomas Arny Rhoden, of Mississippi, to U.S. marshal for the southern district of Mississippi.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the President be notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

FORMER SENATOR FRANK CARLSON OF KANSAS

Mr. DOLE. Mr. President, I was saddened to learn this morning that my predecessor in the Senate, Frank Carlson, and his wife, were involved in an automobile accident last night in Concordia, Kans. I am happy to report to my colleagues, however, that neither Senator Carlson nor Mrs. Carlson were seriously injured, though the Senator did suffer a fractured leg and Mrs. Carlson a fractured wrist. Reports from the hospital indicate that both are responding well to treatment in St. Joseph's Hospital in Concordia.

I am certain many of my colleagues who served with Senator Carlson in the Senate would like to join in wishing both he and Mrs. Carlson a speedy recovery from this unfortunate accident.

For the information of well-wishers, the address is: Senator Frank Carlson, St. Joseph's Hospital, 115th and 3rd Streets, Concordia, Kans. 66901.

QUORUM CALL

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CASE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TOWARD A NEW BEGINNING

Mr. CASE. Mr. President, on the op ed page of the New York Times today appears an excellent article written by the distinguished senior Senator from Maryland (Mr. MATHIAS). I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TOWARD A NEW BEGINNING

(By CHARLES MCC. MATHIAS, JR.)

WASHINGTON.—If Lord Macaulay had been in Washington during the last week he would never have written that "Your Constitution is all sail and no anchor." The Constitution not only demonstrated its holding power, but also its capacity to inspire men and women in high places and humble places to rush forward and tend the anchor chains.

But even the best anchor has to be set by a crew that knows how, when and where to act. The American people are usually able to rely on the fact that such men are generated by the pressure of great events. In this crisis Americans have again been well served by four such men, John J. Sirica, Elliot Richardson, Archibald Cox and William Ruckelshaus. The impact of their actions on events was controlling because they had two simple goals in view—to do what was right and what was constitutional. They were strong because of the Constitution and the Constitution was strong because of them.

The same simple goals should guide us through the rest of the tangle the nation is in. What is right and what is wrong is not a question for calculation or manipulation. To seek to do what is right is not a novel experience for Americans. It is an old custom that could be revived for the bicentennial.

To obey the explicit injunctions of the Constitution is an equally honored practice that should be observed as a canon of American citizenship without exception.

These principles would be too obvious and too simplistic if it were not for the fact that we have seen what happens when four men follow them in contrast to what happens when others do not. Consider, for instance, the damage to the nation when the Fourth Amendment is ignored by clandestine police, when a secret war is conducted without the sanction of Congress and when the coordinate branches of Government lose the respect for each other which is the matrix of the Constitution.

There is a difference in America today because John Sirica and Archibald Cox respected the Constitution and because Elliot Richardson and William Ruckelshaus knew that it was right to keep their word. That difference may be the beginning of a new era

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of loyalty to the Constitution, the laws and the best traditions of our history.

What is the way to start this new era? I think we need to finish the house-cleaning that Elliot Richardson and Archibald Cox have begun. But to complete the job we need a special officer with no entangling loyalties or interests. It is not right for any institution to investigate or prosecute itself and it is not constitutional to concentrate excessive power in a single office of government without the balancing and countering action of another independent force.

The Congress must, therefore, find a way to re-establish the office of special prosecutor on a firmer and more independent basis than before. The public must know that those who place the Constitution above personal interest will be vindicated. That is the first step toward restoring a government under law.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. I assume that this will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS AND FOR TRANSACTION OF ROUTINE BUSINESS ON TUESDAY, OCTOBER 30.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Tuesday next, after the two leaders or their designees have been recognized under the standing order, the junior Senator from West Virginia (Mr. ROBERT C. BYRD) be recognized for not to exceed 15 minutes; that he be followed by the assistant Republican leader, the distinguished Senator from Michigan (Mr. GRIFFIN), for not to exceed 15 minutes; and that thereafter there be a period for the transaction of routine morning business for not to exceed 1 hour, with statements therein limited to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for Tuesday next is as follows:

The Senate will convene at the hour of 12 o'clock meridian. After the two leaders or their designees have been recognized under the standing order, the junior Senator from West Virginia (Mr. ROBERT C. BYRD) will be recognized for not to exceed 15 minutes. The distinguished Senator from Michigan (Mr. GRIFFIN), the assistant Republican leader, will then be recognized for not to exceed 15 minutes.

There will then be a period for the transaction of routine morning business for not to exceed 1 hour, with statements therein limited to 5 minutes each.

At the hour of 2:30 p.m. the Senate will go into executive session to consider the following treaties beginning with Calendar Order No. 18 and going through Calendar Order No. 21: Executive S, 92d Congress, 2d session, Patent Cooperation Treaty and Annexed Regulations; Executive E, 93d Congress, 1st session, Strasbourg Agreement concerning the International Patent Classification; Executive R, 93d Congress, 1st session, Statutes of the World Tourism Organization; and Executive F, 93d Congress, 1st session, Convention Concerning the Protection of the World Cultural and Natural Heritage.

Those four votes will occur concurrently with one rollcall vote. The yeas and nays have not yet been ordered, but they will be ordered on that vote on Tuesday. One rollcall vote will count as four rollcall votes, thus saving 45 minutes of the Senator's time.

Upon the disposition of the four treaties by way of one rollcall vote the Senate will return to legislative session. The hour then will be 2:45 p.m. At that time debate will ensue with respect to the vote to override the Presidential veto on S. 1317. There is a time limitation for debate of 1 hour and 45 minutes, to be equally divided between Mr. FULBRIGHT and the distinguished Republican leader or his designee.

At the conclusion of the 1 hour and 45 minutes, or to be precise, at the hour of 4:30 p.m., the Senate will proceed to vote on the override of the Presidential veto. By the Constitution that will be a yea-and-nay vote.

So there will be at least five rollcall votes in the offing for Tuesday next.

Other business that has been cleared for action may be taken up. Messages from the House may be taken up at any time, they being privileged matters; conference reports agreed to in conference may be called up, they being privileged matters. Other rollcall votes could occur, therefore, on Tuesday.

By way of further comment on the program for next week, I would assume that subsequent to Tuesday the Senate would be continuing to await action on appropriation bills by the other body and conference reports, and so forth.

ORDER FOR ADJOURNMENT FROM TUESDAY, OCTOBER 30, 1973, TO THURSDAY, NOVEMBER 1, 1973

Mr. ROBERT C. BYRD. Mr. President, therefore, I ask unanimous consent that when the Senate completes its business on Tuesday, it stand in adjournment until 12 o'clock meridian on Thursday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. The distinguished majority leader may wish to vacate this order depending on what the outlook is by the time Tuesday is reached, but I think this would adequately allow for the transaction of any necessary business on the floor of the Senate on Thursday and perhaps Friday, if necessary. Conferences could meet and conference reports could be acted upon.

AUTHORIZATION FOR CERTAIN ACTION TO BE TAKEN DURING THE ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the adjournment of the Senate over until 12 o'clock meridian on Tuesday next, the distinguished President pro tempore and the Acting President pro tempore be authorized to sign duly enrolled bills and joint resolutions, if there be any.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the adjournment of the Senate over until 12 o'clock meridian on Tuesday next the Secretary of the Senate be authorized to receive messages from the House of Representatives and the President of the United States, if there be any.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT TO TUESDAY, OCTOBER 30, 1973

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock meridian on Tuesday next.

The motion was agreed to; and at 1:25 p.m., the Senate adjourned until Tuesday, October 30, 1973, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate October 26, 1973:

Department of Justice

Rex K. Bumgardner, of West Virginia, to be U.S. marshal for the northern district of West Virginia for the term of 4 years, (reappointment).

Gaylord L. Campbell, of California, to be U.S. marshal for the central district of California for the term of 4 years, (reappointment).

Leon T. Campbell, of Tennessee, to be U.S. marshal for the middle district of Tennessee for the term of 4 years, (reappointment).

James T. Lunsford, of Alabama, to be U.S. marshal for the middle district of Alabama for the term of 4 years (reappointment).

Leon B. Sutton, Jr., of Tennessee, to be U.S. marshal for the Eastern District of Tennessee for the term of 4 years, (reappointment).

George R. Tallent, of Tennessee, to be U.S. marshal for the Western District of Tennessee for the term of 4 years, (reappointment).

James W. Traeger of Indiana to be U.S. marshal for the Northern District of Indiana for the term of 4 years, (reappointment).

Jams E. Williams, of South Carolina, to be U.S. marshal for the District of South Carolina for the term of 4 years, (reappointment).

In the Marine Corps

Maj. Jack R. Lousma, U.S. Marine Corps, for permanent promotion to the grade of lieutenant colonel in the U.S. Marine Corps, in accordance with article II, section 2, clause 2, of the Constitution.

In the Air Force

The following-named officers for promotion in the Regular Air Force, under the appropriate provisions of chapter 835, title 10, United States Code, as amended. All officers

are subject to physical examination required by law.

LINE OF THE AIR FORCE

Captain to major

Abby, Darwin G., 323-28-2489.
Abel, Franklin G., 546-52-8224.
Abraham, Gary W., 472-44-6503.
Ackerman, Ronald R., 570-40-9436.
Acosta, Jorge A., Jr., 261-56-3305.
Adame, Frederick P., Jr., 060-32-3121.
Adams, George T., 376-38-7378.
Adams, James L., 527-40-3622.
Adams, Robert R., 285-32-3068.
Adamson, Derry A., 564-50-0721.
Adcock, Eddie M., 407-46-9231.
Adee, Donald P., 513-32-9795.
Adelman, Philip J., 521-42-1436.
Aglio, Carl J., 179-30-0182.
Ahl, Gilbert W., 115-32-9689.
Albershart, Thomas B., 278-36-3015.
Albrecht, Peter H., 398-34-5354.
Albright, Edward L., 483-40-4032.
Alexander, James W., 287-32-8388.
Alexander, Norman C., 490-40-3016.
Alford, James M., 436-44-7890.
Alie, Jean R., 026-24-8992.
Allee, Paul R., 524-26-7516.
Allen, Archie G., 509-30-8436.
Allen, Ernest G., Jr., 496-34-5091.
Allen, James C., 240-54-0897.
Allen, Lacy A., 257-52-9593.
Allen, Lawrence W., 522-36-9972.
Allen, Michael C., 509-36-4345.
Allen, Robert L., 236-56-1920.
Allison, Gary G., 468-58-2171.
Allmann, Lee R., 472-38-8613.
Allsman, Gerald F., 447-32-1720.
Alnwick, Kenneth J., 064-30-0237.
Alspaugh, James D., 279-30-2940.
Anderson, Allen S., 523-46-3114.
Anderson, Calvin C., 246-62-3208.
Anderson, George W., Jr., 075-30-9407.
Anderson, Gerald H., 395-34-6163.
Anderson, Harold W., 568-42-9181.
Anderson, Jackie L., 331-28-4840.
Anderson, Paul J., Jr., 311-36-1257.
Andrews, Leonard E., 155-28-5802.
Angle, Theodore E., 537-32-9384.
Angliss, William W., 047-30-9460.
Ankley, Donald C., 396-36-4703.
Anselmo, Robert J., 489-38-7510.
Aparicio, Arthur J., Jr., 559-48-7850.
Apel, Larry A., 506-48-9571.
Archer, James A., 179-30-0191.
Arelland, Gustavo D., 525-84-2830.
Arnold, John K., III, 423-48-4901.
Arter, Gerald R., 298-30-6198.
Arthur, Paul M., 265-44-9388.
Ashbaugh, Maurice D., Jr., 513-40-3629.
Ashworth, Pratt D., 526-50-1886.
Asterita, Anthony J., 107-30-0752.
Athas, Charles P., 569-48-5568.
Atkins, Benny J., 250-56-6638.
Ator, Robert A., 579-52-5892.
Augustine, Leonard J., 163-30-1237.
Austin, James L., 333-30-6420.
Austin, Jimmie T., 525-70-3850.
Austin, Roger J., 563-46-2238.
Austin, William R., II, 248-58-5972.
Auten, Jimmie D., 451-62-4245.
Autsch, Fritz A., 339-32-7242.
Avery, Richard D., 556-44-6756.
Avis, Bertram, 150-24-9943.
Ayres, James H., 453-56-6845.
Baak, Jerome A., 559-48-8556.
Babione, William P., 577-52-5471.
Bablo, Adelbery G., 070-30-3331..
Babos, Sandor, 049-28-8316.
Bacheller, Burton P. C., II, 056-30-5392.
Baddley, Benny H., 402-46-1737.
Baer, John E., 161-32-1915.
Baggette, Harold D., 422-38-1996.
Bagley, Thomas J., III., 326-26-8399.
Bailey, Glenn B., 190-24-1435.
Bailey, Jack E., 429-38-9906.
Bailey, Jerry T., 265-48-2332.
Bailey, Richard, 567-52-4809.
Bailey, Thomas F., 120-26-8854.
Bailey, William G., 408-56-4323.
Bainbridge, Thomas A., 505-40-9704.
Baker, Arthur D., 455-48-7817.
Baker, George W., 361-28-3693.
Baker, James P., 527-40-0699.
Baker, Kenneth N., 106-30-8320.
Baker, Mary E., 296-26-1714.
Baker, Ozrow E., 414-56-5070.
Balas, George R., 384-36-0011.
Baldassano, Robert S., 078-30-1149.
Baldock, Jessie C., 525-84-4787.
Baldwin, Claude R., 360-28-4616.
Baldwin, Rey D., 529-34-9391.
Ball, Billy D., 440-30-0729.
Ballou, James R., 478-38-3858.
Barber, Lawrence W., 523-48-6348.
Barks, Francis W., 301-28-7473.
Barnes, Warren S., 226-42-9011.
Barnes, Wymon J., 444-32-0752.
Barnhart, Rodger L., 178-30-4282.
Barnhill, Howard M., 314-30-4158.
Baron, David A., 277-34-2110.
Barr, John E., Jr., 225-50-9617.
Barrett, Donald L., 198-28-1303.
Barth, Roland E., 064-30-3316.
Bartine, Harris V., 139-28-6775.
Bartine, Jon C., 478-48-2625.
Bartlett, Robert R., 520-38-6878.
Bartrand, Louis E., 386-30-2480.
Bartunek, Robert D., 480-40-7770.
Bassett, David H., 132-28-1373.
Batchelder, Diane, 108-28-2230.
Bates, Franklin D., 423-50-6922.
Batson, Buren T., Jr., 240-44-4840.
Batten, Virgil F., 243-54-0985.
Batton, James L., 245-56-0177.
Baty, Richard S., 524-46-9453.
Bauermeister, Kurt E., 127-28-2022.
Baumann, Carl W., 334-30-3506.
Bay, Jerry L., 521-44-5697.
Bean, Donald W., 242-54-7571.
Beathard, Donald D., 452-60-5214.
Beatty, John D., 304-36-3211.
Beauchamp, Ray H., 559-44-4036.
Beaulieu, Leo J., 004-34-8794.
Beckham, Wesley E., Jr., 463-48-5260.
Beckner, Stanley G., 552-56-3229.
Beekman, Ralph E., 147-30-0729.
Beezley, Ronnie W., 544-36-3764.
Beland, Richard J., 002-26-9030.
Belcher, Jesse P., 230-48-0820.
Bell, James R., 254-48-4049.
Bell, Thomas M., 300-30-8090.
Bellanca, Thomas J., 562-42-6581.
Bellg, Bruce J., 290-30-9515.
Bender, Eduard, 275-32-5544.
Bender, Walter W., 520-34-4819.
Benfield, Garland W., 244-40-0496.
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Tolson, Joel A., 578-54-0881.
Tomlinson, Jon D., 392-32-2334.
Tompkins, William P., 012-28-4278.
Tondreau, Robert E., 037-24-1964.
Toole, William P., 146-26-0763.
Townsend, Johnnie F., 527-40-1225.
Tracy, Dale D., 519-40-9288.
Traister, Martin S., 079-26-1872.
Tray, William P., 481-22-3011.
Tribble, Donnie M., 415-62-4069.
Trimpl, Robert L., 478-40-5125.
Troffo, John, Jr., 198-30-9170.
Trolenberg, Paul E., 075-28-4273.
Trombley, James H., 126-30-9044.
Trowbridge, Richard F., 324-28-2562.
Troyer, Corlyn J., 315-38-1815.
Truesdale, Ross E., Jr., 463-56-6525.
Try, Paul D., 327-32-9907.
Tucker, Henry L., Jr., 244-54-5746.
Tuite, John R., 141-28-4860.
Turner, John F., 512-34-1960.
Turner, Robert F., 461-60-2425.
Turoff, Michael C., 282-30-6962.
Tussing, Frank R., 544-34-8351.
Twigg, John K., 034-28-9528.
Tyre, Bobby E., 262-56-7742.
Uchimura, Walter S., 575-36-3371.
Uhlig, George F., 323-32-7807.
Umstot, Denis D., 261-46-9851.
Undlin, Jesse P., 565-42-9341.
Urbanski, Joseph V., 436-56-0634.
Urquhart, Robert Y., 075-30-8969.
Valdez, Gilberto I., 522-52-9321.
Valentine, John R., 277-30-6621.
Vallerie, Jaul J., 047-28-3788.
Vanalstine, Donald G., 560-36-8039.
Vancamp, Ronald D., 394-38-7644.
Vancura, Frank J., 115-30-0932.
Vaninwegen, Earl S., 306-36-9480.
Vanleuven, Don R., 538-30-3818.
Vanpelt, Larry G., 512-40-1693.
Vansloten, Harlyn W., 553-34-4264.
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Viar, Johnny K., 412-60-2215.
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Vikan, Dean F., 474-36-1764.
Villarreal, Arnulfo H., 466-50-5198.
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Vizcarra, Victor, 555-48-7818.
Voge, Dale W., 473-42-0371.
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Wagner, Larry L., 285-34-6892.
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Waldow, Willard A., 476-44-5383.
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Walker, Clark M., 493-40-1074.
Walker, Frederick T., 129-28-9742.
Walker, Phillip H., 541-40-1404.
Walker, Ronald L., 355-30-5109.
Walker, Thomas H., 323-30-7502.
Wallace, Hoyt A., 239-46-9808.
Wallace, Richard P., 481-38-6103.
Wallace, William A., 406-44-5100.
Wallace, William G., 140-26-7683.
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Walsh, Richard D., 532-34-9314.
Walter, Gary J., 389-30-6739.
Walters, Fletcher L., Jr., 249-60-5273.
Walters, Gary T., Jr., 258-58-5139.
Walters, James W., 452-44-6566.
Walts, John L., 536-38-6028.
Warack, Christian A., 378-36-2975.
Ward, Edward, 408-46-6415.
Ward John P., 116-28-5479.
Ward, Patrick J., 188-30-1482.
Ward, Wesley P., Jr., 469-42-9095.
Ware, Bruce K., 302-34-6711.
Ware, Frederick B., 474-22-8399.
Ware, George E., 456-42-9604.
Warfel, Clarence A. B., 315-40-7515.
Warner, Arthur W., Jr., 251-44-7383.
Warner, James G., 516-38-9423.
Warnick, Loyd J., 516-32-2171.
Warren, James, 319-32-9227.
Warren, Stanley G., 483-44-8808.
Warsinske, James A., 517-32-1849.
Washburn, Paul M., 417-48-1232.
Washburn, William T., 209-28-2278.
Washington, David L., 242-52-1091.
Waterman, Charles R., Jr., 006-36-3457.
Waters, Samuel E., Jr., 243-52-0673.
Waterson, William, 453-50-1348.
Watson, Robert S., 536-38-3267.
Watson, Ted M., 460-48-1441.
Wawrzyniak, Francis J., 172-28-0520.
Waylett, Dan K., 516-38-0922.
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Weathers, Jackie B., 453-46-1735.
Webb, Randall C., 525-74-8663.
Webb, Ronald J., 313-34-4831.
Webb, Walter E., III, 489-42-3861.
Webber, Dale T., 543-32-1788.
Weber, Allan P., 348-30-7660.
Weber, Charles R., 187-30-9804.
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Weiss, Werner, 114-32-6202.
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Wells, Don E., 556-48-6162.
Wells, Jack M., 517-34-1597.
Wells, John H., 397-28-2930.
Wells, Richard O., 546-22-5946.
Wendland, Gustav E., 531-28-7468.
Werking, Dennis M., 314-36-5283.
Werley, Harley D., 457-48-2315.
Weskamp, Richard D., 524-46-6381.
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West, Neil W., 233-56-8448.
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Whatley, Orion B., Jr., 255-44-2847.
Wheeler, Donald C., Jr., 251-48-5330.
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Wheeler, Kenneth R., 250-54-9361.
Wheeler, Maurice J., Jr., 225-46-7085.
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Whipple, Douglas C., 366-34-3703.
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White, Robert J., 197-28-3073.
Whitley, Lee O., 416-48-7883.
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Whitmire, Jack N., 460-58-3507.
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Wickman, Douglas V., 010-30-5140.
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Wikstrom, Donovan C., 468-42-1381.
Wilcox, Chris N., 311-38-4325.
Wilcox, Roger C., 289-32-4471.
Wiles, Carl T., 344-30-0485.
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Wilkinson, Kenneth P., 015-26-7140.
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Williams, Harry C., Jr., 374-34-3187.
Williams, James R., 431-64-5859.
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Williams, Kenneth L., 256-62-1288.
Williamson, Roger L., 450-46-5956.
Willis, Myron E., 263-56-7610.
Wills, Victor D., 563-52-9398.
Wilmore, Duncan 072-30-9257.
Wilson, Bernard E., 242-50-6904.
Wilson, Charles R., 442-36-4915.
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Wilson, David D., 445-34-4518.
Wilson, Edwin B., 227-46-0485.
Wilson, George D., 133-28-7664.
Wilson, Henry J., Jr., 404-50-5490.
Wilson, James K. A., 013-28-3016.
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Wilson, Robert K., 308-42-3958.
Wilson, Robert M., 155-28-2452.
Wilson, William E., 194-30-2790.
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Winch, Wayne S., 138-30-8618.
Wineki, Raymond J., 382-24-9910.
Winklepleck, Robert H., 261-56-6543.
Winters, William N., 423-54-7753.
Witt, Harry J. II, 395-38-6948.
Wittmaack, Charles S., 484-34-2323.
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Wolff, James F., 387-32-2920.
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Wood, Philip A., 254-42-9596.
Wood, Robert W., 323-22-6287.
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Wooton, Dennis E., 455-50-7025.
Worrell, Malcolm L., Jr., 435-50-1066.
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Wright, Robert E., 561-44-9446.
Wright, Robert A., 412-50-7761.
Wright, Robert W., 043-30-2647.
Wright, William B., 396-36-4070.
Wurstner, Roland D., 291-32-7028.
Wyatt, James L., Jr., 547-46-7046.
Wyatt, Jim E., 403-50-9689.
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Yaeger, Michael A., 468-38-7613.
Yamamoto, Tom M., 569-38-4326.
Yandell, John R., 430-56-6319.

XUM

Yarborough, Philip P., 240-54-5649.
Yarc, David E., 336-32-3957.
Yargo, Ralph J., 462-60-5349.
Yates, Ronald W., 310-60-4280.
Yates, Thomas H., 272-36-0436.
Yee, Edmund C. H., 575-34-3711.
Yeley, Donald L., 526-46-3683.
Yoakum, Victor E., 534-34-8875.
Yoder, Richard D., 279-36-5902.
Yonkos, James T., 402-30-7200.
Young, Donald E., 439-54-9826.
Young, Douglas R., 518-40-3822.
Young, Edward F., 132-28-1891.
Young, James M., 411-62-8913.
Young, Kenneth M., 559-48-5607.
Young, William E., 121-30-7799.
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Zaccagnino, Salvatore A., 112-30-7979.
Zamkoff, Leonard J., 109-28-6462.
Zanca, Robert F., 074-30-1627.
Zaricor, Wayne M., 432-70-0130.
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Zbylut, Robert S., 348-30-4125.
Zeigler, Curtis O., 514-36-4254.
Zeitler, Fraine C., 502-36-3766.
Zersen, William F. H., 348-30-1774.
Zimmerman, Alex D., 561-54-5573.
Zimmerman, George V., Jr., 172-30-5290.
Zimmerman, Donald L., 527-38-5668.
Zollner, Ronald A., 472-40-5822.
Zook, David S., 548-48-6915.
Zupke, Everett W., 482-46-7026.

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Evans, Paul R., 578-44-9990.
Felker, Lester G., 389-26-6481.
Foutz, Martin F., Jr., 187-24-4188.
Gallenbach, Thomas E., 352-26-1031.
Griffith, William H., 284-24-1395.
Highsmith, Darrell C., 344-26-2215.
Irvin, Henry C., 225-46-2554.
Kaiser, Roman F., 392-30-9833.
Kok, Louis E., 534-28-0569.
Lewin, Fred, 340-34-2342.
Ludwig, Alexander P., 469-52-9584.
McGinty, Edward S., 142-24-3385.
McPhee, Richard S., 069-22-4951.
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Metzler, Rodney A., 561-44-4266.
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Prewitt, Charles B., 446-28-0209.
Shaffer, Clair W., 186-26-2035.
Sheerin, James O., 151-22-2244.
Smeltzer, John P., 064-30-5762.
Smith, Donald R., 309-30-3807.
Thompson, Arthur E., 422-28-8060.
Thompson, James N., 559-68-1470.
Valen, David L., 473-36-2731.
Wood, Richard D., 551-42-8989.

DENTAL CORPS

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Benkel, Bernard H., 052-28-6011.
Bock, Joseph P., Jr., 336-30-5613.
Brandt, Robert L., 284-34-6801.
Brown, Garth W., 518-42-1183.
Bump, Robert L., 295-28-2965.
Coffee, Larry L., 440-38-4994.
Dix, Robert L., 288-32-8317.
Donnelly, Maurice W., 147-22-0851.
Ellerbruch, Eldon S., 505-42-6612.
Foulke, Clark N., 578-44-9076.
Gardner, Jerry D., 354-32-6013.
Gough, Robert W., 567-46-0012.
Gray, Gary G., 505-46-6014.
Hammelman, James A., 310-40-5960.
Hammer, Wayne S., Jr., 482-42-1713.
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Lee, Kenneth E., 454-60-5118.
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Olesen, Harold P., 479-38-4643.
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Plies, Stanley M., 214-36-7798.
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Rivard, Rodney A., 021-30-1932.
Roehrig, Kenneth L., 280-32-5510.
Ryan, Doran E., 343-34-0893.
Sellers, William R., 436-52-6453.
Sorensen, Donald C., 356-32-9473.
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Wilson, Aaron H., Jr., 236-50-2380.
Wilson, Theodore T., 279-34-5284.

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Beck, Roger A., 526-48-4985.
Borden, Lester L., 075-30-7335.
Brath, William F., 544-40-0618.
Bryson, Andrew L., 265-58-2829.
Buethe, Robert A., Jr., 321-32-7571.
Conrad, Larry L., 315-38-4820.
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Wunder James F., 503-40-3188.
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Knight, Dorothy M., 264-40-6270.
Knuth, Betty A., 522-46-1985.
Korach, Margaret M., 163-26-3256.
Kreth, Ernest H., Jr., 134-26-7061.
Kujawa, Dolores M., 066-30-2078.
Least, Frank T., 066-24-5534.
Least, Thomas S., 066-24-5535.
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Wagner, Kathleen F., 371-32-0982.
Weaver, Nancy A., 186-28-8524.
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Whitley, Helen B., 250-44-1040.
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MEDICAL SERVICE CORPS

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Cauley, Jerry D., 246-58-9850.
Chapman, Samuel B., Jr., 234-36-7650.
Conley, Raymond P., 230-46-6342.
Cragin, Murray, 728-12-0483.
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Frient, Gerald J., 299-30-6015.
Fry, David A., 241-40-0970.
Gabriel, James E., 250-46-4348.
Gemna, William R., 027-24-4307.
Gorman, John A., 304-36-0297.
Habbinga, Richard H., 356-30-5001.
Hudock, Jack, 049-28-0404.
Leopold, Gerald R., 522-24-7058.
McNally, Paul M., 524-42-9644.
Moore, Jerry L., 484-38-1732.
Nantz, William C., 515-32-4644.
Rider, George, 232-48-1430.
Rieckhoff, Elmer C., 371-36-2054.
Robison, Bobbie S., 499-32-3089.
Sanders, Lewis D., 243-58-4566.
Schumaker, Clarence J., Jr., 193-28-7517.
Silliman, Charles L., 232-46-4266.
Simpkins, George R., 153-26-7124.
Sorem, David N., 512-28-5405.
Strentzsch, Alfred I., Jr., 498-38-2777.
Tibbetts, Thomas, 546-46-1210.
Turner, Charles E., 276-24-0714.
Vanrysselberge, John P., 318-26-5370.
Williams, Robert S., 263-54-0197.

VETERINARY CORPS

Burch, Louis T., 429-76-5758.
Inman, Roger C., 543-40-6523.
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Townsend, Lee R., 215-36-3237.

BIOMEDICAL SCIENCES CORPS

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Coughlin, John J., 223-48-3948.
Dougherty, Jerry P., 525-72-5019.
Edwards, James D., 463-44-3399.
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Gokelman, John J., 124-28-9471.
Good, Merrill R., 432-64-7423.
Heckman, Gerald R., 210-24-4826.
Hodge, Larry G., 373-36-3096.
Lester, Joan B., 153-30-5101.
Levinson, Lewis S., 191-30-7294.
Lewis, Thayer J., 009-28-1149.
Markland, Darryl T., 228-48-5998.
Moody, Maynard G., 002-28-7770.
Mulligan, Hugh F., II, 046-28-4565.
Patterson, Lucille G., 437-52-4195.
Perry, Euril W., 448-22-7409.
Schulz, Victor B., 047-28-3672.
Trumbo, Richard B., 227-42-5887.
Wurmstein, John E., 466-36-9805.

The following-named Air Force officers for reappointment to the active list of the Regular Air Force, in the grade indicated, under the provisions of sections 1210 and 1211, title 10, United States Code.

LINE OF THE AIR FORCE

To be colonel

Oliver, Hugh R., 413-26-2987.

To be lieutenant colonel

Elkin, Clarence S., 426-09-4819.
Thompson, Fred E., Jr., 458-14-9795.

To be major

Buie, Alton C., 241-24-0836.

To be captain

Walton, William H., 426-80-6046.
Howlett, Ronald H., 240-58-9830.

The following officers for promotion in the Air Force Reserve, under the provisions of Section 8376, title 10, United States Code and Public Law 92-129.

LINE OF THE AIR FORCE

Major to lieutenant colonel

Adcox, Alfred W., 237-50-3682.
Agnor, Albert S., III, 226-40-0898.
Barnes, Richard J., 529-38-5824.
Bruce, Robert B., 268-30-6474.
Brunton, Jack D., 512-28-2094.
Butcher, Donald S., 369-32-0731.
Butler, Henry M., III, 436-42-2789.
Cochran, John M., 525-56-3335.
Condon, James C., 266-30-1369.
Corrada, Candido J., 466-64-2940.
Colglazier, Benton W., 312-26-1312.
Craigo, Bobby L., 461-52-3056.
Fehrenkamp, Joseph D., 459-50-4394.
Hallesy, Robert P., 385-30-6532.
Hague, Wayne A., 279-28-6116.
Hayden, Kent D., 574-09-8573.
Jackson, William L. H., 162-26-8222.
Jefferson, Grover D., 403-42-6704.
Jenkins, Donnell B., 528-40-6353.
Kemmerling, Paul T., Jr., 481-32-3592.
Miller, Charles H., III, 228-42-1517.
Pastrana, Joaquin R., 582-20-1069.
Ramsey, Frank S., 455-50-0828.
Shows, Jesse L., 419-44-3290.
Stankelis, Anthony A., 048-26-4448.

NURSE CORPS

Hilbert, Arlene M., 187-28-1410.
Kelly, Gerald W., 114-22-7823.
Sartorius, Edith G., 581-52-9727.
Willis, Elvira G., 027-24-7513.

MEDICAL SERVICE CORPS

Coyne, Edna R., 211-28-4783.

The following persons for appointment as Reserves of the Air Force (Medical Corps), in the grade indicated, under the provisions of section 593, title 10, United States Code, with a view to designation as medical officers under the provisions of section 8067, title 10, United States Code.

MEDICAL CORPS

To be colonel

Strate, Gerald H., 371-16-0572.

To be lieutenant colonel

Jackson, Arnold J., 428-74-5653.
Markham, Sanford M., 513-30-5642.
Williams, Robert X., 410-50-1704.
Wunder, James F., 503-48-3188.

The following person for appointment as a temporary officer in the United States Air Force (Medical Corps), in the grade indicated, under the provisions of sections 8444 and 8447, title 10, United States Code, with a view to designation as a medical officer under the provisions of section 8067, title 10. United States Code.

MEDICAL CORPS

To be lieutenant colonel

Griswold, Neil L., 491-32-7473.

The following person for appointment as a Reserve of the Air Force in the grade of Lieutenant Colonel, Line of the Air Force, under the provisions of Section 593, Title 10, United States Code.

LINE OF THE AIR FORCE

To be lieutenant colonel

Burdett, Wilson A., 561-07-1130.

The following officer for appointment in the Reserve of the Air Force (Line of the Air Force) in the grade of Colonel, under the provisions of Sections 593 and 8351, Title 10, United States Code.

LINE OF THE AIR FORCE

Colonel

Nelson, John A., 057-18-4417.

The following persons for appointment as Reserves of the Air Force, in the grade indicated (Line of the Air Force), under the provisions of Sections 593 and 1211, Title 10, United States Code.

LINE OF THE AIR FORCE

To be colonel

Herrold, Ralph H., 355-10-7977.

To be lieutenant colonel

Walker, John B., 264-18-9763.

The following officer for appointment in the Reserve of the Air Force (ANGUS), in the grade of Colonel (Line of the Air Force) under the provisions of Sections 593, 8351, and 8392, Title 10, United States Code.

LINE OF THE AIR FORCE

To be colonel

Funston, George A., 503-10-2731.

Col. John P. Wittry, 347-20-4283FR, for appointment as permanent professor, U.S. Air Force Academy, under the provisions of section 9333B, title 10, United States Code.

The following officers for appointment in the Regular Air Force, in the grade indicated, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, and with dates of rank to be determined by the Secretary of the Air Force:

To be first lieutenant (medical)

Chasen, Marvin M., 114-32-9586.
Cogburn, Bobby E., 432-74-8686.
England, Douglas M., 504-36-4185.

To be captain (dental)

Schrader, James A., 484-50-3429.

To be first lieutenant (dental)

Hand, Ronald E., 188-34-7190.

CONFIRMATIONS

Executive nominations confirmed by the Senate, October 26, 1973:

ACTION AGENCY

Harry J. Hogan, of Maryland, to be an Assistant Director of the ACTION Agency.

DEPARTMENT OF JUSTICE

Charles R. Work, of the District of Columbia, to be Deputy Administrator for Administration of the Law Enforcement Assistance Administration.

Thomas Arny Rhoden, of Mississippi, to be U.S. marshal for the southern district of Mississippi for a term of 4 years.

FOREIGN CLAIMS SETTLEMENT COMMISSION

J. Raymond Bell, of New York, to be a member of the Foreign Claims Settlement Commission of the United States for a term of 3 years from October 22, 1971.

(The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

EXTENSIONS OF REMARKS

WASHINGTON REPORT

HON. JAMES R. GROVER, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. GROVER. Mr. Speaker, during the year I have taken the occasion at frequent intervals to address myself to some of the important issues and problems of the day. I take this occasion to submit for the RECORD a number of these newsletters which are, in effect, position statements:

FEDERAL CUTBACK

(Feb. 22, 1973)

A process which began 40 years ago, back in the days of the New Deal—the uncontrolled growth of the federal government—is coming to an end. If President Nixon is to succeed in his avowed purpose to funnel much of the power out of Washington and back to local government, he will need not only my help, but yours.

A $256-million proposed budget for this fiscal year, $31-billion above the present budget, would hardly appear to be a cutback of federal power. But the screams of log-rolling, pork barrel bureaucrats can be heard from the banks of the Potomac to Hawaii's tourist-filled shores. What's even worse, the President is talking about cutbacks in federal jobs, including a cut of 46,000 over the next year in the Executive Department. Those who have been schooled in the philosophy of the New Deal, the Fair Deal, the Great Society, etc. know that it's a law of nature that federal spending always goes up and that federal payrolls grow.

Quite naturally, each of us will complain about cuts made in our favorite programs while applauding other slashes being attempted by the President. I am determined, for example, to continue my efforts to have the President free the $6-billion in funds which he has impounded in the field of pollution controls. This is not a wasteful program and should have top priority. This money, approved last year, would be of inestimable aid to Suffolk's Southwest Sewer District, and similar projects.

If he didn't see it clearly before, Mr. Nixon discovered during his first four years that the federal bureaucracy is like an octopus which, when you cut off one arm, grows two more in some other place. But he has not given up the fight and I think this could be his most important contribution to our welfare. If, as he says, he intends to get the government off our backs and its hand out of our pockets, he will have earned our gratitude. And he will most certainly have my help.

CRIMINAL CODE REFORM

(Apr. 5, 1973)

One of the most massive efforts in Congressional history—the attempt to rewrite and recodify the federal criminal code—is now underway. Upon its success rests, to a great extent, our hopes for the maintenance of an orderly society.

The bill in question, numbering 538 pages, is the longest measure ever to come before Congress. It will be subject to a two-year scrutiny and will, undoubtedly, draw considerable fire from the more permissive precincts of Congress. The general tenor of the bill can be determined from what was said at its introduction by its chief sponsor, Sen. John McClellan. "Our criminal law and procedure today tip the scale too far away from the best interests and full protection of society." Amen!

Under consideration in this umbrella legislation would be restoration of the death penalty for those convicted of murder or treason, notwithstanding the Supreme Court's rejection of such punishment, and an approach toward controlling pornography, which is virtually impossible under present law and court rulings.

If we are to have equitable law enforcement across this nation, this updating of the federal criminal code is a must. Public hearings will be held on this legislation and each individual section over the next year and I am sure that adjustments will be made according to input from the administration and the Department of Justice, as well as from individual Congressmen and their constituents.

Surely, our founding fathers never intended for criminals to move with impunity, as they have over the past decade or so, with the courts operating to shield the lawless rather than the victims of crime. If you agree, please stay alert for this important Congressional action and give me the benefit of your views in the form of a letter. Public opinion can be an important weapon in our efforts to put some fear of the law into the criminal element in this nation.

SENIOR CITIZENS

(May 3, 1973)

President Nixon has declared May as Senior Citizen Month, a time to recognize the achievements of older Americans and to insure that they maintain an active role in our society. I suppose that every group in our society welcomes recognition and our older folks are no exception. But they welcome action more and I sincerely believe that, for the first time in more than a decade, our elderly are seeing honest achievement in Washington to improve their lot.

We have instituted revenue sharing as a means of helping local governments to keep the lid on property taxes. It is rising property taxes, possibly more than any other factor, which have forced many of our older couples on Long Island to abandon the homes which have served them for a lifetime.

During the past four years, federal spending to help the poor and the elderly to meet their medical costs has increased by 67 per cent. Federal spending to provide assistance for older Americans has increased 71 per cent. All this comes at a time when President Nixon is fighting an uphill battle to reduce federal spending and to control inflation—an inflation due to the Great Society's uncontrolled spending and to Viet-Nam War outlays. And we all recognize that inflation is the cruelest tax of all, inflicting a particularly heavy levy on older citizens on fixed incomes.

This is a protest-prone world in which we live. Shoppers, anti-war groups, conservationists—almost anyone with a cause—feels free to take to the streets. Although our older citizens, who helped to build this nation, have more cause than most for protest, they have remained quiet, letting others plead their cause. They have channeled their energies into such service programs as the Retired Senior Volunteer Program, with 15,000 enrolled, Foster Grandparents, 10,000, and the Service Corps of Retired Executives 4,000.

We owe our older citizens recognition during this month and concern for their interests during the entire year.

CONGRESSIONAL POWERS

(May 10, 1973)

One of the basic issues which has been disturbing many Congressmen over the past few years is the supposed usurpation by the President of powers supposedly belonging to Congress. An overbearing Executive Branch, they claim, is virtually ignoring the will of the Legislative Branch and is running the country all by itself. Congress, they say, is being reduced to the status of a debating society and Congress had better cut the President down to size before he forgets our address and stops sending us Presidential messages.

As in most capitol debates, there is a grain—a small grain—of truth here. Congress has not been exercising its power as it might, but this is the fault of Congress rather than of the President. The seniority system has often put men past their prime in positions of great responsibility. Demagoguery has all too often replaced statesmanship in recent years, so that Congress has continued to talk well past the time when it should have acted. Too much important legislation has been held in committee when it should have gone to the floor of both houses for discussion under the bright light of public scrutiny.

A conceivably dangerous step in the effort to curb the President is being considered by Congress in legislation entitled the War Powers Act. Of course, Congress wants to be consulted. Only the Congress can declare war, and we want no more VietNams. But in an age when the President has instant access to our nation's awesome nuclear deterrent and when minutes or seconds are the tolerance for decision, it may seem a step backwards to hamstring our response potential in the hands of the President.

Congress can retain any power which it has lost for itself, not only to the Executive Branch but, in instances, to the federal courts, through the exercise of its legislative and appropriations functions. We appropriate the money which runs the government and it is a formidable power indeed. If the President is running roughshod over the separation doctrine—and I do not necessarily agree with that premise—the power of the purse can control him. Where the courts have arrogated our legislative powers, we can retain them by new legislation.

At present, Congressional Committees are busy on two fronts. One is the reform of our own cumbersome procedures, the other the updating of our needed responsiveness to the nation's budgetary and fiscal problems. Both will make for a more responsible, effective and independent Congress.

ENERGY CRISIS

(May 24, 1973)

Our energy-rich nation has always been able to have its cake and eat it too. We have been able to devour huge masses of fuel and have only recently become aware of the air pollution penalty which we are paying because of our millions of smokestacks and the automobile and truck fumes which engulf our cities.

There is another awareness which will come but has not yet penetrated the public consciousness. Most of the mail which I get concerns only one aspect of the energy situation, that dealing with pollution. There has been little communication from the public to my office yet on the possibilities of blackouts and brownouts, the reality that we might not be able to continue our air conditioned environment during the summer, the growing possibility of fuel rationing.

And yet the evidence is all around us that we are entering years of fuel crisis. So long as we lag in perfection of and production of nuclear power for our generating plants, so long as use of the sun's energy for heating and generating is many years away, we will continue to be a civilization heavily dependent on fossil fuels. And with about half of our petroleum supply imported, we may well be at the mercy of mid-East nations who are increasingly hostile because of our support for Israel.

Congress is deeply concerned over our future energy needs and its inadequate supply and is now hard at work in search of solutions. We have, in fact, designated a Republican Congressional Task Force to concentrate in this field. As a member of this research group, I think it is indeed important for us to locate new sources of energy and new resources, but it is equally important that we do not, in the rush to keep our technological society rolling, give up the environmental gains of the past few years. For example, there is a vast oil depository waiting to be extracted from the Atlantic seabed off Long Island. But until absolute failsafe technology is developed, it would be a disastrous error to pump this oil at the risk of ruining our beaches and our offshore waters.

It will take great discipline in the coming years not to abandon our hard-won environmental gains in the face of a fuel squeeze which will most likely grow worse before it grows better.

TAX REFORM

(May 31, 1973)

For some years, tax reform has been a prime topic of parlor conversation in Washington. It matched the weather in terms of something which was discussed, with nothing much being done about it.

This, however, may well be the year for action. Tax reform is a misnomer because what we have had in the past has been a rehash of existing laws and theories. What we should have this year is a comprehensive look at tax resources and governmental services, taking into account the requirements and tax levies of government at all levels. To reform just the federal income tax without reference to and consideration of the other tax systems would be patchwork.

With regard to the federal income tax, Congress is zeroing in on the relatively few taxpayers—or, rather, non-taxpayers—with huge incomes, who are using loopholes in the law to pay nothing or very little. A proposed minimum tax aimed at those in the $50,000-and-above bracket could be most effective in insuring that legal evasion by the well-to-do does not make a mockery of the income tax laws.

The administration has placed some other rather interesting proposals before Congress but it is up to Congress to act on tax reform. The reform package includes proposals for property tax relief for the elderly, similar to provisions of the New York State tax law, credits for those overburdened parents whose children attend parochial or private schools, and some tax-relief for those who rent, to match the benefits now enjoyed by property owners who are paying interest on their mortgages.

Perhaps the greatest blessing for the most people would be the proposed simplification of the basic Form 1040. If that can be put into English which the average taxpayer can comprehend, we'd have struck a major blow for tax reform.

PORNOGRAPHY

(July 19, 1973)

The United States Supreme Court, which has in recent years been castigated for its arrogation of legislative powers to reshape, not interpret, the Constitution and has been challenged for its predisposition to the rights of the lawless-rather than the victims of crime, deserves a great deal of credit for its decision last month in cracking down on pornography.

In a split decision, with Nixon appointees leading the majority, the court ruled that states and localities may set their own standards on what is sheer obscenity and what is art. This will give local prosecutors the right to set clear standards on what is acceptable in a given community and what will bring instant legal action.

There will be many who deplore the court's decision as a form of censorship. But all commerce and conduct in an advanced civilization must be based on the give and take of reasonable controls, a balance of privilege and responsibility, benefit and burden. Every traffic light which we obey is a control on our freedom of movement. Various public agencies set standards for the quality of our food and drinking water and that, too, is an infringement to some extent on the freedoms of both the suppliers and consumers. But we recognize that such an infringement is necessary for our health. And so too have many people felt that movies like "Deep Throat" and the hundreds of pornographic books and magazines which have flooded certain porno shops are a danger to the moral and mental health of many communities.

This Supreme Court ruling does not ban smut nor does it define pornography in detail. Rather, the key to the ruling is that local community standards are to be defined and enforced. It may well be that New York City might decide that it is perfectly happy with the gutter vulgarity which is being distributed and screened in Fun City and would not in any way interfere with this commerce. At the same time Suffolk and Nassau might take action to put legal pressure on pornographers. If so, and I hope they do, I think Long Island would be the better for such a decision.

THE PEACE-HAWKS, A QUESTION OF MORALITY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. RARICK. Mr. Speaker, we have recently seen a great shifting of attitudes of many Americans as a result of renewed hostilities in the Middle East. Many of the once cooing doves, who opposed U.S. involvement in Vietnam because it was "an immoral war," have suddenly sprouted a completely new set of feathers and now bear a striking resemblance to hawks. If the new "peace-hawks" find this a "moral war," I question their logic.

Our State Department's "commitment to foreign policy," by supplying planes, tanks, and other weapons to Israel, has so alienated many of our NATO and European allies that they have refused to allow the U.S. bases in their countries to be used as staging grounds for U.S. involvement in the Middle East. Apparently, our allies have more foresight into the dangers of choosing up sides in the conflict than our own foreign policy makers.

The President may feel that his "commitments" to Israel exceed his oath of office to uphold the Constitution and to conduct a foreign policy in the best interest of our country. Our national policy should not be one of pro-Israel, or pro-Arab for that matter. It should simply be pro-American.

We should have learned our lesson from our involvement in Vietnam and Korea. Do we have any more "vital national interests" in supporting Israel than we had in supporting South Vietnam? I opposed our entrance into those wars, and I find no compelling reasons to change this position. Unless our country is attacked or we are in eminent danger of invasion, I do not believe that the majority of the people in my district want me to cast their vote to send one American boy overseas.

The mere presence of 3,500 U.S. marines, as well as numerous U.S. naval vessels and jet planes in that vicinity of the Mediterranean could provide the spark needed to ignite a direct U.S. involvement in the fighting. A single misdirected rocket or bomb hitting a U.S. ship could be the incident needed to plunge this country into yet another Vietnam or Korea.

The President is pursuing a potentially disastrous course of action. American presence in the Middle East has baited the war trap. The question remaining is: Will the American people allow this trap to be sprung?

JUSTICE, JUSTICE, WHERE IS JUSTICE?

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. RANGEL. Mr. Speaker, the sentence imposed on former Vice President Spiro T. Agnew in Baltimore is but one more sign of the dual standard of justice that makes a mockery of the law in our country.

Although his family was not hungry, Agnew abused the high offices to which he was elected and stole from the U.S. Treasury through tax fraud.

Although his family did not lack decent housing, he took hundreds of thousands of dollars in "gifts" and bribes. The fine imposed on him was only a small fraction of his ill-gotten gains.

The Agnew children did not have to stay from school because there was no money for shoes for winter clothing. The Agnew children did not suffer the retarding effects of malnutrition and disease. Their father earned a high enough salary to support them well.

Was Agnew a drug addict who stole to maintain a heroin habit picked up when he was an unemployed teenager with no prospect of a job? Or was his addiction only to wealth and power, to country clubs with golf courses, to homes costing nearly $200,000, to cocktail parties where he could be revered by the mightiest of journalists, industralists and patriots?

Who, then, people our jails, if not Spiro Agnew and those like him who do violence to an entire Nation?

Pete Hamill, the New York Post columnist, made this analysis on October 12:

> Go down to the Tombs and start ripping out the bars. Go over to Atlantic Avenue and punch out the glass bricks of the Brooklyn jail. Set the bulldozers loose on Attica, crushing the walls, demolishing the guard towers, reducing all of it to twisted steel and powdered brick. Melt down all the machine guns on the walls. Burn all the uniforms of the guards. Let all the prisoners loose. There can be no prisons while Spiro Agnew is free.
>
> How can society send a kid from Fox St. to the joint while Agnew is walking the streets? What judge can sleep at night, knowing that he is sending young men away to years of steel and bars, while Agnew sleeps in silk sheets?
>
> The big Washington commentators are all talking about the "Agnew tragedy." What about the Attica tragedy? What about the tragedy that occurs every day in the criminal courts of this town? What about the tragedy of America? Waste no pity on Agnew. He revealed himself in court. By copping a plea on income tax evasion charges, he in effect admitted that he took criminal money and didn't pay taxes on it. Just like Al Capone.
>
> And yet Elliot Richardson is talking about Agnew as if he were a respectable citizen who made a little mistake. He thinks that Agnew's resignation, along with the three-year probation and the $10,000 fine, are sufficient disgrace. He sees no need for Agnew's "confinement in a penal institution," which is the way those people talk about going to the slam.
>
> But this is an outrage. Agnew has, in effect, admitted that he is a criminal bum. He was the Vice President of the U.S., a guy who marched up and down this land shouting about "law and order." And every month or so, the guys with the envelopes would come to his office with cash. He was on the take, knowing exactly what he was doing. He was committing felony after felony and they've let him walk.
>
> Until he walked into court the other day and copped his plea, it was possible to root for Agnew to fight it out, to not let himself be used by Richard Nixon as a diversion from Nixon's own disgusting stewardship. But once he entered that nolo contendere plea, in effect admitting what he had done, Agnew should have faced the full majesty of justice. "If you can't do the time, don't do the crime."
>
> And for the crimes Agnew was involved in, he should have died in prison. He should have had to suffer everything that prisoners suffer in America, perhaps more. Agnew, after all, did not have racism, dope addiction, or despair to excuse his rotten acts. He filthied an entire country. He helped mortally wound the fabric of America. He helped ruin basic democratic institutions, which depend for their very existence on an act of faith between the people and the leaders they have chosen.
>
> For these crimes, Agnew should have lain rotting in a place like the Tombs, while his wife and kids waited with the others, outside in the rain. He should have been called by a number, or had the screws give his cell a midnight toss. He should have heard the junkies screaming through the night. He should have spent the years wondering where the people he loved had gone, and what it was like to walk down a city street, or run in the surf on a beach. He should have done time like other felons.
>
> But no: Agnew will play golf. He will keep the house he furnished with criminal money. He will write his memoirs. He will make speeches about the conspiracy against him. He will protest his innocence, and describe his common act of plea bargaining as some ultimate act of patriotism.
>
> And Nixon himself will remain free. Nixon organized a private police force. He waged a secret war in Cambodia in defiance of the Congress. He is hiding tape recordings which are evidence in a criminal proceeding. He had burglars, extortionists, potential kid-

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napers on his payroll. Under his leadership, the White House sank into the deepest cesspool of corruption in this nation's history. And now he will pick a successor to Agnew.

The National Advisory Commission on Criminal Justice Standards and Goals recently reported on the need for a major overhaul of our judicial and correctional systems. Among its recommendations was one that many criminals should not be incarcerated, because the existing system of retribution and punishment does not deter crime. Instead, the Commission called for a sharp limit on sentences over 5 years, increased use of parole, probation, half-way houses, fines and work release programs rather than prison, and a change to the "least drastic" method of dealing with crime consistent with protection of the public.

Is the former Vice President one of the first beneficiaries of this type of progressive reform? Or were the fact as of his previous high post, his politically powerful friends and his white skin really what determined his lenient treatment?

Attorney General Richardson indicated that Agnew may not even be disbarred despite his felony conviction. As an ex-offender in New York and many other States, though, Agnew would be unable to be licensed as a barber or real estate salesman.

Can we now look forward to Spiro Agnew's becoming a legal aid lawyer, helping those he used to spit upon survive the judicial system which was so merciful to him? Can we count on Ted Agnew's forthright advocacy of reenfranchisement for ex-offenders? Will he travel from State legislature to State legislature to testify on the critical need to end economic and legal discrimination against former felons who have finished their sentences and simply want to return to their communities as useful citizens?

Although Ted Agnew avoided even a minute of incarceration in the Tombs, the District of Columbia jail or in any penal institution, can we depend on him to fight for drastic changes in our correctional system?

Or will the former Vice President just lounge around his country estate, dwelling in memories of past glories and forgetting the shame to which he subjected this Nation?

Now that he is just another convicted felon, maybe the Fortune Society or the American Civil Liberties Union will be able to solicit his support in their courageous battle to guarantee the civil and political rights of ex-offenders. Then he could begin to repay the country which tragically misplaced its trust in him. Then he could help instill some meaning into the concept of equal justice under law.

ON THE DEATH OF PAU CARLOS SALVADOR DEFILLO DE CASALS

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. MOAKLEY. Mr. Speaker, the death of Pablo Casals at the age of 96 must be noted with deep regret. His was a full, rich life which has spanned most of modern history. While his passing was not out of season, yet we should all feel a sense of regret that time and history did not afford him the chance to return to his beloved homeland.

Of Casals, Thomas Mann said:

> He is one of those artists who come to the rescue of humanity's honor.

Indeed, we would be hard pressed to name a single man of this century who so well understood the potential of art to confront tyranny. In modern times, Pablo Casals and his music have stood largely mute, in eloquent testimony to the silence imposed on Spain.

Today we mourn the death of Spain's greatest artist yet celebrate the life of her greatest patriot. The people of Spain will be permitted to do neither and yet, in blocking the public outpouring, General Franco only postpones the great wave that may yet wash him and his kind away and loses the claim he would still make on history.

As is true whenever art confronts tyranny, art must finally win and the ultimate proof is that Casals lives with us still in a way that the general will not—cannot—for even an hour beyond his death. Even now, the silence Spain's dictator imposes is simply the continuation of the silence Pablo Casals has observed for a generation.

And that silence is deafening.

The extent of Casals' dedication to his homeland is well known. The performances in Spanish hospitals; concerts overseas to raise money for the Loyalist cause back home; are all ample proof of that dedication. But in the tradition of expatriates in ages past, Casals left Barcelona when the Republican forces entered, crossed the Pyrenees and vowed never to recross the frontier while Franco ruled.

Yet, soon, Franco must follow Casals to the end which awaits all men and the use and meaning of power will acquire clearer definition. For Franco's power is in guns and, as such, passes as quickly and meaninglessly as metal rusts. But Casals' power is in art and, as such, is as strong as the mind of man and as enduring as his soul.

Last summer at New York City, Senor Casals spoke at a concert and, perhaps, wrote his own epitaph:

> What can I say to you? I am perhaps the oldest musician in the world. I am an old man, but in many senses a very young man. And this is what I want you to be, young, young all your life, and to say things to the world that are true.

DESALTING THE COLORADO RIVER

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. REUSS. Mr. Speaker, in the October 21 issue of the Milwaukee Journal appeared an article about the need for congressional funding to desalt the Colorado River where it begins its flow into Mexico. The article was written by Russell G. Lynch, award-winning natural resources writer for the Journal and a leading conservationist in the State. He served as the first chairman of the Wisconsin Natural Resources Board. I ask that the article be reprinted here because of its importance and the wide interest it should have for Members.

The article follows:

NIXON'S PLAN TO DESALT THE COLORADO AIDS MEXICO BUT NOT ROOT PROBLEM

(By R. G. Lynch)

Congress is about to be asked by President Nixon to provide $115 million to reduce saltiness in Colorado river water flowing into Mexico. Undoubtedly it will be granted to settle, with fairness, a 12-year-old controversy with our neighbor.

As federal spending goes, $115 million is not much; but the Mexican problem is only the tip of an iceberg which promises to cost federal taxpayers billions—a frozen mass of interstate agreements, archaic state water laws, private "ownership" of available water, and massive saline pollution that is approaching a crisis level for users in the lower Colorado basin within the United States.

Underlying these problems is the basic one of insufficient water to meet expected population growth in the basin states.

Only national pressure could bring about vitally needed action by both Congress and the states. Contributing to public awakening on the issue, the National Water Commission's final report (issued in June), contains strong recommendations pertinent to the Colorado basin problems. It gives timely supporting material for taxpayers of other regions who want to urge their congressmen to do more about the Colorado than merely endorse a $115 million check.

HOW CONTROVERSY BEGAN

The Mexican controversy was created by a single irrigation farming area near Yuma, Ariz. In announcing on Aug. 30 a settlement with Mexico, Herbert Brownell, head of a task force assigned to the problem, made it quite clear that most of the $115 million would go to build the world's largest desalinization plant and canals to process drainage from this one area, the Wellton-Mohawk Irrigation and Drainage District.

The Wellton-Mohawk area's story illustrates how "economic development" of water uses can proceed with a total disregard of the consequences to others. Settlers began to farm the salty soil there around the turn of the century, irrigating with water from the Gila river, a tributary of the Colorado, and from wells. Eventually the Gila's flow was cut off by a dam upstream, making it a dry channel, and farmers sank more wells to get irrigation water. All this time, no drainage was provided, and the water applied to cropland sank into the ground.

The wells tapped underground water in an aquifer 50 miles long—a natural underground reservoir of porous rock or sand. Without drainage, irrigation water not evaporated or transpired by crops seeped back into the aquifer, dissolving and leaching salt from the soil on the way. The groundwater became saltier year by year and eventually got up into the root zone, forcing much of the land out of production

The Bureau of Reclamation (BuRec) came to the rescue in the late 1950's, organizing the Wellton-Mohawk district and providing a canal to carry fresher water down from above Imperial dam on the Colorado.

If good root zone drainage had been provided by means of buried drain tiles, a method widely used elsewhere, all salt would have been washed from the farmed soil within a few years and thereafter the only increase of salinity in drainage returned to the Colorado river would have been by

concentration due to evaporation and transpiration. And there would have been no problem with Mexico.

But irrigation farming was not enough. The landowners and BuRec decided to renovate the salty groundwater aquifer for eventual use to irrigate more land. So some 70 wells were sunk 100 feet to the bottom of the aquifer to pump out the salt water; and irrigation drainage continued to seep back down to the aquifer, washing salt from many feet of saline soil.

Some of the wells pumped water with 17,000 parts per million (ppm) of salt, half as salty as the ocean; the average was about 4,000 ppm, five times as salty as the Colorado river water. It went down the dry Gila bed a few miles into the Colorado, above Yuma. Shortly, to prevent seepage, a concrete canal was provided. Soon Yuma had to stop taking its city water from the river; lawns and flowers were dying; metal in contact with the water was corroding. Yuma had to pay to have water brought down an irrigation supply canal from above Imperial dam.

This saline flood continued down to Morelos dam, just below the Mexican border, where a reservoir supplied Mexican irrigators. In 1961, Mexico began screaming, "Stop!" After negotiations, BuRec extended the concrete canal down to Morelos dam so, at times of greatest salinity, the drainage could be run into the river below the dam; at other times, into the reservoir. Also, some 50-foot wells were sunk in Wellton-Mohawk to pump less saline water at times; and water was run down to Morelos dam from imperial dam to dilute the salinity.

Mexican protests resumed as farmers had more and more trouble with the salty water. Finally, last year, President Echeverria of Mexico stood before our Congress and demanded that the salinity problem be eliminated. So President Nixon set up the task force which brought about the settlement now needing only Congressional approval.

Wellton-Mohawk must be one of the world's most expensive irrigation projects, and it was subsidized by the same taxpayers who now must pay to stop the damage it causes. If BuRec, the developer, could be induced to reveal the total spent, it would be most interesting to compare the value of crops produced with their real cost.

This is not an isolated case of flagrant saline pollution by irrigators. Several areas in the upper Colorado basin discharge, among them, more than a quarter billion tons of salt a year into the river. Nor is Wellton-Mohawk an isolated case of irrigation that might be challenged on economic grounds.

RESEARCHERS' QUESTIONS

In recent months, questions about the desirability of more irrigation in general and of arid lands in particular, along with strong opposition to any more subsidized irrigation, have come from researchers at four universities (Wisconsin, Johns Hopkins, Iowa State and Arizona) and from Resources for the Future, Inc., as consultant to the National Water Commission.

The commission's June report called for an end to subsidized irrigation. It also called for creation of an independent Board of Review to evaluate water management proposals by such agencies as BuRec, the Army Corps of Engineers and the Soil Conservation Service, "because the appearance of impartiality is lacking, whatever the fact may be."

These two recommendations bear directly on the Colorado basin, for BuRec in a 1972 report listed a dozen projects to irrigate some 350,000 acres.

That report also outlined a 10-year salinity control program calling for more desalting plants upstream, with canals and evaporation basins, to control natural salt sources (springs, geysers, river flow over salt beds). Also, weather modification to give the basin 2,000,000 acre feet of added precipitation. The cost is estimated at $500 million; if it overruns, like so many federal project estimates, it could approach a billion.

And beyond the 10-year program is contemplated a massive diversion of water to the Colorado from the Columbia basin.

Current low levels in Columbia reservoirs, threatening hydroelectric power shortages in the Pacific Northwest, are sure to cause vigorous opposition to such diversion. And cloud seeding to increase precipitation for the Colorado basin is likely to be opposed in Great Plains areas to the east, for fear that they will get less rain or snow.

As part of the salinity control program, BuRec undertook to convince upper basin irrigators that they should use more efficient methods, to save water and reduce salinity draining into the river. Even with proposed federal cost sharing, strong resistance is to be expected because a farmer who uses less water will lose his right to the amount saved; and sale of such water rights for transfer to another user is difficult, if not impossible, under western prior appropriation water laws (first come, first served).

In Colorado, a rapidly developing state, this problem is most serious. The director of the state Water Conservation Board recently stated that virtually all water available was essentially in private ownership and, if the state was to support projected population growth, transfer of water rights from agriculture to municipal and industrial users must be facilitated. "Without destroying agriculture," he said, "but by developing efficient irrigation practices."

The National Water Commission also examined this problem and recommended an overhaul of laws to simplify transfer of water rights.

This water crisis demands farsighted federal action. Changes can be brought about by re-evaluation of irrigation projects, by restrictions on salinity increases by irrigation districts; by making federal spending to control salinity and provide additional water contingent on state action to bring about sound water management.

OCTOBER IS PORK MONTH

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. CULVER. Mr. Speaker, Iowa is a leading producer of many important agricultural products. For example, Iowa farmers produce over $5.5 billion worth of crops and livestock annually. About 25 percent of the Nation's pork supply and 15 percent of the grain-fed cattle are marketed from Iowa farms. Furthermore, 8 out of 10 Iowa workers depend, directly or indirectly, upon agriculture for their jobs.

With more attention being focused on the need for increased farm production to meet growing needs in the United States and the world, the efficiency of Iowa agriculture is important to the entire Nation. I am confident that Iowa farmers will continue to meet this challenge.

Mr. Speaker, October is Pork Month. I insert in the RECORD a recent editorial by Radio KOEL in Oelwein, Iowa, which concisely summarizes the significance of the swine industry in Iowa, and the important contribution Iowa farmers are making to the growing demand for pork and pork products throughout the world:

EDITORIAL OF RADIO KOEL, OCTOBER 23, 1973

October "Pork Month" has special significance to Northeast Iowa. Not only did the special event originate here 11 years ago, but this corner of the state is one of the world's leading hog producing areas. In fact, Delaware County is ranked as the top hog producing county in the whole country. The state accounts for one fourth of the nation's hog population . . . hogs account for 27% of the total Iowa cash receipts from farm marketing, and some 76,000 jobs in Iowa are related to the state's hog production. Despite these and other accomplishments, it's our viewpoint that this is not the time for our hog farmers to rest on their laurels. Economists tell us that with the current population trends, Americans in 1980 will need a 10% increase in ham, bacon, pork chops and other pork cuts.

Other reasons for new demands on the industry are the recent improvements of the quality of the product through research. The Northeast Iowa hog testing station at New Hampton is one of the places that's made an important contribution, by producing lean pork rather than lard. Weight conscious Americans no longer need refrain from eating the pork cuts, and more and more they are depending on pork for the basic meat diets. With our major technology in animal husbandry plus the ability to market an animal within 5 months, we think the future of the hog raiser has never looked brighter. We anticipate hog prices remaining good and thereby opening the way for some of our smaller farmers to get into the swine business. The swine industry is big business in Iowa.

TREASURY DEPARTMENT STUDY SUPPORTS THE VANIK-MOSS APPROACH TO CONSERVE GASOLINE—II

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. VANIK. Mr. Speaker, the Middle East crude oil embargo is already having an impact in this country. The Ashland Oil Co. recently announced that the shut-off of Arab oil has forced the company to place its gasoline and distillate customers on a 70-percent proration. It is clear that we can no longer afford to waste massive quantities of gasoline on overequipped, overpowered automobiles.

A recent staff study from the Treasury Department illustrates clearly the potential savings that are available through an excise tax on new automobiles. This tax would be assessed on the basis of the fuel economy of the vehicle. Senator Moss and I have been joined by 39 of my colleagues in introducing legislation designed to save our Nation 2 million barrels of crude oil a year by 1980 through the imposition of such a tax. I invite my colleagues to read this valuable report:

ARE LIGHTER CARS MORE EFFICIENT?

The EPA study indicates clearly that lighter cars do make significant savings in gasoline as shown by the following graph (not reproduced) relating automobile weight to gasoline mileage.

This test was made of six-hundred thirty 1973 vehicles. It shows that the mileage of the heaviest vehicle (5,500 lbs.) averaged 8.8 miles per gallon while that of the smallest vehicles (2,000 lbs.) everaged 25.5 miles per gallon. The between weight and fuel economy. So the public is consciously or unconsciously saving fuel by their purchase of smaller automobiles. American made automobiles, however, including the smaller cars

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are still the highest fuel consumers (on the average) of any automobiles in the world. Could a Federal fuel economy tax, combined with this clear expression of trend in public preference in the direction of smaller cars result in a significant reduction in gasoline consumption? It is the hypothesis of this study that a Federal tax could do just that.

WHAT TYPE OF FUEL ECONOMY TAXES ARE AVAILABLE?

There are, undoubtedly, a great many possible taxes. The ones most commonly discussed are a gasoline tax, a horsepower tax, a weight tax and a miles-per-gallon tax.

The *gasoline* tax has been discussed in another memorandum dated June 4, 1973. This indicates that significant direct savings of fuel could be obtained from a 9 cent tax on each gallon of gasoline. It also suggests that a long-term effect of the rise in prices of gasoline would be an acceleration of the shift towards smaller cars. A gasoline tax would have the advantage that it would affect all cars, and not just new cars.

A *horsepower* tax has been suggested by several writers based on the concept that large horsepower is inefficient in fuel economy. A preliminary EPA study [1] indicates that this may not be necessarily true. There seems to be some correlation between horsepower and fuel economy. But the correlation is much less than that between weight and fuel economy.[2] Furthermore, a tax on horsepower alone could lead to the public purchasing large under-powered vehicles.

Since *weight* appears to be the most important factor in fuel economy, many have suggested that a weight tax would be best. It has the advantage that it is easy to measure, and easy for the public to understand. The principal disadvantage, however, is that it is close to, but not aimed directly at the purpose of the tax. The tax is designed to encourage fuel economy. Weight has a very high correlation with fuel economy. But since there is a direct way to measure fuel economy (miles per gallon) it appears better to levy the tax directly on this factor.

In addition, a weight tax offers no incentive to build more efficient vehicles but merely lighter ones. A rotary engine, for example, is much lighter than a conventional engine but a rotary engine, as presently designed, tends to be a heavy fuel consumer. EPA tests show that 1973 rotary engine vehicles show a 25 percent loss in fuel economy when compared to the average for the same weight vehicle equipped with conventional engines.

DEVELOPMENT OF FUEL STANDARDS

The Environmental Protection Agency is charged under the law with the responsibility for measuring and regulating the emissions of motor vehicles. As a by-product of this, the EPA has also determined the fuel economy of all vehicles tested in its emisison testing program. In the fall of 1972, they published test results of 2,087 1952–1973 vehicles under urban and suburban driving conditions, with the results cited earlier in the paper. Results in detail for 1973 cars are shown below.

MILEAGE TESTS OF 1973 MODEL VEHICLES

Inertia weight, model year 1973	Average miles per gallon	Range	Number of data points
2,000	25.5	23.7–28.5	6
2,250	20.7	18.9–21.9	8
2,500	19.9	13.3–23.7	74
2,750	17.9	11.9–23.7	62
3,000	16.2	13.6–19.7	37
3,500	14.0	9.8–17.8	64
4,000	11.2	7.7–14.6	69
4,500	10.1	7.4–13.6	157
5,000	9.4	7.6–11.8	96
5,500	8.8	7.1–10.0	57

Source: EPA Fuel Economy and Emission Control, November 1972.

Footnotes at end of article.

In addition to this work, the EPA is also working towards the development of a fuel economy testing procedure which is universal (in that it includes both rural and freeway driving as well as urban and suburban) and can be conducted independently by automobile manufacturers themselves subject to EPA monitoring. EPA is presently working with a task force of the Society of Automotive Engineers (SAE) designed to develop and promulgate recommended practices for such tests. EPA indicated that an EPA developed procedure or an SAE recommended practice then be possible by the 1975 model year for each manufacturer to list the tested fuel economy of its vehicle at the time it is put on sale. It would be possible to develop a tax based on these ratings. How would such a tax work?

A FUEL ECONOMY TAX

The basic concept of the tax would be to determine a national fuel economy standard (e.g., 20 miles per gallon.)[3] Vehicles getting this mileage or better would pay no tax at all. Vehicles which deliver less than 20 miles per gallon would pay an excise tax proportionate to the extra fuel which they consume.

For convenience purposes, fuel economy would be defined as gallons per 100 miles (GPCM). A vehicle which gets 20 miles per gallon would thus have a GCPM rating of 5.0 i.e., five gallons per 100 miles. The tax would be levied on all excess gallons (EG) in excess of 5.0 (e.g., $x.00 for each GPCM consumed in excess of the national standard of 5.0).

COMPUTATION OF EXCESS GALLONS (EG) FOR EACH MARKET CLASS OF CAR BASED ON 1973 MODELS

Market class	Inertia weight[1]	Miles per gallon[2]	GPCM[3]	Excess gallons[4]
High	5,373	8.95	11.17	6.17
Medium	4,797	9.68	10.33	5.33
Regular	4,734	9.77	10.24	5.24
Sports	4,230	10.69	9.35	4.35
Intermediate	4,142	10.89	9.18	4.18
Compact	3,323	14.78	6.77	1.77
Subcompact	2,648	18.72	5.34	.34
Foreign	2,371	20.31	4.92	—([5])
Average		13.29	7.52	2.52

[1] These are weighted averages of 1973 model cars weight, using 1972 registration data. Inertia weight equals curb weight plus 300 lbs. Source: Automatic News Alumnac Issue, April 1973.

[2] Miles per gallon computed from EPA data for 1973 cars using inertia weight to nearest pound. Source: "Fuel Economy and Emission Controls." Average 13.29 compares with U.S. average for all cars of 13.57.

[3] 100/mpg.

[4] GPCM minus 5. (5=20 mpg).

[5] Most foreign cars would pay no tax. There would, of course, be some tax on the Rolls Royce, Volvo, etc.

PRINCIPAL EFFECTS OF THE TAX

There are several effects of the tax which should be considered. These include encouragement to the industry to redesign automobiles to promote fuel efficiency; a change in consumer purchases due to elasticity of demand; a possible increase in foreign car purchases with corresponding effects on the balance of payments; increased revenue to the Treasury. Each of these will be treated separately.

1. *A redesign of the automobile.* Despite the fact that the United States is the leading producer of automobiles in the world and has more accumulated automobile manufacturing experience than any other country, American automobiles are less efficient at using fuel, generally speaking, than those produced by any other country. This has many causes. Fuel has always been cheap in the United States, while it is extremely expensive in most other parts of the world. Fuel taxes here are low. Americans are comparatively affluent and have been used to large vehicles, good roads, and traveling great distances. In short, there have been few economic incentives that would influence automobile manufacturers to design fuel-efficient cars. Throughout Europe and Japan and most of the rest of the world, however, shortages and high prices of fuel, low income, and high taxes have placed a premium on efficient fuel use. As a result, no American manufactured car, including the Pinto and the Vega—our smallest sub-compacts—are as efficient at fuel use as the average foreign import.

The fuel economy tax would provide one of the first economic incentives for Detroit to design more efficient automobiles. It is expected that this economic incentive will be the most important single result of the tax. What kinds of changes can be introduced? There are many immediately available solutions which could greatly increase automobile efficiency. For example:

a. *Use of low friction tires.* A summary technical report entitled "Research and Development Opportunities for Improved Transportation Energy Usage, July 1972" indicates that steel belted radial ply tires as standard equipment on automobiles at a cost of about $50 more per car can improve miles per gallon by 10 percent.

b. *Body shell design.* The same report estimates that the aero-dynamic drag of many cars can be reduced enough to give a potential fuel saving of 5 percent. Estimates of cost of redesign are unknown, let us assume $50 per car.

c. *Redesign of power train.* A fuel savings of 10 to 15 percent at a consumer cost of $100 to $200 per car could result if the power train were redesigned to provide a better match of vehicle load to the engine.

d. *Use of smaller engines.* The report estimates that for an incremental cost of less than $100 per car, automobiles could be powered by small engines plus a super-charger or turbo-charger to yield performance similar to that obtained with larger engines but with much less waste in routine operation.

e. *Provision of overdrive as standard equipment.* Over drives are useful only for sustained high-speed driving. They cost about $150 to add to the standard transmission. The fuel saving in high speed driving, however, is about 20 percent.

f. *Alternate engine types.* EPA tests show diesel powered vehicles get about 70 percent more miles per gallon than do gasoline powered vehicles, while providing the same or better drivability features. The only diesel powered vehicles do cost much more—at least 200 more than a gasoline engine.[4] Stratified charge vehicles also offer the possibility of some saving although the present indications are that the fuel saving is minimal.[5] There are, therefore, possible savings in changing to newer engine types.

g. *Reduction of weight.* American cars weigh, on the average, twice as much as imported cars. Even our smallest cars weigh more than the average import. Weight reduction has the highest correlation with fuel economy of any other factor. It is likely that given sufficient incentives, Detroit could and would produce lighter weight automobiles even consistent with the growing safety features which nominally require more weight. Weight reduction can occur through use of lighter metals, plastics, redesign of engine block, frame, etc. These changes would be expensive and could add $150 to the price of the car to effect a weight reduction of 500 lbs. This reduction, however, would be sufficient to change mpg from a 4,000 lb inertia weight from 11.2 to 14.0, and increase of mpg of 25 percent.

In short, there are a large number of options available to American industry which would permit them to produce more efficient cars and, therefore, to reduce the impact of the fuel economy tax. If the tax is set high enough and if Detroit has sufficient advance lead time to complete and design a car and

get it into production (about three years), the combination of tax and industrial redesign should yield significant national energy conservation benefits.

Adoption of the off-the-shelf technology listed would yield the following possible savings.

	Percent miles per gallon improvement	Cost per car
(a) Low-friction tires	10	$50
(b) Body shell	5	50
(c) Power train	10–15	100–200
(d) Supercharger	[1] 10	100
(e) Overdrive	5–15	150
(f) Engine change	70	200
(g) Weight reduction	25	150
Total proposed saving	135–150	
Assumed accumulated saving	75	800–900

[1] Estimated.

This means that the average American large car that now gets 11.8 miles per gallon (such as a Chevrolet Impala) could be redesigned to yield 20.65 mpg, but the changes would add as much as $850 to the cost of the car.

FOOTNOTES

[1] Unpublished data furnished by Barry McNutt, EAP—(462–2514)

[2] The correlation is approximately 1–3 extra mpg for every 100 Hp. Thus, the average 4,000 lb. (inertia wt.) vehicle powered at 137 Hp. gets about 11.2 mpg. The same vehicle with a 230 Hp engine would get about 9.2 mpg. Adding 1,000 lbs. at 137 Hp would drop it to 9.4 mpg. i.e., a 73 percent increase in Hp yields a mpg loss of 18 percent; whereas the same mpg loss is caused by only a 25 percent increase in weight. Weight can thus be shown to be at least three times more important in fuel economy than horsepower.

[3] The development of such a standard is essentially a political decision, i.e., how much fuel economy do we want our vehicles to have, and what is practical to demand? 1973 vehicles tested varied from 28.5 to 7.1 miles per gallon. What is a reasonable national goal?

The determination should be made taking into account:

a. national fuel economy needs
b. consumer vehicle performances
c. practical design considerations

Setting the standard at 20 mpg appears to provide a compromise which is probably acceptable and understandable to the public. Any other could, of course, be used.

[4] Exhaust emissions from three Diesel Powered Passenger Cars, EPA, March 1973.

[5] An evaluation of three Honda Compound Vortex Controlled Combustion powered vehicles, EPA, December 1972.

LEONARD WOODCOCK CALLS FOR IMPEACHMENT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. RANGEL. Mr. Speaker, over the weekend the Nation cried out against President Nixon's attempt at one-man rule. Many statements were made concerning Mr. Nixon's order to fire special Prosecutor Archibald Cox. The statement delivered by United Auto Workers President Leonard Woodcock is particularly interesting in its relevant and concise description of America's currently troubled ship-of-state.

I commend this thoughtful statement to my colleagues.

WOODCOCK CALLS FOR IMPEACHMENT OF PRESIDENT

UAW President Leonard Woodcock issued the following statement:

"It is with deep regret that I urge the U.S. House of Representatives to impeach Richard Nixon, unless the President should save the nation that agony by his resignation.

"The shocking events of the past weekend mandate such action. Mr. Nixon has broken faith with the constitution, the Congress and the people.

"He has assaulted the Federal judiciary by putting himself above the law and flouting the independence and authority of the courts. By his self-serving opportunistic and arrogant discharge of the special Watergate prosecutor and his effective dismissal of the attorney general and his deputy, Mr. Nixon once again shows his utter contempt for the Congress and the people.

"This latest ploy, if it succeeds, would insulate Mr. Nixon and his associates from prosecution and eliminate the possibility of a full and fair investigation of Watergate. All of this comes at a time when new clouds of suspicion have begun to gather around Mr. Nixon.

"Even before this latest outrage, there were ample grounds to begin hearings on impeachment. Mr. Nixon's closest hand-picked associates appear to have been involved in felonies. He has subverted the constitution by usurping Congress' power to make war and to pass appropriations. He has lied to the American people and shifted ground to suit his own momentary purposes.

"In calling upon the Congress to act, I am fully cognizant of the gravity of impeachment. I know, too, that the explosive and sensitive situation in the Middle East and its dangerous secondary effects threaten the whole world. There are equally serious threats to the common good on the domestic scene. We need unity and leadership, but we can afford neither unity won through cowardice and immorality, nor leadership stained by perfidy and tyranny. Those prices are too high. It is Mr. Nixon himself who has brought us to this tragic crisis. We must face up to it. If we fail to act, we risk the loss of national self-respect and the erosion of our political freedom. If we do not demand responsibility, we can never achieve real unity and unselfish dedicated leadership.

"We cannot ask the political questions now. It is too late. The matters are too serious. It is time to ask the hard legal and moral questions. It is time to put these matters to trial before Congress and the American people."

HOUSE OF REPRESENTATIVES—*Monday, October 29, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Lead me in Thy truth and teach me; for Thou art the God of my salvation; On Thee do I wait all the day.—Psalms 25: 5.

Eternal God and Father of us all, disturbed by the demanding duties of this disruptive day we pause at the altar of prayer to realize anew that Thou art God, that this is Thy world, and to remind ourselves that though the wrong seems oft so strong, Thou art the Ruler yet. In Thy strength we would be made strong, with Thy wisdom we would become wise, and by Thy grace we would face the tasks before us with faith and hope and love.

We pray for our country, our President, our Speaker, Members of Congress, and all who labor with them. Do Thou so dwell in their hearts and so direct their endeavors that justice, peace, and good will may everywhere prevail to the glory of Thy holy name and the good of our human family.

Again upon our spirits has come the sadness of farewell as we think of JOHN P. SAYLOR who walks with us no more. We mourn the passing of him who devoted his life to his country, his State, and his district. May the comfort of Thy presence abide in the hearts of his family, his friends, and his colleagues.

In the spirit of Him who is the resurrection and the life we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 301. Concurrent resolution providing for the printing as a House document "A History and Accomplishments of the Permanent Select Committee on Small Business of the House of Repersentatives."

GENERAL LEAVE

Mr. McFALL. Mr. Speaker, without creating a precedent I ask unanimous consent that all Members may extend their remarks in that portion of the RECORD known as the Extensions of Remarks today and to include such extraneous material as they may deem relevant.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION FOR MANAGERS TO FILE CONFERENCE REPORT ON S. 1081, GRANTING RIGHTS-OF-WAY ACROSS FEDERAL LANDS

Mr. MELCHER. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on S. 1081, granting rights-of-way across Federal lands.

XUM

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Blatnik (at the request of Mr. O'Neill), for this week, on account of official business.

Mr. Murphy of New York (at the request of Mr. O'Neill), for this week, on account of official business.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 607. An act to amend the Lead Based Paint Poisoning Prevention Act, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on October 26, 1973, present to the President, for his approval, bills of the House of the following title:

H.R. 689. To amend section 712 of title 18 of the United States Code, to prohibit persons attempting to collect their own debts from misusing names in order to convey the false impression that any agency of the Federal Government is involved in such collection.

H.R. 5943. To amend the law authorizing the President to extend certain privileges to representatives of member states on the Council of the Organization of American States.

H.R. 9639. To amend the National School Lunch and Child Nutrition Acts for the purpose of providing additional Federal financial assistance to the school lunch and school breakfast programs.

The SPEAKER. The Chair recognizes the gentleman from Pennsylvania (Mr. Schneebeli).

THE LATE HONORABLE JOHN P. SAYLOR

Mr. SCHNEEBELI. Mr. Speaker, it is my sad duty to report to this House the untimely death of our colleague, John Saylor, of the 12th District of Pennsylvania. Death occurred from a heart attack early yesterday in St. Luke's Hospital in Houston, Tex.

Funeral services will be held at 1 p.m., Thursday, November 1, at St. John's United Church of Christ, Johnstown, Pa. The family requests that in lieu of flowers, any remembrances should be in the form of contributions to the John P. Saylor Memorial Education Fund and sent to Post Office Box 780, Johnstown, Pa. 15901.

John Saylor and I have been friends for many years—we first met in 1924 when we were both undergraduates at Mercersburg Academy. In the intervening 49 years I had followed with great interest John's career, particularly after he came to Congress in 1949. My more recent and more intimate relationship was reestablished in 1960 when I first was elected to Congress and John and I have maintained a close and respectful friendship ever since that time.

As we all know, John's leadership in the field of conservation was nationally recognized for many years—and he was the recipient of many awards. As senior Republican member of the House Interior Committee, he was credited with leading many endeavors to protect the Nation's scenic and natural resources. He was a sponsor of the Wilderness Act to save woods, water, and wildlife. He also backed legislation to establish the Office of Coal Research to find more uses for coal, and was a major supporter of the Coal Mine Health and Safety Act of 1969. For his moves in conservation, he and former Representative Wayne N. Aspinall, the other coauthor of the Wilderness Act, designed to save land from development, and the Land and Water Conservation Fund Act, received the National Wildlife Federation's Conservationist of the Year Award for 1964.

Congressman Saylor fought against building dams in the Grand Canyon and for preserving the integrity of Dinosaur National Monument in Utah and Colorado. He was a member of the National Forest Preservation Commission and the National Parks Centennial Commission.

In 1957, on a routine mission to visit the Scott Base at Antarctica, John became the first Congressman to fly over the South Pole. He was a supporter of statehood for Alaska and Hawaii.

In addition to his membership on the House Interior Committee, he was also a member of the House Veterans Committee and was well versed in veterans' affairs. In World War II, he served in the Pacific and was communications officer of the U.S.S. *Missoula*, an attack troop ship when Iwo Jima was captured by the Americans. He gave the Marines the first American flag to be raised on Iwo Jima and when a photographer saw the flag-raising, he asked that it be done again and a second flag was raised, resulting in the famous photograph that is duplicated by the Iwo Jima statue near Arlington Cemetery.

But John's success and achievement of excellence covered many fields besides conservation—in the church, veterans' affairs, his service as a trustee of many private schools, hospitals, and social fraternities.

For many years, John was the ranking Republican member of the Committee on Interior and Insular Affairs and many historic legislative bills bear his name and imprint. He also fought for legislation to restore their land to the Taos Indians of New Mexico.

Significant with his interest in the church, one of John's last appearances before his colleagues was to address the House Prayer Breakfast less than 2 weeks ago and his discussion of the subject of "Hope" gave much inspiration to the Congressmen present.

Our sympathy goes out to John's family—his wife, Grace, and to his daughter and son and two grandchildren. We shall all miss John very much—his colleagues here in Washington, his constituents and many friends—the Nation has lost a great leader. Good and great men like John Saylor do not come our way very often.

Mr. Speaker, at this time I yield to the ranking minority leader, the gentleman from Michigan (Mr. Gerald R. Ford).

Mr. GERALD R. FORD. Mr. Speaker, I was deeply saddened to learn of the death of John Saylor. John was a dear friend of mine. I count his death a keen personal loss and a great loss to the Nation.

Like Teddy Roosevelt, John Saylor was an individualist and an ardent conservationist. John Saylor stood out in the House because of his very size and stature. He was tall and large of physique. His ruggedness blended with his love of the outdoors.

John Saylor was a big man in more than physical size. He was perhaps the foremost exponent of conservation in the Congress in recent years. It was his burning desire to foster an understanding of conservation in the Congress, and he worked vigorously in pursuit of that end.

As we all know, John was the coauthor of the Wilderness Act and the Land and Water Conservation Act. He also sponsored legislation establishing the Office of Coal Research and was a major supporter of the Coal Mine Health and Safety Act. In 1964 John Saylor received the National Wildlife Federation's Conservationist of the Year Award; and in 1970, the Founders Award of the Izaak Walton League. John Saylor followed in the footsteps of such great conservationists as Gov. Gifford Pinchot and President Teddy Roosevelt.

As a legislator, John Saylor looked first and foremost to the needs of his constituents but he also was acutely conscious of the national interest.

In my view, John Saylor was one of the most astute legislators ever to sit in the U.S. House of Representatives.

Mr. Speaker, we have lost a fine man, an outstanding Member, and a wonderful friend. On last Friday I called his wife, Grace, and asked how John was progressing. I was encouraged by the news but then terribly saddened with Sunday's tragic report of John's death.

My wife Betty and I extend deepest condolences to Grace, his wonderful wife, and the Saylor family.

Mr. SCHNEEBELI. I thank the gentleman.

Mr. Speaker, I yield now to the ranking member of the Pennsylvania delegation, the respected Dr. Morgan.

Mr. MORGAN. Mr. Speaker, the Nation has lost one of its finest servants with the untimely death of John Saylor.

We in Pennsylvania long have depended on this warm and dedicated man to support measures that would benefit the citizens of our State. As a Member of Congress for nearly a quarter century, he was equally committed to the well-being of American people everywhere.

Major legislation now in the statute books, for which John Saylor was instrumental, attest to his leadership in a wide range of worthy causes. He rose to nationwide reknown particularly as a champion of conservation.

He was a coauthor of the Wilderness

Act and of the Land and Water Conservation Act. He sponsored legislation establishing the Office of Coal Research and was a major backer of the Coal Mine Health and Safety Act, benefiting coal miners. He pushed measures in behalf of the American Indian. He coauthored legislation for statehood for Alaska and Hawaii.

In the area of the Nation's Capital he played important roles in setting up a corporation for the redevelopment of Pennsylvania Avenue, in creation of the C. & O. Canal National Park and Piscataway Park in Maryland across the Potomac River from Mount Vernon and in keeping up the Congressional Cemetery.

Besides his important position as the ranking Republican member of the House Interior and Insular Affairs Committee, John served on the Veterans' Committee. A veteran who served with distinction in World War II, he worked actively in behalf of former servicemen.

Mr. Speaker, the death of John Saylor is particularly grievous to me personally because he was one of my closest friends in the Congress. He was my counterpart on the Republican side, as the senior member from his party on the State delegation here. John never let narrow partisanship impair his devotion to higher values.

I mourn his passing and offer my deepest sympathy to his wife, Grace, and the other members of the family.

Mr. HALEY. Mr. Speaker, will the gentleman yield?

Mr. SCHNEEBELI. I yield to the gentleman from Florida, the chairman of Congressman Saylor's committee.

Mr. HALEY. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, the loss of John Saylor, of Pennsylvania, who was the ranking member on the minority side, is very great. He was a man I had worked with for 20 years. He was an outstanding legislator. The many kindnesses he has shown me over this period of time, I shall always remember.

John was one of my warm friends. As the distinguished minority leader said, we had received the encouraging news from Houston and thought that John was doing fine. Then came as great a shock to me, as I am sure it did to many Members of Congress, the sad news.

Mr. Speaker, he was a dedicated man. He put much legislation for the benefit of this Nation on the statute books. I too mourn his passing, and I extend to his family my deepest sympathy.

Mr. Speaker, at a later time I shall have further remarks to make.

Mr. HOSMER. Mr. Speaker, will the gentleman yield?

Mr. SCHNEEBELI. I yield to the gentleman from California.

Mr. HOSMER. Mr. Speaker, I wish to join in the remarks of the gentleman from Florida (Mr. Haley) on behalf of those who served with John Saylor on the minority side on the Committee on Interior and Insular Affairs.

We found in John Saylor one of our most brilliant, lovable people. We mourn his passing and extend to his loved ones our deepest sympathies.

Mr. Speaker, I, too, shall have further remarks to make at a later date.

Mr. BROOKS. Mr. Speaker, will the gentleman yield?

Mr. SCHNEEBELI. I yield to the gentleman from Texas.

Mr. BROOKS. Mr. Speaker, in the passing of John Saylor, we have all lost a friend. He was justifiably proud of his family; he had a great sense of humor; he had tremendous legislative skill.

He was a man who loved his friends and loved his country. I remember that when he left here, he was happy and optimistic about this operation. On Thursday, there was the good news that he had survived it and was doing well.

It was a tragic blow to read this morning that he had passed away. He leaves this House with a real sense of loss, because he was a Member of this body who was well respected, and rightly so, by Democrats and Republicans alike.

John Saylor was as fine a Member of Congress as we have ever had.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. SCHNEEBELI. I yield to the gentleman from Pennsylvania.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, in the passing of Congressman John Saylor, the people of the United States, and the Congress, and more particularly, the 12th Congressional District of Pennsylvania, have lost an outstanding Member of Congress, and one of the most respected men in our Government today.

I first came to the Congress in 1963, and one of the Members of Congress from Pennsylvania who greeted me with particular warmth and concern was Congressman Saylor. During my 10 years in Congress, it has been my privilege to have long conversations with John, and I was always amazed at his breadth of knowledge of the Congress and the program, and of his devotion to the cause of conservation in this Nation. His taking the lead in Congress for conservation issues was perhaps not too popular at the time, but certainly what he advocated was, in the long run, for the best interests of the Nation and our very survival.

John was the leader of our Republican delegation from Pennsylvania in the Congress, and we all looked up to him as a man whom we could trust, in whom we had faith, who had our best interests at heart, and who was constantly advising each and every one of us on matters of interest not only to the Congress but to our respective districts.

And now as we go into the future with many problems facing this Nation, such as the energy crisis and the destruction of our natural resources, those measures sponsored by Congressman Saylor and his strong advocation of preserving the assets of this country for future generations, will long remain as a standard for the Congress to go by as we face the difficult future.

Personally I have suffered the loss of one of my best friends, and I want to extend to his wife and family my deepest sympathy in their great loss.

Mr. SCHNEEBELI. Mr. Speaker, I thank the gentleman.

I yield to one of the senior Members of the House, the chairman of the Committee on Rules, the gentleman from Indiana (Mr. Madden).

Mr. MADDEN. I thank the gentleman for yielding.

Mr. Speaker, I was very much saddened to read in the morning paper regarding the passing of our colleague, John Saylor, during the weekend, while he was convalescing from an operation.

It was only a couple of weeks ago that John testified before the Rules Committee on a pending bill, and he appeared in the best of physical condition and exhibited his usual enthusiasm and energy which we have so often observed over his 24 years as a Member of this body.

John Saylor was an outstanding Member of the House of Representatives, hard working, industrious, and on many occasions addressed the House convincingly and with complete knowledge of his subject. He always impressed the Members, during debate, with having done his homework on the topic under discussion.

John had a host of friends among his colleagues on both sides of the aisle, all of whom will miss his charming personality, and regret that he cannot have more years of legislative service in the Congress of the United States which would be so beneficial to his district, State, and Nation.

I wish to extend to his wife and family my deepest sympathy in their bereavement.

Mr. SCHNEEBELI. Mr. Speaker, I thank the gentleman.

I now yield to my neighbor and colleague from Pennsylvania (Mr. McDade).

Mr. McDADE. Mr. Speaker, we have lost in the death of John P. Saylor, one of the outstanding Members of Congress in the history of the Pennsylvania delegation in this highest legislative body in the Nation.

He was more to me than a fellow Member of Congress. He was more than a member of the delegation from our own State of Pennsylvania. I knew him as a friend.

He was a man as big as the outdoors he loved so much. He was big physically. You could not miss that head held so tall when he walked through a crowd. He was big spiritually. There was a rugged warmth about him that you caught when you shook his hand; and you had only to talk to his staff who knew him so well to begin to understand the depth of warmth and human compassion within him. He was big intellectually. He gave to his work in the Congress an intensity of intellect that bespoke his knowledge and his profound devotion to his work here in the Congress. He spoke with a voice that was big, and it was a voice to which his colleagues here in the Congress listened with respect.

He was, I believe, a Congressman who truly understood the nature of the representation he gave his people. I know no Member of Congress who was more devoted to the welfare of his own constituents. He loved them with a genuine love, and they showed that the love was reciprocal in sending him back to Congress to

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represent them time after time with astonishing margins of victory in each election.

But more than that, he knew he represented a larger constituency, the people of this entire Nation. He served as the senior minority member on the Committee of the Interior. He served on this committee, to which is largely entrusted the preservation of the beauty of this Nation, with a magnificent determination. He was pledged to not only preserve the greatness of the lands and the waters of America, but he worked ceaselessly to bring back beauty to those lands and waters which man had carelessly soiled.

We will miss JOHN SAYLOR in the Congress. He was a man who left an indelible mark on the lives of his friends who knew him well, and he has left that same indelible mark of excellence on the Nation he served so well.

There are no words I could say which might comfort Grace, his loving wife, nor Susan and John, his children. Perhaps they might be comforted in their grief with the thought that this was a man who, in the short span allotted to all of us on Earth, made his mark of distinction in the service of God and this Nation.

There was an epitaph written about a century ago by another man to be placed on his own grave. Perhaps we might borrow those same words of Robert Louis Stevenson to apply to JOHN SAYLOR, our beloved colleague:

Under the wide and starry sky
  Dig my grave, and let me lie;
Glad did I live, and gladly die,
  And I laid me down with a will.

This be the verse you grave for me:
  "Here he lies, where he longed to be;
Home is the sailor home from the sea,
  And the hunter home from the hill."

Mr. SCHNEEBELI. Mr. Speaker, I thank the gentleman.

Mr. FLYNT. Mr. Speaker, will the gentleman yield?

Mr. SCHNEEBELI. I yield to the gentleman from Pennsylvania (Mr. FLYNT).

Mr. FLYNT. Mr. Speaker, I join with the gentleman from Pennsylvania (Mr. SCHNEEBELI) and our other colleagues in expressing my sorrow at the news of the death of our colleague, the Honorable JOHN SAYLOR, late a Representative from Pennsylvania. I wish to join in paying tribute to the life, the service, and the memory of one whom we held in the highest esteem and respect.

Our Nation has lost an outstanding citizen. His district and the Commonwealth of Pennsylvania have lost an able Representative and a devoted public servant. We in the House have lost a beloved colleague, and I have lost a warm personal friend.

JOHN SAYLOR's service in this body spanned a greater period of time than that of the average Representative who serves here. This Nation is a better place and certainly our land and our waters are in a cleaner and better condition today than they would have been without the knowledge and effective work of JOHN SAYLOR. Much important and valuable conservation legislation bears his name.

JOHN SAYLOR earned and deserved the admiration and respect of those of us who have served in the House with him. His passing will leave a void in the circle which makes up the U.S. House of Representatives.

Mr. Speaker, I have known JOHN SAYLOR since I first was elected to this body, and during that entire time the friendship which immediately developed between us has grown stronger with each passing year. My family joins me in expressing to Mrs. Saylor and their children our condolences and heartfelt sympathy.

May he rest in peace.

Mr. SCHNEEBELI. I thank the gentleman, and I now yield to the distinguished gentleman from Florida (Mr. SIKES).

Mr. SIKES. Mr. Speaker, I join with my distinguished friend, the gentleman from Pennsylvania (Mr. SCHNEEBELI) and other colleagues in expressing very sincere regrets at the death of JOHN SAYLOR.

JOHN was a man who was truly outstanding in every sense of the word. He was a good Congressman in the best sense of the word. He was a man whose work will live on for many years to come, because he contributed greatly to the important and the enduring accomplishments of the Congress.

It was my privilege to share his friendship and to know him well during the entire period of his service here. I admire him greatly, and I, too, shall miss him very much. I knew the color and drama of his personality as well as the outstanding qualities and capabilities he possessed, both as a person and as a legislator. He was the living symbol of the quality of endurance, of ruggedness and forthright honesty, and of legislative leadership.

Representative SAYLOR was a leading conservationist and the ranking minority member of the House Interior and Insular Affairs Committee. Many years before the issues of conservation, natural resources, and environmental quality came to be fashionable, Representative SAYLOR was helping to shape wide national policies for these vital concerns. The coauthor of such bills as statehood for Alaska and Hawaii, the Wilderness Act, and the Land and Water Conservation Act, Congressman SAYLOR also had pushed for benefits for coal miners and the American Indian.

He played an important role in the establishment of the C. & O. Canal National Park and the Piscataway Park in Maryland, across the river from Mount Vernon. Recently, he was instrumental in the approval of legislation to restore and maintain the deteriorated Congressional Cemetery, where many Members of earlier Congresses and other notables of early America are buried.

Congressman SAYLOR was also a member of the House Veterans Committee and he was well versed in matters pertaining to veterans' affairs. He was one of the original members of the 1976 Bicentennial Commission, but had to give up this work because of the press of other duties. Nevertheless, he continued his strong support of the Commission for he very much wanted to see a creditable celebration in 1976.

For good reason his Pennsylvania constitutents trusted him implicitly for faithful representation of their interests and needs, but his contributions were national in their scope. The House has lost one of its ablest and most respected Members.

My sympathy and my prayers are with Mrs. Saylor and their family in their bereavement.

Mr. SCHNEEBELI. I thank the gentleman, and I now yield to my colleague from Pennsylvania (Mr. COUGHLIN).

Mr. COUGHLIN. Mr. Speaker, the unexpected death of the Honorable JOHN P. SAYLOR comes as a shock to his colleagues and to the people he served so long and so well.

It was characteristic of Mr. SAYLOR to be candid and open about his health as he was with issues that faced the Nation. The news that he had successfully undergone major surgery was welcome. The onslaught of the apparent massive heart attack that took his life thus was even more surprising.

Known affectionately as "BIG JOHN," Mr. SAYLOR indeed was big—in physical and legislative stature. Long before conservation and ecology were watchwords of a concerned America, Mr. SAYLOR had foreseen their importance in preserving the precious assets of our Nation. His legislative insight and accomplishments are fitting memorials.

Mr. SAYLOR's pioneering work in the environment highlighted a public career marked by independence as a legislator. He was a loyal Republican, but he never hesitated to state and support his own views on a particular piece of legislation.

This trait of independence was evident in his leadership of the Pennsylvania Republican congressional delegation. While he always urged his colleagues to unite behind an issue or a bill that would benefit Pennsylvania, Mr. SAYLOR was a wise and tolerant man who understood that his colleagues were responsible to their own consciences and constituents.

To the junior members of the Pennsylvania Republican delegation, Mr. SAYLOR was a friend and adviser. In my tenure as Congressman, I found Mr. SAYLOR to be warm and compassionate, always ready to listen to your problems or worries. His genuine appreciation for the problems of a junior Congressman was apparent in his considered and fatherly advice.

As dean of the delegation he was always ready to fight for other Members or for any cause that would benefit Pennsylvania.

Mr. SAYLOR was a Congressman from a western Pennsylvania district, yet the people of the entire Nation are indebted to him for his remarkable foresight and outstanding achievements. Mr. SAYLOR's life convincingly rebuts those who demean or derogate what an individual Congressman can accomplish for the country.

I extend my deepest sympathy, on my behalf and that of my family and staff, to Mrs. Saylor, her two children, and two grandchildren.

Mr. SCHNEEBELI. I thank the gentleman, and I now yield to the distinguished gentleman from Wyoming (Mr. RONCALIO).

Mr. RONCALIO of Wyoming. Mr. Speaker, I would like to say just a few words of concurrence on this very sad occasion.

For everyone in my State as well as in the Nation, those who loved nature, who loved the public parks and the public land and desired to have the laws enacted that were necessary to preserve it, this is a great loss.

JOHN SAYLOR was a good colleague; he had a lot of patience with those Members of the opposition, and he knew when he had to push and when he had to settle back for the best that he could obtain. He knew when a worthwhile effort should be made in order to put a piece of legislation on the statute books.

JOHN SAYLOR was a great man, and we will all miss him.

Mr. SCHNEEBELI. I thank my colleague, and I now yield to my friend and colleague from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. I thank my colleague for yielding.

JOHN SAYLOR was very special to me; he was very special for two reasons: first because as a freshman Congressman I found quickly that I could turn to the dean of our Republican delegation, Congressman SAYLOR, for help, guidance, and counsel. He was always there and always able to provide that needed help and concern.

Second, JOHN SAYLOR was very special to me for another reason. Since we both came from Pennsylvania, we shared the same valleys, the same mountain ranges and the same rivers.

JOHN SAYLOR and I were a product of the same part of the State, and as the days and years would roll by I saw the significant contributions that JOHN SAYLOR was making here in the Halls of Congress, contributions that were beneficial not only to the people of our area, but the entire State of Pennsylvania and our Nation.

JOHN SAYLOR was a fighter. He was fiercely independent. He was a reasonable man, one who could smile at our sometimes unreasoning acts.

JOHN SAYLOR, indeed, has left his mark in the Halls of this Congress, and in our Nation. The valleys, the mountains and the streams of Pennsylvania are better because of JOHN SAYLOR and the people will be better because of JOHN SAYLOR.

Indeed, here was a man. When shall we see another like him?

Mr. SCHNEEBELI. Mr. Speaker, I now yield to the distinguished gentleman from New York (Mr. CAREY).

Mr. CAREY of New York. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding me this time.

Mr. Speaker, I wish to concur in and join with the other Members in this sad moment in the commentaries which have been made by my distinguished colleague, the gentleman from Pennsylvania (Mr. SCHNEEBELI), the ranking minority member on the Committee on Ways and Means.

It has been my good fortune to serve on two committees where the ranking minority member came from Pennsylvania. One was the Committee on Interior and Insular Affairs, and during the entire period of my membership in the House it has had as its ranking minority member the gentleman from Pennsylvania, JOHN SAYLOR, our late departed colleague.

I can attest to the many long hours of study and the many, many days of extreme hardship that produced such a massive contribution to our country, one that will be felt in every State and in every part of our Union. No matter how far flung the territories and insular parts of our country may be, they felt the constructive hand of JOHN SAYLOR.

Mr. Speaker, I had the good fortune to be in his company when he looked at the redwood forests and determined almost singlehandedly that these would be preserved. I can recall of an instance where there was a somewhat perilous helicopter trip that had to be taken, and the question was should we take that helicopter to see better in the mountainous regions where the virginal redwoods stood, and was this a proper use of a small helicopter for a weighty Member of the Congress. JOHN was the biggest among us, and JOHN said, "I will go first." And he did that, and we then in turn followed JOHN. This was a typical instance of a big man such as JOHN SAYLOR was.

JOHN SAYLOR was an independent in the Congress, taking the lead in so many ways that it would be impossible in these few moments to list the great acts of Congress that were part and parcel of the bipartisan leadership given that committee during the time of Wayne Aspinall and JOHN SAYLOR. Both served on that committee for the progress of America.

To his wife Grace, and the members of his family, I extend my deep sympathy in their great loss through the passing into eternity of one of the finest Members of Congress that I have ever met, JOHN SAYLOR of Pennsylvania.

Mr. SCHNEEBELI. Mr. Speaker, I now yield to the gentleman from California (Mr. MAILLIARD).

Mr. MAILLIARD. Mr. Speaker, my colleagues who have preceded me have expressed much more eloquently than I can the important role that JOHN SAYLOR played in his many years of service in this body. I just wish to mention one area in which I worked with him, although I did not serve on the committee, and that is the area on the Pacific Coast known as the Golden Gate National Recreational Area, which we enacted last year, and without JOHN SAYLOR's help there would have been no way we could have accomplished that really incredible feat in preserving open space in a highly congested metropolitan area. I could list literally hundreds of projects that JOHN has helped.

I just want to say very briefly that JOHN was a dear friend. We traveled around the world. We were both in the Naval Reserve, and when we used to have a unit up here on "the hill," he was my strong right arm. I used to call him the boatswain's mate. Anyone who attempted to get out of line JOHN used to straighten out very fast and very neatly.

We will miss him very, very much, and I want to join with the others who expressed their sympathy and condolences to the Saylor family.

Mr. SCHNEEBELI. Mr. Speaker, I yield to the gentleman from California (Mr. MCFALL).

Mr. McFALL. I thank the gentleman for yielding.

Mr. Speaker, last night when I arrived at Dulles Airport, I saw the flag at half-mast and I wondered what friend I had lost. It was with shock and sorrow that I learned it was our friend, JOHN SAYLOR.

He was a true friend of all of us, and what is more he was a true friend of the country. The leadership on both sides of the aisle could always depend upon JOHN to work in his committees—he was a member of the Committee on Interior and Insular Affairs and the Committee on Veterans' Affairs—to do the great things that he did in those committees and on the floor of this House without partisanship, without rancor, with independence and courage, with the spirit of friendship, and laughter and humor, to do those things that we do here in the House of Representatives with the hope we all have it will be to the benefit of the people of this country.

JOHN SAYLOR was a friend to me and to all of us, as has been said, but he was a true friend to the people of this country because he worked hard for their benefit. There is great joy and sorrow in serving in this body. The joy comes from the opportunity to do things for the people of the country and the joy of working with others who have that objective, and the sorrow comes when we lose those friends like JOHN SAYLOR.

Mr. SCHNEEBELI. Mr. Speaker, I yield to the gentleman from Texas, my colleague (Mr. PICKLE).

Mr. PICKLE. I thank the gentleman for yielding.

Mr. Speaker, all of us in the House have lost a dear, warm, personal friend. The Nation has lost a great statesman. JOHN SAYLOR was one of the most colorful, kind-hearted, yet big, robust, effective men that we have ever had in this House. Those of us who were privileged to work with him, to have been with his lovely family, and to have made trips with him, know that he was a great American. We will all miss him very, very much.

Mr. GOODLING. Mr. Speaker, all of us are grieved over the passing of our colleague and friend, the Honorable JOHN PHILLIPS SAYLOR of Pennsylvania.

JOHN was dean of the Pennsylvania Republican delegation in the House of Representatives. He had a unique talent for being able to get the job done when the going was tough. He had a great capacity for putting his finger on the core of a problem and marshalling the forces essential to a solution of the problem.

JOHN was a legislator who was dedicated to his responsibilities as a Representative for Pennsylvania's 12th Congessional District. He had the reputation of being a hard worker for the interests of his constituency, and this constituency consistently endorsed his representation by repeatedly sending him

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back to Congress. He was serving his 13th term.

Congressman SAYLOR had the respect of his colleagues, and he was recognized for his dynamic personality which, in combination with his keen wit, had the effect on many occasions of quieting some troubled legislative waters.

He was also an ardent conservationist, having coauthored various important pieces of legislation designed to advance the causes of conservation. He received various awards for conservation, among which was the National Wildlife Federation's "Conservationist of the Year" award for 1964.

Mr. SAYLOR also had a deep interest in the veteran, and he was very well versed in veterans affairs. Having been a veteran himself, he knew the problems and interests of the veteran, and he consistently strove to have the veteran dealt with in a manner that reflected public appreciation for his sacrifice and the contribution he had made to his country.

All of us will miss JOHN SAYLOR in this Chamber in one manner or another, both as a competent legislator and as a good friend. We can gather some consolation from the realization that he was with us many years in our legislative efforts, and that many of our legislative accomplishments of the present and future will reflect the interests and efforts of JOHN SAYLOR.

I join with my colleagues in extending a deep expression of sympathy to Mrs. Saylor and other members of her family.

Mr. ALBERT. Mr. Speaker, I feel a special sorrow today over the passing of my good friend and colleague, JOHN SAYLOR. JOHN was an outstanding Congressman and a man of courage and absolute dedication to his district, State, and Nation. He had an immeasurable influence on conservation and wildlife in this country, and he will always be remembered for his outstanding work in that field.

But JOHN SAYLOR was more than just a good Congressman, he was a great human being. JOHN was always receptive to ideas and people, and he was as friendly as any person I have ever known in my life. He was loved by all Members of the House, on both sides of the aisle, and he will be sorely missed. His 24 years in the House will serve as his monument and should be a great source of pride to his loved ones.

Mrs. Albert joins me in extending my deepest sympathy to JOHN's wife, Grace, and his children, John and Susan. His death is a great loss to all of us who had the good fortune to know and work with him.

Mr. EVINS of Tennessee. Mr. Speaker, I want to take this means of joining my friends from the State of Pennsylvania and others in paying a brief but sincere tribute to the memory of our colleague, Representative JOHN SAYLOR.

I was deeply shocked and saddened over the weekend to learn the news of the passing of this great and good man who has served his district, State, and Nation so faithfully and so well for almost a quarter of a century.

JOHN SAYLOR was a leading conservationist in the Congress and in America and was a member of the Committee on Interior and Insular Affairs. His contributions as a member of this committee greatly enriched the legislative history of the Congress in the field of conservation and many other areas.

He received a number of honors and awards for his accomplishments and achievements in conservation.

JOHN SAYLOR was also a member of the Committee on Veterans' Affairs of the House and participated in the drafting of much legislation of importance to veterans and their families and survivors.

In addition to his many legislative accomplishments, JOHN was a warm, genial, friendly person, a good and close friend, a colleague with whom you might differ on issues but whose friendship remained constant and unchanging.

I recall once that during a debate on the issue of public and private power, JOHN SAYLOR and I had a difference of opinion—and while I had some strong points on my side, I am sure that JOHN with his eloquence, force, and wit carried the day.

JOHN SAYLOR was a great American—a grand gentleman—a wonderful friend—and he will be greatly missed.

I want to take this means of extending to his wife Grace and other members of his family this expression of my deepest and most sincere sympathy in their loss and bereavement. My wife Ann joins me in these sentiments.

Mr. RUPPE. Mr. Speaker, the Nation has lost a great legislator and great conservationist with the sudden dealth of our colleague, Congressman JOHN SAYLOR.

We are today in what I like to call the third phase of the environmental movement. The first phase was characterized by the work of a few individuals, not enough of them politicians, working tirelessly to preserve our natural environment. The second phase which developed toward the end of the last decade saw an explosion of interest in ecology and the natural environment. The third phase, in which we find ourselves at this time is characterized by many questions difficult to answer, most of them having to do with the inherent conflict between preservation and improvement of the environment, and the development of the economy, particularly that sector of the economy dependent on the supply of energy. The career of JOHN SAYLOR, spanning all three phases, is not only evidence of his dedication to environmental protection, but of his ability to remain intimately involved with the issues as they developed.

For many years, Mr. SAYLOR was one of the few Members in the House who foresaw what many of us would come to accept as obvious reality: The need to manage our environmental resources in order to prevent such resources from irretrievably slipping away from us. His involvement in the Wilderness Act, one of the early important environmental acts, is known. However, his sponsorship of many national parks and other public lands proposals has been just as important over the years. He sponsored the establishment of the Office of Coal Research, giving the Nation a headstart in a vital area of research in new means of meeting our energy demands.

He has been a stanch defender of the National Environmental Policy Act, perhaps the singlemost important piece of environmental legislation to come out of the second phase of the environmental movement. And finally, his leadership in environmental matters in the Committee on Interior and Insular Affairs has continued in recent times, as witnessed by his strong support of land use and surface mining legislation and his important role in debate over the Alaska Pipeline. As everyone knows, this third phase legislation is highly controversial. That JOHN SAYLOR has continued to espouse environmental values against some rather rigorous opposition is witness to his tremendous dedication to environmental ideals. We shall all miss his influence and guidance. Those of us who serve on the Interior and Insular Affairs Committee, where he made his mark, will feel his departure most keenly.

Mr. BLACKBURN. Mr. Speaker, Mrs. Blackburn and I want to extend our deepest sympathy to the family of JOHN SAYLOR.

JOHN was a Member whose judgment and opinions were greatly respected by me since I entered the Congress in 1967.

JOHN SAYLOR's leadership in the area of conservation measures is one from which the country has benefited and will continue to benefit in the future. He called for conservation measures during the 1950's—conservation measures which we have all now come to embrace. His foresight and wisdom in this area were completely unparalleled in the fifties. JOHN was a lone voice in trying to protect our natural resources.

He was a very strong and outspoken Member of the House who had firm political convictions and would not deviate from those convictions. In short, he was a man of integrity.

JOHN SAYLOR will be truly missed by me and his many colleagues. I share with my colleagues in sending my deepest condolences to his family in their hour of painful loss.

Mr. CONTE. Mr. Speaker, we are plunged into a darkness of spirit today with the news of the untimely death of our beloved colleague JOHN P. SAYLOR.

Every Member of this body has lost a friend and so, too, I would submit, has this country, and, indeed, this Earth. For, as I am sure we will hear repeated time and again as we eulogize JOHN SAYLOR today, he was a man with a great interest in protecting the environment of the world in which we all live.

Long before "ecology" became a household word, JOHN SAYLOR was stepping to the tune of the different drummer that he heard, warning us of the wrong we did to our land in the name of progress.

It was my pleasure to put my shoulder behind many pieces of legislation sponsored by JOHN SAYLOR. Then, with shoulder to shoulder we fought many a legislative battle together.

Imbued with a deep sense of purpose and dedication, he was a "force" to be reckoned with as the ranking Republican member of the House Interior and Insular Affairs Committee. His hand was evident in every piece of legislation emerging from that committee.

The environment was only one of the concerns to which JOHN SAYLOR lent his great talents and boundless energy. Helping our Nation's veterans was another cause close to his heart. As one who shared his deep and abiding interest in assisting those who gave so much when called to the service of their country, I can only say, with profound sadness, that a strong voice on behalf of our former military men and women has been stilled with his death.

JOHN SAYLOR's hard work in those two areas and others was noted and appreciated. He was widely honored and cited. But nowhere was his dedication more greatly appreciated than in the 12th Congressional District of Pennsylvania where his constitutents mourn today. There, as here in this Chamber, his loss will be deeply felt.

At this time, I join with my colleagues in extending my deepest sympathy and that of my wife, Corinne, to JOHN's wife, Grace, and their children John, and Susan, and the rest of the Saylor family.

Mr. GROSS. Mr. Speaker, it was with sorrow and a deep sense of personal loss that I learned of the untimely death of our colleague, the Honorable JOHN P. SAYLOR.

JOHN and I came to the House of Representatives in the 81st session of Congress. Through the quarter of a century that ensued he became one of the truly outstanding Members. Able and utterly fearless, yet always reasonable, when he took a position for or against a legislative proposition he was unshakeable.

JOHN SAYLOR was at one and the same time a conservationist and a conservative. He served with unusual distinction not only the 12th District and the State of Pennsylvania, but the Nation as well. He will be sorely missed in the House of Representatives.

To Mrs. Saylor and the surviving son and daughter I extend heartfelt sympathy in their grievous loss.

Mr. NATCHER. Mr. Speaker, it was with profound sorrow that I learned of the passing of my friend, JOHN P. SAYLOR.

Representative SAYLOR had those outstanding moral and intellectual qualities necessary for the position that he held as ranking minority member for the great Committee on Interior and Insular Affairs. He was known throughout the United States for his work in conservation and as a Representative, he had those qualities that are essential for leadership, sound judgment, patience, and perseverance which made him one of the outstanding Members of the House of Representatives. He will have a high place in the history of this country and in the hearts of his countrymen. His character, his achievements and his faithful service will be an inspiration to generations yet to come.

I have lost a true friend and this country has lost a great statesman. To the members of his family, I extend my deepest sympathy in their bereavement.

Mr. BENNETT. Mr. Speaker, as a Member of Congress who came here in the same session of Congress as JOHN SAYLOR, I knew him intimately for more than a quarter of a century. His death comes as a great personal loss to me, with all his beloved family and friends; but it is also a great loss to the country.

His leadership in conservation and wildlife legislation and his persistent course of following his conscience on all matters, regardless of the political consequences to himself, are outstanding aspects of his life. He was an inspiration to me in life and his memory will forever be an inspiration to me and generations yet unborn.

His speech before the House Prayer Breakfast group a little more than a week ago, was indeed one of the most down-to-earth speeches I have ever heard from anyone. I suspect that it was the last, if not then one of the last, speeches he made in his lifetime. The fact that this is so, carries with it a symbolism that speaks eloquently of the way he lived. We are all better for this being the course of his life and express to his beloved ones this day our deepest sympathy.

Mr. HEINZ. Mr. Speaker, the death of our colleague JOHN SAYLOR came as a shock to all of us who thought things were going well after his heart surgery in Houston. His passing is a deep personal loss to me; I mourn for a friend and teacher, as the Nation mourns for a distinguished legislator, leader, and conservationist.

When I first came to Congress in 1971, and many times during the past 2 years, JOHN SAYLOR was there to help. As dean of the Pennsylvania delegation, he taught me the ropes and gave valuable advice on every aspect of congressional life. His leadership in the delegation kept us a cohesive force.

JOHN SAYLOR was a conservationist before it became popular. With former Congressman Wayne Aspinall he coauthored the Wilderness Act to save land from developers, and for his energies received, with Mr. Aspinall, the 1964 "Conservationist of the Year" award from the National Wildlife Federation. His efforts in this field were not restricted to Pennsylvania; he was one of the prime movers behind the C. & O. Canal National Park and Piscataway Park, across the river from Mount Vernon.

He also had an interest in young people, and during the summer of 1972 addressed an audience of congressional interns at a free performance of "Godspell" at Ford's Theater.

The people of Pennsylvania's 12th Congressional District were indeed fortunate in having a representative with the diversity, warmth, adroitness and wisdom of JOHN P. SAYLOR for the 24 years that he served in this body. The void created by his passing will not easily be filled.

My deepest condolences go out to his family; their grief is shared by all of us who had the privilege of knowing and working with him, and by the countless millions who never knew him, yet every day enjoy some of the benefits of his efforts.

Mr. MAHON. Mr. Speaker, I wish to join my colleagues in paying tribute to the memory of JOHN SAYLOR. We had served together and had been close friends throughout his service here.

As a Member of Congress JOHN SAYLOR wrought well—for his constituency, for his State, and for the Nation. He was a statesman in the truest tradition, and we are going to miss him here in the House of Representatives.

Others have delivered more glowing tributes, but I wanted to be counted among those who had much respect for, confidence in, and admiration for JOHN SAYLOR. I shall treasure the memory of our associations together as legislators and as friends.

Members of JOHN SAYLOR's family have every reason to be proud of his record of public service. They have my sympathy in this hour of great loss and bereavement.

Mr. WILLIAMS. Mr. Speaker, my State of Pennsylvania and, indeed, the Nation, are saddened by the untimely passing of a truly dedicated public servant, an outstanding Member of Congress and a dear friend, JOHN P. SAYLOR.

Congressman SAYLOR was a fine example of the personal success which a man can achieve under our free enterprise system, a system which he so firmly advocated. JOHN served his country well, first with his participation in the invasion of Iwo Jima and Okinawa, and Tokyo Bay on V–J Day, and then with 25 years' service in the House of Representatives—an exemplary record which most of us will find hard to match.

JOHN SAYLOR was the senior Republican from Pennsylvania and had, on several occasions, appeared as a guest in my Seventh Congressional District, where he was at all times overwhelmingly received. JOHN enjoyed an excellent reputation as a lawmaker over the past 25 years, and had earned the respect of the entire Pennsylvania delegation as well as colleagues on both sides of the aisle.

JOHN enthusiastically and earnestly served his 12th Congressional District, and he will be sorely missed by his constituents, his staff, and all of us here in Congress. It was a pleasure for me to be associated with JOHN as we sought the answers to problems of concern to our State, and I am grateful to have had the opportunity to know and work with him.

JOHN was a devoted family man, and I want to extend my heartfelt sympathy to his widow and children. I trust that many wonderful memories will sustain them, and us, in this hour of grief.

Mr. KASTENMEIER. Mr. Speaker, all of us are deeply saddened by the untimely death of our colleague, JOHN SAYLOR.

As the ranking minority member on the House Interior and Insular Affairs Committee, JOHN SAYLOR was widely recognized as the leading conservationist in the House. He championed the conservationist cause long before it became a popular issue, and he was credited with promoting many endeavors to protect our Nation's scenic and natural resources. JOHN SAYLOR was one of the original coauthors of the historic Wilderness Act and, also, the Land and Water Conservation Act. His influence was present in every major conservation measure enacted by the Congress in recent years. JOHN SAYLOR's brilliant legislative record

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in the conservation field won him many awards from environmental groups. In 1964, the National Wildlife Federation named JOHN SAYLOR the "Conservationist of the Year." The Izaak Walton League presented him the Founders Award in 1970.

Although JOHN SAYLOR and I were on opposite sides of the political aisle, political ideology did not separate us on environmental issues. As members of the Interior Committee, we worked together for the defense and enhancement of our environment, whether it be for the establishment of the Nation's wild and scenic rivers system, or, more recently, in opposing the construction of the trans-Alaska oil pipeline.

JOHN SAYLOR was in the forefront of every great conservation battle and his contributions to the conservationist cause will be long remembered. He left behind a record of solid achievement which will always be a perfect memorial to his memory and an inspiration for the future.

Mr. SISK. Mr. Speaker, it was with great shock and sadness that I learned of the untimely death of our friend and colleague, JOHN SAYLOR, during this past weekend.

I was fortunate to have had the opportunity to know and work closely with JOHN from my very first day in Congress, since I was assigned to Interior and Insular Affairs and the Veterans' Committees, his two committees, upon my arrival.

In these capacities, and in others over the ensuing years, I came to know JOHN as an outstanding and able legislator as well as good friend, and as the epitome of a true gentleman.

While we occasionally disagreed on the issues of the day he had the knack of temperate disagreement, and over the years was of substantial help to me on programs of the 16th Congressional District of California over which he had jurisdiction as the ranking minority member of Interior.

His family, Pennsylvania, the Congress, and the Nation, have lost a truly great public servant.

Mrs. MINK. Mr. Speaker, the forces of environmental responsibility have been immeasurably weakened by the loss of Congressman JOHN P. SAYLOR. As the ranking Republican member of the House Interior and Public Affairs Committee, JOHN SAYLOR was foremost among those who worked and fought to produce legislation which would place environmental controls upon the surface mining of coal. His bills, H.R. 60 and H.R. 444 exerted a significant effect upon the passage of the surface mining bill which was passed by the House in 1972.

As coauthor of the Wilderness Act and the Land and Water Conservation Act, and as one who played a crucial role in establishment of the C. & O. Canal National Park and Piscataway Park in Maryland, JOHN SAYLOR has made his influence felt over a wide range of conservation issues.

His many contributions to the cause of conservation were recognized by the presentation of the National Parks Association award, the National Conservation award and the Conservationists of the Year award from the National Wildlife Federation, among others.

He was never one to dodge the difficult issues; he made his feelings and his position known without equivocation. He consistently favored protection of the rights of coal miners, through his support for the Coal Mine Health and Safety Act. Native Alaskans and American Indians also benefited from his strong and unswerving allegiance to their cause.

JOHN SAYLOR is one who will be sorely missed by his colleagues in the House, his friends in the conservation movement, and the many members of minority groups who he worked to protect. It was with great shock that all of us learned of his passing.

Especially for all the people of Hawaii for whom he fought to grant us statehood, I extend my deepest sympathy and condolence to his widow and his family.

Mr. TEAGUE of Texas. Mr. Speaker, the sudden and untimely death of Congressman JOHN P. SAYLOR on October 28, 1973, came as a very heavy blow to me. He was more than a congressional colleague who was one of my closest confidants and allies; he was also an effective coworker on hundreds of pieces of veterans' legislation which have been considered by the Committee on Veterans' Affairs during the almost quarter century we served together as members of that committee.

But more than anything I can say, Mr. Speaker, about JOHN SAYLOR is that he was one of my truest and closest personal friends.

Although JOHN and I did not always agree on various issues, he had the capacity to understand without rancor our differing points of view. To all who knew him, he was trusted implicitly for faithful representation of their true needs and for his unfailing legislative responsibility, integrity, and independence.

JOHN SAYLOR championed many causes during his career in the U.S. Congress. Foremost among these he stood in the forefront in advancing sensible and needed legislation through the Congress to aid veterans, their wives, widows, children, and orphans. He was a diligent worker on the Veterans' Affairs Committee and was always well informed on the issues being considered. JOHN served as the ranking Republican member of the House Veterans' Affairs Committee for a number of years while I was chairman; but he never let partisan politics enter into the affairs and workings of the committee. He stood foursquare for what was best for the veteran and his family.

Mr. Speaker, space does not permit me to recount the many legislative accomplishments of JOHN SAYLOR, nor does it permit me to set forth the countless humane acts which he performed for his fellow men during his lifetime. My admiration for him as a private person and as a public being grew with exposure. He was a genuine, warm, decent man for whom I will always have profound fondness, respect, and love.

Mr. Speaker, JOHN SAYLOR's passing leaves me with a very deep, empty, and sad feeling which will be hard for me to overcome.

To his wife Grace, his children, grandchildren, and his entire family, I, along with my family, extend our deepest sympathies. May their knowledge of our heartfelt loss help soften the blow they have received.

Mr. McCLORY. Mr. Speaker, the passing of our colleague, Congressman JOHN P. SAYLOR of the 12th District of Pennsylvania, comes as a distinct shock to many of us who visited with him on the floor of the House just a few days ago.

Mr. Speaker, no Member of this House has impressed me with a greater degree of independence and personal conviction than has JOHN SAYLOR. Many may have regarded his manner as too brusque. Indeed, in expressing his convictions, Congressman SAYLOR was firm and forthright—and determined. He backed up his position with sound arguments and with factual material, which was generally persuasive—as reflected by the success which he enjoyed during House debates.

Mr. Speaker, underneath Congressman SAYLOR's brusqueness and thunderous voice, there was a sweetness and a sense of humor which emerged spontaneously and invariably.

Mr. Speaker, in addition to the Nation's loss of a prominent lawmaker, I, together with most other Members of this Chamber, feel that we have lost a personal friend. This House of Representatives and the Nation are better for his having served here, and we in turn can be grateful that we had the privilege of knowing and of coming to love Representative JOHN SAYLOR. In his final passing, I rise to honor him and to express my profound respect for his memory.

Mr. Speaker, I also wish at this time to express my deep sympathy to his wife, Grace Saylor, and their daughter, Susan.

Mr. HUDNUT. Mr. Speaker, it was with great shock and sadness that I learned of the untimely death of our friend and colleague, JOHN SAYLOR.

I met Congressman SAYLOR when I first came to Congress last January as a freshman and called upon him with reference to my committee assignment. He made a lasting impression on me at that time and since then he has been a very good friend and adviser.

As the ranking minority member on the House Interior and Insular Affairs Committee, JOHN SAYLOR was widely recognized as the leading conservationist in the House. He championed the cause of protecting our environment and natural resources long before it became a popular issue.

He was in the forefront of every great conservation battle over the past several years and his accomplishments in this area will stand always as a perfect memorial to his memory and an inspiration for the future.

It has been a privilege to know JOHN SAYLOR and to have the opportunity to serve with him in the House of Representatives. We shall all miss him very much. Good and great men such as JOHN SAYLOR do not come our way very often. His colleagues in the Congress, his constituents, and the Nation have lost a

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good friend and leader. Although JOHN SAYLOR is gone from our midst, he will not be forgotten. In this thought, I recall the words of Kipling:

> The tumult and the shouting dies—
> The Captains and the Kings depart
> Still stands Thine ancient sacrifice,
> An humble and a contrite heart,
> Lord God of Hosts be with us yet,
> Lest we forget—lest we forget.

Mr. Speaker, the House will not forget JOHN SAYLOR, America will not forget him. His efforts to preserve our environment and natural resources will stand as a living memorial.

My deepest sympathy goes out to Mrs. Saylor and other members of the family.

Mr. WYLIE. Mr. Speaker, I take this opportunity to add my voice to those of my colleagues who have offered deserved praise and recognition of our late distinguished colleague from Pennsylvania, JOHN SAYLOR.

JOHN's long distinguished career in the House of Representatives began in 1949. Since that time he has ably distinguished himself as a responsible legislator dedicated to the needs of his constituency and beloved State of Pennsylvania. Over the years, he also developed a much broader base of support as one of the early champions of legislative efforts to preserve and enhance our natural environment. In this area, the American people owe him a special vote of thanks.

Congressman SAYLOR also had a deep abiding concern for his fellow man. This was most evident to me from my service with him on the House Committee on Veterans' Affairs where he was the ranking minority member of the Subcommittee on Hospitals. Besides laboring diligently to provide the best possible benefits for America's deserving veterans, he was active in supporting the interests of coal miners and the American Indians.

In spite of the press of his legislative duties, his real concern was for the people of his district. He maintained his home at Johnstown throughout his active private, professional, and congressional career. He frequently said: "I was home over the weekend and found out how the people feel."

JOHN had the ability to cut through the redtape and trivia surrounding an issue and quickly get to the crux of the matter. He was very cooperative and would always lend a helping hand to those of us who had the privilege of serving with him in the House of Representatives. His passing represents a great loss to this Nation. I extend my deepest sympathy to his bereaved family.

Mr. YATRON. Mr. Speaker, indeed today is a day of deep sorrow and grief, not only for those of us who had the privilege to serve with this great man in Congress, the Honorable JOHN P. SAYLOR, but also to the people of Pennsylvania and the Nation. For the death of my friend and colleague, Congressman SAYLOR, marks the end of a distinguished career for one of America's truly great public servants.

Throughout a lifetime of dedicated service to his constituents, JOHN was an outstanding Member of Congress whose unwavering friendship and solid advice will always be treasured as much by me as any of those whose lives he touched during his 34 years of service in Washington. His legislative efforts in the fields of conservation, coal mine health and safety, and aid to the American Indian will forever remain as landmarks to progress in the Nation's history.

Today, as we celebrate his life and mourn his death, it is incumbent upon all of us to review with the deepest respect his many fine qualities, his years of service, his advice, friendship, diligent work, and unparalleled wit which characterized so well the life and memory of JOHN SAYLOR. He will certainly be missed in the House of Representatives, in our State of Pennsylvania, and in his hometown of Johnstown.

Mr. Speaker, my wife, Millie, and I join in the Congress of the United States and thousands of our fellow Americans in extending our deepest sympathy to JOHN's wife, Grace, his son, John P. Saylor, Jr., and his daughter, Susan.

Mr. COHEN. Mr. Speaker, I would like to take a few moments to express the deep sorrow we in the State of Maine feel over the sudden loss of one of the finest Members of the House, JOHN PHILLIPS SAYLOR.

During his almost quarter of a century of service in the House of Representatives and particularly with the Committee on Interior and Insular Affairs, Maine came to know JOHN SAYLOR as a special friend and a champion of causes we hold especially important. As a State which takes particular pride in the unspoiled beauty of its wilderness areas and which has long been concerned with the need to protect our environment and conserve our natural resources, we are grateful for the many diligent efforts he made in these areas, efforts which began long before the issues became popular with the general public. We will sadly miss his dedicated leadership in these matters and in other concerns vital to this country and can only pledge that we will continue the work he began.

We would like to extend our deepest sympathies to the family of Congressman SAYLOR and also to the residents of the 12th District of Pennsylvania, whom he so excellently represented for many years. We trust that the inspiration he provided will continue to guide the Congress and the Nation in the years ahead.

Mr. O'HARA. Mr. Speaker, one of the sad duties that falls upon us with increasing frequency as the years pass by, is the necessity of saying farewell to departed colleagues with whom we have shared the deep privilege and high personal honor of having served together in this great body.

So it is today, as we mourn the passing of JOHN P. SAYLOR, who for 24 years faithfully served the people of his district, his State, and his Nation in the House of Representatives.

I counted JOHN SAYLOR as a personal friend—a man gifted with talent, blessed with a warm and generous nature, and endowed with a rare good humor that is sometimes so essential to maintaining one's equilibrium anywhere on this planet today, and particularly in this body, where we walk the path of history being made and where, therefore, the pressures of daily life come hard and fast.

It was my privilege to have served with JOHN SAYLOR on the Committee on Interior and Insular Affairs, and during those years together I developed an abiding respect for his knowledge and concern about the great issues of environmental protection and conservation of our precious resources. Beyond knowledge and concern, JOHN SAYLOR had a deep commitment to those legislative remedies that he believed were needed to hold our natural resources in trust for future generations. He was a conservationist in the great tradition of Teddy Roosevelt and Gifford Pinchot. Long before ecology was fashionable, JOHN SAYLOR was an ecologist. And he stood by his deep commitments to these noble goals despite enormous pressures, and in the environmental and conservation fields, it can be truly said that JOHN SAYLOR helped generate and direct the winds of change.

In this Nation with its two-party political system, we highly prize party loyalty; in this body, we also hold individual integrity in high esteem. And when the chips were down, you could always rely on JOHN SAYLOR's integrity emerging shining and intact from any encounter.

Mr. Speaker, JOHN SAYLOR was a good friend and a respected colleague. Together, we all have shared in the unique honor of being chosen by our fellow citizens to help shape the course of history, and to help decide the future of our beloved land. I will miss JOHN SAYLOR's warmth and good humor, his intelligence, and his integrity. I think all of my colleagues in the House share that same feeling.

Mr. SHRIVER. Mr. Speaker, the sudden passing of our good friend and able colleague, JOHN P. SAYLOR, of Pennsylvania, has come as a shock to all of us. We are saddened by the loss of this rugged American and individualist who loved this land and fought to conserve our natural resources through necessary and meaningful legislation.

He was a hard worker who took his responsibilities to his constituency and to our Nation seriously. He served his beloved 12th Congressional District of Pennsylvania with distinction for nearly a quarter century.

All of us looked to JOHN SAYLOR for leadership, counsel, and advice when important legislation was to be considered from Veterans' Affairs or the House Interior Committee. He was knowledgeable, practical, and responsible in his actions. He had the foresight to recognize the importance of preserving our environment long before ecology became a household word.

We will miss JOHN SAYLOR in this House and throughout the land. Mrs. Shriver joins with me in extending our heartfelt sympathy to Mrs. Saylor and to her children. May God bless and comfort them during this time of sorrow.

Mr. HELSTOSKI. Mr. Speaker, it was with deep regret that I learned of the death of our friend and colleague, Congressman JOHN SAYLOR. Congressman

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Saylor, who represented Pennsylvania's 12th district, died Sunday in Houston of a heart attack at the age of 65.

Not only was he respected as a legislator, but also many of us had a great deal of personal affection for him. Throughout Congress, he was respected for his disposition, vision, good sense, and integrity.

Congressman John Saylor served on the House Veterans' Affairs Committee. He had served on the committee since first being elected to Congress in 1949, and at the time of his death was a ranking minority member. To the Veterans' Committee, he brought a great deal of expertise and compassion, and he worked endlessly and aggressively to make life better for our veterans.

This year, John Saylor was instrumental in getting the National Cemeteries Act passed. This act is the first step in establishing a national policy for the burial of veterans. He also devoted his efforts to a proposal designed to provide expanded medical care for veterans which was signed into law this year.

His compassion for veterans may have stemmed from his own war experiences. He served in the Pacific during World War II, and was communications officer of the USS *Missoula*—attack troop ship at the time Iwo Jima was captured. Interestingly enough, it was John Saylor who handed the first American flag to the marines who raised it on Iwo Jima. When a photographer noticed the flag-raising he asked the future Pennsylvania Congressman to arrange for the marines to do it again. Little did he know that that photograph would result in one of our most famous and inspiring national monuments.

However, our veterans, and the people of Congressman Saylor's district, were not the only ones to benefit from his skill and dedication. Long ago, before the issues of environmentalism and pollution became commonplace, he urged the nation to focus its attention on conserving natural resources. He was one of the few political leaders who years ago recognized and stressed the vital relationship between protecting our environment and the general welfare of society at large.

At the time of his death, he was the ranking minority member of the House Interior and Insular Affairs Committee.

Along with former Colorado Congressman Wayne Aspinall, Congressman Saylor coauthored the Wilderness Act—designed to protect land from reckless development—and the Land and Water Conservation Fund Act. As a result, he and Mr. Aspinall jointly received the National Wildlife Federation's "Conservationist of the Year" award for 1964.

He also will be remembered for coauthoring statehood bills for Alaska and Hawaii, and for his relentless efforts to improve conditions for coal miners and American Indians.

John Saylor recognized, more than anything else, the fundamental value of human happiness and fought for the dignity of all human beings.

I wish to extend my deepest sympathies to his wife Grace and the members of his family.

Mr. Speaker, I also wish to insert into the Record an article about Congressman Saylor, that appeared in the Washington Post October 29. He was a man who accomplished a great deal and the following article provides some additional biographical highlights. The article follows:

Rep. John Saylor (R.-Pa.) Dies

(By Jean Hailey)

Rep. John Phillips Saylor (R-Pa.), a leading conservationist and ranking minority member of the House Interior and Insular Affairs Committee, died yesterday of a heart attack in Houston, Texas. He was 65.

Congressman Saylor, who had served in the House since 1949, had undergone surgery for an aneurysm at St. Luke's Hospital in Houston last Wednesday. He was recovering from the operation when he was stricken with the fatal heart attack.

The co-author of such bills as statehood for Alaska and Hawaii, the Wilderness Act and the Land and Water Conservation Act, Rep. Saylor also had pushed for benefits for the coal miners and the American Indian.

After learning of his death, President Nixon issued the following statement:

"Long before the issues of conservation, natural resources and environmental quality came to fashion, he was helping to shape wide national policies for these vital concerns. His Pennsylvania constituents came to trust him implicitly for faithful representation of their interests and needs, and we in Washington to count on him for unflagging legislative responsibility, independence and integrity."

Pennsylvania Gov. Milton J. Shapp, in a telegram to Mrs. Saylor who was at her husband's bedside when he died said:

"Congressman Saylor was a great representative of the people of his District and of the commonwealth. I could always count on his support for any measure that would benefit the people of Pennsylvania."

There were many people in the metropolitan Washington area who also benefited from Rep. Saylor's avid participation in the field of conservation.

He played an important role in the establishment of the C&O Canal National Park and Piscataway Park in Maryland, across the river from Mount Vernon.

He strongly backed Mr. Nixon in setting up a federal corporation for the redevelopment of Pennsylvania Avenue. Recently, he was active in getting legislation to restore and keep up deteriorated Congressional Cemetery, where many members of earlier Congresses are buried.

He helped in the successful fight against development of a high-rise project where Hunting Creek flows into the Potomac River.

Rep. Saylor was one of the original members of the 1976 Bicentennial Commission, but had to give up his membership because of the press of other duties. He continued, however, his strong support of the Commission.

"I'm a student of history, and I'm working hard to see that there is a suitable celebration in 1976," he declared.

For his moves in conservation, he and former Rep. Wayne N. Aspinall (D-Colo.), the other co-author of the Wilderness Act, designed to save land from development, and the Land and Water Conservation Fund Act, received the National Wildlife Federation's "Conservationist of the Year" award for 1964.

Rep. Saylor also was presented the Founders Award of the Izaak Walton League of America in 1970.

He was a member of the National Forest Preservation Commission and the National Parks Centennial Commission.

Rep. Saylor also was a member of the House Veterans Committee. He was well versed in veterans affairs.

In World War II, he served in the Pacific and was communications officer of the USS *Missoula*, an attack troop ship, when Iwo Jima was captured by the Americans.

He gave the Marines the first American flag to be raised on Iwo Jima. When a photographer saw the flag-raising, he asked that it be done again and a second flag was raised, resulting in the famous photograph that is duplicated with the Iwo Jima statue near Arlington Cemetery.

Rep. Saylor sponsored legislation establishing the Office of Coal Research and was a major supporter of the Coal Mine Health and Safety Act. He also fought for legislation to restore their land to the Taos Indians of New Mexico.

Born in Somerset County, Pa., Rep. Saylor graduated from Mercersburg Academy and Franklin and Marshall College and received his law degree from Dickerson Law School.

He practiced with the law firm of Spence, Custer, Saylor and Wolfe in Johnstown, Pa.; where he maintained a home throughout his private and congressional career.

In 1949, he won a seat in Congress in a special election to fill the seat of Rep. Robert L. Coffey Jr., a Democrat who was killed in a plane crash. His opponent was the mother of Rep. Coffey and his victory was considered a "stinging rebuke" to the Truman administration, which had backed her.

At the time of his election, Congressman Saylor represented Pennsylvania's 26th District in the western part of the state. It later became the 22d District and in 1970 the 12th District.

Known as a diligent worker in the House, he was recognized for his wit, which often eased what might have become tense situations.

He also was known for his colorful vocabulary but he changed that in 1959 when he organized his own private "Swearwords Anonymous." Every time he used a cuss word, he fined himself a dime and promptly paid it to anybody who heard. This proved costly.

Asked sometime later if the change had cramped his House style, he replied:

"No. You'd be surprised how emphatically I can express myself without using a single cuss word."

At the time of his death, Rep. Saylor was 35th in seniority among the 435 members of the House and fourth in Republican seniority in that legislative body.

He remained active through the years in many veteran, civic, fraternal and social organizations. Although he had left his law firm, he was a member of the board of trustees of the Johnstown Federal Savings and Loan Association.

He was a retired captain in the Naval Reserves, a member of the American Legion and the Veterans of Foreign Wars, and was a Mason and an Elk.

Besides his wife, Grace Saylor, he is survived by a son, John Phillips Jr., and a daughter, Susan Saylor, all of Johnstown, and two grandchildren.

Mr. DOMINICK V. DANIELS. Mr. Speaker, I rise to express my profound sorrow at the passing of a very able Member of this House, John Phillips Saylor, who served for almost a quarter century in this body before his passing last week.

Mr. Speaker, no Member of the House was more respected and listened to on matters dealing with conservation of our natural environment. I know that I learned much from John through the years by listening to his views and that many other Members feel as I do that John Saylor was one of those Congressmen with special ability and a deep sense of concern. This concern was not manifested merely for projects affecting Pennsylvania's 12th District which he represented so ably. He played a most significant role in establishing Piscataway Park in Maryland assuring that the view from Mount Vernon on the other side of the Potomac would be protected and he fought for the establishment of the C. & O. Canal National Park.

Mr. Speaker, I shall miss big, kindhearted John Saylor. My sympathy goes out to his widow, Grace, and to his two children. I know that their sorrow is great. Yet in the years to come they will take consolation from the fact that America is a better place because John Saylor came along. God bless you, John, and may the blessings of perpetual light shine upon you.

Mr. ARENDS. Mr. Speaker, it was just 2 weeks ago that I had a long visit with my good friend and colleague, John P. Saylor. John, as you know, was one of our most conscientious legislators. He told me of his forthcoming heart surgery in Houston, almost apologetic about being away from the House during these closing weeks of the session.

John knew that I vacation at Naples, Fla., where he was planning to recuperate. We arranged to get together there after adjournment, and Betty and I were looking forward to spending some leisure time with John and Grace when the work of the Congress was completed.

Now he is gone and all of us mourn his untimely passing. The Nation has lost one of its foremost conservationists. The State of Pennsylvania has lost a vigorous champion. The Congress has lost a skilled and effective Member. The Saylor family has lost a devoted husband and father. And we have lost a trusted and warm friend.

It has been my privilege to serve with John Saylor throughout all his years in the Congress. He had a wide variety of interests. He was a man of strong convictions. One of these was that each person having the honor to serve here had a corresponding responsibility to leave to the Nation a legacy of achievement in the best interests of his fellow citizens. He has done that—and more. At a time when America needed strong leadership in the matters involving conservation and the environment, John took the lead.

In a city where monuments honor greatness, John Saylor worked to enact legislation which will be a living monument to his memory across the land. He has left his mark on history by helping awaken our people to the need for conservation and protection of our limited natural resources and the environment in which we live. Generations will benefit from his labors.

John Saylor's sense of duty and the excellence of his work have been an inspiration to all of us. We shall miss him in these Halls, but we shall remember him with fondness. May I extend my deepest sympathy to the Saylor family in this hour of sadness.

Mr. DINGELL. Mr. Speaker, pursuant to permission granted, I rise to pay tribute to one of America's great conservationists, our beloved deceased colleague, the Honorable John P. Saylor of Pennsylvania.

John Saylor was a warm, decent, dedicated, and highly competent Member of this body. He labored tirelessly for the welfare of the people of his congressional district which he served so well and for the good of all of the people of the United States.

The great conservation legislation in the past 20 years bears the stamp of John Saylor's character and his dedication to the cause of a wholesome environment for all Americans.

The wilderness bill, full funding for water pollution abatement works, wild rivers legislation, prohibition of hunting from aircraft and scores of other conservation actions by this Congress are monuments to his courage, vigor, and service.

Mine safety and black lung legislation also are monuments to his particular concerns for the people he served.

His efforts to halt the wasting of the public lands and to prevent enactment of bad legislation bore fruit in defeat of the timber bill of the last Congress, and iniquitous giveaways to the grazing and timber interests.

Programs for wise use and intelligent development of the natural resources for the good of all had his genuine and effective support.

As a close friend and admirer of this great American, I shall miss John Saylor; but the personal loss I feel is far overshadowed by the loss to this Nation and its people of one of the truly wise and farseeing legislators whose contributions to the public interest will be remembered by Americans everywhere.

Mr. ZABLOCKI. Mr. Speaker, it was with deep sorrow that we have learned of the death yesterday of the Honorable John P. Saylor, of Pennsylvania.

John Saylor was an outstanding Member of Congress, a conscientious representative of the people of his district, and a fine American. His loss will be keenly felt.

Both John and I entered the House of Representatives during the 81st Congress, he as a result of a special election in 1949. From the beginning he demonstrated qualities of diligence and leadership, particularly in support of conservation and environmental protection.

He championed those concerns long before they became fashionable in the cities and universities of the east and west coasts.

Because of his efforts, the people of our Nation and our posterity will enjoy the benefits of nature which otherwise might have been despoiled by irresponsible industrial use.

Born and reared in the rugged mountain country of western Pennsylvania, John Saylor early recognized the priceless heritage which our Nation has in its woods and waters, its mountains, and shores.

By virtue of his great knowledge of conservation and his dedication, he was able to achieve the passage of many bills to further the cause of environmental protection.

As a result of his efforts, he has been honored widely by many conservation groups, including the National Wildlife Federation and the Izaak Walton League of America.

John Saylor's achievements as a Member of Congress provide an example to all who knew and respected him.

My wife, Blanche, joins me in an expression of sympathy to his wife and family.

Mr. DERWINSKI. Mr. Speaker, I was saddened and shocked to learn of the death of my good friend and colleague, John Saylor.

As dean of the Pennsylvania Republican delegation in the House of Representatives, John made a lasting contribution, not only to his party, but to the entire State of Pennsylvania. As senior Republican member of the House Interior Committee, he had an immeasurable influence on conservation and wildlife legislation, and his contributions in this field greatly enriched the legislative history of Congress in matters of conservation.

He was wholeheartedly responsive to the needs of our Nation and of his district. He had all the qualities and talents that are essential to the makeup of an effective legislator, and he handled the demanding responsibilities of his congressional assignments with intelligence and insight. He had the unique talent of being able to put his finger on the core of a problem and marshaling the forces essential to getting the job done when the going was tough.

Mr. Speaker, we have lost the services of a respected and dedicated colleague, one who had acquired many, many friends through his long years in Congress. We will remember John as an extremely warm and understanding friend. The country has lost a man of great stature, we have lost a good friend and a good human being.

My wife and I extend deepest condolences to Grace and the Saylor family.

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I was stunned when I learned of John Saylor's death.

He was a colleague and friend and one to whom I looked for advice and guidance on the many environmental questions and issues which came before Congress.

His passing is all the more difficult to accept because of his larger-than-life image.

A big, strong, strapping, no-holds-barred individual whose energy and determination were boundless and whose friends were legion; John Saylor's presence and intellect will be missed.

My wife, Lucy, joins me in offering condolences to Mrs. Saylor and John's family.

Mr. BIESTER. Mr. Speaker, few individuals in recent memory have stood as tall in the Congress as our late colleague, John Saylor. The wise leadership and able guidance he so willingly provided will be missed by the entire Pennsylvania delegation as well as the full Congress.

John Saylor's dedication to environmental concerns long preceded the country's more recent interest in ecological matters. For many years he was determinedly and forcefully working within Congress on behalf of a wide variety of conservation measures. The Wilderness

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Act, the Land and Water Conservation Fund Act and the establishment of numerous national parks are but a few of the efforts in which he played a leading role. His substantial support of the conservation movement helped lay the groundwork for the progress we are making today in preserving and protecting the environment, and we will long remember his lasting impact on our environmental heritage.

He possessed an impressive and practical mastery of the subject matter with which he worked most closely, and he knew how to translate this knowledge into results. National cemeteries for veterans, expanded medical care for veterans, coal mine safety, Indian affairs, and statehood for Alaska and Hawaii are a few of the other areas which have known his special interest.

JOHN SAYLOR's presence could always be felt, in small or large gatherings, whether they were serious business meetings or informal get-togethers. His friends always could count on his perceptive wisdom and his clever wit, and those who did not know him quickly came to appreciate these special qualities he possessed.

An amiable and warm personality, principle tempered with just enough compromise, an abiding faith in the capacity of Congress to meet its historic responsibilities—this only begins to describe how I will remember this gentleman.

He was an exceptional person in a very crucial period of American history. In these unprecedented times we will sorely miss the confidence he inspired in us all.

My family joins me in extending to Mrs. Saylor and her family our most profound sympathy.

Mr. GUDE. Mr. Speaker, it is with a great sense of loss that I join in paying tribute to our esteemed departed colleague and friend, JOHN P. SAYLOR.

For a quarter century JOHN SAYLOR provided the 12th Congressional District of Pennsylvania with dedicated and farsighted representation. Beyond that, however, as chairman of the House Interior Committee, he provided the Nation with active leadership in conservation and environmental areas.

JOHN SAYLOR will be remembered for his efforts to save the Grand Canyon and preserve the Dinosaur National Monument in Utah and Colorado. He received the Conservationist of the Year Award from the National Wildlife Federation in 1964 and the Founders Award of the Izaak Walton League of America in 1970.

Citizens of the Washington metropolitan area will long remember JOHN SAYLOR for his support of the legislation creating the C. & O. Canal National Historic Park and his dedicated efforts to protect the Piscataway National Park across the Potomac River from Mount Vernon. In the weeks just prior to his final illness, in fact, he was winding up hearings on his bill to expand the boundaries of the park and guarantee the view from Mount Vernon.

The Commonwealth of Pennsylvania and the Nation will greatly miss the presence of JOHN SAYLOR in the Halls of Congress. I join with my colleagues in the House in extending my sympathies to his widow, Grace Saylor, and to his entire family.

Mr. BROOMFIELD. Mr. Speaker, it was with a sense of great loss and sadness that I learned of the sudden passing of our colleague JOHN SAYLOR.

I counted JOHN as a personal friend, a man of integrity, conviction, and determination. Throughout his public life he distinguished himself as a man dedicated to his constituents and his country. The House will miss his leadership and his counsel.

He was a rugged individualist. His contributions to the cause of preserving our natural resources earned him the unofficial title of "Mr. Conservation" in Congress. Long before ecology and environment came in vogue, JOHN SAYLOR was fighting a singular battle to preserve for future generations the woodlands, waterways, and wilderness areas of America.

He made it his business to educate the Congress and the Nation about the necessity for conservation. I am sure that it must have been one of his greatest pleasures to witness the growing support for our national parks and forests that has developed in recent years.

Many Americans who never met JOHN SAYLOR, many Americans yet unborn, are deeply indebted to this man. When there was talk of putting dams in the Grand Canyon, it was he who led the fight in opposition. He authored the Wilderness Act to save our woods, water, and wildlife. He served with distinction on the National Forest Preservation Commission and the National Parks Centennial Commission.

JOHN SAYLOR was also a member of the Veterans' Affairs Committee. A veteran of World War II, it was he who gave the first flag to the marines at Iwo Jima that was later memorialized in the famous Iwo Jima statute near Arlington Cemetery.

Mr. Speaker, the people of Pennsylvania, the Congress, and the country have lost a good friend and able legislator. I wish to offer my deepest sympathies and condolences to Mrs. Saylor and her family during their time of grief.

Mr. BURKE of Massachusetts. Mr. Speaker, I rise today because I have lost a very dear and close friend. When JOHN SAYLOR was fatally stricken on the 28th of October, I was deeply saddened, not only because I had lost an extremely valuable friendship, but rather because the country is now poorer for the loss of such a visionary person.

JOHN served very ably on the Veterans Committee here in the House as well as being active in various civic, fraternal, and social organizations in his private life.

Also as ranking minority member on the Interior and Insular Affairs Committee, JOHN was well-respected and known as a diligent, conscientious legislator, whose talent lay in formulating visionary legislation preserving the vast natural beauty of this great country. A leading conservationist and long an advocate of environmental quality JOHN coauthored such bills as the wilderness act and the Land and Water Conservation Fund Act for which he and former colleague Wayne Aspinall were cited as corecipients of the "Conservationist of The Year" award presented by the National Wildlife Federation in 1964. He coauthored legislation to bring the great States of Alaska and Hawaii into the Union so that Americans everywhere could share in their beauty, peace, and serenity.

JOHN SAYLOR will be remembered for his accomplishments—his memorial will be the natural beauty of this great and vast country he preserved for future American generations.

Mrs. Burke and I extend sincerest condolences to Mrs. Saylor and her family and hope she will take comfort in her hour of great personal loss in the knowledge that her loss is shared by so many.

Mr. DELLENBACK. Mr. Speaker, it was with deep sorrow and great regret that I learned of the untimely death of our colleague from Pennsylvania, JOHN SAYLOR. For the past 3 years it has been my pleasure to serve with him on the Interior Committee and in that time I came to appreciate him as a person and his effectiveness as a legislator. It was in his position of ranking minority member of this committee that he made some of his greatest contributions to the law of the land, including cosponsorship of the Wilderness Act and of the Land and Water Conservation Act.

I came to appreciate particularly keenly both his knowledge of conservation issues and his willingness to fight for the principles in which he believed when we worked together recently in commit- in subcommittee, in full committee, and in the conference committee was instrutee on the Alaskan pipeline bill. His support of some of my proposed amendments mental in achieving the inclusion of significant parts of them in the final reported version of the legislation.

It is indeed a major loss for the Congress when it loses a Member like JOHN, who was extremely knowledgeable and dedicated and who was also able to maintain a sense of humor. I regret the death of our able colleague and offer my deepest sympathy to his family.

Mr. SEBELIUS. Mr. Speaker, the recent death of our much admired colleague, JOHN SAYLOR of Pennsylvania, has left us saddened.

As a ranking member of the House Interior and Insular Affairs Committee, JOHN SAYLOR was instrumental in providing much legislation which will preserve the natural wonders of our country for future generations to enjoy as well as preventing careless use of our natural resources. I consider it a privilege and honor to have served with him on that committee.

Known as Mr. Conservationist, JOHN SAYLOR was the leader in conserving and preserving our land, vegetation, and waterways. The country owes much to JOHN who had foresight to fight for legislation under pressure to curb the exploitation of our resources.

Though the Nation suffers a loss in the death of JOHN SAYLOR, I fervently hope that his accomplishments and ideals will be remembered and will be an inspiration to us all.

Mr. DENT. Mr. Speaker, few things have saddened me as much in recent years as the loss of my good friend, JOHN PHILLIPS SAYLOR. It is a loss which I still feel so keenly that, I have difficulty putting tribute into words which bring evidence to the fact that he will not be returning to our midst the next time three bells sound.

I have known JOHN SAYLOR since I first came to Congress. His district bordered mine, and we shared many of the problems which affect the western Pennsylvania area. More than this, he was my friend, and though we came from different parties, I often sought and gained from his political wisdom and vast knowledge of the workings of the House.

His contributions to ecology are well known throughout the country. As a Member of Congress, he contributed far more than a few political favors to his constituents. He contributed to the entire Nation in ways that will last beyond the fleeting years of all of us.

I will not take this time to enumerate JOHN SAYLOR's achievements. The record stands for everyone to see. Instead I would like to quote some words of Cicero, which, though written long before the time of Christ, would seem to fit "BIG JOHN" as nothing which my mediocre mind can conjure:

> Nor, in truth, would the honours of illustrious men continue after death, if their own spirits did not make us preserve a longer remembrance of them.

JOHN's lovely wife Grace and her two fine children, John and Susan have my deepest affection and sympathy for I am sure that their remembrances go back much longer and are far closer than ours are standing here today. I know that there is a great void in their lives, and I would like them to know that there is also one in ours as colleagues and as friends.

Mr. WON PAT. Mr. Speaker, the sudden and tragic death last Sunday of our dear colleague and good friend, JOHN SAYLOR, is a great loss for both the Congress and the American citizens of Guam.

Through the years he served in the House, Congressman SAYLOR was consistently a good friend and supporter of our island. I believe that he first became interested in the welfare of Guam during his extensive service in the Pacific with the Navy during World War II. As a result of that period of his life, and of his firsthand observation of Guam's loyalty to the American way of life, Congressman SAYLOR consequently joined with other members of the House Interior Committee to sponsor many bills granting the territory increased autonomy. Among these were several historic measures, one authorizing the people of Guam to elect their own Governor and Lieutenant Governor and, only last year, another creating the position of Guam's Delegate to Congress, which I am proud to occupy.

In recognition of Congressman SAYLOR's contributions to our island, the people of Guam, some years ago, named one of our main streets in the city of Agana after him—Saylor Street.

During my years in Washington, I came to know and respect Congressman SAYLOR for his faithfulness to his high ideals and for his unswerving dedication to this country. He was a man of few words who spent his time working hard for the people of his district.

I know that I echo the sentiments of my colleagues when I say that JOHN SAYLOR's presence will be sorely missed by his many friends in the House of Representatives, and by his friends in the American territories.

Mr. VANIK. Mr. Speaker, it is with deep sorrow and a sense of personal loss that I join with my colleagues in paying tribute to one of the finest Members of the House, our late colleague, JOHN P. SAYLOR.

JOHN was a leader in the ecology, environmental, and conservation causes before most people even heard of the word "ecology" or knew there was an environmental problem.

His work for the conservation and preservation of our Nation's wilderness and unspoiled lands will result in pleasure and enjoyment for millions of Americans in all future generations. Truly the success of his work in parks and conservation will serve as a living, enduring memorial to his life.

His efforts on behalf of the environment were also efforts on behalf of the taxpayer. He often led the battle against those extravagant, monumental public works and dams which cost so many hundreds of millions and which caused such long-range devastation to some of our greatest waterways and wilderness areas.

I will miss working with JOHN. The House will miss his expertise and knowledge. The Nation will miss his contribution.

I would like to extend my deepfelt sympathy to his family and to his dedicated staff. I would also like to enter in the CONGRESSIONAL RECORD at this point an editorial which appeared in the Washington Post entitled "JOHN P. SAYLOR."

> JOHN P. SAYLOR
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> Some Congressmen manage to linger in the House for many terms without ever raising their voices or advocating an important cause or leaving any imprint on the record of their times. Rep. John P. Saylor was emphatically not one of these. The Republican from the Pennsylvania hills had strong convictions and a personality to match. Gruff, sometimes caustic, uncommonly persistent, he was the best kind of opinionated man.
>
> Rep. Saylor was a powerful and creative force in the field of conservation which he made his specialty. During his quarter-century in the House, seniority elevated him to the post of ranking Republican on the House Interior Committee, but it was his own energy and ideas which made him a dominant influence in that committee's work. Rep. Saylor was in the midst of nearly every major conservation battle of his day. He fought against the Hells Canyon dam. He opposed the Grand Canyon dams. He battled to create the national wilderness system and the Land and Water Conservation Fund laws which stand as permanent monuments to his vision and doggedness. Perhaps because he came from a region of scarred and battered hills, he had a keen appreciation of the need to keep some of the nation's finest natural resources unspoiled and available for the public to enjoy and use.
>
> Rep. Saylor took a very particular interest in the conservation problems of the Potomac Basin and the national capital area. He was a vigorous defender of Piscataway Park and the marshes on the Virginia shore below Washington. He scrapped for years to obtain a workable framework for Pennsylvania Avenue redevelopment. In partnership with the Maryland congressional delegation, he was a leader in the 17-year campaign which finally produced the Chesapeake and Ohio Canal National Historical Park. In these and other legislative battles, Rep. Saylor used his stature and voice to full effect. He was an outspoken, effective champion for a good cause.

Mr. NEDZI. Mr. Speaker, the sad and unexpected news of the passing of our esteemed colleague, JOHN P. SAYLOR of Pennsylvania, deprives us of one of the major figures of the House of Representatives.

JOHN P. SAYLOR was, in my judgment, "Mr. Conservation" on the Republican side of the aisle. More than that, he was one of the leading conservationists of the entire Congress and a man you looked to for leadership regardless of party.

I know I shall personally miss his gruff good humor and his formidable forensic and legislative skills.

He was a man of such force and vigor that despite his 65 years, one simply did not think of him as a man nearing the end of his distinguished service to his State and Nation. There always seemed much more to come.

I join my colleagues in extending condolences to his wife and family.

GENERAL LEAVE

Mr. SCHNEEBELI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks upon the occasion of the passing of the Honorable JOHN SAYLOR of Pennsylvania.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SCHNEEBELI. I thank the gentleman.

Mr. Speaker, I would like to repeat the statements which I have made before. First, the House will be notified shortly of a special order that will be taken in honor of JOHN P. SAYLOR, and, second, funeral services will be held at 1 p.m. this Thursday, November 1, at St. John's United Church of Christ in Johnstown, Pa.

THE LATE HONORABLE JOHN P. SAYLOR

Mr. SCHNEEBELI. Mr. Speaker, I offer a resolution.

The Clerk read the resolution as follows:

H. RES. 667

Resolved, That the House has heard with profound sorrow of the death of the Honorable John P. Saylor, a Representative from the State of Pennsylvania.

Resolved, That a committee of forty-four members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate

these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolutions were agreed to.

The SPEAKER. The Chair appoints as members of the Funeral Committee the following members on the part of the House:

Mr. Schneebeli;
Mr. McFall;
Mr. Morgan;
Mr. Barrett;
Mr. Flood;
Mr. Clark;
Mr. Dent;
Mr. Nix;
Mr. Moorhead of Pennsylvania;
Mr. McDade;
Mr. Rooney of Pennsylvania;
Mr. Johnson of Pennsylvania;
Mr. Green of Pennsylvania;
Mr. Vigorito;
Mr. Goodling;
Mr. Biester;
Mr. Eilberg;
Mr. Eshleman;
Mr. Williams;
Mr. Gaydos;
Mr. Coughlin;
Mr. Yatron;
Mr. Ware;
Mr. Heinz;
Mr. Shuster;
Mr. Teague of Texas;
Mr. Widnall;
Mr. Dorn;
Mr. Haley;
Mr. Hosmer;
Mr. Dingell;
Mr. Johnson of California;
Mr. Randall;
Mr. Taylor of North Carolina;
Mr. Udall;
Mr. Skubitz;
Mr. Don H. Clausen;
Mr. Pickle;
Mr. Satterfield;
Mr. Montgomery;
Mr. Steiger of Arizona;
Mr. Carney of Ohio;
Mr. Hillis; and
Mr. Abdnor.

The Clerk will report the remaining resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect the House do now adjourn.

The resolution was agreed to.

ADJOURNMENT

Accordingly (at 12 o'clock and 41 minutes p.m.), under its previous order, the House adjourned until Tuesday, October 30, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1483. A letter from the Director, Defense Civil Preparedness Agency, transmitting a report on property acquisitions of emergency supplies and equipment, covering the quarter ended September 30, 1973, pursuant to section 201(h) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

1484. A letter from the Administrator, Small Business Administration, transmitting a draft of proposed legislation to amend the Small Business Investment Act of 1958, and for other purposes; to the Committee on Banking and Currency.

1485. A letter from the Chairman, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, transmitting a draft of proposed legislation to provide the authorization for fiscal year 1975 and succeeding fiscal years for the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped and for other purposes; to the Committee on Government Operations.

1486. A letter from the National Adjutant, Disabled American Veterans, transmitting a report of the proceedings of the organization for the year ended June 30, 1973, togther with a financial statement as of December 31, 1972, pursuant to section 9 of Public Law 77-249 (H. Doc. No. 93-172); to the Committee on Veterans' Affairs and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. EDWARDS of California: Committee on the Judiciary. H.R. 3490. A bill to amend section 40b of the Bankruptcy Act (11 U.S.C. 68(b)) to remove the restriction on change of salary of full-time referees (Rept. No. 93-610). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROOKS (for himself, Mr. Holifield, Mr. Fountain, Mr. Jones of Alabama, Mr. Moss, Mr. Fascell, Mr. Reuss, Mr. Macdonald, Mr. Moorhead of Pennsylvania, Mr. Randall, Mr. Rosenthal, Mr. Wright, Mr. St Germain, Mr. Culver, Mr. Hicks, Mr. Fuqua, Mr. Conyers, Mr. Alexander, Ms. Abzug, Mr. Donohue, Mr. James V. Stanton, Mr. Ryan, Mrs. Collins of Illinois, Mr. Gude, and Mr. McCloskey):

H.R. 11137. A bill to amend the Budget and Accounting Act, 1921, to require the advice and consent of the Senate for future appointments to the Offices of Director and Deputy Director of the Office of Management and Budget, and for other purposes; to the Committee on Government Operations.

By Mr. BROOKS (for himself, Mr. Buchanan, Mr. Thone, Mr. Mallary, Mr. Parris, Mr. Steelman, Mr. Pritchard, and Mr. Hanrahan):

H.R. 11138. A bill to amend the Budget and Accounting Act, 1921, to require the advice and consent of the Senate for future appointments to the Offices of Director and Deputy Director of the Office of Management and Budget, and for other purposes; to the Committee on Government Operations.

By Mr. CRONIN:

H.R. 11139. A bill to provide for the appointment of a Special Prosecutor to investigate and prosecute any offense arising out of campaign activities with respect to the election in 1972 for the Office of President; to the Committee on the Judiciary.

By Mr. DELLUMS (for himself, Mr. Morgan, Mr. Bergland, Mr. Helstoski, Mr. Clay, Mrs. Collins of Illinois, Mr. Addabbo, Mr. Mitchell of Maryland, Mr. Forsythe, Mr. Nix, Mr. Gaydos, Mr. Rangel, Mr. Moakley, Mr. Charles Wilson of Texas, Mr. Breckinridge, Mr. Sarbanes, Mr. Conyers, Mr. Goldwater, Mr. Anderson of California, Ms. Abzug, Mr. Brown of California, Mr. Badillo, Mr. Hawkins, Mr. Harrington, and Mr. Stark):

H.R. 11140. A bill to require educational institutions engaged in interscholastic athletic competition to employ certified athletic trainers; to the Committee on Education and Labor.

By Mr. DELLUMS (for himself, Mr. Reid, Mr. Eckhardt, Mr. Bingham, Mr. Fraser, and Mr. Fauntroy):

H.R. 11141. A bill to require educational institutions engaged in interscholastic athletic competition to employ certified competition to employ certified athletic trainers; to the Committee on Education and Labor.

By Mr. FRENZEL (for himself and Mr. Brown of Ohio):

H.R. 11142. A bill to amend the Federal Election campaign Act of 1971 and the Communications Act of 1934 to provide for more effective regulation of elections for Federal office, and for other purposes; to the Committee on House Administration.

By Mr. HICKS (by request):

H.R. 11143. A bill to provide the authorization for fiscal year 1974 and succeeding fiscal years for the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, and for other purposes; to the Committee on Government Operations.

By Mr. HOSMER:

H.R. 11144. A bill to amend title 10 United States Code, to enable the Naval Sea Cadet Corps to obtain, to the same extent as the Boy Scouts of America, obsolete and surplus naval material; to the Committee on Armed Services.

By Mr. ICHORD:

H.R. 11145. A bill to provide for the appointment of a Special Prosecutor to investigate and prosecute certain criminal activities and for other purposes; to the Committee on the Judiciary.

By Mr. KEATING:

H.R. 11146. A bill to amend title 18, United States Code, and the Omnibus Crime Control and Safe Streets Act of 1968, to improve Federal, State, and local correctional institutions, and for other purposes; to the Committee on the Judiciary.

By Mr. McCLORY:

H.R. 11147. A bill to authorize the disposal of aluminum from the national stockpile, and for other purposes; to the Committee on Armed Services.

By Mr. McDADE (for himself, Mr. Robison of New York, and Mr. Gilman):

H.R. 11148. A bill to designate a segment of the Delaware River flowing between the State of New York and the State of Pennsylvania as a component of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mrs. MINK (for herself, Mr. Burton, Mr. Culver, and Mr. Rinaldo):

H.R. 11149. A bill to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities designed to achieve educational equity for all students, men, and women, and for other related educational purposes; to the Committee on Education and Labor.

By Mrs. MINK:

H.R. 11150. A bill to amend the Uniform Time Act of 1966 to place the States, excluding Alaska and Hawaii, in a single time

zone; to the Committee on Interstate and Foreign Commerce.

By Mrs. MINK (for herself, Mr. Hawkins, Ms. Holtzman, Mr. Mitchell of Maryland, and Mr. Stark):

H.R. 11151. A bill to amend title 5 of the United States Code to provide that whoever contributes more than $5,000 to the political campaign of a Presidential candidate shall be ineligible to serve as an ambassador, minister, head of an executive department, or a member of an independent regulatory body while such candidate is President; to the Committee on Post Office and Civil Service.

By Mr. PEPPER (for himself, Mrs. Burke of California, Mr. Minish, Mr. White, and Mr. Vander Jagt):

H.R. 11152. A bill to amend title VIII of the Older Americans Act relating to the nutrition program for the elderly to provide authorization of appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. RARICK (for himself, Mr. Thone, Mr. Bafalis, Mr. Breaux, Mr. Brown of California, Mr. Burgener, Mr. Byron, Mr. Casey of Texas, Mrs. Collins of Illinois, Mr. Denholm, Mr. Evans of Colorado, Mr. Eilberg, Mr. Fish, Mrs. Grasso, Mr. Gross, Mr. Hechler of West Virginia, Mr. Ichord, Mr. Long of Louisiana, Mr. Melcher, Mr. Mollohan, Mr. Nichols, Mr. Pepper, Mr. Pickle, Mr. Riegle, and Mr. Roe):

H.R. 11153. A bill to provide for paper money of the United States to carry a designation in braille indicating the denomination; to the Committee on Banking and Currency.

By Mr. RARICK (for himself, Mr. Thone, Mr. Gilman, Mr. Talcott, Mr. Tiernan, Mr. Treen, Mr. Ware, Mr. Wolff, and Mr. Yatron):

H.R. 11154. A bill to provide for paper money of the United States to carry a designation in braille indicating the denomination; to the Committee on Banking and Currency.

By Mr. REUSS (for himself, Mr. Moss, Mr. Thompson of New Jersey, and Mr. Vanik):

H.R. 11155. A bill to amend the Internal Revenue Code of 1954 to raise needed additional revenues by increasing the amount of minimum tax imposed on tax preferences; to the Committee on Ways and Means.

By Mr. SHRIVER (for himself, Mr. Hudnut, Mr. Wyman, Mrs. Chisholm, Mr. Shipley, Mr. Madigan, Mr. Eilberg, Mr. Robison of New York, Mr. Stubblefield, Mr. White, Mr. Gilman, Mr. Gray, Mr. Tiernan, Mr. Burke of Massachusetts, Mr. Thompson of New Jersey, Mr. Thone, and Mr. Johnson of Pennsylvania):

H.R. 11156. A bill to amend the Community Mental Health Centers Act to provide for the extension thereof, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SHRIVER (for himself, Mr. Hudnut, Mr. Wyman, Mr. Gunter, Mr. McCloskey, Mr. Mosher, Mr. Winn, Mr. Hansen of Idaho, Mr. Archer, Mr. Keating, Mr. Sebelius, Mr. Passman, Mr. Patman, Mr. Cotter, Mr. Van Deerlin, Mr. Whitehurst, Mr. Railsback, Mr. Derwinski, Mr. Riegle, Mr. Horton, Mr. Burgener, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Hogan, and Mr. Melcher):

H.R. 11157. A bill to amend the Community Mental Health Centers Act to provide for the extension thereof, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. VANIK:

H.R. 11158. A bill to provide for a 7-percent increase in social security benefits beginning with benefits payable for the month of January 1974; to the Committee on Ways and Means.

By Mr. FREY (for himself, Mr. Addabbo, Mr. Bafalis, Mr. Bennett, Mrs. Collins of Illinois, Mr. Conte, Mr. Coughlin, Mr. Dellenback, Mr. Edwards of Alabama, Mr. Frenzel, Mr. Hastings, Mr. Keating, Mr. McCollister, Mr. Nichols, Mr. Pickle, Mr. Preyer, Mr. Sarasin, Mr. Seiberling, Mr. Steiger of Wisconsin, Mr. Vander Jagt, Mr. Veysey, Mr. Ware, Mr. Winn, and Mr. Won Pat):

H.J. Res. 799. Joint resolution to express the sense of Congress that a White House Conference on the Handicapped be called by the President of the United States; to the Committee on Education and Labor.

By Mr. MOORHEAD of Pennsylvania:

H.J. Res. 800. Joint resolution to provide for the appointment of a Special Prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. PEPPER (for himself, Ms. Abzug, Mr. Fraser, and Mr. Mitchell of Maryland:

H. Con. Res. 370. Concurrent resolution expressing the sense of the Congress that the President should reappoint Archibald Cox as Special Prosecutor and renominate Elliot Richardson as Attorney General, and renominate William Ruckelshaus as Deputy Attorney General; to the Committee on the Judiciary.

By Mr. COHEN (for himself and Mr. Cronin):

H. Res. 668. Resolution expressing the sense of the House that the Office of the Special Prosecutor be reestablished; to the Committee on the Judiciary.

By Mr. MARTIN of Nebraska (for himself and Mr. Young of Texas):

H. Res. 669. Resolution providing for the consideration of the conference report on the bill (S. 1081) to amend section 28 of the Mineral Leasing Act of 1920; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mrs. MINK:

H.R. 11159. A bill for the relief of Yun Tim Yim and Amy Chee Yim; to the Committee on the Judiciary.

H.R. 11160. A bill for the relief of Wayne Susumu Enomoto; to the Committee on the Judiciary.

H.R. 11161. A bill for the relief of Edwin B. Ranan, Rogelio B. Ranan, and Elvira B. Ranan; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

334. By the SPEAKER: Petition of the Board of Directors, Comprehensive Planning Organization, San Diego region, Calif., relative to achieving clean air in San Diego and the Nation; to the Committee on Interstate and Foreign Commerce.

335. Also, petition of Fred M. Wolak, Paonia, Colo., relative to reinstatement of the Attorney General, Deputy Attorney General, and Special Prosecutor; to the Committee on the Judiciary.

336. Also, petition of Milton B. Sparks, Menard, Ill., relative to redress of grievances; to the Committee on the Judiciary.

337. Also, petition of the Cumberland County Democratic Committee, Portland, Maine, relative to impeachment of the President; to the Commitee on the Judiciary.

338. Also, petition of Rev. Paul John Rich, East Bridgewater, Mass., and others, relative to impeachment of the President; to the Committee on the Judiciary.

339. Also, petition of the Student Caucus, University of New Hampshire, Durham, N.H., relative to impeachment of the President; to the Committee on the Judiciary.

340. Also, petition of David M. Bowles, Albuquerque, N. Mex., relative to impeachment of the President; to the Committee on the Judiciary.

341. Also, petition of Paul L. Biery, Cleveland, Ohio, and others, relative to impeachment of the President; to the Committee on the Judiciary.

342. Also, petition of Paul Garcia, Jr., Puebla, Mexico, and others, relative to H.R. 4811; to the Committee on Veterans' Affairs.

EXTENSIONS OF REMARKS

RECOMMENDATIONS BY ALLEN CALDWELL, NATIONAL ASSOCIATION OF SMALL BUSINESS INVESTMENT COMPANIES

HON. ROBERT G. STEPHENS, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. STEPHENS. Mr. Speaker, a friend and constituent, Allen Caldwell, is currently serving as president of the National Association of Small Business Investment Companies. Mr. Caldwell, who is also president of CSRA Capital Corp., an SBIC located in Augusta, Ga., has provided me with a copy of a letter which he recently sent to President Nixon in which he makes several provocative recommendations as to actions the executive and legislative branches can, and should, take to help bolster the competitive position of the Nation's small and independent businesses.

I think it is worthwhile to share this letter with my colleagues as I know they agree with me that American small businessmen should continue to play a vital role in our free enterprise system.

High interest costs, drying-up of the new issues market, inflation, and reduced Federal outlays to the small business sector all threaten to further erode the economic viability of thousands of independent business concerns.

I urge the President and the Congress to give prompt and thoughtful consideration to implement the measures proposed in this letter to offset the severe pressures being felt by the small business community.

To do otherwise would be to undermine the very existence of our capitalistic way of life.

The letter of Mr. Caldwell follows:

SEPTEMBER 25, 1973.

The PRESIDENT,
The White House,
Washington, D.C.

MR. PRESIDENT: Three and one-half years ago, on March 20, 1970, you thrilled the Nation's more than five million independent businessmen when you sent your Message on small business to Congress. That was the first Presidential message ever devoted exclusively to the requirements of that segment of our economy.

In the words of that Message: "Small business is an important part of our national life; it has been an important part of my personal life as well. . . . I know that today, in helping Americans in small business, we are helping their spirit and the spirit of our nation."

During the ensuing months, several recommendations made in your 1970 message have been enacted, but the larger portion remains undone. We believe that the time has come for a more comprehensive effort on the part of the Executive and Legislative branches of our Federal Government to make certain that the free enterprise system is vigorous enough to meet the increasing challenges of the 1970's.

The Small Business Administration marked its twentieth anniversary in July; the small business investment company program, with which we are most closely acquainted, was fifteen years old in August. For these reasons we believe that 1973 is an auspicious time to review the current position of Independent Business in the United States and to propose new and stronger measures to guarantee its vitality.

THE SMALL BUSINESS ADMINISTRATION

During the past 20 years, SBA has been the strong right hand of small business in Washington. SBA's responsibilities have grown tremendously in these two decades as both the President and the Congress have directed the agency to assume the responsibility for new programs to meet and overcome problems facing the Independent Businessman.

We believe that the Small Business Administration has met these challenges remarkably well; it has demonstrated ingenuity in stretching its people and its dollars to help more and more businesses. With no additional personnel, it has taken on innovative projects; with few appropriated dollars, it has made billions available to new and growing entrepreneurs.

On the other hand, we believe that SBA's effectiveness would be greatly enhanced if it were an independent department of the Government, and if its head were a member of your Cabinet. To gain the full cooperation of all parts of the Executive Branch, the spokesman for small business must stand on equal footing with those who make the major decisions affecting Independent Business.

You recognized this need when you issued Executive Order 11518 on March 21, 1970. Your Order directed all Federal departments and agencies to call upon SBA whenever any action they were about to take would materially affect the well-being or competitive strength of small business. In mid-1972, the Select Committee on Small Business of the United States Senate surveyed the departments and agencies to determine the impact of Executive Order 11518; our reading of the responses to the Committee's questionnaire indicates all too clearly that few concrete benefits have resulted from the Order.

Every public official should be aware of the ramifications of his operations on smaller concerns. Where a Federal action may raise problems for a diversified corporation, it may be fatal for his smaller competitor who has only one product or one service which he offers in only one locality. The freeze on meat prices, for example, brought a number of independent meatpackers to their knees. Similarly, the current freeze on retail gasoline prices is no more than an annoyance for stations owned and operated by the major oil companies, but it sounds a death knell for the independent gas station operator.

Our Association strongly recommends that the manifold interests and needs of Independent Business should be represented at the Cabinet level. The Small Business Administration should be converted into a department and be given additional resources and responsibilities for buttressing the posture of small business.

TAX REFORM FOR INDEPENDENT BUSINESS

"The inhibiting effect of high income tax rates on small business has long been recognized. New and growing businesses often cannot meet their initial and early costs and, at the same time, pay out a high proportion of earnings in income taxes. A high income tax depletes the internal funds for additional investment on which the small business must mainly rely."

Those sentences from the Report of the President's Task Force on Improving the Prospects of Small Business were most appropriate when they were written in 1970; they are even more correct today. Your Message to Congress commended the Task Force Report and pinpointed several specific tax reform proposals.

We believe that comprehensive small business tax reform should be given the highest priority within the Executive Branch and on Capitol Hill. The House and Senate Small Business Committees have devoted much effort to drafting such legislation over the past three or four years and the so-called Bible-Evins bill (S. 1098 and H.R. 5222) represents the most significant attack on this all-important problem. Many Senators and Congressmen from both parties have joined in sponsoring and supporting the Bible-Evins bill and we most respectfully urge that your Administration support this bi-partisan Congressional effort to alleviate the crippling impact of our Federal tax laws on new and small businesses.

FINANCIAL ASSISTANCE

Once again, the general level of high interest rates poses a significant threat to smaller firms. With today's tight-money "crunch" added to high rates, their plight has become extremely serious. We trust that your Administration, along with SBA, will take every possible action to forestall the strangulation of small businesses which require credit, but find it unavailable.

During the past two years, the Small Business Administration, in cooperation with thousands of commercial banks, has performed yeoman services in channeling loans to Independent Business. We commend this record and hope that it will be expanded in future years. To supplement these SBA-guaranteed loans made by banks, we recommend that more dollars be devoted to SBA's direct loan program which has been all but closed down. We have found that there are areas where banks are either unable or unwilling to participate with SBA—and businesses in such localities are completely hamstrung.

In addition to the high cost of credit, the public securities markets have been completely closed to small and medium sized businesses during most of 1973. For two of the last three months, not one business was able to make an initial public offering of its stock. In earlier years, such new issues had totalled as much as $2-billion annually, so it is apparent that even the best and most profitable of the growing businesses cannot raise dollars through public offerings of stock or debt.

Quite naturally, the members of this Association are most acutely aware of the long-term credit and equity capital needs of new and small businesses. Fortunately, we can report that the SBIC program has been greatly reinvigorated these past two years through the passage of two major pieces of legislation and through the sound regulations of our industry by Administrator Thomas Kleppe and his associates at SBA. We wish to thank you for your Administration's support of the Small Business Investment Act Amendments of 1971 and 1972.

As one result of these amendments, existing SBICs have added significantly to their private capital in 1972 and 1973 and strong, new SBICs are being licensed to bring additional resources into our industry. Nonetheless, we are certain that the effective demand for our type of financial assistance on the part of new and growing businesses far outstrips our ability to supply such dollars. To close this continuing equity gap, we make several recommendations which should encourage the dedication of additional dollars of private capital to the SBIC undertaking.

First, we believe that SBICs should be made a unique investment vehicle which will allow the American investor to participate in providing venture capital to exciting business opportunities. In the early days of the program, over $300-million was raised to capitalize publicly-owned SBICs and some 50 public SBICs were registered with the Securities and Exchange Commission by early 1962. It soon became apparent, however, that it was all but impossible for a venture-capital oriented SBIC to operate under the strictures of the Investment Company Act of 1940 which was designed to regulate a completely different type of business. The great majority of companies has withdrawn from the publicly-owned sector of the SBIC program, taking with them over $250-million in private capital which had been raised for the purpose of investing in Independent Business. At the present time, only 12 SBICs have stock regularly traded on securities markets. We recommend that publicly-owned SBICs be regulated only by the Small Business Administration, that the SEC's mandate to protect the shareholders be transferred from the Commission to SBA, and that the regulated investment company tax treatment provided under Section 851 of the Internal Revenue Code be made available to all SBICs complying with SBA regulations.

From 1958 until 1971, the SBIC program was the responsibility of an Associate Administrator for Investment at SBA and that official, acting only under the SBA Administrator, had full responsibility for our program—and for nothing else. With the expansion of SBA's activities in the disaster loan area, it was felt necessary to combine SBICs with other SBA programs. Although Administrator Kleppe has minimized the adverse impact of that administrative action, we strongly recommend that the Small Business Act be amended to give SBA four, rather than three, Associate Administrators and that SBA's SBIC operations be headed by an Associate Administrator for Investment, as provided in the SBIC Act of 1958.

SMALL BUSINESS AND FEDERAL GOVERNMENT ACTIVITIES

It is imperative that smaller businesses receive a fair shake at the hands of all Federal agencies. We have long been concerned at the tiny percentage of Government research and development contracts which go to independent firms. Similarly, it appears to us that the percentage of Government procurement dollars awarded to small business could, and should, be dramatically increased. Contracting officers should be given positive incentives to utilize the skills and resources of independent firms seeking Federal contracts, because we believe this would bring greater competition and lower costa to the Government. As the largest customer in the United States, the Federal Government has an obligation to treat all segments of the economy equitably.

Along the same line, we believe that the Government is the logical sponsor for promoting technological utilization and transfer to the business community. The National Science Foundation and the Natural Aeronautic and Space Administration have initiated programs to bring the advanced technologies of the space age to the work benches and assembly line of civilian production. We strongly support these pilot operations and recommend that they be expanded, with the proviso that special efforts be made to assure that smaller firms fully participate in them.

Although we have attempted to present only positive recommendations to you, we wish to make this suggestion: the burden of paperwork demanded from small business by the Federal Government must be lightened. Independent firms often find it impossible to comply with all the requirements thrust upon them. We hope there is sufficient willingness and intelligence within the Executive and Legislative Branches to reduce this staggering load.

MINORITY BUSINESS ENTERPRISE

The members of this Association congratulate you and your Administration for the truly pioneering efforts you have made to bring all segments of our population into the mainstream of our economic system. SBA and the Commerce Department have been imaginative and effective in encouraging disadvantaged persons to become entrepreneurs and in assisting them to organize and operate successful businesses.

The MESBIC program is now a significant factor in aiding business ownership by those who have borne economic disadvantages. We are certain that your Administration will continue this most important undertaking.

SMALL BUSINESS ECONOMIC COUNCIL

Just three years ago this month, representatives of NASBIC and of four other small business trade associations were privileged to meet with you to discuss the status of small business. At your suggestion, these groups met subsequently with top White House and departmental officials to try to resolve specific problem areas. Our organizations joined in an informal Small Business Economic Council in order to be available to your associates whenever we could be useful. Unfortunately, our hoped-for continuing communications have been interrupted, and and the Council has not met for almost two years. We hope that it will be able to reinstitute regular meetings between your Administration and the Small Business Economic Council.

SUMMARY

The purpose of this letter has been to assure you of our desire to cooperate in all your efforts to maintain and invigorate our free enterprise system. We agree with the first conclusion of your Small Business Task Force that: "The desired objectives of improving the prospects of small business by expanding its role in the economy can best be served through stimulation and motivation of the private sector in a favorable business climate."

The SBIC program itself was perhaps the earliest formalized attempt to meet a national policy goal through utilization of the private sector and the profit motive. We believe that the lessons learned during the 15 years SBICs have been in existence can be helpful in devising solutions to other pressing problems and hope your own goals and policies will continue to emphasize the importance of this segment of the American Dream. We pledge our full support to such activities.

Respectfully yours,
ALLEN F. CALDWELL, Jr.,
President.

PERSONAL ANNOUNCEMENT

HON. JAMES P. (JIM) JOHNSON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. JOHNSON of Colorado. Mr. Speaker, on Thursday, October 25, 1973, I was necessarily absent from the House of Representatives when the Emergency Medical Services Systems Act of 1973 was approved by a vote of 364 to 18. Had I been present, I would have voted in favor of the bill.

When similar legislation passed the House on May 31, I voted in favor, but found the subsequent additions to the bill in the conference were not supportable due to the eight public service hospitals which were included, and I voted to sustain the President's veto of the bill.

I then cosponsored legislation which would achieve the goals originally sought and which were contained in the recently passed H.R. 10956, and it was gratifying to see is passed with such overwhelming support.

RARICK'S TESTIMONY ON H.R. 643: THE FOOD SUPPLEMENT BILL

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. RARICK. Mr. Speaker, today I submitted a statement to the Public Health and Environment Subcommittee of the Committee on Interstate and Foreign Commerce, in support of H.R. 643 and related bills.

The statement follows:

STATEMENT OF THE HONORABLE JOHN R. RARICK

Mr. Chairman, Members of the Subcommittee, I appreciate this opportunity to submit this statement in support of H.R. 643 and related bills, legislation designed "to amend the Federal Food, Drug, and Cosmetic Act to include a definition of 'food supplements', and for other purposes."

As you know, Mr. Chairman, I have authored an identical bill, H.R. 1617.

What is involved here is the fundamental right of human beings to determine as individuals what is best for them. The FDA does not deny this. Their statement in the February 19, 1973, Federal Register indicates that they believe that "lay persons are incapable of determining, by themselves, whether they have, or are likely to develop, vitamin or mineral deficiencies." Thus, the FDA has taken upon itself to tell us what we may have in the way of nutrients by classifying any vitamin, food supplement, or food as *drugs* which meet the following characteristics: if they are sold in the shape or form of drugs; if they have a potency greater than 150% of the FDA's recommended daily allowance; if they are sold in combinations other than those few canonized by FDA; if they are hazardous in excessive quantities; if they have nutritional or health claims; or if they have drug claims. Once these foods are classified as drugs, they would be subject to review by the FDA, which could order that these "foods" be sold by prescription only or banned from sale entirely.

The justification for setting up these proposed regulations against food supplements and vitamins is that they are useless; however, these regulations have been promulgated not because FDA has proved that these food supplements and vitamins are useless, but because the manufacturers have not proved, to FDA's satisfaction, that they are not useless. This *Alice in Wonderland* type of semantics can be found in the FDA language in the Federal Register of February 19th: "there is no rationale for allowing or encouraging the promotion and sale of dietary supplements of vitamins and/or minerals to the general American population for the purpose of treating, preventing, or curing diseases or symptoms." What they are saying is that it is useless because we say it is useless. This is a typical, arrogant, bureaucratic position for FDA to maintain, particularly in view of the fact that there is voluminous information which indicates that at least some, if not most, of these vitamins and food supplements are beneficial to individuals. Too little is known about the variations in the human need for specific nutrients to deny an individual the freedom of choice in determining what safe dietary supplements of vitamins and minerals he may take and has found beneficial.

There is a great divergence of opinion on the action taken by the FDA in setting the Recommended Daily Allowance, or RDA, for each of the 19 vitamins and minerals recognized as "essential" by the agency. According to the FDA, these Recommended Daily Allowances, which are generally higher than the old Minimum Daily Requirements, are "sufficient to meet the nutritional needs of essentially any healthy individual." Dr. W. W. Bauer of the Department of Health, Education, and Welfare has said that "anyone can rest assured that if he is a normal individual and will eat as he should he will suffer no deficiencies of vitamins or minerals or proteins." The problem with this thinking is that we know that there are millions of people who do not eat as they should. Among the many and varied reasons for this are appetite differences, eating habits, limitations of time, or work habits or conditions. It is the people who, realizing the nutritional shortage and attempting to supply it with vitamins and minerals, will be effected by the proposed FDA regulations. There are numerous examples of this, Mr. Chairman, perhaps the most notable of which are those individuals who work "shifts."

It has been suggested, Mr. Chairman, by a variety of noted doctors that the Recommended Daily Allowances established by the FDA fall short of what they consider to be recommended dosages. Most prominent of these individuals is Dr. Linus Pauling, a Nobel Prize winner for his research in chemistry, who recommends a dosage of almost 50 times that allowed or recommended by the FDA for vitamin C.

The FDA provision that all food supplements containing more than 150 percent of the Recommended Daily Allowance will be redesignated as drugs must be considered arbitrary and capricious in the light of contradicting opinion and evidence. It seems so arbitrary that one writer has commented that it must have been arrived at by lottery.

XUM

The FDA has further encroached on the freedom of the people with its blatant declaration that its opinion or conclusion as to what is considered "misbranded" is correct over all other conclusions. In the face of credible information to the contrary, the Food and Drug Administration has decided that food supplements are misbranded when the label suggests that a balanced diet of ordinary foods cannot supply adequate amounts of nutrients; or that as a result of deficient soil where the product was grown, there is a denciency in the diet; or that the storage, transportation, processing or cooking of a food is or may be responsible for an inadequacy or deficiency in the quality of the daily diet.

We see, therefore, that the regulations will not only limit the type of vitamins an individual may purchase without a doctor's prescription but will also limit manufacturer's claims on nutritional products and the educational flow of information on diet.

It should be noted, Mr. Chairman, that these statements would not have been incorrect, but rather would be statements of fact as determined by research done by the manufacturer. The determination as to the accuracy of these statements has been taken from the people and given to the FDA authorities. The FDA has not only denied the people the educational flow of information so that the individual might make an intelligent determination; they have actually made that judgment for us. It seems to be irrational and dictatorial of the FDA to settle complex, widely disputed and underresearched questions by simply promulgating new rules and regulations which, in effect, proclaim that the FDA has the correct assumption and that all other opinions are false. This action by the FDA in preventing the dissemination of information can be considered a denial of the freedom of expression.

The definition of "misbranded" as authorized by the Congress is set forth in 21 U.S.C. 343(a): "a food shall be deemed to be misbranded (a) if its labeling is false or misleading in any particular" and "(j) if it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral, or other dietary properties as the Secretary determines to be, and by regulations prescribes as, necessary in order fully to inform purchasers as to its value for such uses."

It should be noted that the criminal provisions of the Food, Drug, and Cosmetic Act, 21 U.S.C. 334, and the seizure provisions, 21 U.S.C. 334, have adequately protected the consumer against adulterated and misbranded foods. These provisions were extended to cover misbranded and adulterated food supplements under the FDA Food Supplement Regulations adopted 22 November 1941. These provisions have been periodically amended to ensure adequate coverage and have been consistently upheld by the Supreme Court. Until the new restrictions proposed by FDA relative to vitamins, minerals and other food supplements, the above provisions were regarded as general restrictions designed to protect the public against dangerous or adulterated food and drugs. It should be emphasized, Mr. Chairman, that the definition of "misbranded" foods as contained in the existing law, along with the present criminal and civil sanctions, are more than adequate to protect the American consumer. This is especially true when we consider that there has been no evidence advanced by the FDA that these food supplements are, in fact, dangerous or harmful.

At issue here, Mr. Chairman, is the extent to which this Congress will allow Federal bureaucrats, acting under the guise of protecting the American people, to go in controlling the lives of the American people. I fully support the action of the Federal government in banning and/or controlling the use of dangerous drugs; however, I would remind you and the Members of the Subcommittee that the recent action by the FDA relative to food supplements is not on any evidence that these vitamins, minerals, or other food supplements are, in fact, harmful or dangerous to human health. Rather these regulations are promulgated on the basis that the manufacturers have not established that their products are in fact useful. Thus, Mr. Chairman, the FDA has acted arbitrarily and capriciously and without firm scientific basis. This decision cannot be allowed to stand.

Mr. Chairman, the legislation before the subcommittee merely defines the term "food supplement" and restricts the authority of the Secretary relative to limiting the potency, number, combination, amount, or variety of any synthetic or natural vitamin, mineral, substance, or ingredients of any food supplement unless such article is *intrinsically* injurious to health in the recommended dosage, and (2) shall not require a warning label on any food supplement unless such article is *intrinsically* injurious to health in the recommended dosage. Mr. Chairman, the key word in the legislation as I see it is *intrinsically*. This bill would merely place the burden of proof where it belongs, on the FDA, and force them to have scientific evidence before acting to limit or ban the sale of such food supplements. In no way does this legislation restrict the designated purpose of the Food and Drug Administration in attempting to protect the American people from harmful or dangerous drugs.

Mr. Chairman, I urge you and the Members of the Subcommittee to give favorable consideration to this legislation.

DESTRUCTION OF THE PEANUT PROGRAM AN UNWISE ACT

HON. W. R. POAGE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. POAGE. Mr. Speaker, the Secretary of Agriculture has announced certain administrative changes in the 1974 peanut crop program in what seems to me to be a penny-wise pound-foolish move which is certain to create financial hardship to thousands of producers and severely hurt the economy of a great many small communities. A similar change was announced for rice—it too is a mistake, but today I want to confine my discussion to peanuts.

Under these changes there will be no further price supports for peanuts found to contain aflatoxin. Were we to treat hog producers the same way, we would make no compensation to the owner of hogs slaughtered to stop the spread of cholera.

There will be no transfers of acreage allotments by lease or sale. This will work an especial hardship on retired, crippled, and disabled landowners who cannot work their land. The able bodied and well financed will be able to work their own allotments.

There will be an increase of $2 per ton in the storage charges. This will be added to the $15 imposed this year. The effect is simply to reduce supports by that amount.

No tolerance of acreage measurements will be allowed in program compliance. If a farmer with an allotment of 13.5 acres plans 13.51 acres he can be denied all program benefits. For practical purposes, no farmer can survey his land with that exactness.

The functions of the three regional marketing co-ops will be transferred to county ASCS offices. Very few of these offices are equipped to conduct these complex marketing activities. This will surely reduce the actual returns to farmers by many millions of dollars.

The CCC will take over all unredeemed loans and will be prohibited from selling takeover peanuts for less than 115 percent of acquisition cost. This will mean that under normal prices no CCC peanuts will sell. If they do, the consuming public will have to pay much higher prices. Apparently, the Department wants to pile up enough peanuts to create resentment against the entire program.

Peanut production under the present program has enabled a great many of our smaller farmers to make a living on a lot of land which is unsuited for any other crops especially in Texas and Oklahoma. None of these growers have been getting rich. Many are still below the poverty level, but they have managed to earn a livelihood, raise their families, pay their taxes, and be good citizens. In turn, their income from growing peanuts has flowed into the local stores and shops and banks and has kept many a community a viable, good place to live. There is little doubt that many of these towns would disappear from the map if peanuts can no longer be produced in their area at a profit.

Of course, the stated reason for these changes is to save an estimated $6 million which has been going to peanut producers. Actually, there will be no such savings. The losses occasioned by the refusal to sell CCC peanuts back into the trade will far exceed this and the losses sustained by the growers will be many times this amount. The entire income from foreign sales will be lost and thousands of our poorest family farms will be injured.

To aggravate the situation, the Secretary's announcement flatly stated that he would shortly present legislation to wipe out all peanut allotments. On its face this may seem a reasonable suggestion. But with allotments our present peanut production can and does support about 100,000 families. Without allotments no one could make enough from the production of peanuts to make a living. By destroying allotments we would not help any new growers. We would, in fact, simply destroy all peanuts growers.

I recognize that the peanut program, like all programs, needs continual review. I have assured the Secretary of Agriculture that I, and the members of my committee, are always ready to discuss the desirability of any changes in the program. In spite of the fact that I was told nothing about the proposed changes until 55 minutes before they were publicly announced. I am still ready

to discuss this or any other matter with the Secretary. However, I can not believe that it is very helpful to ask our opinion of a letter after the letter has been placed in the mailbox. This is, in effect, what the Secretary has done.

EUGENE CONSTANTIN

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. COLLINS of Texas. Mr. Speaker, this past week our country lost a great American in Gene Constantin. Nearly every week, I have received a positive constructive letter from him. His ideas were sound. His logic was commonsense. And he always was concerned with what was good for the country and how to maintain a progressive Republic.

I first knew of Gene Constantin through his son, Gene, Jr. who was at Yale when I was in Harvard Business School. He joined the Marines and went to the Pacific when I went with the Army to Europe.

This young Gene was a dynamic person with a tremendous future. I looked to him to be one of the greatest leaders in Texas. But as he was leading a Marine charge in Okinawa, he was killed in action.

Gene Constantin did not have a son to whom he could pass on his heritage. But he has been the driving force in building the University of Dallas that will carry on his tradition. And everytime I drive by the University of Dallas, I will always be reminded of how he lost his only son for his country, but he has left hundreds of sons and daughters on this beautiful campus. Through their enthusiasm, he is building a greater America for tomorrow at the University of Dallas.

Here is an editorial that I know my colleagues in Congress will find inspiring on Gene Constantin as expressed on October 26, by the Dallas Times Herald.

The editorial follows:

EUGENE CONSTANTIN, JR.

Even judged alongside his fellow philanthropists, the late Eugene Constantin Jr. was something special. Constantin, an independent oilman, gave liberally of his considerable fortune. More than that, though, he gave of himself: He gave his time, his energies and his counsel to the causes in which he believed.

Boy Scouting was one of those causes; so was the Dallas YMCA; so, too, was Junior Achievement, Presbyterian Hospital and Southern Methodist University.

But all of Constantin's causes, the University of Dallas was doubtless his favorite. He was founder of the Roman Catholic liberal arts institution that sits atop a ridge in Irving. He headed its initial $2 million fund drive in 1954; he gave over half a million dollars to its Operating Fund campaigns during UD's first dozen years. Between 1967 and 1970, he presented the university with endowments totaling $6 million.

The university esteemed Constantin as a counselor, as well. At his death, he was serving as chairman of its Board of Trustees.

Splendid counsel he must have given, for the University of Dallas is today one of the nation's outstanding liberal arts institutions. Small wonder that its president, Dr. Donald Cowan, should say of his friend and benefactor: "His life and works commend him to all who reverence greatness."

HOUSE SHOULD CONTINUE IMPEACHMENT INQUIRY: SEEK APPOINTMENT OF NEW SPECIAL PROSECUTOR

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, on October 23, I introduced in the House of Representatives a resolution which provides:

> *Resolved*, That the Committee on the Judiciary shall, as a whole or by any of its subcommittees, inquire into and investigate the official conduct of Richard M. Nixon to determine whether in the opinion of said committee he has been guilty of any high crime or misdemeanor which in the contemplation of the Constitution requires the interposition of the powers of the House of Representatives under the Constitution. The Committee on the Judiciary shall report its findings to the House of Representatives, together with such resolutions, articles of impeachment, or other recommendations as it deems proper.

The delivery of the tapes to Judge Sirica in no way should deter the House from continuing its investigation into whether the President has engaged in impeachable offenses.

Further I believe—and I told this to the Speaker—the Judiciary Committee should hire Archibald Cox as a special counsel and then immediately subpena all of Cox's records and files at the Justice Department and employ them in the committee's own investigation.

In addition, I feel strongly that a new special prosecutor should quickly be appointed by Judge Sirica or the Congress, through legislative mandate, should name a new special prosecutor to continue the investigative work of the task force which was headed by Cox.

In my mind, the President still faces serious charges involving the obstruction of justice and criminal investigations, wiretapping, bribery, failure to report the break-in to Ellsberg's psychiatrist office, the use of the CIA to cripple FBI investigations, and the submission of false reports to Congress relating to the bombing of Cambodia.

If proven, these and other charges fit within the "high crimes and misdemeanors" impeachment clause of the Constitution.

A final determination by the Judiciary Committee should be made on all charges before we can and should quiet the voices seeking impeachment of Richard Nixon.

The committee also must expeditiously consider GERALD FORD's nomination as Vice President.

I do not believe his nomination should be tied to the committee's newest—most critical—responsibility, the inquiry into possible criminal actions by the President.

EXCESSES BY CHILE'S JUNTA CAUSES CONCERN

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. YATES. Mr. Speaker, I rise to express my deep sense of concern over this administration's silence with regard to the totalitarian tactics undertaken by the military junta which has seized power in that beleaguered country.

Our newspapers tell us that perhaps 3,000 people have been killed and at least 4,000 people remain interned in Santiago alone. Those being held include former high government officials, members of the Chilean Congress, untold numbers of students and professors, and non-Chilean political refugees from throughout South America. It is expected that all of these people will be tried by military courts, where no consideration will be given to assure their rights under the Chilean constitution.

Mr. Speaker, the violations of human rights and civil liberties do not stop there. Books are being burned in the streets; not just Marxist books, but also the books of Pablo Neruda, the recently deceased poet who was Chile's only Nobel Laureate. The largest labor federation in Chile has been abolished, all elected mayors and councilmen have been removed, all university rectors have been replaced by junta members, all activity by political parties—including the conservative parties—has been placed in what the punta euphamistically calls "indefinite recess." The Chilean Congress has been suspended, heavy censorship has been imposed, and the exercise of civil law has been terminated in favor of martial law.

Mr. Speaker, we should not be taken in by the claims of the new ruling clique. They have announced that they have acted to restore constitutional rule and that they will quickly turn the government back to civilian control. But all indications are to the opposite effect. Their intimate association with the movements, which have worked for a long time to obtain a military takeover of the government and their abolition of the democratically elected Congress indicate that there is little hope for a return to civilian government in Chile for some time to come.

I am also concerned over the publication of prisoner lists, and protection of the rights of refugees which are all standards of international law. That these standard are met by the ruling Junta of Chile is a proper humanitarian concern of the American people.

Mr. Speaker, I hope there will be prompt action on the Fraser resolution which calls on the government of Chile to insure protection of the rights of all persons being held in Chile.

XUM

THE VETO OF THE WAR POWERS ACT SHOULD BE OVERRIDDEN

HON. J. EDWARD ROUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. ROUSH. Mr. Speaker, just a short time ago I rose in this august body to commend my colleagues on the passage of legislation of significant historical value, legislation clarifying the relative roles of the President as Commander in Chief of the Armed Forces and the Congress as the voice of the Nation in declaring war.

This was the war powers bill which very judiciously spelled out the length of time during which a President could invoke the authority to dispatch U.S. troops abroad without conferring with the Congress and securing a declaration of war, as required by the Constitution.

Many who felt that recent Presidents have over-extended the bounds of their authority on this issue were dissatisfied with the bill which seemed to them too generous in its allowance of Presidential authority to wage a war without prior congressional approval. Others felt the bill too restrictive. I personally thought that the war powers bill preserved the constitutional balance of power, defined the authority of both the President as Commander in Chief and the Congress as the one arm of Government provided by the Constitution with the power to declare war. And so I voted for this legislation.

Today I am saddened by the fact that the same President who has repeatedly lectured the Congress about the values of the balance of powers concept, who has zealously and jealously proclaimed the separability and equality of a tripartite government, now would arrogate to the executive branch alone, with unrestrained authority, the power to determine when this Nation goes to war.

That is not the way the Constitution reads and the language is simple and direct.

The Congress shall have the power—to declare war. . . .

So it reads. Nor can the recent outbreak of war in the Middle East or any other such incident suffice to justify handing over to the President, and that is what we do if we accept this veto, authority deliberately reserved to the Congress by those who carefully constructed that document. I think they judged carefully and wisely. The members of the Constitutional Convention were familiar with the dangers of concentrating all power in one body or one individual. They deliberately avoided that, and in so doing they carefully allocated certain authorities to one branch of government, and other powers to the other branches of government. To the Congress as representing the people went the power to declare war.

This is not the time to be changing a system which has served us well for 200 years. I for one do not intend to give away, to abandon a responsibility that was imposed upon this body when this Republic was founded and thus to violate the Constitution I have sworn to uphold. I shall cast my vote to over-ride the President's veto.

TALK OF IMPEACHMENT

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. ERLENBORN. Mr. Speaker, John S. Knight, an editor and publisher of considerable repute, suggested in a recent editorial that in talking of impeachment we must take the time to know exactly what we are talking about. I commend his statement to my colleagues.

The editorial follows:

Berate Nixon, But Do Not Impeach Him

(By John S. Knight)

President Nixon is reaping a bitter harvest of criticism that grew from the seeds of arrogance that he and his associates in the White House planted in the political soil of America.

Just one year ago, President Nixon received 61.7 per cent of the total vote cast. Today, an angry and uninformed public is loudly demanding that he be impeached forthwith.

No public man within my memory has done so much to destroy himself so totally within so short a time as has Mr. Nixon.

Yet I consider the hue and cry for President Nixon's impeachment to be totally without merit at this time. Fortunately, my credentials for speaking thus are unimpeachable since I did not vote for Mr. Nixon at the last election.

I argued then in connection with the Watergate revelations that I could not support an administration that had abdicated all moral principles. I stated on Oct. 29, 1972, that "the time has come for a friend to cry out against the cynical disregard for truth and honesty by the Mitchells, Haldemans and other members of the palace guard who apparently are utterly lacking in principle. As a citizen, I resent being asked to accept on faith the shabby tricks of gutter politics that are being masked in the deep and foreboding silence of those who govern my country."

On July 1 of this year, I described the "present plight of President Nixon" as "an American tragedy such as we have not witnessed in our times"; and stated that "ultimately the President will be forced to go before the country and give the people the truth. He alone must attempt to restore, if he can, the people's faith in their government. It is the President's duty to explain how such a senseless tragedy was thrust upon the American people."

You may be thinking, "That is all very fine and noble, but what does it have to do with impeachment? Just look at the terrible things Mr. Nixon has done since."

Certainly I would agree that the President's devious handling of the Watergate tapes, and firing of Special Prosecutor Archibald Cox and the loss to the administration of such able men as Elliot Richardson and William Ruckelshaus are events to be thoroughly depolred.

But are they grounds for impeachment? The Constitution says: "The President, vice president, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors."

Up to now, Mr. Nixon has not been convicted—other than in the court of public opinion—of any of these impeachable sins.

True, the President did not choose to submit the question of executive privilege to the Supreme Court as it had been earlier believed he would do. He elected instead, and at the last moment, to turn the controversial tapes over to Judge Sirica as ordered. Charles Alan Wright, who represents Mr. Nixon, stated that "this President does not defy the law."

So despite the anguished cries of the American Civil Liberties Union, partisan members of Congress seeking to make personal capital out of Mr. Nixon's dilemma, and an underinformed public, which votes its gut feelings through oversimplified call-in newspaper polls and radio talk shows, there appears to be no substantial legal ground for the President's impeachment.

There are other compelling reasons why President Nixon should not be impeached on the basis of evidence at hand.

We are living through another crisis in the Middle East, which could assume worldwide proportions.

President Nixon, despite his many imperfections, is a recognized world leader who—together with Sec. of State Kissinger—has enjoyed many notable accomplishments in the field of foreign relations. The heads of other governments with whom a President must negotiate do not share the American public's distress over Watergate and related matters.

Secondly, we have no vice president to succeed the President in the event the latter is impeached and found guilty. Rep. Ford, the President's vice president-designate, is being held "hostage" by a Congress with politics on its mind.

The presidential succession, therefore, would descend upon Oklahoma's Rep. Carl Albert, speaker of the House. Albert, a man of no remarkable distinction, has himself urged caution on impeachment.

In this season of baseball trades and changing managerial lineups, I would doubt the wisdom of trading Nixon-Kissinger for Albert-What's his-name.

So before public opinion goes off half-cocked, let the House Judiciary Committee—as the Miami Herald has suggested—"begin a sober and orderly study of whether the President has in fact done anything for which he should be impeached."

That really is the question. Kick Richard Nixon around if you like, berate him for his sins, rue the day you voted for him—but don't pop off about impeachment if you're not sure you know what you're talking about.

BANK OF YORKVILLE—ANNIVERSARY CELEBRATION

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. JONES of Tennessee. Mr. Speaker, on October 21, 1973, the Bank of Yorkville, Yorkville, Tenn., celebrated the 67th anniversary of its founding, and also the opening of their newly remodeled building. The Bank of Yorkville was founded in 1906 and has served Yorkville well for the last 67 years. It is my privilege to pay tribute to the bank and to the capable people who make it one of such high standing.

The bank's president, Mr. Malcom R. Forrester, has been a banker for nearly 45 years and has been president of the

Bank of Yorkville for 42 of the 45. In addition to serving as president of the bank and the Yorkville Insurance Agency, he has found time to devote many hours to serving his community. Mr. Forrester serves as president of the West State Utility Water District, which was the first of its kind to be formed in Tennessee to supply service to rural families. He is a member of the Gibson County Court, and has served as a former State legislator for 2 terms. Yorkville is indeed fortunate to have Malcolm Forrester as president of its bank.

Richard J. Binkley, the bank's vice president, is a former member of the Yorkville High School staff, where he taught agriculture coached the girls' basketball team. Together with his duties as vice president of the bank, Mr. Binkley serves as Yorkville's mayor.

Mrs. Charlie "Adiola" Cowan, has served as the bank's assistant cashier since 1936. Mrs. Cowan, a native of Yorkville is a great believer in her community and has contributed much to Yorkville in a personal as well as a professional capacity.

As a native Yorkvillian, I would like to take this opportunity to thank these officers and every other employee of the bank for their devoted and cheerful service to the community of Yorkville, and to wish them as much success in the next 67 years as they have had in the past 67.

DO THE RUSSIANS DESERVE MOST-FAVORED-NATION STATUS?

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. ROUSSELOT. Mr. Speaker, the Mills-Vanik amendment, which I have cosponsored, provides that most-favored-nation treatment, credits, and loan guarantees shall not be extended to the Soviet Union as long as it continues to restrict the freedom of its citizens to emigrate. I have taken pains to point out that this issue concerns not only Soviet Jews but also millions of other victims of Soviet oppression in Latvia, Lithuania, Estonia, and the Ukraine.

The American Latvian Association and the National Conference on Soviet Jewry have provided me with information concerning three instances where Latvian Christians, who were displaced due to World War II, have sought unsuccessfully to emigrate from the Soviet Union.

Mrs. Velta Valdens, of Vancouver, Wash., has twice attempted to secure an emigration permit for her 83-year-old mother to join her in the United States. The Soviets have given no reason for their denial of the permit.

Likewise, Mr. Janis Putnis has failed to obtain permission for his daughter to come to the United States to live. When Mr. Putnis first applied for an emigration permit, his daughter was 16 years old. Now she is 27 and married, and the Soviets still refuse even to allow her to visit her father.

Mr. Vilis Krastins, of Milwaukee, Wis., has been separated from his wife and son. Beginning in 1957, when his son was 14 years old, Mr. Krastins began applying for emigration permits. In the meantime, his son has grown up, and the Soviets have refused to permit even a visit.

I cannot imagine how we can consider conducting normal trade relations with the Soviet Union as long as it persists in enslaving its citizens and denying them freedom to emigrate to any country which is willing to accept them.

MR. MEANY VERSUS FREEDOM

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. DERWINSKI. Mr. Speaker, all Americans benefit from the freedom of press which we enjoy in this country even though various public officials have their ups and downs in press relations.

However, I was intrigued with the evident disregard for the freedom of press exhibited AFL–CIO President George Meany and I, therefore, direct to the attention of the Members an editorial in the Saturday, October 27 issue of the Chicago Tribune. The article follows:

Mr. Meany Versus Freedom

Now at the pinnacle of his power, President George Meany of the AFL–CIO should today be a missionary for the freedom which has permitted his movement to gain goals it sought.

But is he such a missionary? At the AFL–CIO convention at Bal Harbour, Fla., he barred nonunion television camermen from the convention hall. He even ruled that the nonunion Miami Herald could not be sold at the convention hotel. He said the hall has been rented with union members' dues and that the union could bar any media it wished.

But free Americans have just as much right to reject union membership as Mr. Meany has to accept it. Even if he cares nothing for tolerance and freedom, he should recall that a free press has thru the years helped his movement by telling its story.

One of the delegates at Bal Harbour, Charles Perlik, president of the American Newspaper Guild, reminded Mr. Meany that excluding nonunion cameramen violated the free press guarantee embodied in the First Amendment. Such a ban, Mr. Perlik said, "weakens the democratic structure of which the free flow of information is such a vital part." If only union cameramen may take pictures at a union convention, may only Democratic reporters cover a Democratic convention?

If a "right-to-work" organization had barred newsmen because they were members of the AFL–CIO, Mr. Meany's roars of wrath would have been audible for miles—and rightly so.

Anyone who would exclude any category of persons from access to news worthy events or either union or nonunion publications from newsstands opposes principles basic to our national institutions and to the public interest.

EDITORS ENDORSE CHOICE OF JERRY FORD

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. SHRIVER. Mr. Speaker, the President's nomination of our minority leader, Jerry Ford, has received strong endorsement from a large majority of my constituents and from the editorial writers of our major newspapers. Under leave to extend my remarks, I am submitting for the Record a representative sampling of this editorial response:

[From the Newton Kansan, Oct. 29, 1973]

Editorial Opinion: Ford Nomination Wise

President Nixon made a wise decision last week when he nominated Gerald Ford of Michigan, minority leader in the House of Representatives, as the successor to Spiro Agnew as vice president.

In doing so he avoided a bitter fight with Congress, he assured that an able man would be available to succeed him in case that becomes necessary, and he assured that the office of the vice president would not be vacant for a long period.

For Ford to become vice president, he must be approved by both houses of Congress.

In view of what has happened in the recent past, both houses of Congress assuredly will make a thorough investigation of Ford's background, just as it would of the background of anyone the President would have nominated.

But it has this advantage—Congress seldom turns down one of its own for an appointment.

Had Nixon named John Connally of Texas, or Nelson Rockefeller of New York, or any of the other Republicans who have acted as if they might be a candidate for the GOP presidential nomination in 1976 a bitter fight would have been assured, and because the Democrats control both houses, the nomination would have undoubtedly been turned down.

Not only that, but the other Republican aspirants to the presidency would have been upset, because the new vice President would have started the race with an advantage.

In any case, the confirmation of the appointment would have been delayed and more bitterness would have been added to the running battle between the executive and the legislature.

[From the McPherson Sentinel, Oct. 15, 1973]

Ford Should Be One of Our Best Vice Presidents

President Nixon's nomination of Gerald Ford for vice president looks like an excellent one.

Ford doesn't seem to come from the rich men crowd like some other vice presidents did. He and his family live a simple middle class life without a lot of the rich men's favors we have seen too much of in recent years.

Further he is a thoroughly experienced congressman with 25 years in the House. He knows how to campaign. As leader of House Republicans he has proved he works well with both parties.

And he thinks along with the President on vital issues.

Unless Senate investigation uncovers some bad information, this man should be thoroughly capable of serving as president if that were to happen. May he be confirmed by Congress very soon.

[From the Wichita Eagle and the Beacon, Oct. 14, 1973]

Ford Is a Better Idea

In his nomination of Gerald Ford to fill the vacant office of vice president, President Nixon appears to be extending an olive branch to the Congress And initial reaction indicates the Congress might eagerly accept the peace offering

This in no way demeans the selection of Ford for the nation's second highest office He has many factors going for him that make him an excellent choice; but great among them appears to be the healing balm for a sore Capitol Hill

Nixon could have made his choice from among a number of persons prominently mentioned—Connally, Rockefeller, Bush, to name three—and justified any one of them on the grounds that the selection would have been for the good of the nation

The President was clearly in the driver's seat The initial selection was up to him; it could not go unrecognized that the choice should be in tune with the President's own philosophies; the selection certainly had to be someone with the ability to carry on should some ill fate befall Nixon. Congress could buck and snort, but it would have to approve any clean selection

But Ford was different: Of all those being prominently mentioned most of the others were considered potential candidates for the next presidential nomination, and Ford has never given any hint as to desiring that; he holds great respect from colleagues in both parties: he had been one of those considered as a running mate by Nixon in 1960 and he has been well tested in all the attributes required by Nixon in this instance.

Had one of the 1976 contenders been named there would have been trouble not only from Democrats, but from Republicans as well; for among politicians any advantage is considered unfair. And while Congress would have approved in the end, old sores would have been opened and new ones created.

Although he is low key compared to a person such as Connally, Ford appears to have the qualities needed for the job; especially for the job at this time. He has 25 years of legislative experience, a reputation for getting Congress to move his way (six vetoes sustained by a Democratic controlled House) and an ability to bridge philosophic lines. He is widely recognized as the strongest leader among the four congressional caucuses (though some say this is more a commentary on the weakness of congressional leadership). At this time he appears to have no taint of scandal in his background.

It must not go unrecognized that there is a very real chance that this selection could be called on to fulfill the number one reason for a vice president—that of moving up. With Mr. Nixon's many problems—not the least of which is the tapes question in which once again a court has gone against him—the possibility of a resignation or impeachment must be realized. It also is obvious from his personal appearance that all of his troubles are weighing heavily upon the President's shoulders and affecting his health.

During his administration Mr. Nixon has made many blunders in the selection of people to assist him. There also have been high points: Dr. Kissinger, Elliot Richardson, William Ruckelshaus.

In the selection of Gerald Ford the President appears to have picked a capable man and also to have taken steps toward uniting the nation. We would hope and pray that it is so.

[From the Wichita Eagle and the Beacon, Oct. 21, 1973]

Putting Gerald Ford Under the Microscope

Gerald Ford, vice president designee, apparently is destined to be the most closely scrutinized politician in the history of America.

To an extent, the congressional reaction was predictable and even laudable, but recent reports suggest that Congress has developed either a touch of paranoia or an inclination to turn Ford into a political hostage pending the outcome of a court decision on whether or not Mr. Nixon must release his tapes. Neither prospect is likely to set well with the general public.

As is proper, the FBI has investigated Rep. Ford thoroughly and apparently found nothing that would reflect ill upon a national leader. The House investigating committee has requested his income tax returns, medical records and evidence that there has never been any diagnosis of or treatment for mental illness. This, too, is within reason, and probably should have been standard procedure before granting congressional approval of any potential holder of a major office—even before the revelations of Watergate and Agnew pricked the national conscience.

It seems highly improper and wholly unnecessary, however, for Congress to examine the man's political views and voting record. It should be plain enough that Ford supports the basic Nixon philosophy and whether or not Congress approves it, it is Ford's right and it is only logical that the President would select a man whose views support his own.

Neither is a televised hearing either necessary or desirable. Indeed, one could speculate that such a hearing might almost become obscene as Ford is placed in the witness chair to discuss the intimate details of every illness he may ever have suffered. It seems like one more bid by Congress to get some free television publicity.

The idea that the Democratic Congress might be deliberately delaying confirmation of Ford as further leverage to use against Nixon in the matter of releasing the tapes is the most distasteful prospect of all. The nation well knows that should the President be killed, or be incapacitated by illness, or forced to resign from office while we are without a confirmed vice president, the leadership would fall to Democrat Carl Albert.

The capture of the White House by a deliberately staged default would surely be sufficent to finish souring the American voter on our entire politic process. No contentious congressman could be party to such a ploy after the agony this nation has just endured as the result of political corruption.

GERALD FORD'S NOMINATION

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. ESCH. Mr. Speaker, on Friday, October 12, the Honorable GERALD FORD, the Congressman from Michigan's Fifth District, was nominated by President Nixon for the office of Vice President. Of course, we are honored to have such a distinguished man from Michigan nominated to the Nation's second highest office. And I believe the bipartisan support from both Houses, the public, and the favorable media response highlight the fact the choice was a popular one.

I am confident the House and Senate will move expeditiously—but not hurriedly—to consider GERALD FORD's nomination. Thorough and complete hearings are needed to reassure the Nation in this troubling time.

An opportunity will be afforded us to comment on Congressman FORD's qualities at a future date. I did want to emphasize now, however, that the real significance of the choice of GERALD FORD for Vice President lies in his ability to respect differences and to bring divergent views together in a systematic way to solve the country's problems.

During my tenure in Congress during the last 7 years, I have not always agreed with the substantive positions which he has taken and indeed, he has not always agreed with me. But he has respected our differences and respected my right to disagree.

We live at a time when in this country we must learn as never before to respect differences, to find a common ground and to move ahead on the problems the country faces. I think the choice of GERALD FORD will be a major determinant in moving the country forward in the next 3 years.

DISCRIMINATION IN VOTING: THE LANGUAGE BARRIER

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. RANGEL. Mr. Speaker, the board of elections for New York City will, for the first time in its history, conduct bilingual elections. Acting under court order, there will be Spanish translations of the November ballot, amendments and other election materials provided. In addition, bilingual translators will be located at each election district in the city where 5 percent or more of the population is Hispanic according to the 1970 census.

This progressive step represents a major first effort to break down the language barrier in the electoral process. Discrimination against citizens who are unfamiliar with or nonfluent in English is constitutionally unjust and denies equal protection to those citizens.

This is a national problem, however, and the rest of the Nation has failed to respond. Any comprehensive election reform measure passed by Congress should include provisions requiring bilingual ballots in areas with a significant proportion of non-English speaking voters. If necessary, Federal funds should be made available to local governments to help them set up bilingual election programs.

The election process will be little more than a farce if large numbers of our citizens are wrongfully disenfranchised. Already, aside from discrimination against Spanish-speaking voters, State voter registration laws discriminate against the handicapped, against the poor, and against those who cannot travel to register. America's registration laws are unduly restrictive and discourage, not encourage, voter participation.

It is the job of Congress and the States to tear down the barriers that prevent citizens from voting. That is the mandate of the Constitution.

LEGISLATION FOR AN INDEPENDENT SPECIAL PROSECUTOR

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. ICHORD. Mr. Speaker, the events of the past several days and the immediate and enormous public outrage expressed toward them have demonstrated beyond doubt that President Nixon's decision to turn the tapes over to Judge Sirica has not ended the constitutional and leadership crisis now facing the Nation.

Many vital questions remain unresolved concerning the Watergate affair and related activities that Special Prosecutor Cox and his staff were investigating until their disbandment. Turning the tapes over to Judge Sirica has not answered these questions, and they are questions which demand answering.

The only way to find the truth in this whole Watergate affair and quell the divisive speculation which is ripping this Nation apart is to immediately reestablish a completely independent special prosecutor to continue the work of Mr. Cox and his staff.

With this goal in mind, I am today introducing legislation which would establish an Office of Special Prosecutor, the head of which is to be appointed by the Chief Judge of the U.S. District Court for the District of Columbia, Judge John Sirica. Only by establishing a special prosecutor completely independent of the exective branch can this Nation be assured of a prosecutor whose integrity and independence are beyond dispute.

To allow the Watergate investigation to return to the authority of the Justice Department only places the executive branch in the position of investigating itself once again. This was not tolerable to Congress and the American people then, and it is not tolerable now.

This Nation must be assured that the Watergate and related investigations will be carried out under due process of law and that all criminal activity associated with these incidences shall be prosecuted to the fullest extent possible in the most honest and open manner possible. Until this end is accomplished, the turmoil and scandal in which this Nation has been cast will not subside.

With the benefit of hindsight, we must today—through legislation—establish a special prosecutor wholly independent of the executive branch in authority and financing and more directly answerable to the American people than to the administration. We do so in the hope that this avenue will provide a more direct path to the truth.

The legislation I am introducing today is designed to accomplish this end.

The national political scandals which paralyze this Nation go far beyond the break-in of the National Democratic Headquarters in 1972. As such, my legislation empowers the special prosecutor with the authority to investigate and prosecute all offenses to the United States arising not only out of the campaign irregularities of the 1972 Presidential campaign, but also all offenses against the United States arising out of activities of members of the White House staff, other Presidential appointees and other persons working on behalf of the President.

Additionally, this legislation makes provision for the special prosecutor to have full access to the former prosecutor's materials and assures the full cooperation of all governmental agencies and departments in the carrying out of the prosecutor's investigations.

Finally, this legislation addresses the important topic of removal of the special prosecutor.

My legislation, by placing the office of prosecutor outside the executive branch solves the problem of precipitant removal of the special prosecutor. It provides that the special prosecutor be removed for extraordinary improprieties only by the chief judge of the U.S. District Court in the District of Columbia.

CAMPAIGN FINANCING

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. FRENZEL. Mr. Speaker, in the current issue of New Republic, Walter Pincus writes an article entitled "Let's Look Before We Leap" on public campaign financing. I do not know who Mr. Pincus is, but I invite the attention of all Members to his thoughtful piece of work.

Mr. Pincus raises some interesting questions about the Scott-Kennedy public finance bill, in particular, noting that under it political money would be diverted to other stages of the selection process. He also makes a thoughtful statement about the dangers of "dislocating" our various local and State processes which may have some weaknesses but have worked well over the years.

Mr. Pincus is not opposed to the concept of public financing. On the contrary, he suggests making limited use of the check off in the 1976 Presidential election and also suggests the use of some features of past and present Udall-Anderson bills, a provision for free mailing and subsidized television.

I believe the central theme of the Pincus article is that we do not fall for what he calls the "utopian note;" that is, public financing will not suddenly make everything beautiful, and, as a matter of fact, might do some real harm.

In my judgment, what is needed right now is that Congress shore up the holes in the present system—contribution limits, expense limits and Federal Election Commission, and so forth, and then give closer and a little more leisurely look at the real effects of some of the most prominent of the public financing schemes.

The article follows:

Let's Look Before We Leap—Campaign Financino

(By Walter Pincus)

For more than 10 years I have written about the financing of presidential and congressional campaigns, and until last year the toughest part of that assignment was to get accurate, complete information. Neither candidates nor their fund-raisers wanted to talk frankly; explaining who gave and why could only cause them trouble. The public did not undertsand how or in what amounts money was raised and for the most part did not care. The campaign fund reporting laws in those days permitted every politician, whatever his views on reform, to keep his benefactors hidden.

The secrecy was often advantageous to the donor as well as the receiver. And yet both the candidates and the contributors were uneasy as they dealt with each other in this dimly lit world of political financing. Then, with the advent of television, campaigning costs skyrocketed. The rich, the interest groups, labor and business were the first to be squeezed for more. And they did give more and got others with similar views to begin giving. New contributors sprang up on opposite sides of legislative battles. The doctors gave to block "socialized medicine," and the unions gave to secure medicare. Competing corporations gave; so did opponents of the Vietnam war. Racists and anti-racists gave; polluters and environmentalists gave. How much each gave, whether the amounts on both sides were roughly equivalent or not, and what effect that money had on executive decisions or congressional votes were not known. The public generally assumed the worst—government could be bought. The press—and I was part of it—helped to bolster that assumption. Stories about campaign funds usually left the impression that donors were putting in the fix and that politicans went along. As for the general public—well, it was unwilling to dig into its pockets to pay to elect anyone.

In the 1960s a reform move got underway, pushed by President Kennedy (who was amazed at how much it cost to run and win) and by President Johnson (who was embarrassed by the nasty notices he received for fund-raising in 1964 and 1966). There were some off-stage whispers about the need for federal financing, but reform efforts were then directed at complete financial disclosure, enforcement, limitations on spending and contributing, coverage of primary as well as general elections and, above all, encouragement to small contributors. With a broadened base of funding, it was argued, candidates would be freed from dependence upon the large interest-group donors.

With the passage of the election reform act of 1971, the public got its first good look at the costs of a presidential campaign, the now notorious campaign of 1972. The sight was appalling. Corporations, which are barred from donating company funds to campaigns for federal office, were solicited—and some gave illegally. Individuals doing business with governments were tapped, as were those seeking favors. The number of those who gave $500,000, $100,000 or more was beyond anything the public had imagined. And when it became apparent that some of this money had paid for illegal burglaries and buggings and faked documents and spying by the Republican campaign organization, the cry for more radical reform was loud. This time, however, the reformers aimed to eliminate or minimize private financing, replacing it with federal funding of elections.

XUM

The senators, representatives and organizations promoting the new reform insist that public financing would do away with the "distortion" or "subversion" of our politics since candidates would no longer be bound by obligations to "special interests"; anyone, regardless of his resources, could run for office; the unemployed worker, the welfare mother or the steelworker would have the same access to his congressman as the president of General Motors. The Utopian note was best struck by Senator Kennedy when he told a Senate Rules Committee that, "At a single stroke, by enacting a system of public financing, Congress can shut off the underground rivers of private influence money that poisons politics at every level of federal government."

Now let's pull back for a moment and try to see where we are. Congressmen elected in 1972 filed complete reports on all contributions they received—at least those that came after April 7, 1972, the date the new law took effect. Common Cause, among other organizations, has a major study underway of the linkage between contributors and members of congressional committees, and that study may tell us a good deal more about why the committees vote as they do. Will the "underground rivers of private influence" go right on flowing if Common Cause documents the charge of bought votes? Won't the publicizing of such contributions have some disciplining effect on pressure groups and lobbyists whose activities would not be shut off in any case, whatever the mode of campaign financing? If officials of Union Carbide in 1972 gave to every member of the House Commerce Committee, that would be on record; knowing that record, those on the other side of a Union Carbide issue will know where in the Congress to put their energies and their publicity. Full disclosure of contributions in effect may help neutralize the advantages gained initially by donors, and in addition should encourage other pressure groups, including those representing the public interest, to get into the business of contributing. That to me is broadening the base. Is not that prospect good enough reason for giving the 1971 act a chance to prove its worth, especially if it is strengthened, as it ought to be, by new limitations and enforcement provisions recently passed by the Senate, including the setting up of an independent election commission?

Campaign funds do more than influence the votes of legislators or the decisions of policymakers. They are an integral part of a very complex system of nominating candidates and of electing them, and the process is different on almost every level of government. The nomination process for the House varies from state to state, district to district, and a House race differs from statewide Senate campaigns, which themselves vary from state to state. The presidential nomination process varies not only from state to state, but from candidate to candidate. To impose a uniform method of financing on all candidates, both in primary and general elections, would inevitably require one uniform selection process thereby dislocating a variety of local and state arrangements whose strength as well as weaknesses have been certified by experience. When we speak of public financing we are suggesting not simply some casual reform but a fundamental change in the heterogeneous ways candidates for federal office are chosen.

We have, I believe, exaggerated the limiting effect the need to raise campaign funds has on prospective candidates. And we are in danger of forgetting that the present system is largely responsible for our having two parties, as against three, four or more parties in congressional, senatorial or presidential elections. Do we want to change the two-party system? If so, we are talking of a major structural change, a hazardous one, and not one that should come about as a side effect of public financing.

How much serious study has been given to the impact of public financing of the multitude of campaigns that would be covered? One plan, using public funds to finance only the general election of a President, *has* been studied. The 1971 tax check-off, allowing each taxpayer to put one dollar into the 1976 presidential campaign chest of either or neither party is now law. It is reported that some three million dollars was designated on 1972 tax returns for that purpose, a low amount attributed in part to the Internal Revenue Service's failure to include the proposal on page one of the return. More should come in over the next few years, and a sizable pot could be divided by the nominated candidates of the two major parties in 1976.

Senators Kennedy and Scott are pressing to open this kitty to House and Senate candidates in the general elections of 1976, and to eliminate all private contributions once the nominations are over. The idea is very attractive to incumbents. By keeping public financing out of the primaries, the Kennedy-Scott bill will gain support from dozens of their colleagues from one-party states or districts who do not relish the prospect of challengers financed by federal funds—challengers who under the present system have little incentive to run and no chance to win. And though Kennedy and Scott would eliminate the private contributor from giving in the general election, they do not diminish his importance prior to nomination, in a primary, state convention or national convention. On the contrary the Kennedy-Scott measure would, in my opinion, assure that more money will be pumped into the nominating process, followed by costlier primary and state convention campaigning—all in the knowledge that there will be no need to go back to contributors for more once the nomination is attained.

When the public financers go further and apply their concept to primary or pre-nomination electioneering, the problems multiply. How do you separate serious from frivolous candidates for a House or Senate seat, particularly when the prospect of public money guarantees candidates an opportunity for exposure at a minimum of cost? Do you require signatures on a petition before a candidate is qualified to get federal funds? A firm can be hired to get them—at $50 per 100 in California. Do you require a prospective candidate to raise some amount in small contributions? How much? Since interest groups already are organized and making just such small contributions upon direction, they could have more clout from their traditional donations, while letting the US Treasury pay part of the costs.

What about the presidential race, which may begin for any one of a number of hopefuls at least a year before any primary? Do you require a man to raise $100,000 or $250,000 in small contributions before he gets any federal funds? Must he do that before the first primaries have started or can he start after? Can he do it just before the national convention, even if he has no delegates? Can he keep getting federal funds after losing several primaries? Can a favorite son get his small contributors from his own state, then use his federal money to run in other states?

In all this discussion of public financing, where does the political party fit in? Should federal funds go directly to the candidates? If so, how does a party organization support itself? Won't this make candidates more indifferent to party discipline than they are now? Is this desirable? Or if the party becomes the custodian of federal money, won't we be encouraging various interest groups to set up their parties?

The present system of private contributions certainly has flaws, but disclosures are illuminating them and past political advantages may be turned to disadvantages. Future fund-raisers have new guidelines and future donors have a clearer sense of what they are getting into. Public financing is a tempting shortcut, but it will not eliminate interest groups, only divert their energies to other channels of influence. For the congressional elections of 1974, at least, it is worth finding out how the current law, the Watergate affair and public oversight work to cleanse the system. For the 1976 elections, the check-off, limited in scope, deserves a fair trial. One additional step might be taken: provision for free mailing and subsidized television.

The Agnew case had added momentum to the drive for public financing; indeed the former Vice President has suggested this very reform. Here, too, a second look is in order. The Justice Department's 40-page summary describes a kickback system allegedly instituted by Mr. Agnew when he was Baltimore County executive and carried on while he was Vice President. The cash funds delivered to him from contractors allegedly were to be used to meet "substantial political financial demands"; that is, they were political contributions, Agnew and others now say. But were they? In court Mr. Agnew declared that payments he received in 1967 (the year for which he was charged with tax evasion) "were not expended for political purposes." Evidently they were used as income.

In other kickback prosecutions around the country, public officials and contractors have defended themselves by saying that the funds involved were political contributions. Yet many politicians, like Agnew, pocketed the money. Public financing would do nothing to remedy this. It is plain crookedness. For these cases we need to change the contract award system, not the system of campaign financing—unless we think that by making public money available to corrupt officials, they will not need or want to put the arm on the contractors.

RIGHT ON, CONGRESSMAN HAMILTON

HON. J. EDWARD ROUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. ROUSH. Mr. Speaker, our colleague, Congressman LEE HAMILTON, in an address made in the Ninth District of Indiana, which he so ably represents, hit the nail right on the head when he spoke of the needs and demands of the American people in the months and years to come. Congressman HAMILTON not only speaks eloquently on this subject but has exemplified integrity by his own life and has given meaning to his convictions through his work in the U.S. House of Representatives. The following editorial appeared in the Lawrenceburg Register on October 4, 1973. It deserves the attention of all of us.

RIGHT ON, CONGRESSMAN HAMILTON

Congressman Lee Hamilton made one of his most important talks Friday night at St. Leon. The subject matter has been voiced by him previously through the years, and as a supporter of the congressman for the last decade we can assure you it has been his personal political philosophy. In summary, here's what Congressman Hamilton stressed is needed to restore public confidence in politics and government:

1—Reduce secrecy in government.

2—Reduce the influence of money in public systems.

3—No concentration of power in any one office.

Right on, Congressman Hamilton. We have, and will continue to share his views. Polls indicate that the majority of Americans, regardless of their political leaning, support these views, also.

The three points aren't confined to national politics. Congressman Hamilton was referring to the Washington to local level. He emphasized this when he asked his audience Friday night if they knew the number one item Dearborn County voters will be interested in during the 1974 elections. The candidate's integrity. In other words, you can't point the finger at the President and the Watergate misdeeds if you have some of the same in your own communtiy. Washington, and its sometime far-removed elected officials, is a far-off place to most voters. It's easy to put the blame on someone who isn't your neighbor. It's much easier to remain silent about a neighbor's campaign or political organization that isn't up to snuff than to speak out, to ask questions. We encourage the latter. By doing so, you'll find out that it is your government, locally or nationally, and there's much more to an election than going to the polls to vote or worse, making up your mind you aren't going to vote.

Returning to point one. This newspaper, and any media worth its salt, will support this point-reducing secrecy in government. As readers of our newspaper have observed, we are opposed to secrecy in any type of government, elected or appointive. We oppose not to make people uncomfortable. We oppose secrecy in government because it is the people's government, your city hall, your courthouse, your schools, your hospital, your police department. The public too often is made to feel uncomfortable in public offices and in public meetings, resulting in a lack of respect for all public officials and worse, public apathy and lethargy. How often have you heard this statement, "What's the use. They won't listen to me!" Our newspapers listen. That's our second reason for opposing secrecy. That's our job—to represent the people, regardless of their station in life. Ours is a business, true. But we are custodians of freedom of information and freedom of speech, diametrically opposed to secrecy in government. Support us in this quest and you will have an improved government, and a much greater role in governing your community.

Point number two, reducing the influence of money in government, is extremely important. Money corrupts is an ancient axiom, and is best illustrated by the $60 million raised, some of it illegally and much of it used illegaly, to re-elect President Nixon. Again, it was the news media which focused attention on Watergate and subsequent election irregularities. We support the news media pressure to keep digging into election irregularities, despite opposition from some people and the mounting costs. Halting the investigations in mid-stream is just another opportunity for financial irregularities in government to occur at a later date. It's a costly lesson we are learning in Washington today. Again, it is your privilege on local level to ask questions of a candidate, and to learn how your tax money is being spent locally.

Point three, concentration of power in any office, does occur at all levels of government, and again is best illustrated by President Nixon's unilateral stance. Power corrupts is another age-old axiom. This disappointing degeneration in government has occurred at all levels of government. It isn't confined to a single political party, either. It is somewhat intertwined with secrecy in government. The end result is lack of confidence in government, a lethargy that sweeps the community and "keeps people in their places." We support public access to public business-public buildings and public officials. We ask for the public's support in our day-in and day-out monitoring of public business.

Congressman Hamilton's talk could not have come at a better time. Next week is National Newspaper Week. We renew our commitments to provide freedom of information. Newspapers are your foundation for free choice.

THE IMPEACHMENT PROCESS

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. KOCH. Mr. Speaker, last Tuesday at noon, I joined with 28 of my colleagues on a resolution of impeachment of President Nixon. I did so for the sole reason that the President had made clear he would not comply with Judge Sirica's order requiring the production of tapes, documents, and other materials for inspection by the judge in connection with the Watergate grand jury proceedings.

Last Tuesday at 2 p.m., the President's lawyers announced that the President would comply with Judge Sirica's order after all.

Since last Tuesday at 2 p.m. it has been my position that immediate impeachment, which is equivalent to a formal indictment of the President to be followed by a trial in the Senate, is not in order but that the House Judiciary Committee should conduct a preliminary investigation to determine whether or not sufficient grounds exist for the committee to recommnd a resolution and articles of impeachment to the House of Representaives. And I am a cosponsor of a resolution to that effect as well as a cosponsor of a joint resolution authorizing Judge Sirica to appoint a new special prosecutor.

I think that the credible threat of impeachment did chasten the President and led to his turn-about on the tapes. Furthermore, I think the Judiciary Committee inquiry in the House and the continuing threat of impeachment proceedings are necessary to protect the existing Watergate investigations from further White House interference. But, if they do not prove to be sufficient deterrents and the President resumes a course of conduct that amounts to a defiance of court orders or criminal obstruction of justice.

I believe the House must then impeach the President forthwith or there never will be a satisfactory conclusion to the Watergate investigations and justice will be mocked.

In my opinion the primary responsibility of the House of Representatives at this time is to take all steps necessary to assure the American people that there will be a fair and thorough investigation of all Watergate related matters by the Ervin Committee, the grand juries, a new Special Prosecutor and the House Judiciary Committee. If, after the President has been given the opportunity to defend himself under adequate procedural safeguards, substantial evidence is presented to the House of Representatives that there is reasonable cause to believe that the President has committed high crimes and misdemeanors, I will vote for impeachment.

My paramont consideration is that the Constitution and the due process which it requires be defended and protected from both executive and legislative abuses.

Reading about the history of the impeachment process leads me to believe that except under circumstances such as I have already described, we should proceed with great care when we speak of impeaching the President of the United States.

Article II, section 4 of our Constitution says that the President shall be removed from office on impeachment for, and conviction, of, treason, bribery or other "high crimes and misdemeanors." The weight of historical and legal authority argues that "high crimes and misdemeanors" are not limited to acts which are indictable under our criminal laws but include also "great offenses" which I would describe as serious official misconduct doing great injury to the Government and the people.

Thus, the broad scope of "high crimes and misdemeanors" is consistent with the established view that House impeachment and Senate trial to not constitute criminal proceedings. Otherwise the fifth amendment protection from "double jeopardy" might arise. Impeachment is only a method of removal and prescribes no other punishment except barring the person convicted from ever holding public office again.

Since the criminal law does not control the substance of the accusations or the trial procedures utilized, there is no way to avoid the political nature of impeachment. Hamilton remarked in the "Federalist Papers" that the prosecution of impeachment "will seldom fail to agitate the passions of the whole community, and to divide it into parties more or less friendly or inimical to the accused * * * and in such cases there will always be the greatest danger that the decision will be regulated more by the comparative strength of the parties, than by the real demonstrations of innocence or guilt."

Therefore, to recognize what impeachment means and the partisan dangers inherent in the process should encourage care and restraint on the part of Congress.

There have been 12 impeachments and only 4 convictions in our history. Nine of the 12 impeached, and all 4 of those convicted were Federal judges. The impeachment process is obviously most needed when a judge, with a life-long appointment, has to be removed for serious misconduct.

Resolutions to impeach Presidents Tyler and Hoover were introduced but rejected. Only President Andrew Johnson was impeached by the House but his conviction failed by one vote in the Senate.

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Johnson's impeachment was a sorry chapter in American history. It is too long a story to tell here but it should be required reading for anyone who forgets that legislative tyranny can be just as great a menace to the separation of powers as executive tyranny.

Remembering Hamilton's warning, let us be sure that our "passions" do not get the better of us. It was 1868 when Thaddeus Stevens, an impeachment leader in the House declared:

> Let me see the recreant who would vote to let such a criminal escape. Point me to one who will dare do it and I will show you one who will dare the infamy of posterity.

But it was just yesterday when I read a statement on impeachment by the American Civil Liberties Union which declared—

> It cannot be stressed strongly enough or often enough that Representatives who do not move to impeach and who thereby fail to bring President Nixon to trial, are accomplices to a cover-up.

I have no use for such talk and I am sure that most responsible ACLU members do not either. This is not a time to be unreasonable or vindictive. Too much unreason and spite have already been employed by the White House. The President's contempt for honesty and fairness cannot become the prevailing attitude in Congress for resolving this crisis. Too much is at stake. For our "democratic experiment" almost two centuries old is in grave jeopardy. And, if the checks and balances of our American constitutional system fail to work now, we will have repudiated our past and lost our future.

CRIME CONTROL NO. 1

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. LANDGREBE. Mr. Speaker, guns like any other object, may be used to protect life and property or to endanger life and property. In the first case guns are used against criminals; in the second, by criminals. It is the intent of the person using the gun that determines whether its use is proper or not. Now the gun control lobbyists, like a squad of squid, have been beclouding the waters of argument by continually squirting the black ink of illogic into the discussion concerning crime and guns. Unfortunately these lobbyists have succeeded in completely confusing many people on the matter of guns and crime with the result that the clamor for gun control is once again rising. It is my intention to dissipate their black ink by presenting from time to time an illustration of the proper use of guns, a use that would be prohibited by gun control legislation. Like all liberal proposals, gun control laws are misnamed: the laws are aimed at the control of people, just as price and wage controls are aimed at the control of people. Gun control laws would prevent the proper use of guns, and guarantee that they would be used improperly, for such laws are aimed not at criminals, but at their victims. To illustrate the proper use of guns I am including the following article from the Evansville Press in the RECORD:

WOMAN REPORTS GUN SCARED OFF WOULD-BE ROBBER

A female employe at a pizza shop told police she scared off a would-be robber early today when she responded to his demand for money by producing a gun.

Mrs. Rhonda Perry reported a young man with shoulder-length brown hair entered the Pizza Barn, behind the Coachman Tavern at Indiana and Second Avenue, at 1:25 a.m. She told officers he held a hand under his shirt as if he had a weapon and demanded money.

She drew a gun on the youth, however, and he fled, she reported. Alan Ratliff and Police Sgt. Donald Austin, owners of the shop, were not in the shop at the time.

NASA OUSTS TOP BLACK WOMAN IN DISPUTE ON EQUAL EMPLOYMENT

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Ms. ABZUG. Mr. Speaker, Ruth Bates Harris was discharged last week from her position as NASA's Assistant Administrator for Equal Opportunity. Her discharge was the culmination of a conflict with NASA's administration over the programs which she thought should be implemented for NASA to achieve a more equitable employment record.

Ms. Harris has had a distinguished career in equal employment administration, coming to NASA from the Washington, D.C., and Montgomery County Human Resources Divisions.

NASA, on the other hand, has a history of unequal employment practices. NASA has consistently bypassed women astronauts who were eminently qualified to fly space missions and has assigned male astronauts instead.

I am inserting this article from the Sunday, October 29 Washington Post by Tim O'Brien into the RECORD because this is an issue which deserves our immediate attention:

NASA OFFICIAL FIGHTS OUSTER

(By Tim O'Brien)

Ruth Bates Harris, a top official of the National Aeronautics and Space Administration who was fired in a dispute over equal employment opportunity, said yesterday she will seek reinstatement by the Civil Service Commission

Mrs. Harris was the highest ranking woman in NASA until her dismissal Friday. She was dismissed as deputy assistant administrator for equal opportunity after she and two of her aides accused the agency of refusing to move fast enough in hiring minority and women workers.

Before joining NASA two years ago, Mrs. Harris was the human relations director for the Montgomery County school system.

Along with NASA equal opportunity officials Joseph M. Hogan and Samuel Lynn, Mrs. Harris prepared a 40-page report showing that the agency lags behind the government as a whole and behind private NASA contractors in employment opportunities for minorities and women.

The controversial report said NASA's equal opportunity program "is a near-total failure. The representation of minorities is the lowest of all agencies in the federal government. Women are clustered and largerly restricted to clerical jobs."

The report was given in mid-September to NASA Administrator James C. Fletcher. A series of meetings between Fletcher and Mrs. Harris followed, culminating in her dismissal.

The report charged the agency with a lack of commitment to equal job opportunity and described NASA's middle management as "insensitive" to the problem. It called for the replacement of Dudley McConnell, who as assistant administrator for equal opportunity was Mrs. Harris' immediate superior at the agency.

McConnell said yesterday that Mrs. Harris was "not dismissed because of the critical report."

"Most of the data in the report is on the public record," he said. "But the time they spent preparing it should have been devoted to more positive kinds of things.

McConnell said her dismissal was based on "differences of opinion on NASA's equal opportunity priorities and methodologies."

Fletcher confirmed that Mrs. Harris had been fired and said "there was a basic incompatibility in the organization in which she was placed."

Fletcher will testify on the space shuttle before the Senate Aeronautical and Space Committee Tuesday, and a staff aid to committee Chairman Frank E. Moss (D-Utah) said "there will certainly be every conceivable opportunity to question" Fletcher on equal employment problems in NASA.

In addition to firing Mrs. Harris, Fletcher transferred Hogan from his job as director of the agency's contractor equal employment program. McConnell said Fletcher also warned equal employment officer Lynn that he would stay in his job only as long as he "got along with" McConnell.

The report said only 5.19 per cent of NASA's employees were minority group members, compared to 20 per cent for the federal government as a whole.

At its present rate, the report said, NASA would employ only 9 per cent minorities by the year 2000.

As of last June, 70 per cent of NASA's employees were in Civil Service grades 10 and above, while only 29 per cent of its black employees were at similar grade levels.

"NASA's requirement to lower the average grade levels," the report said, "is being accomplished at the expense of minorities and females."

Mrs. Harris said she would file for reinstatement "or whatever other remedy is possible" through the Civil Service Commission in connection with her dismissal. She said she has already been in touch with the Legal Defense Fund of the NAACP.

"Dr. Fletcher, in terminating my services, said that as an excepted employeed, I did not have the protection of Civil Service that other civil servants might have." Mrs. Harris said. "But I will go ahead anyway."

She joined NASA two years ago and for the first year and a half was director of the agency's equal employment office. But when the post was elevated to assistant administrator, McConnell said Mrs. Harris was passed over in favor of him.

DANGERS OF SPORTS INJURIES

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. DELLUMS. Mr. Speaker, as part of my efforts to inform my colleagues about the problems of athletic injuries and the need for qualified athletic trainers, I would now like to insert into the RECORD articles from the Macon, Ga., Telegraph and the Washington Post.

[From the Macon (Ga.) Telegraph, May 22, 1973]

INJURIES TO PREP ATHLETES

(By Harley Bowers)

Macon's schools, coaches and athletes have never been offered a better deal than the one proposed by Dr. Antonio Fernandez. Acting as a spokesman for three orthopedic surgeons, Dr. Fernandez has offered to work out with local public and private school coaches a way to provide proper attention for injuries that previously have gone unattended.

This is a proposition that local coaches cannot ignore, one that school officials and parents cannot let them ignore. They need only to listen to Dr. Fernandez tell about the alarmingly high number of Bibb County athletes who sustained injuries during the past 12 months that will cause them problems for life simply because there was not a proper method for providing them with treatment.

Dr. Fernandez was most emphatic in saying that he blamed the doctors, not the coaches. He wants to do something about the problem. Specifically, Dr. Fernandez and other orthopedic surgeons who have agreed to assist him, want to meet with local coaches this summer and instruct them in ways to recognize orthopedic-type injuries.

If it is felt that an athlete should then be checked by an orthopedic specialist instead of a general practitioner who might not recognize an injury of this type, a designated member of the coaching staff would contact one of the three orthopedic specialists.

They would see the youngster immediately, thus assuring treatment, if necessary, within the critical five-day period when such injuries need to be attended to. Dr. Fernandez says that no charge will be made to the school, or the athlete, if it is found that treatment is not required.

NOW UP TO ATHLETIC DIRECTORS

The next move is up to the local private and public school athletic directors. What they need to do is agree with the doctors on a time for the clinic. With expert medical attention assured by Dr. Fernandez and his group there is no need for Bibb County athletes to suffer the rest of their lives because of injuries that can be corrected.

When informed of the offer of Dr. Fernandez and the other local surgeons to help with this situation, Warren Morris, head trainer at the University of Georgia and a leader in the move to require all athletic teams to have a certified trainer on their staff, was elated.

"We need more of this," Morris said. "We must make the public aware of the problem. People simply have not realized how serious this is. If injuries of an orthopedic nature aren't checked and treated immediately by an expert there is a strong possibility of permanent injury."

Morris said he felt there was a good chance that legislation would be passed by Congress within the next year which would require all high school teams playing competitive sports to hire a certified trainer on a full time basis.

"We've got to have this," Morris said. "There are many times more injuries to high school athletes than to pro and college athletes, yet they are the only ones who do not have the benefit of a professional trainer. Coaches may wonder how they can afford such a person on their staff. I think they are going to find that a trainer will be one of the most valuable men they've ever had."

[From the Macon (Ga.) Telegraph, May 20, 1973]

DOCTORS CONCERNED—PREP GRID INJURIES SERIOUS PROBLEM

(By Harley Bowers)

Three Macon orthopedic surgeons, alarmed over the number of local high school athletes who are suffering permanent disability because injuries weren't immediately attended to, have proposed a joint effort with local coaches designed to lessen the problem.

The doctors, according to the group's spokesman, Dr. Antonio Fernandez, want to conduct a clinic during the summer, which they hope will be attended by all public and private school coaches.

They would provide free instruction to the coaches in the area of recognizing injuries of an orthopedic nature, largely ankles, knees, arms and shoulders.

"We would then like for each school's athletic director to make one coach responsible for contacting one of us immediately about the type of injuries we are talking about," Fernandez said.

"We aren't blaming the coaches for what has happened in the past. We blame ourselves. We know that it is almost impossible for anybody to see any of us without referral from another physician and generally this is after a minimum of two weeks wait.

"But we are so concerned about this problem that we will make ourselves available immediately when we are called by one of the coaches designated as being responsible at his school.

"We will spend whatever time it takes, eight to 15 hours, we estimate, to train coaches to better recognize the type of injury that is leaving so many of our local athletes injured for life.

"Right now we need the cooperation of every coach in Macon, at both private and public schools, so that we can get this program going.

"We fear that neither the coaches nor the general public is aware of the number of injuries that go unrecognized and unattended until it is too late.

"The coach is busy with so many things. He may send a boy to a doctor who is not an orthopedic specialist and X-Rays may show nothing to a person who does not know what to look for.

"So the boy doesn't get the treatment he needs. When there is ligament damage it desperately needs attention within five days. Otherwise permanent impairment is likely.

"I can cite at least 20 cases right now of athletes who have come to me who fall into this category.

"They were told they have a sprain, or something of this nature. They never see an orthopedic specialist.

"It is a sad thing. We have had to recommend to several within the last few months that they end their athletic careers. Some of these were college prospects.

"I have a case right now where a boy sustained a shoulder injury identical to what Rex Putnal suffered at Georgia last season.

"Putnal received proper and immediate treatment and was playing again within four weeks. The high school boy was told that he had a sprain and he finally was sent to me months later.

"It is doubtful that I can do much for him now. I am afraid his athletic career is over and he was a college prospect.

"Again I emphasize that the coaches are not negligent. They are simply in an impossible situation.

"They are confronted, too, with an insurance problem. Who pays for the treatment? They've all run into parents angry over large bills for treatment of such injuries.

"We believe that schools can get better insurance coverage for their athletes if the insurance companies know that they will get immediate attention from orthopedic surgeons."

Dr. Fernandez said that he wholeheartedly endorsed the idea of having a qualified trainer on each high school athletic staff, which is being proposed by the National Trainers Association.

"This would be the ideal solution," he said, "and would be very beneficial to coaches, schools and players.

"But this isn't going to take place immediately. We need to do something now to reduce the number of injuries that our young high school athletes are suffering and which do not receive proper treatment.

"These injuries are difficult to diagnose and must be treated by orthopedic specialists immediately.

"With the help and cooperation of the local coaches we hope to see that this is done."

Dr. Fernandez pointed out that 12 times as many injuries are suffered by high school athletes as by college and professional athletes.

"And they receive far less medical attention," he pointed out. "College and professional staffs not only include a qualified trainer but an orthopedic surgeon, plus the best of equipment.

"It is time we begin doing something for the high school players in this area."

[From the Washington Post, Aug. 12, 1973]

COACHES LOOK FOR DOCTORS

(By Thomas Boswell)

"If a player died in an Interhigh football game and there was no doctor in attendance, you'd have a stack of paper and red tape as high as the Washington Monument from all the people trying to wash their hands of the responsibility," says Dr. Major Gladden, head of orthopedics at D.C. General Hospital.

For the past several years the orthopedic residents under Gladden have been the physicians in attendance at every Interhigh League game. They are paid $25 a game.

"You couldn't get a doctor to touch a game at low pay like that. The residents do it to pick up a few dollars and for the experience," said Gladden.

Gladden is proud of the work his residents do and is glad he was instrumental in getting orthopedic men to Interhigh games, rather than the interns who previously went and "felt out of place."

The only problem with the current arrangement is that Interhigh football coaches say they don't think any doctors at all are at the games.

"I think we had a doctor at maybe two league games last year," said McKinley's Ike Jackson. ". . . Maybe at a couple," said Roosevelt's Jim Tillerson, president of the D.C. Coaches Association.

"I can't dispute anyone who says they were there," said Anacostia's Wyman Colona, "but they didn't make themselves known to me if they were there. We've made complaints about it. In my years we (the coaches) have had to do more than the doctors when they are there; it's almost a waste. They just tell us to call an ambulance. We can figure out to do that."

"If there were doctors at a majority of my league games, I didn't see them," said Sam Taylor of city champion Coolidge. Taylor has been acutely aware of doctors since one of his players suffered a compound fracture of the thumb.

"The bone came on through and I panicked, naturally," he said. "I grabbed it and put it back in just to stop looking at it.

XUM

Luckily, I did it right. I guess I could have messed up his hand for life."

Another of Taylor's players, Aaron Whitaker, played with an infected jugular vein about which several doctors had warned him. Since Coolidge had no regular team doctor or even a qualified trainer, Whitaker found it easy to keep the seriousness of his injury a secret from his coach until he began passing out from lack of blood to the brain.

"Whitaker could have sued the city for a mint for the equipment he was playing in when he was injured and the lack of care he got. That is, if he and his people had been that way about it," said Taylor.

From an administrative point of view, Interhigh athletic director Otto Jordan can say, "We paid for a doctor to be at every league game last year. I'd hate to think we were paying somebody who wasn't doing his job."

Gladden has the records that show his residents were sent, but it is hard to find an Interhigh coach who can remember the last doctor to treat an injury at a game.

"Of course, it's hard to pick the doctors out in the crowd," said Colona. "They used to wear white coats and introduce themselves to each coach. They're supposed to. Now, if they're there, they come in civilian clothes and wear turbans."

Meanwhile, there has been difficulty getting ambulances.

Each game has an ambulance "on call." "That means if there is an ambulance available, you send it. If not . . ." said Gladden. "You can imagine how hard it would be to get an ambulance into some of those fields at a big game with 2,000 people." Crowds at many Interhigh games do not remain in the stands but ring the fields and sometimes stand on them six deep during the game.

For every gripe that coaches have about invisible doctors, the medical men have a counter charge.

"A lot of coaches ignore the doctors unless somebody is maimed. They want the umbrella of protection of having the doctor responsible but in the heat of the game they may want a player to stay in. I've had teams circle around an injured player so I couldn't get to him and the coach or trainer could put a dislocated shoulder back in and send the player back into the game," said Gladden.

"If a player goes down on the field, let me tell you what happens," said Richard Janigian, athletic director for years at Bell.

"A couple of students who don't know anything run out on the field and try to get the player off, no matter what the injury is. If there is a doctor in attendance, he comes on the field and he's a complete stranger. He hasn't introduced himself to anyone, there's been no communication, and he has to prove who he is. On top of all that some of the refs have the nerve to tell you to get the player off the field so they can continue the game."

AMERICAN PRISONS FAIL SOCIETY

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. KEATING. Mr. Speaker, more than 97 percent of those in prison today will eventually return to society, and more than two-thirds of those released will be rearrested within 4 years, according to information supplied by the Federal Bureau of Investigation.

The available evidence clearly shows that America's prisons are not really "correctional" institutions at all. Rather, they are "colleges of crime" which graduate men and women even more prone to crime and skilled in criminal ways than when they entered.

Moreover, conditions inside our prisons are causing widespread destruction in rioting by the prison populace. This year, for the first time in the history of corrections, a warden and a deputy warden were killed in the Holnesburg Prison in Philadelphia.

In the last 4 months, two correctional officers had been reported killed in prisons in Arizona and in my own State of Ohio. In Oklahoma, four persons were killed, 34 injured, and at least $20 million in damages recorded in the bloodest revolt since Attica in 1971.

Despite the public shock and furor that ensued following the Attica outbreak 2 years ago, there has been no significant improvement in our Nation's penal institutions. Hearings have been held, recommendations made, and dozens of bills introduced—yet no action has taken place. The number of riots and prison disturbances constantly increases, and recidivism claims more and more lives.

Mr. Speaker, it is time to bring a halt to the senseless waste of human lives and money resulting from our neglect of the correctional system. We need to ask why our correctional institutions are failing and what we, as our Nation's lawmakers, can do to reverse this alarming situation.

In 1967, the President's Commission on Law Enforcement and the Administration of Justice concluded that prison conditions in this country were the poorest possible preparation for the successful reentry of offenders into society. Correctional institutions, they found, were nothing more than grim, fortress-like structures housing thousands of prisoners in impersonal, highly regimented environments.

The majority of these institutions were old—some built as many as 100 years ago—and most were remotely located. As a result, offenders were cut off from schools, jobs, families and other community-related influences, and qualified staff personnel were difficult to attract.

Moreover, these institutions offered few job training or educational programs that could equip the offender to lead a productive, law-abiding life upon release.

The President's Commission concluded that a principal reason the ex-offender returns to crime is his inability to find a job on release. In fact, the Commission found that, surprisingly, the most formidable barrier to employment is not the criminal record of the offender; it is his lack of marketable job skills.

In our Federal institutions alone, 85 percent of the prisoner population lack marketable skills; and, in our State prisons, the percentage is often higher.

Despite the fact that studies have shown conclusively that steady employment upon release is directly related to lower recidivism rates, our Nation's prisons are failing to provide the offender with the necessary job training that makes postrelease employment possible.

Those programs which do exist are woefully inadequate. They are limited in scope and content, and bear little relevance to outside employment needs.

Consequently, about one-third of our inmate population is idle, while the few who do work spend much of their time on meaningless chores, working with obsolete equipment, or in industries bearing little resemblance to potential jobs in private industry. It should not surprise us that the unemployment rate for ex-offenders is three times the national average.

As Chief Justice Warren Burger has stated:

> It is no help to prisoners to learn to be pants pressers if pants pressers are a glut in the labor market, or bricklayers or plumbers if they will not be admitted into a union.

Moreover, average hourly wage rates for inmates in State correctional institutions range from 4 to 17 cents an hour. While wages for Federal inmates are somewhat higher—ranging from 21 to 51 cents an hour for work done in the Federal Prison Industries—they, too, are too meager—too meager to adequately motivate a man to learn his job well or perform at higher levels.

The President's Commission concluded that it was the warehousing of offenders in these large and impersonal institutions, combined with the lack of suitable programs, that explain the failure of America's prisons.

Despite the recommendations of the Commission to phase out these large prisons and to replace them with small community-based institutions, we have seen little progress. The majority of our prisons are still massive, antiquated institutions, and they are still ill-equipped to return offenders to their communities as productive citizens. Today, I am introducing legislation to combat the most serious shortcomings of our correctional institutions. The objectives of my legislation are fivefold:

First. To provide measures to minimize the impact of prison riots;

Second. To provide for the improvement of communication between prison inmates and prison authorities and the outside world;

Third. To provide an up-to-date recruitment and training program of correctional personnel, and to encourage a more effective organization of State correctional agencies;

Fourth. To improve and expand inmate education, job training and employment opportunities; and

Fifth. To encourage the States to build smaller community-based facilities.

Title I of this legislation will expand in scope and quality existing vocational training and employment programs for Federal offenders. It does so by authorizing the Federal Prison Industries to initiate programs for the training or employment of all qualified offenders in Federal correctional institutions.

Emphasis is to be placed on creating a realistic work situation for the offender by encouraging the involvement of the private sector, the payment of the prevailing wage, and a competitive market situation.

The bill I am introducing today also authorizes the Federal Prison Industries to make loans to, or contract with, private organizations such as corporations, labor unions, and private nonprofit groups, for the purpose of establishing inmate training or employment projects

within or outside of their correctional institutions.

These organizations would also be encouraged to provide the inmate with supportive services, such as counseling and educational programs, all of which would be designed to increase the employment potential of the inmate.

Under this title, eligible applicants for loans must adhere to the following conditions:

First, applicants must pay prisoners the prevailing wage for the work or training to be performed.

Second, the work or training performed must be of such a nature as to provide the offender with the likelihood of post prison employment.

In this regard, the bill provides that the wages paid to inmates will be subject to all State or Federal regulations providing for keeping of funds in trust for incarcerated persons. The bill also requires the deduction of a reasonable portion of the inmate's wages to support dependents, and the further deduction of costs incident to the inmate's confinement, such as room and board. These wages also will be subject to any State or Federal tax laws and require the deduction of not more than 10 percent of an inmate's wages to compensate the victims of his crime.

Title II also provides that section 1761 of title 18 of the U.S.C., which bars the shipment in interstate commerce of prison-made goods, shall not apply to any products produced as a result of programs financed under this title.

This Federal program would be supported by a Federal employment and training fund whose moneys would be derived from payments of loans and proceeds from sales where the employer is a Federal agency, such as the Federal Bureau of Prisons. The fund would also be supported by annual congressional appropriations.

By creating this new program within a competitive market, and assuring reasonable wages and profits, it will be possible for the inmate to accept responsibility of the debts to himself, his family and the community. By doing so, the inmate may be able to maintain his sense of dignity and self-respect, which is so vitally important.

In order to coordinate the various activities of State correction ombudsmen and to provide the same sort of assistance to Federal inmates, title II of this legislation would establish a national correctional ombudsman.

For administrative and funding purposes only, this office would be placed in the Law Enforcement Assistance Administration and would be funded out of LEAA's discretionary fund.

The national office would report annually to the President and Congress on the activities of the office, and in this report it would review the status of prisoner treatment, grievances and complaints, and would evaluate the efficacy of Federal and State correctional grievances and ombudsman programs.

The purpose of the omsbudsman office would be to help resolve prisoner grievances on a day-by-day basis before they reach crisis proportions.

Each ombudsman would act as an impartial arbiter in all correctional disputes, investigating and reporting on all complaints from inmates, probationers and parolees.

In addition, the national correctional ombudsman would participate in the preparation and review of the States' annual correctional plans prepared in accordance with the Omnibus Crime Control and Safe Streets Act, and he would also prepare an annual report to the Governor on prison activities and the state of prisoner treatment and grievance resolution programs.

The establishment of the national correctional ombudsman would also help relieve some of the serious administrative problems of the courts. Court dockets are now overloaded with various prisoner complaints, which actually could be dealt with more effectively on an informal, conciliatory forum.

As stated by Chief Justice Warren Burger before the American Bar Association Convention this year:

> There is one area of litigation in the district and circuit courts that must be carefully examined to determine whether other methods may be available. Twenty years ago, complaints filed in Federal courts by prisoners in state prisons were hardly enough to give any concern. In fiscal year 1972, however, there were more than 16,000 petitions filed challenging the validity of the conviction even after full review by other courts. In addition, prisoners have filed more than 4,000 cases under the Civil Rights Act claiming mistreatment or denial of rights.

One alternative, suggested the Chief Justice, would be to "create a statutory procedure for Federal prisons to provide for hearing prisoner complaints administratively within the prison, and require that these procedures be exhausted before any proceeding can be filed in Federal courts."

Title II of the legislation I am introducing today would accomplish these objectives.

Title III of this legislation would require the Attorney General of the United States to establish a voluntary high school equivalency training program for all qualified inmates in each Federal penal and correctional institution. This program is to be administered by the Federal Bureau of Prisons.

In recent testimony before a Senate committee, the Director of the Federal Bureau of Prisons revealed that fewer than 5 percent of all inmates committed to Federal prisons function at the 12th grade level. Moreover, a sizable number of our inmates in both Federal and State facilities are functionally illiterate.

By 1975, the U.S. Department of Labor predicts the unskilled labor market will utilize less than 5 percent of the entire work force. The possibility of employment for those without even rudimentary reading or writing skills therefore grows more improbable, and their return to crime more likely in the following years.

In order to improve the State correction systems, title IV of the bill amends current Law Enforcement Assistance Administration—LEAA—legislation in several areas affecting State corrections programs, and provides financial assistance to the States for the establishment of community-based facilities and programs.

Over two-thirds of our total correctional population of over 1.5 million people are not imprisoned. Of the 400,000 who are incarcerated, 9 out of 10 reside in State rather than Federal institutions.

The Omnibus Crime Control and Safe Streets Act of 1968 was enacted to provide assistance to States and localities to improve and strengthen their law enforcement systems. Funds for corrections programs were generally available under part C of the program, which provided block and discretionary grants to the States and localities for general law enforcement purposes.

In 1970, however, the legislation was amended to provide for a special program of grants to be used specifically for correctional programs and practices. Under this new part E, States wishing assistance must first make assurances in their comprehensive State plans that their correctional systems will meet certain requirements.

Among the most important of these is the requirement that the States place satisfactory emphasis on the development and operation of "community-based correctional facilities and programs," such as probation, parole, halfway houses and work release programs.

State plans must also include provisions for advance personnel recruitment programs, and as a result of a recent 1973 amendment, States must also provide for the development and operation of narcotic and alcoholism treatment programs for offenders in correctional institutions, or on supervisory release programs, such as probation and parole.

Mr. Speaker, all of these requirements are necessary and desirable. I believe, however, that we could improve this legislation further by mandating that States desiring LEAA assistance to meet additional requirements designed to improve and expand further their correctional programs.

Title IV of the bill I am introducing today would amend the LEAA legislation to provide for certain programs designed to reverse the trend of damage and violence resulting from prison riots. Title IV of this bill requires that any State seeking correctional improvement funds under parts C and E of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, include the following in its annual comprehensive law enforcement assistance plan:

First. A riot and disorder control plan which has been formulated by the State planning agency in concert with, and made available to, State and local law enforcement authorities. Riot and disorder control plans are presently required only in Federal penal institutions;

Second. A program for the development and operation of a high school equivalency training program for all qualified inmates in each correctional institution and facility in the State;

Third. A program for the development and operation of a program of instruction for State and local correctional officers designed to acquaint such officers with urban ghetto problems in order to reduce racial discrimination in each correctional institution and facility in the State. Such programs could be modeled after those offered in the Federal training centers in Dallas and Atlanta;

Fourth. A program for the establishment and operation in the State of a correctional ombudsman office which shall act as an impartial arbiter in all State and local corrections disputes, and investigate each complaint from an inmate, probationer, or parolee of a State or local correctional institution or facility, participate in the preparation and review of such State plan, and prepare an annual report to the State Governor with respect to current State prison activities and treatment of inmates, as well as existing grievance resolution programs; and

Fifth. A program for the development and operation of a program of vocational training and employment of all qualified inmates in each correctional institution and facility in the State.

Title IV of this legislation would also encourage, through the use of LEAA part E and discretionary grants, a merger of State corrections departments, parole, and probation authorities into one centralized, unified State corrections department in order to improve upon the presently fragmented administration of most correctional services.

Finally, title IV of the bill would require States to abandon the old, Attica-type correctional institution, and to establish community-based, correctional facilities and programs in small, urban centered correctional institutions.

This objective would be accomplished by redefining community-based correctional facilities and programs in part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 as those correctional facilities with a capacity of not more than 400 inmates.

This legislation would provide increased financial and technical assistance to the States to improve and expand their correctional facilities and programs, and it would also offer measures to improve corrections programs in our Federal institutions.

If we, in the Congress, are earnest about controlling crime and preventing the violence and bloodshed of prison riots, we can no longer treat corrections as the stepchild of the criminal justice system. The time for dramatic improvement in the operation of our Nation's correctional systems has arrived, and the legislation I am introducing today should provide a realistic and workable framework in which to achieve these objectives.

AUSTRIAN GOVERNMENT'S DECISION IS DEPLORED

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. EILBERG. Mr. Speaker, we have been forced to turn our attention almost completely to the problems in the Middle East. However, we must not forget the plight of the Russian Jews who are still trying to go to Israel despite that country's problems and the Government of Austria's threat to close down the transition center at Schoenau Castle.

At this time I enter into the RECORD a letter sent to the Chancellor of the Republic of Austria by the Association of Jewish New Americans of Philadelphia:

ASSOCIATION OF JEWISH NEW AMERICANS IN PHILADELPHIA,
Philadelphia, Pa., October 8, 1973.

Hon. BRUNO KREISKY,
Chancellor of the Republic of Austria,
Vienna, Austria

DEAR SIR: The members of the Association of Jewish New Americans in Philadelphia, survivors of the Nazi holocaust, are deeply disturbed by your government's decision to close the transit camp in Schoenau.

Giving in to extortion by a group of terrorists and refusing transit-stop-over to Russian emigrants is so bitterly reminiscent of the closed door policies toward European Jews during the second world war.

We, therefore, strongly urge the Austrian government to reverse its unfortunate decision for the sake of Austria, for the sake of the emigrants and for the sake of humanity.

Respectfully yours,
SOL ROSEN,
President.
IRVING TEITELBAUM,
Secretary.

HYPOCRISY IN THE WEST AS PICTURED BY SOLZHENITSYN

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. CRANE. Mr. Speaker, possibly no writer in the world today enjoys, and undoubtably deserves, the enormous prestige of Alexander Solzhenitsyn. Probably no one has more thoroughly probed the depths of social turmoil and the effects of tyrannical rule on a heroic people than this 1970 Nobel Prize for literature winner. In his brilliant novels, only one of which has received public recognition in his own country. Solzhenitsyn authentically reflects profound understanding of the nature of man and the need for a transcendent rather than merely temporary basis of authority and meaning in life.

Through his novels over the years and resistance to Soviet persecution and repression, Solzhenitsyn earned the respect of almost all elements of Western society. Recently he drew the logic of his developing position further as he zeroed in on Western liberals for their hypocritical standards of judgment of American actions and failing to understand fully the nature of communism. The orgy of self criticism so often manifested in the attitudes of Western liberals reminds Solzhenitsyn of "the apparently impossible similarity" with the czarist regime in its last years. Several of the more critical questions raised by the Russian author are the subject of a recent editorial in the Phoenix Gazette and I insert it in the RECORD at this point.

[From the Phoenix Gazette, Sept. 15, 1973]

HOW NOW, HYPOCRITES?

Soviet novelist Alexander Solzhenitsyn's blast at the "hypocrisy" of the West in general and U.S. Democratic Party leaders in particular is rather like biting the hand that has been petting you.

Ever since he won the 1970 Nobel prize for literature (but was not allowed by the Soviet government to go to Stockholm to receive it), Solzhenitsyn has been celebrated by the liberals as much as anybody for his courageous stand against Soviet persecution and repression.

This endorsement has not stopped Solzhenitsyn from criticizing those who praise him. Quite the contrary. In a letter nominating another celebrated Soviet dissident, H-bomb physicist Andrei Sakharov, for the 1973 Nobel Peace Prize, Solzhenitsyn accuses Western liberals of a double standard in their judgments.

More telling than his comments on the hypocrisy of the Watergate political prosecutors was Solzhenitsyn's citing of the double standard practiced in connection with the Vietnam war. "The proven, bestial massacres" in Hue by the Viet Cong and North Vietnamese during the 1968 Tet offensive "were only registered in passing, almost immediately forgiven," he notes, adding that "it was only annoying that these counts of victims leaked out in the free press and for a time, quite brief, caused embarrassment, quite small, among the frenetic defenders of this social system."

It will be interesting to see how the liberals who dominate the American free press react to this point on which they are vulnerable as all get-out. The probabilities are that they will ignore it as much as possible, concentrating instead on excusing Solzhenitsyn for not understanding what Watergate—according to the Gospel of Sam—is all about.

Solzhenitsyn also noted in his letter that having devoted years to the study of "Russian life before its destruction," he is struck by "the apparently impossible similarity" between the Czarist regime in its last years and the United States of recent years, "years, I dare say, which are also the last ones before major chaos."

One can only hope that this is indeed an impossible similarity. If it is not, the blame seems likely to rest in large part in the liberal hypocrisy and double standard that Solzhenitsyn has fingered.

PSRO AND THE KENTUCKY STATE MEDICAL ASSOCIATION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. RARICK. Mr. Speaker, the Kentucky State Medical Association on September 19, adopted a resolution urging repeal of professional standards review organizations—PSRO.

I have introduced H.R. 9375, calling for repeal of the PSRO provisions from the act in order to eliminate the threat of political interference into the area of medicine. The PSRO program for regional and national establishment of norms of medical practice are presently scheduled to become effective January 1, 1974.

I can assure our colleagues that if they have not heard of PSRO yet, they can expect to be hearing it as the effective date approaches. In order to avoid a medical rebellion among our doctors of medicine, I would urge you to introduce similar legislation to H.R. 9375 and work toward early repeal of the unnecessary and impractical provision of law which establishes the groundwork for Federal control of medical practitioners.

H.R. 9375 repeals, under the Social Security Act, the provisions for the establishment of professional standards review organizations to review medical services covered under medicare and medicaid programs.

It should be pointed out, however, that the same dangers that exist to the confidentiality of medical records from bureaucratic supervision of medical doctors through national or regional PSRO could also exist from a State PSRO. This is especially true in light of the fact that we have seen numerous State-controlled programs taken over by the Federal bureaucrats in the past.

H.R. 9375 has been referred to the Ways and Means Committee.

I include the resolution of the Kentucky State Medical Association and the text to H.R. 9375 at this point:

RESOLUTION OF THE KENTUCKY STATE MEDICAL ASSOCIATION, SEPTEMBER 19, 1973

Whereas, Public Law 92–603 stipulates the requirements for professional standards review organizations, and

Whereas, the board of trustees of the KMA on March 28, 1973, approved the concept of a single statewide professional standards review organization for Kentucky to be developed by the Kentucky Foundation for Medical Care, and

Whereas, a PSRO implementation plan was drafted and endorsed by many medical and health related organizations in the State, and

Whereas, on August 30, 1973, at a PSRO area designation hearing conducted by the Department of Health, Education, and Welfare, all organizations represented again endorsed the KFMC proposal, therefore be it

Resolved, That the House of Delegates support the concept of a single statewide PSRO for Kentucky as indicated in the KFMC implementation plan and confirm the position taken by the KMA board of trustees in this regard, and be it further

Resolved, That the KFMC may enter into a provisional contractual agreement to serve PSRO purposes if no substantial changes are made in the plans submitted by the Kentucky foundation for medical care to HEW, and be it further

Resolved, That if major changes occur, the new plan be approved by the House of Delegates at a regular or, if necessary, special called meeting, and be it further

Resolved, That this House of Delegates, as individual physicians and through its public relations committee and the Committee on Legislative Activities of KMA, work to inform the public and legislators as to the potential deleterious effects of this law on the quality, confidentiality, and cost of medical care, and be it further

Resolved, That this House of Delegates request and petition the Kentucky congressional delegation, every Member of both Houses of United States Congress and both houses of the Kentucky legislature to work for the repeal of PSRO. And that copies of this resolution be forwarded to the aforementioned individuals and legislative bodies, and be it further

Resolved, That this House of Delegates instruct its delegates to the American Medical Association to introduce a similar resolution in that House.

H.R. 9375

A bill to amend title XI of the Social Security Act to repeal the recently added provision for the establishment of Professional Standards Review Organizations to review services covered under the medicare and medicaid programs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part B of title XI of the Social Security Act (as added by section 249F of the Social Security Amendments of 1972) is repealed.

SEC. 2. Title XI of the Social Security Act is further amended—

(1) by striking out "AND PROFESSIONAL STANDARDS REVIEW" in the heading; and

(2) by striking out "PART A—GENERAL PROVISIONS" immediately before section 1101.

A CALL FOR IMPEACHMENT

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. RIEGLE. Mr. Speaker, on October 25, I filed formal articles of impeachment in the House of Representatives and I would like to insert a copy of this resolution for the interest of those who read the RECORD:

H. RES. 661

A resolution for the impeachment of Richard M. Nixon

Resolved by the House of Representatives, That a Committee be appointed to go to the Senate and, at the bar thereof, in the name of the House of Representatives and of all the people of the United States, to impeach Richard M. Nixon, President of the United States, of high crimes and misdemeanors in office, and acquaint the Senate that the House of Representatives does hereby exhibit these particular articles of impeachments against him, and make good the same.

Articles exhibited by the House of Representatives of the United States in the name of themselves and all the people of the United States, against Richard M. Nixon, President of the United States in maintenance and support of their impeachment against him for high crimes and misdemeanors in office.

ARTICLE I

Richard M. Nixon, President of the United States, commencing on or about June 18, 1972, and continuing through October 23, 1973, committed high crimes and misdemeanors in that he willfully and knowingly violated Title 18, Section 3 of the United States Code in that knowing that offenses against the United States had been committed by G. Gordon Liddy, E. Howard Hunt and others during their employment by the United States Government or by the Committee to Re-elect the President, the said Richard M. Nixon assisted the said G. Gordon Liddy and E. Howard Hunt and others in order to hinder and prevent their apprehension, trial and punishment.

ARTICLE II

The said Richard M. Nixon, commencing on or about June 18, 1972, and continuing through October 23, 1973, committed high crimes and misdemeanors, in that he willfully and knowingly violated Title 18, Section 4 of the United States Code in that having knowledge of the actual commission of a felony cognizable by a court of the United States on the part of G. Gordon Liddy, E. Howard Hunt and others, the said Richard M. Nixon concealed and did not as soon as possible make known the same to some judge or other person in civil or military authority under the United States.

ARTICLE III

The said Richard M. Nixon, commencing on or about June 15, 1971, and continuing until on or about May 11, 1973, committed high crimes and misdemeanors in that he willfully and knowingly violated title 18, section 1505 of the United States Code in that in a proceeding pending before the United States District Court for the Southern District of California, entitled, *United States v. Ellsberg,* the said Richard M. Nixon corruptly influenced, obstructed, impeded and endeavored to influence, obstruct and impede the due and proper administration of the law under which such proceeding was being had before such Court.

ARTICLE IV

The said Richard M. Nixon, commencing on or about June 18, 1973, and continuing until October 23, 1973, committed high crimes and misdemeanors in that he willfully and knowingly violated title 18, section 1510 of the United States Code in that he willfully endeavored by means of bribery, misrepresentation and intimidation to obstruct, delay and prevent the communication of information relating to a violation of criminal statutes of the United States to criminal investigators employed by the Department of Justice of the United States and by Archibald Cox, Special Prosecutor and Director, Watergate Special Prosecution Force.

ARTICLE V

The said Richard M. Nixon, on or about July 15, 1970, committed a high crime and misdemeanor by issuing an order entitled Top Secret Decision Memorandum, The White House, Washington, D.C., July 15, 1970, authorizing and directing agencies and employees of the United States Government to violate the constitutional rights of American citizens to be secure in their persons, houses, papers, and effects from unreasonable search and seizure; such order specifically authorized and directed searches and seizures by means of burglary, breaking and entering of the mails and by wiretapping without proper order of the Court, that at the time of issuing such order, the said Richard M. Nixon knew the actions he was authorizing and directing to be unconstitutional, illegal, and in violation of his oath of office as President of the United States.

THE DANGER OF AVOIDING IMPEACHMENT

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Ms. ABZUG. Mr. Speaker, there has been a general assumption for some time that impeachment of the President would be a long, drawn-out, deeply divisive affair. After months of investigation by other bodies, I see no reason why the process should be prolonged. As for divisiveness, we have always been divided and this is healthy, as Barbara Tuchman says.

In a brilliant summary in Sunday's Washington Post, famed historian Tuch-

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man points out the dangers of avoiding impeachment proceedings.

She notes:

> The executive has the advantage of controlling all the agencies of Government—including the military. The last should not be an unthinkable thought. The habit of authoritarianism which the President has found so suitable will slowly but surely draw a ruler, if cornered, to final dependence on the Army.

I would like to insert the complete article in the RECORD:

[From the Washington Post, Oct. 28, 1973]

IMPEACHMENT: "THE ISSUE MUST NOT BE EVADED"

(By Barbara Tuchman)

"Those who expect to reap the blessing of freedom," wrote Tom Paine, "must undergo like men the fatigue of supporting it."

In the affairs of a nation founded on the premise that its citizens possess certain "inalienable" rights, there comes a time when those rights must be defended against creeping authoritarianism. Liberty and authority exist in eternal stress like the seashore and the sea. Executive authority is forever hungry; it is its nature to expand and usurp.

To protect against that tendency, which is as old as history, the framers of our Constitution established three co-equal branches of government. In October 1973, we have come to the hour when that arrangement must be called upon to perform its function. Unless the Executive is brought into balance, the other two branches will dwindle into useless appendages. The judiciary has done its part; by defying it the President brought on the crisis. The fact that he reversed himself does not alter the fact that he tried, just as the fact that he reneged on the domestic surveillance plan of 1970—a fundamental invasion of the Bill of Rights—does not cancel the fact that he earlier authorized it, nor does withdrawing from Cambodia cancel the fact of lying to the public about American intervention.

The cause for impeachment remains, because President Nixon cannot change—and the American people cannot afford—the habit of illegality and abuse of executive power which has been normal to him. Responsibility for the outcome now rests upon the House of Representatives which the farmers entrusted with the duty of initiating the corrective process. If it does not bring the abuse of executive power to account, it will have laid a precedent of acquiescence—what the lawyers call constructive condonement—that will end by destroying the political system whose two hundredth birthday we are about to celebrate.

No group ever faced a more difficult task at a more delicate moment. We are in the midst of international crisis; we have no Vice President; his nominated successor is suddenly seen, in the shadow of an empty presidency, as hardly qualified to move up; the administration is beleaguered by scandal and criminal charges; public confidence is at low tide; partisan politics for 1976 are in everyone's mind; and the impeacement process is feared as likely to be long and divisive and possibly paralyzing. Under the circumstances, hesitancy and ambivalence are natural.

Yet the House must not evade the issue, for now as never before it is the hinge of our political fate. The combined forces of Congress and the judiciary are needed to curb the Executive because the Executive has the advantage of controlling all the agencies of government—including the military. The last should not be an unthinkable thought. The habit of authoritarianism, which the President has found so suitable, will slowly but surely draw a ruler, if concerned, to final dependence on the Army. That instinct already moved Mr. Nixon to call out the FBI to impound the evidence.

I do not believe the dangers and difficulties of the situation should keep Congress from the test. Certainly the situation in the Middle East is full of perils, including some probably unforeseen. But I doubt if the Russians would seize the opportunity to jump us, should we become embroiled in impeachment. Not that I have much faith in nations learning from history; what they do learn is the lesson of the last war. To a would-be aggressor, the lesson of both world wars is not to count on the theory held by the Germans and Japanese that the United States, as a great lumbering mush-minded degenerate democracy, would be unable to mobilize itself in time to prevent their victory. I am sure this lesson is studiously taught in Russian General Staff courses.

Nor should we be paralyzed by fear of exacerbating divisions within this country. We are divided anyway and always have been as any independently minded people should be. Talk of unity is a pious fraud and a politician's cliche. No people worth its salt is politically united. A nation in consensus is a nation ready for the grave.

Moreover, I think we can forego a long and malignant trial by the Senate. Once the House votes to impeach, that will be enough. Mr. Nixon, I believe, will resign rather than face an investigation and trial that he cannot stop. If the House can accomplish this, it will have vindicated the trust of the founders and made plain to every potential President that there are limits he may not exceed.

THE MOOD OF THE NATION

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. ERLENBORN. Mr. Speaker, in his column in yesterday's Chicago Tribune, Bob Wiedrich spoke of the depressed mood of the Nation and called upon the President to let in fresh air. His message, I believe, deserves attention.

The message follows:

NIXON CAN STILL ACT TO RESTORE U.S. FAITH

(By Bob Wiedrich)

Too many Americans appear to have lost faith in just about everything. They have ceased to believe.

A decade of negativism, climaxed by nearly a year of Watergate, has drained the national conscience, and the effects are beginning to show, both at home and abroad.

Thus, whatever the personal cost to President Nixon, it is his responsibility to start pulling the country out of its national gloom and place it on a positive track. For if permitted to fester, negativism can prove almost as destructive as war. It just takes longer.

For 10 years, the nation endured the divisiveness of the Viet Nam War, divisiveness that bred open rebellion against the establishment, the government, the foundations of law that sustain this land, and finally laid waste our streets and college campuses.

It was a tortuous decade in which this country inexorably was drawn to a national psyche of suspicion, cynicism, and disrespect for just about everything. People appeared positive about only one thing—negativism.

There was no unity of purpose. Everybody was against something. Few were for something. Our language became a lexicon of skepticism.

In his first term, Richard M. Nixon began turning that around. However strong the feeling against him in some quarters, Nixon started to restore the national honor, to show the flag around the world with pride. He did and said many of the things we wanted to see and hear. He was reelected by a smashing victory.

But then came the rising tide of Watergate, along with a rash of official corruption across the nation, from dog catcher to Vice President. And the gloom that had begun to dissipate deepened.

Today, we are possessed almost by a national mood of numbness. There has been a deleterious effect upon us all. There is nothing we won't believe, as long as it is negative. We have been brainwashed to expect the worst. We have discovered that despite all our prosperity, we are a nation lacking a certain something. For the most part, we cannot even be polite to one another.

In a decade, we have managed to tear our country apart. And in attempting to reassemble it, we have left out a few parts, including our national self-respect.

Today, we do not have to honor the flag. Age is proof positive of dumbness. We don't have to be courteous. We don't have to be considerate. When we engage in a dispute, we no longer just yell. We kill. Even human life holds no respect. There is little regard for any institution. A decade of doing our thing has taken its toll.

And that is why today, as Watergate and international crisis compound the turmoil of 10 years, we find a labor leader like George Meany who does not hesitate to publicly accuse the President of "dangerous emotional instability." Or, a reporter who does not hesitate to ask Secretary of State Henry Kissinger if the President was "rational" when he placed the armed forces on alert in a time of developing crisis.

Everything is suspect, even the sanity of our national leaders. No motive is above suspicion. No individual is accorded the assumption of integrity.

Even in an unbelieving society, we believe Dr. Kissinger when he charges that Soviet leaders may have sought to exploit our internal weaknesses by deciding to brace us on the Middle East. From a distance, the greatest nation on earth must look like a pushover riddled with dissent. It has finally oome to that.

Right now, the most courageous act President Nixon can perform is to once again turn the nation around, to act positively in opening up his administration to total public scrutiny. He must let in fresh air to heal the sores of Watergate. Let him place his arm around the American people and say to them, "Come in and take a look at whatever you want."

The worst depression this nation can endure is a depression of the spirit. It has already endured it too long. And in time, it will kill us all.

SPORTS SAFETY: INJURIES AIN'T IN THE BUDGET

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. DELLUMS. Mr. Speaker, the January–February 1972 issue of Kendall Sports Trail magazine contains an interesting article by John Husar on the need for qualified athletic trainers in our Nation's schools.

As the author of legislation designed to require that schools employ certified trainers, I now am inserting the article into the RECORD for the information of my colleagues:

[From Kendall Sports Trail, January–February 1972]

INJURIES AIN'T IN THE BUDGET

(By John Husar)

How many times has a coach turned toward a limping player and said: "Run it off fella, run it off"?

And how many young athletes have gone to the dressing room, picked the skin off a blister, and then put on a dirty street sock?

More importantly, how many kids have decided it is manful to hide an injury and, instead of seeking help, gritted their teeth and gone into practice or another game too soon?

No one, of course, can say.

Who can count the number of injuries that might have been minimized by quick treatment from qualified persons on the practice field?

To many people, such questions point to a need for athletic trainers on the high school and junior high levels, where many chronic injuries get their start.

College trainers now insist that most joint injuries (ankle, knees, etc.) they encounter are the products of earlier mishaps that were not properly treated.

In every part of the country trainers shake their heads at the situation on the high school level.

In Chicago, or example, there are no qualified trainers at schools in the 53-team Public League.

In the Catholic League, where administrators have a little more money to spend, five schools have full or part-time trainers.

In some of the affluent suburbs, impressive programs are underway, but the poorer areas have nothing and, downstate, some tiny towns cannot even refer players to local doctors, because no doctors live there.

That, at least, isn't a problem in Chicago, where all prep football games are supposed to have physicians on the sidelines. The Public League has agreements with hospitals to handle injured players and all Catholic teams have school doctors who examine injuries. Both sectors provide medical insurance.

But on a day-to-day basis, the overall responsibility for preventive taping diagnosis, therapy, and guidance rests with the coach and his assistants, who may have had some helpful college courses—and then, maybe not.

They do the best they can, but coaches are not physical therapists. They also teach, administer, and handle public relations. Some even help maintain the athletic plant. They can only stretch so many ways.

Therefore, it has become common for coaches to delegate part of the burden to student managers, who quickly learn to tape ankles and apply merthiolate. But by the end of the season, some are playing doctor.

Injuries, as a result of ignorance, risk getting worse instead of better.

Untended cuts and blisters turn into infections. Muscle tears are treated as sprains. Youngsters who should go to doctors are sent home instead, where parents feed them aspirin in hopes of avoiding "needless" medical bills.

Some of the worst cases involve unsophisticated therapy. Each year, twisted knees are bloated when injured legs are thrust into hot whirlpool baths instead of given first aid with ice.

"It's hard to stomach the idea of a 17- or 18-year-old boy being responsible for the physical well-being of athletes," said Tom Monforti of Loyola Academy. "But I know it exists, although I can't tell you where."

Monforti is one of the area's handful of qualified prep trainers and he has come to deplore the "sad state of affairs." He said most administrators either are unaware of the need for trainers because there's never been an outspoken demand, or they care but are unwilling to spend their limited money in that area.

Schools which have trainers now are focal points for the "have-nots."

"A lot of kids from other schools will stop in here for training," said the Rev. Walter McNicholas, former St. Rita athletic director. "They'll have notes from their coaches: 'Please stick this guy in the whirlpool,' or 'Teach him how to tape his knee.'

"Sure, our medical bills are astronomical, but we tape more kids now in one afternoon than we used to tape in a week."

Larry Hawkins, the outspoken Carver basketball coach, points to Al Granz at Northern Illinois and men at other local colleges, including Chicago Circle. "These are the people who are our trainers," he said. "They'll take some of our kids. We have nobody else."

Dick Hoover, the Northwestern trainer, says coaches bring him youngsters from Hammond, Elgin, and other schools miles away, "which is kind of a waste for them because maybe I'll spend five minutes telling them what they should do. I don't treat them, I just consult. I think, God, there's got to be somebody closer than me for them to talk to, but there isn't."

He says charity in the college training room may do high schools a disservice by relieving some of the pressures that might force schools to develop programs of their own.

"But you've got to take these kids," he said. "You feel so sorry for them, especially for some of the cases of ignorant mistreatment that come through the door."

CHICAGO TRAINING ROOMS

Imagine a typical Chicago high school training room.

It depends, of course, upon the neighborhood—and how old, crowded, and large the school is.

Sometimes, it is a tiny enclave off the locker room with rubbing table, cabinet, and little else.

For want of enough tape, the players put cloth wraps on their ankles. Some do it themselves, others are helped by a buddy, assistant coach, or student manager.

In Chicago public schools, you see, there are no qualified trainers.

There never has been a provision for this supposed luxury and, therefore, the schools are discouraging from giving any secondary injury treatment at all. Presumably, there's no one around who can supervise it professionally and legally. And so, strict policy calls for first aid for injuries—and then the matter rests with the doctors and parents.

But every coach insists on doing a little training on the side, not only in the team's interest, but for the sake of a bumped or bruised boy.

Not all have the comfort of even little training rooms. Sometimes, the table is in a corner of the locker room. Occasionally, you'll find it in the coach's office, which also may serve as film room, meeting room, and hangout for between-class athletes.

One school even uses an abandoned boiler room—but quietly, because those areas are frowned upon for student use, even when the boilers no longer are working.

Here and there, you'll find an illicit whirlpool bath—banned because the public schools do not provide qualified people to govern them safely—or an old heat lamp donated by an interested doctor. And not much else.

In contrast, the handful of Catholic and suburban schools which provide athletic training facilities glisten with whirlpools and other modern machines. Store rooms bulge with cases of tape, medicines and other equipment for the treatment and prevention of injury.

Take the room used by Tom Monforti of Loyola Academy—one of the area's few prep trainers.

"When I came to Loyola, I told the administration what we would need—and they got it," he said. "There was an empty room and two of the brothers who can do concrete and electrical work and carpentry remodeled it extensively. Its value now is around $15,000."

He has two diathermy machines, ultrasound, a whirlpool, ultra-violet, and a $1,000 training table donated by a doctor who retired from practice. His budget for tape and supplies reaches $2,500.

In the public schools, the budget rarely surpasses a few hundred dollars. Some coaches keep the tape in their pockets so it won't get lost.

Monforti came to Loyola three years ago from DePaul Academy and University, where he virtually ran an open clinic.

"Why, we used to have kids in the hall every day from other schools," he said. "We treated them free for 20 years until I just couldn't handle it any more. One time I had eight kids in my training room and none were from DePaul. My kids had to wait. They came from everywhere—Wells, Crane, Lane, Dunbar, DuSable, Waller, maybe 15 schools, Public and Catholic."

He and the handful of other local trainers have begged for improvements over the years, all to no avail. It's been like hollering up a dark tube and not even hearing an echo. "I became very passive when I came up here from Ball State," said Dick Hoover, the Northwestern trainer. "I had expected big programs and I was kind of ashamed when I found nothing."

School leaders, of course, are not opposed to having trainers. They think it's a great idea—if you can find the money, or even a room in today's overcrowded schools. But sympathy is one thing, performance another. Some admit they wouldn't spend any extra money on sports—even if they had it—with so many other basic needs.

This second-class treatment riles many coaches. Says Larry Hawkins of Carver, an outspoken advocate of training programs: "Such an attitude seems strange to me because our sports programs are becoming more and more important in the light of today's problems. You know, it's the only area where you can't snow people."

But can the school afford trainers? "Heck, we can't even get footballs and basketballs," he said.

NEED FOR HIGH SCHOOL TRAINERS

Why are there so few trainers at the high school level?

Probably because there never has been a demand by parents, coaches and athletic personnel—although tens of thousands of youngsters are hurt in sports every year.

"It's just never been brought up in our system," said Richard Fee, director of health and physical education for the Chicago Board of Education, which provides no trainers at all.

It doesn't make sense when you're dealing with health, but a lot of schools consider it a luxury to have a trainer," said Dan O'Brien of Fenwick, one of the few trainers in the local prep area. "They just don't realize how important a trainer can be—or even how the profession has improved in recent years."

Every coach contacted in a Tribune inquiry swears to the need for trainers, and has definite ideas how they could be worked into a school's budget with little extra cost.

"I don't think we realistically could expect full-time trainers," said Ralph Miller, basketball coach and athletic chairman at Kennedy High. "But I can see maybe one person being assigned the job and getting $500 or $600 extra for serving the team."

This is the way it is done at the handful of parochial and suburban schools which take the burden—mainly amounting to preventive taping and secondary injury treatment from often unqualified coaches. The trainers simply double as members of faculty or staff.

At Fenwick, O'Brien also is alumni director

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and business manager. Tom Monforti of Loyola Academy teaches three health classes, but his primary responsibility is in the training room. Gordon Tech's Bronco Telkes is assistant principal.

"There's nothing wrong with having athletic trainers," said Fee, who oversees the 53-school Public League. "But it would be a large financial item, and many schools are so crowded there isn't even a room available. Then, we would have to clear it with our legal department—for example to establish just how far a trainer can go."

In Houston, a model program has been working for 12 years, supported primarily by ticket sales. Three basic athletic plants handle the games of 59 junior and senior high schools. Each plant has a full-time trainer who attends games and looks after injured players in modern training rooms.

At each school there are specially trained student managers who handle basic taping and routine chores under the overall supervision of the trainers. In addition, 107 doctors are on a call sheet.

"The thing is, we get a lot more boys back on the football field than we would if we didn't have the type of therapy and training we do have," said C. L. (Dike) Rose, supervisor of athletics for the Houston Independent School District.

Why is there no general program here?

Presumably, because none seemed mandatory—or even possible—to the people involved. School officials, beset with chronic problems, have paid little attention to athletics. Many coaches, perhaps hoping for promotion, chose not to rock the boat over the years. There even are suspicions that most athletic departments would not trade a coaching slot for a trainer, if it came to that.

"The expenditures for athletics are somewhat confining," admitted Richard J. Martwick, Cook County superintendent of schools. "To many districts, athletics is not necessarily a priority program. It is considered extracurricular, a matter of fringe benefits, which is unfortunate because it very well may be the last frontier for conditioning and discipline." Martwick, who was head football coach at Ridgewood High in Norridge for eight years before taking office, is convinced that many school boards would respond favorably if shown the need for trainers. "That would mean the coaches and athletic people joining forces for a good presentation," he said.

Many administrators aren't sure they could get a trainer if they wanted one. Most seem to graviate toward colleges. Yet, many trainers are produced annually through three channels—specialized graduate courses, physical therapy converts, and on-the-job apprenticeships.

Here and there, enlightened schools also hold clinics to expose coaches and students to improved techniques. Some colleges, like the University of Illinois, have summer-long programs. A few trainers even are promoting summer camps for interested pupils.

Therefore, it hardly seems difficult for a school to find a trainer—or develop one of its own.

The central problem is apathy based on ignorance. "Every trainer is trying to do something about it," said Northwestern's Dick Hoover, who has a grant from the Kendall Sports Division to produce a film for the National Athletic Trainers Association. "But it's tough."

About the only service of major proportions is the Sports Clinic conducted by Dr. Bryan Minor at Chicago Osteopathic Hospital.

This year, 65 schools subscribed to the injury treatment service, including 51 from Chicago. This was an overall increase of 53 in one year, an indication that schools are becoming aware of the problem.

As a rule, 100 boys make it to the clinic each week, usually on Mondays and Tuesdays. Most are serious injuries, some requiring surgery.

Hoover once had in mind a different kind of service, which he offered to 40 schools on the north and west sides. By utilizing student help and a central clinic—much like Houston—he was going to provide complete training services at an annual cost of $1,000 per school.

He worked up the presentation and waited for the replies. Guess how many answered.

Would you believe—one?

SCIENCE AND TECHNOLOGY POLICY: THE CITIZEN ENGINEER'S ROLE

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. GUBSER. Mr. Speaker, as a member of the Technology Assessment Board, I wish to call to the attention of my colleagues an article, by Dr. Robert W. Lamson of the National Science Foundation, appearing in the October 1973 issue of "Mechanical Engineering." In addressing the "citizen engineer's" role in formulating science and technology policy, Dr. Lamson stresses the need for maintaining a broad sense of the "citizen-generalist" perspective in making sure that a complete range of options and effects is presented to decisionmakers. Another good point, in my opinion, is the importance at all times of full disclosure to the public. Finally, Dr. Lamson urges that professionals involved in science and technology policy remember "that they are citizens as well as experts." The article follows:

SCIENCE AND TECHNOLOGY POLICY: THE CITIZEN ENGINEER'S ROLE

(By Robert W. Lamson)

Science and technology, no matter how sophisticated, are insufficient to abate the crisis arising from endemic war, rapid population growth, and environmental destruction. Long-range goals in which people themselves are of paramount concern must be established. A better U.S. Science and Technology Policy is needed. Here the engineer can join with the scientist, the government official, the public representative, and the citizen in a dialogue to help hammer out overall policy.

Scientific knowledge and technological development give mankind unprecedented capacity to modify nature, society, and man himself. The misuse of this power has played its role in such crises as war, rapid population growth, and environmental destruction, crises whose scope today places the well being and even survival of mankind in grave jeopardy.

KNOWLEDGE, CAPACITY, AND WISDOM

However, science and technology are not inherently bad. To restore their benefits to mankind, we must achieve a balance between:

Our knowledge of nature.

Our technological capacity to modify nature, man, and society and . . .

Our wisdom, (here; we include perceptions, attitudes, values, and intellectual and institutional processes) which help to determine whether, for what ends and how we shall use our knowledge and technology.

To date, many of our problems can be traced to the fact that our technological skill greatly exceeds our wisdom. This imbalance results in the use of our power, often for the wrong ends. And the contribution of technology to the requirements of a society which fosters the well being and growth of the individual is often adverse or at best accidental.

We need only look in such areas as defense, economic growth, population, agriculture, transportation, communications and information processing, health, housing, and recreation to see the fruits of such imbalance. In all of these areas, the long range, cumulative, and often synergistic, impact are, for all practical purposes, ignored or at best inadequately evaluated.

We, for example, create new technologies without, at the same time, acting to prevent or limit their damaging side effects. We promote economic and population growth, but inadequately protect and promote environmental quality. We are succeeding in extending the lifespan, but not, at the same time, and in the same degree, attempting to limit births. As a result, population now outpaces production in many parts of the world with tragic results.

BETTER SCIENCE AND TECHNOLOGY POLICIES NEEDED

If we are effectively, as scientists and engineers, to help solve the various problems which confront the nation and the world, we must create better science and technology policies as well as institutions from which such policies can emerge.

We, therefore, need an ongoing system of periodic reports and hearings to analyze and display problems, and their solutions—setting forth probabilities, options, costs, benefits, risks, and uncertainties—in a thorough, systematic, and up to date manner. Such an approach should help stimulate and structure discussion and debate, and hopefully, create among policymakers and the public the understanding and agreement required for effective action. A model for such a system already exists for the economy and the environment in the annual "Economic Report of the President" and the annual "Report on Environmental Quality."

IMPORTANT ELEMENTS AND QUESTIONS

We need to ask and attempt to answer systematically a set of questions about problems and options concerning various elements in U.S. Science and Technology Policy. Such elements include:

Institutions and policy processes for science, technology, and national goals.

Resources for science and technology, for example, funds, manpower, education, and facilities.

Uses of science and technology.

Synthesis and interaction of institutions, resources, and uses.

With regard to each element, there is an important set of questions concerning which the nation needs systematically to study, answer, debate, achieve consensus, and to act.

The important questions include:

Problem: What is the problem?

Solutions: What are the options or alternative solutions (goals and means) for solving the problems now and in the future?

Source of Option: What is the source of the option?

Effects: What are its probable effects?

Conditions for Success: What are the conditions required for its success?

Principles of Implementation: What principles should be followed in its implementation?

Costs, Benefits, and Feasibility: What are the costs and benefits of the various options—for what values and groups—and what is the feasibility of the various options?

Criteria for Evaluation: What criteria should be used to evaluate the options?

Priority: What priority should we assign to each option?

Recommendation: What specific option should we pursue?

Table 1 presents an initial attempt to answer the first two questions concerning problems and solutions for each element of science and technology policy.

TABLE 1.—*Outline of problems and options in U.S. science and technology policy*

ELEMENTS OF SCIENCE AND TECHNOLOGY POLICY	QUESTIONS FOR ANALYSIS	
	PROBLEMS?	SOLUTIONS—EXISTING AND PROPOSED?
I. Systems interaction and Synthesis of II, III, and IV	The interactions, integration and adequacy of our perception, evaluation, assignment of priorities, choice, and implementation of: 1. National problems and goals; 2. Elements of Science and Technology Policy (Institutions and Policy Processes; Resources; and Uses)	OMB, Domestic Council, CEQ, CEA
II. Institutions of Policy Processes for Science Technology, and National Goals	Policy Analysis, Goal Setting and Coordination for Science and Technology Research on science and technology policy problems Better analysis, display, coordination and understanding, by policymakers and the public, of problems and options in U.S. Science and Technology Policy	A Science and Technology Policy Act, Council of Science and Technology Advisors, Council of Social Advisors, National Goals Institute Science Policy Institute, National Institute of Research and Advanced Studies, Department of Science and Technology, Annual Report on Science and Technology Joint Committee on Science and Technology Annual Hearings on Science and Technology Policy
III. Resources for Science and Technology		
A. Funds	Adequacy of funding for R&D and its relation to changing national problems and goals	Tie funding to GNP
B. Manpower	Adequacy of manpower for science and technology, and its relation to changing national problems and goals Unemployment of scientists and engineers Conversion of aerospace and defense scientists and engineers to work on civil problems	
C. Education	Adequacy of education system and its relation to changing national problems and goals Health of universities and educational system	
D. Facilities	Adequacy and health of research facilities, and their relation to changing national problems and goals	
IV. Uses of Science and Technology	Relation of research and development to economic policy—international economic competitiveness, balance of trade, domestic productivity, invention, innovation, diffusion technology transfer, incentives Solve social problems through science and technology, transfer of defense and space capabilities to civil sector Need to perceive, evaluate, and control the effects of using technology	New Technological Opportunities Program Technology Incentives Program R&D Assessment Program Research Applied to National Needs Program Civil Science Systems Administration Office of Technology Assessment, Environmental Impact Statements Interdisciplinary, problem oriented research centers in universities and elsewhere

If we are to create better policy for science and technology, we need to develop, refine, and maintain the answers to such a framework of questions and communicate its contents systematically to policy makers and the public at various levels and through various media channels (press, radio, movies, television), multi-media presentations, policy oriented exhibits, computer and other graphic displays, games and simulation, charts, maps, photos, and by involving the policymaker in the planning and conduct of the research designed to answer each question.

How might we perform such needed actions? A number of existing institutions and organizations are already involved. Such organizations include, in the executive branch of the federal government: the Office of Management and Budget, the Domestic Council, the Science and Technology Policy Office, the National Science Foundation, the National Science Board, and the Department of Commerce. In the legislative branch: many Congressional Committees, the Science Policy Research Section of The Congressional Research Service of the Library of Congress, and the General Accounting Office. In addition, there is the Committee on Science and Public Policy of the National Academy of Sciences, the Committee on Public Engineering Policy of the National Academy of Engineering, some universities and policy research organizations, and more recently, some professional societies, including the engineering professions.

However, we have not done the needed task systematically and thoroughly. We have placed more emphasis on analysis than synthesis, and have not kept our research on problems and options current in a form which is readily useable.

As a result, we do not, as a nation, properly link our policies for science and technology to national problems and goals; we do not look and plan far enough ahead; our planning and implementation tends to be fragmented; we tend not to consider a wide enough range of options for specific policy problems; nor do we consider a wide enough range of values and groups in calculating the costs and benefits of various options; and we lack sufficient understanding and agreement among policy makers and the public concerning problems, options, goals, and means.

CHALLENGE, OPPORTUNITY, AND RESPONSIBILITY

This is the challenge and opportunity for individuals and organizations concerned with U.S. Science and Technology Policy and a responsibility to be shared by the engineering profession.

Mankind's and the nation's margin for error have diminished due to increases in population and in per capita pressure on the environment, to the increased impact of technology on nature, man, and society, and to the historic momentum of these trends. The mistakes made in the use of our scientific knowledge and technology tend to be more intense and destructive, more difficult to control, long lasting, and difficult to reverse.

Wise policies to support and use science and technology are therefore crucial to a proper balance between our knowledge, our capacity, and our wisdom to avoid such mistakes. As professionals actually involved in the attempt to transform scientific knowledge into technology and to use this capacity to modify nature, man, and society, engineers have a responsibility which is enormous and a challenge and opportunity which is unprecedented.

Many engineering societies are now beginning to demonstrate, in a coordinated way, increasing interest in the problems and options involved in U.S. Science and Technology Policy. Eight societies representing approximately 440,000 scientists and engineers have opened Washington offices, are vitally interested in national policy issues, and are moving toward closer liaison, coordination, and possibly eventual federation. They include The Institute of Electrical and Electronics Engineers (IEEE), The American Society of Civil Engineers (ASCE), The American Institute of Aeronautics and Astronautics (AIAA), The American Society of Mechanical Engineers (ASME), The American Society of Engineering Education (ASEE), The National Society of Professional Engineering (NSPE) and the American Chemical Society (ACS).

However, this is only a beginning. Many tasks remain for engineers: to analyze, synthesize, and commuicate problems, needs

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and options in U.S. Science and Technology Policy, and to move toward increased cooperation and unity.

As the engineering professions move ahead on these tasks, they need to be aware of several risks: (1) the threat to such values as freedom and representative democratic government, which can stem from domination of policy making by experts, and from the failure to keep the public informed about the policy problems and options involved in the support and use of science and technology; (2) the damage to the physical and social environment which can result from the attempt to develop and use techhology for its own sake, without regard for the nature of the goal sought or values affected; and (3) the damage to public policy which can result if scientists and engineers use the power which they gain through increased cooperation: (a) to press for a "single" solution without attempting to enlighten policy makers and the public concerning the costs and benefits of a range of options, and (b) to create a lobby solely to enhance their own position, forgetting that they are citizens as well as experts.

NIXON CAN STILL ACT TO RESTORE U.S. FAITH

HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. HANRAHAN. Mr. Speaker, at a time when our emotions and intellects are undergoing frequent shocks, it is refreshing to read articles such as the one written by Bob Wiedrich for the Sunday, October 28, Chicago Tribune. I would like to share Mr. Wiedrich's overview of the situation with my colleagues here in Washington:

[From the Chicago Tribune, Sunday, Oct. 28, 1973]

NIXON CAN STILL ACT TO RESTORE U.S. FAITH

(By Bob Wiedrich)

Too many Americans appear to have lost faith in just about everything. They have ceased to believe.

A decade of negativism, climaxed by nearly a year of Watergate, has drained the national conscience, and the effects are beginning to show, both at home and abroad.

Thus, whatever the personal cost to President Nixon, it is his responsibility to start pulling the country out of its national gloom and place it on a positive track. For if permitted to fester, negativism can prove almost as destructive as war. It just takes longer.

For 10 years, the nation endured the divisiveness of the Viet Nam War, divisiveness that bred open rebellion against the establishment, the government, the foundations of law that sustain this land, and finally laid waste our streets and college campuses.

It was a tortuous decade in which this country inexorably was drawn to a national psyche of suspicion, cynicism, and disrespect for just about everything. People appeared positive about only one thing—negativism.

There was no unity of spirit. There was no unity of purpose. Everybody was against something. Few were for something. Our language became a lexicon of skepticism.

In his first term, Richard M. Nixon began turning that around. However strong the feeling against him in some quarters, Nixon started to restore the national honor, to show the flag around the world with pride. He did and said many of the things we wanted to see and hear. He was reelected by a smashing victory.

But then came the rising tide of Watergate, along with a rash of official corruption across the nation, from dog catcher to Vice President. And the gloom that had begun to dissipate deepened.

Today, we are possessed almost by a national mood of numbness. There has been a deleterious effect upon us all. There is nothing we won't believe, as long as it is negative. We have been brainwashed to expect the worst. We have discovered that despite all our prosperity, we are a nation lacking a certain something. For the most part, we cannot even be polite to one another.

In a decade, we have managed to tear our country apart. And in attempting to reassemble it, we have left out a few parts, including our national self-respect.

Today, we do not have to honor the flag. The courts have held it can be worn on the seat of the pants with impunity. And prominent athletes have reviled it.

We don't have to listen to our elders. Age is proof positive of dumbness. We don't have to be courteous. We don't have to be considerate. When we engage in a dispute, we no longer just yell. We kill. Even human life holds no respect. There is little regard for any institution. A decade of doing our thing has taken its toll.

And that is why today, as Watergate and international crisis compound the turmoil of 10 years, we find a labor leader like George Meany who does not hesitate to publicly accuse the President of "dangerous emotional instability." Or, a reporter who does not hesitate to ask Secretary of State Henry Kissinger if the President was "rational" when he placed the armed forces on alert in a time of developing crisis.

Everything is suspect, even the sanity of our national leaders. No motive is above suspicion. No individual is accorded the assumption of integrity.

Even in an unbelieving society, we believe Dr. Kissinger when he charges that Soviet leaders may have sought to exploit our internal weaknesses by deciding to brace us on the Middle East. From a distance, the greatest nation on earth must look like a pushover riddled with dissent. It has finally come to that.

Right now, the most courageous act President Nixon can perform is to once again turn the nation around, to act positively in opening up his administration to total public scrutiny. He must let in fresh air to heal the sores of Watergate. Let him place his arm around the American people and say to them, "Come in and take a look at whatever you want."

The worst depression this nation can endure is a depression of the spirit. It has already endured it too long. And in time, it will kill us all.

AMERICA'S NEED TO KNOW

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. FRASER. Mr. Speaker, Norman Cousins, editor of Saturday Review/World, often uses his editorial voice to speak on issues affecting world peace. His comments on the rule of law and disarmament have had wide impact. In the October 23 issue of his magazine, Mr. Cousins printed an adaptation of a talk he made at a Magazine Publishers Association symposium. The symposium and the Cousins' essay both were entitled 'America's Need To Know."

Mr. Cousins addresses himself to the "natural right and expectation" of Americans that their government will tell them the truth and the fact that "structural flaws that have developed in government in recent years" have subverted this right to be told the truth.

Mr. Cousins, in the penultimate paragraph of his editorial says:

> The big challenge, therefore, is to create a situation in which truth can live a less unnatural and precarious existence than at present, and in which the right to know doesn't depend on special dispensations. We do this best by making the achievement of world law the central and open objective of our foreign policy.

I believe he is right. The complete editorial follows:

AMERICA'S NEED TO KNOW

(EDITOR'S NOTE: On September 18 a symposium on the subject "America's Need To Know" was held in New York under the auspices of the Magazine Publishers Association. The following editorial is adapted from a talk by the editor of SR/World for that occasion.)

The subject before this symposium is "America's Need To Know." Need to know what? Obviously, the need to know the truth. Truth may be an esoteric language, as Carl Van Doren once suggested, but it is the only language that the U.S. government is authorized by its people to speak. Americans need not be grateful for being told the truth by their government; this is their natural right and expectation.

In recent years, however, a strange new notion has gained ground. It is the idea that government has options with respect to the truth. A possible beginning date for this departure is 1947, when the government was authorized by Congress to practice secret violence, deceit, and subversion as essential parts of the conduct of U.S. foreign policy.

The underlying theory was that we were living in a hard, predatory, cloak-and-dagger world and that the only way to deal with a potential totalitarian enemy was to imitate him.

We may live in a world of plot and counterplot, but we also live in a world of cause and effect. Whatever the cause for the decision to legitimize and regularize deceit abroad, the inevitable effect was the practice of deceit at home. Examples are not difficult to find. When it was revealed that the United States was secretly involved in an attempted coup against the government in Laos in 1959, we couldn't compartmentalize our denials. We couldn't tell the outside world that we had nothing to do with it and not expect the American people to be deceived along with everyone else.

Another example was the Gulf of Tonkin Resolution in 1964, which provided the legal basis for enlarged military operations in Indochina. It turned out that the administration had lied to Congress and the country about the episode in an attempt to obtain the authorizing resolution. Again, in 1966, the government announced a pause in the bombing of north Vietnam in order to probe for Hanoi's willingness to undertake negotiations. The bombing was resumed a month later with the announcement by the President that the efforts to arrange negotiations were unavailing. It was later learned that the probes had in fact turned up a positive response. Still another example: Late in 1971 the President declared that no military operations had been conducted against Cambodia. Pentagon officials testified to the same effect before a Congressional committee. It was later established that more than 3000 bombing operations had been carried out against Cambodia.

The main danger in all these and other episodes is represented not just by the break with truth but by the things we did that we had to deny. If truth is to mean anything,

it must be a total process, including policies and actions of government that require neither concealment nor later denials or apologies.

Another prime liability of authorized lying in foreign policy is that it makes for bad habits. It makes officeholders casual about the practices of deception. In a world in which it is difficult to know where foreign policy ends and national policy begins, it is all too easy to transpose bad habits from one to the other. Not that it is all right to lie if the practice is confined to foreigners. The main point is that we went off the track the moment we went into the international business of deceit. From that point it was only a short and convenient step to use deceit and underhanded tactics in the general affairs of government at home.

It is all too easy to assume that all we have to do to correct these ominous failings is to identify rascals and throw them out. The cleansing process is essential, of course, but at some point soon it will be necessary to go beyond names and faces and to get at the structural flaws that have developed in government in recent years, flaws that will have to be repaired if an open society is to be preserved.

Truth in government will not assert itself. It has to be institutionalized. Truth needs a form of its own that transcends the men who happen to be in charge of the machinery of government at any given moment. This is what is meant by a government of laws rather than of men. This is what the main design produced by the Philadelphia Constitutional Convention of 1787–89 was all about. But this design has been slipping away from us in recent years. We have permitted exceptions from principle in the operation of our society, exceptions that should not be accommodated or metabolized. We have made it possible for men in government to become bigger than the laws they have sworn to uphold.

The problem, to repeat, is not met just by changing men. The problem can be met only by restoring and bolstering the basic principles of the society. There should be a test at the earliest possible moment, for example, of the constitutionality of any government agency that can spend large sums without public accounting, or that can make decisions vitally affecting the foreign policy of this nation without constitutional sanction, or that can engage in subversion abroad.

Former Attorney General Nicholas deB. Katzenbach, writing in the current issue of Foreign Affairs, proposes that only intelligence-gathering activities be maintained. "Specifically," he declares, "there should be no secret subsidies of police or counter-insurgency forces, no efforts to influence elections, no secret money subsidies."

Mr. Katzenbach's proposal seems incontestable. Nothing is more basic in American history than the need to respect the principle of self-determination for all peoples. It is no accident that the Declaration of Independence begins with a reference to a "decent respect for the opinions of mankind." This doesn't mean that all that is required of us is to acknowledge the existence of other peoples. What it means is that the rights of other people, including the right to truth from us, are no less inviolate than our own. For our society was dedicated to the proposition that it is a human enterprise before it is a national enterprise.

It will be said that we live in a chaotic and insecure world, that our style in the international arena is dictated by others, and that we have no choice but to play the game according to the way others play it.

Yet it is precisely because we have to take the world as it is that it becomes necessary to rise above the game if we wish to make our mark. We cannot expect to succeed in the world political arena by being more volatile than anyone else in the game of combustible anarchy. We will succeed only as we represent a rallying center in the world for a less hazardous and more sensible future for all people than is now apparent. We are apt to command a wider audience by talking about the possibilities for human progress than about shadowy balance-of-power or balance-of-terror strategies.

The proper model for America in its world position today is not Prince Metternich but Thomas Jefferson. And if we are looking for philosophical guidelines, we will find that James Madison and William James have far more to say to us than Niccolo Machiavelli.

Certainly let us take the world as it is. It is a world of anarchy, a world in which each nation regards its national security or national advantage as being its primary and frequently its solitary concern. But the sum total of all these individual national concerns is a volatile spew. There is not a government in the world that doesn't require traffic lights at the busy intersection of its metropolitan centers; yet the absurd notion persists that separate absolute national sovereignties can go their own way without mammoth collisions.

Everyone understands what happens when the machinery of law in a small community suddenly breaks down, but there is no comparable awareness of the dangers that confront every member of the human species because of the absence of law enforceable on nations. Heads of government unfailingly and unceasingly denounce lawlessness within their own countries; yet they totally resist the development of responsible law among themselves.

The essential truth, therefore, is that no rational process now exists for assuring the basic safety of the human species. We stumble into the future day-to-day, dependent for our survival more on the hope that our margin for error may not have been completely exhausted than on a working design for a peaceful world.

It is not reasonable or logical to assume that the national statesmen will lead the way in taming of nations or in the rebuilding of the United Nations into a governed world. Do not expect, Alexander Hamilton wrote, nations to take the initiative in developing restraints upon themselves.

Governments are not built to perceive large truths. Only people can perceive great truths. Governments specialize in small and intermediate truths. They have to be instructed by their people in great truths. And the particular truth in which they need instruction today is that new means for meeting the largest problems on earth have to be created. Individual nations can unleash wars but are incapable individually of preventing them.

A single government cannot by itself keep the oceans from becoming a global sewer or the sky a poisonous canopy. Nor can a single government eliminate the need for the weapons that cost the world's people 250 billion dollars a year with resultant impoverishment.

But an individual government can work with the large truth that our earth has to be governed. It can identify causes of world anarchy. It can come forward with a great design for safeguarding our small planet. It can recognize that we are dealing no longer with narrow concerns but with the safety of the human habitat.

The American people are paying a fearsome price today for the dominant condition of lawlessness among nations. This condition works back on the conditions of life inside the United States. It dominates the national budget. It is the prime cause of the inflation and the severe strain on our economy. It diverts energy, attention, and resources from our main needs. It subtracts from the quality of life. It makes a caricature of our ideals. It creates a mood and a context in which it is all too easy for the national security to be confused with the security of political parties or their leaders. It gives a President more personal options than it was originally intended he should have; nor is it healthy for the American people that he should have such options.

The big challenge, therefore, is to create a situation in which truth can live a less unnatural and precarious existence than at present, and in which the right to know doesn't depend on special dispensations. We do this best by making the achievement of world law the central and open objective of our foreign policy.

Any nation that comes forward with such a design can expect to be rebuffed. But there is a distinction between rebuff and defeat. There is no defeat for the American people when they tie themselves to the great idea that human intelligence is equal to human needs. Beyond the clamor of clashing ideologies and the preening and jostling of sovereign tribes, there is a safer and more responsible world waiting to be created.

LIBRARY OF CONGRESS ASSESSMENT OF THE POTENTIAL OF SOLAR ENERGY IN NORTHEASTERN OHIO

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. VANIK. Mr. Speaker, solar energy certainly will not be the only answer to our energy shortages. But solar power has some distinct advantages which must be considered in charting our energy future: it is safe and clean; it is a low-technology alternative; and there is little risk of failure. To encourage the discussion of solar energy in my own community, I requested the Congressional Research Service to conduct a preliminary assessment of the possibilities that solar energy could contribute to meeting northeastern Ohio's future energy demands. In the memorandum I include here, Mr. J. Glen Moore of CRS points out that the major difficulty for solar applications in northern Ohio is cloud cover—in 1972, skies in the area were cloudy or partly cloudy 300 days. In another area, however, Mr. Moore suggests that wind power—which is, in essence, one form of solar power—has significant potential for the area.

Mr. Moore's memorandum follows:

THE LIBRARY OF CONGRESS,
CONGRESSIONAL RESEARCH SERVICE,
Washington, D.C., October 9, 1973.

To: Honorable CHARLES A. VANIK.
From: J. Glen Moore, Research Assistant.
Via: Walter A. Hahn, Acting Chief, Science Policy Research Division.
Subject: Utilization of Solar Energy in Northeastern Ohio.

This responds to your letter of July 17 and subsequent telephone conversations with Ed Morrison regarding the possibilities for utilizing solar energy to meet future energy requirements in Northeastern Ohio. Responses to your specific questions follows a brief overview.

OVERVIEW

There are numerous techniques for converting sunshine into useful energy. However, as I explained to Mr. Morrison, the only application that has near term potential for Northeastern Ohio is the use of solar energy to partially heat and cool homes and office buildings. This is due, not so much to climatic condition, but primarily to the fact

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that this is the only application not impaired by formidable technical and economic barriers.

Although the potential energy savings for these purposes appear to be modest, the application of solar heating and cooling could be important to the Nation's energy budget. By 1985 it is estimated that energy consumed for household and commercial purposes will amount to about 21 percent of the total energy used in the United States. A substantial reduction in fuel requirements could be made if solar energy is used for heating and cooling buildings and for water heating. For example, a 1 percent saving is equivalent to more than 100 million barrels of oil a year. Potentially about half of the fuel used to heat and cool buildings could be conserved through the use of solar energy.

Although savings of this magnitude are attractive, the cost of achieving them is high. Contrary to popular opinion, solar energy is not free. Roof installations to gather solar energy for individual buildings or homes is a practical and proven art. However, this application is usually supplemented by conventional energy sources. The cost of the solar system is, therefore, an additional cost to the conventional system. Also, it will at least equal the cost of the conventional system and can exceed it, sometimes by a factor of 2 or 3.

The use of solar energy for larger applications, such as power plants, is hampered by several inherent difficulties. Solar energy in any form, wind, thermal gradients, or direct sunlight, is highly diffused, cyclical and variable. Because of the diffused nature of the energy, a plant for a given output must be several times the size of a conventional one. Because of the cyclical and variable output of a solar plant, it cannot operate directly "on line" as do conventional ones. It must produce a storable potential energy such as lifting water into elevated reservoirs on a storable fuel, such as hydrogen.

The storage facility, a secondary but major cost must in turn be coupled to a full size conventional generating plant which can use the fuel to produce power. The generating plant is a third major cost. In short, the capital investment, operating and maintenance costs could be 5 to 10 times the cost of a conventional plant. The power produced would be correspondingly more costly.

Less costly "part time" systems are feasible. These systems would gather solar energy to produce steam for a conventional turbo-generator plant. These solar plants would be useful as auxiliary to aid with peak load conditions during the 6 or 7 hours of maximum sunlight.

Since peak load patterns do not match the hours of maximum sunlight, the main generating plant would be sized to meet the demand without the aid of the solar system. The merits of this solar system are therefore determined by weighing its total capital investment, operating and maintenance costs against the cost of the fuel saving it provides during its hours of operation.

RESPONSES TO SPECIFIC QUESTIONS

1. What are the climatic conditions in Northeastern Ohio and how do they relate to the feasibility of solar energy applications?

Cloud cover, temperature and wind data for three representative cities in Northeastern Ohio are summarized in enclosure 1 (Climatological data for three cities in Northeastern Ohio).

Cloud cover effects. During 1972 skies over each of the three locations were cloudy or partly cloudy for more than 300 days of the year. Clouds and haze will reduce the efficiency of any solar energy system, but research has shown that the effect on the different conversion systems varies considerably. For example, the concentrating collectors proposed for some solar power plants are extremely sensitive to atmospheric conditions and require clear, haze-free skies to work at all. Flat plate collectors of the type proposed for most solar buildings, on the other hand, continue to perform acceptably during cloudy weather, although not as efficiently as during clear weather.[1]

Photovoltaic and biological conversion systems are two other major technologies which are adversely affected by poor sky conditions. According to Mr. Ed Gatty of NASA solar cells having an efficiency of 10 percent under the best of conditions might have that efficiency reduced to 5 percent or to as little as 1 percent by clouds and haze. For the biological systems, assuming that conversion efficiency is influenced by (1) light intensity, (2) length of growing season, and (3) average annual temperatures, Northeastern Ohio climatological data would indicate conditions unfavorable to biological conversion.

Wind effects. Available wind energy seems to be marginally adequate to support wind conversion systems. According to meteorological data from the Federal Power Commission, Northeastern Ohio lies in a narrow belt of winds with annual velocities averaging between 10 and 12 miles per hour and perhaps somewhat higher on the shores of Lake Erie. Dr. William E. Heronemus, possibly the Nation's leading authority on wind-power conversion, concluded in a research proposal submitted to the National Science Foundation in 1971 that vast quantities of electricity could be generated from the winds over the Great Plains in a region of 12 mph annual average winds. It follows therefore, that since the winds in the Northeastern Ohio area (10–11 mph) are comparable to the winds over the Great Plains region, then the Ohio area would be an acceptable location for wind conversion systems. The NSF/NASA Solar Panel determined that a wind conversion system along the W–E axis of Erie could produce 23 x 10^9 kWh of electricity annually.

Temperature effects. Low ambient temperatures increase collector losses and thus decrease the efficiency of all solar conversion technologies except solar cells. The physics of solar cells is such that they actually perform better in colder weather. Power output of solar cells decreases 0.5 percent per each degree rise above 0° Centigrade.

The cold cloudy winters typical of Northeastern Ohio will severely strain the heating capacity of home and office solar heating systems. Existing solar systems have demonstrated reasonably good performance during cloudy moderate weather, but acceptable performance during both cold and cloudy weather is doubtful. During prolonged periods of cold cloudy weather, stored solar heat is depleted and cannot be adequately replenished by the sun. Standby power systems must be used during these periods.

A note of caution: It is not clear at this time what effect the use of standby electric heating might have on the peaking problem normally experienced by utilities during the winter. It may be that a widespread climate induced, switch to electric auxiliary heat could accentuate the peaking problem of utilities.

2. In using the sun for thermal energy in buildings, what are the initial capital costs that are incurred?

Cost of solar heated and cooled homes. Dr. George Lof, a leading proponent of solar housing technology, testified before the House Subcommittee on Energy on June 7, 1973 that "a solar heating system for an average house is going to add perhaps $2000 to the price of that house." During the same hearing, Dr. James Comly of the Thermal Branch of the General Electric Company said that "present cost estimates show solar equipment as a several thousand dollar supplement to existing equipment." Harry Thomason, a local resident and builder of several solar homes, has designed and installed a solar heating system for about $2000 to $2500.

Because of his practical experience, Thomason's is probably the most accurate cost estimate of a solar heating system for homes. But even the best estimate of today's cost is no indication of what it will cost three or four years from now to install commercial equipment in large housing developments. There are several reasons for this: First, the estimates of Thomason and others are based on their experiences with specially designed systems installed in custom crafted houses. To be a commercial success solar equipment must be standardized, mass produced and installed in volume constructed housing. While costs are certain to go down with commercialization, there is no way to project from the cost of the custom built houses just what commercial costs will be. Second, although it is technically possible to provide sufficient collector surface and storage capacity to carry the entire heat load of a house, it is more economical to use an auxiliary heat supply to get the system through prolonged periods of inclement weather. The cost of the auxiliary system is in addition to the cost of the solar equipment, so in effect, a solar house must bear the expense of two heating systems. Third, the use of solar energy to power cooling equipment has not been demonstrated in any solar home, thus the cost of this technology cannot be estimated. In fact, a residential cooling system that can operate on the low temperatures attainable with flat plate solar collectors has not yet been developed.

It is unlikely that solar heating and cooling equipment can ever compete with conventional systems on a first cost basis. Only with life-cycle cost accounting can the economic advantages of solar technology be realized. Thomason, for example, installed his most recent solar heating system for a cost of about $2500, or about $1500 more than the cost of conventional heating. With his system, he is able to keep the house at a comfortable 70 to 72°F during Washington, D.C. winters using only 40 to 50 gallons of supplemental fuel oil for auxiliary heating. This compares to 700 to 800 gallons of oil per winter for a conventional house. By saving 80 to 90 percent on his oil bill each year, it is only a matter of time before the solar heating system pays for itself.

Cost of solar heated and cooled buildings. Office buildings are especially well suited for solar heating and cooling for a number of reasons: (1) Peak occupancy is usually during daylight hours. (2) Commercial buildings generally require large collector surfaces resulting in lower cost per square foot of the total system. (3) Large capacity cooling equipment adaptable to solar power is already commercially available. And (4), compared to individual home owner, it is much easier for commercial ventures to absorb the high first cost of solar equipment by life-cycle cost accounting.

Several solar heated and cooled office buildings are being planned for construction in the 1975–1978 time frame. Like solar houses, these buildings are intended to demonstrate solar technology and are not expected to be economically attractive. One of their goals, however, is to show that when solar equipment becomes commercially available, favorable life cycle costs can be accrued.

One of the world's first solar heated and cooled office buildings will be a three-story Lincoln, Massachusetts structure designed by the Arthur D. Little Corporation for the Massachusetts Audubon Society. Scheduled for occupancy in 1976, the building will utilize rooftop solar collectors to handle up to 80 percent of the winter heating and a substantial portion of the summer air conditioning. According to published company figures, about $154,000 of the building's $542,000 cost will be for the design, construction, and installation of the solar equipment. The company estimates that the cost of a similar solar installation will be reduced to about $31,000 when the hardware is mass produced and installation techniques become standardized. A summer/winter conventional air conditioning system, in comparison would have an installed cost of about $20,000.

Footnotes at end of article.

3. What is the state of the art for applying solar energy to air conditioning? What investments are involved?

Because commercially available water-cooled absorption air conditioners can operate with hot water at temperatures within the range of solar collectors, these units are currently the system of choice for solar cooling. The two most common units use working solutions of either ammonia in water or lithium bromide in water.

The efficiency of absorption air conditioning units varies directly with the temperature difference between the heat sink (cooling water) and the heat source (solar collector). When the temperature difference is small, heat must either be added to the heat source or taken away from the heat sink. In solar powered units, electric resistance or fossil fuels can be used to add heat; electric pumps are used to remove heat by circulating water through a cooling tower. In either case, conventional energy is being used to assist the solar-powered unit.

Water-cooled absorption air conditioners can cool reasonably well when operated with hot water at the peak temperature delivered by flat plate collectors (about 2000° F.) However, the temperature level in the collector is not constant—it rises to a peak and then falls off. Also, only the sunniest days will yield maximum temperatures. During the peak period, which lasts for about 2 hours, the heat load is carried by the solar collector, on either side of the peak and on cloudy or hazy days, the solar heat must be supplemented by conventional energy. The amount of conventional energy required to sustain adequate cooling will depend upon many factors: the size and design of the solar hardware; the size and design of the absorption cooling unit; the size of the cooling tower; and area weather conditions. Demonstration projects are needed to establish efficiency as well as the optimum mix of the many engineering parameters in the solar-powered system. While water-cooled absorption air conditioning is the best (if not only) technology for solar cooling, until there is some practical experience, it cannot be stated with any certainty that it will be commercially attractive. If the use of supplemental energy is found to be excessive, then the positive aspects of solar technology are canceled and a new approach will be needed

4. Is the science of photovoltaics (generating of electricity from the sun) sufficiently developed to expect that a significant amount of electricity (e.g., to meet the requirements of a large office building) could be generated at a reasonable cost and with minimum disruption to land use patterns?

The terrestrial application of solar cells for the production of electricity for homes and office buildings may become practical within the next 10 years. However, their use today and in the immediate future is limited by cost. Except for some new cells, being marketed by the Solar Power Corporation, the average cost has been $100.00 per peak watt.[2]

At this price, solar power is about 1000 times more expensive than fossil fuel power. In recent testimony before the House Subcommittee on Science, Research, and Development, Dr. Alfred J. Eggers, Jr. of NSF states that in terrestrial applications of photovoltaics, "the big issue initially appears to be reducing costs of solar cells. The costs of producing photovoltaic cells will have to be reduced by a factor of a hundred to a thousand." (1974 National Science Foundation Authorization Hearings, March 6, 1973, p. 430.)

Solar Power Corporation, an affiliate of Exxon, has recently marketed a 1.5 peak-watt, five-cell module for terrestrial applications. In lots of 1000 or more, the modules sell for $30 each, or $20 per peak-watt. While this is a substantial reduction in the $100 to $200 cost per peak-watt for cells produced for the space program, the cost is still prohibitive for most earth applications. The applications where it is economically sensible to use solar power are usually in remote locations, where other sources of electricity are not available. Solar Power has sold arrays of cell modules to power such devices as navigation lights for offshore gas-production platforms, radio-message repeater stations, and railroad signaling devices.

Photovoltaic power for office buildings. In sufficient numbers, commercially available solar cells could, of course, provide all of the power needs of a large office building, but their high cost makes such an application extremely impractical as the following exercise illustrates.

For air conditioning alone, a large five or six-story office building having 120,000 sq. ft. of floor space would require about 200 tons of cooling. As a thumb rule, one ton of cooling uses 1000 watts of electricity. The building this would thus require 200 kw. Solar Power's modules deliver 1.5 peak watts at standard conditions. Under average operating conditions their efficiency will be much less, depending upon ambient temperatures and atmospheric conditions. For this exercise, we will assume a 50 percent efficiency, or .75 watts/module. The number of modules required to deliver 200,000 watts of power will be:

$$\frac{200{,}000 \text{ watts}}{.75 \text{ watts/module}} = 267{,}000 \text{ modules}$$

The cost of these modules:

$$267{,}000 \text{ modules} \times \$30/\text{modules} = \$8{,}010{,}000.00$$

An $8 million investment for the hardware to power just the cooling equipment of a large office building puts photovoltaic power out of range for office buildings and almost all other terrestrial power applications. However, new solar cell technologies are under development which may make cells more economical. Jack Eckert, program manager for Solar Power Corporation, stated that the company has a research program underway to develop high-efficiency organic photoconductor systems which they hope to market within a year or two at a cost of $5 to $10 per peak-watt.

Another photovoltaic system is being developed at the University of Delaware. The University's Institute of Energy Conversion recently set up a pilot production line to build a new type of solar cell, in which cadmium sulphide and copper sulphide materials are substituted for silicon. Dr. K. W. Boer, director of the program, hopes that the lower material and production costs may enable power production at a cost as low as 15 cents per watt. Boer explains the projected economics of cadmium sulphide solar cells for home use on page 399 of enclosure 10.

5. Is there any potential application of wind power in Northeastern Ohio?

As mentioned in the response to question 1 under subsection winds, the average annual wind speed in the Northeastern Ohio area is comparable to the average wind speed in the Great Plains area which was selected by Heronemus as a candidate location for a massive, 300,000-unit wind conversion proposal. Thus, wind conversion systems have potential application in the area. While winds are the primary consideration, available wind energy is not the only factor that must be considered in examining the potential of wind conversion in an area. The Plains region is sparsely populated. Northeastern Ohio, on the other hand, is densely populated. Because of existing land use priorities in a populated area, a wind conversion system of the size required to generate significant quantities of electricity would probably meet stiff opposition since many would consider the land is more valuable when used for other purposes and others would object to a landscape filled with large windmills.

Heronemus has made an alternate proposal which avoids some of the problems of land-based windmills and which may have application in the Northeastern Ohio area if proved feasible. He proposed an offshore wind power system consisting of a number of floating structures, each housing from three to 34 wind turbines. He proposed to place the array off the coast of New England to catch the prevailing westerlies. The electricity generated by the wind turbines would be used to power electrolyzers which dissociate water into hydrogen and oxygen. The hydrogen could be used directly as a gaseous fuel, or compressed and stored for later use. The proposal faces serious economic and technical problems, particularly in the utilization of hydrogen as a fuel. However, if these problems can be solved, the prevailing winds on the Great Lakes may some day be tapped as an energy resource.

FOOTNOTES

[1] It should be noted that not all solar power plant concepts use concentrating collectors. The Meinels recently devised a collector for solar power plants which can operate in cloudy weather like flat plate collectors do but at temperatures approaching those reached by concentrating collectors. This new design combines features of both concentrating and flat plate collectors to achieve temperatures up to 600°F without the focusing and tracking problems of concentrating collectors. While this collector leaves open for now the possibility of solar power plants for Northeastern Ohio, several basic questions must be answered before the system can be put into operation. Of particular concern is whether 600°F temperatures can be achieved and maintained in the Ohio area under all weather conditions and whether this temperature is sufficient to operate modern steam turbine equipment for electric power generation.

[2] A "peak-watt" of solar cells is a cluster of cells capable of producing 1 watt of power at standard conditions, i.e. 100 mw/cm sq. solar intensity, 0°C cell temperature at sea level (STP).

WHY AREN'T SCHOOL SPORTS SAFER?

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. DELLUMS. Mr. Speaker, scholastic athletic competition has become one of the major injury-causing areas in our society. For many young Americans subjected to sports injuries the results can have long-term—even disastrous—effects.

While steps are being taken to lower the probability of serious injuries, the problem of injury treatment remains. I have introduced legislation which would require all schools which engage in interscholastic athletic competition to employ certified athletic trainers, and I hope that my colleagues give serious consideration to this proposal.

As a perspective on the problem, I am now inserting an informative article from the September–October 1972 issue of Kendall Sports Trail, "Why Aren't School Sports Safer?" by John S. O'Neill into the RECORD along with some other related material:

[From Kendall Sports Trail, September-October 1972]

WHY AREN'T SCHOOL SPORTS SAFER?

(By John S. O'Neill)

Sixty-four percent—better than six in ten—of those who go out for high school sports sustain injuries.[1]

One very significant reason for so many injuries among high school athletes has to be the lack of adequate training room programs for student-athlete health and safety at the secondary school level.

To find out just how significant it might be, *Kendall Sports Trail* conducted a poll of secondary school athletic directors, asking twenty-one relevant questions about their departments' training room programs.

SURVEY PROFILE

The vast majority of the 450 secondary school athletic directors who responded represented public schools, 59 percent of which were of less than a thousand enrollment, and located in cities and towns of less than 25,000 inhabitants.

School Affiliation (Base: 450)

[In percent]

Public	87
Private	7
Church related	6

Geographically, 40 percent of the replies came from the North Central state; 20 percent, from the Eastern Seaboard; 15 percent, from the Far West; and 10 percent, from the South Central states.

SCHOOLS WITH TRAINING ROOMS

Surprisingly, reflecting on the high ratio of injuries to participants, two-thirds of the athletic directors polled head departments having training room facilities; 87 percent of these are public schools; 5 percent, private; and 8 percent church-related. Two-thirds of the public schools surveyed have an athletic training room. The ratio climbs significantly for private and church-related schools: 73 percent and 82 percent, respectively.

Predictably, larger schools show the higher percentage of training rooms: 80 percent for schools of a thousand or more enrollment; 70 percent for schools of five hundred to a thousand enrollment; and 53 percent, for schools of less than five hundred enrollment.

HOW THEY ARE USED

Seventy-eight percent of the schools polled as having training rooms use them for their varsity sports programs; 73 percent, for junior varsity. Use diminishes markedly for physical education programs and intramural programs: 56 percent and 31 percent, respectively.

Basketball ranks as the sport for which most of the training rooms are used; track and football run a close second. Two-thirds are used for baseball; and about half for field sports and wrestling. All others, including soccer, cross-country, tennis, ice hockey, golf, gymnastics, and girls' sports, don't fare nearly as well.

Use by Sport (Base: 297)

[In percent]

Basketball	81
Track	78
Football	77
Baseball	67
Field	52
Wrestling	50
Other	43

REASON FOR NO TRAINING ROOM

One-third of the schools surveyed gave two fundamental reasons for not having an athletic training room: (1) there is no room in or near the athletic department which can be properly outfitted as a training room, and/or (2) they have no money to establish and maintain such a room.

Thirteen percent of those schools without a training room of their own have access to a nearby training room facility, usually connected with a college or university athletic department. Including this 13 percent, a total of 70 percent of the schools polled have the use of an athletic training room, theirs or another.

REASONS FOR SO MANY INJURIES

If so many of the schools surveyed have the use of an athletic training room, why are so many high school student-athletes getting hurt?

1. TOO FEW CERTIFIED TRAINERS

It takes more than a training room facility to make a training room program. It takes a skilled para-medic, educated to accept and fulfill the responsibilities of competent medical supervision of a high school athletic program.

Our survey found that only 6 percent of all the schools polled, and 11 percent of the schools polled as having a training room, employ a certified athletic trainer as a member of their staff. More than half of the athletic directors who have no certified trainer on their staff named lack of funds as the primary reason. A third of the athletic directors declined to say why so important a member of any athletic staff is not on theirs.

In place of the certified athletic trainer, 87 percent of those schools who do not employ one delegate the responsibility for student-athlete health and safety to one of the coaches who does the best he can under the circumstances, but has little knowledge, education and experience in the area of medical supervision. In 56 percent of the cases, the coach is fortunate enough to have a student trainer assisting him in fulfilling these responsibilities; still, their combined paramedical knowledge and experience cannot compare with that of a certified, professional athletic trainer.

Nowadays, high school trainers are not a luxury, but a necessity; and college curricula, sanctioned by the National Athletic Trainers Association, are providing dedicated young men with the education and the experience to become certified secondary school teachers and athletic trainers. In addition to his studies in education and the major area in which he wishes to teach, the student-trainer's course-work includes anatomy, physiology, physiology of exercise, kinesiology, psychology, first aid and safety, nutrition, remedial exercise, personal hygiene, basic athletic training, and techniques of athletic training. Requirements for certification by the N.A.T.A. demand, also, that each student trainer complete a minimum of two years' internship in practical athletic training at the college level under the close supervision of a certified athletic trainer.

To date, the N.A.T.A. has approved eight college undergraduate curricula in athletic training which meet or surpass their standards.

In addition to fostering collegiate educational programs to make professional athletic trainers available to high schools, the medically recognized National Athletic Trainers Association conducts a national certification examination to maintain standards within the profession.

Athletic directors or school officials interested in the availability of a qualified teacher-trainer for their staffs will find the N.A.T.A.'s placement service very helpful. Job vacancies and inquiries should be submitted to the N.A.T.A. placement service committee chairman, Mr. Alan Hart, Head Athletic Trainer, Ohio State University, Department of Athletics, 410 W. Woodruff, Columbus, Ohio 43210; phone: 614–422–1164.

Recently, Kendall Sports, in cooperation with the National Athletic Trainers Association, produced a 29-minute, sound, color motion picture, "The Absent Link", which dramatizes the need for an athletic trainer, and depicts his role in high school student-athlete health and safety. Those wishing to obtain this film on a free loan basis for showing to school board members, interested parents and civic groups may do so by mailing the coupon on page 15 to the closest Modern Film Library.

2. TOO FEW TEAM PHYSICIANS

Another critical reason for the high ratio of athletic injuries at the high school level is that less than half of all the schools surveyed have a team physician who attends all of their home games; and only 20 percent have one on call during home games.

Athletic directors whose teams are without the services of an athletic trainer or attending team physician would do well to scout a local M.D. or osteopath interested in sports and the health and safety of young students. Since most doctors fill these requirements, the search may not be as difficult as one might imagine. A good source for referrals are the members of the Committee on Sports Medicine of your state's medical association.

3. INADEQUATE TRAINING ROOMS

A third important factor in the high incidence of high school athletic injuries is the admitted inadequacy of 43 percent of the existing training room facilities surveyed.

Extremely limited space and lack of proper equipment are given as the major reasons for the inadequacies.

FUNDING: THE ULTIMATE PROBLEM

Ultimately, these problems—lack of or inadequate training room facilities and lack of a certified athletic trainer—boil down to inadequate training room program funding in 45 percent of the schools polled, the annual budget for athletic training is less than a thousand dollars; in 26 percent, less than five hundred dollars. Thirty-nine percent of the athletic directors declined to disclose their current annual expenditures on student-athlete health and safety.

Defining the present value of their training room facility with its equipment and inventory, 29 percent of the athletic directors surveyed valued it at less than a thousand dollars; 15 percent at between one and two thousand dollars; and 17 percent at more than two thousand dollars. Again, 39 percent declined to disclose the monetary worth of their training rooms.

In an effort to keep costs down, nearly half of the schools polled have furnished their training rooms with some home or shop-made equipment. Equipment bought used makes up some of the furnishing in 18 percent of the training rooms, and 18 percent were fortunate enough to have a portion of their equipment donated. Two-thirds of the training rooms surveyed boast some new equipment; half of these have at least 75 percent of their furnishings bought new.

TRAINING ROOM FURNISHINGS (BASE: 297)

[In percent]

	1 to 25	26 to 50	51 to 75	76 to 100
Homemade	20	15	4	8
New	7	17	8	36
Used	12	4	1	1
Donated	13	3		2

The big problem in funding a high school athletic training room program is the method

of funding itself. Funds for 77 percent of the training room programs surveyed are derived from the athletic department's annual budget. The remaining programs are funded independently by means of booster or touchdown clubs, student fund-raising drives, gate receipts, alumni contributions, and the like.

With increasing pressures on school administrators to trim expenses, athletic department budgets are frequently pared to bare minimum. If the training room program depends on the severely reduced general administrative budget for its sustenance, in most cases, it will surely founder unless the school administration and the athletic director are highly motivated about student-athlete health and safety.

A more dependable method would be to budget for a training room program, based upon an independent means of fund raising; and to plan, and construct or remodel a training room facility with its necessary furnishings and supplies within that annual budget.

How do you go about it? We asked the six knowledgeable and experienced trainers who make up our Bike Training Room Foundation Board of Directors (see pages 8 & 9) the same question. Their interesting and informative answers will appear in "How to Plan a Training Room on a Budget" in our November-December issue.

[From the Athens (Ga.) Banner-Herald & the Daily News, Jan. 21, 1973]

SMALL PRICE TO PAY

(By Johnny Futch)

"How safe are school sports?", wonders a recent Sports Trail Magazine issue. The answer, apparently, is "not very!".

Something like 64 per cent of all participants in high school sports will wind up on someone's injury list, many with ailments that could have been avoided or reduced in seriousness had they been recognized in time.

Attempts to improve the situation so far have centered around convincing athletic programs to include a training room in their setup and the training of student-trainers through courses co-sponsored by schools like the University of Georgia and the training supplies companies.

The magazine staff surveyed 450 secondary schools, 59 per cent with less than 1000 enrollment and found that two-thirds of them had training room facilities. Only six per cent of the schools polled employed certified trainers although 56 per cent had qualified student trainers. The responsibility usually fell on the shoulders of an assistant coach, who had only rudimentary knowledge of athletic injuries and sport medicine.

The National Association of Athletic Trainers (NATA) decided at its annual meeting last week in Chicago that the situation had become critical. The NATA, hoping to turn the flood tide of prep injuries, is asking Congress to require all schools receiving aid under the Elementary and Secondary Education Act of 1965 and participating in interscholastic competition to employ a qualified trainer.

Certification as a trainer would be accomplished by one of three methods: (1) by meeting the athletic training curriculum requirements of one of the 20-odd schools currently approved by the NATA; (2) by holding a degree in physical therapy or corrective therapy and spending at least two academic years working under the supervision of an athletic trainer or (3) having completed at least four years beyond the secondary school level as an apprentice athletic trainer serving under the direct supervision of a certified athletic trainer.

The big problem, of course, will be funding, but with the growing participation in prep sports, it's difficult to argue against a bigger expenditure for student-athlete health and safety.

One look at a prep injury survey is enough to convince you that something must be done. The NATA bill is a giant step in the right direction.

[From the Richmond (Va.) Times Dispatch, Aug. 29, 1972]

A GAME OF PAIN—TRAINERS IN SHORT SUPPLY

(By Bill Millsaps)

Last fall, a young high school football player in a nearby state suffered a severe spinal injury in an attempt to make a tackle. His coaches and teammates had no idea of the extent of the injury. There was no qualified athletic trainer present to tell them the boy should not be moved.

So they carried him off the field. He was paralyzed, and he died less than a month later.

Of the 75 football players who died in the 1970 and 1971 seasons, 57 were high school boys. It is a wonder that more are not killed or seriously hurt playing the game, not because the sport is so rough, but because proper medical care is quite often nonexistent.

Dr. Frank Bassett of the Duke University Medical Center and a team orthopedist for the Blue Devils, said, "Across the nation, more than 50 per cent of high school football players are not covered either by trainers or by team physicians.

"And inadequate medical supervision is a poor excuse for the death of a healthy, strong young athlete."

With the physical well-being of more than 1,000,000 boys at stake, it would seem the public would want something done. In Texas, they have made a beginning. A 1971 state law requires adequate medical care for every schoolboy athlete, and the result is that almost every Texas high school has or is in the process of acquiring a trainer.

Elsewhere, the situation is the same as it has been for years. A few more than 15,000 high schools in the nation have football, and fewer than one per cent have a full-time teacher-trainer. There are 53 teams in Chicago's public school athletic league, and not one has a trainer.

In Chicago's public schools, as elsewhere, coaches also double as trainers. On a day-to-day basis, they have the over-all responsibility for taping, diagnosis, therapy and guidance. They may or may not have had the training necessary to effectively perform such duties.

Many schools have team physicians, but often they are present only for games, not practices, where the schoolboy football player spends 90 per cent of his playing time and suffers most of his injuries. And, noted Bassett, "many doctors do not have the sports injury background to treat athletic injuries."

The result is that most high school football players do not get the best treatment when they are hurt, and if they go on to college football, an injured extremity is more likely to be injured even more severely than before.

"You take a kid coming in as a freshman," said Lewis Martin, trainer at Wake Forest University. "If he hurts his ankle, I'm almost afraid to make X-rays of the ankle because I know what I'm going to find: spurs or calcium deposits from where he was hurt four or five years back and not given the proper treatment.

"Most of the injuries you get in college football can be traced directly to old high school injuries."

Getting trainers into high school football programs is mostly a matter of money, or the lack of it. Trainers apparently are a low priority when it comes to school athletic budgets.

"Administrators tend to look on athletic training as a specialized field," said Jack Rockwell, former trainer for the St. Louis football Cardinals, "and they forget trainers as teachers."

The situation is particularly galling to Joe Gieck, trainer at the University of Virginia and a member of the board of directors of the National Athletic Trainers Association.

"What gets me is that a school board will authorize $1,500 for a blocking machine a school doesn't need," said Gieck, "and then won't pay $600 for a supplement to a teacher who has had athletic training experience.

"You go into the equipment room of so many high schools, and they have new expensive stuff up there on the shelves they'll never use. Yet they don't have a trainer And their kids aren't adequately protected."

Bobby Gunn, trainer for the Houston Oilers and the president of the NATA, said, "because the high school athlete is less mature physically, close observation for physical disability is essential. High school athletes probably have a greater need for trainers than athletes at any other level."

At the moment, the need is not being met.

FIFTEEN SOLID YEARS OF CAPTIVE NATIONS WEEK

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. FLOOD. Mr. Speaker, despite all the fluctuations and shifts in our foreign policy toward the various sectors of the Red Empire, firmness of conviction and deep faith in the future are consistently manifested by our people and others in the annual observances of Captive Nations Week, which Congress provided for back in 1959. A rational sense in the strategic importance of the captive nations for the free world, not to mention our own national survival, has suffused this conviction in 15 solid years of the week's observance.

Since the third week of July—the 1973 Captive Nations Week—a continuous stream of reports on the successful week has appeared in the RECORD. Processed through the National Captive Nations Committee, which guides the annual observance and serves as a clearing house for local committees across the country and beyond, these additional examples of the recent week show the nature and scope of the event: First, a report in Svoboda on "Mayor Lindsay Signs CN Week Proclamation"; second, the China Post Editorial "Captive Nations Week," and article "Meaning of Captive Nations Week," and the China News editorial "Spirit of Freedom"; and third, the Ukrainian Congress Committee of America's appeal on the Brezhnev visit before the week.

The articles follow:

MAYOR LINDSAY SIGNS CN WEEK PROCLAMATION

NEW YORK, N.Y.—John V. Lindsay, Mayor of New York, signed the Captive Nations Week proclamation, in the Blue Room of the City Hall, on Tuesday, July 17, in the presence of some 100 representatives of the captive nations, in their national folk costumes and with national flags.

In the group was a delegation of 18 Ukrainians lead by Roman Huhlewych, president of the local UCCA branch. Also included in this delegation were Ivan Bazarko, Executive Director of the UCCA, and Dr. Walter Dushnyck, editor of "The Ukrainian Quarterly."

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[1] *Letterman* Magazine Poll No. 4, November, 1971.

XUM

After the signing of the proclamation, Judge Matthew Troy, president of the Captive Nations Week Committee of New York thanked the Mayor on behalf of the assembled, and stated that it was the "obligation of the people here to inform the press, political leaders, and the free world about the fate of the captive nations."

Vaclavas Sidzikauskas of ACEEN and Dr. Ivan Docheff, of AF–ABN, also expressed appreciation to the Mayor for his action.

On Sunday, July 15, the Captive Nations Week observances here were launched with a Liturgy at the St. Patricks Cathedral. The celebrant was Rev. Mladen Cuvalo, of the Ss. Cyril and Methodius Croatian Catholic Church. Very Rev. Provincial Patrick Paschak, OSBM, delivered the sermon. The mass rally which was scheduled for the Central Park Mall that afternoon was cancelled due to the rain. In its place a brief rally was held at 61st Street and Fifth Avenue. After reciting the "Pledge of Allegiance," Judge Troy spoke to the assembled. Among the participants of the CN Week observance was Rep. Mario Biaggi.

Captive Nations Week

Beginning from yesterday Captive Nations Week is being observed in many democratic countries in the world. Here in Taipei a mass rally will be held at the Dr. Sun Yat-sen Memorial Hall tomorrow with representatives from many organizations participating in it.

The first observance of Captive Nations Week dates back to the time when General Dwight D. Eisenhower was President of the United States. More than a decade has passed by since then, and it may not be inappropriate to ask what concrete results have been achieved. The answer is None, but it certainly cannot be claimed that the observance of Captive Nations Week has been entirely in vain. At least it can be said that there is a special occasion each year for reminding all freedom-loving peoples that there are still some nations in the world which have lost their freedom and are being held in bondage by their oppressors.

Obviously this is not enough. No matter how many high-sounding speeches may be made at Captive Nations Week rallies, those aggressors who have enslaved other nations can easily remain unmoved and keep on ridiculing the futility of such speeches. In this connection, it must be admitted that Soviet Russia is the chief culprit. It is Moscow which is holding quite a number of European and Asian nations in bondage. If the observance of Captive Nations Week is to mean anything at all, it is taken for granted that all of Soviet Russia's satellites must be emancipated.

If the captive nations are to regain their freedom, two things are essential. First, those enslaved peoples must be constantly reminded of the necessity of offering resistance to their oppressors. They must be encouraged to struggle for their freedom—by force whenever it is opportune to do so. Second, the free nations must be ready to give the enslaved peoples armed assistance when the right moment arrives. This, of course, requires great courage on the part of those free nations which make such a promise.

Unfortunately, in the democratic camp such courage is conspicuous by its absence. Once upon a time, the Hungarian people rose in arms to struggle for their freedom, but that revolt was ruthlessly suppressed by Soviet Russia. Some years later, the people of Czechoslovakia put up a similar struggle, but it also met with the same fate. The free nations of the world watched those two struggles with folded arms and did not lift a finger to champion the cause of freedom.

In the meantime, Red China has been trying to play a role similar to that of Soviet Russia—not only in Asia but even in Africa. But so far it has met with very little success. Nevertheless, the Chinese people on the mainland have lost their freedom, just as the Russian people have lost theirs. Hence the enslaved Chinese and Russian peoples are both in urgent need of regaining their freedom. What is the prospect? When will such a day come to pass? Frankly speaking, the prospect is not very bright. Those democratic powers which are the pillars of the democratic camp are now busily engaged in fraternizing with the Kremlin and the Peiping regime to the detriment of their own interests. When will they wake up from their folly.

Inside Mainland Meaning of Captive Nations Week

(By L. Chen)

The "Captive Nations Week" Movement to counter Communist attempts at enslavement of mankind was initiated in the United States in 1959 through congressional authorization and presidential proclamation.

But the air of appeasement in the recent years has been such that steps taken by many free world nations vis-a-vis the Communist bloc are now not necessarily in line with the spirit of the movement.

In the Republic of China, however, the people are keenly aware of the responsibility to free 600 million Chinese mainland compatriots from the yoke of Communist rule. Captive Nations Week has been faithfully observed in the third week of July each year along with the January 23 World Freedom Day that marks the return to freedom in 1954 of more than 14,000 exChinese Communist POWs of the Korean War who refused to be sent back to the mainland.

CHANGED ERA

For more than two decades since the end of World War II, the world remained sharply divided. Mankind still is half free and half enslaved, but dealings between free world governments and Communist bloc regimes began to undergo changes in 1969 with President Nixon's inauguration and proposal to replace confrontation with negotiation.

The Chinese Communists are now in the midst of an all-out offensive smiles and the world at large appears to feel that peaceful coexistence is possible and lasting peace is already in sight.

But the facts are not so. Ceasefire in Indochina has been violated time and again. Talks involving Communist negotiators are not being fruitful from free world viewpoints. To the Communists, negotiation is just another form of struggle. To them "peaceful coexistence" is just a label of their united front campaign to damage freedom camp unity and rob the people by hook or by crook.

SAME LINE

As has been repeatedly pointed out, the Chinese Communists are continuing their internal suppression along with external political maneuvers. Whatever concession the free world makes in the face of Peiping only makes the regime bolder and more demanding. The slave labor at home is for war preparation.

History has abundantly proven that tyrants and totalitarians must resort to aggression as a way to preserve themselves. When the oppressed people turn defiant in the absence of freedom and comfort, further suppression becomes necessary. Peace is never possible in a world without freedom.

The Captive Nations Week observance this year in the Republic of China is under the major theme: "No Peace Without Eliminating Slavery." In other words, peace is possible and can last only on the foundation of adequate freedom.

It does not require much intelligence to see that the enslavement of a substantial part of the world's population by Communist imperialism makes a mockery of the idea of peaceful coexistence.

REMINDERS

To remind ourselves of what mankind as a whole should be doing to make the Captive Nations Week Movement meaningful and effective toward lasting peace and freedom for all, here are some facts and quotations:

—Passages from the "Captive Nations Week Resolution" (Public Law 86–90) of the U.S. Congress in 1959:

"Whereas it is vital to the national security of the United States that the desire for liberty and independence on the part of the peoples of these conquered nations should be steadfastly kept alive . . .

"Whereas it is fitting that we clearly manifest to such peoples through an appropriate and official means the historic fact that the people of the United States share with them their aspirations for the recovery of their freedom and independence. . . ."

—Portions from U.S. Presidential Proclamations pertaining to Captive Nations Week:

"I invite the people of the United States of America to observe such week with appropriate ceremonies and activities, and I urge them to study the plight of the Soviet-dominated nations and to recommit themselves to the support of the just aspirations of the peoples of those captive nation."—Eisenhower, 1959.

"It is in keeping with our national tradition that the American people manifest their interests in the freedom of other nations."—Kennedy, 1961.

"The principles of self-government and human freedom are universal ideals and the common heritage of mankind."—Kennedy, 1962.

"The cause of human rights and personal dignity remains a universal aspiration, and . . . this nation is firmly committed to the cause of freedom and justice everywhere."—Johnson, 1964.

"Whereas freedom and justice are basic human rights to which all men are entitled; and whereas the independence of peoples required their exercise of the elemental right of free choice; and whereas these inalienable rights have been circumscribed or denied in many areas of the world; and whereas the United States of America, from its founding as a nation, has had an abiding commitment to the principles of national independence and human freedom. . . ." Johnson, 1967.

"Ten years have passed and there have been many changes in international affairs, but one thing that has not changed is the desire for independence in Eastern Europe."—Nixon, 1969.

—The Captive Nations "Who's Next?" (country and people followed by year of Communist domination):

Armenia, Azerbaijan, Byelorussia, Cossackia, Georgia, Idel-Ural, North Caucasia, Ukraine (1920), Far Eastern Republic, Turkistan (1922), Outer Mongolia (1924), Estonia, Latvia, Lithuania (1940), Albania, Bulgaria, and Serbia, Croatia, Slovenia, etc. in Yugoslavia (1946), Poland, Rumania (1947), Czecho-Slovakia, North Korea (1948), Hungary, East Germany, Chinese mainland (1949), Tibet (1951), North Vietnam (1954), and Cuba (1960).

Spirit of Freedom

Confucius said food, troops and the confidence of the people were essential to the survival of the state.

Asked about the order of priority, he said troops were the least important.

As between food and the confidence of the people, he said food should be dispensed with first.

"Death has been the lot of all men from the beginning," he said, "but a people without faith cannot survive."

Jack Kemp, a member of the U.S. House of Representatives, spoke similarly in his address to the Captive Nations Week rally in Taipei Tuesday.

Representative Kemp found ample room for optimism at a time when some others are able to see only the towering waves of appeasement.

Pointing out much that can be done, he said that above all "We must keep the faith and promote the spirit of liberty that burns in the hearts and minds of people everywhere. For after all, it is this spirit that provides our greatest hope. It is a spirit that will never die as long as there are freedom loving people."

He recalled asking an American held by the North Vietnamese for nearly eight years what sustained him.

The former POW told how his faith had been preserved by belief in freedom.

"If you lose your money, you have lost nothing," he said. "If you lose your health, you have lost something. But if you lose your spirit, you have lost everything."

So said Confucius 2,500 years ago.

Representative Kemp spoke some of the most encouraging words the Republic of China has heard in a long time.

He cited the determination of members of the U.S. House and Senate to preserve the sovereignty and territorial integrity of the Republic of China.

"I totally reject the idea that the Republic of China can be used as a bargaining counter in any negotiations between major powers," he said. "The status of your nation is not negotiable because your freedom is not negotiable."

The commitments to the Republic of China are not mere words, he said, but a pledging of America's sacred honor by the president, the Congress and the American people.

The ROC is one of the United States' "most trustworthy and loyal allies," the Congressman from New York said, adding that the Congress believes the United States "has an equal commitment to you both militarily and morally."

He pointed to many hopeful signs: Taiwan as a symbol of freedom and progress, instability on the Chinese mainland and the continuing refugee exodus from territory held by the Chinese Communists.

Representative Kemp went beyond rhetoric and his welcome praise of the Asian revolution of freedom carried out by the Republic of China in Taiwan.

He pointed the way toward specific acts which can further the Captive Nations movement and speed the day of Chinese mainland liberation.

More freedom rallies are needed, he said, and more pressure can be put on captors to grant basic human freedoms to their captives. Trade, credit and diplomacy can encourage those who strive to be free and discourage the slavemasters. Information programs can dramatize the plight of captive peoples and tell the stories of those who have risked death to reach the free world.

With such friends as Representative Kemp, our enemies become less fearsome and our hopes are raised high. He represents not only the Congress of the United States but the real America that stands with all who fight in the cause of freedom.

From Confucius to the Captive Nations movement, the spirit of freedom has always been, as Mr. Kemp puts it, "the hope of the world."

Ukrainian Congress Committee of America Appeals to President Nixon on Eve of Brezhnev Visit

(Editor's Note: The following letter was dispatched to President Nixon in the White House on the eve of Brezhnev's visit in the United States):

June 8, 1973.

Hon. Richard M. Nixon,
President of the United States of America,
The White House, Washington, D.C.

Dear Mr. President: On behalf of the Ukrainian Congress Committee of America, representing over 2 million American citizens of Ukrainian ancestry, we have the honor to address this letter to you on a matter of extreme importance and urgency to our membership throughout the United States.

Within a week you will meet with Mr. Leonid I. Brezhnev, General Secretary of the Communist Party of the Soviet Union. We believe that your invitation to him was extended in good faith and in conjunction with your continuing efforts to bring about a genuine and lasting peace throughout the world. We are fully aware, Mr. President, that such a meeting is part and parcel of your responsibility to our nation, and to the world as well.

However, as Americans of Ukrainian origin, we are deeply perturbed and concerned about the plight of the 47-million Ukrainian people who are under the totalitarian rule of the Soviet government, of which Mr. Brezhnev is uncontested ruler, and which has been responsible for the oppression and persecution of the Ukrainian people.

Mr. Brezhnev comes to our shores with the declared purpose of bettering relations with our country. Yet he also seeks more American loans, American grain and American technological equipment to bolster his sputtering economy. Thus, your guest visits the United States to ask for specific favors of our government and, in the final analysis, of the American people.

As American citizens, Mr. President, we not only enjoy the right, but also have the duty to petition for your intercession and assistance in a matter of vital significance to many of our citizens.

As you know, the government which Mr. Brezhnev heads has been engaged in widespread repression of Ukrainian intellectuals in Ukraine for alleged "anti-Soviet agitation and propaganda." In January, 1972 over 100 Ukrainian intellectuals were arrested by the KGB, the Soviet secret police. Most of these young men and women have been reared under the Soviet system. Their only "crime" was their defense of the Ukrainian language and their resistance to hard-pressed Russification policies of the Soviet government in a blatantly chauvinistic attempt to Russify not only the Ukrainian people, but the other non-Russian peoples of the USSR as well. One must not forget that both the Soviet constitution and the U.N. Universal Declaration of Human Rights guarantee Soviet citizens certain basic rights and freedoms regardless of their ethnic background and religious persuasion.

Mr. President: We have written and appealed to you on numerous occasions, the last being prior to your historic journey to the Soviet Union in May, 1972. We regret to state we have never received any meaningful response to the effect that you and our government listen to the voices of a portion of your constituency. Presumably, the matter of the Kremlin's repression of the Ukrainian people is an "internal matter" of the Soviet government and the United States cannot and should not interfere in such "internal matters." Yet, we are fully cognizant that our government has intervened and presently does intervene in the internal matters of many nations, including the USSR in the case of crass discrimination of certain groups in the Soviet Union that are fortunate to have strong advocates and spokesmen in the United States.

Why then is there discrimination against the Ukrainians?

Mr. President: In the name of humanity and justice, we appeal to you to convey to Mr. Brezhnev the great concern of the United States and its citizenry over the mass arrests, trials and convictions of Ukrainian intellectuals, measures that are characteristic of the virulent Russification policy being pursued by the government of your visitor. We specifically implore you, Mr. President, to communicate to Mr. Brezhnev our sense of outrage about the persistent oppression of the Ukrainian people, as demonstrated only partially by KGB arrests of the intellectual elite of Ukraine, and to ask him, in the name of improving U.S.-Soviet relations, to do the following:

1. To discontinue mass arrests of Ukrainian intellectuals by the Soviet government because such arrests are illegal and in violation of Soviet and U.N. laws regarding the human rights of man.

2. To release imprisoned Ukrainian intellectuals who have been sentenced to severe terms in prisons and concentration camps and to detention in psychiatric wards on spurious charges of "anti-Soviet activities." What they actually did was to write petitions, memoranda, articles and scholarly dissertations on the rights of the Ukrainian SSR, on the status of the Ukrainian language in their own country and on the insidious policies of Russification, policies which were one of the anti-human features of Russian Czardom.

Specifically, Mr. President, we ask you to intervene with Mr. Brezhnev for the release of the following Ukrainian intellectuals who have been unjustly and illegally sentenced by Soviet courts in Ukraine:

Vyacheslav Chornovil, Ivan Dzyuba, Valentyn Moroz, Yuriy Shukhevych, Svyatoslav Karavansky, Ivan Svitlychny, Eugene Sverstiuk, Ivan Hel, Mykhailo Osadchy, Ihor Kalynets, Vasyl Stus, Irena Stasiv-Kalynets, Alexander Serhienko, Nina Strokata-Karavansky, Stephania Shabatura, Anatole Lupynis, Nadia Svitlychny-Shumuk, Danylo Shumuk and others.

These intellectuals do not merit treatment as criminals, for their actions are allowed by the Soviet constitution.

Mr. President: You will perform an outstanding humanitarian act, if you will prevail upon Mr. Brezhnev to order the release of these Ukrainian intellectuals and to put an end to the suppression of Ukrainian culture and its leading representatives and spokesmen.

We appeal most earnestly to you to speak out for the cause of freedom and human rights in Ukraine. Your so doing will be expressive of the true sentiment of the overwhelming majority of the American people.

Sincerely yours,
Executive Committee, Ukrainian
Congress Committee of America,
Lev E. Dobriansky,
President.
Ignatius M. Billinsky,
Secretary.
Joseph Lesawyer,
Executive Vice President.
Stepan Sprynsky,
Secretary.
Ivan Bazarko,
Executive Director.

H.R. 10752: TO CORRECT INEQUITIES IN THE FEDERAL RETIREMENT PROGRAM

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. EILBERG. Mr. Speaker, I recently introduced H.R. 10752. This proposal seeks to correct certain inequities presently existing in the Federal civil service retirement system which work an unjustified hardship on employees who were instrumental in establishing international organizations of interest to the U.S. Government, but who have lost retirement credit due to such service. At this point, I am placing explanatory material and the text of the bill in the Record for the review of our colleagues:

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BACKGAOUND

A number of employees between 1943 and 1955 left the Federal service for positions in international organizations and later returned to the Government. Some were granted leave without pay with half credit for retirement but others were not. As a consequence, some of these employees received no retirement credit for this service either in the international organization or the Federal Government. In 1958, PL85–795 granted Federal employees transferred to international organizations full credit for retirement in the Federal system up to a maximum of 3 years and this was made retroactive to 1955.

The proposed bill would rectify this discriminatory treatment by amending the retirement law to consider the employees concerned to have been on leave without pay for a maximum of 6 years service with up to 3 years retirement credit..It is analogous to the provision of the retirement law which regards as leave without pay a period of separation between tours of Government service when an employee is in receipt of workmen's compensation or when he is on military service.

While World War II was still being fought, the United States decided to take the lead in creating a group of international organizations to repair the destruction of war and lay the foundation for international peace and cooperation. The first of these international organizations, the United Nations Relief and Rehabilitation Agency (UNRRA), was established in November. 1943. (This later became the International Refugee Organization and the Intergovernmental Committee on European Migration.) Other organizations followed: the International Civil Aviation Organization in 1944, the Food and Agriculture Organization in 1945, the United Nations, 1945, etc.

It was recognized at the start that staff to operate these organizations would have to be drawn from the various participating governments' civil services. Thus, the UNRRA Council and the General Assembly of the United Nations adopted similar resolutions calling upon their member governments to release competent staff and to protect their status and their rights, including pension rights, during their assignments to the international organizations.

However, it was only in 1957 that the International Atomic Energy Agency Act (PL85–177) authorized retention of full Federal retirement, life insurance and other rights and privileges of Federal personnel who transferred for a limited period of service to the International Atomic Energy Agency. One year later PL85–795 extended these rights to all Federal employees and made them retroactive to 1955.

Between 1943 when UNRRA started and 1955, the effective date of PL–85–795, the "ground rules" for the assignment of Federal employees to international organizations rested upon three principal actions: The Minute of the Civil Service Commission dated March 22, 1944, Executive Order 9721 of May 10, 1946 and Executive Order 10103 of February 1, 1950.

The Civil Service Commission Minute of March 22, 1944 provided that Federal employees may be transferred to the United Nations Relief and Rehabilitation Administration (UNRRA) under the provisions of Section 4 of War Service Regulation IX provided they meet the requirements of War Manpower Commission Directive No. X. This meant they could transfer to UNRRA with the consent of their Federal agency and be placed on leave without pay for a period not to extend 6 months beyond the end of World War II. *Executive Order 9721*, May 10, 1946, provided for the transfer of Federal employees to international organizations without loss of civil service status and for their reemployment within three years in their former agencies. The provisions of this Order were made applicable to any person then serving with a public international organization. *Executive Order 10103*, February 1, 1950, amended Executive Order 9721 by providing that an employee transferred under Executive Order 9721 should, for a period not to exceed 3 years, be considered as being on leave of absence and thus entitled to half credit for retirement provided he was subsequently reemployed by the Federal Government.

NO RETIREMENT CREDIT

In the course of administering these ground rules, some employees did not receive any retirement credit for their service with the international organizations:

1. Federal employees serving in the Armed Forces of the United States at home and abroad were notified by the War Department in Memorandum No. 620–45 of March 24, 1945, entitled "Employment with UNRRA", and in other related memoranda that they could apply for vacancies in that organization and, if selected, they would be discharged from military service. Some of these employees accepted posts with UNRRA in Europe, the Mediterranean and Far East areas but in doing so they failed, through lack of information, to secure the consent of their Federal agencies and consequently lost their reemployment rights and right to leave without pay. Some served for the life of UNRRA and a few continued with its successor agencies, the International Refugee Organization and the Intergovernmental Committee on European Migration before they returned to Federal service. They received no retirement credit for this service in the Federal system and none in these international organizations because they had no retirement system.

2. Other Federal employees were involved with the preparations for and establishment of the new system of international cooperation through the United Nations and its specialized agencies that started in 1944 and 1945. They also assisted in the operation of the international conferences that founded these organizations. Since the successful launching of the new international organizations depended upon these cadres of knowledgeable persons, they were urged to join the organizations' staffs by their Federal employers and by senior officials in the Federal Government who were appointed to top positions in the international organizations. In the absence of any applicable ground rule covering their assignments to the new international organizations they were compelled to separate from the Federal service. In so doing, they lost service credit for retirement in the Federal system and received no service credit in the international organizations because the latter had no pension system or did not adopt one for some years. While the promulgation of Executive Order 9721 in March 1946 provided these employees with reemployment rights if they returned within 3 years, it seems that only the Civil Service Commission contacted its transferred employees to advise them that they could return under this Executive Order.

3. Finally, there was a small number of Federal employees who left the Federal Government for service with certain international organizations, such as the United Nations Korean Reconstruction Administration, the United Nations Works and Relief Agency, etc., between 1946 and 1955. Because of the exigencies of their international service, they remained away from the Federal service beyond the 3-year limit laid down by Executive Order 9721 and 10103 and as a consequence received no retirement credit in either the Federal or the International organization systems.

The difficulty faced by the above described employees is that they left the Federal service for posts in international organizations when there were no ground rules which provided for service credit for their period of absence. EO 9721 provided only for reemployment but this was not in itself of vital importance to a group of employees confident that they could find new jobs. However, if retirement credit or even half credit had been offered from the start, the reason for returning to the Federal service within 3 years would have been more compelling. In retrospect, it would have been preferable if government policy had followed the recommendations of UNRRA and the United Nations—as, in fact, the Civil Service Commission proposed to Congress—and granted employees from the beginning full retirement credit for service with the international organizations. Failing this, the grant of leave without pay for such service would have regularized and simplified this problem for all concerned. Leave without pay was not a new benefit; it had been in existence for years before and it was not limited as to time. This, in fact, was the policy eventually adopted toward all public international organizations by Executice Order 10103 in 1950 except that the leave without pay was limited to 3 years, but by that time it was too late to assist most of the group affected by the proposed bill.

H.R. 10752

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8332 of title 5, United States Code, is amended by adding the following subsection at the end thereof:

"(1) An employee or former employee who—

"(1) was separated before August 28, 1955;

"(2) entered service with an international organization as defined in section 3581(3) of title 5, United States Code, within one hundred and twenty days after such separation;

"(3) thereafter served continuously with such an international organization; and

"(4) returned to duty as an employee within one year after separation from such an international organization;

is deemed, for the purpose of subsection (f) of this section to have been in a leave of absence without pay for a period not in excess of six years during his separation from the Government: *Provided*, That the service with the international organization is of official record and has not been credited under any other provision of law, Executive order, or regulation or under a retirement system of such an international organization.".

SEC. 2. The amendment made by the first section of this Act is effective only with respect to annuity accruing for full months beginning after the date of enactment of this Act. This amendment applies to a person retired before such date of enactment only upon application of the former employee.

SEC. 3. The benefits of this Act are hereby extended to any employee or former employee who is entitled to an annuity under any other Federal retirement system for civilian employees.

ANALYSIS OF H.R. 10752

Section 1. An "employee or former employee" refers to civilian employees, active, retired or separated. . . . August 28, 1955 is the date upon which the provisions of PL 85–795 became effective. Since full credit for retirement was granted under this Act, it effectively superseded all prior actions. . . . An international organization as defined in Section 3581(3) of Title 5, United States Code, refers to public international organizations in which the United States participates. The reference to 120 days after such separation follows existing practice regarding transfers of Federal employees to international organizations. . . . Continuous service with such an international organization is understood to include service within the

family of international organizations. For example, an employee who transferred to UNRRA and, thereafter, worked for its successor agencies, the International Refugee Organization or the Intergovernmental Committee on European Migration, would be deemed to have served continuously for the purposes of this bill. . . .

A period of one year is provided between separation from the international organization and return to the Federal service. The main reason for this is that many of the employees concerned had no reemployment rights and found it difficult to locate positions in the Federal service upon their return. In some cases, it took them as long as a year to find reemployment. . . . Employees in a leave of absence without pay (except while in military service or in receipt of workmen's conpensation) are entitled to 6 months credit for retirement out of every year served. . . . A limit of 6 years is specified. The reason for this is that many of these employees, who had separated from the Federal service to join the international organizations, remained away beyond the 3-year limit contained in Executive Order 10103. In some cases, they spent more than 6 years in such service and the grant of one and a half years credit under the 3-year limit would be a poor recognition of the inequity of their situation. It is believed that a more appropriate remedy is to be found in PL 85–795 which set a limit of 3 years retirement credit for service with international organizations. Consequently, by setting a maximum of 6 years leave without pay with half-credit the 3-year limit would not be exceeded. This bill would not give the employees concerned any advantage over those who left for 3 years on leave without pay since the latter presumably returned to Federal service where they earned full retirement credit. . . . This provision ensures that no employee under this bill would receive double retirement credit for the same period of service in the Federal and international organization retirement systems.

Section 2. This is a normal provision for administrative efficiency, as well as precluding a windfall in retroactive annuity payments to persons already retired. . . . The normal channels of communication will give notice of the passage of the bill and responsibility for securing credit will devolve upon employees separated or retired from the Federal service.

Section 3. Some of the people who would be affected by this bill are under retirement systems other than the Civil Service Retirement System, e.g., the CIA and Foreign Service Retirement System. In view of the relatively small number of such persons and the limited scope of its effect, it is deemed more practical in these circumstances to cover them all in the same bill rather than present Congress with a series of bills to amend each civilian retirement system.

CONCLUSION

I believe H.R. 10752 should be regarded as an extension of a deserved benefit to which the employees covered by it were rightfully entitled and which they should have received. Note should be made of the following considerations:

First, *service of Federal employees on the staffs of international organizations was clearly in the national interest and H.R. 10752 would assure that employees who performed this service are not penalized with respect to their annuities.*

The principal international organizations are entities the United States played a leading role in creating, supervising and financing. We cooperate with these agencies in myriad ways and the successful conduct of their activities is an important national goal. Their success at their start depended in large part upon their ability to attract qualified employees. United States Government employees represented an important, and at times the sole source of qualified staff for these organizations. By the same token, service of Federal employees on the staffs of international organizations provided such personnel with valuable experience which was put to good use for the United States when service with the Federal Government was resumed.

Second, *it was recognized in the beginning that employees deserved this benefit and it is now past time for it to be granted*. Both the Council of UNRRA in 1943 and the General Assembly of the United Nations in 1946 adopted resolutions which this Government supported recommending that member governments preserve benefits, such as retirement rights, for their transferred employees. A number of member governments, the British and French, for example, adopted such provisions. A similar proposal for Federal employees was recommended to the Congress in January 1947 by the Honorable Harry B. Mitchell, then President of the Civil Service Commission. He acted with the concurrence and support of the Department of State and Bureau of the Budget. His letter of transmittal stated that: "Since these employees are representing the interests of the United States, the Commission believes that remedial legislation should be enacted for the purpose of granting them the same benefits as government employees under the provisions of Section 9 of the Civil Service Retirement Act so that they may receive credit for past service with international organizations." Unfortunately, no action was taken on this recommendation by the Congress and legislation on this subject was not again recommended to the Congress until 1958. Enactment of the present bill would rectify this lapse.

Third, *Federal employees with early international organization service have no way to obtain retirement credit for the service except by enactment of legislation such as H.R. 10752*. Most Federal employees served for less than five years in these organizations while a minimum of five years service is required by these organizations before credit is granted under the United Nations or any participating agency retirement plan. Before 1961 an employee who resigned after 5 years or more service received no pension rights in the U.N. system unless his age and length of service totalled 60 years or more. The United Nations Relief and Rehabilitation Administration and the International Refugee Organization, which are now defunct, and the Intergovernmental Committee on European Migration, as temporary agencies, had no retirement plans while others did not adopt retirement plans until five or six years after they were founded. Service in these organizations for United States social security purposes was not made creditable until 1954 and then only for those employed in the United States. Accordingly, unless this service is made partially creditable under Federal retirement systems, Federal employees involved who were not in a leave without pay status will not get any retirement credit for this service.

Finally, there is a precedent for such action in Section 8332(f) of Title 5 U.S. Code. Under this provision an employee, separated from the service while in receipt of Federal Employees' Compensation, who later returns to the service is deemed to have been on leave of absence without pay; he is entitled to full retirement credit for the period of his absence due to job related illness or injury. No time limit is placed upon the duration of his absence. A similar provision exists for employees on leave without pay while performing military service.

REJECTED DEAL BETTER—HARLOW

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. FISHER. Mr. Speaker, is it not high time for the Congress to regain its composure and, above all, avoid the temptation to allow partisan politics to cloud its reaction to this impeachment clamor. We all know there are a few Members of the House who would have voted to impeach President Nixon before they ever heard of Watergate. But most of our Members are not prone to go around impeaching Presidents unless there is proper reason for it.

The fact is there is no constitutional basis for impeachment. It is is inconceivable such will occur, or will be seriously considered.

First. The President has violated no court order.

Second. The President in having the special prosecutor fired exercised a prerogative accorded the Chief Executive by the Constitution. Thoughtful and responsible Members know that is no cause for impeachment.

The recent flareup of emotionalism was triggered by the President's plan to prepare for the Senate Watergate Committee and for Judge Sirica a summary of the contents of the nine controversial tapes, the accuracy and completeness of the summary to have been authenticated by Senator JOHN STENNIS, chairman of the Senate Committee on Standards and Conduct, who would have listened to every word spoken on the tapes and related his findings to the summary.

That plan, approved by the White House, the Attorney General and spokesmen for the Senate Watergate Committee, was for some strange reason vetoed by Professor Cox. The professor's intransigence brought about his removal, he having placed himself in an untenable position and his capacity to continue performance of his job having been brought into serious question.

It is no secret that Cox, with 35 handpicked special prosecutors—many of them law professors on leave—and 40 special investigators, spent 6 months in probing the Watergate scandal, and brought forth a very small handful of indictments—most or all of which, and perhaps more, would likely have been handed down had Prosecutor Henry Petersen been allowed to pursue his Watergate investigation. This is of course speculative, but people in the know firmly believe such would have been the case.

Mr. Speaker, there is a time and place for partisan politics. But not when dealing with impeachment of a President, regardless of who he may be or to which party he may belong.

The Washington Star recently carried results of a news conference with White House counselor Bryce Harlow, relevant to the proposed compromise of the tape issue. The article follows:

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REJECTED DEAL BETTER—HARLOW

The Watergate tapes compromise that special prosecutor Archibald Cox rejected last week would have provided more information to the public than the procedure President Nixon now has agreed to, White House counselor Bryce Harlow said today.

"The Senate committee was going to get the essence of the tapes and the American people would get the tapes," Harlow said. "Now they don't."

Harlow told a group of reporters that Nixon agreed to surrender nine disputed tapes to U.S. District Judge John J. Sirica because of the outcry against the compromise from Congress, the press and the public.

Nixon agreed yesterday to abide by Sirica's order to submit the recordings of White House meetings to the judge to be listened to in his chambers.

"Judge Sirica can do what he wants with them," Harlow said. "Who knows what he will do?"

Although White House chief of staff Alexander M. Haig, Jr., said yesterday he assumed that the contents of the tapes eventually would become known to the public, Harlow said he doubted that.

Harlow noted that the judge would listen to the tapes in secret and, if he chose, turn portions of the recordings over to a grand jury, which also meets in secret.

Harlow said the compromise Nixon announced on Friday—to provide summaries of the tapes, authenticated by Sen. John Stennis, D-Miss.—"was a better deal than this."

Harlow said the President withdrew the compromise offer and agreed to abide by the original court order because "you folks, the Congress and the public all thought it (the compromise) was a rinky-dink attempt."

"Everybody thought the President was trying to hide something on the tapes," the White House aide said. "He wasn't. The whole reason for this throughout has been concern with the presidency. Sometime you'll have to believe that."

Harlow said Nixon was reluctant to abide by the letter of Sirica's order because he did not wish to set a precedent that would bind future presidents to abide by future court orders.

Harlow, who also served as a White House aide in the Eisenhower administration, said he met yesterday with a number of congressmen in an attempt to gauge sentiment on Capitol Hill.

Although he insisted there was no imminent danger that Nixon would be impeached, Harlow conceded that the lawmakers "were up pretty tight" on the tapes issue.

Harlow said he doubts the congressmen now fully realize the implications of the President's agreement to abide by the court decision and to cancel his summary plan.

Asked if it were possible that public pressure could force Nixon into making portions of the tapes public, Harlow conceded, "It could happen." He declined to speculate on the precise circumstances that would require additional disclosure.

Asked if Nixon would agree to demands that he appoint a new special Watergate prosecutor, Harlow said, "I don't know what the President will do."

"My own opinion is that (appointment of a special prosecutor) is desperately poor government. I realize the problem comes from the subterranean notion that the Department of Justice can't fairly deal with it (the Watergate matter). With that notion I strongly disagree," he said.

—NORMAN KEMPSTER.

RUBBER ON RAILROAD CROSSINGS

HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. HANRAHAN. Mr. Speaker, any of my colleagues who have ever bumped and bounced across a railroad crossing should find this article on the use of rubber at rail crossings an interesting and informative one. It was published in the Cleveland Plain Dealer, on Tuesday, October 23, and for those of my colleagues who did not have the opportunity to read it, I am submitting it for the RECORD:

[From the Cleveland (Ohio) Plain Dealer, Oct. 23, 1973]

USE OF RUBBER RAIL CROSSING TO GROW

(By Donald Sabath)

The bounce and bump may be taken out of more railroad crossings around the nation as part of a new governmental emphasis on highway safety.

The bumps may be eliminated by 300-pound rubber slabs manufactured by the Goodyear Tire & Rubber Co.

Many methods of building a smooth surface across railroad tracks are known, but the problem has been building one that will last.

For almost 10 years, rubber railroad crossings have been used in the Chevrolet-Parma transmission plant of General Motors Corp. on Brookpart Road in Parma.

"As far as I know, there has been no maintenance on the crossings since they were installed," said William Palmer of the Chevrolet plant staff.

Palmer pointed at a truck-van which drove over the crossing loaded with two, large rolls of steel.

"Watch it glide over," Palmer said.

Glide over it did, without a bounce.

"We may have had to replace the wooden ties, to which the rubber slabs are attached," said Palmer. "But the problem would be with the ties and not with the rubber slabs."

A Goodyear spokesman said the crossings are virtually maintenance-free and deliver the long, troublefree life always hoped for—but never achieved—with conventional materials such as asphalt, timber, steel or concrete.

Rubber crossing pads will not rot, they will not crack in the Arizona heat or the Minnesota ice and they will not wash out in torrential Florida rains, Goodyear claims.

Furthermore, rubber absorbs the shocks and vibrations of train and vehicular traffic which shake rigid materials to pieces.

Every two days, a railroad crossing is padded with rubber somewhere in the United States, according to Westi Hansen, general manager of Goodyear's Industrial Products Division, sole manufacturer of the product.

"The first rubber crossing was installed 18 years ago and almost 1,000 are now in service," Hansen said. "It is possible for them to be damaged by snowplows, by derailments or, occasionally, by utter neglect. But we have no record of a single one ever wearing out."

In the past, most of the crossings have been installed inside industrial plants around the nation. Now, more and more cities and highway officials are noticing them.

Much of the enthusiasm for the rubber crossings, which cost $120 a running foot—two or three times as much as conventional crossings—is a result of the availability of federal financing.

The Federal Highway Administration recently ruled, "Improvement of the crossing surface may be included as work for the elimination of hazards, either singularly or in combination with other elements of grade crossing protection work."

Crossing surface improvement previously had been at least partially fundable under the TOPICS and urban renewal programs. TOPICS is a federal program providing funds for city street improvement and is usually 50% federal, 45% state and 5% local. This program covers major urban traffic routes that are not state and federal highways.

The city of Yakima, Wash., has just installed 34 rubber crossings in the downtown area. Moraine, O., an industrial suburb of Dayton, has installed three rubber crossings at its own expense. City Manager Irl Gordon says there are more planned.

Crossing maintenance has been the responsibility of the railroads and under most state laws, it still is. But with so many railroads in financial trouble, governmental agencies are working out agreements for installing the rubber crossings.

Goodyear's first rubber crossing was installed in 1955 at New Britain, Conn. It remains in service, still smooth, and has required minimal maintenance.

MAMIE ALEXANDER BOYD

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. SHRIVER. Mr. Speaker, on October 15, Kansas lost our most widely known and warmly regarded newspaper woman, Mrs. Frank (Mamie Alexander) Boyd. "Mamie," as she was known by her many friends, can be described as the "patron saint" or perhaps "matriarch" of a great newspaper and political clan, a great State university, and of our State's tradition of civic pride and activism.

Mamie once said:

> I have dined with Members of Congress and governors, sat in the President's box at an inaugural ball, been the guest of the Prime Minister of Canada. I'm proud to have traveled with such people, but have been just as proud to be with poor ones. I have learned much from both.

All of us have learned much from Mamie, too.

Under leave to extend my remarks, I am inserting several articles describing Mamie Boyd's service to her neighbors, her family and her State.

[From the Wichita Eagle, Oct. 17, 1973]

MRS. FRANK BOYD

No one else has ever occupied quite the position in Kansas journalism that Mrs. Frank Boyd did. She was widely known as "Mother Mame," and the reason was not exclusively that she was the matriarch of a newspaper clan.

For much of the latter part of her life she was senior to almost everyone still working in the Kansas newspaper field, and she took a motherly interest in all of them. She rarely missed a professional meeting of any kind, and usually had some part in the program. She remained lively and productive well into

her 90s, and was active in politics as well as journalism.

It is not often that one achieves prominence in both parties, but Mrs. Boyd did. She and her husband were influential Democrats until the 1930s, when they broke with Roosevelt. Then they gave their allegiance to the Republicans, and labored so long and energetically for that party that the names Boyd and Republican became virtually synonymous in Kansas.

Mrs. Boyd was a generous and friendly woman, always interested in the younger people in her profession and particularly keen to encourage students in the field.

Her own writing was warm and folksy, and reflected her wide range of interests. In recent years she wrote a book about her life, filled with reminiscences of the pioneer days of her youth and filled with the philosophy that sustained her through her 96 years.

Mamie Boyd was an active contributor throughout most of the life of Kansas, and her imprint is clear upon it now. She will be long remembered by her colleagues and her many friends.

[From the Hutchinson (Kans.) News, Oct. 17, 1973]

MAMIE WAS A BIG KSU FAN

(By John Schmiedeler)

PHILLIPSBURG.—Mamie Boyd, perhaps the most widely known Kansas woman of her century, will be buried Thursday afternoon in Fairview cemetery at Phillipsburg.

Mrs. Boyd, 96, a pioneer Kansas newspaper writer and publisher and a lively spirit on the Kansas scene for nearly three-quarters of a century, died Monday at St. Joseph's hospital, Concordia, after an illness of 3 weeks.

The day before she entered the hospital, she did one of the things she loved best—she went to a Kansas State University football game at Manhattan. Kansas State was only one of Mrs. Boyd's incredible number of enthusiasms.

Mamie Boyd's impact on Kansas began in 1899 when she met Frank W. Boyd while they were students at Kansas State. They married in their senior year and planned a career in newspapers.

But while Frank Boyd went to Phillipsburg in 1904, his bride went to Colorado, suffering from what was then called "consumption." (Later, Mrs. Boyd was to become a charter member of the Kansas Tuberculosis association, now the Kansas Lung association).

She recovered and joined her husband. He was editor of the Phillipsburg County Review (now edited by their son, McDill "Huck" Boyd, Republican national committeeman for Kansas) and she was the writer.

Mrs. Boyd lived at Mankato and continued to write for the Record until her last illness. She produced chatty accounts of her travels, her social activities and her family.

At the age of 91, she described her daily routine. She arose at 7 a.m., exercised 25 minutes and arrived at the Record office at 8 a.m.; she worked until 6 p.m., wrote 2 columns a week and served as associate editor of the newspaper.

FAITHFUL TO THE WILDCATS

But there always was time for Kansas State. There a special chair at one end of the basketball court was reserved especially for her and there was an Honorary Chair of Football surveillance in the president's box at the football stadium. A woman's dormitory at KSU, Boyd Hall, is named for her.

Among her fondest boasts was her own prowess as a basketball player while a Kansas State student. She recounted her KSU days in a book, "Rode a Heifer Calf Through College".

Usually, she carried a bag of knitting. That went back to World War I days when she organized knitting classes for the Red Cross.

JUST "MAMIE"

But while honors came aplenty, Mrs. Boyd remained to those who knew her—and they are numberless—as "Mamie".

"We didn't have a front yard," her son, McDill, remembered Monday. "It was a football field or a baseball diamond and whatever we needed."

Mrs. Boyd whittled baseball bats out of 2 by 4s, wound string around marbles for balls and made bases of bean bags. She umpired the games.

"When I work, I work hard," she told an interviewer 5 years ago. "When I rest, I rest easy. When I'm worried, I sleep."

In her book, she wrote of roses being her "constant comfort—beautiful memories.

"You know that God gave us memories so we could have roses in December and I have armloads of roses."

She also said once that she "never felt poor" and was never impressed with important people "just because they were important".

"I have dined with members of Congress and governors . . . sat in the President's box at an inaugural ball, been the guest of the Prime Minister of Canada. I'm proud to have traveled with such people, but have been just as proud to be with poor ones. I have learned much from both."

[From the Topeka Daily Capital-Journal, Oct. 18, 1973]

NOW SHE RESTS—EASY

Dr. James A. McCain, president of Kansas State University, described her as the "patron saint" of KSU.

The William Allen White Foundation at the University of Kansas cited her for journalistic merit as did 46 other organizations.

She was selected as Kansan of the year in 1959, and in 1965 Kansas recognized her as mother of the year.

At the age of 96, Mrs. Frank W. "Mamie" Boyd died in a Concordia hospital.

While she had an unflagging interest in news and newspapers, people and places, church and service organizations, her family—two sons and six grandchildren—always came first.

Born on a farm near Humboldt, she was graduated from Kansas State University and taught there several years before being married to Frank W. Boyd, then editor of the Phillips County Review, which they later purchased. They bought the Jewell County Record, Mankato, in 1947, the year of Mr. Boyd's death.

Their two sons, McDill "Huck" Boyd and the late Frank W. "Bus" Boyd Jr., followed newspaper careers with occasional side trips into politices. Huck ran twice for the Republican governorship of Kansas and now is GOP national committeeman.

Mamie seemed to possess boundless energy to match her zest for life, her gracious and friendly nature and desire to serve.

She was the first woman ever elected president of the Kansas State University Alumni Assn. Both her sons were K-State graduates, and she was a familiar figure in the stands at all K-State athletic events—knitting, always knitting.

Her philosophy of life was simple: "When I work, I work hard. When I rest, I rest easy. When I worry, I go to sleep."

She once commented that it was easy to find a family that loves children: "There won't be any grass in the front yard."

She probably knew from her own front yard when Huck and Bus were young.

[From the Kansas City Star, Oct. 16, 1973]

MAMIE BOYD, KANSAS EDITOR

Mamie Boyd of Mankato would have been 97 years old this December, and as the years piled up, they became heavier. Almost as a reflex she would jump to the defense of her beloved Kansas or be ready at a moment's notice to travel to Manhattan for a K-State game. Her friends took Mamie's partisanship for granted, whether it was on behalf of the state or the Wildcats. It was never a mean partisanship.

After the death of her husband, Frank W. Boyd, Sr., Mamie was the mother figure of a distinguished family in Kansas journalism. A son, McDill (Huck) Boyd, Kansas Republican National Committeeman and editor of the paper at Phillipsburg, has been influential for many years. Frank (Bus) Boyd, Jr, publisher of the Jewell County Record in Mankato, where Mamie's column appeared weekly, died last year. In Mankato and the surrounding region, Mamie and Bus were publishers who boosted the community in print, which is standard procedure, and also with their own money, which is not always the case. Mary Boyd, the wife of Bus, has been carrying on in the family tradition since the death of her husband and through Mamie's illness.

Mamie was always Mamie *Alexander* Boyd, as she would pointedly remind Bus if he left that middle name out of a notice. Along with her strong sense of family, state and university, she had a feeling of kinship for the world at large. Her interests knew no bounds, and while her attention as a good reporter might be concentrated, it also was universal. She got all the names for her column on Main Street, Saturday Night, and she knew what last week's hail meant to the farmers in Jewell County. She was at the pot-luck dinners at the Harmony Methodist Church and always pronounced all dishes delicious. At the same time she was ready to travel around the world and see what was happening outside North Central Kansas.

Mamie Boyd knew the 19th Century of the horse and buggy and the 20th century of the jet airplane. She got the best out of both of them.

PROPOSED AMENDMENTS TO H.R. 11104

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. REUSS. Mr. Speaker, H.R. 11104 is scheduled to come to the floor on Wednesday, October 31. At that time, there will be an attempt to amend the bill with the texts of H.R. 11155 and H.R. 11158. The texts of these amendments follows:

H.R. 11155

SEC. —. Section 56, 57, and 58, of the Internal Revenue Code of 1954 (relating to imposition of the minimum tax for tax preferences) are amended as follows:

(a) Section 56(a) is amended to read as follows:

"(a) IN GENERAL.—In addition to the other taxes imposed by this chapter, there is hereby imposed for each taxable year, with respect to the income of every person, a tax, determined as provided in subsection (d), on the amount, if any, by which the sum of the items of tax preference exceeds $10,000."

(b) Section 56(b) of such Code (relating to treatment of net operating losses) is amended by striking out "$30,000" and inserting in lieu thereof "$10,000" and by striking out "10 percent" in each place it appears and inserting in lieu thereof "the applicable percent".

(c) Section 56(c) of such Code (relating to tax carryovers) is hereby repealed.

(d) Section 56 of such Code is amended by adding at the end thereof the following new subsection:

"(d) AMOUNT OF TAX.—The amount of tax imposed under subsection (a) shall be an amount equal to one-half of the amount determined by applying the rates prescribed in sections 1, 11, 594, and 821, as applicable, except that in lieu of the words 'taxable income' each place they appear in such tables there shall be substituted the words 'sum of the items of tax preference'."

(e) Section 58 of such Code (relating to rules for application of the minimum tax) is amended by—

(1) striking out "$30,000" in each place it appears and inserting in lieu thereof "$10,000",

(2) striking out "$15,000" in subsection (a) and inserting in lieu thereof "$5,000", and

(3) adding at the end thereof the following new subsection:

"(b) ELECTION NOT TO CLAIM TAX PREFERENCES.—In the case of an item of tax preference which is a deduction from gross income, the taxpayer may elect to waive the deduction of all or part of such item, and the amount so waived shall not be taken into account for purposes of this part. In the case of an item of tax preference described in section 57(a)(9), the taxpayer may elect to treat all or part of any capital gain as gain for the sale or exchange of property which is neither a capital asset nor property described in section 1231 and the amount treated as such gain shall not be taken into account for purposes of this part. An election under this subsection shall be made only at such time and in such manner as is prescribed in regulations promulgated by the Secretary or his delegate, and the making of such election shall constitute a consent to all terms and conditions as may be set forth in the regulations as to the effect of such election for purposes of this title."

(f) Section 443 of such Code (relating to returns for a period of less than 12 months) is amended by striking out "$30,000" and inserting in lieu thereof "$10,000".

(g)(1) The amendments made by this section shall apply only with respect to taxable years beginning after the date of enactment of this Act.

(2) In determining the deferral of tax liability under section 56(b) of the Internal Revenue Code of 1954 for any taxable year beginning after the date of enactment of this Act, the necessary computations involving such taxable year shall be made under the law applicable to such taxable year.

(3) There shall be no tax carryover under section 56(c) or 56(a)(2)(B) of the Internal Revenue Code of 1954 to any taxable year beginning after the date of enactment of this Act.

H.R. 11158

SEC. —. Section 201 of Public Law 93–66 is amended—

(a) in subsection (a)(1), by striking out "the percentage by which the Consumer Price Index prepared by the Department of Labor for the month of June 1973 exceeds such index for the month of June 1972" and inserting in lieu thereof "7 per centum".

(b) in subsection (a)(2), by striking out "May 1974" each place it appears therein and inserting in lieu thereof "December 1973".

(c) in subsection (b), by striking out "based on the increase in the Consumer Price Index described in subsection (a)" and inserting in lieu thereof "7 per centum", and

(d) in subsection (c)(2), by striking out "May 1974" and inserting in lieu thereof "December 1973".

STATEMENT ON THE PRESIDENCY

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. STUDDS. Mr. Speaker, I normally distribute a weekly report to my district to the news media every Friday. Last Friday, because of the grave consequences of the events of the week, I also made a special report on the subject of the Presidency. The text of my statement follows:

STATEMENT BY HON. GERRY E. STUDDS

This will not be—and it really could not be—a standard report of routine activities in the Congress and at home. For there has been nothing routine about this week. We are in the midst of one of the great crises of our history—a crisis of confidence in our basic institutions of government.

I have wrestled, for a considerable period of time prior to the events of this past week, and with increasing agony, over the question of whether I should support the initiation of impeachment proceedings against the President. Among the questions which had to be considered—even if there seemed to be sufficient prima facie evidence to warrant the initiation of an inquiry—were:

1. Which would do more damage to this already badly divided country, and to its already seriously discredited presidency: the continuation of President Nixon in office—or the initiation of proceedings which might lead to his removal from office?

2. Even if one were to conclude that the country would be best served by the departure of Mr. Nixon, how could this be undertaken in a fashion utterly devoid of even the appearance of political partisanship? For what is at stake far transcends in importance any question of conventional partisan politics.

The events of the past week constituted for myself, and, I believe, for most of the people I represent, and for most Americans, the last straw. I have—with enormous reluctance—concluded that it would be best for the country for Mr. Nixon to leave the Presidency.

Even so, I refrained from issuing a statement until this time because of the intensity of the emotion of the moment, the extraordinary rapidity with which major event followed major event, and because of the uncertainty of whether or not the President would be formally held to be in contempt of court.

I now believe that the President has lost the capacity to command the respect and trust of the American people and that the public interest would best be served by his resignation. If he will not resign and thereby spare the nation the further agony of impeachment proceedings—and I do not expect that he will—then the House of Representatives must assume its constitutional responsibility to determine whether or not there are specific criminal grounds for impeachment of the President.

I have joined with 74 of my colleagues in introducing a resolution calling upon the Judiciary Committee of the House immediately to undertake such an inquiry. I have also joined over 100 of my colleagues in introducing a resolution calling for the reinstitution of the Special Prosecutor under Judge Sirica.

With respect to the President's tardy decision to comply with the court's order regarding the tapes, I must say, in all candor, that it now appears to me that what the President was attempting to do in this latest series of maneuvers was not to protect the tapes, but was rather a blatant and evidently successful attempt to destroy the independent prosecutor. Apparently Mr. Cox was on the trail of something far more important than anything that might be revealed by the tapes. If this is not the case, why did the President not comply sooner with the order of the court? And why should he not now, quite apologetically, rehire Mr. Cox? After all, the Special Prosecutor was fired for insisting that the President do what he has now done. The American people have a right to know the answers to these questions as they contemplate the departure from the Executive Branch of Government of three people in whom they had real faith to see that justice might be done.

I have been assured by the Leadership of the House that the Judiciary Committee will proceed promptly and vigorously with its inquiry. The Committee has my full support in its effort to determine whether or not there are sufficient legal grounds for the impeachment of the President. I shall withhold my judgment on the question of impeachment itself pending the report of the Committee.

I should like to take this opportunity to thank the many hundreds of you who have telephoned, wired and written to me in the last few days. I have personally read every single one of these communications—and I wish that space and time permitted me to quote here representative samples of your overwhelming and moving expression of outrage, fear and deep concern for your country.

I must now, as your representative, give voice and action to that concern. I pledge to you that I will do so calmly, with the utmost seriousness, and with a profound recognition that partisan political considerations must be set aside altogether.

As soon as possible—hopefully within the next week—I shall mail to every household in the 12th Congressional District a special newsletter/questionnaire, in which I shall elaborate on my own feelings and solicit those of all the people I represent. You are entitled to be heard at this crucial time—and I urge you to respond.

HEARING HEALTH SYSTEM CRITICIZED BY OLDER NADER GROUP

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. FRASER. Mr. Speaker, I would like to comment about a problem which has long gone unattended. Thanks to the efforts of the Retired Professional Action Group—RPAG—and the Minnesota Public Interest Research Group, the serious lack of regulations governing the practices of hearing aid dealers is now being given the attention it deserves.

This is a matter that can be effectively handled on the State level. I do not plan to introduce legislation in the House. However, I do believe it is a matter of importance to all Americans that should be brought to my colleagues' attention. The RPAG has prepared a model bill for the consideration of State legislatures and a report entitled "Paying Through the Ear." Copies of both have been sent to the State attorneys general.

An RPAG news release of September 30 follows my remarks. I urge my colleagues to bring the situation outlined in that release to the attention of their

State representatives and to call upon them to take this matter up as soon as possible.

HEARING HEALTH SYSTEM CRITICIZED BY OLDER NADER GROUP

The Retired Professional Action Group, an organization funded by Ralph Nader's Public Citizen, Inc., released today the report of its 16-month study of the hearing aid industry and hearing health care problems. RPAG is a public interest group composed of older and younger professionals working on issues which particularly affect older people.

In its report, *Paying Through the Ear*, the group charged that the hearing aid industry sells hearing aids, which are medical devices, the way other industries sell vacuum cleaners, cosmetic products, and magazines—or worse. The sales practices of most salesmen in the health care field are totally unacceptable. For the past 3 years, the industry has been singled out for investigation by the Federal Trade Commission and recently by the Senate Special Committee on Aging.

Hearing loss affects more Americans than any other chronic health problem. Over 8½ million Americans suffer from some degree of loss—thousands to the point that they withdraw from normal social interaction and are forced into life patterns in which they become virtual "human islands" to avoid frustrating, ineffectual communication with others.

MINIMAL TRAINING OF HEARING AID DEALERS

There are 15,000 people in the retail end of the hearing aid industry, yet only 2,114 have received the minimal training offered by the hearing aid dealers trade association, the National Hearing Aid Society. This training consists of a 20-week home study course and an examination which only superficially covers information a person should know in order to serve the hearing impaired. The exam does not require a test of an individual's practical skills.

RPG SURVEY OF DEALER PRACTICES

To obtain first-hand consumer experience, 8 older volunteers (ages 68–82) conducted a consumer survey in Baltimore, Maryland. These individuals used their own names and did not fake a hearing loss. After pre-testing by clinical audiologists at the Johns Hopkins Speech and Hearing Center, they visited hearing aid dealers. In 42% of the visits, hearing aids were recommended by dealers when audiologists had recommended none. All dealers performed only the partial range of audiometric tests necessary to accurately evaluate hearing loss and some dealers misrepresented what a hearing aid will do.

CONFLICT OF INTEREST

The group charged that hearing aid dealers cannot possibly serve the hearing impaired with objectivity. They are in a decision-making position fraught with conflict of interest which requires them to sell hearing aids to keep their businesses going. Many manufacturers require the dealers to fulfill sales quotas. Profit lures of some manufacturers include free trips abroad and special gifts after sales quotas are met.

STATE DEALER LICENSURE LAWS

In 29 states dealer licensure laws with a grandfather clause, licensed thousands of individuals without testing their competency or examining their sales tactics. In most states with a licensure law any person of minimal age and education and of "good moral character" can become a trainee automatically and begin immediately to sell to the public. Trainees are not generally required to work in the same office as their supervisor, and are not required to advise their customers that they are in training. Better protection is afforded to men and women having their hair cut or having electrical or plumbing work done in their homes.

As part of its study, RPAG developed a Model Bill for Licensing and Regulation of Hearing Aid Dealers, which it is releasing today. Most of the existing 38 laws were patterned after an industry model which protects the dealer instead of the consumer. In only five states must medical clearance be obtained prior to sale of a hearing aid if the dealer finds indications of medical problems. In only 12 states is it a punishable offense to sell a hearing aid for a child without prior medical examination and clearance.

UNSUBSTANTIATED ADVERTISING

The hearing aid industry makes unsubstantiated claims that new products are improved. Industry advertising bears a striking resemblance to that of the automobile industry. Advertising claims are so suspect that last year the FTC asked 12 manufacturers to submit material to substantiate their advertisements. Each year products have cosmetic changes, whereas substantial developments of benefit to the buyer occur only every few years at best. The industry reports that its biggest market is to "users"; consequently, marketing efforts seem to be aimed at convincing "users" that their one or two year old model should be traded in for the "latest thing" on the market. The uninformed consumer, anxiously seeking the best possible hearing, is lured by the advertising bait.

In order to sell hearing aids, dealers make false statements unsubstantiated by medical or audiological research, such as "a hearing aid will restore your hearing to normal" or "a hearing aid will keep your hearing from deteriorating."

POOR PRODUCT QUALITY

The group found that there is considerable quality deviation in hearing aids. The New York League of the Hard of Hearing reports that about 50% of the aids they test do not work the way industry specification sheets indicate they will. The result is that one aid may differ substantially in performance from an aid of the identical model and brand.

CALL FOR GOVERNMENT ACTION

RPAG has written FDA Commissioner Alexander M. Schmidt, calling for FDA monitoring of quality control. The group also wrote Secretary Weinberger, urging that HEW take specific action:

(1) To review HEW hearing aid purchasing policies under programs such as Vocational Rehabilitation, Medicaid, the Office of Education, and the Children's Bureau. (The Veterans Administration, which purchases hearing aids in bulk and furnishes thousands of hearing aids each year to veterans, pays about one-half the price paid by other government programs where procurement is handled with individual hearing aid dealers.)

(2) To utilize the results of the hearing aid quality valuation program at the National Bureau of Standards in the procurement of hearing aids by HEW. (The Veterans Administration purchases aids only after they are evaluated by this program.)

(3) To request that the General Accounting Office conduct audits of State Medicaid hearing aid purchasing programs. (During the last two years, in New York and Indiana, investigations revealed that thousands of dollars worth of hearing aids were ordered by hearing aid dealers for patients in nursing homes who did not need them.)

(4) To conduct a nation-wide information campaign to advise the public of preventive and corrective measures to take regarding hearing loss and hearing aids.

INDUSTRY TRADE PRACTICES

The study documents the fact that manufacturers and dealers operate in a manner that creates and maintains artificially high prices. Four companies (Beltone, Zenith, Dahlberg and Qualitone) controlled over 50 percent of the dollar value of shipments in 1970. Eight companies controlled over 70 percent of the sales volume that year.

According to the FTC, manufacturers' activities tend to be "oppressive, coercive, unfair and anticompetitive." In 1972, the FTC cited major manufacturers—Beltone, Dahlberg, Maico, Radioear and Sonotone—for engaging in anticompetitive activities that violate Section 5 of the Federal Trade Commission Act. They alleged that these manufacturers 1) usually require their dealers to sell hearing aids within assigned geographical areas; 2) insist that dealers deal exclusively in their hearing aids; 3) "fix, establish, control and maintain" retail prices at which dealers sell their hearing aids; 4) prohibit dealers from dealing with potential customers outside their territory; and 5) require dealers to submit to manufacturers names and addresses of their customers. Despite strong evidence to the contrary, manufacturers insist that they are the paragon of free enterprise.

Even when manufacturers offer aids to dealers at lower costs, dealers still charge exorbitant prices. RPAG monitored the pricing of one aid sold to dealers at $33.00 and found it offered for sale for as high as $450.00 with the usual charge at about $250.00.

If a manufacturer attempts to supply a lower-price retail outlet, the manufacturer's other dealers threaten not to carry its line anymore. These efforts are usually successful. One retail company, Master Plan Service Company (MPS), based in Minneapolis, is selling aids in 7 other cities. But this summer MPS has not been able to find any manufacturer willing to supply its products. When one company, Norelco, offered to supply aids to MPS, other Norelco dealers threatened to boycott, so the company withdrew its written offer. After 2 years of supplying Master Plan, another large company, Oticon, also wtihdrew, writing that supplying MPS would "disrupt our distribution set-up" and that Oticon needed to "protect and create reasonable growth in our business."

By tying in service costs (estimated at $100) to the price of a hearing aid, the industry is forcing customers to pay for service regardless of need or desire. Customers with their 2nd and 3rd hearing aids need less in the way of services but pay the full cost nevertheless.

ALTERNATIVE DISTRIBUTION MODEL

One distribution model which could be duplicated around the country is the National Institute for Rehabilitative Engineering. NIRE is a non-profit firm in New Jersey which provides foreign aids for around $100 to low-income people. Aids are provided only after clients have been evaluated by professionals.

HEARING AIDS AND MEDICARE

Hearing aids are not provided to old people by Medicare. This issue was the subject of a special hearing held by the Senate Special Committee on Aging, chaired by Senator Frank Church, Sept. 10–11, 1973. RPAG testified at those hearings, and urged the Committee not to authorize dealers as providers in the Medicare system until certain safeguards are met: 1) that dealers entering the program are fully qualified to serve the public; 2) that professional and medical advice is sought prior to purchase of an aid; and 3) that anticompetitive practices of certain large manufacturers cease.

INDUSTRY REACTION TO RPAG REPORT

On June 13, 1973, long before the RPAG report was released, it received a copy of a pre-canned statement which the industry trade association sent to every local hearing aid dealer to be submitted to local newspapers the day RPAG's report would be released. Their comments included:

"The allegations in the Nader report on

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the hearing aid industry are not only factually wrong but materially harmful to millions of Americans who badly need help with hearing problems. . . . The effects of the viciously based Nader report is to drive these handicapped people back into their encroaching caves of silence and mute despair."

At the time of this release, no industry person had read the report. The industry release presents an obvious attempt to draw attention away from the contents of the report which includes essential information for changes needed in the industry. In addition, the 300 page report offers a Consumer Guide Section which encourages people to seek help for a hearing loss and advises them of the appropriate services to seek.

ANSWER TO LOCAL TRANSIT PROBLEM?

HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. HANRAHAN. Mr. Speaker, almost every American city, whether large or small, has some type of transportation problem. In an article in the Suburbanite Economist in May of this year, the suggestion of Mr. George W. Eck, of Hometown, Ill., concerning a unique transportation plan is discussed. I thought my colleagues might find this plan, called ADAPT, interesting; and I insert the article in the RECORD for its benefit:

[From the Suburbanite Economist, May 16, 1973]

"DIAL A BUS"—IS IT ANSWER TO LOCAL TRANSIT PROBLEM?

We have printed a number of letters from George W Eck, of Hometown, on the area's transportation problem. He has recently proposed to this newspaper and a number of interested public officials consideration of a plan called "ADAPT," which stands for Adapt-Demand Activated Public Transit. It is a unique plan which sounds very much like a system recently approved by the voters of Ann Arbor, Mich., though it is not yet in operation there. We point this out at the beginning as evidence that the system is considered practical by the voters of at least one city in the U.S.

A major failing of public urban mass transit is its inability to provide adequate and attractive collection and distribution services in low density areas. In some places the demand is too small to support any transit service. What is needed is a system that can respond dynamically to the needs of the area, that is, a system whose routes and schedules are both flexible and ubiquitous.

In other words, a system that will be available when you, the rider, want to use it, but will not be running a lot of empty buses that will create much expense—but no revenue. A hybrid, if you like, between an ordinary bus and a taxi. Some refer to ADAPT as "Dial a bus."

ADAPT would pick up passengers at or in close proximity (next corner of their homes) shortly after they have telephoned for service. The dispatcher would make a determination relative to the location of the transit vehicles and would direct (via radio) the right vehicle to an optimal routing. Thus, the system could link many origins to many destinations. It is a taxi system on a huge scale, with the cost reduced by sharing rides. Depending on demand, door-to-door (or next corner) transmit can serve its passengers almost as fast as a private taxi but at one-quarter to one-half the price, perhaps slightly more than the fare for conventional bus service.

With this operational flexibility, an ADAPT system could give different levels of service for different levels of service for different fares. At one extreme it might offer unscheduled single passenger door-to-door service, like a taxi, or multi-passenger service, like a jitney. At the other extreme it might operate like a bus service, picking up passengers along specified routes which could include several home pick-ups. The system might also be programmed to rendezvous with an express or line-haul carrier, and in serving as either a collector or distributor, thus improving the complete transportation service.

Door-to-door service, it seems clear, would attract more off-peak business than conventional transit does now. This would overcome the big financial problem of today's transit system resulting from heavy use for only three or four hours a day. It could also help reduce dependence upon the automobile and parking facilities.

Technically, there is little question that the system will work. Established taxi, limousine, school bus, radio communications and telephone lines are fully adequate to meet the needs. What must be done is to put these isolated elements together.

The cost is subject to many variables. A demonstration project could be conducted on a small scale to determine public acceptance and the economics involved. Federal funds may be applicable for the trial. Eventually, it could be supported by the fare box plus a subsidy raised through a small tax levy. This is the system Ann Arbor has adopted.

No question, this is a revolutionary new idea which many will scoff at. And they may prove right. But public transportation is in such a sad state that nothing should be overlooked that has the slightest hope of success. We think ADAPT falls in that category. It should be given serious study.

INACTION MEANS THE PRICE OF BREAD WILL GO UP

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. PICKLE. Mr. Speaker, our "bumper" crop of wheat for next year is in increasing danger. No one ought to need to be told any more what that means in higher prices for our staple foods.

A recent article in the Wall Street Journal lists several reasons we may fall way short of our expected wheat harvest this year: Growers are not expanding acreage as much as expected because they are uncertain about the future. In areas where growers do want to expand, there is a shortage of land. Conservation requirements hold down expansion in the arid western section of the Wheat Belt. Farmers are devoting wheat lands to grazing to cut down their feed costs. Bad weather has struck hard. And, there is no fertilizer.

The administration has removed price controls on fertilizer in one effort to keep our short supplies in this country. But another factor weighs equally importantly here—and it is receiving little or no attention.

An estimated 700,000 tons of fertilizer that we do have will not make it to the fields because there is no means of transportation to get it there.

This country is already engaged in another massive wheat sale. As a matter of fact, instead of shipping abroad 1.1 billion bushels of wheat, this year we intend to ship 1.3 billion bushels.

Last year railway freight car tie-ups nearly paralyzed the national transportation system and caused artificial shortages and higher prices across the board.

This year we not only face the same debilitating tieups, we are insuring rising prices the year after by denying ourselves the sheer ability to produce needed staple foods.

It is a bitter irony that the United States cannot produce needed wheat because our rail lines are glutted with harvested wheat.

It is a bitter irony that we can look at this plain and simple fact—and not be moved to action. All the verbiage and outcry against the evils of inflation will not get one freight car moving.

Some legislation I have introduced, however, will get those freight cars moving. I hope that this legislation, H.R. 10694, and this crucial problem can receive prompt attention.

The legislation does three things: First, it increases the actual supplies of freight cars through a guaranteed loan program and increases the utilization of those cars we have through a national computer tracking system. Second, it orders that whenever large shipments of grain are to be made, a transportation plan that will not tie up needed domestic transportation must be formulated and submitted to the Department of Transportation. Third, it allows the Interstate Commerce Commission to begin emergency routing of cars before an emergency strikes, not after roads are blocked literally across the land.

I urge immediate attention to this legislation, and I would like to reprint the Wall Street Journal article on expected wheat shortages in the RECORD at this time.

[From the Wall Street Journal, Oct. 26, 1973]

WHEAT-ACREAGE RISE IS BELOW EXPECTATIONS; BREAD, FLOUR PRICES UNLIKELY TO DROP MUCH

(By Gene Meyer)

Wheat farmers aren't going all out in planting grain the way Washington planners had hoped.

So wheat prices, which soared this year to a high of $5.27 a bushel, aren't likely to drop appreciably in the next year. Thus, bread and flour prices probably won't drop, either. The situation could also keep the export market tight; if foreign crops fall short of expectations, overseas demand could surge again and possibly force the government to restrict U.S. exports.

Wheat farmers are the first to make planting decisions under the government's new policy of encouraging as much production as possible. Winter wheat is planted in the fall and harvested in the late spring; it accounts for about 75% of the nation's total wheat crop, with spring wheat and durum making up the rest. Some experts had predicted that once farmers were freed of production controls, they would plant every acre they could, particularly with the additional encouragement of high prices. But if the Wheat Belt is any indication, a good many farmers either can't or won't expand acreage as much as was forecast.

7 PERCENT EXPECTED

Nationally, a 7% increase in wheat acreage is "a pretty reasonable estimate," says Carl Schwensen, an official of the National Association of Wheat Growers. That would put about 62.9 million acres into wheat, compared to the Agriculture Department's "working estimate" of 66 million acres, a 12.2% increase from last year's 58.8 million acres.

Mr. Schwensen says that anticipated increases in total wheat acreage for the 1974 harvest range from about 5% in the Pacific Northwest to 11% in South Dakota (which plants spring wheat), with Kansas, the largest wheat-growing state, projected at a 5% increase. So far, he adds, all the acreage increases in winter wheat are falling far short of the government's estimate.

"The 7% increase isn't as large as we'd hoped for or anticipated," he says, "but some of our growers feel hesitant because they don't know enough about what lies ahead and because they fear a price turnaround." The Kansas City wheat price is $4.83½ a bushel, down 43½ cents from its peak five weeks ago.

LaVerne Becker, who grows 1,600 acres of wheat near Russell, Kan., says he plans to cut his wheat acreage by about 8% and instead plant other grains to feed his livestock. "Farmers around here aren't as enthusiastic as they were earlier this year," he declares.

Ironically, in places where farmers have an urge to plant more wheat, such as in Sumner County, Kan., they haven't much room to expand. "There's not too darn much more land available around here," says Wallace Wolf, who grows 500 acres southeast of Wellington. "The boys are planting all their old lay-aside acres and some of them are even breaking up a little pasture land," he says, but he and other farmers say they have about reached the limit on additional acreage without upsetting conservation practices and risking a return to the Dust Bowl conditions of the mid-1930s.

Conservation also holds down expansion in the western, arid section of the Wheat Belt. Don Crumbaker of Brewster, Kan., for instance, can plant only about half of his 11,000 acres each year; the other half must lie fallow for a year if it is to collect enough moisture to produce another crop.

COULD BE FARMED

"We could farm it all in one shot, Mr. Crumbaker says, "but we'd be out of business completely for the next year." More diversified farmers, such as Mr. Becker, are deciding to devote part of their potential wheat land to other crops or to pasture for their livestock to keep down their feeding costs.

Another factor limiting acreage expansion is fertilizer shortages. Ed Lawless, a Kansas farmer, describes two-block-long lines that form quickly around county terminals when a fertilizer shipment arrives. Some farmers show up just on rumors that fertilizer may come in, and most take whatever they can get, regardless of whether it exactly fits their needs.

"When a shipment does come in, there's a real race to see who gets there first," Mr. Lawless says, "and you take what you can get, not what you want."

The availability of fertilizer is an important consideration to farmers trying to decide whether to expand their wheat plantings. For one thing, the possible expansion would very likely be onto previously diverted acres that are normally less fertile and thus require extra nutrients. For another, the prices for the seed that farmers would be planting have doubled and tripled as wheat prices have soared.

"You sure don't want to put high-priced seed in that ground without some fertilizer," Mr. Becker says. Many farmers simply stop when they run out of fertilizer.

"ABOUT HALF DONE"

Finally, bad weather—that old agricultural nemesis that helped bring about this year's short food supplies and high prices—also could cut into wheat plantings. Up to 16 inches of rain hit the lushest wheat-producing areas of southeastern Kansas and northeastern Oklahoma during prime planting time early this month. Farmers just now are beginning to get into their fields to assess the damage and to see what they can plant—or need to replant—before winter comes.

"I'm only about half done," Mr. Becker says, "and compared to normal, that's terrible. Usually by this time we've been done for two weeks, but most people around here are only about 20% planted."

Nationally, winter-wheat plantings were about two-thirds complete when the rains started. The remaining third is primarily in the eastern parts of Oklahoma, Kansas and Nebraska, which are also the prime growing areas of these states. Replanting the washed-out or drowned wheat—which may involve as much as 750,000 acres, according to some estimates—puts the farmers even further behind.

"We're going to have to replant about half of what we had done before the rain," Mr. Becker estimates. It could be mid-November before planting is finally finished in the areas that were most heavily drenched. Some fields must dry for several more days before farmers can return to them, and then the soil will have to be prepared once more for the seed.

This delay, farmers say, could cut into final plantings if it lasts too long. And even if planting intentions somehow are met, the delay could reduce yields. This year's record 1.77-billion-bushel crop was aided by favorable growing conditions at important times. But the planting delay has diminished chances of reaching the government's "working estimate" of 1.89 billion bushels in 1974.

"The bumper crop is already gone," Mr. Becker says, "and the later we go, the more we have to worry about winter damage to the seed. People have planted as late as Christmas around here and still have gotten a crop, but it isn't the best way to go."

SPORT SAFETY: THE NEED FOR CERTIFIED ATHLETIC TRAINERS

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. DELLUMS. Mr. Speaker, once again the football season begins the annual cycle of scholastic sports competition. Unfortunately, though, each year hundreds of thousands of young Americans are injured participating in sports activities at all educational levels.

For example, a study published in the Journal of the American Medical Association indicates that every year one of every two high school football players is injured; since there are about 1.2 million high school football players, it means that there are 600,000 football injuries in high schools alone. And the rate of injuries for other sports—contact and noncontact—is just as alarming. Over the past few years, as a result of rising concern about such injuries, some major steps have been taken by educational and health groups to bring about reductions in the probability of injuries occurring.

Still, most sports injuries are not properly treated. According to an article in the fall 1973 Family Safety magazine—which I am inserting in the RECORD at the end of this statement—there is a critical nationwide shortage of qualified high school athletic trainers. All sports-medicine authorities agree, moreover, that the shortage of qualified high school athletic trainers relates directly to the surplus of high school athletic injuries—many of which are serious, some of which are permanent, a few of which are fatal. At the college level, the problem is equally distressing.

In response to this need, in May, I introduced H.R. 7795, "The Athletic Care Act," which amends the Elementary and Secondary Education Act and the Higher Education Act to require over an 8-year period that all schools which engage in or sponsor interscholastic athletic competition must employ certified athletic trainers. The bill also contains provisions for Federal assistance for training programs for athletic trainers.

The measure has been endorsed by athletic trainers, professional and amateur athletes, coaches and health officials throughout the country. I believe this to be an important issue and an important bill, and I would now like to insert into the RECORD a series of articles concerning athletic safety and the need for qualified trainers.

[From Family Safety, Fall, 1973]

WANTED: HIGH SCHOOL FOOTBALL TRAINERS

"Each year hundreds of thousands of young Americans are injured participating in scholastic sports competition."

Those words were spoken on the floor of the U.S. House of Representatives—and placed in the Congressional Record—by Rep. Ronald V. Dellums of California.

Pointing out that professional athletes are now covered by the Occupational Safety and Health Act (OSHA), Congressman Dellums said:

"I want to speak today on behalf of another group whose lives and health are also regularly put at hazard—but who have no protection against unsafe conditions to which they are exposed.

"I am talking about athletes in America's high schools and colleges. They are the cream of our youth, and they are injured with a frequency we should not tolerate.

"For example, can you believe that every year one out of every two high school football players is injured? Since there are about 1.2 million high school football players, it means that there are 600,000 football injuries in high schools alone each year."

LAW WOULD REQUIRE TRAINERS

That speech was made during the last football season. In May of this year, Congressman Dellums introduced a bill (H.R. 7795) which, if enacted, would become the Athletic Care Act.

It's purpose is "to require educational institutions engaged in interscholastic athletic competition to employ certified athletic trainers" within eight years of the bill's passage into law.

The Athletic Care Act, like all laws, would penalize for violations. "No local educational agency or other educational agency which violates . . . shall be eligible for a grant under this Act or under title I of the Elementary and Secondary Education Act of 1965 for the fiscal year following the fiscal year during which the violation occurred."

If, as a parent, you are beginning to realize that there is a critical nationwide shortage of qualified high school athletic trainers, you are absolutely correct.

All sports-medicine authorities agree, moreover, that the shortage of qualified high school athletic trainers relates directly to the surplus of high school athletic injuries—many of which are serious, some of which are permanent, a few of which are fatal.

XUM

A similar (though more serious) problem would occur in military combat if, despite the presence of doctors in field hospitals, our soldiers and marines were deprived of medics and corpsmen. The qualified athletic trainer makes many contributions to health and safety, but none is more vital than first aid.

For that reason, the Dellums bill is strongly endorsed by the Prestigious National Athletic Trainers Association, an organization that has done much to raise standards in the profession.

NATA President Bobby Gunn, head trainer of the Houston Oilers, recently mailed copies of the Dellums bill to his more than 2,000 members. In his covering letter, Gunn urged them to support the bill by talking to their Congressmen, team physicians, medical societies, parents and the press.

ANOTHER POINT OF VIEW

Obviously the heat is on—and it isn't the kind an athlete gets with diathermy treatment.

Although everyone involved in sports medicine agrees with the basic objectives of the Dellums bill, not everyone agrees with its methods and, more importantly, its future consequences.

One sincere and thoughtful adversary is Clifford B. Fagan, executive secretary of the National Federation of State High School Associations. In a recent memo to his 50 state executive officers, Fagan wrote:

"It is our point of view that the qualified athletic trainer can make a valuable contribution to the health care of athletes at the interscholastic level as well as at other competitive levels. We are hopeful that at an appropriate time, schools will be financially able to include as members of their faculties qualified trainers who will be able to provide service to both boys and girls."

But here is where Fagan parts company with the Dellums bill: "Under present conditions, the imposition of the requirement on secondary schools would be a financial burden which many could not tolerate and, as a result, some schools would be compelled to discontinue interscholastic athletics."

Today, just about everybody knows that interscholastic athletics are an important part of education. Yet, at the same time, nobody is rooting for unnecessary risks and preventable injuries. The argument therefore appears to be one of means, not ends.

But still standing in the middle of that argument are more than 1,000,000 high school football players. And even if the Athletic Care Act were passed today, it wouldn't become enforceable until 1981. So in the meantime one must ask: Is there a middle ground? If you're a parent, the question almost answers itself: There *has* to be.

Of course, if your school district is rich in both wisdom and funds, your high school may well have a qualified trainer—perhaps one who is even certified by NATA.

If your district has a trifle more wisdom than money, your school may still have a qualified trainer who doubles as a teacher on the faculty.

NOT ENOUGH TO GO AROUND

But rich or poor, wise or otherwise, one basic problem remains—there just aren't enough qualified trainers to staff every high school in the country.

Fortunately that problem is now in the process of being solved by a large number of dedicated individuals and organizations including the American Medical Association, the American Academy of Orthopedic Surgeons, the American Academy of Pediatrics, NATA, NFSHSA—in addition to colleges, clinics and countless state and local organizations such as governments, school districts and medical societies.

All of those organizations have not been content to pass resolutions; all are actively involved in overcoming the shortage of qualified trainers.

NATA, supported by the AMA Committee on the Medical Aspects of Sports, is encouraging high school students to become career trainers.

College scholarships for student trainers are increasing. And a college degree covering the proper courses—plus a NATA Certificate—guarantees a rewarding future as either a full-time trainer or trainer-teacher.

SOME EMERGENCY MEASURES

Some ingenious emergency remedies are also being applied. In 1971 Texas passed a law requiring all trainers to be licensed by the state, the first law of its kind in the U.S. (Oklahoma will consider similar legislation next year).

Laws like that of Texas solve the problem of quality but not, unfortunately, the problem of quantity. To solve the latter, Houston came up with a solution that could be adopted by other school districts—possibly your own.

Vernon Eschenfelder, Jr., head trainer of the Houston Independent School District, described that unique solution in The Trainer.

"There are 59 schools in the Houston Independent School District—23 senior high schools and 36 junior high schools. The number of athletes suited up ranges from 50 in smaller schools to 125 in the larger ones.

"At the present time there are three full-time athletic trainers—one head trainer and two assistant trainers. The trainers have their training rooms at the three stadiums in the district and see the athletes after school for treatment. They see a student during school hours only in an emergency.

"The schools have a whirlpool and sufficient training supplies which they draw from the three stadium trainers. Each school has an assistant coach in charge of injuries. This coach has two or more student trainers who are trained by professional trainers.

"Each team has a team physician, and the professional trainers . . . consult the team physician for advice.

"Each year, during the month of August, a training school is conducted by the trainers. At this time students are trained and coaches brush up on training arts, i.e. emergency treatment of fractures, heat exhaustion, airway maintenance and transportation.

"It is recommended that each school have three student trainers, the head trainer a senior, and a junior and sophomore trainer. The student head trainer gets a letter and jacket as the athletes do. Many go on to college on athletic training scholarships.

"The athletic training program is a very successful operation. It saves the school district money and . . . with more intensive care the athlete has a better chance for complete recovery.

"The professional requirements for the trainer are the same as for teachers in the district; plus his professional experience in the field of athletic training. The pay scale is the same as for teachers, except trainers are on ten and one-half months contract. The trainer also receives extra pay equivalent to the pay of assistant coaches."

The Houston program is supported primarily by ticket sales.

Much assistance is now being given to high school student-trainers for, by default, the burden frequently lands on them when qualified trainers aren't available.

To aid those willing but sometimes unprepared youngsters, an inexpensive book has been published by the AMA in cooperation with NATA and the Athletic Institute: *Fundamentals of Athletic Training*. Copies of the paperback book are available for $2 each from the American Medical Association, 535 N. Dearborn Street, Chicago, Illinois 60610.

A multitude of other valuable teaching aids are offered by manufacturers of athletic equipment and training supplies—such as Cramer Products, Inc., Gardner, Kansas 66030, and The Kendall Company, Sports Division, 20 Walnut Street, Wellesley Hills, Massachusetts 02181.

In addition, Cramer sponsors summer Student Trainer Workshops at colleges and universities all over the country. Professional trainers supervise the 3½-day sessions, and a $55 fee covers tuition, meals and lodging.

WHAT PARENTS CAN DO

Dr. Timothy T. Craig, secretary of AMA's Committee on the Medical Aspects of Sports, told *Family Safety:*

"Parents should insist that five measures are taken prior to fielding a team: proper conditioning, careful coaching, good officiating, good equipment and facilities and adequate medical care (which means at a minimum a student athletic trainer, and a physician to contact in an emergency).

"With many communities it may be possible for parents, the board of education of several high schools and the local medical society to establish a coordinated sports medicine unit where injuries and rehabilitation are taken care of."

With parents' active concern, much can be done to reduce those annual 600,000 high school football injuries. And experiences like the following can be kept where they belong—in the past.

During a high school scrimmage some years ago, one of the young players started to limp. The coach told him: "Take a few laps around the track and run it off."

After running a few yards he fainted. X-rays later confirmed he had a broken ankle!

HISTORY WILL VIEW THE PRESIDENT AS A BADLY ABUSED MAN

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. FISHER. Mr. Speaker, an article written by William G. Ferris, carried in a local newspaper, contains some timely and interesting information on the subject of impeachment.

The article follows:

HISTORY WILL VIEW THE PRESIDENT AS A BADLY ABUSED MAN

Members of the House and Senate who would be involved in impeachment and trial proceedings of President Nixon might well give thought to the position history will allot them if there is such action. Almost certainly, history will view the impeachers critically while seeing the President as a badly abused man. The basis for such appraisal lies in the record of Andrew Johnson's impeachment.

Let me refer to "The Oxford History of The American People" By Samuel E. Morison. Professor Morison is a pro-Democratic historian, and he probably is running with the lynching party across Harvard Yard today, but that does not impair his summary of the Johnson impeachment. If we substitute a few words—Nixon for Johnson, Liberal Democrats for Radical Republicans and Cox for Stanton—the parallel with the current developments is startling.

Of President Johnson's personality, Professor Morison wrote: "Of origin as humble as Lincoln's . . . he had honesty and courage, but wanted tact and the art of winning men's minds and hearts . . . Johnson's pugnacious personality antagonized people, and by undignified acts and foolish speeches he lost the support of the Northern press, pulpit and business." (For business we might today substitute the academic community, which was not influential in 1867).

Professor Morison went on to note:

"The Radical leaders of the Republican Party . . . aimed at capturing the Federal government under guise of putting the presidency under wraps. By a series of usurptions they intended to make the majority in Congress the ultimate judge of its own powers, and the President a mere chairman of a Cabinet responsible to Congress . . ."

The act which ignited the impeachment proceedings was President Johnson's dismissal of Edwin Stanton, his disloyal secretary of war. Secretary Stanton was a typical Washington leaker, even though that was not the popular word at that time. Of him, Professor Morison said, "Secretary Stanton sneaked out Cabinet secrets to the Radicals and they . . . controlled the civil service." (How like today, even to the Democratic Party control of the Federal bureaucracy?)

Stanton's dismissal violated the Tenure of Office Act of March, 1867, which required that the President obtained the consent of the Senate before he could dismiss anyone in the executive branch initially appointed with the advise and consent of the Senate. Professor Morison noted, "Ten of the eleven articles of impeachment rang charges on the removal of Stanton, the other consisted of garbled newspaper records of the President's speeches." He concluded, as have historians generally, that ". . . the impeachment of Johnson was one of the most disgraceful episodes in our history."

It should be noted that President Johnson had little on the positive side to recommend his term in office to future historians, a situation which is not true of President Nixon. President Nixon has turned the course of events from a cold war confrontation with communism, set up the liberal Democrats during the term of President Truman, toward a mutual compatibility. This also would leave him an honored place in history, without regard to such matters as ending the draft, maintaining a highly prosperous economy, quieting the tensions upon college campuses, etc.

History will not note the hysterical words of the Nixonphobes in the press or on television, but it surely will recall the votes of congressmen if there is an impeachment. In Lincoln's phrase, they cannot escape history. Does Jerome Waldie wish to go down in history as the Twentieth Century Thad Stevens? Does Carl Albert, who as of now would succeed to the presidency, want to be the modern Ben Wade, who would have succeeded President Johnson? History holds these men in low repute, along with others of equally mean spirit.

There is a denouement to President Johnson's story: the U.S. Supreme Court, in Myers vs. the U.S., held the provisions of the Tenure of Office Act requiring Senate approval of dismissal of a member of the executive branch of government unconstitutional. In other words, the President can indeed fire a subordinate without asking the Senate for permission. Even if he's a Harvard professor.

WILLIAM G. FERRIS.

MASSAPEQUA, L.I., N.Y.

ENERGY CRISIS

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. MURPHY of New York. Mr. Speaker, the energy crisis is one of the most pressing short and long range issues facing our country today. Every citizen and public servant is gravely concerned. A shortage of power is not a regional but a national problem which must be studied and addressed as such. Accordingly, I should like to enter into the RECORD the remarks of my distinguished colleague, the Honorable Torbert H. MACDONALD, one of the Nation's most knowledgeable experts on this critical issue. In his capacity as chairman of the House Subcommittee on Communications and Power, he presented this information to the Southern Governors' Conference, Point Clear, Ala., on September 25, 1973. What Mr. MACDONALD said, however, is so important that it must be considered by a much greater audience:

REMARKS OF THE HONORABLE TORBERT H. MACDONALD, CHAIRMAN, HOUSE SUBCOMMITTEE ON COMMUNICATIONS AND POWER, SOUTHERN GOVERNORS' CONFERENCE, POINT CLEAR, ALA., SEPTEMBER 25, 1973

The topic you have chosen for this meeting, the energy and power crisis, is one that's terribly close to all of our thinking these days. I am sure that the pressure from your constituents is as great as it is from mine. This is no long-range problem to be discussed philosophically by a group of experts in a think-tank. It is here with us now, at the gas pumps and the heating oil delivery trucks all around the country. Perhaps we in New England are more apprehensive of the coming winter than you are in this delightful climate—but if things are permitted to drift as they have been drifting, if the energy czar in the White House and his colleagues don't display more energy than they have so far in taking some meaningful steps, then we are all in trouble, long-rang and short-range.

We may be able to avert some of this trouble if we attack the problem in unison. In the course of these remarks, I am going to ask for the help of the Southern governors in supporting my bill for mandatory allocations of fuel. It is my firm conviction that this is not a regional problem, but a national problem; and I hope I can convince you that the South has as great a stake in this situation as New England, the East Coast, the Midwest, the Rocky Mountain states, the northern West Coast, and everywhere else in the country.

For background, 30 seconds on what you undoubtedly already know:

At present, the nation faces the first peacetime fuel shortages in its history. Vital transportation and agricultural functions are being affected. Gasoline stations have closed, and hundreds which have not yet been forced to give up are standing with their backs against the wall. Independent refiners have run short of crude oil supplies. Units of local government—counties, cities, schools—are unable to get bids on fuels necessary for essential public service. Utilities warn about blackouts—and these are real blackouts, not the football blackouts that have been occupying the front pages in the last few weeks—unless their fuel supplies are replenished and guaranteed. Cries of real anguish come from virtually every sector of our economy.

What are the prospects for the situation taking care of itself, by a policy of muddling through? Almost nil. Or by a policy of governmental laissez-faire or voluntary controls? *Absolutely* nil. There is little chance that domestic refineries can catch up with spiraling demand.

According to the Interior Department, if we have a normal winter—whatever that is—the U.S. will need 650,000 barrels *per day* of No. 2 fuel oil for heating our homes. Last year, we averaged only 400,000 barrels per day. And the Department reports that a maximum of 550,000 barrels per day may be all that is available from all world sources. That's a one-hundred-thousand barrels-a-day shortfall.

On the average, we are using four million barrels of gasoline more than we produce each week. Whether some or all of this deficit can be made up through imports is highly uncertain, especially in light of recent developments in the Middle East. And those developments are coming thick and fast—an arbitrary rise in the price of oil from the organization of oil-producing countries within the last two weeks, the takeover of foreign oil investments in Libya, mixing oil and politics in Saudi Arabia, and more to come. Not a pretty picture when superimposed on the projections about how much imported oil we will need from that area of the world for the rest of this century.

I will spare you another analysis of how we got into this pickle. A number of us in the Congress, and I am among that number, have been attacking oil import quotas for a long time. They were finally dispensed with this year. The horse, however, had not only left the barn, but was last seen galloping down the road. Many of us have been looking suspiciously at the policies of the major oil companies. But all that is water over the dam. The question is what are we going to do about it now.

Obviously, I cannot speak for all 435 members of the Congress. There are many divisions of jurisdiction in both the Senate and the House on matters dealing with energy. On the Senate side, various aspects of energy come under the Commerce Committee, the Interior Committee, the Public Works Committee, and the Joint Atomic Energy Committee. On the House side, the same complex picture applies, with a few embellishments. There is legislation being considered on land use, on deep water ports, on the Alaskan pipeline, on research in coal gasification and a number of other fuels. There are investigations going on in a number of government agencies, and there are undoubtedly hundreds of reports and analyses being written.

It may look like a bad jigsaw puzzle to the distant observer. But when all the parts get put together, as they will, no one side gets everything it wants, but the compromises that are arrived at are usually pretty good laws.

But let me narrow the focus down to what is going on in my own Subcommittee on Power and in our full Committee, Interstate and Foreign Commerce, and therefore within the House of Representatives.

From the time the 93d Congress convened in January, we watched the Administration take halfway measures in the field of fuel allocation. The months went by, and the rumblings of discontent from independent fuel dealers and distributors became louder. A very competent man, William Simon, whose background, strangely enough, was in the investment business, was given, in addition to his job as Deputy Secretary of the Treasury, the assignment of heading the Oil and Gas Policy Committee. A number of optimistic statements came out from that Committee, along with promises of a firm Administration policy. Very little happened, except for the announcement of a "voluntary" allocation program, under which the major oil companies—on the honor system, evidently—would behave magnificently in the public interest and protect the rights of their competitors, the independent marketers.

This looked like a dubious proposition to me. In my ten terms in the Congress, I'm afraid I gained something of a reputation among the major oil companies of looking at a lot of their claims of acting in the public interest as dubious propositions. And sure enough, evidence piled up that the voluntary program was not working, as we had suspected from the outset.

So in May, I introduced a bill calling for mandatory allocations of refined petroleum products and crude oil to the independents at the same percentages that they were able to buy those products the year

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before. At the same time, Senator Jackson introduced identical legislation on the Senate side.

A little over a month later, the House Commerce Committee was able to clear its commitments and hold hearings on my bill. During those hearings, we took testimony from representatives of the Adminisration, from members of Congress who told of the hardships being put upon their constituents, from organizations representing independent dealers and distributors, from the Federal Trade Commission (which had serious charges of collusion to bring against the major oil companies), and from the head of the President's Oil and Gas Policy Committee, Mr. Simon.

At that time—it was the 10th of July—Mr. Simon promised the Committee, under questioning from me, that the Administration would come forward with a new allocation policy within one week.

Needless to say, one week passed without any policy. And then it was two weeks, and then three—and the date for adjournment of Congress for the summer recess was getting closer and closer. I do not blame Mr. Simon for the inaction at the White House; he had been supplanted as head of the Administration's efforts in this area by Governor John Love of Colorado—an estimable man, I am sure, but not one of whom it can honestly be said that he has displayed a great deal of energy since he has been put in charge of energy.

In the closing week, having rested as long as we possibly could on the good faith of the Aministration—if not longer—the Congress tried to rush through the bill that Senator Jackson and I had introduced. I won't attempt to describe the parliamentary maneuvers involved; suffice it to say that Congress adjourned for the recess in some frustration with no mandatory allocations legislation.

Since the Congress reconvened after Labor Day, the House Commerce Committee has been proceeding with all due haste to report out this legislation. Unfortunately, the Committee was unable to report out the bill last week, after three separate executive sessions; but I think I can promise you that it will be reported out tomorrow. Then it will proceed with all possible dispatch to the floor of the House. We are assured that the Senate will act swiftly, and we hope and trust that the President will sign it into law.

Forgive me for spending so much time on one case history of one bill, but it may provide you with a microcosm view of the problems faced by Congress in dealing with the complex problems of the energy crisis. My bill dealt with a relatively simple problem, saving the only vestige of competition in the gasoline and fuel oil business, before it disappeared completely.

Basically, the bill:

(1) directs the President to institute a program of mandatory allocations of crude oil and petroleum products within ten days after its enactment, and to have that program in operation 15 days after that.

(2) The authority granted to the President is temporary; it expires in early 1975.

(3) Among the petroleum products specifically included are gasoline, kerosene, distillates (including No. 2 fuel oil used for home heating), diesel fuel, propane, residual fuel oil, and petrochemicals.

(4) It prohibits export of these fuels while they are in short supply and needed to fill priority needs in the United States. Fuel exchanges with Canada and others would continue as long as they did not contribute to shortages in the U.S.

And the bill specifically spells out the intent of Congress to protect independent, non-branded, branded, and franchise-holding marketers. These are the small businessmen who are being forced out of business. We do not intend to let this happen.

We have other energy business pending before our Committee. For the past several years, we have been working on a bill to simplify the procedures involved in power plant siting. This is a tremendously complicated problem; balanced against the obvious need for more power plants is the resistance of any given group of citizens to having such plants located in their back yards, plus the legitimate demands of the environmentalists. We face the same problem with desperately-needed oil refineries—and again, harking back to shortsighted policies of the past, a perfectly good refinery in my state was closed down by Exxon several years ago on the grounds that its output was not needed. No refineries are currently on the drawing boards in the continental United States—a situation, quite frankly, that I find appalling.

My subcommittee has continuing oversight responsibilities for the Federal Power Commission, which in addition to regulating electrical power generation is charged with setting prices on natural gas in the interstate market. In recent months, the FPC has made a number of ad hoc decisions letting the price of natural gas rise as much as 75%. This has the effect of circumventing the law, and we plan to call the Commissioners before our Committee in the near future for a full explanation of their actions. If gas prices are permitted to rise in this manner—and I for one am by no means convinced that such rises will guarantee an increased supply of this vital fuel—such action constitutes a deregulation of natural gas prices at the wellhead, a move that can only legally be undertaken by the Congress of the United States, certainly not by an administrative arm of that Congress—namely, the Federal Power Commission.

There can be no doubt that we face some agonizing decisions in the next few years as we attempt to insure supplies of energy and determine to guard the rights of the consumer. There are very real issues of foreign policy, very real differences of opinion on how to proceed in almost every area of the energy field. We must have energy, yet we must not destroy the quality of our environment. We must stop wasting gasoline, yet we cannot overnight restructure the automobile industry. Can we figure out a way to utilize our vast offshore oil potential without doing permanent harm to our shoreline and our beaches? Can we figure out a way to draw on the virtually unlimited supply of coal without ravaging the land and polluting the cities? Can we harness the sun's energy?

There are literally hundreds of key questions, and very few answers. None of those come easily.

It is our fervent hope that the Administration will begin to move in those areas where they can give leadership, especially in the field of research and development, which has long been overlooked and neglected. If the Administration is as solicitous of the states as they indicate, I am sure that the voices of the governors would be listened to. I urge you to raise them.

I can pledge you that my Subcommittee will be doing all that is in its power to maintain the competitive structure of the fuel business, to protect the interests of the consumer and the independent producer while searching out new sources of energy, and to get on with the urgent business of coping with the ominous energy crisis.

AFL–CIO ENDORSES NEW POLL TAXES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. RARICK. Mr. Speaker, I recently reported to my people that the proposed public financing of political campaigns was in reality but a new form of poll tax—a tax on the right to vote. Now we learn that the AFL–CIO at its convention at Bal Harbor, Fla., has called for public financing as a key to keep clean elections.

Many Americans, especially the working people who pay the Nation's taxes, may be aggrieved to learn that our national labor leaders have not only come out in support of increased taxes but also a revival of the poll tax to pay the politicking expenses of political candidates.

The newsclippings follow:

[From the Washington (D.C. AFL–CIO News, Oct. 27, 1973]

PUBLIC FINANCING CALLED KEY TO CLEAN ELECTIONS

BAL HARBOUR, FLA.—A new day in American politics, when money can't buy votes and a progressive majority is elected to Congress, was called for by the convention.

"The power of money in politics must be once and for all drastically curtailed," the convention said, adding that the keystone of the needed reform "must be public financing of political campaigns." The American labor movement will insist on legislation to reform campaign spending, just as it insisted on one-man, one-vote, the resolution said.

Another convention resolution said the opportunity appears at hand to make significant gains in the House and Senate in the 1974 elections. The resolution pledged the "total commitment" at all levels of the labor movement to achieve victories for COPE-endorsed candidates in the 1974 congressional elections.

That resolution was passed in the midst of repeated mention by convention speakers of the need for a "veto-proof" Congress in view of seven Nixon vetoes during 1973 that Congress failed to override.

The effort to elect such a Congress should include establishment of COPE committees in every affiliated local, the COPE resolution said, "to assure political participation by every member, to the extent at least of registering, voting and contributing $2 to COPE."

The convention, in a separate resolution, also called for enactment of the postcard registration bill now pending in Congress. But the convention voted nonconcurrence on two other political resolutions, one calling for special AFL–CIO conventions to make presidential endorsements and the other to commend and support the Democratic Party's delegate selection commission.

The resolution on campaign spending cited the surpluses left over from the $60.2 million raised in 1972 by the Finance Committee to Re-elect the President and said, "there is no room in our democracy for even the remotest possibility that elections can be bought by those who possess great wealth or control over it."

The Executive Council pointed out in its report to the convention that despite the almost 2-1 victory by Nixon in 1972, the labor movement was able to make good on its goal of protecting progressive congressional candidates from being swamped in the Nixon landslide.

The overall COPE winning record was almost 60 percent for all candidates endorsed for the House, Senate and governorships, the council reported, with 244 of 408 COPE candidates winning. In the House, the COPE record was 217 winners out of 362 endorsements, in the Senate 16 of 29, and in governorships, 11 of 17.

Much of that success can be traced to the spiraling increase in the number of union members who were registered to vote in 1972, the council pointed out.

"The overall percentage of union members, registered nationally set a new high of between 75 and 80 percent, reaching the 90

percent range in five states and the 80s in nine states," it was reported. That compared to only a 65 percent registration in 1970.

The council traced this increase to expanded labor efforts across the entire political spectrum, with particular successes noted by such groups as the National Council of Senior Citizens, Frontlash and the A. Philip Randolph Institute. With labor backing, those groups conducted significant voter registration programs among specialized groups.

Also, the division of responsibility by AFL–CIC Executive Committee members in 10 geographic areas contributed to labor victories in 51 of the 83 House districts and 10 of 19 Senate races that COPE had judged as marginal.

For 1974, early indications are that 15 Senate races and 80 House districts will have races close enough to be classified as marginal, the council reported.

Finally, the council pointed out that COPE's election drives improve steadily with the advancement of its data processing program, which will have some 10 million union members enrolled for the 1974 elections.

Twenty-three states had computerized voting lists in the 1972 elections, it was reported, and that will be expanded to 37 for 1974.

[From the CONGRESSIONAL RECORD, Oct. 3, 1973]

RARICK REPORTS TO HIS PEOPLE: TAXPAYER FINANCED POLITICAL CAMPAIGNS, THE NEW POLL TAX

WEDNESDAY, OCTOBER 3, 1973.

Mr. RARICK. Mr. Speaker, an extensive debate is currently taking place not only here in Washington, but throughout the country. One question most often heard in an increasing number of circles is: Should tax dollars be used to finance political candidates?

There are currently 13 bills before the House of Representatives that deal with election campaigns and the funding of candidates' expenses. They deal with every aspect of election campaigns from reporting of contributions to setting up a special level of bureaucrats to oversee the activities of elected officials.

Clearly the mood of the Nation is one of reforming our electoral system. A recent opinion poll published in the local Washington papers indicated that a substantial majority of the 1,500 people interviewed favored public financing of political campaigns. Such a scheme is already being considered by Congress. If we assume that the results of the survey are correct, it leads one to wonder if the voters fully understand what public financing of campaigns means to them and what brought about such a reaction.

Probably the overriding factor causing this campaign financing issue to gain the prominence it has is the "Watergate syndrome." I mean by this a public backlash at the disclosures made through the Senate's investigation of Presidential campaign abuses. The reported millions of dollars of loose political money that floated around during that campaign and its use to influence or control the election has caused many Americans to question the very system of our electoral process. Is an entirely new system of financing political parties, and therefore elections, needed? This is a question presently being raised in Congress.

We are told by the opinionmakers in the mass media that politics has become a "rich man's game" and that "special interests"—that vague group supposedly controlling our elected officials has moved the "little man" out of the picture. With the Watergrate revelations daily confronting the TV viewer and the reader of newspapers, it is easy to accept this oversimplification and to actually believe that this is the true solution in political elections.

It should be remembered that the abuses attributed to Watergate, and all the things that the term has come to represent, came into being before the present campaign reporting system went into effect. Under the system now in force, campaign contributions over $100 are a matter of public record and available to any citizen who wishes to take the time to check. This certainly includes members of the news media. This hardly affords an opportunity for these "special interest groups," whomever they may be, to remain hidden from public view and scrutiny. Since the enactment by Congress of the current campaign reporting laws, there have been few, if any, of the fraudulent activities or the massive campaign fund accumulations such as those revealed in the Senate hearings.

It should be remembered too, that the very fact that the alleged abuses have been brought to public light is a result of the various checks and balances built into our system of government. Unfortunately, no matter how perfect a system is created by well-meaning officials, there will be individuals who will attempt to circumvent the law. When they do, they should be punished. We also have the system of laws to do this.

Public confidence in elected officials, is reportedly at an alltime low. We have seen public officials tried and convicted of abusing the public trust given them by the voters. But, to demand that elections be financed with money from the Public Treasury—tax money—is illogical and a politically dangerous situation. It would turn the entire electoral process over to those same politicians and to the bureaucrats they control. Now they would simply be manipulating elections with taxpayers money rather than voluntary contributions.

If, as the opinion makers would have us believe, politicians cannot be trusted to raise their own funds to finance their elections, how can anyone expect to correct financial abuses of politics by putting other politicians in charge of paying for political expenses out of the U.S. Treasury and out of the taxpayers' pockets?

I find it difficult to believe that the American people actually want public funds used to pay the costs of campaigning, as this poll would suggest. This type thing has been tried in a limited way through the checkoff system on the personal income tax form. Under this campaign financing method, you will recall, the individual taxpayer can indicate that he wants the Government to deduct $1 from his tax refund check to go to either national political party or to an independent party. This has proven unsuccessful, and there is no reason to believe that it would work in a more extensive manner. This income tax checkoff system is a failure largely because our people would rather donate their money or their time directly to the candidate of their choice. They do not want money being used to pay the expenses of the Presidential choice of the national party when the candidate does not represent their views.

But under various programs so far suggested, the taxpayers' money would go to the political party for distribution to candidates who agree to support the party's position. In recent years, we have seen a shifting from the old allegiances. A more independent American voter has emerged. There is a prevailing attitude among Americans today that the right to vote is also the right not to vote, if they feel that none of the candidates running deserve their vote.

If a federally subsidized system of elections became law, the Democrats, Republicans or Independents would not be the sole beneficiaries of taxpayers' money. In all probability, limitation of fund distribution to the major parties would be declared by the courts to be discriminatory against the various smaller parties representing divergent opinions in politics. It is logical to assume that when the money is divided by the bureaucrats in charge, a portion would be allocated to the Socialist Party, the Communist Party U.S.A., or any of a number of splinter groups who usually run candidates with views alien to the American general ideas.

Your money would go to pay for all the public relations and advertising gimmicks so popular in todays' electioneering. Money for signs, newspapers, TV and radio advertisements, as well as buttons, bumper stickers and fingernail files would come directly from your taxes. While it may look like a windfall for those people in the public relations and advertising businesses and the advertising media, the Federal controls of the purse strings also brings Federal controls to the distribution and use of the funds.

When the Federal Government gets into the financing of elections, the "little man," who is supposed to benefit from these schemes, can expect to be even further removed from the electoral process. The volunteer worker, who has always been the backbone of any campaign in the past, would no longer feel the need to get involved. After all, he has supported all candidates in the election with his tax money. The so-called "little man," the person who contributes $5 or $10 or several hours of his time to help a candidate he believes in, would no longer be able to directly help his candidate financially. He would no longer actually participate in the outcome of an election. The Government would have removed the need for him to get involved.

Public financing of elections is tantamount to telling the voter that he is incompetent to participate in the election process, and that big Government must now take over that responsibility. Yet, he must pay the costs, through increased taxes even though there is no candidate running that he would support or vote for.

In 1962 the 24th amendment to the Constitution was ratified by the States and became law. It said that no person could be denied the right to vote in elections because he had failed to pay any poll tax. It was thought that by removing this longstanding practice in some States, more people could directly participate in elections. In little more than a decade, we have come to the point where Government may soon tell the voters that they must pay a new poll tax—a tax to support a collectivist political campaign fund. The American taxpayers already have too much to pay now, without further burdening them with public financing of campaigns.

The Federal laws already on the books have not been given an opportunity to work. Before placing more stringent limitations on contributions or before bringing full or partial political financing under Government control, we should carefully assess the laws we already have available to keep the election process honest.

We must not let an overreaction to the "Watergate syndrome" stampede us into undoing the basic freedoms and protections of our constitutional system.

LEGAL SERVICES

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. LANDGREBE. Mr. Speaker, as the Senate proceeds to consider the question of a Legal Services Corporation, which received House attention on June 21, Members should be aware of the significant erosion of safeguards being attempt-

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ed by the Senate Committee on Labor and Public Welfare. For the information of those Members who supported the inclusion of prohibitions on abuse, I place in the RECORD an analysis of the bill marked up by the Poverty Subcommittee of the Senate Committee on Labor and Public Welfare—the full committee markup varies in minor respects.

The analysis spells out, first, how the Senate bill is weaker than that for which the White House announced support in May; second, how the Senate bill is weaker than that which passed the House; and third, other safeguards which have been proposed to strengthen the proposal as one to serve the legal needs of the poor, rather than the political needs of poverty lawyers. I commend this analysis to the attention of my colleagues:

MEMORANDUM OF ANALYSIS: LEGAL SERVICES

A. *The marked-up bill weakens the Administration proposal in the following respects:*

1. S. 1815 proposes to extend the Economic Opportunity Act for an additional year of authorization.

2. The preamble implies continuation of the present program intact, minus any claim to accountability by elected officials.

3. As an amendment to the EOA, S. 1815 would preclude jurisdiction by the Committee on the Judiciary.

4. Appointment of the board chairman would cease to be a Presidential prerogative after three years, thus further diminishing political accountability.

5. State advisory councils are weakened by limiting membership to lawyers and requiring recommendations of the State bar association.

6. The National Advisory Council is revived, with appointments to be made, not by the President, but by the board, with pre-set categories of appointees.

7. The President of the Corporation is denied authority to directly remove employees of grantees.

8. The Corporation is denied the option of funding legal services activities through state and local governments except to supplement other recipients.

9. The requirement of admission to practice is diluted to permit the hiring of those as attorneys who are "authorized to practice law or authorized to provide . . . assistance . . ."

10. Prohibitions against participation in and encouragement of "picketing, boycott, or strike" are virtually eliminated.

11. Self-enforcing penalties for violation are removed.

12. Citizen suits to enforce compliance, with reimbursement of costs to successful litigants, are eliminated.

13. The prohibition against lobbying by Corporation personnel is replaced with a mandate to lobby.

14. Recipients are authorized to participate in "advocating or opposing" legislative proposals. Prohibitions against other forms of issue lobbying are weakened substantially.

15. The provision for token free schedules to limit frivolous and lawyer-initiated activities is removed.

16. The critical prohibition against outside practice of law is rendered meaningless, as is the ban on representation of ineligible clients;

17. The ban on grantee lobbying is, in effect, wiped out;

18. The ban on political activity, voter transportation, and voter registration is rendered meaningless.

19. Provision for review of appeals is rendered meaningless.

20. Prohibition against dilution of funds on "prisoners rights" activities is eliminated.

21. The prohibition against aid to "public interest" law firms is rendered meaningless.

22. Prohibitions against representation of juveniles without parental consent are rendered meaningless.

23. The prohibition against organization of groups is rendered meaningless.

24. The requirement of lawyer majorities on local boards is made subject to exception for present grantees.

25. The opportunity for board review of grant decisions is limited.

26. The provision for 10% client choice fundings is eliminated.

27. Review of the staff attorney system is postponed for nearly two years.

28. Audit requirements are severely weakened.

29. The prohibition against commingling is eliminated.

30. The funding authorizing level is sharply increased, to 100 million dollars in FY 1976.

31. It is provided that appropriations are to remain available until expended.

32. New provisions make it virtually impossible to discontinue a grantee.

33. New provisions bar Congressional Executive overview of the Corporation, its employees, and its recipients;

34. OEO personnel would be automatically transferred to the Corporation, locking in the career liberals who came in with Lenzner.

35. OEO's outrageous union contract would govern the Corporation.

B. *In addition to its weaknesses compared to the Administration bill, the marked-up bill is weaker than the House-bill by failing to include a number of safeguards and prohibitions.*

Missing in the proposed Senate version are:

(1) 1978 liquidation of the Corporation, pending new congressional authorization;

(2) tighter prohibitions against picketing, boycotts, and strikes;

(3) prohibitions against use of "non-Federal share" for otherwise unlawful activities;

(4) tighter restrictions on involvement in initiative and referendum drives;

(5) ban on "law reform", "political advocacy" backup centers.

(6) requirement that costs be reimbursed to prevent harassment of defendants;

(7) Preference to local attorneys in hiring for staff positions;

(8) Same standards for LSO attorneys as those in private practice, despite more liberal Canon provisions for LSO's re solicitation and propagandizing.

(9) tighter anti-lobbying provisions;

(10) tighter ban on political activity;

(11) requirement of ⅔ lawyer majorities on local boards;

(12) tighter ban on improper juvenile representation;

(13) ban on busing suits;

(14) ban on fees from LSO-initiated cases;

(15) ban on suits to encourage abortion;

(16) ban on aid to military deserters;

(17) tighter ban on commingling of funds.

C. *Additional safeguards which should be considered, but which are not covered in either the Senate, House, or Administration versions include the following, which are proposed for amendment to the House-passed version.*

(1) Sec. 2(1)—Definition of "State" should be amended to eliminate "The Trust Territory of the Pacific Islands, and any other territory or possession of the United States."

(2) Sec. 3(a) should be amended to provide for a Federal charter, rather than "a private nonmembership nonprofit corporation" under the more flexible D.C. rules of incorporation.

(3) Sec. 4(a) It should be specifically set forth that Presidential appointees to the Corporation board of directors shall be reviewed by the Senate Judiciary Committee, rather that the Committee on Labor and Public Welfare.

(4) Sec. 4(f) should be amended to give state advisory councils power to approve or reject, by two-thirds votes, funding decisions of the National Corporation concerning programs in their states.

(5) Sec. 6(a) (1) and (3) should be revised to require that all activities undertaken in a particular state by the National Corporation be subject to review and possible disapproval, by two-thirds vote of the state's advisory committee.

(6) Sec. 6(b) (1) and (2) should be revised to make penalties for deviation from the act's requirements self-enforcing, after determination of the facts, by automatic termination of attorneys and grantees who have used or attempted to use resources for prohibited activities. Provision should be made for citizen suits to facilitate enforcement when officials of the Corporation or the Executive branch are lax.

(7) Sec. 6(b)(4) should be amended to require that attorneys be "admitted" rather than simply "authorized" to practice in the jurisdiction where representation is initiated.

(8) Sec. 6(b)(5) should be strengthened to more clearly bar lawyer-generated policy advocacy, directly or through others, as well as any staff assistance to groups engaged in advocacy on matters of public policy.

(9) Sec. 6(d)(3) should be clarified to show that "political association" includes all groups which in any way have an interest in advancing particular views on matters of public policy; for example, welfare rights groups.

(10) Sec. 7(a)(2) should be amended to more carefully define eligibility standards for representation, barring non-citizens, convicted felons still incarcerated and "poor" children of affluent families. A one dollar token fee should be required to help limit lawyer manipulation of the poor in pursuit of lawyer goals.

(11) Sec. 7(a)(6) should be amended to preclude handling of political cases such as those dealing with boundaries of political districts, qualifications for voting (e.g. prison inmates), campaign contributions, or matters pertaining to candidates for public office. The section should also be amended to ensure that prohibitions on attorney campaign management and involvement cover not just candidacies for office, but also campaigns to influence opinion on questions of public policy.

(12) Sec. 7(a)(7) should be amended to provide that, as a precondition to employment, local legal services projects which receive more than half their resources from the Federal government be required to limit their hiring of attorneys to persons who have been admitted to practice locally for at least six months, provisions waivable only by two-thirds vote of the state advisory committee.

(13) Sec. 7(b)(1) should be amended to flatly prohibit representation in criminal proceedings or to persons still incarcerated for crimes of which they have been convicted.

(14) Sec. 7(b)(3) should be amended to flatly bar all funding of "public interest" law firms.

(15) Sec. 7(b)(4) should be strengthened by striking the exception to the prohibition against advocacy training.

(16) Sec. 7(b)(5) should be rendered meaningful in its bar to group organization by striking the "except" clause.

(17) Sec. 7(c) should be amended to provide that grantee boards must be either appointed or approved by the principal elected officials of the jurisdiction(s) in which the program is authorized to operate. The "except" clause should also be stricken.

(18) Sec. 7(e) should be revised to eliminate discrimination against grants to state and local governments.

(19) Sec. 7(f) should be amended to provide for veto by elected officials, rather than mere advance notice.

(20) Sec. 7(g) should be revised to establish an automatic shifting of funds away from lawyer-based staff attorney system in the direction of client choice systems. Thus, for example, the first year at least 25% of Corporation resources would subsidize client-choice legal aid, 45% the second year, 65% the third year, 85% the fourth year, 100% by the fifth year.

(21) Sec. 10(a) should be amended to strike the language: "Funds appropriated . . . shall remain available until expended."

(22) Sec. 12 should be amended to specifically provide that grantees and employees have no rights of continuation under the Corporation, except as the Board determines necessary to conclude pending litigation.

TREASURY STUDY SUPPORTS VANIK-MOSS APPROACH TO CONSERVE GASOLINE—III

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. VANIK. Mr. Speaker, to insure our future economic well-being, there can be no higher priority than the institution of realistic programs to conserve energy. Although our economy has thrived on plentiful, low-cost energy in the past, this luxury no longer exists. In the words of one analyst, "The energy joyride is over."

We must begin now to contemplate positive policies to encourage the maximum efficient use of our available resources. I have introduced with 39 of my colleagues legislation to assess a tax on inefficient automobiles (H.R. 9859). The administration is contemplating a similar step. I am including here portions of a Treasury Department study which discusses at length the tremendous potential of this approach:

AT WHAT RATE SHOULD THE TAX BE SET?

If we assume only available technology as listed earlier in this report, then it is possible for U.S. automobile manufacturers to redesign U.S. large cars (medium, regular, sport and intermediates) to effect an average increase in miles per gallon (mpg) of 75 percent. This would yield an average mpg of close to 20, which would then mean that such cars would pay little or no tax. The changes, however, are estimated to cost about $850 per car. Clearly, a tax that was too low would produce few improvements in car design, since most improvements in car design would add more to the price of the car than they would reduce the tax. The minimum tax which would bring about car redesign in the large cars would be one where the tax was higher than the cost of eliminating the tax, or (tax rate) · (EG) = cost of eliminating the tax.

For a large car, which gets 11.4 mpg for instance, and could therefore get 20 mpg if $850 worth of improvements were made in design (11.4 × 1.75 = 20)

11.4 mpg = 8.77 GPCM = 3.77 EG.

Min. tax rate = $850/3.77 = $225 per EG.

At this rate the tax would exactly equal the cost of eliminating the tax. At a rate higher than this, it would pay the manufacturers to eliminate the tax.

At this rate it would not necessarily be to the advantage of the automobile manufacturer to introduce design changes, since the tax would exactly equal the cost of the design changes. To assure changes, therefore, the tax should be set slightly higher (e.g. $10) so as to ensure adequate incentives. For this reason, a tax rate of $235 per EG is proposed.

At this rate, therefore, it can be assumed that it would pay manufacturers of almost all cars except high price cars to redesign them to avoid the tax completely (by getting as close to 20 miles per gallon as possible), and, except for high price cars, eventually few taxes would actually be collected.

HOW LONG WOULD THE REDESIGN PERIOD TAKE?

Automobile manufacturers are tied to long design lead times. It takes about 3 years for manufacturers to introduce major model changes. Any tax, therefore, which was imposed immediately could not affect automobile design. It would merely affect consumer choice and would hurt new car sales. It could be argued, therefore, that the tax should be enacted now, to be effective three years hence.

It is unlikely, however, that automobile manufacturers would be influenced solely by the economics of the tax in their design plans. There could be concern that redesigned models might not sell as well. Prudence and desire to maintain a competitive position would undoubtedly influence all manufacturers to redesign some models but to retain some traditional models to give the consumer a choice of redesigned or a conventional car.

Federal tax policies, therefore, should recognize this probability and should be designed accordingly. It is suggested, therefore, that the tax should be enacted now with its application in three stages—to 1975, 1976, and 1977 and future model years—with one-third of the eventual tax being imposed each year:

Tax per excess GPCM (EG)

	Computed	Rounded
1975	$78.33	$80
1976	156.66	160
1977	235.00	235

In this way, the manufacturers could observe the effect of the tax in changing consumer preferences and plan their designs accordingly. There would thus probably be a gradual shift over to redesign: low-friction tires and some weight reduction in early years, later would come redesign of power train and body shell, still later engine redesign and overdrive, etc. It might, therefore, take about 4 years to introduce all the improvements, after a 2-year lag period, or 6 years in all.

It would thus be possible to make some assumptions on the gradual adoption of savings due to redesign as follows:

EFFECT OF THE TAX ON LARGE CARS

	1973	1974	1975	1976	1977	1978	1979	1980
Average mpg due to redesign	10.17	10.17	10.17	12.0	14.0	16.0	18.0	18.0
GPCM	9.83	9.83	9.83	8.3	7.14	6.25	5.56	5.56
EG	4.83	4.83	4.83	3.3	2.14	1.25	.56	.56
Tax rate per EG			$80	$160	$235	$235	$235	$235
Tax per car			$386	$576	$503	$294	$132	$132

This chart assumes, therefore, that the economic pressures on automobile manufacturers would be likely to induce them eventually to redesign their cars to produce significant gasoline savings, and therefore reduce their tax as much as possible.

EFFECT OF THE TAX ON HIGH PRICE AND COMPACT CARS

As already noted, it is assumed that the demand for high priced cars is extremely inelastic, so that the tax would not be likely to lead to a redesign. The tax would undoubtedly, however, discourage any further reduction in engine efficiency. As a result, we predict no change in high-priced cars as follows:

EFFECT OF TAX ON HIGH-PRICED CARS

	1973	1974	1975	1976	1977	1978	1979	1980
MPG	8.95	8.95	8.95	8.95	8.95	8.95	9.95	8.95
GPCM	11.17	11.17	11.17	11.17	11.17	11.17	11.17	11.17
EG	5.17	5.17	5.17	5.17	5.17	5.17	5.17	5.17
Tax rate			80	160	235	235	235	235
Tax per car			$414	$827	$1,215	$1,215	$1,215	$1,215

Similarly, on small cars, the tax would have the effect of pushing the companies to adopt the national standard—there would be little incentive to exceed it.

XUM

EFFECT OF THE TAX ON SMALL CARS

	1973	1974	1975	1976	1977	1978	1979	1980
MPG	15.78	15.78	16.0	17.5	19	20	20	20
GPCM	6.34	6.34	6.25	5.71	5.26	5.0	5.0	5.0
EG	1.34	1.34	1.25	.71	.26			
Tax rate			80	160	235	235	235	235
Tax per car			$100	$114	$61	0	0	0

INCREASED CONSUMER SHIFT TO SMALLER CARS

The trend towards the purchase of smaller cars by U.S. consumers is already quite pronounced. How much would a vehicle economy tax aid this shift?

Computation of the effect of the tax must take into consideration that the public is shifting to small cars anyway. Is this trend likely to continue? No one can predict with certainty. However, it is clear that a vehicle economy tax would be of significant help in maintaining this existing trend. If we project the trend of car purchase shifts from 1967 to the present, on up through 1980, we see that by that time small cars could account for 66 percent of the public's total automobile purchases.

For this reason we have assumed that the trends would continue, through 1980, and project sales on that basis. It is, of course, possible that the tax would make the shift even more rapid. Since there is no basis for knowing whether this would be true or not, it is not assumed.

The following charts show the assumed automobile sales in 1973–1980 assuming 9,900,000 cars sold per year (a projection of the last few years) and the distribution pattern of models projecting trends since 1967.

MARKET SHARE OF CARS WITHOUT THE TAX, 1973–80

	Percentage of total sales							
	1973	1974	1975	1976	1977	1978	1979	1980
High price [1]	[1] 2.4	2.6	2.6	2.6	2.6	2.6	2.6	2.6
Large cars	57.5	54.1	50.2	46.3	42.4	38.4	34.4	31.4
Small cars	39.9	43.3	47.2	51.1	55.0	59.0	63.0	66.0
Foreign [2]	15.9	16.0	16.0	16.0	16.0	16.0	16.0	16.0
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

ESTIMATED NUMBER OF CARS SOLD 1973–80 WITHOUT THE TAX

	Percentage of total sales							
	1973	1974	1975	1976	1977	1978	1979	1980
High price	238	257	257	257	257	257	257	257
Large cars	5,712	5,356	4,970	4,583	4,198	3,802	3,706	3,109
Small cars	2,375	2,702	3,089	3,475	3,866	4,257	4,653	4,950
Foreign	1,574	1,574	1,574	1,574	1,574	1,574	1,574	1,574
Total	9.900	9,900	9,900	9.900	9.900	9.900	9.900	9,900

[1] Assumes high price cars continue to hold market share unchanged at average of 1967–73.

[2] Assumes foreign car sales level off at 16 percent due to devaluation and growth of United States made subcompact.

HOW MUCH WOULD THE TAX REDUCE TOTAL AUTOMOBILE SALES?

There exist many studies of the elasticity of demand for automobiles. One typical study is that by Lewis Philips in the November 1972 issue of the Review of the Economic and Statistics. This study indicates that the short run elasticity demand for automobiles is –.73.[1]

If we apply the tax rate, and the cost of improvement designed to avoid the tax to the 1973 base prices of large and small cars, we get the following calculations of sales reduction in 1975–1980.

FOOTNOTE

[1] Other studies show similar figures: Suits –.6, –.7; Dyckman –.7, –.8; Anti-trust Subcommittee study number I –.7, II –1.2, III –.7; Hyman –.78.

EFFECT OF THE TAX ON LARGE CAR SALES

	1973	1974	1975	1976	1977	1978	1979	1980
Base price [1]	$3,421	$3,421	$3,421	$3,421	$3,421	$3,421	$3,421	$3,421
Extras (to avoid tax) [2]				213	426	639	850	850
Tax [3]			386	576	503	294	132	132
Total price [3]	3,421	3,421	3,807	4,210	4,350	4,354	4,404	4,403
Percent price increase	0	0	11.3	23	27	27	29	29
Sales projection (number of vehicles) [3]	5,712	5,356	4,970	4,583	4,198	3,802	3,406	3,109
Sales reduction (number of vehicles) [4]			409	769	827	749	721	658
Sales estimate (number of vehicles)	5,712	5,356	4,561	3,814	3,371	3,053	2,685	2,451

EFFECT OF THE TAX ON SMALL CAR SALES

	1973	1974	1975	1976	1977	1978	1979	1980
Base price	$2,264	$2,264	$2,264	$2,264	$2,264	$2,264	$2,264	$2,264
Extras (to avoid tax)			51	123	231	303	303	303
Total price	2,264	2,264	2,415	2,501	2,556	2,567	2,567	2,567
Percent price increase			6.7	10.5	12.9	13.4	13.4	13.4
Sales projection (number of vehicles)			3,084	3,475	3,861	4,257	4,613	4,950
Sales reduction (number of vehicles)			15.1	266	364	416	455	484
Sales estimate (number of vehicles)			2,933	3,209	3,497	3,841	4,198	4,466

[1] Apr. 2, 1973, manufacturers suggested retail price from Automotive News, Apr. 20, 1973, weighed prices for each class.

[2] From projects of cost of introduction of improvements, i.e.:

Cost of improvement=($850) (percentage of improvements installed)

$$= \frac{(\$850)\ (\text{percent improvement in mpg})}{0.75}$$

$$= \frac{\$850}{0.75}\left[\frac{mpg_a - mpg_o}{mpg_o}\right]$$

where mpg_a = mpg in $year_a$; mpg_o = mpg in 1973

[3] All sales figures in thousands of vehicles.

[4] Sales reduction=(0.73) (percent price increase) (sales projection).

It should be noted that no changes in the sales of high priced cars or foreign cars is projected. High priced cars would not be affected because statistics from 1967 to 1973 show sales of such cars to be price-inelastic. Foreign cares are not affected because they would, on the whole, pay no tax since they get such high mpg.

It is possible, of course, that there would be some reduction in the sales of high priced cars due to the tax. The total effect, however, is minimal since such cars constitute only 2.6% of all car sales, and even a 20% drop in sales would affect the total picture by only 0.5%.

THE SUCCESSION OF THE VICE PRESIDENT

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. GONZALEZ. Mr. Speaker, a few days ago, I suggested that the distinguished minority leader should resign from the House, now that he has been nominated to fill the vacancy in the Office of the Vice President. I also suggested that the Congress should consider changes in the 25th amendment, and my purpose today is to develop these thoughts further.

I have no partisan purpose in suggesting that Mr. FORD should resign; far from it. I simply believe that his resignation would remove the present ambiguity involving his position and allow the House to proceed with its consideration of his nomination without running the risk of having its own judgment questioned.

From the constitutional point of view, we know that it would be impossible for a man to be a Member of the Senate and at the same time serve as Vice President. In the only case that remotely resembles the present situation, a Vice President resigned immediately upon his election to be a Member of the Senate. In this case, it seems to follow that Mr. FORD cannot be a Member of Congress and Vice President at the same time. But I believe that he should resign now, rather than await confirmation.

Already, Mr. FORD is enjoying many of the perquisites of Vice President. He has received the secret information that a potential President alone receives; he enjoys the use of offices in the Executive Office Building; he is accorded Secret Service protection; and he enjoys use of the Presidential fleet of aircraft. Politically he is already performing the chores of Vice President; his work is now not to represent the people of his district, but to represent the views of the administration he has been nominated to serve in. I do not claim that any of this is improper, but it is all clear evidence of his new status. Mr. FORD is now much more than a Member of Congress, and his political function is no longer that of a Member of this body.

I believe that if Mr. FORD would resign, he would make clear his new status, and make clear his respect for the institution that he has served so long and well. We are, after all, an independent and equal branch of Government, and it would be a mark of his understanding and respect of that, if he were to resign.

Beyond this, I believe that such an action by the distinguished minority leader would publicly demonstrate his faith that the Congress will act on his nomination rapidly and favorably. His resignation would also clear the way for selection of a new minority leader, thereby easing the transition problem that the House must sooner or later confront—and the sooner, the better. If Mr. FORD is confirmed, the minority must select a new leader. He will have to spend some time getting organized and establishing proper communication with the Executive, which is most important in these urgent times. The better that such a transition is made, the better it will be for the House. And if in the remote event Mr. FORD is not confirmed, his value and use as a House leader would be very low or nonexistent, in which case it would be best for all parties if he did not occupy his leadership position.

I do not offer this suggestion without having given it considerable thought, nor is it inconsistent with advice that I have given Democrats. Fundamentally, I do not believe that anyone in an ambiguous position can make his political case fairly, or be judged on his own merits. Let me cite an example. A sitting Vice President who runs for President starts in an ambiguous position. He is placed in the position of being at once his own master, and of having to defend policies that he might have had nothing to do with, or even agreed with. Thus, when Richard Nixon ran unsuccessfully for President, he faced the problem of having to establish his own policies and his own image while at the same time defending those of the man he was trying to succeed. He failed to be elected. When HUBERT HUMPHREY was in the race for President, he also was in the position of defending policies that he did not develop and probably disagreed with, and at the same time proving that he was his own man, with policies of his own. He also failed to be elected. I recommended to Mr. HUMPHREY that he resign as Vice President immediately after his nomination. In this way, his position would have been clear: he would have clearly shown his independence and his desire to have his proposed policies judged on their own merit.

I believe that Mr. FORD would do well to resign his position, so that he would immediately make it clear that he is independent of the Congress and speaking for his own nomination.

My thinking along this line has been consistent. Before I came to Congress, I opposed a process that allowed Lyndon Johnson—and I never admired any man more—to run for reelection to the Senate at the same time he was running to be elected Vice President. This dual race struck me as unfair to the Senate, by presenting it with a vacancy in case of Mr. Johnson's election, and unfair to the ticket, by giving the impression that he had little confidence in the prospects for his election.

I believe that it is incumbent on all public servants not only to make their personal positions clear and unambiguous, but to also respect the institutions they serve. Power must not be abused, and those having power must be discreet in their exercise of it.

It is plain that the Office of Attorney General is one of great power. The holder of that position has in his hands the enforcement of law, and his honesty and discretion in the exercise of his powers stands almost alone in preventing intolerable abuse of law and liberty alike, as we have seen in the first Nixon administration. Between the Presidency and the Attorney General there is a great deal of power. If either or both allows abuse, we are all losers, and if either or both allows political considerations to come before fair judgment, liberty is endangered. When President Kennedy announced that he would appoint his brother Attorney General, I advised against it, and asked Robert Kennedy not to accept the nomination if it were offered. I felt then, as I do now, that the Office of Attorney General had to be held by a person whose independence was clear, and who could not be considered a political agent of anyone. I believed that Robert Kennedy's nomination by his brother placed both men in an ambiguous position. Worse, it had the potential of politicizing an office that of all Cabinet posts, can least be treated as a political office.

So my position has been consistent and clear.

I believe that Mr. FORD would serve the country, the administration, and the House, itself, best if he were to resign. He would then be a nominee, plain and simple, and he would be perfectly free to conduct himself as an agent of the President. But as matters stand now, he is sworn to represent the people of his district in this House, and serving those two ends could result in conflicts between the political demands of his position as nominee, and his duties as a member of Congress. This might not happen—but it could, and it seems reasonable to say that since being a Member of Congress and a nominee for Vice President is not necessarily the same thing, one should be one or the other, but not both. I believe this in the same way that I believe one cannot be an incumbent Vice President and candidate for President at the same time.

I have also said that the 25th amendment should be changed.

One unfortunate thing about the 25th amendment is that it provides two ways, both unsatisfactory, in which a President could be declared disabled. Neither procedure would prove particularly workable in a time of great political turmoil, and both contain within them the seeds of political instability.

One method of declaring the President disabled would be for a majority of the Cabinet to notify Congress of the disability. But the Cabinet members are not elected to anyone, and they are in no way independent of the President. There is nothing that would suggest that any President would allow himself to be examined merely because the Cabinet suggests it. He would very likely dismiss any appointee who had the temerity to suggest that he was disabled, if he were conscious and functioning at all. And if the

Cabinet were to suggest that the President is mentally incapacitated, this act would appear as a kind of political plot. In fact, in any case wherein any question at all of the President's disability existed, the 25th amendment would require a Cabinet plot to declare him disabled. In a questionable case—which would include virtually any case involving a problem of mental incompetence, a majority of Cabinet officers believing that the President is disabled would have to assemble itself, without any one or all of them being dismissed. This would require a considerable amount of discretion, amounting to a plot. The Cabinet would not have an easy time proving its case, for the President would not have to submit to examination; he could confront the Cabinet with a demand for its resignation, which all members would have to tender. What would happen next anyone can imagine, but it would in no event be a neat resolution of the problem. It would be a wild contest for the control of Congress, which would have to decide the issue.

If the Cabinet majority idea is unworkable, so is the alternate procedure of setting up a special commission to determine Presidential disability.

The very idea of setting up such a commission today would cause the President to accuse Congress of working against him, by sowing the seeds of doubt about his capacity to hold office. He would undoubtedly veto a bill that attempted to set up a commission to determine Presidential disability. Yet such a commission would have to be set up in advance, if it were to work at all. In an emergency there would be no time to waste in setting up a commission. In a question of doubt, the situation would be so unstable that selecting a commission might prove politically impossible. And again there is nothing that suggests the President would have to submit to an examination by a commission appointed by Congress, any more than any one of us would have to submit to examination by somebody appointed by the President.

The 25th amendment aims to provide some way of removing a duly elected President if he is disabled to the point that he cannot carry out his duties. But it will only work if the President is so disabled that he cannot act for himself and resign. It is not intended to deal with any situation in which there is a shade of doubt. If it should ever happen that the amendment is brought into play when there is any doubt, the consequences will be ruinous—on the one hand, a precedent would be set for cabalistic plots by disgruntled members of the Cabinet, and, on the other, the President would be faced with a direct challenge by Congress.

We are seeing today conditions of political instability. Irrevocable events have been set in motion, and no one can say where they will end or lead. In the face of this, we have to understand that, among other things, the 25th amendment is as much a progenitor of instability as anything else. It might well lead to enormous difficulties if present conditions worsen, as well might. We have already seen unimaginable things take place, and we have to consider now whether we have created a problem with the 25th amendment, rather than solved one.

We are in uncharted waters, in part because the 25th amendment confronts us with the need to replace the Vice President. The murky problems inherent in that have already faced us with the strange problem of confirming one of our own Members to serve as Presiding Officer of the other body—a confirmation that, unless the nominee resigns, will take place while he participates as minority leader. This was never anticipated. I suggest that while we are dealing with this problem, we ought to deal also with the potential destabilizing influences of the 25th amendment as it relates to Presidential disability.

PABLO CASALS

HON. JAIME BENITEZ

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. BENITEZ. Mr Speaker, the people of Puerto Rico are deeply saddened by the death of Pablo Casals. I take this opportunity to include in the RECORD one of the many tributes to this noble person who was an inspiration and an example to all of us, not only as a master musician, but as a great man committed to great ideals. The following is an editorial by Ronald Walker, a former Nieman Fellow, that appeared in the San Juan Star of October 24, 1973. In my judgment, these words convey particularly well the significance that the loss of this great artist has for Puerto Rico.

PABLO CASALS

(By Ronald Walker)

I never really knew Pablo Casals personally. I met him only once, and that was backstage at the Casals Festival, as don Pablo was holding court in a small room off the stage at the university theater. He had just finished conducting a Beethoven symphony, and he appeared tired. Casals was sitting in a small chair, and his wife, Marta, was standing beside him, smiling slightly as the concert-goers came to pay respects to don Pablo. Others stood outside the door, as if afraid or reluctant to enter. It was a hushed scene. The only loud sounds came from elsewhere backstage.

Since 1962, I have been attending the Casals Festivals, not so much to watch Casals occasionally conduct the orchestra as to listen to those times when don Pablo played the cello. You could have been in the audience and not known who Pablo Casals was, but you instinctively knew you were in the presence of greatness. When Casals played the cello, there was not a sound coming from the audience, other than the occasional and predictable coughs. It was an overpowering sensation, this 90-plus year-old-man making music, conveying beauty and artistry in a universal language that needed no explanations, no embellishments.

When the last chords of a Casals cello performance died out, the audience would rise as one, giving a standing ovation to a man whose life and work will be remembered through the ages. You rose to applaud even though you did not like to do such a thing, thinking it somehow pretentious and perhaps non-egalitarian. But Casals was one of two great men in Puerto Rico—Munoz is the other—and acknowledging greatness needs no apology.

Most of us in Puerto Rico never really knew or saw Casals, but it was always comforting to know that he lived here. It was perhaps coincidental, but Casals' presence here came at about the same time of Puerto Rico's period of grandeur, and many are the people who yearn for a return of those years. They were the times when Munoz, as Governor, made the cover of Time magazine, and when he refused to accept more than $10,000 a year in salary; when Puerto Rico was constantly being visited by representatives of today's Third World countries, wanting to learn about the Puerto Rican example of rapid economic development; when Puerto Rico was being compared with Japan and Israel as the really progressive societies making such big strides forward from practically nothing; when there was a sense of excitement in the air, a sense of purpose; when Puerto Rico was being written about constantly in U.S. mainland newspapers and magazines. In short, Puerto Rico was a place where things were really happening.

These may all sound like "atmospherics," of surface appearances, but they are important to a society's perception of itself. Ceremony, though it runs the risk of appearing mawkish or artificial, has its place, and ceremony was what we watched Tuesday at the Capitol as Casals' body lay in state, a Catalonian and a Puerto Rican flag draped over his casket. During the early years of the Casals Festival, the arrival of Gov. Munoz and his party in the front row of the balcony was an important, even ceremonial occasion. Never mind, too, that many people who went to the Casals Festivals, resplendent in opening-night gowns and tuxedoes, didn't really understand or appreciate classical music (alas, frequent was the short-lived applause between movements of a symphony). What was happening was the celebration of a great artist, one who rarely comes along in the lifetimes of most of us.

Since then, we have had such vulgarities in Puerto Rico as the Miss Universe Contest; there have even been comparisons between that commercial extravaganza and the Casals Festival. That needs no further comment. But I can just picture what surely would have been the expression of indignation on Munoz's face if someone had seriously suggested to him at La Fortaleza then that the government of Puerto Rico should help sponsor such a contest—and then to suggest that it needed Commonwealth financial aid because the Casals Festival was also partly subsidized. It is all a matter of perspective.

Pablo Casals embodied all those qualities of greatness that we like to think rubs off on us. His presence in Puerto Rico was an inspiration, and while I am reluctant to say that his death means the end of an era here, in a sense it does. His memory will continue, of course: and his overwhelming presence will continue to be felt in the minds of all those who attend future Casals Festivals. But it will not be quite the same.

CORRUPTION WITHOUT PRECEDENT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. RANGEL. Mr. Speaker, White House aides and supporters have been using the argument that in certain ways all politicians are crooked, all politics is dirty, and each administration has its

scandals. To draw this conclusion from Watergate is false and unfair. I am sure all of us feel the effects of these types of statements that assault our personal integrity.

An article in today's Washington Post by William Raspberry explained the difference between past political scandals and the present White House nightmare, and makes the important point that the present attempt to excuse the corruption in this administration by tarring us all does a fundamental disservice to our political system.

The article follows:

CORRUPTION WITHOUT PRECEDENT

(By William Raspberry)

They're lying to us, you know. Or rather they're making us lie to ourselves, making us say that all politicians are crooks and thieves and that we've always known it.

They do it because it's their best protection. They've passed the point where they can convince us of their innocence, so they accomplish their exoneration by making it appear that guilt is so universal among politicians that it is useless to talk about cleaning up our government.

Why talk about throwing out any particular political rascal when his prospective replacement is, by definition, a rascal, too?

Well, it's not true. Not all politicians are crooks and thieves. Not all politics is dirty. Not all administrations are corrupt.

We have got to stop lying to ourselves and face up to the fact that this scandal-ridden national government is without precedent in American history. We know that when we stop to think of what used to constitute scandal: a few vicuna coats and deepfreezes, for instance, or a penny-ante Nixon slush fund. Even Teapot Dome, which shows up in the history books as a sort of low-watermark of political scandal, was nothing more than a money rip-off.

The current scandals involve money, too, of course. But they also involve systematic deception of the people, systematic subversion of government agencies and even of the Constitution, and systematic consolidation of power.

It's hard to remember now, but Watergate used to mean nothing more than the subversion of the electoral process—dirty politics—although even that attempt at subversion was of unprecedented scope.

But in later months, it came to encompass the President's secret police (the "plumbers") operating outside the law and specifically authorized to commit such crimes as burglary, illicit wiretaps; attempts to force CIA officials to implicate their agency in the scandals so as to limit the scope of the investigation; perjured testimony of high administration officials, and a variety of other crimes and improprieties, including milk deals, wheat deals, laundered cash and Lord knows what else.

And beyond the generic Watergate, there are the matters of the San Clemente deal, the tax write-off on a phony gift of Nixon papers, the Hughes-Rebozo funny money thing, and on and on. And that doesn't even count the Agnew disgrace or the fact that two former Cabinet officers are facing trial right now.

There may be precedents for some individual pieces of this scandal, but the package of them is unprecedented in size or boldness. And through it all, President Nixon seemed far less interested in discovering the breadth of the scandal than in keeping the rest of us from finding out.

No, this is not scandal as usual. It is much closer to being an attempted (and very nearly successful *coup d'etat*. For while the Watergate scandals and so-called White House Horrors were going on, something else was under way: a process of power consolidation that began with an innocent-appearing reorganization of the Executive Branch into strong and weak Cabinet agencies, with lines of authority running directly to the White House through the installation of former White House aides as assistant secretaries; that included the appointment of Nixon men to the Supreme Court; and that involved an attack on a derelict Congress, the third branch of government, through a combination of veto and impoundment.

And finally, the man was ready to declare himself above the law, immune to court orders and legal process. Not just over the Watergate tapes, either. The nation's war-making powers are supposed to belong to Congress. But the President proceeded to bomb hell out of neutral Cambodia without congressional consent, and then concealed the fact of the bombing from Congress. And incidentally, from you and me.

Political hanky-panky and a little money changing hands? No, sir. No, ma'am. They stole the government from us. No: *He* stole the government from us, and then tricked us into silly debates over executive privilege and tape recordings.

And now they're trying to make us believe that the country cannot endure the only process the Constitution provides for reclaiming our government. Impeachment is such a cataclysmic thing, you know.

Well, don't you believe it. The cataclysm has happened, and the only reasonable questions now are those that deal with the mechanics of impeachment.

CPA AT TVA AND FPC

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. FUQUA. Mr. Speaker, today I am going to introduce material on the proceedings and activities of two more agencies which would be subject to advocacy by a Consumer Protection Agency under bills now being considered by a Government Operations Subcommittee on which I serve.

As you may remember from our very heated debate on a CPA bill in 1971, legal advocacy rights is a very complicated subject. It is compounded by the fact that it is impossible for each of us to become totally familiar with the billions of Federal formalized proceedings and unstructured activities which would be subject to a CPA's advocacy under the various proposals.

The bills being considered by us are H.R. 14 by Congressman ROSENTHAL, H.R. 21 by Congressmen HOLIFIELD and HORTON, and H.R. 564 by Congressman BROWN of Ohio and myself.

In order to minimize any confusion during our upcoming debate on the CPA this Congress, I have been introducing into the RECORD lists of proceedings and activities of Federal agencies frequently mentioned as being in need of CPA advocacy. Rather than rely on speculation, I have asked these agencies to list their 1972 decisions which would have been subject to CPA advocacy under the present bills, divided into the various categories covered under the bills.

So far this month, I have introduced material from seven small agencies subject to CPA's jurisdiction under the bills—four of the financial regulatory agencies, the Cost of Living Council, the Defense Supply Agency and the National Labor Relations Board.

Today, I wish to concentrate on two agencies, one relatively small and one relatively large, both of which are concerned with matters relating to the energy crisis, a matter very much of interest to consumers.

The first agency is the Tennessee Valley Authority, an agency which some Senators on the Government Operations Committee last year unsuccessfully attempted to exempt from the CPA's powers. The second agency is the Federal Power Commission, one of the prime targets for a CPA according to some proponents.

It should be noted that the major difference among the bills involves the question of whether the CPA should have the right to appeal to the courts the final decisions of other agencies. Both H.R. 14 and H.R. 21 would allow the CPA such appeal rights, whether or not the CPA acted as an advocate before the agency—if the CPA did not so act as an advocate in the agency decision below, however, the court would have to make certain very minimal findings to allow the CPA to proceed with its appeal—an agency's refusal to act—that is inaction—would also be appealable under these two bills.

The Fuqua-Brown bill would not grant the CPA any power to appeal to the courts the decisions of other agencies.

A total number of actual 1972 decisions—not counting inaction—appealable by the CPA was indicated by the six small agencies from which I have previously introduced material. The FPC, as you will note, says that its CPA-appealable decisions in 1972 "are too numerous to list;" the TVA merely reports that it can be generally sued as a corporation, a factor enabling the CPA to challenge virtually everything the TVA does. Such appeal rights, I repeat, would be available under all but the Fuqua-Brown bill.

Mr. Speaker, for the reasons already stated, I now include in the RECORD the FPC and TVA lists of proceedings and activities subject to CPA advocacy under the bills now pending in the Government Operations Committee.

The material follows:

TENNESSEE VALLEY AUTHORITY,
Knoxville, Tenn., September 27, 1973.

Hon. DON FUQUA,
The House of Representatives,
Washington, D.C.

DEAR MR. FUQUA: We are including in the enclosure our answers to the questions presented in your letter of September 7 relating to pending consumer protection legislation. Please let us know if you desire any additional information.

Sincerely yours,
AUBREY J. WAGNER, *Chairman.*

RESPONSE TO QUESTIONS CONTAINED IN REPRESENTATIVE FUQUA'S LETTER OF SEPTEMBER 7 RELATING TO H.R. 14, 21, AND 564

Question 6. Will you please furnish me with a list of representative public and nonpublic activities proposed or initiated by your agency during calendar year 1972?

TVA is a program organization, among whose specific purposes are providing an ample supply of electric power in the area

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it supplies and the development and introduction of improved fertilizers. It has no regulatory functions relating to the interests of consumers, its sole regulatory function being the approval of plans for proposed facilities of others on the Tennessee River system. The TVA Board is required to charge rates for power set in accordance with the provisions of the TVA Act and of a Bond Resolution adopted pursuant to the Act. This is, of course, a quasi-legislative function and the Board's statutory obligation includes the requirement that power be sold at rates "as low as are feasible." Fertilizers produced by TVA are priced to encourage their use and distribution rather than to provide maximum revenue to TVA. The disposition of power and fertilizer by TVA is not subject to the provisions described in section 204(a) of H.R. 14, nor does it involve public notice referred to in section 206(a) of H.R. 14. While the applicability of the words "agency activity" to these and other TVA functions in carrying out the purposes of the TVA Act is not clear to us, the following are some of TVA's proposals or actions during calendar year 1972:

Condemnation of lands for TVA programs, including the power program.

Adjustment of wholesale and resale rates for TVA power.

Sale of power revenue bonds, the proceeds of which are used in financing additions to the TVA power system.

Payments in lieu of taxes to states and counties in which the power operations of TVA are conducted.

Revision of policy statement concerning payments in lieu of taxes.

Authorization of installation of new power generating units.

Approval of plans for construction of facilities in or along the Tennessee River and its tributaries affecting navigation, flood control, or public lands or reservations.

Authorization for alteration of the Southern Railway Bridge across the Tennessee River at Decatur, Alabama.

Question 7. Excluding actions designed primarily to impose a fine, penalty or forfeiture, what final actions taken by your agency in calendar year 1972 could have been appealed to the courts for review by anyone under a statutory provision or judicial interpretation?

There are no statutes providing for judicial review of specific TVA activities, but section 4(b) of the TVA Act makes TVA generally subject to suit in its corporate name.

FEDERAL POWER COMMISSION,
Washington, D.C., September 18, 1973.

Hon. DON FUQUA,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FUQUA: This is in response to your letter of September 7, 1973, requesting information regarding this Commission's regulatory activities in 1972 as background for the consideration of legislation to create a Consumer Protection Agency (H.R. 14, H.R. 21, and H.R. 564).

Question 1. What regulations, rules, rates or policy interpretations subject to 5 USC 553 (the Administrative Procedure Act (APA) notice and comment rulemaking provisions) were proposed by your agency during calendar year 1972?

Rulemakings initiated during calendar year 1972 are listed in the attached Appendix A.

Question 2. What regulations, rules, rates, or policy interpretations subject to 5 USC 556 and 557 (that is, APA rulemaking on the record) were proposed or initiated by your agency during calendar year 1972?

Rate cases and related matters before the Commission in 1972 are too numerous to list; however, a list of rate cases and related matters scheduled for hearings in 1972 is attached as Appendix B.

Question 3. Excluding proceedings in which your agency sought primarily to impose directly (without court action) a fine, penalty or forfeiture, what administrative adjudications (including licensing proceedings) subject to 5 USC 556 and 557 were proposed or initiated by your agency during calendar year 1972?

Administrative adjudications that were scheduled for hearing during 1972 are listed in the attached Appendix C.

Question 4. What adjudications under any provision of 5 USC Chapter 5 seeking primarily to impose directly (without court action) a fine, penalty or forfeiture were proposed or initiated by your agency during year 1972?

None?

Question 5. Excluding proceedings subject to 5 USC 554, 556 and 557, what proceedings on the record after an opportunity for hearing did your agency propose or initiate during calandar year 1972?

Most of the categories of Commission adjudication which are not required by statute to be determined after opportunity for hearings are those concerned with the licensing and regulation of hydroelectric projects under Part I of the Federal Power Act. During 1972, hearings were held for the following:

Public Utility District No. of Douglas County, Wash. P-2149, license, August 15, 1972.

Power Authority of the State of New York, P-2685, license, January 4, 5, 6, 7, 28, and November 29, 1972.

Question 6. Will you please furnish me with a list of representative public and nonpublic activities proposed or initiated by your agency during calendar year 1972?

A list of representative Commission activities, not otherwise covered herein by answers to the other questions is attached as Appendix D.

Question 7. Excluding actions designed primarily to impose a fine, penalty or forfeiture, what final actions taken by your agency in calendar year 1972 could have been appealed to the courts for review by anyone under a statutory provision or judicial interpretation?

Under the provisions of section 313 of the Federal Power Act and section 19 of the Natural Gas Act final orders of the Commission may be appealed. Orders issued by the Commission in 1972 are too numerous to list, but a list of orders for 1972 that were issued with written opinions of the Commission is attached as Appendix E.

We hope the information provided answers your questions.

Sincerely,
JOHN N. NASSIKAS, *Chairman.*

HOLY RESURRECTION ROMANIAN ORTHODOX CHURCH OF WARREN, OHIO

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. CARNEY of Ohio. Mr. Speaker, on Sunday, October 28, 1973, I had the privilege of attending the "Burning of the Mortgage Celebration" of the beautiful Holy Resurrection Romanian Orthodox Church in Warren, Ohio.

In just 7 short years, the approximately 200 parishioners of Holy Resurrection Romanian Orthodox Church, Americans of Romanian descent, have paid off the entire mortgage on their church. Without a doubt, the members of this parish are a deeply religious, hard-working people who have great love for their church and their country.

During the banquet, I had the pleasure of sitting beside His Grace Valerian D. Trifa, Bishop of the Romanian Orthodox Episcopate of America. A native of Romania, Bishop Valerian was a prisoner in a Nazi concentration camp during World War II and taught in a Roman Catholic school in Italy before coming to the United States. Bishop Valerian is a remarkable man, and I am very fortunate to have had an opportunity to speak with him.

Mr. Speaker, I insert excerpts from the parish bulletin and my remarks for the occasion in the RECORD at this time:

HOLY RESURRECTION ROMANIAN ORTHODOX CHURCH, WARREN, OHIO,

BURNING OF THE MORTGAGE CELEBRATION OCTOBER 27–28, 1973

Program

Saturday, October 27

5:00 p.m.: Vesper Service.

9:00 p.m. to 1:00 a.m.: Semi-Formal Dance.

Sunday, October 28

9:00 a.m.: Matins.

10:00 a.m.: Hierarchal Divine Liturgy.

1:00 p.m.: Festive Banquet.

Master of Ceremonies, John Ghindia, Jr.

Invocation, the Rev. Fr. Timothy Popovich, Parish Priest.

Introduction of Guests, Welcome and Thanks, John Hank, President of the Parish Council.

Flag Presentation, Congressman CHARLES J. CARNEY.

Principal Address, His Eminence Archbishop Valerian, the Romanian Orthodox Episcopate of America.

Benediction, the Rev. Fr. John Toconita, Secretary to the Bishop.

Burning of the Mortgage Committee

John Hank, General Chairman.

Co-Chairmen: Earl Maxin, Anna Finta, John Ghindia, Jr., Mary Barb, Vicky Trotogott, and Sylvia Florea.

THE ROMANIAN ORTHODOX EPISCOPATE OF AMERICA,
Jackson, Mich., September 13, 1973.

THE HOLY RESURRECTION,
Romanian Orthodox Church,
Warren, Ohio.

DEAR FATHER POPOVICH; DEAR MEMBERS OF THE PARISH COUNCIL: I received the good news that the day is approaching when your parish is putting an end to the burden of the mortgage incurred with the building of the new church.

Let us therefore give thanks to God, and the Father of our Lord Jesus Christ, the Merciful Father, from Whom all help comes.

But at the same time, let all those who put efforts and made sacrifices to reach this high point in the history of your parish be congratulated also.

Together with them, all the clergy and faithful of our Diocese are rejoicing. I am looking forward to be with you on the day of the burning of the mortgage, and in the meantime, I pray God to grant you all, spiritual prosperity, peace and happiness.

With blessings and best wishes.

VALERIAN,
Bishop.

MY BELOVED PARISHIONERS AND FRIENDS: I cannot think of any more appropriate words to give expression to my feelings on this significant date in the history of our parish than those contained in St. Apostle Paul's first letter to the Corinthians: "Thanks be to God, which giveth us the victory through our Lord Jesus Christ" (I Corinthians 15, 75).

As we celebrate the burning of our mortgage, which is doubtlessly a major achievement of the faithful members of our parish, let us remember in the first place that our victory has been made possible by the grace of God, "through our Lord Jesus Christ," for "in Him we live, and move, and have our being" (Acts 17, 28).

Thanks be, therefore, to Almighty God for His inspiration, guidance and help, throughout the years of our aspirations and efforts to follow the call of the destiny in the fulfillment of this magnificent goal.

I have been privileged to be with this distinguished congregation from the earliest stages of planning, all along the building process of the new church complex, and right down to the moment of the payment of the very last installment on our mortgage, and I can truly say that whatever has been accomplished has been realized with the hard work, devotion and generous contributions of all the members of our parish.

Allow me therefore to congratulate all of you and give expression to my deep appreciation to our church organizations and auxiliaries, as well as to every single member of our parish, for the many sacrifices and outstanding services rendered to our Church.

I am earnestly praying for the good health, well-being and happiness of you all.

FR. TIMOTHY POPOVICH,
Parish Priest.

PRESIDENT'S MESSAGE

It is with a great deal of pleasure that I take this opportunity to thank every member of our parish for a job well done. Our members have given many hours of this time in making our dream come true.

A special thanks to our parish priest, the Ladies' and Men's Auxiliaries, Parish Council, Sunday School teachers and AROY members who have devoted their time and loyalty to the church above everything for the past six years.

Also, many thanks to the co-chairmen of the Burning of the Mortgage Committee in making this day one to be remembered forever in the future life of their church.

JOHN HANK,
President of the Parish Council.

HOLY RESURRECTION ROMANIAN ORTHODOX CHURCH—HISTORICAL SKETCH

1905: First Romanians to settle in Warren. They migrated here from other American cities and later started coming directly from Romania. The expanding economy of the city, which was budding out at the turn of the century, and its many opportunities, attracted workers to its welcome environment. Within the next few years the influx of newcomers took such an impressive rhythm that the ethnic group of Romanians in Warren grew to quite sizeable proportions.

1912: May 20, the Biruinta Society was founded to help members in their needs and problems and give them an opportunity for social life.

1917: April 15, Easter Day, First Romanian religious service in Warren, officiated by Father John Podea, the administrator of the just formed Deanery of Youngstown, in the local Episcopal Church. In the afternoon of the same day the Holy Resurrection Romanian Orthodox Parish was organized and the first council was elected. In a matter of several months over $10,000 was collected with the purpose of building a church and without delay a lot was bought on Vine Avenue for $3,500.

1918: October 16, the completed church building was blessed by a number of visiting priests under the leadership of Father John Podea. The building program totaled $20,000, aside from furnishings and religious appointments donated by members, which left a mortgage of about $10,000.

1919: A church choir was initiated by Father Octavian Muresan, who resigned his pastorate shortly thereafter.

1923: The mortgage of $10,000 was paid off.

1927: The Ladies' Auxiliary of the parish was organized.

1934: The church was extensively renovated, in and out, and a new roof was installed. On October 14th, the church was rededicated by a number of priests under the leadership of Archpriest and Vicar, Father Ioan Truta.

1949: The Sunday School of the parish was established.

1950: The A.R.O.Y. Chapter was founded. It was one of the youth groups which participated in formulating the National A.R.O.Y., and it hosted several of the winter A.R.O.Y. National Board meetings throughout the years.

On June 25th, the church choir was reorganized under the name of "Corul Invierea."

1956: The parish hosted the A.R.O.Y. National Convention.

1965: Two adjacent lots on North Road were acquired for the purpose of building a new church complex. The lot designated for the church proper, with a frontage of 200 feet and a depth of over 1660 feet, was purchased for the price of $27,000, and the adjacent lot with a frontage of 80 feet and a depth of 300 feet, for the parish house was bought for the price of $5,500.

In the fall of 1965 a building committee was formed and Architects Wachter and McClellan were selected to do work with the building committee and design the new church complex.

1966: Preliminary sketches for the new church and parish house were reviewed a number of times with the building committee and were finalized in the spring of 1966. Bids were received for the works on August 1966. The Baker Construction Company of Ravenna, Ohio, was selected for the overall construction. Of the bids received on the parish house the Hank Brothers were selected to do the work.

The Ground Breaking Ceremony took place on June 19, 1966.

A couple of months were required for arranging financing with the Second National Bank of Warren, which approved a construction loan of $300,000, and construction started in the fall of 1966.

1967: The parish house was completed in the spring of 1967, by which time the foundation and walls of the church were erected and the framework was started in the early summer. On May 6–7, the 50th Anniversary of the parish was observed with services pontificated by His Grace Bishop Valerian, followed by an anniversary banquet.

In the course of the year all the real estate properties of the parish were sold for the total amount of $102,279.36, and the real estate liquidations funds, along with all other available church funds, were transferred to Second National Bank in an effort to reduce the bank loan to the lowest possible amount.

On November 26, the last Divine Liturgy was celebrated in the old church on Vine Avenue and beginning with the Sunday of December 3rd, the first Divine Liturgy and all subsequent Church Services were held temporarily in the new Social Hall on an Altar improvised on the stage.

1968: January through April, first interest payments on the construction loan were made. May 5, the new church is consecrated by His Grace Bishop Valerian, with the assistance of the clergy of the Episcopate. Regular payments on mortgage started in May, after the consecration of the church.

Summary of Contracts handled by Wachter & McClellan Architects, as of May 29, 1968:

Church-Fellowship Hall, Baker Construction	$291, 180. 00
Parish House, Hank Brothers	33, 065. 00
Architects, Wachter & McClellan	22, 900. 00
Sub-Contractors (Soil Borings & Survey, Electronic Bells, Inconostas, Carpeting, Pews & Screens, kitchen equipment)	38, 495. 00
Total	385, 640. 00
New Church Property, North Road (Approximately 7.9 Acres)	32, 500. 00
Grand total	418, 140. 00

1969: June 6–8, the parish is host to the ARFORA 21st Annual Convention.

1970: August 28–30, the parish is host to the 21st Annual A.R.O.Y. Conference.

1973: June 14, final payment on the mortgage was made. October 28, The Burning of the Mortgage.

CRUCIAL DATES IN THE HISTORY OF THE PARISH

Old church

Founding of the Parish: April 15, 1917.
Blessing of church: October 16, 1918.
Mortgage paid off: 1923.

New church

Groundbreaking ceremony: June 19, 1966.
Consecration of church: May 5, 1968.
Burning of mortgage: October 28, 1973.

THE LADIES' AUXILIARY

The Ladies' Auxiliary of our church was organized in 1927, ten years after the founding of the parish.

Many fine dedicated women for more than 50 years have given of themselves and their own possessions to strengthen our faith and to help the spiritual and material well-being of our church. This was accomplished with bazaars, bake and rummage sales, buying a needed item for the church, or visiting the sick and elderly. The ladies have always responded well and showed their Christian charity, by working for the benefit of our parish and Episcopate.

In the course of years, our parish had outgrown its facilities, and urban renewal claimed its sacred walls. In 1967 we watched with pride the construction of our beautiful new church. As it was being built, our thoughts were with the past generations who worked devotedly for the benefit of our parish and to whom rightful tribute should be given for this great moment.

The ladies of the Auxiliary, through their sacrifice of time, energy and money, have made a substantial contribution to the spiritual and material well-being of our new church. Presently, the Auxiliary is involved in a very exciting project, which we know will be most fruitful and satisfying. This project consists of decorating and furnishing a cultural room and library for the preservation of our precious traditions and customs left to us by our forefathers.

UNIFIED

That's the word to describe our AROY Chapter this year. Each member learned the true meaning of this word through praying, working, and just having a lot of good times together. Each of us worked together to make our projects successful.

As president of our AROY Chapter, I feel that all the members have grown to understand one another better. I found that we could sit and talk through our future plans showing respect to all feelings or ideas. When our goal was set every person gave a helping hand, then felt proud with the results. If it were not for the parents' support, there might have been some discouraging times.

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In the past five years a lot of work and great effort has helped pay off our beautiful church. Our parents have built a strong ladder for our future. Now it is up to us, the youth, to continue in their steps.

On behalf of our youth group, I would like to thank everyone who has helped make AROY a successful part of our church.

Yours in Orthodoxy,
Denise Rimar,
President of the AROY Chapter.

Remarks of Congressman Charles J. Carney

In the book of Genesis we read the moving words spoken by Jacob of old after the dream in which he beheld angels ascending and descending between Heaven and Earth: "Truly the Lord is in this spot . . . how awesome is this shrine. This is nothing else but an abode of God, and this is the gateway to Heaven." Something of that spirit rests upon this Church today as we celebrate this mortgage burning ceremony marking fifty-six years of worship—of praise and prayer directed to God and to Christ, through the intercession of our Lady and all the Saints.

A Church is, of course, a building—a physical shrine, adorned with all the "beauty of holiness." But it is also a people, a community of pilgrims, a fellowship of souls, both in this life and in the world to come. It is the mystery of God's presence among men.

It is my privilege to bring greetings and best wishes to the members of this Church, to its priests and laity, and to its religious, and to share in your joy on this happy occasion.

These are troubled days for our nation and for the Church as well, days of change and turmoil, and, at the same time, days of opportunity and challenge. The churches of America are its mainstay in such a time, sources of faith, of love, of hope, of courage, and of stability, since 1917, this parish has borne faithful witness to the truth, has ministered to the spiritual needs of innumerable men and women, and has contributed immeasurably to the life of this community.

Your prayer at this time is one of Thanksgiving for blessings received and for blessings yet to come. May He who has guided this Church through its first 56 years continue to sustain and inspire all who worship at its altars. As God was with our fathers, so may he be with us.

SENATE—*Tuesday, October 30, 1973*

The Senate met at 12 o'clock meridian and was called to order by the Acting President pro tempore (Mr. Metcalf).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, our Lord and Governor, whose glory is in all the world, we quiet our hearts and turn from the clash and clamor of the world, from the confusion of many voices, and the tumult of our times not that we may escape from it, but that we may face the perplexing maze of complex problems with strong spirits and quiet minds. Grant to the President of the United States, the Congress, and all in authority, wisdom, and strength to know and to do Thy will. Fill them with the love of truth and righteousness. Remove from us and all men both hate and prejudice that Thy children may be reconciled with those whom they fear, resent or threaten, and thereafter live in peace. Order the work of this Government by Thy wisdom and grant that what is done may be righteous and just in Thy sight. Lord, we commend this Nation and ourselves to Thy merciful care.

Through Him who is the way, the truth, and the life. Amen.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, communicated to the Senate the intelligence of the death of Hon. John P. Saylor, a Representative from the State of Pennsylvania, and transmitted the resolution of the House thereon.

ENROLLED BILL SIGNED

The message announced that the Speaker had affixed his signature to the bill (S. 607) to amend the Lead Based Paint Poisoning Prevention Act, and for other purposes.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. Metcalf).

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, October 26, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FLAT TOPS WILDERNESS, COLO.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 452, S. 702.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

S. 702 to designate the Flat Topa Wilderness, Routt and White River National Forests, in the State of Colorado.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 1, line 7, after the word "dated", strike out "December 20, 1972," and insert "October 1973,"; and on page 2, at the beginning of line 2, strike out "212,716" and insert "two hundred and thirty-seven thousand five hundred"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in accordance with subsection 3(b) of the Wilderness Act of September 3, 1964 (78 Stat. 891), the area classified as the Flat Tops Primitive Area, with the proposed additions thereto and deletions therefrom, as generally depicted on map entitled "Flat Top Wilderness—Proposed," dated October 1973, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture, is hereby designated as the Flat Tops Wilderness within and as part of the Routt and White River National Forests, comprising an area of approximately two hundred and thirty-seven thousand five hundred acres.

Sec. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of the Flat Tops Wilderness with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

Sec. 3. The Flat Tops Wilderness shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

Sec. 4. The previous classification of the Flat Tops Primitive Area is hereby abolished.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS

Mr. HUGH SCOTT. Mr. President, I ask unanimous consent that I may yield my time to the distinguished Senator from Illinois (Mr. Percy).

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

(The remarks Senator Percy made at this point on the introduction of S. 2616, to establish an independent office to investigate the Watergate-related offenses, are printed later in the Record under Statements on Introduced Bills and Joint Resolutions.)

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from West Virginia (Mr. Robert C. Byrd) is recognized for not to exceed 15 minutes.

Mr. MANSFIELD. Mr. President, I ask

unanimous consent that I may yield the time allocated to the distinguished Senator from West Virginia (Mr. Robert C. Byrd) to the distinguished Senator from California (Mr. Tunney).

The ACTING PRESIDENT pro tempore. Without objection, the Senator from California is recognized for 15 minutes.

PROPOSAL THAT PRESIDENT NIXON RESIGN

Mr. TUNNEY. Mr. President, the past year, for many Americans, has been a time of fundamental reevaluation of the nature of the Presidency and the role of the man who occupies that great office.

For several decades, our democracy has accustomed itself to an inexorable increase in Presidential power at the expense of the other two branches of Government. In public perception, the President's responsibilities as national leader have become sacerdotal as well as secular. A large number of Americans view the President not only as the Chief of State, but as the embodiment of national unity.

The trend to deify the President and attribute larger-than-life qualities to those who temporarily hold that office at popular sufferance is not the fault of any one administration or group of men. Rather it reflects an evolution in the power of the Presidency in the modern world and the increased influence of that office in our daily lives.

As a consequence of the high esteem in which Presidents are held by the country, recent events have shaken to the foundation the people's confidence in Mr. Nixon. These events include the secret and illegal bombing of Cambodia; the President's personally approved plan to burglarize and eavesdrop on domestic dissidents; the questionable Government-approved merger plan of ITT; the increase in dairy subsidies at the same time the milk producers were making large secret contributions to the President's reelection campaign; the $300 million subsidized sale of one-quarter of our 1972 wheat crop to the Soviet Union; the financial dealings involving the President's homes and his close associates; the notorious White House "enemies list" and attempts to use the Internal Revenue Service to punish those in disfavor; the massive exodus from public life of high ranking administration officials in connection with the Watergate scandal, after an unprecedented attempt by those same officials to cover up felonies, obstruct justice and allow a few minor functionaries and miscreants to take the rap; the reluctance of the White House to cooperate with the independent special prosecutorial team of Archibald Cox and voluntarily turn over tape recordings and documents; the firing of Special Prosecutor Cox and Deputy Attorney General William Ruckelshaus and the resignation of Attorney General Elliot Richardson; the transfer of the special prosecutor's office to the administration's own Justice Department; the decision to appoint a new special prosecutor without a mandate granting access to Presidential papers considered indispensable to the criminal investigation; the suggestion by the cumulative impact of all these Presidential actions that a new attempt to obstruct justice at the highest levels is afoot.

Taken together, these have undermined the confidence of the American people in the quality of leadership they are receiving from Mr. Nixon. They have led millions to question his innocence of involvement in any number of illegal acts presently under investigation.

It is not my intention today to pass judgment on Mr. Nixon's conduct as it relates to impeachment. Whether he has committed "high crimes and misdemeanors" or violated his oath of office to uphold the Constitution and execute the laws of the land are questions to be answered at a different forum at another time.

Nor do I envision that my remarks will have any impact upon the President's decision to remain in office. At his press conference on Friday, October 26, 1973, the President made it clear that whatever "shocks" are accorded him, they will not "affect" him and his conduct of his job.

I believe, however, that as one who loves his country, who is deeply concerned about the continuity of national leadership in a turbulent time, as one who is privileged to represent 21 million Americans in the U.S. Senate, I must speak what is on my mind because I believe a public trust demands honesty at the expense of cautious calculation.

President Nixon should resign the Presidency. He must leave office for the common good. The people do not believe him, and he has shamed them. He has burdened us by his persistent refusal to expose the purposes behind his official behavior and to subject the behavior of his subordinates to the cleansing light of public scrutiny. He fails to understand that the Presidency is an institution and that one serving in that exalted position cannot conduct his affairs as a private citizen using constitutional prerogatives to avoid legal culpability.

The poet William Butler Yeats wrote:

> Turning and turning in the widening gyre
> The falcon cannot hear the falconer;
> Things fall apart; the centre cannot hold;
> Mere anarchy is loosed upon the world.

I fear that if things continue for the next several months as they have for the preceding several months, the center cannot hold. Public cynicism will increase to the point that not only politicians will be held in disrepute but so will the political institutions themselves. Apathy follows apace, and once this furrow is plowed, can constitutional democracy long survive?

Having participated in the ITT hearings and the confirmations of the now deposed leadership of the Justice Department, I had hoped that the President, at some point, would speak forthrightly on the scandals that now isolate the White House from the American people. His most recent press conference seemed, once and for all, to foreclose such a possibility. His vehemence about the impregnable secrecy of his tapes and papers is now matched by a continuing public outcry unprecedented in the history of our republic. In a deluge of telegrams and letters, Americans are saying the President has forfeited their trust and their mandate. So far, I have received more than 18,000, of which some 17,000 call for his resignation or impeachment.

If the President were to resign, Presidential succession could be guaranteed in a number of ways. Normal constitutional and statutory procedures would, in the absence of a Vice President being confirmed by Congress under the provisions enumerated in the 25th amendment, elevate the Speaker of the House, Carl Albert, to the Presidency.

In the alternative, if the President resigned, his designee as Vice President, House Minority Leader Gerald Ford, if confirmed by the Congress, would succeed to the Presidency.

As between these two alternatives, the latter seems preferable to me, since Mr. Ford, if confirmed, would assume the full responsibilities and functions of the Presidency—rather than serve as Acting President under the Presidential Succession Act of 1947 until the next election in 1976. Further, the overwhelming mandate given the Republican Party last November would seem to entitle the country to a Republican President.

As a nation, we are strong enough, I believe, to follow the constitutional and statutory procedures for Presidential succession. We are not strong enough, I fear, to endure 3 more years of a Nixon administration. There is suspicion abroad in the land almost every time the President speaks or acts. When a military alert was called last week in a national emergency involving a confrontation with the Soviet Union, there was widespread and outspoken opinion that the alert was not necessary but simply was used by the President to divert attention from his domestic problems—in short, that he was endangering our individual and collective lives. Such suspicion may be unjust and even unworthy, but it is Mr. Nixon and his conduct of his high office that has created the climate that spread such a plague through our national life.

Our country simply cannot sustain 3 more years of such distrust, despair, and disillusionment. The mystical bond that unites the governed with the governor has been severed. In the name of common decency, Mr. Nixon should put his Nation ahead of himself and step aside so that the process of national renewal and revitalization can begin.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from Michigan (Mr. Griffin) is recognized for not to exceed 15 minutes.

Mr. GRIFFIN. Mr. President, I yield to the Senator from Oregon such time as he may require.

Mr. HATFIELD. I thank the Senator from Michigan for yielding.

(The remarks Senator Hatfield made at this point on the introduction of S.

2617, to prohibit the expenditure of funds to finance combat activity by the United States in the Middle East, are printed later in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CLARK). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HASKELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 1 hour, with statements therein limited to 5 minutes.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND A JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Heiting, one of his secretaries, and he announced that on October 26, 1973, the President had approved and signed the following acts and joint resolution:

S. 2282. An act to change the name of the New Hope Dam and Lake, North Carolina, to the B. Everett Jordan Dam and Lake;

S. 2486. An act to provide that the project referred to as the Trotters Shoals Dam and Lake on the Savannah River, Georgia, and South Carolina, shall hereafter be known and designated as the "Richard B. Russell Dam and Lake"; and

S.J. Res. 164. Joint resolution to permit the Secretary of the Senate to use his franked mail privilege for a limited period to send certain matters on behalf of former Vice President Spiro T. Agnew.

REPORT ON THE HIGHWAY SAFETY AND NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY ACTS OF 1966—MESSAGE FROM THE PRESIDENT

THE ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate a message from the President of the United States, which, with the accompanying report, was referred to the Committee on Commerce. The message is as follows:

To the Congress of the United States:

Ever since the Highway Safety and the National Traffic and Motor Vehicle Safety Acts were passed in 1966, the fatality rate on our Nation's highways has been falling. In 1967, the number of deaths per 100 million miles driven was 5.5. By 1972 it had dropped by 18 percent to 4.5.

A wide range of programs have contributed to this decrease, programs designed to increase the safety of our highways, our motor vehicles and the driving habits of our motorists. The full impact of many of these safety programs still has not been felt, and there is reason for us to expect still greater progress in the future.

Unfortunately, the success we have enjoyed in reducing the fatality rate has not been extended to reducing the total number of highway deaths. In 1967, 53,000 persons died in motor vehicle accidents of various kinds. By 1972 that annual toll had risen to an estimated 57,000—a truly shocking level.

The discrepancy between the falling rate of fatalities and the rising *number* of deaths is explained, of course, by the fact that the number of vehicle miles driven in this country increased by more than 300 billion between 1967 and 1972. The total mileage driven in 1972 was 1.25 trillion. In short, our safety measures, effective as they have been, have not been able to hold in check the total number of highway deaths occasioned by the vastly greater use of our highways.

My Administration is profoundly committed to the cause of highway safety. The annual toll which traffic accidents take in lives and in injuries is more than any society should have to bear. And the annual financial cost of traffic accidents is now estimated at nearly $50 billion.

It is my hope that this three-volume report on the Highway Safety and National Traffic and Motor Vehicle Safety Acts of 1966, by reviewing the challenge of traffic safety and by detailing our efforts to meet it, will increase our awareness and enhance our effectiveness in this vital field.

RICHARD NIXON.

THE WHITE HOUSE, *October 30, 1973.*

QUARTERLY REPORT OF THE ECONOMIC STABILIZATION PROGRAM—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate a message from the President of the United States, which, with the accompanying report, was referred to the Committee on Banking, Housing and Urban Affairs. The message is as follows:

To the Congress of the United States:

I herewith transmit to the Congress the most recent Quarterly Report of the Economic Stabilization Program, covering the period April 1, 1973, through June 30, 1973.

The second quarter of 1973 was a time of tremendous growth for the American economy. Employment increased by over 1 million jobs. Our gross national product grew by $29.5 billion and real per capita disposable income reached a new high. On the international front, our balance of payments continued to improve significantly according to all major measures of the payments deficit. The basic balance deficit was reduced to an annual rate of slightly more than $3 billion in this period, as compared to a deficit rate of $9.8 billion for all of 1972.

Unfortunately, during this same period the rate of inflation continued its unsatisfactory rise. This increase reflected a strong growth in demand—both here at home and around the world—particularly for agricultural and petroleum products.

Accordingly, I decided to institute a 60-day freeze on prices beginning June 13. At the same time, I directed that plans be developed for a new phase of the Economic Stabilization Program. Phase IV, which was developed in extensive consultation with representatives of all segments of our economy, is now in effect.

I am convinced that Phase IV, combined with actions to increase supplies, a restrictive monetary policy, and restraint in Federal spending, will enable us to reduce the inflationary threat to our economic well-being.

With the cooperation of business, labor and the American public, we can achieve our goal of reasonable price stability and return our country to a strong and healthy free market system.

RICHARD NIXON.

THE WHITE HOUSE, *October 30, 1973.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. METCALF) laid before the Senate a message from the President of the United States submitting sundry nominations, which were referred to the Committee on the Judiciary.

(The nominations received today are printed at the end of Senate proceedings.)

LETTER FROM A 13-YEAR-OLD STUDENT

Mr. HASKELL. Mr. President, I received a letter from a 13-year-old student in Colorado which illustrates far better than I can possibly articulate the lasting damage that will occur to this country unless we can solve the present domestic crisis.

I ask unanimous consent that this young lady's letter be printed in full in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

KATHY JOHNSON,
Loveland, Colo., October 22, 1973.

Attention: Senator Floyd Haskell.
Senator FLOYD HASKELL,
New Senate Building,
Washington, D.C.

DEAR SENATOR HASKELL: I am a 13 year old girl, that sees my parents', my parents' friends, talking, discussing, and giving opinions. What about me? Even though, I am not a registered voter; I feel myself as part of our future governmental leaders. I too have a voice in the issue of what is happening to my future. What can I do to voice my opinion of what I feel about my future government.

Please, don't let me down. This is what I feel about my country:

We young people of the U.S. will someday be a part of this country's government. If you (the representatives) don't do something about the nation's crisis, we will be facing the same problems in the future, but probably worse. With all the lying and cheating going on by many American leaders, such as Richard M. Nixon, our (use to be) free country is being ruined by many people's wrongdoings. We, the nonvoters (yet), are the ones who are going to have to suffer.

I am writing this letter on Veterans' Day. In other words, I am trying to say, our boys went overseas to fight for our country and died for it. I wonder what these young men would think if they were now here listening and hearing what is now going on.

In the last year, I have lived through so much American history of Presidential aids indicted, the Vice President resigning, and President Nixon hiring and firing men he wanted, it just makes me sick to think I have to grow up in a future government like this.

Thank you.

A voter in 5 years,

KATHY JOHNSON.

THREE HUNDRED HINTS TO SAVE ENERGY

Mr. HUMPHREY. Mr. President, we are currently facing the likelihood of a serious energy shortage this winter. While a major new research, exploration, and development program is essential to meet our Nation's long-term supply needs, only a concerted effort to use the current supply of energy more prudently will bring us through the next several winters without serious economic loss and personal hardship in some areas. Experts indicate that energy waste in the United States today is 25 to 40 percent of total consumption. That seems like a very high figure. But apparently there is considerable documentation to support it. They also tell us, however, that substantial energy savings are possible if we become more "energy conscious" in our homes, automobiles, and places of business.

Today we are finally aware of our energy deficiency and are, hopefully, in the process of sobering up after all these years of "energy binge."

Fortunately, a few people have been concerned with the need for energy conservation for many years and have been investigating specific steps that might be taken to save energy resources.

One individual who has been collecting such conservation tips for 15 years is Mr. John Muller, now a member of the staff of the U.S. Department of Interior. Over the years he has compiled, on his own time, a list of about 300 recommendations to conserve energy consumption in all phases of life. Mr. Muller is to be commended for his foresight in recognizing the problem and for the initiative he has taken to help all of us solve it.

Mr. President, I ask unanimous consent that this extensive list of energy conserving suggestions be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

A COMPILATION OF AVAILABLE ENERGY CONSERVATION MEASURES

PREFACE

NOTE: This collection of energy conservation measures was assembled by a consulting engineer, Mr. John Muller, before he became a government employee. This document is not an official publication of the Department of the Interior. It is being made available at this time to stimulate thought on how energy can be conserved in America. Some of the ideas were original with Mr. Muller while others were gleaned from the literature and from conversations with engineers and officials working in the energy field.

Few of the measures have been thoroughly evaluated as of this date. Time undoubtedly will show that many of them are of little value.

The list is by no means complete. Undoubtedly many good ideas known to others have been overlooked and many more measures are still awaiting discovery.

Measures which are appropriate only for implementation during an emergency are identified by the letters (EM).

It is the intention of the Department to publish at a later date information on many of the measures listed. In the meantime, comments on these items are solicited as well as suggestions as to new items which should be added to the list.

JOHN H. GIBBONS,
Director, Office of Energy Conservation.

INDUSTRY

Process steam

The largest industrial consumption of fuels is in production of process steam accounting for 40 percent of total industrial fuel and 17 percent of the total U.S. energy consumption. Oil refineries, pulp and paper plants, chemical plants, food processing plants, and others all require large quantities of process steam.

At the boiler plant energy can be conserved through:

(1) Improve operation so that optimum combustion efficiency is continuously maintained.

(2) Replace inefficient burners.

(3) Install air preheaters or economizers.

(4) Install additional extended surface in convection section.

(5) Install forced draft fans to improve draft conditions.

(6) Recover heat from boiler blowdown streams, using flash tanks or heat exchangers.

(7) Use waste heat boilers to recover heat from hot gases which otherwise would be discharged to air.

(8) Where feasible from economic and air pollution viewpoints, shift to fuels offering higher boiler efficiency than oil. A coal-fired boiler has a higher efficiency than oil. An oil-fired boiler has a higher efficiency than gas.

(9) Install tall stacks of generous diameter so that power needed for boiler fans is reduced or the need for fans eliminated entirely.

(10) Operator training program aimed at improving boiler-plant efficiency.

(11) Oil and gas can be conserved by burning coal, or solid wastes in any boiler or furnace having the capability of burning solid fuel.

Steam usage within the industrial plant can be minimized by such measures as:

(1) Select lowest possible steam pressure for any heating service and extract power from the steam in expanding it from boiler pressure to the pressure required for process.

(2) Install additional metering so that abnormal steam usage will be detected quickly.

(3) Install additional heat exchange surface to minimize temperature difference between the heating steam and the product being heated.

(4) Increase frequency of cleaning heat exchangers.

(5) Use flash tanks and heat exchangers to recover heat from hot condensate.

(6) Replace defective steam traps.

(7) Replace eroded blades and nozzles in existing turbines.

(8) Replace inefficient mechanical-drive turbines.

(9) Reduce cooling steam flow through idling turbines to the true minimum safe value.

(10) Reduce steam flow through pressure reducing stations to zero for all except emergency conditions.

(11) Where variable speed drivers are provided, reduce speed of pumps, fans, compressors, so that throttling of discharge steam becomes unnecessary.

(12) Reduce flow to flares to the minimum required level.

(13) Substitute multiple effect evaporators for single effect.

(14) Substitute vapor compression distillation for common thermal distillation where appropriate.

(15) Install waste heat boilers to recover heat from hot waste gases such as the exhaust of turbines.

(16) Install heaters to recover waste heat from hot water streams such as engine jacket water.

(17) Stop leaks of steam and condensate.

(18) Insulate all hot lines, vessels, and machinery.

(19) Replace standby steam turbines with automatic quick-start diesels or with electric-motor drivers served by an independent feeder.

(20) Stop venting of steam.

(21) In lieu of using heating steam, attempt to exchange heat between streams within a unit and also between units.

(22) Adopt more efficient heater designs embodying such features as flue gas recirculation. Process unit heaters with efficiencies in excess if 90 percent are now available.

(23) Increase frequency of cleaning boiler tubes and burners.

(24) Establish operator training program to teach techniques for operating efficiently.

Direct firing

Eleven percent of all the fuel burned in America is used in industrial direct heating processes such as in cement or steel manufacturing. Utilization efficiency can be increased through:

(1) Install heat exchangers to recover heat in exhaust gases.

(2) Install thicker insulation on furnaces, vessels, and ducts containing hot gases.

(3) Recover heat from hot material leaving process.

(4) Replace inefficient burners.

(5) Shift to fuel offering high efficiency.

(6) Install air preheaters, heated by hot exhaust gases.

(7) Install tall stacks of generous diameter, so as to minimize power required for furnace fans.

(8) Increase frequency of cleaning boiler tubes and burners.

(9) Establish operator-training program to teach techniques for operating efficiently.

Electric motors

Electric motors account for 8 percent of the nation's total energy consumption. The motors drive pumps, fans, compressors, machine tools, and other equipment. The current drawn by motors driving fluid-moving equipment can be reduced by such measures as:

(1) Substitute efficient new motors for inefficient old motors.

(2) Substitute new efficient pumps, fans, compressors, etc. for old inefficient equipment.

(3) Replace old eroded or corroded impellers in existing equipment.

(4) Substitute smaller motors where possible so that operation will be closer to the full load maximum efficiency point.

(5) Reduce impeller diameter where the generated head and capacity exceed the true requirements. (Horsepower is proportional to the cube of the diameter.)

(6) Replace discharge piping (and valves) with larger pipe so as to reduce the discharge head.

(7) Replace a plurality of small, inefficient pieces of equipment with one large unit having the same output.

(8) Shut off all equipment when not in use. In many cases it is appropriate to provide timer switches or other devices to do this automatically.

(9) Where capacity and head characteristics of pump, compressor, or fan exceed actual requirements by large margin, substitute motor driver having a lower speed and lower horsepower rating.

(10) Raise power factor through installation of capacitors and synchronous motor or

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by operating the generator of a disabled turbine generator set as a synchronous condenser.

(11) Substitute electric motor drivers fed from an independent power source for standby mechanical-drive turbines.

(12) Increase size of conductor on feeders experiencing excessive voltage drops.

Other measures

(1) Revise criteria for evaluation of alternate processes and equipment selections so that the alternate selected is that one which offers the lowest total cost (including fuel cost) over the lifetime of the equipment or at least over a period of ten years or more. This measure would have a greater effect in raising the efficiency of energy use by industry than any other.

(2) In planning new plants, take energy consumption into account in the early design phase.

(3) Reduce flow of gas to flares to an absolute minimum.

(4) Burn all combustible waste as fuel.

(5) Stop all leaks from tanks, piping, pump seals.

(6) Adopt new and more efficient processes, abandoning the old and more energy-intensive processes.

(7) Increase usage of recycled material in the manufacturing process.

(8) Use hydraulic or gas expansion turbines to recover pressure energy from high pressure liquid and gas streams leaving a process unit.

(9) Use floating-roof tanks in lieu of cone roof tanks. If the latter is used, recover vapor lost from vents.

(10) Use aluminum and other basic materials from government stockpiles so that energy use associated with ore reduction can be avoided.

(11) Improve operating practices so as to avoid waste of fuel or other materials. This will probably require an operator training program.

(12) Produce solvents, alcohols, etc. by fermentation of wood wastes, grains, etc. so that demands for petroleum based solvents will be reduced.

(13) Impose tax on virgin materials so as to encourage use of recycled materials.

(14) Impose taxes to discourage use of nonreturnable containers for beverages and other commodities.

(15) Impose high tax on energy intensive materials such as nylon, aluminum, titanium.

(16) Shut down primary aluminum plants using instead aluminum taken from stockpiles. (EM)

(17) Develop heating and air conditioning systems to maintain comfortable conditions in the areas where people work and not the entire building, for example, in a machine shop there is little need to heat or cool the air which is 20 feet above the head of a lathe operator.

COMMERCIAL—INCLUDING GOVERNMENT

Space heating and cooling

1. Orient buildings so as to minimize solar heat load in summer and exposure to cold winds in winter.

2. A rectangular building with the long axis oriented to face north and south suffers less solar heat gain in the summer. With a 1 to 2½ side ratio, the building will use 29% less energy for cooling if the short axis faces north and south rather than east and west.

3. Erect one large building rather than a number of smaller buildings.

4. A building with a square floor plan has less surface exposed to the weather than a rectangular one and will require less energy for heating and cooling.

5. Build partially below grade and employ berms to reduce soar loads and transmission losses.

6. In orienting new buildings take advantage of existing buildings and trees to shield against excessive solar heat gain in summer and winter winds.

7. Install solar shades, balconies, overhangs, vertical louvers or awnings over windows facing south or west for summertime shading.

8. Design buildings for multiple uses. For example, one structure could serve as a school during the day, a community recreational center at night, a synagogue on Saturday and a church on Sunday.

9. For new buildings, establish maximum energy consumption values in BTU per square foot of floor space.

10. Design heating and cooling systems to maintain desired conditions for all but the 5% of the time during which the weather exceeds design conditions. (2½% is the usual design basis today.)

11. Design new buildings with openable windows or other means so that natural ventilation can be used to maintain comfortable conditions in moderate weather.

12. Make windows of heat reflecting, or heat absorbing glass.

13. In the north, minimize amount of windows installed in the north wall where no solar heating gain can be achieved in winter. In the south, put the greatest amount of windows in the north wall to reduce the summer solar heat load.

14. Utilize vertical windows in every other module in lieu of a continuous horizontal window band of the same area.

15. Install permanent or temporary storm windows on all windows of all existing buildings. In office buildings of glass curtain wall construction, storm windows of glass (or plastic) may be installed on the inside of the existing glass panels.

16. In all new buildings use double (or triple) glazing for all windows.

17. Install insulation in walls and roofs of buildings having none.

18. Convert urban commercial buildings to district heating using energy in steam extracted from power-plant turbine generators.

19. Prohibit installation of electric resistance heating or separate in-house heating furnaces or boilers in new buildings when district heating systems pass within 600'.

20. Reduce setting of heating thermostats controlling room temperatures in the winter to 70° F.

21. Raise thermostat setting in summer in air conditioned buildings to 78° F.

22. Install vestibule or second set of doors at lobby entrances to reduce loss of heated or cooled air.

23. Provide screen outside the building to shield doorways on north or west face of building from the wind.

24. Install automatic door closers where this will reduce loss of heated or cooled air.

25. Insulate and seal ducts passing through non-air conditioned space.

26. Eliminate window type air conditioning units, substituting central systems.

27. Stop use of the terminal reheat system to control humidity of air in air conditioned buildings.

28. A sufficient number of temperature control zones should be provided so that large areas outside the control zones do not become overheated or overcooled.

29. Relocate people within building during the day to take advantage of temperature variations. For example, in afternoons when rooms on south or west become too warm transfer workers to rooms on the north side of the building.

30. Shut off building air conditioning equipment one-half hour before regular quitting time.

31. Do not start ventilating fans serving office buildings until mid-morning.

32. Reduce fresh air intake to building ventilation systems by shutting down fans or installing orifices in ducts.

33. Install heat pipes, heat wheels, or other heat exchange equipment to recover energy now lost with exhaust air.

34. Run air conditioning equipment only on really hot days. Open windows for necessary cooling on other summer days.

35. Run ventilating fans intermittently.

36. Shut off toilet exhaust systems where natural ventilation is adequate for odor control.

37. Ventilate storage and utility spaces with exhaust air from other areas requiring a higher load of air freshness.

38. Do not attempt to maintain same comfort conditions in corridors as in work areas.

39. Ban smoking in public buildings so that the amount of fresh air intake can be reduced.

40. Re-examine and revise as appropriate the limits established previously on the amount of air recycle permitted.

41. When not in use shut off exhaust fans at exhaust hoods in laboratories, hospitals and manufacturing plants.

42. Exhaust the heat and moisture released in kitchens and laundries directly to the outside.

43. Use natural draft cooling towers in lieu of mechanical draft towers.

44. Improve operation of a building through an operator educational program.

45. Improve maintenance practices to prevent energy loss due to leaks of steam and hot water, scale formation and corrosion in heat exchange equipment, plugging of filters, etc.

46. Use electric igniters in lieu of gas pilots on gas burners in furnaces, water heaters, etc.

47. Inspect, clean and adjust boilers and heating furnaces at least once a year to insure that they are operating at maximum efficiency.

48. Utilize trash as a boiler fuel in the building heating boilers. This will reduce amount of ordinary fuel that must be burned in the building and the fuel consumed in removing the trash and disposing of it.

49. Prohibit use of electric resistance heating in commercial buildings.* If heating is to be done with electricity, heat pumps should be used.

50. Avoid oversizing of boilers and heating furnaces, air conditioning, and other equipment.

51. Install small furnace to carry building load during mild weather; its efficiency is higher than a large boiler operating at part load.

52. Reduce piping friction and pumping power requirements through use of generously sized lines.

53. Reduce duct losses and fan power requirements through use of generously sized duct work and variable air flow heating and cooling.

54. Employ heating and cooling energy storage systems to reduce peak demands and improve overall efficiency.

55. Recover heat in warm drain water.

56. Utilize heat rejected from commercial refrigeration units for space heating.

57. Utilize only waste heat to melt snow from sidewalks.

58. Recover heat from remotely located lamp ballasts.

59. Install demand limiters to reduce the peak electric load. If this were done by all large power users, the electric utility could reduce usage of inefficient peaking units.

60. Install power factor correction equipment.

Water heating

1. Shut off heated hot water distribution system serving washrooms or reduce temperature of hot water to 110° F.

2. Use solar energy for water heating.

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*Except for occasional small portable heaters.

3. Wherever possible perform building cleaning with cold water in lieu of hot.

4. In buying new hot water heaters select a unit with high efficiency, with thick insulation on the shell.

Lighting

1. Design lighting for expected activity. (Light for the seeing tasks with less light (one-half or less) in surrounding nonworking areas).

2. In design arrange the lighting fixtures and fenestration in the most effective manner.

3. Use efficient light sources (higher lumen/watt output). For example, a fluorescent lamp is three times as efficient as an incandescent bulb.

4. Use more efficient lighting fixtures.

5. Use lighter finishes on ceilings, walls, floors and furnishings.

6. Wherever possible, use ordinary incandescent lamps, not the long life type. When extended service lamps must be used, select those with lowest power requirements.

7. Use one large bulb rather than smaller ones. For example, one 100 watt incandescent lamp produces more light than two 60 watt lamps.

8. In choosing fluorescent fixtures, choose a long bulb length since this will be more efficient.

9. Reduce light levels in areas where no close work is done by:

(a) Substitution of smaller bulbs

(b) Reducing number of bulbs left burning

(c) Use of dimmer switch (solid state type)

10. Perform cleaning of office buildngs during the day.

11. Where nighttime cleaning is necessary, require all cleaning personnel to work on one floor until the task is completed, then turn out lights and move en masse to the next floor.

12. Keep lighting fixtures and lamps clean and in good working condition.

13. Utilize high frequency lighting to obtain higher lamp performance.

14. Install lamp ballasts in non-air conditioned space to reduce the heat load on the air conditioning system.

15. Whenever illumination footcandle levels exceed 75, consider heat-of-light system which transfers energy from the interior zones to the perimeter.

16. Whenever additional lighting is proposed as a means to discourage crime, give careful consideration to achieving the desired effect in other ways such as by adding foot patrolmen or erecting fences with effective gate controls.

17. Turn off lights, heat, and air conditioning in unoccupied storerooms and closets.

18. Remove every third fluorescent lamp (and ballast) from ceiling fixtures. Shut off every other light in hallways.

19. Turn off all lights when not needed. Educate all employees to turn off the lights when they are the last to leave the room.

20. Require that in every room a wall switch be provided which will permit the lights to be extinguished when the room is unoccupied or when natural lighting is adequate.

21. Minimize display and advertising lighting. Shut down all such lighting after midnight.

22. Shut off unnecessary street lights.

23. Stop lighting of used car sales lots after midnight.

24. Reschedule night sports events to daylight hours.

25. Minimize interior lighting of office buildings at night.

26. Shut off most of the lighting in garages and parking lots, leaving only lighted corridors.

27. Stop outdoor illumination of buildings and monuments at night.

Miscellaneous

1. Prohibit use of non-reusable plastic cups, dinnerware and cutlery.

2. Stop unnecessary transfer of employees and their families by large corporations and by the military.

3. Extend the normal tour of duty at military stations to 4 years or more.

4. Shut down non-critical Army, Navy and Air Force bases.

5. Reduce the size of the nation's armed forces to the extent that the national security is not imperiled.

6. Eliminate flight pay incentives for those officers who do not absolutely need to retain their flying skills in order to perform their jobs satisfactorily.

7. Provide manually wound clocks in lieu of electric clocks.

8. Turn off automatic door openers.

NOTE: We are indebted to Mr. Fred S. Dubin of Dubin-Mindell-Bloome for a number of the energy conservation measures for commercial buildings listed in the preceding subsections.

AGRICULTURE

1. Slow down speed of farm tractor engines when not fully loaded. ("Shift up—throttle back")

2. Require all farmers to adopt the reduced tillage farming technique.

3. Substitute gated pipe irrigation of farms for elevated sprinklers.

4. Get more fresh produce to market to avoid energy investment in food processing.

RESIDENTIAL

Space heating and cooling

1. Insulate attics of existing homes to at least 6".

2. Insulate walls of existing homes to 3½" or more if possible.

3. Increase amount of insulation required for walls and attics of new homes.

4. Install on all existing homes storm windows made of glass or plastic sheets.

5. Install vestibule at most frequently used door.

6. Require that all windows in all new construction be dual pane (or a single pane plus a storm sash).

7. Weatherstrip and caulk all houses.

8. Plant deciduous trees and vines on south and west sides of homes to provide protective shade against summer sun.

9. Require that all roofs of new buildings be light in color.

10. Reduce airconditioning loads through better ventilation of attics. Louvers or wind powered roof ventilators are preferred over motor driven attic fans.

11. Take away tax advantage now enjoyed by people living in single family houses to encourage people to live in multi-family dwellings. They require less energy for heating and cooling.

12. Locate new large government installations in areas of the country where the climate is mild.

13. Encourage installation of solar space heaters by providing low cost loans on new homes with such equipment.

14. Service oil burners regularly to improve efficiency.

15. In winter reset home heating thermostats to 70° F (daytime and 60° (nighttime)).

16. In summer, raise thermostat settings to 78° F 24 hours/day.

17. Shut off furnace pilots in summer.

18. Draw draperies and shades in unoccupied rooms.

19. Close off unoccupied rooms, and turn off the heat.

20. Install automatic furnace flue dampers to stop loss of hot air up the stack during periods when the furnace is on the off cycle (Note: those dampers do not yet have AGA approval).

21. Install insulation around heating/air conditioning ducts passing through unheated/uncooled space.

22. Change gas and oil heating systems to multiple zone type so that temperature in unoccupied parts of the home can be set at a lower temperature.

23. Install heat recovery surface in furnace stack to increase overall efficiency of heating plant.

24. Provide single large efficient central air conditioning and heating plant to serve a number of houses or apartments.

25. Develop small, environmentally acceptable, total energy packages or fuel cells to supply heat and electricity for apartment houses or even for the individual home.

26. Encourage tearing down of old houses which are poorly designed and constructed and built with inadequate insulation and replace with new and better buildings.

27. Burn trash as fuel in heating boiler.

28. Limit window areas to 10 percent of the floor area or less.

29. Improve seasonal efficiency of furnaces, space heating boilers. Perhaps the government should impose minimum acceptable efficiency values (these minimum values to be reviewed every five years).

30. In urban areas, prohibit installation of heating furnaces or resistance electric heating systems in any new multi-family dwelling when district heating mains are located within 1,000 feet.

31. Eliminate tax laws and other institutional factors which make it difficult for district heating to compete with less efficient heating means.

32. Require that all residences built for the government be designed for minimum owning cost over the expected life of the home.

33. In the sale of a new or old home, require that an inspection of insulation and heating, air conditioning, and water heating equipment be made by an independent engineer and that his appraisal of the energy requirements of the building be furnished to the buyer before sale.

34. Require that a plaque describing characteristics of insulation and efficiency of space heating, air conditioning, and water heating plants be mounted in all new homes.

35. In apartment houses reduce energy added in air handling system by foregoing terminal reheat for humidity control, reducing intake of outside air, recovering heating or cooling energy in exhaust air and reducing duct velocities.

36. a. Install pressure switch and signal light to warn when air filter in hot air heating system is plugged, or

b. Clean or replace filter in hot air heating system monthly.

Water heating

1. Wash dishes by hand in lieu of using a dishwasher. (EM)

2. Minimize use of hot water for washing clothes. Wash in cold water using a modern cold water detergent.

3. Install insulation around hot water lines. Set water heater to 110° F.

4. Install heat recovery surface in drains from washing machine and dishwasher so that rejected heat can be utilized for space or water heating.

5. Improve design of water heaters.

a. Thicker shell insulation.

b. Recover heat in stack gases.

c. Provide devices to keep exchange surfaces clean.

d. Use washing machines and dishwashers only when a full load has accumulated.

6. Install solar hot water heaters on roof top or in the backyard to lighten the load on electric or gas fired hot water heaters.

7. Provide heat exchange equipment to recover heat in warm drain water.

Lighting

1. Design residences to make maximum use of natural light year round consistent with efforts to reduce heat flow through windows.

2. Eliminate gas yard lights.

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3. R&D program to develop inexpensive durable switch which will automatically shut off lights in a room after the last occupant has left.

4. Prohibit installation in new homes of incandescent type lamps for kitchens, bathrooms and yard lighting, using fluorescent lights instead.

5. Conduct R&D program to develop a new fluorescent lamp with a mazda base that is interchangeable with existing incandescent lamps.

6. Install in the kitchen of all homes an indicating watt-meter showing instantaneous energy consumption of the household.

7. Avoid use of inefficient "long life" type of incandescent lamps.

8. Educate Americans to turn lights off when the last person leaves a room. Children are especially prone to forget to do this.

9. Adopt daylight savings time in winter.

10. Adopt double daylight time in summer.

11. Use lighter colors for walls, rugs, draperies, furniture, to reduce amount of artificial lighting required.

12. Never use artificial lights strictly for its decorative effect.

13. Keep lamps clean.

14. Utilize daylight whenever possible in lieu of artificial light.

15. Improve "operation" of the home.

a. Avoid use of appliances during peak load periods on the area's electrical power system.

b. Draw shades and blinds in unoccupied rooms.

c. Turn down thermostats at night in winter.

d. Keep outside doors closed.

16. Provide damper control for clothes dryers so that in winter the warm air leaving the dryer is discharged inside the house.

Appliances

1. Improve efficiency of refrigerators and freezers by such charges as:

a. In summer, discharge warm air leaving condenser out of doors.

b. Provide means to stop cold air falling out of the box when the door is opened. (The single large gasketed door can be replaced with 2 or 3 smaller doors. Or single hinged shields can' be installed inside the box at shelf).

c. Increase amount of condenser heating surface provided.

d. Buy the manual, rather than automatic defrost refrigerator/freezer.

2. Educate consumers to select the more efficient appliances for purchase.

3. Prohibit manufacture of appliances having an efficiency below Government established minimum values.

4. Require that energy consumption of each appliance be shown on the nameplate, on the price tag, and in any advertisement or catalogue description of the appliance.

5. Require that all new gas appliances be equipped with electric igniters in lieu of pilot lights.

6. Dilute natural gas with air to reduce BTU consumption of pilot lights, yard lights etc. (EM)

7. Reduce energy required for cooking.

a. Redesign range burners and pots so that more heat enters the pot and less is lost to the ambient air.

b. Require thicker insulation in oven walls.

8. Develop new energy sources which can be located at the point of energy consumption, i.e., at the residence, such as small total energy plants, fuel cells, or even solar energy and wind powered generators. This will reduce transmission loss.

9. Provide government financial support for research aimed at developing more efficient applicanes, low cost insulation for existing homes, etc.

10. Unplug all existing quick-on TV sets when not in use. Prohibit manufacture of such sets in the future.

TRANSPORTATION

Automobiles

1. Impose excise tax on new cars based upon vehicle weight or fuel economy (miles per gallon) achieved when prototype car is tested.

2. Impose additional federal tax on gasoline.

These two measures will help bring about a shift in emphasis from high performance gas-guzzling cars to fuel conserving automobiles. New car buyers will have an incentive to select the most efficient models available in the marketplace. In turn, manufacturers will have an incentive to accelerate their efforts to develop (a) more efficient engines (such as diesels, stratified charge, etc.), (b) more efficient drive trains, (c) lower vehicle weights, and (d) better streamlined body shapes.

3. Impose an excise tax on optional equipment and accessories sold with new cars. These items consume energy directly and through increasing vehicle weight.

4. Remove import tariff on diesel propelled cars with the understanding that these tariffs would be re-imposed as soon as an American manufacturer offered cars with engines of comparable efficiency.

5. Require GSA to specify diesel or other high efficiency engine for a portion of its annual purchase of cars, with percentage increased each year.

6. Establish state operated inspection stations to check auto tune-ups every six months.

7. Install radial tires on all vehicles.

8. Remove emission controls from all vehicles. (EM)

9. On existing cars used primarily at highway speeds, increase engine torque and efficiency by substituting wheels of larger diameter for those originally provided. (This change cannot be accomplished on all cars).

10. Reduce the capacity of fuel tanks on new cars to minimize operating weight.

11. Do not fill gas tanks on existing cars over one-half full.

12. Reduce highway speed limits for passenger cars, trucks and buses.

13. Require that automobile manufacturers offer overdrive, or the modern equivalent, as an option on all vehicles.

14. Require that the Federal government make vehicle purchases in the future not on the basis of lowest selling price but on the basis of lowest total of purchase price and estimated cost of the fuel the vehicle will consume over a 10 year lifetime.

(16) Reduce frequency of lube oil changes.

(17) Collect all used lube oil and either burn as boiler fuel or reprocess.

(18) Require that all new air conditioned automobiles be light in color.

(19) Stop use of auto air conditioning on existing cars (EM).

(20) Use battery powered electric autos for urban driving. Oil and gas are saved if the batteries are recharged using electric power from a coal fired central power station.

(21) Urge drivers to "drive conservatively":

a. Avoid "jack rabbit" starts.

b. When stopped in traffic while going up a hill, don't use accelerator to keep the car from rolling back. Use the brake.

c. Drive at a steady moderate speed.

d. When stopping for more than a minute, turn off the engine.

e. Keep tires properly inflated. Underinflated tires waste fuel.

f. With an automatic transmission, accelerate gradually. With a manual transmission, get into high gear quickly.

(22) Require the fuel consumption of all new trucks and cars to be shown on the price tag affixed to the window by the manufacturer.

(23) Locate large commercial buildings near public transportation so that use of private automobiles will be unnecessary.

(24) Lighten weight of existing cars by removing spare tire and pack and bumpers. (EM)

(25) Provide additional fringe parking.

(26) Provide underpasses and overpasses at busy street intersections so as to reduce fuel presently wasted in accelerating and decelerating and idling of vehicles at street lights.

(27) Change traffic laws to permit saving fuel. For example, permit a vehicle to make a right turn at a red light after coming to a full stop.

(28) Straighten highways and make them more level to reduce load imposed on vehicle engines.

(29) Prohibit students and teachers from driving their own cars to school when school bus service is available.

Trucks

(1) Consolidate freight shipments.

(2) Limit urban truck freight deliveries to nighttime hours.

(3) Improve aerodynamics of trucks and trailers. This could require change in state laws to permit greater trailer length to accommodate extensions at the rear.

(4) Require installation of air shields on all tractors in line haul service.

(5) Permit tractors to haul additional trailers and/or larger trucks.

(6) Revise state laws to authorize truckers to haul heavier loads.

(7) Revise government regulations which prohibit a truck, not owned by a common carrier, to carry freight for others. Such trucks after making a delivery for the owner must now return empty.

(8) Revise government regulations which have the effect of requiring truckers to travel circuitous routes between origin and destination. To serve the smaller communities left without adequate trucking service, establish feeder truck lines.

(9) Relocate factories so that the amount of inter-factory shipments is minimized.

(10) Prohibit trucks from entering or leaving cities during commuting hours.

Bus

1. Increase the number of buses carrying passengers between city and suburbs. If new buses are not available because of a lack of funds or time, existing school buses could be used to carry workers to the city in the morning and bring them home at night. While the parents were at work, the school buses would perform their normal service of transporting youngsters to and from school.

2. Establish fast lanes for commuter buses and for commuter autos having four or more riders.

Airplanes

1. Increase loading factors of passenger aircraft to 70 percent from 50 percent.

2. Reduce idling speed of aircraft to the extent it is safe to do so.

3. Reduce cruising speed of commercial aircraft.

4. Prohibit airline flights between major cities when fast train service is available. For example, shuttle fights between Washington and New York could be eliminated.

Trains

1. Shut down locomotive engines when not in use.

2. Raise efficiency of locomotive engines through addition of superchargers.

3. Increase trackage and the number of railroad trains in service.

4. Improve efficiency of railroads in handling of freight and passengers.

Boats

1. Reduce boat speeds.

2. Straighten river beds so that the distances barges and ships must travel to deliver shipments is reduced.

3. Install device to collect and recover

unburned fuel from crankcase of all 2-cycle outboard motors.

Other transportation measures

1. Encourage greater use of the more energy efficient modes of transportation. For example, encourage rail or bus travel in preference over air travel. Encourage rail shipments over truck. Encourage truck shipments in preference to air. A tax on air travel and air freight (and a lesser tax on truck shipments) is one form of encouragement. A tax on all fuels is another.

2. Provide improved and extended urban transit systems. Lower the fares on urban transit systems.

3. Require that sidewalks be provided for all suburban streets located within one mile of stores to encourage walking to the store.

4. Direct all high government officials to set a good example by practicing energy conservation in their business and home life—giving up their government limousines, and using compact cars, commuting by bus, turning out unnecessary lights, wearing clothing made of natural fibers, etc.

5. Ban automobile and boat racing. These races themselves consume fuel; they stimulate interest in fast travel, fast cars and powerful engines, all of which is in the direction of higher fuel consumption.

6. Reorganize companies and government units so that groups which most frequently work together are located in the same building or within walking distance of each other.

7. Improve telecommunications (perhaps making telephone TV available at moderate rates), so that business travel can be reduced.

8. Provide bicycle paths in cities and suburbs.

9. Stagger working hours for large employers so as to reduce traffic congestion during the peak commuting hours.

10. Prohibit use of gasoline as a solvent.

11. Impose tax on all petroleum based solvents sufficiently high so as to encourage use of solvents made from wood, coal, grain, etc.

12. Discourage vacation trips by car and airplane.

13. Prohibit filling gas tanks to a level up in the fill pipe. This will minimize gasoline spillage after the car leaves the service station.

14. Prohibit employers from relocating executives (with their families and household goods) more often than every four years. Exceptions are to require prior government approval.

15. Stop compulsory school busing, allowing children within walking distance of a school to attend that school.

ELECTRICAL POWER GENERATION

(1) Require electric utilities to make power generating unit load assignments on basis of minimum oil and gas consumption and not minimum cost.

(2) Require all new fossil fuel fired power plants to burn coal or solid wastes (municipal wastes, lumbering wastes, etc.)

(3) Permit burning of oil or gas only when solid fuels are unavailable (EM).

(4) Expedite availability in the U.S. of an economical, practical, reliable SO_2 removal system. (The lack of such a system is discouraging use of coal as fuel in existing steam power plants.)

(5) Require process industries to sell to the local electrical utility any surplus power which can be produced from industrial non-condensing turbines.

(6) Install small unattended hydroelectric plants at undeveloped sites on rivers and lakes.

(7) Improve efficiency of stationary diesels driving generators by adding superchargers.

(8) Reduce voltage of electrical power systems during periods of excessively high demand. (EM)

(9) Reduce frequency of electrical power systems. (EM)

(10) Shut down AEC gaseous diffusion plants. (EM)

(11) Develop an economical method of storing surplus off-peak energy.

(12) Replace old inefficient hydroelectric turbine generators with modern more efficient units.

(13) Encourage adoption of more efficient power plants such as combined cycle plants.

GENERAL

1. Conserve energy in all sectors, industrial, commercial, residential, transportation, and power generation, by adopting these purchasing practices:

a. Buy products made of recycled material whenever available.

b. Buy products made of natural materials in preference to those made of man-made materials. Manufacture of a wool or cotton garment requires less energy than one made of synthetic fiber.

c. Buy garments made of fabric requiring little or no ironing. (A resolution of the conflict between this measure and item (b) above is required.)

d. Buy durable long-lived products in preference to cheaper substitutes which will soon require replacement.

e. Buy articles made of those materials which present best opportunities for recycling.

f. Buy the article made of the least energy-intensive material. For example, purchase of items made of aluminum should be avoided when a substitute made of steel is available.

g. In buying operating equipment such as automobiles, appliances, pumps, fans, compressors, boilers, etc., make the selection not wholly on the basis of minimum purchase price but on the basis of minimum owning cost over the expected lifetime of the article including the cost of fuels and electric power.

2. Impose an energy tax on all fuels at the time of first sale by the producer. To keep the tax from being regressive, concurrently reduce the income tax of individuals (and their payroll deductions) by an amount equal to the estimated energy tax payments of a family of modest means which uses energy prudently and avoids purchase of energy-intensive articles. Thus, only the families who are energy wastrels would end up with a net overall tax increase. No rebate of any type would be offered to industrial or commercial establishments.

TREATY OF EXTRADITION WITH DENMARK (EX. U, 93D CONG., 1ST SESS.)—REMOVAL OF INJUNCTION OF SECRECY

Mr. ALLEN. Mr. President, at the direction of the distinguished majority leader, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Treaty of Extradition with Denmark, signed at Copenhagen on June 22, 1972 (Executive U, 93d Congress, first session), transmitted to the Senate today by the President of the United States, and that the treaty with accompanying papers be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER (Mr. CLARK). Without objection, it is so ordered.

The message from the President reads as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty on Extradition between the United States of America and the Kingdom of Denmark, signed at Copenhagen on June 22, 1972. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty is one of a new series of extradition treaties being negotiated by the United States and contains provisions for offenses of aircraft hijacking, narcotics, and conspiracy to commit listed offenses.

The Treaty will make a significant contribution to the international effort to control narcotics traffic. I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

RICHARD NIXON.

THE WHITE HOUSE, *October 30, 1973.*

QUORUM CALL

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the following letters, which were referred as indicated:

NUTWOOD WATERSHED PROJECT IN THE STATE OF ILLINOIS

A letter from the Acting Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a work plan for the Nutwood Watershed project in the State of Illinois (with an accompanying document). Referred to the Committee on Agriculture and Forestry.

REPORT ON FINAL DETERMINATION IN INDIAN CLAIM CASE

A letter from the Chairman, Indian Claims Commission, reporting, pursuant to law, on its final determination with respect to Docket No. 198, the Confederated Tribes of the Warm Springs Reservation of Oregon, against the United States of America, Defendant (with accompanying papers). Referred to the Committee on Appropriations.

REPORTS OF DEPARTMENT OF DEFENSE

A letter from the Secretary of Defense, reporting, pursuant to law, disbursements made against the appropriation "Contingencies, Defense," for the current and prior fiscal years' obligations during fiscal year 1973. Referred to the Committee on Appropriations.

A letter from the Assistant Secretary of Defense, reporting, pursuant to law, on use of excess foreign currencies for military construction. Referred to the Committee on Appropriations.

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), reporting, pursuant to law, on the facilities

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project proposed to be undertaken for the Marine Corps Reserve at the Naval Support Activity, New Orleans, La. Referred to the Committee on Armed Services.

Report of Department of the Navy

A letter from the Assistant Secretary of the Navy (Installations and Logistics) transmitting, pursuant to law, a report concerning a Department of the Navy Shore Establishment Realignment Action at the Construction Battalion Center, Davisville, R.I. (with an accompanying report). Referred to the Committee on Armed Services.

Proposed Legislation To Amend the Small Business Investment Act of 1958

A letter from the Administrator, Small Business Administration, transmitting a draft of proposed legislation to amend the Small Business Investment Act of 1958, and for other purposes (with an accompanying paper). Referred to the Committee on Banking, Housing and Urban Affairs.

Report of National Railroad Passenger Corporation

A letter from the Vice President, Public and Government Affairs, National Railroad Passenger Corporation, transmitting, pursuant to law, a report on the average number of passengers per day on board each train operated and the on-time performance at final destination of each train (with an accompanying report). Referred to the Committee on Commerce.

Report of Environmental Protection Agency

A letter from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the annual report on Administration of the Ocean Dumping Permit program, dated August 1973 (with an accompanying report). Referred to the Committee on Commerce.

Proposed Legislation by the Department of Health, Education, and Welfare

A letter from the Acting Secretary, Department of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend the Social Security Act to improve the program of health insurance for the aged and disabled (with an accompanying paper). Referred to the Committee on Finance.

Seedskadee Project, Fontenelle Dam and Reservoir

A letter from the Assistant Secretary of the Interior, transmitting, for the information of the Congress, a major change is being proposed in the plan for the Seedskadee project, Fontenelle Dam and Reservoir. Referred to the Committee on Interior and Insular Affairs.

Proposed Concession Contract, Ross Lake National Recreation Area, Wash.

A letter from the Acting Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed concession contract to continue to provide accommodations, facilities, and services for the public within Ross Lake National Recreation Area, Wash. (with an accompanying paper). Referred to the Committee on Interior and Insular Affairs.

Report of Equal Employment Opportunity Commission

A letter from the Chairman, Equal Employment Opportunity Commission, transmitting, pursuant to law, a report listing all employees of the Commission, by name, title, grade, and salary, as of the end of fiscal year 1973 (with an accompanying report). Referred to the Committee on Labor and Public Welfare.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. METCALF):

A resolution from the employees of Southern Pacific Railroad, protesting the use of live beagle pups to test various jetplane toxic fumes, and so forth. Referred to the Committee on Armed Services.

A resolution from the Council of the city of Binghamton, State of New York, urging Congress to extend daylight saving time. Referred to the Committee on Commerce.

A resolution from the Cumberland County Democratic Committee, Portland, Maine, demanding impeachment of Richard Milhous Nixon. Ordered to lie on the table.

Petition from David M. Bowles, Albuquerque, N. Mex., in the matter of the impeachment of the President. Ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHURCH, from the Committee on Foreign Relations, without amendment:

S. Res. 174. Resolution relating to the U.S. commitment to the Southeast Asia Collective Defense Treaty and Organization (Rept. No. 93-481).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. EAGLETON, from the Committee on the District of Columbia:

Fred B. Ugast, of Maryland, to be an associate judge, Superior Court of the District of Columbia; and

William R. Stratton, of the District of Columbia, to be a member of the Public Service Commission of the District of Columbia.

(The above nomination was reported with the recommendation that the nomination be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. SYMINGTON, from the Committee on Armed Services:

Lt. Gen. Alvan C. Gillem II (major general, Regular Air Force), U.S. Air Force.

By Mr. LONG, from the Committee on Finance:

Helmut Sonnenfeldt, of Maryland, to be Under Secretary of the Treasury.

(The above nomination was reported with the recommendation that the nomination be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. PERCY (for himself, Mr. BAKER and Mr. COOK):

S. 2616. A bill to establish an independent Special Prosecution office, as an independent agency of the United States, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. HATFIELD (for himself and Mr. McGOVERN):

S. 2617. A bill to prohibit the use of funds to finance any combat activity by U.S. military forces in the Middle East. Referred to the Committee on Armed Services.

By Mr. BELLMON:

S. 2618. A bill for the relief of Kria Malik Basiluos. Referred to the Committee on the Judiciary.

By Mr. McGEE:

S. 2619. A bill to provide for access to all duly licensed psychologists and optometrists without prior referral in the Federal employee health benefits program. Referred to the Committee on Post Office and Civil Service.

S. 2620. A bill to establish a commission to investigate and study the practice of clearcutting of timber resources of the United States on Federal lands. Referred to the Committee on Interior and Insular Affairs.

By Mr. JACKSON (for himself and Mr. HASKELL):

S. 2621. A bill to declare a national policy that the beaches of the United States are impressed with a national interest and that the public shall have free and unrestricted right to use them as a common consistent with such property rights of littoral landowners as may be protected absolutely by the Constitution, to establish procedures and provide Federal funding for the purchase or condemnation of easements of access to the beaches for public use, to provide for administration of the national open beaches program by the Secretary of the Interior; and for other purposes; and

S. 2622. A bill to declare a national policy to protect and manage islands of the Nation which possess unique environmental, recreational, historical, and cultural values; to authorize a study by the Secretary of the Interior of our Nation's islands including recommendations of islands to be added to the national park wildlife refuge, and forest systems; to encourage the establishment of State islands conservation and recreation programs; to add to the Land and Water Conservation Fund and authorize the provision of a portion of the additional funds to State and local governments for the acquisition of islands and the purchase or lease of Federal surplus island property; and for other purposes.

Referred to the Committee on Interior and Insular Affairs.

By Mr. HUGH SCOTT:

S. 2623. A bill for the relief of Yee Wai Fung. Referred to the Committee on the Judiciary.

By Mr. JAVITS:

S. 2624. A bill for the relief of Jose DePool. Referred to the Committee on the Judiciary.

By Mr. HARTKE:

S. 2625. A bill to amend title II of the Social Security Act to provide for the entitlement of disabled wives and husbands to unreduced wife's and husband's insurance benefits without regard to age. Referred to the Committee on Finance.

By Mr. BENTSEN:

S. 2626. A bill to amend the Federal Property and Administrative Services Act of 1949 and other pertinent statutes of the United States Code in order to establish Federal policy concerning the selection of firms and individuals to perform accounting services for the Federal Government, and for other purposes. Referred to the Committee on Government Operations.

By Mr. PACKWOOD:

S. 2627. A bill to further the purposes of the Wilderness Act by incorporating French Pete Creek and adjacent roadless lands in the Three Sisters Wilderness, Oreg., and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. SPARKMAN:

S. 2628. A bill to amend the Investment Company Act of 1940 and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

S. 2629. A bill to amend the Internal Revenue Code of 1954 with respect to the income tax treatment of small business investment

companies and shareholders in such companies. Referred to the Committee on Finance.

By Mr. HUMPHREY:

S. 2630. A bill to establish a temporary Joint Committee on Foreign Trade. Referred to the Committee on Government Operations by unanimous consent.

By Mr. BAKER (for himself and Mr. BROCK):

S. 2631. A bill to establish a bipartisan Independent Special Prosecution Force and for other purposes. Referred to the Committee on the Judiciary.

By Mr. CRANSTON:

S. 2632. A bill for the relief of Rose Gipson. Referred to the Committee on the Judiciary.

By Mr. NELSON:

S. 2633. A bill to amend the Federal Food, Drug, and Cosmetic Act, as amended, to prohibit the use of any name in connection with any prescription drug other than the official name designated for such drug by the Secretary of Health, Education, and Welfare. Referred to the Committee on Labor and Public Welfare.

By Mr. CRANSTON (for himself and Mr. TUNNEY):

S. 2634. A bill to amend the Act of October 27, 1972, establishing the Golden Gate National Recreation Area in San Francisco and Marin Counties, Calif., and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. WILLIAMS:

S. 2635. A bill to amend section 110 of title 28, United States Code, to provide a place for the holding of Federal District Court in Hackensack, N.J. Referred to the Committee on the Judiciary.

By Mr. McGOVERN:

S. 2636. A bill to authorize supplemental appropriations for National Science Foundation Energy research and development. Referred to the Committee on Interior and Insular Affairs.

By Mr. THURMOND:

S. 2637. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder. Referred to the Committee on Finance.

By Mr. MAGNUSON (for himself and Mr. COTTON) (by request):

S. 2638. A bill to provide for fire accident data collection, analysis and dissemination, to assist State and local governments in reducing the incidence of death, personal injury, and property damage from fire, to increase the effectiveness and encourage fire prevention and control at all levels of government, and for other purposes. Referred to the Committee on Commerce.

By Mr. JACKSON:

S. 2639. A bill to amend the Maritime Academy Act of 1958 in order to authorize the Secretary of the Navy to appoint students at State maritime academies and colleges as Reserve midshipmen in the U.S. Navy, and for other purposes. Referred to the Committee on Armed Services.

By Mr. SCHWEIKER:

S.J. Res. 167. Joint resolution to amend the Constitution relative to silent prayer or meditation in the public schools and public buildings. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PERCY (for himself, Mr. BAKER, and Mr. COOK):

S. 2616. A bill to establish an independent Special Prosecution office, as an independent agency of the United States, and for other purposes. Referred to the Committee on the Judiciary.

Mr. PERCY. Mr. President, there must be a special Watergate prosecutor, independent and insulated from political pressure by either the Executive or Congress. This was my position last May when I introduced Senate Resolution 105, the original special prosecutor resolution, which was adopted by the Senate. It remains my position today. But now it is clear that stronger measures than those of last May are required to assure the American people that we have acted to preserve the integrity of the Watergate investigation and prosecution.

I am today introducing a measure, along with Senators BAKER, BROCK, and COOK, to establish an independent office to investigate the Watergate-related offenses. The President is authorized and directed to appoint, within 7 days of the enactment of this legislation, a special prosecutor and a deputy special prosecutor, subject to confirmation by the Senate.

Once confirmed, these two individuals would have full authority to take up where the Cox investigation left off, investigating and prosecuting all offenses against the United States arising out of the campaign and election for the Presidency in 1972. The actual powers given to the special prosecutor are based on the agreement reached between former Attorney General Richardson and Archibald Cox, and are the same as provided for in S. 2611. As in the Hart-Bayh bill, the office will exist for 2 years, except that any trials or appeals then in progress may be concluded.

Apart from the manner in which the special prosecutor and the deputy are appointed, the other major difference is in the manner in which the special prosecutor can be dismissed. Analogous to an independent agency, whose members are insulated from political pressure, the special prosecutor, under the provisions of my bill, can only be dismissed by the President for three reasons: malfeasance in office, neglect of duty, or violation of the statute which created his office. These are the same grounds which typically apply to members of independent agencies.

However, our bill goes even one step further toward protecting the independence of the special prosecutor by adopting the procedure which is used when the President proposes Executive reorganization plans to the Congress, and when the court proposes changes in the Federal Rules of Evidence. Should the President determine that one or more of the three grounds for dismissal had occurred, he would then prepare and transmit to the Congress a notice of dismissal. Either House of Congress would then have 30 days in which to pass a resolution of disapproval, which would prevent the dismissal from taking effect. If neither House of Congress did act, then the dismissal would become effective.

I believe that this approach is vastly preferable to having Judge Sirica appoint a new special prosecutor under the auspices of an act of Congress.

The judicial-appointment approach raises a threshold constitutional question which could delay the resumption of the investigation and the prosecution pending the judgment of the courts as to the plan's constitutionality. Or, worse yet, it could put in jeopardy any indictments or convictions obtained by the judicially appointed special prosecutor, should the court later judge such appointment and delegation of prosecutorial functions to be unconstitutional.

Professor Cox acknowledged this potential problem, even though he feels that such a plan is constitutional. On NBC's "Meet the Press," he said:

> But I have to say in honesty that there is room for argument on the other side (of the constitutionality of the judicially-appointed prosecutor) and the Congress will have to consider whether it is worth running the risk because if it is unconstitutional there would be further risk that indictments would be thrown out and justice would never be done.

On the other hand, Professor Cox readily acknowledges the constitutionality of the type of plan that I am proposing today. Our bill stays within the established precedent of having the President appoint and the Senate confirm, thus avoiding both a legal and an institutional confrontation.

Realistically, the President will soon name a special prosecutor and, if, as we all hope, it is an individual whom everyone will be able to fully support, can we then afford the confusion of having Judge Sirica also vested with this authority?

My legislation offers a chance to work with the executive branch toward achieving a common goal—convincing the public, beyond a shadow of a doubt, that impartial, fair, full, and nonpartisan justice has been done. This bill will allow us to take the President's nominee, wrap him or her in a cocoon of independence, much as we do with independent agencies, and allow that person to carry out the job that needs to be done.

Perhaps most important, this approach is necessary to protect the innocent. With the vast amount of publicity which has followed the Watergate investigation, the mere mention of a person's name raises the specter of guilt-by-association. Honorable individuals are in jeopardy of having their reputations ruined. In order to protect all of the innocent people connected with this event, we need to have a special prosecutor, who, because of the way he was nominated and confirmed, because of his integrity and independence, will be able to say, "Mr. X is completely innocent of any and all charges; I have found no credible evidence against him."

If the special prosecutor is subject to suspicion, justified or not, that he was influenced by political consideration, who will believe him when he says that "Mr. X is innocent"? But, if he is appointed and confirmed and allowed free hand to investigate and prosecute as set out in my bill, then the rights of the innocent will be guaranteed, and justice will indeed have been served.

This legislation is not intended to question the integrity of the Department of Justice or any of its employees. Indeed, both the former Attorney General and the former Deputy Attorney General, notwithstanding their high

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regard for Assistant Attorney General Henry Petersen, feel that a special prosecutor needs to be appointed so that the appearance of justice will be as clear to the American people as is humanly possible.

The President himself has taken that position. Where we differ is in how best to achieve that independent status.

I believe that the approach I am suggesting today is not only a responsible and practical approach to the problem, but also one in which the American people will have faith and confidence. The important point is that all of us in the Congress, along with the Executive, realize that we have a common goal. What we need to find is the best way of achieving that common goal—one that will serve the ends of justice, but one which does not put us on a course of constitutional and institutional confrontation. It is my firm hope that this legislation will broaden the discussion and provide a realistic proposal that can be accepted with a minimum of constitutional doubt, legal delay, or political and institutional confrontation.

Mr. President, I ask unanimous consent that the bill be printed in full at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2616

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that this Act may be cited as the Independent Special Prosecutor Act of 1973

Sec. 2. The Congress hereby finds and declares—

(a) Alleged crimes arising out of the Presidential campaign and election of 1972 have raised serious questions in the minds of all Americans of whether a full and complete investigation and prosecution of those crimes will proceed absent any partisanship or favor;

(b) Although the Justice Department is composed of men and women of the highest integrity and ability capable of conducting a fair, full and impartial investigation and prosecution of these alleged crimes, a significant doubt still remains as to whether the public need for the appearance as well as the fact of justice would be satisfied;

(c) The appointment of a Special Prosecution Force in the Executive branch of government on May 24, 1973, following upon the adoption of Senate Resolution 105, had begun the process of restoring the faith of the American people in the integrity of this Administration and in particular in the belief that the ends of justice were to be served;

(d) The dismissal of the Special Prosecutor on the direct order of the President of the United States on October 20, 1973, undermined this growing faith, and has plunged the country into a crisis of lack of confidence in its government and in those who have been elected to lead the government;

(e) In order to restore the public confidence, the investigation and prosecution of any offense arising out of the Presidential campaign and election of 1972 should be returned to an independent prosecutorial force.

Sec. 3. There is hereby established an Independent Special Prosecution Office, which will have the responsibility for investigating and initiating prosecution of all offenses arising out of the Presidential election of 1972 and matters related thereto and arising therefrom, including all matters which were under investigation by the Special Prosecutor force prior to October 19, 1973, pursuant to the agreement made between the former Special Prosecutor and the Attorney General Designate on May 19, 1973.

Sec. 4. The President of the United States is hereby authorized and directed to appoint (within seven days of the enactment of this legislation) a Special Prosecutor and a Deputy Special Prosecutor, by and with the advice and consent of the Senate.

Sec. 5. The Special Prosecutor is authorized and directed and shall have exclusive jurisdiction, to investigate, as he deems appropriate, and prosecute against and in the name of the United States—

(a) Offenses arising out of the unauthorized entry into Democratic National Committee Headquarters at the Watergate;

(b) Other offenses arising out of the 1972 Presidential election;

(c) Offenses alleged to have been committed by the President, Presidential appointees, or members of the White House staff in relation to the 1972 Presidential campaign and election;

(d) All other matters heretofore referred to the former Special Prosecutor pursuant to regulations of the Attorney General (28 C.F.R. Sec. 0.37, rescinded October 24, 1973); and

(e) Offenses relating to or arising out of any such matters.

Sec. 6. The Special Prosecutor shall have power and authority with respect to the matters set forth in Section 5 of the Act:

(a) To conduct proceedings before grand juries and other investigations he deems necessary;

(b) To review all documentary evidence available from any source;

(c) To determine whether or not to contest the assertion of "Executive Privilege" or any other testimonial privilege;

(d) To receive appropriate national security clearance and review all evidence sought to be withheld on grounds of national security and if necessary contest in court, including where appropriate through participation in camera proceedings, any claim of privilege or attempt to withhold evidence on grounds of national security;

(e) To make application to any Federal court for a grant of immunity to any witness, consistent with applicable statutory requirements, or for warrants, subpenas, or other court orders;

(f) To initiate and conduct prosecutions in any court of competent jurisdiction, frame and sign indictments, file informations, and handle all aspects of any cases over which he has jurisdiction under this Act, in the name of the United States, and

(g) Notwithstanding any other provision of law, to exercise all other powers as to the conduct of criminal investigations and prosecutions within his jurisdiction which would otherwise be vested in the Attorney General and the United States attorney under the provisions of chapters 31 and 35 of title 28, United States Code, and the provisions of 26 C.F.R. 301.6103 (a)–1(q), and act as the attorney for the Government in such investigations and prosecutions under the Federal Rules of Criminal Procedure.

Sec. 7. (a) All materials, tapes, documents, files, work in process, information, and all other property of whatever kind and description relevant to the duties enumerated in Section 5 hereof, tangible or intangible, collected by, developed by, or in the possession of the former Special Prosecutor or his staff established pursuant to regulation by the Attorney General (28 C.F.R., Sec. 0.37, rescinded October 24, 1973), shall be delivered into the possession of the Special Prosecutor appointed under this Act.

(b) All investigations, prosecutions, cases, litigation, and Grand Jury or other proceedings initiated by the former Special Prosecutor pursuant to regulations of the Attorney General (28 C.F.R., Sec. 0.37, rescinded October 24, 1973), shall be continued, as the Special Prosecutor deems appropriate, by him, and he shall become successor counsel for the United States in all such proceedings, notwithstanding any substitution of counsel made after October 20, 1973.

Sec. 8. The Special Prosecutor shall have power to appoint, fix the compensation, and assign the duties of such employees as he deems necessary, including but not limited to investigators, attorneys, and part-time consultants, without regard to the provision of title 5, United States Code governing appointments in the competitive civil service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title. The Special Prosecutor is authorized to request any officer of the Department of Justice, or any other Department of Justice, or any other Department or agency of the Federal or District of Columbia government, to provide on a reimbursable basis such assistance as he deems necessary, and any such officer shall comply with such request. Assistance by the Department of Justice shall include but not be limited to, affording to the Special Prosecutor full access to any records, files, or other materials relevant to matters within his jurisdiction and use by the Special Prosecutor of the investigative and other services, on a priority basis, of the Federal Bureau of Investigation, provided that only the Special Prosecutor and the Deputy Special Prosecutor shall have access to confidential or classified documents, records, files, or other such materials unless otherwise waived by the Attorney General or any other head of an appropriate agency.

Sec. 9. The Administrator of General Services shall furnish the Special Prosecutor with such offices, equipment, supplies, and services as are authorized to be furnished to any other agency or instrumentality of the United States.

Sec. 10. Notwithstanding any other provisions of law, the Special Prosecutor shall submit to the Congress directly requests for such funds, facilities, and legislation as he shall consider necessary to carry out his responsibilities under this Act, and such requests shall receive priority consideration by the Congress.

Sec. 11. The Special Prosecutor shall carry out his duties under this Act within two years, except as necessary to complete trial pending.

Sec. 12. (a) The Special Prosecutor and the Deputy Special Prosecutor may be removed by the President for neglect of duty, malfeasance in office, or violation of this Act, but for no other cause.

(b) When the President believes such violations have occurred, he shall prepare a notice of dismissal. Such notice of dismissal shall be delivered to both Houses of Congress, stating the reasons for such. The dismissal shall become effective at the end of the first period of thirty calendar days of continuous session of Congress after the date on which the notice is delivered to it unless between the date of transmittal and the end of the thirty-day period either House passed a resolution rejecting such dismissal.

(c) For the purpose of subsection (b) of this section,

(1) Continuity of session is broken only by an adjournment of Congress sine die; and,

(2) The days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the thirty-day period.

Sec. 13. If any part of this Act is held invalid, the remainder of the Act shall not be affected thereby. The provisions of any part of this Act, or the application thereof to any person or circumstance if held invalid, the provision of other parts and their application to other persons or circumstances shall not be affected thereby.

By Mr. HATFIELD (for himself and Mr. McGovern):

S. 2617. A bill to prohibit the use of funds to finance any combat activity by U.S. military forces in the Middle East. Referred to the Committee on Armed Services.

Mr. HATFIELD. Mr. President, I send to the desk a bill which would prohibit the expenditure of funds to finance directly or indirectly any combat activity by the U.S. military forces in or over or from off the shores of any country in the Middle East, unless specifically authorized by Congress.

There has been a cyclical pattern developing in the Middle East over the past quarter century which needs to be broken if we are to avert further bloodshed and avoid the increasing likelihood of a military confrontation with the Soviet Union. The pattern, which is easily discernible, goes as follows: First, either the Israelis or the Arabs become dissatisfied with the status quo; both make threatening statements after there is no sign of meaningful progress toward a settlement; the United States and U.S.S.R. arm the respective sides with the most sophisticated weaponry; one side attacks the other; there is significant loss of life and material; the United States and U.S.S.R. send more arms to the troubled area, and wait for the next round to begin.

There is only one part of this cycle where the United States has any influence—the shipment of arms. Like it or not, the threat of using the only other source of influence that we have—sending our own Armed Forces to the area—would only compound the problem there. Our policy to date has yet to bear signs of success. Not only has our influence with Israel diminished, but also we have alienated former friends among the Arab States and created the very conditions which have allowed the Soviet Union to expand its bridgehead in the area, at our expense.

There still remain to be resolved the same problems that were in question in 1948 when the present State of Israel was created: secure borders, the status of the Palestinians, the rights of non-Jews in Israel and Jews in the Arab countries; and Jerusalem. Since 1967 there has existed the added problem of the status of the occupied territories. The scope of each of these issues has changed over the years, but all for the worse. The problems are much more complex, the feelings and emotions more intense, and the violence and potential for conflict much greater.

More than ever before we must examine calmly and thoroughly what exactly are our interests in the Middle East. Obviously they would include our humanitarian interest in the survival of the people in the area; securing the religious rights of every group; our economic interests in the area, most notably oil; the increasing Soviet influence; and avoiding any mistakes of the magnitude we made in Southeast Asia.

At this juncture, the Israelis have military control over an area even larger than what they had before this most recent war began. I can envision no circumstances requiring the use of our troops to come to the assistance of Israel. The administration repeatedly has stated basic principles for bringing a durable settlement to amend conflict in the Middle East, a primary point of which was articulated by Secretary Kissinger on October 25, 1973, when he said:

> The United States is even more opposed to the unilateral introduction by any great power, especially by any nuclear power, of military forces into the Middle East, in whatever guise those forces should be introduced.

However, the administration appeared to be prepared to contradict that policy, as they alerted U.S. troops around the world for possible action in the Middle East.

The central question is, What should we have done had the Soviet Union introduced troops into the Sinai, for instance, to protect the Egyptian 3d Army? The answer hinges upon judgments as to whether the threat would have been significant enough to American interests to introduce our own troops. Consider if, in the early 1960's, the Soviet Union had alerted its troops around the world when we began introducing our forces into Southeast Asia. How would we have viewed it? We certainly would have been wary, but we probably would have looked upon it as an overreaction, a gross miscalculation. I think the same analysis holds true for our reaction to the latest action in the Middle East. Not only was the alert a contradiction of our stated policy, but a miscalculation that could easily have escalated into a military confrontation between superpowers that the world dreads.

It is time we exercised greater responsibility in the Middle East. As arms suppliers to several countries of that region we have important responsibilities for the future well-being of the inhabitants of that area. Sending U.S. troops, however, is not the way to exercise a responsibility for peace.

If President Nixon had not vetoed the war powers bill, which would have provided a congressional check against the power of a President to commit U.S. troops overseas for extended periods, there would be less need for the measure I am introducing today. The vacuum remains, however, in the legislative branch—the absence of any effective check to the President's power to undertake "police actions" abroad or to wage undeclared limited wars. Our only present recourse in Congress is to attempt to cut off funds for such activities by attaching antiwar-funding amendments to a series of important bills in order to get one through the White House.

It is my firm hope that we shall declare and establish in law the principle that our military forces will not be placed in combat in the Middle East, unless there is a specific authorization by the Congress. Surely all those who have decried the past abuses of Presidential war powers, and who have seen the tragedy of our past involvements abroad, such as in Southeast Asia, can support such a proposition.

I trust that the Senate Foreign Relations Committee will approve his measure as a part of any granting additional military assistance to Israel or other countries in the Middle East.

Mr. McGOVERN. Mr. President, I have joined with Senator Hatfield in sponsoring legislation to prevent any direct U.S. military involvement in the Middle East unless there is prior specific approval by the Congress. The operative language reads as follows:

> Notwithstanding any other provision of law, no funds heretofore or hereafter appropriated may be obligated or expended to finance directly or indirectly any combat activity by United States military forces in or over or from off the shores of any country in the Middle East unless the Congress specifically authorizes such activity by legislation enacted after the date of enactment of this Act.

The administration has requested some $2.2 billion in emergency security assistance for Israel, to replace the enormous equipment losses incurred in the past several weeks and also to prepare, if necessary, for a longer conflict. There may be some reduction in that request in light of the ceasefire. Yet it is certainly clear that substantial additional aid—well beyond the $300 million in credit sales originally requested—will be needed to rebuild and resupply Israeli forces to deter any further attack.

I hope the Congress will act with dispatch on that request. When appropriate legislation is introduced, Senator Hatfield and I will reintroduce the bill we are offering today as an amendment. I frankly think the American people will be fully prepared to provide the help Israel needs, if they know that aid is not, in this case, as it has been in other cases, an automatic first step toward an American war.

In this connection I want to make it clear that our proposal goes to process, not to merits. It does not prejudge any future situation which might arise, rather it determines that the Congress must be involved in any decision to involve U.S. forces.

We must be aware that Israel is not Vietnam. The conflict in the Middle East is not a civil war; rather it is a democratic state struggling for survival. And Israel has never requested that American forces become involved.

Nor does this proposal signal any lessening of my firm support of appropriate steps to assure the security of Israel. We must continue our diplomatic efforts on behalf of a Mideast settlement which would guarantee Israel's right to exist with recognized, secure and defensible boundaries. And we must continue to provide the supplies Israel needs to maintain the military balance, to deter aggression, and to foster a peaceful resolution of this tragic conflict. The recent attack by Syrian and Egyptian forces has underscored once again the compelling need to reaffirm those obligations.

But at the same time, I think we must decide very clearly that no unilateral act by the executive branch will be per-

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mitted to bypass the constitutional authority of the Congress.

The American people are understandably concerned about the prospect that we may find ourselves at war in the Middle East. They know that in the past administrations have proclaimed inflated notions about the President's authority to decide on questions of war and peace. They also know that a very moderate war powers bill designed to curb those excesses has just recently been vetoed, principally because Mr. Nixon felt it interfered with his inherent power as commander in chief of the armed forces. Finally, they have seen a large-scale alert of U.S. forces—including strategic forces—in circumstances which suggest at the very least an excess of militance. I do not suggest that this was an effort to divert attention from Mr. Nixon's domestic political problems. But it certainly is hard to imagine what provocation there was that could have warranted steps toward nuclear war.

So given the past record, there is ample cause for alarm about what might happen next.

We all pray that the ceasefire will hold, and that negotiations between the parties directly involved will now proceed and prove fruitful.

But if that does not happen, and if the fighting should begin again, I think the American people deserve the firmest possible assurance that no U.S. forces will be sent in unless Congress specifically determines that such a step is in our national interest. Our system simply cannot stand another executive war.

By Mr. McGEE:

S. 2619. A bill to provide for access to all duly licensed psychologists and optometrists without prior referral in the Federal employee health benefits program. Referred to the Committee on Post Office and Civil Service.

Mr. McGEE. Mr. President, the bill I am introducing today would allow those Federal employees who are covered under the health benefits program to obtain the services of psychologists and optometrists without prior referral by a physician. Under many of the Federal employee plans, psychologist services can be provided only "at the direction and supervision of a psychiatrist or an attending physician." Access to optometric services is limited in a similar fashion. Enactment of this bill would avoid this lengthy referral.

I am hopeful the Committee on Post Office and Civil Service will have time in the near future to hold hearings on this legislation.

By Mr. McGEE:

S. 2620. A bill to establish a commission to investigate and study the practice of clearcutting of timber resources of the United States on Federal lands. Referred to the Committee on Interior and Insular Affairs.

Mr. McGEE. Mr. President, today I am introducing a bill which would provide for an interdisciplinary commission to review the practice of clearcutting to be accompanied by a moratorium on clearcutting in our national forests pending the results of the commission's findings.

My colleagues are well aware of my long-standing interest in forest management policies and in clearcutting in particular. Clearcutting as a method of timber harvesting has been the locus of controversy for many years and its potential for devastation has been acutely evident in the national forests of my own State of Wyoming. The legislation which I introduce today is essentially that which I have introduced in previous sessions of Congress. But I am convinced the need for an impartial review of clearcutting founded upon factual data, is more critical today than ever before. The crucial relationship which clearcutting bears to the dark outlook for timber production in the United States, is that as a dominant method of timber harvest, it may mean an irretrievable commitment of our national timber resources. Studies of the environmental impacts of clearcutting, such as those conducted by Bormann and Likens in New Hampshire and by Bolle in the Bitterroot National Forest in Montana, seriously question the capacity of the forest environment to withstand the effects of clearcutting without regeneration. Simply put, the case has too often been that clearcut forests fail to regain their original level of productivity, either because regeneration fails, or the rate of regrowth declines. At a time when our national timber heritage proves itself evermore valuable, this unproven, possibly destructive, practice of timber harvesting continues undaunted in the face of questionable consequences.

The possible annihilation of our timber resources is more real today than at any time in our Nation's history. The national need for lumber seems to grow with each passing day. It has been suggested that by the year 2000, demand for timber will have outstripped the available supply by some 20.4 billion board feet. The realities of the future portrayed by figures such as these must surely keen our sensibilities to the need for care in the decisions which we now make. Hasty solutions to the timber problems currently facing the United States could easily devastate that which has for so long been touted as our "renewable resource."

Statistics for timber production in America point to the inescapable conclusion that our forest lands are dwindling. In a special article appearing in the Washington Post yesterday, author Shelby Scates noted that the cutting of American softwoods in 1970 was 47.7 billion board feet while the net annual growth was but 40.2 billion board feet. Thus, the net loss for 1970 alone was 5.5 billion board feet of timber.

The Post article furthermore states heavy cutting occurs for the most part in stands of old growth timber. What this essentially means is that we are living off the successes of nature and her ability to manage forests and yet claim these successes as our own. We must be careful, therefore, in the consideration of an uncertain future to recognize the distinction between the capabilities of nature and the capabilities of men. As of now, our needs are being supplied by the forces of nature rather than the preparations of men. The fouled world around us bears no proof that we will be the capable successors to nature's design for the productive perpetuation of our forests.

It is exasperating to me, therefore, to witness the gathering forces of those who propose expanded assaults upon our national forests. Crushed beneath the pressures of an aggressive timber industry and a cooperative administration, the Forest Service has agreed to a record timber harvest of some 13 billion board feet during the fiscal year of 1974. Yet the Forest Service has unconvincingly determined it to be in the best interest of the country to reduce its reforestation program by approximately 4,500 acres and timber stand improvement by more than 100,000 acres. During hearings before the Interior Appropriations Subcommittee, I asked the Forest Service to explain the rationale behind its decisions. I was informed the President felt the reduction necessary to hold the line on Federal spending to avoid further inflation. I am at a loss to name the principle of economics which asserts that one can stem the tide of rising prices by creating a scarcity of a vital resource.

It is this same dubious theory of economics which must stimulate the administration's willingness to inflame the matter further . by our timber export policy. The real victims of this policy are the American people, who must not only pay higher prices for lumber and lumber products, but who must yield their claims upon our national forests in the interest of this questionable policy. Because a limit exists on the amount of timber which may be exported off national forests, the large timber companies simply export the timber from their own lands and process for domestic consumption that which they cut in national forests.

Mr. President, because I referred to Shelby Scate's article earlier, and inasmuch as it explores at length the critical relationship of log exports and the timber shortage, I would like to request that it be inserted at the conclusion of my remarks.

The fictions and fantasies which surround the issues of timber management cannot help but condemn us to errors which posterity shall not forgive. I have attempted to show the confusion and lack of foresight which shrouds the policies by which our national forests are being managed. I do not intend to claim that by the bill I offer today, these problems will be swept away. Nevertheless, with every passing year, we become more desperate for answers. And yet, with each of those years we delay once again, our choices ever fewer. We do not have the luxury to waste time, we must begin to dedicate ourselves to the search for solutions.

Of the solutions we seek, the practice of clearcutting must be of the highest priority. If we are to be frugal with our natural resources, and the statistics show we must, then it is essential we begin to account for that which we do. By its potential for wastefulness and de-

struction, the possible impact of clearcutting cannot go unstudied. I urge the Congress to act quickly on this legislation which will begin to answer the desperate questions we presently face.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 29, 1973]

LOG EXPORTS STIR DEBATE—WASHINGTON STATE: "TREE FARM" FOR JAPAN?

(By Shelby Scates)

PORT TOWNSEND, WASH.—A bulldozer's roar and the crash of falling hemlock mingled on a recent day with the morning fog and heavy sea-smell on a bluff above Discovery Bay where Capt. George Vancouver came in 1792 in search of a Northern Passage.

Vancouver had sized it up quickly. There was no Northwest Passage, so the explorer turned his attention to the landscape, "the abundant fertility that unassisted nature puts forth, that requires only to be enriched by the industry of man." It was, he wrote, a land worth claiming for Great Britain as a colony.

Now, a near-convoy of flatbed diesel trucks carries the slender, fallen hemlocks to a ship about 25 miles away for the start of a long and controversial journey across the North Pacific to Japan.

What Great Britain failed to retain, the Japanese, say some, are now claiming. An apparently insatiable Japanese demand and a bullish domestic housing market are consuming this abundant national resource almost as fast as industrious men here can enrich it.

Since Vancouver's explorations, the forests of the Pacific Northwest have seemed as inexhaustible as the waters that tumble out of the surrounding Olympic and Cascade mountain ranges.

But good men are now in sharp dispute or deep puzzlement over the effect of intensive tree cutting on the region's, if not the nation's, timber supply.

"Every expert I talk with tells me otherwise," said Rogers Morton on a recent Seattle visit. "But every time I fly out over the Northwest I have a fear in my heart that we are overharvesting our timber.

"No, I'm not convinced of the figures—anybody's figures on the supply situation."

Morton talks about it in a tone of exasperation, and there is little wonder. The statistics on timber supply for the next 25 years—the framework for the dispute—are themselves disputed.

"I have to be honest about it," says Gary Reid, the fourth-generation head of the Simpson Timber Co., "I have to acknowledge how few facts we have about this situation."

The bitter edge of this timber supply debate centers on the export of logs to Japan, which increased from 522 million board feet in 1962 to 2.8 billion feet in 1972, running log prices many times over their appraised value and scores of marginal mill operators out of business.

Those 1972 exports, most of them from Washington forests, would build about 300,000 average-sized American homes, but they also pad our balance of payments and keep the Japanese looking eastward for their economic ties rather than to the abundant forests of Siberia.

To the U.S. State Department, those are enormous considerations, a fact they've made known by word of mouth, if not letter, to interested parties here.

CAN'T FILL BUCKETS

Mill workers can't fill their lunch-buckets on Japanese good will, and they are sharply aware that logs passing through their saws create about four times more work days than raw logs passing through longshoremen on the way to Japan.

"There's no doubt," says Reid, a lean, thoughtful man who would seem as much at home in a college economics seminar, "that some jobs have been lost, even in recent years, because of the log exports."

He supports those exports, nevertheless, and officials of nearly every other major forest products firm do too. Their common reason is the severely cyclical nature of their industry and the hope—so far justified—that when the domestic market is down, the Japanese market is up.

Their affirmation of log exports is based on the faith, however shaky, that we are not cutting ourselves out of trees, even as we are beginning to burn ourselves out of oil, gas, and in the Northwest—electrical energy.

That conviction, however, is not shared by the Western Forest Industries Association, whose members are small mill owners dependent on the federal and state lands for their log supply.

RUN AT CAPACITY

"The mills aren't down yet," says Joe McCracken, of Portland, the association's director. "They're running at capacity. But one day there won't be a tree left. All we'll have around here is a sea of stumps."

Rep. Lloyd Meeds (D-Wash.), whose district includes the great Douglas fir forests of the Cascades and Olympics, likens it to the present energy crisis:

"Unless we change our ways, we're going to wake up one day almost out of lumber—and the day isn't long coming."

These men want to stop log exports and start funneling money into the National Forest Services so that it can begin growing trees with the expertise and intensity of a Simpson or Weyerhaeuser.

At the other extreme of this argument is the Weyerhaeuser Co., headquartered, like Simpson, in Washington State. Weyerhaeuser is a timber giant with a staggering $1.67 billion in net sales last year.

Weyerhaeuser's spokesman, the Marshal Foch of the costly campaign for continuing log exports, is Bernie Orell, a combative vice president who declares there is no way the United States will run out of timber.

"We're staying within a sustained yield," he said, "The Forest Service has been raising that phantom for more than 50 years. Joe McCracken needs the controversy to justify his existence. He's made a living attacking Weyerhaeuser."

Behind this polarization are the timber supply estimates, and the latest are from a U.S. Forest Service report last December.

The most hair-raising projection is based on a continuation of saw-wood prices at 1970 levels. It would make the timber demand 20.4 billion board feet greater than the available supply by the year 2000—clearly a "timber crisis" to match the looming energy shortage.

But even the man who prepared this projection, Don Gedney, a resource analyst for the Forest Service office in Portland, admits it's "unreal" not to expect an increase in those prices.

Given a 50 per cent to 60 per cent price increase, the outlook for the year 2000 is for 6.9 billion board feet in available supply over the timber demand.

The gross statistics of timber supply

The gross statistics of timber supply strongly indicate too much consumption. In 1970, the total of all softwood removals in this country was 47.7 billion board feet, while net annual growth was 40.2 billion board feet.

But these forest service figures for "annual growth" do not include timbers of less than 11 inches in diameter—a considerable portion of the timber harvest in the Southern United States.

What they do reflect is a heavy harvest of old-growth timber, timber past its 30-year to 70-year maturity.

Old growth, by all accounts, is falling fast in the Northwest, but it's of no matter, say the Weyerhaeuser experts, as long as timber is being grown to replace it on a sustained basis.

"My feeling is, yes, we can avoid a timber supply shortage and toss in exports, if there's adequate tree farming on the state and national forest lands," said Dr. Bruce Barr of the University of Washington's School of Forestry.

"But we have to be very careful about keeping the proper balance between the old growth and the sustained yield, or we could wind up with a big timber supply gap."

That gap would occur, for example, if all of the old growth were harvested in a single year, leaving the nation dependent strictly on the timber from new or sustained yield forests. It's not likely to happen.

"The next 25 years will be extremely fascinating," said Gedney. "The old growth will go and the nation will depend on sustained yield.

"I'm not going to argue with Bernie's (Orell) flat prediction that we won't have a serious timber shortage. Frankly, nobody has an absolute handle on the data that goes into these projections.

"My honest opinion is that the truth lies somewhere between Bernie and myself"

But Gedney is certain in one assertion:

"We're not going to have all the wood we want at present prices. There is going to be less wood available to us."

Of more immediate and passionate concern in the Northwest is the effect of this transition and the log exports on jobs.

"I know Weyerhaeuser owns all that timber in Washington state (about 2 million acres)," said Hugh Bannister of the Western Pulp and Paper Workers Union, "but to some extent it also belongs to the people of Washington.

"They deserve to have jobs made out of it. We've seen Weyerhaeuser move its plants to British Columbia and the South. If Washington becomes a tree farm, Weyerhaeuser makes a lot of profit. But when it does that, a lot of people are going down the tube.'

The Forest Service employment figures back up Bannister's contention.

With the anticipated increase in mill productivity and the decreasing log supply, the Forest Service figures the number of jobs in lumber, paper and woods products will decline from 121,000 in 1970 to 67,000 in the year 2000. During the same period, Gedney says jobs stemming from log exports will increase from 1,822 to 2,626.

Gedney attributes about 32,000 of these mill job losses to increased productivity, about 11,000 to decreased timber supply and 7,000 to Japanese exports.

His projections are based on the assumption that the Japanese will increase their demand for logs from the Washington "tree farm."

WOULD SAVE JOBS

"Of course," he noted, "if you ban the exports, you increase the timber supply, so that more than the 7,000 jobs would be saved."

As much as anything, these Forest Service figures set off last summer a battle in the Congress. The main aim was to stop log exports, and the Home building lobby joined McCracken's small mill owners.

Weyerhaeuser rushed full-force to head them off in the House and Senate committee rooms, and won eventually on skill and strength.

Weyerhaeuser is he General Motors of the timber companies, the leader in the substance, if not the style, of its industry.

Its rape-and-run forest practices are as far behind it as the crosscut saw and double-bit ax.

George Weyerhaeuser, like Reid a fourth generation chairman, is a progressive who

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sometimes exchanges views with Brock Evans, the Sierra Club lobbyist in Washington, D.C.

"If all the forests were managed like Weyerhaeuser's, there'd be no worry about the timber supply situation," said McCracken. "They are the best."

"George is very smart—and very aggressive," says Gary Reid. "I wouldn't want to cross him."

What giant Weyerhaeuser Corporation wants it usually gets. Two years ago, it wanted a fundamental change in the way Washington State taxes its timber and got its way.

Weyerhaeuser wants to export logs for a reason that is implicit in its 1972 annual report: Log exporting is big, easy money.

Japanese demand last year resulted in Weyerhaeuser's sale of $250.5 million worth of logs, the heart of a record-high operating cash flow of $301 million. (By contrast, the cash flow of another well-known Northwest timber company was $10 million. It doesn't export, however.)

REGENERATION CAPITAL

The company is quick to note that this cash flow provided the capital for maximum utilization of the logs and regeneration of their millions of acres of forests.

It also financed completion of a container-board plant in Oklahoma, where labor is cheaper, and a pulp mill in Kamloops, B.C. As union leaders are quick to note, this is an erosion of the industrial base in the Northwest.

But, the company's managers and bookkeepers argue that it would not be profitable for the firm (or any other) to retool with finer cutting saws needed to process the odd sized lumber consumed in the Japanese market.

Besides, they argue without blinking an eye at the irony that the Japanese want to protect their sawmill industry.

Nor would it be profitable, they say, to expand newsprint facilities, despite the current shortage.

Something else, however, makes log exports all the sweeter for Weyerhaeuser and other companies. It is the 50 per cent tax break on corporate profits a firm can get by setting up a Domestic International Sales Corporation.

The idea, of course, is to beef up U.S. balance of payments, one of the international considerations that play in this controversy along with the lunch-bucket and the value of timber company stock.

When Sen. Robert Packwood, (R-Ore.,) presented his bill restricting log exports and banning them from federally owned land, Weyerhaeuser went to war. A House bill by Rep. Meeds to limit the annual export to 1.5 billion board feet and to require equal value in the export of finished forest products provided an additional spur.

A kind of war between the lobbyist mercenaries of Weyerhaeuser, led by Orell, and the small mill owners, led by McCracken, ensued in the corridors and committee rooms of the Old Senate Office Building where John Dean, John Ehrlichman and H. R. Haldeman played to millions before the Senate Watergate Committee.

BILL SLIPPED AROUND

Anti-export forces struck first. Helped by McCracken and their Washington lobbyist Joe Miller, Packwood slipped his bill around the powerful committee chairmen from Washington state, where Weyerhaeuser's political influence is mighty, and into the Senate Banking Committee where Packwood sits.

That meant avoiding the Charybdis of Jackson's Interior Committee, and the Scylla of Magnuson's Commerce Committee—a very tidy trick for a bill so heavily tied to commerce and federal lands.

Both Magnuson and Jackson are Democrats. Weyerhaeuser's relationship with Republican Gov. Dan Evans is no less comfortable.

Orell's counterattack pinned its hopes on stalling the bill until a projected late summer drop in housing starts could cool the enthusiasm and the muscle of the home builders, McCracken's allies of expediency.

Weyerhaeuser moved fast, hiring Hugh Smith, an attorney associated politically with Sen. John Sparkman (D-Ala.), a ranking member of the Banking Committee.

They also retained Charls Walker, a former Assistant Secretary of the Treasury, and a one-time (1961–69) executive vice president of the American Bankers Association, which has paid long and careful court to the Banking Committee.

Orell hotly denies Walker was hired strictly to gun down the Packwood bill, but he did recollect that the former Nixon administration official "did some work" on the measure. Others say Walker did a lot.

The battle turned, however, on Sen. Hubert Humphrey's agreement to have a hearing on the bill before his foreign agricultural policy subcommittee—but not until July 11.

Larry Merthan, the Washington vice president of Hill and Knowlton public relations firm and a former legislative aide to Humphrey for the July 11 hearing, according to Miller.

It worked. By July 11, housing starts had dropped and the Home Builders were quietly withdrawing from the warfare.

"We don't view Hill and Knowlton as a lobbying organization," said Orell of the public relations firm, which Weyerhaeuser, like several other giant firms with critical business on Capitol Hill, has on retainer.

"If we could have gotten it to the (Senate) floor before July 1, it would have passed," said Miller. "But after the drop in housing starts too many people had an excuse to vote against it. There wasn't any point in bringing it to the floor after that."

SEES FIGHT DOOMED

McCracken agrees. He thinks the coalition Weyerhaeuser worked out with the export-conscious farm bloc during their battle dooms any fight in the immediate future to get a total ban on log exports.

There is a ban on exports of logs cut on federal lands. Significantly, it's placed in the annual omnibus farm bill and subject to year-to-year renewal.

But it is a questionable prohibition, given the Forest Service's limited funds for tracing the ultimate fate of the logs they sell. They could, for instance, be traded several times before reaching a Japanese logship. More likely, they could replace at the sawmill the privately owned timber that's being exported.

There is a common ground among all these lobbyists. At least they pay lip-service to the idea that more money is needed by the Forest Service to apply to regeneration of the forests, if not for police work.

"That is the real key to the timber supply question," said Reid. "It's regeneration—how much land we are able to keep in timber production and how well we use that land.

"I hate to see the old forest go. But if we can get new trees in their place, there'll be more profit—and no shortage of timber."

As Vancouver suggested, it seems to be a race between man's industry and his greed.

By Mr. JACKSON (for himself and Mr. HASKELL):

S. 2621. A bill to declare a national policy that the beaches of the United States are impressed with a national interest and that the public shall have free and unrestricted right to use them as a common consistent with such property rights of littoral landowners as may be protected absolutely by the Constitution, to establish procedures and provide Federal funding for the purchase or condemnation of easements of access to the beaches for public use, to provide for administration of the national open beaches program by the Secretary of the Interior; and for other purposes. Referred to the Committee on Interior and Insular Affairs.

A NATIONAL WATER-BASED RECREATION PROGRAM: THE NATIONAL ISLANDS CONSERVATION AND RECREATION ACT AND THE NATIONAL OPEN BEACHES ACT

Mr. JACKSON. Mr. President, I introduce today two measures designed to preserve and protect for public use our Nation's most valuable land—its beaches and islands. If enacted, these two measures—the National Islands Conservation and Recreation Act and the National Open Beaches Act—would, in effect, establish a national water-based recreation program to insure the availability of water-bordering lands for recreation and conservation purposes.

Mr. President, it has been estimated that our population will grow from 200 to 300 million in the next 30 years. The extent of the total American shoreline, will, however, be the same in the year 2000 as it is now. If action is not taken quickly, that portion of the shoreline which still possesses recreational, environmental, historical, and cultural values may vanish under the onslaught of other demands.

During the 10 years I have served as chairman of the Senate Committee on Interior and Insular Affairs, Congress has created 13 national seashores and lakeshores. In addition, the Land and Water Conservation Fund Act and the Federal Land for Parks and Recreation Act have provided better recreational opportunities within easy access of the cities. Last Congress, the Senate Interior Committee reported and Congress enacted into law proposals to create the Gateway National Parks virtually in the centers of New York City and San Francisco. In each of the last three Congresses, I have introduced and fought for a national land use policy bill to insure wise planning and use of our finite land base. Last year Congress enacted the Coastal Zone Management Act to provide for the proper management of our Nation's most critical land resource: The coastal zone.

But more must be done. Many beaches which were open to the public only a few years ago and many islands which were until recently undeveloped and accessible to all are now festooned with signs reading "Private Property—Keep Out," "No Trespassing—Private Beach," "Subdivision: Lots for Sale." Unfortunately, these are the signs of the times along our Nation's waterways and on its seashores. Inasmuch as the majority of outdoor recreation occurs around, and many of our Nation's richest natural environments exist near, water—whether it be streams, lakes, or seashore—steps must be taken to protect water-bordering land.

By encouraging the use of a variety of methods—reasserting a common law principle, purchase of access easements,

leasing and acquisition of land, and employment of zoning and other land use controls—by all levels of government, the two measures I introduce today would insure the protection of our beaches and islands heritage.

THE NATIONAL OPEN BEACHES ACT

Mr. President, I introduce for appropriate reference the National Open Beaches Act.

The Nation's ocean shoreline is a resource which, as was reported by the Outdoor Recreation Resources Review Commission—ORRRC—in 1962 in a report entitled "Shoreline Recreation Resources," has been neglected by the Nation as a recreational resource. It has "largely been left for acquisition and exploitation by whatever public or private agencies desired to undertake its ownership, control and management."

Mr. President, it is my view that the ocean beaches of the United States are a part of the common heritage of all of the people, that they are impressed with a public interest, and that new means must be found to protect this great resource and, to the maximum extent possible, make it available for public use and enjoyment.

I first introduced the National Open Beaches Act in 1971. The bill I introduce today is similar to this earlier proposal.

This bill is designed to establish a simple legal presumption: namely, that the public has a basic right of access to and over the open seacoast beaches of the United States. This right is based on the recognition that the ocean beaches of this Nation have traditionally served as thoroughfares and havens for persons pursuing all types of travel, commerce and recreation. The bill recognizes that the concept of the beach as a common resource of all citizens is threatened by shorelines being fenced or enclosed upon assumptions which in many cases and in many States are not founded on clear legality.

The purpose of this legislation is best described by quoting from sections * * *

> By reason of their traditional use as a thoroughfare and haven for fishermen and sea venturers, the necessity for them to be free and open in connection with shipping, navigation, salvage, and rescue operations, as well as recreation, Congress declares and affirms that the breaches of the United States are impressed with a national interest and that the public shall have free and unrestricted right to use them as a common to the full extent that such public right may be extended consistent with such property rights of littoral landowners as may be protected absolutely by the Constitution. It is the declared intention of Congress to exercise the full reach of its constitutional power to protect such public right. In order to carry out the purposes of this Act, Congress deems it desirable to establish a program to encourage the States and the Federal Government to act jointly to protect the rights and interests of the people in the use of the beaches.
>
> No person shall create, erect, maintain, or construct any obstruction, barrier, or restraint of any nature which interferes with the free and unrestricted right of the public, individually and collectively, to enter, leave, cross, or use as a common the public beaches.

This measure, if enacted, would in no way affect the rights of littoral property owners. These rights are fully protected. The bill would establish procedures whereby easements for access to the beaches could, where necessary, be purchased or condemned for public use. Funds necessary for this purpose would come from the land and water conservation fund on a 25-percent State and 75-percent Federal matching basis.

Mr. President, the total shoreline of the United States, excluding both Alaska and Hawaii, is 59,157 statute miles. Of this total, 21,724 miles has been classified as recreation shoreline by the ORRRC study report. Of this total detailed shoreline only 1,209 miles—just barely 2 percent—is in public ownership and available, or potentially available, for recreational use. Of the area classified as recreational shoreline only 5.7 percent is available for recreational use. Table 4 from the ORRRC report breaks these figures down by major coastlines. Mr. President, I ask unanimous consent that this table be printed at this point in the RECORD.

TABLE 4.—MILEAGE OF DETAILED SHORELINE, RECREATION SHORELINE,[1] PUBLIC RECREATION SHORELINE, AND RESTRICTED SHORELINE, BY MAJOR COASTLINES

[In statute miles]

Shoreline location	Detailed shoreline	Recreation shoreline	Public recreation shoreline	Restricted shoreline
Atlantic Ocean	28,377	9,961	336	263
Gulf of Mexico	17,437	4,319	121	134
Pacific Ocean	7,863	3,175	296	127
Great Lakes	5,480	4,269	456	57
U.S. total	59,157	21,724	1,209	581

[1] Recreation shoreline is measured by the same methods used by the Coast and Geodetic Survey. The total in this table and the State totals found elsewhere in the study are the result of including all such measured shoreline that meets the criteria for recreation shoreline as noted above. These figures will undoubtedly be different than data published by many States. While some difference in the totals may be attributed to the inability of this study to identify all public shoreline areas, a major reason for the difference is in the different criteria used by this study and by the various States in their reports.

Mr. JACKSON. Mr. President, the fourth column of the table, "Restricted Shoreline," refers to areas of "restricted military use." These areas amount to 581 miles, or almost one-half of the total Nation's shoreline which is presently dedicated to public recreational use. If, after the military use of this shoreline is completed, these areas could be dedicated to public recreational use, the amount of shoreline available to the public would be increased by a full 50 percent without any further expenditure of Federal or State funds.

On October 22, 1970, the President signed my bill, the Federal Lands for Parks and Recreation Act. This measure makes surplus Federal lands which are suitable for park and recreational use available to State and local government at little or no cost. The Federal Lands for Parks and Recreation Act provides a means by which surplus military shoreline may be dedicated to public use.

Table 5 from the ORRRC study report shows the status of the Nation's recreational shoreline by State, mileage, type, ownership, and development status.

TABLE 5.—ESTIMATED MILEAGE, BY STATE, OF THE U.S. RECREATION SHORELINE, BY TYPE, OWNERSHIP, AND DEVELOPMENT STATUS

State	Total (miles)	Type			Ownership			Development status
					Public			
		Beach (miles)	Bluff (miles)	Marsh (miles)	Recreation areas (miles)	Restricted areas (miles)	Privately owned (miles)	
Alabama	204	115	-----	89	3	1	200	Low.
California	1,272	283	883	106	149	100	1,023	Moderate.
Connecticut	162	72	61	29	9	-----	153	High.
Delaware	97	41	-----	56	9	9	79	Moderate.
Florida	2,665	1,078	406	1,171	161	122	2,372	Low-moderate.
Georgia	385	92	-----	293	5	-----	380	Moderate.
Illinois	45	13	32	-----	24	4	17	High.
Indiana	33	33	-----	-----	3	-----	30	Do.
Louisiana	1,076	257	-----	819	2	-----	1,074	Low.
Maine	2,612	23	2,520	69	34	-----	2,578	Do.
Maryland	1,368	40	912	416	3	113	1,252	Do.
Massachusetts	649	240	288	121	12	6	631	High.
Michigan	2,469	292	1,959	218	357	-----	2,112	Low.
Minnesota	264	22	175	67	19	-----	245	Do.
Mississippi	203	134	-----	69	-----	25	178	High.
New Hampshire	25	7	9	9	3	-----	22	Very high.
New Jersey	366	101	33	232	18	15	333	Do.
New York	1,071	231	590	250	47	-----	1,024	Moderate.
North Carolina	1,326	285	260	781	139	42	1,145	Low.
Ohio	275	20	195	60	9	5	261	High.
Oregon	332	133	181	18	101	-----	231	Moderate.
Pennsylvania	57	9	44	4	19	-----	38	Do.
Rhode Island	188	39	145	4	8	10	170	High.
South Carolina	522	162	-----	360	9	10	503	Moderate.

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State	Total (miles)	Type: Beach (miles)	Type: Bluff (miles)	Type: Marsh (miles)	Ownership: Public: Recreation areas (miles)	Ownership: Public: Restricted areas (miles)	Ownership: Privately owned (miles)	Development status
Texas	1,081	301	421	359	5	18	1,058	Very low.
Virginia	692	160	118	414	2	26	664	Low.
Washington	1,571	121	1,294	156	46	27	1,498	Moderate.
Wisconsin	724	46	634	44	13	[1] 48	663	Do.
Total	21,724	4,350	11,160	6,214	1,209	581	19,934	

[1] Includes some Indian lands held in trust.

Mr. JACKSON. Mr. President, the ORRRC report presented some additional statistics which place the demand upon our public-owned beaches in perspective. Using their criteria that each person requires 150 square feet of beach space, the 1,209 miles of public recreational shoreline could only accommodate 2.1 million persons at any one time. This calculation is based upon the assumption that all of these 1,209 miles are prime beach shoreline, when in fact a significant portion consists of marshes, bluffs, and rocky beaches. In addition, many of the beaches best adapted for outdoor recreation are not readily accesible to urban areas where the need is greatest.

Recognition of the attraction of people to water is exemplified by the public pressures on the 46 national parks, seashores, lakeshores, and monuments managed by the National Park Service on our seashores or on the Great Lakes. These Federal marine areas have been heavily used, and the growing demand for quality recreation will continue to challenge efforts to maintain their esthetic values.

The 15 National Seashores and Lakeshores and the 111 units of the National Wildlife Refuge System managed by the Bureau of Sport Fisheries and Wildlife along our country's coastline will also realize significant increases in recreational usage.

It is apparent that more must be done to make our beaches more available to the public. In 1967, the Bureau of Outdoor Recreation published a report entitled "Outdoor Recreation Trends" which categorized the various outdoor recreation activities and projected the demands for each. The report concluded that the greatest increases would come in activities which were water based or water related. It was estimated that by 1980 swimming would be the number one outdoor recreation activity, increasing 72 percent between 1965 and 1980. In these same 15 years, it was estimated water skiing would increase 121 percent, boating 76 percent, hiking 78 percent, and camping 78 percent.

These statistics make it abundantly clear that there is a nearly insatiable demand for water-based outdoor recreation experiences. Maintaining the quality of the already overburdened public seashores will be a nearly impossible future task unless additional areas are set aside and opened to all Americans.

This is no new revelation. The National Park Service published a booklet in 1955 entitled "Our Vanishing Shorelines" which stated that—

> Present facilities are already inadequate and will be smothered by increased attendance unless additional recreation areas are provided.

Fortunately, many new areas have been established over the past 17 years. In the future, however, seashore suitable for recreation cannot be expected to be acquired in large quantities, primarily because of escalating land prices. Other approaches must be taken.

Mr. President, the need for additional public recreational opportunities on our waterfront areas was further elaborated upon in a 1969 report entitled "Our Nation and the Sea," prepared by the Commission on Marine Science, Engineering, and Resources. The report indicated that the existing publicity held marine recreation properties can never accommodate the pressures imposed upon them. As a result, the Marine Sciences Commission recommended that—

> Federal, State, and local governments should give primary emphasis to acquiring access to the shores for purposes of recreation, especially near urban populations. Steps short of acquisition should be used to the extent feasible but, when necessary to control coastal use, land should be acquired.

The report also concluded that all levels of government should take action to insure that provisions are made for public access to waterfront in many of the private development projects along the shore. The Commission felt that because many private developments involving landfills may adversely affect a resource that belongs to everyone, then the developer should compensate for filling in these acres by providing access to the public for the use of adjacent waters.

Mr. President, the predominance of private control and ownership of the Nation's beaches and the lack of public access raises some very important questions of law, of public policy, and of the responsibilities of State and Federal Government. One of the major questions posed in the ORRRC study was as follows:

> What is the right of the public in this limited resource, and is it superior to that of the private owner who has held domain for scores of years while public agencies ignored the resource?

The ORRRC study report went on to say that:

> This report is based on the assumption that the total physical shoreline of the Nation can and should be considered available for public development and use. No attempt has been made to evaluate the legal, political financial, and policy difficulties that would accompany attempts to place more of the national shoreline under public control and management. The report does not imply that it is feasible or desirable to espouse public ownership of the entire shoreline. However, it does recognize the public interest in the shoreline as a national boundary and the necessity to consider the entire shoreline when policies of shoreline recreation are being formulated.

The National Open Beaches Act addresses these and other important questions discussed in the ORRRC report. Hearings on this measure and preliminary legal studies will provide a basis which will allow Congress to determine what the Federal role should be in making the Nation's beaches accessible to the public.

Mr. President, I ask unanimous consent that the text of the National Open Beaches Act be printed in the RECORD at this point. I further ask unanimous consent that articles from the New York Times and the Christian Science Monitor; a speech by Mr. Louis E. Reid, Jr., Bureau of Outdoor Recreation; and a series of articles on the vanishing Eastern shoreline by John Fialka and Roberta Hornig in the Washington Evening Star-News be printed in the RECORD at the conclusion of my statement on, and after the text of, the National Islands Conservation and Recreation Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1 at conclusion of statement on S. 2622.)

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2621

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Open Beaches Act".

DEFINITIONS

SEC. 2. As used in this Act the term—

(1) "Secretary" means the Secretary of the Interior.

(2) "Sea" includes the Atlantic, Pacific, and Arctic Oceans, the Gulf of Mexico, and the Caribbean and Bering Seas, and the Great Lakes.

(3) "Beach" is the area along the shore of the sea affected by wave action directly from the open sea. It is more precisely defined in the situations and under the conditions hereinafter set forth as follows:

(A) In the case of a typically sandy or shell beach with a discernible vegetation line which is constant or intermittent, it is that area which lies seaward from the line of vegetation to the sea.

(B) In the case of a beach having no discernible vegetation line, it shall include all area formed by wave action not to exceed two hundred feet in width (measured inland from the point of mean higher high tide).

(4) The "line of vegetation" is the extreme seaward boundary of natural vegetation which typically spreads continuously inland. It includes the line of vegetation on the seaward side of dunes or mounds of sand typically formed along the line of highest wave action, and, where such a line is clearly defined, the same shall constitute the line of vegetation. In any area where there is no clearly marked vegetation line, recourse shall be had to the nearest clearly marked line of vegetation on each side of such area to determine the elevation reached by the highest waves. The line of vegetation for the unmarked areas shall be the line of constant elevation connecting the two clearly marked lines of vegetation on each side. In the event the elevation of the two points on each side of the area is not the same, the extension defining the line reached by the highest wave shall be the average elevation between the two points. Such line shall be connected at each of its termini at the point where it begins to parallel the true vegetation line by a line connecting it with the true vegetation line at its farthest extent. Such line shall not be affected by occasional sprigs of grass seaward from the dunes and shall not be affected by artificial fill, by the addition or removal of turf or by other artifical changes in the natural vegetation of the area. Where such changes have been made, and thus the vegetation line has been obliterated or has been created artifically, the line of vegetation shall be reconstructed as it originally existed, if such is practicable; otherwise, it shall be determined in the same manner as in other areas where there is no clearly marked line of vegetation, as in paragraph (3)(B) of this section.

(5) "Area caused by wave action" means the area to the point affected by the highest wave of the sea not a storm wave. It may include scattered stones washed by the sea.

(6) "Public beaches" are those which, under the provisions of this Act, may be protected for use as a common.

(7) "Matching funds", as provided by a State, include funds or things of value which may be made available to the State for the purpose of matching the funds provided by the Federal Government for purchasing beach easements as, for instance, areas adjacent to beaches donated by individuals or associations for the purpose of parking. The value of such lands or other things used for matching Federal funds shall be determined by the Secretary. State matching funds shall not include any moneys which have been supplied through Federal grants.

(8) "Shore of the sea" includes those shores on the North American Continent, or land adjacent thereto, the State of Hawaii, free commonwealths, unincorporated territories, and trust territories of the United States.

STATEMENT OF POLICY AND PURPOSES

SEC. 3. By reason of their traditional use as a thoroughfare and haven for fishermen and sea venturers, the necessity for them to be free and open in connection with shipping, navigation, salvage, and rescue operations, as well as recreation, Congress declares and affirms that the beaches of the United States are impressed with a national interest and that the public shall have free and unrestricted right to use them as a common to the full extent that such public right may be extended consistent with such property rights of littoral landowners as may be protected absolutely by the Constitution. It is the declared intention of Congress to exercise the full reach of its constitutional power to protect such public right. In order to carry out the purposes of this Act, Congress deems it desirable to establish a program to encourage the States and the Federal Government to act jointly to protect the right and interests of the people in the use of the beaches.

FREE ACCESS TO AND USE OF BEACHES

SEC. 4. No person shall create, erect, maintain, or construct any obstruction, barrier, or restraint of any nature which interferes with the free and unrestricted right of the public, individually and collectively, to enter, leave, cross, or use as a common the public beaches.

FEDERAL ENFORCEMENT

SEC. 5. (a) An action shall be cognizable in the district courts of the United States without reference to jurisdictional amount, at the instance of the Attorney General or a United States district attorney to:

(1) establish and protect the public right to beaches;

(2) determine the existing status of title, ownership, and control in relation to beaches; and

(3) condemn such easements as may reasonably be necessary to accomplish the purposes of this Act.

(b) Actions brought under the authority of this section may be for injunctive, declaratory, or other suitable relief.

(c) The following rules concerning the consideration of evidence shall be applicable in all cases brought under this section:

(1) A showing that the area is a beach shall be prima facie evidence that the title of the littoral owner does not include the right to prevent the public from using the area as a common.

(2) A showing that the area is a beach shall be prima facie evidence that there has been imposed upon the beach a prescriptive right to use it as a common.

PLANNING, DEVELOPMENT, AND ACQUISITION GRANTS TO STATES

SEC. 6. (a) The Secretary is authorized to make grants to States for carrying out the purposes of this Act.

(b) Subsection (c) of section 5 of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended is amended by adding immediately after the first sentence the following new sentence; "Any State shall be entitled to 75 per centum of the cost of planning or development of projects and acquisition of interests in land designed to secure the right of the public to beaches where the State has complied with the requirements of the National Open Beaches Act and where, in the judgment of the Secretary of the Interior, adequate State laws exist and are being satisfactorily employed to protect the public's right in the beaches."

TRANSFORTATION FACILITIES GRANTS TO STATES

SEC. 7. The Secretary of Transportation is authorized to provide financial assistance to any State and its political subdivisions for the development and maintenance of transportation facilities necessary for the use of public beaches in such State if, in the judgment of the Secretary of the Interior, such State, by State law, has defined and sufficiently protected public beaches within its boundaries. Such financial assistance shall be for projects which shall include, but not be limited to, the construction of necessary highways and roads to give access to the shoreline area, the construction of parking lots and adjacent park areas, as well as related transportation facilities. All sums appropriated to carry out title 23 of the United States Code are authorized to be made available to carry out this section.

AVAILABILITY OF FACILITIES AND INFORMATION

SEC. 8. The Secretary shall place at the disposal of the States such Federal research facilities, and, in cooperation with the other Federal agencies, such other information and facilities, as may be reasonably available to assist the States in carrying out the purposes of this Act. The President may promulgate regulations concerning such interagency and intergovernmental cooperation.

AUTHORITY OF THE SECRETARY OF THE INTERIOR

SEC. 9. The Secretary shall administer the terms and provisions of this Act and shall determine what actions shall be brought under section 5 hereof.

RECOVERY OF INTERESTS IN LAND

SEC. 10. All interests in land recovered under authority of this Act shall be treated as subject to the ownership, control, and authority of the State in the same measure as if the State itself had acted to recover such interest. In order that such interest may, where necessary, be recovered through condemnation, the State must participate in acquiring such interest by providing matching funds of not less than 25 per centum of the value of the land condemned.

SAVINGS CLAUSE

SEC. 11. Nothing in this Act shall be held to impair, interfere with, or prevent State—

(1) ownership of its lands and domains,

(2) control of the public beaches in behalf of the public for the protection of the common usage or incidental to the enjoyment thereof, or

(3) authority to perform State public services, including enactment of reasonable zones for wildlife, marine, and estuarine protection.

By Mr. JACKSON (for himself and Mr. HASKELL):

S. 2622. A bill to declare a national policy to protect and manage islands of the Nation which possess unique environmental, recreational, historical, and cultural values; to authorize a study by the Secretary of the Interior of our Nation's islands including recommendations of islands to be added to the national park, wildlife refuge, and forest systems; to encourage and establishment of State islands conservation and recreation programs; to add to the land and water conservation fund and authorize the provision of a portion of the additional funds to State and local governments for the acquisition of islands and the purchase or lease of Federal surplus island property; and for other purposes.

Referred to the Committee on Interior and Insular Affairs.

NATIONAL ISLANDS CONSERVATION AND RECREATION ACT

Mr. JACKSON. Mr. President, I introduce for appropriate reference the National Islands Conservation and Recreation Act.

This measure would preserve the recreational and environmental qualities of America's remaining undeveloped or minimally developed islands. The proposal would declare a new national policy to protect and manage islands which possess unique environmental, recreational, historical, and cultural values. To implement this policy, it would authorize a study of the Nation's islands

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by the Secretary of the Interior, with the assistance of the Secretary of Agriculture. Recommendations would be made as to those islands which should be added to our national park, wildlife refuge, and forest systems and those islands which would be eligible for inclusion in islands conservation and recreation programs managed by State and local governments. The annual total of the land and water conservation fund would be increased by $200,000,000—to $500,000,000—of which $60,000,000 would be made available to States and local governments pursuant to agreements with the Secretary of the Interior, to study, plan for, and acquire island lands, and $15,000,000 to State and local governments to lease or acquire Federal surplus property and facilities situated on islands.

Mr. President, for far too long we have failed to take action to protect a rapidly dwindling, irreplaceable resource: our Nation's islands. In 1970 the Department of the Interior issued an excellent report, entitled "Islands of America," with recommendations to preserve the recreational and environmental qualities of America's remaining undeveloped or minimally developed islands. Contained in that report was suggested legislation, entitled the "National Island Trust Act." Although that proposal, which would have created a single pilot project off the coast of Maine, is inadequate to the task; neither it nor any alternative legislation has been introduced by the administration in the 3 years since the issuance of the islands report.

On February 14, 1972, I introduced S. 3164, the National Islands Conservation and Recreation Act, a proposal of much wider scope than the Trust Act suggested in the islands report. Hearings scheduled on that measure were canceled at the request of the joint leadership in order to expedite business on the floor of the Senate toward the close of the 92d Congress. The National Islands Conservation and Recreation Act which I introduce today and which is similar to S. 3164 of last year would remedy this failure of Federal action to protect our island heritage.

Our Nation's islands represent an untapped opportunity to add to our recreational resources and to enhance the quality of our environment. Yet, if strong measures are not soon taken the very wealth and technological achievement which would allow us to enjoy the natural beauty of our islands may impair, if not destroy, our chance to do so. Although, in 42 of our States, approximately 3 million acres of undeveloped or minimally developed island lands remain which have valuable recreational potential, we have little time in which to act to preserve these lands from development. Industry and commerce demand island waterfront sites for the inexpensive transportation and means of disposing effluents which such locations provide; more and more Americans are seeking second homesites or hotel space on island lands; and bridges, cars and boats are rendering these once isolated islands more accessible to all who seek to develop them.

These pressures to develop idle island land are particularly severe on islands near our urban centers. It is an astounding fact that, at a time when urban beaches and playgrounds are rendered nearly useless by overcrowding and when "no trespassing" signs are sprouting at an ever-more-rapid pace along shoreline once available for public use, there are situated less than 25 miles from cities of 50,000 or more persons almost 1 million acres of undeveloped or minimally developed island lands—1 million acres of beaches, fields, and woods. Our urban youngsters, indeed all of us, deserve the opportunity to escape the ever-present asphalt of the cities and to explore these "treasure islands."

The failure of the administration and the Congress to act to protect our islands is particularly unfortunate at this time when pressures for development coincide with rapidly increasing demands for recreation—demands which will be even more acute in the decade ahead. A 1967 study of the Bureau of Outdoor Recreation concluded that the greatest increase in America's recreational interests would come in activities which are water based or related. It found, for example, that by 1980 swimming would be the No. 1 outdoor recreation activity, increasing 72 percent between 1965 and 1980. Yet, on the mainland virtually all the beachfront readily accessible to our urban areas has already been dedicated to one or another use—too often a use other than recreation. With careful planning and wise governmental actions, the nearby islands can and should be drawn within the recreational ambit of our urban population. My bill would encourage such planning and actions.

If we properly protect our Nation's islands for recreational purposes, we will also have preserved important historical and cultural values, and have enhanced the quality of our environment. Our islands display an unparalleled variety of natural features and shelter a great diversity of plant and animal life. In addition, they have played a critical historical role, serving as sites for colonization, sanctuary, and embarkation in the exploration and settlement of this Nation—across the Aleutians in the West may have come our continent's first inhabitants, the forefathers of the American Indians; the Atlantic seacoast islands received the first European explorers and settlers; and the islands of the inland rivers served as stepping stones for the pioneers on their westward journeys. In our literature and imagination, we still explore new islands, we still escape from our less than perfect world to a simpler island ambience. More's "Utopia," "Robinson Crusoe," "The Swiss Family Robinson," and "Treasure Island" evoke for us the mystery and the beauty of islands—the same mystery and beauty we have one last chance to save.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the text of the National Islands Conservation and Recreation Act. In addition, I ask unanimous consent to have printed the appendixes from the 1970 islands report and an editorial from the New York Times.

There being no objection, the bill and material was ordered to be printed in the RECORD, as follows:

S. 2622

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Islands Conservation and Recreation Act."

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress hereby finds that:

(1) there is a national interest in preserving and enhancing the environmental, recreational, historical, and cultural values of the Nation's islands;

(2) our Nation's islands display an unparalleled variety of natural features, shelter a great diversity of plant and animal life, have served as sites for colonization, sanctuary, and embarkation in the exploration and settlement of this Nation, and thus possess unique environmental, historical, and cultural qualities;

(3) recreational demands of our Nation's citizenry, particularly those for water-based activities, are increasing at a rapid rate; that existing recreational sites and facilities cannot long meet these demands; that a too long neglected source of additional recreational sites and facilities is the vast acreage of undeveloped and minimally developed island land within short distances of urban centers; and, therefore, that our Nation's islands possess valuable recreational potential;

(4) all islands, including those islands which possess sufficiently valuable recreational, environmental, historical, or cultural qualities to warrant protection, are rapidly succumbing to pressures for industrial, commercial, and residential development; that industrial and commercial demand on scarce island resources and the pressures resulting from modern means of transportation are degrading the amenities and recreational qualities of once isolated islands; and

(5) the Federal Government, in concert with State and local governments and the private sector, must act to insure the protection and enhancement of the environmental, recreational, historical, and cultural values of the Nation's islands for present and future generations of Americans.

(b) The purpose of this Act is to establish a national policy to preserve and manage islands with unique environmental, recreational, historical, or cultural values and to implement this policy by—

(1) authorizing a study of the Nation's islands and providing for recommendations of those islands which should be included in the national park, wildlife refuge, and forest systems, and those islands which are suitable for acquisition by State and local governments for park or recreational purposes:

(2) encouraging the establishment, by agreements between the States and the Secretary of the Interior, of State island conservation and recreation programs; and

(3) authorizing additional funds for the Land and Water Conservation Fund and provision of a specific portion of those funds to State and local governments exclusively for the purposes of studying, planning for, and acquiring island lands and for acquiring or leasing surplus Federal facilities situated on islands.

POLICY

SEC. 3. To strengthen the environmental, recreational, and cultural well-being of the people of the United States, the Congress declares that it is the policy of the United States that islands or groups of islands of the Nation which possess unique environmental, recreational, historical, or cultural values which warrant preservation and enhancement should be protected and managed through the combined efforts of Federal, State, and local governments and the private sector to insure that future generations shall have the opportunity to enjoy the Nation's island heritage.

NATIONAL ISLANDS REPORT

SEC. 4. (a) The Secretary of the Interior (hereinafter referred to as "the Secretary"), with the advice of the Secretary of Agriculture, shall undertake and complete a study of the Naton's islands. The report of such study shall be submitted to Congress and the Governors of the several States no later than two years from the date of enactment of this Act.

(b) The report shall include recommendations to Congress by the Secretary as to which islands, island groups, or parts of islands (hereinafter referred to as "islands"), should be added to or created as units of the national park, wildlife refuge, and forest system.

(c) In the report, the Secretary shall also recommend which islands should be acquired, with Federal assistance, by the States pursuant to this Act.

(d) Islands recommended by the Secretary as eligible for acquisition by the States pursuant to this Act shall—

(1) possess outstanding environmental, recreational, historical, or cultural values; and

(2) be largely undeveloped.

STATE ISLANDS CONSERVATION AND RECREATION PROGRAMS

SEC. 5. (a) The Secretary is authorized to enter into agreements with the several States providing for the protection and management for conservation and recreation purposes of islands within the jurisdiction of such States and for Federal assistance to such States from the Land and Water Conservation Fund to acquire island lands and other land or interests in land necessary to insure that such purposes are effected.

(b) Each agreement shall require the following:

(1) The State shall undertake a study of present State and local laws, regulations, and plans pertinent to a State islands conservation and recreation program, and issue guidelines for the adoption or amendment and enforcement of State and local laws, regulations, and plans to insure the success of such a program.

(2) The State shall identify islands to be included in the State islands conservation and recreation program. Such islands shall meet the criteria of subsection (d) of section 4.

(3) The State shall develop a schedule for inclusion of the islands identified pursuant to clause (2) of this subsection in the State islands conservation and recreation program. Priority shall be given to those islands which:

(A) are most accessible to urban areas;

(B) are most immediately threatened by the pressures of development;

(C) are situated within the jurisdiction of local governments which have demonstrated the capacity to take all steps necessary to protect and enhance the islands' relevant values; and

(D) can be protected for conservation and recreation purposes by means other than fee purchase of all lands involved.

(4) The State shall develop and maintain a general islands plan to preserve and enhance the environmental, recreational, historical, and cultural values of the islands to be included in the State islands conservation and recreation program. The general islands plan shall be in accord with the comprehensive statewide outdoor recreation plan submitted by the State pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended; where such State is a costal State within the meaning of the Coastal Zone Management Act of 1972 (86 Stat. 1280), the State coastal zone management program developed pursuant to that Act; and any State land use program which may be required by the enactment of a national land use policy law.

(5) The State, together with the local governments involved, shall, prior to inclusion of any specific island or islands in the State islands conservation and recreation program, develop and maintain a detailed plan for such island or islands. Such detailed plan shall be in accord with the general islands plan required pursuant to clause (4) of this subsection.

(6) The State shall prepare biennially a report on the State islands conservation and recreation program together with any recommendations for actions by the Federal Government, the State government, or local governments which would be of assistance to or improve the program.

(7) The State shall transmit to the Secretary:

(A) the study required pursuant to clause (1) within one year of the date of the signing of the agreement;

(B) the list of islands required by clause (2), the schedule required by clause (3), and the general islands plan required by clause (4), together with such information as is necessary to insure the criteria which are required to be met pursuant to those clauses are so met, within two years of the date of the signing of the agreement and whenever thereafter a change is made in such list, schedule, or plan;

(C) the detailed plan required by clause (5) prior to inclusion of the specific island or islands in the State islands conservation and recreation program and whenever thereafter a change is made in such plan; and

(D) the biennial report required by clause (6) within one year of the date of the signing of the agreement and biennially thereafter.

(8) The Secretary and, upon the request of the Secretary, the head of any Federal agency shall furnish to the State such information as may be necessary to effect the purposes of this Act and as may be available to or procurable by the Department of the Interior or such agency.

(c) Each agreement may contain such other terms and conditions as the parties thereto deem desirable.

FEDERAL FINANCIAL ASSISTANCE

SEC. 6. (a) Upon the signing of an agreement by the Secretary with any State pursuant to section 5 of this Act, financial assistance may be provided to any such State pursuant to subsection (c) of section 2 and subsections (a) and (h) of section 5 of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended, for the purposes of (i) fulfilling the requirements of clauses (1) through (5) of subsection (b) of section 5 of this Act, and (ii) acquiring island lands, interests therein, or development thereon.

(b) Prior to providing assistance pursuant to clause (ii) of subsection (a), the Secretary shall have:

(1) signed an agreement with the State pursuant to section 5 of this Act;

(2) reviewed and approved the general islands plan. Where the State is a coastal State within the meaning of the Coastal Zone Management Act of 1972 (86 Stat. 1280), in the review of the general islands plans of such State the Secretary shall receive the advice of the Secretary of Commerce concerning the compatibility of the plan with the State coastal zone management program developed pursuant to that Act;

(3) reviewed and approved the detailed plan concerning the specific island or islands in relation to which the Federal assistance is required;

(4) ascertained that the specific island or islands meet the criteria of clauses (2) and (3) of subsection (b) of section 5;

(5) reviewed the study of, and recommendations concerning, State and local laws, regulations, and plans as to the adequacy thereof to insure effective management of a State islands conservation and recreation program; and

(6) reviewed State and local efforts to adopt new or amend existing laws, regulations, and plans pursuant to the recommendations of the study and determined that such efforts are in good faith and likely to succeed.
Provided, That, during the two-year period from the date of the signing of an agreement with any State, any of the conditions of clauses (2) through (6) of this subsection may be waived and financial assistance may be extended to any such State pursuant to clause (ii) of subsection (a) of this section, whenever such State demonstrates to the satisfaction of the Secretary that the conservation or recreation values of the specific island or islands in relation to which financial assistance is sought are threatened with significant degradation unless such island or islands or any interests therein are immediately acquired and included in the State islands conservation and recreation program.

SEC. 7. Subsection (c) of section 2 of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended, is further amended as follows:

(a) In clause (1), strike "and not less than $300,000,000 for each fiscal year thereafter through June 30, 1989" and insert in lieu thereof, "not less than $300,000,000 for each of the fiscal years 1971 through 1975 and not less than $500,000,000 for each fiscal year thereafter through June 30, 1989".

(b) In clause (2), strike "or $300,000,000" and insert in lieu thereof, "$300,000,000, or $500,000,000".

(c) After clause (2), add a new clause (3) as follows:

"(3) Of the $500,000,000 authorized to be appropriated for each fiscal year after fiscal year 1975—

"(i) a sum of $60,000,000 shall be paid out of the fund for the purposes of planning, acquisition, and development of island lands by State and local governments pursuant to subsection (h) of section 5 of this Act; and

"(ii) an additional sum of $15,000,000 shall be paid out of the fund for the purposes of leasing or purchasing surplus Federal real property and facilities situated on islands."

SEC. 8. Section 5 of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended, is amended by adding a new subsection (h) after subsection (g) as follows:

"(h)(1) Notwithstanding any other provision of this section, including the apportionment formula of subsection (b) of this section, financial assistance from the $60,000,000 of the fund available for planning, purchase, and development of islands as provided for in clause (3) of subsection (c) of section 2 of this Act shall be paid to State and local governments in accordance with the requirements of, and pursuant to, the National Islands Conservation and Recreation Act.

"(2) For a period of five full fiscal years from the date of enactment of the National Islands Conservation and Recreation Act, payments from the $60,000,000 of the fund available for planning, purchase, and development of island lands as provided for in clause (3) of subsection (c) of section 2 of this Act shall not exceed 75 per centum of the cost of such activities. The remaining share of the cost shall be borne by the State in a manner and with such funds or services as shall be satisfactory to the Secretary. After the five full fiscal year period, payments to the States shall cover not more than 50 per centum of the cost in conformity with all other payments under this

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Act pursuant to subsection (c) of this section."

SEC. 9. Section 203 of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, is further amended by adding after the end of the first sentence of clause (2) of subsection (k) thereof (40 U.S.C. 484(k)(2)) the following new language: "The heads of all Federal agencies are each directed to submit to the Administrator no later than one year after the date of enactment of the National Islands Conservation and Recreation Act a review of all Federal lands and facilities within their respective jurisdictions which are located on the Nation's islands. Said reviews shall include recommendations of those Federal lands and facilities which would be appropriate for disposal pursuant to this subsection for inclusion within the State islands conservation and recreation programs as provided for in such Act."

AUTHORIZATION OF APPROPRIATIONS

SEC. 10. There are authorized to be appropriated such sums as may be necessary for the Secretary to administer the program established pursuant to this Act.

FEDERAL JURISDICTION

SEC. 11. Nothing in the agreements authorized by this Act shall be construed to relinquish the functions, powers, or duties of the Congress with respect to the control of navigable waters, nor shall any provision thereof be construed in derogation of any of the constitutional powers of Congress to regulate commerce among the States and with foreign nations.

APPENDIX I

AMERICAN ISLANDS: NUMBER 10 ACRES AND LARGER AND ACREAGE BY SIZE AND STATE [1]

State	Number (acres): Total	By size class: 10 to 99	100 to 499	500 to 999	1,000 or more	Total acreage [2]
Total	26,325	19,349	4,025	1,669	1,282	28,643,834
Total excluding Alaska	20,637	14,211	3,922	1,641	863	7,493,627
Alabama	242	177	44	9	12	66,288
Alaska	5,688	5,138	103	28	419	21,150,207
Arizona	72	63	9			3,692
Arkansas	261	155	87	4	15	78,450
California	692	521	97	18	56	629,278
Colorado	180	168	11	1		7,783
Connecticut	89	82	6	1		4,757
Delaware	105	85	16	2	2	20,329
Florida	4,510	2,444	837	1,112	117	840,727
Georgia	434	257	80	25	72	351,077
Hawaii	29	19	5	2	3	168,504
Idaho	193	161	27	2	3	15,598
Illinois	420	321	80	12	7	70,908
Indiana	36	26	8	1	1	5,487
Iowa	277	214	53	6	4	27,643
Kansas	44	34	8	1	1	6,739
Kentucky	104	76	24	2	2	35,174
Louisiana	2,482	1,401	751	166	164	1,279,282
Maine	1,149	954	133	26	36	277,689
Maryland	247	167	57	10	13	103,266
Massachusetts	210	164	31	5	10	138,719
Michigan	379	280	68	8	23	458,313
Minnesota	850	749	79	14	8	57,827
Mississippi	128	78	30	6	14	115,265
Missouri	180	89	60	15	16	52,271
Montana	253	222	30		1	14,087
Nebraska	161	125	32	1	3	17,190
Nevada	427	396	26	5		8,506
New Hampshire	179	159	15	3	1	10,353
New Jersey	453	331	101	13	8	94,129
New Mexico	23	22	1			925
New York	789	650	102	18	19	134,883
North Carolina	522	364	101	23	34	204,819
North Dakota	106	93	11	2		8,514
Ohio	64	54	6	2	2	9,240
Oklahoma	61	48	12	1		4,665
Oregon	337	258	69	3	7	75,232
Pennsylvania	265	242	23	1		13,120
Rhode Island	29	23	3		3	17,419
South Carolina	727	418	179	51	79	544,352
South Dakota	59	45	9	4	1	7,008
Tennessee	280	214	50	3	13	55,416
Texas	416	314	64	15	23	354,365
Utah	155	138	14	1	2	53,498
Vermont	38	26	7	2	3	35,214
Virginia	311	219	57	15	20	96,866
Washington	657	487	123	10	37	554,045
West Virginia	90	83	6	1		4,939
Wisconsin	766	474	252	15	25	231,417
Wyoming	100	87	10	3		6,896
Puerto Rico	18	10	4	1	3	57,675
Virgin Islands	32	21	11			3,045
District of Columbia	5	3	2			739

[1] 1968 data. Excludes the main island of Puerto Rico, the 3 major Virgin Islands, Guam, Samoa, and the Trust Territory, the 5 major Hawaiian Islands, and the 3 principal New York Islands—Manhattan, Staten Island and Long Island.

[2] Some acreage of islands less than 10 acres in size is included if within an inventoried group or were designated as having recreational potential.

APPENDIX II

AMERICAN ISLANDS: COMPARISON OF RECREATION POTENTIAL OF ISLAND ACREAGE WITHIN 25 MILES OF URBAN AREAS OF 50,000 PERSONS AND OVER, BY DEVELOPMENT STATUS AND STATE [1]

State	Total island acreage by percent developed [2]: Total	None to 25	26 to 100	Acreage with recreation potential by percent developed [3]: Total	None to 25	26 to 100
Total	2,498,345	2,027,200	471,145	1,329,850	1,010,520	319,330
Total excluding Alaska	2,498,092	2,026,947	471,145	1,329,850	1,010,520	319,330
Alabama	54,489	40,380	14,109	27,490	25,390	2,100
Alaska	253	253				
Arizona	180	180				
Arkansas	28,611	14,303	14,308			
California	363,438	352,276	11,162	348,784	342,761	23
Colorado	280	280				
Connecticut	1,768	1,042	726	1,584	1,241	343
Delaware	5,373	4,582	791	4,129	3,338	791
Florida	224,938	219,328	5,610	111,040	111,040	
Georgia	214,183	213,943	240	104,316	104,316	
Hawaii	1,115	159	956	611		611
Idaho						
Illinois	36,972	30,982	5,990	8,308	8,038	270
Indiana	3,886	3,867	19	3,434	3,434	
Iowa	14,436	14,436		5,639	5,639	
Kansas	1,826	1,826				
Kentucky	5,491	5,491		2,056	2,056	
Louisiana	141,255	141,255				
Maine	50,597	31,551	19,046	38,450	22,806	15,644
Maryland	7,163	7,163		6,638	6,638	
Massachusetts	32,860	19,402	13,458	26,274	13,503	12,771
Michigan	93,454	27,195	66,259	32,970	1,914	31,056
Minnesota	8,772	7,307	1,465	4,119	4,119	
Mississippi	43,435	42,185	1,250	9,770	8,520	1,250
Missouri	19,951	19,951		6,822	6,822	
Montana	765	765				
Nebraska	4,600	4,600		4,500	4,500	
Nevada	1,020	1,020				
New Hampshire	784	700	48	660	612	48
New Jersey	36,407	12,440	23,967	11,389	11,207	182
New Mexico	200	200				
New York	90,458	61,966	28,492	40,123	19,676	20,447
North Carolina	8,391	8,391				
North Dakota						
Ohio	8,255	2,000	6,255	6,290	314	5,976
Oklahoma	1,366	1,366				
Oregon	33,431	32,296	1,135	31,068	29,128	1,940
Pennsylvania	7,379	5,723	1,656	3,278	3,278	
Rhode Island	17,294	17,087	207	17,090	16,995	95
South Carolina	218,739	215,089	3,650	23,272	9,972	13,300
South Dakota						
Tennessee	18,869	9,670	9,199	10,359	1,359	9,000
Texas	243,094	190,094	53,000	43,300	20,800	27,500
Utah	46,780	46,780		41,425	41,425	
Vermont						
Virginia	7,291	7,291		200	200	
Washington	347,129	160,037	187,092	311,537	135,649	175,888
West Virginia	2,105	1,675	430			
Wisconsin	14,062	13,269	793	4,528	4,433	95
Wyoming						
Puerto Rico	34,502	34,502		33,022	33,022	
Virgin Islands						
District of Columbia	739	619	120	375	375	

[1] 1968 data. Excludes the main island of Puerto Rico, the 3 major Virgin Islands, Guam, Samoa, and trust territory, the 5 major Hawaiian Islands, and the 3 principal New York islands—Manhattan, Staten and Long Island.

[2] For the purposes of the island inventory, "development" included building sites as well as land associated with the site such as yards and storage areas. Agricultural land, land used for forest production, and public and quasi-public recreation developments were considered as undeveloped; whereas, a private resort was inventoried as developed.

[3] Excluded from this category are most of the 1,500,000 acres already available for public recreation.

APPENDIX III

AMERICAN ISLANDS: ACREAGE BY OWNERSHIP AND STATE [1]

State	Total [2]	Federal	State	Other public	Quasi-public [3]	Private
Total	27,731,905	21,210,066	1,412,202	55,077	9,692	5,044,868
Total excluding Alaska	6,617,954	1,033,500	530,899	40,517	9,692	5,003,346
Alabama	65,851	4,513	8,940	184		52,214
Alaska	21,113,951	20,176,566	881,303	14,560		41,522
Arizona	3,692	3,176	30	50		436
Arkansas	78,405	12,800	35			65,570
California	619,854	80,612	14,309	2,111		522,822
Colorado	7,323	596	668	20		6,039
Connecticut	4,133		1,189	104		2,840
Delaware	19,278	9,853	1,373			8,052
Florida	793,042	251,078	54,550	842		486,572
Georgia	350,901	28,103	15,140	60	100	307,498
Hawaii	168,504	31,236	868	3		136,397
Idaho	8,807	2,763	2,000	500		3,544
Illinois	38,175	9,743	15,620	47		12,765
Indiana	5,487		110			5,377
Iowa	27,533	16,592	5,007	440		5,494
Kansas	6,729	55	1,138			5,536
Kentucky	34,093	475	797		15	32,806
Louisiana	1,213,186	4,965	107,260	1,800		1,099,161
Maine	39,177	31,270	7,450	307	40	110
Maryland	104,245	30,674	10,851	80	157	62,484
Massachusetts	75,040	4,468	9,336	3,384	75	57,777
Michigan	428,174	136,841	120,638	1,426	888	168,381
Minnesota	56,401	21,064	5,895	808	1,217	27,417
Mississippi	115,247	3,545	280		1,150	110,272
Missouri	51,742	9,217	2,876	578		39,071
Montana	5,869	1,074	75	85		4,635
Nebraska	14,867		966			13,901
Nevada	8,506	2,355	48	86		6,017
New Hampshire	2,992	78	178	725	383	1,628
New Jersey	76,830	4,233	7,534	1,656	568	62,823
New Mexico	905	180	130			595
New York	12,709	3,427	5,761	1,278		2,243
North Carolina	189,489	24,743	400	25		164,321
North Dakota	8,524	1,777	5,412	50	219	1,066
Ohio	8,805	197	665	290	188	7,465
Oklahoma	3,460	2,866	569	25		
Oregon	24,486	7,003	14,184	30		3,269
Pennsylvania	11,700		1,403	421		9,876
Rhode Island	17,738	1,375	120	195	460	15,588
South Carolina	533,782	40,987	4,430	20		488,345
South Dakota	3,690	2,327	316		50	997
Tennessee	56,498	11,676	2,986			41,836
Texas	324,556	145,622	14,246	5,076	280	159,332
Utah	53,088	2,137	2,165			48,786
Vermont	34,081	60	1,445	80	130	32,366
Virginia	95,241	14,970	12,381	395		67,495
Washington	482,621	21,154	21,230	2,213	528	437,496
West Virginia	545	446	15	4		80
Wisconsin	263,827	14,460	32,463	11,204	3,244	202,456
Wyoming	6,819	3,278	375	32		3,134
Puerto Rico	57,625	32,095	14,129	3,873		7,528
Virgin Islands	3,045	699	913			1,433
District of Columbia	636	636				

[1] 1968 data. Excludes the main island of Puerto Rico, the 3 major Virgin Islands, Guam, Samoa, and trust territory, the 5 major Hawaiian Islands, and the 3 principal New York islands—Manhattan, Staten, and Long Island.

[2] Ownership data is fragmentary; therefore, total acreage is less than that shown in app. I.

[3] Nonprofit organizations such as Boy Scouts, YMCA, and the Nature Conservancy.

APPENDIX IV

NAMED ISLANDS WITH STATE, REGIONAL, OR NATIONAL RECREATION POTENTIAL UNAVAILABLE TO THE PUBLIC [1]

Island	Percent developed [2]	County	Acreage [3]	Body of water
ALABAMA				
Aikin Island [9]	None	Baldwin	13,300	Tensaw River.
Dauphin Island [5]	1-25	Mobile	2,100	Mississippi Sound.
Grand Bay Island group [5]	None	do	275	Do.
Gravine Island [9]	None	Baldwin	675	Tensaw River.
Isle Aux Herbes [6]	None	Mobile	800	Mississippi Sound.
Justins Bay Island [9]	26-50	Baldwin	900	Apalachee River.
Little Dauphin Island [5]	1-25	Mobile	200	Mississippi Sound.
Long Island [3]	None	Jackson	805	Guntersville Impoundment.
Pelican Island [9]	None	Mobile	75	Mississippi Sound.
Sand Island [9]	None	do	80	Mobile Bay.
Sand Island [8]	None	do	160	Gulf of Mexico.
Tensaw Island group [9]	None	Baldwin	8,000	Mobile River.
Subtotal (12)			27,370	
ALASKA				
Frying Pan Island [9]	None		50	Sitka Sound.
Kasiana Island group [4]	None		180	Skilak Lake.
King Island group [7]	None		2,500	Bering Sea.
Little Diomede Island [7]	None		1,900	Do.
Spruce Island group [4]	None		11,200	Marmot Bay.
Swan Island [9]	None		19	Walker Lake.
Subtotal (6)			15,849	
ARIZONA				
Horse Island group [9]	None	Yuma	184	Colorado River.
Subtotal (1)			184	
ARKANSAS (none)				
CALIFORNIA				
Alcatraz Island [4a]	76-100	San Francisco	23	San Francisco Bay.
Blackberry Island [6]	None	Tehama	62	Sacramento River.
Deer Island [9]	None	San Bernardino	315	Colorado River.
East-West Marin Island group [11c]	1-25	Marin	14	San Rafael Bay.
Foster Island [9]	None	Tehama	274	Sacramento River.
Goat Island [6]	None	Shasta	252	Do.
Hall Island [9]	None	Riverside	621	Colorado River.
North Arcata Bay Island group [11e]	None	Humboldt	15	Arcata Bay.
North Bay-Eel River Island group [11e]	1-25	do	2,114	Eel River.
Ryan Island [9]	None	Butte	14	Sacramento River.
Sacramento-San Joaquin Delta Island group [9]	1-25	San Joaquin	288,780	Sacramento-San Joaquin Delta.
San Miguel Island group [7]	None	Santa Barbara	14,000	Pacific Ocean.
San Nicholas Island [7]	1-25	Ventura	13,370	Do.
Santa Catalina Island [7]	1-25	Los Angeles	42,880	Do.
Santa Cruz Island group [7]	1-25	Santa Barbara	62,018	Do.
Santa Rosa Island group [7]	1-25	do	55,006	Do.
CALIFORNIA—Continued				
South Arcata Bay Island group [11a]	1-25	Humboldt	342	Arcata Bay.
South Arcata Island group [11c]	None	do	111	Humboldt Bay.
Tillas Island group [11c]	None	Del Norte	234	Smith River.
Todd Island group [9]	None	Tehama	192	Sacramento River.
Subtotal (20)			480,614	
COLORADO (None)				
CONNECTICUT				
Mason Island group [4a]	50	New London	306	Mystic Harbor.
Andrews Island group [4a]	2	do	60	Fishers Island Sound.
Brockway Island [9]	None	Middlesex	10	Connecticut River.
Call Island group [4a]	2	Fairfield	32	Captain Harbor.
Candlewood Isle [6]	75	do	235	Lake Candlewood.
Canfield Island group [4a]	80	do	23	Long Island Sound.
Carting Island group [6]	None	do	95	Housatonic River.
Charles Island [4a]	None	New Haven	11	Long Island Sound.
Cockenoe Island group [4a]	5	Fairfield	22	Do.
Dart Island [9]	None	Middlesex	10	Connecticut River.
Essex Island group [6]	50	do	27	Do.
Fowler Island [6]	None	New Haven	30	Housatonic River.
Gildersleeve Island [9]	None	Middlesex	60	Connecticut River.
Goose Island group [6]	None	New London	115	Do.
Grassy Island group [4a]	5	Fairfield	75	Long Island Sound.
Great Island group [9]	None	New London	503	Connecticut River.
Green Island group [9]	None	Fairfield	132	Lake Candlewood.
Griswold Island group [4a]	None	New London	19	Long Island Sound.
Kings Island group [9]	85	Hartford	133	Connecticut River.
Manrissa Island [4a]	26-50	Fairfield	18	Long Island Sound.
Mink Island group [6]	None	New London	75	Lord Creek.
Nells Island [6]	None	New Haven	700	Housatonic River.
Nott Island group [9]	None	New London	68	Connecticut River.
Offshore Island group [4a]	None	New Haven	10	Branford Harbor Bay.
Pine Island [4a]	5	New London	15	Fishers Island Sound.
Pratt Island [4a]	75	Fairfield	12	Long Island Sound.
Ram Island group [4a]	10	do	39	Do.
Rich Island group [6]	None	Middlesex	82	Connecticut River.
Selden Neck Island group [9]	None	New London	500	Do.
Sheffield Island group [4a]	25	Fairfield	52	Long Island Sound.
Sixpenny Island [6]	None	New London	42	Mystic Harbor.
The Thimbles Island group [9]	100	New Haven	108	Long Island Sound.
Twin Island group [6]	None	Middlesex	14	Pocotopaug Lake.
Two-Mile Island group [9]	None	Fairfield	23	Housatonic River.
Watts Island group [6]	5	New London	59	Pataguanset River.
Wilcox Island group [9]	None	Hartford	34	Connecticut River.
Subtotal (36)			3,845	
DELAWARE				
Bombay Hook Island [6]	None	Kent	5,435	Delaware Bay.
Cedar Swamp Island group [9]	None	New Castle	200	Delaware River.
Little Cedar Island group [6]	None	Sussex	136	Indian River Bay.
Marsh Island group [6]	None	do	46	Little Assawoman Bay.

*Footnotes appear at the end of this Appendix.

APPENDIX IV—Continued

NAMED ISLANDS WITH STATE, REGIONAL, OR NATIONAL RECREATION POTENTIAL UNAVAILABLE TO THE PUBLIC [1]—Continued

Island	Percent developed [2]	County	Acreage [3]	Body of water
DELAWARE—Continued				
Middle Island [6]	None	Sussex	10	Big Ditch River.
Pea Patch Island [6]	None	New Castle	315	Delaware River.
Reedy Island [6]	None	Sussex	6	Little Bay.
Reedy Island group [6]	10	New Castle	52	Delaware River.
Subtotal (8)			6,200	
FLORIDA				
Captiva Island [5]	1-25	Lee	800	Pine Island Sound.
Cedar Keys Island group [4]	1-25	Levy	1,600	Gulf of Mexico.
Drayton Island [9]	1-25	Putman	1,660	Lake George.
Egmont Key [5]	1-25	Hillsborough	387	Gulf of Mexico.
Estero Island group [5]	1-25	Lee	2,630	Do.
Fort George Island [6]	1-25	Duval	840	Fort George River.
Gasparilla Island [5]	1-25	Lee	1,420	Gasparilla Sound.
Hog Island [6]	None	Charlotte	840	Charlotte Harbor.
Kimball Island [9]	None	Lake	1,000	St. Johns River.
Little Gasparilla Island [5]	None	Charlotte	560	Gulf of Mexico.
Liverpool Island group [9]	None	do	7,320	Peace River.
Merritt Island group [5]	1-25	Brevard	78,640	Indian River.
North Captiva Island [5]	1-25	Lee	640	Pine Island Sound
Perdido Key Island [5]	1-25	Escambia	3,300	Gulf of Mexico.
Pine Island group [5]	1-25	Lee	9,050	Pine Island Sound.
Sand Key Island [5]	1-25	Pinellas	2,000	Gulf of Mexico.
Sanibel Island group [5]	1-25	Lee	10,055	Do.
Santa Rosa Island [5]	1-25	Santa Rosa	11,040	Santa Rosa Sound.
St. Vincent Island [6]	1-25	Franklin	12,000	St. Vincent Sound.
Ten Thousand Island group [6]	None	Collier	42,945	Gulf of Mexico.
Thousands Islands [5]	None	Brevard	1,000	Banana River.
Subtotal (21)			189,727	
GEORGIA				
Blythe Island [6]	1-25	Glynn	4,500	Turtle River.
Cumberland Island [5]	1-25	Camden	31,000	Atlantic Ocean.
Ossabaw Island [5]	None	Chatham	27,000	Do.
Sapelo Island [5]	1-25	McIntosh	20,000	Do.
Skidaway Island [5]	1-25	Chatham	14,350	Do.
St. Catherines Island [5]	None	Liberty	13 440	Do.
St. Simons Island [5]	1-25	Glynn	23,200	Do.
Wassaw Island [5]	None	Chatham	4,266	Do.
Wolf Island [6]	None	McIntosh	4,500	Doboy Sound.
Subtotal (9)			142,256	
HAWAII				
Kahoolawe Island [7]	None	Maui	28,800	Pacific Ocean.
Lanai Island [7]	1-25	do	90,240	Do.
Niihau Island [7]	1-25	Kauai	46,080	Do.
Sand Island [11c]	26-50	Honolulu	611	Mamala Bay.
Subtotal (4)			165,731	
IDAHO				
Baritoe Island [9]	None	Bonner	190	Priest Lake.
Eight-Mile Island [9]	None	do	100	Do.
Kalispell Island [6]	None	do	214	Do.
Kellers Island [9]	None	Jefferson	60	Snake River.
Schoffs Island [6]	None	Elmore	135	Do.
Sparlin Island group [9]	None	do	170	Do.
Three Island Crossing group [5]	None	do	30	Do.
Warren Island [9]	None	Bonner	200	Pend Oreille Lake.
Subtotal (8)			1,099	
ILLINOIS				
Blue Goose Island [6]	None	Hancock	31	Mississippi River.
Burlington Island group [6]	None	Henderson	1,475	Do.
Buzzard Island [6]	None	Hancock	290	Do.
Cambells Island [6]	26-50	Rock Island	270	Do.
Challicothe Island [6]	None	Ogle	155	Illinois River.
Davis Island [6]	None	Adams	30	Mississippi River.
Diamond Island [6]	None	Calhoun	640	Illinois River.
Dillin Island [6]	None	Adams	503	Mississippi River.
Eagles Nest Island [6]	None	Jersey	150	Do.
Grand Island [6]	None	Mason	3,800	Illinois River.
Hackley Island [6]	None	Hancock	156	Mississippi River.
Helmbold Island [6]	1-25	Calhoun	240	Illinois River.
Henry Creek Bar Island [6]	None	Henderson	30	Mississippi River.
Huff Island [6]	None	Hancock	149	Do.
Hunt Island [6]	None	do	47	Do.
Hurricane Island [6]	1-25	Calhoun	400	Illinois River.
Knapps Island [6]	None	Mason	320	Do.
Kuise Island [6]	None	Hancock	55	Mississippi River.
Mud Island [6]	None	do	97	Do.
Nilsin Island [5]	None	Adams	255	Do.
Paddy Island [6]	None	Henderson	35	Do.
Piasa Island [6]	1-25	Jersey	230	Do.
Polly Island [6]	None	Adams	24	Do.
Santa Fe Island [6]	None	Carroll	36	Do.
Shok Bar Island [6]	None	Henderson	30	Do.
Shucks Island [6]	None	Pike	64	Do.
Taylor Island [6]	None	Hancock	112	Do.
Taylor Island [6]	None	Pike	49	Do.
Twelve Mile Island [6]	None	Jersey	210	Illinois River.
Two Mile Island [6]	None	Henderson	120	Mississippi River.
ILLINOIS—Continued				
Wolf Island [6]	None	Iroquois	18	Iroquois River.
Wollpecan Island [6]	None	Grundy	60	Illinois River.
Subtotal (32)			10,158	
INDIANA				
Mink Island [6]	None	Posey	110	Wabash River.
Ribeyre Island [6]	None	do	3,224	Do.
Subtotal (2)			3,334	
IOWA				
Big Rush Island [6]	None	Des Moines	180	Mississippi River.
Big Soupbone Island [6]	None	Jackson	63	Do.
Bowman's Island [6]	None	do	35	Do.
Caseys Island [6]	None	Jackson	60	Do.
Cooks Island [6]	None	Clinton	75	Do.
Delphey Island [6]	None	Allamakee	336	Do.
Grape Island [6]	None	Lee	200	Do.
Hamm Island [6]	1-25	Dubuque	249	Do.
Hogback Island [6]	None	Des Moines	20	Do.
Horse Island [6]	20	Scott	53	Do.
Huble Island [6]	None	Jackson	40	Do.
Indian Island [6]	None	do	37	Do.
Jackson Island [6]	None	Allamakee	1,126	Do.
Keg Island [6]	None	Louisa	105	Do.
Little Soupbone Island [6]	None	Jackson	51	Do.
Mercer Island [6]	None	Des Moines	35	Do.
Nine Mile Island [6]	None	Dubuque	479	Do.
O'Connell Island [6]	None	Des Moines	490	Do.
Otter Island [6]	1-25	do	300	Do.
Railroad Island [6]	None	Jackson	500	Do.
Rush Island [6]	None	Des Moines	55	Do.
Snyder Island group [6]	None	Woodbury	150	Missouri River.
Towhead Island [6]	None	Muscatine	88	Mississippi River.
Trienes Island [6]	None	Des Moines	18	Do.
Winnebago Island [6]	None	Woodbury	300	Missouri River.
Subtotal (25)			5,045	
KANSAS				
Big Island [6]	1	Neosho	3,300	Neosho River.
Subtotal (1)			3,300	
KENTUCKY				
Big Island [6]	None	Wayne	40	Beaver Creek.
Brushcreek Island [6]	None	Lewis	27	Ohio River.
French Island No. 1 [6]	None	Daviess	325	Do.
French Island No. 2 [6]	None	do	448	Do.
Island No. 8 [6]	2	Fulton	4,623	Mississippi River.
Little Hurricane Island [9]	None	Daviess	400	Ohio River.
Low Gap Island [6]	None	Russell	13	Lake Cumberland.
Manchester Island No. 1 [6]	None	Lewis	28	Ohio River.
Manchester Island No. 2 [6]	None	do	105	Do.
Rocky Ledge Island [9]	None	Jefferson	108	Do.
Slim Island [6]	None	Union	620	Do.
Wabash Island [6]	None	do	2,337	Do.
Wolf Island [9]	2	Hickman	9,918	Mississippi River.
Wolf Island Bar [6]	None	do	1,070	Do.
Yellow Bank Island [6]	None	Daviess	140	Ohio River.
Subtotal (15)			20,202	
LOUISIANA				
Casse—Tete Island group [6]	None	Lalourche	2,150	Gulf of Mexico.
Chandeleur Island group [5]	None	St. Bernard	4,000	Do.
Grand Island [5]	None	do	1,200	Do.
Grand Isle [5]	1-25	Jefferson	1,000	Do.
Grand Terre Island group [5]	None	do	3,200	Do.
Isles Derniers group [5]	1-25	Terrebonne	4,200	Do.
Timbalier Island group [9]	1-25	do	2,000	Do.
Subtotal (7)			17,750	
MAINE				
Andrews Island group [4a]	5	Knox	430	Atlantic Ocean.
Appledore Island group [4a]	1-25	York	162	Do.
Ash Island group [4a]	1-25	Knox	91	Penobscot Bay.
Bailey Island group [4a]	80	Cumberland	470	Casco Bay.
Bar Island [4a]	None	Washington	84	Pigeon Hill Bay.
Bartlett Island group [4a]	10	Hancock	2,253	Blue Hill Bay.
Bear Island group [9]	1-25	Washington	190	Grand Lake.
Big Island [9]	None	Piscataquis	500	Lobster Lake.
Big Island group [9]	None	Washington	387	Sysladobsis Lake.
Big Island group [9]	None	Kennebec	36	Lake Annabessacook.
Big Wash Island group [4a]	2	Washington	170	Western Bay.
Birch Island group [9]	1-25	do	95	St. Croix River.
Black Cat Island group [9]	None	do	560	Grand Falls Lake.
Blue Berry Island group [9]	None	Penobscot	101	Endless Lake.
Bois Bubert Island group [4a]	1-25	Washington	1,053	Atlantic Ocean.
Burnt Island group [9]	None	Penobscot	69	Sysladobsis Lake.
Butter Island group [4a]	10	Hancock	1,769	East Penobscot Bay.
Cape Washington Island [4a]	None	Washington	20	Little Machias Bay.

Footnotes at the end of appendix.

APPENDIX IV—Continued

NAMED ISLANDS WITH STATE, REGIONAL, OR NATIONAL RECREATION POTENTIAL UNAVAILABLE TO THE PUBLIC [1]—Continued

Island	Percent developed [2]	County	Acreage [3]	Body of water
MAINE—Continued				
Clark Island group [4a]	3	Knox	254	Atlantic Ocean.
Cranberry Island group [4a]	30	Hancock	2,330	Do.
Cranberry Island group [9]	None	Penobscot	66	Mattamiscontis Lake.
Cross Island group [4a]	1-25	Washington	1,565	Atlantic Ocean.
Cunliffe Island group [9]	None	Aroostook	17	Allagash River.
Curtis Island [4a]	1-25	Knox	9	West Penobscot Bay.
Cushing Island [4a]	60	Cumberland	249	Casco Bay.
Damariscove Island group [4a]	None	Lincoln	518	Atlantic Ocean.
Dayton Island group [9]	1-25	Hancock	214	Nicatous Lake.
Deer Island group [4a]	30	do	24,117	East Penobscot Bay.
Doyle Island group [4a]	None	Washington	105	Wohoa Bay.
Drisko Island group [4a]	3	do	183	Western Bay.
Dunn Island group [4a]	1-25	do	192	Englishman Bay.
Dutch Island group [9]	1-25	Penobscot	30	South Branch Lake.
Dyer Island group [4a]	None	Washington	346	Narraguagus Bay.
Falls Island group [4a]	None	do	192	Straight.
Farm Island [9]	1-25	Piscataquis	875	Moosehead Lake.
Farm Island group [9]	None	do	88	Eagle Lake.
Flint Island group [4a]	None	Washington	258	Atlantic Ocean.
Foster Island group [4a]	None	do	426	Narraguagus Bay.
Frye Island group [9]	3	Oxford	1,026	Sebago Lake.
Georgetown Island group [4a]	15	Sagadahoc	12,241	Kennebec River.
Gooseberry Island group [4a]	None	do	14	Casco Bay.
Great Diamond Island group [4a]	60	Cumberland	445	Do.
Great Wass Island group [4a]	5	Washington	3,133	Atlantic Ocean.
Green Island group [4a]	None	Cumberland	11	Casco Bay.
Griswold Island group [9]	None	Androscoggin	338	Androscoggin River.
Halfmoon Island group [9]	None	Aroostook	90	Grand Lake.
Halifax Island group [4a]	None	Washington	319	Englishman Bay.
Hallowall Island group [4a]	None	do	160	Dennys Bay.
Hastings Island group [9]	1-25	Oxford	482	Androscoggin River.
Head Harbor Island group [4a]	10	Washington	1,699	Atlantic Ocean.
Holbrook Island group [4a]	15	Hancock	235	Penobscot Bay.
Horseshoe Island group [9]	1-25	Kennebec	484	Cobbosseecontee Lake.
Hoyt Island group [9]	26-50	do	508	Great Pond.
Ironpound Island group [4a]	1-25	Hancock	2,590	Frenchman Bay.
Isle Au Haut group [4a]	5	Knox	7,803	Atlantic Ocean.
Islesboro Island group [4a]	40	Waldo	8,725	Penobscot Bay.
Jewell Island group [4a]	None	Cumberland	198	Casco Bay.
Killery Island [9]	None	Washington	20	Upper Hot Brook.
Large Green Island group [4a]	1-25	Knox	130	Atlantic Ocean.
Leyford Island group [9]	None	Piscataquis	354	Seboies Lake.
Libby Islands [4a]	None	Washington	200	Machias Bay.
Little Chebeague Island [4a]	10	Cumberland	91	Casco Bay.
Long Island [4a]	5	Hancock	4,450	Blue Hill Bay.
Long Island group [9]	None	Washington	161	Baskahegan Lake.
Long Island group [4a]	None	do	147	Cobscook Bay.
Long Island group [4a]	60	Cumberland	830	Casco Bay.
Marks Island group [9]	1-25	Washington	185	Grand Lake.
Masters Island group [9]	1-25	do	216	Meddybemps Lake.
Matinicus Island group [7]	20	Knox	1,642	Atlantic Ocean.
Metinic Island group [4a]	2	do	368	Do.
Monhegan Island group [4a]	20	Lincoln	566	Do.
Monroe Island group [4a]	1-25	Knox	291	West Penobscot Bay.
Moose Island [9]	None	Washington	625	West River.
Moshier Island group [4a]	None	Cumberland	168	Casco Bay.
Mosquito Island group [4a]	1-25	Knox	221	Atlantic Ocean.
Norton Island group [4a]	1-25	Washington	189	Pleasant Bay.
Norton Island group [4a]	1-25	do	195	Western Bay.
Norris Island group [9]	1-25	Androscoggin	84	Androscoggin Lake.
Olamon Island group [9]	1-25	Penobscot	1,966	Penobscot Bay.
Orrs Island group [4a]	55	Cumberland	1,177	Casco Bay.
Peaks Island group [4a]	40	do	762	Do.
Petit Manan Island group [4a]	5	Washington	34	Atlantic Ocean.
Pillsbury Island [9]	None	Piscataquis	250	Eagle Lake.
Pond Island group [4a]	1-25	Washington	274	Atlantic Ocean.
Prune Island group [4a]	None	do	94	Third Machias Lake.
Rackliff Island group [4a]	1-25	Knox	418	Atlantic Ocean.
Richmond Island [4a]	None	Cumberland	215	Do.
Rogue Island group [4a]	1-25	Washington	1,938	Englishman Bay.
Rutherford Island group [4a]	26-50	Lincoln	1,355	Damariscotta River.
Sabasodegon Island group [4a]	30	Cumberland	6,351	Casco Bay.
Sally Island group [4a]	None	Washington	45	Atlantic Ocean.
Salt Island group [4a]	1-25	do	324	Machias Bay.
Seguin Island group [4a]	5	Sagadahoc	123	Atlantic Ocean.
Sheep Island [4a]	None	Washington	10	Dyer Bay.
Southport Island group [4a]	40	Lincoln	5,162	Atlantic Ocean.
Sprucehead Island group [4a]	26-50	Knox	147	Do.
Stevens Island group [9]	None	Oxford	100	Androscoggin River.
Sturdivant Island [4a]	5	Cumberland	70	Casco Bay.
Swan Island group [4a]	2	Kennebec	1,450	Kennebec River.
Swans Island group [4a]	10	Hancock	12,046	Atlantic Ocean.
Toothaker Island group [11a]	1-25	Oxford	882	Mooselookmeguntic Lake.
Treat Island group [4a]	25	Washington	100	Cobscook Bay.
Trott Island group [4a]	2	York	162	Atlantic Ocean.
Vinalhaven Island group [4a]	30	Knox	22,339	Penobscot Bay.
Westport Island group [4a]	20	Lincoln	5,492	Back River.
Whaleboat Island group [4a]	None	Cumberland	149	Casco Bay.
White Island group [9]	1	Washington	510	Big Lake.
Wood Island group [4a]	10	Sagadahoc	69	Atlantic Ocean.
Wood Island group [4a]	None	York	79	Do.
Subtotal (105)			156,201	
MARYLAND				
Adam Island [6]	1	Dorchester	142	Chesapeake Bay.
Ayer Island group [4a]	None	Worcester	54	Ayer Creek.
Barren Island [4a]	1	Dorchester	370	Chesapeake Bay.
Big Island group [6]	None	Somerset	50	Pocomoke Sound.
Bloodsworth Island group [6]	None	Dorchester	4,535	Chesapeake Bay.
MARYLAND—Continued				
Byrnes Island group [9]	None	Frederick	36	Potomac River.
Chase Island [6]	None	Kent	16	Chester River.
Cherry Island [4a]	10	Dorchester	14	Choptank River.
Deal Island group [6]	17	Somerset	2,347	Tangier Sound.
Devil Island group [6]	None	Worcester	20	Assawoman Bay.
Dickerson Island [6]	None	Talbot	48	Choptank River.
Dunnock Island group [6]	None	Dorchester	256	Dunonock Island Creek.
Eastern Neck Island [4a]	15	Kent	2,304	Chesapeake Bay.
Garrett Island [9]	None	Cecil	159	Susquehanna River.
Gibson Island group [4a]	25	Anne Arundel	811	Magothy River.
Hambleton Island [4a]	None	Talbot	42	Broad Creek.
Harpers Island group [6]	None	Dorchester	146	Blackwater River.
Harrison Island group [9]	2	Montgomery	333	Potomac River.
Heaters Island group [9]	3	Frederick	485	Do.
Holland Island [6]	1	Dorchester	143	Chesapeake Bay.
Jackson Island group [6]	None	Somerset	28	Annemessex River.
Jericho Island group [6]	2	do	751	Manokin River.
Kent Island group [4a]	10	Anne Arundel	22,542	Chesapeake Bay.
Lower Hooper Island [4a]	None	Dorchester	736	Do.
Mason Island group [9]	1	Montgomery	240	Potomac River.
Meekins Neck group [6]	5	Dorchester	4,471	Chesapeake Bay.
Middle Hooper Island group [4a]	20	do	1,686	Do.
Mills Island group [6]	1	Worcester	642	Chincoteague Bay.
Northeast Island [6]	None	Dorchester	29	Chesapeake Bay.
Point Lookout Island group [4a]	20	St. Marys	238	Do.
Pone Island group [6]	None	Dorchester	446	Do.
Pooles Island [4a]	2	Harford	173	Do.
Poplar Island group [4a]	1	Talbot	200	Eastern Bay.
Ragged Island group [4a]	2	Dorchester	105	Little Choptank River.
Reedy Island group [6]	None	Worcester	35	Assawoman Bay.
Roberts Island group [9]	8	Harford	99	Susquehanna River.
Seiden Island group [9]	1	Montgomery	464	Potomac River.
Smith Island group [6]	4	Somerset	9,906	Chesapeake Bay.
Shelldrake Island [6]	None	Worcester	344	Chincoteague Bay.
Shepherds Island group [9]	None	Washington	16	Potomac River.
Sherwin Island group [9]	None	Montgomery	260	Do.
South Hammocks Island group.[6]	None	Worcester	162	Assawoman Bay.
South Marsh Island group [6]	None	Somerset	2,884	Tangier Sound.
Spesutie Island group [4a]	20	Harford	1,526	Chesapeake Bay.
Spring Island group [6]	None	Dorchester	53	Do.
St. Catherine Island group [4a]	5	St. Marys	69	Potomac River.
St. George Island [4a]	40	do	510	St Marys River.
Sugarloaf Island [6]	None	Dorchester	224	Blackwater River.
Taylors Island group [4a]	10	do	8,094	Chesapeake Bay.
Tilghman Island group [4a]	18	Talbot	1,488	Do.
Tizzard Island group [6]	None	Worcester	150	Johnson Bay.
Upper Hooper Island [4a]	40	Dorchester	1,044	Chesapeake Bay.
Watkins Island group [9]	None	Montgomery	779	Potomac River.
Wroten Island [4a]	3	Dorchester	503	Honga River.
Wye Island [4a]	8	Queen Anne	2,112	Wye Narrows.
Subtotal (55)			75,324	
MASSACHUSETTS				
Big Ram Island group [6]	3	Bristol	238	Westport River—East Branch.
Brant Island group [4a]	5	Plymouth	16	Buzzards Bay.
Calf Island group [11b]	10	Suffolk	92	Massachusetts Bay
Cape Ann Island [4a]	50	Essex	11,730	Atlantic Ocean—Ipswich Bay.
Chappaquiddick Island [7]	10	Dukes	3,570	Atlantic Ocean.
Elizabeth Island group [4a]	25	do	8,268	Buzzards Bay.
Hog Island group [4a]	15	Essex	723	Essex Bay.
Hopkins Island group [6]	None	Barnstable	575	Nauset Bay.
Jules Island group [6]	None	do	283	Cape Cod Bay.
Kidds Island [9]	None	Franklin	18	Connecticut River.
Kimball Island [9]	None	Essex	20	Merrimack River.
Lieutenant Island group [6]	5	Barnstable	276	Wellfleet Harbor.
Long Island group [4a]	None	Bristol	45	Buzzards Bay.
Marblehead Neck Island group.[4a]	35	Essex	285	Massachusetts Bay.
Martha's Vineyard [7]	15	Dukes	63,000	Atlantic Ocean.
Muskeget Island [7]	None	Nantucket	300	Do.
Nantucket Island [7]	3	do	30,391	Do.
Narrows Island group [4a]	20	Suffolk	113	Massachusetts Bay.
Noman's Land Island [7]	None	Dukes	628	Atlantic Ocean.
Pearce Island group [6]	5	Essex	231	Annisquam River.
Peddocks Island [4a]	15	Plymouth	170	Hull Bay.
Pine Island group [11a]	None	Worcester	121	Sudbury Reservoir.
Plum Island [4a]	25	Essex	3,305	Atlantic Ocean.
Quincy Bay Island group [4a]	40	Suffolk	305	Boston Harbor.
Rawson Island group [9]	30	Franklin	210	Connecticut River.
Roger Island group [6]	None	Essex	418	Plum Island River.
Sanford Flat Island group [6]	3	Bristol	120	Westport River.
Strong Island group [6]	5	Barnstable	508	Pleasant Bay.
Thacher Island group [4a]	None	Essex	112	Atlantic Ocean.
Thompson Island group [4a]	None	Suffolk	231	Dorchester Bay.
Tuckernuck Island [7]	None	Nantucket	1,000	Atlantic Ocean.
Weepocket Island group [4a]	None	Dukes	11	Buzzards Bay.
West Island [4a]	20	Bristol	560	Do.
Weymouth-Hingham Island group.[4a]	5	Norfolk	124	Hull Bay.
Winter Island [9]	None	Essex	50	Massachusetts Bay.
Woodbridge Island group [6]	None	do	274	Plum Island River.
Subtotal (35)			127,693	

Footnotes at the end of appendix.

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APPENDIX IV—Continued

NAMED ISLANDS WITH STATE, REGIONAL, OR NATIONAL RECREATION POTENTIAL UNAVAILABLE TO THE PUBLIC [1]—Continued

Island	Percent developed [3]	County	Acreage [3]	Body of water
MICHIGAN				
Andrews Island [4b]	5	Chippewa	14	Potagannissing Bay.
Apple Island [9]	None	Oakland	38	Orchard Lake.
Arnold Island [4b]	None	Chippewa	30	Lake Huron.
Ashman Island [4b]	None	do	62	Potagannissing Bay.
Au Train Island [4b]	None	Alger	105	Lake Superior.
Bald Island [4b]	1	Chippewa	75	Potagannissing Bay.
Beaver Island [10]	10	Charlevoix	35,465	Lake Michigan.
Beavertail Point Island [4b]	1	Mackinac	41	Lake Huron.
Bellevue Island [4b]	None	Chippewa	30	Do.
Big La Salle Island [4b]	1	Mackinac	1,012	Do.
Big St. Martin Island [4b]	None	do	951	Do.
Big Trout Island [4b]	None	Chippewa	94	Potagannissing Bay.
Birch Island [4b]	None	Mackinac	21	Lake Huron.
Bois Blanc Island [4b]	1	do	21,352	Do.
Boot Island [4b]	5	do	123	Do.
Boulanger Island [4b]	4	Chippewa	46	Potagannissing Bay.
Brown Island [9]	None	Presque Isle	55	Grand Lake.
Burnt Island [4b]	5	Chippewa	411	Potagannissing Bay.
Butterfield Island [4b]	1	do	32	Do.
Cass Island [4b]	1	do	74	Do.
Cedar Island [4b]	None	do	64	Do.
Celeron Island [9]	5	Wayne	120	Detroit River.
Charity Island [4b]	None	Arenac	280	Lake Huron.
Cherry Island [4b]	None	Wayne	30	Detroit River.
Claw Island [4b]	None	Chippewa	10	Potagannissing Bay.
Corvell Island [4b]	50	Mackinac	82	Lake Huron.
Crooked Island [4b]	1-25	Alpena	47	Do.
Duck Island [4b]	1	Chippewa	10	Whitney Bay.
Duck Island [10]	1	do	200	Lake George.
Espanore Island [4b]	5	do	120	Lake Huron.
Flat Island [9]	1	Marquette	15	Lake Michigamme.
Fox Island [9]	None	Grand Traverse	12	Long Lake.
Garden Island [10]	None	Charlevoix	4,372	Lake Michigan.
Garden Island [4b]	None	Chippewa	40	Lake Huron.
Gitche Manato Island [9]	None	Marquette	10	Lake Michigamme.
Government Island [4b]	None	Mackinac	215	Lake Huron
Grand Island [9]	None	Preque Isle	273	Grand Lake.
Grand Island [4b]	1-25	Alger	12,905	Lake Superinr
Grape Island [4b]	2	Chippewa	80	Potagannissing Bay.
Gravel Island [4b]	None	do	20	Lake Huron.
Green Island [9]	None	Saginaw	35	Saginaw River.
Gull Island [10]	None	Charlevoix	240	Lake Michigan.
Gull Island [4b]	None	Chippeqa	16	Potagannissing Bay.
Gull Island [4b]	None	Delta	13	Lake Michigan.
Harbor Island [4b]	None	Chippewa	694	Potagannissing Bay.
Harris Island [4b]	None	do	11	Do.
Hart Island [4b]	None	do	20	Munuscong Lake.
Hill Island [4b]	30	Mackinac	235	Lake Huron.
Hog Island [10]	None	Charlevoix	2,071	Lake Michigan.
Island No. 8 [4b]	25	Mackinac	132	Lake Huron.
Island No. 12 [9]	None	Ionia	15	Grand River.
James Island [4b]	10	Chippewa	26	Potagannissing Bay.
La Pointe Island [4b]	5	do	23	Do.
Lighthouse Island [4b]	None	Marquette	40	Lake Superior.
Lime Island [4b]	5	Chippewa	900	Munuscong Lake.
Little Charity Island [4b]	None	Arenac	17	Lake Huron.
Little Gull Island [4b]	None	Delta	10	Lake Michigan.
Little La Salle Island [4b]	1	Mackinac	400	Lake Huron.
Little Lime Island	None	Chippewa	16	Munuscong Lake.
Little Presque Island [4b]	None	Marquette	14	Lake Superior.
Little St. Martin Island [4b]	None	Mackinac	472	Lake Huron.
Little Summer Island [4b]	None	Delta	506	Lake Michigan.
Long Island [9]	1	Grand Traverse	24	Long Lake.
Long Island [4b]	1	Mackinac	70	Lake Huron.
Long Island [4b]	None	Chippewa	17	Potagannissing Bay.
Long Island [4b]	3	do	40	Lake Huron.
Love Island [4b]	None	do	20	Munuscong Lake.
Mackinac Island [4b]	15	Mackinac	2,321	Lake Huron.
Macomb Island [4b]	1	Chippewa	240	Potagannissing Bay.
Manitou Island [4b]	10	Kaweenaw	1,013	Lake Superior.
Maple Island [4b]	1	Chippewa	123	Potagannissing Bay.
Marion Island [4b]	1	Grand Traverse	600	Grand Traverse Bay.
Marquette Island [4b]	None	Mackinac	4,000	Lake Huron.
Meade Island [4b]	5	Chippewa	160	Do.
Middle Island [4b]	None	Alpena	255	Do.
Neebish Island [4b]	20	Chippewa	12,981	Lake Nicolat.
North Fox Island [10]	5	Leelanau	777	Lake Michigan.
North Island [4b]	10	Huron	83	Saginaw Bay.
North Manitou Island [10]	5	Leelanau	14,100	Lake Michigan.
Odiem Island [9]	None	Monroe	40	North Maumee Bay.
Patridge Island [4b]	None	Marquette	85	Lake Superior.
Peck Island [4b]	1	Chippewa	40	Potagannissing Bay.
Pipe Island [4b]	10	do	13	Do.
Rains Island [4b]	5	do	300	Munuscong Lake.
Ramsey Island [4b]	None	Marquette	26	Lake Michigamme.
Rocky Island [9]	None	Delta	10	Lake Michigan.
Rogg Island [4b]	None	Chippewa	29	Potagannissing Bay.
Round Island [4b]	None	Mackinac	352	Lake Huron.
Rover Island [4b]	None	do	16	Do.
Rutland Island [4b]	None	Chippewa	73	Potagannissing Bay.
Saltonstall Island [4b]	None	do	19	Do.
Shelter Island [4b]	None	do	70	Lake Huron.
Snake Island [4b]	None	Delta	10	Big Bay De Noc.
South Fox Island [10]	5	Leelanau	3,382	Lake Michigan.
South Island [9]	None	Grand Traverse	12	Long Lake.
South Manitou Island [10]	5	Leelanau	4,940	Lake Michigan.
Squaw Island [10]	1	Charlevoix	69	Do.
St. Helena Island [4b]	None	Mackinac	241	Do.
St. Martin Island [4b]	1	Delta	1,332	Do.
MICHIGAN—Continued				
Stony Island [4b]	None	Huron	387	Saginaw Bay.
Stricklands Point Island [4b]	30	Chippewa	30	Potagannissing Bay.
Strongs Island [4b]	None	Mackinac	90	Lake Huron.
Sturgeon Bar Island [9]	None	Wayne	10	Detroit River.
St. Vitals Island [4b]	None	Delta	20	Big Bay De Noc.
Sugar Island [9]	None	Wayne	40	Detroit River.
Sugar Island [4b]	30	Chippewa	31,056	Lake Nicolet.
Sugar Island [4b]	None	Alpena	173	Lake Huron.
Summer Island [4b]	1	Delta	2,130	Lake Michigan.
Sweets Point Island [4b]	10	Chippewa	100	Munuscong Lake.
Thunder Bay Island [4b]	1	Alpena	218	Lake Huron.
Traverse Island [4b]	None	Houghton	91	Keweenaw Bay.
Trout Island [10]	1	Charlevoix	80	Lake Michigan.
Whiskey Island [10]	1	do	96	Do.
Wilson Island [10]	1	Chippewa	159	Potagannissing Bay.
Williams Island [4b]	None	Alger	33	Lake Superior.
Wood Island [4b]	None	do	170	Do.
Subtotal (116)			167,653	
MINNESOTA				
Alepo [9]	1	St. Louis	15	Lake Vermillion
Baylis Island [9]	1	do	75	Crane Lake
Bear Island [9]	None	do	150	Bear Island Lake
Beaver Island [9]	None	Sterns	225	Mississippi River
Blueberry Island [9]	None	St. Louis	15	Burntside Lake
Brownell Island [9]	None	do	10	Do.
Burnt Island [9]	None	do	40	Do.
Coleman Island [9]	None	do	3,200	Do.
Comet Island [9]	2	do	40	Lake Vermillion
Cramer Island [9]	1	do	20	Trout Lake
Dollar Island [9]	None	do	15	Burntside Lake
Drury Island [6]	None	Wabasha	64	Mississippi River
Hall Island [9]	None	St. Louis	75	Burntside Lake
Honeymoon Island [9]	None	do	55	Do.
Latch Island [6b]	10	Winona	60	Mississippi River
Indian Island [9]	None	St. Louis	25	Crane Lake
Knotts Island [9]	1	do	55	Vermillion Lake
Last Girl Island [9]	None	do	40	Burntside Lake
Lock Island [9]	None	do	12	Do.
Long Island [9]	None	do	35	Do.
Lower Grey Cloud Island [6b]	None	Washington	1,358	Mississippi River.
Matson Island [9]	None	St. Louis	20	Lake Vermillion.
Olivar Island South [9]	None	do	40	Burntside Lake.
Oliver Island North [9]	None	do	35	Do.
Pine Island [9]	None	do	15	Do.
Bear Island [9]	None	Cass	1,022	Leech Lake.
Beaver Island [9]	1-25	Lake	10	Lake Superior.
Big Island [9]	None	Koochichin	178	Nett Lake.
Big Star Island [9]	1-25	Beltrami	1,155	Cass Lake.
Elmwood Island [9]	None	Itasca	37	Island Lake.
Fort St. Charles Island group [9]	1-25	Lake of the Woods	471	Lake of the Woods.
Garden Island [9]	1-25	do	690	Do.
Gary Island [9]	1-25	Lake	12	Basswood Lake.
Goat Island [9]	26-50	Hubbard	65	Lake Belle Taine.
Grand Portage Island [9]	None	Cook	50	Lake Superior.
Half Dog Island [9]	1-25	Lake	15	Basswood Lake.
Indian Grave Island [9]	1-25	do	15	Do.
Loon Island [9]	1-25	Murray	44	Lake Shetek.
Mile Island [9]	1-25	Lake	65	Fall Lake.
Minnesota Island [9]	None	Cass	252	Leech Lake.
Oak Island [9]	1-25	Lake of the Woods	1,626	Lake of the Woods.
Pelican Island [9]	None	Cass	166	Leech Lake.
Pike Island [9]	None	Ramsey	238	Mississippi River.
Pipe Island [9]	None	Cass	12	Leech Lake.
Seven Island [9]	None	Pine	20	St. Croix River.
Susie Island group [9]	None	Cook	360	Lake Superior.
Pine Island [9]	None	St. Louis	2,500	Lake Vermillion.
Ripple Island [9]	None	do	20	Burntside Lake.
Sioux Pine Island [9]	None	do	600	Trout Lake.
Snellman Island [9]	None	do	45	Burntside Lake.
Spider Island [9]	1	do	12	Lake Vermillion.
Sumoter Island [6]	None	do	10	Burntside Lake.
Three Island [9]	None	do	75	Iron Lake.
Upper Grey Cloud Island [6b]	None	Washington	1,047	Mississippi River.
Subtotal (54)			16,506	
MISSISSIPPI				
Cat Island [5]	None	Harrison	2,400	Mississippi Sound.
Deer Island [5]	1-25	do	530	Do.
Horn Island [5]	1-25	Jackson	3,690	Do.
Petit Bois Island [5]	1-25	do	1,470	Do.
Round Island [5]	None	do	80	Do.
Ship Island [5]	26-50	Harrison	1,250	Do.
Subtotal (6)			9,420	
MISSOURI				
Cora Island [9]	None	St. Charles	1,330	Missouri River.
Cuivre Island [6]	1	Lincoln	1,355	Mississippi River.
Dresser Island [6]	None	St. Charles	788	Do.
Fabius Island [6]	None	Marion	305	Do.
Fox Island [6]	None	Cole	150	Missouri River.
Howell Island [6]	None	St. Charles	2,511	Do.
Orton Island [6]	None	Marion	85	Mississippi River.

Footnotes appear at the end of this appendix.

APPENDIX IV—Continued

NAMED ISLANDS WITH STATE, REGIONAL, OR NATIONAL RECREATION POTENTIAL UNAVAILABLE TO THE PUBLIC [1]—Continued

Island	Percent developed [3]	County	Acreage [3]	Body of water
MISSOURI—Continued				
Stillman Island [6]	None	Marian	120	Mississippi River.
Turkey Island [6]	None	Lincoln	128	Do.
Subtotal (9)			6,772	
MONTANA				
Bird Island [9]	None	Lake	30	Flathead Lake.
Bull Island [9]	None	do	110	Do.
Cedar Island [9]	None	do	25	Do.
Cemetery Island [11]	None	Lewis and Clark	20	Canyon Ferry Impoundment.
Council Island [9]	None	Fergus	20	Missouri River.
Cow Island group [9]	None	do	110	Do.
Cromwell Island [9]	None	Lake	360	Flathead Lake.
Hole-in-the-Wall Island group [9]	None	Chouteau	10	Missouri River.
Holmes Council Island group [9]	None	Fergus	15	Missouri River.
Iron City Island group [9]	None	do	15	Do.
Little Bull Island group [9]	None	Lake	35	Flathead Lake.
Melita Island [9]	None	do	70	Do.
Norris Island group [9]	None	Chouteau	105	Missouri River.
Pablo Island group [9]	None	do	10	Do.
Shelter Island [9]	None	Lake	25	Flathead Lake.
Sturgeon Island group [9]	None	Blaine	50	Missouri River.
Wild Horse Island [9]	1-25	Lake	2,500	Flathead Lake.
Wolf Island [9]	None	Chouteau	10	Missouri River.
Subtotal (18)			3,520	
NEBRASKA				
Platte River Island group [9]	1	Colfax, Dodge, Butler, Cass, Douglass, Saunders, Sarpy.	5,170	Platte River.
Subtotal (1)			5,170	
NEVADA (None)				
NEW HAMPSHIRE				
Barndoor Island group [9]	10	Carroll	162	Lake Winnipesaukee.
Beach Island group [9]	10	Strafford	25	Bow Lake.
Bear Island [9]	None	Merrimack	105	Suncook River.
Bear Island group [9]	10	Belknap	290	Lake Winnipesaukee.
Big Island [9]	None	Carroll	9	Silver Lake.
Big Island [9]	10	do	13	Lovell Lake.
Big Island group [9]	None	Coos	182	Umbagog Lake.
Black Cat Island group [9]	30	Belknap	177	Lake Winnipesaukee.
Black Island [9]	20	Carroll	50	Moultonboro Bay.
Browns Island group [9]	None	Rockingham	102	Massabesic Lake.
Burnap's Island [9]	None	Sullivan	5	Connecticut River.
Chapman Island group [9]	None	Belknap	37	Lake Waukewan.
Chase Island [9]	None	Sullivan	12	Connecticut River.
Dunshee Island [6]	None	Cheshire	10	Do.
Evans Island [9]	None	Coos	30	Androscoggin River.
Gleason Island [6]	None	Grafton	10	Connecticut River.
Governors Island group [9]	None	Rockingham	272	Island Pond.
Governors Island [6]	20	Belknap	500	Lake Winnipesaukee.
Hart Island [9]	None	Sullivan	26	Connecticut River.
Hinman Island group [9]	None	Coos	13	Do.
Howard Island group [9]	None	Grafton	80	Do.
Hubbard group [6]	None	Sullivan	32	Do.
Isles of Shoals group [5]	None	Rockingham	131	Atlantic Ocean.
Jarvis Island [9]	None	Sullivan	12	Connecticut River.
Johnston Island [6]	None	Grafton	8	Do.
Jose Island group [9]	None	Carroll	15	Moultonboro Bay.
Kelly Island [6]	None	Belknap	23	Pemigewassel Lake.
Ledge Island [9]	None	Sullivan	3	Connecticut River.
Log Cabin Island group [9]	None	Rockingham	15	Pawtuckaway Pond.
Long Island [9]	10	Carroll	1,170	Lake Winnipesaukee.
Loon Island [9]	None	do	6	Leavitt Bay.
Mark Island group [9]	10	Belknap	642	Lake Winnipesaukee.
Mayhew Island [9]	None	Grafton	40	Newfound Lake.
Moat Island [9]	None	Rockingham	15	Lamprey River.
New Castle Island group [6a]	60	do	570	Portsmouth Harbor.
Rattlesnake Island group [9]	15	Belknap	523	Lake Winnipesaukee.
Spring Island group [9]	30	Carroll	49	Green's Basin Lake.
Squam Lake Island group [9]	None	Grafton	755	Squam Lake.
Stebbin Island [9]	None	Cheshire	30	Connecticut River.
Stamp Act Island group [9]	10	Carroll	131	Lake Wentworth.
Stevens Island group [6]	None	Grafton	14	Connecticut River.
Stonedam Island group [9]	10	Belknap	146	Meredith Bay.
Sumner Island group [9]	None	do	53	Pemigewasset River.
Wentworth Island [6]	None	Coos	10	Androscoggin River.
Whortleberry Island [9]	15	Carroll	957	Lake Winnipesaukee.
Subtotal (46)			7,475	
NEW JERSEY				
Artificial Island group [6]	None	Salem	3,200	Delaware River.
Bonnet Island group [6a]	5	Ocean	520	Manahawkin Bay.
Brigantine Island [5]	60	Atlantic	2,450	Atlantic Ocean.
Bulls Island [9]	None	Hunterdon	80	Delaware River.
Chester Island [6]	None	Gloucester	140	Do.
Clam Island group [6]	None	Ocean	446	Barnegat Bay.
Conklin Island group [9]	None	do	1,866	Do.
Devils Island group [6]	None	Cape May	1,351	Ludlam Bay.
NEW JERSEY—Continued				
Devils Wedge Island group [5]	5	Cape May	712	Turtle Gut Bay.
Dildine Island group [9]	5	Warren	104	Delaware River.
Eagle Island [6]	None	Hunterdon	18	Do.
Ellis Island [4]	100	Hudson	24	Upper New York Bay.
Fortescue Neck Island group [6]	10	Cumberland	6,945	Delaware Bay.
Fowler Island group [6]	None	do	33	Maurice River.
Glassy Sound Island group [5]	None	Cape May	1,890	Richardson Sound.
Great Island group [5]	5	Atlantic	3,050	Egg Harbor.
Gull Island group [5]	None	Cape May	3,540	Jenkins Sound.
Gull Island group [5]	None	do	760	Townsend Sound.
Gunning Island group [6]	None	Monmouth	166	Shrewsbury River.
Ham Island group [6]	None	Ocean	248	Little Egg Harbor.
Herring Island [6]	None	do	40	Metedeconk River.
Hickory Island group [6b]	None	Salem	600	Salem River.
Hog Island group [6]	None	Atlantic	160	Mullica River.
Mashipacong Island group [9]	None	Sussex	514	Delaware River.
Monds Island [6]	None	Gloucester	150	Do.
Money Island group [6]	None	Salem	412	Do.
Mormandie Island group [6]	20	Monmouth	158	Navesink River.
Ocean City Island [5]	60	Cape May	3,450	Atlantic Ocean.
Osborn Island [9]	None	Monmouth	8	Manasquan River.
Pine Island Meadow group [6]	None	Salem	840	Salem River.
Pine Island group [6]	None	do	5,156	Delaware Bay.
Raccoon Creek group [6]	None	Gloucester	145	Raccoon Creek.
Rainbow Island group [5]	5	Cape May	1,270	Great Egg Harbor.
Rotary Island [9]	None	Mercer	29	Delaware River.
Sedge Island group [6]	None	Ocean	404	Barnegat Bay.
Seven Island group [6]	None	do	1,862	Great Bay.
Story Island group [5]	None	do	998	Little Egg Harbor.
Thorofare Island group [5]	None	Cape May	848	Jarvis Sound.
Tocks Island group [9]	None	Warren	50	Delaware River.
Treasure Island group [9]	None	Hunterdon	68	Do.
Upper Island group [5]	5	Cape May	3,897	Stites Sound.
Weak Fish Island group [5]	5	Atlantic	5,262	Reeds Bay.
Wildwood Island group [5]	80	Cape May	4,118	Atlantic Ocean.
Subtotal (43)			57,972	
NEW MEXICO (None)				
NEW YORK				
Barnhart Island group [9]	None	St. Lawrence	1,820	St. Lawrence River.
Beacon Island group [6]	None	Fulton	80	Sacandaga Reservoir.
Big Island group [6]	None	Oswego	75	Oswego River.
Big Island group [6]	10	Onondaga	502	Seneca River.
Big Island group [9]	10	Hamilton	114	Raque le Lake.
Bonsted Island group [9]	30	Oswego	25	Oswego River.
Bowman Island group [9]	None	St. Lawrence	27	Black Lake.
Campbell Island group [9]	None	Rensselaer	43	Hudson River
Cedar Island group [9]	None	St. Lawrence	120	Chippewa Bay.
Cherry Island [6]	None	Orange	11	Delaware River.
Croil Island group [9]	None	St. Lawrence	785	St. Lawrence River.
Delano Island group [6]	None	Jefferson	98	Black River.
Dunham Island group [6]	None	Oswego	50	Oneida Lake.
East Bar Island group [9b]	None	Suffolk	70	Nissequogue River.
Esopus Island [9]	None	Dutchess	10	Hudson River.
Fire Island [9]	10	Suffolk	6,700	Atlantic Ocean.
Fishers Island group [6a]	30	do	2,730	Great Peconic Bay
Fox Island group [4b]	None	Jefferson	1,372	Lake Ontario.
Galop Island group	None	St. Lawrence	515	St. Lawrence River.
Gardiners Island group [6]	5	Suffolk	3,307	Block Island Sound.
Glosky Island [6]	None	Onondaga	100	Oneida River.
Governors Island [9]	None	New York	180	Upper New York Bay.
Grand Island [6]	55	Niagara	18,310	Niagara River.
Great Island [9]	None	Westchester	323	Kensico Reservoir.
Green Island group [9]	None	Franklin	157	Upper Saranac Lake.
Green Island [9]	None	Saratoga	23	Hudson River
Griffin Island [9]	None	do	70	Do.
Grindstone Island group [9]	None	Jefferson	5,451	St. Lawrence River.
Gumaer Island [9]	None	Ulster	25	Rondout Creek.
Hen Island group [9]	None	Westchester	29	Mamaroneck Harbor.
Hiawatha Island [6]	10	Tioga	125	Susquehanna River.
Hoopers Valley Island [6]	None	do	20	Do.
Long Sault Island group [6]	None	St. Lawrence	898	St. Lawrence River.
Magdelan Island group [9]	None	Dutchess	194	Hudson River.
Maloney Island [9]	None	Onondaga	22	Seneca River.
Maple Bend Island group [9]	None	Washington	151	Lake Champlain.
Middleground Flats Island group [6]	None	Greene	175	Hudson River.
Moose Island group [9]	10	Essex	760	Lake Placid.
Newark Island group [9]	10	Wayne	204	Sodus Bay.
Ogden Island [9]	None	St. Lawrence	459	St. Lawrence River.
Peobles Island group [9]	None	Rensselaer	155	Hudson River.
Pepper Island group [9]	5	Montgomery	92	Mohawk River.
Pollepel Island group [9]	None	Dutchess	20	Hudson River.
Poors Island group [9]	5	Jefferson	86	Black River.
Quack Island group [9]	None	Rensselaer	143	Hudson River.
Rattlesnake Island group [9]	None	Greene	115	Do.
Robins Island [9]	None	Suffolk	442	Great Peconic Bay.
Rogers Island [9]	5	Columbia	175	Hudson River.
Schuyler Island [9]	None	Essex	168	Lake Champlain.
Sedge Island group [9]	None	Suffolk	111	Shinnecock Bay.
Simmons Island group [6]	None	Albany	76	Hudson River.
Sols Island group [9]	20	St. Lawrence	187	Raquette River.
Squaw Island group [9]	None	Erie	157	Niagara River.
Stockport Island group [9]	15	Greene	210	Hudson River.
Stoney Island group [4b]	None	Jefferson	1,422	Lake Ontario.
Thompson Island [6]	None	Saratoga	50	Hudson River.
Valcour Island group [9]	None	Clinton	1,024	Lake Champlain.

Footnotes appear at the end of this appendix.

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APPENDIX IV—Continued

NAMED ISLANDS WITH STATE, REGIONAL, OR NATIONAL RECREATION POTENTIAL UNAVAILABLE TO THE PUBLIC [1]—Continued

Island	Percent developed [2]	County	Acreage [3]	Body of water
NEW YORK—Continued				
Walter Island [9]	None	Onondaga	14	Oswego River.
Wellesley Island group [7]	5	Jefferson	8,075	St. Lawrence River.
Wilson Hill Island group [9]	None	St. Lawrence	1,051	Do.
Subtotal (60)			59,903	
NORTH CAROLINA				
Battery Island [5]	1-25	Brunswick	60	Long Bay.
Bogue Banks Island [5]	None	Carteret	6,400	Atlantic Ocean.
Marshy Island group [5]	None	Currituck	1,500	Do.
Smith Island group [5]	None	Brunswick	11,000	Do.
Striking Island [5]	None	do	30	Dutchman Creek.
Subtotal (5)			18,990	
NORTH DAKOTA (None)				
OHIO				
Johnson Island [4b]	5	Ottawa	300	Lake Erie.
Kelleys Island [4b]	10	Erie	2,888	Do.
Middle Bass Island [4b]	20	Ottawa	750	Do.
Mouse Island [4b]	10	do	8	Do.
North Bass Island [4b]	10	do	705	Do.
Rattlesnake Island [4b]	20	do	65	Do.
South Bass Island [4b]	20	do	1,568	Do.
Squaw Island [4b]	None	Sandusky	3	Do.
Starve Island [4b]	None	Ottawa	1	Do.
Turtle Island [4b]	None	Sandusky	2	Do.
Subtotal (10)			6,290	
OKLAHOMA (None)				
OREGON				
Bolon Island [9]	30	Douglas	200	Umpqua River.
Booth Island group [9]	None	Lane	120	Siltcoos Lake.
Cascade Locks Island [9]	None	Hood River	20	Columbia River.
Cathlament Bay Island group [6]	None	Clatsop	650	Do.
Goose Island [9]	None	do	20	Do.
Government Island group [9]	None	Multnomah	2,268	Do.
Grassy Island [6]	None	Clatsop	80	Do.
Green Island group [6]	None	do	255	Do.
Johnson Island group [9]	None	Malheur	540	Snake River.
Karlson Island group [6]	None	Clatsop	1,155	Columbia River.
Lava Island [9]	None	Deschutes	10	Deschutes River.
Marsh Island group [6]	None	Clatsop	1,915	Columbia River.
Miller Sands Island group [9]	None	do	235	Do.
Minaker Island group [6]	None	do	265	Do.
Mott Island group [9]	None	do	1,000	Do.
Myrtle Island [9]	None	Douglas	28	Umpqua River.
Pearcy Island [9]	None	Multnomah	1,940	Columbia River.
Quinin Island group [9]	None	Clatsop	365	Do.
Russian Island group [6]	None	do	825	Do.
Sauvie Island group [9]	None	Columbia	26,720	Do.
Seal Island group [6]	None	Clatsop	342	Do.
Svenson Island group [9]	None	do	465	Do.
Tronson Island group [6]	None	do	135	Do.
Woody Island [6]	None	do	220	Do.
Subtotal (24)			39,773	
PENNSYLVANIA				
Ackerman Island [11a]	None	Crawford	13	Pymatuning Reservoir.
Bell Island [9]	None	Juniata	110	Juniata River.
Blood Island group [9]	None	Northunberland	316	Susquehanna River.
Clark Island group [11a]	5	Crawford	285	Pymatuning Reservoir.
Grafts Island group [9]	None	Dauphin	154	Susquehanna River.
Dodd Island group [9]	None	Bradford	35	Do.
Duncan Island group [9]	None	Lancaster	120	Do.
Georgetown Island [9]	None	Beaver	32	Ohio River.
Gould Island [9]	None	Luzerne	50	Susquenhanna River.
Great Island [9]	5	Clinton	250	West Branch. Susquehanna River.
Harris Island group [9]	None	Bradfard	74	Susquehanna River.
Hawns Bridge Island [9]	None	Huntingdon	65	Juniata River.
Hendrick Island [9]	None	Bucks	40	Delaware River.
Hope Island group [9]	None	Venango	40	Allegheny River.
Keller Island [9]	None	Northampton	30	Delaware River.
Lagrange Island [9]	None	Wyoming	14	Susquehanna River.
Little Island group [9]	None	Luzerne	32	Do.
McCloskey Island	None	Clinton	30	W. Branch Susquehanna River.
Mead Island group [9]	None	Warren	169	Allegheny River.
Montgomery Island group [9]	None	Northumberland	77	Susquehanna River.
Money Island group [9]	None	Bucks	325	Delaware River.
Nicholson Island group [9]	None	Armstrong	17	Allegheny River.
Phillis Island [9]	None	Beaver	40	Ohio River.
Prahls Island group [9]	None	Bucks	39	Delaware River.
Richard Island [9]	None	Luzerne	75	Susquehanna River.
Ross Island [9]	None	Armstrong	24	Allepheny River.
Scovell Island [9]	None	Luzerne	65	Susquehanna Piver.
Shawnee Island group [9]	None	Monroe	415	Delaware River.
PENNSYLVANIA—Continued				
Urey Island group [9]	None	York	49	Susquehanna River.
Weise Island [9]	None	Lancaster	90	Do.
Wharf Island group [9]	None	Dauphin	514	Do.
Whitherup Island [9]	None	Venango	10	Allegheny River.
Subtotal (32)			3,598	
RHODE ISLAND				
Bills Island group [4a]	None	Washington	37	Quonochontaug Pond.
Block Island [7]	10	do	6,504	Atlantic Ocean.
Conanicut Island [4a]	25	Newport	6,105	Narragansett Bay.
Dutch Island [4a]	5	do	75	Do.
Dyer Island [4a]	1	do	30	Do.
Goat Island [11a]	50	do	35	Newport Harbor.
Gooseberry Island [4a]	5	Washington	25	Point Judith Pond.
Gould Island [4a]	80	Newport	60	Narragansett Bay.
Hog Island group [4a]	10	do	182	Do.
Hope Island [4a]	5	do	75	Do.
Narragansett Bay Island group [4a]	30	Washington	36	Do.
Page Island group [9]	5	Providence	14	Pascoag Reservoir.
Patience Island [4a]	5	Newport	200	Narragansett Bay.
Phillips Island [9]	None	Washington	10	Yawgoog Pond.
Prudence Island [4a]	20	Newport	3,627	Narragansett Bay.
Rain Island [4a]	None	Washington	35	Point Judith Pond.
Rose Island [4a]	5	Newport	17	Narragansett Bay.
Sandy Point Island [5]	None	Washington	50	Little Narragansett Bay.
Ward Island group [5]	None	do	65	Ninigret Pond.
Subtotal (19)			17,182	
SOUTH CAROLINA				
Bay Point Island [5]	1-25	Beaufort	1,800	Atlantic Ocean.
Bull Island [11c]	26-50	do	3,500	May River.
Capers Island [5]	1-25	Charleston	200	Atlantic Ocean.
Capers Island [5]	1-25	Beaufort	200	Do.
Cedar Island [5]	1-25	Georgetown	3,500	Do.
Daufuskie Island [5]	1-25	Beaufort	5,882	Do.
Debidue Island [5]	None	Georgetown	8,400	Do.
Dewees Island [5]	1-25	Charleston	890	Do.
Edisto Island [5]	26-50	do	34,000	Do.
Fripps Island [5]	26-50	Beaufort	3,000	Story River.
Hunting Island [5]	26-50	do	3,000	Atlantic Ocean.
Kiawah Island [5]	26-50	Charleston	7,300	Do.
Morgan Island [9]	None	Beaufort	2,000	Coosaw River.
Morris Island [5]	None	Charleston	1,200	Atlantic Ocean.
North Island [5]	None	Georgetown	6,000	Do.
Persanti Island [9]	None	Clarendon	350	Lake Marion.
Raccoon Island group [9]	26-50	Charleston	2,500	South Edisto River.
Seabrook Island [5]	1-25	do	1,800	Atlantic Ocean.
Subtotal (18)			85,522	
SOUTH DAKOTA				
Gills Island [9]	None	Day	10	Enemy Swim Lake.
Kite Island [9]	2	Roberts	101	Big Stone Lake.
La Framboise Island [9]	None	Hughes	688	Lake Sharpe.
Subtotal (3)			799	
TENNESSEE				
Beef Island group [9]	1-25	Shelby	3,500	Mississippi River.
City Island [9]	51-75	do	2,500	Do.
Diamond Island [9]	None	Hardin	162	Tennessee River.
Long Island [9]	26-50	Sullivan	1,500	Boone Reservoir.
Loos Hatche Bar Island [9]	None	Shelby	500	Mississippi River.
Presidents Island [9]	26-50	do	6,500	Do.
Treasure Island [9]	None	do	400	Do.
Williams Island [9]	None	Hamilton	459	Tennessee River.
Subtotal (8)			15,521	
TEXAS				
Galveston Island [5]	51	Galveston	27,500	Gulf of Mexico.
Matagorda Island [5]	5	Matagorda	44,800	Do.
Matagorda Peninsula North [6]	5	do	18,500	Do.
Matagorda Peninsual South [6]	1	do	15,500	Do.
Mustang Island [5]	25	Nueces	15,300	Do.
San Luis Follets Island [9]	10	Brazoria	5,500	Do.
St. Joseph Island [5]	1	Aransas	33,000	Do.
Subtotal (7)			160,000	
UTAH				
Antelope Island [9]	1-25	Davis	41,425	Great Salt Lake.
Subtotal (1)			41,425	
VERMONT				
Burton Island group [5]	None	Grand Isle	920	Lake Champlain.
Isle De Motte [9]	20	do	4,672	Do.
Metcalfe Island group [6]	None	Franklin	160	Do.
North Hero Island [9]	7	Grand Isle	8,192	Do.

Footnotes appear at the end of this appendix.

APPENDIX IV—Continued

NAMED ISLANDS WITH STATE, REGIONAL, OR NATIONAL RECREATION POTENTIAL UNAVAILABLE TO THE PUBLIC [1]—Continued

Island	Percent developed [2]	County	Acreage [3]	Body of water
VERMONT—Continued				
Rabbit Island [6]	2	Rutland	15	Lake Bomoseen.
South Hero Island group [9]	35	Grand Isle	19,877	Lake Champlain.
Subtotal (6)			33,836	
VIRGINIA				
Burwell Island [9]	None	Clarke	160	Shenandoah River.
Cedar Island group [5]	None	Accomack	5,000	Atlantic Ocean.
Fisherman's Island group [6]	None	Northampton	1,100	Do.
Fleets Island [9]	1-25	Lancaster	1,100	Chesapeake Bay.
Goodwin Island group [9]	None	York	200	York River.
Hog Island [5]	None	Northampton	5,000	Atlantic Ocean.
Parramore Island group [5]	None	Accomack	12,000	Do.
Wallops Island [5]	1-25	do	5,000	Do.
Subtotal (8)			29,560	
WASHINGTON				
Allan Island [4]	None	Skagit	300	Barrows Bay.
Anderson Island [4]	None	Pierce	3,176	Puget Sound.
Blakely Island [4]	None	San Juan	4,430	Rosario Strait.
Camano Island [4]	None	Island	24,268	Puget Sound.
Cypress Island [4]	None	Skagit	5,430	Rosario Strait.
Decatur Island [4]	None	San Juan	2,250	Do.
Driscoll Island group [9]	None	Okanogan	360	Okanogan River.
Eliza Island [4]	None	Whatcom	130	Bellingham Bay.
Fidalgo Island [4]	15	Skagit	27,294	Rosario Strait.
Fox Island [4]	30	Pierce	3,364	Puget Sound.
Guemes Island [4]	15	Skagit	5,430	Bellingham.
Hartstene Island [4]	10	Mason	12,000	Puget Sound.
Herron Island [4]	None	Pierce	312	Case Inlet.
Indian Islnd [4]	5	Jefferson	2,784	Kilisut Harbor.
Lopez Island [4]	None	San Juan	18,560	Rosario Strait.
Lower Columbia River group [9]	None	Wahkiakum, Clark, Skamania, Cowlitz	4,960	Lower Columbia River.
Marrowstone Island [4]	10	Jefferson	3,652	Admiralty Inlet.
Orcas Island [4]	10	San Juan	36,480	Rosario Strait.
Patos Island group [4]	None	San Juan	220	Strait of Georgia.
Portage Island [4]	None	Whatcom	925	Bellingham Bay.
Puget Island Group [9]	10	Wahkiakum	3,950	Columbia River.
Saddlebag Island [4]	None	Skagit	28	Padilla Bay.
San Juan Island [4]	20	San Juan	35,200	Haro Strait.
Satellite Island [4]	None	San Juan	112	Do.
Shaw Island [4]	10	San Juan	5,120	San Juan Channel.
Skagit Island group [9]	None	Skagit	4,648	Skagit River.
Squaxin Island [4]	None	Mason	1,480	Peale Passage.
Stuart Island [4]	None	San Juan	1,848	Haro Strait.
Sucias Islnd group [4]	None	San Juan	712	Strait of Georgia.
Vashon Island [4]	30	King	151,620	Puget Sound.
Waldron Island [4]	5	San Juan	2,904	Haro Strait.
Whidbey Island [4]	None	Island	97,284	Puget Sound.
Subtotal (32)			451,231	
WEST VIRGINIA				
Buckley Island [9]	25	Wood	60	Ohio River.
Subtotal (1)			60	
WISCONSIN				
Allen Island group [6]	None	Crawford	180	Wisconsin River.
Basswood Island [4b]	None	Ashland	1,879	Lake Superior.
Bear Island [4b]	None	Ashland	1,714	Do.
Big Island [9]	1	Burnett	410	St. Croix River.
Blackhawk Island [6]	None	Juneau	10	Wisconsin River.
Brushwood Island [9]	None	Dodge	15	Fox Lake.
Cat Island [4b]	None	Ashland	1,291	Lake Superior.
Chambers Island [4b]	2	Door	2,800	Green Bay.
Champaign Island [9]	None	Bayfield	12	Lake Namakagon.
Coumbe Island [6]	None	Grant	355	Wisconsin River.
Detroit Island [4b]	None	Door	680	Green Bay.
Devils Island [4b]	None	Ashland	320	Lake Superior.
Feather Island [6]	None	Crawford	140	Wisconsin River.
Goose Island [9]	None	Vernon	310	Mississippi River.
Hacklin Island [9]	None	Crawford	85	Wisconsin River.
Harris Island [9]	None	Crawford	80	Do.
Hermit Island [4b]	None	Ashland	742	Lake Superior.
Hunter Island [9]	None	Crawford	50	Mississippi River.
Ironwood Island [4b]	None	Ashland	662	Lake Superior.
Krolls Island [6]	None	Crawford	18	Wisconsin River.
WISCONSIN—Continued				
Little Island [6]	None	Grant	44	Wisconsin River.
Long Island [4b]	None	Ashland	134	Lake Superior.
Madeline Island [4b]	25	Ashland	15,176	Do.
Manitou Island [4b]	None	Ashland	1,365	Do.
Michigan Island [4b]	None	Ashland	1,564	Do.
Newton Island [6]	None	Crawford	100	Wisconsin River.
North Twin Island [4b]	None	Ashland	165	Lake Superior.
Nose Peak Island [6]	None	Marinette	13	Menominee River.
Oak Island [4b]	None	Ashland	4,971	Lake Superior.
Otter Island [4b]	None	do	1,32	Do.
Outer Island [4b]	None	do	8,033	Do.
Paines Island [9]	1	Bayfield	65	Lake Namakagon.
Patterson Island [6]	None	Grant	47	Wisconsin River.
Plum Island [4b]	1	Door	276	Green Bay.
Richmond Island [6]	None	Trempealeau	45	Mississippi River.
Rocky Island [4b]	None	Ashland	1,112	Lake Superior.
Sand Island [4b]	None	Bayfield	2,922	Do.
Snake Island [4b]	None	Door	21	Green Bay.
South Twin Island [4b]	None	Ashland	361	Lake Superior.
Steamboat Island [6]	None	Grant	34	Wisconsin River.
Stockton Island [4b]	None	Ashland	9,811	Lake Superior.
The Big Island [9]	None	Iron	1,994	Flambeau Flowage.
Trempealeau Mount Island [6]	None	Trempealeau	66	Mississippi River.
Washington Island [4b]	4	Door	15,700	Green Bay.
Weniger Island [6]	None	Crawford	200	Wisconsin River.
York Island [4b]	None	Bayfield	321	Lake Superior.
Subtotal (46)			77,615	
WYOMING (none)				
PUERTO RICO				
Cayo Caribe Island [11d]	None		11	Caribbean Sea.
Culebra Island [11d]	1-25		8,886	Atlantic Ocean.
Mona Island [11d]	None		14,032	Do.
Vieques Island [11d]	1-25		33,000	Do.
Subtotal (4)			55,929	
VIRGIN ISLANDS				
Booby Rock Island [11d]	None		1	Caribbean Sea.
Bovoni Cay Island [11d]	None		50	Jersey Bay.
Buck Island [11d]	None		42	Caribbean Sea.
Buck Island [11d]	None		180	Do.
Capella Island [11d]	None		22	Do.
Cas Cay Island [11d]	None		15	Atlantic Ocean.
Cinnamon Cay Island [11d]	None		1	Do.
Cockroach Island group [11d]	None		23	Caribbean Sea.
Cocoloba Cay Island [11d]	None		1	Do.
Congo Cay Island group [11d]	None		26	Atlantic Ocean.
Dog Island [11d]	None		13	Caribbean Sea.
Duck Island [11d]	None		14	Do.
Dutchcap Cay Island [11d]	None		32	Atlantic Ocean.
Flat Cay Island group [11d]	None		3	Caribbean Sea.
French Cap Cay Island [11d]	None		10	Do.
Grass Cay Island [11d]	None		49	Atlantic Ocean.
Great St. James Island group [11d]	None		158	Caribbean Sea.
Green Cay Island [11d]	76-100		13	Do.
Hans Lollik Island [11d]	1-25		489	Atlantic Ocean.
Inner Brass Island [11d]	None		128	Do.
Kalkun Cay Island [11d]	None		4	Caribbean Sea.
Little St. James Island [11d]	None		69	Do.
Lovango Cay Island [11d]	1-25		117	Atlantic Ocean.
Mingo Cay Island [11d]	None		48	Do.
Outer Brass Island [11d]	None		108	Do.
Patricia Cay Island [11d]	None		33	Jersey Bay.
Pelican Cay Island group [11d]	None		106	Atlantic Ocean.
Perkins Cay Island [11d]	None		1	Do.
Saba Island [11d]	None		34	Caribbean Sea.
Salt Cay Island [11d]	None		56	Do.
Savana Island [11d]	None		173	Do.
Thatch Cay Island [11d]	1-25		287	Atlantic Ocean.
Trank Cay Island [11d]	None		2	Do.
Waterlemon Cay [11d]	None		1	Leinster Bay.
West Cay Island [11d]	None		40	Caribbean Sea.
Whistling Cay Island [11d]	None		19	Atlantic Ocean.
Subtotal (36)			2,368	
DISTRICT OF COLUMBIA (none)				

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[1] 1968 data. Excludes the main island of Puerto Rico, the 3 major Virgin Islands, Guam, Samoa and Trust Territory, the 5 major Hawaiian Islands, and the 3 principal New York islands—Manhattan, Staten and Long Island.

[2] For the purposes of the Island Inventory, "development" included building sites as well as land associated with the site such as yards and storage areas. Agricultural land, land used for forest-production, and public and quasi-public recreation developments were considered as undeveloped; whereas, a private resort was inventoried as developed.

[3] Not included are a number of unnamed islands totalling approximately 200,000 acres with recreation potential.

[4] Inundated Mainlands—Drowned coastlines in large natural bodies of waters such as the rocky Maine islands or islands in the Great Lakes. (The island is similar to the mainland in geology and vegetation and a more appropriate descriptor is not possible.)

[a] **Salt water.**

[b] **Fresh water.**

[5] Barrier Island—Sandy, narrow and long islands or closely related island groups paralleling mainland coast for considerable distances.

[6] Marsh Island—Low elevation, subject to frequent and periodic flooding.

[7] Oceanic Island—Located at least 15 miles from the mainland coast. (Does not apply to the Great Lakes.)

[8] Coral Islands—Florida Keys.

[9] River or lake islands not otherwise described.

[10] ND—Precise data not available.

[11] Other.

[a] Impoundment.

[b] Barren.

[c] Bay Islands.

[d] Volcanic islands.

[From the New York Times, July 26, 1972]

ISLANDS AT BAY

Upstate New York officials were reported searching Cayuga Lake recently for a "runaway island," a potpourri of logs, weeds and mud churned up by Tropical Storm Agnes which entangled to form a one-acre floating mass. They want to break it up before it becomes a menace to lakeside campsites. If they don't hurry up, some enterprising realtor may try to snare it and sell it.

Islands, symbols of escape for world-weary mainlanders throughout history, are in heavy demand and short supply these days as harried urban Americans seek the tranquility and solitude they uniquely offer. A Maine coast real estate agent lamented a couple of years ago that he had more than 200 customers asking for islands and only two or three to sell. An island that sold for $2,000 in 1965 was on the market in 1970 at $12,000.

The pressure for island retreats is creating a development boom that could destroy the very values the escapists are seeking, for this and future generations of Americans. In a report on "The islands of America," published in 1970, the Department of Interior warned: "Islands are fragile resources, vulnerable both to destructive natural forces and to the inconsiderate actions of man. The purposes of this report are to alert the nation to the presence and importance of its islands, to identify conservation opportunities for the various levels of government and the private sector, and to propose a national program for island conservation."

A key recommendation of the report, as we noted last year, was creation of a new National System of Island Trusts administered by commissions comprised of Federal, state and local representatives. The commissions would have broad powers to plan and control land use and to acquire island property for public purposes. So far the island Trust proposal has made little headway in Congress and has run into stiff resistance in Maine, where a pilot project was suggested for the islands of Casco Bay.

Senator Jackson introduced a bill this year embodying the island trust concept but the measure has been unfortunately sidetracked in Majority Leader Mansfield's drive to wind up Senate business for the year. Meanwhile, citing the ruinous threat of overdevelopment to Massachusetts' priceless islands of Martha's Vineyard and Nantucket, Senator Kennedy has proposed a separate measure to create a Nantucket Sound Islands Trust.

Although the Kennedy proposal stirred a storm of protest when it was first announced a few months ago, it has been an enormously helpful catalyst, which has had the effect of forcing the islanders for the first time seriously to consider—and to recognize—the inadequacy of local or even state measures to protect their island home from certain destruction at the hands of developers. The Senator already has incorporated into his proposal various changes suggested by residents of the two islands to adapt it more effectively to their particular concerns.

This constructive debate on the Nantucket Sound islands could serve as an example for other communities, in Maine and elsewhere. Only through the kind of cooperative Federal, state and local action—public and private—envisioned in the broad outlines of the "trust" idea can the nation's island heritage be saved from the man-made disaster that now threatens.

EXHIBIT 1

[From the New York Times, Mar. 29, 1970]

FEW SEASIDE BEACHES LEFT OPEN TO PUBLIC IN DEVELOPERS' RUSH

(By Bayard Webster)

The shoreline of the United States has been so built up, industrialized and polluted during the last decade that there are relatively few beaches left for the family in search of a free, solitary hour by the sea.

From Maine to Florida and on around to Texas, from Southern California up to Washington State, the nation's seashores have become cluttered with hotels, motels, sprawling development, military complexes and industries of every kind.

Miles of tranquil beaches where hundreds of seaside retreats were once open to everyone for swimming or fishing have been fouled by oil spills, industrial effluents, farm pesticides and city sewage.

"It's a kind of urban-industrial ooze that's infected the whole coastline," says Derekson W. Bennett, conservation director of the American Littoral Society at Sandy Hook, N.J., a national organization interested in coastal marine problems.

What remains—shore land that is not dirty, crowded or closed to the public—amounts to a tiny fraction of the country's total coast zone, about 1,200 miles or 5 per cent of the shore areas considered suitable for recreation or human habitation.

The prospect of continuing encroachment, together with the intensified natural erosion often caused by heedless development (even in normal weather, winds and waves can eat away or shift up to 20 feet of beach a year), has alarmed many marine biologists and conservationists.

"A lot of us familiar with the coast are terribly concerned that if the present development and pollution continues unchecked there just won't be any useable coast left in a few years," says Dr. Arthur W. Cooper, head of the department of botany at North Carolina State University in Raleigh.

Although he and other conservationists have been encouraged by indications that some states and bureaus of the Federal Government are becoming interested in protecting the nation's coastline as a separate natural resource, they fear that it may already be too late to reverse the trend.

Close to the heart of the problem are two factors largely beyond the control of governmental authorities. One is the sharp increase in recent years in the nation's population. The other is the rush to the large coastal cities by millions of people from inland rural areas.

The result is that popular demand for open recreational space near the water is rising just as private and industrial developers are fencing off the best of it—if not the last of it in any given area—and land prices are spiraling far beyond the means of most urban dwellers.

IMPACT IS OUTLINED

Reports from most of the 21 coastal states show that tremendous pressures from expanding populations and industrial needs have had these effects on the nation's coastal areas:

Land values have skyrocketed. In South Carolina, frontfoot prices have soared from $75 to $1,600. In Massachusetts, an acre of shore land now sells for around $50,000, up five-fold since 1965.

The craving for vacation space by the sea has led to the development in such places as Virginia Beach, Va., and Ocean City, Md., of coastal sections in which houses, motels and hotels are built as close as six feet apart for many miles along the beach.

The search for coastal sites by companies that need substantial water supplies has resulted in the loss of many miles of scenic coastline. In California, for example, power companies are taking over large stretches of the coast for nuclear power plants.

Pollution by many of these industries has wiped out untold square miles of fish and shellfish producing areas. In Georgia, for instance, pollution in the Savannah River has eliminated a multi-million dollar coastal shellfish industry.

The "dredge-and-fill" operations of developers in such tidal areas as Miami have covered up thousands of square miles of salt marshes regarded as invaluable sources of seafood and as nursing and feeding grounds for finfish and waterfowl.

Shore erosion, always a danger, has greatly accelerated because of improper land use that stems from a lack of knowledge of the dynamics of beach erosion.

LACK OF COORDINATION SEEN

Underlying these problems there is a lack of coordination among industries and local, state and Federal agencies.

In a study of coastal problems made recently for the National Council on Marine Resources and Engineering Development, Harold F. Wise & Associates, a Washington firm specializing in coastal planning, discovered that most states and communities "are not cognizant of the coast zone as an environment apart from other regions of the state."

The study urged that the Federal Government, acting through Congress, "declare a national policy on the resources of the Coastal Zone."

There is no absolute measurement of the length and area of the nation's coastline, which changes with tides and storms, and there are few available statistics showing the varied land use of the shore areas. Thus it has been difficult for conservationists to find specific data to buttress their arguments.

Scientific studies of land use along the coasts are currently being made for the American Geographical Society by George P. Spinner, a marine scientist from Princeton, N.J., and by the Association of Coastal States, an organization just formed in Atlanta to promote preservation of the shores.

The United States Coast and Geodetic Survey has estimated, however, that there are approximately 53,000 miles of coastline bracketing the continental United States. This includes shore areas along major bays and inlets.

Of these miles of beaches, bluffs and marshes, fewer than half are regarded as suitable for recreation or human habitat. And of these 26,000 miles, only some 1,200 miles are publicly owned and therefore easily available to everyone.

In recent years, the decline in the amount of shore land open to the public has come mostly through changing patterns of land use: Owners who had always allowed friends and passersby to use their beaches sold out to industries or developers, who then promptly put up "No Trespassing" signs.

The rapid rate at which habitable land by the sea is being taken over by commercial interests can be seen on the coast of North Carolina.

For decades, visitors to the Outer Banks and Cape Hatteras had occasionally ventured north by boat or beach buggy to fish or just to explore the wild, unspoiled stretch of beach that runs for 35 miles along the Currituck Banks from Kitty Hawk to the Virginia border.

Gulls and shore birds wheel over the rolling dunes and virgin beach in all seasons. There are no roads, except for the makeshift one at the southern end. In summer the area is a fishing and swimming paradise.

But in the last year, despite the lacn of transportation facilities, real estate developers have been gobbling up the land on speculation for a price of about $1-million a mile or about $190 a front foot. The future price to private lot buyers will be much higher.

DEVELOPER IS CONCERNED

Not far away there is a large development of individually styled houses placed in widely separated areas whose principal owner, David Stack, the North Carolina historian, is concerned about the deterioration of the shore.

"I'm proud of my development, which we started 20 years ago," he said. "But if I knew then what I know now about ecology, I'm not sure I would have developed that land or

changed it in any way—I might have just left it alone."

"One of the main problems with the seashore is that no one understands how it should be preserved," he said. "The main thing is to leave it alone. The closer you build to it the more you harm its natural dynamics, the things that hold it together—the dunes, the dune grasses and the beach. When you disturb these natural aspects and build on them, the shore only erodes faster."

The disappearance of natural beaches is most apparent near the country's most populous areas. From Massachusetts to North Carolina, in Florida, in California near Los Angeles and San Francisco and along the Gulf Coast, a sprawling confusion of buildings crowd the shore.

SPRAWL IN OCEAN CITY

Perhaps the best example of such conditions is Ocean City, on Maryland's eastern shore. Not long ago a visitor watched as a bulldozer pushed around mounds of sand in an effort to repair damage inflicted by winter storms. To the north, almost as far as the eye could see, wall-to-wall houses, motels, bowling halls, pizza parlors and recreation centers—all empty—stretched out in the pale winter sun.

A few decades ago, Ocean City was less than half its present size. But several years ago, as land values rose, the City expanded its boundaries to take in more than twice as much shoreline.

As a result, crowded development accelerated with the aid and encouragement of the city, and additional real estate taxes rolled into the city treasury.

And there is Miami Beach. "The only thing Miami Beach is good for is a horrible example," says Joseph B. Browder, the 31-year-old southeastern field representative for the Audubon Society.

He cited erosion caused by hotels built almost right in the surf, housing projects built on thousands of once-wild acres of tidal marshes, thermal pollution in Biscayne Bay, and pollution by sewage in both ocean and bay.

Although all of the country's coastal areas are plagued by pollution, the main ones tend to have different specific problems stemming from industrialization and housing development.

In New England, the large number of glacier-formed, deep-water inlets are greatly admired by industries requiring multi-fathom harbors such as tanker-oriented oil companies and chemical plants.

In the New York metropolitan area, every conceivable problem is found: oil spills, agricultural (fertilizer and pesticide) run-off into bays and estuaries, sewage pollution, thermal pollution and the loss of tidal marsh areas. Connecticut alone has lost almost 80 percent of its salt marshes.

The South Atlantic coast, with its combination of deep and shallow water ports as well as its vast collection of salt marshes and bay areas, feels the impact of most of the spectrum of recreational and industrial pressures.

On the Pacific side of the nation, the narrow green coastal plain slopes down to the bluffs that make up much of the California and Oregon coast. Most of the problems there are concentrated near the cities. Elsewhere, the rugged and often inaccessible coastline makes shore acreage less desirable and more expensive to build on.

A few weeks ago, several thousand feet above the coast, C. Martin Litton, pilot, nature photographer and a director of the Sierra Club, relaxed at the controls of a four-seater Cessna and pointed to an area below him. Huge gashes, piles of earth and cleared areas marked the place where one of the coast's last unspoiled arroyos, Diablo Canyon, was being cut and filled to make way for a nuclear power plant.

The canyon, lying a few miles west of San Luis Obispo, is a green wilderness of glen and forest. "This was the last wild, unspoiled canyon on the coast," Mr. Litton said. "Now look at it."

Although there is no Federal law regarding access to, or use of, beach areas, some of the states are showing interest in preserving their shores.

The Oregon Supreme Court has ruled that the state's entire beach area must be kept free for use of the public and that property owners must permit the public to use it.

In Hawaii, the Legislature has been asked to declare an area 100 feet deep around all the islands open for public use.

In Washington, members of Congress are seeking ways to write laws that would allow the public free and unrestricted access to all seashore areas but not encroach on state prerogatives or the rights of individual owners.

But conservationists say that even though the problems are beginning to be recognized, their very magnitude will make solutions difficult. For even if the urban growth rate slows down or stabilizes, they say, pressures for more coastal vacation areas by the sea are sure to go on building.

Results of these pressures are graphically shown in the view from an airliner. As the aircraft nears the shore a passenger can see the traditional checkerboard of communities spreading out in an ever-widening pattern.

But if he looks closely he will also see that as the checkerboard becomes larger and the shoreline comes nearer, the number of squares—homesites—grows larger and the size of each square decreases.

[From the Christian Science Monitor, Jan. 2, 1970]

A PRECEDENT FOR OTHER STATES? NO MORE "KEEP OFF" SIGNS ON OREGON BEACHES

(By Malcolm Bauer)

SALEM, OREG.—Oregonians and their visitors received a big Christmas present from Oregon state officials: the more than 300 miles of the state's Pacific Ocean beaches.

The Oregon Supreme Court ruled unanimously that all of the dry-sand areas of the oceanfront, including those under private ownership, are reserved for public use.

Soon afterward the Oregon State Highway Commission closed all beaches to motor vehicles, proclaiming: "Beaches are for people."

The two official actions underwrite the dedication of the state's shoreline to public recreation. The tens of thousands of tourists who visit Oregon each year will be among the beneficiaries.

Gov. Tom McCall hailed the Supreme Court decision as a reason for thanksgiving in the holiday season. He called it "a most significant act in the continuing story of the efforts of thousands of Oregonians in their determination that the sands of the ocean shore are for public use in perpetuity."

The Governor said the ruling had set a precedent for similar establishment of public rights on the beaches of other states.

The court based its decision on the historical record of public use of the beaches below the vegetation line, affirming that such customary use had established a right by preemption prevailing over private ownership.

COURT ACTION

For more than a half-century, Oregon law has designated the ocean shore below mean high tide—the wet sands—as public property. The effect of the court's ruling is to extend the claim of the public landward over the dry sands to the line of vegetation.

The court test of public vs. private property rights along the beaches was precipitated by the rush of development along the Oregon coast, particularly that area within 100 miles or less of metropolitan Portland.

The particular case on which the court acted grew out of a Cannon Beach motel owner's staking off the dry sand in front of his property. This raised public protests. Both 1967 and 1969 Oregon Legislatures passed bills with the purpose of asserting the public right to the dry sands. The court, in effect, upheld the 1969 law, ending several years of controversy on the beach-property rights issue.

Explaining the State Highway Commission's action in closing the beaches to motor vehicles, Glenn Jackson, commission chairman, said: "I think that closing the beaches to vehicular traffic will be carrying out the wishes of a majority of the people."

SENTIMENT ASSESSED

There has been ample evidence over the past several years of a majority sentiment for public use of the beaches. Citizens' committees have been formed to advocate the public's right to such use. A 1968 initiative measure promoted by such organizations asserted this right. However, it was rejected, probably because it included a one-cent-a-gallon tax on gasoline to provide a fund for purchase of private property along the shore.

It is not yet certain whether or not such funds will be required now that the State Supreme Court has upheld the right of publice use by preemption. But the eventual effect is expected to be that the more than 300 miles of sands—wet and dry—will be reserved for public recreation without restriction by waterfront property owners or hazard from racing vehicles.

There will be some exceptions to the prohibition of vehicles on the beaches. Permits will be issued for the aged, crippled, and others who cannot walk onto the beach, and for woodcutters salving driftwood.

But there will be, officials say, no fences, no gates, no "no trespassing" signs on Oregon's Pacific sands, from the Columbia River on the north to the California line on the south. That cannot be said of the coastline of any other state in the Union.

REMARKS OF LOUIS E. REED, JR.

The opportunity to meet with the Sixth National Access to Recreational Waters Conference here in Traverse City, Michigan, is one I appreciate very much. The subject matter I am to discuss is of unquestioned importance to those who are concerned with recreation and conservation.

One of the most interesting cartoons I have seen recently shows a painter hard at work on a water front sunset scene. All appears tranquil except for the onslaught of a frenzied property owner. He is shown charging past a sign reading "Private Beach" and yelling, "That's my sunset you are painting."

And therein lies a problem. Someone needs to determine whether it was indeed his sunset.

The "Private Beach" sign is a standard manifestation of an overpopulated Twentieth Century America. It's normal to desire a little piece of land of your own. It's fine, but just imagine what would happen if Columbus came sailing up to America today. He would find the shores fenced and "Private Beach" signs galore. Would he have to return to Europe, leaving us undiscovered? Would Henry Hudson and Ponce de Leon and Juan Rodrequez Cabrillo and Samuel de Champlain be unknown to history if they had faced "Private Beach" signs such as are common today?

Well, the questions are fanciful. The seacoast beaches were open when those gentlemen came to the New World. And when a lot of our other forebears arrived as well. But for the most part the coasts bristle with access restrictions today. Possibly less than five percent of our beaches are open to the general public, and that amount is steadily decreasing. And that is why I am here. I'll warn you now that a Great Lakes shore location may be the worst possible place to make

XUM

these remarks. You will see why as I go along.

I was invited to discuss a particular bill that is before Congress, a highly imaginative approach to one of our most serious recreation and conservation problems. The measure I am talking about is H.R. 11016, introduced by Congressman Bob Eckhardt of Houston, Texas, and eight co-sponsors, and styled a "National Open Beaches" bill. The co-sponsors are Mr. Button of New York, Mr. Dingell of Michigan, Mr. Edwards of California, Mr. Halpern of New York, Mr. Mann of South Carolina, Mr. Mikva of Illinois, Mr. Podell of New York, and Mr. Udall of Arizona.

I am not here to advocate the bill or to promote its defeat. The Administration has not yet taken an official position on the measure. Until it does, as a career professional employee in the Executive Branch of the Government, it would be improper for me to take a position on the proposal.

Fundamentally, this bill sets forth and, if passed, would establish one simple legal presumption. It says the public has a basic right of access to and over the open seacoast beaches of the Nation. This right is based on a declaration of a public interest in the beaches.

I can sense immediately that some of you, even those with the greatest stake in making as much water available to access as possible, are experiencing a violent reaction. What about property rights, you are thinking. Does the Federal government propose to preempt property rights, an area traditionally reserved to the States?

Let me set your minds at rest on that point at once. H.R. 11016 would in no way affect property rights, not any property right, whether possessed by individual or corporation.

The National Open Beaches bill justifies its main presumption in this way. It says that the margins of the sea from time immemorial have been used for recreational purposes and for fishing. It cites the public right to interstate travel. This includes the right to travel on and across the open beaches.

The key language in the measure is this: I quote. "Congress declares and affirms that the beaches of the United States are impressed with a national interest and that the public shall have free and unrestricted right to use them as a common to the full extent that such public right may be extended consistent with such property rights of littoral landowners as may be protected absolutely by the Constitution. It is the declared intention of Congress to exercise the full reach of its constitutional power over the subject. No person shall create, erect, maintain, or construct any obstruction, barrier, or restraint of any nature which interferes with the free and unrestricted right of the public, individually and collectively, to enter, leave, cross, or use as a common the public beaches." That's the end of the quotation.

The bill establishes a prima facie determination that the right to exclusive use of the beaches has never been granted by the sovereign to littoral land holders, with certain exceptions. It says that an individual may own seacoast land, lock, stock, and barrel, but that he does not have legal basis for excluding you or anyone else from access to and across the beach unless he can prove that his particular title grants him that right.

Of major significance here is this fact: in nearly all States ownership up to either the vegetation or to the mean high tide line resides in the State. Almost without exception, when ownership of an individual extends seaward beyond that point, there is a specific provision in the land grant which says so. In other words, the State normally owns what is called the wet sand.

The fact that the State almost always owns the seacoast to the vegetation or mean high tide line means that the rights of the public to such areas are almost without meaning unless the public also possesses the right of access to and use of the immediately adjacent seacoast.

If the public has this right, the recreation seeker for once occupies the unique position of not having to prove that he has a right to go on a beach. The littoral owner would have to prove that the public doesn't have an access right, if this bill were to become law.

So we are left with this situation: the National Open Beaches bill declares the legal presumption that the seacoast beaches of the Nation are a common, and therefore open to access. Property owners' right would not be affected by its passage Let me stress that point in two ways. On the one hand, rights of property owners whose titles provided the right to restrict or deny access to the beach would not be affected. On the other hand, property owners whose titles did not provide that right would be left with all the property rights they ever possessed.

If Congressman Eckhardt's Open Beaches bill passed, you would see a lot of "Private Beach" signs come down. But not, remember, because any portion of the property rights would be extinguished. The fences and signs would come down because the beaches wouldn't be restricted to the private use of the beach owner and those he invited to come swimming.

Property owners would not have the right to erect or maintain structures which would restrict the right of access.

All of this is based on more than just theory or expectations. Texas has passed an Open Beaches bill quite similar to H.R. 11016. As a result, the fences that long had kept the public off part of Galveston Beach have come down. You can go down there and get to the water now. The littoral owners still own all the rights they ever owned, but now Texas law asserts the public's traditional and historic right of access to those beaches. The law says that the littoral owners never possessed the right to limit access and use.

Congressman Eckhardt was a member of the Texas Legislature and a sponsor of the legislation at the time it passed. The Texas bill did three things. It authorized and directed the Attorney General to protect the people's interest in beaches. It established a prima facie determination that the right to use the beaches had never been granted by the sovereign to littoral land holders. It established a prima facie determination that the public had obtained a prescriptive right to the use of the beach.

This law has been tested in the Texas courts. The strongest case to date determined that by long use the public had gained a prescriptive right to use of Galveston Beach. No determination has been made to date on the basis of the presumption of retention by the sovereign of the easement right.

In some circumstances, the courts might hold the fences running into the sea are legal. Take the big cattle ranching area along Matagorda Peninsula in Texas. These grazing lands are bounded by fences running into the sea and in effect are partially fenced by the sea on one side. The finding of a court there, if a legal case were joined, might be that the public has not enjoyed a continuing use and that the littoral owner had gained a right to limit public access.

Congressman Eckhardt's H.R. 11016 proposes Federal law, of course. The proposition has been attracting increasing attention. This summer the Izaak Walton League of America, for example enacted a resolution at its annual convention endorsing the proposition.

There is no reason that individual states could not consider passing the same kind of open beach laws which Texas has passed. Of course, State constitutions and State property laws vary greatly. In some States a presumptive Open Beaches bill could be enacted and effective, possibly not in others. State beach access law is usually fuzzy and frequently untested and undefined by the courts. Congressman Eckhardt's office has done considerable work on a model State law which is available upon request.

I have dwelt at length with the presumptions of the bill which is before the House. It has other features which I wish to mention.

The National Open Beaches bill faces up to the prospect that the public needs access to some seacoast beaches where it would lack the right of access, even under the presumptions of H.R. 11016. The measure therefore provides machinery with which access easements or even full title to beaches could be purchased. These purchases would involve the States, their political subdivisions, and the Federal government, with the former two acquiring the easements or titles. They could use matching Federal grant money from the Land and Water Conservation Fund. H.R. 11016 proposes that this be available on a 75–25 basis.

I have purposely delayed comments on a couple of items until this point. H.R. 11016, if enacted, would apply to the seacoast beaches of the Atlantic, Pacific, and Arctic Oceans, the Gulf of Mexico, and the Caribbean and Bering Seas. That purposely does not include the Great Lakes, other lakes, or river shorelines. There is good reason. Use of such inland shorelines as commons traditionally open to the public is much less well defined than are the uses of the sea beaches as commons.

I also have not told you how the measure defines a beach. It says that a beach is the area along the shore of the sea affected by wave action directly from the open sea. This area is more precisely defined in the case of typically sandy or shell beaches. There, it is the area seaward from the discernible vegetation line. When no vegetation line exists, it is the area not to exceed 200 feet in width measured inland from the point of mean higher high tide. Mean higher high tide is a precise term to the U.S. Coast and Geodetic Survey, as those of you familiar with its lexicon know. For the rest of us, it seems sufficient to say that it doesn't mean flood tides.

Hearings on this measure have not to date been scheduled. Whether they will be this session or next will depend on the amount of public interest shown, if tradition prevails. There seems to be a certain incubation period for conservation legislation. I don't know how long it might take for H.R. 11016 to hatch, or even if it will hatch. I do know that it is an interesting and arresting idea. It could simplify a number of recreation problems by eliminating much of the need to buy easements or titles to seacoast beaches. We will need more of such thinking if we are to provide adequate access to our recreational waters for the people of the Nation.

THE BEACH: A SUPER CITY

(By John Fialka)

America is witnessing the birth of a super city.

It has no name and no one planned it. When it is finished it will be over 1,500 miles long and about six blocks wide, running down the shoreline of the eastern United States from Maine to Florida.

Its street system will be a profusion of country roads and former highways, lined with telephone poles, stop lights, gas stations, motels, cottages and pizza parlors.

Its sewer system will consist mainly of hundreds of thousands of septic tanks. Its water will come from wells beside the septic tanks.

Its residents will be primarily "summer people" who have little or no voice in community affairs. Its civic leaders will be mostly politicians and businessmen from small

towns and rural counties who thrive off of higgledy-piggledy growth.

The damage already done to the East Coast shoreline has raised a number of serious and immediate problems:

Beach erosion has caused over a billion dollars of damage and continues with each wave. Currently Congress and the Office of Management and Budget are studying 26 bills that would provide for some type of federal beach restoration project. Some of them would, for the first time, open up private beaches to the public.

The continuing, and often illegal, destruction of coastal wetlands by developers planning to sell "waterfront" lots, and industry finding "cheap land" has produced a monumental confusion among law enforcement agencies.

Even the view from the beach may soon be threatened by a variety of science-fiction-like installations that are now actually coming off the drawing boards of government and private industry. They include floating power plants, floating harbors, floating airports and even, perhaps, floating cities.

The great strip city of the shore was once only a vision, conjured up by conservationists to frighten people into doing something to preserve the beauty of the Eastern sea coast.

Now, at the end of the summer of 1972, there are economists and other experts in development, who believe this super city is no longer a vision.

One of them is George Kennedy Jr., senior vice president of Gladstone Associates, an economic consulting firm that has specialized in studying the development along the coast.

"I've been sort of appalled as I go up and down the coast at how badly unenlightened the control is. You constantly see things that reflect the worst elements of our cities: the proliferation of strip-type development, inadequate building setbacks, no logical land use planning, excessive curb cuts, minimal lot requirements," he said in a recent interview.

He said the three major elements now contributing to coastal growth: high rise condominiums, "second home" lot sales and the proliferation of seaside mobile home parks will soon fill up the gaps between the major resort cities of the east coast.

Little thought is being given to public access to the shore, he said. Once the title to any body of land is split up into tiny parcels, he adds, the process is "irreversible."

"My great concern is that you kill the goose that laid the golden egg if you destroy the reason why people want to come from the cities to the seashore."

From southern Maine, where in some areas as much as 75 percent of coastal land has been split into building lots and sold to out-of-staters, through Cape Cod, Long Island, the New Jersey shore and the Maryland-Delaware beach front, the imprint of the megalopolis has already made heavy marks on the coastline.

The growth pressure is now being felt on the once pristine beaches of the Carolinas, where Col. Paul Denison of the Army Corps of Engineers predicted three years ago that the coastline would resemble the more cluttered parts of New Jersey's in 25 years.

Recently Denison, who has retired and become an engineering consultant, revised his prediction to "10 to 15" years, telling a reporter: "If you draw a line anywhere on the coast of North Carolina, I can show you 50 places within a 10 mile radius where you can find examples of improper and imprudent developments, some environmentally destructive."

One does not have to be an expert to sense the imminence of the great strip city. In North Carolina, anyone who flies in an airplane over the Outer Banks will see gaps in the shoreline development.

But the wilderness of sea oats and stunted beach shrubbery is frequently broken by incredibly dense mobile home parks.

People have come for many miles to the shore to live 10 feet apart in metal boxes arranged in configurations that, seen from the air, have the terribly efficient symmetry of a beehive.

Why? Part of the reason is that, even several hundred miles from a major city, beachfront land is expensive. North Carolina beachfront is being snapped up at prices well over $1,000 a foot by speculators.

Some of the speculation seems to be driven by the same dreams of colossal growth that inflated the stock market prior to 1929.

For instance, a Washington resident recently received a "prospectus" in the mail from a company called the Coastland Corp. It said that through the use of "leverage," he could own ocean front land with an initial down payment of only 5 percent.

Referring to the "boom" in ocean-front land in Ocean City, Md., the prospectus said:

"You have seen this boom make its way down to Virginia Beach, Virginia, between 1965 and 1970. Now Virginia Beach is another Ocean City and the ocean property boom is making its way down to North Carolina's Banks . . . and there you will find Ocean Sands—your chance to cash in on the Great Atlantic Ocean Land Rush!"

The coming of the strip city can also be felt in another way. Those who vacationed this summer in the coast's more settled areas, from Bar Harbor and Martha's Vineyard down to Myrtle Beach and Pawleys Island, S.C,. probably learned of a dispute brewing between summer residents and developers who have plans to increase the area's density with high-rise building complexes.

Businessmen and politicians on Martha's Vineyard are fighting a proposal made by Sen. Edward M. Kennedy, D-Mass., to have the federal government buy up land sought by developers.

Although a consulting firm has predicted that holiday crowds coming to the Vineyard will more than double by 1990, giving the island, located just off Cape Cod, a case of "environmental terminal cancer," the firm's report urging land use restrictions was rejected by the local planning commission.

At Pawley's Island, located just south of Myrtle Beach, amidst a long row of aging, often elegant beach front cottages—some of them more than 100 years old—the resort's first condominium stands on the beach.

It was the victor in a bruising fight waged by summer people to prevent its construction by asking the state's pollution control authorities to deny it permission to emit its sewage into a salt marsh behind the beach.

The state denied the permit, but then approved another one that allows the condominium to send treated sewage through a pipe that runs underneath an abandoned fishing pier and spills effluent into the ocean about 1,000 feet off-shore.

These, and other local disputes up and down the coastline, are all part of the same fight, according to George Kennedy, and others who have studied the problem. The fight is usually an emotional, lopsided affair which the developer almost inevitably wins.

He wins because, although the summer people may own most of the property, they can't vote. "For the most part, the control over the density of these areas is in the hands of a relatively few locals whose interest tends to be for development," Kennedy points out.

The pressure of developers cannot easily be resisted by small, rurally-oriented county governments that have immediate jurisdiction over shore growth.

According to Warren Harding Coolidge, the U.S. attorney for eastern North Carolina, who has launched a campaign to crack down on illegal shoreline development, large amounts of outside money coming in tends to seduce the local powers.

"The first thing they (the developers) do is hire a good lawyer, usually it is the state senator who represents the area. They look for a man to sell them the insurance they need. You can usually find one on the county Board of Commissioners. Then they make friends with the local sheriff. After that, who's going to stop them?" Coolidge asked.

If the unregulated growth of the shore is frustrating to lawmen, it is doubly frustrating to scientists who point out that ways to harmonize shoreline development with nature are known and are being well used in some European countries.

Ian L. McHarg, a landscape architect and planner, has written in a recent book, "Design With Nature," that there is little evidence of such planning along the East Coast.

Using the New Jersey coastline for an example, he concluded:

"While all the principles are familiar to botanists and ecologists, this has no effect whatsoever upon the form of development. Houses are built upon dunes, grasses destroyed, dunes breached for beach access and housing; groundwater is withdrawn with little control, areas are paved, bayshore is filled and urbanized. Ignorance is compounded with anarchy and greed to make the raddled face of the Jersey shore."

If it is difficult to view the coming of the great strip city along the entire coastline, Washingtonians can consider the problems of an area where the future seems already to have arrived: Ocean City, Md.

It is only a strip of land 10 miles long and about three blocks wide, but on a hot summer weekend Ocean City may now contain as many as 250,000 people.

Ocean City has become the boom town of the East Coast resort cities. Since January, the city's fathers have issued permits for a recordbreaking $62 million worth of new construction.

A forecast of over 30 high-rise buildings, some of them to be over 25 stories high, is beginning to grow in the north end of the city. According to the city's planning director, they will contain about 5,000 new units, most of them family-sized condominiums.

There are only about 2,000 registered voters in Ocean City. The great majority of them have prospered, one way or another, with the new money coming into town.

Nevertheless, within the last year or so, there has developed among some of them, the nagging feeling that they may have opened the door to growth a little too wide.

Last year, the City Council hired Tom Smith, a 25-year-old University of Virginia School of Architecture graduate, to be Ocean City's first director of planning.

One of the first things Smith discovered was that the city's master plan, done by a private consulting firm, was out of date because it was based on 1967 population figures.

"If this city developed like a normal city, it would still be OK, but this is a boom town and boom towns learn by making mistakes," Smith said, in a recent interview.

There were little, telltale signs last year that indicated that Ocean City might be growing too fast. During July and August, people complained of low water pressure.

While the city's electrical system never faltered, Smith found that its entire load was distributed by one power line. "It's ridiculous, it's so overloaded."

Throughout the summer, traffic seemed to move in slow, glutinous masses up Baltimore and Philadelphia Avenues, and what had been a weekend parking problem turned into a 7-day-a-week crisis.

Among Smith, some members of the city's Planning and Zoning Commission and the City Council, there evolved a plan that would,

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for the first time, place a curb on the city's growth.

It would amend the city's zoning ordinance by requiring a lower density for condominium units and more parking places for each unit.

The plan drew immediate cries of outrage from developers. The city's major weekly paper, the Maryland Coast Press said the issue was "the most controversial legislative topic since enforcement of slot machine laws."

This summer, the battle lines were drawn. A hearing date was scheduled on the matter for Aug. 16. The Coast Press predicted the meeting would be "a real showdown, with much of the future character of Ocean City lying in the balance."

As the first crowds of resort people arrived for the summer, there were more little signs of growth problems that would be raised at that meeting.

Although it was pumping 25 percent more water, the city water department discovered there were difficulties at the other end of the line. Over 4,500 new water meters were required in one year and there were not enough men to install them.

The city carefully watched its sewage system, which emits treated effluent from a pipe, 3,800 feet out in the Atlantic. No pollution was reported, however a backlog of sewage hookups developed stranding several building projects.

Traffic grew worse than ever and the city began to suffer from an unprecedented plague of petty thefts and shopliftings.

Nevertheless, the climate was deemed favorable for more, rapid growth. For the first time, construction crews were allowed to continue building during the summer months.

The Coast Press headlined triumph over a heavy Memorial Day crowd ("The Green In Ocean City Was From Money") but issued a warning that some of the new owners of condominiums might not share the city's dreams of growth.

They "are well to do people from the more liberal areas of Baltimore and Washington. They seem to view the current ruling elite with a curious eye and are quick to find fault with what they see around them in this seaside paradise," the paper noted.

The city has never been able to accurately measure how big it becomes on a hot summer weekend, but on the last weekend in July when a severe temperature inversion settled over the East Coast, the Coast Press estimated the largest crowd in history, as many as 250,000 people.

The crowds discovered a small army of real estate salesmen arranged in offices and trailers along the Ocean Highway in the section above 94th Street that has come to be known as "High-Rise Row."

At the north end of the strip, developer Max Berg was planning his third condominium, a 21-story addition to the Carousel Hotel, once owned by Bobby Baker.

Asked about the fight over the growth issue, Berg replied:

"A lot of people come here and then get selfish about it and they say, 'We don't want any more people.' Well, I say that God gave this land to everybody."

"Ocean City," he predicted, "will be Miami North in five years."

At the south end of High-Rise Row, John Williams, a real estate salesman, was using the growth fight as a sales tool to warm up a customer for a $56,000, two-bedroom unit in a condominium called "9400 Ocean Highway."

"It looks like they're getting ready to crack down so these will have to appreciate." He estimated the unit would gain $10,000 in value in one year.

"You wonder where it will all end," mused the customer.

"Everyone is saying where will it all end. We were wondering that four years ago," said Williams.

The fateful day, Aug. 16, arrived. While somewhere between 100,000 and 200,000 summer people jammed the city's streets, motels and beachfront, the forces involved in what was billed as one of the great political fights in the city's history assembled at City Hall.

The building is a converted school house; its major hearing room was the gymnasium. The five members of the Planning and Zoning Commission took their seats behind a school lunch table set up under the basketball net on the room's west wall.

Before them were approximately 130 people, ready to do battle on the issue.

About a dozen witnesses, most of them elderly, or middle-age homeowners, spoke for the zoning amendments. Another dozen, mostly lawyers, real estate dealers and builders, spoke against it.

The debate ran mainly on emotional lines. The howeowners cited traffic, water and parking problems. The lawyers and builders predicted the zoning would cause financial chaos.

Few statistics were cited by either side. "I don't know what the density ought to be, but what you are suggesting here is a very substantial change," complained another witness.

Then a Silver Spring architect, Lowell E. Nelson, took the podium to approach the problem scientifically. Referring to the city's growth, Nelson said, "I asked myself where did all this come from."

He said he had measured Ocean City's "only asset" (the beach) and discovered there approximately 6,420,000 square feet of sand.

He calculated that even with a crowd of 300,000, there would be 100 square feet of beach for each bather because less than half of the city's residents could be expected to be on the beach at any one time.

Coney Island, he added, has only 12 square feet of sand per bather. Nelson, who explained afterwards that he owns several building projects in the city, concluded that 100 square feet was a "nice generous figure." "I think there's quite a bit of room left."

A murmur of approval ran through the room as Nelson emphasized the 100 square feet figure. One man grumbled that "100 square feet was the size of a tiny bedroom." Across the aisle, another resident exclaimed, "Did you hear that? That's 10 times Coney Island!"

The vote left little room for wonder where the audience stood on the problem. Thirty-four voted in favor of the zoning amendment that would lower the density of condominium units. One hundred voted against it.

The "showdown" was over in two hours. Afterwards Ocean City's mayor Harry Kelly, 54, a lifelong resident stood outside on the corner of 3rd and Baltimore, as the evening's traffic crept by in a slowly moving line.

"You know," he said "that's something we got to do something about," pointing to the traffic.

Asked about the results of the meeting, Kelly hedged, noting that the hearing's decision was important but not binding on the City Council, which must make the final decision.

He said he was "impressed" at the size of the crowd. "That's about the biggest you'll ever see at this time of year on any issue. This is the time when everybody's working." The issue, he added, would require "a momentous decision."

With obvious pride, Mayor Kelly went over some of the statistics of his town. (The water system can pump 5 million gallons a day from its wells and the sewage effluent is 97 percent treated.)

He grew even more enthusiastic talking about permits for new construction. "We're running something like $12 million worth a month. I was down at Myrtle Beach and they're running at only around $1 million a month."

"There's no question about it, she's hot," he added.

After the mayor left, only one man remained to talk about Ocean City's "momentous decision."

He was J. William Conner, a motel owner and newcomer to Ocean City who came up to inquire if the meeting had ended.

"So soon? I thought it would go on all evening," he said, shaking his head when he heard the results of the voting.

"That amendment was for the good of the town in the long run. We want to become a beautiful town, not a sea of cars," he added, pointing at the stream of cars, still moving bumper-to-bumper up Baltimore Avenue.

"You know what they've done," he added bitterly. "The original families that lived here are selling it off. God gave them the beach and the ocean. They're looting it and leaving."

After Conner had gone, no one was left on Baltimore Avenue on Aug. 16 except a long line of cars, bound for somewhere on the "island paradise."

THE RUSH TO THE SHORE

(By John Fialka)

Sometime in the past decade, the people who live in the great megalopolis of the East Coast began a lemming-like rush to the seashore.

It was not just a product of population growth, but the result of a fantastic leap in affluence and leisure time. Perhaps, it also was partly due to the need to escape from the pressure and increasing danger of city life.

But they are bringing the city with them. The massive change that the rush has triggered along the shoreline has thrust some counties from rural quiescence into the maze of urban problems in less than a decade.

There are few national statistics to measure the size of the rush. Federal agencies even differ on the length and ownership of the shoreline of the East Coast. "The trouble is," explained a spokesman for one agency, "there doesn't seem to be any focus in government on this."

Some clues to what is happening: According to the Bureau of Outdoor Recreation, which keeps track of such things, the nation's number 1 pastime changed in recent years from "driving for pleasure" to swimming.

A survey of shoreline ownership just completed by the U.S. Corps of Engineers indicates that of the total of 17,864 miles of the coastal shoreline (counting the myriad bays and estuaries) about 8 percent has been reserved for public recreation.

Thus, the rush to the seashore has been largely absorbed by private development. The unprecedented influx of people and money has not only marked the shore, it has also left marks on some of the people who live along the shore.

Some of them express a kind of "future shock," a feeling of disorientation and a fear of what else the future may bring them.

Others despair over the wave of greed that they feel has raped the land. Still others welcome the new prosperity. Aided by the scarcity of law on the subject, they feel that the land's best use is what bring the most money.

First, an indication of how severe the change has been.

In 1934, in the heady, early days of the New Deal, government planners may have sensed the rush. They obtained "emergency funds" from the Interior Department to map out a system of national seashore recreation areas along the East Coast.

FIRST REPORT

Their report, sent to Interior Secretary Harold L. Ickes, stated that the seashore of New England was "intensely developed" and that dense development also was the main feature of much of the New Jersey coast.

The best, most virginal place to accommodate the population of the Mid-Atlantic states, they concluded, would be an area running from Rehoboth Beach, Del., to the tip of Assateague. The area would also include all of the inland shore touching Rehoboth, Indian River, Assawoman and Chincoteague Bays.

They justified this proposed acquisition of land by pointing out that 29 million people lived within a 300 mile radius of this shoreland.

The area would be split into two parks, the "Rehoboth and Assawoman Seashore Recreational Area," on the north, and the "Chincoteague Bay Seashore Recreational Area," to the south.

In their memo to Ickes, which still survives in the Interior Department's files, the planners worried about the cost of some of the farmland along the shore in Maryland's Worcester County, which was running around $25 an acre.

LAND COST

However the ocean beach land was cheap, at $4 an acre, and the planners reasoned that both sides of the bay should be acquired to protect "the scenic beauty (which) lies in the combination of vast areas of water and large areas of low land."

The land needed for the northern park—which would have included 21 miles of ocean front from Rehoboth Beach south to about 3rd Street in Ocean City and all of the inland bays' shoreline—would cost about $1,530,000, the planners concluded.

Government dallied. The war intervened. Now the population in the area within a 300 mile radius of the once proposed park is somewhere around 60 million, roughly double what the planners felt would justify it.

But the forces of development that are working on the shoreland have more than doubled, they have exploded. Ocean City has expanded about 150 blocks northward in a blitz of construction that is also ballooning Rehoboth and Bethany Beach.

Now, on a hot summer weekend, as many as 400,000 people may visit the area, which Ickes' planners described as being largely in "its natural condition."

With the exception of about 8 miles of state parkland in Delaware, the beachfront crowds are there at the sufferance of the property owners, some of whom are suing to claim land down to the mean high tide line. Others are still claiming land that has been under the ocean since the great storm of 1962.

DEVELOPER'S DELIGHT

Last year, Max Berg, a Silver Spring developer who pioneered the construction of condominiums at Ocean City, bought up the last vacant block of ocean front land in the city.

He keeps a large, framed color picture of it in an album he has by his desk. It is an aerial shot of sand with a black square drawn around it with a marking pencil.

He, and other Ocean City real estate experts, estimate that the lot is now worth about $5,000 a beach front foot, or about $1,250,000.

"Here it is," he said, proudly showing a visitor the page in his album. "It's the last one and I've got it."

Mr. and Mrs. James Coyne own a piece also. They live in a small, grey Cape Cod house at 8204 Coastal Highway, in Ocean City. When they moved in, eleven years ago, there was nothing north of them, clear to the Delaware line, but sand.

Today the Coastal Highway resembles a freeway and within two years the Coynes will be living in a forest of high rise condominiums and hotels. Over 30 buildings are planned or under construction where there was once just sand.

The Coyne house, with the flag flying from a pole out in front, has come to look like an anachronism. And Coyne, like thousands of small property owners up and down the East Coast, has found himself drawn into an uneven contest with developers and businessmen who are harvesting the profits from the beach building boom.

Coyne, a retired chemical engineer from Baltimore, is by no means an activist. He and his wife are in their sixties and do not get excited at the prospect of ringing doorbells.

Nevertheless, they became involved last year when a 125-foot high rise, proposed between their lot and the ocean, threatened to cast a permanent shadow across their land.

There are few laws as sacred in Ocean City as the "shadow law," which prohibits any structure from casting a shadow on other private or public land from 10 a.m. to 4 p.m.

Usually, shadow graphs are prepared by engineers to show that a proposed structure cannot cast the proscribed shadow. Coyne worked out his own diagram to show that it would.

SMALL FIGHT

He helped persuade the city's Planning and Zoning Commission to ask the developer to lower the building. Now there will be two buildings instead behind the Coyne's home, one will be 95 feet tall and the other will be about 80 feet.

During the battle, because of the mushrooming land values in Ocean City, the Coynes' property tax base doubled.

Like a man who has won a battle, but sees graphically, every day how badly he is losing the war, Coyne sometimes sits in his living room and grumbles as the traffic swishes by on Coastal Highway.

"I mean," he told a recent visitor, "when we came here, we thought this is the end of the road. Now we are the only year around homeowners who are left.

"In our ignorance, I guess you'd call it, we thought it would always be this way. Now what can I do? It's gotten so I shudder to think what will happen next."

"Believe me," he added, half turning toward his wife. "If I were younger, I'd fight this thing."

"Look at it this way," replied his wife, LeClaire, "maybe it's good that we are older. That means we won't have to be around much longer to see what happens."

The Coynes, a few of their friends and neighbors, went to a hearing on August 16th before the Planning and Zoning Commission to support an amendment that would lower the density permitted for a condominum on a given piece of land.

"You're going to see a fight," he told a reporter as he entered the hearing room in City Hall. There were over a hundred people in the room, sitting on metal folding chairs. However, when the board chairman asked how many were going to speak for the amendment, only about ten put up their hands.

"This thing will be controlled by the developer and real estate crowd," a neighbor, Lawrence Schwartz, said, pointing to a group of men wearing suits and ties on the other side of the aisle. None of them had raised his hand.

"It's like everything else here. Nobody gives a damn about public affairs," he added.

HE TRIED

Coyne took the podium to complain about the traffic. Another homeowner, Morris Gurevich complained about low water pressure.

"I'm fearful of what this runaway condominium and high rise thing will do to our sewer system, which flows into the ocean," he added.

After about six other homeowners made brief statements suggesting that the amendment would be a good way to control growth, the room grew silent as the chairman asked if there was anyone else who wanted to speak for the amendment.

Coyne turned to his wife. "Go on. Get up there," he said, motioning her toward the podium.

"I think this haphazard building of condominiums is going to be disastrous. I don't think anybody has thought about what would happen if there's an emergency (hurricane), we only have one bridge," she began.

"Is our fire department prepared to take care of all these condominiums? The water tastes terrible now and the water pressure is low.

"I think this haphazard . . ." she paused, unable to find the right word, "very, very bad."

When she had finished, a total of 30 people in the room voted for the amendment. The rest, including about a dozen lawyers, builders and realtors who spoke against the measure, were waiting to vote against it. There were 104 of them.

"You see what I mean?" asked Schwartz, when the sea of hands came up to vote down the amendment.

ANOTHER WAR

Over the years, Nat Steelman, 63, a Chincoteague, Va., waterman, has been watching another of the shoreline's dreams fade away. The dream was of unlimited abundance of seafood and wildlife.

The greed which undermined it is, according to Steelman, even written into the geography of the coastline. Recently, as he piloted his motor launch over the bottom of the bay, once carpeted with the world's most succulent oysters, he gave his version of how the nearby shore town of Greenbackville, located just below the Maryland line, got its name.

"After the Civil War, Virginia decided that the way to protect its oysters was to make a law sayin' that you had to be a resident to tong 'em. That meant you had to buy property.

"People got around that by buying small lots. They got to the point where lots in the town were going for $100 an acre and somebody said you could carpet the place with greenbacks."

Oystermen marked their beds with stakes that stuck out of the shallow waters of the bay. "This whole bay had oyster stakes. One feller joined the other. This was a great oyster growin' place. It ain't worth three cents no more," said Steelman, showing his passenger with a wave of his hand that there are but a few stakes left.

The over harvesting and disease took the oysters. Then a great building boom transformed the nearby sand barrier island that runs from Ocean City to Rehoboth into a huge summer resort city.

The economic waves from that are now being felt in the wetlands all along the coast, where dozens of developers are now planning to sell small waterfront lots for "second times."

Steelman senses that it is wrong. He knows that salt marshland is the source of most of the area's seafood and wildlife. He also thinks that living on built-up marshland might be dangerous.

Pointing to one of the development sites, he added, "There's one thing I don't understand about people. That land over there is not a safe place when the hurricanes come. They'll spend a lot of money and then after the storm the federal government is going to have to bail them out."

Nevertheless, he is a man who has seen

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the hard lesson of Greenbackville. He feels that such destructive booms are like the tides or great waves; once they begin, they are irresistible.

"You wait," he concludes, after a short trip along the bayshore, "they'll find a way to sell every bit of that marshland for recreation."

"What ain't gone is going," he added.

Down the coast, near New Bern, N.C., there is a shoreman who looks and talks like Steelman. But this man is different. He has capitalized on the rush by turning his shore front farm into a mobile home court.

What used to be cornfields are now growing trailers, almost as far as the eye can see.

Where a salt marsh interrupted the symmetry of his trailers, some of them positioned less than 10 feet apart, he had obtained garbage from a nearby city, filled in the marsh, covered the garbage with topsoil and sited some more trailers.

One day recently he saw some strangers standing on the site of his latest dump, a weird conglomeration of bedsprings, garbage and old rubber tires that reached out almost to the center of the marsh.

"Hey, whut you doing?" he shouted to the people, who were trespassing on his land.

"I'm Warren Coolidge, the U.S. Attorney," said one of the men. "We thought you had agreed to move this dump off the marsh."

"I was gonna put a little top dressing on that, you know, make it real nice and even," he explained. "Then we'll plant some grass. Once we get in there with a power mower, it'll look nice, real nice."

Coolidge and an assistant patiently explained to the farmer that although the land was his, the federal government has power to regulate what he did to the salt marsh, because it is regularly flooded by tidal waters.

But the farmer wasn't listening. He was watching the ground, kicking away little pieces of garbage with his foot.

"Well, I just don't know," he replied, after the men had finished talking. "Nowadays there's always somebody coming around poking their nose into somebody else's business."

A Legal Quagmire

(By John Fialka)

The great booming wave of development and speculation that is breaking over the length of the Nation's East Coast beaches is also threatening to engulf another of this nation's most precious natural assets: Coastal wetlands.

The wetlands, salt marshes that are regularly flooded by the tides, are rapidly being converted into "waterfront lots" in land developments, into dumps and into industrial sites:

Although some states and some federal agencies have recently sought to protect the marshes, their efforts have largely become mired in a man-made bog of red tape, that reaches all the way to the White House.

The upshot, according to several government sources, is that it may now be more advantageous for a developer to dredge and fill a marshland first, and ask legal questions later.

A survey of portions of the shoreline, amounting to about half of the length of the coast, made by the Interior Department's Bureau of Sport Fisheries and Wildlife in July, turned up 82 cases of illegal dredging and filling on tidal marshland, which is under federal jurisdiction.

About 90 percent of the nation's total harvest of seafood comes from a chain of growth that begins in the marshlands which biologists call the great nurseries of sea life.

Although no one actually works the land, the marshes produce a high rate of income per acre.

Virginia believes its wetlands yield an average of $78 a year per acre, based on income from commercial and sport fishing, trapping and hunting. Wildlife officials place the figure at $200 a year and a North Carolina study indicates a yield of $525 an acre.

The range compares favorably with such high-yield farm crops as corn, which can yield $150 an acre, and peanuts, which can go over $300 an acre.

Furthermore, the salt marshes act as giant shock absorbers during storms, cushioning the force of otherwise damaging waves and protecting bay waters from substantial flows of sediment.

The ongoing theft of the wetlands is part of a historical tradition in the United States. by 1968, as scientists first began to appreciate the true value of a salt marsh, it was a case of "trying to close the barn door after half of the horses were already stolen," as one conservationist put it.

Connecticut discovered that half of its marshes had already been destroyed. In the northeast, much of the destruction had been done by industries, seeking cheap land for dumping.

In the south, the wetlands were also disappearing. Florida found that Boca Ciega Bay, an area of 30 square miles of shallow salt water near St. Petersburg, had nearly been filled up by developers who were manufacturing land by dredging and filling the marshes and selling them as waterfront homesites.

Some states reacted strongly. Massachusetts passed a law that puts a restriction on the marshlands, requiring state approval before any development is attempted.

Other coastal states followed suit, including Maryland and Virginia, which passed weaker versions of the law. Now only Delaware remains without a wetlands law.

In 1970 the U.S. Army Corps of Engineers, casting about for ways to escape the image given to it by conservation groups as the great spoiler of nature, was given authority by the U.S. Fifth Circuit to stop dredge and fill operations in shallow, tidal waters under the River and Harbor Act of 1899, even though there was no hazard to navigation.

The ruling told the Corps that it could consider "ecological factors . . . to deny that which might have been granted routinely 5, 10 or 15 years ago before man's explosive increase made all, including Congress, aware of civilization's potential destruction . . . and the immeasurable loss from a silent-spring-like disturbance of nature's economy."

Despite all this legal armament, the horses are still being stolen from the barn.

Meanwhile, the federal mechanism for cracking down on the merchants of marshland has come to resemble one of Rube Goldberg's machines.

The Corps of Engineers has the basic powers to police the developer. It must issue a permit if tidal lands are involved, even though they may be owned by the developer.

If, as in many cases, the developer has already begun dredging without a permit and the Corps catches him, it can stop him and require that he apply for a permit.

Under a "memorandum of understanding" the Corps has with the Interior Department the Corps' district engineer involved then contacts the Bureau of Sport Fisheries and Wildlife for advice.

The case then goes to biological specialists in the bureau's appropriate field office. If they think the development is bad, they must tell the head of the bureau's regional office. If he concurs, he must tell the Secretary of Interior's field representative, who replies to the Corps. (A pending Virginia case was routed by the Bureau from Raleigh, N.C., through Atlanta, Ga., to Boston, where the field representative wrote a letter to the Corps in Norfolk.)

Once the Corps' district engineer has evidence that the development is bad, he cannot simply tell the closest U.S. Attorney's Office about it. Last March, the Justice Department decided that would be too simple.

According to a recent report by a House Government Operations Subcommittee, Justice asked the Corps to issue a memorandum to all district engineers ordering them to send all cases in which the 1899 law was deemed to have been violated to the Corps' general counsel in Washington.

If he thought it was worth it, he would forward it to the Department of Justice in Washington. If Justice thought it was bad, they would forward it to the appropriate U.S. attorney, who would bring suit.

The subcommittee's chairman, Rep. Henry S. Reuss (D-Wis.) wrote Justice in May, calling it "an absurd, bureaucratic policy."

"A delay of several weeks or even a few days in filing a civil or criminal case can result in the irretrievable loss of these values. No marshland, for example, that has been illegally filled can be restored to its natural condition," he added.

(Sources in both the Corps and the bureau, indicated to The Star-News, however, that because neither agency has established an effective surveillance system, many developers escape the process because they are never noticed in the first place.)

Behind this creaking enforcement machinery, various powers in Interior, the Corps and in the Council on Environmental Equality, were working to clarify the situation.

Both the Corps and the bureau decided to draw up guidelines that would spell out what a developer should do and how the government should deal with him when he is caught.

Officials of the bureau and the council took their thoughts on guidelines to the Office of Management and Budget, where, according to the subcommittee report, they ran into a representative of the Commerce Department's General Counsel's office, who said Commerce "strongly opposes the promulgation of these regulations."

The proponents of the guidelines all hoped they would go into President Nixon's environmental message on Feb. 8.

According to one source, the President was persuaded to reject the guidelines after Secretary of Commerce, Maurice Stans, went to his chief advisor on domestic affairs, John Ehrlichman.

The rejection left those in the federal government who wanted meaningful wetland controls "in some disarray," as one source put it.

At the moment, according to several sources, the federal apparatus is spotty "In some places the Corps is really active. In some places it's the bureau. In some places it's the state people. In places nobody does anything. It depends on the people on the scene," one source explained.

What is happening on the scene? To find out, a Star-News reporter went to four area jurisdictions, Delaware, Maryland, Virginia and North Carolina.

In Delaware the state legislature recently passed a law, widely publicized by conservation groups, that zones heavy industry away from its shoreline.

The state has not, however, drawn up any specific laws to regulate what the non-industrial developer does with the wetlands. Last February officials of the state's Division of Fish and Wildlife began to wonder if there were any harmful dredge and fill projects going on.

They found nine, all working in Sussex County, dredging lagoons and canals for trailer court complexes on Rehoboth and Assawoman Bays. Most of them were on a point of land called Long Neck.

The state told the bureau, which, in turn, told the Corps. The Corps moved in April, issuing nine cease-and-desist orders.

The state Water and Air Resources Commission decided they would approve permits for the nine and then impose a two-year "moratorium" on all wetlands projects. (The commission has authority to regulate dredging because it often cuts into state-owned bottom lands.)

The Division of Fish and Wildlife objected to all nine. Currently the Governor, Russell W. Peterson, is attempting to resolve the matter with the help of a specially-appointed 31-member committee. All nine have also applied for permits from the Corps.

According to Norman G. Wilder, one of the state's leading conservationists and former head of the Division of Fish and Wildlife, the absence of any clear law in the subject contributed to the problem, which caused a state-wide political furor.

"There was a feeling on the part of the (land) owners that you'd better get it done before the law gets passed."

The cutting of lagoons and canals is disturbing to Wilder and other state conservationists, because they believe it not only destroys marshland, but creates bodies of water that will soon become stagnant and lifeless.

In Maryland at least two wetland projects are pending. One of them involves a proposed "planned community" of 40,000 people that a company led by Jerry Wolman, a building contractor and formerly owner of the Philadelphia Eagles football team, wants to develop Chincoteague Bay.

The development, to be called Harbour Towne, has been held up by a court suit. A spokesman for the state's Department of Natural Resources, which enforces its new wetlands law, said it has not received a permit application yet.

"We're waiting for him," the spokesman added.

The department was definitely not waiting for the other developer, Raymond D. Coates, however. Last month Coates was discovered to have dredged a canal in marshland just north of the Harbour Towne site.

Although dredging has been going on since 1971, according to Worcester County authorities, apparently nobody had told the state or the federal government about it.

The Corps and the state ordered Coates to stop dredging on the 310 acre property, owned by a corporation which he heads. The land has been rezoned from agricultural to residential.

Asked to comment, Coates told a Star-News reporter: "I'm a lawyer and I know the law on this." before hanging up the phone.

Coates is not only the attorney for the Worcester County Board of Commissioners, he is also the counsel for the county's Planning Commission. The case is still pending.

Again on Chincoteague Bay, just below the Maryland line in Virginia's Accomack County, a second home land development called Captain's Cove began dredging in April 1970.

A powerful hydraulic dredge sucking up soil from the bottom and spewing it out over marshland had cut a substantial network of canals and had filled acres of land before the Corps issued a cease and desist order one year after work began. The case is still pending.

Anyone who still believes in the American Dream knows there must be somebody somewhere who is trying to keep the horses from being stolen out of the barn.

There is. He is Warren Harding Coolidge. He lives in a big office in Raleigh, N.C., that contains 23 statues of elephants in various sizes. The office is decorated with a red carpet, red, white and blue curtains, and blue chairs.

Coolidge often dresses in red, white and blue. Recently he was sporting a belt with the American eagle on it.

Developers have learned Coolidge is not a man to be trifled with. He is U.S. attorney for the eastern district of North Carolina.

Coolidge, a former Republican organizer for North Carolina, considers himself an "administration lawyer." He hates bureaucrats and likes to do things himself. Several months ago the Justice Department sent out a directive suggesting the U.S. attorneys should start bringing environmental cases. Coolidge was off and running.

To date, Coolidge and an energetic assistant U.S. attorney, John R. Hughes, have dealt with over 100 developers and property owners suspected of dumping or dredging marshlands.

Most have agreed to restore the marshland as far as possible. Fifteen have had federal court injunctions brought against them.

In an effort to stop dredging while there was still something to save, Hughes has sometimes had to resort to extreme measures. Once, thwarted by a developer who refused to let him on the property, he landed next to the dredge in a Coast Guard helicopter and demanded to see a permit. There was none, and Hughes stopped the dredging.

Coolidge sent a letter out to every dredge and drag line operator in the state warning them they face criminal prosecution for dredging if the land owner has no permit.

He has also campaigned against the destruction of marshland in the press. Recently he announced he was suing the town of Hertford, N.C., for $2 million for maintaining a dump on marshland.

Asked about the amount, Coolidge replied: "Why the hell should I sue them for only $2,000. That wouldn't get me on the back page of the local newspaper. When you're asking for two million, then you get on the front page."

Although the great boom in shoreland prices hit the Carolinas only two years ago, Coolidge has his hands full. Currently there are at least 45 recreation land developments operating along the coastline.

The market for waterfront lots has soared to the point where one developer has dug a canal system on a canal, the Intercoastal Waterway, and is selling "waterfront lots" for as much as $13,000.

Recently as Coolidge and Hughes flew over a small section of the coastline in a plane, Coolidge explained why he is interested in the wetlands:

"It's one of the few areas where you can actually see the law doing something. We got cranked up about the same time the developers did down here. We could still see what we could save."

While Coolidge was talking, Hughes had spotted two suspicious dredging operations and one illegal dump on marshland.

"I swear," muttered Coolidge. "Every time we come down here . . ."

At Home at Sea

(By Roberta Hornig)

The small plane skims along the Eastern Seaboard on a course roughly following the shoreline.

Not long after take-off from the airport, four miles out in the Atlantic, just south of Long Island, it approaches the South Jersey area.

Below, slightly north of Atlantic City, are the two 17-story floating nuclear power plants.

As the plane moves southward, about eight miles off to the left of Rehoboth Beach, Del., is the huge super-port complex that takes oil and other cargo from giant tankers for later transfer to the mainland.

Then, just a short way down the shore, a few miles out from the skyscraper resort, Ocean City, Md., looms the newest offshore "Seacape East," designed to house 30,000 people. It looks like the pictures of the first U.S. seatown, off Hawaii.

The year is 1992.

By now, people are used to the string of artificial islands in the Atlantic as well as off the other two American coasts. They are there for good reasons.

The ocean is viewed as an extension of the continental U.S. It is looked upon as the answer for limitless human demands, much as the American West was 100 years ago.

It is the new frontier.

The sea was the natural place for expansion. The only place left. Land on the mainland is nearly used up, particularly near the coasts. Then, too, while everyone demands the services they provide, no one wants an airport or a sewage treatment plant in his neighborhood.

So, as well as providing minerals and food, the ocean is seen as the perfect place for airports, nuclear and fossil fuel power plants, and sewage treatment plants. It also provides deepwater ports to service ships too big to enter mainland harbors.

Besides these services, others look to the sea for opposite reasons. It is the perfect place to live. A sea view has placed the suburban garden in popularity and well-planned new towns on the ocean can assure a seascape to each of its residents.

Offshore artificial islands conjur up sci-fi images.

But if the brochures and speeches from private industries, consulting firms, universities and governmental agencies, make the 1992 man-made islands-in-the-sea more than a dream.

The "now" world includes:

The New Jersey Public Service Electric and Gas Co. has already signed a contract ordering two offshore nuclear power plants from Westinghouse-Tenneco. The site it has picked is 11 miles northeast of Atlantic City, 2.8 miles out in the ocean.

A federal inter-agency study, initiated by the White House, is looking into the feasibility of constructing a superport for supertankers off both the Atlantic and Gulf coasts. A consultant's report to the U.S. Maritime Administration recommends a North Atlantic Deep-water Oil Terminal (NADOT), offshore from Delaware. The favored site appears to lie eight miles out from Cape Henlopen. The Cape is four miles north of Washington's "summer playground."

An offshore airport office has been established in the Federal Aviation Agency, which initiated and contributed $425,000 towards a current study of such a venture for New York, just south of Long Island. In view of increasing talk of "wetports" and "aquaports," FAA has also called the first international conference on the subject to be held in Reston, Va., next May. FAA believes the first U.S. man-made island airport will likely go into Lake Erie, off Cleveland.

Aided by an $85,000 federal grant, the University of Hawaii has a "Floating City" project—a 150-ton, one-twentieth scale model afloat in Kaneoht Bay. There's a move afoot, with state government backing, to get a full-scale floating marine exposition built, perhaps as a joint U.S.-Japanese venture.

The technology for man-made offshore islands is here and has been for at least a decade. What apparently has been standing in the way to far is money, because offshore facilities are expensive.

Westinghouse-Tenneco is so certain of its "Out on the Water Is the Near Future" slogan that it has formed a joint company called Offshore Power Systems, now under construction in Jacksonville, Fla.

Offshore's plan is to mass produce nuclear power plants—each of them 140,000 tons and covering 4½ acres, ready to be planted inside a breakwater at the plant site and deliver them by floating them to buyers. It believes the first Platform Mounted Nuclear Power Plant (PMNP) can be launched in 1979.

The New Jersey Public Service Electric and Gas Co. hopes to be Offshore's first customer, the world's first, and to sign a final contract

XUM

this autumn to seal the sale. It is not put off by the $1 billion price tag.

"Look, sites for nuclear plants are becoming scarcer and the heated water coming out of the plants will be quickly dispersed and cooled in the ocean," a power company spokesman said.

In his comment, he focused on two major problems confronting companies trying to supply nuclear power to their customers: Where to put plants and the threat, real or feared, of thermal pollution.

The ocean, the power company believes, solves these dilemmas because "it represents such a vast amount of water."

For its $1 billion, the New Jersey firm will get two generators. The price-tag also includes construction costs of the semi-circular breakwater it will build in a 45-foot ocean depth to shield the 17-story complexes from storms, heavy seas, and, it claims, collision by the largest supertanker.

In spite of the furor generated by conservationists over the project, New Jersey Electric and Gas thinks it is environmentally sound on all scores. The company also believes it can sell the public.

Transmission lines, always a sore point, will be buried on the sea floor for the 2.8-mile ocean route, then go underground once they reach shore.

SHIP ROUTE

As for the way the huge offshore plants look from the coast, it is being touted as resembling "a ship on the horizon."

If environmentalists are watching the progress of the world's first PMNP, so are other power companies. Virginia Electric & Power Co. and New York's Consolidated Edison are among those keeping a close eye on the New Jersey project, according to Offshore Power Systems.

The Atomic Energy Commission, which licenses nuclear plants, has not yet received the New Jersey company's application but expects it later this year.

Not much farther down the Atlantic shoreline, but farther out at sea, plans are gearing up for another offshore island—this one a superport.

The specter of deepwater ports rose when President Nixon in June announced a federal subsidy for the first six U.S. supertankers, three of them 225,000, three of them 265,000 tons.

The logical question: Where would they unload their cargoes, particularly oil? The only natural, or practicably dredgeable, deep harbors in the U.S. are on the West Coast. What about the East and Gulf Coasts?

The logical answer forwarded by some: Offshore superports.

There are already about 50 such ports worldwide, many of them built by U.S. companies. Japan, for example, has 19. The Persian Gulf 14. But so far, there are none off American shores.

PRESIDENT'S NEW REPORT

The announcement was followed a short time later by a consultant's report to the U.S. Maritime Administration—a report that had been in the works a long time—on the feasibility of a North Atlantic Deep-water Oil Terminal (NADOT).

Not only did the consultants' report determine that a NADOT is feasible. It obviously favored a particular site for the offshore facility.

The site is "offshore Delaware," which the U.S. Army Corps of Engineers translate as being approximately eight miles off Cape Henlopen, Del., out from two popular resort towns, Cape May, N.J., and Rehoboth Beach, Del.

Spurred by presidential interest, the White House currently has a special inter-agency task force on the proposed project going. The stated reason is to determine "whether" such a superport should be built.

But the task force also has been charged with drafting legislation, both to get Congressional backing and, presumably, to set up a regulatory procedure so private companies can apply to the federal government for use of the seas.

The study for Maritime calls for a 500-acre man-made island, surrounded by a 7,500 foot horseshoe-shaped breakwater for protective purposes. The cost: an estimated $787 million.

If it goes forward, the project undoubtedly will trigger sharp debate from environmentalists worrying about oil spills. Supertankers are as much as four times bigger than the Torrey Canyon, whose spill off the English coast in 1967 was the subject of worldwide debate.

Meanwhile, both Louisiana and Texas are in mid-studies and are drumming up support for such facilities.

Because the sea is fairly shallow near the Gulf coast, any super-port would probably have to go into water considerably beyond the recognized 12-mile U.S. territorial boundary, raising international law of the sea questions.

The Gulf states, however, are fairly adamant about needing a superport. "We need one if our economy is to compete in the world market in the future," one Texan reported.

Not getting quite the same immediate support as either offshore nuclear power plants at the moment or superports—but not to be ignored—are offshore airports.

The concept has been talked about for years, worldwide, enough to let them earn their own jargon. Some call them "wetports"; others, "aquaports". The reason for the persistence of the talk, however, is the same.

More people are traveling, and more airports, or bigger ones, are needed. Major air terminals are located in metropolitan areas where land is scarce and "gateway", or international, terminals are mostly located in coastal areas, where land is even scarcer.

In addition, there is the problem of noise. Nobody likes thundering aircraft pounding their eardrums.

The only apparent reason for no airport islands in the sea yet is money.

Nonetheless, the Federal Aviation Agency believes they are coming. "Our feeling is that in perhaps 10 years or so. There may have to be ways of evaluating costs other than straight dollars," says James E. Luckman, the branch chief.

So far, offshore airports have been considered in the U.S. cities of Los Angeles, San Diego, Chicago, Cleveland, Boston, and New Orleans.

Technically, construction of the country's first offshore facility is scheduled to begin late this month, off Honolulu.

The Hawaii airport, designed by the Los Angeles-New York engineer construction firm, Ralph M. Parsons Co., will be a fully operational runway, 12,000 feet long and 200 feet wide, surrounded by a jetty for wave protection.

It will run parallel to Honolulu International Airport's existing main runway, but will be 6,700 feet seaward of it.

A landmark construction venture, it will involve dropping 960 acres of dry land—dredged from the ocean floor and mixed with coral imported from other islands—atop an existing, underwater reef that will be its anchor-base. The pricetag: $65 million.

The biggest offshore airport study going involves a replacement for New York's Kennedy International. This project, initiated by the FAA is partially funded with a $425,000 federal grant.

Study results so far are positive. "The New York offshore airport is technically feasible. The means are presently at hand to construct such a monumental structural system," it concludes.

But the study also came up with costs the FAA at the moment considers prohibitive: an estimated $8.1 or $13.9 billion, depending on construction techniques.

MONEY, MONEY

As a result, the government agency has sent the project back for restudy—to see if costs can come down.

No conceptual changes are expected, however. The multi-level airport would go three to five miles out in the Atlantic, just south of Long Island, and would be approximately two by eight miles in size. Access from shore would be through some form of mass transit, with rapid rail currently favored.

One of the ways FAA hopes to bring the cost down is to combine an offshore airport with some other service, perhaps a sewage treatment plant. The argument is that the more kinds of services combined on a single man-made offshore island, the cheaper it will be for each of the components.

This is the philosophy behind the airport being pushed in Cleveland. The Lake Erie International Jetport Project, which is getting $4 million worth of study and is being touted by Cleveland's Chamber of Commerce, has a good chance of being the country's first offshore airport structure, FAA believes.

The airport is planned as the nucleus of a project aimed at rejuvenating the downtown central city.

The $1 billion plan proposed construction of a man-made island in Lake Erie about five miles offshore and three miles east of downtown Cleveland. It would total about 26 square miles, making it the largest island in the lake and a third the size of the city itself.

Besides the airport, the island would include an industrial and research park, a national import-export center and a free port.

If it is built, the Cleveland jetport well could trigger other such ventures that have been proposed around the country.

Of all the offshore structures talked about, floating new towns have the most esoteric, science-fiction ring, and are likely the fartherest away." Up to now they have been a dream-scheme of architects and planners as Buckminster Fuller, the father of the geodesic dome.

The Japanese, for example, have in recent years shown consistent interest in the offshore concept.

The Japanese have a design for a floating city for housing 30 million people on the South China Sea.

In addition, the Japanese government has set what its Ministry of Construction calls a "significant budget" for the coming fiscal year for research and experimentation on offshore building structures.

Very practically, Japan is planning an Okinawa Marine Exposition in celebration of the formal return of the island which the U.S. has ruled since World War II.

In the U.S., the greatest emphasis on floating towns in coming out of Hawaii, particularly out of the University of Hawaii where the concept is getting great impetus from Dr. John Craven, dean of ocean engineering. Craven formally was a top naval scientist, responsible in great part for such endeavors as the Polaris and Poseidon submarine missile systems.

Under Craven's prodding, the Hawaiian legislature earlier this year, with the enthusiastic support of Gov. John Burns, resolved to hold an international marine exposition in the state in 1978, its bicentennial celebrating the discovery of the islands by Capt. Cook.

Hawaiian and Japanese scientists are now exchanging information in the hopes that projects like the world's first floating city can be mutually developed and exhibited first in Okinawa, then Hawaii.

A 1-to-20 scale model of a new town is

already afloat in Kaneohe Bay on Oahu's north shore. It is a University of Hawaii project, partially paid for by the National Oceanographic and Atmospheric Administration.

The one thing all the offshore island proposals have in common are assurances from their proponents that they will cause no harm to the environment.

Given the number of proposals for offshore man-made islands, and the real need for some of the services some can provide, it appears they are inevitable.

So, it really is easy to imagine a string of them lined up along the Atlantic coast.

Missing from any consideration so far, though, are such questions as how many should be allowed, and where. Each of the proposals is being planned independently. There is no overview. No one is considering a policy of offshore use.

Perhaps this is not so surprising, for America is a country that has not even reached agreement on a growth policy for its land.

MINDING THE SHORE

(By Roberta Hornig)

Three years ago, homeowners living along a five-block stretch of ocean beach just south of Bethany, Del., put up a gatehouse and hired a guard to keep outsiders away.

"We would like to have the beach for our own use. We want to keep it as quiet as possible," explains one of the property owners, a Washington dentist.

Within the last six months, two such communities along the Atlantic coast were sued for trying a different approach to discourage "outsiders"—charging higher fees to nonresidents for use of the beaches.

Avon-by-the-Sea, N.J., taken to court by its neighboring town, Neptune, was told in July by the State Supreme Court, in effect, that beaches belong to everyone.

Long Beach, on Long Island, N.Y. was told the same thing last March, but it is appealing the decision.

"We feel our beach is owned by the residents and the taxpayers of the city and they should determine who should use the beach," says attorney David J. Weinblatt.

Because New Jersey beaches are so crowded, many communities charge a fee for their use.

As more and more people are rushing to the sea to sun, swim, boat or fish, communities along the East Coast seem to be tightening up, by whatever device they can figure out, to keep funseekers away.

And the patchwork of existing laws governing ownership and use of beachland has done nothng to resolve the conflict between landowners' rights and concern over public access to beaches.

The public, whether for recreational, land or industrial development purposes, got to the nation's shores before the lawmakers.

There is, as yet, no federal law that begins to answer the question: Who gets to use the beaches and for what uses.

The only general rule governing ownership of beaches is that states own the part of oceanfront property below the "mean high water mark"—the point reached by the average wave.

From there inland, the controlling rules, where there are any, vary from state to state.

"The laws are scattershot. There is no consistent policy from one state to another. Some allow fenced off beaches, letting waterfront property owners treat the beach like their own private countryclub. At the other extreme, a few have declared an 'open beach' policy," explains William Van Ness, a staff aide to Sen. Harry M. Jackson, D-Wash.

TEXAS LAW

In 1959, Texas became the first state in the country to establish, through law, the public's right to use all the beaches. The law declares that the government never had given landowners exclusive rights to the beach.

Ten years later, the Oregon Supreme Court unanimously ruled that citizens in that state had the same right of access to all of the oceanfront.

For several years, open beach legislation—first introduced by Rep. Robert Eckhardt, D-Tex.—has been pending in the House.

Jackson, chairman of the Senate Interior Committee, introduced a similar measure last year. And, his aides say, he plans to make it a top priority item in the session beginning January. Observers say this may help its chances of passage, although the fight may be tough.

The bill would establish, as a matter of national policy, the public's right of access to beaches. But it would leave states the responsibility for acquiring the actual rights.

With the help of generous federal grants, states would be encouraged to buy easements from private landholders—or when necessary resort to condemnation.

The bill would protect the interests of shoreline property owners, allowing them to retain all property rights except access.

Two other federal bills affecting shorelines are pending in Congress.

One, the Coastal Zone Management Act of 1972 stands a chance of approval in some form after it emerges from a conference this fall.

Seemingly more oriented towards coastal resources, more towards shellfish and fishing than to beach and land development problems, it does nonetheless declare a national policy to preserve, protect, develop and, where possible, restore coastal areas. It calls for in-depth studies of natural resources and planning for the shoreline, with federal help to state management programs.

LAND USE

The other is legislation to encourage states to improve their land use planning.

There are around 200 land use bills pending in 13 Congressional committees. Most of them are broad, obviously oriented towards planning across the country.

But the major ones also require states to identify areas of critical environmental concern or call for inventories of recreational needs or both. Considering the overcrowding of beaches, presumably more of them opening up to the public would be high on the lists.

Out of nearly 6,000 miles of East Coast oceanfront, less than 15 percent, or 416 miles has been specifically earmarked for public recreation.

There is even less—under four percent—open to everyone along the 11,937 miles of bays and estuaries. That translates into 511 miles.

The remaining shoreline has been mostly locked into private, industrial or military use, according to the U.S. Army Corps of Engineers which has conducted one of the few surveys of the U.S. coastline.

Consider these statistics:

Most of the land along the Atlantic is taken up by "private recreation," a term the Corps translates as the "beach and country club" type developments the more affluent can afford. The vast majority of these lands—2,245 miles out of the total 2,503—are in the South, in the lower South Carolina and Georgia areas.

The single largest shoreline use involves "non-recreation" lands along East Coast bays and estuaries. Some 1,927 miles are above the tip of Southern Virginia, the remaining 1,368 below. Add to this 605 miles on the oceanside.

These are lands gone to industrial and commercial development and military installations, the corps says—together, these amount to huge hunks of waterfront off limits to people. And while presumably the ""private recreation" category could eventually be more flexible, the "non-recreation" lands are gone forever.

There are only 1,898 miles of undeveloped lands along the Atlantic. On the bayside, there are 7,504. In Corps terminology, though, "undeveloped" means only that there is nothing on the land now or that it is currently inaccessible. It does not necessarily mean that they are unowned.

Of all the states Delaware has gone the farthest to protect what's left of its shoreline from industrialization—a problem in some U.S. areas as great as shoreline urbanization.

MAJOR MOVES

Delaware's Coastal Zone Act, signed a year ago by Gov. Russell W. Peterson prohibits heavy industries from locating along the state's 120-mile coastline, along a strip that varies from a mile to nine miles wide.

Specifically, the landmark law excludes a supertanker port within the mouth of Delaware Bay, oil refineries, paper mills, steel mills and basic chemical processing plants. All of them are potential air and water polluters.

It was a brave move for a state that long has been a favorite haven for giant industrial complexes.

Besides offending big industrialists, Peterson's signing the bill also offended a former top Nixon Administration official, James Moore, a gubernatorial aide, reports.

Then Commerce Secretary Maurice Stans "went so far as to hint to the Governor that he was being unpatriotic," Moore says.

The disparity of approach among coastal states to this reflects the lack of direction in the overall issue of what is to become the nation's shoreline.

At the moment, for all the scope of the federal government, no one part of it—no one department, no one agency—is responsible for what is happening or planning for the future.

No one is minding the shore.

By Mr. HARTKE:

S. 2625. A bill to amend title II of the Social Security Act to provide for the entitlement of disabled wives and husbands to unreduced wife's and husband's insurance benefits without regard to age. Referred to the Committee on Finance.

Mr. HARTKE. Mr. President, today I submit an amendment to the Social Security Act to provide full benefits to disabled wives of social security beneficiaries, regardless of their age.

Social security benefits are payable to the wife of a retired or disabled worker beneficiary if she has reached age 62. In addition, they are payable to a wife under age 62 if she has in her care a child under age 18 or disabled who is entitled to social security child's benefits on her husband's earnings.

The reason no such benefits have been provided for a wife who is under 62—unless she has a disabled child under her care—is that such a person should normally be able to work and support herself. This is obviously not so with a wife who is disabled over an extended period of time.

The proposal I introduced today would provide benefits to such wives, regardless of age, at an amount equal to a wife who becomes entitled at age 65, or a wife who gets benefits because she has a child in her care.

Totally disabled wives of beneficiaries face problems similar to those of aged wives and wives with children in their care. There is a sharp decline of family income due to the spouse's retirement or

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disability, and no real opportunity to supplement the family's income through their own work. A totally disabled wife is even less likely to be able to support herself than a nondisabled wife who receives benefits because she has reached age 62 or has a child in her care. In many cases, the husband's benefit may be the couple's only regular income.

The cost of this proposal for calendar year 1974 is expected to be $195 million. Benefits would be increased immediately for 190,000 present-law beneficaries and 150,000 individuals who would be newly eligible.

This is one of the glaring inequities of the current social security law—one about which I have received countless letters. It deserves to be corrected without delay.

Mr. President, I ask unanimous consent that the text of my bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2625

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) (1) section 202(b)(1)(B) of the Social Security Act is amended to read as follows:

"(B)(i) has attained age 62, or (ii) in the case of a wife (I) has in her care (individually or jointly with such individual) at the time of filing such application a child entitled to a child's insurance benefit on the basis of the wages and self-employment income of such individual, or (II) has not attained age 65 and is under a disability (as defined in section 223(d)),".

(2)(A) So much of section 202(b)(1) of such Act as succeeds clause (D) but appears before clause (E) is amended to read as follows: "shall (subject to subsection (s)) be entitled to a wife's insurance benefit for each month, beginning with—

"(E) if she satisfies subparagraph (B) by reason of clause (ii)(II) thereof—

"(i) the first month after her waiting period (as defined in paragraph (4)) in which she becomes so entitled to such insurance benefits, or

"(ii) the first month during all of which she is under a disability and which she becomes so entitled to such insurance benefits, but only if she was previously entitled to insurance benefits under this subsection on the basis of being under a disability and such first month occurs after the month in which a previous entitlement to such benefits on such basis terminated, or

"(F) if she satisfies subparagraph (B) without regard to clause (ii) (II) thereof, the first month in which she becomes so entitled to such insurance benefits,

and ending with the month preceding the first month in which any of the following occurs:".

(B) Section 202(b)(1) of such Act is further amended by redesignating subparagraphs (E), (F), (G), (H), (I), (J), and (K) as subparagraph (G), (H), (I), (J), (K), (L), and (M), respectively.

(C) Section 202(b)(1) of such Act is further amended—

(i) by striking out "or" at the end of the paragraph thereof redesignated by subparagraph (B) of this paragraph as subparagraph (L),

(ii) by striking out the period at the end of the paragraph thereof redesignated by subparagraph (B) of this paragraph as subparagraph (M) and inserting in lieu of such period ", or", and

(iii) by adding after the pargaraph so redesignated as subparagraph (M) the following new subparagraph:

"(N) if she is entitled to such benefits by reason of the provisions of subparagraph (B) (ii)(II), the third month following the month in which her disability ceases (unless she attains age 62 on or before the last day of such third month)."

(3) Section 202(b) of such Act is further amended by adding at the end thereof the following new paragraph:

"(4) The waiting period referred to in paragraph (1)(E)(i), in the case of any wife, is the earliest period of five consecutive calendar months—

"(A) throughout which she has been under a disability, and

"(B) which begins not earlier than the first day of the seventeenth month before the month in which her application is filed.".

(b) (1) Section 202(c)(1)(B) of such Act is amended to read as follows:

"(B) (i) has attained age 62, or (ii) has not attained age 65 and is under a disability (as defined in section 223 (d)),".

(2) So much of section 202(c)(1) of such Act as succeeds paragraph (D) thereof is amended to read as follows: "shall be entitled to a husband's insurance benefit for each month, beginning with—

"(E) if he satisfies subparagraph (B) by reason of clause (ii) thereof—

"(i) the first month after his waiting period (as defined in paragraph (4)), in which he becomes so entitled to such insurance benefits, or

"(ii) the first month during all of which he is under a disability and which he becomes so entitled to such insurance benefits, but only if he was previously entitled to insurance benefits under this subsection on the basis of being under a disability and such first month occurs after the month in which a previous entitlement to such benefits on such basis terminated, or

"(F) if he satisfies subparagraph (B) by reason of clause (i) thereof, the first month in which he becomes so entitled to such insurance benefits, and ending with the month preceding the month in which any of the following occurs: he dies, his wife dies, they are divorced, or he becomes entitled to an old-age or disability insurance benefit, which is equal to or exceeds one-half of the primary insurance amount of his wife, or his wife is not entitled to disability insurance benefits and is not entitled to old-age insurance benefits, or if he is entitled to husband's insurance benefits by reason of the provisions of subparagraph (B)(ii), the third month following the month in which his disability ceases (unless he attains age 62 on or before the last day of such third month).".

(3) Section 202(c) of such Act as amended is further amended by adding at the end thereof the following new paragraph:

"(4) The waiting period referred to in paragraph (1) (E) (i), in the case of any husband, is the earliest period of five consecutive calendar months—

"(A) throughout which he has been under a disability, and

"(B) which begins not earlier than the first day of the seventeenth month before the month in which his application is filed."

(c) (1) The third sentence of section 203 (c) of such Act is amended by inserting immediately before the period at the end thereof the following: "; nor shall any deduction be made under this subsection from any wife's or husband's insurance benefit for any month in which the wife or husband has not attained age 65 and is entitled to such benefit on the basis of being under a disability".

(2) The third sentence of section 203(f) (1) of such Act is amended—

(A) by striking out "or" at the end of clause (D), and

(B) by inserting immediately before the period at the end thereof the fololwing: ", or (F) for which such individual is entitled (on the basis of being under a disability) to wife's or husband's insurance benefits and has not attained age 65".

(3) The first sentence of section 216(i) of such Act is amended by striking out "sections 202(d)," and inserting in lieu thereof "sections 202(b), 202(c), 202(d),".

(4) (A) Section 222(a) of such Act is amended by inserting "husband's insurance benefits, wife's insurance benefits," immediately after "child's insurance benefits,".

(B) Section 222(b)(1) of such Act is amended by inserting "a wife who has not attained age 62, a husband who has not attained age 62," immediately after "entitled to child's insurance benefits,".

(C)(i) Section 222 (d)(1) of such Act is amended—

(I) by striking out "or" at the end of paragraph (C) thereof;

(II) by inserting at the end of paragraph (D) the following: "or"; and

(III) by inserting immediately after paragraph (D) thereof the following new paragraph:

"(E)(i) entitled on the basis of being under a disability to wife's insurance benefits under section 202(b) prior to attaining age 62, or

"(ii) entitled on the basis of being under a disability to husband's insurance benefits under section 202(c) prior to attaining age 62,".

(ii) Section 222(d)(1) of such Act (as so amended) is further amended by inserting "the benefits under section 202(b) for wives who have not attained age 62 and are under a disability, the benefits under section 202(c) for husbands who have not attained age 62 and are under a disability," immediately after "under section 202(d) for children who have attained age 18 and are under a disability,".

(5)(A) Section 223(d)(2)(A) of such Act is amended by inserting ", and except a wife or husband for purposes of section 202(b) or (c)" immediately after "or (f)".

(B) Section 223(d)(2)(B) of such Act is amended—

(i) by striking out "A widow" and inserting in lieu thereof "A wife, husband, widow"; and

(ii) by striking out "202(e)" and inserting in lieu thereof "202 (b), (c), (e),".

(6) Section 225 of such Act is further amended—

(A) by inserting "or that a wife who has not attained age 62 and is entitled (on the basis of being under a disability) to benefits under section 202(b), or that a husband who has not attained age 62 and is entitled to benefits under section 202(c)," immediately after "believes that an individual entitled to benefits under section 223,", and

(B) by inserting "202(b), 202(c)" immediately after "may suspend the payments of benefits under such section".

(d) The amendments made by the preceding provisions of this section shall apply with respect to monthly benefits under title II of the Social Security Act for months after the month which follows the month in which this Act is enacted.

(e) Section 202(q) of the Social Security Act is further amended by adding at the end thereof the following new paragraph:

"(10) Notwithstanding the preceding provisions of this subsection, no reduction shall be made under this subsection in the wife's or husband's insurance benefit of any individual for any month prior to the month in which such individual attains age 65 if such individual is entitled to such benefit on the basis of being under a disability."

(f) The amendment made by subsection (a) shall be effective with respect to monthly insurance benefits under section 202 (b) or (c) for months after the month which

follows the month in which this Act is enacted.

By Mr. BENTSEN:

S. 2626. A bill to amend the Federal Property and Administrative Services Act of 1949 and other pertinent statutes of the United States Code in order to establish Federal policy concerning the selection of firms and individuals to perform accounting services for the Federal Government, and for other purposes. Referred to the Committee on Government Operations.

Mr. BENTSEN. Mr. President, I am introducing today legislation to establish a Federal policy for the selection of accountants to provide accounting services to the Federal Government. At this time, accounting services are acquired by advertising and competitive bidding. This practice has placed a great burden on accountants who want to provide their services to the Federal Government and jeopardizes the ability of the Government to acquire the quality of service it requires.

The present statutes, 41 U.S.C. 252(c) (4) and 10 U.S.C. 2304(a)(4), allow the Federal agencies discretion in how they acquire professional or personal services. It has been the policy, however, of the major Federal agencies, including the Department of Defense, to acquire accounting services by means of competitive bids rather than through negotiations.

I feel that Federal contracts should normally be competitively bid and advertised, but there are several reasons which make this totally unwise in the securing of accounting services.

First, a majority of the State boards of public accountancy and State societies of accountancy have rules of conduct which prohibit accountants from making competitive bids. A conscientious accountant, therefore, is faced with a dilemma—either he violates the ethics of his profession, or he must forgo the opportunity of offering his services to the Federal Government. I do not believe a man should be placed in that position, and I believe such a conflict raises serious questions about how the Government is going about the business of acquiring top-notch professional accounting service where ethics or State law prohibit accountants from bidding on contracts.

In addition, the system of bidding for accounting services defies one of the elementary considerations in determining accounting fees and results in inferior service to the Government. The scope of an accounting audit is largely determined by an examination of the records involved and an estimate of the amount of time which must be devoted to the examination. Less money to the auditor simply means less time for the audit. Price competition, therefore, encourages bids that will produce incomplete audits and misleading financial information about the concern being audited.

Just as a family needing a doctor for a sick child does not run an ad in the paper for the cheapest practitioner in town, neither should the Federal Government expect to acquire high quality professional service by advertising for the lowest priced accounting bid.

The proposal I am making will allow the Government to choose a capable accounting firm and then negotiate a professional fee that will insure quality work at a reasonable price. Should an accounting firm prove unreasonable in its fee demands, the Government has complete authority to terminate negotiations and to secure services from another firm. A nearly identical bill was passed last year to provide for the securing of architect and engineering services. Architects and engineers were often bound by the same State laws and professional considerations that affect accountants, and the Federal Government acted to allow them to negotiate their contracts with the Federal Government. I am asking the same treatment for accountants as we provided for architects and engineers.

And let me make a point here about the need for fair and public negotiations for accounting services under this bill. I would expect the Federal agencies securing these services to develop stringent rules for the conduct of such negotiations. Any negotiation should be open to full public scrutiny and should be conducted under regulations that will insure that political favoritism does not replace competitive bidding as the means for acquiring accounting services.

Mr. President, this legislation will enable the Government to acquire the best service available at a price that is reasonable and fair. The Federal Government should not place professional accountants in the position of choosing between their professional ethics and Federal regulations. I ask the Senate to give this legislation prompt and favorable consideration.

I ask unanimous consent that the text of the bill may appear in the Record and that letters from the Texas State Board of Public Accountancy and the Texas Society of Certified Public Accountants may also appear with my remarks.

There being no objection, the bill and letters were ordered to be printed in the Record, as follows:

S. 2626

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 302 of the Federal Property and Administrative Services Act of 1949 (Title 41 U.S.C.A. 252) is amended by adding at the end thereof the following new section:

"(g) Selection of Accountants

DEFINITIONS

"As used in this title—

"(1) The term 'firm' means any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice the profession of accounting.

"(2) The term 'agency head' means the secretary, Administrator, or head of a department, agency, or bureau of the Federal Government.

'(3) The term 'accounting services' includes those professional services generally performed by accountants, as well as incidental services that accountants and those in their employ may logically or justifiably perform.

POLICY

"The Congress hereby declares it to be the policy of the Federal Government to announce publicly all requirements for accounting services and to negotiate contracts for such services on the basis of demonstrated competence and qualification for the type of services required at fair and reasonable prices.

REQUESTS FOR DATA OR ACCOUNTING SERVICES

"In the procurement of accounting services, the agency head shall encourage firms engaged in the lawful practice of this profession to submit annually a statement of qualifications and performance data. The agency head, for each proposed project, shall evaluate current statements of qualifications and performance data on file with the agency, together with those that may be submitted by other firms regarding the proposed project, and shall conduct discussions with no less than three firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services and then shall select therefrom, in order of preference, based upon criteria established and published by him no less than three of the firms deemed to be the most highly qualified to provide the services required.

NEGOTIATION OF CONTRACTS FOR ACCOUNTING SERVICES

"(1) The agency head shall negotiate a contract with the highest qualified firm for accounting services at compensation which the agency head determines is fair and reasonable to the Government. In making such determination, the agency head shall take into account the estimated value of the services to be rendered, the scope, complexity, and professional nature thereof.

"(2) Should the agency be unable to negotiate a satisfactory contract with the firm considered to be the most qualified, at a price he determines to be fair and reasonable to the Government, negotiations with that firm should be formally terminated. The agency head should then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm, the agency head should terminate negotiations. The agency head should then undertake negotiations with the third most qualified firm.

"(3) Should the agency head be unable to negotiate a satisfactory contract with any of the selected firms, he shall select additional firms in order to their competence and qualification and continue negotiations in accordance with this section until an agreement is reached."

Sec. 2. Section 2304 of Title 10 of the United States Code is amended by adding at the end thereof the following new section:

"(1) Selection of Accountants

DEFINITIONS

"As used in this title—

"(1) The term 'firm' means any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice the profession of accounting.

"(2) The term 'agency head' means the secretary, Administrator, or head of a department, agency, or bureau of the Federal Government.

"(3) The term 'accounting services' includes those professional services generally performed by accountants, as well as incidental services that accountants and those in their employ may logically or justifiably perform.

POLICY

"The Congress hereby declares it to be the policy of the Federal Government to announce publicly all requirements for accounting services and to negotiate contracts for such services on the basis of demonstrat-

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ed competence and qualification for the type of services required at fair and reasonable prices.

REQUESTS FOR DATA OR ACCOUNTING SERVICES

"In the procurement of accounting services, the agency head shall encourage firms engaged in the lawful practice of this profession to submit annually a statement of qualifications and performance data. The agency head, for each proposed project, shall evaluate current statements of qualifications and performance data on file with the agency, together with those that may be submitted by other firms, regarding the proposed project, and shall conduct discussions with no less than three firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services and then shall select therefor, in order of preference, based upon criteria established and pubished by him no less than three of the firms deemed to be the most highly qualified to provide the services required.

NEGOTIATION OF CONTRACTS FOR ACCOUNTING SERVICES

"(1) The agency head shall negotiate a contract with the highest qualified firm for accounting services at compensation which the agency head determines is fair and reasonable to the Government. In making such determination, the agency head shall take into account the estimated value of the services to be rendered, the scope, complexity, and professional nature thereof.

"(2) Should the agency be unable to negotiate a satisfactory contract with the firm considered to be the most qualified, at a price he determines to be fair and reasonable to the Government, negotiations with that firm should be formally terminated. The agency head should then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm, the agency head should terminate negotiations. The agency head should then undertake negotiations with the third most qualified firm.

"(3) Should the agency head be unable to negotiate a satisfactory contract with any of the selected firms, he shall select additional firms in order of their competence and qualification and continue negotiations in accordance with this section until an agreement is reached."

TEXAS STATE BOARD OF
PUBLIC ACCOUNTANCY,
Austin, Tex., September 12, 1973.

Hon. LLOYD BENTSEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BENTSEN: As you know, Texas accountants are increasingly concerned over the conflict between the procurement policies of certain agencies of the Federal government (particularly the Department of Defense) and the Rules of Professional Conduct for licensed accountants.

An effort was made last year (with your very thoughtful assistance) to persuade the Defense Department to negotiate for accounting services in connection with audits of its Open Mess facilities rather than require competitive bids. This is permitted by the present law [41 U.S.C. Subsection 252(c)(4) and 10 U.S.C. Subsection 2304(a)(4)]. We were not successful and the problem is a continuing one. In the circumstances, the Texas State Board of Public Accountancy has decided to seek legislative relief and respectfully requests that you sponsor a bill for us aimed at correcting this problem.

There is ample precedent for the legislation we seek. A nearly identical bill was passed by the Congress last year giving relief to architects and engineers.

While competitive bidding is generally an acceptable practice for procuring commodities, it is inappropriate for securing accounting services because of the very nature of an audit. The scope of an audit rests largely on the judgment of the auditor. He must make a sufficiently extensive examination to satisfy himself that the records fairly reflect the financial position of the enterprise. Since the cost of such an effort depends directly upon the amount of time devoted to the examination, price competition encourages the accountant to spend less time on the examination than might be necessary for an adequate audit. The practice of requiring competitive bids for audits invites incomplete, inaccurate and often misleading financial information about the operation being audited.

The Texas State Board of Public Accountancy, like many similar regulatory bodies, adopted many years ago a Rule of Professional Conduct, which prohibits accountants from making competitive bids for accounting services. This rule was approved by favorable vote of a majority of the licensed accountants in Texas. Our Board is obligated by State Law to enforce the terms of this prohibition and to discipline violators by criminal prosecution. The punishment is by fine up to $500.00 and imprisonment up to one year, as well as revocation or suspension of the license to practice public accountancy. The public policy in Texas with respect to competitive bidding for professional services was underscored by the Texas Legislature at a recent session when it passed the Professional Services Procurement Act, prohibiting any state agency or political subdivision of the State from securing the professional services of an accountant, or other professional, by competitive bid. The prohibition against competitive bidding for accounting services is incorporated in the Code of Professional Ethics of the Society of Certified Public Accountants in Texas and in many other States.

The courts have consistently excluded professional services from the competitive bidding requirements of state and local laws. The rationale for these decisions is best stated by a court which upheld a negotiated engineering contract, as follows:

"Such a construction would require the selection of attorneys, physicians, schoolteachers and civil engineers by competitive bids, the only test being the lowest bid for the services of such men. Such a test would probably be the best that could be conceived for obtaining the services of the least competent man, and would be most disastrous to the material interests of a country." *Hunter V. Whiteaker & Washington*, 230 S.W. 1096, 1098 (Tex. Civ. App.—San Antonio, 1921, no writ).

Competitive bids for accounting services invites the accountant to violate state law, endanger his right to practice accounting, and jeopardize his professional standing. The Federal procurement practice contradicts a long-standing public policy favoring negotiated contracts for professional services, and compromises the right of the taxpayer, to have a complete and accurate accounting of the expenditure of public funds.

The Texas State Board of Public Accountancy is satisfied that the Federal government can obtain audits at fair prices without calling for competitive bids, and that the work product of negotiated audits will be more satisfactory. Ample statutory authority exists for Federal Departments and Agencies to negotiate contracts for personal or professional services. They have generally refused to use such authority.

Accordingly, we have prepared a draft bill and justification and enclose herewith copies of the same in hopes that you will introduce and sponsor such a bill and that we may have your continued active support in our effort to resolve the conflict that exists between Federal procurement policies and the laws, rules and regulations which we are required to enforce in Texas.

Yours very truly,

L. LUDWELL JONES,
Chairman.

TEXAS SOCIETY OF CERTIFIED
PUBLIC ACCOUNTANTS,
Houston, Tex., September 17, 1973.

Hon. LLOYD M. BENTSEN, Jr.,
U.S. Senator,
Washington, D.C.

DEAR SENATOR BENTSEN: The conflict existing between the procurement policies of certain Federal agencies and the Rules of Professional Conduct for licensed accountants is a matter of continuing concern to the Certified Public Accountants of Texas. It is our understanding that the Texas State Board of Public Accountancy has decided to ask you to sponsor a bill aimed at resolving this problem. We would like to join in this request. Architects and engineers were given similar relief last year by the Congress.

The State Board has a Rule of Professional Conduct prohibiting accountants from making competitive bids. This prohibition is also incorporated in the Code of Professional Ethics of the Texas Society of Certified Public Accountants.

Competitive bidding encourages the accountant to violate state law, compromise his right to practice accounting, and jeopardize his professional standing. Federal procurement practices contradict a sound public policy favoring negotiated contracts for professional services.

The courts have uniformly excluded professional services from the competitive bidding requirements of state and local laws. The rationale for these decisions is that competitive bids constitute an acceptable practice for purchasing commodities, but an inappropriate system for obtaining accounting services. For example, the scope of an audit depends largely on the judgment of the auditor who must make a sufficiently extensive examination to satisfy himself that the records fairly reflect the financial condition of the enterprise. The cost of such an effort rests directly upon the amount of time devoted to the examination, and price competition might invite the accountant to spend less time on the examination than necessary for an adequate audit. Competitive bids for accounting services invite incomplete, inaccurate and perhaps misleading fiscal information about the activity being audited.

The Texas Society of Certified Public Accountants is convinced that Federal officials can obtain audits at reasonable prices without competitive bids, and that the result of negotiated audits will be more in the public interest. Since ample statutory authority now exists for Federal Departments and Agencies to negotiate contracts for accounting services and they have generally declined to use such authority it seems clear that any relief must come from the Congress.

Accordingly, we hope that the Accountants of Texas may have your continued assistance in seeking to resolve the conflict that exists between Federal procurement practices and the laws, rules and professional ethics which we must abide by in Texas.

Very truly yours,

A. BURKE HAYMES,
President.

By Mr. PACKWOOD:

S. 2627. A bill to further the purposes of the Wilderness Act by incorporating French Pete Creek and adjacent roadless lands in the Three Sisters Wilderness, Oreg., and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. PACKWOOD. Mr. President, today I am introducing legislation to protect the ecological values of the French Pete Creek and adjacent roadless portions of Rebel, Walker, and Mosquito Creek drainages located within the Blue River Ranger District and lying 60 miles east of Eugene, Oreg. Under my legislation these areas would become a part of the Three Sisters Wilderness in Oregon and would be preserved and protected for the enjoyment of present and future generations. In both the 91st and 92d Congresses, I introduced legislation to establish the French Pete Creek Intermediate Recreation Area. Unfortunately, the legislation died with the adjournment of those Congresses, and it is with an even greater sense of urgency that I once again introduce a measure to preserve this unique spot in the Oregon Cascades.

I stress the urgency of the situation because, as you are all aware, Forest Service Chief John McGuire last week announced his list of new wilderness study areas, those areas which will be added to his earlier list announced in January this year, and which will be studied for possible inclusion in the national wilderness preservation system. After the draft study list had been announced and it became evident to me that the French Pete drainage was not even under consideration, I wrote a letter to Chief McGuire urging that this priceless treasure be given the attention it so deserves and receive full review and study for possible inclusion in the national wilderness preservation system. Certainly the factors were present which would normally qualify an area for wilderness classification—an unroaded valley, the only area in the Central Oregon Cascades where there is a trail in a valley without roads below 3,000 feet, yet low enough in altitude to be accessible the year round to people seeking the solitude of a wilderness area untrammeled by man. My fear that without some degree of reasonable foresight we might well lose this unique area forever prompted my letter to the Chief. The reply I received was a canned response and it is evident that any suggestions or recommendations from my end were virtually ignored.

Mr. President, I ask unanimous consent that at this point in the RECORD my letter to Chief John McGuire and his response to that letter be printed.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAY 11, 1973.

Hon. JOHN R. MCGUIRE,
Chief, U.S. Forest Service,
Washington, D.C.

DEAR JOHN: This is to voice my ongoing concern for the French Pete Valley lying in the foothills of the Three Sisters Wilderness in Oregon and encourage you to, at the very least, study this unique area for its Wilderness potential and to include it on your study list of roadless and undeveloped areas within the National Forests.

As you know, I introduced in the 92nd Congress a bill to create the French Pete Intermediate Recreation Area. French Pete is one of the few remaining low country forested valleys which has not been roaded or cut. It is now the only area in the Central Oregon Cascades where there is a trail in a valley without roads below 3,000 feet. Numerous streams and creeks are prevalent in the area. In addition, it is the only remaining unspoiled valley in the Oregon Cascades low enough in altitude to be accessible the year round to those who wish to gain a wilderness experience. This type of experience, as you know, is becoming increasingly popular as our society becomes more highly automated and technology-oriented, and last year, citizens of Oregon who are concerned with preserving the French Pete area, sponsored at their own expense independent citizen hearings in Eugene, Oregon.

You will recall that French Pete Creek, along with Walker and Rebel Creeks, was part of the Three Sisters Primitive Area from 1938 to 1957. As both Walker and Rebel Creeks are integral parts of the French Pete complex, I feel they should be jointly recommended for study as Wilderness. Although there are areas in Walker and Rebel Creeks which have been cut over, these areas are adjacent to French Pete and might, therefore, very appropriately be held in a wilderness reserve status. They should, in the meantime, be studied with this in mind.

Since I've been in the Senate, John, I've worked toward ensuring that these unique areas will not be logged. I think a great many problems would be solved should you decide to have French Pete, Rebel and Walker Creeks studied for inclusion in a Wilderness Preservation System. Again, I would stress that the Forest Service, at the very least, should permit and invite public comment on the fitness of this magnificent valley for permanent preservation.

I would appreciate your very serious consideration of these points and hope to hear from you soon to the effect that these areas will at the minimum be given the benefit of study.

Cordially,

BOB PACKWOOD.

U.S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, D.C., June 4, 1973.

Hon. BOB PACKWOOD,
U.S. Senate.

DEAR SENATOR PACKWOOD: This is in reply to your May 11 letter asking that we study the French Pete, Walker, and Rebel Creek drainages for inclusion in a Wilderness Preservation System.

You are aware of our ongoing Roadless Area Review program whereby we are evaluating those roadless areas which merit additional study to determine if they should be recommended for Wilderness classification. None of the three drainages you have mentioned have been proposed as New Study Areas. However, the selection process is not complete. We are currently receiving public response to the Draft Environmental Statement on our proposal to designate 235 roadless areas as New Study Areas.

Your recommendation will be given careful consideration as we decide on the final list of New Study Areas.

I am hopeful that the final list of New Study Areas will be announced this summer.

Sincerely,

JOHN R. MCGUIRE, *Chief.*

Mr. PACKWOOD. Be that as it may, I again emphasize the stepped-up urgency of the situation. The areas I seek to protect with my legislation, the French Pete, Walker, Rebel, and Mosquito Creek drainages, all adjoining, are also a part of the Willamette National Forest timber management plan and will be subject to timber harvesting in the not-far-off future.

On October 19 this year, the Willamette National Forest announced that it will be going ahead with timber management directions outlined in accordance with the 1971 decision of the Secretary of Agriculture. The first step is determining how access will be gained in carrying out the management directions for French Pete; those access alternatives range from helicopter logging with no road construction to a network of roads to accommodate conventional logging systems. Clearly, we are on our way to seeing the French Pete and adjacent drainages victimized without so much as a flick of the eyelid from the Forest Service.

I am vividly reminded of the numerous attempts which have been made to draw to the attention of the Forest Service the esthetic and enduring values of the areas I seek to protect. Back in the 91st Congress, I introduced the French Pete legislation to preserve the 19,200-acre French Pete Drainage. When no action was taken legislatively, the people did take action and expressed interest and concern over the disposition of the area through thousands of handwritten, individually-conceived letters and cards. The youth of Oregon became actively involved. Nature's Conspiracy joined with the Save French Pete Committee, and some 500 University of Oregon students rallied to dramatize the importance of the issue involved. National headlines were inspired by this youthful grass roots support for preservation of a relatively small Oregon watershed. Sentiment rapidly grew in favor of preserving the 39-square miles of unlogged, virgin Oregon wilderness which had been named after a shepherd who grazed his sheep in the rich valley, a not uncommon endeavor until about 1914.

Again, in the 92d Congress, the citizens of Oregon, who are concerned with preserving this unique valley, at their own expense sponsored independent citizen hearings in Eugene, Oreg. This group of concerned citizens even hired a court reporter to take down the proceedings and prepare a hearing record.

Therefore, it is today with great pleasure and at the same time with a great disappointment that I reintroduce my legislation on behalf of thousands of Oregonians who have expressed their desire to preserve this marvelous watershed—pleasure because this legislation will more adequately protect Oregon's treasure via a wilderness designation as opposed to the intermediate recreation area designation of the earlier measures, in addition to which, three areas heretofore not included in the earlier legislation will become, along with French Pete, a part of the Three Sisters Wilderness, an integral unit which will better lend itself to the objectives of this act and the Wilderness Act. My disappointment stems from the fact that, even in light of urgings from growing numbers of citizens, the Forest Service did not see fit to do so much as give a perfunctory glance to the suitability or nonsuitability of these lands for a modest study.

As I have already indicated, this new legislation differs from that which I in-

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troduced in earlier Congresses in that it seeks to add the roadless portions of French Pete, Walker, Rebel, and Mosquito Creek drainages to the Three Sisters Wilderness. All areas are contiguous and uniquely qualify for a wilderness designation. The area in this new measure has expanded in size from the 19,200-acre area of earlier legislation to approximately 41,700 acres to take into consideration the additional acreage embodied in the Walker, Rebel, and Mosquito Creek drainages. Ideally, this is the way it should be—returned as part of the Three Sisters Wilderness, together with appropriate adjacent wild land in Walker, Rebel, and Mosquito Creeks—all of which were once protected as a part of the old Three Sisters Primitive Area. It was in 1957 that the Forest Service made a major exclusion of some 53,000 acres from the Three Sisters Wilderness. Much of that land is now roaded and logged. We must now take what may well be our last opportunity to work to spare French Pete and the contiguous Walker, Rebel, and Mosquito Creek drainages, to set aside these areas in their natural condition, as wilderness.

Of course, the best means for doing this would be via the orderly process of full and effective public participation, via roadless, de facto wilderness. Ideally this could have been accomplished under the auspices of the Forest Service roadless inventory; what better opportunity than the vehicle of the roadless inventory, the Chief's list of roadless areas to be studied for possible inclusion in the National Wilderness Preservation System. Sadly, that was not and is not the case, and it is now quite evident that the legislative route is the only means left to us by which we may eventually insure adequate protection for these lands.

As many have brought out before, the amount of timber which could be cut in French Pete is miniscule when compared with all the available, harvestable timber in Oregon. The French Pete drainage itself contains only one per cent of the timber in the Willamette National Forest. This is why I find it so difficult to accept the Forest Service decision to harvest the timber. The Forest Service realizes that there is strong public sentiment against doing so, and this sentiment comes not from special interest groups so much as from the rank and file Oregonian. At no other place in the Central Oregon Cascades is there a place where one can view a sweep of unbroken canopy across a forested valley, and I think it would be criminal to deprive the general public easy access to a wonderful type of country, country which will otherwise be lost to the ravages of timber harvest.

This measure should receive full hearings after which it would be my urgent hope that we in Congress might provide the honest, open debate which is so necessary in decisions of this nature. Mr. President, I ask unanimous consent to have the entire text of my bill printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2627

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in furtherance of the purposes of the Wilderness Act (78 Stat. 890), certain lands in the Willamette National Forest, Oregon, which comprise about 42,000 acres and which are generally depicted on a map entitled "French Pete Creek and Other Proposed Additions, Three Sisters Wilderness, and dated October 1973, are hereby designated as wilderness. The map reference in this section shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

Sec. 2. As soon as practicable after this Act takes effect, a map and a legal description of the Three Sisters Wilderness incorporating the addition thereto designated by this Act shall be filed with the Interior and Insular Affairs Committees of the United States Senate and House of Representatives and such map and description shall have the same force and effect as if included in this Act: *Provided, however*, That correction of clerical and typographical errors in such legal description and map may be made.

Sec. 3. (a) The lands designated as wilderness by this Act are hereby incorporated in, and shall be deemed to be a part of, the Three Sisters Wilderness as designated by subsection 3(a) of the Wilderness Act and, except as otherwise provided by this Act, shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas.

(b) Notwithstanding the provisions of paragraphs (2) and (3) of subsection 4(d) of the Wilderness Act and subject to valid existing rights, federally owned lands within the Three Sisters Wilderness, including the addition thereto designated by this Act, or hereafter acquired within the boundaries of such area are hereby withdrawn from all forms of appropriation under the mining laws, and from disposition under all laws pertaining to mineral leasing, and all amendments thereto.

(c) Notwithstanding the provisions of section 5 of the Wilderness Act, the Secretary of Agriculture may acquire, by purchase with donated or appropriated funds, by gift, exchange, condemnation, or otherwise, such lands or interests therein within the boundaries of the Three Sisters Wilderness, including the addition thereto designated by this Act, as he determines necessary or desirable for the purpose of this Act and the Wilderness Act.

By Mr. SPARKMAN:

S. 2628. A bill to amend the Investment Company Act of 1940 and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

S. 2629. A bill to amend the Internal Revenue Code of 1954 with respect to the income tax treatment of small business investment companies and shareholders in such companies. Referred to the Committee on Finance.

Mr. SPARKMAN. Mr. President, I introduce, for appropriate reference, two bills affecting small business investment companies. My first bill would except such companies from the definition of an "investment company" under the Investment Company Act of 1940. I ask unanimous consent that following my remarks the text of this bill be printed in the Record together with an analysis of the bill which I have prepared.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPARKMAN. My second bill amends the Internal Revenue Code of 1954 to permit publicly owned small business investment companies to continue to elect to be taxed as regulated investment companies even though not registered under the Investment Company Act of 1940. This bill would also modify the diversification requirements for small business investment companies electing to be taxed as regulated investment companies under the Internal Revenue Code of 1954.

I ask unanimous consent that following my remarks, the text of this bill also be printed in the Record together with an analysis of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. SPARKMAN. Mr. President, I believe that these two bills are both timely and necessary if we are to achieve our goal of encouraging greater private investment in small business investment companies. Such investment is necessary to enable those companies to meet the increasing demands of small business concerns for the equity capital and long-term loan funds provided by small business investment companies.

With respect to my first bill, small business investment companies registered under the Investment Company Act of 1940 have historically encountered difficulties under that act. Specifically, the need for close collaboration with their portfolio companies frequently requires SEC clearance which can be time-consuming and expensive. Spokesmen for the SBIC industry have frequently declared that their ability to assist their portfolio companies is frequently thwarted by various provisions of the Investment Company Act of 1940.

Beginning in 1960 and on a number of occasions since then, spokesmen for the SBIC industry have urged the cognizant committees of the Congress either to exempt small business investment companies outright from the Investment Company Act of 1940 or to give them specific exemptions from particular sections of that act.

In each instance, representatives of the Securities and Exchange Commission have assured the Congress that statutory relief was not necessary, that the Commission had adequate authority under section 6(c) of the act to grant exemptions where appropriate.

In March of 1968, the National Association of Small Business Investment Companies submitted a comprehensive application for exemption from provisions of the 1940 act, and the Small Business Administration joined in the application. After very lengthy proceedings and hearings before the Commission, SBIC's subject to the Investment Company Act of 1940 were granted authority to issue qualified stock options in May 1971, but the application for exemption was otherwise denied by the Securities and Exchange Commission.

I am informed that SBIC's are continuing to encounter serious difficulties in complying with the requirements of the Investment Company Act of 1940. In my view, the industry has exhausted its administrative remedy in seeking relief from the Securities and Exchange Commission, and accordingly I believe the Congress should consider legislation to exempt publicly owned SBIC's from the Investment Company Act of 1940, thus permitting the Small Business Administration to regulate these companies for all purposes.

Assuming enactment of my first bill, we would nevertheless want to preserve for publicly owned SBIC's the right to elect to be taxed as regulated investment companies under the Internal Revenue Code of 1954. The purpose of my second bill is to preserve this right. Experience has demonstrated that SBIC's qualifying as regulated investment companies have been more successful in attracting private investment than have other such companies. We want to encourage continued private investment in these companies, and my second bill is designed to achieve that end.

The second bill would also change the diversification requirements for SBIC's electing to be taxed as regulated investment companies, conforming their diversification requirements to those contained in the Small Business Investment Act of 1958 and SBA regulations governing the organization and operation of SBIC's.

The enactment of these two bills would, in my view, go far toward enabling SBIC's to achieve their great potential in the furnishing of equity capital and long-term loan funds to small business concerns. I trust that both bills will receive early attention and wide support in this Congress.

Exhibit 1

S. 2628

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. Section 3 of the Investment Company Act of 1940 is amended by adding to subsection (c) thereof a new paragraph (16) to read as follows: "Any small business investment company which is licensed by the Small Business Administration under the Small Business Investment Act of 1958".

Sec. 2. Section 18 of the Investment Company Act of 1940 is amended by striking subsection (k).

Sec. 3. The amendments made by Sections 1 and 2 shall apply to taxable years ending on or after the date of the enactment of this Act.

Analysis of Bill

This bill would except small business investment companies from the definition of "investment company" under the Investment Company Act of 1940 and thus would exempt them from regulation under that Act.

Section 1 would add a new paragraph (16) to Section 3(c) of the Investment Company Act of 1940 to add SBICs to the list of the various types of business excepted from the definition of "investment company".

Section 2 would repeal Section 18(k) of the present Act. That section now exempts SBICs from the debt ratio requirements of the Investment Company Act of 1940 but would be moot upon enactment of this bill.

Section 3 would make the foregoing amendments effective for taxable years ending on or after the date of enactment.

Exhibit 2

S. 2629

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. Section 851 (relating to definition of regulated investment company) is amended by inserting after subsection (e) the following new subsection:

"(f) Special Rules for Small Business Investment Companies.—For purposes of this title—

"(1) Notwithstanding the provisions of subsection (a)(1) of this section, the provisions of this section shall apply to a small business investment company which is licensed by the Small Business Administration under the Small Business Investment Act of 1958, as amended, and which has made or is making a public offering of its securities.

"(2) In lieu of meeting the requirements of subsection (b)(4) of this section, a small business investment company licensed under the Small Business Investment Act of 1958, as amended, may elect in the alternative to be considered a regulated investment company under this subtitle provided that at the close of each taxable year—

"(1) at least 50 percent of the value of its total assets is represented by—

"(A) cash and cash items (including receivables), Government securities and securities of other regulated investment companies, and

"(B) other securities for purpose of this calculation limited in respect of any one issuer to an amount not greater in value than 20 percent of the private capital of the small business investment company and not more than 50 percent of the outstanding voting securities of such issuer.

"(2) not more than 25 percent of the value of its total assets is invested in the securities (other than Government securities or the securities of other regulated investment companies) of any one issuer, or of two or more issuers which the taxpayer controls and which are determined, under regulations prescribed by the Secretary or his delegate, to be engaged in the same or similar trades or businesses or related trades or businesses. For the purposes of this subsection, the term 'controls' means the ownership of more than 50 percent of the total combined voting power of all classes of stock entitled to vote."

Sec. 2. The amendments made by Section 1 of this bill shall apply to taxable years ending on or after the date of the enactment of this Act.

Analysis of Bill

This bill would permit publicly-owned SBICs to elect to be taxed as regulated investment companies under the Internal Revenue Code and would change the diversification requirements for such companies to conform to those specified under the Small Business Investment Act of 1958 and the regulations of the Small Business Administration.

Section 1 would add two special rules to Section 851 of the Code for small business investment companies. The first special rule would permit such companies to elect to be taxed as regulated investment companies even though not registered under the Investment Company Act of 1940.

The second rule would alter the diversification requirements on the investments of SBICs to conform to those specified in the Small Business Investment Act of 1958 and the regulations of the Small Business Administration.

Section 2 of the bill makes these amendments effective for taxable years ending on or after the date of enactment.

By Mr. HUMPHREY:

S. 2630. A bill to establish a temporary Joint Committee on Foreign Trade. Referred to the Committee on Government Operations by unanimous consent.

TEMPORARY JOINT COMMITTEE ON FOREIGN TRADE

Mr. HUMPHREY. Mr. President, we are now on the verge of a new round of multilateral trade negotiations and we must make every effort to insure that these negotiations are brought to a successful conclusion.

The Constitution of the United States mandates the Congress to "regulate commerce with foreign nations." This mandate clearly charges the Congress with the responsibility to take an active hand in regard to trade negotiations with foreign countries.

With the vast responsibilities which confront the Congress it is sometimes easy to forget some of the basic constitutional responsibilities which the Congress must bear.

Surely the volume of work required to conduct the legislative affairs of this great Nation would strain the resources of any parliamentary body.

Over the years we have seen the issues which must be reviewed by the Congress mushroom to the point where it is impossible for one man to have anywhere near a complete grasp of everything which needs to be acted upon.

Knowing this we have come to depend more and more on our committee structure within which responsibilities for in depth review can be divided and through which the substance of all the issues we must face can be distilled to a point where an individual can handle and appreciate the important aspects of any given piece of legislation. With such a workload a division of labor only makes sense.

I make these points to preface my introduction of a bill to establish a temporary Joint Committee on Foreign Trade.

I realize that there has been some reluctance on the part of the Congress to establish new committees. I think such caution and restraint is commendable. However, we must also consider our responsibility to the American people to do the job of policymaking with adequate attention and resources.

Surely foreign trade is becoming a very significant issue before the American public. The call for export controls after we found several basic commodities in short supply this past year, the inflationary impact and general mishandling of the Russian grain sales and the threat to our access of fuel and energy sources abroad are but a few examples of how foreign trade has come to crucially affect our lives. We have seen the expansion of foreign trade over the past few years reach a level where it represents a sizable portion of our gross national product. In light of these developments it would be irresponsible if the Congress did not accept the initiative to take a more active hand in the negotiations which will shape our trade policies for years to come.

My proposal is a relatively simple one. It calls for the establishment of a temporary joint committee to serve for the duration of time that any negotiating authority is granted to the President to engage in multilateral trade negotiations, or for 5 years whichever is later.

The joint committee would be responsible for following the progress and content of the multilateral trade negotiations and to report to the Congress on issues of importance.

It would also coordinate contributions from and communications between the five committees of the House and the five from the Senate with major jurisdiction for trade matters.

Thus, the committee would coordinate the various overlapping jurisdictions between the standing committees which have responsibilities for different aspects of foreign trade in the Congress.

At a time when the senior leadership of the Congress is particularly burdened with the heavy responsibilities of office, the temporary joint committee would stipulate that at least one third of the membership be neither committee chairmen nor ranking majority nor minority members of other standing committees, thus, allowing for a greater degree of participation from those members without present committee leadership responsibilities.

The key role of the Ways and Means Committee from the House and the Finance Committee from the Senate in trade matters is preserved by providing that the chairmanship of the joint committee be alternated between the chairman of the Ways and Means and the Chairman of Finance.

The temporary joint committee would act as liaison between the trade negotiations and the Congress and would be responsible for communicating the intent of the Congress to the Special Representative for Trade Negotiations on issues before the negotiations.

Furthermore, the committee would oversee the implementation of adjustment assistance programs which might result from trade authority granted to the President.

Finally, the committee and its staff would be a resource to the Congress on matters relating to international trade and would report from time to time on issues of concern to the Congress.

Through such a committee it would be possible for the Congress to obtain a better appreciation of the complex aspects and interrelationships which can only come as a result of participation in the process of negotiation.

With the growing importance of international trade for our entire economy it is prudent for the Congress to take an active hand in the trade negotiation process. We cannot write off our responsibilities to the American public for developing sound trade policy because we do not have the resources or expertise to follow the conduct of foreign economic policy adequately.

The impact of trade negotiations on the viability of the American economy and the welfare of the American consumer is just too important for the Congress to continue to allow a haphazard approach to trade negotiations. We can no longer passively be forced into a position of accepting comprehensive trade agreements simply because we do not have the resources to study the effect of such agreements on the domestic and foreign policy of the United States.

With the criticism of the Congress from so many quarters there should be no doubt that it is time for the Congress to reassert itself and to begin a more active approach to the responsibilities with which we are charged. I believe that my proposal for a temporary Joint Committee for Foreign Trade is a valid and necessary measure for the Congress of the United States. It will assure that the Congress is not a rubberstamp for the trade arrangements entered into by our executive branch. It is time once again to reassert the fact that there are three branches of government, even in the area of trade policy.

Therefore I urge prompt consideration of this proposal so that we may create an effective mechanism to insure that the Congress constructively participates in the conduct of foreign trade policy.

I ask unanimous consent to have this bill referred to the Committee on Government Operations.

The PRESIDING OFFICER. Without objection it is so ordered.

By Mr. BAKER (for himself and Mr. BROCK):

S. 2631. A bill to establish a bipartisan independent special prosecution force and for other purposes. Referred to the Committee on the Judiciary.

Mr. BAKER. Mr. President, I am introducing today a bill to establish an independent special prosecution force, directed by two coequal special prosecutors appointed from each of the major political parties to investigate and prosecute alleged crimes arising out of the Presidential campaign and election of 1972.

The circumstances giving rise to the need for a special prosecutor force are as unbelievable as they are unfortunate. Nevertheless, the appointment of special prosecutors, cloaked in as much independence and protection as Congress constitutionally can provide, has become an essential ingredient for the restoration of public confidence in the integrity of governmental officials and processes. I commend the President for his declaration of last Friday that a new special prosecutor will be appointed under the auspices of the Department of Justice. Recent events and public sentiment indicate, however, that a special prosecutor force must be afforded independence and insulation from partisanship pressure which the President cannot provide. The dictates of the public weal require that the appointment of a new special prosecutor force be subject to the approval of the Congress, in addition to the President, and that the special prosecutor and the members of his staff be vested by law with duties, authorities, and independence as will enable the investigation and prosecution of crimes arising from the Watergate incident, related matters and other allegations of governmental misconduct to proceed fully, fairly, and without limitation.

It is for these reasons that I am introducing this bill to provide for an independent, bipartisan special prosecution force. This legislation both provides for the requisite prosecutorial independence and assures, to the extent possible through law, that the investigations conducted by former Special Prosecutor Archibald Cox will proceed in a comprehensive and nonpartisan fashion. I wish to note that my sponsorship of this bill and my cosponsorship of the bill introduced today by my distinguished colleague from Illinois (Mr. PERCY) should not be construed as indicating opposition to S. 2611, the bill introduced by my distinguished colleague from Indiana (Mr. BAYH) which would authorize the appointment of a special prosecutor by the chief judge of the U.S. District Court for the District of Columbia. That approach, which is supported by a majority of my colleagues, has much to recommend it. As noted on Sunday by former Special Prosecutor Cox, however, the vesting of appointment power in Judge Sirica possesses potential and serious constitutional difficulties, which, in my opinion, should be avoided if acceptable legislation resting on more comfortable constitutional grounds can be effected. I believe that the bill which I am introducing possesses constitutional dimensions of greater certainty.

To serve the needs and heal the wounds of the nation, special prosecutor legislation must provide for careful and bipartisan selection of the special prosecutor force, for the vesting of comprehensive authority and responsibilities in the special prosecutors, and for maximum insurance that the power to dismiss a special prosecutor will be devoid of arbitrariness. This bill meets these requirements without raising the pall of constitutional infirmities which possibly would void any indictments and/or convictions obtained thereunder. Under the bill, the President is directed to appoint two coequal special prosecutors with the advice and consent of the Senate. The coprosecutors shall be appointed from each of the major political parties with the Democratic prosecutor appointed from a list of individuals submitted by the Speaker of the House and the President pro tempore of the Senate after consultation with the majority leaders of the House and the Senate, respectively. Moreover, in this instance, the Senate will not take its confirmation responsibility lightly. This bill also incorporates virtually the same provisions regarding the authority and responsibility of the two special prosecutors as are contained in the Bayh bill and in the Percy bill introduced today. This language is modeled on the original agreement between former Special Prosecutor Archibald Cox and former Attorney General Elliot Richardson and is considered "boiler plate" for this legislation. Finally, the bill provides that the special prosecutors may be removed only for "cause" which is carefully articulated in precise legal meaning and that the President must provide the Congress with notice of dismissal 30 days before such dismissal becomes effective.

The establishment of special coprosecutors finds precedent in the official investigation of the Teapot Dome scandal. The Teapot Dome scandal was investigated by special counsel authorized by congressional enactment and appointed by the President. The resulting successful prosecution proceeded under the supervision of coprosecutors from the two major political parties so as to insure a nonpartisan investigation. I suggest that this format may be the most viable form of constitutionality establishing an independent special prosecution.

Whatever the precise form of special prosecutor legislation enacted by the Senate, we must proceed in an expeditious fashion. The events of the past 2 weeks, coupled with the Watergate incident, have generated unprecedented national suffering. Public confidence in the general integrity of the Federal Government has been undermined, the Department of Justice has been stripped of respectability in the public eye, the President's ability to command the support of the American people has been impaired, and a cloud has been cast upon the functioning of heretofore sacrosanct governmental processes. The Senate must pass legislation establishing an independent special prosecutor without delay. Congress must enable our Nation to get on with the business at hand of either convicting or absolving high Government officials and other individuals of alleged illegal activities related to the Presidential campaign and election of 1972. The Senate has undertaken that task, and I urge my colleagues to complete it as soon as possible.

By Mr. NELSON:

S. 2633. A bill to amend the Federal Food, Drug, and Cosmetic Act, as amended, to prohibit the use of any name in connection with any prescription drug other than the official name designated for such drug by the Secretary of Health, Education, and Welfare. Referred to the Committee on Labor and Public Welfare.

A BILL TO ELIMINATE PRESCRIPTION DRUG TRADE NAMES

Mr. NELSON. Mr. President, although this country has a good system to protect its people against unsafe and ineffective drugs, it does not have any mechanism to protect them against unconscionable exploitation through excessively high drug prices. This has been demonstrated many times in many different ways and was made especially clear by the contrast with the recent activities of the British Government to protect its people against what it considered monopolistic pricing of the very widely used tranquilizers Valium and Librium.

On April 11 of this year the British Minister for Trade and Consumer Affairs ordered the Swiss company, Hoffman-La Roche, considered the world's largest drug company, to reduce the price of Librium by 60 percent and that of Valium by 75 percent. In addition, the British Government is seeking repayment of what it considers excess profits made in the company's dealing with the Government's National Health Service.

This price reduction order was the result of more than 18 months of investigation by the Monopolies Commission, to which Hoffman-La Roche refused to give such vital information as details on its worldwide sales, worldwide research expenditure, and the amount and value of world sales of Librium and Valium in bulk form. The British report has provided the stimulus for similar inquiries and possible legal actions against Hoffman-La Roche and several other pharmaceutical companies by the German, Australian, and other governments as well as the European Economic Commission in Brussels.

The Monopolies Commission has never before criticized any company so heavily. Neither has it ever recommended such severe remedies. Phrases like "undue exploitation of success" are not used lightly by such a cautious body as the Monopolies Commission. In less than 10 years this firm captured in the United Kingdom 68 percent of the tranquilizer market, which has been rapidly expanding. The commission also found, using conservative figures, that profits on sales in 1970 were 55 percent for Librium and over 60 percent for Valium, and calculated a return on capital employed in the manufacture and supply of these two drugs for that year in excess of 70 percent. The profit rate for the United Kingdom manufacturing industry generally, based on historic cost, was 11.5 percent for 1970—Monopolies Commission report, page 47.

The drug firm offered the British Government a cash rebate for all the drugs paid for by the Government rather than a price reduction in order to protect its prices and products in other countries—op cit., p. 56. The presumption is that if United Kingdom prices were reduced to what could be considered reasonable levels, foreign prices—prices outside the United Kingdom—in comparison would appear so high as to provoke outrage by citizens in foreign countries and perhaps direct action by their governments.

Roche's attempts to justify the more than 70 percent return on capital failed to impress the Monopolies Commission. Roche argued that its drug prices "are determined by market forces in conditions which are, in any event, severely competitive." It claimed that Libraum and Valium were competing with 600 competitive products, that it was not the sole supplier of valium and librium type products in Britain and, besides, United Kingdom prices were below those prevailing in other countries.

The commission dismissed these arguments on the following basis:

First. It considered that Librium and Valium were in a class of their own and not directly competitive with other products;

Second. That although two small manufacturers had been granted patent licenses in accordance with section 41 of the United Kingdom Patents Act, and were producing these products, their total sales amounted to about 1 percent of the market for these products. The reason is that doctors become accustomed to prescribing a drug under the brand name by which it has been introduced to them by the innovator. They are not easily persuaded to prescribe generically or to prescribe under a different brand name: Few of them will do so before the drug is felt to have been well-established for some considerable time, and in practice this may mean not before the patent has expired. In fact, it is the common experience both in the United States and the United Kingdom that drug monopolies extend well beyond the statutory patent period through use of trade names, because doctors tend to continue to prescribe by the same brand name after the patent has expired even though an identical competing drug is in the marketplace at a much lower price.

The British Government believes that in many cases the effect of compulsory licenses and its efforts to make doctors more price conscious are in themselves insufficient to secure reasonable prices and profits over the long term and hence have introduced more direct price regulation arrangements. In fact, experience with other drugs suggests that when a new competitor enters the market, either as a result of a compulsory license or on the expiration of the patent, established branded products tend to retain a high proportion of the market for some time, even though competitive products may be available at a lower price. The high promotional cost of establishing a brand name results in competitors tending to compete only for generic prescriptions.

Now, what relevance does the British case have for us?

First, it must be noted that the prices of Librium and Valium in the United States are almost three times those in the United Kingdom. The price of Valium to the druggist in England is $2.88 for 100 5-milligram tablets; to the druggist in the United States it is $8.10. The price of Librium in England is $2.40 for 100 milligrams capsules; in the United States it is $6.82—Domestic and Foreign Drug Prices by Edmond M. Jacoby, Jr. and Dennis L. Hefner. Table I. United States Prices from 1973 Redbook. The United Kingdom Government found that the British people are overpaying by 75 and 60 percent for these two drugs. The American people are paying 1,100 percent more for Valium and 700 percent more for Librium than the price the British Government considers fair.

Second, Valium is the No. 1 and Librium is the No. 3 drug in the volume of sales in the United States. The 1973 sales for these two drugs are expected to total more than a quarter of a billion dollars. In fact, Valium became the first prescription pharmaceutical product to achieve annual domestic sales of over $100 million.

It is an interesting commentary on drug use in this country to note that the drug with the second highest sales volume is Darvon Compound which the AMA's former Council on Drugs as well as the NAS/NRC found to be irrational

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and potentially dangerous. It is also considered a "drug of abuse" by the Drug Enforcement Administration and has been placed under the control of schedule IV of the Controlled Substances Act.

Third, the United States does not have the legal authority to require—or the economic capability to induce—a drug company to sell a drug to the public at a particular price, even though it may know that its people are being fleeced. By contrast, the British Government does have the economic capability through its National Health Service, because it pays for more than 90 percent of the drugs used in the United Kingdom, and as the ultimate paymaster for such drugs, is in a position to bring pressure to bear upon prices. The U.S. Government, on the other hand, finances or purchases directly an amount—although large in absolute terms—which constitutes perhaps a third of the drugs used in this country.

Given these conditions, what can be done to remove the burden of unreasonably high drug costs—as exemplified by Valium and Librium—from the American people?

The most obvious step is for all levels of Government to pay the lowest price possible for the drugs it buys either directly or indirectly through medicare and medicaid programs. Through these two programs the Government spends $1.5 billion per year on drugs. Yet we do not know which drugs are being bought and the prices we are paying for them—Competitive Problems in the Drug Industry, part 22, pages 8740–8743, hearings before the Monopoly Subcommittee, Senate Small Business Committee. So the first thing we ought to do is find out what we are buying and how much we are paying. And if we find that we are paying unreasonable prices, then representatives of the U.S. Government ought to sit down with representatives of the industry and get them to adjust their prices to a reasonable level. No new legislation is required to do this. Furthermore, our governmental representatives should insure that no money is spent on ineffective, unnecessary, or inferior drugs. Hearings before the Senate Small Business Committee's Monopoly Subcommittee have confirmed that many millions of dollars of public funds are being spent on such drugs.

Nevertheless, price adjustments secured by the Government would apply only to Government-financed purchases.

To benefit the citizen who purchases drugs with his own money—and this embraces the vast majority of our people—I am today introducing an amendment to the Food, Drug, and Cosmetic Act to prohibit the labeling, advertising, or promotion of a drug by any name other than its established—generic—name as defined by the Food, Drug, and Cosmetic Act. In other words, each drug will have one name. A very large number of physicians are frequently not aware that a drug is available under its established name or even under another brand name at a lower price. Facts and Comparisons—published by Facts and Comparisons, Inc., 1100 Oran Drive, St. Louis, Mo. 63137—for example, lists 24 different names for the antibiotic tetracycline. There are probably other names not listed. Prices to the pharmacist for this drug range from $1.20 under its generic names to $3.86 for Roerig's Tetracyn to $4.25 for Canfield's Cancycline to $5.25 for Reid-Provident's Retet to $5.35 for Lederle's Achromycin. In this country every batch of antibiotics is tested by the Food and Drug Administration and all these drugs, no matter who markets them, must meet the same Government standards, yet Lederle's expensive Achromycin is one of the 50 most prescribed drugs in this country. In a competitive situation none would be sold, because the same drug could be bought at less than one-fourth the price of Lederle's. It is apparent that many prescribing physicians are unaware that all these names represent only one drug, and the vast difference in price the patient must pay depends on the name they write on the prescription.

In addition to the economic aspect of the use of drug names, there is also the public health aspect. As the distinguished pharmacologist, Dr. Modell, stated before our Monopoly Subcommittee:

> My major interest is to teach the profession about drugs, how to use them effectively, how to use them safely, which ones to have faith in, which to discard. I am for the best practice in drug use, I am for the safest use of drugs. I am everything that leads to effective use of medical drugs.
>
> But I do feel that there are serious threats to proper drug use because of our nomenclature, and I am exercised about this. In teaching about drugs we have to call them by meaningful names. The names which teachers of doctors use are generic names which are also called public or official names. If the student uses these designations for drugs he will not only know about drugs but he will know about them under all their other names—for a rose by any other name smells as sweet—and many drugs have so many different trade names that the only way of communicating about them with confidence is by the use of the official name. One drug—one name.
>
> I think the doctor should know what drug he is giving his patient. He really doesn't, if he uses a name for it that does not communicate any meaning to him, and trade names do not communicate meaning. They are phony names used because they are suggestive or catchy, and today often made up by a computer. Finally, some drugs may have as many as 30 or more of these phony names and this makes all kinds of serious as well as ludicrous mistakes possible. (Hearings, Part I, p. 285)

Dr. John Adriani, former chairman of the AMA's former council on drugs testified that—

> Brand names as far as I am concerned are aliases and deceptive. And being a teacher of pharmacology, and having taught people to use drugs all these years, I find their elimination a very important thing. . . . It would improve medical practice, it would facilitate the dissemination of drug information, and it would facilitate the teaching of pharmacology, and it would increase the safety as far as the public is concerned. (Hearings, Part 12, pp. 5089 and 5101.)

The dangers resulting from proliferation of different names for the same drug can be dramatically illustrated by the tranquilizer thalidomide. This drug, which was not approved for marketing in the United States, but was on the market in many countries under many names was discovered to cause damage to the human fetus resulting in a number of babies being born without arms. Long after this danger became known, however, doctors continued to prescribe this drug under many names. Neither the doctors nor the public were aware that Kevadon, Contergan, Isomin, Valgis, Profamil, Talinette, Distaval, Slip, Sedalis, and many others were different names for the same drug, thalidomide.

Who benefits by the existence of different names for the same drug?

Certainly not the public—for whom these names are confusing and cause higher prices by preventing price comparisons.

Certainly not the physician—who is hampered by the large number of names in making cost comparisons when prescribing drugs. According to FDA estimates, there are about 20,000 prescription drug products on the market although there are only about 700 different drug compounds. In other words, each drug in this country has, on the average, 30 different names. According to testimony by leading medical experts, confusion under such conditions is inevitable.

Certainly not the pharmacist—who must carry a large inventory unnecessarily because he must carry stocks of the same drug under different names. It is estimated that as much as 15 to 20 percent could be saved on the inventory of the pharmacist if each drug had one name.

It is obvious that the only beneficiary of the use of brand names are the drug and advertising companies. It shields the drug companies from price competition, because of the confusion they create in the minds of the buyers and enriches the advertising firms who are kept busy trying to dream up ways of differentiating products which are the same though sold under different name. It is authoritatively estimated that 25 to 30 percent of the cost of drugs reflects efforts to make like drugs appear to be unlike and this is done by the advertising and promotion of brand names. There is no way to demonstrate that the use of brand names is in the interests of the public.

This measure, if adopted, along with compulsory licensing at a reasonable royalty, and other proposals to insure that physicians and the public are better informed about drugs, will enhance competition and help reduce the cost of drugs, and will be a long step in bringing about more rational use of drugs.

So long as the marketplace is left in utter confusion by the use of 20,000 names for only 700 different products, it makes rational prescribing in general difficult, if not impossible, and it makes it possible for drug companies to continue to exploit the public, because of the confusion they themselves have created.

By Mr. CRANSTON (for himself and Mr. Tunney):

S. 2634. A bill to amend the Act of October 27, 1972, establishing the Golden Gate National Recreation Area in San Francisco and Marin Counties, Calif., and for other purposes. Referred to the

Committee on Interior and Insular Affairs.

Mr. CRANSTON. Mr. President, I introduce for appropriate reference a bill to enlarge the Golden Gate National Recreation Area by adding over 700 acres in Marin County and the Haslett Warehouse in San Francisco. I am pleased that my colleague from California, Senator John Tunney, is joining me as cosponsor of this bill. The legislation is identical to H.R. 10834 already introduced in the House by Congressman Phil Burton.

The additions I am proposing to the Golden Gate National Recreation Area are essential to provide for the future protection and the best administration and development of the park. The existence of the national recreation area naturally makes the Marin County lands adjacent GGNRA more desirable for and susceptive to development. Unless the boundaries of the Golden Gate National Recreation Area are revised to provide a buffer zone, future development along the ridges of Oakwood Valley, Tennessee Valley, and Wolfback Ridge will be highly visible from within the park and impair the wilderness character of GGNRA. By extending the park boundaries to the far ridges of the valleys, the integrity of the park can be protected. Thus I am proposing the acquisition of lands stretching from the 207.56-acre Olds property located at the west end of Tennessee Valley Road south to the 235-acre Wolfback Ridge area which offers outstanding views of San Francisco and the bay. Connecting these properties are four areas which also would be acquired—the Allan Associates property—38.89 acres; the County of Marin and Tamalpais Community Services District lands—22.94 acres; the Ghilotti Brothers property—10.40 acres; and the Oakwood Valley area—177.89 acres.

In addition to preserving the natural beauty of the park, these additions to GGNRA will insure public access to the recreation area via the Tennessee Valley Road and will provide additional access by bringing the recreation area right up to Highway 101 in Sausalito and closer to Tam Valley Junction, a natural transit terminus where park-related commercial development is proposed. A trail already exists on the Olds property which will give hikers and horsemen excellent access to the ridges.

Three of the proposed additions to GGNRA were thought to have been included in the park when it was established by Congress last year. However, the areas were inadvertently left off the original boundary map. Their inclusion now would rectify that error. These parcels are the 10-acre Keller property on the highlands overlooking Stinson Beach, 4 acres at Muir Beach, and the Haslett Warehouse portion of the San Francisco Maritime State Historical Park.

Earlier this year the Interior Department proposed the exclusion of all of the 40-acre area of GGNRA near Stinson Beach, because of the high acquisition costs of some portions which are already developed. I am including the open areas east of the junction of Panoramic Highway and Highway 1, thus permitting the exclusion only of properties with existing residences. A parcel of 8.25 acres in Stinson Beach north of the intersection of the highways also should be included to prevent commercial development and conjestion there.

There is no increase in the authorization for the acquisition of the additional park lands. It is anticipated that the original authorization of $27,620,000 for GGNRA will be sufficient to meet these costs.

Mr. President, I request that the text of the bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2634

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2(a) of the Act of October 27, 1972 (86 Stat. 1299), is hereby amended by deleting "Boundary Map, Golden Gate National Recreation Area, numbered NRA–GG–80,003, sheets 1 through 3, and dated July, 1972." and inserting in lieu therof "Revised Boundary Map, Golden Gate National Recreation Area, numbered NRA–GG–80,005, sheets 1 through 3, and dated October, 1973" which shall include, in addition to the existing properties within the Golden Gate National Recreation Area, the following:

"Marin County:

"Sheet 1

"(1) Allan Associates, Incorporated property, 38.89 acres,

"(2) County of Marin and Tamalpais Community Services District lands, 22.94 acres,

"(3) Ghilotti Brothers property, 10.40 acres,

"(4) Oakwood Valley area, various properties, 177.89 acres.

"(5) Olds property, 207.56 acres,

"(6) Wolfback Ridge area, various properties, 235.00 acres,

"(7) Keller property, Stinson Beach, 10 acres,

"(8) Leonard property, Stinson Beach, 8.25 acres, and

"(9) Muir Beach properties, 4 acres.

"San Francisco County:

"Sheet 3

"Haslett Warehouse; and shall exclude the following:

"Sheet 1

"(1) Leonard (homesite), 10 acres,

"(2) Panoramic Highway area, Stinson Beach, 40 acres: *Provided*, That, with respect to the Panoramic Highway area, Stinson Beach, only those properties which include any residential dwelling, the construction of which was begun before September 26, 1973, shall be excluded.".

By Mr. WILLIAMS:

S. 2635. A bill to amend section 110 title 28, United States Code, to provide a place for the holding of Federal District Court in Hackensack, N.J. Referred to the Committee on the Judiciary.

Mr. WILLIAMS. Mr. President, today I am introducing a bill that would, if enacted, improve the judicial system for residents of New Jersey by providing facilities for the Federal District Court to sit in Hackensack, N.J.

At present, the court sits in Camden, Newark, and Trenton, N.J.

New Jersey, like many other States, has been the scene of rapid population growth. One of the areas of greatest growth has been Hackensack and all of Bergen County, of which Hackensack is a part. Between 1960 and 1970, the population of Bergen County increased 15.1 percent to a total of 898,012 residents—almost a million people. In the same period, the city of Hackensack alone had a population increase of 17.7 percent.

Mr. President, I feel that it is our obligation to provide adequate and convenient judicial facilities. To allow the court to sit in Hackensack, together with the three other cities in New Jersey, will enable the judicial system to better serve the individual who wants to take advantage of the legal remedies afforded in the Federal jurisdiction.

It will also significantly reduce the hardship imposed by those who are involved in litigation including those who are not interested parties but who must participate, such as witnesses and jurors.

Therefore, Mr. President, I am hopeful that the Senate will act favorably on this important measure which is identical to H.R. 9736 introduced by Representative Widnall. Favorable action will permit residents of northern New Jersey to more conveniently and less expensively have their "day in court," thereby building upon one of the rights which is at the very foundation of our Nation.

By Mr. McGOVERN:

S. 2636. A bill to authorize supplemental appropriations for National Science Foundation energy research and development. Referred to the Committee on Interior and Insular Affairs.

ABUNDANT CLEAN ENERGY

Mr. McGOVERN. Mr. President, I am introducing today legislation that would start this Nation firmly on the road toward a rational solution of our long-range energy needs. It could heal many of the wounds our present crisis-oriented approach is now inflicting on our environment and also relieve the problems bad planning is inflicting on our people. In essence, I suggest that we begin seriously developing future "clean" energy sources—principally from solar, hydrogen, and geothermal power.

This legislation has three purposes. First, it authorizes $110 million for the current fiscal year to begin the research and development of solar, hydrogen, and geothermal energy on a serious basis. Second, it would extend and increase this spending over the succeeding 4 fiscal years, firmly committing the Nation to such energy development and providing continuity. And third, it would establish a national data bank for solar, hydrogen, and geothermal energy.

It took humanity from the dawn of our history until World War II to use as much energy as we have used since—a period of only 30 years. We will consume this amount again in the next 15 years; and again in only 7 years after that—even without unexpected demands for even greater increases. The common denominator of all this energy—past, present, and future—is the Sun.

Until now we have tapped this source in the form of oil, coal, gas, wood, and waterpower. But these sources are fast running dry. The rate of production of all fossil fuels on a worldwide basis will peak out around the middle of the next century—about 75 years from now. We

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have to develop new sources, just to maintain our present civilization, let alone improve it.

Faced with this prospect, then, are we meeting our needs for clean fuels? I think it is appropriate to look to the words of the administration, as voiced by Mr. John Quarles, Jr., Deputy Administrator of the Environmental Protection Agency, in testimony before the Joint Economic Subcommittee on Consumer Economics a short time ago:

> The agonizing truth is that today there simply are not enough clean fuels available to meet the energy needs of the country. Even if we factor in such sulfur-removing processes as desulfurization facilities for oil or stack-gas scrubbing technology for oil and coal, we do not now have enough to meet the immediate energy needs of the country.

Nor are we currently asked by the administration to undertake a serious answer to such a need. Neither the President's energy message to the Congress of April 18, nor his updated message of June 29, nor even his recent statements from early September, have mentioned any funding for research and development of solar or hydrogen energy. There is only one small sentence alluding to preliminary geothermal exploration in the June statement.

The President does ask, however, that we spend $10 billion over a 5-year period, beginning in fiscal 1975, for the entire gamut of energy research and development. I think that is an absolute minimum. I urge Congress to enact my legislation as part of the spending the President requests, thereby "amending" his apparent intent by insuring these new, clean energy sources are included.

If there is a need beyond a commitment to realizing clean energy sources, it deals with the one unanimous theme that is sounded by both the public and private industry about the Nation's energy policy. That is that there is no organized approach. Rather, we have a patchwork of short-term remedies to continuous crisis that occur with increasing frequency—and which will reoccur indefinitely until we come to grips with long-term solutions. Earlier this month President Nixon again demonstrated this defect by calling for another "temporary" policy to be implemented, one that calls for pumping $100 million into developing cleaner coal and nuclear energy, while paying the price of removing the barriers to air pollution. None of this was earmarked for solar, hydrogen, or geothermal research and development.

But if we are serious about pouring money into developing clean fuels, why not focus on energy sources that are truly clean? Solar, hydrogen, and geothermal energy can provide significant quantities of clean power within a decade if we will speed up their development. And while we all know that oil, gas, and coal are rapidly becoming scarce, these same energy sources represent the only foreseeable infinite sources of clean energy.

I do not raise strong objections to the President's request for funds on coal and nuclear research in and of itself. But it does seem ridiculous to propose only another stopgap program without at least an equal effort for long-range answers. If we begin with a modest undertaking this year, we can avoid having to spend billions and billons of dollars to initiate these same solar energy sources 10 years from now as still another belated reaction to a worsening energy crisis, in an effort to make up for time lost by not starting earlier.

Today we do have a choice: A modest beginning now, or a chaotic and immensely more expensive program later. A decade from now we may not have that choice. So the essential message behind my proposal is to move us into a concerted national effort that has as its goal a real solution to the energy problem, instead of another stopgap answer offered to soothe the people until the next election.

Our current funding for research into solar energy amounts to three-tenths of 1 percent of our total research and development funds, a dismal effort compared to the efforts of the French, the Israelis, the Japanese, the Australians, the Russians, and many others. What could better illustrate the need for serious funding? A microscopic U.S. budget alongside generous foreign research and development spells possible dependence on help from other nations later, if they are willing, and if we can afford their price.

Despite such disappointing lack of administration foresight, private industry and individuals have carried on their own development whenever possible. One of those admirable private efforts, which is deserving of full public support, is being undertaken by individual farmers, rural electric cooperatives and technicians at South Dakota State University in my State. They have adopted a very basic method of collection of the Sun's rays to dry crops. I ask unanimous consent that an article explaining this experiment from the November 1973 edition of the East River Guardian be included in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McGOVERN. Private groups have done an admirable job, but it is plain that only a national effort can eliminate duplication of effort, coordinate the data and follow up with any certainty about what the next steps should logically be.

We now have the technical capability to heat and cool homes and large buildings by solar energy. Indeed, the NSF/NASA solar energy panel contends that—

> Subsequent economic studies have shown that in a wide variety of U.S. climates, solar heating is less expensive than electric heating and in a few locations, it is nearly competitive with gas or oil heating.

The General Services Administration is already accepting the recommendations developed by private engineering consultants, such as Dubin, Mindell & Bloome Associates of New York, for the use of solar energy systems as the least costly approach when projected over the lifetime of the building. We have the capacity to use solar energy to produce and convert organic materials to liquid, solid, and gaseous fuels; for example, hydrogen—or to energy directly. We also know how to generate electricity directly through solar, hydrogen, and geothermal energy. We know these things can be done; what we need to do is to perfect the techniques and make them competitive and practical for general use.

The same NSF/NASA solar energy panel concludes that a substantial development program can achieve results such that solar energy could economically provide up to:

First, 35 percent of the total building heating and cooling load of the United States;

Second, 30 percent of the Nation's gaseous fuel;

Third, 10 percent of the liquid fuel; and

Fourth, 20 percent of the electric energy requirement.

To help develop the potential for solar energy in the heating and cooling of buildings, I am cosponsoring legislation by Senator CRANSTON. His proposal would fund a demonstration project for this specific purpose, and is clearly in order. Senator CRANSTON's legislation is an important step forward in the vital search for alternative clean energy sources.

Solar energy is clean, cheap, and infinite—awaiting only the development of an economical delivery system to serve us. It meets the test of our requirements for future energy; now it requires us to meet the needs of the future by investing the time and money to realize its potential.

In 1970, only 10 percent of the end use of energy in this country took the form of electricity; while the remaining 90 percent was met by direct combustion. By 1985 statistics are expected to show a division of 20 percent electricity and 80 percent combustion or heat. Many sources project that by the year 2000 the breakdown will be 40 percent electric, and 60 percent direct combustion. While nuclear and solar energy can help provide the "heat" we will demand, it seems necessary to also develop a synthetic fuel from a new nonfossil energy source.

Hydrogen is such a fuel, and also fits such needs as being storable, portable, cheaply transportable, stemming from a virtually unlimited source, and burning with little or no harmful pollutants in the air. Hydrogen could thus help to bridge the gap between future demand and a limited supply for our direct combustion sources. Its manufacture requires only water and heat, fitting in well with a solar energy concept. The "burning" of hydrogen returns only water vapor to the air. It can be stored as either a cryogenic liquid or a compressed gas. In short, it offers all of the advantages of natural gas and adds some of its own besides.

Hydrogen is not a new energy source, and its development cannot in and of itself replace fossil fuels or nuclear energy. But it can provide a means for converting such energy supplies into a more convenient form. It would also allow us to retain much of the present "hardware" we now have for our fossil fuels. Hydrogen has been found to be sufficient to meet all demands now being supplied by fossil fuels, including industrial, commercial,

residential, and vehicular power, as well as the local generation of electricity. Transporting hydrogen would be far less expensive than the transmission of electricity since existing natural gas pipelines could be employed with limited modifications. Hydrogen could also be the answer for the greatest difficulty yet to be overcome by electric energy: A means of storing it.

The direct use of hydrogen as a fuel for such things as heating, cooking, transportation, and industrial processing appears technologically possible. The economics look attractive, especially when compared with the long-range alternatives: A totally electric economy, use of marginal remaining fossil fuels, or production of synthetic fossil fuels from limestone or atmospheric carbon dioxide. Derek P. Gregory, Assistant Director of Engineering Research at the Institute of Gas Technology, says:

> It should be possible to produce hydrogen from nuclear or solar heat, and deliver it to its point of use more cheaply than to produce electric energy and deliver that.

Hydrogen has shown that it can be adapted to conventional gasoline engines; as an auto fuel it has no equal for pollution-free burning. But here again what is lacking is research. This fuel source again offers us the possibility of retaining much of our present hardware, this time in the automobile industry, while alleviating the gasoline shortages of the future and eliminating the immense air pollution problem today's engines contribute to so heavily.

The potential use of hydrogen as a fuel and as a storage means hinges critically on the economics of hydrogen production, so this must be the goal of research and development funds. One method seeks to make hydrogen directly from water using the heat of a nuclear or solar reactor to carry out a sequence of chemical reactions. This research, supported by the American Gas Association, shows that such a process would circumvent the need to generate electricity at all. Hydrogen could also be made very easily and cheaply from coal. Mr. Gregory concludes that—

> If we could commit ourselves right now to the use of hydrogen as a universal fuel, we could start immediately by using our large remaining coal deposits to make the hydrogen. The energy industry could make a smooth transition from oil, gas, and coal to shale and nuclear, solar, wind, and tide power without any noticeable effect upon the customer.

The Geothermal Steam Act of 1970 established the development of energy from geothermal areas as a national goal. In so doing, the Congress recognized the multiple possibilities of geothermal power: The production of electricity, desalination of seawater, heating homes, and for refrigeration and air conditioning. The quantities of dissolved minerals present in the hot waters usually associated with this source can be extracted and put to use, thus leaving behind pure distilled water. This legislation will continue our commitment to realize the potential of geothermal power.

Mr. President, I ask each of us to reexamine our own speeches, for I doubt that there is a single Member of this body that has not alluded to the necessity for making decisions now that will make for a better life for the generations that follow. Yet often there is a breakdown between the good intentions and the realization of the act. Let that not be the case with clean energy. For what we are quite literally faced with is a need "to look beyond the end of our nose"—beyond the noxious fumes our current energy system has placed there. Our decision now—in this Congress—can go a long way toward shaping the energy legacy for our children and their children. Will they curse our memory with every breath, or will they remember us for bringing a good intention into reality? This legislation can signal the start toward the realization of the act.

Mr. President, I ask unanimous consent that the text of my bill be included at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2636

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Solar, Hydrogen and Geothermal Energy Act of 1973".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) The Congress hereby finds and declares—

(1) that fossil fuel reserves are finite and though coal resources are estimated to be adequate for two hundred to three hundred years, an 80 per centum depletion of oil reserves has been forecast by 2025 with gas reserves due to be depleted earlier;

(2) that the United States with 6 per centum of the world population is using 35 per centum of the world's energy and mineral production with energy requirements continuing to increase both here and abroad;

(3) that our dependence on oil imports increases annually while the sources of supply become less dependable;

(4) there are recognized hazards associated with the production of nuclear energy;

(5) that fossil fuels cannot be expended solely for the production of energy in the face of growing needs for the production of real goods by a viable petrochemical industry;

(6) that solar energy can be considered as an infinite energy reserve which offers a solution to our long-range energy requirements.

(7) that the development of hydrogen as a clean, storable, portable, and cheaply transportable fuel would complement the use of solar energy; and

(8) that geothermal energy sources are capable of providing substantial energy during a time of growing concern for our energy reserves.

SEC. 3. (a) There is hereby authorized to be appropriated to the National Science Foundation, research applied to national needs, for the fiscal year ending June 30, 1974, for the following areas of research:

(1) solar energy, including wind, solar thermal conversion, photovoltaics, ocean thermal, and photosynthetic production of organic materials, $80,000,000;

(2) Hydrogen energy, $20,000,000;

(3) geothermal energy, $10,000,000.

(b) There is hereby authorized to be appropriated to the National Science Foundation, research applied to national needs, for each of the four fiscal years beginning July 1, 1974, for the following areas of research:

(1) solar energy, as in section 3(a)(1), $400,000,000;

(2) hydrogen energy, $100,000,000;

(3) geothermal energy, $45,000,000.

SEC. 4. (a) There is hereby authorized to be appropriated to the National Science Foundation, research applied to national needs, for the fiscal year ending June 30, 1974, for a feasibility study regarding the establishment of a National Data Bank for Solar, Hydrogen, and Geothermal Energy, $50,000.

EXHIBIT 1

SOLAR "ELECTRIC" CROP DRYING

(By Gene Hexom)

A unique solar "electric" corn drying demonstration project is underway on the Myron Pedersen farm near Arlington.

The project, which involved building a solar heat collector on an 18 ft., 3,000-bushel round steel bin, may be the first of its kind anywhere in the world.

Bill Peterson, extension agricultural engineer at South Dakota State University, Brookings, says, "We know it will work. We want to find out how well it will work."

According to Peterson much work has been done on solar heat collectors for various types of structures, but, to his knowledge, this is the first attempt to build a collector on a round steel bin.

The project is a joint venture between farmer Myron Pedersen, Kingsbury Electric Cooperative, De Smet; East River Electric Power Cooperative, Madison, and South Dakota State University. Several other electric cooperatives in eastern South Dakota are interested in the project and furnished personnel to build the unit which was ready for operation on October 15.

Prior to this the collector was attached to the bin, a drying floor was installed and a 7½ h.p. single phase drying fan with 20 kilowatts of electric resistance heating elements was hooked up.

The solar collector is about 14 ft. high and 32 ft. long and wraps two-thirds of the way around the bin. Building the collector involved attaching three layers of 1x2s horizontally at 2 ft. spacings from the top to the bottom of the bin.

Next, used aluminum press plates were stapled to the 1x2s. The outside surface was painted flat black (black absorbs the most heat) and serves as the heat collector.

Then another three layers of 1x2s were nailed over the plates and a six mil clear polyethelene sheet was stretched over the entire collector surface. Total cost of materials for the collector amounted to $250.

The solar heated air is drawn horizontally around the bin to an air tunnel leading to the fan which pushes it under the drying floor and into the bin.

Peterson is quick to point out that this is strictly a low temperature, low heat drying process. He says that farmer Pedersen may fill the bin in one day with 24 per cent moisture corn if he desires. If the shelled corn is 26 per cent moisture he can fill the bin about two-thirds full, dry this down to at least 24 per cent moisture and then fill the bin. About 30 days will be needed to get the entire 3,000 bushels of corn dried to 15½ per cent moisture for storage.

The basic operation will be to use the solar heat and fan during the day and turn on the electric resistance units at night to continue the drying process. Some resistance heat may have to be used on cloudy, rainy days. Many farmers recall the cloudy, wet November of 1972, when we thought the sun didn't shine much. But, weather data shows we still got 67 per cent of the sun's energy normally available for that month.

On a sunny day the solar collector will deliver one-half million BTUs of heat to the dryer's air stream. Peterson says this may be enough to reduce the cost of heat for drying by one-half.

Iowa farmers using total electric, low temperature drying have been able to dry for four-six cents per bushel. Use of solar heat

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with the electric heat should substantially reduce this cost.

Much interest has been shown in the area and around the United States. Roland Anderson, manager of Kingsbury Electric which serves the Pedersen farm, says that plans are to hold a tour of crop drying installations including the solar unit later this fall.

Larry Green, manager of member services for East River Electric Power Cooperative, Madison, has offered to provide construction details of the solar heat collector to interested persons.

Additional technical information can be obtained in a brochure, "Solar Heat for Drying Shelled Corn," from Bill Peterson, extension agricultural engineer, South Dakota State University, Brookings, S.D. 57006.

By Mr. THURMOND:

S. 2637. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder. Referred to the Committee on Finance.

Mr. THURMOND. Mr. President, I introduce a bill which would remove from title II of the Social Security Act the limitation upon the amount of outside income which an individual may earn while receiving social security benefits.

As the law now stands, social security beneficiaries under the age of 72 have their benefits reduced by $1 for every $2 they earn in excess of $2,100 per year. This is the so-called retirement test or earnings test.

.Mr. President, the reasons which motivated the institution of this test in 1935 are not valid today. The policy of discouraging older workers from working past the arbitrary retirement age of 65 originated during the Depression when it was necessary to increase job opportunities for younger workers. Such a restrictive measure is totally unnecessary in today's high-employment economy.

There can be no doubt as to the natural impact of this limitation. Many older persons are pressured into not working for fear of losing their benefits. As a result of this, a vast pool of valuable skills acquired through years and years of hard, honest work are totally lost to our country.

Mr. President, such a limitation flies in the face of a fact widely accepted by the Federal Government, gerontologists, and others concerned with the health of the elderly. That fact is that the hiring and retention of older workers in all aspects of the economy is very "good medicine" for the elderly. It should be encouraged in every way possible, and removing this limitation is one way to do precisely that.

Mr. President, in my opinion, this aspect of the social security program is illogical and inequitable. Income from investments is not counted in determining whether benefits shall be reduced. Thus, a rich man who has thousands of dollars in dividends and interest coming in every year can sit back and collect his full check every month. On the other hand, the poor man who never had the time, much less the money, to enter the world of investments, and who might need to continue working as a matter of economic survival for himself and his family, cannot work without being subject to this penalty. This is simply not right.

The cry often raises that removal of the retirement income limitation will be too costly. It is my opinion that this answer begs the question. The people who would receive this aid are the same citizens who have worked hard all their lives for their salaries. They have not been on the welfare rolls. The people we are talking about today are the backbone of America—they are the men and women who believe in America and have quietly and loyally contributed their fair share to the social security program all their working lives. To deny them the fruits of their labors now when they need it most is not only illogical but unjust.

Mr. President, let us remove any obstacle which stands in the way of a man or woman who wants to work. Work produces income and income produces tax revenue. Work and activity also prolong and contribute to the good health of our citizens. Removing the retirement income limitation is an equitable and reasonable step.

Mr. President, I urge all my colleagues to carefully consider this measure, and to join me in this effort to bring meaningful reform to the social security system.

By Mr. MAGNUSON (for himself and Mr. COTTON) (by request):

S. 2638. A bill to provide for fire accident data collection, analysis, and dissemination, to assist State and local governments in reducing the incidence of death, personal injury, and property damage from fire, to increase the effectiveness and encourage fire prevention and control at all levels of government, and for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to provide for fire accident data collection, analysis and dissemination, to assist State and local governments in reducing the incidence of death, personal injury, and property damage from fire, to increase the effectiveness and encourage fire prevention and control at all levels of government, and ask unanimous consent that the letter of transmittal, and statement of purpose and need be printed in the RECORD with the text of the bill.

There being no objection, the letter and bill were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF COMMERCE,
Washington, D.C., October 5, 1973.

Hon. SPIRO T. AGNEW,
President of the Senate, U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed are four copies of a draft bill, entitled "Fire Safety and Education Act of 1973," together with a statement of purpose and need in support thereof.

We have been advised by the Office of Management and Budget that there would be no objection to the submission of our draft bill to the Congress and further that enactment of this legislation would be consistent with the Administration's objectives.

Sincerely,

JOHN K. TABOR,
Acting Secretary of Commerce.

STATEMENT OF PURPOSE AND NEED

America's fire losses each year are indeed formidable. Every day some 170 Americans are killed or left permanently disfigured by fire. Every minute there is a fire in an American home. Most fires can be prevented and our citizens safeguarded from unnecessary death, injury and damage to their property.

Recognizing that fire's tragic toll in America must be reduced, the Fire Research and Safety Act of 1968 was enacted by the Congress. Pursuant to that Act the Secretary of Commerce was authorized to conduct a general fire research and safety program and the National Commission on Fire Prevention and Control was established to recommend a Federal fire program.

After two years of intensive hearings and investigations, the Commission, on May 4, 1973, transmitted its report "America Burning" to the President. They found that 12,000 people are killed and tens of thousands of persons are scarred physically and emotionally by fire each year. Additionally, over eleven billion dollars of our resources are wasted by destructive fires. America's loss of life rates are 2½ times greater than those of the United Kingdom and six times greater than those of Japan. Accordingly the Commission's Report recommended increased efforts by the Federal Government to reduce fire losses. The Commission's Report explained that the Federal role should supplement existing state efforts for the sake of a more coherent effort to reduce the Nation's fire losses. They recommended that an entity be created in the Federal Government which could view the fire problem in its entirety, which would direct attention to aspects of the fire problem that have been neglected, and which would serve as the conduit for the inter-governmental cooperation that is needed to combat the Nation's fire problem.

The Commission's Report identified three key fire safety functions to be undertaken by the Federal Government. These are: (1) a training and education program, including a public awareness effort; (2) a national system of fire data and information; and (3) a research and development program.

The proposed act would establish in the Department of Commerce authority to develop and carry out a comprehensive national fire program which would focus on these three key functions.

The Commission's Report pointed out that the fire services and the public need better training and education. Training for firefighters and officers has not been uniform in quality, with effective participation in some areas, and little support in other areas. Better training would improve the effectiveness of fire departments and reduce firefighter injuries.

The educational and training program envisioned by the bill will suplement existing local programs. Among other things, it would provide for specialized and advanced training courses for instructors and other participants in state and local training programs. There will be courses concerning the special hazards of firefighting, prevention programs, inspection programs, public education, and fire safety information programs.

In addition, Americans must be educated about fire safety. Public awareness is integral to reducing fire losses. A public awareness effort will be undertaken to muster a nationwide campaign to make people knowledgeable about fire safety.

The Commission's Report also emphasized that because of the largely local nature of the Nation's fire safety activities, the important area of research and development was being neglected. An objective long-range approach to research and development is clearly needed where the issue of fire safety arises. The bill would provide for appropriate research and development, to reduce fire losses in our Nation.

Finally, the Commission's Report declared a need for a comprehensive national fire data

system which will help establish priorities for research and action. Such a system must, of course, encompass fire incident reports, however, to be effective it should also include in its data base significant results of research and developemnt, such as toxicity data on smoke and gas and flammability of materials. Medical and insurance data should also be incorporated. The bill would include authority to operate an integrated comprehensive fire data program based on collection, analysis, and dissemination of fire information related to the prevention, occurrence, control and results of fires of all types. It will serve as a data reservoir from which those concerned with fire problems can obtain information regarding such matters as the direct and contributing causes of fire, the potential hazard of various materials or practices, and the ways in which the victims of fire are affected. With better identification of fire problems, better understanding of fire incidents, and better analysis of hazards, such as toxic gas and smoke, more effective programs and priorities could be established and appropriate decisions could be reached to help reduce the ever present danger of fires.

The three functions, a training and education program, including a public awareness effort, a national system of fire data and information, and a research and development program, are interdependent and effective coordination requires a system management approach.

To hasten the achievement of the development of this comprehensive national fire program and to avoid duplication of effort, the Secretary is also directed to coordinate and review existing and future Federal fire programs; identify and make recommendations concerning duplicative, competing and inefficient Federal programs; encourage Federal interagency transfer of the fire technology; and encourage existing and future fire development programs in the State and local government and private sectors.

In developing a national fire plan, the bill would establish a Fire Safety Advisory Council composed of 15 members from government agencies, fire services and fire industries, and the general public. Members representing the general public could be representatives of equipment manufacturers, fire protection engineers, insurance organizations, building designers, and the general public. The main function of the Council would be to assist the Secretary in carrying out his functions and responsibilities.

The bill also makes provision for the establishment of such positions as are necessary to carry out its provisions, with one position at a level not in excess of Level V of the Executive Schedule.

The bill would authorize the appropriation of such sums as may be necessary to carry out its provisions. The appropriations would be available for obligation and expenditure for such periods as specified in the Act making such appropriations.

S. 2638

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Fire Safety and Education Act of 1973".

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that—

(1) destructive fires result in an unacceptable number of deaths, injuries, and property losses in the United States;

(2) the state-of-the-art in firefighting and in protecting persons and property from combustion hazards, requires additional research and development in the area of fire safety;

(3) there is a need for professional training and education primarily oriented toward improving the effectiveness of fire departments, developing leadership for fire prevention and reducing firefighter injuries;

(4) there is a need for a national fire data collection, analysis and dissemination system to establish priorities for research and action; and

(5) the Federal Government's role in fire research and development, information collection and dissemination, and education must be further strengthened in order that the effectiveness of the Nation's dedicated firefighting forces may be increased.

(b) The purposes of this Act are—

(1) to protect the public against unreasonable risks of death, injury, and property loss associated with fire accidents;

(2) to provide training and education beyond the basic training received by firefighters, including public awareness efforts;

(3) to establish a centralized program of research and development for fire safety; and

(4) to establish an integrated and comprehensive fire data system.

FUNCTIONS OF THE SECRETARY

SEC. 3. The Secretary of Commerce (hereinafter referred to as the "Secretary") is authorized to undertake the following functions:

(1) to develop and carry out a comprehensive national fire research and development program designed to determine the causes and nature of fires, their frequency of occurrence, and other pertinent factors, and develop more effective measures of protection against the hazards of death, injury and damage to property resulting from fire;

(2) to develop and carry out educational and training programs in fire safety, including public awareness efforts; and

(3) to develop and carry out a comprehensive fire data and information program.

FIRE RESEARCH AND DEVELOPMENT PROGRAM

SEC. 4. The Secretary is authorized to conduct directly or through contracts—

(a) a program of basic and applied fire research for the purpose of arriving at an understanding of the fundamental processes underlying all aspects of fire. Such program shall include scientific investigations of—

(1) the physics and chemistry of combustion processes;

(2) the dynamics of flame ignition, flame spread, and flame extinguishment;

(3) the composition of combustion products developed by various sources and under various environmental conditions;

(4) the early stages of fires of buildings, building subsystems, and building components with the aim of improving early detection capability;

(5) the behavior of fires involving all types of buildings and their contents, including mobile homes and high-rise buildings, construction materials, floor and wall coverings, coatings, furnishings, and other combustible materials;

(6) the unique aspects of fire hazards arising from the transportation and use in industrial and professional practices of combustible gases, fluids, and materials;

(7) development of design concepts for providing increased fire safety in buildings; and

(8) such other aspects of the fire process as are deemed useful for pursuing the objective of the fire research program.

(b) research into the biological, physiological, and psychological factors affecting the human victims of fire and the performance of the individual members of fire protection forces.

(c) studies of the operations and management aspects of fire departments and services using quantitive techniques, including operations research, management economics, cost effectiveness studies, and such other techniques as are found applicable and useful. Such studies shall include, but not be limited to, the allocation of resources, the manner of responding to alarms, the operation of citywide and regional fire dispatch centers, and the effectiveness, frequency, and methods of building inspections.

(d) Operation tests, demonstration projects, and fire investigations are hereby authorized to be performed in the conduct and support of the activities set forth in this section.

FIRE DETECTION PROGRAM

SEC. 5. The Secretary is authorized to—

(a) operate directly or through contracts an integrated comprehensive fire data program based on the collection, analysis, publication, and dissemination of fire information related to the prevention, occurrence, control and results of fires of all types. The program shall be designed to provide an accurate national picture of the fire problem, identify major problem areas and assist in setting priorities, determine possible solutions to problems, and monitor progress of programs to reduce fire losses. To carry out these functions, the program shall include—

(1) information on the frequency, causes, spread, and extinguishment of fires;

(2) information on the number of injuries and deaths resulting from fires including the maximum available information on the specific causes and nature of such injuries and deaths, and information on property losses;

(3) information on the occupational hazards of firemen including the causes of death and injury to firemen arising directly and indirectly from firefighting activities;

(4) information on all types of fire prevention activities including inspection practices;

(5) technical information related to building construction, fire properties of materials, and other similar information; and

(6) such other information and data as is judged useful and applicable.

(b) In the conduct of the comprehensive fire data and information program the Secretary is authorized to develop standardized data reporting methods and to encourage and assist State, local, and other agencies, public and private, in developing and reporting information.

(c) In the conduct of the comprehensive fire data and information program the Secretary is authorized to make full use of existing data gathering and analysis organizations, both public and private.

(d) The Secretary shall insure dissemination of such fire data to the maximum extent.

PROFESSIONAL FIRE TRAINING AND EDUCATION PROGRAM

SEC. 6. (a) The Secretary is authorized to establish and conduct either directly or through contracts or grants as provided by Section 11 a professional fire training and education program to—

(1) advance the professional development of fire service personnel;

(2) assist in conducting or supplementing, at the request of a State or unit of local government, local and regional programs for the training of fire personnel;

(3) develop model fire training and educational programs, curricula, and information materials;

(4) develop new or improved approaches, techniques, systems, equipment, and devices to improve fire prevention and control;

(5) conduct such development, testing, and demonstration projects as are deemed necessary to introduce new technology standards, operating methods, command techniques, and management systems into use in the fire services; and

(6) provide, establish, and support specialized and advanced education and training programs and facilities for fire service personnel.

(b) Any central facility established by the Secretary to conduct the fire training and education program authorized by this section shall be located on a site in or near the District of Columbia.

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COORDINATION OF FIRE PROGRAMS

SEC. 7. The Secretary shall, so as to hasten the achievement of the purposes of this Act and to avoid duplication of effort:

(a) coordinate and review existing and future Federal interagency research and development programs, fire data programs, and fire training and education programs;

(b) identify competing, overlapping, duplicative or inefficient programs, and make recommendations to appropriate agency officials and to the Director of the Office of Management and Budget concerning the scope and funding of fire programs;

(c) encourage Federal interagency transfer of fire technology; and

(d) encourage existing and future fire development programs in the State and local government and in the academic and private industry sectors.

PUBLIC AWARENESS EFFORTS

SEC. 8. The Secretary is authorized directly or by contract in cooperation and coordination with interested government agencies, fire services and industries, and appropriate fire service organizations, to carry out a program to educate the public as to fire safety.

FIRE SAFETY ADVISORY COUNCIL

SEC. 9. (a) The Secretary shall establish a Fire Safety Advisory Council which he may consult before taking any action under this Act. The Council shall be appointed by the Secretary and shall be composed of fifteen members. The Council shall be constituted as follows:

(1) five members shall be selected from governmental agencies, other than fire services or fire industries, including Federal, State, and local governments;

(2) five members shall be selected from the fire services and fire industries;

(3) five members shall be selected who shall be broadly representative of the general public.

(b) The Council shall meet at the call of the Secretary, but not less than two times during each calendar year. All proceedings of the Council shall be public, and a record of each proceeding shall be available for public inspection.

(c) Members of the Council who are not officers or employees of the United States shall, while attending meetings or conferences of the Council or while otherwise engaged in the business of the Council, be entitled to receive compensation at a rate fixed by the Secretary, not exceeding the daily equivalent of the annual rate of basic pay in effect for grade GS–18 of the General Schedule, including travel time; and while away from their homes or regular places of business they may be allowed travel expenses, include per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code. Payments under this subsection shall not render members of the Council officers or employees of the United States for any purpose.

ADMINISTRATIVE PROVISIONS

SEC. 10. (a) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act. Appropriations to carry out the provisions of this Act may remain available for obligation and expenditure for such period or periods as may be specified in the Acts making such appropriations.

(b) Within the limits of funds which are appropriated to carry out this Act, the Secretary is authorized to undertake such construction of buildings, grounds, and other facilities occupied or used in performance of the functions and activities authorized by this Act as are necessary for the proper and efficient conduct of those functions and activities: *Provided*, That no improvement shall be made nor shall any building be constructed under this authority at a cost in excess of $100,000 unless specific provision is made therefor in the appropriation concerned.

SEC. 11. The Secretary may perform the functions authorized by the Act either directly or through contracts. Grants may be made by the Secretary only to State and local governments, other non-Federal public agencies, and nonprofit institutions for travel, lodging, and subsistence to perform the functions authorized by section 6. Any grant made in the performance of such functions may be in an amount up to 100 per centum of the total cost of the activities for which such grant is made.

a. Each recipient of moneys under such a grant or contract awarded pursuant to this section shall keep such records and make such reports as the Secretary may prescribe, including information on the total cost of the approved program and the portion of the cost which is supplied by other sources. In the case of moneys received in advance of performance, such records and reports shall identify the unearned balance of advances on hand, the liabilities and obligations outstanding under such grant or contract, and the application of the funds received.

b. The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the recipient that are pertinent to its activities under this Act for the purpose of audit or to determine whether a proposed activity is in the public interest.

SEC. 12. Payments under this Act to foster fire safety may be made in installments, and in advance or by way of reimbursement, as may be determined by the Secretary, and may be used to pay the transportation and subsistence expenses of persons attending conferences or other assemblages notwithstanding the provisions of the Joint Resolution entitled, "Joint Resolution to prohibit expenditure of any moneys for housing, feeding, or transporting conventions or meetings."

SEC. 13. The Secretary is authorized to establish such positions as are necessary to carry out the provisions of this Act and may fix the rate of pay of one position at a level not in excess of Level V of the Executive Schedule.

SEC. 14. Title I of the Fire Research and Safety Act of 1968 (Act of March 1, 1968, 82 Stat. 34; 15 U.S.C. 278f and g), is hereby repealed.

By Mr. JACKSON:

S. 2639. A bill to amend the Maritime Academy Act of 1958 in order to authorize the Secretary of the Navy to appoint students at State maritime academies and colleges as reserve midshipmen in the U.S. Navy, and for other purposes. Referred to the Committee on Armed Services.

Mr. JACKSON. Mr. President, today I am introducing legislation to amend the Maritime Academy Act of 1958 to authorize the Secretary of the Navy to appoint students at State maritime academies and colleges as reserve midshipmen in the U.S. Navy.

This legislation was favorably considered during the last session of Congress by the House of Representatives and was referred to the Senate. However, the bill came to the Senate late in the session and no action was taken by the Senate because of time constraints.

Along with this legislation, I would like to submit a copy of a favorable departmental report on this bill which was submitted to Chairman HÉBERT of the House Armed Services Committee in June of this year by Rear Adm. E. K. Snyder, Chief of Legislative Affairs, U.S. Navy. I would also like to submit copies of the favorable testimony on this legislation given before the House Armed Services Committee during the last session by Rear Adm. J. B. Johnson, Assistant Deputy Chief of Naval Operations for Naval Reserve and by the Honorable Henry F. Sickinger, Office of Maritime Manpower, Maritime Administration.

I would hope that this legislation will be given the serious consideration of the Senate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE NAVY,
Washintgon, D.C., June 20, 1973.

Hon. F. EDWARD HÉBERT,
Chairman, Committee on Armed Services, Washington, D.C.

DEAR MR. CHAIRMAN: Your request for comment on H.R. 2776, a bill "To amend the Maritime Academy Act of 1958 in order to authorize the Secretary of the Navy to appoint students at State maritime academies and colleges as Reserve Midshipmen in the United States Navy, and for other purposes," has been assigned to this Department by the Secretary of Defense for preparation of a report expressing the views of the Department of Defense.

S. 2776 would provide authority for the Secretary of the Navy to appoint students appointed to any maritime academy or college which is assisted under the provisions of the Maritime Academy Act of 1958 as Reserve Midshipmen in the United States Navy and authorizes them to be commissioned as Reserve ensigns in the U.S. Navy upon their graduation from the academy or college. This would provide equal treatment for students of the State maritime academies as that now provided by 46 U.S.C. 1126(b) (3) for students at the U.S. Merchant Marine Academy. The Department of the Navy, on behalf of the Department of Defense supports H.R. 2776.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report on H.R. 2776 for the consideration of the Committee.

For the Secretary of the Navy.

Sincerely yours,

E. K. SNYDER,
Rear Admiral USN,
Chief of Legislative Affairs.

STATEMENT OF REAR ADM. J. B. JOHNSON, ASSISTANT DEPUTY CHIEF OF NAVAL OPERATIONS FOR NAVAL RESERVE

Admiral JOHNSON. We do indeed welcome the opportunity to testify on this bill. The purpose of the proposed legislation is to enable the Secretary of the Navy to appoint students appointed to any maritime academy or college which is assisted under the provisions of the Maritime Academy Act of 1958 as Reserve midshipmen in the U.S. Navy and to appoint them as Reserve ensigns in the U.S. Navy upon their graduation from the academy or college.

This would provide equal treatment for students of the State maritime academies as that now provided by 46 U.S.C. 1126 for students at the U.S. Merchant Marine Academy.

Prior to passage of Public Law 92–129 on September 28, 1971, students enrolled at State maritime academies received draft exemption status under the provisions of the Selective Service Act of 1967. If the State maritime academies were receiving assistance under the Maritime Academy Act of 1958, the students enrolled in the program were required to take naval science courses and agreed to accept a U.S. Naval Reserve commission, if tendered, upon graduation. However, the passage of Public Law 92–129 removed the draft exemption for such students along with other college students.

The proposed legislation would permit State maritime academy or college students to affiliate with the U.S. Naval Reserve as midshipmen and thus receive draft exempt status under section 6(a)(1) of the Military Selective Service Act (50 U.S.C.A. app. 456(a)(1)) thereby permitting them to complete their education. Upon graduation, midshipmen would be commissioned in the Naval Reserve and given the option of serving on active duty with the Navy or sailing on their licenses with the merchant marines.

There are presently six State maritime academies receiving assistance under the Maritime Academy Act of 1958. These schools supply approximately 350 commissioned officers in the Naval Reserve each year. The schools, their location and average enrollment are:

Great Lakes Maritime Academy, Traverse City, Mich., 73 students.

Texas Maritime Academy of the Texas A. & M. University, Galveston, Tex., 90 students.

California Maritime Academy, Vallejo, Calif., 225 students.

Maine Maritime Academy, Castine, Maine, 560 students.

Massachusetts Maritime College, Buzzards Bay, Mass., 425 students.

State University of New York State Maritime College, Fort Schuyler, N.Y., 748 students.

These schools under the Maritime Academy Act of 1958 may receive assistance from the Federal Government for maintenance and support of the schools not to exceed $75,000 that must be matched by State aid. Students enrolled in the schools may receive up to $600 per academic year for uniforms, textbooks, and subsistence.

It is anticipated that approximately 1,000 students from these schools will apply and be processed annually if the legislation is enacted at a minimal annual cost of approximately $25,000. The cost will not result in increased budgetary requirements for the Department of Defense.

At this point I would like to supply for the record a brief history of Navy programs to commission merchant marine academy graduates in the Naval Reserve.

I think this is quite interesting. It is a long and tumultuous sort of history.

You will note that these programs date back to 1928 and have been of great assistance to the U.S. Navy and the merchant marines.

The Department of Defense urges your favorable consideration of this legislation. Its enactment will enable young men enrolled in State maritime academies and colleges to complete their education without interruption and will result in increased numbers of well-qualified officers for the naval and merchant marine services.

However, there are certain technical corrections to the bill that we would recommend. Since the authority to appoint Reserve commissioned officers in the Navy rests with the President alone under section 593(a) of title 10, United States Code, it is recommended that the proposed new section be reworded to avoid the appearance that this bill gives such appointment power to the Secretary of the Navy.

The proposed new section, if revised as suggested, would read as follows:

"SEC. 11. Students appointed to any maritime academy or college which is assisted under any provisions of this Act may be appointed by the Secretary of the Navy as Reserve midshipmen in the U.S. Navy and may be commissioned as Reserve ensigns in the U.S. Navy upon graduation from the academy or college."

Since we are unaware of any benefits that could be derived by making this act retroactive, it is recommended that section 2 of the bill on lines 8 and 9 of page 2 be stricken from the bill. If the committee has no objection, we have prepared a draft of substitute language that could be inserted after the enacting clause:

"That the Maritime Academy Act of 1958 (46 U.S.C. 1381 et seq.) is amended by adding the following new section:"

" 'RESERVE STATUS OF STUDENTS

" 'SEC. 11. Students appointed to any maritime academy or college which is assisted under any provisions of this Act may be appointed by the Secretary of the Navy as Reserve midshipmen in the United States Navy and may be commissioned as Reserve ensigns in the United States Navy upon graduation from the academy or college.' "

(The following was received for the record:)

"BRIEF HISTORY OF PROGRAMS TO COMMISSION MERCHANT MARINE ACADEMIES' GRADUATES

"During 1928, an intensive program was inaugurated for the building up of the Merchant Marine Reserve which had become depleted in numbers after the close of World War I. Naval Reserve officers with experience in the shipping industry were assigned to active duty in the larger port cities and devoted their entire time to this program.

"As an additional source of Merchant Marine Reserve officer procurement, the appointive grade of Cadet, Merchant Marine Reserve, was established by law during 1938. Appointments were made to this grade from students of State Maritime academies, and from cadet officers, U.S. Maritime Commission. Students were given six months subsequent to graduation in which to obtain appropriate licenses in the U.S. Merchant Service in order to qualify as commissioned officers in the Merchant Marine Reserve; otherwise, they were discharged.

"In June of 1941, the Secretary of the Navy established a classification of Midshipmen, Merchant Marine Reserve in accordance with the Naval Reserve Act of 1938. Accordingly, the Secretary of the Navy authorized the Chief of the Bureau of Naval Personnel to appoint as Midshipman, Merchant Marine Reserve, all cadets, Merchant Marine Reserve, serving in vessels taken over by the Navy and who volunteer for active duty.

"In August of 1942, all Cadets, Merchant Marine Reserve, were appointed Midshipman, Merchant Marine Reserve, and all cadets thereafter in the U.S. Merchant Marine Cadet Corps and State Maritime Academies were appointed as Midshipman, Merchant Marine Reserve instead of Cadets, in order to insure that cadets trained at government expense for service at sea would be required to serve in the Merchant Marine or on active duty in the Navy.

"During the period from 1945 to 1 January 1953, the Merchant Marine Midshipman Program was operated on much the same basis as the latter years of World War II except in the area of active duty requirements.

"Commencing in July 1947 until May of 1950, an annual quota of from 100–300 could apply for one year's active duty.

"On 1 May 1950, the Navy offered one year's active duty to one-half of the 1950 graduating class.

"In 1951, 1952, 1953, and up until 10 May 1954, graduates of the Maritime Academies who were commissioned could apply for active duty and were normally brought on active duty.

"In May 1954, active duty for graduating Merchant Marine Midshipmen was discontinued unless the officer faced imminent induction and he requested active duty.

"As indicated, the appointive power to appoint Merchant Marine Midshipmen resided in the Secretary of the Navy by virtue of the Naval Reserve Act of 1938; however, this Act was repealed in part by the Armed Forces Reserve Act of 1952, which withdraws recognition of Merchant Marine Midshipmen as such. On 20 May 1954, the Judge Advocate General rendered an opinion to the effect that there has been no legal authority for such appointments since 1 January 1953, when the Armed Forces Reserve Act of 1952 became effective. However, all Merchant Marine Midshipmen appointed prior to 1 January 1953 were considered valid because of the saving clause in the Armed Forces Reserve Act of 1952.

"At the urgent request of representatives of the four State schools and the Maritime Administration, the Navy undertook a review of the program at this time to determine whether any assistance could be given to protect the students from selective service by continuing to give them a military status as students. As a stop-gap measure, solely to provide a solution until legislative relief could be sought by the Commerce Department, the Navy agreed to appoint the cadets as Officer Candidates (Merchant Marine). This assured their being able to complete their studies, but it required that the Navy call them to active duty on graduation—a situation not desired by the Navy, which faced a consequent disruption of other sources of active duty officers since only so many billets were available, nor by the Department of Commerce, which properly wanted the graduates in the Merchant Marine. Initially, the OC(MM) program was to have covered only students enrolling in 1954, but when legislative relief was not forthcoming the Navy extended the program to 1955, at the repeated urgent request of the Maritime Administration.

"Legislation (S. 1748) was introduced in 1955 and 1956 designed to permit the Navy to appoint the students as Midshipmen, USNR. The Navy initially supported the legislation. Passage of the Reserve Forces Act of 1955, effective 10 August 1955, however, resulted in a policy determination by the Assistant Secretary of Defense on 17 February 1956 which stated in part: "Consistent with the intent of the . . . Act . . . the Department of Defense is opposed to any student exemption which does not lead directly to active duty with the Armed Forces upon graduation and commissioning." In view of the fact that this DOD policy would make it mandatory for the Navy to call these students to active duty, an eventuality desired neither by the Navy nor Maritime Administration, the Navy withdrew its support.

"In 1956, the Navy and Maritime Commission mutually agreed on the matter of Commission for Academy graduates.

"a. The Navy would continue to support training at the academies by providing instruction in Naval Science.

"b. The Navy would commission graduates in the inactive reserve if they were employed at sea, contingent on their remaining at sea for three years.

"c. The Navy would commission and call to active duty those who could not find employment at sea, if billets were unavailable.

"d. Those who want active duty could request it, the determination of availability of billets in each case to be made by the Navy.

"*1956–62*—The policy established between the Maritime Commission and the Navy had this effect during this period:

"a. The Navy never implemented the three-year requirement.

"b. The policy made it possible for a Merchant Marine graduate to receive an inactive Reserve commission, not sail in the Merchant Marine, return to the beach and be immune from the draft; for a very few that are caught

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by the draft, the Navy would order to active duty because at the time we needed his services.

"May 1, 1962—The Naval Reserve Evaluation Board under VADM Felix Johnson made several recommendations to reestablish the Merchant Marine Program on a sound basis.

"Since the Reserve Forces Act of 1955 abolished the Midshipman Merchant Marine USNR status, this program was in a state of limbo until 1964. However, the Navy maintained its relationship with the Academies. By security check and physical examination incident to eventual commission on graduation. In March 1964, discussion between the Under Secretary of the Navy and the Under Secretary of Commerce led to the administrative establishment of a Midshipman USNR program at the U.S. Merchant Marine Academy. This program was implemented by BUPERS letter in August of 1964. The class which entered in 1964 was the first class screened by BUPERS for Midshipman USNR status.

"The program as implemented provided that:

"a. The Navy will screen applicants for appointment to Midshipman USNR status on the basis of physical qualifications, security clearance, and character.

"b. Midshipmen will be deferred under the UMTS in a 1–D classification.

"c. Commissioned USNR officers must agree to and sail on their license for three years or enter on active duty for three years in order to retain their USNR commission.

"Incident to implementation of this program, a conference was held at the Maritime Administrator's office between BUPERS representatives and Mr. Fay and Mr. Brady of the Office of Personnel Management of the U.S. Maritime Administration. Among other items agreed to, it was specifically agreed that cases might arise in which young men, in spite of having clear National Agency checks, have past records which indicate conduct and character not applicable for an Officer Candidate Program of the Navy. These persons would not be appointed Midshipman USNR.

"Prior to 1969, the sailing time required each year was eight months in length. In a letter signed by Mr. Robert Blackwell on 3 July 1969, it was requested that the sailing time requirement each year be reduced to six months. This request was premised on the requirement that steamship company training plans call for potential management employees to divide their time equally between sea and shore training and the union requirement that available employment be shared equally. As a result of this requirement, the Chief of Naval Personnel promulgated information which reduced the sailing time to six months retroactively beginning with the Class of 1967.

"In June 1970, a meeting was held with ASN (M&RA), BUPERS representatives and the Maritime Administration. In light of the apparent reduction of sea-going billets, all graduates from the Maritime academies since 1968 have been given four options in order to fulfill their military obligation. These options are as follows:

"a. Sail on license at sea for no less than six (6) months each year, for three consecutive years immediately following acceptance of commission; or

"b. Sail on license at sea for not less than four (4) months each year, for four consecutive years immediately following acceptance of commission; or

"c. Apply for and serve on active duty for training on board a Navy ship for a minimum period of thirty (30) consecutive days each year, for a period of three consecutive years immediately following acceptance of commission; or

"d. Apply for and serve on full time active duty in the Naval Service for three consecutive years.

"Graduates of the Maritime Academies may utilize any combination of these options to fulfill their Naval Reserve military obligation."

Admiral JOHNSON. This concludes my prepared statement. I appreciate the privilege of presenting it to this committee. If there are any questions, I shall be happy to try to answer them at this time.

We welcome into the Navy these graduates of these fine maritime academies and we welcome the legislation.

STATEMENT OF HON. HENRY F. SICKINGER, OFFICE OF MARITIME MANPOWER, MARITIME ADMINISTRATION

Mr. SICKINGER. Thank you, Mr. Chairman.

I appreciate this opportunity to appear before the committee and testify with respect to H.R. 12801, a bill to amend the Maritime Academy Act of 1958, in order to authorize the Secretary of the Navy to appoint students at State maritime academies and colleges as Reserve midshipmen in the U.S. Navy, and four other identical bills.

The Maritime Academy Act of 1958, authorizes the Secretary of Commerce to furnish certain aid to the States and territories in the operation and maintenance of maritime academies or colleges which meet the requirements of the act, for the training of merchant marine officers. This aid consists of:

(1) Furnishing a training vessel.

(2) Making payments not in excess of $75,000 per year for the maintenance and support of each academy or college.

(3) Making payments not in excess of $600 per student per year to assist in defraying the cost of uniforms, books, and subsistence.

To obtain this assistance, each State academy must provide courses of instruction in navigation and marine engineering, including steam and diesel propulsion, and courses in atomic or nuclear propulsion as soon as practical and possible.

In addition each State academy must agree to conform to such standards in such courses, in training facilities, in entrance requirements, and in instructors as are required by the Secretary of Commerce after consultation with superintendents of maritime academies and colleges in the United States.

At present there are six State maritime academies, all of which receive aid under this act. These academies are those of the States of California, Maine, Massachusetts, Michigan, New York, and Texas.

H.R. 12801 would amend the Maritime Academy Act of 1958, to authorize the Secretary of the Navy to appoint students at any State maritime academy that is assisted under that act, as Reserve midshipmen in the U.S. Navy, and to commission such students as Reserve ensigns upon their graduation.

The Secretary of the Navy now has such authority under section 216(b)(3) of the Merchant Marine Act, 1936, with respect to cadets at the U.S. Merchant Marine Academy. H.R. 12801 would give equal treatment to the State maritime academies in this respect to the treatment now given to the U.S. Merchant Marine Academy, and we therefore recommend its enactment.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 41

At the request of Mr. DOLE, the Senator from Alabama (Mr. ALLEN) was added as a cosponsor of S. 41, a bill to designate November 11 of each year as Veterans Day and to make each day a legal public holiday.

S. 482

At the request of Mr. TAFT, the Senator from Tennessee (Mr. BROCK) was added as a cosponsor of S. 482, a bill to amend the Internal Revenue Code of 1954 to allow an income tax credit for the costs of maintaining the exterior appearance and structural soundness of certain historic buildings and structures.

S. 483

At the request of Mr. TAFT, the Senator from Tennessee (Mr. BROCK) was added as a cosponsor of S. 483, a bill to amend the act of October 15, 1966, relating to the preservation of certain historic properties in the United States.

S. 650

At the request of Mr. PACKWOOD, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor of S. 650, a proposal to equalize the tax rates imposed on unmarried individuals.

S. 895

At the request of Mr. THURMOND, the Senator from Kansas (Mr. DOLE) was added as a cosponsor of S. 895, a bill to require a health warning on the labels of bottles containing certain alcoholic beverages.

S. 1388

At the request of Mr. TALMADGE, the Senator from Ohio (Mr. SAXBE) was added as a cosponsor of S. 1388, a bill to authorize the Secretary of Agriculture to encourage and assist the several States in carrying out a program of animal health research.

S. 1708

At the request of Mr. CRANSTON, the Senator from Oklahoma (Mr. BARTLETT) was added as a cosponsor of S. 1708, a bill to amend title X of the Public Health Service Act to extend appropriations authorizations for 3 fiscal years and to revise and improve authorities in such title for family planning services programs, planning, training, and public information activities, and population research.

S. 1769

At the request of Mr. MANSFIELD (on behalf of Mr. MAGNUSON) the Senator from Alaska (Mr. GRAVEL) was added as a cosponsor to S. 1769, a bill to establish a U.S. Fire Administration and a National Fire Academy in the Department of Housing and Urban Development, to assist State and local governments in reducing the incidence of death, personal injury, and property damage from fire, to increase the effectiveness and coordination of fire prevention and control agencies at all levels of government, and for other purposes.

S. 2069

At the request of Mr. EAGLETON, the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 2069, the National Reading Improvement Act.

S. 2217

At the request of Mr. BAKER, the Senator from Florida (Mr. GURNEY) and the Senator from Alaska (Mr. GRAVEL) were added as cosponsors of S. 2217, a bill to provide for improvement in the treatment of animals in air transportation.

S. 2279

At the request of Mr. HATFIELD, the Senator from Oregon (Mr. PACKWOOD) was added as a cosponsor of S. 2279, a

bill for the relief of certain Korean orphans.

S. 2445

At the request of Mr. MCINTYRE, the Senator from South Dakota (Mr. ABOUREZK) was added as a cosponsor of S. 2445, a bill to amend the provisions of the Social Security Act to consolidate the reporting of wages by employers for income tax withholding and old-age, survivors, and disability insurance purposes, and for other purposes.

S. 2497

At the request of Mr. BAKER, the Senator from Kentucky (Mr. COOK), the Senator from Indiana (Mr. BAYH), the Senator from Virginia (Mr. WILLIAM L. SCOTT), the Senator from Nevada (Mr. BIBLE), the Senator from Iowa (Mr. HUGHES), the Senator from Utah (Mr. MOSS), the Senator from Kansas (Mr. DOLE), the Senator from New Jersey (Mr. CASE), the Senator from California (Mr. CRANSTON), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Alaska (Mr. STEVENS), and the Senator from California (Mr. TUNNEY) were added as cosponsors of S. 2497, to require the Librarian of Congress to establish and maintain a library of television and radio programs, and for other purposes.

S. 2501

At the request of Mr. TUNNEY, the Senator from North Dakota (Mr. YOUNG) and the Senator from Ohio (Mr. TAFT) were added as cosponsors of S. 2501, the Motor Vehicle Disposal Assistance Act of 1973.

S. 2506

At the request of Mr. MANSFIELD (on behalf of Mr. MAGNUSON) the Senator from Nevada (Mr. CANNON) was added as a cosponsor of S. 2506, a bill to amend the Natural Gas Act to secure adequate and reliable supplies of natural gas and oil at the lowest reasonable cost to the consumer, and for other purposes.

S. 2513

At the request of Mr. RIBICOFF, the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of S. 2513, the Catastrophic Health Insurance and Medical Assistance Reform Act of 1973.

S. 2522

At the request of Mr. BELLMON, the Senator from Utah (Mr. BENNETT), the Senator from Nebraska (Mr. CURTIS), the Senator from Kansas (Mr. DOLE), and the Senator from Wyoming (Mr. HANSEN) were added as cosponsors of S. 2522, a bill relating to the safety of animals being exported.

S. 2527

At the request of Mr. MONTOYA, the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2527, a bill to provide for the construction of a Veterans' Administration hospital in the city of Albuquerque, N. Mex.

S. 2528

At the request of Mr. PACKWOOD, the Senator from Colorado (Mr. DOMINICK) was added as a cosponsor of S. 2528, the Social Services Amendments of 1973.

S. 2531

At the request of Mr. CHILES, the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2531, a bill to amend title II of the Water Pollution Control Act Amendments of 1972.

S. 2531

At the request of Mr. GURNEY, the Senator from Illinois (Mr. STEVENSON) was added as a cosponsor of S. 2531, a bill to amend the Federal Water Pollution Control Act Amendments of 1972, so as to ensure that eligibility for reimbursement funds under that act is extended to those projects which were started after January 1, 1973.

S. 2536

At the request of Mr. INOUYE, the Senator from Tennessee (Mr. BAKER) was added as a cosponsor of S. 2536, the National Tourism Act of 1973.

S. 2581

At the request of Mr. RANDOLPH, the Senator from Utah (Mr. MOSS), the Senator from Indiana (Mr. BAYH), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Dakota (Mr. YOUNG), the Senator from Nebraska (Mr. CURTIS), the Senator from Michigan (Mr. GRIFFIN), the Senator from South Dakota (Mr. ABOUREZK), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. MONDALE), the Senator from Indiana (Mr. HARTKE), the Senator from Kansas (Mr. DOLE), the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT), and the Senator from Iowa (Mr. HUGHES) were added as cosponsors of S. 2581, a bill to amend the Randolph-Sheppard Act for the Blind to provide for a strengthening of the program authorized thereunder, and other purposes.

S. 2599

At the request of Mr. HATFIELD, the Senator from Nebraska (Mr. CURTIS), the Senator from Kentucky (Mr. COOK), and the Senator from Oklahoma (Mr. BARTLETT) were added as cosponsors of S. 2599, to repeal the Economic Stabilization Act.

S. 2600

At the request of Mr. CHILES, the Senator from Colorado (Mr. HASKELL) was added as a cosponsor of S. 2600, a bill to provide for the appointment of an independent special prosecutor to prosecute certain investigations into criminal activities.

S. 2603

At the request of Mr. STEVENSON, the Senator from South Dakota (Mr. ABOUREZK), the Senator from New Jersey (Mr. CASE), the Senator from Iowa (Mr. CLARK), the Senator from Michigan (Mr. HART), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Minnesota (Mr. MONDALE), the Senator from Utah (Mr. MOSS), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Connecticut (Mr. RIBICOFF) were added as cosponsors of S. 2603, a bill to provide for the continuation of an independent investigation of certain activities by high officials.

S. 2611

At the request of Mr. BAYH, the Senator from Montana (Mr. MANSFIELD) and the Senator from Vermont (Mr. STAFFORD) were added as cosponsors of S. 2611, to insure the enforcement of the criminal laws and the due administration of justice; establish an independent special prosecutor.

S.J. RES. 142

At the request of Mr. CURTIS, the Senator from Oklahoma (Mr. BARTLETT) was added as a cosponsor of Senate Joint Resolution 142, proposing an amendment to the Constitution of the United States relative to the balancing of the budget.

REFERRAL OF SENATE RESOLUTION 189, TO URGE THE CONTINUED TRANSFER TO ISRAEL OF PHANTOM AIRCRAFT AND OTHER EQUIPMENT

Mr. HUMPHREY. Mr. President, I ask that a resolution I have lying at the desk, Senate Resolution 189, be appropriately referred.

The PRESIDING OFFICER. The resolution is referred to the Committee on Armed Forces.

The cosponsors and resolution follow:

LIST OF COSPONSORS

Mr. Humphrey for himself and
Mr. Jackson
Mr. Ribicoff
Mr. Javits
Mr. Dole
Mr. Church
Mr. Talmadge
Mr. Brock
Mr. Gurney
Mr. Mondale
Mr. McGee
Mr. Brooke
Mr. Nelson
Mr. Nunn
Mr. Buckley
Mr. Baker
Mr. Bayh
Mr. Bentsen
Mr. Biden
Mr. Bible
Mr. Cannon
Mr. Case
Mr. Chiles
Mr. Clark
Mr. Cotton
Mr. Cranston
Mr. Domenici
Mr. Dominick
Mr. Eagleton
Mr. Fong
Mr. Gravel
Mr. Hart
Mr. Haskell
Mr. Hollings
Mr. Hughes
Mr. Inouye
Mr. Kennedy
Mr. Magnuson
Mr. McGovern
Mr. McIntyre
Mr. Metcalf
Mr. Packwood
Mr. Pastore
Mr. Pell
Mr. Percy
Mr. Proxmire
Mr. Randolph
Mr. Roth
Mr. Schweiker
Mr. Hugh Scott (Pa.)
Mr. Stevens
Mr. Stevenson
Mr. Symington
Mr. Taft
Mr. Thurmond
Mr. Tunney
Mr. Weicker
Mr. Williams
Mr. Young
Mr. Mathias
Mr. Moss
Mr. Montoya
Mr. Huddleston
Mr. Muskie
Mr. Pearson
Mr. Beall
Mr. Tower

S. RES. 189

Resolution to urge the continued transfer to Israel of Phantom aircraft and other equipment

Whereas the President is supporting a strong and secure Israel as essential to the interests of the United States; and

Whereas the armed forces of Egypt and Syria launched an unprovoked attack against Israel shattering the 1967 cease-fire; and

Whereas Israel refrained from acting preemptively in its own defense; and

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Whereas the Soviet Union, having heavily armed the Arab countries with the equipment needed to start this war, is continuing a massive airlift of sophisticated military equipment to Egypt and Syria; and

Whereas Public Law 91–441, as extended, authorizes the President to transfer to Israel by credit sale whatever arms may be needed to enable Israel to defend itself: Now, therefore, be it

Resolved, That it is the sense of the Senate that the announced policy of the United States Government to maintain Israel's deterrent strength be implemented by continuing to transfer to Israel, by whatever means necessary, Phantom aircraft and other equipment in the quantities needed by Israel to repel the aggressors.

ADDITIONAL COSPONSORS OF RESOLUTIONS

SENATE RESOLUTION 89

At the request of Mr. Brock, the Senator from Delaware (Mr. Roth) was added as a cosponsor of Senate Resolution 89, to create a Select Committee to Study Certain Rules of the Senate.

SENATE RESOLUTION 173

At the request of Mr. McIntyre, the Senator from Massachusetts (Mr. Brooke) was added as a cosponsor of Senate Resolution 173, directing the Securities and Exchange Commission to examine its rules and regulations and make such amendments as may be appropriate in order to reduce any unnecessary reporting burden on broker-dealers and help to assure the continued participation of small broker-dealers in the United States' securities markets.

SENATE RESOLUTION 191

At the request of Mr. Stevenson, the Senators from Iowa (Mr. Clark and Mr. Hughes) were added as cosponsors of Senate Resolution 191, relating to the censure of Robert Bork for removing Archibald Cox as special prosecutor.

AUTOMOTIVE TRANSPORT RESEARCH AND DEVELOPMENT ACT OF 1973—AMENDMENT

AMENDMENT NO. 837

(Ordered to be printed and referred to the Committees on Commerce and Public Works.)

Mr. TUNNEY. Mr. President, on February 28 of this year I introduced S. 1055, the Automotive Transport Research and Development Act of 1973. This legislation mandates an immediate and intensive national research and development program to produce a motor vehicle system that is clean, quiet, energy-efficient, safe, economical, and suited to our existing patterns of life.

After 6 days of hearings on this legislation, and extensive consultation with industry, government, technical experts, and consumer and environmental groups we have made certain revisions in light of the advice we have received. The energy and environmental crisis has only deepened since the original introduction of this legislation and therefore we hope that the Congress will act quickly and affirmatively to enact these provisions into law.

Due to the fact that this legislation is such an important energy conservation measure, Senators Magnuson and Hart have agreed to join me in submitting it as an amendment to S. 2176, The National Fuels and Energy Conservation Act of 1973. Mr. President, I ask unanimous consent that the text of this proposed amendment be printed in the Record at this point.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

Amendment No. 637

On page 37, between lines 19 and 20, insert the following new section:

"Sec. 14. The Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 et seq.) as amended by section 9 of this Act, is amended by adding at the end thereof the following new title:

"'TITLE VI—RESEARCH AND DEVELOPMENT

"'SHORT TITLE

"'Sec. 601. This title may be cited as the "Automotive Transport Research and Development Act of 1973".

"'FINDINGS AND PURPOSE

"'Sec. 602. (a) Findings.—The Congress finds that—

"'(1) Existing automobiles are inadequate to meet all of the long-term goals of this Nation with respect to protecting the environment and conserving energy.

"'(2) With additional research and development, several alternatives to existing automobile power systems have the potential to be mass produced at a reasonable cost with significantly less environmental degradation and fuel consumption than existing power systems while remaining compatible with other requirements of Federal law including, but not limited to, safety, noise control, and damage resistance.

"'Insufficient resources are being devoted to research and development of alternative automobiles and automobile components both by the Federal Government and the private sector.

"'(4) An expanded research and development effort into alternative automobile systems by the Federal Government would increase such efforts by the private sector and encourage automobile manufacturers to seriously consider alternatives to existing automobiles and automobile components.

"'(5) Because of the urgency of the energy, air pollution, and other environmental crises, such alternative power sources for motor vehicles should be developed, tested, and prepared for manufacture within four years from the date of enactment of this Act.

"'(6) This title shall be interpreted and carried out to preserve, enhance and facilitate competition in research, development, and production in existing and alternative automobile systems and components.

"'(b) Purposes.—Therefore, it is declared to be the purpose of the Congress to make grants for and support through loan guarantees research and development leading to production prototypes of an energy-efficient, low-polluting automobile or automobiles within four years from the date of enactment of this Act and to secure the certification after testing of those prototypes which are likely to meet the Nation's long-term goals with respect to fuel economy, environmental protection, and other objectives.

"'DEFINITIONS

"'Sec. 603. As used in this title—

"'(1) "Automobile" means a four-wheeled vehicle which is propelled by fuel and which—

"'(A) is made for use on the public streets, roads, and highways; and

"'(B) is capable of transporting at least two but not more than ten individuals comfortably together with a limited amount of personal property.

"'(2) "Damage resistance" refers to the susceptibility to physical damage of an automobile when involved in an accident.

"'(3) "Developer" means any person engaged in whole or in part in research or other efforts directed toward the development of production prototypes of a low-polluting, energy-efficient automobile or automobiles.

"'(4) "Energy-efficient, low-polluting automobile" means an automobile which—

"'(A) presents the least total amount of energy consumption and environmental degradation practicable with respect to the amount of fuel consumed, the type of fuel consumed, exhaust emissions, the production and disposal of such automobile, noise characteristics, or any other factor affecting environmental value, and represents a substantial improvement over existing automobiles with respect to such factors;

"'(B) can be mass produced at the lowest possible cost consistent with the requirements of this title;

"'(C) operates safely and with sufficient performance with respect to acceleration, cold weather starting, cruising speed, and other performance factors;

"'(D) to the extent practicable, is capable of intermodal adaptability; and

"'(E) at a minimum, can be produced, distributed, operated, and disposed of in compliance with any requirement of Federal law, including, but not limited to, requirements with respect to fuel economy, exhaust emissions, noise control, safety, and damage resistance.

"'(5) "Fuel" means any material or substance capable of propelling an automobile.

"'(6) "Fuel economy" refers to the average number of miles (kilometers) traveled by an automobile per unit of fuel consumed, as determined in accordance with title V of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 et seq.).

"'(7) "Intermodal adaptability" refers to any characteristic of an automobile which enables it to be operated or carried, or which facilitates such operation or carriage, by or on an alternate mode or other system of transportation.

"'(8) "Low-Emission Vehicle Certification Board" means the Low-Emission Vehicle Certification Board established pursuant to section 212 of the Clean Air Act (42 U.S.C. 1857f–6e).

"'(9) "Noise control" refers to protection of the public against harm or discomfort resulting from an excessively high average number of decibels of sound emitted by an automobile during normal operation.

"'(10) "Production prototype" means an automobile which is in its final stage of development and is capable of being placed into production for sale at retail in quantities exceeding ten thousand automobiles per year.

"'(11) "Reliability" refers to the ease of diagnosis and repair of an automobile and its systems and parts which fail during use or are damaged in an accident and the average time and distance that proper operation can be expected without repair or replacement.

"'(12) "Safety" refers to the performance of an automobile or automobile equipment in such a manner that the public is protected against unreasonable risk of accident and against unreasonable risk of death or bodily injury in case of accident.

"'(13) "Secretary" means the Secretary of Transportation.

"'(14) "State" means any State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Canal Zone, Guam, American Samoa, the Trust Territory of the Pacific Islands, or any other territory or possession of the United States.

"'DUTIES OF THE SECRETARY

"'Sec. 604. The Secretary is authorized and directed to insure the development of one or more production prototypes of an energy-efficient, low-polluting automobile within four years after the date of enactment of this title. No other Department or Agency shall duplicate the duties of the Secretary under this title. In furtherance of that goal and to promote such development by private interests, the Secretary is further authorized and directed to—

"'(a) make grants for research and development efforts likely to lead or contribute to the development of an energy-efficient, low-polluting automobile or automobiles, in accordance with the provisions of section 606 of this title;

"'(b) make loan guarantees for research and development efforts which show promise of leading or contributing to the development of an energy-efficient, low-polluting automobile or automobiles, in accordance with the provisions of section 607 of this title;

"'(c) conduct and accelerate research and development programs within the Department of Transportation for the purpose of contributing to the research and development of a production prototype of such energy-efficient, low-polluting automobile or automobiles;

"'(d) test or direct the testing of production prototypes and certify as energy-efficient, low-polluting automobiles those which meet the applicable requirements, in accordance with section 608 of this title;

"'(e) collect, analyze, and disseminate to developers information, data, and materials relevant to the development of an energy-efficient, low-polluting automobile or automobiles;

"'(f) prepare and submit studies as required under section 611 of this title; and

"'(g) receive and evaluate any reasonable new technology, a description of which is submitted to him in writing, which could lead to the development of an energy-efficient, low-polluting automobile.

"'POWERS OF THE SECRETARY

"'Sec. 605. In addition to the powers specifically enumerated in any provision of this title, the Secretary is authorized to—

"'(a) appoint such attorneys, employees, agents, consultants, and other personnel as he deems necessary, define the duties of such personnel, determine the amount of compensation and other benefits for the services of such personnel and pay them accordingly;

"'(b) procure temporary and intermittent services to the same extent as is authorized under section 3109 of title 5, United States Code, but at rates not to exceed $250 a day for qualified experts;

"'(c) obtain the assistance of any department, agency, or instrumentality of the executive branch of the Federal Government upon written request, on a reimbursable basis or otherwise, identifying the assistance he deems necessary to carry out his duties under this title, including, but not limited to, transfer of personnel with their consent and without prejudice to their position and rating;

"'(d) enter into, without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of his duties under this title, with any government agency or any person; and

"'(e) purchase, lease, or otherwise acquire, improve, use, or deal in and with any property; sell, mortgage, lease, exchange, or otherwise dispose of any property or other assets; accept gifts or donations of any property or services in aid of any purpose of this title.

"'GRANTS

"'Sec. 606. (a) General.—(1) The Secretary shall provide funds by grant or contract to initiate, continue, supplement, and maintain research and development programs or activities which, in his judgment, appear likely to lead to the development, in production prototype form, of an energy-efficient, low-polluting automobile or automobiles.

"'(2) The Secretary is authorized to make such grants, and contracts with any Federal agency, laboratory, university, nonprofit organization, industrial organization, public or private agency, institution, organization, corporation, partnership, or individual.

"'(b) Consultation.—The Secretary, in the exercise of his duties and responsibilities under this section, shall establish procedures for periodic consultation with representatives of science, industry, and such other groups as may have special expertise in the areas of automobile research, development, and technology. The Secretary may establish an advisory panel or panels to review and make recommendations to him on applications for funding under this section.

"'(c) Procedure.—Each grant under this section shall be made in accordance with such rules and regulations as the Secretary shall prescribe in accordance with the provisions of this section and of section 602 of this title. Each application for funding shall be made in writing in such form and with such content and other submissions as the Secretary shall require.

"'LOAN GUARANTEES

"'Sec. 607. (a) General.—(1) The Secretary is authorized, in accordance with the provisions of this section and such rules and regulations as he shall prescribe, to guarantee and to make commitments to guarantee the payment of interest on and the principal balance of, an obligation to initiate, continue, supplement, and maintain research and development programs or activities which, in his judgment, appear likely to lead to the development in production prototype form of an energy-efficient, low-polluting automobile or automobiles. Each application for such a loan guarantee shall be made in writing to the Secretary in such form and with such content and other submissions as the Secretary shall prescribe to reasonably protect the interests of the United States. Each guarantee and commitment to guarantee shall be extended in such form, under such terms and conditions, and pursuant to such regulations as the Secretary deems appropriate. Each guarantee and commitment to guarantee shall inure to the benefit of the holder of the obligation to which such guarantee or commitment applies. The Secretary is authorized to approve any modification of any provision of a guarantee or a commitment to guarantee such an obligation, including the rate of interest, time of payment of interest or principal, security, or any other terms or conditions, upon a finding by the Secretary that such modification is equitable, not prejudicial to the interests of the United States, and has been consented to by the holder of such obligation.

"'(2) The Secretary is authorized to so guarantee and to make such commitments to any Federal agency, laboratory, university, nonprofit organization, industrial organization, public or private agency, institution, organization, corporation, partnership, or individual.

"'(b) Exception.—No obligation shall be guaranteed by the Secretary under subsection (a) of this section unless he finds that no other reasonable means of financing or refinancing is reasonably available to the applicant.

"'(c) Charges.—(1) The Secretary shall charge and collect such amounts as he may deem reasonable for the investigation of applications for a guarantee, for the appraisal of properties offered as security for a guarantee, or for the issuance of commitments.

"'(2) The Secretary shall set a premium charge of not more than 1 per centum per annum for a loan or other obligation guaranteed under this section.

"'(d) Validity.—No guarantee or commitment to guarantee an obligation entered into by the Secretary shall be terminated, canceled, or otherwise revoked, except in accordance with reasonable terms and conditions prescribed by the Secretary. Such a guarantee or commitment to guarantee shall be conclusive that the underlying obligation is in compliance with the provisions of this section and that such obligation has been approved and is legal as to principal, interest, and other terms. Such a guarantee or commitment shall be valid and incontestable in the hands of a holder as of the date when the Secretary entered into the contract of guarantee or commitment to guarantee, except as to fraud, duress, mutual mistake of fact, or material misrepresentation by or involving such holder.

"'(e) Default and Recovery.—(1) If there is a default in any payment by the obligor of interest or principal due under an obligation guaranteed by the Secretary under this section and such default has continued for sixty days, the holder of such obligation or his agents have the right to demand payment by the Secretary of such unpaid amount. Within such period as may be specified in the guarantee or related agreements, but not later than forty-five days from the date of such demand, the Secretary shall promptly pay to the obligee or his agent the unpaid interest on and unpaid principal of the obligation guaranteed by the Secretary as to which the obligor has defaulted, unless the Secretary finds that there was no default by the obligor in the payment of interest or principal or that such default has been remedied.

"'(2) If the Secretary makes a payment under paragraph (1) of this subsection, he shall have all rights specified in the guarantee or related agreements with respect to any security which he held with respect to the guarantee of such obligation, including, but not limited to, the authority to complete, maintain, operate, lease, sell, or otherwise dispose of any property acquired pursuant to such guarantee or related agreements.

"'(3) If there is a default under any guarantee or commitment to guarantee an obligation, the Secretary shall notify the Attorney General who shall take such action against the obligor or any other parties liable thereunder as is, in his discretion, necessary to protect the intrests of the United States. The holder of such obligation shall make available to the United States all records and evidence necessary to prosecute any such suit.

"'(f) Authorization for Appropriations.—There are hereby authorized to be appropriated to the Secretary not to exceed $200,000,000 to pay the interest on, and the principal balance of, any obligation guaranteed by the Secretary as to which the obligor has defaulted.

"'TESTING AND CERTIFICATION

"'Sec. 608. (a) Administrator.—The Administrator of the Environmental Protection Agency shall test, or cause to be tested in a facility subject to his supervision, each production prototype of an automobile developed in whole or in part with Federal financial assistance under this Act, or referred to him for such purpose by the Secretary to determine whether such production prototype complies with any exhaust emission standards or any other requirements promulgated or reasonably expected to be promulgated under any provision of the Clean Air Act, as amended (42 U.S.C. 1857 et seq.), the Noise Control Act of 1972 (42 U.S.C. 4901), or any other provision of Federal law administered by him. The Administrator shall submit all test data and the results of such tests to the Low-Emission Vehicle Certification Board.

"'(b) Secretary.—The Secretary shall test, or cause to be tested in an independent facility subject to his supervision, all new production prototypes of automobiles which

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he or a developer may submit to the Low-Emission Vehicle Certification Board for certification under subsection (c) of this section. Such tests shall be conducted, according to testing procedures to be developed by the Secretary to determine whether each automobile complies with any standards promulgated as of the date of such testing or reasonably expected to be promulgated prior to sale at retail of such automobile under any provision of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381), the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 et seq.) as amended by section 9 of this Act, the Automobile Information Disclosure Act (15 U.S.C. 1232), and any other statute enacted by Congress and applicable to automobiles. The Secretary shall also refer any such automobile to the Administrator of the Environmental Protection Agency for testing pursuant to the provisions of subsection (a) of this section. All new automobiles may be submitted to the Secretary for testing under this subsection, including vehicles developed without any Federal financial assistance under this title. The Secretary shall submit all test data and the results of all tests conducted by him or subject to his supervision to the Low-Emission Vehicle Certification Board together with his conclusions and reasons therefor as to whether the automobile tested merits certification as an energy-efficient, low-pollution automobile. The Secretary, or the Administrator of the Environmental Protection Agency, if appropriate, shall conduct, or cause to be conducted, any additional tests which are requested by the Low-Emission Vehicle Certification Board and shall furnish to such Board any other information which it requests or which he deems necessary or appropriate.

"'(c) Board.—The Low-Emission Vehicle Certification Board, shall, upon application by a developer or by the Secretary and the receipt of test data and test results submitted pursuant to subsections (a) and (b) of this section, issue or deny certification as an energy-efficient, low-polluting automobile. Each determination as to certification shall be made in accordance with such rules and regulations as such Board shall prescribe in accordance with this title. Each application for certification shall be made to such Board in writing in such form and with such content and other submissions as the Low-Emission Vehicle Certification Board shall require.

"'PROPRIETARY INFORMATION AND PATENTS

"'Sec. 609. (a) Availability.—Whenever, pursuant to this title, the Secretary enters into any agreement contracting for, sponsoring, or cosponsoring any research or development, he shall require as a condition of such Federal participation that all information—whether patented or unpatented, in the form of trade secrets, know-how, proprietary information, or otherwise—processes, or patents resulting in whole or in substantial part from such federally-assisted research or development shall be available to the general public, pursuant to subsection (b) of this section.

"'(b) Protection of Rights.—(1) Any such agreement must provide that all such information, processes or patents will be made available to any qualified applicant on reasonable and nondiscriminatory license terms approved by the Secretary consistent with the purposes of this title when the research or development project reaches the stage of commercial application as determined by the Secretary: *Provided*, That if such information, processes, or patents results in whole from financial assistance granted under this title, such agreement may require, at the discretion of the Secretary, that such information, processes, or patents become the property of the United States and be dedicated to the general public.

"'(2) Whenever a participant in an energy research or development project holds background patents, trade secrets, know-how, proprietary information, or any other information, hereafter collectively referred to in this section as "background", which will be employed in and are requisite to the proposed research or development project, the agreement shall further provide that all background will be made available to any qualified applicant on reasonable and nondiscriminatory license terms approved by the Secretary, consistent with the purposes of this title.

"'(3) Any such license terms referred to under this subsection shall take into account the extent to which the commercial viability of the total process or system was achieved with assistance under this title (and whether such assistance was in the form of grants or obligation guarantees) and shall appropriately protect the interests of the participants.

"'(c) Effects on Competition.—The Secretary shall, in approving license terms, duly consider the effects of such terms on competition within the United States.

"'RECORDS, AUDIT, AND EXAMINATION

"'Sec. 610. (a) Records.—Each recipient of financial assistance or guarantees under this title, whether in the form of grants, subgrants, contracts, subcontracts, obligation guarantees, or other arrangements, shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance was given or used, the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"'(b) Audit and Examination.—The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives shall, until the expiration of three years after completion of the project or undertaking referred to in subsection (a) of this section, have access for the purpose of audit and examination to any books, documents, papers, and records of such receipts which in the opinion of the Secretary or the Comptroller General may be related or pertinent to the grants, subgrants, contracts, subcontracts, obligation guarantees, or other arrangements referred to in such subsection.

"'STUDIES AND REPORTS

"'Sec. 611. (a) Automobile System Study.—The Secretary, in cooperation with other appropriate Federal agencies, shall conduct a comprehensive study of automobile characteristics and their effect on and the relationships between fuel economy, safety, reliability, damage resistance, noise control, intermodal adaptability, pollution emission levels, and cost to automobile purchasers for the purpose of aiding Congress in evaluating the interaction of these factors and Federal legislation, regulations, and programs. The study shall include but not be limited to the cost-benefit aspects of the foregoing factors, both to the individual automobile owner and to the Nation and shall identify combinations of such factors which provide for optimum automobile characteristics. Such study shall not duplicate similar studies by any other agency of the Federal Government, including the National Academy of Sciences. The study shall be submitted to the appropriate committees of Congress not more than one year after the date of enactment of this title.

"'(b) Transportation Systems and the Automobile Study.—The Secretary shall conduct a study of automobile usage in the United States in relation to other transportation modes and systems. The study shall include, but not be limited to, travel patterns, utility, and ways to better integrate the automobile into urban and intercity transportation systems including the prospects for dual mode transportation systems, the extent to which Federal, State, and local laws and policies influence the choice of transportation systems, and the extent to which a need exists for public assistance for research and development with respect to transportation modes other than the automobile. The study shall be submitted to Congress not more than one year after the date of enactment of this title, and shall include recommendations, if any, for legislation.

"'(c) Annual Report.—On or before August 1 of each year, the Secretary shall submit to Congress an annual report of activities under this title. Such report shall include an account of the state of automobile research and development in the United States, including the number of grants made, and number of loans or other obligations guaranteed, and the progress made in developing production prototypes of energy-efficient, low-polluting automobiles within four years after the date of enactment of this title; and suggestions for improvements in automobile research and development, including recommendations for legislation.

"'GOVERNMENT PROCUREMENT

"'Sec. 612. The Administrator of General Services shall consult with the Low-Emission Vehicle Certification Board periodically to determine the earliest date at which production prototypes will be available of an energy-efficient, low-polluting automobile. When the Low-Emission Vehicle Certification Board determines that an energy-efficient, low-polluting automobile may soon be available, it shall propose a system of guidelines recommending to any Federal agency using and procuring automobiles the procurement of such automobiles. After a production prototype has been certified by such Board as an energy-efficient, low-polluting automobile, the Board is authorized and directed to prescribe such regulations as are necessary requiring all Federal agencies to procure and to use such energy-efficient, low-polluting automobile to the maximum extent feasible.

"'AUTHORIZATION FOR APPROPRIATION

"'Sec. 613. (a) Authorization.—There is hereby authorized to be appropriated to carry out the purposes of this title other than section 607 of this title not to exceed $30,000,000 for the fiscal year ending June 30, 1974, not to exceed $50,000,000 for the fiscal year ending June 30, 1975, and not to exceed $60,000,000 for the fiscal year ending June 30, 1976.

"'(b)(1) Ratio Not Reduced.—Funds appropriated for each fiscal year for the purposes of this title shall be expended by the Secretary in the same ratio as the funds appropriated for such fiscal year pursuant to this title bear to funds appropriated for such fiscal year for all the energy research, development, and demonstration activities of the Federal Government.

"'(2) For the purposes of this subsection, the term "energy research, development, and demonstration activities of the Federal Government" includes, but is not limited to—

"'(A) the planning, management, and coordination of the energy research, development, and demonstration activities of the Federal Government;

"'(B) research, development, and demonstration of coal as an energy source including coal gasification, coal liquefaction, and improved mining techniques;

"'(C) research, development, and demonstration of oil shale as an energy source;

"'(D) research, development, and demonstration of unconventional energy sources including solar energy, geothermal energy, magneto hydrodynamics, fuel cells, low-lead hydroelectric power, the use of agricultural products for energy, tidal power, ocean current and thermal radiant power, wind power, electric energy storage methods, solvent refined coal, utilization of waste products for fuels, and direct conversion methods; and

"'(E) research, development, and demonstration of new methods of converting fossil fuels into electrical energy.

"'RELATIONSHIP TO ANTITRUST LAWS

"'Sec. 614. (a) Disclaimer.—Nothing herein shall be deemed to convey to any individual, corporation, or other business organization immunity from civil or criminal liability or to create defenses to actions under the antitrust laws.

"'(b) Antitrust Laws Defined.—As used in this section, the term "antitrust laws" includes the Act of July 2, 1890 (ch. 647, 26 Stat. 209), as amended; the Act of October 15, 1914 (ch. 323, 38 Stat. 730) as amended; the Federal Trade Commission Act (38 Stat. 717), as amended; sections 73 and 74 of the Act of August 27, 1894 (28 Stat. 570), as amended; the Act of June 19, 1936 (ch. 592, 49 Stat. 1526), as amended.'."

On page 37, line 21, strike "14" and insert in lieu thereof "15".

AMENDMENT OF FEDERAL FOOD, DRUG, AND COSMETIC ACT, AS AMENDED—AMENDMENT

AMENDMENT NO. 636

(Ordered to be printed and referred to the Committee on Labor and Public Welfare.)

Mr. NELSON submitted an amendment intended to be proposed by him to S. 966 to amend the Federal Food, Drug, and Cosmetic Act, as amended, to provide for the establishment of a national drug testing and evaluation center; to provide for a Federal Drug Compendium which lists all prescription drugs by their generic names and which provides reliable, complete, and readily accessible prescribing information; to provide for a Formulary of the United States; to provide for a quality control for drugs paid for with Federal funds; to provide for the registration of drugs; to provide for the certification of certain drugs other than insulin and antibiotics; to provide for the regulation of sample drugs; and for other purposes.

AMENDMENT TO SOCIAL SECURITY ACT—AMENDMENT

AMENDMENT NO. 639

(Ordered to be printed and referred to Committee on Finance.)

Mr. TOWER. Mr. President, I am today submitting an amendment to H.R. 3153 to liberalize the retirement test under social security. The amendment will increase the retirement test from $2,400 to $3,000 and reduce the applicability of the test from age 72 to age 70. The bill is identical to S. 1982 which I introduced on June 12.

Within the past few years the Congress has acted in a positive fashion by increasing the amount of outside earnings an individual may earn before social security benefits are withheld. The retirement test or earnings ceiling was increased from $1,680 to $2,100 and then from $2,100 to $2,400. Additionally, H.R. 1, the Social Security Amendments of 1972 provided that only $1 of benefits would be withheld for every $2 earned and, as in the case of cash benefits under social security, further increases in the ceiling would be geared to the cost of living. Specifically, the Senate has gone on record in favor of an immediate increase in the retirement test to $3,000. Unfortunately, the House of Representatives has steadfastly supported more limited increases.

As I have stated on numerous occasions, I believe there are practical and philosophical reasons why this type of amendment should be enacted. A man or woman contributing to the social security trust fund should have a vested right to the benefits commensurate to such contributions. This right becomes vested upon the making of contributions over a minimum eligibility period and the Government should not have the power to withhold those benefits because the individual is still engaged in gainful employment. Such criteria is totally unrelated to the contribution made.

Furthermore, such criteria, even if once thought to be legitimate, cannot withstand the basic public policy of recognizing the value to the citizen and his community of continued participation in the private sector. The Congress has approved specifically drawn categorical grant programs to encourage the employment of the elderly.

The retirement test continues to be a disincentive for our elderly citizens to work. At a time when it is well-recognized that inflation hits hardest at those groups who must rely primarily on a fixed income, it seems hypocritical to continue a policy which discourages their part-time employment. Furthermore, many senior citizens have informed me of the personal satisfaction they get from being gainfully employed. We, as a nation, owe it to them to make sure that such employment is not discouraged by Government action; furthermore, we can ill afford to be without their great experience and the contributions they make to American society.

Reducing the age of applicability from 72 to 70 is not a novel method to liberalize the test since up until 1954 the cut-off age was 75.

I envision this amendment as a reaffirmation of a congressional policy to liberalize the retirement test. While I would prefer total elimination of the retirement test, this amendment is one which can be passed by this Congress and, at the same time, not burden the actuarial position of the trust fund.

I am pleased to have join me in offering this amendment Senators Dominick, Cook, Eastland, Pastore, and Young. I urge the Senate to give it careful consideration and at this time ask unanimous consent that the text of the amendment be printed in the Record.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

Amendment No. 639

At the proper place in the bill, insert the following new section:

INCREASE IN RETIREMENT TEST; REDUCING FROM 72 TO 70 AGE AFTER WHICH SUCH TEST NO LONGER APPLIES TO AN INDIVIDUAL

Sec. —. (a) Paragraphs (1), (3), and (4) (B) of section 203(f), and paragraph (1) (A) of section 203(h), of the Social Security Act are each amended by striking out "$200" and inserting in lieu thereof "$250".

(b)(1) Subsections (c)(1), (d)(1), (f)(1), and (j) of section 203 of the Social Security Act are each amended by striking out "seventy-two" and inserting in lieu thereof "seventy".

(2) Subsection (h)(1)(A) of such section 203 is amended by striking out "the age of 72" and "age 72" and inserting in lieu thereof in each instance "age 70".

(3) The heading of subsection (j) of such section 203 is amended by striking out "Seventy-two" and inserting in lieu thereof "Seventy".

(c) The amendments made by the preceding provisions of this Act shall apply only with respect to taxable years beginning after December 31, 1973.

Amdt. No.

ADDITIONAL COSPONSORS OF AN AMENDMENT

S. 2176

AMENDMENT NO. 634

At the request of Mr. Mansfield (on behalf of Mr. Magnuson) the Senator from Massachusetts (Mr. Kennedy) was added as a cosponsor of amendment No. 634, to S. 2176, a bill to provide for a national fuels and energy conservation policy, to establish an Office of Energy Conservation in the Department of the Interior, and for other purposes.

NOTICE OF HEARINGS ON THE NOMINATION OF GERALD R. FORD TO BE VICE PRESIDENT

Mr. CANNON. Mr. President, I wish to announce that at 10 a.m. on Thursday, November 1, 1973, in room 1202, Dirksen Senate Office Building, the Committee on Rules and Administration will commence hearings on the nomination of Gerald R. Ford, of Michigan, to be Vice President of the United States.

Mr. Ford will be the first and only witness on that day.

All individuals or organizations wishing to testify on this nomination should contact William M. Cochrane, staff director, Committee on Rules and Administration, room 305, Russell Senate Office Building, Washington, D.C. 20510 (telephone 202-225-6352). Since Members of the U.S. Senate and House of Representatives have a direct responsibility and an immediate interest in this nomination, they will be accorded priority in scheduling of witnesses.

THE U.S. INFORMATION AGENCY APPROPRIATIONS AUTHORIZATION ACT OF 1973—VETO MESSAGE

The Senate continued with the reconsideration of the bill (S. 1317) authorizing appropriations for the U.S. Information Agency.

POSTPONEMENT OF HEARINGS OF THE SUBCOMMITTEE ON RURAL DEVELOPMENT

Mr. CLARK. Mr. President, recently I announced that the Subcommittee on Rural Development would hold its third oversight hearing on the implementation of the Rural Development Act of 1972 on October 31. At the same time, I an-

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nounced that the witnesses would be the Honorable Earl Butz, Secretary of Agriculture and Mr. Russell Train, Administrator of the Environmental Protection Agency.

Secretary Butz has informed the subcommittee through staff that he will be unable to be present for the hearing, and therefore I have decided, at this late date, to postpone the hearing.

This postponement represents a certain amount of inconvenience to the members of the subcommittee, as well as for the members of the House Subcommittee on Family Farms and Rural Development, whom I had invited to join us for this hearing.

However, an appropriation for the act has been signed by the President, and administrative regulations have been written, and I feel that it is important that we meet with Secretary Butz to discuss key policy questions regarding where the act will go from here. Further, I have agreed to a postponement in order to maintain the spirit of cooperation that has prevailed between the Department of Agriculture and the subcommittee throughout the course of our hearings on this act this year.

I have sent a letter to the Secretary asking that he provide alternative dates which might be convenient for him. And it is my hope that we can hold our hearings some time within the first 2 weeks of November, even on short notice.

ADDITIONAL STATEMENTS

OPERATION KOHOUTEK

Mr. MOSS. Mr. President, in a few short weeks, the most spectacular celestial display of this century—in fact, since 1843—will begin to unfold in our evening skies. As the Comet Kohoutek nears the Sun, and the climax of a 10,000-year voyage, those who recall Halley's Comet in 1910 have a bigger show in store.

For those of us to whom Kohoutek will simply be the visual thrill of a lifetime, this Christmas season will take on a great measure of added excitement.

For space scientists, Kohoutek means much more.

Like all science, the study of Kohoutek is a true international event. Discovered just last March by a Czech working in an observatory in Hamburg, this first gigantic comet to pass near Earth in the space age will yield its secrets to scientists throughout the world.

The National Aeronautics and Space Administration is responding to the Kohoutek opportunity in the most meaningful way possible under limiting budgetary circumstances. Fortunately, celestial mechanics for once have cooperated with flight schedules and budget cycles. Skylab planning has been adjusted so that the third crew should be in orbit with the best possible instruments to seize this most rare of chances. Other NASA capabilities have been rapidly focused on this unexpected, but exciting, scientific bonus.

Mr. President, I ask unanimous consent to print in the RECORD a NASA description of its "Operation Kohoutek" plans.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NASA PLANS INTENSIVE STUDY OF COMET KOHOUTEK

The most extensive array of electronic eyes ever assembled by NASA for cometary study will be focused on Comet Kohoutek this winter.

Now some 400 million kilometers (250 million miles) from the Sun, the recently discovered comet will materialize like the Star of Bethlehem around Christmas time in the Northern Hemisphere.

It is expected to be more spectacular than the famed Halley's Comet, which last made its appearance in 1910, and as bright as a full Moon.

To take advantage of the unusual opportunity, NASA scientists plan to study the comet in visible, ultraviolet and infrared light; with optical telescopes, radio telescopes and radar. They will watch it from the ground, from high-flying aircraft, with instruments aboard unmanned satellites, and with sounding rockets and telescopes and cameras on Skylab 4.

These extensive observations are expected to yield new clues to old mysteries.

Comets orbit the Sun at varying distances, some taking a few years to make one revolution, others taking thousands of years. But no one knows for certain where they come from, what they are made of, or when and how they were formed.

Dr. Stephen P. Maran, head of NASA's Operation Kohoutek, which is being managed by the Goddard Space Flight Center, Greenbelt, Md., says:

"We would like to know more about cometary origin. Are they remnants of the formation of the solar system, or are they interstellar matter captured by our Sun?"

Probably the most important objective in studying Kohoutek is to find out whether or not there is such a thing as a solid comet nucleus.

Currently, most astronomers accept the "dirty snowball" theory of Dr. Fred L. Whipple, senior scientist at the Smithsonian Astrophysical Observatory. He holds that comets have a solid nucleus composed of ice, methane, ammonia and dust particles. As a comet nears the Sun, its surface heats. The gases vaporize and their molecules are broken up by solar radiation into less complex molecules. These "daughter" molecules and dust particles expand into the comet's head—or coma—and provide material for its tail.

Kohoutek is believed to have a nucleus of 20 to 30 kilometers (12 to 19 miles), while the comet's head may have a diameter of 96,000 kilometers (60,000 miles) or more.

Comet tails can stretch tens of millions of miles. The longest yet measured extended out to more than 297 million kilometers (186 million miles) from the Great Comet of 1843; the tail of Halley's Comet in 1910 reached out 144 million kilometers (90 million miles).

Kohoutek's tail may eventually stretch across one-sixth of the night sky just after sunset around New Year's Day, extending out 80 to 160 million kilometers (50 to 100 million miles.)

Approaching the Sun, the tail will be behind the comet, but leaving our Sun the tail will precede Kohoutek. This effect is caused by the solar wind—the Sun's constant outpouring of particles—and by solar ultraviolet rays, which push matter away from the comet's head, in the direction opposite the Sun.

The comet, whose official designation is 1973f (the sixth comet discovered in 1973), is named for Dr. Lubos Kohoutek, a Czech-born astronomer at West Germany's Hamburg Observatory. In a classic example of serendipity in science Dr. Kohoutek discovered the comet last March while photographing the night sky in search of asteroids.

The unexpected discovery gave scientists an unpredicted 9½ months to prepare. Most comets give scientists only one or two months notice.

Traveling at a speed of 400 million kilometers/hour (250 million miles/hour), comet Kohoutek will reach perihelion (13.2 million miles) its closest point to the Sun, Dec. 28. It will come within 120 million kilometers (75 million miles) of Earth on Jan. 5.

Estimates of its brightness range from minus 6 to minus 12 on the astronomical scale. Sirius, the brightest star in the sky, has a magnitude of minus 1.47, and the full Moon a magnitude of minus 12.

The fiery object may have begun its journey to the solar system 10,000 years ago.

The major elements of Operation Kohoutek are as follows:

The most important viewing capability, according to Dr. Maran, is that provided by Skylab, presently orbiting the Earth above the obscuring effects of the atmosphere. Instruments on board provide a broad capability for comet observations over a wide range of spectral bands, including infrared, ultraviolet, and visible light.

In addition, Naval Research Laboratory scientists Drs. T. L. Page and George Carruthers are preparing a special camera similar to the one sent to the Moon on Apollo 16. Called the S–201 electrographic camera, it will be sent with the astronauts on the Command Module which is scheduled for launch on November 11 from Kennedy Space Center, Fla.

The S–201 will be mounted on the workshop of Skylab to photograph the enormous hydrogen cloud expected to form as the comet approaches the Sun. The cloud produces light only in the far ultraviolet, a wavelength that can't be observed from the ground because it is filtered out by Earth's atmosphere.

Eight solar and astronomical instruments on Skylab will permit the crew to monitor Kohoutek in the UV and visible light ranges, regardless of how narrow the angle becomes between the line to the Sun and the line to the comet. This is critical because Kohoutek's Sun angle will be less than 45 throughout most of the prime viewing period. Of particular importance are three ATM instruments—SO52, SO55 and SO82. They can view the comet when it is brightest, and when ground-based observations will be very limited in scope due to sunlight scattered in the atmosphere.

Mariner 10, scheduled for launch on Nov. 3, will take pictures and obtain data on the comet from an altogether different angle as the spacecraft speeds toward its target planets of Venus and Mercury. Working together, Earth-based cameras and Mariner 10 are expected to produce a stereoscopic image of Kohoutek. This should give astronomers, for the first time, a true picture of the shape of a comet as distinct from its appearance as seen from one angle. The Mariner Kohoutek Project is managed by the Jet Propulsion Laboratory, Pasadena, Calif., under the direction of James Dunne.

Dr. Richard Goldstein and his associates at JPL will attempt to bounce radar signals off Kohoutek. From the returning signals, they may be able to learn something about the makeup of the nucleus.

Copernicus, Goddard's Orbiting Astronomical Observatory (OAO–3), orbiting Earth at a distance of 665 kilometers (415 miles), will look for such things as the deuterium/hydrogen content, the velocity and production rate of atomic hydrogen in the comet head, and the average temperature of the hydrogen atoms. The Princeton Experiment Package designed by Dr. Lyman Spitzer, Jr., Princeton University, will be used.

Orbiting Solar Observatory–7 (OSO–7), another Goddard Spacecraft, which will photograph the comet next to the Sun and look for ionized helium from its Earth orbit of 425 by 298 kilometers (274 by 187 miles). The spectroheliograph of Dr. W. M.

Neupert, GSFC, will map the comet in the extreme ultraviolet spectral range.

Five Aerobee sounding rocket flights are planned from White Sands, New Mexico beginning Jan. 5 through 12 at sunset. The project is under the direction of GSFC with scientific experiments provided by the Naval Research Laboratory, Johns Hopkins University, University of Colorado (2 payloads), and the Goddard Space Flight Center.

The Johns Hopkins launching is designed to detect the presence of hydrogen in molecule form with an ultraviolet spectrometer developed by Professor W. G. Fastie of that university.

One University of Colorado payload, under the direction of Dr. G. M. Lawrence, consists of a highly sensitive extreme ultraviolet spectrograph using a newly developed microchannel plate in lieu of conventional phototubes. The other Colorado payload is similar to the UV spectrometer that went to Mars on Mariner 9. The experiment is provided by Dr. C. F. Lillie.

Goddard Space Flight Center will fly a 12-inch diameter telescope on its Aerobee, to obtain images of the comet through different ultraviolet filters. It will look for a bright emission core, discovered in one previous comet, also by an ultraviolet rocket telescope. The experiment is under the direction of Theodore P. Stecker.

The NRL payload consists of two cameras and a spectrograph. One camera will take pictures of the comet's hydrogen cloud while the other will look at the coma in longer wave lengths. The spectrograph will be used to identify cometary constituents including atomic oxygen, carbon monoxide, molecular hydrogen and atomic carbon. Dr. Chet Opal is the experimenter.

Ames Research Center, Mountain View, Calif., will fly a C–141 carrying a 36-inch telescope at altitudes up to 50,000 feet to look at the infrared spectrums of the comet in order to determine chemical composition of the icy substances of the nucleus. An Ames Lear Jet will carry a smaller infrared telescope for comet studies. Prof. Robert M. Cameron is the ARC experimenter.

The University of Arizona will launch two balloons for NASA—one in November and one in the spring, to study far infrared light with an 8-inch, gold-coated, telescope mirror. The U. of A. investigator, Dr. Frank Low, hopes to observe "cooling down" of the nucleus as the comet recedes from the Sun.

The Joint Observatory for Cometary Research, a special observatory with a twin dome Schmidt telescope facility on top of South Baldy Mountain in New Mexico, is being completed to get rapid sequences of black-and-white and color photographs of Kohoutek from the 10,600-foot elevation. This is a cooperative activity of GSFC and the New Mexico Institute of mining and technology. Observations planned by Dr. J. C. Brandt, and Dr. R. G. Roosen include color photography to separate dust and plasma tails.

The University of Denver will use a NASA-funded 24-inch infrared telescope located at 14,260 feet altitude on Mt. Evans, Colorado, to study chemical substances in the comet head.

Minitrack Optical Tracking System (MOTS) cameras at NASA tracking stations around the world will permit near-continuous monitoring of events in the comet tail as it reacts to solar wind disturbances in space. Dr. B. D. Donn is in charge of the MOTS-Kohoutek project.

Searches for water and ammonia radiation from the comet will be carried out by GSFC and university scientists at the Northeast Radio Observatory Corp. in Massachusetts.

BILL AMSTEIN, A MODERN CATTLEMAN

Mr. DOLE. Mr. President, the old image of the American cattleman as a grizzled cowboy, riding his fences, branding his cows and driving them to the railhead is just about as outdated as any old stereotype could be.

Today's cattleman—particularly a successful one—has become a sophisticated businessman, geneticist, commodities market analyst, politician, and environmental technician all rolled into one. Modern science, technology, and economics have profoundly changed the cattle business and the people who run it. And no more impressive example of this new breed of individual can be found than in Bill Amstein of Clifton, Kans.

One of the State's outstanding young men in any field of endeavor, Bill operates a hereford operation which combines so many different specialties, sciences, and arts that the term "ranch" seems almost deceptively simple.

Now serving as president of the Kansas Livestock Association, Bill was the subject of a feature profile in the October 17 edition of the Salina Journal. This article by Jim Suber of the Journal's staff offers a fascinating glimpse of a modern and growing example of today's agriculture. In addition it provides an accurate look at the type of person required to successfully deal with the complexities and changes found throughout this most important area of our domestic economy. Agriculture is the key to our future way of life—economically and nutritionally—and more Bill Amsteins will be needed to assure that this challenge is met.

I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BILL AMSTEIN LOOKS AT FUTURE OF RANCHING, FARMING

(By Jim Suber)

CLIFTON.—Nestled in the fertile Republican River valley south of Clifton is Bill Amstein's Hereford ranch.

The Amstein home and adjacent grounds appear ordinary enough—the house is a modest frame dwelling with ample driveway space; neat outbuildings and clean cow lots are nearby.

But the man and the place are anything but ordinary.

On rainy days, one may find Amstein in his basement office, poring over computer print-outs filled with data from his Hereford bulls and their offspring; or studying the blueprints of his new feedlot; or talking on the telephone to the Kansas Livestock association office at Topeka. Amstein is KLA president.

It is here, in the basement office, where Amstein's philosophy of farming and living—"staying a step or two ahead of the game"—is documented.

Amstein was raised at Manhattan, where his father taught at Kansas State university.

Weekend visits to his grandparent's homestead near Clifton put farming and ranching in his blood. After graduation from KSU, a stint in the service and a period of knocking about as a ranch hand out west, Amstein returned to his roots in the Republican valley. That was 16 years ago.

He started with a few acres and a junker tractor—one he still keeps in running condition.

Today, Amstein's holdings include 7 of the valley's homestead sites.

He raises and sells registered Hereford bulls. This Fall, Amstein plans to sell at least 50 bulls.

Ultimately, Amstein plans to feed calves which are descendants of his registered bulls in his 800-head feedlot.

"Buying known cattle, or calves, from bulls we've sold to our customers will take our operation just one step further," Amstein said. "We may have to pay a small premium, but they will do a better job for us."

Amstein said the bulls he has raised have developed a high gaining ability and a high cutability (more meat per pound of animal).

Amstein has worked years to breed those traits into his stock. He started with Herefords found in the high country of Montana and Wyoming.

The new feedlot would take calves weighing 450 to 500 pounds and feed them out to 750 pounds before shipment to a finishing lot.

Eventually, Amstein wants "a market for everything on this place."

He explained that farmers in the Republican River valley now sell most all their products outside the valley.

"Traditionally," he said, "farmers here are cash-grain farmers, not livestock producers.

"But we'll see a lot more cattle being fed here. We'll harvest and feed high moisture protein feed to the cattle right here," Amstein said.

"Right now, we have the ability to raise high-moisture feed, but no good way to store it."

Amstein said the advantages of high-moisture feed are several:

"Cattle more efficiently handle high-moisture feed for one thing," he said. "And then you can harvest it earlier." He cited last year's milo harvest as a case for high moisture feeds.

"And if we harvest alfalfa in a high moisture-type program, we won't have to buy much supplemental protein."

An added bonus to the system would be the liquid waste from the feedlots. Pumps, in accordance with the latest Farm Animal Pollution Abatement system standards, would push the rich waste back onto the croplands.

Amstein projects his energy beyond the valley. He studies the world food markets, the politics in Washington and Topeka and watches closely the experts' projections of the red meat industry for the next 10 years.

As president of KLA, Amstein has sought to broaden the base of support of livestock industry interests.

NEED INFLUENCE

Amstein said farmers have lagged behind other industries in influencing lawmakers in both the state and national capitols.

"We need men there to prepare legal briefs, to make legislators aware of our problems," he said.

Amstein said farmers lagged behind in their lobby efforts because traditionally, legislators were of the same ilk.

Amstein said Kansas legislators no longer were representative of farming interests.

"Although they are no longer farm-oriented, they're not dumb. In fact, they're quite reasonable when you present a problem in a form they can understand," Amstein said. "But you can't walk in cold.

"One farmer who flies to Washington or Topeka by himself isn't going to get much done.

"Agriculture is going to have to become more strongly organized. But you can't beat anyone over the head."

Organize is what Amstein has helped the KLA do in his 2 years as president.

In the past year, KLA's membership has increased by 900, swelling its roll call to above 6000.

The organization has a full-time, paid staff of 5 men working in Topeka, and it publishes a monthly magazine. The association sponsors the annual Governor's Beef Tour, a popular summer affair conducted in the home area of the year's KLA president.

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Increased membership in KLA is in contrast to the declining number of farmers in general.

Amstein said it was unrealistic for people to bemoan the demise of the number of farmers or family-supporting farms.

"The decrease is not all that bad because of the increase in efficiency," he said. "It does make it harder for a man to start, but there will be room only for the sharp, aggressive individual who can master many trades necessary to survive as a productive farmer.

"There's not much room in this business for many mistakes, when you consider the high price of long-term investments."

Amstein said non-producing but farm-related jobs would become available to displaced sons of farmers who wanted to stay in agriculture.

If not optimistic over the future of farming, Amstein at least is hopeful.

"Today, for the first time in memory, we are competing on a world market for world prices with unsubsidized crops.

"Agriculture is one of the few areas in which our country can compete. The consumer will have to pay a little more for his food than he's used to, but in the last 10 years wage increases have risen faster than food increases."

Vitally interested in politics, and considered by some to be a prime candidate for some office in the future, Amstein grinned when asked about his political intentions.

"I'm going to spend some time in Topeka trying to help the agricultural cause during the legislative sessions, but not as a candidate. Not right now, anyway."

THAT JUSTICE MAY BE DONE—LET THE RULE OF LAW PREVAIL

Mr. McINTYRE. Mr. President, with equal measures of regret and determination I support the bill introduced by the distinguished Senator from Indiana, the Honorable BIRCH BAYH, providing for the naming of a special prosecutor by U.S. District Judge John Sirica.

Regret because I had hoped this would not become necessary.

Determination because it has become necessary.

Like countless other Americans, I accepted the administration's word that former Special Prosecutor Archibald Cox would be able to carry out his investigation without interference by the executive branch and would not be removed from his duties except for "extraordinary improprieties on his part."

And, like countless other Americans, I was stunned by Mr. Nixon's breach of this compact.

In no way, Mr. President, could I find "extraordinary impropriety" in Mr. Cox's refusal to accept summaries of the White House tapes, summaries that would not be admissible evidence in court, nor in his refusal to discontinue his efforts to subpena additional tapes or other Presidential papers bearing on the issues under investigation.

Indeed, I would have found it "extraordinarily improper" for Mr. Cox to have compromised that position in any way.

The question, Mr. President, is not whether Mr. Nixon had the right to fire Mr. Cox; the question is whether we can ever expect an independent, impartial, and thorough investigation by any special prosecutor under the control, direction, or influence of that branch of Government under investigation.

Regrettably, the entire history of inquiry into the affair known as Watergate has been a shameful one.

Two investigations launched from within the White House, one by John Dean and the other by John Ehrlichman, were at best superficial, at worst criminal, if we accept Mr. Dean's plea of guilty to obstruction of justice as evidence of the latter.

Then we had Assistant Attorney General Henry Petersen's admission that he yielded to White House pressures to contain the Justice Department's investigation before Mr. Cox was appointed special prosecutor.

And now we have the abrupt dismissal of Mr. Cox for refusing to contain his investigation.

Mr. President, there is no reason to believe that the next special prosecutor appointed by the executive branch will fare any better in either obtaining all pertinent evidence or in preserving his independence.

For though the President now has belatedly offered the nine White House tapes to Judge Sirica, he has, indeed, made it very clear he will not give up other tapes, documents, or memorandums that the next special prosectuor may conclude are crucial to the case.

In my judgment, Mr. President, the Congress must now enact legislation empowering District Judge Sirica to appoint the next special prosecutor.

I realize that the question of constitutionality has been raised, but I am encouraged by the endorsement of the proposed legislation by the board of governors of the American Bar Association, by the deans of 16 law schools, and by the former special prosecutor himself.

Beyond that, Mr. President, I believe the issue has become so pressing that the remote risk of unconstitutionality cannot and should not deter passage of this measure.

The appointment of a special prosecutor by the court would be one way of insuring a thorough and independent investigation; one way of assuring the American people that the guilty will be brought to trial, that the innocent will be cleared, that justice will be done, and that the rule of law still prevails.

To be sure, there is another way to accomplish this, Mr. President, one which most of us had hoped with all our hearts could have been avoided, but one which I have now concluded also would be in the best interests of all concerned, and not the least the President of the United States.

I would hope that while this body enacts legislation authorizing the District Judge to appoint a special prosecutor, the House of Representatives will carry out an inquiry to determine whether Mr. Nixon should be impeached.

Either the legislation proposed by our colleague from Indiana or an impeachment inquiry by the House Judiciary Committee would offer an orderly procedure for Mr. Nixon to clear away the avalanche of suspicion, cynicism, allegations, and circumstantial evidence of wrongdoing that has crashed down upon the White House.

As to the proposal for an impeachment inquiry, Mr. President, I was impressed by a paragraph in Crosby Noyes' column of October 25 in the Washington Star. Mr. Noyes, who in the past has been one of Mr. Nixon's staunchest journalistic supporters, argues in this column for proceeding with the impeachment investigation, and he makes this point, quote:

> The impeachment machinery that has been set in motion shows no sign of grinding to a sudden halt. And, indeed, it should not. Because of all the various investigations into the Watergate affair and the President's role in it, it could well be that the House Judiciary Committee, in examining the possible grounds for impeachment, has a stronger constitutional claim on the evidence held by the executive branch than any other group, including the Senate select committee and the courts.

Mr. Noyes then rightly points out that the central issue is the President's fitness to continue in office, and in my opinion, this can only be determined by one or both of the procedures under consideration.

As long as the clouds of Watergate, San Clemente, income tax questions, the milk deal, the wheat deal, the Vesco affair, ITT, Howard Hughes money, and all the rest hang over the White House, and as long as the President refuses to cooperate with the inquiries that could clear him, then a public whose capacity for outrage is still dramatically evident will never again accord him blind trust.

Neither flat denials of wrongdoings or knowledge of wrongdoing, nor flat condemnations of press and the networks for alleged distortion of fact will restore that trust, for denial alone will not exonerate, and the "distortion" of fact has turned out to be fact too many times in the last 12 months.

In short, Mr. President, there is no higher priority than restoring the public trust, and there is no other way of accomplishing this than the President's wholehearted cooperation with an independent investigation by a court-appointed special prosecutor, by the House Judiciary Committee, or by both.

In the absence of such cooperation, Mr. President, we are left, as columnist Joseph Kraft put it on October 25, with no other conclusion than that the President "either has something to hide or he likes confrontation and crisis for its own sake."

I find the latter as disturbing, indeed as unthinkable, as the former. For if the people's tolerance of venality in high office has been strained to the breaking point, so, too, has their capacity for absorbing crisis.

BUFORD PUSSER

Mr. BROCK. Mr. President, it is not too often that one gets the opportunity to honor a "living legend," but we have the opportunity before us. The man is Buford Pusser. He is the former sheriff of McNairy County in Tennessee. During his terms in office, this man gained the reputation as one of the most effective crime fighters in the United States. He attacked organized crime in his county

with a passion seldom seen in modern time.

The results were startling. On numerous occasions, Buford Pusser was the target of attempts on his life. Twice, he was left for dead, in critical condition. During one of those attacks, his wife, Pauline, was killed. But even such a tragic occurrence as this did not deter him from his job, and he continued to use every legal course available to him to pursue his goal of eliminating crime in McNairy County.

His dedication to duty and to his fellow man have made him almost larger than life, and it is only fitting that Tennessee honored him on October 21, 1973. The State of Tennessee declared that day as "Buford Pusser Day in Tennessee," and he was honored at his hometown of Adamsville. Here we also should take note of this man's dedication to upholding the laws of this Nation for the example it sets.

CONSUMER REPORTS ON THE AIR

Mr. MOSS. Mr. President, one of the pressing needs of our time is to find ways effectively to bring reliable information on consumer products and services to the American public. I am pleased to note that television and radio stations, along with newspapers and magazines, are giving more time and space to presenting consumer news. But until now no one has developed a way to present to the public on a national basis, week in and week out, authoritative consumer information as a regular part of news programs on television.

For this reason I am excited to learn that Consumers Union, the well-known nonprofit consumer product testing organization and publisher of Consumer Reports magazine, has started a television consumer news service. The first effort of that service will be to produce a weekly Consumer Reports for airing primarily in local commercial television news programs throughout the country. I am told that Consumers Union is approaching stations through a syndicator and hopes to be on the air in early 1974.

The scope of the series is slated to be as wide as that of the magazine—bringing the American consumer valuable information and comparative ratings on products and services so that each individual can make the wisest possible choice under our free enterprise system.

The series is scheduling reports on a wide range of products such as foods, appliances, leisure goods, clothing, automobiles, and other consumer advice reports on insurance, health care and homeowning. In addition, the new series will report on significant advances in the work of the consumer regulatory agencies and other vital issues of consumer interest going forth in Congress.

The news service comes at a time when national interest in consumer affairs is growing at an unprecedented rate, spurred by rising costs in nearly every area of consumer expenditure. There is no doubt that the public is clamoring for more information on the way products perform, as well as their safety and value in the marketplace.

I, for one, believe that a consumer news service for television is long overdue and am very hopeful that it will receive wide exposure through television news program.

LUDWIG VON MISES

Mr. BROCK. Mr. President, as you know, Ludwig Von Mises died on October 10. More than any economist of our time, Dr. Von Mises reminded us that economics must ultimately be concerned with the aspirations of humankind. To Von Mises, the marketplace is not only a device for facilitating commerce, it is the great social invention through which free people express their diverse natures harmoniously.

Mr. President, I ask unanimous consent to have printed in the RECORD the tribute paid to Dr. Von Mises by the Wall Street Journal.

There being no objection, the tribute was ordered to be printed in the RECORD, as follows:

LUDWIG VON MISES: IN MEMORIAM

(By William H. Peterson)

> "Laissez faire does not mean: let soulless mechanical forces operate. It means: let individuals choose how they want to cooperate in the social division of labor and let them determine what the entrepreneurs should produce. Planning means: let the government alone choose and enforce its rulings by the apparatus of coercion and compulsion."
>
> Ludwig von Mises—"Planning for Freedom." 1952.

A generation of students at New York University's graduate business school who took the economics courses of Ludwig von Mises remember a gentle, diminutive, soft-spoken, white-haired European scholar—with a mind like steel.

Professor von Mises, who died Wednesday at the age of 92, was an uncompromising rationalist and one of the world's great thinkers. He built his philosophical edifice on reason and individualism, on freedom and free enterprise. He started with the premise that man is a whole being with his thought and action tightly integrated into cause and effect—that hence the concept of "economic man," controlled by impersonal force, is in error.

All this was subsumed under the title of his 900-page magnum opus, 'Human Action,' first published in 1949. Mr. von Mises, a total anti-totalitarian and Distinguished Fellow of the American Economic Association, was professor of political economy at New York University for a quarter-century, retiring in 1969. Before that he had a professorship at the Graduate Institute of International Studies in Geneva. And before Geneva he had long been a professor at the University of Vienna—a professorship which the oncoming Nazi "Anschluss" take-over of Austria, understandably, terminated.

Among his students in Vienna were Gottfried Haberler, Friedrich Hayek, Fritz Machlup, Oskar Morgenstern and Karl Popper who were to become scholars of world renown in their own right.

Starting right after World War II, Mr. von Mises gave three courses at NYU: Socialism and the Profit System, Government Control and the Profit System, and Seminar in Economic Theory. In each course he carefully established the primacy of freedom in the marketplace. He stated that the unhampered pricing mechanism, ever pulling supply and demand toward equilibrium but never quite reaching it, is the key to resource optimization and, indirectly, to a free and creative society.

Mr. von Mises believed in choice. He believed that choosing among options determines all human decisions and hence the entire sphere of human action—a sphere he designated as "praxeology." He held that the types of national economies prevailing across the world and throughout history were simply the various means intellectually, if not always appropriately, chosen to achieve certain ends.

His litmus test was the extent of the market; accordingly, he distinguished broadly among three types of economies: capitalism, socialism, and the so-called middle way—interventionism, or government intervention in the marketplace.

A BELIEF IN CHOICE

Mr. von Mises believed in government but in limited, non-interventionistic government. He wrote: "In stark reality, peaceful social cooperation is impossible if no provision is made for violent prevention and suppression of antisocial action on the part of refractory individuals and groups of individuals." He believed that while the vast majority of men generally concurs on ends, men very frequently differ on governmental means—sometimes with cataclysmic results, as in the various applications of extreme socialism in fascism and communism or of extreme interventionism in the "mixed economies."

He reasoned that regardless of the type of economy the tough universal economic problem for the individual in both his personal and political capacities is ever to reconcile ends and choose among means, rationally and effectively. Free—i.e., non-coerced—individual choice is the key to personal and societal development if not survival, he argued, and intellectual freedom and development are keys to effective choices. He declared: "Man has only one tool to fight error—reason."

Mr. von Mises thus saw something of an either/or human destiny. While man could destroy himself and civilization, he could also ascend—in a free society, i.e., a free economy—to undreamed-of cultural, intellectual and technological heights. In any event, thought would be decisive. Mr. von Mises believed in the free market of not only goods and services but of ideas as well—in the potential of human intellect.

The failure of socialism, according to Mr. von Mises, lay in its inherent inability to attain sound "economic calculation," in its denial of sovereignty to the consumer. He argued in his 1922 work, "Socialism," published five years after the Bolshevik Revolution that shook the world, that Marxist economics lacked an effective means for "economic calculation"—i.e., an adequate substitute for the critical resource-allocation function of the market pricing mechanism. Thus is socialism inherently self-condemned to inefficiency if not disorder, unable to effectively register supply and demand forces and consumer preferences in the marketplace.

Socialism must fail at calculation because an effective economy involves the simultaneous decisions of many individual human actors—which creates far too large a task for any central planning board, argued Mr. von Mises.

The problem, as Mr. Hayek later pointed out, is of the use of knowledge in society. A central planning board cannot obtain the knowledge of the decentralized market. To do so ultimately would be to require the central planning board to know as much as each human actor. Thus this knowledge is far beyond the reach of any centralized agency, even with the aid of computers.

Some years afterwards, Oskar Lange, then of the University of California and later chief economic planner of Poland's Politburo, recognized the challenge of the von Mises critique on Socialist economic calculation. So he in turn challenged the Socialists

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to somehow devise a resource allocative system to duplicate the efficiency of market allocation. He even proposed a statue in honor of Mr. von Mises to acknowledge the invaluable service the leader of the Austrian School had presumably rendered to the cause of socialism in directing attention to this as yet unsolved question in Socialist theory. The statue has yet to be erected in Warsaw's main square.

But probably to Mr. von Mises the more immediate economic threat to the West was not so much external communism as internal interventionism—government ever undermining if not outrightly supplanting the marketplace. Interventionism from public power production to farm price supports, from pushing minimum wages up to forcing interest rates down, from vigorously expanding credit to contracting, however inadvertently, capital formation.

As in socialism, interventionism also incurs the problem of economic calculation, of denial of consumer sovereignty. In his "Bureaucracy," he held that government agencies have essentially no criterion of value to apply to their operations, while "economic calculation makes it possible for business to adjust production to the demands of the consumers."

On the other hand, he maintained, "if a public enterprise is to be operated without regard to profits, the behavior of the public no longer provides a criterion of its usefulness." He concluded, therefore, "the problem of bureaucratic management is precisely the absence of such a method of calculation." Indeed, interventionism, he maintained, usually achieves results precisely opposite to those intended: subsidies to industries make them sick, minimum wage laws boomerang on labor, welfare hurts the poor, industrial regulation reduces competition and efficiency, foreign aid undermines developing countries.

So, citing German interventionist experience of the 1920s climaxing in the Hitlerian regime and British interventionism of the post-World War II era culminating in devaluations and secular economic decline, he held so-called middle-of-the-road policies sooner or later lead to some form of collectivism, whether of the Socialist, Fascist or Communist mold.

INTERVENTION BREEDS INTERVENTION

He maintained economic interventionism necessarily produces friction whether at home or, as in the cases of foreign aid and international commodity agreements, abroad. What otherwise would be simply the voluntary action of private citizens in the marketplace becomes coercive and politicized intervention when transferred to the public sector. Such intervention breeds more intervention. Animosity and strain if not outright violence become inevitable. Property and contract are weakened. Militancy and revolution are strengthened.

In time, inevitable internal conflicts could be "externalized" into warfare. Mr. von Mises wrote: "In the long run, war and the preservation of the market economy are incompatible. Capitalism is essentially a scheme for peaceful nations. . . . To defeat the aggressors is not enough to make peace durable. The main thing is to discard the ideology that generates war."

Mr. von Mises had no stomach for the idea that a nation could simply deficit-spend its way to prosperity, as advocated by many of Keynes' followers. He held such economic thinking is fallaciously based on governmental "contracyclical policy." This policy calls for budget surpluses in good times and budget deficits in bad times so as to maintain "effective demand" and hence "full employment."

He maintained the formula ignored the political propensity to spend, good times or bad. And it ignored market-sensitive cost-price relationships and especially the proclivity of trade unions and minimum wage laws to price labor out of markets—i.e., into unemployment.

Thus, he held Keynesian theory in practice proceeds through fits of fiscal and monetary expansion and leads to inflation, controls and ultimately stagnation. Further, it results in the swelling of the public sector and shrinking of private sector—a trend that spells trouble for human liberty.

To be sure, many economists and businessmen have long felt that Mr. von Mises was entirely too adamant, too impolitic, too "pure," too uncompromising with the real world on its terms and assumptions. If that is a fault, Mr. von Mises was certainly guilty.

But Ludwig von Mises, the antithesis of sycophancy and expediency, the intellectual descendant of the Renaissance, believed in anything but moving with what he regarded as the errors of our times. He sought the eternal verities. He believed in the dignity of the individual, the sanctity of contract, the sovereignty of the consumer, the limitation of the state, the efficacy and democracy of the market.

He opposed the planned society, whatever its manifestations. He held that a free society and a free market are inseparable. He gloried in the potential of reason and man. In sum, he stood for principle in the finest tradition of Western civilization. And from that rock of principle, during a long and fruitful life, this titan of our age never budged.

FEDERAL REDTAPE AND THE PAPERWORK BURDEN

Mr. McINTYRE. Mr. President, I would like to make another of my periodic reports to the Senate on the Federal redtape and paperwork burden as it affects the 8½ million small businesses in this country.

For the past 2 years, the Senate Select Small Business Subcommittee on Government Regulation, of which I am chairman, has been conducting extensive public hearings into the reporting and statistical burden the Federal Government imposes on the businessmen and citizens of our Nation. In August of this year the Senate Small Business Committee issued a report which detailed the serious problems being experienced by businessmen who must pay between $18 to $50 billion a year to fill out the 6,000 or so forms required by the Federal Government. This report said:

> One major finding is that the Federal Reports Act of 1942, the Government's primary "paperwork controls law," is largely ineffective. We believe this is due to lack of effective enforcement and application by the White House Office of Management and Budget. This Office has complete responsibility for administering this law, but it refuses to carry out all of the provisions of the act. The agency has never held hearings or implemented the collection and consolidation of information-gathering procedures as it is "directed" to do under section 3(b) of the act. OMB officials state that they rely solely on the review procedures outlined in section 5 of the law to fulfill statutory demands. The agency, however, for many reasons, has not successfully met the requirements of section 5.

One reason cited by the report is that top officials at the White House Office of Management and Budget have consistently refused to adequately staff the Statistical Policy Division which reviews forms for clearance. Other congressional committees over the years have repeatedly urged an upgrading of the forms clearance procedure at OMB, but no productive action has been forthcoming. Our committee report thus concludes that it is questionable whether OMB will ever administer the Federal Reports Act so as to effectively control the proliferation of Federal paperwork.

During this session of Congress I have introduced five pieces of legislation to deal with different aspects of this problem. One of these bills, S. 1812, would enable Congress to oversee more adequately reporting by the private sector to the Federal Government. S. 1812 would accomplish this end by transferring authority for the administration of the Federal Reports Act of 1942 from the Director of the Office of Management and Budget to the Comptroller General of the United States, and by including the Internal Revenue Service under the provisions of this act.

I should like to report that the transfer-of-authority provision contained in this bill may now in fact not be necessary. I had the opportunity recently of personally meeting with Mr. Roy L. Ash, Director of the Office of Management and Budget, to discuss this matter. I am pleased to report that Mr. Ash has very affirmatively agreed to join with the Subcommittee on Government Regulation and the Government Operations Committee to upgrade OMB's responsibilities required by the Federal Reports Act of 1942.

In a letter which I received from Mr. Ash on October 9, he candidly admitted that OMB has not done all that it could to implement this act. I was particularly interested in his statement that he had complained for years about the Federal paperwork burden when he was in business and now that he is working for the Government is determined to do something about it.

In our discussion, Mr. Ash agreed to the following major steps which he intends to take as Director of OMB to control Federal paperwork:

First. OMB would immediately toughen screening of all requests for forms under section 5 of the 1942 Federal Reports Act. A virtual temporary moratorium would be placed on all new forms requests from the agencies.

Second. Frank Zarb, Assistant Director, OMB, has been directed to work with the staff of the Senate Small Business Committee in an effort to begin a program under section 3 of the act. Efforts will be made to begin a process of elimination of many of the existing 6,000 Federal forms.

I am convinced that Mr. Ash is serious and that he will pursue very actively efforts to control Federal paperwork which businessmen refer to as "strangulation in triplicate."

I ask unanimous consent that the letter I have received from Mr. Ash under date of October 9, 1973, be printed at the conclusion of my remarks.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Office of Management and Budget,
Washington, D.C., October 9, 1973.

Hon. Thomas J. McIntyre,
Chairman, Subcommittee on Government Regulation, Select Committee on Small Business, U.S. Senate, Washington, D.C.

Dear Senator McIntyre: I have received your letter of September 21, signed jointly by Senator Nunn, in which you note a number of Government reports which you believe to be either excessive or duplicative and on which you request a report. We are undertaking an examination of these reports and will have a response to you by October 19.

But beyond the specific reports, let me record my strong agreement with your effort to unburden businessmen from excessive and duplicative reports. I complained about this burden for years when I was a businessman, and I am determined to do something about it now that I am working for the Government.

I have asked Frank Zarb, Assistant Director of OMB, to begin a major study of how we can relieve the reporting burden on business, starting with smaller businesses, where the problem is more acute. We hope to sweep through all such Federal forms to determine which of these can be eliminated, reduced, or combined.

I am aware of your concern that OMB has not done all that it could to enforce the Federal Reports Act of 1942, and I share this concern, which unfortunately seems to have progressed to the point where other organizational locations are being considered for the clearance function. I would like to have the opportunity to prove to you my commitment to enforce this Act before any such action is considered—and I hope to meet with you to describe our plans in more detail.

Sincerely,

Roy L. Ash, *Director.*

TRANSPORTATION FOR THE HANDICAPPED

Mr. DOLE. Mr. President, as my colleagues know, I believe that handicapped Americans have been too long neglected and relegated to the status of second-class citizens. I am in favor of and have actively worked for passage of Federal legislation to alleviate the diverse difficulties faced by the handicapped in this country.

One of the most serious problems facing handicapped Americans is their lack of access to independent living because of the proliferation of architectural and transportation barriers. Early in this Congress, Senator Charles H. Percy and I introduced S. 1105, to encourage the removal of such barriers. To further combat transportational barriers, Senator Percy appeared before the Federal Aviation Agency on October 18 to testify on air travel for the handicapped. The Senator's testimony is evidence of his personal dedication to solving the problems of our handicapped and all mobility limited citizens.

In light of increasing congressional concern about the plight of the handicapped in this country, I recommmend for my colleagues' attention Senator Percy's testimony before the FAA. I ask unanimous consent that the statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Testimony of Senator Charles H. Percy

Mr. Crawford, I am very pleased to have this opportunity to participate in the Federal Aviation Administration's (FAA) rule-making procedures on air transportation of handicapped individuals. Through the years I have steadily advocated more equitable opportunities for our handicapped citizens. The problems of accessibility that confront the handicapped have been of particular concern to me, for I find it shocking that in this 20th century the handicapped of this country are still a largely hidden population, whose lifestyles are persistently and cruelly restricted and impoverished by man-made architectural and transportation barriers.

Another shocking revelation has prompted my presence here this morning. I find it incomprehensible in this day and age that organizations as reputable and responsible as the Airlines Pilots and Stewardesses Associations would propose to return air travel for the handicapped back to the dark ages. For those who may not be familiar with the Associations' position, let me summarize the recommendations they offered before the FAA Rochester, Minnesota hearing:

1. Handicapped passengers are defined as any passenger whose mobility is limited;

2. The number of handicapped passengers per flight is limited to one handicapped passenger per 50 available seats. (In effect this means that no more than two handicapped individuals are to be accommodated on an average sized airplane);

3. Each handicapped passenger accepted per flight must be accompanied by an able bodied adult attendant who is capable of, and responsible for, caring for the handicapped passenger and his evacuation in the case of an emergency;

4. Handicapped passengers are accepted on a given flight *only* if the destination airport agrees in advance to provide fire and rescue equipment and personnel trained to evacuate handicapped passengers standing at the ready when the plane arrives.

If the airlines pilots and stewardesses have their way, air transportation, the only efficient means of long-distance travel today, would be severely restricted, not only to the physically handicapped but also to every mobility limited individual in this country. According to Department of Transportation estimates, more than 21 percent of the people of this country may be classified as mobility limited: Approximately 6 million Americans suffer physical handicaps which hamper their mobility; more than 20 million of our elderly citizens consistently experience difficulties with mobility; at least another 4.6 million individuals, including you and I, may become temporarily non-ambulatory due to short-term illness or injury; still others may be mobility limited because of stroke, heart condition, arthritis or pregnancy. When all these groups are combined, they total 44 million Americans.

I recognize that the airlinea pilots and stewardesses may have offered their recommendations in the interest of assuring the health and safety of their passengers. There are safety problems unique to air travel. In an emergency crash, a handicapped passenger may have difficulty following the procedures established for the expeditious evacuation of the aircraft, thus placing his own life in danger and, perhaps, imperiling the lives of other passengers as well.

However, it must also be recognized that handicapped Americans have begun to travel as never before, as the travel industry seems to have discovered an enthusiastic new client. At least five travel agencies around the country have developed special tours tailored for the blind, the deaf and the non-ambulatory, ranging from African safaris to round-the-world trips. After an experimental program last year Pan American World Airways this year became the first airline to offer regular international tours to the handicapped.

More important, one airline has already led the way and, through experience, has proven that air travel for the handicapped is possible without ill effects. As early as the 30's, United Airlines initiated the policy that allowed the blind to travel in their air carriers accompanied by seeing-eye dogs. In 1946, United had already developed specific criteria for the transportation of paraplegic veterans. In 1962, United set a record carrying 52 wheelchair passengers both ways to a paraplegic convention in Hawaii. With ingenuity and an open mind, United has operated practically without the able-bodied accompaniment rule, using forklifts, selective wheelchair seating, or whatever was required, to help the handicapped overcome seemingly insurmountable physical barriers to air travel. If United can do it, why not the entire airline industry? What is needed is greater awareness, understanding and effort by all concerned.

Thanks to medical technology, rehabilitation techniques, changing public attitudes and legislation, handicapped individuals are enjoying more and more self-sufficient, independent lives. If any of you have ever seen the Paralympiad, or the International Wheel Chair Games, or the Pan American Wheel Chair Games, or the Special Olympics for the Mentally Retarded, you'll know what I mean. It is my genuine hope that these FAA hearings will develop uniform standards and a consistent national policy that will regulate air travel for the handicapped in a manner that realistically reflects the true abilities of the handicapped to travel on their own when unnecessary barriers are not placed in their paths. As for specific guidelines and recommendations, I suggest that FAA pay particular attention to the sensible and appropriate statements offered by the Paralyzed Veterans of America and the Chicago Rehabilitation Institute, organizations with a great deal of expertise and experience on the subject.

I would now like to end my testimony by quoting FAA Administrator Alexander P. Butterfield, "The physically handicapped are one of our most neglected minorities. As the victims of a great deal of indifference, as well as a certain amount of prejudice, their special needs have been ignored far too long by society as a whole. I think all of us have a responsibility to do everything in our power to correct this situation." My presence here this morning is my small contribution to the correction of the situation referred to by Mr. Butterfield. It is also my way of telling the handicapped in this country that there are a lot of us in the Congress, to name but a few—Senators Jennings Randolph, Norris Cotton, Harrison Williams, Robert Stafford, Jacob Javits, Robert Dole, Alan Cranston, and Hubert Humphrey—who are willing to listen to their needs, to learn their problems, and to speak for them where they cannot effectively speak for themselves.

ADDRESS BY SENATOR HUBERT H. HUMPHREY TO THE CONVENTION OF THE AFL–CIO

Mr. HUMPHREY. Mr. President, it was my privilege to address the American Federation of Labor-Congress of Industrial Organization—AFI–CIO at its 10th constitutional convention, Americana Hotel, Bal Harbour, Fla., on Tuesday, October 23.

My appearance before this great convention came at a time following the resignation of the Attorney General, Mr. Elliot Richardson, and the Deputy Attorney General, Mr. William Ruckelshaus, and the President's dismissal of the special prosecutor, Mr. Archibald Cox. This rapid succession of dramatic events caused deep concern and anxiety throughout the Nation and was reflected in the deliberations and actions of the AFL–CIO convention. That convention on Monday, October 22, prior to my appearance the following day, had already adopted a resolution calling upon the

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President to resign and urging the beginning of hearings on the charges relating to impeachment. It was within this intense atmosphere that I was called upon to address this convention.

In my address I attempted to lay out what has been transpiring in our country in the so-called Watergate affair. I also outlined the events that were contributing to the confrontation between the executive and legislative departments of Government. I called upon the assembled delegates at the convention to proceed carefully and prudently and not to recommend any shortcuts or hasty actions that would violate constitutional procedure or law either in spirit or substance. I also outlined in my remarks my recommendations as of that time designed to deal with the governmental crisis that we faced at that time.

Finally, I called upon the convention to direct its political activities in the forthcoming weeks and months to assure a veto-proof Congress in the election of 1974.

I ask unanimous consent that the full text of my address to the AFL–CIO 10th constitutional convention be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR HUBERT H. HUMPHREY

I come to you today at a troubled moment in the history of our nation. These are times that test the strength of our political system and the fabric of our society.

I come to counsel with you, to speak of the law, of the Constitution, of our political traditions, of our country—now and in the future. It is from this perspective that I address you.

Every school child is taught that we have a Constitutional democracy; that the Constitution is the supreme law of the land; that there are three separate and co-equal branches of government.

Every school child is taught that each officer of government solemnly takes an oath to uphold and defend the Constitution and that the President himself, above all others, is required by the Constitution to execute faithfully the law of the land.

Every school child is taught that every branch of government has its powers carefully defined in the Constitution.

We have been taught that our Constitutional heritage of limited powers was borne from bitter experience with kings who believed that they were above the law.

All of this has been capsuled in our Constitution which outlines the structure of our government, defines its powers and duties, and defines the purpose of government. Listen to the Preamble:

"We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

There is not one word in the Constitution to protect the government from the people. Every word in the Constitution is intended to protect the people from the abuses of government.

Throughout the years you and I, and many others in the Democratic progressive tradition, have called for a strong Presidency. As Adlai Stevenson once said, "It is the only office that represents all of the people."

We need a strong President, one who will stand up for the weak, fight for the oppressed and care for the needy and the elderly.

We need a strong President—one who can and will stand up against the powers of corporate wealth and unite the people in the pursuit of common goals. We need strong and inspiring leadership from our President.

We need a strong President in the compassionate and progressive traditions of Franklin Roosevelt, Harry Truman, John Kennedy, and Lyndon Johnson.

But a strong President does not mean an arrogant President. It does not mean a President who violates the Constitution instead of breathing life into it. It does not mean a President who ignores the will of the elected representatives. It does not mean a President who will tolerate those who corrupt the election process.

But strong Presidents are only truly strong when they have the respect and support of the people.

That respect and support have been seriously undermined by what is known as Watergate and the events of the past week. Yet it is the faith and confidence of the people in their government that gives meaning to popular government. Without that faith and confidence, the government cannot govern.

President Nixon's actions have brought us to the brink of Constitutional and governmental crisis.

This is not merely an issue for Constitutional lawyers and academics. It affects every American. Our existence as a democracy and our Constitutional traditions of balanced and limited power are in danger.

Our present dilemma has been precipitated by the effort of the Executive Branch of government to relegate to itself powers belonging to others. While the President makes much of the separation of powers in defense of his position of Executive privilege, he has in fact by his actions made a mockery of separation of powers. He takes power unto himself.

These past months we have witnessed the spectacle of corruption, wrongdoing, criminal acts and irresponsibility in high places of government unfold before us like a nightmare. When the principle of limited power is ignored, and the concept of laws, not of men, is cast aside, then government by the consent of the governed is endangered.

The President's recent actions have shown us what happens when power is exercised without restraint and a President places his personal political welfare above his Constitutional mandate and the requirements of the nation.

James Madison once warned America about the risk of unchecked power, when he said, "The accumulation of all powers . . . in the same hands, legislative, executive and judicial . . . may justly be pronounced the very definition of tyranny."

These words written almost 200 years ago take on special meaning as we consider the events of this past weekend.

At midnight Friday the President chose not to appeal the Court of Appeals' decision ordering him to turn over tapes and documents to Judge Sirica. At that moment the Court's order became law. It is this law that the President has refused to obey.

Instead, the President tried in vain to get the Special Prosecutor to agree to a plan differing from the Court's order. The Special Prosecutor could not accept the plan, citing its legal inadequacies and its conflict with the mandate given him by the Congress, the Attorney General, and the President himself.

The Special Prosecutor insisted that he would appear before Judge Sirica in opposition to the Nixon plan.

Then the President took the step that authoritarian executives have traditionally resorted to—namely, he liquidated the office of Special Prosecutor and he ordered Mr. Cox to be fired.

He asked the Attorney General to carry out his directive; refusing to do so, the Attorney General resigned.

The order was again issued to the Deputy Attorney General. He, too, refused the President's order and he was fired.

A new Acting Attorney General then removed the Special Prosecutor.

A President who assured the nation that the Executive office would give "total cooperation to the Special Prosecutor" and a President who told us that "Watergate belongs in the courts" this past weekend decreed by Presidential order that the courts would not be permitted to decide between him and the Prosecutor. He, the President, would do the deciding.

So, I ask: Who will be the people's representative before Judge Sirica today or tomorrow when the White House lawyers argue that the Court should modify its order to accept the Nixon plan?

The nation is left with a President facing the possibility of a contempt of court order, a Justice Department shattered, and an impartial investigation of his Administration halted.

All of these measures reflect the actions not of a Constitutional President, but of a man "obsessed" with power.

The pattern of exercising unrestrained power is dangerous; it is dictatorial; and it is unacceptable for a free people.

We have seen it in Watergate. We have seen it as he illegally impounds funds. We have seen it as his spokesmen falsify and misrepresent actions taken by his Administration.

We have seen it in the secretive and illegal acts performed in the name of national security.

It is inconceivable that a President of all the people would choose to rule by edict rather than by consent, that he would make himself both judge and jury, and that he would so callously replace moral leadership with a political maneuver designed to assure his survival. But this is exactly what the President has done.

The Congress and the judiciary have the responsibility to curb these improper uses of power. The American people must be reassured that justice cannot be dismantled by an elected official who views himself as above the law. What America needs is a white paper of truth, not a whitewash of an Administration.

Throughout the Watergate crisis, the Congress, the courts, the Special Prosecutor have sought to avoid the Constitutional confrontation we face today. We have repeatedly asked the President to accept and abide by the decision of the Court. He can and should do this. He can spare the nation this Constitutional crisis, if he will respect the decision of the Court or at least follow the judicial process. But, so far, he has failed to do this.

So, now, failing Presidential compliance, it is up to the Congress and the judiciary to act responsibly to resolve this crisis.

First, it is essential that a new Special Prosecutor be named and his work continued. This could be done immediately either by Judge Sirica or by special act of Congress. There is precedent for both.

The new Special Prosecutor should have full access to all of the evidence that has been accumulated in this case, and all the powers and resources of a truly independent prosecutor.

Until these investigations are completed, a cloud of suspicion will hang over the President, his entire Administration, and the Presidency itself. It is essential that this

new inquiry be beyond the political reach of the President.

Second, instead of my rendering judgment on impeachment itself, I urge the appropriate committees of Congress to act promptly and judiciously in considering the best possible procedures for looking into these tragic facts and events—to hold full and complete hearings on the impeachment motions filed by members of the House.

The Constitution places the responsibility for impeachment proceedings upon the House of Representatives. The Senate sits as judge and jury. As Senator, I believe it is my duty not to prejudge this case. But as a public official, it is my duty to see that Congress and the public has the facts.

Third, I would strongly urge Senator Stennis to reconsider accepting the Presidential request to hear the tapes until the Select Committee has decided to accept the President's proposal and until the Federal District Court has ruled on its acceptability. My position in no way reflects on the integrity and competence of Senator Stennis, a man held in high esteem by the entire Congress. But his participation implies that the President's proposal is, indeed, an "acceptable compromise" and that the Senate has acquiesced. As yet, neither the full Committee nor the Senate has agreed.

I would hope that the District Court would promptly rule on the acceptability of the so-called compromise and whether or not the President is in contempt of a court order.

I believe what I have outlined is a reasoned course of action. Despite the gravity of these recent events, we must not let passion and prejudice interfere with the Constitutional remedy at hand. "Due process of law"—procedures and procedural safeguards are basic to a fair and just and free society. Procedure often determines substance.

I caution every American not to fall prey to the abuse of rhetoric, just as the President has fallen prey to the abuse of power. We must act responsibly, with full adherence to legal procedures.

Despite our outrage and anxiety, we must pursue a course consistent with the law, the courts, and the Constitution. We cannot and must not resort to a "political lynching party" or just be out to "get the President." That is wrong and indefensible.

The safeguards of our system are all there if we do not ignore them or abuse them.

Democrats, Republicans, citizens from all walks of life have an equal stake in the resolution of this sordid and tragic affair.

Our problems at home and abroad demand decisive action so that the business of government can be pursued. There is work to be done—great and necessary things to do.

Our economy is in trouble. We have an inflation that eats into the income of every working family, denying them the full benefit of their hard earned dollars. The economic policies of the Administration have rewarded the powerful corporations and financial institutions. The elderly and the poor have been victimized by cruel inflation.

Yes, there is an unfinished agenda including health care legislation, tax reform, budget reform, campaign finance reform, voter registration, education for our young, care for our elderly, employment for our jobless.

These problems confront us no matter who is President, who is Vice President, who is Attorney General, or who is Special Prosecutor.

To accomplish these objectives I call upon this assembly of American workers to help us build a veto-proof Congress. Today we have government by minority—one third plus one—government by one man—government by edict. We must put an end to minority rule. We must put an end to one man rule. We must put an end to government by edict. And we can—we must.

Only 54 weeks from today the American people will once again go to the ballot box to decide the course our country is to follow. A new Congress is to be elected, along with governors, legislators, and local officials. We must not permit cynicism, bitterness, frustration, and division to weaken our resolve.

We have learned what it means to lose elections. We have paid a heavy price for defeat. When we lose an election, someone else makes economic policy; someone else makes up the Federal budget. And those who already have too much, get more. And those struggling to have enough, get left out.

When we lose elections, someone else appoints the judges; and courts make law too.

Yes, losing elections is a painful and costly experience. Defeat has meant hardship for the American working family, distorted budget priorities, inequitable economic policies, continual Presidential vetoes of essential programs, illegal impoundments of public funds, and corrupt leadership and election scandals.

But the American people have the right to expect more than criticism and complaints from their political leaders and parties.

They have a right to know what we are for.

They have a right to know in what direction we would have our nation go.

Elections should be fought over the issue of national priorities—not only how much shall be spent but on what it should be spent.

We must present strong policy leadership—policy goals—to put America's house back in order.

Here are some of the things we must have:

A national food policy for the remainder of the decade to assure our consumers an adequate supply of food at reasonable prices with maximum production of food and fiber for export. We need a system of food reserves to protect the American consumers from wild price inflation and provide the poor at home and abroad with a margin of safety for their survival.

A national energy policy to end our dependence on foreign supplies to meet our energy needs. We must never allow ourselves to be in a position where we can be threatened or blackmailed. A nation that could split the atom and put a man on the moon can also develop the capability to produce the fuel needed to assure our prosperity. Whatever is required must be done.

A national trade policy that encourages American exports but will not permit American workers to be the victims of unfair foreign competition. We need to export goods, not jobs.

A national health policy to provide the preventive and curative health care for all Americans. Yes, a program of national health insurance and the expansion of health facilities and medical personnel.

A national urban policy designed to make our cities liveable, safe, and modern. We must not ignore the needs of our cities, this neglect which has become "the new racism."

A national transportation policy which includes a much greater effort to improve the farm to market road system of rural America, to expand urban mass transit, and to complete our great interstate highway system.

A national policy of equal rights and opportunities for all Americans and a firm commitment to make it work.

A national education policy that guarantees every girl and boy the opportunity for quality education from pre-school through graduate school.

A national security policy that keeps America strong but bases that strength not only on a modern and effective military force—but strength from an economy that expands, strength from jobs for all, strength from the health and education of our people. National security is not to be found in White House Plumbers, in wiretaps on loyal Americans, in secrecy and abuse of Executive Privilege. True national security lies in the faith and confidence of the people in their government.

We must work and work and work for a united party and a united America. We cannot afford to pay the price of more election defeats.

We must bury the axe of party disunity and return majority government to our land.

We must have a "veto-safe" Congress in 1974 and a President for all the people in 1976.

PRODUCTIVITY IN INDUSTRY IN AMERICA

Mr. BROCK. Mr. President, there is a crisis of major proportions in the making in America. It is one that has created and, indeed, fostered much of what we could call our working lifestyles in recent years. I am simply talking about productivity in industry in America. It has become a matter of grave importance. One that the Congress, the business world, and the worker must quickly address. We need an immediate emphasis on productivity in industry, seeking ways to stimulate better cooperation between labor and business leaders to address such problems as job enrichment, worker morale, absenteeism, the use of drugs, alcoholism, and other elements which have caused us to lose some of our competitive edge compared to other free nations of the world. Recently, several unions and contractors have recognized what is happening, and they have joined together to take some affirmative action. E. E. Halmos, Jr., in an article in Constructor magazine, points out several areas in which work is being done. I ask unanimous consent that this article be printed in the RECORD, to bring attention to what can, and should be done in recognizing and solving this growing problem.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UNIONS JOIN CONTRACTORS IN PRODUCTIVITY PUSH

(By E. E. Halmos, Jr.)

Following dozens of different channels that begin at as many sources, the construction industry is moving slowly toward a major objective: An increase in productivity on the job.

The reason is a very real fear that the industry will price itself into a slump, if it can't hold down costs and produce more and better work per dollar spent.

The slogan voiced by several labor union leaders—"work smarter, not faster"—seems to be the right answer. Only by convincing workmen themselves of the need for better production can any real progress be obtained.

Organizations involved in the overall effort range downward from the federal government through national contractor and owner organizations, labor groups, and professional societies. And the effort itself can't be called a snowball. There's a long way to go. Labor is still suspicious of anything that smacks of time-and-motion studies of whipcracking. There is the often justifiable complaint that poor management, poor scheduling and coordination, unrealistic design and specifications are much more to blame for poor production than is labor malingering.

As a matter of fact, much of the drive isn't even easily identifiable under the name of "productivity." Some begin simply as efforts to improve labor-management relations,

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or upgrade training for both apprentices and journeymen in newly-developed aspects of their trade, or even to insure compliance with new safety laws.

The efforts have often developed into public-relations campaigns aimed at workmen and the general public or training programs of varying lengths and intensities, even the inclusion of workers' "obligations" in contract documents.

Nevertheless, the end result is a discernible drive for better productivity.

The list of those involved is increasingly impassive. They include, for example:

The President's National Commission on Productivity, just renamed the National Commission on Productivity.

The newly reactivated "Plan for Settlement of Jurisdictional Disputes in the Construction Industry."

The three-year-old Council of Construction Employers.

The Associated General Contractors' joint safety training programs with the Laborers' union.

The National Training Fund of the Sheet Metal and Air Conditioning Industry.

The Business Roundtable, of New York City.

The New York City chapter of the National Electrical Contractors, working with IBEW Local 3.

The Plumbing and Heating Industry Fund, in Detroit.

The National Roofing Contractors Association.

The "National Conference of the Building Team", sponsored by the Producers Council.

Many local and state-wide contractor and labor organizations.

Approaches vary considerably, and often seem to have no direct connection with the immediate problem.

For example, the "National Commission" was set up to provide basic facts for the current and future economic controls program. It has already studied such things as food prices and production, and the "health services" industries, and conducted a day-long conference on productivity in the construction industry. Only result of that latter conference, so far anyway, is the hoped-for printing of conference proceedings some time this year.

"PLAN" OFFERS HOPE

On an industry-wide basis, and somewhat on an indirect approach, best hope for better productivity may be the newly constituted "Plan for Settlement of Jurisdictional Disputes", replacing the moribund "Joint Board" for such settlements. If it can reduce jurisdictional squabbles among labor organizations, it could contribute strongly to better and probably lower-cost production of projects.

The hope for success lies in the new structure's "impartial" boards and appeals bodies, rather than the old tri-partite arrangement, insertion of provisions for penalties against unions which fail to comply with decisions, a "Technological Change" committee to study jurisdictional prohlems that may be created by introduction of new technology or materials, and requirement that compliance with Board decisions must be effected before an appeal can be taken.

Still another approach is through the new safety requirements governing construction work. Such an approach is the jointly sponsored AGG/Laborers program to train supervisory personnel and others in the proper use of safety devices in trenching and excavation through one-day "schools" at points throughout the U.S.

The Sheet Metal Workers, on a national basis, and Electrical Workers (Local 3) in New York started with the premise that they needed better employer-employee relations. Then they moved into training and safety by sponsoring training programs that are separate from regular apprenticeship courses. Their programs are designed primarily to upgrade skills of journeymen and supervisory personnel to handle increasingly complex safety and technical requirements. The Sheet Metal program, supported by a 2-cent an hour employer contribution, started with training some union members to teach classes. It has now expanded into a full program covering the union's 12 regions. The Electrical workers effort started a year ago in metropolitan New York, again, primarily to train union members to teach. It will now blossom into a full 30-session training course that may handle as many as 1,500 students a year.

Following this approach, other building trades unions have recently expanded their apprenticeship programs to help members cope with increasingly complex technology.

On the professional side, many of the major technical societies have devoted numerous special meetings and seminars to discussions of more economical designs to allow for better efficiency in the field.

The most direct approach to productivity itself, however, is being adopted by local and statewide contractor organizations, usually with solid union backing. An example is the "Build America" Plan created through a committee with AGC's Detroit Chapter and three other contractor groups. Their program is an all-out public relations effort to (1) build public awareness of the contributions of construction men to national progress, (2) build up morale and pride among the workers.

The program includes distribution of stickers for hard-hats, windshields and auto bumpers. An increasingly sophisticated series of posters are being placed on and around construction sites stressing the costs of late starts, early quits, extended coffee breaks, and shoddy or careless work. Included also are coffee cups imprinted with figures as to the cost of each minute of a coffee break, and other gimmicks and gadgets designed to remind employees of their obligations.

"OBLIGATIONS" IN CONTRACTS

An even more direct approach has been taken by AGC's Hawaiian chapter, which last year succeeded in writing in workers' "obligations" to their employers as part of all but two major wage contracts. The remaining two contracts both come up for renegotiation this year, and the contractors intend to include such provisions in them. The idea, say Hawaiians, is that if the obligation to report to work on time and put in a full day's work without undue breaks becomes a contractual matter, it can be enforced.

Close observers of these efforts say that productivity has increased as a result, though there are no statistics yet to prove it.

Everyone concerned with the problem seems to be in agreement on several points:

1. There is probably no way to arrive at "norms" to measure actual production per man-hour or per workman in the construction industry. The industry is too varied, too specialized, and depends on such a vast assortment of interrelations between trades, suppliers, contractors, designers, owners that job-to-job measurement simply is not a valid basis for setting standards.

2. Economic or other "fear" approaches to workmen, with one exception, have little value. The construction industry has been booming for so long that craftsmen and even laborers have no fear of layoff or discharge. It is too easy for them to go to another site and not even miss a paycheck. Besides, with generally high annual pay, the workers have become more concerned with their own housing, recreational activities, and family relationships than with the problem of day-to-day living that formerly operated as the greatest spur to working.

Only one threat—and even that must be subtly played—seems to have had any real effect: The threat of loss of whole projects to "open shop" contractors, in areas where the building trades are strong.

3. Management is far from blameless in the matter. Some construction men think this is in part due to the fact that many now in top jobs in construction companies began their careers in the era of World War II, when federally funded "crash" programs got so large that planning and management got sloppy. The continuing boom in the industry's business has made it possible for some people with this sort of background to survive and prosper. In any case, with a squeeze down now becoming apparent, this will not continue. Management must look to its own methods to see what it is doing in terms of poor scheduling, purchasing practices, over-design, poor supervision and the rest.

4. Finally, everyone is agreed that the only workable approach is through appeals to pride—pride of craft, pride of person, pride of accomplishment.

LUMBERING AHEAD

Mr. McGEE. Mr. President, earlier today I introduced legislation that would provide for a thorough, interdisciplinary review of the practice of clearcutting on our national forests. This is not exactly a new issue with me; nor a new bill. I have sponsored it and advocated it in prior sessions of the Congress.

Recent developments have persuaded me to renew efforts leading toward such a study, and to seek a moratorium on the practice of clearcutting in the interim. Chief among these recent events was the release of the report of the White House Panel on Timber and the Environment—a report which flies in the face of every other significant study on western forests, at least, made during the last 5 years. Another development of deep concern was the decision, imposed on the Forest Service, I am sure, to cut back on personnel and cut back on reforestation and timber stand improvement programs.

Yesterday, the Washington Star-News took editorial note of these recent developments, concluding that—

> Until more caution is visible, and a better evaluation than this report provides, there will be much skepticism about any surge of tree-cutting.

Mr. President, I ask unanimous consent that the Star-News editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

LUMBERING AHEAD

In the past, President Nixon has been a bit cagey in commenting on the finished work of some presidential study commissions—those dealing with difficult social questions. Quite a different reception, however, awaited the report of the White House Timber Advisory Group, which proposed a sharp increase of lumbering in the national forests. It received Mr. Nixon's instant approval, and what's more, he conducted the study team on a tour of White House grounds and personally took the measurement of an oak tree. We trust that this was merely symbolic, since there is fully enough racket downtown without adding the whine of chain saws.

Seriously, of course, there is a need for expanding lumber production, to meet housing requirements that grow larger by the day. A good many more board feet probably can be extracted from federal forests without appreciable harm, but hard questions arise, pertaining to extent and method. Certainly the study panel's contention that cutting in virgin forests of the West might be increased by 50 to 100 percent should be subjected to a great deal more expert scrutiny, before anything on that scale is considered.

While indicating that lumber production can be enlarged vastly in national forests, above what the U.S. Forest Service now contemplates, the report hedges on the most controversial subject—clearcutting. This is the lumber industry's equivalent of strip mining, in which trees are cleared away totally, in large swaths, instead of being cut selectively. Done in limited degree, on the right kind of terrain and with adequate provision for reforestation, this can be an acceptable process. But it has left some unsightly messes behind, including erosion and siltation, where proper conservation practices were not carried out. The study group, in its qualified way, seems to sanction increased clearcutting on public lands, which apparently was what the Nixon administration wanted to hear. And needless to say, the timber industry was grateful.

The advisory panel inserted one qualification, though, that may give the administration some trouble: Lumbering should be accelerated only if more federal money and forest-management personnel are provided, to prevent environmental abuses. But the White House, unfortunately, seems inclined the opposite way. It has refused to spend funds authorized for needed reforestation, and advocated cutbacks in Forest Service personnel, while planning larger timber harvests. Until more caution is visible, and a better evaluation than this report provides, there will be much skepticism about any surge of tree-cutting.

BILL STREET

Mr. BROCK. Mr. President, Bill Street was a journalist of considerable talent, immense integrity, and great good humor. As mid-south political editor of the Memphis Commercial-Appeal, he covered the politics of Tennessee, Arkansas, Mississippi, and Alabama, and he did it well.

He understood politics, and the forces that work to solve problems. He also understood people, and he combined these understandings with a mastery of the English language, with the result that his writing was both perceptive and enjoyable.

A native of Ripley, Miss., and a graduate of the University of Mississippi, he joined the Commercial-Appeal in 1950, and advanced swiftly, becoming political editor in 1967. He has served as president of the midsouth chapter of Sigma Delta Chi, and chairman of the Memphis Press Club, which administers scholarships for journalism students.

In all of these activities, he earned the respect and friendship of all who came in contact with him. Combined with the admiration which he had from thousands of readers, it made him one of the most able leaders in Tennessee journalism.

Those of us who knew him, however, will be poorer still for the loss of a fine gentleman and a dear friend. We will miss him greatly.

His wife, Maxine, and his family have our deepest sympathy.

PABLO CASALS

Mr. HUMPHREY. Mr. President, the world has just suffered a great loss in the death of one of our greatest artists and noblest spirits—the beloved maestro, Pablo Casals.

One of the truly enduring rewards of public life is the privilege to know interesting and oftentimes great people. It has been the privilege of Mrs. Humphrey and myself to have known as a dear friend the famed musician, Pablo Casals. It is indeed a rare privilege to share in the friendship of such a remarkable man. He was truly unique not only because of his amazing talents as an artist and a world renown cellist but also because of his sense of decency, honor, compassion, and unselfishness.

If ever one man gave his life to the cause of the enrichment of the lives of people—all people, of all walks of life—it was Pablo Casals. If ever there was one person in our time whose very life was a living testimonial to the meaning of peace and love, it was Pablo Casals. His life spanned almost a century. Never did he become bitter or cynical, nor did he ever turn away from his dedication and devotion to democratic principles and institutions.

We will remember him for so many reasons. He will be remembered for the occasions that he played for our Presidents in the White House. He will be remembered for his appearance at the United Nations concerts. He will be remembered for his many great masterpieces of music and, above all, for the genius that was his and his love of music. But he will be remembered by the workers of Puerto Rico, their families and their children, for his kindness to them and his willingness to bring them the great music of the ages.

This man's life is filled with the history of this century. His spirit and his music will live forever. Truly, he was an immortal man.

I ask unanimous consent that an article that appeared on the date of October 23 in the New York Times by Mr. Alden Whitman be printed in the RECORD, also an article by Mr. Paul Hume of the Washington Post, and finally an article by Mr. Richard Slusser of the Washington Star-News. These three well-written and fully documented articles reveal the wide range of interests that the beloved Pablo Casals pursued. He was the universal man. And those of us that had the privilege of knowing him and sharing in his friendship will remember him to the end of our time. The world is a much better place in which to live because the great maestro Pablo Casals lived here.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CASALS, THE MASTER CELLIST, WON WIDE ACCLAIM IN CAREER THAT SPANNED 75 YEARS

(By Alden Whitman)

"I think it goes like this," a cello student struggling with a Johann Sebastian Bach suite once told Pablo Casals.

"Don't think," the master cellist replied. "It is better to feel."

With this emphasis on an inner sensitivity to a Composer's intentions, Casals was able to demonstrate what luminescent and human music could be drawn from the strings of a rather awkward instrument. In concerts and recordings over some 75 years, he provoked awe and applause for the profundity of his insights, the felicity of his playing and, above all, the soaring purity of his interpretations of baroque and classic composers. Each was his specialty, but he was also at home with Boccherini, Mozart, Brahms, Beethoven, Schumann and Dvorak.

At the same time Casals (he pronounced the name (KaaSAALS) won much admiration and acclaim as a man of probity and principle for his humanitarianism, his personal musical "crusade for peace" and his one-man stand against the regime of Francisco Franco in his native Spain. Few musicians achieved in their own time the international renown accumulated by Casals.

Part of this fame, in the United States at least, came very late in life and rested on Casals' talents in conducting, which he fancied as his real metier and which he had practiced, mainly in Europe, since 1920. Conducting gave him a sense of fulfillment, he said, because orchestras, with their human teamwork, are "the greatest of all instruments."

Early in his career, on his first American tour in 1901, a falling rock crushed the fingers of his left hand. His first thought, as Casals recalled it, was, "Thank God, I won't have to play the cello any more." He associated that reaction with his desire to conduct.

After a period of semiactivity in Europe starting in 1945, Casals went to Puerto Rico to live in 1956. He was then 79 years old and seemed spent. The next year, however, he started the Festival Casals, which became an annual springtime program of concerts. He had a heart attack just before the opening of the first festival, but he recovered buoyantly in the following years, using an orchestra brought together by Alexander Schneider, the violinist and an old friend. The concerts drew thousands of mainlanders to the island and introduced the post-World War II generation of music lovers to Casals.

Then in 1961 he joined Rudolf Serkin's Marlboro Music Festival in Vermont, where each July he conducted the orchestra and gave master classes in the cello. And, beginning in 1962, he conducted a choral work in New York every year. His first presentation was his own oratorio, "El Pesebre" ("The Manger"), a lengthy composition dedicated "to those who have struggled and are still struggling for the cause of peace and democracy."

WHITE HOUSE CONCERT

In this period of resurgence, Casals gave a widely publicized cello recital at the United Nations in New York in 1958 to mark that organization's 13th anniversary. Three years later he played to a distinguished gathering at the White House on the invitation of President John F. Kennedy.

The public attention that Casals generated in those years helped also to swell sales of his cello recordings, and this, in turn, created new esteem for his wizardry with the bow. Thousands who never saw him nonetheless came to know him intimately.

Another element of his appeal to the public was his apparent refusal to age or grow stale. "Sometimes I feel like a boy," he told an interviewer in 1964. "Music does that. I can never play the same piece twice in the same way. Each time it is new."

Watching him rehearse an orchestra when he was 89, an astonished student exclaimed:

"When the maestro came onto the stage he looked 75. When he stepped on the podium he seemed even 10 years younger. And when he began to conduct he could have been a youngster ready to chase Easter eggs."

INNOVATIONS IN PLAYING

In the musical world, Casals's enduring reputation was associated with two accomplishments: his single-handed restoration to the repertory of Bach's cello music, especially the six magnificent unaccompanied suites; and his innovations in bowing and fingering

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that gave the cello a new and striking personality in orchestral and solo works.

He greatly lightened the work of the left hand, for example, by changes of finger positions, thus adding to its mobility. He also showed that it was possible to attain fresh subtleties in tone by freer bowing.

His own style was aristocratic. He made the most difficult passages seem simple yet luscious, all the while shunning pyrotechnics and gimmicks.

Casals came upon the Bach suites by accident when he was 13 years old and browsing with his father in a Barcelona music shop.

"I forgot entirely the reason of my visit to the shop and could only stare at this music which nobody had told me about," he said years afterward. "Sometimes even now, when I look at the covers of that old music, I see again the interior of that old and musty shop with its faint smell of the sea.

"I took the suites home and read and reread them. For 12 years after that I studied and worked every day at them. I was nearly 25 before I had the courage to play one of them in public."

When he did play them, the suites were disclosed as a transcendent musical experience, not the abstract exercises they had previously been believed to be.

"For me, Bach is like Shakespeare. He has known all and felt all," Casals told Bernard Taper in a Profile published in The New Yorker in 1961. "He is everything. Everything except a professor. Professor Bach I do not know. When people ask me how I play Bach, I say, 'I play him as the pianist plays Chopin.' There is such fantasy in Bach—but fantasy with order."

Casals was of medium stature—not much taller than his Groffriller cello—and not heavily built. The top of his head had been bald since his early 20's. In repose, his face and his blue-gray eyes (behind round glasses) tended to be somber, but a smile imparted radiance and geniality to his face.

He was direct in his speech, exceedingly polite, a careful dresser (youthful photographs show him to have been quite a dandy in a romantic sort of way) and quietly dignified. He relaxed by reading, playing tennis, chatting with friends, smoking a pipe (he was rarely without one) and, in his late years, by watching Westerns on television.

To hear Casals was a moving and memorable experience. He sat with his eyes closed, his head turned sidewise and a little lifted, as though he were communing with some secret muse. His fingering and his bowing were so flawless that they seemed automatic, yet it was evident that they resulted from concentration.

He had superb savoir-faire. Once when a loose cuff bothered him, he stopped playing, slowly took off the cuff, put it on the floor and resumed playing where he had left off. When a string broke he would retire from the stage, replace it and, returning to his chair, start the solo from the beginning, such was his drive for perfection.

When Casals played a chamber music program at Perpignan, France, in July, 1951, Howard Taubman, then music critic of The New York Times, wrote:

"As a musician, Casals is all of a piece. Whether he conducts as he did in the second orchestral program of the Bach-Mozart-Beethoven festival . . . or plays the cello, there is a fine-grained consistency running through all his musical labors. . . .

"His work at the cello . . . was remarkable for its modesty and restraint, and if one listened closely one could hear innumerable felicities of technical mastery. As an admiring violinist observed, 'Do you note the four shades of color he got in one bow?' "

Casals was an ardent supporter of the Spanish Republican Government. He never reconciled himself to the Franco regime, which he considered tyrannical. With the Franco victory in 1939 he went into self-imposed exile, living until 1956 in Prades, France, some 40 miles from the Spanish frontier.

Up until 1958 he refused to visit the United States because it recognized Franco. "I have great affection for the United States," he said when he moved to Puerto Rico, "but as a refugee from Franco Spain I cannot condone America's support of a dictator who aided with America's enemies, Hitler and Mussolini. Franco's power would surely collapse without American help."

But Casals bent his attitude sufficiently to play at the United Nations in 1958 because of "the great and perhaps mortal danger [of nuclear war] threatening all humanity."

Then in 1961 he relented further and played at the White House. In subsequent years he came to this country for regular yearly visits.

Pablo Carlos Salvador Defilló de Casals was born in the Catalan town of Vendrell, 40 miles from Barcelona, on Dec. 29, 1876, the second of 11 children of Carles and Pilar Defilló de Casals. His father was the town organist.

"From my earliest days," Casals recalled, "music was for me a natural element, an activity as natural as breathing." He could sing in tune before he could talk clearly, and at the age of 5 he was a soprano in the church choir. His father taught him the piano, violin and organ, and when he was 8 he began substituting for his father as church organist.

Shortly after Pablo's 10th birthday he heard a cello for the first time when José Garcia performed in Vendrell. After some coaxing, the elder Casals bought his son a cello and gave him a few lessons. Pablo was fascinated by the instrument and proved so adept at it that he quickly exhausted his father's pedagogical abilities.

ENROLLED IN MUSIC SCHOOL

With his mother's backing and against the wishes of his father (who wanted the boy to become a carpenter), Pablo—not quite 12—went with his mother to Barcelona, where he enrolled in the Barcelona Municipal School of Music. To earn his living he played evenings for dances with a trio at the Café Tost, and later he persuaded the owner to devote one night a week to classical music.

That night attracted serious musicians to the bistro, including Isaac Albéniz, the composer and pianist. When Casals was graduated from music school at the age of 17 with first prizes for cello, piano and composition, Albéniz gave him a letter of introduction to Count Guillermo de Morphy, a music patron who was an adviser to Queen Mother Maria Christina in Madrid.

The Count, taken with the young cellist, introduced him to Maria Christina, who was also charmed and who granted him a monthly stipend of 250 pesetas (about $50) for his studies.

Casals lived in Madrid from 1894 to 1897, going to school at the Royal Conservatory of Music, playing duets with the Queen Mother (she was a fair pianist), chatting with the child who was to become Alfonso XIII and being guided in his general education by the Count de Morphy.

From Madrid, Casals and his mother went to Brussels, but, miffed by an unfriendly reception at an audition there, he went to Paris, where he played at the Folies-Marigny at a wage barely sufficient to keep him and his mother from starvation. After a short time they returned to Barcelona, where Casals got a job teaching at the music school. For two years he taught cello, played it in the Barcelona Opera orchestra, gave concerts in churches and formed a string quartet, all the while saving money for a return to Paris.

In the fall of 1899, just before his 23d birthday, he arrived in that city again, carrying a letter of introduction to Charles Lamoureux, the eminent conductor, from the Count de Morphy. When Casals presented himself for an audition, the conductor was annoyed by the instrusion. Nonetheless, the cellist sat down and began to play parts of the Lalo Cello Concerto. With the first notes, Lamoureux hoisted himself up from his desk and stood facing Casals until he finished playing, whereupon he embraced the young man and said, "My boy, you are one of the elect!"

SENSATIONAL DEBUT

Lamoureux immediately engaged him to play the Lalo concerto with his orchestra, and Casals made his Paris debut Nov. 12, 1899. He created a sensation there, as he did in London shortly afterward. In Britain he also played for Queen Victoria.

From then on his career was made, and he never lacked for engagements or for an audience. He commanded top fees, but lived economically.

For the next 20 years, until 1919, Casals, using Paris as his base, played in the principal cities of Europe and the Americas. He made his New York debut in 1904, playing the Saint-Saens Cello Concerto with the orchestra of the Metropolitan Opera and winning a chorus of critical bravos. Later that season he was the cello soloist here in Richard Strauss's "Don Quixote," with the composer conducting his own tone poem.

Many of Casals' performances in those years were chamber music, which he played with Jacques Thibaud, the violinist, and Alfred Cortot, the pianist. In the United States he also gave chamber music recitals with Harold Bauer, the pianist, and Fritz Kreisler, the violinist, and with Kreisler and Ignace Paderewski, the pianist.

In that period Casals formed friendships with such musicians as Georges Enesco, Maurice Ravel, Camille Saint-Saens, Sergei Rachmaninoff, Gregor Piatigorsky, Emanuel Feuermann, Artur Schnabel, Eugène Ysaye and Paul Hindemith.

In 1914 Casals married Susan Metcalfe, the American lieder singer. It was his second marriage; the first, to Guilhermina Suggia, a Portuguese cellist, in 1906, had ended in divorce six years later. For several years Casals was the piano accompanist for Miss Metcalfe, a soprano, and at one point he considered dropping his career to further hers. However, the couple parted in 1920.

After World War I and with the breakup of his marriage, the cellist turned his energies to Barcelona, where, in 1920, he founded the Orquestra Pau (Catalan for Pablo) Casals and subsidized it for seven years at a total cost of $320,000 until it became self-supporting. In these years (and afterward) he was its principal conductor.

Early in the nineteen-twenties Casals also founded the Workingmen's Concert Association in Barcelona, which gave its members, in return for nominal dues, an opportunity to attend Sunday morning concerts of his orchestra and to set up their own musical groups.

As busy as Casals was in Barcelona, he also found time to give concerts in the United States and in Europe and to appear in what seems increasingly to be his favorite role, that of a conductor. He led the Londou Symphony, the New York Symphony and the Vienna Philharmonic.

When the Spanish Republic was proclaimed in 1931, Casals became one of its eager and hard-working supporters, all the more because the Republic restored many of his native Catalonia's ancient rights and granted the area a good deal of autonomy. He was president of Catalonia's music council, the Junta de Musica, and, during the Civil War, he gave hundreds of benefit concerts abroad for the Republic and put a large part of his personal savings at its disposal. The Government, in turn, named streets and squares for him and encouraged his exertions to bring great music to the common people.

Casals was in Barcelona in January, 1939, when the Franco forces burst into the city, but he made good an escape to France, vowing never to return to Spain while Franco was in power. (Apart from a fleeting trip to Spain in 1955 to attend the funeral of his long-time close friend and housekeeper, Mrs. Francesca Videl de Capdevila, he never did.)

After several demoralizing weeks of despondency in Paris, during which he grieved for his country, he went to live in Prades among the thousands of Spanish exiles. There he helped to organize the care of the Catalans held in French camps and solicited funds for them from his friends all over the world. He continued to live in Prades in World War II.

Toward the end of the war he went on tour again. In the autumn of 1945, however, he cut short a concert trip in Britain and retired to Prades.

In explanation, he said he had assumed that an Allied victory would doom not only Hitler and Mussolini but also Franco. The democracies, he went on, had disillusioned him by not acting to topple Franco. He was therefore suspending his concert career until Spain was freed. He had, he pointed out, ceased playing in Germany with the rise of Hitler, had not played in Italy in the thirties nor had he appeared in Russia after the Bolshevik revolution. He said he could not separate his beliefs as a human being from his conduct as an artist.

Casals lived quietly and simply in Prades for close to 12 years. In 1950, however, he was prevailed upon to soften somewhat his vow of musical silence and take part in a Bach bicentenary festival. The event, which attracted hundreds of music lovers from many parts of the world, was held in the big Church of St. Pierre in Prades. The critics found that Casals's bow had lost none of its magic.

In that and subsequent Prades festivals Casals appeared in a triple role—as soloist, as chamber music ensemble player and as conductor. In these concerts he was joined by many internationally famous musicians, including Dame Myra Hess, Rudolf Serkin, Joseph Szigeti and Isaac Stern.

Some indication of a further shift in Casals's thinking came in 1951 in a colloquy with Albert Schweitzer, the humanitarian and philosopher. "It is better to create than to protest," Dr. Schweitzer said in urging the cellist to return to the concert stage. "Why not do both—why not create and protest both?", Casals replied. And he seemed to follow that course in his last years.

After a period of self-examination, Casals went to Mexico in 1956 for his first concert date outside the Prades area. It was there, in 1960, that "El Pesebre" had its premiere. The oratorio became the banner of his peace mission, which he carried to many major cities in the Western world. Discussing this crusade, he said in 1962:

"As a man, my first obligation is toward the welfare of my fellow men. I will endeavor to meet that obligation through music, the means which God has given me, since it transcends language, politics and national boundaries."

In August, 1957, when he was 80, he married Marta Montañez, one of his cello students, who was then 21. They lived in a cheerful modern house on the beach at Santurce, P.R., where Casals liked to take an early morning stroll before beginning his day of playing a Bach work on the piano. "It is like a benediction on the house," he said.

Casals had the unstinted admiration of his fellow artists. And one of them, Mr. Stern, put their feelings this way:

"He has enabled us to realize that a musician can play in a way that is honest, beautiful, masculine, gentle, fierce and tender—all these together, and all with unequivocal respect for the music being played and faith in it."

Appearing in New York last summer for a free Central Park concert with Mr. Stern—it was cut short by rain before the cellist could perform—Casals pronounced what could stand as his epitaph.

"What can I say to you?" he asked the assemblage. "I am perhaps the oldest musician in the world. I am an old man, but in many senses a very young man. And this is what I want you to be, young, young all your life, and to say things to the world that are true."

[From the New York Times]

A MUSICIAN WHO LOOKED BEYOND THE PRINTED NOTE

(By Harold C. Schonberg)

Pablo Casals represented a type of musicianship that is virtually extinct today—a musicianship that had its roots in the romantic traditions of the 19th century. As such he was a romantic himself, and young musicians today tended to look fondly upon him as a living anachronism. All, especially string players, had nothing but respect for Casals's powers as an instrumentalist. But as an interpreter his ideas ran counter to many of today's cherished notions. Today's musicians tend to be literalists. The printed note is the ultimate guide. Casals, however, along with other great musicians of his generation, tried to look beyond the printed note. The important thing in music, he kept telling his pupils, is what is not in the notes. The important thing is the re-creation of an emotion, a mood, an experience.

Thus when Casals played or conducted Bach, he was not afraid to indulge in certain expressive devices that a stricter age regards as anathema. This did not disturb Casals, who considered Bach a romantic anyway. He would use an intensified scale of dynamics, avoid strict metrics (even to the point of the tempo rubato), phrase with a grand sweep and emphasize the melodic elements. His basic approach to Bach and the other early composers was substanially no different than it was to Brahms and Schumann.

And who is to say that Casals, with his concentration on the expressive elements of music, had the wrong approach? He was no musicologist, but he was able to do what very few musicians can do—play with complete mastery, in a manner that always impressed and moved with its sheer conviction. His approach was so big that it simply negated criticism.

As a conductor he brought the same kind of approach exemplified by his cello playing. At rehearsals he was constantly exhorting his players to sing out, to phrase with beauty, to use a full bow, to avoid dryness. He had the orchestra constantly thinking about dynamics.

Even toward the end, his enthusiasm was as great as ever, his ear seemingly infallible. After a lifetime of living in an area of music that extended, approximately, from Bach through Brahms (he was a conservative, and contemporary music did not interest him), there were few things he did not know about his chosen literature. In addition, he had total recall. He had met everybody and heard everybody, and he was a living encyclopedia on performance practice of the past.

But Casals was not a blind idolator of the past. He was the first to admit that the new school was technically superior to the old, even if he had many reservations about the drier emotional approach of the new school. It was his ambition to take the brilliantly gifted young cellists of today and try to instill into them something of the tradition and the ideals that motivated his own work.

He did not expect imitation from his pupils (in any case, nobody could imitate Casals), but he could help them with technical problems, and he could stimulate them to look upon music in an intensified manner. He could, and he did. To all musicians, even the most cynical, he was an inspiration. For he had devoted his long life to music without expecting any rewards aside from the joy of exploring a piece of music and constantly renewing himself in it.

[From the Washington Post, Oct. 23, 1973]

CASALS: THE GREATEST OF ALL STRING PLAYERS

(By Paul Hume)

Pablo Casals was one of the world's musical geniuses. There never was a person who played the cello the way Casals did. He was regarded as the greatest string player of them all and a conductor and composer of eminence.

An exile from his beloved Catalonia in Spain since the emergence of Franco, Casals was an ardent opponent of dictatorship, deeply concerned over social problems and concerned with humanity. He was a man of rare compassion and warmth.

The man the world knew as Pablo Casals was christened Pau Carlos Salvador Defillo de Casals. Pau is the Catalan equivalent of Pablo and it was in the Catalan village of Vendrell that Casals was born on Dec. 29, 1876. The town is about 25 miles down the coast from Barcelona and a mile or two inland from the Balearic Sea, that part of the Mediterranean that flows along the northeast coast of Spain. His name came from his mother, Pilar Defillo, whose native Puerto Rico would call out to Casals when he was 75 years old. His father, Carles Casals, was Vendrell's church organist.

The boy needed a name of substance because it was to serve him throughout a long life. As a great musician, he would be called "the monarch of the bow," and, as a world-famous champion of personal liberties, be hailed "as one of those artists who come to the rescue of humanity's honor."

The place where he was born remained at the heart of Casals' life and thought. Over eight decades later, he said, "Catalonia is my native land. During my lifetime I have traveled in many lands, and I have found beauty everywhere. But the beauty of Catalonia nourished me since infancy.

"When I close my eyes, I see the ocean at San Salvador and the seaside village of Sitges with the little fishing boats on the sand, the vineyards and olive groves and pomegranate trees of the province of Tarragona, the River Llobregat and the peaks of Montserrat. Catalonia is the land of my birth, and I love her as a mother."

It was in Barcelona, the capital of the region, that Casals formed the Orquestra Pau Casals and also a workers' music society. It was for the world-famous monastery of Montserrat that Casals wrote nearly all of his sacred music. Even today the Benedictine monks of Montserrat own a number of Casals manuscripts the cellist-composer refused to publish during his lifetime, but which he said might be published after his death.

It was from Barcelona that Casals fled, in 1939, across the border into the neighboring French province of Roussillon to the tiny town of Prades whose name he would, a decade later, make known throughout the world of music.

Catalonia gave Casals his own language, "an ancient Romance language, completely distinct from Castilian Spanish," he pointed out. Its great popular dance, the sardana, inspired him six times to compose music for large orchestra.

And one of the oldest folk songs, "Cant des ocells,"—"The Song of the Birds"—which dates back to the 9th century, became in his hands not merely a song of longing for the land from which he exiled himself in protest against a Spanish Fascist government, but a symbol of protest through which, for more than two decades, he reminded the world of the loss of individual liberties in his beloved Catalonia and all of Spain. "Someone must remember," he wrote to the New Friends of Music in New York in

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1946 when they invited him to appear on their series. "Someone."

This extraordinary man and musician showed clearly, at a very early age, that he had unusual musical gifts. He liked to tell people that he began singing in his father's choir at the age of 4, for which he was paid something like 10 cents a service. "So you see," he noted, "I have been earning money through music for 90 years."

At a speed and with a range of talents that recall Mozart, Casals began composing at the age of 6, started studying the violin when he was 8, the organ at 10, immediately taking over some of his father's duties.

It was at the very same age, in the year 1886, that the predestined event happened: Casals "met" a cello. Accounts differ as to just where and how this happened. It may even have been that a clown in a traveling circus was sawing away at one. But what happened is well documented: Casals made himself a kind of cello out of a gourd and some old strings. Perhaps it was the sounds that came from this home-made affair, perhaps it was the boy's intense devotion to it, but within a few months his father bought him a cello—cheap, but a real cello.

This moment was the artistic birth of the man Fritz Kreisler would call "the greatest of all string players," and whose art would be described by Joseph Szigeti as "the witchery of what is probably the greatest art among all string players."

Within a year Casals' mother had taken him to Barcelona where he was praised by Spain's leading musician, Isasc Albeniz. He was given financial and artistic assistance and soon the patronage of the royal family of Spain. A teacher whom Casals said later "could not have been improved upon for me," Jesus de Monasterio, introduced him to vast amounts of the cello repertoire of that day, while Tomas Breton, Spain's foremost composer of operas and zarzuelas, supervised his continuing work in composition. In two years Queen Maria Cristina provided funds for Casals to study at the renowned Brussels Conservatory.

On his very first day there, however, the young Pablo gave a clear indication of the way he would make the major decisions of his life.

Brought in to play for the leading cello teacher and made an object of mockery by the students, Casals offered to play "anything you choose, sir," in reply to the professor's question about what he might know. When the professor, with a slight sneer, suggested "some Spanish dances," Casals answered, "Yes, but some other things besides."

At this, the processor named the principal concertos of the day and the most difficult pieces of the repertoire. When Casals assured him that he played them all, the teacher turned to the class and said, "Now, young gentlemen, we will hear something surprising from this young man who plays everything."

However, by the time Casals had finished—and playing on a poor, unfamiliar instrument—the professor was astounded and the other pupils silenced by the brilliance of the playing. The professor offered Casals the conservatory's First Prize on the spot, but Casals, looking him in the eye, said, "I do not like the atmosphere of your class," and walked out.

In Paris in 1899, an enormously successful debut with the Lamoureux Orchestra opened the door that led to triumph in every major European center from Rome to Moscow to Stockholm, triumphs that were quickly repeated in the United States.

During these years he changed the world's concepts of the cello from what Bernard Shaw had called "a bee buzzing in a box" to the noted conductor Wilhelm Furtwangler's observation: "Those who have not heard Pablo Casals have no idea how a strong instrument can sound. This is a unique synthesis of material and spiritual beauty."

During these same years, Casals enlarged his acquaintance with the world of ideas: politics, social problems, esthetic and philosophical arguments were the subjects of conversations in his Paris home where, in addition to great musicians of the times, such as Harold Bauer, Eugene Ysaye, Georges Enesco, and Atrur Nikisch, there regularly gathered the philosopher Henri Bergson, painters such as Degas, and political leaders of the stature of Briand and Clemenceau. And Casals read Karl Marx, for even in the years when the Spanish royal family had been his friends and supporters, Casals had been keenly aware of the struggles of the poor and what he saw as the inequalities under the monarchy.

When World War I broke out, he moved from Paris back to Barcelona where he began to work out the details of a long-held dream: to establish a symphony orchestra in a city where others had tried the same thing but always failed. With the end of the war, Casals determined to form an orchestra, and when no one else offered any financial support for such a project, he hired, rehearsed, and for its first seven years, paid out of his own pocket the members of the Pau Casals Orchestra.

For a decade and a half Casals spent the spring and fall months preparing his orchestra for concerts in which the world's renowned soloists and conductors often joined. Its activities lasted until 1936, and the beginning of the Spanish Civil War, then General Francisco Franco initiated an armed revolt against the Loyalist government, to whose cause Casals was militantly dedicated. It was with this historic event that the course of Casals' life and career was suddenly and violently altered.

When Barcelona was being bombarded, he played in hospitals and theaters to raise money to help the aged, the infirm, and the children. Outside of Spain he played countless concerts to help fund the Loyalists. But by the spring of 1939 it was clear that Franco's forces were winning and that Barcelona could no longer resist. At that point the man who had, years earlier, told the Belgian professor, "I do not like the atmosphere of your class," and had walked out, again left a situation he could not tolerate.

A few days later, Casals fled, with thousands of other refugees, north across the border into France, where he settled in the town of Prades from whose picturesque hills it is easy to keep an eye on the Catalan mountains to the south.

Casals, who had refused to play in Russia after the Revolution, in Germany after the rise of Hitler, and who had just left a Spain whose dictator he would defy for the rest of his life, played concerts in Switzerland in 1941 and 1942 to raise funds to relieve the war victims' suffering. Then, suddenly from the end of 1942 until the end of 1944, when the Germans' grip on France was loosened, no one heard a word from Casals.

Late that year, however, his longtime friend and fellow-cellist, Maurice Eisenberg, in New York City, got a letter from Prades. The handwriting was familiar, and the message heartening: "Now that the enemy has been forced to leave I have resumed my practising," Casals wrote. "You will be pleased to know that I feel I am making daily progress."

He told how the Germans had invited him, at Hitler's personal request, to come to Berlin via private sleeping-car, to play for the German people. He pleaded "rheumatic shoulder."

When German soldiers invaded his little house, and Casals would bristle belligerently, his caretaker, Senora Capdevila, told the Gestapo that the poor old man was not right in the head. The Spanish government had already sentenced him in absentia to 30 years in prison, and the Vichy pawns once ordered his arrest, an event prevented only by the collapse of the regime.

Now, however, it seemed as if Casals would not only be free once more to conduct, to record again, and to play his beloved chamber music, but he was hailed by the free countries as one of the chief champions of personal dignity and liberties. From among many invitations that showered upon him, Casals now nearly 70, chose to re-enter the music world in England, whose courage he had greatly admired during six years of war.

In London's Albert Hall on June 27, 1945, with Sir Adrian Boult leading the BBC Symphony, Casals played the concertos of Schumann and Elgar, and for an encore, an entire unaccompanied suite by Bach.

But the longer he remained in England, the more disturbed Casals became over the way in which England, along with the United States and other countries from which he had expected a different attitude, were praising and supporting the Franco government in Spain. His views became widely known that fall when both Oxford and Cambridge wanted to give him honorary degrees.

Declining both honors, Casals said, "If in these moments I should accept honors in England it would appear to my compatriots that I was indifferent to their unhappiness, when the contrary is the case: I associate myself with them *completely*." He proceeded to cancel plans for a spring tour, called off major recording schedules with HMV—His Master's Voice—even to the point of leaving a recording of the Haydn Cello Concerto half-finished.

Finally, on Nov. 13, 1945, he played in Paris at the Salle Pleyel. It was the last time Casals was to play in a major music center for 13 years. Not until 1958, when he played at the 13th anniversary of the United Nations in New York City, did he break that rule.

The letter he wrote the New Friends of Music in 1947 said, in part, "Please understand that the policies of your country are against my ideas for my country. I love America, but I could not go to a country which I should criticize."

Often during the years that followed, Casals hoped for some signs that world leaders would come around to his point of view. He was heartened late in 1950. Just two days before the U.N. Assembly voted to end its ban on the recognition of Spain, President Truman had said, "It will be a long, long time before the United States recognizes the Franco regime." But one month later this country and Spain exchanged ambassadors.

So Casals remained in Prades. "For the second time, as it were," he said, "I went into exile. I cannot say it was an easy thing to do, and I knew that in a world where cynicism widely held sway, my action could hardly affect the course of nations—it was, after all, only the action of a single individual. But how else could I act? One has to live with himself."

For years, Casals remained in Prades, refusing to play in any country whose government recognized the Franco regime, and thus, in effect, cutting himself off from the world of music.

Or so it seemed for a while. So the world of music had to go to Casals. To Prades, in the summer of 1947, went Alexander Schneider, distinguished violinist and a member of the Budapest String Quartet whose cellist, Mischa, was his brother. Alexander, or Sasha, as he is known, and Casals instantly became fast friends.

Not long after he returned to the United States, Schneider wrote to Casals to say that he and another old friend and colleague of Casals, pianist Mieczyslaw Horzowski, wanted to propose a Bach festival to be held at Prades under Casals' direction. They noted that 1950 would be the 200th anniversary of the death of Bach, and assured Casals that the world's great musicians would flock to Prades to play in and hear such a festival. They cinched the deal when they added that the proceeds could go to help the many Spanish refugees in a hospital

in nearby Perpignan, or to any other cause Casals wished.

Thus were born some of the most remarkable music festivals in history. Beginning in 1950, festivals dedicated to the music of Bach, Beethoven, Brahms, Schubert, Schumann, and Mozart were played in Prades and Perpignan. Hundreds of music lovers from around the world made the difficult trip to hear some of the greatest names in music perform in the very special atmosphere that quickly filled these festivals.

In 1952 Casals was 75 years old. That year a young writer from Puerto Rico went to the Prades Festival with his niece, Martita Montanez. The writer asked to see Casals, who describes their meeting:

"When Martita and her uncle came to my house, I had the impression that for the first time I was touching my mother's homeland. When I looked at Martita, I said to myself, 'This is no stranger who comes to visit me.' I had the curious feeling she belonged to my family."

"Later," Casals said, "I received a letter from Martita's uncle asking if it would be possible for her to come to Prades to study with me. I agreed. Of all the pupils I have taught, Martita was one of the best."

"The months went by without my being conscious of the bond that was growing between us. In the winter of 1955, together with Martita, I visited Puerto Rico for the first time. My brother Enrique and his wife Maria accompanied us. For me, Puerto Rico was a case of love at first sight!" In 1956 Casals moved there permanently.

"Martita and I were married in San Juan on Aug. 3, 1957," he has recorded. "I was aware at the time that some people noted a certain discrepancy in our ages—a bridegroom is not usually 30 years older than his father-in-law! But Martita and I were not too concerned about what others thought; it was, after all, we who were getting married—not they. I can only say with joy that our love has deepened in the intervening years."

It was the third marriage for Casals. In 1906 he had married a Portuguese cellist named Guilhermina Suggia. In 1914, after a divorce, he married an American concert singer, the late Susan Metcalfe for whom he often played accompaniments, much as his great successor on the cello today, Mstislav Rostropovich, often plays for his soprano wife Galina Vishnevskaya.

When I first met Casals, not long after his marriage to his beautiful young wife, he took hold of my right arm with a grip whose strength completely belied his 80 years, and said, "She has given me back my youth!" So it seemed then and has continued to seem.

That year the festivals that had drawn such crowds to out-of-the-way Prades and Perpignan were moved to Puerto Rico where they have been held each of the 17 years since then, on the campus of the University of Puerto Rico. Until recently Casals appeared as both cellist and conductor at every festival following the first one, when a coronary thrombosis prevented his taking part.

As they had in the earlier festivals, the world's leading musicians happily traveled to San Juan to join in making music in the enthusiastic spirit that Casals aroused. Younger greats such as Leonard Bernstein and Zubin Mehta joined Casals and Ormandy as conductors, and top young musicians, often on their way to the festivals at Marlboro, Vt., where Casals also became an annual visitor, were glad to make the trip to Puerto Rico.

It was not long after his move to Puerto Rico that Casals finally broke his resolution not to play in countries that recognize Franco's Spain. In October, 1958, he agreed to play at the U.N. headquarters in New York on a world-wide radio and television broadcast in honor of United Nations Day. He shared that program with the Boston Symphony, the Orchestra of the Suisse Romande from Geneva, and violinists David Oistrakh and Yehudi Menuhin.

Three years later Casals received a historic letter from the White House. It read:

"Dear Mr. Casals: Mrs. Kennedy and I would like to extend an invitation to you to give a concert at the White House on Monday evening, November 13th. We feel that your performance as one of the world's grestest artists would lend distinction to the entertainment of our invited guests. I do hope you will honor us with your presence. Sincerely, (signed) John F. Kennedy."

Casals' reply said in part:

"Dear Mr. President: Your kind invitation to The White House has honored me and given me great pleasure.

"Over a year ago I addressed an open letter to The New York Times as I felt that a Democratic victory was essential for the universal re-establishment of faith and trust in the great American nation.

"Never before has humanity faced such crucial moments and the desire for universal peace is a prayer of all. Everyone must join in doing their utmost to achieve this goal . . .

"Therefore, I look forward to the opportunity of meeting you personally. May the music that I will play for you and for your friends symbolize my deep feelings for the American people and the faith and confidence we all have in you as a leader of the Free World.

"Please accept, Mr. President, my respects and my highest esteem. Sincerely, (signed) Pablo Casals."

And so there occurred on that November night a truly historic occasion in the White House. It was historic not only because Casals was playing there. He had played there in 1904 for President Theodore Roosevelt whose daughter, Alice Roosevelt Longworth, was present 57 years later to hear him again. It was historic because on that night President and Mrs. Kennedy, wishing to honor not only Gov. and Mrs. Luis Munoz Marin, then governor of Puerto Rico, but chiefly in honor of Casals, had, for the first time at the White House, included in their guest list many of the leading musicians of the country. The audience was headed by composers, conductors, and performing musical artists whose names formed an honor roll of the country's classical musicians.

Casals was joined by his friends violinist Alexander Schneider and pianist Mieczyslaw Horszowski in the Mendelssohn D Minor Trio to which he added a set of pieces by Couperin, Schumann's Adagio and Allegro, and for an encore, what had become his symbol of freedom, "The Song of the Birds." The entire program was recorded and stands as one of the most remarkable testimonials in the whole catalogue of Casals mementos.

Another activity to which Casals became more willing to give himself publicly in his later years was the conducting of concerts on which all or a part of his oratorio, "El Pessebre" ("The Manger") was being presented.

This is a large-scale work, a full evening's program, calling for chorus, orchestra, and soloists, written not long after Casals moved to Puerto Rico. He says of it, "All my life, music has been my only weapon. How, then, I asked myself, could I best use this weapon now? A plan took form in my mind. It revolved around my oratorio, 'The Manger.' Since the message of this work was peace and the brotherhood of man, I decided to take the oratorio anywhere in the world that I could and conduct it as a personal message in the cause of international understanding. Everywhere, people have demonstrated the same hunger for peace, the same desire to join their fellow men in building a world pledged to human happiness. Every performance has been for me a reaffirmation of my conviction that it is not the peoples of the world but artificial barriers imposed by their governments that hold them apart."

After that decision, Casals conducted "The Manger" more than 60 times in cities in this country and Europe. In 1972 he recorded the entire work for Columbia Records, following its performance at the Casals Festival in San Juan.

"The Manger" is Casals' largest work, one that recalls his long acquaintance with the music of Brahms, at times of Wagner, and of Mahler, whose vast song-symphony, "Das Lied von der Erde" Casals conducted with his Barcelona orchestra back in 1930. Of his other compositions the world still knows very little. A dozen of the short, sacred choral pieces have been recorded, about half of them are published.

Casals has never failed to speak out against war and in favor of strong measures for peace. In Washington in 1971 to accept an award from the Organization of American States, he said, of children, "We tell them 'Kill or be killed. That is the law.' The law makes me kill, the law says I can kill. I don't respect the law in that sense . . . The world is at the disposal of the Russians and the Americans who have all those wonderful things to detroy and to kill. How ignorant, how backward we are. Man has employed this," tapping his forehead, "to come to the point that he can destroy the whole world."

Later that year he composed his last work, a "Hymn to Peace," to a text by W. H. Auden. The work was commissioned from both men by then-U.N. Secretary General U Thant and had its premiere under Casals' baton on Oct. 24 at the annual United Nations Concert in New York.

Of Casals the performer, however, there is a vast quantity of documented material that will show the world exactly how this genius played. Many dozens of excellent recordings exist covering a period of more than 55 years and attest to Casals' unique powers as a cellist in solo pieces, chamber music, and concertos. To those can be added the notable records made at the festivals of Padres, Perpignan, Puerto Rico and Marlboro in which he is again heard either as soloist or conductor, or both.

Among record experts the great Casals solo records are his versions of the solo suites by Bach, which he was the first to play in public, if not indeed in private as well; the Dvorak Cello Concerto, in which, with George Szell and the Czech Philharmonic, he gives a performance that will stand unsurpassed; and the Brahms Sonata in F Major, with pianist Horszowski.

To these must be added the priceless recordings made by one of the world's most famous chamber ensembles, the trio of pianist Alfred Cortot, violinist Jacques Thibaud, and Casals, in trios by Haydn, Schubert, Beethoven, and Mendelssohn. But the list is long, and comes well up into the stero era in which there is no diminishing of his powers in trios and sonatas by Beethoven, several of them made in the very room in Bonn, West Germany, in which Beethoven was born.

The cello had been played before Casals, but never as he played it. He not only reshaped its techniques and altered the sounds cellists made thereafter, but he was, like Wanda Landowska, one of those rare musicians whose influence reached hundreds of musicians of his own time and later, whether or not they were cellists.

Glorious and golden, the Casals' tone was capable of an infinite variety of shadings, a phase of his art to which he gave endless hours of practice. It was a tone he colored from the most delicate whisper in passages that echo through the Bach suites to a vast, surging baritone that sings through Brahms' broadest lines.

Even toward the end of his life, as on the night he played at the White House, he retained a command of strength in attacking something like the Schumann Allegro that

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was one of his special marks. In an area where opinions legitimately differ, many believed that Casals' tone was matched only by the late Emmanuel Feuermann and today's genius, Rostropovich.

For his 95th birthday I took a Georgetown Glee Club to Puerto Rico at the Casals' invitation. As the marvelous man started down the stairs to the large, covered porch where the archbishop of Puerto Rico was preparing to celebrate a special mass for the occasion, the group began to sing, "Let Us Now Praise Famous Men," by Vaughan Williams. Casals stopped and stood motionless on the stairs until they had finished and then, coming over to them, smiled and clapped his hands and said, "But you sing so beautifully. And you sing every note in tune, and every word is clear. Excellent."

Later during the mass, it was time for us to sing Casals' own music, "Nigra Sum sed Formosa," which means "I am black but beautiful." They had hardly sung the first phrase when Casals rose from his chair, came over to stand in front of them and conducted them to the end of the piece. Not one man who sang there that day will ever forget those moments. They had made music for and with a man who showed them in a few minutes something of the beauty and spirit he never failed to give any musician, amateur or professional.

To muscians he was beyond criticism—the only string player ever so described, according to Grove's Dictionary. Fritz Kreisler called him "the monarch of the bow." Yehudi Menuhin described him as "a presence, in this world of small men and faint hearts, a being whose simplicity, grandeur and integrity restore our faith in human nature."

Albert Schweitzer, who shared Casals' views of war and peace, added another emphasis: "He is a musician of this stature because he is a great man." And Thomas Mann, seeing Casals in the same light, said "He is one of those artists who come to the rescue of humanity's honor."

Pablo Casals Dies at 96

(By Richard Slusser)

Pablo Casals, 96, the great cellist who said he could not separate his beliefs as a human being from his conduct as an artist, died yesterday in a hospital in Rio Piedras, Puerto Rico. He had suffered a heart attack three weeks ago.

Mr. Casals, also renowned as a conductor, for a number of years did not appear in public as cellist or conductor, and, for more than 30 years, he adhered to a vow never to live in his native Spain as long as it was ruled by the Franco regime. Since the Spanish civil war he had returned there only once—in 1955—not for music but to attend a funeral.

In Spain Mr. Casals' death was received with deep regret in music circles. Composer Cristobal Halffter said in Madrid, "It is painful that a universal Spaniard has to die out of his home, for questions that concern neither culture nor the art."

Due to the combination of his genius and his long life, Mr. Casals for decades had received the tributes of admirers around the world.

Five months ago, when he was to conduct from his own works in a concert honoring the Organization of American States in Kennedy Center, Mr. Casals told a reporter of his love for music:

"When you hear music you must have the feeling that you are with a god. Bach is a god of mine. When I was in Spain in my home —and I am speaking of 35 years ago—in my garden I wanted to put a bust of Bach. Now, in that part of my life that is normally the last, I would like to have it in my garden. All my musical life has been devoted almost exclusively to Bach. In the moment of death to think of another is a very curious thing."

For Mr. Casals Bach was "like Shakespeare. He has known all and felt all. He is everything—everything except a professor. Prof. Bach I do not know. When people ask me how I play Bach, I say, 'I play him as the pianist plays Chopin.' There is such fantasy in Bach—but fantasy with order."

In his love and skill of Bach he rescued the unaccompanied cello suites from academic acceptance and brought them into prominence in the Bach repertoire.

According to Grove's "Dictionary of Music and Musicians," the greatness of Mr. Casals is uncontested. He is perhaps the only string-played admired by all musicians without reservation.

His innovations in bowing and fingering brought a new and striking personality to the cello in both orchestral and solo works.

Mr. Casals was born near Barcelona of Catalan ancestry. His father, a church organist, gave him his early music lessons—choir, piano, writing and transposition, violin, organ, and then the cello.

At the age of 11 he continued his cello studies in Barcelona, earning money by playing in a cafe with a trio he formed. He was studying in Madrid in 1892 and on occasions would perform duets with Maria Christine, the queen mother, at the piano.

After three years in Madrid he and his mother went to Brussels, but after an unfriendly reception at an audition there, they continued to Paris, where he managed to earn enough to keep them from starving.

Returning to Barcelona he taught, played in the opera orchestra and in a string quartet. Shortly before his 23rd birthday he returned to Paris with a letter of introduction to the conductor Charles Lamoureux, who, at hearing him play part of the Lalo Cello Concerto, exclaimed, "My boy, you are one of the elect."

Mr. Casals, with the assistance of Lamoureux, made his Paris debut in late 1899. A sensation there, he followed with successes in London—once playing for Queen Victoria.

His first appearances in the United States were in 1904. In one New York concert he was the cello soloist and Richard Strauss the conductor in a performance of Strauss's "Don Quixote." He also played for President Theodore Roosevelt in 1904.

Mr. Casals' first marriage was in 1906 to Guilhermina Suggia, a Portuguese cellist. They were divorced six years later and in 1914 he married an American, Susan Metcalf, a lieder singer.

He accompanied her on the piano for several years and at one time considered dropping his career to further hers. However, they went separate ways and Mr. Casals stopped using Paris as his unofficial headquarters of almost 20 years.

Also at that time, Mr. Casals was left disillusioned by World War I, and is said to have contemplated suicide. However he returned to Spain in 1920 and founded the Orquestra Pau (Catalan for Pablo) Casals, and subsidized it for the seven years it took for the orchestra to become self-supporting.

Mr. Casala felt that the cello did not give him his truest way of expressing himself, according to his American biographer, Lillian Littlehales. He believed that conducting was the real work of his life and the orchestra "the grandest instrument of them all."

He also formed the Workingmen's Concert Association in Barcelona, which with low dues permitted members to attend several musical events.

The Spanish Republic was established in 1931 and Mr. Casals' Catalonia was granted automony. He was named a member of the Junta de Musica in the council of culture, was made an honorary citizen of Barcelona and had a street named after him. He was elected an honor member of the Spanish Academy in 1935. (Franco later ordered streets named after Mr. Casals to be retitled and the plaque from his Catalonia home removed.)

He conducted his orchestra for the last time on July 18, 1936, the day before the Spanish Civil War broke out. During the next two years he toured to raise funds to feed Catalan children. He also played in hospitals in Barcelona while the city was being bombarded.

He fled to France in early 1939 before Franco's forces finally defeated the loyalists and soon he settled in Prades, a small town near Spain in France's Pyrenees-Orientales.

In Prades he concentrated on aiding the Spanish refugees being held in French detention camps. It also was in Prades that he later was to emerge with new fame as a musician.

He stayed in Prades in seclusion during World War II. After the fall of France the Nazis asked him to play in Germany, but he refused.

In June 1945 he was a soloist with the British Broadcasting Orchestra. In that performance, said a British critic, it was evident "from the first notes . . . that none of the magic of his playing has been lost."

Later that year he said he would not perform again in England or in the United States. The reason, he said, was a "moral rather than political" protest against the continued recognition or tacit approval of Franco's regime.

Later he announced that he would not perform in France for the same reason. He had assumed that an Allied victory would doom not only Hitler and Mussolini, but also Franco. (In addition to refusing to play in Germany, he had not played in Italy in the 1930s or in the Soviet Union after the Bolshevik Revolution.)

His quiet life in Prades was enlivened in 1950 with his agreement to participate in a Bach bicentenary festival.

The following year Albert Schweitzer told Mr. Casals that "it is better to create then to protest."

"Why not do both—why not to create and protest both?" Mr. Casals answered.

In 1956 he went to Mexico for his first concert outside Prades, and the following year he was married to 21-year-old Martita Montanez, one of his cello students. Since then they had lived in Puerto Rico.

When he moved to Puerto Rico Mr. Casals refused to visit the U.S. mainland although he had a great affection for this country.

In 1958 he relented and played at a United Nations concert with the agreement that he could state his views on the world situation.

In 1961, Mr. Casals, played at the White House at a dinner given by President and Mrs. Kennedy for Puerto Rico Gov. Luiz Munos Marin.

During his last appearance here Mr. Casals was stricken with an asthmatic attack the day before he was to conduct part of the 25th anniversary of the signing of the OAS charter.

After Schneider had conducted Mr. Casals' oratoria "El Pessebre," ("The Manger"), and his "Sardana" the composer was assisted to the center of the stage to acknowledge a tumultous ovation. He began to speak.

"How I thank all of you.

"I am a very, very old man and I have been in this lovely city much, much, before you all, and I remember the first concert that I gave here at the beginning of the century. It was very touching for me. I was a young man and I was very astonished to have received so much of your applause.

"But now I feel younger than ever because I play Bach every day; every day I play after having prayer to that fantastic, fantastic nature. Nature first, and then prayer; prayer to nature which I call nature-God or God-nature. . . .

"And so, despite my age, I am still a musician. . . . And I would like to give you more. I thank the Lord for having brought me near you. God bless you all."

LESSONS AND WARNINGS OF THE MIDEAST WAR

Mr. DOLE. Mr. President, last week, I noted reports that objection had apparently been voiced by the administration to provisions of the Alaska pipeline bill which would lift price controls on crude oil from very low producing or "stripper" wells. I found these objections hard to understand in the light of recent Middle-Eastern developments and heightened concern for the adequacy of this country's future energy supplies.

At first glance, a layman might wonder at the fact that any concern is being expressed in these matters. Stripper wells are technically known as marginal producers. That is, they operate in that narrow zone between the approaching curves of cost and return. They pump a little oil; they earn a small return. But it costs money to operate these wells, and in this age of inflation for virtually every goods and service the costs of operation moves closer and closer to the break-even point. And when that point is reached and costs exceed returns, a simple economic decision is made: the well is plugged.

Thus, it might seem insignificant matter whether a well producing less than 10 barrels of oil per day keeps on working. What difference could this little oil make to a country that consumes it by the millions of barrels every day?

Well, it could make a great deal of difference, for there are 353,000 stripper wells in this country. And they historically have accounted for nearly 10 percent of the total daily production.

Not only do these wells provide needed energy. But every one of them sits squarely within our own borders—free from threats of politically inspired cutoffs, safe from jeopardy of far-off wars, free from international price or middleman manipulations.

Each of these wells means that every day 5 or 10 barrels of oil do not have to be imported, do not have to be paid for abroad in U.S. dollars, do not put more red ink in our balance-of-payments ledger, do not add to our dependence on foreign sources.

Price levels for crude oil produced in the United States have been remarkably stable over the past few years. Some would say they have been unjustifiably low. The net effects have been felt throughout the industry in two particular ways which have a critical bearing on our current and prospective energy problems. First, with prices held low, exploration and drilling to obtain new supplies has been severely impeded. The incentives for undertaking the costly and risky job of drilling new wells have not been strong enough to stimulate the level of activity we should be seeing. As a consequence the undiscovered domestic supplies have had to be offset by increased imports. And this situation, while eased somewhat by recent allowance of some crude oil price increases, will persist until the economic factors are brought into line.

A second impact of the recent price structure has been felt through both the closing of marginal wells and the failure to make worthwhile the expenditures to renew and maintain production from these wells. Not only are these wells dropping below the break-even point, but secondary and tertiary recovery techniques—which could increase the yields and lifetimes of these wells—are not being utilized, because the laws of economics do not yield to wishful thinking.

For example, between 1968 and 1971 nearly 14,000 stripper wells were abandoned, and overall production fell by about 62 million barrels per day.

In the State of Kansas, where strippers constitute 97 percent of the active wells these effects have been severe. A recent article in the Wichita Eagle details this situation, and I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Output of Stripper Wells Reported

Tulsa.—Kansas has 39,937 oil wells classed as "strippers," and they produced 69 per cent of the state's oil in 1972, the National Stripper Well Association (NSWA) said here in a preliminary report.

Stripper wells are those producing less than 10 barrels of oil per day.

The NSWA and the Interstate Oil Compact Commission released the Kansas figures in advance as they prepared their annual report on marginal wells—scheduled for release Oct. 22.

The survey showed that the Kansas strippers produced 51 million barrels of oil with a wellhead value exceeding $180 million at then-prevailing prices. The survey also revealed that Kansas strippers:

Produce an average of 3.5 barrels of oil daily.

Compose 97 per cent of the state's wells.

Represent 381 million barrels of recoverable reserves.

Eventually, the survey noted, those known reserves will yield close to $1.35 billion.

Kansas stripper wells fared none too well in 1972, the report shows. In all, 1,356 of them were plugged as they reached the economic break-even point.

A review of past surveys shows that during the last five years 8,783 Kansas wells were plugged for the same reason.

Of the total gross income realized from Kansas strippers in 1972, one-eighth, or approximately $22 million, went to farmers and landowners as royalty payments.

Kansas stripper operations are primarily sustained by independent operators, the report said, and recent increases in crude prices are expected to make more stripper oil available.

The survey concluded that "with the energy crisis clearly pointing to the need for additional raw energy material, the stripper well segment continues to grow in importance."

Mr. DOLE. Mr. President, Kansas is only 1 of our 50 States and only 1 of the 27 which produce this Nation's domestic supplies of oil and gas. The entire Nation must deal with the energy questions which confront us, and, to my view, we must take advantage of every possible opportunity to preserve and enlarge the sources for energy which lie within our own borders. National security requires such action. Our economic interests compel it. And a basic measure of commonsense would appear to make it obvious.

I would hope lessons and warnings of the latest Mideast war will not be lost on those in the Cost of Living Council, the Office of Management and Budget, and elsewhere who seem to view domestic oil prices as some sort of sacred cow which must be kept low at all costs. These lessons and warnings do not seem too difficult—even for the people who brought us the beef price freeze and shortage and the fertilizer crisis.

Simply put, the lesson is that there is no free lunch in the world energy market. If the United States expects to have adequate energy it will have to pay for it—either to other countries or to our own industries.

With equal simplicity, the warning is that, regardless of price, we cannot and we must not depend on foreign countries—particularly those in the Middle East—to provide us those supplies.

In this regard I felt Hobart Rowan's column in Sunday's Washington Post very clearly and frankly posed some of the most difficult decisions facing America in the coming few years as we force ourselves to diminish our dependence on Arab supplies. I ask unanimous consent that this article be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Oct. 28, 1973]

U.S. Oil Policy: Live Without Arab Supplies

(By Hobart Rowen)

The Arab nations' embargo on oil shipments here has taught this country a valuable lesson: It must develop an energy policy to permit the United States to get by without any dependence at all on Middle East oil.

"We can't and we won't let the Arab oil-producing countries blackmail us," a high Nixon administration official says. "Happily, we're in a position where we can turn to other sources. We'll be pinched, to be sure. But we can do without any Arab oil at all, while Japan and Europe would be hurt by such a policy."

There is reason to believe that the Arab boycott, coming when it did, may have been a blessing in disguise. Our dependence on Arab oil, while growing, is still a pittance. In July, for example, total crude oil and oil products imports from Arab countries shutting off or curtailing their supplies amounted to 6.7 per cent of U.S. supplies from all sources.

That's an easier gap to try to fill than, say, 20 per cent of our supplies—the level that Middle East oil could have reached in a couple of years if the sheikhs had delayed their squeeze play by that long.

But by having signaled this country so dramatically that they are not realiable suppliers, the Arab nations have escalated American efforts to produce oil and gas supplies from shale and coal. What was once seen as an uneconomic venture not only becomes economically feasible, given the sharp rise in oil prices that the Arab producers have been extorting, but a political necessity. No major power such as the United States can vest its foreign policy in the hands of a small group of willful men 10,000 miles from these shores.

But a policy keyed to living without Mideast oil has many grave consequences, all of which must be faced openly and intelligently. Among them are these:

There must be a "crash" program of the same magnitude as the Manhattan Project that developed the atom bomb in World War II to find alternative sources of energy from all sources—fossil, solar, and nuclear. That means beefing up the present Energy Policy Office, and much more concentration on research and developemnt. There are signs that the Nixon administration is willing to invest up to $10 billion in an initial effort in this direction.

Environmental needs will have to take a second priority, at least in the short run. That doesn't mean that all protections for the environment should be abandoned. But environmentalists will be pressured by administration officials to compromise on some goals to permit explorations on the continental shelf, for the production of oil from shale and coal, and to allow the Alaskan pipeline to get under way.

Industrial and individual consumers of energy will have to learn to live with less. We waste a horrible amount of energy (and other raw materials) in this country. But voluntary efforts to save, although clearly now a major necessity, won't be enough. Gasoline and oil will have to be rationed, at least until the time that adequate alternative supplies have been developed. Such rationing plans are being readied by the administration. Consumer goods producers, who have a high consumption of fuel oil per worker, will doubtless be hit hard.

Any drop in total energy supplies will, of course, immediately require the curtailment of private passenger car travel. It could come first by letting gasoline prices skyrocket, later through coupon rationing. Undoubtedly, there would be some shift from truck transportation to more economical (in fuel use) rail transport. Detroit's present frantic efforts to move from gas-guzzlers to compacts will be accelerated.

These measures will substantially raise the cost of all forms of energy, and therefore will add to inflationary pressures in the U.S. economy. But it should be borne in mind that the Arab nations have steadily been extracting a higher price for their oil, and to the extent that they continue shipments, costs will be going up anyway. (And the reason that the United States was planning, before the latest Arab-Israel war, to rely more on Arab oil was that it used to be cheap.)

As difficult as will be our adjustment to living without Middle East oil, the problem is substantially less than it would have been if the Arabs had begun to use oil as an economic weapon against us three or four years hence.

While embarked on a crash program, the United States could make it plain to both the Arab nations and the Soviet Union that it can't be pressured by an oil boycott by indicating that it is also willing to use economic leverage. One highly regarded economist who privately advises the Nixon administration points out that the United States "must be prepared to periodically embargo farm products to certain countries if it is to exercise a countervailing pressure against the Arab-Soviet oil alliance."

If the Russians still want to pursue and reinforce their detente with the United States, they will have to acknowledge that American policy in the Middle East includes a commitment to the preservation of Israel. That policy is not merely a Nixon policy—it is a commitment by both major American political parties.

On the other hand, if we pass from detente back to cold war, it will mean not only a regrettable reversion to an arms race, but it will underscore the need for more dependable oil resources than those in Saudi Arabia, Kuwait, Libya, and other points east.

Mr. DOLE. Mr. President, these recent developments sharply emphasize the views that I have advocated for many years. We have enormous domestic supplies of energy which a whole range of national interests demand that we develop and utilize. We cannot go on living on the unrealistic and dangerous fantasy that our energy needs will always be met and that the sources of these supplies are unimportant.

The outbreak of another Mid-East war was unfortunate and took a tragic toll in human death and suffering. It brought the whole world to the brink of a major confrontation between the two superpowers.

But, hopefully, this country will gain something from this war—a clear and impressive understanding of facts of life as far as America's energy posture is concerned. And, hopefully, too, this understanding will lead us to the policies and programs required to safeguard and secure this great Nation's strength and position of military, political and economic leadership in the world.

THE OBJECTIVES OF THE NATIONAL AERONAUTICS AND SPACE ACT OF 1958

Mr. MOSS. Mr. President, in 1958, when Senator Lyndon Johnson opened hearings on the National Aeronautics and Space Act of 1958, he said:

> While the present is urgent, the real imperative is the future. What we do now may very well decide, in a large sense, what our Nation is to be 20 years and 50 years and 100 years from now . . .

With these words he set the stage for enactment of national objectives which led the Nation to some of its greatest achievements.

These objectives stand today in section 102 of the act, and are as follows:

First. The expansion of human knowledge of phenomena in the atmosphere and space;

Second. The improvement of the usefulness, performance, speed, safety, and efficiency of aeronautical and space vehicles;

Third. The development and operation of vehicles capable of carrying instruments, equipment, supplies and living organisms through space;

Fourth. The establishment of long-range studies of the potential benefits to be gained from, the opportunities for, and the problems involved in the utilization of aeronautical and space activities for peaceful and scientific purposes;

Fifth. The preservation of the role of the United States as a leader in aeronautical and space science and technology and in the application thereof to the conduct of peaceful activities within and outside the atmosphere;

Sixth. The making available to agencies directly concerned with national defense of discoveries that have military value or significance, and the furnishing by such agencies, to the civilian agency established to direct and control nonmilitary aeronautical and space activities, of information as to discoveries which have value or significance to that agency;

Seventh. Cooperation by the United States with other nations and groups of nations in work done pursuant to this act and in the peaceful application of the results thereof; and

Eighth. The most effective utilization of the scientific and engineering resources of the United States, with close cooperation among all interested agencies of the United States in order to avoid unnecessary duplication of effort, facilities, and equipment.

The achievements under these objectives were not only in exploration but in technologies which contributed greatly to the income of the Nation and the well-being of its citizens.

The 15 years since the enactment of the National Aeronautics and Space Act of 1958 have seen many changes. The aerospace industry on which NASA has placed basic reliance went through rapid expansion in the early 1960's and equally rapid contraction in the late 1960's. The Federal Government retreated from its full commitment to the objectives of the Space Act. In purchasing power, the NASA budget has been reduced by nearly two-thirds. Thus a reexamination of the objectives which have guided NASA since its founding is timely.

The Committee on Aeronautical and Space Sciences hearings on September 26 and 27 included a reexamination of the objectives of the National Aeronautics and Space Act of 1958. The eight witnesses were among the leaders in the aerospace industry. They unanimously expressed the view that pursuit of the objectives of the act had served the country well.

The views of the witnesses on the need to modify the objectives at this time were not unanimous. Most felt the need to strengthen applications of aerospace technology. Most of the witnesses expressed dismay at the broad withdrawal of support from all of the objectives. This withdrawal they described as "an appalling squandering of our own human resources" and a retreat from income-producing programs badly needed to pay for required social programs.

Let me highlight for you the views of each witness on the objectives of the National Aeronautics and Space Act of 1958:

Karl G. Harr, president of the Aerospace Industries Association:

> It is our contention that all eight major goals remain valid and impressively farsighted. Unsurprisingly, some have been emphasized more than others in accordance with the priorities of the last decade and a half. Perhaps renewed interest and investment in several of the others would be appropriate in the light of present circumstances. . . . All that is required to preserve this nation's high technology superiority is for the Government to recognize that such superiority is essential to our national well being and act accordingly.

David S. Lewis, chairman, General Dynamics Corp.:

> Anyone reading the objectives of our National Aeronautics and Space effort as first set out 15 years ago can only be impressed by the farsightedness of the Congress in setting them out and by the remarkable achievements of industry in striving to meet them. However, in more recent years there have been significant changes in the attitudes and approaches to technology within this nation and in the many nations around the world, and these changes may require a new assessment of some of the stated objectives. . . . I believe one of this Committee's prime concerns must be the preservation of the United States as the world's leader in technology. I believe that role is threatened not only by foreign achievements, but by our own reduced efforts in research and technology.

O. C. Boileau, president, Boeing Aerospace Corp:

> I do not believe that the objectives set forth in the NASA Act need to be amended. These objectives are considered to be as valid today and for the foreseeable future as they were when enacted in 1958. The problems that have been encountered and that are foreseen result from the means used to implement these objectives, rather than from the objectives themselves. I do believe it would be beneficial to expand the specific wording of the NASA Act to delineate in more detail the responsibilities and authority of NASA and the working relationships with other government agencies.

Thomas G. Pownall, president, Martin Marietta Aerospace:

> The need now is for a continuity of purpose for NASA, supported by adequate and consistent allocation of funding. It is time to establish new goals. The purpose of NASA must be revalidated and the tools to achieve that purpose must be approved in such a way as to afford the NASA and industry the ability to plan far enough ahead to develop them at the least cost. . . . It seems paradoxical to me that NASA and its continuing and growing efforts to expand and apply technology should have been restricted in its endeavors just at the moment of its greatest successes to date. . . . It can continue its manifold contributions if we will provide only modest increases in the annual funding provided that funding is focused by a long range plan based upon stability and balance.

William B. Bergen, president, North American Aerospace Group, Rockwell International:

> The Act and the implementation of the objectives of the Act by the Space Agency must be measured at this point as an outstanding success, perhaps one of the clearest cases of a success in the last two decades. . . . With the broadness of scope in its policy statement and list of 8 objectives, the Act has provided the inspiration, guidelines, and flexibility required to achieve our eminently successful program in space. We would like to offer for your consideration some modified objectives to stress the aspirations of society, recognize what has been accomplished, and perhaps better illuminate the way ahead.

Daniel J. Fink, vice president, General Electric Co. and general manager of the Space Division:

> The goals of the Act have been realized to a degree that its framers could hardly have hoped for, and it must be characterized as a singly appropriate response to the challenge of its time. . . . I would contend that our very success is in part the source of our problem, and perhaps recognition of this success should be reflected in amended goals as set by the Congress. . . . I believe that the single most important modification to the goals of the Space Act should be recognition of the tremendous potential to our citizenry of space system applications and the provision for their expedient realization.

Dr. Wernher von Braun, vice president, engineering and development, Fairchild Industries, Inc.:

> World leadership and technological leadship are inseparable. A third-rate technological nation is a third-rate power; politically, economically and socially. That is the reason that I have always felt that the National Aeronautics and Space Administration, which has rightfully been called the "cutting edge of our technological progress," bears a grave responsibility for the future of the nation. Whether we like it or not, ours is a technological civilization. If we lose our national resolve to keep our position on the pinnacle of technology, the historical role of the United States can only go down hill.

Thus the witnesses strongly supported the validity of the objectives of NASA in the past. Their views on the need to modify the objectives for the future were somewhat divided. Some felt that only a change of emphasis was needed while others saw a requirement to directly modify the objectives.

The Committee on Aeronautical and Space Sciences was provided with many valuable suggestions for modifying the objectives or for revising the past emphasis on existing objectives. Study is continuing to allow us to take full advantage of what we have learned. However, three major recommendations for change were encountered throughout the testimony:

First. Reasserting leadership in aerospace technology as a national imperative;

Second. Preventing the squandering of human technological resources built up during the NASA program; and

Third. Recognizing the tremendous potential to our people of aerospace applications and making provision for their expedient realization.

The first two of these recommendations are national policy matters currently overlaying the enabling legislation of the National Aeronautics and Space Act. Unfortunately, this national policy arises from a more transient set of rules. It is embodied in the Federal budget. Current national policy toward aerospace technological leadership and the efficient use of human technological resources does not show up as a written statement, but instead as approved items in the yearly budget. The NASA fiscal year 1974 budget, submitted to Congress by the administration, may be viewed as temporary departure from sound national policy, or it may represent a continuing permanent trend toward discarding national opportunities and wasting human technological resources. I will address this issue in further remarks in the Senate.

The third recommendation of providing expedient application of aerospace technology to our people is addressed by S. 2495, the Technology Resources Survey and Application Act introduced by my colleague, Senator MAGNUSON, for himself, Senator TUNNEY, and myself, and on which the committee will hold hearings.

The importance to the Nation of the recommendations of our distinguished witnesses again brings to mind Senator Lyndon Johnson's remarks in 1958:

> The real imperative is the future. What we do now may very well decide, in a large sense, what our Nation is to be 20 years and 50 years and a 100 years from now.

IMPEACHMENT HYSTERIA

Mr. FANNIN. Mr. President, the impeachment hysteria which we are seeing in America today is sadly reminiscent of the lynch law of the frontier days. In those days it was not too difficult to stir up a mob of vigilantes to hang a man for alleged improprieties, real or imagined. In yet earlier days we had the witch trials at Salem.

Today's vigilantes have the advantage of electronics communications to stir up the people. Statements made in Washington—whether responsible or irresponsible—are quickly transmitted to 200 million Americans in living color. In fact, it is a sad fact that the more irresponsible the statement, the more likely it is to reach the living rooms of America either via television or print or radio.

In yesterday evening's Washington Star-News there was a very powerful column by Richard Wilson. This column points out the distortion and exaggeration which has been used to make the people believe President Nixon is guilty of some offense which should cause him to be removed from office. The headline on this column is "No Case Yet for Impeachment," and it is exactly the way it is.

Mr. President, I ask unanimous consent to have this thoughtful column printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

NO CASE YET FOR IMPEACHMENT

(By Richard Wilson)

Nothing illustrates with more crystal clarity the urgency of a quick and final resolution of the impeachment issue than the public attitudes which ran wild in the recent Mideast crisis.

Every random thought which ran through a congressman's or journalist's head was articulated in living color to feed the fevered imaginations of the prejudiced and irresponsible.

If there is cause for impeachment, let's get it out and done with immediately. If there is not—and this is the rub, there is not yet a clear case for impeachment—then let's bury the thing and get on with what has to be done.

Implications that the President has gone berserk, that he created a phony nuclear crisis, that he tricked up a scheme to justify firing the special Watergate prosecutor are evidences of the irrational fury of those who wish to hang Nixon without a trial.

They demand that he commit political suicide and there are even those so intense that they imagine his physical and mental collapse, to be followed by self-destruction.

This is more than the "crisis of confidence" of which Secretary of State Henry Kissinger spoke. It is a livid hatred demanding punishment and retribution for imagined crimes which have not been proved. Lacking conclusive proof of criminality, Nixon would be rushed to the stake for the "secret" Cambodia bombing, for impounding congressionally appropriated funds, for his opposition to busing for integration purposes and—yes—for setting the Vietnam war on a time schedule not considered fast enough. He would be pilloried for the detente with Russia as a dangerous illusion, and brought to ruin for opposing the obstructive arrogance of a Congress controlled by the opposition party.

Usurpation of power by Congress was one of the earliest fears of the founders of the Republic who had little faith in the ability of the people's representatives to executive national policy. The present affords a vivid illustration of those fears. A runaway Congress is determined to impose its will on the chief executive because it differs with his

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methods and quarrels with constitutional prerogatives the President deems unimpeachable.

The impeachment issue has thus burst outside the bounds of treason, high crimes and misdemeanors. It has spread into the political morass of how the country is to be governed, what the Constitution meant when it gave the presidency its great powers, whether Nixon's major policies are right or wrong, and, indeed, on subjective judgments of good and evil based on whether or not people like the cut of the President's jib.

A president is to be impeached because he has a legally reasoned and carefully prepared position on the foggy issue of executive privilege? Nonsense. He is to be impeached because he fired a member of the executive department? Unbelievable. He is to be impeached because he claimed war power which Congress does not have the votes to deny him? Bunk. He is to be impeached because he sought to protect the integrity of national security secrets? Debatable.

Then what can he be impeached for? He can be impeached for the criminal obstruction of justice which hasn't yet been proved and may be no more provable from the White House tapes when they are presented to the grand jury.

This is the issue which needs to be gotten on with quickly and cleared up once and for all. The rest of it is a massive political collision involving windy moralizing about the "capacity to govern" of a President who has just proved that he can govern under the most ominous circumstances.

The blather, fustian and exaggeration—called a "fire storm" in the hyperbole of those who wish to incinerate Nixon—has done as much to limit Nixon's ability to govern as anything he has done.

The symptoms of what has happened to the country, to which Kissinger referred, are those of a fevered, unreasoning patient wildly suspicious of his physician. Not until the fever subsides will the patient's judgment return.

In this case the way to get the fever down is to get to the seat of the ailment, the Watergate collusion, and proceed with radical treatment if justified. That means quick action on impeachment or none at all. The patient can't stand much more of the intermediate political procedure.

SENATOR MONDALE'S ADDRESS ON THE MIDDLE EAST

Mr. HUMPHREY. Mr. President, I wish to call to the attention of my colleagues the eloquent address of the senior Senator from Minnesota, Mr. Mondale, before the Synagogue Council of America Statesman Award dinner on October 28.

Senator Mondale proposed that the United States go beyond selling arms and provide nonmilitary economic aid to help Israel recover from its most costly and tragic war.

Senator Mondale stated—

> Since Israel must survive in peace as well as in war, it is only right that the United States join in the reconstruction and rehabilitation of Israel's economy, assuring that the social welfare of Israel's citizens need not be sacrificed upon the altar of military necessity.

He also pointed out that with paragraph 3 of the new cease-fire—

> The United Nations has explicitly recognized, for the first time, that adversaries who do not communicate cannot make peace. . . .

Mr. President, I ask unanimous consent that Mr. Mondale's remarks be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks of Senator Walter F. Mondale Before the Synagogue Council in New York City, October 28, 1973

The guns of the Near East are silent, for now. But it will take more than this temporary respite for us to forget the horror and pain of the past three weeks. The mindless facts of the war are known, all too well, by those assembled here. But if we are to be able to respond to the new challenges which will confront the friends of Israel in the coming weeks, then it is essential that we understand the elements of the swarming attack which Israel has just weathered.

Consider what Israel faced:

A mighty military salient which forced her to fight simultaneously on two fronts against eleven Arab states;

A Soviet sea and airlift of advanced military equipment which allowed Arab commanders to squander hundreds of tanks and thousands of men with the full knowledge that gleaming replacements would be in the front lines the next day;

A cut-back in Arab oil production designed not so much to hurt America as to force our European and Japanese allies to apply pressure for an imposed settlement, so that their energy supplies might again be "secure;"

A diplomatic war to isolate Israel as an aggressive usurper of Arab lands and to force what six years of Arab obduracy could not achieve: a withdrawal to the pre-1967 borders with no guarantees of peace;

And finally, almost as an afterthought, a war of nerves and time, designed to ruin Israel's economy, dislocate her social welfare and slowly murder another generation of her sons.

If Israel's war is over, then the battles which Israel's friends must now fight are only beginning.

We have to fight for a genuine peace, a permanent settlement born of direct negotiations. An agreement which is signed and recognized, which will defuse future wars and result in an Israel fully accepted by her neighbors.

We must win the immediate release of the prisoners of war now held captive by Egypt and Syria.

We must struggle for a new definition of detente. A relationship which will be free from the apparent dishonesty which characterized Soviet behavior in the early days of the war . . . which will capture the real cooperation of interests which characterized the joint efforts for the cease-fire and the sending of a U.N. peace-keeping force which excluded the troops of the super-powers.

We must ward off those who would isolate America from her global responsibilities, and those who would isolate Israel from the world community.

We cannot allow our foreign policy to be subject to blackmail over oil. Our foreign policy must never be held hostage to economic interests. For where will it end? The time to face this issue is now—when the imports of oil from the Arab world amount to less than 7% of our total oil supply.

We must help in Israel's rehabilitation, working for needed grants and credits, so that Israel is not bankrupted by the aggression of others.

Foremost now ~~is~~ the question of peace. This war has cost far more than money, metal and men.

Let us hope that it has not deepended hostility and hardened hearts against peace.

But despite the lost opportunities and diminished flexibility, the present cease-fire resolution offers the best hope for a new communication and final agreement to the Arab-Israel conflict, even as the gun barrels are still cooling. Paragraph three of the resolution introduces a new concept: "The Security Council . . . decides that immediately and concurrently with the cease-fire, negotiations start between the parties concerned under appropriate auspices aimed at establishing a just and durable peace in the Middle East."

This is the key.

Although it was accepted by all parties to the Middle East conflict, Security Council Resolution 242 was always interpreted by the Arabs after 1967 as a dictate to the parties, forcing a withdrawal from the territories occupied after the Six-Day War. Israel always contended that the highly ambiguous terms of the resolution were to be implemented by negotiation.

With paragraph three of the new cease-fire, the United Nations has explicitly recognized, for the first time, that adversaries who do not communicate cannot make peace, that trust can only come from a dialectical process to which both Jews and Arabs contribute, and from which both will benefit.

The United States, having contributed this essential element to the cease-fire resolution, must not now abandon its principled stand, no matter how much pressure for expedient, jerry-built solutions we face.

This means no return to 1957, when the United States insisted on an Israeli withdrawal, and promised that Israel's security and freedom of passage through Suez and the Straits of Tiran would not be impaired. Israeli ships were seized in the canal only weeks later, and Israel's southern life-line was blockaded in 1967, leading inevitably to the Six-Day War.

A principled American stand means no Rogers Plan . . . with territory carved up in advance . . . and with a tenuous security imposed by the great powers.

A principled American stand means insistence upon meaningful talks—starting the negotiation process . . . seeing that it becomes a dynamic and constructive endeavor . . . keeping external politics out and holding tempers in.

A principled American stand means no imposed peace, no matter how convenient or cosmetic it appears. It means insistence upon a final settlement which did not merely end war, but established open borders, mutual recognition, regular channels of communication and the basis of cooperation for the welfare of all the residents of the area.

This time we must have a negotiated peace.

This time we must have a recognized peace.

This time we must have a secure peace.

This time we must have a signed peace.

No longer can we wait for the next round of fighting to burst out, consuming young soldiers and poisoning more hearts.

This is our opportunity and our responsibility, and if the United Nations is unwilling to separate hostility towards Israel and obeisance to rhetoric from the imperative of communication, then the "appropriate auspices" under which the negotiations are to be conducted must be Great Power auspices.

This means the Soviets must help, and must be sincere in their desire for peace. And this is the second problem we must confront.

The fabric of detente has been stretched badly in the past three weeks. And we have seen how much we *need* the Soviets. To be able to send peace-keeping forces into the area. To build a new protocol of world relationships beyond the polarized hostility of the Cold War.

But there is much that must be transcended.

Since 1967 the Soviet Union trained the Arab armies for an offensive attack against Israel. The Soviets knew of the Arab plans for war, but did not inform the United States, something they were duty- and honor-bound to do under the Basic Principles signed in Moscow in 1972. The Russians first encouraged other Arab states to enter the war . . . then urged that the oil weapon be unleashed against the United States . . . and

then pledged total support to the Arab war effort.

They launched a mammoth resupply effort to aid the reeling Arab armies. They ignored pleas from the United States to moderate their airlift so that the larger concern of detente would not be endangered.

Such a distorted conception of detente mocked the spirit of peace and friendship.

But the ultimate cooperation between the United States and the Soviet Union in producing U.N. cease-fire resolutions and agreeing to introduce U.N. peace-keeping forces indicates that, hopefully, detente can survive the war.

Let us see no more airlifts, or subterfuges such as the 1970 cease-fire violation, when the U.S.S.R. erected the dense anti-aircraft network on the Suez Canal which took the lives of so many Israeli pilots in the first hours of the new war.

Instead, to convince this country that detente is not merely a ploy to be used to Soviet advantage, the U.S.S.R. can demonstrate its sincerity, now, by urging its Arab clients to sit down at the bargaining table they have shunned so long. By providing this irreplaceable keystone for the structure of a Middle East peace, the Soviet Union could, in one stroke, prove its devotion to meaningful detente.

But restoring the peace is not merely a function of waiting for the Soviets and the Arab states to move. Now, in the coming months, our 25-year commitment to Israel must be renewed.

This means the extension of financial assistance to Israel's war burdened economy. Since Israel must survive in peace as well as in war, it is only right that the United States join in the reconstruction and rehabilitation of Israel's economy, assuring that the social welfare of Israel's citizens need not be sacrificed upon the altar of military necessity.

So many lives have been lost, and for this, there can be no reparation.

Israel has only just begun calculating the other costs. First indications are that the figure of $250 million per day previously estimated covers only part of the total, and the final figures will be much higher.

The American Jewish community has given selflessly to help shoulder this burden, as it has done in the past.

But this is not enough.

A small minority alone should not be expected to be the defenders of democracy nor should a small country be bankrupted because of the aggression of others.

In 1948, in 1956, in 1967, and in 1973, young Israelis died in defense of their homeland . . . never asking for the gift of our weapons nor the assistance of our manpower. Although more than 90 percent of all U.S. military assistance to many countries has been in the form of grants, Israel has never been the recipient of such grant aid.

Given the financial burdens under which Israel has labored—1,500,000 new immigrants to assimilate, the highest personal income tax level in the world—it is simply incredible that for 25 years Israel has borne the cost of its defense budget alone.

Thus, while the United States extended $309 million in military grants to nine Arab countries, Israel was compelled to go deeply into debt to pay for her defense needs, incurring the highest per capita foreign currency debt in the world.

While the Soviet Union fueled the arms race in the Middle East, using the desert as a testing ground for its most advanced weapons, American military assistance to Israel was restrained.

While France and England supplied Libya, Kuwait, and Iraq with weapons which were transferred to the supposedly embargoed belligerents, Israel was refused the spare parts for which she had contracted.

But there was a limit to how much armor one Israeli tank could repulse, or how many SA–6 missiles one Phantom pilot could dodge. Contemplating the limited sources of military supplies which Israel could draw upon, many asked, rightfully and bitterly:

How many Israeli soldiers must die before parity is achieved?

Thus in the first days of the war, the Administration hesitated to provide Israel with a resupply of weapons until it became clear that the Soviet Union was reinforcing the Arab armies with a full-tilt airlift of equipment. The United States recognized Israel's urgent need, and began rushing material vital to her survival.

In the Senate, I joined with 67 of my colleagues in introducing a resolution urging that this policy be continued and that Israel's requirements for her security be met.

Now the Congress has an opportunity to assert, in the most meaningful manner, a helping hand to our fellow democracy. Last week, the President asked Congress for $2.2 billion of emergency security assistance for Israel to help defray the cost of military equipment delivered to Israel since October 6, and equipment still to be delivered.

I am confident that Congress will swiftly approve this request.

I pledge to you my wholehearted support for its passage.

I am proud to join in this concrete manifestation of America's partnership with Israel.

American support for Israel derives from many sources, some of these the most sober calculations of *Realpolitik*—Israel's strategic location as a bulwark against Soviet entry into the Middle East, her traditional role as a stabilizing force in the region, contributing to the security of others in the area, and as simply one republic able to stand and protect herself, and thus aid America's global interests. These calculations are valid and significant. I accept them.

But I believe there are more profound reasons for the traditionally close relationship between the United States and Israel. These are reasons which will not change with the price of oil, the status of Soviet-American commercial dealings, or any developing trend of neo-isolationism and disengagement.

These reasons are embedded in Israel's unique position in the world community and they must be recounted, so they are not forgotten.

There are few nations which adhere to the American democratic and progressive tradition as closely as Israel. And there is *no* nation which has emulated America's example of being a haven unto the oppressed as Israel has.

In a pattern we Americans know well, the State of Israel took immigrants of a hundred lands, and moulded them into a nation, and made them full participants in one of the world's most spirited democracies. Israel is a genuine democracy, a progressive cooperative society, and as such she deserves our support.

But beyond *this*, there is the stark fact that Israel is the refuge of the survivors of that greatest of all tragedies, the Holocaust.

I believe it is impossible to understand Israel's struggle for survival at this very *minute* in 1973 without a constant awareness of the events of the Nazi years.

It was *that* awareness that led Americans after World War II to support overwhelmingly the right of the Jewish survivors to take control of their own destiny in the State of Israel. That has not changed.

So in the time of testing ahead, America will stand firm with Israel. Her principles are our principles. The isolation which confronts Israel in the world and the United States and Israel at the United Nations will have to be borne until a lasting and genuine solution is achieved. We will not surrender to expediency. We will be steadfast in our devotion to the basic goal, brotherhood and harmony in the Middle East.

Let us achieve it together. Let us hope that the hour has finally come.

MR. NIXON AND THE RULE OF LAW

Mr. MOSS. Mr. President, this past year, and the last 10 days in particular, have not been the best of times for our Republic, and it would be foolish to minimize the magnitude of our present crisis. I believe we are now undergoing the most severe domestic test since the Nation was torn apart by the Civil War. At stake is the very future of our Republic. At stake is our future as a free and open society ruled by a government of laws and not of men.

But even in times such as these, it is possible—indeed, it is imperative—to face the future with hope and determination. We are undergoing a severe test, but I firmly believe not only that our Nation will survive, but that our Republic as a government of laws will prevail. For, despite the present turmoil, I believe in the enduring strength of our system of government, and in the good sense and decency of the American people.

In his press conference last Thursday, Secretary of State Kissinger spoke of "crises of authority in our society." In my view, it would be more accurate to describe the most recent events, not as a crisis in authority, but as a crisis in the Presidency. For, in American society, the President is by no means the final authority, and the limits of Presidential authority have been dramatically illustrated in the events of the past 10 days.

Three men of good conscience in the Justice Department have left the Government rather than submit to President Nixon's willful attempt to circumvent a court order and abrogate agreements made with the U.S. Senate. And the American people have responded with the greatest demonstration of public outrage that I have seen in my 15 years in the Senate.

As a result of this strong, unprecedented public reaction, President Nixon was forced to surrender the tapes in accordance with the court order. He was forced to conclude that, on the matter of the tapes, he would have to obey the law just as any other American citizen. I believe that the surrender of the tapes was a clear demonstration of the law-abiding instincts of the American people, and a vindication of the supremacy of law in our constitutional system.

I just wish that we could now say that the supremacy of the law has been established, that our Constitution is intact, and that it is possible to put Watergate behind us and move on to other matters. But quite obviously, this course is not possible at this time, and we would be derelict in our duties as elected officials and as American citizens if we attempted to ignore or minimize the present crisis in the Presidency.

Unfortunately, there is no evidence that anyone in the White House has learned the basic lesson in American civics that was so vividly illustrated in the episode of the tapes. The President's advisers have described it as merely a "miscalculation." But if the President's actions were simply a matter of miscalculation, then surely it has to be one of the grossest miscalculations in the history of organized society. For it involved the failure of the nominal leader of a society to understand the rules by which that society operates. The majority of the American people understood what was involved in the President's attempt to defy the courts, for they retain a belief in the Constitution. But I am afraid there is now serious question as to whether President Nixon shares that belief in our Constitution.

There also has been no indication President Nixon is willing to release any further evidence that might be essential to the Watergate grand jury investigation. One of the key points is Mr. Nixon's so-called compromise on the nine specified tapes was that the special prosecutor should desist in the attempt to gain any further tapes or documents from the White House. Both Mr. Cox and Mr. Richardson balked at such a drastic limitation on the prosecutor, because they rightly believed that the cause of justice could not be served by the suppression of possible evidence. From all indications, however, Mr. Nixon's position on this issue has not changed. He still asserts that it is the President, and not the courts, who should make the final legal determination as to what constitutes evidence.

Finally, as the evidence of chicanery, ethical blindness, and outright lawbreaking in the executive branch continues to mount, it becomes painfully clear that this administration is the most corrupt in our Nation's history. Without judging whether Mr. Nixon himself has been involved in the corruption and the lawbreaking, it is at least self-evident that from the very outset of his administration, the President has surrounded himself with warped and blind minds. The record speaks for itself: the Watergate burglary, the Ellsberg break-in, the resignations under fire of the top White House staff, the indictment of two former Cabinet officers, and the resignation of the Vice President as a convicted felon. We continue to hear talk of still further corruption that may even touch the President himself. Judging from the history of the Nixon administration, this talk cannot be totally discounted.

Quite clearly, the present crisis in our Government is the result of an administration that has continually abused executive power, and that has fostered widespread corruption. But while it is a crisis with its origin in the Presidency, it is also one that can only be surmounted by strong corrective action on the part of the Congress and the courts. For these are the two other coequal branches in our system of checks and balances. I believe that to help provide the corrective action required under our Constitution, the Congress should now press forward on two fronts.

First, it is imperative that the district court be empowered to appoint a special prosecutor who is not subject to removal by the President. Although the constitutional precedent for such an action has not been clearly established up until now, I believe that such power might be embedded in article II, section 2 of the Constitution, which states that Congress may "vest the appointment of such inferior officers, as they think proper * * * in the courts." The President has promised to appoint a new special prosecutor of his own, but we have no reason to believe that the new appointee will be allowed any greater freedom to pursue his investigation than the President was willing to allow Mr. Cox. As long as Mr. Nixon remains Chief Executive, we simply cannot expect the executive branch to investigate itself in a full and impartial manner. I am pleased that the Judiciary Committee has begun hearings on legislation to authorize a court-appointed prosecutor. We certainly should give this legislation top priority and act on it as expeditiously as possible.

Second, the House Judiciary Committee should move ahead in its investigation of grounds for impeachment. I say this only with the greatest hesitation and in full awareness of the implications of an impeachment proceeding. Impeachment, or the bringing of charges, by the House, and the subsequent trial in the Senate, is obviously only a last recourse designed to halt a President who persists in abusing executive power. I believe we have reached the point where such a grave step may now be necessary. The power of impeachment is clearly granted to the Congress under the Constitution, and I believe the Founding Fathers were wise in placing this remedy in the Constitution as the ultimate legislative check on an unlawful executive branch. I am fully aware that the Senate must sit in judgment at the trial of the President once impeachment is brought in the House, and I do not wish to prejudge the guilt or innocence of the President. But reluctantly, I have come to the conclusion that we have reached the point where the House must at least put in motion the machinery for possible impeachment of President Nixon.

The Salt Lake Tribune on Monday, October 22, 1973, published an editorial which I ask unanimous consent to have printed in the RECORD following my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Salt Lake Tribune, Oct. 22, 1973]

SORRY NIXON RETALIATIONS DEMAND PROMPT CORRECTION BY CONGRESS

By defying the courts, by breaking promises and by firing or forcing the resignations of the dedicated men who opposed his violation of accepted legal procedures, President Nixon removed all doubt that he considers himself above the rule of law.

In so doing he forfeited confidence in his present ability to lead the nation, a confidence expressed many times over the years by this newspaper.

Mr. Nixon's frantic response to Special Watergate Prosecutor Archibald Cox's announced intention to resist a gerry-built, illegal plan for partial release of the Watergate tapes seems the reaction of a desperate man. It appears to be the reflex retaliation of a man determined to take things into his own unsteady hands.

When the events of the past few days are considered together with the recent shabby performance of former Vice President Agnew, the President's arrogant actions affirm, at least in the public mind, an admission of complicity in the Watergate scandal.

At a time when the faint breaking of a spark can start a worldwide conflagration, President Nixon exhibits himself as a power-blinded despot, willing to plunge the country into internal strife merely to prove a point which two lawfully instituted courts have overwhelmingly rejected.

In these perilous times the country requires a more stable person at its head than Mr. Nixon has shown himself to be in recent days.

In firing Mr. Cox and Deputy Attorney William D. Ruckelshaus and forcing the resignation of Attorney General Elliot Richardson, the President broke, in full view of a startled nation, his promise to give the country an impartial investigation of the scandal that now has virtually consumed his administration.

Almost from the day that promise was made, if Mr. Cox is correct, the administration refused to live up to the spirit or the letter of its agreement. Further, Mr. Nixon aborted an orderly appeal of the tapes question to the Supreme Court by announcing Friday he would defy rather than appeal the latest court decision against him. When Mr. Cox insisted that the rule of law take precedence over the rule of Nixon, he was eliminated in a ruthless fashion almost unprecedented in the nearly 200 years of American nationhood.

The rapid-fire resignation and firing of Mr. Richardson and Mr. Ruckelshaus, who also refused to bow to presidential fiat, removes from government three of this failing administration's most conscientious public servants. Their forced departure raises questions whether there is any place left in this government for decent, forthright men.

In each of his three bids for the nation's highest office, The Tribune supported Richard Nixon because we believed he possessed those qualities of leadership which would best serve the country. But the Nixon performance, since the very beginning of the Watergate debacle, has eroded that support to the vanishing point.

Surely he has not, since Watergate broke, shown himself to be a leader devoted to the best interests of the people. It is apparent now he surrounded himself from the beginning with a palace guard contemptuous of the unique system of American democracy under which fair play and the rule of law, not men, dominate. The rare exceptions, such as Mr. Cox, Mr. Richardson and Mr. Ruckelshaus quit or invited firing in a futile, last-ditch effort to restore reason to an administration seemingly bent on self-destruction.

In consideration of his acknowledged accomplishments and in view of our years of support for the man and for many of his policies, it is with regret that we now find it necessary, for the good of the country, to call upon Richard M. Nixon to resign as President of the United States. If he fails to do so Congress should move with alacrity to impeach him.

CONGRESS SHOULD INSIST THAT EXECUTIVE BRANCH POWER OVER INDEPENDENT COMMISSIONS BE REDUCED

Mr. METCALF. Mr. President, the issue of relations between the legislative and executive branches of Government dominates this 93d session of the Congress. One of the areas in which the issue has arisen is the Alaska pipeline bill, S. 1081. The conferees have agreed to remove from the Office of Management and Budget its control over the questionnaires submitted to companies by the independent Federal regulatory commissions, which are not part of the executive branch. The conferees decided to give the General Accounting Office, an arm of the legislative branch, authority to advise the independent commissions regarding questionnaires.

This controversy over questionnaires is a matter of executive-legislative relationships. It is not a partisan matter. OMB and its predecessor, the Bureau of the Budget, have exercised this authority in Republican and Democratic administrations, ever since the Federal Reports Act of 1942 was passed. OMB and BOB have both utilized, in their efforts to control the independent commissions' questionnaires, the Business Advisory Council on Federal Reports. That advisory committee is composed exclusively of business representatives, most of them from very large businesses—despite the emphasis in the Federal Reports Act that the needs of small business should be recognized by OMB.

The legislative history of the Federal Advisory Committee Act—Public Law 92–463—contains a wealth of information regarding OMB and its frustration of independent agencies' questionnaires. That legislative history appears in the hearings conducted by former Congressman John Monagan before the House Government Operations Subcommittee on Legal and Monetary Affairs, and the hearings conducted by the Senate Intergovernmental Relations Subcommittee during the 91st and 92d Congresses.

Mr. President, the situation now regarding this old conflict is different in two respects from that which faced preceding Congresses. First, we have at last a determined effort by the Congress to take back some of the powers which it has given the executive branch. Second, we have more lobbying than ever before against this diminution of Executive power.

The lobbying effort is being led by OMB Director Roy Ash. The company he formerly headed, Litton Industries, has long been in the forefront of the opposition to agency collection of data from industry. And he is being supported by platoons of industry executives from the Business Advisory Council on Federal Reports.

BACFR meetings coincide amazingly with key congressional action on the legislation which would diminish Executive power over the regulatory commissions. Hundreds of big business representatives attended the OMB–BACFR meeting on October 17, at which time the Federal Trade Commission tried again—it has been trying for 3 years—to obtain approval of a questionnaire. During that week the Senate and House conferees were working on the pipeline bill, and many representations were made by BACFR people, to members of the legislative branch, to continue the executive branch power over the independent regulatory commissions.

This week efforts are underway by Mr. Ash and his Business Advisory Council on Federal Reports to force recommittal of the Alaska pipeline conference report, or separate House votes on certain of its provisions. And again BACFR has scheduled a meeting for Thursday, November 1, to conduct various business, including the receiving of reports of recent actions by OMB regarding business reporting to Federal agencies.

Mr. President, I hope that all Members of Congress will resist the OMB-industry lobby's attempt to defeat the conferees' fair resolution of the issue. The lobby's argument that the commissions will burden the companies is balderdash. Commissions are always mindful of industry's problems, no matter what administration is in power. The GAO can be expected to be fair and free with its advice to commissions. The Congress itself helps see to it that commissions do not burden business. By approval of the questionnaire review provisions of the Alaska pipeline bill the Congress will take a significant step toward reduction of excessive Executive power.

TRADE ASSOCIATIONS AND SOCIAL RESPONSIBILITY: THE LOWEST COMMON DENOMINATOR

Mr. PERCY. Mr. President, corporate involvement in public policy issues has been one of my major interests ever since I first entered industry in 1938.

I commend to the attention of my colleagues an insightful article written by Larry Finkelstein, entitled "Some Tough Questions About Trade Associations" which appeared in the Summer Issue of Business and Society Review.

Mr. Finkelstein, the former Director of Urban Affairs for the Public Affairs Council, portrays the attitudes and practices of trade associations which take positions on public policy issues in the name of the business community. His conclusion that business needs to review the position and tactics of these organizations is a timely message—particularly in view of last year's vociferous opposition to, and misrepresentation of the critically important Consumer Protection Agency legislation by certain trade associations.

Rabble-rousing is unbecoming and uncalled for by responsible business organizations. Surely they can do better when the measure comes before the Congress for consideration anew in the weeks and months ahead.

I ask unanimous consent that Mr. Finkelstein's article be printed in the RECORD.

There being no obligation, the article was ordered to be printed in the RECORD as follows:

SOME TOUGH QUESTIONS ABOUT TRADE ASSOCIATIONS

(By Larry Finkelstein)

American corporations support some 1600 national organizations known as trade associations. These associations are often used by "socially responsible" corporations to advance corporate interests in areas where a single company does not wish to be publicly identified. The amount of dues paid to these organizations is regarded by corporations as proprietary information—trade associations do not publish annual reports detailing their dues scales, programs, and budgets. There is, unfortunately, precious little discussion about these organizations, in terms of either their institutional nature or of corporate obligations for their practices and policies. It is time that questions about the social ramifications of trade association activities, and the responsibilities of their memberships for their operations, were raised.

What is a trade association? The Dictionary of American Politics describes it as "a voluntary nonprofit association of competitors in a branch of industry for dealing with mutual business problems such as accounting practices, trade promotion, and relations with organized labor, the public, and elected public officials." Webster's New World Dictionary defines the trade association as "an association of merchants or business firms for the unified promotion of their common interests." Cynical Washington observers have defined trade associations as mechanisms to bypass antitrust statutes, to facilitate price fixing, and to coordinate political pressures of a given industry.

The majority of trade associations have relatively small budgets, small numbers of employees, and relatively little impact upon the political process. But the need for public disclosure, for an end of discriminatory employment practices, and for more adequate understanding of social issues by trade association staffers applies to them as much as to their larger brethren. Moreover, their small size does not absolve corporate funders from responsibility for their operations.

Trade associations can be viewed as a tool for analyzing the sometimes mystical concept of voluntarism. Private-sector leaders confidently assure the public that corporations would voluntarily pursue a socially responsible course of action were they only allowed to regulate their own actions. The past record of trade associations whose funding and policies is determined solely by its corporate membership hardly bears this out.

THE "CONSUMERIST CONSPIRACY"

The Association of National Advertisers, Inc. recently considered a campaign to approach its membership to increase financial contributions so that the Association's Washington operations could be expanded. The excerpt in the draft memorandum provides an excellent example of the trade association mentality:

"During the past year, the A.N.A. Government Relations Committee, along with the full Board of Directors, has given intensive consideration to the resources we as advertisers have to represent us in Washington. Our conclusions are recommendations are spelled out in this memorandum.

"In essence, we fear that we are already late. In our judgment, if we do not act now, every advertiser's ability to communicate:

What he wants and as he wishes . . .
Through the media of his choice . . .
In amounts he determines . . .
Will be seriously eroded . . .

"Our proposal is confined to Washington because to our opponents—

"Government is seen as the solution

"The active critics of advertising, with *good will* or *bad* (italics added) and whether they be the Consumer Federation, the burgeoning 'public interest law firms' or politicians riding a bandwagon, see regulatory and legislative action as their means and lever for change. To them it is axiomatic to:

"Use the F.C.C. as their instrument to bring about change is television, rather than tuning out their sets;

"Call on Mrs. Knauer, rather than charging a foolish purchase to experience;

"Suggest legislation banning all hazards, rather than individually playing it safe.

"We, in contrast, and at the risk of oversimplifying, have looked to the traditional marketplace for products and ideas as the arena for discussion and decision."

Caveat emptor rides again! To this association, consumerism is a conspiracy to deprive industry of its rightful profit. Yet, industry continues to support A.N.A.—and other trade associations with a similar philosophy—at the same time that its leaders swear allegiance to good consumer practices.

Conspiracy thinking is not limited to consumerism. In 1971 a regional public affairs manager of a major trade association sent me a letter outlining his thoughts about the environmental movement: "I have been exceedingly busy recently. My time has been spent lobbying, testifying, making speeches, attending meetings, and traveling. Our primary opposition comes from environmental zealots, opportunist politicians, and scapegoat-seeking, hysterical news media reporting. All of these groups work in close harmony and compliment (sic) each other."

The letter goes on to state that "the following quotation by Dr. James Goff of the Michigan State University School of Packaging is quite valid in my opinion: 'There are only two things slowing down the ultimate solution to environmental problems. One is the whole environmental movement which reflects a search for scapegoats. Another reflects the American desire for a simple solution.'"

This individual recently has been promoted to Director of the trade association's Washington office. With industry attitudes such as the above, it is no wonder that industry is always cast as the nay-sayer to environmental quality. The wonder is that industry looks for scapegoats in explaining the lack of public acceptance of its positions.

EMPLOYMENT PRACTICES—AND THEIR REMEDIES

The social performance of trade associations is well demonstrated by their discriminatory employment practices. No definitive study has been released to the public about trade associations and minority hiring. In the past three years I have dealt with most of the major trade associations through my work at the Public Affairs Council. My best estimate is that—cumulatively—the 1600 national trade associations have hired fewer than forty minority professionals over their entire history. Moreover, many of the national trade associations have not even hired minorities for secretarial positions. Additionally, I estimate that less than 1 percent of current trade association professionals are women, and that less than 1 percent are Jewish.

This charge needs to be corroborated. I suggest that the Equal Employment Opportunity Commission definitively determine the employment record of the 1600 national trade associations. The EEOC might then determine that support of such organizations could constitute an "unfair hiring practice" of the funding corporation.

A better approach to regulation of the national trade associations is corporate action. Organizations which perform services under the corporate umbrella should have minimum standards of social performance. Before paying the bills of any organization, no matter its ostensible purpose, the corporation should require the organization to demonstrate a good-faith employment record.

The corporate conscience might be activated on a short term basis by EEOC action, IRS compliance reviews of organizations supported by tax-deductible funds, and class action suits by individuals who are discriminated against by those organizations which corporations fund. Should the IRS Code as presently written prove to be inadequate, new legislation could be drafted to prohibit tax-exempt organizations from receiving funds should they have discriminatory employment practices.

The American Society of Association Executives is quite proud of the social contributions that trade associations have made to the country. A 1972 ASAE survey asserts that 73 percent of all of the associations in this country are at present involved "to a lesser or greater degree in helping solve the nation's economic and social problems." Executive Vice President James P. Low adds, in the introduction to the survey, "This is a hopeful note for America's future."

Thirty-five percent of the associations that responded to the ASAE survey claim to have operative "programs to aid the disadvantaged." For this category, over 50 percent of the respondents claiming to have such programs were from local associations. Therefore, the number of national associations with such programs is well below 35 percent. Moreover, this question was designed to survey support services provided to member companies, and not to seek information about trade association involvement in the community. In Washington, D.C., involvement of national trade associations in the community is virtually nonexistent. Since private organizations are the second largest employer in Washington, this vacuum of leadership is significant.

At random I contacted nine of the larger national trade assocations for information about their membership dues scale formula. Only two associations, the American Bankers Association and the Soap and Detergent Association, considered this information to be in the public realm. Since these organizations are receiving tax-deductible funds, should not the nature of their financial support be public information? The American Paper Institute, American Petroleum Institute, Pharmaceutical Manufacturers Association, Manufacturing Chemists Association, American Iron and Steel Institute, Grocery Manufacturers of America, and Aircraft Manufacturers of America regard their funding as proprietary information.

To better familiarize the reader with the nature of trade associations, the dues scales of the America Bankers Association, the one cooperating trade association, and the Pharmaceutical Manufacturers Association, a noncooperating trade association, follow:

MEMBERSHIP ASSESSMENT FOR THE ASSOCIATION YEAR 1972–73: ARTICLE III

Section 1. *Annual Dues*

Firms doing an annual business of more than:

$240,000,000, $170,000.
$220,000,000, $156,000.
$200,000,000, $140,000.
$180,000,000, $126,000.
$160,000,000, $110,000.
$140,000,000, $96,000.
$120,000,000, $86,000.
$100,000,000, $65,000.
$90,000,000, $60,000.
$80,000,000, $54,000.
$70,000,000, $48,000.
$60,000,000, $42,000.
$50,000,000, $36,000.
$40,000,000, $30,000.
$30,000,000, $24,000.
$20,000,000, $19,000.
$15,000,000, $16,000.
$10,000,000, $14,000.
$7,000,000, $12,000.
$5,000,000, $9,500.
$3,000,000, $7,000.
$2,000,000, $4,500.
$1,000,000, $3,000.
$500,000, $1,500.
$200,000, $1,200.
Less than $200,000, $1,000.
Multiple Listing, $300.

Section 2. Dues are to be payable in advance for the fiscal year (commencing July 1) or applicable portion thereof, and (except as hereinafter provided at the election of the Members) are to be based upon the total business done by the Member Firm, including all divisions, subsidiaries and units thereof, during the preceding year, in accordance with the preceding schedule. If a substantial portion of a Member's total business (a) is clearly outside the pharmaceutical, medicinal chemical, biological (including veterinary and human) or allied fields, or (b) includes intercompany sales, such portion may be exempted from the dues calculation by an appointed officer with the approval of the Treasurer.

Section 3. A person with one or more divisions or subsidiaries eligible for membership may elect to pay dues either as one corporate entity, as above provided, or in the names of each of such components, in which event the dues for each shall be computed in accordance with the foregoing schedule. If such persons making a single dues payment elect to have eligible divisions or subsidiaries added to the membership list, they shall pay the sum of $300 per year for each such additional listing.

Section 4. In addition to the regular dues, special assessments may be levied for the purpose of the Association upon vote of two-thirds of the Members of the Association present and voting at any annual meeting or at any special meeting called for such purpose, or by consent in writing of two-thirds of the Members, after prior approval thereof by the Board of Directors.

This report will be kept confidential within the PMA office.

COMMERCIAL BANKS, TRUST COMPANIES, SAVINGS BANKS, PRIVATE BANKERS, AND BANKING FIRMS

Your bank may become a member of the American Bankers Association and receive a subscription to Banking from now—to Sept. 1, 1974.

Annual dues are based on total assets, according to schedule below:

If the total assets of your bank are:
Less than $1,000,000, $50.
$1,000,000 and under $2,000,000, $65.
$2,000,000 and under $3,000,000, $90.
$3,000,000 and under $4,000,000, $115.
$4,000,000 and under $5,000,000, $145.
$5,000,000 and under $6,000,000, $165.
$6,000,000 and under $7,000,000, $180.
$7,000,000 and under $8,000,000, $200.
$8,000,000 and under $9,000,000, $220.
$9,000,000 and under $10,000,000, $240.
$10,000,000 and under $11,000,000, $260.
$11,000,000 and under $12,000,000, $280.
$12,000,000 and under $13,000,000, $300.
$13,000,000 and under $14,000,000, $320.
$14,000,000 and under $15,000,000, $340.
$15,000,000 and under $16,000,000, $360.
$16,000,000 and under $17,000,000, $380.
$17,000,000 and under $18,000,000, $400.
$18,000,000 and under $19,000,000, $420.
$19,000,000 and under $20,000,000, $440.
$20,000,000 and under $25,000,000, $520.
$25,000,000 and under $30,000,000, $600.
$30,000,000 and under $35,000,000, $675.
$35,000,000 and under $40,000,000, $755.
$40,000,000 and under $45,000,000, $830.
$45,000,000 and under $50,000,000, $910.
$50,000,000 and under $60,000,000, $1,065.
$60,000,000 and under $70,000,000, $1,220.
$70,000,000 and under $80,000,000, $1,380.
$80,000,000 and under $90,000,000, $1,535.
$90,000,000 and under $100,000,000, $1,690.
$100,000,000 and under $150,000,000, $2,210.
$150,000,000 and under $200,000,000, $2,730.
$200,000,000 and under $250,000,000, $3,250.
$250,000,000 and under $300,000,000, $3,770.
$300,000,000 and under $350,000,000, $4,290.
$350,000,000 and under $400,000,000, $4,810.
$400,000,000 and under $450,000,000, $5,330.
$450,000,000 and under $500,000,000, $5,850.
$500,000,000 and under, $600,000,000, $6,890.
$600,000,000 and under $700,000,000, $7,930.
$700,000,000 and under $800,000,000, $8,970.
$800,000,000 and under $900,000,000, $10,010.
$900,000,000 and under $1,000,000,000, $11,050.
$1,000,000,000 and under $2,000,000,000, $14,300.
$2,000,000,000 and under $3,000,000,000, $17,550.
$3,000,000,000 and under $4,000,000,000, $20,800.
$4,000,000,000 and under $5,000,000,000, $24,050.

$5,000,000,000 and under $6,000,000,000, $27,050.
$6,000,000,000 and under $7,000,000,000, $29,800.
$7,000,000,000 and under $8,000,000,000, $32,300.
$8,000,000,000 and under $9,000,000,000, $34,300.
$9,000,000,000 and under $10,000,000,000, $35,800.
$10,000,000,000 and under $11,000,000,000, $37,300.
$11,000,000,000 and under $12,000,000,000, $38,300.
$12,000,000,000 and under $13,000,000,000, $39,300.
$13,000,000,000 and under $14,000,000,000, $40,300.
$14,000,000,000 and under $15,000,000,000, $41,200.
$15,000,000,000 and under $16,000,000,000, $42,100.
$16,000,000,000 and under $17,000,000,000, $43,000.
$17,000,000,000 and under $18,000,000,000, $43,800.
$18,000,000,000 and under $19,000,000,000, $44,600.
$19,000,000,000 and under $20,000,000,000, $45,400.
$20,000,000,000 and under $21,000,000,000, $46,100.
$21,000,000,000 and under $22,000,000,000, $46,800.
$22,000,000,000 and under $23,000,000,000, $47,500.

(For each additional $1 billion, add $600 dues.)

Branches of members, $35.00.

A Fortune 500 company which is multiproduct, multiplant, and multinational will belong to a plethora of national, state, and local trade associations. Added together, the sum of these contributions is substantial. For instance, a bank such as the Bank of America would pay approximately $90,000 in dues to the American Bankers Association. Interestingly, B of A pays approximately $150,000 in dues to the California Bankers Association. It would also be likely to belong to trade associations such as: Bank Administration Institute, Bank Marketing Association, Robert Morris Associates, Consumer Banking Association, Association of Registered Bank Holding Companies, Industrial Bankers Association of the U.S., Bankers Association for Free Trade, Association of Reserve City Bankers, American Institute of Banking, and a clearinghouse association in one major city. The Bank of America also belongs to numerous business associations throughout the state of California, due to California's statewide branch banking system.

An interesting exercise for a large corporation would be to combine into one budget all funding for trade and business associations and compare the total with that of its philanthropic contributions. The figures should be available to the public, should a corporation choose not to divulge its findings. Moreover, the ability of the associations to retard social change is often greater than the ostensible business support of organizations that seek to produce the very changes the association legislatively oppose. There have been numerous examples of a corporate chief executive officer's participation in a Committee on Economic Development study, while his trade association was opposing the very recommendations that he supported in the study.

TWO FORMS OF TYRANNY

Many trade associations are faced with the lowest common denominator problem. The broader the constituency of the trade association, the more difficult it is to develop an industry consensus. The lowest common denominator factor also opens the way to two forms of tyranny: tyranny by a small number of neanderthal companies which threaten to withdraw unless their voices are heeded, and tyranny by small companies which dominate the association with their numbers while large companies pay the bulk of the association's dues. Inability of trade associations to overcome these barriers is partly responsible for the large increase in corporate Washington offices in the past five years.

Another indication of industry's impatience with trade associations is the greater use of ad hoc informal groups to accomplish legislative objectives. One of the more important of these groups is the "March Group."

Triggered by a speech by Dr. Arthur Burns to the Business Council, twelve corporations (since expanded to about fifty corporations) organized in March of 1972 to evaluate corporate presence and potency in Washington. Some of the original companies which participated in the March Group were General Electric, United States Steel, Reynolds Metals, Procter & Gamble, and TRW. Other companies which have since joined include J. C. Penney Co., Southern Pacific, Westinghouse, AT&T, Goodyear, Gulf, Ford, Alcoa, Carolina Power & Light, Standard Oil (N.J.), American Cyanamid, TWA, Armstrong Cork, Libbey Owens-Ford, and Eli Lilly.

Four areas were designated as initial points of focus: tax reform, international investment, labor law reform, and pension reform. These areas have since changed to environment, tax reform, international trade and consumerism. Each committee is chaired by a chief executive officer, with Washington corporate representatives providing legislative input. One of the first projects of the group was to make a preliminary evaluation of the effectiveness and utility of major Washington-based organizations.

Eleven of the twelve original members of the March Group were jointly supporting some 319 Washington-based organizations. For either preliminary review, twenty-two organizations were examined for their effectiveness, as perceived by the Washington representatives of the participating companies. Not surprisingly, organizations such as the Brookings Institution and the Committee on Economic Development received strong criticism, while trade associations such as the American Petroleum Institute and the American Mining Congress received such praise as "enjoys fine reputation in Washington."

The "fine reputation in Washington" that the trade associations enjoy is true only in the conservative business constituency. By what standards does business determine that trade associations such as API are in its self-interest, while "liberal" organizations such as Brookings and CED are "deserving of serious scrutiny"?

The March Group has recently merged with another little-known organization, the Business Roundtable. Member companies, largely those which comprised the March Group, will support this joint effort to the tune of $3 million per year for an initial three-year period.

Another important aspect of the March Group is its lack of public visibility. I have mentioned the difficulty of obtaining information from the formally constituted trade associations which receive tax-deductible funding. Information about ad hoc groups such as the March Group will be even more difficult to acquire. Should the business community choose to become more secretive about its involvement in the legislative process at a time when institutional credibility is at a low point, then it must be prepared for the public reaction when its involvement becomes known.

MOVING TOWARD SOCIAL RESPONSIBILITY

Some trade associations have attempted to initiate supportive services for their members in the social action field. The Insurance Industry Trade Associations jointly launched their acclaimed billion dollar investment program in 1967. Last year, the four major life and health insurance associations established a committee on corporate social responsibility to serve as an industrywide clearinghouse. The public relations arm of the industry, the Institute of Life Insurance, publishes a bimonthly newsletter, *Response*, to accomplish this clearinghouse function. To date, examples of corporate programs detailed in this newsletter have been largely peripheral to corporate self-interest.

The American Bankers Association also established an urban affairs committee in 1968. Recently its programmatic responsibilities were spun off to its operating committees. It remains to be seen what impact this development will have upon its social commitments.

Urban affairs officers of corporations should seek to become involved in determining corporate funding for trade and business associations. Many large corporations appear not to be satisfied with the services they receive from trade associations. Urban affairs officers should also be alert to opportunities that lead to redefinition of corporate self-interests. Are corporations funding organizations that pursue corporate self-interests, or are they actually funding traditional organizations that are intensifying political and social problems?

National trade associations are only one category of business-expense-supported organizations. Local and state trade associations, professional organizations, business clubs, and traditional philanthropic organizations are also supported by business-expense funding. It is time for industry to establish minimum levels of social responsiveness for organizations which it funds, and to be responsible for the practices of those organizations which operate under the business umbrella.

THE LAND-USE BILL

Mr. JACKSON. Mr. President, I call my colleagues' attention to an excellent New York Times editorial.

This editorial decries the recent efforts of the Liberty Lobby, the Chamber of Commerce of the United States, the American Mining Congress, and real estate interests to destroy a bipartisan effort to pass critically important legislation: the Land Use Policy and Planning Assistance Act.

Mr. President, my colleagues know that virtually no proposed legislation of recent memory has been so carefully considered and analyzed as has been this measure. I introduced the first land-use bill in 1970 and it was reported out of committee that year. In the 92d Congress, the administration introduced a similar bill, developed by an interagency task force, and made the measure the keystone of the President's environmental legislative package. The Interior Committee reported a bill combining the best aspects of my bill and the administration's measure and that bill passed the Senate on September 19, 1972. This year, again the administration and I renewed our pledges to obtain enactment of a land-use bill. On June 21, by a vote of 64 to 21, the Senate again passed the Land Use Policy and Planning Assistance Act, [S. 268].

The 3 years of deliberation on the bill include, in the Senate alone, 20 days of hearings by 3 committees, more than

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20 committee prints, 3 committee reports, 5 days of Senate debate, and passage twice by the full Senate. These deliberations also included many discussions with representatives of all levels of government, of industry, and of the environmental movement. Numerous tradeoffs were made, new language was adopted to meet the concerns of many and diverse interests, and the final product is better for it.

In fact, the quality of the bill and the fairness with which it addresses the concerns of numerous interests are reflected in its widespread support among governmental, environmental, industrial and business, labor and professional interests. The President has given the legislation star billing in his last three environmental messages to Congress and included it among the "must" bills which he discussed in his second state of the Union message this year. The Governors' Conference, League of Cities, National Association of Counties, and representatives of other governmental associations have supported the measure. Environmentalists have fought for its passage. Business Week, the Wall Street Journal, and other business publications have editorialized in its favor. The National Association of Industrial Parks, League of New Community Developers, energy industries, and other business groups have testified favorably on the proposal. The AFL–CIO gave it solid backing.

Now, despite the long and painstaking history of this bill and despite the careful consideration of all legitimate points of view, a blitzkrieg effort, involving the worst sort of scare tactics, to kill a similar measure now moving through the House is being mounted by ideological fringe groups and by special interests who make their livelihood by bending existing land use controls to their own benefit. Despite the full assurances of constitutional lawyers and the Department of Justice that private property rights are fully protected in the language of S. 268 and the House bill and despite the active support of more than 40 Governors, many county officials and mayors, and the national organizations which represent them, the Liberty Lobby, the Chamber of Commerce, and others continue to shout, at best uninformed, at worst purposely misleading, statements such as "destruction of private ownership of land" and "imposition of national zoning." With meaningless slogans such as "S. 268—Made in U.S.S.R.," these organizations have encouraged mass form-letter mailings.

Finally, they have scratched together a last-minute bill and are desperately searching for a sponsor for it. I have seen a draft of this measure and it is a travesty. These special interests must hope to hide their band-aid bill's true nature by having waited 3 years until the last minute when all hearings have conveniently been completed. I am particularly distressed that this campaign to scuttle the bill did not take place on the public record.

We do not need grants of taxpayers' money to do nothing but collect data—which the industry bill provides. We do not need to reaffirm business as usual—where money and power buy the corruption of even the best of planning through variances and other techniques—which the industry bill would do.

To those who have responded to the scare tactics of these organizations, I would like to offer these comments:

The Land Use Policy and Planning Assistance Act does not require, and I want to emphasize this, a whole new set of land-use controls. Its purpose is to provide financial assistance, through grants, to State and local governments to improve the existing controls and make them more democratic.

We have always had controls; we have never allowed land to be used in absolute freedom by its owner. Even at the birth of our Nation, the original States and their cities placed controls upon land. In addition, the courts restricted the uses of land under the nuisance doctrine. By the 1930's most of the cities and counties of this country had zoning laws, building codes, and other controls which restricted property use. These restrictions did not reduce property values, rather they were used to increase property values. For example, home values were protected by restrictions in residential areas which prohibited such land use as stockyards, tanneries, factories, and dance halls.

We all know of the abuses of many of these traditional land-use controls, including zoning. Too often one very local zoning body will allow a use of land that will clog the streets, pollute the air, crowd the schools, and add to the tax burden of people living outside its jurisdiction. These people have no chance to alter this undemocratic decisionmaking because they can neither participate in the decision nor vote for the officials who made it.

The Land Use Policy and Planning Assistance Act encourages changes in the zoning and other land-use controls, not necessarily to place greater restrictions on land, but to insure that the controls we already have truly consider social and environmental needs and not just cater to economic interests. In addition, the act would make certain that our existing land-use controls respect the interests and allow the participation of all people who would feel the impacts of land-use decisions—not just those who live within the jurisdiction of the decisionmaker or have the best means to influence his decision in their favor.

The scare tactics include cries that land-use decisions will no longer be made by State and local officials but by civil servants in distant Washington. The opposite is true. The Land Use Policy and Planning Assistance Act is the Nation's best and probably last chance to preserve and to invigorate State and local land-use decisionmaking and to insure that basic property rights are not infringed by faceless Washington bureaucrats, far removed from the sites of land-use problems.

The act is an affirmation of States rights. It provides grants to the States to assist them to develop their own innovative land-use policies and procedures to meet the land-use crisis. It is a statement of belief that, if urged and aided, State and local government, working together, can provide a better design for tomorrow—a design which embodies all legitimate values and goals, local, regional, and national.

If State and local governments do not accept this challenge and do not implement this bill, the only solution will be the usual solution for national problems: Federal control. No one wants national zoning; but, unfortunately, I believe that, if we turn our backs on the opportunity and shirk our responsibility to improve land-use decisionmaking, that is what we will have by the end of the decade.

In addition, the act contains specific provisions which guarantee constitutionally protected property rights and access to courts for those who feel their rights have been denied. These provisions are stronger than language in other Federal land-use legislation already enacted into law: the Coastal Zone Management Act; the Housing Act of 1954, as amended, and so forth.

Again, if the Land Use Policy and Planning Assistance Act is not enacted and if the challenges it provides are not met—if, instead, in a crisis atmosphere we turn to national zoning—then many property rights may not survive.

I believe the many people who are concerned about property ownership, about the legitimacy of local control over land, and the dangers of big government have been dealt a real disservice by these last minute nay-sayers. S. 268 is a critically needed bill to insure the survival of those very values. People who hold those values dear should be the very first to support this legislation.

I ask unanimous consent that the New York Times editorial be printed in the Record at this point. In addition, I ask unanimous consent to have printed in the Record two recent columns by David Broder. These excellent pieces describe the importance of the land use policy legislation from a local perspective. I commend these columns to my colleagues.

There being no objection, the material was ordered to be printed in the Record as follows:

The Quiet Revolution

After relatively easy passage by the Senate, a bill that would encourage states to plan sensibly the uses of their still empty lands has fallen on difficulties in the House of Representatives. Members of that chamber, particularly those on the committee which is now trying to frame a companion measure, are being subjected to a flood of mail denouncing the legislation in highly emotional terms.

The attack, led by real-estate developers, chambers of commerce and the right-wing Liberty Lobby, is comparable in tone and lack of logic to the assault wave that greets all attempts to require the registration of guns. The favorite line of attack against land-use legislation is to misrepresent it as an attempt to upset "cherished principles of private property."

It is not that at all. The concept is simply one of making sure that states do, coherently and with an eye to the larger good, what they have long been doing only in the most haphazard localized and inefficient way. Instead of entrusting entirely to localities the zoning power which has long and legally infringed those "cherished principles," states would be required—and financially helped—by the Federal Government to inventory their resources, draw up statewide land-use programs, develop regulations for land sales and large housing developments outside of metropolitan areas and set standards governing such matters as environmentally sensitive lands, the impact of airports and the location of new communities.

Most states do some of these things now—and without fearful consequences to the rights of property-owners. A few—Washington, Oregon, California, Maine, Vermont and Florida—do planning on a major scale. In the rest, local jurisdictions are neither able nor willing to deal with the pertinent problems in an effective way. In a recent survey of the "quiet revolution" in land control, modest as it is, Gladwyn Hill of The Times pointed out that, of some 60,000 jurisdictions in the country with nominal land-use authority, only 5,000 have instituted any zoning at all. And their regulations as a rule have more to do with preserving established land values than with the kind of integral planning that can forestall the loss of wetlands, forests and natural shore-fronts or foretell the best locations for future power plants, airports, highways, sewage disposal facilities.

Unfortunately, there is no lobby for land-use planning comparable in power to the lobby arrayed against it. Unless Congressmen soon hear in volume from those who realize that land is not only real estate but a finite national resource, it is all too probable that the "quiet revolution," though fully supported by the Nixon Administration, will be indefinitely and perhaps fatally postponed.

Land Use Bills "Important as Watergate"

(By David S. Broder)

Beaver Island, Mich.—Out here on this island on the north end of Lake Michigan, Watergate-fever is as weak as the television signals that carry the witness' flickering image from the Senate caucus room via the stations on the mainland.

We have another concern out here—a referendum coming up in mid-August on revoking or retaining the new zoning ordinance of Charlevoix County, of which we are a part.

Beaver Island, which lay blessedly dormant in the century since the Irish and the Mormons fought a battle for its control, has been caught up in the great American recreational land boom.

Until the mid-1960s any beach you wanted to camp or swim or picnic on was yours to use. Then, the subdividers moved in and carved the best beaches into 100-foot frontages. Those lots have more than tripled in value in the past five years, as land-hungry families from Detroit, Grand Rrapids and Chicago have ranged farther and farther north in their search for waterfront property.

The county government has moved to meet the challenge. A decade ago just as the first wave of developers arrived, the first contract was let to a Grand Rapids consulting firm to devise a land use plan for Charlevoix County. A member of that consulting team was hired two years ago to set up a one-man planning department for the county, and last October, the county enacted its first zoning ordinance.

Now, the infant zoning law is in trouble—for reasons as traditionally American as apple pie. Some folks are opposed to anything that limits their rights as property owners to put whatever they want on their land—be it condominium apartments or a carwash.

Others say they are willing to have zoning, but only if it's administered by a truly local government, the township, not that distant bureaucracy in Charlevoix. That sounds funny, but if you're out here in the lake or over at Boyne City, 20 miles east of the courthouse, you resent having to travel to Charlevoix for zoning hearings.

These forces of localism and individualism convince county planner Bill Mercer that the first weapon in his arsenal may be taken from him in the referendum—and then there will be no developers.

The local debate is part of a much larger national issue, which came to focus earlier this summer when the Senate passed and sent to the House, something called the Land Use Policy and Planning Assistance Act of 1973.

I had first heard of the bill more than a year ago, when its principal sponsor, Sen. Harry M. Jackson (D-Wash.), mentioned it one day on the presidential primary trail as "the most important bill" before Congress.

Somewhat skeptical, I made a mental note to look it up, and finally have gotten around to doing so. I have been sitting on the beach, reading the hearings and report and floor debate on S268, and, with the fervor of the newly converted, I am prepared to try to convince you that Jackson was right.

At the very least, I am now persuaded that the issue with which Jackson has been struggling for three years is as important to the future of this country as Watergate. And it is a matter of some chagrin that, except for the excellent coverage of the Christian Science Monitor's Robert Cahn, those of us in journalism have let it go largely unreported.

The issue is important because of the scale and pervasiveness of the problem. As Jackson said in his speech introducing the measure last January:

"Between now and the year 2000, we must build again all that we have built before. We must build as many homes, schools and hospitals in the next three decades as we built in the previous three centuries. In the past, many land use decisions were the province of those whose interests were selfish, short-term and private. In the future—in the face of immense pressures on our limited land resource—these land use decisions must be long-term and public."

The other reason that the land use decision is as important as Watergate is that, like Watergate, it raises in very direct fashion the question whether our institutions of self-government are fulfilling, or subverting the public will.

As the Interior Committee report on the Jackson bill says, "A citizen may significantly suffer from or enjoy the impact of decisions to site an airport, grant a subdivision permit, widen a highway, fill wetlands, or purchase parkland, made not by his community but by the municipality located downstream, downwind, across the road, or up the street from him. Yet, neither he nor the public officials for whom he has voted may be able to participate effectively in these decisions."

That is the two-sided problem the voters here on Beaver Island are confronting next month—how to make the land use planning decisions both effective and representative.

Jackson's bill, which will be discussed in the next column, offers one solution to that problem. And whether your concern is saving parkland, securing a decent housing supply, making cities livable, or—in our case—preserving a Lake Michigan beach, his bill is important to you.

The Future of the American Landscape

(By David S. Broder)

Beaver Island, Mich.—For two decades, the reports issued by committees and subcommittees headed by Sen. Henry M. Jackson (D-Wash.) have been distinguished by a clarity and directness that stands in shining contrast to the mass of indigestible prose churned out on Capitol Hill. On subjects ranging from the national security apparatus to the protection of the environment, Jackson's staff reports comprise a literature on major isues of remarkable quality and felicity—showing a professionalism which, ironically, was notable for its absence in the abortive 1972 Jackson-for-President campaign.

Thus, one can refer readers to a report issued earlier this summer by Jackson's Interior Committee, without the usual warnings about the density and incomprehensibility of official language. The document, officially entitled Senate Report 93–197, was drafted largely by Steven P. Quarles of the committee's staff. It is designed to explain the background and provisions of the Land Use Policy and Planning Assistance Act, which passed the Senate last month and is now being worked on by the House Interior Committee. In about 50 pages, the report provides a short-course education on the law of the American land, the pressures of population and economic growth on that land, and the prudent steps we need to take to husband that resource into the next century.

It is not technical—and it is dramatic. You will learn, for example, that "each decade, new urban growth will absorb an area greater than the entire state of New Jersey." Millions of acres will be needed for industrial plants, highways, airports, power production and transmission facilities.

Jackson's land-use bill represents a modest start on planning that growth in a way that will protect, not destroy, the one irreplaceable resource—the land on which we live.

It is not a national zoning law. It does not even call for statewide zoning. What it does is to authorize about $1 billion over the next eight years to encourage the states to develop their own procedures and blueprints for planning their own future growth.

The bill provides mechanisms for interstate cooperation in the planning process and for coordinating the planning efforts of the federal government and the Indian tribes with those of the states.

It calls on the states to develop land-use plans for areas within their borders where the "impact on citizens, the environment and the economy" reach far beyond the jurisdiction of the local zoning body. It specifies five categories of land that would have to be included in the state plan: areas of critical environmental concern, such as beaches, wildlife habitats and historical areas; key economic facilities, such as airports, highway interchanges and power plants; large-scale industrial and housing developments; regional public utilities, such as waste disposal or sewage systems; and large land-sale or recreational home site developments.

It is neither a developers' bill nor an environmentalists' bill, but recognizes that the offsetting goals of growth and preservation can best be reconciled through a sensible decision-making process.

It has drawn the support of major industry, labor, environmental and farm groups. It is backed by governors and mayors, by such liberal senators as Jackson, Frank Church (D-Idaho) and Mark Hatfield (R-Oreg.), but also by such conservatives as James McClure (R-Idaho) and James Buckley (Con. R-N.Y.). Secretary of Interior Rogers Morton called it "a keystone of the President's environmental program."

The Senate passed the bill by wide margins in 1972 and again this summer. Last year, it was blocked in the House Rules Committee by a variety of political and personal quarrels, but this year, the manager of the House bill, Rep. Morris Udall (D-Ariz.) sees much better prospects of it becoming law.

But that is only the first step. What is important is the use the states make of the opportunity it provides. The bill requires that states include local governments, property owners and the public in every stage of the development of their land-use plans. What is

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envisaged is nothing less than an open, nationwide discussion of the future of the American landscape—the shape of our cities and suburbs, the placement of our factories and farms, the preservation of our lakes and parks.

There is no better way to prepare for that discussion than by getting the Jackson report. And unlike the income tax form, you will be able to understand it.

TIMBER SUPPLY AND RESOURCE MANAGEMENT

Mr. PACKWOOD. Mr. President, recently, I spoke briefly on the issues raised by the President's Advisory Panel on Timber and the Environment. At the time, I made the point that many of the problems on which their report focuses and many of the recommendations they have made to the President and to the Nation are not new. In fact, the issues that have surfaced again in the form of the panel's report are ones which have faced us—and which we have all too often ignored—for many years.

Now, the U.S. Forest Service has completed its decennial report on the prospects for supply and demand of timber products in this Nation. This timber census corresponds to a remarkable degree to the warnings embodied in the panel's report issued last month.

The message is coming through loud and clear. We must do a drastically better job of managing our forest resources if we are to avoid a dismal future of shortages of wood products for future generations. We can and we must do this at the same time that we plan for future use of our forests for recreational and wilderness use.

In brief, Mr. President, the message that we are being told from all quarters is at the same time bleak and promising. On the one hand, if we fail to act promptly and responsibly, I fear that we will be unable to meet any of the needs of future generations; or, at best, we will be forced to make agonizingly difficult decisions as to which of the many competing interests will be served.

We need not face such a bleak future. If we act now, we can assure that we will have provided for the meeting of all of the multiplicity of needs of future generations whose well-being will come from use of our diverse forest resource.

I ask unanimous consent that a summary of the Forest Service's report be printed in the RECORD, along with a letter I received from the chief of the Forest Service, John McGuire.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF AGRICULTURE,
Washington, D.C., October 23, 1973.
Hon. BOB PACKWOOD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PACKWOOD: The enclosed copy of "Outlook for Timber in the United States," presents the findings of the comprehensive review of the Nation's timber situation and outlook which we have had under way over the past couple of years.

This is the latest in a series of reports on the Nation's timber situation issued every ten years or so by the Forest Service. The information and conclusions presented in this study are based largely upon new data from the nationwide Forest Survey and related marketing research. In my judgment, the report represents the soundest technical analysis of the Nation's changing timber situation made to date.

The report reveals some encouraging trends, and some emerging problems. I would like to call your attention to a few findings which I consider of fundamental significance.

As you might suppose in view of our expanding population and economic growth, the report shows that demands for softwood timber products are likely to continue to grow rapidly in the decades ahead. On the other hand, projections of softwood timber supplies, assuming forest management, and investments in reforestation and other practices, continues much as in the 1960's, show very little increase in future years. Thus, if we continue recent levels of forest management, large increases in relative prices of softwood lumber and other timber products will be necessary to bring about an equilibrium between steadily rising demands and prospective supplies.

In the case of hardwoods, the situation is more promising, although the outlook for sawtimber of the larger-sized preferred species is similar to that for softwoods.

The prospective imbalance between demand and supply for softwoods and hardwood sawtimber means that we must depend to an increasing degree on imports of timber products and on substitute materials. It will also mean increased cost to consumers of products such as houses and furniture made in whole or in part from wood; rising environmental costs resulting from industrial processing and power generation associated with increased use of substitute products; and an acceleration in the rate of use of nonrenewable resources.

The report shows that these consequences are not inevitable. As a result of past investments in management, utilization, and research programs we have made substantial progress in improving the timber situation. And we know that we can continue such progress and that under intensive management domestic forest lands have the capability of providing at least twice the volume of timber produced today.

The situation and outlook described in this study in my judgment, underscores the need for more intensive forest management in all classes of ownership. This includes such measures as reforestation with genetically improved planting stock; timber stand improvement; road construction on the National Forests; use of fertilizers; and improved protection against insects, fire, and other destructive agents. I believe that we can carry out this intensification while at the same time maintaining the forest environment and providing for recreation and other uses of the forests.

We can substantially extend our timber supplies by more complete utilization of residues and salvage of the timber killed by insects, fire, and other destructive agents. Improvements in manufacturing and construction processes to increase the output of products from logs and raise the efficiency with which timber products are used can further extend supplies.

Much of what needs to be done can be accomplished with the knowledge we have today. But continued progress will require a strong and effective research program.

It is clear that an intensification in our management, utilization, and research programs will require very substantial investments. However, I believe these investments are clearly warranted, particularly when the economic and social costs of inaction, and increases in relative prices of timber products, are considered.

We have prepared a series of slides illustrating the highlights of our study. If you or your staff would like further briefing on the contents, please let me know.

JOHN R. MCGUIRE,
Chief.

THE OUTLOOK FOR TIMBER IN THE UNITED STATES

HIGHLIGHTS

This study relates primarily to the long-run outlook for timber supplies and demands in the United States under changing economic and environmental conditions. Timber availability will have a direct bearing on the economic development of the Nation as well as availability of forest lands for nontimber and environmental purposes.

1. Demands for industrial timber products in the United States have been increasing steadily, with a 65-percent rise in use of these products during the past three decades.

Consumption of industrial wood products—such as lumber, woodpulp, plywood, etc.—increased 65 percent between 1942 and 1972 to an annual total of 125 million tons. In this period consumption of industrial roundwood (that is, all roundwood products except fuelwood) required to produce these wood products increased about 56 percent to 13.7 billion cubic feet in 1972. The difference in these trends for roundwood and industrial wood products consumption reflected more complete use of the timber harvested, with a resulting reduction of unused wood residues.

In the 1942–72 period, lumber consumption rose 27 percent. Use of round pulpwood climbed 157 percent, and consumption of veneer and plywood over 438 percent. On the other hand, use of fuelwood and minor products such as poles and posts declined.

2. Further substantial increases in future demands for timber are expected.

Projections of potential future demands for timber vary widely with such factors as economic growth and relative prices of timber products. A "medium" projection of possible future demand was based on the assumptions: (1) that the population of the United States will increase nearly 40 percent between 1970 and 2000 to 281 million people; (2) that real gross national product will grow at an average of 4.0 percent annually, or about 240 percent by 2000; and (3) that recent trends in technology and institutional factors will continue.

With prices of timber products relative to other materials at 1970 levels, this medium projection of U.S. demand for roundwood rises from a 1970 level of 12.7 billion cubic feet to nearly 23 billion cubic feet by the year 2000. Potential demand for softwoods rises from 9.7 billion cubic feet in 1970 to 15.8 billion cubic feet by 2000. Demand for hardwoods is projected to rise from 3.0 billion cubic feet in 1970 to 7.0 billion cubic feet in 2000.

With higher relative prices of timber products in the future—which timber demand-supply comparisons indicate can be expected—projected demands for roundwood are correspondingly lower. Thus, with rising relative prices of 1.5 percent per year above the 1970 trend level of lumber and somewhat smaller price increases for plywood, woodpulp, and other items, projected total timber demand by the year 2000 approximates 19 billion cubic feet. This latter projection includes increases in demand of 5 percent for saw logs between 1970 and 2000, 58 percent for veneer logs, and 130 percent for round pulpwood.

In terms of softwood sawtimber—of primary importance for lumber and plywood used in housing and many other markets—projected demand at 1970 prices rises from 47.6 billion board feet in 1970 to 73 billion board feet by 2000. With the specified rising prices, however, projected demand reaches

55 billion board feet in 2000—a rise of 16 percent.

Projected demand for hardwood sawtimber with rising prices increases from 12.3 billion board feet in 1970 to 19 billion board feet in 2000—a rise of 55 percent.

3. Timber growth in the United States has been increasing as a result of recent forestry programs.

The condition of timberlands in the United States has improved materially in recent decades, primarily because of expanding fire protection and some increase in tree planting and other forestry activities. As a result, net growth of both softwoods and hardwoods increased about one-third between 1952 and 1970 to a total of 10.7 billion cubic feet of softwoods and 7.9 billion cubic feet of hardwoods.

Roughly 60 percent of this total net growth of softwoods in 1970, or about 40 billion board feet, consisted of softwood sawtimber suitable for lumber and plywood. Hardwood sawtimber growth totaled 20 billion board feet in 1970.

Removals of softwood sawtimber as a result of timber harvesting and other factors exceeded net growth in 1970 by 18 percent. In the East removals were less than net growth but this was more than offset by an excess of removals over net growth in the West. Removals of hardwood sawtimber in 1970, on the other hand, were 24 percent less than net growth.

4. Projected supplies of softwood sawtimber products potentially available from U.S. forests show limited increases with 1970 levels of management.

Potential supplies of softwood timber from the Nation's forests—assuming 1970 levels of management, timber cutting practices and policies similar to those in recent years and only minor reductions in areas of commercial timberland—are estimated to increase about 31 percent by 2000, from 8.8 billion cubic feet in 1970 to about 11.5 billion cubic feet. This is a technical potential which may not be fully realized, however, because of factors of operability and owners' willingness to sell timber.

Thus in the case of softwood sawtimber—of particular importance for lumber, plywood and various other products—projections of economically available future supplies show limited changes from the 1970 level of output. Assuming relative prices of timber products remained at 1970 levels, for example, estimates of economically available supplies of softwood sawtimber are only slightly above the actual harvest of about 46.9 billion board feet in 1970. With increased prices of softwood lumber and plywood averaging 50 percent above 1970, projected supplies increase to over 53 billion board feet over the next decade, but then decline below the 1970 level.

5. Supplies of hardwood timber are increasing although industrial use is limited by problems of quality and availability.

The outlook for hardwoods is somewhat mixed in spite of the fact that removals of all sizes and species of hardwood timber in 1970 was some 25 percent less than total net growth.

Projections of available supplies of hardwood sawtimber over the next few decades—assuming 1970 levels of forest management and specified cutting rates—increase 66-percent, from an actual harvest of 12.3 billion board feet in 1970 to over 20 billion board feet by 2000. This approximates the projection of demand associated with 1970 prices.

Projected supplies of hardwood products, in cubic feet, under these same assumptions materially exceed potential demands at 1970 prices.

While these projections imply little or no increase in hardwood prices, there are practical limitations on amounts of timber available for sale and industrial use at any given time. To many owners of hardwood timberland use of the forest for recreation or other nontimber objectives is of primary importance. Problems of quality also are of special significance. Much of the growth and available supply of hardwoods are in small tree sizes or species for which markets are limited; whereas the larger sizes of preferred species are in short supply in most areas. Other factors that could produce a tighter supply situation and higher prices include possible substitution of hardwoods for softwoods in production of woodpulp and certain other timber items.

6. The outlook for timber supplies differs widely by ownerships and by regions.

Nationwide, private holdings account for the major part of the commercial timberlands, including 14 percent in forest industry and 59 percent in farm and miscellaneous private holdings. National Forests include about 18 percent of the total commercial timberlands and other public holdings 9 percent.

Timber harvests in 1970 reflected this pattern of ownership, with 48 percent of the 12.2 billion cubic feet of total roundwood harvested from U.S. forests coming from farm and miscellaneous private holdings. Forests industry lands supplied 28 percent of the total, National Forests 17 percent, and other public lands 7 percent. In the projections of supply the major changes in these proportions include a drop for forest industries and a corresponding increase for farm and miscellaneous private owners.

Southern forests provided about 45 percent of the Nation's timber harvests in 1970, compared with 32 percent for the Pacific Coast, and 23 percent for other sections of the United States.

In the South progress in fire control and other forestry activities has improved the timber situation to the point where it appears that with 1970 levels of management, softwood timber harvests could be increased gradually on both National Forests and other lands by roughly 50 percent over the next few decades.

On the Pacific Coast, on the other hand, a marked decline in softwood sawtimber supplies of about 18 percent is projected in the 1970–2000 period as a result of reduced availability of timber from forest industry lands.

Sustained harvests of timber from western National Forests and other public lands at levels close to 1970 estimates of allowable harvests appear possible for some decades, although only with timber prices significantly in excess of 1970 levels. Also, allowable harvests on National Forests can be expected to projection period, if not before, unless forest management and utilization of timber on these lands is intensified.

7. Substantial increases in softwood timber appear necessary to balance potential timber demands with available timber supplies.

With forest management continuing at 1970 levels, projected supplies of softwood sawtimber might balance the medium projection of timber demand with relative prices of softwood lumber and plywood in 1980 possibly 20 to 25 percent above the 1970 level, and possibly 50 to 60 percent higher in the year 2000. Related equilibrium prices for paper and board by 2000 are estimated to average roughly 15 to 20 percent above 1970.

Stumpage prices associated with these increases in prices of timber products, according to historical relationships, by 2000 could be expected to average more than double the level of prices in 1970.

Such prospective increases in prices for softwood lumber would be consistent with an average rise of 1.7 percent annually in lumber prices relative to the general price level over the past century. Relative prices of lumber leveled off in the period 1950–1967—years marked by rapid improvements in productivity in logging and processing and by development of new sources of timber in western National Forests and in British Columbia.

Relative prices of softwood plywood declined dramatically during this recent period with adoption of new technology and equipment. Relative prices of pulp, paper, and board were quite stable. Nevertheless, the timber supply outlook with 1970 levels of management and utilization indicates new supply problems and shifts to higher price levels for all timber products.

8. Supply and price problems appear most critical for softwood lumber and plywood but all forest industries will be affected.

Comparisons of projected timber demands and supplies indicate that problems of timber availability are likely to be most critical for softwood sawtimber used for lumber and plywood in housing, other construction, and various other markets.

The outlook for the pulp and paper industry is better than for lumber and plywood, largely because of the wide variety of species and qualities of timber that can be used for pulpwood. However, the tightening supply-demand situation for softwoods, and new developments such as installation of chipping headrigs, are leading to increased competition for available wood supplies and higher wood costs for all industries.

Producers of hardwood lumber and plywood who depend on the higher qualities and sizes of preferred species, such as white oak, walnut, maple, birch, and gum, also face serious supply problems and prospective increases in timber prices. On the other hand, substantial supplies of timber are prospectively available for industries producing hardwood products such as pallets, construction timber, railroad ties, or hardwood pulps.

9. Demands for nontimber products and services and for environmental protection are of growing importance in the timber situation.

Use of forest land for timber production is being increasingly affected by public desires for recreation and other nontimber uses. Sizable areas of public forest lands have been withdrawn from timber use for wilderness and scenic areas, although many of these are of relatively low site productivity for timber. Extensive areas of both private and public forest lands have been shifted to nontimber uses such as reservoirs, highways, airports, urban expansion and recreational developments. Still other areas, particularly fertile bottomlands capable of producing quality hardwoods, have been cleared for crops and pasture.

Until recently, reversion of abandoned agricultural lands to forests more than offset such losses. Between 1962 and 1970, however, areas classified as commercial timberland declined about 8.5 million acres to a total of 500 million acres. Some continuing net losses of commercial timberland, averaging possibly 5 million acres per decade, have been assumed in this analysis.

Lands remaining in the commercial timberland category also are increasingly called on to supply nontimber goods and services as well as timber harvests. These demands, as well as new concern over protection of the natural environment are leading to numerous modifications in timber harvesting and other forestry practices, particularly on public lands. It seems clear that management of forests for combinations of products and uses, especially those in public ownership, will be increasingly essential.

Such constraints on land use and management on public lands and to some extent on private forests, together with unforeseen transfers of forest lands to nontimber uses, could reduce timber harvests below the projections developed in this report. Impacts on timber prices and supplies of wood products would be correspondingly intensified.

It is also possible that raw material shortages could in time seriously constrain growth of the Nation's economy or interfere with the achievement of social goals such as improvement of housing. In such case forest recreation and other nontimber uses could also suffer as a result of efforts to alleviate materials shortages. Thus, success in supplying nontimber values and products may be influenced deeply by the effectiveness with which industrial raw materials needs can be met. For such reasons, essentially all users of forest land have an interest in the timber outlook.

10. A partial alternative in meeting prospective timber supply problems is to increase timber imports from Canada and other wood surplus countries. Rising exports of timber products, however, have been offsetting a substantial part of the increase in timber imports.

About half a century ago the United States ceased to be self-sufficient in timber products and since then has depended increasingly on net imports from other countries. Imports of timber products reached a total of 2.9 billion cubic feet, roundwood equivalent, in 1972. This represented 19 percent of the total U.S. domestic and export demand for timber products.

Timber imports obtained largely from Canada made up about 19 percent of total U.S. supplies of lumber and 25 percent of total U.S. pulp and paper supplies in 1972. More than 60 percent of the hardwood plywood and veneer consumed in the United States was obtained from Southeast Asia and other tropical areas.

With rising prices of timber, imports from Canada and from tropical areas have been assumed to increase substantially over the next three decades, mainly in the form of softwood lumber, pulp and paper, and hardwood veneer and plywood. In time, however, rising world demands for timber and a general tightening of the world timber supply situation seem likely to limit such import potentials.

Exports of forest products also have increased substantially in recent years, in large part as a result of large Japanese purchases of logs and pulp chips, expanding world markets for kraft pulp and liner board, and continued exports of lumber. In 1972, about 9 percent of the total U.S. supply of timber products, or 1.3 billion cubic feet roundwood equivalent, was exported to various parts of the world. Along with prospective increases in timber imports in future years, some further increases in exports from the United States have been assumed.

Net imports in 1972 of 1.6 billion cubic feet made up nearly 11 percent of the total consumption of timber products in the United States. Net imports have been estimated to increase to around 2.8 billion cubic feet, roundwood equivalent, by 2000, with prices of lumber, for example, rising 1.5 percent per year. But such dependence on other countries, while important, appears to offer only a partial means of meeting the growing demands for timber products in the United States.

11. Greater use of nonwood materials is a possible alternative, although this appears to have undesirable environmental and economic impacts.

The relative importance of timber products in the U.S. economy has changed greatly over time as other raw materials such as steel, concrete, and aluminum have replaced or supplemented wood in various uses. With increased prices and insufficient supplies of timber, such continuing substitution can be expected.

While there are no immediate threats of shortages of wood substitutes, continued geometric growth in materials use, such as experienced in the past and in prospect in coming decades, will require enormous quantities of materials and entail serious environmental problems. Most competing products such as steel, aluminum, and plastics are derived from depletable resources—in contrast to timber which is renewable. Thus it is possible that the historical stability in relative prices of competing materials may be replaced by rising real costs of these materials.

Timber products can be produced with relatively low energy requirements for processing and low pollution impacts compared with most alternatives. Energy requirements for processing steel for framing exterior walls of houses, for example, amount to more than three times the energy required for processing lumber for the same use.

Production of competitive materials also ordinarily results in more serious air, water, or land pollution problems than in the case of wood products—both directly and indirectly through the generation of energy required for processing different materials. Wood products that are not recycled also have an important characteristic of being biodegradable.

If prices of timber products rise relative to prices of substitute materials, substitutes will of course, be used. But in view of accelerating world use of raw materials, increased need for foreign exchange to finance imports of such materials, and higher energy requirements and pollution impacts than with use of timber products, greater dependence on substitutes for timber may not be a desirable alternative.

For such reasons long-run demands for wood, and related justifications of forestry programs, could increase considerably more than indicated by projections in this study.

12. Better utilization of available supplies is a partial answer to problems of timber supply.

Major progress has been made in recent years in the use of slabs, edgings, veneer cores, and other similar material from lumber and plywood operations for pulp, particleboard, and other products. In 1970, nearly three-fourths of all such material produced at sawmills and other primary processing plants, plus some additional material from secondary manufacturing plants, was utilized in this way. Such byproducts comprised 35 percent of the 72 million cords of pulpwood used by U.S. pulpmills in 1972.

Despite the progress made, unused plant residues still represent a sizable resource. In 1970, unused chippable material at primary manufacturing plants amounted to 0.4 billion cubic feet and all residues about 1 billion cubic feet (12.4 million cords). With prospective trends in timber prices and utilization practices, it has been assumed that most chippable residues and much of the fines will be utilized for pulp or particleboard within the next decade or so.

Large additional quantities of wood fiber, largely suitable for pulping, also are left in the woods each year as logging residues because of high costs of recovery and problems such as bark removal on limbs and fragmented material. In 1970, these residues included some 1.6 billion cubic feet of material from sound trees, plus at least this much material from other sources such as limbs, rough and rotten trees and dead trees (a total of roughly 40 million cords). Environmental requirements and rising timber values can be expected to lead to better clean up and utilization of timber on harvested areas. But accelerated efforts to improve utilization on logging areas—along with expanded efforts to grow more timber—appear essential if rising pulpwood demands in future decades are to be met.

More of the timber killed by insects, fire, and other destructive agents, although widely scattered for the most part, also might be salvaged with higher prices and improved forest access. Such losses in 1970 included 11 billion board feet of softwood sawtimber.

Improving efficiency of wood utilization in manufacturing plants also would help extend timber supplies. It has been assumed on the basis of past trends that modernization of sawmills, for example, through better production methods and installation of newly available equipment such as high-strain, thin-kerf saws will result in increased lumber recovery from available logs of possibly 2 to 4 percent per decade. But much larger increases in recovery rates should be possible with rising timber values and faster application of improved technology.

Better sorting of logs to help insure use for the most valuable end product—lumber, plywood, or pulp—similarly could stretch available supplies of sawtimber for lumber and plywood.

Development and use of improved structural particleboards and some substitution of hardwoods for softwoods could further extend softwood sawtimber supplies. Wood products also could be used more efficiently in construction by better design and construction methods.

13. Intensified forest management offers an important means of increasing timber supplies in the long run, while maintaining an acceptable forest environment.

Sizable increases in timber growth and future harvests could be achieved in U.S. forests by increased investments to expand tree planting, stand improvement, protection, and other forestry practices. Most forest areas are not fully stocked with desirable timber and are growing at a much lower rate than is possible under intensified management. Fire, insects, and other destructive agents also cause losses that in effect nullify about one-fifth of total timber growth.

Opportunities for increasing future timber supplies by intensified management exist in all sections of the country and all classes of ownership. In the South, for example, timber growth currently averages about 45 cubic feet per acre annually, including only 104 board feet of saw-timber sized material. Large areas of plantations are yielding more than double this amount of growth. And there are millions of other acres where conversion from poor hardwood stands to pine stands, especially with use of genetically improved planting stock, would in time greatly increase available supplies of timber.

Similarly on the West Coast and other parts of the country there are large additional areas in Federal, State, industrial, and other private ownerships where timber supplies could be greatly increased by reforestation and by other practices such as precommercial thinnings and intermediate cutting in older age classes.

On nonindustrial private ownerships held by farmers and a wide variety of miscellaneous owners, timber growing efforts other than fire protection have been limited. Yet several million of these owners hold 59 percent of the timberlands in the United States that are considered suitable and available for timber production. Most of these owners are unwilling to invest in timber growing and many are reluctant to sell timber because of conflicts with other purposes.

Capturing a large part of the very large potential for timber growing on these numerous holdings is technically sound and economically feasible, but will require substantial investments. On many ownerships public cost sharing and technical assistance appear necessary to achieve the increased growth that is estimated to be economically feasible to produce.

An initial analysis to illustrate management opportunities on National Forests and farm and miscellaneous private holdings indicated that increased investments of about $69 million annually could increase annual harvests of softwood sawtimber about 1.6 billion board feet by 1980 and as much as 13 billion board feet by 2020. This analysis used as a criterion a minimum rate of return of 5 percent on additional investments, with prices of lumber and plywood assumed to average 30 percent above 1970 levels.

Additional promising opportunities for increased timber production also undoubtedly

exist on other public and industrial ownerships, and in the use of genetically improved planting stock, fertilization, or other new technology.

Environmental management to assure balanced production of nontimber uses and protection of the environment as well as timber crops will be essential, particularly on public forest lands and to an increasing degree on private lands as well.

14. A combination of efforts could help supply growing demands for timber products while simultaneously providing for nontimber uses and protection of the environment.

In summary, if increased supplies of timber for a growing Nation are desired, a number of things could be done to increase and extend timber supplies, including:

More complete utilization of logging residues, plant residues, and trees lost by mortality, and greater use of recycled fibers.

Greater use of available and manufacturing processes to increase output of lumber and other products from available log supplies.

Better allocation of available timber to assure use for optimum end products.

Some increase in dependence on imports of timber products.

More intensive management of all classes of forestlands suitable for timber management, by road construction, commercial thinning and salvage, reforestation with genetically improved planting stock, timber stand improvement, use of fertilizers, and better protection against fire, insects and other destructive agents—while simultaneously managing lands to assure a balance with other uses and environmental protection.

Continued development and application of new technology in timber growing, in processing of timber products, and in consumer use of wood products.

Substantial public and private investments will be necessary for such measures to increase timber supplies significantly and to improve utilization of available timber supplies. Such measures are both technically and economically feasible. They can be carried out while maintaining a balance with environmental uses of the forest.

OUR LONG-TERM PROBLEMS

Mr. PELL. Mr. President, these are parlous times when all our attention and energy are visioned on short-term problems.

Yet, there are long-term problems that completely dwarf the short-term ones with which we are so concerned.

In this regard, the Club of Rome has sought to bring attention to the long-term misdirections in which the world and our Nation appear to be drifting.

Anthony Lewis has written two very perceptive columns concerning these problems which I believe would interest my colleagues and ask unanimous consent that the columns be printed in the RECORD.

I would add, as the only elected politician who is a member of the Club of Rome, I take particular pride in Mr. Lewis' comments concerning it.

There being no objection, the columns were ordered to be printed in the RECORD, as follows:

NEARING THE LIMITS

(By Anthony Lewis)

BOSTON, September 30.—In dealing with the acute public concern about food prices, official Washington has taken a generally reassuring line. There have been some unexpected trends, it is said, and perhaps some fault in negotiation, but careful planning can put things right for the future.

Talking with experts on world food production gives one a profoundly different picture: The problem is one of world dimensions, and it is here to stay. The sharp rise in prices, the shortages, the new food nationalism of export controls—all these things are happening around the world, and they are not passing phenomena.

"We are seeing the effects of the pressure of population and affluence in the world." So says Professor Nevin S. Scrimshaw of the Massachusetts Institute of Technology. He heads M.I.T.'s Department of Nutrition and Food Science and is also chairman of the important Protein Advisory Group that serves the World Bank and many United Nations agencies.

The impact of population growth can be seen in the end of traditional grain exports from underdeveloped countries—such as the rice surpluses of Southeast Asia. Today those countries need the grain for themselves. The only significant grain exporters are the United States, Canada, Australia and New Zealand. But we think too much of population alone, Dr. Scrimshaw says, and not enough of how affluence multiplies demand on food resources. The point is made in a simple and dramatic statistic.

In a culture with a predominantly cereal diet, the average person eats 400 pounds of grain a year. But a society like America's, with its emphasis on meat-eating, uses 2,000 pounds of grain a year per capita. Animals are that much less efficient in converting grain to protein.

Right across the northern tier of the earth—Europe, North America, Japan—the postwar rise in affluence has made the demand for meat soar. In 1940 Americans ate 55 pounds of beef each. In 1972 the figure was over 120 pounds. Europe and Japan have passed the 1940 American level and are "hell-bent to catch us," Dr. Scrimshaw says.

The hunger for meat is putting tremendous strains on the animal feed potential of the world. One major source of cattle food was anchovies in the Humboldt Current off South America—a catch of ten million tons a year. But two years ago the fishermen violated the natural cycle by following the anchovies when they moved out with a shift of the current, and since then there has been no catch whatever.

Now the world is increasingly dependent on soybeans for animal feed, and mostly on the American crop. In the oncoming crop year fully one-sixth of U.S. agricultural acreage will go for soybeans, an astonishing proportion. Most of the beans are for export.

This dependence puts a heavy responsibility on the U.S., as we were made suddenly aware this last year when President Nixon's embargo on soybean exports produced anguished reactions in France, Japan and elsewhere. And the United States has had years of good crop weather; the cycle may be about due for drought again.

What makes this whole picture so surprising to Americans is that until recently—until yesterday, it seems—we were worried about surplus crops and acreage. Now most of the fifty million unused acres in the U.S. agricultural bank have gone into production, and the remaining land is of doubtful value. The same situation applies around the globe: The good farmland is in use. Intensifying the use by fertilizers carries its own problems, notably pollution as from phosphate runoff.

"We were lulled into some false security by the Green Revolution," Dr. Scrimshaw says. "But even better strains of plants need well-watered land and water is limited. Then if your population and affluence begin to swallow up the gain. . . ."

Dr. Scrimshaw is a careful, a conservative scientist. He has sought no headlines. It is just that what he knows deeply worries him. The same is true of his M.I.T. colleague. Professor Carrol Wilson, the former general manager of the Atomic Energy Commission. After taking part in a high-level meeting on world food problems he was interviewed by The Boston Globe.

"We are now looking at some of the outer limits of global 'carrying mass' in food production" Wilson said. "It's becoming marginal to feed the present world population. I had not thought of food as the most critical ceiling. But it is clear to me that you couldn't double the (world) population as is expected by the year 2000 and still feed them."

Anyone who thinks about those statements must realize that there is involved here something very much larger than the prices troubling American families. The specter of world shortages may be near and with it even more terrible differences between the developed and underdeveloped nations. The even more significant inference to be drawn from world food trends, one requiring separate discussion, is that mankind is indeed approaching the limits to physical growth.

NEARING THE LIMITS: II

(By Anthony Lewis)

BOSTON, October 3.—The sharp rise in food prices over the last year, the world around, has profoundly disturbing implications. For it may reflect strains not only on present supplies but on the earth's agricultural capacity.

"There is an unmistakable and mounting sense of uneasiness and foreboding," the director general of the Food and Agriculture Organization, A. H. Boerma, said last summer. He spoke of "dismaying" developments and said there were signs of "a radical process of change."

But it is not only food that has felt distortingly heavy pressures of world demand on limited supply. The London Economist's respected index of world commodity prices in fact shows that food is up less than other items: Only—just imagine that word—50 percent in the last year. The price of fibers has risen 93 percent, of metals 76. The index as a whole is up 70 percent in one year.

Quite apart from the symptom of prices, we all can sense what one economist has called "the gathering clouds of resource shortages." Legal and political conflict over control of the sea and its resources is sharpening. There is the energy crisis. Lumber and newsprint supplies are short.

The signals of strain make one think again of "The Limits to Growth," the book published just nineteen months ago by a group of scientists at the Massachusetts Institute of Technology. Based on a computer model, it argued that the mushrooming growth of world population and production would reach earthly limits in the next century, bringing a collapse of industrial society.

"The Limits to Growth" was intended to provoke, and it did. After all, it struck at a premise of our civilization: the beneficence of economic growth. Many economists denounced it. Some scientists criticized its computer model as overambitious or flawed.

A proposition as broad as the one made in that report is not affirmatively provable—or at least not until too late. But it is possible to see over time whether developments show its assumptions to be false or tend to support the general thesis.

In this case the authors understandably find some grim vindication in events. The group has moved to Dartmouth College, and there Prof. Dennis Meadows said the other day:

"If I had stood up in March 1972 and said that within two years we would see beef on the black market in this country, and retail food prices up 20 percent or more, and families going cold for lack of heating oil, I'd have got very long odds. But those things have happened, and they will continue happening."

The real thrust of the Meadows report was political. It argued that accelerating growth posed a new kind of challenge to human society—to stabilize population and production at sustainable levels that would permit a decent existence on a world basis. In terms of meeting that challenge, the record of the last two years is bleakly discouraging.

The Nixon Administration has reacted to the signs of resource pressure with an attitude of business as usual or more so. Is lumber short? Plunder the national forests. A threatened oil crisis? Build an Alaska pipeline and increase offshore drilling. Food prices rising? Put an embargo on exports.

It is all too frighteningly close to the danger that "The Limits to Growth" foresaw—growing destruction of the environment and national scrambling for scarce resources. Nor is the record encouraging elsewhere in the world. As the solution to their problems, politicians continue to give the same answer: More.

Consider, for example, the American energy problem. Anyone can see that the United States is profligate in its use of oil and electricity. Our first necessity is serious measures of conservation. How can we cry shortage while we build absurdly overpowered cars and encourage energy-intensive industry? But the Government pays only lip-service to conservation, planning instead to develop new energy sources at enormous cost.

Or think about food. If the world is dependent on American exports, as it is, we shall have to limit our own consumption to meet the demand—or else let millions starve. How would we limit our consumption? Let domestic prices rise? But then our own poor suffer. Rationing? Subsidized distribution? And to which needy foreigners do we sell our grain? And how will they pay? The dilemmas are terrifying.

The scientific particulars of "The Limits to Growth" remain beyond the understanding of most of us. But even critics are beginning to recognize that the book poses valid and urgent questions. Can our world, with all its divisions of nation and interest, deal with the visible strains of physical growth? We await a political leader who will begin to make us face the problems.

COMMUTER COMPUTERS

Mr. PERCY. Mr. President, the problems of overcrowding are nowhere more obvious and frustrating than on the highways of our Nation during rush hour. To relieve this, the Congress has appropriated millions of dollars to encourage, construct, operate, and save mass transportation systems from financial disaster. However, the basic need is to convince people to get out of the habit of driving to work by themselves. One good start in this respect has been made through the use of "Commuter Computer Clubcar Service." This is the modern term for carpools. What it means is that you share a ride with someone going to the same area at about the same time, thereby saving gas, and cutting down on the number of people on the road every morning and evening.

Radio station WBZ in Boston started the idea of using computers to find commuters who could ride together. The idea is somewhat like computer dating, except that instead of finding someone a date, the computer suggests who they could profitably ride to work with.

Radio station WIND in Chicago has now started its own project, and I applaud its initiative. Hopefully commuters in Chicago will take advantage of this service and form carpools.

Mr. President, I ask unanimous consent that an article describing this experiment be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Commuter Computer Service Announced by Radio Station WIND

Chicago, October 11.—The official beginning of WIND's Commuter Computer service was announced today by the Group W (Westinghouse Broadcasting Company) station in Chicago.

"Car pooling", according to WIND General Manager Phil Nolan, "represents an immediate step toward solving the problem faced by thousands of Chicagoans daily, who are not served by mass transportation."

Using computer technology to match up riders headed for common destinations in the greater Chicago area would reduce the number of cars using Chicago expressways and serve to plug the gaps in existing public transportation systems.

WIND has broadcast several programs in recent months focussing on the Chicago area transportation problem, with particular emphasis on the need to establish a Regional Transit Authority. "It's obvious", said WIND Editorial Director Charles Cleveland, "that the central Chicago business district, the Loop, is generally well-served by mass transportation." Cleveland cited a Northwestern University study that indicates only 8.3 percent of the six-county metro population commutes to the Loop. "Chicago's basic need on a short-term basis", said Cleveland, "is assisting people who commute to areas outside the city, or from one suburb to another, where public transportation does not exist."

WIND, within the next few weeks, will devote major portions of its public service announcement schedule to promote the Commuter Computer concept. Questionnaires will be circulated throughout the six-county area as a means of surveying potential car poolers and determining the areas with the most need.

Nolan pointed to the Commuter Computer Club car service pioneered by WIND's sister Group W station in Boston, WBZ. The WBZ commuter computer program was launched over a month ago in cooperation with several Massachusetts state agencies. The response to the WBZ service was immediate and enthusiastic. "No one", said Nolan, "questions the logic that says four people to a car is better than the present Chicago average of 1.2."

WIND has for over a year, editorially supported the creation of a Regional Transit Authority and, as Cleveland pointed out, "over the long haul, convenient, safe, dependable public transportation, available to all within the six-county area, represents the ideal to be sought."

The Chicago transportation crunch has spawned many innovative solutions by its frustrated commuters. These range from "dial-a-ride" services in some suburbs, leased busses for commuters with common destinations, and informal neighborhood car pools for getting children to and from school and commuters to and from railroad stations and CTA park-and-rides.

The WIND Commuter Computer service is designed to fill the gaps between public transportation and, in fact, encourage greater usage of public transportation and serve those who live and work in areas not served.

Noting State Representative John Porter's (R. Evanston) proposed bill, calling for studies by the Illinois Department of Transportation, to officially encourage car pooling, Nolan said, "while such a service probably should, on an on-going basis, be afforded by the government, the private sector could contribute greatly by being able to quickly initiate such a service. "The WIND Commuter Computer program," said Nolan, "could function as a pilot study for the Department of Transportation."

To re-enforce the need for voluntary public action in dealing with the transportation crunch, WIND has scheduled a variety of events. Early in November, the radio station will sponsor "The Great Chicago Commuter Race" featuring station personalities, commuters and transportation officials in an "automobile race" along major arteries into Downtown Chicago. At the same time, the automobiles are wending their way through Dan Ryan, Eisenhower and Kennedy Expressway traffic, other WIND teams will set out via public transportation bound for the Loop. Followup events will include broadcasting the experience of Chicago motorists as they attempt to traverse the city, not bound for the Loop, but attempting to drive to and from jobs in suburban locations.

This Sunday, October 14, WIND's "This Week in Chicago" program will examine the six-county area's transportation problems, as well as the problems in transporting the handicapped, the elderly and those too young to drive. Hosted by Charles Cleveland, the broadcast begins at 10 p.m.

Nolan cited the fact that Chicago media has taken a leading role in pressing for the Regional Transit Authority concept. "Public enthusiasm for the RTA, car pooling and other efforts designed to solve Chicago's immediate and short-term transportation problems is due, in large measure, to the efforts of the Chicago's media," he said. The cooperative spirit is indicated in the fact that WIND, in cooperation with WTTW Channel 11, will simulcast a special program October 20th titled, "You Can Get There From Here—RTA". Nolan said the WTTW program will be broadcast on Channel 11 and on WIND at 9 p.m. October 20th and will be followed by a special two-hour WIND "Contact" program with Host Dave Baum. Baum will talk with Chicago-area and state transportation officials and take comments from the radio audience on special commuter problems.

VIETNAMESE AMERICAN ORPHANS

Mr. INOUYE. Mr. President, one of the most tragic consequences of the military conflict in Vietnam is the victimized children—some left crippled and scared with war injuries, many malnourished and many orphaned. A critical aspect of this issue is the welfare and future of the 15,000 Vietnamese-American children, the American-fathered orphans whose previously marginal existence was further jeopardized by the reduction of the American military profile in South Vietnam.

A recent article in the Washington Post by the Congresswoman from Hawaii, Patsy T. Mink, has poignantly captured the plight of these orphans, who are subjected to unnecessary suffering by the lack of an efficient adoption process and a comprehensive relief program. Given the urgency of this problem and its need of prompt congressional consideration, I ask unanimous consent that Representative Mink's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From The Washington Post, Sept. 23, 1973]

Unloved Orphans of an Unloved

(By Patsy T. Mink)

I cannot share the sense of relief which has swept America since the close of the Vietnam war.

I have just looked into dozens of steel-barred cribs in Saigon and I have held a dying infant, one of the 15,000 or more Vietnamese-American children we left behind to perish or live miserable existences, children we evidently care little about.

I have seen among the 500 children at Go Vap orphanage infants with bloated bellies and skinny legs. I have seen them cling to my husband and me, begging for affection. They did not wear diapers. They laid on the floor in pools of urine, which workers tried to clean up.

I have seen a naked baby girl lying on a cot in the street outside Viet Hoa orphanage. She wasn't alone. The streets and sidewalks of Saigon were lined with such children of poverty. An orphanage worker said they couldn't help every child; only the children inside were clothed and cared for.

At Dieu Quang orphanage I saw despair written across the faces of 190 children. They were in their cribs, without toys and without joy. They neither smiled nor cried. I was shown their lunch: a plate of ground rice meal stewed with bits of pumpkin.

And at World Vision Half-Way House Nutrition Center I saw desperately sick infants being slowly nursed back to health. The babies were released by the Vietnamese orphanages to World Vision because they were dying. When they recover, many are placed for adoption with Americans.

But these and many other infants placed with American families may never arrive. They may not live long enough. They may be killed by paperwork.

One American adoption agency, Welcome House in Pennsylvania, reports that 52 of the 60 Vietnamese infants released to it for adoption died before the months of required paperwork could be completed. At present, 2,000 American couples are languishing on bureaucratic lists, waiting for their "new" baby. The paper moves so slowly in Washington that only 367 of the orphans came to America last year—while 1,000 left South Vietnam for other nations.

We have long been a compassionate people, particularly after great tragedies. One need only recall the Marshall Plan after World War II or the war relief led by Herbert Hoover after World War I. But we have yet to show such compassion for these American-fathered children, those unloved reminders of an unloved war.

It would not be very difficult to do. A simple first step would be to end the adoption paperwork by issuing special immigration visas for these children, something I have tried to get done in Congress for two years now. But the bureaucracy is not to be moved.

The Department of Health, Education, and Welfare claims that the children will be well cared for in Vietnam and that "South Vietnamese do not stigmatize children of mixed parentage." What pollyanna wrote that? In all my discussions in Vietnam I found no one who thought that the black Vietnamese-American orphans, if they survive, would be accepted into Vietnamese society, and the indication was that this was also true of the half-white children, whose "foreign" features were so obvious. More than half of the sickest, most neglected, close-to-death children in the reception centers I visited were inter-racial babies.

I have also been told that the Vietnamese government does not want us to adopt these children, that American adoption would be viewed by them as an insult, a humbling admission that the Vietnamese could not care for their own. I found no such attitude in Vietnam.

The deputy minister of the South Vietnamese Ministry of Social Welfare was very clear: The government will not stand in our way if we follow the proper procedures—adoption procedures which are no more onerous than our own. In fact, they may well be less onerous than ours.

At present, the adoption paperwork must be done in triplicate—once for Vietnamese adoption, once for federal immigration and once for adoption in the parents' home state. For one American couple, the paperwork weighed nearly a pound. The orphanage workers see the children wait, and many of them die, while they are—in the words of the bureaucrats—being "processed."

The French government offered immediate citizenship to French-Vietnamese children following French withdrawal from the Indo-china war, and they offered free education for the children in France. Surely America can take the small but important step of eliminating federal paperwork for these orphans.

That is not all we can do. At a halfway center operated by the Catholic Relief Center in Vietnam, I saw a new girls' vocational school that had been built by the Dutch. I had hoped to discover that our government was doing similar things. An American AID official's reply: We should not do for them what they must do for themselves. I was also told that we do not even provide funds for the international relief agencies. All they get is surplus food, which is fast running out.

Vietnam is a nation in agony whose economy is fragile. The adults suffer just as the children do. The American embassy staff pointed to the suffering everywhere and asked: "How can we single out just the orphans?" The question implies that we should help no one if we cannot help all. The answer is simple. It is far better to start action somewhere than to let children die.

There are some things we cannot do. A number of the 134 orphanages in Saigon are unwilling to release their children for adoption. Their reasons vary. Most claim a long tradition against adoptions. A number of the religious believe it is God's will that the children stay with them. Some will allow adoptions but demand the name and address of the adopting parents—a request that violates the policy of the American international adoption agencies, which fear the families may be hounded for donations.

These problems are outside our jurisdiction. But many children are available and within our power to help. We cannot pretend that to wait two more years for an answer merely to let the children grow two years older. We cannot ignore the fact that these small lives are fragile, that time is crucial. If we make these children a political issue, ripe for debate and stalling, we will kill them with words and neglect as efficiently as if we had purposely destroyed them.

PROBLEMS OF CAMPAIGN REFORM

Mr. HUGH SCOTT. Mr. President, Henry Ford II, chairman of the board of the Ford Motor Co., recently spoke on the problems of campaign reform, and endorsed the concept of public financing. Because of his stature in the business community I believe his remarks will be of interest to Members of Congress and all readers of the Record. Therefore, I ask unanimous consent to have Mr Ford's speech printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Remarks by Henry Ford II, Chairman of the Board, Ford Motor Co., at the Company's Community Service Awards Program at Cobo Hall, Detroit, on October 18, 1973

I am pleased to be here today and to represent all of the men and women of Ford Motor Company in expressing our thanks, our pride and our congratulations to our national Ford Citizens of the Year.

I also want to express my thanks to the judges who had a difficult but I hope satisfying assignment in selecting this year's recipients.

Ford Motor Company's Community Service Awards began in 1956. I think it is significant that the first awards program was not the result of any direction from headquarters but was proposed by the members of the Ypsilanti Community Relations Committee. The idea was apparently one whose time had come and by 1960 the program was national in scope.

This is the first year, however, that we have assembled our Citizens of the Year from around the nation here in Dearborn. I hope you enjoy spending a few days with us as much as we enjoy having you.

The program's longevity is a reflection of the company's conviction that community service is good business as well as good citizenship.

Experience has taught us that the success of the company is dependent upon the health of the communities in which we do business. While our corporate taxes can help to assure good sewers and good libraries, it takes more than good public services to make a good community. It takes concerned companies and businesses, of course. But more than that it takes concerned people—people like you—and the thousands of other Ford people who serve their communities.

In giving your time and talents to improve your communities, you are also improving the atmosphere for our business and reflecting credit on Ford. Whatever good you do, wherever you do it, people can't help becoming aware that you work for Ford Motor Company. And people judge a company by its employes as well as its products. We're proud to have them meet our best.

Before we turn to the main purpose of this luncheon, I'd like to comment briefly on a different, but related, subject. Community service is, of course, just one expression of responsible citizenship. Another responsibility we all have is to participate in the political process which determines the personnel, the character and the polices of our government.

Public attention today is focused on some of the outrageous abuses of our political system. One good thing that may come from the revelations of wrongdoing coming out of Washington is that they may generate enough public demand for reform to make reform happen.

In politics, as in other aspects of life, money seems to be the root of all evil, but nobody has found a way to get along without it. We can argue over how the money for politics is raised and how it is spent. We may wonder whether some of the sloganeering, TV jingles and the like actually serve to inform or confuse the voters. But the fact remains that it takes money for candidates to make themselves known to the voters and communicate even in a general way their stand on current issues.

I have always made it a practice to contribute to the campaign funds of candidates who, in my personal opinion, are best qualified for elective office. I think that every man should be free to contribute money to help elect those who, in his opinion, are most able and best represent his point of view. And every candidate should be free to solicit campaign funds from like-minded people.

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But this freedom can be abused, and it has been. Abuses can never be eliminated entirely by laws, but they can be minimized. The time has plainly come to change Federal election laws in ways that will minimize the opportunities for influence peddling and buying.

Starting with elections to Federal office—including President, Vice President and Congress—there ought to be a firm ceiling with no escape hatches on the total amount any person can contribute to the campaign of any candidate. There ought to be an equally firm ceiling on the total amount that can be spent by and for each candidate for public office. And there ought to be an effective mechanism to make sure that the election laws are enforced.

Provisions such as these could go a long way toward eliminating improper and undesirable contributions and fund raising practices. But they would also compound the problem of raising enough money to give each candidate a reasonable chance of reaching the voters.

For many years we have been encouraging Ford employes to make it a habit to contribute to their party and the candidates of their choice. Many other organizations do the same and, of course, the political parties beat the bushes for contributions wherever they can find them. But the fact is that year in and year out, only about 10 per cent of all citizens of voting age contribute to political parties or candidates. The failure of most citizens to put a few dollars on the line to help elect candidates of their choice is what tempts candidates to rely on large sums from fewer people.

It now looks as though the only way out of this dilemma is to provide for campaign financing from public as well as private funds.

This is already being done in a small way. Modest Federal tax deductions or credits for political contributions have been permitted for the past two years. This year, for the first time, the taxpayer has had the option of instructing the government to give one dollar of his Federal income tax to the political party of his choice.

Beyond these steps, I believe the time has come to establish public financing of election campaigns for Federal office on a direct, systematic and substantial basis. Such a program would impose no great drain on the treasury but it would have to be carefully devised to avoid opening up new kinds of inequities and abuses.

The right to solicit and to make private contributions should certainly be preserved, within suitable limits, and the distribution of public funds would have to be controlled by a formula that would be fair to incumbents and challengers regardless of party, without at the same time opening the till to anyone who decides to call himself a candidate.

I would not support the use of public funds to help finance Federal election campaigns if I thought there was a better way to clean up the present system. But even with the other reforms I have suggested, I am afraid that nothing short of a significant degree of public financing will get at the root of the problem.

Making candidates rely entirely on raising money from private sources produces a kind of atmosphere that is not in the public interest. As long as the present system continues, the principle of one man—one vote will be compromised by the power of money.

I hope Congress will weigh very seriously the variety of specific proposals that have been advanced to provide for substantial public funding of Federal election campaigns. The public clearly is in a mood to support basic reform of election practices, and public confidence in government cannot be restored until basic reforms are achieved.

I hope that as community leaders, you share my views on the need for campaign finance reform and that you will encourage others to support practical measures in this area.

The connection between campaign fund reform and community service may seem somewhat remote, but I believe the two subjects are more closely related than you may think.

I am convinced that one important reason for the abuses that have crept into our political system is that government has become too big, too complicated, too powerful and too involved in almost every aspect of our lives. The bigger and more complex government becomes, the easier it is to conceal abuses. The more we rely on government to solve all our problems, the more influence there is to peddle, and the greater the temptation to buy.

I don't blame politicians for all of this. Government has grown so big because—unlike our Citizens of the Year—most people have been content to sit back and let government take care of every problem that comes along.

I don't think we can have a free society and honest government if we rely on government to take care of everything. The alternative is for us as individual citizens and members of voluntary citizen organizations to do more for ourselves, our neighbors and our communities.

In a very real sense, I believe that community service is the most basic element in the reform of our political system.

In conclusion, therefore, I want to commend each of you—not only for the luster you have added to the company's name and the good you have done in your communities, but also for the contribution you have made through your community service to the nation as a whole.

Again, my congratulations and best wishes for the continued success of your efforts to help your fellow citizens and improve the communities in which you live and work.

ALL-VOLUNTEER ARMY IS WORKING

Mr. GOLDWATER. Mr. President, in recent weeks, we have read a great deal in the press about the serious challenge encountered by the Army in its efforts to make a success of the all-volunteer concept for providing manpower.

There can be no doubt that the military services, particularly the Army, has encountered some difficulties in obtaining their required manpower levels under the new system. However, I sincerely believe that these difficulties can and will be surmounted and that the goal of a volunteer Army with highly motivated, trainable personnel can be achieved without lowering educational and mental category standards.

Recently, Mr. President, I received a personal report on this problem from Secretary of the Army Howard H. Callaway. In this report, he outlined the problems the Army is encountering and steps it is taking to meet them. Because of the great importance of Secretary Callaway's report, I ask unanimous consent for the report as well as a speech delivered by the Secretary before the Association of the U.S. Army here on October 15 be printed in the RECORD.

There being no objection, the report and speech were ordered to be printed in the RECORD, as follows:

SECRETARY OF THE ARMY,
Washington, D.C., Oct. 17, 1973.

Hon. BARRY GOLDWATER,
U.S. Senate,
Washington, D.C.

DEAR BARRY: Knowing of your interest in and knowledge of the Army, I want to solicit your support at a time when the Army faces one of its most serious challenges: the achievement and success of an all volunteer concept.

When President Nixon outlined the plan for an all volunteer force in 1968, several months before he took office, the Army immediately took up the challenge and began making plans for this eventuality. We attacked the problem on three fronts; strengthening professionalism, improving Army life, and modernizing our accession system. Much has been done in these areas and we were able to terminate inductions in December 1972—six months ahead of schedule.

As the draft expired, we found ourselves embarked on an enterprise that our society has never successfully accomplished in modern times. Accordingly, imagination and innovation became foremost in our management philosophy. We explored new approaches and techniques, rejecting unsuccessful ones and exploiting success where we found it. In this regard, you can expect to see more management changes and adjustments as we go along.

Our goal is to man the volunteer Army with highly motivated, trainable personnel, without lowering educational and mental category standards. We are going after the quality prospect in many new ways. For example, in May we began using the recently developed Army Classification Battery. This test measures aptitude for training and provides a more accurate measure of a man's potential as a soldier than did the WWII Armed Forces Qualification Test. Too, we believe that the quality of a man is realistically tested by his overall performance in training, and we have adopted procedures which will determine each volunteer's motivation and self-discipline during basic and advanced individual training. Men who do not display the qualities desired of a soldier will be released prior to 180 days of service. We are also employing the "whole person" concept in our quest for the quality accession, and we are experimenting with a system which would enable us to determine an individual's probability for success in the Army based on certain background data. Thus, contrary to the opinion expressed by some, the Army is not lowering quality standards but rather developing more and better ways to identify men who should make good soldiers.

The fact that we have fallen short of our recruiting goals in recent months has been widely reported. Because of this, some have concluded that the all volunteer Army is going to fail, but I do not accept this at all. It would be unwise for anyone to jump to such conclusions on the results of the last six months. For the Army there is no alternative; we are totally committed to assuring success of the all volunteer concept.

We face a most difficult challenge. However, we feel confident that with the training, educational opportunities, and improved living conditions available in the Army today, we will be able to attract and retain those individuals whom we need. Above all, we believe that the Army offers young people an opportunity to grow and mature, and gain that inner satisfaction which only comes from service to one's country.

On 15 October I spoke on this matter before the Association of the United States Army at their annual meeting here in Washington. Inclosed for your information is a copy of my remarks.

I am confident that with your continued support, and that of the American people, we will make the all volunteer force a reality.

Sincerely,

HOWARD H. CALLAWAY.

ADDRESS BY THE HONORABLE HOWARD H. CALLAWAY

Ladies and Gentlemen, distinguished guests:

I'm delighted to have this opportunity to be with you this afternoon. We in the Army are aware of your long-standing support for a strong National defense and we feel that the Nation owes you a debt of gratitude.

It is an exciting time for me to be Secretary of the Army. We are entering a historic time, a time of basic change, as we try to do what has never been done before. The Army has set out to provide security for this great country, to keep our global commitments, to stand ready to face an aggressor on a moment's notice—and to do all this with an Army of volunteers. No nation in history has tried to meet such massive and complex commitments without compelling people to serve, through one form of conscription or another. It is a challenge—a great challenge, one which I assure you we are doing our utmost to meet. Today I want to address this question with you—this question of meeting the need for an Army with a volunteer force.

Unfortunately, discussions of the volunteer Army are usually accompanied by emotional considerations about the value of the draft or of Universal Military Training. There are many, both in the military and out, who genuinely feel that the maintenance of a draft is important to our country, and so the debate continues. But the debate is on the wrong subject.

Those who continue to hold out the false hope that the Army can or ought to simply dodge the problems of the volunteer environment by quick return to the draft are not facing up to today's realities. The country doesn't want a draft today. The Congress doesn't want a draft today. The alternative then is a successful volunteer Army or failure for the Army. The US Army has never failed this country. It has always turned the hard challenges of history into success. So today, the challenge for all of us who support the Army is clear. We must set our minds to making the volunteer Army work.

And the volunteer Army is working! It is working because there are still young men and women in America who want to serve their country—this is "an idea whose time remains" for all Americans, young and old, of every race, color, and creed. And it is working because the Army offers to young men and women a satisfying life and solid benefits in conjunction with their service. There are those who feel we are trying to buy an Army. This is not the case. We are giving young men and women who serve in the Army a standard of living that is roughly comparable to the standard of living they might get in the civilian community for doing a similar job. This means higher pay; paid annual leave; complete, superb medical and dental care; life in much improved barracks, and more.

All of these measures are necessary. I support them wholeheartedly. But let me emphasize that we are not trying to buy an Army! We will get the Army that the Nation needs only by appeal to sacrifice and service.

And this brings me to the second, most important way that we are making the volunteer Army work, by insuring that service to the country is a meaningful part of the young man or woman's life. We are making Army service a step forward in their lives, not an interruption. And to do this we are putting a great emphasis on education and training, and on insuring that our soldiers' jobs are important and useful.

We are doing this by making each soldier's job relate to the Army's mission, because this makes Army service mean something. Our young people want value from their lives. They want a job that matters and we've got that job. We are also working to eliminate unnecessary irritants. We think this will make the Army more attractive, and our surveys have borne this out.

We have developed a very attractive package of education and training. To the high school dropout who has the ability and motivation, we offer work toward a high school diploma, as an adjunct to training. To the high school graduate, an opportunity for college training, part of which may be as an adjunct to training. To junior college and college students, the possibility of further training, and even this may be as an adjunct to training. And to all of them, the Army offers vocational training that will be useful when the soldier returns to civilian life.

With a meaningful job, a decent standard of living, and real opportunities for continued education and training, young men and women can look upon a period of service to the country as a genuine step forward in their lives. And when they leave the Service, they will realize other very important advantages. For one thing, under the GI Bill, they are entitled to more education, provided by the government to its veterans. And they're more mature. The Army has trained them, given them each a mission, and then held them responsible for professional results. This responsibility develops maturity. Thus, both the education and experience of military service prepare them for better jobs when they leave the Army for civilian careers.

All of these benefits are pointed toward the first term volunteer. For those who choose to reenlist for the volunteer Army, however, more opportunities for education, maturity, and service accrue.

We have, today, the finest noncommissioned officer leadership training we have ever had, with progressive career steps going from the recruit right on through our top command sergeant major. Our men and women enjoy the benefits of our new Noncommissioned Officer Education System, a system which offers to the noncommissioned officer a progressive, professional military education roughly comparable to the superb system of schooling we have always offered to our officers. The system trains, educates, and motivates our NCO leaders for the progressive challenges of an Army career.

Some of our strongest supporters don't fully understand today's Army. They think the Army lost something important when we initiated, for example, the idea of hiring civilian help—KPs—to work in the kitchens and dining rooms. They think that eliminating such irritants as KP has made the Army soft. But the Army's mission is not to peel potatoes; its mission is to fight. Peeling potatoes does not improve discipline or combat efficiency. So changes to some things held traditional in the past are in the wind, but if you look at them, you will see that each turns harder than ever on mission. We are not retreating from the Army's real business. The volunteer Army is ready to fight.

We do not have and we shall not have a permissive Army. We have and we shall have a disciplined Army, responsive to authority, and able to perform its mission in the service of the country. You expect it; the country deserves it; and I'm going to do my level best to see that it happens!

In brief, that's the program we have undertaken to attract young people, to encourage them to enter the Army. And once they're in, I know that many of them will choose to stay beyond their initial commitment, because they will see that the Army has a very fine career progression system.

I believe Americans will agree, then, that we have a package that is appealing to today's young people, appealing not only in terms of benefits, but in the opportunity for service to country. And the beauty of this is that it appeals to everyone in America. Service to country appeals equally to rich and poor, Northerner and Southerner, educated and uneducated. Pride in America and willingness to sacrifice for her is an ideal which knows no cultural or economic boundaries. In this fact lies the very strength of the Nation. I count on this appeal to give us an Army which mirrors America. It's not going to be a mercenary Army, it's going to be an all-American Army.

This then is our plan. It is not only our plan for the future, it is also a description of today's Army. For practical purposes, the draft ended for us on December 29, 1972, when the last draftee entered the Army. (Although a few deferred draftees entered later.) So we have had about 10 months' experience now in a volunteer environment, and I think it is appropriate that we review some of the results.

Because each month we openly discuss our goals and quotas, many have a distorted picture of our progress. They feel we are hopelessly short of recruiting goals, trying to make up the gap by lowering, and as a consequence, ending up with nothing worthwhile whatever. It is true that we have missed our goals during the past 10 months. But it is important to remember that our goals are akin to the salesman's goals—realistic, but difficult to meet.

What are the facts? During these past months, we have recruited into the volunteer Army some 124,000 young men and women; further, over 34,000 men and women have reenlisted during this period. In fact we have been running about 84 percent of our recruiting objective ever since December 29, 1972, when we abandoned the draft. And those who have come into the Army are of high quality. We have had a higher percentage of high school graduates entering the Army since the draft ended—about 10 percent higher—than we had in the 6 months before the end of the draft. As a result, we now have an Active Army of over 794,000 and this is 97 percent of our programed strength. Total accessions, then, have fallen somewhat short of our goals, but we are still filled far above any level of concern, and quality is high.

And we have many encouraging signs. Last year we decided to reactivate the 9th Infantry Division at Fort Lewis, Washington, but the manpower was not at hand. So we told the commander, General Fulton, that if he wanted a division, to take his cadre, the Division colors, and go out and recruit a division. General Fulton and his recruiters did just that. They began a vigorous recruiting campaign and today that Division stands at 102 percent strength, essentially filled with enlisted volunteer soldiers. Now, this is a real success story, a living example which illustrates concretely that the volunteer Army program is not an impossible dream, but a workable idea, and it is typical of many other units with similar successes.

We do not minimize our recruiting problems; we spend our time and energy working on them. We are trying many new approaches to recruiting, which stress quality together with quantity—such as increasing the number of recruiters, expanding our unit-of-choice and station-of-choice options, screening out poor soldiers in our reenlistments, administering new entrance tests, and even weeding out misfits in basic training. These efforts will continue.

Some also have expressed concern that the volunteer Army was doomed to failure because it would bring a decline in discipline. That has not been the case. If we compare discipline trends for FY 72 with FY 73, a period which includes both draft and volunteer Army experience, we find that rates for AWOL, desertion, crimes of violence, crimes

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against property, courts-martial, and separations under less than honorable conditions, are down.

Virtually every major indicator of discipline except drug offenses has, in fact, remained or turned positive in the volunteer Army. Whatever factors contribute to this picture, it is clear that today's volunteer soldier is not causing an increase in disciplinary problems.

Many also had expected the volunteer Army to herald the demise of our National Guard and Army Reserve as viable outfits. No such demise is in sight, although we do face problems here. We have seen modest reductions in the strengths of both our Reserve Components from the December 1972 levels, a trend in fact dating from mid-1971. But current indications give us some encouragement that we may be able to restrain this decline. We have in the past several months, for example, been successful in recruiting trained, experienced, prior-service personnel into our Reserve Components to offset some of our shortfall. As you know, Reserve Component strength remains critically important, so we are very much concerned that it continue to receive close attention. Under the total force policy any future emergency buildup will have to rely upon the National Guard and Reserve rather than a draft for initial and primary augmentation of our Active forces. I expect the improving image of the volunteer Army to have the positive effect on the health of our Reserve Component recruitment that is needed.

Finally, combat readiness, which is the heart of our business, has shown significant improvement. When the draft ended, we had 13 divisions on the books, but only 10 fully formed. Of the 13 divisions, not 4 met the Army's stringent readiness standards and were considered ready for combat. By contrast, we now have all 13 divisions fully operational and 10 ready for combat. Thus, our divisions today, judged by the stringent standards reported to the Joint Chiefs of Staff, much more nearly meet their goals in terms of authorized strength, personnel job qualification, unit training, equipment on hand, and equipment serviceability than they did at the end of the draft. Six months to a year from now, I believe our readiness posture will be even better.

These simple facts and figures point to one conclusion—The Army is better today than it was at the end of the draft. But the figures are not nearly so meaningful as the subjective feel of those in the Army. I certainly don't pretend to be an expert on this but by the end of this month I will have visited all 13 of the Army's active divisions, as well as many other posts and stations. During every visit I have talked with new soldiers, with senior noncommissioned officers, with junior officers, with senior officers and commanders. I can tell you that without any question, today's Army is a far better Army, far more prepared for combat than it was at the end of the draft. I can just feel it everywhere I go. It's in the air. Discipline is better, morale is better, training is better, and equipment is better. The Army's future is indeed now.

And, what is more important, all of our vital trends, with the possible exception of drug abuse (and we are working hard and effectively on that one), are in the right direction today. Let me emphasize—your Army is good now, ready to fight, and getting better with the passage of time. I foresee no doom ahead. Six months from today we will be better, and after that, better still.

This picture that I give you of today's Army is enthusiastic and optimistic, and purposely so. I am extremely proud of today's Army and what has been done to make it work in the volunteer atmosphere. But I recognize our challenges. Benjamin Franklin once said that, "the man who expects nothing . . . shall never be disappointed." I believe he would share my belief that men who do expect something worthwhile and are willing to work hard for it, are apt to achieve it, even if the task is difficult and unfamiliar.

We are daily working on new, innovative and exciting ideas to insure that we get the right number of qualified men and women to man our Army. It will not be easy. It will perhaps be the toughest job that the U.S. Army has ever been called upon to do, but I am certain that today's Army will be equal to the challenge.

We in the Army have always needed the active support of the American people. Today, we need it even more than ever before. Even our strongest critics have recognized that the one vital element necessary for the success of the volunteer Army lies beyond the Army itself. I'm talking about public support. We need your help as we plow new ground, as we steer an uncharted course to give the country the best Army it has ever had. Without your help, we cannot succeed; with it, we cannot fail. Together, we can meet the challenges and prove worthy of the Nation's trust.

Thank you.

ROBERT McNAMARA AND THE WORLD BANK

Mr. PERCY. Mr. President, in every generation of mankind there are many talented individuals who rise to national prominence, make their contribution to this country or the world and then return quietly to the tranquillity from which they came. Only a relatively few men or women have a continuing impact on public policy. Fewer yet have the talent, intellect, diversity, and personal fortitude to have an impact in more than one field of endeavor. Robert McNamara is one such individual.

Robert McNamara has served this country with distinction as a captain of industry, a Secretary of Defense, and now as President of the World Bank. Being a catalyst in all of these fields he has been controversial. But whether one personally agrees or disagrees with Robert McNamara, there is no disagreement that he is tough minded and a brilliant innovator, and those who know him well regard him as I do, as a man of compassion—a great humanitarian.

In his present position as President of the World Bank, Mr. McNamara is committing a decade of his life to shake and move the leadership of this world on behalf of humanity. He is attempting to shake the perceptual thought structure of our generation of mankind on the issue of economic development in less developed countries. He is moving the institution that he heads, the nations that govern it, and the nations that receive loans from it, into a realization that economic growth is not economic development—that economic development means that all people in a given society must participate in and receive the proceeds from economic growth.

Two recent publications show Robert McNamara both as a humanitarian and as a catalyst in the field of economic development in less developed countries. The first article by Stephen S. Rosenfeld appeared in the July 3, 1973, issue of World magazine and is titled "Robert S. McNamara and the Wiser Use of Power." The second publication is of President McNamara's address to the Board of Governors of the IBRD in Nairobi, Kenya, September 24, 1973.

Mr. President, I ask unanimous consent that both of these publications be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ROBERT S. MCNAMARA AND THE WISER USE OF POWER

(By Stephen S. Rosenfeld)

WASHINGTON.—The straight-back hair is thinner, the half-rimmed glasses thicker than in the days when he was known as an architect of the Vietnam war—a reputation that seems to burden and spur him still. Yet the figure is as lean, the manner as intense, the mind as quick. Beginning his second five-year term as leader of the boldest development effort since Genesis, World Bank President Robert S. McNamara is doing what he plainly regards as the culminating work of his life. His fifteen-year rise to the presidency of a huge consumer-goods corporation, his seven-year stewardship of an immense military establishment—all this merely provided the training, the toughening, the incentive for this super-able and driven man to get where he is now.

On the floor by his desk is a large globe that he can spin for easy reference to the 122 countries that belong to "the Bank," as it is known in its sprawling headquarters just three blocks west of the White House. Only the Communist countries—in the Bank's careful, non-political prose, the "centrally planned economies"—do not belong, mavericks Yugoslavia and Rumania excepted. McNamara would welcome all of them. For it is the essence of his creed—*gospel* perhaps better suggests the passion behind it—that the world's essential divisions are not between Communists and non-Communists, East and West, but between rich countries with the means to lend to the Bank and poor countries with the need to borrow. The sooner the world can rise above its political quarrels, the better it can treat its economic ills. The Bank cannot solve others' political disputes, but it can, McNamara hopes, provide a measure of the vision and the money and the pressure needed to help nations do something about their people's desperate economic and social needs.

Five years ago, Lyndon Johnson arranged for the twenty "executive directors" of the Bank to choose McNamara. At the time, the former Ford Motor Company president and secretary of defense was widely regarded as a political basket case, his spirit seemingly broken by the travails of Vietnam. Friends from his Berkeley and Harvard days knew him as a man who had minored, so to speak, in the human condition. The public had been given only one glimpse of his concern: In a 1966 speech (in Montreal), so far from the Pentagon norm that it attracted much attention (as well as private grumps from LBJ), McNamara had drawn a close link between global violence and global poverty. Practically by itself, that speech made his Bank appointment respectable. The prevailing sense still was that he was being put out to pasture. At that point in the Vietnam War (1967–68), the Bank was thought of in Washington as a proven and worthy institution but not as a central or vital one. Its two previous presidents, George Woods and, before him, Eugene Black, were traditional bankers who had kept the Bank's profile low.

Looking back, one can see how all this suited McNamara's style. He had inherited a tight ship. It had an expert international staff, since doubled to about 1600 professionals from 100 countries (but no upper-rank women). Its blue-chip leadership and staff and its record of making "sound" loans had ensured it all the access it sought to world capital markets. Although it gives loans to some governments that on their own couldn't get in the front door of the central and private banks from which the Bank borrows, it has never lost a penny. From 1964 to 1968, the Bank committed $6 billion to help finance projects valued at upwards of $13 billion; the Bank always draws in other public and private lenders with it. Some feared McNamara's reputation as a visionary, resulting from the Montreal speech, might dry up the money. As though to quell the specter, he made his first major speech outside the Bank at the Bond Club of New York. Ever concerned not to be pegged as a wild-eyed fanatic, he declared: "[The Bank] is a development-investment institution, not a philanthropic organization and not a social-welfare institution." During his first term the Bank borrowed sufficient money to more than double its loans, committing $12 billion to finance $30–$40 billion worth of projects, exactly as McNamara had planned. He has kept old sources and found new ones—for instance, the Mideast oil states, which are to him "the largest single investment pool of medium- and long-term investable capital in the history of the world." During his second term he expects to get the Bank into an additional $50–$60 billion in projects. For a yardstick, note that American bilateral economic aid now hovers at around $1 billion a year.

McNamara took over a going operation. As one might expect of a manager of his bent, he has changed it. In sixty days he had set up a five-year planning framework; the Bank is now in its "Second Five-Year Program." There soon appeared a "programming and budgeting department," a discreet shadow of the Office of Systems Analysis he had installed in the Pentagon. Interestingly, he did not bring in a conspicuous group of new people, "whiz kids" or otherwise. His best known appointee is former AID official Hollis Chenery, a Harvard development economist who is the leading in-house policy adviser. His chief of staff is J. Burke Knapp, formerly of the Federal Reserve and State Department. Particular staff men whose ideas or programs grab him he sees for long and intensive meetings; others see him only on the elevator. For all the warmth and wit he shows private friends, he runs the Bank as an operation subordinate to his vision of its public duties. By a recent reorganization, sprung without notice, he deeply wounded scores of veteran professionals and, incidentally, thereby, gave an important boost to the Bank's "Staff Association," a fledgling union. McNamara professed to be astonished at the furor he had created.

His work habits continue to be something of a Washington legend: the hours; the quick intake of masses of new material; the capacity for framing—some say overframing—issues. He can dole out appointments to internationally known figures in five-minute pieces; he frets at holes in his schedule; his calendar bears notations like "12:00 noon—Nicaragua." On the road (sixty-six countries, 432,330 miles in his first term), he paces himself relentlessly, seeing only "presidents and peasants," as one aide put it, exhausting his escorts. Perhaps because he learned at the Pentagon not to become a captive of his own staff, he ranges wide for counsel outside the Bank, keeping open old lines to the foundations, the Urban Institute, Aspen, and like places, in order to receive fresh ideas. As a second-term gift, staff members gave him a briefcase.

More meaningfully, the Bank gave him his second term. McNamara has called himself a "citizen of the world." But he is an American and, though earlier of Republican registration, later a figure identified closely with Democrats, especially Kennedys. By tradition and voting weight, the U.S. President fills the top Bank slot. From Mr. Nixon's own distracted record on development, if nothing else, one could guess that McNamara was not his first choice for the term beginning last April. The administration had, in fact, shown political displeasure by abstaining on Bank loans to Latin countries where American private firms were under siege. McNamara was known to be unhappy about this and had publicly scored the United States for its declining performance on aid. The names of former treasury secretary David Kennedy and former commerce secretary Maurice Stans (today under indictment for obstructing justice and perjury) was floated. The "constituency"—principally of borrowers—built by McNamara loan policies and speeches effectively came to his aid. Sixteen months in advance, the Bank's twenty executive directors, including the one Nixon choice, went through the formal motions of renominating him. Some Europeans hinted that if it were not to be McNamara, they might prefer a European. McNamara had become the indispensable man.

To understand why, look closely at the development scene in 1968. In the United States, the era of foreign aid was plainly closing. One political current held that aid was a form of interventionism that could produce another Vietnam. A second held that the United States had invested billions to help develop Third World countries but had reaped neither gratitude nor stability nor—unkindest cut of all—real development. The reaction of traditional conservatives and dovish liberals alike, especially in Congress, was to urge that aid be diverted from direct, bilateral channels to multilateral channels, such as the World Bank, and further, that aid, especially on easy terms, be reduced. Thus would aid become less entangling and cheaper for the United States, if not more efficient and beneficial for the recipients.

The opportune moment for an ambitious man running an ambitious multilateral development bank, funded in the main from commercial, not congressional sources, had come. McNamara leaped. Not only did he double Bank lending—perhaps up to, if not beyond, some borrowers' absorptive capacity; he placed the Bank's money and vigor at the center of virtually every important and innovative cooperative-development activity in the non-Communist world. The Bank now runs "clubs" of donors for fifteen separate countries. It finances and coordinates the major international efforts in population and agricultural research; McNamara's quests for better birth-control methods and for technology that will do for "dry-lands" farming what the Green Revolution did for farming in irrigated areas are well launched. The Bank has lines into the U.N. Development Program, the World Health Organization, and the Food and Agricultural Organization. Its individual regional departments are large and generally more respected professionally than any of the regional development banks. Some ask if McNamara is not building an overly centralized development empire. His admirers believe he is merely filling vacuums effectively. McNamara takes the approach that there's work to be done.

The careful bankers who led the Bank until 1968 thought chiefly in terms of safe, conventional infrastructure projects, like dams and railroads, which borrowers could most easily be induced to support and which provided to borrowers and lenders visible, quantifiable evidence of "development" and "growth"—the concepts were then roughly equated. Even by 1968, however, there was growing awareness that although a good number of the necessary infrastructure projects were already in existence, or in planning stages, no comparable increase was taking place in the general standard of living. Indeed, mass poverty was perhaps more widespread. McNamara's predecessor had reacted by undertaking loans for so-called social projects in agriculture, health, education, and the like. McNamara quickened the pace in these fields. He also undertook to shift the thrust of Bank loans from, in effect, engineering prospects to more comprehensive programs in particular regions of a country or sectors of an economy. It means the difference between building a dam per se, and developing a river valley; in the latter case, the loans would also go toward setting up a population program in the valley, offering local farmers new credits, and so on.

To win support for the change from lenders, borrowers, and, perhaps not least, his own bureaucracy, McNamara began preaching what was for the Bank a radically new doctrine of development. It held that economic growth must be harnessed to the abolition of poverty and misery by providing more jobs, a better diet, and a more equitable distribution of income. For ammunition, he went outside as well as in. For studies on unemployment, for example, he went to the private, Washington-based Overseas Development Council, impatiently reading some of its papers in draft. (A recent issue of *Bank Notes,* the house organ, pictures a dozen students at the Bank's staff college, using approved "labor-intensive methods," i.e., together pushing a stuck vehicle out of East African roadside mud!) In 1972, in a speech that still echoes on H street, McNamara cited studies done by a California economist (studies disputed inside the Bank) indicating that throughout the 1960s in rapidly growing Brazil, "the very rich did very well. But . . . the benefit to the poorest 40 percent of the population was only marginal." The Bank had loaned Brazil no less than $1.5 billion to nourish the kind of uneven growth he deplored. Early on, McNamara had brought in Hollis Chenery—sometime priest of growth—as chief adviser. It seemed significant that he now promoted to a key policy-planning post an unconventional Pakistani economist named Mahbub ul Haq, a man so driven to translate development into social justice that he had sometimes on his own espoused the Chinese model of state-forced development.

Himself a prime product of the free-enterprise and democratic systems, McNamara has not commended the Chinese way. One can guess he realizes how alarming it would be, not only to lenders but to some borrowers to whom talk of social justice sounds suspiciously like giving aid and comfort to their domestic political foes. Nor is there universal agreement among economists at the Bank and elsewhere, or among government officials, on the extent to which growth and redistribution of income can in fact be combined. More concerned with persuading the unconverted than with painting a subtle portrait, McNamara tends to put his case in black-and-white terms that draw frowns from many professionals. Said an Indonesian finance minister after one typical McNamara appeal, "One cannot more equitably redistribute nothing."

Nonetheless, McNamara has not shrunk from pursuing his cause. His speech chastising Brazil for headlong pursuit of growth was given in a Latin setting, Santiago. He preached population control not only to the students of Notre Dame but to the president of Mexico, a country whose need for such a program was rivaled (at least in 1971) only by its reluctance to start officially down that path. No political slouch himself, McNamara uses Anthony Eden's former press chief, William Clark, as a kind of foreign secretary. One suspects he is less concerned with being singed by the controversies he kindles than with leaving a fire burning inside the borrowing country. More than once a government has denounced McNamara's

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approach to a ticklish social problem, then has quietly begun adressing itself to it.

Sometimes McNamara expresses the belief that what is required is simply "political will," a decision to hitch up the world's "productive machine" for social purposes. But he has also conceded that inequities are rooted in "institutional frameworks, particularly in the distribution of political and economic power within the system." Finding it politically, if not temperamentally, out of the question to urge "redistribution" of political and economic power (i.e., revolution), McNamara argues instead that the *increments added by growth* should be distributed more fairly. He would not recut the existing pie; he would redistribute the new slices. If this logic seems strained, it must be remembered that McNamara is not a political theorist or a revolutionary or even an intellectual. He is a compassionate and calculating man whose conception of his role leads him to urge very controversial steps, even while he tries to limit disabling controversy about them.

McNamara religiously eschews intervention in local affairs. Yet discretion blinds no one involved to the fact that a government or minister or planner whose country, sector, or project gets a Bank loan thereby acquires additional power. The Bank cannot easily use loans as sticks, withholding money until, say, the government mends its social ways. It can, however, withhold loans on grounds that a country's economy is so poorly run as to make it not "credit worthy." "You are bankrupt, sir," he once told an African president, who subsequently shaped up. He told Chile's Marxist President, Salvador Allende, whose social policies are right down his alley, that the Bank could offer no new loans because his economic practices were unsound. Chileans, among others, suspected that McNamara was allowing the Bank to be misused as a collection agency for expropriated American firms.

The Bank can also use loans as carrots, rewarding "good" social policy or effective economic performance. Especially in very poor countries that lack alternative sources of development capital, the Bank can bring to bear considerable influence to induce better financial and administrative practices and more rigorous planning. Staffers concede that at times the Bank's leverage in these matters is weakened by their chief's determination to push out loans rapidly and by local nationalistic pride. But being prestigious, being multinational, being a development institution and not a sovereign state—and being rich—the Bank can usually get away with wielding power. Within the Bank, income redistribution reports are now routinely cranked into annual country surveys and loan applications. When the Bank staff forgot, apparently inadvertently, to crank income into a proposal for a loan to prosperous cattle farmers in Brazil last year, some bank directors protested. Though reportedly not so instructed by his superiors in the U.S. Treasury, the American executive director, Robert Wieczorowski, went along with the protest, and, partly for this reason, lost his job. (The Treasury Department denies this tale.)

McNamara has become known for preaching an international social gospel, which holds that between nations as well as within nations, the problems of the poor must become ever more central to the policies of the rich. The special object of his fervor is the International Development Association, the Bank's "soft-loan window" opened in 1960 to offer easy money (fifty-year loans, ten years' grace, ¾ percent interest) to countries that couldn't afford the usual Bank loans put out at (currently) 7¼ percent. Money for IDA is deeply "political": It comes not from central or commercial banks, source of Bank funds, but from subscriptions by the developed countries—in the United States, from appropriated funds. IDA credits are indeed "aid," and the United States has become increasingly reluctant to furnish them. Right now, Western Europe and Japan seem ready to have the rich countries put in $1.6 billion a year for the next three years, but the United States speaks of $1.2 billion and of reducing its share of the total from two-fifths to one-third. Says Congressman Otto Passman, key man in this matter on Capitol Hill, "IDA takes from the poor in rich countries and gives to the rich in poor countries. I hope Mr. McNamara's judgment on IDA is better than his judgment on Vietnam."

For every two dollars committed by the Bank, IDA commits only one. But because IDA credits go to the poorest of the poor—countries that otherwise would be swamped by their old debts and would get only crumbs—McNamara has invested enormous energy in that branch. His theory that the level of violence and the level of poverty are related leads him to plead for IDA with the security-oriented argument that global social justice is a Western, or rich-country, political imperative. It is undeniable, however, that for McNamara personally, the more telling argument is that aiding one's fellow man is a moral imperative. It gnaws at him that his fellow Americans, and others as well, do not feel the same compulsion to minister to the world family. The statistics speed from his tongue—the United States diverted 2.79 percent of GNP to aid in Marshall Plan days, against only .24 percent now—occasionally belying the passion behind the figures. If such appeals embarrass some audiences, they have made McNamara's one of the weightiest and widest heard moral voices in the world. Quite literally, he speaks for the disinherited of the earth.

To hear this former captain of industry and defense denouncing the world's profligate spending on consumer goods and arms is to be in the presence of an astonishingly complex and compelling man. It is a stunning thing McNamara has attempted: to turn a rich nation's bank into an instrument of massive and real deliverance for the world's poor. To be sure, the Bank's hand is not the only one at this task. But a great deal more than McNamara's pride and the Bank's position hangs on the ultimate results.

ADDRESS TO THE BOARD OF GOVERNORS

(By Robert S. McNamara, President, World Bank Group)

I. INTRODUCTION

Last year I began a discussion with you of the critical relationship of social equity to economic growth. I emphasized the need to design development strategies that would bring greater benefits to the poorest groups in the developing countries—particularly to the approximately 40% of their populations who are neither contributing significantly to economic growth nor sharing equitably in economic progress.

In the twelve months since our last meeting, we in the Bank have given high priority to further analysis of the problems of poverty in the developing countries and to an evaluation of the policies available for dealing with them. On the basis of these studies, I should like this morning to:

Discuss the nature of the poverty problem, particularly as it affects the rural areas.

Suggest some of the essential elements of a strategy for dealing with it.

And outline a plan for World Bank operations in support of this new strategy.

But before turning to these matters, I want to report to you on the results of the Bank's Five-Year Program for the fiscal years 1967–73—a program that concluded on June 30th of this year; and then to suggest the financial objectives for a second five-year plan for the years 1974–78.

II. THE BANK'S 5-YEAR PROGRAM FOR FISCAL YEARS 1969–73

It was in September of 1968 that I first met with you in this forum and outlined the goals of a Five-Year Program for the World Bank Group. You will recall what our objectives were. We stated that we were "formulating a 'development plan' for each developing country to see what the Bank Group could invest if there were no shortage of funds, and if the only limit on our activities were the capacity of our member countries to use our assistance effectively and to repay our loans on the terms on which they were lent."

Based on these analyses, we proposed to double the Bank's operations in the fiscal period 1969–73 as compared with the previous five-year period 1964–1968. That objective has been met: total financial commitments of the IBRD, IDA, and IFC, in current prices, in the 1964–1968 period, were $5.8 billion; in the 1969–1973 period, $13.4 billion. In real terms, the increase was 100%.

As indicated in the table below, in the five years we achieved a level of operations that exceeded the total of all the operations that the Bank had undertaken in the developing world in the 23 years from 1946 through 1968.

BANK GROUP FINANCIAL COMMITMENTS TO DEVELOPING COUNTRIES BY REGION

[Dollars in millions]

Region	Number of projects		Amount of commitments (current prices)	
	1946–68	1969–73	1946–68	1969–73
East Africa	78	104	$834	$1,099
West Africa	35	102	522	891
Europe, Middle East, North Africa	113	168	1,785	3,198
Latin America and Caribbean	281	176	3,554	3,734
Asia	201	210	3,927	4,496
Total	708	760	10,622	13,418

In addition to the Population Projects Department—to which has now been added the responsibility for nutritional projects—we launched other initiatives within the Bank. Among them are new departments for Industrial Projects, Urban Projects, and Tourism Projects; an Office of Environmental Affairs; an Operations Evaluation Unit; and a new program of comprehensive country economic reporting.

To achieve the doubled level of our operations, it was necessary, of course, to strengthen the Bank both organizationally and financially. Worldwide recruitment was increased and the staff was expanded by 120% during the period. We were determined in this effort to broaden its international character to the maximum degree feasible. In 1968 the staff represented 52 nationalities. It now represents 92. In 1968 the proportion of staff from our developing member countries was 19%. The proportion is now 29%, and continues to grow.

Lending more has of course meant borrowing more, and that in turn has depended on governments granting us access to their capital markets. This they have continued to do, despite unsettled conditions and monetary fluctuations. It is a mark of confidence in the Bank's financial structure that we have been able to borrow not only in our more traditional markets, but in altogether new ones, and to utilize new borrowing instruments and new channels of distribution.

Net borrowing for the five-year period has been approximately four times that of the earlier period, and our liquid reserves have risen to $3.8 billion, an increase of 170%.

Neither the increase in operations, nor the

shift in emphasis toward more socially oriented sectors, has adversely affected net income. On the contrary, total net income for the five-year period was $965 million, 28% more than in the previous period, and this despite the fact that the bank's lending rate was held down to levels resulting in a substantially greater subsidy to the developing countries than in earlier years.

We have completed the Five-Year Program, then, by meeting the quantitative goals we had set for ourselves in 1968, and by making a sustained effort to improve the overall quality of our work.

But our task now is to move forward with a second Five-Year Program. Like the first, its goals and shifts in emphasis must be shaped by the evolving development situation itself.

I should like to give you my assessment of that situation.

III. THE BANK'S SECOND FIVE-YEAR PROGRAM: FY 1974–1978

Most of our developing member countries are faced with three interrelated difficulties:

An insufficiency of foreign exchange earnings from trade.

An inadequate flow of Official Development Assistance.

And an increasingly severe burden of external debt.

Each of these problems is serious in itself. But together they threaten the outcome of the entire development effort.

Let me examine each of them briefly.

The trade problem

The core of the trade problem for the bulk of the developing countries is that they cannot expand their exports rapidly enough to pay for their essential imports. These imports are themselves often the key to greater export capability—and higher foreign exchange earnings—and thus the dilemma of trade imbalances in these countries tends to become self-perpetuating.

The problem is compounded by the delay of the wealthy nations in dismantling discriminatory trade barriers against the poor countries. Our studies indicate, for example, that if the affluent nations were gradually to reduce their present protectionist trade restrictions against agricultural imports from the developing world, the poorer nations could, by 1980, increase their annual export earnings by at least $4 billion.

An acute shortage of development assistance

Secondly, the current flow of Official Development Assistance (ODA)—financial aid on concessionary terms—is acutely inadequate. Not only is it far below what the developing nations need and what the affluent nations can readily afford, but, as the attached table indicates, it is only half the modest target prescribed by the internationally accepted United Nations Strategy for the Second Development Decade.

That target called for reaching ODA levels of .7% of gross national product (GNP) by 1975. In fact, by 1975 ODA will not exceed .35%. And yet achievement of the target neither requires the people of the developed nations to reduce their already high standards of living, not to neglect their domestic priorities. It asks them to dedicate a tiny fraction of the *incremental* income—income over and above that which they already enjoy—that will accrue to them in the decade of the 70s.

During the decade, the annual GNP of these affluent nations will grow, in constant prices, from $2 trillion in 1970 to approximately $3.5 trillion in 1980: an increase in output virtually beyond one's capacity to comprehend.

In order to double the ODA flows, and thereby raises them to the targeted .7%, the developed countries would need to devote to that end less than 2% of the amount by which they themselves will grow richer during the period. The remaining 98% of their incremental income would provide them with more than sufficient funds to meet their domestic priorities.

I have heard it said in the developed countries—in the United States and elsewhere—that their domestic problems are so pressing that they require an exclusive claim on the immense incremental wealth which will accrue to their societies in future years, and that not even the 2% of this additional income which we suggest should be diverted to the developing countries, can be spared. But I believe that such critics of additional assistance to the poorer nations, when citing the needs of their own cities and countryside, fail to distinguish between two kinds of poverty: what might be termed relative poverty and absolute poverty.

Relative poverty means simply that some countries are less affluent than other countries, or that some citizens of a given country have less personal abundance than their neighbors. That has always been the case, and granted the realities of difference between regions and between individuals, will continue to be the case for decades to come.

But absolute poverty is a condition of life so degraded by disease, illiteracy, malnutrition, and squalor as to deny its victims basic human necessities.

It is a condition of life suffered by relatively few in the developed nations but by hundreds of millions of the citizens of the developing countries represented in this room. Many of you have cause to know far better than I that:

One-third to one-half of the two billion human beings in those countries suffer from hunger or malnutrition.

20% to 25% of their children die before their fifth birthdays. And millions of those who do not die lead impeded lives because their brains have been damaged, their bodies stunted, and their vitality sapped by nutritional deficiencies.

The life expectancy of the average person is 20 years less than in the affluent world. They are denied 30% of the lives those of us from developed nations enjoy. In effect, they are condemned at birth to an early death.

800 million of them are illiterate and, despite the continuing expansion of education in the years ahead, even more of their children are likely to be so.

This is absolute poverty: a condition of life so limited as to prevent realization of the potential of the genes with which one is born; a condition of life so degrading as to insult human dignity—and yet a condition of life so common as to be the lot of some 40% of the peoples of the developing countries. And are not we who tolerate such poverty, when it is within our power to reduce the number afflicted by it, failing to fulfill the fundamental obligations accepted by civilized men since the beginning of time?

I do not wish you to interpret my remarks as those of a zealot. But you have hired me to examine the problems of the developing world and to report to you the facts. These are the facts.

It is true that some citizens of the developed countries protest against increasing their assistance to the developing countries because of poverty in their own societies. They do so either because they are unacquainted with these facts; or because they fail to distinguish between relative and absolute poverty; or perhaps because they are obscuring the truth even from themselves—unwilling to admit that the principal pressure on the incremental incomes of their economies comes not from a legitimate concern for the less fortunate in their societies, but from the endless spiral of their own demands for additional consumer goods.

There are of course many grounds for development assistance: among others the expansion of trade the strengthening of international stability and the reduction of social tensions.

But in my view the fundamental case for development assistance is the moral one. The whole of human history has recognized the principle—at least in the abstract—that the rich and the powerful have a moral obligation to assist the poor and the weak. That is what the sense of community is all about—any community: the community of the family the community of nations itself.

I for one cannot believe that once the gross deficiency in the flow of Official Development Assistance is better understood; that once the degree of deprivation in the developing nations is more fully grasped; that once the true dimensions of poverty in the less privileged world are more realistically compared with the vast abundance in the affluent world (that once the people of the United States for example understand that they with 6% of the world's population consume about 35% of the world's total resources and yet in terms of economic assistance as a percent of GNP rank fourteenth among the sixteen developed nations)—I cannot believe that in the face of all this the people and governments of the rich nations will turn away in cynicism and indifference.

I should digress at this point to report briefly on progress in the negotiations of the 4th Replenishment of IDA. You are all aware that the funds of the 3rd Replenishment will be fully committed next July 1. In anticipation of that at the last annual meeting of the Governors, it was proposed that the 4th Replenishment negotiations begin in the fall of 1972 and be completed by mid-year 1973, leaving 12 months for the necessary legislative action.

That schedule has not been met. Based on meetings held here in Nairobi during the past two days, it appears that representatives of donor governments may now reach agreement on a three-year replenishment at the rate of $1,500 million per year which they would be prepared to recommend to their legislatures. However, I am bound to say to you that it is most unlikely that the necessary legislative action will be completed by June 30 or by any date soon thereafter.

As a result, there is now danger of a complete termination of IDA's activities next July 1.

The effect of such a breakdown would be devastating for the nations that depend on IDA for major support of their development programs: the countries of the Sahelian zone now suffering from the worst drought in their history; the other "least-developed" nations, designated by the United Nations as deserving of increased levels of support; Pakistan, which requires huge sums of external aid for its recovery from massive flood damage; the heavily populated nations of India, Indonesia, and Bangladesh, a total of 750 million people with incomes averaging less than $100 per capita per year; and a score of other nations.

I cannot believe that governments will permit IDA's operations to terminate. If that disaster is to be avoided, not only must governments press for the earliest possible legislative approval on the full replenishment, but an emergency plan of action to both minimize and bridge the gap must be developed and agreed upon promptly.

The growing burden of debt

Finally, there is the growing burden of external debt in the developing world. Publicly guaranteed debt currently stands at about $80 billion, with annual debt service of approximately $7 billion.

It is important to understand what the essence of the debt problem is. It is not the fact that there is debt, nor even the size of the debt. It is, rather, the composition and dynamics of the debt; the fact that debt, and debt payments, are growing faster than the revenues required to service them.

Restricted trading opportunities, exacerbated in inadequate flows of ODA, tend to drive developing countries to over-reliance on export credits and other short-term, high-cost loans. It is these factors that threaten to increase the debt burden beyond reasonable limits. Already, since 1970, the situation in several countries—Ghana, Chile, Pakistan, India, Indonesia, and Sri Lanka among others—has led either to debt rescheduling or to unilateral defaults.

The Bank's program for fiscal years 1974–78

Given the nature of this interrelated set of problems in our developing member countries—an insufficiency in foreign exchange due to trade difficulties, the inadequate flow of ODA, and the growing debt burden—the Bank, far from relaxing the momentum of our operations over the next five years, must increase it. And that is what we intend to do.

We plan to expand both our IBRD and IDA lending at a cumulative annual rate, in real terms of 8%.[1]

For the five-year period FY 1974-78, our lending—in 1973 dollars—should total $22 billion for almost 1000 projects.

The total cost of these projects will approach $55 billion.

Our $22 billion in new commitments will constitute, in real terms, a 40% increase over the 1969–1973 period, and a 175% increase over the 1964–1968 period.

This, then, in financial terms is our plan for the Second Five-Year Program. It will represent the largest program of technical and financial assistance to developing countries ever undertaken by a single agency.

But the qualitative changes in the program will be of even greater significance than the increase in its size. We plan to place far greater emphasis on policies and projects which will begin to attack the problems of absolute poverty to which I referred earlier—far greater emphasis on assistance designed to increase the productivity of that approximately 40% of the population of our developing member countries who have neither been able to contribute significantly to national economic growth, nor to share equitably in economic progress.

In the remaining sections of this statement I would like to discuss the nature of this poverty problem, consider what means are at hand to alleviate it, and indicate what part the Bank can play.

IV. POVERTY IN THE DEVELOPING WORLD

Poverty and growth

The basic problem of poverty and growth in the developing world can be stated very simply. The growth is not equitably reaching the poor. And the poor are not significantly contributing to growth.

Despite a decade of unprecedented increase in the gross national product of the developing countries, the poorest segments of their population have received relatively little benefit. Nearly 800 million individuals—40% out of a total of two billion—survive on incomes estimated (in U.S. purchasing power) at 30 cents per day in conditions of malnutrition, illiteracy, and squalor. They are suffering poverty in the absolute sense.

Although the collection of statistics on income distribution in the developing world is a relatively recent effort, and is still quite incomplete, the data point to what is happening. Among 40 developing countries for which data are available, the upper 20% of the population receives 55% of national income in the typical country, while the lowest 20% of the population receives 5%. That is a very severe degree of inequality—considerably greater than in most of the advanced countries.

The data suggest that the decade of rapid growth has been accompanied by greater maldistribution of income in many developing countries, and that the problem is most severe in the countryside. There has been an increase in the output of mining, industry, and government—and in the incomes of the people dependent on these sectors—but the productivity and income of the small farmer have stagnated.

One can conclude that policies aimed primarily at accelerating economic growth, in most developing countries, have benefitted mainly the upper 40% of the population and the allocation of public services and investment funds has tended to strengthen rather than to offset this trend.

Reorienting development policy

The need to reorient development policies in order to provide a more equitable distribution of the benefits of economic growth is beginning to be widely discussed. But very few countries have actually made serious moves in this direction. And I should stress that unless national governments redirect their policies toward better distribution, there is very little that international agencies such as the World Bank can do to accomplish this objective.

Without intruding into matters that are the proper concern of individual governments, I would like to discuss an important first step that could lead to a more rapid acceptance of the required policy changes. This step would be to redefine the objectives and measurement of development in more operational terms. While most countries have broadened the statements of their development goals to include references to reducing unemployment and increasing the income of the poor—as well as emphasizing traditional growth in output—they still measure progress toward these complex objectives with a single measuring rod: the growth of GNP.

But the fact is that we can no more measure the achievement of multiple development objectives by the GNP alone than we can describe the quality of life in a city exclusively by its size. The Gross National Product is an index of the total value of goods and services produced by an economy; it was never intended to be a measure of their distribution.

It is important to remember that indices of the increase in gross national product implicitly weight the growth of each income group according to its existing share of total national income. Since in the developing countries the upper 40% of the population typically receive 75% of all income, the growth of GNP is essentially an index of the welfare of these upper income groups. It is quite insensitive to what happens to the poorest 40%, who collectively receive only 10–15% of the total national income.

Were we to fashion a new index which gave at least the same weight to a 1% increase in the incomes of the poorest groups in society as it gave to a 1% increase in the incomes of the well-to-do, we would get a much different picture of development in the past decade. The growth of total income in several of the largest countries in Latin America and Asia, for example, would be significantly lower than the growth as measured by the GNP.

But, in a number of cases—including for instance, Sri Lanka and Colombia—the opposite would be true. In these countries, giving equal weight to the growth of income of each citizen, regardless of his income level, would result in a more accurate assessment of development performance than does GNP because it would give credit for some redistribution of the benefits of growth toward the lower income groups.

Adopting this kind of a socially oriented measure of economic performance would be an important step in the redesign of development policies. It would require governments, and their planning and finance ministries, to look at the allocation of resources in a much more comprehensive way. For they would have to consider not only the total output of an investment but also how the benefits would be distributed. This would give practical, operational significance to the rhetorical statements of social objectives now embodied in most development plans. And it would insure that important questions of equity became an integral part of project evaluation procedures both within the developing countries and the lending agencies. We are, in fact, beginning to develop this approach in the World Bank.

Identifying the concentrations of poverty

This proposed reorientation of development strategy would require far greater precision in identifying the main concentration of the poorest people in a given society and examining much more intensively the policies and investments through which they can be reached.

Clearly, the bulk of the poor today are in the rural areas. All of our analysis indicates that this is likely to continue to be the case during the next two or three decades.[2]

At present, 70% of the population of our developing member countries and an equivalent percentage of the poor live in the countryside.

Although demographic projects indicate that 60% of the population increase in these countries (an increase of two billion people by the end of the century) is expected to take place in the urban areas—largely through internal migration—in the year 2000 more than half of the people in the developing world will still reside in the countryside.

Rapid urbanization is already creating very serious problems. Under present policies, per capita public expenditures in urban areas are typically three to four times as great as they are in rural areas. Thus, efforts to relieve rural poverty by still greater migration to the cities will result in an even more inequitable division of public expenditures and only exacerbate the existing inequalities of income.

Within the rural areas the poverty problem revolves primarily around the low productivity of the millions of small subsistence farms. The truth is that despite all the growth of the GNP, the increase in the productivity of these small family farms in the past decade has been so small as to be virtually imperceptible.

But despite the magnitude of the problem in the countryside, focusing on rural poverty raises a very fundamental question: is it a really sound strategy to devote a significant part of the world's resources to increasing the productivity of small-scale subsistence agriculture? Would it not be wiser to concentrate on the modern sector in the hope that its high rate of growth would filter down to the rural poor?

The answer, I believe, is no.

Experience demonstrates that in the short run there is only a limited transfer of benefits from the modern to the traditional sector. Disparities in income will simply widen unless action is taken which will directly benefit the poorest. In my view, therefore, there is no viable alternative to increasing the productivity of small-scale agriculture if any significant advance is to be made in solving the problems of absolute poverty in the rural areas.

But that does not mean there need be an irreconcilable conflict between that objective and the growth of the rest of the economy. On the contrary, it is obvious that no attempt to increase the productivity of subsistence agriculture can succeed in an environment of overall economic stagnation. The small farmers cannot prosper unless there is significant growth in other sectors, both to provide the development resources they will require, and to create the demand for their additional output.

The point is that the reverse is also true—and it is time we recognized it. Without rapid progress in smallholder agriculture throughout the developing world, there is little hope either of achieving long-term stable economic growth or of significantly reducing the levels of absolute poverty.[3]

The fact is that very little has been done over the past two decades specifically designed to increase the productivity of subsistence agriculture. Neither political programs, nor economic plans, nor international assistance—bilateral or multilateral—have given the problem serious and sustained attention. The World Bank is no exception. In our more than a quarter century of operations, less than $1 billion out of our $25 billion of lending has been devoted directly to this problem.

It is time for all of us to confront this issue head-on.

V. A STRAGETY FOR RURAL DEVELOPMENT

In presenting a strategy for rural development I should like: first, to analyze the scope of the problem; second, to set a feasible goal in order to deal with it; and third, to identify the measures required to meet that goal.

The scope of the problem

Let me begin by outlining the scope of the problem in the developing countries which are members of the Bank. It is immense:

There are well over 100 million families involved—more than 700 million individuals.

The size of the average holding is small and often fragmented: more than 100 million farms are less than 5 hectares; of these, more than 50 million are less than 1 hectare.

The possession of land, and hence of political and economic power in the rural areas, is concentrated in the hands of a small minority. According to a recent FAO survey, the wealthiest 20% of the landowners in most developing countries own between 50 and 60% of the cropland. In Venezuela they own 82%; in Colombia 56%; in Brazil 53%; in the Philippines, India, and Pakistan about 50%. Conversely, the 100 million holdings of less than 5 hectares are concentrated on only 20% of the cropland.

Even the use of the land which the small farmer does have is uncertain. Tenancy arrangements are generally insecure and often extortionate. In many countries tenants have to hand over to the landlord 50–60% of their crop as rent, and yet in spite of this are faced with the constant threat of eviction. The result is that their incentive to become more productive is severely eroded.

It has often been suggested that the productivity of small-scale holdings is inherently low. But that is simply not true. Not only do we have the overwhelming evidence of Japan to disprove that proposition, but a number of recent studies on developing countries also demonstrate that, given the proper conditions, small farms can be as productive as large farms. For example, output per hectare in Guatemala, the Republic of China, India, and Brazil was substantially greater on smaller farms than on larger ones. And it is, of course, output per hectare which is the relevant measure of agricultural productivity in land-scarce, labor-surplus economies; not output per worker.

There is ample evidence that modern agricultural technology is divisible, and that small-scale operations need be no barrier to raising agricultural yields.

The question, then, is what can the developing countries do to increase the productivity of the small farmer. How can they duplicate the conditions which have led to very rapid agricultural growth in a few experimental areas and in a few countries so as to stimulate agricultural growth and combat rural poverty on a broad scale?

The first step is to set a goal. A goal is necessary both so that we can better estimate the amount of financial resources required, and so that we can have a firm basis for measuring progress.

Setting the goal

I suggest that the goal be to increase production on small farms so that by 1985 their output will be growing at the rate of 5% per year. If the goal is met, and smallholders maintain that momentum, they can double their annual output between 1985 and the end of the century.

Clearly this is an ambitious objective. A 5% rate of growth has never been achieved on a sustained basis among smallholders in any extensive areas of the developing world. Smallholder production has risen on average only about 2.5% per year in the past decade.

But if Japan in 1970 could produce 6720 kg. of grain per ha. on very small farms, then Africa with its 1270 kg. per ha., Asia with 1750 kg., and Latin America with 2060 kg. have an enormous potential for expanding productivity.

Thus, I believe the goal is feasible. It recognizes that progress will be slow during the next five to ten years while new institutions evolve, new policies take hold, and new investments are implemented. But after this initial period, the average pace of growth in smallholder agricultural productivity can be more than double today's rate and thereby benefit the lives of hundreds of millions of people.

Now, what are the means necessary to accomplish this goal?

Neither we at the Bank, nor anyone else, have very clear answers on how to bring the improved technology and other inputs to over 100 million small farmers—especially to those in dry-land areas. Nor can we be fully precise about the costs. But we do understand enough to get started. Admittedly, we will have to take some risks. We will have to improvise and experiment. And if some of the experiments fail, we will have to learn from them and start anew.

What, then, can we begin to do now?

Measures necessary to meet the goals

Though the strategy for increasing the productivity of smallholder agriculture is necessarily tentative, the following are essential elements of any comprehensive program:

Acceleration in the rate of land and tenancy reform.

Better access to credit.

Assured availability of water.

Expended extension facilites backed by intensified agricultural research.

Greater access to public services.

And most critical of all: new forms of rural institutions and organizations that will give as much attention to promoting the inherent potential and productivity of the poor as is generally given to protecting the power of the privileged.

These elements are not new. The need for them has been recognized before. But they will continue to remain little more than pious hopes unless we develop a framework of implementation, and agree to a commitment of resources commensurate with their necessity. That is what I propose.

Organizational changes

The organized structure for supporting smallholder agriculture is without doubt the most difficult problem. Let me examine this subject first and then turn to the others in sequence.

Obviously, it is not possible for governments to deal directly with over 100 million small farm families. What is required is the organization of local farm groups, which will service millions of farmers at low cost, and the creation of intermediate institutions through which governments and commercial institutions can provide the necessary technical assistance and financial resources for them

Such institutions and organizations can take any number of forms: smallholder associations, county or district level cooperatives, various types of communes. There are, of course, many experiments already going on in different parts of the world. What is imperative is that at each organizational level financial discipline be rigorously required, and that the entire structure be oriented toward initiative and self-reliance. Experience shows that there is a greater chance of success if the institutions provide for popular participation, local leadership, and decentralization of authority.

The reorganization of government services and institutions is equally important. No program will help small farmers if it is designed by those who have no knowledge of their problems and operated by those who have no interest in their future.

The sad truth is that in most countries, the centralized administration of scarce resources—both money and skills—has usually resulted in most of them being allocated to a small group of the rich and powerful. This is not surprising since economic rationalizing, political pressure, and selfish interest often conspire to the detriment of the poor. It will clearly require courageous political leadership to make the bureaucracy more responsive to the needs of the subsistence farmers.

The ablest administrators, for example, should no longer be reserved exclusively for the urban sectors. Top engineering talent must be devoted to designing low-cost solutions to the problems of small-farm irrigation. Young graduates can be motivated to take on the problems of the rural poor, and be adequately rewarded for solving them. Educational institutions should recognize that the training in practical skills is as important as the accumulation of theoretical knowledge. In short, national managerial and intellectual resources must be redirected to serve the many instead of the few, the deprived instead of the privileged.

Acceleration of land and tenancy reform

But there are other structural changes necessary as well. And the most urgent among these is land and tenancy reform. Legislation dealing with such reform has been passed—or at least been promised—in virtually every developing country. But the rhetoric of these laws has far outdistanced their results. They have produced little re-

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[1] In last year's address, I stated that our plan, in terms of current prices, was to increase financial commitments 11% per year. The "real terms" equivalent was 8%. Today, because of changes in exchange rates and accelerated price increases, a growth rate of 8% per annum in real terms, for the period FY 74–78 vs. FY 69–73, will probably require an increase in financial commitments of approximately 14% per year in current prices.

[2] It is true, of course, that millions of the victims of poverty in the developing world live in the slums of the urban areas and that their social and economic advance depends on an acceleration of the pace of industrialization. I have discussed this subject with you before and will do so again, but today I want to concentrate on the problem of poverty in the countryside where the overwhelming majority of the people live.

[3] It is not my purpose today to discuss the food crisis presently affecting wide areas of the globe. However, any long-term solution of the food shortage, in a world in which population will increase for at least a century to come, clearly requires substantial increases in smallholder productivity. In addition, to provide insurance against the vagaries of the weather, some coordinated system of national food reserves must be established. I strongly support the efforts of the Director-General of the FAO to organize such a program, and I am fully prepared to recommend that the World Bank participate in its financing.

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distribution of land, little improvement in the security of the tenant, and little consolidation of small holdings.

That is extremely regrettable. No one can pretend that genuine land and tenancy reform is easy. It is hardly surprising that members of the political power structure, who own large holdings, should resist reform. But the real issue is not whether land reform is politically easy. The real issue is whether indefinite procrastination is politically prudent. An increasingly inequitable situation will pose a growing threat to political stability.

But land and tenancy reform programs—involving reasonable land ceilings, just compensation, sensible tenancy security, and adequate incentives for land consolidation—are possible. What they require are sound policies, translated into strong laws which are neither enervated by exceptions nor riddled by loopholes. And most important of all, the laws have to incorporate effective sanctions, and be vigorously and impartially enforced.

What we must recognize is that land reform is not exclusively about land. It is about the uses—and abuses—of power, and the social structure through which it is exercised.

Better access to credit

But realistic land and tenancy reform—as essential as it is—is not enough. It is one thing to own land; it is another to make it productive. For the smallholder, operating with virtually no capital, access to credit is crucial. No matter how knowledgeable or well motivated he may be, without such credit he cannot buy improved seeds, apply the necessary fertilizer and pesticides, rent equipment, or develop his water resources. Small farmers, generally, spend less than 20% of what is required on such inputs because they simply do not have the resources.

In Asia, for example, the cost of fertilizer and pesticides required to make optimum use of the new high-yielding varieties of wheat and rice ranges from $20 to $80 per hectare. But the small farmer there is spending only $6 per hectare because that is all he can finance. And most of that $6 does not come from government or institutional sources, but from local landlords or village money lenders at usurious rates of interest.

The present institutions in the rural areas are simply not geared to meeting the needs of smallholder agriculture. In countries as disparate as Bangladesh and Iran, less than 10% of institutional credit is available to rural areas; in Thailand, the Philippines, and Mexico less than 15%; in India less than 25%. And only a fraction of this is available to the small farmer. Even then it is accompanied by stringent tests of creditworthiness, complicated application procedures, and lengthy waiting periods.

Existing commercial institutions are reluctant to make credit available to the small farmers because the administrative and supervisory costs of small loans are high. Further, the subsistence farmer is operating so close to the margin of survival that he is simply not as creditworthy as his more wealthy neighbors.

Nor do governmental credit policies always help the small farmer, even though the intention may have been to shape them for that purpose. The fact is that concern over the usurious rates the farmer pays the money lender has led to unrealistically low rates for institutional credit. The smallholder does not need credit subsidized at an annual interest rate of 6% for projects which will yield 20% or more per year. He would be much better off if he had to pay a realistic rate of interest but could actually get the money.

In reviewing their financial policies for agriculture, governments should take care that good intentions do not have self-defeating consequences. In many of our member countries, radical restructuring of interest rates is long overdue.

Assured availability of water

No less essential than credit—indeed even more so—is an assured supply of water for the smallholder. Without it, seeds, fertilizer, and pesticides are useless. This means continued research into the most productive uses of water, as well as substantial investment in irrigation and increased attention to on-farm irrigation methods.

It is estimated that the presently irrigated area in the developing world of 85 million hectares can be expanded by another 90 million hectares, but the additional cost would be high: over $130 billion. And not only is expansion of irrigated land expensive, it is a slow process. No major irrigation dam which is not already in the active design stage is likely to yield significant on-farm benefits before the mid-1980s. Although investments in major irrigation projects will continue to be an important part of national investment plans, and of Bank financing, they must be supplemented by more quick-yielding programs designed to benefit the small farmer.

This calls for much greater emphasis in on-farm investment which can take advantage of existing large irrigation projects. There are too many cases—in our experience and that of others—in which it has taken ten years or more after the dam was completed for the water actually to reach the farmers. Major irrigation schemes often preempt necessary resources for on-farm improvement. The drama of harnessing a major river may be more exciting than the prosaic task of getting a steady trickle of water to a parched hectare, but to millions of smallholders that is what is going to make the difference between success and failure. The allocation of scarce budgetary resources should reflect this reality.

Thus, development of major irrigation works, though necessary, is not enough. Too many small farmers would be left unaffected. These programs need to be supplemented by others which can bring water to farms outside major irrigation projects—and do so cheaply. Tubewells, low-lift pumps, and small dams can make major contributions to productivity. Moreover, these investments—while not always within the reach of individual poor farmers—can often be afforded by organized smallholders.

Expansion of extension services and applied research

The small farmer needs credit and water, but he needs technical information as well. And he is not getting nearly enough of it. The projected number of trained personnel who will graduate annually from existing agricultural educational institutions can at best satisfy less than half the total needs of the developing world. In the developed countries, the ratio of government agricultural agents to farm families is about 1 to 400. In developing countries, it is on average 1 to 8000. And only a small fraction of even these limited services is available to the small farmer.

It is not primarily the deficiency of funds that is delaying the necessary expansion of extension services. It is the deficiency of resolve to do more for the small farmer who desperately requires them. There is scarcely a single developing country which does not produce too many lawyers, but there is no developing country which produces enough extension agents. Governments cannot control personal career objectives, but they can offer appropriate incentives, and promote vocational choices which will contribute more directly to economic development and social modernization.

Thus the annual cost of training the required extension personnel would be modest as a percentage of GNP or budgetary resources. The net cost—after deducting savings from changed allocations—would be even less. As long as the supply of extension workers is grossly inadequate, only the large farmers will benefit and the needs of the poor will be ignored.

Behind extension services, of course, lies applied research. In a sample of five major developed countries, the governments are allocating annually from $20 to $50 per farm family for such research. The comparable figures for five major developing countries are only 50 cents to $2 per farm family.

The international network of agricultural research has grown impressively. The Bank, for example, chairs the Consultative Group on International Agricultural Research, and contributes to the financing of the research institutes including the financing of the new institute for the semi-arid tropics. But very much more needs to be done at the national level to explore the special-equipment needs of the small operator, to develop new technologies for the non-cereal crops, and to help the farmer in non-irrigated areas.

General expenditures on research and development in the developing countries are notoriously low and must be increased substantially. In doing this, governments should give very high priority to strengthening that type of research which will benefit the small farmer—research to produce low-risk, inexpensive technology that he can put to immediate use.

Greater access to public services

In other areas too, public services are grossly inadequate. The income of the small farmer could be substantially increased if he were supported by better physical infrastructure. Because of the costs involved, it is not within the power of the developing countries to provide all of this infrastructure quickly to the millions who need it. But governments can provide much of it by organizing rural works programs to construct small feeder roads, small-scale irrigation and drainage systems, storage and market facilities, community schools and health centers, and other facilities which make extensive use of local labor and relatively simple skills.

There is no mystery about designing these programs. They have worked successfully at various times in experimental projects in Bangladesh, Tunisia, Indonesia, and other countries. The major handicap has been their limited scale and inadequate management. The task for governments is gradually to extend these projects to a national scale.

Basic changes are also necessary in the distribution of other public services. In the rural areas these services are not only deplorably deficient, they are often not geared to the needs of the people they are supposed to serve.

Educational systems should stress practical information in agriculture, nutrition, and family planning for those both within and outside of the formal school program. Health services should be developed which can assist in eradicating the common enervating diseases that afflict the rural poor. Electricity for rural areas should not be considered a luxury, nor should its purpose be merely to place a lightbulb in every dwelling. One of its most important uses is to supply power for production appliances, such as water pumps. Power is admittedly almost always in short supply, but urban lighting and air conditioning

should no longer be given such a disproportionate priority in the national systems.

Every country must examine why it can afford to invest in higher education, but fails to offer incentives to attract teachers to rural areas; why it can staff urban medical centers and export its doctors abroad, but fails to provide doctors for the countryside; why it can build urban roads for the private automobile, but cannot build feeder roads to bring produce to market.

Resources are scarce in the developing countries, and their redistribution cannot provide enough for everyone's needs. But a major redistribution of public services is required if the small farmer is to have at least the necessary minimum of economic and social infrastructure.

The programs I have discussed above can all be initiated quickly by governments, and will make a major contribution to the goal of a 5% growth rate in the output of small-scale agriculture by 1985. And all of these programs deserve, and will have, the full support of the Bank Group.

But the fact remains that the measures I have outlined are primarily the responsibility of the developing countries. It would be a great disservice if the aid agencies were to try to convince either these countries or themselves that policies for alleviating rural poverty can be fashioned and delivered from abroad. The problem must be perceived and dealt with by the countries themselves.

But the international community can, and must, help. The resources required to achieve a 5% growth rate in the yields on small farms by 1985 are very large. One estimate would place the annual cost of on-farm investment, land and water resource development, additional training facilities, and minimum working capital requirements for smallholder agriculture at $20–25 billion by 1985. This would be about 3.5% of the combined annual GNP of the developing countries.

Part of these resources must come from additional savings generated by the farmers themselves, and part must come from redirecting resources from other sectors in the developing countries.

But some of these resources must come from the international community—in the form of services and financing which the small farmer needs.

An action program in the Bank

What can the Bank do to assist in this effort?

First of all, we expect to lend $4.4 billion in agriculture during our next five-year program (1974–78), as compared to $3.1 billion in the first five-year program (1969–73), and $872 million in the 1964–68 period.[4]

This in itself is a formidable target, but more importantly we intend to direct an increasing share of our lending to programs which directly assist the small farmer to become more productive. In the next five years we expect that about 70% of our agricultural loans will contain a component for the smallholder. We are now preparing these programs in consultation with member governments.

But we recognize that at best our lending can finance only a small portion of the total credit and investment needs of smallholder agriculture. That is why we intend to give particular attention in our economic advice to governments to those sectoral and financial policies which most affect the rural poor so that the resources to be invested by governments will have a maximum impact.

And though experimentation and innovation will remain essential, the broad policies governing the Bank's program are clear:

We are prepared to do much more to assist governments in the reform of their agricultural financial structure, and to support institutions designed to bring credit to the small farmer.

We intend to continue to invest in large irrigation projects and in the recovery of saline lands, but we will emphasize on-farm development incorporating a maximum of self-financing so that the benefits of irrigation can reach small farmers more quickly.

We will support non-irrigated agriculture, including the financing of livestock production, and in particular small-scale dairy farming in milk-deficient areas.

We are prepared to finance the expansion of training facilities for extension agents who can help raise the productivity of the rural poor.

We are prepared to finance rural works programs as well as multi-purpose rural development projects.

We are ready to assist land and tenancy reform programs by providing the follow-up logistical support required by the small farmer, and to help in the technical and financial aspects of land purchase and consolidation.

We have financed agricultural research institutions in the past and are fully prepared to do more in the future, particularly in the development of an appropriate technology for semi-arid agriculture. We propose to support investigation into the most effective uses of water at the farm level, especially in water-deficient areas. We are already assisting one such investigation in Mexico.

We will, in our lending for infrastructure, strongly urge that accounts be taken of the pressing needs of the rural areas.

VI. SUMMARY AND CONCLUSIONS

Let me now summarize and conclude the central points I have made this morning.

If we look objectively at the world today, we must agree that it is characterized by a massive degree of inequality.

The difference in living standards between the rich nations and the poor nations is a gap of gigantic proportions.

The industrial base of the wealthy nations is so great, their technological capacity so advanced, and their consequent advantages so immense that it is unrealistic to expect that the gap will narrow by the end of the century. Every indication is that it will continue to grow.

Nothing we can do is likely to prevent this. But what we can do is begin to move now to insure that absolute poverty—utter degradation—is ended.

We can contribute to this by expanding the wholly inadequate flow of Official Development Assistance.

The flow of ODA can be increased, by 1980, to the target of .7% of GNP—a target originally accepted within the United Nations for completion by 1975.

This is feasible, but it will require renewed efforts by many nations, particularly the very richest.

Further, we must recognize that a high degree of inequality exists not only between developed and developing nations but within the developing nations themselves. Studies in the Bank during this past year reinforce the preliminary conclusions I indicated to you last year: income distribution patterns are severely skewed within developing countries—more so than within developed countries—and the problem requires accelerated action by the governments of virtually all developing nations.

A minimum objective should be that the distortion in income distribution within these nations should at least stop increasing by 1975, and begin to narrow within the last half of the decade.

A major part of the program to accomplish this objective must be designed to attack the absolute poverty which exists to a totally unacceptable degree in almost all of our developing member countries: a poverty so extreme that it degrades the lives of individuals below the minimal norms of human decency. The absolute poor are not merely a tiny minority of unfortunates—a miscellaneous collection of the losers in life—a regrettable but insignificant exception to the rule. On the contrary, they constitute roughly 40% of the nearly two billion individuals living in the developing nations.

Some of the absolute poor are in urban slums, but the vast bulk of them are in the rural areas. And it is there—in the countryside—that we must confront their poverty.

We would strive to eradicate absolute poverty by the end of this century. That means in practice the elimination of malnutrition and illiteracy, the reduction of infant mortality, and the raising of life-expectancy standards to those of the developed nations.

Essential to the accomplishment of this objective is an increase in the productivity of small-scale agriculture.

Is it a realistic goal?

The answer is yes, *if* governments in the developing countries are prepared to exercise the requisite political will to make it realistic.

It is they who must decide.

As for the Bank, increased productivity of the small, subsistence farmer will be a major goal of our program of expanded activity in the FY 1974–78 period.

But no amount of outside assistance can substitute for the developing member governments' resolve to take on the task.

It will call for immense courage, for political risk is involved. The politically privileged among the landed elite are rarely enthusiastic over the steps necessary to advance rural development. This is short-sighted, of course, for in the long term they, as well as the poor, can benefit.

But if the governments of the developing world—who must measure the risks of reform against the risks of revolution—are prepared to exercise the requisite political will to assault the problem of poverty in the countryside, then the governments of the wealthy nations must display equal courage. They must be prepared to help them by removing discriminatory trade barriers and by substantially expanding Official Development Assistance.

What is at stake in these decisions is the fundamental decency of the lives of 40% of the people in the 100 developing nations which are members of this institution.

We must hope that the decisions will be the courageous ones.

If they are not, the outlook is dark.

But if the courageous decisions are made, then the pace of development can accelerate.

I believe it will. I believe it will because I believe that during the remainder of this century people everywhere will become increasingly intolerant of the inhuman inequalities which exist today.

All of the great religions teach the value of each human life. In a way that was never true in the past, we now have the power to create a decent life for all men and women. Should we not make the moral precept our guide to action? The extremes of privilege and deprivation are simply no longer acceptable.

It is development's task to deal with them.

You and I—and all of us in the international community—share that responsibility.

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[4] Figures for all three periods are in 1973 dollars.

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PROJECTED FLOW OF OFFICIAL DEVELOPMENT ASSISTANCE MEASURED AS A PERCENT OF GROSS NATIONAL PRODUCT[1]

	1960	1965	1970	1971	1972	1973	1974	1975	1976
Australia	0.38	0.53	0.59	0.53	0.61	0.58	0.59	0.60	0.62
Austria		.11	.07	.07	.09	.19	.22	.25	.26
Belgium	.88	.60	.46	.50	.55	.58	.65	.70	.70
Canada	.19	.19	.42	.42	.47	.49	.50	.52	.53
Denmark	.09	.13	.38	.43	.45	.52	.56	.61	.63
France	1.38	.76	.66	.66	.67	.65	.65	.65	.65
Germany	.31	.40	.32	.34	.31	.32	.34	.36	.38
Italy	.22	.10	.16	.18	.09	.16	.16	.16	.17
Japan	.24	.27	.23	.23	.21	.28	.34	.40	.40
Netherlands	0.31	0.36	0.61	0.58	0.67	0.66	0.70	0.72	0.76
Norway	.11	.16	.32	.33	.41	.56	.67	.75	.82
Portugal	1.45	.59	.67	1.42	1.51	.45	.45	.45	.45
Sweden	.05	.19	.38	.44	.48	.56	.65	.71	.75
Switzerland	.04	.09	.15	.11	.21	.26	.30	.32	.34
United Kingdom	.56	.47	.37	.41	.40	.37	.40	.40	.40
United States[2]	.53	.49	.31	.32	.29	.25	.22	.22	.21
Total	.52	.44	.34	.35	.34	.34	.34	.35	.36

[1] Countries included are members of OECD development assistance committee, accounting for more than 95 percent of total official development assistance. Figures for 1972 and earlier years are actual data. The projections for later years are based on World Bank estimates of growth of GNP, on information on budget appropriations for aid, and on aid policy statements made by governments. Because of the relatively long period of time required to translate legislative authorizations first into commitments and later into disbursements, it is possible to project today, with reasonable accuracy, ODA flows (which by definition represent disbursements) through 1976.

[2] In 1949, at the beginning of the Marshall plan, U.S. official development assistance amounted to 2.79 percent of GNP.

A RESPONSIBLE FOREIGN AID POLICY

Mr. PERCY. Mr. President, recently this body was engrossed in debate over the Foreign Assistance Act. In the coming months it will face legislation dealing with the international financial insitutions—the IBRD, the IDB, the ADB, and the various special funds associated with these development banks. The separation into two bills of foreign aid, one dealing with bilateral economic and military aid and the other dealing with multilateral aid, has a tendency to obscure and confuse the issues associated with foreign aid. The choice is not between bilateral aid or multilateral aid. Each of these programs serves different objectives and the bills should be viewed as a package, not as separate entities. This administration does not help itself or Congress in coming to this body with different bills for what is in essence a single program with multiple objectives.

Nevertheless, Congress need not abdicate its responsibility for providing funds and guidance for these programs. They form a critical segment of our foreign policy toward those countries where the great mass of humanity is concentrated. In the long run it is not in our interest to allow these people to grow poorer while we grow richer. The world cannot forever stand the tension generated by one-fifth of the world's population holding four-fifths of its wealth. In the short run, it is necessary to realize that these poorer countries are becoming very important to our own economy. They supply us with a large portion of our energy and raw materials while purchasing 25 percent of our exports.

The Washington Post on September 23, 1973, stated well the responsibility of the United States and the American people to economic development in less-developed countries in a well-reasoned editorial. I ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A RESPONSIBLE FOREIGN AID POLICY

The United States may never have been better situated to conduct responsible and effective foreign-aid policy. For one thing, very few people have illusions left about what marvels can be performed; experience has produced at last an appropriate modesty and realism, on the part of recipients as well as contributors. Secondly, a broader understanding has taken root in the United States of the part which development assistance plays in improving the atmosphere in which issues of trade, money and investments are worked out with the poorer countries. Finally, the agencies and methods of aid have been subjected to hard scrutiny and, although the process of modernization is inherently as political as it is scientific, these agencies and methods have been continuously refined.

In practical terms, what this means is that the Congress is well justified in looking at the various requests for development assistance which are before it now with some substantial confidence. Of these requests, the foreign aid bill is especially interesting. It passed the House and goes to the Senate floor shortly—though, regrettably, with a good bit less money than was voted in the House. The bill incorporates a "new look" meant to steer spending away from capital projects toward programs more directly affecting people's lives—in farming, family planning and the like. This change in emphasis emerged from a deep feeling on the part of many congressmen that aid was not reaching down adequately to improve the living standards of the very poor. Whether the aid agency, which would be renamed the Mutual Development and Cooperation Agency, can in fact carry out the changes directed in the pending legislation is, of course, crucial. The agency's new director-designate, Daniel Parker, who replaced the able and conscientious John Hannah, has yet to be confirmed. He did not have a hand in devising the new approach he will be expected to implement. The agency will be on clear notice, however, that the Congress expects results.

It is through the multilateral development banks, to be sure, that most American development assistance now flows. These banks are not without their special weaknesses, not the least of which is their vulnerability to American political pressure. But they have become essential to the process of transferring capital and technology to the countries least able to generate these resources on their own. Adequate participation in the work of these banks has become, in turn, essential to the world standing of the United States. This has very little to do with the old and simplistic cold-war notion of winning friends and influencing people abroad. It has a great deal to do with creating the mutual confidence in international relations which is required in a time of detente.

The United States is a year behind in putting up its fair share—a share now reduced, by the way, from 40 per cent to one-third—of the World Bank's soft-loan outlet, the International Development Association. The Congress last year approved only half the funds pledged to the Inter-American Development Bank, and it left the Asian Development Bank some $100 million in the lurch. (The Asian Bank and the World Bank, according to Treasury Secretary George Shultz, "are prepared to head a group of member nations to mobile resources from many capital-exporting countries for reconstruction aid to Indochina.") Of $15 million previously pledged to the African Development Bank, not a nickel has yet been forwarded.

This is an embarrassing and disturbing record. These banks represent not only a good part of the future for the countries which borrow from them. They represent essential strands in the web which ties the United States increasingly tightly to the poor nations of the world. For markets, for investment opportunities, for their resources and in many other ways involving international economic and political cooperation, the United States needs firm relations with these nations. Support for the development banks is an investment in our own self-interest.

THE NEED FOR FUTURES TRADING REGULATION

Mr. McGOVERN. Mr. President, recently I introduced legislation designed to strengthen Federal regulation of America's multi-billion-dollar commodity futures exchanges.

In his weekly news bulletin of October 23, sent to farmers in Pennsylvania, the secretary of agriculture of Pennsylvania, Mr. Jim McHale, commented on my bill and other congressional moves for commodity trading reform.

Because Mr. McHale is one of the outstanding State secretaries of agriculture in the Nation, I wanted to share his views with my colleagues, and I ask unanimous consent that his comments be printed in the RECORD.

There being no objection, the news bulletin is ordered to be printed in the RECORD, as follows:

LOOKING AHEAD FOR AGRICULTURE

(By Jim McHale)

The prices of soybeans, corn, wheat, live cattle, hogs and other commodities continue to fluctuate dangerously for farmers and consumers on the commodity futures markets.

Recently, live cattle prices took a nose dive from a high of $56.25 in mid-August to about $38.50 per hundred pounds. Cattlemen took a beating because their expensive feeder calves were fattened on extremely high priced feed.

The United States Department of Agriculture heralded the drop in live prices as a boon to consumers. This is a lot of flak. Meat prices to the consumer have not dropped in proportion to the crash on the live cattle market. Nor should anyone expect them to drop appreciably. Processors and supermarkets are very able to protect their expanding profits.

Instead of giving false promises to consumers and condoning a loss of income for livestock farmers—which, incidentally, could discourage feeder operations and trigger a future shortage and higher consumer prices—USDA would have done better to

initiate strong action to control the commodity exchange markets.

Commodity prices have a way of gyrating so that the speculators gain at the expense of farmers and consumers.

This year's winter wheat harvest brought decent prices for farmers. But once the grain was cornered by a few dealers the price jumped $2 a bushel, or two-thirds what the price was a few weeks before.

The past year has seen soybeans move out of farmers hands at $4 a bushel and into the hands of just three dealers who controlled the market sufficiently to drive the price up to $10 a bushel in a few months. Dairy and livestock farmers dependent on soybean meal have been paying through their nose ever since.

Congress has awakened to the dangers the uncontrolled commodity exchange markets pose to the economy of the country. Sen. George McGovern (D-S. Dakota) and Rep. John Melcher (D-Montana) and others are preparing legislation to curb the jungle atmosphere of the commodity markets.

It should be understood that the commodity markets are not like the stock market. The buying and selling of Ford stock, for example, may move the price of that stock up or down a few points, but that will not determine the price of a Ford car.

On the other hand, the buying and selling of wheat or other commodities does determine the price of that commodity. Wheat, beef, soybeans and so forth will cost more or less, depending on the activities of speculators. You cannot control inflation unless you do something about the commodity exchanges.

USDA's Commodity Exchange Authority is supposed to maintain fair and honest trading prices and prevent price manipulation and wild speculation. But Sen. Herman Talmadge (D-Georgia) has said in the Senate: "It is an understatement to say that the Commodity Exchange Authority has not been able to carry out this function in the past year."

McGovern told his colleagues recently: "It is good that many members of Congress and the committees thereof are beginning to look in depth at the regulation of commodities markets. I believe that the time is ripe for complete overhaul of the system by which commodities markets have been regulated—or not been regulated according to one's viewpoint."

Melcher observed on the floor of the House that "the recent gyrations of soybean, wheat, corn, pork belly and cattle futures markets" have made it "obvious to an increasing number of people" that extreme reforms are needed.

Indeed, reforms have been recommended by Alex C. Caldwell, administrator of the Commodity Exchange Authority. His proposals include prevention of any trader acquiring sufficient control over a commodity futures contract to restrain trading in it. He also wants to extend fitness checks to traders and give the CEA greater emergency powers.

As Melcher says, "That is all right for a start but not near enough to do the right kind of job."

Instead of a tune-up job, says Melcher, commodity trading needs rigid regulations and continuous oversight to protect ordinary investors and the producers whose markets are being affected.

THE CHANCES FOR A 20-YEAR PEACE WITH RUSSIA

Mr. SPARKMAN. Mr. President, on October 17, 1973, the Huntsville, Ala. News carried a column by John Chamberlain entitled "The Chances for a 20-Year Peace With Russia." It seems to me a very fine discussion of some of the things that are being done and can be done to further our détente with the Soviet Union. I ask unanimous consent to have it printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

THE CHANCES FOR A 20-YEAR PEACE WITH RUSSIA

(By John Chamberlain)

In facing the Russians, Secretary of State Henry Kissinger is taking a gamble. His desire for a detente with the Soviets may be based on an accurate assessment of their own need. On the other hand, an equally good case can be made that Dictator Brezhnev is setting Kissinger up.

The minority view in CIA, Pentagon, and State Department circles, as leaked to our more pessimistic journalists, favors the setting-up theory. The Soviet Minister of Defense, Marshal Andrei Grechko, no lover of the West, sits on the Politburo. He represents the younger element in the Soviet military establishment, a group described as not at all adverse to using military means to gain results that elude the diplomats. Brezhnev supposedly put Grechko on the Politburo over a detente-minded opposition.

DR. HAMMER'S ARGUMENTS

The argument against the theory that the Soviets are using detente as a smoke screen to hide preparations for a preventive war on Red China or some sudden intervention in the Middle East rests on the application of horse sense to what the Kremlin is trying to do to woo capitalist participation in the exploitation of Russian natural resources. I have always been distrustful of Soviet promises, but Dr. Armand Hammer, the president of the Occidental Petroleum Company, who has several deals now cooking with the Communists, makes a most persuasive argument that the Russians need 20 years of peace with the West in order to move forward with their natural gas reserves, their agriculture, and their foreign trade prospects.

There is little possibility, as Dr. Hammer outlined in an interview with this columnist, of the Soviets gaining anything very ponderable by breaking off in the middle of their complex deals with the West. In conjunction with the El Paso Natural Gas Company, Occidental Oil plans to supply the pipe and the exploratory expertise needed to bring ten to fifteen trillion cubic feet of gas from the Irkutsk region of Siberia to tidewater at Olga, a Pacific port near Vladivostock. The gas will be going in the wrong direction to serve Soviet manufacturing installations; it can only bring the Soviets a good return by shipping it in liquefied form to Japan and the West Coast of the U.S.

Another Occidental deal with the Soviets will take phosphates from Florida to Russian ports to be used as fertilizer. Occidental has a new process that reduces bulky phosphate rock to a concentrate that enables one freighter to do the work of four. The deal is taking $500 million in financing that is shared by the Ex-Im Bank, the Bank of America, and the Soviets themselves. The pay-back to the U.S. will come in the form of Soviet shipments of nitrogenous fertilizer made from Soviet natural gas. Twenty years are needed for the Soviets to get full advantage of the phosphate-for-nitrogen trade-off.

A third Occidental project is the building of a $110 million trade center in Moscow, with the Soviets putting up the money and the Bechtel Corporation helping an Occidental subsidiary with the construction. There will be office space for 400 firms, plus apartments for their employees and a 600-room hotel in the trade center. Why, if Moscow intends to go to war with the West, should they be spending money on a center for foreign businessmen?

EXTRACTING OIL FROM GARBAGE

A fourth deal contemplates the bartering of metal plating equipment made by Occidental's Hooker Chemical subsidiary for Soviet nickel. This involves an $80 million contract covering five years. Finally, Occidental plans to teach the Soviets to extract oil from garbage by a new process scheduled for unveiling in San Diego.

If the Soviets are consciously using the five deals with Occidental as a smokescreen behind which they are plotting something sinister, it would represent the most elaborate hoax ever perpetrated. Potemkin's false-front villages, used to delude Catherine the Great into thinking she was Queen of a prosperous country, would pale into utter insignificance by comparison. With N. G. Osipov, the Soviet Deputy Minister for Foreign Trade, coming to the U.S. with a 21-man delegation to talk reciprocity, Dr. Hammer's theory of 20 years of peace sounds plausible. But the Kremlin still has two options, one for peace and one for a quick military strike, and not even the most knowledgeable of experts can know whether Henry Kissinger is going to succeed with his gamble.

THOMAS E. DRUMM, JR., HONORED BY GOVERNMENT AND BUSINESS LEADERS

Mr. HUGH SCOTT. Mr. President, Thomas E. Drumm, Jr., who retired recently after 32 years of Government service was honored by 150 Government and business leaders at the Army Navy Club on October 1. His versatile and illustrious career can serve as an inspiration to those who aspire to high Federal service.

I ask unanimous consent that a brief summary of the highlights of this outstanding civil servant's career be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

More than 150 leaders in Government, business, and trade-related organizations as well as members of the Diplomatic Corps gathered at the Army & Navy Club on October 1, 1973 for a reception in honor of Thomas E. Drumm, Jr. Mr. Drumm recently retired from the Federal Government after 32 years of service.

Mr. Drumm has served with distinction in a number of senior positions in the Federal Government both here and abroad.

General James E. Gavin, Honorary Chairman of the reception and former Ambassador to France, recalled Mr. Drumm's service as Commercial Counsellor in the U.S. Embassy in Paris. He described the succesful work of Mr. Drumm in promoting sales of U.S. products from coal to consumer goods. He recounted Mr. Drumm's visits to French firms and importers to promote American products and of his help to the French business community.

The Wall Street Journal in a front-page article described Mr. Drumm in his Commercial Counselor's role as a new breed of diplomat—"a diplomat with a sample case" and outlined Mr. Drumm's successful efforts to promote trade with France. General Gavin, whose firm is extensively engaged in foreign trade, stated that he had had contacts with some 27 U.S. Commercial Attachés and that "Tom Drumm was far and away the best of them all."

Undersecretary of Commerce John Taber, representing Secretary Dent who was in Europe, commented on Mr. Drumm's outstanding record in the Department of Commerce.

Secretary Tabor read and presented to the honoree a plaque inscribed with the following tribute:

THOMAS E. DRUMM, JR.
OMBUDSMAN EMERITUS
Presented to Thomas E. Drumm, Jr.
for
Distinguished Service to the
Business, Government and Social Community
as the first Ombudsman for Business
U.S. Department of Commerce 1971–1973

In recognition of his efforts to encourage better communications between Government, business, and the community, and to make the Federal Government more responsive to the people as well as his successful contribution to the betterment of all mankind.

Signed: John Tabor, Gary Cook, Paul Crouch, Alcoa, Walter Lloyd, Deere & Co., Robert Mahaney, Tenneco, U.S. Department of Commerce.

WILLIAM RASPBERRY ON IMPEACHMENT

Mr. McGOVERN. Mr. President, in a series of superb articles, Mr. William Raspberry of the Washington Post has forced us to look squarely at the central issues raised in the Watergate scandals.

In a column in yesterday's Post, Mr. Raspberry says:

> We have got to stop lying to ourselves and face up to the fact that this scandal-ridden national government is without precedent in American history.

He concludes on this note:

> The cataclysm has happened and the only reasonable questions now are those that deal with the mechanics of impeachment.

Mr. President, I ask unanimous consent that Mr. Raspberry's article in the October 29, 1973, issue of the Washington Post, entitled "Corruption Without Precedent," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CORRUPTION WITHOUT PRECEDENT

(By William Raspberry)

They've lying to us, you know. Or rather they're making us lie to ourselves, making us say that all politicians are crooks and thieves and that we've always known it.

They do it because it's their best protection. They've passed the point where they can convince us of their innocence, so they accomplish their exoneration by making it appear that guilt is so universal among politicians that it is useless to talk about cleaning up our government.

Why talk about throwing out any particular political rascal when his prospective replacement is, by definition a rascal, too?

Well, it's not true. Not all politicans are crooks and thieves. Not all politics is dirty. Not all administrations are corrupt.

We have got to stop lying to ourselves and face up to the fact that this scandal-ridden national government is without precedent in American history. We know that when we stop to think of what used to constitute scandal: a few vicuna coats and deepfreezes, for instance, or a penny-ante Nixon slush fund. Even Teapot Dome, which shows up in history books as a sort of low-water mark of political scandal, was nothing more than a money rip-off.

The current scandals involve money, too, of course. But they also involve systematic deception of the people, systematic subversion of government agencies and even of the Constitution, and systematic consolidation of power.

It's hard to remember now, but Watergate used to mean nothing more than the subversion of the electoral process—dirty politics—although even that attempt at subversion was of unprecedented scope.

But in later months, it came to encompass the President's secret police (the "plumbers") operating outside the law and specifically authorized to commit such crimes as burglary, illicit wiretaps; attempts to force CIA officials to implicate their agency in the scandals so as to limit the scope of the investigation; perjured testimony of high administration officials, and a variety of other crimes and improprieties, including milk deals, wheat deals, laundered cash and Lord knows what else.

And beyond the generic Watergate, there are the matters of the San Clemente deal, the tax write-off on a phony gift of Nixon papers, the Hughes-Rebozo funny money thing, and on and on. And that doesn't even count the Agnew disgrace or the fact that two former Cabinet officers are facing trial right now.

There may be precedents for some individual pieces of this scandal, but the package of them is unprecedented in size or boldness. And through it all, President Nixon seemed far less interested in discovering the breadth of the scandal than in keeping the rest of us from finding out.

No, this is not scandal as usual. It is much closer to being an attempted (and very nearly successful) *coup d'etat*. For while the Watergate scandals and so-called White House Horrors were going on, something else was under way: a process of power consolidation that began with an innocent-appearing reorganization of the Executive Branch into strong and weak Cabinet agencies, with lines of authority running directly to the White House through the installation of former White House aides as assistant secretaries; that included the appointment of Nixon men to the Supreme Court; and that involved an attack on a derelict Congress, the third branch of government, through a combination of veto and impoundment.

And finally, the man was ready to declare himself above the law, immune to court orders and legal process. Not just over the Watergate tapes, either. The nation's war-making powers are supposed to belong to Congress. But the President proceeded to bomb hell out of neutral Cambodia without congressional consent, and then concealed the fact of the bombing from Congress. And incidentlly, from you and me.

Political hanky-panky and a little money changing hands? No, sir. No, m'am. They stole the government from us. No: *He* stole the government from us, and then tricked us into silly debates over executive privilege and tape recordings.

And now they're trying to make us believe that the country cannot endure the only process the Constitution provides for reclaiming our government. Impeachment is such a cataclysmic thing, you know.

Well, don't you believe it. The cataclysm has happened, and the only reasonable questions now are those that deal with the mechanics of impeachment.

VETERANS DAY RITES AT ARLINGTON CEMETERY

Mr. HANSEN. Mr. President, on October 22, the traditional Veterans Day ceremonies were held at Arlington National Cemetery.

For this occasion, the Disabled American Veterans were the hosts, and the DAV's distinguished national commander, John T. Soave, gave the principal address. He was introduced by the Administrator of Veterans' Affairs, the Honorable Donald E. Johnson.'

Both Administrator Johnson and Commander Soave delivered inspiring remarks on this occasion.

For the benefit of my colleagues who did not have a chance to hear Administrator Johnson and Commander Soave, I ask unanimous consent that their speeches appear in the CONGRESSIONAL RECORD.

There being no objection, the speeches were ordered to be printed in the RECORD, as follows:

INTRODUCTORY REMARKS, VA ADMINISTRATOR DONALD E. JOHNSON

My fellow Americans.

It will be my honor, today, to present our distinguished speaker and some of the special guests of our Veterans Day National Committee.

As you know, Veterans Day, distinguished from Memorial Day, is a national observance in which we honor the living veteran. But, certainly, it is fitting that we do so in the memory of those who gave their lives. For "in that breath twixt life and death" as poet Berton Braley called it, the difference between living and dying for one's country is measured in heartbeats.

Before making my introductions, I'd like to pause for a moment or two and consider the paradox in which a nation of peace-loving people have found themselves involved in all too many wars. Surely it must be a baffling perplexity to these young guests of ours as it was to all of us when we, too, first thought about the ugly realism of mortal combat.

We stand here, today, in the presence of awesome greatness.

I speak, not of the overwhelming presence of our beloved dead whose ultimate gift of love hallows this earth.

Their lives, their deeds and their final sacrifice have ennobled them far beyond the platitudes of mortal speech.

The greatness I see, and of which I speak, is the presence, here, of these young Americans, representing all American children who have inherited this free land, which those we honor today, willed to them in glorious legacy.

It is to you, the young people here today, that I address myself—not as a father, though ten Johnson children call me that—but as one who has shared some of the experiences, the dreams and the hopes of those Americans of my own childhood who later answered their nation's call to arms.

In Carl Sandburg's great work called: "The People, Yes" he speaks of a little girl watching the new recruits from her village marching off to the battlefield. She turns to her mother and says: "I think that someday they're going to give a War and nobody will come!"

The men and women we honor today had no special gift of the gods. They had no magic potions to protect them like the folklore heroes of fantasy and fable.

We honor them, not because they welcomed war, but because it was the last thing they wanted—and they went, anyway.

On Veteran's Day, as we recall that act of heroism, we honor the mothers and the fathers—the sisters and the brothers like yourselves—the wives and beloved ones who saw them off to war, though surely none of us would will such a thing for anyone we love.

As you go on in school, your history books will provide you with detailed accounts of the situations and the problems that motivated human beings of reasoned intelligence to take up arms against their neighbors.

You will also come to realize that your history books—even the more sophisticated ones

that you'll study in high school and college—cannot possibly reach into the secret heart of the one who heard the call and answered "yes."

On patriotic occasions, such as this, they might talk of God and Country—honor—integrity—but, in the end—I can say from my own experience and close observation—it all boils down to one great ideal.

For, what "God and Country" really means to a fighting man is "Home and Family."

It is in that final test—as in the first act of heroism when he joined our nation's Service—that the Veteran found his "extra ounce of courage" to face the very fate he wanted the least.

Statesmen call it "Love of Country."
Churchmen call it "Love of God."
History calls it "Patriotism."
And, surely, it is all three.

But what was in the *Veteran's* mind, and deeply in his heart?

The chances are, if you ask, he'll call it: "You!"

It is *you*, my young Americans—and your brothers and sisters all over this land—who gave our Veterans that final ounce of courage.

It is you to whom they turned for strength in answering their country's call and bearing its battle.

It is you for whom they held high the torch of freedom and honor—to whom they willed their hearts and hands in love and peace.

And now, it is you who carry their sacred trust—their precious legacy of everlasting peace.

This is the greatness of which I speak.

For in your young hands and hearts is the will and the way to achieve that great goal, toward which President Nixon has dedicated his whole administration:

A full generation of Peace!

NATIONAL COMMANDER'S VETERANS DAY SPEECH

My Fellow Americans: The Disabled American Veterans are honored this year to be hosts of this traditional Veterans Day ceremony . . . and I am privileged, as National Commander of the DAV, to be my organization's spokesman today.

I come before you at a time when American involvement in the wars in Indo-China has finally, after many long, hard and bitter years, been wound down and out, as the present administration promised to do before it was elected.

We of the DAV fervently pray that we have seen not just the end of one long, unwanted war . . . but the beginning of the end of all war; that a new epoch of peace with honor is at hand; that future administrations will continue the efforts at defusing world tensions now being carried out by President Nixon.

One way Americans can assure this goal is by remembering the veterans of the U.S. Armed Forces and honoring the significant contributions to our National Security by the millions of these citizens whose military service has had a profound effect on history.

America has a proud tradition of both remembering and honoring its veterans and the families and dependents of its veterans.

But whether or not the veteran will continue to be honored over a period of prolonged peace-time is problematical. The present system of veterans benefits and compensation is expensive, and it must be enlarged to be truly equitable to all of those who served their country in time of crisis.

And the expense must be borne over a long period of time. It takes several generations for a nation to close its ledgers on a war. The Civil War ended 108 years ago, yet as of December 31, 1972, 331 widows and 275 children of Civil War veterans were still being carried on Veterans Administration benefit rolls. The last dependent of an American Revolutionary War Veteran didn't die until 1911.

So we of the DAV, and our fellow veterans organizations fully realize that there will be those who might want to renege on their obligation to the veteran and to relinquish a grateful Nation's pledge of faith to him, as Abraham Lincoln phrased it, "who shall have borne the battle."

We fully intend to see to it that this nation will never abandon its defenders; will never cease to care for those who left part of themselves on the field of battle as the price they paid to prove their trust; will ever honor the most shining hero of the legend that is America . . . The American Veteran.

Of the total U.S. Population of some two-hundred and nine million civilians, twenty-nine million are veterans, including over three-million disabled veterans of all wars.

The average age of the 28.8 million veterans living on June 30, 1968 was nearly 45. Two-million of these veterans were 65 or older. During the next 20 years, this age group will grow more than threefold, to seven-million aged veterans by 1992. Programs related to the problems of the aging veteran must be readied now to meet the projected need.

Actually, however, it is the problems of the younger veteran that most concern us at this time. Studies indicate that the Vietnam era veteran is having a harder time fitting himself back into our civilian culture than any veteran generation that preceded him.

While the rate of participation in the labor force during fiscal year 1972 for all male veterans was 89 per cent compared to 72 per cent for male non-veterans, the unemployment rate for Vietnam veterans has been substantially higher in recent years than that of non-veterans in the same age group.

The gap between the unemployment rate for veterans and the lower rate for non-veterans has been narrowing for some months now, but it is still too high to be of comfort to those of us concerned with veterans problems.

The very low job placement rate of disabled Vietnam era veterans has been extremely disconcerting, and, while strenuous efforts by the Administration and Department of Labor have seen to it that more and more disabled veterans find suitable employment every year, this battle is far from over.

Finding a job has been especially hard for the ex-infantryman. At the height of the Vietnam war, military admissions standards were lowered and thousands of young Americans enlisted without finishing high school. Thousands more were drafted before they could attend or finish college or technical training in civilian life. Then they were taught just one skill—how to be a combat infantryman—and this skill is all they have brought back to civilian life.

Slowly these men are being assimilated back into our society, but for them, "Peace with Honor" will not truly be here until they are fully contributing members of the civilian world around them. We must all pledge ourselves to see that this day comes soon.

Standing here among the peaceful green glades of Arlington National Cemetery in the Memorial Amphitheater at the Tomb of the Unknown Soldier—one of this Nation's most hallowed shrines—it occurs to me that we will not have done justice to those patriot-heroes who lie buried here until we have finally done justice to their living comrades.

The best way to honor the dead is to honor the living. The precious freedoms we Americans cherish today was paid for in large part through the lives of our fighting men who lie buried here and in other cemeteries around the world. They would not have it that we ignore their living comrades, our veterans, who took the same risks and made the same sacrifices for the same cause . . . yet who were so fortunate as to survive.

The American veteran is the living symbol of those characteristics of courage and determination that have made this nation the strongest and freest in the history of the world.

He has willingly and proudly served his nation in time of mortal strife, and he has returned again to civilian life, determined that the freedoms and privileges granted to him by the Constitution he served to defend should never be lost nor denied to anyone.

Until such time as war has forever been banished from the face of the earth and the last veteran has been borne on Columbia's wings to this Nation's own Valhalla, I urge you, my Fellow Americans, never to forget the contributions the American veteran has made to the cause of World Peace with Honor and to faithfully honor the men and women who made these contributions.

THE CRISIS OF THE PRESIDENCY

Mr. McGOVERN. Mr. President, the newspapers of my State are publishing commendable editorials questioning the actions of the President of a weekend ago and pointing out their disturbing implications for our political system.

One of the fine weekly newspapers in South Dakota, the Freeman Courier, carried on October 25 a commendable editorial written by its editor, Mr. Tim Waltner, which said:

> The impeachment process would be a dark time for the nation. However, if the well-being of the country and its people are put first, impeachment should be looked upon as a step towards restoring confidence and trust.

Mr. Waltner also made clear what impeachment does and does not mean, pointing out that it does not necessarily mean that the President would be removed from office, but only that investigations would be made to determine if there is cause for action of that kind.

The leading daily newspaper of western South Dakota, the Rapid City Journal, observed on October 23:

> Impeachment proceedings would further fray the fiber of America, but if it is the only way to arrive at the truth, then it is the course that should be followed.

Making a case for the appointment of a fully independent prosecutor, the Sioux Falls Argus-Leader said:

> An investigation that is not independent of the White House . . . is not an investigation that will satisfy the American public. The saddest thing about the constitutional crisis in Washington is that it need not have developed, unless the President is hiding something.

In an editorial entitled "Shocking Washington Weekend," the Aberdeen American-News said the President's actions could lead to two avenues of speculation, first that he has extraordinarily strong convictions that executive privilege will be irreparably damaged by releasing the tapes, or second that their release could damage the case that the President had no knowledge of the Watergate coverup.

I ask unanimous consent, Mr. President, that the texts of these perceptive editorials, and one from the October 22 edition of the Nashville Tennesseean, be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

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THE CRISIS OF THE PRESIDENCY

(By Tim Waltner)

In the July 5 issue of the Courier, we wrote an editorial entitled "Thunderstorms and Watergate." We compared the entire Watergate mess with a thunderstorm, and expressed a desire that the end result of the Watergate scandal would be a more forthright, honest, and responsible government. In the 14 weeks which have followed, events have taken place which have brought more storms, one after another.

The failure by the President to release the tapes as evidence, the use of tax money for the remodeling of his southern and western white houses, the fact that he has surrounded himself with men who have no qualms about practicing deception and breaking laws, and the changing of procedures and men to best suit his needs, give us an indication of how much corruption and decay have crept into the office of the president.

However the latest developments, the conflict over the release of the tapes, the refusal to reach an understanding with the Senate Committee and the Special Prosecutor, and the firing of that special appointed prosecutor, Archibald Cox, present an extremely serious crisis. President Nixon has set himself up as the supreme ruler, the highest authority of this nation. There is now a concept, coming from the President down through the former Vice President to former aides to former cabinet officers. That concept is, "We Are Above the Law." That concept has taken the rights and the power out of the hands of the people and given it to a select few.

While we have entrusted the leaders of government with responsibilities, we have not given them the right to do whatever they choose. They are citizens as we are and they cannot be allowed to be above the law. The action taken in the past six months seriously jeopardizes the future of the democratic process this country was founded upon.

It is now a question of how much power the President has. The more ultimate power the office of the President has, the less power the people will have. This crisis has been building with strong feelings between the Executive branch and the Congress and Courts going back to the pre-Watergate era. There is no way to resolve the issue without some major steps being taken.

While President Nixon announced Tuesday, that he would release the tapes relevant to Watergate, it seems that this has come about partly because of the overwhelming public sentiment against the President. There is also some question as to whether or not a full scale investigation of the Watergate breakin will continue. If an impeachment hearing were brought forth against the President, an indication from the country could be given. An impeachment process does not necessarily mean that Richard Nixon be ousted. It would however mean that the people would have the power of recall, and it would be possible to see if confidence has indeed been restored to the presidency.

The impeachment process would be a dark time for the nation. However, if the well being of the country and its people are put first, impeachment should be looked upon as a step towards restoring confidence and trust. In my opinion, we need a man who has integrity and the confidence of the congress and the people. If impeachment hearings show that a new man is needed, so be it. Under a man whom the people trust, we can then move, as a nation "of the people, by the people, and for the people."

NATION MUST HAVE TRUTH WHICH NIXON CAN PROVIDE

Public trust in government, at a low ebb in the wake of Watergate and the Agnew affair, suffered another shattering blow over the weekend.

By firing special prosecutor Archibald Cox for refusing to abandon a court quest of the Watergate tapes, President Nixon appears to be setting himself above the law and the courts.

Faced with a choice of complying with a Court of Appeals decision to turn over tapes concerning Watergate or appealing that decision to the Supreme Court, Nixon attempted an end run. He offered to provide a summary of the tapes to the Senate Watergate committee and to the courts. He maintained a review of the tape controversy by the Supreme Court would leave the matter unresolved for some time and this would not be in the national interest.

The national interest would best be served by the truth. The American public is crying for it. The tapes themselves supposedly contain the evidence as to whether Nixon was involved in Watergate and the ensuing coverup.

Cox refused to obey the presidential directive to halt the court proceedings on the grounds it would violate Cox's pledge to the Senate and the country to carry out the task entrusted to him. In doing so he demonstrated an awareness that his ultimate accountability was to the American people. Richard Nixon is ignoring his accountability to the same American public.

That accountability includes heading a government of laws, not of men.

Cox maintained the summary of the tapes pertaining to Watergate would not be admissible evidence in a criminal proceeding. Nixon maintained the summary would give Cox the information he needed to present to a grand jury. Clearly that was a difference of opinion. The courts are the proper place to resolve such differences. By ordering Cox to abandon all legal proceedings, Nixon sought to avert the confrontation. Cox called it a move to deprive prosecutors of admissable evidence in prosecuting wrongdoers who abused high government office.

The compromise proposal and the firing of Cox does not set aside the appeals court ruling that the tapes be turned over to the court. Since the President chose not to appeal the ruling it would appear the decision is final and that Nixon is in violation of the court order.

Yet to be determined is if and how the President can be forced to obey the court order. Impeachment proceedings would further fray the fiber of America, but if it is the only way to arrive at the truth, then it is the course that should be followed.

If there was a bright spot in the dismal weekend mess, it was the decision of Atty. Gen. Elliot L. Richardson to resign. Richardson stood tall in his relentless pursuit of the Agnew investigation regardless of the effects on the administration. This weekend he placed his commitment to Cox, the U.S. Senate and the American people above his loyalty to Nixon.

Morality and public trust in government can only be restored from the top down. The events of the weekend cast grave doubt that Richard Nixon is the man who can accomplish it.

NIXON HANDS UNITED STATES UNDESERVED CRISIS

President Richard M. Nixon again has plunged the country into a crisis it didn't need, at perhaps the worst possible time: during attempts to resolve the Arab-Israeli conflict.

Why doesn't President Nixon hand over the Watergate tapes and let them tell whatever story is inscribed on them about the actions of himself or his former aides?

Is his reason for withholding the tapes the prerogative of his office, or the fear that the tapes will implicate himself or his former White House aides in the Watergate matter? Neither reason is sufficient cause to withhold the tapes, if criminal implication of White House aides is involved. American citizens are justified in thinking the worst—that the tapes do implicate someone.

A MAN OF PRINCIPLE

Former Atty. Gen. Elliot L. Richardson is regarded as a high-principled individual. He quit rather than fire special Watergate prosecutor Archibald Cox, because he felt Nixon's actions broke a promise to Cox for an independent investigation. How could Cox, partisan though he may be, conduct an independent investigtaion if his commander-in-chief tells him not to press for the White House tapes?

Nixon then fired Deputy Atty. Gen. William P. Ruckelshaus, another decent official, because he wouldn't fire Cox. Now, the Department of Justice is in turmoil again. Solicitor General Robert H. Bork is the acting attorney general. His orders from Nixon are to take over the Watergate investigation and proceed "with full vigor." Thus, the investigation is back in the hands of the Department of Justice, where it began.

By his actions, Nixon has invited Congress to question his judgment and to consider impeachment proceedings. Perhaps, just perhaps, Nixon's compromise offer to have Sen. John C. Stennis compare the tapes with a White House summary would meet the requirements. But, the better way would have been to make the tapes available.

An investigation that is not independent of the White House, still powerful despite the Watergate affair, is not an investigation that will satisfy the American public.

The saddest thing about the constitutional crisis in Washington is that it need not have developed, unless the President is hiding something. The latest action has jeopardized the confirmation of U.S. Rep. Gerald Ford as vice president of the United States.

To Speaker Carl Albert of the House and other House leaders will fall the sad task of trying to determine what to do next about the man in the White House. Although Albert has been discounted as being a man of presidential timber, he was smart enough to refuse former Vice President Spiro Agnew's offer to have the House, rather than the courts hear the latter's case. Albert is next in line of succession to President Nixon. In this connection, it should be recalled that the late President Harry S Truman had his detractors, too, when he succeeded President Franklin D. Roosevelt upon the latter's death in 1945.

FORCING A POLITICAL SOLUTION

In hindsight, it could be said that the special Watergate prosecution task force should have been commissioned not by the executive branch but by Congress. The legislative branch is now put in a position, by possible impeachment proceedings which are essentially political, of trying to clean up something that required a judicial approach through a special commission which Nixon unwisely wiped out.

SHOCKING WASHINGTON WEEKEND

A review of the unprecedented developments during the weekend growing out of the Watergate misadventure would lead to one of two obvious trends of speculation.

One. President Nixon has extraordinarily strong convictions that executive privilege will be irreparably damaged if he yields to the court decision that the tapes containing confidential conversations of the President shall be released according to the court ruling.

Two. The tapes contain information that could damage the case that has been presented by President Nixon's defenders to prove that he had no knowledge of the cover

up of the part played in the burglary of the Democratic National Committee headquarters in the Watergate complex by the members of the committee directing the 1972 reelection campaign of the President.

Speculation No. one would be supported by the fact President Nixon did offer a plan, not recognizing the court's authority over the Executive Department, that would give access to the Watergate prosecutor to the contents of the tapes.

Speculation No. two would be given some credence because of the desperate steps taken by the President to assure that his plan on the release of information contained in the tapes would not be altered.

One fact emphasized in the President's decision to fire Archibald Cox, the special Watergate prosecutor who refused to accept Mr. Nixon's compromise plan for examining the tapes, is that he is a determined man who will take drastic steps to enforce the rights and power of the presidency.

Saturday's events were dramatic and there could be suspicion that decisions were made in haste rather than in the deliberative atmosphere we like to believe influences government leaders in Washington.

The crises that have occurred during the recent days of the Nixon administration have resulted in an element of shock.

There is need now for more conscientious effort by all leaders in governmnt to conduct themselves in a manner to inspire confidence. The problems are great, but historically America has proved its competence in solving problems..

THE NATION IS IN A SHAMBLES AND ITS SURVIVAL A QUESTION

No administration in the history of the Republic has dealt so many hammer blows to the spirit and well being of the American people than that of President Nixon.

His latest blow is unprecedented as it is incredible. In one sweep, Mr. Nixon has forced the resignation of Atty. Gen. Elliot L. Richardson, fired Deputy Atty. Gen. William P. Ruckelshaus and had Special Watergate Prosecutor Archibald Cox fired.

Thus the man who pleaded that Watergate be left up to the courts and the legal processes has sought to take the issue out of the courts and has derailed the legal processes.

In a nutshell, Mr. Nixon has had the Special Prosecutor fired for doing his job of prosecuting. And having long denied any connection with the Watergate coverup, the President may have contributed to the ultimate step in that coverup by making it impossible for the guilty ever to be brought to justice.

For who in the now-demoralized Justice Department can pick up the threads of evidence? And where will there be the needed degree of credibility of prosecution where a President can simply order the Justice Department not to press too hard and be obeyed?

Mr. Cox called a news conference to explain his situation. And shortly afterward, Mr. Nixon called on the Justice Department to fire him. Mr. Richardson could not honorably do so, and he resigned. Mr. Ruckelshaus felt he could not do so, and was fired. Finally, Mr. Robert Bork, the solicitor general, was designated acting attorney general and he fired Mr. Cox.

The White House immediately defended these moves with the suggestions that Mr. Cox was becoming partisan and insubordinate and that this was somehow more of the plot by Democrats to "get Mr. Nixon." Only the incredibly naive could believe this.

If Mr. Cox was biased, it was in favor of the law and the processes of justice and in his belief this is a nation of laws and not men. In firing him, Mr. Nixon manifested his contempt for laws and the process of justice.

It was not the Democrats who opened the door on the most massive scandal of all times, but a Republican judge. It was not the Democrats who picked Mr. Nixon's staff or members of the Committee to Re-elect him, a number of whom were responsible for Watergate and the cover up. It was not the Democrats who got the goods on Mr. Agnew and built an air-tight case against him. It was a Republican prosecutor in Maryland, supported by Mr. Nixon's own attorney general.

It was Richard Nixon who pledged to the American people that Mr. Richardson and the special prosecutor "will have the total cooperation of the executive branch. They will get to the bottom of this thing. They will see to it that all of those who are guilty are prosecuted and are brought to justice. That is the pledge I make tonight, and that I think the American people are entitled to it."

Mr. Richardson had pledged to the Senate that Mr. Cox would have complete freedom and independence as special prosecutor. The ground rules were written and the White House by its silence gave assent.

Mr. Nixon also pledged that executive privilege "will not be invoked." So far, he has broken all his pledges and dishonored his word. He has not cooperated with Mr. Cox. He has pressured Mr. Richardson to the extreme. He had, in effect, defied the courts and offered a "compromise" on the disputed tapes that is no compromise at all.

Having lost in the appeals court and facing the prospect of a Supreme Court decision against him, Mr. Nixon has taken his latest stratagem. He agreed to turn over, not the tapes, but a written summary of them and chose a one-man juror—Sen. John Stennis of Mississippi—to hear them and verify their accuracy.

That might satisfy the Senate Watergate committee, but it didn't and couldn't satisfy Mr. Cox, who could not take such superficial evidence into the courts and who expressed doubts the courts would accept such evidence or that the criminal defendants could use this in their own defense.

And what of the separation of powers that Mr. Nixon so piously espoused once? He has chosen a Senator, albeit a sympathetic one, to hear the tapes instead of Mr. Cox—who represented the executive—and instead of Judge John Sirica of the courts. The plain language of the court orders was that the tapes be turned over to Judge Sirica.

It has not been the Democrats who have directed the harshest criticism at Mr. Nixon, but Republicans such as Goldwater, Weicker, Percy, and Brooke. And it has not been the Democrats in the forefront in calling for impeachment proceedings against Mr. Nixon.

It was a Republican House member—Rep. Paul McCloskey—who first raised such talk on June 6. On Saturday, it was Rep. John B. Anderson (R–Ill.), chairman of the House Republican conference, who said the President "has precipitated a constitutional crisis" by his irresponsible actions and predicted impeachment resolutions would be filed this week.

It was Sen. Edward Brooke (R.–Mass.) who said, "This action on the part of the President under the circumstances is sufficient evidence which the House of Representatives should consider to begin impeachment proceedings."

Mr. Nixon cannot call all these men enemies, for they are of his own party. But their loyalty to party is not such they can overlook the slow poisoning of the constitutional system with the attendant mistrust and cynicism that is already mountainous.

Mr. Hugh Sidey, an essayist for Time magazine, wrote the other day that, "The country has been morally ravaged." It can also be added that it also has been constitutionally and economically ravaged.

In sum, this nation is in a shambles and the chief wrecker is Richard Nixon, who is fighting for his life with a cunning that discounts the rule of law and the integrity of the highest office in the land.

The burning question for Congress and the American people is no longer whether President Nixon can survive politically amid his troubles, but whether the nation can survive Richard Nixon for three more years.

PROPOSED FOREIGN INVESTMENT INSURANCE PLAN

Mr. JAVITS. Mr. President, I ask unanimous consent that an article entitled "Insurers Not Too Keen on New Plan," printed in the Journal of Commerce of October 19, 1973, be printed in the RECORD. The article points out that the private insurance industry is unwilling to commit itself to the plan proposed by the Subcommittee on Multinational Corporations of the Committee on Foreign Relations to turn over investment insurance from Overseas Private Investment Corporation to a private syndicate.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INSURERS NOT TOO KEEN ON NEW PLAN

WASHINGTON.—Four insurance industry executives have indicated that the industry could not commit itself to a foreign investment insurance plan proposed yesterday by a Senate foreign relations committee subcommittee.

At a meeting here early this month, the four officials agreed that a "predetermined schedule" by which the U.S. Government would withdraw from investment insurance activity "could only discourage" many U.S. insurance firms from immediately entering the investment sector.

The four executives—Fireman's Fund Chairman Louis Niggemen, Nationwide Vice-President Donald Johnson, INA Vice-President Harry Richter and Arthur Mayes, president, American Foreign Insurance Assn.—met with the Overseas Private Investment Corp. (OPIC), the government investment insurance agency.

The four said that private insurers are not "prepared to enter into such a new, high-risk field (foreign investment underwriting) except cautiously with a period of experimentation." A three to four year "trial period" would be needed for U.S. insurance firms to "become familiar with the nature of the insurance," they said.

The insurance executives also reported that the industry would not "at this time" consider insuring land-based war risks of the kind covered by OPIC, nor, they added, is it expected that the industry would do so in the "foreseeable future."

They further pointed out that the industry currently lacks "the capability" to manage the underwriting and claims functions of a syndicate covering U.S. investors against foreign expropriation or currency inconvertibility. OPIC, the four agreed, would have to manage the program, for at least three years.

FERTILIZER PRICES SOAR

Mr. EAGLETON. Mr. President, in an effort to stem export sales of U.S. fertilizer, the Cost of Living Council last week removed all price controls from that product. The Council's hope was that with modest price increases here at home,

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manufacturers would forego the higher profits to be made in foreign markets and continue to provide American farmers with the fertilizer they need.

I am disturbed by the industry's first response to that action. This morning's Washington Post reports that two major fertilizer manufacturers have determined to increase prices by as much as 40 percent, while a third company is contemplating a 60 percent hike. Further increases seem likely if world prices react as expected and continue to push upward.

I am seriously concerned about the ability of American farmers to compete for this scarce commodity against foreigners well heeled with devalued U.S. dollars. If they choose instead to get by with less fertilizer or to switch to low fertilizer crops, our hopes for expanded farm production and lower food costs could go up in smoke.

Mr. President, I have called on the Cost of Living Council to reconsider its action of last week and to adopt a policy of across-the-board controls which treat export and domestic sales alike.

That is the only way, in my opinion, that we can assure adequate supplies for our farmers at prices they can afford.

Mr. President, I ask that the Washington Post news article to which I referred be printed in my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

Fertilizer Firm Ups Prices by 20 to 40 Percent

W. R. Grace & Co., one of the nation's largest manufacturers of fertilizer, yesterday announced price increases of 20 to 40 per cent on its various fertilizer products effective immediately.

Other fertilizer giants, no longer under price controls, indicated they will follow suit in the next few days with prices of some products increasing as much as 60 per cent.

The Cost of Living Council last week exempted fertilizers and their chemical components from price controls in an effort to increase the availability of fertilizer for domestic crop use by allowing it to rise to a level competitive with the much higher world price.

A COLC spokesman said the controls agency did not expect fertilizer prices to rise more than 20 to 30 per cent when they took their action.

He said that the initial increase might be higher but "we wouldn't expect it to maintain that level." He expressed the hope that efforts to increase marginal fertilizer production capacity and divert the commodity from foreign to domestic sales would increase supply enough to eventually bring prices down.

However, an official of a major fertilizer company which expects to announce price increases of about 40 per cent for all of its products said he sees "no possibility of any weakening of these prices."

In fact, he noted the "possibility that these prices may continue to escalate," adding that he did not know how world prices would react to domestic decontrol and could continue to be pushed upward. He also said the fertilizer industry was not assured of adequate supplies of natural gas to manufacture nitrogen fertilizer because of the competing need for gas as a heating fuel.

Edward Vrablik, the president of Swift Chemical Co., one of the biggest independent fertilizer producers, said his company would implement price increases of up to 60 per cent as early as today.

BALANCING HUMAN POPULATIONS WITH LIFE SUPPORT SYSTEMS

Mr. PACKWOOD. Mr. President, one of my outstanding Oregon constituents and member of the Oregon House of Representatives, Patricia Dee Carpio Whiting, has been actively involved in environmental and population matters for some time, and has made several excellent contributions in these areas both within Oregon and on the national scene. She recently delivered a perceptive and thought-provoking speech before the North American Wildlife and Natural Resources Conference on the subject "Balancing Human Populations With Life Support Systems."

Mr. President, nearly every decision made by this body bears in one way or another on the intricate relationship between humans and their environment, and the delicate balance which exists on our small planet, Earth. I therefore commend Patricia Whiting's statement to all my colleagues for their careful reading and thoughtful review, and ask unanimous consent that it be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Balancing Human Populations With Life Support Systems

(By Patricia Dee Carpio Whiting)

(Note.—Any tables and figures mentioned in text, are not shown in this reprint.)

(Zero Population Growth, Inc., Friends of Earth, and Oregon Environmental Council, Tigard, Oregon.)

The innate consequences within a system of excessive human population numbers correlated to an equitable ratio of decreasing natural resources such as water, air, wildlife, and wilderness, brings into focus the assault on the life support systems needed for human life continuance at present levels of demand.

In illustrating a demographic correlation between excessive human propagation and diminishing life support systems, it becomes necessary to establish foundations for ideological change toward a balanced ecoexistence of all life forms.

My proposal is simple. Pollution is a human effluence. It is not air pollution, it is not water pollution. It is human pollution put into air and water that causes chemical imbalance and collapse of life support systems. We must recognize that man, in all his glory, is the basic confuser in the world scheme of natural balance supply and interdependence.

People—too many people—without regard for other species, have altered the freshness in a breath of air; people—too many people—have altered the free-running stream through rapids wild; people—too many people—are plugging up the heart of nature.

We, as a species, are continuously reproducing our own numbers and concurrently condemning hundreds of animal and plant species to extinction while at the same time we immaturely cling to the standing ovation of more, more, more.

We don't have a task here, we have a monumental immediate necessity—the balancing of our own human numbers with the remaining capacities of the life support systems. It is folly to ignore these systems and the interdependency of all species. If we continue to label a coyote a villain while we belch chemical concentrates into the air and water, any proposed solutions or rhetoric today won't be worth a damn. Where did we lose the nature ethic? When did we become a species unconcerned for the systems with which we once lived in harmony? A suggestion is that early in history human demand for supply manifested a philosophy of "subdue and multiply." The "subdue" attitude established disregard for natural limitations while the "multiply" concept, previously necessary for survival, has today contributed to degradation of the "quality perspective" of life. To exemplify the magnitude of past acceptance of this archaic "subdue and multiply" theory, we must examine aspects of world demography.

It has been estimated that in 8,000 B.C. the total world population was 5 million people. In 1650 A.D., a span of 9,000 years, the world population had increased to 500 million. However, in 1850, only two hundred years later, world population levels had increased to 1 billion people; and by 1930 "subdue and multiply" was heralded by 2 billion separate individuals, an increase of 1 billion people or a doubling of total world human populations within only 80 years. Demographically, this phenomena of population doubling will again occur in just 35 years.[1]

In other words, of all the people who have existed on this planet, one out of twenty-five is currently alive and demanding resource allocations. This rapid accumulation of human bodies and living demands persists. In fact, according to mid-1971 estimates there were 34 new births per every 1,000 individuals occupying this planet which aggravates an already imbalanced situation.

Of the world's current 3.7 billion people, 37 percent are under 15 years of age and the majority are still dedicated to the philosophy of eons past—"subdue and multiply." The very simple equation of increased birth numbers in ratio to decreased death numbers within a closed eco-system results in unpleasant decreases in commodities available per capita in ratio to the increased demand.

The impact and consequences of the current people-pollution assault on a closed and limited bio-sphere, directs the necessity of reviewing current priorities and trends. These trends can be examined by considering facts about two of our representative nations, namely, the United States, a technically advanced and affluent nation using 54 percent of the world's natural resources with a population of 6 percent of the world population, and Mexico, a young industrial nation with a 3.4 percent annual population growth rate, are both faced with the need to curb the human population rate of growth for the sake of survival and quality life within each nation.

In 1900 the United States population was 76 million. By 1950 there were 152 million. In 1970, twenty years later, population numbers had increased to 205 million. (Population Reference Bureau, 1971b) However, it has been expressed that due to the United States' currently low population growth rate of 1.1 percent annually, the problem is being resolved. This is a fallacy. ". . . if present fertility and mortality trends continue, a long-range projection by the National Academy of Sciences foresees that in about 650 years there will be one person per square foot throughout the United States . . ."[2]

Despite the fact that the current 1.1 percent growth rate of the United States is a record low; comparatively speaking, it has not approached the annual death rate, which is only nine per thousand of population. There are other contributing factors to such population explosions; but, the prime factor is the number of youths and the ratio of males to females. One out of three North Americans is under 15 years of age with a larger percentage female than male. This suggests predictable population surge in the United States within the coming decades. Since we have established the current predictable, status of the United States, what is the population of Mexico in Central America?

Mexico has also begun to realize the pressure asserted by human expansion. In 1940 there were 19.0 million people in Mexico. By 1960 Mexico's population had soared to 35 million. Today, Mexico has 52.5 million people with a growth rate of 3.4 percent annually. Forty-six percent of her population is under 15 years of age. It is quite plausible to estimate that with Mexico's amazing new medical and social health programs, which have decreased death rates 300 percent in the last 42 years, she must prepare and provide for 70 million people in 1980.[3] At this current rate of population growth, there will be a doubling of population within just 21 years. (PRB, 1971d)

Current available resources and limited untapped resources can not accommodate the staggering demand asserted by the populations of either the United States or Mexico. Nor can the limited life support systems of air, water, and land continue to cope with our growing populations, given the present level of growing effluence as a result of increased numbers of people and technical advancement.

THE SOIL

The most recent failure of man to understand his adverse influence in nature's scheme is related to our extensive reliance upon artificial chemical fertilizers. The nitrogen, phosphorus and potassium that are removed by plant growth have successfully been replaced into the soil by the use of commercial fertilizers. And, consequently, the introduction of artificial fertilization of soils has immensely stimulated crop production. Concurrently, it has also stimulated the growth of millions of people who are reliant upon this new productivity. Utopia! No.

Investigations have now shown that "Heavy fertilization of soils with phosphates and nitrogens have contributed greatly to zinc deficiency of soils and thus to crops."[4] What significance does a loss of zinc in the soil have to us? Following World War II, animal study investigations have proven that lack of adequate zinc levels manifested in animals ". . . poor growth, loss of fertility, disorders of bones and joints and spontaneous skin lesions."[5]

In October, 1971, the International Symposium on Zinc Metabolism took place in the United States. Representatives from diverse scientific fields have concluded that: ". . . the average zinc intake from a mixed American diet is only little more than the minimum required to maintain balance under ideal conditions."[6] It was also established that zinc is essential in protein synthesis, DNA, RNA and basic polymer formation—the process basic to the regulation and formation of all animal cellular growth. Basically, no zinc, no growth. Zinc deficiency now occurs commonly in man and inhibits the ability for tissue to heal. It is most frequently observed in ". . . growing children, pregnant women, the aged, the poor, and hospital patients . . ."[7] We now know that United States soils are deficient in zinc; what else is deficient in our soils? Man must understand that not everything accomplished artificially provides instant solutions.

AIR AND WATER

Just as we are depleting our agricultural soils, we are assaulting the air and water with chemical concentrates by overloading their capacity to absorb and transport away pollutant waste. Pollution is not transported away because there is no such place as "away." We merely "replace" it into our neighbor's backyard, into wildlife's stream, and into the bird's path of flight.

Currently, in the United States, there are efforts for air pollution abatement being considered and formulated into laws; but, what laws and by whom?

In August, 1971, the U.S. Office of Management and Budget, under the directive of the President with the blessings of the Defense Department and the Federal Power Commission, rearranged the proposed *1970 Clean Air Act* guidelines originally proposed by the U.S. Environmental Protection Agency. In just two months the OMB rewrote, without public review, the 1970 Clean Air guidelines and eliminated the "Appendix B Clause" which discouraged deterioration of air; established sample regulations dealing with permit systems, emissions, monitoring and air pollution emergencies and compliance schedules; and, also eliminated was the previously outlined requirements for permit systems governing construction and operation of pollution sources.[8]

Just what effect this new action will have on promotion of more air pollution in the United States is yet to be seen. One thing is clear, man is faced with unsurmountable health problems within the next 50 years if, for example, the ongoing nuclear power plant development is carried through without adequate environmental and health hazard studies, because, it has been found, exposure to certain amounts of nuclear radiation over a period of time can alter life patterns and interrupt cellular activity.

Radiation and chemical waste leakage have already seeped into our air, land, and water, from nuclear energy activity in the United States and other countries. The U.S. Atomic Energy Commission by 1963 had reported 47 accidents in radiation waste shipments by public transport, 18 spills, and 15 severe impact accidents in the United States. "In 1966 there were 42 accidents at nuclear plants around the world, 37 of them in the United States."[9]

It is no wonder that in the last two years, Tamplin and Gofman, scientists at the California Lawrence Radiation Laboratory, using evidence from exposures to higher doses of radiation, specified that, after 30 years of continuous exposure to the maximum levels of radiation in our environment now permitted by the AEC, there will be 32,000 additional cases of leukemia and cancer each year and over 150,000 additional deaths each year from chromosome changes caused by radiation. They urge that emissions of man-made radiation to our air and water be reduced to zero, if possible, and that standards be made ten times more strict.[10] Such precaution would be for the health of the people and the protection of life support systems in the United States but they would also establish international concern for neighboring nations. Yet, at the same time, air quality problems experienced in the United States have counterparts in other nations.

For example, according to the "Epidemiological aspects of air pollution" by Blanca Raquel Ordonez, serious air pollution situations in Mexico in 1970 were located in Mexico City, Guadalajara, Monterey and Tepic. But, particularly important is the situation in Mexico City (Ordonez, 1970).

Mexico City, which is at an altitude of 7,100 feet, surrounded by mountains and which has many sunny days, has a natural air flow that is at a minimum. Result: photochemical smog, the product of radiant energy from the sun acting upon various concentrated polluting substances.

The Pan American Bureau of Health in 1967 to 1968 compared pollution measurements in Mexico City and other Latin American cities. "Dust measurement indicated that Mexico has the most serious problem compared to Argentina, Brazil, Colombia, Chile, and Peru; and Mexico City has the highest sulfur dioxide rate for Latin America. Chronic bronchitis, emphysema, and asthma in 1970 increased 12.7 percent in urban Mexico, 18.9 percent in rural Mexico, and 34.8 percent in Districo Federal."[11]

This is not just Mexico's problem, it is our problem collectively. The growing demand for supply and energy around the world is tremendously increasing. If we must have higher standards of living, if we must have higher energy levels for technology and national development, then we are going to have to recognize that if we disrupt the natural balance of this closed biosphere in which we live, we must begin now to limit our own numbers to the amounts that the life support systems available can carry without such systems being further assaulted by man-generated pollution.

Conservation and industry can not afford to continue to sit at opposite ends of the discussion table. We as individuals and as representative nations must for our survival develop international cooperation if we are going to curb this assault on our common interests. The GNP economic index of advancement can no longer be the sole measurement by which we gauge our advancement and standard of living.

We have at this conference many proposals to explore. Many of the proposals could enhance man's condition on this planet. But, actually, will they if basic limitations are not given consideration? Any proposal, therefore, must incorporate into its directive the understanding that human overpopulation can cancel any effective benefits over a given period of time.

HUMAN POPULATION ETHIC PROPOSAL

It is still possible to establish a quality living environment in the United States and in Mexico. However, internationally speaking, civic and governmental recognition as well as educational and parental recognition of our mutual over-population dilemma is an immediate necessity. If the United States and Mexico, as two leading nations, would incorporate a "humane living ethic" into their laws and social patterns, we could, as representative nations in the world, project a sensible image for other nations who will be experiencing similar environmental problems.

In conjunction with the goals of this conference, concern with the quality of the environment, and directives to be considered, I propose a "Human Population Ethic" be seriously integrated into the charters and declarations of the organizations in attendance here today.

A "Human Population Ethic" recognized as a responsibility and a necessity should acknowledge the following elective processes of achieving national and international living quality for all people, rich and poor, for the very survival of our species and the continuation of life support systems upon which we depend:

1. *Family planning service*—nationally financed and sponsored—designed to increase parental responsibility and to provide counseling with the purpose of decreasing unwanted births and child abuse, as well as to establish ideal family relations.

2. *Public medical clinics* for counseling and public display and distribution of contraceptives as well as in-care facilities for pregnancy termination upon elective choice of the pregnant female.

3. *Repeal of abortion laws* which are discriminatory against the poor and uninformed by placing pregnancy termination in the care of medicine and out of criminal code jurisdiction.

4. *Population dynamics in education* to allow the children of each nation their civic right to quality life information based on an understanding of the environment in which they live and to allow them to explore, by analytical reasoning, attitudes of the past regarding pronatalist policies and contemporary methods of health and family planning.

At the current rate of population growth the human species will double its numbers within 35 years. Can the United States and Mexico provide for demands of double the human population currently inhabiting these nations? Do we have and can we al-

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locate double the resources currently converted to meet demand in just 35 years?

But, more important, is the destruction of life support systems worth the pleasure of knowing that we can support 7 billion people on this earth at half the current levels of affluency and twice as much effluency?

Advancement must now take on a new perspective—the theory of population stabilization within a closed living system—a "Humane Population Ethic."

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[1] Paul & Anne Ehrlich. *Population, Resources, Environment*. Freeman & Co. (San Francisco, 1970) pg. 6.

[2] David E. Lilienthal, "300,000,000 Americans would be wrong," *New York Times Magazine*. (New York, 1966) pg. 13.

[3] Population Reference Bureau, "Mexico the problem of people," *PRB Bulletin*, Vol. 20, no. 7. (Washington, D.C., 1964) pp. 173–180.

[4] William J. Pories, M.D. & William H. Strain "Once upon a trace metal: the zinc story," *Medical Opinion*, Vol 7, no. 5. (1971) pg. 2.

[5] Ibid. pg. 1.

[6] Walter Mertz, M.D., "Possible causes of zinc deficiency," *Clinical Applications of Zinc Metabolism*, International Symposium, Case Western Reserve University Medical School. (Ohio, 1971) 1:30 p.m.

[7] Pories, *Medical Opinion* pg. 3.

[8] Environmental Action, "Clean air—dirty politics," *Environmental Action Bulletin*. Vol. 3, no. 11. (Washington, D.C., 1971) pp. 3–5.

[9] "Nuclear threat inside America," *Look Magazine*. Vol. 34, no. 25. (December 15, 1970) pp. 24–27.

[10] Arthur R. Tamplin & John Gofman, *Population Control through Nuclear Pollution*. (Chicago, 1970) 242 pp.

[11] Blanca Raquel Ordonez, "Epidemiological aspects of air pollution," *Air Pollution Abstract*. Vol. 2, no. 1. (Washington, D.C., 1970) pg. 92.

LAW PROFESSORS SUPPORT S. 2611

Mr. ERVIN. Mr. President, on October 26, 1973, I joined 52 other Senators in introducing S. 2611, a bill which directs the Chief Judge of the District Court for the District of Columbia to appoint a special prosecutor to continue the work which Archibald Cox began.

In view of recent developments connected with the investigation of alleged wrongdoing on the part of high-level executive branch officials, it is essential that the Congress establish a truly independent special prosecutor to proceed with the investigation. In my opinion S. 2611 is a reasonable and constitutionally sound means of accomplishing this purpose.

The Senate Judiciary Committee is currently holding hearings on the dismissal of former Special Prosecutor Cox. In the course of these hearings there has already been much discussion of S. 2611. While this legislation proposes an unprecedented manner of proceeding with an investigation, I believe the Congress has ample constitutional power to adopt this approach.

I have received a communication of support for the constitutionality of S. 2611 from three outstanding professors of law from Harvard University. Mr. President, I ask unanimous consent that a copy of this statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

LAW SCHOOL OF HARVARD UNIVERSITY,
Cambridge, Mass., October 25, 1973.

It is our judgment that Congress, in the exercise of its constitutional powers under Article I, Section 8 in conjunction with Article III, and under Article II, Section 2, can responsibly enact legislation creating an independent prosecutor to be named by an appropriate agent of the federal judiciary and not controllable or removable by any official within the Executive Branch. While constitutional doubts about this proposal may be advanced, in the present extraordinary circumstances the need to facilitate the work of the Judicial Branch in adjudicating the innocence or guilt of persons who are or have been high within the Executive Branch powerfully supports the constitutional propriety of having a prosecutor wholly independent of the Executive. Because the constitutional arguments in support of this step are highly persuasive, it would be entirely appropriate for the Congress to enact it.

PAUL A. FREUND,
Loeb University Professor.
ANDREW KAUFMAN,
Professor of Law.
LAURENCE H. TRIBE,
Professor of Law.

COTTON AND INFLATION

Mr. JAVITS. Mr. President, I ask unanimous consent that an editorial entitled "Cotton and Inflation," printed in the Washington Post of October 16, 1973, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 16, 1973]

COTTON AND INFLATION

The price of cotton has tripled over the past year, and the textile industry's shrieks of anguish and despair grow steadily more audible. The sudden, shocking leap in cotton prices is owed partly to the Agriculture Department's misguided decision last winter to reduce acreage allotments to keep prices from falling. It is also partly owed to a massive and unprecedented flow of exports that, it turns out, the Treasury Department is subsidizing. The case of cotton sharply illustrates the obsolete policies and official evasions that are grievously aggravating the inflation in farm products.

The price of cotton was 27 cents a pound a year ago. It had sunk a bit over the course of the summer, and the Agriculture Department decided to cut this year's acreage. Perhaps the department was also trying to save a little money. It had promised the White House to cut down the farm subsidy outlays, as its contribution to reducing Mr. Nixon's budget deficit. In any event, the acreage planted in cotton last spring was well below the 1972 level.

Then the export boom got under way, led by tremendous purchases from Japan. In early September, Sen. Herman Talmadge (D-Ga.) called on the administration to impose export controls on cotton. In response, that invaluable organization, Tax Analysts and Advocates, pointed out that the Treasury Department is actually subsidizing the cotton exports under a provision that, in the very different circumstances of previous years, Senator Talmadge himself had forced upon it. The subsidy operates through a device known as the Domestic International Sales Corporation (DISC) which, to put it briefly, is a tax dodge intended to induce manufacturers not to move their factories abroad. Applying DISC to agriculture is, of course, ludicrous. When did you last hear of a runaway cotton field being shipped to Taiwan?

The farmers who sell cotton are not, at the moment, complaining. But it is another matter for the manufacturers who buy it. The textile industry's trade association bitterly denounces the shortages and warns that "the enormous raw material cost increases, unless moderated, inevitably will result in hundreds of millions of dollars of price increases to consumers." The latest Wholesale Price Index, published a few days ago, shows that from August to September the prices of cotton textiles and clothing were rising at the brisk annual rate of 50 per cent.

The sudden export boom is related to the turmoil in the world's monetary system which, as the Wholesale Price Index suggests, has a certain relevance to the way things are going here at home. In the days when the United States kept the value of the dollar artificially high and Japan kept the yen artifically low, a huge amount of dollars accumulated in Tokyo banks. By the time the dollar was devalued in late 1971, Japan's dollar reserves were larger than the U.S. government's. The then Secretary of the Treasury, John Connally, declared that those reserves could not be converted into gold and, in his customary engaging manner, told the rest of the world that they could like it or lump it. The Japanese, it develops, did neither. Like most other holders of dollars abroad, they began converting their dollars into such commodities as cotton. The world is now off the gold standard and on what you might call the cotton-soybean-copper standard. If we could design a mechanism to protect the commodities against sudden speculative swoops and pounces, it would be quite a good system.

The Japanese in particular are old and valued customers of the United States. What they are doing in our cotton market is both legitimate and prudent; they are using our markets precisely as our government urged them to do. But their actions are causing great disruptions in our economy. The blame lies chiefly with the Nixon administration, which has committed itself to excessive reliance on agricultural exports to balance our foreign trade accounts. The administration seems incapable of looking more than three weeks ahead into the chains of highly inflationary cause-and-effect that it has started.

The proper policy, in cotton as in all major farm products, would be to publish at the beginning of each crop's year the share of the harvest that we will sell abroad. The administration keeps saying that it will never invoke export controls again. But it is obvious that another crisis like last June's soybean shortage will compel another last-minute reaction like the soybean embargo. It would be more sensible, as well as healthier for our relations with other nations, if we could summon up the courage to set export limits before, rather than after, those limits become necessary.

THE U.N. STUDIES THE MULTINATIONAL FIRM

Mr. HARTKE. Mr. President, the United Nations is currently in the process of studying the effects of multinational corporations on the community of nation-states, with special focus on the developing areas. Because these giant companies transcend the authority of individual sovereign states, their growth is virtually uncontrolled. Although executives of multinational firms claim they only benefit the countries in which they invest, the national spokesmen of these host countries tell a different story of imperialistic adventure and exploitation.

I ask that my colleagues in the Senate pay close attention to the findings and recommendatons of the ongoing U.N. study.

In his testimony before the study group, Ralph Nader pointed out what he considers the present abuses perpetrated by the multinational firms. Disruption of the monetary system, exploitation of cheap labor, and the pollution of underdeveloped countries are just a few. The most frustrating aspect of the problem is the lack of information available. Neither the corporations themselves nor the U.S. Government is willing to supply the public with accurate and in-depth information. For instance, how much foreign tax credit do U.S. firms receive for investing abroad? How much do they legally save by the use of the deferral—that is, not paying U.S. taxes on profits until these gains are repatriated to the United States? The Department of the Treasury as well as the transnational firms refuse to release such figures. I myself have requested this information from the Department of the Treasury months ago and have as yet received no reply.

As stated by Mr. Nader, this type of basic information is necessary for any accurate evaluation.

Mr. President, I ask unanimous consent that a recent article which appeared in the Washington Post be printed in the RECORD following my remarks. The article explains the present activity of the U.N. study group on multinational corporations.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MULTINATIONALS CRITICIZED BEFORE U.N. PANEL

(By Anthony Astrachan)

UNITED NATIONS.—A number of witnesses, among them Ralph Nader, made broadside attacks on multinational corporations before a U.N. study group last week.

But the radical of American consumer advocates was not radical enough in his proposals for controlling the giant firms, in the view of two men from opposite poles—a Dutch spokesman for international capitalism and a Chilean who thinks multinationals are hurting the underdeveloped world.

The paradox was typical of the difficulties that characterize any attempt to study, let alone regulate, multinational corporations—companies which now produce at least $330 billion a year in countries other than their home states.

Nader was one of 14 witnesses before a U.N. panel of "eminent persons" that is making a year-long study of the impact of the multinationals in the hope that it will produce new ideas on how to make these giant companies fit into a system that was not designed for them because it was based on nation-states.

Nader accused the multinationals of disrupting the world monetary system by shifting funds among their subsidiaries in different countries, exploiting the labor and "perverting the politics" of developing nations, shifting industrial pollution from their home countries to other states and running "snakepit" mining operations in Asia, Africa and America.

His list of abuses was dramatic, but his proposed solutions were not. Many of them were anticipated in the 195-page U.N. report on which the current study is based. That prompted Sicco Mansholt of the Netherlands, a former head of the European Economic Community's Executive-Commission, to tell Nader that his ideas were not strong enough.

Nader gave highest priority to collecting information about the multinationals. Their power, he said, depends heavily on their ability to conceal or disguise their resources and their actions.

He said that prying out vital information could have an international effect equivalent to the way American consumers forced automakers to recall cars. He urged the United Nations to send questionnaires to all states and to the more than 200 multinationals that have annual sales of more than $1 billion.

Nader suggested 13 questions, among them who owns what land, mineral and other resources in each country, the amount of taxes paid in each country, wage and benefit levels by country and environmental pollution data. He also urged that the United Nations investigate and publicize abuses by the multinationals alleged by "nations or peoples."

Nader gave second priority to individual and collective action by countries to impose conditions on the entry of foreign capital. Such conditions can and do work, according to two witnesses who preceded Nader.

Jose Campillo Saenz, a Mexican official, described his country's new regulations on foreign investment, including a limit of 49 per cent or less by foreign companies in Mexican corporations and rules for the transfer of technology.

Ernst Keller, the Swiss president of ADELA, an investment company headquartered in Peru but owned by 240 shareholders in 23 countries, said that his company accepts a minority holding, creates new enterprises rather than buying existing ones, sells out to local interests after recovering its initial investment and tries to develop indigenous savings, personnel and management.

Some of the U.N. panel members expressed regret that Nader had not been present the first day of the hearings to engage in a face-to-face debate with the five executives of American corporations who testified then.

In fact, the executives tended to support most of the ideas on regulation that Nader later endorsed, although they differed with him on enforcement procedures and denied that multinationals commit the kind of sins he charged them with.

Thomas A. Murphy, vice chairman of General Motors, and Irving S. Shapiro, vice chairman of Du Pont, for instance, both supported an equivalent to the General Agreement on Tariffs and Trade (GATT) that would "harmonize" national policies on investment, taxes, pollution control and the like.

The executives insisted, however, that their companies already contributed to economic and technological development and the health and welfare of the countries where they operate.

Osvaldo Sunkel, a distinguished Chilean social scientist, disagreed. "I get scared, really scared," he said, "when I hear such individuals speak of social responsibility. Who has appointed a small group of individuals to decide the fate of so many?"

Sunkel charged that the basic U.N. report "is unable to see the forest for the trees." The forest which he thought deserved more attention was the way multinationals concentrate so much power that they not only change economies but transform social structures and cultures as well. He called the aggregate of multinationals the "dynamic kernel" of a new "transnational capitalistic system."

Sunkel quoted the U.N. report charge that multinationals follow policies which do not suit the interest of either home or host countries and are in effect transnational. He went much further than the report, however, and said these policies are designed to insure the survival and growth of a transnational segment of the world economy.

This segment, he said, is oligopolistic—tending toward concentration in the hands of a few companies.

The few men who determine the policies of this transnational segment may carry national passports, Sunkel added, but they have transnational functions and transnational cultures and ideologies. These were among the forces he saw transforming societies and cultures around the world.

Sunkel claimed that the multinationals keep themselves growing by innovating products and processes regardless of real consumer need and by tapping potential markets in as many host countries as possible. Both home and host countries encourage this, he said, with research and export subsidies, tax concessions and the like to insure their own economic growth.

He questioned the validity of that growth, however, saying that the multinational corporation "is the most efficient instrument so far developed by capitalism to siphon off resources from where they are most urgently needed, but where there are no commercially profitable possibilities, to where they are least necessary, but where the most commercially profitable possibilities exist."

It is the process, he said, "we get new products and processes, but not the capacity to develop new products and processes."

Sunkel said Thursday that the government of the late President Salvador Allende

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of Chile "may have had many failings and committed many errors, but nobody can deny that it attempted to redress this economic and social structure by fundamentally democratic means."

Allende was unable to get the international help that Sunkel thought his effort deserved, and his experiment ended in "a catastrophic collapse of its economic and political systems," he added.

He drew the conclusion that "it is not possible to try to restructure relations of dependence between underdeveloped countries and the transnational capitalist system in a peaceful way."

The U.N. group is charged with finding just such peaceful ways to restructure a system that now seems weighted against the underdeveloped states. Its members did not all share Sunkel's pessimism. But his testimony was moving because the U.N. study had its origins in charges by Allende that the International Telephone and Telegraph Company had intervened in Chilean politics.

After three days of public hearings and five days of closed meetings here, the group will hold public meetings in Geneva in October and a further session in New York in March. Its 18 members do not represent their nations but serve as individuals. The chairman is L. K. Jha, former Indian ambassador in Washington.

TIMBER EXPORT CONTROLS

Mr. PACKWOOD. Mr. President, earlier this year, I introduced legislation designed to counter developments of recent years by which we have witnessed increasingly large volumes of our Nation's timber resources being exported in unprocessed form.

I have felt for some time that, in instances where we have adequate productive capacity domestically to utilize raw materials, we should not, as a matter of national policy, allow the export of that raw material. This is particularly so in the case of timber, a product which requires years to produce and which benefits—either directly or indirectly—from governmental assistance at all levels of Government.

An article in the October 29 Washington Post very capably points out the conflicts inherent in continuing to allow the unrestricted flow of our Nation's timber resources into export. As the author points out, the prevailing condition of our timber export market and the associated problem of domestic supply "seems to be a race between man's industry and his greed."

As is also pointed out in the article, events have conspired against those of us who have urged that we adopt legislation such as that I introduced earlier this year in the form of the Timber Export Administration Act, S. 1033. But, as sure as we are sitting here today, the severe crunch which contributed to—did not cause, but was simply the proverbial final straw—the activity undertaken earlier this year by myself and several of my colleagues will be repeated at some unknown point in the future. So long as this unresolved anomaly—unrestricted exports of raw materials at a time when domestic producers desperately needed additional supplies of raw material to maintain production at necessary levels to meet domestic demand—remains, the controversy will be ever-present. The very real questions of national policy which are contained in the debate over timber export restrictions have not been resolved, they have merely entered a period of dormancy.

All parties which have an interest in resolving this matter will continue to monitor developments closely. As the occasion warrants, recommendations for action will be forthcoming.

I ask unanimous consent that the article to which I have referred be printed in its entirety in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LOG EXPORTS STIR DEBATE—WASHINGTON STATE: "TREE FARM" FOR JAPAN?

(By Shelby Scates)

PORT TOWNSEND, WASH.—A bull-dozer's roar and the crash of falling hemlock mingled on a recent day with the morning fog and heavy sea-smell on a bluff above Discovery Bay where Capt. George Vancouver came in 1792 in search of a Northern Passage.

Vancouver had sized it up quickly. There was no Northwest Passage, so the explorer turned his attention to the landscape, "the abundant fertility that unassisted nature puts forth, that requires only to be enriched by the industry of man." It was, he wrote, a land worth claiming for Great Britain as a colony.

Now, a near-convoy of flatbed diesel trucks carries the slender, fallen hemlocks to a ship about 25 miles away for the start of a long and controversial journey across the North Pacific to Japan.

What Great Britain failed to retain, the Japanese, say some, are now claiming. An apparently insatiable Japanese demand and a bullish domestic housing market are consuming this abundant national resource almost as fast as industrious men here can enrich it.

Since Vancouver's explorations, the forests of the Pacific Northwest have seemed as inexhaustible as the waters that tumble out of the surrounding Olympic and Cascade mountain ranges.

But good men are now in sharp dispute or deep puzzlement over the effect of intensive tree cutting on the region's, if not the nation's timber supply.

"Every expert I talk with tells me otherwise," said Rogers Morton on a recent Seattle visit. "But every time I fly out over the Northwest I have a fear in my heart that we are overharvesting our timber.

"No. I'm not convinced of the figures—anybody's figures on the supply situation."

Morton talks about it in a tone of exasperation, and there is little wonder. The statistics on timber supply for the next 25 years—the framework for this dispute—are themselves disputed.

"I have to be honest about it," says Gary Reid, the fourth-generation head of the Simpson Timber Co., "I have to acknowledge how few facts we have about this situation."

The bitter edge of this timber supply debate centers on the export of logs to Japan, which increased from 522 million board feet in 1962 to 2.8 billion feet in 1972, running log prices many times over their appraised value and scores of marginal mill operators out of business.

Those 1972 exports, most of them from Washington forests, would build about 300,000 average-sized American homes, but they also pad our balance of payments and keep the Japanese looking eastward for their economic ties rather than to the abundant forests of Siberia.

To the U.S. State Department, those are enormous considerations, a fact they've made known by word of mouth, if not letter, to interested parties here.

CAN'T FILL BUCKETS

Mill workers can't fill their lunch-buckets on Japanese good will, and they are sharply aware that logs passing through their saws create about four times more work days than than raw longs passing through longshoremen on the way to Japan.

"There's no doubt," says Reid, a lean, thoughtful man who would seem as much at home in a college economics seminar, "that some jobs have been lost, even in recent years, because of the log exports."

He supports those exports, nevertheless, and officials of nearly every other major forest products firm do too. Their common reason is the severely cyclical nature of their industry and the hope —so far justified—that when the domestic market is down, the Japanese market is up.

Their affirmation of log exports is based on the faith, however shaky, that we are not cutting ourselves out of trees, even as we are beginning to burn ourselves out of oil, gas, and in the Northwest—electric energy.

That conviction, however, is not shared by the Western Forest Industries Association, whose members are small mill owners dependent on the federal and state lands for their log supply.

RUN AT CAPACITY

"The mills aren't down yet," says Joe McCracken, of Portland the association's director. "They're running at capacity. But one day there won't be a tree left. All we'll have around here is a sea of stumps."

Rep. Lloyd Meeds (D-Wash.), whose district includes the great Douglas fir forests of the Cascades and Olympics, likens it to the present energy crisis:

"Unless we change our ways, we're going to wake up one day almost out of lumber—and the day isn't long coming."

These men want to stop log exports and start funneling money into the National Forest Service so that it can begin growing trees with the expertise and intensity of a Simpson or Weyerhaeuser.

At the other extreme of this argument is the Weyerhaeuser Co., headquartered, like Simpson, in Washington State. Weyerhaeuser is a timber giant with a staggering $1.67 billion in net sales last year.

Weyerhaeuser's spokesman, the Marshal Foch of the costly campaign for continuing log exports is Bernie Orell, a combative vice president who declares there is no way the United States will run out of timber.

"We're staying within a sustained yield," he said, "The Forest Service has been raising that phantom for more than 50 years. Joe McCracken needs controversy to justify his existence. He's made a living attacking Weyerhaeuser."

Behind this polarization are the timber supply estimates, and the latest are from a U.S. Forest Service report last December.

The most hair-raising projection is based on a continuation of saw-wood prices at 1970 levels. It would make the timber demand 20.4 billion board feet greater than the available supply by the year 2000—clearly a "timber crisis" to match the looming energy shortage.

But even the man who prepared this projection, Don Gedney, a resource analyst for the Forest Service office in Portland, admits it's "unreal" not to expect an increase in those prices.

Given a 50 per cent to 60 per cent price increase, the out look for the year 2000 is for 6.9 billion board feet in available supply over the timber demand.

The gross statistics of timber supply strongly indicate too much consumption. In 1970, the total of all softwood removals in this country was 47.7 billion board feet,

while net annual growth was 40.2 billion board feet.

But these forest service figures for "annual growth" do not include timbers of less than 11 inches in diameter—a considerable portion of the timber harvest in the Southern United States.

What they do reflect is a heavy harvest of old-growth timber, timber past its 30-year to 70-year maturity.

Old growth, by all accounts, is falling fast in the Northwest, but it's of no matter, say the Weyerhaeuser experts, as long as timber is being grown to replace it on a sustained basis.

"My feeling is, yes, we can avoid a timber supply shortage and toss in exports, if there's adequate tree farming on the state and national forest lands," said Dr. Bruce Bare of the University of Washington's School of Forestry.

"But we have to be very careful about keeping the proper balance between the old growth and the sustained yield, or we could wind up with a big timber supply gap."

That gap would occur, for example, if all of the old growth were harvested in a single year, leaving the nation dependent strictly on the timber from new or sustained yield forests. It's not likely to happen.

"The next 25 years will be extremely fascinating," said Gedney. "The old growth will go and the nation will depend on sustained yield.

"I'm not going to argue with Bernie's (Orell) flat prediction that we won't have a serious timber shortage. Frankly, nobody has an absolute handle on the data that goes into these projections.

"My honest opinion is that the truth lies somewhere between Bernie and myself."

But Gedney is certain in one assertion:

"We're not going to have all the wood we want at present prices. There is going to be less wood available to us."

Of more immediate and passionate concern in the Northwest is the effect of this transition and the log exports on jobs.

"I know Weyerhaeuser owns all that timber in Washington state (about 2 million acres)," said Hugh Bannister of the Western Pulp and Paper Workers Union, "but to some extent it also belongs to the people of Washington.

"They deserve to have jobs made out of it. We've seen Weyerhaeuser move its plants to British Columbia and the South. If Washington becomes a tree farm, Weyerhaeuser makes a lot of profit. But when it does that, a lot of people are going down the tube."

The Forest Service employment figures back up Bannister's contention.

With the anticipated increase in mill productivity and the decreasing log supply, the Forest Service figures the number of jobs in lumber, paper and woods products will decline from 121,000 in 1970 to 67,000 in the year 2,000. During the same period, Gedney says jobs stemming from log exports will increase from 1,822 to 2,626.

Gedney attributes about 32,000 of these mill job losses to increased productivity, about 11,000 to decreased timber supply and 7,000 to Japanese exports.

His projections are based on the assumption that the Japanese will increase their demand for logs from the Washington "tree farm.'

WOULD SAVE JOBS

"Of course," he noted, "if you ban the exports, you increase the timber supply, so that more than the 7,000 jobs would be saved."

As much as anything, these Forest Service figures set off last summer a battle in the Congress. The main aim was to stop log exports, and the Home building lobby joined McCracken's small mill owners.

Weyerhaeuser rushed full-force to head them off in the House and Senate committee rooms, and won eventualy on skill and strength.

Weyerhaeuser is the General Motors of the timber companies, the leader in the substance, if not the style, of its industry.

Its rape-and-run forest practices are as far behind it as the crosscut saw and double-bit ax.

George Weyerhaeuser, like Reid a fourth generation chairman, is a progressive who sometimes exchanges views with Brock Evans, the Sierra Club lobbyist in Washington, D.C.

"If all the forests were managed like Weyerhaeuser's there be no worry about the timber supply situation," said McCracken. "They are the best."

"George is very smart—and very aggressive," says Gary Reid. "I wouldn't want to cross him."

What giant Weyerhaeuser Corporation wants it usually gets. Two years ago, it wanted a fundamental change in the way Washington State taxes its timber and got its way.

Weyerhaeuser wants to export logs for a reason that is implicit in its 1972 annual report: Log exporting is big, easy, money.

Japanese demand last year resulted in Weyerhaeuser's sale of $250.5 million worth of logs, the heart of a record-high operating cash flow of $301 million. (By contrast, the cash flow of another well-known Northwest timber company was $10 million. It doesn't export, however.)

REGENERATION CAPITAL

The company is quick to note that this cash flow provided the capital for maximum utilization of the logs and regeneration of their millions of acres of forests.

It also financed completion of a containerboard plant in Oklahoma, where labor is cheap, and a pulp mill in Kamloops, B.C. As union leaders are quick to note, this is an erosion of the industrial base in the Northwest.

But, the company's managers and bookkeepers argue that it would not be profitable for the firm (or any other) to retool with finer cutting saws needed to process the odd sized lumber consumed in the Japanese market.

Besides, they argue without blinking an eye at the irony that the Japanese want to protect their sawmill industry.

Nor would it be profitable, they say, to expand newsprint facilities, despite the current shortage.

Something else, however, makes log exports all the sweeter for Weyerhaeuser and other companies. It is the 50 per cent tax break on corporate profits a firm can get by setting up a Domestic International Sales Corporation.

The idea, of course, is to beef up U.S. balance of payments, one of the international considerations that play in this controversy along with the lunch-bucket and the value of timber company stock.

When Sen. Robert Packwood, (R-Ore.,) presented his bill restricting log exports and banning them from federally owned land, Weyerhaeuser went to war. A House bill by Rep. Meeds to limit the annual export to 1.5 billion board feet and to require equal value in the export of finished forest products provided an additional spur.

A kind of war between the lobbyists mercenaries of Weyerhaeuser, led by Orell, and the small mill owners, led by McCracken, ensued in the corridors and committee rooms of the Old Senate Office Building where John Dean, John Ehrlichman and H. R. Haldeman played to millions before the Senate Watergate Committee.

BILL SLIPPED AROUND

Anti-export forces struck first. Helped by McCracken and their Washington lobbyist Joe Miller, Packwood slipped his bill around the powerful committee chairmen from Washington state, where Weyerhaeuser's political influence is mighty, and into the Senate Banking Committee where Packwood sits.

That meant avoiding the Charybdis of Jackson's Interior Committee, and the Scylla of Magnuson's Commerce Committee—a very tidy trick for a bill so heavily tied to commerce and federal lands.

Both Magnuson and Jackson are Democrats. Weyerhaeuser's relationship with Republican Gov. Dan Evans is no less comfortable.

Orell's counterattack pinned its hopes on stalling the bill until a projected late summer drop in housing starts could cool the enthusiasm and the muscle of the home builders, McCracken's allies of expediency.

Weyerhaeuser moved fast, hiring Hugh Smith, an attorney associated politically with Sen. John Sparkman (D-Ala.), a ranking member of the Banking Committee.

They also retained Charls Walker, a former Assistant Secretary of the Treasury, and a one-time (1961–69) executive vice president of the American Bankers Association, which has paid long and careful court to the Banking Committee.

Orell hotly denies Walker was hired strictly to gun down the Packwood bill, but he did recollect that the former Nixon administration official "did some work" on the measure. Others say Walker did a lot.

The battle turned, however, on Sen. Hubert Humphrey's agreement to have a hearing on the bill before his foreign agricultural policy subcommittee—but not until July 11.

Larry Merthan, the Washington vice president of Hill and Knowlton public relations firm and a former legislative aide to Humphrey's fellow Minnesotan, Sen. Gene McCarthy, made the pitch to Humphrey for the July 11 hearing, according to Miller.

It worked. By July 11, housing starts had dropped and the Home Builders were quietly withdrawing from the warfare.

"We don't view Hill and Knowlton as a lobbying organization," said Orell of the public relations firm, which Weyerhaeuser, like several other giant firms with critical business on Capitol Hill, has on retainer.

"If we could have gotten it to the (Senate) floor before July 1, it would have passed," said Miller. "But after the drop in housing starts too many people had an excuse to vote against it. There wasn't any point in bringing it to the floor after that."

SEES FIGHT DOOMED

McCracken agrees. He thinks the coalition Weyerhaeuser worked out with the export-conscious farm bloc during their battle dooms any fight in the immediate future to get a total ban on log exports.

There is a ban on exports of logs cut on federal lands. Significantly, it's placed in the annual omnibus farm bill and subject to year-to-year renewal.

But it is a questionable prohibition, given the Forest Service's limited funds for tracing the ultimate fate of the logs they sell. They could, for instance, be traded several times before reaching a Japanese logship. More likely, they could replace at the sawmill the privately owned timber that's being exported.

There is a common ground among all these lobbyists. At least they pay lip-service to the idea that more money is needed by the Forest Service to apply to regeneration of the forests, if not for police work.

"That is the real key to the timber supply question," said Reid. "It's regeneration—how much land we are able to keep in timber production and how well we use that land.

"I hate to see the old forest go. But if we can get new trees in their place, there'll be more profit—and no shortage of timber."

As Vancouver suggested, it seems to be a race between man's industry and his greed.

THE GENOCIDE CONVENTION: TIME FOR THE UNITED STATES TO REAFFIRM HER COMMITMENT TO HUMANITARIAN PRINCIPLES

Mr. PROXMIRE. Mr. President, the time has come for America to reaffirm her commitment to humanitarian prin-

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ciples and to stand by those international treaties which serve to protect basic human rights. One treaty which the United States should immediately endorse is the International Treaty for the Prevention and Punishment of Genocide.

Genocide has been defined as any act designed to destroy a national, ethnic, racial or religious group. Member nations who are parties to the convention agree to punish any person committing an act of genocide, committing an act inciting genocide or engaging in complicity to commit genocide.

The convention also makes provision for the punishment of any person, be he public official or private citizen, who commits an act of genocide. The convention intends for each member country to bring to trial individuals who have committed acts of genocide within their territory. It does not establish a world court, as some have maintained. It does allow for an international penal tribunal, whose jurisdiction has been accepted by the involved parties, to examine cases of genocide. Such a court would not, however, supersede the authorized courts of any nation.

From this brief survey of the basic points of the Genocide Convention it is clear that it would be in the best interest of the United States for us to ratify this human rights document. We must go on record as completely opposed to the monstrous crime of genocide.

INDIANA SMALL BUSINESS OFFICE HONORED

Mr. HARTKE. Mr. President, it is with great pleasure that I offer my congratulations to the director and staff of the Indiana office of the Small Business Administration. Under the able direction of William F. Miller, the Indiana office was named "District Office of the Year" for 1973, by the U.S. Small Business Administration. The annual award is presented to the office which is considered the top office nationwide.

I am especially proud, because this marks the first time that any office in the midwestern region has won the top national award.

Mr. Miller, noted for his efficiency, said that all credit "belongs to the employees of my district office." Their slogan is "Public servants should serve," and in winning this honor they have finally been recognized for their service. I wish that more Government agencies would adopt this motto and follow it as faithfully as Mr. Miller and his staff.

AMERICAN DENTAL HYGIENISTS CELEBRATE GOLDEN ANNIVERSARY

Mr. PACKWOOD. Mr. President, I would like to call the attention of my colleagues to the 50th anniversary of the American Dental Hygienists' Association, being celebrated this month at their annual meeting in Houston. Some 2,000 dental hygienists from across the United States will gather to commemorate the association's golden anniversary, marking 50 years of professional growth and service to the Nation.

The American Dental Hygienists' Association, now some 12,000 members strong, has grown from the original nucleus of 46 dental hygienists who first met in September 1923, to organize and promote the professional concerns of dental hygiene. Since that first meeting, the profession has attained a significant role in maintaining the oral health of the Nation, as well as assumed the basic responsibilities fundamental to every professional organization.

The ADHA, whose headquarters were established first in Washington, D.C., and moved to Chicago in 1958, has fostered organizational growth and dental hygiene educational programs toward the primary goal of providing effective oral hygiene care and education to the Nation. In doing so, the association has developed on various levels: producing its own publications and maintaining working relations with the communications media; sponsoring a loan and scholarship program for students, along with an Office of Educational Services—the ADHA currently counts some 8,100 junior members—student status—among its members; and establishing a Washington office in 1971 to maintain liaison with Federal health programs and monitor legislative concerns.

The association's efforts to affect developing dental hygiene curriculums in educational institutions have resulted in more than 140 dental hygiene education programs being accredited today, with all States having licensed dental hygienists since 1951.

Working with other dental and health-related organizations, such as the American Dental Association, the American Association of Dental Examiners, and the American Dental Assistants' Association, the ADHA has developed various testing procedures and a national board examination in dental hygiene to strengthen the role of the dental hygienist as a member of the professional oral health care team and insure the highest standards of education and training.

The benefits of the dental hygiene profession's efforts have been multiplied by the increased productivity of dentists, who are assisted by specially qualified dental hygienists assuming the responsibility of educating patients in preventive oral health practices. The concept of preventive dentistry is not a new one. Dentists have long advocated and taught proper methods of cleaning and caring for teeth and gums, but the idea of turning over to a dental assistant the primary responsibility for oral hygiene maintenance and instruction was not formalized until the early 1900's.

The dental hygienist of today is engaged in much more than the polishing and cleaning of teeth, although this remains one of the primary functions. With additional training beyond the minimum 2 years required for licensure, many dental hygienists are expanding their functions to include administration of anesthesia and such periodontal disease treatments as curettage, and root-planning—all performed under the supervision of a dentist.

Oral health education to the public continues to be a major concern of the profession, and one of the special efforts in this area is the association's annual participation in the observance of National Children's Dental Health Week, usually occurring in February. Dental hygienists are involved as well in community public health activities year-round to promote better oral hygiene and teach preventive dental care techniques.

One cannot fail to see the evidence of the dental hygiene profession's continuing efforts to improve oral health care delivery and education. While the profession has achieved a significant level of identity on the dental health team, dental hygienists are by no means relaxing their efforts to make the public more aware of their specialized function. They continue to be involved with dental health concerns at all levels—local, State, national—and to strive to better serve the Nation's oral health needs.

It is with great pleasure that I bring to the attention of all Senators, and join with the ADHA and dental hygienists all across the Nation in marking this golden anniversary of professional service. I applaud your efforts to promote good oral health as an integral component of total physical well-being.

NEW ATTORNEY GENERAL AND VICE PRESIDENT SHOULD BE QUESTIONED ON PRESIDENT'S SUBORDINATION TO LAW

Mr. PROXMIRE. Mr. President, does the President have the power to terminate by executive fiat a criminal investigation or a prosecution involving himself? If the President commits a crime—and I want to stress the if part of this question—while in office, is he in effect immune from prosecution, because as Chief Executive he has the inherent power to control everything done within the executive branch?

If a court proceeded with a criminal trial of an incumbent President and he was found guilty, would the President have the power to pardon himself?

If a President resigned his office while under investigation, would his successor have the power to terminate the investigation? Would he do so?

Events are moving so swiftly, with scandals and hints of new scandals involving the White House tumbling over one another, that it is difficult and not pleasant to look ahead and try to anticipate new problems. But it is important that we do just that. Congress is now considering the nomination of a new Vice President and it is likely to be considering nominations of a new Attorney General and possibly a new special prosecutor for the Watergate affair in the near future.

On October 5, Robert H. Bork, as Solicitor General, filed a memorandum of law in response to the Vice President's court motion asserting immunity from criminal prosecution unless he was first impeached and removed from office. The Solicitor General properly opposed this motion, but in arguing that the Vice President does not have such immunity he advanced the dubious proposition that the President does.

Mr. Bork stated in his memorandum of law:

> The Framers could not have contemplated prosecution of an incumbent President because they vested in him complete power over the execution of the laws, which includes, of course, the power to control prosecutions. And they gave him "Power to grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment," a power that is consistent only with the conclusion that the President must be removed by impeachment and so deprived of the power to pardon, before criminal process can be instituted against him.

The implication of Mr. Bork's position, if I interpret it correctly, is that the President is immune from prosecution unless impeached and removed from office, because he has "the power to control prosecutions" and he also has the power to grant reprieves and pardons. Therefore, the President could simply shut down a prosecution directed against himself, or if he failed to do so and he was prosecuted and convicted of a crime, pardon himself.

In my judgment, this argument is nonsense. It places the President above the law, so long as he is President, and reads into the Constitution something that is not there.

Mr. Bork, of course, is now the Acting Attorney General and he is in the process of selecting a new special prosecutor to replace the one he fired on orders of the President.

I strongly urge the Senate Judiciary Committee to raise the questions I have posed at the appropriate times, when confirmation is sought for a new Attorney General or a new special prosecutor. I would also hope that similar questions would be put to the Vice President-designate when he testifies in his confirmation hearings. It is important to know at the outset, before Congress votes on his nomination, whether the man who might some day succeed to the Presidency adheres to Mr. Bork's view about Presidential immunity from criminal prosecution.

This line of reasoning would give to the President, in effect, a license to engage in criminal activities. He would have the assurance that he could stop any investigation or prosecution of himself so long as he was in office. The Justice Department would be barred from taking action even if the evidence that crimes were committed was overwhelming.

Members of Congress do not have such immunity, judges do not have such immunity, Cabinet members do not have such immunity, the Vice President does not have such immunity, and I do not believe it was ever intended that the President have such immunity.

I. F. Stone, with his usual perception and insight, explored some of these questions in an article printed in the November 1, 1973, issue of the New York Review of Books. I ask unanimous consent to print Mr. Stone's article in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AGNEW'S SUCCESSOR: WHAT NIXON FEARS

(By I. F. Stone)

WASHINGTON.—Before Congress approves Agnew's successor, it ought to find out what commitments he may have made to protect Mr. Nixon from the law when the latter leaves office.

Everybody has been asking whether, in choosing a successor, Mr. Nixon would be swayed by the good of the country or the good of the Republican party. An altogether different consideration may outweigh either, and that is the good of Richard Nixon as the central figure in several ongoing criminal investigations, among them Watergate, the Ellsberg break-in, and the ITT affair.

The good of the country called for a caretaker nomination of unimpeachable character—how that phrase has changed overnight from a cliché to a painful need! The good of the Republican party called for an appointee who could be built up into a winning candidate by 1976. But Mr. Nixon's own interest is in a successor he can count on to use all the powers of the Presidency to protect him in any litigation or prosecution after Nixon leaves office. To put it plainly, Mr. Nixon needs to make sure that his successor will not treat him as he treated Agnew—as expendable.

There are at least three spheres in which the presidential powers of his successor can be exercised to Mr. Nixon's benefit. One is that of the tapes.

Let us suppose that the Supreme Court eventually upholds the subpoenas of Special Prosecutor Cox or the Ervin Committee, or both, and that Mr. Nixon refuses to hand the tapes over on the excuse that the decision is not "definitive," a word for which the Chief Executive refuses to supply a "definitive" definition.

These tapes are the property not of Mr. Nixon personally but of the White House. Their confidentiality, if any, is a function of the office and not of the man. When he leaves the White House, will his successor keep the tapes in custody or turn them over?

Mr. Nixon can decline to hand over the tapes even on trial by impeachment. Should he be removed by impeachment or resign or serve out his term he might still be prosecuted afterward for conspiracy to obstruct justice or for some other crime. Such prosecution might be facilitated if his successor decided that the Supreme Court had to be obeyed, and handed over the tapes.

The two other areas in which the new appointee could protect Mr. Nixon when he leaves office lie in the President's power as the country's chief law-enforcement officer and in his power of pardon. The former includes his control not only over the Department of Justice but also over the Internal Revenue Service. The latter is important because of the unexplained questions about Mr. Nixon's income taxes and the public funds expended on his private homes.

Mr. Nixon's view of these extensive powers can only be described as crass. This has just come to light in the Memorandum of Law which his solicitor general filed on October 5 with Judge Hoffman. This disputed the Vice President's claim that his office gave him constitutional immunity from prosecution for any crime unless first impeached and removed from office. Agnew's claim in this was exactly the same as Nixon's. The solicitor general had to walk the tight rope of rebutting the Vice President's argument without impairing the President's.

This called for quite a feat. There is nothing in the Constitution or in the debates of the Framers and of the ratifying Conventions that draws any distinction whatsoever between the two offices in this respect or indeed between the President's position and that of any other civil officer, including federal judges, several of whom have been convicted of crimes without first being impeached. The solicitor general did not cite a single specific authority for any such distinction.

What the solicitor general had to fall back upon can only be described as a naked cynicism. This finally appears as the culmination of a tortuous and tortured argument on page 20 of the twenty-three-page memorandum. Here is what it says:

"The Framers could not have contemplated prosecution of an incumbent President because they vested in him complete power over the execution of the laws, which includes, of course, the power to control prosecutions. And they gave him "Power to grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment," a power that is consistent only with the conclusion that the President must be removed by impeachment and so deprived of the power to pardon, before criminal process can be instituted against him. A Vice President, of course, has no power either to control prosecutions or to grant pardons."

What this says, in other words, is that it is impossible in practice to prosecute a President for any crime he commits in office because he controls the prosecuting agency, the Department of Justice, and even if convicted could pardon himself. This fits the Nixonian jurisprudence perfectly, but it misreads the letter and the spirit of the Constitution.

Article II, section 1, does not simply give the President "power to control prosecutions." What it says is that "he [the President] shall take care that the laws be *faithfully* executed" (our italics). To use his power to prevent prosecution when he himself was accused would hardly be the *faithful* execution of the laws. Nor was "Power to grant Reprieves and Pardons" ever intended to be used by some future Chief Executive to pardon himself.

Three pages earlier the Memorandum of Law, in spelling out the awesome array of powers wielded by the President, included those of the commander in chief. The solicitor general might just as well have argued that it was impossible to remove a President even by impeachment since he could, if he chose, use his military force to dissolve Congress as Cromwell did Parliament, and rule by decree.

The solicitor general was talking not law but power; he was expounding Machiavelli not Madison. The only difference between the President and the Vice President in this respect is that the former, *if he chooses to be unscrupulous*, can get away with it. Get away with it, that is, as long as he remains in office and as long as he is firmly supported by his successor. This dictates a choice Nixon can not only control but hope to elect in 1976.

A President whose solicitor general bases his immunity from prosecution on doctrine so repugnant to constitutional government is a President who seems to be afraid of facing the normal processes of trial, as Agnew was when he resigned. Such a man in the White House must strive to be certain his successor will protect him when he leaves office, or at least stand by to pardon him if convicted. Governor Connally has already tried to qualify for the succession in a statement on September 10 launching a national speaking tour. He then declared even more baldly than Nixon that a President has the right to disobey the Supreme Court in such cases as that of the Watergate tapes.

It is the duty of Congress to question Nixon's nominee about whether he has discussed these contingencies with Nixon and to explore the questions raised by Connally's statement. Otherwise the new appoinment may itself be another—and major—step in a continuing conspiracy to obstruct justice and to found a new line of presidents who like Nixon may feel free to place themselves above the law.

ADDRESS BY GEN. CREIGHTON W. ABRAMS

Mr. GOLDWATER. Mr. President, the Chief of Staff of the U.S. Army, Gen.

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Creighton W. Abrams, spoke at the annual luncheon of the Association of the U.S. Army on Tuesday, October the 16. General Abrams is one of the most perceptive men we have in uniform whose long, broad experience makes it possible for him to speak on subjects which are of interest to the whole country. I found his discussion so vital and so to the point and so interesting that I want to make it available to my colleagues. Therefore, I ask unanimous consent that the general's speech be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

AMENITIES

It is a pleasure for me to be here, among so many friends and thoughtful critics of our Army. It is a rare opportunity indeed, for me—or for any officer in the United States Army—to be able to talk directly with so many of our Nation's business, civic and military leaders. And since you are the Army's most valuable friends—as much for your wise counsel as for your staunch support—I appreciate this chance to tell you how I see the Army today, and how it fits into the world picture.

The environment today is a difficult one for the country's security. The word "detente," which for some people evidently colors everything rose and turns their perceptions away from even obvious threat, has gained some currency.

"Detente" is expressed by some as a fact;

It is applauded by others as a policy;

It is saluted by still others as a new era;

And it provides the basis—at least the semantic basis—for some who would reduce military capabilities to what I believe would be a dangerous level, some who desire that we withdraw out of hand large numbers of troops deployed in Europe against very real and very capable opposing forces, and whose philosophies discourage young men and women from serving their country in its Armed Forces.

I think it's fair to say that we may have a period of the beginnings of detente—but we do not have world peace. For some people, the fact that we, ourselves, are not at war may be peace enough. But unless we can lessen the threat of war everywhere in the world, we cannot have a stable, durable peace on which we can depend. Detente means only that the tension between countries in the world may in some way have decreased. This is a matter of quality and degree.

Detente is also an idea, a perception of intentions among countries. As such, it is not an objective fact. It can change as quickly as perceptions change. But we must deal in facts—in the reality of power, of capability, of strength—when we are addressing the Nation's security. We should not cast off the dream of peace—God help us if we lose that vision. We should not ignore the hope that possible detente offers, and all the benefits it could bring. But neither should we lose sight of the real threats and the real dangers where they exist, and of our need to be prepared for them.

Our country can seek to reduce certain kinds of tension with other countries by various actions and efforts—diplomatic, economic, psychological, cultural, and so on—and it can seek to reduce these tensions by varying amounts. But an underlying assumption of detente is that the nations concerned can reach some agreement on how tensions will be reduced and by how much. What happens if a nation or group of nations is threatened and satisfactory agreements cannot be reached gets little attention in the enthusiasm of some for the perceived initial success of detente.

We have made progress in strengthening diplomatic communication with other countries which might have been considered potential enemies. We have increased cooperation and trade with them, as the result of diplomatic agreements. On their own fairly restrictive terms, the countries behind the Iron and Bamboo Curtains have become somewhat more open to us, though of course not nearly as open as our country always has been—so we're not exactly at parity on cooperation and openness.

We do not, however, have world peace. We do not have peace in any Utopian sense. Nor do we have peace in the down-to-earth sense of a greatly lessened need for our own military forces. What we find instead is that as our involvement in the war in Southeast Asia diminished, we cut back our forces, brought troops home, terminated the draft, and otherwise reduced our strength. Today, less than a year after the last U.S. ground combat forces were brought home from Southeast Asia, our Army is less than half the size it was at the peak of our effort there. We are many divisions smaller, and we have fewer weapons and less equipment. These are the facts and realities of our capability in this period of detente.

It is also interesting to observe that we are the only major power to have reduced our forces in Europe in the past decade. The Warsaw Pact nations, and the Soviet Union itself, have not reduced their forces. The fact is, in past years, the Warsaw Pact forces have grown steadily and at a rather impressive rate. On the other side of the world, I am not aware of any reduction in the size or effectiveness of the armed forces of the People's Republic of China, as trade and diplomacy continue. Their forces have become steadily larger and more capable, though in some ways their strength is harder to measure. Again, possible detente—but not assured peace. And again, the delicate balance of hope and reality.

In my period of service, which includes the span of three wars, I can tell you that I don't need or want any more war—but then I could have made the same statement a month after I arrived in Europe in 1944. Nobody in his right mind welcomes war, especially those who have seen it. The carnage, the destruction, the pain are beyond telling. But the less prepared we are, the more wishful our thinking, the greater the costs of war when it comes. I came into the Army in 1936.

We were a horseback and rifle Army in a country that was still largely convinced that we couldn't have another World War. The idea that we had ended the possibility of war at Versailles blinded many of us to reality. We had heard that there was a German Army, and that they had been building and maneuvering with tanks, and that the Luftwaffe was flying fighter aircraft far more capable than our Air Corps', but we ignored the facts in our desire for peace—until we were forced into action. And you know what happened. We did not prepare. When we could no longer avoid it, we got thrown into a huge war in Europe, unready, ill-trained in many respects, saved only by distance and the time our Allies' efforts bought for us. In the Pacific, we relentlessly avoided Japan's clear warnings of her capability, and even of her intent. We have Pearl Harbor and Bataan to remember for our complacent outlook. The cost was dreadful. In Europe, in Africa, in the Pacific we paid and paid and paid again—in lives and in blood—for our unpreparedness, for our insistence that because our shores were not under direct explosive attack, we were at peace.

When the war ended, we erased history again. We pretended that guaranteed peace was at hand. We were so anxious to achieve the dream of peace that we closed our eyes to the facts of capability, to the reality of threat. We cut back our Armed Forces to nearly nothing, and allowed our strength to dissipate. The United Nations had made war obsolete, some were convinced.

When the Korean War broke out, the situation was not much different than it had been in the opening days of the Second World War. We were not prepared. We were not adequately trained. We were not equipped. But we entered the war rapidly, throwing half-ready units in to buy time for the Army to get ready. And again, we paid dearly for our unpreparedness during those early days in Korea with our most precious currency: the lives of young men. The monuments we raised to their heroism and sacrifice are really surrogates for the monuments we owe ourselves for our blindness to reality, for our indifference to real threats to our security for our determination to deal in intentions and perceptions, and for our unsubstantiated wishful thinking about how war could not come.

These costs of our unreadiness, in just the years I have been in the Army—in the span of just one man's career—can be charged off to the desire for peace, the hope for detente, the faith in the good intentions of those who later became our enemies. The desire, the hope and the faith were accompanied by an unwillingness to face the facts, to grasp the reality of enemy capabilities, and a reluctance to invest the far lesser price for the preparedness, strength and clear resolve it would take to preserve that peace.

Here we are again.

The end of our involvement in Southeast Asia puts us back into a familiar frame of mind: "Ignore the threat, and it will go away"; "We can avoid war, if only we will stop arming ourselves for war"; "Nothing is worth the cost of another war."

In this period of possible detente—not real peace, but possible detente—we are opposed by formidable strength. We face, at various places around the world, strong and capable adversaries, becoming stronger all the time.

These are facts. As our relations throughout the world improve, we should consider that we have more and more to gain by preventing another war, and the only way I know how to do that, the only way that has worked in the past, is by maintaining our own strength, our own capability and our own resolve to defend our security, our freedom, and those of our Allies.

A credible and effective fighting force is not wasted if it is not actually called upon to fight. In fact, fighting may be interpreted as a failure of deterrence. Again and again in recent history, the fact that one nation had a credible force in being and the apparent will to employ that force against another were sufficient for that nation to protect its interests or obtain its goals without war. Our past enemies knew this, and gained great silent victories by forcing alliances, imposing neutrality, creating satellites—often by mere threat of force alone. The nations that were not prepared to fight, or which had advertised that they would not fight, did in fact avoid the fight—but they did so by gross accommodation, sometimes at the sacrifice of their freedom.

And so for the Army today, this means we must be ready, prepared to stand for the country. We must have effective, potent and credible strength to defend the Nation's security and its freedom. Insuring that the Army is prepared is my most fundamental duty and is the Army's primary mission at all times. It is the Army's mission today.

If the Army is to be prepared to meet the challenges it faces, it must consider not only the spirit of possible detente, but also the very real capabilities of potential enemies. If the arrangements of possible detente mean that forces on one or both sides can be reduced, thereby lessening the fact of mutual threat, so much the better. With an actual reduced threat comes the increased chance for the real peace we all desire. But to arbitrarily reduce our own capability—either intentionally or through unwillingness to invest in preparedness—because we think we know a potential adversary's intentions,

is the kind of head-in-the-sand posture that has cost this country so dearly so many times in the past.

For the Army to be prepared, we must, of course, have good people. We must have good leadership and a lean and effective fighting structure. We must have a high state of training and discipline, and the right kind of weapons and equipment—we must have all these things. There is something beyond these factors, however, beyond the countable, measurable indicators of preparedness. The intangible is spirit. A "ready" spirit is a precious commodity: in the individual soldier, it shows up in increased alertness, in a willingness to try harder; in a small unit, it brings improved coordination, teamwork and discipline; in the Army as a whole, it gives credibility to our strength. By our credible strength we assure our friends and deter our enemies in the interests of peace. So naturally we do everything we can to foster and develop this spirit.

We hold and nurture and support this precious spirit everywhere in the Army, and we anxiously look for it elsewhere in the country. For this spirit of readiness cannot be sustained by the Army alone.

It must have its roots in the rest of the country, or it cannot survive. There must be clear evidence throughout the country that we, as a Nation, are prepared, that we have the spirit and will to do what is necessary to defend the country, and to insure its well-being. We must hear the people express their determination to support the efforts of their Army to meet the needs of the country, and to avoid the terrible costs of being prepared too late or not at all. The spirit of preparedness must resound so that any potential enemy can discern it, and can see that he can set out on no cheap adventures at our expense.

Our country can avoid war only by showing clearly that, while anxious to avoid war, it is willing and able to fight, if necessary; that within this Nation abides the will to fight for its security and its interests. We must be able to demonstrate that we are prepared to defend ourselves and what we stand for, that we will fully honor our commitments, and that we will stand up to any enemies.

We cannot do this from the reclining position. We cannot say, "If you start something with us, we will spring to arms," for there will be too little time to begin to get ready. We must be far more committed, far more dedicated, far more prepared than that.

Each time we have faced major war unprepared, we have barely gotten ready in time. In World War II it was months before we could act; in Korea it was weeks. In future wars, we will have only days to get ready. The costs of our being unprepared in the past have been atrocious. The Army is doing everything in its power to see to it that we do not have to pay that exorbitant price in lives and treasure again. With your support, we should not have to pay that price again.

I have faith in this country, and in its people. And of course, I have faith in our Army. We have met challenge upon challenge, at home and overseas, in ways that only a Nation of great spirit could have met them. We can continue to meet these challenges if we are prepared for them, if we have the will to face them resolutely before they overtake us.

If we set ourselves to the task of preparing for war if it comes, of being ready to meet the challenge of war before it is upon us, we shall be achieving the real peace that men everywhere can understand, and that nations everywhere can respect.

PROPOSED OFFICE OF SPECIAL PROSECUTOR

Mr. STEVENSON. Mr. President, I am pleased that 10 Senators have cosponsored the legislation I introduced last Tuesday to provide a firm statutory basis for the Office of Special Prosecutor.

Nothing more convincingly demonstrates the need for immediate enactment of that legislation than certain remarks made by Gen. Alexander Haig and Prof. Charles Alan Wright on October 23, the very day on which Professor Wright had earlier advised Judge Sirica that the President would comply with the final, binding order issued by the court of appeals.

After leaving Judge Sirica's courtroom, but before arriving at the White House Briefing Room for the press conference, Professor Wright told the press that this President does not defy the law. The ensuing press conference sheds considerable light on the attitude of the President and his closest advisers toward the law. General Haig on two specific occasions during the press conference stated that the Stennis compromise constituted a "single exception" to the President's absolute policy of suppressing Presidential papers. There was no indication whatever that the President was prepared to comply with subsequent court orders.

General Haig also addressed himself to Mr. Cox's insistence on access to the court to secure Presidential papers that Mr. Cox considered relevant to his investigation. General Haig commented that Professor Cox's position "did not represent the kind of cooperative effort we hoped to receive from him." Referring to President Nixon's order that Mr. Cox cease further efforts to secure evidence through the established processes of law, General Haig noted that almost all Americans would agree that under those circumstances the President had "to fire the individual in the executive branch who refused to obey a legitimate order".

Why did the President decide to comply with the one order already entered? Both General Haig and Professor Wright make it clear that the reason was not because that was what the law required, but rather because public opinion had been turned against the President through a series of distortions.

Under these circumstances, Professor Wright's assertion that this President does not defy the law should be modified. It would, in my judgment, be more accurate to say that this President does not defy the law when the Attorney General, the Deputy Attorney General, and the special prosecutor leave the Government in protest over an attempted defiance of law, the public expresses its outrage in the strongest terms, and the White House Republican leaders inform the President that he cannot count on their further support if he persists in his defiance.

Mr. President, I ask unanimous consent that the full text of the Haig-Wright press conference be printed in the Record.

There being no objection, the text of the press conference was ordered to be printed in the Record, as follows:

PRESS CONFERENCE OF ALEXANDER M. HAIG, JR., ASSISTANT TO THE PRESIDENT, AND PROF. CHARLES ALAN WRIGHT

Mr. Ziegler. Ladies and gentlemen, in light of today's events, I thought it would be worthwhile to have Professor Charles Wright, who has been consulting with the White House Counsel's Office, to come before you today to make some remarks and take some of your questions, and also the Assistant to the President, Al Haig, who has participated in the events of the past week, together with other members of the White House staff.

First, before we go to their remarks and give them an opportunity to answer some of your questions, I would like to announce that tomorrow night at 9:00 p.m., Eastern Time, President Nixon will address the Nation on the recent events, including today's decision. The President's address will be carried on live television and radio.

I think we will begin with General Haig, who can outline for you, first of all, some of the events of the past week that led to this decision, and then Professor Wright can discuss some of the matters relating to the court procedures and then we can go to questions for a while. General Haig.

General Haig. Ladies and gentlemen, what I thought I would try to do this afternoon is try to put some perspective on what one journalist has referred to as the fire storm, and try, to the degree I can, to present to you and the American people some of the considerations that led up to the events of this past weekend and culminated in today's Presidential decision, and in doing that I think it is quite important that we go back in time a bit to a period of the weekend before last.

It was at this juncture that the President, after very careful consideration and full consultation with his advisors, especially those on his legal staff, determined that he would make a herculean effort to resolve what had become a highly profiled and extremely controversial issue; that is, the issue surrounding the data and the information contained on the Presidential tapes of conversations which took place with various individuals in the President's office here in the White House and in the Executive Office Building.

Now, there were two factors that led the President to conclude that the time had come to resolve this very, very controversial issue. One of them involved the domestic scene itself, and the storm of controversy that raged around this issue.

I don't think it requires a blueprint for this group here to emphasize that the issue itself had progressively begun to polarize our body politic. Lines were clearly being drawn both within the Congress, within the media, and I think to a large extent within the viewpoint of the American people themselves.

There were such tales being bandied about that the recent nomination of a new Vice President would be held hostage to a Supreme Court decision on the tapes issue, and they wanted the President to defy the court, and we would move with an impeachment against the President, and with no Vice President there would be a turnover of the Government to a party which did not win November's election.

These kinds of considerations, and the realization on our part here that the period of time between the decision of the appellate court and the adjudication of this issue by the Supreme Court would result in even more intense political line-drawing, more intense

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disunity and more intense doubt and conflict here at home, that was certainly a major consideration in the President's determination to try to find a solution in the interest of the overall good of the American people.

Now, there were also international implications of some gravity which led to this Presidential decision. I want to say this very carefully and very precisely, but certainly, certainly any foreign leader, whether he be friend or potential foe, must in a period of turmoil here at home make his calculations without the unity, the permanency, the strength and resilience of this Government in a way that had to take consideration of this tape issue into mind.

Now, what I am not saying, gentlemen and ladies, is that the tape issue brought about international crisis of any kind or was, perhaps, the cause for the Middle East tension which was resolved so happily in recent hours. But what I am saying is that any foreign leader who assesses this Government and its relationships with this Government, whether it be in negotiations or long-term assessments, has got to perceive that the degree of unity and effectiveness of this Government is a key factor in those calculations, and indeed it is; it always is.

So for these two fundamental reasons, and no others—no others—the President decided that he would make this effort last weekend. So on Monday we discussed, as the former Attorney General stated in his press conference today, a number of options, all designed to prevent a constitutional confrontation some three or four months down the road, with all of the debilitating bleeding and controversy that would have accompanied it in the interim.

This is precisely what resulted in the proposal that was presented on Friday night to the American people. It was at that time, on Monday, that the President decided that he would turn over the controversial tapes to an individual of his selection who was peculiarly qualified to perform this task and to permit him to listen to each and every syllable contained in those tapes as repeatedly and as long as that individual felt it was necessary to ascertain that a third-person transcript which would be prepared and in his hands was a precise, thorough and accurate reflection of the contents of those tapes.

Now, that proposal was discussed with the former Attorney General in detail, and met his criteria for a very reasonable solution to the dilemma.

On Monday afternoon we obtained the agreement in principle of Senator Stennis to take on the task of authenticator, if you will. Why Senator Stennis? There are really four fundamental reasons that he was selected by the President for this task.

First, no individual within or without the Government of the United States is more highly qualified than Senator Stennis to assess the national security implications of the contents of these tapes.

Secondly, Senator Stennis—and I am not setting these priorities in order of their merit—is an individual of impeccable reputation for objectivity, honesty and integrity.

Third, Senator Stennis is a former judge and is highly qualified in law.

And finally, those with partisan views would certainly welcome the selection of a Democrat, albeit a Southern one.

For all of these reasons, the President felt that Senator Stennis was highly qualified and, indeed, we were very grateful that the Senator, despite his recent physical problems, patriotically and selflessly agreed to take on this very difficult and tedious task.

Now, having gotten Senator Stennis' agreement, the Attorney General expressed a desire—we have attempted to negotiate a settlement with Professor Cox prior to the apellate court decision, through our White House counsel—the former Attorney General expressed a desire to take up the task of attempting to acquire Professor Cox's acquiescence in this compromise proposal.

He spent the period from Monday evening until Thursday evening at this task, but it became quite apparent to all of us involved by Thursday evening, upon the receipt of a written counter-proposal from Professor Cox, that this compromise did not meet the criteria he had set for himself.

I say this both in the context of the selection of Senator Stennis as the sole individual to authenticate, a number of other technical concerns that Professor Cox expressed in his written document, counter-proposal, and thirdly, the issue mentioned by the former Attorney General this morning in his press conference, and that being the issue of Professor Cox's strong desire to have the ability at some future date, as a result of his ongoing investigations, to pursue through juridical channels access to additional tapes and personal memoranda covering private conversations of the President.

Now, having viewed Professor Cox's request as one that did not represent the kind of cooperative effort we hoped to receive from him, and having made one more formal try on Friday morning through an exchange of memoranda between Professor Wright and Professor Cox, we then met—that is, the President's counsel, Mr. Garment, Mr. Buzhardt and Professor Wright, myself—with the Attorney General, and we concluded at that meeting that with or without Professor Cox, we should attempt to resolve this dreadfully controversial issue by proceeding with the proposal providing Senator Ervin and Senator Baker would agree. The result would be the turnover of the product of this effort to both the courts and to the Senate committee in the persons of Senators Ervin and Baker.

Having determined this, and it was the assessment of all of those involved here in the White House that general agreement had been arrived at Friday morning, we set in train the chain of events which brought us to Saturday evening's fire storm, and that is, we requested that both Senators proceed from out of town Friday afternoon to a meeting with the President where the compromise was discussed in detail and where both Senators, I think in a most selfless, patient and patriotic way, agreed to try to make this thing work.

And so, on Friday evening, this announcement was made concurrently and with the President's viewpoint that he was indeed departing in a fundamental way from a very strongly held conviction that he, as the President of the United States, has the obligation and responsibility to preserve the balance of power between the three coequal branches of the Government as it pertains to a protection of confidentiality of Presidential discussions. With the full realization that this was a single exception that he would make in the national interest, he instructed the Attorney General to inform Professor Cox that we were going to proceed, but that henceforth Professor Cox would refrain from requesting, through judicial channels, additional — additional — personal Presidential tapes and memoranda covering private discussions of the President himself.

Now, there was your substantive dilemma, gentlemen. Having received this instruction, and, in fact, somewhat earlier that afternoon the Attorney General did express some reservations about that aspect of the proposal.

Be that as it may, on Saturday morning we learned here in the White House that Professor Cox was convening a press conference for 1:00 o'clock Saturday afternoon. Now, on Friday night, when these events drew to a conclusion, we all assumed that Professor Cox had three options, or four, depending on the variance that you care to discuss.

First, he could have said, "I have acquired the information which I have subpoenaed which is necessary in my view to bring these cases to litigation."

Secondly, he could have determined that the prohibition which would not grant him carte blanche to request further tapes or personal Presidential memoranda was not acceptable. Had he chosen that option, he could have resigned, with all of the implications that that would have had for the participants and for the American people to digest and make their own judgment with respect to the validity of that course of action and the course of action pursued by the President.

An option of that is, he could have delayed. He could have waited, and perhaps waited until further justification developed for a resumption of his needs, should they have developed.

Or, as he finally selected to do, he could appear before the Washington press corps and directly rebut and challenge the President of the United States.

Having done that, I think few Americans will argue that any President faced with this kind of a dilemma can only act as President Nixon did, and that is to fire the individual in the Executive branch who refused to obey a legitimate order, and that is precisely what ensued.

Now, as Elliot Richardson said this morning, it was in the face of this action, and the personal dilemmas that he, himself, was then faced with—that is, being the instrument of the separation of Professor Cox—that he informed the President on Saturday afternoon that he could not serve as that instrument. A similar situation, with somewhat different background, justified Mr. Ruckelshaus' parallel decision.

Now, gentlemen, that is the sequence of events that led us to the fire storm of this weekend, and this morning, after assessing all of the considerations and the outcome of those actions, which were not pre-planned, not desired, and indeed, I think probably not very well visualized on Friday morning by all participants, this is the setting in which the President entered the Oval Office this morning.

I don't have to describe for you some of the backdrop of this morning's atmosphere, but that being true, and having experienced an additional week of some fairly high tensions in our international business, the President concluded, after very painful and anguishing discussion with me, with his counsel, that the circumstances were sufficiently grave in the context of our national attitudes on this issue, which I must say in my view have been subject to a great deal of misunderstanding, a great deal of misinformation over the past weekend, but in the light of this situation, the President decided that he would abandon, on this occasion, these very strongly held and long held convictions that he, as President of these United States, has the obligation, indeed, to protect the rights and prerogatives of this office, not only for himself but for subsequent Presidents in our upcoming history.

Having made that decision, he instructed Professor Wright, sometime around noon today, to inform Judge Sirica at 2:00 p.m. this afternoon, at Judge Sirica's hearing, that the President would indeed comply with Judge Sirica's decision, as modified by the appellate court, and turn over the tapes for in camera inspection to Judge Sirica.

Now, there have been a number of terms used to characterize the President's decision. I, for one, having worked very closely with him throughout this week's period—I know someone said to me before I came here, "You are going to miss the excitement and danger of professional soldiering," and I would tell them today that if our maelstrom ever develops heroes, it is the politician and the political combatant who really deserve the medals.

Be that as it may, I would like to leave you with my conviction that what the President did today in a most painful and agonizing way is to make this single exception to his held conviction, and to do so in a way that in the very near future the truth of an issue which has long anguished all of you and many American people will be resolved. I am confident it will be resolved along the lines that the President has repeatedly articulated to the American people as factual.

Now, I think I have said enough and I will turn it over to Professor Wright.

Q. Are we going to get to question General Haig before he leaves?

Mr. Ziegler. Yes, we will proceed with questions as soon as Professor Wright finishes.

Professor Wright. And I am not going to delay you unduly, Miss McClendon, I hope, in getting into questioning, but merely to add a very tiny bit from my own perspective of these traumatic events.

I spent the first half of last week, while these negotiations Al has talked about were going on, in Austin teaching my classes, preparing a petition for certiorari that I fully expected to file on Friday. Indeed, the petition was in print. It would be an interesting memento. I have actually not seen a copy, but the decision was not finally made until 6:30 Friday night that we weren't going to file it. We even had a check for $100 to the Clerk to pay the filing fee all ready to go.

I was not aware at that time of compromise negotiations, and when I was informed of them when I got up here at 2:00 o'clock Thursday afternoon, I was astonished that the President was willing to make such reasonable, indeed I think an extraordinarily generous proposal. Having been privy to the President's thinking throughout the summer, I know how very deeply he values the principle of confidentiality, and that only the most persuasive evidence to him that the national interest required a limited intrusion could have persuaded him to make that proposal. Clearly, we all did miscalculate Friday night.

I see in the room a former student of mine who dropped by my hotel room about 10:30 Friday night when I was about to collapse exhaustedly into bed, and as he can tell you, my mood was euphoric. I checked out of the Madison Saturday morning, thinking I was done with White House employment forever; that the American people would give a tremendous sigh of relief at the thought that now we are going to hear what is in these tapes and now we are not going to have a constitutional crisis.

Obviously that was a miscalculation. Saturday morning it still looked like a very good calculation. What we had miscalculated was that we had not thought that Mr. Cox would take the course of action that he did that led to further traumatic events.

As a result, by this morning it was apparent that, rather than a national sigh of relief and the end of a constitutional crisis that the crisis was simply heightened. Under those circumstances, the President thought that the wisest thing in the public interest, in an effort to really put an end to this crisis, was to take the action that I announced in his behalf in court at a little bit after 2:00 o'clock this afternoon.

We had very good hope that Judge Sirica would have accepted the proposal we made as complying, as I think it did, with the needs of the Grand Jury, and with the reasons that have persuaded both the District Court and the Court of Appeals to hold that Executive privilege should be overridden in this instance, but it was equally apparent that even if we were successful before Judge Sirica on that point, that there were people around the country who were saying, "The President is trying to defy the courts."

Now, the President, I am certain, has never at any time had in mind any thought of defying the courts. The one other time I appeared at this podium was on July 26th, and I know that an hour before I appeared here, Jerry Warren made the statement that, as the President has always done, he obeys the law; he will abide by a definitive decision.

We had thought that the proposal that we made on Friday was not defiance of the law, but a reasonable accommodation that the court, we hoped, would accept as satisfactory, but if the thought were abroad in the land that the President was not complying with court orders, if a constitutional crisis persisted, then a wound that has hurt the American country deeply would have continued to drain. We wanted to cure that, and so the President this morning, about noon, as Al has said, authorized us to make the announcement that we did.

We will comply in every particular with the order of the District Court as it is modified by the Court of Appeals.

Q. Mr. Wright, have you heard the tapes, the nine tapes?

Professor Wright. I have never heard any tape.

Q. In other words, your projection here is against a great deal of ignorance as to what is on the tapes?

Professor Wright. Of course.

Q. You have only the self-serving declarations of the President and Mr. Haldeman to support whatever position you are taking?

Professor Wright. I don't quite see how that follows.

Q. Well, the President has told you he is innocent.

Professor Wright. We are producing the tapes, and the tapes will speak for themselves. Judge Sirica will examine them under the procedures of the court.

Q. Now, what you have said here about the tapes supporting the President is based upon what the President told you, and not upon you hearing the tapes?

Professor Wright. Exactly so. I have the old-fashioned American habit of believing Presidents of the United States.

Q. Will you produce the documents called for in the subpoena?

Professor Wright. Everything called for in the subpoena will be produced.

Q. Professor Wright, can you say if the President will turn over additional documents requested for the prosecution of suspected wrongdoers in connection with the case?

Professor Wright. I simply don't know the answer to that question.

Did you catch the question, Al?

General Haig. I am not sure I got the question.

Professor Wright. Would you repeat the question?

Q. Maybe I can get an answer in a different way. Does this, the President's decision to allow Judge Sirica to examine these tapes, does it mean that he will not furnish any additional information requested for prosecution in the case?

Professor Wright. I am certain it does not mean that, no; not at all. We have been furnishing a great deal of information, as Attorney General Richardson made clear this morning, that has never been involved in the subpoena controversy.

Q. A question for General Haig.

General, did I understand you correctly to say that the President's order of Friday night to Mr. Cox referred only to desisting from attempting to obtain additional tapes and additional memoranda and did not bar him from trying to get the nine tapes he had subpoenaed? Was that the order?

General Haig. I think the question even is a little difficult the way it is posed.

The decision to provide the third-party transcripts of the nine tapes, plus the tape requested by the Senate committee, the overlap tape, would have given Professor Cox the tapes he has requested. What the President's order was involved with was subsequent requests, through the judicial process, for Presidential tapes and memoranda and documents covering personal discussions, private discussions of the President, as distinct from the portrayal of that inhibition on Saturday during Professor Cox's press briefing.

Q. Are you saying that he was not barred from seeking the actual nine tape recordings beyond the summaries you were going to furnish?

Professor Wright. The answer to that question is yes, he was barred by the compromise, not by the dicta, the memoranda, the compromise, but you will recall that the court itself had already deprived Professor Cox, in two rulings, of access to the tapes.

Q. Will national security information be withheld from the courts? Is there any part of these nine or ten tapes now which contains national security information and which will not be turned over to Judge Sirica?

Professor Wright. I am informed that there is at least one tape, perhaps more, that contains national security information. The Court of Appeals order is, where we believe there is anything that regards national security, that we should make a submission to Judge Sirica in chambers as to why we believe this involves the national security; that if he accepts our decision on that, that portion of the tape is excised. If he does not, the relevant showing is sealed and we are allowed to take an appeal to the Court of Appeals on whether it truly was or was not national security.

Q. Does that one tape apply to the Ellsberg case?

Professor Wright. I have no idea what it applies to.

Q. Are you saying you don't know or it does not?

Professor Wright. I don't know.

Q. The same portion of that statement you referred to also provides for a Special Prosecutor to argue whether or not that statement you make is correct. Who will now argue for that?

Professor Wright. I would assume that the Department of Justice would.

Q. General Haig and Mr. Wright, is it your understanding that the President's instructions to Mr. Cox, as the President stated it in his Friday statement, stand as instructions to the Acting Attorney General and to Mr. Petersen?

General Haig. I think that is a question which I am not going to address here this afternoon. It will be addressed in the very near future, but I can assure you that the President's actions in this regard will be totally within the law.

Q. General Haig and Mr. Wright, both of you, please, could you tell me if at any time either of you gentlemen participated in a meeting prior to Saturday, prior to Friday night, at which you advocated the firing of Professor Cox? There have been reports, and in fact, Mr. Richardson said that, I believe, counsel and other staff people had indeed done this.

General Haig. I think I will answer that question very clearly for you.

As I told you on Monday morning, following a weekend decision by the President to seek a compromise, and as Elliot Richardson so stated this morning, a number of options were discussed and considered, including the Bickel theory, which would have involved the mooting of the issue through the separation of a member of the Executive branch from that branch.

So the answer to that question is yes, that was an option discussed, but was rejected on Monday morning at that meeting. It was un-

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acceptable to a number of people in the discussion. Now I am divulging to you discussions held on Monday morning.

Q. General Haig, can you tell us if the telegram from Senator Ervin was addressed today, and if so, is there a response to the telegram, his misunderstanding of the arrangements Friday for disclosure of the material on the tapes to the committee?

General Haig. Gentlemen, I am sorry; I have not seen the telegram and cannot comment on it.

Q. Will the President allow a full and vigorous investigation, and if necessary, prosecution of other matters that the Special Prosecutor was investigating, specifically the IT&T or the dairymen's contribution, the $100,000 Hughes contribution via Bebe Rebozo?

General Haig. I think I wouldn't necessarily accept your litany of problem areas, but I think we have made it very clear that what the prosecuting team——

Q. Excuse me. These were the things that press reports have stated the Special Prosecutor——

General Haig. I think Elliot Richardson commented on this very question this morning at great length, and he is far more qualified than I to give you a precise answer. But the answer to your question is that we intend to proceed vigorously with all of the ongoing investigations, and if prosecution is the result of those investigations, to pursue that prosecution with the same vigor and objectivity.

Q. You seem to gloss over a period as between Saturday, when your position was Course A and suddenly Monday when your position was Course B. Could you specify those specific things on the President's mind which, in fact, accounted for the change today? Was it impeachment, for example? Was it the surprise of Elliot Richardson resigning? Would you expand on that?

General Haig. No, think it was the whole milieu of national concern and, quite frankly, a great deal of concern for the misinformation that had been running afield on his motives and really the character of the compromise itself.

What was on Monday a most conscientious and, I think, heartfelt initiative, certainly for all of us involved, to finally reveal the contents of the controversial tapes, and at a time before we were faced with a constitutional confrontation, turned out by Saturday night to be some kind of nightmare in which we had devised a scheme to prevent the information in the tapes from being divulged to the courts and to the Senate committee.

Q. General Haig, you had a great speech here today—

General Haig. Sarah, I would like to hear your question.

Q. You have had a great speech here today which I cannot rebut because I am just a reporter. I have got to ask you a question. But you acted as if we were all wrong because we didn't agree with you and the President on this.

General Haig. I hope not, Sarah.

Q. And I want to ask you why you didn't take in a third dimension in consideration when you were going over this matter? Why didn't you think about the fact that didn't the President feel he was putting himself above the law?

General Haig. Well, that is a very tough question. First let me say this, Sarah: From the outset, I don't believe that the President has ever intended to set himself above the law.

I think our legal counsel here in the White House, and the Attorney General, wrestled in the most careful and thoughtfully detailed way with these issues throughout the week, and it was our conclusion that there was no question about the legality of the President's actions.

Now let me comment on another shade of your question.

I hope that I have not conveyed to anyone here that I share the impression, or harbor the impression that there is some kind of prejudice or malfeasance in the press corps here. That is the last thing I would ever suggest.

Q. I am thinking about the American people.

General Haig. I think the press corps reports what it gets accurately, and it is indeed their obligation to do so.

Q. General, can I ask you, can you discuss what happens to the information on the tapes, vis-a-vis the Senate Committee? Will they get any part of it? Does the compromise package still stand for——

General Haig. No, and let me comment on that. The question was, will we now proceed with a compromise, and the answer to that question is no, and let me explain why.

This morning, the counsel to the Senate committee submitted an appeal for expedited processing of their appeal of Judge Sirica's ruling, and so they have themselves sought to resolve this issue through the courts.

Now, secondly, and this is a consideration in our decision, Senator Stennis had agreed to take on this very difficult and arduous task, hopefully devoid of the limelight of the kind of tensions that have developed around this issue.

As you know, Senator Stennis has experienced a very grievous wound recently, and I think the President's view is that given all of the tensions, publicity, pressure now associated with the task, that he just would not presume to impose upon Senator Stennis when the information is now being divulged in its complete form in accordance with the rulings of the courts.

Professor Wright. I want to add to General Haig's answer to that question, and that is—then I know there is a person here who has been trying for a long time to get a question to me—just after we got back from court this afternoon, Mr. Garment had a call from Sam Dash who said, "I think you have done exactly the right thing, and so far as we are concerned, we will see you in court and battle out in the appellate court whether we have a right to get at the tapes."

Now, this gentleman.

Q. Dr. Wright, you said to Mr. Mollenhoff that you believed in the old fashion practice of believing Presidents of the United States. My question is, based on the fact that two of the most respected members of the Nixon Administration have left the Government, and a prosecutor who the American people felt had been assured the right to search without restriction has been fired, how can the American people, in your judgment, begin to believe the President of the United States?

Prof. Wright. I don't see what these very unfortunate departures have to do with the credibility of the President. I believe that it would have been intolerable for the President to have maintained Mr. Cox in his position when Mr. Cox defied a direct order of the President, and I understand the reasons that led General Richardson and Mr. Ruckelshaus to feel that they had to resign.

Q. General Haig, do you feel at any time that the agreement you had with Senators Baker, Ervin or Stennis or anybody else, accepting the compromise, their agreements were at all withdrawn over the weekend or before you made the decision——

General Haig. No. Let me say a word about that.

Q. Could I ask a subsidiary question? There have been reports that the President was particularly aggrieved at Cox's treatment of some of his former aides. Can you address that one? That Cox's handling of the questioning of Haldeman and Ehrlichman, and so forth, that he was aggrieved about this?

General Haig. Well, let me answer your first question first. With respect to the agreement arrived at here on Friday between Senator Ervin, Senator Baker, initially with the counsel and myself and subsequently with the President, I know of no departure from that agreement, and I would like to say a word about it.

I don't think anyone here would have classified Senator Ervin as an advocate, and indeed he has not been, but I think in the national interest, and at a time when there was great tension in the Middle East, when the Senator could observe for himself the kind of polarization that was taking place, that he very selflessly and I think quite correctly, decided that this was a compromise that he could accept.

I am not aware of any deviations from the agreement that was arrived at. I know there were some semantics problems over the weekend, but they were just that, and I for one, hold with the highest admiration the arrangements that we have with both Senator Ervin and especially Senator Baker as well, who was a catalyst in the thing, and a very important one.

Q. General Haig, you have mentioned a number of times about misinformation and concern for misinformation. What misinformation did you have in mind that caused the President to change his opinion this morning?

General Haig. Peter, take thy sackcloth off. I wasn't referring to the press corps in that.

Q. I wasn't either.

General Haig. I think the press corps reports as objectively and honestly as they can, and when they don't we usually look to ourselves for failure to bring the word to you in a precise and effective way. But I think one of the key points—and I have already commented on it—was the impression at large that this compromise did not represent a decision and an action on the part of the President to meet the requirements of the court and the Senate committee, but rather was a contrived subterfuge to, (a) not turn over the information, or (b) design some devious scheme by which to relieve ourselves of the burden of Professor Cox and his investigating team. I think that is a terrible disservice to the President of the United States and to those of us—and I include Senator Ervin and Senator Baker and Senator Stennis—who worked so hard to get something that had the promises of success put together.

Q. General Haig, two parts. First, part of Bob's question remains unanswered. I also wanted to ask you about the reports that high White House officials felt that Mr. Cox was engaged in an improper attempt to get the President.

Do you believe that is so, and does the President think so, and could you also finish up Bob's question, if you remember it?

General Haig. You know, we have an old Army club they call "foot-in-mouth," and the answer to that question is a prime invitation to join it. But I will say this, there are many of us who have been somewhat concerned about the political alignment of Professor Cox's staff as distinct from Professor Cox himself, and what on occasion appear to be roamings outside the jurisdiction of the charter that was originally conceived for that investigative committee.

Now, having said that, and that is a perfectly understandable thing, everybody has partisan views, and I think they have every right to have them, and I am sure on many occasions those partisan views sometimes influence actions people take, but I am not going to join the broad and sweeping condemnation that Professor Cox was out to get the President. I don't know that to be true and I personally don't believe that to be true.

Q. I want to ask Professor Wright if he or the other counsel had any reason to believe that Judge Sirica would not accept the com-

promise had your decision not been changed today at noon?

Professor Wright. Obviously we could not know that he would accept it. We felt we had good legal argument why he should, and I was greatly heartened—though by this time we were pretty well on the road toward the decision that was finally made—to hear General Richardson say this morning several times at his press conference that he thought it would fully satisfy the purposes of the court orders. So we had some confidence.

Q. General Haig, the point of this question is to try to get some idea as to the President's opinion of Mr. Cox, whether he felt that Mr. Cox was out to get him, how he felt about the areas Mr. Cox was getting into, particularly involving some of the President's friends.

General Haig. That is the part of Bob's question I didn't answer. I wouldn't presume to pass on to you what I assume to be the President's judgments about Mr. Cox and his activities. I do know that there have been occasions where we haven't been especially pleased. I also know my own view, which I just expressed to you, and that is as far as I would go.

Bob, I am not sure I answered the second part of your question, because I——

Q. It went to that point, Al, but it went to whether the President was particularly aggrieved with what was reportedly Cox's heavy-handed attitude towards Haldeman and Ehrlichman as they——

General Haig. No, I am not aware of anythink like that from my perspective at all.

Q. General Haig, did you order the FBI to take over the offices Saturday night, and if so, why?

General Haig. Guilty.

Q. Why?

General Haig. The why was that we had reports here that members of Professor Cox's staff were leaving rapidly with huge bundles of documents under their arms, and I felt that the responsible thing to do was to ensure that the evidentiary material held in Professor Cox's quarters be retained in its complete and thorough form for subsequent continued investigations.

Q. Mr. Richardson and Mr. Ruckelshaus both said today that they believe that a Special Prosecutor is needed to restore public confidence in the Government and in this investigation. Does the White House agree?

General Haig. I think I am going to limit my comments to the issue of the tapes the President has turned over to the courts in complete compliance with two court level decisions, and we are going to live up to that to the letter. The President has moved to put the case within the institutional framework of the Department of Justice. He did that on Friday and I have no basis for offering any other change.

Q. On that point, wasn't it the institutional framework of the Justice Department where this thing went wrong to start with? Wasn't that what caused the Watergate cover-up?

General Haig. Not being an expert on the events of that day, I am not sure I would characterize the problem as you just described it, and I would leave that for someone who had a better grasp for the legal details.

Q. General Haig, why couldn't you have averted the agony of Saturday night by simply continuing to not give these documents and memos that go beyond the charter of Mr. Cox; simply not give them to him and go ahead with—what kind of compelling power did they have that forced you into what you did? Why couldn't you have continued the way you were?

General Haig. I think that is a very good question, and it was a question that the Attorney General on Friday afternoon began to develop reservations about, and I think the answer to that is simply this:

The President, in an effort to get a compromise, viewed the situation on a previous weekend in the context that Professor Cox had been through five months of careful investigation, and had presented the courts and him with a subpoena for some detailed information on nine tapes, and that that was the information he needed, he has stated repeatedly since that subpoena, to go on and process whatever is the outcome, indictments or what have you, within the Grand Jury.

And contrary to the President's own strong conviction that this should be made available, he decided to do it in the interest of settling this very tough issue.

Now, hindsight is a great vehicle, and I am not sure had we known the outcome would have resulted where it was on Saturday night that we wouldn't have given that option very careful consideration. As it turned out, it was Professor Cox who opted for the course of action which turned that sequence of events into what was a very serious one.

Q. General Haig, have you heard the tapes; and two, do you say that the cry for impeachment that has been rising in the country had nothing to do with today's turnabout, reversal? Have you heard the tapes, because you say they will vindicate the President completely, and also impeachment, which really grew today——

General Haig. No, Helen, I haven't heard the tapes. I have had considerable exposure to a number of things, including sworn testimony by all of the key witnesses in the Senate committee, where the inquisitors were uninhibited by normal rules that govern conduct in a courtroom and, therefore, are able to extract information which would probably be far more difficult with an active defense counsel at the side of the witness, and I have had an opportunity to review that material in detail.

I have also had an opportunity to discuss a number of the ramifications of this in the preparation of the May 22nd statement, discussions with the President, reviewing with him and counsel, Mr. Buzhardt, Professor Wright, and I am very comfortable with the course of action that has been undertaken today.

Q. General Haig, can you say specifically if impeachment was a factor in the decision, and whether or not the President took the impeachment talk seriously?

General Haig. I think that is a presumptuous role for me to play here, to outline that kind of concern, but I didn't answer Helen's question, and yours is part of it.

You asked me a question, do I think impeachment is a serious problem. My answer to that is no, I don't. I think in light of the action just taken, no; not at all. Before the action taken, no, and I will tell you why: Because I think the American people, American press included, Congress, and in fact our whole body politic, has a remarkable ability, after some false starts, and some dialectic waves, to get pretty close to the truth on an issue and I am very confident that such a serious action as you have described, impeachment, would not be the outcome of the events thus far.

Q. General Haig, can you tell us if at any time between Saturday night and this noon, when the President changed his mind and decided to hand over the tapes, you received word from Mr. Petersen or anyone else in the Department of Justice that they would be reluctant to resume control of the investigation without access to the tapes?

General Haig. None whatsoever.

Q. General, has, at any time during this chain of events, the President considered resigning?

General Haig. Not to my knowledge, and I would prayerfully hope not.

Q. General Haig, you said earlier—you emphasized that the President is making a single exception to his fidelity to particularly this question of Presidential confidentiality. Are you telling us that in the face of any additional request or subpoenaes for additional tapes that the President will resist those efforts?

General Haig. You are skewering me again on the same question I have already answered, and I said I am not going to take that minefield route this afternoon. I am going to assure you that any course of action the President takes in the future will be within the legal prerogatives of his office.

Q. Besides firing the Special Prosecutor, why was it necessary to shut down his office? You know some of us were writing that the President was more concerned about the Cox development than about the tapes, and lo and behold, here it is Tuesday, he has given over the tapes, but the office is gone.

Professor Wright. I think that the answer is that when the Special Prosecutor took the position that he did, making it necessary for the President to discharge him, that it hardly made sense to keep the Special Prosecutor's handpicked force of people at work, even if a new Special Prosecutor were brought in; that it made much more sense to get back into the institutional framework and let Henry Petersen have the assistance that he feels that he requires.

Q. Are you suggesting that the handpicked people of Mr. Cox were either unethical in their pursuit of the investigations or were incapable or incompetent or lacked integrity or so prejudiced that they were out to get the President?

Professor Wright. I am suggesting no such thing. I am suggesting only that anybody who has the responsibility for an investigation of this magnitude would, I think, want to have his own people rather than those who had been picked by somebody else.

Q. I want to ask you if the President didn't go back on his word? Did he not say he would not interfere with the work of the Special Prosecutor and also the Special Prosecutor could act independently and then did he not come through and fire the Special Prosecutor and say nobody in the Executive Branch of the Government under me can disobey me?

Prof. Wright. He did those things, but I would not accept, Miss McClendon, your adjective to describe them. I would support what General Richardson said today, that the President must always be free in the light of changing national circumstances to change his mind about the conditions in which he has asked people to work for him. In this situation the President believed that he was making a concession so very great from his point of view in allowing the Stennis report to go forward that it was necessary in order to put the tape issue to rest that there be this one limited intrusion on the independence of the Special Prosecutor.

Q. General Haig, is there any provision in the procedure that will be followed now that would permit public disclosure on these tapes, or is the public not going to be able to find out what is on the tapes?

General Haig. Well, I can't give you a direct and precise prediction on that, but it is quite obvious to me that Judge Sirica has to make a number of determinations in dealing with this issue, and certainly the pertinent aspect of these tapes in my view will be known as they pertain to Watergate and Watergate cover-up.

Q. General Haig, did you use the words "The Commander-in-Chief is issuing you orders"?

General Haig. Anybody who knows me knows what a militarist I am.

Now I will tell you as best I can recall what I said to Bill Ruckelshaus.

"Hello, Bill, this is Al."

"Right, Al, I expected your call, and Bob Bork is sitting here with me."

XUM

"As you probably know, Elliot Richardson feels he cannot execute the order of the President."

"That is right. I know that."

"Are you prepared to do so?"

"No."

As I recall, I said, "Well, you know what it means when an order comes down from the Commander-in-Chief and a member of his team cannot execute it."

He said, "That is right." And I think we both understood at that moment that he was neither fired nor resigned, but somewhere in between with a happy mutual term that I haven't developed.

Q. General Haig, you have quoted the former Attorney General a number of times today, always favorably. Is there a move on your part to invite him back?

General HAIG. That would be a big part for me to do such a thing. No; I am not aware of any plan. Obviously the Attorney General's departure is a departure that we all regret very, very much.

Q. From an historical point of view, to what extent does this erode the Executive Branch if the courts can go in and constantly chip away? From an historical point of view, I would like to know.

Professor WRIGHT. I think it does. I think this is why the President has fought hard and why we have fought hard all summer on a matter of principle that we thought of great importance, and finally the decision simply was that the condition of America today so requires a resolution of this issue that we had to bear up even with the decision of the Court of Appeals that we thought to be erroneous and damaging.

The PRESS. Thank you, gentlemen.

THE WORLD CORPORATION—NEW WEIGHT IN AN OLD BALANCE

Mr. JAVITS. Mr. President, there has been a great deal of recent interest in the operations of multinational corporations, and several bodies, both here and abroad, are presently studying this form of economic organization. One of the most important of these efforts is the United Nations Study Group on Multinational Corporations, of which I am a member. The second meeting of this group is now getting under way in Geneva. In these various studies it is essential to consult the multinational corporations themselves and determine their positions on the various issues. This does not require of course, that our study efforts necessarily be guided by the wishes of the multinational corporations, but we would be remiss not to listen carefully to the views of such corporate officials.

One of the most respected and capable business leaders in the United States is Walter Wriston, chairman of the board of the First National City Corporation. His address before the International Industrial Conference is a perceptive history of the development of the multinational corporation and its value as an agent of development and change. Mr. President, I ask unanimous consent that Mr. Wriston's speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

AN ADDRESS BY WALTER B. WRISTON, CHAIRMAN, FIRST NATIONAL CITY CORPORATION

Someone once remarked that at the very beginning of the world, when, for disobedience, Adam and Eve were driven from the Garden of Eden and told that henceforth they must earn their bread by the sweat of their brows, Adam consoled Eve by saying: "We live in an age of transition." For them change was both rapid and drastic. Moreover the physical change was accompanied by an equally great alteration in their value systems—for they had learned to distinguish good from evil.

All history has been dominated by change—or the lack of it. Today, as at the beginning, change is swift and startling in the scientific and technological world, but it is the changes in our value systems which cause us the most agony. Despite protestations that innovation is welcome, mankind in general and sovereign authority and bureaucracies in particular resist it to the bitter end. Nothing upsets us more than to be told, as Abraham Lincoln put it, "that our purposes differ from those of the Almighty." Everywhere change is popular in concept but uncomfortable in practice. The canny bureaucrat never opposes the idea of change; instead he throws up a smokescreen of plausible reasons to abort change "now." Each new invention and innovation in thought is resisted in order to protect whatever status quo is regarded as normal in its specific environment.

This rearguard action takes many forms. Specifically, whenever the times are out of joint, the serpent-devil theory of history is revived to explain away some of the events which seem to have gone wrong. The first commentator on the human condition no doubt attributed society's troubles to some malevolent force. In every age since Eve was enticed by the serpent, observers have uniformly declared their problems to be unique, and caused by whatever passed, in their time, for a devil. Primitive societies, of which many survive, blame a bewildering array of gods for bad news. This habit of looking outward to explain trouble was, in fact, expressed in the early Judeo-Christian era under the broad rubric of "God's will."

Today, as always, we are in an age of transition, and, as always, various segments of society are moving at different speeds. For example, the value systems of the young generally change faster than those of the aged. The scientist who split the atom finds that his disciplines have moved at a faster gait than have those in international law. The economies of the developed countries surely move at a different pace from those of developing lands.

A few years ago, Thomas Hughes wrote, at least half seriously: "One can say that the 20th century is currently made up of 14th century farmers, 15th century theologians, 16th century politicians, 17th century economists, 18th century bureaucrats, 19th century generals and 21st century scientists." It is not a bad analysis save for the American farmer, who belongs to the 20th century.

The discontinuities in world society are partly responsible for the current concern about world corporations. Those multinational companies have been blamed for everything from interfering in the political affairs of host countries, to causing the revaluation of currencies by speculating on the international markets. One enterprising publisher, presumably in an effort to sell more books, entitled a scholarly work on the multinational company "Sovereignity at Bay." Recently Chile persuaded the United Nations to conduct an inquiry into the affairs of world corporations. For whatever reasons or whatever motives, all would agree that the world corporation is now being examined intensively and extensively, but not always competently or without bias.

In order to draw any useful conclusions about the place of the world corporation, it is necessary to set today's multinational enterprise in historical perspective. It may then be possible to advance some ideas as to why our world corporations are so profoundly upsetting to so many people in and out of governments around the world.

Each of us, in every country, is the child of his own experience. The difficulty of communicating our value systems to one another is further complicated by the fact that each other's cultural histories do not have high priority in our separate universities. In a word, we tend to be ignorant of other societies.

Despite the enormous advances in the sciences of communication and the remarkable technology for instant transfer of visual images via satellite, we are still surprised and amazed when other people in different parts of the world espouse value systems radically at variance with our own. For example, it surprises many Americans to find that some of the ideas of Colbert, Finance Minister of Louis XIV, still appear to dominate a section of European thinking about trade and investment. The highly restrictive purchasing regulations which obtain in many European countries stem from Colbert's dictum, "All purchases must be made in France rather than in foreign countries, even if the goods should be a little poorer and a little more expensive, because if the money does not go out of the realm, the advantage to the state is double. . . ." In my own country, some of our Buy American laws were passed, unwittingly, under the influence of Colbert's dead hand.

To a European or to a Japanese it is elemental that foreign trade is a country's lifeblood; it generates the revenue that sustains their governments. It appears obvious to them that foreign trade should inevitably be part of their foreign policy. It comes as a shock to Americans, however, to discover foreign ambassadors in the United States helping to sell airplane engines, machine tools or whatever their nationals need help in selling. At the same time, it is equally incomprehensible to Europeans, to Japanese, to Latin Americans and Africans that the United States Government takes a basically adversary position toward business. Activities of American companies in foreign lands have long been regarded with great suspicion here at home. To Americans, foreign trade has, until recently, been a peripheral activity engaged in only in the event that the domestic market did not absorb our entire production. All these attitudes are deeply rooted in history and so will change only slowly. The consequence is the inherent unpopularity of the world corporation.

There are other roots of this hostility, however, which date back to medieval times. The first merchants, traders and money lenders were motivated largely by profit considerations. Feudal barons, on the other hand, looked to military power for survival and expansion. As competition between feudal rulers increased, the merchants and traders began to associate themselves with the sovereign authorities in order to gain commercial advantage. In return for commercial favors, they financed the wars of competing sovereigns. Merchants bankrolled the Crusades; in return they got monopoly powers in trade in large areas of the known world. The fusion of trade and the royal sovereign in the 15th to the 17th centuries eventually became known as mercantilism, and all external business was conducted by the chosen instruments of the state. It is not surprising, therefore, if today the developing countries believe that the navy always follows the traders, if indeed, it does not precede them. In the mercantilist world, total commerce and industry was viewed as a zero-sum game; profit for one side inevitably meant equal loss for the other. The trick was to maximize gains at the expense of others. The reality that buyer and seller could both profit from the same transaction defied mercantilist logic, and its truth was only perceived over many years with painful slowness.

In the mercantilist world, nations vied for overseas territories in order to control their markets. Many countries set up monopolistic

trading corporations to manage trade and supply all commodities to the colonists, whether natives or settlers. There were the Dutch East India Company, the English East India Company, the French East India Company, the Hudson Bay Company and the Virginia Company. Since these companies made a profit, mercantilist dogma made it clear that exploitation of the colonists must be involved. Therefore, this practice of picking a commercial enterprise as a chosen instrument served to intensify the hostility against both the monopolistic companies and against the metropolitan country which chartered it. In the American case, enmity generated by this commercial device was one of the precipitating causes of the Revolution. An excerpt from a Boston newspaper printed in 1765 summed up the colonial sentiment: "A colonist cannot make a button, a horseshoe, nor a hobnail but some sooty ironmonger or respectable buttonmaker of England shall bawl and squall that his honor's worship is most egregiously maltreated, injured, cheated and robbed by the rascally Americans."

On the other side of the world, trade as exploitation also left its imprint. The Meiji restoration, dating from 1868, marked the beginning of the modern Japanese state. But even that enlightened restoration was based broadly on the concept that Japan could not withstand hated foreign encroachments unless its society was totally reorganized as an industrial power with great military strength. Japanese hatred of foreigners was not new; it dated back three centuries to the edict of 1636 which closed Japan to all foreigners, particularly Christians. The edict forbade Japanese ships from sailing to foreign countries, it prohibited Japanese from going abroad on penalty of death, and prescribed death to any Japanese who had lived abroad and tried to return to his homeland. While much of this changed following the restoration, the concept of strong, centralized power endured.

While many peoples of the world were building centralized government structures, America's economic and political impulses developed along contrary lines. Colonial experience led Americans to be opposed to centralization of economic power in chartered companies and to centralization of political power. The separation of powers, written into our Constitution as a guarantee of political freedom, also affected economic thought. The proof of this hostility to the centralization of power is evident from the fact that our basic anti-trust law bears the name of a senator whose credentials as a conservative were impeccable.

Moreover, the existence of the frontier tended for many years to dominate our thinking. It was not a totally alien frontier such as existed in the older settled parts of the world, but was merely the edge of untapped resources and an enormous land mass. Our huge continent furnished an outlet for all our goods and services. The development of those seemingly illimitable resources demanded both practical and technical innovation. Because of this heritage, many Americans even today fail to understand that the American market is only a sub-section of the world market, and that our value system is not shared by many others. Thus, the Japanese and the Europeans are hard put to comprehend what often seems the strange behavior of my fellow countrymen. The arrogance of the American Government's desire to export its complicated antitrust concepts around the world is properly viewed by our friends abroad with both amazement and hostility. Governments in Japan and in Europe regard their business establishments as great national assets which furnish the revenue to support the increasing standards of living of their people and the world's people as well. It is difficult for them to understand, let alone credit, the basically adversary position taken by the American Government toward United States business.

In this country, we are acutely conscious of the mercantilist tradition in Europe and the enormous concentration of power in the zaibatsu complexes of Japan. Many former colonial countries see the chartered monopolies of the imperial nations as the forerunners of today's world corporations. To them, our global corporations seem to be merely thinly disguised government-directed chosen instruments dedicated to the pursuit of governmental foreign policy under the guise of a commercial establishment. Bitter experience with government chartered monopolies throughout history did little to create a welcome environment in many of the developing countries for the new worldwide economic structures which began to grow during the great postwar international expansion. Even today, the Sunday supplements love to hint darkly that the modern world corporation is really an instrument of today's nation state. The suspicion of a modern mercantilism hangs in the air. The days of gunboat diplomacy are indeed gone. We have now come full circle in the Western World to what appears to many as the successor of the chosen instrument of imperialism. Thus the world corporation is now under attack, not only by the host governments but, in many cases, by their own governments, wherever the head office may be located.

Part of this attack stems from the clash of historic value systems. As new philosophers, thinkers and traders appeared on the world stage at the time of the Industrial Revolution, the idea began to dawn that man by his own efforts could improve his lot in the world. Economic growth and improvement and the betterment of social conditions seemed attainable dreams. The enunciation of the principles of free trade and the doctrines of comparative advantage by Smith, Ricardo and others can be seen as a decisive break with the merchantilist tradition. What flowed from these new ideas was a concept of dynamic economic growth, as opposed to the old notion that profit to one was loss to the other—the zero-sum game.

With this new concept came a recognition of the growing interdependence of economic units. The new emerging entrepreneurial class showed an aversion to war, and began to develop more of an adversary relationship with government. In short, the hostility was mutual. The momentum of this new trend continued despite efforts by some governments to control it.

It was against this background of changing values that the prototype world corporations first began to appear in the latter half of the 19th century. As far back as 1865 Frederick Bayer put a plant in Albany, New York; the next year Alfred Nobel established a factory in Hamburg; and the year after that, Singer operated his first overseas plant in Glasgow.

In widest historical perspective, commercial and political history exhibited an interplay between two basically competing value systems. The first stems from the medieval age and developed through the mercantilism of the 16th and 17th centuries into 19th century imperialism, then 20th century totalitarianism. This was accompanied by the business tradition of the chosen instrument of governmental policy. The second value system arose from the earliest merchant and financier classes of the pre-capitalistic era and grew through the Industrial Revolution. The entrepreneurial tradition of the capitalist, independent of government, eventuated in an adversary relationship between business and the state.

Of course, as in all living things, neither system developed in a pure form. But through the period of the Second World War, there is no question that the mercantilist-imperialist tradition was dominant. The latter entrepreneurial tradition when it gained preeminence, from time to time and from place to place, was responsible for much of the progress in general welfare that has taken place among the world's peoples.

Viewed against this background, the modern world corporation is the extension to global proportions of the business tradition that grew out of capitalism and the Industrial Revolution. It is now learning how to operate in the global marketplace. The motivating factors which drive the world corporations today are basically the same as those which drove earlier entrepreneurs. Like their predecessors, the world corporations are a new expression of the entrepreneurial thrust that thrives on the free exchange of goods, services, factors of production, technology, capital and ideas. The engine that drives the growth of nations gives humanity the wherewithal to deal with the wretchedness of the human condition. Most important of all, it can function amid diverse value systems, though like all instruments of progress it must move in a resisting medium. The principal reason the world corporations are so profoundly disturbing to so many governments, and to the citizens of so many countries, is that they represent today's visible agents of change.

Woodrow Wilson proclaimed a league of free nations—but the League of Nations did not survive. Wendell Willkie argued, correctly, that we have one world, a fact which the astronauts vividly described. Nevertheless, the politicians of the world will not act. The political problems of the United Nations are a stark manifestation. The disorder—almost paralysis—of the political aspect of the European Economic Community is further evidence. Despite all our advances, the world is still socially fragmented and the incompatibility of the world's value systems has always been and still remains a cause of potential conflict. History is replete with the tragedies wrought by efforts of one society to impose its concepts upon others.

Agents of change involve new ideas and values. They have never been welcome in any society. This is especially true when the carrier of new or strange values is, or is thought to be, alien to the society that is affected. Often the most effective way to resist change is by identifying the carrier of the new values as foreign. The word for "foreigner" from the Golden Age of Greece right up to the Middle Ages was "barbarian." Anyone who spoke a foreign language, dressed differently, adhered to different customs and mores was automatically considered a barbarian. "Stranger" and "foreigner" have thus from time immemorial been pejorative terms, and often synonymous with "enemy."

It should not surprise us, therefore, that the world corporation is sometimes unwelcome even though it is the carrier of technology which is the best hope of closing the gap between the very rich and the very poor. It is often unwelcome because it is perhaps the most effective instrument by which value systems are transferred from one part of the world to another.

Mere physical change, manifested by a new factory, a new building or a piece of complex machinery generally does not arouse the passions of the populace. But when the change moves into the realm of ideas, a wholly different and more massive impact upon society follows. If, for example, a world corporation introduces the idea of upward mobility based only on merit and not on status, this may well offend an establishment fighting to preserve its privileges.

The nature of the value systems which are carried by world corporations as agents of change run the gamut from simple improvements, like better lighting in manufacturing plants to renovating whole neighborhoods. For example, Park Avenue in New York City north of Grand Central Station used to be lined on both sides with old apartment houses. It was not until a multinational corporation, Unilever, saw the potential of putting a modern office building in this area that a whole new development was sparked in my city.

In the ancient struggle between those who believe in an open society where men, money, and ideas can move freely across national borders and those who would return to the jungle of economic nationalism, the men and women of the world corporations may furnish a new weight in the balance. The world corporation specifically challenges the validity of the old tradition of the corporation as the chosen instrument of political domination. Because the world corporation confronts that ancient concept, we stand in danger on our planet of reverting to bankrupt atavistic ideas. The acceleration of change brought to a community by a world corporation unfortunately tends to make the old values look even better to many people.

Since time has proved that it is more effective to attack the carrier of an alien idea than the idea itself, the agents of change come under sustained intensified attack. The emergence in the United States of the Burke-Hartke Bill as the most retrogressive piece of legislation since the Smoot-Hawley tariff is only one national manifestation of this political device. Expropriation by developing countries is another.

At this moment, with currencies changing in value more often and in wider swings than we have recently been accustomed to, some governments resort to the ancient primitive device of finding a devil to divert attention from unpleasant facts. One such fact is that only governments create inflation, because they alone can print money. If it is true that the "gnomes of Zurich" were invented by a British prime minister to divert attention from the real reason he had to devalue sterling, it is equally true that the world corporation now furnishes a convenient scapegoat to explain away the fact that we in America have printed too many dollars too fast and that the American government has balanced the Federal budget only seven times in the last 25 years, and shows little inclination to improve on that record in the future.

The development of the World Corporation into a truly multinational organization has produced a group of managers of many nationalities whose perception of the needs and wants of the human race knows no boundaries. They really believe in One World. They understand with great clarity that the payrolls and jobs furnished by the world corporation exceed profits by a factor of 20 to 1. They know that there can be no truly profitable markets where poverty is the rule of life. They are a group which recognizes no distinction because of color or sex, since they understand with the clarity born of experience that talent is the commodity in shortest supply in the world. They are managers who are against the partitioning of the world, not only on a political or theoretical basis, but on the pragmatic ground that the planet has become too small, that our fate has become too interwoven one with the other to engage in the old nationalistic games which have so long diluted the talent, misused the resources, and dissipated the energy of mankind.

The international managers in the great world corporations are exposed daily to a bewildering variety of value systems and a steadily rising tempo of nationalism in many of the nation-states of the world. Out of this experience is emerging the perception that the relationship of the world corporation to the various governments around the world is worthy of re-examination. It is clear to those managing American-based multinational enterprises that a pure adversary relationship between business and government has become an anachronism in the 20th century. We have even permitted, without effective contradiction, the concept to be floated that a businessman who talks to his elected representative is somehow evil, and that his voice should not be heard on matters of public policy.

On the other side of the oceans, the perception is growing that a new age of mercantilism is not the answer to the problems of the 20th century. Neither the pure adversary relationship nor the chosen instrument approach is responsive to today's world. Old ideas die hard; yesterday's liberal, who feels that central, national control is the answer to everything, is still in control of many intellectual circles. They all labor under an old illusion which John Gardner once put as follows: "Those who seek to bring societies down always dream that after the blood bath *they* will be calling the tune." Their outworn doctrine of a controlled economy is becoming more and more a manifestation of the persistence of illusion over reality.

All the great issues of our time, and most of the small ones, are settled in the untidy atmosphere of give and take, of compromise and of negotiation. This is fortunate because the distributive judgment of the people, in the marketplace, as well as at the polls, has always been superior to the fiat of a dictator.

In this dialogue, the role of the world corporation as an agent of change may well be even more important than its demonstrated capacity to raise living standards. The pressure to develop the economy of the world into a real community must come, in part, from an increasing number of multinational firms which see the world as a whole. "Today's world economy . . .," Peter Drucker has said, "owes almost nothing to political imagination. It is coming into being despite political fragmentation." The world corporation has become a new weight in an old balance. It must play a constructive role in moving the world toward the freer exchange of both ideas and means of production so that the people of our planet may one day enjoy the fruits of a truly global society. This is a goal worthy of us all.

TOLL-FREE GOVERNMENT TELEPHONE NUMBERS FOR OREGON RESIDENTS

Mr. PACKWOOD. Mr. President, it is encouraging to note that several agencies of the Federal Government have set up special toll-free telephone numbers in order to be more responsive to the needs of citizens.

Under the system, if a citizen has complaints or questions about a Government program administered by one of the participating agencies he or she can get an immediate response by simply calling the toll-free number.

The toll-free system, which was established through the cooperation of the General Services Administration, is particularly helpful to citizens in Oregon and other Western States, who are separated by distances of 2,000 to 3,000 miles from some Government agencies in Washington.

I would hope that other Federal agencies follow suit and establish a similar program.

I ask unanimous consent that a listing of the toll-free numbers for Oregon residents be printed in the RECORD following my remarks.

There being no objection, the listing was ordered to be printed in the RECORD, as follows:

TOLL-FREE FEDERAL GOVERNMENT NUMBERS—TELEPHONE NUMBERS FOR OREGON RESIDENTS

Civil Service Commission: In Portland, 221–3141, In all other locations, 800–424–4910; Federal jobs—what is available, qualifications, and how to apply.

Action: 800–424–8580; information on Foster Grandparents, etc.

HUD: 800–424–8590; to report housing discrimination.

Air Force Recruiting: 800–447–4700; recruiting information.

Justice Department: "Heroin Hotline" 800–368–5363; where people can call to anonymously report drug pushers/abusers.

Veterans Administration: In Portland, 221–2431 In Salem, 581–9343; In Eugene, Springfield area, 342–8271, In all other locations; 800–452–7276; veterans affairs information and counseling.

Internal Revenue Service: In Portland, 221–3960 In all other locations, 800–452–1980; Federal Income Tax information.

THE LONG-RIBICOFF CATASTROPHIC HEALTH INSURANCE AND MEDICAL ASSISTANCE REFORM ACT OF 1973

Mr. RIBICOFF. Mr. President, it has only been a few weeks since the distinguished chairman of the Senate Finance Committee, Senator RUSSELL LONG and I introduced the Catastrophic Health Insurance and Medical Assistance Reform Act of 1973.

The response to this legislation has been overwhelmingly enthusiastic. My office has been receiving hundreds of letters each day in support of the bill from people in all walks of life.

Private citizens, ministers, doctors, pharmacists, insurance agents, lawyers, hospital administrators, teachers, school superintendents, corporate executives and many others have expressed their support for our health bill.

But I have been most deeply touched by these people who have shared with me personal stories about the financial tragedies which can befall any family when a prolonged illness or injury strikes. Many have depleted their life savings. Others have had to sell their homes. And other have had to sacrifice educational opportunities to pay for the medical bills which can pile up all too quickly. We must put an end to these tragedies. We cannot solve all problems in a single day and we cannot completely eliminate illness. But we can and we must take some steps now to help alleviate the financial burdens of major illness.

I am pleased that 23 Senatosr are now cosponsors of our legislation.

I ask unanimous consent to print in the RECORD a list of these cosponsors as well as a representative sampling of the mail I have received concerning our health bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LIST OF COSPONSORS OF S. 2513, THE CATASTROPHIC HEALTH INSURANCE AND MEDICAL ASSISTANCE REFORM ACT OF 1973

Russell B. Long (D-Louisiana).**
Abraham Ribicoff (D-Connecticut).*
Herman E. Talmadge (D-Georgia).*
Gaylord Nelson (D-Wisconsin).*
Lloyd Bentsen (D-Texas).*

Clifford P. Hansen (R-Wyoming).*
Robert Dole (R-Kansas).*
William V. Roth, Jr. (R-Delaware).*
Hugh Scott (R-Pennsylvania).
Charles H. Percy (R-Illinois).
William B. Saxbe (R-Ohio).
George McGovern (D-South Dakota).
James Abourezk (D-South Dakota).
Joseph M. Montoya (D-New Mexico).
Gale McGee (D-Wyoming).
Lawton Chiles (D-Florida).
Floyd Haskell (D-Colorado).
Milton Young (R-North Dakota).
Daniel Inouye (D-Hawaii).
Alan Bible (D-Nevada).
Howard W. Cannon (D-Nevada).
Edword J. Gurney (R-Florida).
Jennings Randolph (D-West Virginia).

DEAR SENATOR RIBICOFF: I am writing in regards to the bill you introduced called the Catastrophic Health Insurance and Medical Assistance Reform Act of 1973. I can't tell you how much I am in favor of this! Your letter said most people say "It can't happen to me." You are absolutely correct. My husband and I were only married one month and only in our early twenties when an illness struck my husband. It was a reoccuring illness and my husband has been hospitalized four times in the last four years with two major operations. And we live in fear of it happening again.

My husband is a mail carrier and the benefits just do not stand up to a prolonged illness. He exhausted his sick pay and was out for months without any pay. So all our hard earned savings for a home of our own went to doctors, hospitals, drug expenses and daily bills. It certainly has altered our lives and the life of our child. We can't possibly buy a home or live as comfortably as we would have had this illness not struck us. And with the way things exist now, (without your bill as law) if this strikes my husband again, we will be deeply in debt.

I strongly agree and admire your view that it is a right for all Americans to adequate health care. Please work to get this passed. Also if I can help you in any way I am willing to do so.

Thank you,

——— ———.

DARIEN, CONN.,
October 13, 1973.

DEAR SENATOR RIBICOFF: Nothing but your letter, could come at a more opportune time.

May 28, 1970 my normal life stopped in an automobile accident. The result to us as a family has been disastrous. We've had to remortgage our home so as not to lose it and now when the lawyers stop playing politics and really settle down—the litigation will be settled. But if I sign and then the operation isn't a success I could be worse off than I am—which is 100% disabled. The surgery has to be done in the cervical area—one badly degenerated. So its super major surgery—we have spent all our money—savings and are closely in debt for at least $5,000. I've been in the hospital 4 times this year. We still have to face the expense of surgery—private duty nurses, and the recuperation period—this with help from no one.

I strongly believe a person should be able to get help without some agency trying to get their lb. of flesh out of me.

I hope your bill goes through and helps some one.

Peace,

——— ———.

STRATFORD, CONN.,
October 14, 1973.

DEAR MR. RIBICOFF: I received your letter regarding the bill you have introduced for the new health insurance plan. It sounds like a greatly needed plan for the middle income people of our country. I sincerely hope, with your great effort it is passed. Therefore taking a lot of the strain and worry from most people about getting a serious illness and how they are going to pay for it.

I have seen it happen in my own family. My dear mother, who was 79 years old, when this misfortune happened to her $10,000.00 in two months, being kept alive with I.V.'s respirator, etc. in the end she died, most of my father's hard earned savings completely wiped out. A very sad situation for anyone to have to confront.

I myself have brought up two children completely by myself, a father who abandoned us, I did not go on welfare so my biggest worry was, if sickness came, even though I had blue cross and CMS how would I pay big medical bills. My daughter in the course of growing up, came down with epilepsy which was a big expense to me, her neurologist, medication and many other expenses which I had to face and am still facing. It would be nice if more was done for the epileptic. I wish you would look into this situation and try to get some help with this disease outside of welfare.

I guess I have expressed my opinion and wish you great success in your concern for the working class people of our country.

Sincerely,

——— ———.

ABRAHAM RIBICOFF,
U.S. Senate,
Washington, D.C.

HON. SENATOR RIBICOFF: I wholeheartedly support your efforts on behalf of your bill "Catastrophic Health Insurance and Medical Assistance Reform Act of 1973."

As you can see by my letter head that I am in the Real Estate field, but in addition during the winter season when Real Estate is slow in sales I am a Tax Consultant and prepare personal Federal Income Tax Returns. This I have been doing since 1946. I have a degree in Accounting and majored in Taxation. What I am really getting at is that I can prove that you are 100% correct when you say a family can be wiped out, mortgaged to the hilt and life savings completely gone. I keep work sheets on all my tax returns prepared and can prove every word I am now writing.

Were it not for my being a Veteran I would be wiped out as I had a mild heart attack this past May 4, 1973 and my stay at the V.A. Hospital in West Haven was five weeks. In a private Hospital with private Doctor cost could have gone over the $6,000.00 mark which amount I do not have and Insurance coverage may not have covered even half.

If I can be of any further help regarding the above please do not hesitate to call upon me.

My sincere best wishes to you and yours for a Happy Healthy & Peaceful New Year.

Sincerely,

——— ———.

NORWALK, CONN.,
October 14, 1973.

DEAR SENATOR RIBICOFF: We wish to express our strongest support for the Catastrophic Health Insurance and Medical Assistance Reform Act of 1973.

Having been victims of catastrophic illness, we know only too well the hardship caused by the high cost of medical care. When I was hospitalized in December of 1968, we were fortunate to have group medical insurance which covered 85% of all our medical expenses. Although we have avoided serious illness for the last two years, it will take us another three years of monthly payments ($65.00–$100.00) to clear our hospital bills.

My wife and I have been married for nine years, and though we have two school-age children, we find ourselves in the position of beginning all over again—three years from now.

Thank you for informing us of this pending legislation. We are happy to have this opportunity to give our approval.

Sincerely,

——— ———.

ROWAYTON, CONN.,
October 11, 1973.

DEAR SENATOR RIBICOFF: Speaking for my husband, myself, and also for our 21 year old son, you have the support of three voters in the state of Connecticut for your Catastrophic Health Insurance bill.

Our savings were wiped out, and our son had to leave college for a year when his older brother, age 22, died about a year and a half ago after a nearly five year battle with acute leukemia. This was in spite of the fact that we had Blue Cross and also received enormous help—perhaps a million dollars worth of experimental drugs—from the Cancer Society working through Memorial Hospital. We were perhaps "luckier" than some because the disease was one which qualified him for all this assistance. Still, we have first hand knowledge of the way such an illness can nearly destroy a family.

One question: Would the cost of Social Security payments by self-employed individuals be greatly increased? We are both free lance writers and find our standard of living drops nearly every week as it is.

Whatever your answer, I am convinced that this bill for insurance must go through. No millionaire could have afforded the drugs received free and pretty soon no one will be able to pay his hospital bill.

We salute you for your introducing this legislation and wish you well.

Sincerely,

——— ———.

OCTOBER 15, 1973.

DEAR SENATOR RIBICOFF: Thank you for your letter of Oct. 8th regarding the bill "Catastrophic Health Ins. and Medical Assist. Reform Act of 1973." My daughter and I are very much in favor of such a bill. When my husband was ill with cancer and died two years ago, we, certainly, could have used some help, even though we had Blue Cross and C.M.S., been down the drain. Fortunately, I can still work at sixty three and help my daughter with college expenses beyond what she gets from survivor's insurance. I know many families who fared worse than I, when there was catastrophic illness in the family.

Please, let me know if I can help to promote this bill.

Yours truly,

——— ———.

TORRINGTON, CONN.,
October 13, 1973.

Senator ABE RIBICOFF,
U.S. Senate,
Washington, D.C.

DEAR SENATOR RIBICOFF: This is my opinion of your bill the Catastrophic Health Insurance and Medical Assistance Reform Act of 1973.

I think that it is an excellent bill, but I wish that it was thought of 6 years ago.

I say this because 6 years ago I was ill with a kidney disease that drained my life savings and that of my father's. He now has to take loans out on his mortgage and from the Credit Union to pay for the continuing medical bills that arise.

I had a kidney transplant, but as I said there are still bills. I must see a doctor for a check-up once every 2 months, then there are the tests (blood, urinalysis, etc.) that I must have every time I see the doctor. My medicine costs almost $50 a month and then there are the extras like casts for broken bones, extra

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Footnotes at end of article.

*Member of the Senate Finance Committee.

**Chairman of the Senate Finance Committee.

medicine for viruses and the like and so we cannot save even a penny now.

I have not been able to get any kind of insurance because I am considered a risk. Jobs are still very hard to find and most employers want experienced people. I graduated in 1971 and when I started looking for a job, this is what I was told, directly and indirectly, that they would rather have experience.

There is also the matter of the insurance you get when you have a job. Again I get the element of *risk*. Workmen's Compensation and all that sort of thing.

What I don't understand is, what is the risk? I am perfectly capable of handling a job. I am no different from a heart patient, cancer patient, or a person with an artificial limb who works in a factory.

I cannot afford Blue Cross, on the private plan and the State has refused me any assistance because I am not disabled. I am 21 years old and cannot be carried on my father's Blue Cross or CMS.

I am taking a correspondence course for vocational training in hope of securing a job when I am finished, but until then I must contend with nasty letters from the hospital, threats of court action if I do not pay them their money within a certain amount of time and the fact that I am wearing my father to a frazzle, even though he never complains.

I have given up hope of finding any help for my situation. I don't know where else to turn. I have exhausted all the possibilities I know.

So, when I read your letter about your bill, I was extremely happy to find that someone is trying to help people like me at least.

It gives them something to look forward to, for them hope is not lost.

Your bill is *their* hope and perhaps future legislation will give others who get serious diseases or whatever, the strength to seek help from doctors and not worry about the costs.

Your bill will not only be saving them the worries of bankruptcy, depletion of their savings, and larger payments on their mortgages, it will also be saving their lives.

Many people, young and old, have died because they didn't have the money to pay for treatments or the right qualifications for assistance from the various organizations that help these types of people. They just gave up after being turned down time after time. They worried themselves to death.

Now your bill will give them the help they need to pay for their medical costs.

I hope that your bill is passed with no or I should say with the least opposition possible.

It won't help me any, but it will help those who will need it in the years to come. Perhaps even a friend or relative of mine. Then I will be able to tell them that it is thanks to Senator Abe Ribicoff, the man who cares about people and who proves he cares by doing things and not just talking about them.

I remember something from a history lesson I once had, that it doesn't matter what the legislation is for as long as the legislation benefits all the people, and has all the people's best interests at heart.

Sincerely,

——— ———.

OCTOBER 13, 1973.

DEAR SENATOR: I write in reference to your news letter of October 8, 1973.

I fully support your efforts in behalf of the bill, Catastrophic Health Medical Assistance Reform Act of 1973.

Having seen my parents wiped out by just the same catastrophic illness (cancer), and a lifetime of work and savings depleted, I sinecerly hope that your bill can save some of the anguish they went through.

Sincerely,

——— ———.

OCTOBER 12, 1973.

Senator ABRAHAM RIBICOFF,
U.S. Senate,
Washington, D.C.

DEAR SENATOR RIBICOFF: We have been waiting for many years for legislation which would protect people from bankruptcy when they face a medical or health catastrophy.

Members of the "middle class" work all of their lives to build up a little security only to lose everything to the doctors and hospitals when a family member has a lingering serious illness. The Health Policies quit on you, just when you need them the most.

Do not let the Insurance Companies ruin your plan. They try to insure low risk people. They have all kinds of "exception" clauses in their policies. The more you need health insurance for reasons of age or ill health, the less likely they are to accept you and the more they charge. Some companies will not enroll an infant until it is 30 days old—past the serious, expensive problems. And they certainly don't want you if you already have a disease. In short, if you need the insurance, they don't want you to enroll, and a fatal illness lasting over 90 days impoverishes the entire family, even when covered by a health plan.

An example of this is an acquaintance of mine whose ten-year old daughter had cancer. She died within a year. He not only lost his little daughter, but his home as well.

Another example was in the newspaper regarding a teenage hemophiliac who required $1000 worth of blood transfusions a month. Other than this expense, his father was able to make ends meet. The father was told he could get help for his son's medical expenses only if he quit his job and went on welfare.

Another news story told of the man who had to divorce his critically ill wife to keep her from being ejected from a nursing home. The state then paid the bills he could no longer meet.

This situation is a national disgrace. We are the only civilized country in the world that does not take care of its people when a health disaster hits them.

Very truly yours,

——— ———.

OCTOBER 14, 1973.

SENATOR RIBICOFF: We received your letter and we sure are glad you are our Senator and we hope the Health Ins. and Medical Assistance Reform Act will pass and go into effect real soon.

We had the sad case of my brother, whom you knew, as he was a working Democrat for years in Waterbury. He had a heart attack six and one-half years ago and he lost everything. We finally had to put him in a home and then in the end he was in and out of the hospital for 2½ weeks before he died, I had to turn over his insurance policy or they would not put him on State aid. I have heard nothing from the State and it sure is a big worry. So, if we had this health program, I'm sure we would not have the heart ache we had. He died May 8th. He was a veteran of W.W. 2 and the Veterans home and hospital have been kind. They will give him a gravestone and pay $250.00 for his burial.

So, we wish you well, and we certainly would be in good hands if we had more like you in the Senate and House.

Sincerely,

——— ———.

OCTOBER 11, 1973.

Senator ABE RIBICOFF,
U.S. Senate,
Washington, D.C.

DEAR SENATOR RIBICOFF: I received your memo in regard to your introduction of the Catastrophic Health Insurance Bill.

As an insurance agent I heartily approve of this type of legislation.

I come into contact with a great many hard working young people who simply cannot afford today's health insurance premiums and so either will owe medical bills for the rest of their lives or go to welfare for aid.

——— ———.

OCTOBER 15, 1973.

Re: Catastrophic Health Insurance and Medical Assistance Reform Act of 1973.

Senator ABRAHAM RIBICOFF,
U.S. Senate, Committee on Government Operations, Washington, D.C.

DEAR SENATOR RIBICOFF: Your letter of October 8th has been received and read with a great deal of interest by the writer, and I, for one, appreciate the time and effort you have put into this legislation, and, in my opinion, it is a very worthwhile bill.

Being in the insurance business and coming from the insurance capitol of the country I am sure you will receive a certain amount of criticism, but I feel that the bill will assist a great number of people who otherwise might be subject to a complete loss of their savings and possibly their homes.

Yours very truly,

——— ———.

WATERBURY, CONN.
October 15, 1973.

DEAR SENATOR: As residence of Connecticut, we strongly support you in enacting into law the Catastrophic Health Insurance.

It will benefit every citizen of the United States.

I think we are fortunate in Connecticut, in having such an able senator. You have always care for the welfare of all our state's residents. Also, the nation as a whole.

Thank you, we remain,

——— ———.

OCTOBER 15, 1973.

Senator ABRAHAM A. RIBICOFF,
Commissioner on Government Operations,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR RIBICOFF: Congratulations on your recent and important effort in introducing legislation titled Catastrophic Health Insurance and Medical Assistance Reform Act of 1973.

To all of us, who have long been concerned with the devasting effect that such illness can have on an entire family, this is indeed your greatest effort.

Since both ——— and I are most concerned with the high cost of maintaining a family member at a nursing facility, we hope that this too might be included in this excellently formulated plan as well.

Our pride and our support of your many efforts goes back a long way. Be certain that it continues in this, your most recent bill.

If ——— or I can be of any help, in any way, please call upon us.

Again our thanks for your interest in health care.

Sincerely,

——— ———.

STAMFORD, CONN.,
October 16, 1973.

Senator A. RIBICOFF,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR RIBICOFF: This letter is in response to your's of the 8th, which incidentally I believe is a good idea.

Although I am the wife of a doctor I feel very strongly in the idea of Social Security protecting us against the huge expenses of catastrophic illness. Fortunately, to date, I have not experienced this personally but I am aware of many who have gone through the heartbreak of going to the edge of financial ruin due to these heavy costs. Even a few days

in the hospital for minor surgery can be a staggering blow.

Surely the richest country in the world can afford to give its citizens the protection that many small countries now offer as a matter of course. If there is anything I can do in my community to assist you in bringing this bill to the attention of the public I would be happy to help.

Good luck and keep up the good work. We are proud of your record in the Senate.

Sincerely,

——— ———.

WATERBURY, CONN.,
OCTOBER 12, 1973.

DEAR SENATOR RIBICOFF: The Catastrophic Health Insurance and Medical Assistance Reform Act of 1973 is the best news I've heard in a long time!

Thank you for introducing it—you have my full support.

Sincerely,

——— ———.

YALE UNIVERSITY,
SCHOOL OF MEDICINE,
October 18, 1973.

Senator ABRAHAM RIBICOFF,
U.S. Senate, Committee on Government Operations, Washington, D.C.

DEAR SENATOR RIBICOFF: I am responding to your letter of October 8, 1973 in which you solicited views on the Bill you introduced to Congress called the "Catastrophic Health Insurance and Medical Assistance Reform Act of 1973".

As a physician caring for patients with cancer, I am all too aware that a catastrophic illness can be devastating to patients and their families. I heartily support your efforts to reduce the tragedy of such illness and improve the quality of life for our citizens. Even with such legislation, many patients with cancer will suffer significant financial burdens as the outpatient care required for patients undergoing active treatment is substantial. I look forward to the day when our Nation will recognize its responsibility to share the burden of health and care costs for all of its citizens.

Sincerely,

——— ———.

MIDDLESEX COMMUNITY COLLEGE,
Middletown, Conn., October 18, 1973.

Hon. ABE RIBICOFF,
U.S. Senate,
Committee on Government Operations,
Washington, D.C.

DEAR SENATOR RIBICOFF: I am writing to you in regard to your Catastrophic Health Insurance and Medical Assistance Reform Act of 1973. I have read about it in the papers and so am not unfamiliar with your proposal. I am for it. This is where Health Insurance should really start.

I spent a few weeks in the hospital last year because of a heart attack. The hospital bills ran to over a thousand dollars a week. I was well covered by insurance because of my job. I thought over and over again what does one do these days if he cannot afford insurance.

Sincerely,

——— ———.

GREENWICH WOMEN'S CIVIC CLUB, INC.,
Greenwich, Conn., October 19, 1973.

Hon. ABRAHAM RIBICOFF,
U.S. Senate,
Committee on Government Operations,
Washington, D.C.

DEAR SENATOR RIBICOFF: We, the Greenwich Women's Civic Club, Inc., firmly and proudly support your effort regarding the very serious and most important piece of legislation in the name of Catastrophic Health Insurance and Medical Assistance Reform Act of 1973.

We assure you that the effect this bill could have on millions of American families should be sufficient for the great body of Congress to pass it without delay.

As members of an organization, we will do all that is necessary in the way of support of this bill, by spreading the word throughout the community, by pointing out its importance and also by making others aware of the fact that catastrophic illnesses can happen in the best of families.

With this in mind, we wish you a speedy and successful piece of legislation in the days and months ahead.

Sincerely,

SYBIL BAILEY,
Secretary, Greenwich Women's Civic Club.

MILFORD, CONN.,
October 19, 1973.

Senator ABE RIBICOFF,
U.S. Senate, Committee on Government Operations, Washington, D.C.

DEAR SENATOR RIBICOFF: I am writing in support of your recent submission of the bill entitled "Catastrophic Health Insurance and Medical Assistance Reform Act of 1973." I feel this legislation is a necessity to any U.S. citizen.

My wife died of cancer about a year ago. She suffered prolonged illness and several operations which were not covered by our medical insurance. During that time every dollar I earned was spent to pay medical expenses. Beside the psychological trauma of losing my most beloved wife, I had to endure extensive financial hardships. Some of these consisted of debts which I have only recently been able to pay off.

I sincerely hope you and your colleagues are able to pass this much needed bill. I thank you for introducing this legislation and wish for speedy passage through the Senate.

Most sincerely,

——— ———.

GREENWICH, CONN.,
October 12, 1973.

MY DEAR SENATOR RIBICOFF: Today we received your bulletin regarding your Catastrophic Health Insurance bill. I emphatically give you full support for this long overdue piece of legislation.

My husband and I are in our early thirties and have three children. We have thought about "medical disasters" and realize that should one occur it would be impossible to ———.

Incidentally, we too, are natives of New Britain! Good luck!

Yours truly,

——— ———.

OCTOBER 15, 1973.

Hon. ABRAHAM RIBICOFF,
U.S. Senate, Committee on Government Operations, Washington, D.C.

MY DEAR SENATOR RIBICOFF: Thank you very much for your letter regarding the introduction of a bill on Catastrophic Health Insurance and Medical Assistance Reform Act on 1973.

This touches our family personally. My husband had a stroke six years ago and is now in a convalescent hospital permanently. Medicare took care of the first 20 days but now the basic bill is $992.00 per month, so you can imagine how much we are in favor of this new legislation and how much we appreciate your concern for families with this problem.

Sincerely,

——— ———.

OCTOBER 14, 1973.

Senator ABRAHAM RIBICOFF,
Committee on Government Operations, U.S. Senate, Washington, D.C.

DEAR SENATOR RIBICOFF: We wish to express our strongest support for the Catastrophic Health Insurance and Medical Assistance Reform Act of 1973.

Having been victims of catastrophic illness, we know only too well the hardship caused by the high cost of medical care. When I was hospitalized in December of 1968, we were fortunate to have group medical insurance which covered 85% of all our medical expenses. Although we have avoided serious illness for the last two years, it will take us another three years of monthly payments ($65.00–$100.000) to clear our hospital bills.

My wife and I have been married for nine years, and though we have two school-age children, we find ourselves in the position of beginning all over again—three years from now.

Thank you for informing us of this pending legislation. We are happy to have this opportunity to give our approval.

Sincerely,

——— ———.

CYSTIC FIBROSIS ASSOCIATION OF
CONNECTICUT, INC.,
Hartford, Conn., October 16, 1973.

Senator ABRAHAM RIBICOFF,
U.S. Senate,
Washington, D.C.

DEAR SENATOR RIBICOFF: Your letter regarding the Catastrophic Health Insurance and Medical Assistance Reform Act of 1973 was very good news. Several articles have appeared in the various State Newspapers about your plan so I am familiar with it.

Upon reflecting on the experiences of many families who have Cystic Fibrosis children and the tremendous expense that is involved, I can say on their behalf that we all endorse your plan and hope that your will becomes law.

Just as important is the fact that someone outside the Cystic Fibrosis Association has taken steps to help. This gives everyone here a great amount of hope. For most C/F families, life itself is an upward struggle. Any help from outside gives confidence that there are those who care enough to do something conatructive. Surely, your bill is most significant in lending financial assistance.

If there is anything that we as an organization can do to guarantee the smooth passage of your bill, please do not hesitate to ask.

Again, thanks for your help.

Sincerely,

———————.

OCTOBER 26, 1973.

Senator ABRAHAM RIBICOFF,
U.S. Senate, Committee on Government Operations, Washington, D.C.

DEAR SENATOR RIBICOFF: Please accept my sincere congratulations on the introduction of your Senate bill "Catastrophic Health Insurance and Medical Assistance Reform Act of 1973".

As Director of Community Services, AFL–CIO on the United Fund staff in charge of health and welfare programs, I am well aware of such needs.

There is no question of the great assistance your bill will render to thousands of individuals who are helpless in meeting their bills, especially the retirees who exist on Social Security income alone.

I would appreciate it if you would keep me informed of the bill's development, as I am sure you will receive Labor's active support in its passage. Naturally, as your constituent from Stamford, Connecticut, I am pleased and proud of your tenure in office and of your record.

Sincerely yours,

——— ———.

WHY NOT BLIMPS?

Mr. GOLDWATER. Mr. President, NASA is currently studying various ways

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to move the Space Shuttle from point to point within the Earth's atmosphere. The need arises because NASA will have to move the Space Shuttle from the factory to either the Kennedy Space Center at Cape Canaveral or Vandenberg Air Force Base in California. Moreover, the Space Shuttles may have to be moved from one launch site to another owing to mission requirements.

I am informed that NASA is considering various ways of moving the Shuttle in level flight, among these are: fitting air breathing engines in a strap-on mode, modifying a C–5A as a piggy back carrier, joining together two 747's, towing the Shuttle behind a transport aircraft.

All have serious drawbacks.

Why not blimps?

I have written to Dr. James C. Fletcher, the Administrator of NASA suggesting the possibility of blimps or dirigibles. They have the following attractive features:

First. Low power requirements.

Second. Low noise levels.

Third. High inherent stability.

Fourth. No runways needed.

Fifth. Great ability to hover.

America has a plentiful supply of helium to provide buoyancy—buoyancy without the threat of fire.

From the foregoing it seems clear that blimps or dirigibles would be socially acceptable. They would not consume great quantities of fuel. They would pollute less. They would not add appreciably to existing noise levels. Finally, blimps are friendly.

The only real technical problem that I know of involves the takeoff and landing. Years ago large crews were used to assist takeoffs and landings by handling tethers. Inevitably, there were injuries. And, the high cost of large standby crews might be prohibitive today. I believe this problem can be solved by using modern technology.

Mr. President, I ask unanimous consent that the text of my letter to Dr. James C. Fletcher be included at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON AERONAUTICAL AND SPACE SCIENCES,
Washington, D.C. October 29, 1973.

Dr. JAMES C. FLETCHER,
Administrator, National Aeronautics and Space Administration, Washington, D.C.

DEAR DR. FLETCHER: As you know, NASA is considering various ways of moving the Space Shuttle from point to point within the USA. I would like to suggest that you consider the possibility of using either blimps or dirigibles.

If blimps and dirigibles looked attractive from economic and engineering standpoints, it would provide NASA with a multipurpose means of transportation. For example, the solid rockets and the tanks for the Shuttle could be moved by them.

As far as I can tell, it has been a long time since the U.S. Government has studied the economics and engineering of blimps and dirigibles. If such a study were made in conjunction with the Space Shuttle, I would like to suggest that NASA simultaneously study blimps and dirigibles as a method of commercial transportation. One purpose of such a study might be to answer this question: What kinds of cargoes, if any, could they haul economically?

I am sure you can appreciate the favorable public reaction that would occur if NASA was able to provide technology for moving food from the farm to the marketplace in a cheaper, faster way.

With warmest personal regards, I am
Sincerely yours,

BARRY GOLDWATER,
Ranking Minority Member.

Mr. GOLDWATER. Mr. President, in the October, 1973 edition of Astronautics and Aeronautics, there is a very fine article entitled, "The Many Uses of the Dirigible." Its authors are Jack R. Hunt, Ben B. Levitt, Francis Morse, Kurt R. Stehling, and J. Gordon Voeth. They point out that many people have an adverse reaction to dirigibles, because of bad memories of the *Hindenburg* which blew up at Lakehurst, N.J., in 1937. The *Hindenburg* used hydrogen for buoyancy and thus was highly susceptible to explosion. German zeppelins had to use highly volatile hydrogen as a result of a U.S. embargo on helium.

However, it is a fact that during the years 1936–37, German zeppelins made over 200 transatlantic flights on schedule or nearly so. On one occasion during a flight to Rio de Janeiro, a zeppelin was unable to land as there was a revolution in progress. The airship simply maintained station over the Atlantic until the airport resumed operations.

The authors see many uses for the dirigible. The one that impresses me the most is that of a cargo carrier.

I know many Senators have received letters about the boxcar shortage. Many communities throughout the land have been short of transportation.

I believe it is time for NASA to take a new look at blimps and dirigibles—a new look at the engineering and economical problems involved. I don't believe NASA should go full bore into development. I do believe NASA should provide study money to take a further look at blimps and dirigibles from the vantage point of 1973 economics and technology.

Any transportation system promising low noise and low fuel consumption deserves some consideration today.

Mr. President, I ask unanimous consent to have the article entitled "The Many Uses of the Dirigible" printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE MANY USES OF THE DIRIGIBLE

(Modern technology combined with still unrivalled payload, internal volume, range, and endurance will equip the airships of the future to do the jobs no other vehicle can.)

The revival of large airships could provide the United States with a dramatically new and different technological challenge. (See, "Dirigibles: Aerospace Opportunities for the '70s and '80s," in the November *A/A*.) But engineering challenge alone will not attract enough support. Dirigibles must be needed. They must be able to do things no other aircraft can do as well or do at all. We will detail some of these singular talents in this article.

But remember, in evaluating the dirigible's renewed usefulness think in terms of future airship design and performance. Thirty-six years have passed since the *Hindenburg's* hydrogen caught fire at Lakehurst. Yet most persons visualize tomorrow's helium-filled dirigibles as more *Hindenburg's*. This is like trying to predict the usefulness of a future airplane by what the Ford Trimotor or DC–3 could do.

Remember also that different application will require different designs and configurations. Size will vary according 'to purpose. Some applications will require nuclear propulsion; others will be better served by more conventional power. And, recalling that the Zeppelins of WW I carried loads to 10,000 ft. we must expect, too, a variety of cruising altitudes and speeds.

Also keep in mind that airships are *not* unduly weather-sensitive. Ground handling in severe weather admittedly takes great care, but once airborne airships take on quite a different nature. For this reason future uses of the dirigible anticipate their remaining aloft as much as possible, and loading or unloading passengers, freight, supplies, and crew by hoist, hook-on planes, or perhaps helicopters.

The German Zeppelin operators of the 1920s and '30s, pioneers in pressure pattern navigation that they were, actually chased after storms to hitch a ride on the wind circulation around them. In this way the *Hindenburg* once reached a ground speed of 188 mph. After nine years of flying the North and South Atlantic, Zeppelin captains learned to respect penetrating fronts rather than fear it. Trim the ship, place it in static equilibrium, and at low altitude enter the light spots was what they routinely did—and without benefit of radar. Localized thunderstorms they circumnavigated. More than a half million hours safely flown by the Navy's blimps in WW II reinforced the Zeppelin men's conclusion.

Not even icing presents the hazard supposed. Protracted flights in time icing have shown that an airship picks up a static load equal to about 5% of its gross weight after which no more builds up. Glaze icing poses an insignificant hazard owing to its random distribution over the surface of the ship and the short time during which glaze-icing conditions persist. Snow does accumulate but not in dangerous amounts for airspeeds above 40 kt.

This icing information came out of all-weather stationkeeping carried out in January 1957. While the most severe winter weather in 75 years hit New England, Navy blimps from a squadron at South Weymouth, Mass., and from another at Lakehurst, N.J., manned a point 200 mi east of New York City, keeping at least one airship on station at all times for 10 consecutive days. Meanwhile, weather grounded commercial carriers for three of these days at all major Northeast airports. After this performance airships harly deserved dismissal as "fair weather aircraft."

But this is history. The technology used in future airships—the nature of their skin, the ducting of heat, the use of embedded electrical elements, the carrying of ballast that doubles as deicer fluid—would overcome any remaining icing handicaps as surely as modern techniques have done so for airplanes.

Designing, building, and operating large structural airships makes perfectly sound engineering sense. Whether Zeppelins, metalclads, or some other type, however, their engineering must permit a suitable magnitude of deflection throughout their structure, something that was not always done in the past. Given this structural flexibility and given the level of technology that made possible the Boeing 747 and the Saturn V, nothing prevents building airships as airworthy as any other man-made thing that flies.

The dirigible's appeal for the future lies in certain characteristics possessed either not at all or to only a limited or lesser extent by other aircraft. Inherently it makes an environmentally clean vehicle which could appreciably reduce pollution caused by aircraft operations. It combines very large payload with extreme range and a flight endurance

measurable in days, weeks, or, with nuclear power, months. Substantial shipping holds could carry bulky cargo. It could transport outsized items, such as preassembled structures, slung beneath the hull and accurately lower them into place while hovering overhead. Sightseers, arms-control observers, land or sea bed treaty inspectors, mappers, geologists, agriculturists, oceanographers, biologists, coastline surveyors, doctors and nurses, rescue workers, salvagers, archeologists, and others could travel abroad by the hundreds and with room to work and live comfortably. For mounting sensitive equipment the structure of a large dirigible would prove convenient as would the airship's standing as perhaps the most stable and vibration-free propelled airborne platform man can build.

The usefulness of a dirigible is a function of its volume. The *Hindenburg's* 7-million cu ft approached an efficient size for its purpose, its day, and its hydrogen inflation. Lighter materials and improved structures would reduce dead weight and improve performance in the future. Even so, tomorrow's missions would require larger sizes—nine-, twelve-, perhaps twenty-two-million cu ft.

Projections set the payload of a 22-million cu ft conventionally propelled airship of conservative design at 615,000 lb for a range of 2950 mi, and 326,000 lb for 6500 mi. With nuclear power the payload remains 655,000 lb regardless of range. This is impressive carrying power by any standards. Corresponding payloads for the C–5A—considered by some the largest cargo airplane practical—reportedly weigh 265,000 lb and 80,000 lb, respectively, nowhere near the airship's.

With performance like this and that graphed at right, dirigibles could well become *merchant ships of the air*, carrying low-density and large-dimension cargoes that jet freighters find economically unattractive or practicably impossible to handle. Airships could transport these shipments nonstop at 100 or more mph (depending on design and powerplants) across oceans and then deep into continental interiors. At destination, they could unload without landing, using propeller thrust-vector control and other techniques to help maintain position and compensate for changes in weight. If the cargo happens to require a landing, they would need only a flat clearing and simple stick mast. They would need no costly port terminals or thousands of feet of heavy-duty runways.

This ability to bring large (in size and weight) cargoes into and out of areas without landing facilities would make the airship a logical candidate for introducing trade into the underdeveloped and inaccessible regions of Africa, South America, and Asia.

As *aerial cruise ships* dirigibles also have much to offer. The *Hindenburg* was considered the quietest form of transportation then available. The noise level in its passenger quarters ranged between 40 and 61 dB. It flew so smoothly that tall vases holding cut flowers safely stood on its tables. Scarcely a ripple disturbed the surface of water or wine in goblets. Absent were the often abrupt motions of heavier-than-air flight. No one got airsick.

Passengers had accommodations like those on a luxury steamer. They particularly liked the large outward-slanting draft-free windows along the promenade decks. These windows usually remained open and through them passengers could look directly out at the scenery beneath. Because the ship cruised at about a thousand feet, it offered spectacular sightseeing. Those who paid their $400 to fly the Atlantic this way sat or stood for hours before the windows. They described the experience of traveling on the *Hindenburg* by saying, "You fly on an airplane but you voyage on an airship."

An even more enjoyable flight would await those who cruise on tomorrow's dirgibles. The anticipation of gliding slowly over and around the islands of the Caribbean and of exploring from comfortable quarters in the air the historic and picturesque coastlines of the Mediterranean would almost certainly attract vacationers in large numbers. Imagine the thrill of hovering low over the canals of Venice or the ruins of ancient civilizations and seeing and photographing them unhurriedly in detailed plan view. Consider the appeal of following a river like the Amazon, poking around the Arctic ice pack in the summer, or circling the globe, all while aboard an airborne resort hotel. For land excursions passengers could be ferried to the ground and back by airplane. Or the airship might ride to a sea anchor offshore and lower its guests to the surface where waiting hydrofoils would take them into port.

Cruise activity, a major part of the maritime scene, has fallen captive almost entirely to foreign-flag ships. A new type cruise vessel, something entirely different, to attract U.S. and other tourists would help reduce the substantial dollar outflow resulting from recreation travel.

The leisure use of the dirigible contrasts sharply with its value for *giving assistance and saving lives following natural disasters*. Earthquakes, typhoons, storm surges, floods, landslides, and other such calamities continually remind us of our inadequate preparations for dealing with them. Each invariably touches off a frantic international effort to provide assistance. How well that effort succeeds depends on where the tragedy strikes and how accessible by air. If airports have been crumpled, submerged, washed away, or if they simply do not exist nearby, help is tremendously hindered. Even when runways remain open, chaos may prevent distributing items airlifted. Such conditions reportedly existed after last year's Managua earthquake.

A dirigible could carry for thousands of miles hundreds of thousands of pounds of supplies and deliver them directly into the hands of survivors and evacuees without depending upon usable runways or airports. It could take food, water, water purifiers, medicines, tents, sleeping bags, generators, communications equipment, vehicles, pumps, demolition gear, and even bulldozers. In hovering flight it could intensely illuminate an area at night. Cables could carry emergency power to the ground. Using the airship as an aerial vantage point experts in rescue, firefighting, demolition, and the restoration of essential services could oversee and direct activities. To play its role in disaster relief, such a ship must be specially configured to contain hospital facilities, for example. Provided the payload, speed, range, and altitude capability to rapidly reach almost any inhabited place on Earth, it will almost certainly comprise the most technologically advanced airship flying.

When not on disaster service, it could improve international well-being many other ways. Going into remote regions, it could seed plants from the air and dust crops. In areas of Africa afflicted by locusts, it could reach and spray the breeding areas. It could accurately chart land use and help evaluate its management, stock inland waters with fish and nutrients, take fishery surveys, and wildlife censuses and track the migration of whales. An airship could spray or literally mop up large oil spills at sea operating above and free of the mess, criss-crossing the spot to lay down chemicals or tow booms or other devices to clean the surface.

This vehicle of global goodwill, this flying symbol of American or international humanitarianism could take well-equipped teams of geologists, geodesists, biologists, and other scientists, also engineers, to areas of interest and deposit them for *in situ* sampling, exploration, excavation, and construction. Archeological expeditions could reach their destinations this way. All the while, however, the ship would remain equipped and ready for its prime mission. With the first word of a natural calamity, it would set course immediately for the scene, picking up the needed medical and other specialists on the way by airplane hook-on.

A similar but less spectacular role can also be visualized for airships as airborne versions of the medical ship *Hope*. Equipped as flying clinics and training centers and routinely bringing health care and instruction to the hinterlands, they could help people and communities beyond the direct reach of the famous humanitarian vessel.

In its survey operations for the public good, the dirigible would demonstrate its special talents for *remote sensing*. Certain frequencies now carry atmospheric, oceanographic, and Earth-resources radiometric observations, because they are the best permitted by the antenna-carrying limitations of today's air and space craft. The airship's size, stability, and low vibration would permit carrying environmental and geophysical sensing antennas that would open up a new world of frequencies to use. Sensitivity, gain, and resolution should improve remarkably.

Gravitometers and magnetometers, trailed if necessary to remove them from the effects of the ship, could be carried as could very-high-resolution cameras and laser profilometers. Remote-sensor technologists would appreciate the airship's ability to carry onboard processing facilities. They could identify questionable results while the ship is still in or near the observing area and repeat runs using the same or different instruments, frequencies, or spectral intervals.

Current technology has not revised the WW I verdict that airships make poor combat aircraft. It would permit improving their ability to survive if attacked. Damage control would become feasible in a large rigid or structural airship, since repair parties could reach its frame, engines, and gas cells in flight. More important, it could carry self-defense aids, consisting of early warning and fire-control radars, anti-air and antimissile missiles, also other countermeasures suitable to the threat. Even so, prudent operation must keep the ship out of situations for which it is not intended. The vulnerability considerations of an airship do not differ from those of any other military vehicle, be it troop transport or aircraft carrier. Each must operate in the tactical environment for which its designers intended it to have an acceptable level of survivability.

The airship's ability to deliver large quantities of men and supplies into remote areas with little or no ground support gives it an important military role.

But it has a much more significant one as a *platform for ocean surveillance*—surface, air, and underwater—for sea control. Using the immensity of its sides, an airship could fly a phased-array radar with the power and performance to mount an intensive watch over large areas of the ocean surface. Other sensors, infrared and over-the-horizon radar, might also find uses.

If the dirigible could classify detected targets, it could fire air-to-surface weapons at unfriendly ones. If it could not, it might launch its own aircraft to classify, and, if necessary, to attack them. It will want to use its planes too when keeping silent its own high-powered surveillance radar to avoid detection.

It could carry out air surveillance in a like manner but with an additional consideration. If friendly forces occupy the area of interest, the enemy must not be allowed to conduct aid reconnaissance there. Denying the enemy targeting intelligence will significantly improve the survival chances of friends. The effectiveness of standoff surface-to-surface missiles decreases as uncertainty increases about the location, composition, and disposition of potential targets. Some cruise missile submarines reportedly receive their targeting data from reconnaissance aircraft.

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Deprived of such information they must stay close to acoustic detection range where they have much more difficulty locating and classifying targets.

Air surveillance should permit the airship to detect cruise missiles in flight, thus giving warning of attack and providing it the opportunity to launch counter missiles or to vector intercepting aircraft. As for submarine-launched ballistic missiles, particularly those with depressed flight trajectories, the forward-positioned dirigible can improve early-warning time and serve as a platform from which to fire counter weapons while the missiles pass through their boost phase when their low speed and large infrared signature tend to make them vulnerable.

For underwater surveillance, the airship could emplace large fields of moored sonar buoys, monitor them, classify and correlate detections, and vector forces to localize and attack unfriendly submarines. The dirigible itself could carry antisubmarine warfare (ASW) support forces made up of aircraft or remotely piloted vehicles (RPV). Buoys that fail or break away would be recovered, replaced, and repaired, if necessary, in onboard maintenance facilities. The ships could retrieve and redeploy entire buoy fields.

The airship could also tow horizontal linear passive sonar arrays, designed with an extremely large aperture, essentially to the limits of the sea environment. Screw and hull noises would no longer interfere with listening, and sweep rates and other performance aspects could improve. Subsurface arrays towed by airships seem specially suited to maintain surveillance over potentially unfriendly ballistic missile submarines.

The Navy is replacing dedicated ASW aircraft carriers by the CV with its mixed complement of ASW and attack aircraft. The airship could bring about a return to a single-mission ASW carrier, and most important from a logistic and operational viewpoint, without needing accompanying destroyers or underway replenishment groups.

Finally, the airship appears eminently qualified to serve as the central command post and operational control center for a designated sector of open ocean. It has the size to house the most sophisticated communication equipment, computers, and analysis and display equipment required by a major fleet command. Its mobility would permit the area commander to remain literally "on top" of the situation.

The dirigible could and should play other significant roles but space does not allow discussing them here. Oceanographic work for one. Use as a movable VLF antenna for communicating with submarines for another. A carrier and mother ship to Deep Submergence Rescue Vehicles for still another.

The Soviets reportedly have an interest in using airships to deliver to the Siberian interior whole prefabricated buildings and completely assembled heavy equipment, and to bring out the region's natural wealth on the return flight. In March 1972 the Russian popular magazine *Sputnik* contained two articles on the subject. One stated that 14 Soviet institutions, including some government ministries, favor the building of large airships. The U.S. and USSR have formal cooperative programs in space, including a rendezvous in orbit. A new bilateral agreement, this time for the mutual development of airship transportation, would strengthen technical collaboration between the two nations. The Administration in its desire to see trade, understanding, and friendship developed between the U.S. and USSR, might well consider the airship as a tool toward realizing that goal.

In addition, the government should look deeper into the "disaster relief airship." Creating it as a major international effort with internationally shared funding seems a "natural" as does operation under United Nations auspices.

While discussing the dirigible's international future, let us not forget Japan. Geographically isolated and dependent upon overseas commerce, the industry of that energetic country that produces the world's largest tankers may suddenly discover in the airship the means to transport manufactured goods rapidly and in bulk to Western Europe and South America. The discovery could work either to the distinct advantage or disadvantage of the U.S. aerospace industry.

How much will it cost to build a *fully-equipped operational prototype* to do some of the tasks described above?

Naturally that answer depends upon the size, performance, mission, and type of construction. Also upon the extent to which major subsystems (powerplants, for example) already exist and need not be specially developed. And upon the nature and extent of structural testing required (a large airship and a "jumbo jet" might receive quite different treatment in this regard). Estimates for such a prototype range from as low as $100 million to as high as $500 million, with follow-ons, of course, substantially less. Six cargo airships, each 12,500,000 cu. ft. and of modernized conventional rigid airship design, could cost about $25 million a copy.

But first, a training airship must be constructed. Exceptionally thoroughgoing flight and ground-handling proficiency building programs must forestall operating inexperience, a major cause of the lighter-than-air accidents of yesteryear. Simulators will help but they are not enough. The expertise and skills of flying large dirigibles have to be revived, starting anew. Before a crew can take over a large operational airship, it must at the very least have received a checkout in a smaller ship—probably of about 3-million cu. ft.

This training ship would cost perhaps $50 million. It need not carry the advanced electronics and other special features required by the operational ships. Constructing such a ship inside one of the half-dozen dirigible hangars still standing in the U.S. would take about three years.

Providing a training airship, an operational prototype, and qualified crews would probably cost too much for any private organization. Government support seems almost certainly required, particularly if the aerospace industry persists in some of its costly ways of doing things (often at the insistence of the government itself). The 6.5-million-cu ft *Akron*, an operational prototype, cost $5.4 million and its sister ship, Macon, $2.5 million. These two dirigibles, representing perhaps America's single most ambitious aircraft construction project of the late 1920s and early 1930s were built by a contractor's engineering group that, including draftsmen, numbered no more than about 50 persons. The Navy's highly successful ZMC–2 metalclad, a radically different developmental airship prototype involving new materials, design, and construction techniques, was engineered by a staff of a half-dozen. How many scores or hundreds would work on that same job today?

Which agency might provide the support? The Coast Guard, Environmental Protection Agency, Geological Survey, Atomic Energy Commission, Arms Control and Disarmament Agency, National Oceanic and Atmospheric Administration, and, of course, the Maritime Administration all have programs and missions that would benefit from large airships. Individually, none of these Federal agencies would likely underwrite development alone. But they could pool their requirements and resources and sponsor the ship collectively. One, however, must take the lead.

The Defense Department could obtain the resources to begin a comprehensive airship program. Despite the military applications described earlier, DOD has so far shown little interest. If it does, an Air Force or Navy airship program could lay the foundation for nonmilitary usage and designs.

NASA has apparently no more interest in airships than does DOD.

Yet the airship offers a vast potential for services, applications, and uses important, even critical, not only to the U.S. but also to the world. It would have a measurable impact on the balance of trade, scientific progress, national defense, and international humanitarianism. It offers as much as did the SST—perhaps even more—an opportunity for engineering creativity, technological advancement, and *management innovation*. Building a dirigible differs from building an airplane. To revive airships, we must make a new technological start. *And in so doing, we can also make a new managerial start*, something much longed for by those caught up in the way of doing things that has evolved since WW II. Building a dirigible can be used by astute managers in government and industry to reverse the trend toward ever more costly and more difficult to control aerospace programs.

Will the airship be revived? Almost certainly it will but not until its technical and operational merit has become more widely recognized and the subject itself given more professional attention.

The time table could change overnight if the Office of Management and Budget concluded that airships can substantially or uniquely contribute to the Administration's goals at home and overseas. An OMB recommendation to develop this environmentally clean and attractive vehicle for its commercial, scientific, defense, utilitarian, and global good-will value is what is really needed.

There is no question about *whether* the dirigible will return, but *when*. And that depends on how rapidly an awareness of its potential can be conveyed to the Executive Branch, Congress, the military, the scientific community, industry, and the public.

EARL G. WATERS—WINNER OF THE 1973 FREEDOM OF INFORMATION AWARD

Mr. CRANSTON. Mr. President, I want to pay tribute to a fine California newspaperman. Earl G. Waters, syndicated columnist whose articles on California government and politics appear in 40 newspapers, has been named the winner of the 1973 Freedom of Information Award.

The honor was announced at a meeting of the prestigious journalism fraternity, Sigma Delta Chi, at its Central California Chapter, by Michael Otten, awards chairman.

Mr. Otten said it was given in recognition of Waters' action in forcing the disclosure of a contractual arrangement the University of California secretly made with the university president.

When his requests to view the contract were denied, Mr. Waters retained legal counsel and sued to enforce the public's right to know. Mr. Waters' unrelenting pursuit of the records resulted in important public revelations.

Mr. Waters was selected from a group of nine nominees for the award which is given annually. It is the second journalistic honor bestowed upon him this year. Last April he was named the winner of the 1973 Media Award given for "outstanding legal and legislative reporting" by the California Trial Lawyers Association.

He had previously been the recipient of two awards from the California Newspaper Publishers Association for "general excellence" in reporting.

THE MORAL ISSUE

Mr. JAVITS. Mr. President. At a time of testing of the issue of détente with the Soviet Union as a result of the developments in the hostilities and cease-fire in the Middle East, it is pertinent to recall an editorial which appeared last month in the September 13 Wall Street Journal. This lead editorial has as its thesis the proposition that denial of liberties to its own citizens by the U.S.S.R. is a proper matter of concern to the United States in any détente or negotiations with the Soviets. As the editorial points out:

> It is not in the nature of men or governments to be beastly within the family and trustworthy outside it.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

A Parable

Two men living on a remote island had been feuding for years. Whenever either would venture into the no-man's land between their family domains the other would feel threatened and knives would be drawn. Unhappily, the no-man's land included the island's best freshwater spring, and no member of either family dared to drink its waters.

A long drought, drying up the other springs and threatening the lives of both families, promised at least to end the feud. Though eyeing each other suspiciously, the two men managed to reach an understanding allowing both to use the spring, and indeed joining their efforts to develop its resources. Within this tenuous understanding both could prosper, but if either or both were cut off from the spring they would die.

Encouraged that the two could work together on something so important, the first man starts to rethink his experiences. Perhaps the long feud was merely an honest misunderstanding. Perhaps he had misjudged his fellow, perhaps he had merely imagined the evil intentions. Perhaps a certain allowance needs to be made for different and sometimes rough ways. Perhaps despite these differences, the other man is trustworthy enough that the important things can be settled and the knives can be forgotten.

Then the first man discovers that even while working industriously on the spring by day, by night the second man is beating his wife and terrorizing his children. Some of those beaten, fearing for their lives, appeal to the first man for help. What is he to do? He is moved by their plea, but he has heard that quarrels of another family are none of his business. He knows that if he antagonizes the second man the understandings may collapse and all may die. Yet if the beatings reveal true character, how long will the understandings last? Can any agreement with such a person, the first man wonders, really protect his future and his family's?

Only a cruel fate could create such a dilemma. A hundred philosophers could wrestle with it for a hundred years without providing a happy solution. Yet it is not only in parables that fate is cruel, and the United States, trapped on the world island with its Soviet antagonist, finds the dilemma not hypothetical but real. Just as agreements are being reached to curb nuclear arms, and just as American granaries are feeding the Soviet people, we find the Soviet government crushing its dissident intellectuals, even moving against the two formerly protected by fame, physicist Andrei Sakharov and novelist Alexander Solzhenitsyn.

Given this dilemma, Americans are bound to be troubled no matter how they react. These columns have many times expressed their instinct, which is to warn against an excess of moralizing in foreign policy. That excess is written large in American history; this nation's typical error in foreign policy has been putting a desire to create little Americas abroad ahead of cold calculations of national interest. And this tendency is curiously strong, far from absent, in those who have most loudly warned us against playing "world policeman."

Our cold interest, since we cannot make the Soviets go away, is to find ways to live with them. To this end we are following a strategy of increasing contacts, of creating an interdependence between the two societies. This is far more important than threatening and cajoling them into following American standards of behavior with respect to their internal matters.

Yet this attitude can be carried only so far. It is not in the nature of men or governments to be beastly within the family and trustworthy outside it. The policy of detente is in fact built around an assumption that Soviet behavior will evolve toward moderation internationally, and a shadow is cast over the strategy when the Soviets move in the opposite direction internally. One would not want to forsake the strategy prematurely over such concerns, since it does seem to offer the best chance for peace. One would want to offer the Soviets a chance to show that they are not after all immune to moral persuasion. But in the end, there are limits.

So we sympathize with Henry Kissinger and other officials when they refuse to link official policy to the treatment of Soviet dissidents, except in informal representations. But we are also delighted with the widespread public concern and the protests by the National Academy of Sciences. And the Soviets need to understand that if their actions continue to make matters worse, American public opinion will ultimately be reflected in American government policy.

Given the stakes involved, we can hardly go on a crusade against wife-beating. But it may help the victims, and also our own long-term interests, to let it be known that there are types of behavior that call the whole joint enterprise into question.

A TRIBUTE TO HAROLD HUGHES

Mr. MUSKIE. Mr. President, with many other Senators, I took great pleasure this past Sunday in an article which appeared in Parade magazine about our friend and colleague, Senator Harold Hughes. In describing him, and his decision not to seek reelection next year but to retire from the Senate and follow the call of God in his service to mankind, the article was laced with complimentary adjectives: "compassionate," "understanding," and "impressive."

Having the privilege of knowing and working with Harold Hughes gives content to these adjectives. His strength of character has led to what he calls "a spiritual approach" to his public role—truly feeling with conviction the important values of life, and acting upon them. His contribution to the work of the Senate has reflected this conviction and strength of character. As he continues to bring his message to mankind, he will have my confidence, respect, and warmest personal best wishes.

Mr. President, I ask unanimous consent that the Parade article on Senator Hughes be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Senator Harold Hughes: He Wants To Work Full Time for God

(By Lloyd Shearer)

Washington, D.C.—Some men, particularly politicians, will do almost anything for power. And then, having acquired it, they will do even more to consolidate and perpetuate it. For political power in the American way of life is either the ultimate money-substitute or an eased road to wealth.

Mayor Richard Daley of Chicago is the classic example of the first, and the late Lyndon Johnson in Texas an equally classic study of the second.

In the hands of politicians with little strength of character, power frequently becomes hypnotic in its addiction, corruptive in its influence, and vindictive in its exercise.

Once in a rare while, however, a man, elected to political power, decides to relinquish it when he doesn't have to.

On Sept. 6th—after a lengthy period of personal soul-searching and intensive discussions with his wfie and three daughters—Sen. Harold Hughes, 51 (D., Iowa), announced that when his present term ends in January, 1975, he will retire from the U.S. Senate to become a lay preacher and follow "God's calling."

OVERCOMING THE PAST

Hughes, an ex-alcoholic truck driver—a lethal combination if there ever was one—is a three-time Governor of Iowa, 1962–68, a Methodist, and one of the most deeply religious, personable, kind and liberal members of the Senate.

In his 4½ years as a Senator, he has quietly helped several members of the Congress and their wives with drinking problems and ministered to the varied needs of others.

A mountain of a man, 6 foot 3 and 245 pounds, he is a tender, compassionate, understanding person whose special interests are the poor, the weak, the downtrodden, and those who have lost their spiritual way in life.

"I have long believed," he explains, "that government will change for the better only when people change for the better in their hearts. Rightly or wrongly, I believe that I can move people through a spiritual approach more effectively than I've been able to achieve through political approach.

"To me there is something more important than the political process in this country. God comes first and country comes second.

"That belief is really nothing new with me. I've had it ever since I quit drinking. (In 1951 Hughes was about to take his own life when one afternoon he knelt in prayer.)

"At that point," he says, "I asked God to direct my life, and I made a commitment to Him as I understood it. I thought then of entering the ministry. In fact, for a couple of years I even took a correspondence course for the ministry. But then I was led into state politics, and eventually into the Senate by the late Robert Kennedy.

"In 1967 after three terms as Governor of Iowa, I didn't want to run for reelection," Hughes narrates, "I didn't want to come to Washington. I had no ambition to become a United States Senator. But one afternoon, in November or December, 1967, I don't recall the precise date or even the precise hotel, I think it was the Plaza, Bob Kennedy and I, just the two of us, met in a hotel in New York City. And I told him that Lyndon Johnson had to be replaced as President and that he was probably the only man in the Democratic Party who could get the nomination.

A DIVIDED COUNTRY

"Bob was reluctant. He said he didn't want to be the instrument for dividing the country. I disagreed with him. I told him the country was already badly divided, that someone had to run against Johnson. Of course, we didn't know that Johnson would subsequently decline to run.

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"In the course of the conversation," Hughes continues, "Bob pointed his index finger at me and said, 'How can you ask me to run for the Presidency if you won't even run for the Senate?' I didn't have much of an out. I couldn't see that one more vote in the Senate was going to make that much difference. But he convinced me. He convinced me that six years of my life in the Senate might indeed make a difference on a lot of issues. I said, 'OK, Robert, I'll run for the Senate if my wife and daughters agree.' They agreed. I ran, and I was elected.

"Robert ran, too, for the nomination, but you know what happened [Robert Kennedy was assassinated in Los Angeles on June 6, 1968]. And that tragedy brought me to the realization then, as it does now, that there's a basic savagery underlying the political structures of this country that we've never been able to mature out of.

A GREATER DANGER

"The politician in this country is probably in greater danger of being struck down than in almost any other Western country. Americans don't like to hear that. But our history proves it. Just in the past 10 years: Jack Kennedy, Robert Kennedy, Martin Luther King, George Wallace. Surely there must be some way in which we can dampen the anger which politics generates in the hearts of our people."

When Harold Hughes leaves the Senate in January, 1975, he plans to join two organizations, the Fellowship Foundation and the International Christian Leadership, both of which believe in spreading the Prayer Breakfast Movement. As yet he has no specific assignments. "People ask me," he says, "If I expect to be another Billy Graham or spend the next 20 years of my life as a missionary in India. The truth is I don't know what I'm going to do. I haven't had time to lay out a program. When this job is over, I'm going to take a little bit of time to wait on the Lord—to think and to pray. I'm sure God will direct me."

Senator Hughes is good-naturedly aware that some people believe he's "blown his stack" or "gone off the deep end," or suspect that he really plans to run for President of the U.S. under a third-party banner.

"I'm not contemplating running for public office again in my life," he declares, "but if there should come a time in the future that the right man or woman ran for office and wanted my commitment or if some President should say to me, 'I want you to come and do this for the country,' I would feel compelled to do it. But the truth is that I've been sitting here in the Senate these past few years saying to myself I'm not doing what my conscience wants me to do.

"I've tried to find a way of life," Hughes asserts, "where I could do what God intended me to do with a total commitment. I haven't found that in the Senate. That's not to say I'm not proud of what I've done here, especially in the fields of alcoholism, drug dependence, the anti-war movement, and the exposing of the secret Cambodian bombings, and, of course, the Gen. John Lavelle affair. [General Lavelle authorized and hid from superiors a series of unauthorized bombing raids on North Vietnam.]

I've been an important, lonely voice on the Senate Armed Services Committee, questioning a lot of weapons systems. And I think my voice has had some effect, has focused some attention on the problems and issues. I don't sell that short for a minute. It's just that to me God's calling is greater than the political one."

CONSTITUENTS TALK

The reaction to Hughes' plan has been startling. The overwhelming response has been one of discussion. "The devil's in the White House," many of his constituents have written, "stay in the Senate."

The secretaries in the Senator's office say his Iowa mail has reflected surprise, disappointment, respect for his wishes, and appreciation for what he has done in the past, in that order.

"The only people who dislike the Senator," claims one assistant, "are some in the White House, and that's because the Senator has always firmly believed in telling people the truth and in speaking his own mind."

Hughes quickly admits, however, that "I've received some letters telling me that I ought to learn a little about forgiveness if I'm going to succeed in my new way of life. I've been accused of being quick to criticize the President, quick to call him to task.

"I don't enjoy doing that," he states, "we have a President. I respect the Presidency. I pray for the President every day. It's pretty difficult to stand up here in the Senate and be cutting in your criticism, because you think it's not only in the national interest but in the interest of eternity. I don't like to hurt others. I don't have the killer's instinct. I never want to bore in on a man when he's bleeding and not leave him room to escape and heal by honesty.

"The President could have taken Watergate and become a saint. If only he'd made a complete revelation, if only he'd told the whole truth and dismissed the people involved and demanded full prosecution. His popularity would have been 95 percent.

"But the President is a man who is very afraid," Hughes states, "and I wish I could help him. That may sound strange, as critical as I've been of him, but I really wish that I could. I see nothing wrong in confession and repentance. Why can't he do that?

"I would rather have a group of men gathered around me in prayer to help me than to stand in the heat of crisis with a bunch of intellectual advisers. That's the way history has brought strength to people.

THE SÉANCE AFFAIR

"Nine times in his Presidency, Abraham Lincoln called his country to prayer and repentance. Nine times he said, 'It's a national day of repentance. Ask forgiveness for yourselves and the nation, so that God might remove from us the stigma that caused this great conflict that almost tears us asunder.' Surely, President Nixon should have no shame in doing that."

In 1971 Harold Hughes gave the Democratic Presidential nomination a try. He progressed smartly until several newspapers reported that he had attended a séance in an effort to communicate with his older brother, Jesse, who was killed in an automobile accident in 1942 not far from their hometown of Ida Grove, Iowa.

Many members of Hughes' staff believe that their boss departed prematurely from the race and might well have won had he stayed. Hughes is by far a more charismatic personality and a more impressive and memorable speaker than such Senators as Muskie, McGovern, Humphrey and Jackson. He may in fact be the most arresting speaker in the entire Congress. With his commanding presence and his resonant, stentorian voice, he has the rare faculty of arousing almost instantaneous rapport with his audience. He has had groups of businessmen hugging each other in demonstrations of close brotherhood as a result of his urgings. He is a thoroughly empathetic man.

How he will survive after he leaves the Senate, he has little idea. He has entered into no salary or financial arrangements with either the Fellowship Foundation or International Christian Leadership and insists that "God will look after me.

"Fortunately," he adds, "my wife has as much faith in God as I have. She doesn't know what we're going to be doing. We discussed seriously the economic problems related to a move like this, you know, giving up a great deal of security here at the U.S. Senate.

"We don't have enough financial resources to provide for old age. Another term in the Senate would mean a good retirement pay, enough for us to live the rest of our lives comfortably. But my wife agrees with me that by faith, the Lord will provide for us, and as for the rest of it, she's delighted."

A most unusual Senator, Harold Everett Hughes, one-of-a-kind, truly a nonpareil.

FIVE HUNDRED STUDENTS ENROLLED IN BUSINESS MANAGEMENT TRAINING

Mr. COTTON. Mr. President, in troubled days such as these we sometimes tend to allow worthy projects and dedicated service to be overlooked temporarily and consequently I feel it is particularly appropriate at this time to call attention to a program associated with the normality of the fall season rather than the abnormality of these particular times.

Recently I was supplied with a copy of the July/August issue of Access, a publication of the Office of Minority Business of the U.S. Department of Commerce that describes another instance of the willingness of the National Football League to become involved in the world outside of their packed stadiums. In an excellent example of a Government project being supplied to the private sector; 15 young professional football players secured commitments from 257 business firms to provide 508 fellowships for disadvantaged students that will eventually lead to their being brought into the firms upon their college graduation. Under the terms of the program, these students, all financially needy high school seniors in the top 10 percent of their graduating classes, will work for the companies during their summer, Christmas, and Easter vacations while in college.

This project was originally conceived by a dedicated career civil servant, Mr. Francis X. Seymour, the Chief of the Department's Personnel Operations Division, to bring disadvantaged Washington area students into the Government. Mr. Seymour is also an avid fan of the Washington Redskins and suggested that OMBE adapt the program to the private sector. With the professional football players running interference, the business firms have committed a total of $3.5 million to the fellowships. The OMBE cost was only $125,000; which Commerce Under Secretary John K. Tabor points out is:

> Exceptionally low overhead and a significant savings to taxpayers in view of the fact that the costs of many other youth related programs have been many times this figure.

Among the 15 NFL players who participated in this program were Conway Hayman and Homer Post of the New England Patriots and I commend the article to the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FIVE HUNERED STUDENTS ENROLLED IN BUSINESS MANAGEMENT TRAINING

With 15 professional football players running interferance for them, some 500 young people from disadvantaged backgrounds are moving toward career goals in the business world.

It's all part of a unique program called the Business Management Fellowship started by OMBE in cooperation with the National Football League (NFL) and the private business community.

Nationwide, private business firms have awarded Business Management Fellowships to 508 students. Under the terms of the program, these students, all high school seniors in the top ten percent of their graduating classes, will work for the companies during summer, Christmas and Easter vacations during their college careers.

Upon graduation from college, the students will be brought into the firms through regular personnel channels as full time professionals. To qualify for the program, the students must be eligible to attend college and must show financial need. Many of them are from minority groups.

In addition to the 508 commitments for the coming school year, 257 firms have expressed an interest in participating in the program next year.

The Business Management Fellowship results were announced at a special ceremony at the Commerce Department in Washington to honor the 15 professional football players who worked for the Department during the last few months to market the program to private industry.

The players were recruited with the cooperation of NFL Commissioner Pete Rozelle. Buddy Young, Rozelle's special assistant, was primarily responsible for recruiting the players OMBE needed to sell the program. Young said, "In reviewing OMBE's needs, I decided to recruit the younger players in the league who could use the money they earned during the three month assignment and who have the enthusiasm and salesmanship to do an effective job."

Under Secretary of Commerce John K. Tabor presented award certificates to the players. They are: Jimmie Jones, Mack Alston, Ted Vactor and George Nock of the Washington Redskins; Conway Hayman and Homer Post of the New England Patriots; Jim Harris and Joe Williams of the Los Angeles Rams; Dave Lewis and Jesse Phillips of the Cincinnati Bengals; Melvin Holmes of the Pittsburgh Steelers; Cal Snowden and Chris Fletcher of the San Diego Chargers; Rudy Redmond of the Detroit Lions; and Clarence Ellis of the Atlanta Falcons.

The ceremony also honored a Commerce Department official who originally developed the Business Management Fellowship. He is Francis X. Seymour, chief of the Operations Division, Office of Personnel.

Seymour conceived the idea in 1967 as a method for bringing disadvantaged students from the Washington, D.C. area into the Commerce Department at the professional level. The program was so successful at Commerce, that the Civil Service Commission later adopted it for Government-wide use. Today over 1,000 young professionals, many of them minorities are serving in the Federal Government as a result of this program.

Because it worked so well in Government, Seymour suggested that OMBE adopt the program for use in the private sector. The result was the Business Management Fellowship Program.

In presenting the awards, Under Secretary Tabor pointed out that the compensation the 508 students will receive for vacation work during the four-year terms of their Fellowships is estimated at $7,000 per student. "Thus business firms, in signing up to provide 508 Fellowships, have agreed to commit a total payment of about $3.5 million to selected students," Tabor said.

Since it only cost OMBE $125,000 to implement the program this year, this means that the Federal Government's contribution to the program is less than four percent of the anticipated private industry commitment to support the program.

"This is an exceptionally low overhead and a significant saving to taxpayers in view of the fact that the costs of many other youth related programs have been many times this figure," the Under Secretary pointed out.

OMBE Director Alex Armendaris commended the football players for the dedication and enthusiasm they brought to the Business Management Fellowship Program. Calling the program a practical way to develop future minority entrepreneurs, Armendaris said, "The long-range benefits of the program are evident: a pool of college trained, business-oriented minority employees is being developed on an ongoing basis and in an organized manner as candidates for the executive programs of business and industry."

MR. DEPILLA, OF THE U.S. BOTANIC GARDENS CONSERVATORY

Mr. McCLELLAN. Mr. President, we in the Senate are fortunate to have a number of dedicated and loyal employees who serve us ably and are all too often unheralded.

Albert T. DePilla is just such a person. Mr. DePilla, a horticulturist and manager of the U.S. Botanic Gardens Conservatory, was awarded a certificate by George White, Architect of the Capitol, on October 10, 1973, in observance of his 50 years with the U.S. Government.

Over the years, Mr. DePilla has provided the Capitol and other legislative buildings with flowers and floral displays which have greatly enhanced our environment and improved our working conditions. He is truly an artist in his arrangement of flowers.

Mr. DePilla was born across the street from the present conservatory. At the age of 16, he began his employment at the conservatory as a laborer and rose over the years to his present post. When the present conservatory was opened, he assisted in the transferal of the tropical plants to their current home.

As manager of the U.S. Botanic Gardens Conservatory, Mr. DePilla supervises the outstanding floral shows which attract thousands of visitors to Capitol Hill during the Easter and Christmas seasons and the remainder of the year. He is in charge of the decoration of the Old Supreme Court Chambers in the Capitol for the Presidential Inaugural ceremonies held there. He has decorated and arranged the floral displays for all presidential funerals held in the Capitol Rotunda from Presidents Harding to Johnson.

Under Mr. DePilla, the conservatory has provided not only floral offerings of enchanting beauty, but also a place where our young people can learn—just as he learned—to appreciate the beauty and bounty of nature.

Mr. President, in the years of service that he has given us, Albert DePilla has never been too busy to offer advice and instruction in the care of plants. He has made many friends among Senators, Congressmen, their wives, and their staffs. I am sure that they all join me in congratulating him upon this occasion and wish him many more years of productive service.

LET US COUNT OUR BLESSINGS

Mr. FANNIN. Mr. President, in today's busy world we seldom have time to stop and count our blessings. Yet, a moment's reflection will reveal that even with our inflation and our political disputes, we are a very fortunate people.

At the same time, we must also recall what it is that made the United States the strong and prosperous Nation it is. And it becomes apparent that we must rededicate ourselves to the principles and to the hard work that built this Nation.

The Warner and Swasey Co. ran two excellent advertisements in the most recent issues of U.S. News & World Report. One of these advertisements helps us to count our blessings and be thankful. The other reminds us that unless we get back to work we will not long enjoy this good life.

Mr. President, I ask unanimous consent to have these two advertisements reprinted in the RECORD.

There being no objection, the advertisements were ordered to be printed in the RECORD, as follows:

YOU THINK AMERICA HAS TROUBLES? WHAT'S NIGHTMARE TO US WOULD BE UTOPIA TO THE WORLD

In much-envied Japan, the best beef costs $35 a pound; pollution is so bad in Tokyo that traffic policemen take an "oxygen break" every hour—3 minutes of breathing bottled oxygen; their factories produce ten times the industrial waste per square mile that our factories do and 70% fail to process their waste; school children pass out after playing in the smog.

Britain, France, Spain, Italy, Denmark and Finland have worse inflation rates than we do, and controls have failed. (Gasoline in one country costs $1.03 a gallon).

In Brazil less than half the cities have high schools.

In Rio de Janiero as many as 6 companies have to share one telephone.

In Cuba per capita income is down to $357 per year.

In the Congo prices have risen 90% since the late 60's and wages have risen only 40%.

In mainland China workers live in huge apartments where 6 to 12 families share one kitchen.

Calcutta has a population explosion (9 million; it was 2 million just ten years ago) because people crowd in to get factory jobs at 34¢ a day—twice the Indian national scale.

We have only 6% of the world's population but we produce and consume 30% of the world's goods and services, making us better fed, better housed, better educated, with better medical care than virtually any other people on earth.

Complacent? We'd better not be! We'd better learn how to get back to being the *productive* people we once were, when we were *safe*, and genuinely prosperous—and reasonably happy.

NOBODY LIKES TO BE SECOND-BEST, BUT WE'RE GETTING THERE ALL TOO FAST

The United States used to make 76% of the world's automombiles. Now it's 33%.

We produced 47% of the world's steel; now 19%.

Following World War II we built most of the world's merchant ships. Now only 2%.

From first to third as builder of machine tools.

The American sewing machine used to be the trademarke of the American home. Now only one company makes *any* here.

40% of Americans walk in imported shoes.

Whose fault? It's *everyone's* fault who wants something for nothing or takes something he doesn't earn. That is what is causing exorbitant prices, shoddy quality, disguested customers. America was built by hard work, with everyone carrying his share. We'd

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better get back to it *fast*, while there's still time.

THE WIRETAP MENTALITY

Mr. NELSON. Mr. President, approximately 30 years ago, Justice Felix Frankfurter warned that "The history of liberty has largely been the history of observance of procedural safeguards".

None of us, least of all those of us in Congress, can afford to ignore this warning today. For the Senate Watergate hearings and other recent events have exposed in shocking detail the Government's steady encroachment on individual liberty. The Government wiretaps phones, installs electronic bugs, and spies on the activities of law-abiding citizens—often with little or no concern for individual's right of privacy.

The time has come for Congress to stop toying with words and adopt some procedures to control these invasions of individual privacy by the Government.

There are innumerable examples to demonstrate the need for congressional control of Government snooping. Perhaps the most telling examples are wiretaps which the Government installed in May 1969, at the specific direction of the White House, on 17 individuals suspected of leaking information to the press. Most of the taps were placed on the phones of certain Government officials. The remainder were placed on the phones of selected newsmen.

The administration argued that these widetaps were necessary to prevent disclosure of information considered vital to our national security. But the administration had virtually no concrete evidence to support this argument. The lack of evidence, however, was no obstacle to the installation and maintenance of the wiretaps. For the administration did not feel an obligation to persuade a court or any other public body of the need for the wiretaps. In the administration's eyes, its discretion was beyond question.

As a result, many of the taps installed were continued for an inordinate amount of time. In the cases of at least two Government officials, for example, the taps were maintained after the officials had left Government service and had joined the presidential campaign staff of Senator Muskie.

These are not isolated incidents. Almost every day the public learns new details of how the Government spies on citizens. One day it is the U.S. Army employing 1,500 plainclothes agents to spy on more than 100,000 law-abiding citizens whose only "crime" is disagreement with Government policy. Another day it is the FBI spying on citizens and Government officials participating in the celebration of Earth Day. And another day it is the White House "plumbers" burglarizing the offices of a private physician. The possibilities are almost limitless and, to say the least, rather frightening.

These insidious practices of Government snooping threaten the rights guaranteed to each citizen by the Bill of Rights of the U.S. Constitution. Foremost among these threatened rights are the ones accorded by the fourth amendment. That amendment provides that—

> The right of the people to be secure in their persons, houses, prayers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probably cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

The purpose of this amendment is clear. It is designed to protect an individual's privacy from invasion by the Government.

One need not be an historian or a lawyer to recognize that this right of privacy is fundamental to our system of democratic self-government. For this right places an individual's thoughts and beliefs beyond the reach of the Government. It protects each individual's right to think and, within certain established limitations, to act as he or she chooses. As Justice Field declared in the 1888 case of In re Pacific Railway Commission:

> Of all the rights of the citizen, few are of greater importance or more essential to his peace and happiness than the right of personal security, and that involves not merely protection of his person from assault, but exemption of his private affairs, books and papers, from the inspection and scrutiny of others. Without the enjoyment of this right, all others would lose half their value.

A right so vital to an individual's peace and happiness cannot and should not be entrusted to the guardianship of a Government which can act in secret. This is particularly true when, as in the last few years, the Government is too ready to sacrifice individual privacy on the altar of political expediency. This, in a word, is the clear message of the fourth amendment.

Unfortunately, that message has done little to restrain the Government when it wants to spy on private citizens. Accordingly, I introduced a bill in April 1971 and again in June 1973 to establish a joint committee of Congress to review all Government surveillance activities. This joint committee would be empowered to subpena representatives from every governmental agency or department engaging in surveillance activities and to require full disclosure of their respective spying activities. The joint committee could then determine whether these activities comport with the fourth amendment and whether any new laws are needed to safeguard an individual's privacy from Government snooping.

Congress should not underestimate the importance of adopting action now to control Government surveillance activities. Government spying, by whatever means, jeopardizes the individual freedoms which are the cornerstone of our democratic system.

The need for immediate congressional action to control Government spying was voiced most recently in the lead editorial, entitled "The Wiretap Mentality," in the October 13, 1973, issue of the New Republic. This excellent editorial describes the Government's installation of wiretaps in May 1969 on the telephones of the 17 individuals suspected of leaking national security information. The editorial also criticizes Congress failure to take any action to review the full scope of Government wiretapping.

This editorial deserves the close attention of every Member of Congress and the public at large.

Mr. President, I ask unanimous consent to have that editorial printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The Wiretap Mentality

Three months after his second inauguration as President, Richard Nixon gave the go-ahead to installation of FBI wiretaps on the office and home telephones of at least one newsman and a handful of Henry Kissinger's National Security Council staff members. The date was May 1969 and it marked the start of a unique effort first to control news leaks, then to gather political intelligence, and finally just to snoop. The White House and the FBI always knew these taps were politically risky. And so, although the FBI's number two man, William Sullivan, worked directly with Nixon aide John Ehrlichman, knowledge of the taps and the information they generated were kept out of normal bureau channels. Sullivan kept the files in his private safe. But periodic reports on what the agents overheard were sent to the President via Haldeman and to Kissinger through his aide General Haig. Only occasional reports went to Attorney General Mitchell. In the 21 months between May 1969 and February 1971, the phones of 17 persons were tapped. Some taps continued for a month or less; a few longer and at least one—on the home phone of Morton Halperin—was maintained throughout the entire 21 months.

Two members of the Senate Foreign Relations Committee, Senators Sparkman and Case, were permitted to read an FBI summary report on the taps during the confirmation hearings of Secretary Kissinger. They spent less than 10 minutes reading the documents and about the same time questioning Attorney General Elliot Richardson and his new deputy, former Acting FBI Director William Ruckelshaus. Their interest was primarily Kissinger's role in initiating the eavesdropping, not the eavesdropping itself. Enough was learned, however, to cause them to question "the pattern of casual and arbitrary infringement of individual rights." They also noted that "very little if any justification was presented in most instances" for initiating a tap. Often only the name of a White House aide would be supplied as the requestor. The excuse for one tap was that a newsman had been seen talking to an East European diplomat; in another that a State Department official was close to Averell Harriman. The Senate committee also criticized the lack of "procedural safeguards" with respect to terminating the taps. Why they were terminated is an intriguing story in itself. They were halted in February 1971 because FBI Director Hoover wanted to reduce the number of national security taps prior to his annual appearance before the House Appropriations subcommittee, which was scrutinizing his budget.

If these 17 so-called Kissinger taps were the only publicized examples of Nixon telephone snooping, the Congress and newsmen might be somewhat justified in giving the subject the silent treatment it has had. They were not.

In June of 1969—a month after the first FBI taps were installed—White House counsel John Ehrlichman at the specific direction of the President authorized the White House's own security unit, then headed by John Caulfield, to install a wiretap on the Washington, DC telephone of columnist Joseph Kraft. Was that for national security purposes; and if so why wasn't the job given to the FBI? Kraft, in Europe with his family when the tap went on his home phone, was followed about and bugged by French authorities. That *was* at the request of the FBI. Again Ehrlichman was reportedly behind the operation.

One month later —John P. Sears, a lawyer who was among Nixon's earliest 1968 campaign advisers and was working at the time as a White House aide, was made the subject of an FBI tap. Sears was handling domestic and political matters but he says he had no access to classified material. He was, however, often available to newsmen he had met on the campaign. Did the national security dictate this tap? In late August or early September of 1969 a Caulfield tap was allegedly put on a row house rented by three girls, one of whom worked for Senator Edward Kennedy and had been present the fateful July night on Chappaquiddick when Mary Jo Kopechne died in Kennedy's automobile accident. Was that a national security tap?

These invasions of privacy, along with the "electronic surveillance" of Democratic headquarters, have been identified. We know less about others. The Secret Service has conceded it wiretapped the President's brother Donald but has refused to supply details, the President having invoked executive privilege. Former White House aide Ehrlichman testified before the Ervin committee that he authorized wiretaps "from time to time" during 1971 when the White House "plumbers" were riding high. Since that group did not get going with its clandestine operations until five months after the 17 Kissinger taps were reportedly halted, it would appear there are still more White House taps to be uncovered. An August 11, 1971 memo from Bud Krogh and David Young (the men directing the plumbers) to Ehrlichman indicates they were aware of wiretaps on individuals connected with the Pentagon papers investigation. Among them was K. Dun Gifford, a former aide to Senator Edward Kennedy and friend of New York Times reporter Neil Sheehan, the man who developed the Pentagon papers story. The Krogh-Young memo lists Gifford as having been "overheard"—the legal term for being picked up on a wiretap.

When the plumbers set up shop in July 1971 Assistant Attorney General Robert Mardian made a special trip to San Clemente. According to Mardian, who was handling prosecution of the Pentagon papers case, his meeting with the President came about because FBI Associate Director Sullivan and J. Edgar Hoover were on the outs and Sullivan wanted the White House and newsmen tap records to be removed from his and the bureau's control. At the President's direction Mardian got the tap records from Sullivan and turned them over to Ehrlichman. Was the transfer of these records an effort to hide the fact that Daniel Ellsberg himself had been overheard? That could well have been so. Ellsberg had stayed at Halperin's home in late 1969 and his calls from there were duly recorded by the FBI. An added bonus to placing the taps with Ehrlichman was their availability to the plumbers, who were seeking to tie Halperin and others to the Pentagon papers case.

Having secretly wiretapped and hidden the records in the White House, the administration had no reluctance to make the necessary additional false statements when the question of wiretaps came up at Ellsberg's trial. The government produced an affidavit signed by a Justice Department employee to the effect that files had been checked and no such wiretap information on Ellsberg existed. White House aides Ehrlichman, Krogh and Young, along with Mardian and the FBI officials—all of whom knew of the taps—said nothing. In late February 1973 *Time* reported that these taps *did* exist and the White House promptly denied it. Then at his ill-fated confirmation hearings, Acting FBI Director L. Patrick Gray III testified he had searched FBI records and had found no such taps. Gray's second in command—W. Mark Felt, a career FBI official who had replaced Sullivan—knew of the taps. Either Gray never asked Felt about them or conveniently forgot if Felt told him the truth.

It was only in May 1973, when Gray was replaced by Ruckelshaus at the FBI, that the taps' reality was confirmed, including the overhearing of Ellsberg. The records themselves were discovered in Ehrlichman's safe hours *after* the Ellsberg case was dismissed. Ehrlichman had known all along they were there; so had the President. Had they been found earlier they would have been ordered into the hands of the defense and probably made public. As it was they were regained by Ruckelshaus only after what was facetiously described as a physical struggle inside the White House.

Will we ever learn how extensively the administration used this police state tool or the real reason for it? Halperin has filed a civil law suit claiming damages to himself, his wife and children from the 21-month tap, arguing that no reasonable national security consideration could justify government surveillance for almost nine months after he had left government service. Was the tap continued because Halperin had become an adviser to Senator Muskie? Another Kissinger assistant, Anthony Lake, was also tapped for a brief time while he worked for Muskie. Lake, Kraft and others, including Ellsberg, are studying the possibility of lawsuits similar to Halperin's.

On Capitol Hill, where interest in wiretapping once ran high, little is stirring. In former years two Senate Judiciary subcommittees studied the question. Neither seems much interested today. Special prosecutor Archibald Cox has sent questionnaires to government agencies that have wiretap capabilities to determine how wide the practice has been, and he may investigate the possibility that some government taps already disclosed had no national security basis and were therefore illegal. Last week we learned that in 159 cases, convictions may be appealed because of improper authorization of taps by the Justice Department.

We have related these incidents and their background in some detail because they illustrate a streak in the President, his associates and his accomplices that needs exposure. One could not listen to the testimony of such Watergate witnesses as John Ehrlichman or E. Howard Hunt without a chilling sense of their suspicion-ridden zeal to "get" real or imagined enemies, and the casualness with which they repeatedly and unaccountably bypassed the accustomed ways of exercising political power. An inner circle was convinced the country was in the grip of an elitist conspiracy inimical to self-government. Everywhere they turned they thought they detected the infiltration of public and private institutions by unpatriotic elements that eventually could only be dislodged and destroyed by underhanded maneuver. The foundations, the universities and churches—most were under hostile influence or control. Agencies nominally directed by the executive branch were likewise deemed unreliable, that is, unmalleable by the White House. The FBI, the Internal Revenue Service, the CIA could not be depended upon. The Congress could not be trusted with the truth. The major newspapers and television networks were riddled with radicals. And as evidenced by Kissinger's bugging of his own staff and by the fact that White House aides Charles Colson and Ehrlichman—and the President—recorded telephone conversations with their own hirelings, the inner circle reached the point that it could not even rely on its own members. The TV cameras have shown us a night world of secret agents, little black books, untraceable $100 bills, pseudonyms, rifled safes, falsified documents, faked cables, wiretapping, bugging, burglary—all emanating from the White House.

Congress cannot just push all this aside with some half-hearted rationalization that the public is bored by Watergate and all its ugly appendages. A thorough airing of the full scope of wiretapping is essential if such malpractices are not to be repeated.

TRIBUTE TO REPRESENTATIVE PHILIP M. CRANE

Mr. CURTIS. Mr. President, the Honorable Philip M. Crane serves with great distinction in the House of Representatives. This young Congressman from the 12th District of Illinois is an academician, teacher, and author.

Representative Crane commands the respect of all people with whom he works because he has the courage of his convictions. He is articulate and espouses a conservative philosophy. I do not agree with Representative Crane on all public issues, but I admire him greatly.

I ask unanimous consent to have printed in the Record an article concerning Mr. Crane that appeared in the Chicago Tribune on September 14, 1973.

There being no objection, the article was ordered to be printed in the Record, as follows:

Crane: Philosopher of the GOP's Right

(By William Barnhart)

"There will be discovered to be some natures who ought to study philosophy and to be leaders of the state . . . let them range at will and engage in no serious labor, as we intend them to live happily here." Plato—the Republic.

U.S. Rep. Philip M. Crane (R-12th, Mount Prospect probably wouldn't want to be Plato's philosopher-king, but he claims many of the qualifications.

Perhaps more than any Illinois congressman, Crane, 42, presents the image of a purist, who practices his conservative brand of government more as an educational exercise than a political pursuit.

Crane turned a recent Trib interview into a seminar on government, politics, and history, each flavored with appropriate scholarly citations and his own conservative bias.

Crane is a product of academia. He received a doctorate in history from Indiana University, Bloomington, and taught history at Bradley University, Peoria. He also attended DePauw University, Greencastle, Ind., the university of Michigan, Ann Arbor, and the university of Vienna. Being a congressman is his first elective post.

If the interview was any indication of Crane's manner in Congress, the voters of the 12th District have sent a man to Washington not necessarily to represent them and their problems, if they have any, but to present a philosophy—right or wrong—often blurred in the conflict and compromise of politics as usual.

That philosophy is what Crane is glad to call conservatism, and being able to represent it in Congress is a luxury he enjoys thru being an incumbent Republican in one of the safest Republican districts in the nation, a district apparently content to elect a philosopher and not a politician.

"I've been told probably a dozen times that I have cast a politically suicide vote in the four years I've been down there," Crane said. "Is there a politically suicidal vote (in the 12th District)? Well, probably not, but I don't really know."

CRANE SEES GOP BECOMING INCREASINGLY CONSERVATIVE

But being a purist from a safe district doesn't stop Crane from ranging at will, delivering occasional hellfire political speeches before receptive audiences in his unending campaign against "the popularization of liberal rhetoric that has come to be accepted by so many people uncritically."

And Crane said he is not a lonely pedagog,

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living happily aloof from the competitive day-to-day realities of Congress.

On the contrary, Crane believes he is on the frontier of a new Republicanism, which will emerge nationwide as the Democratic Party and Republican Party reach a new alignment along liberal and conservative lines. Altho he said he has no immediate ambitions except to be the congressman from the 12th District of Illinois, Crane said the Republican Party will move toward his viewpoint.

Crane said the "ultraliberal" element of House Democrats, represented by the Democratic Study Group, has taken control of the Democratic side of the aisle.

Crane said he sees more shifting of party allegiance by liberal Republicans and conservative Democrats.

"In this respect, Watergate was particularly unfortunate because before Watergate there were a number of southern Democrats contemplating coming our way. I think that's a healthy thing. I don't believe parties should be all things to all men because then they cease to provide their reason for existence.

"Unanimity is rarely the incident of human concern. We don't have consensus without deviation. That is an unnatural human condition. For parties to be meaningful they have to rest on fundamental dissent. It is not a desirable thing to try to fuzz up our differences, but on the contrary to sharpen them."

Crane said he predicted in 1969, when he was elected to fill the unexpired seat of Donald Rumsfeld (who joined the Nixon administration and is now ambassador to NATO), that "my election was not representative of the politics of the 60s but was a harbinger in earnest to the politics of the 70s, and I genuinely believe that."

The reason, Crane said, is that "neoconservatives" educated on college campuses during the 1950s who were members of such groups as the Young Republicans and Young Americans for Freedom are just now becoming influential in government affairs.

Crane identified himself with the neoconservative movement, and he believes the movement is increasing in Congress.

What does neoconservatism mean in terms of Congressional programs?

According to Crane, it means an end to federally financed social security, an end to minimum wage and child welfare laws, bigger spending for national defense, no more federal aid to education, no federal subsidies for the arts and humanities, and the general dismantling of most federal domestic programs and the federal burocracy.

Each one of these proposals and many more spin off from a basic premise that is sometimes called libertarianism:

"I subscribe to the idea that I should have control over my destiny and all other people should, too, short of the commission of trespass," Crane said. "The ideal society is one that maximizes freedom of choice to individuals and minimizes trespass.

"The best definition of government I've seen is by Thomas Jefferson, who said, 'A wise and frugal government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement and shall not take from the mouth of labor the bread it has earned.' I think that's as true today as it was then (March 4, 1801)."

CRANE IS MORE SCHOLAR THAN HE IS A POLITICIAN

Crane describes his role as a "massive educational battle." As a teacher he must be consistent and avoid even the appearance of hypocrisy that, he said, characterizes so many of the actions of their Congressional colleagues.

An anecdote recited by Crane on the subject of hypocrisy involved a vote in the House this year to increase Congressional salaries:

"I was opposed to salary increases for members this year. But they were trying to run that thing thru because this is a non-election year. Here were a lot of these fellows saying, 'If I'm not worth $55,000 a year then I could be out in private enterprise.' Well—possibly.

"But we've got this system where you can see the votes on the electronic board. It got down to about the last minute of voting and they had only mustered about 187 votes for it. It was so funny to watch them, with the realization it was going under, switch those votes around. They bailed out because when they saw they were going to lose, they didn't want to be on record for the folks back home as having cast a vote to increase their salary—And I can understand why."

Only once did Crane waver from the straightforward if—then logic of his conservatism. That was on the subject of clandestine tapings and buggings by government officials from the White House down.

"Here's where from time to time you're going to get into gray areas where, indeed, probably there are periodic invasions of an individual's right to privacy. I think that's unavoidable in a practical way."

Crane admitted, however, that such practices may have been abused and that Watergate and other political buggings are "reprehensible and indefensible."

"If I called the White House to talk to the President on a confidential basis and I found out subsequently that he'd been taping my conversations without my knowing it, I would not like it a bit," Crane said. "But a lot of this whole business has been blown out of perspective."

PASSAMAQUODDY TIDAL POWER PROJECT

Mr. MUSKIE. Mr. President, earlier this month I had the pleasure of travelling to Eastport, Maine. This downeast community, as many of my colleagues may recall, is the site of the Passamaquoddy Bay Tidal Power project, first proposed in 1919 and authorized by the Congress at President Franklin Roosevelt's urging during the 1930's. Work on the site was actually begun during the Depression, but was halted shortly before the outbreak of World War II.

The "Quoddy" project is a dream which has never died and our current energy shortage has rekindled interest in tidal power as an alternative to fossil fuel and nuclear power generation.

In view of this, I would like to share with my colleagues the views of some of my fellow Maine citizens on the contemporary importance of the project, as well as my own response to a recent petition sent to me by the citizens of Eastport and Washington County, Maine.

Mr. President, I ask unanimous consent that this material and related documents be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., October 14, 1973.

AN OPEN LETTER TO THE ADVOCATES OF THE PASSAMAQUODDY TIDAL POWER PROJECT

DEAR ADVOCATES OF PASSAMAQUODDY: The prospect of a national energy shortage has breathed new life into Dexter Cooper's dream of harnessing the powerful ebb and flow of "Quoddy's" tides.

And well it should. For generations, government and industry have naively based our nation's energy policies upon the apparent assumption that fossil fuels could be obtained in inexpensive, unlimited quantities for an indefinite period into the future. Those who looked beyond fossil fuels, saw nuclear power as the best alternative without, until recently, comprehending the costs to our environment and health.

But in this decade, our demand for energy has outstripped our country's capacity to meet our needs. The price of fossil fuels and safe nuclear generation is rising at a rapid rate and will continue to do so. More importantly, we are coming to realize that our reliance on non-renewable sources of energy cannot continue indefinitely. While energy conservation measures must be an essential part of our national policy, we will still be faced with the task of developing additional power generation facilities in the years ahead.

All of these factors have caused us to look to alternative sources of energy. Tidal power projects, such as the Passamaquoddy project, would have relatively less impact on the environment than existing alternatives and would depend upon a renewable resource. "Quoddy's" twice daily tides, averaging 18.1 feet, could provide 3 billion kilowatt hours of electrical energy annually. Our nation's energy planners should not, and cannot, continue to overlook the potential of a project of this magnitude.

We ought to recognize that with improved underwater construction techniques and the increasing cost of alternative power sources, the cost of constructing "Quoddy", in relation to the benefits which would be derived, is probably far different now than it was a decade ago.

This prospect surely means that the concept of tidal power generation, or of "Quoddy", should not stay on the shelf. It is clear that in the decades ahead we need to develop the necessary technology to make such renewable sources of energy economically feasible. Fossil fuel plants and nuclear power may well become increasingly impractical and undesirable in the years ahead. Tidal power, geothermal power, and solar power may be the keys to energy needs in the future. Research and development of such alternatives must begin now if we are to meet the energy demands anticipated by the year 2000.

On Thursday, President Nixon announced that he would request an additional $115 million for energy research this year, bringing the total amount allocated for this purpose to over $1 billion in FY 1974. On the same day, October 11, a newly created energy research advisory council met for the first time to discuss the directions which such research should take. This is an important step. But it is equally important that this effort in large part be directed toward the development of the type of power generating source represented by "Quoddy".

Dexter Cooper's dream may yet become a reality. It will take time, additional research, and a commitment of financial resources. I continue to share the belief of so many citizens of Maine who are familiar with the project that the time to begin is now.

For my part, I will continue to demand periodic reviews of the costs and benefits of the Quoddy project, and will encourage the energy advisory council to give tidal power its fullest consideration in drawing up an energy policy plan for the country.

Sincerely yours,
EDMUND S. MUSKIE,
U.S. Senator.

EASTPORT, MAINE,
September, 1973.

Senator EDMUND MUSKIE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MUSKIE: In the name of humanity, can something be done about the Passamaquoddy Bay tidal power potential? Are not present circumstances unusually favorable to its consideration?

Since there is no question about the widespread need for electrical energy, why could not the Atlantic seaboard justifiably ask this source be utilized?

Publicity appears daily throughout the country regarding every other known method (proven or otherwise), all of which are known to cause pollution, are accident-prone, fantastically costly, scientifically complicated and fraught with some of the deadliest threats to the existence of mankind.

Passamaquoddy tides come and go with their immeasurable power completely wasted, twice daily, entirely free from any and all of the above hazards, and in addition, leaving the entire Atlantic coast as pure and free as to its natural ecology and attendant industries, as at the moment of its creation. Not even such matters as scenic beauty or the perpetuation of precious historical sites would be endangered by the development of such a project.

Certainly an outstanding leader in the preservation of ecological values as your accomplishments have proven, must be ever mindful of the multiple benefits inherent in electric power so derived.

Certain technical "uncertainties" of earlier research have been solved since then. Other tidal projects are in successful operation elsewhere in the world. The mammoth amount of research already done in this connection could lessen both time and cost for a rapid start if the government would break a precedent and demand that such knowledge be utilized for a fast get-away. It could go down in history as one of the modern wonders of accomplishment to meet a dire need, just by the cutting of a lot of unnecessary red tape.

Some of the methods now proposed for energy production are infinitely more complicated than that of tidal power—and their results far less certain. Geothermal plans are admitted by scientists to be fraught with possibilities of chain-reactions including earthquakes and volcanic eruptions. Hydroelectric production continues to seriously increase river pollution. Fall-out with its deadly strontium-90 factor as yet has not been but must be solved, makes the continued building of atomic reactors, a matter of grave concern to scientists in that field. And so it goes! Tidal power is easily, the one safe, catastrophe-free method of producing electricity to date. Why isn't it in the picture? Why is everything else discussed, but nary a whisper about those fail-safe mammoth tides in a locality so peculiarly arranged to make the most of them? They have not changed a whit since time began! It seems that the East Coast solution to at least a part of the need for energy is a "natural" that shouldn't be ignored any longer by a technological and beneficent government.

Laymen have always supposed that such a perfect situation was the dream of every construction engineer on the face of the globe.

There seem to be more and greater floods, typhoons, earthquakes and droughts everywhere, than in former years. But our tides go on as immutable as ever. And we have them, here on the Maine coast, to just that degree.

Even some of the problems of electrical transmission are not what they were fifty years ago. It can be handled without such loss of energy. We understand that the whole former argument of "feasibility" of such a project is no longer a death-knell to such an undertaking.

The United States Government need not engage in the electrical energy business. It is proposed that this become a project of the electric power companies with as much government cooperation which may be reasonably required.

Such matters as the action of seawater on metals and cement, have been furnished with the necessary data from years of study since the demise of the earlier project, that have greatly changed the picture. It is now of far less uncertainty and magnitude.

And what a boost to the economy in terms of employment! This Quoddy Tidal Power Project seems to be tailormade to the urgency of the national need. It would employ numerous building trades workers from many states idled by the termination of the various H.U.D. programs and public highway projects. Why can't the best minds in our government explore this matter thoroughly but without the usual waste of time and money spent in slow-moving research committees?

We, the undersigned, beseech you to get behind this thing with the leadership qualities we believe you possess.

Sincerely yours,
THE ADVOCATES OF THE PASSAMAQUODDY TIDAL POWER PROJECT.

DEPARTMENT OF SEA
AND SHORE FISHERIES,
Augusta, Maine, March 26, 1973.

Hon. WILLIAM D. HATHAWAY,
Member of Congress,
Washington, D.C.

DEAR SENATOR HATHAWAY: We are very interested in the recent discussions and proposals for a new study of the Quoddy Tidal Power Project.

For more than a year this Department has been trying to develop a capability of assessing the possibility of a power project enhancing fisheries production in the Eastport area. As a matter of fact, a bill (copy enclosed) has been introduced in the 106th Legislature which would enable us to carry out a preliminary study to, in part, assess the compatibility of tidal power projects and substantially increased fisheries production in Cobscook Bay.

You will be aware that in the 1950's, a joint U.S.-Canadian study concluded that the tidal power dams probably would have no serious effect on the existing fisheries of the area and conditions would be enhanced for some species. We are now interested in the more positive possibility that the dams conceivably could be so constructed to produce power and at the same time substantially increase the fishing and aquaculture prospect of Cobscook Bay by controlling and improving the hydrography of the area. We have therefore, within the last year, urged that the power project be reassessed in conjunction with a study of the fishing and aquacultural potential and that the economic benefits of both projects be considered jointly. We were working with Representative Karl Kelley, now deceased, on this project; his widow, now a Representative from Machias, has sponsored an appended bill.

There are literally thousands of acres in Cobscook Bay alone which, with hydrographic control as could be provided by the power dams, could be put under intensive scientific management for greatly increased fishing yields. Of course at this point it is difficult to assess or predict the value of that potential fishery, but there is litle doubt that it would be in the order of millions of dollars annually. An attractive aspect of the Cobscook Bay area, of course, is that it is a well defined geographical area which could be managed for this kind of development. It is an area that needs this kind of development which would not displace existing activities to any serious degree. It is for these reasons that we are enthusiastic about the new proposals for Quoddy.

We heartily support your proposals and we would be very happy to provide whatever assistance we can in encouraging a revised appraisal of the possibilities for the area.

Sincerely yours,
SPENCER APOLLONIO, *Commissioner.*

ONE HUNDRED AND SIXTH LEGISLATURE
LEGISLATIVE DOCUMENT No. 711

H.P. 529, House of Representatives, February 8, 1973.

Referred to Committee on Marine Resources. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, *Clerk.*

Presented by Mrs. Kelley of Machias.

STATE OF MAINE: IN THE YEAR OF OUR LORD NINETEEN HUNDRED SEVENTY-THREE

Resolve, Providing for a Feasibility Study of Marine Resources Development in Washington County.

Feasibility study; authorized. Resolved: That the Department of Sea and Shore Fisheries is authorized and directed to conduct a study to determine the feasibility of increasing fisheries production in all its forms, through methods that are applicable to Washington County, together with the related economic benefits to the State of Maine. This study shall take into consideration all relevant engineering techniques, including hydrographic modifications and control; and be it further

Resolved: That there is appropriated from the Unappropriated Surplus of the General Fund the sum of $15,000 to carry out the purpose of this resolve.

STATEMENT OF FACT

This resolve will provide information about world-wide technological and managerial methods that can lead to the better utilization of the marine resources of Washington County.

[From the Maine Times, July 13, 1973]

A POST-INDUSTRIAL PASSAMAQUODDY

Last week the White House put its official seal of approval on post-industrial planning. Or, stated another way, after two centuries of endorsing growth, the Office of the President has asked the American people to begin limiting growth. The little noted, but fundamental shift in national values was the basic element in a Presidential message of introduction for Gov. John Love of Colorado, now the point man in the growing energy crisis. The thrust of the message was a presidential plea for energy conservation. Airlines must cut schedules, motorists must drive more slowly and less often, and every American must think in terms of energy conservation rather than expenditure.

The idea that as people we must conserve rather than consume is the central theme of a policy of controlled growth; and from the notion of controlled growth it is a small step to the concept of an equilibrium or no-growth state. Yet, just three years ago the then Secretary of Commerce Maurice Stans made a major speech (one of his last, by the way) in which he termed "subversive" the talk of limiting growth that was then coming from Dennis Meadows and other theorists.

In the few years that intervened between the Stans speech and the Love introduction, it has become apparent even to a Rotarian like Richard Nixon that continued growth at current rates is not possible. Energy systems are not available to fuel the compulsive consumption of the economic and industrial systems. As a result, Americans are now embarked on a national movement toward the conservation of energy, and it is a movement which has significant ramifications for Maine.

In addition to cutting energy consumption, both the President and Gov. Love mentioned intensified efforts to find new energy sources as one of their common goals. Both spoke of more research into the use of renewable resources as energy producers, thus plucking a rather esoteric term from the ecologists' lexicon and making it part of the national language. In the northeast, site of one of the major crisis areas in the nation, the tides

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of Passamaquoddy are still one of the most visible and unutilized renewable resources.

As reporter Lucy Martin explained in two recent issues, the "Quoddy" tidal power project is not without its handicaps. And, as economist Myrick Freeman explains in this issue, the Federal system for arriving at cost-benefit conclusions is not always accurate. Nevertheless, Quoddy is going to be talked about with more and more reality, especially now that it has become politically popular to think in terms of nonpolluting, renewable-resource power generation.

While we would not favor any project that exacted greater environmental costs than benefits, and while we have long been on record as post-industrialists who believe in cutting consumption rather than insisting on more of it, we do believe the natural rise and fall of the 20-foot tides at Quoddy can be converted to sensible energy production. But, just as the Freeman article explains the difference in interest rates between the original Quoddy plans and today's realities, we think it is important to point out other aspects of the proposal that could be changed by time.

Much has happened in the world of technology since the basic 1930's Quoddy plan (outlined in our issue of June 15) was engineered. And not enough has happened in researching methods of drawing energy from tidal cycles. If, under the pressure of the present energy crisis, more money and work could be done on developing new systems for tidal-energy conversion, and if a new design for Quoddy could be created on the basis of new systems, the results might not require the ecological upsets the present plan seems to entail.

Dams and turbines, for example, are not the only way for converting tidal energy—yet they are the way that creates the greatest change in the Quoddy environment. Suppose, for example, the dams were disposed of and a series of sensitively engineered mini-turbines could be placed in existing tidal races everywhere in the region. Underwater, in deep water, the wheels would not interfere with navigation by man nor sea creature; yet it seems to us the collective power drawn from scores of such wheels might be more than the output of dam-driven turbines, which work only when peak amounts of water have been stored for release.

This may be the sort of thought that makes engineers wish non-engineers would keep quiet, and we don't mean it to be taken seriously as an alternate suggestion. We do want it to serve as an illustration that the approaches to utilizing tidal power have always been rather pedestrian, based on the technology of 30 or 40 years ago. Quoddy needs to be re-analyzed by free-thinkers and provocative thinkers like Bucky Fuller who would not be locked in by patterns of past engineers.

Perhaps, now that America has officially been ushered into the post-industrial age, the government will use its resources to help make such research and re-evaluation possible. If new, environmentally compatible tidal converters are developed for Quoddy, they can be used on a smaller scale in many other Maine locations. How much better it would be, for example, if the proposed Public Power Authority could claim it was going to use this sort of system instead of the nuclear power plant it now promises.

QUODDY REVISITED: HERE IS HOW IT WORKS

When Quoddy Village at Eastport was sold to the Land Auction Bureau of Boston last summer, an era closed. With the buildings which were to have housed the workers on the Passamaquoddy Tidal Power Project went 50 years of hope that engineer Dexter Cooper's dream of harnessing the 20-foot tides of Fundy Bay might be realized.

In those 50 years, numerous plans and reports were written and shelved.

A plan involving both the United States and Canada collapsed during the 1929 stock exchange crisis.

A 1935 undertaking, involving the U.S. only, failed when federal funds were suspended with only three dams completed.

Eventually, the original idea to use Quoddy to generate electricity was expanded to include the Dickey and Lincoln School sites on the Upper St. John River.

In recent years, the sporadic focus of Congressional interest in a Maine public power project has fallen on Dickey-Lincoln School alone.

The current uproar about a possible oil refinery at Eastport, however, has jostled those who remember Cooper's dream, for it is obvious that the two schemes—Quoddy with its dams and locks, Pittston with its incessant tanker traffic—are not compatible.

While Quoddy never made it off the ground, despite all the years of talk and planning, the idea that it could be precluded has aroused new interest.

The tides are a constantly renewable resource. Nothing is taken away to produce vast amounts of electricity.

If the Quoddy project is seen as environmentally pure in 1973, it may be because no one ever looked that closely at its potential drawbacks. There is no doubt that it would change the ecology of Passamaquoddy Bay.

On the other hand, it may be the best solution New England has to the energy crisis.

Maine Times has therefore returned to the Quoddy project, first to explain how it works, and, second, to analyze it by today's criteria.

The principle behind tidal hydroelectric power is the controlled flow of water from a higher to a lower level through hydraulic turbines. It is billed as superior to river power because it is unaffected by droughts, floods, ice jams and silting.

Engineers have promoted Quoddy as primarily a provider of peaking power (probably between 5 and 6 p.m. for the area served). The twice-daily tides averaging 18.1 feet can be stored until needed. Although the powerhouse could operate continuously, the output would be variable. Another source of power would be needed since neap tides (only about 14 feet) occur about every two weeks in the lunar cycle. The difference between high and low tides is smallest then and power generation would necessarily be diminished if the project depended on the tides alone.

Since the project's effectiveness depends on the high range of the tides (the world's largest facility, LaRance at San Malo, France, depends on 44-foot tides), the U.S. Department of the Interior suggested in its 1963 report the possibility of using reversible turbines to pump water at neap tide intervals to insure full use of the full installed capacity at all times.

The Dickey-Lincoln river project, however, would provide streamflow and almost three million acres of active storage to supplement the tidal project.

Passamaquoddy-Dickey was the subject of Senate hearings in August of 1964. Based on studies done by the International Joint Commission and the Dept. of the Interior in the early 60's, costs for the project were described as "substantially less than composite costs of thermal generation in New England as estimated by the Federal Power Commission." The project would produce 1.3 million kilowatts or three billion kilowatt hours of electrical energy annually (1.1 million kilowatts for a two-hour peak load daily, 200,000 kw of base-load power, and substantial amounts of off-peak power). Although the power is of a different type, output is greater than the Maine Yankee nuclear plant.

Sen. Lee Metcalf of Montana called it "a very thrilling and important project."

Stewart Udall, Secretary of the Interior, noted, "It is essential to recognize that the tide is a perpetual resource, fully predictable and dependable."

Proponents have also claimed it is economically and engineeringly feasible.

The map facing shows the mechanics behind the metaphor of "harnessing the tides."

The Quoddy project as modified by the Interior Dept. involves two pools, a high pool and a low pool with a powerhouse separating them. One hundred and one square miles of Quoddy Bay (in U.S. and Canadian waters) and all 41 square miles of Cobscook Bay (U.S.) are the major water bodies involved. Separating these bays from the unconstrained ocean are seven miles of rock-filled dams (125 to 300 feet deep).

Quoddy Bay opens to the sea through 90 filling gates at Letite Passage and Deer Island Point. They open when the tide rises in the Bay of Fundy and close when the pool fills.

Cobscook Bay opens to the sea through 70 emptying gates in Friar Roads. When water flows from the high pool through the 300,000 kw powerhouse at Eastport, separating the pools, power is generated. The gates to Cobscook Bay open at low tide when the sea (Bay of Fundy) is below the level of the pool, letting it empty.

During a 26-foot high tide, tidal velocities are as high as 10 feet a second, "presenting engineering and design challenges without precedent," the engineers marveled.

There would be four navigation locks for boat passage, and several fishways.

Computer studies done by the Interior Dept. summarized the three basic steps in running Quoddy as a "peaking" power plant instead of a base load as follows: 1) the upper pool would be filled to the maximum height possible from the tide. 2) The water would be held there until power is desired, at which point it would be released through the turbines of the power plant to the lower pool. 3) The water in the lower pool would be released to the ocean whenever the tide is below the level in this pool.

An intricate computer program was devised to compute the operation of the pools during peaking and offpeak periods and for the different stages when the pools are filling and emptying. The program determines such things as how many turbines should be operating to meet peaking capability.

The 1963 plan also envisioned a possible second power plant west of the one at Carryingplace Cove in Cobscook Bay. To generate the one million kilowatts proposed by the Department of the Interior's plan, a plant about twice the length of the 300,000 kw structure appearing on the map would be needed. The best arrangement would be two 50-unit plants of 500 megawatts each.

The transmission system, with a switchyard located west of the first powerhouse, would connect the tidal powerplant with the Dickey plant, serving Maine, other areas in New England, and New Brunswick, extending as far south as Boston. The plan included two 345 kilovolt transmission circuits for delivering power to Boston. There would be a switching station at Bangor for interconnecting with three 230 Kv transmission circuits from the Dickey power plant. Lines could be extended to Fredericton, New Brunswick. (In 1971, a double circuit 345,000 volt transmission line was completed, connecting southernmost New England with New Brunswick and forming the backbone of the New England transmission system. Central Maine Power completed the missing link, a line from Wiscasset to the Maine-New Hampshire border.)

As for a cost-benefit analysis, it was determined that project benefits would exceed project costs in the ratio of 1.27 to 1. The Department of the Interior noted, "Although we propose that the tidal power project and Upper St. John River development be fully integrated, our economic analysis clearly indicates that either project is financially

feasible and could stand on its own feet as a separate project." Analysis was based on a 100-year period using a 2⅞ percent interest rate.

The following construction schedule was offered:

Stage I—Construction of Dickey Dam and Reservoir and initial installation of 150 megawatts of power generating facilities (with a benefit-cost ratio of 2.55 to 1).

Stage II—Construction of Passamaquoddy dam facilities and installation of 500 megawatts of power generating facilities a few years later, plus 300 additional megawatts of power at Dickey (with a benefit-cost ratio of 1.2 to 1).

Stage III—Completion of the 1,000 megawatt installation at Quoddy and 750 megawatt ultimate installation at Dickey (with a benefit-cost ratio of 1.27 to 1)

Benefits were discussed in terms of power, recreation and area redevelopment.

But there's more to Quoddy Bay than dollars and development. The harnessing of those 20-foot tides involves a lot of excavating and the Dickey plan entails the flooding of considerable tracts of land. The project's effect on fisheries, wildlife, and the face of the land itself will be examined separately next week.

LUCY L. MARTIN.

QUODDY'S DAMS WOULD DRASTICALLY ALTER THE ENVIRONMENT

To the Abenaki Indians who knew Moose Island before it became Eastport, Maine, Passamaquoddy Bay was the "place where the fish are" or "place of the pollock."

Construction of the Passamaquoddy Tidal Power Project or Pittston's oil industry could render that name less appropriate, because both the impoundment of 100 square miles of water and the spillage of oil would precipitate noticeable changes in the bay's environment.

Strictly in terms of air and water quality, the tidal power project is heralded by environmentalists as being the soundest power-producing alternative New England and the Canadian Maritimes have. Harnessed by turbines, tidal action is a clean, perpetual source of electricity.

Nonetheless, construction of the seven miles of dams, locks, and fishways, with the attending excavation of land and shifts in water levels, would have significant oceanographic, biologic and economic implications.

In 1959, the International Passamaquoddy Fisheries Board submitted a report based on data collected from 1937 to 1958. Updating is necessary to account for changes in the local economy, construction costs, and tidal power technology, but the federal government has turned down such requests in recent months.

If that report were updated, it would undoubtedly pay closer attention to the environmental impact of the tidal project.

But even the old studies indicate that environmental changes would be huge. For instance water temperature changes would be much greater than those at the nuclear power plant in Wiscasset, and the complete destruction of the clam industry by flooding would be much more significant than the feared damage to the worm industry from the nuclear plant.

According to the 1959 study, the biggest oceanographic changes would occur in Passamaquoddy Bay and Cobscook Bay, the high and low pool, respectively. (MT, 6/15/73) The average height of Quoddy would be raised six feet. The average "tidal" range would be reduced by four feet in the high pool and eight feet in the low pool.

Current patterns would be significantly different, since during each 12-hour tidal cycle the emptying and filling gates would be closed for about nine hours. Quoddy Bay is notorious for its powerful, often treacherous currents, and these are likely to be more pronounced, especially at the approaches where the dams are located. Even now, unless a boat can do five knots, it can't get through Letite Passage at certain tides. Navigability within the pools themselves, however, would probably improve.

Because of the reduced velocities in the bays, the temperature of the water would be higher. Whereas the temperature range is now between 34 and 54 degrees Fahrenheit, the dams would raise the temperature to the middle and high 60's in summer. From mid-December to March there would be ice on Quoddy Bay. That would interfere with lobstering but power could still be generated since the tides would move under the ice.

The salinity of both pools would also be lowered; fresh water, impounded in Quoddy Bay from the St. Croix River, would flow into Cobscook when power is generated.

In addition, 17 million cubic yards of clay would be excavated from Carryingplace Cove to build the first powerhouse. (No figures are given for excavation at a possible second site to be built several years later.)

Land now high and dry would be submerged or taken for switchyards and service areas. Highway 190, one track of the Maine Central Railroad, and several utility lines would have to be relocated. The face of the land itself—coves, inlets, islands and peninsulas which have clenched the unfettered tides for centuries—would vanish from view or be unrecognizably altered. Deer Island Point, a spot of spectacular beauty set aside for public appreciation, would be flooded. (About 83,000 acres would be flooded at Dickey on the St. John River for Quoddy's ancillary project which would provide base-load power. In addition, 240 tracts of land with homes, lumber mills, churches and schools would be acquired.)

The fisheries board considered the effect of all these changes, with the emphasis always on the economic impact. The valuable herring fishery, which landed an annual average of 20 million pounds in both pools from 1937 to 1958, received the most attention.

Although the board of Canadian and United States scientists predicted there would be "no change," it acknowledged, "A sure forecast of the effect of the proposed dams on the fishery requires more comprehensive and more detailed knowledge of the biology of the herring than is available at present." The herring population itself, which supports the area's numerous sardine canneries and pearl essence plants, would probably not be affected since it is produced outside the Quoddy region; but the board could only define that location as "probably off southwest Nova Scotia."

However, a number of weirs would have to be relocated, resulting in an estimated cost of $500,000 to fishermen. The board speculated that weir fishery could become a thing of the past. "A shift to alternative methods of fishing [seining from vessels] could be expected to maintain the fishery, at least at its present level."

The higher temperatures in Quoddy Bay and the turbines would account for losses. At 68 degrees, 50 percent of the herring under 12 inches could be expected to die within 48 hours, the biologists said.

"It is expected that herring will pass through the turbines to populate the low pool with some mortality among herring that are abraded during the passage through the turbines. Herring will be lost from the low pool through the emptying gates.

"At present herring enter and remain in Passamaquoddy and Cobscook Bays in sufficient numbers to support a weir fishery.

"For a successful fishery it is not only necessary that fish shall enter a region. They also have to survive in good candition in the environment that they have entered."

The Canadian investment in weir fishery was put at $2 million.

Ice and increased activity by woodborers (shipworms) because of warmer water would cause extensive damage to weirs.

The project would virtually wipe out clamming.

"In the high pool, which yields roughly half the total clam production in the Quoddy region, the present beds will be permanently submerged." Establishing new beds at new intertidal levels was estimated to take 10 years "and even then production may be only five percent of its present volume. In the low pool, production should drop to 50 percent of the present small volume."

Now a half-million dollar industry in Charlotte County, N.B., clamming is listed in the report as the second most important fishery for that Canadian province.

Dr. David Scarratt of the Canadian Fisheries Research Board at the St. Andrews, N.B., biological station, pointed out in a recent telephone interview that a large number of clam beds have been closed because of domestic (coliform) pollution. "Considerable areas have already been closed either temporarily or permanently. Because of existing conditions [and not just the tidal project, if it were realized] the availability of clams is less than it could be."

* * * * *

Similarly, because of stream improvements in the St. Croix River, the annual run of Atlantic salmon into the rivers of the Quoddy area might increase. Much depends on the efficiency of fishways, a $3 million expense.

Other changes: the relocation of two big lobster pounds, at a cost of $450,000; a possible improvement in the scallop and lobster fishery; a reduction in marine worms and rockweed. (Marine worms were not considered an important industry at the time of the report, but overharvesting of Maine's mid-coast flats is increasing their importance in eastern Maine.)

By and large, the biological implications of the Quoddy Project seem acceptable to marine biologists. Those same biologists would frown on heavy industry like oil refining because of the known detrimental effects of oil pollution on waterfowl and marine biota.

* * * * *

An industry which both the engineering and fisheries boards did consider was tourism. The increased water temperatures compare favorably, advocates point out, with summer water regimes in Long Island Sound and would promote swimming and boating. Fishermen could be displaced from tending their weirs to managing boat harbors, they said.

Whereas the environmental impact is obviously not taken sufficiently into account, it is apparent that the sociological impact has been ignored. The transition of Moose Island with its trailers and traditional houses, its creviced headlands and wildflowered fields overlooking the sea—the transition from a fishing and manufacturing community to a technological compound buttressed with concrete and laced with high voltage transmission lines staggers the imagination.

While the project itself would provide jobs amounting to some $80 million annually in wages and salaries during the six-year construction period, the system of public highways which could be built atop the new dams and locks might whisk in several million dollars worth of recreational benefits annually to a county (Washington) which "now has the lowest median income of any county in Maine."

But Quoddy doesn't appear to be in the immediate wind. The smallest deterrent is undoubtedly the engineers' recognition of in-

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creasing ocean levels around Eastport. Eastporters say the island is gradually sinking on honeycombed rocks sluiced relentlessly by Fundy's tides. The engineers say, "Eastport tide records indicate that the ocean level is rising relative to the land in the area . . . It appears, however, that this rise is taking place at such a slow rate that no consideration need be given it in the design of the tidal power project."

Another possible reason for stagnation of the project is the performance of the La-Rance dam on the Brittany Coast. Engineers originally pointed to it as a pacesetting model, but the French tidal power project hasn't proved as economical as hoped.

The reluctance of the U.S. Interior Department to fund another feasibility study of Dickey-Lincoln-Quoddy is yet another clog in the mechanism. Even though there have been innovations in tidal power technology and changes in the value of power, the federal government remains intransigent in its doubt the project is economically feasible.

Perhaps Nova Scotia's purposeful pursuit of a tidal project at the head of the Bay of Fundy will prove a retarding factor in Passamaquoddy's progress. There, where the bay funnels to its narrowest, rise and fall the greatest tides in the world—40 to 50 feet. Nova Scotia's development minister said recently the U.S. energy crisis will bring the harnessing of Fundy's tides closer.

Whatever happens to Dickey-Lincoln and Dexter Cooper's dream for Passamaquoddy Bay, it's obvious the economics will have to be reinforced with a strong case for the environment and a hard look at what price people are willing to pay for power. What price can be put on the integrity of the earth and its naturally flowing waters, which determine the character and fiber of the people living there? How much is an area's natural and social heritage worth? The next feasibility study will have to weigh such questions.

When the Quebec government went ahead last year with plans to build a $6 billion hydroelectric project on the hunting and trapping grounds of the Cree Indians who live on James Bay in northern Quebec, the Indians responded, "Money? We do not want money. Jobs? How long will these jobs last? Money and jobs are impermanent. They disappear. They do not last. When they are gone, the land will still be there. If the land is not destroyed, we can return to it, live off it as we have always done. That is the only way we know how to live."

LUCY L. MARTIN.

FISHERIES OF THE QUODDY REGION—PRESENT AND PREDICTED

[Average annual landings (pounds) within the period 1937 to 1958]

	Present			Predicted—Quoddy region
	High pool	Low pool	Outside	
Species:				
Herring	16,800,000	3,400,000	29,800,000	No change.
Lobsters	71,250	30,750	286,000	Slight improvement inside dams. No change outside.
Groundfish	225,000	1,900,000	4,000,000	Substantial decrease inside dams. Compensating increase outside.
Clams (meats)	500,000	250,000	500,000	Drastic decrease inside dams. No change outside.
Scallops (meats)	31,000	30,000	31,000	Marked improvement inside dams. No change outside.
Alewives		270,000		No change.
Smelt	500	9,000		Slight improvement.
Salmon	100	600		No change.
Others		18,200		Slight decrease.

[From the Nation, February 26, 1973]

A GOOD IDEA IS HARD TO KILL

(By Karl Keyerleber)

When President Nixon spoke in his inaugural address of insuring a cleaner environment and meeting the nation's needs in new ways he wasn't singling out energy requirements, but the two phrases fit the subject so well that he might have been. Energy is a facet of national planning that obviously needs rethinking.

It may well be that looming brownouts and the rationing of electricity are parts of an industry smokescreen to mask a profit grab; nevertheless, the days of fossil fuels are numbered—at a century, two centuries or whatever term. And meanwhile, as long as they are burned, they will to some degree soil the atmosphere.

All primed to solve these problems was nuclear fission—until the suspicion grew that it posed an even greater threat to the environment than did the combustion of coal, oil and gas. Now every proposal for a new atomic installation is met by fierce opposition from groups of concerned citizens.

What is wanted is a supply of power that is inexhaustible and that won't pollute our air, our water or our food. Hydroelectric plants on the rivers have furnished such clean power for years. They have also flooded a lot of land, a side effect that has drawn the fire of conservationists. For a better solution there are natural resources of an untraditional kind that can be developed—the heat of the sun and of the earth's core, and the gravitational power of the moon. This last is the closest at hand, because the techniques for harnessing the moon's sway over the oceans are available and await only the will to use them.

The idea is not new. [See "Reviewing Passamaquoddy" by William S. Ellis, *The Nation*, July 13, 1964.] Tidewater was put to work at least as long ago as 1066, when an enterprising miller in Dover, England, was using it to grind grain. A similar mill was built in this country in 1640 when, according to colonial histories, a Capt. William Traske located a "tyde mill" for grinding corn near the mouth of the North River in Salem, Mass.

The idea of harnessing the tide to generate electricity on a large scale is much newer. It was still novel fifty years ago, when two Americans began almost simultaneously to speculate about the possibility. One was a Boston hydroelectirc engineer named Dexter P. Cooper; the other was Franklin Delano Roosevelt. Both spent summers on Canada's Campobello Island where they could watch the sweep of towering tides, sometimes 50 feet high, that poured through rockbound inlets from the Bay of Fundy into the smaller Passamaquoddy Bay that lies between Maine and New Brunswick. Passamaquoddy, an Algonquin Indian name, has since stood for an idea that burned brightly several times but flickered out each time because financial and political winds blew cold. Its time had not come.

Cooper developed the basic plan for a tidal power plant on "Quoddy" back in 1919. In subsequent years he spent a small fortune making surveys and promoting the proposal in this country and Canada. Any American plan would need Canadian cooperation because most of the water area and some of the dam sites are north of the border. But Cooper was never able to stimulate action until Roosevelt became President. The sea-loving FDR probably knew the swift currents and eddies of the Passamaquoddy area more intimately than anyone else. On summer vacations he piloted the family's two sailboats through the narrow inlets, and on two occasions while he was Assistant Secretary of the Navy he shocked hardy sailors by taking the helm of destroyers and calling for full speed as he drove through tricky, rock-lined channels.

In 1935 President Roosevelt allocated $10 million (later cut to $7 million) to begin development of a power plant with preliminary work at Eastport, Me. Engineering surveys were made, roads built, utilities put in and a model village built to house the construction workers who were to follow. But they never followed, for in 1936 the Senate turned down an appropriation for further work. Critics, including spokesmen for the private power industry, called it "WPA moondoggling," attacked the high cost and questioned the need for so huge an undertaking. The price tag that seemed so prohibitive then is of somewhat macabre interest. It was $150 million. Estimates are that the project would now cost ten times that much—about $1.5 billion.

Other studies were made over the years, but Passamaquoddy remained in limbo. It wouldn't die but neither did it come to life. When Kennedy became President he found on his desk a report by a joint United States-Canadian mission which had examined the proposal. The substance of this study was that Quoddy was not then economically feasible, "when evaluated by conventional methods of economic analysis as applied to hydroelectric projects," but that it had long-range possibilities "when other less costly energy resources available in the area have been fully realized." Kennedy, mapping his New Frontier, was unwilling to let such a challenging idea sink under the weight of that verbiage. He assigned Interior Secretary Stewart L. Udall to restudy the study. The Interior team concluded that the project *was* economically feasible, but attached a qualifier—that it be coupled with a dam and hydroelectric development on the upper St. John River in Maine.

Asked recently about that hedge, Udall said that he now believed Passamaquoddy could stand on its own, without the auxiliary river facility. "Tidal power has to be folded into another system, part of an interconnecting network," he explained. "The energy can't be held at the power plant. We didn't have a suitable system then, but it is in being today."

At any rate, the Secretary's report in 1963 urged Kennedy to seek Congressional authorization to build a power station on the bay and to begin negotiations with Canada for sharing the benefits. The cost was to be borne by this country. The plan then proposed, somewhat altered from Cooper's original proposal but retaining most of its main features, called for seven dams to control the flow of the tides between Fundy and

the smaller bays of Passamaquoddy and Cobscook—about 7.5 miles of massive concrete barriers. Gates in the dams would close at high tide, and the water impounded in Passamaquoddy would be released through turbines into adjacent Cobscook Bay and eventually returned to the sea. Turbines operated on the outward flow of the tide would function much like a river installation that uses the head of water from a dam.

President Kennedy was enthusiastic: "I think that this can be one of the most astonishing and beneficial joint enterprises that the people of the United States have ever undertaken." He called the proposed interlocked dams and gates "an engineering marvel" and noted that it would attract tourists and raise the economic status of the northern woods country. That was in August 1963. Three months later Kennedy died in Dallas, and his powerful influence was lost to the Quoddy project, which once more returned to limbo.

Would it have been built if Kennedy had lived? Udall doesn't think the President's death was the decisive factor:

"There were a number of obstacles that made it too steep a hill to climb ten years ago. It was obvious that new technology was coming along and hadn't been tested.

"The Canadians were, to put it mildly, lukewarm at the time. They thought that if they build a tidal power facility it should be farther up the bay.

"Finally, there was all this optimism about nuclear power and it appeared the tidal power would be very expensive.

"In view of all this we didn't think we had the muscle to get the kind of investment we needed to launch Passamaquoddy.

"My feeling today is that we need to give much more attention to those forms of energy that are best from an environmental standpoint. Besides tidal they are geothermal—using the heat of the earth—and solar."

It seems incredible now that just ten years ago environmental considerations rated scarcely a thought. Today every proposal for a new power plant using fuel for energy is examined suspiciously by conservationists. At least three developments, in addition to environmental concern, make a new drive on behalf of Passamaquoddy inevitable. One is the rising curve of energy demand, another the fact that since the last Congressional turndown a tidal power plant has been put into operation. And the third is new technology that will greatly increase the power potential of Quoddy.

Industry projections indicate that demand for power will grow three times as fast as the population and that the United States will not be self-sufficient in energy for the rest of this century. Passamaquoddy could provide for new demand in all of New England for many years. The first tidal power plant was built by France. Its pioneering facility on the Gulf of St. Malo began producing electricity in 1967. The new technology mentioned by Udall includes improved high-voltage transmission facilities and advanced turbine designs, plus an innovation incorporated in the French plant that enables it to generate power on the flood as well as the ebb tide. If a similar technique were used at Quoddy it would greatly increase, if it did not double, output over the originally planned million kilowatts a day.

With the space program pegged at a lower level and the Vietnamese War seemingly ended, the financial muscle that could be put behind Quoddy would be far stouter than when Udall was involved. In view of the facts that a tidal plant wouldn't foul the environment and that, once built, it would produce relatively cheap power, the $1.5 billion cost may some day seem a great bargain. After all, we invested $20 billion to reach the moon. Having done so, it would be fitting if the United Sttaes were now to divert funds from that adventure to harness the moon's power here on earth.

TECHNICAL AND COMPREHENSIVE EDUCATION

Mr. THURMOND. Mr. President, on October 10, 1973, the South Carolina State Board for Technical and Comprehensive Education passed a resolution expressing the board's sincere appreciation for the support provided by the Economic Development Administration and the Coastal Plains Regional Commission for manpower training programs and facilities in South Carolina.

I take great pleasure in endorsing this resolution, and I urge my colleagues in both the Senate and the House to continue their support for programs such as these.

On behalf of the junior Senator from South Carolina (Mr. HOLLINGS) and myself, I ask unanimous consent that this resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas, the Public Works and Economic Development Act of 1965 resulted in an investment of approximately 13,000,000 dollars of funds for the Economic Development Administration (EDA) and the Coastal Plains Regional Commission (CPRC) in the strengthening of economic development of South Carolina by providing manpower training facilities and equipment;

Whereas, these facilities have created many new permanent job opportunities as well as job training opportunities;

Whereas, this and other forms of financial assistance, geared to helping underdeveloped communities help themselves, has resulted in significant industrial growth and expansion;

Whereas, a substantial number of similar and equally worthwhile projects are in the developmental stage and the materialization of these projects are dependent upon EDA and CPRC funding;

Whereas, the one year extension of this act will expire on June 30, 1974;

Now therefore be it resolved, that the South Carolina State Board for Technical and Comprehensive Education express its appreciation for programs supported by the Public Works and Economic Development Act of 1965 and commend the Congress and the President for their interest in the continuation of the provisions of such Act;

Be it further resolved, that request be made to the Congress and to the President of the United States to continue their support in funding the provisions of the Public Works and Economic Development Act of 1965 so as to assure the continuation of projects necessary to the future well-being of the State and Nation.

THE PRESIDENT AND THE MIDDLE EAST CRISIS

Mr. BARTLETT. Mr. President, all Americans should be thankful for the kind of leadership exhibited by the President last week in the Middle East crisis. I believe this action erased any doubts of President Nixon's ability to govern this Nation.

The American people should not allow the issue of Watergate to diminish the accomplishments and goals of the Nixon administration. The President's success in bringing peace to Vietnam, the détente with the Soviet Union and China, his proposals to balance the budget, and his efforts to return government to the people—are things the American people still believe in and support.

Archibald Cox, in his job as special prosecutor, had the responsibility to seek justice for those in the White House as far as the Watergate and related 1972 campaign actions are concerned. But his charge was to seek justice through the courts.

On Saturday, October 22, Mr. Cox took his appeal over the heads of the courts to the people in a well-planned attack on the Presidency.

Mr. Cox had been a legal adversary of the White House and the President. In a matter of minutes, he became a political adversary.

The question exists whether Mr. Cox was acting responsibly and did in fact exceed the propriety expected of the special prosecutor.

I agree that the President clearly had the legal right to dismiss Cox and that a dismissal may have been justified, because of improprieties of Mr. Cox.

However, I question the timing and the advisability of the President firing his own prosecutor. This violated the freedom of inquiry guaranteed to Cox by the administration at the time of Elliot Richardson's confirmation—and led to the unfortunate resignations of Richardson and Ruckelshaus.

The citizens want and deserve an expeditious yet thorough Watergate investigation leading to the conviction of the guilty and exoneration of the innocent through the courts. I strongly believe that the President should allay any fears that the people may have regarding the independence of the prosecutor charged with the investigation of the White House.

I believe the President also wants a forthright and objective Watergate investigation, and does not deserve political harassment from a special prosecutor.

It is important to our system of Government that the President not be prosecuted out of office unless he be found guilty of an impeachable offense.

I have supported the President on most issues in the past and I expect that I will in the future. I have confidence in President Nixon's ability to continue to be a strong and international leader.

THE IRS—TAXATION WITH MISREPRESENTATION

Mr. MONTOYA. Mr. President, when the Appropriations Subcommittee on the Treasury, Postal Service, and General Government held oversight hearings on the Internal Revenue Service last February, the air was full of loudly called good intentions. Various witnesses—some

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expert and some not—detailed their problems, and hopes ran high for improved taxpayer services, more reasoned compliance programs, and greater scrutiny of audit and appeal procedures. The IRS, vowing "We Want To Help," presented its difficulties and contemplated remedies in response to queries from the subcommittee members. And, for the first time, former IRS Commissioners were called upon and gave testimony dealing with the administration of tax law.

Last spring's hearings were fruitful. They laid the groundwork for more informed and intensive probing of the IRS by its congressional watchdogs. To that end, I plan early next year to hold a second set of hearings, similar to, but more intensive than, the first.

Although some progress has been made, there remains much to be done to ease the burden of the American taxpayer. Furthermore, concentric Watergate shocks have jostled the Internal Revenue Service. In a system relying on self-assessment and mutual trust, the Service cannot afford such abuse. It must be guarded in order to remain a symbol of unbiased—and uncorruptible—tax collection and control.

One of the most succinct and convincing expositions of important IRS flaws still to be dealt with is found in an article by Louise Brown entitled "The IRS: Taxation With Misrepresentation." Ms. Brown, a staff member of the Tax Reform Research Group here in Washington, and a long time friend of taxpayer and reformer alike, has deftly woven a pattern of the inconsistencies and inadequacies we hope to root out in the second set of subcommittee hearings this spring.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE IRS: TAXATION WITH MISREPRESENTATION

(By Louise Brown)

Got a tax problem? Don't call H&R Block or IRS. Call the White House. Unless, of course, you're an "enemy."

In the shambles of American totems blasted to pieces at the Watergate hearings, it is dishheartening to see the reputation of one of our most trusted (however grudgingly) Federal agencies crumble with the rest—especially since the Internal Revenue Service affects the lives, pocketbooks, and well-bing of more than 75,000,000 individual taxpayers every year.

Yet Washington tax lawyers are not surprised at the allegations of special tax treatment for White House "friends" like John Wayne and the Reverend Billy Graham, nor at the reported "political" audits of White House enemies.

The White House reportedly even tried to use IRS against bothersome organizations. For instance, back in September, 1970, White House aide Tom Charles Huston sent a memo to H. R. Haldeman which said: "Nearly eighteen months ago, the President indicated a desire for IRS to move against leftist organizations taking advantage of tax shelter. I have been pressing IRS since that time to no avail." And. Huston continued, "What we cannot do in a courtroom via criminal prosecutions to curtail the activities of some of these groups, IRS could do by administrative action."

But IRS was more cooperative than Huston thought. In exactly the same month and year that Huston wrote his memo, the public interest-minded Center on Corporate Responsibility applied to IRS for tax-exempt status vital to its funding program. The Center waited two and one half years for IRS to act. Finally, its funds nearly gone, the Center took its case to court on May 2, 1973. Alleging that IRS had deliberately held off acting on the request, the Center introduced a photocopy of its application, which bore the handwritten words "pressure from the White House." The lawsuit stung IRS into belated action, and two weeks later it turned the Center's application down. The Center is seeking a reversal of the IRS action.

Tax lawyers have always known that the question is not whether IRS hands out special treatment, but how much. The other major questions are: While IRS has been giving prominent taxpayers special treatment, how fairly has it been treating average taxpayers? What happens, for instance, to taxpayers who cannot afford professional tax counsel, let alone political favors? How well does IRS serve the ordinary citizen?

Spurred by mounting citizen complaints, a subcommittee headed by Senator Joseph Montoya, New Mexico Democrat, held hearings this past spring to dig out some answers. Although reports of the hearings were largely lost in the swirl of Watergate revelations, the testimony was significant. It revealed that average taxpayers are generally defenseless in IRS audits and collections. The Service often gives them incorrect or contradictory tax advice. They face problems never dreamed of by wealthy taxpayers and large corporations served by skilled counsel.

For three days a parade of witnesses outlined the problems for the Montoya Subcommittee. Testimony confirmed complaints the Subcommittee had been receiving for months: that some overzealous IRS employes harassed and threatened taxpayers; that some IRS employes, pressured by their superiors to bring in more revenue, made unjustified assessments against taxpayers; that some agents failed to tell taxpayers their rights; that taxpayers were intimidated and confused by appeal procedures, and most failed to appeal their cases; and that IRS refused to honor its own tax advice when it assisted taxpayers.

One of the more shocking complaints by witnesses was that IRS refused to let the public see most of its private rulings, which are, in effect, agreements it makes with wealthy taxpayers and big businesses, even though similar rulings might benefit other taxpayers if only they knew about them. A U.S. District Court judge declared such refusal illegal on June 6, 1973, but IRS still does not publish most of its rulings. The Service may decide to appeal the court's decision.

Tax attorneys and accountants make a career of coping with such problems for their clients, but average taxpayers cannot afford such help. They must rely upon the services IRS provides for them, and the services are not always good or fair.

The first hurdle for the average taxpayer is figuring out how much he owes—that is, filling out the return. IRS will help, but taxpayers take IRS advice at their own risk. Consider the case of a Pennsylvania housewife whose husband went to their local IRS office for tax help. She wrote:

"He had supreme confidence in the IRS . . . My husband . . . paid what the man at IRS said was the right amount and forgot about it. One year and a half later we got a bill from the IRS . . . I couldn't believe it. Not only had their man made the mistake, but we had to pay interest for eighteen months on his mistake . . . We had to borrow the money from a bank and pay interest on that, and then in order to pay the bank we had to sell an insurance policy, which we had been paying on for some time for one of our children . . . It made me a lifelong enemy of the IRS."

Like the Pennsylvania housewife, many taxpayers do not realize that the Service will not honor its own employes' advice. The taxpayer who relies on an IRS employe's tax guidance gets no guarantee that IRS will not demand more taxes later.

Just how reliable is IRS advice? In April, 1972, *Wall Street Journal* reporter Tom Herman asked five different IRS offices for help. Each time he presented the same relatively simple tax problem. The five IRS offices gave him five different opinions on how much tax refund he had coming. The amounts ranged from $177 to $484. The IRS officials even disagreed on the number of tax forms he should fill out.

Affluent taxpayers need not rely on such poor IRS advice. Their high-priced lawyers know how to get ironclad agreements from the IRS on exactly how much tax their clients owe. These lawyers ask the Service to make a "private ruling" on their clients' problems. In effect, the IRS provides a free tax consulting service, with results guaranteed, for a special group—even though *all* taxpayers pay for the service with their tax dollars.

These private rulings can hide big tax breaks for powerful people. In a classic 1964 case, an IRS ruling saved millions of dollars for weathy DuPont stockholders (mainly DuPont family members). The chronology follows: In an antitrust action, a U.S. District Court directed DuPont and its Christiana Securities holding company to distribute their General Motors stock (63.5 million shares valued at $3.5 billion) to their stockholders. Congress passed a special law to lighten the DuPont stockholders' tax load on this GM stock windfall by making it subject to the capital gains rate of taxation, which is lower than the rate they would have paid if the stocks distributed had been treated as dividends subject to regular income tax rates. However, the price of GM stock doubled over the three-year distribution period, and the DuPonts, no longer satisfied with the break Congress had already given them, looked for a way to escape even the capital gains taxes. So they quietly asked IRS for a private ruling. In a ruling that delighted the DuPonts, the IRS permitted the DuPonts to exchange GM stocks for Christiana stocks held in their tax-exempt foundations, and these exchanges would be totally tax free. The new ruling allowed them to escape $56 million in taxes.

The IRS estimates that it makes about 30,000 rulings a year. Of all these decisions, it pubishes only six to seven hundred annually. The Service refuses to let the public—the same taxpaying public that paid for the rulings in the first place—even see the rest. This means IRS can treat different taxpayers unequally, and such injustice can be concealed.

The Montoya Senate Subcommittee hearings highlighted the contrast between the IRS tax guarantees for the rich and its unreliable advice to average taxpayers. The Pennsylvania housewife and her husband did not get DuPont-style service from IRS. Instead of honoring its own advice, IRS audited the Pennsylvania family's return and demanded almost $500 in additional taxes and interest.

Each year the Service chooses for audit more than one million individual returns of the 75,000,000 filed. This means the audited taxpayers must produce records and accounts to prove the claims on their returns. Average taxpayers usually face audit without tax counsel. Why? First, most may not even realize that they need professional help. Those who do seek it find they cannot afford to pay the $30 an hour—or more—that the tax professionals charge. Instead, taxpayers confront the IRS frightened and alone, like the woman who wrote: "I spent the whole morning at the tax office in Brooklyn and when my time came for the 'explaining' of my ways, I was treated with sullen contempt . . . I was absolutely terrified by their attitude. . . ."

Other taxpayers may trust the IRS man, assuming he knows the law and that he will be impartial, open, and above board. But L. Hart Wright, Michigan University Law School professor, points out that "these assumptions are often not justified." Wright should know. On and off, for almost twenty years, he has taught tax law at the IRS training center and has served as a member of the IRS Commissioner's Advisory Group and as a consultant to the Commissioner. In addition, he has written two IRS tax law manuals.

What happens when average taxpayers face an audit without professional help? Unable to defend themselves, some sixty-three per cent wind up with an increased tax bill averaging about $150. In 1972, that was almost half a million taxpayers. About thirty-four per cent get no increase, and three per cent receive refunds. The high "no change" rate—one in three—suggests that IRS may spend too much time subjecting small taxpayers to expensive unnecessary investigations. One woman reported that IRS audited her returns for five consecutive years, although her annual salary never reached $4,000. She wrote:

"It was my church donations which they questioned. You see, I am a Seventh Day Adventist and believe in paying ten per cent of all my income to the church. The church treasurer gives receipts for donations paid into the church. I kept all my receipts. Their investigation finds out that my internal revenue reports come out right to the penny with receipts to prove same. I had to take off from my job to appear in Des Moines for the investigation, which meant loss of pay for that day. . . ."

When the audit begins, the taxpayer faces a system which, in a real sense, is out to get him. First, the IRS agent *expects* to find that the taxpayer owes Uncle Sam more than he paid—ordinarily that is why the taxpayer's return was chosen for audit in the first place. The examiner himself is under pressure to bring in extra revenue. The Sevice rates him, in large part, by his "productivity"—the amount of money he brings in from taxpayers. Senator Montoya questioned Vincent Connery, former IRS agent and president of the National Association of Internal Revenue Employes, on whether he felt he had to "produce" in order to sustain his standing as an efficient revenue agent. Replied Connery, "The simple answer to that is 'yes.' "

In their eagerness to bring in money, IRS examiners are not always candid with taxpayers. They may not explain what kinds of proof of the taxpayer's claim IRS will accept, or whether the taxpayer's case has merit. Many ordinary taxpayers have a hard time supporting their deduction claims. A secretary wrote of her difficulties when IRS demanded she prove that she actually supported her dependent mother:

"I was only making around $5,500 or $6,000. I was told . . . [to] report all the money I spent on my mother in the last year . . . food, clothing, etc. I had to return the next day with a detailed account . . . I accounted for every penny . . . because I didn't want to go to jail—or so they made me feel."

Even sophisticated newspaper reporters have trouble supporting their claims. Syndicated columnist Tom Braden recently wrote:

"You have to be able to prove everything. For example, if you're a newspaperman and do a great deal of traveling, you'll have to produce the airline stubs which prove that you did indeed go to Los Angeles to write a story about Los Angeles which bears a Los Angeles dateline. Sometimes foolish people like me or people without secretaries—also like me—lose their airline stubs. It is expensive."

Sometimes IRS examiners will omit facts that might help the taxpayer. One former IRS agent has pointed out: "The overzealous examiner does not have to disclose to the taxpayer anything about the cases the Government has lost . . . They just state IRS' position as [an] amount of tax . . . and the poor taxpayer most of the time will pay. . . ."

Agents may even threaten to raise taxes without reason. Rudolph J. Passero of the National Society of Public Accountants told Senator Montoya about one time when an IRS agent, frustrated because he could not find any errors in a return, said, "I know there is something here. Now, how much do you want to pay to settle the case?" Passero reported the agent to his IRS superiors, but few unrepresented taxpayers are as willing to stand up for their rights against abusive IRS officials.

The well-represented taxpayers do much better by appealing the IRS agents' claims. Examination of the IRS' annual reports discloses that wealthy taxpayers, over the past five years, have protested more than $6.7 billion in examiners' demands before the Service's conference officials at the highest level. The IRS reviewers overruled the examiners and reduced the demands by an incredible seventy per cent of this amount—by $4.7 billion. Thus, these taxpayers actually had to pay, on the average, only thirty per cent of the amounts that overzealous agents had tried to claim. Big money was at stake in these settlements. The figures in one IRS document reveal that approximately eighty-four per cent of the money in dispute involved claims of $100,000 or more. Clearly, IRS is more willing to bend in favor of big taxpayers than smaller ones.

By comparison, average taxpayers fare poorly at the appellate level. For example, in 1971, according to IRS records, taxpayers with cases under $1,000 ended up paying an average of sixty-eight cents on the dollar, while those with tax cases of $1 million or more settled for an average of only twenty-four cents on the dollar.

But almost none—only two per cent—of the average taxpayers who have gone through the IRS audit ever appeal their increased taxes at all. Why not? Because appeals procedures are confusing, frightening, and expensive. Taxpayers can go to court, or can try to explain their side to Internal Revenue superiors at an IRS district conference. If that fails, they can trudge on still higher to an IRS appellate conference. Wherever they turn, average taxpayers find the procedures too much to cope with. It is so much easier to pay than to fight. Worse yet, many average taxpayers may not even know of their right to appeal. IRS does not routinely give taxpayers written notice of appeal procedures until *after* the taxpayer has formally disagreed with an examiner's findings and refused to pay an increased tax.

While most average taxpayers agree to pay what IRS says they owe, some fail to make the actual payment, and then the IRS Collection Division steps in. The IRS collection officer has the power to seize and sell almost all the taxpayer's goods. He can clean out bank accounts. He can seize paychecks. He can even sell a taxpayer's home.

Like the IRS examiner, the collector is under pressure to bring in money. Until this year, the IRS district office in San Francisco had a unique way of applying this pressure—the "point system." Employes seeking promotion had to fill out a five-page "work experience statement" which assigned points to some thirty-four different kinds of collection actions. Vincent Connery of the IRS employes' union described how the system worked. He said it was just like a contest:

"You get a point for going out and seizing somebody's money who is either on relief or Social Security or a pension. . . . You also get a point for notice . . . served on someone's life insurance policy. . . . It is more than a couple of points if you are regarded as a 'seizure man.' If an American businessman owed money, you go out and seize his business and you get points. Those points translate into promotion."

William L. Lefbom, chief of the San Francisco district collection and taxpayer service division, eliminated the "work experience" point system this year. IRS said it was "administratively cumbersome." But the pressure to bring in money goes on. Jerry Klepner, communications director of the IRS employees' union, has pointed out, "Supervisors know how much a man collects and how many cases he has closed. If the employe does not meet the standards, he loses his job or his promotion."

Most tax lawyers are skilled at keeping such IRS officials from their clients' doors. If tax appeals fail, they advise their clients how best to settle. They know, for example, how to arrange to pay back taxes over a number of years. And they know what kinds of compromises IRS might make. Even if these lawyers get a case after IRS has threatened to collect, they know where to go—in the agency or outside it—for help. Inside, successful tax lawyers talk to their collection division contacts. Outside, White House and other political connections might be effective. Or tax lawyers with clients friendly to Senator Russell Long of Louisiana or Representative Wilbur Mills of Arkansas might find either one helpful. Mills and Long, both Democrats, co-chair the powerful Joint Committee on Internal Revenue Taxation. IRS answers their letters within twenty-four hours. It was Mills' intervention, *The Wall Street Journal* recently reported, that called off an IRS tax investigation of shoe corporations, saving them, a former agent estimates, some $100 million in taxes.

Most of us do not fare so well. Once started, there is almost no way the average taxpayer can stop a collection action. A collector can simply move in and make the seizure. An angry trucker in the household moving business reported that IRS officers took his only moving van (worth $33,740) to satisfy a tax debt of $1,500, while he frantically sought help. He wrote, "Now I have no truck and no money." And, incidentally, no way to earn the money IRS says he owes.

Sometimes taxpayers suddenly discover that the IRS has seized their paychecks—even though they have paid their taxes and can prove it. A Midwestern certified public accountant described a common case. A black laborer had his paycheck seized even though he had two receipts which showed he had paid the tax due in full. Yet, wrote the CPA, the IRS collection department in Cincinnati was indifferent and simply said the man would get a refund in six weeks. "They never admitted," he wrote, "that they had made a mistake and never apologized for denying this man and his children food, clothing, and lodging, for at least one week."

Most average taxpayers have no place to turn for help when IRS seizes their pay. Even if the Service refunds the money in a few weeks, the hapless taxpayer has been deprived of his income, and his reputation with his employer has probably been hurt.

What can be done to give average taxpayers something like the help the rich (and their professional counsel) get from IRS? Senator Montoya has suggested that the Government provide a system of taxpayer advocates representing taxpayers with small claims. Ralph Nader has urged that IRS give those taxpayers facing audit or collection a short written notice that would outline, in plain language, the taxpayer's rights and duties, how he can appeal, and the names of IRS officials to whom he can complain. Nader also called for an "oversight" body, responsible to Congress, which would investigate citizen complaints, study IRS operations, and report its recommendations to Congress.

IRS, for this part, could keep track of the questions taxpayers ask most frequently at

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IRS offices. This would help Congress decide which parts of the tax lawr need to be simplified.

Much can be done in the way of reform. The tax system does not have to be a dense, dangerous jungle for the average taxpayer. But tax justice will not come by itself. Taxpayers will have to push their representatives in Congress hard, particularly those who put special treatment for a few ahead of tax justice for all the American people.

The best time to improve IRS practices is *before* you have a tax dispute with IRS. Your word to Congress can make a difference.

CONTACT

Here is what you can do to get action out of Congress and fair treatment out of IRS:

Be informed on the issues. Ask your Representative to send you a copy of the *Hearings on Taxpayer Assistance and Compliance Programs, Fiscal Year 1974*. Or get it from your public library. It is packed with information, and it is free.

Do not be afraid to complain. If IRS has treated you, or someone you know, unfairly, do not take it lying down. Let your Senators and Representative know. And write to the new Commissioner of Internal Revenue, Donald C. Alexander, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, D.C. 20224. He should be told what his employes are doing.

Get your local news media to help expose bad IRS practices. Talk to a reporter, or write a letter for publication, or ask an editor to write an editorial.

Urge your Representative and Senators to push for reform of tax laws and the IRS.

Help the ongoing study of IRS practices. The Tax Reform Research Group is collecting data to present to the Montoya Subcommittee hearings next year. Although TRRG cannot give help in individual cases, it will study complaints carefully. As patterns of abuses show up, it will investigate them and recommend reforms to the Subcommittee. If you send documentation, send copies only, not originals. Be sure to let the Group know whether it may publish your signed complaint, or whether it should keep your name confidential. Send information to: Tax Reform Research Group, P.O. Box 14198, Washington, D.C. 20044.

MILITARY PROCUREMENT

Mr. TOWER. Mr. President, recently the Senate finished consideration of its version of H.R. 9286, the military procurement authorization bill. During the debates the Senate came terribly close to upsetting the delicate balance the President has skillfully maintained between military preparedness and détente. Further monetary cuts that were proposed on the floor of the Senate during consideration of the military procurement bill would have robbed us of the strength to deter Soviet military aggression, if they chose to confront us on that level. In addition, our bargaining position during economic and political negotiations would have been diminished. We must be prepared to be as flexible as our opponents, able to compete militarily, economically and politically. The Armed Services Committee spent many weeks examining the President's budget submission in great detail. We reported the rock bottom budget authorization we felt America could afford, and in some cases recommendations even lower than some of us felt necessary. I am pleased to see the Senate permitted the bill to pass in substantially its reported form.

Mr. President, there have appeared in newspapers across the Nation a number of articles on the procurement bill and certain amendments thereto. Because I feel it might add weight to my arguments, I recommend them highly to my colleagues. Therefore, I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Review and Outlook]

DEFENSE, DEMAGOGY AND DÉTENTE

The Soviet-American detente was given another year of life last week when the administration staved off wholesale cuts in American arms during the Senate defense-spending debate. The margin was precariously narrow, in no small part because the administration has refused to demagog the defense issue. It seems likely that in a year or two the soft-sell will no longer be enough to win a halfway credible defense posture, the administration will have to turn on the demagogy, and detente will be over.

Consider the record in the Senate last week. Only by a vote of 51 to 44, could the administration reverse an earlier vote to unilaterally slash 40% of our overseas forces, on the eve of troop-reduction talks with the Soviets. Only by 49–47 could it win acceleration of the Trident submarine, its chief strategic proposal, as strategic arms talks go forward. It lost in an attempt to defeat a 23% foreign troop cut, and will have to rely on a Senate-House conference committee to whittle down the size of that reduction.

Even after further cuts have been avoided, the defense budget is below pre-Vietnam levels in terms of constant dollars. And because of the volunteer army, a far greater hunk of the budget is going to personnel costs and correspondingly less to hardware. Research and development on most programs was severely cut by a Senate subcommittee, and only partly restored by the full Armed Services Committee. The popular image of a bloated "military-industrial complex" has never been further from fact.

Meanwhile the Soviet Union has been moving ahead at an incredible pace on nearly every front of arms development. Even though the interim agreement on offensive strategic arms gives it many advantages, its testing has disclosed several new strategic missiles in the last few months. It has tested multiple warheads. It has reinforced and reequipped its armored divisions in Europe. It has built what Jane's Fighting Ships now considers the best navy in the world.

Surely the material is there if the President wants to take the issue to the nation, or even to demagog it a bit. But while it is quietly insisting on the need for arms spending, the administration refuses to play up the issue. For to make a lot of rhetoric about the Soviet threat would undermine its policy of detente, both in terms of domestic politics and, more importantly, in terms of actual relations with the Soviet Union.

Yet because the administration is publicly cozying up to the Soviets, it finds its quieter warnings are not taken seriously. This is one of its chief difficulties in the Senate. A good many Senators apparently are unable to conceive of detente on any basis except that the Russians have turned into good guys. And if they are good guys, why do we need arms?

This attitude is by no means limited merely to the Senate. There are well-informed people in the media, for example, quite capable of telling complaining military officers that the media cannot take the quiet warnings seriously while the public administration stance is friendship toward the Soviets. Or in other words, demagog it, then we will believe you.

Even this year, the administration would have had to do precisely that except for the ham-handed Soviet propaganda campaign against Andrei Sakharov and Alexander Solzhenitsyn. Especially given the careful groundwork laid by Senator Jackson's campaign on the Soviet Jews, this neatly upset the image, of the Soviets as good guys. Some in the liberal community of course argue that while the Soviets cannot be trusted with most-favored-nation status they can be trusted with military superiority. But on one of the key votes a number of liberal Senators—Kennedy, Humphrey, Stevenson—figured that we had better not trust them too far with arms either, and lined up with President Nixon and Senator Jackson.

In the future we cannot count on being blessed with Soviet clumsiness. Unless our popular and political culture can start to digest the notion that detente is not based on Soviet beneficence but on a balance of military power, the administration will be left with no choice but to present the Soviet threat in the rhetoric of high dudgeon. And it will go down in history that detente collapsed because a democratic political system is incapable of sustaining it.

[From the Denver Post, Sept. 19, 1973]

A BALANCED PLAN IN EUROPE: REDUCE TROOPS ON BOTH SIDES

The position of the Nixon administration has been consistent and firm over the past 4½ years on the question of troop cuts in Europe:

Any East-West troop reductions ought to be mutual and balanced.

Reports from Washington now indicate that the White House stand will get a full test earlier than anticipated.

The latest word is that the United States, with full concurrence by its allies in the North Atlantic Treaty Organization (NATO), will propose a phased reduction of both NATO and Warshaw Pact forces during the disarmament talks due to reconvene in Vienna next month.

The reported plan calls for a 10 per cent NATO cut and a 20 per cent cut by the Warsaw bloc—which would reduce the level of forces on both sides to about 700,000 men. A subsequent phase would reduce forces on both sides by another 15 per cent, according to the proposal.

The most significant reductions would be those involving American and Soviet troops. And the size and scope of these cuts will underscore how far the latest U.S.-Soviet move toward détente has progressed.

If equal cuts of 15 per cent were followed, as hinted by the White House, about 30,000 Americans and 65,000 Russians would be involved in initial withdrawals.

This would be a far cry from the plans being floated in the Senate, particularly by Sen. Mike Mansfield, the majority leader. Mansfield has called for a unilateral reduction of U.S. forces in Europe of 50 per cent, which would amount to a cut of about 150,000.

What is drastic about the Mansfield proposal is not the total, large though it is, but the fact that it would be undertaken without any assurance that the Soviet Union would follow suit.

Time and time again, the Russians have demonstrated that they are tough bargainers. The unilateral withdrawal recommended by Mansfield would severely weaken the U.S. bargaining position at Vienna.

A significant reduction of our costly military commitment to Europe ought to be our goal but it will undoubtedly have to come—as have other agreements with Moscow—one careful step at a time.

[From the New York Times]

WITHDRAWAL SYMPTOMS

(By James Reston)

WASHINGTON, September 27.—Though the Senate voted the other day to cut United States military forces overseas by 40 per cent, and then reversed itself under intense pressure from the White House, that challenge to the present balance of power in the world has sent a shudder through the Administration and the Western alliance.

It is the paradoxical mood of defiance and retreat in the Senate—defiance of the President and retreat from world responsibilities—that troubles both the President and the Allies, and that mood persists, despite the narrow reversal of the vote.

For the moment, it is not a critical problem, for the House, despite some defections, is still willing to maintain for a while the 471,000 land-based troops the United States maintains abroad. But even in the House many members who once backed the Administration's force levels abroad are now wondering whether this is still necessary, and if so, for how long?

The reasons for this growing skepticism are varied. The President himself has proclaimed the Nixon doctrine, limiting the nation's overseas commitments, and argued that his accommodations with Moscow and Peking have reduced world tensions and foreshadowed a "generation of peace." This in itself has produced pressure on the Hill to cut the defense budget, reduce the U.S. garrisons abroad, and reappraise or even eliminate foreign economic aid.

It has been the central political argument of the Administration during the last Presidential campaign and since that these last four years have been an era of transition: from war to peace, from a wartime economy to a peacetime economy, from a Federal budget dominated by defense to a budget dominated by social or human expenditures, from arms competition to arms limitation, and from a draft-dominated military force toward an all-volunteer force.

This theme is now producing new voting patterns in Congress. Many Southerners, who were pugnaciously international and all for foreign aid a decade or so ago, now resent competition from abroad and are allying themselves with Northern liberals, who used to be stanch supporters of internationalism, but who are now calling for vast transfers of funds from overseas to the problems of poverty and urban misery at home.

What we are seeing in these Congressional impulses to cut the defense budget, cut the troops abroad, cut the foreign aid, is also a reaction to the disappointments and tragedies of Vietnam. Withdrawal symptoms in a nation are even more painful than in an alcoholic or a drug addict, and the war has tended to encourage many members to withdraw not only from Vietnam but even from critical industrial areas like Western Europe and Japan.

There is also a tendency here as a result of Watergate and its excessive use of Presidential power, to oppose the White House, to dramatize the independence of the Congress, to resent the Europeans and the Japanese for their competition with the dollar and American trade, and all this is very sensible, but a 40 per cent reduction in all U.S. forces overseas seems a bit steep.

The Administartion would probably be on sounder ground in meeting these extreme demands if it were not so extreme itself. The President has been threatening to veto any bill that doesn't match his estimate of what the defense budget should be, and veto any appropriation bill that spends more than he thinks is inflationary at home—and this has irritated the Congressional leaders, and provoked Mike Mansfield, the majority leader in the Senate, who has been trying to cut overseas forces for years.

Mike got quite a few votes for his 40 per cent cut at least partly because everybody like Mike, and particularly the young new Senators, who didn't go through the long battle to establish American power in Europe and Asia, tend to think the detente with Moscow and Peking is a reality instead of merely an experiment.

Somewhere in this debate, there has to be a compromise between the majority leader who wants nothing less than a 40 per cent cut in the overseas forces and the Administration that wants to keep force levels overseas where they are.

The Administration won this latest battle with the Senate, and can probably keep on winning it with the help of the House, at least for a while, but the mood of retrenchment on the Hill is getting stronger all the time, and the confidence between the White House and the Congress, after Vietnam and Watergate, is getting weaker all the time. And this is a problem, particularly since the Administration is just going into critical negotiations with the Allies on the future of the NATO Alliance, with the Soviet Union on the balanced reduction of both Soviet and U.S. forces in Europe.

This the Senate knew, but it voted for a 40 per cent cut anyway, and reversed itself only when the probable consequences of the vote were made clear later in the day. In the end, the arguments of the Administration prevailed by a very few votes, but ironically, a few more votes were switched, not by the arguments of the White House, but by the arguments of Sakharov and Solzhenitsyn, the two eloquent voices out of Moscow, appealing to the United States not to make one-sided deals with the Soviet Union, without getting a few compassionate consessions from the Communist side.

[From the San Diego Union, Sept. 19, 1973]

DEFENSE IS LAST PLACE TO TRIM

Another "guns or butter" debate is warming up in Congress with consideration of a $20.4 billion military procurement bill. Once again we are caught up in the difficulty of reconciling our political process with the needs of national security. While politics and personalities can change the relative strength or weakness of different points of view in Congress, those changeable conditions have nothing to do with the number of men and weapons actually necessary to defend our country.

Congressional doves can no longer cry for an end to the Vietnam war as a means of producing billions to be spent on domestic programs. This leaves only the defense budget and foreign military aid as their target. The idea that military spending in the neighborhood of $80 billion is too much in "peacetime" is becoming dangerously popular with senators and representatives whose favorite programs are waiting to be funded but cannot be fitted into the federal budget under the ceiling which President Nixon is determined to maintain.

The Senate Armed Services Committee has concluded it is safe to trim another 156,000 men from our armed forces. This would reduce them even lower than the 2.2 million level projected by the Defense Department after a series of base closings and consolidations of military units announced earlier this year. The argument that these new reductions would be made in support forces rather than combat forces simply ignores the balanced relationship which must exist between the combat soldier and the logistics and communications network that must back him up if he ever has to fight.

The axe is also poised over the funding for such long-range weapons development programs as the B–1 bomber and the Trident missile submarine. The argument here seems to be that if we are safe enough now without these advanced weapons, and since detente is in the air, we need be in no hurry to develop them. This assumes that the Soviet Union is equally complacent with the capability of its strategic weapons. We know, however, that just the opposite is true. The Russians are pouring resources at an unprecedented scale into improving and expanding both their strategic and tactical forces.

The level of U.S. troops stationed in Europe is also being viewed as a budgetary question. It cannot be if we expect any results from the current effort to negotiate a mutual reduction of forces by the North Atlantic Treaty Organization and the Warsaw Pact. A unilateral troop reduction by the United States of America would only undercut NATO's bargaining position.

President Nixon has made the point that domestic programs will be meaningless if we fail to maintain adequate military strength. Put in simplest terms, if a country does not have enough guns to defend itself from an enemy, having butter on the table will not save it. With the Defense Department's buying power seriously eroded by inflation, the defense budget is the last place Congress should be looking for money to divert to new domestic spending. The fat just isn't there to be trimmed.

FOOD ADDITIVES AND HYPERACTIVITY IN CHILDREN

Mr. BEALL. Mr. President, since early this year I have been in communication with Dr. Ben F. Feingold, chief-emeritus, department of allergy of the Kaiser Foundation Hospitals and Permanente Medical Group, with respect to hyperkinesis, or hyperactivity.

This is a problem which is conservatively estimated to involve 3 percent of the elementary school population of our country. However, the instances of hyperkinesis varies greatly from community to community. For example, in south San Francisco a conservative estimate indicated that 5 percent of all pupils were hyperactive, while in Monroe County in upstate New York, the estimate is as high as 25 percent. The California Association for Neurological Handicapped estimated in the past 10 to 12 years the instances of hyperactivity among schoolchildren in California has risen from 2 percent to an average of 20 to 25 percent and in some cases 40 percent of the entire school population.

Dr. Feingold's research has indicated a possible link between hyperactivity in children and the growing use of food additives. By placing children on a diet that is free of artificial food flavors and colors, Dr. Feingold has been able to achieve dramatic results. Even more dramatic was the ability to trigger a return of hyperactivity, sometimes in a matter of hours, by putting artificial substances back into the diet.

At the present time many hyperactive children are being treated with drugs. If hyperactivity can be controlled simply by changing a child's diet, then we certainly should find it preferable to move in that direction. And if there is a link between artificial food additives and hyperactivity, then the entire use of artificial colors, flavors, and other additives must be examined.

Mr. President, next month the Senate Labor and Public Welfare Subcommittee on Health contemplates hearings in the drug area. I have written Senator KENNEDY today, in view of the importance of

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Dr. Feingold's work, urging that he be one of the earliest witnesses called. I am particularly interested in Dr. Feingold's work because of my deep concern about the reading problem in this country and there is indication that many hyperactive youngsters also experience reading and other learning difficulties. As Dr. Feingold told me in his most recent letter:

> I feel confident that through a broad-based program involving the education of parents, as well as educators, teachers, psychologists, pediatricians, and other professionals regarding the potentials of management with the salicylate-free diet, we can within a very brief period, perhaps a year or 18 months, correct a considerable percentage of the H-LD among the school children of this country.

I have been in contact with the Food and Drug Administration and the National Institute of Mental Health on this matter and I am hopeful that we can generate support for Dr. Feingold's research and efforts.

Mr. President, in the Washington Post of October 29 appeared an excellent article on this subject by Mr. Morton Mintz. I ask unanimous consent that a copy of this article be printed in the RECORD and also a copy of a recent address given by Dr. Feingold before a symposium on food health in London, England last month, be printed in the RECORD.

I also ask unanimous consent that my letter to Senator KENNEDY be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STUDY LINKS FOOD ADDITIVES TO HYPERACTIVITY IN CHILDREN

(By Morton Mintz)

A medical specialist says that artificial colors and flavors in foods and beverages may be an important cause of a serious behavior disorder believed to afflct millions of school children.

He bases his theory on experiments in which afflicted children come to behave normally when put on a diet free of synthetic colors and flavors, only to revert to their maladjusted condition when they violate the diet by so much as a bite.

The specialist is Dr. Ben Feingold of San Francisco. He is chief-emeritus of the Department of Allergy of the Kaiser Foundation Hospitals and Permanente Medical Group.

The disorder, called hyperkinesis or hyperactivity, interferes with a child's attention span—leading to reading, spelling and other learning difficulties—and is reflected in disruptive and even compulsively aggressive behavior.

The disorder occurs almost exclusively in boys. Usually only one child in a family is affected.

Hyperkinetic children generally—but not always—are genetically predisposed to allerges. Usually they have normal or high IQs. And, says Feingold, they ingest substantial amounts of chemical colors and flavors, as shown by diet diaries.

Frequently, physicians prescribe for hyperkinetic children drugs that in adults are stimulants. The drugs are amphetamines and Ritalin, the trade-name of the CIBA-Geigy Corp. for methylphenidate hydrochloride.

Feingold has found that sharp increases in the disorder and in learning difficulties over the last 10 years have occurred in parallel with increases in the dollar value of the production of artifical flavors and soft drinks.

There are 2,500 to 3,000 flavors—some of them secret chemical formulations—but only 11 basic synthetic colors, Feingold says.

The colors and flavors constitute about 80 per cent of all food additives. They proliferate in "convenience" foods and products such as softdrink powders, the physician says.

Feingold reported initial findings to an American Medical Association meeting in New York City in June at an international food symposium in London in September. He said in a phone interview with The Washington Post that he is now preparing an article for the British Medical Journal, published by the British Medical Association.

At the time of the AMA meeting, Feingold said, he had achieved "dramatic results" with the special diet in 15 to 18 of 25 hyperkinetic children in his practice. Some of the children who did not improve did not stick to the diet, he said.

Currently, the allergist told a reporter, he has successfully treated more than 50 children. In addition, he said, other physicians independently have duplicated his results.

Feingold emphasized that the special diet doesn't always work, because there are apparently multiple causes of hyperkinesis. Sometimes it works in harness with standard allergy control procedures, he said.

Feingold told of a 7-year-old boy who had been hyperkinetic during much of his life. No therapy worked. But after a few weeks on the special diet the boy became well adjusted at home as well as at school.

The physician said that even a slight violation of the diet can cause symptoms of hyperkinesis to emerge within a few hours and to persist for 24 to 48 hours.

"In view of our ability to relate this behavioral disturbance in children to food additives by 'turning on' and 'turning off' these adverse clinical responses," Feingold told fellow allergists at the AMA meeting, "we raise the following question:

"Is it possible to attribute the increase in hyperkinesis and learning difficulty . . . to the increased consumption of these chemicals in our foodstuffs?"

Feingold told of a California study indicating that in the last 10 years the incidence of hyperkinesis in certain school populations increased from an average of 2 percent to 20 to 25 percent and, in some cases, to 40 percent. He said no correlation has been shown between rates of affiliation and socio-economic factors.

The dominant occurrence of hyperkinesis in boys and its absence among a victim's brothers and sisters may offer clues for researchers, but "we really do not know" the explanation, Feingold said.

"Do the additives ingested by the mother during pregnancy affect the unborn child?" the allergist wonders.

He points out that additives, like drugs, can cross the placental barrier to the fetus and affect its development. It is at least conceivable, he says, that increased consumption of food additives by pregnant women could be an "important factor" in conditioning a fetus to react to additives in childhood with hyperkinesis.

An average child's breakfast today may include foods "loaded" with enticing flavors and colors, including cereals, beverages, pancakes made from a mix and frozen waffles tinted by a chemical called tartazine, Feingold said.

A "conscientious and concerned" mother may give her child chewable vitamins. These, too, contain chemicals.

The child goes off to school where, at lunch, he gets more flavoring and colorings in hot dogs, luncheon meats, ice cream and beverages other than milk.

"Is it any wonder that our children are jumping and failing to learn?" Feingold asked at the AMA session.

The conscientious mother, or school authorities, may try to cope with the possibly chemically-created disorder by dosing the child with more chemicals—an amphetamine of Ritalin. These drugs, too, are dyed, Feingold said. Some children also are given strong tranquilizers that, again, are artificially colored.

How many children get the amphetamines and Ritalin, which CIBA-Geigy has heavily promoted for hyperkinesis, is unclear.

The number estimated in 1971 by the National Institute of Mental Health was up to 300,000. The current estimate made by CIBA-Geigy for Ritalin alone is 250,000.

A company spokesman said Friday that the firm was trying to clarify the figures in the light of testimony given at a Senate hearing in July, 1971, by CIBA-Geigy president Thomas O. Boucher.

He said that the firm in 1970 sold 243 million Ritalin tablets, that some 2 million persons took the drug, and that "its use for hyperkinesis is approaching 50 per cent . . . of production." In the same year, Ritalin accounted for $11 million in sales, or 15 per cent of the firm's total.

Feingold's research associates were Drs. Donald F. German, Alice Friedman, Richard Braham and Ellamae Simmons.

In a related development at Georgetown University, researchers have reported on a laboratory study of some food additives used to prevent spoilage of beverages and canned and frozen foods by disease-producing bacteria.

The additives act as strongly against animal and human cells as against the germs, the study indicates.

Further investigation is necessary, "but present evidence would urge caution in eating large quantities of food containing such additives," said microbiologist Thazepadath Sreevalsan.

The Georgetown study, done in collaboration with the National Institutes of Health, involved tissue cultures in which additives were shown to inhibit the growth of cells, to alter their shape, and in some cases to destroy them.

The results, reported in the Proceedings of the National Academy of Science in August, also showed that the chemicals did not act selectively merely against the bacteria that cause spoilage, but were at the same time anti-cell agents.

"There may be a mechanism whereby the stomach tissue in a whole organism is able to de-toxify the compounds in humans, but even in that case, ingesting too much might overload the mechanism and still pose a danger," said Associate Prof. Sreevalsan.

He said that most anti-bacterial food additives are fatty acids that, in the concentrations in which they are used to prevent spoilage, have not exhibited "any gross animal or human toxicity."

All human cells in the study are inhabited by these compounds, as well as by nitrite. For that reason, the large consumption of foods containing the compounds "may potentially interfere with the function of some human cells," Sreevalsan said. The same would apply to drugs such as salicylates—aspirin, for example—that also are fatty acids, he said.

The study was done with cells from human livers and intestines and with chicken embryo cells grown in laboratory tissue cultures.

Sreevalsan's co-researchers were Elliot Ginsburg, Daniela, Salomon, and Dr. Ernest Freese.

ADVERSE REACTIONS TO FOOD ADDITIVES WITH SPECIAL REFERENCE TO HYPERKINESIS AND LEARNING DIFFICULTY (H-LD)

(By Ben F. Feingold, M.D. *)

Foods are mixtures of chemicals, the bulk of which are proteins, fats and carbohydrates. In addition to these basic substances, numerous accessory chemicals occur in foods in varying concentrations. Some of these substances are natural constituents of the food product, while others known as food additives are incorporated either directly or indirectly during various stages of production, storage and processing. Those substances, except for chance contaminants, that accidently have become a part of food are known as non-intentional food additives, while those that are purposely incorporated are called intentional food additives.

While both the naturally occurring chemicals and food additives may be involved in the health and behavior of man, the scope of this discussion is limited to observations attributed chiefly to artificial flavors and colors.

Classification of intentional additives

Preservatives	33
Antioxidants	28
Sequestrants	45
Surface active agents	111
Stabilizers, thickeners	39
Bleaching and maturing agents	24
Buffers, acids, alkalies	60
Food colors	34
Nonnutritive, and special dietary sweeteners	4
Nutritive supplement	117
Flavorings—synthetic	1, 610
Flavorings—natural	502
Miscellaneous: yeast foods, texturizers, firming agents, binders, anticaking agents, enzymes	157
Total number of additives	2, 764

The flavors and colors represent three out of fourteen categories that constitute a list of intentional food additives compiled in 1965 by the Food Protection Committee of the United States National Science Foundation and the National Research Council. (1)

It is important to note that of the 2,764 chemicals listed in this report, the flavors and colors constitute over 80 per cent of the total.

Colors and flavors make no contribution to the nutritional value of food. However, since both flavor and color are very important determining factors in consumer acceptance, they are frequently interlinked. As a result, they play identical and important roles in determining the economic success experienced in marketing food products, which in turn may subtly, yet at times very importantly influence the health and behavior of man.

Prior to 1856 when dyes were originally developed from coal tar derivatives, practically all colors added to foods were of natural origin. (2) However, following the development of synthetic colors, there has been a constant increase in the utilization of the synthetic products by the food, drug and beverage industries, so that over two million pounds of synthetic coloring materials are added to our food supply annually. This represents over 90 per cent of all the food coloring used, leaving 10 per cent from natural sources.

The various synthetic dyes are derived from four basic coal tar derivatives. (3)

Basic coal tar derivatives

Triphenylmethane.
Azo.
Xanthene.
Sulfonated indigo.

Test samples from each class have from time to time exhibited adverse effects. Derivatives of triphenylmethane, the azo dyes and indigo have known carcinogenic properties, while xanthene products manifest mutagenic potentialities.

By 1900, in the absence of regulations, there were approximately 80 dyes used in the United States for food coloring. (4) In many instances dyes from a batch used for dyeing cloth were used for food. By 1906, when the first regulations were instituted in the United States, the list was reduced to seven products, which were considered to be of known composition and studied physiologically.

The short term evaluation initially applied to the certification of dyes has proved unreliable with the result that the approved list of colors is constantly undergoing change. With long term usage of a dye, toxicity and carcinogenicity frequently become manifest, which leads to either exclusion or provisional listing. Again, on the basis of short term evaluation a new product is substituted. This constant practice of deletion and substitution merely reflects the inherent potential of coal tar dyes to produce adverse effects—a situation that will no doubt persist so long as coal tar derivatives are used for food processing.

The deficiencies of short term evaluation are well expressed in a report on food colors issued in the United Kingdom as early as 1954. To quote, "We cannot accept the contention that, because coal tar colors have been used in foods for many years without giving rise to complaint of illness, they are, therefore, harmless substances. Such negative evidence in our view merely illustrates that in the amounts customarily used in foods, the colors are not acutely toxic but gives no certain indication of any possible chronic (long term, continuing) effects. Any chronic effects would be insidious and it would be difficult if not imposible to attribute them with certainty to the consumption of food containing coloring matter."

The situation with regard to the reliability of colors as expressed in this statement explains in great measure the difficulty various public health authorities are having in arriving at mutual agreement for the authorization of colors to be incorporated into food products.

The following table which lists the synthetic colors permitted in several countries illustrates this situation.

SYNTHETIC FOOD COLORS PERMITTED IN SEVERAL DIFFERENT COUNTRIES

Dyes	Great Britain	Australia	Canada	Denmark	Finland	Germany (W)	India	Norway	Spain	Sweden	Switzerland	South Africa
Ponceau 4R	+	+	-	+	+	+	+	+	+	+	+	-
Carmoisine	+	+	-	+	+	+	+	+	+	+	+	+
Amaranth	+	+	+	+	+	+	+	+	+	+	+	+
Red 10B	+	-	-	+	-	-	-	-	-	-	-	-
Erythrosine BS	+	+	+	+	+	+	+	+	+	+	+[1]	+
Red 2G	+	-	-	+	-	-	-	-	-	-	-	+
Red 6B	+	-	-	+	-	-	+	-	-	-	-	-
Fast red E	+	+	-	+	+	-	+	+	+	+	+	-
Red FB	+	+	-	-	-	-	+	-	-	-	-	-
Orange G	+	-	-	+	-	-	-	-	-	-	-	+
Orange RN	+	-	-	+	-	-	-	-	-	-	-	+
Oil yellow GG	+	-	-	-	-	-	-	-	-	-	-	+
Tartrazine	+	+	+	+	+	+	+	+	+	+	+	+
Yellow 2G	+	+	-	+	-	-	-	-	-	-	-	-
Sunset yellow FCF	+	+	+	+	+	+	+	+	+	+	+	+
Oil yellow XP	+	-	+	-	-	-	-	-	-	-	-	-
Green S	+	+	-	+	-	-	-	-	-	-	-	+
Indigo carmine	+	+	+	+	+	+	+	+	+	+	+	+
Violet BNP	+	+	-	+	-	-	-	-	-	-	-	-
Brown FK	+	+	-	+	-	-	-	-	-	-	-	-
Chocolate brown FB	+	+	-	+	-	-	-	-	-	-	-	-
Chocolate brown HT	+	+	-	+	-	-	-	-	-	-	-	-
Black PN	+	+	-	+	+	+	+	+	-	+	+	-
Black 7984	+	-	-	-	-	+	-	-	-	-	-	-

[1] For coloring whole, halved or stoned fruit only.

The following table lists the U.S. Certified Colors:

COAL TAR DYES

(U.S.A. FD & C Colors)

Trimethylmethane dyes

Blue no. 1 (Brilliant Blue)
Green no. 3 (Fast Green F.C.F.)
Violet no. 1 (Benzyl Violet 4B)

Xanthene

Red no. 3 (Erythrosine)

Sulfonated indigo

Blue no. 2 (Indigo Blue)

Azo dyes

Red no. 4 (Panceau S.X.)
Red no. 40 (Allura Red A.C.)
Citrus red no. 2
Orange B
Yellow no. 5 (Tartrazine)
Yellow no. 6 (Sunset Yellow F.C.F.)

The necessity to restrict to a rather limited number the chemicals used for color is aided by the fortuitous circumstance that color perception functions through a single organ—the eye, which makes the chemistry and measurement straightforward, although the psychology and acceptance of color may be complex. As a result, the demands of the food processing industry for a great variety of hues, tints and quality can be met by blending a small number of chemicals.

On the other hand, flavor represents a composite sensation consisting of the concurrent reactions of the taste and olfactory re-

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ceptors to the chemical stimuli and in many cases, in addition, are the reaction to tactile, temperature and pain receptors as well. In other words, flavor of a food or beverage represents the composite impression gained through taste, odor, texture and a group of feeling factors. For this reason flavor is complex from every standpoint—chemistry, measurement, psychology and acceptance.

Artificial pineapple flavor

[*In percent*]

PURE COMPOUNDS	
Allyl caproate	5.0
Isopentyl acetate	3.0
Isopentyl isovalerate	3.0
Ethyl acetate	15.0
Ethyl butyrate	22.0
Terpinyl propionate	2.5
Ethyl crotonate	5.0
Caproic acid	8.0
Butyric acid	12.0
Acetic acid	5.0
ESSENTIAL OILS, ETC.	
Oil of sweet birch	1.0
Oil of spruce	2.0
Balsam Peru	4.0
Volatile mustard oil	1.5
Oil cognac	5.0
Concentrated orange oil	4.0
Distilled oil of lime	2.0

The next table which lists the various chemicals contained in artificial pineapple flavor illustrates the complexity of the problem in attempting to reproduce what is found in nature. And even this mixture is not absolutely true to nature. (5)

The complex character of flavor explains the great difficulty in reproducing the various flavors occurring in nature. In many instances, the ingenuity of the chemists has approached the natural, but there is no synthetic product that can not be detected by an individual with a very acute sense of taste. Nature, abetted by both public demands and those of the food processors, has been a constant challenge to the food chemists, who have reacted with the development of thousands of chemicals which are being constantly introduced into our food supply as flavors. The search continues. Although several thousand chemicals are now available for food flavoring, the list continues to increase. The precise number of these chemicals in use is not known, since a number of secret formulae are protected by legislation. The United Kingdom (6) as well as several other countries have no regulations controlling the use of flavorings.

Recognizing that convenience foods are one of the richest sources of artificial flavors and colors, a recent report of the U.S. Department of Agriculture points up the widespread use of these chemicals. The report states that more than half of the foods purchased in the United States are ready to cook. Most of the remainder are ready to eat, which leaves only 3.3 per cent that are prepared by the consumer from basic ingredients, e.g. flour, shortening, eggs, milk, etc. This reflects the radical change in life style that has evolved over the past several generations which has emancipated women from many kitchen chores. Through the encouragement and promotion of the food processors, people have become more and more dependent upon convenience foods of every variety.

The literature on flavorings as well as other aspects of food additives is quite prolific. However, the reports on clinical patterns representing adverse reactions to food chemicals are extremely limited and do not reflect the incidence of this problem that would be anticipated in view of the very wide distribution of these chemicals in our food supply. An important factor contributing to the paucity of clinical reports is the lack of recognition that food additives are a relatively common cause of adverse clinical patterns.

Initially, it was believed that food additives served as happens (i.e. incomplete antigens) to conjugate with body proteins to form complete antigens which have the capacity to evoke allergic tissue responses. However, the studies on aspirin by Farr (7) and Samter (8) in the United States supported not only the non-immunologic nature of aspirin sensitivity, but emphasized the relationship observed clinically between aspirin intolerance and adverse reactions to tartrazine (FD & C yellow No. 5), a widely distributed azo food coloring. The observations of the British pharmacologist, Vane (9), strengthened this concept. Vane reported that aspirin and indomethacin, although structurally unrelated, inhibit prostaglandins, which influence the cascading activities of a number of body substances. These observations suggest that the adverse response to these drugs could be pharmacologic rather than immunologic in nature. Tartrazine (FD & C yellow No. 5), although structurally unrelated to aspirin can induce identical adverse clinical patterns in aspirin sensitive subjects. The converse is also observed. This clinical interrelationship in the absence of a chemical structural relationship is important in interpreting the clinical response and in programming the management of adverse reactions to artificial flavors and colors based upon a salicylate-free diet.

The salicylate-free diet was originally designed for the management of aspirin sensitive patients who failed to respond following the elimination of the drug, but did show a favorable response when all foods with a natural salicylate radical were excluded. As designed initially, the diet listed only foods with a natural salicylate radical. (10)

FOODS CONTAINING NATURAL SALICYLATES

Apricots.

Berries—Blackberries, Strawberries, Raspberries, Gooseberries.

Cherries.

Currants.

Grapes—Raisins, Wines, Wine Vinegar.

Nectarines.

Peaches.

Plums.

Prunes.

Almonds.

Apples.

Oranges.

Cucumbers, and Pickles.

Tomatoes.

In some patients even this exclusion failed to control symptoms until it was recognized that tartrazine (FD&C yellow No. 5), although unrelated by chemical structure, may induce adverse reactions in aspirin sensitive patients. Following the exclusion of tartrazine, some of the failures, but not all, responded. Accordingly, on the basis of the clinical relationship between aspirin and tartrazine (FD&C yellow No. 5), it was hypothesized that among the thousands of food colors and flavors incorporated into our food supply. there may be other additives, although unrelated chemically, which may induce adverse clinical responses. On the basis of this premise, the so-called salicylate-free diet was expanded to include not only all foods containing natural salicylates, but also all sources of artificial flavors and colors, with and without a salicylate radical. Since flavors and colors constitute approximately 80 per cent of all food additives, strict adherence to the diet will exclude the majority of all food additives. In view of the complexity of the formulae for flavors, the necessity for the empirical exclusion of all artificial flavors can be readily appreciated.

The conditions successfully treated with the salicylate-free diet are indicated in the following table:

ADVERSE REACTIONS INDUCED BY FLAVORS

Respiratory—Allergic rhinitis, nasal polyps, cough laryngeal edema, and asthma.

Skin—Pruritus, dermatographia localized skin lesions urticaria, and angio-edema.

ADVERSE REACTIONS INDUCED BY FLAVORS

Gastro-intestinal—Macroglossia, flatulence and pyrosis, constipation, and buccal chancres.

Neurological symptoms—Headaches and behavioral disturbances.

Skeletal system—Arthralgia with edema.

It is important to note that practically every major body system is susceptible to involvement by adverse reactions to food additives. Usually, only a single region is affected, but it is not uncommon for a mixture of these patterns to occur. (11)

Of the various clinical patterns induced by the adverse reactions to artificial colors and flavors perhaps the most important and also the most dramatic are the behavioral disturbances in children.

The exact incidence of this is not known, but figures vary from a conservative 5 per cent of all pupils in the South San Francisco, California school system to 25 per cent in Monroe County in upstate New York. The California Association for the Neurologically Handicapped estimates that in the past ten to twelve years the incidence of H-LD among the school children of California has risen from 2 per cent to an average of 20 to 25 per cent, and in some cases 40 per cent of the entire school population. These figures have no relation to socio-economic background. The great variations can no doubt be attributed to the definition of Hyperkinesis, Minimal Brain Dysfunction (MBD) and Minimal Neurological Damage (MND), as these children are frequently labelled. (12) Another factor that influences the statistics on incidence is the failure to recognize that hyperkinesis and learning difficulty are commonly interlinked and are actually different aspects of an identical problem. This is particularly true of dyslexia, a generic term applied to a whole category of reading and spelling disabilities.

Since reading disabilities among children are frequently an expression of the behavioral disturbance induced by hyperkinesis, it is interesting to refer to some figures on reading difficulties in the United States.

On March 22, 1973, in a presentation before the United States Senate by Senator Beall from the State of Maryland the following statistics were reported:

It is estimated that some 18½ million adults are functional illiterates;

That some 7 million elementary and secondary school children are in severe need of special reading assistance;

That in large urban areas 40 to 50 per cent of its children are reading below grade level;

That 90 per cent of the 700,000 students who drop out of school annually are classified as poor readers; and

The massive reading difficulties revealed in these statistics have been compiled by surveys of teachers and principals alike.

An additional alarming statistic was recently released from the Dallas, Texas school system. At commencement exercises throughout the city of Dallas recently (June 1973), anywhere from 500 to 1,000 of Dallas' 9,000 graduating seniors walked across the stage to be handed diplomas they could not read.

Although statistics outside of the United States are presently not available to me, the overwhelming response from many countries to a recent presentation on H-LD would suggest that similar problems exist in many countries throughout the world.

It is interesting to note that a graph projected for the increase in dollar value for the production of artificial flavors and soft drink beverages of various types parallels a graph for the increased incidence of H-LD among the school children of the U.S. for the past ten years.

The clinical pattern of the behavioral disturbance is chiefly that of hyperkinesis

which can range from simple restlessness to extreme hyperactivity, which, interfering with the child's attention span, is reflected in complete disruption both at home and at school.

At home they are less than completely dutiful children whose willfulness and stubbornness leads to hostility in the parents, to which the response is rebelliousness in the child.

At school they are disruptive and in conflict with their schoolmates. Their impaired attention span leads to learning difficulties, in spite of a normal or high IQ. It is these children who are taxing the facilities for special classes for learning difficulties in all school systems. They are challenging the ingenuity of our teachers who are constantly seeking techniques to cope with this ever increasing problem. These patients are baffling our pediatricians, our pediatric neurologists, psychologists, psychiatrists, and educators in the field of hyperkinesis and learning difficulties. A large number of these children are being treated with either methylphenidate (Ritalin), amphetamines, and tranquilizers.

In our experience we have successfully treated some of these children with the salicylate-free diet which eliminates the artificial flavors and colors.

To illustrate:

Case 1: A seven year old boy presented with a history of extreme hyperkinesis of several years duration. When at home, he stomped around, slamming the doors and kicking the walls and even charging oncoming cars with his bicycle. At school his hyperactive behavior was disruptive, resulting in his inability to learn. Numerous pediatricians were consulted as well as neurologists, psychiatrists and psychologists, including a complete medical and neurological survey at a teaching medical center. Nothing succeeded until the child was placed on a salicylate-free diet. After a few weeks of dietary control, the child became well adjusted both at home and at school. Infractions of the dietary program led almost immediately to a recurrence of the hyperkinetic behavioral patterns.

Case 2: A seven year old boy who because of hyperkinesis and learning difficulty, was treated with 40 mg of Ritalin daily from August 2, 1971 to June 2, 1972. The drug was interrupted for about 6 weeks because of intense drowsiness, but in August 1972 it was resumed at a dose of 20 mg daily.

Although the boy attended a special learning class, his hyperkinesis was not controlled, and his scholastic achievement was poor.

Reports from his school indicated:

January 17, 1973—Excessive fidgetiness, extreme distractability, inability to adjust to new situations, and irritability. The child talks constantly when he should be listening. The child was receiving 20 mg of Ritalin daily at this time.

April 3, 1973—The child was placed on a salicylate-free diet, but Ritalin 10 mg b.i.d. was continued.

April 17, 1973—The mother reported a marked improvement in the child's behavior with a report from school that he had improved greatly in his reading. Ritalin was reduced to 5 mg b.i.d.

May 11, 1973—The mother reported that the boy was doing very well both at home and at school. Ritalin was discontinued.

June 6, 1973—Continued improvement at home. Teacher reported great improvement at school. He has advanced in his studies so that he is now the best reader. He also has shown a remarkable change in his writing ability. The child is to be promoted to a higher grade.

Case 3: On May 30, 1973 a seven year old boy presented with a history of hyperactivity dating to early infancy. Before the age of three the child was described as unhappy, extremely hyperactive and uncontrollable. He was unable to focus his attention on any project for more than 2 to 3 seconds.

At 3 years and 6 months the child was placed on Ritalin following which he seemed less active, less distractable, exhibited a degree of "self control" and seemed better able to cope with routine demands.

At 5 years of age the child started school. He exhibited great learning difficulty involving the alphabet and numbers. His classroom behavior was disruptive, and he had great difficulty socializing with his peers.

At 7½ years Stelazine (a tranquilizer was added to his therapy in order to control to a greater degree his daytime behavior, particularly at schools, when Ritalin was not effective. Stelazine also aided in improving the sleep pattern as well as the constant minor muscular movements of the child.

May 30 to July 2, 1973 the child was given allergy skin tests which proved negative.

July 2, 1973 the child was still receiving Ritalin 10 mg four times daily, or 40 mg per day, and Stelazine 2 mg twice a day, or 4 mg daily.

A salicylate-free diet was ordered for the child.

July 8, 1973, six days after starting the diet, the mother reported "a changed child"—more self control. He is able to reason with his parents and peers. He is less distractable. The Ritalin was reduced to a single dose at 7 p.m. and Stelazine 2 mg at bedtime only.

July 15, 1973 at 7 a.m. the child ate a bakery doughnut which was not permitted on his diet. By 10 a.m. the child became hyperactive, argumentative and unable to exercise self control.

July 16, 1973, a.m., the child returned to his "new normal" established by the diet.

July 17, 1973 Stelazine was discontinued. A single dose of Ritalin, 5 mg, at 7 a.m. was continued.

July 23, 1973, 21 days after starting the diet, all medication was stopped.

July 27, 1973 he attended a party at school; ate some candy at 10 a.m. At 12 noon the hyperactive behavior returned and persisted until July 29, about 48 hours.

August 13, 1973 the child was doing extremely well.

The descriptive characteristics of the clinical pattern are as follows:

(1) Marked hyperactivity.

(2) Short attention span—jumps from one activity to another.

(3) Fidgetiness.

(4) Irritable—overly sensitive.

(5) Unpredictable and unmanageable.

(6) Quick tempered, explosive and panics easily.

(7) Tolerance for failure and frustration is low.

(8) Exceptionally clumsy—poor coordination; eyes and hands do not seem to function together; has trouble buttoning.

(9) Has difficulty drawing and writing.

(10) Can't seem to keep from touching everything and everyone around.

(11) Normal or high IQ but fails at school.

In addition, it is important to note that the involvement affects boys almost exclusively and that rarely more than one child in a family is affected.

The cardinal features observed following management with the salicylate-free diet include:

(1) The rapid, dramatic change in behavior. Although the history of hyperkinesis with associated disturbances are usually of many years duration (3 to 4 years) and at times dating back to infancy, a favorable response is observed within days after instituting the dietary control. The child loses his hyperkinesis, his motor incoordination, and becomes well adjusted to his environment. The sleep pattern improves.

(2) Drugs which have been administered for several years can usually be discontinued after about 2 to 3 weeks of management and rarely beyond one month.

(3) Improved scholastic achievement is also dramatic. Within a single quarter at school the child may show much improvement in his reading and writing abilities as well as with numbers. This is consistent with the observation that these children have either a normal or a high IQ.

Since the incidence of an allergic diathesis among the human population is estimated to be approximately 25 per cent, it is not surprising that allergy is not an uncommon concomitant of H-LD. Although adverse behavioral responses attributed to allergy without apparent involvement of additives have been reported, allergy does not seem to be a frequent primary cause of hyperkinesis. When allergic disease does accompany H-LD, in some cases it may be necessary to institute management for the allergy in order for the salicylate-free diet to be effective.

The ability to "turn on" and "turn off" the pattern of hyperkinesis, the discontinuance of drugs and the accompaniment of rapid improvement in scholastic achievement is strong evidence to support the relationship between H-LD and the ingestion of artificial flavors and colors. In most cases a review of the diet diary reveals a larger than usual ingestion of artificial flavors and colors.

In view of these observations the question is raised, "Is it possible to attribute the increase in H-LD among the children of school age to the increased consumption of these chemicals in our foodstuffs?"

It is not difficult to recognize the increased consumption of artificial flavors and colors when one reads the labels for the ingredients listed on each package of foods.

What does the average child in America get for breakfast? Usually a cereal loaded with non-essential flavors and colors which have been added to entice the child—a beverage, either chocolate, a fruit punch, Kool-Aid, Funny Face, etc.; pancakes made from a mix; frozen waffles dyed with tartrazine, frozen French toast with syrup, most of which are rich with many of the artificial flavors and colors.

Then, having a conscientious and concerned mother, the child gets vitamins, usually chewable, which are loaded with additives. To cap the ironical situation, the child is given a dose of either Ritalin or amphetamine before he is on to school. At school the same ritual is continued at lunch, with hot dogs, luncheon meats, ice cream and various beverages. Is it any wonder that our children are jumping and failing to learn

Except for terminology, there is no difference between artificial colors, flavors and many drugs. They are all low molecular weight chemicals. Recognizing this relationship, we can draw upon the observations on adverse drug reactions in clinical medicine, and particularly in the field of pharmacogenetics for an interpretation of the mechanism that may be involved in H-LD induced by artificial colors and flavors.

Studies in the field of genetics over the past few decades have demonstrated that each person has a unique "biological individuality" that determines a "pharmacological individuality". The pharmacological reactions of drugs depend to a great degree upon proteins that have a high degree of specificity. The quantity and the quality of these proteins can be altered through genetic mutations which influence drug metabolism, their binding abilities and drug receptor interactions. (13) (14)

There are a number of metabolic variations which are actually not abnormalities, since under normal conditions the individuals manifest no disturbances. However, in the presence of certain drugs they express their potentially dangerous character. For example: The abnormal hemoglobin Zurich

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which is characterized by the replacement of a histidine residue by arginine at the 63-position of the amino acid sequence of the beta chain of hemoglobin. (15)

The molecule is abnormally sensitive to oxidative denaturation but not to the point where this occurs spontaneously at an appreciable rate. Under normal conditions heterozygotes show no unusual symptoms, aside from a slightly shortened life span of the erythrocytes. However, when such patients are given sulfonamides or other oxidant drugs, methemoglobinemia develops. The hemoglobin denatures and precipitates which results in a fulminant hemolytic anemia. Similar adverse effects have been observed with some other abnormal hemoglobins.

Another example is inherited deficiencies of the enzyme glucose-6-phosphate dehydrogenase (G-6 PH), a condition thought to affect some tens of millions of people. (16) Here again the pathology is essentially drug dependent, and hemolysis results from a number of compounds, e.g. the anti-malarial primaquine, para-amino-salicylic acid, phenacetin, the sulfonamides and also certain constituents of the broad favus bean. It is interesting to note that the gene carrying the determining characteristics for this enzymatic disorder is on the X-chromosome. This explains the greater frequency of the enzyme deficiency and drug sensitivity among males. This observation is highly suggestive that in H-LD the X-chromosome may be involved, which could explain the overwhelming preponderance among boys, as well as the occurrence in only one boy in a family.

A still further example of the contribution of genetics to the variability of drug metabolism is that observed with Isoniazid (INH) which is currently in common use for the treatment of tuberculosis. (17) Very early in the use of INH clinicians observed wide variations in the metabolism of the drug, whether measured by the decrease in serum level of INH or by the rate of urinary excretion in the form of acetyl INH. The problem was resolved following the demonstration that the general population is divided into two genetic groups, namely, "slow inactivators" and "rapid inactivators". INH inactivation is controlled by two autosomal alleles at a single genetic locus identified as R (rapid) and r (slow). Both homozygotes and heterozygotes for the rapid allele (RR and Rr) are rapid inactivators, while only the slow homozygotes (rr) are slow inactivators. In other words, slow inactivation of INH is a recessive trait.

TABLE VIII.—GENETICS OF ISONIAZID (INH)

[R=rapid inactivation; r=slow inactivation]

50 percent	Homozygote (RR) Heterozygote (Rr)	=Rapid inactivation.
50 percent	Homozygote (rr) (recessive)	=Slow inactivation.

It is also interesting to note that slow inactivators (rr) are also more likely to show toxic effects from two drugs chemically related to INH—the antidepressant phenelzine, a mono-amine oxidase inhibitor, and the anthypertensive hydralazine.

This observation raises another important point relative to H-LD and the artificial colors and flavors, namely, the possibility of cross reactivity among each group of chemicals, resulting in more than one color or more than one flavor to be at fault in the same individual. This is supported by the recognition that the colors are derived from four basic structurally related groups, while the flavors, although occurring in the thousands also show a close structural relationship. Accordingly, the broad exclusion provided by the salicylate-free diet is necessary for successful management.

The Lesch-Nyhan syndrome, which has been described less than ten years ago may also serve as a guide in studying the possible genetic basis for H-LD as related to artificial colors and flavors. In this disease the defect which involves a deficiency of the enzyme hypoxanthine guanine phosphoribosyltranferase (HPRT) is an X-linked recessive condition that occurs exclusively in males. The importance of the Lesch-Nyhan syndrome as a guide in studying H-LD is twofold:

(1) The involvement of the X-chromosome with the exclusive implication of males.

(2) This is the first disease in which an identified biochemical abnormality can be associated with a specific aberrant pattern of behavior, namely, compulsion and aggression.

Although environmental influences have not been demonstrated for Lesch-Nyhan disease, nevertheless, it is conceivable that other variations of the X-chromosome or perhaps polygenic alterations may be responsible for environmentally induced behavior patterns, e.g. the artificial colors and flavors in H-LD.

In addition to metabolic disturbances and enzymatic variations, anomalies of the receptor sites can be at fault. Receptors may exhibit either increased or decreased sensitivity as is observed in coumarin tolerance and vitamin K activity.

It is also possible that the involvement of children with either normal or high IQs may be on a genetic basis.

Educators and child psychologists generally recognize that in the early years and through the preschool years girls exceed boys in learning achievement. By the beginning of school, however, there are no longer consistent differences. It is also at school age that the pattern of H-LD becomes apparent in most children. This could also be an expression of the pharmacological activity of the artificial flavors and colors exerting a repressive action upon normal physiological functions.

On the basis of the observations in pharmacogenetics, it is conceivable that H-LD is an expression of the pharmacological activity of artificial colors and flavors in individuals with genetic variation. It is possible that the adverse response to these chemicals exerts a repressor effect which prevents the normal expression of these children. A repressor effect could explain not only the rapid, dramatic improvement in the clinical pattern which follows elimination of the chemicals, but also the speedy recurrence of symptoms, within hours, following ingestion of the additives.

In addition, the rapid improvement observed both in the behavioral pattern and scholastic achievement would indicate that food chemicals induce a functional derangement due to the pharmacological activity rather than persistent organic changes. On the other hand, this position cannot be assumed for those children who fail to respond favorably. Is it possible that children who fail to respond experience irreversible damage induced by the chemicals? This raises another aspect of the problem for consideration. What is the role of food additives during pregnancy upon the child?

Investigators in the field of fetal development and pharmacology suspect that drugs during pregnancy may have a subtle effect upon the child which may be manifested later in life as behavioral disturbances. Food additives, like drugs, are low molecular chemicals which also have the capacity to cross the placental barrier and may have similar adverse effects upon the child following ingestion during pregnancy.

The control of hyperkinesis with subsequent improvement in scholastic achievement has been demonstrated following management with the salicylate-free diet. The precise identification of the specific factors among the thousands of food additives has not been determined. The nature of the pharmacological behavior of these chemicals is also undetermined. The incidence of H-LD among school children is not known but is generally recognized as being high and consistently rising. Nevertheless, with the recognition that this basic data is lacking, in view of the critical state of the problem and its extremely wide distribution among the school children, it would seem advisable that a broad based program for the management of H-LD with the salicylate-free diet be developed. The gains are many, and the risks are nil. The program involves no danger to the health and behavior of the child, nor are any drugs involved.

In order to implement the effectiveness of the program, it is essential to have widespread public awareness of the universal distribution of additives in the food supply and the potential of these chemicals for causing adverse reactions. A campaign for diligent scrutiny of package labels would alert the public regarding the imminence of the problem.

The recognition that Food Additives are linked to H-LD should open many areas for investigation, particularly in the fields of pharmacogenetics and neurophysiology. The availability of specific food additives as research tools could be valuable in determining the underlying genetic variations. Such observations could explain the prediction of H-LD for boys and also the selective involvement of only one child in a family. The food chemicals could also be helpful in studying the neurophysiological responses associated with other emotional and behavioral disturbances.

Confirmation of the thesis as concerns H-LD would justify an extension of the studies to other areas of emotional and behavioral disturbances, not only in children but also in adults. And further, the same concept could be applied to the study of the possible role of foods in the behavior of ethnic groups.

Such an extension of the investigations would necessitate increased knowledge concerning all the accessory natural compounds occurring in various foodstuffs. Presently, such information is lacking. Is it not possible that many emotional and behavioral disturbances of man may be due to the pharmacological behavior of accessory food chemicals which are still unknown, some in gross quantities, while others may occur only in trace amounts?

Such studies can be of extreme importance in future planning of food supplies for a growing population which will become more and more dependent upon synthetic food products, many of which will be flavored and colored with artificial additives. In addition, as the studies are extended to include all food chemicals, both natural and artificial, a new dimension could be available for evaluating the Food/Man equation.

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U.S. Senate,
Committee on Commerce,
Washington, D.C., October 30, 1973.

The Honorable Edward M. Kennedy,
Chairman, Subcommittee on Health, Senate Labor and Public Welfare Committee, Washington, D.C.

Dear Ted: I urge that one of the earliest witnesses during the upcoming hearings on drugs be Dr. Ben F. Feingold, Chief-Emeritus, Department of Allergy of the Kaiser Foundation Hospitals and Permanente Medical Group.

Dr. Feingold has found that artificial food substances may be a cause of hyperkinesis, of hyperactivity, in children. Hyperkinesis is a major problem in the country. A conservative estimate is that moderate and severe disorders are found in about 3% of elementary school children; however, this varies from community to community. For example, it is estimated that the instances of hyperkinesis among school children in South San Francisco is a conservative 5% and it is as high as 25% in Monroe County in upstate New York. The California Association for Neurological Handicapped estimates that in the past ten to twelve years instances of hyperkinesis among California school children has risen from 2% to an average of 20 to 25%, and in some cases 40% of the entire school population.

A significant number of the children with hyperkinesis have special learning or reading disorders also. Dr. Feingold's research indicates a link between hyperactivity in children and artificial food coloring and flavoring.

For example, in one group of twenty-five hyperactive children, Dr. Feingold was able to eliminate or dramatically reduce the disorders for at least fifteen children by putting them on a diet that was free of artificial food flavors and colors. Even more dramatic was the ability to trigger the return of hyperkinesis, sometimes in a matter of hours, by putting artificial substances back into the child's diet.

Since early May I have been communicating with Dr. Feingold and with the Food and Drug Administration and the National Institute of Mental Health, in an effort to call attention to his findings and generate additional support for his efforts. At the present time many hyperactive children are being treated with powerful drugs. If hyperkinesis can be controlled simply by changing childrens' diets, then we certainly should find it preferable to move in this direction. Furthermore, if there is a link between those artificial food additives and hyperkinesis, then the entire use of artificial colors, flavors and other additives should be examined with regard to their potentially dangerous effects on humans.

Therefore, I strongly urge that the Committee give Dr. Feingold an opportunity to present his findings. I appreciate your cooperation.

With best wishes, I am
Sincerely yours,
J. Glenn Beall, Jr.

PARAGUAYAN INDIAN HUNT

Mr. ABOUREZK. Mr. President, in an article by Prof. Richard Arens of Temple University in a recent issue of Nation, we see only another pitiful example of the barbarism and inhumanity which exists in countries whose governments are our friends.

The Paraguayan regime of Gen. Alfredo Stroessner is bent on a systematic liquidation of the Aché Indian nation. Achés are being hunted and indiscriminately killed regardless of age, sex, or position. Those willing to accept slavery may be kept alive as work hands without medical attention. The use of their language is discouraged and traditional music is prohibited.

The Paraguayan National Police Force has interred hundreds of political prisoners and continues to use incessant, stomach-turning torture as merely their standard operating procedure. Mr. Arens reports that even ranking members of the Paraguayan Government have attended torture sessions as a matter of course.

Mr. President, this year we are giving the Stroessner regime over $11.5 million in military and economic aid. Furthermore, we have long been involved in the training of Paraguayan military, paramilitary and police forces. This year alone we will give Stroessner and his repressive regime $2.5 million in military assistance, training and advice. Nothing could be more of an incentive to such an inhumane government than a continuing flow of aid.

Perhaps one reason why our aid continues to flow abundantly to this government is the close relationship which exists between General Stroessner and our U.S. Ambassador to Paraguay. Professor Arens reports that General Stroessner once told American reporters that he regarded the U.S. Ambassador as a member of his Cabinet.

Mr. President, I am shocked and appalled at the findings of Professor Arens. For the United States to support a government bent on the genocide of its people certainly makes the United States an "accessory to the crime."

I ask unanimous consent that this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Paraguayan Indian Hunt

(By Richard Arens)

On June 4, 1973, the University of Bern released an open letter to the Paraguayan Government. It charged that carefully organized massacres of Aché Indians (otherwise known as Guayaki, of Tupi linguistic stock), added to the detention of Aché Indians in "reservations" indistinguishable from Nazi concentration camps and calculated to insure physical and psychological collapse, had taken on genocidal proportions and had been carried on with the apparent approval and indeed connivance of Paraguayan governmental agencies.

The picture sketched by the University of Bern leaves one with a sense of horror hitherto induced only by the picture of the Nazi "final solution." In some respects, the picture is indeed more dismal.

Achés are being systematically hunted by armed raiding parties. Men, women and children are being indiscriminately mowed down in such "hunts." The preferred weapon of the massacre is the machete, which saves the expense of bullets.

An exception may be made for Achés who submit to being tamed and trained as killers of their own kindred. Their reward is a diet capable in insuring survival and the assignment of captured Aché women as their "wives." Both the Aché killers and their "wives" may be guaranteed survival during good behavior. Those willing to accept unadulterated slavery may also be kept alive for indefinite periods as work hands at a bare subsistence level and without medical attention. The use of their language is discouraged; their traditional music prohibited. The attendant death rate from diseases of malnutrition and sheer lack of will to survive is decimating them.

This inevitable attrition is accelerated by such acts as that reported by a team of anthropologists—that "about one-half . . . [of a] recently captured band [of Achés on a reservation] was liquidated, partly by the conscious withholding of food and medicine."

The rites of their religion are denied the Achés even in death. What is felt by the survivors is pervasive melancholy and a sense of degradation, rarely capable of verbalization, yet occasionally captured in a "weeping song," taped by an anthropologist, in which the singer laments the end of the Aché Nation and "regards himself as no longer an Aché and not even a human being . . . [and] as half dead."

Yet another group permitted to survive may be children, largely girls (ranging from 10 years upward). These are being sold as slaves, principally for sexual purpose. And as if in a nightmare world we read of yet another "weeping song," recorded on tape by an anthropologist in March of 1972 in which "the perhaps 30-year-old Aché woman Kanechirigi complains that she does not know what has happened to her daughters, who are now living in the houses of 'mighty Paraguayans.'" The price of an Aché girl, quoted by a German anthropologist, whose eyewitness account constitutes one basis of the open letter of the University of Bern, is in the neighborhood of $5.

Not unreasonably, the open letter of the University of Bern demands the immediate cessation of these crimes and the criminal prosecution of all those responsible, regardless of their station in life.

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The Genocide Convention, which has been signed by Paraguay, and which must be viewed as a part of the customary Law of Nations, explicitly encompasses all of the activities described in the Bern indictment.

In addition to genocide, the convention renders "complicity in genocide" subject to punishment as an international crime and declares that persons committing genocide or accomplices therein "shall be punished whether they are constitutionally responsible rulers, public officials or private individuals."

The accusations contained in the open letter by the University of Bern are based upon extensive first-hand observation. The pioneering study in this field has been presented by a German anthropologist, Dr. Mark Münzel. Titled "The Aché Indians: Genocide in Paraguay," and published in 1973 by the International Work Group for Indigenous Affairs in Copenhagen, it cites first-hand account upon first-hand account, identifying eyewitnesses located throughout the Americas and Western Europe in a manner satisfying to the most fastidious of legal technicians. Dr. Münzel himself has been an eyewitness to some of these episodes. Photographs included in his report show the bloated bodies of the dying on the reservations. His attempts at persuading the killers, whom he met as they set out for an Indian hunt, to abandon their pursuits, have been fruitless. His denunciation of the practice, led to a strongly worded suggestion by the German diplomatic mission that he return to his German home base at the University of Frankfurt.

Col. Patrick Montgomery, the British Secretary of the Anti-Slavery Society, presented substantially identical allegations before the U.N. Commission on Human Rights in Geneva on March 29, 1973, based upon independent and further first-hand evidence. His report was uncontradicted.

The Roman Catholic Church in Paraguay has acknowledged the existence of these practices and has denounced them. So has the World Council of Churches. The British and German press have at various times featured accounts of the liquidation of these hapless people.

The extermination of the Aché population of Paraguay has been progressing over a period of more than a decade to the point where the Achés are almost extinct and the Anti-Slavery Society of Great Britain voices the apprehension "that plans may already exist for the liquidation of other tribes before the limelight has a chance to prevent it."

Liquidation of the Achés has progressed apace with road building and "settlement" of "civilized" communities upon once virgin soil, in short, with commercial penetration which has been heavily financed from the United States.

The involvement of the Paraguayan Government has been direct and immediate. Its knowledge of these practices is incontrovertible. General Stroessner, the dictator of Paraguay, has himself been repeatedly informed, most recently perhaps by the International Commission of Jurists, which sought to "intervene" with him against these massacres.

Clinching evidence concerning the explicit Paraguayan governmental collaboration in the extermination of the Aché Indians has been furnished by eyewitnesses. The typical hunt leading to the roundup and massacre of the native population was consistently observed to be accompanied either by the military vehicles of the Paraguayan armed forces or by trucks "put at the disposal of the Reservation by the Ministry of Public Works and Communication with a soldier as the driver."

Paraguay has been under the iron rule of Gen. Alfred Stroessner, dictator since 1954. Its nominal governmental structure has from time to time been cosmetized to provide a more tolerable appearance to the outside world.

Hundreds of political prisoners are detained without trial under conditions of the utmost deprivation, degradation and torture. Standard operating procedure for the handling of political prisoners, as reported by Amnesty International, includes "prolonged beating for periods of up to two hours nonstop with whips and sticks, burning of sensitive parts of the body with cigarettes and the removal of fingernails." Further refinements are exemplified by the application of electricity to the body of the prisoner "with a prodlike instrument called *picana electrica*" and total immersion to the point of near suffocation in a tub filled with excrement. Amnesty International has reported that such torture sessions have been attended by the ranking members of the Paraguayan general staff as well as the 25-year-old son-in-law of General Stroessner. Medical emergencies, appearing to be imminently life-threatening, may be treated at the police hospital, the Policelinico Rigoberto Caballero, though it does not seem clear whether the available medical treatment is designed to be life-saving or to provide more sophisticated forms of coercion. In a manner strangely reminiscent of the situation obtaining in Athens under the rule of the Colonels, this police installation is within easy walking and hearing distance of the U.S. Embassy.

General Stroessner has played host to numerous fugitives from post-World War II Nuremberg justice. In the early years of his regime, a Herr Contric, a former S.S. man, acted in an official and leading advisory capacity in the Paraguayan system of internal repression. Amnesty International has asserted that it has evidence that Dr. Josef Mengele, "the doctor of Auschwitz," had been acting in a similar advisory capacity in Paraguay. So have other Nazi fugitives. It appears that under U.S. pressure, Nazi are no longer *visibly* engaged within the Paraguayan system of "law and order," though the influence of both Herr Contric and the Herr Doktor is discounted by few objective observers of the Paraguayan scene.

U.S. aid has been flowing into Paraguay, the poorest country in South America, in massive volume significantly since 1954, the year of Alfredo Stroessner's accession to dictatorial power. American investment has been both private and governmental. Standard encyclopedias—ranging from the *Americana* to the *Britannica*—point to a multimillion-dollar inflow of U.S. capital. The impoverishment of the Paraguayan masses of course remains unaffected. Members of the general staff thrive, sometimes as in Vietnam, on the proceeds of a heroin traffic directed to the United States.

Statistics published by the Paraguayan treasury reflect 50 per cent of available budgetary expenditures on military and police operations. The U.S. Government, which in 1971 granted $400,000 in military aid to Paraguay, has been training Paraguayan military personnel and there is every reason to justify the belief that it has participated in the training of paramilitary and police personnel as well. It would not seem unfair to infer that the Paraguayan military vehicles accompanying Aché hunts are of American manufacture.

General Stroessner, of course, has been Washington's man in Asunción. Widespread military facilities, airstrips and roads leading to them, pushed through inhabited as well as virgin territory once populated by Achés have been made available to the United States.

On a visit to Washington in March 1968, General Stroessner told American reporters that he regarded the United States ambassador as a member of his cabinet. (A similar statement was once made in an unguarded moment by Colonel Papadopoulos in Athens.) General Stroessner used the occasion of his Washington visit to offer the dispatch of Paraguayan troops to Vietnam.

Any assertion of the Nixon Administration that it lacks all knowledge and control of racial and political persecution—and specifically the genocide of the Aché Indians in Paraguay—would seem as credible under these circumstances as its recent protestations of innocence of events in Athens or Saigon.

The release of the University of Bern letter was noted in the *Basler Nachrichten* and by Swiss radio and television. It was greeted by total silence from the American press, radio and television. The London bureau of *The New York Times* was explicitly informed and was obviously sympathetic to giving the story the prominence it deserved. Yet no such story appeared.

How explain the silence of the American media while Achés die?

A PIECE OF I. W. ABEL'S MIND

Mr. FANNIN. Mr. President, several publications recently have carried an advertisement paid for by United States Steel. This advertisement is unusual in that while it is paid for by a large corporation, the text is a statement by I. W. Abel, president of the United Steelworkers of America.

In this statement Mr. Abel very appropriately expresses the need for America to improve productivity if we are to survive as a strong and prosperous Nation in a world of increasingly competitive world trade.

Mr. President, I was very pleased to see this advertisement and I hope that it may indicate a new spirit of cooperation between unions and management in meeting the challenges of world trade. Without such cooperation the economic future of our country is bleak. The Phoenix Gazette ran an editorial on October 19, 1973, commenting on the statement by Mr. Abel. I ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A PIECE OF I. W. ABEL'S MIND

I. W. Abel, president of the United Steelworkers of America, is as strong and forthright a union leader as you'll find anywhere. He's never been accused of going to bed with management, and he's not about to. Nevertheless, there was his photograph, a part of a full-page ad in The Wall Street Journal—an ad paid for by United States Steel itself.

What's more, he was—at the "invitation of USS"—telling "how America can become more productive."

The term "increased productivity" has more often than not had a nasty ring to it so far as unionists were concerned, bringing back memories of speedups and stretchouts and other practices associated with the sweatshop days. Abel would have none of that, of course.

Abel is alarmed that between 1960 and 1972 the average annual productivity rise in the U.S. was 3.1 per cent; the growth rate in a number of foreign countries was double that and higher. Last year 18 per cent of all steel sold in the U.S. was produced elsewhere.

Quoting Abel: "What happened? Things have been so good for so long that we've become wasteful and inefficient. So wasteful that, incredibly enough, many firms nowadays actually expect to scrap 20 per cent of what they produce!

"Let me be blunt: I believe we are standing at a pivotal point in our history. If we adopt a don't-give-a-damn attitude, we risk becoming a second-class economic power."

Abel's answer to the productivity problem: ". . . stepping up the efficiency of each worker. Does this mean work speedups, job eliminations? Hardly. It does mean cutting down on excessive absenteeism, tardiness, turnover and overtime . . . improving the morale of workers, more effective work incentives—and really listening to the man at the work-bench. I've always believed that all the brains in the great American economy weren't in the executive suite!"

There it is in plain language, a blueprint for continued economic success—not from a theoretical economist but from a hard-nosed labor leader.

RELIEF FOR SMALL BUSINESSMEN

Mr. CHURCH. Mr. President, on October 3, I described to the Senate the plight of the Nation's independent retail petroleum marketers under the administration's phase IV petroleum regulations.

At that time I noted that the regulations virtually ignored the giant oil companies which are enjoying record profits with each new economic quarter.

I was somewhat relieved to learn last week that the Cost of Living Council has finally decided to grant some relief to these service station owners. Beginning October 31, they have announced that the independent petroleum marketers will be allowed to pass through costs incurred from their suppliers, the major oil companies.

Under the regulations which have recently been issued for comment, the administration seems finally to have realized the folly of putting the burden of absorbing rising costs on the small businessman who is at the end of the marketing line of a large and complex industry. The spiraling profits of the major oil companies still remain virtually untouched, but, at least, it seems that these small businessmen, who perform so many public services, will be less victimized by the administration's economic programs.

The entire situation was, I think, recently summed up very succinctly by an editorial in the Weiser, Idaho, Signal-American. Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

AMEN, SENATOR CHURCH

This writer will yield to no one in his admiration and sympathy for the operators of gasoline service stations.

It is hard to conceive of any business, except possibly community newspapers, which performs more free services for its customers. What a gasoline station operator does in the way of washing your windshield and windows and other services could amount to more, in terms of labor cost, than the amount of the customer's purchase on a given occasion.

What thanks does the service station operator get for all this?

Maybe after he manages to build up his business to the point where it makes him some sort of a living, some oil company opens up another station across the street to compete with him.

All of this makes recent remarks by Sen. Frank Church highly pertinent.

Church terms as appalling the decision of the Nixon Administration to impose strict controls on operators of service stations while virtually ignoring the giants of the oil industry.

Church reports major oil suppliers and refiners are increasing their profits from 10 to 50 per cent.

"It is appalling," said the senator, "that the Cost of Living Council has selected the retailers, a largely unorganized group of small businessmen, which has never experienced a high margin of profit, for strict regulations, while virtually ignoring the giants of the same industry."

Amen, Senator Church!—RPR

AN EDITORIAL BROADCAST BY WRAL–TV, RALEIGH, N.C.

Mr. THURMOND. Mr. President, I desire to share with my distinguished colleagues a television editorial broadcast on October 23 by station WRAL–TV in Raleigh, N.C.

This station is headed by a distinguished and courageous American, Mr. A. J. Fletcher, who recently celebrated his 86th birthday. Mr. Fletcher is the son of a much-beloved Baptist minister in the mountains of western North Carolina. Many years ago, Mr. Fletcher moved to Raleigh where he became a successful attorney and businessman.

Mr. President, Mr. A. J. Fletcher and I do not belong to the same political party. But we share the same principles. And, incidentally, our distinguished colleague, the junior Senator from North Carolina (Mr. HELMS) was an associate of Mr. Fletcher prior to last November when Senator HELMS was elected to this body. It was through the courtesy of Senator HELMS that I was privileged to read the editorial to which I referred earlier.

I ask unanimous consent that the WRAL–TV editorial of October 23, 1973, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WRAL–TV VIEWPOINT, OCTOBER 23, 1973

As former Attorney General Elliot Richardson made plain at his press conference and as the President's decision to hand over the tapes confirms, there exist no grounds—no grounds whatever—for impeaching President Nixon. The shrieking demands for impeachment are concocted, for the most part, of hot air and hate. They emanate from that same shrill clique—Bella Abzug, George Meany, Rep. Ogden Reid of New York—who have been after Mr. Nixon since the day he took office.

One may quarrel with the President's decision to fire Archibald Cox, the Special Watergate Prosecutor, just as Mr. Richardson quarrels with it. But impeachment is something else again, and certainly there is no suggestion that, in firing Mr. Cox, the President committed an impeachable offense. The President had a right to hire him, and he had a right to fire him.

It is plain from Mr. Richardson's explanation that the conflict between the White House and the Special Prosecutor involved the confidentiality of White House records. Mr. Nixon feels an obligation to keep those records private, except where overriding circumstances can be demonstrated. He is not the first President to take this position. He will not be the last.

In the case of the Watergate tapes, overriding considerations did exist. The public interest plainly required something more than high-principled assertions, however well-grounded, that no whisper from within the Oval Office should ever be overheard in public.

This is why the Watergate Committee pressed for disclosure of the tapes, and why, on Friday night, Mr. Nixon agreed to make available to the Senate Committee a certified transcript of those portions of the tapes relating to the Committee's investigation—minus certain language delicately described as "pungent." It was this reasonable compromise that Mr. Cox defied; and it was this defiance, with its promise of a drawn-out court fight over White House records, that led Mr. Nixon to demand Mr. Cox's removal.

Mr. Cox's sleuthing did not turn up barrels of sensational new evidence. According to Mr. Richardson, Mr. Cox's dismissal had nothing to do with any "coverup," despite rumors to that effect gleefully spread by Mr. Nixon's detractors.

Now, with the White House decision to comply fully with the Court of Appeals' decision on the Watergate tapes, the final and most damaging charge against the President folds up. Mr. Nixon has defied no Court Order, contrary to assertions by [those] who prematurely pronounced the President in contempt of court.

. . . For the awful truth is that the President's most vociferous critics are not to be mollified by the fact that, with the surrender of the tapes, the President has done all that he can fairly be expected to do.

They do not care. They do not care either that Mr. Nixon brought us out of a futile and debilitating war in Southeast Asia—even if he did require longer to bring us out than his predecessors required to get us in. They do not care about his timely action to subdue the widening conflict in the Middle East.

They hate Nixon, and they are obsessed with Watergate. But their obsession should not be allowed to rule the rest of us, and no fair-minded man will stand by and watch them pull down the government out of spite.

THE LIFE OF PABLO CASALS

Mr. KENNEDY. Mr. President, as the world mourned the death of Pablo Casals last week, tributes from every section of the globe characterized him as a man of principle and of talent, a man who dedicated his life to a demonstration against tyranny. And we in the Senate join in that tribute.

Pablo Casals lived his life in the tradition of those who favor the Greek definition of happiness—the use of one's powers along lines of excellence in an area affording them scope.

If the pursuit of truth and beauty is the foundation of our cultural heritage, the life of Pablo Casals is the embodiment of that pursuit.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the New York Times article on the life of Pablo Casals.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CASALS, THE MASTER CELLIST, WON WIDE ACCLAIM IN CAREER THAT SPANNED 75 YEARS

(By Alden Whitman)

"I think it goes like this," a cello student struggling with a Johann Sebastian Bach suite once told Pablo Casals.

XUM

"Don't think," the master cellist replied. "It is better to feel."

With this emphasis on an inner sensitivity to a composer's intentions, Casals was able to demonstrate what luminescent and human music could be drawn from the strings of a rather awkward instrument. In concerts and recordings over some 75 years, he provoked awe and applause for the profundity of his insights, the felicity of his playing and, above all, the soaring purity of his interpretations of baroque and classical composers. Bach was his specialty, but he was also at home with Boccherini, Mozart, Brahms, Beethoven, Schumann and Dvorak.

At the same time Casals (he pronounced the name KaaSAALS) won much admiration and acclaim as a man of probity and principle for his humanitarianism, his personal musical "crusade for peace" and his one-man stand against the regime of Francisco Franco in his native Spain. Few musicians achieved in their own time the international renown accumulated by Casals.

Part of this fame, in the United States at least, came very late in life and rested on Casals' talents in conducting, which he fancied as his real métier and which he had practiced, mainly in Europe, since 1920. Conducting gave him a sense of fulfillment, he said, because orchestras, with their human teamwork, are "the greatest of all instruments."

Early in his career, on his first American tour in 1901, a falling rock crushed the fingers of his left hand. His first thought, as Casals recalled it, was, "Thank God, I won't have to play the cello any more." He associated that reaction with his desire to conduct.

After a period of semiactivity in Europe starting in 1945, Casals went to Puerto Rico to live in 1956. He was then 79 years old and seemed spent. The next year, however, he started the Festival Casals, which became an annual springtime program of concerts. He had a heart attack just before the opening of the first festival, but he recovered buoyantly in the following years, using an orchestra brought together by Alexander Schneider, the violinist and an old friend. The concerts drew thousands of mainlanders to the island and introduced the post-World War II generation of music lovers to Casals.

Then in 1961 he joined Rudolf Serkin's Marlboro Music Festival in Vermont, where each July he conducted the orchestra and gave master classes in the cello. And, beginning in 1962, he conducted a choral work in New York every year. His first presentation was his own oratorio, "El Pesebre" ("The Manger"), a lengthy composition dedicated "to those who have struggled and are still struggling for the cause of peace and democracy."

WHITE HOUSE CONCERT

In this period of resurgence, Casals gave a widely publicized cello recital at the United Nations in New York in 1958 to mark that organization's 13th anniversary. Three years later he played to a distinguished gathering at the White House on the invitation of President John F. Kennedy.

The public attention that Casals generated in those years helped also to swell sales of his cello recordings, and this, in turn, created new esteem for his wizardry with the bow. Thousands who never saw him nonetheless came to know him intimately.

Another element of his appeal to the public was his apparent refusal to age or grow stale. "Sometimes I feel like a boy," he told an interviewer in 1964. "Music does that. I can never play the same piece twice in the same way. Each time it is new."

Watching him rehearse an orchestra when he was 89, an astonished student exclaimed:

"When the maestro came onto the stage he looked 75. When he stepped on the podium he seemed even 10 years younger. And when he began to conduct he could have been a youngster ready to chase Easter eggs."

INNOVATIONS IN PLAYING

In the musical world, Casals' enduring reputation was associated with two accomplishments: his single-handed restoration to the repertory of Bach's cello music, especially the six magnificent unaccompanied suites; and his innovations in bowing and fingering that gave the cello a new and striking personality in orchestral and solo works.

He greatly lightened the work of the left hand, for example, by changes of finger positions, thus adding to its mobility. He also showed that it was possible to attain fresh subtleties in tone by freer bowing.

His own style was aristocratic. He made the most difficult passages seem simple yet luscious, all the while shunning pyrotechnics and gimmicks.

Casals came upon the Bach suites by accident when he was 10 years old and browsing with his father in a Barcelona music shop.

"I forgot entirely the reason for my visit to the shop and could only stare at this music which nobody had told me about," he said years afterward. "Sometimes even now, when I look at the covers of that old music, I see again the interior of that old and musty shop with its faint smell of the sea.

"I took the suites home and read and reread them. For 12 years after that I studied and worked every day at them. I was nearly 25 before I had the courage to play one of them in public."

When he did play them, the suites were disclosed as a transcendent musical experience, not the abstract exercises they had previously been believed to be.

"For me, Bach is like Shakespeare. He has known all and felt all," Casals told Bernard Taper in a Profile published in The New Yorker in 1961. "He is everything. Everything except a professor. Professor Bach I do not know. When people ask me how I play Bach, I say, 'I play him as the pianist plays Chopin.' There is such fantasy in Bach—but fantasy with order."

Casals was of medium stature—not much taller than his Groffriller cello—and not heavily built. The top of his head had been bald since his early 20's. In repose, his face and his blue-gray eyes (behind round glasses) tended to be somber, but a smile imparted radiance and geniality to his face.

He was direct in his speech, exceedingly polite, a careful dresser (youthful photographs show him to have been quite a dandy in a romantic way) and quietly dignified. He relaxed by reading, playing tennis, chatting with friends, smoking a pipe (he was rarely without one) and, in his late years, by watching Westerns on television.

To hear Casals was a moving and memorable experience. He sat with his eyes closed, his head turned sidewise and a little lifted, as though he were communing with some secret muse. His fingering and his bowing were so flawless that they seemed automatic, yet it was evident that they resulted from concentration.

He had superb savoir-faire. Once when a loose cuff bothered him, he stopped playing, slowly took off the cuff, put it on the floor and resumed playing where he had left off. When a string broke he would retire from the stage, replace it and, returning to his chair, start the solo from the beginning, such was his drive for perfection.

When Casals played a chamber music program at Perpignan, France, in July, 1951, Howard Taubman, then music critic of The New York Times, wrote:

"As a musician, Casals is all of a piece. Whether he conducts as he did in the second orchestral program of the Bach-Mozart-Beethoven festival . . . or plays the cello, there is a fine-grained consistency running through all his musical labors . . .

"His work at the cello . . . was remarkable for its modesty and restraint, and if one listened closely one could hear innumerable felicities of technical mastery. As an admiring violinist observed, 'Do you note the four shades of color he got in one bow?' "

Casals was an ardent supporter of the Spanish Republican Government. He never reconciled himself to the Franco regime, which he considered tyrannical. With the Franco victory in 1939 he went into self-imposed exile, living until 1956 in Prades, France, some 40 miles from the Spanish frontier.

Up until 1958 he refused to visit the United States because it recognized Franco. "I have great affection for the United States," he said when he moved to Puerto Rico, "but as a refugee from Franco Spain I cannot condone America's support of a dictator who sided with America's enemies, Hitler and Mussolini. Franco's power would surely collapse without American help."

But Casals bent his attitude sufficient to play at the United Nations in 1958 because of "the great and perhaps mortal danger [of nuclear war] threatening all humanity."

Then in 1961 he relented further and played at the White House. In subsequent years he came to this country for regular yearly visits.

Pablo Carlos Salvador Defilló de Casals was born in the Catalan town of Vendrell, 40 miles from Barcelona, on Dec. 29, 1876, the second of 11 children of Carlos and Pilar Defilló de Casals. His father was the town organist.

"From my earliest days," Casals recalled, "music was for me a natural element, an activity as natural as breathing." He could sing in tune before he could talk clearly, and at the age of 5 he was a soprano in the church choir. His father taught him the piano, violin and organ, and when he was 8 he began substituting for his father as church organist.

Shortly after Pablo's 10th birthday he heard a cello for the first time when José Garcia performed in Vendrell. After some coaxing, the elder Casals bought his son a cello and gave him a few lessons. Pablo was fascinated by the instrument and proved so adept at it that he quickly exhausted his father's pedagogical abilities.

ENROLLED IN MUSIC SCHOOL

With his mother's backing and against the wishes of his father (who wanted the boy to become a carpenter), Pablo—not quite 12—went with his mother to Barcelona, where he enrolled in the Barcelona Municipal School of Music. To earn his living he played evenings for dances with a trio at the Café Tost, and later he persuaded the owner to devote one night a week to classical music.

That night attracted serious musicians to the bistro, including Isaac Albéniz, the composer and pianist. When Casals was graduated from music school at the age of 17 with first prizes for cello, piano and composition, Albéniz gave him a letter of introduction to Count Guillermo de Morphy, a music patron who was an adviser to Queen Mother Maria Christina in Madrid.

The Count, taken with the young cellist, introduced him to Maria Christina, who was also charmed and who granted him a monthly stipend of 250 pesetas (about $50) for his studies.

Casals lived in Madrid from 1894 to 1897, going to school at the Royal Conservatory of Music, playing duets with the Queen Mother (she was a fair pianist), chatting with the child who was to become Alfonso XIII and being guided in his general education by the Count de Morphy.

From Madrid, Casals and his mother went to Brussels, but, miffed by an unfriendly reception at an audition there, he went to Paris, where he played at the Foloes-Marigny at a wage barely sufficient to keep him and his mother from starvation. After a short time they returned to Barcelona, where Casals got a job teaching at the music school. For two years he taught cello, played it in the Barcelona Opera orchestra, gave concerts in churches and formed a string quartet, all the while saving money for a return to Paris.

In the fall of 1899, just before his 23d birthday, he arrived in that city again, carrying a letter of introduction to Charles Lamoureux, the eminent conductor, from the Count de Morphy. When Casals presented himself for an audition, the conductor was annoyed by the intrusion. Nonetheless, the cellist sat down and began to play parts of the Lalo Cello Concerto. With the first notes, Lamoureux hoisted himself up from his desk and stood facing Casals until he finished playing, whereupon he embraced the young man and said, "My boy, you are one of the select!"

SENSATIONAL DEBUT

Lamoureux immediately engaged him to play the Lalo concerto with his orchestra, and Casals made his Paris debut Nov. 12, 1899. He created a sensation there, as he did in London shortly afterward. In Britain he also played for Queen Victoria.

From then on his career was made, and he never lacked for engagements or for an audience. He commanded top fees, but lived economically.

For the next 20 years, until 1919, Casals, using Paris as his base, played in the principal cities of Europe and the Americas. He made his New York debut in 1904, playing the Saint-Saëns Cello Concerto with the orchestra of the Metropolitan Opera and winning a chorus of critical bravos. Later that season he was the cello soloist here in Richard Strauss's "Don Quixote," with the composer conducting his own tone poem.

Many of Casals's performances in those years were chamber music, which he played with Jacques Thibaud, the violinist, and Alfred Cortot, the pianist. In the United States he also gave chamber music recitals with Harold Bauer, the pianist, and Fritz Kreisler, the violinist, and with Kreisler and Ignace Paderewski, the pianist.

In that period Casals formed intimate friendships with such musicians as George Enesco, Maurice Ravel, Camille Saint-Saëns, Sergei Rachmaninoff, Gregor Piatigorsky, Emanual Feuermann, Artur Schnabel, Eugene Ysaye and Paul Hindemith.

In 1914 Casals married Susan Metcalfe, the American lieder singer. It was his second marriage; the first, to Guilhermina Suggia, a Portuguese cellist, in 1906, had ended in divorce six years later. For several years Casals was the piano accompanist for Miss Metcalfe, a soprano, and at one point he considered dropping his career to further hers. However, the couple parted in 1920.

After World War I and with the breakup of his marriage, the cellist turned his energies to Barcelona, where, in 1920, he founded the Orquestra Pau (Catalan for Pablo) Casals and subsidized it for seven years at a total cost of $320,000 until it became self-supporting. In these years (and afterward) he was its principal conductor.

Early in the nineteen-twenties Casals also founded the Workingmen's Concert Association in Barcelona, which gave its members, in return for nominal dues, an opportunity to attend Sunday morning concerts of his orchestra and to set up their own musical groups.

As busy as Casals was in Barcelona, he also found time to give concerts in the United States and in Europe and to appear in what seemed increasingly to be his favorite role, that of a conductor. He led the London Symphony, the New York Symphony and the Vienna Philharmonic.

When the Spanish Republic was proclaimed in 1931, Casals became one of its eager and hard-working supporters, all the more because the Republic restored many of his native Catalonia's ancient rights and granted the area a good deal of autonomy. He was president of Catalonia's music council, the Junta de Musica, and, during the Civil War, he gave hundreds of benefit concerts abroad for the Republic and put a large part of his personal savings at its disposal. The Government, in turn, named streets and squares for him and encouraged his exertions to bring great music to the common people.

Casals was in Barcelona in January, 1939, when the Franco forces burst into the city, but he made good an escape to France, vowing never to return to Spain while Franco was in power. (Apart from a fleeting trip to Spain in 1955 to attend the funeral of his long-time close friend and housekeeper, Mrs. Francesca Vidal de Capdevila, he never did.)

After several demoralizing weeks of despondency in Paris, during which he grieved for his country, he went to live in Prades among the thousands of Spanish exiles. There he helped to organize the care of the Catalans held in French camps and solicited funds for them from his friends all over the world. He continued to live in Prades in World War II.

Toward the end of the war he went on tour again. In the autumn of 1945, however, he cut short a concert trip in Britain and retired to Prades.

In explanation, he said he had assumed that an Allied victory would doom not only Hitler and Mussolini but also Franco. The democracies, he went on, had disillusioned him by not acting to topple Franco. He was therefore suspending his concert career until Spain was freed. He had, he pointed out, ceased playing in Germany with the rise of Hitler, had not played in Italy in the thirties, nor had he appeared in Russia after the Bolshevik Revolution. He said he could not separate his beliefs as a human being from his conduct as an artist.

Casals lived quietly and simply in Prades for close to 12 years. In 1950, however, he was prevailed upon to soften somewhat his vow of musical silence and take part in a Bach bicentenary festival. The event, which attracted hundreds of music lovers from many parts of the world, was held in the big Church of St. Pierre in Prades. The critics found that Casals' bow had lost none of its magic.

In that and subsequent Prades festivals Casals appeared in a triple role—as soloist, as chamber music ensemble player and as conductor. In these concerts he was joined by many internationally famous musicians, including Dame Myra Hess, Rudolf Serkin, Joseph Szigeti and Isaac Stern.

Some indication of a further shift in Casals's thinking came in 1951 in a colloquy with Albert Schweitzer, the humanitarian and philosopher. "It is better to create than to protest," Dr. Schweitzer said in urging the cellist to return to the concert stage. "Why not do both—why not create and protest both?" Casals replied. And he seemed to follow that course in his last years.

After a period of self-examination, Casals went to Mexico in 1956 for his first concert date outside the Prades area. It was there, in 1960, that "El Pesebre" had its premiere. The oratorio became the banner of his peace mission, which he carried to many major cities in the Western world. Discussing this crusade, he said in 1962;

"As a man, my first obligation is toward the welfare of my fellow men. I will endeavor to meet that obligation through music, the means which God has given me, since it transcends language, politics and national boundaries."

In August, 1957, when he was 80, he married Marta Montanez, one of his cello students, who was then 21. They lived in a cheerful modern house on the beach at Santurce, P.R., where Casals liked to take an early morning stroll before beginning his day by playing a Bach work on the piano. "It is like a benediction on the house," he said.

Casals had the unstinted admiration of his fellow artists. And one of them, Mr. Stern, put their feelings this way:

"He has enabled us to realize that a musician can play in a way that is honest, beautiful, masculine, gentle, fierce and tender—all these together, and all with unequivocal respect for the music being played and faith in it."

Appearing in New York last summer for a free Central Park concert with Mr. Stern—it was cut short by rain before the cellist could perform—Casals pronounced what could stand as his epitaph.

"What can I say to you?" he asked the assemblage. "I am perhaps the oldest musician in the world. I am an old man, but in many senses a very young man. And this is what I want you to be, young, young all your life, and to say things to the world that are true."

Mr. KENNEDY. Mr. President, there are men and women of enormous musical talent throughout the world and there are men and women who have committed their lives to personal sacrifice for a principle in which they believe. But never have we been privileged to know a person of greater creative talent and energy than Pablo Casals. And never have we witnessed a life of greater sacrifice than Pablo Casals' for whom every moment away from his homeland was an agony.

We were privileged in this country to have the opportunity to listen to the music of Pablo Casals over the years, and all Americans were so proud to have him visit the White House on November 13, 1961. President Kennedy said on that occasion:

> We believe that an artist in order to be true to himself and his work must be a free man or woman.

And Pablo Casals lived that belief.

The real test of the contribution of any human being to the world around him is whether or not that contribution ends at death. Those who have by their work, or their example, or their talent improved the human spirit, advanced the struggle for freedom, and contributed to the wave of creative energy which builds and moves us beyond where we are to where we are going have made a contribution which cannot be diminished by death.

Pablo Casals looked deeply inside himself and at the same time looked far beyond himself and determined that he must take a stand against tyranny and oppression, against the deprivation of personal freedom. And that stand made us all free men and women. For he showed that as long as one person will stand up against the awesome weight of military and dictatorial power, the human spirit is free.

We were privileged to share the same century with Pablo Casals. Hundreds of years from now, free people will still appreciate his contribution to the force of freedom; we were especially favored, we could touch the man that made that gift.

DR. M. G. WHITLOCK

Mr. THURMOND. Mr. President, one of the truly outstanding examples of service to mankind is the life and work of Dr. M. G. Whitlock of Trenton, S.C., which is in my native county of Edge-

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field. His services as a family physician through the years have left a wellspring of admiration and devotion among the people of his community. Now retired, at the age of 89, Dr. Whitlock has ministered to the health needs of three generations. His contributions to the well-being of thousands of people are countless in the areas surrounding Trenton.

Dr. Whitlock, beloved for the nature of his life as well as his work, has been remembered in a special way by the people who know him best. A group of dedicated friends recently honored Dr. Whitlock at a testimonial gathering in his home town. They also announced plans to furnish a room in the Edgefield county hospital in his honor.

Mr. President, it is through the lives of devoted and dedicated people, such as Dr. Whitlock, that America has been a great nation. Selfless service to others and solid adherence to the Christian tenets of faith, family and integrity have been the bedrock of his life. These are worthy principles for everyone to follow.

The recognition by his many friends of the important part he has played in their lives is richly deserved. I join the people who paid tribute to Dr. Whitlock in wishing for him many years of health and happiness in his retirement.

Mr. President, at the time of the testimonial meeting and dedication of the Whitlock room at the hospital, local newspaper articles described the event and its meaning to the community. I ask unanimous consent that two of these articles be printed in the Record at the conclusion of my remarks, as follows: "200 Gather To Pay Tribute to Dr. Whitlock," Edgefield County News, Edgefield, S.C., October 4, 1973; and "Friends Pay Tribute to Dr. Whitlock," the Ridge Citizen, Johnston, S.C., October 4, 1973.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Two Hundred Gather To Pay Tribute to Dr. Whitlock

Nearly 200 friends and admirers of Dr. M. G. Whitlock gathered at Ebenezer Baptist Church in Trenton last Thursday night, September 27, at 7:30, to pay tribute to one of their most esteemed and widely known citizens.

Doctor Marcellus Giroud Whitlock, more familiarly known simply as "Doc," was born near Trenton on October 14, 1884, and next Sunday week he will be 89 years old. He graduated from the University of Georgia Medical School when he was 26 years old. He was married to Maggie Smith of Edgefield County and they had two children. His son Ray is a druggist in Spartanburg and his daughter Marguerite is a plant nurse at Riegel Textile Corporation, proving that both children have medical inclinations.

Dr. Whitlock is proud of his 8 grandchildren and 11 great-grandchildren. It is safe to assume that they are equally proud of him.

"Doc" has always been a "man's man," inasmuch as he loves fishing and hunting, and has been known to shoot a sharp game of pool.

He has always been known as a good family practitioner, also, and many have had reason to bless his healing powers.

When the Trenton Community Development Association started a fund to furnish a room at the Edgefield County Hospital in his honor, contributions poured in from far and near as an expression of their love for this beloved physician.

From faraway Okinawa, Hildebrand wrote praising him as the doctor who brought him into the world. D. T. Mathis, of Sweetwater, who had known him all of his life, added his words of praise and commendation. The Rev. J. T. Littlejohn, who first knew "Doc" when they both lived in the Red Hill community in their younger days, paid tribute to him. Mr. Littlejohn, in his usual witty style, told several humorous anecdotes relating to their shared experiences.

Gil Sexton, president of the Community Development Association paid tribute to their beloved physician. Hite Miller introduced members of "Doc's" family, all of whom were there except a few grandchildren.

Ray Whitlock, Doc's son, responded to the outpouring of praises heaped upon his father.

A covered dish supper served in Trenton folks' usual bountiful and delightful way was a fitting climax to a well-deserved and universally enjoyed testimonial to one who still shares his happiness with everyone.

Friends Pay Tribute to Dr. Whitlock

About 150 people gathered last Thursday night in the Fellowship Hall at Ebenezer Baptist Church when our own Dr. M. G. Whitlock was honored with a supper and presentation service of a room to be furnished in his honor at the Edgefield County Hospital.

Gil Sexton, president of the Community Development Association, presided. Mrs. Phil Musgrove sang "He touched Me" and "His Eye is on the Sparrow." Gene Hulet introduced Dr. Whitlock's family, Mrs. Marguerite Stogner, her two daughters, Mrs. Mattie Emma Hilton and daughter, and Dr. Ray Whitlock and four children and their families.

Hite Miller spoke words of appreciation to Dr. Whitlock for his many years of service to the community as the room was dedicated to him.

Rev. J. T. Littlejohn was speaker for the occasion. He has known Dr. Whitlock for 61 years and remembers his riding a motorcycle as he made house calls. T.V.'s Dr. Kiley on "Dr. Welby, M.D." has nothing on our Dr. Whitlock and our doctor is the "real thing" not just a fictitious T.V. character.

Even though Dr. Whitlock has retired from his faithful service to the community his tireless hours spent as the family doctor will never be forgotten.

CAMBODIA: ORPHANS OF CONTINUING WAR

Mr. KENNEDY. Mr. President, the Congress has once again been requested by the President to provide special funding for emergency military equipment and supplies for Cambodia. Once again, in the name of peace with honor, Americans are being asked to help fuel war, instead of helping to heal the wounds of war. And once again, the administration finds it possible to respond rapidly to military requests even as it neglects urgent humanitarian needs.

Nothing serves to illustrate this more than the plight of the orphans of war in Cambodia. No one really knows how many there are. But the desperate conditions in which many live are all too easily seen.

In addition to the nearly 3 million refugees—or nearly half the population of Cambodia—and tens of thousands of civilian war casualties in need, a recent Study Mission of the Subcommittee on Refugees found that official estimates of the number of war orphans range up to 260,000—children who have lost one or both parents.

Their plight is graphically reported in a recent dispatch from the New York Times correspondent, Sydney Schanberg. As he reports, and as the hearings of the Refugee Subcommittee over the past 3 years have amply documented, "virtually all Government spending and American aid goes for the war—bombs, bullets, artillery pieces—and almost nothing for the problems created by the war—widows, orphans, amputees and other victims."

Mr. President, as the Congress begins consideration of authorization of more funds for more war in Cambodia, I hope we will also consider some of the needs of the victims of this continuing war—like the orphans of Cambodia. I ask unanimous consent that the report by Mr. Schanberg be printed in the Record.

There being no objection, the report was ordered to be printed in the Record. as follows:

[From the New York Times, Oct. 17, 1973]

For Hordes of Cambodian Orphans, Three Small Orphanages—And Two Toys

(By Sydney H. Schanberg)

Phnom Penh, Cambodia, October 16.—Cambodia has three orphanages. They have 114 children and two toys.

In addition, there are tens of thousands of orphans on their own in this country, where at least half a million of the seven million people have been killed or wounded in three and a half years of war.

Some are in refugee camps. Others are on the streets as shoeshine boys, beggars and pickpockets. And still others, some as young as 10 and 11, have joined the army.

There is an entire company of orphans in the 13th Brigade, which fights southwest of Phnom Penh. Some joined the brigade with their fathers, who were killed.

Nothing special is being done for this vast orphan community because governmental intervention in people's lives is not a Cambodian tradition.

That role has been assigned to the family—that is, the "extended" family, which includes even the most distant cousin. But the war has overwhelmed the ability of families to care for their own sick and wounded—there are just too many of them.

PAGODAS OVERFLOWING

It has also overwhelmed religious institutions. The Buddhist pagodas, where people could always go for help, are so overcrowded with refugees that disease and malnutrition have become fairly common.

So the orphans remain anonymous and overlooked, scrambling for survival.

The orphans in the three institutions in Phnom Penh do not have to scramble quite so hard as some for survival, but they are victims nonetheless.

Without toys, infants in the orphanage for those under 6 play with scraps of discarded wrapping paper. In the orphanages for older children the youngsters need books and clothes. The meals are spartan.

Adoptions are extremely rare because older children are not wanted, and though there are many requests for infants and very young children, most of those in the infants' orphanage are either deformed or ill.

As a visitor enters the infants' orphanage—a large converted private house with some outbuildings—the children who can walk come running forward calling "Pa! Pa!" which is a Cambodian as well as English word for father.

VICTIMS OF SURGERY

They slide close, looking up with yearning eyes. Inside the house, deformed and crippled infants drag themselves across the floor to snuggle up to the visitor and to put their

heads in his lap. Clumsy surgery has been performed on some of them, their limbs cut open and closed again with chilling results.

There are other afflictions. One boy cannot speak. A girl has a hare lip. There are fingers missing, limbs bent in the wrong direction, an eye missing from birth.

Their deformities are usually the reason they are here, for their parents, refusing to care for a less-than-perfect child, abandon them on streets, at pagodas and in hospitals. Other orphans who are healthy are abandoned by unwed mothers.

"Once in a while foreigners will take sick children, but not deformed ones" said a Government official at the orphanage. "We have a shortage of well infants here now, so we have asked the governors of all the provinces to send us their orphans up to 6 years old."

There are 20 children in the infants home. It has a stated capacity of 100, though with that many children it would be severely overcrowded.

"We try our best" said the official, "but we do not have the money, so we cannot achieve what we want to."

Virtually all Government spending and American aid goes for the war—bombs, bullets, artillery pieces—and almost nothing for the problems created by the war—widows, orphans, amputees and other victims.

Of the approximately $300-million in American aid last year, only $1.2-million was earmarked for welfare purposes—for use by international relief agencies. American officials have always said privately that it was futile to give war relief money to this Government because it would only end up in corrupt hands.

The only toy in the infant orphanage is a small pink plastic teddy bear, which one child in a crib clutches against his face.

The other toy is across the street, where the two other orphanages are housed in a two-story building. It is an old doll with greasy hair and a ragged, soiled dress that resembles some of the clothes the orphans wear. A little boy in such clothes was playing with the doll, trying to untangle its hair.

Another little boy nearby sat eating his lunch with his hands since he had no utensils. The lunch was rice.

The upstairs of the large barracks-like building is run by the Government and, as an extension of the infant orphange, is for children 6 and above. Downstairs is an orphanage for all ages run by a private Cambodian group, the Association for the Assistance of Children, which receives some help from the Government.

AJC RESOLUTION ON MIDDLE EAST CRISIS

Mr. CHURCH. Mr. President, the American Jewish Committee, the oldest intergroup relations organization in the United States, passed a resolution at its national executive council meeting in St. Louis on October 27, 1973, "expressing its satisfaction and sense of relief at the news that a cease-fire has been achieved in the Middle East" and noting "that overwhelming, bipartisan majorities in the Congress have again reaffirmed the commitment of our country to the survival of Israel and the recognition that 'a strong and secure Israel is essential to the interests of the United States.' "

I ask unanimous consent that the statement on the Middle East adopted by the American Jewish Committee be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement on the Middle East

The American Jewish Committee joins with Americans everywhere in expressing its satisfaction and sense of relief at the news that a cease-fire has been achieved in the Middle East. We mourn the loss of every life—Israelis whose most solemn religious day was shattered by the massive aggression of their neighbors, and Arabs, who were the victims of their leaders' misguided policy.

The American Jewish Committee voices its appreciation for the firm and prompt actions taken by the President and his advisors to support and resupply Israel, and for the skillful and intensive United States diplomatic efforts to deter the U.S.S.R. from further exploitation of the hostilities in order to expand Soviet influence in the Middle East.

We are also pleased to note that overwhelming, bipartisan majorities in the Congress have again reaffirmed the commitment of our country to the survival of Israel and the recognition that "a strong and secure Israel is essential to the interests of the United States." We urge that this reaffirmation promptly be given practical application through congressional approval of the Presidents' request for financial assistance to replace Israel's immense material losses.

By their acceptance of the United Nations Security Council's cease-fire resolution of October 22, Egypt, Syria and their Soviet backers at last appear to recognize that peace can be achieved in the Middle East only through negotiations "between the parties concerned." Now that a cease-fire in place seems to be achieved, the Security Council resolution should be implemented, preferably by the Security Council itself, by the immediate convening of a conference of the parties on a specified day and at a designated place, to negotiate an agreement of peace pursuant to the principles and provisions of the Security Council's Resolution 242 of November 22, 1967 as is required by its decision of October 22, 1973. Urgent steps must also be taken to assure that all prisoners of war are accorded their full human rights under the Geneva Convention and to arrange for their expeditious release.

The recent tragic events have caused all the parties in the Middle East dispute to reappraise their conceptions of themselves and of each other. This offers a unique opportunity, through the give and take of negotiations, to achieve the "just and durable peace" called for by the Security Council Resolution of October 22, 1973 which will explicitly affirm the right of Israel to exist as a Jewish state within secure and recognized boundaries, and will provide a sound basis for all peoples in the area to live together in peace.

With peace, the Soviet Union will be less able to manipulate the Arab-Israel conflict in its drive to dominate the Middle East, and the Arab states will no longer have reason to practice oil blackmail against the world. In such a climate, the stability which follows will serve the vital interests of the United States and its friends and allies around the world, and will make possible the economic development of the region for the benefit of all its peoples.

Every effort must now be made to help create a just and lasting peace. We call upon all Americans to join together in that effort, so that the tragic loss of life in the Yom Kippur War and all the wars that preceded it over the past 25 years will not have been in vain.

AHA AND THE UNITED NATIONS

Mr. CASE. Mr. President, I ask unanimous consent to print in the Record an informative article entitled "AHA and the United Nations" by Jesse Gordon which recently appeared in the September/October issue of the Free Mind.

There being no objection, the article was ordered to be printed in the Record, as follows:

AHA and the United Nations

(By Jesse Gordon)

When delegates from 50 nations met at San Francisco in the spring of 1945, World War II was not yet over, but a determination to establish an international organization to keep the peace was paramount in the minds of the delegates. After two months of intense negotiations the language of the Charter of the United Nations was agreed upon.

Twenty-eight years have passed since the nations of the world pledged themselves "to save succeeding generations from the scourge of war."

In judging the political performance of the UN and in making the organization the scapegoat for the difficulties of its members, a number of important considerations are often conveniently forgotten. The first of these is the origin of the UN. The UN was *not* set up by small or medium powers. It was set up by the great powers themselves under the shock and experience of two devastating world wars. Kurt Waldheim, the secretary-general of the UN, states: "The UN was set up by the great powers to avoid in the future the mistakes, weaknesses and misunderstandings which, twice in less than 30 years, had led them into total war. We ignore this historical fact at our peril."

The American Humanist Association is active among the hundreds of non-governmental organizations sponsoring the UN.

The A.H.A. realizes there is an urgent need for greater understanding and support of the United Nations by the millions of citizens who are the constituents of non-governmental organizations. The A.H.A. is represented in the NGO group by Mrs. Henrietta Rogoff with Mr. Jesse Gordon, alternate.

In 1945, the UN came into existence accompanied by the usual flowery speeches. It was seen as "the great hope of humanity," "the hope of the world," and "the last, great hope for peace."

Has the UN fulfilled the "hope" that so many people placed in it as "The last great hope of humanity?" Or, is it just a useless debating society?

First of all, the UN has contended with a world of many revolutions—peaceful and otherwise. The original membership of the UN was 51; it now numbers 135, with the two Germanys recently joining. The UN has many achievements to its credit. It can count among its successes, in the political area, the negotiated settlement of disputes affecting Indonesia, Kashmir, and West New Guinea, among others. The Middle East "question" has, of course, been before the UN almost continuously since 1947. It can be shown that UN presence in the area has prevented many incidents from developing into a wider war.

One might ask the question: What might have happened in the Congo and neighboring states in 1960 if it had not been for the UN peacekeeping force there? Critics point to Soviet intervention in Hungary and Czechoslovakia and the impotence of the UN to act in those situations.

It all comes down to big power politics and political objectives. The U.S. role in Indochina could similarly be examined for violations of the U.N. charter.

What are the principles of the charter?

The charter is based on seven main principles:

(1) The equality and sovereignty of all member states.

(2) Fulfillment "in good faith" by all members of obligations assumed under the charter.

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(3) Peaceful settlements of disputes.

(4) Renunciation of the threat or use of force.

(5) Cooperation with the UN in any action it takes.

(6) Encouragement of non-member states to abide by its principles.

(7) Non-intervention by the UN in the internal affairs of any state.

The Charter also calls for freedom of religion. Many faiths, each with a different conception of God, are represented at the UN. A moment of silence opens and closes each General Assembly session, and there is a Meditation Room at UN headquarters which is open at all times. There is no mention of God in the Charter just as there is none in the U.S. Constitution.

The UN Charter pledges all members to cooperate for the promotion of human rights. Although the authority of the United Nations is limited to debate, study, publicity, and recommendation, it has exerted immeasurable influence on behalf of human rights.

In 1948 the General Assembly adopted the Universal Declaration of Human Rights. Its clauses on the civil, political, economic, and social rights of human beings have influenced the written constitutions of a number of new nations. Its provisions have been incorporated in several important peace treaties.

The General Assembly has also produced draft conventions—treaties—in the human rights field. Some forbid particular offenses such as genocide, forced labor, and slavery. Others set standards in particular areas such as political rights of women. Such conventions must be ratified by the individual UN members in accordance with their constitutional processes. In addition, the Assembly has produced two comprehensive human rights covenants, one on civil and political rights and one on economic and social rights, both ratified by more than 30 governments.

For many years UN experts have offered advisory services to governments on human rights questions. Various UN-sponsored international seminars on human rights have been held. The UN has also served as a central point to which aggrieved groups may complain of specific human rights violations. But there is disagreement as to how the UN should handle such complaints. One proposal would establish a UN office, that of High Commissioner for Human Rights, to receive inquiries and complaints from both governments and private parties and to advise and conciliate at their request. The High Commissioner would have no power to overrule a government, but his views would carry moral authority.

EASTERN WILDERNESS AREAS

Mr. KENNEDY. Mr. President, I am hopeful that the Senate will have an opportunity to act soon on legislation to set aside wilderness areas on the east coast. The Senate Interior Subcommittee on Public Lands recently completed its consideration of S. 316, the Eastern Wilderness bill. The full Interior Committee is currently reviewing the legislation.

I requested that the Wilderness Society furnish me with a copy of their analysis of the bill as reported out by the subcommittee.

I also requested a copy of "Toward An Understanding of the Wilderness Act" prepared by the Wilderness Society and a copy of a statement made by the Society on Eastern National Forest Lands. I ask unanimous consent to print them in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Eastern Wilderness Areas Act Revised

The Subcommittee on Public Lands of the Senate Interior Committee recently completed its revised draft of S. 316, the Senate Eastern National Forest Wilderness bill. This subcommittee version of S. 316 must now be considered by the full Senate Interior Committee, which drafts the final version sent to the Senate floor. A September mark-up by the full committee is anticipated.

As revised, S. 316 would establish on eastern, southern and midwestern national forests 18 new wilderness areas within the National Wilderness Preservation System and name 37 wilderness study areas for consideration in accordance with Wilderness Act procedures.

(The U.S. Forest Service has consistently sought to transfer effective control of the wilderness area designation process from the Congress to itself. Analysis of this bill as now written shows clearly that the committee recognizes the dangers to wilderness preservation in such a transfer.)

Conservation leaders who have examined the marked-up bill reportedly regard it favorably. They indicate that the bill fully upholds the Wilderness Act of 1964 and retains the act's original definition of wilderness. They regard the bill as strengthening protective provisions of the Wilderness Act by prohibiting, subject to valid existing rights, all mining and grazing.

The normal power of eminent domain—i.e. condemnation—is restored to the Forest Service for inholdings within wilderness areas. However, special safeguards are provided. For example, owners of private lands may continue to hold and use their lands in the same manner and for the same purposes as they did prior to the act's passage if such use does not "frustrate" or block management of the surrounding wilderness. Furthermore, private owners of non-commercial residences or of agricultural inholdings (used for other than timber cutting) may contract to sell such inholdings to the Secretary of Agriculture while retaining the right of use and occupancy for up to 25 years or, if the owner prefers, the balance of his life and that of his spouse. This is a standard provision in acts establishing new national parks where private lands must be acquired by the government.

Most importantly, conservationists report that the revised bill provides for wilderness study areas, to be administered and protected the same as designated wilderness areas until Congress decides their fate. A review period of five years is set for the 37 study areas. Within this time the Forest Service must complete its studies and submit recommendations to Congress. Since this time limit does not apply to Congressional action, protection actually continues until Congress acts.

S. 316 also provides that *within wilderness study areas* established roads open to public motorized use on the date of the act's passage may remain open upon a finding of necessity by the Secretary of Agriculture for continuing such use.

The 55 areas (see list) lie within 20 states east of the foothills of the Rocky Mountains. Some 100 areas were originally recommended to the committee for immediate designation or study; obviously many have been omitted. In certain cases acreages fall short of that recommended by citizen groups, but in a few cases the acreage is larger. Persons and organizations concerned about wilderness have begun making their views known to their senators and congressmen on these proposed units and acreages.

Under normal Congressional procedure the bill will be reviewed again by the full Senate Interior Committee, probably in September, providing an opportunity for specific revisions. Since many Members of Congress are at home during the August recess—which lasts until September 4—a number of local conservationists say they plan to discuss with them personally their views of the revised S. 316.

EIGHTEEN NEW WILDERNESS AREAS PROPOSED

The bill, as reported to the full committee, would immediately establish 18 wilderness areas, which were among the 28 listed in the original version of S. 316:

State, National Forest, Wilderness Area, Acres in Revised S. 316:

Alabama, Bankhead, Sipsey, 12,000.

Arkansas, Ouachita, Caney Creek, 14,433.

Florida, Appalachicola, Bradwell Bay, 22,000.

Georgia, Chattahooche, Cohutta, 34,500.

Tennessee, Cherokee.

Kentucky, Daniel Boone, Beaver Creek, 5,500.

Mich., Hiawatha, Big Island Lake, 6,600.

Mo., Mark Twain, Irish, 19,880.

Mo., Mark Twain, Glades ("Hercules"), 16,400.

N.H., White Mountain, Presidential-Dry River, 23,100.

N.C., Nantahala, Joyce Kilmer, 15,000.

Tenn., Cherokee, Slickrock.*

S.C., Sumter, Ellicott Rock, 3,600.

Tenn., Cherokee, Gee Creek, 2,570.

Va., George Washington, Laurel Fork, 11,656.

W. Va., Monongahela.

Va., Jefferson, James River Face, 8,800.

Vt., Green Mountain, Lye Brook, 14,100.

Vt., Green Mountain, Bristol Cliffs, 6,500.

W. Va., Monongahela, Dolly Sods, 10,215.

Wis., Chequamegon, Rainbow, Lake, 6,600.

Total 254,054.

THIRTY-SEVEN WILDERNESS STUDY AREAS NAMED

As revised by the subcommittee, S. 316 would also designate 37 "wilderness study areas." Eleven of these were named for immediate designation in the original bill, while 21 were designated for study in H.R. 2420.

State, National Forest, Study Area, Acres in Revised S. 316.

Ark., Ozark, Upper Buffalo, 10,590.

Ark., Ouachita, Belle Star Cave, 5,700.

Ark., Ouachita, Dry Creek, 5,500.

Ark., Ozark, Richland Creek, 2,100.

Fla., Ocala, Alexander Springs, 10,000.

Ill., Shawnee, Larue-Pine Hills, 2,800.

Ill., Shawnee, Lusk Creek, 11,000.

Ind., Hoosier, Nebo Ridge, 32,500.

La., Kisatchie, Kisatchie Hills, 10,000.

La., Kisatchie, Saline Bayou, 5,000.

Maine, White Mountain, Caribou-Speckled Mountain, 12,000.

Mich., Hiawatha, Rock River Canyon, 5,400.

Mich., Ottawa, Sturgeon River, 13,200.

Mo., Clark, Bell Mountain, 10,200.

Mo., Clark, Rockpile Mountain, 9,000.

N.H., White Mountain, Wild River, 20,000.

N.H., White Mountain, Kilkenny, 24,000.

N.H., White Mountain, Carr Mountain, 10,000.

N.H., White Mountain, Great Gulf Extension, 12,000.

N.C., Pisgah, Craggy Mountain, 1,100.

N.C., Croatan, Pocosin, 17,000.

Ohio, Wayne, Clear Fork, 19,000.

P.R., Caribbean, El Cacique, 8,500.

S.C., Francis Marion, Wambaw Swamp, 1,500.

Tenn., Cherokee, Citico Creek**, 16,000.

Tenn., Cherokee, Big Frog, 3,000.

Tex., Davey Crockett, Big Slough, 4,000.

Tex., Sabine, Chambers Ferry, 4,000.

Va., George Washington, Ramsey's Draft, 6,700.

Va., Jefferson, Mill Creek, 4,000.

Va., Jefferson, Mountain Lake, 8,400.

Va., Jefferson, Peters Mountain, 5,000.

W. Va., Monongahela, Cranberry, 36,300.

W. Va., Monongahela, Otter Creek, 20,000.

Wis., Nicolet, Black Jack Springs, 2,600.

Wis., Chequamegon, Flynn Lake, 6,300.

Wis., Nicolet, Whisker Lake, 2,700.

Total, 395,990.

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*Citico Creek unit appears separately as wilderness study area of 16,000 acres.

**Joyce Kilmer and Slickrock units, totaling 15,000 acres, are listed for immediate designation as wilderness areas.

Toward an Understanding of the Wilderness Act

The Wilderness Act as passed by the Congress on September 3, 1964 established the National Wilderness Preservation System. The preamble to the Act declares it to be "the policy of the Congress to secure for the American people of present and future generations the benefits of an enduring resource of wilderness." Elsewhere the Act states that "wilderness areas shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use." Wilderness is not required to be "virgin", whether a forest, desert, swamp, ocean beach or other. At some time in the past it may have been logged, burned, over-grazed, lived on, even roaded, provided that at the time it is placed in the National Wilderness System any evidences of the past activities of man are, in the words of the Act, "substantially unnoticeable". There is no maximum nor minimum size limit.

Federally-owned lands on the national forests, the national parks, and the national wildlife refuges which meet the broad definition of wilderness contained in the Act may be placed in the National Wilderness System. By passage of the Act some 9,000,000 acres of national forest lands which were already being administered as wilderness by the Forest Service under its own administrative regulations went into the System. The Act establishes the procedure by which additional national forest lands may be placed in the Wilderness System and likewise qualified lands in the national park system and the national wildlife refuge system. The final step in this procedure requires passage of an act of Congress for each area added. Areas placed in the National Wilderness System continue to be a part of the same national forest, park, or wildlife refuge and administered by the same agency as before.

Just what may be done and what may not be done in an area placed in the National Wilderness Preservation System? The intent and purpose of the Wilderness Act is to assure that man does not change every acre within the United States; that some places shall be kept where nature is dominant and man comes only as a visitor—where man does not build his material things, where man does not change the face of the earth, where man does not interfere with the natural course of the waters of the earth. In short, wilderness shall be those designated places where the processes of nature continue without interference or interruption by man. It recognizes man's need for wilderness, ranging from scientific study to conservation of all forms of life, soil and water to refreshment of the human mind, body and spirit. Highly significant, wilderness assures a genetic reserve of plant and animal species which elsewhere we are altering or destroying in a wholesale way.

Within statutory wilderness the individual remains largely free to come and go and to conduct himself as he finds personally pleasing (within the usual limits of decent regard for property and for the equal rights of others). Within units of the National Wilderness System the individual retains his previous rights to enter, to camp, walk, swim, canoe, horseback, bird watch, study nature, fish and hunt (the last two subject to state and federal laws and regulations as usual). Motorized transportation of any sort is prohibited, as being inconsistent with the objectives of wilderness preservation; so that for practical purposes movement is by foot, by horse, by canoe or sailboat.

Commodity exploitation is prohibited; except that mining may be done on national forest wilderness until 1984 (an incompatible use, but one of the prices paid to get passage of wilderness legislation after an eight-year fight in the Congress). This prohibition means that there may be no logging, no drilling for oil, no mining of minerals (except as noted above), no fishing nor hunting *for commercial purposes*. The agency administering the area may not manipulate the habitat, as the intent of the Act is that man shall not interfere with the normal processes of nature within the wilderness.

No works of man may be built within legal wilderness. This means that no buildings may be constructed, no power or other utility lines erected, no roads built, no dams nor reservoirs allowed. A unit of the national wilderness system is intended to be a place free of the works and the machines of man. The one exception is foot and horse trails—a recognition that most of us cannot get around even in the most magnificient wilderness without some sort of well-defined pathway.

There is a general exception to most of the above provisions with respect to the agency responsible for administering the particular wilderness area. The Wilderness Act permits the agency, insofar as it may be necessary to administer and protect the area as wilderness, to have patrol and fire roads over which agency motor vehicles only may be operated; to suppress fire, insects, and diseases; to have lookout towers and patrol cabins; and to take any measure required in an emergency for the health and safety of persons.

The Wilderness Act is not an ideal piece of legislation; nor does it pretend to establish the ideal wilderness. In the fine print of the Act are limited, special exceptions permitted under certain conditions. Certain provisions apply only to wilderness on national forests, but not in national parks and wildlife refuges. The Act represents a compromise among human beings with conflicting desires. Its intent and purpose, however, is clear: to assure that man shall have some places in this country to which he can go when seeking surcease from the noise and speed of machines, the confines of steel and concrete, the crowding of man upon man; that he or she shall have some place to go when the need is felt to be in harmony with nature and to know its peace and beauty undisturbed by man.

Eastern National Forest Lands Do Qualify for Wilderness Designation Under the Wilderness Act

(The following statement is taken directly from testimony submitted by The Wilderness Society at the hearing on S. 3699 before the Senate Agriculture Committee at Washington, D.C. on July 20, 1972.)

What makes it appear that a second and different system is needed in order to protect the wild lands on our eastern national forests? In our view it arises because the U.S. Forest Service has taken it upon itself to deny that the act of Congress known as the Wilderness Law can be properly applied to the eastern national forests.

The Forest Service has made up its own interpretation of the Wilderness Law's definition of wilderness and publicly declared that no area which has ever been logged, had roads in it, or contained any works of man can qualify for placement within the National Wilderness Preservation System. If one were to accept this interpretation, one might well suggest that a new statutory system is needed if we are going to preserve the choice wild areas on our eastern national forests.

But this interpretation of the definition of wilderness contained in the Wilderness Act—an interpretation unique to the Forest Service—is contrary to the reading and application of that definition by the Congress of the United States, by the President, by the Department of Interior, the National Park Service, the Bureau of Sport Fisheries and Wildlife, and by most citizen conservation organizations (local and national). The Congress has repeatedly placed in the National Wilderness Preservation System by legislative enactment areas which have been logged, roaded or contained the works of man. And the President and the Department of Interior agencies have repeatedly recommended to the Congress for addition to that System areas which at some time in their past have been logged, roaded or contained works of man.

The Act defines wilderness broadly, and principally in subjective terms. The concept of "virgin" or of never having been touched by man is nowhere present either in the definition or elsewhere in the law. On this point the controlling clause in the definition—which clause the Congress has consistently applied—says that an area of wilderness is one which *"generally appears* to have been affected primarily by the forces of nature, with the imprint of man's work *substantially unnoticeable."* (emphasis added) This clause was deliberately written into the definition in order that areas which have been affected by man's activities, yet which merit receiving the protection of the Wilderness Act, shall qualify therefor. The history of our eastern national forests and other eastern wild lands was well known to the framers of the Act. They took care to frame a definition which would include such wild lands, whether found in the east or the west without geographical distinction. What is needed is that the U.S. Forest Service shall apply the Wilderness Act under the same interpretation used by the Congress and the President. Then there will be no point to proposing a new statutory system of protection.

Appended to this statement is a partial list of areas which the Congress has placed in the National Wilderness Preservation System despite recognized past histories of some degree of logging, roading or works of man. We would further point out that the Wilderness Law contains just one definition of wilderness; and that single definition is applied by Congress to all candidate wilderness areas without regard to east or west or to agency jurisdiction. And finally we would call attention to the fact that three areas on eastern national forests (one in New Hampshire and two in North Carolina) were placed in the National Wilderness System by passage of the Act on September 3, 1964. These areas were already in the Forest Service's own administrative wilderness system preceding passage of the Wilderness Act and each had some history of logging or roading or works of man. Particularly the Shining Rock Wilderness on the Pisgah National Forest in North Carolina had been extensively logged, roaded and lived on by the mountaineers, but it had so far recovered its natural qualities through the restorative processes of nature (and thanks to the protection afforded by the Forest Service) that it was put into the National Wilderness Preservation System by the Congress when it passed the Wilderness Act.

It is worth pointing out that under the Wilderness Law it is the Congress and only the Congress who has the authority to decide whether an area shall be placed or not placed within the National Wilderness Preservation System. For the Forest Service to presume to make a blanket judgment of exclusion for all potential wilderness areas on the eastern national forests is to presume to preempt to itself the power of the Congress. Under the provisions of the Wilderness Act the authority of the Forest Service with respect to possible additions to the wilderness system is limited to laying the Service's recommendations before the Congress in order that the latter may make the decision—not to attempt to deny to the Congress, the Congress' exclusive right of decision.

As a practical matter, two separate legislative systems could lead to little more than confusion and stalemate. Whenever a candidate area were brought before the Congress, the discussion would not be on the merits of the proposed area but would become an argument as to which statute the area should be considered under. The situation would be further confounded because the two statutes would be administered by two different committees of the Congress, Agriculture on the one hand and Interior on the other, resulting in jurisdictional disputes.

Mr. KENNEDY. Mr. President, two simple points sum up the reasons why it is crucial this legislation on eastern wilderness areas be acted on favorably and quickly:

First, there is no area of this Nation in greater need of wilderness areas. And, second, there is no area of this Nation in which there is greater difficulty in setting aside lands for conservation or preservation.

It is ironic that as the cities spill into the suburbs and the suburbs into the rural areas, as the population increases in already overpopulated areas, and as the human needs and desires for wilderness areas increase, the possibilities for setting aside forest lands dwindle, the natural resources of the Eastern States are further depleted, the forest lands are threatened by the same forces of development and the pressures of population that have impinged on our water, marine, and coastal resources.

Mr. President, it might be helpful at this point to review for a moment the general definition of "wilderness"—an area which generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable. With that definition in mind, it becomes much clearer why we have so little time left on the east coast for this type of preservation effort. The legislation covers areas within 20 States east of the foothills of the Rocky Mountains; and some of those States are fortunate enough to have several areas that could qualify as "wilderness areas." In New England there are only three areas that would qualify to be immediately established as wilderness areas, and none of those is in Massachusetts.

We have hope in Massachusetts of a sensible, statewide effort at land use planning if we are successful in getting enacted into law the National Land Use Policy Planning and Assistance Act. We have worked with special legislation to try innovative kinds of preservation efforts for unique areas in the Commonwealth; but all of these efforts are directed at preserving and protecting resources that are threatened by development and at the same time protecting the interests of residents who have made these areas home.

Of the 18 areas for immediate designation as wilderness areas, 3 are in New England. Of the 37 areas designated as wilderness study areas, 5 are in New England. The 6 million people of Massachusetts live within hours of these precious resources and it is perhaps most crucial that these areas be preserved for those who have no wilderness left in their own State.

Mr. President, there is some suggestion by opponents of this legislation that wilderness areas are only for the hardy, for those who are healthy enough to back pack it, for those few who have the time and the stamina to rough it. And while it is true that probably not every American will visit a wilderness area, we are richer as a country and as a people for the preservation of the best of our Earth that it is our privilege to inhabit. But beyond all of that, I think it is quite clear that we in the Congress have made provisions over the years for all types of recreational activity. We have scenic areas that cars can be driven through. We have sports and recreational activity in many State and federally protected areas. In short, I do not think that the family who prefers to drive to a picnic area and who can now do that in so many Federal parks and seashores is in anyway threatened by the opening up of a "wilderness" area to those who prefer to enjoy our natural resources in a more primitive way.

The forest lands which are proposed for designation in S. 316 are areas best suited for wilderness; areas where logging has long since stopped in most cases. We are not removing timber lands, but land most adaptable to a wilderness experience.

Sixty-five percent of the population of this country lives east of the Mississippi. We have no time left. We must begin now to protect our dwindling wilderness. We are generous enough as a nation to save this for our children. And we are proud enough as a people to want to save it.

ENDING OUR 40-YEAR EMERGENCY

Mr. CHURCH. Mr. President, the Daily Idahonian recently published an excellent editorial on the fact that the United States has been in a state of national emergency since 1933. It also commented favorably on the recent report issued by the Special Committee on the Termination of the National Emergency regarding "Emergency Powers Statutes." As the Daily Idahonian said:

> The preliminary statement by the Senators reflects concern over the failure of the Congress to control the law-making process. They contend there has been a considerable erosion of what they call the "structure of divided powers, the bedrock of our constitutional system," and they see a compelling need to stem the "unmistakable drift toward one-man government."

And the editorial concluded:

> While the likelihood of soldiers showing up in Friendship Square to take over the town tomorrow is limited, the power is there, and when the power is there the possibility is there, too. The power and the possibility, should be ended.

I ask unanimous consent that "Ending a 40-Year Emergency" be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

ENDING A 40-YEAR EMERGENCY

Our 40-year national emergency is over.

In fact, the four national emergencies that are currently in effect, declared in 1933, 1950, 1970 and 1971, are all over, and they should be so declared.

Most of us probably haven't realized that we've been living under a declared state of national emergency since a declaration to that effect by President Franklin D. Roosevelt in 1933. For most of us it hadn't made much difference. Probably even fewer members of the public are aware of the potentially awesome powers that are handed over to the President in a state of national emergency. They include the power to:

Seize property.

Organize and control the means of production.

Seize commodities.

Assign military forces abroad and call up reserve forces amounting to two and a half million men.

Institute martial law.

Seize all means of transportation and restrict travel.

Regulate all private enterprise.

And control the lives of all Americans in a bewildering variety of other ways.

Fortunately, few of these powers have been exercised, but that's clearly too much power for the President to have. Also fortunately, it appears that something is finally about to be done about it.

The effort to clear up this maze of laws began last year, as the battle between Congress and the President over which branch of government was going to run the country heated up. Congressional disenchantment with its own performance over the years, and some prodding by activist legislators such as Sen. Church of Idaho, led to the formation of a Special Senate Committee on the Termination of the National Emergency. The Senate named Church, a Democrat, and Sen. Charles McMathias, Jr., a liberal Maryland Republican, as co-chairmen.

Last week the committee issued its first report on its work of the past year. The committee found 470 statutes that give special powers to the President during a declared national emergency, and there may be more, because they have never been systematically put together in one bunch.

The committee's next step is to publish a report on the Executive Orders that have been issued under these emergency powers statutes. Already, the chairmen say, they have found "a number of disturbing questions about the adequacy of present procedures for accountability of Executive actions." Remedial legislation on this score may be needed, they say.

The final report of the committee will include recommended legislation based upon the results of several studies they are making in cooperation with the Executive Branch.

The preliminary statement by the Senators reflects concern over the failure of the Congress to control the law-making process. They contend there has been a considerable erosion of what they call the "structure of divided powers, the bedrock of our constitutional system," and they see a compelling need to stem the "unmistakeable drift toward one-man government."

The measured approach to this bipartisan committee to a serious governmental problem augurs well for some significant changes in the government's way of doing things. It is to be hoped that the committee's recommendation will get a thoughtful and responsive hearing in Congress, and that constructive action will follow.

While the likelihood of soldiers showing up in Friendship Square to take over the town tomorrow is limited, the power is there, and when the power is there the possibility is

there, too. The power, and the possibility, should be ended.

SENATOR MUSKIE ON ISRAEL

Mr. RIBICOFF. Mr. President, a few days after the latest conflict began in the Middle East, the distinguished senior Senator from Maine delivered a most perceptive address in Chicago. Senator Muskie pointed to the unique human values which Israel has maintained even while existing in a sea of Arab enmity. He also stressed the need for face-to-face negotiations between Israel and its neighbors as the only hope for a real peace.

Today it is important to acknowledge the identity of interests between the United States and Israel and to make certain that Israel receives the support it needs to gain a lasting peace.

Because of the eloquence and importance of this speech, I ask unanimous consent that the full text of Senator Muskie's remarks be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

REMARKS OF SENATOR EDMUND S. MUSKIE

We meet tonight to honor an idea and a reality, a vision and its fulfillment—the state of Israel, now, again, at war for its survival as a democratic state.

In this time of danger, in the middle of confused reports of battle, while all our hopes rest on the valor and strength of a few men at arms locked in combat on two distant fronts, it is important for us to remember what Israel is all about.

The dream of Israel is as old as the struggle of all men to be better than they are. Israel is the prophecy of Isaiah and of Ezekiel, the threat of desolation overcome by the glory of salvation.

And the mission of Israel—to be "a light unto the nations"—is a mission Americans share. For it is the same role that an American visionary, Ralph Waldo Emerson, set for us: "To . . . liberate, to take in the immigrant, to open the doors of the sea and the fields of the earth."

We are joined together—America and Israel—by the faith we share, really a utopian faith that men can live in justice, working toward perfection, committed to liberation and confident of success. Our common dream is our common bond.

That common dream, however, is once again under assault. A treacherous attack on Israel has shattered the peace of the highest Jewish Holy Day and the hopes for peace of the whole world. Israel has met that attack and is repelling it with confidence and skill. And Israel is not alone.

Americans understand that the stakes in the Middle East are not limited to a few hills in the Golan Heights or the stretch of desert in the Sinai Peninsula. Beyond the geography of today's battleground is the continuing struggle of all free people to win lasting security.

Israel is proving again that her security can only be preserved through strength, that, in a hostile environment, peace can only be assured by the power to deter aggression or defeat it.

The clearest lesson, then, from this newest onslaught of terror against the Jewish nation is that America must not waiver in its support of Israel's right to live in peace. Some have argued that we contribute to tension in the Middle East by helping to provide Israel with the means to protect herself. But the deliberate Egyptian and Syrian attack disproves that theory utterly.

Even if we cannot yet be sure what led those nations to commit this senseless aggression, we can certainly dismiss the idea that they acted in response to an Israeli provocation. The joint offensive launched on the Day of Atonement is not the action of an aggrieved party, lashing blindly back at those who menace it. It is a calculated act of aggression designed to strike Israel at her most vulnerable moment of the year and to use a holy time of commemoration to attack a neighbor.

Israel was ready, because Israel must always be ready to fight for her life.

The second lesson—for the rest of the world—in Israel's conduct this week is that it teaches all of us how to respond to threatened and real force. Recently we saw Austria succumb to the threats of Arab terrorists by agreeing to close down the facilities at Schoenau Castle for Jewish emigrants from the Soviet Union. And all of us who had honored Austria for the help she gave the fleeing Hungarians in 1956 and the refugee Czechs in 1968 were saddened to see her sacrifice that humanitarian tradition to the blackmail of the terrorist.

The Austrian action has been particularly saddening for those of us in Congress who have worked for the rights of the Jewish people of the Soviet Union to move to Israel if they so choose. The Congress has made it clear that much as we all want to liberalize trade relations with Moscow, we are prepared to defer such action because of higher goals. Before making new trade arrangements with the Soviet Union, we must be satisfied that Russian Jews are free to build new lives for themselves wherever they choose to go.

The clear resolve of Congress on this issue has already brought some progress. It appears that the head tax imposed on Jewish emigrants has been modified. But we cannot be sure that all such unfair restrictions have been eliminated.

For more than two million Soviet Jews, Russia's ratification of the universal declaration of human rights and provisions of its own laws are too often dead letters.

Soviet leaders would be profoundly mistaken if they underestimated American feelings on this issue. The concern is not limited to the American Jewish community. It is widely shared throughout our country, and its impact on Congress is heavy.

The example of Austria yielding to blackmail—and the contrasting example of Israel's resolve—is instructive to us and to the other oil-importing nations of the developed world: for we must not allow ourselves to be blackmailed by oil-producing Arab states simply because we believe Israel has the right to live in peace and to be confident of her own security.

America's support of Israel is not directed against any other state. Our support is based on our desire to achieve a lasting settlement in the Middle East, based upon acceptance of Israel's sovereign right to exist—and on permanent borders which are secure and defensible in case that sovereign right is ever challenged again. Americans have learned from history that great nations must never compromise fundamental principles for the sake of expedience. The oil-producing nations must understand clearly that we will not give in to any oil blackmail which has as its purpose the destruction of Israel's fundamental rights.

Finally, however, there is a third lesson to be drawn from the new fighting in the Middle East. And that is that even secure, defensible borders are not adequate in themselves to guarantee a secure future for Israel. With the 1967 cease-fire lines as its borders, Israel has been able to act with admirable restraint in this war. As Senator Ribicoff said yesterday in the Senate, "Israel refrained from seizing the advantage by attacking when it knew for certain that there would be massive crossings of the ceasefire lines by both Egypt and Syria. It did so—and not without cost—so that there would not be a shred of doubt as to who began this war." But those same borders could not serve to prevent the Arab attack in the first place.

No physical boundaries, important as they are, can serve as permanent obstacles to neighbors who refuse to accept Israel's very right to exist. We can hope that the Yom Kippur attack is a last, desperate, military attempt to upset the political status quo in the Middle East, but we would be foolish to think that, even after another defeat, the Arab nations would be prepared to negotiate a lasting settlement without some territorial adjustments.

It may be, ironically, that the situation will now be more open to bargaining than it has been for the last six years. Any negotiations, of course, have to begin with a willingness on the part of the Arab states to sit down with Israel to seek agreement without preconditions. Israel has been seeking such negotiations for six years—but the Arab states have refused. No lasting settlement can be imposed on the Middle East by outside powers, for it is not probable that the difficult territorial questions can be resolved in any way other than face-to-face talks between Israel and her neighbors.

But the United States and the Soviet Union, through the United Nations, can use their power to guarantee the terms of any settlement Israel and the Arab nations are able to achieve. If the price of peace in the Middle East is a permanent international guarantee of physical security, we must be willing to make that guarantee good. For Israel's primary interest is in stable relations with her neighbors—and if there is a way to promote such relations through enforceable international agreements, we must seek such accommodations and help to implement them.

For no one should be misled by Israel's necessary readiness to use military power when threatened. The reality of Israel in the Middle East is the hope she offers to her neighbors and to the world.

In an area which was the cradle of civilization, Israel is the new example of progress. In a land that history shunted aside, Israel is the force of modernity.

The twentieth-century ways of Israel have a special importance in the Middle East. There, until the birth of Israel, traditionalism had too often been a synonym for stagnation. Now a new nation born of our oldest Western tradition has shown the way to progress.

More than any other developing society, Israelis have found the elusive middle way to preserve the values of the past—ties of family, of religion, of culture—and to advance the values of the present—of free inquiry, of material development, of individual fulfillment. Among all the struggling nations of the third world, Israel stands out as a model for emulation, an instructor in the art of reconciling history and the future.

To the other "people of the book"—to Israel's Arab neighbors—the lessons learned, the failures suffered, the advances scored can be the textbooks for their own development. In an atmosphere of cooperation, the contribution Israel can make to the well-being of the region would be without limit.

In the midst of war it may seem rash and naive to talk of the promises of peace. But 25 years ago there was little evidence to support the vision with which Israel was born. And there is no knowing what potential for good may have been realized 25 years from now.

No one who has been to Israel and had his eyes opened to her energy and her promise would predict for her a future of perpetual conflict. I was fortunate enough to visit Israel two years ago, and the images that remain with me are of strength, but not violence, of hope, not menace.

I remember, for instance, going to Kibbutz Gesher on the west bank of the Jordan River where I saw the bomb shelters. The walls of

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those bunkers were decorated by children's pictures, and not one picture showed a scene of the fighting which was the everyday reality for the youngsters there.

The paintings were of flowers and of sunshine. The dream of the artists was of peace, not of the war that has been their fate.

And at a Nahal settlement in the Golan Heights, I remember talking to a 23-year-old farmer-soldier named Yeheskel. I asked him what, in that still endangered and bitter terrain, he and his friends did with the little leisure they had.

"We have our books," he said, "and we love this view over the Sea of Galilee. And we talk about the future, about peace."

It is possible, of course, to go to Israel and to feel the inconsolable anguish of the memorial at Yad Veshem for the six million European Jews whose murder will always be a living memory. And it is possible to climb that forbidding hill at Masada and feel the spirit of intransigence of the beseiged zealots who chose death in glory over submission to Roman rule.

But to see only the martyrdom, or the "Masada complex," or the military strength of Israel is to be blind to the resources and the resourcefulness of three million Jews who have created an oasis of progress and promise in the midst of hostility and backwardness.

As Israel overcomes these new dangers, as she battles for a lasting peace, and as America supports her in that effort, both nations will find a reaffirmation of their common vision, so eloquently stated in the promise of Isaiah:

"Out of Zion shall go forth the law and the word of the Lord from Jerusalem . . . they shall beat their swords into plowshares and their spears into pruning hooks; nation shall not lift up sword against nation, neither shall they learn war any more."

"NO" TO CONDEMNATION OF PRIVATE PROPERTY

Mr. CHURCH. Mr. President, the Senate Interior Committee, of which I am a member, will soon begin consideration of S. 424, the National Resource Lands Management Act. This proposal, if enacted, will serve as the organic act for the Bureau of Land Management. From the standpoint of the Agency's efficiency, a single governing statute would be better than the random selection of public laws to which the BLM now looks for authority.

I am, however, troubled by a certain provision in this bill. I take this occasion to express the reasons for my concern and to define the action which I intend to take when S. 424 is considered by the Interior Committee.

Idaho has a large stake in the scope of authority to be granted the Bureau of Land Management, under this act. How much is at stake is clearly depicted by the amount of land owned by the Federal Government in Idaho: some 33.9 million acres, nearly two-thirds of the State. Of this amount, 12 million acres are administered by the Bureau of Land Management. Idahoans must look to these lands for the grazing of cattle and sheep; for the mining of valuable minerals; for trees that feed a thriving lumber, wood product, and paper industry; for the water utilized in the irrigation of farms and food processing plants; for the damsites where electrical power is generated. We also use these public lands for hunting, fishing, and outdoor recreation, all of which contribute to Idaho's booming tourist industry.

My objection to S. 424, in its present form, relates to the provision in the bill which would confer on the Bureau of Land Management the power to condemn private property. This is a giant step beyond consolidating the functions of the BLM under one statute.

Giving the Bureau free reign to condemn private property is simply not justified. For decades this agency has managed Federal lands without the plenary power of eminent domain. Why must it now be granted that right? In a State where two-thirds of the land is owned by the Federal Government it surely cannot be argued that the BLM needs this power in order to forcibly acquire title to still more property.

Mr. President, I have witnessed the inequities which are built into the power to condemn private property. I was among those Senators, who, last year, obtained an additional $4 million in purchase money from the Land and Water Conservation Fund to acquire private land in Hells Canyon in order to prevent its subdivision and commercialization. When we obtained the funds, it was my understanding that the lands were to be purchased from willing sellers. However, the Government's appraisal fell below the price that the owners believed to be the fair market value of their property. This led to the Forest Service's decision to acquire the lands by condemnation. Needless to say, the landowners involved were not happy with this turn of events. They have taken the case to court, Challenging the authority of the Forest Service to condemn their land. However, the Forest Service maintains that it does possess the legal right to condemn such inholdings, conferred upon it by the enabling legislation creating the agency nearly a century ago.

Under S. 424, the Congress confronts again this same issue: Should the BLM be given the right to exercise the power of eminent domain by which private property may be condemned? I think not.

When this measure is considered by the Senate Interior Committee, I shall offer an amendment to strike from the bill the language which would give the Bureau of Land Management the power to condemn private property.

Mr. President, the action I propose to take with respect to S. 424 is in line with the effort I have made over the years to restrict the Government's condemnation powers to a minimum, consistent with the public interest. As author of the Wild and Scenic Rivers Act, I saw to it that the power to acquire private property along the river banks was strictly limited. As for the Wilderness Act, which I floor-managed to passage in the Senate, the right to condemn areas was expressly denied the Forest Service, even though the wilderness lay within the boundaries of a national forest. Similarly, in drafting the legislation that created the Sawtooth National Recreation Area, restrictions were prescribed to keep the use of eminent domain at a minimum.

The Forest Service's organic act under which that agency claims general authority to condemn private lands lying within the boundaries of national forests, was enacted long before I was born. It was already old law at the time I first came to the Senate in 1957. But, we need not repeat an old mistake in writing a new organic act for the Bureau of Land Management. Here is a case where we should learn from past experience.

SENATOR MAGNUSON RECEIVES ALBERT LASKER PUBLIC SERVICE AWARD IN HEALTH

Mr. KENNEDY. Mr. President, on October 18, our distinguished colleague, Warren Magnuson, was given the Albert Lasker Public Service Award in Health. I need not tell any of you what a special and richly deserved award this was.

The Lasker Awards are the most prestigious in American medicine and have been called America's Nobel Prize for Health. This was the first time in history that one of us—a Member of the U.S. Senate—has been honored with this award. I am sure that there would be no dissent in this body to the statement that the Lasker Foundation found the right man to be first, for no one in the Congress has done more for the health and human needs of the American people than Warren Magnuson.

The Lasker Award carries with it a $10,000 prize. But it will surprise none of his friends in the Senate to learn what Warren Magnuson did with that honorarium. He gave it away—to further cancer research at the Fred Hutchinson Cancer Center in his hometown, Seattle.

As a further honor to Senator Magnuson, the Lasker Foundation moved the awards dinner out of New York for the first time and presented the award to him in Seattle.

At the awards dinner, the major address was given by one of the world's most distinguished heart surgeons, Dr. Michael E. DeBakey. Perhaps no man in the United States better comprehends the true fruits of medical research than Dr. DeBakey. He is saving lives today with research that had not gone beyond the laboratory a few years ago.

At this time when Federal support for medical research is under severe attack by the administration's budget cutters, I think it would be wise for all Members of the Senate to read what Dr. DeBakey had to say in honoring our colleague from Washington.

Mr. President, I ask unanimous consent that Dr. DeBakey's speech be printed in the Record and that the two accompanying newspaper articles be printed following the speech.

There being no objection, the speech and articles were ordered to be printed in the Record, as follows:

Keeping Our World Leadership in Medical Research

(By Michael E. DeBakey, M.D.)

Senator Magnuson, Mrs. Lasker, Dr. Hogness, Mr. Carlson, Distinguished Guests:

I feel highly privileged to be participating in this special tribute to The Honorable Warren G. Magnuson, United States Senator and Distinguished Chairman of the Senate Subcommittee on Health, Education, and Welfare. Senator Magnuson was one of the chief sponsors of the National Heart Institute, which was established in 1948 by act of Congress. Since that time, he has persisted

in his efforts to support medical research and education. Senator Magnuson has demonstrated a passionate interest in health and education, an interest that stems from a genuine concern for basic human needs. For his efforts in improving the health of our people, every American is in his debt.

On July 25 of this year, I had the privilege of testifying—as I have on many previous occasions—before Senator Magnuson's Subcommittee. I was pleased to point out the unprecedented advances made against heart disease during the past quarter century. In the three decades since World War II, the remarkable progress made in scientific research has brought America to a preeminent position as a world leader in medical science. This progress almost exactly parallels the growth of the National Institutes of Health, which have made it possible not only to train researchers but also to support worthy research projects that might otherwise not have been possible. The resultant expansion of basic science research has provided much of the impetus for the advancement of medical knowledge, and, in turn, for the application of that knowledge at the patient's bedside.

Without exception, the major medical discoveries that have extended the quality and duration of life during the past quarter century can be traced to the research laboratory, whether they be spectacular feats like organ transplantation or less dramatic discoveries like drugs to treat epilepsy. The research laboratory gave us vaccines, antibiotics, and other "miracle" drugs that have controlled such previously fatal infections as poliomyelitis, diphtheria, pneumonia, mumps, and measles. Psychotropic drugs developed in the research laboratory have returned thousands of previously institutionalized patients to a productive place in society. Improved methods of diagnosis and of monitoring the vital signs of patients have greatly aided doctors in ministering to the health of the people. Effective medication has reduced the death rate from high blood pressure by 50 per cent. Just a decade ago, the incidence of hospital deaths from heart attacks was about 30%, as compared with a low 6% in the best centers today. Thus, in a short 10 years we have reduced the death rate by 24%, and that reduction is directly attributable to the new knowledge we have gained from medical research. In my own field of cardiovascular surgery, the dramatic results of open-heart surgery continue to convert incapacitated patients to happy, useful human beings. Thousands of previously doomed men and women are going about their normal activities today because medical research made possible artificial arteries as a substitute for diseased or worn vessels and gave us the heart-lung machine to permit surgery directly on the heart to replace malfunctioning valves, to correct congenital anomalies and, more recently, to restore normal coronary arterial circulation. The list of accomplishments of medical research is too long to enumerate, but none of them would have been possible without the support you have given to medical research from your tax dollars.

Let me cite you a clear example of the way medical research pays off by relating the clinical history of a patient of mine whom I have followed for the past two decades. When this patient first came to me twenty years ago, he was severely limited in his walking capacity, and the threat of gangrene was imminent because arterial disease was blocking the vessels supplying blood to his legs and feet. Were it not for medical research, we would have had to amputate his legs. Instead, we were able to replace his disease vessels with artificial arteries and thus restore normal circulation to his legs. After the operation, he resumed his normal activities and his work as an executive. Since then, I have seen him annually for follow-up examinations, and he has had no more trouble with his legs.

Thirteen years later, the patient returned to the hospital. He was in heart failure from a defective mitral valve. Again, we were able to save his life by applying the fruits of medical research. We replaced his defective valve with an artificial valve, and his heart function returned to normal. Since that time, he has had no evidence of heart failure.

A few years later, the patient returned to see me because of carotid arterial disease. He had had several small strokes as a result of arteriosclerosis occlusion of the carotid arteries supplying blood to the brain. Untreated, his condition would have led to a large stroke that would have caused paralytic disability or possibly death. But again medical research intervened. We operated on both blocked arteries in his neck, replaced the diseased vessels, and restored normal circulation to his brain. Since then, he has had no further manifestations of stroke.

Three years ago, the patient returned to the hospital because of a massively bleeding ulcer, which required partial resection of the stomach. He recovered completely from that operation and resumed his normal activities. This patient is now 74 years old and still leads a useful, happy, productive life as a business executive.

Any one of these serious medical conditions could have led to his permanent disability or even death, and yet each time, we were able to restore his health so that he could lead a normal life, remain economically independent, and continue to be a taxpayer instead of becoming a tax-burden. The knowledge used in the effective treatment of each of these conditions came directly from medical research. Without that research, this man would not have been able to maintain a responsible position in his community and to make contributions to society throughout the past twenty years.

His case is not, as you might think, unusual or atypical. Because of the new knowledge we have gained from laboratory research, we are able every day to discharge similar patients from the hospital to return to normal living and resume productive, self-sufficient lives.

These accomplishments did not, however, occur overnight, notwithstanding press announcments of "breakthroughs." Almost every medical advance has come after years of persistent, and often tedious, efforts of scores of researchers. Many frustrations have usually preceded the so-called "breakthrough"—blind alleys, uncertainties, and disappointments. To be fruitful, research must be pursued with persistence and dedication. We cannot support only the moment of discovery, but must finance all the many months or years of arduous work that precede it.

As much pride as we deserve in our accomplishments, we must not be satisfied to rest on our laurels. For we still have a very long way to go in health. To cite just one statistic, about 23 million Americans still suffer from high blood pressure, some unaware they have the disease. Yet if untreated, hypertension can result in death from stroke or heart failure. Many other diseases remain inscrutable—not only cancer, but muscular dystrophy, multiple sclerosis, arthritis, cystic fibrosis—the list can be extended considerably. In all of these, we are making progress, but not as rapidly as we could if we were willing to give more financial support to medical research.

Our ultimate goal, you see, is not treatment, but prevention. We want to eliminate the factors that cause heart disease, stroke, cancer, and the numerous other fatal or disabling diseases. America has an abundance of fine minds eager to study these conditions, but it takes money, and only you can provide that. The sophisticated equipment needed to do research today is costly, and special laboratory facilities for controlled conditions must be built to specification. Scientists and technicians must be trained to do research, and education costs money. The investment, however, is one of the wisest you can make, for our failure to invest in finding the causes and cures of disease increases our expenditures for patient care without increasing our effectiveness. Ultimately, *you* are the beneficiary; the new knowledge uncovered in the research laboratory will eventually be used to clinical advantage. If we skip training one generation of doctors and researchers because of lack of funds, it will take several generations to catch up again, and we can never compensate for the loss of knowledge in those unproductive years.

For more than a decade, in my testimony before congressional committees, I have urged the establishment of Comprehensive Cardiovascular Research Centers throughout the country, in which we could concentrate the most capable research scientists in a concerted attack upon heart disease. Our personal experience at the Cardiovascular Research and Training Center in Houston has demonstrated the wisdom of bringing an interdisciplinary team of basic, clinical, and physical scientists together in one institute to try to solve the riddles of cardiovascular diseases. In 1972, Congress passed the historic National Heart and Lung Act, which authorized 15 such centers throughout the country, but because of lack of funds we still do not have a single federally-supported center for heart or lung disease in the entire nation.

We desperately need new research knowledge in the cardiovascular field. Arteriosclerosis is the underlying cause of heart disease in about 80% of patients; yet we know relatively little about its basic causes. In a certain proportion of patients, some major risk factors have been incriminated—excessive blood fats, high blood pressure, diabetes, and cigarette smoking—but much more work will be needed to ascertain whether elimination of any one, or a combination, of these factors will reduce the incidence of heart disease significantly. The National Heart and Lung Institute is now supporting three major clinical trials in this field, but because of limited funds, the trials will not become fuly operative unti 1974, and then will involve only 27,000 subjects.

Actually, the kind of support we are looking for is relatively small—only 1 or 2% of our total national budget. We must, however, order our priorities sensibly. We now spend $400 per person for defense, but consider how useless any investment at all would be in defense if bad health ravaged our people. We spend $40 per person for highways, but what good are highways if we are not well enough to use them? The very basis of all human activity is health, and yet we spend only $7 per person for medical research. Heart disease is still the leading cause of death in this country, and yet we are willing to devote less than one dollar per person to heart research. These expenditures are not only unwise; they are uneconomical. Last year our lack of health knowledge cost us about $315 per person, but we have been willing to spend only $7 per person to gain the necessary knowledge to rid ourselves of this economic burden. We spent $30 per person for health services for heart disease, but we allocate less than one dollar per person to eliminate this costly expenditure.

If we want our government to give health a higher priority in the allocation of our tax dollars, we must insist upon it by letting our representatives in the Congress and in the Administration *know* our wishes, for we, the people, instruct our government in such matters. Curiously, Americans budget for television sets, boats, beer, tobacco, cosmetics, fashions, gasoline, second homes,

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and vacations, but they grudgingly allocate money to maintain their health. It is a sad truism, however trite, that we must lose our health to appreciate it. I have heard patient after patient sorrowfully voice that adage to me. As a doctor, I know the inexpressible pleasure of seeing a patient leave the hospital after heart surgery, well and happy, when just a short time before he entered my office critically ill and almost devoid of hope. But can you imagine the depression a doctor feels when he must tell a patient, "I am sorry that there is nothing we can do for you; we haven't yet learned how to treat your illness"?

Doctors have to say that more often than they should, simply because, as a people, we have not been willing to allocate adequate funds to find out how to cure and prevent many human diseases. Fifty per cent of heart attack victims die before they reach the hospital; that is a frightening statistic and one that we must improve. If we let our government officials know that we consider health our foremost priority, they will carry out our wishes, and the national budget will reflect those wishes. During the past year or two, President Nixon has demonstrated commendable initiative in his expressed desire to eradicate cancer and heart disease. The true significance of this initiative will be fully appreciated when adequate funds are allocated to effect his all-out war.

For example, in 1971, when he signed the Congressionally-devised National Cancer Act, President Nixon said that all the money that was needed would be provided to wipe this killer from the face of the earth. Yet in the last fiscal year which closed June 30, his Administration impounded $60 million of the money that Congress had voted for the fight against cancer. In other words, they believed him—Democrats and Republicans alike—but he didn't seem to believe himself.

The Congress therefore decided to bite the bullet on this issue. Earlier this year Senator Magnuson and the distinguished Majority Leader of the Senate, Mike Mansfield, requested the General Accounting Office to look into two significant areas—the impoundment of $1.1 billion in health funds in Fiscal 1973, and a comparison of the Administration Fiscal 1974 budget requests with the initial professional requests made by the Government scientists as to their minimum needs for running health programs.

They got the data they wanted, although it wasn't easy. For example, the two Senators obtained an internal HEW document in which Doctor Frank J. Rauscher, personally appointed by the President to run the war against cancer, informed the White House Office of Management and Budget that he needed at least $640 million this year "to carry out the objectives the Executive and members of Congress had all enunciated."

Despite this memorandum, the President recommended $500 million for the fight against cancer. This is the same President who, when he signed the National Cancer Act with great fanfare back in 1971, said:

"The time has now come for us to put our money where our hopes are . . . As far as the cure is concerned, and as far as the time when it is found, it will not fail because of lack of money . . . To the extent that money is needed, it will be provided."

At a joint press conference with Senator Mansfield on July 28 of this year, the senior Senator from Washington took the gloves off. Here is only part of what he had to say:

"The much bally-hooed Conquest of Cancer program is more myth than reality, and research budgets to combat other dread diseases have been gutted on the pretext of maintaining that myth.

"I have had more than a passing interest in health and education for many years. I can point out—with some irony—that I became Chairman of the appropriations subcommittee that handles the health and education budget at the same time Richard Nixon became President of the United States. I can also point out—with some irony—that my subcommittee's bill has been vetoed four times since I became Chairman.

"I take no pride in being the most vetoed member of the United States Senate. I don't want this bill vetoed again this year. It is far too important. This bill takes care of more basic human needs than any appropriations bill handled by the Congress. But I can't buckle under the kind of callous logic that hamstrings medical research, cuts off student aid and closes Community Mental Health Centers.

". . . I will end by asking one simple question. If this great country of ours must fight a war, which war should we choose—an unwinnable war in Cambodia or a winnable war against cancer. The secret bombing raids cost $140 million. The Cancer Institute's budget request was cut $140 million."

Most of us feel a humanitarian concern about feeding the hungry and helping the underprivileged not only in our country but in the rest of the world as well. Such concern is a truly admirable American trait. We should, I believe, feel a similar responsibility for leadership in health. The rest of the world, in fact, looks to us for that leadership. In my personal experience in countries throughout the globe, including such major powers as the Soviet Union and China, I have seen foreign doctors and scientists vie for opportunities to spend periods in the United States training and learning the latest diagnostic and therapeutic techniques. By maintaining our leadership in the medical sciences, we can upgrade the health not only of our own people but of other nations as well.

Such leadership in world health can also serve as an extremely useful diplomatic instrument in effecting world harmony by encouraging international collaboration in improving the human condition. We exert prodigious efforts in ameliorating international tensions, and we allocate significant monies for foreign aid, but one of the best ways to promote amical international relations is to engage the cooperation of peoples all over the world in finding ways to improve the quality and duration of human life.

The international scientific community is bound together by a common goal of uncovering new knowledge for the betterment of man, and this international community can serve an important diplomatic function demonstrating the transcendance of this common goal over the self-seeking interests of individual nations. It is admirable that President Nixon, in creating the Joint Committee for Health Cooperation with the Soviet Union, has taken cognizance of the diplomatic function which the scientific community can serve. The approach to the eradication of human disease *must* be international, for disease is no respecter of frontiers, and so we must work with our counterparts throughout the world to solve health problems. At the same time the goal of world peace and harmony will be advanced by the peoples of different countries concentrating on a common goal. I was in Russia when President Nixon and Mr. Brezhnev signed their historic agreement this year, and it was truly heartening to hear the impassioned sentiments expressed by the Russian people about this agreement. Earlier this year I was also in China, where I observed the same eagerness on the part of the medical community there to collaborate with American scientists in exchanging scholars and information for the benefit of both countries. In all other countries I have been in, I have consistently found that the physicians look to America for leadership in health matters.

But we cannot maintain this world leadership in health unless we increase our present expenditures for medical research. While the proportion of the Gross National Product devoted to science and technology, including medical research, has declined in the United States during the past decade, it has risen in Japan and the Soviet Union. Russia also now leads the major nations in researchers, with 37 researchers per 10,000 population, as contrasted with 25 researchers in the United States per 10,000 population.

It is not a matter of supporting *either* medical research and education or health care, for the three are interdependent. Any improvements in health delivery will be limited by present medical knowledge until medical research uncovers new information. And improving the *mechanics* of health delivery will be futile if we do not have enough doctors to implement that delivery. As President of one of this country's major medical schools, I can tell you that the need for support of medical education and research is critical. But the American people have always responded unselfishly when their support was needed. I am confident that you will respond now. And with allies like The Honorable Warren G. Magnuson in the Senate to help us, I am optimistic about the future. On this occasion of honoring Senator Magnuson, it is fitting to conclude with a quotation from Benjamin Disraeli, which remains as valid today as it was when written almost a century ago—

"The health of the people is really the foundation upon which all their happiness and all their powers as a state depend."—(Speech, July 24, 1877).

[From the Seattle Times, Oct. 18, 1973]

MAGNUSON TO BE GIVEN PRESTIGIOUS LASKER AWARD

(By Al Dieffenbach)

Senator Warren G. Magnuson will be honored tonight wtih the $10,000 Albert Lasker Award in Health at a black-tie dinner in the Olympic Hotel.

He will be the first senator to win the prestigious award, which only rarely has been given to a non-scientist. The Lasker Award has become known as the Nobel Prize of America because 24 Lasker recipients have also won Nobel honors.

This will be the first time the award-presentation ceremony has been held outside New York City, a further tribute to Magnuson.

Dr. Michael E. DeBakey, the distinguished heart surgeon who was chairman of the awards jury that selected Magnuson, will give the major address at the $25-a-ticket awards dinner.

Dr. DeBakey noted in commenting on the award that Magnuson's longtime support of medical research led to the scientific work that won Lasker and Nobel honors for a number of scientists.

Dr. DeBakey today was to accompany Magnuson and Senator Norris Cotton of New Hampshire, a ranking Republican, on a tour of Providence Hospital's heart and blood-vessel-research unit headed by Dr. Lester R. Sauvage and Dr. Peter B. Mansfield.

Magnuson is to receive the award from Mrs. Albert Lasker, president of the Albert and Mary Lasker Foundation, which has sponsored the awards since 1946.

Mrs. Lasker, 73, a New York philanthropist, has actively pursued an interest in American medical matters since 1942. She spent part of yesterday touring various units of University Hospital and the University of Washington School of Medicine.

Now chairman of the Senate Appropriations subcommittee that handles funding for health programs and medical research Magnuson has been a powerful force in Congress.

He began to show his interest in those

fields in 1937, his first year in Congress when he introduced a bill that led to creation of the National Cancer Institute.

The Senator, now 68, subsequently sponsored legislation that built and funded the National Institutes of Health, one of the largest health-research agencies in the world.

Some of his other efforts on behalf of the people's health have resulted in funding for hospitals and mental-health programs, laws on flammable fabrics, and packaging to prevent accidental poisoning and funding of training programs for health professionals.

With his constituents in mind, the senator also has led the campaigns for the Fred Hutchinson Cancer Research Center here, the federal aid for expansion of Children's Orthopedic Hospital and the congressional moves to keep the Public Health Service Hospital open.

[From the Seattle Post-Inteligencer, Oct. 19, 1973]

ALBERT LASKER AWARD IS GIVEN TO MAGNUSON

(By Tom Read)

Sen. Warren G. Magnuson last night received the $10,000 Albert Lasker Award for Public Service during a lavish reception-dinner at the Olympic Hotel.

Magnuson was chosen to receive the coveted award particularly for his years of championing health legislation in Congress.

Mrs. Mary Lasker, New York philanthropist and widow of the late Albert Lasker, presented the award—a $10,000 check and beautiful statute of the Winged Victory of Samothrace, symbolizing victory over death and disease.

Immediately upon receiving the check from Mrs. Lasker, the senator said he'd had problems with cancer in his family, and thought he had a good use for the money.

He summoned Dr. William Hutchinson, president of the Fred Hutchinson Cancer Research Center, to the rostrum and presented the $10,000 check to him for the center's cancer research work.

World famous heart surgeon and researcher Dr. Michael DeBakey, who chaired the awards jury that chose the senator, delivered the principal adddress.

He traced major research and progress in medical research, particularly in the area of heart disease, declaring that this progress almost exactly parallels the growth of the National Institutes of Health.

Dr. DeBakey cited a clinical case in which a patient faced the loss of his legs because of blocked blood vessels. "Were it not for medical research we would have had to amputate his legs. Instead, we were able to replace his diseased vessels with artificial arteries and thus restore normal circulation to his legs," he said.

Dr. DeBakey developed the theme of the need for research and of the need for funds to support this effort. He reported how Magnuson and others uncovered a federal document in which the head of the National Cancer Institute informed the White House he needed at least $640 million to carry out objectives, yet President Nixon recommended $500 million after declaring a national war on cancer.

In summary, DeBakey said:

"It is not a matter of supporting either medical research and education or health care for the three are interdependent. Any improvement in health delivery will be limited by present medical knowledge until medical research uncovers new information. I am confident you will respond now.

"And with allies like the Honorable Warren G. Magnuson in the Senate to help us, I am optimistic about the future. On this occasion of honoring Senator Magnuson, it is fitting to conclude with a quotation from Benjamin Disraeli, which remains as valid today as it was when written almost a century ago:

"'The health of the people is really the foundation upon which all their happiness and all their powers as a state depend.'"

Others rose to add their words of praise and thanks. Edward Carlson, Seattle hotelman and president of United Air Lines; Dr. John Hogness, president of the Institute of Medicine and next president of the University of Washington; Rev. Everett Jensen, Lutheran clergyman, church administrator and lifelong friend of Magnuson.

Dr. Hogness, who was the master of ceremonies, read several messages of congratulations from persons unable to attend last night's event."

"There is no one in public life today who has been more vigorous in promoting health," Gov. Dan Evans.

"This honor is a rare but richly deserved one," Sen. Henry M. Jackson.

"I extend my personal congratulations. Your many contributions are ongoing proof of your service," Sen. Ted Kennedy.

"This award is a fitting recognition that your good work is appreciated well beyond the halls of Congress," Congressman Joel Pritchard.

"I salute you for your services to your fellow man," Congressman Mike McCormack.

Nearly 500 persons attended the fete, first the reception in the Spanish Ballroom, then in the Grand Ballroom where the dinner was served.

From across the nation and across the political aisle came Senator Norris Cotton, New Hampshire Republican and ranking GOP member of the Senate appropriations subcommittee on health which Magnuson chairs.

Cotton is in a position to see first-hand how effectively Magnuson guides appropriations for medical research, to keep open the Public Health Service Hospital, to expand Children's Orthopedic Hospital.

Since 1937—his first year in Congress—Magnuson has been in the forefront of health legislation and it is for this service that he was chosen by the Lasker Foundation.

As a young congressman he introduced legislation that led to the creation of the National Cancer Institute. As the years passed and the public's awareness of the need for research grew and as his influence in Congress grew, Magnuson sponsored, supported and battled successfully. His success was such that over the years he became the Congressional leader in obtaining research funds for the National Institutes of Health.

He also became the chief spokesman in the Senate for the funding of numerous other health programs including community mental health centers, hospital construction, and aid for medical, nursing and other allied health schools.

As chairman of the Senate Commerce Committee, Magnuson managed to advance a number of well-known bills in the area of preventive medicine and in the areas of flammable fabrics, child protection and toy safety, poison-prevention packaging, cigarette labeling and controls on radiation emanating from electronic products.

A PERMANENT SPECIAL PROSECUTOR

Mr. CRANSTON. Mr. President, the revelations of the past 6 months are not the only instances of political corruption and misconduct which have lessened public confidence in the administration of justice in recent years.

I have believed for some time that we need some permanent mechanism which will restore in the long run public confidence that wrongdoers in positions of public trust will be investigated and prosecuted.

The best first step would be for Congress to study ways to set up a permanent means of triggering independent investigations and prosecutions of breaches of the public trust by persons who hold high positions of power. Some way must be found to overcome the built-in conflicts of interest which exist, or appear to exist, whenever the powerful are asked to investigate themselves.

I have confidence that we eventually will overcome the crisis of Watergate. Our system of government is strong enough to do that task.

But the record of official misconduct during past decades years is not good. Few cases have been prosecuted.

Too often, there is an appearance that corruption in high places is being swept under the rug. Because of the political nature of the office, an Attorney General can come under enormous pressure not to prosecute some cases.

There is another reason why an independent permanent agency to look into and prosecute charges of official misconduct can restore credibility to government. As former Special Prosecutor Archibald Cox has remarked, often the most important decision a prosecutor makes is the decision not to prosecute.

Such a decision affecting persons in high public office, even if taken by an Attorney General as outstanding as Elliot Richardson, might lack general public acceptance. Such a decision by an independent special prosecutor would have greater credibility.

The restoration of public confidence in the administration of justice, and in our institutions responsible for order and justice under law, is vitally important to the future of our Nation. No one political party today commands a consensus capable of restoring the degree of confidence necessary. We must seek to establish some independent institution which would guarantee to the public that those in positions of high trust will not abuse that trust.

Last June, when the need for a special prosecutor in the Watergate affairs arose, and our attention was focused on that matter in relationship to the nomination of Elliot Richardson as Attorney General, I asked my staff to consider how, legislatively, we might create some such permanent institution, so that we would not find our country improvising each time a crisis like Teapot Dome or Watergate develops. The matter is so complicated—as we are discovering anew as we grapple with the temporary special prosecutor in the wage of the Cox firing—that we have not yet reached any decision as to how to proceed legislatively.

I have consulted with other Senators, however, and will push ahead. As, hopefully, we determine how best to replace Mr. Cox, some light may be shed on the best procedure to follow in dealing with the long range problem.

Lloyd Cutler, distinguished Washington attorney, has called for the establishment of an office of permanent prosecutor to investigate and prosecute cases of political corruption. Mr. Cutler persuasively argues that we need to address

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official and campaign misconduct on a continuing basis, not once every 50 years.

A permanent special prosecutor is one way. It may be that a bipartisan independent commission empowered to appoint an ad hoc special prosecutor in a case of unusual national dimensions would be the soundest approach. I am sure that Mr. Cutler would agree that there are other ways which ought to be examined as well. But his proposal is worth considering.

I ask unanimous consent to have printed in the RECORD the full text of Mr. Cutler's proposal which appeared in the New York Times of October 26.

There being no objection, the article is ordered to be printed in the RECORD, as follows:

PERMANENT PROSECUTOR

(By Lloyd Cutler)

WASHINGTON.—A half-century ago, Owen J. Roberts was appointed Special Prosecutor to investigate the Teapot Dome scandals, which had reached President Harding's Attorney General and other top members of his Administration. His appointment restored public confidence that those who had violated the public trust, whatever their rank, would be prosecuted. Public confidence was not misplaced.

This year, Archibald Cox was appointed Special Prosecutor for a similar purpose. His appointment also restored public confidence, now abruptly shattered by his dismissal.

In between, many Administrations have had their minor Watergates and Teapot Domes, and many Attorneys General have made an effort to investigate the alleged misdeeds of high officials in their own Administration or in the one preceding. But these investigations have been notable both for the lack of public confidence they commanded and for the paucity of the felony convictions they achieved.

This lack of confidence goes up and down with the public's perception of the moral fiber and the political behavior of each incumbent Attorney General. But it is never wholly absent. It derives primarily from the people's intuition that any Attorney General, to retain his office, must to some degree be the President's man, and that he must weigh in the balance of any major prosecutorial decision its potential for embarrassing his President. Last week removed any possible doubt on this point.

Public doubt that official and campaign misconduct will be prosecuted is perhaps the gravest weakness of our political system. The Congress should therefore move speedily to recreate the office of the Watergate Special Prosecutor. But we cannot afford to address the lack of public confidence only once every fifty years, when things get so bad that the existing institutions must be set aside. We need to address it on a continuing basis.

If a Special Prosecutor like Owen J. Roberts or Archibald Cox can hold the public confidence, why not have one all the time, on an institutional basis? Why not enact a statute creating a permanent office of Special or Public Prosecutor? The post would be filled by a distinguished lawyer appointed by the President with the advice and consent of the Senate, holding office for a fifteen-year term to span a number of Administrations. He would be supported by his own staff and Congressional appropriation. He would be authorized to make investigations solely into charges involving official misconduct and campaign law violations, to present such cases to grand juries, and to prosecute them in the courts. To curb any possibility of political ambition, a Special Prosecutor could be barred from subsequently holding any elective Federal office.

There is a close and successful precedent for such an office. The office of the Comptroller General is now filled for a fifteen-year term by a Presidential appointee confirmed by the Senate. It has its own staff and Congressional appropriation. It is charged with investigating and reporting on the expenditure of public funds. The Comptroller General has always commanded the fullest public confidence.

There may be a constitutional objection raised to the idea of a specialized independent law-enforcement agency outside the executive branch, but it can be overcome. While the Constitution charges the President to "take care that the Laws be faithfully executed," Congress has enacted and the President has signed many laws creating independent administrative agencies either within or outside the executive branch, empowered to issue binding orders, to impose civil penalties for violation, and to bring enforcement actions in the Federal courts. The Attorney General holds a statutory office not mentioned in the Constitution, and Congress certainly can transfer some of his present statutory powers to other officials. If thought constitutionally necessary or politically desirable, the statute creating the new office could preserve the Attorney General's parallel power to prosecute such cases himself; and it could also authorize the President or the Attorney General to remove the Special Prosecutor for specified types of misconduct.

By creating a continuing Special Prosecutor for these limited purposes, we would not demean the office of the Attorney General. He still would be solely responsible for enforcing the thousands of other laws on the statute books, and for advising the President on all legal issues. To the contrary, a continuing Special Prosecutor would enhance the Attorney General's credibility by relieving him of a role he cannot convincingly perform.

We can get some lasting public benefit out of Watergate. By making a minor improvement in the system, we would achieve a major result. We would restore public confidence that those who betray the public trust will be found out and punished.

PRESIDENTIAL INCOME TAXES

Mr. CHURCH. Mr. President, recently we have been reading accounts of how the President of the United States, with an official salary of $200,000 a year, has paid as little as $792.81 in Federal income taxes for the year 1970.

This interesting information comes from the Providence, R.I., Journal-Bulletin.

It is not alleged that the President violated any laws on his tax returns, but that he took advantage of several tax loopholes—including donations of Vice Presidential papers—to bring down, indeed to virtually eliminate, his tax.

If true, these revelations demonstrate clearly just how much we need tax reform in this Nation. The fact of the matter is that if these reports are true, the President—with a $200,000 salary, not including other income he receives—paid roughly the same in Federal taxes as an unskilled workman who earns $7,000 a year, claims one exemption and does not itemize deductions. This is unbelievable.

Recently, Mr. President, the Times-News in Twin Falls, Idaho, reprinted an editorial on this subject originally carried in the Portland Oregonian. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NIXON'S RANKLE

History may record that Richard M. Nixon's downward plunge in national approval by Americans is largely attributable to their belief that he has taken advantage of them, the taxpayers, by using tax gimmicks to avoid state and federal taxes.

Many Americans can take in stride the campaign crimes and dirty tricks committed in the name of Nixon. They may consider him badly advised in his struggle to stop inflation and increase employment. They may give him full credit for getting out of Indochina and achieving breakthroughs with the Communist leaders to end the Cold War. But these are national and international matters. Taxes are right in the living room.

Some will understand, if they do not approve, President Nixon's acquisition of estates in Florida and California with the aid of his own credit and the cash of millionaire friends. The President did not elaborate on earlier statements, many times revised, on the separation of federal expenditures between presidential security and personal property purposes when asked again at his press conference Wednesday. Presidential security is, of course, a national necessity. But the President and his White House aides will not disclose his tax returns and will only affirm that these were audited by the Internal Revenue Service.

What has been reported is that his deductions on the federal income tax form were very large and that these consisted of interest, real estate taxes and a high appraised value for his vice presidential papers donated to the National Archives for tax benefit purposes.

The Providence, R.I., Journal-Bulletin now has reported that it has documents from government sources showing that President and Mrs. Nixon paid $792.81 in federal taxes in 1970 and received a $72,614.43 refund, and paid taxes in 1971 of $878.03 while receiving a refund of $58,889.41. The newspaper said the Nixon vice presidential papers were valued at $570,000. Based on the President's salary and allowable deductions for that purpose, the newspaper said, "the Nixon's presumably claimed a deduction of $60,000 for the gift of the papers in 1969, and $100,000 in subsequent years."

Putting aside the deduction for interest on debts owed by the Nixons, including those to rich friends who loaned the money to buy the estates, the question of the tax break for vice presidential papers rankles. Can these be considered personal papers? Most people, we believe, would consider them government documents, bought and paid for by the taxpayers in the official functioning of the vice presidency. And they were donated to the National Archives, which paid for them again in the form of tax deductions which less fortunate taxpayers must make up in their own tax bills.

It may be argued that high earners and wealthy men and women who do not hold public office use similar, legal tax offsets, and this is true. The private foundations thrive on such contributions for tax purposes. But it is not easy, nor would it be, for hard-working American wage earners to accept a system in which the President of the United States and Mrs. Nixon paid 1970–71 taxes, in the Journal-Bulletin's words, "roughly equivalent to taxes paid by someone who earns about $7,000 a year, claims one exemption and does not itemize deductions."

CONCLUSION OF MORNING BUSINESS

Mr. ALLEN. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

RECESS UNTIL 2 P.M.

Mr. ALLEN. Mr. President, acting at the direction of the distinguished majority leader, I ask unanimous consent that the Senate stand in recess until the hour of 2 o'clock this afternoon.

The PRESIDING OFFICER. Without objection, it is so ordered.

At 12:48 p.m., the Senate took a recess until 2 p.m. today; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. HASKELL).

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that today, October 30, 1973, he presented to the President of the United States the bill (S. 607) to amend the Lead Based Paint Poisoning Prevention Act, and for other purposes.

QUORUM CALL

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS TO 2:26 P.M. TODAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 20 minutes.

There being no objection, at 2:06 p.m., the Senate took a recess until 2:26 p.m. today; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. HASKELL).

ARKANSAS RIVER BASIN COMPACT, ARKANSAS-OKLAHOMA

Mr. McCLELLAN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 11

The PRESIDING OFFICER (Mr. HASKELL) laid before the Senate the amendments of the House of Representatives to the bill (S. 11) to grant the consent of the United States to the Arkansas River Basin compact, Arkansas-Oklahoma, which were on page 6, line 9, strike out "repletion" and insert "depletion".

On page 18, line 14, strike out "article XII" and insert "article XIII".

Mr. McCLELLAN. Mr. President, on January 4 I introduced S. 11, a bill to consent to the Arkansas River Basin Compact. I was joined in sponsoring the bill by the distinguished Senator from Arkansas (Mr. FULBRIGHT), the distinguished senior Senator from Oklahome (Mr. BELLMON), and the distinguished junior Senator from Oklahome (Mr. BARTLETT).

S. 11 passed the Senate on June 28. On September 17, 1973, the House of Representatives passed S. 11 with two technical amendments.

Mr. President, the technical amendments have been reviewed by the chairman and ranking minority members of the Senate Judiciary Committee with the Senate Public Works Committee. We consider them acceptable and necessary amendments and do recommend their approval by the Senate.

I move that the Senate concur in the amendments of the House to S. 11.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arkansas.

The motion was agreed to.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, as in executive session, I ask for the yeas and nays on the vote that will occur on the treaties.

The yeas and nays were ordered.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask that the Senate now go into executive session.

The PRESIDING OFFICER. The Senate will now go into executive session.

The Senate proceeded to consider executive business.

Mr. ROBERT C. BYRD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. STAFFORD). Without objection, it is so ordered.

PATENT COOPERATION TREATY AND ANNEXED REGULATIONS, EX. S (92D CONG., 2D SESS.); STRASBOURG AGREEMENT CONCERNING THE INTERNATIONAL PATENT CLASSIFICATION, EX. E (93D CONG., 1ST SESS.); STATUTES OF THE WORLD TOURISM ORANIZATION, EX. R (93D CONG., 1ST SESS.); CONVENTION CONCERNING THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE, EX. F (93D CONG., 1ST SESS.)

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to vote on the four treaties.

The yeas and nays have been ordered.

PATENT COOPERATION TREATY AND ANNEXED REGULATIONS (EXECUTIVE S. 92D CONG., 2D SESS.)

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the resolution of ratification.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. BIBLE), the Senator from Michigan (Mr. HART), and the Senator from Minnesota (Mr. MONDALE) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN) is necessarily absent.

The Senator from Alaska (Mr. STEVENS) is detained on official business and if present and voting, would vote "yea."

The yeas and nays resulted—yeas 95, nays 0, as follows:

[No. 470 Ex.]

YEAS—95

Abourezk
Allen
Baker
Bartlett
Bayh
Beall
Bellmon
Bennett
Bentsen
Biden
Brock
Brooke
Buckley
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cook
Cotton
Cranston
Curtis
Dole
Domenici
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Fulbright
Goldwater
Gravel
Griffin
Gurney
Hansen
Hartke
Haskell
Hatfield
Hathaway
Helms
Hollings
Hruska
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott, Hugh
Scott,
  William L.
Sparkman
Stafford
Stennis
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—5

Aiken
Bible
Hart
Mondale
Stevens

The PRESIDING OFFICER. On this vote, the yeas are 95, and the nays are 0. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification, as amended by the declarations, is agreed to.

STRASBOURG AGREEMENT CONCERNING THE INTERNATIONAL PATENT CLASSIFICATION (EXECUTIVE E—93D CONG., 1ST SESS.)

The PRESIDING OFFICER. The question is, will the Senate advise and consent to the resolution of ratification? The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. BIBLE), the Senator from Michigan (Mr. HART), the Senator from Minnesota (Mr. MONDALE), are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN), is necessaily absent.

The Senator from Alaska (Mr. STEVENS) is detained on official business, and if present and voting, would vote "yea."

The yeas and nays resulted—yeas 95, nays 0, as follows:

[No. 471 Ex.]

YEAS—95

Abourezk
Allen
Baker
Bartlett
Bayh
Beall
Bellmon
Bennett
Bentsen
Biden
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cook
Cotton
Cranston
Curtis
Dole
Domenici
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Fulbright
Goldwater
Gravel
Griffin
Gurney
Hansen
Hartke
Haskell
Hatfield
Hathaway
Helms
Hollings
Hruska
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott, Hugh
Scott, William L.
Sparkman
Stafford
Stennis
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—5

Aiken
Bible
Hart
Mondale
Stevens

The PRESIDING OFFICER. On this vote the yeas are 95 and the nays are 0. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

STATUTES OF THE WORLD TOURISM ORGANIZATION (EXECUTIVE R, 93D CONG., 1ST SESS.)

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the resolution of ratification? The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. BIBLE), the Senator from Michigan (Mr. HART), and the Senator from Minnesota (Mr. MONDALE) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN) is necessarily absent.

The Senator from Alaska (Mr. STEVENS) is detained on official business, and, if present and voting, would vote "yea."

The yeas and nays resulted—yeas 95, nays 0, as follows:

[No. 472 Ex.]

YEAS—95

Abourezk
Allen
Baker
Bartlett
Bayh
Beall
Bellmon
Bennett
Bentsen
Biden
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cook
Cotton
Cranston
Curtis
Dole
Domenici
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Fulbright
Goldwater
Gravel
Griffin
Gurney
Hansen
Hartke
Haskell
Hatfield
Hathaway
Helms
Hollings
Hruska
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott, Hugh
Scott, William L.
Sparkman
Stafford
Stennis
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—5

Aiken
Bible
Hart
Mondale
Stevens

The PRESIDING OFFICER. On this vote the yeas are 95 and the nays are 0. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

CONVENTION CONCERNING THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE (EXECUTIVE F—93D CONG., 1ST SESS.)

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the resolution of ratification? The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. BIBLE), the Senator from Michigan (Mr. HART), and the Senator from Minnesota (Mr. MONDALE), are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN) is necessarily absent.

The Senator from Alaska (Mr. STEVENS) is detained on official business, and if present and voting, would vote "yea."

The yeas and nays resulted—yeas 95, nays 0, as follows:

[No. 473 Ex.]

YEAS—95

Abourezk
Allen
Baker
Bartlett
Bayh
Beall
Bellmon
Bennett
Bentsen
Biden
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cook
Cotton
Cranston
Curtis
Dole
Domenici
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Fulbright
Goldwater
Gravel
Griffin
Gurney
Hansen
Hartke
Haskell
Hatfield
Hathaway
Helms
Hollings
Hruska
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott, Hugh
Scott, William L.
Sparkman
Stafford
Stennis
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—5

Aiken
Bible
Hart
Mondale
Stevens

The PRESIDING OFFICER. On this vote the yeas are 95 and the nays are 0. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification, as amended by the declaration, is agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER (Mr. STAFFORD). Under the previous order, the Senate will now return to legislative session.

U.S. INFORMATION AGENCY APPROPRIATIONS AUTHORIZATION ACT OF 1973—VETO

The PRESIDING OFFICER (Mr. STAFFORD). Pursuant to the previous order, the Chair now lays before the Senate the President's veto message on S. 1317, a bill to authorize appropriations for U.S. Information Agency, which the clerk will state.

The assistant legislative clerk read as follows:

> A veto message on S. 1317, a bill to authorize appropriations for the United States Information Agency.

(The text of the President's veto message is printed on page S19474 of the CONGRESSIONAL RECORD of October 26, 1973.)

The Senate proceeded to reconsider the bill.

The PRESIDING OFFICER. Time for debate on this veto message is to be equally divided and controlled between the Senator from Arkansas (Mr. FULBRIGHT) and the Senator from Pennsylvania (Mr. SCOTT), or his designee. Who yields time?

Mr. FULBRIGHT. I yield 2 minutes to the Senator from Washington.

EMERGENCY PETROLEUM ALLOCATION ACT OF 1973

Mr. JACKSON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1570.

The PRESIDING OFFICER (Mr. STAFFORD) laid before the Senate the amendments of the House of Representatives to the bill (S. 1570) to authorize the President of the United States to allocate crude oil and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare; to provide for the delegation of authority to the Secretary of the Interior; and for other purposes, which were to strike out all after the enacting clause, and insert:

That this Act may be cited as the "Emergency Petroleum Allocation Act of 1973".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress hereby determines that—

(1) shortages of crude oil, residual fuel oil, and refined petroleum products caused by inadequate domestic production, environmental constraints, and the unavailability of imports sufficient to satisfy domestic demand, now exist or are imminent;

(2) such shortages have created or will create severe economic dislocations and hardships, including loss of jobs, closing of factories and businesses, reduction of crop plantings and harvesting, and curtailment of vital public services, including the transportation of food and other essential goods; and

(3) such hardships and dislocations jeopardize the normal flow of commerce and constitute a national energy crisis which is a threat to the public health, safety, and welfare and can be averted or minimized most efficiently and effectively through prompt action by the Executive branch of Government.

(b) The purpose of this Act is to grant to the President of the United States and direct him to exercise specific temporary authority to deal with shortages of crude oil, residual fuel oil, and refined petroleum products or dislocations in their national distribution system. The authority granted under this Act shall be exercised for the purpose of minimizing the adverse impacts of such shortages or dislocations on the American people and the domestic economy.

DEFINITIONS

SEC. 3. For purposes of this Act:

(1) The term "branded independent marketer" means a person who is engaged in the marketing or distributing of refined petroleum products pursuant to—

(A) an agreement or contract with a refiner (or a person who controls, is controlled by, or is under common control with such refiner) to use a trademark, trade name, service mark, or other identifying symbol or name owned by such refiner (or any such person), or

(B) an agreement or contract under which any such person engaged in the marketing or distributing of refined petroleum products is granted authority to occupy premises owned, leased, or in any way controlled by a refiner (or person who controls, is controlled by, or is under common control with such refiner), but who is not affiliated with, controlled by, or under common control with any refiner (other than by means of a supply contract, or an agreement or contract described in subparagraph (A) or (B)), and who does not control such refiner.

(2) The term "nonbranded independent marketer" means a person who is engaged in the marketing or distributing of refined petroleum products, but who is not a refiner or a person (A) who controls, is controlled by, is under common control with, or is affiliated with a refiner (other than by means of a supply contract), or (B) who is not a branded independent marketer.

(3) The term "independent refiner" means a refiner who (A) obtained, directly or indirectly, in the calendar quarter which ended immediately prior to the date of enactment of this Act, more than 70 per centum of his crude oil refinery input from producers who do not control, and are not controlled by or under common control with, such refiner, and (B) marketed or distributed in such quarter and continues to market or distribute (i) a substantial volume of gasoline refined by him through nonbranded independent marketers, and (ii) a substantial volume of other refined petroleum products refined by him directly to the ultimate user.

(4) The term "refined petroleum product" means gasoline, kerosene, distillates (including Number 2 fuel oil), LPG, refined lubricating oils, or diesel fuel.

(5) The term "LPG" means propane and butane, but not ethane.

MANDATORY ALLOCATION

SEC. 4. (a) Not later than ten days after the date of enactment of this Act, the President shall promulgate a regulation providing for the mandatory allocation of crude oil, residual fuel oil, and each refined petroleum product, in amounts and at prices specified in (or determined in a manner prescribed by) such regulation. Such regulation shall take effect not latter than fifteen days after its promulgation.

(b)(1) The regulation under subsection (a), to the maximum extent practicable, shall provide for—

(A) protection of public health, safety, and welfare, and the national defense;

(B) maintenance of all public services (including facilities and services provided by municipally, cooperatively, or investor owned utilities or by any State or local government or authority);

(C) maintenance of agricultural operations, including farming, ranching, dairy, and fishing activities, and services directly related thereto;

(D) preservation of an economically sound and competitive petroleum industry; including the priority needs to restore and foster competition in the producing, refining, distribution, marketing, and petrochemical sectors of such industry, and to preserve the competitive viability of independent refiners, nonbranded independent marketers, and branded independent marketers;

(E) equitable distribution of crude oil, residual fuel oil, and refined petroleum products at equitable prices among all regions and areas of the United States and sectors of the petroleum industry, including independent refiners, nonbranded independent marketers, branded independent marketers, and among all users;

(F) economic efficiency; and

(G) minimization of economic distortion, inflexibility, and unnecessary interference with market mechanisms.

(2) In specifying prices (or prescribing the manner for determining them), such regulation shall provide for—

(A) a dollar-for-dollar passthrough of net increases in the cost of crude oil and refined petroleum products to all marketers or distributors at the retail level; and

(B) the use of the same date in the computation of markup, margin, and posted price for all marketers or distributors of crude oil and refined petroleum products at all levels of marketing and distribution.

(3) The President in promulgating the regulation under subsection (a) shall give consideration to allocating residual fuel oil and refined petroleum products to any person whose use of fuels other than crude oil, residual fuel oil, and refined petroleum products has been curtailed by, or pursuant to a plan filed in compliance with, a rule or order of a Federal or State agency.

(c)(1) To the extent practicable and consistent with the objectives of subsections (b) and (d), the mandatory allocation program established under the regulation under subsection (a) shall be so structured as to result in the allocation during each period during which the regulation applies of each refined petroleum product to each branded and each nonbranded independent marketer, and of crude oil to each independent refiner, in an amount equal to the amount sold or otherwise supplied to such marketer or refiner during the corresponding period of 1972, adjusted to provide—

(A) a pro rata sharing among persons engaged in the marketing or distributing of a refined petroleum product of any amount of such product produced in excess of the amount produced in calendar year 1972, or a pro rata reduction in the amount allocated to such persons if lesser amounts are produced than those produced in calendar year 1972; and

(B) a pro rata sharing among refiners of any amount of crude oil produced in excess of the amount produced in calendar year or a pro rata reduction in the amount allocated to such refiners if lesser amounts are produced than those produced in calendar year 1972.

(2) The President may, by order, require such adjustments in the allocations of refined petroleum products and crude oil established under the regulation under subsection (a) as may reasonably be necessary—

(A) in the case of refined petroleum products (i) to take into consideration market entry by branded independent marketers and nonbranded independent marketers subsequent to calendar year 1972, or (ii) to take into consideration subsequent expansion or reduction of marketing or distribution facilities of such marketers, and

(B) in the case of crude oil (i) to take into consideration market entry by independent refiners subsequent to calendar year 1972, or (ii) to take into consideration subsequent expansion or reduction of refining facilities of such refiners.

Any adjustments made under this paragraph may be made only upon a finding that, to the maximum extent practicable, protection of the objectives of subsections (b) and (d) of this section is attained.

(3) To the extent practicable and consistent with the objectives of subsections (b) and (d), the mandatory allocation program established under the regulation under subsection (a) shall not provide for allocation of LPG in a manner which denies LPG to any industrial user if no substitute for LPG is available for use by such industrial user.

(d) The regulation under subsection (a) shall require that crude oil, residual fuel oil, and all refined petroleum products (other than refined lubricating oils) which are produced or refined within the United States shall be totally allocated for use by ultimate users within the United States, to the extent practicable and necessary to accomplish the objectives of subsection (b). For purposes of this subsection, the term "United States" includes the States, the District of Columbia, Puerto Rico, and any territory or possession of the United States.

(e) No regulation under this section may provide for allocation of, or specify (or prescribe a manner for determining) the price of, crude oil produced in a calendar month by any well, the average daily production of which did not exceed 10 barrels per day during the month preceding such calendar month.

(f) The regulation promulgated and made effective under subsection (a) shall remain in effect until midnight February 28, 1975, except that the President or his delegate may amend such regulation so long as such regulation, as amended, meets the requirements of this section. The authority to promulgate and amend the regulation and to issue any order under this section, and to enforce under section 5 such regulation and any such order expires at midnight February 28, 1975, but such expiration shall not affect any action or pending proceedings, civil or criminal, not finally determined on such date, nor any action or proceeding based upon any act committed prior to midnight February 28, 1975.

ADMINISTRATION AND ENFORCEMENT

SEC. 5. (a) Sections 205 through 213 (other than 212(b)) of the Economic Stabilization Act of 1970 (as in effect on the date of enactment of this Act) shall apply to the regulation promulgated under section 4(a) or order under section 4(c)(2) and to any action taken by the President (or his delegate) under this Act, as if such regulation had been promulgated, such order had been issued, or such action had been taken under the Economic Stabilization Act of 1970; except that the expiration of authority to issue and enforce orders and regulations under section 218 of such Act shall not affect any authority to amend and enforce the regulation or to issue and enforce any order under this Act.

XUM

(b) The President may delegate all or any portion of the authority granted to him under this Act to such officers, departments, or agencies of the United States as he deems appropriate.

EFFECT ON OTHER LAWS AND ACTIONS TAKEN THEREUNDER

Sec. 6. (a) All actions duly taken pursuant to clause (3) of the first sentence of section 203(a) of the Economic Stabilization Act of 1970 in effect immediately prior to the effective date of the regulation promulgated under section 4(a) of this Act, shall continue in effect until modified or rescinded pursuant to this Act.

(b) The regulation under section 4 and any order issued thereunder shall preempt any provision of any program for the allocation of crude oil, residual fuel oil, or any refined petroleum product established by any State or local government if such provision is in conflict with such regulation or any such order.

(c)(1) Except as specifically provided in this subsection, no provisions of this Act shall be deemed to convey to any person subject to this Act immunity from civil or criminal liability, or to create defenses to actions, under the antitrust laws.

(2) As used in this subsection, the term "antitrust laws" includes—

(A) the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies", approved July 2, 1890 (15 U.S.C. 1 et seq.);

(B) the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (15 U.S.C. 12 et seq.);

(C) the Federal Trade Commission Act (15 U.S.C. 41 et seq.);

(D) sections 73 and 74 of the Act entitled "An Act to reduce taxation, to provide revenue for the Government, and for other purposes", approved August 27, 1894 (15 U.S.C. 8 and 9); and

(E) the Act of June 19, 1936, chapter 592 (15 U.S.C. 13, 13a, 13b, and 21a).

(3) The regulation promulgated under section 4(a) of this Act shall be forwarded on or before the date of its promulgation to the Attorney General and to the Federal Trade Commission, who shall, at least seven days prior to the effective date of such regulation, report to the President with respect to whether such regulation would tend to create or maintain anticompetitive practices or situations inconsistent with the antitrust laws, and propose any alternative which would avoid or overcome such effects while achieving the purposes of this Act.

(4) Whenever it is necessary, in order to comply with the provisions of this Act or the regulation or any orders under section 4 thereof, for owners, directors, officers, agents, employees, or representatives of two or more persons engaged in the business of producing, refining, marketing, or distributing crude oil, residual fuel oil, or any refined petroleum product, to meet, confer, or communicate in such a fashion and to such ends that might otherwise be construed to constitute a violation of the antitrust laws, such persons may do so only upon an order of the President (or of a person to whom the President has delegated authority under section 5(b) of this Act); which order shall specify and limit the subject matter and objectives of such meeting, conference, or communication. Moreover, such meeting, conference, or communication shall take place only in the presence of a representative of the Antitrust Division of the Department of Justice, and a verbatim transcript of such meeting, conference, or communication shall be taken and deposited, together with any agreement resulting therefrom, with the Attorney General and the Federal Trade Commission, where it shall be made available for public inspection.

(5) There shall be available as a defense to any action brought under the antitrust laws, or for breach of contract in any Federal or State court arising out of delay or failure to provide, sell, or offer for sale or exchange crude oil, residual fuel oil, or any refined petroleum product, that such delay or failure was caused solely by compliance with the provisions of this Act or with the regulation or any order under section 4 of this Act.

(6) There shall be available as a defense to any action brought under the antitrust laws arising from any meeting, conference, or communication or agreement resulting therefrom, held or made solely for the purpose of complying with the provisions of this Act or the regulation or any order under section 4 thereof, that such meeting, conference, communication, or agreement was carried out or made in accordance with the requirements of paragraph (4) of this subsection. •

MONITORING BY FEDERAL TRADE COMMISSION

Sec. 7. (a) During the forty-five-day period beginning on the effective date of the regulation first promulgated under section 4, the Federal Trade Commission shall monitor the program established under such regulation; and, not later than sixty days after such effective date, shall report to the President and to the Congress respecting the effectiveness of this Act and actions taken pursuant thereto.

(b) For purposes of carrying out this section, the Federal Trade Commission's authority, under sections 6, 9, and 10 of the Federal Trade Commission Act to gather and compile information and to require furnishing of information, shall extend to any individual or partnership, and to any common carrier subject to the Acts to regulate commerce (as such Acts are defined in section 4 of the Federal Trade Commission Act).

And amend the title so as to read: "An Act to authorize and require the President of the United States to allocate crude oil and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare; to provide for the delegation of authority; and for other purposes."

Mr. JACKSON. Mr. President, there are many major differences between S. 1570, as adopted by the Senate on June 5, 1973, and the House amendment to S. 1570, as adopted on October 17, 1973.

It is my position that the Senate should insist upon its position and seek to resolve the differences between the Senate bill and the House amendment in conference committee.

Mr. President, it is essential that the Congress act on the mandatory allocation legislation at the earliest possible time. The fuel supply situation facing the Nation—especially the States in the Northeast and in the Mid-Atlantic region—is critical.

The quickest way to establish a sensible and effective program for mandatory allocation of fuels is to send S. 1570 to conference committee.

The major differences between the Senate bill and the House amendment are as follows:

First, the House definitions of "branded and nonbranded independent marketers" are based on corporate structure and contractual relationships.

The Senate definition of "independent dealer" requires procurement of at least half of their products from "nonaffiliated" sellers.

Second, the House definition of "independent refiner" is based on source of crude supply and means of disposition of product.

The Senate definition is based on volume of product refined annually.

Third, the House bill allocates "crude oil, residual fuel oil, and each refined petroleum product."

The Senate allocates "crude oil and any refined petroleum product which is or may be in short supply nationally."

Fourth, the Senate bill provides for a "dealer day in court" remedy.

The House bill has no comparable provision.

Fifth, the House bill provides for a "dollar for dollar passthrough" on net increases in the cost of crude and product.

The Senate bill has no comparable provision.

Sixth, the House bill provides for special consideration of users of natural gas who have been curtailed by the FPC.

The Senate bill has no comparable provision.

Seventh, the House uses 1972 as a base period.

The Senate base period is October 1, 1971, to September 30, 1972.

Eighth, the House bill requires the pro rata sharing of refined products to branded and nonbranded marketers and of crude to independent refiners. The adjustment is to provide for new market entry.

The Senate bill requires only importers/producers of 200,000 barrels per day or more to assure supplies to independents.

Ninth, the House bill exempts allocation of LPG for users who have no alternate source.

The Senate bill has no comparable provision.

Mr. President, I move that the Senate disagree to the amendments of the House of Representatives to the bill (S. 1570) and request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

Before doing that, Mr. President, let me say that I have conferred with the chairman of the Senate Commerce Committee. The Commerce Committee was involved in the markup of this bill by the Committee on Interior and Insular Affairs. Senator Magnuson, the chairman of the committee, has requested the appointment of conferees consisting of myself and Mr. Pastore, and Mr. Cotton on the Republican side. In addition, Mr. President, we have agreed to a different ratio on the numbers up there at the desk, and we would add, on the Interior side, the Senator from Montana (Mr. Metcalf), and one other Republican. to be designated by the distinguished ranking minority member of the committee, the Senator from Arizona (Mr. Fannin). That Senator will be designated by him.

I would suggest, in the interests of time, that the motion be acted upon as soon as the Senator from Arizona can report back the name of his designee.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. HANSEN. Mr. President, I ask the distinguished chairman of the Committee on Interior and Insular Affairs how quickly he believes the conferees might be able to get together to begin their deliberations.

Mr. JACKSON. Just as soon as possible. As the Senator knows, we have two critical matters before the Interior Committee, the research and development bill and then the emergency bill, and we have to act on the nomination of Governor Peterson.

I would hope that we could have a meeting this week, and I am particularly hopeful that we will move on the R. & D. bill this week and get it out. The Senator from Wyoming and colleagues on his side have been most cooperative, and I see no reason why that massive R. & D. effort, which we must get underway on a long-range program, cannot move.

In addition, as the Senator knows, we had a closed session last week while the Senate was in recess to deal with the emergency problem. We are waiting for the administration's alternate proposal on that, and we hope that will be up here tomorrow.

Those two items I give the highest priority, and then we would move on the conference. I hope we may do it this week.

Mr. HANSEN. If I may ask one further question, what is the parliamentary situation? Is this motion made by the distinguished chairman of the committee subject to debate?

The PRESIDING OFFICER (Mr. Stafford). The Chair is informed that it is.

Mr. HANSEN. Let me say, Mr. President, that I——

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. HANSEN. The Senator from Washington has the floor.

Mr. JACKSON. I yield.

Mr. ROBERT C. BYRD. Mr. President, is it not true, however, that it is subject also to the controlled time, which is under the control of the Senator from Arkansas (Mr. Fulbright)?

The PRESIDING OFFICER. The assistant majority leader is correct, and the Chair would say that the time of the Senator from Washington has undoubtedly expired.

Mr. JACKSON. The Senator from Arkansas has been most helpful, and I would hope that we could designate all but the unnamed Republican member at this time, so that we can go to conference.

Mr. HANSEN. Mr. President, I ask unanimous consent that the distinguished Senator from Washington may proceed for an additional 15 minutes.

Mr. JACKSON. Oh, no, no——

Mr. SYMINGTON. Mr. President, reserving the right to object——

Mr. JACKSON. They have to vote on the other thing.

Mr. FULBRIGHT. Mr. President, we cannot, under the agreement, accept that at this time. I thought this was just for a minute or two.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield 2 minutes to the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 2 minutes.

Mr. JACKSON. Mr. President, will the Senator yield for 5 seconds?

Mr. ROBERT C. BYRD. Yes.

Mr. JACKSON. I would like to ask unanimous consent that at the conclusion of the vote on the veto, we go back to this matter.

Mr. HANSEN. Fine.

Mr. JACKSON. And that all Members be put on notice accordingly.

Mr. COOK. And the motion is still pending?

Mr. JACKSON. That the motion be pending, and that it be in order to take it up immediately following the vote on the veto.

Mr. HANSEN. Mr. President, will the Senator yield for one additional question?

Mr. ROBERT C. BYRD. I yield.

Mr. HANSEN. I have no intention at all, Mr. President, of delaying the consideration of the motion, but I would just like to ask, at that time, under this unanimous-consent request, there would not be a time limitation on that motion; am I correct on that?

Mr. JACKSON. No.

Mr. ROBERT C. BYRD. There will not be a time limitation.

The PRESIDING OFFICER (Mr. Stafford). Is there objection to the request of the Senator from Washington? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I yield to the distinguished Senator from Missouri (Mr. Symington).

U.S. AIR FORCE

Mr. SYMINGTON. Mr. President, from the Committee on Armed Services, I report favorably the nomination of Lt. Gen. Alvan C. Gillem II, U.S. Air Force, to be placed on the retired list in the grade of lieutenant general. I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMINGTON. Mr. President, this matter has been cleared by the leadership and I ask that the Senate now consider the nomination of Lieutenant General Gillem and that it be acted on favorably.

As you know, the Senate at the end of business today plans to adjourn until next Thursday. If General Gillem's name is not approved today, he will be placed on the retired list in the grade of major general and will be penalized since his survivorship elections and other matters must be based on the retired pay of major general instead of lieutenant general, even though he may later be confirmed as a lieutenant general. The date of rank held on the retirement which will be October 31 in his case controls these matters. There is no problem whatever concerning the nomination and no objections are pending. The nomination got caught up in the congressional recess which accounts for my unanimous-consent request.

I urge the Senate to act favorably on his confirmation.

The PRESIDING OFFICER. The clerk will state the nomination.

The legislative clerk read the nomination of Lt. Gen. Alvan C. Gillem II, U.S. Air Force, to be retired in the grade of lieutenant general.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The PRESIDING OFFICER (Mr. Stafford). Without obection, it is so ordered.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

REQUEST FOR YEAS AND NAYS ON S. 1769

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order at any time to order the yeas and nays on S. 1769, to establish a U.S. Fire Administration and a National Fire Academy.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays on S. 1769, if there are enough Senators present in the Chamber.

There was not a sufficient second, and the yeas and nays were not ordered.

ORDER FOR ADJOURNMENT TO 10 A.M. ON FRIDAY, NOVEMBER 2

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 10 a.m. on Friday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR DOMENICI ON FRIDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, following the remarks of the distinguished Senator from Massachusetts (Mr. Kennedy), the distinguished Senator from New Mexico (Mr. Domenici) be recognized for not to exceed 15 minutes on Friday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS CONSIDERATION OF S. 1769 ON FRIDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, after the recognition of Senators for whom orders have been entered prior to Friday, there be a period for the transaction of routine morning business on Friday next for not to exceed 30 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Senate proceed to the consideration of S. 1769.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator from Arkansas (Mr. Fulbright) for his generosity in yielding me this time.

The PRESIDING OFFICER. Who yields time?

THE U.S. INFORMATION AGENCY APPROPRIATIONS AUTHORIZATION ACT OF 1973—VETO

The Senate resumed the reconsideration of the bill (S. 1317) authorizing appropriations for the U.S. Information Agency.

The PRESIDING OFFICER. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Who yields time.

Mr. FULBRIGHT. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 10 minutes.

Mr. FULBRIGHT. Mr. President, there is little more that needs to be said on the question of access to information. For years now, the Congress has allowed the executive branch to avoid responding to reasonable requests for information—either from individual Members of Congress or from congressional committees—whenever it has suited the convenience of the administration. Sometimes this unresponsiveness has shown itself in acts of willful obfuscation and delay by members of the executive branch, sometimes in acts of outright refusal. But the result, in either case, has been the same: The elected representatives of the American people have been consistently denied information about what the American Government is doing.

I am glad to say that at long last the Senate has taken firm action to rectify this situation in regard to the conduct of this country's foreign affairs. Four bills comprise the basic annual foreign affairs authorization legislation; and this year, in all of these bills—the State Department authorization bill, the economic and military authorization bills, and the USIA authorization bill—the Senate has included a section which expresses its intent to establish in clear terms the right of Congress to know what the executive branch is doing. These provisions, though differing in minor detail, are essentially the same: They would require the foreign affairs agencies to respond within 35 days to legitimate requests for information from appropriate congressional committees or else the funds for the offending agency would be cut off. In each bill, I would point out, explicit language has been included to protect the confidentiality of privileged communications between the President and his officials. But apart from this limited range of communications which rightfully should remain protected under the doctrine of executive privilege, these bills have been designed to insure that the foreign affairs agencies are fully cooperative and responsive when Congress expresses the need and the right to know.

Personally, I do not expect that the fund cut-off provided for in these bills would ever come to pass. For I believe that in the very act of passing this legislation, and thereby asserting its right to know, Congress would effect a fundamental change in the basic attitudes and assumptions that characterize the executive-legislative relationship. As matters now stand, the only recourse for Congress, upon being refused a request for information, is to exercise the power of the purse and to act specifically to cut off an agency's funds. As experience has shown, this is not a practicable procedure; the argument that an entire agency should not suffer because of a dispute over information between the President and a congressional committee always prevails. However, with these new provisions in law, the onus would be transferred. The President, in denying a request for information, would be the one responsible for denying funds to one of his own agencies—an entirely different situation. That is why this approach is potentially so effective an instrument for Congress as it exercises its proper oversight responsibilities. And that is also why an administration long accustomed to providing information only when it suited administration purposes could have been expected to react strongly against such an approach.

The first of the four foreign affairs authorization bills to reach the President was the State Department bill. Unfortunately, the access-to-information provision in that bill had been lost due to a technicality in the House rules pertaining to germaneness. The second of the four bills to reach the President was the bill now before the Senate, the USIA bill. This reached the President with the access-to-information provision intact and, as expected, the President vetoed the bill, because of that provision. In his veto message, the President says that the bill's access-to-information section is—

> An unconstitutional attempt on the part of the Congress to undermine the President's constitutional responsibility to withhold the disclosure of information when, in his judgment, such disclosure would be contrary to the public interest.

This, I submit, is an example of the debasement of the English language—particularly of the word "constitutional"—that George Orwell used to warn us against. I ask my colleagues: What could possibly be "unconstitutional" about the Congress of the United States, which is charged with making the laws of this country, making appropriate arrangements to find out how those laws are being executed? The President offers absolutely no basis for his assertion that such an arrangement is unconstitutional. He simply states that he has the right to withhold any information he feels should not be disclosed. I remind my colleagues that there is no question here of the release of classified information which might, if disclosed, have a damaging effect on this country's foreign policy. For this section does not relate to the disclosure of information to the public, but simply to congressional committees which have full facilities for the safe maintenance of classified material. So the question becomes simply this: As a matter of principle, how can it be contrary to the national interest for the elected congressional representatives of the people, who must legislate in the field of foreign affairs, to know what the executive branch is doing? What the President desires, is a carte blanche to do whatever he would like, unbeknown to Congress. This section would, in a limited way, set forth the principle that the executive branch does not have that right.

I urge my colleagues to override the President's veto.

Mr. President, the first instance involves the USIA itself. Early last year the committee attempted to obtain the basic planning documents used by USIA in preparing its programs in each country—the so-called country plans. The committee felt that a viewing of these documents was essential if the committee were to understand the assumptions upon which the USIA programs are based and the objectives they are designed to accomplish in each country. As some of my colleagues may remember, the committee was refused these country plans on the extraordinary grounds that such disclosure to the Senate Foreign Relations Committee would be contrary to the public interest. The relevant correspondence will appear at this point.

Now, Mr. President, as a supplement to the remarks I have just made, I would like to place in the Record some documents which illustrate the general kind of problem the Foreign Relations Committee has encountered because of the executive branch's confidence that it can resist with impunity our pursuit of information about what is being done. I ask unanimous consent that, as I proceed, these documents be printed in the Record as appropriate.

The PRESIDING OFFICER (Mr. Helms). Without objection, it is so ordered.

The text of the material is as follows:

U.S. Information Agency,
Washington, D.C., March 16, 1972.

Hon. J. William Fulbright,
Chairman, Committee on Foreign Relations, U.S. Senate.

Dear Mr. Chairman: In response to your letter of March 1, I am enclosing herewith the President's directive dated March 15 from which you will note that I am unable to comply with your request for the USIA Country Program Memoranda and associated planning documents. I find that the material you request clearly falls within the scope of the President's directive.

My staff and I have carefully examined the so-called Country Program Memoranda and

find that, for the most part, these are planning or working documents subject to subsequent discussion and final approval. These documents are under constant review, and programs are changed in the light of changing developments in Washington and in the host countries.

You will note from the President's directive that he wishes the Administration to be wholly responsive to Congressional requests subject only to restrictions necessary for the proper functioning of the Executive Department.

With this objective in view, I shall be happy to supply your Committee with summaries of the approved country objectives together with a description of the activities proposed to implement them. Also, our key officers, including myself and the Assistant Directors for each geographic area, are ready to provide your staff with country-by-country briefings as well as being available at all times for questioning by you and your colleagues.

Sincerely,

Frank Shakespeare.

Memorandum for the Secretary of State, the Director, U.S. Information Agency

The White House,
Washington, D.C., March 15, 1972.

As you know, by a memorandum of August 30, 1971 to the Secretary of State and the Secretary of Defense, I directed "not to make available to the Congress any internal working documents which would disclose tentative planning data on future years of the military assistance program which are not approved Executive Branch positions." In that memorandum, I fully explained why I considered that the disclosure of such internal working papers to the Congress would not be in the public interest.

I have now been informed that the Senate Foreign Relations Committee and the House Foreign Operations and Government Information Subcommittee have requested basic planning documents submitted by the country field teams to the United States Information Agency and the Agency for International Development, and other similar papers. These documents include all USIA Country Program Memoranda and the AID fiscal year 1973 Country Field Submission for Cambodia, which are prepared in the field for the benefit of the agencies and the Department of State and contain recommendations for the future.

Due to these new requests for documents of a similar nature to those covered by my August 30, 1971 directive, I hereby reiterate the position of this Administration so that there can be no misunderstanding on this point.

My memorandum for the Heads of Executive Departments and Agencies, dated March 24, 1969, set forth our basic policy which is to comply to the fullest extent possible with Congressional requests for information. In pursuance of this policy, the Executive Departments and Agencies have provided to the Congress an unprecedented volume of information. In addition, Administration witnesses have appeared almost continuously before appropriate Committees of the Congress to present pertinent facts and information to satisfy Congressional needs in its oversight function and to present the views of the Administration on proposed legislation.

The precedents on separation of powers established by my predecessors from first to last clearly demonstrate, however, that the President has the responsibility not to make available any information and material which would impair the orderly function of the Executive Branch of Government, since to do so would not be in the public interest. As indicated in my memorandum of March 24, 1969, this Administration will invoke Executive Privilege to withhold information only in the most compelling circumstances and only after a rigorous inquiry into the actual need for its exercise.

In accordance with the procedures established in my memorandum of March 24, 1969, I have conducted an inquiry with regard to the Congressional requests brought to my attention in this instance. The basic planning data and the various internal staff papers requested by the Senate Foreign Relations Committee and the House Foreign Operations and Government Information Subcommittee do not, insofar as they deal with future years, reflect any approved program of this Administration, but only proposals that are under consideration. Furthermore, the basic planning data requested reflect only tentative intermediate staff level thinking, which is but one step in the process of preparing recommendations to the Department Heads, and thereafter to me.

I repeat my deep concern, shared by my predecessors, that unless privacy of preliminary exchange of views between personnel of the Executive Branch can be maintained, the full frank and healthy expression of opinion which is essential for the successful administration of Government would be muted.

Due to these facts and considerations, it is my determination that these documents fall within the conceptual scope of my directive of August 30, 1971 and that their disclosure to the Congress would also, as in that instance, not be in the public interest.

I, therefore, direct you not to make available to the Congress any internal working documents concerning the foreign assistance program or international information activities, which would disclose tentative planning data, such as is found in the Country Program Memoranda and the Country Field Submissions, and which are not approved positions.

I have again noted that you and your respective Department and Agency have already provided much information and have offered to provide additional information including planning material and factors relating to our foreign assistance programs and international information activities. In implementing my general policy to provide the fullest possible information to the Congress, I will expect you and the other Heads of Departments and Agencies to continue to make available to the Congress all information relating to the foreign assistance program and international information acactivities not inconsistent with this directive.

Mr. FULBRIGHT. Mr. President, the second example of the problems which these access-to-information provisions would overcome is provided by a recent GAO report on U.S. aid to Cambodia. I ask that appendix I of the GAO report entitled "U.S. Assistance to the Khmer Republic," dated October 10, 1973, be printed at this point. It describes the uncooperativeness and outright resistance encountered by officials of the General Accounting Office as they attempted to prepare this report for Congress. The appendix states that these problems seriously disrupted the preparation of the report.

There being no objection, the appendix was ordered to be printed in the Record, as follows:

Access-to-Records Difficulties

Our review of U.S. assistance to Cambodia dealing specifically with military assistance was seriously hampered by the reluctance of DOD officials to give us access to documents and records we considered necessary and pertinent. They gave us access to only those documents which we were able to identify and request. Even this required time-consuming screening at various DOD levels. In certain instances, knowledgeable DOD field officials were reluctant to answer questions about matters in their areas of responsibility.

Members of our staff were required to wait up to 3 months to look at documents they requested. For example, on February 25, 1972, as part of our review of the management system for the MAP to Cambodia, we requested permission to review MEDT's monthly activity reports. These reports are considered a vital and integral part of MAP's internal management control system. We considered access to the reports necessary to adequately evaluate the effectiveness and efficiency of the management of MAP.

We discussed with U.S. officials in Cambodia, including the Ambassador, the problems we encountered in obtaining access to the reports. By March 7, 1972, agreement had been reached with the Chief, MEDT, in Cambodia that we would be provided with the reports—minus any information related to future MAP plans. However, the Chief MEDT, stated that before we could examine the reports, he had to obtain permission from the Commander-in-Chief, Pacific (CINCPAC).

On March 11, 1972, CINCPAC vetoed the agreement reached in Cambodia, primarily on the basis that the reports in question were personal management documents and as such could not be released to us. This CINCPAC decision resulted in additional correspondence and discussions between DOD officials and us. Finally, on April 27, 1972, the Secretary of Defense authorized the release of "sanitized" monthly activity reports. However, CINCPAC failed to communicate this decision to the Chief, MEDT. Consequently, were were not permitted to examine all the reports until May 23, 1972, 3 months after we first requested the reports.

The above example is but one of the numerous problems encountered. In some cases, we were permitted to examine "sanitized" copies of documents, and in other cases we were permitted to examine the documents only after time-consuming delays. We were told that the information "sanitized" from the documents concerned future MAP plans; however, we have no way of knowing that this was the only type of information deleted from the documents we were permitted to examine. In some instances—such as the duplicate ordering of engineering equipment for the GKR Ministry of Public Works—the reluctance to provide information appeared to stem more from a desire to avoid embarrassment than from a desire not to disclose future planning information.

As could be expected, these problems seriously disrupted our review. Although we obtained sufficient information to report on several deficiencies in the management of MAP, we cannot be certain that we have the full story on other management areas.

Mr. FULBRIGHT. Mr. President, as a third and final example, I have here copies from a lengthy exchange of correspondence between the Defense Department and myself, acting in my capacity as chairman of the Foreign Relations Committee. The correspondence involved the committee's serious interest in obtaining documents pertinent to the basic planning assumptions and intentions of the military assistance program. The correspondence began on May 7 of this year and ended finally on September 18, 4 months later, with an outright denial of the requested information.

The text of the material is as follows:

May 7, 1973.

Hon. Elliot Richardson,
Secretary of Defense,
Washington, D.C.

Dear Mr. Secretary: The Military Assistance and Sales Manual, Part II, sets forth in Chapter H the planning process for the Se-

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curity Assistance Program. Two documents are described in that chapter which it appears would be of assistance to the Committee in considering legislation pertaining to the program.

First is the Security Assistance Programs Objectives Memorandum (POM), which is described as ". . . the principal vehicle through which the Grant Aid, FMS Credit and Excess Defense Article programs are formulated and approved by the Secretary of Defense. It also serves as guidance for the budget submission to the President and during the budgetary review until final legislation is approved by the Congress."

The second is JSOP, Volume II, Book VII, "Free World Forces," which the manual states is a ". . . document which provides an estimate of Free World major objective force levels for the mid-range period in support of U.S. national security and military objectives. It serves as the basis for the U.S. militray position on Security Assistance. It is based on the latest JSOP Volume I and current policy and planning guidance."

I would appreciate your furnishing the Committee with a copy of each of these documents.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

MAY 17, 1973.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
Washington, D.C.

DEAR MR. CHAIRMAN: Secretary Richardson has asked that I acknowledge your letter of 7 May 1973 requesting that the Senate Foreign Relations Committee be provided a copy of the Security Assistance Program Objective Memorandum and a copy of the JSOP, Volume II, Book VII.

We will be in further touch with you as soon as possible.

Sincerely,

JOHN O. MARSH, Jr.

THE DEPUTY SECRETARY OF DEFENSE,
Washington, D.C., June 13, 1973.

Hon. J. WILLIAM FULBRIGHT,
Chairman, Committee on Foreign Relations,
Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request of 7 May 1973 which was addressed to Secretary Richardson.

Attached are extracts from planning documents on which the Military Security Assistance Program for Fiscal Year 1974, as submitted to the Congress, is based. The information contained in these extracts is more than one year old and was compiled for internal use in the Department of Defense. The extracts were not coordinated outside Defense, and the programs portrayed in the extracts were subsequently modified considerably when coordination of the programs was effected with other departments of the Government. Some of the extracts are concerned with force and other objectives; in this regard, I would point out that documents may be prepared in the planning cycle prior to the time that fiscal constraints are applied.

Definitive program recommendations and other data are contained in the Congressional Presentation Document on the Fiscal Year 1974 Security Assistance Program, prepared by the Department of Defense and provided to your Committee.

Sincerely,

W. P. CLEMENTS.

AUGUST 1, 1973.

Hon. WILLIAM P. CLEMENTS, Jr.,
Deputy Secretary of Defense,
Washington, D.C.

DEAR MR. CLEMENTS: This is in further reference to your letter to me of June 13 in response to the Committee's request for specific Department of Defense materials relating to the foreign military aid program.

My letter of May 7 requested two specific documents which were described in the Military Assistance and Sales Manual, Part II. These were the "Secretary Assistance Program Objectives Memorandum (POM)" and "JSOP, Volume II, Book VII, Free World Forces." Your letter transmitted what you described as "extracts from planning documents on which the Military Security Assistance Program for Fiscal Year 1974, as submitted to the Congress, is based." As you know, the documents are not labeled and it is impossible to tell if they are taken from the documents requested by the Committee.

The Committee once requested a copy of what the Department of Defense had referred to in Committee hearings as a "five-year plan" for military assistance and, after much correspondence, the then-Secretary Laird stated that no such document existed. If the materials you enclosed with your letter are not the documents requested, which were cited in the Military Assistance and Sales Manual, would you please advise if these documents actually exist, and if so, whether the Department will provide copies to the Committee.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

SEPTEMBER 6, 1973.

Hon. WILLIAM P. CLEMENTS, Jr.,
Deputy Secretary of Defense,
Washington, D.C.

DEAR MR. CLEMENTS: I would appreciate it if you would advise the Committee when it could expect to receive a reply to its letter of August 1, 1973, concerning certain Department of Defense materials relating to the foreign military aid program.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., September 18, 1973.

Hon. J. WILLIAM FULBRIGHT,
Chairman, Committee on Foreign Relations,
Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request of 1 August 1973.

The extracts from planning documents on which the Military Security Assistance Program for FY 1974 is based, provided to you on 13 June 1973, are from the Security Assistance Program Objectives Memorandum (POM) and the JSOP, Volume VII, Free World Forces, which are internal Department of Defense working documents. These entire documents cannot be provided to the Committee because, in an August 30, 1971 memorandum to the Secretaries of State and Defense, the President directed that the Congress not be provided "any internal working documents which would disclose tentative planning data on future years of the military assistance program which are not approved Executive Branch positions."

Sincerely,

RAY PEET,
Vice Admiral, USN.

There are many more examples, Mr. President. I provide these three only to illustrate that we are dealing here not only with a matter of principle but also with a matter of practicality: the ability of congressional committees to do the job they are assigned to do.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. FULBRIGHT. How much time remains?

The PRESIDING OFFICER. The Senator has 29 minutes.

Mr. FULBRIGHT. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. TAFT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. TAFT. I ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered, Who yields time?

Mr. ROTH. I yield myself 10 minutes.

Mr. President, I ask the Senate to uphold the President's veto of the USIA Authorization Act. It was less than 3 weeks ago when the distinguished Senator from North Carolina (Mr. ERVIN) and I asked the Senate to reject the conference report on the bill because of our concern about the access-to-information section.

On a number of occasions previously I have addressed this problem, and each time I have said that I felt very strongly that it is of the gravest importance to our representative form of government that Congress obtain the necessary information to discharge its duties in the legislative field as well as its obligation to oversee the activities of the various agencies. I have said a number of times that I feel that neither this administration nor its predecessor has, in my judgment, made available the information that is needed if we are to discharge these twin responsibilities.

But as I have said also on a number of occasions, in trying to correct this problem, it is of the greatest importance that we do it in such a fashion that promotes the legislative function; that we take action that will not embarrass us at some future time because of the emotions of the moment, and that we do not back into a new problem or a problem we have faced in the past.

It seems to me there are two aspects of the information problem. One involves the kind of information that is needed by Congress. I agree with the New York Times when, on May 18, 1954, it said that Congress does not need every scrap of paper, every word of conservation of the executive branch. At that time, the New York Times was addressing the problem of Senator Joseph McCarthy, of Wisconsin, who had sought information that, in the judgment of many, would have been mischievous, if not worse. At that time, both the New York Times and the Washington Post, as well as many others, were extremely critical of the White House and then President Eisenhower for not exercising sooner what has become known as executive privilege. When President Eisenhower finally did exercise it, they said it was much too late, although they did say that they were glad to see him do so.

But today we have the second side of the problem, the second side of the problem being that instead of a congressional committee seeking too much information, we find that the executive branch is not always providing information that I think we have a right to expect.

As I pointed out before, in 1967 and 1968, when I was a Member of the House of Representatives, I tried to obtain information about Federal assistance programs, and was told by the Assistant Secretary of HEW that such information could not be made available to me. That was wrong—seriously wrong.

I also think that the former Attorney General of this administration, when he appeared before our committee on this problem and asserted that the President had a right to withhold any information or prohibit any Federal employee from appearing before a congressional committee, was likewise wrong. So I do think we have to seek an intelligent approach to this problem.

What concerns me is that the provision in this bill is wrong. As I have said earlier, the cure is almost as bad as the bite. What does this language provide?

It provides that if the Committee on Foreign Affairs of either House makes a written request that the committee "be furnished any document, paper, communication, audit, review, finding, recommendation, report, or other material in the custody or control of such agency and relating to such agency, none of the funds made available to such agency shall be obligated unless and until" this information has been made available.

So in essence what it says is that every piece of information within the files of the agency has to be made available to the congressional committee. I think that is overreaching. I think it is unnecessary, from our point of view, for the reasons pointed out in the New York Times editorial in 1954.

The problem is that a committee could make unreasonable demands on the agency. For example, it could demand information about the personnel of that agency, confidential information that should not be released to the public—that is, in a sense, what Senator McCarthy did in the 1950's, when he demanded confidential information from the State Department and others whom he alleged were Communists. The same thing could happen here. If the agency refused to supply the records, funds would be cut off. What would that mean? It would mean the death knell or, at least, the temporary suspension of programs that had been adopted by Congress. Certainly no committee should have that kind of authority, authority which can effectively kill or suspend a program adopted by the entire Congress.

Of course, secondly, it would mean all the employees of that agency would not be paid; and that seems to me to be an unreasonable and unconscionable approach to this problem. Hundreds of innocent people would suffer.

For that reason, every time this provision has come up before the Senate, I have urged that we delete it.

I am not saying that we should not have some cure, that we should not have some corrective legislation, because I think a remedy is in order. But I would like to point out that the Senate Committee on Government Operations, of which I am a member, is considering just such legislation that will apply to all agencies, not just one agency, but to the entire executive branch of Government.

This is going to be, admittedly, difficult legislation to draft intelligently, but I think it is something that this Congress must face, and should face during the current year.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. ROTH. Mr. President, I yield myself 5 more minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. ROTH. But I do not think the approach used here, which has also been proposed for other agencies, is sound legislation. If it should become law, I genuinely believe that many people who assert that they are interested in civil rights will regret the day that they voted for it.

Mr. President, I think it is important, for this reason, that the President's veto be sustained; that we again work our will by passing legislation without this provision, but, instead, rely upon the activities of the Government Operations Committee. I think this is a much sounder approach to the whole problem, one that I am actively involved in. I hope to see sound legislation developed expeditiously.

I just might point out in closing, Mr. President, that this legislation was added in conference by the House. The original bill on the Senate side did not contain this provision. For that reason I hope that the veto is sustained and that Congress will act promptly to legislate or enact a new USIA Authorization Act.

QUORUM CALL

Mr. ROTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. ROTH. Equally divided.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HELMS). Without objection, it is so ordered.

Mr. CHILES. Mr. President, I am voting today to sustain the President's veto of the USIA Appropriations Authorization Act of 1973.

I want to state, however, that I do believe the Congress needs to have greater access to decisionmaking information within the executive branch. As the Senate considered this bill I voted for the Roth amendment which would have made this type of information within the USIA available to the Congress as a whole. My vote to sustain the President's veto today does not mean that I agree with the President's general position on the disclosure of information or on executive privileges.

Rather I think that section 4 of the bill requiring that this information be available to the Senate Foreign Relations Committee and the House Foreign Affairs Committee is too restrictive. It places the entire fate of an executive agency in the hands of these committees which I think is unwise when we do have the option open to us of requiring that information be available to the Congress as a whole.

Mr. BAKER. Mr. President, I rise in support of the President's veto of the USIA authorization bill presently pending before the Senate. I do so for a number of reasons.

Although I support the intent of my colleagues to reassert congressional prerogatives in the important area of foreign policymaking and to better discharge its legitimate oversight responsibilities with regard to departments and agencies of the Federal Government, I fear that we are going about it in the wrong fashion.

Section 4 of the USIA authorization bill compels that Agency in response to a written request from the chairman of either the Senate or House Foreign Affairs Committee to provide any document, paper, communication, audit, review, finding, recommendation, report, or other material in their custody within 35 days or face an immediate termination in funding, so long as that request did not involve communications to or from the President. I do not question the motives of those who drafted this section, but rather the method which they have chosen to employ.

The new Secretary of State has repeatedly pledged to the Congress an increasingly integral role in the formulation of this Nation's foreign policy, and I for one, am willing to take this pledge at face value. An essential part of that expanded role is improved access to vital information. However, I fail to see why we must require such access by statute.

It is unrealistic to expect Secretary Kissinger or officials of the USIA or AID to fulfill the pledge for better communication and cooperation with the Congress overnight. However, if, after 6 months there has not been a noted improvement in congressional access to vital information from all the departments and agencies of the Federal Government charged with foreign policy responsibilities, then I shall certainly consider seriously the need for requiring such access by statute. Moreover, I am assured by officials at the Department of State that if a substantial improvement in access is not obvious in the next 6 months, then the Department will have definitely failed in the most crucial part of their efforts to improve relations and cooperation with the legislative branch of Government.

For this reason, I intend to vote to sustain the President's veto of the pending measure. I might also add that in attempting to improve cooperation and access to information from the executive

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branch, there is a very real opportunity for abuse of expanded privileges in this regard; and it would seem to be in our own best interests to draw a distinction between information essential to discharging our legitimate legislative oversight responsibilities and assisting in the formulation of foreign policy; and information which does not meet either of the previously mentioned criteria, but rather involves the type of confidential inner office communication which we would not want divulged if it had come from our own office.

Thus, Mr. President, I urge my colleagues to accept the Secretary's pledge for cooperation in a spirit of good faith rather than attempting to force but another confrontation with the executive branch and to vote to sustain the President's veto of the USIA authorization bill.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. ROTH. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

At 3:43 p.m. the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 4:25 p.m. when called to order by the Presiding Officer (Mr. HELMS).

Mr. GRIFFIN. Mr. President, with the understanding that the time will be charged equally to both sides, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE U.S. INFORMATION AGENCY APPROPRIATIONS AUTHORIZATION ACT OF 1973—VETO

The Senate continued with the reconsideration of the bill (S. 1317) authorizing appropriations for the United States Information Agency.

Mr. BUCKLEY. Mr. President, exactly 1 week ago today—October 23, 1973—President Nixon returned without his approval S. 1317, the U.S. Information Agency Appropriations Authorization Act of 1973. I am convinced that the President's veto is warranted and I plan to vote to sustain it. But in doing so, I want first to make clear the nature of the issue before us.

As you know, the reason for the President's veto was the inclusion of section 4 of S. 1317. This section would penalize USIA with a possible cut-off of funds if it failed to meet a demand for confidential internal information made by the Senate Committee on Foreign Relations or the House Committee on Foreign Affairs irrespective of the constitutionality or a refusal to produce the requested information.

What we have before us today is, then, one of those legislative problems that apparently forces us to choose on an either-or basis: it would appear that we are asked to vote either for the right of the Congress or for the right of the executive branch to operate on a rational basis. A vote to sustain the President's veto would appear to be a vote against the legitimate rights of the Congress.

Appearances in this case are, I think, deceiving. The fact of the matter is that a vote to override the President's veto of S. 1317 will strike at the very heart of a principle that I know every Senator holds dear. The principle of separation of powers is one that I have heard lauded again and again in this chamber. Yet the drastic nature of the penalty imposed by section 4 amounts to an attempt to extort information that the executive may be legitimately entitled to refuse under constitutional doctrines of long standing.

There have been arguments made in this Chamber that the President has, in other areas, abused Executive privilege. This may well be true, and there may well be a need for Senate legislation that would provide assurances against the abuse of a well-recognized privilege. But let us not use S. 1317 as the means by which we debate that point. Let us instead see S. 1317, with the inclusion of section 4, for what it is—an attempt at a naked encroachment by one part of the Government upon another of a kind that each of us would resist with great vigor if it were made against our own privileges and powers under the Constitution. I will vote to sustain the President's veto. I believe in doing so, I am supporting the principles of separation of powers that all of us hold so dear.

Mr. KENNEDY. Mr. President, for many years, the U.S. Information Agency has played an important role in American foreign policy. At its best, it brings to people of other countries a clear and objective view of the United States, its institutions, and its people. It can promote better relations and understanding between the United States and other nations. And in many countries it plays a vital part in education, not just about the United States, but also about the possibilities open to people everywhere to benefit from man's progress in science, health, education, economics, the humanities, and many other fields.

It is sometimes said that the USIA should not present a true picture of America. I do not agree. The strength of our Nation is based in part on our ability to understand ourselves, to face facts as they are, and to act upon them. As I have traveled abroad, I have heard countless people say that they admire our ability and willingness to present ourselves for what we are, rather than trying to argue that we are a perfect society. All Americans who believe in our institutions, and in the ideals of our Nation, must agree that we have everything to gain by being honest about ourselves.

The U.S. Information Agency is formerly part of the executive branch, subject to the discipline of the President and laws passed by the Congress. But in a very real sense the USIA belongs to all the people of the United States, and must be responsive to them. When it speaks to others, it does not speak just for the President, or for the Congress, but rather for all Americans.

It is therefore critical that the USIA be organized and operated in a way that gives the American people the greatest possible role in shaping the view of the United States that is projected abroad. Than can only be done by insuring that as much information as possible about the USIA is made available to the elected representatives of the people in Congress, and to the people themselves.

In vetoing this bill before us, today, the President has cited the need to protect the confidential exchange of information within the Agency, and between it and other parts of the executive branch. Of course, there are instances in which the doctrine of executive privilege is valid, especially to encourage full and frank exchange of views within departments of Government. We, in the Congress, do not oppose the legitimate exercise of executive privilege, but rather its abuses. We are not concerned to expose every exchange of views during the process of making policy, but rather to limit the effort to hide from the American people the broad framework of, and specific decisions about, the policy of the U.S. Government, as well as the way policy is made.

For many months, the President has consistently erred on the side of secrecy in invoking the doctrine of executive privilege. Not only does this keep from the American people information that they have a right to know, it also removes officials from being held accountable to the people, and hence tends to make bad policy. It leads to the discrediting of all decisions of Government—whether good or bad—because so many are taken in secret, away from public scrutiny. And it threatens to lower the credibility of the Government's actions and statements, whether at home or abroad. It should, therefore, be in President Nixon's interest as well as that of the Congress and the American people to have as little of the business of government as possible conducted in private.

The President's message vetoing S. 1317 contains a red herring. No one has urged that all discussions within the USIA be made fully and completely public. No one denies the need for the President to receive frank counsel. Indeed, S. 1317 specifically exempts:

> Any communication that is directed by the President to a particular officer or employee of the United States Information Agency or . . . any communication directed by any such officer or employee to the President.

The issue is whether the President will go beyond this to use the limited need for confidentiality in the conduct of government to withhold information that the Congress and the people have a right to know.

Mr. President, I believe that we, in the Congress, must act now to end the abuses that have occurred in the doctrine of executive privilege. We must override the President's veto of S. 1317.

The PRESIDING OFFICER. The hour of 4:30 having arrived, the question is, Shall the bill (S. 1317) pass, the objections of the President of the United States to the contrary notwithstanding?

The yeas and nays, of course, are required, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. BIBLE), the Senator from Michigan (Mr. HART), and the Senator from Minnesota (Mr. MONDALE) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN) is necessarily absent and, if present and voting, would vote "nay."

The yeas and nays resulted—yeas 54, nays 42, as follows:

[No. 474 Leg.]

YEAS—54

Abourezk
Bayh
Biden
Brooke
Burdick
Byrd, Robert C.
Cannon
Case
Church
Clark
Cranston
Eagleton
Eastland
Ervin
Fulbright
Gravel
Hartke
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGovern
McIntyre
Metcalf
Montoya
Moss
Muskie
Nelson
Nunn
Pastore
Proxmire
Randolph
Ribicoff
Schweiker
Stennis
Stevenson
Symington
Talmadge
Tunney
Weicker
Williams

NAYS—42

Allen
Baker
Bartlett
Beall
Bellmon
Bennett
Bentsen
Brock
Buckley
Byrd,
  Harry F., Jr.
Chiles
Cook
Cotton
Curtis
Dole
Domenici
Dominick
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Helms
Hruska
McClure
McGee
Packwood
Pearson
Pell
Percy
Roth
Saxbe
Scott, Hugh
Scott,
  William L.
Sparkman
Stafford
Stevens
Taft
Thurmond
Tower
Young

NOT VOTING—4

Aiken
Bible
Hart
Mondale

The PRESIDING OFFICER. Two-thirds of the Senators present and voting not having voted in the affirmative, the bill, on reconsideration, fails of passage.

EMERGENCY PETROLEUM ALLOCATION ACT OF 1973

The PRESIDING OFFICER. Pursuant to previous order, the Senate will now resume the consideration of the message from the House on S. 1570, the Emergency Petroleum Allocation Act of 1973.

Mr. JACKSON. Mr. President, I renew my motion on the appointment of conferees.

The PRESIDING OFFICER. The clerk will restate the motion.

The assistant legislative clerk read as follows:

> Mr. President, I move that the Senate disagree to the amendments of the House to the bill, S. 1570, and ask for a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. JACKSON, Mr. BIBLE, Mr. CHURCH, Mr. METCALF, Mr. MAGNUSON, Mr. PASTORE, Mr. FANNIN, Mr. HANSEN, Mr. HATFIELD, and Mr. COOK conferees on the part of the Senate.

ORDER FOR YEAS AND NAYS ON S. 1769, THE FEDERAL FIRE PREVENTION AND CONTROL ACT

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays—the vote not to occur today—on S. 1769, The Federal Fire Prevention and Control Act. This vote would occur on Friday.

Mr. GRIFFIN. Mr. President, reserving the right to object, is the distinguished majority whip asking unanimous consent that we vote on Friday?

Mr. ROBERT C. BYRD. No. I had previously asked unanimous consent that it be in order to order the yeas and nays. I am now asking for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second (putting the question)?

The yeas and nays were ordered.

STATEMENT OF SENATOR MANSFIELD BEFORE SENATE DEMOCRATIC CONFERENCE

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD the text of my statement before the Senate Democratic Conference today.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR MIKE MANSFIELD BEFORE THE SENATE DEMOCRATIC CONFERENCE

Let me begin with a brief reference to the situation in the Middle East. The fourth war in a quarter of a century in that region has posed complex diplomatic questions for this nation. There ought to be and there will be from the Senate, understanding and restraint as regards the Administration's handling of that situation. Speaking for myself, I have no hesitancy in expressing a high regard for the manner in which a lid has been kept on developments there.

In making that comment, I reject any inference that the effort of the Congress, the Courts and the former Special Prosecutor to face up to Watergate and related matters in the workings of this government may have in any way, shape or form precipitated the difficulties in the Middle East. This is the fourth Arab-Israeli war, not the first. These conflicts have occurred during both Democratic and Republican Administrations. They have occurred both in the presence and in the absence of Watergates. The fact is that, over the years, the outbreaks of war in the Middle East have shown a supreme indifference to the political situation inside this nation.

So I am hopeful we will hear no more about how we must bury Watergate and all it implies in other areas because of this crisis or that abroad. The conduct of foreign relations, whether in the Middle East or elsewhere, is always difficult. It is made more or less difficult not by the appearances at home but by the realities. We would do well, therefore, to avoid in the name of foreign policy a pretense of national well-being when the people are profoundly disturbed by what they see and hear in Washington. The pretense would fool no one but ourselves. It would serve no useful purpose abroad. It would serve only to dig deeper the mistrust and division at home. The need is to not to beat the drums of self-deceit any louder in the name of foreign policy. The need is to restore the people's trust in government by restoring the government's integrity. Then, hopefully, the conduct of foreign policy may be eased. In the interim, it may be that senior officials of the Executive Branch are discommoded by a public cleansing of the nation's politics. Nevertheless, these officials will have to function within the parameters of a deep national concern over the state of the Federal government until there is no longer a need for that concern. I have every expectation that they will be able to deal effectively with events abroad so long as the situation at home is also confronted.

The primary responsibility of the Congress and the Presidency is to safeguard the people's right to a government—legislative, executive, judicial—that serves them with intgerity and candor, with responsiveness and justice. If we do not act at home, in this city, to reaffirm that right when it has been jeopardized, what we do or do not do abroad will not much matter. Indeed, if we do not affirm and strengthen that right, in my judgment, whatever this Administration or any other may think it is achieving in foreign relations will have little of lasting value in terms of the Nation's well-being or world peace.

Against that backdrop, I would like to review events of the past ten days or so and their implications for the Senate and the Congress. In the first place, it seems to me that these events illuminate the essentiality of the Ervin Committee on the Watergate affair and the good sense of the Senate in establishing that Committee at the beginning of the year. A debt of gratitude is owed to the members of the Committee—Republicans and Democrats alike—for what they have already done in requiring a confrontation with the truth of Watergate and related matters. They proceeded in an orderly and impartial fashion and without any suggestion whatsoever of partisan policies. They moved deliberately but relentlessly to bring out the facts of illegility. They uncovered these facts in great numbers and in sordid detail. They laid them bare for the Nation to see and for the Congress to act upon in order that what transpired in the name of a free election does not happen again.

So thorough and effective had been the work of the Ervin Committee in pursuit of its Senate mandate that, except for the affair of the tapes, it was possible to begin to think in terms of a final report and recommendations. That was before the Justice Department was torn asunder on direct orders of the White House on the night of Ocotber 20. Now it is no longer possible, in my judgment, to contemplate the shut-down of the Ervin Committee. On the contrary, I would hope and expect that the Senate would consider forthwith the extension of the Committee, with a mandate enlarged to include all the matters which were under consideration by the Special Prosecutor's office in the Justice Department at the time of the summary dismissal of Mr. Achibald Cox.

In so suggesting, I ask you to bear in mind that, as of now, if the Ervin Committee does not pursue these matters, who will? The Executive Branch? The Courts? There are many proposals for action, but who is in a position, now, to act? As of now, the Ervin Committee is the only body in the Federal government that is duly-constituted and equipped to continue an independent, impartial inquiry into the Watergate affair and related matters.

That will remain the case unless and until there is at least designated a new Special Prosecutor whose powers are as broad and whose integrity and courage are as great as

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that which surrounded Archibald Cox. I want to say for myself—and I think I am also expressing the preponderant sentiment of the Senate in this connection—that Mr. Cox is an outstanding American who is to be commended for the distinguished service he performed in placing the law, as he sees it, above himself, above the Justice Department, and above any incumbent in any office of the federal government.

I wish to commend, too, Mr. Elliot Richardson. He gave his word to the Senate, in connection with his confirmation as Attorney General. He gave his word, as an honorable man, that he would permit the Special Prosecutor full independence to deal judicially with the corrosive corruption which has been spread through the political processes of the nation. Mr. Richardson kept his word to the Senate, and when he was no longer permitted to keep his word, as an honorable man, Mr. Richardson resigned from the office in which he had been confirmed by the Senate. So, too, did the deputy Attorney-General, William Ruckelshaus. The Administration and the government will suffer greatly the loss of the services of these men, but the Nation has gained from their decency, courage, and integrity.

Their departure confronts us with the reality that the principal law enforcement agency in the country—the Justice Department—is in shambles. The vast documentation gathered by the Special Prosecutor's office is under protective custody by order of Judge Sirica, and its future usage has not yet been determined. I hope it will remain safeguarded in that fashion until the question of its disposition is resolved. At this nadir of public trust in government, the last straw would be the scattering or dissipation of the documentation which was gathered by Mr. Cox and his staff.

In the end, those records must form the take-off point for the continuance of the investigation which was proceeding deliberately and diligently in Judge Sirica's Court.

It will not be easy for any replacement of Mr. Cox to pick up the threads. In my judgment, they cannot be picked up adequately by the naming of a new Special Prosecutor subject solely to the control of the President. I do not see, after the recent chain of events, how that would be acceptable. Who would serve? Under what conditions? Who and what would assure independence of action? Who would accept the results?

Whatever arrangements are made, in the end, they can hardly be acceptable arrangements to the people of the Nation unless they are also acceptable to the Congress. The recent chain of events has been too shocking, too devastating of the public trust. The Nation has suffered a trauma which, in my judgment, can be assuaged only by an arrangement that is underwritten by the Congress and the Courts.

For the present, I am personally inclined, therefore, towards the solution offered by Senators Hart, Bayh, and 52 other Senators which would establish the Special Prosecutor by act of Congress, with the appointment of the individual left to the Courts. There are, I am sure, other possibilities. In any event, this matter will be examined with Mr. Cox and Mr. Richardson and others in the hearings before the Judiciary Committee, and I would urge the President, most respectfully, in the highest interests of the Nation, to cooperate with the Congress in this matter.

I want to close by commending all the Members of the Senate—Republicans and Democrats alike—for their steadfastness in those critical times. There has been manifested in the Senate, far beyond partisanship, a responsibility to the Nation and a dedication to Constitutional principles and the stability of the Republic which I find unmatched in my memory. This has been an incredibly troubled year in the life of the Nation, an incredible month, incredible weeks and days. That the Nation is coming through this period and, in my judgment, will emerge from it healthier and sounder in its political life has a great deal to do with the validity and vitality of its Constitutional structure. It has a great deal to do with the fact that we are a government, not of one part but of three, and that, at the outset of this session, this Conference, the Senate and the Congress set out on a path of reminding the Nation of that Constitutional fact. It has a great deal to do with the First Amendment, under which the press and other media are alive and well and doing their job with competence and persistence. Finally, it has a lot to do with the capacity of the people of this Nation—beset and beguiled, harried and harassed though they may be—still to express a thunderous indignation when their fundamental decency is outraged. In the end, this government exists to serve those people. It is not the other way around. They deserve a government that can be trusted with their freedom, with their lives, and with their heritage. What has happened to cast a shadow on that unalienable right of the people of the United States must not be allowed to happen again.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, there will be no more yea-and-nay votes today. When the Senate completes its business today, it will stand in adjournment until the hour of 10 a.m. Friday. This will give the conferees a chance to work on bills that are in conference with the House. And hopefully, by Friday, some of the conference reports may be available for action by the Senate.

UNANIMOUS-CONSENT REQUEST FOR TIME LIMITATION ON FEDERAL FIRE PREVENTION AND CONTROL ACT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a time limitation on the bill, S. 1769. I have not sought an agreement on a limitation of time with the leadership on the other side. However, I make the request so that Senators may have some idea as to what time a vote will occur on Friday.

Mr. President, may we have order?

The PRESIDING OFFICER. The Senator will suspend until we have order in the Senate. Will Senators please take their seats or retire to the cloakroom and have their conversations?

Order having been restored, the Senator from West Virginia may proceed.

Mr. ROBERT C. BYRD. Mr. President, it is anticipated, in view of the fact that the Senate will be coming in at 10 o'clock on Friday, there being two special orders for the recognition of Senators of 15 minutes each, and a period for the transaction of routine morning business of not to exceed 30 minutes on Friday, that this would mean that the Senate would proceed to the consideration of S. 1769 at about 11 o'clock a.m. on Friday. If we could agree to vote no later than 1 o'clock on Friday, we could also proceed to get an agreement on division and control of the time for the 2 hours.

Mr. COTTON. Mr. President, will the Senator yield for a question?

Mr. ROBERT C. BYRD. Yes.

Mr. COTTON. It was the understanding of the Senator from New Hampshire that there was no real contest on this bill, but I have been told in the last few minutes that there are some amendments to be offered that may be controversial.

Mr. ROBERT C. BYRD. Will the Senator use his microphone?

Mr. COTTON. It was the understanding of the Senator from New Hampshire that there was no controversy on the bill, but I have been informed within just the last few minutes that there are some amendments that may be controversial. I would like the opportunity to telephone the minority counsel and ascertain what the facts are on that, if the Senator would be willing to withhold his request for just time for me to go to the cloakroom.

Mr. ROBERT C. BYRD. Yes, Mr. President, I withdraw my request for the time being, and I assure all Senators that efforts will be made to establish a time for a vote on Friday, at the earliest hour possible.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY MEDICAL SERVICES SYSTEMS ACT

Mr. KENNEDY. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2410.

The PRESIDING OFFICER (Mr. HELMS) laid before the Senate the amendment of the House of Representatives to the bill (S. 2410) to amend the Public Health Service Act to provide assistance and encouragement for the development of comprehensive area emergency medical services systems, which was to strike out all after the enacting clause and insert:

SHORT TITLE

SECTION 1. This Act may be cited as the "Emergency Medical Services Systems Act of 1973".

EMERGENCY MEDICAL SERVICES SYSTEM

SEC. 2. (a) The Public Health Service Act is amended by adding at the end thereof the following new title:

"TITLE XII—EMERGENCY MEDICAL SERVICES SYSTEMS

"DEFINITIONS

"SEC. 1201. For purposes of this title:

"(1) The term 'emergency medical services system' means a system which provides for the arrangement of personnel, facilities, and equipment for the effective and coordinated delivery in an appropriate geographical area of health care services under emergency conditions (occurring either as a result of the patient's condition or of natural disasters or similar situations) and which is administered by a public or nonprofit private entity which has the authority and the resources to provide effective administration of the system.

"(2) The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

"(3) The term 'modernization' means the alteration, major repair (to the extent permitted by regulations), remodeling, and renovation of existing buildings (including initial equipment thereof), and replacement of obsolete, built-in (as determined in accordance with regulations) equipment of existing buildings.

"(4) The term 'section 314(a) State health planning agency' means the agency of a State which administers or supervises the administration of a State's health planning functions under a State plan approved under section 314(a).

"(5) The term 'section 314(b) areawide health planning agency' means a public or nonprofit private agency or organization which has developed a comprehensive regional, metropolitan, or local area plan or plans referred to in section 314(b), and the term 'section 314(b) plan' means a comprehensive regional, metropolitan, or local area plan or plans referred to in section 314(b).

"GRANTS AND CONTRACTS FOR FEASIBILITY STUDIES AND PLANNING

"SEC. 1202. (a) The Secretary may make grants to and enter into contracts with eligible entities (as defined in section 1206 (a)) for projects which include both (1) studying the feasibility of establishing (through expansion or improvement of existing services or otherwise) and operating an emergency medical services system, and (2) planning the establishment and operation of such a system.

"(b) If the Secretary makes a grant or enters into a contract under this section for a study and planning project respecting an emergency medical services system for a particular geographical area, the Secretary may not make any other grant or enter into any other contract under this section for such project, and he may not make a grant or enter into a contract under this section for any other study and planning project respecting an emergency medical services system for the same area or for an area which includes (in whole or substantial part) such area.

"(c) Reports of the results of any study and planning project assisted under this section shall be submitted to the Secretary and the Interagency Committee on Emergency Medical Services at such intervals as the Secretary may prescribe, and a final report of such results shall be submitted to the Secretary and such Committee not later than one year from the date the grant was made or the contract entered into, as the case may be.

"(d) An application for a grant or contract under this section shall—

"(1) demonstrate to the satisfaction of the Secretary the need of the area for which the study and planning will be done for an emergency medical services system;

"(2) contain assurances satisfactory to the Secretary that the applicant is qualified to plan an emergency medical services system for such area; and

"(3) contain assurances satisfactory to the Secretary that the planning will be conducted in cooperation (A) with each section 314(b) areawide health planning agency whose section 314(b) plan covers (in whole or in part) such area, and (B) with any emergency medical services council or other entity responsible for review and evaluation of the provision of emergency medical services in such area.

"(e) The amount of any grant under this section shall be determined by the Secretary.

"GRANTS AND CONTRACTS FOR ESTABLISHING AND INITIAL OPERATION

"SEC. 1203. (a) The Secretary may make grants to and enter into contracts with eligible entities (as defined in section 1206(a)) for the establishment and initial operation of emergency medical services systems.

"(b) Special consideration shall be given to applications for grants and contracts for systems which will coordinate with statewide emergency medical services system.

"(c)(1) Grants and contracts under this section may be used for the modernization of facilities for emergency medical services systems and other costs of establishment and initial operation.

"(2) Each grant or contract under this section shall be made for costs of establishment and operation in the year for which the grant or contract is made. If a grant or contract is made under this section for a system, the Secretary may make one additional grant or contract for that system if he determines, after a review of the first nine months' activities of the applicant carried out under the first grant or contract, that the applicant is satisfactorily progressing in the establishment and operation of the system in accordance with the plan contained in his application (pursuant to section 1206 (b)(4)) for the first grant or contract.

"(3) No grant or contract may be made under this section for the fiscal year ending June 30, 1976, to an entity which did not receive a grant or contract under this section for the preceding fiscal year.

"(4) Subject to section 1206(f)—

"(A) the amount of the first grant or contract under this section for an emergency medical services system may not exceed (i) 50 per centum of the establishment and operation costs (as determined pursuant to regulations of the Secretary) of the system for the year for which the grant or contract is made, or (ii) in the case of applications which demonstrate an exceptional need for financial assistance, 75 per centum of such costs for such year; and

"(B) the amount of the second grant or contract under this section for a system may not exceed (i) 25 per centum of the establishment and operation costs (as determined pursuant to regulations of the Secretary) of the system for the year for which the grant or contract is made, or (ii) in the case of applications which demonstrate an exceptional need for financial assistance, 50 per centum of such costs for such year.

"(5) In considering applications which demonstrate exceptional need for financial assistance, the Secretary shall give special consideration to applications submitted for emergency medical services systems for rural areas (as defined in regulations of the Secretary).

"GRANTS AND CONTRACTS FOR EXPANSION AND IMPROVEMENT

"SEC. 1204. (a) The Secretary may make grants to and enter into contracts with eligible entities (as defined in section 1206(a)) for projects for the expansion and improvement of emergency medical services systems, including the acquisition of equipment and facilities, the modernization of facilities, and other projects to expand and improve such systems.

"(b) Subject to section 1206(f), the amount of any grant or contract under this section for a project shall not exceed (i) 50 per centum of the cost of that project (as determined pursuant to regulations of the Secretary), or (ii) in the case of a project for an emergency medical services system for a rural area, 75 per centum of the cost of that project (as so determined).

"GRANTS AND CONTRACTS FOR RESEARCH

"SEC. 1205. (a) The Secretary may make grants to public or private nonprofit entities, and enter into contracts with private entities and individuals, for the support of research in emergency medical techniques, methods, devices, and delivery. The Secretary shall give special consideration to applicants for grants or contracts for research relating to the delivery of emergency medical services in rural areas.

"(b) No grant may be made or contract entered into under this section for amounts in excess of $35,000 unless the application therefor has been recommended for approval by an appropriate peer review panel designated or established by the Secretary. Any application for a grant or contract under this section shall be submitted in such form and manner, and contain such information, as the Secretary shall prescribe in regulations.

"(c) The recipient of a grant or contract under this section shall make such reports to the Secretary as the Secretary may require.

"GENERAL PROVISIONS RESPECTING GRANTS AND CONTRACTS

"SEC. 1206. (a) For purposes of sections 1202, 1203, and 1204, the term 'eligible entity' means—

"(1) a State,

"(2) a unit of general local government,

"(3) a public entity administering a compact or other regional arrangement or consortium, or

"(4) any other public entity and any nonprofit private entity.

"(b)(1) No grant or contract may be made under this title unless an application therefor has been submitted to, and approved by, the Secretary.

"(2) In considering applications submitted under this title, the Secretary shall give priority to applications submitted by the entities described in clauses (1), (2), and (3) of subsection (a).

"(3) No application for a grant or contract under section 1202 may be approved unless—

"(A) the application meets the application requirements of such section;

"(B) in the case of an application submitted by a public entity administering a compact or other regional arrangement or consortium, the compact or other regional arrangement or consortium includes each unit of general local government of each standard metropolitan statistical area (as determined by the Office of Management and Budget) located (in whole or in part) in the service area of the amergency medical services system for which the application is submitted;

"(C) in the case of an application submitted by an entity described in clause (4) of subsection (a), such entity has provided a copy of its application to each entity described in clauses (1), (2), and (3) of such subsection which is located (in whole or in part) in the service area of the emergency medical services system for which the application is submitted and has provided each such entity a reasonable opportunity to submit to the Secretary comments on the application;

"(D) the—

"(i) section 314(a) State health planning agency of each State in which the service area of the emergency medical services system for which the application is submitted will be located, and

"(ii) section 314(b) areawide health planning agency (of any) whose section 314(b) plan covers (in whole or in part) the service area of such system,

have had not less than thirty days (measured from the date a copy of the application was submitted to the agency by the applicant) in which to comment on the application;

"(E) the applicant agrees to maintain such records and make such reports to the Secretary as the Secretary determines are necessary to carry out the provisions of this title; and

"(F) the application is submitted in such form and such manner and contains such information (including specification of applicable provisions of law or regulations which restrict the full utilization of the training and skills of health professions and allied and other health personnel in the provision of health care services in such a system)

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as the Secretary shall prescribe in regulations.

"(4)(A) An application for a grant or contract under section 1203 or 1204 may not be approved by the Secretary unless (i) the application meets the requirements of subparagraphs (B) through (F) of paragraph (3), and (ii) except as provided in subparagraph (B)(ii), the applicant (I) demonstrates to the satisfaction of the Secretary that the emergency medical services system for which the application is submitted will, within the period specified in subparagraph (B)(i), meet each of the emergency medical services system requirements specified in subparagraph (C), and (II) provides in the application a plan satisfactory to the Secretary for the system to meet each such requirement within such period.

"(B)(i) The period within which an emergency medical services system must meet each of the requirements specified in subparagraph (A) is the period of the grant or contract for which application is made; except that if the applicant demonstrates to the satisfaction of the Secretary the inability of the applicant's emergency medical services system to meet one or more of such requirements within such period, the period (or periods) within which the system must meet such requirement (or requirements) is such period (or periods) as the Secretary may require.

"(ii) If an applicant submits an application for a grant or contract under section 1203 or 1204 and demonstrates to the satisfaction of the Secretary the inability of the system for which the application is submitted to meet one or more of the requirements specified in subparagraph (C) within any specific period of time, the demonstration and plan prerequisites prescribed by clause (ii) of subparagraph (A) shall not apply with respect to such requirement (or requirements) and the applicant shall provide in his application a plan, satisfactory to the Secretary, for achieving appropriate alternatives to such requirement (or requirements).

"(C) An emergency medical services system shall—

"(i) include an adequate number of health professions, allied health professions, and other health personnel with appropriate training and experience;

"(ii) provide for its personnel appropriate training (including clinical training) and continuing education programs which (I) are coordinated with other programs in the system's service area which provide similar training and education, and (II) emphasize recruitment and necessary training of veterans of the Armed Forces with military training and experience in health care fields and of appropriate public safety personnel in such area;

"(iii) join the personnel, facilities, and equipment of the system by a central communications system so that requests for emergency health care services will be handled by a communications facility which (I) utilizes emergency medical telephonic screening, (II) utilizes or, within such period as the Secretary prescribes will utilize, the universal emergency telephone number 911, and (III) will have direct communication connections and interconnections with the personnel, facilities, and equipment of the system and with other appropriate emergency medical services systems;

"(iv) include an adequate number of necessary ground, air, and water vehicles and other transportation facilities to meet the individual characteristics of the system's service area—

"(I) which vehicles and facilities meet appropriate standards relating to location, design, performance, and equipment, and

"(II) the operators and other personnel for which vehicles and facilities meet appropriate training and experience requirements;

"(v) include an adequate number of easily accessible emergency medical services facilities which are collectively capable of providing services on a continuous basis, which have appropriate nonduplicative and categorized capabilities, which meet appropriate standards relating to capacity, location, personnel, and equipment, and which are coordinated with other health care facilities of the system;

"(vi) provide access (including appropriate transportation) to specialized critical medical care units in the system's service area, or, if there are no such units or an inadequate number of them in such area, provide access to such units in neighboring areas if access to such units is feasible in terms of time and distance;

"(vii) provide for the effective utilization of the appropriate personnel, facilities, and equipment of each public safety agency providing emergency services in the system's service area;

"(viii) be organized in a manner that provides persons who reside in the system's service area and who have no professional training or financial interest in the provision of health care with an adequate opportunity to participate in the making of policy for the system;

"(ix) provide, without prior inquiry as to ability to pay, necessary emergency medical services to all patients requiring such services;

"(x) provide for transfer of patients to facilities and programs which offer such followup care and rehabilitation as is necessary to effect the maximum recovery of the patient;

"(xi) provide for a standardized patient recordkeeping system meeting appropriate standards established by the Secretary, which records shall cover the treatment of the patient from initial entry into the system through his discharge from it, and shall be consistent with ensuing patient records used in followup care and rehabilitation of the patient;

"(xii) provide programs of public education and information in the system's service area (taking into account the needs of visitors to, as well as residents of, that area to know or be able to learn immediately the means of obtaining emergency medical services) which programs stress the general dissemination of information regarding appropriate methods of medical self-help and first-aid and regarding the availability of first-aid training programs in the area;

"(xiii) provide for (I) periodic, comprehensive, and independent review and evaluation of the extent and quality of the emergency health care services provided in the system's service area, and (II) submission to the Secretary of the reports of each such review and evaluation;

"(xiv) have a plan to assure that the system will be capable of providing emergency medical services in the system's service area during mass casualties, natural disasters, or national emergencies; and

"(xv) provide for the establishment of appropriate arrangements with emergency medical services systems or similar entities serving neighboring areas for the provision of emergency medical services on a reciprocal basis where access to such services would be more appropriate and effective in terms of the services available, time, and distance.

The Secretary shall by regulations prescribe standards and criteria for the requirements prescribed by this subparagraph. In prescribing such standards and criteria, the Secretary shall consider relevant standards and criteria prescribed by other public agencies and by private organizations.

"(c) Payments under grants and contracts under this title may be made in advance or by way of reimbursement and in such installments and on such conditions as the Secretary determines will most effectively carry out this title.

"(d) Contracts may be entered into under this title without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"(e) No funds appropriated under any provision of this Act other than section 1207 or title VII may be used to make a new grant or contract in any fiscal year for a purpose for which a grant or contract is authorized by this title unless (1) all the funds authorized to be appropriated by section 1207 for such fiscal year have been appropriated and made available for obligation in such fiscal year, and (2) such new grant or contract is made in accordance with the requirements of this title that would be applicable to such grant or contract if it was made under this title. For purposes of this subsection, the term 'new grant or contract' means a grant or contract for a program or project for which an application was first submitted after the date of the enactment of the Act which makes the first appropriations under the authorizations contained in section 1207.

"(f)(1) In determining the amount of any grant or contract under section 1203 or 1204, the Secretary shall take into consideration the amount of funds available to the applicant from Federal grant or contract programs under laws other than this Act for any activity which the applicant proposes to undertake in connection with the establishment and operation or expansion and improvement of an emergency medical services system and for which the Secretary may authorize the use of funds under a grant or contract under sections 1203 and 1204.

"(2) The Secretary may not authorize the recipient of a grant or contract under section 1203 or 1204 to use funds under such grant or contract for any training program in connection with an emergency medical services system unless the applicant filed an application (as appropriate) under title VII or VIII for a grant or contract for such program and such application was not approved or was approved but for which no or inadequate funds were made available under such title.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1207. (a)(1) For the purpose of making payments pursuant to grants and contracts under section 1202, 1203, and 1204, there are authorized to be appropriated $30,000,000 for the fiscal year ending June 30, 1974, and $60,000,000 for the fiscal year ending June 30, 1975; and for the purpose of making payments pursuant to grants and contracts under section 1203 and 1204 for the fiscal year ending Junue 30, 1976, there are authorized to be appropriated $70,000,000.

"(2) Of the sums appropriated under paragraph (1) for any fiscal year, not less than 20 per centum shall be made available for grants and contracts under this title for such fiscal year for emergency medical services systems which serve or will serve rural areas (as defined in regulations of the Secretary under section 1203(c)(5)).

"(3) Of the sums appropriated under paragraph (1) for the fiscal year ending June 30, 1974, or the succeeding fiscal year—

"(A) 15 per centum of such sums for each such fiscal year shall be made available only for grants and contracts under section 1202 (relating to feasibility studies and planning) for such fiscal year;

"(B) 60 per centum of such sums for each such fiscal year shall be made available only for grants and contracts under section 1203 (relating to establishment and initial operation) for such fiscal year; and

"(C) 25 per centum of such sums for each such fiscal year shall be made available only for grants and contracts under section 1204 (relating to expansion and improvement) for such fiscal year.

"(4) Of the sums appropriated under paragraph (1) for the fiscal year ending June 30, 1976—

"(A) 75 per centum of such sums shall be made available only for grants and contracts under section 1203 for such fiscal year, and

"(B) 25 per centum of such sums shall be made available only for grants and contracts under section 1204 for such fiscal year.

"(b) For the purpose of making payments pursuant to grants and contracts under section 1205 (relating to research), there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1974, and for each of the next two fiscal years.

"ADMINISTRATION

"SEC. 1208. The Secretary shall administer the program of grants and contracts authorized by this title through an identifiable administrative unit within the Department of Health, Education, and Welfare. Such unit shall also be responsible for collecting, analyzing, cataloging, and disseminating all data useful in the development and operation of emergency medical services systems, including data derived from reviews and evaluations of emergency medical services systems assisted under section 1203 or 1204.

"INTERAGENCY COMMITTEE ON EMERGENCY MEDICAL SERVICES

"SEC. 1209. (a) The Secretary shall establish an Interagency Committee on Emergency Medical Services. The Committee shall evaluate the adequacy and technical soundness of all Federal programs and activities which relate to emergency medical services and provide for the communication and exchange of information necessary to maintain the coordination and effectiveness of such programs and activities, and shall make recommendations to the Secretary respecting the administration of the program of grants and contracts under this title (including the making of regulations for such program).

"(b) The Secretary or his designee shall serve as Chairman of the Committee, the membership of which shall include (1) appropriate scientific, medical, or technical representation from the Department of Transportation, the Department of Justice, the Department of Defense, the Veterans' Administration, the National Science Foundation, the Federal Communications Commission, the National Academy of Sciences, and such other Federal agencies and offices (including appropriate agencies and offices of the Department of Health, Education, and Welfare), as the Secretary determines administer programs directly affecting the functions or responsibilities of emergency medical services systems, and (2) five individuals from the general public appointed by the President from individuals who by virtue of their training or experience are particularly qualified to participate in the performance of the Committee's functions. The Committee shall meet at the call of the Ohairman, but not less than four times a year.

"(c) Each appointed member of the Committee shall be appointed for a term of four years, except that—

"(1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and

"(2) of the members first appointed, two shall be appointed for a term of four years, two shall be appointed for a term of three years, and one shall be appointed for a term of one year, as designated by the President at the time of appointment.

Appointed members may serve after the expiration of their terms until their successors have taken office.

"(d) Appointed members of the Committee shall receive for each day they are engaged in the performance of the functions of the Committee compensation at rates not to exceed the daily equivalent of the annual rate in effect for grade GS–18 of the General Schedule, including traveltime; and all all members, while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as such expenses are authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(e) The Secretary shall make available to the Committee such staff, information (including copies of reports of reviews and evaluations of emergency medical services systems assisted under section 1203 or 1204), and other assistance as it may require to carry out its activities effectively.

"ANNUAL REPORT

"SEC. 1210. The Secretary shall prepare and submit annually to the Congress a report on the administration of this title. Each report shall include an evaluation of the adequacy of the provision of emergency medical services in the United States during the period covered by the report, and evaluation of the extent to which the needs for such services are being adequately met through assistance provided under this title, and his recommendations for such legislation as he determines is required to provide emergency medical services at a level adequate to meet such needs. The first report under this section shall be submitted not later than September 30, 1974, and shall cover the fiscal year ending June 30, 1974."

(b)(1) Section 1 of the Public Health Service Act is amended by striking out "titles I to XI" and inserting in lieu thereof "titles I to XII".

(2) The Act of July 1, 1944 (58 Stat. 682), as amended, is further amended by renumbering title XII (as in effect prior to the date of enactment of this Act) as title XIII, and by renumbering sections 1201 through 1214 (as in effect prior to such date), and references thereto, as sections 1301 through 1314, respectively.

TRAINING ASSISTANCE

SEC. 3. (a) Part E of title VII of the Public Health Service Act is amended by inserting after section 775 the following new section:

"TRAINING IN EMERGENCY MEDICAL SERVICES

"SEC. 776. (a) The Secretary may make grants to and enter into contracts with schools of medicine, dentistry, osteopathy, and nursing, training centers for allied health professions, and other appropriate educational entities to assist in meeting the cost of training programs in the techniques and methods of providing emergency medical services (including the skills required in connection with the provision of ambulance service), especially training programs affording clinical experience in emergency medical services systems receiving assistance under title XII of this Act.

"(b) No grant or contract may be made or entered into under this section unless (1) the applicant is a public or nonprofit private entity, and (2) an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall by regulation prescribe.

"(c) The amount of any grant or contract under this section shall be determined by the Secretary. Payments under grants and contracts under this section may be made in advance or by way of reimbursement and at such intervals and on such conditions as the Secretary finds necessary. Grantees and contractees under this section shall make such reports at such intervals, and containing such information, as the Secretary may require.

"(d) Contracts may be entered into under this section without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"(e) For the purpose of making payments pursuant to grants and contracts under this section, there is authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1974."

(b) Section 772(a) of such Act (41 U.S.C. 295f–2(a)) is amended—

(1) by striking out "or" at the end of paragraph (12),

(2) by striking out the period at the end of paragraph (13) and inserting in lieu thereof "; or", and

(3) by inserting after paragraph (13) the following new paragraph:

"(14) establish and operate programs in the interdisciplinary training of health personnel for the provision of emergency medical services, with particular emphasis on the establishment and operation of training programs affording clinical experience in emergency medical services systems receiving assistance under title XII of this Act."

(c) Section 774(a)(1)(D) of such Act (42 U.S.C. 295f–4(a)(1)(D)) is amended by inserting "(including emergency medical services" after "services" each time it appears.

STUDY

SEC. 4. The Secretary of Health, Education, and Welfare shall conduct a study to determine the legal barriers to the effective delivery of medical care under emergency conditions. The study shall include consideration of the need for a uniform conflict of laws rule prescribing the law applicable to the provision of emergency medical services to persons in the course of travels on interstate common carriers. Within twelve months of the date of the enactment of this Act, the Secretary shall report to the Congress the results of such study and recommendations for such legislation as may be necessary to overcome such barriers and provide such rule.

Mr. KENNEDY. Mr. President, today the Senate has the opportunity to take final action on the important emergency medical services bill. This is the bill which passed the Congress earlier this year and was vetoed by the President. The Senate overwhelmingly overrode the veto. But the House failed to override it by four votes.

This bill deletes the provision which the President found most objectionable; namely, the requirement for the continued operation of the Public Health Service hospitals. That amendment has been added by my friend and colleague the senior Senator from Washington (Mr. MAGNUSON) to the military procurement bills. And I am certainly hopeful that it will be successful in that context.

Mr. President, on behalf of myself, Senator CRANSTON, and Senator JAVITS I am offering an amendment to the bill which I understand the House will be willing to accept, thereby avoiding a conference on the legislation.

This amendment is very simple. It simply increases from 50 to 75 percent the amount of the Federal share for EMS grants in areas which demonstrate exceptional need, including rural areas. In addition, the amendment requires the Secretary of Health, Education, and Welfare to provide technical assistance

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to eligible grantees, with special consideration for applicants in rural areas.

Mr. President, the time has long passed since this legislation should have been enacted and implemented. This Nation desperately needs more effective emergency medical service including manpower, equipment, training programs, and communication systems. This is a 3-year bill which authorizes a total of $185 million. The original version of the bill passed the Senate 79 to 13. The original conference report was adopted 97 to 0. And the President's veto was overriden by 77 to 16. The Senate only 6 weeks ago passed this bill 93 to 0.

I urge the adoption of my amendment and S. 2410.

Mr. CRANSTON. Mr. President, in each House, amendments to S. 2410 were offered and accepted on the floor to assure that special consideration will be given to the needs of rural areas in their efforts to develop emergency medical services systems. There were slight variations in these provisions and the amendment we offer represents a compromise of the House and the Senate versions, which we have worked out with the House, and which we believe they will accept. These floor amendments covered four areas:

First, authorization of a higher Federal matching of up to 75 percent for areas of exceptional financial need.

Second, providing that special consideration in awarding of research grants for delivery systems be given to rural areas.

Third, the amount of the appropriations set aside for rural areas.

Fourth, providing for necessary HEW technical assistance in the preparation of applications and otherwise qualifying for grants for planning, initiation, and expansion of emergency medical services systems with special consideration for applicants in rural areas.

Mr. President, the compromise amendments we offer would retain the Senate language with regard to those areas eligible for higher Federal matching for expansion and improvement grants and contracts. The House version had limited this eligibility to rural areas, while the Senate had authorized such matching for any area which demonstrates "exceptional financial need," so as to permit urban and other nonrural applicants, along with rural applicants, to qualify for up to 75 percent Federal funding where exceptional financial need could be demonstrated.

Mr. President, we recommend acceptance of the House language with regard to giving consideration to rural areas in those research projects carried out in delivery of services—the same purpose as was included in the Senate floor amendment I cosponsored with Senator Dole. We also recommend we accept the House figure of 20 percent as the amount to be set aside for rural areas rather than 17½ percent, the Senate figure.

The House had not included a provision providing for technical assistance, and our compromise would reinsert the Senate provision. This amendment we offer will be of substantial help to rural applicants, especially in helping to prepare justifications for the higher Federal matching authorized for areas of exceptional need.

Mr. President, this is the sixth time this legislation has been before the Senate. On September 19, the Senate passed S. 2410 by an overwhelming majority of 93 to 0. Last Friday, the House passed this legislation by a majority of 364 to 18. It is clear there is overwhelming support for this legislation and a totally bipartisan mandate in the Congress to enact an Emergency Medical Services Systems Act.

I call upon the President to sign this bill in answer to this bipartisan mandate. I believe he will sign it.

Mr. KENNEDY. Mr. President, I move that the Senate agree to the amendment of the House of Representatives to the bill (S. 2410) to amend the Public Health Service Act to provide assistance and encouragement for the development of comprehensive area emergency medical services systems, with the following amendments:

On page 7 of the House engrossed amendment, strike lines 18, 19, and 20, and insert in lieu thereof the following: "in the case of applications which demonstrate an exceptional need for financial assistance, 75 per centum of such costs.".

On page 16 of the House engrossed amendment, insert between lines 16 and 17 the following new subparagraph:

" '(5) The Secretary shall provide technical assistance, as appropriate, to eligible entities as necessary for the purpose of their preparing applications or otherwise qualifying for or carrying out grants or contracts under sections 1202, 1203, or 1204, with special consideration for applicants in rural areas.'."

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Massachusetts.

The motion was agreed to.

QUORUM CALL

The PRESIDING OFFICER. What is the will of the Senate?

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COTTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL FIRE PREVENTION AND CONTROL ACT

Mr. COTTON. Mr. President, to continue the previous colloquy that I was having with the distinguished acting majority leader, the bill which is set for Friday came out of the Commerce Committee with a unanimous report. There was no controversy anticipated in connection with it.

I find now, however, that staff members, majority staff members, have prepared a series of amendments; I do not know how many or what is in the amendments.

From what we hear, the amendments might require the creation of special study groups and commissions and add to the expense of the bill, and might be controversial. So I would say to the acting majority leader that I must object to a limitation of time at this point; but I have instructed the minority counsel to get in touch with the majority counsel, and we hope that sometime between now and Friday we can come to some agreement. It is quite possible we can agree to some limitation and avoid any controversy; but we cannot at this time make a limitation agreement.

Mr. ROBERT C. BYRD. Mr. President, the distinguished Senator from New Hampshire (Mr. Cotton), I think, objects to the request very properly, and in view of the circumstances that have been expressed by him, I can understand why he would object. I want to state for the record that I made the request without having made any attempt on either side to clear the request. I did it because we were nearing the end of the day, and I wanted Senators to know, if it were possible to reach an agreement, as to about what time on Friday the rollcall vote on final passage would occur.

I think the distinguished Senator has done the right thing under the circumstances, in objecting at this time, and I share his hope that by Friday matters will be resolved to the extent that a time limitation can then be obtained, or lacking that, the Senate can proceed with the bill and amendments thereto and act on final passage at a reasonably early hour.

Mr. COTTON. I can assure the distinguished majority leader that I was not in any way suggesting that anything sub rosa was going on, but we have an active staff on these committees and if we give them time, they think up a lot of things. I want to cooperate with the assistant majority leader and hope that we will iron this out and there will be no controversy whatsoever. I do not want to be in a position of throwing any obstructions in the way of getting the Senate fully informed so as to know when they can vote.

Mr. ROBERT C. BYRD. Mr. President, no Senator in this body is more cooperative than is the distinguished Senator from New Hampshire (Mr. Cotton). I therefore shall await Friday, as we all will, to see what may develop.

VACATING OF ORDER FOR SENATOR DOMENICI TO SPEAK ON FRIDAY NEXT AND IN LIEU THEREOF RECOGNITION OF SENATORS GRIFFIN AND ROBERT C. BYRD

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the recognition of the distinguished Senator from New Mexico (Mr. Domenici) on Friday next be vacated and that in lieu thereof the distinguished Senator from Michigan (Mr. Griffin) be recognized for not to exceed 15 minutes, following which I be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TAFT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INDEPENDENT SPECIAL PROSECUTOR ACT OF 1973

Mr. TAFT. Mr. President, I had anticipated introducing on this legislative day a bill dealing with the question before the Senate relating to the independent special prosecutor in the Watergate matter. A great deal of research has gone into this matter, and I think that serious legal questions can and undoubtedly will be raised with regard to a number of the pending measures presently before the Committee on the Judiciary.

Because of a widespread interest in some other approaches to the problem and a widespread interest on the part of some Members in looking further into some of the legal research that has been done already and which will continue in the meanwhile, I am deferring introducing this bill until the next legislative day, which will be Friday; but I ask unanimous consent to have printed in the Record the text of the bill as it is presently proposed to be introduced.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 2616

A bill to establish an independent Special Prosecution office, as an independent agency of the United States, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Independent Special Prosecutor Act of 1973".

Sec. 2. The Congress hereby finds and declares—

(a) Alleged crimes arising out of the Presidential campaign and election of 1972 have raised serious questions whether a full and complete investigation and prosecution of such charges will proceed without partisanship or favor;

(b) The Justice Department is composed of men and women of the highest integrity and ability capable of conducting a fair, full, and impartial investigation and prosecution of these alleged crimes, but circumstances already existing call for special independent investigation and prosecution.

(c) The appointment of a Special Prosecution Force in the Executive branch of government on May 24, 1973, had begun the process of restoring the faith of the American people in the integrity of this Administration and in particular in the belief that the ends of justice were to be served;

(d) The dismissal of the Special Prosecutor on the direct order of the President of the United States on October 20, 1973, undermined this growing faith, and has raised serious constitutional questions;

(e) In order to restore the public confidence, the investigation and prosecution of any offense arising out of the Presidential campaign and election of 1972 should be in an independent prosecutorial force.

Sec. 3. There is hereby established an Independent Special Prosecution office, which will have the responsibility for investigating and initiating prosecution of all offenses arising out of the Presidential election of 1972 and matters related thereto and arising therefrom, including all matters which were under investigation by the Special Prosecution force prior to October 19, 1973, pursuant to the agreement made between the former Special Prosecutor and the Attorney General Designate on May 19, 1973.

Sec. 4. The Attorney General of the United States is hereby authorized and directed to appoint, within thirty days of the enactment of this legislation, a Special Prosecutor and a Deputy Special Prosecutor, by and with the advice and consent of the Senate.

Sec. 5. The Special Prosecutor is authorized and directed and shall have exclusive jurisdiction, to investigate, as he deems appropriate, and prosecute against and in the name of the United States—

(a) Offenses arising out of the unauthorized entry into Democratic National Committee Headquarters at the Watergate;

(b) Other offenses arising out of the 1972 Presidential election;

(c) Offenses alleged to have been committed by the President, Presidential appointees, or members of the White House staff in relation to the 1972 Presidential campaign and election;

(d) All other matters heretofore referred to the former Special Prosecutor pursuant to regulations of the Attorney General (28 C.F.R. Sec. 0.37, rescinded October 24, 1973); and

(e) Offenses relating to or arising out of any such matters.

Sec. 6. The Special Prosecutor shall have full power and authority with respect to the matters set forth in Section 3 of the Act:

(a) To conduct proceedings before grand juries and other investigations he deems necessary;

(b) To review all documentary evidence available from any source;

(c) To determine whether or not to contest the assertion and scope of "Executive Privilege" or any other testimonial privilege;

(d) To receive appropriate national security clearance and review all evidence sought to be withheld on grounds of national security not claimed to be under Executive privilege or any other testimonial privilege, and if necessary contest in court, including where appropriate through participation in in camera proceedings, any claim of privilege or attempt to withhold evidence on grounds of national security;

(e) To make application to any Federal court for a grant of immunity to any witness, consistent with applicable statutory requirements, or for warrants, subpenas, or other court orders;

(f) To initiate and conduct prosecutions in any court of competent jurisdiction, frame and sign indictments, file information, and handle all aspects of any cases over which he has jurisdiction under this Act, in the name of the United States, and

(g) Notwithstanding any other provision of law, to exercise all other powers as to the conduct of criminal investigations and prosecutions within his jurisdiction which would otherwise be vested in the Attorney General and the United States attorney under the provisions of chapters 31 and 35 of title 28, United States Code, and the provisions of 26 C.F.R. 301.6103(a)-1(q), and act as the attorney for the Government in such investigations and prosecutions under the Federal Rules of Criminal Procedure.

Sec. 7. (a) All materials, tapes, documents, files, work in process, information, and all other property of whatever kind and description relevant to the duties enumerated in Section 3 hereof, tangible or intangible, collected by, developed by, or in the possession of the former Special Prosecutor or his staff established pursuant to regulation by the Attorney General (28 C.F.R., Sec. 0.37, rescinded October 24, 1973), shall be delivered into the possession of the Special Prosecutor appointed under this Act;

(b) All investigations, prosecutions, cases, litigation, and Grand Jury or other proceedings initiated by the former Special Prosecutor pursuant to regulations of the Attorney General (28 C.F.R., Sec. 0.37, rescinded October 24, 1973), shall be continued, as the Special Prosecutor deems appropriate, by him, and he shall become successor counsel for the United States in all such proceedings, notwithstanding any substitution of counsel made after October 20, 1973.

Sec. 8. The Deputy Special Prosecutor shall assist the Special Prosecutor in the performance of his duties and who, in the event of the disability or suspension of the Special Prosecutor or vacancy in the office of Special Prosecutor, shall temporarily become Special Prosecutor until the President appoints a Special Prosecutor in accordance with Section 4 hereof.

Sec. 9. (a) The Special Prosecutor and the Deputy Special Prosecutor shall each be entitled to receive an annual salary and reimbursement for expenses equal to the annual salary and expense allowance payable to a judge of the United States district court.

(b) The Special Prosecutor shall have power to appoint, fix the compensation, and assign the duties of such employees as he deems necessary, including but not limited to investigators, attorneys, and part-time consultants, without regard to the provision of title 5, United States Code, governing appointments in the competitive civil service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of such title. The Special Prosecutor is authorized to request any officer of the Department of Justice, or any other employee of the Department of Justice, or any other department or agency of the Federal or District of Columbia government, to provide on a reimbursable basis such assistance as he deems necessary, and any such officer shall comply with such request. Assistance by the Department of Justice shall include but not be limited to affording to the Special Prosecutor full access to any records, files, or other materials relevant to matters within his jurisdiction and use by the Special Prosecutor of the investigative and other services, on a priority basis, of the Federal Bureau of Investigation: *Provided*, That only the Special Prosecutor and the Deputy Special Prosecutor shall have access to confidential or classified documents, records, files, or other such materials unless otherwise waived by the Attorney General or any other head of an appropriate agency.

Sec. 10. The Administrator of General Services shall furnish the Special Prosecutor with such offices, equipment, supplies, and services as are authorized to be furnished to any other agency or instrumentality of the United States.

Sec. 11. Notwithstanding any other provisions of law, the Special Prosecutor shall submit to the Congress directly requests for such funds, facilities, and legislation as he shall consider necessary to carry out his responsibilities under this Act, and such requests shall receive priority consideration by the Congress.

Sec. 12. The Special Prosecutor shall carry out his duties under this Act within two

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years, except as necessary to complete trial or appellate action on indictments then pending.

Sec. 13. (a) The Special Prosecutor and the Deputy Special Prosecutor may be removed by the Attorney General for neglect of duty, malfeasance in office, or violation of this Act, but for no other cause, or by the Congress pursuant to Article II, section 4 of the Constitution;

(b) If the Attorney General believes such violations have occurred, he may suspend the Special Prosecutor immediately and prepare a notice of dismissal. Such notice of dismissal shall be effective 30 days thereafter and shall be to both Houses of Congress, stating the reasons for such;

(c) For the purpose of subsection (b) of this section,

(1) Continuity of session is broken only by an adjournment of Congress sine die; and,

(2) The days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the thirty day period.

Sec. 14. If any part of this Act is held invalid, the remainder of the Act shall not be affected thereby. The provisions of any part of this Act, or the application thereof to any person or circumstance if held invalid the provisions of other parts and their application to other persons or circumstances shall not be affected thereby.

QUORUM CALL

THE PRESIDING OFFICER. What is the pleasure of the Senate?

Mr. TAFT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEATH OF REPRESENTATIVE JOHN P. SAYLOR, OF PENNSYLVANIA

Mr. HUGH SCOTT. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House of Representatives.

The PRESIDING OFFICER laid before the Senate House Resolution 667, which was read as follows:

House Resolution 667

Resolved, That the House has heard with profound sorrow of the death of the Honorable John P. Saylor, a Representative from the State of Pennsylvania.

Resolved, That a committee of forty-four Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these reolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect the House do now adjourn.

Mr. MANSFIELD. Mr. President, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read as follows:

Senate Resolution 193

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Honorable John P. Saylor, late a Representative from the State of Pennsylvania.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect to the memory of the deceased, the Senate do now adjourn.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. HUGH SCOTT. Mr. President, I was the congressional campaign manager in Pennsylvania around 1946 and 1947 when we had a special election which resulted in the election of the Honorable John P. Saylor to Congress. I have known him from that time on. He has been a close friend, a respected colleague, and a man whom all of us in Congress knew to be a gentleman of strong personal convictions and articulate in expressing them.

We will miss him profoundly. He was a very good influence and a very strong leader of public opinion, a very much beloved man at home, in his district, in the Commonwealth of Pennsylvania, and in Congress.

We express our deep condolences to his family on his passing.

I am therefore very much pleased that the Senate has passed this resolution. If so designated by the Senate, my colleague (Mr. Schweiker) and I will attend his funeral.

Mr. MANSFIELD. Mr. President, will the distinguished Republican leader yield?

Mr. HUGH SCOTT. I yield.

Mr. MANSFIELD. Mr. President, I join in the remarks just made by the distinguished Republican leader. Like him, I served in the House with John Saylor. He was a good Congressman. He was very much interested in the welfare of the West. He served on the Interior and Insular Affairs Committee. I found him to be a good friend personally and insofar as reclamation and other problems in the Western part of this Nation were concerned.

He was a man of independent judgment and great integrity. His death was so sudden that I had no idea beforehand he was in difficulties with his heart.

So, Mr. President, I wish to express the condolences of Mrs. Mansfield and myself, and to ask unanimous consent that an obituary which was published in the New York Times on yesterday be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Representative John Saylor, of Pennsylvania, Senior Republican on House Interior Committee, Dies

Houston, Oct. 28.—Representative John P. Saylor, senior Republican member of the Pennsylvania Congressional delegation, died early today in St. Luke's Hospital, where he had undergone heart sugery. He was 65 years old and lived in Johnstown, Pa.

Gov. Milton J. Shapp of Pennsylvania said in a telegram to Mr. Saylor's wife, Grace, who was at his bedside in Houston:

"Congressman Saylor was a great representative of the people of his district and of the Commonwealth. I could always count on his support for any measure that would benefit the people of Pennsylvania."

Surviving besides his widow, are a son, John Phillips Saylor; a daughter, Susan, and two grandchildren.

NOTED CONSERVATIONIST

Mr. Saylor, who served in the House for 25 years, was widely known as a conservationist and was credited with leading many endeavors to protect the nation's scenic and natural resources.

As senior Republican member of the House Interior Committee, he was a stanch fighter to preserve the environment, and was a sponsor of the Wilderness Act to save woods, water and wildlife. He backed legislation to establish the Office of Coal Research to find more uses for coal, and was a major supporter of the Coal Mine Health and Safety Act of 1969.

Mr. Saylor fought against building dams in the Grand Canyon and for preserving the integrity of Dinosaur National Monument in Utah and Colorado. He received a number of important awards for his conservation endeavors.

In 1957, on a routine mission to visit the Scott Base at Antarctica, Mr. Saylor became the first Congressman to fly over the South Pole. He was a supporter of statehood for Alaska and Hawaii.

In 1969, Mr. Saylor introduced a bill to give Congress the power to overrule the Supreme Court by a two-thirds vote of both Houses, declaring that the High Court had "sided with atheism" in banning the recitation of prayers in the public schools. He was well regarded on both sides of the aisle for his light humor, especially in committee sessions when tempers got hot.

MEMBERS OF PARKS UNIT

Mr. Saylor was a member of the House Veterans Committee, National Parks Centennial Committee and the National Forest Preservation Committee.

He was born on July 23, 1908, in Conemaugh Township, Somerset County, Pa., and graduated from Franklin and Marshall College in 1929 and from the Dickinson Law School in 1933.

He began practicing law in Johnstown in 1934 and was elected City Solicitor in 1938. He was a former partner in the law firm of Spence, Custer & Saylor and had been president of the Johnstown Savings and Loan Association.

In World War II Mr. Saylor served as a lieutenant and communications officer aboard the cruiser Missoula. He took part in the invasions of Iwo Jima and Okinawa and was present in Tokyo Bay on V-J Day.

Mr. Saylor received the Conservationist of the Year Award from the National Wildlife Federation in 1964, the Bernard M. Baruch Prize for "contributing most to the field of conservation" in 1969 and the Founders Award of the Izaac Walton League of America in 1970.

Mr. HUGH SCOTT. Mr. President, on behalf of Mrs. Scott and myself, I join in expressing appreciation to the distinguished majority leader for his remarks.

Mr. MANSFIELD. May his soul rest in peace.

Mr. HUGH SCOTT. May his soul rest in peace.

Mr. SCHWEIKER. Mr. President, it was with a deep sense of personal loss that I learned this weekend of the death of my good friend and colleague—Congressman John P. Saylor of Pennsylvania.

John Saylor was a leading voice in Congress and the Nation speaking out for conservation and preservation of our precious natural resources. Those of us in the Pennsylvania Congressional Delegation—as well as those throughout both the House and Senate—looked to him for leadership in this area. That leadership was never lacking.

For example, I had the honor of working closely with Congressman Saylor on one particular measure—a proposal making it a Federal crime to shoot wildlife from an airplane, and I was able to learn first hand of his profound love for the gifts of nature.

John Saylor also was a forceful and effective advocate for the people of western central Pennsylvania. The citizens of the 12th Congressional District knew they had a voice in Washington, and he was unyielding in his dedication to their best interests and needs.

John Saylor was at once a good and great man, and we are the less for his passing. Mrs. Schweiker and I extend our sympathies to his wife, Grace, and his entire family.

Mr. HATFIELD. Mr. President, it was with sadness that I learned of the untimely death of Congressman John P. Saylor. Since 1949, he had ably represented his district in Pennsylvania, and also represented a national constituency.

As a member of the Senate Interior Committee, I have come to know firsthand the outstanding leadership in all facets of conservation that John Saylor provided. It was in this field that he developed a national constituency, and he was the "environmentalists' environmentalist" long before it became fashionable.

Because of this commitment to the preservation of this Nation's national heritage, I can think of no more fitting memorial to this outstanding public servant than seeing that some area, whether a wilderness, a wild and scenic river, a recreation area—some place where his efforts helped save a region in its natural state, might be named to honor this gentleman. As a member of the Senate Interior Committee, I will be discussing this with our chairman, Senator Jackson, who I am sure shares the sense of loss to the Congress caused by John Saylor's death. Both Senator Jackson and I have had our most recent dealings with Congressman Saylor as conferees on the Alaska pipeline bill.

I am saddened by Congressman Saylor's death, for both the House and the Senate will miss his wise counsel. His death comes at a time when environmental concerns which he helped to articulate so well are under attack by those who see short range energy needs as a reason to bypass all environmental safeguards. An important legacy that John Saylor has left with us all should be that environmental considerations must continue to be an important guide to all our actions.

Mr. HASKELL. Mr. President, I had the honor to serve with Congressman John Saylor on the conference report on S. 1081. I found Mr. Saylor, who died tragically 2 days ago, unfailingly courteous, humorous, dedicated, and competent, and I would like to take this 1 minute merely to express my deepest condolences to his family and his close friends.

Mr. COOK. Mr. President, will the Senator yield?

Mr. HASKELL. I yield.

Mr. COOK. I would like to associate myself with the remarks of the Senator from Colorado. It had been my pleasure to serve with Congressman Saylor starting shortly after I came here on a particular study group appointed by the President.

It came as a great shock to the Senator to learn of the death of Congressman Saylor. I would certainly like to associate myself with the remarks of the Senator from Colorado and add that not only will his district in Pennsylvania lose the force and insight which Congressman John Saylor exerted and his ability on the Interior Committee, but that his dedication to those causes in which he believed were of such a strong nature that a voice like his will be missed in the Congress of the United States.

Mr. HASKELL. I appreciate the remarks of the Senator from Kentucky.

Mr. FANNIN. Mr. President, will the Senator from Colorado yield?

Mr. HASKELL. I yield.

Mr. FANNIN. Mr. President, I, too, would like to join my colleagues in paying tribute to Congressman John Saylor of Pennsylvania. It was my privilege to work with him over a number of years, even before I came to the U.S. Senate. John Saylor was a dedicated American, one who had great pride in the lands of this country. He devoted many years of his lifetime to traveling throughout this Nation in efforts to protect the environment both in his State and throughout the Nation.

He was also a very prominent leader in reclamation activities, and although he disagreed with some of the programs that we fostered in the committee, as the ranking Republican he was always willing to listen and consider just what was involved.

I had the opportunity and occasion to work with him on projects in which he suggested provisions that resulted in better legislation, because he had the feeling both of going forward from the standpoint of developing our resources but also protecting the environment.

We could elaborate on his many accomplishments, but I appreciate this opportunity to make this short statement.

Mr. JACKSON. Mr. President, I had the good fortune and privilege of serving in the House with John Saylor during his first two terms. Since that time, we have worked together and fought one another on various issues affecting the jurisdiction of the Committee on Interior and Insular Affairs.

I must say that John Saylor's contribution in the area of conservation and environment is one that not only the present generation will profit by, but generations of Americans to come will be in his debt for his distinguished service not only to his State but to the Nation.

Mr. HANSEN. Mr. President, I would like to join with other Senators who have spoken in paying tribute to John Saylor, a very dedicated conservationist and a very loyal patriot of this country. Not always, by any means, did the junior Senator from Wyoming and the Congressman from Pennsylvania agree on any number of issues, but at no time did I ever have the feeling that Congressman Saylor did not act according to the dictates of his conscience and in the great national interest.

I note with a real sense of loss his passing, and I would like to have his wife and family know that we extend our very deepest and heartfelt sympathy to them on this very sad occasion.

Mr. METCALF. Mr. President, Congressman Saylor's death shocked me as it did thousands of others in the Congress, in Pennsylvania and throughout America. For 8 years I was privileged to serve with Congressman Saylor in the House of Representatives. Part of the time we were colleagues on the House Committee on Interior and Insular Affairs. During my first term in the 83d Congress we were allies on several conservation measures. Since that time we were firm friends, sometimes disagreeing on legislation but most often agreeing despite our political affiliation.

In the 25 years that Congressman Saylor was in Congress he left the imprint of his philosophy and profound belief in the preservation of America's forests and land and water. Others have narrated the bills that he sponsored, and he was the pioneer for many of them. Others have told of his indefatigable efforts to save our resources, so I will not reiterate them here. But there is no State of the Union which does not have a park or a wilderness area or waterfowl and wildlife refuge bearing the Saylor imprint. Although he was a Member of Congress from Pennsylvania, the people of Nevada will have more recreational facilities, the people of California the benefit of enjoyment of the Redwoods, the people of Alaska and Hawaii the benefits of statehood, the people of Montana greater facilities for the enjoyment of the rivers and the mountains and the prairies.

Incidentally, in World War II Congressman Saylor served as communications officer aboard the U.S.S. *Missoula,* named after the city in Montana which is the site of Montana's State University.

It will be hard to replace this man. His knowledge of our environment and his dedication to preservation of our resources are attributes sorely needed today. America is a better place because John Saylor passed this way.

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The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 193) was unanimously agreed to.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, on Friday next, November 2, 1973, the Senate will convene at 10 a.m.

After the two leaders or their designees have been recognized under the standing order, the distinguished senior Senator from Massachusetts (Mr. KENNEDY) will be recognized for not to exceed 15 minutes; after which the distinguished assistant Republican leader (Mr. GRIFFIN) will be recognized for not to exceed 15 minutes; after which the junior Senator from West Virginia (Mr. ROBERT C. BYRD) will be recognized for not to exceed 15 minutes; at the conclusion of which there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

At the conclusion of routine morning business, the Senate will proceed to the consideration of S. 1769. There is no time limitation thereon. Amendments thereto are expected. There will be a yea-and-nay vote on final passage of S. 1769 on Friday next. The yeas and nays have already been ordered.

Hopefully, conferences between the two Houses can proceed in the meantime, tomorrow and Thursday. Several conferences are still out, among which are the Department of Health, Education, and Welfare appropriation bill conference report, the State-Justice appropriation bill conference report, conference reports on the military procurement authorization, foreign assistance amendments, foreign military assistance, and military construction authorizations.

So this respite will give the Senate conferees the opportunity to be away from the floor without the conferences being interrupted by rollcall votes.

ADJOURNMENT TO 10 A.M., FRIDAY, NOVEMBER 2, 1973

Mr. GRIFFIN. Mr. President, with the concurrence of the distinguished majority whip, I move, in accordance with the previous order, and pursuant to Senate Resolution 193, as a further mark of respect to the memory of Representative JOHN P. SAYLOR, of Pennsylvania, that the Senate stand in adjournment until 10 a.m. on Friday next.

The motion was agreed to, and, at 5:12 p.m., the Senate adjourned until Friday, November 2, 1973, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate October 30, 1973:

U.S. PATENT OFFICE

The following-named persons to be Examiners-in-Chief, U.S. Patent Office:

Roger L. Campbell, of Virginia, vice John Stevens Lieb, resigned.

Walter W. Burns, Jr., of Virginia, vice Don D. Andrews, resigned.

CONFIRMATION

Executive nomination confirmed by the Senate October 30, 1973:

IN THE AIR FORCE

The following officer to be placed on the retired list in the grade indicated under the provisions of section 8962, title 10, of the United States Code:

To be lieutenant general

Lt. Gen. Alvan C. Gillem II, 419-52-9245FR (major general, Regular Air Force) U.S. Air Force.

HOUSE OF REPRESENTATIVES—*Tuesday, October 30, 1973*

The House met at 12 o'clock noon.

Rev. Tipton L. Britner, Immanuel United Methodist Church, Indianapolis, Ind., offered the following prayer:

Our God and Father, we give thanks for our Nation, for all its natural beauty and abundance of raw materials. Give us wisdom to use them wisely. Be with our legislators as they debate actions that will have profound influence on the lives of millions of people. Grant them the courage to act on conviction and not expediency, to stand firm for what they believe is right. When they are right give them the victory, and when they are wrong, let them be defeated. Let truth be the standard and love be the guide that governs all actions taken this day. Let not foolish pride or a stubborn will influence their decisions. Lead us out of the pressure of crisis and confusion in order that we may find simplicity. In Christ's name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Marks, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On October 16, 1973:

H.J. Res. 727. Joint resolution making further continuing appropriations for the fiscal year 1974, and for other purposes.

On October 18, 1973:

H.R. 1965. An act for the relief of Theodore Barr;

H.R. 7645. An act to authorize appropriations for the Department of State, and for other purposes; and

H.R. 7976. An act to amend the act of August 31, 1965, commemorating certain historical events in the State of Kansas.

On October 19, 1973:

H.R. 1322. An act for the relief of Jay Alexis Caligdong Siaotong;

H.R. 1366. An act for the relief of Juan Marcos Cordova-Campos;

H.R. 1377. An act for the relief of Michael Joseph Wendt;

H.R. 1462. An act for the relief of John R. Poe;

H.R. 1716. An act for the relief of Jean Albertha Service Gordon;

H.R. 2212. An act for the relief of Mrs. Nguyen Thi Le Fintland and Susan Fintland;

H.R. 2215. An act for the relief of Mrs. Purita Paningbatan Bohannon;

H.R. 6628. An act to amend section 101(b) of the Micronesian Claims Act of 1971 to enlarge the class of persons eligible to receive benefits under the claims program established by that act;

H.R. 7699. An act to provide for the filling of vacancies in the Legislature of the Virgin Islands;

H.R. 1315. An act for the relief of Jesse McCarver, Georgia Villa McCarver, Kathy McCarver, and Edith McCarver;

H.R. 1378. An act for the relief of James E. Bashline; and

H.R. 4507. An act to provide for the striking of medals in commemoration of Jim Thorpe.

On October 25, 1973:

H.R. 3799. An act to liberalize eligibility for cost-of-living increases in civil service retirement annuities; and

H.R. 8619. An act making appropriations for agriculture-environmental and consumer protection programs for the fiscal year ending June 30, 1974, and for other purposes.

On October 26, 1973:

H.J. Res. 748. Joint resolution making an appropriation for special payments to international financial institutions for the fiscal year 1974, and for other purposes;

H.R. 8250. An act to authorize certain programs and activities of the government of the District of Columbia, and for other purposes; and

H.R. 8825. An act making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, and corporations for the fiscal year ending June 30, 1974, and for other purposes.

REV. TIPTON L. BRITNER OF INDIANAPOLIS, IND.

(Mr. HUDNUT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUDNUT. Mr. Speaker, I am very proud to say that the opening prayer for today's session was delivered by my very good friend, and former colleague in the ministry, Rev. Tipton L. Britner, senior minister of Immanuel United Methodist Church, Indianapolis, Ind. Reverend Britner's prayer was sincere, meaningful, and appropriate and I am sure that I speak for all of us in welcoming him and expressing appreciation to him for being with us today.

In addition to his pastoral duties, Reverend Britner is well known in Indianapolis for his many civic endeavors in behalf of his fellowman. He is director of the North Arlington Multiservice Project which includes the Beechwood Gardens Housing Project, the Immanuel Day Care Center which serves over 100 children daily—and the Immanuel Counseling Center. These various projects provide some 15,000 units of service per month for the northeast side of the city and are partially funded by Community Services Program of Greater Indianapolis. Reverend Britner is very much an authority on day care services for children as well as other needed social services.

It is a great pleasure to have him with us today.

MR. GERALD FORD

(Mr. BRINKLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRINKLEY. Mr. Speaker, I noticed in the paper yesterday where 70 extra FBI agents had been assigned to Grand Rapids, the hometown of the gentleman from Michigan (Mr. GERALD R. FORD) as part of the investigation into his background following his selection by President Nixon to become Vice President. This is ridiculous. It borders on hysteria.

THE MILITARY ALL-VOLUNTEER CONCEPT—EIGHTH SEGMENT

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, to continue my 1-minute speeches, I have received a letter from the Secretary of the Army, Bo Callaway, asking my support as the Army faces one of its most serious challenges—the volunteer concept.

Secretary Callaway admits that the strength quotas have not been met by the Army, but in his letter he points out that other new objectives are being obtained.

Mr. Speaker, I and all my colleagues are certainly willing to help the Secretary of the Army make the volunteer concept work. However, I would caution the Secretary to keep his powder dry and not be carried away by new motivated ideas. If the volunteer concept is not going to work, the Secretary has the responsibility of letting Congress know. We must continue to have a strong and viable Army.

CHARLES G. OAKMAN

(Mrs. GRIFFITHS asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. GRIFFITHS. Mr. Speaker, it is my sad duty to inform you of the passing of former Congressman Charles G. Oakman. Mr. Oakman was my predecessor in the House, serving Michigan's 17th Congressional District in the 83d Congress.

Mr. Oakman was a fine man, highly respected in the Detroit metropolitan area. He came from one of Detroit's most prominent families, known for its public service and contributions to the development of the city.

At this time, I would like to extend my sympathies to Mr. Oakman's widow and family, and insert in this RECORD his obituaries carried in the Detroit News and the Detroit Free Press.

The article follows:

[From the Detroit Free Press, Oct. 29, 1973]

CHARLES G. OAKMAN, 70, IS DEAD

Charles G. Oakman, a long-time Detroit politician and the man who, as much as anyone, was responsible for the construction of the City-County Building, died in his sleep at his Dearborn home Sunday. He was 70.

A descendant of the Oakman family which held extensive real estate and development interests in the city, Mr. Oakman worked in real estate and life insurance for 14 years after his graduation from the University of Michigan before entering public service.

In 1940 he became the executive secretary to Mayor Edward Jeffries Jr. and the next year was appointed city controller.

He resigned in 1945 to become a member of the Common Council, to which he was elected four times. He resigned his council position in 1952 after winning a seat in Congress, representing the 17th Congressional District in northwest Detroit as a Republican.

Mr. Oakman lost his bid for re-election in 1954, and returned to Detroit to become the general manager of the Detroit-Wayne Joint Building Authority, which he had been instrumental in creating eight years earlier while a councilman.

He held that position until early this year, when he retired. Mr. Oakman continued to work as a consultant and advisor to the authority and was often seen around the City-County Building, ready at the drop of a hat to tell a story from his insider days in city and federal government.

He served 11 years as a county supervisor.

Mr. Oakman was a member of the Elks, the Palestine Chapter of the Palestine Lodge, Moslem Shrine, Detroit Commandery No. 1 of Knights Templar, and the University of Michigan Club. He was a former trustee of the Detroit Institute of Cancer Research.

He is survived by his wife, Bernice; two children from his marriage to Mary Atherton, Charles R. Oakman and Patricia Ashbrook; one sister and six grandchildren. Services will be at 11 a.m. Wednesday at the Howe-Peterson Funeral Home, 22546 Michigan Ave., Dearborn. Burial will be in Roseland Park, Berkley.

Memorial tributes in lieu of flowers may be sent to the Capuchin Charity Guild of Detroit.

[From the Detroit News, Oct. 29, 1973]

CHARLES G. OAKMAN, EX-COUNCILMAN, DIES

Charles G. (Charlie) Oakman, former U.S. congressman, Detroit city councilman and for 17 years "landlord" of the City-County Building, died yesterday in Oakwood Hospital at the age of 70.

Mr. Oakman served four terms on the City Council and one term in the U.S. House but was perhaps best known for his leadership in forming the Detroit-Wayne Joint Building Authority, which in 1955 completed the City-County Building in downtown Detroit.

Having helped build the "dream city hall", Mr. Oakman was the natural choice to serve as its building manager and unofficial ambassador of good will. He held that job until his retirement last year.

Mr. Oakman took to politics by heritage and environment.

He was born in Detroit's Corktown to a family whose political, real estate and development activities were prominent in the city in the late 1800's.

And, as the nephew of a former Wayne County sheriff, auditor and clerk, Mr. Oakman often said he cut his teeth on how votes are won and lost and won again.

After graduating in 1926 from the University of Michigan, where he wrote his senior thesis on "Detroit's Strong Mayor Type of Government", Mr. Oakman opened a real estate firm but kept his hand in politics by campaigning for former Detroit Mayor John C. Lodge and serving as campaign manager to another former Detroit mayor, Edward J. Jeffries.

During the Jeffries campaign, Mr. Oakman invited hundreds to a "cocktail" party to meet the candidate. "But Charlie," Jeffries said, "we're short of campaign funds." "All right," said Mr. Oakman, "let them drink beer. It'll be something new at a cocktail party."

Known for his straightforward style, Mr. Oakman was a favorite of the press. Rising to deliver a campaign speech at the beer party for Jeffries, Mr. Oakman described himself as a "Jeffries Red Hot. I admire Jeffries' honesty and forthrightness. What more do you fellows want?"

Mr. Oakman served as Mayor Jeffries' executive secretary and then as city controller until winning his first Council seat in 1946. He moved to the U.S. House in 1952 as a Republican from the 17th District, but lost his bid for re-election in 1954.

After that he became building manager at the new City-County Building where he administered a $2 million annual budget and supervised a staff of 140.

Services for Mr. Oakman will be at 11 a.m. Wednesday in Howe Peterson Funeral Home, 22546 Michigan, Dearborn. Burial will be in Roseland Park.

Surviving are his wife, Bernice; a son, Charles R.; a daughter, Mrs. Charles Ashbrook; a sister, Mrs. Walter Reichart; and six grandchildren.

GENERAL LEAVE

Mrs. GRIFFITHS. Mr. Speaker, I ask unanimous consent that all Members may have 5 days to revise and extend their remarks on the passing of former Congressman Charles G. Oakman.

The SPEAKER. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, will the gentlewoman yield?

Mrs. GRIFFITHS. I yield to the distinguished gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, I appreciate the gentlewoman yielding to me. I was saddened, and felt very sorry that my old friend, Charles Oakman, passed away.

He served well, as I recall, just one term in the House. He came to the Congress in 1952 after a very illustrous career in local politics in the city of Detroit. He served extremely well in the House of Representatives and when he left the House he continued his fine public service in the community.

He was a good friend of mine.

After he left the Congress he kept his interest not only in local public affairs but in political matters at the Federal level and it was always at the constructive level.

I extend to his family my deepest condolences in the hour of sadness.

Mrs. GRIFFITHS. I thank the gentleman.

Mr. CEDERBERG. Mr. Speaker, will the gentlewoman yield?

Mrs. GRIFFITHS. I yield to the gentleman from Michigan (Mr. CEDERBERG).

Mr. CEDERBERG. Mr. Speaker, this is the first I have known of the passing of my good friend Charley Oakman.

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We came together to the 83d Congress. We were very close friends.

He came from a very illustrious Detroit family and has been active in the affairs of the city of Detroit for many years.

I want to join others in expressing my very deep regret and sadness at his passing and to express my sympathy to his family.

Mrs. GRIFFITHS. I thank the gentleman.

I am sure I speak for all when I extend the sympathies of the House of Representatives to his family.

PENDING HEARING BEFORE HOUSE JUDICIARY COMMITTEE

(Mr. PREYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PREYER. Mr. Speaker, the House Judiciary Committee will soon begin one of the most important congressional investigations ever undertaken. In order to insure that this investigation is fair and thorough it is imperative that the Committee have access to whatever information it may need.

There is, however, a very real obstacle facing the investigatory function of Congress. I refer to the decision of October 17 by Chief Judge John Sirica of the U.S. District Court for the District of Columbia. In denying the Senate Select Committee on Presidential Campaign Activities access to what have become known as the Watergate tapes, Judge Sirica found that the court had no jurisdiction to hear the case. In Judge Sirica's words—

> The Court has here been requested to invoke a jurisdiction which only Congress can grant but which Congress has heretofore withheld.

I am today introducing legislation which clearly gives the District Court for the District of Columbia jurisdiction to enforce congressional subpenas. While this legislation is in no way inconsistent with the establishment of a special prosecutor acting outside Congress, it is at the same time essential to arm House and Senate Committees with the power to conduct complete investigations. I strongly urge that we proceed with all dispatch in enacting this legislation.

Similar legislation is being introduced today in the Senate by Senator ERVIN

ACADEMY APPOINTMENTS

(Mr. MILFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILFORD. Mr. Speaker, one of the great pleasures of serving as a Congressman is have the opportunity of nominating fine young people to attend our three U.S. service academies at West Point, Annapolis, and Colorado Springs. I believe that the outstanding youth of our country should be recognized for their achievements and capabilities, and I am extremely pleased to be able to do so through the confering of these nominations.

Last year I was privileged to nominate two young men, Charles Tankersley to the Air Force Academy and Scott Smith to the Naval Academy. It was brought to my attention recently that after their first summer's work both distinguished themselves by participating in the most outstanding company for that period of time—Charles in the Honor Squadron and Scott in the Color Company. I cannot tell you how pleased and proud I am of their achievement.

We are now in the process of selecting this year's nominees, a procedure which should require our thoughtful and careful deliberation. I, for one, am very appreciative of having the chance to assist in a very real way these fine young people in the pursuit of their future goals and career objectives. I strongly believe that they will prove to be of great benefit, not only in their area of work but to our Nation as well.

CONFIRMATION PROCEEDINGS ON THE NOMINATION OF VICE-PRESIDENT-DESIGNATE GERALD R. FORD

(Mr. RIEGLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIEGLE. Mr. Speaker, I rise today to add my voice to others calling for swift action on the confirmation proceedings of Vice-President-designate GERALD R. FORD.

While the full investigative process must be properly completed, I feel it is essential that we bring his confirmation to a vote in the House at the earliest moment.

I wish to declare today my support for his confirmation, and I do so with full knowledge that, if confirmed, he may well ascend to the Presidency within a short time.

In candor, he was not my first choice for this job. We have had many fundamental differences on key issues. Nevertheless, I believe he has the personal integrity and the basic competence to function effectively as President.

Some ask if he can rise above partisanship to assume a national office representing Americans of all viewpoints. I believe he can. Others ask if he will be able to help restore the people's faith in government. Only on-the-job performance can finally answer this, but I believe in his honesty and know him to be a man of deep personal integrity.

While JERRY FORD is a friend, I do not rise today as a matter of friendship; I rise to add my own insight and personal judgment on a matter that is of critical importance to our country.

ANNOUNCEMENT OF THE APPOINTMENT OF THE HONORABLE JOHN BUCHANAN AS MEMBER OF U.S. DELEGATION TO THE U.N.

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, I am requesting a leave of absence through the remainder of the 28th session of the United Nations for the gentleman from Alabama (Mr. BUCHANAN) who is a member of the U.S. delegation to the United Nations and has been serving in this position since September 18.

I wish my colleague well in New York and commend our President for his selection of Mr. BUCHANAN to this position at this particularly critical time in the history of international relations.

POSTPONEMENT OF CONSIDERATION OF VETO MESSAGE ON HOUSE JOINT RESOLUTION 542, WAR POWERS RESOLUTION, UNTIL WEDNESDAY, NOVEMBER 7, 1973

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that further consideration of the veto message of the President on House Joint Resolution 542 be further postponed until Wednesday, November 7, 1973.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. GROSS. Mr. Speaker, reserving the right to object, may I ask what is the gentleman's request?

Mr. O'NEILL. Mr. Speaker, the request is concerning a postponement of consideration of the veto messsage on the war powers resolution, which is scheduled for Thursday. In view of the fact that Congressman Saylor's funeral is going to be on that day, we are asking for the postponement.

Mr. GROSS. The postponement would be until Wednesday next?

Mr. O'NEILL. Until Wednesday next.

Mr. GROSS. Does that also include the USIA and that sort of thing?

Mr. O'NEILL. That is for the other body, as far as my knowledge is concerned.

Mr. GROSS. I thank the gentleman.

Mr. Speaker, I withdraw my resolution.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

QUARTERLY REPORT OF THE ECONOMIC STABILIZATION PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Banking and Currency:

To the Congress of the United States:

I herewith transmit to the Congress the most recent Quarterly Report of the Economic Stabilization Program, covering the period April 1, 1973, through June 30, 1973.

The second quarter of 1973 was a time of tremendous growth for the American economy. Employment increased by over one million jobs. Our gross national product grew by $29.5 billion and real per capita disposable income reached a new high. On the international front, our balance of payments continued to improve significantly according to all major measures of the payments deficit. The basic balance deficit was reduced to an annual rate of slightly more than $3 billion in this period, as compared to a deficit rate of $9.8 billion for all of 1972.

Unfortunately, during this same period the rate of inflation continued its unsatisfactory rise. This increase reflected a strong growth in demand—both here at home and around the world—particularly for agricultural and petroleum products.

Accordingly, I decided to institute a 60-day freeze on prices beginning June 13. At the same time, I directed that plans be developed for a new phase of the Economic Stabilization Program. Phase IV, which was developed in extensive consultation with representatives of all segments of our economy, is now in effect.

I am convinced that Phase IV, combined with actions to increase supplies, a restrictive monetary policy, and restraint in Federal spending, will enable us to reduce the inflationary threat to our economic well-being.

With the cooperation of business, labor and the American public, we can achieve our goal of reasonable price stability and return our country to a strong and healthy free market system.

RICHARD NIXON.

THE WHITE HOUSE, *October 30, 1973.*

REPORT ON HIGHWAY SAFETY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93-173)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee of the Whole House on the State of the Union and ordered to be printed with illustrations:

To the Congress of the United States:

Ever since the Highway Safety and the National Traffic and Motor Vehicle Safety Acts were passed in 1966, the fatality rate on our Nation's highways has been falling. In 1967, the number of deaths per 100 million miles driven was 5.5. By 1972 it had dropped by 18 percent to 4.5.

A wide range of programs have contributed to this decrease, programs designed to increase the safety of our highways, our motor vehicles and the driving habits of our motorists. The full impact of many of these safety programs still has not been felt, and there is reason for us to expect still greater progress in the future.

Unfortunately, the success we have enjoyed in reducing the fatality rate has not been extended to reducing the total number of highway deaths. In 1967, 53,000 persons died in motor vehicle accidents of various kinds. By 1972 that annual toll had risen to an estimated 57,000—a truly shocking level.

The discrepancy between the falling rate of fatalities and the rising *number* of deaths is explained, of course, by the fact that the number of vehicle miles driven in this country increased by more than 300 billion between 1967 and 1972. The total mileage driven in 1972 was 1.25 trillion. In short, our safety measures, effective as they have been, have not been able to hold in check the total number of highway deaths occasioned by the vastly greater use of our highways.

My Administration is profoundly committed to the cause of highway safety. The annual toll which traffic accidents take in lives and in injuries is more than any society should have to bear. And the annual financial cost of traffic accidents is now estimated at nearly $50 billion.

It is my hope that this three-volume report on the Highway Safety and National Traffic and Motor Vehicle Safety Acts of 1966, by reviewing the challenge of traffic safety and by detailing our efforts to meet it, will increase our awareness and enhance our effectiveness in this vital field.

RICHARD NIXON.

THE WHITE HOUSE, *October 30, 1973.*

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. MURPHY of Illinois. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

EXTENDING THE DRUG ABUSE EDUCATION ACT

Mr. MURPHY of Illinois. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 656 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 656

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9456) to extend the Drug Abuse Education Act of 1970 for three years. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and all points of order against section 2 of said substitute for failure to comply with the provisions of clause 4, rule XXI are hereby waived. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Illinois is recognized for 1 hour.

Mr. MURPHY of Illinois. Mr. Speaker, I yield the usual 30 minutes for the minority to the distinguished gentleman from Tennessee (Mr. QUILLEN) and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 656 provides for an open rule with 1 hour of general debate on H.R. 9456, a bill to extend the Drug Abuse Education Act of 1970 for 3 years.

House Resolution 656 provides that it shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill as an original bill for the purpose of amendment.

House Resolution 656 also provides for a waiver of points of order against section 2 of the substitute for failure to comply with the provisions of clause 4, rule XXI, of the Rules of the House of Representatives—prohibiting appropriations in a legislative bill.

H.R. 9456 authorizes an appropriation of $26 million for fiscal year 1974, $30 million for fiscal year 1975, and $34 million for fiscal year 1976, for a total authorization of $90 million over the next 3 fiscal years. These moneys will be divided and allocated to the Secretary of Health, Education, and Welfare to fund drug abuse education programs and to support community education projects. They will also be allocated to the State education agencies in order for such agencies to assist local education agencies in the planning, development, and implementation of drug abuse education programs.

Mr. Speaker, the Drug Abuse Education Act of 1970 has made progress toward alleviating the problems of inadequate scientific materials for the teaching at all levels of society about the dangers of drug use and abuse, and the lack of adequately trained teachers. However, the drug abuse problem is still significant, and there is still a continued national need for a program to better educate the citizenry about the uses and potential abuses of drugs. I urge adoption of House Resolution 656 in order that we may discuss and debate H.R. 9456.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the primary purpose of H.R. 9456 is to extend for 3 years the Drug Abuse Education Act of 1970.

The funds authorized would be used for drug abuse education proposals and community education projects.

The total cost of this program is $90,000,000 over the 3-year period. The costs are broken down in the following chart:

[In millions]

	Fiscal year—		
	1973	1974	1975
Sec. 3—Drug abuse education projects	$14	$16	$18
Sec. 4.—Community education projects	12	14	16
Total	26	30	34

There are no departmental letters in the committee report. However, the re-

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port does indicate that administration witnesses opposed this bill in their testimony before the committee. These witnesses maintained that the Drug Abuse Office and Treatment Act of 1972 already contains sufficient flexibility so that the Director of the Special Action Office for Drug Abuse Prevention and the Secretary of Health, Education, and Welfare can conduct drug abuse education programs.

Mr. GROSS. Mr. Speaker, would the gentleman yield?

Mr. QUILLEN. I will be happy to yield to the distinguished gentleman from Iowa.

Mr. GROSS. Mr. Speaker, can the gentleman from Tennessee give us any indication as to why there is no provision in this bill to deal with coffee abuse education? Does not the gentleman from Tennessee think that there is abuse on the part of some people in the drinking of coffee, and is caffein a drug?

Mr. QUILLEN. I imagine it could be covered under the wide provisions of this bill.

Mr. GROSS. I wonder why coffee is not covered in this $90 million bill to educate people about the sad story of those who drink too much coffee.

Mr. BRADEMAS. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I will be happy to yield to the gentleman from Indiana.

Mr. BRADEMAS. Mr. Speaker, I thank the gentleman for yielding to me.

I might say that caffein is a drug, as the gentleman from Tennessee has quite accurately stated, and it could of course be included under the bill if it were demonstrated that the abuse of the use of caffein were regarded by particular applicants as something they wanted to provide education about. But I would have to point out to the gentleman from Iowa (Mr. Gross) that the principal impetus for this program came of course not because of the misuse or abuse of caffein, but of drugs such as heroin, cocaine, and other dangerous drugs.

Mr. GROSS. Mr. Speaker, will the gentleman yield further?

Mr. QUILLEN. I yield further to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I do not believe that we ought to short circuit any segment or any category of society when it comes to education. We are educating people on the environment, the other day we passed a bill with $189 million worth of the taxpayers' money to cover that, and now we are confronted with $90 million worth of education for a couple of purposes under the terms of this bill. So I do not know why we should not go all the way.

For instance, I am informed that if children drink too much Coca-Cola at an early age it tends to cause tooth decay, so why should we not have an educational program with regard to that abuse as well as people who abuse the drinking of coffee?

Mr. QUILLEN. Mr. Speaker, the gentleman from Iowa has made a good point. And I would say if it is not covered under this act that eventually there will be a recommendation to expend millions more for additional educational programs.

Mr. GROSS. I thank the gentleman for yielding to me, and for his usual pertinent remarks.

Mr. QUILLEN. Mr. Speaker, I have no further requests for time, but I reserve the balance of my time.

Mr. MURPHY of Illinois. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the "ayes" appeared to have it.

Mr. BLACKBURN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 376, nays 4, not voting 53, as follows:

[Roll No. 553]

YEAS—376

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashbrook
Ashley
Bafalis
Baker
Barrett
Bauman
Beard
Bennett
Bergland
Bevill
Biester
Bingham
Blackburn
Boggs
Bolling
Bowen
Brademas
Brasco
Bray
Breckinridge
Brinkley
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Camp
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clay
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Collins, Tex.
Conable
Conlan
Conte
Conyers
Corman
Cotter
Coughlin
Crane
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denholm
Dennis
Derwinski
Devine
Diggs
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Green, Pa.
Griffiths
Grover
Gude
Guyer
Haley
Hamilton
Hanley
Hanna
Hanrahan
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Kemp
Ketchum
Kluczynski
Koch
Kuykendall
Kyros
Landrum
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
McClory
McCollister
McCormack
McDade
McEwen
McFall
McKay
McSpadden
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Railsback
Randall
Rangel
Rees
Regula
Reid
Reuss
Rhodes
Riegle
Rinaldo
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roybal
Ruppe
Ruth
St Germain
Sarasin
Sarbanes
Satterfield
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stubblefield
Stuckey
Studds
Sullivan
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—4

Gross
Landgrebe
Quillen
Rarick

NOT VOTING—53

Anderson, Calif.
Aspin
Badillo
Bell
Biaggi
Blatnik
Boland
Breaux
Brooks
Buchanan
Burke, Calif.
Carey, N.Y.
Chisholm
Clark
Clausen, Don H.
Clawson, Del
Dellums
Dent
Dickinson
Fountain
Grasso
Gray
Green, Oreg.
Gubser
Gunter
Hammerschmidt
Hansen, Wash.
Hosmer
Howard
Jones, Ala.
Keating
King
Lujan
McCloskey
McKinney
Macdonald
Mills, Ark.
Mosher
Murphy, N.Y.
Nichols
Nix
Roberts
Roy
Runnels
Ryan
Sandman
Steele
Stratton
Symington
Veysey
Waldie
Wiggins
Young, Fla.

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Dent with Mrs. Green of Oregon.

Mr. Murphy of New York with Mrs. Burke of California.

Mr. Nichols with Mr. Breaux.

Mr. Fountain with Mr. Runnels.

Mr. Biaggi with Mr. Dellums.

Mr. Blatnik with Mr. Don H. Clausen.

Mr. Clark with Mr. Mosher.

Mr. Carey of New York with Mr. Del Clawson.

Mr. Howard with Mr. King.

Mr. Gray with Mr. Buchanan.

Mrs. Grasso with Mr. Keating.

Mrs. Hansen of Washington with Mr. Lujan.

Mrs. Chisholm with Mr. Aspin.

Mr. Mills of Arkansas with Mr. Sandman.

Mr. Nix with Mr. Hosmer.

Mr. Roberts with Mr. Steele.

Mr. Stratton with Mr. Bell.

Mr. Waldie with Mr. McKinney.

Mr. Symington with Mr. Gubser.

Mr. Macdonald with Mr. Dickinson.

Mr. Jones of Alabama with Mr. Ryan.

Mr. Badillo with Mr. Roy.

Mr. Anderson of California with Mr. Young of Florida.

Mr. Boland with Mr. McCloskey.

Mr. Brooks with Mr. Wiggins.

Mr. Gunter with Mr. Hammerschmidt.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. BRADEMAS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9456) to extend the Drug Abuse Education Act of 1970 for 3 years.

The SPEAKER. The question is on the motion offered by the gentleman from Indiana.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 9456, with Mr. Rees in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Indiana (Mr. Brademas) will be recognized for 30 minutes, and the gentleman from Pennsylvania (Mr. Eshleman) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Indiana (Mr. Brademas).

Mr. BRADEMAS. Mr. Chairman, I yield myself 7 minutes.

Mr. Chairman, I rise in support of H.R. 9456, a bill to extend the Drug Abuse Education Act of 1970 for 3 years.

Mr. Chairman, the Select Subcommittee on Education, which I have the honor to chair, held hearings on legislation to extend the Drug Abuse Education Act during May and June of this year. On July 17, the subcommittee reported a bipartisan bill and on September 11, the measure was reported out of the full Education and Labor Committee with overwhelming approval.

I would like, at the outset, Mr. Chairman, to commend particularly the gentleman from Washington (Mr. Meeds) for his outstanding leadership in connection with this legislation. Mr. Meeds is the original sponsor of the bill and has been a vigorous champion of more effective education on the abuse of dangerous drugs. I would also like to commend the gentleman from Kentucky, chairman of the Committee on Education and Labor (Mr. Perkins), as well as the gentleman from Minnesota, the ranking minority leader (Mr. Quie), the gentleman from Pennsylvania (Mr. Eshleman), the gentleman from New York (Mr. Peyser), the gentlelady from Connecticut (Mrs. Grasso), the gentleman from Florida (Mr. Lehman), and the gentleman from Kentucky (Mr. Mazzoli).

FLEXIBLE AUTHORITY

Mr. Chairman, I would like to recall for the benefit of my colleagues the fact that the original act was a result of a bipartisan effort and received overwhelming support in both the House and the other body.

And although the measure was opposed then, as it is today, by the administration, the bill was passed in the House by a vote of 294 to 0 and in the Senate by a vote of 79 to 0.

Mr. Chairman, as I have previously noted, this is basically a 3-year extension of the original Drug Abuse Education Act.

Briefly, Mr. Chairman, the Drug Abuse Education Act provides for flexible and broad authority for support of drug abuse education activities, particularly in elementary and secondary schools and in local communities.

Specifically, the Drug Abuse Education Act provides for:

First, the encouragement, and support, of the development, demonstration, and effectiveness of innovative and improved curricula on the dangers of the abuse of drugs;

Second, dissemination of significant materials for use in a variety of institutions, of which schools and community organizations at the local levels are the most important;

Third, training of teachers, counselors, law enforcement officers, and other public service and community leaders;

Fourth, support of adult and community education programs, especially for parents; and

Fifth, providing resources to State and local educational agencies in planning, development and implementation of drug abuse education programs in the elementary and secondary schools.

Mr. Chairman, the authorizations for the Drug Abuse Education Act are: $26 million for fiscal year 1974, $30 million for fiscal year 1975, and $34 million for fiscal year 1976, which is a total of $90 million over the next 3 years. I note for my colleagues that this figure is a 50 percent reduction in authorization from that of the originally introduced bill, so I would say that an effort has been made to provide for realistic authorizations in the measure.

I also call special attention to the fact that the committee has legislated the priority of funding of programs which can be supported under the Drug Abuse Education Act and that the committee has also provided for increased assistance to State departments of education. This order of priority is primarily a result of the fact that the committee felt that the Office of Education had not followed the priority as stated in the original legislation and had ignored the congressional intent of providing programs of drug abuse education in elementary and secondary schools and of evaluating those programs.

Therefore, the bill under consideration provides that of the money appropriated, the first $6 million will be assigned to the Secretary of Health, Education, and Welfare for section 3 (a) and (b) purposes—curriculum development, training, demonstration, dissemination, evaluation, and community education.

The next $5.6 million will be allotted to State education agencies for section 3(c) purposes, that is for aid to State departments of education for paying necessary expenses in assisting local education agencies in the planning, development, and implementation of drug abuse education programs.

The next $6 million will be allocated to the Secretary of Health, Education, and Welfare for section 4 projects—community-oriented education programs for parents and community leaders. Such programs may include, among others, seminars, workshops, conferences, telephone counseling and information services to provide advice, information, or assistance to individuals with respect to drug abuse or drug dependency problems, the operation of centers designed to serve as a locale which is available to individuals seeking to discuss or obtain information, advice, or assistance with respect to drug abuse or drug dependency problems, arrangements involving the availability of so-called peer-group leadership programs, and programs establishing and making available procedures and means of coordinating and exchanging ideas, information, and other data involving drug abuse and drug dependency problems.

The next $2.4 million of funds will be provided to State education agencies for section 3(c) purposes, that is for aid to State departments of education for paying necessary expenses in assisting local education agencies in the planning, development, and implementation of drug abuse education programs.

If any funds remain they will be assigned to section 4, community projects.

I would here note with respect to the second priority, that the $5.6 million represents the provision in the bill which provides that each State shall receive a minimum of $100,000 or 5 percent of section 3 money, whichever is greater. If there is not enough money to provide $100,000 per State, then each State will receive equal amounts of available funds.

SUPPORT FOR LEGISLATION

The committee received extensive testimony from concerned citizens, youth services representatives, drug abuse prevention personnel, teachers and school administrators, State and local officials, as well as the administration on the question of continuing the Drug Abuse Education Act of 1970.

With the exception of the administration officials, the witnesses unanimously urged the committee to extend the act.

The committee noted, however, that President Nixon has issued many calls for effective educational programs about the dangers of drug abuse. In particular, the committee was pleased at the President's statement of September 10, 1973, to the participants in the White House Conference on Treatment Alternatives to Street Crime to the effect that "we should continue a four-way approach to the problem of drug abuse—by cutting off sources of supply, strengthening law enforcement, providing better treatment pro-

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grams, and continuing our programs of education."

Notwithstanding the President's statement, the administration, when testifying before the Select Subcommittee on Education, suggested that drug abuse education could be provided through other legislation. The committee was not persuaded by the testimony of the administration, and the position of the committee in this respect is outlined in more detail in the committee report.

The administration's argument, Mr. Chairman, namely, that there exists other legislation which can support drug abuse education is similar to that presented when the administration opposed enactment of the original act 3 years ago. The fact remains, however, that without this measure, acting as a stimulus, State and local educational agencies will not be able to provide the educational programs about drugs which are so greatly needed.

Mr. Chairman, I would also like to address a few words to the minority view of two members of the committee in the report. They charge that drug abuse education can cause more damage than good, and allege that drug abuse education programs are not only ineffective, but counterproductive as they often have the effect of actually increasing drug abuse.

When the studies cited in the minority views are more closely examined, it is apparent that the studies, far from supporting the termination of the Drug Abuse Education Act, underline the need for extending the act.

For, without exception, each of these studies condemns precisely the kinds of informational, as opposed to educational, programs, which the Office of Drug Abuse Education, and the Committee on Education and Labor, have found to be so ineffective in the past.

CONCLUSION

It should be pointed out that the very studies which the minority views cite as "evidence" of the failure of the pilot programs funded by the Office of Drug Abuse Education argue strongly for the continued support of that office and its efforts.

For unless we develop and validate the kinds of adequate educational programs, which all of these studies support, and develop competently trained teachers to implement these programs, it is likely that the kinds of informational programs cited and "damned" by these studies will continue to proliferate.

As the able chairman of the Select Subcommittee on Crime (Mr. PEPPER) reported to the House of Representatives, following that committee's investigation, the use and abuse of drugs in our schools, indeed, is a profoundly serious problem and is clearly a cause for continued national concern. There was, therefore, in the committee's opinion, a continued national need to develop effective educational programs about the use and abuse of dangerous drugs.

Mr. Chairman, I therefore urge my colleagues to join in strong support of the passage of H.R. 9456.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. BRADEMAS. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, our colleagues from Indiana and Washington—JOHN BRADEMAS, chairman of the Select Subcommittee on Education, and LLOYD MEEDS, a member of the subcommittee—deserve recognition for their efforts and leadership in engineering the original Drug Abuse Education Act to its enactment in 1970.

It is because of their continuing work and attention to the serious national problem of drug abuse that we have before us today not only a bill to extend the Drug Abuse Education Act but also to assure funding on a priority basis.

Aimed at increasing the number of adequately trained teachers and the supply of adequate scientific materials for teaching about the risks of drug use and abuse, the act made significant progress in the fight against this problem.

The hearing record compiled by our subcommittee attests to the success of the program, as well as indicating widespread and strong public support for the continuation of the act.

Many of the problems we recognized in 1970 are still with us. It is estimated that in 1972 there were approximately 500,000 to 600,000 heroin addicts in the United States.

Also, there are many more hundreds of thousands of Americans who use nonnarcotic drugs to excess. The second report of the National Commission on Marihuana and Drug Abuse stated that the degree of use of heroin and other opiates has increased from 2 percent in 1969 to 6 percent in 1972 among secondary school and college students.

Unfortunately, the extent of the problem is not limited to our schools, but rather is quite prevalent among nonstudents, and pervades the boundaries of class and income level throughout all areas of society. For example, the Commission also noted that alcohol witnessed an increase in sales from 1966 to 1971 of almost $7 billion.

Mr. Chairman, as the above figures only scratch the surface of this pervasive problem, I feel that the necessity for passing H.R. 9456 is quite obvious. Further support for this legislation can be seen in the extensive testimony the committee received from concerned citizens, youth services representatives, drug abuse prevention personnel, teachers and school administrators, and State and local officials.

The bill before us today would extend the Drug Abuse Act and authorize appropriations of $90,000,000 over a 3-year period. H.R. 9456 authorizes $26,000,000 to be appropriated for fiscal year 1974—less than was authorized in the previous fiscal year. In fiscal year 1975 an additional $4,000,000 is authorized, as is the case in fiscal year 1976. Furthermore, these funds are to be earmarked, so that the first $6,000,000 is reserved for section 3 drug abuse education programs. The next $5,600,000 would be available to State education agencies to enable them to assist local education agencies in the planning, development, and implementation of drug abuse programs.

The following $6,000,000 would be available for section 4 community education projects. The next $2,400,000 would be provided to the State education agencies on the basis of population. The balance would be used to fund community projects.

Mr. Chairman, in view of these facts—and because the need is so great—I strongly urge my colleagues to support this excellent and extremely important piece of legislation.

Mr. ESHLEMAN. Mr. Chairman, at this time I yield 5 minutes to the gentleman from Indiana (Mr. LANDGREBE).

Mr. LANDGREBE. Mr. Chairman, I would like first of all to call your attention to the extensive comments in the minority views in the committee report offered by myself and Mr. ASHBROOK.

Mr. Chairman, I join with the administration and the Department of Health, Education, and Welfare in opposing this bill. I do not think that anyone can seriously question the President's dedication to eradicating drug abuse in this country. The fact that HEW has requested no new funding for this program and opposes this bill does not indicate that the administration has abandoned its strong commitment to drug abuse prevention. Rather it is indicative of the administration's effort to consolidate the wide variety of Federal drug abuse prevention programs, including drug abuse education.

Mr. Chairman, the administration is attempting to consolidate the many programs scattered throughout the Federal bureaucracy and to eliminate overlapping and duplicative authorities in this area that have, in the past, led to much confusion and wasted effort.

To this end, the President's budget would increase the funding for drug abuse prevention programs under the Special Action Office for Drug Abuse Prevention to $40 million, an increase of $15 million over fiscal 1973. Let me remind my colleagues that in the last Congress, we mandated the Special Action Office as the main arm of this country's drug abuse prevention effort, and it remains today our best hope for achieving victory in our coordinated battle on drug abuse problems in our Nation's cities and schools.

A battle that we must win—the sooner, the better. All sensible people would agree that programs aimed at reducing drug abuse are worthy of pursuit. But the people should be assured that their tax dollars for these programs are bringing the hoped-for results. However, evidence shows that the drug abuse education programs funded under this act to date have not only been a failure, but have aggravated the drug abuse problems in some of our schools. Recent reports of the Commission on Marihuana and Drug Abuse, the Task Force of the National Education Association, the Engineers Strategic Study Group of the Army, to mention only a few, have damned drug abuse education as not only ineffective, but counterproductive as they often have the effect of actually increasing drug abuse.

A recent study by the University of California School of Medicine at Los Angeles contends that the drug abuse education programs may be doing more to encourage than to prevent the use of

illegal drugs by students. The report of a Los Angeles high school survey noted that—

> Following a drug education program more than one-third of the students thought that the programs encouraged the use of illegal drugs.

Mr. Chairman, how can we justify authorizing $90 million over the next 3 years to be spent on this narrow categorical program of dubious value while rejecting out of hand the President's reasonable request for a coordinated drug abuse prevention program? This bill is not only fiscally irresponsible, it is also obstructionist in that it further inhibits our efforts to achieve an effective attack on our drug problems.

Mr. Chairman, curtailing drug abuse must have the highest national priority. Counterproductive programs such as these are not the answer. I urge the House to defeat this bill and begin to work with the administration for an effective Federal attack on this country's drug abuse problem.

Mr. ESHLEMAN. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. PEYSER).

Mr. PEYSER. Mr. Chairman, I want to rise in support of this legislation, and particularly I want to caution the Members of the House who have had a feeling that, due to changes in laws in many parts of the country, we are beginning to get the upper hand on the drug situation, and therefore there may not be the need to continue this type of program. The drug problem in the country is still of such magnitude that any little step forward that we may have made is absolutely no reason to consider cutting back on a program such as that of drug education, because the real purpose involved here is reaching our young people before they get involved with drugs, and not having to face the problem on how to rehabilitate them after they have been into the drug scene.

So I hope that everyone will continue to support this legislation as they have in the past. And, recognizing that it is a major need in our country today to continue to work to develop a curriculum, the teachers and the programs to show our young people that drugs are not the answer, and that the know-how of knowing what to avoid in this situation in dealing with drugs is of the utmost importance for all of us. And that we in the Congress very much support all national efforts to fight this disease.

Mr. BRADEMAS. Mr. Chairman, I yield 7 minutes to the gentleman from Washington (Mr. MEEDS).

Mr. MEEDS. Mr. Chairman, I rise in strong support of H.R. 9456, an extension of the Drug Abuse Education Act of 1970.

I wish at the outset to express my sincere appreciation to the chairman of the subcommittee, the gentleman from Indiana (Mr. BRADEMAS) without whose help, it is very obvious to me, this bill would not have been able to have been placed before the House expeditiously. He has been an early and ardent supporter, and I very much appreciate his help.

The history of the Drug Abuse Education Act, Mr. Chairman, is locked in the contemporary history of the United States. Late in the 1960's and early in the 1970's the drug abuse problem flashed upon contemporary American life like a meteor. It was new and frightening to the adults of this country, and it was new and sometimes enticing to the young people. It provided a new way to challenge the traditional values of the adult culture. The incidence of drug taking in those years increased not by mere 1 and 2 or 5 or 10 percentage points but by hundreds of percentage points in this Nation.

The tendency of the schools, Mr. Chairman, was first to ignore the problem and hope that it would go away. I recall very vividly the number of principals and superintendents who maintained vigorously in later 1969 and 1970 that they had no drug-abuse problem in their school districts, but if one simply went out on the campus and talked with the students, he would get figures that anywhere from 50 to 90 percent of the student body were at least involved in some kind of experimentation with drugs. The schools reacted when public clamor and criticism arose. They reacted by attempting to devise curricula to teach drug abuse education, and they found their teachers were inadequately trained, and who, because of this inadequate training, realized that they should not be teaching drug abuse education and did not desire to do so. So inadequately trained teachers were using inadequate curriculum.

At about this time the Drug Abuse Education Act was passed by the House and Senate, as the gentleman from Indiana has pointed out, unanimously in both bodies. The purposes of the act were to, by grant and contract, develop curriculums to demonstrate and test the effectiveness of each curriculum before it was utilized, to disseminate that curriculum so that the school districts across this Nation would have the advantage of teacher training, and finally to provide community education. It was a developmental bill, Mr. Chairman, and still is a developmental bill.

We provided only $5 million in the first year, and we had to fight with the administration to get that money appropriated. The record of the Federal Government prior to that time was that we had spent in the year prior to that year, as I recall, only $600,000 in the whole field of drug abuse education.

The administration of this act, I think I must confess, Mr. Chairman, has been, to put it mildly, less than inspiring. Rather than contract for the development of curriculums as the act calls for, the drug abuse education group in the Office of Education set up a clearinghouse to assemble those curriculums, and that was developed in other places and has been disseminated through that clearinghouse without validating and without contracting for testing and pilot programs, again as the act calls for.

They have done some teacher training. Indeed that is probably one of the better aspects of the administration of this bill by the Office of Education. They have effectively utilized their funds in teacher training. They have provided perhaps the lion's proportion of the funds under the minigrant program, which as Members will notice in the report we have some questions as to the efficiency of.

But one of the very substantial success stories of the administration has been the community education programs through section 4. These are the peer groups, the crisis centers, and the hotlines which have been operated in many instances by young people themselves. Here has been really the cutting edge of education which has been effective because the credibility of these people has been established and is not subject to the questioning that occurs with some of the others, with adults and with teachers generally.

But, Mr. Chairman, despite the success, despite these few gains, the basic problem still exists. Drug taking is still ruining the lives of thousands of our young people. Many of the curriculums which are presently in effect are doing more harm than good. These are informational curriculums and not educational curriculums. The minority report says that certain groups—

> . . . have damned drug abuse education as not only ineffective, but counterproductive, as they often have the effect of actually increasing drug abuse.

Some studies are cited as having been made by the Commission on Marihuana and Drug Abuse, the Task Force of the National Education Association, and the Engineers Strategic Study Group of the Army.

It is as unfortunate as it is obvious that the people who wrote the minority opinion did not read the full studies which they talk about, because if they had read the full studies they would have realized that it is apparent the studies, far from supporting termination of the drug abuse education activities, underline the need for extending the act, for without exception each of these studies contains precisely the kind of information, as opposed to educational programs, which the Office of Drug Abuse Education and the Committee on Education and Labor have found to be effective in the past. In other words, the programs that they are condemning in this report are informational programs, the early programs that were not developed properly, and they have not been tested and they indeed are perhaps more harmful than good.

So, Mr. Chairman, there still exists a great need for the development of curriculums and the evaluation of those curriculums. This should have been done a number of years ago and we still need to do so to provide the best possible types of programs.

We need to develop under the aegis of this bill better methods of teaching and we need to get more teachers involved. Teachers are reluctant to teach about drug abuse education because they feel poorly equipped and on balance they are poorly equipped to do that.

Indeed, Mr. Chairman, there is a great need to do precisely the kinds of things authorized by this legislation. I entreat my colleagues to believe as I do that there is no magic wand which can be waved at the drug abuse problem in this

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country which will cause it to disappear. Education is no exception to that rule but education has more potential in substantially curtailing the problem than any other single factor involved in the equation.

This is not just my idea but as our hearings established in city after city, in hearing after hearing, the statements of hard-bitten police chiefs and law enforcement officials and prosecuting attorneys and other prosecuting officials to a person; I know of not one of them who testified before our committee who did not testify emphatically that education of all things stands the greatest chance of altering the complex problem of drug abuse in our Nation.

So, I urge my colleagues to join with us by voting to continue and expand this valuable program.

Mr. Chairman, let me further discuss the validity of the charge that education is doing more harm than good:

The minority views charge that drug abuse education can cause more damage than good, and note that the National Commission on Marihuana and Drug Abuse, the Task Force of the National Education Association, the Engineers Strategic Study Group of the Army, to mention only a few, have damned drug abuse education programs as not only ineffective, but counterproductive as they often have the effect of actually increasing drug abuse.

The views go on to cite a study by the University of California School of Medicine at Los Angeles which concluded that drug abuse education programs may be doing more to encourage than to prevent the use of illegal drugs, and notes that five Los Angeles junior high school students went out and bought drugs after a visit to their school of a drug abuse van because "the drugs in the van looked so good we wanted to try them."

When the studies cited in the minority views are more closely examined, it is apparent that the studies, far from supporting the termination of the Drug Abuse Education Act, underline the need for extending the Act.

For, without exception, each of these studies condemns precisely the kinds of informational, as opposed to educational, programs, which the Office of Drug Abuse Education, and the Committee on Education and Labor, have found to be so ineffective in the past.

NATIONAL COMMISSION OF MARIHUANA AND DRUG ABUSE

The National Commission on Marihuana and Drug Abuse (Schaffer Commission) for example, reported, after surveying a number of studies of drug information and education programs, that comprehensive evaluations were lacking, but that:

> Even without comprehensive evaluations, at least two clear conclusions emerge from isolated studies of different researchers: (1) most information materials now in the field are scientifically inaccurate and (2) most education programs operate in total disregard of basic communications theory. . . .
>
> Any concerted effort designed to frighten people away from drugs is doomed to failure. No information at all is preferable to inaccurate, dogmatic information which destroys the credibility of the source. Accurate information, when disseminated through so-called "sophisticated fear" techniques, can also be counterproductive.
>
> The faith that "through accurate knowledge of drugs, their attractions and liabilities, drug abuse shall be avoided" was the pervasive theme of all the drug curricula reviewed in a Commission-sponsored study.

And the Commission continued:

> At its best, drug education can be much more than this. First, it is a systematic presentation of information to a particular group of recipients; it is designed specifically for those recipients and attuned to their own level of sophistication, their knowledge and their views. Second, proper drug education employs a teacher trained not only to use the materials at hand, but also to relate to the recipients at a personal level and to use that relationship itself as an educational device.

Concluded the Commission:

> Education should integrate information about drugs and drug use, including alcohol and the over-use of legal drugs, into broader mental hygiene or problem solving courses. In this way, the overall objective of encouraging responsible decision making can be emphasized, without placing the teacher in the position of defending drug policy or persuading the students to comply with it.

So, while it is true that the Commission has called for a "moratorium on all drug education programs in the schools," that recommendation is a result of an analysis of information programs, and is qualified by the statement that the moratorium should be enacted "at least until programs already in operation have been evaluated and a coherent approach with realistic objectives has been developed."

TASK FORCE OF THE NATIONAL EDUCATION ASSOCIATION

The Task Force of the National Education Association did not "damn" drug abuse education programs as ineffective.

What it did condemn was the use of scare informational techniques in the area of drug abuse.

Said the Task Force—

> . . . false materials have been produced for and used in drug education with widespread indiscretion in schools across the nation . . . the Task Force feels that use of false, poor, emotionally oriented, and judgmental materials is more harmful than no materials.

And that is why Robert Winchester, a member of the NEA Task Force, told the Select Subcommittee on Education during oversight hearings in July 1972 that the National Education Association supported the Drug Abuse Education Act, and supported as well, additional funding for the measure.

And he told the subcommittee that the task force had made several recommendations which the NEA Board of Directors had accepted.

Said Mr. Winchester:

> This task force has made several recommendations. One of its purposes was to develop a new resolution for the NEA. This resolution calls for the improvement of drug education programs at all levels, for uniform classification of drugs and for standardization of State drug laws. It also encourages NEA members to involve themselves in drug education programs at the State, local, and Federal levels.

So the NEA's support of increased appropriations for the Drug Abuse Education Act, as well as its call for improvement in drug abuse education programs and the involvement of teachers in drug abuse education at every level, hardly supports the contention that NEA has "damned" drug abuse education as ineffective.

ENGINEERS STRATEGIC STUDY GROUP OF THE ARMY

Likewise, the Engineers Strategic Studies Group of the Army has condemned informational approaches to drug abuse, and, indeed, appears optimistic about the possibilities of truly educational approaches if properly developed.

After examining drug "education" programs across the Nation, and interviewing experts, the group cited several "lessons learned":

> 1. Scare tactics have not proved effective and can often be counterproductive.
>
> 2. Scientific facts, no matter how convincing they seem to adults, often fail to persuade the young.
>
> 3. Sources of information must be credible. Teachers must know the facts and deal with the positive aspects of drugs as well as the negative.
>
> 4. Different groups of young people respond to different approaches depending on their attitudes and experiences. . . .
>
> 5. Large group presentations are not effective.
>
> 6. One-shot, crash programs are not effective with the young. . . .
>
> 7. Education programs must start at early ages and continue through life.

And, the group went on to note:

> As drug abuse continues to increase, education will become even more ineffective . . . unless basic changes in concept are made. To become effective, education programs must emphasize: (1) irrational influences on drug use decisions; (2) lifetime development of attitudes.

Concluded the report:

> Education in general is not concerned only with learning facts or developing learning skills. The development of attitudes and skills for living in modern society is also a function of modern education. The same should be true of drug abuse education. Programs must delve beyond facts and into the motivations underlining the needs to misuse drugs.

UNIVERSITY OF CALIFORNIA SCHOOL OF MEDICINE

Finally, the minority views cite a University of California at Los Angeles School of Medicine study which "contended that the drug abuse education programs may be doing more to encourage than to prevent the use of illegal drugs by students."

The study cited is to be found in the August 1973 Journal of the American Academy of Pediatrics, and although the authors claim to evaluate drug education programs they are indeed evaluating drug information programs.

In three of the four programs discussed, panel discussions, lectures, films, and a van displaying drugs are the principal means of providing the information about drugs. In none of these three programs are the teachers qualified to present materials on drugs, and, indeed, in one of the programs, physical education instructors are the teachers.

The results of these three programs are either inconclusive, or point toward the encouragement of drug abuse.

In the fourth program studied, the format is that of a lecture, followed by a discussion period led by a trained teacher and a physician. This program led to a marked decrease in the numbers of students who said they planned to consume alcohol, smoke, or experiment with drugs.

With reference to the fourth program, the study concluded that:

> The outcome of this program provides cautious encouragement. Judging from the questionnaire studies on these children, the response and change in attitude after the program was very positive. It may be significant that this program was given by a specially trained teacher.

MACRO SYSTEMS STUDY

Yet another study which might have been cited in opposition to the Drug Abuse Education Act, was a study conducted by Macro Systems, Inc., which concluded in 1971 that most drug abuse education programs were ineffective.

Yet this study, which was made public only under pressure from the columnist Jack Anderson, was, once again, evaluating the very informational programs which the committee has agreed are worthless. Indeed, the study was conducted during 1971, during the first year of the existence of the Office of Drug Abuse Education, and did not, therefore, represent a valid study of the programs funded by that office.

Even so, the Macro Systems, Inc., study made recommendations which are a remarkable reflection of the philosophy espoused by the Office of Drug Abuse Education.

For the study concluded:

> HEW could abandon drug education as a single issue concept and develop programs more in keeping with current youth development areas involving broader decision making and problem solving capabilities.

CONCLUSIONS

It should be pointed out that the very studies cited in the minority views as "evidence" of the failure of the pilot programs funded by the Office of Drug Abuse Education argue strongly for the continued support of that Office and its efforts.

For unless we develop and validate the kinds of adequate educational programs, which all of these studies support, and develop competently trained teachers to implement these programs, it is likely that the kinds of informational programs cited and "damned" by these studies will continue to proliferate.

Mr. BRADEMAS. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. de la Garza).

Mr. DE LA GARZA. Mr. Chairman, the 15th Congressional District of Texas, which I represent, has a special interest in the Drug Abuse Education Act because of its location on the international boundary between the United States and Mexico.

The illegal movements of drugs across this border is a matter of serious and continuing concern. This is, of course, an enforcement problem, but it cannot logically be separated in our thinking from the legislation now before the House. We of the border area have a full understanding of the need for the kind of drug abuse educational program provided by H.R. 9456.

This bill, which would extend and amend the Drug Abuse Education Act of 1950, is designed to provide more adequate scientific materials for teaching the dangers of drug abuse and to provide better trained teachers to do the job.

If this bill is enacted into law, as I trust it will be, I will recommend that the special interest of my district in drug abuse education be translated into action to establish a border training center to instruct qualified personnel in the essentials of more effective drug control. It would simply be good sense to place such a center in a location where people already are familiar with the elements of the basic problem and where we have facilities adequate for such an endeavor.

Mr. Chairman, we know in south Texas that, while progress has been made in combating drug abuse, we still have a long way to go before we can claim to have brought the problem under control. The need is still here for a national program to educate the American people about the dangers of drug abuse. The bill we are considering will continue and expand the present educational effort.

Mr. ESHLEMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Oregon (Mr. Dellenback).

Mr. DELLENBACK. Mr. Chairman, I thank the gentleman for yielding to me. I rise, my colleagues, in support of this legislation. I think that the chairman of the subcommittee, Mr. Brademas, Mr. Eshleman as the ranking minority Member, and Mr. Meeds, have been deeply involved in this as well as other Members on both sides of the aisle, and are to be commended for their careful work on a program which is basically not only good, but basically important.

Mr. Chairman, I think it is valuable legislation. I think we by all means should pass this bill today.

Mr. Chairman, there is one amendment, however, on which I would make brief comment. There is a great deal of confusion about whether alcohol is a "drug" in the sense that most people use that term. There is no confusion about the fact that alcohol abuse is one of the Nation's most urgent national health problems. It is for that reason, to place emphasis on a very important phase of drug abuse education, that when we come to the amendatory time, I intend, on behalf of certain of my colleagues and myself, to propose an amendment to add the words "and alcohol" wherever "drug" appears in this particular bill.

Mr. Chairman, it is an extremely important thing that the educational process of drug abuse go forward. It is a very important part of that educational process that alcohol be emphasized. I shall talk further about the amendment at the time I offer it.

Mr. Chairman, I comment at this time to indicate my strong support for this legislation and my hope that this one amendment will be adopted by this body at the time it is offered.

Mr. BRADEMAS. Mr. Chairman, I yield 5 minutes to the gentleman from Washington (Mr. Hicks).

Mr. HICKS. Mr. Chairman, I thank the chairman of the subcommittee for yielding to me, and I rise in support of the bill H.R. 9456. I am not a member of the Committee on Education and Labor, and normally I would not be down here in this well, but I do have the privilege of chairing the special studies subcommittee of the Committee on Government Operations, and we spent about 25 or 30 days this year taking testimony on drugs and upon this particular problem.

Mr. Chairman, the gentleman from Iowa (Mr. Gross) whom I like to regard as a friend of mine, spoke earlier here, kind of in a joking manner, about whether we should be considering caffeine. Very definitely, we should be considering caffeine; we should be considering alcohol, nicotine, and considering a great many substances that this bill should bring under its purview if it is properly utilized.

The Special Action Office that we established on drug abuse a couple of years or more ago is oriented more toward treatment than it is toward prevention. Certainly this bill is not the end-all, as the gentleman from Washington (Mr. Meeds) suggested, but it is a step toward prevention. It is the only hope we have of prevention, as far as we could see in the special studies hearings that we held or, at least, one of the major hopes.

It is a very expensive proposition to let someone get addicted to any kind of drug, whether it is alcohol or barbiturates or heroin, or whatever it may be, and then treating for that addiction. It is a very expensive proposition, but we can measure the fact that an individual is a drug addict and that we are treating him.

Now, we may not be able to measure whether or not we have done any good in a prevention program; but schoolwise the Spark program in New York did make some measurement as far as absenteeism, better grades, whether the youngsters are getting along with the school.

So I would urge the passage of H.R. 9456 which continues this program because it is one of the few means we have that will in effect give us some possibility to prevent the abuse of drugs including alcohol.

I listened very carefully to the gentleman from Indiana (Mr. Landgrebe) when he spoke in favor of his views, and also the gentleman from Ohio (Mr. Ashbrook). As far as I can tell, they do not believe that there is any use of trying to prevent. They say, put it all in the Special Action Office.

Well, the Special Action Office is not set up to carry on with education programs. Perhaps it is not possible to prevent drug abuse but only to treat addicts. This bill is one means of making an effort at prevention and if we can achieve an effective means of prevention we are tremendously more cost effective than by treating addicts.

The Special Action Office eventually self-destructs if we continue the view we now have in the statute.

When it self-destructs, then what happens? Unless established agencies that are going to continue to be on-going, like the Office of Education and many of the other departments that can have an effect on conditions that cause people to make the decision to take to drugs in the first place, have some expertise in this

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business of drug abuse, then we are going to have nothing. We will be as someone once suggested about the Vietnam war. We will just declare the war on drugs over, that we have won it and stop funding it.

We cannot treat substance abuse that way.

As far as the Dellenback amendment is concerned, I am going to support that amendment. I believe the gentleman is absolutely correct; one reason is that when we established the Special Action Office on Drug Abuse we left alcohol out of its purview. Alcohol is the most seriously abused drug we have in the country, and there is only one way, as far as I can see, to point that up, and that is to include the word alcohol in the act.

Mr. Chairman, the Federal effort to control drug abuse has been the subject of intensive investigation by the Special Studies Subcommittee of the Government Operations Committee. I am chairman of that subcommittee, and I believe the 21 days of hearings we held along with several field visits helped make that subcommittee aware of the nature of this problem and a little of what the Government can do about it.

The bill now before the House would provide for the continuation of one part of the Federal effort. Our subcommittee discussed the importance of drug education with representatives of the Office of Education, the special action office, and the National Institute of Mental Health. The position of the Government Operations Committee, as expressed in a recently issued report on the Federal strategy, is that there must be more emphasis on preventing drug dependence and a heightened public awareness of the dimensions of this problem—a reliance on facts and not myths. The committee also believes that it is important that long-term social and governmental agencies plan to assume a greater role in the drug abuse field. I think these recommendations bear on the bill now before the House.

First, what are the issues? There appears to be widespread agreement that prevention efforts are needed and that many of the educational programs conducted in our schools have not been effective. There is disagreement on which agencies should work with the educational system and as to whether alcohol should be specifically mentioned in this bill. The bill, as you know, designates the Office of Education as the Government agency to work with the school systems as well as with community leaders and, as presently written, does not include specific reference to alcohol.

Despite the agreement that prevention programs are necessary and that the educational system provides a mechanism for pursuing these programs, this bill is opposed by the administration and its spokesmen on the Education and Labor Committee and others. Two main objectives seem to be raised. First, the poor track records of many educational programs to date. Second, the organizational objection to having this educational effort in a different agency than the Special Action Office or the National Institute of Drug Abuse.

Let me comment, based on the evidence in our hearings, about these two concerns. First, as pointed out in the Education Committee's report on the bill, the failure of many past educational efforts does not of itself justify a vote against this bill. The reason is this: Generally speaking, these programs were not funded by the Office of Education. There is little point in expressing a displeasure at well-meaning but ineffective approaches by retaliating against the Office of Education when the testimony indicates that that Office did not sponsor these questionable programs. Our hearings and those of the Education Subcommittee which examined this bill dispute the view that "the drug education programs funded under this act have been a failure." There have been ineffective prgrams, but it is my understanding that the scare films and other objectionable tactics have not been the responsibility of Office of Education programs.

A second objection to the bill is that it leads to confusion because it continues drug abuse responsibility in yet another Federal agency. In this regard, I think there are at least three important considerations.

First, as the Government Operations Committee's report points out, it is necessary for established agencies to assimilate more of the ongoing efforts to control drug abuse. For this reason, it is important that the Office of Education, with its many ties to the educational community, be the vehicle for educational efforts. It will become necessary over the long term for the educational institutions of this country to pick up this responsibility as one of their continuing concerns—not to treat it as a specialized temporary phenomena.

Second, the educational system in the country is the mechanism through which we must work. I think it is of crucial significance in this debate to realize that the largest of the successful prevention efforts in the country—the multimillion dollar Spark program—is operated not by New York's drug agency but by the New York Office of High Schools. I believe that the Office of Education is the logical link to this program. Let me point out that at the time of our hearings in May, Dr. Jaffe, the then-Director of the Special Action Office testified that he knew no more about the Spark program than what he had read in the newspapers. If the educational system is to accept the challenges of preventing drug abuse, we should fund our support through the U.S. agency with the strongest ties to this system.

Third, the Office of Education has the communication linkages and the experienced people to operate with educational systems. As the report points out, the predecessor agency to the present National Institute of Drug Abuse admittedly does not have this expertise—it would have to create it. For those who are worried about overlapping and duplication, to vote against this bill is to vote for the establishment of a capability in drug abuse agencies paralleling that already existing in the Office of Education.

Finally, I think all of us recognized that alcoholism is the single greatest problem of drug abuse and that more should be done in the educational field to bring this out. The Education Committee's position as reflected in its report is consistent with this, but I would point out that the Congress has used the term "drug abuse" in the past to exclude alcohol. In what was probably the single most important piece of legislation in the field, the Drug Abuse Office and Treatment Act of 1972, Congress created the Special Action Office but excluded alcohol from that organization's purview. Because of this precedent, I agree with those who believe it important to specifically mention alcohol in this legislation. There seems to be agreement that the legislation should encompass alcohol. I think specific mention is the only way to assure this unless one goes to an all encompassing title such as "abuse of substances." Technically that would probably be better except that it wouldn't conjure up the emotional response we probably need.

Mr. Chairman, I offer these views as my own and not as those of the members of my subcommittee. Those independent souls speak more vigorously than I. Based on my interpretation of what we learned in our hearings, I urge support for the bill and for the amendment to specifically include alcohol.

Mr. BRADEMAS. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. Danielson).

Mr. DANIELSON. Mr. Chairman, I rise in support of this bill, H.R. 9456, to extend the Drug Abuse Education Act for 3 more years. I think this is the least we can do to try to do something to bring this most tragic problem under some kind of control. Every person, man or woman, who becomes addicted to the use and abuse of drugs has had to make a personal decision at one time or another whether to do so or whether not to.

The very least we can do is to provide those people with adequate information to make their choice.

I urge the support of every Member on this bill.

Mr. ESHLEMAN. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. Ashbrook).

Mr. ASHBROOK. Mr. Chairman, we are all well aware of the drug abuse problem which is currently plaguing our Nation. The frightening cost of this problem cannot be measured in terms of dollars alone. Far more important are the ruined human lives of those who fall victim to drugs.

I do not believe, however, that Congress will find an answer to this problem by haphazardly voting millions of dollars to extend all sorts of programs. We need an organized, comprehensive, and sensible approach to drug abuse prevention. Such an alternative exists in the Special Action Office for Drug Abuse Prevention, established by Congress in Public Law 92–255. The Special Action Office can and should coordinate Federal efforts in drug abuse prevention programs.

We need a coordinated national effort. Our Nation's drug problem is too important a matter to be relegated to a piecemeal approach.

The following minority views on this legislation were joined in by Mr. Landgrebe and myself:

Minority Views

We join with the Administration and the Department of Health, Education, and Welfare in opposing this bill. We do not think that anyone can seriously question the President's dedication to eradicating drug abuse in this country. The fact that HEW has requested no new funding for this program and opposes this bill does not indicate that the Administration has abandoned its strong commitment to drug abuse prevention. Rather it is indicative of the Administration's effort to consolidate the wide variety of Federal drug abuse prevention programs, including drug abuse education.

The Administration is attempting to consolidate the many programs scattered throughout the Federal bureaucracy and to eliminate overlapping and duplicative authorities that have, in the past, led to much confusion and wasted effort. To this end the President's budget would increase the funding for drug abuse prevention programs under the Special Action Office for Drug Abuse Prevention to $40 million, an increase of $15 million over fiscal 1973. This Special Action Office, as mandated by the Congress in P.L. 92–255, is our best alternative for achieving an effective, coordinated attack on drug abuse problems in our nation's cities and schools.

Certainly most people would agree that educational programs aimed at reducing drug abuse are worthy of pursuit. But the people should be assured that their tax dollars for these programs are bringing about the hoped-for results. In this light, we want to remind our colleagues that recent reports of the Commission on Marihuana and Drug Abuse, the Task Force of the National Education Association, the Engineers Strategic Study Group of the Army, to mention only a few, have damned drug abuse education as not only ineffective, but counterproductive as they often have the effect of actually increasing drug abuse.

A recent study by the University of California School of Medicine at Los Angeles contended that the drug abuse education programs may be doing more to encourage than to prevent the use of illegal drugs by students. The report of a Los Angeles high school survey noted that "following a drug education program more than one-third of the students thought the programs encouraged the use of illegal drugs." Meanwhile, it is said: "Five Los Angeles junior high school pupils went out and bought drugs after having been shown them in a drug education van because 'the drugs in the van looked so good we wanted to try them.' "

In addition, several witnesses appearing before the Select Subcommittee have stated that it is a waste of the taxpayers' money.

How can we justify authorizing $90 million over the next three years to be spent on this narrow categorical program of dubious value while rejecting out of hand the President's reasonable request for a coordinated drug abuse prevention program?

In our opinion, curtailing drug traffic should have the highest national priority. However, the drug abuse education programs funded under this Act have been a failure, and possibly have even aggravated the drug abuse problems in our schools. Therefore, we urge our colleagues to join us in opposing H.R. 9456 when it is brought to the Floor of the House.

Earl F. Landgrebe.
John M. Ashbrook.

Mr. BRADEMAS. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. Burton).

Mr. BURTON. Mr. Chairman, I rise in support of the legislation and would like to indicate that I hope the Biaggi-Dellenback amendment to include alcoholism is adopted by the committee.

Mr. BIAGGI. Mr. Chairman, alcoholism is clearly our No. 1 drug problem. Recent studies indicate that the disease is on the upswing among youth who find this legal way of getting high better than risking arrest and long-term imprisonment for taking illegal narcotics or dangerous drugs.

The National Council on Marihuana and Drug Abuse found that 56 percent of our junior high school students and 74 percent of our senior high school students have used alcoholic beverages—up substantially from a survey taken 3 years ago.

Yet the bill before us today, as it has been reported, places no emphasis on this serious problem. While opponents of the Dellenback-Biaggi amendment argue that alcohol abuse is covered by the legislation, a staff study disclosed that less than 10 percent of the programs funded under the act are concerned with the problem of alcoholism.

Adding the words "and alcohol" in the act wherever drug abuse appears will emphasize the concern of this body for this difficult and widening problem. We have all heard the horror stories of youths coming to school stoned on amphetamines or marihuana. Yet similar stories exist relating to the problem of alcohol abuse. In one high school in Long Island, regular Saturday night alcohol fests involving 100 or more students are held. The football field becomes so littered with beer cans, wine and whiskey bottles, it must be cleaned up Monday before it can be used.

My colleague from Oregon (Mr. Dellenback) and I want to see more of the federally funded programs aimed at drug abuse broadened to include alcohol abuse as well. I am not saying we should abandon our effort to alert youths to the problems of other types of drug abuse; but rather we must have balanced, coordinated programs.

By ignoring the problem, by remaining silent, we are in fact condoning the use of alcohol by youths. We are giving them an alternative high to marihuana, barbiturates, and amphetamines. In fact, many parents seem relieved that their children are drinking rather than taking other drugs. Yet, the problem remains the same. The addiction is there. The debilitation of mind and body is no less severe. It is the social acceptance of alcohol as a legitimate high that poses the most serious threat. In our quest for escape from the evils of modern society, in the desires of our youth to experience new heights of pleasure, we may be breeding a nation of alcoholics.

Over 9 million Americans are now afflicted. Many more remain undetected. Yet when this body is called upon to take recognition of the need and respond with Federal support for programs aimed at alcoholism, we balk. To refuse this amendment would be a grave mistake. I urge its overwhelming passage.

Mr. FRASER. Mr. Chairman, one of the most innovative and creative experiments developed under the Drug Education Act of 1970 is the Help Communities Help Themselves program initiated last year by the Office of Education's National Drug Education program.

This program is based on the hypothesis that the people who are closest to the drug situation in our local communities can deal with their own problems—given training and modest support. This program makes it possible for communities to develop the capability to respond to local problems using their firsthand knowledge of their problems and their local resources.

In the past year, teams of five to six individuals from 1,000 communities of all sizes have received 2 weeks of training and followup technical assistance from seven regional training centers supported by this program. These teams represent schools, youth, parents, professionals, law enforcement agencies, and other community groups. They are given training in the complex dynamics of drug use and abuse, need assessment and creative problem solving techniques. Utilization of their local human and material resources to create and implement an effective local response to drug abuse is stressed.

The Regional Training Center located in Minneapolis is associated with the University of Minnesota, College of Education. This center serves 10 States—Minnesota, North Dakota, South Dakota, Iowa, Kansas, Nebraska, Montana, Idaho, Wyoming, and Wisconsin. The Minneapolis Center is located in an apartment building and occupies several apartments situated on one floor. They are used as offices, classrooms, and living quarters for the teams undergoing training. The teams live together, work together, and during the 2 week training period, learn of each other's involvement in the drug abuse problem. An understanding of the other person's perspective on drug abuse is an important product of this learning process.

The committee report on H.R. 9456 emphasizes that the funds authorized by this legislation should be spent for educational drug abuse programs rather than for programs that only inform. Dr. John Ottina, U.S Commissioner of Education has stated:

> The Office of Education has not supported the purely informational programs that are now in question. Simply stated we do not equate education with information, nor learning with teaching.

The Help Communities Help Themselves program is aimed at educating local people, and helping them learn about and respond to the local drug abuse problem. In the Minneapolis region this program is functioning well. We should extend the Drug Abuse Extension Act of 1970 for 3 years as the committee proposes.

Mr. WOLFF. Mr. Chairman, as we meet today to consider H.R. 9456, the Extension of the Drug Abuse Education Act for 3 more years, I would like to comment briefly on this bill and on the administration's antinarcotics effort as a whole.

The greatest success this Government can point to in the field of drug abuse is in the area of education for our young people about the dangers posed by the illegal use of narcotics and prescription drugs. Only by means of precise knowledge can our youngsters be able to resist

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the many pressures to try out drugs and "be one of the guys." Fortunately, today's young Americans are aware of the value of independence and nonconformity when it comes to drug abuse, and much of their new knowledge is the result of programs which have been supported through the Drug Abuse Education Act over the last 3 years.

I firmly support extension of the Drug Abuse Education Act as reported by the Committee on Education and Labor. I am concerned that we not include alcoholism in our definition of "drug" until and unless there are separate funds available for education in the proper use of alcoholic beverages. I share my colleagues' concern about the serious abuse which takes place in the use of alcohol, but we cannot afford to subdivide our funding for the Drug Abuse Education Act at this time.

The very fact that such an amendment is to be offered is indicative of one of the very severe problems we, as Congressmen, must now face about drug abuse. As chairman of the Special Subcommittee on International Narcotics Control, I have been favorably impressed with the deep commitment of administration officials to the battle to wipe out drug misuse in this country. But I am nevertheless disappointed that some officials believe we have this problem under control to such a degree that we can tone down our efforts in educating teenagers about drug use.

Apathy about this serious problem cannot be allowed to take over, or we will witness a resurgence of the epidemic of use which shook this Nation in the late 1960's and early 1970's. This will not happen unless the Congress shirks its duty to provide for continuing opportunities to educate young America about the dangers inherent in drug abuse. A full, undivided extension of the Drug Abuse Education Act is the best way to do this.

Mr. ALEXANDER. Mr. Chairman, Arkansas is abused by drugs. In the first 6 months of 1973, the number of drug abuse arrests in Forrest City, Ark.—population 12,763—increased 1,037 percent.

In 1972 there was a 100-percent increase over 1971 in the number of felony cases filed in the First Judicial District of Arkansas in connection with the narcotics and drug abuse problem.

The prosecuting attorney of Lawrence County says that one-third of the children of Walnut Ridge, Ark.—population 4,000—are on drugs. And, the youth in the community say drug use is still growing—that even kids in grade school are using harder drugs like LSD.

No, drug abuse is not a problem limited to the crowded inner city. It has spread to the suburbs and is thriving in the heartlands of America. It is a problem that has been and is manifesting itself in every congressional district in this country.

Over the past 3 years as I traveled and visited with students in almost every high school in my territory in northeastern Arkansas, I became increasingly aware of and disturbed by the abuse of drugs by school age youth. And, more encouragingly, I found that the students themselves are concerned about this situation. They are aware of some of the dangers of abuse and many expressed an interest in doing something about it.

It was these travels and discussions that led me to sponsor a Congressional Conference on Drug Abuse for students, faculty and PTA members in the 21 counties of the First Congressional District of Arkansas. Doctors, lawyers, law enforcement officials, pharmacists, and psychiatrists all participated in "rap" sessions from which I, and hopefully the other participants, gained much valuable information on and a better insight into the problem as it exists in our communities in Arkansas.

It was apparent from the conference that we definitely have a drug abuse problem in Arkansas and that an effective drug education program might be one step toward the long-term solution of the problem in Arkansas and in our Nation.

Let me share with you some other conclusions I drew from this conference. First, the intensity of drug use in the First Congressional District, whose largest town has a population of 27,000, is about 15 to 18 months behind that of metropolitan areas. I base this conclusion on the types and amounts of drugs now found in the district and on studies by Dr. H. W. Smith, director of research for the Memphis Drug Abuse Commission and a consultant to the Crowley's Ridge Development Council in Arkansas.

Drug abuse is widespread in Arkansas and I doubt seriously that there is any community in the district where drugs or marihuana are not available.

Students are starting to experiment with drugs at an earlier age, even in elementary school and the use of drugs is gaining social acceptability among the middle class. Although the first users of drugs were generally associated with the counter culture, we must accept the fact that the use of drugs now spreads into all levels of society.

Finally, I concluded that law enforcement, while a deterrent to drug abuse, has not and is not eliminating the problem. We must establish and expand our drug abuse prevention education programs at all levels beginning in the elementary schools. Too much of our thrust in drug education has been toward high school and junior high school students and this often comes too late.

And perhaps more importantly, drug abuse education should be made available to parents. There is a wide communications gap between students and parents and students and educators on the subject. Some of the adult community remains incredibly oblivous to the daily use of drugs by members of the younger generation.

For example, take the case of a 17-year-old high school student in one small town in my district who was arrested for sales of controlled substances and allowed to plead guilty to the lesser charge of possession. This particular young man was given a 1-year sentence and made to serve 2 to 4 weeks in the county jail. Throughout his life he has been very active in his church. His parents still believe their son was only caught up in an innocent attempt to help a friend and that he has never used drugs. Despite his arrest, testimony by an Arkansas State Police undercover agent, and his guilty pleas to charges of possession, they still refuse to believe their son's actions.

The parent of another young man convicted in this same case gave this statement to the Memphis Commercial Appeal:

> I had absolutely no knowledge of my son's involvement before his arrest. At first it was terrible. It came right out of the clear blue sky—particularly in a small town. At first I was really upset, but after talking to people (the sheriff and prosecuting attorney), I realized we were not the only family.
>
> The sad thing is, the kids are getting picked up and the people behind it are still free. Things are really bad in Imboden (population 500). A lot of kids are still messing around (with drugs) . . .
>
> Never say you know everything your child is doing. You may know some things, but you never know it all.

In the case of the parents, awareness or rather complete lack of awareness seems to be the key problem.

In the case of their children, instituting an effective education program may be a little more complicated. These people know about drugs. Most of them have either experimented with them or have had close contact with someone else who has used drugs. Drugs, unfortunately are a part of their environment. Scare films or those which preach the immorality of drug use will not work. I believe many of our youth are merely amused at some of our so-called drug education programs and films nowadays. On the screen they see the high school dropout or the unpopular girl turn to drugs. In reality they see the senior class president, the captain of the cheerleaders and the valedictorian turning on with marihuana or popping an upper.

With few exceptions every law enforcement officer with whom I have discussed this problem has pointed to the need for drug education and most call for starting it early. Gene Raff, prosecuting attorney of the First Judicial District in Arkansas and a member of the Arkansas Drug Abuse Authority says he feels better results are achieved at the elementary level. As Raff states it:

> At the high school level, some feel they know more than the experts, and we need to get there before Mister Wiseguy.

The late Marvin Gunn, former chief of police at Forrest City said he did not really know the answer to the problem which had resulted in the 1,000 percent increase in his city. He lamented:

> You can punish them, but unless you can change them, they'll go right back.

Gunn did cite two big needs at the State level—a total concept facility for treating drug addicts—including medical and psychological treatment—and a State appropriation for literature and films on drug education for use by counties and cities on a lending library basis. One of Gunn's assistants pointed out that there were only five films available for loaning to the 75 counties in Arkansas.

The causes for drug abuse have been widely discussed and argued. Dr. John Buckman, an associate professor of psychiatry at the University of Virginia

Medical School, who delivered the keynote address at the congressional drug conference, suggested three primary reasons for increasing drug abuse in America: First. In search for the quickest answer to problems, we tend to resort to chemicals to give us emotional stability while relieving temporary pains; Second. We constantly face issues which have no apparent solution, such as pollution, crime, racial strife, and war; and Third. We are growing up and living in an increasingly highly sophisticated environment.

It is this last reason which Dr. Buckman credits for giving rise to our new crisis of young children turning to drugs. Because of widespread instant communications, advance technology, and social advancements in this country many 8 to 10-year-olds are so sophisticated that they are bored with everyday life. The only new thing for them is a drug buzz. Younger and younger children are using more and more bizarre drugs in experiments on themselves. All too often we hear of fatalities resulting from intravenous injections of such things as peanut butter, mayonnaise, wine, and hydrogen peroxide.

Could we need any more of a reason to institute these drug education programs at an early age?

In this connection, there is one other factor which I believe has contributed greatly to the pill for every problem attitude to which our children are exposed at such an early age. I believe there may be a relationship between this early exposure by means of advertisements of certain health aids in popular news media and the growing tendency among young people to view drug abuse as acceptable. I think intensive study needs to be given the effect of these ads on our young people and on the possible need for expanded regulation over the content of the ads.

It is now time for us to educate our people—young and old—and expose any myths which might still exist in the area of drug use.

Although I am certainly no expert on the subject, it appears that there can be no solution to the drug abuse problems this country faces today until attitudes are changed and we identify and treat the causes of drug abuse. Education seems to be our key to getting at that solution—education which extends beyond the confines of New York City and extends into communities such as Walnut Ridge.

Mrs. HOLT. Mr. Chairman, the drug abuse education program which is before us today has been in existence for almost 3 years. The concept and objectives of this program are certainly beyond debate, but there appears to be some serious questions as to the results of this program.

Many of us find ourselves in a dilemma over extension of the Drug Abuse Education Act. We are dedicated to eliminating the national problem of drug abuse and we are equally committed to ensuring that tax dollars are spent in the most efficient manner possible.

Testimony before the Education and Labor Committee on this bill was mixed. The administration has strongly opposed this bill urging that all education drug abuse programs be consolidated under the Special Action Office for Drug Abuse Prevention. Much of the favorable testimony praised the objectives of the program, although it dealt primarily with generalities and contained little mention of specific successes.

On the basis of this mixed testimony, we are now being asked to authorize $90 million for this program for the next 3 years. I have serious reservations about supporting such a dramatic increase without tangible evidence that the program is achieving its desired objectives.

The Dellenback amendment expanding the phrase drug abuse to drug and alcohol abuse makes the bill more palatable.

Mr. MARAZITI. Mr. Chairman, I rise in support of the drug education bill before us today. Our main fight against the illegal drug trade in this country should be in the area of drug education. Yet, it seems that despite our efforts to date, drug addiction continues to take a tremendous toll on American youth.

In view of this, I would like to add a few words of caution about the future direction of our drug education efforts.

The administration advises us that the National Institute of Mental Health has both the authority and a budget to carry out drug education programs.

Taxpayer dollars are precious. HEW officials should make sure there is no duplication of effort between NIMH and its own program. I would like to see a cooperative program carried out by both agencies so we are sure to get maximum advantage from dollars channeled into drug education.

Further, it is vitally important that the bulk of the money under this bill be spent at the local school level for actual drug education courses. We have spent too much money developing curriculum and training teachers and too little actually carrying out drug education programs.

Alabama in particular has been largely successful with its drug education effort. Perhaps educators should take a good look at their method for what could be the key to future success at the operation level. Alabama schools have routinely infused drug education into all classroom work where it naturally fits, such as in the sciences. Drug education is made part of the normal education process.

My own feeling is that the real answer to successful drug education efforts lies in mandatory hours of drug education in grades 1 through 12.

Children too often experiment with drugs rather than incur the displeasure of their friends and classmates.

Only through long-term education can we hope to develop new attitudes about drugs among schoolchildren.

Then, hopefully the peer group pressure prevalent in schools across the Nation will be one of spelling out the evils of drug addiction, rather than one advocating its use.

I sincerely hope the money available under this bill is mainly directed toward assisting local schools to implement drug education programs that will dry up drug trade in our schools. Our youth are the Nation's most precious resource. We can, and must eradicate this cancer from our society.

Mr. McKAY. Mr. Chairman, I arise in support of H.R. 9456. Inasmuch as the most effective way of fighting our drug problem is by preventing drug addiction in the first place, a program such as this which seeks to alert pupils in the public school systems and citizens in the community at large to the real dangers of drug abuse carries the best hope of combating this serious national problem.

The proposed extension of the act is deficient, however, because it does not clearly include "alcohol" in the drug abuse education program. I support the amendment to add the words "alcohol" following the word drug so that there will be no mistake about the intention of Congress that it is as equally important to alert the community, particularly young students, to the pitfalls connected with alcohol, as it is to alert them to the dangers of more exotic drugs. Alcoholism, although socially acceptable in our society is the country's most serious drug problem. It has been estimated that 50 percent of the people in our prisons for murder, rape, burglary, and so forth, committed those crimes after the excessive consumption of alcohol. (Alcoholism and Narcotics, Committee on Labor and Public Welfare, U.S. Senate, 91st Cong. pt. I, pp. 119–120.) This is to say nothing of the cost to industry and the added death tolls on the road directly traceable to alcohol abuse. Let us, by favoring the above mentioned amendment, be certain that our young people be informed of the dangers of alcohol.

The opponents of this amendment say that such an addition is superfluous, inasmuch as it is generally presumed that alcohol is a drug. However, in my opinion there is much more confusion about whether alcohol is a drug in the sense that most people use the term. The very fact that some of my colleagues feel that the act should be amended to include alcohol within the definition of the term "drug" is evidence enough of the uncertainty of the definition. I therefore recommend its adoption.

Mr. PRICE of Illinois. Mr. Chairman, in past weeks this Nation has been subjected to one crisis after another on both the national and international levels. While these matters which affect all of us should rightly be the concern of all the citizens, we cannot turn our backs on other problems which are also growing in our own hometowns throughout the Nation.

Drug abuse is perhaps one of the greatest of these domestic issues. The illegal and excessive use of drugs, including alcohol, has grown in the past decade to almost epidemic proportions. Law enforcement officials are constantly working to end this trend, but punishment after the fact will not alleviate the problem. We must act to stop our citizens, both young and old, from beginning a career of drug abuse which could have a dangerous, perhaps even deadly, result. Preventive education is the main purpose of H.R. 9456, which would extend the Drug Abuse Education Act of 1970 for an additional 3 years. This legislation

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provides for $90 million authorization for Federal, State, and community sponsored drug abuse education projects.

Drug abuse and its related problems do not recognize the barriers of race, religion, or social position. The child next door, as well as the child living across the tracks can be a present or potential drug abuser. This makes it impossible to single out a particular group or one area for education—the campaign must be nationwide.

The Drug Abuse Education Act passed the House by an overwhelming margin in 1970. I believe we all realize that despite the program's success, much remains to be done. Preventive action must be taken now to keep the problem from again reaching the crisis level of the late 1960's. I would therefore like to give my support to the extension of the Drug Abuse Education Act and I would urge every other Member to do likewise.

Mr. DONOHUE. Mr. Chairman, I most earnestly urge and hope that this bill before us, H.R. 9456, to extend the Drug Abuse Education Act for 3 years, will be promptly and overwhelmingly approved by this House this afternoon.

The authoritative evidence revealed here today permits, unfortunately, no doubt at all that the problem of drug use and abuse in this country is still of major proportion and vital concern to the American people.

The need, therefore, for this bill is emphatic and this measure represents a prudent and reasonable step to adequately strengthen the basic elements that recognized authorities agree are critical to the success of a continuing drug abuse education program.

These elements are, briefly, a responsive recognition that the most serious danger of drug abuse exists among our youth and therefore, local elementary and secondary schools and community organizations are the best means through which to educate our young people against the danger; that it is essential, for the education of both youth and adults, to develop valid, credible and more attractively interesting material to more persuasively indicate the great evils of drug abuse; that there is an urgent need to provide better training to more teachers; and, finally, that it is imperative to continuously evaluate the effectiveness of both the curriculum and training so that the Congress, the executive department of the National Government and all other concerned institutions may act more intelligently and effectively in trying to progressively overcome this modern plague of drug abuse especially among our young people.

In substance, Mr. Chairman, these are the fundamental factors, among others, that this legislation is designed to strengthen and improve in order to effectively contain and eventually eliminate the spreading drug abuse curse that presently afflicts and threatens the health, safety, and security of our people and our country.

I hope, therefore, that this measure is speedily and resoundingly adopted in the national interest.

Mr. HARRINGTON. Mr. Chairman, I rise in support of the Drug Abuse Education Act extension (H.R. 9456).

The use of drugs in this country has become a disease of epidemic proportions. Educating our citizens about drugs is like an inoculation; it creates an immunity that defends the recipient from a dangerous disease.

The extension of the Drug Abuse Education Act is an important and necessary action for Congress to take. H.R. 9456 would authorize $90 million for a 3-year period to be spent on elementary and secondary school and community drug abuse education programs. Six million dollars would be allocated for direct HEW assistance to such programs; $5.6 million for State education agencies' efforts to assist local agencies in program planning and implementation; $6 million for direct HEW support for community education projects; $2.4 million for State education agencies, and the remainder for direct grants to community education projects.

The Education and Labor Committee has aptly pointed out that the continuing increase in addiction requires a maximum Federal effort in law enforcement, treatment and rehabilitation, and education, where Federal assistance can help deal with the problem at the initial stage. I agree and, therefore, urge my colleagues to support this bill.

Mr. ROBISON of New York. Mr. Chairman, I intend to vote for an extension of the Drug Abuse Education Act, because it is now more important than ever that young people be informed about the social, psychological, and medical dangers of drug abuse—as best we can define those dangers. It is true that heroin addiction is declining throughout the country, but it is by no means true that the "drug crisis" is abating. Partially because of the continuous social and political unrest of the last few years, partially because of changing social mores among the young, and partially because of an abdication of adult responsibility in setting strong social example and convincing moral guidelines, we have a young generation—and even those who are not so young—highly prone to every sort of abuse.

Prescription and nonprescription drugs are heavily abused by teenagers and young adults in every part of the country, and many of these drugs come into heavy use before word-of-mouth medical fact has reached the users. This was particularly true of methaqualone, which was undergoing extremely heavy use long before education programs were prepared to explain the addicting qualities of the drug, and its medical and psychological side-effects.

I must reject out of hand the notion that properly conducted drug education programs cannot accomplish the end of deterring abuse. If studies are showing that education programs are contributing to drug abuse, it is obvious that it is not the program or the funding support to explain the addicting quantities of the of these programs, which are at fault, but it is the teaching methods and the teachers themselves who must undergo scrutiny.

Like any other subject, drug abuse must be approached with a certain competence. We do not ask philosophers to teach chemical engineering, and we should not be asking untrained or poorly trained elementary and secondary school teachers to teach drug education programs.

Those who do teach these programs, and those who prepare the supporting materials for them, must have specific medical knowledge of the drugs they explain, as well as sufficient knowledge of the human dimensions of drug abuse. Young people do not take these drugs in strictly clinical environment, nor are they likely to respond to a dry, clinical lecture. In other words, the teachers should know the broad range of their subject as thoroughly as any expert in any other field. This means more than book knowledge of drug abuse; it means an understanding of the particular local conditions which impinge on potential abusers.

It seems to me that, if preliminary studies are indicating that drug abuse education is failing in some areas, we had better look directly at the teacher, the method of instruction, and those who recommend the content of the instruction. There are countless areas in this country where millions of dollars are being spent to teach children to read—and those children are not learning. When confronted with such findings, we do not think to recommend that reading programs be terminated. Nor does such a conclusion follow from studies which have been cited during this debate.

Those who suggest that drug abuse education is somehow cultivating drug abuse are looking at study results with less than objectivity, and with less than an understanding of what education in any social or scientific discipline can and should accomplish.

I strongly urge support of this legislation, Mr. Chairman, as I do strongly urge that evaluations of the on-going drug education programs concentrate on the "Why" of shortcomings, rather than on the shortcomings themselves.

Mr. LANDGREBE. Mr. Chairman, under leave to revise and extend my remarks on the bill H.R. 9456, I would like to share with my colleagues an editorial on the Federal drug abuse education programs that appeared in the Wall Street Journal of October 16, 1973. As the article points out, it is extremely unfortuate that the "do something" school of thought in this Congress is so prevalent that it is virtually impossible to give experimental legislation such as H.R. 9456 the close scrutiny that it deserves if its sponsors have the foresight to give it a charismatic title.

Mr. Chairman, I am going to ask the President to veto this bill, if it passes the Senate and comes to his desk. Then, once again, it will be up to the President to exercise the kind of sound consideration and fiscal responsibility that has been so sorely lacking in the Congress this session. I only wish that the adherents of the "do something" school in this body would join with the administration in doing something about coordinating an

effective attack on our national drug abuse problem.

The text of the Wall Street Journal editorial follows:

THE "DO SOMETHING" SCHOOL

Americans characteristically believe that ingenuity, money and good-will can solve almost any problem. So it was probably inevitable that when drug abuse became epidemic a few years ago, the federal government funded a multi-million dollar drug abuse education act.

That act expires this year, and plans are underway in Congress to extend it another three years and also substantially increase the initial $58 million authoriation. However, some Congressmen want to eliminate the act altogether. Rep. Earl Landgrebe (R-Ind.) for one, points out that several evaluations of the program have been sharply critical. He favors "deglamorizing" drug education by leaving the entire program, including funding, to local communities.

Whatever the merits of the drug abuse education act, it would appear that drug education generally is not the panacea a good many people had hoped it would be. Three scientists who surveyed programs among high school, junior high and grade school students reported that such programs not only may fail to decrease drug usage among high school students, but may in some cases cause them to experiment with illegal drugs. And in its final report last March, the National Commission on Marijuana and Drug Abuse recommended that states consider a freeze on drug instruction in schools. Such instruction, it said, may stimulate young people's interest in drugs.

Some of this is probably conjecture. At any rate, it borders on hearsay to suggest that money, good intentions and the urge to do something right now are not always enough to solve pressing social problems. The history of the past decade strongly suggests that many Americans would rather do something, even if it is the wrong thing, than give the appearance of doing nothing at all.

But lofty ambitions make for bad social legislation when they fail to take political reality into account. And political reality means questioning the assumption of even the most popular legislative proposals. It means asking what the side effects are likely to be.

And if the assumptions prove to be faulty or the side effects unexpectedly harmful there would be no hesitancy to scrap a piece of legislation as a bad job. If that happened more often there would be far less opposition to the "do something" school of thought.

Mr. BRADEMAS. Mr. Chairman, I have no further requests for time.

Mr. ESHLEMAN. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Pursuant to the rule, the Clerk will read the committee amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(c) of the Drug Abuse Education Act of 1970 is amended by inserting ", whichever is greater," after "not to exceed", and by inserting after "this section" the following: ", or the amount provided in subsection (e),".

SEC. 2. Section 3(e) of the Drug Abuse Education Act of 1970 is amended to read as follows:

"(e) (1) There is hereby authorized to be appropriated $14,000,000 for the fiscal year ending June 30, 1974, $16,000,000 for the fiscal year ending June 30, 1975, and $18,000,000 for the fiscal year ending June 30, 1976, for purposes of carrying out this section.

"(2) Of the funds appropriated to carry out this section for a fiscal year, $6,000,000 may be used by the Secretary only for granta and contracts under subsection (a).

"(3) From the funds appropriated to carry out this section for a fiscal year, $100,000 shall be made available by the Secretary to each State agency for paying its expenses under subsection (c), except that if the funds so appropriated are inadequate for such purpose, the amount made available to each such agency shall be reduced pro rata.

"(4) Where the funds appropriated under section 4 exceed $6,000,000 for a fiscal year and where such funds are available for expenditure under the proviso of section 4, the Secretary, out of funds appropriated to carry out this section, may, in addition to payments authorized by paragraph (2), make payments for expenses for State educational agencies under subsection (c) in an amount not aggregating more than $2,400,000, but the amount paid any State shall not exceed an amount which bears the same ratio to the total amount available under this paragraph for payments to all the States as the population of the State bears to the population of all the States.

"(5) From the funds appropriated to carry out this section for a fiscal year, not more than $500,000 shall be used by the Secretary for an independent analysis and evaluation of the effectiveness of drug abuse and drug dependency education programs.

"(6) Funds appropriated to carry out this section which remain after the application of the preceding paragraphs may be used to carry out this section without restriction.".

SEC. 3. (a) The first sentence of section 4 of such Act is amended to read as follows: "There is authorized to be appropriated $12,000,000 for the fiscal year ending June 30, 1974, $14,000,000 for the fiscal year ending June 30, 1975, and $16,000,000 for the fiscal year ending June 30, 1976, for grants and contracts to carry out this section: *Provided*, That no funds appropriated for any fiscal year to carry out this section may be expended until the amount appropriated for that year to carry out section 3 exceeds $11,500,000.".

Mr. BRADEMAS (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

AMENDMENT OFFERED BY MR. DELLENBACK

Mr. DELLENBACK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DELLENBACK: Page 3, line 13, after "Sec. 2." insert "(a)".

Page 4, line 19, insert "and alcohol" after "drug" each time it appears.

Page 4, after line 23, insert:

"(b) The Drug Abuse Education Act of 1970 (21 U.S.C. 1001–1007) is further amended (1) by striking out 'drug abuse' each time it appears and inserting in lieu thereof 'drug and alcohol abuse', (2) by striking out 'abuse of drugs' each time it appears in section 3(b) and inserting in lieu thereof 'abuse of drugs and alcohol', (3) by striking out 'drug abusers or drug dependent persons' in section 3(b)(8) and inserting in lieu thereof 'drug or alcohol abusers or drug or alcohol dependent persons', (4) by striking out 'drug dependency' each time it appears in section 4 and inserting in lieu thereof 'drug and alcohol dependency', and (5) by inserting after 'Drug' in section 1 the following: 'and Alcohol'."

Mr. DELLENBACK (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. DELLENBACK. I am proposing this amendment today, Mr. Chairman, not only on my own behalf, but on behalf of the gentleman from Minnesota (Mr. QUIE); the gentleman from New York (Mr. BIAGGI); the gentleman from California (Mr. BELL); the gentleman from Illinois (Mr. ERLENBORN); the gentleman from Florida (Mr. LEHMAN); the gentleman from Michigan (Mr. ESCH); the gentleman from Pennsylvania (Mr. ESHLEMAN); the gentleman from New Jersey (Mr. FORSYTHE); and the gentleman from Nevada (Mr. TOWELL), these being the gentlemen who joined with me in signing the additional views to this bill which are printed in the committee report which each one of the Members has.

Mr. Chairman, the amendment which we have offered is, as I indicated during general debate, a very simple amendment. It proposes to take the bill which is before us and provide that wherever the word "drug" appears, the words "and alcohol" be added immediately following. The amendment deals with several different forms in which that would be necessary to be done in order to accomplish the goal about which I spoke.

It is unfortunate that there is ambiguity in the use of the word "drug," and confusion as to whether alcohol is indeed a drug. However, there is no question whatsoever and there is no confusion whatsoever, Mr. Chairman, about the fact that alcohol abuse is one of the Nation's most urgent national health problems.

We set forth in the committee report data relative to what the Army has learned. I commend that to the attention of the members of the committee. Those who have had a chance to read the October 29 issue of U.S. News & World Report are aware of the article there indicating that the Nation's No. 1 drug problem is alcoholism.

An article appearing in the Washington Post under date of July 10, 1973, starts off by saying that drinking problems have replaced drug abuse in the Army and Navy and dwells on the tremendous difficulties that have arisen as the Army and the Navy have gone forward in trying to deal with drug abuse. They have found that alcohol abuse time after time after time appears at the head of the list and by itself stacks up as something about which much needs to be done in the field of education.

Alcohol has been termed by at least one expert "America's No. 1 drug of abuse," including the National Commis-

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sion on Marihuana and Drug Abuse I think this statement is a grimly accurate description of the immense problem which alcohol abuse and addiction has become in the United States today. In my opinion, it is most regrettable that alcohol abuse has not been a major focus of the Drug Abuse Education Act in its 3 years of existence, and I have concluded that the specific language which we are suggesting is necessary to insure that programs funded under this act will put a major emphasis on alcohol abuse.

There are approximately 9 million alcoholics in the United States today—about 4.5 percent of our population. Alcoholism has become a major cause of increasing absenteeism on the job, and companies as well as unions are struggling with the question of how to cope with this problem. Furthermore, alcohol abuse has created the cause of one-half of all traffic accidents resulting in fatalities in this Nation: the drunk driver.

In the face of facts such as these, there is surely no question about the need for more and better education on alcohol abuse. There is a question in some people's minds, however, as to whether alcohol is already included in the definition of "drug." In fact, the amendment which my colleagues and I are offering today was narrowly defeated in committee, primarily on the grounds that alcohol is already considered a drug and, therefore, it would be redundant to list it separately in the bill.

Personally, I have no problem with the question of whether alcohol is a drug; in fact, I am convinced it is indeed a drug with very deadly potential. I am equally convinced, however, that many people put alcohol into a separate category from the substances most commonly categorized as drugs.

Dr. Helen Knowlis, the Director of the Office of Education's Drug Education/Health and Nutrition Program, has said:

> Alcohol is a good example for understanding how a drug works because most people are familiar with it.

She added, however:

> Unfortunately, many Americans are reluctant to even think of alcohol as a drug.

I do not think it would make much difference if every single Member of this body were to agree today that alcohol is in fact a drug. The point is that we simply cannot afford to take for granted that those people who will be charged with interpreting and applying this bill will treat alcohol the same as other drugs. I believe we need explicit provision in the law that funding can be used to create and operate programs directed toward the prevention of alcohol abuse.

The contention that alcohol is already part of drug education projects funded under the Drug Abuse Education Act is just not borne out by information from the Department of Health, Education, and Welfare. According to a survey conducted by HEW:

> One could say that 16 of the total of 111 projects are specifically identifiable with concern about alcohol (or better than 10 percent).

To me such statistics illustrate that far from being emphasized in drug abuse education programs, alcohol abuse is even being ignored in many of these programs.

Alcohol abuse has already ruined the lives of far too many people in the United States. The problem is urgent. Education programs authorized by this legislation could help young people across the country become conscious not only about how hard drugs can ruin their lives, but how the abuse of alcohol can do the same.

I urge my colleagues who recognize the seriousness of alcohol abuse to vote for this amendment. We badly need this potentially invaluable educational tool to help our communities cope with what is the Nation's most dangerous drug: alcohol.

Mr. MEEDS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is very reluctant opposition, I must say. I wish to commend the gentleman from Oregon for his very valuable contribution. Indeed, he has caused the report of the committee to show much stronger concern over the question of alcohol abuse.

However, my opposition stems from this fact and I think I can show it by the statement the gentleman quoted where he says that drinking has replaced drug abuse as the No. 1 problem.

Indeed, Mr. Chairman, both drinking and drug abuse are the same thing. Alcohol is a drug. If we are, in the title of this act, and in the language of the act, enumerating every single abuse of drugs or even three, four, or five of them, the tendency is to cause people to choose up sides. Are we going to have more emphasis placed on the drug alcohol or more emphasis placed on the drug marihuana or more emphasis placed on the drug heroin and so on and so forth? So the title might read the drug abuse and alcohol and heroin and cocaine and marihuana and so on and so on and so on amendments of 1973. This is my prime opposition to this amendment.

I recognize that the gentleman from Oregon is making a valuable contribution, but I think we have adequately taken care of this problem by a strong statement in the report of the committee indicating that we feel very strongly much attention should be paid to alcohol abuse.

I wholeheartedly agree with the gentleman that the No. 1 abuse in the United States today is alcohol. There is no question about it. However, I visited and have visited over the past 3 or 4 years a number of drug abuse education programs in my own congressional district and other districts. He says he got his information from the Office of Drug Information, and I have no reason to doubt that.

But in every single drug abuse program that I have personally visited, alcohol or the abuse of alcohol as a drug has been a component of that drug abuse education program. Maybe it does not achieve the focus that the gentleman from Oregon (Mr. DELLENBACK) and I would like it to have, but I think the language in the report of the committee should sufficiently take care of that so that we do not have to get into the situation of having to enumerate all the different drugs of abuses. This is the exact effect of the amendment offered by the gentleman from Oregon (Mr. DELLENBACK).

Mr. McCLORY. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment offered by the gentleman from Oregon (Mr. DELLENBACK).

Mr. Chairman, it seems to me that this legislation dealing with drug abuse education relates to a subject which is serious and complex—even elusive, but it is certainly not nearly as real or as tangible or as extensive as the subject of addiction to alcohol, which would be covered by the amendment offered by the gentleman from Oregon (Mr. DELLENBACK).

I am confident that this legislation has much more general national application when we include the subject of addiction to alcohol than when we consider solely the subject of addiction to drugs, since the drug problem is primarily an urban and regional problem contrasted to the general nationwide problem which is included when we make specific reference to the subject of addiction to alcohol.

I know that in my own congressional district the problem of alcoholism is acute, and the need for education programs with regard to this subject is certainly one which needs greater emphasis, and a problem which can be effectively covered by this legislation.

Mr. Chairman, I might say also that there is a noticeable and recognized diminution insofar as the drug addiction problem is concerned, while, at the same time, we must recognize the dreadful toll which is being taken by alcoholism which continues virtually unabated. So I am hopeful we will recognize today in this legislation, the need for this amendment and will add the important amendment which the gentleman from Oregon (Mr. DELLENBACK) has offered.

Mr. LEHMAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment offered by the gentleman from Oregon (Mr. DELLENBACK).

The facts are, there are 7 to 10 million alcoholics in the United States today. This means that at least one in every 20 persons is an alcoholic, and probably 1 in every 12 persons over the age of 18.

Alcohol was a factor in more than 25,000 of the 50,000 fatal car accidents in 1970. It is estimated that one in every 50 automobiles on the highway is operated by a drunk driver.

The personal cost of alcoholism is as high as that of drug abuse. The life expectancy of alcoholic drinkers is 10 to 12 years shorter than that of the general public. Studies indicate that the mortality rate for such persons is at least two and a half times as great, and they suffer a disproportionate number of violent deaths.

One of the major problems in combating alcohol abuse is its social acceptance. There is no reason why alcohol abuse should not be included in an education program designed to prevent the waste and debilitation of thousands of young

lives, when the statistics show that alcohol abuse is far from a small problem.

In my own Dade County, the schools have adopted the approach of "substance" abuse, which includes both drugs and alcohol. I think this is an excellent approach to the entire problem.

Mr. PRITCHARD. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment offered by the gentleman from Oregon (Mr. DELLENBACK).

Mr. Chairman, without taking up too much time of the Members, may I say that last Saturday morning I had 16 people who are responsible for fighting drug abuse problems in the city of Seattle in my office back in my home district, and among discussions that we had was that of this very amendment that the gentleman from Oregon (Mr. DELLENBACK) and the gentleman from New York (Mr. BIAGGI) are offering. Every one of them unanimously agreed that it would help them and would improve the total problem if Congress spelled it out that alcohol and drugs are synonymous, and synchronize them. And while we may not agree with the enforcement and some of the legal aspects when it comes to education, it is essential that there is a coordinated program, and that alcohol is included with drugs.

I think that while we here say that everyone knows it, the public does not know it. I think it establishes that right here and now we declare alcohol as a drug.

I very strongly support Mr. DELLENBACK's amendment.

Mr. Chairman, the principal reason given by the committee for not including the words "and alcohol" in the bill (H.R. 9456) was the contention that alcohol is already considered to be a drug and, ipso facto, it would be redundant to so list it in the bill. While it is absolutely true that alcohol is a drug, in common conversation and public thinking, it often fits in a separate category.

The contention that alcohol is part of drug abuse education projects is not borne out by information compiled by the Department of Health, Education, and Welfare which conducted a survey on this very question. The HEW survey and "Special Analysis" indicated that less than 15 percent of all drug education program projects sampled included alcohol-related problems in their curriculums.

It is scandalous to think that drug education programs such as those authorized by this legislation do not focus in on the Nation's number one drug problem: alcoholism.

The National Commission on Marihuana and Drug Abuse said recently:

> Alcohol dependence is without question the most serious drug problem in this country today. Use of the drug is pervasive within the general population and its ready availability facilitates the development of high degrees of dependence among vulnerable populations.

What is even more tragic is that the biggest rise in drinking is seen among young people. And these are the same people we are attempting to reach with this legislation. Increasing evidence indicates that young Americans are becoming wary of heroin, LSD, and other drugs and are switching back to alcoholic beverages for their "highs."

The National Commission on Marihuana and Drug Abuse said that the proportion of high school students who drink has nearly doubled in the past 4 years—from 39 percent in 1969 to 74 percent in 1972.

What concerns authorities even more is an increase in arrests of young people for intoxication.

Arrests of girls 18 and younger on this charge have tripled in the past decade, and arrests of boys the same age have jumped by 250 percent in the same period, according to Dr. Morris Chafetz, Director of the National Institute on Alcohol Abuse and Alcoholism.

So numerous are the problem drinkers becoming among the young that Alcoholics Anonymous has begun opening local groups exclusively for them all over the Nation. Yet, Federal drug abuse education programs place no emphasis on alcohol-related problems.

Mr. Chairman, I ask unanimous consent that the article "Rising Toll of Alcoholism: New Steps To Combat It" appear in the RECORD at this point along with two tables that point to alcoholism as the number one drug problem and to the increased usage of alcohol by youths.

TABLE I. *The Nation's No. 1 drug problem: Alcohol*

(Based on studies by the National Commission on Marijuana and Drug Abuse)

[Percentage of people surveyed reporting use within past seven days]

	Youths	*Adults*
Alcoholic beverages	24	53
Tobacco, cigarettes	17	38
Proprietary sedatives, tranquilizers, stimulants	6	7
Marijuana	14	16
LSD, other hallucinogens	4.8	4.6
Glue, other inhalants	6.4	2.1
Cocaine	1.5	3.2
Heroin	6.6	1.3

TABLE II. *Youthful Drinking on the Upswing*

(Based on studies by the National Commission on Marijuana and Drug Abuse)

[Percentage who have used alcoholic beverages]

JUNIOR HIGH-SCHOOL STUDENTS	
1969	42
1972	56
HIGH-SCHOOL STUDENTS	
1969	39
1972	74

RISING TOLL OF ALCOHOLISM: NEW STEPS TO COMBAT IT

Under way in the U.S. is a drive to mobilize the nation's resources against alcoholism—an old problem now back on the nation's doorstep, bigger than ever.

As the number of Americans with a drinking problem keeps rising across America—

Federal spending for the treatment and prevention of alcoholism, and research into its causes, has increased sixfold since 1970 to 86 million dollars a year.

Alcoholics Anonymous—a private organization whose members offer mutual support to each other in getting off alcohol and staying off—has grown from 4,755 groups in 1958 to more than 10,000 groups around the country now.

Many of the nation's largest employers, concerned about financial losses because of alcoholic personnel, are instituting programs designed to find workers with drinking problems and see that they get treatment.

A PROBLEM AMONG YOUNG

The nation's public-school systems, in an effort to combat a serious increase in youthful drinking problems, are sponsoring alcohol-education programs aimed at students in high school, junior high and even elementary school.

Additional help comes from the Division of Distilled Spirits, Council of the U.S., Inc., which represents the liquor industry.

The council sponsors advertisements in newspapers and on television spelling out the dangers of excessive drinking, provides grants of up to $12,000 for research into the nature, treatment and possible cures of alcoholism, and helps underwrite costs of educational materials on alcohol for public schools.

Behind this activity is a growing awareness of the massive probems being caused by alcohol abuse in the U.S.

The National Commission on Marijuana and Drug Abuse said recently:

"Alcohol dependence is without question the most serious drug problem in this country today. Use of the drug is pervasive within the general population and its ready availability facilitates the development of high degrees of dependence among vulnerable populations."

In all, 9 million persons—about 10 percent of the nation's drinkers—are described as alcholics. Twenty-five percent or more are women, and 5 percent are persons aged 10 through 19.

Some wind up on skid row. But 95 per cent are living at home and usually holding jobs—while making life miserable for some 36 million family members and close friends.

CAUSE OF 80,000 DEATHS?

Total cost to the nation—human and financial—are seen as enormous.

Alcoholism is found to be breaking up marriages, impoverished families and displacing children from their homes. It is blamed for 80,000 deaths a year, including half of all traffic fatalities and homicides and a fourth of all suicides.

Almost half of the 5.5 million arrests annually in the U.S. are related to abuse of alcohol. Officials estimate the cost for arrest, trial and jailing of drinkers at more than 100 million dollars a year.

Altogether, alcoholism now is said to be costing society around 15 billion dollars annually.

Of this, 10 billion dollars is lost by the nation's employers because of absenteeism and low productivity by alcoholic personnel, who are said to be absent from work about 2½ times as frequently as their co-workers.

FROM DRUGS TO BOOZE

The biggest rise in drinking is seen among young people, who are becoming wary of heroin, LSD and other such drugs and are switching back to alcoholic beverages for their "highs." The National Commission on Marijuana and Drug Abuse said that the proportion of high-school students who drink has nearly doubled in the past four years—from 39 per cent in 1969 to 74 per cent in 1972.

What concerns authorities even more is an increase in arrests of young people for intoxication.

Arrests of girls aged 18 and younger on this charge have tripled in the past decade, and arrests of boys the same age have jumped by 250 per cent in the same period, said Dr. Morris E. Chafetz, director of the National Institute on Alcohol Abuse and Alcoholism.

So numerous are problem drinkers becoming among the young that Alcoholics Anony-

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mous has begun opening local groups exclusively for them all over the nation.

SOBER AT AGE 11

At one meeting of an AA "youth" organization in California's San Fernando Valley, The Los Angeles Times" reported, one member was honored for his first year of sobriety. He was 11 years of age.

At the same meeting, a 10-year-old boy reported he had been sober for a month.

What is causing this youthful binge?

A 30-year-old alcoholic, a member of an AA group in Washington, D.C., who started drinking when he was 17 years of age, offered this explanation:

"Kids are getting scared of drugs. They feel safer with a bottle. They don't see alcohol as addictive, and it's more socially acceptable. For one thing, it is legal.

"Besides, parents encourage their kids to drink, rather than to do drugs. I went to a wedding of a teen-age couple not long ago, and the parents served beer at the reception. They said it was better to have kids drunk on beer than off somewhere lighting up joints."

Another factor: the growing popularity, especially among the young, of "pop" wine. Sales of this generally inexpensive and sweet wine have soared from 3 million gallons in 1968 to 33 million in 1971, the latest available figures.

Many young people are mixing alcohol with other drugs, such as marijuana, barbiturates and amphetamines, to get a "double high."

ONE MAN'S EXPERIENCE

A 22-year-old member of Alcoholics Anonymous in Washington, D.C., who started drinking at 14 explains:

"I drank to get drunk as fast as possible. I was putting down beer, wine, whisky, even rubbing alcohol. Then I started taking pills—mostly amphetamines and acid—to speed up the process. Man, I had blackouts that lasted from three to 18 hours."

Students of alcoholism point out that this young man's experience is rare. They say the large majority of young people experience no serious problem because of drinking. They note that, for untold generations, youngsters have been taking that first drink as a rite of passage into adulthood.

Still, knowledge that youths in their teens and even younger can develop alcoholism comes as a shock to many Americans. Until recently, it was commonly thought that five to 10 years of heavy drinking were needed to become an alcoholic.

During the 1960s, however, researchers learned that extremely heavy abuses of alcohol could produce a drinking problem for some in just two or three years.

In addition, authorities found that between 5 and 10 per cent of the nation's alcoholics had suffered a mysterious reaction to their first drink, which induced an uncontrollable physical need for alcohol—making them alcoholics from the very beginning.

Medical authorities, however, say steady progress is being made in treating the nation's alcoholics.

A VERY COMPLEX DISEASE

They point out that alcoholism is no longer considered a product of moral degeneracy, but is recognized by the American Medical Association, the American Hospital Association and the World Health Organization as a highly complex disease which can be treated and brought under control.

As a result, more and more alcoholics who once would have been arrested and thrown into "drunk tanks" are now being treated by doctors and other specialists in hospitals, community-health centers and other treatment facilities.

Perhaps fewer than 20 per cent of the alcoholics are ever able to abstain totally from liquor for more than three to five years.

Some purists believe that no alcoholic who suffers an occasional relapse and gets drunk is truly recovered.

Many leading authorities, however, say that with an intensive, long-range treatment program, between 60 and 80 per cent can learn to control their drinking most of the time. As a result, despite occasional bouts with drinking, they are able to re-establish normal family life, rebuild their work record and restore their reputation in the community.

How to reach such people is emerging as the most difficult aspect of treating alcoholism.

Nearly always, alcoholism specialists say, the problem drinker is unwilling to admit what his family and associates have long known—that he's in trouble. One alcoholic, a federal official in Washington, D.C., explained:

"If I were to call you an alcoholic, it would ruin you in today's society. Your family would be ashamed of you, your friends would avoid you, and your employers would no longer trust you. You would immediately deny it."

For these reasons, alcoholics often fiercely resist admitting their plight—even to themselves—as long as possible. Dr. Nicholas Pace, director of the employer alcoholism-recovery program at the General Motors Corporation's New York executive offices, says it is often necessary to pressure alcoholics into accepting treatment. His conclusion:

"You have to find something that they love more than drinking, and that isn't easy. Once you find it, you have to threaten to take it away, unless they seek treatment."

For many people, especially men, the weapon that persuades them is their job.

Between 25 and 50 employers, including General Motors, American Airlines, Eastman Kodak, Consolidated Edison, the federal civil-service system and the Navy, have instituted programs to find alcoholics on the job and to assist them firmly into treatment programs.

THE GM WAY

Typical is the General Motors project, which is being implemented at each of the company's 110 plants. GM executives instruct supervisors to watch for one of the earliest signs of alcoholism—deteriorating job performance.

Once they have documented evidence, company and union representatives confront the employe with an ultimatium: either correct his problem or lose his job.

If the worker refuses treatment, he is fired—not because of his disease, but because of his poor job performance.

If he decides to accept treatment, and most do, the alcoholic may take sick leave and even receive medical-insurance payments.

The whole matter is kept strictly confidential, so that the alcoholic's fellow employes need never know the nature of the illness.

For other alcoholics, such as the many housewives who drink secretly, different means of pressure must be found. Often relatives, close friends or a spouse can be helpful, authorities say.

One instance: The wife of a Detroit executive refused to admit that she had a drinking problem until she received a deathbed letter from her cancer-stricken husband that persuaded her to enter an alcoholism-treatment program after his death.

FOR SOME, AA

Some alcoholics, it is found, can solve their drinking problem at little or no cost by joining a supportive group such as Alcoholics Anonymous.

The large majority, however, must undergo treatment under medical supervision—which can be long, complicated and expensive.

Detoxification, or "drying out," means hospitalization up to two weeks to sober up the alcoholic and withdraw him from physical addiction with the aid of tranquilizers and sedatives.

In extreme cases, treatment may also include extensive psychological and social therapy.

Persons with extreme addiction to alcohol may enter "halfway houses," or rehabilitation centers, for weeks or months to live with other recuperating alcoholics under the guidance of trained staff workers. Staff members are often ex-alcoholics themselves.

Others may live at home, but attend outpatient clinics for the same kind of counseling. In either case, alcoholics get help in solving the personal problems which helped cause their drinking. Often included are job services and psychotherapy.

ONE AID: ANTABUSE

To help them stay sober during this interim period, alcoholics are often given a drug called disulfiram or Antabuse. If they take a drink after swallowing an Antabuse tablet, they will suffer a pounding headache and usually violent nausea and vomiting.

Even after months of treatment, alcoholics do not find it easy to stay sober, according to experts. They are forced to revise their whole life style to exclude alcohol. Some turn to religion, while others rely upon a close-knit family relationship or membership in Alcoholics Anonymous.

In all, however, only 10 per cent of the nation's 9 million alcoholics have been treated. The reason, aside from the reluctance of the alcoholics to seek treatment, is that society has been slow to recognize alcoholism for what it has been officially declared—a disease.

Few doctors are trained to recognize alcoholic symptoms. In fact, many doctors, unconvinced that alcoholism is a disease, prefer not to treat patients with the symptoms.

Fewer than 50 percent of the nation's hospitals will admit patients with a primary diagnosis of alcoholism. In most cities, public drunks are still being arrested and thrown into jail. Many in the advanced stages of alcoholism are being housed in mental hospitals with little treatment.

ROLE OF NEW INSTITUTE

Nevertheless, the picture is brightening. With federal grants from the National Institute on Alcohol Abuse and Alcoholism, created by unanimous act of Congress in 1970, most community mental-health centers around the country are now offering treatment for alcoholics.

The Institute also sponsors medical research into the nature and possible methods of treating alcoholism. It operates the Laboratory of Alcohol Research at St. Elizabeths Hospital in Washington, D.C.

In addition, the Institute provides a total of 7.5 million dollars a year in research grants to such institutions as the Center for Alcohol Studies at Rutgers University, the University of Maryland Medical School and the Massachusetts General Hospital.

Alcoholics are getting increasing help from the private sector. Voluntary programs, run by such organizations as Alcoholics Anonymous, the Salvation Army and Volunteers of America, are reported growing steadily.

Alcoholics Anonymous, for example, estimates that its membership—which has now reached 650,000—is expanding by about 10 per cent a year.

Insurance companies, such as Blue Cross-Blue Shield and Employers Insurance of Wausau, are beginning to include some coverage for the treatment of alcoholism in their health-insurance policies.

Other antialcoholism groups have mounted an intensive public-education campaign. Youth-oriented organizations such as the Young Men's Christian Association and the National Congress of Parents and Teachers are developing programs to alert school-age children to the problems caused by alcohol abuse.

Experts realistically admit that the nation

will always have some alcoholics, but they are convinced that, with the growing array of treatment techniques and increased awareness of this age-old problem, the number of lives destroyed by alcoholism can be drastically reduced.

"ALCOHOLICS" AND "PROBLEM DRINKERS"— THE SYMPTOMS

Of the more than 90 million Americans who drink beer, wine and liquor, as many as 10 per cent are classified as "alcoholics," and millions of others are "problem drinkers." What are the signs of these two conditions—and the differences between them?

ALCOHOLICS

Dr. Frank Seixas, medical director of the National Council on Alcoholism, reports that alcoholics exhibit specific symptoms, including these:

They are physically dependent upon alcohol. When cut off from it, they suffer a painful withdrawal, experiencing tremors, hallucinations, seizures and delirium tremens—the "d.t.'s." Withdrawal can become "a medical emergency," producing fevers up to 107 degrees, which can bring death.

Alcoholics develop high tolerance to the effects of alcohol; that is, they are able to drink great quantities without showing easily noticeable signs of intoxication. A typical alcoholic weighing 180 pounds, for example, can consume a fifth of whisky or an equivalent amount of beer or wine each day for several days in a row, with acquaintances unaware that he has a drinking problem.

During their drinking bouts, alcoholics suffer blackout periods that last hours, days and even weeks. They may be conscious and active and appear to be normal. Later they cannot remember what they have done or where they have been.

They fall victim to alcohol-associated illnesses, such as cirrhosis of the liver, alcoholic hepatitis and heart disease. Doctors have found that the life span of the average alcoholic is 10 to 12 years shorter than the rest of the population.

Alcoholics are psychologically dependent on drink, complaining they have lost control over their consumption. They continue to drink, even after losing their jobs, their marriage and their health.

PROBLEM DRINKERS

The National Institute on Alcohol Abuse and Alcoholism says that problem drinkers are those who may not yet be full-fledged alcoholics, but whose drinking seriously and adversely affects their lives. Symptoms:

Drinking regularly in order to function or to "cope" with life.

Drinking to get drunk frequently.

Going to work intoxicated.

Driving a car while drunk.

Requiring medical attention because of drinking.

Getting into trouble with the law while drinking.

Doing something while drunk a person would never do sober.

Mr. BROWN of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think that the amendment offered by the gentleman from Oregon has considerable merit. Without taking a stand on whether or not I will support his particular amendment, I do wish to point out something, however, which bothers me a great deal. I think all of us recognize the evils of alcohol as a drug. I think we are aware of the tremendous losses caused in this country through the use of alcohol, the tremendous fatality rate from automobile accidents, involving drunk drivers, and the families that are disrupted by alcoholism. Alcohol is involved in 85,000 deaths in the United States annually. One-half of all homicides and one-third of all deaths reported as suicides are known to be alcohol-related. And yet we do not hesitate to arise on the floor and speak of all of these things, and then go home and have a few drinks of Scotch or bourbon or whatever it is we happen to like. That type of hypocrisy permeates our whole attitude toward alcohol and toward a number of other deleterious substances in our society.

We could put quite a few millions of dollars into education as to the adverse effects of alcohol, and it would not begin to equal the impact of the advertising which the liquor industry puts into the media of this country. Whether we like the idea or not, this advertising constitutes a very effective education as to the benefits of using alcohol. Liquor in all its forms is held up to us in the pages of our national magazines and in the other media as the sort of thing that is necessary for the good life.

I rather doubt the efficacy of spending the few million dollars contained in this legislation to counteract that very effective education as to the benefits of alcohol, a type of education which has had and is continuing to have an enormous impact on our society. It is very nice to make speeches here about education regarding alcoholism. We can send copies of them to the local chapters of the WCTU and similar organizations, to show our concern, but if we really want to do something effective about the use and abuse of alcohol, I suggest that we all support a bill which I put in a few days ago, H.R. 11106, which would disallow liquor advertising as a business expense tax deduction, and thus make it a little bit more difficult for the liquor industry to carry on the kind of education as to the values of alcohol that it has been doing. I think this is the only realistic way to handle the situation, if we truly believe that alcoholism is a threat.

We are really just wasting money to engage in an education program about the dangers of alcohol as long as tens of millions of dollars continue to be spent by the liquor industry urging us to imbibe alcohol because it is a mark of the good life.

Mr. LANDGREBE. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, I agree that this would sound like a very worthy amendment, and if there were some way that it would help to reduce the 9 million alcoholics in our country, I would be offering an amendment to double or triple the authorization. But I have sat in subcommittee, as have other people who are here proposing this legislation, and heard Dr. Peter Bourne, the assistant director of SAODAP, tell us that there has been no educational program yet devised that has a proven value in reducing the use of drugs; and to add alcohol onto this, into this whole situation, now would, to my notion, be a doubling of the counterproductivity of the program.

What would these educational millions be spent for? Would we teach kids, as we presently do in the drug abuse education programs, how to go down to the drugstore and buy a few aspirins and a coke and thereby put together a short trip? Or are we going to teach them how to make home brew after school by taking potato peelings and fermenting them behind the cookstove?

Are we going to give them some basic ideas on how to become a real drunkard a little later in life?

I know there are some people here who are snickering about this, but I am telling the gentlemen this is an important matter we are talking about today. It is not just a matter of appropriating a few more million dollars. We are dealing with our young people. We have already spent millions and millions and millions of dollars on drug education and what have we got but a spreading cancer in our schools?

Dr. Bourne testified that the U.S. Government ought to be spending its money on research in finding and developing the educational programs that would be productive, that would tend to lessen the interest of kids in drugs, rather than the other way around. I quoted in my earlier speech one high school group in Los Angeles alone where more than 33⅓ percent of the kids really thought they were getting an education in how to use drugs.

Mr. BRADEMAS. Mr. Chairman, will the gentleman yield?

Mr. LANDGREBE. I yield to the gentleman from Indiana.

Mr. BRADEMAS. Mr. Chairman, I recall the day Dr. Helen Knowlis, Director of the Office of Drug Abuse Education, appeared before the committee. In response to a question I put to her about whether or not the Federal Government was justified in terminating support for drug abuse education programs on the grounds that the Office of Management and Budget had set forth, namely, that sufficient models had been produced under the Act so as to make it unnecessary for continued Federal support, she responded:

> I know of no models that I will stand behind at this point.

The point of that response was precisely the problem that the gentleman from Indiana (Mr. LANDGREBE) addresses, which is to say we very much need more research into the best way of teaching about the abuse of dangerous drugs.

I strongly agree with the plea of the gentleman for more research, and I remind him that is one of the principal purposes of the bill under consideration. I hope therefore the gentleman will reconsider his position in light of what he has just said, and support the bill.

Mr. LANDGREBE. Mr. Chairman, I do not wish to yield any further.

I would like to point out that the Administration, the President is trying to consolidate the approaches to the drug abuse problem in our country. I am sure the President will be happy to talk about the alcoholism problem as well in this consolidated effort, but to have several hundred programs scattered all over the country and printing textbooks that have no proven value could very well bring

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the 9 million alcoholics up to 14 million in a few years time.

Therefore I encourage the Members to deal very seriously with this bill. I urge the Members to defeat the amendment and then to defeat the bill.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is alleged to be a Drug Abuse Education Act and now another dimension has been proposed by amendment to make it the Abuse the Booze Act.

As I suggested a little earlier this afternoon, why should we not have a Coffee Abuse Education Act? We hear today that coffee drinking is conducive to heart trouble. Is there anything more sinister than heart trouble? I had intended to offer an amendment to include coffee drinking but I will forgo that for today. I am sure there will be another of these educational acts in the near future. "Education" can be made to cover almost anything and does when there is $90 million to be spent on the bureaucracy.

How many millions are already being spent on "educating" people to the sins of liquor and drug abuse?

Then there is "the pill." Why not a Pill Abuse Act? We hear that the pill may produce deformed children. There is no end to this business. Why not a Nicotine Abuse Act? I have a little experience with nicotine, and am prepared to give the Members some advice on that and it will not cost them $90 million.

But, when are we going to get around to enacting a Taxpayer Abuse Act? Let the Members remember that tomorrow they will be confronted with a bill to increase the debt ceiling by about $13 billion.

Mr. TEAGUE of California. Will the gentleman yield?

Mr. GROSS. I yield to the gentleman from California.

Mr. TEAGUE of California. Mr Chairman, I join the gentleman from Iowa in being opposed to this bill on the grounds that it is a very expensive duplication of programs now being carried on by other Government and voluntary organizations.

Mr. GROSS. Mr. Chairman, I do not know of much of anything to which the word "abuse" could not be applied.

What we badly need, insofar as drug abuse is concerned, are a few judges in the country who will convict drug pushers, send them to prison and toss away the keys. That would do more to curb drug abuse than anything else. We can go on endlessly with this kind of business.

Mr. Chairman, I hope this bill is defeated. Let us save the taxpayers $90 million.

Mr. BRADEMAS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I take this time, not so much to address myself to the amendment under consideration, but to respond to some of the points which have been made earlier in the debate. I realize it may be possible to talk about the danger of the abuse of milk or coffee and, in effect, to pour ridicule on the question of the abuse of dangerous drugs. But, I want to suggest very earnestly, Mr. Chairman, that this is no laughing matter. The abuse of dangerous drugs in the United States, especially among young people, is not something to joke about. It is not a laughing matter.

According to the Select Committee on Crime's report to this House last summer, 45 percent of the high school students in the city of New York and 20 percent of the junior high school students are drug users. According to the report of the National Commission on Marijuana and Drug Abuse, the incidence of the use of heroin and other opiates has increased from 2 percent in 1969 to 6 percent in 1972 among secondary school and college students.

That is a lot of human beings using, not coffee, not milk, but heroin.

There may be some Members of this body who think that is a subject for joking. I do not think that is a subject for joking, and I think that anyone who reflected soberly on this problem, that has caused as much pain and anguish in this country as perhaps any other, will realize that the time for laughing is over and that we had better conduct ourselves as sober, serious-minded legislators concerned about the Nation's business.

Mr. Chairman, I hope therefore that this legislation will have the overwhelming support of all responsible Members of this body.

Mr. MURPHY of Illinois. Mr. Chairman, will the gentleman yield?

Mr. BRADEMAS. I yield to the gentleman from Illinois.

Mr. MURPHY of Illinois. Mr. Chairman, I commend the gentleman for his remarks. As a former member of the Select Committee on Crime, I concur in the remarks of the gentleman.

I joined in the Crime Committee's tour to major U.S. cities and interviewed the students in the high schools and grammar schools.

The problem of drug abuse was of epidemic proportions.

I agree with the gentleman from Iowa's concern about our spending levels, but the spending of $90 million for this program is money well spent. We could not spend any money more wisely than we are doing in this program.

I agree with the gentleman from Indiana. This is not a laughing matter. It is a serious matter.

I rise in support of H.R. 9456, legislation to extend the Drug Abuse Education Act for 3 years. Witnesses who testified before the committee represented a wide variety of interests: educators, health specialists, state and local officials. All testimony, including that by administration officials, agreed that conditions were much improved since the passage of the 1970 act. All testimony, excluding that by administration representatives, suggested that an extension of the 1970 act was the best way to guarantee continued progress in the fight against drug use in the schools. I believe in staying with a program which has proven successful rather than changing in midstream.

Administration officials emphasize the successes of the Special Action Office for Drug Abuse Prevention and argue that a consolidation of drug education efforts within SAODAP is the next step in eliminating the drug scourge. This argument seems logical until we examine past administration efforts to consolidate. Consolidation of programs is often the first step along the road to the elimination of these programs.

The committee report reminded us that administration witnesses used similar reasoning to oppose enactment of the 1970 act. The administration witnesses argued in 1970 that there was no need to pass legislation in order to allocate funds for drug education. They proposed that the National Institute of Mental Health was already in operation and, in fact, in the business of dispensing drug education funds. It was later discovered, however, that NIMH earmarked less than $1 million for these drug education projects.

The committee's minority views point to recent reports which label drug abuse education not only ineffective but counterproductive. The implication is that drug education per se is dangerous. The real conclusion to be drawn should be that inadequacies of drug education programs rather than the programs themselves are the culprits. There is substantial support for this view in the technical papers of the second report of the National Commission on Marijuana and Drug Abuse. Emphasis should be on improving drug education rather than eliminating it.

One article, "Perspectives on Drug Education" by Dr. Gerald Edwards, deserves attention. Dr. Edwards notes that many programs originate in response to intense community pressure for action. These programs are often ill-conceived because of hurried beginnings. Personnel lack expertise, programs lack direction and, in general, in Dr. Edwards' words, there is "tokenism in response to crisis."

Dr. Edwards argues that successful drug education programs offer a constructive alternative to drug abuse rather than stressing the need to take drugs away from users. He spells out what he means by constructive alternatives: Sports, yoga, transcendental meditation, theater, poetry, art, dancing, job development and placement, racial cultural and men's and women's consciousness raising and referral to relevant outside agencies.

A significant number of articles and reports on effective drug education programs stress the need for student involvement in planning and implementing the programs. Youngsters are often more knowledgeable about drugs than teachers and there is no reason for teachers to address students in condescending manner. A teacher who never smoked marihuana cannot preach the evils of "the weed" to students who have tried it and liked it.

Dr. Donald A. McCune's article entitled "An Analysis of the Role of the State in Drug Education" noted the distinction between traditional drug education and effective drug education. The former instilled fear through scare tactics. McCune argued the need to utilize research and knowledge from all social and scientific fields. He further argued the need to enhance the individual drug

user's or prospective drug user's concept of self. He added that drug education programs which fail to implement these newer approaches are bound to fail.

Drug education is not a new thing. In another article, Dr. McCune notes that a California statute of 1887 permitted instruction in the schools "upon the nature of alcohol and narcotics and their effects upon the human system." Dr. McCune suggests that certain schools today are employing the same techniques employed almost a century ago. He is not surprised, therefore, that some drug education programs have been total failures. He would have been surprised if this had not been the case.

As noted in an article about drug use in the city of Boston:

> Didactic and informational drug education programs upon which we have too heavily relied, spotted here and there throughout our schools on an occasional schedule, appear to be largely ineffectual and may well increase the incidence of drug use.

The shift in emphasis from the symptoms of drug abuse to the causes of drug abuse is essential. The replacement of the negative approach by a positive one is heralded as the beginning of real progress in schools by drug experts.

Administration spokesmen who argued against this legislation admitted there had been no attempt to evaluate the effectiveness of the programs funded under the Drug Abuse Education Act. An attempt should be made to identify those programs which are working and those which are not. After such an evaluation is made, the effective programs should be suggested as models. Without the benefit of this evaluation, however, I cannot understand the administration's opposition to extending the Drug Abuse Education Act.

Mr. ESHLEMAN. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

Alcohol is technically a drug. We all know that. In my opinion it serves a laudable purpose to add the word "alcohol" to this legislation.

I would call for an "aye" vote on this side of the aisle.

Mr. DELLENBACK. Mr. Chairman, will the gentleman yield?

Mr. ESHLEMAN. I yield to the gentleman from Oregon.

Mr. DELLENBACK. Mr. Chairman, let me say I agree with most of what the gentleman from Indiana (Mr. Brademas) said a few minutes ago. This is not the time for ridicule. This is not the time for humor. We are dealing with an extremely important issue.

Are we going to take our young people and give them the best education we can give them as to the danger of abuse of drugs?

The answer should be a clear, ringing "yes."

As far as the National Commission on Marihuana and Drug Abuse is concerned, the report to which the gentleman from Indiana (Mr. Brademas) made reference, let me read another section of it:

> The most widely used mood-altering drug in America is alcohol. Retail sales of alcohol . . . in 1971 amounted to $24.2 billion.

The Commission has also said:

> Alcohol dependence is without question the most serious drug problem in this country today.

We are not here dealing with even a minor part of the area of drug abuse. We are dealing, when we talk about adding the words "and alcohol," with the most pernicious drug of the lot. It is extremely important that these words be added.

I urge my colleagues to adopt this amendment and then proceed overwhelmingly to adopt this legislation.

Mr. FRENZEL. Mr. Chairman, I move to strike the requisite number of words and I rise in favor of the amendment.

In my judgment, alcohol should be added to the bill simply because alcohol education is just as important as education about other drugs.

In the school districts in my congressional district, alcohol is a big problem. It would be wasteful to develop a drug education program and not include alcohol, far more widely and less carefully used than drugs.

I think this good bill, H.R. 9456, would be greatly improved by adding alcohol to the drug education program.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. Dellenback).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. DELLENBACK. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the Chair, Mr. Rees, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 9456) to extend the Drug Abuse Education Act of 1970 for three years, pursuant to House Resolution 656, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered. As a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted in the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. LANDGREBE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 372, nays 13, not voting 48, as follows:

[Roll No. 554]

YEAS—372

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashley
Badillo
Bafalis
Baker
Barrett
Bauman
Beard
Bennett
Bergland
Bevill
Biester
Bingham
Blackburn
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breckinridge
Brinkley
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Camp
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clay
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Collins, Tex.
Conable
Conlan
Conte
Conyers
Corman
Cotter
Coughlin
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Derwinski
Devine
Diggs
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Gray
Green, Pa.
Griffiths
Grover
Gubser
Gude
Guyer
Haley
Hamilton
Hanley
Hanna
Hanrahan
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Kemp
Ketchum
Koch
Kuykendall
Kyros
Landrum
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
McClory
McCollister
McCormack
McDade
McEwen
McFall
McKay
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Passman
Patman
Patten
Pepper

XUM

Perkins
Pettis
Peyser
Pickle
Pike
Poage
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Railsback
Randall
Rangel
Rees
Regula
Reid
Reuss
Rhodes
Riegle
Rinaldo
Robison, N.Y.
Rodino
Roe
Rogers
Roncallo, Wyo.
Roncallo, N.Y.
Rooney, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Ruppe
Ruth
St Germain
Sarasin
Sarbanes
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stubblefield
Studds
Sullivan
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki
Zwach

NAYS—13

Ashbrook
Byron
Crane
Gross
Landgrebe
Quillen
Rarick
Robinson, Va.
Satterfield
Shuster
Symms
Teague, Calif.
Young, S.C.

NOT VOTING—48

Anderson, Calif.
Aspin
Bell
Biaggi
Blatnik
Breaux
Brooks
Buchanan
Burke, Calif.
Clark
Clausen, Don H.
Clawson, Del
Dent
Dickinson
Fountain
Grasso
Green, Oreg.
Gunter
Hammerschmidt
Hansen, Wash.
Hosmer
Howard
Jones, Ala.
Keating
King
Kluczynski
Lujan
McCloskey
McKinney
Mills, Ark.
Mosher
Murphy, N.Y.
Nichols
Nix
Podell
Roberts
Runnels
Ryan
Sandman
Steele
Stratton
Stuckey
Symington
Veysey
Waldie
Wolff
Young, Fla.
Zion

So the bill was passed.

The Clerk announced the following pairs:

Mr. Dent with Mr. Roberts.
Mr. Murphy of New York with Mr. Runnels.
Mr. Nichols with Mr. Ryan.
Mr. Fountain with Mr. Symington.
Mr. Podell with Mr. Aspin.
Mr. Blatnik with Mr. Lujan.
Mr. Howard with Mr. Don H. Clausen.
Mr. Mills of Arkansas with Mr. King.
Mr. Waldie with Mr. Stuckey.
Mr. Anderson of California with Mr. Dickinson.
Mr. Biaggi with Mr. Nix.
Mrs. Burke of California with Mr. McCloskey.
Mr. Clark with Mr. Bell.
Mr. Stratton with Mr. Hosmer.
Mrs. Hansen of Washington with Mr. Steele.
Mr. Kluczynski with Mr. Del Clawson.
Mr. Wolff with Mr. Keating.
Mrs. Grasso with Mr. Young of Florida.
Mr. Brooks with Mr. Buchanan.
Mrs. Green of Oregon with Mr. Mosher.
Mr. Breaux with Mr. Hammerschmidt.
Mr. Gunter with Mr. McKinney.
Mr. Jones of Alabama with Mr. Zion.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

PERSONAL EXPLANATION

Mr. ZION. Mr. Speaker, I was unavoidably detained during the vote on the drug abuse extension bill. Had I been present I would have voted "aye."

Mr. Speaker, I ask unanimous consent that my statement may appear immediately following the vote in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

ANNOUNCEMENT OF CHANGE IN LEGISLATIVE PROGRAM

Mr. O'NEILL. Mr. Speaker, I take this time to announce a change in the legislative program for this week.

On tomorrow, Wednesday we will call up the conference report on H.R. 9286, military procurement authorization, and H.R. 11104, the public debt limit increase. We are postponing consideration of the conference report on S. 1081, the trans-Alaskan pipeline authorization, probably until next week.

On Thursday we will consider no legislative business because of the services for the late John Saylor. We have postponed a vote on the override of the President's veto of House Joint Resolution 542, the war powers resolution until next Wednesday, and H.R. 10265, audits of the Federal Reserve Board.

Also, we will have no session on Friday.

AMERICAN BUSINESS—THE BEST LINE OF DEFENSE

(Mr. PATMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PATMAN. Mr. Speaker, the Longview Daily News, published at Longview, Tex., which is read by a great many of my constituents, has featured an article on the subject of U.S. trade with Russia which prompts me to make this observation.

Only history can ultimately determine the true thrust of diplomatic negotiations, and pronouncements from Communist countries have always been viewed with particular suspicion; however, there is always the possibility that the most effective smokescreen may be to mean precisely what you say. It seems to me that one of the best safeguards the United States can have in the always confusing international situation is the sharp eye of the American businessman who knows what he is doing and can be relied upon to get the facts with the greatest possible accuracy and speed and usually with beneficial results to the American people through a favorable balance of payments. In short, the American free enterprise system is in many ways the most effective instrument of our national diplomacy.

The article from the Longview Daily News is as follows:

[From the Longview (Tex.) Daily News, Oct. 17, 1973]

FACING RUSSIA IS A GAMBLE

(By John Chamberlain)

In facing the Russians, Secretary of State Henry Kissinger is taking a gamble. His desire for a detente with the Soviets may be based on an accurate assessment of their own need. On the other hand, an equally good case can be made that Dictator Brezhnev is setting Kissinger up.

The minority view in CIA, Pentagon, and State Department circles, as leaked to our more pessimistic journalists, favors the setting-up theory. The Soviet Minister of Defense, Marshal Andrei Grechko, no lover of the West, sits on the Politburo. He represents the younger elements in the Soviet military establishment, a group described as not at all adverse to using military means to gain results that elude the diplomats. Brezhnev supposedly put Grechko on the Politburo over a detente-minded opposition.

DR. HAMMER'S ARGUMENTS

The argument against the theory that the Soviets are using detente as a smoke screen to hide preparations for a preventive war on Red China or some sudden intervention in the Middle East rests on the application of horse sense to what the Kremlin is trying to do to woo capitalist participation in the exploitation of Russian natural resources. I have always been distrustful of Soviet promises, but Dr. Armand Hammer, the president of the Occidental Petroleum Company, who has several deals now cooking with the Communists, makes a most persuasive argument that the Russians need 20 years of peace with the West in order to move forward with their natural gas reserves, their agriculture, and their foreign trade prospects.

There is little possibility, as Dr. Hammer outlined in an interview with this columnist, of the Soviets gaining anything very ponderable by breaking off in the middle of their complex deals with the West. In conjunction with the El Paso Natural Gas Company, Occidental Oil plans to supply the pipe and the exploratory expertise needed to bring ten to fifteen trillion cubic feet of gas from the Irkutsk region of Siberia to tidewater at Olga, a Pacific port near Vladivostok. The gas will be going in the wrong direction to serve Soviet manufacturing installations; it can only bring the Soviets a good return by shipping it in liquefied form to Japan and the West Coast of the U.S.

Another Occidental deal with the Soviets will take phosphates from Florida to Russian ports to be used as fertilizer. Occidental has a new process that reduces bulky phosphate rock to a concentrate that enables one freighter to do the work of four. The deal is taking $500 million in financing that is shared by the Ex-Im Bank, the Bank of America, and the Soviets themselves. The pay-back to the U.S. will come in the form of Soviet shipments of nitrogenous fertilizer made from Soviet natural gas. Twenty years are needed for the Soviets to get full advantage of the phosphate-for-nitrogen trade-off.

A third Occidental project is the building of a $110 million trade center in Moscow, with the Soviets putting up the money and the Bechtel Corporation helping an Occidental subsidiary with the construction. There will be office space for 400 firms, plus apartments for their employees and a 600-room hotel in the trade center. Why, if Moscow intends to go to war with the West, should they be spending money on a center for foreign businessmen?

EXTRACTING OIL FROM GARBAGE

A fourth deal contemplates the bartering of metal plating equipment made by Occidental's Hooker Chemical subsidiary for Soviet nickel. This involves an $80 million contract covering five years. Finally, Occidental plans to teach the Soviets to extract oil from garbage by a new process scheduled for unveiling in San Diego.

If the Soviets are consciously using the five deals with Occidental as a smokescreen behind which they are plotting something sinister, it would represent the most elaborate hoax ever perpetrated. Potemkin's false-front villages, used to delude Catherine the Great into thinking she was Queen of a prosperous country, would pale into utter insignificance by comparison. With N. G. Osipov, the Soviet Deputy Minister for Foreign Trade, coming to the U.S. with a 21-man delegation to talk reciprocity, Dr. Hammer's theory of 20 years of peace sound plausible. But the Kremlin still has two options, one for peace and one for a quick military strike, and not even the most knowledgeable of experts can know whether Henry Kissinger is going to succeed with his gamble.

SUPPORT FOR ISRAEL

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. KOCH. Mr. Speaker, I have never hesitated to criticize the President when I thought he was wrong, and I will not hesitate to commend him when I think he is right. I have written to the President commending him for the immediate support he gave Israel in her hour of crisis and I am placing a copy of that letter in the CONGRESSIONAL RECORD.

The letter follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., October 30, 1973.

RICHARD M. NIXON,
The President,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I want to commend you for the strong and immediate actions you have taken to support Israel. Like you I believe the safety and security of that beleaguered country is in the national interest of the United States as well as a moral imperative. I also am in full accord with your having made it clear to the Soviet Union that this country will not tolerate the Soviet Union's introduction of troops into the Mideast.

In all candor I must say however, Mr. President, that I am distressed over the pressure that our nation is placing on Israel with respect to its encirclement of the Egyptian Third Corps. While I would agree that blood and medical supplies should be furnished for the wounded it is unjust to compel the Israeli Army to permit the re-supplying of the combatants with material, albeit of non-military nature, which would enable that Egyptian Corps to fight on and endanger the security of Israel.

The refusal of the Egyptians and Syrians to provide lists of Israeli POWs in an apparent effort to use these POWs as pawns in future negotiations, is a callous and tragic violation of the Geneva Convention. I urge you, Mr. President, as I am sure you already are doing, to intercede with all of the parties to make certain that the POWs are treated according to the Convention's accords and to seek their immediate exchange and release.

I also urge you, Mr. President, not to exact conditions of Israel that will jeopardize her national security or diminish the gains she has achieved in a battle that she was forced to fight against her own desire for peace.

In closing, may I again extend my appreciation for the support you have extended to Israel and urge that the United States not accede to demands by the Soviet Union that serve to undermine the security and well-being of that beleaguered country.

I also want to tell you, Mr. President, that I am as distressed as you are at the way in which the NATO countries, including Britain, Germany and France in particular, reacted to the emergency. They turned their back on the State of Israel and on the United States at a time when our mutual defense interests were threatened by Arab and Soviet military actions. I believe the United States must make it clear to our European allies that they cannot ignore America's vital interests if they expect mutual security to work in their behalf.

Sincerely,

EDWARD I. KOCH.

TRIBUTE TO THE LATE WILLIAM B. STREET

The SPEAKER pro tempore (Mr. MAZZOLI). Under a previous order of the House, the gentleman from Tennessee (Mr. KUYKENDALL) is recognized for 30 minutes.

(Mr. KUYKENDALL asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. KUYKENDALL. Mr. Speaker, I am grateful for the attention of this body at this special order in memory of a distinguished newspaperman, the late William B. Street of Memphis. I am also grateful to my colleagues in the House who were Bill Street's friends, who are joining me in this solemn tribute.

It seems strange to use such a word as "solemn" in any remarks about Bill Street—if there was anything that Bill Street was not, it was solemn. He had a love for life and for his profession and for people such as I have never seen. He had a rare gift for telling a story, whether in newsprint under his byline or sitting among friends at the Memphis Press Club or standing on a stage with a microphone in his hand at the Gridiron Show.

His stories could be deflating without being cruel, pointed without being slanted, topical without being tedious, and deep without being ponderous. A special target for his wit and his typewriter was always the pompous politician, and he had a knack for picking precisely the right words to puncture a puffed-up ego. But then he could share a cup of coffee and a joke with that same person, and it was a mark of his career that he numbered thousands of friends, and only a handful of enemies, among the people he wrote for and about.

Bill Street had what I might call the "Will Rogers touch." He had every opportunity to succumb to the temptation of becoming a pontifical writer, carried away by his own wisdom and rhetoric, but he never did; he never lost one ounce of the common touch that was his stock-in-trade.

When I think of him, my memory goes automatically to the little cubbyhole office in the newsroom of the Commercial Appeal, that great newspaper that he loved and served so well, where Bill worked behind a desk piled high with news releases and photos, copies of the CONGRESSIONAL RECORD, U.S. News and World Report, all the tools of his trade. There was a rickety chair next to his desk, and every politician in the Midsouth has sat in that chair at one time or another in the past decade, chatting with Bill, swapping stories or digesting his keen analysis of this or that congressional district, or the chances of some new political figure on the horizon—usually someone whose talents had been recognized by Bill Street long before anybody else ever heard of him.

In the days and weeks ahead, I will be back in the newsroom of the Commercial Appeal, because there, more than anywhere else in my district, can I sit and listen to my friends, and be told how the people I represent feel about a given topic or issue—or have my own performance as their representative assessed objectively and accurately. But I will never be able to return there without glancing over at the west wall and that little glassed-in office, and remembering a man with a broad grin on his face and a twinkle in his eye, whose door was always open and to whom "fair play" was more than a phrase—it was a badge of honor.

I request permission to revise and extend my remarks and include an editorial from the Commercial Appeal, which sums up the feeling that this great Midsouth newspaper had for one of its most distinguished sons:

"BILL" STREET: ONE OF THE BEST

An axiom of the newspaper profession has it that if a reporter makes both sides on an issue mad at him he must have done a good job. This serves as an adequate standard for most reporters. But the really outstanding ones are so informed, fair and accurate that they usually win the respect and praise of the opposing sides. That's the way it was with William B. Street, the politics editor of The Commercial Appeal, who died Wednesday.

The words of regret that have poured in from politicians throughout the Mid-South testify to "Bill's" standing among them—liberals or conservatives, black or white, Mississippi Gov. Bill Waller said, "His masterful writing on Mississippi political affairs has greatly influenced the course of politics in our state." Shelby County Sheriff Roy C. Nixon said, "His guidance and counsel to people in government and his strict code of ethics should be a lesson to those of us in government for all time." City Councilman and state Sen. J. O. Patterson Jr. called him "one of the finest people I have run into in my political life."

"Bill" Street was not just a byline or the name of a man who called to ask sometimes uncomfortable questions. He was a personality. He deeply respected the political process, but he was quick to deflate one politician's attempts to take himself too seriously or another's underhandedness. He won friends because they knew he acted with utmost integrity and fair-mindedness.

They even remembered "Bill's" humor with affection when it was directed at them. For years he was the mainstay of the Memphis Gridiron Show, which annually roasts politicians and others in public life to raise funds for college scholarships. He taught many a politician to laugh at himself. Members of the show's casts, made up primarily

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> of "Bill's" colleagues, would often kid him good-naturedly about the obscure hymns and country and western melodies he would pick out to embellish the adroitness of his wit. But the lyrics never left anyone guessing.
>
> "Bill" Street was a professional—one of the most competent and respected political writers in the South. He was also great fun to be with. He stood tall in life. He will continue to do so in memory.

I would like to submit the statement of Senator JAMES O. EASTLAND, of Mississippi, the President pro tempore of the U.S. Senate:

> I learned last week with great sadness my friend and one of the Mid-South'a leading newspaper reporters, William B. "Bill" Street, had died. I join my colleagues in the Congress, newspapermen from all over the country, and countless readers of The Commercial Appeal in mourning the loss.
>
> Bill Street was what has become known as a "reporter'a reporter." But he was also a "politician's reporter." His first love was politics. He started by helping tabulate the election results for the weekly newspaper editor in his hometown of Ripley, Mississippi. When he joined the newspaper in Memphis, Tennessee he moved up steadily from reporter, to assistant Tri-State Editor and to the position that he held when he died, Politics Editor.
>
> He had a keen knowledge of politics—not only in his home state of Mississippi, but in the entire tri-state area served by his newspaper. His column, "Politics Today," was widely read and readers knew they could depend on him to keep them accurately poated on the news of politics.
>
> Bill also had a love for the political anecdote—those stories which grow up over the years and humanize those who call politics their profession. Bill knew them by the hundreds and, strung together, they would have made a best seller.
>
> More than all of this, though, was the high regard that all those who knew Bill Street held for him. He had a certain quality that commanded respect from those who talked with him and read what he wrote. He was an outstanding reporter, a credit to his profession and a good friend of mine. "William B. Street" was a symbol of journalistic excellence and integrity.
>
> I extend my sympathy to his family and to his colleagues.

I would also like to include in the RECORD the comments of Tennessee's senior Senator, the Honorable HOWARD BAKER:

> I was deeply saddened to learn of the death last week of William B. Street, the distinguished political editor and columnist of *The Memphis Commercial Appeal.*
>
> Bill Street was a talented and dedicated newsman. Through his personal and perceptive columns, he helped keep his thousands of readers in the Mid-South informed about the often complex and fast moving political developments in Tennessee, Arkansas, and his native Mississippi.
>
> Just as his readers held Bill in high esteem, so, too, did his fellow journalists. He was a man who cared deeply about his profession and volunteered much of his time to its betterment.
>
> Bill was past president and a member of the Board of the Mid-South Chapter of Sigma Delta Chi, the national professional journalistic society. He was well known as master of ceremonies of the Memphis Gridiron Show, and as chairman of the Memphis Press Club.
>
> Bill Street was a good newsman, a good citizen, and a good friend. Mrs. Baker joins me in extending our sympathy to the Street family.

Mr. ALEXANDER. Mr. Speaker, I thank the gentleman from Tennessee for yielding to me.

Mr. Speaker, it is with sorrow that I join my colleagues today in this special order to pay tribute to William Boyce Street of Memphis, Tenn. On the morning of October 24, Bill Street died doing the thing he was doing when most of us met him—putting together a newsstory about politics in the Midsouth.

Bill Street had for more than two decades written about the people and developments in Mississippi, Arkansas, and Tennessee, for the Commercial Appeal. He had an encyclopedic knowledge of politics in the region and had been politics editor for the Commercial Appeal since October 1967.

Bill Street was among the most astute of the political analysts working in the Midsouth throughout his career. He learned to love politics and journalism early in his 46 years. Bill Street achieved a reputation for honesty, integrity, accuracy, and dedication to his profession and to his speciality of political reporting which will long serve as a goal for which his successors will want to strive.

He was one of those elite reporters who love and is a friend to the men and women in politics, but, whose feelings are never allowed to overshadow his consciousness of his responsibility to be objective in reporting their activities. He would offer praise where merited. And, he would give constructive criticism when convinced the holders of elective and appointive office had strayed from their proper roles.

He worked tirelessly in his profession.

His interest in the journalism community was demonstrated by his leadership in such organizations as the Midsouth chapter of Sigma Delta Chi, the Memphis Gridiron Show, Inc., and the Memphis Press Club. As one of the driving forces behind the Gridiron Shows, Bill Street helped many a Midsouth politician to learn to laugh at himself. The effort was for a good cause. The shows have helped raise thousands of dollars which has been used to recognize, through scholarships and awards, the achievements of promising young journalism students in Mississippi, Arkansas, and Tennessee.

When Bill Street succumbed to a massive heart attack while working at his desk this last week the loss was a tragic one not only for his family and profession but for the thousands of us to whom he was a friend.

Mr. KUYKENDALL. Mr. Speaker, I will now yield to the gentleman from Tennessee (Mr. JONES).

Mr. JONES of Tennessee. Mr. Speaker, I thank my good friend and colleague, Mr. KUYKENDALL, for yielding to me.

Mr. Speaker, today we are paying tribute to the late William B. Street, political editor at the Memphis Commercial Appeal. When Bill passed away unexpectedly last week I commented in my extension of remarks that southern journalism had lost a leader. This fact was quite obvious to anyone who knew Bill Street.

Today, politicians are going to be paying grand compliments to his memory, but I dare say that anyone of us would have said the same things to his face. Bill was that kind of person. He put you at ease, talked straight and expected you to do the same. On many occasions I have praised and thanked Bill profusely for his guidance and advice. I did it in person and to his face.

This is not to say that Bill and I always agreed on controversial issues. We did not, but Bill always took issue with you in a gentlemanly fashion and without hostility. This quality gained him the respect of all politicians, liberal, and conservative, Democrat, or Republican.

Many times Bill's insightful and logical columns provided lubrication for the political process in the Midsouth. His columns could reunite factions and heal political wounds or massage bruised political egos. You can be sure that we will miss Bill Street's fine touch.

Within the ranks of the journalistic community, Bill was without a doubt a professional in every sense of the word.

His leadership resulted in many enjoyable hours for us at the annual gridiron show of the Memphis Press Club which he chaired. Those of us who took ourselves a little too serious had this trait pointed out to us, politely but firmly.

However, a larger contribution has been made by Bill's concern for developing young reporters. Whether they were in high school, college, or young professionals, Bill was always there with advice and encouragement. I understand Bill was to have served as toastmaster for a high school journalism clinic 2 days after he died.

Bill's funeral was conducted by Reverend Whitlock, chaplain at the Shelby County jail. He and Bill Street had grown up together in north Mississippi. Reverend Whitlock said that down through the years he often used Bill Street in talks to young people as an example of honesty and integrity in everyday life. He said that Bill's life proved life is worth living.

Everywhere you look you find Bill Street admirers. I am one of many, but no one had more admiration and respect for Bill than I. To me, the loss is personal and I want Mrs. Street and Bill's children to know that I share with them their loss and cherish with them the fond memories.

Mr. KUYKENDALL. Mr. Speaker, I yield to the gentleman from Mississippi (Mr. BOWEN).

Mr. BOWEN. Mr. Speaker, I would like to make a brief comment on the life and career of the late Bill Street, political editor of the Memphis Commercial Appeal. Bill's death a few days ago came as a great shock to those of us who knew him; it was untimely and left a great void in the newspaper profession, among his many friends, fellow workers, loved ones, and readers.

Bill Street was a newspaperman's newspaperman. He called the shots as he saw them journalistically, but in a firm, reasonable, responsible manner which commanded the respect of those of us about whom he wrote and those of us who read his columns and stories.

He possessed a keen mind, a clear style of writing and the journalistic ability to go to the heart of a story or political campaign and spell out the facts and label his opinions for readers to digest and consider.

It was my privilege to read his columns for a number of years before I entered the active field of politics; since then I became personally acquainted with Bill Street and came to admire and respect him even more, both as a man and as a newspaper writer. I can say without reservation that he was the most widely read and highly regarded political writer in the Midsouth. He will be missed. Men such as Bill Street just do not come along every day. They will miss him in Memphis and at the Commercial Appeal and those of us in north Mississippi who read him faithfully day in and day out will miss him, too. His family and loved ones can take solace in the fact that his life and career will stand as a hallmark at the Commercial Appeal for younger writers to aspire in striving for the high standards he set.

Tragic and untimely as his death was, at age 48 and at the peak of his career, perhaps he would have us note that he died in the finest tradition of great newspapermen who preceded him—at his desk, working on the story of the day. Knowing Bill Street, I do not believe he would have wanted it any other way when the Great Editor stepped into the newsroom last week and wrote "30" to his life and career.

Mr. KUYKENDALL. Mr. Speaker, I yield to the gentleman from Tennessee (Mr. FULTON).

Mr. FULTON. Mr. Speaker, honesty, fairness and objectivity are the qualities which create respect in and for the profession of journalism. It is therefore tragic when someone in this field who has achieved these qualities and earned this respect is taken by death at the very prime of his life.

Bill Street, 46, political editor of the Memphis Commercial Appeal, was stricken with a heart attack last week. He died as he lived: at his typewriter.

While it was my privilege to know Mr. Street, my contact with him was minimal because the coverage of his paper does not include my area of the State of Tennessee. Nonetheless, I know many who have dealt with him professionally for many years and to an individual they have high praise for Bill Street as a newspaperman in the finest tradition of the profession and a gentleman of the highest caliber.

His death was untimely and his passing will leave a void difficult to fill. My sympathies are extended to his family and friends.

Mr. BEARD. Mr. Speaker, on October 24 the people of the metropolitan Memphis area and the entire State of Tennessee lost one of the finest political writers the journalism profession has ever known with the death of William B. Street.

Bill, as he was known to his many friends and readers, will be sadly missed by the thousands who for years have started their days with a cup of coffee and "Politics This Morning" in the Memphis Commercial Appeal.

Bill Street was a great reporter. He enjoyed the trust and confidence of all public figures on both sides of the political aisle. But it was not only his ability as a reporter that earned him this trust.

He was an advocate of good, honest government. He was truly concerned about the political process and the people involved in it, and his concern extended far beyond the limits of the normal working day. His was a familiar face at many a political gathering and his opinion was actively sought by many a public figure looking for an honest, unbiased assessment of a situation.

"Fair' is the word spoken most often when remembering Bill Street. If he thought you were right, he told you so. If he thought you were wrong, he did likewise—forthrightly and without malice. He could be blunt and straightforward and had the ability to cut deeply with the stroke of a pen. But he also had a remarkable sense of humor that enabled him to poke good fun at the world of politics and, more important, make politicians laugh at themselves. In these times, especially, it is a quality whose loss will be deeply felt.

Bill Street was a close personal friend who had a tremendous influence on my decision to seek the office I now hold. I held a deep respect for his opinion and his strict code of ethics as did many of my Tennessee colleagues.

He was loyal to these ethics, and it was this loyalty that earned him the highest esteem he enjoyed in Southern politics and journalism. I join my colleagues in expressing my deep sense of personal loss in his most untimely death.

Mr. WHITTEN. Mr. Speaker, I join with the many friends of the late William B. Street who have paid tribute here to his services. It was my privilege to be closely associated with Bill Street from his boyhood on to his untimely death. He came from a fine family; he was possessed of splendid personality, ability, poise, and an ambition matched only by his energy and sense of fairness. His career in the field of journalism was almost entirely spent with the Memphis Commercial Appeal, a splendid newspaper which has served north Mississippi through the years. Bill Street's place on the paper will indeed be hard to fill. His success has served as an incentive to many young people in our State. His contributions to the city of Memphis, to Mississippi and Tennessee and Arkansas and the Midsouth are tremendous and have always been constructive.

Mr. Speaker, it is hard to understand the loss of such a fine person at such a young age and at the height of his success. We shall all miss Bill Street and his further contributions which we can so ill afford to lose. We do have with us, however, his fine record of accomplishment and the many fond memories of a close and personal friendship. To his family and loved ones, we express our deepest sympathy in their loss which also is our own.

Mr. EVINS of Tennessee. Mr. Speaker, certainly I am pleased to join with my distinguished colleague from Tennessee (Mr. KUYKENDALL) in paying a brief but sincere tribute to the memory of Mr. William B. Street of Memphis, the renowned and capable political editor of the Commercial Appeal, known and respected throughout Tennessee and the South for his perceptive writings.

Bill Street was a man of courage, ability, and distinction—his observations and comments were followed by thousands and thousands of readers, including those in public office—and I know he will be greatly missed.

I want to take this means of extending to members of his family this expression of my deepest and most sincere sympathy in their loss and bereavement.

Mr. MONTGOMERY. Mr. Speaker, I appreciate the gentleman from Tennessee (Mr. KUYKENDALL) for securing this time today in order that I and other Members of the Congress might pay tribute to the long and distinguished career of William B. Street. Like others in the Southeast who had come to regard Bill Street as a friend, I was shocked and saddened to learn of his death on October 24.

During those days I was a member of the Mississippi State Senate, I came to know and respect Bill Street for his integrity and honesty in political reporting. He was one of the very first men that could be truly classified as a political reporter of the Mississippi scene. Through the years, he had turned his attention more to the affairs of Tennessee, but he always kept in close touch with happenings in Mississippi. I always valued his perception of politics in my home State and felt that he had the uncanny ability to get to the specifics of any given situation.

Mr. Speaker, I will miss Bill Street and his reporting and his death will be a great loss to journalism in the South. I extend my deepest sympathy to his family.

Mr. QUILLEN. Mr. Speaker, I would like to join my colleagues today in paying tribute to the life and memory of William B. Street of Memphis, the political editor of the Commercial Appeal. Bill Street was one of the finest newspapermen in the South and was deeply respected by all those who knew him, either personally or by reputation.

Bill Street was an informed, fair and accurate reporter—a great credit to his profession.

Born in Mississippi, Bill Street became interested in newspaper work at a very early age. He began his career with the Commercial Appeal in 1950, shortly after his senior year at the University of Mississippi. He worked hard and soon won the admiration and trust of those with whom he came in contact. He became especially noted for his knowledge of politics in Tennessee, Arkansas, and particularly Mississippi. In 1967, he became political editor for the Commercial Appeal.

Bill Street was a great American, a man of firm convictions and of deep devotion for the political process of our Nation.

His tragic death was a loss to so many—his family, his associates, and thousands of his daily readers.

I extend to his family my deepest personal sympathy in their bereavement.

GENERAL LEAVE

Mr. KUYKENDALL. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to extend their remarks on the subject of this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

ELECTION REFORM: CRITICAL NEED FOR PROMPT ACTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. CLEVELAND) is recognized for 30 minutes.

Mr. CLEVELAND. Mr. Speaker, as a member of the Committee on House Administration and a cosponsor of the Clean Elections Act of 1973, I wish to share with my colleagues a number of observations concerning political campaign reforms.

This is one of the truly critical legislative matters of this session. Certainly we have enough other problems, ranging from defense and foreign policy to the state of the economy and our energy and human needs. But many of those problems go far beyond individual pieces of legislation. They are more a matter of an evolving national strategy. Not so with campaign reforms; we have specific bills to consider. And speaking of problems, we are face-to-face here with the important ramifications of Watergate.

The measures we are considering offer us a rare opportunity to make real progress on needs too long short-changed with half-way measures. The confidence of the public is low and apparently headed lower. Yet there is strong public support for campaign reforms. This is an encouraging sign that the public still has faith in the long-term ability of our system to reform itself. Congress has an obligation to sustain that faith and to restore the confidence of the electorate in government, the two-party system and particularly in the Congress.

OVERRIDING ISSUE: PUBLIC TRUST

Indirectly it involves more than a single issue. Our ability to deal with any controversial issue or complex problem depends on public confidence in the integrity of the elective process, and of those whom it places in positions of public trust. If we fail in an area clearly calling for effective action, we will further diminish public confidence. In view of the firestorm of public frustration raging about us, this would be a serious breach of trust.

The measures before the Elections Subcommittee, H.R. 7612, S. 732, House Joint Resolution 559 and others, vary in their regulatory approach, their treatment of disclosure of campaign and personal finances, restrictions on spending and limitations on donations, and other specific provisions. I have attached hereto a summary of H.R. 7612 and a statement of general principles setting forth the parameters of the problem we must address. My principal purpose today is to focus on the basic relationship between money and election campaigns.

THE ADVANTAGES OF INCUMBENCY

Campaigning for major office has become almost invariably expensive. So whatever is done by way of limitations, we should not lose sight of the fact that reasonable opportunity to raise funds should be afforded those who seek election. For all their surface simplicity, proposals to restrict large donations without providing alternatives would merely eliminate one problem while injecting others.

One of the most troublesome to me is the array of advantages to incumbents. Our access to public communications media, our exposure through our own publications and mailing privileges, our staff resources, to name but a few influences perpetuating incumbents in office, are most formidable. The Committee on House Administration, on which I serve, has been responsible for many of them; I sometimes think too many. I imply no sinister purpose, but wish merely to point out that those resources we develop to equip ourselves better to function as legislators and serve our constituents have this inevitable result. Take the communications function, and that of representing constituents in their dealings with the Government. I regard them as absolutely essential to the performance of our function, while recognizing that they do have electoral implications, and unquestionably a self-serving potential.

It is axiomatic in American politics, furthermore, that support gravitates to the winner. Thus the incumbent, with all this array of built-in advantages provided at public expense, often finds them translated into ability to raise private campaign donations. It is hardly surprising, then, that such a low percentage of incumbents seeking reelection are upset at the polls.

A study by the Congressional Research Service of the Library of Congress has shown that between 1956 and 1972, House incumbents won in 3,350 races of a total 3,551 in which they ran, a percentage of 94.34. Comparable figures for the Senate showed 222 incumbents' victories out of 261 races, a percentage of 84.67. Another study, distributed by the Republican Research Committee, suggests that the taxpayers now invest more than $600,000 to support the office of each Member of Congress over a 2-year term.

KEY ROLE OF SMALL CONTRIBUTORS

Thus challengers must be afforded an opportunity to make themselves and their positions known to the public. This takes money. I see corrupting influence less in the amount of money involved than in the degree of dependence on large donations. Money that comes in large bundles is too often tied with strings. To some, this amounts to an argument for whole-hog public financing of election campaigns as an alternative. But this would run counter to the direction reform should take.

One of the more encouraging trends in this country is a greater demand for participation by the average citizen in public decisionmaking. What more important decision is there than making the choice of elected officials charged with the responsibilities of government? We should be strengthening, not weakening, individual choice. We should be encouraging the conscious decision to choose among candidates based on individual judgment of their qualifications. Often the act of contributing is the most direct opportunity open to the individual, beyond the act of voting, to express his will. We should preserve this, expand it, and give even greater leverage to the small individual contributor.

This is important to the selection process in that the ability to raise funds is at least one measure of a candidate's credibility and genuine public appeal.

DANGER OF TOTAL SUBSIDY

Public support for public financing of election campaigns is growing. But we must not overreact and fall into the typical trap of trying to solve a problem just by throwing the taxpayers' money at it. The costs would be enormous. The results disastrous. We would defeat our purpose and lower the esteem for the public officeholder and his works. There would rise the specter of politicians becoming somehow a breed apart; politicians who have figured out the combination and use taxpayer funds to lock themselves into positions of affluence and influence.

Given these considerations, wholesale top-to-bottom reform of the election process poses difficult problems of assuring that the means chosen achieve the intended ends. Last session we enacted partial reforms, which did not take effect until fund-raising for the 1972 campaign was well under way. We all recognize its deficiencies now. It had the effect of triggering large donations in advance of tighter reporting requirements. You can make a case that the abuses of Watergate stemmed partly from the large amounts of cash floating around. Some States which historically have imposed requirements more stringent than the Federal have found their efforts preempted or the process snarled in conflicting and overlapping requirements. It would be a travesty of the reform process to again generate similar unintended side-effects.

CURBING CASH

On the subject of cash, I have earnestly urged the Elections Subcommittee to consider an amendment prohibiting any candidate to accept any donation of more than $25 in the form of cash. Similarly, all campaign expenditures for more than $25 should be by check. This, in combination with tighter fiscal reporting provisions in the Clean Elections Act, would establish an auditing trail which would, by facilitating investigation, serve as a deterrent to questionable use of campaign funds.

In this regard, I was impressed by the proposal of Mr. STANTON of Ohio to establish a Federal election campaign bank, with all campaign income and outgo to be handled through accounts of candidates, political committees and other organizations seeking to influence the electoral process. Its additional roles of spot checking for compliance, prosecuting violators and informing the public also commend this approach.

Also worthy of attention is a proposal by our former colleague from New Jersey, Mrs. DWYER, to require all campaign contributions and other spending

transactions to be conducted through the use of serialized, computerized, special-purpose scrip. With space for such information as the identification and principal source of income of the contributor, the scrip device would provide for a total origin-destination tracking of the flow of money through the campaign process. While never introduced formally, language incorporating this approach is now before the Republican Task Force on Election Reform, along with a suggestion that it be subject to a year-long feasibility study.

SPENDING LIMITS—INCUMBENCY DIFFERENTIAL

One of the most difficult problems is raised by legislation to set maximum limits on permissible spending by candidates. It may be impossible to establish a figure that would be realistic in different parts of the country. Part of the problem is the question of establishing a differential between incumbents and challengers. While I know of no State which has adopted such legislation, we did wrestle with the problem in the 1950's when I was in the New Hampshire Senate, at which time I saw merit in the principle. I also note that such a differential is provided in bills sponsored by Mr. YOUNG of Illinois and Mr. KASTENMEIER of Wisconsin. One partial approach to the problem, embodied in last year's Anderson-Udall measure which I cosponsored, would have extended the franking privilege to challengers.

Another variety of problem is the difficulty of reaching a real consensus among 435 Members, each of whom has some exposure to the realities of campaign financing but few of whom can claim expert authority on the entire subject.

Yet despite the foregoing problems and others, the Congress must not forfeit the opportunity represented by current public concern in this matter. I, for one, have no desire to subject the public and the political process to another round of congressional and senatorial campaigns in the absence of further reforms, 2 full calendar years after Watergate. This argues for an approach which directly attacks the problem of undue dependence on large contributions and enhances private, individual participation in the process by the small contributor.

For too long the public has been witness to the spectacle of large contributors hedging their bets in national elections by donating substantial sums to opposing candidates, clearly implying anticipation of favors or fear of reprisals whatever the outcome.

THE CLEAN ELECTIONS ACT

Caution dictates that we build on this concept of small contributions as already launched through tax deductions and tax credits. The Clean Elections Act is a carefully crafted attempt to achieve these basic objectives of adequate funding, reduction of big-money influence, and strengthened participation by the small contributor.

Credit for small donations and Federal matching of small contributions represent a unique mechanism for sharing the burden of election costs between government and the concerned citizen. This is the great strength of H.R. 7612 and the weakness of the Senate bill.

The time for action is now, in this session, on this prudent proposal. H.R. 7612 and House Joint Resolution 559, which I am also cosponsoring, were introduced months ago. The Senate has passed one bill, which is now before the Elections Subcommittee, and is considering others. If a half dozen Members of the Senate can spend half a year on Watergate, certainly our House Administration Committee can devote the time and effort necessary to produce a bill for floor action before adjournment.

PROMPT ACTION AND PUBLIC CONFIDENCE

It has been said that all politicians, of both parties, have suffered a loss in public confidence. I have frequently pointed out that the abuses of 1972 were not the responsibility of the regular Republican Party, but unquestionably the two-party system has been severely damaged.

I think the public is trying to tell us that Watergate represented no monopoly on misdeeds and the entire electoral process needs a thorough overhaul. So regardless of how you spread around the blame of the past, the public will be rightly disposed to accuse us of complicity, after the fact, if we in the Congress fail to act and act promptly.

The modest approach embodied in H.R. 7612 should be launched immediately. An independent Federal elections commission, restrictions on campaign contributions, limited Federal matching of small contributions, a higher limit on tax credits for such donations and publicly financed television time for candidates should help meet our immediate needs.

Events of recent days have demonstrated the need for absolute impartiality, both in fact and in appearance, in enforcement of laws governing political contributions and other aspects of campaigning. I can conceive of no device better suited to this vital function than the independent elections commission we propose.

Another implication of this legislation draws on other lessons from the recent past. I refer to the exemption of national committees and the congressional and Senate campaign committees from the limitations on donations to candidates. This is intended to enhance the role of traditional party committees. I have pointed out in several statements to my constituents that the establishment, apart from the traditional party structure, of a separate Committee to Reelect the President was responsible for much of the debacle we call Watergate. Part of the problem was the enormous amounts of money floating loose. But another was the absence of normal restraints and respect for the rules of the game among a small and powerful group of people, none of whom were elected officials. A viable and responsible two-party system has been and is the life blood of our system of representative government.

NOMINAL REFORMS REJECTED

I emphasize that the limitations would still apply—$1,000 in House and Senate campaigns and $2,500 in Presidential campaigns—on individual donations to such committees. At the same time, I feel that the study commission called for in House Joint Resolution 559 would complement the efforts of this committee, in view of our responsibilities for other legislative matters.

Reform in name will not wash. I can think of no greater contribution to cynicism among the public. I have been disappointed recently to find the House act in the name of reform and fall short of the mark. As a strong supporter or cosponsor of realistic measures in the war powers and anti-impoundment fields, I have been able to support the measures reaching the floor only with the greatest reluctance. But as regards campaign reform, the public is far more aware of the measures before us. The Congress is on trial. And particularly on trial are those who through the control of Congress control the destiny of this legislation.

INTIMIDATION THREAT

For those who find no other argument persuasive, it is useful to recall that campaign contributions accepted in all good faith can be subjected to misinterpretation by the public, a hostile newspaper, a demagogic opponent or even an ambitious prosecutor. In this regard I wish to share with you the comments of Senator FULBRIGHT before our Joint Committee on Congressional Operations in hearings on congressional immunity for legislators:

> Among the biggest industries of my State are the poultry dealers. There are some large poultry companies. Or take the big rice people . . .
>
> I vote for those people. I try to advise with them. I expect 90 percent or 100 percent of my votes are in the interests of the broiler people, the cotton people, and the rice people. The people who are interested in rice contribute to my campaign. I do not know why.
>
> If somebody in the Department of Justice felt I was a big enough nuisance, they would say, "Look, you got $1,000 from such and such a rice company in Stuttgart and I notice you voted for their bill. You took that as a bribe." He does not have to prove it to put me in jail. The fact that I can be indicted and answerable in that forum is the significant part. I would not have to feel that I had been bribed or that I was guilty to be intimidated and be careful if somebody called me up and said, 'Look, friend, you really are getting out of line. We know you have $1,000 from them. Now, you had better calm down a little bit or we are going to have to bring suit."

To which I would only append the fact that the Supreme Court, in United States against Brewster, held that a bribery charge could be sustained against a legislator even if he defaulted on an alleged agreement and voted against a bill favored by the interests of the people said to have given or promised a bribe.

CONGRESSIONAL REFORM ALSO NEEDED

Throughout this discussion I have sought to recognize the complexity of the problems we are addressing and to avoid extravagant claims for our Clean Elections Act. It also would be remiss to exaggerate the role of election reform standing alone. The best people, elected through the best conceivable process of selection can function in the public interest only to the extent that they are permitted to by the system. I happen to have a high regard for the great majority of my colleagues in this body. But it seems clear that those who deplore the electoral process are reflecting a large

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measure of disillusionment with our performance as legislators and as a body.

What the public may view as unresponsiveness to the public interest is often the product of our procedures rather than excessive deferral to the executive branch or evidence of the baneful influence of special interests stemming from campaign contributions.

Thus election reform must be accompanied by reform of congressional procedures if we are to merit the full measure of renewed confidence of the public we seek to serve, and which the times urgently require.

I include the following:

FACT SHEET: MAJOR PROVISIONS OF THE CLEAN ELECTIONS ACT OF 1973, COSPONSORED BY REPRESENTATIVE JAMES C. CLEVELAND

I. FEDERAL ELECTIONS COMMISSION

Composed of six Member board, two each to be appointed by the Speaker of the House, President pro tem of the Senate and the President.

Terms would be for six years and not more than three of the members could be of one political party.

All functions delegated to the "supervisory authorities" (Clerk of the House, Secretary of the Senate and the GAO) by The Federal Elections Campaign of 1971 would be transferred to the Commission.

The Commission would be given powers to subpoena witnesses and compel evidence, and to initiate court actions against violators of the Act.

II. CONTRIBUTIONS LIMITATIONS

Contributions by any person or committee during any year would be limited to $1,000 in the case of a candidacy for the House or Senate and $2,500 in the case of Presidential candidates.

Candidacy is defined to include contributions to any candidate and all of his authorized campaign committees; no committee could receive contributions in behalf of a candidate without the candidate's prior authorization.

Contributions to any political action committee such as BI-PAC or COPE would be limited to $2,500 per year from any single source. National party committees would also be covered by this limitation.

Disbursements to candidates by the national committee or Congressional and Senate campaign committees of each party would be exempted from the limitation on contributions to candidates.

III. PUBLIC FINANCING AND INCENTIVES FOR SMALL CONTRIBUTORS

The current tax credit for political contributions would be increased from $12.50 to $50 per taxpayer ($100 in the case of a joint return).

Each candidate for the House or Senate in a primary or general election and candidates for President during a primary would be eligible for payments from the "Federal Matching Payment Entitlement Fund."

Payments would be in an amount equal to each contribution of $50 or less received by the candidate or his committees. To receive these matching payments, the candidates would have to file periodic voucher statements with the Commission listing the contributions eligible for matching.

The national committee and the Congressional and Senate campaign committee of each party would also be eligible for matching payments in the same manner as indicated above.

No candidate or committee could receive matching payments for contributions from any single contributor of more than $50 per year.

To limit Treasury liabilities, an upper ceiling of 10¢ per eligible voter is placed on payments to House, Senate and Presidential primary candidates, and $15 million per year on the sum of payments to the National, Senate and Congressional Campaign Committees of each party.

To avoid a dissipation of Treasury funds on frivolous candidates, the bill requires submission of $1,000 worth of matchable contributions for House candidates and $5,000 for Senate candidates before any matching payment may be made.

IV. VOTER'S TIME

Provides half hour blocks of publicly subsidized television time to Federal candidates in general elections. This includes five half hour blocks for Presidential candidates, three blocks for Senate candidates, and two blocks for House candidates.

Time could be used for either debates between candidates or for individual appearances by the candidates.

V. MISCELLANEOUS AMENDMENTS

Adds direct mail to the items (radio and TV, newspapers and magazines, bill boards, and telephone banks) covered by the 10¢ per eligible voter expenditure limitation in current law.

Requires each candidate to establish a "central campaign committee" which would collect reports of all other campaign committees of the candidate and file them with the Commission (rather than each campaign committee reporting directly).

ELECTION REFORM: STATEMENT OF BASIC PRINCIPLES, SUPPORTED BY REPRESENTATIVE JAMES C. CLEVELAND

(1) Enactment of a mixed system of public and private financing of qualified candidates for President and Congress in general elections at a level which will enable a candidate to mount an effective campaign without the need to seek large private contributions. The amount must be sufficient to encourage the maximum feasible degree of competition in elections for Federal office, and there must be adequate safeguards to insure full and ready public accountability for the use of public and private funds;

(2) partial public funding for minor party, new party and independent candidates based on their performance in the last election or their showing in the present election;

(3) extension of the system to qualified primary candidates once they have demonstrated broad public support through some means, which might include raising a specified number of small contributions or collecting a number of petition signatures;

(4) establishment of meaningful limitations on large private contributions from any source in conjunction with the provision of public financing;

(5) incentives for candidates and political parties to raise private funds through large numbers of small contributors;

(6) provisions to assure a role for political parties which would allow them to serve as a legitimate pooling mechanism for private contributions to candidates in general elections;

(7) requirement of a central financial reporting and record-keeping checkpoint in each candidate's campaign for effective monitoring;

(8) administration and enforcement of campaign financial reporting and disclosure laws and regulations by an independent entity.

EQUAL OPPORTUNITY FOR FRANCO-AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. COHEN) is recognized for 5 minutes.

Mr. COHEN. Mr. Speaker, I am introducing today legislation to amend the Emergency School Aid Act to extend to Franco-Americans the same benefits afforded other minority groups under that act.

One of the purposes of the Emergency School Aid Act is to assist persons from environments in which the dominant language is other than English, and who therefore lack an equal educational opportunity. Statistics from the 1970 census show that there are over 89,000 residents in my congressional district who consider themselves Franco-Americans and who consider French to be their mother tongue. Though these individuals comprise 21 percent of Maine's elementary and secondary school population, only 2 percent ever enter college, while in the State as a whole 51 percent go on to college. Furthermore, results from a 3-year survey at one school show the dropout rate among Franco-Americans is 12 percent higher than the national average. Clearly, this situation must be changed.

Those of us who are fully matriculated into our monolingual, monocultural society find it hard to appreciate the problems which face the Franco-American or other ethnic groups. Educators know that exclusion from one's own cultural heritage and history, from one's language and community, can be so destructive to the self-confidence of a student that he gradually loses his ability to learn. Ethnic students must be able to relate their mother tongue to their personal identity, because language and the culture it carries are at the very core of a child's self-concept. The Franco-American is no different. Destroy this self-concept and you can destroy the child.

It is small wonder these children drop out of school, becoming prime candidates to receive future welfare support. By allowing this to continue, we are perpetuating a situation which prohibits these individuals from becoming productive and participating members of our society. Before the Education Amendments of 1972, which included the Ethnic Heritage Studies Program and Emergency School Aid Act, and the Bilingual Education Act, our priorities in this regard were in serious disarray. Previously, if an individual's productive capacity was blocked by denial of an equal educational opportunity, society compensated by introducing him to its largest losing proposition, welfare. We have since discovered the expediency of funding programs to prevent the atrophy of this productive capacity. Through such an investment, society is getting a return for its money by reducing potential welfare rolls and enjoying the tangible contributions of our ethnic groups. The Franco-American is no stranger to these facts. He needs some form of compensatory education which will provide the necessary tools to enable him to learn.

The Emergency School Aid Act was designed to deal with discrimination in our public schools. The Franco-American does not suffer from physical discrimination, but from a mental and spiritual discrimination which is far worse. He is held mentally captive by our philosophy of

the American "melting pot." This philosophy, far from accomplishing its professed aim of integrating ethnic groups into the mainstream of American society, has succeeded in denying whole generations of children an effective education, thus jeopardizing their access to that mainstream. We have discovered that mere physical integration is inadequate to remedy the discrimination suffered by the Franco-American child who speaks and thinks in one language and is asked to learn in another. All ethnic students have special educational needs which have impaired their ability to succeed in the English language environment of our public schools. No longer is it correct to assume that by providing a child with the same facilities, textbooks, teachers, and curriculum as other children that the child enjoys an equal educational opportunity. If that child cannot understand the medium in which the material is taught, he is effectively excluded from the education process and a victim of fundamental discrimination.

While we in America profess that we no longer follow our former melting-pot philosophy of cultural eradication, we must now move forward to a philosophy of cultural pluralism. How we answer the needs of the Franco-American and other ethnic groups is of prime importance. Our ethnic minorities are a natural link to other countries of the world. America's cultural diversity is an as yet untapped resource which may prove to be one of our best weapons for enforcing world peace.

Through this legislation, the Nation, for the first time, recognizes its sixth largest minority, the Franco-Americans. While ethnic groups much smaller in number were cited in the Emergency School Aid Act, I was amazed to learn that not only were Franco-Americans not mentioned in ESAA, but there exists no Federal legislation in which the 2,598,408 individuals who consider themselves to be Franco-Americans are described as a linguistically and culturally unique group.

The bill allows Franco-Americans to participate equally with the Nation's other recognized ethnic groups in programs of bilingual education, in new school curriculums of particular relevance and utility to the group, in training of professional staffs and teachers to help meet the specialized needs of Franco-Americans, and in formulating programs to bring cultural and ethnic relevance to community activities.

Admittedly, present programs provide only a fraction of the services necessary to accommodate the special educational needs of ethnic minorities. However, I believe this legislation is a step in the right direction. Maine's Franco-American population has provided valuable cultural contributions to our State, and my bill would provide them with additional tools that will enable them to continue to do so.

SUPPORTS EXTENDING DRUG EDUCATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 5 minutes.

Mr. HOGAN. Mr. Speaker, I rise in support of extending the Drug Abuse Education Act. This bill would authorize $90 million over a 3-year period which would provide flexible and broad authority for support of drug abuse education, particularly in elementary and secondary schools and in local communities.

Mr. Speaker, America has always taken pride and offered encouragement to its youth. Yet, despite this emphasis on American youth, we are neglecting them at a time when they are under far greater threat than they have ever been before. That threat comes from the menace of narcotics and dangerous drugs.

Heroin addiction has become a national epidemic, a disease that has enslaved some 250,000 people in this country and last year killed more than 1,000 people in New York City alone.

The American public needs to be made aware of the harmful effects caused by drugs.

The number of youth in our country who use various forms of drugs is alarming. This is shown from a report issued by the House Select Committee on Crime on June 29, 1973, which stated:

> Forty-five percent of New York City high school students, and 20 percent of its junior high school students are current drug users; marihuana usage in Pennsylvania secondary schools ranged from 9 percent in grade 7 to 28 percent in grade 12. Comparable figures for LSD usage in Pennsylvania schools were 8 percent in grade 7 and 13 percent in grade 12. Overall secondary usage of heroin was shown to be 8 percent.

We live in a dramatic age and we are rightfully concerned about drugs because they afflict the young and innocent and breed crime. If society does not take heed, place proper emphasis on the drug problem, and pull together to combat this form of corruption, there is no reason to suppose the fight against drugs will be successful.

Mr. Speaker, it is paramount that we mobilize every resource at our command to prevent still more people from becoming enmeshed in this vicious disease and let us do it before more of our children have blundered into the quagmire of drug abuse.

IN TRIBUTE TO JOHN SAYLOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER. Mr. Speaker, with the passing of our good friend and distinguished colleague, John Saylor, this Nation has lost one of its foremost conservationists and legislators. Long before the concerns of environmental quality, preservation of our natural resources and protection of America's wilderness areas attained the high public profile they now hold, John Saylor labored as a dedicated crusader for the preservation of our natural heritage and for the realistic use of our dwindling resources.

Having known John as a personal friend and having known him for the faithful manner in which he devoted himself to the individual concerns of the residents of his congressional district, I know he will be greatly missed.

During his long and noteworthy career in the House of Representatives, John Saylor coauthored such monumental pieces of legislation as the Wilderness Act, the 1965 Land and Water Conservation Act, and bills granting statehood to Alaska and Hawaii. In keeping with his concern for the mounting energy shortage, he was instrumental in ushering legislation through the Congress which created the U.S. Office of Coal Research. He was also a major supporter of the 1969 Coal Mine Health and Safety Act.

For his work, John Saylor was honored many times, by many civic organizations which recognized him as a man vitally concerned about the future of America.

For all his legislative milestones, however, I will best remember John for the example he set. Always attentive, always responsible and independent, he was a man of highest integrity. He was the kind of Congressman who practiced what he preached and put his words into action. We are fortunate to have known him, and all the richer for having benefited from his knowledge, leadership, and dedication to the principles of democracy.

I want to extend my sincerest sympathy to his gracious wife Grace and the Saylor family.

THE MULHOLLAND PARKWAY BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BELL) is recognized for 10 minutes.

Mr. BELL. Mr. Speaker, today I am introducing legislation to establish the Mulholland National Scenic Parkway in my home State of California.

Fifty years ago, in 1923, ground breaking ceremonies were conducted above Sepulveda Canyon in Los Angeles for what was then called Mulholland Skyline Drive. It was to be a 24.2-mile scenic ridge route traversing the crest of the Santa Monica Mountains and extending from Hollywood, near the center of the city, to Calabasas in the Topanga Canyon.

Late in 1924 the roadway was completed and on December 27, 1924, a car caravan from Calabasas to the Hollywood Bowl highlighted a citywide, daylong celebration of the event. One Los Angeles newspaper reported at the time that Mulholland Skyline Drive was "destined to take its place as one of the famous scenic highways of the world."

In subsequent years, beginning in the area beyond Topanga Canyon Boulevard, an additional 30 miles of the roadway were added in Los Angeles County territory. This extended the Santa Monica Mountain throughway to a length of 53.5 miles, ending at the Pacific Ocean just south of the Ventura County line. The county extension was designated Mulholland Highway.

Today some 9 million people live in the valleys of Metropolitan Los Angeles below Mulholland Drive and Highway. Ninety percent of the population of the

City of Los Angeles lives within 15 miles of the roadway.

Significant action has been taken at several levels of government in recent years to protect and enhance public enjoyment of the remarkably varied daylight scenery on and adjacent to Mulholland, as well as the spectacular nighttime views which are unique in the world.

In October, 1971, Mulholland Drive was designated the first City Scenic Parkway by the Los Angeles City Council. At the same time a citizens' advisory committee was created to assist in shaping plans, design standards and criteria for the twenty mile route.

On March 6, 1972, the final report of the Ventura-Los Angeles Mountain and Coastal Study Commission endorsed the concept that Mulholland Drive "from Laurel Canyon to the Pacific Ocean" become a scenic parkway designated for recreational driving, with a low volume of traffic.

The second largest urban park in the United States—the 4,000-acre Santa Monica Mountain Urban State Park—was opened on July 1, 1973, bounded on the north by Mulholland Drive.

A wilderness park on what had been Nike base 96 on Mulholland Drive was projected by the city department of parks and recreation later in the summer.

This month the State department of parks and recreation announced plans to acquire 2,600 acres of Century Ranch which, quite likely, will become a State historic park commemorating the film industry in California. It has more than 2½ miles of frontage on Mulholland Highway.

Mulholland Highway near its terminal point at the Pacific Coast Highway exactly bisects the 1,600-acre Leo Carillo State Beach and its associated camping area in the Santa Monica Mountains.

Finally, the 120 acres of the world famous Hollywood Bowl—which is owned by Los Angeles County but operated under lease by the Southern California Symphony-Hollywood Bowl Association—are immediately adjacent to Mulholland Drive less than a mile from its midcity starting point on Cahuenga Boulevard.

In addition, two other major parks occupy the extreme easterly and the extreme westerly points of the Santa Monica Mountains. The 4,000-acre Griffith Municipal Park is within several miles of Mulholland and the observatory is clearly visible from the roadway. Point Mugu State Park, in Ventura County, encompasses 20,000 acres approximately 5 miles west of Mulholland on the Pacific Coast Highway.

Last year the 82-mile John D. Rockefeller, Jr., Memorial Parkway was dedicated in Wyoming. It became the sixth national parkway in the national park system under the direction of the Department of the Interior. I believe the Mulholland National Scenic Parkway should be the seventh and accordingly I am today introducing legislation to accomplish this.

The Mulholland Scenic Parkway plan would include the placement of additional secondary parks, picnic areas, parking cutouts, scenic overlooks, hiking and labeled nature trails, bicycle trails, equestrian trails, and a network of hostels along the route. It would require the connecting of Point Mugu State Park and Griffith Park by a Mulholland trailway so that all major parks within the 250,000 acres of the Santa Monica Mountains will be linked along the 53.5 miles of the Mulholland Scenic Parkway.

The legislation would call upon the Secretary of the Interior to develop the Mulholland National Scenic Parkway in close coordination with the city and county of Los Angeles upon whose rights-of-way many of the land improvements would be made. Similar coordination would also be necessary with the California Department of Parks and Recreation which may also provide land segments and planning advice.

It is intended that the Mulholland National Scenic Parkway will augment and not supersede present and contemplated city, county, and State programs in the Santa Monica Mountains adjacent to the parkway. It is further intended that in association with State and local agencies, the National Park Service will initiate a program of road beautification along the 53.5-mile route. Not designed for heavy traffic use, the parkway will be itself a ribbon park enabling the people of southern California, and visitors from across the Nation, to more fully enjoy some of the most spectacular views in urban America.

Finally, Mr. Speaker, the creation of a Mulholland National Scenic Parkway will constitute an impressive response to those who claim that the National Park Service is not making an adequate investment nor expending adequate energy in developing innovative scenic and recreational sites inside the population centers of the United States where maximum use and enjoyment are absolutely guaranteed.

H.R. 11163

A bill to authorize the Secretary of the Interior to designate the Mulholland National Scenic Parkway in the State of California, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior may designate as Mulholland National Scenic Parkway the present Mulholland Drive and Highway rights-of-way, together with adjacent or related sites for public recreational use and for interpretation of scenic and historic values, commencing at the intersection of Pacific Coast Highway and running eastward along the crest of the Santa Monica Mountains to the intersection of the Hollywood Freeway.

Sec. 2. (a) The Secretary of the Interior is authorized to accept, on behalf of the United States, the donation of lands, interests therein, and other property comprising such right-of-way and adjacent or related sites as he may designate pursuant to this Act for the development, hereby authorized, of a road of parkway standards, including necessary bridges, spura, connecting roads, access roads, and other facilities, and for the development and interpretation of historic sites and recreation areas, to include but not limited to, parks, picnic areas, scenic overlooks, hiking trails, bicycle trails, and equestrian trails, in connection therewith.

(b) Any federal property designated for purposes of the parkway may be transferred without a transfer of funds, to the Secretary for administration as a part of the parkway with the concurrence of the head of the agency having jurisdiction thereof.

(c) The Secretary of the Interior is authorized to acquire lands by purchase or exchange that comprise the right-of-way and adjacent or related sites as he may designate pursuant to this Act. Whenever the purchase of land occurs, the Secretary shall purchase such property at a price which does not exceed its fair market value. Whenever an exchange of lands occurs, the federally owned lands exchanged therefor shall be approximately equal in value; except that the Secretary may accept cash from or pay cash to the grantor in such an exchange in order to equalize the values of lands exchanged.

Sec. 3. The Secretary shall administer the Mulholland National Scenic Parkway in accordance with the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented. In the administration of the Mulholland National Scenic Parkway, the Secretary may issue revocable licenses or permits for rights-of-way over, across, and upon parkway lands, or for the use of parkway lands by the owners, lessees, or permittees of adjacent lands, for such purposes and under such nondiscriminatory terms, regulations, and conditions as he may determine to be consistent with the use of such lands for parkway purposes.

Sec. 4. (a) The Secretary shall coordinate development of the parkway in close coordination with Los Angeles City and County agencies and with the California Department of Parks and Recreation.

(b) The Secretary shall assure that the National Parkway Program will augment and not supersede present and contemplated City, County, and State programs in the Santa Monica Mountains adjacent to the Mulholland National Scenic Parkway.

Sec. 5. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

ADDRESS OF GEN. YAKUBU GOWON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. Diggs) is recognized for 5 minutes.

Mr. DIGGS. Mr. Speaker, I would like to insert in the Record, at this point, the statement of His Excellency, Gen. Yakubu Gowon, head of the Federal Military Government, Commander in Chief of the Armed Forces of Nigeria, at the plenary session of the United Nations General Assembly on October 5, 1973. I particularly commend his trenchant comments on "the continuation of colonialism, racism and apartheid" in Africa so that "13 years after the adoption of U.N. Resolution 1514 on the granting of independence to colonial countries and peoples, more than 30 million Africans spread over about one-sixth of our continent, continue to be denied their human rights, exploited and subjugated under minority, racist and colonialist regimes." General Gowon asks:

> Thus denied constantly of their basic and legitimate rights, and bereft of all hope of change by an impervious and inflexible ruling class, is it any wonder . . . that the voice of despair is turning reasonable men who desire nothing but peace and progress to the frightful alternatives offered by constant frustration and loss of hope?

The full text of his statement follows:

ADDRESS BY HIS EXCELLENCY GEN. YAKUBU GOWON

Mr. President:

I am particularly delighted with this op-

portunity to address this august Assembly. * * * Today, I wish to reaffirm my country's faith in the purposes and principles of the Charter of the United Nations Organization. We in Nigeria believe that if all member states adhere strictly to the provisions of our Charter, as an earnest of their dedication to the ideals of our Organization, then we may yet accomplish that unique and bright promise for all mankind which the United Nations represents.

I am a strong believer in the United Nations Organization. I therefore find it rather disturbing that the image which some people tend to have of the United Natons is a misleading one of lack of dramatic success in dealing immediately with some of the major problems of peace and security, of human rights, and the degrading poverty of a large majority of the world's population. Proceeding from such a viewpoint, the conclusion is often heard that this organization is hardly any more relevant to our times. I do not share such pessimism, and I venture to suggest, Mr. President, that most Africans would not accept such a doleful assessment of the United Nations. We are all well aware of its short-comings and its failings; but these are, in some measure, a reflection of the world which produced and now operates the Organization. It is necessary to seek to improve its effectiveness, but we in Africa hope that the member states of the United Nations should embark on such a process in a manner that would not do damage to this organization that is so vital to the vast, under-privileged, as yet developing, population of the third world.

For millions of such peoples throughout the world, the United Nations provides an indispensable forum for bringing to world attention, some of the problems that plague the world, and for which, all too often, no other means of solution are apparent. The United Nations can and does bring to bear the moral weight of world opinion on many a controversial issue. That explains its great value to the smaller nations and to the dispossessed and down-trodden peoples of the world. For example, it is clear that without the moral pressure exerted on colonial powers principally by this Organization, the struggle for self-determination and independence would definitely have been more difficult for many of the nations that are today proud members of the United Nations. Nor can we ignore the invaluable services rendered by the Organization and its specialized agencies in the vital areas of health, literacy campaign, child welfare and the championship of progessive labour legislation on a worldwide basis.

It cannot be over-emphasized that the primary purpose of the United Nations is "to save mankind from the scourge of war." Unfortunately, we have not always attained this lofty objective. There have been breaches of peace, such as in Korea, and Vietnam, with consequences no less dismal and harrowing for those affected. However, since 1945, there has been no *global war* such as mankind experienced to its horror during the first half of this century. It is to the credit of this Organization that even when conflicts do occur between nations in recent times, peaceful intervention by the United Nations has succeeded in arresting them. In other areas of the world, the United Nations continues to play a key and vital role in providing physical stability and preventing a deterioration of unhappy and unstable political and social conditions. It is, therefore, not unjustified, Mr. President, that we should look back on the 28 years of the existence of this Organization with some degree of satisfaction. The little measure of stability and hope that the world and its many peoples have been given these past 28 years, has been worthy of the long hours spent in this hall as well as in the chambers of the Security Council and other organs of the United Nations.

Of course, to acknowledge these areas of achievement of the United Nations Organization should by no means lull us into a sense of complacency. As in every human organization, there are areas of United Nations activities that cry out for urgent attention and improvement. Among these is the imperative need for correcting the structural and institutional deficiencies that hamstring some of its operations. When the Charter was framed, five nations were entrusted with the responsibility of "policing" the whole world. In the prevailing circumstances of those days such an arrangement might have been justifiable and acceptable. It is no longer so today. An urgent review of the decision-making processes in the United Nations system, taking into full account existing political realities, is long overdue. I need hardly say that one area of immediate concern is the increasing use of the veto in the Security Council in support of causes which seem to be in conflict with the noble objectives of the Charter. In this connection, it must be emphasized that African nations, and indeed most nations of the world, have been distressed at the constant use of the veto to block meaningful initiatives in matters relating to fundamental human rights, freedom and human dignity in many areas of the world and, in particular, in parts of Africa still under foreign or minority regimes. It is our hope therefore, that the nations which presently enjoy the privileges of veto power should use it responsibly in furtherance of world peace and the progress of mankind.

Mr. President, the Secretary-General has in his latest report, invited us to participate in a "constructive debate" about the future of this organization. It is my hope that in responding to this invitation all member states would advance proposals that would ensure that the resolutions and decisions of the United Nations are implemented by all member states.

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The search for peace and security must be in a global context and must involve the active participation of all countries. We welcome agreements between the super powers in as much as these agreements lessen the fear and threat of nuclear warfare. However, we are compelled to call on the super powers to resist the temptation of limiting their negotiating spirit to only such issues as are of narrow interest to them and their people. We must insist that their negotiations and agreements which affect the fate of others should take account of the views of those concerned. For every nation and every country, great or small, rich or poor, has a stake in peace and security. It is therefore essential that each should participate, on the basis of sovereign equality, in resolving issues of concern to the whole world.

Mr. President, a few months ago the Organization of African Unity celebrated its tenth anniversary. I had the great privilege of presiding over the ceremonies and the tenth session of the Assembly of African Heads of State and Government. I should like, Mr. President, to convey an expression of the deep appreciation of the Organization of African Unity and all the people of Africa, to the United Nations Organization for the cooperation, inspiration and assistance that have continued to characterize the relations between our regional organization and this world body. We highly appreciate the constant interest of the United Nations as an institution, and the unfailing concern of the Secretary-General and the various agencies in developments in Africa and progress of the Organization of African Unity. All this is in keeping with the spirit of Article 52 of the Charter, which encourages regional organizations "consistent with the purposes and principles of the United Nations."

The Charter of the United Nations and the Universal Declaration of Human Rights contributed significantly to the basis and the Charter of the O.A.U. Permit me, therefore, to make some observations about how our regional organization has been addressing itself to the many problems confronting our continent.

The birth of the Organization of African Unity in 1963 was a great act of faith, and its response to the challenges of modern times has filled all Africans with joy and immense pride. After only ten years we have overcome some of the earlier impediments and difficulties in our way. Independent countries from all parts of Africa, with a variety of historical political, linguistic and social backgrounds, are now united in our organization which has come to be recognized as *the voice* of our continent.

Of course, when we reviewed the various activities of the O.A.U. at that meeting we acknowledged that we had not achieved all our objectives. Indeed, it would have been difficult to achieve every single one of our aims and objectives in a short decade, given the uncertainties and unforeseen contingencies of world events. However, we have succeeded in consolidating our national independence, and in settling among ourselves and without distracting attention from outside Africa, many such intra-African disputes that have arisen. We have launched many economic and social programmes for improving the quality of life of our peoples in a spirit of self-reliance. We have brought the meaning of African unity and cooperation much nearer to each African's heart. We have continued to uphold, as central to the problems of our continent, the spirit of self-sacrifice, of compromise, and of reconciliation. We have pledged to redouble our efforts with a view to eradicating all forms of colonialism and racism from our continent, and thus assume control of our continent's destiny. Above all, the O.A.U. has symbolised the collective effort of the governments of Africa and their peoples to uphold forever the dignity and stature of the African in this world.

Mr. President, the problem posed by the continuation of colonialism, racism and apartheid represents the most intractable that has confronted us on the continent. Not only do colonialism, racism and apartheid constitute an unbearable affront on human dignity in the areas where these evils exist, they represent a great threat to the sovereignty and territorial integrity of independent African states and to international peace and security. Thirteen years after the adoption of United Nations Resolution 1514 on the granting of independence to colonial countries and peoples, more than 30 million Africans, spread over about one-sixth of our continent, continue to be denied their human rights, exploited and subjugated under minority, racist and colonialist regimes. In defiance of world public opinion and in contemptuous disregard of the decisions of all international organizations of African unity, these regimes have fanatically frustrated and resisted all attempts at introducing constitutional changes designed to involve, in simple justice, the majority of the inhabitants of those lands in the processes that govern their destiny and their daily lives. Thus denied constantly of their basic and legitimate rights, and bereft of all hope of change by an impervious and inflexible ruling class, is it any wonder, Mr. President, that the voice of despair is turning reasonable men who desire nothing but peace and progress to the frightful alternatives offered by constant frustration and loss of hope? Can we wonder then that people are attracted, in such a situation to the painful alternatives of force and conflict? For our part in the O.A.U. we have no choice but to give whole-hearted support to the efforts of our unfortunate brothers to restore their legitimate right to self-determination and independence. In the words of the "Solemn Declaration on General Policy" adopted at our 10th anniversary session, "our support for the liberation struggle was adopted in response to the legitimate and profound

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aspirations of our peoples and should be viewed less as a circumstantial community of interests than as an awareness of the common destiny of all peoples of the African continent".

At the same meeting, the African Heads of State and Government viewed with satisfaction the progress made in the decade since the establishment of the O.A.U. in the legitimate struggle of the peoples of Angola, Guinea Bissau and Cape Verde Islands, Mozambique, Namibia, Zimbabwe, the Comoro Islands, the so-called French Somaliland, the so-called Spanish Sahara, the Seychelles Islands and the islands of Sao Tome and Principe. The struggle and the pressure, Mr. President, will continue in Africa until the stain of this degradation of human dignity has been removed and until the African, everywhere on his continent, can raise his head proudly in independence and self-determination and thereby be able to contribute his quota to world progress.

In this regard, Mr. President, let me commend to you and to members of this honourable assembly the bold and momentous step taken by the long-oppressed people of Guinea-Bissau and their political party in declaring their country independent. We in Africa believe that the struggle for final consolidation of the independence of this new nation will be much assisted by the practical support and cooperation which all men of goodwill and all who subscribe to the principles of the Charter of this Organization will extend, promptly and without hesitation, to the efforts of the rightful owners and peoples of Guinea-Bissau.

The Declaration of Independence by the people of Guinea-Bissau has received the overwhelming support of member states of the Organization of African Unity and of the friends of Africa. I should like, on behalf of Africa, to thank these friends for their prompt recognition accorded to this new state. It is our hope, therefore, that this new nation will shortly take her rightful position as a proud member of the international community.

The situation in Namibia, Mr. President, continues to be a source of considerable embarassment and concern to this organization. I do not need to go over the various steps that have been taken by the United Nations and its competent organs to bring some rational solution to the situation created in Namibia by the intransigence of the racist regime of South Africa which still occupies that country illegally. The United Nations Organization has endeavoured to carry out its fundamental responsibilities to the hapless people of Namibia by repeatedly providing opportunities for a progressive and peaceful transformation of the situation in the country. It was the hope of many people in different parts of the world that the South African Government would, in its own wider interests, take advantage of the opportunities offered by the United Nations to fulfill its woefully neglected obligations to the people of Namibia.

But what have we found? The South African Government is intent upon defying the opinions of the world. Even after the International Court of Justice has expressed opinions which clearly indicated that the South African Government had no further moral or legal right to dominate Namibia. The South African Government continues to subject the people of that country to its fascist social and political system.

Mr. President, one is entitled to ask why it is that of all the territories that were entrusted to the colonialist powers under the trusteeship system, only in Namibia, the territory entrusted to South Africa, has this international trust been betrayed. All the other territories are today full members of the United Nations or on their way to independence. We in Africa strongly believe that the United Nations and particularly the permanent members of the Security Council have a duty and responsibility to use all means at their disposal to compel South Africa to withdraw from Namibia and thereafter to assume control of the territory and to administer it until it attains full independence.

Mr. President, side by side with the steady pressure and progress in the efforts of the liberation movements in various parts of Africa, we witness with dismay the support that continues to be rendered by some nations to two member states of this Organization who have the dubious distinction in history of being the sole advocates of repression and colonialism and of racism. Also, the illegal regime in Salisbury still continues because of the non-compliance by certain member countries of this Organization with the unanimous decisions of the Organization and of mankind. Perhaps those who prefer to sell a few goods to such an illegal clique, or to buy such commodities as the racists of Salisbury wish to sell in order to maintain themselves in power, have made their own calculations and prefer their temporary material profit to their sense of honour and their position in history.

While on this subject, Mr. President, perhaps I should emphasise again the sadness of Africa in the face of the stubborn and unreasonable intransigence of these white regimes that continue to constitute themselves as enemies of Africa and of the Third World. Nobody in Africa, Mr. President, wishes to adopt the path of armed struggle and conflict against those minority regimes for the love of it. Nobody has asked that people who normally live in Africa and wish to consider themselves as part of Africa should, by any manner or means, be made to feel unwelcome. Those who are born and live and join us both in spirit and cooperation are welcome to live in Africa. For they are Africans. It is for this reason, Mr. President, that we made genuine efforts to assure the world of our desire for racial harmony on conditions of mutual respect and fundamental human rights of *all* the inhabitants of the continent. Is that not a message of hope for the colonialist and racist regimes? The Lusaka Manifesto which was presented to this Assembly three years ago by my dear friend and brother, H. E. President Aimadu Ahidjo of the United Republic of Cameroon on behalf of Africa, embodied Africa's effort at working out a peaceful solution to the colonial and racial problems of the continent—problems which are not of our own making. What was the response? The colonialist and racist regimes rejected out of hand our peace offer and rewarded us with intensification of repressive laws in the areas under their control, massacres of our people, inspired assassination of the authentic leaders of the African freedom movements, and attacks on independent African countries.

Viewed therefore against the background of our efforts at initiating peaceful solutions, and the response we got, we are bewildered that several countries which claim to be friends of Africa continue to give such material and moral support to the colonialist and racist regimes, and to strengthen them in their oppression of our peoples.

Permit me, Mr. President, to appeal again on behalf of Africa to those who give support to our oppressors. It is time for all of us members of the United Nations to join hands in an effective and total isolation of the colonial and racist regimes in Southern Africa. It is time for us to tighten sanctions against the rebel clique in Salisbury. In addition, I appeal to the United Nations and the international community generally, to extend to the liberation movements and to the millions of Africans under severe oppression and exploitation, such material assistance as would ensure fulfillment to the African peoples of the promise held out by the Charter of the United Nations.

Time is on the side of the African in the struggle against colonialism and apartheid. Victory is sure to be ours in the war against oppression and deprivation of individual liberty. But the United Nations and its member countries can render the process less painful and can help to make the road shorter by taking necessary steps before it is too late. By so doing, they would be contributing to the increase of peace and progress, in place of unhappiness and pain and suffering in the world.

Mr. President, during our 10th anniversary session, the African Heads of State and Government adopted another document of considerable importance. I refer to the African Declaration on co-operation, Development and Economic Independence. In the ten years since the O.A.U. was founded, we have observed that the promise of substantial economic development, leading to the path of economic independence, as contained in the Charter of the O.A.U., has not been marked by encouraging progress. On the contrary, the pattern has been one of continuing deterioration in the economic and social conditions of African and developing countries generally. The gap between us and the developed countries continues to grow even wider. Measures adopted during the last decade, we found, have been frustrated by other developments in the world at large, over which we have little say and no control. The terms of trade have constantly gone against us. World monetary arrangements have been made without consultations with us and without adequate consideration of our interests.

Faced with this situation and firmly convinced that our economic destiny must be taken firmly in our own hands, if noticeable improvement is to be achieved, African states solemnly proclaimed their determination to achieve the economic independence and development of the continent through the effective mobilisation of Africa's own human and material resources. To this end, we decided to accelerate the implementation of the Africanisation policy in each of our countries and to ensure effective and equitable African representation in international organizations.

Mr. President,

Bearing in mind the loss which Africa has suffered and continues to sustain through the foreign exploitation of its natural resources, we resolved to defend vigorously, continually and jointly, the sovereign rights of our countries to exercise full and effective control over our resources.

We believe that the time has come for the rich in this Organization to ponder seriously on the danger of being surrounded by so many poor. In their own self interest, if not for the sake of humanity in general, the rich nations should at least give us an even chance of pulling ourselves up. It is no longer our intention to go cap in hand to the door of the rich. What we want and demand is the opportunity for our own people to be afforded a chance of acquiring those skills and those elements of technology without which no decent and progressive economic system can be structured and maintained in the modern world. We have learned that we cannot expect help, at least, not in the order that would make a significant contribution to our own needs of development. But the older, more experienced and more technologically advanced countries can still do much to redeem the pledge they made to humanity and to this organization, by not putting impediments in our way, by less selfish and lopsided marketing arrangements for our own produce, and by facilitating our determination to utilise such resources as we have in the interest of our own people. I hope that

this session of the General Assembly will approve a constructive idea which emerged from the Algiers Summit of Non-Aligned states that a special session of the General Assembly, devoted to economic matters, should be held in 1975 when we shall be half way through the 2nd United Nations development Decade.

TRIBUTE TO THE LATE REPRESENTATIVE JOHN SAYLOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. O'NEILL) is recognized for 5 minutes.

Mr. O'NEILL. Mr. Speaker, I join my colleagues in this Chamber in paying a special tribute to John Saylor, whose tragic and untimely passing has left an irreplaceable void in the House of Representatives.

For, Congressman Saylor was known by his friends on both sides of the aisle as "Mr. Conservationist." Since 1949, when John first came to this House, he has been a distinguished leader in helping to shape national policies in the areas of conservation, preservation of our country's natural and wildlife resources and environmental quality.

As the ranking Republican member of the Interior Committee John coauthored with former chairman, Wayne Aspinall, the Wilderness Act, that monumental legislation designed to save land from development, and the Land and Water Conservation Act. For all his tireless efforts and meritorious achievements in the field of conservation, Representative Saylor deservingly received the National Wildlife Federation's "Conservationist of the Year" award in 1964. Ten years earlier, he had been the first Member of Congress to receive the National Parks Association award in recognition of outstanding services on behalf of the U.S. National Parks and Mouments.

Congressman John Saylor's concern for conservation was not confined to natural resources. His greatest interest has been in the conservation of human life, and because of this concern, he has courageously persevered in the struggle for greater protection for coal miners and for increased benefits to victims of black lung disease.

To chronicle all John's legislative achievements in the field which has earned him the best claim in the House of Representatives to the title of "Mr. Conservationist" would certainly not do him the justice he merits in this area.

John Saylor was an amiable, popular Member of this Chamber, recognized for his sense of humor which often eased tense situations. I have known and appreciated Congressman John Saylor as a diligent and conscientious Member of the House, a man of great personal conviction, integrity, legislative responsibility, and independence. And I have known John as a Member who has served his constituents in the 12th District of Pennsylvania with great distinction, dedication, and purpose.

All of us who have served with Representative John Saylor are deeply saddened by his loss and my wife Milly joins me in extending our heartfelt sympathy and condolences to his family.

JOHN W. HEMPHILL, JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. FULTON) is recognized for 5 minutes.

Mr. FULTON. Mr. Speaker, recently I was very saddened to learn of the untimely death of one of America's brightest and most able young newspapermen, Mr. John W. Hemphill.

At the time of his death Mr. Hemphill served as an assistant news editor for the New York Times here in Washington. It had been my privilege to know him for several years, commencing with his career as a reporter and former city editor for the Nashville Tennessean.

To those on the receiving end of his sharp and fearless questioning as a reporter Mr. Hemphill may have seemed somewhat of a journalistic demon at times. But to those who knew him personally he was a young man of tremendous warmth and selfless generosity. He will be remembered by his readers and his associates as a journalist first class. But perhaps more important he will be remembered by scores of kids as the soft-spoken, good-natured young man who helped organize and coach in the Pop Warner Football League in Nashville or as the quiet fellow who was instrumental in obtaining sponsors' support to purchase equipment for underprivileged children who could not otherwise afford to play.

Mr. Speaker there are too few men like John Hemphill, Jr. among us today and he will be missed. The Nashville Tennessean commented on Mr. Hemphill's death in an editorial of October 17, 1973, and I ask unanimous consent to include it in the RECORD at this point, commending it to the attention of my colleagues.

MR. HEMPHILL: NEWSPAPERMAN

Mr. John W Hemphill Jr., an assistant news editor for the New York Times and former reporter and city editor for this newspaper, died in Johns Hopkins University Hospital yesterday at the age of 32.

Mr. Hemphill, a native of Alabama and graduate of Vanderbilt University, was an outstanding newspaper talent. He could write with tender feeling about the poverty stricken and disaster-hounded residents of the Appalachian mining regions. Or he could write with forcefulness of the injustice and indignity endured by the urban poor and powerless.

On one occasion he got himself committed to the Metro jail and work-house on a misdemeanor charge in order to investigate conditions there. The series of articles he wrote resulted in his nomination for a Pulitzer Prize.

He also covered the 1968 presidential primary campaign of Sen. Robert Kennedy, and later the murder trial of Sirhan B. Sirhan, Senator Kennedy's slayer. Later he collaborated with other staff members of the Tennessean in the authorship of a book, "A Search For Justice," a penetrating analysis of three major American criminal trials in a six-month period of 1969 and an examination of the "free press-fair trial" issue.

In the almost eight years that he spent on this newspaper, Mr. Hemphill was known for his friendly, easy-going manner and a quiet toughness in the face of adversity or official obstinacy. The loss of such a personality and such a talent at such an early age is a tragedy.

THE PRESIDENTIAL STYLE OF LIFE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. CULVER) is recognized for 5 minutes.

Mr. CULVER. Mr. Speaker, the Government Activities Subcommittee of the Committee on Government Operations, of which I am a member, has recently held hearings on the public expenditures at the private residences of the President.

These hearings were chaired by Representative JACK BROOKS of Texas. Congressman BROOKS provided most effective leadership in these committee hearings, and his probing questions elicited important information as well as searching exploration of the proper range and limits of public expenditures in this area. The committee was given excellent support by its staff, which assembled—against heavy odds—the necessary preparatory materials and background information essential to the analysis and recommendations the subcommittee must make.

The hearings raised several questions about the need for such enormous public expenditures on the private property of the President, as well as the apparently irresponsible manner in which the decisions to obligate public funds were made in several instances.

In many cases, the expenditures were clearly not necessary for Presidential security, but, because of inadequate public accountability, there was insufficient control over these expenditures. The hearings demonstrated that there is a pressing need for legislation or other appropriate guidelines to assure the accountability which is so essential to restoring public confidence.

Mr. Speaker, I insert an editorial from the Washington Post of October 29, 1973, concerning these important hearings:

THE PRESIDENTIAL STYLE OF LIFE

Rep. Jack Brooks (D-Tex.) and his government operations subcommittee are taking the right approach to the problem of excessive public outlays for the care and comfort of the President. It would have been all too easy for the subcommittee simply to carp about particular expenditures, or to bog down in squabbles over how much was spent on the security of previous chief executives, or to worry whether certain new windows and gazebos enhanced the value of Mr. Nixon's estates. Instead, Representative Brooks and his colleagues intend to offer legislation to inject real accountability into the whole process of providing security and support for the President.

The issue is much broader than the lawns of San Clemente or the beaches of Key Biscayne. The $10 million or more that has been poured into furbishing those two compounds is only a fraction of the total spent to maintain the chief executive's establishment. In the October issue of Fortune, Dan Cordtz tots up the persuisites which comprise "the monarchical style of life to which

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U.S. Presidents have become accustomed." He concludes that the official White House budget of under $13 million "ludicrously understates" the actual cost of the White House and its staff, the presidential courtiers, Camp David, entertainment, the presidential fleet of jetliners and helicopters, Mr. Nixon's array of offices, and the protection and communications required wherever the President may be. According to one budget analyst cited by Mr. Cordtz, the "true cost of running the presidency could be as high as $100 million a year," with most of the monies buried in the accounts of other federal agencies.

What makes all this so unseemingly is the absence of restraint. Public money is spent too casually on little frills—a shuffleboard court of black-and-white terrazzo tile instead of concrete, a fence of redwood instead of wire and mesh. Presidential aides and documents are whisked about the country by government jet instead of less costly commercial flights. Expenditures have been ordered in Mr. Nixon's behalf by friends such as Herbert Kalmbach, with the bills sent to GSA. It adds up to a style devoid of modesty, proportion or thrift.

Congress has aided and abetted such extravagance by granting Presidents virtually unlimited access to public funds for the upkeep of their offices and establishments. Representative Brooks has outlined some reforms which the Congress should now enact. His list includes full disclosure of all spending for presidential security and support, the adoption of "orderly operating and accounting procedures" by the Secret Service and GSA, and legislation to prohibit outside parties from ordering items for the chief executive and billing the government. The congressman is interested as well in setting limits on the amounts which may be spent on the private property of Presidents. But the most important item on his agenda is also the one that cannot be legislated—a requirement that the President himself "show more responsibility" in his demands on federal agencies and public funds. The point of such reforms is not primarily to save money or tidy up the books, but to restore to the conduct of the presidency a sense of proportion and propriety which has been lost along the way.

THE 81ST ANNIVERSARY OF FIRST SLOVAK SOKOL SOCIETY IN THE U.S.A.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, October 30 is the 81st anniversary of the first Slovak Sokol Society in the United States, which was organized in my own city of Chicago in 1892. This fine organization counts more than 23,000 members across the Nation and for the past 81 years, it has made an outstanding contribution toward the development of individual strength and physical fitness of all Americans through gymnastics.

"Sokol" means falcon—a bird that has strength, courage, agility, and a love of freedom. Sokol physical education stresses individual initiative and creativeness and provides conditions for the development of the individual. Sokol gymnasiums and Sokol activities provide a training ground where each one can, according to individual strength and skill, develop oneself to higher standards of achievement in physical fitness. Self-discipline, a basic requirement for personal achievement, enables the gymnast to become a cohesive and cooperative member of the American society.

Sokol U.S.A. is composed of hundreds of lodges in the United States, which are divided into 16 districts. Administrative and gymnastic activities are directed by officers who are elected on local lodge, district, and national levels.

The culmination of the physical fitness program is the National Gymnastic Sokol Festival—Sokol Slet—which takes place every 4 years, usually in conjunction with the National Sokol Convention.

The festival—Slet—consists of competitions in gymnastics, sports and calisthenics, with mass exhibitions of rhythmic calisthenics, apparatus, games and national dances, performed by gymnasts from all the Sokol U.S.A. lodges. The mass calisthenics, which are a major part of the Sokol physical fitness programs, are performed to music, and are a beautiful part of the Slet program. Participants are children, junior boys and girls, and senior men and women. The age span is great, from 3 years of age through the sixties, and even beyond.

In uniting the American heritage, and the Sokol ideals, in the hearts and minds of its membership, Sokol U.S.A. contributes greatly to the welfare, safety, and freedom of the United States. It was for this reason that last year I introduced the bill which authorized the President to proclaim October 30, 1972, as "National Sokol Day" in honor of the 80th anniversary of the first Slovak Sokol Society in the United States. I am certainly gratified that my bill was overwhelmingly adopted by the House and Senate and became Public Law 92–486, which facilitated appropriate festivities and ceremonies across our Nation in celebration of this event.

Mr. Speaker, the assistant chief physical directress of Chicago Sokol Lodge 306, and of the national organization, is Mickie Chilla; the supreme court president is Adolph Cierny; the District L Stur physical director is Bob Chilla; and the District L Stur physical directress is Mickey Schramek. I commend them for providing outstanding leadership for their organization.

It is an honor for me to join the members and officers of Sokol Lodge 306, District L Stur, in the 11th Congressional District of Illinois which I am privileged to represent, and Sokol members all over the United States as they celebrate this anniversary. To the members of the Sokol U.S.A. I say, Nazdar—on to success—as you maintain your high standards of excellence and example to all Americans "that to achieve a free nation, its people must be physically and morally strong."

REINTRODUCTION OF SOCIAL SERVICES AMENDMENTS OF 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Colorado (Mrs. SCHROEDER) is recognized for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, it is with mixed emotions that I join my many colleagues today in cosponsoring the Social Services Amendments of 1973. The battle over the social service regulations has been widely discussed, but I would like to touch on some aspects of the battle, for I believe it illustrates quite clearly how the administration has sought to ramrod its policies upon the country without paying any heed to the voices of its citizenry or its elected Representatives.

Last February HEW issued a set of regulations that would have cut the heart out of the social services program begun 13 years ago by Congress. The proposed regulations would have reversed the thrust of the program by confining incentive to getting on welfare and staying there. In addition, the range of services a State could provide was restricted, and the use of private funds for matching purposes was prohibited.

All this, from an administration that claimed to believe that more authority and decisionmaking should be returned to the States. The same administration that claimed to be in favor of work, and in favor of reducing the welfare rolls. Congress was painted as wanting to give away the National Treasury to provide outrageous services to people who do not want to work anyway. The administration postured itself as the stalwart guardians of frugality in the midst of freewheeling spenders. They were fiscally responsible, we were not.

The administration never mentions, of course, that Congress had imposed a spending limit of $2.5 billion for social services last year. Nor did it bother to mention that HEW was directed by Congress to write the regulations so as to implement congressional policy. Somewhere along the line they got the idea that they were to write regulations that would implement their policy, not our policy, not the policy of the American people, but the policy of the Nixon administration.

We will never know if the administration was "shocked" by the storm of protest that erupted after the February regulations were announced and that has been renewed each time they have issued "revised" regulations. There does seem to be some indication that this administration is particularly lousy in judging what America wants and what it will put up with. We do not know if the administration was prepared to make some minor concessions all along, in hopes of cooling whatever fires did erupt. I suspect, however, that HEW was prepared to "tough it out" from the beginning.

The battle lines were clearly drawn back in February, then. The administration on one side, with regressive regulations that would subvert the congressional intent of the social services program, and Congress and the people on the other, trying through the appropriate, at least the usual, channels, to negotiate some sort of accommodation.

The 10 months I have been privileged to serve in this body have been 10 of the most tumultous months in American history. I am not going to try and catalog all the events we have witnessed—we all know them well, and besides, by the time I finished speaking there would well be some new developments that would render any such list incomplete, if not inoperative.

A constant chord that has been struck by the administration throughout these 10 months however, has been that we in Congress have not been doing our job, that we have been dwelling on the various events and have therefore been negligent in performing our duties in "getting on with the business of the Nation."

With the reintroduction of the Social Services Amendments of 1973 today, we in Congress are culminating a battle over the social service program that has been going on for 9 of those 10 tumultuous months. It is a battle that we have waged in every arena available—on the floor of Congress, in the Democratic caucus, before the Senate Finance Committee, in private meetings with administration officials, and through countless letters and telegrams. Today we are forced to act out through the legislative process what many of us have been trying to accomplish through these other channels.

Perhaps if we had known 9 months ago how difficult it is for this administration to accept a compromise, we would have legislated immediately. But there were many of us who could not believe that the administration could shut their eyes and ears to the hundreds of thousands of letters protesting the regulations and to the demonstrated, mandated intent of Congress. No; we in Congress have not been guilty of not getting on with the business of the country. If we are guilty of anything, it is probably our failure to recognize earlier the complete intransigence and arrogance of the present administration.

What has happened since February is that Congress really has been working, and working hard. Nowhere has this been more apparent than in the social services battle where we have repeatedly tried to effect a compromise, to try and bring the administration and HEW into a policy position which is consistent with congressional intent and to hold them to some sort of public accountability.

We have failed up to now, but again, it is not for want of trying. It is not because we have been immobilized by current events. We have had meetings with HEW: they have received hundreds of thousands of letters; they have been contacted by major organizations whose memberships represent millions of Americans; we have had congressional resolutions and congressional hearings; we have delayed implementation of the regulations and asked HEW to go back and try again, try to write those regulations so we would not be forced to write them for you. Do your part, we have said, because we are trying to do ours.

Well, I say they have failed, and I say they have not been doing their jobs. I say it is appalling that we have spent 9 months trying to work out this issue with them, and they have refused to even listen. Apparently it does take an act of Congress to get anybody's attention in the administration.

So, I am joining with many of my colleagues from both sides of the aisle in cosponsoring the Social Service Amendments of 1973. As you know, this is companion legislation to a bill introduced by Senators MONDALE, JAVITS, PACKWOOD, BENTSEN, and 27 other bipartisan Senators in the Senate. It has been attached to the Welfare Technical Amendments in the Senate Finance Committee. A conference committee will be called to negotiate the differences between our bill and theirs. I hope that the members of that conference will act expeditiously. We have already wasted too much time in fighting this battle that should have never taken place.

CHILD ABUSE

The Social Services Amendments of 1973 is above all a positive and constructive means of rescuing the social services program from the administration's regressive regulations. One of the positive goals fostered by this legislation is a matter of special concern to me: The problem of child abuse and neglect.

The amendments address this problem by setting forth as one of the family care goals of the social services program the prevention of neglect, abuse, and exploitation of children, and by amending title IV–A to include multidisciplinary programs for the identification and treatment of abuse children and their families as one of the services that can be offered by the States as part of the AFDC programs. The bill also exempts protective services, which is the major vehicle for current federally funded child abuse efforts, from the 90–10 matching requirement established for title IV–A protective services programs by Public Law 92–512.

In the past months I have been pursuing a legislative solution to the problems of child abuse, and on March 29 introduced the Child Development and Abuse Prevention Act, H.R. 6389, which now has over 70 cosponsors. I am gratified that Chairman JOHN BRADEMAS in the Select Education Subcommittee has already held 2 days of hearings on this legislation, October 1 and 5. The Senate, under the leadership of Senator MONDALE, passed the bill on July 14.

The main thrust of H.R. 6380 is to develop a national focus on child abuse and neglect, and to make immediately available demonstration grants to fund treatment and prevention programs. These grants would be available to both public and nonprofit private agencies on a competing basis, and would go to any agencies that have made a commitment to improving current approaches to the problem. The grants could be used for comprehensive multidisciplinary programs, or other innovative approaches. In addition, the legislation would establish a national center to coordinate research, training materials, and information on current programs, and a national commission to revise the model reporting law and to study the proper long-range role of the Federal Government in assisting State and local governments.

As work on this legislation progressed, several points have become clear. One is that there is an overriding need for immediate funding of treatment programs. Cases of abuse and neglect too horrible to imagine are being reported daily. And effective means of treating these cases are being developed by individual groups throughout the country. The tragedy of the situation is that funds are just not available to treat what is coming to be recognized as one of the most devastating childhood diseases.

It has also become apparent that there is a need to strengthen and redirect the efforts of State child welfare agencies funded under title IV–A and IV–B of the Social Security Act. The Social Services Amendments of 1973 tangentially reaches this problem. I am at this time introducing further legislation, which I hope will be adopted as part of the amendments, to require that State agencies, in order to continue to receive funding for protective services under title IV–B, the State must establish:

Procedures for the discovery and reporting of instances of neglect or abuse of children;

Cooperative arrangements with all community agencies and resources dealing with child abuse;

A systematic method for receiving child abuse reports on a 24-hour basis; and

A central collection point for all data on child abuse and neglect.

The bill would also require that the States, in their statutorily mandated plans for AFDC, must include, in addition to the currently required reporting of child abuse and neglect, such multidisciplinary services as necessary to aid the prevention, identification, and treatment of child abuse and neglect.

State protective services agencies are also in need of more funding. I am delighted that the Senate in passing the Labor-HEW appropriations bill increased by $15 million the amount currently available for all title IV–B child welfare programs. This is an increase from $46 to $61 million over the administration's budget request and over the House-passed bill. It is my sincere hope that the House will agree to this important Senate addition.

ISRAELI WAR PRISONERS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, because of my concern for Israeli war prisoners, I communicated yesterday with Secretary of State Henry Kissinger, asking him to raise with representatives of the Arab nations the issue of humane treatment, including visits to prison facilities by the International Red Cross. I also asked that he urge acceptance of the Israeli offer of an immediate exchange of prisoners of war, and the release of an updated list of prisoners being held.

The Secretary of State told me that the United States had already sent messages to that effect and stressed:

> You can be absolutely sure that I will raise this issue urgently.

He advised me that Egypt had made assurances that it would produce a list of wounded prisoners at a meeting with Israeli army representatives.

He said:

> But I'm not sure they've done it. They've promised it.

Assistant Secretary of State Joseph Sisco, with whom I also talked on the phone yesterday, said that the Government views the prisoners question as "a No. 1 issue—on which we ought to be able to achieve results."

Today's press accounts state that Egypt has agreed to an immediate exchange of wounded prisoners of war. Defense Minister Dayan says there is reason to hope that Egypt will submit the names of all its Israeli prisoners to the International Red Cross and will permit Red Cross visits to the prisons.

The State of Israel has already issued a list of Arab prisoners, has provided access to them by the International Red Cross, and has offered an immediate exchange of prisoners to Egypt and Syria. In view of the past treatment that Israeli prisoners have endured under Arab detention, it is a matter of highest priority that their rights be respected under provisions of the Geneva Convention and international law.

I feel that these events of the past few days are important steps in the negotiating process, and I will continue to urge that we the United States use its best offices to achieve these demands concerning prisoners for they are just and equitable.

THE KILLING OF THE PRESIDENCY

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, if we, as Americans, are really interested in our country's well-being—and clearly we all should be—then recent events surrounding this administration must be viewed in as objective a light as is possible. Unfortunately, for most of the American people, this has been extremely difficult to do given the national news media's rather blatant attempt—for whatever the reason—to manipulate public opinion against the President. I seriously doubt if many people could have withstood the kind of press barrage we have seen directed at him.

It is, therefore, refreshing to read editorials that do attempt to restore some balance and to place the events of recent days into proper perspective. One such editorial, which was broadcast over radio stations KEEL and KMBQ in my own congressional district this weekend, has just come to my attention. As food for thought, I urge my colleagues to carefully peruse "The Killing of the Presidency" by the most able Mrs. Marie Gifford, which follows my remarks at this point:

The Killing of the Presidency

(By Marie Gifford)

Over the last ten years we have seen a gradually accelerated effort to kill the presidency.

I am not speaking of a physical assassination, but rather of a gradual tearing down of the highest office in the land so that whoever occupies that position is rendered ineffectual, and thus incapable of carrying out his proper duties.

The easiest way to do this is, of course, to ridicule and insinuate great wrongdoing on the part of whoever the President may be.

We saw this happen in the case of Lyndon Johnson. A play was even produced off Broadway, a take-off on Shakespeare's "Macbeth", insinuating that President Johnson was a modern-day Macbeth and his wife a modern Lady Macbeth. Certainly President Nixon has suffered even more from such insinuations.

I submit that this is a dangerous game to play. Not that honest criticisms or differences of views should not be aired, for these United States thrive on honest differences and a freedom of speech.

But there is a difference between freedom and license, a difference between truth and complete truth; a difference seemingly not understood by some politicians and some news media.

It is right to decry Watergate, but it is more truthful to decry such practices on all political levels and by all political parties, for the politician or newsman who denies that such practices ever before existed is either hopelessly naive or a liar.

To even discuss impeachment of the President is ridiculous. No present proof exists that he has broken the law. Furthermore, a major network on Monday of this week made a survey of both houses of Congress to find out how many Congressmen and Senators favored impeachment. The poll was overwhelmingly against impeachment, so, the network simply did not release the poll.

These who would kill the Presidency have laughed at the idea of Executive Privilege. I am old enough to remember an angry President Truman invoking just such executive privilege and telling a young Congressman from California by the name of Nixon to figuratively "go to hell" when Congressman Nixon asked for White House memoranda when he was on the Congressional Committee investigating Alger Hiss.

I also remember the "The New York Times" and the "Washington Post" and other news media editorially congratulated the then President on his stand on keeping the Presidency inviolate.

But today it has become great sport to belittle the President. Whether or not those who engage in this sport realize what they are doing, I do not know, nor do I suggest that it is a conspiracy. But they are killing the Presidency as surely as a bullet killed John Kennedy.

Such actions as have been taken by overseas nations in the past 7 days would not have been taken had the leaders of those nations not felt that the American Presidency was so weakened the United States could no longer be a potent force in keeping world peace.

I do not believe this is what the great majority of Americans wish for their country. I do not believe we Americans wish the Presidency to be killed.

It is thus time that we speak up strongly and say that we will have no more of this death by insinuation and innuendo. Let the courts take care of matters properly belonging in the courts. Let Congress get back to the business of Congress. And let the games politicians play be held off until the next election when everybody knows they are games.

The stakes are too great for power-hungry politicians, and yes, sorrowfully, power-hungry newsmen, to kill the Presidency. But unless we *Americans* speak, it will be too late.

Voice your opinion now. Send your cards, your letters, your telegrams to your Congressmen. They need your support to prevent the killing of the Presidency.

"SOME GOOD-NEWS MAKERS" BY STANLEY R. TINER

(Mr. WAGGONNER asked and was given permission to extend his remarks at the point in the RECORD and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, National 4-H Club Week was observed Sunday, October 7, through Saturday, October 13. While events on the national and international scene tended to overshadow its observance, an article which appeared in the October 13 edition of the Shreveport Times, one of the daily newspapers in my district, and which was written by the paper's chief editorial writer, Mr. Stanley R. Tiner, did focus on this most worthwhile organization and the role it plays in molding the youth of this Nation into respectable, productive citizens. I think Mr. Tiner's article is excellent; and I will not, therefore, attempt to explain in my own words the importance of this organization. There is, however, one point I would like to stress.

While 4-H Club activities do enrich and enhance the lives of the young people they encompass and the club's contributions throughout the years to our American way of life are immeasurable, the key to the success and effectiveness of 4-H Club work does not hinge on its accomplishments. The success of this organization lies in the dedication of countless adults across this country who have given of themselves and their time to emphasize the importance of club work, the community, our country, and world. They put meaning into the words:

> I pledge my head to clearer thinking, my heart to greater loyalty, my hands to greater service, and my health to better living for my club, my community, my country, and my world.

Youngsters throughout this land repeating this pledge in unison represent America at its finest. I truly believe that the spirit of 4-H is manifest in the grassroots of America and that it is so because adults throughout this country dedicated themselves to its purpose and ideals. My comments, coupled with Mr. Tiner's article which I now submit for insertion into the RECORD, represent a meager effort on my part to say "Thank you."

Some Good-News Makers

(By Stanley R. Tiner)

This is National 4-H Club Week.

"Yahoo," you say, as you quickly plan to move on to something important like what's happening on the Golan Heights, or what did the prime interest rate do lately.

Before you dismiss the subject so quickly, however, consider this:

There is no better place for a young person to reach the understanding of real life than in a 4-H Club.

Four-H Clubs are one of the good-news vehicles of youthful enterprise alive in this or any other country and 4-H clubbers are one of the real solid resources going for America as we approach the last quarter of this frenetic century.

REFRESHING CORNINESS

There is still an old-fashioned corniness about these kids and their club that is refreshing. When was the last time you saw a group of well-scrubbed faces in the same room pledging their heads to clearer thinking, their hearts to greater loyalty, their health to better living and their hands to greater service to their club, their community and their country?

That's the kind of pledge you'll hear on just about any day you get a group of 4-Hers together; and what's more, they mean it.

Through the more than six decades that 4-H Clubs have fed good citizens into the American system, club work has remained basic. It has, like a constant in our society remained true to the colonial ethos that moved this nation down the road to democracy.

Virtues like hard work and honesty are extolled today in 4-H Club work even as they were in the days past when local men, such as the late N.C. McGowen, were moved to contribute generously to such a movement.

Four-H clubs have produced many of this generation of farmers, including most of the new breed of college-educated business- and scientific-oriented young farmers that dominate the hill-country beef, dairy, and cotton crops of Northwest Louisiana.

It has produced, too, many who wear the white-collars of business and professional life who walk the concrete of Shreveport and other cities, better equipped for their work because of the 4-H experience.

FEELING OF OBLIGATION

Many lawyers, veterinarians, accountants, store owners and others came out of those days imbued with some feeling of obligation to God, country, and other assorted old-fashioned ideals.

Even editorial writers have come through those 4-H Club days with fond memories and a feeling of indebtedness to those parents, teachers and club leaders who gave of themselves to make that program go for another generation of youth.

Those memories go back to the 4 a.m.'s up and feeding, walking, and brushing a raw-boned Hereford calf still yearning the mother's milk he has been denied in weaning.

And to a too-tender moment in Baton Rouge, as a 12-year-old away from home for the first time, at the spring livestock show, and the just-dawned reality that "Amos" the Angus was about to go to the packing-house. In that fleeting second of goodby Amos, looking up with big luminous black eyes, licked that 12-year-old on the cheek, authoring the salty wetness of loss.

But Amos, Andy, Kingfish, Elvis, Edsel, and all of the rest became digits in a ledger book of a young country businessman that would spell college someday. They were a part of the growing-up lessons of 4-H.

STAYS WITH TRADITION

Four-H, in these rapidly changing times, has not made the mistake of abandoning hard tradition. The farm programs, that have benefited millions of rural youth through the years, are still there but there is a strong 4-H movement in the direction of bringing more of the city boys and girls into the program.

So in the brick valleys and glass-walled fences of Shreveport, young people are increasingly being brought into 4-H work through modern-day programs that teach them such things as how to eat nutritional meals on a poor man's paycheck, or how to mend clothes, or to do a lot of things that people need to know.

But, still, threaded through all of this is the anthem of love for country and dedication to values that are old, but not outdated.

And because of what they have done so well for so long, the 4-H leaders and members of our area of the world deserve a salute and the admonition to keep up the good work.

WATERGATE AND A DANGEROUS WORLD

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, in the event any of my colleagues missed seeing the editorial in Sunday's Star-News, "Watergate and a Dangerous World," which will be included in the RECORD at the close of my remarks, I would urge that they read it. It is, I feel, an accurate summation of the events which took place beginning over a week ago with Special Prosecutor Archibald Cox's announcement that he would not accept the tape compromise which had been agreed upon. Its well-thought-out conclusion is worthy of note:

Watergate and a Dangerous World

This was, as they used to say, the week that was, and it will be perfectly all right if we do not have another like it in the immediate future.

It all began, against the backdrop of a major war in the Middle East, a week ago Saturday, when Special Prosecutor Arcihbald Cox held a nationally televised press conference in which he rejected the Stennis compromise which would have furnished expurgated versions of nine Watergate tapes to both District Judge John J. Sirica and to the Senate Watergate committee. Cox told the nation that he would bring a citation for contempt against the President in Sirica's court.

Later that day, with the inevitability of Greek tragedy, Mr. Nixon forced Attorney General Elliot Richardson's resignation and fired both Cox and Deputy Attorney General William Ruckelshaus. Meanwhile—with time out, of course, for the Redskins to destroy the Cardinals—the Israelis continued to expand their bridgehead west of the Suez Canal, imperiling the Egyptian Third Army dug in on the other side of the waterway.

On Monday, as the United Nations accepted a joint U.S.-Soviet Mideast truce plan, Mr. Nixon's domestic situation began to unravel. Western Union was deluged with telegrams calling for his impeachment and the Hill was seething with outrage.

Tuesday brought a sharp about-face on Mr. Nixon's part, as his lawyers told Sirica that the nine Watergate tapes would be surrendered to him. But this abrupt reversal did nothing to still the cry for the President's political hide. Indeed, as it sunk in on the Senate and the public that the President's surrender of the tapes to the court had negated the bargain with the Watergate committee—and hence made it virtually certain that less rather than more eventually would be known about his part in the Watergate coverup—the pressure on the Oval Office increased. Perhaps not entirely incidentally, the Mideast truce broke down almost before it had taken effect, as the Israelis raced southward to seal off the Third Army.

On Wednesday, House Democrats decided to pursue and broaden an inquiry into the possible impeachment of the President. In the Senate, Republican leaders who had stood by Mr. Nixon throughout the Watergate crisis urged the appointment of a special prosecutor to replace Cox, a step to which the President was at that time adamantly opposed. Mr. Nixon scheduled, then canceled, an address to the nation.

In the small hours of Thursday morning, after a 3 a.m. emergency meeting of the National Security Council, American forces were put on a middle-level worldwide alert in the face of an apparent Russian threat to intervene unilaterally in the Middle East to save the doomed Egyptian Third Army. Secretary of State Kissinger, in performance as virtuoso in its own way as had been Cox's, spoke in grave terms of the threat posed to world peace by the Russian demarche. It is perhaps symptomatic of the cancer which afflicts us that he was met with insinuations that perhaps the alert was designed less to forestall the Russians than to extricate Mr. Nixon from his Watergate difficulties, perhaps at the cost of democratic government in this country.

By Friday, although the alert was still on, the international crisis appeared to have eased considerably. Although Russian personnel had arrived in Egypt in unknown numbers, the Kremlin had agreed to a U.N. cease-fire force which would exclude the major powers, and fighting in the Mideast had decreased in intensity.

There was still more to come Friday night. At his press conference, Mr. Nixon's feud with the news media escalated to its highest peak yet, and his announcement that the administration would appoint a new Watergate prosecutor to succeed Archibald Cox, after all, hardly pacified his critics in Congress. Although most liberal Democrats and many pundits also continued to cry for the impeachment of the President, however, there was a discernible sigh of relief from other quarters that, seemingly against considerable odds the country had at least survived one of the most tumultuous weeks in in its history.

And indeed if there is a lesson to be learned from those wild seven days in October, it is that, as Kissinger observed in his press conference, there always is a price to pay for a prolonged and strident convulsion of the political system. And when one is talking in terms of a nuclear war in which millions are certain to die, the price of instant righteousness can be higher than the average man wants to pay.

We are not suggesting for a minute that, given the stench of Watergate, Mr. Nixon's personal finances and political acts are not legitimate subjects of public concern. If it can be proved conclusively that he has been guilty of peculation or of the gross abuse of his constitutional powers, then there can be no alternative to his impeachment.

But insofar as we are aware, Mr. Nixon has broken no law, defied no court, padlocked no legislature, muzzled no member of the press. The jackboots that some observers seem to hear echoing in the streets of Washington are largely in their own minds.

The new special prosecutor of the Watergate case will have a responsibility to the public to follow every trail wherever it may lead. And the House has the obligation to act on this and other information in the ascertainment of Mr. Nixon's fitness to lead the country.

But as events of last week show, this is a serious business and those who embark upon it must be aware of the possible consequences of their acts. if only because other nuclear-armed nations have an immense capacity to misinterpret what happens here, with possibly terrible results for all mankind.

In short, we could use a little more gravitas in the treatment of the President of the United States. There has been far too much slander, innuendo and loose rhetoric about Mr. Nixon's possible deeds and presumed motives. He has yet to be found guilty of anything other than having underlings and associates accused and some guilty of misdeeds. Nor is he, insofar as we know, mentally unbalanced, an insinuation which some have made.

Let the investigation of his administration continue. Let the House, if it feels it must, pursue the question of whether he has been guilty of the "high crimes and misdemeanors" which can be the only basis for his impeachment. But, as someone once remarked, it would be helpful if all of us would "lower our voices" a bit. It would be useful if some of the President's more hot-eyed critics would examine their own motives. It would be realistic to keep in mind that there is a world beyond Bebe Rebozo and Robert Vesco.

Thinking men used to hold that the blood of kings can be shed, but never lightly. Rich-

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ard Nixon is not our monarch but he is our president, and the only one we happen to have. To destroy him out of pique, at the cost of destroying the nation, would be a shallow victory for some and a defeat for all.

A PRAYER FOR AMERICA THAT REASON WILL REIGN

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, one of the best editorials which I have read concerning the Cox dismissal and subsequent events appeared in the Shreveport Times for Wednesday, October 24. It sets forth the facts of the case in a clear and concise manner.

A conclusion which it draws, and properly so, is that the "air of uneasiness and apprehension prevailing in America in the wake of this weekend's actions is not so much the result of what has happened as it is the result of the hysteria that has been unleashed on the Nation." Finally, it appeals to all to use reason and not emotion when considering the facts of this case.

In the emotion surrounding the Cox case, there are some rational voices in the news media; and I certainly take my hat off to the Shreveport Times for its appeal to reason in this instance. For the benefit of my colleagues, I am including the aforementioned editorial in the RECORD at this point.

A PRAYER FOR AMERICA THAT REASON WILL REIGN

A rush to judgment concerning the monumental events of this past weekend would be the most errant course that could be pursued by the American people or their elected representatives in Congress.

Rather than a prejudiced decision of quick emotion the national reaction should be one of careful study of all of the available facts.

This is a time for nobler instincts to prevail and for the abandonment of partisanship. It is a time for fairness so that the Republic's good might be served.

These comments of philosophy are ordained, of course, by the growing list of momentous decisions coming from the White House, congressional response to those decisions, and the constitutional crisis that looms large in America's future as a result of these conflicts.

The immediate reaction to all of these events is a reaction spawned, in the main we think, by the accumulative weight of a largely liberal national media, and loudly outspoken leftists in public life. The combination of these factors has made it to appear prima facie that the President's actions are somehow outside the bounds of correctness and unworthy of his high office.

Comments about the President's firing of special Watergate prosecutor Archibald Cox and Deputy Attorney General William Ruckelshaus have been largely intemperate, shocking and lacking in the responsible vein needed during such a time.

It should be immediately noted that those very voices clamoring for presidential resignation or impeachment are the same partisan voices of radicalism that have lent their service to the deterioration of America through the years.

What we are seeking in this country, at this time, is a reversion to an unbecoming brand of banana republic politics.

The national prayer must be that reason will reign out of the confusion of this day.

In arriving at the correct view of what is happening, it is proper to review certain facts.

The President, in conjunction with the chairman and vice chairman of the Senate Watergate committee, was properly moving toward a solution to the difficulties that had placed the nation on a course of historic conflict between the Executive and Judicial branches of government.

Their agreement to have an independent party, Democratic Sen. John Stennis of Mississippi, to authenticate material on the White House tapes of private conversations was altogether appropriate and should have been satisfactory to all parties interested in the larger good of the nation as well as the simple truth of the tapes. Sen. Stennis has a record of impeccable integrity which made him unquestionably qualified for the role for which he was chosen.

It was at this point that special prosecutor Cox became intransigent and continued to press toward an appeals course that would have placed the President and the Supreme Court in a destructive battle.

The President then, quite properly, had Cox fired and the firing process ended in the resignation of Atty. Gen. Richardson and the firing of his deputy, William Ruckelshaus.

All of these actions were perfectly within the constitutional rights possessed by the President. Under the circumstances prevailing on Saturday, it is clear that the President acted not only within the framework of the law but under his elective mandate to place the American good as his chief motivation.

The air of uneasiness and apprehension prevailing in America in the wake of this weekend's actions is not so much the result of what has happened as it is the result of the radicals' hysteria that has been unleashed on the nation.

The actions of the country's political liberals have been little short of criminal as they have pressed for the destruction of this President and perhaps with him the presidency and democratic government.

All of the familiar voices have been raised and widely disseminated to the people. Ambitious Ted Kennedy, openly lusting for the office to which President Nixon was elected by the American people, appeared on the CBS morning news only Tuesday to darkly hint with rumor and innuendo that somehow the President is guilty of some mysterious and unspoken crimes. All of the other liberal automatons have predictably lent their voices in a cacophony of noise, including AFL–CIO President George Meany, who apparently feels compelled that in order to accept his $90,000 per annum lifetime salary that he must bellow out on every issue, whether the nation wishes to hear him or not.

But it was Hawaii Democratic Sen. Daniel Inouye who perhaps let the cat out of the bag best. Speaking before the AFL–CIO convention meeting in Bal Harbour, Fla., Sen. Inouye said that President Nixon should get out of office or be removed. He then urged that the House speaker, Democrat Carl Albert, move up to the presidency.

Thus it becomes clear that we are moving in the direction of the majority party in Congress, the Democratic party, now openly seeking to replace a President who is a member of the minority party. This is perhaps the most dangerous partisan activity in the history of these United States, and it should be recognized for what it is by the American people.

The world today lies on the balance of perilous times. Even as the brouhaha was being raised to impeach Richard Nixon, the fruits of his international diplomacy were arranging peace in the Middle East.

The Nixon peace initiatives which have led to detente with Russia and China were the groundwork on which the badly needed cease-fire was constructed. It is that same diplomacy that allowed America to disengage from Vietnam and bring the boys home from an unpopular war.

This is the President elected by an overwhelming majority of the people to serve his nation for a second term. This is a President who has done more than any living man to establish world peace. This is a President who through his record of service has proven himself.

RETIREMENT OF JAMES J. ROWLEY

(Mr. STEED asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STEED. Mr. Speaker, announcement of the retirement this week of the Honorable James J. Rowley as Commissioner of the U.S. Secret Service heralds the ending of a 35-year career for one of America's all-time outstanding public servants. Commissioner Rowley became Commissioner on September 1, 1961, having worked his way up through the ranks.

It is with deep regret and a feeling of personal loss that I have received this news. As chairman of the Subcommittee on Appropriations that handles the Secret Service budget, I have had the privilege of knowing and working with Commissioner Rowley in a wide variety of matters of greatest importance and concern to our Nation.

Jim Rowley began his career with the Secret Service in 1938 in New York. He came to Washington in 1939 and was assigned to the Presidential protective detail at the White House when Franklin D. Roosevelt was our President. He became head of this detail in 1947 and served there until his elevation to Commissioner in 1961.

Mr. Rowley's service on the White House detail was marked by many historic events, During World War II he played a key role in protecting President Roosevelt while in residence, during extensive travels within the country and on the occasions of the President's trips abroad for conferences with allied leaders at Casablanca, Tunis, Cairo, Tehran, and Yalta.

During President Truman's administration he was in charge of the advanced detail of agents which set up security for the President at the Potsdam Conference, and it was while he was in charge of the White House detail in 1950 that the attempt on the life of President Truman by Oscar Collazo and Griselio Torresola was thwarted.

Following the election of President Eisenhower, Mr. Rowley was in charge of the detail which accompanied the President to Korea. During the Eisenhower administration, he made many trips abroad to direct personally the planning of security of the Chief Executive during thousands of miles of travel to many countries.

During his 12 years as Director, the Secret Service went through a major reorganization which followed the assassination of President John F. Kennedy. This was followed by the great expansion of the Service, a fourfold increase in agents, to meet its new protective responsibilities, including protection of visiting dignitaries and Presidential candidates.

Concurrently, the modern methods of

printing suddenly made counterfeiting a much more prevalent activity, and the Service has moved vigorously on that front to seize millions of dollars of counterfeit money before it is ever passed on the American public.

It was also during Mr. Rowley's tenure that a special firing range which was to be established for the Secret Service grew into the concept and now the reality of the Consolidated Federal Law Enforcement Training Center, which will train enforcement agents and officers from 23 Government agencies.

The increasing tensions of the times, which expanded the protection of persons by the Secret Service, also extended to its role in physical security; and it was under Mr. Rowley's leadership that the White House police force was expanded into the Executive Protective Service, which now provides physical security not only for the White House but for foreign missions in the metropolitan area of the District of Columbia.

In short, Jim Rowley's years as Director have been historic for the Nation and the Secret Service. The growth of the Secret Service has reflected, perhaps more than any other, the tenor of the current age. His job and responsibilities were enormous; and he fulfilled them with dedication, sound judgment, and leadership that has given the Secret Service a high degree of esprit de corps and a willingness to do its job and do it well.

Because I think all of us in this body, and the entire Nation as well, owes Mr. Rowley a debt and deep appreciation for his service, I want to take this means of announcing that I am urging Secretary of Treasury George Shultz and his associates take the necessary steps to name the Federal Law Enforcement Training Center the James J. Rowley Training Center, or some suitable title having for its purpose the honoring of this great public servant. Having been in charge of the budget work at the time, I can assure the Secretary and my colleagues that had it not been for the unceasing efforts and urgings of Commissioner Rowley this great institution for training would not have come in to being. It literally is his "brain child." Its worth is demonstrated every day.

And now, Mr. Speaker, I am sure all of my colleagues join me in wishing Jim and his lovely wife Mable all the best in their retirement years.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. FOUNTAIN (at the request of Mr. O'NEILL), for today, on account of official business.

Mr. BREAUX (at the request of Mr. O'NEILL), for today and October 31, on account of official business of the Committee on Public Works.

Mr. VEYSEY (at the request of Mr. GERALD R. FORD), for today, on account of official business.

Mr. WALDIE (at the request of Mr. O'NEILL), for today and October 31, on account of death in family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SHUSTER) and to revise and extend their remarks and include extraneous matter:)

Mr. KUYKENDALL, for 30 minutes, today.

Mr. SYMMS, for 60 minutes, on November 7.

Mr. CLEVELAND, for 30 minutes, today.

Mr. COHEN, for 5 minutes, today.

Mr. HOGAN, for 5 minutes, today.

Mr. MILLER, for 5 minutes, today.

Mr. BELL, for 10 minutes, today.

Mr. KEMP, for 30 minutes, today.

Mrs. HOLT, for 60 minutes, on October 31.

(The following Members (at the request of Mr. MEZVINSKY) and to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 5 minutes, today.

Mr. DIGGS, for 5 minutes, today.

Mr. O'NEILL, for 5 minutes, today.

Mr. FUQUA, for 5 minutes, today.

Mr. FULTON, for 5 minutes, today.

Mr. CULVER, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mrs. SCHROEDER, for 5 minutes, today.

Ms. ABZUG, for 10 minutes. today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Appendix of the RECORD, or to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SHUSTER) and to include extraneous matter:)

Mr. YOUNG of Alaska in two instances.

Mr. BAKER.

Mr. ARENDS.

Mr. WHITEHURST.

Mr. SARASIN.

Mr. ESCH.

Mr. SEBELIUS.

Mr. HOGAN in two instances.

Mr. EDWARDS of Alabama.

Mr. COHEN in three instances.

Mr. MCKINNEY.

Mr. WYMAN in two instances.

Mr. DERWINSKI in three instances.

Mr. RONCALLO of New York.

Mr. BAUMAN in three instances.

Mr. ASHBROOK in four instances.

Mr. GILMAN.

Mr. ZWACH.

Mr. MCCLORY in two instances.

Mr. CHAMBERLAIN.

Mr. MALLARY.

Mr. MARAZITI.

Mr. BROWN of Ohio.

Mr. TAYLOR of Missouri in two instances.

Mr. CRANE in five instances.

(The following Members (at the request of Mr. MEZVINSKY) and to include extraneous matter:)

Mr. ROUSH in three instances.

Mr. BENITEZ in 10 instances.

Mr. FISHER in three instances.

Mr. REUSS in two instances.

Mr. GONZALEZ in three instances.

Mr. EILBERG in 10 instances.

Mr. RARICK in three instances.

Mr. MURPHY of New York.

Mr. VANIK in two instances.

Mr. STUDDS.

Mr. DELLUMS in five instances.

Mr. WOLFF in four instances.

Mrs. BOGGS.

Mr. YATRON.

Mr. MAZZOLI.

Mr. STOKES in four instances.

Mr. FUQUA in three instances.

Mr. HENDERSON in two instances.

Mr. MCCORMACK.

Mr. REID.

Mr. HARRINGTON in five instances.

Mr. EVINS of Tennessee in three instances.

Mr. CORMAN.

Mr. WALDIE in two instances.

ADJOURNMENT

Mr. MEZVINSKY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 32 minutes p.m.) the House adjourned until tomorrow, Wednesday, October 31, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATION, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1487. A letter from the Under Secretary of Agriculture, transmitting a draft of proposed legislation to establish an improved program for the benefit of producers and consumers of extra long staple cotton; to the Committee on Agriculture.

1488. A letter from the Under Secretary of Agriculture, transmitting a draft of proposed legislation to establish improved programs for the benefit of producers and consumers of peanuts and rice; to the Committee on Agriculture.

1489. A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmititng a report on negotiated contracts for experimental, developmental test or research work, or industrial mobilization in the interest of national defense, covering the period of January–June 1973, pursuant to 10 U.S.C. 2304(e); to the Committee on Armed Services.

1490. A letter from the Chairman, Consumer Product Safety Commission, transmitting the views of the Commission on S. 607, an act to amend the Lead Based Paint Poisoning Prevention Act, and for other purposes, pursuant to 15 U.S.C. 2076(k)(2); to the Committee on Banking and Currency.

1491. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on Export-Import Bank approved loans, guarantees and insurance in support of U.S. exports to Yugoslavia, Romania, the U.S.S.R., and Poland during the period of July and August 1973, pursuant to section 2(b)(2) of the Export-Import Bank Act of 1945, as amended; to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FULTON: Committee on Ways and Means. H.R. 6642. A bill to suspend the du-

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ties of certain bicycle parts and accessories under the close of December 31, 1976; with amendment (Rept. No. 93–611). Referred to the Committee of the Whole House on the State of the Union.

Mr. ULLMAN: Committee on Ways and Means. H.R. 7780. A bill to extend for an additional temporary period the existing suspension of duties on certain classifications of yarns of silk; with amendment (Rept. No. 93–612). Referred to the Committee of the Whole House on the State of the Union.

Mr. NEDZI: Committee on House Administration. H.R. 10840. A bill to amend the act of August 4, 1950 (64 Stat. 411), to provide salary increases for members of the police force of the Library of Congress. (Rept. No. 93–613). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLLING: Committee on Rules. House Resolution 672. Resolution providing for the consideration of H.R. 11104. A bill to provide for a temporary increase of $13 billion in the public debt limit and to extend the period to which this temporary limit applies to June 30, 1974. (Rept. No. 93–614). Referred to the House Calendar.

Mr. MATSUNAGA: Committee on Rules. House Resolution 673. Resolution providing for the consideration of H.R. 9107. A bill to provide increases in certain annuities payable under chapter 83 of title 5, United States Code, and for other purposes. (Rept. No. 93–615). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER:

H.R. 11162. A bill to amend the Consolidated Farm and Rural Development Act; to the Committee on Agriculture.

By Mr. BELL:

H.R. 11163. A bill to authorize the Secretary of the Interior to designate the Mulholland National Scenic Parkway in the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BURKE of Massachusetts:

H.R. 11164. A bill to amend section 203(e) (2) of the Federal-State Extended Unemployment Compensation Act of 1970 to extend for 1 year the period during which the determination of the extended benefit period with respect to any State may be made without regard to the 120-percent requirement; to the Committee on Ways and Means.

By Mr. COHEN:

H.R. 11165. A bill to amend the Emergency School Aid Act to extend to Franco-Americans the same benefits afforded other minority groups under that act; to the Committee on Education and Labor.

By Mr. COLLIER:

H.R. 11166. A bill to amend title IX of the Education Amendments of 1972 to prohibit age discrimination in any education program or activity receiving Federal financial assistance; to the Committee on Education and Labor.

H.R. 11167. A bill to establish two awards in recognition of service in the line of duty by public safety officers; to the Committee on the Judiciary.

By Mr. CORMAN (for himself, Ms. Abzug, Mr. Fraser, Mr. Ginn, Ms. Jordan, Mr. Reid, Ms. Schroeder, Mr. Stuckey, Mr. Adams, Mr. Addabbo, Mr. Ashley, Mr. Badillo, Mr. Bergland, Mr. Biaggi, Mr. Bingham, Mr. Blatnik, Mrs. Boggs, Mr. Brademas, Mr. Brasco, Mr. Brinkley, Mr. Brown of California, Mrs. Burke of California, Mr. Carney of Ohio, Mrs. Chisholm, and Mr. Clay):

H.R. 11168. A bill to amend the Social Security Act to provide the States with maximum flexibility in their programs of social services under the public assistance titles of the act; to the Committee on Ways and Means.

By Mr. CORMAN (for himself, Mrs. Collins of Illinois, Mr. Cohen, Mr. Conyers, Mr. Culver, Mr. Dominick V. Daniels, Mr. Davis of Georgia, Mr. Dellums, Mr. de Lugo, Mr. Dent, Mr. Diggs, Mr. Drinan, Mr. Eckhardt, Mr. Edwards of California, Mr. Eilberg, Mr. Fascell, Mr. Fauntroy, Mr. Fulton, Mr. Gonzalez, Mrs. Grasso, Mr. Gude, Mr. Hawkins, Mr. Harrington, Mr. Hechler of West Virginia, and Mr. Heinz):

H.R. 11169. A bill to amend the Social Se-Security Act to provide the States with maximum flexibility in their programs of social services under the public assistance titles of the act; to the Committee on Ways and Means.

By Mr. CORMAN (for himself, Mr. Helstoski, Ms. Holtzman, Mr. Howard, Mr. Kastenmeier, Mr. Koch, Mr. Kyros, Mr. Lehman, Mr. McCloskey, Mr. McCormack, Mr. McDade, Mr. McSpadden, Mr. Matsunaga, Mr. Meeds, Mr. Metcalfe, Ms. Mink, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Mollohan, Mr. Moorhead of Pennsylvania, Mr. Moss, Mr. Murphy of New York, Mr. Nix, Mr. O'Brien, and Mr. Pepper):

H.R. 11170. A bill to amend the Social Security Act to provide the States with maximum flexibility in their programs of social services under the public assistance titles of the act; to the Committee on Ways and Means.

By Mr. CORMAN (for himself, Mr. Podell, Mr. Rangel, Mr. Rees, Mr. Riegle, Mr. Rodino, Mr. Rooney of Pennsylvania, Mr. Rosenthal, Mr. Roybal, Mr. Sarbanes, Mr. Seiberling, Mr. Sisk. Mr. James V. Stanton, Mr. Stark, Mr. Stokes, Mr. Studds, Mr. Thompson of New Jersey, Mr. Tiernan, Mr. Vanik, Mr. Waldie, Mr. Won Pat, Mr. Yates, Mr. Yatron, and Mr. Young of Georgia):

H.R. 11171. A bill to amend the Social Security Act to provide the States with maximum flexibility in their programs of social services under the public assistance titles of the act; to the Committee on Ways and Means.

By Mr. DELLENBACK:

H.R. 11172. A bill to provide for the appointment of a Special Investigator/Prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. DINGELL:

H.R. 11173. A bill to insure the enforcement of the criminal laws and the due administration of justice; establish an independent Special Prosecutor; to the Committee on the Judiciary.

By Mr. ESCH:

H.R. 11174. A bill to provide that the special cost-of-living increase in social security benefits authorized by Public Law 93–66 shall take effect immediately; to the Committee on Ways and Means.

By Mr. HARRINGTON (for himself and Mr. Helstoski):

H.R. 11175. A bill to enforce the provisions of the 14th amendment to assure the proper conduct of elections; to the Committee on the Judiciary.

By Ms. JORDAN:

H.R. 11176. A bill to authorize in certain cases the appointment of a Special Judicial Prosecutor and Investigators to assist grand juries in the exercise of their powers; to the Committee on the Judiciary.

By Mr. KAZEN (for himself, Mr. Gonzalez, and Mr. Fisher):

H.R. 11177. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Cibolo project, Tex., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. LEHMAN:

H.R. 11178. A bill to provide emergency security assistance authorizations for Israel; to the Committee on Foreign Affairs.

By Mr. McCORMACK (for himself, Mr. Teague of Texas, Mr. Mosher, Mr. Goldwater, Mr. Drinan, Mr. Melcher, Mrs. Schroeder, Mr. Bob Wilson, Mr. Broyhill of North Carolina, Mr. Podell, Ms. Jordan, Mr. Poage, Mr. Bevill, Mr. Edwards of California, Mr. Ware, Mr. Harrington, Mr. Collier, Mr. Hogan, Mr. Robison of New York, Mr. Steiger of Arizona, Mr. Conte, Mr. Zwach, Mr. Annunzio, and Mr. Collins of Texas):

H.R. 11179. A bill to provide for the early commercial demonstration of the technology of solar heating by the National Aeronautics and Space Administration in cooperation with the National Bureau of Standards, the National Science Foundation, the Secretary of Housing and Urban Development, and other Federal agencies, and for the early development and commercial demonstration of technology for combined solar heating and cooling; to the Committee on Science and Astronautics.

By Mr. McCORMACK (for himself, Mr. Teague of Texas, Mr. Mosher, Mr. Goldwater, Mr. Coughlin, Mr. Frenzel, Mr. Ketchum, Mr. Anderson of Illinois, Mr. Gilman, and Mr. Rees):

H.R. 11180. A bill to provide for the early commercial demonstration of the technology of solar heating by the National Aeronautics and Space Administration in cooperation with the National Bureau of Standards, the National Science Foundation, the Secretary of Housing and Urban Development, and other Federal agencies, and for the early development and commercial demonstration of technology for combined solar heating and cooling; to the Committee on Science and Astronautics.

By Mr. MARAZITI:

H.R. 11181. A bill to provide for the early commercial demonstration of the technology of solar heating by the National Aeronautics and Space Administration in cooperation with the National Bureau of Standards, the National Science Foundation, the Secretary of Housing and Urban Development, and other Federal agencies, and for the early development and commercial demonstration of technology for combined solar heating and cooling; to the Committee on Science and Astronautics.

By Mr. MIZELL:

H.R. 11182. A bill to amend the Truth in Lending Act to eliminate the inclusion of agricultural credit; to the Committee on Banking and Currency.

By Mr. MOAKLEY:

H.R. 11183. A bill to regulate closing costs and settlement procedures in federally related mortgage transactions; to the Committee on Banking and Currency.

By Mr. MOAKLEY (for himself, Mr. Pepper, and Mr. Waldie):

H.R. 11184. A bill to provide for extension of the term of the Watergate grand jury; to the Committee on the Judiciary.

By Mr. PARRIS (for himself and Mr. Bafalis):

H.R. 11185. A bill to amend title II of the Water Pollution Control Act Amendments of 1972 (Public Law 92–500); to the Committee on Public Works.

By Mr. PATTEN:

H.R. 11186. A bill to extend for 3 years the District of Columbia Medical and Dental Manpower Act of 1970; to the Committee on the District of Columbia.

By Mr. PERKINS:

H.R. 11187. A bill to provide for a 10-percent across-the-board cost-of-living increase

in social security benefits; to the Committee on Ways and Means.

By Mr. PICKLE (for himself, Mr. Eckhardt, Mr. Fisher, Mr. Price of Texas, Mr. Patman, Mr. Wright, Mr. White, Mr. Milford, Mr. Poage, Mr. Gonzalez, and Mr. Casey of Texas):

H.R. 11188. A bill to provide for the establishment of an American Folk Life Center in the Library of Congress, and for other purposes; to the Committee on House Administration.

By Mr. PREYER:

H.R. 11189. A bill to confer jurisdiction upon the district courts of the United States over certain civil actions brought by the Congress, and for other purposes; to the Committee on the Judiciary.

By Mr. REUSS:

H.R. 11190. A bill to provide for the appointment and duties of an independent Special Prosecutor relating to offenses allegedly committed by the President, Presidential appointees, or members of the White House staff, and for other purposes; to the Committee on the Judiciary.

By Mr. RINALDO:

H.R. 11191. A bill to establish an Office of Special Prosecutor, to investigate and prosecute any official misconduct with respect to the 1972 election for the Office of President, and for other purposes; to the Committee on the Judiciary.

By Mr. ROBISON of New York:

H.R. 11192. A bill to amend title II of the Social Security Act to increase to $3,000 the annual amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title; to the Committee on Ways and Means.

By Mr. SARASIN (for himself, Mr. Dan Daniel, Mr. Dent, Mr. Henderson, and Mr. Roe):

H.R. 11193. A bill to impose a 6-month embargo on the export of all nonferrous metals, including copper and zinc, from the United States; to the Committee on Banking and Currency.

By Mrs. SCHROEDER:

H.R. 11194. A bill to amend the Social Security Act to provide for prevention, identification, and treatment in cases of abuse or neglect of children; to the Committee on Ways and Means.

By Mr. SMITH of Iowa:

H.R. 11195. A bill to amend the Commodity Exchange Act to strengthen the regulation of futures trading, to require public disclosure of certain information relating to sales of commodities, to bring all agricultural and other commodities traded on exchanges under regulation and for other purposes; to the Committee on Agriculture.

By Mr. STEELMAN:

H.R. 11196. A bill to amend the Social Security Act to provide the States with maximum flexibility in their programs of social services under the public assistance titles of the act; to the Committee on Ways and Means.

By Mr. STEIGER of Wisconsin:

H.R. 11197. A bill to amend the Consolidated Farm and Rural Development Act to increase the per diem, transportation, and travel expense allowance of Farmers Home Administration county committeemen; to the Committee on Agriculture.

By Mr. WALDIE:

H.R. 11198. A bill to amend title 5, United States Code, to provide premium pay for employees for time in an on-call status away from their duty posts; to the Committee on Post Office and Civil Service.

By Mr. ZWACH:

H.R. 11199. A bill to establish an Office of Health, Education, and Welfare, and to assist in the development and demonstration of rural health care delivery models and components; to the Committee on Interstate and Foreign Commerce.

By Mr. ASHBROOK (for himself, Mr. Burgener, Mr. Bauman, and Mr. Blackburn):

H.J. Res. 801. Joint resolution proposing an amendment to the Constitution of the United States relative to force and effect of treaties; to the Committee on the Judiciary.

By Mr. MOAKLEY:

H.J. Res. 802. Joint resolution to insure the separation of Federal powers and to protect the legislative function by providing a procedure for requiring Federal officers and employees to inform the Congress; to the Committee on the Judiciary.

By Mr. LONG of Maryland:

H. Con. Res. 371. Concurrent resolution to censure the President without prejudice to impeachment; to the Committee on the Judiciary.

By Mr. RANGEL (for himself and Mr. Harrington):

H. Con. Res. 372. Concurrent resolution relating to national priorities; to the Committee on Government Operations.

By Mr. ANDREWS of North Carolina:

H. Res. 670. Resolution directing the Committee on the Judiciary to prepare a compilation of information and evidence tending to prove or disprove the commission of any act by Richard M. Nixon which amounts to an impeacheable offense; to the Committee on Rules.

By Mr. DINGELL:

H. Res. 671. Resolution to create a select committee to consider an impeachment resolution against the President of the United States, and for other purposes; to the Committee on Rules.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

343. The SPEAKER presented a petition of Milton B. Sparks, Menard, Ill., relative to redress of grievances; to the Committee on the Judiciary.

344. Also, petition of the Board of Church and Society, United Methodist Church, Washington, D.C., relative to impeachment of the President; to the Committee on the Judiciary.

345. Also, petition of John P. Tucker, Jr., Charlottesville, Va., and others, relative to impeachment of the President; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

SIGNIFICANT GROUNDBREAKING CEREMONIES HELD FOR MODEL SECONDARY SCHOOL FOR THE DEAF

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, October 30, 1973

Mr. RANDOLPH. Mr. President, on Wednesday, October 17, 1973 I was privileged to join with our First Lady Mrs. Richard Nixon, Secretary of the Department of Health, Education and Welfare Caspar Weinberger, Mayor Walter Washington, and Miss Nanette Fabray in the ceremonies marking the occasion of the groundbreaking for the Model Secondary School for the Deaf in Washington, D.C.

With us on the platform were several students of the school, who participated in the groundbreaking and pledge to the American flag. It was most appropriate that the ceremony, like the school itself, was student oriented. Several hundred youths were in the audience.

Mr. President, I ask unanimous consent that the program together with the remarks of the speakers be printed in the Record.

There being no objection, the program and remarks were ordered to be printed in the Record, as follows:

Model Secondary School for the Deaf Groundbreaking, October 17, 1973

ABOUT MSSD

The Model Secondary School for the Deaf was established in 1966 by P.L. 89–694 after a study of education services for the deaf by the Department of Health, Education, and Welfare revealed few genuine secondary programs for young deaf students existed in the United States. Charged by Congress to be both a regional high school and a national model, the MSSD continuously develops and evaluates new teaching techniques and materials which, if found to be valid, are disseminated to schools for the deaf throughout the nation.

Upon completion of the new facilities, which were designed by Hudgins, Thompson, Ball and Associates, the MSSD can accommodate up to 600 students from its primary service area of the District of Columbia, Maryland, Virginia, West Virginia, Pennsylvania and Delaware. The American Construction Company is general contractor for the project.

The MSSD is located on the Gallaudet College campus and is operated under an agreement between the College and the Department of Health, Education, and Welfare.

PROGRAM

Musical Selections: United States Marine Band.

Presiding: Dr. Doin E. Hicks, Director, MSSD, Dean of Pre-College Programs, Gallaudet College.

Welcome: Dr. Edward C. Merrill, Jr., President, Gallaudet College.

Pledge of Allegiance: Valerie Parsons, MSSD Student.

A Proclamation: The Honorable Walter E. Washington, Mayor-Commissioner, District of Columbia.

Greetings from the White House—Mrs. Richard M. Nixon.

Remarks: The Honorable Caspar W. Weinberger, Secretary of Health, Education, and Welfare; The Honorable Jennings Randolph, U.S. Senator, West Virginia; Miss Nanette Fabray, Co-Chairperson, National Advisory Council on the Handicapped.

Groundbreaking—MSSD Students: Robin Edwards, Stephen Gasco, Galinda Goss, Thomas Holcomb, Ivy Mathews.

National Anthem: Reginald Boyd, MSSD Student.

Interpreters: The Rev. Rudolph Gawlik, Dr. Henry Klopping, Dr. Lottie L. Riekehof, Mrs. Shirley Stein.

XUM

Remarks of Dr. Doin E. Hicks, Director, Model Secondary School for the Deaf, Dean of Pre-College Programs, Gallaudet College

OPENING REMARKS

Today is an historic occasion for the Model Secondary School for the Deaf. This ceremony symbolizes an important milestone in the School's development—the official initiation of construction of the physical facilities which will permit its programs to be fully operational.

Our hopes for the Model Secondary School for the Deaf, however, extend far beyond those young people who will pass through its doors. Programs developed within the MSSD have the potential of contributing to the educational welfare of all young deaf people. The 60,000 deaf students in schools for the deaf and the 10,000 people who work with them are our constituency. This mission of becoming an exemplary school of national scope is one which we accept gladly but with full recognition of the responsibility inherent in such an enterprise of developing, of doing and of sharing—a school and a learning laboratory for students and professionals nationwide. We are extremely pleased that each of you has come to share this important hour.

PLEDGE TO THE FLAG

We invite you to stand and join in the pledge to the flag to be led by MSSD student Valerie Parsons.

SPECIAL INTRODUCTIONS

It is now my pleasure to recognize our special guests seated on the rostrum but whose names do not appear on the printed program.

Dr. Edwin Martin, Associate Commissioner, Bureau of Education of the Handicapped.

Mrs. Patricia G. Forsythe, Professional Staff Member of the Senate Subcommittee on the Handicapped, and former Program Officer of MSSD.

Dr. George Muth, Chairman, Gallaudet College Board of Directors.

Mr. Lawrence Newman, Chairman, Model Secondary School for the Deaf Advisory Committee, and Supervisor, Santa Ana Madison Program for the Deaf in California.

Ms. Judy Fein, Program Officer for the Model Secondary School for the Deaf from the Department of Health, Education, and Welfare.

Dr. Leonard Elstad, President Emeritus, Gallaudet College.

Mr. William Finglass, President, American Construction Company.

Mr. Ralph Ball, President, Hudgins, Thompson, Ball and Associates.

Miss June Rothenberg, President, Gallaudet College Student Body Government.

Mr. Robert Geesey, Vice President, Gallaudet College Student Body Government.

Among the many communications we have received from persons unable to attend the groundbreaking is one from a special friend of the MSSD students—Star Running Back of the Washington Redskins, Larry Brown, who, last spring, was our Commencement Speaker. Larry says that Coach Allen frowns on his cutting practice thus he cannot be here, but asks that he be remembered to you students and as a gesture of his interest in you and the MSSD he is making a gift of $1,000 to the Athletic Program.

INTRODUCTION OF MAYOR WASHINGTON

Our City is extremely fortunate to have a public servant of Mayor Washington's experience and stature. The energy, enthusiasm and skill which he daily demonstrates is an inspiration to all of us.

His career in public administration and service extends to more than thirty years and is based on professional training which includes undergraduate and law degrees from Howard University. Honors and awards recognizing his achievements are so great as to defy numeration. Not the least of these, however, includes no less than eleven honorary doctorate degrees.

You honor us Mr. Mayor, both with your presence and the official recognition you are providing the Model Secondary School for the Deaf.

Ladies and Gentlemen, the Honorable Walter E. Washington, Mayor-Commissioner of the City of Washington.

Remarks of Walter E. Washington, Mayor-Commissioner, District of Columbia

Mr. Chairman, Mrs. Nixon, President Merrill and all of the distinguished members on the dais and most important the distinguished members of the student body. It is a great occasion, a great day for Kendall Green, and indeed a great day for this city. And it is a privilege to have been invited to share this happy occasion with you. Quite frankly, after that introduction I started to quit while I was ahead, but I have a duty to perform and I want to do that in the sight of this great audience under this beautiful sky today.

Among the wealth of educational institutions of all types which thrive in the District of Columbia, the Model Secondary School for the Deaf is a unique character. The Model Secondary School for the Deaf is leading the way in teaching the deaf independence and self-reliance and the dignity that goes with it. It also provides, and will continue to do so, positive and enjoyable experience in learning and living. Therefore, I have this day issued a Proclamation designating this day, Wednesday, October 17, 1973, as Model Secondary School Day for the Deaf in the District of Columbia.

This Proclamation reads:

Model Secondary School for the Deaf Day, October 17, 1973, by the Mayor of the District of Columbia—A Proclamation

Whereas, the Model Secondary School for the Deaf was authorized by Congress through Public Law to provide an innovative and comprehensive educational program for deaf youngsters of high school age; and

Whereas, the Model Secondary School for the Deaf serves deaf youngsters from the District of Columbia, Maryland, Virginia, West Virginia, Delaware and Pennsylvania; and

Whereas, the Model Secondary School for the Deaf will instruct parents about their children's deafness; train professionals to teach in other schools for the deaf; serve as a research laboratory in education of the deaf; and act as an information center for instructors and schools throughout the country; and

Whereas, Model Secondary School for the Deaf is intended to develop methods of making deaf persons more self-reliant and independent, enabling them to adapt in a more complex society:

Now, therefore, I, The Mayor of the District of Columbia, do hereby proclaim October 17, 1973 as "Model Secondary School for the Deaf Day" in Washington, D.C., and call upon all of our citizens to join with me in supporting the aims and objectives of the Model Secondary School for the Deaf programs.

Walter E. Washington,
Mayor, District of Columbia.

Introduction of Mrs. Nixon

Each of you, I am sure, can remember a special teacher who was inspirational and compassionate, and with qualities exceeding other teachers. One person recalling such a former teacher was quoted in a 1971 issue of the Saturday Evening Post. "I was a ninth grader, about fourteen, but I have never forgotten her. There was something very special about that teacher of mine. The school was in Whittier, California. Her name then was Pat Ryan: Today it is Mrs. Richard Nixon."

As a first lady of our land she still retains those very special qualities. They are now exemplified in a wider variety of pursuits but nonetheless are as evident as ever. As ambassador of good will abroad she has made each of us proud to have her as our representative. As a hostess at home she has exuded warmth in extending hospitality to thousands of visitors. Her particular interest in such activities as promoting volunteer programs is well known.

During these past five years she has lent her name to more than 150 organizations for the purposes of encouraging their work and programs. Included among these organizations are many which serve handicapped children and include our own Kendall Demonstration Elementary School here on Kendall Green. We are honored and flattered by her presence here today but know that her interest in the Model Secondary School for the Deaf and in deaf persons is genuine.

Ladies and Gentlemen, the First Lady of the United States of America, Mrs. Richard Nixon.

Remarks of Mrs. Richard Nixon

All the distinguished guests on the platform and here in the audience, I thank you for your welcome and for inviting me to join you on this special day when we have the groundbreaking ceremony. We are all very excited about it. I bring greetings to you from the White House. This includes our family, and members of the cabinet, the administration, all of these people who are working so hard on programs which will benefit the handicapped and that includes the ones who are handicapped by deafness. We have made great strides in this field and we are very proud of these.

I also would like to pay tribute to some of my young friends who are here. When I first arrived, I received the beautiful flowers from Toby Silver, a senior student. I first met her in 1958 when I visited the Washington Hearing Society. At that time she was just a little tot, but she presented flowers to me then and I am most grateful for both of these days.

Then, we have a lot of young people who come to the White House and my daughters and I have the pleasure of being hostess to them. They have special tours which we initiated so that they can enjoy the beauty and history there without waiting in a long line like other public tourists do. And we also serve a little refreshments, too, because I know that is part of coming to the White House.

And then another group from Kendall School came out at Christmas time and entertained guests there and this was one of the biggest hits we have ever had. The guests admired their ability to act. They did "A Charlie Brown Christmas" show that evening and I shall never forget it either. But apart from that they had another quality which we admired so much. It was this idea of "I can do, it can be done." And they showed us right there that night and I want to congratulate them again. I understand some of them are here today.

Now, we all look forward to the completion of this building which will mean so much to the students, the parents, the teachers, and for caring citizens all over the United States.

Thank you.

Introduction of Secretary Weinberger

Secretary Weinberger's distinguished career has been many-faceted. Best-known to us, of course, is his service within the Nixon administration during the past three years, first as Chairman of the Federal Trade Commission, then as Deputy Director and Director of the Office of Management and Budget,

and since last February as Secretary of Health, Education, and Welfare.

His early career as a lawyer and member of the California state legislature was marked by recognition for outstanding legislative statesmanship. During the 1960's he added additional successful pursuits to his accomplishments: That of journalist and television moderator.

In 1968 he was named State Director of Finance by California Governor Ronald Reagan and served in that post until moving to Washington in 1970.

We are honored to have Secretary Weinberger share this event with us and are deeply appreciative of his expressions of support on behalf of the Model Secondary School for the Deaf.

The Honorable Caspar W. Weinberger, Secretary of Health, Education, and Welfare.

Remarks of Caspar W. Weinberger, Secretary, U.S. Department of Health, Education, and Welfare

Thank you very much, indeed. Mrs. Nixon, Senator Randolph, very distinguished guests on the platform and in the audience and the student body.

When I was at college I was told that the principal glory of our college was not its building and not its faculty, but its student body. That sounded very good to me as an entering freshman and I learned since that it is even more true and that is the way we feel today and the way we are delighted to greet the large part of this audience. This school and residential complex that will rise on this site will be unique and it will be the only program of its kind that is fully supported and operated by the Federal Government. Initially, and of course directly, it will offer special education to 600 deafened students of high school age and these students will find a very creative faculty and the most modern equipment that we can possibly find anywhere. They will find unmatched resources to help them prepare for higher education or for the world of work. The Model Secondary School that will be erected on this very historic hill behind me will develop special methods to overcome the educational handicap which deafness presents.

But, the significance of this Model Secondary School goes far beyond what it will do for the hundreds of fortunate students who will be enrolled here and who will be admitted and study here. Its principal signifiance centers on what it can do for thousands of students in our nation who are deafened and all over, and all of the 50 states and there it will demonstrate what is the most complete and best example, I think, in the Federal Government. Because the real purpose of this school is not just to educate and help prepare the fortunate 600 students at the time who will go through, but it is to explore and demonstrate new ways of teaching, to share its findings and its innovations with every interested school system in the United States. In that sense everyone who attends here will be part of a model demonstration, everyone will be part of a model upon which we hope that schools all over the United States devoted to this same very high and noble purpose will be able to cast their work and to follow the things that will start here. So it will not only welcome the visits of educators, it will share its faculty. Staff members from here will be available to visit local schools which request their help in adopting or adapting the methods and procedures developed right here on this hill. And this most assuredly is the Federal role in its finest perspective. We not only are doing an immediate direct task here in our own Federal city, but we are setting a model and a precedence that we hope will be followed all over the United States and I think, as it is very likely from the other things we have done in a pioneer way, it will be followed all over the world. This Federal role really is to penetrate these new frontiers through research and to demonstrate what can be done to prepare persons with handicaps to become independent and to find the fulfillment which life can offer despite handicaps and to do once and completely what scattered local schools might on an individual basis try to do but could do only partly or incompletely because they could not have the resources and the strength of the Federal Government.

So we at the Department of Health, Education, and Welfare and in the President's administration welcome the opportunity to demonstrate to all the schools, to all the parents, to all the young people of high school age that deafness need not be a barrier to education, to job opportunities, or to social relationships. And we hope to demonstrate that not just to deafened children or to their parents, but to children who in turn can derive inspiration from what will be done here and will want to serve and help the handicapped in the way that so many here in Washington have done.

Now I would like to say a special word for Senator Randolph in this situation who has, with the chairmanship of his subcommittee and throughout his long and distinguished legislative career, made it a point to be of assistance in every way possible to the handicapped and has done so with consummate legislative skill and with great humanity.

We also have a very interesting feature at this school because we hope to demonstrate, too, that deafness need not be the terrible hazard that it has been and this we hope to do through very dramatic breakthroughs in telecommunications so we will be using not only the latest educational techniques but the latest scientific techniques. Those two young deaf athletes who perished in the Chicago hotel fire recently might have been saved had there been some kind of warning device which did not rely on the ringing of bells. The Model School dormitories will not rely on sound alone to signal danger. It will use flashing lights and a buzzer that can be worn on the body which will be activated electronically to vibrate and that same vibrating buzzer will summon students to specially equipped telephones in the school and those telephones will be fitted to transmit writing rather than sound. This is the kind of thing I find very inspirational, the kind of thing the Federal Government does best and the kind of thing the Federal Government and all of the people connected with this school will be trying to do here. Our great airplanes have broken the sound barriers in the sky and we believe that this Model School gives promise of breaking down all of the barriers that deafness has created over the centuries. And if that can be done, that will be an inspiration from which people will derive the hope and aspiration to continue that are the essentials of our kind of government. Thank you very much, indeed.

Introduction of Senator Randolph

Senator Jennings Randolph's legislative career began more than 40 years ago as a member of the United States House of Representatives. After serving seven consecutive terms (14 years) as a legislator he engaged in a variety of career pursuit, including editor, professor, university dean and business executive, prior to being elected to the Senate in 1958. He has served that body, his constituency and his Country in an exemplary manner since that time.

Senator Randolph is Chairman of the prestigious Public Works Committee. He holds membership in the Post Office and Civil Service Committee, the Veterans' Affairs Committee, the Special Committee on Aging and the Labor and Public Welfare Committee. Additionally, he is a member of three subcommittees of the Labor and Public Welfare Committee: Children and Youth; Education; and Handicapped, of which he is Chairman. It is, of course, this sub-committee chairmanship which holds great personal interest for those of us engaged in education of the deaf. We are grateful that a legislator of Senator Randolph's stature and skill is entrusted with developing and directing legislative matters which impinge so directly on our lives.

It is significant that Senator Randolph has taken time to share MSSD Day with us.

I am pleased to present the Honorable Jennings Randolph, Senator from West Virginia.

Remarks of Senator Jennings Randolph

Good afternoon, young ladies and young gentlemen. Mention has been made of that earlier period of more than 40 years ago, when I had the responsibility of becoming a member of your Congress of the United States. Lest there be any misunderstanding, Dr. Hicks and President Merrill, there is no generation gap—I get along very well with older people.

The history of this institution is a glorious one, often of sacrifice and truly of service. One hundred nine years ago, more than a century of helping young people who are to prepare to help themselves for productive lives. What a tremendously vital mission of education this has been for such a long period of time. This afternoon in a sense, there is a sense of contribution to this learning process which I am sure we all understand and greatly appreciate.

It was half a century ago that I came into contact with Gallaudet College. I came as a member of a college basketball team from the hills of West Virginia to play this institution. You had a good basketball team 50 years ago. I haven't checked your record, Mr. President, as of more recent years, but I remember then that if the hearing of your players was impaired, they had their eyes glued on the basket and they knew exactly where to shoot the ball.

Mayor Walter Washington and Secretary Caspar Weinberger recognize that since this institution began, and as of this day, there have been but four Presidents—just four Presidents. President Merrill who is here and a former President, Dr. Elstad. I only remind those in public service, either elective or appointive, that you change your leaders less at Gallaudet than we do in other positions throughout the country.

Yes, certainly for all of us, I would like to say that all of us are delighted that Mrs. Nixon, we'll call her Pat this afternoon, the gracious First Lady, with the able and articulate Secretary Caspar Weinberger, with the lovely Nanette Fabray, and the Mayor have come in good purpose. We are aware and eagerly anticipating not only the actual groundbreaking but the educational process which is to follow. What we are doing here is a further signifying of the reality of what earlier was just an idea. It was in fact an idea that was born in a real sense and brought to fruition in the Senate Committee on Labor and Public Welfare. I am gratified that it was my responsibility to co-sponsor P.L. 89–694. In the enactment there were many of us, regardless of party affiliation, who were active participants. It was a new venture in secondary education for deaf impaired students. But it was necessary.

Pat Forsythe has had the opportunity and responsibility to help in our understanding of these problems. I selected Pat as staff director for our Subcommittee on the Handicapped. I did not take a quick look. I checked very, very carefully and Pat Forsythe who is here today was chosen for that position. Pat, I am grateful you are on Capitol Hill rather than downtown.

It is a privilege to attend this ceremony for it signifies the reality of what was an idea that was developed in the Senate Committee on Labor and Public Welfare.

During the hearings on this legislation to provide for a model Secondary School for the Deaf, you provided us with information on the problems of this particular group of fine young Americans. You urged us to give our attention to the need for better coordination of educational and psychological services for deaf youth. You asked that the legislation provide a model facility which would include a "laboratory" atmosphere with educational resource personnel in a learner oriented environment so that experimentation in individualized learning, and the most modern education technology, and instructional materials could be tested.

Now, the successful experiences that have occurred during the past three years in a temporary building are soon to be utilized in this new permanent facility. It is designed, as we know, to represent the hopes of the significant and stimulating experiment it will house.

It is a joy to me that West Virginia is one of the states whose deaf students will be among the first to attend this school. I am equally enthusiastic that all of your young deaf Americans will share the techniques and methodologies which are developed here, through dissemination of information by this Model Secondary School for the Deaf.

I know that all of you who have labored to bring this project to fruition share the feeling that comes when we see words turned into action.

Congratulations on a worthy endeavor which serves as a challenge for further constructive achievement.

Introduction of Miss Fabray

This meaningful occasion is made even more important by the presence and participation of so important a personage as our next speaker, Miss Nanette Fabray.

She is an outstanding singer, dancer, comedienne, and actress who has appeared on the Broadway stage, in many motion pictures and on almost every major television show.

Aside from her burgeoning career, Miss Fabray is a dedicated and tireless worker for many causes, particularly those related to the education and welfare of hearing-impaired persons.

She serves on no less than six important boards and foundations serving the interests of the deaf.

Additionally, she has been the recipient of numerous awards and honors for her unselfish devotion to worthy causes.

Having experienced the problems associated with hearing impairment, Miss Fabray is able to personalize her convictions in a very convincing manner.

In private life Miss Fabray is Mrs. Ranald McDougall, a dedicated wife and mother—and in everything she does, a wonderful and gracious lady.

Remarks by Nanette Fabray

I am honored to be among such company, and to speak on this moving occasion.

Moments such as this represent the highest ideals and goals of our society, our Government, and our time. To build instead of destroy. To make a beginning instead of an end. To answer the needs of others, instead of our own. To care, even to love, in a world that too often rages with hate and suspicion.

The restless torment of our times is very remote to those who must struggle every waking hour to understand the simple needs of the day. That torment never ends. All of life is education for the deaf, a quest with God's help, and ours, for dignity and grace, and a place in the sun.

And so this school is a moving and deeply important milestone in the history of education of the deaf in our well beloved country. It will be an enduring tribute to the many men and women whose dream it was, and whose work made it possible.

Many of our youth today are too quick and too fond of pointing out the sins and omissions of their elders. Perfection is not in us perhaps, but we try. We do not give up. And on some days—like this day—a victory is won.

Let it be remembered. When the young deaf students of this school—many of them here today, with thousands yet to come, down through the years—when they walk the pleasant paths that will be here in the future, when they speak with their hands and their bodies and the expressive faces—as the deaf so beautifully speak among themselves, let them remember that this school came from the hearts and minds and work of those who wish them well.

As for you and me, let us remember something too. This is not the end of the matter. The work is far from finished. This cannot remain the only school of its kind in the United States. It is merely the first. It is not a token—but a solemn promise, by name and by intention, a model school—a commitment to the future.

We have come to a pause in the progress of deaf education—a plateau if you will—a recess for re-evaluation, as I have seen it expressed on a governmental level. Congress and the administrative branches are feeling their way—even fighting their way—through a labyrinth of new concepts in Government aid, new approaches, not all of them responsive to the basic needs of special education.

Shock waves have gone out from the Department of Health, Education, and Welfare during the past year. The community of the deaf, and their supportive facilities, are reeling in alarm and confusion.

Those who build their lives on a dedicated service to the deaf have often found themselves in recent months using all their energies to save what they can from the wreckage of their programs. Many of them feel like passengers on the Titanic. They will settle for a lifebelt, anything that floats, but still have an inner dread that the ship is going down.

I do not believe that for a moment. The changes that have taken place will eventually be replaced by something even better. It has to be that way. Like any group of children, the deaf are entitled by law and the instinct of good people everywhere, to a full education and a full life. To deny them education is to deny them life itself, and make them forever a heavy charge and a terrible responsibility on those who have wasted their lives.

This school, and a dozen like it, more if necessary, is the real and proper goal of deaf education. It is one of the prime responsibilities of the Federal Government—to do for the disadvantaged children of this great land what they have not the power to do for themselves.

So you will understand, I hope, when I say again what a special meaning this day has for all of us who work in the field of education for the deaf. This school will be a dream come true, a promise, and an inescapable commitment to the future.

Thank you.

Remarks of Dr. Hicks

GROUNDBREAKING

We come now to the symbolic part of the program in which we officially recognize the initiation of construction activities. We believe it is appropriate that students have a leading role in this activity and have selected a student from each of five areas presently served by the MSSD to participate. We would also like our speakers to share with our students the breaking of ground. Would MSSD students Tom Holcomb, Robin Edwards, Galinda Goss, Ivy Mathews, and Stephen Gasco please move to the area in front of the podium? President Merrill, may I ask you to please escort Mrs. Nixon to this area also—and would the other participants please follow?

CLOSING

We wish to thank each of you for sharing this hour with us. Also we especially wish to express appreciation to the United States Marine Band for adding an enjoyable and exciting dimension to our program.

We will close with the National Anthem, played by the Marine Band and sung in sign language by MSSD student Reginald Boyd.

SOLAR ENERGY HEATING AND COOLING ACT OF 1973

HON. MIKE McCORMACK

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. McCORMACK. Mr. Speaker, all of us are deeply concerned about the energy crisis that this Nation faces. We seek solutions which are realistic, technologically possible, financially viable, environmentally sound, and designed to make this Nation self-sufficient with respect to energy as soon as possible.

One of the most exciting options available is the development of solar energy. The rooftop of the average home in America receives energy from the sun at the rate of 17 watts per square foot. This energy can be used to replace fuels that are now in short supply, and it has a value, assuming a reasonable conversion efficiency, of hundreds of dollars every year for each homeowner. In an era of energy shortages and environmental crises, we can no longer afford to ignore the potential contribution of solar energy to our economy.

Solar heat is secure heat. No one can cut off our imports of sunshine, nor can its price be arbitrarily increased.

Nevertheless, we must keep our perspective with respect to the potential for practical uses of solar energy. There are three general approaches to converting solar energy directly into useful electricity or heat. The first involves the simple heating of buildings and of hot water, and of using the heat of the sun to drive air conditioners for our buildings. The second is by the generation of electricity at central power stations located in desert areas, and deriving their energy from vast "solar farms." The third is through the use of very large synchronous satellites with some sort of solar panels beaming the electricity to Earth as micro radio waves.

Unfortunately, the latter two of these options are very expensive, and consideration of them is, at the present time, essentially only theoretical. Even the most optimistic advocates agree that the first "solar farm" demonstration powerplant cannot be in operation before the mid-1980's, and that practical application of this technology will probably not be available before the 1990's. Satellite solar energy is still farther away, probably not being available before the turn of the century. Putting even one such satellite into orbit will require dozens or hundreds of flights of the second generation Space Shuttles. Both systems will also be very

expensive. The best estimates for electricity generated from solar farms indicate that it would cost from four to nine times as much as electricity generated from nuclear energy.

The third alternative—heating and cooling of buildings and hot water—is both within the capabilities of our present technology and almost economically competitive today.

The problem is that not much has been done so far in demonstrating the effectiveness of solar energy for heating and cooling. Although a few houses have been constructed for these purposes, one can in no way claim that adequate demonstrations have been made so that one could reasonably expect that private capital would be available for launching a new solar heating and cooling industry.

But let me emphasize again that solar energy is not a panacea for energy problems. Congressman Jim Symington of Missouri and I specifically pointed this out in a letter which we jointly submitted to the Washington Post, and which was published on August 6 of this year. We stated that:

> Our two subcommittees have recently held hearings on solar energy research, development and application, including two days of joint hearings. The witnesses that testified included administrators and scientists from NASA and the National Science Foundation, along with a representative group of outstanding scientists and engineers conducting solar energy research and development in our nation's universities and industries.
>
> Ten years from now, . . . one out of every 10 new homes built in this country can be partially heated and cooled using solar energy. In addition, water can be heated for domestic use. It should be observed, however, that there will be architectural constraints on these homes, and that they will be more expensive to build than conventional homes. It is also highly unlikely that solar energy alone will be sufficient for heating and cooling; in almost all cases, a backup source of energy, such as electricity, gas or oil, and a mechanism for utilizing the backup system, will be required. Although much research and development is in order to improve the efficiency of such systems, the fact is that the technology required exists today. Several solar-heated system homes are in use in the vicinity of the District of Columbia. What is needed is industrial involvement . . . Market analyses must be made and a massive education campaign undertaken to make manufacturers, builders and consumers aware of this new technology. Large scale demonstration projects should be constructed with support from government. The mortgage lenders and their regulators in government must take a broader view of housing costs, adopting total life cost accounting techniques that recognize the advantages of high capital cost improvements like solar heating. Also, in order to launch such a new industry successfully, a variety of temporary government incentives such as tax deductions, may be needed.

It is important to point out why, since solar energy has been utilized in some form since the advent of ancient civilization, it is not more widely or fully utilized now.

One might well ask why the inexpensive and reliable solar hot water heaters have lost favor. The answer is evidently that an affluent population has not, up to now, wanted to bother with them. It has just turned out to be less trouble to depend on electric or gas hot water heaters than their solar counterparts. As long as consumers can easily afford to pay for fossil fuels or electricity, history has shown that they are unwilling to put up with the simple and technologically unsophisticated solar heating equipment. The need for incorporating technological advances in solar heating equipment has been apparent for many years, and it is our responsibility today to encourage and support this important new technology.

Research and development in solar heating and cooling is a relatively new item in the Federal budget. The total obligation by all Federal agencies reached an annual rate of $1 million only 2 or 3 years ago. The total Federal expenditure for solar-related research in fiscal year 1973—this year—was less than $4 million. The proposed budget for fiscal year 1974 is $12.2 million, and an additional $1 million has evidently been added to this total because of congressional action related to the National Science Foundation Authorization Act. Of this total of $13.2 million, only $5.6 million supports research and development activities related to solar heating and cooling.

This is a woefully inadequate level of support for solar research. Last summer, my Subcommittee on Energy held 3 days of hearings on the state of our technology to utilize the unlimited energy of the sun.

In addition, Jim Symington and I held 2 days of joint hearings on satellite solar energy before our Science and Applications and Energy Subcommittees during last spring.

While our witnesses basically agreed that we are many years away from utilizing solar energy to generate electricity, they presented testimony documenting the fact that the technology is now available to tap the sun to heat buildings and that the technology is near at hand for combined solar heating and cooling systems.

In addition, the opportunities which are being increasingly recognized in this area were well documented in the report released in January 1973 by the solar energy panel, established under the Energy R. & D. Goals Committee of the Federal Council for Science and Technology. The purpose of this panel was to assess solar energy technologies and to propose a comprehensive solar research and development plan. The recommended plan called for a 10-year, $100 million expenditure for solar heating and cooling of buildings. The assessment was this would result, at its conclusion, in general public use of solar heating for residential purposes.

The panel's estimate of the benefits of this new technology was based on predictions that 10 percent of new buildings constructed in 1985 would utilize solar energy, 50 percent in the year 2000, and 85 percent in the year 2020. Fuel savings at these three points in time, based on these assumptions, are $180 million, $3.5 billion, and $16.3 billion annually, at present fuel prices. It is further estimated by this panel that sales of solar heating and cooling equipment would reach an annual level of $1 billion soon after 1985.

The chairman of the House Science and Astronautics Committee, Olin Teague, and I discussed the subcommittee testimony, this report and other well-documented studies on the short term potential of solar energy at length. We determined that the report's estimates probably fall on the low side. In our judgment, with adequate demonstration programs and carefully designed economic incentives, the market for solar heating and cooling will be even greater than these estimates would indicate. The opportunities are great, and we as a Nation must be willing and able to seize upon them at this critical time in history. In conjunction with Congressman Charles Mosher and Barry Goldwater, the ranking minority members of the full Committee and the Energy Subcommittee respectively, we determined that Federal incentives could be devised to demonstrate the feasibility of solar heating and cooling which would provide the "take-off" for use of solar energy by the average American homeowner and help create a viable private enterprise solar heating and cooling industry within the next 5 to 10 years.

H.R. 10952, the Solar Heating and Cooling Demonstration Act of 1973 provides for the early commercial demonstration of the technology of solar heating and cooling by the National Aeronautics Space Administration, the National Bureau of Standards, the National Science Foundation, the Department of Housing and Urban Development, the Department of Defense, and other agencies. It provides for the demonstration of solar heating technology on a large scale in 3 years, and the demonstration of the technology for combined solar heating and cooling of buildings in 5 years. It further provides for a 5-year demonstration program of solar heating and cooling of commercial buildings, factories, and industrial buildings. The total cost of these programs over the 5-year period, including installation of approximately 2,000 mass produced solar heating units and 2,000 mass produced solar heating and cooling units in residential dwellings will be $50 million.

The program called for in this legislation is one which is carefully constructed as a cooperative venture of a number of Federal agencies. The National Science Foundation is directed to continue and increase its support of basic and applied research related to solar heating and cooling. The National Bureau of Standards, utilizing its well-known expertise in this area, will set performance criteria for the solar heating and cooling equipment as well as the building designs, and will have further responsibility for monitoring and evaluating the equipment and buildings after installation.

HUD will coordinate the demonstration program as part of its activities with the building industry, and will provide information and reports to Congress and the public. HUD must incorporate this activity into its responsibilities for overseeing our national housing efforts, recognizing the importance of energy in the total cost of housing over its life cycle. The Defense Department, because of its role in administering controlled Federal housing projects on its bases, is the logical agency for providing build-

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ings for installation of half of the mass-produced heating and cooling units.

NASA is assigned the task of developing and contracting for the production of the heating units and the heating and cooling units. Although the technology involved is not sophisticated or complex by NASA standards, the management and integration of the myriad R. & D., pilot projects, and procurement actions will be complex. It must be done with great competence if the tight time schedules are to be met. NASA has an outstanding capability and "track record" in this area, and is the logical agency to manage the hardware portion of this demonstration project.

Mr. Speaker, I commented on solar energy technology in a guest editorial appearing in the October 1973 issue of Professional Engineer, published by the National Society of Professional Engineers. My comments included the following:

> I have repeatedly expressed the urgent need for an accelerated program with appropriately funded and aggressive mission-oriented programs in solar energy research and development. I have encouraged the directors of the National Science Foundation and NASA to use funds to support solar energy technology this fiscal year and in the future. I am confident that expanded mission-oriented solar energy programs will be developed.

This is a practical concrete legislative proposal for the development of an energy source which is clean, competitive and viable both technologically and economically. Since Chairman TEAGUE, Congressmen MOSHER, GOLDWATER, and I originally introduced this bill 2 weeks ago, it has been cosponsored by over 100 other Members of the House of Representatives. Similar legislation is being introduced in the other body of Congress.

We cannot avoid this opportunity to demonstrate that the Congress of the United States can take responsible initiatives in the energy policy arena. My Energy Subcommittee is scheduled to begin hearings on this bill in mid-November. The full House Committee on Science and Astronautics will consider our findings on this legislation as soon as its schedule permits. I am optimistic that both Houses of Congress will respond to the need for this kind of program at this particular point in our history.

Mr. Speaker, at this point I should like to have included in the RECORD a listing of the House and Senate cosponsors as well as the text of H.R. 10592, the Solar Heating and Cooling Demonstration Act of 1973.

SPONSORS AND COSPONSORS OF THE SOLAR HEATING AND COOLING DEMONSTRATION ACT OF 1973

Anderson of Illinois, Annunzio, Aspin, Archer, Badillo, Baker, Bell, Benitez, Bergland, Bevill.

Bingham, Blatnik, Breaux, Brown of California, Broyhill of N.C., Burgener, Camp, Carney, Cleveland, Collier.

Collins of Texas, Conlan, Corman, Cotter, Coughlin, Cronin, Conte, Danielson, Davis of Georgia, Dellums.

Downing, Drinan, Edwards of California, Edwards of Alabama, Esch, Eshleman, Fish, Fraser, Frenzel, Frey.

Fuqua, Froehlich, Gilman, Goldwater, Gunter, Hanna, Harrington, Harvey, Hastings, Hechler.

Helstoski, Hicks, Hogan, Johnson of Colorado, Jordan, Keating, Kemp, Ketchum, Lent, Long of Maryland.

McCormack, McDade, McKinney, Martin of N.C., Mayne, Meeds, Melcher, Metcalfe, Milford, Mitchell of New York.

Moorhead of California, Mosher, Parris, Pepper, Pickle, Poage, Podell, Pritchard, Quie, Rees.

Reuss, Robinson, Robison, Roe, Roncallo, Roncallo, Rosenthal, Roush, Roy, Scherle.

Schroeder, Schriver, Sisk, Stanton of Ohio (Wm.), Steiger of Arizona, Studds, Sullivan, Symington, Teague of Texas, Thomson.

Thornton, Udall, Vanik, Walsh, Ware, White, Wilson of California (Bob), Wilson of Texas, Winn, Wright.

Wyatt, Wydler, Young of Georgia, Young of S.C., Young of Illinois, Zwach.

H.R. 10952

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Solar Heating and Cooling Demonstration Act of 1973".

FINDINGS AND POLICY

SEC. 2. (a) The Congress hereby finds that—

(1) the current imbalance between supply and demand for fuels and energy is likely to persist for some time;

(2) the early demonstration of the feasibility of using solar energy for the heating and cooling of buildings could help to relieve the demand upon present fuel and energy supplies;

(3) the technologies for solar heating are close to the point of commercial application in the United States;

(4) the technologies for combined solar heating and cooling still require research, development, testing, and demonstration, but no insoluble technical problem is now foreseen in achieving commercial use of such technologies;

(5) the early development and export of viable solar heating equipment and combined solar heating and cooling equipment, consistent with the established preeminence of the United States in the field of high technology products, can make a valuable contribution to our balance of trade; and

(6) commercial application of solar heating and combined solar heating and cooling technologies can be expedited by early commercial demonstration under practical conditions.

(b) It is therefore declared to be the policy of the United States and the purpose of this Act to provide for the demonstration within a three-year period of the practical use of solar heating technology, using current technology for this purpose, and to provide for the development of and demonstration within a five-year period of the practical use of combined heating and cooling technology.

DEFINITIONS

SEC. 3. For purposes of this Act—

(1) the term "solar heating", with respect to any building, means the use of solar energy to meet such portion of the total heating needs of such building (including hot water) as may be required under performance criteria prescribed by the Secretary of Commerce acting through the National Bureau of Standards;

(2) the terms "solar heating and cooling" and "combined solar heating and cooling", with respect to any building, mean the use of solar energy to provide both such portion of the total heating needs of such building (including hot water) and such portion of the total cooling needs of such building, as may be required under performance criteria so prescribed, and include cooling by means of nocturnal heat radiation or by other methods of meeting peakload energy requirements at nonpeakload times;

(3) the term "Administrator" means the Administrator of the National Aeronautics and Space Administration; and

(4) the term "residential dwellings" includes mobile homes.

CONDUCT OF ACTIVITIES IN SOLAR HEATING AND COOLING TECHNOLOGIES BY NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SEC. 4. Section 203 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473) is amended by redesignating subsection (b) as subsection (c), and by inserting immediately after subsection (a) the following new subsection:

"(b) The Administration shall initiate, support, and carry out basic and applied research, development, demonstrations, and other related activites in solar heating and cooling technologies, including (to the extent that funds are appropriated therefor) activities as provided for in sections 5, 6, and 7 of the Solar Heating and Cooling Demonstration Act of 1973.".

DEVELOPMENT OF SOLAR HEATING SYSTEMS TO BE USED IN RESIDENTIAL DWELLINGS

SEC. 5. (a) The Administrator shall promptly initiate and carry out a program as provided in this section for the development and demonstration of solar heating systems for use in residential dwellings.

(b) (1) Within eighty days after the date of the enactment of this Act, the Secretary of Commerce, acting through the National Bureau of Standards and in consultation with the Administrator shall determine, prescribe, and publish—

(A) performance criteria for solar heating equipment and systems to be used in residential dwellings, and

(B) performance criteria (relating to suitability for solar heating) for such dwellings themselves,

taking into account in each instance climatic variations existing between different geographic areas.

(2) As soon as possible after the publication of the performance criteria prescribed under paragraph (1), the Secretary, acting through the National Bureau of Standards, shall determine on the basis of open competitions an appropriate number of approved designs for various types or residential dwellings suitable for and adapted to the installation of solar heating systems meeting the performance criteria prescribed under paragraph (1) (A). Any such design competition shall be open to all professionally recognized architects and engineers (or architectural or engineering firms) who are qualified to assist in the design of houses to demonstrate solar heating.

(c) The Administrator, in accordance with the applicable provisions of title II of the National Aeronautics and Space Act of 1958, shall—

(1) (A) enter into such contracts as may be necessary or appropriate for the development (for commercial production and residential use) of solar heating systems meeting the performance criteria prescribed under subsection (b) (1) (A) (including any further planning and design which may be required to conform with the specifications set forth in such criteria); and

(B) if the Administrator determines that it would expedite the program under this section or otherwise accelerate the achievement of the objectives of this Act, provide by contract or otherwise for the manufacture or production of prototype solar heating systems (by the persons with whom the development contracts under subparagraph (A) were entered into), and for the installation of such prototype systems in residential dwellings meeting the performance criteria prescribed under subsection (b) (1) (B);

(2) enter into contracts with at least two

different persons or firms for the actual manufacture and production of solar heating systems as developed under contracts described in paragraph (1) (A) (including adequate numbers of spare and replacement parts for such systems); and

(3) take such action as may be necessary or appropriate—

(A) in conjunction with the Secretary of Defense, to secure the installation of such systems, manufactured on a mass production basis, in substantial numbers, or residential dwellings which are located on Federal or federally administered property where the performance and operation of such systems can be regularly and effectively observed and monitored by designated Federal personnel, and

(B) in conjunction with and under arrangements made by the Secretary of Housing and Urban Development, to secure the installation of such systems, manufactured on a mass production basis, in substantial numbers of residential dwellings which are privately owned and occupied.

The residential dwellings referred to in subparagraphs (A) and (B) shall be located in a sufficient number of different geographic areas (not less than three) in the United States to assure a realistic and effective demonstration of the solar heating systems involved, and of the dwellings themselves, under climatic conditions which vary as much as possible. Title to and ownership of solar heating systems which are installed in residential dwellings as provided in subparagraph (B) shall remain in the United States; except that if the owner and occupant of any such dwelling agrees at the time of the installation of the system or of the purchase of the property, in such manner and form and on such terms and conditions as the Secretary of Housing and Urban Development may prescribe, to observe and monitor (or permit the Secretary or his agents to observe and monitor) the performance and operation of such system for a period of five years, and such owner and occupant (including any subsequent owner and occupant of the property who also makes such an agreement) regularly furnishes the Secretary with such reports thereon as the Secretary may require, title to and ownership of such system shall vest in the owner and occupant (including any such subsequent owner and occupant) at the close of that period.

For purposes of subparagraphs (A) and (B) of paragraph (3), solar heating systems shall be considered to have been manufactured on a mass production basis and installed in substantial numbers of residential dwellings if they are manufactured and installed in sufficient numbers (as determined by the Administrator) to assure a realistic and effective demonstration in support of the objectives of this Act; except that in any event, for purposes of either subparagraph (A) or subparagraph (B) of such paragraph, they shall be considered to have been so manufactured and installed if they are installed in one thousand or more such dwellings under that subparagraph.

(d) The Secretary of Commerce, acting through the National Bureau of Standards and in consultation with the Secretaries of Housing and Urban Development and Defense, shall have the general function of monitoring the performance and operation of all solar heating systems installed in residential dwellings under this section, and of collecting and evaluating data and information on such performance and operation; and he shall from time to time make such findings and recommendations and take such other actions (including the submission of special reports to the Congress when appropriate) as may be necessary to assure that the program under this section effectively carries out the objectives of this Act. The Secretary shall in addition maintain continuing liaison with the building industry and related industries and interests, during and after the period of the program under this section, with the objective of assuring that the projected benefits of such program are and will continue to be effectively realized.

DEVELOPMENT OF COMBINED SOLAR HEATING AND COOLING SYSTEMS TO BE USED IN RESIDENTIAL DWELLINGS

SEC. 6. (a) The Administrator shall promptly initiate and carry out a program as provided in this section for the development and demonstration of combined solar heating and cooling systems for use in residential dwellings.

(b) (1) As soon as possible after the date of the enactment of this Act, the Secretary of Commerce, acting through the National Bureau of Standards and in consultation with the Administrator, shall determine, prescribe, and publish—

(A) performance criteria for combined solar heating and cooling equipment and systems to be used in residential dwellings, and

(B) performance criteria (relating to suitability for solar heating and cooling) for such dwellings themselves,

taking into account in each instance climatic variations existing between different geographic areas.

(2) As soon as possible after the publication of the performance criteria prescribed under paragraph (1) (and if possible before the completion of the research and development provided for in subsection (c)), the Secretary, acting through the National Bureau of Standards, shall determine on the basis of open competitions an appropriate number of approved designs for various types of residential dwellings suitable for and adapted to the installation of combined solar heating and cooling systems meeting the performance criteria prescribed under paragraph (1) (A). Any such design competition shall be open to all professionally recognized architects and engineers (or architectural or engineering firms) who are qualified to assist in the design of houses to demonstrate combined solar heating and cooling.

(c) During the period immediately following the publication of performance criteria under subsection (b) (1), the Administrator shall undertake and conduct with respect to solar heating and cooling a program of research, development, testing, and demonstration designed to provide the additional technological resources necessary for the development and commercial application of combined solar heating and cooling systems as contemplated by the program under this section.

(d) The Administrator, in accordance with the applicable provisions of title II of the National Aeronautics and Space Act of 1958 and at the earliest possible time during or immediately after the period specified in subsection (c), shall—

(1) (A) enter into such contracts as may be necessary or appropriate for the development (for commercial production and residential use) of combined solar heating and cooling systems meeting the performance criteria prescribed under subsection (b) (1) (A) (including any further planning and design which may be required to conform with the specifications set forth in such criteria or to reflect the results of the activities conducted under subsection (c)); and

(B) if the Administrator determines that it would expedite the program under this section or otherwise accelerate the achievement of the objectives of this Act, provide by contract or otherwise for the manufacture or production of prototype solar heating and cooling systems (by the persons with whom the development contracts under subparagraph (A) were entered into), and for the installation of such prototype systems in residential dwellings meeting the performance criteria prescribed under subsection (b) (1) (B);

(2) enter into contracts with at least two different persons or firms for the actual manufacture and production of combined solar heating and cooling systems as developed under contracts described in paragraph (1) (A) (including adequate numbers of spare and replacement parts for such systems); and

(3) take such action as may be necessary or appropriate—

(A) in conjunction with the Secretary of Defense, to secure the installation of such systems, manufactured on a mass production basis, in substantial numbers of residential dwellings which are located on Federal or federally administered property where the performance and operation of such systems can be regularly and effectively observed and monitored by designated Federal personnel, and

(B) in conjunction with and under arrangements made by the Secretary of Housing and Urban Development, to secure the installation of such systems, manufactured on a mass production basis, in substantial numbers of residential dwellings which are privately owned and occupied.

The residential dwellings referred to in subparagraphs (A) and (B) shall be located in a sufficient number of different geographic areas (not less than three) in the United States to assure a realistic and effective demonstration of the solar heating and cooling systems involved, and of the dwelling themselves, under climatic conditions which vary as much as possible. Title to and ownership of solar heating systems which are installed in residential dwellings as provided in subparagraph (B) shall remain in the United States; except that if the owner and occupant of any such dwelling agrees at the time of the installation of the system or of the purchase of the property, in such manner and form and on such terms and conditions as the Secretary of Housing and Urban Development may prescribe, to observe and monitor (or permit the Secretary or his agents to observe and monitor) the performance and operation of such system for a period of five years, and such owner and occupant (including any subsequent owner and occupant of the property who also makes such an agreement) regularly furnishes the Secretary with such reports thereon as the Secretary may require, title to and ownership of such system shall vest in the owner and occupant (including any such subsequent owner and occupant) at the close of that period.

For purposes of subparagraphs (A) and (B) of paragraph (3), solar heating and cooling systems shall be considered to have been manufactured on a mass production basis and installed in substantial numbers of residential dwellings if they are manufactured and installed in sufficient numbers (as determined by the Administrator) to assure a realistic and effective demonstration in support of the objectives of this Act; except that in any event, for purposes of either subparagraph (A) or subparagraph (B) of such paragraph, they shall be considered to have been so manufactured and installed if they are installed in one thousand or more such dwellings under such subparagraph.

(e) The Secretary of Commerce, acting through the National Bureau of Standards and in consultation with the Secretaries of Housing and Urban Development and Defense, shall have the general function of monitoring the performance and operation of all solar heating and cooling systems installed in residential dwellings under this section, and of collecting and evaluating data and information on such performance and operation; and he shall from time to

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time make such findings and recommendations and take such other actions (including the submission of special reports to the Congress when appropriate) as may be necessary to assure that the program under this section effectively carries out the objectives of this Act. The Secretary shall in addition maintain continuing liaison with the building industry and related industries and interests, during and after the period of the program under this section, with the objective of assuring that the projected benefits of such program are and will continue to be effectively realized.

DEVELOPMENT OF SOLAR HEATING AND COOLING SYSTEMS FOR COMMERCIAL BUILDINGS

SEC. 7. The Administrator, concurrently with the conduct of the programs under sections 5 and 6, shall carry out such projects and activities (including demonstration projects) with respect to apartment buildings, office buildings, factories, agricultural structures (including crop-drying facilities), and other commercial or industrial buildings, taking into account the special needs of and individual differences in such buildings based upon size, function, and other relevant factors, as may be appropriate for the early development and demonstration of combined solar heating and cooling systems suitable and effective for use in such buildings.

FUNDING OF SOLAR ENERGY RESEARCH BY NATIONAL SCIENCE FOUNDATION

SEC. 8. (a) Section 3 of the National Science Foundation Act of 1950 (42 U.S.C. 1862) is amended by redesignating subsections (e) and (f) as subsections (f) and (g), respectively, and by inserting after subsection (d) the following new subsection:

"(e) The Director shall initiate and support basic and applied research relating to solar energy development, as provided in section 8(b) of the Solar Heating and Cooling Demonstration Act of 1973.".

(b) The Director of the National Science Foundation is authorized and directed to initiate, support, and fund basic and applied research activities related to solar energy in support of the objectives of this Act. These research activities shall, insofar as practicable, support the new solar heating and cooling technologies demonstrated or to be demonstrated by the National Aeronautics and Space Administration pursuant to sections 4 through 7 of this Act. For this purpose the Director of the National Science Foundation is authorized to utilize funds appropriated to the Foundation pursuant to law or transferred to it from the National Aeronautics and Space Administration or other Federal agencies.

DISSEMINATION OF INFORMATION AND OTHER ACTIONS TO PROMOTE PRACTICAL USE OF SOLAR HEATING AND COOLING TECHNOLOGIES

SEC. 9. (a) The Secretary of Housing and Urban Development shall take all possible steps to assure that full and complete information with respect to the demonstrations and other activities conducted under this Act is made available to Federal, State, and local authorities, the building industry and related segments of the economy, and the public at large, both during and after the close of the programs under this Act, with the objective of promoting and facilitating to the maximum extent feasible the early and widespread practical use of solar energy for the heating and cooling of buildings throughout the United States. In accordance with regulations prescribed under section 11, such information shall be disseminated on a coordinated basis by the Secretary, the Administrator, the National Bureau of Standards, the National Science Foundation, the Patent Office, and other appropriate Federal offices and agencies.

(b) In addition, the Secretary of Housing and Urban Development shall—

(1) study and investigate the effect of existing building codes, zoning ordinances, and other laws, codes, ordinances, and practices upon the practical use of solar energy for the heating and cooling of buildings; and

(2) determine the extent to which such laws, codes, ordinances, and practices should be changed to permit or facilitate such use, and the methods by which any such changes may best be brought about.

(c) Each Federal officer and agency having functions under this Act shall include in his or its annual report to the President and the Congress a full and complete description of his or its activities (current and projected) under this Act, along with his or its recommendations for legislative, administrative, or other action to improve the programs under this Act or to achieve the objectives of this Act more promptly and effectively. In addition, the Secretary of Housing and Urban Development shall submit annually to the President and the Congress a special report summarizing in appropriate detail all of the activities (current and projected) of the various Federal officers and agencies having functions under this Act, with the objective of presenting a comprehensive overall view of such programs.

ENCOURAGEMENT AND PROTECTION OF SMALL BUSINESS

SEC. 10. In carrying out their functions under this Act, all Federal officers and agencies shall take steps to assure that small business concerns will have a realistic and adequate opportunity to participate in the programs under this Act to the maximum extent possible.

REGULATIONS

SEC. 11. The Administrator, in consultation with the Secretary of Commerce, the National Science Foundation, the Secretary of Housing and Urban Development, the Secretary of Defense, and other appropriate officers and agencies, shall prescribe such regulations as may be necessary or appropriate to carry out this Act. Each such officer or agency, in consultation with the Administrator, may prescribe such regulations as may be necessary or appropriate to carry out his or its particular functions under this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 12. There are authorized to be appropriated to the Administrator, for the first five fiscal years beginning after the date of the enactment of this Act, such sums, not exceeding $50,000,000 in the aggregate, as may be necessary to enable him (1) to carry out the functions vested in him or in the National Aeronautics and Space Administration by this Act, and (2) to reimburse the National Bureau of Standards, the National Science Foundation, the Secretary of Housing and Urban Development, and the Secretary of Defense for expenses incurred by them (during the respective periods of the program under section 4 and the programs under sections 5 and 6) in carrying out the functions vested in them under this Act.

PRESIDENTIAL TELEVISION

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Tuesday, October 30, 1973

Mr. METCALF. Mr. President, I call my colleagues' attention to David S. Broder's column in Sunday's Washington Post devoted to a study on "Presidential Television" conducted by former FCC Chairman Newton N. Minow, writer and diplomat John Bartlow Martin and Lee M. Mitchell, a communications attorney.

Commissioned 2 years ago by the 20th Century Fund, the study assesses the impact of the President's increasing use of network television on the balance of powers between Congress and the Executive and on the role of the opposition party within our two-party system. Not surprisingly, the authors conclude that television's impact "threatens to tilt the delicately balanced—constitutional—system in the direction of the President."

While it is true that President Nixon has used prime-time television with far greater frequency than any of his predecessors, the trend toward Executive and Presidential domination of this powerful medium of communication has been underway for some time. And Members of both parties in Congress have been deeply concerned about this problem for many years.

The Joint Committee on Congressional Operations, which it is my privilege to chair during this Congress, is conducting a major study of Congress and mass communications. This study, which we expect will be released early in the next session of Congress, examines in detail the consequences of an "institutional vacuum" surrounding Congress and its activities.

Most Americans have only the most general sense of the constitutional role that Congress performs and few citizens have any clear conception of how Congress executes its legislative responsibilities.

As a consequence, the branch of government that is structurally closest to the people is generally least understood by the people. The domination of the Nation's mass media by the Executive has tended to exacerbate this institutional vacuum.

Clearly, we stand at a moment in American history when the Nation's elected Representatives in Congress must do everything possible to make their actions understood and credible to the citizens. I am confident that this pending study of the Joint Committee on Congressional Operations will be a constructive and useful document in helping us to consider ways to meet this challenge.

I ask unanimous consent that David S. Broder's column from the Washington Post of October 28, 1973 be printed at this point in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

LOOKING AT "PRESIDENTIAL TELEVISION"

(By David S. Broder)

It was sheer coincidence that President Nixon chose to schedule and then cancel two prime time television appearances in the very week in which the Twentieth Century Fund had decided to release its two-year study of the perils and potentials of "presidential television."

If anything were needed to underscore the report's main point—that the country's prime medium of communication has been converted into a President's personal tool—Mr. Nixon's actions did it.

He decided on Tuesday that he wanted to

address the American people on Wednesday evening, and all three networks canceled their programming to accommodate him. He decided on Wednesday that he preferred to hold a televised press conference on Thursday evening, and once again the eyes and ears of the nation—the television audience—were ready for him. When the Mideast crisis caused the President to change his mind again, the networks adjusted their schedules and awaited their next summons from the Oval Office. It came Friday and, once more, the networks cleared their schedules for the President.

This is power. And the burden of the Twentieth Century Fund report, "Presidential Television," published in book form by Basic Books, is that television's unique availability to a President may well be distorting the constitutional system of checks and balances.

In some ways, this week's example is highly unusual. Mr. Nixon did his on-again, off-again flirtation with the networks at the low point of his presidency. But even in this adverse circumstance, he had an advantage that no one else possessed. He alone could summon the television cameras, at a time and place of his choosing, to communicate to a national audience his views, in exactly the format he wanted to use. And he alone could cancel his appearances when the time proved inconvenient.

Admittedly, Mr. Nixon was not the only participant in the week's dramas to hold forth at a televised press conference. Some of the networks also provided live coverage of the Saturday afternoon press conference of former Watergate prosecutor Archibald Cox, the Tuesday morning press conference of resigned Attorney General Elliot L. Richardson, and the Friday morning press conference of Secretary of State Kissinger. But it is important to note that they did so at their own discretion, judging these events newsworthy, and the networks that preferred to satisfy the football or soap opera audiences were free to do so.

It is even more important to note the parties to these crises who were not seen or heard on simultaneous, prime-time television. Although the Watergate controversy was a dispute involving the executive, the legislative and the judicial branches, no one was invited to appear before the public in a comparable format to express the views of the judiciary or the Congress.

Although it was, in the most fundamental sense, a political crisis, no one from the political opposition, the Democratic Party, was accorded a comparable national audience—through simultaneous, prime-time television—to comment on the President's remarks.

The question raised by the "Presidential Television" study is what this kind of imbalance—more flagrant in other instances than this week—does to the workings of our democracy.

The answer is that "television's impact . . . threatens to tilt the delicately balanced (constitutional) system in the direction of the President."

That judgment by the study's principal authors—former Federal Communications Commission chairman Newton N. Minow, attorney Lee M. Mitchell, and journalist-diplomat John Bartlow Martin—is amply backed by the evidence.

On one side, recent Presidents have made increasing use of the "ultimate communications weapon," prime-time, simultaneous telecasts. Mr. Nixon, in his first 18 months in office, went to the airwaves more often than his three predecessors combined in a comparable period.

On the other hand, members of Congress, leaders of the opposition party and advocates of divergent views have found themselves hobbled by judicial and administrative rulings in their quest for equal access to television.

The solution, the authors suggest, is not to restrict the President; whatever he wants to say deserves a hearing. The answer is to open up the television channels on a fair basis to others—particularly to Congress and the opposition party—and they provide a number of specific proposals for doing so.

This week offers the clearest example possible of why the problem of "presidential television" needs our urgent attention.

SPACE WEEK IN MICHIGAN

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. ESCH. Mr. Speaker, as a member of the House Science and Astronautics Committee and Representative of Michigan's Second District, I wish to call attention to the observance of Space Week in Michigan.

The following proclamation signed by Governor William G. Milliken reminds all of us that it was 15 years ago this month that the National Aeronautics and Space Administration was created. It is fitting that residents of Michigan should observe the week of October 21 as Space Week since so many Michigan citizens contributed to the success of the American space effort.

The proclamation follows:

SPACE WEEK IN MICHIGAN

The United States space program, dedicated to the peaceful exploration of space, directly and indirectly benefits such fields as astronomy, medicine, business, air and water cleanliness, urban development, industry, agriculture, law enforcement, safety, communications, the study of earth resources, weather forecasting, education and international relations.

It was 15 years ago this month that the National Aeronautics and Space Administration (NASA) was created; it has since provided the United States with scientific and technological leadership while cooperating with other organizations throughout the world for the peaceful exploration of space for the benefit of all mankind.

Thousands of Michigan citizens have contributed to the space effort. Michigan industry, colleges and universities were key participants in the manned flight program from Mercury to the epoch scientific explorations on the moon in Apollo.

Michigan workers and scientists continue this tradition in the present Skylab manned program as well as the unmanned NASA programs, especially those involving the study of earth resources and environment.

Therefore, I, William G. Milliken, Governor of the State of Michigan, declare the week of October 21–27, 1973, as Space Week in Michigan and call upon the people of the state to reflect upon what space exploration means to all of us, not only in terms of economics, but in terms of an improved world environment on the natural and political levels.

Given under my hand on this eighteenth day of October in the year of Our Lord one thousand nine hundred seventy-three and of the Commonwealth one hundred thirty-seventh.

WILLIAM G. MILLIKEN, *Governor*.

TRIBUTE TO SCOTT REXINGER, PRESIDENT OF TOASTMASTER ON HIS RETIREMENT

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. McCLORY. Mr. Speaker, today one of the giants of the electrical industry will retire as president of the Toastmaster Division of the McGraw-Edison Co. located in Elgin, Ill., in my congressional district, after a career of over 40 years as a salesman and marketing executive.

Mr. Speaker, Scott C. Rexinger's career with Toastmaster began some 35 years ago as a territory sales representative. In 1966, he became president of Toastmaster. During Mr. Rexinger's executive years with Toastmaster, the company has grown from a toaster manufacturer only to a manufacturer of more than 200 electrical appliances for the home—all manufactured under the Toastmaster brand name.

Mr. Speaker, Mr. Rexinger is a well-known figure in the electrical appliance field, having made significant contributions to the growth, stability, and character of the electrical industry. In 1959, Mr. Rexinger was elected chairman of the electrical housewares section of the National Electrical Manufacturers Association. In 1966, he was chosen as chairman of the executive committee by the American Hardware Manufacturers Association, and served as chairman of that committee, being elected vice president in 1971, and president in 1972 of that national association.

Having served on the executive board for 3 years, Mr. Rexinger was elected a director in 1971, and chairman of the executive board in 1972 of the Association of Home Appliance Manufacturers.

In 1967, Mr. Rexinger was selected for the board of directors of the National Houseware Manufacturers Association; elected a member of the governing executive committee in 1971; and elected as vice president in 1973.

Mr. Speaker, while directing a phenomenal growth at Toastmaster, it was Mr. Rexinger's industry leadership that has been recognized among his industry peers. I understand, Mr. Speaker, that industry leaders are hard pressed to recall another man who has served as either president or chairman of all recognized, national electrical industry associations.

Mr. Rexinger is a graduate of the University of Chicago, where he was a championship tennis player, having twice won the big ten singles and doubles tennis conference. In all, he won six varsity letters—three in tennis and three in varsity basketball.

Married to the former Eleanor Black, the Scott Rexinger family consists of Scott C. Rexinger, Jr., who is a product manager with the Carnation Co., in Los Angeles, Calif., and Allan Rexinger, a recent graduate of Valparaiso, Ind., School of Law, and the legislative assistant in my congressional office.

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In addition, Mr. Rexinger has served on the board of directors of the United Way of Elgin, founded the Elgin Tennis Club in 1961, and is currently a member of the International Club of Kiwanis.

Mr. Speaker, I am proud to honor today Scott C. Rexinger of the 13th Congressional District of Illinois—a true champion in sports, industry, and civic affairs.

HISTORIC AND DRAMATIC DEVELOPMENTS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. EVINS of Tennessee. Mr. Speaker, I include my recent newsletter, Capitol Comments, in the appendix of the RECORD, as follows:

HISTORIC AND DRAMATIC DEVELOPMENTS

(Capitol Comments, by Hon. JOE L. EVINS)

This was a week to remember as the currents of history swept at flood tide through the Capitol City and the world.

The Agnew scandal exploded—the Mideast War erupted—the Watergate case came to life again with two major decisions—and it became obvious that another energy crisis for the winter threatens the Nation.

Shock waves reverberated throughout the government and the Nation as Vice President Agnew suddenly resigned, pleaded no contest to income tax evasion and was given a three-year probationary sentence and fined $10,000. Two days later, on Friday night, the President announced the nomination of Representative Gerald R. Ford of Michigan, minority leader of the House, to succeed Agnew as Vice President for the remainder of the President's term.

On that same night a United States Appeals Court, by a 5–2 margin, ruled that the Watergate grand jury was entitled to any relevant material on the tape recordings made of Presidential conversations at the White House related to its criminal investigation.

"He is not above the law's commands", the Court said, referring to the President who has opposed the release of the tapes on the grounds that the release would violate executive privilege and confidentiality. The White House will appeal the ruling to the United States Supreme Court.

Later in the week the Federal Court in Washington rejected the Senate Watergate Committee's demands for access to the secret tapes, asserting the Court had no jurisdiction to entertain a lawsuit by Congress against the President.

Congress must plow new ground in acting on the nomination of Representative Ford as Vice President, as this is the first time the 25th Amendment, approved in 1967, has ever been employed.

The amendment provides that when a vacancy occurs in the office of Vice President, the President shall nominate a successor and he must be confirmed by both Houses of the Congress.

By not naming Governor Nelson Rockefeller of New York—a liberal—or Governor Ronald Reagan of California—a conservative—the President avoided a party split on philosophical grounds.

The President had reportedly leaned toward nomination of John Connally of Texas, who recently switched from the Democratic to the Republican Party. However, the indications were that Connally would encounter strong opposition in the Congress.

The President turned to a team-player, popular Gerald Ford of Michigan, a former football star, who carries the ball for the President on issues in the House.

Congressman Ford has made it clear that he will not be a candidate for President, so he will assume the role of a caretaker Vice President when his nomination is approved—possibly within four to six weeks.

Congress will navigate uncharted procedural territory as it evaluates the President's nominee since there is no precedent that may be used for guidance. It has been decided that the Judiciary Committee of the House and the Rules Committee of the Senate will conduct confirmation hearings.

It is understood that thorough investigations will be conducted to avoid any further embarrassments as the Congress carries out its duties and responsibilities.

Extensive investigations are reportedly being conducted by the FBI, Internal Revenue Service, General Accounting Office and the U.S. Public Health Service, the latter with respect to Congressman Ford's health and physical condition.

Concurrent with the crisis in Washington came the crisis in the Mideast with the Israeli-Arab war flaming again, threatening the relations between the United States and Russia—as the United States is supplying military aid and assistance to the Israelis and the Soviets are supplying aid to the Arab nations. These events may result in shortages of heating fuel and gasoline as Arab nations threaten to cut off supplies to the United States.

This has been truly a week of historic and dramatic developments.

PROTECTING THE SPECIAL PROSECUTOR FROM CONSTITUTIONAL CHALLENGE

HON. WILLIAM S. COHEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. COHEN. Mr. Speaker, President Nixon in a recent statement to the press and public indicated that the Acting Attorney General will name a new special prosecutor who will have the full cooperation of the White House, but who will not have the full range of powers or independence previously vested in Archibald Cox. Clearly, such a proposal will not be acceptable to Congress or the country.

The need for a special prosecutor whose independence cannot be intruded upon by the body that is the subject of investigation can no longer be a matter of legitimate debate. The question now must be: How can the objective of reestablishing the Office of Special Prosecutor be achieved most expeditiously and in a manner that will survive constitutional attack?

The most popular method suggested is for the appointment to be made by Chief Judge Sirica of the U.S. District Court for the District of Columbia. While there appears to be support for this procedure under article II, section II, clause 2 of the Constitution, it is nevertheless subject to constitutional question. While we cannot predict whether such a bill would be vetoed, or overridden if vetoed, we would in any event run the risk that any indictments returned against those individuals under investigation would be rendered void if the congressional act subsequently is declared to be unconstitutional. This possibility was recognized by Mr. Cox during a nationwide telecast yesterday.

Mr. Cox, in fact, suggested an alternative similar to the proposal I introduced in the House last week. In sum, I believe that Congress should pass legislation that would provide for the Attorney General, who would be subject to confirmation by the Senate, to name a special prosecutor and pledge to do everything within his power to protect the independence of that individual in fulfilling the duties of the office. In addition, the special prosecutor should be subject to confirmation by the Senate. Surely, the Senate would not confirm either an Attorney General or a special prosecutor unless it were satisfied that both nominees possessed the character, competence, and commitment to pursue the paths of justice without regard to where or how high they might lead.

While it might be argued that we merely would be restoring the status quo with the old guidelines and guarantees, I would respectfully suggest that the old guidelines that were approved by former Attorney General Richardson and the Senate were entirely adequate prior to the President's action in firing Mr. Cox. Indeed, the very intrusion upon those guidelines and guarantees of independence precipitated a national revulsion which continues to shake the very foundations of our Government.

While the President would retain the power to dismiss the special prosecutor for "gross improprieties," we would have the added guarantee that the President would not be in a position to cross the Rubicon of public opinion a second time. Mr. Cox recently stated that, as a practical matter, the President simply could not afford to dismiss a second special prosecutor.

Mr. Speaker, I respectfully submit that a bill as outlined above would achieve the desired objective of establishing an office of special prosecutor through a congressional act that will guarantee complete independence and survive any attack in the courts.

TAX REFORM AND SOCIAL SECURITY AMENDMENT TO PUBLIC DEBT BILL GIVEN GO AHEAD

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. VANIK. Mr. Speaker, the Rules Committee has granted a rulemaking in order a combined amendment on tax reform and social security during consideration of the public debt bill, H.R. 11104.

The tax reform portion of the amendment will raise $3 billion per year in revenues and will affect some 24,000 corporation returns and only 273,000 individual returns out of some 75 million individual returns.

The 7-percent increase in social security benefits will be effective January 1, 1974, and will be reflected in checks mailed February 1, 1974. The increase will aid 29 million beneficiaries. The amendment will provide the average retired worker an increase of $12, from $161 to $173 per month. The cost of the amendment will be $1.6 billion in fiscal year 1974 and $400 million in fiscal year 1975.

Because of the importance of this social security increase during this period of rampant inflation, I would like to enter in the RECORD at this point a table showing the general average benefits—under present law and under the 7-percent benefit increase amendment—to various classes of social security beneficiaries:

EFFECT OF 7-PERCENT SOCIAL SECURITY INCREASE

	Under present law	Under 7-percent amendment
Average benefits:		
Retired worker alone (no dependents)	$161.00	$173.00
Retired worker and aged wife, both receiving benefits	275.00	296.00
Disabled worker alone	177.00	190.00
Disabled worker, wife, and 1 or more children	362.00	387.00
Aged widow alone	157.00	169.00
Widowed mother and 2 children	389.00	416.00
All retired workers	166.00	178.00
All disabled workers	183.00	195.00
Maximum benefits for worker reaching 65 in 1974	274.50	293.90
Maximum benefits for retired worker and aged wife, both receiving benefits	411.90	441.00
Minimum benefit for a retired worker	84.50	90.50

EDITORIAL SCORES PUBLIC SECTOR UNIONS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. ASHBROOK. Mr. Speaker, the September 22 edition of the Arizona Republic carried the following editorial regarding public sector unions. I believe that it forcefully presents the dangers implicit in the attempted unionization of the public sector. The editorial follows:

GOVERNMENT UNIONISM

There is grave danger of a "private government" controlling, at least indirectly, almost every policy, every big decision, every movement of the official government of the United States.

Such a government would deny government by the people, in many respects turning over public affairs to private organizations which through the medium of collective bargaining could strongly enforce or even decree budgetary policy and moves of the government in general.

This rapidly growing private government consists of what unionists call "Public Sector Unions." In other words, unions of public employees on all levels from street sweepers, school teachers, to highly trained technicians and non-elected officials possessed of ominous powers.

It's a movement comparatively new in the union concept, comparatively new in the ranks of many government agencies. But it's growing fast.

For instance, the largest AFL–CIO affiliate in the public sector (The American Federation of State, County and Municipal employes) had 9,737 members back in 1936 when it was first chartered in Wisconsin. Now it has 600,000 dues payers.

Presently some 50 per cent of all federal employees are union members and some 8.5 per cent of all state, county and municipal employees are in unions.

These figures and arguments about the dangers of public employe unionism come from the Nation Labor-Management Foundation, an organization that naturally has some one-sided views on the subject. Nevertheless, the organization's aims bring out correctly enough the danger of a government that eventually could be controlled politically and materially by its workers.

In their efforts to bring unionization to the public sector, public employe unions of all branches of government are heartily backing House Resolution 8677, the National Public Employe Relations Act. Hearings on the bill are on Sept. 27 and Oct. 4.

The public already has seen plenty of examples of the chaos created by just one comparatively small city or county union strike.

Within the next few years it is estimated that the government will employ 20 per cent of the nation's work force, most of them enforced members of unions. What happens then in the case of a major strike by a federal union?

It could be anarchy, not chaos.

"PEACE WITH HONOR" MERELY RHETORIC

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. BROWN of California. Mr. Speaker, in light of President Nixon's recent repeated claims that he has brought us a generation of "peace with honor," I think it should be publicly acknowledged that there is neither peace nor honor in South Vietnam today.

Since last January 28, when peace was declared and we withdrew our troops, a total of 48,151 Vietnamese have been killed in South Vietnam. That figure, released October 22, comes not from some radical or pacifist group, but rather from the Saigon government itself. A quick calculation reveals that, on the average, one Vietnamese has been killed every 8 minutes since the peace agreement took effect. That can hardly be considered peace.

The Thieu government is understandably less willing to give out precise figures on another group of casualties—those being held in South Vietnamese prisons, because of their opposition to the Saigon regime. But reports in such highly respected journals as Time, Newsweek, and the New York Times tell us that the number of political prisoners could be even larger than the number killed. I have spoken with former political prisoners who have been released from South Vietnamese prisons, and I am familiar with the mistreatment and torture practiced by the Saigon government. I am especially dismayed that the United States continues to subsidize these activities by various means, including the shipment of equipment and the training of personnel. Our strong support of the activities of Thieu's national police directly contradicts the provision of the Paris agreement—signed by the U.S. Secretary of State—which states that "advisers to all paramilitary organizations and the police force will be withdrawn" and that the United States would not "interfere in the internal affairs of South Vietnam." This is certainly something less than honor.

And so it is clear that Richard Nixon has brought us neither peace nor honor in Vietnam. The rhetoric cannot hide the reality; he has failed us in this area, just as he has in so many other ways.

TRIBUTE TO PABLO CASALS

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. YOUNG of Alaska. Mr. Speaker, I would like to join people all over the world in expressing my deep sorrow at the passing of one of our most gifted artists, Pablo Casals.

This man has contributed his life—97 years—not only to the expression of beauty in the form of music, but also to the cause of freedom in his rebellion against a dictatorship form of government. Casals has brought his wonderful talent with the cello and his abilities as a conductor to this country many times. Just this past May he appeared at the Kennedy Center here in Washington to honor the Organization of American States by conducting his arrangement for 40 celli of a Spanish Sardana and a movement from his oratorio "El Pesebre."

Many musicians as well as lovers of music have been inspired by his unique compositions. His music contains the elements of simplicity, enthusiasm, and style that have made the master cellist one of the world's greatest musicians.

His music is, I believe, a reflection of his own life. He said about himself:

> I am a man first, an artist second. As a man, my first obligation is toward the welfare of my fellow men. I will endeavor to meet that obligation through music, the means which God has given me, since it transcends language, politics and national boundaries.

I have heard Pablo Casals many times, although I was not fortunate enough to see him perform. He is an example to us all, both in his contributions as a talented artist, a lover of beauty, a man of strong convictions, and was, in our own society with its youth culture, a tribute to nearly a century of highly creative, productive living. Mr. Casals was a man of rare talent—a performer, conductor, and composer who became well loved and honored during his own lifetime. I have tremendous admiration for the fine man and exceptional personality of Pablo Casals and wish to pay tribute, today, to a truly great man.

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GRAIN SHIPPING PROBLEMS

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. ZWACH. Mr. Speaker, many of our country grain elevators are being forced out of business or suffer huge profit losses because they are unable to get railroad cars to move the grain they handle for the producers.

Worst of all, Government callups of stored grain at illogical times compounds this problem.

So that my colleagues can have an understanding of what these elevators are up against, with your permission, I would like to insert into the CONGRESSIONAL RECORD a letter on this problem, written by the LaSalle Farmers Grain Co. to Mr. George M. Stafford, Chairman of the Interstate Commerce Commission.

The letter follows:

LASALLE FARMERS GRAIN CO.,
LaSalle, Minn., October 19, 1973.

Mr. GEORGE M. STAFFORD,
Chairman, Interstate Commerce Commission,
Washington, D.C.

DEAR SIR: We have a thriving and progressive grain, fertilizer, feed and seed business in the small town of La Salle, Minnesota, located on a branch line of the Chicago & Northwestern Transportation Company. The discriminatory practices of the railroad are making it increasingly difficult for us to operate our business and serve our farmer customers.

The export market has expanded tremendously the past twelve months. We made sales of several thousands of bushels of grain to be shipped to the Gulf in the spring of 1973. On January 8, 1973, we put in an order for box cars to cover our anticipated needs through August of 1973. On January 18, 1973, we received a Loading Order from Commodity Credit Corp. for 69,549 bushels of grain to be delivered immediately. In the spring of 1973 the Commodity Credit Corp. announced that there would be no resale of Government grain. This meant that 1969, 1970, 1971, and 1972 grain would have to move during the summer of 1973. We were in the position of having 900,000 bushels of grain in the elevator to ship with about that much more to come in from the country. The railroad furnished us five or six box cars per month plus twenty-three open gondolas in March.

All our requests for additional cars, and we wrote many letters and made many phone calls, did not bring us any box cars. We explored the possibility of Unit Trains, but we were told our track was not adequate for Jumbo Hoppers and they were the only type of car being used in Unit Trains. We shipped eight open gondolas loaded with Commodity Credit Corp. grain when they abruptly withdrew permission to load CCC grain in open hoppers. Finally in desperation we made a sale to a commission firm that could supply leased hoppers to move the grain. The seller is at a disadvantage in a situation like this but we had to move the grain. All the while we were getting hoppers we were trying to get box cars to take care of our prior commitments to the Gulf. The CNW all down the line kept telling us if we got leased hoppers we would not receive any boxcars.

In August we gave up hope of being able to ship our contracts to the Gulf and bought out of the contracts at an expense to us of $72,754.75.

We were supplied 189 hopper cars from the latter part of June until the first part of September. During this time we received fifteen boxcars and we also reloaded any car that was shipped in with feed or fertilizer in it that the railroad would permit us to load. The commission firm that was supplying hoppers to us can no longer furnish them because these cars had been diverted from the fertilizer industry and they demanded them back for the fall delivery of fertilizer.

Buying grain on the open market becomes difficult if all your competitors are shipping grain by Unit Train. Just this week it has come to our attention that our closest competitor is being supplied with both a Unit Train and several box cars. The car dispatcher in Minneapolis says the local agent is responsible. Our agent says he doesn't know who is responsible.

In spite of the volume of business we could supply the railroad if only we had the cars it seems their every effort is directed to eliminate our service completely. This is really ironic when we have always been a rail shipper of grain and elevators that have prior to this year moved their grain by truck are being supplied Unit Trains.

We are writing this letter to bring to your attention the problems we are facing in the movement of grain to market. We are hoping that presenting our side of the problem will create a new insight into the many difficulties the country elevator incurs in the shipment of grain by rail.

Yours truly,

WILLARD I. BUSSE, *Manager.*

THE GREAT PROTEIN ROBBERY—NO. 11

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. STUDDS. Mr. Speaker, the International Commission for the Northwest Atlantic Fisheries—ICNAF—held a special meeting in Ottawa, Canada, October 15–19, to discuss the serious problem of overfishing in New England coastal waters. The fish stocks in these waters have been terribly depleted in the past 10 years by massive foreign fishing fleets using the most modern equipment and ecologically harmful techniques. The U.S. delegation in Ottawa, headed by Ambassador Donald McKernan, was able to negotiate an agreement that reduces the overall allowable catch for 1974 in New England waters approximately 25 percent from current levels—and reduces it further in the next 2 years. The agreement also bans bottom trawling in waters less than 40 fathoms deep by vessels over 145 feet in length for 6 months of the year.

I am pleased by these improvements in conservation measures, particularly since they are evidence of some attempt at long-range planning for our complex fisheries problems. But conservation measures mean nothing if they are easily circumvented or ignored. The ICNAF agreement, under which each nation is responsible for enforcing conservation measures with respect to its own fishermen simply does not work. There must be a single management and enforcement authority to strictly enforce the rules. Unless the United States takes on this job, there is a real danger that these conservation measures will be honored more in the breach than in their observance.

In addition to the tremendous need for full U.S. enforcement authority in the fisheries off our shores, it is essential that overall catch quotas be set low enough to allow for regeneration of fish stocks to previous levels, which the quotas agreed upon in Ottawa do not allow. The United States Government actively proposed this, but other governments at the ICNAF meeting seemed to be more interested in taking the fish this year than in instituting adequate conservation measures. While the ICNAF agreement does represent an improvement in conservation measures, it will by no means do the whole job.

I shall continue to press for passage of my bill, H.R. 8665, to extend our fisheries jurisdiction out to 200 miles from our shores. We must preserve the marine resources in our coastal waters as a valuable source of protein for all the hungry people of the world, and stop the "Great Protein Robbery" off our shores.

An article by Ken O. Botwright on the ICNAF meeting in Ottawa appeared in the October 21 Boston Globe follows:

FISHING PACT FALLS SHORT OF N.E. HOPES

(By Ken O. Botwright)

OTTAWA.—Leaders of the New England fishing industry complained yesterday that an international agreement signed here was not stringent enough to prevent the Soviet Union and other European nations from overfishing Georges Bank.

The fishermen also claimed the catch reduction decreed Friday by the 16-nation International Commission for Northwest Atlantic Fisheries (ICNAF) was too low to guarantee that fish stocks could reproduce faster than they were being caught.

They called on Congress to press for extension of the United States" territorial limit from 12 miles to protect both dwindling fish stocks and New England fishermen from foreign competition.

"In other words, the agreement was far from satisfactory," said T. A. Norris, executive vice president of Old Colony Trawler Corp. in Boston. He was one of 27 New England fishing industry representatives, government officials, legislators and scientists who attended a five-day special ICNAF meeting which ended here Friday.

The agreement reduced the overall annual catch on Georges Bank by 25 percent over three years. The 1974 catch must be limited to 923,900 metric tons—the 1973 catch should total about 1,188,000—reduced to 850,000 in 1975 and set at a 1976 level that will allow fish stocks to produce "the maximum sustainable yield."

In addition, the agreement banned bottom-fishing vessels longer than 145 feet from operating in less than 40 fathoms off New England between July 1 and Dec. 31 every year. The United States hopes this will force the giant foreign fleets to stop plundering the rich coastal fisheries just off southern Massachusetts.

The accord ended a deadlock between the United States, Russia and other Communist bloc nations that resulted from the failure of the annual ICNAF meeting in Copenhagen last June.

Norris, who headed a fishing industry advisory panel in Ottawa, said the agreement "reduced over-fishing but failed to end it." He said the fishing industry would have preferred the 800,000-ton overall catch limit recommended by an ICNAF scientific panel because this would have allowed for restoration of fish stocks.

To fully protect New England fishermen from competition by foreign fleets, Congress must pass a proposed 200-mile limit bill filed by Rep. Gerry Studds (D-Mass.) and Sen. Warren Magnuson (D-Wash.), he said.

Ambassador Donald F. McKernon, the US delegation chairman, called the agreement "a great step forward," but said the United States would have preferred a 30 percent overall catch reduction. He praised Russia for its cooperation, noted the Soviets had dropped opposition to below-decks inspection of their fishing vessels, and pointed up curtailment to compensate the United States and Canada, "which have suffered 50 percent catch losses in the past 10 years."

Soviet delegation chairman Alexei Volkov said his country, hardest hit under the proposed catch cutback, "agreed to bear these hardships because . . . conservation is our goal." He termed the Ottawa agreement "distasteful" and told reporters, Our fishermen will not applaud when I return home."

DESALES MEN PUT RELIGION TO WORK

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. MAZZOLI. Mr. Speaker, at a time in our country's history when the emphasis is consistently on what has gone wrong with America, and negativism is the mood of the day, it is refreshing to see an example of a group of individuals who are concerned, not with condemning what is wrong, but in taking positive action to improve, not only themselves, but the lives of those around them.

Such a group of individuals is the junior class of DeSales High School in my home district of Louisville, Ky.

These young men, under the direction of Father Bernhard Bauerle, have been supplementing classroom religious instruction with a 1-day-a-week volunteer hour at local community schools, a hospital, and a nursing home.

This effort—to "get out and do something" rather than just "sit and talk about religion"—has received enthusiastic approval, both from the students and from those they serve in the community.

For the benefit of our colleagues, I am inserting a copy of an article which appeared in the Louisville archidiocesan paper, the Record, about the DeSales project.

The article follows:

PRACTICING RELIGION, JUNIOR RELIGION CLASSES SERVE SOUTH LOUISVILLE

(By Louis Alexander)

The boys in the junior religion classes at DeSales High School say they are taught in their religion classes to help other people. And once a week they get a chance to put it into practice.

The youths do so by working as volunteers at SS. Mary and Elizabeth Hospital, the Christopher South Nursing Home and in five parish schools near DeSales in south Louisville.

About 75 students—one-half of the junior class—are working in the school's social service program, which is in its second year. The remainder of the junior class will have community service projects during the second half of the school year.

The students spend about one hour each Thursday morning, during the time usually taken by their religion classes, as volunteer workers. Classroom instruction in religion given on other days of the week.

In the five schools—Our Lady of Mt. Carmel, SS. Simon and Jude, Holy Name, St. John Vianney and St. Thomas More—the students conduct physical education classes and tutor students who need special help in mathematics and English.

At SS. Mary and Elizabeth they have a number of jobs. They deliver messages, take a library cart around to patients' rooms, take patients who are being dismissed from the hospital from their rooms to the front entrance, and take patients to and from the physical therapy department.

The students who are volunteers at the hospital like what they are doing. Bill Saffran explained, "In other religion classes you just sit and talk about religion. In this one you get out and do something."

Blanchard Robinson II has a dual purpose for serving as a volunteer in the hospital. "I want to be a doctor," he said,, "and this gives me good practical experience and it does go along with our religion program."

Mark Baum said he is glad he is a volunteer at the hospital rather than in one of the grade schools. "I just think I'm a lot more useful here," he said. Baum has carried the idea of "helping people" beyond his volunteer service at the hospital. He explained that he has helped a neighbor paint his house and has helped some Boy Scouts with a project because of what he has learned in religion classes.

Dominican Sister Linda Ann Gahafer, principal at SS. Simon and Jude School, thinks her students benefit from the work the DeSales volunteers do in the school. The grade school students look forward to having the boys come each week, she said.

Each Thursday, she said, some of the volunteers take one class at the school for a physical education period and "work on organized games and sports." Others provide individual instruction to students needing tutoring.

The social service program, Sister Linda Ann said, "gives the boys a chance to practice their service to the community" and at the same time "benefits our school."

For some of the residents of the Christopher South Nursing Home, 4300 Hazelwood Ave., the visits of the DeSales volunteers are the highlight of the week, said Mrs. Frieda Parker, staff member at the home. "Some have no visitors at all, except for the DeSales boys."

When the boys come to the home, she said, they "take patients outside in wheelchairs, play cards with them and sometimes they just sit and talk." On a recent Thursday they brought a record player and played records and also decorated the home for a Halloween party.

There is one older woman at the home, Mrs. Parker said, "who just loves to get one of those boys by the arm and go for a walk."

The students seem to enjoy their visits, Mrs. Parker said, and they are not at all bashful about working with the patients.

They are also very conscientious, she said. One of the boys who cannot visit the home because of a scheduling conflict contacted Mrs. Parker and requested the names of some residents who get no mail or visitors. He writes them once a week.

Carmelite Father Bernhard Bauerle, director of the religion program at DeSales High School, is pleased with the effect the community service program has on the students. "They seem to approach religion a little more enthusiastically" than students in a regular classroom would, he said.

Quite a number of the students have asked if the program could be expanded, and "that's about the most positive thing I've heard so far," he said.

CONSUMER PROTECTION AGENCY AND GOVERNMENT AGENCY

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. BROWN of Ohio. Mr. Speaker, a Government Operations Subcommittee on which I serve has now completed hearings on three differing Consumer Protection Agency bills.

One of the most credible witnesses to appear before us was Prof. Harold C. Petrowitz who teaches administrative law at American University. Professor Petrowitz, also an acknowledged specialist in the esoteric field of government contracts, was recently cited by the Supreme Court as the Nation's leading expert in contract appeal issues.

Professor Petrowitz' testimony before us, therefore, was instructive on two levels—how the CPA bills fit into the current administrative law structure, and the effect of these bills upon government contracting.

Because the Consumer Protection Agency is the most far-reaching consumer proposal ever to be considered seriously by Congress, I am inserting in the RECORD Professor Petrowitz' prepared statement on this subject, together with a short supplemental statement which was requested of him by the subcommittee.

The material follows:

STATEMENT OF HAROLD C. PETROWITZ

INTRODUCTION

I appreciate this opportunity of appearing before this subcommittee to discuss proposed legislation for establishment of a Consumer Protection Agency which is being considered by the House of Representatives. I am a professor of law at The American University here in Washington specializing in the fields of administrative and anti-trust law.

As I stated in your counterpart subcommittee of the Senate, there appears to be a strong Congressional sentiment in favor of establishing a Consumer Protection Agency now. All three bills under consideration here would cast the CPA in the role of advocate of consumer interests rather than in a regulatory capacity. This commitment has important consequences from the standpoint of a logical and orderly plan of integrating a CPA into the existing administrative structure.

There are three bills calling for the creation of a consumer protection agency presently being considered by this subcommittee. These bills are complex and differ widely in scope. I shall discuss some of their important points with the hope of adding to the subcommittee's understanding of this important legislation.

IMPACT OF A CPA ON THE FEDERAL PROCUREMENT PROCESS

My original involvement with the legislation concerned the effect that a consumer protection agency would have on the procurement processes of the federal government. This is an important problem because virtually everyone agrees that the introduction of an administrative mechanism that could paralyze government procurement would be highly undesirable and could even be catastrophic. Relatively little had been said about this problem prior to my testimony before the Senate subcommittees.

It is clear that H.R. 14, H.R. 21 and H.R. 564 would give a consumer protection agency

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cognizance over many types of government contracts, particularly those "affecting" the interests of consumers. H.R. 14 would go the farthest in this respect since it would give the CPA full party status in all formal agency proceedings without exception. "Consumers" and "consumer interests" are somewhat restrictively defined in H.R. 21 and thus the cognizance over government contracts of a CPA created by this legislation would be slightly reduced but not eliminated. H.R. 564 excepts intelligence and security functions from coverage of the CPA, but many types of government contracts would still come within its cognizance.

H.R. 14 and H.R. 21 would also reverse the important decision of the Supreme Court in S and E Contractors v. United States by allowing the CPA to appeal to a court administrative decisions affecting government contracts.

I strongly recommend that this subcommittee give serious consideration as to the extent that the federal procurement process should be affected by a CPA. If government contracts are to be exempted from its coverage, this should be expressly stated in the legislation. If full exemption is not specified, specific guidelines regarding the extent of coverage should be stated.

WHAT SHOULD BE THE ROLE OF A CPA?

During the past few weeks I have listened to and read much of the testimony offered to this subcommittee concerning what a consumer protection agency should be and do. Your job in evaluating all of this testimony, much of it conflicting, is not an enviable one. I would like to submit a few suggestions based on administrative law theory and practice.

1. The proposed legislation for creation of a consumer protection agency will not—and cannot be expected to—cure all, or even a substantial number, of the problems affecting regulatory administrative agencies that have been discussed by witnesses before this subcommittee. The mere creation of a CPA cannot be regarded as a panacea. After all, it will be only one more in a family of over one hundred administrative agencies. Any sweeping change in the administrative process as we know it can come through a complete redesign of the existing structure. Present CPA legislation does not envisage any such change.

2. Proposed legislation looks toward the creation of a CPA as an *advocate* of consumer interests which would fit into the existing administrative structure. A scheme that would pit federal agency against federal agency and relegate to the courts much of the regulatory decision-making is not compatible with the existing administrative structure. Yet this is what would result from giving a CPA full party status in formal agency proceedings as proposed in H.R. 14 and to a lesser extent in H.R. 21. The "super amicus" status of a CPA as proposed in H.R. 564 is much better adapted to the existing structure. There is strong logic for allowing a CPA to grow in strength as does a tree—first a sapling, then branching into areas where strength is shown to be needed. A super-powered CPA is not the way to remedy deficiencies in existing regulatory agencies. This should be done by legislative reform of the specific agencies and by an effective program of legislative oversight.

3. Giving a CPA full party status in formal agency proceedings would create the highly undesirable likelihood of double prosecution in sanction oriented adjudication proceedings. This is a risk that those regulated by the Government should not have to assume. A role as "super amicus curiae" in formal agency proceedings and certain informal agency actions should give the CPA an adequate role in representing consumer interests without distorting the existing administrative structure beyond recognition. This means, of course, that CPA would not on its own be able to appeal the decision of another agency to the courts. The issue advanced by an advocate should properly be resolved at the administrative level and not in the courts. Super amicus status of the CPA would enable it to accomplish this objective.

4. The creation of a CPA with super agency status and the power to make unilateral demands on regulatory agencies would create havoc in the priorities, scheduling, work-load and expenditures of those agencies. The right of the CPA to request agency action and to receive a full explanation if such action is not taken should go far toward the solution of problems in this area.

5. If a CPA is given super-agency status, who will keep an eye on the CPA? We ought not to ignore Lord Acton's admonition regarding the corrupting effect of power.

6. I think a CPA should be able to participate as amicus curiae in certain informal agency activities. The problem is now to separate those activities where participation is useful from those where it is not. Commissioner Mary Gardner Jones in her testimony made a very good suggestion for working this problem out, one which I endorse. Legislative guidelines could also considerably alleviate these difficulties and minimize the risk of other affected parties.

7. It would be entirely appropriate to enable the CPA to intervene as amicus curiae in on-going court cases of a non-sanction type which involve the review of enforcement of federal agency action. This is provided for in section 103(c) of H.R. 564.

8. Acquisition of information by a CPA is a very important and sensitive part of its activity. The Freedom of Information Act can effectively govern information obtained from other Government agencies. Information from private sources is a much more difficult matter and great care must be taken to avoid unfairness or the posture of an acquisition. Only under the rarest and most exceptional circumstances should it be necessary for a CPA to acquire proprietary information.

9. Disclosure of information by a CPA is also a very sensitive area of activity. The safeguards that H.R. 564 would erect around disclosure of information appear to be well designed to prevent problems in this area. The fairness rules and private party indemnification provisions of H.R. 564 also have great merit and have my firm indorsement.

CONCLUSION

I suppose the approach one takes to the establishment of a consumer protection agency depends a great deal on personal philosophy and how government should operate. There is much experience and logic in support of a cautious approach when endeavoring to engraft a new agency onto the existing system. The concept of consumer representation by a special agency at the federal level is relatively new and entirely untried. Under these circumstances a cautious approach appears preferable to a block-busting approach. If after a trial period the CPA falls short or fails to live up to its legislative mandate, suitable statutory adjustments can be made.

This concludes my formal statement and I shall be pleased to answer any questions you may have.

THE AMERICAN UNIVERSITY,
Washington, D.C. October 23, 1973.

Hon. CHET HOLIFIELD,
Subcommittee on Legislation and Military Operations, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: While appearing before your Subcommittee on Legislation and Military Operations October 10, I was asked to review my interpretation of H.R. 21 in regard to its applicability to government contracts and the scope and operation of its definition of "interest of consumers" and "consumer," and to offer suggestions as to how to exclude from Consumer Protection Agency advocacy certain government contracting activities. This responds to your request.

APPLICABILITY OF H.R. 21 TO GOVERNMENT CONTRACTS

Let me state, preliminarily, that I fear that this government contracts issue is in danger of becoming overemphasized. As I stated in my testimony, I have no doubt that the CPA will pay little attention to most Federal contracting situations, and my interest in the CPA concept goes far beyond this issue.

Having said this, however, the fact remains that all CPA bills before your Subcommittee would allow the CPA to exercise advocacy powers in Government contract activities which might affect consumers.

In preparing this response, I have reviewed Administrative Conference Chairman Antonin Scalia's testimony wherein he also interprets H.R. 21 as applying to Government contracting activities.

I have also reviewed my extended dialogue with Congressman Horton wherein we agreed that government contracting was covered by H.R. 21 (for example, Commodity Credit Corporation contracting), but disagreed over whether the CPA would find a consumer interest in some areas (for example, contracting for a Supersonic Transport, if such a project had been approved).

CONTRACTING AS AN AGENCY PROCEEDING

Subsection 204(a) of H.R. 21 gives the CPA a *right* to advocate consumer interests in any Federal agency proceeding "under" the provisions of chapter 5, title 5 of the United States Code.

I need not repeat here Chairman Scalia's explanation of how Federal agency contracting comes "under" 5 USC 551, the definitions section of the Administrative Procedure Act.

JUDICIAL REVIEW OF CONTRACTING

Subsection 204(d) of H.R. 21 gives the CPA an unmitigated *right* to seek judicial review of final actions arising out of proceedings in which it has fully intervened; that is, proceedings other than those primarily seeking to impose a fine, penalty or forfeiture. In addition, this subsection would allow the CPA to appeal actions arising out of proceedings where the CPA made no appearance, but subject to court findings which would probably be made on the strength of the CPA's complaint and its delegated expertise.

In both such situations, the CPA's right to appeal would only exist where "a right of judicial review is otherwise accorded by law." This has been explained by Chairman Holifield as meaning where other parties, such as a businessman, are accorded a right to appeal, the CPA has such a right. Such is the case in final actions relating to Government contracting. In addition, several witnesses have pointed to 5 USC 704 which provides that "final agency action for which there is no other adequate remedy in a court [is] subject to judicial review."

Thus, the CPA may appear in the proceeding, therefore it may appeal final contracting actions as of right, and, where the CPA has not appeared below, it may appeal with the court's proper finding. All of this because contractors may so appeal. This would, in effect, reverse S&E Contractors v. United States wherein the Supreme Court held that while contractors may appeal contract dispute clause decisions, another Government agency may not do so.

APPLICABILITY OF DEFINITIONS: CPA DISCRETIONARY RIGHTS

Under Subsection 204(a) of H.R. 21, of course, the CPA may advocate at the agency proceeding level where a prediction is made

that the result of that proceeding might substantially affect the interests of consumers and such interests might not be adequately protected unless the CPA intervenes or otherwise participates.

It should be noted that such a prediction to invoke a right is left to the sole discretion of the CPA—the forum agency may disagree with the CPA's conclusion, you and I may disagree, and consumers may disagree, but it will do anyone little good to do so.

Under subsection 204(d), the CPA need not make similar findings to appeal to the courts the results of any such proceeding in which it appeared as a full advocate. If the CPA appeals an action in which the CPA did not so appear, however, the court must affirmatively make findings very similar to those required of the CPA at the agency level.

DEFINITIONS OF "INTEREST OF CONSUMERS" AND "CONSUMER"

Everyone agrees that the definition of "interests of consumers" in subsection 304(5) of H.R. 21 is broad enough to encompass Government contracting. The question is whether the definition of "consumer" in subsection 304(4) of H.R. 21 operates to exclude such contracting.

My conclusion, based upon considerable review, is that the definition of "consumer" does not and should not so limit the CPA's advocacy.

First, as a matter of pure construction, the definition of "consumer" cannot so operate.

Remember that the term "interests of consumers" comes into operation as part of a discretionary prediction by the CPA or a court under these bills—they predict that the outcome of an action *might* affect such interests.

Congressman Horton noted that the word "consumers" appears on page 30, lines 22–23, in the definition of "interests of consumers," concluding thereby that the two definitions must be read together and when this is done government contracting of the type anicipated for an SST would be excluded.

I disagree, but we can easily test this theory by writing in the definition of "consumer" in H.R. 21 where that term appears in the definition of "interests of consumers," as follows (definition of "consumer" underscored):

"The term 'interest of consumers' means the cost, quality, purity, safety, durability, performance, effectiveness, dependability, and availability and adequacy of choice of goods and services offered or furnished to *any person who uses for personal, family or household purposes goods and services offered or furnished for a consideration.*"

The issues during the SST debate focused primarily on three areas—effects on consumers (air travellors), on the environment and economic feasibility. If a CPA had been in existence at that time, it is likely that it would have been asked to testify at the hearings on the SST proposal, as authorized under subsection 203(a) of H.R. 21. If the SST project had been approved, contract safety and performance specifications, new federal rules for airports and a host of other federal activities would legitimately be within the CPA's purview under H.R. 21, *if the CPA, in its discretion, chose to exercise its jurisdiction.*

Secondly, you cannot read the words "offered or furnished for a consideration" in the definition of "consumer" as meaning—"if a consumer does not usually buy the product or service himself, such a product or service is excluded." To put such a constraint on this definition, as suggested by Congressman Horton, would be to exclude baby food regulation from CPA jurisdiction or to exclude anti-trust actions where there is merely an effect on goods and services.

Thirdly, the definition of "consumer" does have an important role in this bill. It makes it clear that a consumer must be a human being, not a corporation or the Government. That is, the CPA will be protecting the ultimate recipients of goods and services in governmental actions which *affect those goods and services.*

FEDERAL CONTRACTING A LARGE AREA

Throughout our discussion I got the impression that those concerned about Government contracting being attacked by a CPA were thinking in terms of the "hardware" bought by the Government, particularly military purchases.

In point of fact, most Government contracting, in terms of volume, not money, probably has nothing to do with such hardware. For example, consumer groups of late have been very concerned over the Food and Drug Administration's contracts to scientific groups and laboratories for the safety testing of additives and colors. Consumer product testing occurs under contract in many agencies, and, indeed, H.R. 21 proposes that the CPA enter into such contracts under section 207. Expansion of coal leases by the Bureau of Land Management—in the name of the consumer—is currently being debated. Specifications for public housing projects under Department of Housing and Urban Development projects, bridge and national highway specifications, agreements concerning the railroads, and so on, come to mind quickly.

There is a substantial impact on consumer interests possible from all such situations. Whether the CPA would or should get involved, you have left up to the CPA in H.R. 21. And this is as it should be. But, granting such a wide discretionary scope to the CPA, I feel that you ought to pull back a little on the extraordinary powers proposed in H.R. 21, such as the right to seek judicial review and the other few areas of sensitivity outlined in my prepared statement.

EXCLUDING GOODS AND SERVICES FOR MILITARY PURPOSES

I was asked by Chairman Holifield to "submit us some language to consider that would keep this man [the CPA] from meddling [in] the F–14, F–15, the SST and the Boeing planes, and a few other things that are being bought by the government for military purposes."

This is an easy task if we limit our concern to procurement for military purposes. Section 203 of H.R. 564 by Congressmen Fuqua and Brown, the bill I primarily support, would accomplish this purpose.

I should note that my comments on the SST were not directed at its possible military uses, but at its commercial (consumer) uses. Therefore, if a similar air—or rail or sea—transport proposal comes before Congress and is adopted, I foresee a role for the CPA if it wishes to enter into the decisionmaking.

INTERRELATING "CONSUMER" AND "INTEREST OF CONSUMERS"

If you wish to interrelate more closely the definitions of "consumer" and "interest of consumers" in H.R. 21, this is also possible by striking the words "consumers" in line 22 and 23 of page 30 and inserting the words: "a person acting as a consumer."

This would apparently exclude free goods and services such as medical aid and perhaps food in certain situations, but it would do little more.

The definitions of "consumer" and "interest of consumer" are quite good as they stand. If you wish to limit the CPA's advocacy power, I would suggest that you do this directly in the substantive provisions of the bill.

I hope these comments will be useful. If there is anything else that I can do to assist in getting a responsible CPA bill enacted, please feel free to call on me.

Sincerely,
HAROLD C. PETROWITZ, *Professor of Law.*

NORFOLK'S GOOD NEIGHBOR

HON. G. WILLIAM WHITEHURST

OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 30, 1973

Mr. WHITEHURST. Mr. Speaker, on November 15, a very sad event will take place in Norfolk, Va. Red Barrom is closing his gasoline station. Certainly, many gas stations open and close every year in this country, but Red's has been more than just a gasoline station; it has been a meeting place for friends and a community institution for more than a generation.

For this reason, I would like to insert at this point in the RECORD an article by Larry Bonko which appeared in the October 25, 1973, issue of the Ledger-Star in Norfolk. It is the kind of tribute that Red and Esther Barrom deserve. I am one of the many friends who will feel a deep sense of personal loss when Red's closes, because I taught at Old Dominion University, just across the street from that station, for 18 years, and I know from long personal experience the kind of real friend and good neighbor Red is. Norfolk just is not going to be quite the same after November 15.

The article follows:

[From the Norfolk (Va.) Ledger-Star Oct. 25, 1973]

TRIBUTE TO RED AND ESTHER BARROM

(By Larry Bonko)

These are the last days for the Francis M. (Red) Barrom all-in-one gas station, campus retreat, neighborhood meeting place, check-cashing service, polling precinct, magistrate's bench, official state inspection station, waltz revival and notary public.

After 33 years, Norfolk's Good Neighbor is going out of business.

Promptly at 5 p.m. on Nov. 15, F. M. Barrom will lock up for good at Barrom's Shell, 49th and Hampton in Norfolk.

Norfolk's Good Neighbor. That is how the Shell Oil Company described Red Barrom not many years ago. So, what we have here is a slice or irony. Barrom is giving up the lease on the station because he feels he has been embarrassed by the company which owns it. This is the same company which honored Barrom five years ago for "civic achievement".

NEEDS MORE GAS

Barrom needs 70,000 gallons of gas for his customers. Shell Oil's monthly quota is 50,000 gallons. "There is no way in the world I can operate like that and stay in business," said Barrom. "That's not treating me right. It means I can't treat my customers right. Rather than insult my customers, I'll close up". I have been trying to reach Shell officials for comment on this closing but I have had no luck.

When the tanks went dry last July, in the height of the fuel shortage, Barrom closed his doors for 7 days. In November, he will close for good. "It will be like leaving home," said Esther Barrom.

She has been her husband's business associate from the very beginning. Her style is to smile and ask, "How will you have your coffee?"

The Barroms have started to move things out of the station. Some of the furniture is gone and it is not as homely as it used to be. But the routine is the same as always. The other day, Barrom pumped gas, con-

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sulted with the men who worked with him, cashed a bunch of checks for some students at Old Dominion University, notarized a few documents and talked with his friends.

He must have a million friends. When a friend and Red Barrom get together, the conversation goes something like this:

"Hello, brother. Hello, Red. How's everything, Red? Just like coffee that's been left out for too long, we're getting older and weaker all the time. There is more truth than poetry in that."

Barrom, 69, will soon go to work as Norfolk's chief magistrate. He played football in the old Dixie Pro League. Today, years later, he looks capable of surviving an afternoon of scrimmaging. Or a night on the dance floor.

Barrom has won more than 100 trophies in waltz contests. They talk dancing at Barrom's Shell.

A MUTUAL THING

People like Red Barrom. He likes people. People trust him. He trusts people. It's as simple as that. His customers have heard the man say many times, "I've never taken one penny illegally. I live and work by the Golden Rule. I have the nicest customers. God bless them. I mean the young people, too. In all the time we've cashed checks for the college boys and girls, we've never lost one dollar." Barrom's Shell is on the edge of the campus.

One of his friends, Trafton Robertson, said of Barrom, "He has been the father confessor to a whole generation of college kids. He's given a lot more than he'll ever get back."

Barrom is a member of many civic organizations. He is a Democratic committeeman who closes the garage on election day, converting it to a polling place. "I lose jobs but it's more important to me to make it as easy as possible for people to vote. People kid me about running a little country store here. But being friendly and nice to people has brought good results. To me, being a good neighbor is the only way to be."

From here on out, Red Barrom, your neighbors wish you the best. They will miss you like mad.

COLUMNIST JAMES RESTON EXPRESSES "VIEWPOINT ON THE TAPES CONTROVERSY"

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. EVINS of Tennessee. Mr. Speaker, the distinguished columnist of the New York Times, Mr. James Reston, in a recent column views in perspective the recent developments concerning the Watergate tapes and the dismissal or resignation of Special Prosecutor Archibald Cox, Attorney General Richardson, and Deputy Attorney General Ruckelshaus.

Because of the interest of my colleagues and the American people in this matter, I place the column by Mr. Reston in the RECORD herewith.

The column follows:

THE TAPES BUY TIME

(By James Reston)

The one thing you have to say for Richard Nixon is that he knows when he is licked. Almost everything he always said he would never do—compromise with Moscow, recognize Peking, accept deficit financing, or be unfaithful to his promises—he has done. And he has done it again by releasing the Watergate tapes, which he said he would never release.

It was a clever move. He has retreated from one mess to another, but he has gained time. It will take weeks to get the tapes down on paper and to get a new team to take over the prosecution at the Justice Department, but meanwhile, he has gotten rid of Archibald Cox, the "independent" prosecutor, which was probably his objective, and he has postponed—though he has not avoided—a critical battle with both the courts and the Congress.

The President was in terrible trouble before he switched and agreed to let the tapes go to the courts. He judged Archibald Cox well enough. He gave Cox a dishonorable order he knew Cox wouldn't accept, and he was right.

But the President misjudged Atty. Gen. Richardson, and Deputy Atty. Gen. Ruckelshaus. He appealed to Richardson to concentrate on the Middle East crisis, and stay on even if Cox disappeared.

The White House didn't even give Richardson time to respond to the President's order to fire Cox. Gen. Alexander Haig called Richardson at 7 o'clock last Saturday night and told him the President was sending him a message, which seemed to call for an answer from Richardson, but while the attorney general was trying to draft a reply, the White House put out its announcement that Cox was fired.

Then the White House turned to Ruckelshaus to fire Cox, and Haig not only told him this was an order from "the commander in chief" but appealed to him on patriotic grounds to carry out the order. Ruckelshaus, according to his associates, replied that patriotism was not the same as obedience, that in his mind it was sometimes the opposite, and that he would not comply. So he was fired.

Meanwhile, Richardson appealed to the President's aides and lawyers to consider what the reaction would be in Congress and in the country if they fired Cox for carrying out the independent prosecution he was promised by the President and the attorney general, but his appeals were rejected.

It is interesting and significant that during those critical five days when Richardson was negotiating with the White House staff, and warning them not to fire Cox or force his own resignation, the President never discussed the problem personally with his own attorney general, until the very end when it was clear that the President was determined to get rid of Cox. Only then, when Richardson said he would resign if Cox was fired, did the President agree to see him.

It was a typical, bold, and desperate Nixon play, but this time it didn't work. Public reaction went against the President.

Accordingly, the President was confronted with precisely the power struggle he had sought to avoid. The Congress was proceeding toward impeachment proceedings in the House. The unions were demanding his dismissal from the presidency. More important, the old Republican establishment, led by the leaders of the bar, was denouncing the dismissal of Cox and the resignation of Richardson.

Facing all this, and the prospect that the controversy would go back into the streets if he defied the courts and the Congress, the President agreed to hand over the tapes. This will avoid the clash for a time but not for long.

For once he has admitted the tapes to evidence in the courts, it will be hard for him to exclude other relevant documents, or to argue against another special prosecutor. He is rid of Cox for the moment, but, not of prosecution. He has saved his skin, but not his honor.

Ironically, he chose to challenge in this latest of his political crises three men—Cox, Richardson and Ruckelshaus—who had become the most attractive and articulate symbols of objectivity and probity in his administration. And in the process, he lost all three.

This has shocked Washington more than anything since the Watergate burglary, and while he now has time to try to sort things out, he has affronted his own most loyal supporters and even his own Cabinet, and raised the most serious questions about his moral authority to govern over the next three years.

WATERGATE AND A DANGEROUS WORLD

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. ARENDS. Mr. Speaker, in an editorial on Sunday, October 28, the Washington, D.C., Star-News offered some sound advice to the Nation. For those who may have missed it, the editorial follows:

WATERGATE AND A DANGEROUS WORLD

This was, as they used to say, the week that was, and it will be perfectly all right if we do not have another like it in the immediate future.

It all began, against the backdrop of a major war in the Middle East, a week ago Saturday, when Special Prosecutor Archibald Cox held a nationally televised press conference in which he rejected the Stennis compromise which would have furnished expurgated versions of nine Watergate tapes to both District Judge John J. Sirica and to the Senate Watergate committee. Cox told the nation that he would bring a citation for contempt against the President in Sirica's court.

Later that day, with the inevitability of Greek tragedy, Mr. Nixon forced Attorney General Elliot Richardson's resignation and fired both Cox and Deputy Attorney General William Ruckelshaus. Meanwhile—with time out, of course, for the Redskins to destroy the Cardinals—the Israelis continued to expand their bridgehead west of the Suez Canal, imperiling the Egyptian Third Army dug in on the other side of the waterway.

On Monday, as the United Nations accepted a joint U.S.-Soviet Mideast truce plan, Mr. Nixon's domestic situation began to unravel. Western Union was deluged with telegrams calling for his impeachment and the Hill was seething with outrage.

Tuesday brought a sharp about-face on Mr. Nixon's part, as his lawyers told Sirica that the nine Watergate tapes would be surrendered to him. But this abrupt reversal did nothing to still the cry for the President's political hide. Indeed, as it sunk in on the Senate and the public that the President's surrender of the tapes to the court had negated the bargain with the Watergate committee—and hence made it virtually certain that less rather than more eventually would be known about his part in the Watergate coverup—the pressure on the Oval Office increased. Perhaps not entirely incidentally, the Mideast truce broke down almost before it had taken effect, as the Israelis raced southward to seal off the Third Army.

On Wednesday, House Democrats decided to pursue and broaden an inquiry into the possible impeachment of the President. In the Senate, Republican leaders who had stood by Mr. Nixon throughout the Watergate crisis urged the appointment of a special prosecutor to replace Cox, a step to which the President was at that time adamantly opposed. Mr. Nixon scheduled, then canceled, an address to the nation.

In the small hours of Thursday morning, after a 3 a.m. emergency meeting of the National Security Council, American forces were put on a middle-level worldwide alert in the face of an apparent Russian threat to intervene unilaterally in the Middle East to save the doomed Egyptian Third Army. Secretary of State Kissinger, in a performance as virtuoso in its own way as had been Cox's, spoke in grave terms of the threat posed to world peace by the Russian demarche. It is perhaps symptomatic of the cancer which afflicts us that he was met with insinuations that perhaps the alert was designed less to forestall the Russians than to extricate Mr. Nixon from his Watergate difficulties, perhaps at the cost of democratic government in this country.

By Friday, although the alert was still on, the international crisis appeared to have eased considerably. Although Russian personnel had arrived in Egypt in unknown numbers, the Kremlin had agreed to a U.N. cease-fire force which would exclude the major powers, and fighting in the Mideast had decreased in intensity.

There was still more to come Friday night. At his press conference, Mr. Nixon's feud with the news media escalated to its highest peak yet, and his announcement that the administration would appoint a new Watergate prosecutor to succeed Archibald Cox, after all, hardly pacified his critics in Congress. Although most liberal Democrats and many pundits also continued to cry for the impeachment of the President, however, there was a discernible sigh of relief from other quarters that, seemingly against considerable odds, the country had at least survived one of the most tumultuous weeks in its history.

And indeed if there is a lesson to be learned from those wild seven days in October, it is that, as Kissinger observed in his press conference, there always is a price to pay for a prolonged and strident convulsion of the political system. And when one is talking in terms of a nuclear war in which millions are certain to die, the price of instant righteousness can be higher than the average man wants to pay.

We are not suggesting for a minute that, given the stench of Watergate, Mr. Nixon's personal finances and political acts are not legitimate subjects of public concern. If it can be proved conclusively that he has been guilty of peculation or of the gross abuse of his constitutional powers, then there can be no alternative to his impeachment.

But insofar as we are aware, Mr. Nixon has broken no law, defied no court, padlocked no legislature, muzzled no member of the press. The jackboots that some observers seem to hear echoing in the streets of Washington are largely in their own minds.

The new special prosecutor of the Watergate case will have a responsibility to the public to follow every trail wherever it may lead. And the House has the obligation to act on this and other information in the ascertainment of Mr. Nixon's fitness to lead the country.

But as events of last week show, this is a serious business and those who embark upon it must be aware of the possible consequences of their acts, if only because other nuclear-armed nations have an immense capacity to misinterpret what happens here, with possibly terrible results for all mankind.

In short, we could use a little more *gravitas* in the treatment of the President of the United States. There has been far too much slander, innuendo and loose rhetoric about Mr. Nixon's possible deeds and presumed motives. He has yet to be found guilty of anything other than having underlings and associates accused and some guilty of misdeeds. Nor is he, insofar as we know, mentally unbalanced, an insinuation which some have made.

Let the investigation of his administration continue. Let the House, if it feels it must, pursue the question of whether he has been guilty of the "high crimes and misdemeanors" which can be the only basis for his impeachment. But, as someone once remarked, it would be helpful if all of us would "lower our voices" a bit. It would be useful if some of the President's more hot-eyed critics would examine their own motives. It would be realistic to keep in mind that there is a world beyond Bebe Rebozo and Robert Vesco.

Thinking men used to hold that the blood of kings can be shed, but never lightly. Richard Nixon is not our monarch but he is our president, and the only one we happen to have. To destroy him out of pique, at the cost of destroying the nation, would be a shallow victory for some and a defeat for all.

SUPPORT OF S. 2282

HON. DAVID N. HENDERSON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. HENDERSON. Mr. Speaker, it is a distinct honor to support S. 2282, which provides for the New Hope Dam on the Cape Fear River in North Carolina to be named the B. Everett Jordan Dam.

In the first place, the dam is in that part of the State of North Carolina where the Senator was born. As the crow flies, the site of the dam is less than 50 miles from Ramseur, where he was born, and from Saxapahaw, where he has lived all his life.

But what makes this more fitting is that no one in the modern history of our State has worked harder or more successfully to obtain needed public works projects for North Carolina.

As a ranking member of the Senate Public Works Committee, Everett Jordan was unflagging in his support of navigation and beach erosion projects on our coast, and flood control projects on inland rivers and streams.

For years, as North Carolina's only member of the House Public Works Committee, I have met many times in the Senator's Capitol office with him, State officials from North Carolina, representatives from the U.S. Army Corps of Engineers and others to help resolve problems and conflicts which have arisen in connection with these projects.

Able as he was as a legislator, Everett Jordan, during his distinguished service in the Senate, was much more than a legislator. Where public works projects are concerned, getting enabling legislation passed is often just the beginning. Somebody has described it as a hunting license for funds.

The Senator knew how to get the funds. And he knew how to help those involved work out tedious details as they were encountered. Many times, I have seen and heard local officials come away from those meetings shaking their heads in amazement at the manner in which the Senator could discuss local projects with the engineers and other officials in intimate detail.

There are other people entitled to a lot of credit for the New Hope Dam. One is my good friend and former colleague here in the House, Alton Lennon, who plugged for the project against formidable odds and was the workhorse in the House responsible for our success on this side of Capitol Hill where this particular project is concerned.

But I am sure he would agree with me, if he were here today, that it is imminently appropriate that we name this structure for a man both he and I have known and worked with and loved for many years, B. Everett Jordan.

STALLING ON FORD IS IRRESPONSIBLE

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. BAKER. Mr. Speaker, those of us who have been calling for expeditious handling of the confirmation of the President's nomination of the Hon. GERALD FORD to be Vice President will be solidly behind columnist William F. Buckley, Jr., who asks some searching questions of the Democratic leadership in his column, "Stalling on Ford Is Irresponsible," which appeared in the October 28th edition of the Washington Star-News.

With the thought that our leaders on the other side of the aisle will consider these questions and resolve to put partisan politics aside, I respectfully direct their attention to Mr. Buckley's column and add my voice to the point of view he expresses and condensed in the column's headline: "Stalling on Ford Is Irresponsible." The column follows:

STALLING ON FORD IS IRRESPONSIBLE

(By William F. Buckley, Jr.)

The furious response to Mr. Nixon's manipulations of last weekend has had curious consequences, some of them at best childish, at worst masochistic. Congressional leaders who denounce Mr. Nixon (not without reason, in some cases) for subordinating the public interest to his own, talked about impeachment flirtatiously. Then, when Mr. Nixon yielded on the matter of the tapes (Mr. Nixon always, repeat always, recognizes a superior force on the few occasions he has run into one), they consolidated their resentment of him by resolving: not to confirm Gerald Ford as vice president of the United States.

If one reaches for an explanation for this line of reasoning one is baffled. What is the Democratic leadership saying?

That anyone named by Nixon is, by act of having been named by him, contaminated? Surely that is an extreme position, most easily penetrated by the argument of *reductio ad absurdum*. If Nixon were to name Ralph Nader as vice president, would they really conclude that Ralph Nader has suddenly been corrupted by the appointment?

Is it the actual nomination of Gerald Ford that offends these Democratic leaders? If so, then one wonders: what has Gerald Ford done in the last ten days to abate the enthusiasm shown over his designation at the time it was done? So far as the public is aware, Mr. Ford has not, during the past fortnight, accepted a bribe, suborned perjury, or abandoned his family. Mr. Ford is being investigated most rigorously by the FBI—much more rigorously, one hazards the guess,

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than the FBI would be invited to investigate down the line of presidential successors who, if one skips the vice president, are as it happens Democrats. If the champions of deferred confirmation are suggesting that they have discovered a great weakness in Mr. Ford, why don't they tell us what it is? Because they haven't discovered a great weakness in Mr. Ford.

It is a form of punishment they seek? Surely it is a high form of petulance to suggest that the Congress can punish President Nixon by denying him a vice president? The vice president isn't a valet who is personally useful to the president. As a matter of fact there are more presidents in United States history who would willingly have done without a vice president, than there are presidents who have made great use of their vice presidents.

As far as Mr. Nixon is personally concerned, he would probably be delighted not to have a vice president to distract him from his multifarious concerns. To deprive the President of a vice president isn't like saying he can't have his limousine.

Is the Democratic leadership attempting to out-trick Dick? The suggestion that this is the real meaning of the strange reaction is certainly cynical, and improbably correct. If Mr. Nixon should resign or be impeached, then we all know that as matters now stand, a Democrat would succeed him in the White House. This, as has been pointed out, would be to deny the mandate of the public as delivered resoundingly last fall. It is inconceivable that the Democratic leadership, in the name of restoring integrity to the United States Government, would attempt to pull off anything quite this brazen. Such a maneuver would have embarrassed General Trujillo: and probably, so long as there is an unconfirmed vice president, any move for impeachment would fail—for that reason alone.

We are left then wondering: shouldn't the criticism of Mr. Nixon accelerate, rather than diminish, Congress's concern to confirm a possible successor? Isn't this, really, the first order of business? And is anything Mr. Nixon has done, his tortuous resistance to Watergate, the equal of the irresponsibility of those who leave us without a vice president, in this season of great hazard? It is hard to take seriously any moral disdain for Mr. Nixon expressed by anyone who has a hand in delaying the confirmation of Mr. Ford.

PEACE IN THE MIDDLE EAST

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. GILMAN. Mr. Speaker, the cessation of hostilities in the Middle East is welcome news to all people throughout the world. An immediate and lasting peace in that volatile part of the world is paramount. Our Nation can be proud of its effective efforts in seeking this peace.

I particularly commend our newly appointed Secretary of State, Dr. Henry Kissinger, whose painstaking diplomatic negotiations with other world powers greatly enhanced the positive action taken by the United Nations Security Council.

Mr. Speaker, our Nation has acted responsibly throughout these hostilities. I was particularly pleased by the President's staunch support of our Nation's commitment to Israel despite the lack of help from any other nation.

It was reassuring to have more than 220 of my colleagues join with me in cosponsoring a resolution supporting the President's efforts to maintain Israel's strength by providing military equipment necessary to repel the aggressors and to offset the supplies that were being furnished them by the Soviet Union.

It is incumbent upon free nations throughout the world to come to the aid of any nation defending itself in the fight to maintain its freedom and sovereignty.

It is hoped that our Nation's efforts to foster a spirit of negotiation will result in bringing about a lasting peace in the Middle East.

CONGRESSMAN GARNER SHRIVER HONORED BY HIS CONSTITUENTS

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. SEBELIUS. Mr. Speaker, last week the supporters and constituents of our distinguished colleague, Congressman GARNER SHRIVER, of the Fourth Congressional District of Kansas, honored him at a reception dinner in his hometown of Wichita on the occasion of his 25th year of legislative service at the State and Federal levels.

More than 1,000 people attended this salute. They came from all over Kansas to honor this man who has dedicated himself to public service.

Congressman SHRIVER has been a valuable member of this body for nearly 13 years and prior to coming to Congress he served 4 years in the Kansas House of Representatives and 8 years in the State senate.

At a time when many people have come to question our political system and those who govern, it was especially significant and a high tribute to GARNER SHRIVER's integrity, sincerity, and ability that so many paused to honor him on this occasion.

Our former colleague and friend, Melvin R. Laird, Counselor to the President for Domestic Affairs, was the featured speaker. In his remarks, Mr. Laird cited GARNER's commitment and important contributions to health, education, and welfare programs as a member of the HEW Appropriations Subcommittee. He also pointed to Congressman SHRIVER's leadership in this Nation's efforts to move to an All-Volunteer Army and bringing an end to the draft.

Another friend of Congressman SHRIVER who participated in this deserved testimonial was Frank Carlson, former Governor of Kansas and former U.S. Senator. He traced GARNER's leadership in the Kansas Legislature in the passage of vital mental health legislation and the first program of State aid to elementary and secondary schools.

Other speakers included Paul R. Wunsch, a former State senator and now a member of the Kansas State Board of Regents; State Representative Richard A. Walker, who formerly served as a congressional intern in Congressman SHRIVER's office; Mrs. Evelyn Whitcomb, a member of the Wichita Board of Education; and William J. Wertz, former State supreme court justice.

Those of us who have worked with GARNER SHRIVER and have come to respect him recognize that he has earned the confidence of his constituents because he loves people, he listens to them, he works hard to help them in their problems, and he tries to do the best job possible in making fair decisions on the difficult legislation which comes before the House.

It is a privilege to join in congratulating my colleague, who we recognize as the dean of the Kansas delegation in the House, on this important anniversary and to wish for him many more years of public service to his district, our State and Nation.

A DECADE OF PROGRESS

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. FUQUA. Mr. Speaker, the distinguished gentleman from Texas, the chairman of the Committee on Science and Astronautics, Mr. TEAGUE, has long been a strong advocate of research and development programs which support the technology so necessary to the well-being of the American people. The latest issue of Vectors magazine carries a brief article by the distinguished chairman of the Committee on Science and Astronautics highlighting the importance of satellite communication derived from our national space program which provides the research and development essential to adequate international communications technology. I commend this important article to the reading of all Members of the Congress and the general public:

A DECADE OF PROGRESS

"Live via satellite" has become so commonplace on our television screens that we have come to take for granted all that phrase implies. People now observe, in real time, historical events taking place half-way around the globe, and the system performs so flawlessly it is hard to remember when such a thing was impossible; indeed, except for a few dreamers the idea was once unthinkable.

Yet, it was only about a decade ago when the earliest experimental communications satellites were launched. In 1962, Telstar and Relay confirmed that artificial satellites could provide reliable intercontinental communications, and the same year Congress passed the Communications Satellite Act of 1962.

In 1963, Syncom proved that satellites in geosynchronous orbit offered such overwhelming advantages for all types of communications, including voice, that the lively arguments in favor of a system of satellites in lower orbits were quickly laid to rest.

The International Telecommunications Satellite Consortium (Intelsat) was established in 1964, managed by the successful U.S. Comsat Corporation. In the eight years that followed a global operational network has come into being with 83 member nations and more than 80 earth station antennas in operation. For successively, more capacious, efficient, and reliable generations of satellites have been developed and launched, and the latest models have a capacity of up to 5000 two-way voice channels or 12 television channels. Three Intelsat IV satellites provide service across the Atlantic Ocean, while a fourth is stationed over the Pacific and a fifth over the Indian Ocean.

American businessmen now phone their counterparts in Europe routinely without knowing whether their voices are being carried by submarine cables or satellites. What they do know is that the cost of those telephone calls has been cut almost in half during the past three years because of the effectiveness of the satellite circuits. And because of the flexibility of satellite service, many previously isolated places are easily reached today.

The communications satellite network also has become important to the world economy in other ways. More than $400 million of capital investment has been made just in the space segment of the system, while close to $700 million has been invested in the construction of more than 65 earth stations around the world. Domestically, annual U.S. industry revenues from Intelsat activities currently average $200 million, while cumulative U.S. industry revenues have exceeded $1.15 billion since the beginning of commercial satellite service.

Truly, we have had a decade of dramatic progress in space communications. What about the future?

Experiments using communications satellites for education and health care in remote and sparsely populated areas are already underway.

Perhaps the greatest potential of communications satellites will prove to be in the field of education. Schools located far from the great cultural centers of the nation will some day have television access, through satellites, to the best minds in the academic world, to the best libraries, and to the latest teaching techniques.

While we look upon television today primarily as entertainment, the time may not be far off when it will be considered one of our most important educational tools.

Health care in remote and sparsely populated regions also can be vastly improved through advances in communications satellite systems. Small country hospitals will some day have quick access to assistance from the most medical centers. Rural physicians will be able to conduct consultations with specialists located hundreds of miles away by using two-way television conferencing. Medical diagnosis and treatment in rural areas will thus be improved in quality and effectiveness.

Finally, specialized communications satellites for reliable telecommunications to the world's merchant marine will soon improve the efficiency and safety of the great shipping fleets, while similar satellite systems are on the horizon for air-traffic control to make the airways safer.

Space age technology has already transformed our world; it has shrunk the globe, brought nations and people closer together. Imagine what another decade of progress will bring!

IN SUPPORT OF THE SO-CALLED VITAMIN BILL

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. EDWARDS of Alabama. Mr. Speaker, I will be testifying this week in favor of the so-called vitamin bill. I urge every Member of Congress to consider this issue and work to support my bill, H.R. 7474, the Hosmer bill, H.R. 643, and other similar bills. I submit my testimony at this time for the consideration of my colleagues:

Mr. Chairman, members of the Committee, I am appearing today to testify in favor of my bill, H.R. 7474, the Food Supplement Amendment of 1973.

Many witnesses are testifying at length on this subject, so my remarks will be brief but I hope to the point. Many of my constituents have contacted me about this matter, and in a large sense, my remarks are based on the good points which my constituents have raised about this matter.

The purpose of H.R. 7474 is to prevent the Food and Drug Administration from unreasonably intruding into the standards of identity, limits, and claims on vitamin and health food products and otherwise affecting the content of vitamin-mineral preparations and other types of food supplements. The bill states that the FDA shall not limit the potency, combination, amount, or variety of any synthetic or natural vitamin, mineral, or ingredient of any food supplement unless the substance is intrinsically injurious to health.

Mr. Chairman, my constituents feel, and rightly so, that they have the right of self-determination in matters of health. They do not feel, again rightly so, that the FDA or any other governmental arm should dictate policy to them in matters of food, water, and medical care when those matters affect them as individuals and do not affect the public welfare.

The Congress should work to minimize governmental intrusion into the private lives of Americans, and H.R. 7474, H.R. 643, and other similar bills provide us with an opportunity to move closer to that goal.

HISTORIAN SAYS A CONSERVATIVE BETRAYS HIS CAUSE

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. EVINS of Tennessee. Mr. Speaker, the respected historian, Mr. Theodore H. White, in a recent column in Newsweek magazine discusses with deep regret the fall of Vice President Spiro Agnew.

Mr. White takes the position that Mr. Agnew was one of the most eloquent conservatives in contemporary political history and that his loss has damaged the conservative cause for some time to come.

Because of the interest of my colleagues and the American people in this unfortunate situation, I place the column by Mr. White in the RECORD herewith.

The column follows:

A CONSERVATIVE BETRAYS HIS CAUSE

(By Theodore H. White)

Of all the absurdities of American politics, none is more absurd than the choosing of a Vice President.

From Truman to Agnew—through Barkley, Nixon, Johnson and Humphrey—all have been imposed on politics in the turmoil of conventions, either by Executive fiat, or the hasty compromise of exhausted factional leaders. And, though the country has been governed by such accidental men for fourteen of the past 28 years, each has been treated as a ceremonial figure of little consequence and no meaning.

Spiro T. Agnew was different, He was a man who finally gave the fossil office meaning—not as a figure of government, but as spokesman for one of the grand neglected causes of American history, the cause of American conservatives. And, thus, of all the crimes charged against him by the Justice Department, none can match in national importance his betrayal of that cause, for which he spoke so eloquently.

One must look back on history, beyond the mandate of 1972, to measure the hurt he has now inflicted on American politics. For generations, the conservative cause in America has been an impulse lacking either a respected voice or coherent philosophy. American history gives conservatives neither an honorable tradition nor great heroes. Where British Tories can look back on such men as Disraeli and Churchill who added glory to the empire and pride to Englishmen, American conservatives have had to reach all the way back past Calhoun to Hamilton to find a hero. The dull and tongueless men who paraded through American politics from Garfield through Harding and Hoover left us no more impressive descendants than Robert Taft, of starchy courage, and Barry Goldwater, of outraged integrity.

IMAGE OF A WATERSHED

The election of 1972 was thus—or so it appeared then—a watershed. For the first time since 1928, a conservative leadership appealed to the American people on clear issues—and won overwhelmingly. The conservatives, under Nixon, had read the mood of America better than the Democrats. They had read the times as signaling a halt in experimentation, a moment for curbs on power that affected the lives of common people.

The revelations of this spring and summer have profiled political tragedy. They have described a Nixon Administration, despite its creative historic achievement, as a conservative Administration worm-eaten by men who could not tell right from wrong.

The Americans had voted, in 1972, for a curb on power—in Vietnam, in their cities, in their schools. They had voted for "law-and-order," a civilized purpose. Then, all through the summer of 1973, they learned that what they had voted for was most abused by those who had promised it most solemnly. The first Attorney General of the Administration, it turned out, would be charged with violating the law he was sworn to uphold. The clean-cut young men who directed the mechanics of the Republican campaign were exposed as bungling knaves, as stupid as they were criminal. "My wounds save with the cold can not more ache," wrote Wilfred Owen of the men who held the line against adversity in Flanders in 1917; so might American conservatives have spoken until the unmasking of Spiro T. Agnew. But now, indeed, their wounds ache more.

OUT OF THE DARKLAND

Spiro T. Agnew was chosen on Thursday morning, Aug. 8, 1968, at the Hilton Plaza hotel in Miami Beach, only a few blocks north of the Doral Hotel on the ocean, where, four years later, the Democrats were to repeat absurdity in choosing Tom Eagleton. Agnew's name had been tossed up to the weary Republican candidate, Richard Nixon, after four long and inconclusive round-the-clock sessions of Nixon's counselors and party leaders. Southerners had vetoed all liberal candidates for the Vice Presidency—Lindsay, Percy, Hatfield. Northerners had vetoed all conservatives—Reagan, Tower, Bush, Baker. Nixon's personal choice had been Robert Finch, but Finch refused the honor. Nixon was left with a choice between two men whom his closest advisers called "the political eunuchs," both of whom had survived the elimination contest: John Volpe and Spiro Agnew. And Nixon chose Agnew.

Agnew, however, turned out to be anything but a political eunuch. He had a gift of rhetoric, an authentic cadence to his speech

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which no other American conservative even approached. He had courage. He seemed, above all, intelligent and perceptive. He had come up in Maryland, out of suburbia, that darkland of American politics. Agnew understood and spoke for the emotions of homeowners, strivers, Middle Americans. His assault on the press, the most self-important power system in American life, was the most vivd public examination of its functioning by a political figure in recent years. Without doubt, after the mandate of 1972, Spiro Agnew was the leading candidate for the Presidency in 1976—a conservative with style.

And then he turned out to be a cheap, common crook—a man who accepted cash for a fix even as he sat is the Executive Office Building; an income-tax chiseler who put campaign contributions into his own pocket; a small-minded man who could not, in his own conscience, recognize cheating for what it is.

In doing so, he betrayed the conservative cause. A novelist may bring sympathy to this son of an immigrant family, hardened by the struggle to make a living, polluted by the radioactivity of money all around him, finally achieving the poise, the presence, the personality of a major man of state.

But a historian can bring no sympathy to Spiro Agnew.

There has come on us a turning point in the flood of American ideas; the mandate of 1972 accepted and welcomed it. The Liberal Idea, which had overborne American thinking in the previous fifteen years, would have been stronger, tougher, more fruitful had it been forced to examine the reality of the country once more in 1976; it is strong enough to have warranted decent opposition. Had Spiro Agnew—the publicly perceived Agnew of a few months ago—run in 1976, the country would have been the better for it. The political system would have been refreshed by real outspoken debate between an intelligent conservative force and an intelligent liberal resistance.

LOSING A CHOICE

Spiro Agnew, as the ablest spokesman of the conservative cause, has now and for some time to come deprived the country of this choice. No one else in our time who again uses the honorable words that Agnew so slickly mastered can speak them without arousing instant suspicion. No one who challenges the institutions he made his enemies—the press, the television networks, the great foundations, the universities—will be able to examine reasonably their power and their manner of using it. Far more than the scoundrels of Watergate, he has warped the structure of our politics. Almost as disastrously as Hoover's Depression hushed conservative voices for one generation, Agnew's felony may hush them for another. The conservatives deserved better than this.

(White is the author of "The Making of the President—1972.")

THE NATIONAL GUARD AND ARMED FORCES RESERVE PROGRAM

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. CORMAN. Mr. Speaker, I was greatly pleased to learn that the president of a southern California based company has taken the initiative in encouraging his employees to participate in the National Guard and Armed Forces Reserve program. Also to be highly commended is his decision to grant leaves of absence to the employees without sacrifice of vacation time. I hope that other companies will follow the example set by Continental Airlines in this action.

With the end of American involvement in Vietnam I think all Americans hope that we are never called to arms again. However, the history of mankind and the realities of the world we live in demonstrate that the interests of peace cannot be promoted by laxity. The All-Volunteer Army can be maintained for only partial preparation should a future event become serious enough to force us into battle again. We have a viable alternative to conscription in the National Guard and Reserve programs.

Mr. Speaker, peace has to be waged with all our thought, energy, and courage each day and each year. I hope that all Americans recognize the benefit of strengthening our National Guard and Reserve units as a means of strengthening our commitment to the interests of peace.

AFL-CIO AID TO ISRAEL, A POSSIBLE VIOLATION OF THE LOGAN ACT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. RARICK. Mr. Speaker, many times organizations seeking to mold public opinion and motivate political action adopt positions which are so contradictory, that they have the effect of confusing each other.

Resolutions adopted by the American Federation of Labor—Congress of Industrial Organizations—AFL-CIO—at its 10th convention at Bal Harbor, Fla., this month are classic examples of such tangents by emotionally charged, well-meaning Americans. The AFL-CIO News heralded two convention resolutions as being made "to meet twin threats to democracy." The twin threats are identified as impeachment of President Nixon and a pledge of solidarity to Israel in the Middle East confrontation. The Laborites also urge: a tougher stand against the Soviets, criticism of the United States for bailing out the Kremlin, a boycott against apartheid by refusing to unload chrome from South Africa, as well as repeal of the Byrd amendment which allows U.S. importation of Rhodesian chrome and other strategic materials.

The inconsistencies to an outside observer are overwhelming. Since Richard Nixon has proven time and time again to be a "committed" friend of Israeli survival, demands for his ouster at this crucial time are impossible to reconcile with labor's pledged support for a foreign nation (Israel) at war.

In fact, informed Americans may wonder whether or not the action taken by Mr. Meany and the Federation's executive council in giving a $50,000 contribution from American labor to aid Israeli workers through HISTADRUT, the Israeli Confederation of Labor, is a possible violation of existing laws of our country, such as the Logan Act. For the benefit of our colleagues, I include the text of the Logan Act at this point.

As amended and enacted into positive law on June 25, 1948, as 18 U.S.C. 953, the Logan Act provides:

§ 953. *Private correspondence with foreign governments*

Any citizen of the United States, wherever he may be, who, without authority of the United States, directly or indirectly commences or carries on any correspondence or intercourse with any foreign government or any officer or agent thereof, with intent to influence the measures or conduct of any foreign government or of any officer or agent thereof, in relation to any disputes or controversies with the United States, or to defeat the measures of the United States, shall be fined not more than $5,000 or imprisoned not more than three years or both.

This section shall not abridge the right of a citizen to apply, himself or his agent to any foreign government or the agents thereof for redress of any injury which he may have sustained from such government or any of its agents or subjects. June 25, 1948, c. 645, 62 Stat. 744.

A direct contact of involvement must be considered as having occurred since the organizations own newspaper reports that the Israeli Primine Minster telephoned the AFL-CIO president in the midst of the federation's convention to express appreciation for the support given Israel by the American labor movement.

Charges of Presidential law violations lose their credibility when national leaders of the importance of Mr. Meany take the law into their own hands, and work outside the legal framework of their own government to directly aid a foreign nation.

Another incongruity includes the demands to supply aircraft and equipment to Israel to offset Soviet military supplies to the Arab combatants. At the same time another resolution called for repeal of the Byrd amendment, which allows importation of chrome and other strategic materials from Rhodesia rather than relying on the only other alternative source of this critical material; that is, the Soviet Union. The ultimate combined effect of these resolutions, if successfully implemented, would be to force American manufacturers of aircraft and tanks to buy their chrome from Russia, and thereby supply Israel with aircraft weaponry made from Russian chrome to combat Soviet weaponry, also made with Russian chrome.

The foreign policy of the United States should be based upon what is in the best interest of the American people, who certainly include the working people of our Nation and their children. We may wonder, however, if the leadership of the AFL-CIO is willing to accept the responsibility for the eventual outcome of many of their inconsistant resolutions and activity adopted at their national convention. These resolutions are now being disseminated across our country and through labor organizations around the world as representing the position of the working people of the United States.

As labor leaders claim, this may be the way to effect change and to exert pressure for political action. But certainly it is also the way to undermine one's own country's strategy for national security and prepare the atmosphere for another war.

I insert in the RECORD related clippings from the AFL-CIO News, October 27, 1973:

LABOR DRIVE OPENS TO AID HISTADRUT

BAL HARBOUR, FLA.—The AFL-CIO has launched a drive to raise funds from American trade unions and their members to aid Israeli workers through Histadrut, the Israel Confederation of Labor.

To get the drive rolling the federation's Executive Council, meeting right after the adjournment of the 10th convention, voted a contribution of $50,000 and called on all affiliates to involve themselves and their local unions in the campaign. A similar call went to AFL-CIO state and local central bodies.

AFL-CIO Pres. George Meany named a special five-member council committee to head the fund drive for Histadrut—Vice Presidents Peter Bommarito, John H. Lyons, I. W. Abel, Paul Hall and Max Greenberg.

GOLDA MEIR SAYS: "OUR BOYS ARE FINE"

BAL HARBOUR, FLA.—Israel's Prime Minister Golda Meir telephoned AFL-CIO President George Meany in the midst of the federation's convention to express appreciation for the support given Israel by the American labor movement.

Meany briefly interrupted the proceedings to convey her greetings to the delegates and reported:

'She says to tell you, 'Our boys are doing fine, and don't worry—we will make it.' "

"WE STAND WITH ISRAEL," DELEGATES MAKE IT CLEAR

(By John M. Barry)

BAL HARBOUR, FLA.—The American labor movement made it clear that "we stand with Israel," as the AFL-CIO's 10th convention rallied union members to help "speed generous help to the cause of peace and freedom which Israel is now defending so courageously against terrible odds."

A convention resolution on the war in the Middle East, which drew stirring expressions of support from floor speakers, pledged the AFL-CIO's continuing solidarity with Histadrut, Israel's trade union center. It called on federation affiliates to back this up with contributions for medical care and other vital services, and to step up their investment in State of Israel Bonds.

The resolution took note of United Nations attempts to bring about a cease-fire in the Arab-Israeli war, but warned there should be "no illusion about the difficulties in the path of an equitable and enduring peace" in the Middle East.

"The AFL-CIO convention emphasizes that, more than ever, the first requirement for attaining peace in the Middle East is direct negotiations between the countries at war."

The convention charged that "this terrible war had been carefully and thoroughly prepared for months" and could never have come "without the massive Soviet supply of the most sophisticated offensive weaponry to Cairo and Damascus."

The federation called on the United States to "spare no effort or material resources to prevent the destruction of Israel as a beacon of democracy and human freedom in this turbulent area."

Specifically, the resolution urged the U.S. government to:

Carry out a massive airlift to resupply Israel with weaponry.

Offer a guarantee of national independence and sovereignty to Israel and any other country in the Middle East ready to end hostilities and enter direct peace talks.

Halt all forms of aid to any Middle East country that persists in military aggression or engages in economic blackmail against the United States.

Seek the support of NATO and the UN in achieving an end to hostilities and the immediate start of Arab-Israeli peace talks.

On the opening day of the convention, Defense Sec. James R. Schlesinger cited to the delegates Time magazine's description of the Middle East crisis as "a grim reminder that the world beyond is part and parcel of America's concerns."

Schlesinger described U.S. efforts to resupply Israel in response to Moscow's refusal to end its massive airlift to the Arab states.

He said the immediate and long-range goal of the U.S. is to end the fighting and bring about a permanent and fair settlement.

"Any fair settlement," he said, "requires continuing security for the State of Israel and equity for her neighbors."

In discussion on the resolution, AFL-CIO President George Meany presented a statement on behalf of the maritime unions accusing the Soviet Union of provoking and supporting Arab aggression against Israel. The statement warned that the maritime unions would "take appropriate steps necessary to halt the use of our labor" in handling cargoes and ships involved in trade with the USSR if it persists in this course.

President Peter Bommarito of the Rubber Workers, also speaking in support of the resolution, recalled that Meany had just two weeks earlier wired Sec. of State Henry Kissinger that:

"In so critical a moment, no nation must be allowed to doubt, even for a second, where the United States stands."

Bommarito declared, to the roaring approval of the delegates that there must be no doubt, either, where labor stands:

"We stand with Israel. We stand with the future of democracy in the Middle East. We stand with Histadrut."

Vice President Velma Hill of the Teachers said that black workers particularly can identify with Israel in its struggle because Israel is truly a democratic nation and trade unions cannot survive without democracy.

"We have a basic commitment to democracy," she declared, "and we understand that the enemies of Israel are also the enemies of labor . . . and the enemies of blacks."

Sec.-Treas. William DuChessi of the Textile Workers Union of America recalled a recent visit to Israel by a group of U.S. trade unionists and described what they saw: "a building country, a hard-working people," with Arabs and Jews working together.

Sec.-Treas. William Lucy of the State, County & Municipal Employes expressed "wholehearted" support of the State of Israel "as a black, as a trade unionist, as a man. . . ."

Vice President Edward V. Donahue of the Graphic Arts Union, recalling Israel's long struggle for survival since its establishment, agreed that "this is the only democracy in the Middle East and if there is anything worth preserving in this world and worth this labor movement and this country committing itself to, it is a continued commitment to the maintenance of that . . . little democracy, a trade union democracy that's trying to do a job and show people how to live in this world."

Donahue urged that the cause of Israel is "strong enough and worthy enough" not to be confused with such situations as Vietnam and Cambodia, which he said "haven't been so worthy."

President Miles C. Stanley of the West Virginia AFL-CIO, who also recalled visiting Israel, declared that it is "indeed a beachhead of democracy in the Middle East" and stressed the impact that peace there would have on the world.

"If we are going to avoid a third world war," he said, ". . . we must bring peace in the Middle East."

SOUTH AFRICAN APARTHEID IS BOYCOTT TARGET

BAL HARBOUR, FLA.—As long as black workers are discriminated against by South Africa's apartheid policies, U.S. unionists should refuse to handle products from there, the AFL-CIO convention declared.

The convention praised the Longshoremen's position of refusing to unload chrome sent to the U.S. from South Africa and said the AFL-CIO would work for U.S. government support in extending economic sanctions against South Africa.

The resolution also called for repeal of the Byrd Amendment, which allows the U.S. to import Rhodesian chrome and other strategic materials.

"The AFL-CIO supports the trade unionists both inside and outside South Africa who are engaged in the struggle for recognition of trade union rights for the Black African workers," the resolution said. "In this respect, the efforts of the African-American Labor Center in conjunction with the African workers should be supported."

AWESOME POWER OF OEO's UNION

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. CRANE. Mr. Speaker, if elections are to mean anything, civil servants must be accountable to elected officials and their appointees. Unfortunately, the trend is the other way. One of the most blatant examples of taking power from the people and giving it to bureaucrats is the incredible union contract which now covers employees of OEO. Unfortunately, if the Senate version of the legal services corporation proposal is signed into law, it would lock the provisions of this contract in to the new corporation. The following recent article by Howard Phillips, former OEO chief focuses on this development:

[From Human Events, Oct. 6, 1973]

THE AWESOME POWER OF OEO'S UNION

(By Howard Phillips)

Perhaps no modern President has been more frustrated by bureaucracy than Richard Nixon. To a large degree, this is because he is the first since pre-FDR days who has advanced a domestic agenda which, if implemented, would truly threaten not merely the liberal policies favored by most bureaucrats, but also the power of civil servants to exercise broad discretion in establishing policy.

It is therefore ironic when top officials in the Nixon Administration make gratuitous concessions to the demands of anti-Nixon civil service unions. At the Office of Economic Opportunity (OEO), such concessions have been granted over a period of years. Now they are being further extended.

OEO UNION EXCESSES

Long in the radical vanguard of Washington bureaucratic politics, OEO's union often embarrassed its more stable colleagues in the labor movement, as the consequence of its role on the fringes of the anti-war movement and its heavy domination by SDS types. In 1972 its leadership presented a solid and active pro-McGovern flank. Although many OEO employes have minority group backgrounds, top officials of the union have been predominantly lily-white, radicals more interested in political objectives than in the welfare and security of their members.

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Union negotiations have, for the most part, have been handled in recent years by Wesley Hjornevik, who served as deputy to OEO Directors Donald Rumsfeld, Frank Carlucci and Phillip V. Sanchez. Hjornevik's general philosophy led him to concede a few more points to the union in each year's negotiations.

Under the contract which Hjornevik left, it was stipulated that the "employer affirms the right of employes to decorate their working areas with paintings, posters, photographs, and other artistic or symbolic representations . . ." Accordingly, long before it became fashionable elsewhere, OEO's walls have been decorated with "Impeach Nixon" posters, pictures of George McGovern, assorted radical graffiti, and a wide range of anti-Administration propaganda.

The contract guaranteed the union one steward for every regional office unit, including up to 15 employes and one steward for every 30 headquarters unit employes, providing that all stewards may carry on their union activities during "official time."

Top union officials are given 20 hours out of each 40-hour week to spend on union business in special government offices provided (with telephones) for that purpose. In addition, OEO pays travel expenses for union officials who attend bargaining sessions or whose travel is required for "consultation." The union also has the chance to make a political pitch at orientation sessions for new employes.

Those taxpayers who find critiques of civil service implausible should learn something from the language of the OEO contract negotiated in March 1972:

"If an employe's performance is considered to be unsatisfactory, the supervisor will discuss the employe's performance with him in an effort to resolve the issue informally. If after this informal discussion the supervisor still considers the employe's performance to be unsatisfactory, then the supervisor must obtain the concurrence of the reviewing official on the warning notice. An employe may not be rated unsatisfactory until he has been given an official warning in writing at least 90 days prior to issuance of his performance rating. . . . When the supervisor discusses the warning notice with the employe, the employe may have a Union representative present.

"If the supervisor still considers the employe's performance to be Unsatisfactory at the end of the warning period, he will discuss the proposed Unsatisfactory rating with the employe and the employe may make written comments for the record. . . . The employe may have a union representative present at the discussion. Then the rating will be forwarded for approval by the reviewing official and concurrence by the Performance Rating and Incentive Awards Committee. . . . If the employe's official rating is . . . Unsatisfactory and he disagrees with that rating he may appeal. . . ."

"UNSATISFACTORY" RARE

Is it any wonder that few supervisors care enough to endure the extended personal aggravation resulting from a decision to rate an OEO employe "Unsatisfactory"? As a consequence, such ratings are extremely rare. It should also be noted by the taxpayer that "Satisfactory" ratings carry with them automatic pay increases. That's one reason why the cost of fighting "poverty" keeps going on.

Many observers in the Administration felt that Hjornevik, in the days immediately preceding his ouster as deputy director in January 1973, had gone about as far as possible in granting union requests without overtly declaring his intent to sabotage the authority of his successors. Now, OEO Director Alvin Arnett has yielded ground to the degree that Hjornevik retrospectively appears a comparative piker.

In secret August negotiations, which Arnett conducted personally with union leaders, important new concessions were granted to give union officers a major say in shaping policy of OEO. In addition, Arnett agreed that, after his confirmation by the Senate, he would open up the entire contract for renegotiation and make further concessions.

Arnett and his OEO union counterparts have focused on the following points thus far:

Removal of non-career temporary and policy schedule employes hired with White House recommendation or approval during the first half of 1973;

Granting preference to career OEO employes in filling OEO regional directorships and headquarters management positions;

An automatic promotion policy which has enabled the union to advise employes that "If you are below the journeyman level on a career ladder, have sufficient time in grade, are qualified to do higher level work, and if work is available at the higher grade, a promotion is yours for the asking.";

Appointment of a Grade Review board "to include at least four management and four union representatives" with a "neutral" chairman;

Restricting disciplinary action against employes so that no "adverse action" will be even initiated without prior hearings.

Preservation of the SDS-dominated OEO migrant division intact with no shift to a "revenue-sharing" policy before October, at the earliest;

Assurance to OEO employes who were shifted under the presidentally approved reorganization of July 6 that they may seek transfer back to OEO.

It has also been suggested in the civil services press that Arnett and union leaders "would explore areas in which they can jointly testify before the House subcommittee on equal opportunity for the purpose of extending congressional authorization for OEO and community action agencies through 1977."

In related fashion, Arnett has reportedly agreed to "evaluations of supervisors by the supervised, confirmation, election, and recall of first-line supervisors by employes, and rotation of employes through supervisory positions." A further aspect of Arnett's plans for "collective leadership" involves the creation of "employe participation councils" in each of the offices which comprise OEO.

Sources close to Arnett say that the new OEO director has given full sway to the union to gain liberal support for his Senate confirmation as well as to minimize press leaks by OEO union members which might embarrass the Administration.

Arnett has argued to conservatives that his concessions will count for nothing at the end of the fiscal year when OEO will presumably have disappeared and that, in the meantime, they serve to limit liberal criticism of the President's plan to disband OEO.

Some labor-management experts in the Administration are fearful, however, that the precedents which Arnett has established will have an unfortunate effect on contract negotiations in other federal departments.

For the moment, however, OEO is less accountable to the President, and those who elected him, than ever before.

IN PRAISE OF THE POSTAL SERVICE

HON. RONALD A. SARASIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. SARASIN. Mr. Speaker, often we debate and criticize the quality of service performed by the U.S. Postal Service. I would like to offer my colleagues comments of a constituent, exalting the mail service in Prospect, Conn. This letter applauding the courteous and superb performance of the postal employees appeared earlier this year in the Waterbury American. For a difference of perspective and comments on the U.S. Postal Service, I call this letter to the attention of my colleagues and insert it in the RECORD.

The letter follows:

PROSPECT, CONN.

PROSPECT POSTAL SERVICE DESCRIBED AS SUPERB

TO THE EDITOR OF THE AMERICAN: Our U.S. Postal Service has been constantly under criticism. It is most unfair to condemn collectively service rendered by postal employes.

In our Prospect Post Office I have yet to find a postal clerk lacking service and courtesy. Daniel Guigliotti, our Evergreen Lane mail carrier, is most gracious and thoughtful. His service is beyond reproach. When packages are too large for my mail box he personally delivers the mail to me. If I am not at home he leaves it on a receiving table under carport.

Only yesterday I rushed to the Post Office with letters for immediate collection. As I stepped out of the car the collection truck was driving out. Noticing the letters in my hand the driver stopped and said, "If they are stamped I'll take them." I was most grateful for his thoughtfulness.

Hats off to the U.S. Postal Service!

A. ALMA GENEST.

"CONSTITUENTS CONTINUE TO DEMAND IMPEACHMENT—NO. 2

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. HARRINGTON. Mr. Speaker, after the firing of Special Prosecutor Archibald Cox, the White House seemed to have concluded that the people of this country were angered and upset over the specific matter of access to the Presidential tapes. The White House, therefore, apparently felt that if it reversed its longstanding claim of "executive privilege" with regard to the tapes, the public would forgive the President and repudiate the advocates of impeachment.

Has this happened? No, it has not. The demand for the beginning of impeachment proceedings against President Nixon has continued unabated from every section of the country. The American citizen is not simply interested in a few tapes—the average American is not satisfied by this diversion. Americans want honesty, integrity, and leadership in the White House, not cantankerous and bitter "compromises." The people who have written to me are opposed to the dicatorial manner of this President, and no number of new Attorneys General or special prosecutors will placate their opposition. Will the Congress answer this call? It must respond by beginning the impeachment process so that both the President and the people may have a fair hearing.

As evidence of this demand, I herewith provide a count of the correspondence I have received on the matter. I repeat

my request of October 25 that my distinguished colleagues do the same, so we may face how Americans feel.

In favor of impeachment—869.

Opposed to impeachment—22.

LEGISLATION INTRODUCED TO RESCUE SOCIAL SERVICES PROGRAM

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. REID. Mr. Speaker, I am most pleased today to join with Congressman CORMAN in introducing bipartisan legislation designed to rescue the social services program from restrictive, regressive HEW regulations which are scheduled to go into effect on November 1.

Last fall, Congress placed a $2.5 billion ceiling on the entire social services program. I, and many of my colleagues opposed this figure as being too low. But it was passed and we were prepared to live with it.

But, HEW was not. Instead of accepting Congress limitations on the program, the administration chose to ignore congressional intent, to impose further restrictions and thereby impound millions of dollars by redtape. The results would have been disastrous. Millions of working poor throughout the Nation would have been deprived of vitally needed services—services which all too often spelled the difference between welfare dependency and the opportunity to attain self-sufficiency.

The outcry was immediate, and unprecedented. And it came from every sector—from Congress, from the Governors, from local officials, and from the public at large.

But, inspite of immense concerns expressed, and in spite of clear comments from many key Members of Congress, including the chairman of both Ways and Means and Finance that the regulations had moved far beyond congressional intent, HEW has remained unresponsive.

A final set of changes were issued on September 10. These regulations will go into effect 2 days from now, on November 1. A number of cosmetic changes have been made. Health, Education, and Welfare claims that they have been responsive to congressional comments. Yet, this is simply not the case. These regulations still severely restrict the States' ability to provide a wide range of services to those individuals who have desperate need of them. Health, Education, and Welfare continues to attempt to defy the will of Congress and to rewrite the social security law to serve their own narrow goals.

It is clear that legislation is the only remedy.

On October 3, Senator MONDALE and 38 colleagues introduced legislation designed to save the social services program. On October 16, Congressman CORMAN and six other members of the Ways and Means Committee introduced a companion bill in the House. It is this legislation which I am pleased to support today. The purpose of this bill is to provide workable regulations which, within the $2.5 billion ceiling, take into account both the need for accountability and fiscal restraint as well as the need for State and local flexibility to provide services most reflective of local conditions.

I hope that my colleagues will join with us in supporting this legislation. It is time that we settled once and for all the question of which branch of Government legislates; time that we made it clear to the administration that they cannot continue to circumvent the will of Congress.

CONGRESS MUST INSIST ON OWN PROSECUTOR

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. STOKES. Mr. Speaker, no self-respecting lawyer in America will accept the position of special prosecutor under the conditions laid down by President Nixon in his press conference last Friday.

The American people want a separate and independent prosecutor who will pull out all the stops in pursuit of the evidence, no matter how deeply he may have to go into the Oval Office itself. The people will not tolerate a hired coverup artist.

I predicted last Friday that the public would not accept this new proposed arrangement. Already public sentiment seems to be going against the President's scheme. I am proud that the Cleveland Plain Dealer, in its editorial pages Saturday morning, took the lead among Ohio's newspapers by rejecting the President's proposal out of hand, and by inserting that we, as the elected Representatives of the American people, establish the office of special Watergate prosecutor under Judge Sirica.

I urge my colleagues to heed what the people are demanding. The article follows:

CONGRESS MUST INSIST ON OWN PROSECUTOR

Congress should proceed with legislation to establish the office of special Watergate prosecutor under the authority of U.S. District Judge John J. Sirica.

It is apparent now that President Nixon has no intention of naming such a prosecutor to represent the government and give that person truly a free hand and the total cooperation of the executive branch.

Mr. Nixon tried to be convincing at his news conference last night when he revealed that Acting Atty. Gen. Robert H. Bork next week would announce a special prosecutor to replace Archibald Cox, who was fired a week ago by the President.

But it did not come off.

There was no specific assurance the new man would have a free hand. Rather, the President once again stated emphatically that he, personally, must defend the office of the president against disclosure of confidential material. He would supply information from presidential documents, but not the documents. Would the presidential files be available if the prosecutor wanted them? Mr. Nixon only could hope this confrontation would not be necessary. He would "cooperate."

All the national agony which the country suffered one week ago tonight when the President brought about two firings and one resignation of key persons in the Watergate prosecution seemingly has not touched Mr. Nixon.

He played the same old record last night even though it is highly unlikely now that anyone believes an administration-backed investigation into Watergate—so necessary to prosecute the guilty and clear the innocent as Mr. Nixon himself declares—could be thorough or impartial. The Justice Department did not establish an enviable record in its first efforts in the case.

Obviously, and despite his thin attempts at humor, the President is deeply resentful of television. His cutting remark that he was not angry with television people because he could get angry only with those persons he respected, stunned the assembled news reporters. So did his abrupt departure. He stalked off the podium suddenly with no closing words, no final arguments, no attempt to summarize, not even waiting for the traditional "Thank you, Mr. President" from the senior correspondent.

Contrary to his declaration, Mr. Nixon seemed a little shaken by the attacks made recently on his motives and character. But also contrary to his rhetoric last night, the impression is he has no intention of giving one inch on the matters of the confidentiality and privileges of his office, come what may.

This leaves it up to Congress and Judge Sirica.

THE DAMAGE DONE TO DEMOCRATIC ETHICS AND GOVERNMENTAL INSTITUTIONS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. RANGEL. Mr. Speaker, in the wave of impeachment letters last week, I received a copy of a resolution calling for the resignation or impeachment of the President, adopted by the board of directors of the American Ethical Union. The American Ethical Union represents ethical culture societies throughout the United States. It is dedicated to a common concern for ethical values which can best promote the unity of mankind. It is a shame that former members of the Nixon administration who have been implicated in the Watergate crimes and their coverup did not share the same common concern for ethical values. It is a continuing shame that the President seeks still to cover-up rather than reveal, to seek division and diversion through attacks on the press rather than to seek after the truth and the means for national reconciliation.

The resolution follows:

RESOLUTION—A CALL FOR PRESIDENT'S RESIGNATION OR IMPEACHMENT

The loss of moral leadership in the Presidency is not a situation which any citizen can contemplate with satisfaction, since Americans have always looked to the President of the United States for moral as well as political leadership. This must continue to be so, since political authority in a democracy cannot survive unless it is grounded in a people's confidence in the credibility of their elected leader.

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We believe that the relentless flood of disclosures of wrong-doing, corruption, willful violation of constitutional rights, obstruction of justice, and usurpation of power involving police-state techniques and intrigues, which a distinguished United States Senator has aptly described as revealing a Gestapo mentality, have reached and corroded the moral authority of the President himself. Watergate only symbolizes a much wider and deeper corruption and abuse of authority, which, on the basis of his own statements, implicates Mr. Nixon.

In view of the damage already wrought by his administration to the institutions of free government and democratic ethics, the President should resign. The abuses and corruptions of power which have been uncovered cannot be shunted aside without remedial action.

Therefore, we urge that in light of the national interest, the President resign immediately, but failing that act, Congress should proceed to impeach.

VITAMIN HEARINGS

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. McKINNEY. Mr. Speaker, in response to the growing public indignation over the recently published Food and Drug Administration regulations governing dietary supplements, the Subcommittee on Public Health and Environment, chaired by Congressman Paul Rogers, has begun hearings on legislation to curb FDA authority in this area.

Last week I introduced H.R. 11085 to amend the Federal Food, Drug, and Cosmetic Act with respect to dietary supplements, and today I presented testimony before the subcommittee in behalf of my particular bill and on behalf of my many constituents who have expressed concern over the usurpation of power by the FDA.

At this time I would like to submit my testimony for inclusion into the Record:

Statement of the Honorable Stewart B. McKinney on Food Supplement Legislation

Mr. Chairman: I would like to express my appreciation and that of my constituents for holding hearings on the issue of the Food and Drug Administration's authority in the area of dietary supplement regulation.

This is a most complicated and controversial issue, made even more difficult because the field of nutrition is conspicuous for wide differences of opinion. Because of the public uproar over the FDA regulations, it is essential that Congress receive testimony from experts representing all points of view so that consumers can be satisfied that all sides of the question have been heard and so that we as Members of Congress will have information at our fingertips in order to make the hard decisions that must be rendered.

The crux of the issue is whether a vitamin is a food or a drug; whether the FDA has the authority to set potency limits on vitamins and mineral supplements and, if they do, should they have this power; whether the FDA has or should have the authority to standardize combinations of dietary supplements; and, most importantly, whether such regulations infringe upon the rights and freedoms of the consumer.

To date I have received over 1,500 communiques from constituents on this issue, all highly indignant that the FDA should curb their freedom to supplement their diets. At this time I would like to take issue with those who have denigrated the character of those involved in this battle. It is evident from my mail that a large majority of those concerned with the FDA regulations have done a great deal of individual research on vitamins and their own proper intake for their best health. Generally I believe they constitute a healthy segment of our society, not seeking a "quick fix" from doctors when symptoms appear but instead relying on good, solid preventive medicine practices.

The more I study this issue and plough through the testimony of experts—and I might say that there are as many reputable scientists and nutritionists on one side of this issue as on the other—for this simple fact alone, that there is such a wide variation of opinion, I believe the dogmatism of the FDA in stating that high potency vitamins are drugs and can be injurious to health is unwarranted. Nutrition is not an exact science; there are too many unknowns and too little is known about the variations of human needs.

The allowances recommended by many scientists for many of the nutrients fall extremely short of the dosages suggested by other reputable nutrition experts. Yet the FDA arbitrarily accepts the Recommended Daily Allowances as "facts" and decrees that food supplements containing more than 150 per cent of the RDA will henceforth be redesignated as drugs. I simply don't believe the facts dictate such an intrusion into our freedoms nor that the known cases of overdoses of vitamins warrant the need for these rigid regulations of food supplements.

Should not the consumer have the right to self-medication with health foods, vitamins and minerals? In light of Department of Agriculture studies revealing a shocking decline in the quality of the American diet in recent years, should not the consumer be allowed to decide for himself how much, if any, supplementation of his diet he wants to make him feel his best—so long as the amounts are not injurious to health? And this issue—amounts injurious to health—I shall deal with shortly.

Many citizens believe, and with some justification, that natural foods are better than procesesd food. They also believe the FDA has a poor record in protecting the consumer from poor quality food, food additives—either dangerous or unnecessary, food contamination, and amphetamines and other across-the-counter drugs which are daily consumed by a large segment of our population. Why then should they bow to this "food czar" and a paternalistic government which impose regulations which lack a scientific consensus and which affect them as individuals and not the public health in general?

I would now like to address myself to the subject of safety. I have stated that so long as the amounts of vitamins are not injurious to health, every person should have the right to decide for himself what vitamins and food supplements he should take. But if vitamins are proven to be dangerous and injurious to health—and I mean "proven" in the truly accepted scientific sense of the word—then let the FDA step in and regulate them appropriately.

While I realize there are disputes raging even in this area, I support FDA's intentions with respect to vitamins A and D. A great many experts argue that the levels as dictated by the FDA regarding vitamins A and D should be higher, that the proposed levels for these two vitamins are arbitrary and without scientific merit, and that the proposed levels are suitable for children but higher levels would be more appropriate for adults. Still others maintain that the levels should be lower than those recommended.

I do not have the knowledge to take a position with respect to levels but I do associate myself with the generally accepted scientific opinion that massive doses of vitamin A and vitamin D can be harmful and indeed life-threatening in extreme cases. Therefore I believe the public should be protected against even a remote chance of overdosage of these two vitamins. And because of the promotional techniques, advocating large amounts of vitamins A and D for a variety of purposes, I find the FDA action with respect to these two vitamins—and only these two vitamins—as necessary at this time for the public well-being.

No one would deny or should deny that there have been abuses in the dietary supplement field and that the public should be protected against food supplementation excesses. However, I do not believe the solution is the imposition of strict and arbitrary limitations on the quantity of dietary supplements that may be contained, for example, in a single tablet or capsule. Aside from the factor of cost, this can be easily circumvented, although it will prove an irritant, by the consumer simply gulping more quantities of tablets in order to maintain the supply of nutrients he was taking before imposition of the regulations.

I believe the abuses in the food dietary supplement field can be dealt with effectively by requiring full and informative labeling. All foods for special dietary uses and dietary supplements should bear on the label the vitamin, mineral and other dietary properties which are necessary to fully inform purchasers of their nutritive value. The label should be of sufficient prominence and conspicuousness to render it likely to be read and understood. Moreover the label should state what is the recommended dosage and even state a warning that excessive amounts may be toxic.

By complete disclosatory labeling, the consumer would know exactly what he was buying and in what quantity and could make buying decisions consonant with all available health information. Moreover, by requiring manufacturers to list every product ingredient, this approach would provide the public and the government with the authority to take action against those manufacturers who misrepresent their products.

Several bills aimed at curbing FDA's authority to regulate dietary supplements have been introduced. Most prominent is H.R. 643, introduced by Congressman Craig Hosmer. Despite my opposition to the FDA regulations, I could not support the Hosmer bill for I believe it goes far beyond merely limiting FDA authority over the potencies and combinations of ingredients in vitamins and supplements. Rather, I view this bill as an extremely sweeping limitation of FDA authority which, I believe, could have very serious repercussions on the quality of our foods.

Under existing law, any substance in a food, food supplement or drug has to be proven safe and it is up to the manufacturer to show proof that an added substance is not harmful. Under H.R. 643, food supplements with unproven label claims—or products containing ingredients of doubtful and unproven safety—could be marketed unless the Government found them to be "intrinsically injurious to health in the recommended dosage." This legislation would prohibit the FDA from acting on a *potential* risk to man and would also shift the burden of proof of safety from the manufacturer to the government. The consumer protection presently afforded by the Food Additives

Amendment to the Food, Drug and Cosmetic Act would be seriously thwarted by enactment of H.R. 643.

Therefore, to meet what I consider the objections to H.R. 643 and in order to achieve a positive approach to the controversy, last week I introduced H.R. 11085.

The purpose of my bill is to clarify the authority of the Food and Drug Administration with respect to the regulation of dietary supplements. The legislation proceeds from two basic premises: First, that consumers should be fully and accurately informed as to the nutritional and other qualities of dietary supplements; and second, that consumers should be free to purchase—as a food—any dietary supplement that is safe. These fundamental propositions are by no means novel; they underlie the Food, Drug and Cosmetic Act's entire approach to the regulation of foods.

H.R. 11085 would clarify and strengthen FDA's authority in the labeling area by amending Section 403(j) of the statute to refer specifically to dietary supplements and to include authority to require full and accurate disclosure of information in labeling and advertising as well as on the product label. This new authority would dispel any doubt that FDA has the power to ensure that consumers are fully informed and are not misled as to the nutritional value of dietary supplements. The FDA could require not only a full statement of ingredients and quantities of ingredients but also other relevant nutritional information, such as the percentage of the recommended dietary allowance of each nutrient as to which an RDA has been established. The FDA could also standardize the format for such information, which would substantially serve to reduce any consumer confusion which may exist.

The corollary of this expanded authority, however, is that FDA should not have authority to prevent consumers, who are in possession of full and accurate information, from choosing to purchase a dietary supplement—even one which FDA believes is nutritionally unnecessary or "irrational." The food standard section of the statute—section 401—would be amended to preclude FDA from standardizing dietary supplements—i.e., limiting the potency in which vitamins and minerals may be sold as food or the combinations in which they may be sold. The two exceptions to the limiting of potencies would be vitamins A and D.

The bill would leave entirely intact FDA's powers to protect the public from dangerous products. No change would be made in FDA's authority over adulterated or unsafe foods, and no change would be made in the food additive provisions of the statute, which require the manufacturer of a food additive to establish its safety.

In conclusion, whatever the validity of FDA's position as to the nutritional adequacy of vitamin and mineral supplementation at levels reflected in their recently promulgated regulations, the fact remains that there are substantial numbers of Americans who, fully informed as to the nutritional composition of the dietary supplements they buy, believe that supplementation in higher levels and in combinations of vitamins and minerals different from those permitted under the new regulations will more adequately satisfy their own nutritional needs and desires. I do not believe those consumers should be denied the option of purchasing such products as foods. At the same time I believe the consumer should be provided with complete information as to exactly what they are purchasing. And that, gentlemen, is the intent of my legislation.

Mr. Chairman, I appreciate the opportunity to testify on this issue.

THE RAILROAD CRISIS IS STILL WITH US

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. HARRINGTON. Mr. Speaker, as the proposed legislative solution to the Northeast rail crisis makes its way to the House floor, it is essential that we educate ourselves and our constituents about the present rail situation. An article by William Jones which appeared in the October 12 Washington Post, outlines the present status of the Shoup-Adams railroad reorganization bill and several factors which make this legislation most urgent. For example, it appears that the largest transportation interest in the United States—in terms of total assets—the Penn Central Railroad, could run out of funds at almost any time. Should the Penn Central be forced to close, the economic ramifications throughout the Nation would be disastrous—production would decline, jobs would be lost, local economies would decay. Unless a rational and comprehensive reorganization plan is adopted within the next few weeks, we may be forced to adopt the only other alternative available—nationalization. Action, therefore, is imperative.

At this time, I would like to insert Mr. Jones' article for the information of my colleagues:

Reassembling the Railroad Puzzle

(By William H. Jones)

With luck, a congressional committee this week may approve legislation that points the nation away from two potential disasters—the extreme of simply shutting down large railroads throughout the northeastern states on one hand and, on the other, the beginning of nationalizing a whole industry.

But nothing is certain, except that the Penn Central Railroad is dangling seriously close to a shutdown because it has about run out of money to meet weekly payrolls.

And, according to industry and congressional sources, the Nixon administration's continued opposition remains a big hurdle for legislation now before the House Commerce Committee.

The Penn Central is the nation's largest rail freight carrier and also the biggest transportation firm in terms of total assets (over $4.3 billion). But the Pennsy, and five other large northeastern railways are bankrupt. Operations of the Penn Central have been supervised since mid-1970 by U.S. District Court Judge John P. Fullam in Philadelphia and three court-appointed trustees.

Throughout 1973, the plight of the Pennsy has become deeper and more complex. Most of the other bankrupt lines also are living on borrowed time, existing week to week only with the aid of state financing in some cases.

Having been run out of a profitable business by a combination of previous bad management and too much government regulation—the consensus of most rail experts—railroads in the Northeast have been marking time, waiting for a new government policy to dictate the future.

All the while, the industry's image throughout the nation has suffered, maintenance of the northeastern lines has not kept pace, and the long-outdated and overbuilt system of tracks east of the Mississippi River and north of the Ohio and Potomac remains intact.

The problem has led rail industry leaders, legislators, government experts and others to consider proposals for "rationalizing" the U.S. rail network for the densely populated Northeast, over a period of many years.

But not until Judge Fullam applied pressure this year, by emphasizing that creditors have rights not to have their property "eroded" any more (the property being investments in Penn Central), did Washington attach a priority to the rail mess.

Fullam, a mild-spoken but stern judge, says he is not trying to set deadlines or tell other branches what to do. But in this case, actions speak louder than words: At this very minute, Fullam is considering what he should do next.

In Philadelphia on Oct. 12, Fullam said it appeared that the Pennsy could operate as is for a few weeks. Events since that court hearing would appear to indicate that the Pennsy could run out of funds at any time:

A House-Senate conference committee, approving money for Amtrak, the national rail passenger corporation, forbade Amtrak from paying an additional $40 million to the Penn Central for running passenger trains, as recently ordered by the Interstate Commerce Commission.

A Court of Appeals decision requiring the Penn Central to make immediate payments of some $20 million to railroads with which it connects, in a complex rate-splitting fight, and allowing the other companies not to pay Pennsy in amounts equal to the fees owed by the Penn Central.

A clash with new federal rail safety standards, in which the Department of Transportation's Federal Railroad Administration has ordered the Penn Central within 30 days to upgrade certain tracks and pay for new supervisory and inspection personnel at a cost estimated in the millions of dollars.

Constantly rising costs for fuel, which the railroad estimates at $30 million on an annual basis over what's been paid previously.

"It's ominous," an industry source who's not in the employ of Penn Central, said last week. "And the DOT seems to be getting its feet planted in more firm opposition to the compromise being worked out on the Hill," he said.

In many respects, ther Northeast rail crisis has come to resemble a giant jigsaw puzzle, with no one able to put together the pieces. In the past week, a number of private rail companies have been seeking advantages for themselves in any solution, the administration has restated opposition that existed last March, and weary congressional staff members have expressed despair.

In the midst of this activity, the House Commerce Committee will continue to "mark up" what one staff member has called the most complex legislation he's ever seen. Sections and provisions are being edited, rewritten and voted up or down in a weeks-long process.

If success is to come for the bill, called Shoup-Adams for its chief protagonists—Reps. Dick Shoup (R-Mont.) and Brock Adams (D-Wash.), it will require efforts by a number of people to put the puzzle together.

On the Hill, Shoup and Adams must maintain an alliance which to date has turned aside most efforts to dilute the comprehensive nature of the proposal. For the Nixon administration, Secretary of Transportation Claude S. Brinegar and his aides must decide whether they can live with whatever the committee approves or if they must fight for major changes on the House and Senate floors—possibly leading to a fatal delay.

Within the railroad industry, the key individual probably is Frank E. Barnett, chairman of the Union Pacific Corp., the only firm in the railroad industry to make a substantial investment of its own money and talent in an effort to find a solution to the Northeast crisis—a region the Union Pacific does not even serve directly.

In fact, it is the original Union Pacific

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proposal which is now before the House Commerce Committee, in modified form. Barnett and another industry leader, Washingtonian W. Graham Claytor Jr., president of Southern Railway, also led management forces in reaching agreement with organized labor on a provision of the Shoup-Adams bill that requires federal assumption of the wages due any workers who lose jobs in a rail reorganization.

After Barnett made the Union Pacific proposal public early this year—in detailed, legislative form—Shoup alone endorsed it in a surface transportation subcommittee. Adams, who had been studying the rail problem in depth for several years, gave up on his own rail package and joined with Shoup when it became clear that the only alternative was working with the Nixon administration's own bill—which projected a rail modernization and trimming down without any significant federal aid.

Fannie Rae would design a new northeastern rail system, making use of proposals by government agencies and others. In addition to its role as a planning agency, Fannie Rae would provide financing to modernize the railroads' tracks, yards and other facilities, with up to $1 billion of government-guaranteed loans (reduced from $2 billion to meet administration objections).

Establishment of a for-profit Northeast Railroad Corp., to which bankrupt railroad estates would have to turn over any rail facilities determined by Fannie Rae to be part of the new rail network. In exchange for this property, the estates would be given stock in the new corporation. Bankrupt firms then would be free to dispose of other unnecessary rail properties.

The corporation would have the responsibility for operating trains over the new railroad, or railroads, set up under Fannie Rae's plans.

Federal aid of up to $200 million for employees of the six bankrupt lines put out of work by the reorganization plan. The $200 million figure is an estimate; no dollar amount is now in the bill.

Subsidies for unprofitable branch lines, with the federal government paying 70 per cent of the losses and local governments 30 per cent, with a limit of $50 million a year from the U.S. Treasury.

Authorization for Fannie Rae to negotiate with Amtrak, the national rail passenger company, on long-haul and commuter transportation—especially along the Boston-Washington Northeast corridor. These talks could lead eventually to an Amtrak takeover of the routes.

Brinegar objects most vehemently to the provisions requiring a mandatory transfer of railroad properties to the new rail corporation and detailed labor protection.

All last week, Adams, Shoup and Brinegar conducted "negotiations" on this issue and remained virtually wedded to their opposite viewpoints. Brinegar believes that the bill amounts to condemnation of property, which would be too costly.

Adams and Shoup insist that mandatory transfer of property is necessary to prevent minority creditors or stockholders of bankrupt estates from delaying the reorganization. When the committee meets again or Wednesday, the congressmen will offer amendments designed to make clear that their intention is not condemnation or "taking of property" but merely "railroad reorganization" as contemplated in rail bankruptcy statutes.

If the committee majority approves—chairman Harley O. Staggers, (D-W. Va.) supports Shoup and Adams—a bill might emerge Wednesday or Thursday. House action would be expected shortly thereafter.

The focus would then be on the Senate, where there is widespread support for the Shoup-Adams bill but where the administration is expected to push amendments with language it favors on labor protection and property transfer.

As fashioned by the House committee, the Shoup-Adams-Union Pacific bill would mark a historic turning point in government transportation policy.

Throughout U.S. history, various modes of transportation have benefitted at different times from government largesse—most recently airlines, whose system of airport facilities is subsidized by the federal Treasury; and motor transportation, aided significantly by the multi-billion-dollar interstate highway network.

Railroads were aided in earlier eras, too, with land grants in the last century and eased financial reorganization procedures during the Great Depression.

The nightmare of many industry people and legislators is that if the current legislative effort fails, the only alternative will be an even more expensive route—nationalization.

SEEKS TO ADD WEST FORK OF SIPSEY RIVER TO NATIONAL WILD AND SCENIC RIVERS SYSTEM

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. BEVILL. Mr. Speaker, I have cosponsored a bill with Congressman BOB JONES which would amend the Wild and Scenic Rivers Act by designating the West Fork of the Sipsey River in the State of Alabama for addition to the National Wild and Scenic Rivers System. Today I testified before the Subcommittee on National Parks and Recreation of the Committee on Interior and Insular Affairs in support of this proposal. Because of the importance of this bill to the State of Alabama, I am placing my testimony in the CONGRESSIONAL RECORD at this point:

STATEMENT OF HON. TOM BEVILL OF ALABAMA

OCTOBER 30, 1973.

Mr. Chairman, distinguished Members of the Committee, I appreciate this opportunity to appear before you today in support of H.R. 8643. This bill, which I have introduced with Congressman Bob Jones, would amend the Wild and Scenic Rivers Act by designating the West Fork of the Sipsey Fork in the State of Alabama for potential addition to the National Wild and Scenic Rivers System.

Addition of the West Fork Sipsey to the Wild and Scenic Rivers System would assure its preservation in a free-flowing condition and a natural setting. As you know, Mr. Chairman, upon designation to the System, federally owned land within a quarter-mile of the river would be devoted to the recreational and scenic purposes of the Wild and Scenic Rivers Act.

The Warrior River is formed from three principal tributaries called forks—Locust Fork, Mulberry Fork and Sipsey Fork—plus many smaller streams. The Sipsey Fork has a main stem and a feeder stream that is named the West Fork of the Sipsey Fork but commonly referred to as the West Fork Sipsey.

The proposed area includes the West Fork Sipsey from the impoundment of Lewis M. Smith Lake in Winston County upstream to its origin in Lawrence County as well as the tributaries to that segment. This includes the Bee Branch area which has been protected by the U.S. Forest Service since the creation of the Bankhead National Forest. The area proposed for the Wild and Scenic Rivers System is about 16 miles long plus the tributaries.

The headwaters and much of the main stream of the West Fork Sipsey are typical mountain streams, beautiful but rugged. There are waterfalls and deep gorges, some more than 100 feet deep.

This area has some geological features, plants and birds that are reported to be rare in the United States.

Mr. Chairman, although the West Fork Sipsey is not a large river, it has unusual features which I believe merit consideration for addition to the Wild and Scenic Rivers System and I respectfully urge the committee to approve this bill.

Thank you.

THE 15TH OBSERVANCE OF CAPTIVE NATIONS WEEK

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. DERWINSKI. Mr. Speaker, under the direction of the National Captive Nations Committee, led by Dr. Lev E. Dobriansky of Georgetown University, the 15th Observance of Captive Nations Week was successfully held in this country and abroad. The committee has collated the seemingly endless reports on the annual event, which have appeared in these pages since July.

As additional examples of the abiding faith and convictions our people and others have in both the strategic importance and the eventual liberation of all the captive nations, I submit for our readers first, the report in America "Buffalo Observes Captive Nations Week"; second, the program of the South Florida Captive Nations Committee; third, the China Post Editorial on "Universal Human Freedom" and its commentary, "Captive Nations Week" and the China News report "President Pledges Support For Freeing Captive Nations," and fourth, the report on the Week in the Free Republic of China:

BUFFALO OBSERVES CAPTIVE NATIONS WEEK

BUFFALO, N.Y.—This year, as previously by the initiative of the Buffalo Branch of the Ukrainian Congress Committee, headed by Mr. Wasyl Sharvan, a separate Captive Nations Committee was formed in Buffalo to coordinate the activities for the observance of the Captive Nations Week which was held from July 15–21.

The Ukrainian representation included: Mr. Wasyl Sharvan, Mr. Andrew Diakun, J. D., Mr. Bohdan Moroz, Mr. Roman Tschip, Marta Hawryluk. On Mr. Wasyl Sharvan's proposal, Mr. Tibor Baranski, Hungarian representative, headed this year's committee, while Erie County Executive, Hon. Edward V. Regan again presided as Honorary Chairman. Due to the personal acquaintance of Mr. Wasyl Sharvan with our Erie County Executive, the committee was able to use the Conference Room in the Erie County Building for its meetings. The Committee also included: Mr. Voldemar Kirsa (Estonia)—Vice Chairman and Treasurer, Martha Hawryluk—Secretary, Col. William Cybulski (Poland) headed the Proclamation and Resolution Committee with Mr. Tibor Baranski, Mr. Andrew Diakun, J.D., and Mr. Wasyl Sharvan as members. Represented in the observances

were the following captive nations: Ukraine, Albania, Bulgaria, Croatia, Estonia, Hungary, Latvia, Lithuania, and Poland.

Erie County Executive, Hon. Edward V. Regan as well as Hon. Stanley Makowski—Mayor of Buffalo, signed Proclamations in the presence of ethnic group representatives, designating the week of July 15–21 as Captive Nations Week in Buffalo. The events of the week were televised by the Buffalo television stations. During the week, the national flags were displayed around the county building.

On Wednesday, July 18, the Kiwanis Club held a luncheon at the Montefiore Club. Attending the luncheon were Hon. Edward Regan, county and city officials and representatives of the captive nations. The main speech was delivered by Hon. Mary Beck of Detroit. During the luncheon, the Kiwanis Club presented Mr. Wasyl Sharvan—Buffalo Chapter UCCA President with an honorary plaque—dedicated to the late Dr. Nestor Procyk for his dedication and work for the Captive Nations cause.

Telegrams with greetings and congratulations were received, among them a telegram from Congressman Kemp.

THE 15TH ANNUAL OBSERVANCE OF CAPTIVE NATIONS WEEK

SOUTH FLORIDA CAPTIVE
NATIONS COMMISSION,
Miami, Fla.

Each year the third week of July for the past fifteen years had been designated Captive Nations Week by Public Law 86–90 signed by President Eisenhower in 1959.

During the past fifteen years not one nation subjugated by a dictatorial form of Government was freed. The sad fact is that one more country—Cuba—in 1960 was added to the long list of Captive Nations.

Therefore we, immigrant and citizens of the United States cannot and will not forget those who are subjugated and living under the fear of despots deprived of their basic principle of human rights.

We shall remember and we shall remind our freedom loving Americans year after year of the unbearable life which the Captive Nations must endure on their God-given land!

THE PROGRAM OF THE ANNUAL OBSERVANCE—JULY 27, 1973

Procession from the Dade County Court House to the Torch of Friendship.

Opening Hymn at the Torch of Friendship Ceremony—M.C. Mrs. Katherine Hodivsky.

My country, 'tis of thee, Sweet land of liberty
Of thee I sing;
Land where my fathers died, Land of the
Pilgrim's pride
From ev'ry mountain side Let freedom ring.

In unison the Audience sings it.

Pledge of Allegiance.

Invocation: Rev. John Paul Nagy, Hungarian Church of Reformation.

Greetings, The Rev. Theodore R. Gibson, Vice Mayor of Miami.

Presentation of Colors and Anthems of Captive Nations. One stanza, please.

Principal Address: The Hon. Fredrick N. Barad, Dade County Judge.

Grettings and Introduction of Guests: Mrs. Katherine Hodivsky, Secretary.

Prayer for the Captives: The Rev. Fr. Michael Horoshko, Pastor, St. Nicholas Ukrainian Orthodox Church.

Closing Address: Peter Gioia, Student of U.F., represents Young Americans for Freedom.

Closing Hymn: 4th Stanza of America. [The audience sings it in unison.]

Our fathers God, to thee, Author of liberty
To thee we sing; Long may our land be bright
With freedom's holy light:
Protect us by Thy might, Great God our King.

Benediction.

MEMBERS OF THE SOUTH FLORIDA CAPTIVE NATIONS COMMITTEE

American Czechoslovac Social Club, Cubans:Alfa 66, The Truth About Cuba Committee, Moviminto Unitario Invasor, German American Social Club, Hungarian Church of Reformation, Latvian Ass. of South Florida, Lituanian Council of Miami, Polish American Congress, Florida Division, Belo-Russian Ass., Slovac Club of America, Ukrainian Central Committee and Club, Young Americans for Freedom, Committee on Soviet Jewry, Estonian American Club.

OFFICERS OF THE CAPTIVE NATIONS COMMITTEE OF SOUTH FLORIDA

General Chairman: The Rev. John Paul Nagy, Pastor Hungarian Church of Reformation, Chairman: Rafael Pérez Doreste, President The Truth About Cuba Committee, Secretary: Ted Maksymovich, Past President Ukrainian American Club, Recording Secretary: Katherine Hodivsky, Ukrainian American Club,

Public Ralation: Lillian J. Michiak, Polish American Congress and Earle Silver Committee on Soviet Jewry and Young Americans for Freedom.

Treasurer: George Tischler, Honorary Chief-elder, Hungarian Church of Reformation.

"We shall never forget the plight of our fellowmen in captivity!!!"—Rev. John Paul Nagy.

UNIVERSAL HUMAN FREEDOM

The mass rally commemorating the Captive Nations Week (CNW) yesterday morning at the Dr. Sun Yat-sen Memorial Hall in Taipei provided a fitting occasion for anti-Communist leaders to reexamine the anti-Communist cause in the present world.

President Chiang Kai-shek, No. 1 anti-Communist warrior of the world, made in his message to the rally a clarion call for universal human freedom. "Universal human freedom," the President declared, "can be assured only after the captive peoples have been freed. World peace can be attained only after captive nations have cast off tyrannical rule."

Vice President C.K. Yen called upon the rally to awaken the anti-Communist conscience of the freeworld and expose Peiping's camouflage of ugliness in the hope that the pro-Communist nations will become anti-Communist and their judgment will be restored.

Dr. Ku Cheng-kang, who presided over the rally, advanced the slogan of "No Peace Without Eliminating Slavery." He pointed out that "peace of the world is possible only when all of mankind is free, and that victory for freedom is the most reliable guarantee for peace to last." He also noted that the destruction of Chinese Communist tyranny must come first if the captive peoples are to regain their freedom and that the solution of the China problem will bring about durable peace to all Asia.

The rally also heard an eloquent address by U.S. Congressman Jack F. Kemp who urged the rally to assure the people behind the iron curtain that "We have not forgoten you. We will never forget you and freedom is your birthright."

The plight of the free world is very serious indeed in the face of rampant appeasement. But there is no lack of determination on the part of the free nations to march forward with firm steps and matchless courage. Let this rally serve to remind free people everywhere that their cause is not only far from lost but will emerge victorious because "to struggle against enslavement and for freedom and peace is truly the basic requirement and supreme aspiration of mankind." We have good reason to believe, therefore, that universal human freedom is not an empty dream.

CAPTIVE NATIONS WEEK

(NOTE.—Extracts from the editorial in the Chinese-language newspapers yesterday.)

Today, representatives of all walks of life of the Republic of China are gathering in Taipei for the "Captive Nations Week."

In an age of "negotiations for confrontation", we are supporting this movement in a unique mood. Fourteen years ago, U.S. President Eisenhower enunciated, according to a Congress resolution, the captive nations' week in spiritual support of the enslaved people of Eastern Europe, but now, President Richard M. Nixon has talked with Brezhnev in a cordial atmosphere, proudly announcing that "both sides are satisfied with the development of the normalization of their relations with Europe." With these developments, it seems that Captive Nations' Week has been forgotten.

Nevertheless, tens of thousands of people behind the Iron Curtain are still living in a dark and enslaved world, which can never be denied by the Nixon-Brezhnev communique. Even when Brezhnev was visiting the U.S., 31 groups composed of Americans of Russian descent bitterly pointed out in a big advertisement in the New York Times that Soviet Russia has become a series of concentration camps. Such being the situation in Russia, the fate of the Eastern European people is much worse.

We are supporting the Week because we are anti-Communist, anti-enslavement and because 700 million of our compatriots are enslaved on the Chinese mainland pending salvation, because this Week has the same objective as the Freedom Day on January 23. Although the U.S. has fallen behind in its support of the week which it initiated, we will never be discouraged. . . . What is noteworthy is not what will become of the age of negotiation, but the age of negotiation will of necessity lead to a more severe "age of confrontation." And the problem of China remains at the center of world problems and the solution of the China problem will determine the future of the mankind. . . . As President Chiang said, "We will never wait and see the changes in the world situation. We must take the initiative and fight hard." We hope the people of the whole world will join us in the fight.—United Daily News.

PRESIDENT PLEDGES SUPPORT FOR FREEING CAPTIVE NATIONS

President Chiang Kai-shek today pledged the Republic of China's support for the captive nations in regaining their freedom.

In a message read at a mass rally supporting Captive Nations Week, President Chiang said the Chinese nation dedicates itself to the task of "world salvation" from the Communist holocaust.

"We should give our support to the liberation of the captive nations of the world and deliver our compatriots from their crucible of suffering."

He said freedom will triumph in the end.

This triumph, President Chiang said, "can be made manifest only by the mighty combined force of world justice and the masses of people shut behind the Iron Curtain."

Ku Cheng-kang, honorary chairman of the World Anti-Communist League, presided over the mass rally, which took place at the Dr. Sun Yatsen Memorial Hall in the morning.

Over 3,000 representatives of the people from all walks of life took part in the meeting, where Vice President C. K. Yen and U.S. Representative Jack F. Kemp (Rep.-New York) spoke.

Full text of President Chiang's message follows:

"Support of the captive nations and peoples in their struggle against Communist tyranny and persecution and for freedom demonstrates the moral force of humankind and constitutes the mainstream of the world

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anti-Communist movement. Universal human freedom can be assured only after the captive peoples have been freed. World peace can be attained only after captive nations have cast off tyrannical rule.

"Influenced by Communist smiling diplomacy, bluffing and temptations, appeasers of the world have lost their ability to distinguish right from wrong and no longer have the conscience to promote the good and punish the wicked. Perverse theory is prevailing. Justice is giving ground to the forces of evil. These developments have confused the camp of freedom and abetted the growth of Communism. Even so, the fierce struggle for freedom of the people shut behind the Iron Curtain and the support for their emancipation provided by peace-loving people outside the Iron Curtain have never ceased despite the buffeting from waves of appeasement. To the contrary, captive peoples and their supporters are marching forward with firm steps along a brightly illuminated road and showing matchless courage as they overcome tens of thousands of difficulties.

"The three virtues of wisdom, benevolence and courage, as cherished and passed down by our ancient sages, make up the essence of our cultural tradition. Throughout our history, whenever evil forces prevailed, the altruistic and upright people have always shown their great wisdom by adhering to the right against the wrong, renouncing wrongful gain for justice, displaying their great benevolence in national salvation and summoning their great courage to surmount the crisis and turn back the perverse tide. At this moment of world turbulence and turmoil, all of us in the Republic of China should burnish bright this tradition and demonstrate a spirit of surpassing wisdom, benevolence and courage. We should take our stand determinedly and undauntedly and dedicate ourselves to the great task of national and world salvation. We should give our support to the liberation of the captive nations of the world and deliver our compatriots from their crucible of suffering. In other words, we should take up the difficult task of reshaping the world's destiny by destroying the tyrannical Communist rule now afflicting the earth and by delivering humankind from the Red holocaust.

"We believe that true world peace can be brought into existence only after the triumph of human freedom and that this triumph can be made manifest only by the mighty combined force of world justice and the masses of people shut behind the Iron Curtain. I should like to take this opportunity to express my wish for success and victory in our struggle against Communism and enslavement and for freedom and peace."

THE 1973 CAPTIVE NATIONS WEEK IN THE REPUBLIC OF CHINA

Under the sponsorship of the WACL/APACL China Chapter, civic circles in the Republic of China observed the 1973 Captive Nations Week by carrying out a week-long program of anti-Communist activities from July 15 through 21 on Taiwan and the offshore islands. The 1973 Captive Nations Week in the Republic of China adopted "No Peace Without Eliminating Slavery" as its main theme, aiming at exposing the Communist united front scheme of smiling diplomacy and peaceful coexistence, striking back at the maneuver of international appeasers and rectifying the deviation in international politics. Following is a brief review of important activities of the week.

1. MASS RALLY

The Mass Rally of Civic Circles in the Republic of China for Supporting the Captive Nations in Struggle for Freedom was held on the morning of July 17 at Dr. Sun Yat-sen Memorial Hall in Taipei. Participants included high-ranking government officials, party leaders, parliamentarians, professors, foreign diplomats and representatives of woman, youth, cultural, educational and business organizations, totaling about three thousand people. Congressman Jack Kemp of the United States made a special trip to Taiwan for participating in the rally. Also participating in the rally were a 36-member delegation organized by the WACL/APACL Thailand Chapter and a 5-member group from the WACL Denmark Chapter. The rally was presided over by Dr. Ku Cheng-kang. President Chiang Kai-shek sent a message to the rally, and Vice President C. K. Yen personally delivered an address. The rally proceedings were broadcast live to the whole country by TV and radio stations and tape-recorded by local and foreign reporters.

Dr. Ku Cheng-kang said in his opening address: "Economic cooperation among the nations must be strengthened in order to promote mutual assistance as an initial step to lay a sound foundation for establishing a united front and safeguarding the common security of free nations on the one hand and, on the other, to provide spiritual encouragement, material aids and ideological incentives to the captive peoples behind the Iron Curtain in Asia and Europe so that we can enlarge the captive peoples' freedom movement into a dominant current of the times and protect all people's freedom by restoring freedom to the enslaved." Mr. Kemp said in his speech at the rally: "The Republic of China is a symbol of progress and freedom in the world today. Taiwan's achievements either in economic, political or cultural field are miracles. This is a distinctive contrast between Free China and the enslaved Chinese mainland." This is indeed the most to-the-point criticism against Communism and the Chinese Communist dictatorship. Mr. Li Ming, a Chinese refugee, who recently defected to freedom from the Chinese mainland, testified at the rally on the Chinese Communist tyrannical rule and the Communist scheme to ease up internal crisis by means of smiling diplomacy. The rally passed its declaration and a message to President Nixon of the United States pointing out that the illusive peace of appeasers could only lead to further aggressions by the Communists, emphasizing that the prerequisite for peace is the elimination of slavery, and demanding that President Nixon must carry through the primary objective of the Captive Nations Week movement sponsored by the United States and fulfill the liberation of captive nations from behind the Iron Curtain. In addition, the rally issued letters to the Chinese fellow-countrymen living on the Chinese mainland and the people behind the Iron Curtain reaffirming the WACL's and APACL's continued support for their struggle and encouraging them to fight to the end for freedom, a cable message of respect to President Chiang Kai-shek and a cable message to the peoples of Vietnam and Khmer expressing support and encouragement for their gallant fight.

2. OTHER ANTI-COMMUNIST ACTIVITIES

This year's Captive Nations Week was also observed in other cities and counties including Kinmen, Matsu and Penghu during the week from July 15 through 21 by holding rallies, lecture meetings, symposiums and religious services. Prayer meetings were held by national organizations of the seven principal religions in the Republic of China—Catholic, Protestant, Taoist, Buddist, Muslim, Li Chiao and Hsien Yuan Chiao—for blessings to the anti-Communist martyrs and for the victory to the captive peoples' anti-Communist struggle. Symposiums were held by anti-Communist Chinese refugees under the sponsorship of the Association for Relief of Chinese Refugees, by overseas Chinese under the sponsorship of the Overseas Chinese Association, by civic leaders under the sponsorship of the Civic Organizational Activity Center of Taipei, and by Chinese and foreign youths under the sponsorship of the China Youth Corps. The Musical Platform of New Park in Taipei produced an open evening show. An exhibition on Chinese Communist atrocities was held in Matsu and psychological warfare operations were intensified in Kinmen. These activities brought free Chinese people's support for the freedom movement of the enslaved to a climax everywhere throughout the country.

3. IMPORTANT ACTIVITIES OF CONGRESSMAN JACK KEMP

Upon his arrival in Taipei on the morning of July 14, Congressman Jack Kemp of the United States held a press conference at the International Airport. He participated in the Captive Nations Week mass rally on the morning of July 17 and delivered a speech. On the morning of July 19, Mr. Kemp gave a speech on the Vietnam war and the U.S.-Republic of China relations before 1,000 civic leaders at the Taipei City Hall. His profound understanding of the Communist intrigues and firm anti-Communist stand deeply impressed the whole audience. Besides participating in Captive Nations Week activities, Mr. Kemp visited industrial plants and mainland China research institutes and, on July 18, made a trip to Kinmen to see for himself the importance of the offshore island bastion and the high morale of the troops stationed there. He also made calls on and attended receptions held by high-ranking government officials, including Vice-President Yen, President Chiang of Executive Yuan, President Yi of Legislative Yuan, President Yu of Control Yuan and General Lai, Chief of General Staff. He was especially impressed by the fervor of the free Chinese people in observing the Captive Nations Week and the brilliant achievement of the Republic of China in economic reconstructions.

4. WIDE PUBLICITY

For the purpose of heightening the political effect of this year's Captive Nations Week, The WACL/APACL China Chapter, gave the widest possible publicity to the week's activities. News reports, editorials and special columns were published in local and foreign newspapers, magazines, pictorials and TV and radio drama and quiz programs were presented by radio and TV stations everyday during the week from July 15 through 21. Tape recordings and film records were made by the China Broadcast Company and the Government Information Office for use by foreign TV and radio broadcasts as a call to all freedom-loving people throughout the world for united efforts for the victory of freedom against Communist enslavement.

COMPUTERS IN NURSING HOMES

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. GUDE. Mr. Speaker, in the August issue of Modern Nursing Home, Donald H. Nixon, president of the Computer Information Systems Corporation of Silver Spring, reports that nursing homes are inreasingly finding that "computers can be a valuable tool in reducing bookkeeping time and cost, preparing payrolls, audits and budgets, and developing management reports that are not readily available by manual accounting methods.

Mr. Nixon's firm is the Nation's largest provider of computer systems for nursing homes. I am pleased to have it in my congressional district.

Mr. Nixon, in his report, sums up the future for computer use in nursing homes in this manner:

> Looking toward the future, there are several trends that will encourage the use of computers in the long-term care field.
>
> Increased government regulation, at all levels, will create more paperwork requirements for nursing homes. Government regulations will also encourage more standardization of both services and the reporting of those services. Computers offer one effective method to handle and evaluate the large volumes of information that will be produced.
>
> More nursing home chains will be formed to take advantage of large economies of size as operating margins tighten through rising labor costs, increased construction expenses, and compliance with new government regulations. Multi-facility organizations can be expected to use more computerization for both accounting and managerial purposes.
>
> It seems clear that the long-term care industry, like society in general, will have an increasing requirement for computer services. Undoubtedly, the next generation of computer services will benefit from the experiences of nursing homes during the past five years.

WATERGATE AND A DANGEROUS WORLD

HON. GENE TAYLOR

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. TAYLOR of Missouri. Mr. Speaker, the Washington Star-News of last Sunday, October 28, 1973, featured an editorial which summarized the events of the week past and concluded with some observations which I believe are worthy of your thoughtful consideration.

> WATERGATE AND A DANGEROUS WORLD
>
> This was, as they used to say, the week that was, and it will be perfectly all right if we do not have another like it in the immediate future.
>
> It all began, against the backdrop of a major war in the Middle East, a week ago Saturday, when Special Prosecutor Archibald Cox held a nationally televised press conference in which he rejected the Stennis compromise which would have furnished expurgated versions of nine Watergate tapes to both District Judge John J. Sirica and to the Senate Watergate committee. Cox told the nation that he would bring a citation for contempt against the President in Sirica's court.
>
> Later that day, with the inevitability of Greek tragedy, Mr. Nixon forced Attorney General Elliot Richardson's resignation and fired both Cox and Deputy Attorney General William Ruckelshaus. Meanwhile—with time out, of course, for the Redskins to destroy the Cardinals—the Israelis continued to expand their bridgehead west of the Suez Canal, imperiling the Egyptian Third Army dug in on the other side of the waterway.
>
> On Monday, as the United Nations accepted a joint U.S.-Soviet Mideast truce plan, Mr. Nixon's domestic situation began to unravel. Western Union was deluged with telegrams calling for his impeachment and the Hill was seething with outrage.
>
> Tuesday brought a sharp about-face on Mr. Nixon's part, as his lawyers told Sirica that the nine Watergate tapes would be surrendered to him. But this abrupt reversal did nothing to still the cry for the President's political hide. Indeed, as it sank in on the Senate and the public that the President's surrender of the tapes to the court had negated the bargain with the Watergate committee—and hence made it virtually certain that less rather than more eventually would be known about his part in the Watergate coverup—the pressure on the Oval Office increased. Perhaps not entirely incidentally, the Mideast truce broke down almost before it had taken effect, as the Israelis raced southward to seal off the Third Army.
>
> On Wednesday, House Democrats decided to pursue and broaden an inquiry into the possible impeachment of the President. In the Senate, Republican leaders who had stood by Mr. Nixon throughout the Watergate crisis urged the appointment of a special prosecutor to replace Cox, a step to which the President was at that time adamantly opposed. Mr. Nixon scheduled, then canceled, an address to the nation.
>
> In the small hours of Thursday morning, after a 3 a.m. emergency meeting of the National Security Council, American forces were put on a middle-level worldwide alert in the face of an apparent Russian threat to intervene unilaterally in the Middle East to save the doomed Egyptian Third Army. Secretary of State Kissinger, in a performance as virtuoso in its own way as had been Cox's, spoke in grave terms of the threat posed to world peace by the Russian demarche. It is perhaps symptomatic of the cancer which afflicts us that he was met with insinuations that perhaps the alert was designed less to forestall the Russians than to extricate Mr. Nixon from his Watergate difficulties, perhaps at the cost of democratic government in this country.
>
> By Friday, although the alert was still on, the international crisis appeared to have eased considerably. Although Russian personnel had arrived in Egypt in unknown numbers, the Kremlin had agreed to a U.N. cease-fire force which would exclude the major powers, and fighting in the Mideast had decreased in intensity.
>
> There was still more to come Friday night. At his press conference, Mr. Nixon's feud with the news media escalated to its highest peak yet, and his announcement that the administration would appoint a new Watergate prosecutor to succeed Archibald Cox, after all, hardly pacified his critics in Congress. Although most liberal Democrats and many pundits also continued to cry for the impeachment of the President, however, there was a discernible sigh of relief from other quarters that, seemingly against considerable odds, the country had at least survived one of the most tumultuous weeks in its history.
>
> And indeed if there is a lesson to be learned from those wild seven days in October, it is that, as Kissinger observed in his press conference, there always is a price to pay for a prolonged and strident convulsion of the political system. And when one is talking in terms of a nuclear war in which millions are certain to die, the price of instant righteousness can be higher than the average man wants to pay.
>
> We are not suggesting for a minute that, given the stench of Watergate, Mr. Nixon's personal finances and political acts are not legitimate subjects of public concern. If it can be proved conclusively that he has been guilty of peculation or of the gross abuse of his constitutional powers, then there can be no alternative to his impeachment.
>
> But insofar as we are aware, Mr. Nixon has broken no law, defied no court, padlocked no legislature, muzzled no member of the press. The jackboots that some observers seem to hear echoing in the streets of Washington are largely in their own minds.
>
> The new special prosecutor of the Watergate case will have a responsibility to the public to follow every trail wherever it may lead. And the House has the obligation to act on this and other information in the ascertainment of Mr. Nixon's fitness to lead the country.
>
> But as events of last week show, this is a serious business and those who embark upon it must be aware of the possible consequences of their acts, if only because other nuclear-armed nations have an immense capacity to misinterpret what happens here, with possibly terrible results for all mankind.
>
> In short, we could use a little more gravitas in the treatment of the President of the United States. There has been far too much slander, inuendo and loose rhetoric about Mr. Nixon's possible deeds and presumed motives. He has yet to be found guilty of anything other than having underlings and associates accused and some guilty of misdeeds. Nor is he, insfar as we know, mentally unbalanced, an insinuation which some have made.
>
> Let the investigation of his administration continue. Let the House, if it feels it must, pursue the question of whether he has been guilty of the "high crimes and misdemeanors" which can be the only basis for his impeachment. But, as someone once remarked, it would be helpful if all of us would "lower our voices" a bit. It would be useful if some of the President's more hot eyed crtics would examine their own motives. It would be realistic to keep in mind that there is a world beyond Bebe Rebozo and Robert Vesco.
>
> Thinking men used to hold that the blood of kings can be shed, but never lightly. Richard Nixon is not our monarch but he is our president, and the only one we happen to have. To destroy him out of pique, at the cost of destroying the nation, would be a shallow victory for some and a defeat for all.

FROM THE MAILBAG—THE PEOPLE OF THE 22D DISTRICT OF NEW YORK FAVOR IMPEACHMENT

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. BINGHAM. Mr. Speaker, my mail is running about 50 to 1 in favor of the actions taken by the House to investigate the President's conduct to determine if impeachment is warranted. The letters and telegrams, received from Republicans as well as Democrats, confirms my belief that the impeachment process is the only available avenue open to restore public confidence in this country's government.

I have selected a few of these communications which illustrate the tenor of my mail on this subject, and I commend them to those who claim that the Congress is "out to get" the President rather than acting responsibly under the Constitution on behalf of the majority of the people. The letters and telegrams follow:

> BRONX, N.Y.
>
> Congressman JONATHAN B. BINGHAM,
> *Bronx, New York.*
>
> DEAR CONGRESSMAN BINGHAM: This letter is very hard for me write, but the events of the past few days have been frightening.
>
> As a registered Republican in your district, I strongly urge you to initiate impeachment proceedings, and I believe it is imperative that approval of Gerald Ford for Vice President be withheld until this matter is settled.
>
> Sincerely,
>
> SUSAN RUBENSTEIN.

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Bronx, N.Y.,
October 23, 1973.

Dear Congressman Bingham: I am a very busy individual, working, going to school, keeping a home, etc., and unfortunately I never take time to write my Congressman, however, I feel this matter is so urgent and desperate. I support your stand on impeachment for President Nixon. Please follow through on it.

Blossom Wittlin.

Bronx, N.Y.

Jonathan B. Bingham,
House of Representatives,
Washington, D.C.

Dear Sir: I would like you to support the position of impeaching President Nixon. He is unfit to govern. His illegal bombing of Cambodia, his secret spy plan, his illegal wiretapping, his dismantling of the Office of Economic Opportunity (OEO). His starting of a dictatorship bringing the military in government such as Alexander Haig.

Yours truly,

Meyer Sandak.

Bronx, N.Y. 10468.

October 23, 1973.

Hon. Jonathan Bingham,
House of Representatives,
Washington, D.C.

Sir: I am writing this letter to express my shock and outrage over the events of the last weekend concerning the firing of Special Prosecutor Cox, and the resignations of Messrs. Richardson and Ruckelshaus.

It is inconceivable that Mr. Nixon believes that this latest adventure into Banana Republic politics will not be met by the people and Congress with the most aggressive if disagreeable action, that is impeachment. After having listened to Charles Morgan of the American Civil Liberties Union read sections of the Declaration Of Independence over the radio Sunday, there is no other course left open to us but to cast off the yoke of Dictatorship, as quickly as possible. There are those who say that impeachment would tear the country apart, however the long range consequences of not doing so would be far more harmful to the Republic.

It is with trembling hand and tears in my eyes that I too must add my voice to those who cannot and will not accept this situation any longer. Impeach Nixon Now.

Sincerely,

James F. Collins.

Bronx, N.Y.,
October 23, 1973.

Congressman Jonathan Bingham,
Capitol Hill, D.C.

Reconfirm the American spirit at home and abroad, impeach Nixon.

Nancy Posner.

Bronx, New York,
October 21, 1973.

Hon. Jonathan Bingham,
House of Representatives,
Washington, D.C.

Dear Congressman Bingham: It has become apparent recently that the President is attempting to usurp the legal powers that are granted to the judicial and legislative branches of government and is making a travesty of the Constitution. We are horrified by the firing of Special Prosecutor Cox. Even without this shocking act, there are many other horrendous attacks upon the rights and liberties of American citizens. I urge you to immediately introduce a resolution for impeachment before this country takes another step closer to dictatorship.

Thank you very much.

Very truly yours,

David B. Grossberg.

Bronx, New York,
October 23, 1973.

Congressman Jonathan Bingham,
House of Representatives,
Washington, D.C.

Dear Congressman Bingham: As constituents of yours in your congressional district we are writing this letter to ask that you call for the impeachment of President Nixon. As the events of the last year clearly indicate, we have a president in office who is obsessed with power and has total disregard for law and the constitution of the United States.

As citizens of this great country, we are appalled at the total disregard of this so called "leader" of our country has for the law of the land and for the needs and rights of its people. His flagrant use of power and his arrogant attitude that he is above the law is just shocking in a democratic country as the United States.

As we can clearly see from Watergate, his top aides are on the brink of being indicted; his former Attorney General and former Secretary of Commerce have already been indicted, it is hard for an enlightened individual to believe that the president had absolutely no knowledge of this. The burglary of Daniel Ellsberg's psychiatrist's office and the bribe of Judge Byrne to become Director of the F.B.I. is unparalleled in United States history. The paranoid atmosphere that has precipitated these events and which is evidently still present, is both shocking and appalling.

These past few days where President Nixon has fired Special Watergate Prosecutor Archibald Cox and Assistant Attorney General William Ruckelshaus has convinced me that the President is afraid of the truth being known and has something to hide.

The firing of Mr. Cox, a distinguished man who is trying very hard to get at the truth even if it leads to the White House, is just another example of President Nixon's total disregard for true justice and his promise of an open and free investigation of Watergate and its subsequent coverup. His failure to turn over the White House tapes is even more proof that he has something to hide and his arrogant belief that he is above the law.

As constituents of yours, we ask that you call for his impeachment. Mr. Nixon's abuse of the office of the Presidency must be stopped immediately. It is time for America to once again regain its prestige and to have a President that can truly lead this country and present an example of true leadership of the highest esteem.

Sincerely,

Tillie Lano.
Peter Lano.
Edie Lano.

Bronx, New York,
October 20, 1973.

Congressman Jonathan Bingham,
House of Representatives,
Washington, D.C.

Dear Congressman Bingham: This is the first time in the four years since my wife and I moved to the Bronx that we have felt an overwhelming and compelling desire and sense of obligation to write our congressman to express our feelings. We both are teachers: my wife at Bronx Community College and myself at Lehman College. We both have tried to retain a sense of perspective and objectivity over the incidents which have occurred during the past year in conjunction with Ellsberg, Watergate, etc. That same perspective and objectivity has led us to the conclusion that our congress should begin the Impeachment process against the President. We are only two who urge you to consider such a step, but we know we are not alone in our conviction.

The specious arguments put forth by President Nixon are intolerable in a supposed democratic society such as ours. His defiance of the courts, of the law of the land makes his position all too clear and thus all too dangerous to our way of life. His position is indefensible regardless of what may ultimately be found on the so-called Watergate tapes. Further, we would urge you not to vote on Gerald Ford at this time for what would seem to be obvious reasons.

An attack on President Nixon is not an attack on the presidency nor on the stability of our Country; indeed, it is our belief in the Presidency and in our country's Constitution and stability which leads us to urge the drastic but what we consider to be the essential and necessary step of Impeachment.

Sincerely yours,

Bino D. Bills.
Lucille M. Bills.

Bronx, N.Y.,
October 23, 1973.

Hon. Jonathan Bingham,
House of Representatives,
U.S. Congress,
Washington, D.C.

Dear Congressman Bingham: As one of your constituents, I feel that it is time for me to speak out and add my voice to those who are flooding Washington with mail and telegrams calling for the resignation or impeachment of President Nixon. In view of the disclosures of the last 6 months—Watergate, the Agnew affair, the "plumbers unit", the plans for a "secret police force" operating out of the White House as described in the infamous Huston memo, the secret bombing of Cambodia, Nixon's real estate deals, the $100,000 Hughes money, and now the firing of Archibald Cox and the sealing of his offices by the FBI, in a manner reminiscent of the OGPU and the Gestapo, and God only knows what else that we have yet to hear about; I feel that there is not only ample cause for impeachment but that it is necessary, to return this nation to the path of unity and progress.

This is a time of great disquiet in America, and there has never been a greater need for unity and leadership. President Nixon has most certainly not brought unity, but has in fact split the country far more than any of his predecessors. And as for leadership, Mr. Nixon has shown us by the caliber of the people surrounding him that he is incapable of leading anyone whose moral qualities are higher than those of an ordinary common crook, let alone lead the United States.

Once again, I ask that you do anything in your power as a Member of Congress to either force Nixon to resign, or begin impeachment proceedings immediately.

Respectfully yours,

Jeanette Neuhauser.

Bronx, N.Y.,
October 20, 1973.

Hon. Jonathan Bingham,
Congressional Office Bldg.,
Washington, D.C.

Dear Sir: I urge you to take the initiative to institute impeachment proceedings against Richard M. Nixon.

Either we are a Nation under law or we are animals in a jungle. How can the President break the law, approve illegal acts, shield those who are in violation of the law, submit fraudulent reports to Congress and defy the courts.

The Congress must fulfill its responsibilities to the country and the people and take all necessary steps to return this Government to responsible law-abiding and law-respecting leadership.

Yours sincerely,

Fitz I. Squire.

Bronx, N.Y.,
October 23, 1973.

Hon. Jonathan Bingham,
House of Representatives,
Washington, D.C.

Dear Congressman Bingham: President Nixon's recent dismissal of Special Prosecutor Cox is a clear attempt on his part, despite whatever disclaimers he may make, to obstruct justice and the search for truth. This is especially appalling in light of his repeated pledges of non-interference with the investigation.

It is for this reason, as well as for the Administration's unrelenting attempts to undermine our fundamental civil liberties, that I strongly urge you to seek Mr. Nixon's impeachment as vigorously as possible.

I realize that impeachment is considered to be a drastic measure. But such action is necessary if we are to prevent, as Mr. Cox and others have stated, this country from becoming a nation of men and not laws.

I am sure that I speak for many others when I make this request.

Respectfully,

Nicholas W. Aquilino.

"IN THE NAME OF GOD, GO"

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. HARRINGTON. Mr. Speaker, in the last week, much has been said about Richard M. Nixon's manner of governing this country. Most comments have centered on the immediate issue of the firing of Watergate Special Prosecutor Archibald Cox. In the October 22 New York Times, one columnist, Anthony Lewis, has seen through the immediate issue of Watergate to the underlying philosophy of the Nixon administration and, from that, to the reason he believes Richard M. Nixon must go if this great Nation is to survive. We would all do well to listen to his words.

The article follows:

[From the New York Times, Oct. 22, 1973]

The End Begins

(By Anthony Lewis)

Washington, October 21.—During his few minutes as Acting Attorney General, William Ruckelshaus had a telephone call from the White House chief of staff, Gen. Alexander Haig. The General conveyed President Nixon's order to fire Archibald Cox as special Watergate prosecutor. Mr. Ruckelshaus, like Elliot Richardson, refused. Then General Haig said.

"Your Commander-in-Chief has given you an order."

There it was, naked: the belief that the President reigns and rules, that loyalty runs to his person rather than to law and institutions. It is precisely the concept of power against which Americans rebelled in 1776, and that they designed the Constitution to bar forever in this country. It is in fact a form of power that no English monarch has exercised since George the Third.

General Haig's military phrase was significant in another sense also. Over this extraordinary weekend, Washington had the smell of an attempted coup d'état. Like the plotters in a novel, Mr. Nixon and his men invoked threats abroad. They skillfully enlisted political elders enfeebled by years of subservience. They tried to cut out the judges, the lawyers, the constitutionalists. They sent the police to seal the dangerous files. Mr. Cox's assistant, Henry Ruth, caught the feeling when he said: "Maybe it isn't 'Seven Days in May,' but it is one day in October."

But short of a real military coup, the attempt has failed. Most important, the issue facing this country has been made so clear that no one with eyes to see can avoid it any longer. That issue is the legitimacy of this President.

The American system gives enormous presumptive weight to the legitimacy of any President, and rightly so. Fixed Presidential terms and orderly succession have been anchors of stability in our turbulent history. But the Framers of the Constitution did not stake all on the Executive, they did not make him absolute or immovable. In the end, they rested their faith on law.

By his acts of the last few days, Richard Nixon has made manifest his contempt for law and for the very tripartite structure of our Government that he so often invokes. He has sought to teach Americans the lesson that the great among us may choose whether and how to obey the law. He has broken a solemn promise made to the United States Senate—the promise to let the truth of Watergate be discovered and the law enforced.

It is impossible now to resist the inference that Mr. Nixon has been trying to conceal evidence of his own violations of the criminal law. That would explain his dogged refusal to disgorge not only the White House tapes but much other documentary material—and explain his fear of Archibald Cox.

Much that has happened in this last week was really designed to get rid of Mr. Cox. So obsessive had that aim become in Mr. Nixon's mind that it was like the cry of Henry the Second about Thomas à Becket: "Who will free me from this turbulent priest?" Eventually someone was found to wield the dagger. His name was Robert Bork, but it will count no more in history than the forgotten names of Becket's murderers.

Oct. 20 was a frightening day in Washington. But it was also profoundly encouraging to those who have maintained their faith in the American system during the horrors of the Nixon years. For there were men who, despite the most terrible pressures, followed the path of honor and the law.

No one who watched Archibald Cox could be altogether cynical again about the good that lies in the American character. It was "Mr. Smith Goes to Washington," for real: the almost naive decency, the sense of duty, the care for personal kindness even in that extreme situation. And then came the redeeming support of Elliot Richardson and William Ruckelshaus.

Mr. Nixon will try to meet the crisis now with one more effort to rally the country behind his person. The answer to that is that royalism has no place in America—and besides, the king is dead. We must look elsewhere for continuity, for legitimacy.

The struggle for the next few days and weeks will require many of us to give up comfortable assumptions. Government officials will have to think again about where their loyalties lie. The lawyers of this country will have to speak out. Constitutional conservatives, above all Barry Goldwater, will have to recognize that Richard Nixon has betrayed them especially.

Today even Congress, which so often rolls on its back like a spaniel, is beginning to face the necessity of impeachment. It need not come to that; for the good of the country it should not. Rather, before long, someone in Richard Nixon's shrinking palace guard will surely tell him that he must listen as the country sends him the same cry that went across the floor of the House of Commons to Neville Chamberlain in 1940: "In the name of God, go."

PRESIDENT NIXON'S GRIP ON REALITY

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. STOKES. Mr. Speaker, President Nixon's press conference last Friday clearly dramatized, in many ways, why this Nation can no longer trust his word on any matter.

On page 35 of yesterday's New York Times, Mr. Anthony Lewis provides certain facts the President distorted with regard to Thomas Jefferson's action in the Aaron Burr trial. But in his reconsideration of different episodes in the unfolding Watergate scandal, Mr. Lewis probes a question basic to our whole concern about the President's grip on reality. He asks:

> Is there in (Nixon) some unconscious process that reshapes the truth to his ends?

I recommend that my colleagues consider this fundamental question as we press on with impeachment proceedings.

The article follows:

Why We Are Shaken

(By Anthony Lewis)

Washington, October 28.—In answering the first question at his press conference Friday, President Nixon brought up the case of Aaron Burr as a precedent to support his continued withholding of Presidential papers. He said:

"You remember the famous case involving Thomas Jefferson where Chief Justice Marshall, then sitting as a trial judge, subpoenaed a letter which Jefferson had written which Marshall thought or felt was necessary evidence in the trial of Aaron Burr. Jefferson refused to do so, but it did not result in a suit. What happened was, of course, a compromise in which a summary of the contents of the letter which was relevant to the trial was produced by Jefferson. . . ."

The historical facts are as follows: The letter at issue was not from Jefferson but to him, from Gen. James Wilkinson. Jefferson did not refuse to cooperate in the matter; indeed he offered to be examined under oath in Washington. And he did not produce a mere "summary" of the letter. He gave the entire original letter to the U.S. Attorney, George Hay, who offered it to the court for copying and use of "those parts which had relation to the cause."

In short, Mr. Nixon's account was a farrago of untruths. It may seem a minor matter in a press conference that also saw him falsely imply that Elliot Richardson had "approved" his course of action on the tapes. But the President's misuse of the Burr case is interesting precisely because it was so unnecessary, so minor, so gratuitous.

Why did he introduce such an historical episode into his discussion and then so gravely distort it? Did he consciously intend to deceive his audience? Or is there in him some unconscious process that reshapes the truth to his ends?

Those questions are not put down to suggest that there can be sure answers. What is disturbing is that the public cannot be sure. Even on so small a matter we cannot trust the President of the United States.

Trust is fundamental to the functioning of a free government. Those who wrote the American Constitution understood that, and therefore tried to make sure that faith in our system of democracy would survive mistaken leadership. To that end they created in-

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stitutions—in shorthand, government of laws, not men.

That Richard Nixon has made it impossible for the country to trust in him is not the worst he has done as President. The more grievous harm has been to damage trust in our institutions. Consider some examples.

The police are a particularly sensitive barometer of trust in any society.

The most respected American police institution has been the Federal Bureau of Investigation. In 1970 President Nixon sought to involve the F.B.I. in a program of illegal wiretapping, surveillance and burglaries. After protests from J. Edgar Hoover, the program was allegedly canceled, but the White House plumbers carried out some of the illegal activities. Amercians' confidence that Federal law-enforcement institutions will respect the law has certainly been damaged.

The Central Intelligence Agency is another sensitive institution. The evidence indicates that Mr. Nixon's top assistants, almost certainly on the orders of the President, sought to involve the C.I.A. in the cover-up of Watergate.

Our military institutions suffered a painful loss of public confidence as a result of Mr. Nixon's secret bombing of Cambodia. It is not surprising that people should be shaken if our powerful forces can be used in secret, without the consent or even the advice of Congress, and with military men joining in a conspiracy to deceive Congress and the public by false reports.

It hardly needs to be said that the courts have been abused by this President, or that Congress has suffered as an institution from the attitude of open contempt displayed toward it by this White House.

Finally, one must mention a sordid episode in which Mr. Nixon did not hesitate to soil the institution of the Presidency itself—by innuendo directed at a dead President. At a press conference on Sept. 16, 1971, he said the United States had got into Vietnam "through overthrowing Diem and the complicity in the murder of Diem." We have no evidence of any such complicity. Mr. Nixon's remark came shortly after his White House consultant, E. Howard Hunt, tried to forge some—a "cable" made to look as if it had come from the Kennedy Administration.

These assaults on our institutions and on our trust have left the country in a state of nervous exhaustion. Before we can recover, we shall have more to endure. Investigating a President, and judging him, will require us to face hard questions of law and policy and politics. But there is no other way.

As we proceed, we should remember above all that we are trying to heal wounded institutions. That means that the whole process of investigation, impeachment and, hopefully, political accommodation must be carried forward with a deep concern for institutional regularity. We must answer disrespect for institutions with respect, lawlessness with law.

L. I. NATIONAL BANK'S ENVIRONMENTAL PROGRAM

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. LENT. Mr. Speaker, the Long Island National Bank, which is headquartered in my congressional district, has just completed an ecology program, designed to help conserve our national resources; beautify communities; preserve clean air and water; and improve the quality of life for our Long Island residents. In reporting on this effort, the Long Island Financial Newsletter in a recent issue stated the following praise of the bank's civic-minded effort:

FOURSQUARE FOR ECOLOGY

With the financial institutions: Long Island National Bank jumped in foursquare for ecology with a well-promoted month-long campaign (August 27th to September 21st) encouraging efforts to conserve, clean up, brighten up, and generally beautify. President James Dinkelacker's team will be distributing about 25,000 "ecology kits" thru the bank's 11 offices in the bi-county region. The kits include a tabloid publication on this subject, flower seeds, lapel button, pamphlets and article reprints. An ecology flag, believed to be the first of its kind flown on the Island, is fluttering in the breeze at the main office in Hicksville. Congrats on a contemporary campaign.

Mr. Speaker, this is an exemplary program which could well be emulated by banks and other business institutions throughout the United States, so that the problems created by energy shortages, pollution or other ecological problems can be alleviated.

AKRON UNIVERSITY PERFORMING ARTS CENTER—EXTRAORDINARY ACHIEVEMENT

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. SEIBERLING. Mr. Speaker, in these days when people are inclined to look to the Federal Government to finance any project of an unusual nature and when local communities and private citizens often feel powerless to bring about extraordinary new public enterprises, it is gratifying—indeed, thrilling—to read about the stunning new Edwin J. Thomas Performing Arts Center at the University of Akron in Akron, Ohio.

Opened less than 2 weeks ago, the new performing arts center has been hailed by artists, architects, music critics, and educators all over the country as a major breakthrough. Ada Louise Huxtable, the architectural critic of the New York Times, has called it, "a building of which any world capital could be proud." Without detracting from the splendor of New York's Lincoln Center or similar cultural centers in other cities, I am proud to note that Ms. Huxtable says that all other centers are "provincial by comparison."

The State of Ohio, the University of Akron, Mr. Edwin J. Thomas, and the many other citizens of the greater Akron community whose contributions made this splendid achievement possible deserve the Nation's compliments and warmest congratulations.

However, as Ms. Huxtable points out, the construction of such cultural centers is only a beginning. If they are to make a meaningful and uplifting contribution to the cultural life of our communities, and therefore of our Nation, continued financial support for the performing arts is essential. Every major country in Europe, and even some European cities, provides greater subsidies for the performing arts than all U.S. Government and State programs combined. Nevertheless, it is gratifying that the House this year approved legislation providing for substantial increases in the National Endowment for the Arts. We owe it to our people to continue and expand this kind of support.

The full text of Ms. Huxtable's article follows:

THOMAS HALL "SUPERB," SAYS NEW YORK CRITIC

(By Ada L. Huxtable)

They got it all together in Akron. The trials and errors of a 15-year performing arts center building boom in the United States have finally produced a superb structure—the Edwin J. Thomas Performing Arts Hall, which had its gala opening this week.

It happened in Akron, not in New York, where the performance halls of Lincoln Center look, and are, provincial by comparison or in any of the cities that call themselves the country's cultural capitals. This is a building of which any world capital could be proud.

Located on the campus of the University of Akron, a stone's throw across the railroad tracks (which the university hopes to bridge) to the city's downtown, Thomas Hall is a spectacularly beautiful job. Its superior design is the result of 13 years of collaborative effort on similar projects by theater designer George Izenour and acoustician Vern Knudsen, and the lessons learned from the ambitious Jesse Jones Hall in Houston by the architects, Caudill, Rowlett, Scott.

Everybody's learned a lot. "The theater of experience," a distinguished drama critic colleague of ours calls it, with not a little irony, and adds, "at last they've got it right."

Architecturally, this is a strong and sophisticated work, conceived with unusual care. It is a structure of essentials, in which nothing is there without a reason, and all the elements are utilized rationally and creatively, for a powerful effect. Dalton, Van Dijk, Johnson and Partners of Cleveland worked with Charles Lawrence of Caudill, Rowlett, Scott, and Ian MacGregor was the university client as vice president for planning.

Acoustically, we cannot pretend to judge, but the hall contains, and in fact consists of, one of the most flexible acoustical systems yet devised, and there were happy faces among the experts at the opening performances of the Akron Symphony. That all-important factor still remains to be evaluated fully with continued use. And whether inevitable compromises have had to be made for a multi-use structure meant to accommodate music, dance, drama and a full grab-bag of cultural events also remains to be seen in practice.

Programmatically, the building raises all the questions that these centers habitually pose of how to match the facilities with arts resources, although as part of the university it will also be used for educational purposes, which eases the strain.

Financially, it will surely be no stranger to the economic problems that haunt the performing arts and their physical plants and are the cultural cross of the communities that have taken on these extravagant centers. But Akron's resources are considerable; this is a $13.9 million hall and its sponsors are feeling no pain, Akron desperately wanted this building.

It is a big, as well as an expensive, building, providing a 3,000-seat auditorium. Like other big performance halls in smaller cities—greater Akron numbers about 500,000—it is designed as a multi-use, multi-form facility.

A striking hung ceiling of steel sections that move in mitered caternary curves can cut off parts of the house to make it serve

smaller audiences of 2,400 or 900 people. It takes an incredibly short 15 minutes to make one of these changes; we know, we watched.

The cables from which the ceiling is hung are counter-weighted to lighten it, so that the 44-ton ceiling is balanced by 47 tons of weights, which hang, as 27 massive chrome-plated steel cylinders, in the soaring lobby. Their polished geometric forms, suspended in 90 feet of space, surpass any sculpture.

The building is poured concrete, its weighty mass lightened by entrance walls of glass on two sides, butted and joined without metal, in the European fashion. This crystalline delicacy juxtaposed to solid walls makes a facade of great visual elegance, in which boldness and delicacy strike a breathtaking balance.

From the outside, the angled structure—the result of an asymmetrical plan—appears to be folded into terraced steps and plantings which lift people from a fountain below to entrances on several levels above, with parking tucked underneath. Nothing is static. The upper and lower plazas, banked tiers of flowers and patterns of movement, turn this architecture into a multidimensional solution through extremely skillful site planning and the treatment of the act of entrance as a complex and ceremonial sequence of spatial experiences.

Inside, the lobbies are also a spatial experience. This is just about the handsomest public area to be seen anywhere, barring some not-quite-appropriate furniture. Three continuous lobbies flank the auditorium and stage house, and they can accommodate all 3,000 occupants of the hall at one time.

Inside, the auditorium breaks many rules. It is fan-shaped, rather than the more conventional rectangle, a 30-degree hall in which no seat is more than 132 feet from the stage. How the far side seats will work in terms of vision and intimacy for drama is still to be tested.

One hopes that, unlike Houston, it will not be found necessary to sell the full 3,000 seats for every performance, suitable or not, to balance the books, so that expensive flexibility becomes a bad joke. Or like still other halls that started with gala performances, it will not be reduced to an amateur-night formula after its initial schedules run down.

Sir Rudolf Bing, at an opening luncheon, served notice that the Metropolitan Opera's costs were too great to abandon the 7,000-seat Cleveland Auditorium, no matter how badly performances suffered there, and no matter how tempting Akron might be. He painted a dismal picture of unused houses and arts without subsidy.

There is only one thing that can be said with certainty on the uncertain cultural scene today: Thomas Hall, named after the retired chairman of Goodyear and a major contributor to the hall, is a splendid performing arts center, synthesizing all that has gone before it. But unless there is content to match, architecture becomes an empty art.

NATIONAL FIRE PREVENTION MONTH

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. HOGAN. Mr. Speaker, I would like to take this opportunity to congratulate all volunteer and professional firemen in this Nation who have for so many years selflessly performed their duties in protecting homes and our cities. This month has been set aside as National Fire Prevention Month.

One way we can recognize our responsibility is by giving all the help and support we can offer to our local and State firefighters. From the time of Benjamin Franklin's first volunteer firemen to the present day, these men and women have fought tirelessly to guarantee our personal safety.

We have had several tragic losses in my home county of Prince Georges just this past year which have brought home to me in very real and very terrible ways how necessary this protection can be. Also I have seen several families left fatherless due to the heroic efforts of a firefighter who lost his life in trying to save and protect others. The acts of heroism performed by our firefighters in the routine performance of their duties are no less praiseworthy than those performed by the soldier on the battlefield, and this kind of public recognition is long overdue.

We all have an unrepayable debt for the protection these individuals have given to us, our families, our homes, and our properties. I am truly grateful for this opportunity to say thank you.

FACING DOWN A THREAT

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. FORSYTHE. Mr. Speaker, in Friday's editions of the Wall Street Journal there was an editorial concerning U.S. actions with respect to the Mideast crisis that I thought was most appropriate.

For the benefit of those of my colleagues who may have missed it, I herewith include the text of the editorial at this point in the RECORD:

FACING DOWN A THREAT

Secretary Kissinger had every right to be grave at his press conference yesterday; a President with a badly damaged domestic political base was confronted with a bold threat by the Russians to take unilateral military action in the Middle East.

The administration had sought, by alerting U.S. forces, to quickly counter the danger of a Soviet miscalculation that would lead to a real confrontation. It had acted intelligently by trying to defuse the danger by proposing that the UN Security Council send to the Mideast a peace keeping force that would not include troops of either the U.S. or U.S.S.R.

A short while later the diplomacy worked. The Russians agreed to the U.N. Security Council proposal.

Particularly in the light of the results, we find very little to quarrel with in the way Secretary Kissinger and the President handled themselves in the early hours Thursday in making those decisions. And we find very little as well in the way the U.S. handled diplomatic advances to the Russians prior to the Soviet challenge. It is incredible that some reporters at the press conference suggested that the President had stage managed an international crisis to divert attention from the domestic one; Secretary Kissinger was quite right in stomping hard on such foolish and dangerous notions.

We have no idea why Egypt and then the Russians proposed that the U.S. and U.S.S.R. send peace keeping troops to the area but it was a bad idea and one that the U.S. quite properly rejected. Detente has not quite reached the point where anyone should expect U.S. and Soviet troops to confront each other in an area where a war is winding down without there being grave risks involved.

We can only conclude that the Egyptians made the proposal because their army in the Sinai was in serious danger of collapse, a predicament that was not being ameliorated quickly enough by the agreed-to cease-fire. The Israelis apparently were proceeding with an encirclement that had isolated the Egyptian forces. Perhaps it was dangerous for the Israelis to press on after the cease-fire but then the Israelis have had some provocation over the last three weeks.

Whatever the dangers a big-power peace keeping force would have posed, the dangers of a unilateral move of Soviet troops into the area were even greater. The Egyptians themselves apparently became aware of this, somewhat belatedly; Ashraf Ghorbal, an adviser to President Sadat, refused to comment when asked if Egypt would accept a unilateral Soviet troop commitment. Egypt might be a long time restoring its sovereignty once Soviet troops were stationed on its soil. It could ask Hungary and Czechoslovakia something about that.

In the present situation, Egypt has been left with an alternative and that was perhaps the most important product of Mr. Kissinger's diplomacy. Had a cease-fire not been achieved when it was, there is every possibility that the Egyptian Third Army, caught east of the Suez without sufficient supplies, would have been victim of a major military disaster. The U.S. probably denied the Israelis a total victory but in so doing it also protected the Egyptians from a total defeat that would have thrown them into the waiting arms of the Russians.

We hope the U.S. has taken pains to make it plain to the Egyptians that they owe Mr. Kissinger and the U.S. President quite a lot for that. The least they could do under the circumstances would be to agree to participate in direct peace talks under U.S. auspices with the Israelis and give up any ambitions to push the Israelis into the sea.

The Russians, of course, may have plotted the confrontation from the beginning, although we suspect it more likely that they have merely been practicing their usual opportunism. Whichever, it is clear from their actions that imperialism is never very deeply submerged in Soviet policy making.

Secretary Kissinger is quite right in saying that the U.S. must do what it can to try to promote detente and peace in this nuclear age. But it is also true that the U.S. cannot expect miracles.

In other words, it still is a dangerous world, one in which the U.S. must remain resolute when faced with foreign threats, whatever its domestic difficulties. The administration has faced down one threat, but there no doubt will be others, perhaps from this same Middle East war, which has not yet been settled. If the U.S. people lose sight of that they will do so at their peril.

THE NEGOTIATED DECLINE AND FALL OF SPIRO T. AGNEW

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. STOKES. Mr. Speaker, President Nixon's recent behavior may have induced a lot of us to remember Vice President Agnew's resignation and conviction of a felony as ancient history.

It happened only 3 weeks ago. But the "firestorm" over Mr. Nixon's firing of Archibald Cox, his defiance of the courts and his subsequent half-about-faces on the issues which led to the firing of Cox—and the public furor demanding the President's impeachment—tend to let us forget the immense scandal and miscarriage of justice involved in the Agnew deal.

The Cleveland Plain Dealer of Sunday, October 28, published the story of Spiro T. Agnew's "Negotiated Decline and Fall." It was written by James M. Naughton, and based on reporting by him, John M. Crewdson, Ben A. Franklin, Christopher Lydon and Agis Sulpukas, all of the New York Times.

THE NEGOTIATED DECLINE AND FALL OF SPIRO T. AGNEW

WASHINGTON.—The collapse of Spiro T. Agnew's career was a negotiated decline and fall.

The dimensions of the bargaining were even broader than the public record suggested. President Nixon sent a messenger to the vice president in early September to seek his resignation. The vice president consented at that time, but fought to obtain a guarantee that he would not go to prison. The attorney general encouraged the bargain.

The details behind Agnew's bartered resignation and disgrace were as fascinating as the event was stunning. They contained elements of psychological drama. They reflected clashing motives in the upper reaches of the government. They produced a game of legal chess in which constitutional issues were gambits and the presidency itself was a pawn.

The drama began with a luncheon conversation late last year. It culminated on Oct. 9 as a result, in part, of a speech by Secretary of State Henry A. Kissinger about war and peace.

And in between, over barely 10 months, were ingredients more suited to a novel than to a national trauma: A President who could not bring himself to tell his heir apparent to his face, to quit. A vice president inviting his own impeachment in order to threaten a President with the same prospect. Lawyers for the nation's second-ranking office taking steps to guard against government wiretaps of their telephones. Prosecutors discussing the mental health of the President.

The outcome became history when Agnew stood before U.S. District Judge Walter E. Hoffman in a Baltimore courtroom. He resigned, pleaded no contest to one charge of income tax evasion and permitted the government to publish evidence that he had extorted bribes for a decade. In return, his plea left him technically free to proclaim his innocence of any wrongdoing and the government settled for a sentence of three years of unsupervised probation and a $10,000 fine.

Not until the last few days have central figures been willing to describe the steps that led up to that momentous result. Some of the elements are matters of dispute. Years from now, scholars may debate the causes and consequences. But based on interviews with Agnew's defense lawyers and key officials in the government—some of whom insisted that they not be identified—here is how the fate of a vice president was sealed in secret:

THE INVESTIGATION

It started with a casual remark, over lunch in Baltimore, late in the fall of 1972.

Robert Brown, director of the local Internal Revenue Service intelligence unit, mentioned a curious matter to George Beall, the U.S. attorney. The intelligence unit had been poking into the income tax returns of Maryland officials and some of them "don't jibe," said Brown.

With equal nonchalance, Beall replied that he had heard rumors of local officials taking kickbacks from government contractors. Perhaps, the two men agreed, it was time to seek a connection between the tax returns and the rumors.

The investigation centered in suburban Baltimore County, where a Democrat, N. Dale Anderson, had succeeded Agnew as the county executive in 1967. On Dec. 4, Beall had U.S. District Judge C. Stanley Blair—who had been Vice President Agnew's chief of staff until his appointment to the bench in 1971—impanel a federal grand jury.

The objectives were modest. Maybe they would catch "a couple of building inspectors" on the take, Beall thought. He assigned the case to three young assistants—Barnet D. Skolnik, Russell T. Baker Jr. and Ronald S. Liebman.

In January, they subpoenaed truckloads of official records from Baltimore County. By February, the county seat, Towson, was alive with speculation about the inquiry and rumors of it reached Agnew. He was startled, but outwardly unconcerned. He had done nothing wrong in his tenure there, he confided to friends.

Then the prosecutors traced the suspicious pattern of payoffs to two contractors who had long been associates of Agnew: Jerome B. Wolff, who had served as a public works staff man to County Executive Agnew, state roads commissioner under Governor Agnew and science adviser to Vice President Agnew; and Lester Matz, a partner in a consulting firm that had had many dealings with Agnew's county and state administrations.

The two contractors were alarmed. They warned Agnew that his name would be dragged into the investigation if the probe were not cut short.

One account, from an Agnew associate, is that the two men approached the vice president directly last spring but Agnew told them he had nothing to fear and would not intervene.

Another version—which the prosecutors in Baltimore were exploring as the basis for a possible obstruction of justice charge against Agnew—was more involved. It was that Matz and Wolff had sent their message through I. N. Hammerman, a wealthy Maryland mortgage banker who had begun an Agnew-for-president movement for his close friend with "Spiro of '76" bumper stickers. Agnew was said to have sent back a rejoinder, paraphrased by one prosecutor:

"Don't worry. It's going to be stopped. You'll be indicted, but what's an indictment? You can beat it. The prosecutors will be kicked up stairs and it will end."

Whichever version was correct, Agnew decided in April that he had to have legal advice. He got in touch with Charles W. Colson, the former White House special counsel.

It was a curious choice. Colson was himself coming under investigation by the Senate Watergate committee for his activities on behalf of President Nixon and had gone so far as to take a lie detector test to demonstrate that he was not involved in the Watergate burglary on June 17, 1972.

Colson met a number of times with Agnew. He also is known to have discussed the situation with the President. He asked his law partner, Judah Best, to get in touch with Beall.

Just before Easter, on April 19, Best went to Baltimore to declare that Agnew was concerned that "people were putting pressure on him to stop the investigation," and he wanted Beall to know that the last thing the vice president "wanted to do in the middle of Watergate was to cover up."

As he later recalled it:

"I explained to Beall that I represented the vice president; had heard these stories that he'd better stop the investigation or they'd make charges about him and also that we'd heard rumors on the cocktail circuit about the dubious loyalties and lack of discretion of people on his (Beall's) staff."

The last remark was a reference to Skolnik, the most expert of the three assistant prosecutors on corruption cases—"I have an instinct for going after public officials who take cash in envelopes," he later boasted. But he was a liberal Democrat who had taken a leave from the prosecutor's office to work in the unsuccessful 1972 presidential campaign of Edmund S. Muskie, D-Maine.

It was Skolnik who pursued the investigation until it touched on Agnew, a point that later would lead one of the vice president's strategists to complain that Beall, a Republican whose father had been and whose brother was a United States Senator, had "lost control" of the inquiry.

In April, though, Agnew had yet to be implicated. Beall told the vice president's lawyer that there was nothing to warrant any suggestion that Agnew was involved, said that he understood the delicacy of the situation and agreed to keep Best advised of the progress of the case.

Through June, Best kept telephoning Beall every 10 days or so and getting the same report: Don't worry.

They didn't. Agnew discussed with his staff the prospect of another trip abroad on behalf of the White House. He submitted to a series of interviews in which he was able to note that he alone, among the officials closest to the President, had escaped any hint of involvement in the burgeoning Watergate scandal.

But Skolnik and his two colleagues were pressing hard with the tactic that prosecutors employ to get lesser figures to implicate higher-ups.

"The train is at the station," they would warn a potential criminal defendant. "Lots of people are getting on. Room is running out. The train may leave at any moment."

On June 4, the Baltimore County administrator, William E. Fornoff, succumbed to the tactic and gave the prosecutors detailed allegations that led to a subsequent grand jury indictment of Anderson. Unknown to Agnew, however, Fornoff gave no information involving him.

But Fornoff's actions apparently threatened Wolff and Matz. On June 11, almost simultaneously, they reached the prosecutors and started talking. By the end of June, the case against Agnew had begun to take shape.

NO MORE SMILES

The routine call from Best to Beall, in early July, did not elicit the routine assurance. Instead, the U.S. attorney told Agnew's lawyer, "'It would be beneficial if we didn't talk again."

To Best, the implication was clear. "All smiles ended in early July."

It was universal, among those involved. On July 3, Beall and his three assistants came to Washington to alert Atty. Gen. Elliot L. Richardson to the important new turn in the case.

"Boy, do we have bad news for you," one of them said as they entered the office of the nation's top law enforcement official.

They outlined the charges. For a decade, up to last December, Agnew had accepted, perhaps even solicited, cash payments from contractors in return for official favors.

Richardson listened until the prosecutors had finished. He immediately cast the situation in its most broad and serious context. What was at stake, he remarked, was "the continuing capacity of the nation to govern itself."

All during the previous week, John W. Dean III, the former White House legal counsel, had been testifying to the Senate Watergate

committee that Nixon was the active participant in the Watergate coverup.

Beyond that, Richardson voiced concern—which he would repeat many times over the next three months—that Agnew was one step away from becoming President of the United States.

"The President's plane could go down tomorrow," the attorney general kept saying. "There could be an assassin's bullet. He could die tomorrow. Here we have a vice president under a cloud."

He told the Baltimore prosecutors to proceed. They expected, as one of them later put it, "some midnight phone calls" to order that they direct the investigation away from the vice president. The calls never came.

Much later, after Agnew had resigned, an associate attributed Agnew's denouncement to the turmoil that Watergate had stirred in the Nixon administration.

"If it hadn't been for Watergate," he said, "this whole thing would have been manageable. We wouldn't have had Richardson in the Justice Department, for one thing. I sure as hell would rather have dealt with Kleindienst"—former Atty. Gen. Richard G. Kleindienst.

The point was not that Kleindienst might have been induced to cover up the case. It was that he might have understood better than Richardson—a Boston brahmin whose politics had never depended upon others' wealth—how Agnew could rationalize a political life-style in which secret gifts from others were considered necessary for survival.

From the outset of the case against him through his televised explanation of his resignation Oct. 15, Agnew insisted that he was innocent of any wrongdoing, that he had never violated a public trust in return for political contributions.

The nub of his proclamation of innocence was twofold: He had done no more than others in Maryland politics in making sure that nonbid consultant contracts went to friends. And more important, none of the favors he accepted in return had enriched his personal net worth.

For Agnew, it was all essential to survival, a basic platform from which he would continue to pursue higher office.

He accepted groceries from a supermarket executive. The restaurant tabs were picked up. He used funds given to him when he was governor to stock a wine cellar. When he traveled as vice president to Palm Springs, Calif., everything was paid for him there by Frank Sinatra or Bob Hope.

He had entered big-time politics precipitantly, without benefit of wealth—indeed, in a 1970 interview he said he had considered withdrawing from politics because other occupations might be more "monetarily rewarding"—and he felt constant pressure to live up to the standards of his wealthier peers.

Early this year he moved into a $190,000 home—with a $160,000 mortgage—and could not afford new draperies. Last December, as an impressive Christmas present to Sinatra and Hope, he arranged for a Baltimore friend to send each a $168 case of Pichon-Longueville '59, a rare and exquisite Bordeaux wine.

As one of his closest associates stated it, Agnew felt that "you can't go to (political) rallies if you don't have shoes, and gasoline in the car."

But as the Agnew supporters suspected, Richardson took the view—as did the prosecutors in Maryland—that what the vice president was accused of was illegal and immoral.

"How can he stay in office?" Richardson asked colleagues in one Justice Department meeting. "I couldn't do it."

FROM X TO Y TO Z

On the last day of July, Beall telephoned Best and asked him to come to Baltimore. Best asked if he could do so in a few days, but the U.S. attorney said, "You'd better make it tomorrow."

When Best entered Beall's office the next day, Aug. 1, the three other prosecutors already were there.

Beall handed him a letter advising Best that the vice president was under investigation for possible violations of the federal criminal code and internal revenue statutes, Best read it, folded it up and without a word, left the office.

He drove back to Washington and made arrangements through Colson to see Agnew, who was then in New York, the next day. Then another partner, David I. Shapiro, telephoned to the New York law firm of Paul, Weiss, Rifkind, Garrison & Wharton to ask Jay H. Topkis, a specialist in tax fraud cases, to join in the defense.

"We've got a very high government official we'd like you to defend," Shapiro said.

There was a pause at his end of the telephone conversation and then he told Topkis, "Well, no, not quite the highest."

Topkis agreed and added Martin London of the New York firm to the defense team. From that point on, in many telephone conversations about defense strategy, the lawyers referred to the vice president only as "the client" and spoke in what they later described as a "highly elliptical" manner. They suspected that the government would tap their phones.

The three principal defense lawyers—Best, Topkis and London—had their first meeting with Agnew on Aug. 6, in the vice president's suite in the Executive Office Building.

The meeting lasted all day. In the afternoon, Agnew's telephone rang. He picked it up, then announced: "It's Richardson. He's coming over."

The attorney general joined them and recited the case as it then stood. It consisted of allegations by Matz and Wolff and by Allen Green, the principal in a large engineering company, that they had funneled thousands of dollars to Agnew on a regular basis in exchange for favors.

"That's a pack of lies, all nonsense," Agnew said.

He told the attorney general: "These people certainly received government contracts, but the receipt of contracts was never influenced by campaign contributions. I've never abused my public trust. Contractors may have made contributions, but I haven't taken any money."

He looked across his huge mahogany desk and told the attorney general:

"I am not going to take this fall."

His lawyers implored Richardson to send someone from the Justice Department to Baltimore to weigh the allegations. They suggested that Beall's "young Turks" had eagerly lapped up stories concocted by the accusers to ward off prosecution by a Republican administration.

The attorney general had already decided on a review of the case. At 5 p.m. that same day, he called Henry E. Petersen, the assistant attorney general in charge of the criminal division, to his office. Petersen knew nothing of the Agnew case. It was his first day back from vacation and he was concentrating on testimony he would give the next day to the Senate Watergate committee.

"You're going to be sorry you came back from vacation," Richardson told him.

Petersen, who was unfamiliar with the case went to Baltimore, reviewed the accumulated evidence and quickly decided it was genuine.

To bolster his judgment, Petersen had the principal witnesses undergo lie detector examinations. On the "critical issues involved," he reported, the tests were "sufficient to give us confidence that there was not deliberate misstatement."

Among those who took the lie detector test was Agnew's close friend, who had pledged to raise several million dollars for a 1976 presidential bid—Bud Hammerman. He was the last of the four central witnesses against Agnew to give evidence to the prosecutors, and the most important.

One of the prosecutors outlined the case this way:

"Let's say we've got money flowing from X to Y to Z. Before Hammerman, we had a lot of X's talking. The problem with that is that they take the stand and say, "Yes, we gave money to Y and we believe it went to Z. If you get Y to take the stand it's devastating."

In August, Y agreed to take the stand if necessary and implicate Z.

PURGATORY

The messages had been coming with some regularity from Hammerman. Agnew would answer the phone and an intermediary would say, "We may be in trouble."

Then came the day in August when there was a final, shocking message: "You may be in big trouble."

There were no more cryptic calls after that. Agnew was stunned that even Hammerman had turned on him. But he set out to win vindication. The process was complicated by the suddenness with which the case against him had become an open fight, in full public view. Before it would end, he would describe it as a "purgatory."

The day before Richardson outlined the government's evidence to the vice president, someone outlined part of it to Jerry Landauer, a reporter for the Wall Street Journal. He telephoned Judge Best, one of Agnew's lawyers, the night of Aug. 5 and asked for comment. Best temporized.

"I know the letter," Landauer told him, referring to the U.S. attorney's notification that Agnew was under investigation. Best remembers that he "just about fell out of my chair."

The next day, Agnew was advised that the Journal was preparing an article for its edition of Aug. 7. Did he have any comment?

With the aid of the lawyers, he prepared a brief statement acknowledging that he was being investigated and proclaiming innocence of any violations of law.

On Aug. 8, Agnew conducted a news conference at which he called the charges against him "damned lies," pledged cooperation with the prosecutors and said he had "absolutely nothing to hide."

It was the first step in an intricate campaign to place pressure on the President and, through him, on the Department of Justice.

As one official knowledgeable about Agnew's strategy deliberations characterized it, the news conference was intended to draw a sharp contrast between a cooperative vice president and a President who was withholding Watergate tapes from the Senate and government investigators. Second, it was intended to "use the press, in the classic sense, to counter the other side's use of the press" through leaks of evidence against Agnew. Finally, it was meant to be a warning to the President: "We're going to fight; we're not going to be pushed around."

Nixon and Agnew never became close personally. Agnew resented the role that had been pressed on him, in the process making him the object of both praise and scorn, in the 1970 congressional election campaign. It had failed to produce a Republican legislative majority, and some of his advisers believed it had severely damaged his political prospects.

He was remembered for his acerbic alliteration—"nattering nabobs or negativism" and "pusillanimous pussyfooting" were examples—but a respected friend persuaded Agnew that he had become no more than a "Kamikaze pilot" for the White House by letting Nixon's speechwriters put words in his mouth.

In the 1972 campaign, Agnew used his own writers, toned down his rhetoric and in-

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structed Maj. Gen. John M. Dunn, a career Army officer who technically was his military aide, to reject unsuitable campaign requests from either the White House or the Committee for the Re-Election of the President.

When the two senior officials of the government met in private they were uncomfortable with one another. Cordial, yes. Respectful, always. But never fully candid. When the Agnew scandal became a public property it was doubly so. Nixon at first gave periodic and seemingly begrudged expressions of public confidence in Agnew. Later, he began volunteering the statement that no improprieties had been cited while Agnew was vice president—a qualification that later proved erroneous.

The White House kept insisting, after each of a series of private meetings between the President and vice president, that no requests had been made by Nixon for Agnew's resignation. Most Washington skeptics automatically disbelieved it. Curiously enough, it was true, strictly speaking.

NO DEAL

The President discussed the criminal case with the vice president on Sept. 1. He reportedly wanted Agnew to resign, but recoiled from making a direct appeal.

Instead, he sent an agent to see the vice president in early September. An Agnew associate said it was Bryce H. Harlow, a gentle but politically streetwise counselor to the President who had developed a close relationship with Agnew during the 1970 campaign.

Harlow described the severity of the charges against Agnew. He suggested that a resignation might be best, "for the good of the country." And he alluded to an understanding in the White House that the consequences for Agnew should be made minimal in return for an act of patriotism.

From the outset, Agnew made it clear he would stand and fight if doing otherwise would involve the risk of imprisonment. It was, said one of the half-dozen people with whom he consulted about the overture, "very, very important to him, the most important thing of all, that he not go to prison." He continued to profess his innocence, but he understood that resignation would be taken as a token of guilt, and a presumption of guilt might well be a prelude to conviction and jail.

On Sept. 14, Agnew asked his closest confidant in the Senate, Barry Goldwater of Arizona, to meet with him. He told the Senator, whose support for him had rallied other American conservatives, that he was seriously weighing a presidential request for his resignation.

Goldwater told the vice president that was fine if he were guilty. If not—as Agnew assured him—then he should fight it to the end.

Later that morning, Goldwater telephoned Harlow and was harshly critical of the request and the pressure it represented. The Senator then flew to his home in Phoenix.

Harlow sought an appointment with the senator shortly after he left Washington. Goldwater's Senate staff promised to leave a message in Phoenix. To the senator's surprise, however, Harlow went by White House jet to Phoenix and arrived not long after Goldwater—accompanied by the special White House counsel whose role would become central in a negotiated settlement of the conflict in Baltimore.

J. Fred Buzhardt Jr., was Nixon's special counsel on Watergate. But his journey to Phoenix with Harlow was intended to provide enough details of the allegations against Agnew to dissuade the senator from continuing to support him.

For an hour, the two presidential assistants outlined the evidence, but Goldwater told them it contained nothing he had not already seen in the newspapers. He resented this nearly as much as Agnew did, because of its prejudicial impact on the vice president's defense. In his customary blunt style, Goldwater said he did not care if Agnew was "as guilty as John Dillinger"—what mattered was, he was not getting fair treatment from the Department of Justice.

But Agnew was already secretly beginning to try to make a satisfactory bargain with the Justice Department. Each side withheld from the opposite a private fear that prosecution could be disastrous: The government lawyers because they thought it inevitable that one or more jurors would shrink from convicting a vice president, Agnew's lawyers because they were uncertain that jurors would accept a contention that their client had abided by a code of ethics, however questionable, that was standard in Maryland politics.

Each side had a fundamental demand that was to imperil the negotiations. Agnew would not go to prison; the Baltimore prosecutors insisted he should. The government had to be able to avoid coverup charges by publishing the core of its evidence, Agnew's lawyers wanted some opportunity to insist on his innocence and thus salvage some dignity.

Buzhardt played the role of broker to get the two sides to the bargaining table. Who instructed him to do so remains unclear, but to Assistant Atty. Gen. Petersen. "It was clear where he was from. It was clear that the quicker it could be resolved the better the President would like it." But Buzhardt made no suggestions. He didn't have to. When the two sets of lawyers met the first time on Sept. 13, Judah Best made a startling proposal.

"My line was," he later reminisced, "I want an end of this, an end of the investigation. And his resignation is part of it. Let's cut a deal. A nolo plea (a nolo contendre, or no contest, the legal equivalent of a plea of guilt without the admission) to a one-count information. No jail term. And he'll resign. And I want to save this man's honor to the extent I can."

Henry Petersen was "dumbfounded." He had encountered nothing like it in 25 years at the Justice Department. "When a guy comes in and wants to plead before indictment, you've got him whipped," he said. "That's extraordinary in itself."

But the senior law enforcement officials wrangled for five days over whether to accept. The arguments were ferocious. Richardson sat at the head of a large conference table with five aides and the four Baltimore prosecutors shouting at one another.

One assistant prosecutor, Barnet D. Skolnik, in particular, demanded stern retribution, a prison term. Others argued about the impact of a deal on the public image of a Justice Department already soiled by Watergate. Everyone worried about the political implications, the effect on legal institutions of a vice president copping a plea, versus the damage to the nation and the Republican party from a bitter and long public prosecution.

Richardson abstained, for the most part, but periodically he would chime in with the same insistent theme: Agnew must not become president. And, a colleague of Richardson's said, the attorney general "was very worried about Nixon—he might be impeached, assassinated, he was not in the best psychological condition."

In the best of times, the government is a sieve. While the argument raged at the Justice Department, information trickled out. On Sept. 19, the Washington Post reported that Agnew was considering resignation. It was denied. The plea bargaining went on all that week but, Best noted, "We'd shake hands on something one day and next day we'd come back and nobody would agree on what we'd said."

On Wednesday, Sept. 22, it leaked into print that plea bargaining was under way. Best denied it; the Justice Department waffled.

And Agnew called it off. "No," he told his lawyers, "It's impossible. We're negotiating in a posture where I'm plea bargaining. I'm innocent, and the public perception must be that I'm innocent."

PRESSURE

On Sept. 23, the vice president set up a legal defense fund. On Sept. 25, he urged the House of Representative to conduct a full, public inquiry that would give him an opportunity to vindicate himself. On Sept. 26, House Speaker Carl Albert shelved the request. On Sept. 27, the Baltimore prosecutors began presenting evidence against Agnew to the grand jury. On Sept. 28, Agnew's lawyers filed suit in the federal courts to block the grand jury action, contending the Constitution forbade the indictment of a vice president and news leaks had irreparably damaged prospects for a fair trial.

On Sept. 29, the vice president vowed in a Los Angeles speech not to resign even if indicted and accused the Justice Department of trying to "destroy" his career. On Oct. 3, Judge Walter E. Hoffman granted Agnew unparelleled authority to subpoena prosecutors and journalists to find the sources of news leaks. On Oct. 5, the Justice Department asserted in a legal memorandum that a president could not be indicted but a vice president could.

It occurred with such breathtaking speed and mounting intensity that the nation seemed confronted with not merely another, but a whole series of new legal, constitutional and political crises. The cascade of developments was, in fact, the public product of a strategy to strengthen Agnew's hand at the secret bargaining table or, failing there, to build a foundation for a long, drawnout effort in the courts.

The bid for a House inquiry—an open invitation to impeachment—was the most excruciating of the pressure tactics. It was designed to pose a risk to a besieged President that the derelict constitutional machinery of impeachment would be overhauled by the Agnew case and, oiled, humming and ready to perform, be available for use against Nixon himself.

The legal argument that Agnew could not be indicted in office contained a threat of a Supreme Court ruling that might also set a precedent for the presidency.

The legal and oratorical charges that the Justice Department was systematically leaking damning accusations against Agnew were meant to generate public support for his role as an underdog and thus put more heat on the prosecutors.

An admirer once credited Agnew with an uncanny ability to compartmentalize his activities, keeping some of his closest associates from knowing what other, equally close aides were doing.

Only three other persons were aware of Agnew's strategy of escalating pressure. They were Arthur J. Sohmer, the vice president's administrative assistant; Gen. Dunn and Mary Ellen Warner, Agnew's confidential secretary.

The message, later summarized by a marveling admirer of the strategy, was basic:

"We need help. Wanted help. Demanded help."

"The White House got the message."

THE BARGAIN

Within days of Agnew's Sept. 29 attack in Los Angeles against the Justice Department and his vow to stand and fight, a channel of communication that none of the participants would specify but one called "bizarre" fed a response to Agnew from the White House: Resume the bargaining and this time it will work.

J. Marsh Thomson, the vice president's spokesman, was advising newsmen that Agnew would deliver another stern rebuke to

the prosecutors on Oct. 4 at a Republican party banquet in Chicago. But a day earlier, Thomson was suddenly ordered to make himself totally unavailable to news outlets. The speech turned out to be unfettered praise of the President, with only a cryptic reference to the Baltimore investigation.

"A candle is only so long and eventually it goes out," the vice president told a mystified Chicago audience.

The next day Agnew told Best, "I think they're ready to negotiate."

Once again the broker was Buzhardt and it was implicit for whom he was acting. As Petersen stated it, "The President would be a blithering idiot if he weren't trying to exert some role in this thing. It's his administration! He had both a political interest and a constitutional interest in getting a resolution of the situation."

Late on Friday, Oct. 5, Best caught a plane to Miami to meet with Buzhardt, who was at nearby Key Biscayne with the President's entourage. From midnight until 3 a.m. Saturday, in Best's hotel room, they settled on the wording of a statement in which Agnew would acknowledge evading income taxes in 1967, and they reached an "ironclad agreement" that the vice president could see the summary of the evidence against him before it was published.

"The key," Best said, "was Agnew's capacity to deny it."

But the question of punishment still had to be settled, and that would mean involving a federal judge in private negotiations.

On Columbus Day, Oct. 8, Judge Hoffman met from 5 p.m. to 7 p.m. in the old Colony Motel in Alexandria, Va., with three representatives from each side: Petersen, Baltimore District Attorney George Beall and Skolnik for the government and Jay H. Topkis, Martin London and Best for the vice president. The tentative agreement was outlined, but Agnew's lawyers wanted a decision on the sentence they could expect, and Hoffman refused to make any commitment without a recommendation from the attorney general's office.

The government could not agree on the punishment it wished to exact. The argument broke out again and it became apparent, in the words of one source, that they would have to "trample on Skolnik" to get his support for a recommendation of leniency."

At 8:45 that night, Petersen was driving home from the office. On his car radio he heard part of a speeech by Secretary of State Henry Kissinger to Pacem in Terris, a conference on the search for world peace.

"A presumed monopoly on truth obstructs negotiation and accommodation," Kissinger was saying. "Good results may be given up in the quest for ever-elusive ideal solutions." Policy makers, he said moments later, must understand "the crucial importance of timing. Opportunities cannot be hoarded; once past, they are usually irretrievable."

The next morning, Petersen had his secretary type copies of two pertinent pages from Kissinger's text. Petersen gave them to the Baltimore prosecutors and told Skolnik, "We can bring him (Agnew) to his knees. There's no doubt about that. The question is, should we?" Disgrace, he said, would be sufficient without sending the vice president to prison.

Later that day, Oct. 9, the negotiations resumed before Hoffman. This time, however, they were at the Justice Department. Atty. Gen. Richardson was present and he was prepared to recommend against a prison sentence.

"It is my understanding," Richardson told the judge, "that for you to give a guarantee you need an affirmative recommendation from me. Judge, if it's a must, you've got it."

"If I've got it, okay, I will commit myself," Judge Hoffman replied.

It was a bargain.

AID TO ISRAEL: ARMS BALANCE IS VITAL

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. DERWINSKI. Mr. Speaker, now that the diplomatic advance work toward a Middle East conference is developing, it is essential that the basic facts involved in this problem area be kept in mind.

Coincidently, my attention has been directed to an editorial in the San Diego, Calif., Union of October 17, which I feel is a balanced, practical viewpoint of the inherent relationship to peace of an arms balance in the Middle East:

AID TO ISRAEL: ARMS BALANCE IS VITAL

Considering its own self interest and that of the free world, the United States of America really had every reason to continue the sale and shipment of replacement arms to Israel. The reluctance of the United States to announce the policy publicly undoubtedly was in the spirit of detente with the Soviet Union. We wanted to see first what the Russians would do about resupplying their clients, the Arabs.

The Soviet Union exhibited no reluctance but began an immediate airlift of weapons to Syria and Egypt while those two nations still were in the early phases of their surprise offensive against Israel. Since Israel's survival as a nation depended upon the arms balance being maintained, the United States was forced to act.

Certainly, the destruction of Israel, apart from the human inequities which it would involve, is not a development that the United States or the Western world could accept. For one thing, it would put a large fraction of the world's supply of oil in the hands of the Soviet Union, with all of the frightening consequences that would bring.

Not that the years ahead are going to be a picnic, even under the best of terms. Certainly one of the striking aspects of the current "Yom Kippur war" is the unprecedented unity it has created among the Arab nations. Seven other states, seeing the early successes of Syria and Egypt, have joined the offensive overtly by committing men and arms. Even the reluctant warriors, Jordan and Lebanon, are in the war. Additionally, the appearance of Libyan Mirage aircraft leaves no doubt that Libya, the 10th Arab nation to do so, also has joined the battle. In short, President Sadat of Egypt has achieved at the enormous cost of blood and national treasure an Arab unity that the persuasion of scores of years has not heretofore brought about.

It is plain that the Arabs are serious about this effort. Win or lose, their unity will not quickly disappear so far as the face that they turn to the United States is concerned.

They will focus on the United States because we are the leader of the Free World and because the Soviet Union, using its replacement arms as a lever, will continue to prod them into it.

In previous Middle East wars we could shrug off Arab hostility—there was little that Egypt could do to hurt us. This is no longer true, as today's meeting of Arab oil exporting nations in Kuwait reminds us. We can be certain with the entry of Saudi Arabia into the war, that the Arab nations will manipulate oil exports in any way that they can in order to persuade us to drop our support of Israel.

That, fortunately, is a game that two can play. The fact of the matter is that the Arabs have only one political resource, their oil. The United States has many political resources, including a potential for the development of energy that is even beyond our own needs. Furthermore, we have the technology and the money to begin that development immediately. The events in the Middle East war are telling us that we should lose no time in doing exactly that. Without another day's delay we should establish priority programs for the clean use of our vast coal supplies. We should put all possible speed behind getting what oil we can from Alaska and from the offshore fields. We should give incentives for the high priority exploration of new gas and oil fields and we should open wide the throttles on the construction of nuclear power plants and development of solar and thermal energy projects.

This is all within our capabilities. Combined with a tough conservation program, such a priority energy policy could conceivably make the United States self-sufficient in energy; possibly even an exporter at prices that could make $5 per barrel Arab oil unattractive in world markets. It would be hard to conceive of a more powerful step toward world peace.

COLUMBIA LAW STUDENTS URGE IMPEACHMENT

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Ms. ABZUG. Mr. Speaker, a large and well informed group of students from Columbia University Law School were in Washington today lobbying in my office and the offices of many of my colleagues in favor of the impeachment of President Nixon.

As an alumnus of Columbia Law School, and as the university's Representative in Congress, I was proud to meet these students. They argued persuasively and with great substance. They are a credit to their school.

The following is an article from the New York Post by Lewis Grossberger about today's lobbying:

COLUMBIA LAW STUDENTS URGE IMPEACHMENT, QUIETLY

(By Lewis Grossberger)

Campus protest just isn't what it used to be.

At Columbia University, where they used to seize buildings, the talk now was of lobbying. About 170 Columbia law students are in Washington today, not marching or trashing, but meeting with Congressmen in small groups to urge the beginning of impeachment proceedings against President Nixon.

Their leadership had reminded them to wear coats and ties or dresses.

The students are armed with copies of a 90-page memo on impeachment prepared by their research committee. They have appointments with about 89 Representatives, including all the members of the House Judiciary Committee, which would initiate any impeachment action.

They are going as law students to talk about the law and what they consider the President's abuse of it.

They got support yesterday from the Law School dean, several professors and the president of the Bar Assn. of the City of New York at a meeting in the Law School auditorium. About 500 people attended.

There was also advice from fellow stu-

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dents. "Don't pressure him to make a decision," said Peter Huessy, a first-year law student from Vermont who has worked for several Congressmen. "The first time you pressure him, his ears will close."

Huessy also counseled: "Make sure any charges you make are factual. Be very specific and if possible, quote a source within the Administration." And: "Be serious and respectful; don't laugh at what he says."

Orville H. Schell Jr., the city bar president, told the students the time had come to begin the impeachment process and that appointing a special prosecutor independent of the executive, while necessary, was not enough.

GET ON WITH IT

"We've got to get on with it," he said. "This country is falling apart at the seams." Schell said he thought the episode of the White House tapes was only one part of the Watergate affair and Watergate only one part of "a fantastic list of allegations of violations of the law."

Dean Michael L. Sovern also urged the students to press Congress to take the double course of legislating for the appointment of a special prosecutor by the courts and beginning the impeachment process. He spoke of "Presidential contumacy."

Sovern also said that more than 40 Law school deans now had signed a petition urging Congress to take such action.

The law professors who addressed the group quibbled over the fine print, but agreed that the impeachment process should be started.

Some of the quibbling was over the grounds for impeachment. The Constitution mentions "high crimes and misdemeanors."

GARDEN-VARIETY CRIMES

"As a former prosecutor, it is very grating to me to see an effort to get Richard Nixon on things that don't amount to high crimes," said Prof. Abraham Sofaer, indicating that he felt Nixon was within his rights on the tape issue. "I would concentrate on garden-variety crimes," he said. "I think there are plenty of those." He didn't go into detail.

Prof. Hans Smit said he felt the issue was not whether criminal statutes had been broken but whether the President had committed "gross improprieties of such a nature that a civilized society can no longer permit him to function."

He charged that by taking the tape issue to court and then trying to ignore its decision, Nixon "has tried to subvert the legal processes of our nation."

NASA WORKS FOR GENERAL AVIATION

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. TEAGUE of Texas. Mr. Speaker, a significant part of the National Aeronautics and Space Administration's efforts are devoted to an essential but less visible portion of its research work involving aviation. A continuing series of innovations are being provided through NASA's work in the aviation field. A recent article in the September edition of the AOPA Pilot discusses NASA's current aviation program. I commend this significant article to my colleagues and the general public in recognition of the continuing need to maintain and improve technology in the general aviation and commercial aviation fields:

NASA AT WORK FOR GENERAL AVIATION

NASA is the acronymic wonderland of spacemen, satellites, rocket ships and skylabs. It's the federal forum for the Flash Gordon revue. The production has been an awesome one and has captivated all mankind. The men of NASA were assigned the seemingly impossible, yet they pried open the doors to eternity. We earth men will never recover from the sight. "Well done" is a meager salute.

But again to those letters: NASA. They stand for the National Aeronautics and Space Administration. "Aeronautics," not "space," comes first in the name, making for a bit of juxtaposed irony. Aeronautical research has been a very poor second to matters of outer space during NASA's 15-year history.

Even so, some men within the agency have been studying aeronautics from the start. That research has involved transport and military aircraft primarily, but now general aviation has come into its own as well.

Earlier this year the agency opened a General Aviation Technology Office responsible for developing and coordinating lightplane-related research, some of which has been under way for several years. Although the office's 1974 budget of $4.6 million is measly when compared with the overall $3 billion plus allocated to the agency, it does mark unprecedented interest by NASA in lightplane technology.

Head of the general aviation office is Roger Windblade, an engineer with excellent piloting credentials. Windblade has been NASA's in-house lightplane authority for some time, but the new formal recognition of his office now gives him better leverage to get things done.

NASA's current work within general aviation covers the gamut of light-aircraft activity. Studies are under way concerning uncontrolled airport traffic flow, stall/spin characteristics, spoilers, airfoils, low-cost jet engines, noise reduction, collision avoidance systems, flight control systems, crashworthiness improvements, and visual approach aids, to name a few. The results of this research can range from the exotic—for example, an entirely new lightplane wing design akin to the supercritical wing—to the simple, such as a diamond painted on the end of a runway to give the pilot immediate glidepath reference.

Some projects are still on the blackboard, one of Windblade's favorite tools, but the research on others is well advanced. NASA publishes results of most of its studies while the projects are still in progress. These reports are available to all for the asking.

A detailed analysis of the status of all NASA's general aviation projects would be a difficult undertaking, but some of the most current ventures follow:

NASA contracted Cessna Aircraft Co. to modify a push-pull prototype twin by placing a shrouded prop on the rear. The aircraft, similar to the Cessna Skymaster, will undergo a series of wind-tunnel tests, using various blades and shrouds, at various power settings. The aircraft will be powered by an electric engine during the tunnel tests at NASA's Langley Research Center in Hampton, Va. Those tests are scheduled to begin near the end of the year.

Windblade said the purpose of this testing is to determine whether a shrouded prop can reduce noise without an undue loss of overall efficiency. "You could make a terribly quiet engine that has zero horsepower," he explained. "So, while our objective is noise reduction, it has to be efficient enough to be viable."

If the shrouded-prop tunnel tests prove successful, the prototype's electric rear engine will be replaced with a rotary combustion engine and then the aircraft will be flight-tested. If the flight tests take place, they will probably begin some time next year.

Piper Aircraft Corp. has provided NASA with 16 brandnew planes that were ruined in last year's flood at Lock Haven, Pa. NASA's general aviation men have taken over the Lunar Landing Research Facility at Langley and have strapped slings onto the huge open-girder structure already there. The Piper planes will be suspended from the slings and then released, swinging freely into controlled crashes on the cement floor below. The crashes were planned to be of relatively minor impact at first, with the speeds and intensity increased with each new crash. Dummies may be seated in some of the doomed aircraft.

The purpose of this testing is to document in detail just what happens in a lightplane crash. Relatively little such data now exist. Eventually NASA hopes it can find ways to increase the plasticity or shock absorbency of the lightplane and suggest additional ways to improve passenger safety in a crash. The crash testing was scheduled to begin in August.

NASA's Langley facility is also a center for stall/spin research effort. That such research is warranted is supported by government figures which show that stalls and spins are factors in about 35 percent of all general aviation fatalities. Up until now NASA has been using both its horizontal and vertical wind tunnels and several radio-controlled model aircraft for all the project's data. The studies involve high- and low-wing light aircraft with some 40 different tail designs.

A prototype of the Grumman American Yankee has been brought to Langley. A new tail has been added to the aircraft, and new instrumentation is being installed. Flight tests using two or three different tails on the prototype will be made to "validate the data generated by the model program." The flight tests may begin at the end of the year. A high-wing plane will undergo similar flight testing, but no particular aircraft has yet been selected.

Windblade said he hopes the stall/spin research will be completed within two or three years. He said the data gained during the research will tell future airframe designers exactly what stall/spin characteristics to expect from any tail configuration on any aircraft design.

One project for which Windblade shows considerable enthusiasm is the "advanced technology airfoil." The project involves an all-new lightplane wing that is shorter, lighter and thicker than the conventional wings of today. The advanced wing was designed by Langley's Dr. Richard Whitcomb. Wind-tunnel tests on the new airfoil suggest it may be a real breakthrough. Windblade said test results indicate the new wing has more docile and more predictable stall characteristics, greater lift, more fuel space, and better cruise performance than existing lightplane wings.

NASA plans to install the new wing on a Piper Seneca and begin flight testing some time next year. Windblade hedged on any predictions about the impact of the new wing on the general aviation fleet of the future, saying "we'll feel a lot more confident once we put [the wing] on an airplane and demonstrate that, yes, it does work."

Should the wing and the other general aviation projects all prove successful, Windblade and his NASA associates still can't claim any laurel wreaths until Cessna or Piper or Beech or Grumman American or Rockwell International or Bellanca, et al., start incorporating the NASA findings in the aircraft they build and sell. That's the whole idea behind the NASA research. The agency doesn't develop products per se; it originates concepts or "technologies." If the planes that private pilots fly in the future are unaffected by NASA's efforts, then those efforts have been for naught.

Said Windblade, "If the results of our work do not show up in the planes people buy and use, then our job has been useless. Well, maybe not useless; we've created work for librarians." To avoid such fruitless endeavor, the NASA people confer with manufacturers and the FAA throughout each project. Not only must there be a need for any project undertaken, but the end product must be within the grasp of the general aviation community.

For example, several years ago NASA developed a superautomated flight control system and installed it in a Piper Twin Comanche. The system was so automated and so accurate that a nonpilot was able to fly precision ILS courses in the bird. The system also cost about $750,000, making it totally impractical for general aviation. NASA has since teamed up with University of Kansas engineers, and they plan to install a substitute, less complex system on a modified Beech 99 airliner. Should flight tests next year prove encouraging, the commuter airline fleet may be adding this system to its planes in years to come.

Such research is expensive, and Windblade said the general aviation manufacturers have not been able to devote the money or manpower to the kind of experimentation NASA is now doing. And, he said, too often the advances made in air transport and military aircraft over the years were inapplicable to light plane because of high costs involved. Consequently, light-plane design advances have been slow to unfold.

Now, with NASA's General Aviation Technology Office in the game, that pace may quicken. NASA can afford to tackle the more abstruse light-plane research. And NASA can afford to be wrong. Said Windblade, "If something doesn't work—that's why we're in the business. We don't have to show a profit."

All NASA has to show is that it is making a difference in light-plane development. The "profit" sheet on that is still years away.

OUTSPOKEN ADVISER

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. BAUMAN. Mr. Speaker, although recent events within the administration may indicate that Presidential appointees with a degree of independence may get in trouble, I commend the appointment of William Fellner as a member of the Council of Economic Advisers.

Mr. Maurice Rimbo of the Daily Banner in Cambridge, Md., has written an excellent editorial pointing out Mr. Fellner's ability and his economic views. I insert the Daily Banner editorial at this point in the RECORD:

OUTSPOKEN ADVISER

President Nixon no sooner had nominated William Fellner, a Hungarian-born former Yale University economist, to the three-member Council of Economic Advisers than Mr. Fellner took a full swing at the administration's economic controls.

Mr. Fellner succeeds Marina Whitman, who served briefly and in almost total obscurity as a member of the council. Mr. Fellner has made plain that if confirmed by the Senate he will be heard from.

It is unusual for a major appointee to a government post to hold a press conference before confirmation hearings by the Senate. Mr. Fellner held a conference anyway. In rapid order he said he favors a rapid lifting of federal wage and price controls because they represent "bad economics" and "bad politics." He also said that price controls can do little more than suppress inflationary symptoms, and then only if controls are enforced "ruthlessly" and accompanied by allocations and rationing. Present problems with petroleum products seem to bear him out.

Mr. Fellner also said that efforts to reduce employment much below 5 per cent cannot be won by more "pumping up" of the economy and that Mr. Nixon was right in vetoing legislation that would have increased the federal minimum wage. A tax increase, he added, would not be necessary if the government followed a "reasonably restrained monetary policy" that would push inflation down to a moderate level.

Congressional sources have indicated that Mr. Fellner will face little opposition in the Senate, even though many senators strongly disagree with his views. The hearings on his confirmation, however, may provide senators with a platform from which to criticize the administration's economic policies, criticism which the administration should be used to by now.

It's plain that if Mr. Fellner is confirmed, Mr. Nixon will be getting no "yes man" on the Council of Economic Advisers. Just such a man, with no evident political ax to grind, is just what the council needs.

PREMIUM PAY FOR CIVIL SERVICE EMPLOYEES IN AN ON-CALL STATUS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. WALDIE. Mr. Speaker, I am introducing a bill today which would provide for the payment of premium pay to employees who are required to remain in an on-call status, away from their post of duty, outside their basic administrative workweek. Under the provisions of this bill, employees would be entitled to on-call pay at a rate of 10 percent of their hourly overtime pay.

Recently, legislation was enacted, Public Law 93–82, which provided that doctors and nurses in Veterans' Administration hospitals should receive compensation for hours in addition to their regular workweek, spent in on-call status.

Mr. Speaker, it is time that Congress recognized the need to make these same provisions for civil service employees.

The full text of the bill follows:

H.R. —

A bill to amend title 5, United States Code, to provide premium pay for employees for time in an on-call status away from their duty posts

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subchapter V of chapter 55 of title 5, United States Code, is amended by adding the following new section after section 5546:

"§ 5546a. PAY FOR TIME IN ON-CALL STATUS

"An employee who officially is required to remain in an on-call status away from his post of duty is entitled to premium pay at the rate of 10 per centum of his hourly overtime rate of pay for each hour outside his basic administrative workweek that he is—

"(1) in the on-call status; and

"(2) not otherwise entitled to premium pay under this subchapter.".

(b) The analysis of subchapter V of such chapter 55 is amended by inserting the following new item after 5546:

"5546a. Pay for time in on-call status.".

SEC. 2. Section 5547 of title 5, United States Code, is amended by striking out "and 5546 (a), (b)" and inserting "5546 (a), (b), and 5546a" in place thereof.

SEC. 3. The amendments made by this Act shall take effect on the first day of the first applicable pay period which begins on or after the ninetieth day following the date of enactment of this Act.

WILLIAM YLVISAKER DEFENDS SCIENCE AND TECHNOLOGY

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. McCLORY. Mr. Speaker, our Nation has experienced great progress as a result of the application of scientific and technological research and development. This progress has been accomplished principally by the private sector.

The importance of a continuing private involvement in technological and scientific research and development as the most effective means of resolving our most serious present-day problems recently was explained most eloquently by my constituent, Mr. William T. Ylvisaker, chairman and president of Gould, Inc. of Chicago, when he addressed the International Oil Industry at their meeting in San Francisco on September 24.

Mr. Speaker, I attach the text of Mr. Ylvisaker's important message, "In Defense of Science and Technology," as follows:

IN DEFENSE OF SCIENCE AND TECHNOLOGY

Good morning, Ladies and Gentlemen. It is a pleasure to have this opportunity to be with you today.

I want to share some of my thoughts with you about an important national topic—science and technology: What it is and isn't; what it can and cant do toward easing the problems of our society; why much of the current criticism of technology is misdirected; and why, even where technology has animated social ills, the best hope for their solution is in its further application.

This particular industry meeting is certainly an appropriate forum for discussing this subject. Technology has brought this industry a long way, even in the past few years. As manufacturers of many products and especially of batteries for your distribution, we do know. Only five years ago few batteries were encased in plastic. Today, 60 percent have high-impact polypropylene cases. They're lighter, tougher, and contain 15-20 percent more capacity in the same space. Other innovations have brought more starting power or faster cranking and quicker starts.

Radial tires are another example. Several years ago widespread use of radial tires was unheard of, and 40,000 miles of tread wear and improved fuel economy would have been near-fantasy. So, technology has changed the nature of your business as well as ours.

Speaking for Gould, we feel we have the credentials to speak out in defense of technology as a matter of public interest and concern. For the record, Gould is a diversified company of some $620 million in sales, concentrated in electrical and automotive products. Neither a high nor low technology com-

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pany, we describe ourselves rather as an integrated technology company—one whose primary growth will come from product development and product improvement.

TECHNOLOGY IS ON TRIAL

Science has been defined as man's attempt to understand the world in which he lives. Technology, in turn, provides the means to help control that world for human purposes.

Today, technology is on trial and I would like to speak in its defense, not only because of its positive accomplishments, but its essential promise . . . not because of its quantitative fulfillment, but its ability to provide qualitative choices . . . not so much for its products as for its ideas . . . and not in defense of technology for its own sake, but for technology needed to solve the urgent needs of our society.

Technology is under attack because, ironically enough, it has performed, maybe not wisely, but too well. It is fair to say that in the last 50 years technology is probably the only area of human endeavor where progress has been uniformly and spectacularly upward.

Technology has eliminated disease and pestilence, made deserts bloom and cities flourish, substituted machines for muscle, created affluence for the many and hope for all, and provided the foundation on which the promise of our society now stands. As British scientist and author C. P. Snow has said, "the scientific revolution is the only method by which most people can gain the primal things—years of life, freedom from hunger, survival for children—the primal things which we take for granted and which have in reality come to us through having had our own scientific revolution. Most people want these primal things. Most people, wherever they are being given a chance, are rushing into the scientific revolution."

To Snow's list of "primal things" I would add two: Education and communication. Not only are they essential to the functioning of a technological society, but they have broken down the barriers of class and made ours a participatory society.

Against this backdrop of progress, we have seen unfolding in recent years a variety of movements with an anti-technology character. There was the opposition to the supersonic transport, the ban on DDT, and disenchantment with nuclear power plants, to name a few.

THE PUBLIC'S VIEW OF TECHNOLOGY

Despite the attack on technology, some reassurance can be drawn from a report just submitted to the President by the National Science Foundation. The Foundation surveyed public attitudes and found that most people still believe that science and technology change their lives for the better, and most of those interviewed report a general reaction of either satisfaction or excitement. They rank scientists second only to physicians in their esteem and rank engineers above lawyers, architects, bankers, accountants, and businessmen in terms of the same prestige. So far, so good.

Yet 31 percent feel that science and technology do as much harm as good and another four percent feel the harm outweighs any good. Approximately half blame science and technology for some of our problems and three in 10 feel that society should increase its control of science and technology. And while the public generally expresses confidence in the ability of science and technology to solve major problems, half feel it would be only partially successful in solving such problems as pollution, disease, drug abuse, and crime.

I personally think this public perception of the limits of science is as incisive as it is overdue. Since World War II, science and technology have presented the public with one "miracle" after another through a largely uncritical press. Antibiotics, nuclear fission, miracle wheat, heart transplants, men on the moon. Yet, as public expectation soared, these and other "miracles" began to manifest undesirable yet often unavoidable side effects which the public had not been conditioned to expect.

In the view of an apprehensive public, antibiotics could produce resistant microbes . . . nuclear testing produced radioactive fallout . . . heart transplants proved successful, but the patients often died . . . and it was said that much wealth was spent in bringing rocks back from the Moon in the midst of inflation and a highly unpopular war.

The phenomenal success of science during and after World War II conditioned the public to a level of expectation that could not realistically be met. Yet science spoke only of the pluses until those like Rachel Carson began to advise the public of the minuses. Then there was pollution—mercury, lead, DDT, and auto exhaust. In each case, the facts were more complex and equivocal than those presented to the public, and each revelation came as something of a thunderbolt. Confidence in science and technology was eroded and continues to be.

So what we have, unfortunately, is a public growing disenchanted with science and technology . . . and at the same time, scientists becoming disenchanted with those outside their fields. One of the problems is that they view the same scene differently.

The very success of science moves it steadily away from public understanding and direct human experience. And much of that success involves man's growing control over nature. Thus science, on the one hand, enlarges human freedom while, on the other, it plants the seeds of new conflict.

Scientists, peering through the same glass, see a public which cannot differentiate between possession and consumption, between quantity and quality, between stewardship and destruction. Especially in the culture of the disenchanted, scientists see bizarre contradictions: Conformist non-conformity . . . organic food and mind-alerting drugs . . . hitchhikers reading Thoreau . . . and dropouts disappearing in the world.

It is generally unobserved that youth and others in our society today can march to a different drummer precisely because technology makes it possible for them to do so. In no society before this has it been possible for the common man to select life styles like we can today. Technology has helped create "poverty by choice." And youth seeks to fight society and finds technology an appealing target. It is the wrong one.

DECISIONS FOR SOCIETY

This is not a blanket indictment of the counterculture. That would be as mindless as similar blanket indictments of technology. Much of the criticism leveled at the misuse of technology has been well taken. Yet that criticism is better aimed not at technolgy, but at those in the driver's seat: Society and its institutions.

Let me cite a few examples of decisions which must be made by society, not by scientists and engineers alone.

First, the SST. Whether or not to build the supersonic transport properly became a subject of spirited public debate. For the first time, the public changed the question from "Can we?" to "Should we?" And a new word was coined as such issues were referred to as "trans-science" questions. They were not ones for science to answer. They were added to the list of other such decisions that our political institutions will have to make.

Or consider the energy crisis. It seemed to arrive overnight, but in fact, numerous scientists and technologists have warned for some time that it would have to come, warned that energy consumption was increasing at a fantastic pace that could not long be sustained. They were treated much like the boy who cried "Wolf!" until the crisis was upon us. And now the public wants to know who is responsible. Unfortunately, we didn't slide into this crisis overnight and the problem is not one for which there is an instant or painless "fix." Each alternative solution presents its own set of tradeoffs and, no matter how resolved, many people will be unhappy.

The point is that technology can help evaluate our energy options, but it remains for society and its leaders to hammer out the values on which energy policy must be based. In fact, the problem is long-term and its ultimate effect will be to introduce fundamental changes into the American way of life.

In still another example, the President in his 1971 State of the Union message announced an all-out effort to conquer cancer. This national policy was set with the participation of numerous people inside and outside of science, which is a healthy way to set societal goals. But now we see some bitter wrangling over the cancer program. One question concerns how much money can be wisely spent, and here the Federal agencies and Congress disagree. More serious is the disagreement over the proper strategy for attacking cancer. Should that strategy be decided by a centralized bureaucratic mechanism in Washington, or by the scientific community working on the problem?

MOVING AWAY FROM "BUREAUCRATIC SCIENCE"

The correct route, of course, lies somewhere in between. But the essential point is that such national science programs funded by the Federal government tend to be masterminded from Washington—when a more diverse and flexible approach is clearly needed. I cite the cancer example because it reveals an inherent defect of Big Science and big Federal spending. Fortunately, we are moving rapidly away from bureaucratic science to private sector science, competitive science, science responsive to public need rather than dictating it. This is not to say that Federal support of science can or should cease. It is to say, however, that the trend toward private sector science is very much in the public interest and that Federal science should concentrate on those high risk/high cost endeavors of national or strategic importance.

Emphasizing this point is the same National Science Foundation report I mentioned earlier, in which it notes that ". . .the decline in total R & D expenditures in 1970 was due entirely to reductions in the level of Federal support. Federal funding actually leveled off in 1966 while industrial support rose more rapidly than in previous years, with the result that industry replaced the Federal government in 1968 as the principal source of support for industrial research. By 1972, industry funded 58 percent of all industrial R & D as compared with 43 percent in 1961."

Company-funded R & D is projected to increase by about 25 percent between 1972 and 1975, rising to some $14 billion, and the number of scientists and engineers employed in such R & D is anticipated to increase to 260,000 in 1975.

This shift from Federal dominance will go a long way toward making technology more responsive to society's needs. Where bureaucratic science tends to lock in on a single approach, industrial science is much more diverse. As companies strive to develop proprietary opportunities in the marketplace, the approaches become more competitive, resulting in more effective solutions to society's problems.

A good example is the current auto emission control effort. The Clean Air Act of 1970 set very stringent emission levels. But what kind of controls on what type engine, with what results in terms of efficiency, cost to the consumer, and fuel economy? Here is a collision between environment, economics, and social values.

It is a fundamentally different situation from that of cancer research in that the role of the government is not to advocate a preferred technical solution, but rather to establish a competition of ideas and approaches. Competitive science is addressing an urgent social problem and it is increasingly clear that the 1976–77 automotive emission standards are going to be met.

The fluid state of auto emissions technology is such that no one in this room would be prepared to guess as to the final outcome. One thing seems clear: Where technology may have created a major social problem with auto emissions, it is now inventing solutions which will provide the benefits of auto transportaton without the hazards to clean air.

REVIEWING OUTWORN LEGISLATION

The current cures being engineered for auto emissions represent an example of what American technology can do. Longer term, however, the Federal government must do its part in reviewing possibly outworn legislation and regulations affecting the domestic and international economic activities of American corporations. At the same time, we don't need new laws discouraging American competition and dampening our growth. We do need legislation encouraging the selective merger of small and medium-sized American companies in related fields to stimulate competition—especially so if it results in technological and social improvements.

The need for such encouragement can be seen from the fact that the U.S. patent balance—that is, patents of United States versus foreign origin awarded in each country—dropped by some 40 percent between 1966 and 1970. The decline is due principally to the reduced number of patents awarded to U.S. nationals by foreign countries. Since these are measures of a nation's inventive output, our favorable balance is steadily slipping away and, along with it, the ability of American technology to help offset our balance-of-payments deficits.

If we are to maintain a competitive position in world trade, we must have a highly paid and motivated work force concentrating on significant technological innovation. The most urgent priority for the Federal government, vis-a-vis American technology, is to create a suitable regulatory and legislative climate in which it can continue to flourish.

WE BELIEVE IN THE PROMISE OF TECHNOLOGY

In summary, let me say that we at Gould believe very firmly in the promise of technology.

We believe science and technology helped make this nation great . . . that the invention and innovation of the American spirit gave Americans the highest standard of living in the world . . . that our technical prowess eased the burdens of millions, freeing them for higher pursuits . . . that our quality of life, though not without problems, is superior to all, because it is shared by the many, not simply by a privileged few. We believe that none of this would have been possible had not those who came before us pushed back the frontiers of science, medicine, aerospace . . . wherever their inherent curiosity led them.

We are convinced that the great majority of Americans share our commitment to continue this pursuit of knowledge, to make the world around us the servant of man. And we believe most Americans share our concern about the thoughtless attacks on our technological capability and direction. We want to speak out now, hopefully to bring an end to the self-doubts and wringing of hands, so we can get on with the job of bringing the promise of technology to reality.

And so this morning I would like to ask two things of you in this industry. First, I would ask you to join us at Gould in the defense of science and technology in America. We urgently need to dismantle the barriers to man's progress which are being erected through unthinking opposition by some segments of our society.

Second, I would urge all in industry to upgrade their efforts and expenditures in research and development. Frankly, this nation needs all the technology it can muster in these days of intense international competition, and the private sector is in the best position to provide it efficiently, and effectively.

We believe in this concept at Gould, and we've intensified our development efforts accordingly. I hope all companies—large and small—will follow a similar course. For therein lies the best promise for our future—as businessmen, as a free and flourishing society, and as a total world community.

"MURDER BY HANDGUN: THE CASE FOR GUN CONTROL"—NO. 39

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. HARRINGTON. Mr. Speaker, on October 26, the Boston Globe published a list of the homicides committed in Boston since the beginning of 1973. Of these deaths, more than half were committed by handgun. At this time, I would like to include the article and let the facts speak for themselves:

BOSTON HAS RECORDED 102 HOMICIDES SO FAR THIS YEAR, ONLY TWO SHY OF 1972 MARK

With more thn two months to go in 1973, Boston has recorded 102 homicides, only two less than logged in 1972. The record of 117 was set in 1971.

Boston's population is 665,000. By comparison Baltimore, with just under 1 million people, has had 218 homicides to date, and Detroit, with 1.5 million, has had 605.

New York City, with 8 million population, had 819 homicides through June, the latest police statistics available.

According to Boston police homicide bureau figures, 55 of the victims here were white, 41 were black and six Puerto Rican; 87 were males and 15 females. Black victims numbered more than 40 percent of the homicide totals in a city with approximately 18 percent black residents.

The bureau listed 57 of the murders as solved and 45 under investigation.

It listed 36 of the assailants as white, 40 as black and four as Puerto Rican. The rest are unknown.

Thirty-one of the blacks were victims of black assailants, and 32 whites were victims of whites. Seven whites were the victims of blacks, and three blacks the victims of whites.

More than half the murders, 54, were committed by handgun. Knives were used in 21 others. Of the total, 52 were committed inside premises, and 51 outside.

The hot months were the worst for murders, with 39 committed in June, July and August. June had the most, 17. January was also high with 12.

Listed in order in which they appear on Boston police records.

VICTIM AND CAUSE OF DEATH

Jan. 1—Demetrius Busby, 2, Dorchester. Stabbed; suspect arrested.

Jan. 6—Thomas Murphy, 28, South Boston. Shot in chest; suspect arrested.

Jan. 8—William Rae, 16, South Boston. Shot in stomach; suspect arrested.

Jan. 12—Shirley B. Sewell, 34, Dorchester. Beaten with hammer; suspect arrested.

Jan. 13—Manny Perry, 30, Dorchester. Shot in head; suspect arrested.

Jan. 14—William R. Jackson, 28, Weymouth. Shot in chest; no arrest.

Jan. 11—Ferdinant Singleton, 41, Everett. Beaten with board; no arrest.

Jan. 23—Theron Lowery, 40, Mattapan. Shot in stomach; suspect arrested.

Jan. 23—Ralph T. Anzalone, 29, Quincy. Shot in neck; no arrest.

Jan. 26—Charles Bibbey, 37, South Boston. Stabbed in chest; suspect arrested.

Jan. 30—Charles O'Brien, 37, South Boston. Shot; no arrest.

Jan. 31—Pamela Hicks, 17, Roxbury. Stabbed in chest; no arrest.

Feb. 1—Joseph D. Hershenson, 34, Hyde Park. Shot in head; no arrest.

Feb. 4—Albert F. Stuart, 40, Boston. Beaten to death; suspect arrested.

Feb. 5—Pasquale Todisco, 43, East Boston. Shot in face; no arrest.

Feb. 15—James H. Gibson, 43, Roxbury. Shot in chest; suspect arrested.

Feb. 15—Alice Sourain, 67, Dorchester. Beaten on head; no arrest.

Feb. 20—Richard Maloof, 62, Dorchester. Shot; no arrest.

Feb. 20—Charles G. Rice, 25, Boston. Stabbed in neck; no arrest.

Mar. 3—Hector Morales, 28, Roxbury. Shot; suspect arrested.

Mar. 8—Michael Milano, 39, Brighton. Shot; no arrest.

Mar. 9—Auturo Pinto, 19, Boston. Shot in chest; suspect arrested.

Mar. 12—John Stappen, 16, South Boston. Shot in back; suspect arrested.

Mar. 14—Cleophus Gillian, 51, Roxbury. Shot in head; suspect arrested.

Mar. 14—Charles Shumrak, 78, Mattapan. Beaten to death; no arrest.

Mar. 10—Edward Onessimo, 34, Brockton. Strangled; no arrest.

Mar. 20—Albert Plummer, 48, Andover. Shot; no arrest.

Mar. 24—Matt Mayers, 33, Roxbury. Stabbed in chest; suspect arrested.

Apr. 7—Robert Smythwick Jr., 25, Dorchester. Shot in heart, suspect arrested.

Mar. 14—Daniel J. Mulqueeney, 38, Quincy. Stabbed; suspect arrested.

Apr. 14—Warren T. Caldwell, 27, Dorchester. Shot; suspect arrested.

Apr. 23—Joseph Pennacchio, 37, Watertown. Shot; no arrest.

Apr. 25—John D. Wadsworth, 29, Boston. Stabbed; no arrest.

Apr. 27—Maria Marshall, 37, Hyde Park. Beaten to death; suspect arrested.

May 1—Hakim A. Jamal, 42, Roxbury. Shot; suspect arrested.

May 2—Alfred Mott, 52, Roxbury. Stabbed; suspect arrested.

May 11—Delores E. Hurt, 28, Dorchester. Shot; no arrest.

May 11—James A. Wilder, 45, Dorchester. Shot; no arrest.

May 18—Salvatore Barreiro, 25, South Boston. Shot; no arrest.

May 20—Suturnino Villa, 19, Jamaica Plain. Stabbed; suspect arrested.

May 25—Joaquin Paul, 22, Dorchester. Shot; suspect arrested.

May 26—Eugene Elmore, 22, Dorchester. Shot; suspect arrested.

May 31—Ervin Gillard, 25, Roxbury. Stabbed; suspect arrested.

June 3—William T. Smith, 36, Dorchester. Stabbed; suspect arrested.

June 5—George Pratt, 17, South Boston. Shot; suspect arrested.

June 9—Donald Raineri, 21, Revere. Shot; no arrest.

June 10—Thelma O'Leary, 36, Dorchester. Shot; no arrest.

June 10—Colleen O'Leary, 11, Dorchester. Shot; no arrest.

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June 10—George T. O'Leary Jr., Dorchester. Shot; suspect a suicide.

June 10—Michael O'Leary, 7, Dorchester. Shot; no arrest.

June 10—Melinda O'Leary, 7, Dorchester. Shot; no arrest.

June 11—Robert Ward, 9, Mattapan. Burned; suspect arrested.

June 24—Anna Curran, 41, Dorchester. Stabbed; suspect arrested.

June 25—Charles Webber, 20, Newton. Burned; no arrest.

June 27—Carlton M. Smith, 37, Washington, D.C. Shot; no arrest.

June 28—Juan Ayala, Roxbury. Shot; no arrest.

June 28—Willie L. Jackson, 45, Dorchester. Strangled; no arrest.

June 29—Mary A. Veremey, 24, Roslindale. Shot; no arrest.

June 29—Dianne Mooney, 28, Hyde Park. Shot; no arrest.

July 5—Gerald Cohen, 57, Mattapan. Shot; no arrest.

July 6—Ismael Melendez, 29, Roxbury. Shot; suspect arrested.

July 10—James B. Miller, 59, Roxbury. Shot; no arrest.

July 10—James R. Smith, 21, Dorchester. Shot; suspect arrested.

July 11—Unknown white male. Beaten to death; no arrest.

July 13—Jeremiah Lynch, 21, Boston. Suffocated; suspect arrested.

July 17—Marion B. Shirley, 43, Dorchester. Shot; suspect arrested.

July 18—Alford Burrell, 27, Roxbury. Beaten to death; no arrest.

July 25—Susan Corey, 19, Jamaica Plain. Shot; suspect arrested.

July 26—Richard Fantasia, 32, Boston. Shot; no arrest.

Aug. 1—Samuel Lee James, 27, Jamaica Plain. Stabbed; no arrest.

Aug. 1—Paul Latson, 18, Roxbury. Shot; suspect arrested.

Aug. 3—Nathaniel James, 18, Roxbury. Stabbed; suspect arrested.

Aug. 5—Mendez D. Thornton, 22, Allston. Shot; suspect arrested.

Aug. 8—Ramon J. Rodreiques, 27, Roxbury. Shot; no arrest.

Aug. 12—Curtis S. Weaver Jr., 27, Roxbury. Shot; no arrest.

Aug. 14—John E. Cacici, 47, Boston. Stabbed; no arrest.

Aug. 16—Joseph Butler, 60, Boston. Stabbed; suspect arrested.

Aug. 17—Mary Lou Clark, 35, South Boston. Shot; suspect arrested.

Aug. 19—Richard Barrows, 30, Roxbury. Stabbed; no arrest.

Aug. 20—John Lanier Jr., 11, Dorchester. Shot; suspect arrested.

Aug. 22—George W. Holden, 25, Medford. Shot; no arrest.

Sept. 3—George Calderon, 24, Dorchester. Shot; no arrest.

Sept. 5—Gregory P. Johnson, 20, Roxbury. Shot; suspect arrested.

Sept. 19—Robert Limoges, 36, Chicopee. Beaten to death; no arrest.

Sept. 21—Melvin Lanier, 38, Roxbury. Shot; suspect arrested.

Sept. 21—Robert J. Seward, 33, Roxbury. Shot; suspect arrested.

Sept. 25—Paul Jennings, 48, Boston. Beaten to death; suspect arrested.

Sept. 27—James W. Gilchrist, 30, Roxbury. Shot; suspect arrested.

Sept. 27—Richard L. Stratton, 24, Dedham. Shot; no arrest.

Sept. 29—Samuel Alsen, 55, Milton. Shot; suspect arrested.

Oct. 2—Emma J. Gilmer, 30, Mattapan. Shot; suspect arrested.

Oct. 2—Sylvester Jones, 46, Roxbury. Shot; suspect arrested.

Oct. 2—Evelyn Rene Wagler, 24, Roxbury. Burned; no arrest.

Oct. 2—Robert Shea, 32, South Boston. Beaten to death; suspect arrested.

Oct. 4—Louis L. Barba, 65, Roxbury. Stabbed; suspects arrested.

Oct. 6—Kirk B. Miller, 21, Belmont. Shot; no arrest.

Oct. 13—Phillip Lucas, 33, unknown address. Stabbed; no arrest.

Oct. 17—John H. Chase, 12, Charlestown. Shot; suspect arrested.

Oct. 19—John C. Rhoden, 49, Brockton. Shot; suspects arrested.

Oct. 19—Richard A. Fisher, 27, Roxbury. Stabbed; no arrest.

Oct. 24—Romeo DeFilippos, 43, Everett. Kicked on head; suspect arrested.

BOSTON HOMICIDES, 1973

Total	102
Solved	59
Warrant issued	10
Under investigation	43
(Includes 10 Warrants Issued).	
Number each month:	
January	12
February	7
March	9
April	6
May	9
June	17
July	10
August	12
September	9
October	11
November	
December	
Total	102
Cause of death:	
Handgun	55
Shotgun	2
Rifle	5
Knife	20
Strangulation	2
Blunt instrument	8
A & B hands	3
Arson	3
Shod foot	1
Suffocation	1
Automatic weapon	2
VICTIMS	
White	55
Black	41
Puerto Rican	6
Male	87
Female	15
BY DISTRICT	
One	12
Two	33
Three	15
Four	11
Five	3
Six	9
Seven	2
Eleven	10
Thirteen	3
Fourteen	2
Fifteen	2
ASSAILANTS VS. VICTIMS	
Black vs. white	7
White vs. Black	3
Black vs. Black	31
White vs. white	32
Puerto Rican vs. Puerto Rican	3
Puerto Rican vs. White	1
Black vs. Puerto Rican	2
White vs. Am. Indian	1
Unknown	22
Total	100

WILL THE REPUBLIC LIVE?

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Ms. ABZUG. Mr. Speaker, a chilling but accurate statement of our dilemma is contained in the October 29 issue of the New Yorker:

> Will we remove a lawless administration from office or will we submit to illegitimate rule? The question has probably been put in its final form, and may not be asked again.

Those still undecided about impeachment proceedings might well give thought to the future foreseen in the editorial which I insert in the RECORD:

[From the New Yorker, Oct. 29, 1973]

THE TALK OF THE TOWN—NOTES AND COMMENT

For nearly a decade, a question has been haunting our national life. It is whether the Republic will live or die. The question has been asked in countless forms. May newspapers print whatever they wish to print, and the people read whatever they wish to read? May the people assemble without fear of injury or loss of life? Must senators and others always support the President in his difficult decisions? Are the people to be treated like children or like adults? To what extent does the government have the power to check up on what the people are doing? To what extent do the people have the right to check up on what the government is doing? How do we spend our money? When do we go to war? Who decides? The question arose on the battlefields of Vietnam, and it hung in the air over the battlefields of America. Lieutenant Calley posed it for us in one way, Daniel Ellsberg posed it in another. Several times, we came near to paying with our Republic for our war. The question loomed in city streets, in precinct houses, in congressional hearing rooms, in courtrooms, at the summit in Moscow and Peking.

Now, in the coming days and weeks, the nation must give its answer. The President has dismissed the man charged by Congress and the Attorney General with discovering any wrongdoing in the White House. The potential defendant fired the prosecutor and defied the judge. For the moment, those guilty of crimes in the Watergate cases are beyond prosecution. And since the President, by the same stroke that removed him from the law's reach, took personal control of the law—forcing two Attorneys General from office before he found one willing to obey his commands—every innocent person in the country is endangered. For the machinery of law enforcement has been transformed wholly into the political—even the personal—instrument of one man. On this occasion, as on many others in recent years, the President has flouted the law. He has not merely broken the law; he has overthrown the law. But this time, since his lawbreaking seems to remove a threat to the very survival of his Administration in office, it is not just this one act but the continuation of the Administration itself that has become lawless.

The question of whether the Republic will live or die has now been decisively posed in this form: Will we remove a lawless Administration from office or will we submit to illegitimate rule? The question has probably been put in its *final* form, and may not be asked again. When the President launched the country into the worst Constitutional crisis in its history, he explained that he had done it to avoid a Constitutional crisis. But it was not a Constitutional crisis that the President wished to avoid—it was the Constitution. The problem we all face now is not how to avoid a Constitutional crisis but how to resolve one. And the only resolution the President has left to us, unless he resigns, is for Congress to begin consideration of impeachment proceedings.

The country surveys a scene of devastation. The wreckage of American institutions lies all around us. Any future under the present leadership is unthinkable. The point of no return has been passed, and the country has no choice but to take the first, dread steps toward putting its house in order.

THE SUCCESS OF THE ANADROMOUS FISH CONSERVATION ACT IN MAINE

HON. WILLIAM S. COHEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. COHEN. Mr. Speaker, today the Committee on Merchant Marine and Fisheries' Subcommittee on Fisheries, Wildlife Conservation, and the Environment is considering H.R. 6396, which would continue the Anadromous Fish Conservation Act for 5 years beginning fiscal year 1974. This legislation is of vital interest to the State of Maine. I recently received a letter from Mr. Richard P. Choate, Maine's deputy commissioner of marine resources, concerning this important piece of legislation, excepts of which I am pleased to insert in the RECORD at this point:

DEPARTMENT OF MARINE RESOURCES,
Augusta, Maine, September 25, 1973.

DEAR CONGRESSMAN: The great potential for restoration and development of Maine's anadromous fisheries resources and the recent progress already realized under P.L. 89–304 makes continuation of this program essential.

Maine's abundance of fresh-water resources, of highly indented coastline of thousands of miles, and high quality marine waters offers great potential for supporting large runs of native anadromous fish which historically occupied most of our major and minor coastal watersheds.

The early obstruction of Maine rivers by dams with no fish passage facilities destroyed the vital link between the fresh water spawning and nursery areas and the ocean growing area and resulted in total extinction of fish runs in some of our major rivers. Progressive deterioration in water quality through increasing industrial and municipal waste water discharges has caused serious declines in remnant fish populations existing below major river obstructions.

The advent of P.L. 89–304 has provided the financial resources to combat and reverse the general downward trend in anadromous fish landings and bring about a noticeable increase in populations in some of our rivers. The Maine Atlantic Salmon Commission, in its fishway construction program on the Penobscot River and its tributaries, has opened up the major portion of this 8570 square mile drainage to Atlantic salmon, shad, and alewives. The Penobscot salmon runs have been increasing since 1969, and with timely completion of a new Atlantic salmon hatchery at Green Lake in Ellsworth, the success of this salmon restoration program is assured.

Since 1967, the Department of Sea and Shore Fisheries has been actively involved in five projects funded under P. L. 89–304. Early programs involved inventories of coastal watersheds to assess the productive capacity of selected rivers, locations and extent of obstructions to fish migration, condition and use of existing obstructions, and existing and potential levels of fishery abundance. An anadromous fish resource development project was then initiated, using the results of our two-year inventory project to establish priorities for fishway construction or dam removal. This continuing project has resulted in construction of five fishways and removal of one obstruction. During the 1973–74 season, four additional fishways will be constructed. Completion of these fish passage facilities will result in access of anadromous alewives to 6,923 lake surface acres of spawning area. Based on current unit production in existing spawning areas, these newly accessible areas will increase annual production by approximately 2,800,000 pounds valued at $112,000.00 based on 1973 landed values. This production will more than double the current alewife landings of 2,500,000 pounds. These fish are vital to the lobster industry which is experiencing a chronic shortage of bait for the lobster trap fishery.

Another important use of alewives is reduction for fish meal. Recent drastic declines in Peru's anchovy fishery has resulted in a scarcity of fish meal. Peru is the world's leading fish meal producing nation. Because of this decline in supply of fish meal, prices have increased from $193.00 per ton in 1972 to $425.00 per ton in March 1973. In 1972 the average daily meal requirement of the Maine poultry industry was 48,000 pounds. It is conservatively estimated that five pounds of whole fish will yield one pound of fish meal. Therefore, to provide for Maine's fish meal needs, 240,000 pounds of raw fish per day or 87.6 million pounds per year are required. The streams and rivers of Maine could, with adequate pollution abatement and fish passage facilities, produce 16 to 50 million pounds per year of alewives which would provide 18 to 57% of the state's annual fish meal needs.

Other ongoing projects include research on the striped bass fishery, the sea-run smelt resource, and research on the size, age, and sex composition of commercially-fished alewife runs. Smelt studies have been directed toward inventory of streams to determine distribution and extent of the resources, evaluation of factors affecting reproductive success, and compilation of landings statistics on the winter sportfishery. A creel census of the winter fishery has shown that sportfishery landings exceed 200,000 pounds annually.

Striped bass studies have been centered on the western Maine sportfishery. Investigations of striped bass have substantiated the tagging indications that Maine fish originate from the mid-Atlantic states and particularly Chesapeake Bay. Creel census analysis of the sportfishery from 1968–1972 has shown that over 85% of the total annual catch consists of 2, 3, and 4 year old fish.

Future programs will emphasize fishery resource development, with fishway construction and stream improvement assuming a greater role than previously. Over 1,000 dams still exist on Maine rivers, most with no fish passage facilities. Expansion of fishway construction and dam removal programs are essential if we are to realize the full potential of anadromous fish production in Maine.

In summary, P. L. 89–304 has provided us with the financial resources to conduct effective research and development programs to enhance important anadromous fishery resources in Maine.

Sincerely yours,
RICHARD P. CHOATE,
Deputy Commissioner for the Commissioner.

WILLIAM S. COHEN.

IMPEACHMENT MAIL

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. STOKES. Mr. Speaker, as of this morning the impeachment mail pouring into my office stands at: 1,316 for—14 against. Yesterday alone I received 516 letters and telegrams demanding President Nixon's impeachment—more than any day last week, including Tuesday when 18 different impeachment resolutions were introduced in the House. The volume of mail has increased since Nixon promised to give some tapes to Judge Sirica. I can only conclude that more and more people refuse to be fooled by any Presidential pretensions to compliance with the laws of this land.

As a matter of fact, very few messages, before the President's apparent about-face on the tapes issue, mentioned his defiance of the courts as the reason for impeachment. Many more people did mention the firing of Archibald Cox as the decisive factor. Hundreds and hundreds of the telegrams said simply: "Impeach Impeach Impeach."

The letters I have received range in tone from the grave to the flippant. One even urged that the President be remanded to St. Elizabeth's and certified "paranoid schizophrenic."

The following letters offer a sample of the various reactions to President Nixon's behavior, all culminating in the demand for immediate impeachment:

PATRICK J. AMER,
Cleveland, Ohio, October 22, 1973.
Congressman LOUIS STOKES,
House of Representatives, House Office Building, Washington, D.C.

I

DEAR CONGRESMAN STOKES: The issue is: Is the President obliged to comply with the law of the land? The issue is not whether he has lied to the American people about Watergate, or about Cambodia, as he has; it is not whether he has violated promises made to the Senate in connection with Mr. Richardson's confirmation, as he has. The issue is whether the President is subject to the law, or above it.

The order of Judge Sirica, as affirmed by the District of Columbia Court of Appeals, is the law of the land and the law of the case. Nixon chose not to challenge this order by further appeal; he chose to let it become final.

Nixon has refused to comply with the law embodied in this order. He has dismissed those officers charged with its enforcement. He has placed himself above the law in the clearest and most definitive way.

It is absolutely fundamental to our constitutional system that the President be subject to the law of the land. If Nixon now succeeds in maintaining that he is above the law, the Constitution will be a scrap of paper. For violating his duty to "take care that the laws be faithfully executed," the President must be impeached.

II

I fear for the Republic, because Nixon may succeed. He is devious and resourceful in his contempt for the Courts and for Congress.

A. He declined to appeal to the Supreme Court, in the belief that the average citizen will think that a final order of a United States Court of Appeals is less the law when

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it has not been appealed than when it has been affirmed. This device, transparent to any lawyer, simply shows how little he thinks of the people.

B. He has announced a "compromise" intended to mislead. The "compromise" is that he will ignore the order of the D.C. District Court; yet the D.C. District Court is not a party to the "compromise." Where I come from, an agreement with others to break the law is called a "conspiracy," not a "compromise."

A further feature of the "compromise" is Nixon's cruel insult to Senator Stennis. Nixon will not trust Sirica, Cox, or Ervin with the tapes, and we know they are honorable men. He trusts Haldeman, and we know Haldeman is a crook. When Nixon says he will trust Senator Stennis, what does this say about Stennis? Most people will think Nixon has something on Stennis which makes Stennis subject to Nixon's control. It is a clear indication of Senator Stennis' lack of ability to do the task that he does not see the insult.

C. Nixon is already waving the flag, saying we cannot question the President when there is a war on anywhere in the world. Nonsense—the international situation is all the more reason why we must preserve and protect the American system, and assure that the President remains subject to the rule of law.

III

As the President is devious, so the Congress is weak and divided. So Nixon thinks, as he has chosen this time to cast the gauntlet.

I care not whether the President is succeeded by Gerald Ford or Carl Albert—neither is preeminent, but neither has refused to obey the law—yet a pusillanimous and hyperpolitical Congress will become preoccupied with the succession and neglect to pursue Nixon's contempt of Court and Congress.

What is at stake is whether Nixon must obey the law. He trusted in the Courts; now he must abide by the law as set forth by the Courts. Since he has refused to obey the law, and since he has dismissed from office the three highest officials charged with enforcing this law, he has violated the Constitution and his oath of office, and set himself above the law.

It is not within the power of Congress to retain Nixon as President. The choice is this: Congress can impeach Nixon and remove him as President—or Congress can permit him to remain—as Dictator.

For the sake of the Constitution, and for the sake of the nation, Nixon must be impeached without delay.

Very truly yours,

Patrick J. Amer.

October 24, 1973.

The Editor,
The Cleveland Plain Dealer,
Cleveland, Ohio.

Dear Sir: President Nixon has clearly demonstrated his disdain of, and contempt for the American people who elected him to the highest office in this country. Further, having surrounded himself with aides who have either been indicted for, or convicted of, felonies, he shows and has shown us that he believes the office of the Presidency gives him the powers of absolute dictator.

Even to a layman, it is painfully clear that President Nixon chose not to respect the law of this land by refusing to comply with a Federal Court Order to either produce the tapes and other relevant Watergate material, or make an appeal by midnight, Friday, October 19, 1973. At 12:01 a.m., October 20, 1973 Nixon was in contempt of court! He is no more above the law than any other citizen of this country!

After firing a man (Archibald Cox) who would not be compromised, intimidated or deterred from seeking the truth, no matter how high it led, Nixon was backed into a corner by the public's rightful and long overdue indignation, outrage and anger over yet another glaring insult to their intellect, intelligence and integrity. A wounded animal, trying to protect his domain, Nixon sought time to regroup, lick his wounds, and plan one more assault on the public's integrity by releasing the Watergate tapes (which by now could've been well doctored) after the fact.

With this flimsy peace offering does Nixon truly believe the American people will once again graze on the grass of his unctuousness? What is this dark, dirty, squalid secret he is so desperately trying to keep hidden?

In his explanation to the nation of his reason for withholding the tape evidence and other relevant Watergate material, Nixon first stated it was "in the interest of national security." A few weeks later this reason was inoperative and the wily magician had somehow rearranged the alphabet to make those words mean, "to preserve presidential confidentiality." What further magic tricks will he perform in his effort to dupe the masses?

Since Nixon irrationally concludes that the law is not for him, his personally selected staff and aides, his friends, the wealthy, the powerful, or the industrial giants—then all our laws should be prefaced with this statement:

"These laws are *not to be obeyed* by the wealthy, the powerful, the industrial giants, and certainly not the President (since he is God).

And, in addition—all jails and penal institutions should have enormous neon signs erected at their entrances which state:

"Only the poor, indigent, middleclass, and powerless shall be confined here if they break the laws. All others keep out!"

The docile sheep (American public) will then know with certainty that they are to feed on the injustice of the Nixonites of this country. They will know that this land is "the home of" those seeking *free*dom from injustice and the "land of" those *brave* enough to dare wrest even the dream of such freedom from them.

If the American people have been so disillusioned into apathy that they will allow this man (Nixon), who publicly states he cares nothing for public opinion, to turn our country into an anarchy; then *the legislators who truly serve the people they represent will do all that must be done to insure that Mr. Nixon be removed from the office of President of these United States of America.*

Sincerely,

LueVenia Richardson.

Cleveland, Ohio,
October 20, 1973.

Congressman Louis Stokes,
Washington, D.C.

Dear Congressman Stokes: I never got mad enough at the antics there in Washington to warrant writing you. Until now, that is.

Mr. Nixon should be impeached, in my opinion. Either he has gone absolutely mad or he's so guilty he just can't afford to have anybody find out.

What I'm referring to is his latest move in firing the Special Prosecutor and the assistant Attorney General. Also in the asking for the resignation of the Attorney General.

First he makes a big deal in promoting his honesty by proclaiming a special investigator who would have total freedom in his dealings. Then when the Special Prosecutor does his job and it looks like Tricky Dick's going to be found out he pulls this trick out of his bag.

Please do something to keep this little dictator in line.

Sincerely,

Robert Poshedley.

Cleveland, Ohio,
October 20, 1973.

President Richard M. Nixon,
The White House,
Washington, D.C.

Mr. President: I have just heard on the news that because of the intentions of the Special Prosecutor and the Attorney General to pursue your Watergate caper further and demand the tapes you illegally made you fired the Special Prosecutor and the assistant Attorney General and that the Attorney General has resigned because of you.

What I want to know is: Who the hell do you think you are?

Sincerely,

Robert Poshedley.

A CONTINUING MIDDLE EAST DOUBLE STANDARD

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. BRASCO. Mr. Speaker, it is difficult to follow unfolding developments in the Middle East since the cease-fire took effect without coming to the conclusion that a double standard prevails against the Israelis, and that the U.S. Government appears to be cooperating in the situation.

After the Arab attack, as the Israelis rallied and struck back, the tide of battle inexorably and irresistibly turned in their favor. While the Arabs held the initiative their surprise attack had gained for them temporarily, no one came forward with a viable cease-fire effort. However, as soon as the Jews took the military initiative, there was no lack of peacemakers, eager to halt hostilities before the armed forces of Israel had written finis to the fourth dream of Arab conquest since 1948.

As these events unfolded, I could not help but note the international imbalance prevailing against Israel. On one side were the Russians, the Chinese, their satellites and allies, more than 20 African countries who had unilaterally broken off diplomatic relations with Israel, the United Nations and the oil industry, led by the American behemoths.

Also aiding them were many European countries wedded to oil money and arms with Arab States. Britain and France were foremost in this category.

On Israel's side were the United States and the international Jewish community. That was it as far as allies were concerned.

We did the only correct thing in resupplying Israel, and the Israeli armed forces showed what they were made of, using the resupply effectively and swiftly to hurl back the Arab armed forces. In the process, the Israelis utilized daring military maneuvers designed to turn the tide tactically. In a classic stroke, they hurdled the Suez water barrier with armor, cutting off an entire Egyptian Army, complete with equipment. The world majority was to be disappointed, for the underdog had pulled victory out of the fire. The Arabs, aided by Russia and backed by the "third world," had managed to snatch defeat out of the jaws of victory.

A great outcry then went up around the world on behalf of an immediate cease fire, led by the Russians, the United Nations and other apologists for the Arab side. The Israelis, reluctantly at first but then with grudging acquiescence, held back their final stroke which would have annihilated the "Third Army" as an effective fighting force. That military organization was left battered and dazed, clinging to a sliver of desert on the east bank of the Suez Canal.

Since then, acting in the finest humanitarian manner, the Israelis have been allowing food, water, medical supplies and other assistance through to the trapped and helpless Egyptians. Let it be also noted here that the State Department, expressing the wishes of the highest levels of our administration, pressed such a course upon the Israelis with enormous behind-the-scenes vigor.

The Israelis, deprived of a well-deserved and much-sought triumph, have every reason to feel cheated and victim of a double standard. Had victory chosen to nestle under the Arab banner, where would the champions of compassion be found? How many voices would have been raised effectively on behalf of the Israelis? From the lynch mob atmosphere of the U.N.? Never. From the Communist world? Do not hold your breath. From the "third world" humanitarians? Hardly. From the western Europeans or oil companies? A hopeless and sterile expectation.

Yet even this was not enough, for worse was yet to come. As a result of the surprise attack, several hundred Israelis had fallen into the hands of the Egyptians and Syrians in the course of the fighting. These men were prisoners of war in every sense of the word, taken in combat wearing the uniform of their country with weapons in their hands. Many of these men had been wounded, some severely.

As scrupulous as the Israelis have been in honoring provisions of the Geneva Convention governing treatment of prisoners of war, so the Arab side has been remiss in that respect. No full list of the captured has been forthcoming, even though elementary decency and compassion calls for such action on the part of both sides. Israel, deprived of full victory by the exigencies of international politics, has been denied so far of even knowing which of her missing sons are alive. And the United States, pressing hard for cease fire and withholding of the final Israeli stroke in Sinai, has completely overlooked this aspect of the problem. It is as shameful as it is inexcusable.

One must search the pages of history for a parallel to such a one-sided situation, where a small country is victimized by an international coalition seeking its total annihilation. It is difficult to find a situation as abysmal in its shame, whereby nothing the small state can do meets with international support and approval.

We must go back to 1938, when Czechoslovakia, determined to defend her sovereignty from Hitler, was ready to fight rather than yield on the question of the Sudetenland. Then, deserted by her formal allies, Britain and France, she was handed over without having any say in the matter to the tender mercies of Germany. Dismembered and abandoned, she shortly entered that limbo reserved for betrayed democracies, never to rise again as a free nation in our time. The powers that were at the time presided over her demise, voicing noble thoughts and piously bowing in the direction of democratic ideals. Such hypocrisy has earned the participants their richly deserved places in the annals of betrayal and infamy.

Today Israel chooses not to acquiesce in the ultimate scenario laid out for her by the international funeral chorus. She opts not to attend her death scene, so carefully worked out by today's majority, who are willing to buy some oil and temporary relief from reality at her expense. In this, at least, she shall differ from the untimely fate of Czechoslovakia.

What is most depressing to me is that in the process, so much that is decent, honorable and hopeful in the West is becoming expendable. The concept of an effective international peacemaking organization has been further harmed. Democratic socialism also sustains a grievous wound, as New Left fanatics sacrifice old ideals to placate the howls of those who cannot understand, much less carry on the momentum of such a positive ideological thrust. Only anarchy and terror can and will fill the vacuum. By attempting to sacrifice this tiny democratic state, or by standing by idly and allowing its rights to be chipped away in the international arena, those who cherish national freedom gamble away the priceless currency of international morality.

Those nations who participated in or stood idly by while a similar crime was successfully perpetrated in Europe in 1938 were to pay heavily for their actions in the unavoidable bloodletting that was made inevitable by that betrayal. We again wear smooth the path toward the disaster that will assuredly follow, reiterating again by our actions Santayana's words:

> They who do not learn from the mistakes of the past are doomed to repeat them.

I am sending a letter to the Secretary of State, asking that we move forthwith to guarantee that lists of prisoners are forthcoming and an exchange be arranged as expeditiously as possible.

RECLASSIFICATION OF SECURITY POSITIONS AT CHINA LAKE NAVAL WEAPONS CENTER

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. WALDIE. Mr. Speaker, I introduced the following bill to provide for the reclassification of security positions at China Lake Naval Weapon Center:

A bill to amend title 5, United States Code, to provide for the reclassification of certain security police positions of the Department of the Navy at China Lake, California, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) it is the policy of the Congress that personnel discharging law enforcement responsibilities be adequately paid, in amounts commensurate with the degree of danger and stress incident to these responsibilities, that Federal salary rates be comparable with private enterprise salary rates for the same levels of work as stated as the policy of the Congress in section 5301(a)(3) of title 5, United States Code; and that, to this end, members of the Police Division, Security Department, Naval Weapons Center, Department of the Navy at China Lake, California, shall be paid at rates not less than the rates at which other law enforcement personnel are paid.

(b) Section 5109 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(c)(1) Each position of policeman in the Police Division, Security Department, Naval Weapons Center, Department of the Navy at China Lake, California (other than a supervisory or managerial position) shall be classified, in accordance with regulations issued by the Civil Service Commission, at GS–5, GS–6, GS–7, and GS–8.

"(2) Each position of detective in the Police Division, Security Department, Naval Weapons Center, Department of the Navy at China Lake, California (other than a supervisory or managerial position) shall be classified, in accordance with regulations issued by the Civil Service Commission, at GS–6, GS–7, and GS–8."

Sec. 2. (a) Effective on the effective date of this Act, a policeman who is a member of the Police Division, Security Department, Naval Weapons Center, Department of the Navy at China Lake, California, on such date to whom the amendment made by the first section of this Act applies, shall have his rate of basic pay initially adjusted, as follows:

(1) A policeman in GS–2 immediately before the effective date of this section shall be advanced to that step of GS–5 which corresponds numerically to that step of GS–2 which he had attained immediately before such effective date.

(2) A policeman in GS–3 immediately before the effective date of this section shall be advanced to that step in GS–6 which corresponds numerically to that step of GS–3 which he had attained immediately before such effective date.

(3) A policeman at GS–4 immediately before the effective date of this section shall be advanced to that step of GS–7 which corresponds numerically to that step of GS–4 which he had attained immediately before such effective date.

(4) A policeman at GS–5 immediately before the effective date of this section shall be advanced to that step of GS–8 which corresponds numerically to that step of GS–5 which he had attained immediately before such effective date.

(b) An increase in pay by reason of an initial adjustment of pay under subsection (a) of this section shall not be deemed an equivalent increase in pay within the meaning of section 5335 of title 5, United States Code, for purposes of step increases. For purposes of periodic step increases, an employee shall be credited, as of the effective date of this section, with all service since his last periodic step increase before such effective date.

(c) No rate of basic pay in effect immediately before the effective date of this section shall be reduced by reason of the enactment of this Act.

Sec. 3. The preceding provisions of this Act shall become effective at the beginning of the first applicable pay period which commences on or after the date of enactment of this Act.

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FDA VITAMIN REGULATION

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. COLLINS of Texas. Mr. Speaker, during the past 6 months, my largest volume of mail from Dallas has been from citizens concerned over new FDA regulations limiting vitamin potency. I would like to review with all of my colleagues the remarks I made before the Subcommittee on Public Health and Environment during their hearings on our bill, H.R. 643, to limit FDA power in this area. This problem of bureaucratic big-brotherism is one that vitally affects citizens throughout the entire country.

FDA REGULATIONS NOT WARRANTED

Mr. Chairman, the most overwhelming characteristic of our Washington Bureaucrats today is the constant conviction that the citizens of our Country cannot possibly know what is good for themselves. Over the past few years, we have been told what foods we may eat and what products we can use. We have even been told that, regardless of our personal choice, we must be completely strapped into our cars before the engine will even start.

Now the Bureaucrats have come up with one further edict which completely denies our individual rights—the restriction of vitamins and food supplements which we may use without a prescription. The officials of the Food and Drug Administration have decreed, with very questionable substantiation, that all nutrients containing more than 1½ times their Recommended Daily Allowance must be now labeled as "drugs" even though many knowledgeable doctors have declared that the RDA amounts fall far short of reasonable dosages needed to maintain health. The labeling of a vitamin as a "drug" means that it can be subjected to use by prescription only. Vitamin A and Vitamin D tablets exceeding RDA maximum dosages have already been restricted to prescription sale and undoubtedly, other vitamins will shortly follow.

In defending their selection of RDA limits, the FDA has cited the Food and Nutrition Board as their source. However, they fail to mention that, in most cases, the Food and Nutrition Board referred to levels 20 to 30 times above the RDA quotas when discussing toxicity. For example, the FDA has set vitamin A intake at 5,000 I.U. per day even though the Food and Nutrition Board noted that possible danger could occur only when 100,000 to 150,000 I.U.'s of Vitamin A were taken per day for long periods of time. It is also interesting to note that 1 cup of diced carrots contain 18,000 units of Vitamin A. Are we also to assume that the FDA will label and regulate healthful foods such as carrots and liver which exceed the mandatory RDA limits?

The Food and Drug Administration regulations have shown a complete disregard for hundreds of reputable studies showing the importance of nutritional vitamins and food supplements in our diets. Nobel Prize winning biochemist Dr. Linus Pauling has recommended that a person take 3 grams of Vitamin C per day to combat colds. Under the new FDA ruling, you will be limited to 60 milligrams per day, or 1/30 of Dr. Pauling's recommended dosage. Dr. Paul Gyorgy, another Nobel Prize recipient, proved through clinical research that an individual should take 25 milligrams of Vitamin B_6 as a protective health measure, and yet the FDA declares that we must restrict B_6 intake to 3 milligrams a day. Mr. Chairman, it is very hard for our Citizens to be expected to accept the FDA Bureaucrats' word as "fact" when these and hundreds of knowledgeable chemists blatantly disagree.

The Agency has also to a great extent, outlawed combinations of vitamins even though they have shown no evidence of toxicity. This means that you will no longer be able to purchase such nutrients as the B complexes or Vitamin C with Iron. This also means that bioflavonoids, or P Vitamins, will be virtually banned even though hundreds of tests have shown their value in preventing many disorders such as polio, high blood pressure, hemorrhages, and diabetes.

The new regulations bring up countless cost and enforcement problems. Although a citizen will not be allowed to buy a high-potency vitamin or combination vitamin, he may buy as many low-potency and single vitamins as he wishes. However, this method will subject the consumer to increased costs and nuisance to obtain his desired vitamin dosages. For example, if you wish to take 1 gram of Vitamin C per day, you will now be forced to take 11 pills instead of 4 that you may be taking currently. In addition, the added relabeling costs forced on the companies will necessarily be passed along to the consumer.

The FDA has also prohibited most promotional claims by the food supplement industry even when the claims are scientifically proven and accurate. This means that a company will not be allowed to advise consumers that an ordinary diet will not supply adequate nutrients even though medical research centers around the world have produced reports that vitamin insufficiency is indeed grave and far greater than we realize. The ban on promotional advertising will also prohibit statements on the serious effects which preparation, storage, and transportation methods will have on nutrient content. Our consumers certainly should retain the right to know these basic facts, and I can find little justification in banning such statements under the guise of "consumer protection."

Our bill, H.R. 643, will define the term "food supplement" and will prohibit the FDA from limiting such supplements unless they are intrinsically injurious to health or fraudulently labeled. The purpose of our Legislation is to insure that all citizens maintain the right to freely purchase all nutrients which they feel are necessary to their health.

Mr. Chairman, although the FDA claims that they did in fact accept comments during their development of the new regulation, they seldom mention that the comments were almost totally opposed to implementation. I think it is time the Federal Agencies start listening to the wishes of the people who are completely capable of determining their own vitamin needs by consulting a physician. Mr. Chairman, I urge that we act immediately on our bill, H.R. 643, in order to protect American citizens from this type of bureaucratic arrogance.

NEED FOR EFFECTIVE ENERGY CONSERVATION POLICY

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. FRASER. Mr. Speaker, the Middle Eastern conflict has made more urgent than ever an effective national response to the energy crisis.

The Department of the Interior has estimated that with normal winter temperatures, domestic supplies of heating oil and diesel will fall short of our needs by 650,000 barrels a day. We had planned to import this fuel from Western Europe, Canada, and the Caribbean. Since Europe depends upon the Arab States to supply its refineries, several of our traditional overseas suppliers have already placed restrictions on exports of heating oil and other refined products.

While the energy crisis snowballs into what will probably be a very cold winter for all of us, the administration continues to sit back. Slowing the rate of energy-consumption runs counter to the credos of big business. This administration, with its special ties to big business, has been reluctant to take the steps needed to cut down on demand for electricity and gas and oil. The belated and half-hearted, voluntary conservation measures proposed thus far have been no more successful than the voluntary petroleum allocation program has been.

In fact, the Nixon administration's reliance on individual initiative and the profit-motive, in conjunction with its erratic economic controls, may be aggravating the scarcity of heating oil in this country. Oil companies can earn several cents a gallon more on gasoline than they can on heating oil or diesel. Industry figures indicate that gasoline stocks are increasing and that each day, 420,000 excess gallons of gasoline are being produced, even as the days grow colder and our foreign sources of heating oil grow more uncertain.

At the same time we learn that trucks in Pennsylvania, in order to dodge diesel taxes, have been substituting precious supplies of heating oil for diesel. These are taxes used to finance the roads upon which trucks depend.

Apparently we cannot rely in this instance upon the leadership either of the administration or of the big business interests with which it is so closely allied. Congress must move into the policy void and take immediate steps to forestall real hardships this winter.

The distinguished Senator from Washington (Mr. JACKSON) has recently introduced a bill, S. 2589, to reduce petroleum consumption through mandatory means, including: A prohibition on advertising designed to increase energy use, periodic tuneups of automobile engines, lowering of speed limits to 50 miles per hour or less, and modifications in scheduling and routing of airplanes and trucks.

Congress might usefully consider additional mandatory measures. We should make mandatory the current voluntary labeling of efficiency of major electrical appliances. We should impose graduated taxes on automobiles to encourage use of those with the greatest fuel economy. We should also explore the possibility of Federal encouragement of lowered mass transit fares—or even free mass transit—as an incentive to use these facilities.

I call Members' attention to the following excellent discussion of conservation of energy in two recent issues of Energy, a new weekly journal:

NEED FOR EFFECTIVE ENERGY CONSERVATION POLICY

The Administration has kicked off its "Mom & Pop" energy conservation campaign,

which it hopes will help get the country through this winter without serious economic disruptions.

The effort represents the Administration's attempt to deal with one of the most difficult and politically-charged aspects of the energy situation. The combined residential-commercial-transportation sector of small energy users that accounts for half of U.S. energy consumption must, of political necessity, have a high priority on any supply list. But it has the least incentive to cut down on waste, and officials are reluctant to clamp down. The opening gambit to deal with this problem in a non-compulsory fashion was a gala White House press conference to get the voluntary campaign rolling. Unfortunately, it appears to have been a bust. Despite the effort by White House Energy Policy Office Director John Love to connect energy conservation by small users with the Middle East war (by describing it as a hedge against an oil cutoff), reporters present at the conference indicated mostly indifference.

Most newspapers gave very little space to the conservation campaign. Even the energy industry trade press, which usually can be counted upon to cover extensively any energy announcement that comes from close proximity to the president, was largely indifferent to the campaign.

This journalistic inertia in the face of a critical winter may be explained by the absence of "hard news" in what the Administration had to say. There were no new studies indicating the amount of precious energy which could be conserved by this and that measure. The Arab-Israeli war and vice presidential resignation left little news space and broadcast time for energy conservation. Publicly, the Administration claims that voluntary cooperation by businessmen is just one part of a broad effort. Privately, officials acknowledged that there is really very little the Federal government can do, except to provide authoritative reference material. It will be up to large consumers, principally the business community, to make the effort a success on the local level.

To aid businessmen and public officials in achieving the cooperation of small energy users in their area, a large volume of material is available. Some of the more important of these documentary resources are identified and evaluated elsewhere in this issue.

Here are the actions announced by the White House as "elements of the winter phase of the National Energy Conservation Campaign" to reduce energy demand over the next year by 5% (which would mean allowing about a 2% increase in demand over the previous year):

Adoption of the comic strip character "Snoopy" as a symbol for the "SavEnergy" campaign.

Broad distribution of energy saving hints to consumers.

An extensive program to promote energy conservation by all elements of the business community.

Distribution of energy conservation kits to teachers for use in schools.

Cooperation with state and local governments in developing energy conservation programs.

The White House said the following energy conservation steps would receive "particular attention:"

Lowering thermostats by four degrees.

Installation of insulation, storm windows, weather stripping and caulking whenever practical.

The Administration said that if every residential thermostat would be turned down four degrees, 16.8-million gallons of oil would be saved this winter. This, according to the White House, was about the amount of oil the U.S. was expected to be short this winter. (The Dept. of Interior, however, calculates that the shortage could be up to 50% greater than the 16.8-million gallon figure in the case of a very cold winter.)

The White House listed these conservation actions already taken:

Creation of an Office of Energy Conservation in the Interior Dept. to lead and coordinate Federal energy conservation activities. (The office is not yet fully operative. When on line later this fall, it will have a staff of 25 to 30 professionals and a budget for the first year of about $1-million.)

Action by the Federal Aviation Administration and Civil Aeronautics Board, in cooperation with the Air Transport Assn., to reduce airline speed and increase load factors in order to raise the number of passenger miles travelled per gallon of fuel.

Commerce Dept.'s program for voluntary labeling of major appliances to show energy efficiency. (Reports from the Commerce Dept. indicate less cooperation than initial, optimistic reports anticipated.)

Environmental Protection Agency's publication of gasoline mileage data for 1974 autos and program for voluntary mileage labeling of 1975 and future cars. (EPA officials say privately that they were disappointed with the limited publication of 1974 mileage data by local media. They suspect that many newspapers were afraid to antagonize local car dealers who provide substantial advertising revenue. Auto manufacturers, however, have agreed to cooperate with the labeling program for 1975.)

General Services Administration demonstration project of an energy efficient office building in Manchester, N.H.

Defense Dept. (which accounts for 85% of all government energy use) action to reduce the number of aircraft training flights and ship speeds.

Overall Federal actions to lower thermostat settings four degrees, eliminate unnecessary lighting and purchase and rent more energy efficient vehicles. The national government consumes slightly less than 3% of all U.S. energy.

POLITICS

Any campaign which attempts to unite the nation behind Snoopy and draw together schoolchildren and businessmen in a common purpose is clearly designed to appear several light years away from the snakepit of enrgy politics. The National Energy Conservation campaign may itself be above politics, at least to a degree. Most large consumers must fall in line as supporters in the interest of survival, whether or not they agree with the basic premise that small user profligacy may be dealt with only by polite persuasion.

Energy conservation itself bears the seeds of a highly-charged political issue whose tensions probably will begin to surface early next year.

The Energy Conservation Campaign kickoff, for instance, did have its political elements. They were petty, but instructive; demonstrating the dissension among Administration energy policy makers. The White House urged that thermostats be turned down four degrees and said that this could wipe out the winter's expected heating oil deficit.

The previous week, Deputy Treasury Secretary William Simon had urged that thermostats be turned down three degrees and said that this could cut anticipated winter shortages of oil in half. The lack of coordination between Simon, who serves as chairman of the President's Oil Policy Committee, and White House aide Love, is as obvious as the discrepancy in their figures. (Energy watchers may choose for themselves which calculation is correct, although Simon, characteristically, made his staff's methodology public while the White House, also characteristically, did not.)

Not so obvious is the bad blood between Simon and Love and their staffs that led to different public statements being run around Snoopy's doghouse.

Another political aspect to the campaign was the decision by Love and his staff not to address the Great Gasoline Question. If the White House had opened the press conference by announcing a gasoline tax increase, the energy conservation campaign would have been on the front page of most newspapers in the U.S. It also would have bucked up the spirits of large users feeling the distillate pinch.

As late as the last week in September, Interior Dept.'s energy staff was making another serious push for an increase in Federal excise tax on gasoline of 5c to 10c a gallon. The effort was led by Deputy Assistant Secretary for Energy, Eric Zausner, who based his work, at least partially, on an academic study of gasoline elasticity done for the Ford Foundation Energy Policy Project.

The Ford study put gasoline elasticity in the shortrun at 0.43 and said this could increase to about 0.75 after about five years. (An elasticity factor of 0.75 means that a 100% price increase should cut demand by 75%.)

Interior staff hoped gasoline tax increase would dampen demand sufficiently to encourage refiners to squeeze less gasoline and more distillate from each barrel of oil. It is estimated that refiners nationally could produce up to 10.5-million additional gallons of distillate daily instead of gasoline. That sum, which is more than half the expected shortfall of distillate in the case of a winter with average temperatures, would be valuable to the entire country. It would be especially helpful to the Midwest, where the alternative—additional imports—is largely unavailable due to transportation problems.

The White House immediately quashed the tax hike and Love's office has so far rejected compromise proposals such as weight and horsepower taxes on automobiles.

COUNTERATTACK

While White House energy specialists are refusing to consider taxes on "the fuel with the votes" as a way of dampening demand, Administration economic officials are working on another front to hold down price increases in the private sector that could have the same dampening effect on gasoline demand.

The White House pales a shade every time another jump in the Consumer Price Index hits the front page and television evening news. Increases in food and petroleum products accounted for 70% of the rise in the Consumer Price Index since the end of 1972. Since gasoline is the most visible petroleum product, the Cost of Living Council is doing everything in its power to protect gasoline consumers (and voters) from price increases.

The council went so far as to force gasoline retailers to absorb price increases imposed by their suppliers until the council decided to permit retail prices to be increased. It was this action, primarily, that touched off the wave of service station strikes around the nation.

THE ECONOMY

The Cost of Living Council's action perhaps could have been considered a noble experiment at some other time. At the moment, it simply deals another blow to the distillate user.

Gulf Chemical Co., an affiliate of Gulf Oil, addressed the problem cogently in a submission to the National Commission on Materials Policy. Company executive E. M. Glazier said:

"If normal growth in petro-chemical production cannot take place, this could have the effect of almost bringing to a halt growth in manufacturing, thus limiting increases in Gross National Product as all the industries dependent upon petro-chemical products would be unable to expand their operations

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and certainly hesitate to invest in new equipment in view of this supply constraint.

"Petro-chemical plants . . . have limited flexibility in the nature and range of the petroleum materials which they can effectively utilize . . .

"There are more viable alternatives in other end use areas which can permit the reduction of use without disturbing the economy; specifically, automotive use—for use of gasoline is probably much more elastic without effecting the level of the economy since it is possible to reduce the amount of discretionary use and increase the use of mass transit, car pools, etc., for the necessary commuting without significantly disturbing the economy or affecting the growth of the country."

The issue of whether small consumers should be expected, for their own economic well-being, to share the shortage a little more equitably with large consumers is, of course, just one aspect of the politics of energy conservation.

There are many others that should prove to be equally controversial: the adjustment of utility rate structures to impose higher costs on large-scale users with potential to cut back use; the rationing of energy by an administrative, rather than a market mechanism; the allocation of clean fuels to small users who can't afford emission control technology and to regions with severe air quality problems; and the use of natural gas for so-called "inferior" uses such as boiler-fuel in steam-electric plants.

With a critical winter approaching, however, the chief political issue would seem to be whether the burden of shortages should fall on gasoline or distillate users.

FOUR SCENARIOS FOR HANDLING OIL CUTOFFS AVAILABLE FOR REVIEW

William Johnson, chief of Treasury Dept.'s energy staff, is a very non-profane Mormon. So when Johnson is asked, following European oil product and Middle East crude oil cutoffs and slowdowns, what effect these developments will have on the U.S. in the next several months and he replies: "It's going to be a bitch," there is indication that the energy situation may indeed have reached the point of crisis.

There are four scenarios that indicate how key energy policy centers, the White House, oil industry, Congress and Treasury Dept., would cope with the crisis. Users may wish to review the four, listed below, before consulting with local, state and Federal officials.

It now appears that the U.S. will be unable to obtain a large portion, if any, of the distillate imports from Europe it needs to cover the projected heating season shortages.

It appears that the U.S. must adopt a very stringent mandatory allocation program for fuels or an equally stringent energy conservation program. A mix of both plus gasoline rationing at the consumer level seems to be a real possibility.

The Administration is now reviewing its emergency gasoline rationing plan. At the moment, any attempt to implement it would face a tooth-and-nail fight that would probably result in a rout of the pro-distillate forces. Some economic and even physical hardship this winter, however, could make a difference.

Energy users may wish to obtain the four most important viewpoints available on how to handle oil cutoffs.

INDUSTRY

The oil industry's proposals are given in an interim report published last July by the National Petroleum Council. The council is a quasi-governmental body of oil and gas company officials which advises the Secretary of Interior on petroleum matters. It has long been considered to be virtually a part of the Interior Dept. (critics say Interior Dept. is part of the council) and its opinions historically have swung great weight there, especially on such subjects as how the oil industry could handle this or that emergency.

The council stresses that temporary interruption of oil imports "is a fundamentally different condition from the current tight petroleum supply situation which exists domestically and its report recommends "emergency measures (that) can only be maintained for weeks or months rather than years."

There are indications that the end of the Middle East war will not entirely reopen the oil supply gates, so the "emergency measures" taken may indeed have to be maintained for longer than weeks or months. But the report is important reading because it is sure to exert influence on whatever will be the U.S. policy to cope with disruptions.

The study is titled "Emergency Preparedness for Interruption of Petroleum Imports into the United States" and is available for $2 from NPC, 1625 K St. NW, Washington DC 20006.

WHITE HOUSE

The White House has no official scenario for handling the cutoffs. However, at a press conference on Oct. 12 announcing the mandatory allocation program for distillates, Charles DiBona, the chief White House technical specialist on energy, was forced into a relatively lengthy discussion of the subject by repeated questions from reporters.

DiBona abhors Federal controls and has steadfastly advised his boss, Energy Policy Office director John Love, against all mandatory allocation programs except the one for propane. He was overruled on distillate, apparently because of political considerations.

At the press conference, DiBona took a more upbeat view of the fuel situation than most other major energy figures including Interior Under Secretary John Whitaker with whom he shared the podium. Whitaker said things looked "gloomy" for winter, that "there will be some cold people" and "there could be some people who lose their jobs."

DiBona told the press corps that he didn't believe a cutoff "would require rationing. I think it could be handled by some mandatory conservation measures and the extension of the allocation program."

The Administration hasn't printed the text of the press conference for public distribution. However, copies of the transcript can be obtained by writing to First National Publications Research Div., PO Box 9084, Washington DC 20003. Specify "Mandatory Middle Distillate Fuel Allocation Program Press Conference." (There is no charge.)

TREASURY

Treasury Dept. has prepared a conservation program which it predicts could mitigate the absence of exports if only 50% effective. The program was released last week in a low-keyed manner. Treasury is pushing for the program to be adopted by the Administration as its standby mandatory plan.

Given the bitterness between Treasury and the White House on energy matters, it appears unlikely that any plan worked up by the agency would be adopted, no matter how great its merits. However, as an Interior Dept. observer of the feud noted: "Treasury's covered so much ground in the program that how much else can the White House come up with?" A high State Dept. official, asked what the U.S. could do to cope with cutoffs, pointed to the Treasury plan as probably the best general indicator of what must be done.

A copy of the program can be obtained by writing to Robert Nepp, Public Affairs, Treasury Dept., Washington DC 20220. Almost all the information in Treasury announcement was reported in the Oct. 15 edition of Energy.

CONGRESS

Sen. Henry Jackson (D-WA) is the leading figure on Capitol Hill. He directs the Senate's extraordinary fuels and energy study and the subject is an important plank in his undeclared presidential campaign. He also is among the most militantly anti-Arab legislators.

Jackson has introduced a "National Energy Emergency Contingency Act" which would authorize the President to declare fuel shortage emergencies when demand exceeds supply by 5% or more. The measure would require a variety of conservation and rationing activities by both state and Federal governments.

Soon after Jackson disclosed his proposal to a packed press conference, Administration officials began informally informing reporters of their objections. The Administration was particularly upset because Jackson's announcement was blatantly anti-Arab at a time when President Nixon had entered what he described as "delicate diplomatic negotiations" to stop the Mideast fighting.

For example, Jackson said:

"This program will provide 3.3 million (42-gallon) barrels of oil each day and more than offset the 1.2 million barrels the Arab States could deny to the U.S. each day. The purpose of this bill is to let the Arab states, our allies, and every American know that the U.S. can deal effectively with his challenge."

That was on Oct. 18 when all of the U.S.' European allies, except West Germany and Britain, had embargoed oil product shipments to the U.S. while the Arabs had announced only 5%–10% production cutbacks. The result, Administration energy officials feared, would be to irritate the pro-American Arabian Peninsula states and, hence, undercut Mr. Nixon's peace efforts.

Despite Administration objectives, the mood of the Congress appears to be solidly behind Jackson and his proposed legislation would seem to have a good chance of eventual passage.

For the text of the measure write to William J. Van Ness Jr., Senate Interior Committee, 3106 Dirksen Office Bldg., Washington DC 20510. (If delay is experienced, a summary of the measure is available from First National Publications Research Div.)

ADVANCED ORGANIZED CRIME SEMINAR

HON. LINDY BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mrs. BOGGS. Mr. Speaker, recently William J. Guste, Jr., the knowledgeable and dynamic attorney general of Louisiana had the privilege of giving the keynote address to the Advanced Organized Crime Seminar sponsored by the Law Enforcement Assistance Administration. Because I feel these comments would be of wide interest to my colleagues I include Attorney General Guste's remarks in the RECORD:

ADDRESS BY WILLIAM J. GUSTE, JR., ATTORNEY GENERAL OF LOUISIANA TO THE ADVANCED ORGANIZED CRIME SEMINAR

We meet to discuss an aspect of crime that affects every citizen: organized crime: a conspiracy of two or more operating on a continuing basis to violate the law for profit.

In 1972, it was my privilege to attend an Organized Crime Law Enforcement Conference sponsored, as is this Conference, by the Law Enforcement Assistance Administration at Notre Dame in South Bend, Indiana. There it was estimated that the gross national take of organized crime was $20 Billion of which $6 Billion was profit and of which a substantial amount was used to corrupt public officials to permit illegal activities to continue.

In my short term of office, I have learned that the hand-mate of organized crime is public corruption. And this is no original conclusion. It was the finding of the Kefauver Senate Committee in the early 1950's, and the Senate Committee Hearings chaired by Senator McClellan in the late 50's and the 60's.

It was the finding of the Mayor's Advisory Committee on Police Corruption in New Orleans in 1952.

It was the finding of the Orleans Parish Grand Jury as was evidenced by the series of indictments in the 1960's of members of the New Orleans Police Department.

It was the conclusion of the Metropolitan Crime Commission after 19 years of citizen effort in this area and the reason that we brought it into being.

It was the finding of the Louisiana Legislative Committee which investigated the influence of organized crime in Louisiana in 1972.

And it was brought home all the more forcefully to me this very month and last month when, as a result of intensive investigations by our staff, under grants funded through LEAA, we developed evidence of organized criminal activities in North Louisiana.

Bossier Parish, Louisiana is a suburb of Shreveport, Louisiana long known for illegal gambling, prostitution, B-drinking, drugs and other activities. During the last two weeks following several months of investigation, our office presented evidence to the Bossier Parish Grand Jury which has led to 31 indictment counts involving public bribery, public contracts fraud and other corrupt practices. Included among those indicted were the former Mayor of the City of Bossier, the Mayor's son, the Mayor's brother, the former Chief of Police, the former Head of the Vice Squad, the former representative of the Alcohol Control Board and the former Commissioner of Public Finance.

I cannot help but re-emphasize that organized crime and public corruption go hand in hand. Most organized crime could never exist without the knowledge and permission of public officials who have sold their integrity for votes or for dollars.

I am convinced, as are many of you, that we must attack street crime on two basic fronts. We must fight the symptoms of crime, and the causes of crime.

At last year's LEAA Seminar on Crime, Courts and Corrections, there was almost complete unanimity that we need more and better policemen, swifter and more relevant justice in the courts, and correctional procedures that truly correct and are not simply schools for increased criminality.

And there was also agreement that we must attack the basic causes of crime—lack of education, lack of job training and jobs, racial injustice, narcotics and a breakdown of discipline and love in the home.

But when we deal with organized crime, we are not dealing with criminals who emerge from the slums and ghettos. Here we are talking about crimes that operate as a business—often under the cover of legitimate business. We are often talking about well-to-do merchants who have an efficient well-trained organization operating secretly and engaged in illegal activities for profit where very frequently there is no victim who is willing to complain.

For example,

The sports bettor.

The off-track bettor.

Some say that's not organized crime. But they fail to realize what a sports betting system includes.

Here are a few of the items:

1. Runners who pick up bets for the handbook.
2. A handbook where bets are placed by the runners or the bettor himself.
3. A handicapper and odds information services.
4. A place where the handbook can lay off the bets for its protection.
5. Credit—the ability to borrow—quickly when necessary to pay off a large bet.
6. The machinery for settling of disputes out of court.
7. Machinery for enforcement of settlement of disputes and the weapons here are usually fear and force.

Another example—loan-sharking. Our consumer protection unit, operating under an LEAA Grant, recently uncovered a loan-sharking operation where the interest was as high as 25% per week.

At South Bend, we learned of loan-sharking loans that are made without security—nor was any evidence of the debt required. Why? Because the agreement is so clear—that no written contract is necessary. The collectors are enforcers and the security is the life of the debtor! Again, the borrower will not complain.

Narcotics are penetrating our cities and rural areas, our colleges and high schools. It takes an organization to move the poppy-seeds raised in the fields of Asia to a desperately hooked student in New Orleans. Again, there is frequently no complaining witness. Yet, this activity is eating away at the fiber of American youth.

And the other organized crimes of prostitution, extortion, anti-trust violations and back again to the hand-mate—public corruption.

The result: billions of dollars of take: millions plowed into narcotics that lead to wasted lives and the crime in the street that we all fear; and millions more that are available for organized crime businessmen to compete with legitimate businessmen with tax free funds.

This is a kind of competition legitimate business can't stand. And it is the reason why legitimate businessmen must group together to fight organized crime which in the end can rob them of a legitimate business.

Louisiana's constitution has always given a broad grant of authority to the State's Attorney General to initiate or intervene in any civil or criminal proceeding. Historically, this power had never been used.

We have begun a planned program to correct the inaction of the past and to move as quickly as possible against organized crime and corruption in this State.

But beyond this, we have gone to our legislature to secure certain tools which we considered essential and which we recommend to you to increase your effectiveness in fighting organized crime.

As a result the 1972 session of our legislature enacted laws granting the Attorney General:

1. The power of subpena equal to that possessed by District Attorneys.
2. The power, in conjunction with a local District Attorney, to grant immunity.
3. The right to be present in the Grand Jury Room.
4. The right for a Grand Jury which discovers or suspects that a crime has been committed outside of its jurisdiction to report this through the Attorney General to the Grand Jury which does have jurisdiction.

This in effect sets up a means whereby investigations which cross parish (county) boundaries can be continued.

(I do not consider this as effective a special state grand jury which can be convened by the Attorney General. However, it is an important step in this direction.)

5. And finally, they gave us the funds necessary to maintain our Criminal Division and match LEAA Grants.

Again, I wish to publicly thank our legislators for this.

It did not see fit to enact a law permitting the controlled use of electronic surveillance. Now, I recognize that this is really not a good time to talk about wiretapping and bugging. But, I believe we must distinguish between legitimate and illegitimate use of wiretapping. And I believe that it is essential that we strengthen our laws which prohibit illegitimate wiretapping and severely punish those who illegally invade one's privacy.

But at the same time, with the strictest controls possible to protect the right to privacy, I believe that electronic surveillance used by law enforcement personnel where there is probable cause that a crime is being committed is a very valuable tool with which to fight underworld crime.

There are a few special points that I would like to make.

First, I believe that we should all acknowledge our awareness of the fact that under state law there are far more legal weapons available to deal with organized crime and corruption than there are available to Federal agencies. The federal system has an impressive record because they have used their authority.

It is time for Louisiana and other states to take the initiative, to accept prime responsibility for action against organized crime and use the sleeping giant of state law.

No state case deals with organized crime as an island unto itself. Criminals formed into an organization are too intelligent to limit themselves to political boundaries.

The law enforcement community must resist limitations placed upon themselves because of political boundaries. If organized crime is to be defeated in Louisiana the enemy must not be permitted to succeed merely by crossing a parish or county or a state line.

I take this opportunity to pay tribute to the organized crime units of the New Orleans Police Department, Jefferson Parish Sheriff's Office and the Louisiana State Police which have first of all had the wisdom to assign personnel to the intelligence gathering function and to coordinate their activities where parish or county lines are crossed.

At the state level, we know that we need and want the help of other states. And I intend that this will be a two-way street and, therefore, offer the help of our staff to other states as well.

I think we should candidly admit that in the past federal and state and local law enforcement agencies have been reluctant to share information. In many cases, federal agencies just didn't trust state agencies. I believe this must change and will change as state and local agencies show their willingness and their determination to fight the common enemy.

I am proud to state that I am sharing information with all U.S. Attorneys in Louisiana and they and the Organized Crime Strike Force are beginning to bring me information. And when they do, our staff is actively following up on it.

Here let me emphasize the importance of the task force approach. I mentioned the recent indictments we secured in Bossier Parish, Louisiana. These successes were due to the fact that our Criminal Division under Jack Yelverton, working in particular through Ronald Black, Chief of Investigative Services, and William Faust, Chief of our Organized Crime Investigative Section, put together a specially coordinated effort involving the legislative auditor, the local sheriff, the state police intelligence unit and the local district attorney. We assigned them a specific problem. We coordinated their efforts. They worked together with a spirit to accomplish their task—sharing information and advice. I recommend this type of task force approach to you because I believe

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it is better to complete one task than to begin twenty and complete none.

I have learned the value of working with the newsmen. They get good tips. But neither newsmen nor citizens are going to give you information if they do not believe you are sincere, and are going to conscientiously follow up on the lead they give you.

I have had the opportunity to consider looking at the problem of organized crime from two angles. As a citizen-member and President of The Metropolitan New Orleans Crime Commission, and now as a public official with responsibility for acting.

From this experience, I can stress the importance of citizens and public officials working together.

I wish to take this occasion to state that I have already begun, and I intend to continue to make full use of the wealth of information developed by our Citizens' Crime Commission. And I heartily recommend to you the encouragement of Citizens' Crime Commissions and their use. You may be assured that when you demonstrate your sincerity, these citizens groups will gain public support for your work without which your job is all the more difficult.

The coat of arms of Louisiana contains the three qualities for which our State stands UNION—JUSTICE—CONFIDENCE. It is my hope and trust, and I am sure it is shared by you, that out of this advanced organized crime seminar will come—

A *union* of purpose and of action and a *union* of integrity;

A greater degree of *justice* which eventually comes from improved professionalism and united effort;

And public *confidence* in law enforcement efforts and in government which we represent at the local, state and national level.

REPRESENTATIVE HOLT COUNSELS CAUTION ON IMPEACHMENT QUESTION

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. BAUMAN. Mr. Speaker, while things have calmed down a bit since the President fired Archibald Cox, and some sort of accord may be reached on the appointment of a new prosecutor, there are still many in the Congress who would push on in an emotional charge to impeach Mr. Nixon. While cause may or may not exist to consider such a move, the very serious question of impeachment must be considered in a calm, deliberative light, and not in the heated passion of partisan debate.

My colleague from Maryland's Fourth Congressional District, Representative Marjorie Holt, has written an editorial, printed in the Baltimore Sun over the weekend, which states clearly and persuasively the case for careful, unemotional consideration of the impeachment question. I think her advice is wise, and I offer it here, in the hope that some of the President's more ardent opponents will take it to heart:

[From the Baltimore Sun, Oct. 27, 1973]

(Editorial by Marjorie Holt)

The resignation of the Attorney General and Deputy Attorney General, and the subsequent dismissal of the Special Prosecutor Archibald Cox, have ignited a holocaust of adverse public opinion which is unmatched in recent years. There is no question that the American public is opposed to this action, and feels that the so-called Watergate tapes should be rendered to the appropriate judicial authorities.

Highly placed White House officials have conceded that they grievously erred in their assessment of public reaction to this event. This problem is symptomatic of the troubles which have plagued this administration since it assumed office in 1969.

Much of the problem is due to the President's inability to communicate with the country through the press. The President has become far too insulated from the people and the legislative branch.

The utilization of the Chief Executive's time must be carefully supervised, but not to the point where a total breakdown of communication with other integral parts of government and the country as a whole is allowed to occur. It must always be remembered that accomplishments in office, and this administration has had many great ones, are quickly forgotten if the faith of the people is lost.

The public outrage over the tapes issue and the shakeup in the Justice Department have inevitably led to renewed calls for the initiation of impeachment proceedings.

Impeachment is the most serious action that the Congress can take, and the gravity of this procedure demands that it be well considered and deliberate. It must be consistent with the Constitution, and it must serve the best interests of the country and its people.

The House of Representatives clearly has the authority and obligation to examine the impeachment question. This is currently being effected by the Judiciary Committee, and I have every hope that this will result in a fair, nonpartisan evaluation of our constitutional responsibilities. My own view is that the recent demands for impeachment are premature and based more or emotion than fact.

The President's decision to release the disputed tapes has averted a major constitutional crisis and eliminated a potential ground for impeachment.

The decision to make these tapes and related documents available to Judge Sirica was the proper course of action. While the constitutional crisis may have been blunted, we are still faced with a serious crisis of confidence, to which all elected officials and all citizens must turn their attention.

The proper functioning of a democratic form of government requires that elected officials reflect the views of the electorate and the electorate, in turn, must have implicit trust in their representatives—trust in their abilities and in their character.

It is no secret that trust in the holders of political office is currently a rare commodity. The precise causes of this situation can be debated indefinitely, but the assignment of blame for the situation does not bring us any closer to a solution. As in the case of all complex national problems, there is no quick or easy remedy for this ailment.

The eradication of the crisis in confidence which plagues our government must begin with a complete and thorough airing of the infamous events which are now collectively referred to as the Watergate affair. Reform of public institutions is always preceded by a public exposition of evil. The process of exposition and prosecution is painful and traumatic, but it is an absolute necessity. It must be diligently pursued regardless of where it leads.

It is also mandatory that both Houses of Congress move with deliberate speed in their investigation and confirmation hearings on the Vice President-designate, Gerald R. Ford. The absence of a Vice President is always a matter of concern and this is compounded by the current national mood. Action on this nomination must occur both to fill the office and to remove all political considerations from the impeachment issue.

Partisan politics must be set aside at all costs. A sound government can only reinforce both parties, whereas politically motivated actions during this crucial period will only further weaken our political party system.

Investigation and public disclosure must become a way of life for those who seek to hold public office. It may be advisable to go further than our current efforts, and subject all of those in the line of succession for the presidency to close public scrutiny. We must do all in our power to protect our country from further shocks of the sort to which they have recently been subjected.

I pray that the members of the three branches of government will be given the wisdom and the courage to squarely approach our current problems and develop meaningful solutions.

EEOC PENSION RULING ON SEX DISCRIMINATION

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Ms. ABZUG. Mr. Speaker, early this year the American Nurses' Association charged that the use of separate actuarial tables to compute pension benefits for men and women constitutes discrimination on the basis of an individual's sex. In August, the Equal Employment Opportunity Commission ruled that this practice is discriminatory and, therefore, unlawful.

The argument used to support the practice of using separate actuarial tables was based on the longer average life expectancy of women than men. The ANA argued that such a practice would be legitimate only if similar distinctions were made to benefit members of minority groups with shorter life expectancies than white people.

This decision by the EEOC set valuable precedent to prohibit sex discrimination in the computation of pension benefits. This prohibition should be statutory, though, if it is to be truly effective. Since we are now considering major pension reform legislation, we are in a position to make this necessary and just change.

I am inserting the charge made by the ANA as well as the EEOC's decision into the Record.

In addition, I am inserting "Academicians Find Shortcomings in Pension Reform Bills" from the October 1973 Legal-Legislative Report News Bulletin:

Charge Made by ANA

In a charge of discrimination filed with the Equal Employment Opportunity Commission, Dr. Eileen M. Jacobi said:

"The Board of Governors of Wayne State University provides retirement benefits to employees which are discriminatory by sex. The benefits in question are provided through the insurance carrier—Teachers Insurance and Annuity Association. The retirement plan of TIAA provides larger monthly payments to a male member employee than to a female member employee even though each has made the same contribution for the same number of years. While paying women less on the ground that they have a longer average

life expectancy, TIAA simultaneously refuses to pay blacks more when in fact they have a shorter average life expectancy. Thus, this amounts to discrimination based upon sex, and such discrimination violates guideline 1604.9(e) and (f) of the Guidelines on 'Discrimination Because of Sex' issued by the Equal Employment Opportunity Commission, on March 31, 1972 and published in the Federal Register on April 5, 1972."

Affidavit

State of Missouri,
County of Jackson, sworn statement.

I, Eileen M. Jacobi, Ed.D., R.N., after being duly sworn, upon oath depose and say:

I am 54 years of age and live at 4406 West 95th Street, City of Shawnee Mission, County of Johnson, State of Kansas. My telephone number is (816) 474–5720, and my Social Security Number is 056–24–2488.

I am Dr. Eileen M. Jacobi, Ed.D., R.N. Presently I am the Executive Director of the American Nurses' Association whose offices are located in Crown Center, 2420 Pershing Road, Kansas City, Missouri 64108.

The American Nurses' Association is the professional organization of registered nurses. It has approximately 163,000 members belonging to constituent associations in the fifty states, the District of Columbia, the Virgin Islands and Guam.

The Association's purposes are to foster higher standards of nursing practice, to promote the professional and educational advancement of nurses, and to promote the economic and general welfare of nurses to the end that all people may have better nursing care.

Dr. Virginia Cleland, Ph.D., R.N., now residing at 13 Norwich, Pleasant Ridge, Michigan 48069, is a member of American Nurses' Association (ANA), and is a member of ANA's Commission on Nursing Research. Dr. Cleland is employed as Professor of Nursing by Wayne State University, Detroit, Michigan 48069. The Board of Governors of Wayne State University provides certain fringe benefits, including retirement benefits, to employees. The retirement benefits are provided through the insurance carrier—Teachers Insurance and Annuity Association, commonly known as TIAA. TIAA's central offices are located at 730 Third Avenue, New York, New York 10017.

The retirement plan of TIAA, to which Dr. Virginia Cleland belongs, provides larger monthly payments to a male member than to a female member upon retirement at the same age, even though each has made equal contributions for an equal number of years. While paying women less because they have a longer average life expectancy, TIAA simultaneously refuses to pay blacks more. In fact, blacks have a shorter average life expectancy than women. This is discriminatory by sex.

It is my firm belief that such a discrimination based upon sex violates the provisions of Title VII of the Civil Rights Act of 1964 and guidelines 1604.9(e) and (f) of the Guidelines on Discrimination Because of Sex, issued on March 31, 1972 by the Equal Employment Opportunity Commission. In my judgment, the practice of TIAA is, therefore, illegal.

In my capacity as the Executive Director of American Nurses' Association, I have today filed a Charge of Discrimination on behalf of Dr. Virginia Cleland with the Kansas City District Office of Equal Employment Opportunity Commission.

Dr. Cleland is advised that I am filing this complaint in her behalf.

I have read the foregoing statement consisting of two pages, and swear (affirm) to the best of my knowledge and belief that it is true.

Eileen M. Jacobs.

Equal Employment
Opportunity Commission,
Kansas City, Mo., August 1, 1973.

DETERMINATION

Under the authority vested in me by Section 1601.19b(d) of the Commission's Procedural Rules, Volume 37, Federal Regulation 20165 (Sept. 27, 1972), I issue on behalf of the Commission the following determination as to the merits of the subject charge.

The Respondent is an employer within the meaning of Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972, and the timeliness, deferral and all other jurisdictional requirements have been met. The action taken by the State has been considered.

Charging Party alleges that the Respondent is discriminating against women members of the American Nurses Association on the basis of sex (female) because of the Respondent's retirement benefits which uses two separate actuarial tables based on sex for calculating retirement. Records on file show that the Respondent is a participating agency in the retirement program and that two separate actuarial tables are used to calculate benefits that are based upon sex, therefore, I find reasonable cause to believe that Respondent is in violation of the Civil Rights Act of 1964 as amended.

Having determined there is reasonable cause to believe the charge is true, the Commission now invites the parties to join with it in a collective effort toward a just resolution of this matter. We enclose an information sheet entitled "Notice of Conciliation Process" for the attention of each party. A representative of this office will be in contact with each party in the near future to begin the conciliation process.

On Behalf of the Commission.

Franc Herndon,
Director, Kansas City District Office.

Academicians Find Shortcomings in Pension Reform Bills

Thirty-six law, economics, insurance and sociology professors have signed a statement which cites the Javits-Williams Bill (S. 4), the Finance Committee Bill (Bentsen) (S. 1179) and the Dent Bill (H.R. 9824) as all falling short of providing the reforms needed in the private pension system. The statement, which was distributed by the outspoken critic of the private pension plan system, Professor Merton Bernstein of the Ohio State University, recommends changes in the areas of vesting, coverage, conflicts of interest, widow benefits, plan termination insurance, and bargaining rights for retirees.

With regard to vesting, the academicians urge 50% vesting after five years of service, with an annual increase of 10% each year thereafter. They submit that only under such a vesting schedule will employee benefit achievement be improved over the current unsatisfactory situation. They also contend that their suggested vesting formula will "enable women—who typically have a shorter period of service—to begin to achieve pension benefits in a substantial way."

The professors also feel that "if private pension plans are to provide the supplementation needed by all," then they must cover all workers. They note that none of the bills before Congress effectively deals with the problem of coverage, and they recommend "experimentation with a national, low-cost boiler-plate plan" before their recommended broad coverage is adopted.

In the area of conflict of interest, the statement argues that "all trustees should be completely neutral and owe loyalties only to the fund beneficiaries." The statement further provides that company and union officials should not be permitted to serve as trustees because of possible conflicts of interest and that any dealings involving the pension trust funds and the company and union should be prohibited.

As for widow benefits, the professors recognize that options for survivor benefits are seldom exercised and advocate remedying the situation by a legislative mandate that survivor benefits be deemed exercised unless affirmatively rejected in writing.

With regard to plan termination insurance, the statement simply says that it is highly desirable and should be tried.

Finally, in the area of bargaining rights for retirees, the professors cite the fact that very few pension plans have provisions to help off-set the effects of inflation on those on a fixed income. To remedy this situation, they urge that the National Labor Relations Act be amended to permit pensioners to bargain with their former employers (and successors) and require those employers to bargain with retiree representatives.

HOUSE OF REPRESENTATIVES—*Wednesday, October 31, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

This is the day which the Lord hath made; we will rejoice and be glad in it.—Psalms 118: 24.

As we begin another day of service to Thee and to our country, we thank Thee, our Father, that we can put our hands in Thine and walk with Thee through the coming hours. In this journey through life help us to realize anew that neither learning, nor wealth, nor position can ever make up for a lack of faith in Thee or for the loss of a conscientious spirit.

Accept our gratitude for the opportunities of this day and help us to be happy in our work and eager to be of service to our beloved America. Make our country great in goodness and good in greatness. May righteousness exalt us as a nation, good will expand our higher moods, and understanding express the goal of our nobler endeavors. In Thy holy name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Heiting, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced

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that the Senate had passed a resolution of the following title:

S. Res. 193

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Honorable John P. Saylor, late a Representative from the State of Pennsylvania.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect to the memory of the deceased, the Senate do now adjourn.

The message also announced that:

The Senate having proceeded to reconsider the bill (S. 1317) entitled "An Act to authorize appropriations for the United States Information Agency," returned by the President of the United States with his objections, to the Senate, in which it originated, it was

Resolved, That the said bill do not pass, two-thirds of the Senators present not having voted in the affirmative.

The message also announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 11. An act to grant the consent of the United States to the Arkansas River Basin compact, Arkansas-Oklahoma.

The message also announced that the Senate agrees to the amendment of the House with amendments to a bill of the Senate of the following title:

S. 2410. An act to amend the Public Health Service Act to provide assistance and encouragement for the development of comprehensive area emergency medical services systems.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 1570) entitled "An act to authorize the President of the United States to allocate crude oil and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare; to provide for the delegation of authority to the Secretary of the Interior; and for other purposes.", and requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Jackson, Mr. Bible, Mr. Church, Mr. Metcalf, Mr. Magnuson, Mr. Pastore, Mr. Fannin, Mr. Hansen, Mr. Hatfield, and Mr. Cook to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 702. An act to designate the Flat Tops Wilderness, Routt and White River National Forests, in the State of Colorado.

PERSONAL EXPLANATION

Mr. KLUCZYNSKI. Mr. Speaker, I was present during the vote on the drug abuse extension bill yesterday and I voted "aye." The Record has me listed as not voting. I should like the Record to show that I was present and voting.

U.N. OBSERVERS SHOULD BE CIVILIANS

(Mr. de la GARZA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. de la GARZA. Mr. Speaker, the dread possibility of a confrontation between U.S. forces and Soviet Russia forces in the Middle East need not have been raised at all had the United Nations sent civilians instead of troops as monitors of the cease-fire.

Human nature being what it is, if the Soviet Union sent troops and we sent troops, the potential would be present for beginning world war III. Even if the troops be from other nations, as they now are, they come to an area where the armed forces of Israel and the Arab countries face each other and the warlike aspect of the situation is increased rather than lessened. I just saw a picture of a group leaving Cyprus—fully armed. This does not add to an atmosphere of peace, but to one of war or conflict.

I think it would be helpful and add to the credibility of the United Nations as a peace forum if the observers arrived in civilian clothing and were led not by a military man but by a distinguished world statesman-diplomat.

I have communicated to the Secretary of State my recommendation that the United States initiate in the United Nations a proposal that in the future all U.N. observers be civilians attired in civilian clothes, headed by able men and women known for their expertise in world diplomacy. Military experts might accompany them, but only as advisers and in a minimal number.

This action, I think, should be taken as a practical way of backing up the prayers of all mankind that no conflict between nations anywhere will escalate into a war that could destroy the world.

MILLIONS OF AMERICANS HAVE BEEN BETRAYED BY ARCHIBALD COX

(Mr. SHUSTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHUSTER. Mr. Speaker, I, along with millions of Americans, have been betrayed by that supposed paragon of virtue, Archibald Cox.

When Archibald Cox confessed yesterday that he passed privileged information disclosed to him in the course of his investigation by former Attorney General Richard Kleindienst concerning the ITT case to Senator Teddy Kennedy—an avowed political opponent of the President—I found it just incredible. I supported an independent prosecutor, and still do. But what I, and millions of Americans, thought was independent apparently was political from the start. In fact, this pompous, pious, self-righteous, supposedly independent special prosecutor, was far worse than just political. While cloaking himself in the cloth of justice, he was betraying his trust to the American people by feeding information to his political cronies. Cox has clearly violated the law, the Federal Code, title 28, chapter 1, part 50, which forbids the release of information pertaining to Federal investigations. How much more information has he unlawfully fed for political purposes? The President simply fired this cheat 1 week too soon. Today I am introducing a resolution on the floor of the House calling for an investigation of Archibald Cox and his task force. In a word, Archibald Cox is a fraud.

INTERNATIONAL DEVELOPMENT ASSOCIATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93–174)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee on Banking and Currency and ordered to be printed:

To the Congress of the United States:

As their role in conveying financial assistance to developing countries has steadily enlarged in recent years, multilateral lending institutions have become vital to our hopes for constructing a new international economic order.

One of the most important of these institutions is the International Development Association, a subsidiary of the World Bank that provides long-term loans at low interest rates to the world's poorest nations. During the 13 years of its operation, IDA has provided over $6.1 billion of development credits to nearly 70 of the least developed countries of the world. Two dozen countries have contributed funds for this effort.

By next June, however, the International Development Association will be out of funds unless it is replenished. As a result of an understanding reached in recent international negotiations, I am today proposing to the Congress that the United States join with other major industrialized nations in pledging significant new funds to this organization. Specifically, I am requesting that the Congress authorize for future appropriation the sum of $1.5 billion for the fourth replenishment of IDA. Initial payments would be made in fiscal year 1976 and the full amount would be paid out over a period of years.

I am also requesting that the Congress authorize an additional $50 million for the Special Funds of the Asian Development Bank. The bank is one of the major regional banks in the world that complements the work of the International Development Association and the World Bank.

Legislation for both of these authorities is being submitted to the Congress today by the Secretary of the Treasury.

STRENGTHENING THE INTERNATIONAL ECONOMIC SYSTEM

Just over a year ago, in September 1972, at the annual meeting in Washington of the International Monetary Fund and the World Bank, I stressed the urgent need to build a secure structure of peace, not only in the political realm but in the economic realm as well. I stated then that the time had come for action across the entire front of international economic problems, and I emphasized

that recurring monetary crises, incorrect alinements, distorted trading arrangements, and great disparities in development not only injured our economies, but also created political tensions that subvert the cause of peace. I urged that all nations come together to deal promptly with these fundamental problems.

I am happy to be able to report that since that 1972 meeting we have made encouraging progress toward updating and revising the basic rules for the conduct of international financial and trade affairs that have guided us since the end of World War II. Monetary reform negotiations, begun last year, are now well advanced toward forging a new and stronger international monetary system. A date of July 31, 1974, has been set as a realistic deadline for completing a basic agreement among nations on the new system.

Concurrently, we are taking the fundamental steps at home and abroad that will lead to needed improvement in the international trading system. On September 14, while meeting in Tokyo, the world's major trading nations launched new multilateral trade negotiations which could lead to a significant reduction of world trade barriers and reform of our rules for trade. The Congress is now considering trade reform legislation that is essential to allow the United States to participate effectively in these negotiations.

ESSENTIAL ROLE OF DEVELOPMENT ASSISTANCE

While there is great promise in both the trade and monetary negotiations, it is important that strong efforts also be made in the international effort to support economic development—particularly in providing reasonable amounts of new funds for international lending institutions.

A stable and flexible monetary system, a fairer and more efficient system of trade and investment, and a solid structure of cooperation in economic development are the essential components of international economic relations. We must act in each of these interdependent areas. If we fail or fall behind in one, we weaken the entire effort. We need an economic system that is balanced and responsive in all its parts, along with international institutions that reinforce the principles and rules we negotiate.

We cannot expect other nations—developed or developing—to respond fully to our call for stronger and more efficient trading and monetary systems, if at the same time we are not willing to assume our share of the effort to ensure that the interests of the poorer nations are taken into account. Our position as a leader in promoting a more reasonable world order and our credibility as a negotiator would be seriously weakened if we do not take decisive and responsible action to assist those nations to achieve their aspirations toward economic development.

There are some two dozen non-communist countries which provide assistance to developing countries. About 20 percent of the total aid flow from these countries is now channeled through multilateral lending institutions such as the World Bank group—which includes IDA—and the regional development banks.

These multilateral lending institutions play an important role in American foreign policy. By encouraging developing countries to participate in a joint effort to raise their living standards, they help to make those countries more self-reliant. They provide a pool of unmatched technical expertise. And they provide a useful vehicle for encouraging other industrialized countries to take a larger responsibility for the future of the developing world, which in turn enables us to reduce our direct assistance.

The American economy also benefits from our support of international development. Developing countries today provide one-third of our raw material imports, and we will increasingly rely upon them in the future for essential materials. These developing countries are also good customers, buying more from us than we do from them.

NEW PROPOSALS FOR MULTILATERAL ASSISTANCE

Because multilateral lending institutions make such a substantial contribution to world peace, it must be a matter of concern for the United States that the International Development Association will be out of funds by June 30, 1974, if its resources are not replenished.

The developing world now looks to the replenishment of IDA's resources as a key test of the willingness of industrialized, developed nations to cooperate in assuring the fuller participation of developing countries in the international economy. At the Nairobi meeting of the World Bank last month, it was agreed by 25 donor countries to submit for approval of their legislatures a proposal to authorize $4.5 billion of new resources to IDA. Under this proposal, the share of the United States in the replenishment would drop from 40 percent to 33 percent. This represents a significant accomplishment in distributing responsibility for development more equitably. Other countries would put up $3 billion, twice the proposed United States contribution of $1.5 billion. Furthermore, to reduce annual appropriations requirements, our payments can be made in installments at the rate of $375 million a year for 4 years, beginning in fiscal year 1976.

We have also been negotiating with other participating nations to increase funds for the long-term, low-interest operation of the Asian Development Bank. As a result of these negotiations, I am requesting the Congress to authorize $50 million of additional contributions to the ADB by the United States—beyond a $100 million contribution already approved. These new funds would be associated with additional contributions of about $350 million from other nations.

MEETING OUR RESPONSIBILITIES

In addition to these proposals for pledging future funds, I would point out that the Congress also has before it appropriations requests for fiscal year 1974—a year that is already one-third completed—for bilateral and multilateral assistance to support our role in international cooperation. It is my profound conviction that it is in our own best interest that the Congress move quickly to enact these pending appropriations requests. We are now behind schedule in providing our contributions to the International Development Association, the Inter-American Development Bank, and the Asian Development Bank, so that we are not keeping our part of the bargain. We must show other nations that the United States will continue to meet its international responsibilities.

All nations which enjoy advanced stages of industrial development have a grave responsibility to assist those countries whose major development lies ahead. By providing support for international economic assistance on an equitable basis, we are helping others to help themselves and at the same time building effective institutions for international cooperation in the critical years ahead. I urge the Congress to act promptly on these proposals.

Richard Nixon.

The White House, *October 31, 1973.*

APPOINTMENT OF CONFEREES ON H.R. 8916, STATE, JUSTICE, AND RELATED AGENCIES APPROPRIATIONS, 1974

Mr. ROONEY of New York. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 8916) making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1974, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from New York? The Chair hears none and appoints the following conferees: Messrs. Rooney of New York, Slack, Smith of Iowa, Flynt, Sikes, Mahon, Cederberg, Andrews of North Dakota, and Wyatt.

CALL OF THE HOUSE

Mr. DICKINSON. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 555]

Ashley
Biaggi
Blatnik
Breaux
Brooks
Buchanan
Burke, Calif.
Chappell
Clark
Clausen, Don H.
Clay
Conyers
Davis, Ga.
Dellums
Diggs
Esch
Ford, William D.
Fraser
Giaimo
Gray
Green, Oreg.
Hammerschmidt
Hanna
Howard
Jarman
Johnson, Colo.
Jones, Ala.
King
Kuykendall
Kyros
Lujan
Macdonald
Mills, Ark.
Mosher
Murphy, N.Y.
Nix
Passman
Pike
Podell
Railsback
Roberts
Roncallo, N.Y.
Runnels
Ryan
Sandman
Steele
Teague, Tex.
Thompson, N.J.
Waldie
Wiggins
Wylie

The SPEAKER. On this rollcall 382 Members have recorded their presence by electronic device, a quorum.

XUM

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO HAVE UNTIL MIDNIGHT SATURDAY, NOVEMBER 3, 1973, TO FILE REPORT ON H.R. 9142

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may have until midnight Saturday to file a report on the bill H.R. 9142.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

APPOINTMENT OF CONFEREES ON S. 1570, EMERGENCY PETROLEUM ALLOCATION ACT OF 1973

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 1570) to authorize the President of the United States to allocate crude oil and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare; to provide for the delegation of authority to the Secretary of the Interior; and for other purposes, with House amendments thereto, insist on the House amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, MACDONALD, VAN DEERLIN, BROWN of Ohio, and COLLINS of Texas.

PUBLIC HEALTH SERVICE ACT

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2410) to amend the Public Health Service Act to provide assistance and encouragement for the development of comprehensive area emergency medical services systems, with Senate amendments to the House amendment thereto, and concur in the Senate amendments.

The Clerk read the title of the Senate bill.

The Clerk read the Senate amendments to the House amendment, as follows:

Senate amendments: Page 7 of the House engrossed amendment, strike out lines 18, 19, and 20 and insert: "In the case of applications which demonstrate an exceptional need for financial assistance, 75 per centum of such costs.".

And on page 16 of the House engrossed amendment, after line 16 insert:

"(5) The Secretary shall provide technical assistance, as appropriate, to eligible entities as necessary for the purpose of their preparing applications or otherwise qualifying for or carrying out grants for contracts under sections 1202, 1203, or 1204, with special consideration for applicants in rural areas.".

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

Mr. GROSS. Mr. Speaker, I reserve the right to object.

Mr. STAGGERS. Mr. Speaker, if the gentleman will yield, the amendments consist of two in the House and two in the Senate, and the bill is substantially as passed in the House.

Mr. GROSS. Are the amendments germane? It does not seem to impress anyone very much any more whether they are germane or nongermane. We do not like nongermane Senate amendments.

Mr. STAGGERS. These are all germane, I can assure the gentleman from Iowa, and they are technical amendments which make the bill better.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

Mr. STAGGERS. Mr. Speaker, in passing EMS legislation, both the House and the Senate started with legislation identical to that which the President vetoed, without the PHS hospitals. Each body made three small amendments on the floor, and in doing this created four even smaller differences between the House- and Senate-passed bills. We discussed these differences with the Senate and agreed to a reasonable set of compromises. Their amendments yesterday incorporate these compromises and we now need to agree to them. This would clear it for the President's signature.

The differences and their resolutions are:

First. The Senate earmarked 17½ percent of the funds for rural areas, and the House earmarked 20 percent. The final version uses 20 percent.

Second. The House added a priority for research in EMS in rural areas which is not in the Senate bill. The final version keeps the House provision.

Third. The House permitted up to 75 percent assistance for expansion and improvement of EMS systems in rural areas, and the Senate did so in areas with exceptional need. The final version takes the Senate approach.

Fourth. The Senate-passed bill contained a provision authorizing HEW to give technical assistance to EMS systems. This provision is not included in the House bill but is contained in the final version.

None of these amendments adds any money to the bill, changes its basic intent or effectiveness, or can even be considered substantial. I urge that the House consent to their adoption.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Senate amendments to the House amendment were concurred in.

A motion to reconsider was laid on the table.

PERMISSION TO FILE CONFERENCE REPORT ON S. 1081, GRANTING RIGHTS-OF-WAY ACROSS FEDERAL LANDS

Mr. MELCHER. Mr. Speaker, I ask unanimous consent that the managers on the part of the House have until midnight tonight to file a conference report on S. 1081, granting rights-of-way across Federal lands.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

CONFERENCE REPORT (H. REPT. No. 93–617)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1081) to authorize the Secretary of the Interior to grant rights-of-way across Federal lands where the use of such rights-of-way is in the public interest and the applicant for the right-of-way demonstrates the financial and technical capability to use the right-of-way in a manner which will protect the environment, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

TITLE I

SECTION 101. Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), is further amended to read as follows:

"Grant of Authority

"SEC. 28. (a) Rights-of-way through any Federal lands may be granted by the Secretary of the Interior or appropriate agency head for pipeline purposes for the transportation of oil, natural gas, synthetic liquid or gaseous fuels, or any refined product produced therefrom to any applicant possessing the qualifications provided in section 1 of this Act, as amended, in accordance with the provisions of this section.

"Definitions

"(b) (1) For the purposes of this section 'Federal lands' means all lands owned by the United States except lands in the National Park System, lands held in trust for an Indian or Indian tribe, and lands on the Outer Continental Shelf. A right-of-way through a Federal reservation shall not be granted if the Secretary or agency head determines that it would be inconsistent with the purposes of the reservation.

"(2) 'Secretary' means the Secretary of the Interior.

"(3) 'Agency head' means the head of any Federal department or independent Federal office or agency, other than the Secretary of the Interior, which has jurisdiction over Federal lands.

"Inter-Agency Coordination

"(c) (1) Where the surface of all of the Federal lands involved in a proposed right-of-way or permit is under the jurisdiction of one Federal agency, the agency head, rather than the Secretary, is authorized to grant or renew the right-of-way or permit for the purposes set forth in this section.

"(2) Where the surface of the Federal lands involved is administered by the Secretary or by two or more Federal agencies, the Secretary is authorized, after consultation with the agencies involved, to grant or renew rights-of-way or permits through the Federal lands involved. The Secretary may enter into interagency agreements with all other Federal agencies having jurisdiction over Federal lands for the purpose of avoiding duplication, assigning responsibility, expediting review of rights-of-way or permit applications, issuing joint regulations, and assuring a decision based upon a comprehensive review of all factors involved in any right-of-way or permit application. Each agency head shall administer and enforce the provisions of this section, appropriate regulations, and the terms and conditions of rights-of-way or permits insofar as they involve Federal lands under the agency head's jurisdiction.

"Width Limitations

"(d) The width of a right-of-way shall not exceed fifty feet plus the ground occupied by the pipeline (that is, the pipe and its related facilities) unless the Secretary or agency head finds, and records the reasons for his finding, that in his judgment a wider right-of-way is necessary or operation and maintenance after construction, or to protect the environment or public safety. Related facilities include but are not limited to valves, pump stations, supporting structures, bridges, monitoring and communication devices, surge and storage tanks, terminals, roads, airstrips and campsites, and they need not necessarily be connected or contiguous to the pipe and may be the subjects of separate rights-of-way.

"Temporary Permits

"(e) A right-of-way may be supplemented by such temporary permits for the use of Federal lands in the vicinity of the pipeline as the Secretary or agency head finds are necessary in connection with construction, operation, maintenance, or termination of the pipeline, or to protect the natural environment or public safety.

"Regulatory Authority

"(f) Rights-of-way or permits granted or renewed pursuant to this section shall be subject to regulations promulgated in accord with the provisions of this section and shall be subject to such terms and conditions as the Secretary or agency head may prescribe regarding extent, duration, survey, location, construction, operation, maintenance, use, and termination.

"Pipeline Safety

"(g) The Secretary or agency head shall impose requirements for the operation of the pipeline and related facilities in a manner that will protect the safety of workers and protect the public from sudden ruptures and slow degradation of the pipeline.

"Environmental Protection

"(h) (1) Nothing in this section shall be construed to amend, repeal, modify, or change in any way the requirements of section 102(2) (C) or any other provision of the National Environmental Policy Act of 1969 (Public Law 91–190, 83 Stat. 852).

"(2) The Secretary or agency head, prior to granting a right-of-way or permit pursuant to this section for a new project which may have a significant impact on the environment, shall require the applicant to submit a plan of construction, operation, and rehabilitation for such right-of-way or permit which shall comply with this section. The Secretary or agency head shall issue regulations or impose stipulations which shall include, but shall not be limited to: (A) requirements for restoration, revegetation, and curtailment of erosion of the surface of the land: (B) requirements to insure that activities in connection with the right-of-way or permit will not violate applicable air and water quality standards nor related facility siting standards established by or pursuant to law: (C) requirements designed to control or prevent (i) damage to the environment (including damage to fish and wildlife habitat), (ii) damage to public or private property, and (iii) hazards to public health and safety; and (D) requirements to protect the interests of individuals living in the general area of the right-of-way or permit who rely on the fish, wildlife, and biotic resources of the area for subsistence purposes. Such regulations shall be applicable to every right-of-way or permit granted pursuant to this section, and may be made applicable by the Secretary or agency head to existing rights-of-way or permits, or rights-of-way or permits to be renewed pursuant to this section.

"Disclosure

"(i) If the applicant is a partnership, corporation, association, or other business entity, the Secretary or agency head shall require the applicant to disclose the identity of the participants in the entity. Such disclosure shall include where applicable (1) the name and address of each partner, (2) the name and address of each shareholder owning 3 per centum or more of the shares, together with the number and percentage of any class of voting shares of the entity which such shareholder is authorized to vote, and (3) the name and address of each affiliate of the entity together with, in the case of an affiliate controlled by the entity, the number of shares and the percentage of any class of voting stock of that affiliate owned, directly or indirectly, by that entity, and, in the case of an affiliate which controls that entity, the number of shares and the percentage of any class of voting stock of that entity owned, directly or indirectly, by the affiliate.

"Technical and Financial Capability

"(j) The Secretary or agency head shall grant or renew a right-of-way or permit under this section only when he is satisfied that the applicant has the technical and financial capability to construct, operate, maintain, and terminate the project for which the right-of-way or permit is requested in accordance with the requirements of this section.

"Public Hearings

"(k) The Secretary or agency head by regulation shall establish procedures, including public hearings, where appropriate, to give Federal, State, and local government agencies and the public adequate notice and an opportunity to comment upon right-of-way applications filed after the date of enactment of this subsection.

"Reimbursement of Costs

"(l) The applicant for a right-of-way or permit shall reimburse the United States for administrative and other costs incurred in processing the application, and the holder of a right-of-way or permit shall reimburse the United States for the costs incurred in monitoring the construction, operation, maintenance, and termination of any pipeline and related facilities on such right-of-way or permit area and shall pay annually in advance the fair market rental value of the right-of-way or permit, as determined by the Secretary or agency head.

"Bonding

"(m) Where he deems it appropriate the Secretary or agency head may require a holder of a right-of-way or permit to furnish a bond, or other security, satisfactory to the Secretary or agency head to secure all or any of the obligations imposed by the terms and conditions of the right-of-way or permit or by any rule or regulation of the Secretary or agency head.

"Duration of grant

"(n) Each right-of-way or permit granted or renewed pursuant to this section shall be limited to a reasonable term in light of all circumstances concerning the project, but in no event more than thirty years. In determining the duration of a right-of-way the Secretary or agency head shall, among other things, take into consideration the cost of the facility, its useful life, and any public purpose it serves. The Secretary or agency head shall renew any right-of-way, in accordance with the provisions of this section, so long as the project is in commercial operation and is operated and maintained in accordance with all of the provisions of this section.

"Suspension or Termination of Right-of-Way

"(o) (1) Abandonment of a right-of-way or noncompliance with any provision of this section may be grounds for suspension or termination of the right-of-way if (A) after due notice to the holder of the right-of-way, (B) a reasonable opportunity to comply with this section, and (C) an appropriate administrative proceeding pursuant to title 5, United States Code, section 554, the Secretary or agency head determines that any such ground exists and that suspension or termination is justified. No administrative proceeding shall be required where the right-of-way by its terms provides that it terminates on the occurrence of a fixed or agreed upon condition, event, or time.

"(2) If the Secretary or agency head determines that an immediate temporary suspension of activities within a right-of-way or permit area is necessary to protect public health or safety or the environment, he may abate such activities prior to an administrative proceeding.

"(3) Deliberate failure of the holder to use the right-of-way for the purpose for which it was granted or renewed for any continuous two-year period shall constitute a rebuttable presumption of abandonment of the right-of-way: *Provided*, That where the failure to use the right-of-way is due to circumstances not within the holder's control the Secretary or agency head is not required to commence proceedings to suspend or terminate the right-of-way.

"Joint Use of Rights-of-Way

"(p) In order to minimize adverse environmental impacts and the proliferation of separate rights-of-way across Federal land the utilization of rights-of-way in common shall be required to the extent practical, and each right-of-way or permit shall reserve to the Secretary or agency head the right to grant additional rights-of-way or permits for compatible uses on or adjacent to rights-of-way or permit area granted pursuant to this section.

"Statutes

"(q) No rights-of-way for the purposes provided for in this section shall be granted or renewed across Federal lands except under and subject to the provisions, limitations, and conditions of this section. Any application for a right-of-way filed under any other law prior to the effective date of this provision may, at the applicant's option, be considered as an application under this section. The Secretary or agency head may require the applicant to submit any additional information he deems necessary to comply with the requirements of this section.

"Common Carriers

"(r) (1) Pipelines and related facilities authorized under this section shall be constructed, operated, and maintained as common carriers.

"(2) (A) The owners or operators of pipelines subject to this section shall accept, convey, transport, or purchase without discrimination all oil or gas delivered to the pipeline without regard to whether such oil or gas was produced on Federal or non-Federal lands.

"(B) In the case of oil or gas produced from Federal lands or from the resources on the Federal lands in the vicinity of the pipeline, the Secretary may, after a full hearing with due notice thereof to the interested parties and a proper finding of facts, determine the proportionate amounts to be accepted, conveyed, transported or purchased.

"(3) (A) The common carrier provisions of this section shall not apply to any natural gas pipeline operated by any person subject to regulation under the Natural Gas Act or by any public utility subject to regulation by a State or municipal regulatory agency having jurisdiction to regulate the rates and charges for the sale of natural gas to consumers within the State or municipality.

"(B) Where natural gas not subject to State regulatory or conservation laws governing its purchase by pipelines is offered for sale, each such pipeline shall purchase, without discrimination, any such natural gas produced in the vicinity of the pipeline.

XUM

"(4) The Government shall in express terms reserve and shall provide in every lease of oil lands under this Act that the lessee, assignee, or beneficiary, if owner or operator of a controlling interest in any pipeline or of any company operating the pipeline which may be operated accessible to the oil derived from lands under such lease, shall at reasonable rates and without discrimination accept and convey the oil of the Government or of any citizen or company not the owner of any pipeline operating a lease or purchasing gas or oil under the provisions of this Act.

"(5) Whenever the Secretary has reason to believe that any owner or operator subject to this section is not operating any oil or gas pipeline in complete accord with its obligations as a common carrier hereunder, he may request the Attorney General to prosecute an appropriate proceeding before the Interstate Commerce Commission or Federal Power Commission or any appropriate State agency or the United States district court for the district in which the pipeline or any part thereof is located, to enforce such obligation or to impose any penalty provided therefor, or the Secretary may, by proceeding as provided in this section, suspend or terminate the said grant of right-of-way for noncompliance with the provisions of this section.

"(6) The Secretary or agency head shall require, prior to granting or renewing a right-of-way, that the applicant submit and disclose all plans, contracts, agreements, or other information or material which he deems necessary to determine whether a right-of-way shall be granted or renewed and the terms and conditions which should be included in the right-of-way. Such information may include, but is not limited to: (A) conditions for, and agreements among owners or operators, regarding the addition of pumping facilities, looping, or otherwise increasing the pipeline or terminal's throughput capacity in response to actual or anticipated increases in demand; (B) conditions for adding or abandoning intake, offtake, or storage points or facilities; and (C) minimum shipment or purchase tenders.

"Right-of-Way Corridors

"(s) In order to minimize adverse environmental impacts and to prevent the proliferation of separate rights-of-way across Federal lands, the Secretary shall, in consultation with other Federal and State agencies, review the need for a national system of transportation and utility corridors across Federal lands and submit a report of his findings and recommendations to the Congress and the President by July 1, 1975.

"Existing Rights-of-Way

"(t) The Secretary or agency head may ratify and confirm any right-of-way or permit for an oil or gas pipeline or related facility that was granted under any provision of law before the effective date of this subsection, if it is modified by mutual agreement to comply to the extent practical with the provisions of this section. Any action taken by the Secretary or agency head pursuant to this subsection shall not be considered a major Federal action requiring a detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1970 (Public Law 90–190; 42 U.S.C. 4321).

"Limitations on Export

"(u) Any domestically produced crude oil transported by pipeline over rights-of-way granted pursuant to section 28 of the Mineral Leasing Act of 1920, except such crude oil which is either exchanged in similar quantity for convenience or increased efficiency of transportation with persons or the government of an adjacent foreign state, or which is temporarily exported for convenience or increased efficiency of transportation across parts of an adjacent foreign state and reenters the United States, shall be subject to all of the limitations and licensing requirements of the Export Administration Act of 1969 (Act of December 30, 1969; 83 Stat. 841) and, in addition, before any crude oil subject to this section may be exported under the limitations and licensing requirements and penalty and enforcement provisions of the Export Administration Act of 1969 the President must make and publish an express finding that such exports will not diminish the total quantity or quality of petroleum available to the United States, and are in the national interest and are in accord with the provisions of the Export Administration Act of 1969: *Provided*, That the President shall submit reports to the Congress containing findings made under this section, and after the date of receipt of such report Congress shall have a period of sixty calendar days, thirty days of which Congress must have been in session, to consider whether exports under the terms of this section are in the national interest. If the Congress within this time period passes a concurrent resolution of disapproval stating disagreement with the President's finding concerning the national interest, further exports made pursuant to the aforementioned Presidential findings shall cease.

"State Standards

"(v) The Secretary or agency head shall take into consideration and to the extent practical comply with State standards for right-of-way construction, operation, and maintenance.

"Reports

"(w)(1) The Secretary and other appropriate agency heads shall report to the House and Senate Committees on Interior and Insular Affairs annually on the administration of this section and on the safety and environmental requirements imposed pursuant thereto.

"(2) The Secretary or agency head shall notify the House and Senate Committees on Interior and Insular Affairs promptly upon receipt of an application for a right-of-way for a pipeline twenty-four inches or more in diameter, and no right-of-way for such a pipeline shall be granted until sixty days (not counting days on which the House of Representatives or the Senate has adjourned for more than three days) after a notice of intention to grant the right-of-way, together with the Secretary's or agency head's detailed findings as to terms and conditions he proposes to impose, has been submitted to such committees, unless each committee by resolution waives the waiting period.

"(3) Periodically, but at least once a year, the Secretary of the Department of Transportation shall cause the examination of all pipelines and associated facilities on Federal lands and shall cause the prompt reporting of any potential leaks or safety problems.

"(4) The Secretary of the Department of Transportation shall report annually to the President, the Congress, the Secretary of the Interior, and the Interstate Commerce Commission any potential dangers of or actual explosions, or potential or actual spillage on Federal lands and shall include in such report a statement of corrective action taken to prevent such explosion or spillage.

"Liability

"(x)(1) The Secretary or agency head shall promulgate regulations and may impose stipulations specifying the extent to which holders of rights-of-way and permits under this Act shall be liable to the United States for damage or injury incurred by the United States in connection with the right-of-way or permit. Where the right-of-way or permit involves lands which are under the exclusive jurisdiction of the Federal Government, the Secretary or agency head shall promulgate regulations specifying the extent to which holders shall be liable to third parties for injuries incurred in connection with the right-of-way or permit.

"(2) The Secretary or agency head may, by regulation or stipulation, impose a standard of strict liability to govern activities taking place on a right-of-way or permit area which the Secretary or agency head determines, in his discretion, to present a foreseeable hazard or risk of danger to the United States.

"(3) Regulations and stipulations pursuant to this subsection shall not impose strict liability for damage or injury resulting from (A) an act of war, or (B) negligence of the United States.

"(4) Any regulation or stipulation imposing liability without fault shall include a maximum limitation on damages commensurate with the foreseeable risks or hazards presented. Any liability for damage or injury in excess of this amount shall be determined by ordinary rules of negligence.

"(5) The regulations and stipulations shall also specify the extent to which such holders shall indemnify or hold harmless the United States for liability, damage, or claims arising in connection with the right-of-way or permit.

"(6) Any regulation or stipulation promulgated or imposed pursuant to this section shall provide that all owners of any interest in, and all affiliates or subsidiaries of any holder of, a right-of-way or permit shall be liable to the United States in the event that a claim for damage or injury cannot be collected from the holder.

"(7) In any case where liability without fault is imposed pursuant to this subsection and the damages involved were caused by the negligence of a third party, the rules of subrogation shall apply in accordance with the law of the jurisdiction where the damage occurred.

"Antitrust Laws

"(y) The grant of a right-of-way or permit pursuant to this section shall grant no immunity from the operation of the Federal antitrust laws."

TITLE II

SHORT TITLE

SEC. 201. This title may be cited as the "Trans-Alaska Pipeline Authorization Act."

CONGRESSIONAL FINDINGS

SEC. 202. The Congress finds and declares that:

(a) The early development and delivery of oil and gas from Alaska's North Slope to domestic markets is in the national interest because of growing domestic shortages and increasing dependence upon insecure foreign sources.

(b) The Department of the Interior and other Federal agencies have, over a long period of time, conducted extensive studies of the technical aspects and of the environmental, social and economic impacts of the proposed trans-Alaska oil pipeline, including consideration of a trans-Canada pipeline.

(c) The earliest possible construction of a trans-Alaska oil pipeline from the North Slope of Alaska to Port Valdez in that State will make the extensive proven and potential reserves of low-sulfur oil available for domestic use and will best serve the national interest.

(d) A supplemental pipeline to connect the North Slope with a trans-Canada pipeline may be needed later and it should be studied now, but it should not be regarded as an alternative for a trans-Alaska pipeline that does not traverse a foreign country.

CONGRESSIONAL AUTHORIZATION

SEC. 203. (a) The purpose of this title is to insure that, because of the extensive governmental studies already made of this project and the national interest in early delivery of North Slope oil to domestic markets, the trans-Alaska oil pipeline be constructed promptly without further administrative or judicial delay or impediment. To accomplish this purpose it is the intent of the Congress to exercise its constitutional powers to the fullest extent in the authorizations and directions herein made and in limiting judicial review of the actions taken pursuant thereto.

(b) The Congress hereby authorizes and directs the Secretary of the Interior and other appropriate Federal officers and agencies to issue and take all necessary action to administer and enforce rights-of-way, permits, leases, and other authorizations that are necessary for or related to the construction, operation and maintenance of the trans-Alaska oil pipeline system, including roads and airstrips, as that system is generally described in the Final Environmental Impact Statement issued by the Department of the Interior on March 20, 1972. The route of the pipeline may be modified by the Secretary to provide during construction greater environmental protection.

(c) Rights-of-way, permits, leases, and other authorizations issued pursuant to this title by the Secretary shall be subject to the provisions of section 28 of the Mineral Leasing Act of 1920, as amended by title I of this Act (except the provisions of subsections (h)(1), (k), (q), (w)(2), and (x)); all authorizations issued by the Secretary and other Federal officers and agencies pursuant to this title shall include the terms and conditions required, and may include the terms and conditions permitted, by the provisions of law that would otherwise be applicable if this title had not been enacted, and they may waive any procedural requirements of law or regulation which they deem desirable to waive in order to accomplish the purposes of this title. The direction contained in section 203(b) shall supersede the provisions of any law or regulation relating to an administrative determination as to whether the authorizations for construction of the trans-Alaska oil pipeline shall be issued.

(d) The actions taken pursuant to this title which relate to the construction and completion of the pipeline system, and to the applications filed in connection therewith necessary to the pipeline's operation at full capacity, as described in the Final Environmental Impact Statement of the Department of the Interior, shall be taken without further action under the National Environmental Policy Act of 1969; and the actions of the Federal officers concerning the issuance of the necessary rights-of-way, permits, leases, and other authorizations for construction and initial operation at full capacity of said pipeline system shall not be subject to judicial review under any law except that claims alleging the invalidity of this section may be brought within sixty days following its enactment, and claims alleging that an action will deny rights under the Constitution of the United States, or that the action is beyond the scope of authority conferred by this title, may be brought within sixty days following the date of such action. A claim shall be barred unless a complaint is filed within the time specified. Any such complaint shall be filed in a United States district court, and such court shall have exclusive jurisdiction to determine such proceeding in accordance with the procedures hereinafter provided, and no other court of the United States, of any State, territory, or possession of the United States, or of the District of Columbia, shall have jurisdiction of any such claim whether in a proceeding instituted prior to or on or after the date of the enactment of this Act. Any such proceeding shall be assigned for hearing at the earliest possible date, shall take precedence over all other matters pending on the docket of the district court at that time, and shall be expedited in every way by such court. Such court shall not have jurisdiction to grant any injunctive relief against the issuance of any right-of-way, permit, lease, or other authorization pursuant to this section except in conjunction with a final judgment entered in a case involving a claim filed pursuant to this section. Any review of an interlocutory or final judgment, decree, order of such district court may be had only upon direct appeal to the Supreme Court of the United States.

(e) The Secretary of the Interior and the other Federal officers and agencies are authorized at any time when necessary to protect the public interest, pursuant to the authority of this section and in accordance with its provisions, to amend or modify any right-of-way, permit, lease, or other authorization issued under this title.

LIABILITY

SEC. 204. (a)(1) Except when the holder of the pipeline right-of-way granted pursuant to this title can prove that damages in connection with or resulting from activities along or in the vicinity of the proposed trans-Alaska pipeline right-of-way were caused by an act of war or negligence of the United States, other government entity, or the damaged party, such holder shall be strictly liable to all damaged parties, public or private, without regard to fault for such damages, and without regard to ownership of any affected lands, structures, fish, wildlife, or biotic or other natural resources relied upon by Alaska Natives, Native organizations, or others for subsistence or economic purposes. Claims for such injury or damages may be determined by arbitration or judicial proceedings.

(2) Liability under paragraph (1) of this subsection shall be limited to $50,000,000 for any one incident, and the holders of the right-of-way or permit shall be liable for any claim allowed in proportion to their ownership interest in the right-of-way or permit. Liability of such holders for damages in excess of $50,000,000 shall be in accord with ordinary rules of negligence.

(3) In any case where liability without fault is imposed pursuant to this subsection and the damages involved were caused by the negligence of a third party, the rules of subrogation shall apply in accordance with the law of the jurisdiction where the damage occurred.

(4) Upon order of the Secretary, the holder of a right-of-way or permit shall provide emergency subsistence and other aid to an affected Alaskan Native, Native organization, or other person pending expeditious filing of, and determination of, a claim under this subsection.

(5) Where the State of Alaska is the holder of a right-of-way or permit under this title, the State shall not be subject to the provisions of subsection 204(a), but the holder of the permit or right-of-way for the trans-Alaska pipeline shall be subject to that subsection with respect to facilities constructed or activities conducted under rights-of-way or permits issued to the State to the extent that such holder engages in the construction, operation, maintenance, and termination of facilities, or in other activities under rights-of-way or permits issued to the State.

(b) If any area within or without the right-of-way or permit area granted under this title is polluted by any activities conducted by or on behalf of the holder to whom such right-of-way or permit was granted, and such pollution damages or threatens to damage aquatic life, wildlife, or public or private property, the control and total removal of the pollutant shall be at the expense of such holder, including any administrative and other costs incurred by the Secretary or any other Federal officer or agency. Upon failure of such holder to adequately control and remove such pollutant, the Secretary, in cooperation with other Federal, State, or local agencies, or in cooperation with such holder, or both, shall have the right to accomplish the control and removal at the expense of such holder.

(c)(1) Notwithstanding the provisions of any other law, if oil that has been transported through the trans-Alaska pipeline is loaded on a vessel at the terminal facilities of the pipeline, the owner and operator of the vessel (jointly and severally) and the Trans-Alaska Pipeline Liability Fund established by this subsection, shall be strictly liable without regard to fault in accordance with the provisions of this subsection for all damages, including clean-up costs, sustained by any person or entity, public or private, including residents of Canada, as the result of discharges of oil from such vessel.

(2) Strict liability shall not be imposed under this subsection if the owner or operator of the vessel, or the Fund, can prove that the damages were caused by an act of war or by the negligence of the United States or other governmental agency. Strict liability shall not be imposed under this subsection with respect to the claim of a damaged party if the owner or operator of the vessel, or the Fund, can prove that the damage was caused by the negligence of such party.

(3) Strict liability for all claims arising out of any one incident shall not exceed $100,000,000. The owner and operator of the vessel shall be jointly and severally liable for the first $14,000,000 of such claims that are allowed. Financial responsibility for $14,000,000 shall be demonstrated in accordance with the provisions of section 311(p) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1321(p)) before the oil is loaded. The Fund shall be liable for the balance of the claims that are allowed up to $100,000,000. If the total claims allowed exceed $100,000,000, they shall be reduced proportionately. The unpaid portion of any claim may be asserted and adjudicated under other applicable Federal or state law.

(4) The Trans-Alaska Pipeline Liability Fund is hereby established as a non-profit corporate entity that may sue and be sued in its own name. The Fund shall be administered by the holders of the trans-Alaska pipeline right-of-way under regulations prescribed by the Secretary. The Fund shall be subject to an annual audit by the Comptroller General, and a copy of the audit shall be submitted to the Congress.

(5) The operator of the pipeline shall collect from the owner of the oil at the time it is loaded on the vessel a fee of five cents per barrel. The collection shall cease when $100,000,000 has been accumulated in the Fund, and it shall be resumed when the accumulation in the Fund falls below $100,000,000.

(6) The collections under paragraph (5) shall be delivered to the Fund. Costs of administration shall be paid from the money paid to the Fund, and all sums not needed for administration and the satisfaction of claims shall be invested prudently in income-producing securities approved by the Secretary. Income from such securities shall be added to the principal of the Fund.

(7) The provisions of this subsection shall apply only to vessels engaged in transportation between the terminal facilities of the pipeline and ports under the jurisdiction of the United States. Strict liability under this subsection shall cease when the oil has first been brought ashore at a port under the jurisdiction of the United States.

(8) In any case where liability without regard to fault is imposed pursuant to this subsection and the damages involved were caused by the unseaworthiness of the vessel or by negligence, the owner and operator of the vessel, and the Fund, as the case may be, shall be subrogated under applicable State and Federal laws to the rights under said laws of any person entitled to recovery hereunder. If any subrogee brings an action based on unseaworthiness of the vessel or negligence of its owner or operator, it may recover from any affiliate of the owner or operator, if

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the respective owner or operator fails to satisfy any claim by the subrogee allowed under this paragraph.

(9) This subsection shall not be interpreted to preempt the field of strict liability or to preclude any State from imposing additional requirements.

(10) If the Fund is unable to satisfy a claim asserted and finally determined under this subsection, the Fund may borrow the money needed to satisfy the claim from any commercial credit source, at the lowest available rate of interest, subject to approval of the Secretary.

(11) For purposes of this subsection only, the term "affiliate" includes—

(A) Any person owned or effectively controlled by the vessel owner or operator; or

(B) Any person that effectively controls or has the power effectively to control the vessel owner or operator by—

(i) stock interest, or

(ii) representation on a board of directors or similar body, or

(iii) contract or other agreement with other stockholders, or

(iv) otherwise; or

(C) Any person which is under common ownership or control with the vessel owner or operator.

(12) The term "person" means an individual, a corporation, a partnership, an association, a joint-stock company, a business trust, or an unincorporated organization.

ANTITRUST LAWS

Sec. 205. The grant of a right-of-way, permit, lease, or other authorization pursuant to this title shall grant no immunity from the operation of the Federal anti-trust laws.

ROADS AND AIRPORTS

Sec. 206. A right-of-way, permit, lease, or other authorization granted under section 203(b) for a road or airstrip as a related facility of the trans-Alaska pipeline may provide for the construction of a public road or airstrip.

TITLE III—NEGOTIATIONS WITH CANADA

Sec. 301. The President of the United States is authorized and requested to enter into negotiations with the Government of Canada to determine—

(a) the willingness of the Government of Canada to permit the construction of pipelines or other transportation systems across Canadian territory for the transport of natural gas and oil from Alaska's North Slope to markets in the United States, including the use of tankers by way of the Northwest Passage;

(b) the need for intergovernmental understandings, agreements, or treaties to protect the interests of the Governments of Canada and the United States and any party or parties involved with the construction, operation, and maintenance of pipelines or other transportation systems for the transport of such natural gas or oil;

(c) the terms and conditions under which pipelines or other transportation systems could be constructed across Canadian territory;

(d) the desirability of undertaking joint studies and investigations designed to insure protection of the environment, reduce legal and regulatory uncertainty, and insure that the respective energy requirements of the people of Canada and of the United States are adequately met;

(e) the quantity of such oil and natural gas from the North Slope of Alaska for which the Government of Canada would guarantee transit; and

(f) the feasibility, consistent with the needs of other sections of the United States, of acquiring additional energy from other sources that would make unnecessary the shipment of oil from the Alaskian pipeline by tanker into the Puget Sound area.

The President shall report to the House and Senate Committees on Interior and Insular Affairs the actions taken, the progress achieved, the areas of disagreement, and the matters about which more information is needed, together with his recommendations for further action.

Sec. 302. (a) The Secretary of the Interior is authorized and directed to investigate the feasibility of one or more oil or gas pipelines from the North Slope of Alaska to connect with a pipeline through Canada that will deliver oil or gas to United States markets.

(b) All costs associated with making the investigations authorized by subsection (a) shall be charged to any future applicant who is granted a right-of-way for one of the routes studied. The Secretary shall submit to the House and Senate Committees on Interior and Insular Affairs periodic reports of his investigation, and the final report of the Secretary shall be submitted within two years from the date of this Act.

Sec. 303. Nothing in this title shall limit the authority of the Secretary of the Interior or any other Federal official to grant a gas or oil pipeline right-of-way or permit which he is otherwise authorized by law to grant.

TITLE IV—MISCELLANEOUS

VESSEL CONSTRUCTION STANDARDS

Sec. 401. Section 4417a of the Revised Statutes of the United States (46 U.S.C. 391a), as amended by the Ports and Waterways Safety Act of 1972 (86 Stat. 424, Public Law 92-340), is hereby amended as follows:

"(C) Rules and regulations published pursuant to subsection (7) (A) shall be effective not earlier than January 1, 1974, with respect to foreign vessels and United States-flag vessels operating in the foreign trade, unless the Secretary shall earlier establish rules and regulations consonant with international treaty, convention, or agreement, which generally address the regulation of similar topics for the protection of the marine environment. In absence of the promulgation of such rules and regulations consonant with international treaty, convention, or agreement, the Secretary shall establish an effective date not later than January 1, 1976, with respect to foreign vessels and United States-flag vessels operating in the foreign trade, for rules and regulations previously published pursuant to this subsection (7) which he then deems appropriate. Rules and regulations published pursuant to subsection (7) (A) shall be effective not later than June 30, 1974, with respect to United States-flag vessels engaged in the coastwise trade.".

VESSEL TRAFFIC CONTROL

Sec. 402. The Secretary of the Department in which the Coast Guard is operating is hereby directed to establish a vessel traffic control system for Prince William Sound and Valdez, Alaska, pursuant to authority contained in title I of the Ports and Waterways Safety Act of 1972 (86 Stat. 424, Public Law 92–340).

CIVIL RIGHTS

Sec. 403. The Secretary of the Interior shall take such affirmative action as he deems necessary to assure that no person shall, on the grounds of race, creed, color, national origin, or sex, be excluded from receiving, or participating in any activity conducted under, any permit, right-of-way, public land order, or other Federal authorization granted or issued under title II. The Secretary of the Interior shall promulgate such rules as he deems necessary to carry out the purposes of this subsection and may enforce this subsection, and any rules promulgated under this subsection, through agency and department provisions and rules which shall be similar to those established and in effect under title VI of the Civil Rights Act of 1964.

CONFIRMATION OF THE DIRECTOR OF THE ENERGY POLICY OFFICE

Sec. 404. The Director of the Energy Policy Office in the Executive Office of the President shall be appointed by the President, by and with the advice and consent of the Senate: *Provided,* That if any individual who is serving in this office on the date of enactment of this Act is nominated for such position, he may continue to act unless and until such nomination shall be disapproved by the Senate.

CONFIRMATION OF THE HEAD OF THE MINING ENFORCEMENT AND SAFETY ADMINISTRATION

Sec. 405. The head of the Mining Enforcement and Safety Administration established pursuant to Order Numbered 2953 of the Secretary of the Interior issued in accordance with the authority provided by section 2 of Reorganization Plan Numbered 3 of 1950 (64 Stat. 1262) shall be appointed by the President, by and with the advice and consent of the Senate: *Provided,* That if any individual who is serving in this office on the date of enactment of this Act is nominated for such position, he may continue to act unless and until such nomination shall be disapproved by the Senate.

EXEMPTION OF FIRST SALE OF CRUDE OIL AND NATURAL GAS OF CERTAIN LEASES FROM PRICE RESTRAINTS AND ALLOCATION PROGRAMS

Sec. 406. (a) The first sale of crude oil and natural gas liquids produced from any lease whose average daily production of such substances for the preceding calendar month does not exceed ten barrels per well shall not be subject to price restraints established pursuant to the Economic Stabilization Act of 1970, as amended, or to any allocation program for fuels or petroleum established pursuant to that Act or to any Federal law for the allocation of fuels or petroleum.

(b) To qualify for the exemption under this section, a lease must be operating at the maximum feasible rate of production and in accord with recognized conservation practices.

(c) The agency designated by the President or by law to implement any such fuels or petroleum allocation program is authorized to conduct inspections to insure compliance with this section and shall promulgate and cause to be published regulations implementing the provisions of this section.

ADVANCE PAYMENTS TO ALASKA NATIVES

Sec. 407. (a) In view of the delay in construction of a pipeline to transport North Slope crude oil, the sum of $5,000,000 is authorized to be appropriated from the United States Treasury into the Alaska Native Fund every six months of each fiscal year beginning with the fiscal year ending June 30, 1976, as advance payments chargeable against the revenues to be paid under section 9 of the Alaska Native Claims Settlement Act, until such time as the delivery of North Slope crude oil to a pipeline is commenced.

(b) Section 9 of the Alaskan Native Claims Settlement Act is amended by striking the language in subsection (g) thereof and substituting the following language: "The payments required by this section shall continue only until a sum of $500,000,000 has been paid into the Alaska Native Fund less the total of advance payments paid into the Alaska Native Fund pursuant to section 407 of the Trans-Alaska Pipeline Authorization Act. Thereafter, payments which would otherwise go into the Alaska Native Fund will be made to the United States Treasury as reimbursement for the advance payments authorized by section 407 of the Trans-Alaskan Pipeline Authorization Act. The provisions of this section shall no longer apply, and the reservation required in patents under this section shall be of no further force and effect, after a total sum of $500,000,000 has been paid to the Alaska Native Fund and to the United States Treasury purusant to this subsection.".

FEDERAL TRADE COMMISSION AUTHORITY

Sec. 408. (a) (1) The Congress hereby finds that the investigative and law enforcement responsibilities of the Federal Trade Commission have been restricted and hampered because of inadequate legal authority to enforce subpenas and to seek preliminary injunctive relief to avoid unfair competitive practices.

(2) The Congress further finds that as a direct result of this inadequate legal authority significant delays have occurred in a major investigation into the legality of the structure, conduct, and activities of the petroleum industry, as well as in other major investigations designed to protect the public interest.

(b) It is the purpose of this Act to grant the Federal Trade Commission the requisite authority to insure prompt enforcement of the laws the Commission administers by granting statutory authority to directly enforce subpenas issued by the Commission and to seek preliminary injunctive relief to avoid unfair competitive practices.

(c) Section 5(l) of the Federal Trade Commission Act (15 U.S.C. 45(l)) is amended by striking subsection (l) and inserting in lieu thereof:

"(l) Any person, partnership, or corporation who violates an order of the Commission after it has become final, and while such order is in effect, shall forfeit and pay to the United States a civil penalty of not more than $10,000 for each violation, which shall accrue to the United States and may be recovered in a civil action brought by the Attorney General of the United States. Each separate violation of such an order shall be a separate offense, except that in the case of a violation through continuing failure to obey or neglect to obey a final order of the Commission, each day of continuance of such failure or neglect shall be deemed a separate offense. In such actions, the United States district courts are empowered to grant mandatory injunctions and such other and further equitable relief as they deem appropriate in the enforcement of such final orders of the Commission."

(d) Section 5 of the Federal Trade Commission Act (15 U.S.C. 45) is amended by adding at the end thereof the following new subsection:

"(m) The Commission shall have the power to initiate, prosecute, defend, or appeal any court action in the name of the Commission for the purpose of enforcing the laws subject to its jurisdiction through its own legal representative, after formally notifying and consulting with and giving the Attorney General 10 days to take the action proposed by the Commission."

(e) Section 6 of the Federal Trade Commission Act (15 U.S.C. 46), is amended by adding at the end thereof the following proviso: "*Provided,* That the exception of 'banks and common carriers subject to the Act to regulate commerce' from the Commission's powers defined in clauses (a) and (b) of this section, shall not be construed to limit the Commission's authority to gather and compile information, to investigate, or to require reports or answers from, any such corporation to the extent that such action is necessary to the investigation of any corporation, group of corporations, or industry which is not engaged or is engaged only incidentally in banking or in business as a common carrier subject to the Act to regulate commerce."

(f) Section 13 of the Federal Trade Commission Act (15 U.S.C. 53) is amended by redesignatnig "(b)" as "(c)" and inserting the following new subsection:

"(b) Whenever the Commission has reason to believe—

"(1) that any person, partnership, or corporation is violating, or is about to violate, any provision of law enforced by the Federal Trade Commission, and

"(2) that the enjoining thereof pending the issuance of a complaint by the Commission and until such complaint is dismissed by the Commission or set aside by the court on review, or until the order of the Commission made thereon has become final, would be in the interest of the public—

the Commission by any of its attorneys designated by it for such purpose may bring suit in a district court of the United States to enjoin any such act or practice. Upon a proper showing that, weighing the equities and considering the Commission's likelihood of ultimate success, such action would be in the public interest, and after notice to the defendant, a temporary restraining order or a preliminary injunction may be granted without bond: *Provided, however,* That if a complaint is not filed within such period (not exceeding 20 days) as may be specified by the court after issuance of the temporary restraining order or preliminary injunction, the order or injunction shall be dissolved by the court and be of no further force and effect: *Provided further,* That in proper cases the Commission may seek, and after proper proof, the court may issue, a permanent injunction. Any such suit shall be brought in the district in which such person, partnership, or corporation resides or transacts business."

(g) Section 16 of the Federal Trade Commission Act (15 U.S.C. 56) is amended to read as follows:

"Sec. 16. Whenever the Federal Trade Commission has reason to believe that any person, partnership, or corporation is liable to a penalty under section 14 or under subsection (l) of section 5 of this Act, it shall—

"(a) certify the facts to the Attorney General, whose duty it shall be to cause appropriate proceedings to be brought for the enforcement of the provisions of such section or subsection; or

"(b) after compliance with the requirements with Section 5(m), itself cause such appropriate proceedings to be brought."

GENERAL ACCOUNTING OFFICE AUTHORITY

Sec. 409. (a) Section 3502 of title 44, United States Code is amended by inserting in the first paragraph defining "Federal agency" after the words "the General Accounting Office" and before the words "nor the governments" the words "independent Federal regulatory agencies,".

(b) Chapter 35 of title 44, United States Code, is amended by adding after section 3511 the following new section:

"§ 3512. Information for independent regulatory agencies

"(a) The Comptroller General of the United States shall review the collection of information required by independent Federal regulatory agencies described in section 3502 of this chapter to assure that information required by such agencies is obtained with a minimum burden upon business enterprises, especially small business enterprises, and other persons required to furnish the information. Unnecessary duplication of efforts in obtaining information already filed with other Federal agencies or departments through the use of reports, questionnaires, and other methods shall be eliminated as rapidly as practicable. Information collected and tabulated by an independent regulatory agency shall, as far as is expedient, be tabulated in a manner to maximize the usefulness of the information to other Federal agencies and the public.

"(b) In carrying out the policy of this section, the Comptroller General shall review all existing information gathering practices of independent regulatory agencies as well as requests for additional information with a view toward—

"(1) avoiding duplication of effort by independent regulatory agencies, and

"(2) minimizing the compliance burden on business enterprises and other persons.

"(c) In complying with this section, an independent regulatory agency shall not conduct or sponsor the collection of information upon an identical item from ten or more persons, other than Federal employees, unless, in advance of adoption or revision of any plans or forms to be used in the collection—

"(1) the agency submitted to the Comptroller General the plans or forms, together with the copies of pertinent regulations and of other related materials as the Comptroller General has specified; and

"(2) the Comptroller General has advised that the information is not presently available to the independent agency from another source within the Federal Government and has determined that the proposed plans or forms are consistent with the provision of this section. The Comptroller General shall maintain facilities for carrying out the purposes of this section and shall render such advice to the requestive independent regulatory agency within forty-five days.

"(d) While the Comptroller General shall determine the availability from other Federal sources of the information sought and the appropriateness of the forms for the collection of such information, the independent regulatory agency shall make the final determination as to the necessity of the information in carrying out its statutory responsibilities and whether to collect such information. If no advice is received from the Comptroller General within forty-five days, the independent regulatory agency may immediately proceed to obtain such information.

"(e) Section 3508(a) of this chapter dealing with unlawful disclosure of information shall apply to the use of information by independent regulatory agencies.

"(f) The Comptroller General may promulgate rules and regulations necessary to carry out this chapter."

EQUITABLE ALLOCATION OF NORTH SLOPE CRUDE OIL

Sec. 410. The Congress declares that the crude oil on the North Slope of Alaska is an important part of the Nation's oil resources, and that the benefits of such crude oil should be equitably shared, directly or indirectly, by all regions of the country. The President shall use any authority he may have to insure an equitable allocation of available North Slope and other crude oil resources and petroleum products among all regions and all of the several States.

SEPARABILITY

Sec. 411. If any provision of this Act or the applicability thereof is held invalid the remainder of this Act shall not be affected thereby

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the amendment of the House to the title of the bill insert the following:

"To amend section 28 of the Mineral Leasing Act of 1920, and to authorize a trans-Alaska oil pipeline, and for other purposes".

And the House agree to the same.

James A. Haley,
John Melcher,
Harold T. Johnson,
Morris K. Udall,
John P. Saylor,
Sam Steiger,
Don Young,
Managers on the Part of the House.

Henry M. Jackson,
Alan Bible,
J. Bennett Johnston, Jr.,
Floyd K. Haskell,
Paul J. Fannin,
Clifford P. Hansen,
Mark O. Hatfield,
Managers on the Part of the Senate.

JOINT STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1081) to authorize the Secretary of the Interior to grant rights-of-way across Federal lands where the use of such rights-of-way is in the public interest and the applicant for the right-of-way demonstrates the financial and technical capability to use the right-of way in a manner which will protect the environment, submit this joint statement in explanation of the effect of the language agreed upon by the managers and recommended in the accompanying conference report.

I. MAJOR PROVISIONS

The language agreed upon by the Conference Committee differs from the bill enacted by the Senate and the amendment enacted by the House in the following respects:

1. The Senate bill enacted a completely new system for granting rights-of-way across Federal lands. It applied to rights-of-way for many different purposes.

The House amendment applied only to rights-of-way for oil and gas pipelines. It took the form of an amendment to section 28 of the Mineral Leasing Act of 1920, which is the principal authority for granting oil and gas pipeline rights-of-way across public lands.

The Conferees adopted the House approach, but expanded it to include pipelines for oil, gas, synthetic liquid or gaseous fuels and refined products therefrom in anticipation of developments in coal gasification and liquefication, oil shale, and tar sands. It is the understanding of the Conferees, however, that the House will consider broader right-of-way legislation in connection with other bills that are presently pending.

2. The Senate bill applied to all lands owned by the United States except five specified categories. The House amendment retained the present language of the Mineral Leasing Act of 1920, which applies to "public lands, including forest reserves." The meaning of this phrase is not completely clear, but it clearly does not apply to lands acquired by the United States, as distinguished from the public domain.

The Conferees adopted the Senate approach, but excluded three categories rather than five categories of land. The three categories excluded are the National Park System, the Outer Continental Shelf, and Indian lands. The two categories of land that were not excluded ~~are~~ the National Wildlife Refuge System, and the National Wilderness Preservation System, both of which are presently subject to the Mineral Leasing Act. The Conferees provided, however, that rights-of-way through reserved areas may not be granted if they would be inconsistent with the purposes of the reservation.

3. The Conferees combined and adopted the guidelines governing the grant of rights-of-way that were contained in the Senate bill and in the House amendment. The two sets of guidelines, while different in some respects, are compatible, and both are intended to spell out in greater statutory detail policies that were formerly left to administrative determination. None of the House guidelines was omitted.

4. Both the Senate bill and the House amendment provided for the immediate grant of a Trans-Alaska oil pipeline right-of-way without further proceedings under the National Environmental Protection Act and with only a limited right of judicial review. The Conferees merged the provisions of the two Houses without making major substantive changes.

5. Both the Senate bill and the House amendment provided for further study and negotiations with respect to possible additional oil and gas pipelines from the North Slope of Alaska, through Canada, to the Midwest. The Conferees merged the provisions of the two Houses without making substantial changes. The results of the negotiations and investigations are intended to serve as comparative information in the evaluation of the best possible methods for future transportation of North Slope energy resources to United States markets, and the bill is not intended to confer any special status on a trans-Canada route in the selection process for future pipelines.

6. The Senate bill had a number of miscellaneous provisions that were not directly related to oil pipeline rights-of-way. The House amendment had no comparable provisions. The Conferees' action was as follows:

(a) The Senate provision amending the Ports and Waterways Safety Act of 1972 with respect to vessel construction standards, and the provision directing the Coast Guard to exercise its present authority to establish a vessel traffic control system for the Valdez area, were adopted.

(b) The provisions requiring Senate confirmation of the Director of the Energy Policy Office in the Executive Office of the President, and the head of the Mining Enforcement and Safety Administration, were adopted.

(c) The provision exempting the first sale of oil and gas from stripper wells from the price restraints of the Economic Stabilization Act of 1970, and from any allocation program, was adopted. A stripper well is defined as a well with an average daily production during the preceding month of not more than ten barrels. In order to qualify for the exemption the lease must be operating at a maximum feasible rate of production and in accord with recognized conservation practices.

(d) The provision amending the Alaska Native Claims Settlement Act and providing for advance payments to Natives was adopted, after reducing the amount of the advance payments from $7,500,000 each six months to $5,000,000, after delaying the starting time for the payments from the beginning of fiscal year 1975 to the beginning of fiscal year 1976, and after deleting the provision making the advance payments a gift if transportation of oil through the pipeline does not commence by December 31, 1976.

(e) The provision amending the Federal Trade Commission Act was adopted, with amendments. It increased the civil penalty for violating a final order of the Commission, gave the Commission broader authority to initiate injunction actions and enforce subpoenas, and gave the Commission authority to represent itself in court if the Attorney General failed to do so after ten days notice.

(f) The provision amending the Federal Reports Act was adopted. It substituted the Comptroller General for the Office of Management and Budget in reviewing questionnaires proposed to be issued by independent Federal regulatory agencies. The regulatory agency will determine whether it needs the information, but it may not send its questionnaire if the Comptroller General determines that the information is already available from another source within the Federal Government.

(g) The provision giving the President broad authority to take any action necessary to insure an equitable allocation of crude oil and petroleum products among the various regions and States was adopted after it was amended to require the President to use his existing authority to accomplish that objective.

7. The House amendment contained (a) a provision prohibiting any form of discrimination in connection with any activity on the trans-Alaska pipeline, (b) a provision limiting the employment of foreign nationals for work on the trans-Alaska pipeline, and (c) a "buy-American" provision for the construction, operation, and maintenance of the trans-Alaska pipeline. The Senate bill had no comparable provisions. The Conferees adopted the first provision and dropped the second and third.

8. The Senate bill and the House amendment had different provisions regarding the liability of the owner or operator of an oil pipeline for damages resulting from its construction and operation. The Senate bill had one provision which related to pipelines on rights-of-way granted under the general law, and which applied only to damages incurred by the United States. The Senate had another provision which related to damages incurred by Alaska Natives in connection with the trans-Alaska pipeline. The House amendment had three provisions which related only to the trans-Alaska oil pipeline. One related to damages to anyone that were caused by the activities of the pipeline owner along the route of the pipeline. A second provision related to damages to anyone from discharges of oil from vessels owned or controlled by the pipeline owner in violation of the Federal Water Pollution Control Act. A third provision related to damages sustained by Alaska Natives.

The Conferees adopted modified versions of all of these provisions. One provision is of general application and appears in section 28(x). It requires the Secretary or agency head to specify the extent to which the holder of a right-of-way or permit shall be liable to the United States for damage or injury incurred in connection with the right-of-way. Joint regulations by the agencies involved, as authorized in section 28(c), are contemplated by the Conferees. Strict liability without regard to fault may be imposed, but a maximum dollar limitation must be stated, and liability in excess of this amount may be determined under ordinary rules of negligence.

The second provision is in section 204. It relates only to the trans-Alaska pipeline, and is in three parts. Subsection (a) imposes on the holder of the right-of-way or permit strict liability without regard to fault, and without regard to ownership of the land or resource involved if the land or resource is relied upon for subsistence or economic purposes, for damages or injury in connection with or resulting from activities along or in the vicinity of the pipeline right-of-way. Strict liability is limited to $50,000,000 for any one incident, and liability for damages in excess of that amount will be determined in accordance with ordinary rules of negligence.

Subsection (b) imposes on the holder of a right-of-way or permit liability for the full cost of control and removal of the pollutant of any area that is polluted by operations of the holder.

Subsection (c) imposes on the owner or operator of a vessel that is loaded with any oil from the trans-Alaska pipeline strict liability without regard to fault for damages sustained by any person as the result of discharges of oil from such vessel. Strict liability is limited to $100,000,000 for any one incident. The owner or operator is liable for the first $14,000,000. A Trans-Alaska Pipeline Liability Fund, which is created by the bill, is liable for the balance of the allowed claims up to $100,000,000. The portion of any valid claim not payable by the Fund may be asserted and adjudicated under other applicable Federal or State law.

The Fund will accumulate and maintain not less than $100,000,000 derived from the collection of a fee of five cents per barrel at the time the oil is loaded on the vessel, from income from invested funds, and from borrowed money if needed.

Strict liability under subsection (c) will cease when the oil is first brought ashore at a port under the jurisdiction of the United States, and the subsection applies only to

vessels engaged in coastwise transportation, including transportation to and beyond deepwater ports.

9. Both the Senate bill and the House amendment contained provisions limiting the export of crude oil and making such exports subject to congressional oversight. The Senate bill applied only to oil from the North Slope of Alaska. The House amendment applied to all oil transported over rights-of-way through Federal lands. The Conferees adopted the House language.

The Senate bill provided for disapproval of proposed exports by joint resolution of the Congress. The House amendment prohibited proposed exports unless affirmatively authorized by a concurrent resolution of the Congress. The Conferees adopted the Senate language after changing "joint resolution" to "concurrent-resolution."

The Conferees also adopted an exception intended to take care of oil exchanges and transportation involving Canada and Mexico.

II. COMMENTS REGARDING SPECIFIC PROVISIONS

1. Section 28(e), which authorizes the grant of temporary permits for the use of Federal lands "in the vicinity of the pipeline" is not intended to restrict unnecessarily the placement of temporary construction or maintenance facilities such as construction camps, storage areas, communications sites and soil disposal areas, but to permit them to be placed wherever convenient to construction activities.

The term "temporary" relates to duration and imposes no limitation on the type of facility or activity which may be allowed. Thus, slope cuts and fills, berm construction, access facilities and other permanent changes in terrain are permissible. The Secretary or agency head may require, as a condition of such temporary permits, removal of structures and rehabilitation of the area.

This section will overcome an interpretation of the United States Court of Appeals for the District of Columbia in the case of *Wilderness Society* v. *Morton* (Feb. 9, 1973).

2. Section 28(f) contemplates that general regulations governing the grant of rights-of-way or permits will be issued by the Secretary or agency head. This does not preclude the grant of rights-of-way or permits in advance of the issuance of the regulations and the inclusion of appropriate conditions and stipulations to carry out the purposes of the Act.

3. Section 28(g), relating to pipeline safety, is not intended to require the Secretary or agency head to impose safety requirements that would duplicate requirements of the Secretary of Labor or the Secretary of Transportation under other law.

4. Section 28(h), relating to environmental protection, does not require the plan for construction, operation, and rehabilitation of the right-of-way or permit area to be a final one, since all details and conditions cannot be known at the time of application. However, the plan should be a description in as much detail as the state of the planning for the particular project will permit and must be adequate enough for the Secretary or agency head to make an informed judgment on the application and on the need for imposing any special terms and conditions which the public interest may require. Information called for pursuant to this section which is already on file with respect to applications pending on the date of enactment need not be refiled.

5. Section 28(k) does not require public hearings that would duplicate the public participation procedures required by the National Environmental Policy Act. It also permits a public hearing to cover all aspects of a pipeline proposal, regardless of whether one or more rights-of-way or permits, or whether one or more agencies, are involved.

6. Section 28(l) requires reimbursement of costs incurred in processing an application. These costs include the cost of preparing an environmental impact statement. It also requires payment annually in advance of the fair market rental value of the right-of-way or permit. This value can be based on any combination of factors that might reasonably be considered by a landowner in a free market, when determining the price to be asked for the right to use or cross his land.

7. Section 28(m) authorizes the Secretary or agency head to require a right-of-way or permit holder to furnish a bond or other satisfactory security. The term "security" is not used in a technical sense but may include any undertaking which gives adequate assurance that all obligations of the grantee will be met. Such flexibility is needed because some grantees may not be legally able to post such security, and in other cases a requirement of technical security may be impossible or unnecessary to comply with. Flexibility also permits the Secretary or agency head to require more than one type of security.

8. Section 28(p), relating to joint uses of a right-of-way, gives the Secretary or agency head sufficient control to prevent any hazardous or technologically inoperable placement of various facilities.

9. Section 28(t) permits the Secretary or agency head to ratify and confirm the validity of existing rights-of-way for oil or gas regardless of the statutory authority under which they were granted. It is needed because of the possible application of the decision of the United States Court of Appeals in *The Wilderness Society, et al.* v. *Morton, et al.*

The conferees expect that previously granted rights-of-way should be confirmed only after careful study and the fullest possible compliance with the provisions of Section 28 as amended by this Act.

10. Section 28(v), relating to State standards, is included because rights-of-way frequently cross from State or private land into Federal land and back into State or private land. Different construction, operation, and maintenance standards may apply. This section is intended to assure that the Secretary or agency head will carefully consider State standards and comply with them in the interest of uniform practice throughout the State where such compliance is practical in the judgment of the Secretary or agency head. The section is not intended to require that those standards be followed in every case.

11. Section 203(b) provides new and independent statutory authorization and direction for the issuance, administration and enforcement of all rights-of-way, permits, leases and other authorizations necessary for or related to construction, operation and maintenance of the trans-Alaska pipeline system as generally described in the Final Environmental Impact Statement of the Department of the Interior dated March 20, 1972. It is a plenary grant of authority to the appropriate Federal agencies. All grants of rights-of-way, leases, permits, and other authorizations for the use of Federal lands shall be made under the authority of this subsection, rather than under other provisions of law.

After years of delay and protracted litigation on this matter, Congress has determined that the national interest requires a clear-cut and unequivocal policy decision on the pipeline. Congress has decided that an oil pipeline is necessary to move North Slope oil to domestic markets in the lower forty-eight States. This title implements that national policy decision.

In adopting this title, Congress intends to exercise its constitutional powers to the fullest extent necessary to achieve the objective of this title and to make this policy binding upon the Executive Branch and on the Federal courts.

Congress has decided, as a matter of national policy, that the appropriate Federal authorizations shall be issued. The Secretary and other Federal officials have no discretion in this matter. Congress does, however, require that applicable standards of substantive law be followed in connection with these authorizations, and vests liberal discretion in the Executive Branch to determine the conditions and stipulations to be incorporated into the necessary authorizations and the specific facilities to be authorized.

This subsection also identifies the "trans-Alaska oil pipeline system" as that system is generally described in the Secretary of the Interior's Final Environmental Impact Statement of March 20, 1972. The subject of that statement was a 48-inch diameter pipeline system with an ultimate capacity of 2 million barrels a day throughput for which a right-of-way and other permit applications were filed by a number of oil companies which had purchased leases on the North Slope of Alaska. This provision is intended to generally specify the facilities to be authorized and their general location. This provision is not, however, to be narrowly construed. If environmental conditions or new technological developments warrant, new facilities or changes in route or in location of proposed facilities are authorized so long as they are required or appropriate for the construction and operation at full capacity of the trans-Alaska pipeline system as generally described in the impact statement.

The route of the trans-Alaska pipeline will cross lands under the jurisdiction of more than one Federal agency. The Congress intends in Title II that the Secretary of the Interior will issue the right-of-way over all such Federal lands.

12. Section 203(c) provides that, if under any other statute a Federal agency could have issued an authorization relating to the construction of the trans-Alaska pipeline system, the agency shall still issue such authorization, but it shall act under the authority of subsection 203(b) of this Title and not under the authority of the other statute. Authorizations issued under subsection 203(b) shall contain all those provisions that the supplanted statute would have required, and may include any provisions which were authorized but not required by the supplanted statute.

Authorizations issued by the Secretary of the Interior shall follow the applicable provisions of Section 28 of the Mineral Leasing Act, as it is amended by Title I of this Act, except as provided in subsection 203(c). Not all of the Section 28 provisions will be applicable. The determination of applicability is left to the Secretary's judgment.

13. Section 203(d) provides for construction and completion of the pipeline system without further proceedings under the National Environmental Policy Act of 1969. Section 202(d) of the House amendment and section 502(d) of the Senate bill contained a declaration that the actions of the Secretary of Interior heretofore taken with respect to the proposed trans-Alaska pipeline shall be regarded as satisfactory compliance with the provisions of the National Environmental Policy Act of 1969. Section 502(d) of the Senate bill also applied to the actions of other Federal agencies and officers, and referred not only to the National Environmental Policy Act of 1969, but also to "all other applicable laws." The Conferees did not adopt this declaration because they considered it as unnecessary and subject to misinterpretation. Inasmuch as section 203(d) of the Conference Report directs that the actions necessary for construction and completion of the trans-Alaska pipeline system shall be taken without further action under the National Environmental Policy Act, a declaration with respect to the effect to be accorded prior actions was not regarded as necessary or material.

Section 203(d) also limits the grounds for judicial review of Federal actions relating to issuance and implementation of all rights-of-

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way, permits, leases and other authorizations necessary or appropriate for completion of construction of the trans-Alaska pipeline, and its initial operation at full capacity of 2,000,000 barrels throughput per day (i.e., actions under 203(b) and 203(e)).

The permissible grounds for judicial review are limited to constitutional questions and questions of federal actions beyond the scope of authority conferred by Title II. Congress intended such grounds to be construed very narrowly, in keeping with the purpose stated in 203(a). This purpose also underlies the jurisdictional and procedural provisions in Section 203(d), which are designed to assure the most prompt possible resolution of any case inolving the trans-Alaska pipeline, and to assure that issuance of the rights-of-way, permits, leases or other authorizations cannot be enjoined except pursuant to a final judgment.

14. Section 204(c) provides, for vessels that transport North Slope oil in the coastal trade, liability standards that are much stricter than those that apply to vessels that transport other oil in the coastal or foreign trade.

It is expected that tankers as large as 250,000 deadweight tons will transport North Slope crude to ports on the West Coast of the United States and elsewhere. Oil discharges from vessels of this size could result in extremely high damages to property and natural resources, including fisheries and amenities, especially if the mishap occurred close to a populated shoreline area.

Under the Limitation of Liability Act of 1851 (46 U.S.C. 183), the owner of a vessel is entitled to limit his liability for property damage caused by the vessel to the value of the vessel and its cargo. The value determination is made *after* the incident causing the damage. It is therefore quite possible for injured parties to go uncompensated if a vessel and its cargo are totally lost.

In the Water Quality Improvement Act of 1970 (33 U.S.C. 1161 et seq.), Congress expanded the liability of a vessel carrying oil to cover Federal government cleanup costs up to the lesser of $100 per ton or $14 million. Under that Act, damages are imposed without regard to the fault of the owner or operator, thereby creating a strict liability to United States Government for cleanup costs. However, State governments and private parties are still obliged to proceed under maritime law, subject to the limits of liability contained in that body of law.

The Conferees concluded that existing maritime law would not provide adequate compensation to all victims, including residents of Canada, in the event of the kind of catastrophe which might occur. Consequently, the Conferees established a rule of strict liability for damages from discharges of the oil transported through the trans-Alaska Pipeline up to $100,000,000.

Strict liability is primarily a question of insurance. The fundamental reason for the limits placed on liability in the Federal Water Quality Improvement Act stemmed from the availability, or nonavailability, of marine insurance. Without a readily available commercial source of insurance, liability without a dollar limitation would be meaningless and many independent owners could not operate their vessels. Since the world-wide maritime insurance industry claimed $14 million was the limit of the risk they would assume, this was the limit provided for in the Federal Water Quality Improvement Act. There has been no indication that this level has since increased.

Accordingly, the Conferees adopted a liability plan which would make the owner or operator strictly liable for all claims (for both clean-up costs and damages to public and private parties) up to $14 million. This limit would provide an incentive to the owner or operator to operate the vessel with due care and would not create too heavy an insurance burden for independent vessel owners lacking the means to self-insure.

Financial responsibility up to this limit would have to be demonstrated before the vessel could be loaded with oil. Since the Federal Water Quality Improvement Act has an existing mechanism for establishing proof of financial responsibility, reference was made to the appropriate provision (13 U.S.C. 1321(p)). Such provision would be used to the extent it is consistent with the purposes of this Act; for example, references to tonnage limitations would not apply. Claims for clean-up costs would take precedence over other claims thereby preserving the provisions of the Federal Water Quality Improvement Act.

All claims over $14 million up to the $100 million ceiling would be asserted against the Trans-Alaska Pipeline Liability Fund established by the bill.

The owners of oil loaded onto tankers at Valdez will pay the Fund five cents per barrel until there is $100 million in the Fund. Payments would resume at any time the Fund fell below $100 million. (The Fund is described in more detail under Major Provisions.) Thus, the owners of the oil would have an incentive to select carefully vessels to carry their oil. Moreover, such owners would then share the risk associated with transporting the oil on water.

The Fund is not precluded from proceeding against the owner or operator of the vessel or other third parties, if either or both were negligent or caused the discharge.

The States are expressly not precluded from setting higher limits or from legislating in any manner not inconsistent with the provisions of this Act.

The Conferees hope that the appropriate committees of the House and Senate which are considering the more general subject of marine liability will harmonize the liability provisions of the Trans-Alaska Pipeline Authorization Act and the liability provisions of any general legislation that may be developed.

15. Section 406, relating to stripper oil wells, was a Senate floor amendment to S. 1081. The Conferees have adopted the general concept of the floor amendment, but have added new provisions to insure that the exemption is narrowly defined and prudently administered, and to insure that the incentive being granted is properly limited in accord with congressional intent.

The purpose of exempting small stripper wells—wells whose average daily production does not exceed ten barrels per well—from the price restraints of the Economic Stabilization Act (now in Phase IV) and from any system of mandatory fuel allocation is to insure that direct or indirect price ceilings do not have the effect of resulting in any loss of domestic crude oil production from the premature shutdown of stripper wells for economic reasons.

As of January 1, 1973, there were 350,000 stripper wells producing ten barrels a day or less. Stripper wells account for 71 percent of all of the oil wells in this country, but produce an average of only 3.6 barrels per day, or only 13 percent of total U.S. domestic crude production.

Many stripper wells are of only marginal economic value. When the costs of their operation exceed the value of their production, they are shut in, and a known and developed crude oil reserve is lost to U.S. production. Removing Phase IV price restraints from these marginal stripper wells has the effect of increasing the value of the crude oil they produce by about $1.30 per barrel (the difference between $4.02, the current per-barrel ceiling average under Phase IV, and $5.32, the per-barrel average price for "new" domestic crude oil production which is not subject to Phase IV). This price incentive will encourage owners and operators of stripper wells to maintain production and to keep these wells in operation for longer periods of time than would be possible if the value of their crude oil production were determined under Phase IV price ceilings. This increased incentive will, it is anticipated, permit stripper well operators to make new investments in the eligible wells and improve the gathering and other facilities for moving this oil to market.

The words "first sale" in Section 406(a) refer to the initial sale from the producer to a refiner, oil broker or other party. Thereafter, the exemption expires and any applicable provision of the Economic Stabilization Act or any mandatory allocation program may apply.

The exemption also runs only to "crude oil and natural gas liquids." It does not run to natural gas produced by these wells. Natural gas production and pricing continue to be regulated by the Federal or State agency having jurisdiction over the particular wells involved.

The Congress intends that the provisions of this section will be strictly enforced and regulated by the administering agency to insure that the limited exemption of this class of wells for the express purposes described above is not in any way broadened. To achieve this, Congress authorizes on-site inspections to insure compliance. Congress also directs that the administering agency shall promulgate regulations to implement the provisions of this section before it becomes operative. The Conferees expect the administering agency to utilize State data regarding production volumes, and to provide by regulation safeguards against the manipulation or gerrymandering of lease units in a manner that evades the price control and allocation programs.

These regulations shall be so designed as to provide safeguards against any abuse, overreaching or altering of normal patterns of operations to achieve a benefit under this section which would not otherwise be available. Congress specifically intends that the regulations shall, among other things, prevent any "gerrymandering" of leases to average down high production wells with a number of low production stripper wells to remove the high production wells from price ceilings. The *sole* purpose and objective of this Section 406 is to keep stripper wells—those producing less than ten barrels per day—in production and to insure that the crude oil they produce continues to be available for U.S. refineries and U.S. consumers. It is not intended to confer any benefit on the owners and operators of wells producing in excess of ten barrels per day.

The Congress also intends that the regulations provide appropriate limitations and provisions in the definition of "lease" to insure that an administratively workable system is established which does not permit abuse.

16. Section 408(f) relates to the standard of proof to be met by the Federal Trade Commission for the issuance of a temporary restraining order or a preliminary injunction. It is not intended in any way to impose a totally new standard of proof different from that which is now required of the Commission. The intent is to maintain the statutory or "public interest" standard which is now applicable, and *not* to impose the traditional "equity" standard of irreparable damage, probability of success on the merits, and that the balance of equities favors the petitioner. This latter standard derives from common law and is appropriate for litigation between private parties. It is not, however, appropriate for the implementation of a Federal statute by an independent regulatory agency where the standards of the public interest measure the propriety and the need for injunctive relief.

The inclusion of this new language is to define the duty of the courts to exercise independent judgment on the propriety of issuance of a temporary restraining order or a preliminary injunction. This new language is intended to codify the decisional law of *Federal Trade Commission* v. *National Health Aids*, 108 F. Supp. 340, and *Federal Trade Commission* v. *Sterling Drug, Inc.*, 317 F.2d 669, and similar cases which have defined the judicial role to include the exercise of such independent judgment. The conferees did not intend, nor do they consider it appropriate, to burden the Commission with the requirements imposed by the traditional equity standard which the common law applies to private litigants.

17. Section 409(a) exempts "independent Federal regulatory agencies" from the provisions of the Federal Reporting Services Act. In general, the Reporting Services Act provides that Federal agencies may not collect information from ten or more persons without having first obtained the advance approval and clearance of the Office of Management and Budget. The term "Federal agencies" has been construed to include the independent Federal regulatory agencies for the purposes of the Reporting Services Act.

The purpose of Section 409(a) is to preserve the independence of the regulatory agencies to carry out the quasi-judicial functions which have been entrusted to them by the Congress. The intent of this section is not to encourage a proliferation of detailed questionnaires to industry, small business or other persons which could result in unnecessary and unreasonable expense. Any legitimate need for information in carrying out the statutory responsibilities of these agencies would, however, be carried out even though responses may entail some expense and inconvenience.

The purpose of this section is to insure that the existing clearance procedure for questionnaires or requests for data does not become, inadvertently or otherwise, a device for delaying or obstructing the investigations and data collection necessary to carry out the important regulatory functions assigned to the independent agencies by the Congress.

The Congress intends the term "independent Federal regulatory agencies" as used in Section 409(a) to include, but not necessarily be limited to, the following agencies:

Civil Aeronautics Board,

Federal Communications Commission,

Atomic Energy Commission (insofar as its regulatory and adjudicative functions are concerned),

Federal Trade Commission,

Interstate Trade Commission,

Securites and Exchange Commission, and

Federal Power Commission.

Subsection 409(b) provides a procedure for advance review which is designed to insure that information required by independent Federal regulatory agencies is obtained with a minimum burden upon business enterprises, especially small businesses, and other persons required to furnish such information.

The Comptroller General of the General Accounting Office is charged with the review responsibility. Since this will be a new function for the General Accounting Office, the Comptroller General has informed the Congress that he will need until July 1, 1974 to enable him to obtain the staff which will be required to carry out the full responsibilities provided for in Section 409(b). This is satisfactory to the Congress so long as appropriate interim arrangements are made to carry out the Section 409(b) review of the Federal agencies which should not or cannot be delayed until July 1, 1974.

James A. Haley,
John Melcher,
Harold T. Johnson,
Morris K. Udall,
John P. Saylor,
Sam Steiger,
Don Young,
Managers on the Part of the House.

Henry M. Jackson,
Alan Bible,
J. Bennett Johnston, Jr.,
Floyd K. Haskell,
Paul J. Fannin,
Clifford P. Hansen,
Mark O. Hatfield,
Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 9286, MILITARY PROCUREMENT AUTHORIZATION

Mr. HÉBERT. Mr. Speaker, I call up the conference report on the bill (H.R. 9286) to authorize appropriations during the fiscal year 1974 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each reserve component of the Armed Forces and the military training student loads, and for other purposes, and ask unanimous consent that the reading of the conference report be dispensed with.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. NELSEN. Mr. Speaker, reserving the right to object, my purpose is to establish a little bit of record here with respect to what are the controversial parts of this bill, those being concerned with the hospital benefit issue. I realize how important this bill is and how important it is to get this bill passed. The Senate and the House together have had conferences and arrived at this result, and I am reluctant to stand in the way of having this bill passed so as to become law, but I have established some record in dealing with the gentleman from Florida (Mr. Rogers), chairman of the Public Health and Environment Subcommittee of the Committee on Interstate and Foreign Commerce, as well as the gentleman from West Virginia, chairman of the full committee, as to their agreement that we will take up the public health service issue in a separate bill and try to rework it in a manner which, I believe, will be workable, which, I believe, is a very necessary function.

I understand the gentleman from Louisiana (Mr. Hébert) would likewise proceed in that manner, and I hope the gentleman from West Virginia (Mr. Staggers) and the gentleman from Florida (Mr. Rogers) will enter into the colloquy and then we can pass this conference report.

Mr. HÉBERT. Mr. Speaker, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from Louisiana.

Mr. HÉBERT. Mr. Speaker, I thank the gentleman for his very understandable attitude toward this legislation, because if we do not pass this conference report today, no conference report will exist.

Mr. NELSEN. I understand.

Mr. HÉBERT. I think the priorities are more important than just one individual item.

However, in confirming the gentleman's statement, I have talked with the gentleman from Minnesota (Mr. Nelsen), and the gentleman from West Virginia (Mr. Staggers) and the gentleman from Florida (Mr. Rogers) and I understand these gentlemen, who have the committees which have jurisdiction over such legislation, will come up with some solution which will be acceptable.

Mr. NELSEN. I thank the gentleman from Louisiana.

Mr. STAGGERS. Mr. Speaker, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from West Virginia.

Mr. STAGGERS. Mr. Speaker, I will say the words which I believe I have said on the floor, that we want the medical services bill, and there was a colloquy with the gentleman from Michigan (Mr. Gerald R. Ford), the minority leader and the ranking minority member on the subcommittee, the gentleman from Minnesota (Mr. Nelsen) to the effect that after this bill is passed the Congress will come up with a bill which will be considered by the subcommittee and the full committee and we will have hearings. We will establish some history and prepare legislation and the House will exercise its jurisdiction. If the administration wanted to dispose of any of these hospitals they would have to come to the Congress and we would set a day, so many days after that within which if we did not act the administration would be able to do as it pleased. This is the word I have had and I think that is the understanding of the gentleman who is the chairman of the subcommittee.

Mr. NELSEN. We do not have this at the moment but we are willing to recognize that there is a little bit of a problem and there needs to be a little bit of understanding as to how we are going to proceed and where we are going to go. I understand if this was not done in the bill we would not have this problem at the moment.

Mr. STAGGERS. That is correct.

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from Florida.

Mr. ROGERS. Mr. Speaker, I concur with what the gentleman from West Virginia has said. It is my understanding that the Congress would make the decision as to any extensions.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. NELSEN. Yes; I yield to the gentleman from Iowa.

Mr. GROSS. I do not know how many other Members of the House are in on this compromise, if it can be called a compromise. What is taking place? Are we being treated to some kind of sellout in this deal?

Mr. NELSEN. Well, I do not think that is exactly the right term to use. As far as how many are in on it, I am only assuming the responsibilities I have on the subcommittee. We have dealt with it and I have dealt with this thing all the way from the subcommittee to the full committee to the floor.

At this point, it is my judgment that, if we proceed this way, we will have a much better chance to get a reasonably workable solution to the problem that exists.

Frankly, I think, if we were to count noses, we do not have the votes. If we did want to have it on the floor, it would put us backward instead of forward. It is my feeling this is the best strategy we can use.

Mr. GROSS. Well, once in a while, the matter of principle ought to rise above expediency. I would hope, in this instance, that principle would prevail. This thing is either right or wrong. I do not think there are any very discernible shades in between.

Mr. NELSEN. That may be true.

Mr. GROSS. The House has spoken on it.

Mr. NELSEN. I always proceed legislatively moving toward attainable goals. In my judgment, the attainable goal is the change in the legislation that deals with public service hospitals.

I think this agreement lays the groundwork for understanding and certainly an attitude of tolerance of one group for another.

I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana

There was no objection.

The Clerk read the statement.

(For conference report and statement see proceedings of the House of October 13, 1973.)

POINT OF ORDER

Mr. STEIGER of Wisconsin. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. STEIGER of Wisconsin. Mr. Speaker, is a point of order eligible against the provisions of the conference report at this point, the statement of the managers not having been read?

The SPEAKER. The report has been read and printed in the RECORD. Completion of the action of the reading of the conference report has taken place by unanimous consent.

Mr. STEIGER of Wisconsin. Mr. Speaker, is the point of order eligible?

The SPEAKER. A point of order may now be made.

Mr. STEIGER of Wisconsin. Mr. Speaker, I make a point of order against section 817 of the conference report. That is the provision which deals with public service hospitals.

I recognize that the gentleman from Minnesota, the gentleman from Louisiana, the gentleman from West Virginia, and the gentleman from Florida were having a colloquy on what could happen in the public service hospitals.

It would seem to me that if this bill were to come to the House floor and this amendment on the public service hospitals were to be offered, it would not be germane under clause 7 of rule XVI. It is therefore, subject to a point of order under clause 4 of rule XXVIII. The jurisdiction of public service hospital legislation is clearly within the interest of the Committee on Interstate and Foreign Commerce and not under the jurisdiction of the Committee on Armed Services.

Therefore, Mr. Speaker, I respectfully press the point of order on this section.

Mr. HÉBERT. Mr. Speaker, if the House comes to this motion at this time, it threatens to destroy the entire conference report.

I am addressing myself to the point of order. If the House conferees accept the Senate amendment, which requires that eight Public Health Service hospitals previously scheduled be closed by the administration may continue in operation. The Senate conferees pointed out, among other things, that 26.4 percent of the inpatient load of these hospitals for the fiscal year 1973 were active duty or retired military personnel and their dependents. The continued operation of these hospitals is, therefore, valuable to the availability of quality medical care for military personnel.

Mr. Speaker, I believe this section is germane. I stated that in the previous discussions that we had; however, I brought it to the attention of the House, because of the disagreement of some other Members. However, I insist it is germane and ask the Speaker to make a ruling.

The SPEAKER. The Chair is ready to rule.

Section 817 of the conference report relates to the operation of the Public Health Service hospitals in certain locations. The subject matter of this provision is not within the jurisdiction of the Committee on Armed Services. An amendment proposing the continued operation of these institutions would not have been germane had it been offered to H.R. 9286 when that bill was under consideration in the House.

The Chair therefore sustains the point of order against that part of the conference report.

MOTION OFFERED BY MR. STEIGER OF WISCONSIN

Mr. STEIGER of Wisconsin. Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. STEIGER of Wisconsin moves that the House reject section 817 of the conference report.

Mr. STEIGER of Wisconsin. Mr. Speaker, I am hesitant, quite honestly, to become involved in an issue that is a matter of some concern to Members on both sides of the aisle, but I must say, Mr. Speaker, once the House had acted as it did in rejecting the rule as proposed by the Rules Committee which waived all points of order, I find no justifiable reason for not exercising the rights and privileges of the Members of this House in raising a legitimate point of order against the conference report.

May I say at the outset, I am profoundly respectful and grateful to the gentleman from Louisiana, because he did bring the conference report up in the normal process, and that is as it should be. It does allow the House to work its will, and I think that is as it should be.

Mr. Speaker, I would have no intention of pressing this issue except to insure that in fact the processes of the rules are complied with. The issue of the Public Health Service hospitals may now be settled because of what the distinguished gentlemen from Minnesota, Florida, and West Virginia have agreed to, but this is something that rises above that. In this, I concur with my friend and colleague from Iowa that there does come a point when the House has to make a judgment whether or not we continue to allow committees to come in and attempt, through the back door, to accept nongermane amendments and then simply roll over.

I am not prepared to do that. I urge the House to reject this provision of the conference report.

Mr. Speaker, I yield to the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Speaker, considering the importance of this legislation, I would waive any rights this committee has to jurisdiction of this issue, because I think it is important that this legislation pass as it is brought to the House.

We have made an agreement that it will be heard later in our committee to settle the different questions needed to be settled.

Military personnel, the Public Health Service hospitals primarily are for military personnel, those that are retired, and it is one of the oldest institutions. I believe we had them in 1798 and we are down to only eight in the land.

I believe the question has been settled so far as jurisdictional dispute is concerned, because we have agreed that afterward we will take up the subject and bring a bill to this floor.

Mr. Speaker, I would urge that the part be kept in the bill as it relates to the Public Health Service hospitals.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. Mr. Speaker, the gentleman from Louisiana has the time.

Mr. HÉBERT. I yield to the gentle- from Iowa.

Mr. GROSS. Mr. Speaker, I thought the statement was made that of the patients in the Public Health Service hospitals, only 26 percent or less were military.

Mr. HÉBERT. It is the active military as well as retirees and their dependents. We do not have that exact figure.

Mr. NELSEN. Mr. Speaker, will the gentleman yield to me?

Mr. HÉBERT. I yield to the gentleman from Minnesota.

Mr. NELSEN. Mr. Speaker, I will say to the Members of the House that there seems to be a little bit of an attitude of trying to imply that there is a desertion of the principles involved. I think that could be a very, very wrong interpretation.

The facts are that this Public Health Service hospital issue has been before our subcommittee many times, and at one time I was the lone dissenter in a conference committee session at the time the Fort Worth Hsopital was turned over to the Bureau of Prisons for treatment of narcotics addicts. So I am not one who rolls over easily.

However, I am also practical enough to know that the report that we are voting on is a very important one. I do know that the conferees worked hard to try to bring about some kind of an agreement, and I feel, in relation to the commitment that was made to me—and I do not bind any other Members to it—that I was trying to use my judgment as the ranking member on the other side, on the Subcommittee on Public Health and the Environment, and in my judgment and understanding we have come farther down the road toward a permanent solution than any we have had in years.

Mr. HÉBERT. Mr. Speaker, I wish to make just a closing remark.

I direct the attention of the House to exactly what they want to do on this particular motion, which I hope is voted down.

The gentleman is right in disclaiming any attitude toward accepting nongermane amendments coming to this body. I think that I was in the lead in making those observations several years ago when I first became chairman of the committee, and I feel the same way about it.

However, we are faced with a situation in which the national security of this country is involved, and when we are faced with the question of continuing to provide the support required by our military forces, then I believe we have to reconsider our position and if necessary change the rules to cope with the problem. If this motion is supported now, it means that we will have 10 more such votes here today.

Mr. Speaker, if a point of order is made against the other 10 questions, we will have 10 votes, and if any one of these motions is sustained, we will not have a conference report.

Now, that is the fact of the matter, and that is what this situation is. We will be without a conference report. We then will have to go back to the other body, and it will be up to the other body to decide what they want to do.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, is the gentleman asking the House to yield to the dictates of the Senate on this or any other matter?

Is this what the gentleman is asking the House to do? Is he asking the Members here today to bend their knees to the dictates of the House Committee on Interstate and Foreign Commerce and to the other body on this issue?

I am surprised at the capitulation of the Committee on Interstate and Foreign Commerce, and I am surprised that the Committee on Armed Services is not making the kind of fight with the other body that it ought to make.

Mr. HÉBERT. Mr. Speaker, I recognize the gentleman's concern about the matter. I am rather surprised, the gentleman knowing the gentleman from Louisiana, the chairman of the Committee on Armed Services, that he would charge him with such indiscretion.

As a matter of fact, if we follow the thinking of the gentleman from Iowa completely through and bandy about the terms "surrender" and "abdicate," or whatever else one wishes to say, that means that we would never have a conference report.

Why do we go to conference? We go to conference to come up with the best things we can get. We come up with a compromise, and in this instance we fought like nobody's business in that conference. The Members would be amazed at the things we insisted on, and there would not have been a conference report if we had not agreed to these subject matters. That is all there is to it. There is no abdication, there is no surrender, there is no sacrifice of principles, but there is a determination and a rededication toward getting legislation through this body as quickly as we can, and particularly in the area of military defense of this country.

Mr. BRAY. Mr. Speaker, will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman from Indiana.

Mr. BRAY. Mr. Speaker, I thank the gentleman for yielding to me this time.

Mr. Speaker, I want to assure the Members of this body that the House conferees fought for days upon this matter as bitterly and as strongly as they could, and we came out with a bill that is far nearer the House point of view than that of the Senate. We did not get everything that we wanted, but we came out of the conference, I believe, in very good shape. Now, to have to go back into conference again with the Senate when this legislation should have been passed before the first day of July will mean that we will be faced with enormous problems, if we have to do that, I can assure the Members of that.

Mr. STEIGER of Wisconsin. Mr. Speaker, before we come to a vote on this issue let me just say that we have here a classic situation. In my own judgment the key point is the way the conference report was brought up originally under the rule waiving points of order. I believe that was wrong. That has now been modified and the House can now have a chance to work its will separately and individually on those areas that are subject to points of order, if points of order are raised.

It is true that if this motion to reject is adopted that the conferees would have to reconvene and settle that issue with the other body. If it is accepted, then the House has worked its will, and made its decision and judgment about whether or not they want to accept or not accept the particular Senate provision.

On balance, Mr. Speaker, I simply again want to reiterate that I think the key point is that the House certainly now has a chance to make a determination. As far as I am concerned, that is what is most important. Let the House now make its own decision about this amendment.

Mr. HÉBERT. Mr. Speaker, may we have the Clerk read the motion?

The SPEAKER. The Clerk will rereport the motion.

The Clerk read as follows:

> Mr. STEIGER of Wisconsin moves that the House reject section 817 of the conference report.

PARLIAMENTARY INQUIRY

Mr. HÉBERT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. HÉBERT. Mr. Speaker, my parliamentary inquiry is this: I understand that an "aye" vote is a vote that would keep the Public Health Service hospitals open, and a "nay" vote would retain the Public Health Service hospitals?

The SPEAKER. The Chair will state that an "aye" vote on the motion to reject section 817 of the conference report would mean that the section covering the Public Health Service hospitals would not be included in the conference report. A "no" vote on the motion to reject section 817 of the conference report would be a vote in favor of the inclusion of the provision retaining the Public Health Service hospitals.

Mr. HÉBERT. I thank the Speaker, and I do urge a very, very positive "no" vote on the motion.

The SPEAKER. The question is on the motion offered by the gentleman from Wisconsin (Mr. STEIGER).

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 103, nays 290, not voting 40, as follows:

[Roll No. 556]

YEAS—103

Armstrong
Ashbrook
Bafalis
Baker
Blackburn
Broomfield
Brown, Mich.
Burgener
Butler
Camp
Cederberg
Clancy
Clawson, Del
Cochran
Collins, Tex.
Conable
Conlan
Coughlin
Crane
Davis, Wis.
Dellenback
Dennis
Derwinski
Devine
Duncan
Edwards, Ala.
Erlenborn
Findley
Fish
Forsythe
Frenzel
Frey
Froehlich
Gilman
Goldwater
Goodling
Gross
Hanrahan
Harsha
Hastings
Hechler, W. Va.
Heinz
Hinshaw
Hosmer
Huber
Hutchinson
Keating
Ketchum
Landgrebe
Latta
Lent
McClory
McCloskey
McDade
McKinney
Mallary
Maraziti
Martin, Nebr.
Martin, N.C.
Mayne
Mazzoli
Michel
Miller
Mizell
Moorhead, Calif.
Myers
O'Brien
Powell, Ohio
Quie
Quillen
Regula
Robinson, Va.
Robison, N.Y.
Rousselot
Ruppe
Ruth
Scherle
Schneebeli
Sebelius
Shoup
Shuster
Snyder
Steelman
Steiger, Ariz.
Steiger, Wis.
Symms
Talcott
Taylor, Mo.
Thomson, Wis.
Towell, Nev.
Vander Jagt
Veysey
Walsh
Wampler
Wiggins
Winn
Wyatt
Wydler
Wyman
Young, Ill.
Young, S.C.
Zion
Zwach

NAYS—290

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashley
Aspin
Badillo
Barrett
Bauman
Beard
Bell
Bennett
Bergland
Bevill
Biester
Bingham
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breckinridge
Brinkley
Brotzman
Brown, Calif.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton

XUM

Byron
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Chamberlain
Chappell
Chisholm
Clark
Clay
Cleveland
Cohen
Collier
Conte
Corman
Cotter
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, S.C.
de la Garza
Delaney
Dellums
Denholm
Dent
Dickinson
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Fountain
Fraser
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Ginn
Gonzalez
Grasso
Gray
Green, Pa.
Griffiths
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harvey
Hawkins
Hays
Hébert
Heckler, Mass.
Helstoski
Henderson
Hicks
Hillis
Hogan
Holifield
Holt
Holtzman
Horton
Hudnut
Hungate
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Kemp
Kluczynski
Koch
Landrum
Leggett
Lehman
Long, La.
Long, Md.
Lott
McCollister
McCormack
McEwen
McFall
McKay
McSpadden
Madden
Madigan
Mahon
Mailliard
Mann
Mathias, Calif.
Mathis, Ga.
Matsunaga
Meeds
Melcher
Metcalfe
Mezvinsky
Milford
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moorhead, Pa.
Morgan
Moss
Murphy, Ill.
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Hara
O'Neill
Owens
Parris
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Preyer
Price, Ill.
Price, Tex.
Pritchard
Railsback
Randall
Rangel
Rarick
Rees
Reid
Reuss
Rhodes
Riegle
Rinaldo
Rodino
Roe
Rogers
Roncallo, Wyo.
Rooney, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
St Germain
Sarasin
Sarbanes
Satterfield
Schroeder
Seiberling
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thone
Thornton
Tiernan
Treen
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waggonner
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wolff
Wright
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Tex.
Zablocki

NOT VOTING—40

Biaggi
Blatnik
Breaux
Brooks
Buchanan
Burke, Calif.
Clausen, Don H.
Collins, Ill.
Conyers
Davis, Ga.
Diggs
Esch
Flynt
Ford, William D.
Frelinghuysen
Green, Oreg.
Hammerschmidt
Howard
Hunt
Johnson, Colo.
Jones, Ala.
King
Kuykendall
Kyros
Litton
Lujan
Macdonald
Mills, Ark.
Mosher
Murphy, N.Y.
Nix
Podell
Roberts
Roncallo, N.Y.
Runnels
Ryan
Sandman
Steele
Waldie
Wylie

So the motion was rejected.

The Clerk announced the following pairs:

Mr. Podell with Mr. Conyers.
Mr. Blatnik with Mrs. Collins of Illinois.
Mr. Davis of Georgia with Mr. Flynt.
Mr. Murphy of New York with Mr. Hammerschmidt.
Mrs. Green of Oregon with Mr. Roncallo of New York.
Mr. Howard with Mr. Buchanan.
Mr. Macdonald with Mr. Kuykendall.
Mr. Mills of Arkansas with Mr. Hunt.
Mr. Biaggi with Mr. Diggs.
Mr. Jones of Alabama with Mr. Wylie.
Mr. Roberts with Mr. Don H. Clausen.
Mr. Nix with Mr. Mosher.
Mr. Kyros with Mr. Esch.
Mr. Litton with Mr. King.
Mrs. Burke of California with Mr. Steele.
Mr. Brooks with Mr. Frelinghuysen.
Mr. Waldie with Mr. Lujan.
Mr. Breaux with Mr. William D. Ford.
Mr. Runnels with Mr. Ryan.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. Are there further points of order? If not, the Chair recognizes the gentleman from Louisiana.

Mr. HÉBERT. Mr. Speaker, I rise in support of the conference report on H.R. 9286 and urge its approval by the Members of the House.

As Members of this House are well aware, H.R. 9286 is the annual Department of Defense authorization for appropriations for fiscal year 1974, and must be acted upon by the House prior to its taking action on the annual Department of Defense appropriations legislation for fiscal year 1974.

The conference committee on H.R. 9286 completed its action on Thursday, October 11, and filed its report on Saturday, October 13. The conference report, together with the joint explanatory statement of the committee on conference was printed in the CONGRESSIONAL RECORD of Saturday, October 13, and is now available as House Report No. 93–588.

H.R. 9286, as passed by the House on July 31, 1973, consisted of 17 pages. The Senate in acting upon the House bill struck all after the enacting clause and substituted new language in the form of an amendment. The amendment added 55 pages to the House-passed bill. As a consequence of the Senate action, there were contained in the Senate amendment a number of provisions which had never been considered by the House. Many of these Senate amendments were, therefore, rejected by your House conferees either because the provision had little persuasive justification or because of nongermaneness.

At the outset of the conference, the conferees discussed the House-approved overall ceiling on the defense authorizations provided in the bill. The House had voted a $20,445,255,000 authorization ceiling although the programs authorized by the House, in fact, totaled $21,394,997,000.

The Defense Department in its reclama to the conference pointed out that the intent of the proponents of the House provision was to limit the fiscal year 1974 authorization to the amount appropriated for fiscal year 1973, plus 4.5 percent for inflation. However, Defense pointed out that the proponents of of the House provision used the wrong starting point—that is, they understated by $880.5 million the amount provided by the fiscal year 1973 Appropriation Act. This error was further compounded by the use of an inflation rate that was too low.

These arithmetical errors compound to a $1.2 billion error in the resultant calculation of the fiscal year 1974 ceiling.

The error in calculating the appropriations provided for defense purposes resulted from failure to include $880.5 million of transfer authority provided in the fiscal year 1973 Appropriations Act. Thus the budget authority for fiscal year 1973 for DOD was $20,445,300,000 rather than $19,564,800,000.

Also, the inflation rate utilized in the House amendment was 4.5 percent when the actual rate of inflation for these expenditures was 5.7 percent.

Thus, in summary, the House ceiling was established at $20,445;300,000 when in fact it should have been $21,610,700,000.

It is interesting to note that the amount ultimately approved by the conferees is substantially below that latter figure, that is, $21,299,520,000—or more than $311 million less than the corrected House ceiling.

In light of this information, the House conferees acquiesced to Senate demands to reject the overall ceiling and proceed with the line item consideration of the differences in the bill.

The conferees had a total of 88 differences in the bill as pased by the respective bodies. Forty-one of these differences were money differences, while the remaining 47 were language differences.

The conference report together with the joint explanatory statement of the committee of conference provides a detailed explanation of the action taken by the conferees. Therefore, I will not attempt to burden the Members of the House with the recitation of all of these differences.

I will, however, briefly review the major actions taken by your conferees. These include the following:

Adopted a Senate provision continuing until December 31, 1975, the authority of the President to transfer to Israel by sale, credit sale, or guaranty, aircraft and related equipment.

Rejected a Senate amendment which would have provided recomputation of military retired pay at an estimated lifetime cost of $19.4 billion.

Established a limitation on the military assistance service funded program to Southeast Asia of $1,126,000,000. The House figure had been $1.3 billion.

Rejected a Senate provision prohibiting demonstrations outside the United States by military aerial acrobatic teams.

Adopted a provision establishing a total prohibition against funding of any U.S. military activity in, over, or off the shores of Indochina without the express consent of the Congress.

Rejected a Senate provision prohibiting release of long leadtime funding for the AWACS program until completion of a cost-effectiveness study by the Comptroller General.

Adopted a Senate provision which establishes a $25 million limitation on advance payments to defense contractors.

Adopted a Senate provision which consolidates the defense industrial reserve and would authorize continuation of the tools-for-schools program.

Rejected a Senate provision authorizing and directing the Defense Department to provide escort, briefing, and other support to the Senate youth program.

Agreed to a sense of Congress statement that the Department of Defense should implement a 10-percent reduction of its consumption of petroleum products.

Rejected a Senate provision directing the Department of Defense to request retired employees to make suggestions on procurement practices.

Rejected a Senate provision prohibiting the settlement of a loan that the Government of India has with the United States at less than the full amount owed unless a lower settlement is authorized by the Congress.

Agreed to a compromise provision relating to NATO burden sharing. The section provides that unless our NATO allies offset any balance-of-payments deficit relating to U.S. troop deployments, there will be a corresponding reduction in troop presence in Europe.

Rejected a Senate amendment which would have required a reduction of 110,000 in the number of U.S. troops deployed overseas by December 31, 1975.

Agreed to require a 43,000-man reduction in the active strength of the Armed Forces by June 30, 1974.

Established a Defense Manpower Study Commission to conduct an independent comprehensive study of total manpower requirements of the Department of Defense, both civilian and military.

Adopted the Senate version of a "Buy American" amendment affecting defense procurement, and finally

Adopted a Senate provision to provide medical emergency helicopter transportation for civilians as passed by the House on May 21, 1973.

I will include at this point in the RECORD a table setting out in detail the budget request of the administration for fiscal year 1973; the House action; the Senate action; the difference between the House and Senate bills, and finally the conference action itself.

FISCAL YEAR 1974 AUTHORIZATION BILL

[In thousands of dollars]

	Fiscal year 1974 request	House bill	Senate bill	Difference House versus Senate	Conference action
Aircraft:					
Army	181,000	181,000	168,000	−13,000	168,000
Navy and Marine Corps	2,958,300	2,958,300	2,886,500	−71,800	2,912,600
Air Force	2,912,800	2,739,100	2,964,635	+225,535	2,964,635
Subtotal	6,052,100	5,878,400	6,019,135	+140,735	6,045,235
Missiles:					
Army	599,900	574,200	560,700	−13,500	565,000
Navy	680,200	680,200	650,700	−29,500	680,200
Marine Corps	32,300	32,300	32,300	0	32,300
Air Force	1,573,200	1,573,200	1,509,700	−63,500	1,519,600
Subtotal	2,885,600	2,859,900	2,753,400	−106,500	2,797,100
Naval vessels: Navy	3,901,800	3,788,200	3,628,700	−159,500	3,737,000
Tracked combat vehicles:					
Army	201,700	193,300	160,300	−33,000	193,300
Marine Corps	46,200	46,200	46,200	0	46,200
Subtotal	247,900	239,500	206,500	−33,000	239,500
Torpedoes: Navy	219,900	219,900	203,300	−16,600	203,300
Other weapons:					
Army	51,300	44,700	43,085	−1,615	44,700
Navy	41,900	41,900	33,100	−8,800	37,100
Marine Corps	700	700	700	0	700
Subtotal	93,900	87,300	76,885	−10,415	82,500
Total procurement	13,401,200	13,073,200	12,887,920	−185,280	13,104,635
Research, development, test and evaluation:					
Army	2,108,700	2,031,686	1,935,933	−95,753	1,983,758
Navy (including M.C.)	2,711,700	2,675,300	2,656,200	−19,100	2,670,749
Air Force	3,212,500	3,110,811	2,958,200	−152,611	3,034,800
Defense agencies	500,400	479,400	484,800	+5,400	505,578
Test and evaluation, Defense	24,600	24,600	24,600	0	
Total R.D.T. & E.	8,557,900	8,321,797	8,059,733	−262,064	8,194,885
Undistributed reduction		−949,742		+949,742	
Grand total procurement and R.D.T. & E.	21,959,100	20,445,255	20,947,653	+502,398	21,299,520

The administration had requested $21,959,100,000. Your conference committee has recommended a final authorization of $21,299,520,000—a reduction of approximately $660 million.

In conclusion, Mr. Speaker, let me emphasize one very pertinent fact of life—this is essentially a hardware bill. It is an authorization to permit the armed services to obtain the appropriations necessary to develop and procure the modern equipment which will protect us from any adversary and will insure our national security. It takes time and unfortunately—a great deal of money to provide this equipment to our Armed Forces, but we have no alternative.

One of our more distinguished former Assistant Secretaries of Defense, Mrs. Anna Rosenberg, once vented her frustrations at the inability to obtain funds and hardware for our Armed Forces by exclaiming that—

> Of course we have an alternative—we can fight the enemy with our blueprints.

I am sure that we do not want to be forced into the position of attempting to fight our prospective enemies with nothing but blueprints.

Let us approve this conference report.

Mr. GUBSER. Mr. Speaker, will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman from California.

Mr. GUBSER. Mr. Speaker, I regret that it was necessary in the final moments of the House-Senate conference for the House to recede on a Senate amendment which cut the Aegis program in the amount of $3,000,000.

The Aegis program, which is now completing a most successful series of shore-based tests in preparation for further tests at sea next year, is the only real answer to the air threat to our surface forces. A great many of the small nations of the world, through the use of sea-launched cruise missiles, are becoming capable of neutralizing to an unacceptable degree our ability to project seapower to many parts of the world vital to our interests.

When more sophisticated antishipping weapons and systems are made available to coastal powers as is now being done with antiair weapons in the Middle East, there is an even greater potential for serious erosion in our ability to keep vital supplies flowing to our shores. Recent events in the Middle East have dramatically reminded us of the importance of oil imports for the economic and military security of the United States. Successful transport of Middle East oil depends directly on our ability to keep the sealanes open and protected. Thus, the Aegis system and its platform, the DG, are key elements in the future of the surface Navy and of U.S. military security.

The Aegis system has been in engineering development since December 1969. In concert with the objective of cost reduction, the Aegis R. & D. effort was reoriented in December 1971 toward engineering development of a smaller, less costly system without serious reduction of basic performance capabilities. These goals have been achieved. Aegis system weight has been reduced, power requirements cut, manning reduced, and projected cost reduced from $60 million to $43 million. This system can be installed in a 6,000-ton ship in place of the originally planned 11,000-ton DLGN. Based on proven weapon system characteristics, a new AAW ship class, the DG, is now planned.

A tightly coordinated development program has been evolved to satisfy a readjusted budget. Principal Aegis fiscal year 1974 funding is directed at completion of Aegis at-sea testing, and "gearing up" for the fiscal year 1975 effort to complete design engineering of the scaled-down Aegis and the DG combat system. A funding reduction of $3,000,000 at this crucial stage in the development program will delay the program for about 3 to 4 months, with a cost increase estimated at $5,000,000 due to the stretch-out. More seriously, a disruption in the simultaneous design in the Aegis system and the DG will have a severe cost and schedule impact on the planned DG ship schedule.

If this reduction is not restored by reprograming, the introduction of Aegis to the fleet will be delayed in the face of an increasing threat and the overall development costs will be increased.

I suggest that the $3,000,000 be the subject of a reprograming request so that this vital program may be expeditiously carried forward. I am sure the Armed Services Committee will give early and sympathetic consideration to such a request.

I would like to ask the distinguished chairman of the Armed Services Committee if this $3 million item was dropped, is not a likely candidate for a reprograming request, and if such a request is made, if the chairman of the full committee would give prompt and sympathetic consideration to such a request.

Mr. HÉBERT. Mr. Speaker, I say to the gentleman from California that the chairman of the committee is very sympathetic to his request for such a reprogramming action. If it is requested, the committee would give it careful consideration.

Mr. GUBSER. Mr. Speaker, I thank the gentleman.

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman from Pennsylvania.

Mr. WILLIAMS. Mr. Speaker, I do want to state that I am thoroughly in accord with this conference report. I think the conferees did an excellent job.

Mr. Speaker, I do note under title II, which concerns research, development, test and evaluation, that the conferees finally agreed on a figure of $8,194,885,000, which is $363 million less than the Defense Department requested.

Mr. Speaker, my question is, is any of that research, development, test and evaluation money going to be used for the construction of temporary relocatable structures for moving installations, and for which no MILCON money has been authorized?

Mr. HÉBERT. Mr. Speaker, not to my knowledge. The answer is "No."

Mr. WILLIAMS. Mr. Speaker, I would ask the same question of the gentleman from Indiana (Mr. Bray).

Mr. BRAY. Mr. Speaker, my answer is also, to the best of my knowledge, "No."

Mr. WILLIAMS. Mr. Speaker, I thank the gentleman very much.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Speaker, I wanted to ask the gentleman a question to clear up any misunderstanding I might have about section 811, which required the NATO allies to fully offset the U.S. balance-of-payments deficit in 18 months, or U.S. forces in Europe would be reduced.

Mr. Speaker, is this an attempt to use the threat of reducing our own forces to require the other NATO countries to increase their contribution?

Mr. HÉBERT. Mr. Speaker, I ask the gentleman from New York (Mr. Stratton), who is an authority on this, to reply.

Mr. STRATTON. Mr. Speaker, will the gentleman yield to me?

Mr. HÉBERT. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Speaker, in reply to the gentleman from Maryland, this amendment was originally introduced in the Senate by the Senator from Washington, Senator Jackson. The purpose of it was to try to carry out what a House Armed Services Subcommittee had recommended more than a year and a half ago; namely, that there ought to be a greater effort on the part of our allies in NATO to relieve the major fiscal burden of our NATO commitment, which is our deficit in the balance of payments.

The section the gentleman refers to provides that if our NATO allies have not succeeded in offsetting this balance-of-payments deficit by a particular date, then 6 months thereafter we would reduce our forces by the percentage amount that they had failed to offset that deficit.

Mr. LONG of Maryland. Mr. Speaker, I applaud the objective, but I wonder whether we would really mean to carry through on this? How far would we be prepared to reduce our troops, or are we threatening to do something we know, and the other NATO allies know, we would not be prepared to carry through?

Mr. STRATTON. No. There were expressions of feeling among some of the conferees that perhaps this amendment was too strong and perhaps we ought to put in some kind of saving language, but the conferees finally rejected this. We accepted the amendment of the Senator from Washington, except that we extended his deadline by 6 months.

It is my understanding that conference agreement on this point has already been effective in convincing our allies that we mean business.

Mr. LONG of Maryland. Mr. Speaker, I will ask the gentleman this question:

How many troops could we withdraw without weakening the military capability of the NATO Alliance?

Mr. STRATTON. I do not think anybody is in position to answer that question now. The bill also contains a provision that the House Committee on Armed Services will examine this entire question of NATO forces and report back by the first of April next year concerning exactly how many troops we do need.

Mr. LONG of Maryland. There is a real confrontation here. Who is going to weaken, we or our NATO allies?

Mr. STRATTON. Mr. Speaker, I would hesitate to comment on that particular point. I would hope there would be no confrontation. I would hope we would arrive at a mutually satisfactory agreement.

Mr. LONG of Maryland. Mr. Speaker, I thank the gentleman.

Mr. STEIGER of Wisconsin. Mr. Speaker, without intending to raise an objection, I call to the attention of my colleagues title VII of H.R. 9286 which establishes a Defense Manpower Commission which must submit its final report within 24 months after its members are appointed. Among its duties this Commission must review grade structures and the concomitant promotion requirements within each armed force. I remind my colleagues that in October 1972, when the Congress granted the Air Force a temporary extension of their grade limits, the Senate required the Department of Defense to submit a report concerning grade structure by May of this year.

The report was submitted at that time and I understand that legislation establishing a defense officer personnel management system will be submitted soon. That legislation will contain new permanent grade limits for all services and thus will replace the temporary limits for the Air Force. If the Commission provided for in title VII delays consideration of the proposed defense officer personnel management system beyond September 30, 1974—the expiration of the Air Force's current temporary grade limits—the Air Force will be in an untenable position.

The result would be a reduction-in-force demotion and forced retirement of approximately 5,500 colonels and lieutenant colonels which would leave the Air Force dramatically below its minimum senior officer requirements and would create such personnel turbulence and uncertainty that it would make an Air Force career far less attractive, particularly to the younger officer. I am certain the Congress does not intend to create such a situation; in fact, it would contradict the very purpose of the Defense Manpower Commission. Mr. Speaker, while I favor establishment of the Defense Manpower Commission and look forward to an objective report on the many issues it will study, I want us to be aware that we may be creating an unintended problem for the Air Force which will require an extension of their current grade limits next year. We should keep this fact in mind.

Mr. FRENZEL. Mr. Speaker, today we again witness a case of the House refusing to abide by its own rules, and instead accepting another in an apparently never-ending stream of nongermane Senate amendments. I believe that in accepting the Senate amendment we are flaunting the rules and only encouraging further whimsical activity on the part of the Senate.

Whether or not one likes the Public Health Service hospitals—I have voted against them before and will do so again today—I think we ought to vote against them after the point of order is raised, if only to protest the most recent Senate piggyback effort and to show we have some backbone of our own.

Also, Mr. Speaker, I have trouble in voting for a conference report which not

only exceeds our House position by $854 million but also is $350 million over the Senate position. At this late time in the year, I suppose we have no choice but to pass the bill. But I, for one, will surely be more careful about voting for appropriations at that level.

In general, I think it is not a very good performance when we violate our own rules and authorize more spending than we agreed to in the original bill.

Mr. DELLUMS. Mr. Speaker, today we are faced with a conference bill put together by people with no sympathy for the majority actions of either House. The result is what would have been expected—a bill that achieves "compromise" by striking out any provision that either House had added that moved in the direction of more rational strategic and diplomatic priorities.

I believe that this constitutes such an abuse of the legislative process that it should be evident to everyone. There are many reasons I intend to vote against the bill as written, but I will confine my remarks to two of the worst provisions of a horrible bill.

First, the truly horrifying amount of money we are taking from the American taxpayer to subsidize Thieu's police regime. I wish Mr. Thieu luck in his efforts to create a stable government, if that is his aim—but I object to providing him with the means of getting along without real political support—in fact, of maintaining his position solely by relying on gestapo tactics, prisons, and police. I would like to insert, for the convenience of my colleagues, some material on what our money is being used for in South Vietnam. I fail to see how any of this benefits either the people of Vietnam or the best interests of the United States:

Letter Sent by a Number of South Vietnamese Mothers Whose Sons and Daughters Are Detained by the Saigon Regime

Saigon, *August 10, 1973.*

To: The International Commission of Control and Supervision, the Bipartite Military Joint Commission, the International Red Cross Society, through the intermediary of the Committee for the Improvement of the Prison System in South Viet Nam.

We, a number of women, mothers of school and university students still detained by the Government of the Republic of Viet Nam, write this letter to request you to intervene in our favour so that our sons and daughters can return home and be reunited with our families. As it is now past the final dead-line (28 July 1973) for the release of civilian prisoners stipulated by the Bipartite Military Joint Commission and still our children are in prison and their fate is very uncertain.

Dear Sirs: We are Vietnamese women who have undergone untold sufferings in this war. Many of us have wept the death of our fathers, our husbands or our children. Now we are weeping in our grief and our love for our missing sons and daughters still in gaol. When the Paris Agreement to end the war and to re-establish peace in Viet Nam was signed, we were extremely moved and we welcomed them with a strong feeling of joy. We were fervently hoping that when our country is at Peace, when all our fellow-countrymen share a common joy of "National Reconciliation and Concord to end hatred, to put a stop to further suffering and to reunite the families . . ." as set down in Article 8c of the Agreement, then we would see our sons and daughters coming back to our homes. Little did we know that we were going to be cruelly disappointed. Our pain was so great we thought we did not have the strength to endure it: our children so dear to us not only are still not freed, but also have suffered unreasonable and inhuman measures contrary to the spirit of the clauses in the Paris Agreement concerning the release of civilian prisoners. Immediately after the signing of the Agreement, our children were transferred from one prison to another, were transported to secret places of detention, were taken to centres of interrogation where they cannot be traced (the documentary evidence of this has been presented many a time by the Committee for the Improvement of the Prison System in South Vietnam).

We are mothers, old and poor, living in the urban areas of the South. Some of us have picked a few vegetables from the garden, others have undergone privations, have borrowed money to buy some medicine for our children and we have travelled long distances to the prisons to visit our children but we are not allowed to see them. We are distressed, we do not know why, we do not know who to ask, and even when we ask nobody deigns to answer. With pain and bitterness in our heart, we returned sadly home, wiping our tears.

We have lived in poverty for a long time, and our misery is increasing every day because the numerous heavy taxes make the price of goods extremely high. We have not had fish or meat in our daily meals for a long while. In this situation, whenever we think of our children we feel as though our entrails are cut into small pieces, because how much more miserable is the situation of our children in gaol. For many months now they have never eaten even a sprig of green vegetable, they are given poor quality rice full of gravel and even that in insufficient quantity. The more we think about it the more pain we felt in our hearts. We can affirm that prisoners in South Viet Nam are kept very hungry. We know for certain that right now in Tan Hiep gaol, the prisoners are given two bowls of watery rice gruel a day, and the situation is no better in the other prisons (once again, we beseech all the Red Cross Societies to find the means to come and investigate the truth).

However, that is not all. After undergoing their interrogation and enduring the extremely harsh prison conditions, our children have become extremely weak and gravely ill. We have seen with our own eyes our sons and daughters looking like skeletons, pale, exhausted and diseased. Even in this condition, they are still taken to interrogation centers and kept incommunicado from their families, so that we do not know anything about their fate (A typical case is that of a number of girl students, detained in Tan Hiep after having gone through the prisons of Thu Duc and Chi Hoa, who are now kept at the Bien Hoa C3 Interrogation Centre). Others at Thu Duc and Tan Hiep are not allowed to be visited and taken care of by their families.

While we are desperately asking for newa of our children and waiting for their returning home, we have heard that a number of students have been returned to the Provisional Revolutionary Government of the Republic of South Viet Nam and that they are now being taken care of in Loc Ninh. But there is no news about the others, we do not know what is being planned for them.

Faced with the above fact, we feel that we have to raise boldly our voice to express our sincere thoughts.

First of all as Vietnamese and secondly as mothers, to us the Vietnamese nation is one. Whether from this side or the other, all the people are fellow-countrymen of the same blood and the same flesh, they are the children that Vietnamese mothers had carried and given birth to, and then brought up with their milk, on the land of their own ancestors. Futhermore, nothing, however mighty, can divide a people sharing a common origin and common ancestors, let alone an artificial boundary line. The 17th parallel was stipulated by the Geneva Agreement as only a temporary ceasefire line. Now the Paris Agreement has again confirmed this fact. That is an important matter, but what is most important is that, at this moment, our whole nation, hand in hand, is building Peace and is realizing National Reconciliation and Concord. In this sacred moment who dares thing of a boundary line to divide fellow-countrymen in the North from those in the South, or to distinguish people living together in the South. We are all living on Vietnamese territory.

Therefore it is not important where our sons and daughters are released. Nevertheless we must affirm that our children are not the Communists the Government of the Republic of Viet Nam accuses them to be. We gave birth to them here in the South, we had lived with them since their most tender infancy. Nobody knows them better than their own mothers. We know the character, the vocation of our children and therefore we know the reason for their being in prison. Our children have not committed any other crime but that of loving their country and their people, the crime of struggling for the right to life for poor and oppressed people of which their parents are a part the crime of struggling for peace, for an end to the war in which the lives of their parents, their brothers and their friends have been sacrificed. It is a truth as clear as sunlight, a truth seen by everyone. It is a just and good thing to do, that is recognized by everyone. What more concrete recognition than the fact that we accept with courage the involvement of our children in a struggle fraught with danger, what more concrete recognition that the fact that their fellow-countrymen have contributed each a piastre or a bowl of rice to encourage them on their bitter road, the fact that peace-and-justice loving people all over the world have raised their voice in support.

Dear Sirs: Our children have acted right, and it is obvious and none can deny it, that by their action they have stood in the ranks of the progressive and peace-loving people of the South.

Now the Government of the Republic of Viet Nam has admitted that peace and welfare are the ultimate aim of all the people in the South. Therefore there is no reason whatever to accuse our children of being communist. In doing so, the Government is flagrantly denying the presence of the patriotic elements who have not feared making sacrifices to serve the common interests of the nation, it is flagrantly betraying the aim that it has solemnly promised to pursue to the end.

To return the students to the Provisionary Revolutionary Government of the Republic of South Viet Nam is to force them to live away from their parents, their families and their homes. They have been hoping unceasingly to be reunited with their families, and we have been hoping to receive them back among us, in our homes, in the areas controlled by the Government of the Republic of Viet Nam.

Dear Sirs: Once again, in our quality of Vietnamese women who are fervently peace-loving and who have endured untold sufferings in this war and therefore who were moved to great joy by the Paris Agreement of 1/27/1973 to end the war and to re-establish peace in Viet Nam, we beseech the International Commission of Control and Supervision which is the representative of the countries loving peace and supporting the Paris Agreement out of a sense of duty and out of a feeling of humanity, to intervene so that

XUM

the Government of the Republic of Viet Nam has to apply correctly the clause of the Paris Agreement in order to bring National Reconciliation and Concord, and end to hatred, a stop to further suffering and a reunion of the families, according to clause 8c. This is awaited with great expectation by the whole Vietnamese people in general and by us in particular.

We request the intervention of your Commission with the Government of the Republic of Viet Nam so that our children can be released to return to their parents, to their families, to their friends, to their schools in this beloved land of the South.

With our sincere gratitude,

SIGNATURES

1. Huynh Thi Thom, mother of student Huynh Tan Mam, arrested the latest time on 5 January 1972.
2. Nguyen Thi Tam, mother of high-school pupil Le Van Nuoi, arrested on 22 September 1971.
3. Lieu Thi Huyen, mother of student Tang Quang Tuyen (Faculty of Law), arrested on 7 May 1972, and girl student Tang Thi Nga (Faculty of Law), arrested on 9 March 1973.
4. Phan Thi Thich, mother of student Ngo Van Dat (Duong Ngoc Son), (Faculty of Architecture), arrested on 11 June 1971.
5. Le Thi Muoi, mother of student Trieu Cong Tinh Trung, arrested on 29 June 1971.
6. Vo Thi La, mother of student Nguyen Van Nam (Faculty of Letters), arrested on 27 April 1972.
7. Mrs. Le Van Ky, mother of student Le Cong Giau (Faculty of Sciences), arrested on 8 April 1972.
8. Bien Thi Ngau, mother of student Nguyen Tan Tai (Faculty of Sciences).
9. Luong Van Ba, father of student Luong Dinh (Faculty of Sciences).
10. Vo Thi Tu, mother of student Le Anh Ton, arrested on 8 April 1969.
11. Ha Hoang Bich, uncle of student Ha Dinh Nguyen.
12. Do Thi Tao, mother of student Nguyen Xuan Ham.
13. Nguyen Van Mang, father of student Nguyen Van Phu.
14. Phan Thi Nhut, mother of the girl student Nguyen Thi To Nga.
15. Tran Thi Nghiem, mother of the high school pupil Nguyen Si Hien.
16. Luong Thi Dinh, mother of the girl pupil Nguyen Thi Man, arrested on May 1972.
17. Nguyen Van Nhuan, father of the girl student Nguyen Thi Yen.
18. Tran Thi Hong, mother of Le Hoang Phuc, arrested on 24 October 1971.
19. Nguyen Thi Ngoc, mother of student Le Van Nghia (Hoang Nghia), (Faculty of Letters), arrested on 6 March 1973.
20. Nguyen Thi Hong, mother of student Nguyen Van Tu (Faculty of Sciences), arrested on 24 April 1972.
21. Nguyen Thi Su, mother of girl student Tran Thi Hong Nga, (Faculty of Letters), arrested on 6 January 1972.

[From the Indochina Focal Point, Oct. 1–15, 1973]

AS PRESSURE MOUNTS TO RELEASE PRISONERS: NGO BA THANH FREED

On September 21, lawyer Ngo Ba Thanh was released from Thu Duc prison in Saigon after 2 years of incarceration. The release proved that international pressure can hasten the implementation of the Peace Agreement, which calls for the release of Saigon's 200,000 political prisoners and the restoration of democratic liberties.

Mme. Thanh is a well-known spokeswoman for neutralists in South Vietnam who oppose the Thieu regime. A Columbia University Ph.D., she was a founder of the "Vietnamese Women's Movement to Defend the Right to Live;" and became the "symbol of South Vietnam's political prisoners" (San Francisco Chronicle, Sep. 22, 1973). On behalf of all the prisoners, she undertook a 5½ month hunger strike, during which she lost 48 pounds and suffered from failing health, to turn world attention on the Saigon police state.

Thieu's refusal to release her reflected his belief that he could resist pressure from international public opinion and the U.S. Congress. But last week he was forced to yield, releasing Mme. Thanh and 3 labor leaders (New York Times, Sep. 21, 1973).

In recent weeks, a worldwide campaign to free the political prisoners has gained momentum.

"(Her release was) designed to counter a recent wave of criticism in the U.S. Congress over Saigon's treatment of political prisoners and the disclosure last week that Washington was continuing to supply aid to the South Vietnamese police.

Both the Saigon Government and the U.S. embassy have reportedly been concerned that the criticism might lead Congress to cut economic and military aid to South Vietnam." (New York Times, Sep. 21, 1973)

Nixon and Thieu hope that by freeing the "symbol" of the political prisoners, they can end public concern for the hundreds of thousands still being tortured and confined. But, Thieu's gambit to weaken the international prisoner campaign demonstrates the strength of the campaign, and will encourage the antiwar movements in America, Western Europe, Scandinavia, Japan, and the socialist countries to generate more pressure to free the less prominent prisoners.

GROWTH

In the U.S. the campaign is entering a new phase of growth. Dozens of cities held major events during the International Days of Concern in mid-September. Marches, speeches, demonstrations, sermons, editorials, leafletting, and community meetings were held to raise the prisoner question high on the public agenda.

Mass media are ending their near-blackout of war news: a recent Time article, for example, contained a critical article on the secret and illegal U.S. funding of Thieu's police and prison system (Time, Sept. 17, 1973).

The influential New York Times is giving more coverage to the Congressional fight to cut-off the illegal aid programs. Central to these efforts is Sen. Abourezk's amendment to the Foreign Economic Assistance Authorization Bill (S. 2335), which proposes to terminate U.S. aid to any country which detains its citizens for political reasons. If this amendment passes, Thieu will be forced to choose between implementing the Peace Agreement's provisions on prisoners, or losing U.S. financial support—approximately 90% of his budget.

The Abourezk amendment would also cut off aid to the military junta in Chile, as well as other dictatorships in Latin America and Asia. Senate support for this amendment is growing, with Senators Kennedy, Cranston, McGovern, Muskie, Hart, Case, and Hartke among its leading supporters, and ". . . many liberals believe that a cutback in South Vietnamese police and prison spending may be approved, if the issue attracts enough public concern" (New York Times). Immediate pressure from constituents (phone calls, telegrams, letters) could win a majority on the vote, which is expected soon.

ARRESTS

The police and prison programs of repression mark the refusal of the U.S. and Thieu to obey the provisions of the Peace Agreement which require the release of all Vietnamese political prisoners and the restoration of the democratic liberties necessary for a free election.

Since the Peace Agreement was signed, the Thieu regime has undertaken a widespread campaign of harassment, arrests and imprisonment, to destroy all opposing political forces. The F–6 ("Phoenix") program of assassination and torture has maintained a quota of 3,000 arrests per month, which steadily increases the number of imprisoned citizens, now estimated at 200,000. In addition, 4 or 5 million South Vietnamese are refugees, forced to live in barbed-wire concentration camps under Thieu's control. This, too, violates the Agreement.

The "prisoner question" is both the center of international humanitarian concern, and the cutting-edge question of Vietnamese independence. Thieu has resorted to untold brutality to destroy the possibility of a fair and open political contest with the P.R.G. and the neutralists. As long as Thieu stifles the expression of popular political feeling, the Saigon area of South Vietnam will remain a U.S. colony, and the fragile peace hoped for last January will disintegrate further into increasing open warfare.

On July 22, after 6 months of brutal repression following the Peace Agreement, an urgent appeal was made by the "South Viet Nam Committee of Struggle for the Freedom of Patriotic and Peace-loving people still Detained by the Saigon Administration." The Appeal enumerated the violations of the Peace Agreement contained in Thieu's "Security Plan." It called on concerned people throughout the world to condemn Thieu's political repression, and to ". . . demand that the United States and the Nguyen Van Thieu administration seriously implement the Paris Agreement on Viet Nam, immediately return all the patriotic and peace-loving people, including those who belong to the third political force, still detained in South Viet Nam."

The Democratic Republic of (North) Vietnam has criticized the hypocrisy of the U.S. government's concern for American bomber pilots lost over Indochina, while it finances the continuing torture and execution of thousands of Vietnamese held in Saigon's jails.

Maj. Pham Phu Binh, the D.R.V. delegate to the Four Party Joint Military Commission, recently warned that the search for American MIAs would end soon unless the Thieu regime released the prisoners.

"How can the Vietnamese people enthusiastically get information about the United States missing-in-action", he asked, "while their relatives are still detained in the prisons of (the Saigon) side?" (*New York Times*, Sep. 23, 1973.)

Mme. Thanh, whose determination and courage have turned world attention to Thieu's political prisoners, said after her release,

"It's so wonderful to see people, listen to the birds, feel rain. But even when I was in prison my head was free and I played the role I felt I must to influence the future of my country. Now that my body is no longer in jail, I will continue to play that role. I want all political prisoners released immediately. There are thousands of them."

[From the Indochina Focal Point, Oct 15–31, 1973]

THIEU THREATENS RENEWED WAR WITH PRG

In recent days, two major events have surfaced in the news reflecting the current conflict over the implementation of the Peace Agreement and the growing threat of renewed war.

On September 1, the Saigon government protested that the Provisional Revolutionary Government (PRG) had built twelve airfields inside South Vietnam. The U.S. warned on September 10 that "grave risks" would result unless the airfields were removed. On September 17, U.S. Deputy Secretary of Defense William Clements called the airfields "a very real threat" and a "every serious major violation" of the Agreement. On the same

day, North Vietnam responded by warning of "serious consequences" if the PRG's airfields were attacked. Finally on September 19, Saigon threatened to attack the airfields unless the PRG dismantled them.

PRG AIRFIELDS LEGAL

The PRG airfields are legal under the Peace Agreement. The Agreement recognizes two governments in South Vietnam, the Thieu regime and the PRG, each with its own area of control, army, administration and political force.

Article 3 of the Cease Fire Protocol permits "the use by each party (PRG and Saigon) in areas under its control, of military support elements, such as engineering and transportation units, in repair and construction of public facilities and the transportaton and supplying of the population."

The airfields are public facilities used to transport citizens and have been built in areas controlled by the PRG. Therefore, the warnings by the U.S. and Saigon are simply not founded on PRG violations of the Agreement. Either they are meant to take attention away from U.S.-Saigon violations, or as a pretext for new fighting or both.

The second major event is the October 4 PRG walkout from the formal political discussions with Saigon in Paris. The "Consultative Conference" between the two parties aims at solving the internal problems of South Vietnam and formulating a plan for general elections.

The PRG delegate protested "continuous and flagrant violations of the Peace Agreement by Saigon" and walked out to "underline the gravity of the situation, in which the United States and the Saigon regime are in feverish preparations for new military adventures." (*Los Angeles Times*, October 5, 1973)

VIOLATIONS

The violations include Thieu's refusal to:

1. Stop the shooting. Instead Saigon has engaged in continual "land-grabbing" operations designed to nibble away at the PRG's territory. These operations have reached division size most recently in Kontum and Tay Ninh provinces.
2. Release the estimated 200,000 political prisoners.
3. Restore democratic liberties and halt the "pacification" program of repression, refugee concentration camps, and wide-spread police sweeps.

As early as April 25, the PRG presented a proposal which would end the violations and set South Vietnam on the road to peace. The PRG six-point plan called for: (1) cessation of all hostilities; (2) the release of political prisoners; (3) restoration of democratic liberties for all the people; (4) the creation of the National Council of National Reconciliation and Concord to organize the elections; (5) free and general democratic elections; (6) final settlement of the areas of control and relations between the PRG and Saigon armies.

On the same day, the Saigon regime proposed its own steps, but in the opposite order: settle the troop question, set the date for elections, then restore liberties. Thieu insists "until there is an agreement on timing of general elections, democratic liberties and the National Council will not be implemented."

What is the difference between these proposals? The PRG wants a democratic setting in which to hold elections. Thieu wants to hold a Saigon-controlled election before a free and open political atmosphere is guaranteed. He refuses to enter an open political contest with the PRG and Third Force Neutralists because he knows he lacks the popular support. The PRG has every reason to support the Peace Agreement; Thieu has every reason to undermine it.

The PRG, in walking out of the arena of these proposals and counter-proposals is attempting to turn the world's attention to a chain of events which threaten to result in full-scale war once again:

Sept. 1—Saigon protests the PRG airfields.

Sept. 10—U.S. warns the DRV of "grave risks" on PRG airfields.

Sept. 11—Saigon again protests PRG airfields.

Sept. 13—DRV defends right of PRG to build airfields. Heavy clashes break out in central South Vietnam between Thieu and PRG.

Sept. 17—U.S. warns of "very real threat" of PRG airfields. DRV warns of "serious consequences" if airfields are attacked. Thieu launches division size attacks on PRG areas in Kontum Province.

Sept. 19—Saigon threatens to attack airfields.

Sept. 24—PRG representative in Hanoi reports: "Thieu's army is no longer limiting itself to encroachment operations. It has now gone over to the systematic destruction of entire regions. To achieve its aims, Saigon is using seven ton bombs (14,000 pounds) containing toxic gas and chemical substances, tanks and bulldozers to wipe out villages and massacre the population." (*Guardian*, Oct. 10)

Sept. 28–30—"Heaviest" casualties since January ceasefire result from Thieu's land-grabbing operations in Tay Ninh Province.

Sept. 30—U.S. aircraft carrier Hancock approaches North Vietnamese coast and U.S. fighter-bombers fly low over Nghe An Province.

Oct. 4—PRG walks out of Paris Consultative Conference in protest.

These events mark the increasing conflict between the forces favoring an open political process in South Vietnam as required by the Peace Agreement and those in Saigon who refuse to allow it.

POLITICAL COMPETITION

The Peace Agreement signed in January pointed toward a change in the struggle in Vietnam from military battles to political competition. The forces involved were to build up the areas under their control, and appeal to the Vietnamese people with political programs through open political dialogue in the marketplace, the cities, and in the homes.

The process of political competition was to be paralleled by the creation of a National Council to arrange elections which would lead to a coalition government of Thieu, PRG, and Third Force neutralists.

The release of the political prisoners, many of whom have important roles to play in the development of the Third Force, and the guarantee of democratic liberties are key provisions in the process required by the Peace Agreement.

Much of the political competition between the two governments is invisible to us, but it is Thieu's failure in this competition which is leading him more and more to the battlefield.

PRG SUCCESS

First, the PRG is successfully consolidating and developing the areas it controls. It has built airfields, received a Chinese ship at its Cua Viet port in Quang Tri province and begun to welcome world leaders, including Fidel Castro, into the liberated areas. At the Sept. 4–9 Algiers Conference of 75 non-aligned nations, the PRG was granted full-member status as a legitimate government.

Recent American visitors to PRG-controlled zones have described extensive social reconstruction, rebuilding of hospitals, opening schools, rice planting. These conditions stand in stark contrast to the zones under Thieu's control. There, millions of refugees remain "resettled" in concentration camps and city dwellers lead a police-state existence.

Second, the desire for peace is strong and increasing in the areas under Thieu's control. The Peace Agreement and the June 13 Joint Communique have created a new situation, fostering a "peace disease" which has infected even Thieu's military regime. According to DRV negotiator Le Duc Tho, since January, "The internal contradictions and differentiation of the Saigon regime have sharpened. As a result the Saigon regime is more isolated." (August 2, 1973 interview)

Third, world opinion is turning sharply against the Saigon regime for its refusal to release the 200,000 political prisoners. Thieu is seeking to confuse and deflect this opinion by blaming the PRG. His deception is aimed especially at Congress, where sentiment among Senate liberals in favor of ending aid to Thieu is strong and recently came close to cutting off aid to Thieu's police and prison apparatus.

Thieu and Nixon hope to intimidate Congress with the threat of renewed war over the phony issue of the PRG airfields and make it appear that Thieu needs U.S. aid to defend itself against the PRG.

OUR WEAPON

The political struggle (in both Indochina and America) will be difficult and protracted. The peace movement must be able to develop forms of action which allow it to work on a long-term basis alongside the forces in Vietnam seeking peace and democracy. Above all, the events in Vietnam and Paris show again why the Peace Agreement is our major weapon to end the war.

In the Saigon areas of Vietnam, Thieu's agents force peasants and refugees to memorize anti-communinist slogans which they are required to shout when international truce teams visit the area. In the liberated areas, many villagers have learned the articles of the Peace Agreement in detail. They carry copies of the document with them and can knowledgeably discuss the provisions and violations of it.

The American anti-war movement should know the Agreement as well as these villagers do because Nixon and Thieu may try to use it to deceive Congress and the American people into supporting a new round of fighting with heavy U.S. support.

PEACE AGREEMENT

The Peace Agreement:

Can mobilize world support for the release of political prisoners and continue the isolation of Thieu. The North Vietnamese have now linked their continued search for American MIAs to Saigon's release of the political prisoners. Nixon may well try to use the "MIA issue" to sabotage the Agreement, just as he used the POWS to increase the bombing.

Is a legal standard which requires the ending of U.S. aid to Thieu and all U.S. intervention. As such, it is an especially useful tool in Congress.

The Saigon threats and the disintegrating negotiations are the Indochina news stories which catch our eyes, but they are merly signs of an increasingly explosive situation in which a Saigon offensive will be labeled a PRG offensive and a White House call for support of an "ally" under attack will mark a major step towards U.S. re-intervention.

I am also extremely disheartened by the fact that the Senate troop-cut language has been removed. As long as we maintain the commitment to a helter-skelter far-flung, far-fetched overseas military presence, our fine intentions in other fields will be worthless. The Nixon administration and its militarist supporters are doing an effective job in their no-compromise, no-holds-barred attack on troop cut action, but I warn them there will be a time when our money and patience will run out, and they will wish they had spent this time negotiating with our allies to reduce troops in a responsi-

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ble manner rather than maintaining the hard line against the U.S. Congress.

At this point I shall insert material on the issue of U.S. troops overseas:

WOMEN UNDER TORTURE

(By Indochina Peace Campaign, August 1973)

SING AGAIN

(By Hien Luong)

Sing so that, in my heart, roars the thunder and so that my fiery blood melts at last these chains.

They are here! The jailers, stick in hand!
Frozen silence, again, in the bolted cell—
Eyes shot with blood, they scream:
"Which one, at this hour of curfew, dares to sing?"

A muted rage drowns our heart,
Our pupils stare at these monsters,
Our strength: a determined silence.

After the rain of interrogations, the rain of blows!
So much flesh in ribbons! So much pain on the body!
Dominating those barbarians, my sister, proud, you rise
"Down with terror! Down with the brutes!"
Your hand in mine, my hand tightens on yours,
An extraordinary strength exudes from our bodies so frail!

Barely have they turned their back,
Than our laughter resounds stronger,
And, despising our angered guards, their hatred,
Our choir starts again, harmony more rhythmic!

In reprisals for the evening, the following morning,
Older mothers, younger sisters—barely thirteen years old—
Under blows, are questioned. Determined silence.
Will one ever know how many of these tortured children,
At the foot of the wall, fell unconscious,
And, coming to life, let themselves be rocked softly by a companion acting as an elder sister?
Crib-song or call from the birth place?

On their trembling lips blooms again the rose:
Chains cannot emprison a smile!
And walls between cells cannot build barricades between hearts.

I have seen, through each tiny slit, a few grains of salt exchanged, a few lemons;
I have seen blood on the stained yellow wall:
"Against the invaders, to reconquer our tomorrow, we are determined!"

Sing Again!

Sing so that in my heart roars the storm
And so that my fiery blood melts at last these chains

INTRODUCTION

Responsible estimates of the number of prisoners presently being held in the prisons of South Vietnam range from 100,000 (Amnesty International) to 200,000 or more (Buddhist Peace Delegation, American Friends Service Committee, The South Vietnamese Committee on Prison Reform, The Canadian Anglican Church). Some Vietnamese estimate that as many as 50 percent of these prisoners are women. They include women of all ages and classes, from young children to high school students, college students and grandmothers, and from Catholics, Buddhist leaders and intellectuals to street vendors.

Some of them are members of the National Liberation Front (what the Pentagon calls the Vietcong). Most, however, are not communists. What they share in common, and apparently are willing to die for, is the belief that "nothing is more precious than freedom and independence." Centuries of struggle against foreign domination has taught them that the liberation of women and the liberation of their country cannot be separated and so they have organized and fought.

They have fought against U.S. bombs which have obliterated their ancestral villages; they have fought against the U.S. defoliants which have brought the war even to their wombs. They have fought against Phoenix, WHAM[*], Forced Urbanization—the fancy-named programs created by American professors in ivy-leagued remoteness. These programs were designed to turn their country of family-oriented, land-rooted peasants into a pock-marked wasteland of refugees eating plastic rice. They fight against the exported "Playboy" culture which has created silicon-breasted prostitutes, 400,000 of them out of a population of 5 million women, and duck tailed pimps on smack. They fight against the regime of Nguyen Van Thieu, the general who fought against his own people on the side of the French in the 1950's, who now is the front behind which the U.S. government continues its 24-year effort to control South Vietnam.

The bombs have stopped in Vietnam, having failed to crush the movement for national liberation. The struggle has shifted to the political arena and because Thieu, like Diem before him, cannot hope to compete with his opposition in a truly open and democratic situation he must resort to arrest. So the bombs have been replaced by the most massive police state in the world, the Indochinese extension of the Watergate administration which has created it.

A major portion of the funding for Thieu's police and prison system is done through the U.S. Agency For International Development (A.I.D.) Public Safety Program. When U.S. involvement in Vietnamese internal affairs was prohibited by the Paris Peace Agreements, A.I.D. simply concealed the old Public Safety Program under new, innocuous titles such as "Public Works," "Public Administration," and "Technical Support." What this means, in fact, is almost 15–20 million dollars for the Saigon police and prison system. (*Congressional Record*, 6/4/73 and 6/27/73).

Many more millions for Saigon's police apparatus comes via the innocent-sounding "Commodity Import Program" and Food For Peace. $137.4 million of Food For Peace funds have been earmarked for South Vietnamese military spending in fiscal year 1974. Earlier, in 1971, Food For Peace granted $400,000 to the American construction combine Raymond, Morrison, Knutson/Brown, Root, Jones (RMK–BRJ) for construction of 384 new tiger cages on Con Son island. (*N.Y. Review of Books*, 6/14/73.)

Women are key to independence

The high number of women who have been swept up by this Orwellian nightmare is an indication of the important role they play in the national democratic and independence movement. It is the solidarity of this mass movement which gives them the strength to endure, the knowledge that they do not struggle alone and the certainty that they will win.

At the time of U.S. military intervention in South Vietnam, tens of thousands of women were members of the guerilla army; 500,000 elderly women composed the "Army of Mothers of Fighters," bringing food and medicine to the soldiers on the battlefield. The desertion rate of the Saigon army, which soared to 20,000 per month during the offensive of 1972 (*Chicago Daily News*, 10/20/72) was partly the work of the massive political army of women known as the "Long Haired Army," capable of mobilizing millions of women throughout the country in anti-war demonstrations and organizing work among Saigon soldiers. Some of these women are now in prison being tortured, just as other Vietnamese women have endured torture for fighting for what they believe in.

Peasant girl to commander

Madame Nguyen Thi Dinh, once an illiterate peasant girl, is now the Deputy Commander-In-Chief of the army of the Provisional Revolutionary Government of South Vietnam. When she was 17 she joined the Vietnamese resistance against the French, because she understod that once they were gone there would be no more oppressive taxes, all the peasants could share the land equally and the Vietnamese people would have the basis for a decent life. The French arrested and tortured Nguyen Thi Dinh and her husband. Her husband died from the torture but she escaped. In 1945 she led the first armed uprising against the French, and in 1960, she led the first armed uprising against the American supported dictatorship.

Besides being a leading military strategist, she is also one of the founders of the National Liberation Front, and founded the Women's Union in South Vietnam which is now working for women's emancipation, the enforcement of the Cease Fire Agreement and re-unification of the country.

But she still feels her peasant roots. During an interview she said, "If I am here in high command, it is because the people taught me. But I am no different than thousands of other women. I am merely one of them. And how many combatants have fallen, women and men, who could have filled my post."

One of the world's leading diplomats

Madame Nguyen Thi Binh, Foreign Minister of the Provisional Revolutionary Government of South Vietnam, is one of the world's highest ranking women diplomats (though U.S. officials have tried to diminish her importance by calling her a "fish-wife" and saying that "her position is a sop to women's lib"). Now 45, she has participated continuously in the struggle for national liberation since she was 18 years old. At 24 she was imprisoned and tortured by the South Vietnamese under French direction. She says of her prison experience, "There were hundreds and hundreds of women with me who did not know why they were there. They asked what have we done. They did not know when they came, but when they left they knew. They left as patriots." (*Martha Gellhorn, "The Vietcongs' Peacemaker," Times*)

In 1970, while working in the rice fields, a mother and daughter-in-law were raped and killed by U.S. soldiers. Saigon authorities reported that the women had died from exhaustion. This drove a group of women in Saigon, who had never participated in the national liberation struggle, to organize the "Committee to Defend the Right to Live and the Dignity of the Vietnamese Women." Their demands were that the dignity of women be respected, that the right of women to struggle be recognized, that American troops be withdrawn, and that a coalition government in South Vietnam be formed.

These demands reflect the awareness that women cannot begin to be respected until their country is free.

Columbia graduate imprisoned

The Committee was formed two weeks after Thieu announced that he would "beat to death anyone who talks of peace." As a result, hundreds of women were arrested and tortured, including Madame Ngo Ba Thanh, a lawyer with a Ph. D. from Columbia University who founded the Committee. Mrs. Ngo Bo Thanh has been arrested a number of times, but the most recent arrest took place on August 17th 1971, in the Saigon suburb of Gia Dinh. On that occasion she and a group of Buddhist nuns had gathered

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[*] Winning Hearts And Minds, part of the U.S. pacification program.

outside the courthouse to protest a ruling of Judge Nguyen Van Tho. Judge Tho had decided in a controversy between nuns and monks that only the monks had a right to live in the pagoda. Reports about what happened to the judge as he left the courthouse differ. He apparently tripped and fell, but the investigating magistrate in Saigon claimed that Mrs. Thanh was responsible. Witnesses have asserted that Judge Tho slipped of his own accord. One report mentions that Mrs. Thanh was originally held simply for abusing Judge Tho verbally, but this charge was changed two days later to assault.

On August 19th, 1971, Mrs. Thanh was detained in Thu Duc prison near Saigon pending trial. On September 16th she was released again following a court order. Two days later she was re-arrested and taken to the National Police Headquarters in Saigon after being involved in a demonstration against the forthcoming presidential election. On October 11th, 1971 she was charged afresh with engaging in "activities harmful to the national security," for organizing an "illegal organization" (The Vietnamese Women's Movement for the Right to Live), and for distributing printed matter that "undermined the anti-Communist potential of the people."

During the following months, Mrs. Thanh's physical condition deteriorated badly. When she was brought to trial before the Military Court in Saigon on March 22nd 1972, she was carried in on a stretcher and suffered a severe asthmatic attack which brought on heart failure. Her doctor was with her in court and announced she was in "immediate danger of dying." The judge agreed to postpone her trial, adding that she must return to prison. Since then there has been no further attempt to bring her to trial.

Most recent reports out of Saigon say that she has been on a hunger strike for 80 days and has lost 30 or 40 pounds. Madame Ngo Ba Thanh is one of the most celebrated figures in the neutralist opposition, or what is called the "third force" . . . non-communist but anti-Thieu. When the Paris Accords were signed, her status was changed to that of a common criminal so that she would not have to be released. More recently, Thieu has agreed to turn her over to the PRG, a tactic he uses to deny the existence of his neutral opposition. She agreed to this under protest, but when the list of prisoners was released on July 23rd, her name was not included. This is an ominous sign—it could mean that the Saigon regime is prepared to keep her indefinitely, if not see her starve to death.

YOU CAN SAVE A LIFE

At the end of this pamphlet are some suggestions of what we can do about the political prisoner issue. There is now definite evidence that what we do *makes a difference*. Fred Branfman of the Indochina Resource Center in Washington D.C., who recently returned from Saigon, reported that even the Chaplain of Chi Hoa prison, Pere Thong, who is pro-Thieu and no friend of the prisoners, told him that world-wide protest has resulted in the *betterment of the treatment*. The South Vietnamese Committee to Reform the Prison System has said that there are many examples where they feel people's lives have been saved by having their names appear on a list, by having letters received by the Saigon government. Two Frenchmen who spent two years in Chi Hoa prison said that though a letter may not ever get to a prisoner, it will get into the hands of the guards and this can be enough to save the prisoner's life. There are angry statements from Thieu virtually every day about the letters he receives regarding prisoners. Thieu denounces them as Communist inspired, but the fact that Thieu must respond shows their significance.

This pamphlet has been put together by women in the Indochina Peace Campaign. We have been moved by the suffering and inspired by the unbelievable courage of the Vitnamese women in prison. We hope to convey some of this to women in the United States, so that in the spirit of solidarity we can work to have them freed.

WOMEN POW'S IN SOUTH VIETNAM

(By Jane Barton)

(NOTE.—The following article relates accounts of Vietnamese women arrested and in many cases still held captive by the Thieu government on such charges as having relatives in North Vietnam or refusing to leave their homes. Many of these women have been given no trial, administered inadequate medical supplies, and have been brutally tortured.)

For the past two years, I have worked at a Quaker Rehabilitation Center, run by the American Friends Service Committee, at the Quang Ngai Province Hospital in South Vietnam. During this time I've taken lots of visitors—mostly reporters—around the hospital, including a special ward for prisoners. Many of the visitors are shocked by the leg-

We asked the policeman in charge of the less and armless children or by the stares of burn patients, their eyes unblinking because scar tissue holds their eyelids taut. Personally, however, I feel the deepest sympathy for the young women on the prisoner ward, not only because they are of my age, but also because of the torture they have endured during "interrogation." It makes me very angry that our American advisors have done nothing to prevent this continued use of torture.

Altogether, there are 3,000 political prisoners in Quang Ngai. These are men and women suspected of being "Viet Cong," or at least not loyal to the South Vietnamese government. When one of these prisoners becomes seriously ill, either from natural causes or from torture, he or she is eligible to be placed in the prison ward at the hospital. The selection of these prisoners seems to be entirely arbitrary. Some are gravely ill, while others have minor complaints. "Important" or "dangerous" prisoners never go to the hospital no matter how serious their illness or injury.

The ward itself has little to recommend it. It is very small, only eleven beds, so that it can accommodate only twenty two patients at a time, even if two patients occupy each bed. It is neglected. No doctor is assigned to or visits the ward. A nurse does change the patients' bandages every few days but the only medicine the prisoners are given is aspirin. The windows are barred, and the patients are chained to the bed.

I first visited the prison ward last summer in the company of a Quaker service doctor. As I stepped inside the small room from the outdoor sunlight, I couldn't see anything in the dark ward at first. I could only smell. My nostrils puckered, drawing in the odors from the cement sink and bathroom, both located on the ward. Suddenly, I could see and the prisoners seemed all around me, staring at me, almost breathing on me. I felt terribly exposed, standing there as a gigantic American, slightly awkward in my Vietnamese clothes.

The men were in beds on the left, the women sitting on beds along the right wall. I focused on the women. They were not only chained to their beds, they were also chained together, in pairs. Twice a day they were released so that they could go to the bathroom, I learned, but their ankle chains were not undone so that they had to hobble clumsily, dragging their chains between them.

The Quaker doctor began to examine the women. I helped to interpret, since I speak Vietnamese, and to distribute the medicine. Some of the youngest women seemed sweet and naive; they even giggled and laughed a bit. Others were quiet and strong, and a few looked at me with hostility and hate.

I particularly noticed one young woman who looked more like a Saigon-Vietnamese than the tougher, country women of the Quang Ngai area. I talked with her and learned that her name was Co Lang and that she was unable to move her right side; her leg and arm were limp and useless.

She told me that she had been picked up and put in prison because she had rejected an ARVN officer. This ex-boyfriend had friends in the Quang Ngai secret police force and, in revenge he told his police friends that Co Lang was a "VC." She was taken to the prison where the police beat her and repeatedly banged her head against the wall. Later, she was given electrical shocks under her fingernails and with wires attached to both ears. She said that once the police in the Interrogation Center began torturing her at seven o'clock in the evening, but she couldn't remember much because she kept blanking out. When she woke nine hours later, blood was coming from her vagina. The next time the police interrogated her, they beat her head and face with a club. Afterwards, Co Lang couldn't move her right side. The doctor felt her skull and found a lesion and a depressed area.

We asked the policeman in charge of the prisoner ward if this woman could be unlocked and brought to the X-ray room for a film of her skull. The officer said he wasn't sure it could be arranged. "There are so many problems."

A woman in a nearby bed couldn't lift her head. She was beaten all over her back and neck. The entire area was exposed raw skin and muscles, and in some places the lacerations were so deep they had to be stitched. Because the woman couldn't lift her head, she sat in a seated position, with her head bent. The doctor asked the woman prisoner if he could take a better look at her back. "Could she lie down, please?" It wasn't until I saw her stretched out that I noticed she was very pregnant; six and a half months, she said. I wonder if the baby is still alive.

An older woman on the ward called me over to look at herself and a sixteen year old girl. The young girl was totally vacant. She didn't hear or say anything. She was a delicate girl in her white blouse and necklace and her hair tied back with a length of hospital gauze. The older woman prisoner related to me the torture the young girl had received. The police had forced her to drink water mixed with lime (sometimes soap or nuoc mam, a fermented fish sauce) until her stomach was bloated. Then the police jumped on her stomach until she vomited, gagged, and defecated. The doctor suspected that the lime which the prisoner had been forced to drink acted as a toxin, causing brain or nerve damage and memory lapses. Incongruously, she wore a necklace of round white stones. It's rare to see Vietnamese women in Quang Ngai with jewelry and it seemed ironic that the police would beat this girl into a coma-like state without taking her necklace.

The thirty-five year old woman who was chained to this younger girl and also had been beaten and tortured was an old timer. She even knew Bac Si Mai, Marge Nelson, an American doctor who worked in Quang Ngai four years ago. I thought, My God, Marge goes home and testifies before Congress about the prisoners being tortured, but the same woman who was tortured four years ago is still in prison and still being tortured and no one has done a damned thing about it. I thought, too, about the years this woman has been in jail. Marge has returned to the States, married, added a degree in public health to the M.D. status, practiced medicine, had a baby, and talked and travelled in many countries. The prisoner hasn't gone anywhere or done anything. She says she has been a political prisoner for six years.

While we continued to move from prisoner to prisoner, asking questions, giving out medicine, I noticed other prisoners reaching

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out toward Co Lang, the first prisoner we examined. I wondered what was the matter. Her eyes were closed and she was trembling. A few prisoners were pulling her by the feet, trying to get her from a sitting position to a lying one with her head away from the metal headrest of the bed. Then she began to thrash and convulse; foam appeared on her lips. Her head moved from side to side with her hair getting matted in the foam and sweat. And she yelled and talked—probably saying things she must have told the police while she was tortured: "I'm innocent. I'm innocent. Ask anyone, my villagers. I swear, I'm not a 'VC'." The other prisoners had already tied her legs and arms to the bed with soft bandages. The other woman chained to Co Lang tried to untangle the chains and move away. Someone else tried to put something in Co Lang's mouth to keep her from swallowing her tongue. No one said anything. Nor was there a change in anyone's expression in the room.

After my initial visit, I continued to go to the prisoner ward daily. I treated all the prisoners as best I could, but I felt I was able to relate to the women prisoners in a very special way. Although a million American men/soldiers have come to fight in Vietnam, most Vietnamese have never seen or met an American woman, especially one who could speak their language. Thus, the Vietnamese women were more curious about and perhaps more trusting of me than of my male counterparts. They asked me all sorts of personal questions about myself and the women in the States. I, of course, was just as interested in them, their histories, and their problems.

There were always new prisoners. Sometimes the old prisoners were able to stay on the ward until they were better, but often they disappeared and were taken back to the Interrogation Center or prison while they were still seriously sick. One woman whom we were treating had been shot through the chest with the bullet passing through her left lung. As a result, she had an abcess on her lung and the doctor had given her penicillin. When I checked to see if she was taking the medicine regularly, I asked her how many pills she was taking each day. She didn't reply at first; then, she quietly said, "two." "But the doctor told you to take eight each day. Why aren't you doing that?" I asked. She replied in a pleading voice, "I've been in prison for a year and a half. I have so much pain, but no doctor has ever seen me. I've never had any medicine. I want to save it. Next time they beat me, I'll have some medicine." I sat down and gently tried to explain to her that she would feel less pain if she took all the medication now as the doctor prescribed. I told her that we'd return and give her fifty six capsules, enough for a week. Maybe if she sees that many pills, I thought, she won't be afraid to take eight a day. Only, the next morning she wasn't there. I then understood her fears, her reasons for wanting to hoard the medicine.

WOMEN PRISONERS

There were many women prisoners whose fate I wondered about, like "Ba Gia," the old woman, for example. "Ba Gia" was a sixty-seven year old hemiplegic. She lay on the last bed in the corner of the ward. The bed had no mattress—only a straw mat on the metal springs. The old woman lay on top of this mat, curled up like an animal—skinny, nude, her recently shaved head beginning to show a stubble of white hair. Through the springs of her bed a green plastic pail was visable. The old woman was paralyzed; thus she couldn't control her bowel movements and defecated through a hole in the mat into the green pail. The area around her bed smelled and the old woman's face and body were covered with flies. The other prisoners took care of the old woman and fed her, but in a country where old people are honored and respected, it was obviously a humiliating situation for this old woman—smelly, delirious, unclothed. The other prisoners told me she'd been badly beaten and tortured, but she spoke so incoherently I couldn't make out what her "crime" had been. Her paralysis seems permanent and she is still so weakened from the poor diet and torturing at the prison that she may not survive long.

Another prisoner in whom I became especially interested was Co Tho, an eighteen year old woman. She had been shot in the thigh and the bullet broke her left femur. Her leg had been set incorrectly and the bullet left to fester. The doctor and I asked that she be released to have an operation, but the police also had some excuse why this couldn't be done. Meanwhile, our doctor discovered that she had a serious heart condition and wrote to both the Vietnamese and American authorities asking for special consideration. Again, there was no reply. Finally the doctor decided to operate on Co Tho's leg using local anesthesia.

The morning we gathered the equipment together and went to the ward to perform the surgery, Co Tho was gone. The policeman said she'd been taken back to the Interrogation Center for further questioning. I paled. "But her heart. She'll die," I told him. The policeman had no sympathy. He said to me as if I should understand, "But she's a prisoner of war—very dangerous. Class 'A' Viet Cong." I thought of her smile. "Yes, really dangerous." Co Tho has never returned to the hospital, and I don't know if she's still alive. Neither the South Vietnamese police authorities nor the American advisors ever responded to the doctor's letter.

On successive visits to the prisoner ward, I began to see a pattern that deeply disturbed me. Co Lang's seizure was not a unique occurrence. I have witnessed as many as twenty-five female prisoners having seizures and once saw seven prisoners having seizures simultaneously. The seizures vary in intensity. Sometimes a woman might sit still looking as if she is in a semiconscious state, having muscle spasms or trembling. Other prisoners would have more extreme signs, foaming, thrashing, convulsions.

It's very difficult to diagnose the exact medical or psychiatric cause of these seizures. Even the five American doctors I've known who have seen the prisoners' seizures were not sure what caused them since they had never seen similar ones in the States. Also, none of the doctors had the freedom, time, or facilities to examine or observe the patients at length. All these doctors felt, however, that the seizures were directly linked to the amount of torturing a prisoner had received, and many believed that they were a psychosomatic reaction to that torturing. For reasons about which we could only speculate, the women seemed far more prone to seizures than the men.

CHI MINH

As I visited the ward more and more often, I began to make friends. During one of my very first visits, a woman about forty pulled my arm and nodded for me to come close to her so that she could speak to me quietly. The guard was sitting outside the ward smoking, so she didn't seem afraid to talk. "We know who you are and that you want independence and peace for the Vietnamese people," she said to me. "We've heard about your work at the rehabilitation center and how you make all the artificial arms and legs for the wounded Vietnamese civilians. We aren't afraid of you. Please trust us. Help us." This woman held my hands as she talked to me and twisted the ring on my finger. She put her arm around me.

I soon became used to the generous affection and physical contact of these women prisoners. They talked with me, calling me by my Vietnamese name. The ones I knew best would sometimes hug me or try to fix my hair a little, very tenderly tucking back stray strands. Some women wouldn't speak as openly and unabashedly as others, but none of them were ever rude or aloof with me.

I was always amazed at the political sophistication of the Vietnamese and how quickly and clearly these women distinguished me as a "nhan dan tien bo my," "progressive American" and not like the "linh my," the American soldiers. They knew as well as I did what happened at My Lai, a village only four miles from Quang Ngai, and yet these women were living with me.

One time, after not having visited the ward for a few days, I walked towards it in an angry mood. I was feeling particularly depressed and frustrated about the war. I had begun to think that I'd been saturated, that I just couldn't experience any more hurt and horror. Chi Minh, a nineteen year old woman who had befriended me when she was on the prisoner ward a few months earlier, saw me coming, reached through the bars of the locked door, and grabbed my arms. She grinned at me and pulled my ear, maybe the only affectionate gesture she could think of since she couldn't embrace me as she usually did. "I'm back. Did you miss me?" "Of course I did," I answered, and my frustrations left me.

Chi Minh had been in prison for two years, and had been tortured four times. She had hated the isolation of the interrogation center but found the prison not too bad. "We're together, we talk and have a feeling of togetherness, of solidarity," she told me. "My cousin was picked up recently, and it was fantastic to see someone from home."

I showed some pictures I had taken of the prisoners to an American friend of mine who wasn't at all impressed: "Gee, these prisoners don't look bad. They're smiling." I tried explaining, "Yes, but you can't frown forever. Maybe the first year, but after two or four or six years in prison you get tired of frowning and smile a little, even if you're in chains. The Vietnamese are really strong." I wanted to thank Chi Minh for smiling, for giving me love and strength, but I didn't. I didn't know how to express it, and there was too much to express anyway.

POLITICS, TORTURES

Gradually, as my acquaintance with the women prisoners increased, I began to learn more about why they were in prison. There was as great a variety of reasons as there were individual prisoners and I can only make three generalizations. First, they were all political prisoners. I never met a woman prisoner convicted of a crime. The women were basically "dong bao" type, country women of the Quang Ngai area. There were, of course, no rich, well known or university educated women as there are in some of the Saigon prisons. And none of the women I spoke to had been given a trial or knew exactly how long they would be in prison.

In all other respects, the women were very different. They ranged in age from twelve to sixty seven years. There were teenagers, women with nursing babies and grandmothers. The politics of the women varied as much as their ages. There were women who were strongly supportive of the South Vietnamese government. A pregnant woman, whose X-rays showed that she had three cracked ribs and who had bruises on her body, claimed she had a husband and two brothers who were serving in the ARVN army. I didn't really believe her at the time, but a few months later I saw her husband, with his M16 grenade belt, revolver, uniform and jeep. He had just returned from fighting in Quang Tri and had immediately gone to ask to have his wife released, but he said the police only laughed and asked him for a bribe.

Some women were totally apolitical and

had no idea why they had been made prisoners. Occasionally these women had relatives in North Vietnam, for instance fathers who went North in 1954, twenty years ago, when they were children. Nevertheless, the South Vietnamese government feared their relatives might try to contact or influence them and thus these women were "suspect." A number of the more country looking women had been in the wrong place at the wrong time. Usually they were older women who stubbornly remained in their ancestral homesites to work the rice fields rather than moving into concentration-like refugee camps the government set up. Such women, having experienced thirty years of war and seen their land change hands and government many times, were tired of moving at the whim of warring groups. Nevertheless, by refusing to move, they were classified as Communist supporters.

Another large segment of the women were those who support "the other side," the PRG (Provisional Revolutionary Government). Of these women, some simply sympathized with the PRG, others had minor roles or jobs with the PRG, while still others were actual cadre. Usually, the women with the liberation forces in South Vietnam have jobs as leaders, political organizers, teachers, nurses/doctors, or as supply-carriers, but some are also guerilla soldiers who fight and carry guns.

The women who fell into the category of supporting the PRG remained silent about their true identity. After all, many of them had openly resisted talking when they were tortured and they couldn't risk speaking openly with anyone—their fellow prisoners or an outsider like myself. Two female prisoners, however, did tell me their motivation for joining the PRG. One of them was a prisoner I knew quite well before she was picked up. She came from a very poor refugee family who couldn't afford the government school fees, so she decided to join the PRG because she knew they would give her a free education in the mountains, equal to that a male would receive. Another young woman, only nineteen years old, told me her brother had gone off with the liberation forces and when she heard the police were planning to capture and torture her to find out where her brother was, she went to join him. "At least if I was going to get tortured, I might as well have done something so that the pain was worth it. I've worked for the PRG for two years and I'm proud of it, but that's all I'll tell the police," she explained to me.

When I've spoken with some Americans about there being over a thousand women and about seventy-five children under the age of four in the prison centers, they have reacted, "Women and children. How awful," as if all women should automatically be innocent creatures. It is true, of course, that all the children and a majority of the women are innocent, but there are also some women who have struggled and fought equally with male cadre. What should arouse the outrage of people is not that women are getting imprisoned, but rather the conditions of the imprisonment—the lack of trials or determination of guilt, the inadequate food supply, unsanitary conditions, the total lack of medical care, and most importantly, the inhumane torturing of the prisoners.

I learned more about the torture with every passing day. There was the evidence from the physical examination by the doctor—the unusually high percentage of cracked ribs, bruises, paralysis of limbs and so forth. Many of these symptoms were verified by X-rays. And there was the testimony of the patients, who, as they came to trust us, told us more about the procedures to which they had been subjected. They told us of being forced to drink lime mixed with water, of beatings, of electric shocks. Often, they said, they were forced to lie on a table and if they didn't respond to questioning properly, the interrogator would reach underneath their rib cage and crack or break a rib.

One singular torture was the hardest to diagnose, since the police had devised it so that the prisoners would have no external signs of having been tortured. The special police would put the prisoners in a full-length upright tub of water and then beat the sides of the tub. The pressure and concussion caused internal injuries.

Appalled by this continuous evidence of torture, my Quaker Center teammates and I made many efforts to bring these conditions to the attention of the American advisers. It was the Americans who trained the Vietnamese in interrogation techniques, we knew, who had set up an identity card system for all civilians, who financed the police force, and provided money for the prisons and cells. It was the CIA who advised the special police. Yet one deputy senior advisor dismissed all our stories by blaming the Vietnamese. "Asians like to torture one another. I've worked in Korea too, I know. Asians aren't my kind of people."

As we heard about the progress of cease-fire negotiations, we hoped very much that the PRG representatives would be successful in their efforts to guarantee that the 200,000 prisoners being held in South Vietnam would be freed simultaneously with the North Vietnamese and American P.O.W.'s. But what we feared happened instead; their fate was left in an ambiguous state, to be worked out in negotiations with no firm deadline. While American newspapers focus on the return of the P.O.W.'s, my friends on the prisoner ward in Quang Ngai will continue to wait day after day, week after week for their release.

I wonder how many American P.O.W.'s, their wives and sisters realize that there are 200,000 prisoners in South Vietnam who haven't received their freedom yet? I wonder how many who fought with the purpose of containing Communism and supporting a democratic government, really know about the repressive administration of President Thieu, with his martial law and his decree banning local elections and his inhumane prisons? I wonder if they wonder how they might have fared as prisoners in the hands of the South Vietnamese government.

I wish I could introduce American women to those Vietnamese sisters for whom I have such a feeling of empathy and love when I visit them on the prison ward at Quang Ngai. As a second best, I have decided to write about them, in the hope that my readers will join me in working for their release. For them, too, it should soon be a time of homecoming.

JANE BARTON.

(Jane Barton returned to the United States this spring. She is anxious to speak with groups of women. Those interested in contacting her should write care of American Friends Service Committee, 160 North 15th Street, Philadelphia, Pa., 19102.

This article is reprinted from "Off Our Backs," April 1973.)

BECAUSE THEY LOVE FREEDOM

Because they love freedom and independence,
peace and justice,
Because they refuse to send their children
into the ranks of an army under the
command of a foreign country,
To fight against their brothers
They were imprisoned.
But who could put into a cage conscience,
chain the wings of thought?
In spite of tears and wounds, blood and
tortures,
Their poems keep blooming on the prison
walls.
Born behind bars, their songs fly away into
the world
And bring us this faithful message:
Love, hope, determination, courage.

(NOTE: Excerpt from a poem by the Preparatory Committee for the formation of the Association of Vietnamese Women in France.)

EDUCATION IN PRISON

(Written by a woman prisoner, Hoang Thi Kim Dung, March 1973)

In prison, time is long, very long. Indeed, "a day in jail is equal to a thousand years outside it." So, we have to study. To while the time away and to form for ourselves an adequate knowledge so as to serve better the revolution once we will be freed. With this idea in mind, the women combatants of the Liberation Army detained in Phu Tai prison (Quy Nhon) have organized educational courses.

The classes were very simple, just like those outside the prison. Obviously, there were teachers and students. The former were chosen among those of higher education than others, some of them had been to the seventh or even eighth grade. The earth floor was at the same time the "desk" for the teacher, the "blackboard" and the "copy book" for the students. By turn, we kept vigilance while others studied. We learnt all the subjects, the three main of which were literature, history and mathematics. History and literature enabled us to understand the glorious past of our nation and the noble reality of our revolution.

In spite of our enemy's frequent beatings and torture, we have sought all ways and means to study. To this end, we collected small pieces of paper from cement bags, boxes of sweets, cigarette packets thrown away by the soldiers. As pencils, we used small sticks of bamboo; as for ink, we used soot mixed with water. The "paper" thus gathered was reserved for those of lower educational level. Most of the others used the floor to write and read on. We learnt poems by Nguyen Du, Nguyen Trai, Uncle Ho and To Huu.

If the wardens succeeded to lay their hands on the poems, we would be beaten, moderately if they were those by Nguyen Du, but brutally tortured if they were those by Uncle Ho and revolutionary poems. However dangerous as study was, we have put into it all our hearts. Our motto was: "Study, study again, study ceaselessly." Once, on the eve of her being sent to another camp, Mrs. K. stayed awake for a whole night and wrote in the dark her examination task. A woman detainee was executed because the torturers found on her body a description of a massacre in the prison.

It's not easy to describe fully the beatings and torture we were subjected to when small pieces of paper bearing such figures as May 19 and September 2* were discovered. Indeed, our enemy was afraid even of these figures. Once, Mrs. H., who suffered an ovary injury, was raped by the torturers' dogs. Before dying, she gave to her neighbor a piece of cement-bag paper which had been cleaned for the fifth time. (We have decided that a piece of paper would be unuseable only after its seventh cleaning.) The sheet was cleaned and dried and then written on, over and over again until torn and worn. Sometimes we had to shed our blood for collecting a piece of paper.

Besides literature, we learned music, embroidery, cookery. In "cookery" there was no practice, simply because we did not have the necessary ingredients. Water came to our mouth at the mere thinking of salt, let alone meat, fish, chicken. . . . What we knew we taught to others. Anyone could be a teacher and a student. There were regular examinations. At the end of the school term, we

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*Respectively, President Ho Chi Minh's birthday and Date of our Proclamation of Independence.

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passed to a higher grade. After seven years in Phy Tai, we averaged the fourth grade, including those who did not know a single word when they first came to the prison.

Because of our study, we were daily beaten until our blood shed, sometimes in profusion. The beast-like American imperialists have tried by all means to deceive us, for instance, by offering better conditions to study in the USA if we married them. We rejected their offer and continued with our study in jail.

Our history taught us that Comrades Nguyen Thi Minh,[1] Vo Thi Sau[2] and other sisters of ours had sacrificed their lives in a valiant and indomitable way. This was a great encouragement for us in carrying on our study and helped us heighten our spirit and strengthen our determination.

Interview with Mrs. Hguyen Thi Thua, released political prisoner. Given on June 21, 1973, to four Americans who were visiting the Democratic Republic of Vietnam.

She spent only one year in prison, but prior to that she lived in the city of Bung Tau, Ba Dia Province. Her story:

"I would like to tell you about what I have witnessed—the crimes committed by the U.S. and the Thieu administration in the South. I was a laborer in the town prior to my arrest. On the morning of May 3, 1972, I was walking to town; I heard explosions, and some soldiers arrested me. I was then five months pregnant. I was taken to the special police station and tortured for one month, six days. During that time I suffered the water torture, I was beaten, they applied electrodes to my nipples and genitals, and so I almost miscarried. I was angry and cursed them to their faces, and this led to more beatings.

"Later the police thought I would die, so I was taken to the Vung Tau hospital. There I got a little better and so was sent back to prison. They had no record on me—I was just a common person.

"I was taken to Thuvuc prison, Camp C, for women and children and pregnant women. I was put in a cell four meters wide and seven meters long, with 100 women and 100 children. I saw many women from Quang Nam, Danang, and the perimeter of Saigon. Many women were driven to miscarriage. The use of electrodes was most common and when the women would cry out, urine was poured into their mouths, or soapy water was poured into their mouths. The atmosphere, the heat, the density drove many prisoners near mad. Some leaped or shouted from the conditions. The children there were from five days to seven years old; many fainted and were lying on the ground. And the camp was in a hollow, so there were places where when it rained, water filled up the ground and many skin diseases resulted.

"For me, my body got swollen. I had no medication so my baby was born prematurely. I had three days of labor. I cried and shouted too much—my friends demanded to take me to the hospital, and I was finally taken on a truck, shackled. Even in the hospital, I was shackled, with two police standing by. I had no strength to give birth so they used forceps. Four days later the jailer came to get me. The doctors said that I was too weak, but the jailer used pressure and took me back.

"Several other women had the same fate as I. Because they did not have strength to give birth, two others died in childbirth. And for my prematurely born baby, I was with it for two months, and then they took it away. They said it would be in a U.S. orphanage in the South. From then on, I did not know where my baby was. Because they robbed me of my baby, I shouted and cursed them and they locked me in solitary confinement. So from that time on I didn't have any information about my baby—I don't know if he is dead or alive.

"When the Paris Agreement was signed, we prisoners didn't know anything about it. But in February of 1973, there was a situation where they moved prisoners from camp to camp. One day they moved us to three different camps. This way, the Saigon regime was trying to break our unity, and create confusion.

"They used deception—they promised we would go to court so we could file suit, but we knew it was just to move us from prison to prison. We protested and some of us had to be taken by force to Tan Hiep prison, where there was no court, no lawyers, no judge—only a Saigon army man who gave out some sentences as high as 14 years or 20 years. They used other means to confuse us. The first was to give political prisoners a red card and the civilian prisoners a blue card. They they would give the political prisoners a blue card—in an attempt to turn them into civilian prisoners. Another means they used was to bring in many civilian prisoners and put them in with political prisoners. This occurred not only in Thu Duc, but in Chi Hoa prison in Saigon, too.

"Many women resisted carrying the card, so they were kept in a special building hidden behind another building or a kitchen. So it was very hard to find them behind walls. With the detaining of women in solitary confinement, they would try to liquidate prisoners. Sometimes at midnight, guards would come and take prisoners away. They were never seen again. Another way to liquidate prisoners was to take the sick ones to the "hospital" where puppet authorities would inject poison into their veins.

"They returned some of the civilian prisoners like myself. They would come and say, now we will return you to the other side. They resisted, suspecting a trick. The troops beat them, and finally took them to Bien Hoa airport. They conducted psychological warfare on the road to the airport—all lies. Once at the airport, they delayed our return. We arrived at Bien Hoa on May 9, but weren't given back until May 11. During that time, many women fainted, and one child died.

"I can give you more detail on the torture. Especially when they would torture women, especially when they would torture the genitals, they would tell the women, 'We are doing this so you will never produce. If you haven't committed a crime, then we will beat you until you confess. If you have committed a crime, we will beat you so you won't do it again.' "

Question: Were you asked to sign a statement before you were released?

Answer: Yes. We were given a "chieu hoi" loyalty pledge to sign. We refused and were beaten again.

Question: Were all the prisoners turned over at Bien Hoa airport?

Answer: 222 were turned over; 700 remained in prison.

Question: Did you ever see Americans during your time in prison?

Answer: An American advisor came every 30 days, and the prisoners would receive especially heavy beatings before the advisor would come.

Question: Did these visits occur before and after the Paris Agreement?

Answer: Yes, they did occur before. After the Agreement, I was in a special camp, so I don't know.

Questiou: Did the American advisors wear a uniform?

Answer: No.

Question: Did you learn the names of any of these advisors?

Answer: No.

Question: Could you describe the way in which the prisoners organized themselves in prison?

Answer: The only weapon we had was unity. It was especially useful when we were being beaten. When we were being beaten we would shout out, so the other prisoners would know.

Question: Were all the guards who did the torturing men?

Answer: Yes.

Question: Were all the torturers wearing the uniform of the Saigon army?

Answer: Yes.

Question: Were you regarded as a political prisoner when you went in?

Answer: Yes.

Question: Did you receive a red card when you went in?

Answer: Yes.

Question: Did you have a blue card or a red card when you came out?

Answer: We refused to carry blue cards; but some prisoners were beaten and gave in.

Question: Were the prisoners segregated by sex?

Answer: The prisoners in my prison were all women.

Question: What is your age?

Answer: 40.

Question: Are there other children in your family?

Answer: I have two daughters and one son, the one in the orphange.

Question: How is your health now?

Answer: I am taking gynecological treatment for the torture applied to my genitals. My joints are painful when the weather changes.

A SMALL CHILD'S TEARS, AT NIGHT IN PRISON

(By Poulo Condor)

From cell to cell, an anonymous song circulates:

The night is far advanced,
Tell me why are you still awake?
Sadness? anger? Why this agonizing feeling?
For I hear, broken and far away, the sobs of a child.
How painful, they are these sobs from a little one.
In the chilling and solitary prison, at night,
It tears the space, the baby's voice, his sobs penetrate our wounded heart,
Which chokes with rage and hatred: maybe this little prisoner,
Like a young weaned buffalo, a dispersed herd,
Was torn away from his mother who is locked in another cell?
All night long, you cry, famished,
And even the grass and trees are moved.
What, then, of the human heart?
Tired from the wait, the sobs fade one by one.
No, it is not possible! She is in a black cell, your mother,
Over the tiles, the rain falls with light drops,
The cold wind blows in blasts against the wall,
The curtain of night is sinister and obscure,
It covers the prison and all its buildings.
Calm yourself, my little one. Sleep deeply, sleep!
Tomorrow the dark night will have disappeared entirely,
You will find again your mother's loving hand,
She will rock you, her love will protect you,
And with all your likes on the firm ground you will return.

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[1] The first woman to join the Indochinese Communist Party. She was a student in Vinh during the period of clandestine activity, and was sentenced to death by the French colonialists. She left to the women of Vietnam the following message: "The revolution is our way to salvation."

[2] A Vietnamese martyr who joined the anti-French guerrillas at age 14 and was killed by the French in Poulo Condor when she was 17.

Tomorrow, you will be told the story,
The story of a tiny prisoner, bitter irony!
Who cried night and day, torn away from his mother's breast.
Confound the pack of assassins!
Our heart encloses as many drops of anger
As there are drops of rain falling from the sky onto the earth.
It is long this story, oh, my brother!
And tells of many more miseries and close friendships.
The day of the unity of our country
When the South and the North by an intense bond will be reunited.
That day our mountains and our rivers will shine,
There will be no more children's tears, at night, in prison.

YOU CAN SAVE A LIFE

1. Join the National Letter-Writing Campaign demanding that aid to Thieu be cut off until the political prisoners are released. Write to your Congress Member and Senator. (*See sample letter on following page.*)

2. At the back of this pamphlet is a list of names of some women prisoners. Adopt a Prisoner, or better yet, have the women in your women's group or organization *all* adopt a prisoner, and write to her sending a copy of the letter to your Congress Member asking them to look into the health and welfare of your prisoner. Along with this, you may want to wear a bracelet with your prisoner's name on it. (*See sample letter on next page.*)

3. In the spring of 1973 the Yale University Committee of Concerned Asian Scholars, with wide support from both students and faculty, recommended that Madame Ngo Ba Thanh, the distinguished Vietnamese scholar and lawyer, be considered for an honorary degree at the June commencement. The administration failed to approve the honorary degree but the controversy drew much attention to the prisoner issue. Columbia University students waged a similar struggle to have Mme Ngo Ba Thanh come to the U.S. to receive a degree. The dean of the University of Michigan Law School has issued an invitation for her as a guest lecturer. Why not try to organize your state university or women's organization to invite her?

4. Ask people to join a delegation to visit the local office of your representative. Have specific questions about use of U.S. money for support of the Saigon Government's prisons and supoprt of President Thieu. Write IPC for a "Memorandum on Continued U.S. Support for the South Vietnamese Police and Prison System and Program for Action" . . . an excellent document for lobbying.

5. See if you can organize a group of women, church people, lawyers, etc. to Form a Delegation to Go to South Vietnam and demand to Inspect Thieu's Prisons.

6. Distribute more of these pamphlets or arrange a film showing of the 30 minute movie "Saigon: A Question of Torture" made by a British film company and shown over British and Canadian t.v. This movie investigates the political prisoners in the jails in South Vietnam. (Rental is $20.)

7. Obtain a slide show entitled "Women in Vietnam" for use in your area. The slide show has 117 slides and a script (Purchase cost is $20). It depicts the historical role of Vietnamese women in their country's struggle for National independence and freedom, the development and growth of the massive Women's Union there, and how the war has affected their lives.

8. Build a tiger cage. Set it up in a public place. In New York some women fasted, dressed and made up as Vietnamese, and sat inside the cage to call attention to the issue. It did!

All resources mentioned above are available through the Indochina Peace Campaign. Prisoner bracelets cost $1.00.

SAMPLE LETTER TO A MEMBER OF CONGRESS

DEAR ———: I respectfully urge you to become aware of the approximately 200,000 civilian political prisoners detained by the Thieu regime in very subhuman conditions, with many being tortured, starved or liquidated. I understand that some are as young as six years old. Many are being reclassified as common criminals so they don't have to be released under the Agreements. I urge they be immediately released, in keeping with both the spirit and letter of Article II of the Agreement which directs the two South Vietnamese parties to: ". . . prohibit all acts of reprisal and discrimination against individuals or organizations that have collaborated with one side or the other . . . (and) insure the democratic liberties of the people. . . ." This is an American responsibility since USAID and DOD funds, provided by our tax dollars, maintain the prisons and trains the police force which is carrying out this brutal repression.

If you wish further information and documentation concerning these prisoners, it can be found in: *Hostages of War: Saigon's Political Prisoners* by Holmes Brown and Don Luce, Indochina Mobile Education Project, 1322 18th St., N.W., Washington, D.C., or by contacting the Indochina Peace Campaign, 181 Pier Ave., Santa Monica, CA. 90405.

OPTIONAL PARAGRAPH

I am concerned about the rights, health and whereabouts of these prisoners, especially one letter-friend to whom I am writing named ———. I am trying to find out the following about my friend: Where is she? How is she? Why is she being held? Can she receive mail and visitors? When will she be released? If she has been released, where is she now?

SAMPLE LETTER TO A PRISONER

DEAR ———: I am a U.S. citizen who is very concerned about your health and welfare. Reports have been coming out on our TV lately which show how badly the political prisoners are treated. I realize that many have been tortured and that many cannot walk as a result of being shackled to the bars of cells and tiger cages. I promise you that I shall work for your release and for the freedom of all the political prisoners in South Vietnam. I hope that you will be able to write to me about your treatment and your mental and physical condition.

Sincerely,

——— ———.

LIST OF WOMEN POLITICAL PRISONERS

From Nha Trang deported to Poulo-Condor (Con Son Island) on February 15, 1973, with the pretext of liberation:

Prisoners, prisoner ID number, born in, at

1. Nguyen thi Day, A2347, 1931, Ninh Thuan.
2. Bui thi Nhieu, A2348, 1932, Ninh Thuan.
3. Ngo thi Tu, A2349, 1953, Quang Nam.
4. Le thi Xi, A2351, 1952, Binh Thuan.
5. Phan thi Lieu, A2350, 1958, Quang Nam.
6. Nguyen thi Tu, A2352, 1956, Khanh Thuan.
7. Pham thi Chuong, A2354, 1931, Khanh Hoa.
8. Le thi Muoi, C3692, 1953, Binh Thuan.
9. Nguyen thi Loc, A2353, 1936, Binh Thuan.
10. Dao thi Loi, C3693, 1955, Binh Dinh.
11. Tran thi Tra, C3694, 1951, Binh Dinh.
12. Ngo thi Guyen, C3689, 1952, Binh Thuan.
13. Huynh thi Ben, C3688, 1954, Binh Thuan.
14. Nguyen thi Hanh, C3690, 1954, Binh Thuan.
15. Tang thi Ha, C3691, 1954, Binh Thuan.
16. Le thi Nan, 528.
17. Le thi Minh Hien, 526.
18. Nguyen thi Cuc.
19. Thieu thi Tan, 17983 HC.
20. Nguyen thi Cam.
21. Thieu thi Tao.
22. Nguyen thi Danh.
23. Nguyen thi Nhan.
24. Hoang thi Kim Hgan.
25. Phan thi Baxh Tuyet.
26. Le thi Huong, 1097 GTQS.
27. Huynh thi Khinh, 877 CTTA.
28. Phan thi Le Hanh.
29. Nguyen thi Nhan, 862 GTQS.
30. Lan thi Co.
31. Nguyen thi Que Lan, 1142 HC.

WOMEN PRISONERS AT DE THU DUC (SINCE FEBRUARY 1973)

1. Pham thi Bong.
2. Nguyen thi Nhan.
3. Le thi Em.
4. Nguyen thi Ven.
5. Nguyen thi Huong.
6. Nguyen thi Cam.
7. Bui thi Bong.
8. Le thi Loil.
9. Le thi Loi.
10. Duong thi Trang.
11. Nguyen thi Nhan.
12. Tran thi Bich.
13. Nguyen thi Danh.
14. Tran thi Xe.
15. Dang thi Lieu.
16. Tran thi Lanh.
17. Nguyen thi Banh.
18. Nguyen thi Teo.
19. Phan thi Thuy.
20. Phan thi Tu.
21. Nguyen thi Bay.
22. Nguyen thi Tana.
23. Tran thi Huu.
24. Nguyen thi Can.
25. Mai thi Huong.
26. Tran thi Nguyet.
27. Nguyen thi Xe.
28. Nguyen thi Coi.
29. Nguyen thi Tung.
30. Ho thi Phan.
31. Pham thi Thin.
32. Ho thi Vinh.
33. Nguyen thi Cuom.
34. Nguyen thi Mui.
35. Nguyen thi Than.
36. Ngo thi Lan.
37, Nguyen thi Boi.
38. Tran thi Tao.
39. Tran thi Hue.
40. Nguyen thi Tung.
41. Nguyen thi Cai.
42. Nguyen thi Lon.
43. Huynh thi Xuan.
44. Nguyen hi Toan.
45. Nguyen thi Thu.
46. Nguyen thi Sa.
47. Ngo thi Ke.
48. Pham thi Hung.
49. Tran thi Nguyen.
50. Phan thi Theo.
51. Nguyen thi Lan.
52. Quach kim Dien.
53. Nguyen thi Diep.
54. Tran thi Nguyet.
55. Vo thi Lan.
56. Nguyen thi Hoa.
57. Tran thi Phuoc.
58. Nguyen thi Van.
59. Nguyen thi Lieu.
60. Nguyen thi Hong.
61. Nguyen thi Cuc.
62. Nguyen thi Rong.
63. Tran thi Cam.
64. Tran thi Nhi.
65. Nguyen thi Minh.
66. Tran thi Nam.
67. Giang thi Anh.
68. Kieu thi Hai.

List of women prisoners whom the authorities have reclassified as civil offenders. These prisoners, supposedly liberated by the administration of Khanh Hoa (Nha Trang) prison, were deported to Puolo Condor on Feb. 16, 1973.

Prisoners, Prisoner I.D. number, Born in, At

1. Bui thi Le Thu, A.2174, 1950, Quang Ngai.

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2. Vien thi Minh Thanh, A.2170, 1952, Ninh Thuan.
3. Nguyen thi le Thuy, A.2187, 1953, Binh Dinh.
4. Le thi Ba, A.2191, 1932, Binh Dinh.
5. Pham thi Ba, A.2197, 1920, Binh Thuan.
6. Huynh thi Lam, A.2178, 1929, Binh Thuan.
7. Do thi Kien, A.2121, 1930, Binh Dinh.
8. Thi Canh, A.2182, 1939, Kanh Hoa.
9. Yngoc thi E Ban, A.2174, 1916, Ban me Thuat.
10. Vo thi Yen, A.2177, 1956, Binh Dinh.
11. Ngo thi Coi, A.2172, 1929, Khanh Hoa.
12. Vo thi Nang, A.2128, 1925, Phu Yen.
13. Nguyen thi Nhi, A.2131, 1955, Phu Yen.
14. Le thi Tho, A.2142, 1931, Phu Yen.
15. Nguyen thi Anh, A.2130, 1952, Binh Dinh.
16. Ngo thi Cong, A.2168, 1954, Binh Thuan.
17. Le thi Chau, A.2173, 1940, Khanh Hoa.
18. Bui thi It, A.2169, 1947, Binh Thuan.
19. Le thi An, A.2153, 1928, Phu Yen.
20. Nguyen thi Lan, A.2133, 1955, Phy Yen.
21. Nguyen thi Lieu, A.2193, 1941, Binh Dinh.
22. Nguyen thi Cho, A.2188, 1941, Binh Dinh.
23. Ho thi Quat, A.2194, 1944, Binh Dinh.
24. Vo thi Phy, A.2163, 1940, Ninh Hoa.
25. Nguyen thi Chen, A.2155, 1916, Binh Thuan.
26. Le thi Phai, A.2114, 1927, Binh Thuan.
27. Mai thi Chum, A.2179, 1947, Phan Rang.
28. Nguyen thi Chinh, A.2174, 1929, Quang Ngai.
29. Tran thi Dien, A.2161, 1923, Khanh Hoa.
30. Nguyen thi Thin, A.2175, 1953, Thu Duc.
31. Le thi Ny, A.2112, 1950, Binh Dinh.
32. Tran thi Chung, A.2149, 1928, Phy Yen.
33. Pham thi Loi, A.2146, 1944, Khanh Hoa.
34. Luu thi Thi, A.2196, 1951, Binh Dinh.
35. Phan thi Nong, A.2155, 1942, Phy Yen.
36. Pham thi Ngot, A.2188, 1912, Quang Ngai.
37. Tran thi Nguyen, A.2185, 1951, Quang Ngai.
38. Nguyen thi Nia, A.2166, 1951, Khanh Hoa.
39. Tran thi Thao, A.2151, 1915, Quang Ngai.
40. Nguyen thi Nah, A.2181, 1952, Khanh Hoa.
41. Nguyen thi Thu, A.2164, 1939, Binh Thuan.
42. Tran thi Thuc, A.2156, 1952, Binh Thuan.
43. Dinh thi Mai, A.2129, 1929, Phu Yen.
44. Nguyen thi Chin, A.2160, 1955, Binh Dinh.
45. Tong thi Nhan Van, A.2192, 1951, Binh Thaun.
46. Phan thi Bot, A.2159, 1949, Khanh Hoa.
47. Vo thi Buoi, C.3658, 1939, Khanh Hoa.
48. Vo thi Lanh, C.3658, 1954, Binh Dinh.
49. Nguyen thi Nga, A.2143, 1951, Phu Yen.
50. La thi Kha, C.3654, 1953, Binh Thuan.
51. Vo thi Khanh, A.2213, 1927, Binh Dinh.
52. Truong thi Bon, A.2209, 1940, Binh Dinh.
53. Nguyen thi Tret, C.3655, 1951, Binh Thuan.
54. Nguyen thi Sau, C.3661, 1954, Binh Thuan.
55. Huynh thi Loan, A.2165, 1939, Khanh Hoa.
56. Nhuyen thi Hat, A.2206, 1953, Binh Dinh.
57. Nguyen thi Hong, A.2124, 1951, Quang Nam.
58. Tran thi Huong, A.2120, 1952, Quang Nam.
59. Tran thi kim Huong, A.2162, 1940, Phu Yen.
60. Phan thi Hong, A.2126, 1930, Phu Yen.
61. Nguyen thi Hien, A.2122, 1954, Binh Dinh.
62. Huynh thi Van, A.2131, 1951, Phu Yen.
63. Nguyen thi Sen, A.2140, 1930, Phu Yen.
64. Nguyen thi Vang, A.2180, 1924, Ninh Thuan.
65. Nguyen thi Xe, A.2158, 1953, Phu Yen.
66. Truong thi Sen, A.2144, 1937, Phu Yen.
67. Bui thi Hoa, A.2190, 1948, Binh Dinh.
68. Truong thi Dung, A.2167, 1952, Binh Dinh.
69. Dao thi Huong, A.2215, 1932, Binh Dinh.
70. Do thi Thanh, A.2135, 1951, Phu Yen.
71. Huynh thi Tu, A. 2156, 1954, Phu Yen.
72. Trinh thi Thanh, A.2154, 1947, PhuYYen.
73. Tran thi Sau, A.2186, 1956, Khanh Hoa.
74. Vo thi Sau, A.2186, 1956, Khanh Hao.
75. Le thi Trong, A.2138, 1926, Phu Yen.
76. Thi Sang, A.2157, 1939, Ninh Thuan.
77. Cao thi Thanh, A.2136, 1927, Khanh Hoa.
78. Tran thi Dua, A.2127, 1916, Phu Yen.
79. Huynh thi Dao, A.2189, 1928, Binh Dinh.
80. Pham thi Dao, A.2150, 1958, Quang Ngai.
81. Tran thi Trinh, A.2205, 1953, Binh Dinh.
82. To thi Que, A.2207, 1937, Binh Dinh.
83. Nguyen thi Trang, A.2202, 1933, Binh Dinh.
84. Iran thi Dau, A.2184, 1934, Khanh Hoa.
85. Phan thi De, A.2134, 1920, Khanh Hoa.
86. Huynh thi Dau, A.2210, 1929, Binh Dinh.
87. Tran thi Thua, A.2195, 1951, Binh Dinh.
88. To thi Hang, A.2211, 1950, Khanh Hoa.
89. Vo thi Soi, A.2183, 1937, Khanh Hoa.
90. Pham thi Gai, A.2141, 1936, Khanh Hoa.
91. Pham thi Duong, A.2204, 1920, Binh Dinh.
92. Huynh thi Tat, A.2137, 1950, Binh Dinh.
93. Le thi Suong, A.2208, 1945, Binh Dinh.
94. Nhuyen thi Hai, A.2199, 1945, Binh Thuan.
95. Ho thi Duc, A.2176, 1951, Binh Dinh.
96. Nhuyen thi Xi, A.2201, 1918, Quang Nam.
97. Tran thi Ha, C.3660, 1949, Quang Nam.
98. Tran thi Xom, A.2152, 1922, Phu Yen.
99. Nguyen thi Suu, A.2200, 1949, Binh Dinh.
100. Nguyen thi Thao, A.3659, 1953, Binh Thuan.
101. Nguyen thi Gioi, C.2123, 1926, Khanh Hoa.
102. Nguyen thi Than, A.2145, 1937, Khanh Hoa.
103. Nguyen thi Tam, A.2171, 1954, Binh Dinh.

Women prisoners at Tan Heip prison are:

1. Le thi Loc, 22852.
2. Tran thi Hue.
3. Tran thi Lan.
4. Nguyen thi Man.
5. Nguyen thi Ghi, 23159.
6. Tran thi Chiem.
7. Tran thi Hong Nga.
8. Nguyen thi Thu Lieu.

WOMEN PRISONERS WHO ARE SERIOUSLY ILL MENTALLY FOR WHOM THERE IS NO ADEQUATE CARE

1. Chi Nguyen Thi Que, 45 years old, arrested in November 1959, has mental trouble as the result of suppression and torture in prison. She was sentenced to 10 years imprisonment and was moved from one prison to another—Thu Duc, Chi Hoa, Phu Loi—and all the prison administrators know that she is a mental case. But for more than 11 years already she has been in prison and no care is taken for her health. Her husband died in 1967 and her daughter was killed during bombing in 1968. Now she is still in the prison of Chi Hoa.

2. Chi Nguyen Thi Phe, 35 years old, arrested on August 3, 1963 and sentenced to 5 years imprisonment. Her home town is far away in Binh Dinh and her son, 3 years old, was taken care of by other people. The poor child, without father or mother, cared for by others, died after several months.

Thi Phe has serious stomach trouble, for which no care is taken. She has been given injections of Atropine and is becoming blind. Even the German doctors in the prison of Con Dao say that her condition was serious and suggested that she should be moved to the mainland for treatment. Today, her period of imprisonment has been exceeded by 2 years and 7 months, and her condition becomes more and more serious, but the government does not agree to her release.

She is still in the prison of Chi Hoa.

3. Chi Nguyen Thi Xuoc, 45 years old, arrested in 1962, her home district in Binh Dinh. She was arrested with her son, 11 years old. After several months of investigation, her son was released. He wandered about in Saigon, and after 8 years she does not know if her son is alive or dead, or if he may have returned to Binh Dinh.

As the result of torture and the dampness of the prison, today her lungs are affected and she is given no treatment.

She was sentenced to 4 years imprisonment, but today, she has already served 8 years. The day of her release, when she hopes to see her mother and her son, is still far away.

4. Chi Ton Anh, 47 years old, arrested in Binh Dinh on July 26, 1961. She was sentenced to 7 years imprisonment; now she has TB and stomach trouble and no care is taken of her so that she cannot walk, nor eat and drink properly. For the last two years the government refuses to release her.

She is still in Chi Hoa prison.

5. Chi Nguyen Thi Kheo, 36 years old, was arrested in 1960, in An-giang. In the local prison she was tortured so that she vomited blood and was moved to the hospital. When an attempt was made to force her to sign a false confession, and she refused, she was again beaten by the police.

She was unmarried when sentenced at 26 years of age to 7 years of imprisonment. Today, she has been in prison for more than 10 years and the government does not agree to release her, although an official in the Thu Duc prison told her in 1964 that her sentence has been reduced by one year. During the 10 years she has been moved to all the prisons in the south: An-giang, Chi Hoa, Go cong, Thu Duc, Phu Loi, Con Dao, and now is the third time she returns to Chi Hoa.

No competent doctor has diagnosed her illness—she is very weak and thin and old-looking and menstruation has ceased.

6. Chi Nguyen Thi Thao, 47 years old, was arrested on May 2, 1960 and sentenced to 10 years imprisonment, when her daughter was just 7 months old. During the time of investigation, she was moved from prison to prison: Gia Dinh, Chi Doa, Phu Loi, Thu Duc, Con Dao and back to Cho Hoa. She tried hard to keep the child with her, because she did not want her to be sent to an orphanage. After hearing from her family she sent the child to her sister, but unhappily her sister died. The child was then sent to the grandparents who also died. For ten years the little girl has wandered from house to house in the village, without family affection and without education, showing how corrupt South Vietnamese society has become.

In August 1970, thi Thao was taken from Con Dao to Chi Hoa and was able to see her daughter, who cried: "Mother, do not die, you have to live with me. Your sentence is finished, why are you not released? Do the administrators of the prisons not have any children? Why do they not know how to love children who have no mothers?"

But thi Thao cannot hear—she has become deaf.

She has TB, but the prison nurse always gives her quinine. So that, after ten years in prison, the TB is very advanced and the deafness is extremely serious.

The day of release and the reunion of mother and daughter is far away.

These are some cases among the 83 women prisoners now in Chi Hoa. They are proof that the prisons of South Vietnam today are savage and inhuman and must be reformed.

DIEU THUY.

May, 1971.

INDOCHINA PEACE CAMPAIGN

The Indochina Peace Campaign is a coordinated grassroot network of activists committed to finally stopping all U.S. aggression in Indochina and achieving peace and self-determination there. We generate public pressure to:

1. Demand the 1973 Paris Agreement on Vietnam be implemented. The U.S. must stop supporting the reactionary regimes of Indochina, including the world's most massive police state in Saigon. Thieu's political prisoners must be freed and a government of national reconciliation created in South Vietnam.

2. Create friendship and understanding with the Indochinese people made "faceless" by the Pentagon, through Medical Aid to Indochina and other support and cultural programs.

3. Broaden and unite the anti-war movement, supporting amnesty and the rights of all Americans facing repression because of the war.

4. Agitate around the Watergate crisis to wrench policy-making for Indochina out of the hands of the Executive.

[From World magazine, Aug. 14, 1973]

AMERICAN TROOPS IN EUROPE: THREAT OR SAFEGUARD?

(By Edward L. King)

The U.S. military force in Europe is too large and too costly, and the reasons for keeping it that way are invalid. Moreover, far from protecting the world from nuclear holocaust, it actually increases the likelihood of nuclear war.

At present 313,000 American military personnel, accompanied by 250,000 military-sponsored dependents, are stationed in Europe. The cost of maintaining them, together with armed-service personnel based in the United States but oriented to missions in Europe, has been climbing steadily—to $17 billion in fiscal 1973—and it has contributed to a U.S. balance of payments outflow of roughly $5 billion for the same year. These are costs that the American economy can no longer tolerate without compelling justification, and in this case there is simply no such justification.

According to the Department of Defense, these are two basic national-security objectives that provide the rationale for U.S. force levels and overseas deployments. These objectives are: (1) to preserve the United States as a free and independent nation, safeguard its fundamental institutions and values, and protect its people; (2) to contribute to the security of other nations with whom we have treaties or whose security makes a significant impact on our security.

In accomplishing the latter objective, the Defense Department cites "U.S. commitments under primary applicable treaties" as the justification for a large part of the military-manpower requests for fiscal 1974. But no specific manpower requirements are set forth in either the NATO or SEATO treaties. The NATO treaty does not specify any level of U.S. military force. It does not even require that members take military action. The size and composition of any U.S. military force assigned to NATO is determined solely by the U.S. government.

Thus the NATO treaty does not constitute a legitimate justification for the Defense Department's commitment of some 500,000 armed-service personnel (including the U.S.-based personnel) to the initial defense of NATO Europe. The NATO-committed force consists of eight army and marine divisions, six aircraft carriers, more than eighty surface warships and attack submarines, and twenty-one air squadrons. This force was agreed to by the U.S. executive branch during talks with NATO allies; it is not an honoring of obligations under NATO treaty articles.

What is the stated rationale behind this huge, costly, and unnecesary maintenance of military manpower? After the fallacious NATO-treaty argument, it is, of course, the oft-cited "threat of Soviet aggression." The Defense Department has described this so-called threat in exactly the same words for the past four fiscal years:

> While we do not consider aggression by the USSR likely in the present political climate, the fact remains that the Soviets have a vital interest in preserving the status quo in central Europe and in retaining their hold on Eastern Europe. A crisis that could lead to a conflict could arise if the political situation substantially changed in a way that threatened the USSR or its hegemony over Eastern Europe, or if a Soviet government saw opportunities for other ways to apply critical pressures on the cohesion of the [NATO] Alliance. Such a crisis could escalate to hostilities.

Apparently in pursuit of this reasoning, the United States is maintaining more troops in Europe today that it did in June 1961, immediately prior to the build-up occasioned by the Berlin crisis. This increase has occurred despite the obvious reduction in the scope and magnitude of the Soviet threat to Europe, a reduction brought about by Sino-Soviet hostility, detente in central Europe, a Berlin agreement, a SALT agreement, the recent Nixon-Brezhnev summit, and increased trade between East and West.

Even if the Soviet threat to Europe is accepted as real and continuing, U.S. preparation for meeting it militarily is unsound. The stated mission of our conventional, general-purpose manpower in Europe is to provide a means of phased "flexible response" to a Soviet ground attack. But if an attack were to occur, it is doubtful that U.S. deployments in central Europe would be able to respond successfully in a purely conventional manner. Our troops are not positioned, trained, manned, or equipped to conduct an effective, non-nuclear, initial forward defense unless given a warning and a mobilzation period consisting of about thirty days.

With such a thirty-day warning and mobilization period prior to the commencement of hostilities, U.S. divisions could, according to the Defense Department, be repositioned to more effective battle locations; reinforcements could be flown in from the United States; some of the dependents could be evacuated; and usable wartime lines of supply and communication (which are presently non-existent) could be opened.

However, an unforeseen attack would make it impossible to accomplish any of these requirements or to gain necessary air superiority to permit the landing of airlifted U.S. reinforcements. And airlifted reinforcements are essential to any hope of establishing a conventional forward defense in central Europe.*

The Defense Department admitted in Senate testimony last year that "U.S. Army forces located in West Germany are spread thin." To overcome this, the department said, it plans to deploy the U.S.-based Reforger Division plus "an additional two divisions to Europe within thirty days. These two divisions are considered the *minimum essential* [italics added] for the conduct of an initial conventional defense in the [European] central region."

If these additional two divisions, as well as ten support units—known as the "two-plus-ten"—are not rapidly forthcoming, U.S. ground forces would have no choice but to resort quickly to tactical nuclear weapons in order to save themselves from being destroyed. Since at least as far back as 1961, U.S. military strategists have planned on making the first use of tactical nuclear weapons within the initial hours of any attack by the Soviet Union.

Thus there is danger that instead of providing a "flexible" U.S. response to any level of aggression in Europe, the current conventional troop deployment in central Europe may actually lock the United States into early first use of tactical nuclear weapons—which could quickly lead to a massive nuclear exchange. Rather than providing an extended "pause" before crossing the nuclear threshold—as successive administrations have claimed—the present U.S. force levels in central Europe in fact lower that threshold to almost immediate nuclear war in the event of any Soviet or U.S. misstep in Europe.

U.S. ground-force deployments to NATO should therefore be seen as a large hostage force manning a tactical nuclear trip wire and as a guarantee that any American President will opt for immediate nuclear war in Europe. The President would have little choice but to commence a nuclear war. Otherwise, he would place more than a half million U.S. servicemen, their wives, and their children in grave jeopardy.

At the 1950 Lisbon conference, where much of present NATO conventional defense strategy was conceived, it was estimated that even then, when the United States enjoyed absolute atomic superiority, ninety NATO divisions would be required to defend central Europe. Now, in an era of nuclear parity, only twenty-five NATO divisions (including 4 U.S.) are supposed to accomplish much the same conventional mission that military experts established for ninety divisions. This is not a feasible mission, and it cannot be accomplished without resorting to tactical nuclear weapons. Nor is it feasible from a U.S. political or economic standpoint to contemplate stationing more troops in Europe.

This means that in view of the reluctance of our NATO allies to provide larger forces for their own defense, conventional flexible response is not a valid approach to the defense of central Europe. It is not even necessary, since there is little likelihood of a Soviet conventional attack. The concept of conventional defense (which actually relies on tactical nuclear warfare) is a lingering shibboleth of NATO in which the Europeans have little belief and the American public must invest billions.

What should be our military policy toward Europe? The present level of U.S. troops is not needed to reassure the Europeans of our intention to maintain strategic nuclear protection. A smaller U.S. deployment of perhaps one or two divisions could—if better organized and positioned—provide as much real flexibility as the present oversupported 4⅓ divisions without drastically lowering the present nuclear threshold. As Dwight Eisenhower, NATO's first supreme commander, said in 1963, "One division can show the flag as well as several." This smaller deployment would cost far less and would help counteract the chronic international weakening of the dollar.

But troop deployments have become a political sacred cow, the wrapping covering the basically political issue of American primacy in European affairs. Military troop levels have been used to protect the real political and economic issues. It has been far easier to defend a continued American presence on the basis of military requirements than on the basis of political expediency.

When it comes to troop reductions, the time never seems ripe for change. The idea of Mutual Balanced Force Reductions (MBFR) is the latest in a long series of dilatory tactics. During the four years of East-West exchanges preparing the way for

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* The ability of U.S.-based combat forces to reinforce rapidly our forces in Europe by air is questionable. Exercise Reforger II, conducted in late summer of 1970, tested U.S. ability to airlift troops rapidly to Europe; the results were not encouraging.

MBFR talks, the fact that the exchanges were taking place was used as a rationale for postponing any reduction in troops. Now, after four months of preliminary discussions, not even an agreement on the conference membership has been reached. The slowness of these preliminary discussions brings into serious question whether the United States and the USSR are sincerely interested in troop reductions. All indicators point to MBFR as yet another delaying tactic—employed by both NATO and the Warsaw Pact nations—to avoid facing the new situation in central Europe brought about by the continuing political and economic detente.

As Albert Willot, counselor on the Belgian permanent delegation to the North Atlantic Council, said in a recent article in the *NATO Review:*

"Europeans should not labour under a misapprehension. Even in the absence of any agreement with the East on MBFR, the United States will sooner or later be compelled, for well-known domestic political reasons, to reduce the level of their conventional presence in Europe. It must too be admitted that the Europeans are most unlikely to make up the difference."

Willot went on to speculate that MBFR negotiations might delay "and perhaps even for a long time limit" the reduction of U.S. conventional forces in Europe, if only because of the psychology of a situation in which a ceiling is imposed on the size of American forces: "Even the most staid motorist," he said, "has a natural tendency to drive at the maximum legal speed limit."

We must hope that the United States does not fall into the psychological trap suggested by Willot. To delay necessary reductions in the excessive and featherbedded U.S. conventional forces assigned to NATO would be a costly mistake. And to make this mistake because of European reluctance to assume a just portion of its own defense, or out of a naive hope for substantive results from the stalled MBFR talks, would be to ignore the best interests of the United States. Past U.S. troop reductions have found the Soviets also withdrawing troops. Additional phased reductions in the bloated U.S. force in Europe could stimulate similar Russian moves and therefore lead the world further from the threat of nuclear war and closer to the promise of peace.

[From the Washington Post, Sept. 14, 1973]

THE CASE FOR REDUCING U.S. FORCES IN EUROPE TO ABOUT 150,000

(By Edward L. King)

It is interesting that Robert Komer, one of the architects of some of our disastrous policies in South Vietnam, has now become a "Europe-firster" ("Keeping GIs in Europe"—August 30, 1973).

It is difficult indeed to reconcile his newfound concern for maintaining U.S. conventional troop levels in Europe, with his previous acquiescence in the slashing of those same troop levels in 1967–1969 to provide trained military men to work in his special Vietnam program.

Komer now cavalierly labels many past arguments about removing U.S. troops from Europe as "simplistic" and calls for a more informed discussion of the issue. Despite his long preoccupation with Vietnam he must be aware that serious critics such as Senator Mansfield have been carrying on informed discussions for 10 years.

Komer's article certainly adds nothing new to the discussion. It does, however, raise some questions about the facts and his understanding of them.

For example, he contends that four and one third U.S. divisions—stationed mostly in southern Germany—are defending "the "shortest high speed avenues of attack by which a Warsaw Pact offensive could split NATO, much as the Germans did . . . in 1940." But the major high speed approaches are located north of the U.S. divisions, and in two world wars the Germans attacked France from the north, not through the area where most U.S. divisions are stationed today.

Komer says it cost $4 billion to maintain U.S. troops in Europe. That is only the cost of the pay and maintenance of the men and their dependents. If you also consider the cost of their arms and equipment, that figure is correctly $7.7 billion. And he makes no mention of the $1.5 billion deficit in U.S. military balance of payments caused by the presence of over 300,000 U.S. troops and dependents in Europe.

Pages 190–194 of the FY 1974 Department of Defense Military Manpower Requirements Report clearly show that over 50% of our general purpose forces are predicated solely on a NATO conflict—not one major and one minor conflict in Europe or elsewhere as Komer claims.

He also repeats the tired old argument that it costs almost as much to keep our troops at home as in Europe. Yet last year—before devaluation—DOD witnesses testified before the Senate Armed Services Committee that first year savings of $42 million would be realized from withdrawing one mechanized division from Germany and stationing it in the U.S.

After his Vietnam years, perhaps Komer considers $42 million an insignificant amount. I doubt that other taxpayers would agree.

Komer missed a central point in joining the decade-long debate on U.S. troops in Europe. That is, why should the taxpayer pay $17 billion (cost of all U.S. forces committed to NATO), or $7 billion (cost of those in Europe), when less than 25% of those troops are assigned to combat skill jobs that direct fire on an enemy in actual combat defense of the American people?

I agree with Komer's call for keeping "substantial" U.S. forces in Europe. I submit that Senator Mansfield's proposal to keep around 150,000 U.S. troops in Europe is exactly such a "substantial" force.

[From Air Force Times, August 29, 1973]

WHY CUT TROOPS ABROAD

(By Lt. Gen. Ira C. Eaker (USAF, Ret.)

The most important issue facing the Congress, from a national security standpoint, is the growing demand that U.S. forces overseas be unilaterally and drastically curtailed.

President Nixon, during his four-and-one-half years in office has reduced our armed forces by 1.3 million men, largely a result of the termination of the war in Southeast Asia. Of our present military strength of 2.2 million 600,000 remain abroad.

There are some persuasive arguments for reducing our overseas garrisons. Our NATO allies, prostrate when we made our original agreement to participate in their defense in 1950, are now prosperous and are not paying their share of common defense costs.

All NATO countries spend about $35 billion annually on NATO defenses. The U.S. contributes $17 billion of that figure, nearly equal to the amount all other NATO allies provide.

The U.S. spends nearly 7 percent of its GNP (gross national product) on its military establishment, more than any of its NATO partners, except Portugal. West Germany's defense expenditure is 4 percent of its gross national product, the United Kingdom 5.8 percent and Canada only 2.5 percent. The average percentage of all the NATO countries, less the U.S., is 4.2 percent.

The present economic and political climate is favorable to the campaign to reduce our military forces abroad. The U.S. presently has an unfavorable annual balance of foreign trade of at least $10 billion. U.S. troop costs in Germany contribute $1.7 billion to that deficit.

The cordial summit meetings in Peking, Moscow and Washington, followed by the climate of détente, have produced an irrational euphoria in Congress. The theory apparently is that while we have reduced our armed forces more than a million men international tensions have eased. Therefore if we disband all our military strength, peace will be assured.

The administration position (the White House, State and Defense Departments) is that this is the worst possible time to take unilateral action in reducing our NATO troop commitments. The MBFR talks (mutually balanced force reductions) in Europe are now scheduled to begin October 30. President Nixon and Party Secretary Brezhnev agreed, at their recent meeting in Washington, to instruct their representatives to reach agreements in the second round of SALT no later than 1974. If we unilaterally reduce our forces there will be no incentive for mutual troop reduction at the up-coming MBFR or for nuclear arms reductions in the second round of SALT.

Secretary of Defense James R. Schlesinger, in his recent appearances before congressional committees, urged that he be given a few months to work out agreements with the NATO partners to pay a fair share of the costs of maintaining our troops in Germany.

Deputy Secretary of Defense William P. Clements has warned that while we have been reducing our military forces and delaying development of new weapons, neither Russia nor Red China has followed suit. In fact, both have made dramatic increases in their military power.

There is some hope that further unilateral action in reducing U.S. troops abroad may be delayed.

[From the Philadelphia Inquirer, Aug. 19, 1973]

HOW LONG MUST WE MAINTAIN HOW MANY MEN IN EUROPE

Now that the bombs no longer burst in the air of Cambodia and the U.S. seems to have at long last extricated itself from military involvement on the Indochina peninsula, this country can begin to attend to some other pressing business of foreign affairs.

Specifically, there is the question of whether to reduce the number of American troops stationed in Western Europe, and it might be well to begin with a couple of truisms.

One is that foreign policies—or any policies, for that matter—ought to be addressed to the realities; and the other is that times have changed.

In 1951, when the North Atlantic Treaty Organization was coming into being, America and its European allies could perceive a clear and present danger of aggression by a Soviet Union led by Joseph Stalin. Today, in an atmosphere of detente, no one seriously expects a sudden Soviet thrust by conventional forces into Western Europe, still less a Soviet "nuclear Pearl Harbor."

In 1951, the U.S. was clearly the preeminent military and economic power in the world, while Europe had been drained of its men and resources by the prolonged bloodletting of World War II. Today, Europe has more than fully recovered. It is the U.S. dollar which is weak, and that weakness is caused in large part by the drain of about $17 billion a year to support the U.S. commitment to NATO—some 307,000 American men stationed in Western Europe 28 years after the end of World War II.

So it seems to us that the realities are on the side of Senate Majority Leader Mike Mansfield, who for more than a dozen years has been urging a reduction in American forces abroad and is currently sponsoring a resolution calling for at least a 50 percent cutback in our NATO forces.

Saying this, we do not brush off the Nixon Administration's contention that its hand should not be weakened in the forthcoming negotiations with Warsaw Pact countries on "mutual and balanced force reductions." Still, those negotiations can drag on indefinitely. Must the U.S., then, be locked in indefinitely to a level of troop strength far beyond any realistic appraisal of a Soviet threat?

Indeed, we suggest that the Congressional pressure may strengthen the administration's hand in dealing with our NATO allies, who, as even Defense Secretary James R. Schlesinger has acknowledged, are even today carrying less than their full share.

Meanwhile, we also suggest that the administration does not strengthen its hand in dealing with Congress when, in one breath, its spokesmen hail its acknowledged success in defusing international tensions while, in another breath, they bespeak the doomsday oratory of the Cold War.

An orderly reduction of U.S. forces abroad does not mean a headlong retreat into isolationism. It does mean a more realistic appraisal of America's role and capabilities.

[From London Times, July 10, 1973]

THE LONG, HARD ROAD TO AN ARMS PACT FOR EUROPE

(By Henry Stanhope)

The grand, not to say majestic, opening of the Conference on Security and Cooperation in Europe at Helsinki, is in sharp contrast to Western expectations of its sibling, the conference on troop reductions in Central Europe which is now scheduled to start at Vienna on October 30.

Even those anonymous makers of mnemonics have an arduous three months ahead as they abandon the old "MBFR" (Mutual and Balanced Force Reductions) and try to make something of the new title Mutual Reduction of Forces and Armaments and Associated Measures in Central Europe. MURFAAM for short perhaps?

Having given way on the semantics, principally by omitting that bothersome word "balanced" from the title, and having conceded the Soviet point that Hungary should take part only as an observer, the Nato team enters MURFAAM two goals down. Or maybe the score should be three, because so much of the five months preparatory talks, just completed, was taken up haggling over Hungary that the Western powers fly to Vienna without the detailed agenda they had wanted.

There are three principal points which should have been settled in the spring and which will now have to be resolved at Vienna in October, delaying the start of the actual negotiations. The first concerns the decision on whose troops should even be considered for the slimming process. Should they be Russian on the one side and American on the other, as is so often assumed, or should other Nato and Warsaw Pact countries be involved too—as the West Germans and others would like?

The second concerns the areas in which these reductions should be made, and whether these should coincide with the areas in which measures of military constraint are also to be intrdouced—such as the joint notification of manoeuvres or the exchange of observers on either side.

The third, most important of all, concerns vertification procedures. Should the powers agree to leave this to national means of vertification which, for Nato, means principally the American system of sensors and satellites, or should they work out something more comprehensive?

Arguments over vertification have been insuperable obstacles in most other major arms controls talks to date—and will play an increasingly large role in the Strategic Limitation Talks. How high a hurdle will they be now?

The wine during the CSCE preparatory talks at Helsinki tasted sweeter than expected by Nato nations. But that at the MUR FAAM preparatory discussions in Vienna tasted considerably more sour. Senior NATO sources now fear that the time taken up by fixing these three basic parameters at Vienna in October will seriously delay an initial settlement over troop reductions. And desire for such a settlement is still strong, however wary some of the Western powers, notably Britain, remain of the security implications.

There is scepticism over early American hopes that an initial agreement on troop reductions can be reached in a year. But there is also a feeling that the talks must show results, or at least substantial progress, after 18 months. The underlying worry is still that American domestic pressures will force the United States to carry out unilateral withdrawals of some of her troops from the continent—however strongly her military chiefs may advise against it—unless this progress is both real and apparent.

Senior officials in Brussels are afraid too that the Watergate affair will work its insidious influence by alienating a number of Congressmen against the policies of the Nixon Administration, throwing moderates as well as the more ardent supporters of Senator Mansfield behind the banner shouting "Bring the boys back home." And the revaluation of the mark, together with the dollar crises can only speed up the process.

The main aims of the West is still to achieve some reduction in the might of the Warsaw Pact forces. Anxiety to achieve this can be understood more clearly in Germany than it can in this country. Despite *détente*, the border between East and West, together with unsmiling guards staring across from their concrete observation towers, bristle uncomfortably.

Ironically the border fence has just been strengthened in parts, including that strip along the Fulde Gap, the classic invasion route, behind which the Soviet forces still maintain their biggest concentration of forces. The fence has been raised to 12 feet—with an inner fence 50 metres or more behind it and an anti-vehicle ditch—and an anti-personnel shotgun device has been affixed as a deterrent to any young East German who wants to try his luck against the wire.

Other changes in the Soviet deployment in the East also give cause for concern about the difficulties ahead in trying to cut back forces in central Europe. Many of the 1,500 Soviet T–54 and T–55 tanks virtually disappeared after they were recently replaced by more modern more capable T–62s. Western intelligence officers think they have been stored in dehumidified depots in Eastern Europe to provide the Russians with the kind of dual-basing capability already possessed, to a limited extent, by the Americans.

Soviet forces have also switched from rail to air as the principal means of moving troops between Russia and Eastern Europe. Dual-basing gives the United States 7th Army the ability to move part of its 1st Division from its base in Fort Riley, Kansas, to West Germany in 11 or 12 hours. But dual-basing gives the Russians the ability to fly in troops in two or three hours. Nato officers used to calculate that the Soviet Union could move between five and six divisions a day into Eastern Europe by train. How many can they move by air with the help of their considerable air transport fleet?

These are questions to which Western intelligence officers are now addressing themselves. But they are questions which are going to make negotiations over troop reductions more, not less, difficult. While the speeches flow on at Helsinki, diplomats look forward to their next East-West encounter at Vienna with ill-concealed misgiving.

[From the Christian Science Monitor, Oct. 2, 1973]

U.S. TROOP-CUT PLAN IMPOSES DECISIONS ON EUROPE

(By Richard Neff)

BRUSSELS.—In the short run, the U.S. Senate's moves to cut back the American forces in Europe have caused scarcely a ripple at NATO headquarters.

At the same time, no one here doubts the tremendous long-term significance of the Senate action.

European diplomats have long known that such action was coming sooner or later. The mere fact that the Senate has moved now does not significantly change the special work started here last summer on how to increase Europe's share of the military burden. The work was proceeding and will continue.

Even if the Senate decisions win approval with the House of Representatives, it is still not clear just how many of the 285,000 land-based U.S. troops in Europe (Army and Air Force) will be affected.

POLITICAL IMPACT

However, statistics do not matter as much as the political impact congressional moves could have on Europe. Since 1962, the U.S. has already reduced its troops here by some 25 percent, from a peak 434,000. This decrease has had no impact at all on European opinion.

What matters to people here now is that the mood of the U.S. Senate toward a troop cut has clearly changed more than "25 percent" since 1962. In the intervening years, the U.S. balance of payments has gone awry, the American people have agonized their way through Vietnam and Watergate, and meanwhile European prosperity has steadily risen, along with the apparent prospects of East-West detente.

NEW CONDITIONS

These new conditions have opened three crucial courses of action for Europeans:

Experts here wonder if an outside stimulus—in this case a congressional troop-cut decision—will once again prove to be the factor that drives West Europeans into further unity among themselves—this time in the defense field, in order to balance off the waning of American presence in Europe.

Will Europeans—always skeptical of the Nixon-Kissinger quest for a new declaration of Atlantic principles—now see that American influence in Europe is on the decline and therefore will put Europe in a position of calling some of the shots when the American President visits Europe in the next few months?

Also, it is of deep concern here that West Europeans, rather than choosing the steep and arduous path of European defense integration, will instead be lured into the more pleasant and appeasing way of new political arrangements with the Soviet bloc. In other words, if and when American forces are withdrawn, the Europeans' reaction will depend greatly on their own perception of the Soviet military and political threat, and how Western Europe must respond to it.

DUPLICATION FACTOR

U.S. congressmen generally ignore the fact that West Europeans spend some $25 billion annually on their own defense. The trouble is that this sum is not so effective as a similar amount spent by the Americans because much of the European spending is wasted by individual nations' duplicating one another's defense efforts.

No matter what Congress finally decides on U.S. troop levels in Europe, the Europeans are not going to raise their own defense budgets; it is just not in the cards politically. Europeans will try undoubtedly to siphon off some or all of the U.S. balance-of-payments deficit incurred by American troops here. This would be done by currency schemes, offset agreements, etc., but not a major overall hike in federal spending.

A PROBLEM OF TRUST

If Europe were not to be weakened militarily and politically by an American cutback, Europe's only hope is in defense specialization, but this raises a problem of trust. Can one European nation trust a vital aspect of its national defense to a neighboring country? Has European integration progressed that far?

[From Human Events, Aug. 4, 1973]

SOVIETS GAIN CONCESSIONS IN MBFR NEGOTIATIONS

The former Supreme Allied Commander for NATO warned last week that Western security is at stake in "the Mutual Balance Force Reduction" (MBFR) negotiations now going on in Vienna. And, indicates Gen. Lyman L. Lemnitzer (U.S.A.–Ret.), the Kremlin has won major triumphs in the opening rounds of the confab.

In a Washington talk, Lemnitzer noted that NATO first asked for an MBFR conference—to discuss mutual reductions in the Warsaw Pact and NATO forces—in 1968. The Kremlin ignored the offer, preferring instead to build up a "massive military capability in Europe which is far greater than is required solely for defense purposes."

In 1971, when Senate Majority Leader Mike Mansfield called for a 50 per cent reduction of U.S. forces in Europe, the Kremlin's public attitude toward MBFR changed. Soviet boss Leonid Brezhnev made world headlines by urging troop cutbacks and advocating an MBFR conference. It was, says, Lemnitzer, a great "propaganda ploy" in which Brezhnev convinced the world that MBFR was his idea—not NATO's.

While publicly supporting the idea of European arms reduction, Brezhnev privately sabotaged the proposed talks. A NATO delegation headed by former Secretary General Manlio Brosio, was sent to Moscow to make arrangements for the talks, but was left cooling its heels because the Red Army wanted more time to build its strength.

Finally the Soviets passed the word that they would open talks on MBFR only if NATO agreed to participate in a separate European Security Conference—a proposal that the Kremlin has been making since the days of Stalin. The West agreed, handing the Soviets what Lemnitzer calls a major diplomatic victory.

But the Kremlin victories did not end there. NATO wanted the MBFR talks held in Vienna, the Soviets in Geneva. The Soviets won.

Most significantly, however, was the Western capitulation on the question of Hungary. In February the Soviets announced that Hungary must be excluded from the area of projected troop cuts. NATO objected—but caved in 14 weeks later, yielding to the Kremlin demand but vaguely reserving the right to raise the issue later.

Says Lemnitzer:

"To exclude the area of Hungary where about 40,000 elite Soviet troops are stationed is incomprehensible from the military point of view and could go a long way toward defeating the purposes of the MBFR talks. It could also gravely affect the fate of the satellite states in Eastern Central Europe and any hope that they may have of attaining their full freedom and sovereignty. It certainly does not hold out much hope for Hungary. It also provides a beachhead—or more specifically—a sanctuary for the Red Army and Tactical Air Force at the crossroads of Eastern Central Europe."

Lemnitzer is obviously pessimistic about the MBFR talks. He pictures the Soviets as "smugly sitting back awaiting the next effort of the United States Congress to force a unilateral and substantial reduction in Europe while they maintain untouched their massive military capability."

In a sharp criticism of Western diplomats Lemnitzer concluded: "We need to be tough negotiators. The West is all too inclined to make important concessions in order to assure that final agreements are reached. We seem to consider it all-important to avoid an impasse at all costs in order to reach agreement in conferences of this kind.

"We have already made important concessions in MBFR to date. In MBFR our security is at stake. It is vital, therefore, that any agreements which are reached do not require concessions which will jeopardize the security of the United States and NATO allies."

[From the Christian Science Monitor, Sept. 29, 1973]

TROOP CUTS: HOW WILL THE KREMLIN ACT?

(By Dana Adams Schmidt)

WASHINGTON.

What the United States Congress does and says about manpower and expensive weapons like the Trident missile submarine directly affects United States-Soviet relations.

The Senate's last word on manpower this week—a 23 percent cut, amounting to 110,000 men by December, 1975—will echo and re-echo in the debates at the SALT (strategic arms limitation talks) sessions that began at Geneva Monday, at the MFR (mutual forces reduction) talks that begin in Vienna Oct. 30, and in the discussions on the future of NATO with representatives of nine West European states in New York Sept. 29.

This compromise sponsored by Sen. Hubert H. Humphrey (D) of Minnesota was adopted by a substantial 48–36 vote, although it is only a little less drastic than the Mansfield amendment previously defeated.

DIMINISHED IMPACT

Its impact may be diminished by the Defense Department concentrating the cuts in the Far East. But the Russians and the West Europeans will have before them the unmistakable evidence, not to be obscured by any diplomatic eloquence, that the American mood is now shifting.

[The Humphrey amendment was tied to the $21 billion military procurement authorization bill for the current fiscal year. Debate on the bill continued Friday.

[Earlier Thursday the Senate rejected 49 to 47 an attempt to block acceleration of the Trident missile-firing-submarine system.

[The Pentagon lobbied heavily for the Trident speedup. But opponents claimed money would be saved by delaying work on nine Trident sub systems until the first one was in operation.]

Actually the word "mood" does not convey the extent of the basic sea change that is taking place after 32 years during which the United States has kept around half a million men overseas in support of its allies.

The cost of this overseas military establishment, amounting currently to 471,000 landbased men at 1,963 bases, installations, and properties, is about $30 billion a year. Of this force, 313,000 are stationed in Western Europe and related areas such as Morocco, Iceland, and Turkey at a cost of about $17 billion a year.

LESS STRENGTH

At all the international meetings taking place, the United States will negotiate less from strength than in the past, especially since this vote—even if reversed or modified by the House of Representatives in conference—will be seen as indicative of the trend.

At the MFR talks in particular, the American delegates may find it harder to convince the Soviet delegates that they must make concessions to gain American manpower withdrawals, since they can count on the American Congress doing the job for them.

Certainly the Senate's action will bring to the surface European doubts about the constancy of American determination to defend Europe when "the nine" meet with Walter Stoessel, assistant secretary for European affairs in New York.

They will have before them a proposed draft of an "Atlantic declaration" that emerged from a meeting of the nine in Copenhagen 10 days ago. It is to be proclaimed during President Nixon's trip to Europe.

DISCUSSION SEEN

When this trip is to take place undoubtedly will be discussed not only in Washington but during an informal visit to New York over the weekend by Willy Brandt, the German Chancellor.

Herr Brandt, who has been attending a conference sponsored by the institute for humanistic studies at Aspen, Colo., is one of the most constant allies of the U.S. on the European continent. He may well be consulted by the President about whether he should cross the Atlantic this year, or wait until next, and what he should do while in Europe.

Hitherto European opinion on the whole subject of Mr. Nixon's proposal for a new "Atlantic declaration," successor to World War II Atlantic Charter, has been reserved; some good sources in the capital believe the Chancellor will advise him to delay. By the beginning of next year, so it is argued, the extent of the shift in American opinion and policy, the future of the American commitment to Europe, should be clearer.

[Meanwhile, the Senate took the unusual step Friday authorizing President Nixon to promote Vice-Adm. Hyman Rickover to admiral.

[Sen. Henry M. Jackson (D) of Washington offered the authorization in an amendment to the military procurement authorization bill.

[Under normal procedures, military promotions are recommended by the president and approved by the Senate. There was no such recommendation in Admiral Rickover's case.]

[From the Christian Science Monitor, Sept. 24, 1973]

DIPLOMATS CONFER IN SERIES OF TALKS TO DEFINE NEW PATTERN OF RELATIONS

(By Takashi Oka)

GENEVA.—"Detente is a two-edged sword—for the Soviets and for the United States," said a senior Western diplomat attending the 35-nation Conference on Security and Cooperation in Europe (CSCE) in Geneva's plush new international conference center.

The diplomat was taking issue with views sometimes expressed in the West that so far detente has worked to Moscow advantage—not to that of Washington or its allies. He has been intimately associated with all stages of the security conference, from its preparatory phase in Helsinki to what is known as its second phase by the shores of Lac Leman today.

These are days of delicate intricately interwoven negotiations around the world—East-West, West-West, and perhaps even East-East.

Danish Foreign Minister K. B. Anderson sees Secretary of State Henry A. Kissinger in New York this week to discuss American-European relations and to see whether there is hope of enough substantive agreement to bring about a visit by President Nixon to the old continent later this fall.

DIPLOMATIC ACTIVITY ABOUNDS

Besides the security conference here in Geneva, SALT II, the Strategic Arms Limitations Talks between Washington and Moscow resumes this week. The foreign ministers of the world are in New York for the United Nations General Assembly, and finance ministers are gathered in Nairobi,

Kenya, for a meeting of the International Monetary Fund.

The West is having to coordinate its strategy on security, trade, and monetary matters at a time when the Soviet bloc presents a picture of doctrinal rigidity within, and of increased military preparedness against the West without.

President Pompidou has returned to France from China, his ears tingling from Peking's warning that the West must not let down its guard against Moscow, that Europe must forces poised along its eastern borders.

TALKS DUE IN VIENNA

And then, in Vienna, there is MBFR—the crucial talks on mutual and balanced force reductions between Communist and Western forces in central Europe.

All these talks and negotiations—especially the Vienna talks, which will not begin until Oct. 30—have their effect on the European security conference here in Geneva.

For, together with all these other talks, it is an attempt to define a new pattern in relations between nations still divided by deep mutual suspicions nearly 30 years after World War II.

The CSCE is a bit like the old League of Nations, which like so many other international organizations from the Red Cross to the Ecumenical Center, had or has its headquarters in Jean Calvin's hospitable, gracious city.

The Latin Americans are absent, as are Japan, China, and the new countries of Asia and Africa.

But with the United States and Canada present, as well as the Soviet Union, the nations of Europe have the cozy feeling that they can discuss the security of their continent with the nations that really count, without being distracted by the extraneous issues that take up so much of their time at the postwar United Nations.

SOVIETS DISCOMFITED

When the diplomat spoke of a "two-edged sword," he was thinking primarily of the discomfiture the Soviets have suffered over having had to spend so much time arguing basic human rights and East-West human contacts.

The conference, in these fields, has not gone at all the way the Kremlin wanted. In his Sofia speech last week, Soviet party chief Leonid I. Brezhnev again proposed a quick conference, ending with a solemn declaration by all 35 nations before the end of the year.

But this is seen by most delegates here as impossible.

At Helsinki, the Soviet delegates were rough and tough as they tried to railroad the conference into the vague, general declaration if principles sanctifying postwar frontiers, which Moscow wants.

Here in Geneva, a new Soviet team has been, to borrow the description of a Western delegate, "as smooth as silk."

The smaller nations of Europe—Sweden, Switzerland, Austria—have played a crucial role in getting the conference down to brass tacks, preparing agenda acceptable to East and West, defining issues, and fashioning compromises.

ROMANIA TAKE STAND

On the Eastern side, Romania has stood up for reversal of the so-called Brezhnev doctrine that under certain circumstances (Czechoslovakia) one state can interfere in the internal affairs of another.

It will be months before this second phase of the CSCE comes up with anything approaching a conclusion. But the Western delegates already are heartened by the coordination their own side has been able to achieve, both in the European Common Market context and in that of NATO, and by the constructive manner in which their own interests have meshed with those of the European neutrals.

Contrary to the fears many in the West expressed at the beginning of the conference, detente, at least in the Geneva and Helsinki forum is not working out as the Soviets would like, nor has euphoria clouded Western or neutral appreciations of the substantive issues that must be resolved.

[From the New York Times, Sept. 29, 1973]

TROOP COMPROMISE

After a bewildering display of indecision, the Senate finally hammered out a reasonable interim position this week between the contradictory pressures affecting the United States military presence overseas. It put on record an impressive show of support for cutting back a bloated military establishment, but wisely backed away from specific cuts in European troop strength which could have weakened American negotiators just as they began delicate talks with the Soviet Union.

To a large extent the so-called Humphrey-Cranston amendment, which was adopted Thursday, merely gives the Senatorial imprimatur to reductions the Administration was already considering. Its sponsors made it clear that the 110,000 troops they propose to bring home by the end of 1975 could be withdrawn entirely from bases in the Pacific, where the United States now maintains a force level of about 227,000. American contingents in Europe, assigned to NATO, which will be the subject of talks on mutual and balanced force reductions (M.B.F.R.) opening next month, would not necessarily be affected by the Senate's action even in the unlikely case that the amendment passes all legislative hurdles and becomes law.

The effect of the Senate's vote was to serve notice—on the Administration and on the NATO allies—that the huge defense burdens shouldered by the United States cannot be carried indefinitely, or even for many more years, without significant increases in the support contributions from prosperous Western Europe. Even Senators who can be considered military hardliners now seem unwilling to accept without challenge the stated defense demands the Western alliance is making of the United States.

Part of the steam built up behind the moves toward military withdrawal came from a long-standing fear in the Congress and elsewhere that the Administration would use delaying tactics in the forthcoming troop reduction talks, setting them up as a pretext for trying to fight off any European cutbacks for years to come on the theory that it would be folly to give away unilaterally what could be used as a bargaining chip.

But at least for the immediate future, the argument against the Mansfield amendment for drastic unilateral reduction in European force levels surely makes sense. This foolish measure actually passed the Senate this week, only to be rescinded in another vote a few hours later. Demands for a specific cut in European troop strength virtually on the eve of long-awaited negotiations would have been interpreted by friends and adversaries alike as a signal of American lack of interest in preservation of a credible presence in Europe.

But that argument will have less validity next year or the next, by which time the Congress will be better able to judge, on the basis of the M.B.F.R. talks, whether a genuine effort is under way by both the Soviet Union and the United States to phase down their respective European garrisons in an orderly and balanced fashion.

[From the Manchester Guardian Weekly, Aug. 4, 1973]

TROOP-CUT LOBBY STRENGTHENS

(By Hella Pick)

The United States allies in Europe are being quietly advised to take a serious view of renewed Congressional pressure to reduce American troop strength in Europe. There is evidence of growing support in the House of Representatives as well as in the Senate for Senator Mike Mansfield's longstanding fight to secure significant reductions in US forces stationed overseas, especially in Europe.

Senator Mansfield is confident that the American attitude to maintaining large forces abroad has changed radically, and he believes that there is now a 50–50 chance that Congressional action will be taken later this year. Among factors affecting public and Congressional opinion is, of course, the lessening of East-West tensions. But Europe's failure to respond more positively to the Administration's attempts to discuss and refurbish the Atlantic alliance is also contributing to the situation. Yet another factor is the growing pressure to reduce defence expenditures.

Senator Mansfield has little interest in the East-West force reduction talks due to start in October, and appears convinced that the Soviet Union is far more likely to respond to unilateral US force reductions than to make significant concessions in block-to-block negotiations.

The Administration, as usual, is strenuously rejecting the Senator's arguments and is still asserting its confidence that it can successfully resist him. Nevertheless, it has been fielding all its big guns in the debates that have been going on in committees of both the House of Representatives and the Senate. There is no doubt that Dr. Kissinger is more than ever convinced of the need for more positive moves from European allies to demonstrate to Congress their realisation that the United States can no longer be expected to shoulder the principal burden of defense in the Western world.

It is unlikely that decisive Congressional action will be taken before the summer recess which starts at the end of next week. But both Houses will return to the debate in September, when it is expected that amendments will be tabled to the Administration's Defence Procurement Bill. These will aim at compelling the Administration to order unilateral troop withdrawals, and are more likely to be carried in the Senate than in the House of Representatives.

Even so, Senator Mansfield now seems certain that Congress will make it extremely hard for the Administration to gain the two or three years that it will take to secure any results from the fourth reduction negotiations between NATO and the Warsaw Pact countries.

The Administration is claiming that its position in the fourth reduction talks would be crippled by a Congressional call for unilateral withdrawals. Another Administration argument is that it might cost more to keep the troops inside the United States than stationed overseas.

But the Administration is also hoping that NATO will make a careful study of Senator Mansfield's arguments. He is calling for a 50 per cent reduction of US troops stationed overseas over the next three years—broadening the canvas and no longer concentrating only on troop reductions from Europe. He rejects the idea now fashionable in NATO that a 10 per cent reduction in troop strength would be just about tolerable, and insists that far more troops must be withdrawn from Europe.

Senator Mansfield's views have made a deep impression on his fellow senators and there has been no disagreement with his latest speech. In it, he accepts that the United States should maintain its nuclear deterrent in Europe, but uses both political and strategic arguments to justify the view that NATO is "in a state of still rigidity" and that there is something "altogether cockeyed and unrealistic" about the maintenance of over 300,000 US troops in Europe. Such numbers, in his view, are neither justified mili-

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tarily, nor required as "hostages" to underwrite the US nuclear guarantee.

[From the Philadelphia Bulletin, Oct. 1, 1973]

AMERICAN TROOPS ABROAD

All the frustrations and growing impatience with the continued high level of American forces abroad were evident in the Senate's vacillation this past week on amendments to bring home American soldiers.

In a clear signal that the Administration's and Defense Department's arguments in favor of retaining the status quo are becoming less compelling, the Senate voted first to reduce troop levels by 40 percent, then reversed itself after extensive lobbying, and finally settled on a 23 percent reduction over two years.

The votes evoke mixed feelings. There is an understandable reaction in Congress that after nearly 30 years of carrying the burden of free world defense a revitalized Western Europe should increase its own share of support. On the other hand, the tactical pitfall of playing our hand before Warsaw pact nations have committed themselves to reductions could leave the United States in a weakened bargaining position in upcoming mutual force reduction talks.

On the face of it a 23 percent reduction—110,000 troops—would not much affect the balance of conventional force in Europe if most of the troops are withdrawn from the Asian and Pacific areas as Sens. Hubert Humphrey and Alan Cranston, cosponsors of the troop reduction amendment, have suggested.

The real meaning of the Senate's action lies in the renewed warning to NATO members that Congress is no longer willing to accept an indefinite postponement in the reduction of American troops abroad.

Even the House, where support for maintaining current troop levels is strong, shows signs it may be weakening on the issue, although probably not enough to accept the Senate's amendment in House-Senate conference.

Europeans who argue that current troop levels are necessary to counter a potential Communist threat should themselves do more to maintain those levels. While European NATO members contribute about 3.5 percent of their collective gross national product to defense, the United States supplies twice that much to defense.

The argument that some 300,000 American soldiers are needed in Europe to guarantee a nuclear response in the event of overwhelming Communist attack would hold as true with 250,000 troops, 100,000, or even 50,000. The size of the so-called "hostage" force is not so important as its mere presence.

The significance of the Senate's vote should not be lost on European leaders. It should spur European states to greater unity and participation in their own defense.

That, rather than an American desire unilaterally to withdraw from its world responsibilities, should be Europe's reading of troop cutting amendments.

[From the Christian Science Monitor]

FRANCO BLOCKS MIDEAST INTERVENTION: UNITED STATES CONFINED TO QUARTERS IN SPAIN

(By Richard Mowrer)

MADRID.—Spain will not permit the United States military to utilize Spanish bases "in a local conflict such as the Arab-Israeli war."

The Franco government's terse announcement comes in the wake of mounting speculation that American naval and Air Force installations here might be involved in the Middle East conflict, as they have been in other times of crisis in the eastern Mediterranean.

The statement is certain to be well received by the Arab states.

At the time of the six day war in 1967 the American military facilities in Spain served to evacuate American families from the war zone. During the Lebanon crisis in 1958 the bases were used as staging areas for the movement of supplies and personnel to the eastern Mediterranean.

The Spanish Government statement emphasizes that the United States can only use the bases to meet a threat or attack against the security of the West.

AIR FORCE HEADQUARTERS

Whether the Spanish Government's declaration will affect adversely the effectiveness of the American military presence is not clear.

Torrejon Air Force base 14 miles outside Madrid is the headquarters of the U.S. 16th Air Force. It commands units not only in Spain but in Italy, Greece, and Turkey.

The naval installations at Rota on the Mediterranean coast are a useful base for American nuclear missile submarines. But Rota also is important as a logistics support base for American forces in the eastern Mediterranean where war is raging. It provides logistics support for the U.S. Sixth Fleet capable of rapid response airlifts to replenish the fleet at sea.

Spain's announcement restricting use of the bases underscores that General Franco totally supports the Arab cause, so much so that Spain is the only country in Europe that has not recognized Israel.

The American military presence in Spain goes back to 1953. Over the years the Spaniards have drawn a tightening noose of controls over the American-built air and naval bases from which U.S. forces operate.

Originally they were defined as "joint" Spanish-American bases. In 1970 when the agreements were reviewed this was changed to "Spanish base facilities" made available to U.S. forces subject to Spanish consent.

The bases agreement does not come up for renewal until 1975 but already there are strong indications that Spain is not satisfied with the accords as they are and will insist on big changes.

As a condition of renewal Spain will insist on a full-fledged military alliance with security guarantees similar to those enjoyed by NATO countries. The accords with Spain up to now have been by executive agreement.

Spain has been excluded from the NATO alliance, largely because of its regime. But the feeling here is that Spain's prospects of winning full acceptance are improving, particularly because of the Soviet buildup in the Mediterranean, which enhances Spain's strategic value to the West.

Spanish critics of the bases agreements say these expose Spain to involvement in foreign crises without Spanish consent and without foolproof guarantees that the U.S. will come to Spain's aid in case of conflict.

It may be that the government's statement to the effect that the United States will not be permitted to use Spanish bases in connection with the Middle East crisis is meant for domestic consumption. But it could also herald tougher restrictions on the use of the American-manned facilities here.

This bill is simply not good enough. I urge the House to defeat this conference report and to demand responsible conferees who will carry out the wishes of the House.

Mr. BROWN of California. Mr. Speaker, it disturbs me greatly that the Department of Defense authorization bill for fiscal year 1974, H.R. 9286, once again fails to provide for recomputation of retired military pay.

Our Government has committed an injustice in its policy toward military retirees. Up to 1958 the law provided that retirees would share proportionately in raises given to the active duty forces. This recomputation of retired pay was an important incentive for men to enlist and to remain in the armed forces despite the low pay for active duty service. People who entered the service prior to 1958 had every reason to expect that they would benefit from this system of recomputation after retirement.

The Military Pay Act of 1958, however, ended this recomputation system. It failed to include any "grandfather clause" to protect the rights of retirees. This was despite the recommendations of the Cordiner military pay study committee upon which the pay act was based. The committee had concluded that:

> The incentive value of the existing military retirement system depends to a major degree upon the integral relationship with active duty compensation and the confidence which has been built up on the military body that no breach of faith or breach of retirement contract has ever been permitted by Congress and the American people.

The Cordiner report was no isolated instance of a study group favoring military retirees. Again in 1966 a similar conclusion was reached by the Cabinet Committee on Federal Staff Retirement Systems. It reported that:

> Whenever a staff retirement system is changed, provision shall be made to protect the equities of any individuals who would be adversely affected by such change.

The recomputation system is not something of recent origin. It was in effect during most of the latter half of the 19th century and most of the first 58 years of this century.

The consequence of the actions taken by Congress in 1958 has been the creation of 11 different rates of retired pay for former members of the Armed Services of equal grade and length of service. The oldest retirees, whose needs are greatest, receive the smallest pay while the youngest receive the largest. The disparity is often as much as 50 percent.

Senator HARTKE attempted to remedy this injustice while the defense authorization bill was before the other body. His amendment, adopted by that body, would have provided a one-time recomputation of military retired pay to the 1972 rates, as adjusted upward by intervening raises based upon increases in the Consumer Price Index.

If enacted, this would have brought many older military retirees out of the poverty category. It would have enabled many military retired sexagenarians to leave the labor market, relieve unemployment, and reduce the competition faced by returning Vietnam veterans.

It is regrettable that the conference on this bill did not resolve the differences between the versions passed by this body and the other body so as to reinstate a recomputation system. It would seem that as a matter of simple justice this would have occurred. Restoration of recomputation may have been lost for this year's defense authorization bill but you can be certain that there will be a concerted effort to include it in the next budget.

Mr. BOB WILSON. Mr. Speaker, while I support the major provisions of the conference report on the military procurement authorization bill before us today, I did not sign the report, because I was dismayed that the conferees did not retain the Hartke amendment providing for a one-time recomputation of military retired pay.

Recomputation has been a long-festering controversy and, in the Hartke proposal, we had the opportunity at hand to reach a fair and equitable compromise to this longstanding injustice. Although the various military retiree organizations would like the restoration of full recomputation, they are more than aware of the political realities involved. As a result, these various organizations have united in a pledge to accept the Hartke compromise as a final, one-time settlement of the recomputation issue. The solution was within our grasp and I am disappointed that the conference committee let it slip away.

Those most directly affected by the abandonment of recomputation in 1958 and 1963 are service men and women already on the retiree roles at the time the method of computing their retired pay was changed. They are generally the ones most in need now and would benefit directly from a one-time recomputation of retired pay at age 60, since most of the pre-1958 retirees are well over 60 at this point. In addition, younger retirees, a large number of whom had many years service invested in their military careers at the time the retirement computation formula was altered, would be eligible for recomputation at a time when their own earning capabilities would be greatly diminished.

Those opposing recomputation have been able to crank out of the computers all sorts of dire predictions as to cost, but the Hartke amendment fell well within the President's budget request of $360 million for the first-year costs of recomputation. After the first few years, the costs would begin to decline due to the thinning of the current retiree ranks as a result of death. The costs of any Federal program projected to the year 2000 are staggering beyond words and this is a scurrilous yardstick to use in measuring the merits of recomputation.

The Hartke amendment was overwhelmingly adopted by the Senate several weeks ago. As a member of the conference committee, I was disappointed that not enough conferees fought for the Senate's position on this issue.

Recomputation deserves an unbiased hearing within the full context of the costs of the present and future military retirement system. The Defense Department has recommended a number of changes in the present military retirement structure. While these are not necessarily all meritorious, the subject should receive a full review by both the House and Senate Armed Services Committees. As a member of the House committee, I urge our distinguished chairman to schedule comprehensive hearings on the subject of military retirement.

Mr. HÉBERT. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING CLERK OF THE HOUSE TO MAKE CORRECTIONS IN ENROLLMENT OF H.R. 9286, AUTHORIZING APPROPRIATIONS FOR MILITARY PROCUREMENT, 1974

Mr. HÉBERT. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (H. Con. Res. 373) directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 9286.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 373

Concurrent resolution directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 9286

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 9286) to authorize appropriations during the fiscal year 1974 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each reserve component of the Armed Forces, and the military training student loads, and for other purposes, is authorized and directed to make the following corrections:

(1) Immediately after section 805, insert the following new section:

"SEC. 806. Notwithstanding any over provision of law, upon enactment of this Act, no funds heretofore or hereafter appropriated may be obligated or expended to finance the involvement of United States military forces in hostilities in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia, unless specifically authorized hereafter by the Congress."

(2) Redesignate sections 806 through 818 as sections 807 through 819, respectively.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. ARENDS. Mr. Speaker, reserving the right to object, I do this for the purpose of asking the gentleman from Louisiana if he will give us a little more explanation about the need for these corrections, which are technical corrections, as I understand it.

Mr. HÉBERT. Mr. Speaker, I will be very happy to respond to the gentleman.

Mr. Speaker, the concurrent resolution simply overcomes a clerical error in the conference report on H.R. 9286. Stated another way, this is a technical amendment to correct the conference report so that it may incorporate language agreed to by the conferees.

The Senate amendment contained a provision, section 1107, providing a restatement of the total statutory prohibition of funding of U.S. military activities in, over, or from off the shores of Indochina without the express consent of the Congress. The amendment of the Senate simply continues language presently in the law and is consistent with the policy decisions previously made by the Congress.

There are now two existing provisions of law, both signed by the President, which embody this language, section 307 of Public Law 93–50, the Supplemental Appropriation Act, and a similar provision in section 108 of Public Law 93–52, the continuing resolution for fiscal year 1974.

The continuing resolution for fiscal year 1974 expired on September 30. Similarly, the Supplemental Appropriation Act by its own terms will also expire.

The purpose of the section which had inadvertently been omitted from the conference report, is simply to reenact and make permanent existing law and congressional policy on this subject.

In view of this circumstance, the House conferees receded to the Senate position and accepted the Senate amendment. The action taken by the House conferees in explanation of this action is reflected on page 44 under the heading "Prohibition of U.S. Combat Activities in Southeast Asia."

Unfortunately, as I indicated previously, the clerks in preparing the material for the printer failed to include this provision in the conference report. Hence, this action is technically required to correct that clerical error.

I trust this explains the matter adequately.

Mr. ARENDS. Mr. Speaker, I thank the gentleman.

I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HÉBERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

PERSONAL EXPLANATION

Mr. WYATT. Mr. Speaker, on the last rollcall, No. 556, I was under a misapprehension and I voted "yea." If I had been correctly informed, I would have voted "nay."

THE UNITED STATES MUST GET ACTION ON ISRAELI PRISONERS

(Mr. BADILLO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BADILLO. Mr. Speaker, I find it incredible that with the cease-fire in the Middle East in effect for more than a week now, there has been no action to exchange prisoners-of-war, or even—in the case of the Arabs—to identify the captured Israeli soldiers. If the United

States is to take a leadership role in bringing about a fair and lasting peace, it must begin by getting immediate action on prisoners-of-war as a means of laying the groundwork for the commencement of peace talks.

I have today sent a telegram to Secretary of State Kissinger urging him to seek immediate release of a complete list of captured prisoners-of-war, immediate permission for representatives of the International Red Cross to visit the POW's, and a commitment on early release of all prisoners.

I am gravely concerned over the continuing delay in action to release the troops captured during the recent war in the Middle East. It seems to me barbaric that Egypt and Syria have not even had the common decency to release a list of the Israeli POW's. A speedy and humane resolution of this issue should be a condition precedent to the commencement of negotiations between the nations involved.

I have urged our Secretary of State to make the strongest possible diplomatic representations both to the Arab States and to the Soviet Union with respect to three basic goals— immediate release of a complete list of all captured Israelis, permission for Red Cross visits to the prisoners both to confirm their identities and to ascertain their condition, and commitment to a speedy timetable for full exchange of all prisoners.

Further delay in resolving the prisoner issue can serve only to prolong and increase the tensions between nations in the troubled Middle East. The time for reconciliation and movement toward a lasting and fair peace is ripe, but a demonstration of good faith clearly is needed to establish a firm basis for negotiations. Use of POW's as a lever in negotiations is inhuman. The United States must make resolution of this issue a matter of urgent priority.

THE UNITED STATES AND CHILE— A COMMON SORROW

(Mr. REES asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. REES. Mr. Speaker, for the past 5 years I have been under the impression that the United States had no foreign policy toward Latin America. I have been wrong. We do have a policy—albeit a negative and destructive one—but we do have a foreign policy.

The policy can be described as one of friendship to right wing military dictatorships which are dedicated to the protection of U.S. business in their countries. While there is certainly nothing wrong with the United States attempting to understand the point of view of American business abroad, our policy seems to be one of slavish devotion to U.S. business interest in Latin America, whether or not a specific business enterprise is right or wrong, whether or not that business operates within the framework or laws of the host country.

It is this inflexible policy that businesses in trouble manipulate and hide behind when they have disagreements with their host country. "Be kind to us or we will bring the full force of the U.S. Government down upon you and bankrupt you" is their message, and nowhere is this more evident than in the recent tragic events in Chile.

From the time of the election of Marxist Salvadore Allende until the recent military takeover of this once free country, the United States, by its inaction, by its negative approach, aided in the ruin of Chile's economy. Consistently we refused them loans from the Export-Import Bank. Consistently we were able to veto loans from the World Bank and the Inter-American Development Bank. We were uncooperative toward efforts to restructure Chile's external debt.

Was our policy dictated by the expropriation of U.S. copper interests in Chile? If so, can we blame the Allende administration? The takeover of the copper companies was accomplished by a unanimous vote of the Chilean Parliament—a vote representing all parties in Chile, right, left, and center.

Or are we pulling chestnuts out of the fire on behalf of ITT—a company whose questionable activities in internal Chilean politics certainly justified seizure?

I will agree that Chile was in obvious economic trouble. I feel that the Marxist government did mismanage the economy. Their agricultural policy was a shambles. Aggressive takeovers of business and industry were damaging to the economy. As an American viewing the situation from the outside, I might disagree with their policies. But their Government was elected by the people of Chile, and those Government officials I met were sincere in their desire to help their country.

And, if the United States had only been half as cooperative toward Chile as we have been toward the Soviet Union in recent years, the tragedy of economic chaos and military takeover might not have occurred. How, on the one hand, can we burden our own citizens with a bill running into the hundreds of millions of dollars for the Soviet wheat deal, and, at the same time, shut off Chile the way we did?

It seems that our foreign policy supports elective democracies if they agree with us, but encourages their overthrow if they disagree with us. It is ironic that we funnel millions of dollars in foreign aid and instruct our representatives to vote for loans through the multinational banks to Brazil, a country which has a GNP increase of over 10 percent a year, which is the richest economy in Latin America, and a country which is ruled by a repressive rightwing military dictatorship. It is also ironic that now that the military has seized Chile we are giving that country credits to purchase wheat and are discussing other bounties.

It appears that the military in Chile is following a repressive policy—ideas are being suppressed, books are being burned, and the fate of thousands of political prisoners is in doubt. I wonder if the long tradition of Chilean democracy will be allowed to survive.

Perhaps one of the results of the coup will be that Marxist/Socialist Parties throughout the world will reject the ballot box as the testing ground of their ideology. The world's first elected Marxist government fell to the fate of a military takeover. Will the example of Chile be a message to other such Marxist political movements that democracy and its structure must first be destroyed for Marxism to survive? I hope not.

I would like to include with my remarks two articles from the Progressive magazine: The first, "Chile: The Lesson," by Laurence Stern of the Washington Post; and the second, "Requiem for Don Quixote," by Columnist Murray Kempton:

Chile: The Lesson

(By Laurence Stern)

With a perverse obstinacy, the United States has once again asserted itself as the most powerful radicalizing political force in Latin America. This is the underlying lesson of the tragedy in Chile, a lesson that is reverberating through the hemisphere.

Salvadore Allende was elected in 1970 as the leader of a volatile coalition of Socialist and Communist parties. He was committed by platform and personal conviction to the Chileanization and socialization of his country's economy. But he also wanted to preserve constitutional democracy in a country with strongly ingrained constitutional traditions. Like Fidel Castro he was a child of the middle class. Unlike Castro he steadfastly resisted the path toward change through revolutionary violence.

Long before he came to power, Allende was the target of hostile U.S. governmental and corporate policies. In 1964, the United States conducted a massive, covert campaign—in which the Central Intelligence Agency played a major role—in behalf of Allende's opponent, Christian Democrat Eduardo Frei. A second attempt at intercession in 1970 by the CIA and the International Telephone and Telegraph Company is now a matter of well-documented record, thanks to columnist Jack Anderson and Senator Frank Church, the Idaho Democrat who heads the Senate Foreign Relations Committee's investigation of multinational corporations.

The Nixon Administration's official view toward Allende—a sort of Latin American Domino Theory—was propounded by Henry Kissinger at a White House backgrounder for Middle Western editors on September 16, 1970:

"Now it is fairly easy for one to predict that if Allende wins," said Kissinger, "there is a good chance that he will establish over a period of years some sort of Communist government. In that case you would have one not on an island off the coast which has not a traditional relationship and impact on Latin America, but in a major Latin American country you would have a Communist government, joining, for example, Argentina, which is already deeply divided, along a long frontier, joining Peru, which has already been heading in directions that have been difficult to deal with, and joining Bolivia, which has also gone in a more leftist, anti-U.S. direction, even without any of these developments. So I don't think we should delude ourselves that an Allende takeover in Chile would not present massive problems for us, and for democratic forces and for pro-U.S. forces in Latin America, and indeed to the whole Western Hemisphere . . . It is one of those situations which is not too happy for American interests."

Kissinger conceded that the American capacity to influence the events in Chile was small at that point. (Allende had already won the popular election plurality, but faced a run-off election in Congress, and in that respect he was right.)

But the events of the past month have provided a cruel and ironic twist to his prediction of Chile's future course. In the thirty-three months of Allende's tenure as President, all of Chile's parties survived, a free press continued to flourish, and Allende never succumbed to the strong temptations to suspend constitutional government. In 1971 Castro reportedly advised Allende to tighten the reins of executive power against the anti-government demonstrations organized by the opposing parties. Allende refused.

Yet within two weeks after the junta took over in Santiago the Marxist parties were outlawed and other parties "recessed"; labor unions were suppressed; books were put to the torch; thousands of Allende loyalists were arrested and untold numbers were killed throughout the country; aliens were rounded up for deportation—some to homelands in which they faced certain imprisonment or death; the press was muzzled, and normal constitutional process was suspended. This is precisely the fate that was to overtake Chile after Allende's accession to power in the misguided view of those who opposed his election.

For all of Kissinger's vaunted rationalism in matters of great power relations his recorded opinions on Third World realities have been consistently disastrous whether they pertained to Bangladesh, Cuba, Nguyen Van Thieu, or Salvadore Allende. It is apparently Kissinger's view that Third World events should always tilt toward the interests of great-power diplomacy. The falling domino approach to Latin America is no more plausible than was the Domino Theory of the 1950s and 1960s as it applied to Southeast Asia. The specter of Vietnamese Communists storming Laguna Beach is no more hallucinogenic than the prospect of Chilean Communists pouring through the Alamo.

The Cuban Communists have tended to view Allende in gently disdainful terms as a Quixotic sort of Marxist with an impossible dream of building socialism from a matrix of bourgeois constitutionalism. That is the rock-ribbed Marxist-Leninist view, which the Cubans acquired in the international school of hard knocks. And it seemed almost to be an objective of American foreign policy to confirm Castro's judgment that constitutional socialism in the Western Hemisphere could not survive subversion from within and without.

The question of whether the United States participated directly in the military coup in Santiago seems a pointless one. We know that planning for the coup began in the fall of 1972—long before the economic and political upheavals of this past summer that supposedly served as a pretext. "We would have acted even if Allende had called a plebiscite or reached a compromise with the political opposition," a Chilean officer deeply involved in the plot told American correspondents. We know, too, that the CIA had advance information that the coup would take place.

The sources of financing for the truck owners' strike, a severe blow to the domestic economy, are still a mystery. The "pots and pans'" demonstration by middleclass housewives in Santiago against Allende was strikingly similar to the 1963 "pots and pans" demonstrations in Sao Paulo, Brazil, which preceded the junta coup agaisnt the Goulart government. The speculation goes on, but the conclusive evidence is absent.

What did happen is that the United States conducted unrelenting economic warfare against the Allende government through the international lending organizations, through the U.S. Export-Import Bank, through the aid program, and through the private actions of the American corporate community in Chile. It was an open strategy that was virtually acknowledged by President Nixon. On January 19, 1972, the President announced that the United States will "withhold its support from loans under consideration in multilateral development banks" when foreign countries expropriate American holdings without swift and adequate compensation.

What President Nixon did not say was that the economic squeeze against Chile had already begun. It began, in fact, months before the Allende government had made its basic decisions on the terms of expropriation for the copper companies. A credit blockade had been mounted against Chile by early 1971. The participants were the Inter-American Development Bank (where the United States exercises a *de facto* veto over loans), the World Bank, and the Ex-Im Bank.

The vote to expropriate the American-owned copper companies was taken unanimously in the legislature in July 1971. It is important to remember that the decision was supported by *all* the major Chilean parties on the right, left, and center—reflecting, it would seem, the mass consensus.

Expropriation is recognized under international law so long as fair terms of compensation are reached between the contending parties. But the squeeze was on while the Chileans were still deliberating on the terms of compensation, a policy that was not decided on until October 1971. The terms, while certainly onerous to the expropriated corporations, were consistent with international law: The Chileans found that the firms had extracted more than enough in excess profits to compensate them for the loss of their properties.

In the interim, the Ex-Im Bank denied Chile's request for $21 million in credit to finance purchase of three Boeing passenger jets by LAN-Chile, the government airline. By August the Allende government was notified that it would no longer be eligible for new Ex-Im loans, that existing loan guarantees to U.S. banks and exporting businesses would be terminated, and that disbursements would be cut off for direct loans that had been previously negotiated by the Frei government. (The international lending community had been as generous with Frei as it was penurious with Allende.)

In that same period, the Inter-American Development Bank turned down a $30 million loan application for development of a petrochemical center that had been approved at the technical staff level. The project came to a halt after the Bank's American director protested sending a technical mission to Chile for further implementing the plan. With the exception of small loans to two universities, a credit quarantine was drawn around Chile by the IADB.

The World Bank followed the same course. Its president, Robert S. McNamara, used the "poor credit risk" argument to explain the sudden ineligibility of Chile. "The primary condition for banking lending—a soundly managed economy with a clear potential for utilizing additional funds—has not been met. The Chilean economy is in severe difficulty," said McNamara. It was perhaps a coincidence that the last two World Bank loans to Chile for $30 million were made prior to the election of Allende in 1970.

The private banks and the private companies pursued a complementary policy of heavy economic pressure against the increasingly battered Chilean economy. And it was the sworn testimony of the CIA's former chief of clandestine services for Latin America, William V. Broe, that this policy was also being promoted by the agency with the sanction of the National Security Council, chaired by Henry Kissinger.

Was there not an alternative American policy to the one that was actively and successfully pursued against Allende? It takes no great leap of the imagination to suggest that there was.

Allende was freely elected on a public platform that called for collectivization of important segments of the Chilean economy. But his brand of socialism was considerably more restrained than the political and economic structure of the Soviet Union or China, with which the Administration was ardently pursuing detente.

Allende was seeking to operate within a framework of international law and arbitration in negotiating terms of compensation for the copper companies. It might have been wiser for Washington to have encouraged active negotiation rather than to become the state bargaining agent for the companies. It might have been more prudent to have continued Chile's credit lines and development programs as a means of moderating the drift toward alienation and chaos.

The record of the ITT hearings revealed that Chile was still bargaining in good faith with ITT while executives of the multinational company were trying to promote acts and policies of sabotage against Allende's government. One can, perhaps, imagine the consternation of President Nixon if a similar corporate-government scheme to subvert his Administration were discovered in the files of British Petroleum, Royal Dutch Shell, or the Sony Corporation of Japan.

Allende's democratic road to socialism has been permanently detoured by the junta in Santiago and the economic bulldozer in Washington. The only surviving model of government that has determined its own economic course in Latin America—free from U.S. influence—is the one based in Havana.

As one European scholar told *Time* magazine, "The danger now is that people in Latin America will take the fall of Allende as proof that democracy and socialism cannot be combined. To me, this is nonsense, because the so-called 'Allende experiment' had never really begun."

Thanks to the domino mythology in Washington, the Cubans have had to pay a heavy price for their revolution—economic vassalage to the Soviet Union and, perhaps, the surrender of traditional (albeit "bourgeois") freedoms.

Allende, who sought to establish an alternative example, paid a far dearer price, and the people of Chile are likely to keep on paying for a long time to come. And what is it that we might surmise they—and all Latin Americans—will have learned from all this?

Requiem for Don Quixote

(By Murray Kempton)

I had not known until he was extinguished how much I had wanted Salvador Allende somehow to survive as President of Chile. Alive, Allende was easy to make fun of. He was not a practical man. He had two weaknesses: He was an almost fanatical believer in socialism; and by comparison with most politicians, he was an almost fanatical believer in liberty. The conviction that liberty and socialism are incompatible has been proclaimed by pretty much every collective of practical men from the Committee to Re-elect the President to the Central Committee of the Communist Party of the People's Republic of China.

And it has been the policy of every enduring Communist government to preserve its ideals by silencing every voice that may be raised against them. That was not Allende's policy; he scolded his opponents, but it never seems to have occurred to him that it might be more sensible just to try and suppress them and work out his dreams in comfort. He has been thrown down now by men who know better: His successors scold; but they also shoot. His was a life of unlikely dreams, but great honor in their pursuit. He began as a public health doctor. He went on to the Senate, where he seems to have been a moving force behind whatever laws Chile passed for the improvement of the condition of its

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poor. He probably thought himself an atheist; yet the only institution in the new Chile that has dared publicly mourn him has been the Catholic Church. But then professions that care more for healing than for dominating may have a fraternity that transcends a lot of quarrels about doctrine.

Allende's government was, I suppose, incoherent. It could have been coherent; he could have put his opponents in jail if he had been tricky enough, and we would have heard no voice from Chile except his own and that of his lackeys. He would have proved that he could rule; and in a few years, since practical men have their fraternity too, he might have been sitting down with some Henry Kissinger or another.

But now he is dead. Last June he was interviewed by John Wallach, an American reporter. He wondered aloud whether, since he still had most of the army, whether it might not be politic to plunge Chile into civil war. He said he thought he might win, but that was not the problem.

"The problem is the country . . . [civil war] would destroy the entire social fabric: there would be fathers on one side and sons against us, or sons with us and their fathers against us."

And now his enemies are assured that they have rescued Chile's tradition of liberty from this man who preferred to risk losing rather than suspend liberty for his own convenience. But then practical men have learned to weep for Don Quixote only at the movies.

CONGRESS SHOULD JUDGE IMPEACHMENT ON FACTS

(Mr. HILLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HILLIS. Mr. Speaker, the investigation of those incidents arising out of the Presidential campaign activities of 1972 combined with those incidents leading to the firing of Special Prosecutor Cox and the resignations of Attorney General Richardson and Deputy Attorney General Ruckelshaus, have culminated with intense though varied reactions from the American people. Cries of impeachment can be heard as well as cries of no wrongdoing. The complexity of these events and the reaction to these events underscore the need for caution. It is of the utmost importance at this time that the Members of Congress maintain open minds. The Congress must take a broad look at these incidents in order to properly assess their value. Judgments must be made on facts.

Impeachment is a grave undertaking. The question to be asked is has the President broken any law or taken any illegal action which would justify or call for impeachment proceedings. In my opinion, the answer is "No." There are no facts available at this time upon which to base impeachment proceedings against President Nixon. The President has released the Watergate conversation tapes to Judge John J. Sirica for judicial review. The President and the Department of Justice have, with qualifications, pledged their intent to continue the investigation begun by Cox.

It is my firm belief that this is a matter which should be subject to judicial proceedings. It is also my belief that we owe it to our Nation to get at the facts—to continue investigations which will sort out the facts and lead to the indictment of parties subject to question. For this reason I have cosponsored legislation which would create a special prosecutor who would be appointed by the President who would be required to select the appointee from among names submitted to him by five national legal associations. The President's appointee would then require approval by the Senate. Under this legislation, the special prosecutor would be given full authority to carry out his duties of investigating those incidents arising out of the Presidential campaign activities pertaining to the election in 1972. This bill further establishes that the special prosecutor could be removed from office by the President only for good cause as established by the Civil Service Commission after extensive hearings have been held.

It is my belief that this legislation addresses itself to those serious constitutional questions which have been raised in response to legislation directing the U.S. district court to appoint a new prosecutor. Furthermore, this legislation will allow the independent prosecutor enough flexibility and strength to carry out his duties properly. Enactment of legislation of this nature will serve to bring out the facts and aid in reestablishing, through thorough investigation, the confidence of the American people in their Government. I urge the Congress to address itself to this legislation without delay.

EMIGRATION FROM THE SOVIET UNION

(Mr. BELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BELL. Mr. Speaker, I deem it important to participate in this on-going vigil on behalf of individuals in the Soviet Union, of whatever nationality and religion, who are not free to emigrate.

Although there has been some relaxation of emigration practices within the last 2 years, emigration from the Soviet Union continues to be a trickle compared with the numbers who want to emigrate but are denied this universal human right.

Thirty-nine-year-old Zinovi Melamed and 26-year-old Aleksander Feldman, both from Kiev, are two of four Jewish activists who, together with Soroko and Tartakovsky, are referred to as the Kiev 4.

They are activists because they refuse to be silent about the lack of freedom for Jewish cultural and religious expression.

They are activists because they have dared to protest against the Soviet Union's repressive emigration policy.

For 2 years Feldman, a bachelor, and the Melamed family of four have been denied emigration permits to Israel.

Both men have lost their jobs: Melamed, a construction engineer, now teaches Hebrew, a marginal occupation.

His wife Raisa, a mathematician, still employed, is now the chief support of this family.

But Feldman, a construction worker, has been caught in a vicious circle of being fired from a job when his employers are notified that he has applied for an exit visa.

Then, as an unemployed worker, he is liable to be tried as a parasite.

The activities of this pair have been peaceful and law abiding.

They have written letters protesting unfair trials.

Melamed was 1 of 10 Kiev Jews who, in September 1972, signed a letter denouncing the education-emigration tax.

They attended meetings commemorating tragic events in Jewish history.

Yet, in 1973 these sensitive, concerned men were detained in a cell which housed criminal offenders.

It is feared that they are targets for a future trial.

Mr. Speaker, this vigil expresses our concern for Soviet citizens who are not free to emigrate.

Passage of the Mills-Vanik bill will prove our firm commitment to the principle of free emigration for all people.

CONFIRMING OF VICE PRESIDENT

(Mr. RUPPE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RUPPE. Mr. Speaker, the events of the past week have underscored the absolute necessity of confirming the Vice-President-designate, Gerald R. Ford. The Constitution now provides for the selection of a new Vice President in the event of a vacancy. We have a duty to the Constitution and to the people to act promptly on the President's nomination. Any delay in the process of confirmation will, unfortunately, be perceived as serving narrow partisan ends. Clearly, the state of our Nation cries out against even the appearance of such partisanship.

Gerald R. Ford enjoys an outstanding reputation as an individual, as a legislator, and as a political leader. While I am concerned that confirmation hearings are not yet underway, I laud the decision by the Senate Rules Committee to begin hearings later this week, and I urge the House Judiciary Committee to follow suit.

PROLIFERATION OF BUREAUCRACY

(Mr. SKUBITZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SKUBITZ. Mr. Speaker, the larger our Government becomes here in Washington, with its constant proliferation of bureaus, and divisions, and sections ad infinitum, always followed by steps to cut back, the more I am reminded of a humorous story that had its origin in Russia, but is universal in its application. The story goes:

A community in the Ukraine had constructed a bridge over a stream that ran through the town. "If there is a bridge, there must be a watchman," reasoned the members of the town council. "But a watchman must have a salary." So the town council decided to get a treasurer and an accountant to supervise the salary payments. The watchman, the treasurer and the accountant obviously could not function without a supervisor to direct their activities. So the town council appointed an administrator. Now there was an "administration." An order came through to reduce personnel. So the town council discharged the watchman.

THE LATE HONORABLE FRANK SMALL, JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland (Mrs. Holt) is recognized for 60 minutes.

Mrs. HOLT. Mr. Speaker, I rise with sincere regret to comment on the death of a former Member of the House of Representatives, the Honorable Frank Small, Jr.

Mr. Small passed away last Thursday at 77 years of age. He served in the House during the 83d Congress, and until his death he was the president of the Equitable Trust Bank in Clinton, Md.

Mr. Small was born on a farm in Temple Hills, Md., and was educated in the Prince Georges County school system. His public career began in 1927 when he served as a member of the Maryland House of Delegates. In addition to serving in Congress and the State legislature, his public service included membership on the county board of commissioners and the Maryland Racing Commission, and a term as Maryland Commissioner of Motor Vehicles.

Frank Small epitomized the traditional American virtues of independence, hard work, and a devotion to individual liberty. Throughout his rise from the farm to high elected office, he never wavered in his commitment to these ideals, nor did he ever lose touch with his humble origins. The magnitude of his generosity is known only by Mr. Small, but there is no doubt that he freely shared with those who were in need.

Mr. Speaker, I had great admiration for Mr. Small. He was my friend and a wise counselor; he will be deeply missed by all who knew him.

DR. FRANZ JOSEF STRAUSS WARNS UNITED STATES ON DÉTENTE WITH RUSSIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. Treen) is recognized for 10 minutes.

Mr. TREEN. Mr. Speaker, I recently had the privilege to meet with Dr. Franz Josef Strauss during his visit to the United States. Dr. Strauss is the leader of Germany's political party, the Christian Socialist Union—CSU. He has been a member of the German Bundestag since 1948 and he has held various important posts in the German Government, including Federal Defense Minister and Minister of Finance.

During his recent visit, Dr. Strauss met with congressional leaders and administration officials, including Secretary of State Kissinger. The purpose of this visit was a tete-a-tete exchange of ideas, concerning the current problems facing the United States and its Western European allies—particularly Germany—with respect to the Soviet Union and the Warsaw Pact countries.

Mr. Speaker, I found Mr. Strauss' visit most informative because we all tend to forget, in this era of "détente," that the interests of the Soviet Union and the United States vis-a-vis Europe continue to conflict. Whereas it is in our interest to maintain a strong, united, and independent Western Europe, the Soviets would much rather have that area weak and divided. This conflict of interest does not mean that East and West cannot cooperate with each other, when it is in their interest to do so. What this does mean, however, is that the United States must maintain a position of strength from which to negotiate. It also means that the United States and its allies must be capable of meeting any threat of aggression.

Now I know that there are those who argue that such a strategy must lead to confrontation. But I do not believe that the Soviet drive to reach military parity with the United States has inhibited our willingness to negotiate with them. To the contrary, I contend that it has provided us with the incentive to negotiate with them.

Mr. Speaker, I found Dr. Strauss' visit to the United States most informative because he is clearly a man who has a broad grasp of power political relationships and he is aware that we cannot allow wishful thinking and chimerical expectations to cloud our judgment of prevailing realities.

The meeting with Dr. Strauss was not a summit meeting; it was not even an official visit. Nevertheless, it presented us with the opportunity to exchange views with each other on an informal basis. Thus we had the opportunity to provide each other with a better understanding of the national problems confronting our nations.

Two columnists, Mr. Frank Van Der Linden, and Mr. Allan Brownfeld, have written about Dr. Strauss' visit and I would like to take this opportunity to recommend these columns, which I am enclosing for the Record, to my colleagues.

REMARKS BY FRANK VAN DER LINDEN

WASHINGTON.—The fraternal smiles of Henry Kissinger and Leonid Brezhnev may signal a Middle East cease-fire, detente between Moscow and Washington, and the tempting lure of big profits for American investors in Siberian oil and gas deals, but they spell "DANGER" in capital letters to Franz Josef Strauss, West Germany's former Minister of Defense.

Strauss, the brilliant, stubborn Bavarian who heads the Christian Social Union party, has been in Washington for the past few days, warning high Administration officials and congressional leaders that the Russians are using smiles instead of missiles to pursue their same old goal, a dominant influence over Europe.

He has sounded his warnings to Secretary of State Kissinger, Defense Secretary Schlesinger, Treasury Secretary Shultz, and almost anyone else who will listen to a hard-line anti-Nazi who distrusts the Communists, as well as all shades of Socialists.

Strauss and Kissinger—Bavaria's most successful native son—have a long-standing agreement to exchange views wherever they are. When Strauss held high rank in the Bonn government, he listened to Kissinger, then a Harvard professor; now the wheel of fortune has put Kissinger at the pinnacle of power and Strauss is a biting critic of West Germany's Chancellor Willy Brandt.

"I do not say Brandt wants Communism for Germany," Strauss told a Washington audience. "I do not say Brandt wants the neutralization of West Germany." Strauss does charge that the left-wing forces, especially among the young people, are pushing West Germany inexorably away from its alliance with the United States and towards a "Socialist Europe," and Brandt "is too weak to resist them."

"We are not afraid of a Communist revolution but of a slow process in which West Germany will shift into the power sphere of the Soviet Union," Strauss said. "The end of the journey would mean the destruction and dissolution of NATO."

Now that Communist East Germany has been admitted into the United Nations, he said, the next step in the plan for superior Soviet influence in Europe calls for the withdrawal of troops on both sides of the Iron Curtain. Strauss conceded that the 300,000 American servicemen in Europe must be reduced, if only by the pressure of public opinion back home.

But he cautioned that a one-for-one pullback of American and Warsaw Pact troops would not really be a "balanced" reduction because "the Americans would go four thousand miles away," and probably never return to Germany, while the Communists would go only a few hundred miles and could be brought back quickly. "If the nuclear deterrent is withdrawn with the Americans," Strauss added, "we would be helpless."

The final step in the Moscow plan, in his view, would be the dissolution of both the Atlantic Alliance and the Warsaw Pact. But the Communist states would maintain their structure, without a formal pact, and so West Germany, probably followed by France, Italy, the Netherlands, and Scandinavian countries, would gradually slide into Moscow's orbit, just where Finland is, without a shot being fired.

Thus, in Strauss' opinion, the Soviets would gain their goal of preventing a Western European Union, and winning "a neutralized Europe without a military self-defense capability, not by raising their fists in threats but by the smiles of detente."

Brezhnev, he wise-cracked, must have a permanent smile after eight days of smiling in Germany and eight more days of smiling with Nixon last June. "I'll bet his face needed medical treatment," the burly Bavarian quipped.

So, this is Strauss' message to Americans: Don't trust the Soviet boss, the author of the Brezhnev Doctrine of Moscow's right to interfere with any "Socialist" state that gets out of line. "We would be suicidal to think the Soviets have changed their aims," the German student of history said. "They have merely changed their strategy."

A WARNING ABOUT THE DANGER TO THE ATLANTIC ALLIANCE

(By Allan C. Brownfeld)

West German leader Franz Josef Strauss, formerly Minister of Finance and Defense and now a key figure in the Christian opposition in the Bundestag, paid a visit to Washington recently and spoke to some of our national legislators and Administration officials. He came at a time when the Soviet presence in the Middle East had, at least for a moment, stilled the more euphoric "detente" rhetoric, and in which a new opportunity for a consideration of the Soviet Union's real goals had, as a result, presented itself.

Dr. Strauss noted that, "We are worried.

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We think that a process of erosion in the Atlantic Alliance is under way, and will be dangerous to both of us. What worries us within Germany is not the possibility of Communist revolution but, instead, the slow shift of West Germany into the power sphere of the U.S.S.R., brought about by the enticing rhetoric of detente."

The chief adviser to West German Chancelor Willy Brandt, Egon Bahr, has a four part plan for the neutralization of West Germany which was highlighted in a recent article in Orbis magazine, relating a conversation Bahr had participated in several years ago.

First, comes the signing of a treaty renouncing the use of force, which also means the recognition of the legitimacy of the division of Germany and the Communist domination of Eastern Europe. Second, is the de jure recognition of East Germany. Third, is the withdrawal of troops from both sides and fourth is the dissolution of both NATO and the Warsaw Pact.

Dr. Strauss noted that the renunciation of force and the recognition of East Germany have already been realized and that talks are now being held concerning mutual force reductions. The talks are labeled "Mutual Balanced Force Reduction" talks—MBFR. What the "B" means, states Strauss, is difficult to tell—"It is often lost in the higher phraseology of the detente spirit." What it may well mean is the withdrawal of American troops thousands of miles across the Atlantic, and the withdrawal of Soviet troops less than a thousand miles to the Russian border. It would not be much of a bargain—for the West.

Does German Chancellor Brandt really seek the neutralization of West Germany? Dr. Strauss notes that, "I don't say that Brandt wants neutralization for I cannot verify that. But elements of his Social Democratic Party are pushing very hard in that direction. What Brandt does want is to stay on top."

Have the Soviets really changed, as many Americans tend to believe, and are such fears on the part of Dr. Strauss really only relics of a Cold War outlook which is now irrelevant? To this common charge, Dr. Strauss has a ready reply: "It would be suicidal to think that the Soviets have changed their aims. They have only changed their strategy. For them, the strategy of conflict is over and the strategy of embracement has begun. Faced with a conflict strategy, we knew better than to fall asleep. Now, with the era of detente, the Communists have a permanent smile. This is very difficult for them, and even more difficult for us to react to. They have, with their policy of rhetorical conciliation, destroyed the moral prerequisites for Western defense."

The Soviet aim, Strauss points out, is to keep Soviet troops in Hungary, Soviet missiles in Europe, and the U.S. on its own side of the Atlantic. "If the Soviets succeed in these goals," he told his audience," they have achieved their aim: a neutralized Europe without unity or an ability to defend itself."

While the Soviets continue to repress their own citizens, and fuel a new Middle East war, only one country in the world gives us a warning about what the Russians really have in mind. That country, Strauss declared, is China. The Chinese know Russian aims well enough, it seems, for those aims of world revolution and domination are the ones they share as Communists. Their major disagreement is not over ends, or even means, but over which Communist Party will dominate.

The only answer, Dr. Strauss believes, is a united Europe as a part of a firm Atlantic Alliance with the U.S. It is clear that those who urge a hasty withdrawal of American troops from Europe, and a cut in defense spending, together with one-sided concessions at the SALT II and MDFR talks, and who believe in the detente rhetoric of the Soviets, are being used by the Communists for their own purposes.

It is too bad that there are not more men such as Franz Josef Strauss traveling the world to awaken us to the real dangers we face. His contribution, however, is notable—but it is notable only if we listen and heed his wise words.

CONGRESS MUST ENACT BUDGET REFORM AND REVENUE CONTROL PROPOSALS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Kemp) is recognized for 10 minutes.

Mr. KEMP. Mr. Speaker, the time has come for the Congress to match its words with deeds.

When one examines the spiraling rate of increase in the public debt ceiling—and when one further examines the volume of expenditures being authorized by the Congress, which collectively constitute the need for continuing debt-ceiling increases—the need is apparent for this assemblage to come to grips—immediately and effectively—with the causes of our concerns.

If there is any single issue on which the actions of the Congress must be brought into line with its words, it is this subject of virtually uncontrolled Government expenditures in practically every field of human endeavor—sapping the vitality of the free enterprise system, interfering with the mechanisms of the free market economy, and jeopardizing the political freedoms which cannot exist without economic freedom.

We cannot stand in the well of this chamber and urge an end to excessive total Federal spending, yet vote for increases—general or selective—in the levels of authorization or appropriation over and above the capabilities of Federal revenues to meet those levels.

We cannot stand in the well of this Chamber and urge an end to excessive inflation, yet vote for increases in Government expenditures which can be met only through additional borrowing or through additional printing of money—either and both of which add to the causes of inflation.

We cannot stand in the well of this Chamber and urge particular demands of various "fiscal constituencies" be met, yet ignore the conclusion that collectively the meeting of those special constituency demands will result in unlimited Federal spending.

We cannot stand in the well of this Chamber and urge the private and independent—volunteer—sectors of the economy meet their fair share of the burden of helping eradicate social and economic ills, yet enact revenue-raising legislation which takes from them their capabilities of bearing the financial burdens of such assumptions of responsibility.

We cannot stand in the well of this Chamber and urge States, municipalities, and counties assume their full share of governmental responsibility, yet take from them available tax bases from which must come the funds for assuming those full shares of responsibility.

We cannot stand in the well of this Chamber and urge remedial action on this urgent problem without first realizing that its ultimate resolution lies not only in the will of the Congress, as the first branch of Government, to assume its proper and full constitutional roles with respect to the purse, but also in the issue being joined head on through a comprehensive, fully interrelated program effort. Piecemeal efforts to first attack the problem here, then again there, will not resolve this matter. Only through a unified and unidirected effort will we be able to adequatly meet this problem and resolve it. It will require a great degree of personal courage of convictions among the Members of this branch. But we need keep only one thing in mind to inspire us to rise to meet this challenge: If we fail in it, we invite the collapse of our monetary and economic systems and, ultimately, of the ability of Government to discharge its responsibilities.

PREMISES FOR ACTION

The difficulty of the search for a solution to the problem is accentuated by the arduous task of finding mechanisms which will operate to impose self-restraints on the proclivities of many elected officials to propose Government solutions—as the initial solutions—to virtually all problems. One would be telling less than the whole truth if one did not recognize that some political leaders are prone to rush forward with proposed Government solutions without exercising caution and timely restraint by first pursuing alternative problem-solving devices—using Government intervention as the last resort and only for those ills which cannot be otherwise arighted. One need not conjure up the imagery of a 19th century Thomas Nast cartoon—that "taxes are politicians' food"—to come to the conclusion that part of the problem does lie inherent in the appeals for popular recognition and acceptance which are believed to come, most easily, through proposing to the voters immediate solutions to immediate problems without regard to the long-range consequences.

Second, we must recognize—and there is good health to be added to the economy by so doing—that Government regulation, no matter how well-intentioned or how well-conceived, inevitably produces more maladjustments within our society and economy that it resolves. Our Nation has had its 40-year experiment with reliance on Government to solve our Nation's problems; that experiment has now begun to produce conclusive proof that a free society—unfettered by Government regulation, restraint, and coercion—is a better, and preferable, problem solver than Government. If there is anything which history in general, and the contemporary affairs of 20th-century America in particular, tells us it is this: That symptom-fighting solutions are inherently self-defeating in a complex, interrelated economic and political structure, for there are unforeseen secondary and tertiary effects from all Government actions. Problems do not disappear through

Government action; they merely become displaced.

Third, Government spending—and the raising of revenue requisite to that spending—must have a ceiling beyond which it invites either or both the collapse of the economic strength of the Nation or freedom. Because Government works with numbers which are beyond normal human comprehension—who can adequately contemplate the size of 1 billion of anything—because it sees a broad scope of issues, because it has not yet reached the breaking point, the Congress finds it hard to impose self-restraints on the levels of its own authorizations and appropriations. Yet everyone, even the most casual observers, knows that Government has a voracious appetite for the people's earnings.

The statistics prove the tendencies of Government to siphon off ever greater shares of the people's income for itself, yet that casual observer to whom I have referred knows that all—I repeat, all—income of Government must ultimately come from the people themselves through personal income taxes, through corporate income taxes passed on to the consumers in the form of higher costs, through excise taxes and user charges, et cetera.

Government must realize that it cannot indefinitely tax the people at constantly increasing levels without destroying the people's ability to support themselves and their families. In the end they will wind up defenseless, at the mercy of a vast special-interest-oriented Government bureaucracy they unwittingly helped to create, a bureaucracy which perpetuates itself through the consumption of the people's livelihood.

As the distinguished Governor of California, Mr. Reagan, stated in a message of March 12, 1973, submitted to the legislature of that State:

> If we as Americans allow that trend (government keeping a greater share of people's earnings) to continue, it is only a matter of time before we'll have nothing of our earnings to spend for ourselves. The spectre of such utter dependence on government should be frightening to every citizen who values our traditional values of self-reliance and our productive free enterprise way of life.

We must now exercise an opportunity, as the repository of the faith of the people, to come to grips with this national crisis.

CONGRESS AND BUDGET REFORM

The Congress has not done its fair share of the job of maintaining a growing economy, halting inflation, keeping the budget under control, establishing national priorities in a consistent pattern. Why? It could very well be, and I believe that it is, that the Congress does not now have the machinery with which to deal with these problems. Of what do I speak?

Of the four identifiable phases in the budget process, three are presently in need of conscious overhaul—budget execution and control, review and audit, and authorization and appropriation. The Congress has abdicated—and I use that word advisedly—its authority because it has lacked the technical machinery with which to use its constitutional powers of the purse.

The top priority of the Congress, therefore, ought to be to develop the vehicle itself—the vehicle which will allow us to get a handle on the budget, to view it as a totality, to establish a ceiling—which can also be done through a mechanism.

I have introduced legislation, as have others in this body, which will help meet the challenge to the Congress "to reform its own fragmented and piecemeal approach to budgetmaking." The bill, originated in the Senate by Senator William E. Brock III, of Tennessee, would establish this machinery. On February 8 of this year, at the beginning of this Congress, I stressed the need for such action:

> Our bill would require not only Congress as a body, but each individual member, to face up to his duty to curb spending and stop the steady erosion of budgetary power to the executive branch.
>
> The bill covers five major points:
>
> First. Designate a joint congressional committee to formulate legislative budget and evaluate the federal budget in terms of priorities.
>
> Second. Require the projection of all major expenditures over a 5-year period.
>
> Third. Require all major spending programs to be evaluated at least once every 3 years.
>
> Fourth. Require consideration of pilot testing of proposed major Federal programs.
>
> Fifth. Require all Federal expenditure programs to be appropriated annually by Congress.
>
> I know that other legislation addressing itself to these same areas of concern will be under consideration during this session. They must be acted upon promptly.
>
> * * * an equally important area of concern is the establishment of methods and standards by which the costa of new and old Federal programs can be measured against their effectiveness or value to the taxpayers.
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> * * * * *
>
> Unless we can develop some way to measure effectiveness of Government programs, programs and costs will continue to be determined by special interests, emotions, and ideologies. Congress must make provision to have access to information from the various elements of the executive branch for which Congress is responsible, and unless the legislative branch can effectively oversee and review the results of its own initiatives, it will remain impotent to effectively debate program cutbacks, reorganization, or national priorities with the White House.
>
> I have great faith in this body to improve its capacity to govern. We cannot function in some hoped for euphoria, nor can we disregard the real needs of the people. But a reduction in utopian rhetoric, a new sense of realism and understanding of what our institutions are capable of, real reform of the budget process, and a renewed understanding of the will of the people, should help put Congress back in the prevailing winds of the Nation.

On March 19 of this year, I took a special order, in which I was joined by a number of colleagues, to outline the powers of the Congress, yet the apparent lack of will within its leadership to assume fully our constitutional duties:

> Mr. Speaker, I have requested a special order today and have asked several of my colleagues to join me in special orders to dramatize the importance of the primary issue before this Congress: That is control of the Federal budget. No issue affects more Americans than the manner in which the Federal Government spends tax dollars. The onus of responsibility for facing fiscal reality is upon each of us. I am grateful that my colleagues are willing to participate in this effort to serve notice to other Members of Congress and to the American people, that the dual plagues of higher taxes and inflation are not inevitable.
>
> During recent weeks the furor has mounted over the administration's proposed budget, with its proponents describing it as a responsible and necessary effort to combat higher taxes and inflation and its critics citing it as an abject and callous disregard of Federal responsibility. In Congress the debate has often involved concern over supposed "usurpation" of congressional prerogatives by the executive branch. The fact that the administration has proposed the elimination or substantial modification of a vast number of categorical programs is taken as further evidence of this "usurpation."
>
> The simple truth is that over the years—and especially within the past decade—Congress has failed to exercise the kind of restraint which is necessary if the fiscal integrity of the Federal Government is to be upheld. We have opposed higher taxes, and we have deplored inflation. At the same time we have proceeded to create and enlarge an array of programs which has hugely increased Federal spending. And we have done so knowing full well—although we have seldom admitted it—that all of this increased spending had to result eventually in higher taxes or more inflation.
>
> Despite that reality, the Democratic leadership insists on bringing up legislation precipitiously and with great rapidity for no other reason than to frustrate the attempts by those of us on both sides of the aisle and in the administration who believe that Congress should not be considering these bills without first giving consideration to an overall spending ceiling and reform of the congressional budget process. The first 15 bills on which this Congress will be acting, if passed, would result in an estimated 5 percent tax increase to pay for them. And we see no legislation introduced that might provide the needed revenue. The reason is clear. Who here in this Congress, running for election in his home State last year, campaigned on a platform of higher taxes or more inflation? And yet now that the election is over and we are back in Washington, some Members seem determined to push ahead with the same kind of Federal spending which we know will mean higher taxes or more inflation or both.
>
> * * * * *
>
> Is it too much for the public to expect us to abandon our old ways—our assorted allegiances to pet programs and projects? A number of Members—on both sides of the aisle—have shown that we can and must face fiscal reality, that we can and must kick the habit and sacrifice self-interest in behalf of the Nation's good. The freshman Members of this Congress performed a valuable service by speaking, in a special order last week, of their and Congress responsibilities to act with fiscal responsibility. In the weeks and months ahead, in the votes on programs which we will be considering and, should it come to pass, on votes to override Presidential vetoes, let us hope that those advocating fiscal responsibilities will prevail. If we do not prevail, I fear we will witness more erosion of congressional influence. If we do prevail, however, it will be a significant step in returning the Congress in its proper role in the affairs of the Nation and assuring the people of this country that inflation and higher taxes can be avoided.

I urge this body—particularly the leadership of the committees to which have been referred bills to establish this vital machinery, to move to the highest priority the consideration of these measures.

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REVENUE CONTROL AND TAX REDUCTION

Federal, State, and local tax collections have risen markedly, as percentages of national income, during the past half century. In 1929, such tax collections constituted 13 percent of total national income; by 1950, it had risen to 26 percent; by 1972, it had risen to 34 percent. The increase is even more dramatic when compared to total national personal income: 1930, 15 percent; 1950, 30 percent; and 1972, 43 percent. If present trends continue, by 1985, total Government's share of national personal income will have increased to 54 percent—54 cents out of every $1—more than half the people's earnings.

The question posed by these statistics is twofold: Where will it stop? How can we make it stop?

In my opinion, upon some extensive observations of political and economic history, the answer to the former lies in getting a handle on the latter. In other words, it will not stop, until a mechanism is devised to, first, stabilize, then eventually reduce—systematically—the ratio between Federal spending and gross national income.

No matter how hard this body must "bite the bullet" in determining that the present level of Federal spending must be the maximum at which we must stop, we simply must arrive at agreement on an absolute standard against which priorities for Federal expenditures can be established by this first branch of Government. As long as we adhere to the ever-flexible, no-ceiling way in which the Congress authorizes and appropriates moneys today, we will continue to feed, at the expense of the people, the insatiable appetite of Government for dollars. Theory? Philosophy of Government? Speculation? No. Fact. Federal internal revenue collections have risen in 32 years from $5.34 billion in 1940 to $209.8 billion in 1972—a staggering 3,858-percent increase.

The mechanism which has made the most sense to me, and to the eminent economists with whom I consult on these important matters, is the revenue control and tax reduction program first proposed on a State level by Governor Reagan in California. That program's aim is to control the size of Government spending and the tax rates necessary to raise revenues by placing a progressively lower ceiling on tax collections over a fixed period. The program would impose a constitutional limitation on the percentage of total personal income which the State will be permitted to take from the people in the years ahead, gradually reducing the percentage which taxation bears to income by 0.1 percent per annum over the next 15 years. As an illustration of the importance of adopting such an absolute standard, if present trends continued in California during the next 15 years, the rate would rise from its present 8.75 to 12.27 percent—nearly a 33-percent jump. Yet the plan still more than adequately provides for the State's revenue needs, for even while the tax rate is being reduced, gross revenues in the State will climb nearly three times. The plan also provides for emergencies upon a declaration by the State legislature by a two-thirds vote. In summary, the plan is a method not only to control taxes but to control the amount of money the State can spend as well.

This concept represents an idea whose time has come. It can be, with appropriate amendments to conform it to the Federal process, made applicable to the Federal Government. In close association with noted economists and tax experts I am now working on the preparation of both an amendment to the Constitution and an enabling statute which would carry a closely similar plan into operation on a Federal level. Such a measure will have many advantages.

First, it will mean the recognition, at last, that there is a limit on the level of income which Government can take from the people.

Second, it will mean a recognition by this body that it must assert positive and conscious fiscal leadership for the Nation.

Third, it will enable the Congress to determine how much money can be expended by the Federal Government within a fiscal year, thereby establishing according to meaningful criteria, the priorities among the myriad of spending proposals.

Fourth, it will enable the Congress to exercise more fully its power over the purse.

Fifth, it will enable the Congress to exercise that power of the purse in a manner which will require the executive to come openly to the Congress for the funds for any emergency, particularly in the area of foreign or military policy.

IN CONCLUSION

Mr. Speaker, budget reform and revenue control are ideas whose times have come. Whether they are enacted this year, or at some subsequent point, they will be enacted; otherwise, we run the risk of destruction of our still free economy, our political system, and our free society. The notions which serve as the premises for these specific actions for budget reform and revenue control are right; they will be proved to be right at the ballot boxes as the American people come to realize fully the extent of Government control of, and intervention in, their individual lives and the concomitant loss of individual liberty and control of their own destiny.

The time is now for this body to exert leadership. It should do so.

A TRIBUTE TO THE LATE PATRICK JEROME MELLODY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. MORGAN) is recognized for 30 minutes.

Mr. MORGAN. Mr. Speaker, the citizens of Pennsylvania, and of the Nation, have lost a champion with the untimely passing of Patrick J. Mellody.

A successful businessman who devoted much of his life to public service, Pat Mellody was loved and admired by his friends and respected by his political adversaries. Gov. Milton Shapp stated, following Pat's death last July 6 at age 57, that—

> Pat served all Pennsylvanians, particularly those of Lackawanna County, with a dedication and conscientiousness appreciated by all of us.

The current Lackawanna County Commissioners, now of Republican majority, proclaimed a 7-day period of mourning for Mellody, the former Democratic chairman of the board.

The Scranton Tribune said:

> As a former county commissioner, Scranton School Board president, county Democratic chairman, businessman and civic leader, Pat Mellody had an impact and influence on our community which was in the main positive and progressive and generated movement which still is coming to fruition and will guarantee benefits in the years ahead.

And the Scranton Times observed:

> Mr. Mellody compiled an enviable record of public service which does honor to his memory and will continue to be attested to through the stone and mortar of the structures he helped to bring into being at the Courthouse and in communities up and down the valley.

Mr. Speaker, I insert in my remarks at this point the complete texts of these editorials by two newspapers which knew his record well:

[From the Scranton Tribune, July 7, 1973]

PATRICK J. MELLODY

Those who were his friends and political allies, those who knew him through business associations or as a county and school district official and those who were his political rivals and opponents share today a sadness over the death of Patrick J. Mellody.

As a former county commissioner, Scranton School Board president, county Democratic chairman, businessman and civic leader, Pat Mellody had an impact and influence on our community which was in the main positive and progressive and generated movement which still is coming to fruition and will guarantee benefits in the years ahead.

In the realm of politics, Pat Mellody knew glittering successes, satisfactory achievement and keen disappointment. He was known favorably and well by national and state Democratic leaders and in the years he headed a strong county Democratic organization had the respect and regard of Republican leaders and candidates in state, city and county election battles.

Mellody succeeded the late Michael Lawler, a legendary political figure, both as county commissioner and the actual chief of the Democratic organization. It was a change which came about as politics itself was changing here and elsewhere. Mellody was cast in a role where he often was required to make decisions which could not please everyone and over several years he suffered an attrition and a run of criticism, much of it unfounded and unfair, which contributed to his losing a reelection bid for commissioner two years ago.

But even many of Mellody's political foes conceded that he was an able, responsible and concerned administrator whose tenure as a county commissioner marked the involvement of county government in new and diverse fields such as redevelopment, housing and river basin planning.

The county government under Mellody was sensitive and responsive to area economic rehabilitation efforts, pushed for expansion of the Scranton-Wilkes-Barre Airport, looked to development of parks and recreation and initiated far-seeing projects, including one for a new facility nearing completion as a replacement for the Blakely Home.

Pat Mellody, quiet spoken, reserved in manner, firm once he had chosen a course, was a "doer" and often drew the darts flung at activists. He was a man of many unpublicized charities and generosities. He has died too soon at 57 and we join in expressing sympathy to Mrs. Mellody and the fine family to which he was a devoted husband and father.

[From the Scanton Times, July 7, 1973]

MELLODY SERVED COUNTY GOVERNMENT WELL

Patrick J. Mellody's death at the age of 57 eclipsed a career which brought him to the forefront of virtually every endeavor he took on. He rose from humble beginnings to success in the business world. He entered politics and reached the highest public office county government has to offer. He became a dominant force in Democratic party politics in the state as well as in Lackawanna County.

Reserved and unassuming, Mr. Mellody was a fiscal conservative in his public life, first as a school director and then as chairman of the board of county commissioners. In the latter role he proved a most capable administrator, carrying on the "pay-as-you-go" policy of his predecessor as chairman, the late Michael F. Lawler. He also was an innovator in government, providing the leadership which brought about the computerization of tax records, the large scale public housing and urban renewal programs in many boroughs of the county, the modernization and enlargement of Courthouse facilities and the expansion of the social services of the Institution District, among other improvements to his credit.

The citizens of Lackawanna County were always his first concern, evidenced not only by his tireless dedication to his elected position but also through his humanitarian desire to help those less fortunate through participation in countless charitable organizations and drives.

Mr. Mellody, as the Democratic party leader, was unable to reverse the resurgence of the Republican party which began just prior to his taking his party's reins. It was ironic that after such valuable governmental service that he was himself to fall victim in the 1971 election to the Republican tide.

Mr. Mellody compiled an enviable record of public service which does honor to his memory and will continue to be attested to through the stone and mortar of the structures he helped to bring into being at the Courthouse and in communities up and down the valley. We offer our condolences to his widow, Rita, and to the other members of the Mellody family.

Mr. Speaker, it was my privilege to know Pat Mellody as a personal friend and as a colleague in State and National Democratic activities. Active in State Democratic committee affairs, he was a member of the policy committee under former Gov. David Lawrence and State Democratic Chairman Joseph Barr. Although he hailed from an area of Pennsylvania at the opposite end from mine, I can attest that the praise for his good deeds in Lackawanna County should also apply to his efforts for the party statewide.

One characteristic of Pat Mellody noted by many was his concern for the less fortunate people of our society. Perhaps this awareness derived, at least in part, from his own humble beginnings. His parents emigrated from County Mayo in Ireland to the United States early in the century and became American citizens through naturalization. His father was a coal miner who died when Pat was only 5 years old, and his mother, with the help of the older boys, supported the large family by working as a housekeeper.

While attending elementary and secondary schools, Pat delivered newspapers, shined shoes, and performed various other jobs to add to the meager family income. Family poverty, however, prevented Pat from completing a college education. He had a work scholarship at the University of Scranton but terminated his studies because of the family's need for funds he could not earn while attending school.

In the early 1930's he helped to found the Mellody Brothers Coal & Ice Co., later expanding the fuel business and continuing as owner and operator until only a few years ago. Although lesser men would have been satisfied with the success he achieved as a businessman, Pat Mellody applied his energies to a host of civic and charitable enterprises. He served in the Air Corps during World War II. In 1957 he entered public office for the first time as a member of the Scranton School Board and became president of the board in 1959, holding this position for the next 3 years. In 1962 Pat was elected chairman of the county's Democratic Committee and also gained a seat as a county commissioner. He served as chairman of the board of commissioners from 1963 until 1971, when he narrowly lost a race for reelection.

Mr. Speaker, Pat Mellody's integrity, industriousness, and devotion to his family and country mark him as an extraordinary man. May his life be an inpsiration to us all.

THE INTERNATIONAL PSYCHIATRIC RESEARCH FOUNDATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 5 minutes.

Mr. FLOOD. Mr. Speaker, the International Psychiatric Research Foundation, during ceremonies at the Government Aquarium in Bermuda, on Saturday, October 27, 1973, presented primate cages to the Governor of Bermuda, Sir Edwin Leather.

Governor Leather accepted the new primate cages in the name of the "Bermuda friends."

The International Psychiatric Research Foundation of New York, constructed the cages to house gibbons for later use in behavorial and medical observations on Hall's Island, Harrington Sound.

A reception marked the dedication ceremonies at which Mr. Victor Gettner of New York, president of the International Psychiatric Research Foundation, spoke briefly. He thanked the many Bermudians who have made the Hall's Island project possible and said that making the apes available for viewing to the public, at the aquarium, was the foundation's way of showing its gratitude.

Wild gibbons, natives of Thailand, eat fruit, leaves, buds, and flowers. The white-handed gibbon (Hylobates lar) has a social structure similar to most humans; adults mate for life and offspring remain with their parents until after adolescence. Each family defends a geographical "territory" from intrusion by other apes. The clear ringing calls heard in the morning at the aquarium and Hall's Island are a part of this "staking out" of territory.

Bermuda has had a population of apes since 1970 when the Hall's Island research first began. Since then, an international team of scientists has conducted a series of experimental and observational studies with these gibbons.

An international interdisciplinary team of renowned physicians and scientists are conducting investigations in free ranging small apes—gibbons—at the Hall's Island colony, Harrington Sound, Bermuda. The colony, intiated some 4 years ago, is operated and sponsored by the International Psychiatric Research Foundation of New York. The Bermuda facility involved is one of the most unique field laboratories of its kind in the world. Utilizing computers, radiotelemetry, and the latest in bioinstrumentation, the primate colony is being employed in a variety of experiments out on the horizons of research in the neurosciences.

Principal investigators with the Hall's Island research team are: Dr. C. R. Carpenter of the University of Georgia who concentrates on studies of the social and individual actions of gibbons in a semi-free ranging environment; Dr. Jose M. R. Delgado, Universidad Autonoma, Spain, studying the reaction of apes to stimulation of the brain; Dr. Aristide H. Esser, director of research, for International Psychiatric Research Foundation attempts to quantify territorial behavior through radiotelemetry of primate activity; and Dr. Nathan S. Kline, director of psychiatric research, Rockland State Hospital, N.Y., will be conducting psychopharmacological investigations.

The Bermuda Primate Center's research provides a continuing source of basic scientific data about an important group of primates. Since man is also a primate, the information obtained through the project could give important insights into the behavior physiology of humans. Out of this study hopefully will come highly efficient new techniques for the introduction of optimal amounts of psychotropic medications for the treatment of mental illness. Such a system when developed could eliminate undesirable side effects of drugs now experienced in such body organs as heart, liver, and kidneys. The device in this technique, which is called the chemitrode, may make possible a new diagnostic approach as well as provide a new important tool for probing further into the complex mechanics of brain functioning.

The sponsor of the Bermuda Primate Center, the International Psychiatric Research Foundation is a private, nonprofit, tax-exempt foundation with offices located at 40 East 69th Street, New York, N.Y. The overall funding of the foundation derives from Federal grants and private donations.

RETAIL CREDIT BOOKLET IN SPANISH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, I have been advised by the Sears, Roebuck & Co.

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that they have published a booklet on retail credit, and not only have they published it in English but they have also published it in Spanish. It is entitled, "Uso Del Crédito," or "Using Retail Credit."

As a member of the Subcommittee on Consumer Finance, and also having been a member of the National Commission on Consumer Finance, I have been following the use of consumer credit for some time and have realized that Spanish-speaking Americans, especially those on the lower end of the economic ladder have not utilized the retail credit available. I had concluded that the reason for this has been the lack of a complete and thorough understanding of the credit system due to the language barrier, and have long advocated this type of book recently published by Sears. I am happy to report that my concern expressed during the Commission hearings has borne fruit.

This booklet brings to the Spanish speaking an understanding of everything from a revolving charge account and how to read monthly statements, to the laws that Congress has passed to protect those who use credit.

This publication will not only be useful for those shopping at Sears, but it will be useful in seeking retail credit from any store.

I am very pleased and happy to know that the Spanish-speaking Americans now have an opportunity to learn and to understand the prudent use of credit since they are great customers; and I want to commend Sears, Roebuck & Co. for their interest and concern in the Spanish-speaking communities across the country.

FOCUS ON INTEGRITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. FULTON) is recognized for 5 minutes.

Mr. FULTON. Mr. Speaker, yesterday morning I was privileged to be a guest at a breakfast in the Capitol-sponsored by the Christian Life Commission of the Southern Baptist Convention which, I am proud to note, is headquartered in my district at Nashville, Tenn.

It was an impressive gathering of Baptist churchmen, laymen and Members of Congress. Also present was one solitary Methodist, myself, who, nonetheless, was afforded a full measure of warm fellowship which abounded.

Arrangements for the breakfast were made by our colleague from South Carolina, Mr. DORN, who is Chairman of the House Prayer Group. He took time from his very busy schedule to assure that the gathering was well attended.

The idea for the meeting was conceived by Dr. Foy Valentine, Executive Secretary of the Commission, as a need in the wake of the many disclosures and public shocks which have resulted from the Watergate investigations.

The essence of the concept was capsulized in a portion of a prayer offered by the Commission's Director of Christian Citizenship Development, C. Welton Gaddy, in which he said:

> Lord, our trust has been ruptured by double talk and immoral behavior on the part of persons within high echelons of government.

These words, it should be emphasized, relate only to the idea for the gathering. They do not reflect necessarily an attitude on anyone's part of abject despair. To the contrary, the general tone of the gathering and those present was one of positive determination, individually and collectively, to address ourselves to the repair of this rupture through restoration of the concept of integrity to its rightful and very necessary place in Government.

Mr. Speaker, all the remarks made at the breakfast were worthy and relevant. Unfortunately a transcript of them in entirety is not available. However, copies of some are. These include the "Prayer for Integrity," by C. Weldon Gaddy; "Integrity: Challenge to a New Commitment," by the President of the Southern Baptist Convention, Mr. Owen Cooper and "Integrity: Spiritual Dimensions," by the Pastor of the First Baptist Church of Asheville, N.C., and Chairman of the Christian Life Commission, Cecil E. Sherman.

Mr. Speaker, I place these texts in the body of the RECORD and commend them to the attention of my colleagues.

PRAYER FOR INTEGRITY

(By C. Welton Gaddy)

Our Father, we are in trouble. We humbly seek your help. We pray that integrity may be established as the characteristic of our words. the mark of our behavior, indeed as the life-style of our nation.

We pray for our nation—

That the erosion of credibility between citizens and governmental officials may be arrested before the gap becomes a canyon;

That the leaders of our country may, by both words and deeds, reestablish the importance of honesty in national affairs and in personal matters;

That the laws of the land and the institutions which implement their intent may be spared manipulation for personal gain and utilized for justice and the public good;

That the trust of our republic may not be limited to that power which is measured in megatons or to that wealth which is reflected in the Gross National Product but that it may rest in You;

That our commitment to honesty, our pursuit of justice, our elimination of discrimination, our support of freedom, our efforts at world peace, may be of such a nature as to assure us a place of moral leadership in the international community.

We pray for the citizens of our nation.

Lord, our trust has been ruptured by double talk and immoral behavior on the part of persons within high eschelons of government.

Our minds are troubled by a tumult of crises.

Our wills are frustrated as we vacillate between a sense of importance as citizens and a sense of futility.

We are in desperate need of your help.

Forgive our worship of a civil religion which equates nationalism with Christianity, confuses governmental policy with your will, and interprets patriotism as blind allegiance.

Disturb any apathy concerning the political arena until complacency becomes creative involvement in politics on behalf of basic morality.

Translate our political cynicism into a responsible citizenship which persistently works at every level of government, supporting that which is right and challenging that which is wrong.

We pray for the leaders who have gathered in this room—

That they may ever be cognizant of your support as of your expectations for them;

That they may be among those in this 93rd Congress who by moral leadership secure once again the shaking foundations of this democracy.

May their faith be a source of courage and their communion with you a source of strength.

Now keep us disciplined in our followship of the One who was the incarnation of integrity, the One who thus can make us free. Amen.

INTEGRITY: CHALLENGE TO A NEW COMMITMENT

(By Owen Cooper)

As you well know, no one Southern Baptist can, or would even attempt, to speak for any other Southern Baptist much less the Convention as a whole. However, out of my involvement in the structures of this denomination and as a result of the many personal acquaintances which I have made, there are some things which I have come to know about Southern Baptists and thus some things about which I feel comfortable to speak.

In relation to government, the history of Southern Baptists is one marked by unflinching patriotism, sincere prayerful support, and individual political involvement. Members of this denomination have effectively served in the highly esteemed offices of the federal government, even as you are now serving, as well as in the state capitols and county court houses across our land. At present, my home state of Mississippi is governed by a dedicated Christian who is a faithful Southern Baptist church member.

Southern Baptists are deeply concerned with biblical morality and we desire to see this morality embodied in those who lead our nation. The support of the people in the 33,000 churches of our Convention will almost invariably be behind those politicians whose words resonate with honesty and whose lives exhibit integrity. As you know, we are a people who quickly grow impatient with anyone who attempts to use the processes of government for personal gain, deceive the voters, or violate the basic personal rights and liberties given to us by Almighty God and guaranteed for us by the Constitution.

None of this is new. None of this is partisan. The disturbing events of recent weeks have provoked outcries of dismay because of their obviously illegal and unethical nature. Southern Baptists join a plea for recommitment to the basic moral principles upon which our government has traditionally stood. This plea grows out of time-tested convictions which antedated Watergate or any other contemporary event.

We have come here today with at least a partial understanding of the present dilemma of persons like yourselves who seek to serve the nation in government. Because of the recent tragic events, public distrust of governmental leadership and cynicism regarding the political process have increased These matters are disturbing to us even as they are to you. We still believe in this government's ability to function effectively and justly. We want to encourage the citizens who attend our churches to not withdraw but to involve themselves even more integrally in the political process. You, who serve here day in and day out, can count on our prayerful support, especially in times of crisis but at other times as well.

We believe that whatever measure of greatness America has achieved is in no small way related to dynamic moral leadership and an abiding national commitment to such matters as integrity, personal liberty, justice, and equality. Persons like yourselves help us be assured of the continuation of that leadership and commitment. We take pride in knowing that there are so many Southern Baptist Senators and Congressmen as well as other outstanding Christian leaders serving in the United States government.

Let me thank you for being here this morning that we might share in a time of Christian fellowship and join together in praying for our nation and each other. At the same time, let me encourage you to keep open the lines of communication between yourselves and the spiritual leadership of our Convention. We will seek to be more faithful at this point ourselves. My prayer is that we may all so carry out our responsibilities in relation to government that God may be glorified in our nation strengthened as a guarantor of liberty and justice for all. Count on us to be praying for you and call on us if there are other ways in which we can be of help.

INTEGRITY: SPIRITUAL DIMENSIONS

(By Cecil E. Sherman)

My friends, I have waited for this day for all of a lifetime. Finally, the tables are turned. You see, I have listened to Senator Tom Connally address the students of Baylor University. I stood in a Texas "norther" to hear Senator Lyndon B. Johnson speak at the State Fair of Texas. I've heard Congressman Roy Taylor numerous times as he goes about his district in Western North Carolina. But at no time have I ever had a "captive audience" of congressmen and senators listening to me. I don't intend to misuse the moment.

I have pondered long about the words I have chosen. The crisis in confidence that surrounds government has such an obvious spiritual dimension. I am a preacher. Sin, truth, deceit, and integrity: these words are the stuff of my profession. Rather than give you a preachment, I think I shall tell you a personal story.

While I was a seminary student in Fort Worth, Texas, I was also the pastor of a very small open-country church in Fannin County, Texas. Some of you may recall that Fannin County was the home of Sam Rayburn. I would drive back and forth from Fort Worth to that open-country church each weekend. The roundtrip was 300 miles. I did this for four years: 1950 until 1954. I lived in the homes of the farmers. I came to know those people like no other people I have ever pastored. Most of them were trying to stretch the family farm through one more generation. Some were still plowing with mules. Fun was Saturday afternoon in town buying groceries and going to a "shoot-em-up" movie. Saturday night was spent listening to Grand Ole Opry and playing dominoes. I was not reared on the farm, but I came to love those people and their simple kind of life. Religion was big with them. Most of them "got religion" during the summer revivals, and they knew that they were supposed to live with their wife, care for their children, tell the truth, work for their living, and love their country. It was a pretty simple and straight-forward way of living. On the last Sunday in August of 1954 I left those people. I was going to graduate school at Princeton Theological Seminary in Princeton, New Jersey. I was also to be the chaplain to the Baptist students of Princeton University.

I cannot imagine a more severe and total change in congregations. From farmers in a backwater of Northeast Texas to the urbane and very sophisticated students of an old Ivy League university. I had never been to Princeton. I was afraid and unsure of myself. Surely among all of these very intelligent people I must change my message, I reasoned. And for awhile I did bend. But slowly this truth dawned upon me: the students at Princeton were remarkably like the people in my country church. Farmers are tempted to cheat. Students are tempted to cheat. Farmers have ways they avoid social responsibility. Students can retreat from the hard parts of "loving your brother." People are people and being a Christian is just being a Christian wherever you are.

Some of you people probably came from simple homes and godly people. Somebody has trusted you; that is how you got elected. Now you live in the fast swirl of Washington. The ways to be dishonest are more subtle. The penalties for wrongdoing are not precise. The example of some in high places is not helpful. What is a politician who wants to be honest to do?

I think the answer does not lie in new theories about ethics. Our wisdom comes from the Bible. We are to love God. We are to place our loyalty to him above all other loyalties. We are to live simply, for the clutter of many things will corrupt us. We are to tell the truth. We are to honor our families. We are to live temperate lives. We are to love our neighbors as we love ourselves. We are to "bear one another's burdens." These are the great ideas of any ethic. These are the moral principles which all Americans need to see and a large majority of Americans want to see embodied in their governmental leaders. These great ideas, so frequently acclaimed, must be as frequently practiced. Seldom has there been a more opportune time for Christian statesmen to assert strong moral and spiritual leadership in accord with these principles than the present.

Coming to Washington does not change anything. It does not alter moral demands, though it could increase our tolerance for something less than the ethic of which I have just spoken. When I went from the country to Princeton, I found that really nothing had changed. I hope that you people who have come from the heartland to Washington and that the rest of us who are still trying to be responsible Christian citizens out at the grassroots are being controlled by those great Bible ideas that we learned from our homes and churches when we were children. If we are, I can hope again for my country.

THE AX IS FALLING: HEW AND THE SOCIAL SERVICE REGULATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRASER) is recognized for 5 minutes.

Mr. FRASER. Mr. Speaker, since last February, many of us in Congress have been involved in a continuous battle with the Department of Health, Education, and Welfare over the social services program. For 8 months HEW has attempted to implement new regulations which seriously cripple this key Federal program aimed at combating welfare dependency. For 8 months we have resisted these efforts.

Now it appears that the new regulations will finally take effect on November 1. More than 200,000 letters of protest plus an act of Congress have not succeeded in persuading Secretary Weinberger that his Department is embarking on a course of action that will only mean additional hardship to millions of Americans who now receive federally funded social services.

It is difficult to talk about social services in general terms because the program encompasses such a wide range of locally initiated efforts. The following article from the St. Paul Dispatch describes in a more concrete way the disastrous impact that the new regulations will have in at least one State:

FUND CUTS WILL BE DISASTROUS, AGENCY HEADS SAY

(By Ann Baker)

Cuts in federal social service funds, expected to become effective next week, will drastically limit the chances of helping dependent, disabled and poor people becoming productive citizens, in the view of state and local welfare officials in Minnesota.

The new regulations would cut out many people now receiving aid for services like vocational rehabilitation, day care, foster care, alcoholism treatment and counseling.

Cuts were threatened by the U.S. Department of Health, Education, and Welfare (HEW) last February. In June Congress forced a delay.

Now, less harsh than before but still restrictive, the "new regs" are scheduled to go into effect Nov. 1, if a congressional effort to halt them, led by Sens. Walter Mondale, D-Minn., and Jacob Javits, R-N.Y., does not materialize before then.

When federal social service money became available in the late 1960s, many workers began to hope for the first time they could really wipe out many problems, many causes of poverty. Prevention, always the welfare worker's dream, at last began to seem within grasp.

Halfway houses were set up to rehabilitate alcoholics, drug addicts, the mentally ill and help them back into society as taxpayers in productive jobs.

Working mothers received free day care for their children, so they could support their families without need of public assistance; those on welfare were enabled to get off the rolls.

Vocational training was expanded for people with physical and mental disabilities.

Children with emotional problems were aided in comprehensive treatment-residences. Families with financial or marital difficulties were given counseling. Old people were given meals, nursing care and household help so they could stay home instead of being sent to nursing homes. Parents guilty of neglecting their children were persuaded to get help and change their ways before their situation got so bad they had to be taken to court.

"We wanted to break the cycle of dependency on welfare services—we believed we could," recalls Harriett Mhoon, director of social services at Anoka State Hospital and state chairman of the National Association of Social Workers committee on the regulations.

"After 12 years in the business I could say, 'God damn it, parents of handicapped kids aren't getting penalized any longer,' " remembers Harold Kerner, director of St. Paul's United Cerebral Palsy Day Activity Center and legislative chairman of the state DAC Association.

Under the "new regs," most federally supported services will be offered only to families who are on welfare, have incomes near welfare level ($4,400 for a family of four), who have been on welfare within three months or are apt to go on welfare within six months.

"Coverage for such a brief time period completely works against people maintaining a self-supporting stature." Minnesota Welfare Commissioner Vera Likins wrote to HEW authorities. She estimates that 26,000 of

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the 112,500 Minnesotans receiving such services will be barred.

"Paradoxically, the groups that will be hardest hit are the very groups the service programs are intended to help, the working poor and those striving to escape from public dependency," Ms. Likins wrote.

She predicted the results will be: lost jobs, lost taxes, more people on welfare, as well as family breakups, untreated alcoholics and addicts, more expensive institutional care for the elderly and children put in inadequate day care or left home to fend for themselves.

The restrictiveness "makes a mockery of prevention," Ramsey County Welfare Director James Edmunds wrote in his letter to HEW.

Diane Ahrens, executive director of the Minnesota Social Service Association, wrote that the regulations are "an attempt to rip apart a system which was developed to help citizens become productive contributors to society and to care for those who are unable to cope for themselves."

She called the rules "decidedly inconsistent" with the administration's stated intentions to put more power in the hands of local government.

Officials here say the regulations will require them to build another layer of bureaucracy to administer "means tests" for eligibility—"more paperwork to get less money."

Assistant Ramsey County Welfare Director Art Noot says they will serve as a deterrent and will severely affect the chances of doing preventive work.

"And we've just begun to seriously commit ourselves to that beyond any previous efforts." Under the new rules, he said, "We'll just be able to respond to immediate, identifiable crises."

State Director of Social Services Gary Haselhuhn says, "We won't be able to look at the total problem of a person and see it through to the end. Instead, we may have to stop at a crucial point. Because of the severe cutback in eligibility, our ability to use service to prevent serious problems is almost nonexistent."

Haselhuhn adds, "We kind of look at it as though we'll be administering the 19th century English Poor Laws."

Not only will some people be ruled ineligible for aid. So will certain kinds of services. Some examples follow:

Day activity centers for the retarded: "We'll have to curtail the programs, maybe the staff," says Harold Kerner. "Maybe some therapy will be dropped, then quality will go out the window."

He says of the 500 retarded people who leave state institutions each year, about 30 per cent need day activity centers. But few new centers opened in the last year, because hoped-for state appropriations of $6 million were whittled down to $3.6 million.

"There are 800 to 1,000 people across the state still needing DACs," he said, "and 17 counties have none."

Higher Education for Low Income People (HELP) at the University of Minnesota furnishes tuition and books to 300 Twin Cities area welfare mothers with social service funds. One of the first St. Paul women to earn a degree under that plan called it "a ticket out of hell."

Director Fred Amram says the students do better than average and that 85 per cent get off public assistance within a year after graduation. The program costs $270,000 a year. The new regulations would eliminate it.

David Ziegenhagen, Mental Health Association of Minnesota executive director, predicts "a potential crisis" around the state, because community mental health centers would be cut off from federal funds, and so would information and referral services.

Ramsey County's Mental Health Center is not federally supported, but assistant director Frank Zalesky says the halfway houses it sponsors for the mentally ill and chemically dependent will be badly hurt.

Some residents may continue to live in them with federal support, but only if they apply for Aid to the Disabled, which Zalesky says tends to "put a crutch under them," contravening efforts to make them independent.

More than half the cost of halfway houses covers their programs which help residents get on their feet, find work and learn to cope with themselves and others.

Jacobsen and Hewitt Houses for a mentally ill stand to lose $144,000. Granville House, 565 Dayton, Shoreview Treatment Center and New Connections, all residences for the chemically dependent, would lose $575,000.

"We'll be going back again to, say, four years ago," says Zalesky, "a room and board facility."

Another $404,000 would be lost to emotionally disturbed Ramsey County youngsters in residential facilities where they receive extensive help developing skills, working through emotional problems, building friendships and learning to overcome withdrawal or aggression.

Free day care would be available only to families earning less than $5,460 (family of four). Aid on a sliding scale would be available to families earning up to $10,344, but the rates have not been determined.

St. Paul Child Care Council Director Gary Wingel expects a mother of three earning $9,000 would have to pay from $1,650 to $4,000 a child.

With rising costs of care, he believes people will tend to drop out of "the more comprehensive centers" and turn to cheaper, usually elss desirable care for which they would pay full fees.

Stella Alvo, organizer of the Minnesota Coalition for Comprehensive Child Care, foresees economic segregation in day care centers, "as children of working people are removed to make way for children of welfare recipients."

She says the rules will "put the squeeze on working and middle-class families." And she predicts that when families have to pay full, or only slightly subsidized, day care fees, many will have to quit their jobs and go on welfare, where they will then have to register for probably lower-paid jobs (under the 1972 work rules) and then place their children back in day care, maybe even at the same center they dropped out of.

Besides causing the families a lot of hardship, Miss Alvo says, that merry-go-round would also lower the tax base.

(Ramsey County's work-incentive program currently has 950 welfare parents in work and training with some 300 children in day care. Some 4,000 welfare clients are registered for work and training, but not all are eligible because of illness or other reasons, and there aren't enough jobs for all who want them.)

Legal Assistance of Minnesota would have to stop providing help with divorces and tenant or consumer problems, according to administrative director Michael Feeney. It has offices in Duluth and Washington, Dakota and Olmsted counties.

Sponsors of the various programs have been seeking other sources of funds, from state and local government and private donors. If the regulations go through Nov. 1 as planned, they will still be subject to federal, regional and state interpretations. Welfare workers say they have no idea what to expect.

Despite the fact that the social service regulations take effect tomorrow, efforts are continuing in Congress to counteract them.

Yesterday, 96 House Members joined in cosponsoring legislation which would restore to the States the ability to design service programs that best meet their own needs. Under the terms of our bill, HEW could no longer use agency regulations, as it is doing now, to choke off State-operated programs. Rigid income restrictions, which exclude most nonwelfare recipients from services, would be lifted so States could continue to aid those people who are tottering on the brink of welfare dependency.

This legislation was originally introduced in the House as H.R. 10920 by JAMES CORMAN and six other members of the Ways and Means Committee; JAMES BURKE, MARTHA GRIFFITHS, DAN ROSTENKOWSKI, WILLIAM GREEN, HUGH CAREY, and JOSEPH KARTH.

The Corman bill deserves the immediate attention of the Ways and Means Committee and the House, as a whole. Action must be taken now before the full impact of these outrageous regulations is felt.

CPA AT FDA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 5 minutes.

Mr. FUQUA. Mr. Speaker, the Federal Food and Drug Administration is to be a prime target of Consumer Protection Agency advocacy, according to our hearings on the various CPA bills.

There are now three CPA bills before a Government Operations Subcommittee on which I serve: H.R. 14, by Congressman ROSENTHAL; H.R. 21, by Congressmen HOLIFIELD and HORTON, and H.R. 564 by Congressman BROWN of Ohio and myself.

These are bills of very great complexity and not a little controversy. The major difference among the bills is that the Fuqua-Brown bill would not allow the CPA to appeal to the courts the final decisions of other agencies, while the other two bills would allow such appeals.

I should add that, under the two bills allowing CPA court appeals, another agency's refusal to act—inaction—would be appealable by the CPA. For example, if the CPA requested that the FDA seek a criminal prosecution against a certain individual, and FDA refused, that refusal is final appealable action by the CPA under all the CPA bills except the Fuqua-Brown bill.

I am using the FDA as an example here because I wish to share with you some material from this agency as part of my continuing effort to dispel some of the confusion that has surrounded CPA proposals since 1970.

As you know, I have already introduced similar material from nine other agencies the proceedings and activities of which would be subject to CPA advocacy: Cost of Living Council, four banking regulatory agencies, Defense Supply Agency, National Labor Relations Board, Federal Power Commission, and Tennessee Valley Authority.

I have asked these agencies to list their 1972 proceedings and activities, divided into the various categories in which the CPA would have a right to be a party or participant.

It should be noted, in relation to the major difference among the bills, that virtually all FDA final decisions would be appealable by the CPA under all except the Fuqua-Brown bill. This brings our total of CPA appealable decisions to over 1 million annually—for just the 10 agencies already surveyed.

Mr. Speaker, for the important reasons stated, I am inserting in the RECORD a list of the 1972 proceedings and activities of the FDA that would be subject to CPA advocacy under the pending bills. Because of the voluminous nature of the proceedings, I am including only those procedures subject to the notice and comment rulemaking procedures of the Administrative Procedure Act. I will include the other proceedings and activities at a later date.

DEPARTMENT OF HEALTH, EDUCATION,
AND WELFARE,
Washington, D.C., Oct. 24, 1973.
Hon. DON FUQUA,
House of Representatives,
Washington, D.C.

DEAR MR. FUQUA: This is in further reply to your letter of September 7 regarding legislation to establish a Consumer Protection Agency.

The enclosed report provides answers to your questions regarding the types of activities by the Food and Drug Administration which may be subject to consumer advocacy by the proposed Consumer Protection Agency.

I hope this information is helpful in your consideration of this legislation.

Sincerely yours,

CHARLES C. EDWARDS,
Assistant Secretary for Health.

LISTING OF PROPOSALS IN FEDERAL REGISTER

Question 1. What regulations, rules, rates or policy interpretations subject to 5 U.S.C. 553 (the Administrative Procedure Act (APA) notice and comment rulemaking provisions) were proposed by your agency during calendar year 1972?

Answer. Food and Drug Administration (FDA). During calendar year 1972 FDA issued proposed rules on a broad variety of subjects. Attached is a listing of such proposals with Federal Register index headings as well as the page where they may be found. Final orders are also listed. We have made no attempt in the attached list to distinguish between regulations subject only to 5 U.S.C. 553 and those subject to additional requirements (e.g., regulations under the provisions of the Federal Food, Drug, and Cosmetic Act discussed in question 5).

ADMINISTRATIVE PROCEDURE

Administrative rulemaking and adjudicatory hearings on record; separation of functions and ex parte communications, proposed rules, 6107.

Proposed Rule Documents, extension of time for filing comments, 27.

Information, Public availability; proposed rules, 9128.

ANTIBIOTIC DRUGS AND INSULIN

Antibiotic and sulfonamide drugs in animal feeds, proposed policy statement, 2445.

Combination drugs in animal feeds no longer sanctioned, 21279, 23538.

International standards, proposed rules, 14237.

Fees for certain tests:

Gas chromatography test, 6926.

Thin layer chromatographic identity test, 11675.

Revocations:

Glycarbylamide, revocation, 5491.

Iodinated casein; revocation, 4712.

Labeling and certification requirements, exemptions, 20525.

Laboratory diagnosis of disease: antibiotic susceptibility discs, 20525.

Packaging and labeling requirements: Proposed rules, 19149.

Potency at time of certification, proposed policy statement, 336, 1477.

Tests and methods of assay:

Alternative methods, including automated procedures, 1116, 7497.

Carbenicillin disc assay, 16077.

Hydroxylamine colorimetric assay, 4906.

Insulin, sterility testing; increase in fee, 11729, 20685.

Iodimetric assay, synthetic penicillins, 4958.

Microbiological turbidimetric assay, proposed rules; correction, 20870.

Ophthalmic preparations, sterility test, 23106.

Sterility tests, 1104, 7497.

Proposed rules, 1116.

BIOLOGICAL PRODUCTS

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FOOTNOTES

[1] Program was transferred to the Consumer Product Safety Commission on May 14, 1973.

[2] See also Antibiotics and Insulin, Biological Products, and Blood and Blood Products.

DEFENSE DEPARTMENT EVALUATION BY ORR KELLY

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, on October 23, Mr. Orr Kelly in an article in the Washington Star-News announced that, after 6 years of reporting on Defense Department activities, he was transferring to cover the Justice Department. His incisive reporting on important Pentagon and other defense-related activities will be missed. Mr. Kelly in his 6-year tenure as a military reporter had an outstanding opportunity to obtain an understanding of defense activities and to evaluate the performance of agencies of our Government charged with managing our defense programs. Mr. Kelly was thoughtful enough to share his evaluations with us in his article in the Washington Star-News. I commend the article to all of my colleagues.

Mr. Kelly includes in his observations comments on the current Middle East confrontation, the arms budget, foreign deployment of our troops, and some very pertinent comments on Defense Department management in general. After 6 years of study which, as Mr. Kelly observes, "is a long time—substantially longer than most key officials of the Department spend in their jobs there," and on the eve of his departure from the Pentagon beat, he summarizes his evaluation of Defense Department management this way:

> Despite its size, the Defense Department probably is the best-managed agency in the government. This is true, also, in spite of all the talk about cost overruns and inefficiency.

I commend to my colleagues' attention Mr. Kelly's complete article wherein he elaborates on his views concerning trends in management and the quality and character of the civilian and military personnel in the military establishment.

I wish Mr. Kelly every success and satisfaction in his new post. I also thank him for his past efforts to better inform the citizens of our Nation concerning its defense and security.

I insert Mr. Orr Kelly's article here for the convenience of all Members.

[From the Washington Star-News,
Oct. 23, 1973]

LAST PENTAGON REPORT

(By Orr Kelly)

This is the last column on military affairs that will appear here under this byline.

After more than six years covering the Pentagon, through much of our nation's longest war and through crises and scandals almost too numerous to recall, this reporter is moving across the Potomac to cover the Justice Department.

In the life of a bureaucracy like that of the Pentagon, six years is a long time—substantially longer than most key officials of the department spend in their jobs there. It is a time that affords some perspective on American military policy and the military establishment.

Here are some brief observations based on that perspective:

First, as the current confrontation in the Middle East has reminded us, the major concern of American foreign and military policy is, and will remain, the Soviet Union. Despite all the talk of detente and of the turn from confrontation to negotiation, relationships between the United States and the Soviet Union are supremely important and dangerously uncertain.

This does not mean that war between the two countries is probable. War has been avoided in the difficult years since the end of World War II on a number of occasions, and there is real hope that war can continue to be avoided. But with two countries armed as no nations ever have been armed before in history, the awfulness of war, if it should come, makes the avoidance of war between the United States and the Soviet Union the single most important objective of American policy.

Since the avoidance of war—deterrence, is the word of our nuclear strategists—depends on a balance of terror, there is very little realistic hope that the U.S. defense budget can be reduced in the foreseeable future. If the relations between the United States and the Russians continue about as they are now, with slow progress toward more comprehensive strategic arms limitations, we probably will be fortunate to keep the arms budget at about its current level in constant dollars. But there is little slack in the budget for emergencies, like the current resupply of Israel, and even brief crises can eat up millions, even billions, of dollars.

There is a broad range of opportunities for improvements in the American military structure. The changes, requiring a certain boldness and a willingness to challenge hoary assumptions, might save some money, but mostly they would provide more effective defense for about the same money.

The irrational deployment of American troops in Europe, for example, has long cried for change. The Titan missile force, already bargained away in exchange for the right to build more submarines, still is kept on alert at an annual cost of $30 million, as another example.

Spending on defense is declining as a percentage of the gross national product, as a share of the federal budget and, most dramatically, as a percentage of all public spending, both federal and local. There simply is no way that the defense budget can be squeezed to provide the large sums of money that other government programs, already on the books, will require in coming years.

There will, of course, continue to be extremely heavy pressure on the defense budget. It is very difficult to explain, for example, why the government is spending less this year to house a rapidly expanding prison population than it spends for a single fighter plane. This pressure will require great discretion to determine what is really needed and what can be cut without danger to national security.

Despite its size, the Defense Department probably is the best-managed agency in the government. This is true, also, in spite of all the talk about cost overruns and inefficiency.

The fact that most Americans, most congressmen and many Pentagon officials do not believe the department is well-managed is a problem in itself. There is a pervasive—but false—belief that all of the Pentagon's problems would be solved if it were simply managed better.

This is simply not true. The management of the department has been improving gradually over the years and it almost certainly will continue to improve. But there is no reason for hope that there will be some miraculous breakthrough to an era of mistake-proof, error-free management. The best we can hope for is continued gradual, undramatic improvement—and demands for a miracle will simply make that kind of improvement more difficult and unimpressive when it does come.

Finally, it should be said that, despite the recent scandals that have tarnished the image of the military establishment, the nation is indeed fortunate that the quality of those, both military and civilian, who devote their skills to national defense is, on the whole, so very high.

NATIONAL INTERESTS IN LIGHT OF MIDEAST DEVELOPMENTS

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, Benjamin Franklin once said, "The things which hurt, instruct." If there is truth in these words, the latest Mideast war should prove to be a powerful learning experience.

Media reports in the past few days provided the text for some lessons.

Perhaps the most painful lesson to be imparted is how much the United States can depend on its "friends" when the chips are down. While this country strained to replace vital Israeli weaponry, our allies made things as difficult as possible, lest their oil supplies be threatened.

The Navy and Air Force had to adopt a roundabout system of supply because key Western European countries—our allies—along the supply route forbade their territory to American aircraft. For example, under a Navy plan for the urgent supply of A–4 Skyhawks, the planes were flown to Israel from the east coast via the carriers *John F. Kennedy* and *Franklin D. Roosevelt* for refueling by tanker aircraft. Meanwhile, Air Force C–5A's headed for Israel only partially loaded so that they could carry sufficient fuel to make the extra long stretches of the flight.

When U.S. NATO representative Donald Rumsfeld attempted to win support for American policy in the Middle East, he was reportedly unable to do so. The oil issue apparently outweighed unity.

About 1 month ago Libya's Muammar Kaddafi told an American newsman that, in the Middle East, "perhaps the new oil situation will finally convince you that you should think of your own national interest." While the United States may still need some convincing, Kaddafi's words apparently were not wasted on our allies.

Quite obviously as a minimum, a review of our national interests in light of the facts brought out over the past week is required.

TWO HEROES: ANDREI SAKHAROV AND ALEKSANDR SOLZHENITSYN

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, two men living in a police state—the Soviet Union—deserve for their courage the warm support of free citizens everywhere. The statements of these two men—Andrei Sakharov and Aleksandr Solzhenitsyn—speak eloquently for each of them, and I am including them in the RECORD for the benefit of my colleagues:

[From the New York Times, Oct. 17, 1973]

(NOTE.—This interview with Andrei D. Sakharov on the war in the Mideast was conducted by a Lebanese correspondent. Sakharov is the Soviet physicist and contro-

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versial advocate of civil rights in the Soviet Union.)

Moscow.

SAKHAROV. The events in the Near East alarm me greatly. I do not know if words can be important at such a moment but I am ready to answer your questions.

CORRESPONDENT. How do you appraise the events in the Near East?

SAKHAROV. This war, which began with simultaneonus large-scale Egyptian and Syrian military operations, is a great tragedy both for Arabs and for Jews. But, for Israel in this war, just as in the wars of 1949, 1956 and 1967, what is at stake is the very existence of the state, the right to life. I believe that for the Arabs this war is basically a result of the play of internal and external political forces, of considerations of prestige, of nationalistic prejudices. I believe that this difference exists and must be taken into account when appraising these events.

CORRESPONDENT. What can the Arabs and Israelis do to end this conflict?

SAKHAROV. Immediately agree to a cease-fire and sit down to negotiations. The Arabs should clearly and unequivocally declare that they recognize Israel's right to existence within borders ensuring its military security, fundamental economic interests and prospective immigration. Israel should give guarantees in return. With these conditions the honorable peace long wished for by both parties is possible.

CORRESPONDENT. What steps can the U.S.A. and Western nations take to terminate the war?

SAKHAROV. Call upon the U.S.S.R. and socialist countries to abandon the policy of one-sided interference in the Arab-Israel conflict, and take retaliatory measures if this policy of interference continues. Use all means, including diplomatic, for an immediate cease-fire and for the initiation of direct peace negotiations between the Arabs and Israel. Make effective use of the United Nations Charter to safeguard peace and security.

CORRESPONDENT. Which is better for socialist countries and countries of the third world, an Israeli victory or an Arab victory?

SAKHAROV. The people of all countries are interested not in military victories but in peace and security, in respect for the rights and hopes of all nationalities, in tolerance and in freedom.

CORRESPONDENT. How can you, as a defender of human rights, help the Arab countries?

SAKHAROV. I speak out for the democratization of life in our country, and this is closely related to our foreign policy and the relaxation of international tensions. The Arab countries, as countries throughout the world, have an interest in this as one of the conditions for development free from external forces.

CORRESPONDENT. At the present time do you intend to criticize the policy of Israel's leaders?

SAKHAROV. No. That country, which is the realization of the Jewish people's right to a state, is today fighting for its existence surrounded by enemies who exceed it in population and material resources many times over. This hostility was stirred up to a considerable extent by the imprudent policies of other states. All mankind has on its conscience the Jewish victims of Nazi genocide during World War II. We cannot permit a repetition of that tragedy today.

[From the New York Times, Oct. 31, 1973]

HIRED KILLERS

(NOTE.—On Oct. 21, two Arabs who said they were members of the Black September terrorist organization talked their way into the Moscow apartment of dissident Soviet nuclear physicist, Andrei D. Sakharov. They threatened his life if he ever again made a statement—as he had on Oct. 12—sympathetic to Israel. As a result of Dr. Sakharov's report of the incident, his friend, the Soviet writer Aleksandr I. Solzhenitsyn, wrote him this letter.)

DEAR ANDREI DMITRIEVICH: I was away when the news of the attack on you became known, and so I am writing only now.

Our country has fallen low in the esteem of the Arabs if they have no reason to respect our national honor. Even so we really do not need Arab terrorism to "straighten out" Russian history. But I assert that in our native land under the conditions of continuous surveillance and eavesdropping that exist in your case, such an intrusion is impossible without the knowledge and encouragement of the authorities. If this intrusion had been independent of and unwelcome to the authorities, the numerous members of the security organs would have had no difficulty in stopping it before its inception or in the course of its hour and a half duration or in apprehending the criminals immediately afterward. Would they have dared to act without having received permission? Anyone familiar with our situation would find this absurd.

This is only the latest method. What can answer the free words of a free man? Arguments do not exist. Rockets are irrelevant. Fences harm one's reputation. Only hired killers remain. If they ever strike such a blow against you while I remain alive, I assure you that I shall dedicate what remains of my pen and my life so that the murderers will not triumph but will lose.

With warmest personal regards,

SOLZHENITSYN.

OCT. 28, 1973.

CHARLES HORMAN: AN AMERICAN'S DEATH IN CHILE

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the sad news confirming the death of Charles Horman, son of constituents in my district, has been amplified by the accompanying letters sent to myself and to Senator FULBRIGHT—a copy of the latter was sent to me by Mr. Horman—by the father, Edmund C. Horman.

I would like again to express my sorrow at Charles Horman's needless death, and to bring to the attention of the Congress, the allegations of Mr. Horman concerning the State Department—in particular, the American Embassy in Santiago's incompetence, or worse, indifference to the plight of the family in the Embassy's investigation of the disappearance and subsequent death of Charles Horman.

The correspondence follows:

NEW YORK, N.Y.,
October 26, 1973.

Congressman EDWARD KOCH,
Congress of the United States,
Washington, D.C.

DEAR MR. KOCH: My wife and I wish to thank you for the efforts which you made in behalf of our son, Charles. Without such efforts I believe that we never might have learned the circumstances of his death.

The copy of a letter to Senator Fulbright is enclosed that it may play a part in making sure that, in the future, some of the many dreadful things which have occurred and still go on in Chile may be forestalled.

Thank you,

EDMUND HORMAN.

NEW YORK, N.Y.,
October 25, 1973.

Hon. J. WILLIAM FULBRIGHT,
Chairman, Foreign Relations Committee,
U.S. Senate, Washington, D.C.

DEAR SENATOR FULBRIGHT: I was in Santiago, Chile from October 5th to October 20th, in search of my son, Charles Horman, who was killed by Chilean Military Forces in the National Stadium and who is mentioned in the letter sent to you by Richard P. Fagen of the Institute of Political Studies of Stanford University on October 8th.

My hope is that the telling of what I observed in Santiago and in Washington may lead to better protection of American citizens than was afforded to my son and to others by the Department of State.

Charles was seized in his rented house by Chilean soldiers at 5 p.m. on September 17th. The soldiers placed him in a truck and the truck was seen to enter the National Stadium, where prisoners were being concentrated. These events were witnessed, wholly or in part, by four people. On the following morning Mario Carvajal, a Chilean industrial designer and friend of Charles, was called by a man who identified himself as from Military Intelligence and asked questions about Charles. On the same morning a call was made to Warwick Armstrong, a New Zealander, employed by Cepal Division of United Nations and also a friend of Charles. The caller again identified himself as from Military Intelligence, asked questions about Charles and ordered that Armstrong go to the nearest Carabinero station and make a statement. Armstrong discussed this with his superior at Cepal. They decided that going to the station might be dangerous. They decided that Armstrong should call Robert P. Coe at the American Embassy. Coe told Armstrong to speak to Frederick K. Purdy, which he did. Purdy told me later that he had learned of Charles' seizure, at about the same time, from an Embassy employee who had been called by a friend of Charles.

On October 5th I arrived in Santiago and, with my daughter in law, met with Nathaniel Davis, Purdy and Col. William Hon, Military Attache to the Embassy. Davis said that the Embassy feeling was that Charles probably was in hiding. I said that this seemed implausible; that even if he were afraid to call his wife directly, he easily could have passed a message through one of their many friends. I asked what had been done to follow up the probability that Charles had been seized by Military Intelligence, as indicated by the evidence of neighbors who saw the seizure and friends who had been called by Military Intelligence. Davis looked at Purdy and asked whether he knew anything about the telephone calls. Purdy said "No sir." My daughter in law reminded Purdy that, some days before, he had shown her some of his notes and that the call from Armstrong was on them. Purdy then remembered the calls. Davis wondered whether the telephone calls really were as I had described them. I suggested that he have them checked out immediately and he told Purdy and Col. Hon to do so. On the next day, October 6th, Purdy told me that both people who had been telephoned had been interviewed; that their accounts matched mine; that Col. Hon would ask Chilean Military Intelligence for a report.

October 8th Purdy and Col. Hon came to my hotel. Col. Hon said that the Chilean Military denied all knowledge of Charles. Repetitions of this statement were the only information given to me by the Embassy on this statement until October 18th. I gave them a letter asking that they press on; that they investigate the possibility of other prisons than the National Stadium; that they check all foreign embassies where Charles

might have gained asylum; that they make a fingerprint check of all unidentified bodies in the morgue; that news releases be given all Chilean newspapers; that reward offers be made in the newspapers. I offered to pay the rewards. All the above were approved for immediate action by Davis. Purdy, however, asked me to check the Swedish Embassy, explaining that their relations with the Swedes were not cordial because of the help given to an American woman who had said that the American Embassy had refused to help her and who had been given shelter by the Swedes. I spoke to the Swedish Ambassador by telephone later.

October 10th Purdy telephoned me, saying that a fingerprint check showed that Charles was not in the morgue. At my request he confirmed this by letter. I then asked for a re-check by a recognized expert and offered to pay any fee. Several days later this was done and the same report received. On October 9th I had sent Purdy a note asking that a check be made on disposition of bodies removed from the morgue.

October 15th, after being told by Purdy that the Chilean Military continued to deny any knowledge of Charles and that our people knew of nothing further that could be done to persuade them, I visited Major Luis Contreras Prieto of the Chilean army. I was put in touch with him by his brother, who is employed by a New York bank. I appealed to the Major on the grounds of humanity, saying that, if Charles were not alive, I hoped that they would not leave me without the truth when I returned to face his mother. Prieto immediately telephoned a Major Hugo Sala of Military Intelligence. After hanging up he told me to wait for a visitor next morning. On October 16 two men from Military Intelligence, Ortiz and Menesas by name, visited me for almost two hours. When they left, they said that I would hear from them promptly. On October 17 they returned and asked many questions about the clothes which Charles wore. They asked whether I could obtain fingerprints. I called Purdy at the Consulate and he sent the prints at once by messenger. The men left with them. On the same afternoon I visited Enrique Bernstein for almost an hour. He is Foreign Minister Huerta's assistant and had been spoken to in New York by my brother in law, the arrangement having been made by Brian Urquhart of the United Nations. Senor Bernstein promised to do everything possible.

On the same day, a man associated with Ford Foundation told me that a close friend of his also is a close friend of a General in the Chilean army; that the General had said that Charles had been shot to death in the National Stadium "on or before September 20th."

On October 18th Inspector Mario Rojas, of Investigaciones, summoned my daughter in law to be interviewed. He showed me a letter from the Minister of the Interior directing him to devote his entire effort to finding the truth about Charles.

In the late afternoon Purdy telephoned me. He said that the Chileans had telephoned the Embassy and said that they had matched Charles' fingerprints to those of the body of a man who had been shot in the National Stadium on September 18th and had been interred in the wall of the National Cemetery on October 3rd. This report was confirmed to me formally in visits by the men from Military Intelligence and by Inspector Rojas of Investigaciones.

So—from September 18th to October 5th, the date of my arrival in Santiago, the American Embassy did *nothing* to verify the evidence which had been placed in their hands on September 18th and which proved to be the key to the truth. From October 5th to the very end, their "efforts" produced no results beyond their repeated statements that they had contacted the Chilean government, right up to General Pinochet, and had been told that the Chileans knew nothing about Charles or his whereabouts. And yet, within three days after my talks with Major Prieto and Enrique Bernstein, the truth was made plain.

I do not know the reason underlying the negligence, inaction and failure of the American Embassy. Whether it was incompetence, indifference or something worse, I find it shocking, outrageous and, perhaps, obscene.

My own observations and the experiences related to me by others convince me that the attitudes and behavior of some—not all—American State Department employees fall very short of those of the personnel of certain Foreign Embassies and of workers in the groups who are helping refugees in Chile. As examples I might mention:

On October 8th Ambassador Davis directed that news releases be requested in all Chilean newspapers and that offers of reward be inserted. As of October 11th, despite my daily inquiries, one news release and no reward offers were printed. When I was referred to the Embassy press officer I was told that I should be grateful for the one story I then protested to the Ambassador who put another man on the job. Another story appeared on the following day and the reward notices were prepared for immediate insertion as advertisements.

A friend of my daughter in law asked the wife of an Embassy officer why there was so much delay and difficulty in locating Charles. The response, as quoted directly to my daughter in law, was "He must have been doing something very naughty."

On September 28th I was in the State Department offices in Washington. One of the men let me use his office for four hours while he attended a meeting. During this time, a friend of my son, who has literally devoted all his time to the search, called from the reception desk and asked for me. The man to whom he spoke had talked with me at length and could see me in the office. He told the young man that I was not there and refused to let him come up and wait for me.

The Department issued press releases, and made statements to me and to others, both in Charles' case and in that of Frank Teruggi, quoting the Chilean statements that both had been released from the National Stadium and possibly were in hiding. This seemed completely illogical at the time and was proven false in my son's case. Taking these actions of the Department together with an article printed in the New York Post during this past week and quoting a Department press officer by name as saying that Charles probably was seized by a leftist group, it seems apparent that it is Department policy to clear the Chilean government of responsibility and, at the same time, clear themselves of their obligation to hold a foreign government to account for killing an American citizen. The press release to the Post conflicts directly with the view expressed to me by Purdy. Fearing that the Chileans might disclaim responsibility by blaming Charles' seizure by rightist (the thought of leftists doing this is preposterous) groups, I asked Purdy the Embassy view of the possibility that such groups might have been active. He confirmed what I already believed: that there was so much dissension and possible disloyalty in the Chilean army that special armbands were issued each day and that any irregular groups would have been in great danger.

My daughter in law was treated discourteously by Embassy people. As stated earlier, until October 5th no steps were taken to follow up the evidence which was given to the Embassy on September 18th.

Very truly yours,

EDMUND C. HORMAN.

SUPERB ADDRESS OF HON. CHET HOLIFIELD

(Mr. DORN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DORN. Mr. Speaker, our distinguished and beloved colleague from California, Hon. CHET HOLIFIELD, delivered a superb address recently at the dedication of Duke Power Co.'s Keowee-Toxaway project. We are extremely proud of this project in our congressional district, which won for Duke Power Co. the Edison Award, the highest citation of the electrical industry. Duke was cited for "its outstanding engineering accomplishment in the integrated hydrothermal development of the project and protecting and enhancing the environment of the Keowee Valley."

Mr. Speaker, it was entirely fitting and proper that Congressman HOLIFIELD make the dedication address, as no American has contributed more to the development of the peaceful uses of atomic energy. During this time of energy crisis and international crisis I commend to the Congress and to all Americans Chairman HOLIFIELD's superb address at the dedication of Duke Power Co.'s Keowee-Toxaway project.

The address follows:

REMARKS BY CONGRESSMAN CHET HOLIFIELD

OCTOBER 20, 1973.

Mr. Chairman, respected guests, my Congressional Colleague, the Honorable Bryan Dorn, and friends.

I would like to take this opportunity to commend the officials of the Duke Power Company for their imagination in the planning of this project and for their fine efforts in bringing these plants on line. The Keowee-Toxaway Project represents an innovative and award-winning combination of hydro-electric and nuclear powered generating plants. Moreover, in addition to providing needed power for this rapidly growing area, these lakes will offer recreational benefits for the members of the public and enhance the general area for residential use. The recent Edison Award to Duke Power summarizes the achievement succinctly. Let me quote:

"For engineering vision in designing the Keowee-Toxaway-Oconee power generating complex, and integrated hydro-thermal development, the hydro-station lake supplying cooling water for thermal plant use and its black start capability providing emergency start-up power; for demonstrating its concern for ecological balance and the well-being of its customers by stressing environmental protection in its design and by providing recreational facilities; and for the technical and managerial accomplishment of design and construction management of the complex using company manpower."

I want to especially thank my friend and colleague in the House of Representatives, the Honorable William Jennings Bryan Dorn, with whom I have served since 1947. He is a great representative of the best interests of the people of his District and our Nation. He is a champion of nuclear energy and has supported our great atomic programs to keep our country safe and strong in a military sense and progressive and prosperous on the economic plane.

The United States of America is approaching a severe energy deficit faster than most people realize.

This great Nation has been built on the fact that within our borders we have always

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possessed an abundance of energy sources. Over a century ago, we depended on an abundance of wood from virgin forests to heat our homes, and to fuel our steamships and locomotives. Then, we turned to our rich deposits of coal for use in our homes, factories, ships and trains. At the beginning of this century we turned to oil and gas.

Today our wood is gone and our rich fields of oil and gas are going. We have become more and more dependent on oil and gas for home, factory and transportation. But, as our domestic supplies of oil and gas declined, we have been forced to import from South America, Canada and the Middle East an alarming amount of oil to supplement our domestic petroleum sources.

We imported seven and one-half billion dollars worth of oil in 1972. We on the Joint Committee on Atomic Energy made some estimates earlier this year of our future imports based on $4 per barrel oil. On this basis, our imports for 1973, were estimated to be $9 billion and for 1980—seven years from now—$20 billion. But these estimates are already significantly out-of-date. Based on the recent statement of Libya, the cost is now to be $6 per barrel and not the $4 we used in our estimate. This would change the estimate for 1980 from $20 billion to $30 billion. Of course, based on the announcement made in Kuwait last Wednesday by the Arab oil states on cut backs in petroleum production for the United States, the upbidding for oil will be further intensified. We would be incredibly naive if we believed that the price hike also announced last Wednesday is the last one the Middle East sheiks will impose. Of course, even the present estimate of imports would spell financial chaos for our country. Long before 1980, such import needs would bankrupt America. We must develop alternatives and those alternatives will have to be electricity from coal when we make it environmentally acceptable, and from nuclear power.

We cannot support such a huge outflow of dollars. Why do I use these alarming forecasts of energy facts and figures?

First, because every reputable statistical source verifies these figures and forecasts.

Second, because I want each of you to know the importance of this event today.

I want you to know that we are in the twilight of the fossil fuel age.

We are at the beginning of the nuclear energy age.

Since 1954, your Congress has been working to transform the curse of nuclear destruction into a blessing for mankind. Your Congress has supported the peacetime atomic program which makes this great reactor possible. Your Congress has followed the wise advice of the Joint Committee on Atomic Energy and we have developed more than 1500 peacetime uses of the dread substance that destroyed Hiroshima and Nagasaki, the two great cities in Japan.

Time has proven correct the prediction expressed in the 1963 Joint Committee hearings that we were entering an era of declining supply of fossil fuels. Because of that vision and wisdom and the expenditure of several billion dollars of your tax money, we stand today with the ability to off-set our growing fossil fuel energy deficit with a new supply of energy from the atom.

This replacement of energy will not come into being by the wave of a magic wand. It can only come into existence by building about 1000 nuclear reactors by the year 2000 similar to this great plant we dedicate today.

Strange as it may seem, there exists abroad in our land today people, many of them well-meaning perhaps, who are woefully ignorant of the crisis which is approaching you, me and our children.

These people have listened to charlatans and demagogues who are ill-informed and fearful of progress. Their recent ancestors opposed the advent of the train, the automobile and the airplane.

They predicted calamity which never occurred. Their ancestors sat in a cave by a wood fire and ate burned meat and scratched their bodies for recreation.

This type of people today claim to worship nature and seek to preserve nature in its most simple aspects. They forget that thorns and thistles and briars infest our fields that grow our food and fiber. They forget that uncontrolled floods drown our crops and denude our precious topsoil. Some of the older citizens can remember this area when Nature held full sway. They have seen this area changed from land worth $15 to $25 per acre to today's land of rich farms bounded by modern roads and an influx of electrical energy that makes life worth living and provides industrial employment which was undreamed of forty or fifty years ago.

All this great change came about because of progress from a primitive agricultural society to the advanced society you enjoy today—and that progress came about because men of vision and courage were not afraid to control the natural factors for the benefit of mankind. These men of vision and courage were not fearful men looking backward in nostalgia to the past. They were men who, like their forefathers, were willing to face the challenge of uncontrolled natural forces and guide them into beneficial channels for their present benefits and their children's future benefits.

So, today we are gathered here as friends of progress—friends of people who are entitled to a better life than their forefathers.

We are here today to pay our tribute to the men who plan and operate these great energy factories. We are here to compliment the people of this gerat and progressive region—people who are alive to modern needs and are supporting the move to channel the forces of nature into the blessings of a better future.

I would like to say again what an honor and pleasure it is to participate in this dedication. I again commend all of you for your vision in making this great contribution, not only to this area, but also to the Nation as a whole. Every person in this Nation should be grateful to you for every kilowatt-hour generated here. Everyone will help this Nation in contending with our growing energy shortage. I wish you every success in your continuing efforts.

Now, may I talk briefly in more technical terms.

Here, we are dedicating a *real* reactor based on proven technology. Not something academic. We are not probing into the theoretical pie-in-the-sky dreams of those who find a new, academic concept more interesting than one based on sound technological development.

What can we look forward to in the next one or two decades to solve our growing energy problem? Practically the only two primary energy sources we have in this country in adeqaute amounts to do this are coal and nuclear power. And the nuclear power to which I refer are fission reactors such as we have here. We must concentrate our efforts on these two sources.

As to the follow-on new type of nuclear reactor known as the liquid metal fast breeder reactor, it is expected to be making significant contributions in the 1990's. This new type of nuclear reactor will increase the heat we can extract from a gram of uranium a hundredfold.

In all candor, we must admit that its technology has not been completely developed. But we have expended more than a billion dollars on solid research and development work on this concept. We, meaning the Atomic Energy Commission, the Joint Committee on Atomic Energy, the President, the successful reactor manufacturers and the large majority of the utility customers, have etsablished a priority goal for completion of this new reactor which embodies the largest consensus of support. Other nations are also giving vigorous support to their concepts of an LMFBR. If we are successful, and we believe we will be, we will solve our energy fuel resource problem for thousands of years.

After many years of research and development, Congress has authorized the building of a full scale prototype of this new type of reactor. The site has been chosen in your neighboring state of Tennessee. The contractors have been chosen. The partnership arrangement between private industry and the Federal government has been developed. We are ready to go. The successful development of a breeder reactor is a giant step forward and can and should give us an unlimited supply of energy for the future needs of our people.

There may be other technical paths which are desirable to explore. But at what risk? To what degree do we want to or can we parallel a different technology which may offer a hoped-for better solution? Where is the money coming from to pursue a parallel source?

Do we want to confuse the Congress and the industry by abandonment of all we have learned at such great expense and go down the glory road? Are we really justified in playing the game of "leap frog" over the advanced LMFBR technology? And if we leap, where do we land?

Can I go on the floor of the Congress and tell the Congress that the Commission, the Committee, the industry and the President were wrong for the past ten years in proceeding, step by step, building our breeder technology on proven successes in the light water field? Will they listen? What justification can I give for such a drastic step of abandonment and embarkation on a new venture—a new venture with relatively little research and development base and with great skepticism from the powerful entities that now support the LMFBR approach.

Have the new technological problems which beset every turn in the path of *any* new technology been adequately explored? What about safety? What about fuel technology? What about long-term material behavior? And, finally, what about the economics?

We are standing on solid ground today in the shadow of this great and expensive reactor. I wonder if any of the persons in this audience can realize the feeling of pride which I have within me today. This great nuclear reactor represents the peak of reactor accomplishment to date. It represents in its technology the results of 27 years of effort of not only myself and Congressman Price, but of a long line of members of the Joint Committee, the Atomic Energy Commission and the thousands of scientists, engineers, contractors and construction people that have brought into being this great atomic electric generating reactor. It represents far more. It represents the wisdom and courage of the great utility industry, because they provided the base of venture capital that built this reactor and most of the other licensed reactors in the commercial field. There is enough credit to go a long way, but today I wish to specially commend and compliment the management of the Duke Power Company for their years of support in the pioneering field of electric generation from the energy of the split atom.

I also wish to thank your Congressman and my friend Brian Dorn for his consistent support of the atomic program for more than twenty-five years.

As we move forward to meet the increasingly difficult problems which will beset us in the closing years of this century, I can assure you that the United States Congress will, with the solid support of the people, furnish the vigor and the vision which will safeguard and preserve the blessings of our form of government for all of us and for our descendants.

COMMUNIST PROPAGANDA

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, we are all deeply concerned about Communist propaganda which is being infiltrated into the United States and Latin America by Castro and his Communist regime. We are also deeply concerned about the Russian military buildup in Cuba and in the Caribbean. One of the most knowledgeable men in the United States in respect to both of these subjects is Dr. Manolo Reyes, distinguished news commentator for the CBS outlet in Miami, channel 4. Dr. Reyes, formerly a distinguished lawyer and television personality in Cuba has been since about the beginning of Castro's regime a resident of Miami. Several times Dr. Reyes has given invaluable information about the dissemination of Cuban propaganda and about military activities in Cuba and in the Caribbean by Russia. We in the Congress and our fellow countrymen need to listen to men like Dr. Reyes who are warning us about Russian buildup so close to our shores which is constantly increasing.

So I was very much pleased as chairman of a subcommittee on the Theory and Practice of Communism of the House Internal Security Committee to chair a hearing of our subcommittee recently when Dr. Manolo Reyes gave us invaluable, if disturbing, information about these two subjects:

SUMMARY OF DR. MANOLO REYES' TESTIMONY

A subcommittee of the Committee on Internal Security has received testimony and fresh evidence to show that Communist Cuba is still exporting Fidel Castro's brand of revolutionary violence and subversion to Cuba's neighbors in the Western Hemisphere.

The very distinguished Latin American news editor of Station W-T-V-J, Miami, Dr. Manolo Reyes, told a subcommittee on Communist Theory and Practice which I had the honor to chair that Cuba played a major role in supporting the deposed and now dead Marxist President of Chile, Salvador Allende.

Dr. Reyes said he obtained a great deal of first-hand information from a delegation of 16 Chilean newsmen who recently arrived in Miami and one he interviewed had been the first newsman to enter the palace in Santiago, Chile, after Allende committed suicide.

Dr. Reyes said the newsman provided a vivid description of the scene and gave details of just how Allende placed the end of a gun barrel under his jaw and blew out his brains moments before police and soldiers stormed into the palace. The gun Allende used was a gift from Castro.

Dr. Reyes spoke of clandestine arms shipments from Cuba to Chile for Allende's followers, of the discovery on September 9, 1973, by the Chilean military of plans for a leftist coup designed to place the country entirely in the hands of Allende's revolutionary, communist followers, and of a July 29, 1973 letter from Castro to Allende advising that two of Castro's right-hand men, Carlos Rafael Rodriguez (Deputy Foreign Minister of Cuba) and Major Carlos Pineiro (Cuba's Chief of Intelligence and Security) were going to Chile to help Allende stave off the opposition until leftists could prevail.

At this point in the Record, Mr. Speaker, I would like to submit an English translation of Castro's hand-written letter to Allende (written, incidentally, on the Cuban dictator's official stationery) because it even contains a hint that Castro may have given Allende the idea of commiting suicide if Allende's strength and honor were threatened:

HAVANA,
July 29, 1973.

PRIME MINISTER.

DEAR SALVADOR: Under the pretext of discussing questions concerning the meeting of unaligned countries with you, Carlos and Pineiro are making a trip to your country. The real purpose is to confer with you about the situation and to offer you, as always, our willingness to cooperate in the fact of the difficulties and perils which hinder and threaten the process. Their stay will be very short inasmuch as they have many pending obligations here and notwithstanding the sacrifice of their duties, we decided that they would make the trip.

I see that you are now in the delicate question of the dialogue with the D.C. in the midst of serious events such as the brutal assassination of your naval adjutant and the new truck-owners' strike. I can imagine the great tension existing because of this and your desires to gain time, to improve the correlation of forces in case the struggle breaks out and, if possible, to find a channel to permit going ahead with the revolutionary process without civil strife while at the same time [excusing —?] your historical responsibility for what may occur. There are laudable goals. But in case the other party, whose real intentions we are not in a position to evaluate from here, persists in a treacherous and irresponsible policy by demanding a price impossible for the Popular Unity and the Revolution to pay, which is, even, likely, don't forget for a second about the formidable strength of the Chilean working class and the vigorous support it has given you in all the difficult times; it can, upon your call to the endangered Revolution, paralyze the coupists, maintain the concurrence of the wavering ones, impose your conditions and decide, if need be, Chile's destiny at the same time. The enemy must learn that it is in readiness and ready to go into action. Its strength and its combativeness can shift the balance in the capital in your favor even if other circumstances may be unfavorable.

Your decision to defend the process with steadfastness and honor, even at the cost of your own life; for they all are aware that you are apt to comply, will draw all the capable fighting forces and all Chile's worthy men and women to your side. Your valor, your serenity and your fearlessness at this historic hour of your country and, above all, your steadfast, determined and heroically exercised leadership constitute the key to the situation.

Let Carlos and Manuel know in what way we, your loyal Cuban friends, can cooperate.

I reiterate the affection and unlimited confidence of our people.

Fraternally,

(s) FIDEL CASTRO R.

Dr. Reyes also spoke of the efforts by Cuban communists to bring propaganda to the American people in an effort to soften the U.S. position with respect to Castro and Cuba.

And he showed our subcommittee a film clip of a Soviet naval squadron, including a nuclear-equipped submarine, moving through Caribbean waters near the Florida Keys.

Dr. Reyes reported that thousands of Russian technicians, instructors and military personnel are stationed in Cuba and have the air and naval strength there now in such quantity that Moscow might not back down if faced with a new missile crisis as was the case in 1962.

Other witnesses joined Dr. Reyes in deploring the fact that a project to promote the image of Castro and Cuban communism—a project known as EXPO-CUBA had been permitted to be launched in New York this past summer and was scheduled to be exhibited throughout the U.S. in months to come.

Dr. Reyes' testimony, as well as supporting testimony from other witnesses, was a sharp reminder that a major threat to our nation's security lies just 90 miles off our southeastern coast. We cannot afford to ignore it.

AMBASSADOR JOSEPH JOHN JOVA SPEAKS

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, on October 20 in Miami, Fla., the distinguished U.S. Ambassador to the Organization of American States spoke to the Inter-American Businessmen's Association. In an able and outstanding address Ambassador Joseph John Jova gave a learned review of the development of the Western Hemisphere. With emphasis upon Latin America he showed how the streams of life and development in the northern and southern part of the hemisphere had become intertwined and how interdependent all parts of the hemisphere are. Ambassador Jova emphasized that today Latin America is alive:

> Today Latin America is alive—actively and assiduously seeking the economic wherewithal to make up lost time.

Mr. Speaker, my colleagues and fellow citizens who read this able address will be informed and delighted. I, accordingly, ask that Ambassador Jova's address appear in the Record following my remarks:

REMARKS BY AMBASSADOR JOSEPH JOHN JOVA TO THE INTER-AMERICAN BUSINESSMEN'S ASSOCIATION

MIAMI, FLA.,
October 20, 1973.

In the course of my life this part of the United States has changed from a real frontier—a simple mix of vacationland and farm country—to a cosmopolitan gateway for the entire world. There were first the days of boom-and-bust speculation in South Florida swampland in the twenties, followed by a far more substantial boom in the next generation, when Miami and its environs became America's playground. And now in the past decade or so it has blossomed into a bilingual city, fast developing into an extremely busy center of inter-American business, banking, education, culture, medicine and society. True, Miami has about it little of that wonderful Latin culture exemplified in, say, Cuzco or Old Mexico. And it is not perhaps an industrial dynamo like a Pittsburgh or a Sao Paulo. I think it is rather uniquely the inter-American city of the future. For that reason it seems an ideal place for me as the United States Ambassador to the Organization of American States to meet with the Asociacion Interamericana de Hombres de Empresa. This dynamic organization is bringing together the real "fuerzas vivas" of some of the most active cities on the Gulf of Mexico and the Caribbean. As a resident of Washington I am particularly pleased at the establishment of a chapter in the Nation's

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capital. A city that, like Miami, is undergoing its own metamorphosis, in its case from a purely government city to a modern metropolis.

I trust that you are aware of the importance of private business at this point in the history of Latin America, when development is the main pre-occupation in every country. As businessmen, in your industrial, commercial and financial activities in Latin America you are, of course, concerned with making a profit. It is only right—indeed in our economic system it is indispensable—that you do so. But I hope too that you are conscious of your profound responsibility in the ongoing economic and social development of the hemisphere. Without such development, the outlook for business itself is dim indeed.

The United States and the industrial revolution were born at about the same time, twins out of the same mother. It should not be surprising then that the British colonies should be in the forefront of economic development. Latin America likewise grew up in the wake of a glorious tradition—the Spain of Columbus, Diego de Velasquez, Cortez, Cervantes; the Portugal of Henry the Navigator, of Camoes; of the bandeirantes; not to mention the Indian and African infusions which make our hemisphere so uniquely rich. But neither the Iberian tradition nor the Afro/Indian tradition sufficiently prepared Latin America for economic development in the twentieth century. I need not belabor the point: for complex reasons, the entrepreneurial spirit pervaded North America; and it was later in coming in most of the countries which developed south of the Rio Grande and the Straits of Florida. Those days are passed, however, and expanding economies in Latin America and your own presence here today is testimony of this fact. This little historical capsule is, I hope, sufficient to point up your importance as businessmen in the hemisphere's future. Latin America is no longer far from the center of the world's stage; no longer are there banana republics; no longer are large parts of America doomed to economic and social stagnation. No longer are its managerial and business talents confined to running haciendas or collecting urban rents.

Today Latin America is alive—actively and assiduously seeking the economic wherewithal to make up lost time. Most of the hemisphere must rely on the private sector to be the true motor of development. It must look to the membership of this association (for example) for trade, for capital, for technological expertise—whether you are nationals of the United States, of the host country or of a third country. Yet the climate for the private sector—and particularly for foreign investment—often seems gloomy. We have seen expropriations, nationalizations and the intention of some governments to control the activities of foreign companies. I think we—and by that I mean both the potential investor and the U.S. Government—should keep in mind that reasonable controls on investment are a fact of modern life and need not be against our long term interests. Host governments have a right to insure that investments are in the general welfare. But it is important for both government and investor to know what the rules of the game will be. By the same token, private investors have a right to stay away if the rules are too tough or their application too uncertain. I believe that most of the governments of Latin America recognize the importance of foreign investment to their economies, and I also believe most of them are increasingly aware that it is unwise to take actions which would discourage potential investors. In today's world capital is scarce and it flows only to those places where it is welcome. This fact should become increasingly clear during a period when development, with its never ending requirement for inflows of capital and technology, is the prime goal of every country of the hemisphere.

This very drive for development is opening vistas as well as creating problems for both business and government and has helped to create the present state of U.S.-Latin American relations. For those of you who are U.S. citizens especially, but for all of you, I think, the state of those relations is very important. I, therefore, propose to review briefly the picture as seen from my particular arena—the Organization of American States.

From the perspective of history, Inter-American relations show a central and recurring theme, the effort of Latin American nations to place restraints upon the behavior of its giant neighbor to the north. I don't use restraint in any pejorative sense. Nations, like human beings, do themselves no good when they behave in an unrestrained fashion. So it is good for us and it is good for every nation to agree to the placing of reasonable restraints, and I emphasize reasonable, upon its own behavior.

For many years the principal thrust of this effort lay in the field of political behavior as Latin America sought to restrain us from intervening, militarily or otherwise. The good neighbor policy was a recognition of the validity of the principle of non-intervention and (in 1947–48) it was made a treaty obligation in the Charter of the OAS and in the Rio Treaty.

When the nations of the hemisphere agreed, not without difficulty, to institutionalize the Inter-American System through the Charter of the OAS and the Rio Treaty, these steps were based on the existence of at least a rough consensus on hemispheric goals and principles. I would summarize this consensus in terms of four elements (a) non-intervention (b) the deterrence of extra-continental aggression (c) the maintenance of peace among the nations of the hemisphere themselves and (d) the acceptance of a system of cooperation among us all.

This consensus was later inadequate to deal with the drive toward economic and social development, which became increasingly important to the Latins in the fifties and suffered a partial breakdown which threatened the edifice of inter-American cooperation. This new concern led to Operacion Panamerica and the creation of the I.D.B., and, sharpened by the advent of the Castro regime, led directly to the Alliance for Progress during the administration of President Kennedy.

The accomplishments of the Alliance for Progress were many. But it has now been largely overtaken by events and by changes in attitudes both north and south. We have seen an erosion of the consensus that bound us together, an erosion that has been accelerated by the lessening of the threats of the Cold War era. In Latin America we have seen grow a nationalism that has become increasingly assertive in its concentration on development goals. For our part, we in the United States have become increasingly cognizant of the finite nature of our resources and our need to balance international responsibility with our duty to our own people.

The Nixon Doctrine was a direct response to these realities. Its concept of a mature relationship, without the paternalism of the past, of a realization that our capabilities are—and must of necessity be—directed to helping others to help themselves and its offer to respond to Latin initiatives in both trade and aid, was well received in both Latin America and at home.

Unfortunately, the war in Vietnam, our obligations at home, and a deteriorating balance of payments combined to make it difficult for us to be as responsive as we had hoped.

It is this complex of changed realities, then, that is reflected in Latin America's dissatisfaction with the existing system for development cooperation. It is precisely this dissatisfaction that underlies the complaints about the OAS and the Inter-American System as a whole and which led to the creation of a Special Committee of the OAS to reform the Inter-American System. This Committee has been meeting since June, first in Lima and now in Washington. The thrust of the Latin Americans is not so much for changes in the structure or organs of the OAS as for a change in the very relationship between the U.S. and Latin America.

In drawing up a new framework of relationships, some of the Latin American countries seek to obtain from the U.S. a commitment for additional legally binding obligations and restraints. For example, a system of collective economic security—complete with both obligations to provide assistance and with definitions of economic aggression—has been proposed. While the U.S. has no intention of committing economic aggression against any country, in an interdependent world, such as we have today, nearly anything one government does will have some impact on another. Sugar quotas in the U.S. affect world prices. An export embargo on a commodity affects the world supply situation. Moreover, it is easy to forget that this should apply to actions by Latin American governments against U.S. interests as well as vice versa. Therefore, I do not believe that such a wide-ranging system of collective economic security is acceptable to the U.S. at this time.

This is merely an example of the type of issue which faces us in the OAS now. There are many differences of opinion among OAS members, but we are working overtime in an effort to find formulas which will protect the interests of all parties.

I should make clear that our joint efforts in the Inter-American system run parallel to efforts on the world scene to order the relationships between the developed and the developing, an undertaking in which President Echeverria of Mexico has taken a leading role. In this connection, speaking of the development effort, Secretary of State Kissinger stated to the United Nations General Assembly:

"We will participate without conditions, with a conciliatory attitude and with a cooperative commitment. We ask only that others adopt the same approach. . . . We are willing . . . to examine seriously the proposal by the distinguished President of Mexico for a Charter of Economic Rights and Duties of States. Such a document, will make a significant and historic contribution if it reflects the true aspirations of all nations; if it is turned into an indictment of one group of countries by another it will accomplish nothing. To command general support—and to be implemented—the proposed rights and duties must be defined equitably and take into account the concerns of industrialized as well as of developing countries. The U.S. stands ready to define its responsibilities in a humane and cooperative spirit."

In short, the U.S. agrees that we need in the hemisphere an effective and active Inter-American System, but one based on reciprocity. We think it important to seek a new *consensus*, suitable to the times in which we live, but one that is realistic, which aims at enhancing "convergent interests" and at resolving the differences among us. We must approach this in a spirit of accomodation and realism and so must our neighbors. As the Foreign Minister of Colombia, Alfredo Vazquez Carrizosa, pointed out recently in the OAS Special Committee, Latin votes of twenty-two against one American are worth nothing in themselves. If decisions are to be meaningful, Dr. Vazquez said, a consensus must be worked out in which the United States can participate. Good faith—a will of all nations to work together for peace and development—these are the essentials of a workable Inter-American System

for the years ahead. In order to develop such a political will, Dr. Vazquez called for a conference of the hemisphere's foreign ministers. From the perspective of a diplomat and of someone whose vocation and personal commitment has been to the Inter-American relationship, I would like to point out some of the ground rules and conditions which determine how the game will be played.

First, countries make their own decisions on what reforms are needed; development is largely an internal question. Self-help is the most essential ingredient for development, and outside assistance—while important—is secondary. A set of rules and sanctions with respect to U.S. economic behavior will not substitute for the internal development process.

Secondly, we are dealing with sovereign states, including the U.S. Where there is conflict between U.S. interests and those of other sovereign states, one must recognize the legitimacy of interests on both sides and seek mutual advantage through a process of accommodation.

Thirdly, this is a richly diverse hemisphere, with differing views on many matters. At the last OAS General Assembly we joined together to recognize under the rubric of "plurality of ideologies" the diversity of political, social, economic systems. But at the same time a historic commonality of ideals and interests has joined the Americas into a living relationship which has endured since the days of our Independence. This vitality of the Inter-American System has often been overlooked.

My fourth and last point concerns a matter I touched on briefly before—the knotty issue of the behavior of private foreign investment. There simply is not enough public capital available overseas to fund the needs for capital in the developing countries. President Nixon, in his major Latin American policy speech in October 1969, emphasized the importance of foreign investment: "For a developing country," he said, "constructive foreign private investment has the special advantage of being a prime vehicle for the transfer of technology. And certainly, from no other source is so much investment capital available, because capital, from government to government on that basis, is not expansible. In fact it tends to be more restricted, whereas, private capital can be greatly expanded." The experience of Cuba in pre-Castro days and of Brazil today could hardly be more eloquent as examples of the truth of that statement.

At the same time, developing nations fear that foreign business may contravene national development policies or interests. All, of course, reserve to themselves the sovereign right to determine the conditions under which foreign investment operates. The issue involves strong emotions and real interests. It would be in everyone's interest to work out some means of resolving disputes in this area that would protect the legitimate interests of all concerned.

It is now part of our conventional wisdom that the U.S. has, for a number of years, been walking a valley of shadows. Our traditional optimism has been frustrated by the unsuspected stubbornness and complexity of problems both domestic and foreign. We have come to an equivocal tangle of complexities, new responsibilities and even setbacks in a world which is changing vertiginously. The United States has learned more of pain. And, if I may say so, I think we have learned also of humility.

Much of the thrust of this Administration's foreign policy reflects a realistic appreication of these events. Thus we have the Nixon Doctrine, detente, a determination not to be the policeman of the world, and particularly in Latin Amrica, a more modest perception of our true role. We also recognize the new Latin nationalism as a fact of life.

For several years we have been trying to mold our Latin American policy to these realities. We have consciously channeled a majority of our economic assistance through multilateral institutions such as the IDB and the World Bank. We have diminished the number of U.S. Government officials in Latin America. We have accepted the existence of a "plurality of ideologies" in the hemisphere. There is a realization that development is a complex matter indeed and most of the impulse must come from within.

While we are still as committed as we ever were to the desirability of economic and social development in Latin America, we want to do more listening and less talking. Because of the importance to us (and indeed to Latin America as well) of our own economic health, we have given priority to this issue. The U.S. and Latin America are traditional trading partners; we are mightily interested in the promotion of American exports, and the United States Government has given this new emphasis. And we are attempting, with due respect for the sovereignty of others, to protect what we have seen as legitimate interests of U.S. investors in Latin America and elsewhere abroad.

I need not emphasize that our efforts so far have not met with uniform success. At times we have lacked the style, the panache to project the seriousness of our intention to continue cooperating with Latin America while shedding the accoutrements of paternalism. And we have run into conflicts between how we see our economic interest and how several Latin American countries view their interests.

Despite this I am persuaded there is reason for optimism that U.S. relations with the other countries of the hemisphere can be improved in the years ahead. As Secretary Kissinger recently pointed out, we and the Latin Americans—despite our differences—have much the same principles based on freedom and human dignity. Despite differing levels of development within Latin America as well as between Latin American and the U.S., we share a tradition in which the private individual, the private entrepreneur, the private business organization have key roles in determining how society will develop.

I hope that each of us here will go forth with a deeply felt determination to help in the continuing construction of this hemisphere which we still know proudly as the New World. More and more, business is being called on to consider whether its activities are in the interest of those ideals about which we in the OAS speak—and I hope, think—a great deal. Namely, prosperity for the many, peace among the peoples of the world, the fulfillment of the individual man. Creation of healthy societies also is good business.

Through the Inter-American System the United States has a covenant to work together to improve the quality of the life for all people in the hemisphere. I feel confident that the private businessman can be counted on to do his part in the fulfillment of that covenant.

WORLD FOOD SITUATION CHRONICLED IN MINNEAPOLIS TRIBUNE

(Mr. FRENZEL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FRENZEL. Mr. Speaker, in recent months, it has become increasingly apparent to us in the Congress that the world's food supply is lagging woefully behind demand. We have heard Secretary of State Henry Kissinger urge the United Nations to step up its activities in the form of a world food conference, and pledge the U.S. support for U.N. food programs. In addition, recognized food experts, like Dr. Norman Borlaug, winner of the Nobel Prize, have urged that new emphasis be placed on world food sharing programs and grain reserves. And now, the Senate Committee on Agriculture has begun hearings on the subject.

In spite of this growing awareness in the Congress, this problem is obviously not a new one. People have been starving for centuries, and the world's food experts have always known about it. Unfortunately, it has often been said that little or nothing can be done. However, the "green revolution," spurred by Dr. Borlaug's super high yield grains, has begun. In addition, this country has for the first time in years, passed a production-oriented farm bill, which will certainly help to fill up America's breadbasket, and will help other nations, too, until they can produce as we do.

To provide some additional information on these problems and potential solutions, I am today inserting in the RECORD the first of a series of four articles by Minneapolis Tribune staff writer, Al McConagha, dealing with world food supply. The series contains vital information for all who want to know more about food supply and demand. The article by Mr. McConagha follows:

[From the Minneapolis Tribune, Oct, 28, 1973]

FOOD SUPPLY BECOMES WORLD CONCERN

(By Al McConagha)

WASHINGTON, D.C.—Last summer when we needed a banker to finance a slice of U.S. Choice, we also began hearing about starving Africans and soybeans so precious we couldn't sell them to foreigners.

When crop reports turned up on television news, it was clear that something was wrong with something the nation long had taken for granted—an ample supply of relatively low-cost food.

In his first speech as secretary of state, Henry A. Kissinger made it a global issue. He urged the United Nations on Sept. 24 to call a world food conference to deal with the "growing threat."

"Since 1969 global consumption of cereals has risen more rapidly than production," said Kissinger, outlining the difficulty. "Stocks are at their lowest levels in years.

"We now face the prospect that—even with bumper crops—the world may not rebuild its seriously depleted reserves in this decade," Kissinger told the General Assembly.

Argument rages over how depressed we should be at this news. But one point is as unmistakable as horseradish: When it comes to food, the world is a smaller place than we are accustomed to thinking of it.

The anchovy catch declines off the coasts of Peru, trimming an important source of animal protein, and the result is that the price of soybeans soars in New Ulm, Minn. And, as the cost of beans to the livestock producers takes off, the price of pork chops leaps in Paris.

The Soviet Union buys American wheat, and the world market goes up. As a result a hungry Pakistani can't afford his usual chapoatti, a cereal staple, and is less likely to get it on relief.

This oversimplifies, perhaps, but does not distort. It is clearer than ever that food—like energy and environment—involves manifold interconnection of men and conditions.

Food is a uniquely American asset. North

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America has become the world's dominant source of grain, largely because of superior soil, climate and technology.

With stocks at a 20-year low, the world depends each year on a good harvest on the prairies of the United States and Canada. That harvest, of course, depends on the weather.

To some American farmers, however, current fears are as recurrent as the weather. They see themselves in yet another cycle of the boom and bust that has characterized the nation's farm history.

The last food "crisis" occurred in 1965–1966. Two successive monsoon rain failures devastated Indian harvests and a U.S. grain armada saved perhaps 60 million people.

At that time there also was "new-era" talk. Then Agriculture Secretary Orville Freeman, former Minnesota governor, in 1966 relaxed wheat restrictions and some 30 percent more acres went into production.

To be ready for the anticipated wave of high prices, farmers went further into debt equipping themselves. Farm-related industries, such as fertilizer, expanded to get in on the boom.

During that summer's harvest, however, wheat prices plunged and surpluses again headed into government storage. These stocks continued to build until the controversial wheat sale to the Soviet Union.

CROPS FAIL IN PHILIPPINES, INDIA

At the same time the prophesies of disaster that had accompanied the hardships in India gave way to euphoria over the seemingly boundless promise of the "Green Revolution."

These new rice and wheat varieties offered hope at the end of the 1960s that food production would keep up with population growth. They now appear merely to have postponed the hour of crisis.

The high-yield wheat and rice did, however, provide some significant successes and India, for instance, became self-sufficient in wheat before it was set back by drought in 1972.

That was the year of reversal on many food production fronts. Besides subnormal rain in India, drought and typhoons damaged the Phillippine rice and corn crops. Peru's anchovy harvest failed, cutting fishmeal supplies. Six African nations below the Sahara suffered their fifth consecutive year of drought. Poor conditions also cut deeply into harvests of major grain exporters, giving Australia its poorest wheat crop in 13 years and forcing Argentina to suspend exports of durum, bread wheats and flour.

That year, too, winter kill and a dry summer reduced the Soviet wheat crop. And it was at this point that the decisions of governments also began to have an impact.

Instead of asking its people to go without as it had in the past, the Kremlin bought 28 million tons of grain overseas to spare its livestock herds and continue its protein development program.

At the same time the United States decided to meet escalating world demand and (with the exception of the soybean embargo) opened its bins and sold off all of its government-owned stocks.

Another governmental decision also raised world demand. Two formal and one unofficial dollar devaluations had the effect of lowering U.S. export prices and spurring foreign buying.

Willingness to spend money on farm products also was fueled to generally expanding economies in the industrial nations that bid up the prices of grain and protein used to feed livestock for the production of meat.

The impact of all this on American food prices at home is well known. It also led to a trade boom overseas. U.S. food exports increased from $8.1 billion in 1972 to $12.9 billion this year.

Implications for the future are uncertain. Some economists see the convulsions of the past 18 months as a peculiar combination of bad luck and poor weather not likely to be repeated.

The United States is expected to have a record crop this year and next. The global food production outlook is favorable although there is drought in West Africa, North Africa and the Mideast.

Don Paarlberg, Agriculture Department director of economics, says supplies are likely to remain quite tight this marketing year but crop failure on last year's scale are "unlikely on a continuing basis."

Generally speaking, the department thinks food supply and demand will be in a "reasonably good" equilibrium in the next decade or so but that prices will be "substantially" higher than in the 1960s.

PESSIMISTS SEE GROWING FOOD SHORTAGE

Obviously prediction is hazardous. "The problem is we don't know what is going to happen next January let alone what is going to happen next year," says D. Gale Johnson of the University of Chicago.

Nevertheless, he predicts that the present tight supply situation will ease in one or two years and continued high prices will depend largely on expanded trade through negotiation.

More pessimistic observers, while not ruling out possible relaxation of supply problems for a few years, believe the current trend is toward increasingly chronic food scarcity.

Not even the most optimistic Agriculture Department analyst contends that agriculture can meet the demands of population growth indefinitely. So the cosmic question becomes not if, but when, we won't have enough.

Sen. Hubert Humphrey, D-Minn., a close student of the issue, talks of some starvation within five years. Agriculture Secretary Earl Butz says we have a couple of decades to get population under control.

Population causes the historic demand for more food. The number of people on earth has been rising by about 2 percent (75 to 80 million) each year and has for the past 40 years.

This requires food production also to double in little more than a generation to meet minimal food requirements to prevent starvation—and this begs the monumental issue of the malnutrition that affects millions of people who have enough food to stay alive but not to stay healthy.

Moreover, there is lately a new appreciation of the impact of affluence on food supply. As incomes go up, so does the demand in all industrial countries for red meat.

And it takes anywhere from 3 to 8 pounds of grain to produce a pound of poultry, pork or beef.

Lester R. Brown, senior fellow of the Overseas Development Council, is particularly active in stressing the effect of this hunger for livestock products on the world grain supply.

As he calculates it, grain consumed directly represents 52 percent of man's food supply. In poor countries the annual availability of grain for each person averages some 400 pounds each year.

In the United States and Canada each person uses about one ton of grain a year. Only about 150 pounds are eaten directly. The balance is passed through animals and consumed as meat, milk and eggs.

Also, the per capita consumption of beef rose in the United States from 55 pounds in 1940 to 117 pounds in 1972. During the same period poultry consumption increased from 18 to 51 pounds.

At the same time there are serious restraints on production. The best land is already cultivated. Poor practices are eroding other soils. Soybeans resist laboratory efforts to improve their yields.

Weather, on which all crops depend, remains uncertain. Brown contends that drought has visited the United States in 20-year cycles since the Civil War—and another one is on the way.

Although this thesis has not found wide acceptance, weather does seem to come in cycles and some experts are disturbed by persistent rainfall deficiencies in the Dakotas and western Minnesota.

Reid A. Bryson, University of Wisconsin meteorologist, says the earth's climate is now changing in a way that poses a staggering threat of drought and famine for the Indian subcontinent.

"I would say the food problem has never been so serious in the history of the world," William Paddock, Washington food consultant and author, observes.

"For people to live on the brink of starvation is not unusual. But for so many to live on the brink is unusual," he adds. "For the first time in my memory there is no food reserve to help them."

A. H. Boerma, director-general of the U.N. Food and Agriculture Organization, adds the lament that "enough decent food for millions of human beings may simply depend on the whims of one year's weather. Is this," he asks, "a tolerable human condition?"

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to:

Mr. Podell (at the request of Mr. O'Neill), for today, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Shuster) to revise and extend their remarks and include extraneous matter:)

Mr. Treen, for 10 minutes, today.
Mr. Talcott, for 10 minutes, today.
Mr. Kemp, for 10 minutes, today.

(The following Members (at the request of Mrs. Schroeder) to revise and extend their remarks and include extraneous matter:)

Mr. Morgan, for 30 minutes, today.
Mr. Flood, for 5 minutes, today.
Mr. Gonzalez, for 5 minutes, today.
Mr. Reuss, for 10 minutes, today.
Mr. Fulton, for 5 minutes, today.
Mr. Frazer, for 5 minutes today.
Mr. Fuqua, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Shuster) and to include extraneous matter:)

Mr. Blackburn in two instances.
Mr. Treen in two instances.
Mr. Esch.
Mr. Shuster.
Mr. Robison of New York.
Mr. Bray in three instances.
Mr. Erlenborn.
Mr. Archer in two instances.
Mr. Landgrebe in 10 instances.
Mr. Hanrahan.
Mr. Steiger of Wisconsin in two instances.
Mr. Cleveland in two instances.

Mr. Widnall.
Mr. Hosmer in three instances.
Mr. Shriver.
Mr. Zwach in six instances.
Mr. Roncallo of New York in two instances.
Mr. Collins of Texas in three instances.
Mr. Wyman in two instances.
Mr. Kemp in two instances.
Mr. Towell of Nevada.
Mr. Mizell in five instances.

(The following Members (at the request of Mrs. Schroeder) and to include extraneous matter:)

Mr. Tiernan.
Mr. Gonzalez in three instances.
Mr. Rarick in three instances.
Mr. Drinan in five instances.
Mr. Owens in 10 instances.
Mr. Culver in six instances.
Mr. McCormack.
Mr. Harrington in five instances.
Mr. Moorhead of Pennsylvania in 10 instances.
Mr. Kastenmeier.
Mr. Teague of Texas in six instances.
Mr. Reid.
Mrs. Schroeder in 10 instances.
Mr. Charles H. Wilson of California.
Mr. Milford in two instances.
Mr. Moss.
Mr. Moakley in 10 instances.
Mr. Nedzi in four instances.
Mr. Vanik in three instances.
Mr. Carey of New York.
Mr. Stokes.
Mr. Flowers.
Mr. Byron in 10 instances.
Mr. Rogers in five instances.
Mr. Hamilton in two instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 702. An act to designate the Flat Tops Wilderness, Routt and White River National Forests, in the State of Colorado; to the Committee on Interior and Insular Affairs.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 11. An act to grant the consent of the United States to the Arkansas River Basin compact, Arkansas-Oklahoma.

ADJOURNMENT

Mrs. SCHROEDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 37 minutes p.m.), the House adjourned until tomorrow, Thursday, November 1, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1492. A letter from the Secretary of the Army, transmitting a report on the number of officers on duty with Headquarters, Department of the Army and detailed to the Army General Staff on September 30, 1973, pursuant to 10 U.S.C. 3031(c); to the Committee on Armed Services.

1493. A letter from the Assistant Secretary of the Interior, transmitting a report on donations received and allocations made from the fund "14X8563 Funds Contributed for Advancement of Indian Race, Bureau of Indian Affairs" during fiscal year 1973, pursuant to 25 U.S.C. 451; to the Committee on Interior and Insular Affairs.

1494. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed concession contract for the continued operation of a mountain handicraft center for the public in the Cone Manor House at Moses H. Cone Memorial Park on the Blue Ridge Parkway, N.C., through December 31, 1978, pursuant to 67 Stat. 271 and 70 Stat. 543; to the Committee on Interior and Insular Affairs.

1495. A letter from the Chairman, U.S. Atomic Energy Commission, transmitting a draft of proposed legislation to amend the Atomic Energy Act of 1954, as amended, to delete the requirement that Congress authorize amounts of special nuclear material which may be distributed to a group of nations; to the Joint Committee on Atomic Energy.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MELCHER: Committee of conference. Conference report on S. 1081 (Rept. No. 93–617). Ordered to be printed.

Mr. PRICE of Illinois: Committee on Standards of Official Conduct. House Resolution 128. Resolution expressing the sense of the House of Representatives with respect to actions which should be taken by Members of the House upon being convicted of certain crimes, and for other purposes (Rept. No. 93–616). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BIESTER:

H.R. 11200. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BIESTER (for himself, Mr. Coughlin, Mr. McDade, Mr. Heinz, Mr. Andrews of North Dakota, Mr. Eshleman, Mr. Frelinghuysen, Mr. Hillis, Mr. Johnson of Pennsylvania, Mr. McKinney, Mr. Ruppe, and Mr. Winn):

H.R. 11201. A bill to provide for the appointment of a Special Prosecutor to investigate and prosecute any offense arising out of campaign activities with respect to the election in 1972 for the Office of President; to the Committee on the Judiciary.

By Mr. BOLAND:

H.R. 11202. A bill to authorize and direct the President and State and local governments to develop contingency plans for reducing petroleum consumption, and assuring the continuation of vital public services in the event of emergency fuel shortages or severe dislocations in the Nation's fuel distribution system, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BROTZMAN:

H.R. 11203. A bill to amend the Federal Food, Drug, and Cosmetic Act to include the definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CAMP:

H.R. 11204. A bill to provide for the establishment of an American Folk Life Center in the Library of Congress, and for other purposes; to the Committee on House Administration.

By Mr. CORMAN (for himself and Mr. McCloskey):

H.R. 11205. A bill to amend the Social Security Act to provide the States with maximum flexibility in their programs of social services under the public assistance titles of the act; to the Committee on Ways and Means.

By Mr. EVANS of Colorado (for himself, Mr. Brown of California, Mrs. Chisholm, Mr. Danielson, Mr. William D. Ford, Mr. Hechler of West Virginia, Mr. Lehman, Mr. Long of Maryland, Mr. Moakley, Mr. Podell, Mr. Riegle, Mr. Roybal, Mrs. Schroeder, Mr. Charles H. Wilson of California, Mr. Wolff, and Mr. Won Pat):

H.R. 11206. A bill to prohibit payment of salaries of heads of departments, agencies, and other organizational units of the executive branch which do not comply with requests of committees of Congress for certain information, and for other purposes; to the Committee on Rules.

By Mr. FLOOD (for himself, Mr. Kyros, Mr. Mann, Mr. Carter, Mr. Parris, Mr. Conte, Mr. Shriver and Mr. Hastings):

H.R. 11207. A bill to extend for 3 years the District of Columbia Medical and Dental Manpower Act of 1970; to the Committee on the District of Columbia.

By Mr. HARSHA:

H.R. 11208. A bill to amend chapter 29 of title 18, United States Code, to prohibit certain election campaign practices, and for other purposes; to the Committee on House Administration.

By Mr. HILLIS:

H.R. 11209. A bill to provide for the appointment of a Special Prosecutor to investigate and prosecute any offense arising out of campaign activities with respect to the election in 1972 for the Office of President; to the Committee on the Juliciary.

By Mr. KOCH (for himself, Mr. McCloskey, and Mr. Nix):

H.R. 11210. A bill to amend certain provisions of the Controlled Substances Act relating to marihuana; to the Committee on Interstate and Foreign Commerce.

By Mr. LENT (for himself, Mr. Wydler, and Mr. Roncallo of New York):

H.R. 11211. A bill to provide for the appointment of a Special Prosecutor to investigate and prosecute any offense arising out of campaign activities with respect to the election in 1972 for the Office of President; to the Committee on the Judiciary.

By Mr. McCORMACK (for himself, Mr. Teague of Texas, Mr. Mosher, Mr. Goldwater, Mr. Hechler of West Virginia, Mr. Symington, Mr. Thornton, Mr. Roe, Mr. Brown of California, Mr. Winn, Mr. Bell, Mr. Pickle, Mr. Parris, Mr. Gunter, Mr. Esch, Mr. Martin of North Carolina, Mr. Fuqua, Mr. Cronin, Mr. Bergland, Mr. Downing, Mr. Cotter, Mr. Conlan, Mr. Hanna, Mr. Frey, and Mr. Milford):

H.R. 11212. A bill to further the conduct of research, development, and commercial demonstrations in geothermal energy technologies, to direct the National Science Foundation to fund basic and applied research relating to geothermal energy, and to direct the National Aeronautics and Space Administration to carry out a program of demonstrations in technologies for commercial uti-

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lization of geothermal resources including hot dry rock and geopressured fields; to the Committee on Science and Astronautics.

By Mr. McKINNEY (for himself, Mr. CONTE, Mr. FAUNTROY, Mr. FRENZEL, Mr. JOHNSON of Colorado, Mr. MITCHELL of Maryland, Mr. MOSHER, and Mr. STARK):

H.R. 11213. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to dietary supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MOAKLEY:

H.R. 11214. A bill to amend title 3 of the United States Code to provide for the order of succession in the case of a vacancy both in the Office of President and Office of the Vice President, to provide for a special election procedure in the case of such vacancy, and for other purposes; to the Committee on the Judiciary.

By Mr. PEPPER (for himself, Mrs. BOGGS, and Mr. CONYERS):

H.R. 11215. A bill to amend title VII of the Older Americans Act relating to the nutrition program for the elderly to provide authorization of appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. PRICE of Illinois (by request):

H.R. 11216. A bill to amend Public Law 93–60 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. ROE:

H.R. 11217. A bill to establish a National Environmental Bank, to authorize the issuance of U.S. environmental savings bonds, and to establish an environmental trust fund; to the Committee on Banking and Currency.

H.R. 11218. A bill to amend the Small Business Act; to the Committee on Banking and Currency.

H.R. 11219. A bill to amend the Public Health Service Act to provide for programs for the diagnosis and treatment of hemophilia; to the Committee on Interstate and Foreign Commerce.

H.R. 11220. A bill authorizing the Secretary of the Interior to issue certain obligations and to utilize the revenues therefrom to acquire additional wetlands; to the Committee on Merchant Marine and Fisheries.

By Mr. ST GERMAIN (for himself, Mr. ANNUNZIO, Mr. BARRETT, Mr. MOORHEAD of Pennsylvania, Mr. BRASCO, Mr. COTTER, Mr. HANLEY, Mr. JOHNSON of Pennsylvania, Mr. MOAKLEY, and Mr. RONCALLO of New York):

H.R. 11221. A bill to provide full deposit insurance for public units and to increase deposit insurance from $20,000 to $50,000; to the Committee on Banking and Currency.

By Mr. SCHERLE:

H.R. 11222. A bill to authorize the establishment and maintenance of reserve supplies of soybeans, corn, grain, sorghum, barley, oats, and wheat for national security and to protect domestic consumers against an inadequate supply of such commodities; to maintain and promote foreign trade; to protect producers of such commodities against an unfair loss of income resulting from the establishment of a reserve supply; to assist in marketing such commodities; to assure the availability of commodities to promote world peace and understanding; and for other purposes; to the Committee on Agriculture.

By Mrs. SULLIVAN (for herself, Mr. CLARK, Mr. DOWNING, Mr. GROVER, and Mr. MAILLIARD):

H.R. 11223. A bill to authorize amendment of contracts relating to the exchange of certain vessels for conversion and operation in unsubsidized service between the west coast of the United States and the territory of Guam; to the Committee on Merchant Marine and Fisheries.

By Mr. TEAGUE of Texas (by request):

H.R. 11224. A bill to amend the District of Columbia Sales Tax Act to exempt certain food programs from the imposition of the sales tax; to the Committee on the District of Columbia.

By Mr. WHITE (for himself and Mr. HANLEY):

H.R. 11225. A bill to amend title 13, United States Code, to prohibit delaying or postponing the preparation, the taking or the publishing of any of the statistical compilations or periodic censuses required by said title, and for other purposes, to the Committee on Post Office and Civil Service.

By Mr. BOB WILSON:

H.R. 11226. A bill to amend section 911 (a)(2) of the Internal Revenue Code of 1954 to permit alien residents to exclude from gross income certain income earned abroad in the same manner as U.S. citizens; to the Committee on Ways and Means.

By Mr. CHARLES WILSON of Texas (for himself and Mr. ECKHARDT):

H.R. 11227. A bill to amend title 1 of the Marine Protection, Research, and Sanctuaries Act of 1972 in order to facilitate the enforcement of the ocean dumping laws by requiring that dye or other effective visual marking be used to identify where wastes are dumped; to the Committee on Merchant Marine and Fisheries.

By Mr. CAREY of New York:

H. J. Res. 803. Joint resolution to provide for the appointment of a Special Prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. CASEY of Texas:

H.J. Res. 804. Joint resolution authorizing the President to proclaim the week beginning on the second Monday in November each year as Youth Appreciation Week; to the Committee on the Judiciary.

By Mr. HUBER (for himself and Mr. SEBELIUS):

H. Con. Res. 374. Concurrent resolution expressing the sense of the Congress with respect to the missing in action in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. BEVILL:

H. Res. 674. Resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

By Mr. KUYKENDALL:

H. Res. 675. Resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

By Mr. O'NEILL (for himself, Mr. COHEN, Mr. COLLINS of Texas, Mr. DOWNING, Mr. ESHLEMAN, Mr. JONES of Oklahoma, Mr. MOSS, Mr. SHRIVER, Mr. TAYLOR of North Carolina, and Mr. WIDNALL):

H. Res. 676. Resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

By Mr. SHUSTER:

H. Res. 677. Resolution to investigate Archibald Cox and his task force; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOLAND:

H.R. 11228. A bill for the relief of Sunshine Art Studios, Inc.; to the Committee on the Judiciary.

By Mr. BOB WILSON:

H.R. 11229. A bill for the relief of Mrs. Harry F. Armstrong; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

323. The SPEAKER presented a memorial of the Senate of the Commonwealth of Massachusetts, relative to support of the State of Israel; to the Committee on Foreign Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII,

346. The SPEAKER presented a petition of Renato Luppi, Ferarra, Italy, relative to economic aid to the Soviet Union; to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

TREASURY STUDY SUPPORTS THE VANIK-MOSS APPROACH TO GASOLINE CONSERVATION—IV

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. VANIK. Mr. Speaker, the Treasury Department has recently completed a staff study which explores the potential for gasoline conservation through the institution of an excise tax on new automobiles. The level of the tax would vary with the efficiency of the vehicle—those which are the most inefficient pay the highest tax. Senator Moss and I have been joined by 39 of my colleagues in sponsoring legislation—H.R. 9859—to accomplish this task. The Treasury study was conducted with assumptions which are alined closely with the Vanik-Moss bill.

I would like to outline briefly some of its major points:

First. The American auto industry can produce large cars which yield close to 20 miles per gallon using existing technology without sacrificing comfort, styling, or exhaust emission standards.

Second. Through such a tax gasoline savings could reach 1 million barrels a day by 1980.

Third. The proposed tax will not adversely affect the competitive position of American autos with regard to foreign imports.

Mr. Speaker, I believe that the conclusions of this study are so important to our energy future that I am enclosing

the entire text of this report in the RECORD.

TREASURY DEPARTMENT STUDY

DOWNWARD SHIFT

It is also possible that many owners of large cars would shift to smaller cars, rather than no cars as a result of the tax. It seems clear that some Ford owners might shift to a Maverick, or a Chevelle owner might shift to a Vega. How pronounced would this shift be? We have found no studies which would provide any information on this subject. In the absence of any data, we have elected to ignore the possibility. To the extent that it happens, of course, this will be a useful national trend which will aid in gasoline savings. But since there is already a massive national shift in this direction, we have assumed that this trend would continue, but that it would not be augmented by the tax.

WHAT SAVINGS IN GASOLINE WOULD OCCUR FROM THE TAX?

The gasoline savings can be estimated by the following gas consumption before the tax—estimated gas consumption after the tax equals gasoline savings.

To make this calculation requires some assumptions:

(a) There will be no savings from high priced cars or foreign cars.

(b) The savings apply, of course, only to new cars, so the effect is spread slowly, year by year, throughout the automotive fleet.

(c) The present trends on annual automobile mileage will continue. These trends are shown in Report No. 2 of the Nationwide Personal Transportation Study of DOT, April 1972 as being as follows:

Age of Car (year) and Avg. No. of Miles driven in 1 year:

New	17,600
1	16,200
2	13,200
3	11,500
4	11,700
5	10,000
6	10,400

These figures are modified to introduce a scrappage factor based on scrappage in previous years. (1965 was used as a base). Accordingly, the scrap rate of new cars is taken as follows:

Year and percentage of cars remaining:

	Percent
1	100
2	99.6
3	99.3
4	96.4
5	93.9
6	89.8

Thus modified, the annual mileages of cars are adjusted by the scrappage factor:

Year and Avg. miles driven (less scrappage):

1	17,500
2	16,068
3	13,108
4	10,990
5	10,517
6	8,950

Using these assumptions, therefore, gasoline savings can be calculated as follows:

$$\left[\frac{L_p}{M_{lp}}-\frac{L_a}{M_{la}}\right]+\left[\frac{S_p}{M_{sp}}-\frac{S_a}{M_{sa}}=r_{75}'r_{76}'r_{77}-r_{80}\right.$$

Where

L_p = pretax large car sales

L_a = after tax large car sales

M_{lp} = pretax large car miles per gallon

M_{la} = after tax large car miles per gallon

Sp, Sa, M_{sp}, M_{sa} = small car data

And total gasoline savings (g) each year are as follows:

$g_{75}=r_{75}\,(17{,}500)$

$g_{76}=r_{76}\,(17{,}500)+r_{75}\,(16{,}068)$

$g_{77}=r_{77}(17{,}500)+r_{76}(16{,}068)+r_{75}(13{,}108)$

ek

$g_{80}=r_{80}(17{,}500)+r_{79}(16{,}068)+r_{78}(13{,}108)$

From these calculations, $r_{75}=52.34$; $r_{76}=169.66$; $r_{77}=232{,}62$; $r_{78}=260.75$: $r_{79}=270.71$; $r_{80}=259.92$.

and annual gas savings are:

	Millions of gallons of gas	Barrels per day
Year:		
1975	916	59,686
1976	3,804	248,140
1977	7,466	487,018
1978	11,076	722,504
1979	14,365	938,256
1980	17,098	1,115,329

Translated into specific terms, this means that the fuel economy tax, by 1980, could be saving one million barrels a day of gasoline: this is roughly one half of the projected output of the Alaska pipeline by 1980, so the saving is substantial.

REVENUE EFFECTS

It is now possible to summarize the revenue to be derived from a fuel economy tax, as shown on the following chart:

TAX REVENUE FROM THE FUEL ECONOMY TAX, 1975–80

	1975	1976	1977	1978	1979	1980
Tax rate (per EG)	$80	$160	$235	$235	$235	$235
High price cars sales (thousands)	257	257	257	257	257	257
Tax paid per car	$414	$827	$1,215	$1,215	$1,215	$1,215
Total tax revenue (thousands)	$106,398	$212,539	$312,255	$312,255	$312,255	$312,255
Large cars sales (thousands)	4,561	3,814	3,371	3,053	2,685	2,451
Tax paid per car	$386	$576	$503	$294	$132	$132
Total revenue (thousands)	$1,760,546	$2,196,864	$1,695,613	$897,582	$354,420	$323,532
Small cars sales (thousands)	$2,933	$3,209	$3,497	$3,841	$4,198	$4,465
Tax paid per car	$100	$114	$61			
Total revenue (thousands)	$293,300	$365,826	$213,317			
Foreign cars sales (thousands)	1,584	1,584	1,584	1,584	1,584	1,584
Tax paid per car						
Total revenue						
Total revenue (billions)	$2.16	$2.78	$2.2	$1.2	$0.6	$0.6

[1] Some large imports would, of course, pay some tax since their mpg is less than 20. The number of such imports is so small ,however, as to be negligible in this chart.

The tax would generate the most revenue in 1976 when the tax was only $160 per EG. It would rapidly fall off to $600 million by 1979 when the mass of American car owners would be driving in smaller sized fuel-efficient vehicles getting close to 20 mpg.

AIR CONDITIONING

The EPA study indicates that air conditioning adds about 9 percent to the fuel usage of an automobile in the months in which it is used. If we average Florida (12 months) with Maine (2 months) we can perhaps assume a national average of 6 months of the year, i.e., a 4.5 percent fuel use increase. A new car equipped with factory air conditioning would thus pay a fuel economy tax which would include an allowance for the cost of the air conditioning. This opens up, however, a major loophole for add-on air conditioning since it would obviously be considerably cheaper to have air conditioning units added on after the purchase of the car and thus avoid a significant portion of the excise tax.

To eliminate this loophole therefore, it would be necessary also to tax add-on air conditioning for automobiles at about the same rate. This should not penalize the add-on air conditioning business but simply keep the two types of air conditioning on an equal basis.

How much should the add-on air conditioning tax be?

To make this determination it is necessary to determine how much the tax on factory air conditioning would be. The simplest method is to take the median 1973 car rates in terms of weight. This is a Ford Torino weighing 3,700 lbs., curb weight, its inertia weight being 4,000 lbs. This car should deliver an average of 11.2 miles per gallon or 8.92 gallons per hundred miles. About 75 percent of new cars come equipped with air conditioning so we may assume that the median Torino has .75 of an air conditioning unit. After calculating the cost, it can be shown[1] that air conditioning in the median car costs an annual average of .39 gallons per hundred miles. Multiplying this figure by $235 per EG equals an excise tax of $91.88 on add-on automobile air conditioning to equate them with the excise tax on factory air conditioning.

FOREIGN CARS

One often cited obstacle to a fuel economy tax is the claim that it would temporarily give a competitive advantage to foreign imports. These generally have greater fuel economy and hence, would pay a lesser fuel economy tax than U.S. automobiles (or in most cases no fuel economy tax at all).

The facts do not support this claim. It is true, of course, that the tax would provide a slight competitive advantage to luxury type foreign imports such as the Mercedes or the Volvo which are light in weight, high in mpg, but long on luxury. But these cars are an extremely small percentage of total sales totaling less than 1 percent of all U.S. car sales.

[In the case of the competitive automobiles such as the Volkswagen, Toyota, Datsun, Opel and Fiat, the tax should not be of significant help. There are two reasons for this:]

a. Phasing of incremental tax increases

The U.S. automobile industry needs time to design fuel-efficient machines and to get them into production. Given sufficient time, it is probable that the automobile manufacturers can build competitive vehicles. But the industry is unlikely to begin work until it knows that there are economic incentives requiring it. It is for this reason that it is proposed that the tax be enacted in 1973 applying to 1975 models and that this initial tax be a modest tax ($80/£G) with increasing taxes for 1976 and 1977. This system should give sufficient warning and lead time to the U.S. industry without giving major competitive advantage to foreign automobiles.

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[1] Median car (Ford Torino) inertia wt. 4,000 lbs. mpg 11.2 w/o AC.

Includes .75 of a.c. ac=4.5 percent less mpg. . . includes (.75) (.045) =.

$\therefore$

[1 – (.75)(.045)] 11.2=10.74 mpg with AC.

GPCM without AC=8.92.

GPCM with AC=9.31.

EG from AC=.39.

Tax @$235=$91.88.

b. Devaluation of the dollar

The successive devaluation of the dollar and the reevaluation of foreign currencies have been particularly meaningful in regard to imported car prices. Competitive models are now at or above U.S. prices with the sole exception of the Toyota.

	1973 price[1]	Price increase since 1971 (percent)
Datsun 1200	$2,245	+26.4
Fiat 128 2-door sedan	2,245	+22.0
V.W. Beetle	2,249	+19.2
Toyota 1200	1,998	+11.1
Gremlin 6	2,098	+10.5
Pinto 4	2,021	+5.3
Vega	2,087	−.1

[1] Includes dealer preparation fees, excludes local transportation, local taxes.

The addition of a small fuel economy tax to the three sub-compact automobile prices will still leave them cheaper than any comparable foreign import except the Toyota.

For the above reasons, therefore, it is believed that the fuel economy tax will not provide an overwhelming advantage to foreign automobiles.

RESOLUTION ON IMPEACHMENT

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. DRINAN. Mr. Speaker, I attach herewith a significant statement adopted by the board of trustees of the Unitarian Universalist Association of America on October 28, 1973.

This resolution recommending the impeachment of the President was adopted by the board of trustees by a vote of 23 "yeas" and 1 "nay."

The Unitarian Universalist Association is composed of over 1,000 churches and fellowships in the United States and Canada with its continental headquarters in Boston.

This resolution of impeachment adopted by the national decisionmaking body of the Unitarians in America has been promulgated by the joint Washington Office for Social Concern—a unit which is a cooperative effort to apply the insights of humanistic ethics and liberal religion to major problems facing American society.

The impeachment resolution of the Unitarians follows:

RESOLUTION ON IMPEACHMENT

Adopted by the Board of Trustees of the Unitarian Universalist Association of America, at Boston, October 28, 1973

The loss of confidence in the Nixon administration and the proliferating charges of high crimes and misdemeanors leveled against the President have caused a grave and threatening national crisis.

The events of the past weeks have demonstrated that the best way to resolve this crisis is for the House of Representatives to initiate formal impeachment proceedings so that all the facts can be uncovered.

Therefore be it resolved that the Unitarian Universalist Association Board of Trustees:

1. Calls on the Congress to fulfill its constitutional responsibility by initiating such impeachment procedures;

2. Urges member UUA congregations in the United States to speak out on this issue and communicate their stand to their Representatives;

3. Directs the President of the Unitarian Universalist Association to transmit this action to other religious organizations in the hope that they, too, will do all in their power to help restore our nation's self-confidence and pride.

TRUTH ABOUT HEARING AIDS

HON. DALE MILFORD

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. MILFORD. Mr. Speaker, as a result of an earlier published article in the CONGRESSIONAL RECORD, a constituent of mine, Bill Keeler, contacted me about many glaring errors in that report. Mr. Keeler is a hearing aid specialist in Dallas and is president of the Texas Hearing Aid Association.

To rebut the earlier article written by a high school student, Mr. Keeler contacted Marvin H. Pigg, president of the National Hearing Aid Society, to respond point by point to the earlier report.

Being one of the many thousands that wear hearing aids, I would like to insert it in the RECORD so that my colleagues will be aware of the true facts concerning hearing aids.

NATIONAL HEARING AID SOCIETY,
Detroit, Mich., October 12, 1973.

Hon. DALE MILFORD,
House of Representatives,
Washington, D.C.

DEAR SIR: When you consider that the hearing aid industry has devoted itself to the welfare of the hearing impaired for over 60 years, that it has developed sophisticated equipment to test hearing and then compensate for the hearing loss with such tiny but effective devices, that the industry itself has been one of the most powerful and constructive forces in reaching and maintaining high levels of competence and ethics in the field, and that this has been possible only because of the thousands of dedicated individuals in the field who made it happen, we are dismayed that the narrow and erroneous views of a high school student should be awarded the credibility and stature to be read before Congress and placed in the Congressional Record.

The record should be set straight about the report of Ms. Nadine Woodard, which Representative Gilbert Gude introduced into the Congressional Record on August 3, 1973. Although Representative Gude said that this is "a close study of the problems and the possible solutions", by a student intern, and that he had "selected one that shows especially conscientious research", the report by Ms. Woodard was not original research at all, and was almost totally extracted from a report written by a group of college students in Minnesota. The Minnesota report, known as the MPIRG report and published in November, 1972, has been discredited, but the truth has had difficulty catching up with it. The language of both reports was emotionally charged, opinion-loaded, inflammatory, and unworthy of any report purporting to be objective research. Phrases such as "unscrupulous sales techniques," "unjustifiable profits," and "outrageous prices" are not substantiated by fact. Consider, for example, the conclusion: "Incompetence, deceptive and misleading statements, inadequate or even non-existent testing and testing facilities and extreme pressure tactics have made the hearing aid industry into what it is today. The industry is analogous to a spider, as it preys on people like flies once they have been trapped in the web of deafness. It is time that its stranglehold on the destinies of the hearing impaired be released." This statement is without substance; yet, the hysterical tone of its dramatic rhetoric would alarm and frighten the hearing impaired, causing further reluctance in obtaining care. It portrays the hearing aid industry as an unscrupulous predator on the hearing handicapped, when, in fact, it has been one of the most dedicated protectors and benefactors of the hearing impaired.

Point by point, some errors contained in Ms. Woodard's report are as follows:

1. "Bulging under clothing or protruding from the ear . . ." This statement is not correct. All body-type aids can be worn in cloth carriers which fit close to the body and do not bulge. "Protruding from the ear" applies only to the receivers used with body-type aids. With behind-the-ear aids or eyeglass aids, nothing protrudes from the ear. With the all-in-the-ear aids, the aid is visible but does not protrude unless the user has a very small ear. Modern technology has permitted manufacturers to produce small hearing aids. This was not always true, however, for in the 1930's, the batteries were in a separate box which was strapped to the user's leg. At that time, the complete hearing aid weighed over two pounds, while today, it weighs just a few ounces.

2. "These high prices help to explain the fact that while fifteen million Americans have significant hearing impairments, only ten percent of those afflicted wear hearing aids." Objective evidence indicates that primary reason people are reluctant to wear a hearing aid is vanity. They must be motivated to seek assistance. Even in those countries where hearing aids are free, the hearing impaired are reluctant to admit their handicap and obtain a hearing aid. The Market Facts Survey of 1971 showed that only 7% believed hearing aids were too expensive.

3. "Unscrupulous sales techniques coupled with misleading advertising often induce those persons who do seek help to make needless or inappropriate hearing aid purchases." Since the adoption of the Code of Ethics of the Hearing Aid Industry in 1960, its enforcement by the National Hearing Aid Society, and the F.T.C. Trade Practice Rules for the Hearing Aid Industry, misleading advertising and unscrupulous sales techniques have been nearly eliminated. In addition, the licensing laws for hearing aid dealers in 38 states control and regulate advertising and sales practices. It should be pointed out, however, that ethical advertising and sales practices by hearing aid specialists have been a prime motivator in persuading the hearing impaired to obtain care for their hearing loss. To say that the hearing aids are "needless" or "inappropriate" rejects objective studies by the U.S. Public Health Service and Market Facts, Inc. which show satisfaction levels at 90% or better.

4. "When a forty million dollar industry reaps unjustifiable profits. . . ." This accusation, which is so frequently hurled at the hearing aid industry, is unsupported by facts. Objective studies prove that profits are reasonable and justified. One such study was

made in 1971 by the Auditor General of the State of Michigan, and another was conducted in Massachusetts, and both showed that the net profit margin is small and the median income of hearing aid specialists is modest. The Michigan report also showed that hearing aid specialists have a high overhead.

5. "Hearing aids may be purchased at prices ranging from seventy-five dollars to seven hundred fifty dollars. . . ." The report failed to say that the $750 figures would be for TWO hearing aids.

6. The definition of an audiologist is incorrect. Many audiologists hold only bachelor's degrees.

7. ". . . one should see an audiologist before shopping for a hearing aid." This advice is being perpetuated by the audiologists who wish to elevate their own importance, but generally, it is not necessary to consult an audiologist. This only creates unnecessary expense and inconvenience in obtaining care. The National Hearing Aid Society recommends that a person with a hearing loss consult a medical ear specialist first, and then let the medical doctor determine the best management of the hearing loss. Sometimes, the medical ear specialist can provide medical or surgical treatment. In other cases, the medical doctor refers the person directly to a hearing aid specialist. A few cases may benefit from an audiological work-up, and the medical doctor will recommend it when needed.

8. The information about the National Hearing Aid Society, and its educational and Certification programs was grossly inaccurate. Our Society has been one of the most constructive forces in improving the skills of hearing aid specialists. The Basic Course in Hearing Aid Audiology was developed in consultation with reputable educators, and includes not only the twenty lessons cited by Ms. Woodard, but the required reading of three textbooks. The twenty lessons serve as a guide to the textbook study. The price of the course cited by Ms. Woodard was not correct. Our final examination is always monitored by a professional person and every effort is made to eliminate errors, avoid cheating and insure accurate results.

Our total Certification requirements include much more than just taking the course and passing the examination. The Certification program sponsored and administered by the National Hearing Aid Society has been a significant and valuable contribution in encouraging hearing aid specialists to reach and mantain high levels of competence in the selection and fitting of hearing aids.

To correct the record: Certification is granted only to those who have met strict standards of education, experience, competence and character.

Education.—The applicant must complete the NHAS Basic Course in Hearing Aid Audiology, or an equivalent approved course.

Examination.—The applicant must pass the comprehensive NHAS certification examination, or an equivalent approved examination. All examinations must be monitored by a professional i.e. educator, doctor, lawyer, etc.

Experience.—The applicant must submit proof of two years actual experience with supervision, in the fitting of hearing aids.

Endorsement.—The applicant must submit references from three persons: his employer, a physician (preferably an otologist), and a qualified person in the hearing aid field. The physician and employer affirm that the applcant is competent to make the required hearing analysis, take ear impressions, and adjust a hearing aid and earpiece to carry out their functions. The applicant must also submit character references, as well as financial references from his bank and suppliers. All references are thoroughly checked by the National Hearing Aid Society.

Ethics.—The applicant must pledge, under oath, to abide by the NHAS Code of Ethics. He must also submit all his advertising for a period of 30 days prior to the examination, as proof of ethical advertising practices.

Evaluation.—On successful completion of these requirements, the applicant's name is published in a bulletin to the NHAS membership for comment. His application is then sent to the National Board for Certification for review and evaluation.

All Board members are Certified members of NHAS, and come from various areas of the United States and Canada, to provide broad geographical distribution. Certification is granted only by majority approval of the Board.

In its By-Laws, the National Hearing Aid Society has established a procedure for filing of grievances against Certified members, investigation of such complaints, and reprimanding any Certified member who is found to have violated the standards. Penalties may be imposed, even to the extent of withdrawing Certification.

Those who are granted Certification are granted use of the title, Certified Hearing Aid Audiologist. Its use is carefully monitored by our Society. Ms. Woodard claims that its use deceives consumers and implies a medical competence which does not exist. This is entirely erroneous. Our traditional, historical, and legal rights to the title have been documented, and it was in use by hearing aid specialists long before clinical audiology became a separate specialty. By applying the name "audiology" to their profession, the clinical audiologists created whatever confusion exists. Further confusion results when the clinical audiologists with a Ph. D. use the title of "Doctor", leading many consumers to believe that they have medical expertise and training, which is not the case. Theirs is a non-medical specialty.

10. "Some dealers . . . take upon themselves the diagnosis . . . of hearing problems. . . ." This would be an unethical practice, if, indeed, it actually occurs, and would be subject to the penalties imposed by the 38 licensing acts and of our Society. Most of the licensing acts require the hearing aid specialist to give written notice that the purchaser is advised that any examination or representation made by a licensed hearing aid dealer and fitter in connection with the fitting and selling of a hearing aid is not an examination, diagnosis, or prescription by a person licensed to practice medicine and therefore must not be regarded as medical opinion or advice.

11. Under "Hearing Aid Sales", Ms. Woodard makes some sweeping generalizations about the practices of hearing aid specialists which would lead the reader to believe that hearing aid specialists cannot be trusted, and are merely manipulating the consumer. Our sense of justice compels us to reject the notion that a person who earns his living through the sale of a product is any less trustworthy or less honest than a person who is paid a fee for his or her services. We believe that Ms. Woodard's condemnations and insinuations have little basis in fact. We believe it is fair to ask what kind of study Ms. Woodard conducted in order to reach these conclusions, for it is our belief that she has no direct or personal knowledge of the field, and has written a report based on hearsay.

12. "Virtually no dealer has the equipment necessary to test the objective benefits of binaural fitting." This statement is misleading, since ALL binaural tests are subjective and rely on the judgment of the person being tested. Equipment for making an objective test does not exist.

13. Ms. Woodard denigrates the hearing aid dealer licensing program; yet, it is doubtful that she has read these state laws. If she had, she would have found that these laws, which have been enacted in 38 states, protect the consumer as follows:

a. The hearing aid specialists must show proof of competency

b. Prohibited acts are listed

c. Penalties for violations are provided

d. Each bill provides recourse for the public

e. Public members have positions on the Boards

Although the licensing program is young, and relatively few consumer complaints have been entered, state licensing boards have shown by prompt and vigorous action that this system of policing is as effective as that of any profession or business we know of.

The licensing bills of nearly all, if not all, occupations, provide for the peer group to be in the majority. The consumers would be poorly served if the majority of the members had little or no knowledge of the occupation which is being regulated.

The hearing aid industry welcomes carefully considered suggestions for improvement, and, in fact, continually reviews its own policies and practices to determine how consumers can receive maximum satisfaction. However, such irresponsible and inaccurate reports as Ms. Woodard's can hardly be regarded as constructive, and will only serve to deter the hearing impaired from obtaining proper care for a hearing loss.

We would appreciate your assistance in correcting the record.

Sincerely,

MARVIN PIGG,
President.

IS REVENUE SHARING DOING ITS JOB?

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. ZWACH. Mr. Speaker, revenue sharing, our effort to restore power to local governments, by returning to them a portion of Federal tax money, is now almost a year old.

What has been the effect of this action on our small communities in countryside America? To be sure, the people have known some measure of tax relief, but in general, revenue sharing has not returned enough money to the communities to enable them to initiate the major projects, such as waste treatment facilities, they so badly need.

Mr. Speaker, the Renville Star-Farmer, a weekly newspaper in our Minnesota Sixth Congressional District, recently printed an editorial on the subject of revenue sharing which I would like to make available to my colleagues by inserting it in the RECORD:

IS REVENUE SHARING DOING ITS JOB?

Although the federal Revenue Sharing program has been in operation for almost a year now, no one of any consequence has undertaken to speak out publicly yet on its effectiveness. And perhaps it is still too early to constructively assess the impact of such a far-flung program so new to the American scene.

From indications available, it would seem that most municipal governments, particularly in this area, are concentrating most in assigning revenue sharing funds toward tax reduction in the form of replacing existing equipment, whose replacement later would cost local taxpayers, and as a hedge against future emergencies, or for the performance of local housekeeping chores that never seemed in the past to get done because of a shortage of municipal dollars.

Unfortunately, revenue sharing receipts in smaller municipalities are woefully insufficient to tackle the major projects that need

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doing. For example, Renville could use a modernized sewage collection system; and the city could make use of a government center building that would put many scattered operations under one roof. But revenue sharing receipts would be insufficient even to provide designs for either of the projects.

By the same token, Danube keenly feels the need for a sewage disposal and collection system. But the village must seek financing from other federal agencies before it can proceed with the needed work.

Nor do municipal governments feel assured of permanence in the revenue sharing program, for the old observation what government gives, government can take away holds true for lower governmental units just as it does for citizens and non-public groups.

Possibly these are factors that keep municipal governments from attacking problems with creativity, and this reluctance could be justified for those causes. But it is also justifiable to assume that a vital and continuing revenue sharing program will need innovativeness on behalf of municipal recipients if the program is to succeed in its main objective of restoring power to local governments.

LABOR DIGEST COMMENTS ON COX FIRING

HON. ANGELO D. RONCALLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. RONCALLO of New York. Mr. Speaker, although I feel that President Nixon was greatly ill-advised in choosing to fire Special Prosecutor Archibald Cox, Mr. Cox is nonetheless not free from an equal measure of blame in this matter. The following article from the Labor Digest gives a bit more balance to the overall picture, and I commend it to my colleagues:

(From the Labor Digest, October 29, 1973)

Did Special Prosecutor Archibald Cox Misjudge, Blow His Job by Attempting to be Judge as Well as Prosecutor? As dust settles over latest explosion in infamous Watergate and related scandals, second thoughts come to fore as minds, numbed by the almost incredible events of the past ten days, begin to reappraise events. There is a growing realization that Mr. Cox failed to sense that he, and he alone, held the key to the whole Watergate mess. President Nixon had designed a compromise agreement whereby the White House tapes would be released to Senator John Stennis with summaries and verbatim quotes in those areas where evidence was needed to assist in evaluating White House involvement in the sordid break-in and subsequent ugly cover-up. Attorney General Elliot Richardson and his deputy were parties to the discussions leading to the decision. The Attorney General was, in turn, keeping the Special Prosecutor informed. With the approval of the three senators to be involved (Stennis, Ervin and Baker) the White House and Mr. Richardson believed they had conformed to the memorandum (from an earlier paper of the late Felix Frankfurter) the Court of Appeals made public "asking Mr. Cox and the President's lawyers to agree on some compromise which would avoid a sharp constitutional encounter". Mr. Richardson has stated he was in agreement with the plan, and tried, unsuccessfully, to obtain the Special Prosecutor's approval to present the compromise to Judge Sirica for his decision whether it would satisfy the court and "prevent a constitutional encounter."

The self-willed Special Prosecutor, however, set his teeth. Knowing Mr. Richardson's unfortunate position and public promise he was willing, as we have seen, to have the Attorney General leave office, force a showdown with the White House. Mr. Cox and his senior staff must have concluded they had the President in a bind; in retreat. The Special Prosecutor had said he would resign at any time he felt his independence was lost. But Mr. Cox did not offer his resignation knowing in advance, through consultation, that neither the Attorney General nor the Deputy Attorney General would fire him. Mr. Cox for that moment felt himself above an embattled President. And he blew the one, great opportunity to continue in full charge of the investigation and continuing control. Mr. Cox could have reluctantly agreed to the compromise plan, predicating his acceptance on Judge Sirica's approval. Result: Mr. Cox would have continued as Special Prosecutor, and had Judge Sirica, under the new circumstances, accepted the compromise plan, as meeting the guidelines of the Appeals Court, the Senate Watergate Committee would have been given the same information as the court. (Now, Judge Sirica gets the tapes, but says the Watergate Committee can't have them.) Inexcusably, Mr. Cox called a press conference to haughtily denounce the Nixon-Ervin agreement and to "fling down the gauntlet of a citation of the President for contempt of court" before Mr. Richardson and his deputy resigned, and before Mr. Nixon took action against him. Archibald Cox, who like General of the Armies Douglas MacArthur, couldn't conceive that a gusty President would fire him, was fired.

FRANK SMALL, JR.

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. BAUMAN. Mr. Speaker, with the passing last week of former Representative Frank Small, Jr., Maryland loses a longtime public servant whose service in politics and in business spanned many decades.

A longtime Republican, Frank Small began his career in elective politics with service in the Maryland House of Delegates in 1927 and 1928. He served in this House during the 83d Congress some 25 years later, from 1953–55. He represented three southern Maryland counties which are now part of my own district, Charles, Calvert, and St. Marys. He was a member of the Republican State Central Committee of Maryland from 1934 to 1942, serving as chairman for 4 of those years. He was a delegate to three Republican National Conventions, in 1940, 1944, and 1956. In 1962 he was the Republican candidate for Governor of Maryland.

He served on the Maryland Commission of Motor Vehicles, 1955–57, and as a member of the Maryland Racing Commission, 1937–52. He was racing commission chairman during 1951 and 1952, and was president of the National Association of State Racing Commissioners at the same time.

Frank Small's dedication to the needs of his constituents dominated his term in the Congress. Long before it became the vogue, he expressed concern over water pollution and water supply. He fought for funds to control flooding at Peace Cross in Bladensburg and as a member of the Committee on Public Works, he often gave voice to public concerns relating to pollution and flood control.

Through his efforts, Congress voted to construct the Jones Point Bridge, now known as the Woodrow Wilson Bridge, between Prince Georges County and Alexandria.

The 83d Congress was one of only two instances in which Republicans have been in the majority in the House since 1931, and Frank Small expressed pride in the fall of 1955 that for the first time in many years, appropriations made by Congress had actually been cut by $7 billion. He was dedicated to economy in government, and served the citizens of Maryland's Fifth Congressional District with dedication and interest.

Frank Small's death at the age of 77 ended a long and productive career. Marylanders benefited by his efforts in their behalf, and we are grateful for his many years of public service. His family has my deepest sympathy.

CRIME CONTROL NO. 2

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. LANDGREBE. Mr. Speaker, for the past several months a portion of the RECORD has been devoted to newspaper stories in which criminals have used guns in which to kill and/or rob their victims. Now aside from the fact that such stories are presented by those who deplore violence in the media, but who are quite willing to publish stories of criminal actions if such stories may be used to bolster their position on gun control, the logic behind such argumentation is quite eccentric. The argument is simply this: Since some guns are used by some people—criminals—to steal from and kill other people—victims—some guns should be registered and/or confiscated by the Federal Government. Now this labyrinthine logic rests on the equivocation in the word "some." The guns owned by private citizens are not the same guns used in crimes by criminals: The latter are a far smaller group of guns. Gun controls already exist which are aimed at guns used by criminals in the commission of a crime: They are confiscated. Furthermore, such persons are barred from possession of guns in the future. In some cases, use of a gun in the commission of a crime may bring harsher penalties for the criminal.

These laws are quite proper. Yet those who are first to weep for the vicious murderer or thief are first to demand that guns owned by victims of crime be registered and/or confiscated. Together with the illogic of their position goes its immorality: The force of the law—that is, the guns of the Government—is seen as the proper means to confiscate guns from private citizens, that is, from

the victims of crime. Those who advocate gun control legislation are quite conscious that the guns they mean to control are those owned by private citizens. These same people are most eager to use the "public" guns, the Government, to enforce "gun control." The result is that Government, which has grown far beyond its proper and constitutional limitations, will be unrestricted by such laws while private citizens woll be straitjacketed. There will then be no further and final opposition to a government which will have a legal monopoly on the use and possession of guns. No dictator, or aspirant for the position, could wish for more.

MESSRS. COX, FORD, NIXON, AND THE CONGRESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. HAMILTON. Mr. Speaker, I am including in the RECORD, my Washington Report of October 31, 1973, as follows:

MESSRS. COX, FORD, NIXON, AND THE CONGRESS

In another week of astonishing events, the President dismissed Special Prosecutor Cox, accepted the resignation of his Attorney General, and, in a stunning reversal, capitulated to public outrage and turned over the Watergate tapes to Federal Judge Sirica. The President's concession—a concession he vowed he would never make—was made after he was confronted with the threat of impeachment in the Congress and the likelihood of a contempt citation in federal court.

After sifting through these events, it seems to me the Congress should take several steps:

1. The first order of business is for the Congress to re-establish the Office of the Special Prosecutor to investigate fully, fairly and relentlessly the whole Watergate affair. A number of criminal indictments and investigations of high federal officials are pending and should be carried forward.

The Congress does not have confidence in the President's investigation of Watergate: several investigations in his administration failed, he has impeded the investigation by Cox, and it is an unacceptable conflict of interest for the President or his office to be investigated by a prosecutor subject to the President's control.

When Cox began to probe deeply into every aspect of White House activity, the President decided Cox was not containable, and dismissed him. This action disturbed the Congress because the President had made a compact with the Congress to give a special Prosecutor "absolute authority" to investigate and prosecute offenses arising out of any aspect of the Watergate case. This compact was a condition of Richardson's confirmation as Attorney General, and violation of it brought about the present crisis. My impression is that the President's compromise to make available a verified summary of the tapes could not have been acceptable to the Special Prosecutor because it destroyed his independence, and Cox's inevitable refusal gave the President the pretext to fire Cox and abolish the Office of the Special Prosecutor.

The people of the country simply will not believe that justice has been done unless an independent prosecutor is permitted to investigate all aspects of Watergate without limitation, interference or control by the President. Only by the vigorous investigation and prosecution of the Watergate affair can justice be done and a real or apparent cover-up avoided.

2. The Congress should also proceed promptly and responsibly to perform its constitutional function to confirm Representative Gerald Ford as Vice President. Settling the issue of succession would remove a major source of uncertainty and help restore public confidence in the Congress.

In my view the Congress should not hold the nomination hostage as it considers impeachment proceedings, but should proceed to the prompt completion of investigation, hearings, reports, debates and votes. Arguments are being made by some Democrats to delay Ford's confirmation and engineer Speaker Albert, now second in line, into the Presidency. Those arguments are politically mischievous and ignore the need in the country for action without delay and free from political considerations. The Speaker properly rejects these arguments and points out that Mr. Ford should rise or fall on his own qualifications.

3. The Congress should also begin a responsible inquiry into whether the President has committed any offenses that could lead to impeachment. Both Democrats and Republicans have endorsed this inquiry in the House. Grave questions surround impeachment and precedents offer few guidelines. No member of Congress is pleased with the prospect of this investigation, but with the crisis of political leadership and the concern about the integrity of the government, Congress cannot ignore the impeachment resolutions before it. With the President turning over the tapes, the drive for impeachment may be blunted, but it has not been stopped.

NORMAN CHANDLER: A GIANT OF JOURNALISM

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. CHARLES H. WILSON of California. Mr. Speaker, the loss of Norman Chandler, longtime publisher of the Los Angeles Times, leaves a void not easily filled.

Mr. Chandler's ambitions as a young man were matched only by his boundless enthusiasm. Under the practiced and wise hand of his father, Harry Chandler, he was to learn the ground rules of his publishing inheritance, and learn he did. No job was too menial, and he undertook each task with forthright eagerness. The thorough knowledge he thus gained of the newspaper industry served him well in the future when he was to know the awesome responsibilities of leading this fast-growing enterprise.

Mr. Chandler admitted that he was biased in his approach to the news when he first became publisher of the Times. Yet this provincialism was to vanish completely as he accepted the enormous challenge and great import of molding public knowledge and public opinion. The course was a wise one, and led to many accolades not given lightly, primarily eight Pulitzer Prize awards to his publication.

The Los Angeles Times has, in his time, grown as a respected newspaper throughout the world because of the scope and accuracy of its coverage of our times. This is no accident or unique twist of fate, but is due to the responsible reporting demanded of every writer on its staff.

The growth of the corporation's other interests also reflect Norman Chandler's expansive vision and unfailing vigor. A respected philanthropist, his countless contributions to the arts and culture of southern California have greatly enriched our State. He was also actively involved in establishing the Times charities which generously funded clubs for boys, summer camps for underprivileged children, swimming pools for the city's youth, and many other activities which would benefit the area's young people and future adult citizens.

Far from seeking personal honors, Norman Chandler shied from the public view. Nevertheless, he won many awards, including honorary degrees from two major universities. His interest in education was keen, and he willingly served as trustee of both the University of Southern California and California Institute of Technology.

On the 75th anniversary of the Times, President Eisenhower, Chief Justice Earl Warren, and other world leaders, joined in congratulating Norman Chandler for his journalistic achievements.

Certainly, the world in general and the populace of southern California in particular are a better place because Norman Chandler was here. The bereavement his wife Dorothy, his son Otis, and his daughter Camilla, as well as other members of his family and his corporation feel at this time will eventually be lessened as they take comfort in his heritage and in the knowledge that many lives have been enriched by his gentle wisdom, guidance, and generosity.

IN OPPOSITION TO THE CONFERENCE REPORT ON DOD AUTHORIZATION FOR FISCAL YEAR 1974

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. HARRINGTON. Mr. Speaker, I wish to explain my vote in opposition to H.R. 9286, the military procurement authorization bill. The Nation's needs in health care, housing, welfare reform, education, mass transportation, drug education, energy research and development, and many areas remain unmet. The President has vetoed legislation to fund emergency medical services, vocational rehabilitation and minimum-wage improvements. Under such circumstances, it seems to me that it would be wholly inappropriate for the Congress to authorize the expenditure of $21 billion for the purposes of military procurement. I am unconvinced that the B–1 bomber, the Trident submarine, the 606,000 overseas troops, the ABM, or the A–10 aircraft are more essential to our national well-being than the quality of life at home.

For this reason, I will vote against H.R. 9286, and urge each of my colleagues to do the same.

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INTERNATIONAL SECURITIES MARKETS

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. MOSS. Mr. Speaker, earlier this month, the Federation Internationale des Bourses de Valeurs—the International Federation of Stock Exchanges—met in the United States in its first meeting outside Europe.

At this meeting, hosted by the New York Stock Exchange in New York, delegates from 30 stock exchanges in 19 countries discussed a series of important and common issues to the principal stock exchanges of the world. Many of these issues, as reported in the official news release following the meeting, are being addressed by the Subcommittee on Commerce and Finance, which I chair. While it is often said in the financial markets of Europe that "when the United States sneezes, Europe catches cold," the legislative solutions which our committee will be presenting to this House will be directed to improving and strengthening our securities markets and stock exchanges, and thereby may serve as guidelines for other stock exchanges of the free world as well.

The leadership provided by our stock exchanges in world finance was recognized at this meeting by the naming of Mr. James J. Needham, chairman of the New York Stock Exchange, as the vice president of the federation. In addition, Mr. Donald L. Calvin, vice president of the New York Stock Exchange, chaired the meetings of the federation's working committee.

The news release issued at the conclusion of the New York meeting follows:

FEDERATION INTERNATIONALE DES BOURSES DE VALEURS

The Federation Internationale des Bourses de Valeurs (International Federation of Stock Exchanges) concluded its 1973 General Assembly today after authorizing for the first time the creation of a Special Committee to address crucial issues affecting the stock exchanges of the world.

The Federation today elected as President Pedro Rodriguez Ponga y Ruiz de Salazar, Chairman of the Madrid Stock Exchange. Chairman James J. Needham of the New York Stock Exchange was elected Vice President of the Federation.

The Special Committee will be appointed by Mr. Ponga and Mr. Needham, and by Dr. Friedrich Priess, outgoing President of the Federation and Chairman of the Hamburg Stock Exchange.

The New York Stock Exchange was host for the three-day General Assembly, held in the United States this year for the first time. Delegates from exchanges in 19 countries throughout the world attended.

The creation of the Special Committee, the Federation said, was a move by the exchanges to adjust to new, rapidly emerging challenges posed by a growing internationalization in economic matters.

"Adjustment to these new conditions," the Federation said, "is an imperative step taking the highest priority."

The Federation's existing Working Committee, made up of representatives of 15 nations, will deal with a related broad range of matters, among them listing of foreign securities on national exchanges, exchange membership, international cooperation in the clearing and settlement of securities, and issues posed by the proliferation and growth of institutional investors active on a global level.

In another action, the Federation forwarded to its Working Committee for study the question of whether all trading in listed securities should take place on exchange markets. The question was first raised by the Madrid Stock Exchange in a report to the Working Committee of the Federation at its meeting in Brussels last March.

A paper distributed to the General Assembly stated that such an inquiry would provide the Federation with the "opportunity to express its opinion on the requirements for quotation, the protection of investors, the authenticity of prices and the liquidity of the security market."

The Working Committee was also asked to study the uses of automation among the world's stock exchanges. A paper distributed at the General Assembly stated:

"With significant internationalization of securities markets only two to three years in the future, there are some important questions which could well be considered now in order to avoid hasty action in the face of future stress."

Questions specifically cited in the discussion included whether a security should be traded in different places and at different times "or, to avoid market fragmentation and to insure fair execution and maximum liquidity, should all orders for any given security be placed in a designated exchange trading mechanism?" The paper also dealt with the providing of clearing facilities by exchanges for settlement of international transactions between exchange members.

The Federation also stated that it "supports the continued development of the stock exchange as a place where the public may invest with confidence."

The General Assembly also:

Placed on the agenda of its Working Committee the question of widening investor participation and securities ownership, based on a report of the Paris and Madrid stock exchanges. Questions asked in a paper distributed at the General Assembly included: "How far is it possible to go in that direction? What precautions must be taken by government agencies, by the exchange authorities, by intermediaries?"

Admitted the Osaka, Japan, Stock Exchange as an Associate Member.

Selected Madrid as the location for the 1974 General Assembly.

NEVADA DAY

HON. DAVID TOWELL

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. TOWELL of Nevada. Mr. Speaker, on behalf of Nevada's 520,000 citizens, I would like to welcome my colleagues here in Washington to celebrate Nevada Day as we do each October 31.

It was on October 31, 1864, that Nevada joined the Union. We are proud and individualistic citizens who cherish our State and, indeed, our country, highly. The State motto is "Battle Born"; and, with little exception, each Nevadan is ready to do battle for what he or she believes is right.

Nevada is a study in contrast from the 24-hour glitter of the Las Vegas "Strip" to the high mountain solitude of Wheeler Peak, some 13,000 feet in the clear desert sky. The old and the new West are both alive and well in Nevada.

As the State's lone Congressman, I extend to all of you from every Nevadan a happy Nevada Day and an invitation to visit us anytime.

THE MIDEAST ALERT

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. ARCHER. Mr. Speaker, there has been much speculation and debate over the recent action of the President in placing U.S. military forces on an alert status in regard to the situation in the Middle East. I would like to enter a copy of an excellent editorial evaluating this decision which appeared in the Washington Star-News on Friday, October 26, 1973, entitled "The Mideast Alert":

[From the Washington Star-News, Oct. 26, 1973]

THE MIDEAST ALERT

Based on the available evidence, President Nixon's placing of United States military forces on an alert status was fully justified.

The dramatic move was in response to an apparent threat by the Soviet Union to send troops into the Middle East, a situation that Secretary of State Kissinger rightly pointed out would have been intolerable and would have produced the gravest dangers to world peace.

Fortunately, the Soviet Union has drawn back from that course and has accepted the sending into the area of a peace-keeping unit under United Nations sponsorship, a force devoid of troops from the major world powers.

For a while yesterday, the situation looked grim but it appears now that the firm stand taken by the United States has put negotiations back on the track. As Kissinger said in his press conference, the first real opportunity for negotiating a permanent settlement of the Middle East crisis may be at hand and it is "an opportunity that the Great Powers have no right to be permitted to miss."

If the Soviet Union had been permitted to send troops unilaterally into the area to enforce a cease-fire, it might have led to a military confrontation among the Great Powers on the sands of the Sinai or on the heights of Golan. One thing the world doesn't need is for Russian and U.S. troops to be wandering around the Middle East with loaded rifles that might accidentally or deliberately be turned on one another.

Without full access to information, it is impossible to know exactly what led to the U.S. "alert" order. But there is hardly room for doubt that the Soviet Union's intention to move on its own was made clear to U.S. authorities. Senator Jackson, who has access to high sources, said that Soviet Ambassador Anatoly Dobrynin delivered a "brutal and threatening note" to Kissinger.

There ought to be a lesson for the country in the grim events involving the Middle East the past couple of days. It is that this country cannot continue to be torn apart by domestic political concerns and expect that foreign affairs can be conducted as if nothing is happening.

It is time to step back from the near hysteria that enveloped the nation the past several days over Watergate issues. We are not saying that the Watergate investigation should be called off. But we are saying that

the country is ill-served by emotional excesses and hourly calls for impeachment of the President.

It is beyond argument that the division within the United States influenced the Soviet Union to threaten use of its military muscle in the Middle East. Kissinger put it well yesterday, we thought, when he said: "One cannot have crises of authority in a society for a period of months without paying a price."

Soviet leaders appear to have misjudged the American situation and were led to believe that the United States was incapable of strong reaction. We hope that the conduct of the Watergate investigation and the reaction to developments in it during the coming weeks and months will be such that neither the Soviet Union nor any other world power will be led into another miscalculation as to this country's ability to function.

The suggestion in some quarters that President Nixon issued the military alert to distract national attention from Watergate is hardly worthy of comment, except to observe that Watergate has brought us to the point where some people are willing to believe anything. It is time to stop imputing devious motives to everything the President does.

In the words of Kissinger: "There has to be a minimum of confidence that the senior officials of the American government are not playing with the lives of the American people."

ROMANTICIZING WELFARE

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. BAUMAN. Mr. Speaker, one of the least acceptable programs presented by the current administration was the now hopefully dead "guaranteed annual income." The fact that the President would have suggested this program at all is distressing to me. This mistaken view of welfare was rightfully illuminated in an editorial entitled, "Romanticizing Welfare" written by Don Herring, editor of the Cecil Whig in Elkton, Md. I think it is worth reading, especially as it contrasts with the initiative shown by one of my young constituents, John Wrang, who is mentioned in the editorial:

ROMANTICIZING WELFARE

A few weeks ago, the producers of "Room 222" decided to say something socially important in the otherwise innocuous television show about a suburban public high school.

The lesson: it is better to go on welfare than to work, and it is better to be on welfare than accept the generosity of one's own family.

The program dealt with a Mexican-American youth, in his last year of school, who was working to support himself.

As an alternative to self-support which according to the show was adversely affecting his grades, his teachers suggested he go on welfare.

At first resisting, the youth relented when told the college scholarship he was seeking was equivalent to welfare because both are aimed at helping.

Come on now! A scholarship is earned; welfare is gained by sitting back while others earn for you.

Eventually, as it worked out, the boy was offered aid by an uncle, but before accepting what others would term a fulfillment of familial obligation and generosity, the youth, at the prodding of his teachers, belittled the uncle's offer because the uncle had opposed the welfare scheme.

How can morality and the American ethos survive the self-destructive trend toward slothfulness when script writers are romanticizing welfare and depredating family and self-reliance?

Maybe a real-life example can serve to offset such propaganda.

Elsewhere in this issue of the Cecil Whig, there appears a story about John Wrang and his family.

John is a 15-year-old from Chesapeake City who worked this past summer to earn—remember earn—part of his tuition to The Tome School at North East. The balance of the tuition was provided by a scholarship he earned—again, earned.

We salute John, for his efforts are the stuff that made America, and as long as American youths respect ideals such as his, no assaults from the boob tube can unmake it.

COMMUNITY SUPPORT FOR THE AIR NATIONAL GUARD IN MACOMB COUNTY, MICH.

HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. NEDZI. Mr. Speaker, the recent precautionary alert set into motion by the roles of the big powers in the Arab-Israeli war reached into the neighborhoods of many American communities.

Whether the alert was justified by events is not relevant. However, the fact is that not only did the active forces step up their readiness, but Guard and Reserve units also prepared to meet possible assignments.

The consequences to a community of having an Air National Guard unit in its midst were set forth with understanding and appreciation in an editorial of the Macomb Daily, October 27, 1973.

Under leave to extend my remarks in the RECORD, the editorial follows:

NOISE, DISCOMFORT, SMALL PRICE TO PAY

For the second time since its activation as a unit at Selfridge, the 403rd Tactical Airlift Wing has been placed on alert as the result of an international crisis.

The 900 members of the 403rd, most of them from Macomb County, have been fulfilling military reserve obligations by performing weekend duty at the base.

These reservists who come from every walk of life—education, business, medical, student, sales and production workers—strive to maintain a combat-ready unit capable of moving at a moment's notice in support of ground operations anywhere in the world.

Necessary to peak efficiency of such military capability is constant training of the kind that may often annoy residents who live a wingtip or so from the base. Night operations, particularly, can be annoying when the roar of engines on the huge C-130 Hercules cargo planes drone overhead. In addition to the noise of the aircraft, radar equipment plays a game of beep with TV sets.

Yet, these inconveniences are necessary if units like the 403rd and Air National Guard are to maintain readiness status in case they are called upon during a crisis such as that now posed in the Middle East.

Eleven years ago, in the fall of 1962, the 403rd served with distinction on active duty status for 31 days during the Cuban Crisis. At that time, the reservists were uprooted from jobs and families to perform that task for which they had been trained—to meet the challenge of a threat to our national security.

These men are being called upon again today. While momentarily they are on stand-by readiness, events over which they have no control could at any moment dictate they be dispersed to bases throughout the country and the world in support of any action ordered by Washington.

An engine's roar or a TV beep seems a small price to pay for having such guardians of our nation's interest living next door to us.

RESTRUCTURING THE FINANCIAL INSTITUTION SYSTEM

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. TIERNAN. Mr. Speaker, on October 11, the administration proposed legislation designed to restructure the financial institution system in the United States. Through recent actions by the Federal banking agencies we have seen that the administration has already embarked on this plan of restructure, that is, the new "wildcard" savings instruments. My reason for immediate concern is the disastrous effect this legislation will have on the mortgage market.

There are several proposals in this piece of legislation that I believe will be detrimental to the availability and cost of mortgages. The proposals of great concern are:

First. Abolition of interest rate differentials for thrift institutions;

Second. Phasing out of interest rate ceilings;

Third. Expanding the investment powers of thrift institutions; and

Fourth. Institution of a tax credit based on the gross interest income from residential mortgages.

The main thrust of this new legislation is designed to put saving and loan associations on equal footing with commercial banks. By phasing out interest rate ceilings, financial institutions will be able to compete more favorably with other market forces for savings funds. But under the present system, saving and loan associations could not maintain financial stability while competing for savings at the inevitable high interest rates. These associations would be precluded from offering rates comparable to commercial banks because their investment portfolios are laden down with low-yield, long-term mortgage loans. To cure this, the new proposed legislation would expand the investment powers of the saving and loan's to allow them to make the higher yield "commercial bank" type loans, for example, consumer loans and commercial paper. They would then be able to compete for savings funds at higher interest rates.

Along with the general vein of this legislation, the favorable tax treatment granted to savings and loans for making mortgage loans will be abolished. In its place, a new tax credit will be offered to all financial institutions that extend funds to the residential mortgage market. Under this new system I believe

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that the savings and loans associations will become the weak little sisters of the big commercial banks and funds available to the mortgage market will diminish significantly.

The phasing-out of interest rate ceilings and the abolition of the thrift institution differential will force the cost of savings funds up. Savings and loans will have to abandon the low yield mortgage loans and compete with the commercial banks for the higher yield investments. The start up cost of checking accounts and credit cards will prevent these avenues from adding financial stability to savings and loans. The thrift institutions will now be forced to compete on the home field of the established commercial banks. I fear they will suffer greatly in this confrontation.

The only incentive to continue investing in the mortgage market will be the newly proposed tax credit. But this proposal presents several problems. First, the tax credit is based on the residential mortgage interest income earned. This will constantly keep upward pressure on the interest rate charge on mortgages. An increase in the charge on a mortgage will increase the amount of tax credit the lender will receive. For example, if a banking institution has 70 percent of its assets invested in the residential mortgage market, an investment of $1,000,000 in residential mortgages at 8 percent will produce a tax credit of $2,800. But if the charge on this $1,000,000 investment in mortgages is raised to 10 percent, the tax credit will increase to $3,500, a 25-percent jump in the amount of tax credit.

With present State usury laws this tax credit will be of no avail if the increased cost of obtaining savings funds makes it impossible for mortgage loans to be profitable.

Another troublesome area of this tax credit is the sliding percentage scale that depends on the amount of assets invested in mortgages. This credit will be equal to 3.5 percent of the residential mortgage interest income if 70 percent or more of the taxpayer's assets are invested in residential mortgages. If less than 70 percent of the taxpayers assets are invested in residential mortgages the credit percentage will be reduced by one-thirtieth of 1 percentage point for each 1 percentage point below 70 percent. No credit will be available unless at least 10 percent of the taxpayer's assets are invested in residential mortgages. Since it is more profitable to invest in commercial bank type loans, this tax credit must supply the sole economic incentive to enter the mortgage market. If the tax credit makes it as profitable to offer a mortgage loan as a commercial bank type loan, money will still be available for mortgages. Since savings and loans invest most of their assets in residential mortgages they can avail themselves of the full tax credit. But the incentive for commercial banks is much lower. If only 10 percent of their assets are invested in residential mortgages the tax credit incentive will only be 1.5 percent compared to 3.5 percent for the saving and loans. Since this incentive is much smaller I doubt if many commercial banks will alter their high yield portfolios to include low yield mortgage loans.

The impact of this legislation will weaken the saving and loan institutions to such an extent they will be swallowed up by the strong commercial banks. We are destined for much higher mortgage rates and a scarcity of available funds to the homeowners if this legislation is enacted. If we are to provide adequate housing for our citizens it is important to have strong and viable saving and loan associations ready and willing to invest funds into the mortgage market.

ARCHIBALD COX INVESTIGATION

HON. E. G. SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. SHUSTER. Mr. Speaker, I, along with millions of Americans, have been betrayed by that supposed paragon of virtue, Archibald Cox.

When Archibald Cox confessed yesterday that he passed privileged information disclosed to him in the course of his investigation by former Attorney General Richard Kleindienst concerning the ITT case to Senator TEDDY KENNEDY—an avowed political opponent of the President—I found it just incredible. I supported an independent prosecutor, and still do. But what I, and millions of Americans, thought was independent—apparently was political from the start. In fact, this pompous, pious, self-righteous, supposedly independent special prosecutor, was far worse than just political. While cloaking himself in the cloth of justice, he was betraying his trust to the American people by feeding information to his political cronies. Cox has clearly violated the Federal Code title 28, chapter 1, part 50 which forbids the release of information pertaining to Federal investigations. How much more information has he unlawfully fed for political purpose? The President simply fired this cheat 1 week too soon. Today I am introducing a resolution on the floor of the House calling for an investigation of Archibald Cox and his task force. In a word Archibald Cox is a fraud.

The resolution follows:

> RESOLUTION
>
> Whereas, Archibald Cox, former Special Prosecutor for the Department of Justice, has broken faith and trust with the Congress, the Department of Justice, and the American people, by releasing information to unauthorized persons concerning a certain alleged discussion involving the President and then Deputy Attorney General Richard G. Kleindienst, on a matter of anti-trust action against International Telephone and Telegraph Company, such information having been entrusted to him as Special Prosecutor; and
>
> Whereas, Archibald Cox, in releasing said confidential information, was in violation of 28 U. S. C. 509, 50.2 of Part 50 of Chapter 1 of Title 28 of the Code of Federal Regulations, prohibiting the making of an extra-judicial statement by the Department of Justice personnel; and
>
> Whereas, Archibald Cox, as an Officer of the Court, had a responsibility to maintain the confidentiality of information obtained in the course of the investigation he headed; and
>
> Whereas, Archibald Cox, as a former Special Prosecutor, had a responsibility to maintain the confidentiality of information gathered in the course of an investigation intended for presentation to a Grand Jury;
>
> Therefore be it resolved that Archibald Cox and certain members of his Special Task Force be investigated by the House of Representatives to determine the extent of criminal violations, the findings of which shall be turned over to the Department of Justice for potential criminal prosecution.

"ERIK JONSSON—DALLAS' 20TH CENTURY HORATIO ALGER

HON. DALE MILFORD

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. MILFORD. Mr. Speaker, I would like to introduce to you and to my colleagues the nature of a man who turned the tide of rivalry and resentment into a wave of cooperation—Erik Jonsson, former Dallas mayor. He is now chairman of the Dallas/Fort Worth Regional Airport which was dedicated this September. Mr. Jonsson has been chairman since the board became an airport authority in 1968.

He became mayor of Dallas in 1964 on the heels of an atmosphere of rivalry and noncooperation with Fort Worth in building a regional airport.

But with Erik Jonsson came his foresight. The foresight to know that the existing Dallas Love Field could not be enlarged. The city lapped up all around the airport. Super jets of the future would not be able to take off and to land at Love. Super jets of the present were cramped by surrounding office towers.

Mr. Jonsson moved into the airport controversy in 1965—forced to a head by the threat of a withdrawal of Federal funds for airports. He says of this venture:

> I worked well with my city council and we all decided we needed a bigger and better airport than Love. When you make a decision like that, you have to move forward or you lose the opportunity.

So in 1965, the Dallas/Fort Worth Regional Airport Board had its unofficial beginnings with Mr. Jonsson at the helm.

Besides his attitude of cooperation, the former Dallas mayor had some ideas about the size of the then future airport. "Better too much than too little," he says of the amount of land—17,500 acres—occupied by the airport.

Then in 1967, 4 years after an earlier Dallas mayor had said, "Dallas is not in the least bit interested in any regional airport plans Fort Worth may have," ground breaking was held for the Dallas/Fort Worth Regional Airport.

At that time, the airport board, headed by Mr. Jonsson, hired airport director Tom Sullivan with these directions:

> You will be in charge completely and not be subject to politics. We want the biggest and best airport in the world.

And to these directions, Mr. Sullivan replied,

> What the hell more can you ask? It is the challenge of my career.

As Tom Sullivan selected his staff and saw to their expert production, the board saw to the money raising and the room to build in. A task which carried a $700 million price tag financed by revenue bonds backed by 13 city governments and a consortium of airlines.

Mr. Jonsson had taken the dream—born in 1927—of having a regional airport and replaced this vision with hard work and diligent negotiations. People at home call him, "the single dynamic force who began bringing warring factions in the two cities back together again, bringing peace to old, open hostilities. He was the man who maintained the belief that cooperation meant much more to north Texas than competition."

Certainly, Erik Jonsson was not alone in these strides toward cooperation. But he was able to guide the neophyte airport board down a course of good neighbor policy while enhancing the economic prospects of both Fort Worth and Dallas as well as the 11 other cities and three counties which share the world's largest airport.

Erik Jonsson was not afraid of working for the "good of the whole" because he knew that Dallas would benefit, too. He is a Dallas man, a member of the Dallas establishment which is so firm an establishment that its members refer to themselves by that name.

The former mayor bought the American work ethic as a way of life while a youngster in Brooklyn where he worked at odd jobs as the only child of Swedish immigrant parents who owned and ran a news and tobacco stand. The man who now has been awarded five honorary doctoral degrees earned his first degree in mechanical engineering from Rensselaer Polytechnic Institute.

He moved to Dallas in 1934 from New York to become secretary of a corporation in which he later became an owner—Texas Instruments. This Dallas-area electronics firm today is the 150th largest business in the U.S. with sales of $935 million.

But the tall, 72-year-old, 20th century "Horatio Alger," honorary chairman of the board of Texas Instruments, director of several banks and insurance companies, solid member of the Dallas establishment and chairman of the board of the world's largest airport, has not forgotten "the mother with three kids, baby bottles and diaper bags." He says:

> If she can't use the airport easily, then everything else we've done would be useless.

That is the kind of thinking Mr. Jonsson seeped into the airport design which puts passengers within 120 feet of their plane when they park their car.

That is the kind of leadership Mr. Jonsson brought to Dallas and has encouraged in the last 39 years.

EXPEDITED COURT TEST OF SPECIAL PROSECUTOR LEGISLATION

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. CAREY of New York. Mr. Speaker, the rule of law in this Nation, a rule upon which our form of government is founded and protected, has been challenged directly by that branch of our Government charged with faithful execution of the laws.

Clearly, the firing of Professor Cox as special prosecutor, and the attendant leaving of office by former Attorney General Richardson and Deputy Attorney General Ruckelshaus, have presented the American people and their Representatives in Congress with a clear responsibility.

That responsibility is to right the distortion of due process and legal equity and propriety caused by the removal of a prosecutor independent of his ultimate appointive officer, and possible defendant—or, certainly, close associate of several former executive branch officials facing possible indictment and prosecution.

The Congress has a clear and present duty, in light of an equally clear and present danger, to grant to the courts the power to appoint a special prosecutor—a prosecutor independent of the executive branch; indeed, independent of the legislative branch. Today, I introduce legislation to achieve the goal of establishment of a truly independent prosecutor—a prosecutor free from improper pressures, and a prosecutor free from fear of dismissal by an Executive which is the object of his investigations and the possible defendant in indictments to be signed and forwarded to the courts for action.

Mr. Speaker, while the factual situation in which we find ourselves is almost unprecedented, and the constitutional situation is certainly becoming disordered, there is clear constitutional authority and court precedent for the legislative establishment of the office of special prosecutor. This is not just wishful thinking on my part, it is based on the wording of the Constitution itself, article II, section 2, and the "necessary and proper" clause of article I, and on substantial court precedents.

The courts have consistently upheld the legal and practical necessity of providing for prosecution of alleged wrongdoing when the prosecuting authority itself may become a defendant. Clearly, the courts must possess the power to assure that justice is done, no matter who may be a party to investigative, grand jury, and court proceedings. *United States* v. *Cox* (5th Cir. 1965), certainly supports this necessity for prosecutorial power existent separate from regularly constituted prosecutorial offices and procedures. To hold otherwise would be to place a prosecuting authority itself above the law it is sworn to uphold and the justice it is sworn to pursue. Many State courts have upheld the authority and necessity for courts to appoint special prosecutors when a member of the State's executive branch is involved in possible wrongdong.

Certainly, Mr. Speaker, the Congress should and does remain content to have the President of the United States, through his Attorney General, prosecute cases. However, when the President himself is so clearly a party at interest, the Congress must create the mechanism for appointment of an independent prosecutor.

Myers v. *United States* (1926), makes clear the power of the Congress to create appointive offices and to define their powers and functions. Indeed, Justice Holmes, in a separate, but concurring opinion, stated that the Congress could even take the power of appointing postmasters from the President, and "transfer the power to other hands."

Mr. President, there has been discussions of other alternatives to the plan I propose of having the courts appoint the special prosecutor. Some have suggested the President appointing a special prosecutor from a list of nominees provided by the American Bar Association or by a panel of judges. This suggestion falls as did Professor Cox, through the President's assertion of unlimited authority to remove any official of the executive.

Another suggestion is to have the President appoint a special prosecutor for a fixed term, during which he could not be removed except for cause. This appointment would be with the advice and consent of the Senate. This suggestion falls again on the President's power of removal, plus the fact that the President remains an interested party, and is, in effect, investigating and prosecuting himself. To solve this problem, the prosecutor should exist apart from the executive branch. Only by having the courts appoint the special prosecutor, will we assure his independence from the executive and legislative, and where necessary, from the judicial branch of the Government.

Mr. Speaker, numerous bills and resolutions have been introduced providing for the creation of a special prosecutor by the Congress, with the position itself to be filled by the courts. While my bill does provide that the office be created by the Congress, and be filled through appointment by the U.S. District Court for the District of Columbia, it also includes, as did legislation creating the constitutional amendment on the 18-year-old vote, provisions for immediate court-testing.

Section 11 of my bill states:

> The District Courts of the United States shall have jurisdiction of proceedings instituted under this joint resolution, which shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28, United States Code, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing and determination thereof, and to cause the case to be in every way expedited.

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Mr. Speaker, passage of my bill and successful overturn of an expected veto, will swiftly be followed by court action on the part of several interested parties and on many different possible grounds. Challenges will be made on questions of jurisdiction, constitutionality, and others. In order to avoid any further and additional prolongation of this affair, expedition of court tests is a must. My bill provides that swift resolution of court challenges, so the putative special prosecutor can get on with his vital work.

Mr. Speaker, divisions have been created in the Nation on this and related issues. Watergate is something even the most partisan man could not wish upon this Nation and its people. However, to clear the air, wash the Nation's wounds, and to restore public confidence in Government officials, the Congress must live up to its responsibility and constitutional mandate. Congress must redress the imbalance created by the firing of the special prosecutor and create an independent officer of the court, who will see that justice is done completely and swiftly. That is our task. The power we have as the people's representatives shall not be abused by the Congress insisting that impartial justice be done. Our power is, after all, the people's, and our power is best at work for the people's interest, to see that their power, wherever vested is not abused. The people should never be the victim of their own power. The Congress must see to that.

DESPITE INFLATION AND SHORTAGES U.S. CITIZENS STILL ARE WELL OFF

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. WYMAN. Mr. Speaker, in a time when there is more than an average amount of griping about oil shortages, or rising food prices, or the erosion of the purchasing power of our dollars by steady inflation, it is well to compare our standard of living with that of most of the rest of the world.

As the following interesting Warner & Swasey message from U.S. News points out, we still have it "pretty good" but this cannot last unless all of us recommence producing an honest dollar's worth for a dollar's worth of pay. The article follows:

YOU THINK AMERICA HAS TROUBLES?

WHAT'S NIGHTMARE TO US WOULD BE UTOPIA TO THE WORLD

In much-envied Japan, the best beef costs $35 a pound; pollution is so bad in Tokyo that traffic policeman take an "oxygen break" every hour—3 minutes of breathing bottled oxygen; their factories produce ten times the industrial waste per square mile that our factories do and 70% fail to process their waste; school children pass out after playing in the smog.

Britain, France, Spain, Italy, Denmark and Finland have worse inflation rates than we do, and controls have failed. (Gasoline in one country costs $1.03 a gallon).

In Brazil less than half the cities have high schools.

In Rio de Janiero as many as 6 companies have to share one telephone.

In Cuba per capita income is down to $357 per year.

In the Congo prices have risen 90% since the late 60's and wages have risen only 40%.

In mainland China workers live in huge apartments where 6 to 12 families share one kitchen.

Calcutta has a population explosion (9 million; it was 2 million just ten years ago) because people crowd in to get factory jobs at 34c a day—twice the Indian national scale.

We have only 6% of the world's population but we produce and consume 30% of the world's goods and services, making us better fed, better housed, better educated, with better medical care than virtually any other people on earth.

Complacent? We'd better not be! We'd better learn how to get back to being the *productive* people we once were, when we were *safe*, and genuinely prosperous—and reasonably happy.

THE FDA AND REGULATIONS ON VITAMINS

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. ARCHER. Mr. Speaker, many of my constituents as well as people throughout the United States have been very upset and concerned with the regulations issued by the Food and Drug Administration concerning the sale of vitamins and mineral food supplements. I have cosponsored H.R. 6043 which would prevent arbitrary action by the FDA in this area. It is my fervent hope that we can get action on this legislation soon.

The Public Health and Environment Subcommittee of the Interstate and Foreign Commerce Committee has held hearings on this proposed legislation on October 29, 30, and 31. I would like to enter a copy of the testimony I presented to the subcommittee:

STATEMENT ON THE VITAMIN BILL, H.R. 6043

The regulations issued by the Food and Drug Administration, which have sought to ban the sale of vitamins and mineral food supplements for reasons other than fraud and danger to health, have been an abritrary action of a federal agency which would unfairly destroy the food supplement industry and would be a serious infringement on individual rights.

My constituents by letters, phone calls, and visits have expressed their strong and total opposition to the order issued by the FDA and published in the federal register of January 19, 1973. I share that concern and opposition. I commend the public health and environment subcommittee of the interstate and foreign commerce committee for holding public hearings on H.R. 6043, which would amend the federal food, drug, and cosmetic act to prevent arbitrary action by the FDA in this area.

Some of the "proposed findings of fact" have seriously concerned me. Many of these "facts" are merely opinions of certain experts which can be balanced by the opposite opinion of other experts in the same field. The FDA reported that "mineral nutrients in foods are not significantly affected by storage, transportation, cooking and other processing" and that "while some vitamins are susceptible to partial destruction through the effects of heat, light, oxidation, and other physical and chemical reactions, loss of nutrients from the ordinary effects of cooking, processing, transportation, and storage have not significantly impaired the nutritional qualities of food in the United States."

We should pause and consider what "significantly affected" or "significantly impaired" mean. These two statements are not "facts" but merely conjecture and I strongly oppose the action of the FDA in leading us to believe they are "facts." Nutrition is not an exact science and that should have been the only "fact" the FDA should have reported as correct.

This FDA order, if enforced and allowed to stand unchallenged and unchanged, would interfere with the basic right of the consumer to have the freedom of choice to select those nutrients which the individual consumer decides will best aid him in achieving optimum health. It is my firm conviction that consumers should have the freedom to consult and follow the advice of their own physicians in the field of nonharmful vitamin supplements. This FDA "order" is an example of "Big brother" Governent at its worst—an agency arbitrarily telling the individual citizen what is "good" for him.

This order of the FDA would also unfairly destroy the food supplement industry by banning approximately eighty per cent of the preparations available.

This proposed legislation would not weaken consumer protection aspects of the FDA nor would it prohibit the FDA from having the authority to prohibit the sale of any product which is not intrinsically safe at a recommended dosage.

It is time we enact legislation which would restore the individual's freedom to supplement his diet with additional vitamins and nutrients. I urge speedy action on this legislation.

WE NEED A NEW MINIMUM WAGE BILL

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. ERLENBORN. Mr. Speaker, over the past several weeks, the general Subcommittee on Labor has been singularly occupied with bringing H.R. 2, our committee-approved pension bill, to the House floor. Unfortunately, we were told yesterday by the Rules Committee that our request for a rule would be deferred until December 4. I say "unfortunately" because, for the most part, H.R. 2 is a good bill; and I had hoped the House would have an opportunity within the next week or so to consider it.

The one saving grace occasioned by the delay is that our subcommittee could take advantage of the intervening weeks to tackle another important project: a new minimum wage bill.

When asked during the Rules Committee hearings on H.R. 2 about the timing of another minimum wage bill, our chairman (Mr. DENT) replied that we should be able to get one soon.

The postponement of pension legislation means that "soon" could be now, if our chairman would allow our subcommittee to meet for this purpose.

I would be surprised, but greatly pleased, if "soon" were to turn out to be "now."

NORTHEAST RAIL LEGISLATION, H.R. 9142, ADVANCES IN HOUSE

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. DRINAN. Mr. Speaker, I was pleased to learn this afternoon that today the House Interstate and Foreign Commerce Committee has reported out H.R. 9142, the Shoup-Adams bill to comprehensively restructure the endangered Northeast railroads. I commend the committee and its distinguished chairman, Congressman HARLEY O. STAGGERS, for their dedicated work on this most complex and difficult matter, and I especially congratulate Congressmen BROCK ADAMS and DICK SHOUP, who deserve great credit for this most important and worthwhile bill.

I hope now that the full House will act quickly to pass H.R. 9142. Many observers of the rail situation have warned that termination of service on the part of the six bankrupt railroads—which would bring about dire economic results throughout the Nation—is not very far distant. Recent events strengthen this contention and heighten the importance of rapid and favorable action upon H.R. 9142.

Last summer the trustees of Penn Central petitioned the bankruptcy court, conducting reorganization proceedings for the railroads, for liquidation of railroad assets and termination of rail services. On October 12 the bankruptcy judge, Judge John P. Fullam, delayed final action on this liquidation proposal, basing his delay at least in part on an ICC report that showed the cash position of the Penn Central to be good enough to allow for continued service at least through the first quarter of 1974.

Events since the October 12 hearing cast into doubt the ICC evaluation that Penn Central can continue to operate. The Amtrak authorization measure that recently passed the Congress forbids Amtrak from paying Penn Central an additional $40 million that had been ordered by the ICC in a separate action earlier this fall. A recent court of appeals decision has required Penn Central to make immediate payment of approximately $20 million to other railroads from whom it leases track, or with whom Penn Central lines connect. Increases in costs of fuel, due in large part to the nationwide energy crisis, have raised Penn Central's costs by about $30 million above what had been anticipated. And, the Federal Railroad Administration has ordered Penn Central to upgrade much of its track mileage to meet Federal track safety standards—a program that will cost millions of dollars.

The result of these unsettling developments is to further aggravate the already serious cash-flow problems encountered by Penn Central. The cash-flow situation of the other bankrupt lines, including the Boston & Maine, is not much better. Worse, cash flow is only the tip of the rail crisis iceberg. Just as serious if not more dangerous is the continuing erosion in the value of the bankrupt railroad creditors' estate. In March of this year Judge Fullam warned that the point of unconstitutional deprivation of property, through erosion of the estate, may have already have been passed. This erosion has continued virtually unabated, and Judge Fullam has implied that he may act on fifth amendment grounds—to protect creditors against further deprivation of property without adequate compensation or due process of law—to liquidate railroad assets and terminate rail service. Such a fateful decision could come within a matter of weeks—if not days. While an order of Judge Fullam to liquidate the railroads would doubtless be contested in the courts, such a course of action is hardly to be desired, and surely not a good way to begin the difficult task of restructuring the Northeast railroads into self-sustaining or profitable entities.

I have on previous occasions spoken in detail about the mechanics and principles of H.R. 9142. While I strongly support this bill, I do have some reservations resulting from actions taken by the Interstate and Foreign Commerce Committee. The decision of the committee to reduce the bond authority available to the FNRA—Federal National Railway Association—from $2 billion to $1 billion is particularly questionable. While I understand and appreciate the legitimate concern of many Members that the Federal Government not commit excessive funds, I am concerned that $1 billion in bond authority will not be enough to give the Regional Rail Corporation a fair chance at success.

FNRA bonds have four basic purposes. First, the bonds will provide the bulk of the financing necessary to rehabilitate, upgrade and modernize the physical plant of the bankrupt railroads. For Penn Central alone this cost has been estimated to be between $600 and $800 million, and other railroads, such as the Boston & Maine, have substantial needs as well. Second, FNRA bonds can be used to purchase new railroad equipment and other rail assets.

Third, if the bankruptcy court—or higher court— determines that the common stock of the Regional Rail Corp. does not constitute adequate compensation for the value of creditors' assets, then a portion of FNRA bonds, hopefully a minimum amount, may be used as a "sweetener" to compensation agreements. Also, some bond money can go to local communities for the purchase of branch lines, so as to continue local service. These four uses of FNRA bonds constitute a cumulative demand that will in all probability exceed the $1 billion limit.

A basic goal of legislation to restructure the Northeast railroads should be to get the new operating corporation—the RRC—off to a clean start. In most aspects H.R. 9142 meets this goal. The RRC should be free of the debt service obligations that have plagued the six bankrupt railroads. It should have the necessary capital to make improvements in plant and service that are absolutely essential if the declining trend in rail traffic is to be reversed so that railroads can once again operate in the black—$1 billion in FNRA bond authority may not be enough to meet these critical goals. If the railroad reorganization is successful there will be little direct cost to the Government for the FNRA bonds. A $2 billion bond authority, in my view, would increase the likelihood that the Government would never have to make good its guarantees. The $1 billion figure increases the risk that the reorganization may fail, and thus increases the risk that the Government will have to pay up the $1 billion guaranteed. It also increases the danger that, despite these large expenditures, in a few years Congress will be confronted with the most unfortunate specter of nationalization. I would urge my colleagues to consider whether an increase in bond authority to $2 billion would further the chances of success of railroad restructuring.

Mr. Speaker, the November 5, 1973, issue of the Nation magazine contains an article on the critical urgency of the Northeast rail crisis and the efforts of Congressmen ADAMS and SHOUP to save the railroads. I believe this article to possess valuable insights, and I would like to take this opportunity to share this article with my colleagues:

REMEMBER PENN CENTRAL?

The United States has become a country chronically beset by crises. Some are fictitious or partly so—a business crisis is often an opportunity for somebody to get something for nothing. Some, like the "energy crisis," make good copy, so the media are generous with time and space. In contrast, some crises, though just a bore, are real and serious. The threatened shutdown of the Penn Central Railroad, and the whole tottering Northeast rail network, is in this category. It lacks glamour, and the worst rail headache, that of Penn Central, has been around so long that the public assumes that, one way or another, the trains will limp along.

This optimism is unjustified. It is true that Penn Central has been in bankruptcy since 1970 and that most of its lines have continued in operation, after a fashion. One of its components, the New Haven, has been in bankruptcy off and on for the greater part of the century and, solvent or insolvent, its trains have run without interruption. In fact, it is now the Penn Central's biggest creditor, with a claim of $134 million.

This odd fact sheds some light on the situation as a whole. It is an intra- and inter-corporate struggle for money and, as Commodore Vanderbilt said, "the public be damned." One reason why the Penn Central is in the courts is that it was looted by certain of its officials, and until the very end kept on paying dividends every year, instead of maintaining its enormous plant at top efficiency and competing—as it might have—with trucks, barges and airlines. But even in its present decrepit state, with about one-fifth of its 38,000 miles of track considered unsafe at any speed, and freight moving on a substantial part of the rest only at reduced speeds (which is no way to make money), it manages to keep 2,600 trains in operation. It carries one-fifth of the nation's freight. This proves that the railroad is *needed*. The crisis is financial: the business

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is there, but the incubus of past mismanagement, among other factors, makes it unprofitable.

Since financial considerations govern, in theory, John P. Fullam, the federal district judge in charge, can order the road shut down. He is free, that is to say, to order a national catastrophe. It is unlikely that he will do so, but he is using the threat of shutdown in an effort to get the contending parties together on a viable plan. The railroad itself is not above a piece of blackmail for real or supposed advantage. It stopped freight service on 2,790 miles of substandard track on October 16 in a dispute with the Federal Railroad Administration, contending that it could not finance a $49 million rehabilitation program (over eight years). Two hundred route miles of this trackage are in Connecticut. Before the matter was hastily adjusted, business was disrupted in the affected area, with workers laid off in industry, warehousing and food distribution, etc. The action was taken on eight hours' notice. "It was straight, out-and-out blackmail," a state transportation official commented.

But this is a nondeferrable crisis; Judge Fulham will not stay his hand forever, and perhaps a little blackmail was in order. The Nixon Administration has taken a relaxed attitude, but the House Commerce Committee has before it a bipartisan bill drafted by Rep. Richard Shoup (R., Mont.) and Rep. Brock Adams (D., Wash.) which would create a new agency to decide which Northeast lines to keep running, and provide $2 billion in federally guaranteed loans to modernize them. Both men have good reason to be interested: 40 per cent of the lumber of the Northwest moves to markets in the eighteen states served by the Northeast railroads. Besides the Penn Central, the bill would salvage the Boston & Maine, the Central of New Jersey, the Erie-Lackawanna, and the Lehigh Valley and Reading. This bill should be reported out of committee at the earliest possible date, so that the entire situation can be thoroughly discussed on the floor of the House. There is no sense in letting a slow-moving crisis turn into an overnight catastrophe.

ENDORSEMENT OF EQUAL RIGHTS AMENDMENT BY AFL–CIO

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. FRASER. Mr. Speaker, I wish to recognize and congratulate the AFL–CIO for the endorsement it gave the equal rights amendment at its 10th biennial convention in Miami, Fla., on October 22, 1973.

It is particularly gratifying that this endorsement comes from a federation which—besides representing so many women workers—has fought hard for equal rights and dignity for all, regardless of race or religion, and now, regardless of sex.

I congratulate the AFL–CIO again, and include its entire thoughtful statement below:

Equal Rights Amendment

Whereas, There are an estimated 33 million women working or seeking work outside the home in the United States, and

Whereas, Their number has been steadily increasing to the point where they now make up more than 38 percent of the nation's labor force, and

Whereas, It is self-evident that the U.S. economy vitally needs their abilities, talents and skills, and

Whereas, Most women work outside the home because they and/or their families need their earnings to raise their living standards above low-income or poverty levels and to help meet the spiraling cost of living and of education for their children, and

Whereas, More than 22 percent of heads of households in the United States today are women, and

Whereas, Women continue to be one of the most discriminated against and exploited groups of workers in the nation, one manifestation of which is the fact that they earn an average of only three-fifths of what men earn, and

Whereas, It is now more urgent than ever to remove employment opportunity barriers against women wherever they exist, and

Whereas, State protective labor laws applying only to women are being invalidated in nearly every instance by the courts under the equal employment opportunity provisions of the 1964 Civil Rights Act, and

Whereas, Recent Supreme Court decisions have thrown strong doubt on the constitutionality of most laws that differentiate on the basis of sex, and

Whereas, More and more women are recognizing that the trade union movement is concerned with and seeking to be responsive to the needs of all workers, women and men alike, and

Whereas, Women are turning to the trade union movement in ever increasing numbers as the only effective means of gaining and maintaining justice and equality that is being denied them in the workplace because of their sex, and

Whereas, The proposed Equal Rights Amendment to the Constitution has become a symbol of commitment to equal opportunities for women and equal status for women.

Resolved: That this 10th Biennial Convention of the AFL–CIO endorses the Equal Rights Amendment to the U.S. Constitution as precisely the kind of clear statement of national commitment to the principle of equality of the sexes under the law that working women and their unions can use to advantage in their efforts to eliminate employment discrimination against women, and, be it further

Resolved: That state labor federations, in states which have not yet ratified the Equal Rights Amendment, urge their legislatures to act favorably upon the measure.

RESOLUTIONS OF EXECUTIVE COMMITTEE OF B'NAI B'RITH DISTRICT I

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. WOLFF. Mr. Speaker, I would like to bring to the attention of my colleagues the two following resolutions of the executive committee of B'nai B'rith District I in Queens:

Resolution on the Oil Crisis

Whereas, the Arab states are seeking to exploit their position as a major source of crude oil and have launched a campaign of propaganda and political pressure aimed at changing United States policy in the Middle East;

Whereas, it is now apparent that various oil companies have joined with these Arab nations and their friends in this effort to persuade the American people that the oil problem can only be solved if the United States alters its policy in the Middle East;

Whereas, there is no relationship between the oil problem and Israel, and the current oil supply shortage would have confronted the United States even if Israel did not exist;

Be it resolved: that: B'nai B'rith Women District One through its leaders and Anti-Defamation League Chairmen undertake an educational campaign, bringing the facts to the American people that Israel's existence as an independent democratic state in the Middle East is wholly irrelevant to the oil problem; and urge the United States government to adopt a national policy with the goal of energy self-dependency as soon as possible.

Resolution on the 1980 Olympics

Whereas, members of the Israeli team participating in the World University Games held in Moscow during the summer of 1973 were subjected to racist discrimination and Anti-Semitism by the Russians;

Whereas, a group of Russian fans led by uniformed soldiers rushed at some Moscow Jews who had been waiving an Israeli flag and banner during a basketball game between Israel and Puerto Rico, and they tore down the Israeli banner and flag;

Whereas, Anti-Semitism appears to be official Russian policy and that the behavior of the Russians this summer proves that they cannot live up to the ideals of the Olympics of fair play and good sportsmanship;

Be it resolved: that: B'nai B'rith Women District One through its leaders go on record as being unalterably opposed to Moscow being selected as the host city for the 1980 Olympic Games.

INNER-CITY BROADCASTING EXPANDS BLACK INVOLVEMENT IN THE MASS MEDIA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. RANGEL. Mr. Speaker, there is currently a tragic underrepresentation of blacks and other minority groups in ownership and policymaking positions in the mass media. As a result, many affairs of interest to minority communities are ignored on television and radio and in newspapers and magazines.

We in the Congressional Black Caucus have been heartened by the increased activity of minorities in mass communications. The Reverend Everett C. Parker, director of the Office of Communications of the United Church of Christ, has just filed a study with the Federal Communications Commission on minority employment in television. The United Church of Christ study reported a gain in employment of minorities as TV personnel. At the same time, however, no parallel improvement was found in the status of women in television. There is still a long way to go.

One major problem faced by minority businessmen, journalists, broadcasters, and community groups seeking to purchase media outlets is financing. The difficulty in getting adequate credit for acquisition of large radio or television stations is an obstacle which can be overcome only by a combination of hard work, persistence, and luck. Unfortunately, leading financial institutions have been too reluctant to assist minority groups in these important endeavors.

I am especially pleased by the positive step taken by Inner-City Broadcasting in acquiring WBLS radio in New York. This company was able to overcome the financial roadblocks in its path.

Inner-City Broadcasting has a proven record of service to the people of Central Harlem in my congressional district. As owners of WLIB radio, and as the new owners of WBLS, Inner-City Broadcasting's programing will continue to cover events of concern to black New Yorkers while providing quality entertainment.

I am proud of this latest achievement and hope it will encourage further minority involvement in the mass media.

THE ADMINISTRATION'S HOUSING MESSAGE

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. HARRINGTON. Mr. Speaker, although the Government has committed itself to insuring every citizen with decent housing, it seems evident to me that it is reneging on its promise. People are faced with escalating building costs and mortgage interest rates, and many are therefore unable to afford their own homes or are forced to pay for them at inflationary costs which leave them many years in debt.

The President recently released his Federal housing message. Yet his proposals only exemplify the Government's lack of concern for families with low and moderate incomes. Whereas there is an immediate need for adequate housing, the President is willing to wait until 1977 to fulfill such housing needs.

Mr. James Fiorentini, board chairman of the Greater Haverhill Community Action Commission, has prepared an informative analysis of the message and has pointed out its major shortcomings. His analysis seems to me to be well reasoned and wholly grounded in fact. Therefore, I wish to insert his analysis in the Record for the consideration of my colleagues:

Summary and Analysis of the Administration's Housing Message

The United States has long had a commitment to provide "decent and adequate housing for all Americans". This commitment was expressed as early as in the Housing Act of 1937 and in President Franklin Roosevelt's announced goal of 100,000 units of public housing a year for low- and middle-income Americans.

The Housing Act of 1968 again renewed that commitment. That act expressed a congressional policy of building one million subsidized housing units every year as a means of insuring decent and adequate housing for those least able to pay.

The Nixon administration's long awaited Federal housing message, finally released last week, represents a dramatic retreat from our commitment to decent and adequate housing.

The underlying philosophy of the message is that the basic regulator of the supply and condition of low and moderate income housing should be the free market economy. For the middle-class, the housing message proposes priming the amount of mortgage money available with a government influx to the VA, FHA, and private mortgage industry. This proposal is supposed to be accompanied by the lifting of state bans on the maximum allowable mortgage interest rates. But, one state, New York, has already rejected this suggestion as inflationary and not in the public interest. The net effect for the middle-class, already burdened by the highest mortgage rates in the history of the nation, will be more mortgage money at even higher interest rates.

The Administration's housing message as the Globe said, "offers the poor nothing but promises". The housing subsidy programs, already frozen until next July, when many of them expire. Despite the admonition of Senator Edward Brooke (R., Mass.) that "present subsidy programs should not be allowed to expire without a replacement", there will be no immediate replacement when the programs expire next July.

What the Administration has proposed for the poor is the promise of a study of direct cash assistance programs replacing Federal Housing Programs. That study would be released in late 1974 or early 1975, and if favorable, would call for the payment of cash grants to the *elderly poor.*

Senator John Sparkman (D. Ala.) estimates it will be a minimum of two years later that housing grants would be available to the poor generally. Thus for the poor, for the elderly, and for those priced out of the housing market by the administration's economic policies, the housing message promises no assistance from the Federal Government until as late as 1977.

Congressman Henry Reuss (D. Wisc.) accurately summed up the Administration's housing message as follows:

"The Administration has labored and brought forth not a mouse but the promise of a mouse by 1975. . . . For low and moderate income Americans already hopelessly priced out of this housing market, this is cruel news."

What can be done:

1. The Administration's policies must gain the consent of Congress. We should use every effort to rally public support against the proposals, and insure the poor are not left without housing assistance.

2. The message does offer the proposed expansion of the leased housing program, Section 23, of the 1937 Housing Act. We should make every effort to assist local housing authorities in obtaining leased housing funds.

3. The message also offers the hope of mortgage subsidies for young families. This possibility for the Merrimack Valley area should be explored.

James Fiorentini,
Board Chairman.

THE EMERGENCY MEDICAL SERVICES ACT OF 1973

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, on Thursday, October 25, the House voted on the Emergency Medical Services Act of 1973.

Unfortunately, I was detained downtown because of an important speaking engagement. Had I been present, I would have voted both for the rule and for final passage.

REPRESENTATIVE LAWRENCE HOGAN'S SPEECH BEFORE MARYLAND BANKERS ASSOCIATION

HON. BEN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. BLACKBURN. Mr. Speaker, recently our distinguished colleague from Maryland, Mr. Hogan, presented a speech before Maryland Bankers Association regarding various pieces of banking legislation that is pending before my committee.

One matter pending before the Banking and Currency Committee is the Hunt Commission Report. This report recommends the most revolutionary changes ever proposed in the American banking structure.

At this time, I would like to bring Mr. Hogan's speech to the attention of all my colleagues:

Address by Congressman Larry Hogan,
October 18, 1973

Walter Clements asked me to speak on pending legislation of interest to bankers. The whole subject of banking legislation is so volatile right now that the word I got at noon today may be all wrong by tomorrow morning. Moreover, this is an exceedingly complex area that I don't pretend to be an expert in.

Some of what is being proposed, both by the Treasury Department and by the Banking and Currency Committee of the House, meets the acid test for good legislation, but it is not going to make anybody very happy—not you and not the savings and loan institutions.

The Treasury's proposals were sent forward less than a week ago, and the House Banking and Currency Committee is now holding hearings on it's own proposals, so there is no way to know, at this moment, what is finally going to be presented for our consideration and action.

However, I would like to share some thoughts with you tonight on some of the high points of the various proposals, as I understand them.

We're still trying to live in an inflexible financial system designed to meet the depressed economic conditions of the 1930's—not the expansionary and inflationary conditions of the 1970's.

Today we find these same regulations, which were intended to keep money flowing in the Depression, have dried the flow to a slow trickle and penalized both borrower and saver. People who want money either can't get it at all or must pay high interest rates. And those people who have surplus money to make available are shunning the lending market for other sources of higher returns on their investments.

The nation is in serious economic trouble, and our financial structure is a key to much that is wrong. We're all going to have to try to work together—the Administration, Congress, commercial banks, thrift institutions, the entire financial community—and the consumer—in a concerted effort to solve some of these problems before they destroy our financial system altogether.

The administration is committed to the basic assumption that the public interest is generally better served by the free play of competitive forces than by the imposition of rigid and unnecessary regulation.

However, after 40 years of tightly restrictive control, it is obviously not impossible to lift all regulation overnight.

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As far as I can see, the Treasury's proposals are designed to make the transition from maximum control to minimum control with as little serious trauma as possible.

For example, the Administration proposes to phase out Regulation Q over a period of five and one-half years. This would be accomplished by raising the interest rates payable by banks in four steps, beginning 18 months after the legislation is enacted.

The result would be a parity in the rates which could be paid by banks and thrift institutions on savings deposits and certificates of deposit.

The Administration also recommends that negotiable orders of withdrawal, or "NOW accounts," be offered by both banks and thrift institutions. In recommending the use of NOW accounts for both banks and thrift institutions, the Administration points out that, as the electronic funds transfer system becomes more widely used, the present differences between savings and demand accounts will disappear. The rapid transfer system could result in the situation where a person could deposit money in his demand account only when it is necessary for him to effect a transaction.

In the President's message covering the initial recommendations of the Hunt Commission—on which the Treasury Department based its proposed legislation—he made clear that the interests of the consumer were paramount and that the recommendations were also aimed at reducing or eliminating the need for subsidizing the thrift institutions.

To offset any competitive disadvantages which might befall the thrift institutions and to increase the competition among all financial institutions, the Administration recommended expanded deposit liabilities and assets for savings and loans. Among these services, in addition to NOW accounts, would be checking accounts, third party payments powers, and credit cards. There would also be the opportunity for national banks to offer savings accounts for corporate customers.

It is the feeling of the Administration that such innovations will result in the opportunity for consumers and business interests to choose from a wide variety of institutions at less cost. And the increased competition will result in a higher quality of service and greater efficiency for all financial institutions.

While enabling the savings and loans associations to expand their activities, the proposed legislation would also subject them to reserve regulations comparable to those required by commercial banks.

The Administration is recommending some modifications in the tax structure of both banks and thrift institutions, again designed to further equalize the tax burdens of both. Since the details of the tax proposals are not yet available, it would be premature to discuss them, except to emphasize the Administration's intent to make broad and coordinated changes in the total structure simultaneously, so that no part of the system becomes badly out of kilter.

I might point out that three of the most controversial proposals in the Hunt Commission are not contained in the Treasury's proposed legislation submitted last week. These are the Hunt Commission's recommendations for statewide branching in all 50 states, a restructuring at the Washington level of the banking regulatory agencies, and mandatory membership in the Federal Reserve System for all lending institutions.

The last proposal also involved the question of uniform reserve requirements, and its absence from the proposed legislation would indicate that Treasury has moved to at least a neutral position from its previous position of opposition to uniform reserve requirements.

It would seem that uniform reserves could be achieved without mandatory membership in the Federal Reserve System. The Administration emphasizes in its revised recommendations that even if non-Federal Reserve System member banks were to be made subject to the Fed's reserve requirements, such mandatory membership could severely weaken the present dual banking system.

Let me spend just a moment on a few of the major recommendations arising from the study done by the House Banking and Currency Committee, on which hearings are being held right now.

Among the proposals which call for far-reaching changes is the recommendation that commercial banks be required to divest trust departments which hold assets in excess of $200 million. These trust departments would be established as independent trust companies, to be regulated by a new agency, the Federal Trust Management Commission.

The report accompanying the proposal states that the massive flow of investment funds into the commercial bank trust departments has circumvented the Glass-Steagall Act of 1933, which separated commercial banking from investment banking, and that because of this situation, the separation of trust activities is necessary.

The proposals call for allocating credit for priority areas of the economy. In order to insure an adequate flow of funds into the mortgage market, there would be mandatory minimum housing investment requirements for all commercial banks, life insurance companies, private pension funds, foundations and thrift institutions.

The report also suggested expanded powers for thrift institutions, including the right to convert to commercial banks.

In an effort to provide greater consumer services, the payment of interest on all demand deposits, regardless of whether they are held by banks or depository thrift institutions, would be allowed. At the same time, bank giveaway programs as a means to attract deposits would be eliminated.

The report proposes establishing a new regulatory agency, to be known as the Federal Banking Commission, which would encompass the present Federal Deposit Insurance Corporation and all of the regulatory authority of the Federal Reserve Board and the Comptroller of the Currency. The duties of the Federal Reserve Board would be limited to monetary policy.

Because all of these issues are so complex, so far-reaching in their effects and so interwoven as to require coordinated—rather than piecemeal—action, there is no indication that definitive legislation will come before either House of Congress in this session.

In addition to the House Banking and Currency Committee hearings now going on, hearings are scheduled in early November before the Subcommittee on Financial Institutions of the Senate Banking, Housing and Urban Affairs Committee.

Let me conclude by urging you to keep up to date on the progress of this legislation, to keep in close touch with the legislative people in your association, to become as well informed on these issues and proposals as you possibly can, to offer to testify, and—most of all—let your representatives in Congress know how you feel.

As members of Congress, there are a multiplicity of forces and counterforces pulling and pushing us from every conceivable angle. But we expect this, and we welcome it, because it helps us to reach what we believe to be the consensus decision that best serve our country and our constituencies.

If a significant force is missing in the counterbalancing process, then that constituency may not be getting a fair shake. It is not only in *your* best interest to see that we thoroughly understand you and your points of view, but we in Congress need you to help us do our jobs effectively.

Whatever legislation arises out of these many approaches, recommendations, proposals, suggestions—modified and tempered by your input at the hearings—you are being given your opportunity to have a hand in it. This is part of what representative government is all about.

Make the very best use you possibly can of your opportunity to influence this legislation. It's an opportunity you can't afford to pass up! My staff and I stand ready to work with you in every way we can.

WHITHER ALLENDE?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. SCHERLE. Mr. Speaker, I would like to share with my colleagues the following article by Dr. Joseph F. Thorning entitled "Whither Allende" which appeared in the May 21, 1973 publication of the Rising Tide. Dr. Thorning, widely known in educational circles in this country and throughout Latin America, shows excellent foresight in this article into the current situation we find in Chile today.

The article follows:

WHITHER ALLENDE?

(By Dr. Joseph F. Thorning)

How many observers in the USA remember that when President Salvador Allende took office in 1970, he did so thanks to the votes of the majority of Senators and Deputies, many of whom are now disenchanted with his recent policies?

Allende's adherents in Chile, mainly Marxists and Marxist-Leninsts, maintain their enthusiasm, despite a sadly deteriorating economy. They point with pride to an increase from 36.3 to 43.4 percent in the popular vote on March 4, 1973 for the members of Allende's Congressional coalition. They note, quite correctly, that they added two Senators and six Deputies to their ranks in the Chilean Parliament. Consequently, Allende and his cohorts continue their loud proclamations of popular "victory."

REJECTION

The Allendistas, however, overlook an undeniable fact. On March 4, 1973, a majority of the voters of Chile—56 percent—although subjected to subtle and not-so-subtle forms of political blackmail, called for new directions in public administration. The people, by their majority vote, rejected totalitarian tactics, demanding a return to democratic procedures. They made clear their preference for a system of social justice respectful of their homes, their modest-sized farms and other family-owned centers of production. In a profoundly true sense, the majority voted in the light of religious convictions and with a determination to safeguard the rights of their children. Women were outstanding in their emphasis on such principles.

REACTIONS

Nevertheless, Dr. Allende talked and acted as if he had won a new mandate. Fresh measures toward the nationalization of Chilean properties were enacted. In reorganizing his Cabinet, the chief executive dropped the three military men who, in the eyes of the people, represented good order and fair play. This move strengthened the hands of partisans who made more strident

their demands for a speedier route to total domination of the body politic and the seizure of the private property of Chile's citizens.

Equally significant was Allende's next step. He proposed a "unified school system" on a national scale. This would mean the suppression of a noble Chilean tradition: a flourishing system of public and private schools, colleges and universities administered in an atmosphere of mutual respect for the benefit of all concerned. Religious education, of course, was the principal target.

Allende's drive may have been premature. In 1970 religious people were prepared to give the Marxists the benefits of every doubt. They realized the need for radical change. They were aware of conditions of work in mines, factories, offices and on farms. They were ready to cooperate.

But they were sickened by a bid for power over the minds of their children. The result might have been foreseen. In response to the petitions of parents, the Chilean Bishops, after deliberation and prayer during the 1973 Holy Week, issued a reasonable, well-balanced statement. Although maintaining their principle of warm approval for genuine efforts toward social reconstruction, they reiterated their devotion to the right of all citizens for freedom of choice, not only in the field of education, but also throughout the broad domain of human rights.

". . . ANOTHER MODEL OF INJUSTICE"

A key passage of the Easter Sunday declaration is worthy of study. It reads as follows:

"Why should not our Fatherland become more human, more just, more open to structures that may provide equality of opportunity to all her sons and daughters? And why cannot this desire in the hearts of the majority of Chileans be realized without grave personal and collective sins; and without giving birth to another model of injustice and tyranny, which offers no solutions and merely hands power over to one or another minority group?"

Most Christian Democrats, Liberals and Nationalists in the Republic of Chile and elsewhere interpreted this strong message as a reference to the voice and determination of the 56 per cent of citizens who voted for liberty on March 4, 1973.

Popular sovereignty is sound religious doctrine. When people go to the polls, they show that they want their elected officials to respect their homes, their land, their schools and their right to earn a living, irrespective of the political administration of their country, provided their activities conform to the Constitution and laws.

In other words, a majority of Chileans recall that another Marxist-Leninist regime, that of Fidel and Raul Castro in Cuba, constantly promised "free elections," respect for religious education and democratic procedures—until securely ensconced in total power.

The Chileans will do their part not to be tossed "from the frying-pan into the fire." They have not the slightest inclination to see their beloved country become another colony of the Soviet Empire. For many reasons, the majority in Chile deserve the admiration and support of free peoples and independent nations.

HUEYTOWN HIGH SCHOOL

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. FLOWERS. Mr. Speaker, on October 22 we celebrated Veterans Day with many communities staging parades or other ceremonies to honor those men and women whose dedication and service have helped our Nation remain free. I was privileged to participate in several observations in my home State including the great annual celebration in Birmingham, Ala.

My pleasure in attending the day's activities was heightened by the selection of Hueytown High School, located in my district in West Jefferson County, for five awards for its involvement in community affairs. Among the awards won by this outstanding school was the Governor's Trophy, making the third consecutive year the school has received this esteemed award.

For the second consecutive year, Hueytown High received the Raymond Weeks Americanism Cup. This award was based on sponsorship and involvement in many different school and community projects.

In some places and among some groups, patriotism or Americanism are not popular subjects. So it is heartwarming indeed to see the young men and women of Hueytown High School continue to respect and honor those principles upon which our country was founded. I am pleased to commend the actions of the students and faculty of Hueytown High School for their efforts, and am equally pleased to see their efforts so deservingly rewarded.

VALUE OF MEN

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. TEAGUE of Texas. Mr. Speaker, the time between the understanding of the fundamental laws of science and the application to the benefit of man has grown shorter and shorter over the years. It is fortunate that this has been the circumstance. Prevention of disease and improved living standards all depend on new technology derived from scientific investigation. A recent article in the Evening Times of Melbourne, Fla., September 27, 1973, points to the value of men and their contributions in Skylab 2 and 3. We are fortunate in having automated satellites which greatly contribute to our ability to predict weather and to communicate on a worldwide basis. Along with this capability, it is important to recognize that man has a strong and direct role to play in space. This continues to be exemplified by the achievements of Skylab. I include this significant article in the RECORD for the benefit of my colleagues and the general public:

VALUE OF MEN IN SPACE PROVED AGAIN

Those dauntless Skylab 2 astronauts have again proven the value of having men in space.

This time they overcame a crippled spacecraft to perform an unprecedented and tricky reentry maneuver Tuesday for a successful splashdown in the Pacific off the California coast.

Two leaking steering jets on the Apollo ferry ship early in the 59½-day mission threatened a possible rescue attempt and curtailment of the voyage.

Instead, the astronauts surmounted the obstacles. With ground support they flew the entire mission to rack up more gains for this country's space achievements.

The actual results of the benefits of this latest manned space mission may be years away.

The thousands of photos and miles of tape could lead to an endless source of pollution-free energy, a catalog of the world's resources and new metals and materials.

Years may be required to evaluate completely the data obtained from the Skylab 1 and 2 crews and that still to come from Skylab 3.

"Space is a place, a very unique place and a new important resource that can be used for the benefit of people everywhere on earth," said NASA Administrator James B. Fletcher in summing up the importance of Skylab.

Skylab 2 brought home this week 77,600 pictures of the sun snapped through six solar telescopes. There are more than 12,000 pictures and 18 miles of computer tape gathered during earth resources surveys.

Add to that 30,000 sun photos and 3,000 earth photos collected by the Skylab 1 crew, and scientists declared it a bonanza.

Perhaps most importantly, the astronauts have proven that man can adapt to the weightless environment of space for long periods of time.

Photos and sensor data may determine through study hidden oil and mineral reserves needed by our nation.

Also important will be assessing land for its agricultural potential, timber volume and water runoff, as well as air and water pollution sources.

Of particular interest to Florida and Brevard County would be improved weather forecasting and determining fishing grounds.

Of the solar flares and activity recorded, Dr. Neil R. Sheeley of the Navy Research Laboratory, said, "Now we've got the possibility of answering questions that we've only had clues to for years."

Flares spew large doses of radiation into space, influencing weather and disrupting communications on earth by creating magnetic storms.

Experts hope the solar data will help unlock the secret of controlled thermonuclear fusion, which is the source of the sun's energy.

This would aid in searching for an unlimited and pollution-free power source on earth.

That alone would more than repay the cost of the entire space program borne by United States citizens.

NO CONFIDENCE IN PRESIDENT NIXON

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. BINGHAM. Mr. Speaker, one of the tragic aspects of our Nation's present political crisis is that President Nixon has almost totally lost the ability to convince people that he is telling the truth at any given moment.

Of course, he has no one but himself to blame for this situation. Sometimes, it seems as if he has a compulsion to make statements that can later be demonstrated to be untrue.

An example was the following statement from his October 26 press conference:

You remember the famous case involving Thomas Jefferson where Chief Justice

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Marshall, then sitting as a trial judge, subpoenaed a letter which Jefferson had written which Marshall thought or felt was necessary evidence in the trial of Aaron Burr. Jefferson refused to do so, but it did not result in a suit. What happened was, of course, a compromise in which a summary of the contents of the letter which was relevant to the trial was produced by Jefferson. . . .

At the time I had no special reason to doubt the accuracy of Mr. Nixon's account, and I imagine others who heard his press conference were in the same position. But as Anthony Lewis, of the New York Times, has pointed out, this account was actually "a farrago of untruths." Mr. Lewis states "the historical facts" thusly:

> The letter at issue was not from Jefferson but to him, from Gen. James Wilkinson. Jefferson did not refuse to cooperate in the matter; indeed he offered to be examined under oath in Washington. And he did not produce a mere "summary" of the letter. He gave the entire original letter to the U.S. Attorney, George Hay, who offered it to the court for copying and use of "those parts which had relation to the cause."

To seek to deceive the American people in such a readily detectable manner is almost a self-destructive way to behave. Its consequences are adverse to Mr. Nixon himself. More importantly, they are adverse to the Nation's confidence in its own political institutions.

The text of Mr. Lewis' column, from the New York Times of October 29, 1973, follows:

WHY WE ARE SHAKEN

(By Anthony Lewis)

WASHINGTON, October 28.—In answering the first question at his press conference Friday, President Nixon brought up the case of Aaron Burr as a precedent to support his continued withholding of Presidential papers. He said:

"You remember the famous case involving Thomas Jefferson where Chief Justice Marshall, then sitting as a trial judge, subpoenaed a letter which Jefferson had written which Marshall thought, or felt, was necessary evidence in the trial of Aaron Burr. Jefferson refused to do so, but it did not result in a suit. What happened was, of course, a compromise in which a summary of the contents of the letter which was relevant to the trial was produced by Jefferson. . . ."

The historical facts are as follows: The letter at issue was not from Jefferson but to him, from Gen. James Wilkinson. Jefferson did not refuse to cooperate in the matter; indeed he offered to be examined under oath in Washington. And he did not produce a mere "summary" of the letter. He gave the entire original letter to the U.S. Attorney, George Hay, who offered it to the court for copying and use of "those parts which had relation to the cause."

In short, Mr. Nixon's account was a farrago of untruths. It may seem a minor matter in a press conference that also saw him falsely imply that Elliot Richardson had "approved" his course of action on the tapes. But the President's misuse of the Burr case is interesting precisely because it was so unnecessary, so minor, so gratuitous.

Why did he introduce such an historical episode into his discussion and then so gravely distort it? Did he consciously intend to deceive his audience? Or is there in him some unconscious process that reshapes the truth to his ends?

Those questions are not put down to suggest that there can be sure answers. What is disturbing is that the public cannot be sure. Even on so small a matter we cannot trust the President of the United States.

Trust is fundamental to the functioning of a free government. Those who wrote the American Constitution understood that, and therefore tried to make sure that faith in our system of democracy would survive mistaken leadership. To that end they created institutions—in shorthand, government of laws, not men.

That Richard Nixon has made it impossible for the country to trust in him is not the worst he has done as President. The more grievous harm has been to damage trust in our institutions. Consider some examples.

The police are a particularly sensitive barometer of trust in any society. The most respected American police institution has been the Federal Bureau of Investigation. In 1970 President Nixon sought to involve the F.B.I. in a program of illegal wiretapping, surveillance and burglaries. After protests from J. Edgar Hoover, the program was allegedly canceled, but the White House plumbers carried out some of the illegal activities. Americans' confidence that Federal law-enforcement institutions will respect the law has certainly been damaged.

The Central Intelligence Agency is another sensitive institution. The evidence indicates that Mr. Nixon's top assistants, almost certainly on the orders of the President, sought to involve the C.I.A. in the cover-up of Watergate.

Our military institutions suffered a painful loss of public confidence as a result of Mr. Nixon's secret bombing of Cambodia. It is not surprising that people should be shaken if our powerful forces can be used in secret, without the consent or even the advice of Congress, and with military men joining in a conspiracy to deceive Congress and the public by false reports.

It hardly needs to be said that the courts have been abused by this President, or that Congress has suffered as an institution from the attitude of open contempt displayed toward it by this White House.

Finally, one must mention a sordid episode in which Mr. Nixon did not hesitate to soil the institution of the Presidency itself—by innuendo directed at a dead President. At a press conference on Sept. 16, 1971, he said the United States had got into Vietnam "through overthrowing Diem and the complicity in the murder of Diem." We have no evidence of any such complicity. Mr. Nixon's remark came shortly after his White House consultant, E. Howard Hunt, tried to forge some—a "cable" made to look as if it had come from the Kennedy Administration.

These assaults on our institutions and on our trust have left the country in a state of nervous exhaustion. Before we can recover, we shall have more to endure. Investigating a President, and judging him, will require us to face hard questions of law and policy and politics. But there is no other way.

As we proceed, we should remember above all that we are trying to heal wounded institutions. That means that the whole process of investigation, impeachment and, hopefully, political accommodation must be carried forward with a deep concern for institutional regularity. We must answer disrespect for institutions with respect, lawlessness with law.

HOW TO LOSE AMERICAN JOBS

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. WYMAN. Mr. Speaker, the amount of production of domestic consumable products in the United States that has moved abroad in recent years is alarming. It involves a substantial loss of U.S. jobs. It also illustrates the principle that dollars are not patriotic and will flow to whatever part of the world they will buy the most for the least.

Labor costs are a substantial component of many of these products. The significance of the disparity between this element of cost in the United States compared with that in most foreign countries is startling. It is emphasized by the fact that such goods can be manufactured half way around the world, shipped thousands of miles to the United States and still sell for less than the same product produced here at home.

In this connection another excellent commentary from the Warner and Swasey Co. appearing in this weeks U.S. News & World Report merits thoughtful consideration:

NOBODY LIKES TO BE SECOND-BEST, BUT WE'RE GETTING THERE ALL TOO FAST

The United States used to make 76% of the world's automobiles. Now it's 33%.

We produced 47% of the world's steel; now 19%.

Following World War II we built most of the world's merchant ships. Now only 2%.

First—first to third as builder of machine tools.

The American sewing machine used to be the trademark of the American home. Now only one company makes *any* here.

40% of Americans walk in imported shoes.

Whose fault? It's *everyone's* fault who wants something for nothing or takes something he doesn't earn. That is what is causing exorbitant prices, shoddy quality, disgusted customers. America was built by hard work, with everyone carrying his share. We'd better get back to it *fast*, while there's still time.

THE HANCOCK NEWS STANDS UP FOR AMERICA

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. BYRON. Mr. Speaker, preparations for our Nation's Bicentennial celebrations are now underway at a time "when the very fiber of American life is being tested and challenged." In this regard, I would like to take a few moments to share with you a recent editorial published in the Hancock News which captures the essence and meaning of America's 200th birthday.

The Hancock News is an informative weekly newspaper published by James S. Buzzerd and J. Warren Buzzerd and I think this editorial reflects the continuing strong patriotism and hope in the future that is in the hearts of most Americans today:

AMERICA'S BICENTENNIAL

"Old Glory" has seen many changes in her lifetime. As she rippled majestically above the American landscape, she watched Thirteen Colonies grow to mature adulthood; she suffered the hell of war and the joy of a surging economy; she has heard cries of doubt and despair turn to a voice of confidence as her people made their way into the uncertain arena of global affairs. Now the U.S. prepares for its Bicentennial celebration in 1976, and there are thousands of ways for

each of us to show pride in our heritage and hope for the future.

Robert O'Brien, in his article entitled "A Chance for Rediscovery," appearing in the September issue of The Reader's Digest, calls for a rededication to the principles of America and a new appreciation of all she has stood for in the world. All 50 states have plunged into preparations for the event, with efforts ranging from reconstruction of historic forts and trails and the building of exhibits costing millions—to clean-up campaigns in every city, town and village. The executive director of the Arkansas Bicentennial Commission, Mrs. Glennis J. Parker, captured the essence of the nation's 200th birthday celebration when she said, "We're not a wealthy state, and we can't do big things. But that's not what it's all about. The Bicentennial is a spirit, a demonstration of love for our country. . . ."

These are troubled times, when the very fiber of American life is being tested and challenged. Yet, as we survived the turmoil of the past, so shall we conquer the unknown that which lies ahead. Everyone who is proud to be an American should dedicate themselves to making our 200th birthday one never to be forgotten, while at the same time seeing to it that our sacred Constitutional rights and freedoms remain inviolate.

DÉTENTE PATTERN HOLDING DANGER

HON. DAVID C. TREEN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. TREEN. Mr. Speaker, in a recent article in the New York Times, Mr. Anthony Harrigan provides a summary of the more important points raised at the National Committee To Unite America Conference. While I do not necessarily agree with all of the points mentioned, I think this article will serve to illustrate the potential perils of détente. Consequently, I am inserting it in the RECORD for consideration by my colleagues:

[From the Baton Rouge (La.) State-Times, Oct. 6, 1973]

DÉTENTE PATTERN TERMED EUPHORIA HOLDING DANGER

(By Anthony Harrigan)

NEW YORK, N.Y.—The peril in an unrealistic foreign policy of détente with the Soviet Union was the principal theme of a meeting here of the National Committee to Unite America.

Representatives of research centers, voluntary associations, and other groups gathered to discuss national issues in a forum moderated by C. Dickerman Williams, a leading member of the New York bar.

Eugene Lyons, former senior editor of Reader's Digest, set the theme of the meeting with his statement that détente is a "disaster." He warned that the United States is "accepting the fairy tale that the worst is over." Under the banner of détente, said Lyons, who has published authoritative books on the Soviet Union, "we are opening our technology to the communists who need it. Why should we act to salvage the Soviets from the errors and fallacies of their system?"

Lyons pointed out that it is a myth of our decade that the cold war is over, noting that the "Communists are carrying on their offensive against our world as though nothing had happened. The cold war will be over when they pull down the Berlin Wall and when the Brezhnev doctrine is repudiated." He added that "detente is another cover word for our will to die, our almost hysterical desire to throw off responsibilities."

Henry Taylor, former U.S. Ambassador to Switzerland and a nationally syndicated columnist, pointed out that he had participated in 108 negotiations with Soviet officials. Referring to hope for détente with the U.S.S.R., Taylor said: "It is absurd to believe this leopard has in any way changed its spots. The Soviet maneuvers are strictly tactical."

Dr. Stefan Possony of Stanford University discussed growing concern among Americans and Europeans about the repression and "psychiatric torture practiced by the U.S.S.R." He said that Secretary of State Henry Kissinger doesn't understand that the Soviet leadership hopes to "revalidate the Stalinist system" in its campaigns against Soviet dissidents.

Robert Morris, president of Plano University warned that Secretary of State Kissinger is "disarming us psychologically as Robert McNamara disarmed us militarily." He charged that the nation is experiencing "euphoria and self-deception comparable to what prevailed at the height of the U.S.-Soviet wartime alliance."

The various speakers at the New York conference noted that Americans are being alerted to the real nature of Soviet intentions by Soviet dissidents such as Andrei Sakharov and Alexander Solzhenitsyn, while Secretary of State Kissinger plays down grim Soviet realities. Several speakers said the Soviets are talking detente because they want to gain access to American technology—especially computer technology—and foodstuffs. They made the point that recent statements by Soviet officials indicate that the U.S.S.R. intends to utilize the detente gambit for a period of about 10 years until it has solved its economic problems, energized its industries through American know-how, and gained complete military superiority.

Charles W. Wiley, executive director of the National Committee for Responsible Patriotism, made the point that sometimes a terrible mistake of failure alerts the American people to a disastrous policy. He cited the grain sale to the Soviet Union as a case in point. Now, he said, the American people realize that the detente policy of providing grain to the Soviets at low cost has resulted in a poorer American diet and higher food costs.

The New York conference served an important purpose in bringing together thought leaders from different backgrounds and different parts of the country. While each individual had a special assessment of the situation facing the United States, there was a general air of optimism as to alerting the American people about the true nature of detente. It was noted, for example, that a consensus is in the making among many conservatives and liberals that the U.S. should not confer trade advantages of the Soviets while the Communist leadership increases neo-Stalinist repression throughout the Soviet empire. This consensus seems to be evidenced by the strong support the Congress is giving the Jackson amendment to the foreign trade bill.

HEW STRIKES AGAIN

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mrs. SCHROEDER. Mr. Speaker, yesterday 102 Members representing both parties cosponsored the Social Services Amendments of 1973. This legislation was designed to save the social services program from the regressive, restrictive regulations that the administration has been trying to implement since February.

It is hard to focus on too many things these days. Probably there have never been so many pressures upon this branch of Government as there are today. No one could have foreseen or prepared for the extraordinary circumstances in which we now find ourselves. We have been called upon to consider the impeachment of a Vice President, who subsequently resigned. We are now asked to act on the confirmation of a new Vice President. It next becomes necessary to write and pass legislation to create an Office of the Special Prosecutor, although we believed that had been accomplished a few short months ago. Finally, the American people have demanded that we consider the impeachment of President Richard M. Nixon. It is terribly difficult, amidst these very pressing demands, for us to focus on much else.

Yet 102 Members of this body were able to turn their attention to the need for the Social Services Amendments of 1973. They realized that the regulations proposed by HEW since February would cut the heart out of the social services program. The bill introduced yesterday is companion legislation to Senator MONDALE's bill, which has 31 bipartisan cosponsors in the other body.

That the issue of the social services regulations has been of great interest to the Congress and to the people we represent cannot be debated. The large number of cosponsors of the legislation introduced yesterday is adequate testimony to that. This legislative action was the culmination of 9 months of trying to persuade the administration that the regulations they were proposing were not acceptable to Congress. There have been meetings with Secretary Weinberger and Members of Congress. There have been innumerable letters and telegrams protesting the regulations, both from Members and from citizens to the agency. The Democratic caucus earlier this year passed a resolution calling for an early settlement of this issue. The Senate Finance Committee held hearings on the matter, and determined that HEW had in fact gone beyond congressional intent in setting such restrictive regulations. Congress has repeatedly expressed its concerns and tried to impress upon the administration that the implementation of the regulations would have a devastating effect on the whole social services program, an effect not compatible with congressional intent.

It is outrageous that the administration has chosen to ignore Congress and is going ahead with the implementation of a set of regulations which are still disastrous to the social services program.

The manner in which we were informed of their intentions is equally outrageous.

Yesterday morning HEW held a press conference to announce the new, "revised and final" regulations. As best we can determine, not one Member of Congress was notified of, or invited to, the the press conference, nor were any representatives of any interested citizens' groups.

When I learned about the press conference and HEW's decision to implement the regulations on November 1, I called HEW congressional liaison. My incredulity at the manner in which Congress was being treated increased when I learned that HEW had not even bothered to inform its liaison office of the press conference, or of the issuance of the final regulations. A call was placed to Secretary Weinberger's office to protest the manner in which this had been handled, and to get a copy of the regulations. The result was a return call from the Office of Social and Rehabilitative Services, which informed us that they could not make a copy of the regulations available to us. We were told that the regulations would be published in today's Federal Register, and we could wait until this morning to read them.

That this type of treatment on the part of an agency created by Congress is outrageous and insulting is putting it mildly.

The regulations that will be implemented on Thursday are not very much different from the other regulations HEW has been issuing since February. They have decided to use the State's standard of need as the basis of determining income eligibility instead of the State's payment standard. In my State of Colorado, there is no difference between the two figures. These regulations will have the same disastrous effect on the social services in Colorado as every other set of regulations HEW has issued this year.

It seems evident to me that HEW has gone beyond congressional intent once again, and that there are many people who will suffer irreparable harm due to the administration's action.

We create and fund agencies to carry out programs we in Congress determine are national priorities. It is incredibly frustrating to have those agencies set out to sabotage the programs they were created to implement and to shortchange the people they were created to serve.

OUR NEGLECTED CITIZENS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. STOKES. Mr. Speaker, the crimes and scandals of the Nixon administration are digging critical wounds in this Nation. But even without them, the administration has dealt mortal wounds to the chances of millions of disadvantaged Americans for the decent living which is their birthright.

Mr. Colman McCarthy, in the Washington Post of October 30, 1973, has eloquently described the slow death this administration has decreed in the name of "benign neglect." But the article, strangely, gives me heart. The public is now demanding President Nixon's impeachment for all sorts of reasons not touched on by Mr. McCarthy's article. If we, the elected representatives of the American people, act swiftly to impeach the President, and replace him with a man who will commit the Federal Government to truly helping the disadvantaged to help themselves, then I am tempted to call the criminal overreachings of this administration, blessings in disguise. If the administration has given us solid legal grounds for getting rid of its mastermind, then we have a golden opportunity to halt the slow death to which it has sentenced the powerless.

To begin to turn around the Government once again, though, the first and necessary order of business is to impeach President Nixon.

I urge my colleagues to give Mr. McCarthy's article their very serious attention:

Our Neglected Citizens

(By Colman McCarthy)

The crimes and shames of the Nixon administration continue. It is a museum of scandals, with its own building program ever constructing new wings and corridors for added specimens of disgrace; Richard Nixon has changed from a politician to a curator. Watergate, Agnew, the forbidden tapes, the firings, the wiretaps and now even Bebe Rebozo's reported deals with Howard Hughes: the ooziness of all this, it is being said, has spread to the point that severe damage is being done to the American tradition and the national stability.

Perhaps. But damage to tradition and stability are abstractions that tend to hover above the lives of the citizens with no proof that they touch those lives. The case—a provable one—that needs to be made more forcefully is that even without the current corruption, the attitude of the Nixon government is doing another kind of damage to the country, not measurable in terms of tradition and stability but measured in the daily-world sufferings of common citizens. We seldom see the human damage; first, because the victims are usually powerless and scattered and, second, because the pain is inflicted in a darkness caused by the light of attention being shined on the great tragedies of state now current, not the lone tragedies of citizens.

Counted first among the victims of this administration's attitude are the poor. A naked display of this attitude—it also deserves space in the museum—is revealed in the October issue of Harper's. Jeb Magruder, recalling his White House days, states: "We didn't spend time on the disadvantaged for the simple reason that there were no votes there." Such a candid statement is backed not only by the administration's efforts to destroy OEO—even a symbol of the poor is considered a threat by the White House—but also by hard figures. The current issue of the Community Nutrition Institute weekly report cites a study of federal aid to the poor. "Considering only program expenditures that can be controlled by the executive branch, the Nixon administration has cut back poverty assistance from $7.2 billion in fiscal 1973 to $6.6 billion in fiscal 1974, the first such decrease in the 10-year period since 1964. Most of the cutbacks proposed for fiscal 1974 are in so-called 'human investment' programs designed to assist the poor in breaking out of poverty through their own efforts."

Other examples of ignoring the poor are easily found: from the administration's opposition to raising school reimbursement lunch money from 8 cents to 10 cents, even though school officials stated that 12 cents was a basic minimum and had so persuaded the Senate, to inaction on proposing controls on the lead content of gasoline that may be contributing to retardation among ghetto children who consume dirt poisoned by lead fumes. The citizens suffering from this neglect do not have Sam Ervin to hold hearings for them, but they exist nevertheless. At best, they get an occasional TV camera crew or print journalist to come examine their case, and report it on the theory that if the powerful in the White House know people are suffering they'll do something—won't they?

Magruder is precise in saying the poor have no votes; what they truly lack is money for campaign contributions, and that is their uselessness. This may also explain the administration's aloofness from the needs of many other citizens who did not have the spare cash to join American Airlines, W. Clement Stone and others who contributed $60 million to the 1972 Nixon campaign. Many in this group are having their rights and needs ignored also.

Some are disaster victims who can't get loans because the President vetoed the necessary legislation. Some lay dying in hospitals because funds for medical research have been severely cut. Some are workers in the 40–64 age group who cannot get jobs because of age discrimination. A law forbids such prejudice but the Nixon administration is not bothering much to enforce it; less than half the $3 million authorized by Congress has been asked for the 1974 budget. Some are the handicapped who will continue in lameness because their legislation was vetoed. Some are the parents of 10,000 infants who die annually from crib death; the current federal primary money for research grants into this disease is $262,000, less than the cost of redecorating the President's jet. Even when public attention is given to a neglected group, the administration's attitude is sufficiently firm that it still resists. A non-government study on educational benefits for veterans concluded that the present benefits do not match those provided after World War II. But the administration told Congress that it is content with veterans' education benefits the way they stand now, regardless of what a study says.

In Washington, the attitudes of the Nixon government are mostly seen in the context of issues and politics, not human suffering. The President—remote and secretive—acts and most observers look for new waves in the political ocean, not for how many citizens are drowning. An ex-worker like Magruder can speak frankly about White House justifications for neglecting a large part of the public, but the current official line is the same that Magruder, in his team-loyalty days, defended; spending must be kept down to prevent inflation.

This means the President can have it both ways. When money for weapons of war are involved, he says that "further cuts would be dangerously irresponsible and I will veto any bill that includes cuts which would imperil our national security." Later, he states: "Let there be no misunderstanding, if bills come to my desk calling for excessive spending which threatens the federal budget, I will veto them."

Unlike the Agnew case and parts of Watergate, in which the courts made swift judgments, no similar speed exists in judgments upon the less noticed acts of the administration. Many of the handicapped, for example, have their needs ignored—a bill was signed but only after two earlier ones were vetoed as too expensive—but who keeps tally on the days of pain some anonymous disabled person must spend because his President says submarines and missiles are more important than wheelchairs? Who counts the years of misery an aging worker must spend because the government does not enforce an age discrimination law? It is not as though the administration's talk about the federal budget and curbing spending were actually lowering prices for the common citizen. Hard days might be endured for that reason. But exactly the opposite is happening: prices soar and no monthly stammerings from the White House economists can bring them down. As for national security—another idolatry to which the President kneels—it is ironic that evidence grows that the emotions of the nation have never been more insecure. Gallup reports new highs in public pessimism. "The public's sense of frustration is likely further compounded by a feeling of impotence, caused by their inability to influence legislation."

It is doing the easy thing, as President Nixon might say, to see the great scandals of state as the only current threat. It is true, the crimes and abuses may be larger. But in terms of the quality of the lives of the citizens—no other measure is important for a democracy—the damage caused by social neglect goes just as deep.

FRANK SMALL, JR.

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. GUDE. Mr. Speaker, Frank Small, Jr., who died Saturday, combined a respected career in business with vigorous and dedicated public service.

At his death, he was vice president of the Equitable Trust Co., of Baltimore, president of the Clinton Realty Co., and a director of several other financial institutions.

But most of us know him as a State legislator, a member of the Board of Commissioners of Prince Georges County, a member of the Republican State Central Committee, a member of the State Racing Commission, State commissioner of motor vehicles, and a Member of the U.S. House of Representatives.

His long career had simple beginnings. He attended public schools in Prince Georges County and studied at the National Automobile College before opening an automobile dealership in 1923. In 1928, he was elected president of the Clinton Bank, a post he continued in until last year.

We can all be thankful for Frank Small's work for Maryland and Prince Georges County, and can join in sympathy for his family, who include a daughter, Grace, of Clinton; a son, Dr. Frank Small III, of Olney; a brother, Keith, of Suitland; 11 grandchildren and 5 great-grandchildren.

"MURDER BY HANDGUN: THE CASE FOR GUN CONTROL" NO. 40

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. HARRINGTON. Mr. Speaker, the need for handgun control was dramatically portrayed last week in the multiple shooting of Mrs. Nancy Lee Hall's family.

The tragedy of a family destroyed by a handgun can only strengthen the argument for gun legislation. There are many who will argue, "It was the person who killed the victims, not the gun." But with a weapon other than a gun, would Mrs. Hall have been able to kill her children and husband? The outcome of her attempts would not have been so well assured.

Therefore, I am asking for immediate gun control legislation. And it is the responsibility of the Congress to act.

At this time, I would like to include the October 22 article by Adam Shaw of the Washington Post:

Son Dies, Fifth Victim Of Shooting

(By Adam Shaw)

Twelve-year-old George Marshall died yesterday of a bullet wound in the head, two days after his mother had arisen at dawn to shoot him and kill her husband, her infant daughter, her eldest son and, finally, herself with a .22-caliber revolver.

The boy died without regaining consciousness just hours before his two surviving sisters, Pattie, 13, and Judy, 21 sat in their somber Wheaton apartment trying to explain what had driven their mother, Nancy Lee Hall, 36, to commit mutiple murder and then suicide.

"I want everyone to know that my Ma loved us," Pattie said, "But the problems just kept building up. She didn't want us to suffer. . . .

"The only reason she did this was because she loved us," said Pattie, who narrowly escaped being shot herself.

"I heard some shots," Pattie recalled, "and then my Ma came into my room and told me to move over in bed. She did not say she would kill me . . . I saw the gun at my head, though, and I said, "Mom, no."

"She said, 'O.K., get the hell out,' and I did."

Pattie said she ran to her sister Judy's apartment, and Judy's husband, Craig Baxter, called the police.

When the police arrived at the Hall's second-floor apartment at 12610 Viers Mill Rd., Wheaton, they knocked down the door to find Jack Hall, 47, and Mrs. Hall lying side-by-side in a blood-soaked bed.

Two-year-old Nancy Lee lay mortally wounded beneath her mother, barely breathing. A gun was beside them, police said.

In an adjoining room, George Marshall lay alive, but unconscious, police said; his brother Walter, 16, lay dead on the lower of two bunk beds.

The problems that kept building up for Mrs. Hall were, according to Judy Baxter, Pattie's married sister, a difficult marriage and a fear that Walter and George Marshall—Mrs. Hall's sons from a previous marriage—"would be put behind bars" in connection with several law violations over the past year. Both boys are now dead.

Two of Mrs. Hall's neighbors said she was also upset by an eviction notice giving her until Dec. 1 to move out of the $170-a-month three-bedroom apartment.

Baxter, who took Pattie in to live with his family after the shooting, said his mother-in-law "couldn't stand to see her boys behind bars."

As the two boys were juveniles, police said they could not release details of their records, if any.

"I didn't think she was capable of this," Baxter, an auto mechanic, said. "She was such a kind, nice woman."

His own three young children played in the hall of the Rock Creek Terrace high-rise where he lives, near the Hall's garden apartment.

The Baxters and Pattie Marshall spoke of Mrs. Hall as a generous, loving woman who had had two difficult marriages and who did not know how to deal with her boisterous teen-age sons.

"But she was not crazy," Pattie said. "She just was trying to keep us happy."

Mrs. Baxter said her mother had briefly worked as a nurse's aide at the University nursing home in Wheaton, where she met her second husband, Jack Hall.

Her first husband, Richard Marshall, with whom she had four children, two of them now dead, lives in suburban Maryland, according to the Baxters

They said Joseph Marshall, 11, whom Mrs. Hall sent out of the apartment to carry letters addressed to various members of the family, was staying with Marshall.

"She was such a nice woman," said Jean Williams, a neighbor of the Halls. "How could she do such a thing?"

"It was because she loved us," said Pattie, holding back tears. "She really did."

HIGHWAY TRUST FUND CRITICISM: FACTS PREVAIL

HON. JAMES C. CLEVELAND

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. CLEVELAND. Mr. Speaker, I have repeatedly contended that much of the public support for raiding the highway trust fund for urban mass transit has been based on fundamental misunderstanding of the issues at stake.

This is understandable, in view of pervasive bias in the press which is, in turn, reflected in votes in this body. This is why earlier this year I protested CBS news treatment of the issue under the fairness doctrine until provided an opportunity to offset its misleading coverage.

Given this concern, I was particularly struck by a letter, published in a New Hampshire newspaper, from a member of the American Automobile Association who resigned in protest against the AAA "highway lobby" position on the trust, denouncing it as unrepresentative of the interests of the New Hampshire motorist.

A response from the AAA sought to counter the views held by the member, whereupon she graciously and publicly apologized and renewed her membership.

Those of my colleagues who maintain a continuing interest in the subject may be interest in the exchange, which reflects credit both on the AAA trust fund position and on the member's receptivity to reasoned argument and willingness publicly to withdraw her earlier criticism.

The letters, from the Laconia, N.H., Evening Citizen of September 15, September 20, and October 1 follow:

Undemocratic Lobby

(Editor's Note.—The following letter addressed to American Automobile Association was sent to the Evening Citizen for inclusion in the Letter Box.)

Dear Sirs: Our membership in your organization will soon be due for renewal. You offer many benefits, indeed security, to car owners like Mr. Allen and myself, who are approaching the senior citizen category, who live in the country, who like to travel, and who feel relatively safe with your membership card in our pocket.

In the spring, the American Automobile Club magazine spoke with pride about the role of the organization in lobbying to pre-

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serve the $6-billion-a-year Federal Highway Trust Fund for Highways Only. We do not agree with that position and feel that here in New Hampshire the answer to ever-more-noticeable air pollution, fast-diminishing green spaces, lack of choice in other means of transportation (awkward bus schedules that do not fit a commuter's needs, too costly air travel and no more trains), and ever-increasing congestion on the highways lies not in more and bigger highways, but rather in combining highways with good mass transit system. We rejoice the Congress was able to negotiate a compromise so the Federal Highway Trust Fund has at least been cracked open. Since a good New Hampshire mass transit system would necessarily be tied in with Massachusetts, we would urge our legislative leaders to cooperate with those in adjoining states on a long range plan, and to convert our highway funds into transportation funds.

We deplore the thought our membership in the AAA added to your voice as part of the highway lobby. How did you arrive at your position? Mr. Allen and I were never given an opportunity to voice an opinion or to vote on a position in AAA. Lobbying is part of the democratic procedure, but only if the position taken is arrived at in a democratic fashion.

Mr. Allen and I will miss the many benefits you offer, but under these circumstances we do not wish to be members of the American Automobile Association.

LUCILE V. ALLEN.

GILFORD.

Highway Building

(EDITOR'S NOTE.—The following letter addressed to Mr. and Mrs. T. Gary Allen, was sent to the Evening Citizen in response to an earlier letter in this column.)

DEAR MR. AND MRS. ALLEN: Thank you for taking the time to write us a note explaining your reason for cancelling your AAA membership.

We are, of course, pleased that you have enjoyed the many benefits of being an AAA member, but we are equally concerned that you would fail to renew your membership due to what appears to you to be a difference of opinion between your views as a member and a policy held by the club.

We respect your difference of opinion regarding funding for mass transit, but we hope you understand that prior to taking these kinds of policy positions we make careful evaluations of all the facts and then represent the interests of the majority of our members.

To further explain our position on mass transit, I refer you to page 9 of the enclosed booklet, "1973 Policies and Legislative Proposals". Under a heading Integrated Transportation Systems, we state the New Hampshire Division of AAA recognizes the need for an integrated transportation system in the state, including rails, buses, and accessible airports offering convenient service to travelers. It is at that point that we apparently disagree, however, since we finish that paragraph by saying the club opposes efforts to subsidize additional forms of transportation by diverting funds from the State Highway Trust Fund.

That position was arrived at by the most democratic process possible. Currently, our New Hampshire Division of AAA has 64,000 members, 46,700 of which hold AAA master memberships, the remainder being associate members. Last November prior to the New Hampshire Legislative Session, we mailed a legislative questionnaire to all of the then 42,500 master members. That questionnaire polled members on 18 issues which we expected to be discussed during the 1973 session. Among those issues, we asked members if they continued to support the AAA position that all state highway user taxes should be expended exclusively for highway purposes. Of 6,555 respondents, 87 per cent or 5,701 members requested the club continue to preserve that fund. I am enclosing a copy of that questionnaire and its results.

Unfortunately, rumors have it both State and Federal Highway Trust Funds have existing surpluses which grow larger each year and threaten our natural environment by providing the means to pave over the countryside. The facts are, however, these surpluses are mythical and nonexistent. At the national level, the Highway Trust Fund currently represents a $3.5 billion dollar debt, and at the local level, our own New Hampshire Department of Public Works and Highways has only funds enough to meet 55 per cent of its annual needs—and that includes state and federal Highway Trust Fund sources. The backlog in New Hampshire created by this level of funding won't be met during this century.

To advocate diversion for any reason—regardless of how worthy the cause—can only further jeopardize planned projects to improve highways, replace outmoded and dangerous bridges, correct narrow curving roadways, improve shoulders, improve intersections, reduce traffic casualties, and on and on. A graphic example of the needs that exist is our critical shortage of funds for bridge repair and improvement. Nationally, 89,000 bridges along state highways, country roads, and city streets are classified as being critically deficient. They may be obsolete, badly deteriorated, structurally unsafe, have insufficient load capacity, present other hazards, and even be in imminent danger of collapse. At the present time, only two bridges from each state have been funded for improvement and the average cost was $2 million for each bridge.

Should you have fears that highways run uncontrolled and would blacktop New Hampshire if given a chance, let me assure you this is not the case. In the last 35 years since the beginning of our State Highway Trust Fund in 1938, the miles of roads in New Hampshire have increased by only 9.5 per cent from 13,506 miles to 14,795 miles. New residential streets represent a large part of that increase. During that same period of time, the population increased 50 per cent. In comparison to our total land area, New Hampshire highways occupy less than one per cent.

Regarding your observations of more noticeable air pollution in New Hampshire, you should know your club is the only source of information in the state regarding the extent of automotive air pollution. We have conducted a program in which we have offered free auto emission testing to the general public and have maintained records of our findings. The program has been conducted on a limited basis, but to my knowledge, we are the only agency, public or private, that has begun compiling information. In addition, early this year the club launched an extensive program of seminars throughout the state geared to certify automotive technicians in the service and maintenance of emission control devices on new and late model cars. As a result, over 2,000 New Hampshire mechanics have been certified by the Manpower Development and Training Program of the New Hampshire Department of Education.

In reading the enclosed 1973 Policies and Legislative Proposals, we hope you find far more positions which you can support than ones which you oppose. In fact, it would come as a surprise to me if you couldn't support 95 per cent of what AAA represents. Your membership supports many good programs that shouldn't be forgotten because you differ in opinion with one position.

You have my respect for your opinion on mass transit funding and regardless of your decision on your membership renewal, we have been happy to serve you, Mr. Allen, since 1966 and you, Mrs. Allen, since 1971. We extend to you our wishes for your driving convenience and safety on the road ahead.

DWIGHT L. CONANT, III,
Director of Safety and
Legislative Services.

MANCHESTER.

Renew Membership

(EDITOR'S NOTE.—The following letter addressed to Dwight Conant of the American Automobile Association was sent to the Evening Citizen for inclusion in the Letter Box.)

DEAR MR. CONANT: Since my previous angry letter to you and your courteous, lengthy reply were published in the Letter Box, I feel a public apology is in order.

Thank you for your letter with its enclosures: The New Hampshire Automobile Association of America 1973 policies and legislative proposals and the club news special edition membership questionnaire on legislative issues. Your record for initiating and carrying out safety measures is to be commended; and even though only 15 per cent of the membership responded, your polling of the mebership before taking a position is democratic.

If you will direct your membership secretary to send us another set of cards and the bill, Mr. Allen and I would like to renew our membership in the American Automobile Association.

LUCILE V. ALLEN.

GILFORD.

IMPORTANCE OF UPCOMING ELECTIONS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. CONYERS. Mr. Speaker, in the never-ending effort to increase citizen participation in elections, I am communicating to all of the voters in the First District of Michigan the importance of the upcoming election in the statement that follows:

Statement

The importance of your participation in elections has been highlighted by the dramatic events of the last few months. I certainly agree and hope that all Americans, regardless of whom or what they support, will exercise their fundamental right and important responsibility to vote in each and every election.

This November 6th, you have an opportunity to choose the leaders who will direct many extremely important functions of the government of our city and school system during the next few years. In addition you will be able to make your decision on the new city Charter proposed as the basic document for your city's structure and management.

It is important for you to study the new Charter, to understand what it is, what changes it might bring and whether you approve or disapprove, In either case, it is critical that you use your FULL voter power to vote on Proposal A at the top of your ballot.

Vote Tuesday, November 6th! And vote the entire ballot!"

SAVE THE ANCIENT AND BEAUTIFUL NEW RIVER FROM SENSELESS AND NEEDLESS DESTRUCTION

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. MIZELL. Mr. Speaker, as many of my colleagues know, I have been trying for almost 5 years to save the ancient and beautiful New River from senseless and needless destruction.

The Appalachian Power Co. wants to build a massive twin-dam pumped-storage hydroelectric power project, called the Blue Ridge project, on the New River at the North Carolina-Virginia border.

The project would back up 44 miles of the river, destroying the free-flowing stream that has flowed for 100 million years, and polluting the only major unpolluted river in the eastern half of the United States.

In addition, the project would flood almost 40,000 acres of extremely fertile and scenic land along the river and destroy a way of life that has been cherished and enjoyed by generations of people.

The benefits claimed for this project come down essentially to the generation of 1.8 million kilowatts of electric power. But because the project is a pumped-storage type, it consumes three units of power for every two units it generates. As a result, construction of this project would produce a net burden on the Nation's limited energy capacity of an additional 900 million kilowatts a year.

That kind of deficit would be hard to justify under the best of circumstances, but it is especially difficult in light of the fact that the New River is such a great national treasure, the fact that we do have a serious energy problem, and the fact that Appalachian Power Co. and its parent, the American Electric Power Corp. rank dead last in research and development of new methods of energy production.

Pumped-storage facilities today are in marked decline, and but for the intransigence of some companies, those facilities might soon fall into well-deserved extinction altogether at least as far as new projects are concerned.

I have commented at greater length on this entire matter in a brief filed recently with the Federal Power Commission. The text of that brief is as follows:

[United States of America before the
Federal Power Commission]

APPALACHIAN POWER CO.—PROJECT NO. 2317

I. INTRODUCTION

This Reply Brief on Remand represents the final summation of my points of opposition to the Modified Blue Ridge Power Project (Project No. 2317) and my assessment of the conduct of the cross-examination hearings on the Federal Power Commission Staff's Environmental Impact Statement on the Project.

II. POINTS OF OPPOSITION

The New River would be destroyed by this project. As noted in the Staff EIS, "present uses of the free-flowing stream . . . would be lost" as a consequence of the project. The surpassing importance of that loss, however, lies not in the fact that the New River is simply a "free-flowing stream," but rather in the fact that the New, according to the U.S. House of Representatives' Committee on Public Works' report on the Water Resources Development Act of 1973, ". . . is believed to be the second oldest river (one hundred million years) in the world, second to Egypt's Nile."

The Committee report further states that the segment of the river on which the Blue Ridge Project would be built is "known to be one of the few remaining relatively pollution-free rivers in the eastern half of the United States. It is recognized, as well, as one of the finest rivers for recreational small-mouth bass fishing in the Nation."

Hence, the New is no mere "free-flowing stream." It is an historic, environmental and recreational treasure, and to plunder that treasure for any reason is to leave the poorer not only the river and its environs, but the Nation as well.

And the congressional report affirms that "construction of the (Blue Ridge) project would drastically alter the character of the river," as suggested in the FPC staff appraisal.

Furthermore, "the (Public Works) Committee, while refraining from involving itself in the relative merits and demerits of the project, has noted considerable opposition to the project on the grounds it would destroy the New River and its environs."

The Committee went on to state that "in view of this long-standing and continuing controversy as to the best use of the river, . . . a detailed study by the (U.S. Army) Corps of Engineers is desirable."

The Committee thus authorized a study by the Corps of Engineers of possible recreational, conservation and preservation uses of the New River between its South and North Forks and the town of Fries, Virginia. This section further provides that "no project shall be licensed within the aforementioned boundaries until two years after the study has been submitted to Congress."

On October 12, 1973, the U.S. House of Representatives adopted the Water Resources Development Act, including Section 67, which states in full:

"The Secretary of the Army, acting through the Chief of Engineers, is authorized to make a detailed study and report of such plans as he may deem feasible and appropriate for the use of the New River from the headwaters of its South and North Forks to the town of Fries, Virginia. Such study and report shall include the recreational, conservation and preservation uses of such area. The Secretary, acting through the Chief of Engineers, shall consult with the Bureau of Outdoor Recreation, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency. Notwithstanding any other provision of law, no Federal agency or entity shall license or otherwise give permission under any Act of the Congress to the construction of any dam or reservoir on or directly affecting the New River from the headwaters of its South and North Forks to the town of Fries, Virginia, until two years after the report authorized by this section has been submitted to the Congress."

The vote of the House was 337–14 in favor of the measure. The legislation is now pending in the United States Senate, where Senator Sam J. Ervin, Jr. (D.-N.C.) has pledged his support for the Blue Ridge section and recommended that his colleagues support it as well.

In addition, Senators Ervin and Jesse Helms (R.-N.C.) are sponsoring legislation in the U.S. Senate to have the New River included in the Wild and Scenic River System. I am presently considering introducing a companion measure in the House.

The scenic and fertile land in the project area would be destroyed. Staff's EIS acknowledges that the affected 38,000 acres "constitute, for the most part, a rural area with a natural stream and tributaries surrounded by handsome, rolling, forested and sometimes mountainous countryside."

All of this land would be inundated for the creation of water storage pools if the Blue Ridge project is licensed for construction.

Mr. W. R. Cassell, County Agent for Grayson County, Virginia, was recently quoted as saying the project would cut farming by one-third in Grayson County alone. In the July 19, 1973, edition of the Galax (Va.) Gazette, which serves Grayson County, Mr. Cassell is quoted as saying that of the 27,900 acres affected, eight percent are cultivated, 32 percent are wooded, and 60 percent are in pasture and hay.

Mr. Cassell went on to assert that with the construction of the Blue Ridge project, farm trade in the area will be reduced by $6,000,000. Grayson County agriculture will suffer a loss of $3,000,000 in farm trade, and Ashe and Alleghany Counties, North Carolina, will sustain the remaining $3,000,000 loss.

In addition, the drawdown levels proposed for operation of the project would produce numerous and sizable mudflats, blighting the land that now provides a classic definition of nature's beauty.

A way of life for thousands of people would be dstroyed by this project. The Staff EIS acknowledges that "residents of the area . . . would be forced to move, in some cases from property occupied by their families for generations.

"An area of sparse population would sustain an increase of some magnitude," the EIS continues. "The influx of people and the increased activity precipitated by the project would modify the character of nearby communities, both upstream and downstream from the project, and would affect the relatively simple and independent living styles of many of their inhabitants. More of the complexities, sophistications, and adversities of an urbanized society would doubtless intrude in this predominantly rural area."

And in one of the most memorable phrases ever concocted within the Federal bureaucracy, the Staff concludes that "what is now bucolic would become busy."

I represent in Congress the people of Ashe and Alleghany Counties, North Carolina, and I can testify that the "complexities, sophistications and adversities of an urbanized society" could be well done without by most of the residents in the area. If these "complexities, sophistications and adversities" are the "benefits" to be derived by the people from this project as the Applicant and the Staff have stated, many of the "adverse effects" pale in comparison.

The benefits to North Carolina from this project are negligible. Applicant acknowledges, and staff notes in the FEIS that almost all of the power from this project will be consumed in the midwestern United States. Despite Applicant's last-minute insertion in the hearing record of figures intended to show how North Carolina would benefit from the power generation of the project, the FPC Staff expert on power, Dr. Jessel, failed under cross-examination to substantiate that claim. The facts entered in evidence by the Applicant show that Applicant has had no firm power transaction with Duke Power Company in North Carolina for at least the last five years. The figures also show a balance of interchange power transactions between Applicant and Carolina Power and Light Company that is unfavorable to the Applicant.

These figures tend to support the Inter-

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venor's contention that North Carolina's power utilities do not need the Blue Ridge project, rather than Applicant's contention that they do. In any event, the figures provided for North Carolina consumption are miniscule in comparison with the total generation capacity of the project.

In addition, as far as "recreational benefits" to the State are concerned, it is clear from the record that the Governor of North Carolina and the General Assembly of North Carolina do not share the Applicant's conviction that the recreational benefits accruing from this project are superior to those already available on the New River and its environs in their present state.

The need for the additional power capacity of the Modified Project has never been substantiated or justified. In my comments on the Draft Environmental Impact Statement, I stated:

"Staff's recitation of the need for power and power sources is not contested, but it is hardly relevant to this proceeding, certainly not to the extent that it would require a doubling of the size and expense of the Blue Ridge project from what was originally envisioned and proposed.

"Staff contends that the ten-year delay that has thus far been accumulated in anticipation of a ruling on this project license has resulted in the need for a much-increased power generation capacity for the Blue Ridge Project, requiring the project to be built in the dimensions called for in the Modified Project Proposal (No. 2317). This is an unsubstantiated claim that seems to have been contrived either in haste to avoid further delay or in blatant disregard for the true facts of this case.

"Appalachian Power Company certainly did not anticipate or foresee a ten-year delay in obtaining a license to construct the Blue Ridge project when it first petitioned the Commission in 1963. Nor did Appalachian anticipate the U.S. Department of the Interior's subsequent demand that the project be doubled in size and expense for the primary purpose of providing low-flow augmentation for regulation of streamflow for water quality control (pollution-dilution).

"But the Company did in fact, in the formulation of its original project proposal, anticipate and project to the most accurate degree possible the power needs of the nation and the company's role in helping to meet those needs over a period of the next fifty years and more. The ten-year delay bears no significance on those projections, and Staff's contention that the delay affects those projections so profoundly as to double the size of this project is ludicrous in the extreme."

My representative at the cross-examination hearings, Mr. Patrick Butler, sought to ascertain Staff's method of computation and justification for near-doubling the power generating capacity of the project, from 980,000 kilowatts in 1965 to 1,800,000 kilowatts in 1968. The purported justification for this increase was provided by the Staff expert on power, Dr. Jessel, in a series of nonresponsive, confused and confusing replies to specific questions.

The need for this additional power capacity, then, has not been justified and is not justifiable.

Section 102(b)(6) of the Federal Water Pollution Control Act Amendments of 1972 was circumvented by the Staff in recommending the Modified Project rather than the original. Again quoting from my comments on the Draft EIS, I stated:

"As the author of Sec. 102(b)(6), I filed on March 19, 1973, a statement of legislative intent with the Environmental Protection Agency to assist in its preparation for determining whether or not to recommend "pollution-dilution" in conjunction with the Blue Ridge project. In that statement I said in part: "It was my intent as the author of this amendment to see the Blue Ridge project reduced to its original, pre-pollution-dilution specifications."

It is apparent from the Draft and Final environmental impact statements, and from testimony by Staff witnesses in the cross-examination hearings, that the original project was never seriously considered as an alternative to the Modified Project, Sec. 102(b)(6) notwithstanding.

Popular participation in the project application process was discouraged, rather than encouraged. Section 101 of the Federal Water Pollution Control Act Amendments of 1972 encourages consideration of the opinions of the people who live in the project area as part of the license proceeding. No public hearing was ever held at or near the project site. A hearing was held in Beckley, West Virginia, in 1970. But Beckley, West Virginia, is more than a 200-mile round trip over treacherous roads from the actual project site. The selection of Beckley for public hearings does not in any way satisfy the intent of Section 101 of the FWPCA Amendments of 1972.

Alternative sites and projects were not adequately explored. As noted above, the Staff was demonstrably disinclined to consider on a comprehensive basis the possibility of reverting to the original project proposal, as Sec. 102(b)(6) of the FWPCA Amendments of 1972 intended. A similar attitude toward other alternatives was demonstrated during the cross-examination hearings by Mr. Corso.

Officials of the Appalachian Power Company have acknowledged that the Blue Ridge project has been taken off the company's construction schedule, and that alternative projects are already being planned or implemented. On July 27, 1973, Mr. William McClung, a public relations official for APCo, came to my office and so informed Mr. Butler of my staff. The implication of this admission is clear: Appalachian Power Company can obviously get along without the Blue Ridge project, and the New River and the people who live on the river can get along without it as well.

Official opposition to the project is mounting. I have worked in opposition to this project ever since coming to Congress in January, 1969. I have since been joined in this opposition by the Governor of North Carolina, the General Assembly of North Carolina, Senators Sam J. Ervin, Jr. and Jesse Helms of North Carolina, and Virginia Lieutenant Governor Henry Howell, who in his campaign for Governor of that State has pledged to oppose the project if elected. U.S. Representative Ken Hechler of West Virginia has also declared himself as a staunch opponent of the project.

As noted earlier, there is considerable legislative activity in the Congress of the United States toward stopping the project.

Last year, the Congress enacted my Blue Ridge amendment prohibiting pollution-dilution unless the Administrator of the Environmental Protection Agency specifically recommends its inclusion in hydroelectric power projects like Blue Ridge.

This year, the House passed legislation requiring a Corps of Engineers study of alternative uses—recreational, conservation and preservation—of the New River before any license can be granted for the Blue Ridge project. Implicit in this action by the House is the approval of a delay in the project from representatives of districts and states to which Blue Ridge power would eventually go. Senator Ervin has pledged to work for the retention of this measure when it is considered in the Senate.

In addition, I have sponsored legislation, with an identical measure having been introduced by Congressman Hechler, completely prohibiting the licensing of the Blue Ridge project. The chairman of the House Committee on Interstate and Foreign Commerce, Representative Harley Staggers of West Virginia, has pledged to hold hearings on these bills.

Finally, Senator Helms has introduced a bill in the Senate, with Senator Ervin as a cosponsor, to have the New River included in the Wild and Scenic Rivers System, and I am considering introducing a companion measure in the House. The House Interior Committee will hold hearings on proposed amendments to the Wild and Scenic Rivers Act of 1968 later this month.

Beyond this opposition to Blue Ridge at the congressional level, the Environmental Protection Agency has ruled against pollution-dilution in the project, and is now in the process of making a determination, in the words of Mr. Robert Blanco, chief of the Environmental Impact Branch of EPA's Region III office, "whether the project is 'unsatisfactory from the standpoint of public health or welfare or environmental quality,' as required by Section 309 of the Clean Air Act of 1970."

In a letter sent by Mr. Blanco to Mr. Allen F. Crabtree of the FPC environmental quality staff, Mr. Blanco stated:

"We found the draft impact statement for this project to be inadequate in that it did not provide specific references to document the staff conclusions as to project impacts and alternatives. A number of topics of specific interest were cited in our comments as requiring further discussion. The final impact statement does not provide the requested documentation, nor does the extent of the descriptive material provided in it fill our need."

Clearly, the Environmental Protection Agency cannot be said to favor the project at this point.

Nor can the people of Ashe and Alleghany Counties, North Carolina, speaking through their counsel, Mr. Edmund Adams, nor the people of Grayson County, Virginia, speaking through their counsel, Mr. Lorne Campbell (reinforced by County Agent W. A. Cassell) be said to favor the project. They are almost unanimously opposed to it, as are a significant number of environmental groups, including the Izaak Walton League.

Opposition to this project has not waned or evaporated, despite long years of tedious and complex proceedings. The opposition is real, substantial and quite determined, and it is growing.

III. CONDUCT OF THE HEARINGS

Repeated citing of "the record" by the Administrative Law Judge is misleading, and frustrates the intent of Greene County v. Federal Power Commission. The transcript of the cross-examination hearings on the staff final environmental impact statement is replete and heavy-laden with Judge Levy's interruption of questions with the phrase, "That's all in the record." The fact is that much of the record consists of Appalachian Power Company's claims for this project, rather than facts determined through independent research by the FPC Staff.

It was the intent of *Greene Co. v. FPC* that the assertions of a project applicant not be taken as the indisputable facts of a given project proposal. To the extent that the FPC staff did not thoroughly corroborate, through independent research, the findings and assertions set forth by the Applicant, the *Greene County* decision was frustrated. The frustration was further compounded by the Administrative Law Judge's repeated interruption on behalf of the Staff at several potentially crucial and informative junctures.

In addition, the cross-examination hearings were held in great haste, taking only two days. The brevity of the hearings seems, *prima facie,* to prove that the complexities and controversies of this case were not thoroughly resolved to anyone's satisfaction. The fact that this case has a long history already supports the contention that the hearings were too brief, rather than too long or superfluous, because it was *Greene County's* intent that the FPC staff come to its own conclusions, rather than accept conclusions arrived at by the Applicant at some point in the past. These independent conclusions were then to be subjected to cross-examination. The cross-examination hearings revealed not only that Staff had in fact accepted Applicants' conclusions in numerous instances, but also that several relevant questions from Intervenors on the Staff conclusions went unanswered.

IV. CONCLUSION

The Blue Ridge power project, by any account, would effectively destroy the New River, a national treasure. Beyond the destruction of the river, the project would also destroy a way of life for hundreds of people, and what is now a fertile land of beauty would be blighted and ravaged beyond redemption.

As a member of the House of Representatives Subcommittee on Energy, I realize that there exist great and legitimate concerns about the adequacy of the nation's power sources.

But to blindly and meekly sacrifice irretrievable, invaluable and incomparable natural resources on the altar of "power crisis" emotionalism is to sacrifice our own power of will and reason and perspective.

I am not ready to sacrifice all those powers and all those treasures for a project conceived and promoted in callous disregard for their worth.

This country is blessed with resources of both energy and environment, and we must make hard choices of what we should protect and what we should develop. And I believe the New River should be protected. There are many others who share that opinion—people of national renown and people known only to their neighbors. The Applicant's own officials concede that Blue Ridge is no longer being counted on by the company. It is not required for the nation, nor desired by the people. There is, then, no good reason to license this project at all.

CREDIT DUE PRESIDENT NIXON AND SECRETARY KISSINGER

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. WYMAN. Mr. Speaker, in a time of reckless and sometimes hysterical calls for impeachement of our American President, it is fitting that credit be recognized as due President Nixon and his able Secretary of State Henry Kissinger. for their successful efforts to obtain a cease-fire in the Middle East conflict. How touch and go this was last week is well illustrated by the following comments of Joseph Alsop appearing in today's Washington Post.

This country is fortunate, indeed, to have a President during such critical times whose acknowledged expertise in the conduct of foreign affairs has withdrawn us from one war and is successfully keeping us and the world from becoming involved in another. Impeachment of such a President for the misconduct of a small minority of employees within the executive branch would be a domestic and international disaster. The Nation will be better off when it is recognized that the courts should handle criminal misconduct and the Congress proceed with the many national problems demanding legislative solutions instead of partisan political attacks.

The article follows:

THE CUBAN COMPARISON

(By Joseph Alsop)

The House majority leader, Rep. T. P. O'Neill has Cambridge, Mass., as the district he must please, and he has always catered to his violently anti-Nixon academic voters. He is also an extremely partisan Democrat.

It is striking, therefore, that Rep. O'Neill has directly compared President Nixon's recent Middle Eastern problem to President Kennedy's breathtaking problem of the Soviet missiles in Cuba. O'Neill, of course, had the advantage of *knowing* the facts, probably including the contents of Leonid Brezhnev's grim message to President Nixon on the night of Oct. 24.

Rep. O'Neill's comparison, therefore, deserves to be pursued in much greater detail. Admittedly this comparison of the Cuban missile crisis was discouraged at the Oct. 25 press conference of Secretary of State Henry A. Kissinger, who then had to keep one eye on the Kremlin's still unknown reaction to the President's answer to Brezhnev.

There is one cardinal fault in the comparison, too. In Cuba, President Kennedy had to force a public climbdown by Nikita Khrushchev. In the present instance, President Nixon only had to persuade Leonid Brezhnev not to carry out a private threat.

Yet the threat was to send Soviet troops to intervene in the Mideast war; and three Soviet airborne divisions were ready on their airfields for an intervention that might have occurred within hours. Here the true comparison begins. President Kennedy had days to work out the Cuban missile crisis. President Nixon had the late evening of Oct. 24, when the Brezhnev note was in his hands, until 3 a.m. Oct. 25, when he ordered the U.S. military alert and sent his answer to Moscow.

Secretary Kissinger further stated that the National Security Council's recommendations to the President were unanimous. This was literally true, but only barely true. It can be stated confidently that a good deal of the unanimity had the approximate consistency of jello. This was a problem President Kennedy also had to face. Yet there was another, far more profound problem that President Kennedy most emphatically did *not* have to face. At the time of the Cuban missile crisis, the United States had a nuclear-strategic lead over the Soviet Union of at least five to one. Some experts say ten to one. In the Caribbean crisis area, moreover, the United States further enjoyed total supremacy in conventional arms.

President Nixon, in sharp contrast, well knew that the reinforced Soviet fleet in the Mediterranean was certainly much more modern, was also rather more numerous and was probably more powerful than the U.S. Sixth Fleet. In addition, he well knew that the former vast American nuclear-strategic lead had been frittered away to what is politely called "parity"—and is actually nuclear-strategic inferiority. This was not the President's wish. It was by inheritance from the previous administration and by the obstinate will of a continuously hostile Congress.

Finally, it is worth remembering the paeans of praise for the solution of the Cuban missile problem deservedly earned for President Kennedy. Consider, too, the far more difficult time factors and, above all, the fearfully more unfavorable power factors last Oct. 25. It would seem, then, that President Nixon has deserved a lot more praise than he has got.

Instead, as one sample, we have Mrs. Barbara Tuchman. She first signed an impassioned public print plea for all-risk aid to Israel. Next, the President's shrewd courage all but certainly saved Israel (as all informed Israeli leaders freely admit) from reduction to defenseless impotence, or even from actual destruction by the threatened Soviet armed intervention. Whereupon, Mrs. Tuchman promptly published an equally impassioned plea for the President's impeachment.

This kind of thing seems a bit odd. But then liberal-intellectual partisanship always makes the party-feeling of a man like Rep. O'Neill seem milder than mother's milk.

Meanwhile, the really important thing to note is the grim deterioration of the national situation that is revealed by the foregoing comparison. We cannot count on being so lucky next time as we were on Oct. 25. Hence the real question is whether the President, in his present bitter trouble, is able to cope with this deterioration.

CONSTITUTIONAL CRISIS

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. ESCH. Mr. Speaker, events surrounding the office of the President and Vice President in past months have moved with unprecedented speed. It has not been possible for the public, the press or public officials to put these matters into perspective, let alone develop analytical and objective approaches to the constitutional crisis facing the country. The following represents my views on these developments.

First. There must be a completely independent prosecutor to carry out the functions of the investigation surrounding the Watergate incident as well as related matters. Another Presidential appointment will no longer suffice for the American people. Only an independent prosecutor can conduct the investigation apart from any cloud of suspicion. There are several approaches before the House and Senate to accomplish this goal. It is important we have a special prosecutor, but I want one whose convictions will not be overturned by an appeals court on the basis of a conflict of interest; and I do not want one that is eventually dismissed by the Supreme Court on constitutional grounds. Some legislative approaches present these problems. As one who first introduced legislation to establish an independent prosecutor, I am sponsoring new legislation to establish an independent prosecutor in cooperation with the courts. My bill follows the American Bar Association recommendation that Congress pass legislation requiring appointment of an independent prosecutor by all sitting judges of the U.S. District Court in Washington.

Second. Regarding the question of impeachment, the House Judiciary Committee has begun hearings to determine if there are sufficient grounds on which to initiate impeachment proceedings. It is important that this determination is expedited and that the review is thorough and objective. Neither the country nor the office of the President

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can afford any delay. The entire House will act—and individual congressmen will vote—only after an impartial and thorough analysis by the Judiciary Committee. I have already called for an orderly process through which a committee can make a determination if grounds for impeachment are present. Eventually, when the House Judiciary Committee reports, I may be called upon to perform my constitutional responsibility to pass judgment in the House of Representatives by voting on the articles of impeachment as presented by the House Judiciary Committee. To prejudge this investigation and this vote is irresponsible and without precedent.

Third. There are always those who would use a time of national crisis for other ends. It is totally reprehensible for any Senator of the United States to prejudge the question of the President's guilt. Whether or not the President is eventually found guilty, under the Constitution, Members of the Senate must sit as a jury under an impeachment resolution sent from the House. Thus several Senators should consider disqualifying themselves in any future action. I, for one, want no part of such irresponsible statements.

Fourth. The President of the United States should give evidence to the American people of his willingness to cooperate with all investigations including those in the courts, the House, and the Senate to assure that all those guilty of crimes are brought to justice.

Recent exchanges between the President and the press have created even more distance between the President and the people and serve little purpose. What is needed on both sides is a willingness to deal with facts and not accusations and hearsay. The President must recognize the basis for the American people's attitude. It is not only because of media action. The Vice President selected by the President has resigned and pleaded no contest to a felony. Two of the President's former cabinet members are under indictment. His highest and direct advisers have resigned and face possible indictment. Others who either served under the President in the White House or on the Committee for the Re-Election of the President have already been found guilty. The news media did not invent these acts.

The President must recognize these facts and must realize that to have an effective and credible Government he must show through his actions a willingness to cooperate. The surrendering of the tapes, while late in coming, was commendable. This act alone waived the issue of Executive privilege where possible crimes are involved and thus the President should demonstrate now that he has nothing to hide. Correspondingly, the media has a unique contribution to make at this time. It has the inherent responsibility to verify the sources and authenticity of charges in the process of reporting. The media plays a vital role in a free society, searching out and reporting the truth—indeed it is a major contribution to the self-correcting process of our system—and that role must not be sacrificed in expediency or emotionalism.

Fifth. The Congress should move expeditiously on the nomination of GERALD R. FORD to fill the office of Vice President. A thorough review of Mr. FORD's background is only right and proper. Further, it might be well to have such a thorough investigation of the man who now stands in line for the presidency—Speaker of the House, CARL ALBERT. Indeed, we may be entering a new era in which all Members of the House and Senate are more fully scrutinized in the election process.

It is essential, however, that the review process be expedited by the House and Senate. To suggest as some have done, that Mr. FORD's nomination be "held hostage," raises questions of partisanship and is directly contrary of the intent of the 25th amendment to the Constitution.

Sixth. The Congress must share a major portion of the responsibility for not acting on the problems facing the country and move ahead aggressively on needed legislation. As of November 1, the 93d Congress—after 11 months of existence—has not passed such vital legislation as tax reform, comprehensive medical care, war powers limits, pension reform, executive privilege, trade legislation, housing programs, and environmental protection, to name only a few.

Congress must exert more leadership in these critical areas.

WAR POWERS RESOLUTION

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. KASTENMEIER. Mr. Speaker, next week the House will be voting to override the President's veto of House Joint Resolution 542, the War Powers Resolution.

This legislation, authored by our distinguished colleague from Wisconsin, CLEM ZABLOCKI, is essential if the Congress is to enforce its constitutional responsibility that war cannot be conducted in the absence of a formal declaration by the Congress.

Mr. Speaker, another colleague from Wisconsin, LES ASPIN, who has emerged as a leader in the effort to curb the unbridled power of the military, has written an article in the October 31, 1973, Washington Post, citing the need to override the President's veto of the war powers measure. Congressman ASPIN's statement deserves the attention of all House Members.

The article follows:

THE WAR POWERS VETO

(By LES ASPIN)

On November 5, 1964, Assistant Secretary of State William Bundy wrote a paper on how to handle world and public opinion if the President decided to escalate the war in Vietnam. He didn't expect it to be heard:

"Congress must be consulted before any major action perhaps only by notification . . . but preferably by talks with . . . key leaders . . . We probably do not need additional congressional authority even if we decide on very strong action . . . A Presidential statement with the rationale for action is high on any check list. An intervening fairly strong presidential noise to prepare a climate for an action statement is probably indicated and would be important . . ."

Had the War Powers Resolution then been law, Bundy would not have been able to dismiss congressional and public opinion quite so easily.

Next week the House will vote on whether to override Mr. Nixon's veto of the compromise bill which requires that the President consult with Congress before committing U.S. forces to hostilities abroad and report to Congress within 48 hours his reasons for doing so. At the end of 60 days, he must withdraw American forces unless Congress votes to allow him to continue the commitment. The deadline could be extended for up to 30 days to permit the same withdrawal of the troops.

The criticism of the measure from the right is predictable enough. It was summed up in the President's veto message by his (inaccurate) claim that the bill was unconstitutional and deprived the President of the powers necessary to act decisively in times of crisis. In fact the bill's intent is simply to restore to Congress a little of the share in the warmaking process with which the Framers endowed it and which successive Presidents have since arrogated to themselves.

The events of the last week, which the President himself described as the greatest international crisis since 1962, give the lie to his objections to the bill. Had the War Powers Resolution already been law, it would not have prevented Mr. Nixon from replenishing Israel's supplies, and it would not have prevented him from calling a worldwide alert of U.S. forces as he did at 3 a.m. on Thursday morning. It would not have stopped him from sending any of the firm notes he says he sent to Mr. Brezhnev; it would have done nothing to limit the scope of the diplomatic triumph he says he achieved. It would have meant simply that, had he decided to commit the alerted troops, he would have had to explain his actions rather more fully than Secretary Kissinger chose to do on Thursday.

The liberal objections to the bill are more serious and more complicated. They are, first that the bill will actually extend the President's warmaking powers, giving him authority he does not now possess to make war anywhere in the world for 60 days and second that even then Congress is most unlikely to stop him. It is said that the President will identify the struggle with flag and with honor and that Congress will almost inevitably rubberstamp it.

Both these objections carry weight—the bill is far from perfect. But they ignore not only that the President already acts thus, whether he has the legal authority or not, and that Congress is already a rubber-stamp. They also miss the less obvious but more fundamental benefit of this bill. Besides its direct impacts (the 48 hour report, the 60 day approval, etc.) which do have drawbacks, the bill will have an indirect effect which is altogether beneficial. This is in the enormous impact which it will have on the decision-making process of the executive branch.

When the President considers sending troops into hostilities—even in support of a treaty commitment or to defend U.S. forces—he and his advisers will know that an affirmative decision will provoke an intense debate which, unlike today, will focus on a concrete decision to be made by Congress within 60 days. Congressmen will hold hearings, editorial writers will write editorials, columnists will construct columns, Meet the Press and Face the Nation will cross-question government spokesmen, there will be network specials, demonstrators will demonstrate, and most important, constituents will write mail—telling congressmen whether they should say yea or nay to the President's action. This foreknowledge is bound to

strengthen the hand of those in the President's council who might otherwise find it more politic to muffle their dissents.

Congress' ultimate verdict is not the most important factor. What is important is that the President and the men around him will know before he takes his decision that the scrutiny of his policy is likely to be far more consistent and purposeful than it is today. He will be much less inclined than he is today to embark upon an adventure unless he has a very good case to support it.

The real point about the War Powers bill is not that it gives the President power to go to war for 60 days (his lack of that power now doesn't limit him) nor is it that Congress is likely to force him to pull the troops out (it may well not). The bill's value, which far outweighs these defects, is that it will force the President to consider very carefully what is in store for him if he decides to make war. This is so because there will be a solid, practical reason for his more cautious counsellors to present him in advance with the arguments he will have to answer within 60 days.

The Pentagon Papers demonstrates how anxious the Johnson administration was to avoid a great national debate on its Vietnam policy. The War Powers bill not only guarantees that there will be such a debate, it will also compel the President to take public opinion into serious account when he makes his decision. In fact, it may well be not so much the debate itself but the agonizing prospect of it that will act as the most effective check on the President's warmaking. A President who rejects the bill does so only because he is concerned that his case for making war might not always be very convincing.

THE A-10A AIRCRAFT: AN ASSET FOR ISRAEL

HON. ANGELO D. RONCALLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. RONCALLO of New York. Mr. Speaker, I wish to submit in the RECORD for the attention of my colleagues the October 22, 1973, issue of Aviation Week and Space Technology magazine, which delineates the invaluable equalizing capabilities of the A-10A close-support aircraft in combating the Soviet-built 23-mm ZSU-23-4-SP antiaircraft vehicle, in such a critically strategic area as Israel.

The article follows:

SOVIET ANTI-AIRCRAFT GUN TAKES TOLL

Soviet-built 23-mm. anti-aircraft systems introduced against U.S. forces flying over North Vietnam in the late stages of action there are being used with frequency against Israeli aircraft in the Syrian and Egyptian sectors and are taking a heavy toll.

The 23-mm. ZSU-23-4 SP anti-aircraft vehicle consists of four mounted on a single fixture and fired together. A Dish-type radar in the 15.56-gc. frequency called Gun Dish is mounted with the guns. The radar has a very narrow beam providing excellent tracking of aircraft and is difficult to detect or evade, according to U.S. officials.

Since the radar operates at a high frequency, a band equivalent to U.S. airborne radar, it offers disadvantages in limiting the range. To enhance the weapons tracking range, the system is connected to other acquisition radar in the area of operations and the gun radar is slaved to the acquisition radar until lock-on.

The fire control radar trains the guns and computes target speed and range.

The entire system is mounted on a tracked vehicle of which the hull and automotive components are the same as the Soviet PT-76 tank. The 23 mm. guns have an anti-aircraft range of about 4,000 feet with an elevation from 0-85 degrees. The guns can fire at 1,000 rounds/min. each.

While most American-built aircraft flown by Israel at low altitude are vulnerable to the quad 23-mm., one U.S. aircraft in development now has been tested against a 23-mm. shell and found extremely survivable, according to the Air Force officials.

The Fairchild Industries A-10A close-support aircraft was subjected to direct fire from a Soviet-made 23-mm. gun during testing at Wright-Patterson AFB, Ohio.

More than 58 23-mm. rounds were fired into components of the A-10A mounted on a test stand. The gun was placed directly beneath the components. Thirty-five rounds were fired into the fuselage because reserve fuel tanks are located there. All tanks on the A-10A are surrounded by foam for protection against anti-aircraft fire.

Survivability of the A-10A is enhanced by titanium armor throughout the aircraft, including aircrew armor, redundant hydraulic flight controls with a manual backup system and critical subsystem armor. The aircraft is built around the General Electric GAU-8A 30-mm. gun system that can destroy hard mobile targets such as tanks, armored personnel carriers, and tracked antiaircraft systems like the Soviet-made 23-mm.

TOWARD A PROFESSIONAL ARMY

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. STEIGER of Wisconsin. Mr. Speaker, people are the prime ingredient in the all-volunteer Army. For the volunteer Army to succeed, it must appeal to young men and women as a career alternative, and it must make military life meaningful and attractive for them after they enlist.

If the volunteer military is to be people-oriented—and if it is to work—we will need concerned, aware and dedicated individuals who want to make sure it succeeds. One such individual whose efforts will be most important in this regard is Lt. Gen. Bernard W. Rogers, Deputy Chief of Staff for Personnel, Department of the Army.

In an interview in the August edition of Soldiers magazine, General Rogers spoke about what kind of army he wants the volunteer Army to be:

> I would expect the volunteer Army to be a professional Army. I would expect it to be professional in terms of the skills and motivation of its members; professional in training, equipment and combat readiness; and comprised of disciplined and dedicated men and women who want to be in the Army, and who find it a proud, challenging and satisfying career. That is the kind of Army we must have—the kind our Nation expects and should require that we have.

The interview follows in its entirety:

TOWARD A PROFESSIONAL ARMY

SOLDIERS. How is the All Volunteer Army shaping up in terms of enlistments?

Lieutenant General ROGERS. Between July 1972 and this past May our goal was 165,100 non-prior service male enlistees. We have fallen short of this goal by 9,800—enlisting 155,300 non-prior service males. However, the months of February-May are historically poor recruiting months, and we hope to reverse this trend in the good recruiting months June through September.

SOLDIERS. Were the volunteers of the quality desired?

Lieutenant General ROGERS. Of course, that answer depends upon one's definition of quality. In the final analysis, one should judge quality by a man's overall performance on the job. One measure of quality for an enlistee we have been using—and it may not be the best measure—is whether he is a high school graduate. Since February 1 we have limited our recruitment of non-high school graduates to 30 percent of our total enlistment objectives and are receiving encouraging reports concerning quality from training center commanders. Another measure we have been using is the mental category of the enlistee as determined by his results on the Armed Forces Qualification Test (AFQT). Here again we have been meeting or exceeding our objectives for the percentages by various mental categories.

Incidentally, I don't wish to give the impression that we have anything against non-high school graduates; far from it. The great majority of them are fine young men and will serve well. But the fact remains, our experience has shown that from the standpoint only of disciplinary problems being created by graduates versus non-graduates, a disproportionate share is created by the non-graduates.

SOLDIERS. Industry is also recruiting high school graduates. Will we be able to recruit them in sufficient numbers to maintain an All-Volunteer Army?

Lieutenant General ROGERS. I think we will get our share and probably continue to get them in the numbers we have in the past. I would like to point out, however, that we are taking a close look at finding a better means of measuring quality than solely by the standards of being a graduate or being in a certain mental category as related to AFQT results.

Frankly, it is still too early to state positively that we will be able to enlist soldiers of the quality we need in the quantity required to man our structure. However, we are moving along a relatively uncharted course. As you know, since World War II we have only had one 15-month period—1947-1948—when we didn't rely on the draft. The conditions and circumstances which existed within our society then, as well as among the youth of that society, were different from those today. Thus we have no previous experience upon which to base a prediction.

SOLDIERS. Some Army officials have suggested that 4-year enlistments—especially where some skills require lengthy training periods—would result in better manpower utilization and reduced recruiting costs. Are 4-year enlistments going to become the standard?

Lieutenant General ROGERS. I don't see that happening soon except in the skills for which an enlistment bonus is paid. If we looked at it purely from a cost effectiveness standpoint, 4 years is the way we would go with all enlistments. However, you also have a psychological factor working here. Looking at it from the perspective of an 18- or 19-year old, 4 years represents a big chunk of his life. It seems like a whole lifetime to some of them. I think it's best that we have less than 4 years to offer so the man can enlist for a shorter period and see how he likes the Army.

SOLDIERS. You began paying a $1,500 bonus for combat enlistments in June 1972. The bonus was increased to $2,500 during this past May and June. Did the $1,500 fail to attract enough qualified volunteers for the combat arms?

Lieutenant General ROGERS. We did fail to

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meet our combat arms enlistment objectives by 30 percent during that 1-year period.

Let's look at the entire bonus picture. Congress authorized payment of $3,000 for enlistment in the combat elements. Department of Defense then authorized us to run a 1-year test, paying $1,500. Combat arms enlistments averaged only 300 per month before we began offering certain enlistment options and then later paying the bonus. With the bonus, 4-year enlistments increased from 5 percent to 15 percent. In addition, the number going into combat arms as a result of the bonus and some enlistment options increased to about 3,000 per month. But we still came up 30 percent short overall.

We also had shortfalls in some of our hard skill MOSs, so with OSD's approval we increased the bonus to $2,500 and included volunteers in those combat-related hard skills, particularly in the missile and electronics fields. This increased bonus package is being conducted as a 2-month test ending in June.

Soldiers. Did the bigger one attract more volunteers?

Lieutenant General Rogers. It is not attracting more overall enlistments, but it is proving that such a bonus can change the distribution pattern of enlistees by increasing enlistments in the hard skills I mentioned and causing them to enlist for 4 years. We are happy about that.

Soldiers. Critics of the All-Volunteer Army concept suggest that blacks, other minority groups and the poor will be attracted to the Army in large numbers, resulting in an Army largely composed of minorities and the poor.

Lieutenant General Rogers. Present trends suggest that their fears are unfounded. Let's take that one apart, however.

We don't ask what an enlistee's father earns. We don't care. It makes no difference whether a man's father earns $25,000 a year or whether his folks are on welfare. If a man is qualified, willing to enlist in the Army and perform to the best of his ability, why shouldn't he be able to serve?

As for minority groups, there has been some increase in the number of non-Caucasian enlistments. Minority groups comprise about 18 percent of the overall Army strength. I see no indication of a substantial increase.

Soldiers. Suppose you did have a substantial increase?

Lieutenant General Rogers. I would answer your question with another question. So what if there were?

I know in the eyes of many it would be most tidy if we had, say, 11 percent blacks—that is their approximate percentage of the total population—and, say, 2 percent other non-Caucasians. That would represent a fairly good cross-section of the American population.

Life just isn't that tidy or precise. Furthermore, if non-Caucasian enlistments did increase significantly and you asked when should we cut them off, I certainly couldn't give you an answer as to when or if, and I know of no one in a position of responsibility who could.

Soldiers. Today's young soldiers are getting married earlier than they did a decade ago. Are we going to expand health care services and build more family housing?

Lieutenant General Rogers. More of our young soldiers do get married earlier. If that trend continues we will have to think about building fewer barracks and more family housing. We must take a very hard and long look at this because here we are talking about projects involving millions of dollars.

Greater health care services may be needed; however, we're thinking in terms of the total environment for the soldier and his family. We would hope to improve all post services: Post Exchanges, in- and out-processing, recreational facilities, commissaries, educational opportunities and the like.

Soldiers. The Qualitative Management Program for enlisted personnel is causing some concern among NCOs. Some question the wisdom of denying reenlistment to NCOs, while increased emphasis is being placed on enlisting greater numbers of younger soldiers.

Lieutenant General Rogers. We don't intend to change the Qualitative Management Program, although we may make some fine-tuning carburetor adjustments as we go along. The Army is going to be smaller but we're still going to do a professional job with fewer people. The NCOs have all got to be professionals.

We have established standards of performance, behavior and attitude. As long as an NCO measures up he need not be concerned. An NCO should know what those standards are and if he is not measuring up he had better be concerned because he may be on the way out. There is no place in the Army for those who believe they have the right to serve for 20 or 30 years irrespective of performance, conduct and attitude. That day has passed, if indeed it ever existed.

We are denying reenlistment to only those persons at the lower end of the performance, conduct and attitude scale. The officer corps has had such a program for many years. In fact, I think you will find that most NCOs are pleased that there exists a system to police their ranks. They want their corps to consist of motivated, well-behaved professionals in every sense of the word.

Soldiers. Some NCOs believe that the up-or-out program is unfair because it forces them to retire irrespective of the fact that they have done good jobs during their many years of service.

Lieutenant General Rogers. The strength of senior NCOs in grades E–8 and E–9 cannot exceed 3 percent of the total enlisted strength. We have to have cut-off points so the young soldiers coming along can have a fair career progression.

Let's take the case of a master sergeant: The "window" through which he has to pass to be promoted to E–9 is so small that promotion becomes increasingly difficult at that level. It's the same way with a colonel who hasn't been promoted to brigadier general and has to retire after 30 years. There should be no stigma attached to the master sergeant or the colonel. Those grades carry great responsibilities and a person exercises a high degree of authority in those grades. Remember, the window is small.

I'll tell you one thing, though. Going through that window is a humbling experience—especially when you know so many fine persons whom you thought deserved to go through and didn't make it.

Soldiers. What about a person in the middle NCO grades who is doing a fine job but is happy with his present status. Will you retain him?

Lieutenant General Rogers. No, not indefinitely. You see, that person might be happy with his present status, but there is a younger man below him who eventually wants to move up. We won't retain this man by blocking a more aggressive soldier's chances for advancing.

Soldiers. Was the current officer reduction-in-force (RIF) designed to improve leadership?

Lieutenant General Rogers. No. To do that we have a continuing program of identifying and separating those officers who fail to measure up. This RIF is a quantitative one caused by our having more officers than required and permitted.

This RIF is very painful because, among other things, it involves many good officers. We're separating 4,900 officers for two reasons. First, our authorized officer strength is based on a percentage of the overall Army strength. As an example, prior to the Vietnam buildup our officer strength comprised about 11.6 percent of the total Army population. It had reached 14.9 percent by the end of FY 1972. We must get down to 13.7 percent by the end of this fiscal year and this requires that we separate a number of officers. That percentage will continue to decline in the future.

Second, our officer structure has a sizable hump in it resulting from the requirements for Vietnam. That hump—an overstrength—is generally in Year Groups 1967 to 1970. If we left that hump in place when it reached the promotion window to major, many in the excess year groups could not be promoted and they would then have to be separated under the law. We thought it would be fairer to separate them now while they are young enough to start a second career.

We are also taking other actions to reduce officer strength: During the past 10 years we have brought an average of approximately 28,000 officers to active duty each year. We are only bringing in 8,900 during FY 74. Of that figure, 3,800 are ROTC officers, and of those, we are obligated to bring in 2,550 who are Distinguished ROTC Graduates or scholarship students. We will also only bring in 350 OCS graduates in FY 74.

Soldiers. What officers will be most affected by the RIF?

Lieutenant General Rogers. The great majority will be from Year Groups 1967–1970.

Soldiers. One of the stated goals of the All-Volunteer Army is to provide the soldier with a satisfying job. Hundreds are being involuntarily reclassified into new MOSs. Won't that have an adverse effect on the overall program?

Lieutenant General Rogers. Yes, for a while. But surplus MOSs are also having an adverse effect. We wound up with large excesses of Vietnam-related MOSs, one example being in the aviation field. It's obvious that we don't need as many aviation personnel as we did during the Vietnam War. On the other hand we can't have people sitting around with nothing to do, nor do they like not being meaningfully employed. We have personnel teams going to CONUS posts and taking a look at surplus MOSs and trying to get the soldiers reclassified and retrained into shortage MOSs. CONUS commanders and CINCUSAREUR have the authority to reclassify soldiers out of overage skills. I think it likely that many reclassified men will find new interest and new challenge in their new MOS. But let there be no doubt about it, MOS imbalance and MOS mismatch comprise one of our big problems at this time.

Soldiers. There are complaints that involuntary reclassification hurts NCOs when they're considered for promotion or QMP board action.

Lieutenant General Rogers. I can understand how they might have that feeling. All I can say is that members of boards do take involuntary and voluntary reclassifications into account. I've observed enough of those boards to know that their members exercise a great degree of judgment in their deliberations.

While we're still on the subject of MOS, let's take a closer look at this MOS mismatch situation. As is often done, if we only compare a man's duty MOS with his primary MOS, one may well find a mismatch. But if one compares the duty MOS with his secondary or alternate MOS, he might also find a match. So one must look closely at the method used in determining MOS mismatch.

Soldiers. Senior NCOs are required to be qualified in at least two skills. Will soldiers of all grades eventually be required to do so?

Lieutenant General Rogers. We certainly encourage all soldiers to learn as many skills as possible, and we have recently implemented a program to require qualification in two skills. However, in the case of a young soldier, it normally takes a few years for him to master his primary skill. We don't believe

we can require him to learn another one before he masters the first one.

Soldiers. Will the Army ever reach MOS equilibrium?

Lieutenant General Rogers. By equilibrium I take it that you mean one soldier—no more and no less—for every MOS in every unit. We will never reach that day, because too many things happen that are beyond our control.

First, there is the inability to predict with absolute precision which men with what skills will become future lossess and then have new men in training to replace them at just the right time. Then there are continual changes in our structure, in TAs and TOEs, some related to activation/deactivation, of units, to the introduction of new weapons systems, to base closures and the like. So you see, there are several variables in the equation which have their impact. But we can improve our MOS imbalance and mismatch and we are working hard towards that end.

We are also looking at a concept which would reduce the number of MOSs by training the soldier in, say, basic infantry and having his unit train him in such skills as mortar crewman or other specialized training. We are taking a hard look at that one.

Soldiers. Rumors have it that the Women's Army Corps will vanish as a separate corps within another year. Are the rumors true?

Lieutenant General Rogers. The WAC was established as a separate corps by the Congress and only Congress can change the law. I can't say when that will happen, but in my judgment somewhere down the road the WAC will no longer exist as a separate corps.

There are 17,000 members of the Women's Army Corps serving in the Army and that figure will increase to at least 24,000 by 1978. Of the 480-plus enlisted skills, we've opened all but 48 of them to women. WAC officers may now be assigned to approximately 65 percent of the officer skills and we're taking another look because we think we can open up more.

In recent action we've eliminated the word male from our aviation regulations and qualified women may now become pilots.

We've also opened all ROTC programs to women beginning with school year 1973. A young lady can now join the Army ROTC on any college campus that has a unit, providing the host college or university agrees. Now, there are two things that I don't see happening. We won't see women serving in foxholes in a combat situation, and they won't be assigned to positions in which they cannot maintain their privacy.

We are not going to be rushed into changes just for the sake of change or for cosmetic purposes. We will continue to make changes with respect to the utilization of women when the changes are right for the Army and right for the women, and we'll make them without fanfare.

Soldiers. Many NCOs have expressed concern over the retention of Article 15 records in the soldier's permanent file.

Lieutenant General Rogers. A lot of officers also have the same concern for the soldiers in this regard. However, we're not going to change the policy at this time. It will be reviewed at the end of a year to determine if it should be changed.

I'm sure you understand the reason for the policy. For example, when a man is considered for board action—promotion, retention, schooling, special assignment and the like—all that is generally available is his record to be considered by the board. Let's suppose he's an officer or NCO being considered for promotion. The board looks at his record and those of his contemporaries. If that person has received an Article 15 for misconduct or failure to perform his duties satisfactorily and none of the other individuals being considered has received an Article 15, it just seems unfair to the rest that the one be viewed as having performed equally as well as all the others. And yet that would have to be the board's judgment if the Article 15 is not in the man's file.

I'm not talking about an Article 15 for, say, a single minor traffic ticket. I'm talking about serious misconduct, of a pattern of habitual misconduct, or non-performance of duty. I would hope that persons expressing concern over retention of the Article 15 in permanent records would keep in mind the fact that board members exercise pretty good judgment and take into account the seriousness of the offense or offenses which resulted in Article 15.

Soldiers. A few commanders have expressed a reluctance to give Article 15s, knowing they become a permanent part of the soldier's record.

Lieutenant General Rogers. I am unaware of any decline in the number of Article 15s since the policy was initiated.

Soldiers. What do you see in the future for the all-volunteer Army?

Lieutenant General Rogers. As to size and composition, I can give you a better picture down the road a ways. However, I would expect the volunteer Army to be a professional Army. I would expect it to be professional in terms of the skills and motivation of its members; professional in training, equipment and combat readiness; and comprised of disciplined and dedicated men and women who want to be in the Army, and who find it a proud, challenging and satisfying career. That is the kind of Army we must have—the kind our Nation expects and should require that we have.

ARTICLE BY CONGRESSWOMAN SCHROEDER ON DEFENSE BUDGET

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. DRINAN. Mr. Speaker, my colleague, Congresswoman Pat Schroeder recently authored a most persuasive article on the defense budget and the House Armed Services Committee, of which Congresswoman Schroeder is a member. This compelling article appeared in the November 5 issue of Nation magazine.

This insightful article details example upon example of the many weaknesses in the way in which Congress yearly considers the multibillion-dollar defense budget. For example, Congresswoman Schroeder's article notes that this year the 43-member Armed Services Committee has been asked to grant $22 billion to the Pentagon for weapons projects. The $22 billion request was prepared by some 30,000 people—yet each member of the Armed Services Committee has 5 minutes per witness to scrutinize the incredibly complex and unbelievably expensive weapons projects proposed.

Congresswoman Schroeder's article is more than a perceptive commentary upon the Armed Services Committee. It also serves to highlight the need for vast changes in the philosophy of the Department of Defense and its approach to winning congressional approval for outrageous budget requests. I hope my colleagues will take this opportunity to share the observations of Congresswoman Schroeder:

On the Armed Services Committee—A Freshman in the Weapons Club

(By Representative Patricia Schroeder)

Washington.—No member of Congress going through the military budget process for the first time can fail to be overwhelmed by the experience. The forty-three of us who are members of the House Armed Services Committee sit in tidy rows in the Rayburn Building's cavernous Room 2118 like the cadet and midshipman sections at an Army-Navy game. On the walls hang portraits of past committee chairmen—Rivers, Vinson and the others—along with pictures of the guns, ships, planes and battles their authorizations made possible.

On hearing days the room fills up with hats and brass and charts and squeaky leather shoes. This year the Pentagon asked us for $22 billion for things like the UTTA, the Tomcat, the Condor, the Orion, the P.F., the Trident, the TOW, the B–1, the Shrike, the SCAD, the CVN–70 and Site Defense. Thirty thousand people played some role in putting the request together. Each committee member was given five minutes per witness to find out why they needed it all.

Such interrogation tends to center on the qualities of the weapon itself. Is it bigger? Is it faster? Is it more maneuverable? Does it give closer, more comfortable shaves? Seldom are the whys or what-fors asked. Even less frequently are the requests tied to coherent notions of foreign policy. What comes into play is the military equivalent of the Peter Principle: the capacity of American technology to produce a particular system governs the nature of the Pentagon's request.

Weapons that were presented as the ultimate answer to strategic and tactical problems only a year or two back suddenly fall into place alongside the catapult and the blunderbuss. The Pentagon seems to feel that, unless it is convinced that nothing and no one is safe, the Congress will put the military out of business.

This year's acceleration of funding for the Trident submarine offers some insight into how these systems come about. Infighting between Admiral Smith, who supervises the missile end of the program, and Admiral Rickover, who seems never to have met a reactor he didn't like, led to placing the 4,000-mile-range Trident I missile on a spanking new ship, although most of the existing fleet of Polaris submarines could have been fitted with Trident I missiles to achieve the same strategic capabilities at a fraction of the cost.

In a recent report on the cost growth of major weapons systems, the General Accounting Office (Congress' governmental watchdog) warned that "Study after study has demonstrated that the telescoping of development and production has often resulted in slippages and overruns rather than shorter time spans between concept and inventory." To avoid such problems, GAO urged those framing the defense budget to "avoid concurrent development and production and adhere to order and sequential design, test and evaluation."

But the White House had no such plans for Trident. A year ago, the word was passed that the President desired some highly '"visible" expenditure in the field of nuclear weaponry in order to keep conservatives in tow during an election year and in the wake of the SALT accords. As a result, the Trident submarine was accelerated, with the research and development and the production phases crunched together.

The ship was then sold to Congress as an urgent follow-on to our "aging" Polaris-Poseidon fleet, despite the fact that most of these submarines will be perfectly capable of fulfilling their missions well into the 1980s. We were told that Trident would be bigger, faster and quieter.

Size and speed, though, while admirable

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qualities for a yacht, tend to make submarines more detectable. (So, incidentally, does basing them in Bangor, Wash., where they must glide through the narrow mouth of the Juan de Fuca Straits in order to reach the Pacific. But basing them in Bangor can open some influential eyes to the strategic necessity of the accelerated program.) And since not even the Navy's top anti-submarine warfare experts are able to predict the nature of the technological breakthrough that will enable our enemies to track our nuclear submarines, producing a quieter ship may or may not be vital to insuring its survivability. In effect, then, the Congress was asked and agreed to authorize the accelerated replacement of ships invulnerable to present methods of coordinated attack with new ships not necessarily designed to meet future challenges.

I supported an amendment offered by Bob Leggett, an Armed Services Committee colleague from California, which would have cut $885 million from the Trident authorization, leaving funds for the improved missile but returning the new submarine to its original schedule. It was one of a number of measures advanced by a small minority of committee members who hoped to restore a semblance of proportion—sanity if you will—to the legislation.

This minority initiative was, at the very least, regarded as bad form and seemed to be taken as a personal affront by a number of veterans on the committee, where membership seems at times to resemble membership in a sacred fraternal order. Differences must be resolved behind closed doors, just as the leadership apparently desires that the three services resolve their bureaucratic differences off stage and present a united front to the committee. Thus any enlightening dialogue is stifled on most defense issues. Options, alternative means of achieving the same defense ends, are rarely if ever presented to the membership. By the time an issue comes before us our choice is thumbs up or thumbs down, and the implications of a thumbs-down verdict are presented in the most frightening manner possible. If we err on the side of too much defense, we are told the result is a little waste. If our error is on the side of too little, it's Armageddon. That we might be manufacturing our own Armageddon by taking every suggested measure to avoid one escapes mention altogether.

The clubbiness extends, of course, to the Pentagon, whose witnesses are treated with a deference bordering on adulation. Those who oppose official views receive an altogether different welcome. Lt. Col. Edward F. King (Ret.), for example, rose from the rank of buck private during a distinguished military career that spanned more than twenty years. Now an outspoken critic of the misallocation of military manpower, he has appeared before the Armed Services Committee the past two sessions and has been as articulate, courteous and well informed as any witness to come before us. Still, committee members find it pertinent to inquire whether he graduated from West Point, whether he accepts his monthly pension, and how he was able to remain in the Army amid such waste for as long as he did.

Another witness, Rear Adm. Gene La Rocque (Ret.), brought with him similarly distinguished credentials as a former commander of a destroyer squadron and director of the Navy's War College. Today he is director of the Center for Defense Information, an important independent source of enlightenment for members of Congress who are buried under a sea of Department of Defense statistics. Nonetheless, La Rocque was denigrated during floor debate by one senior committee member as ". . . this admiral, who only scoffed after he retired." The words recall those uttered in Richard Nixon's White House when the name of Pentagon cost analyst Ernest Fitzgerald came up. That he had unearthed bungling on the C–5A program that had cost taxpayers some $2.5 billion was secondary to his having betrayed "the team." One is always tempted to wonder on such occasions who "the team" is playing against.

Committee acquiescence to each Pentagon proposal can reveal itself in amusing ways. Like a folk epic appearing in different cultures, the wisdom of the Pentagon often finds expression by committee members of different political stripes. During floor debate on the 1972 Trident acceleration one Midwestern Republican told the House, "The Trident program is not a crash program. It is an urgent but orderly program for replacing our aging Polaris submarines with new submarines having greatly improved capabilities." Moments later his colleague, an Eastern Democrat, began: "The Trident program is not a crash program. It is an urgent but orderly program for replacing our aging Polaris submarines with new submarines having greatly improved capabilities." Altogether, the two ran on for seventeen identical paragraphs, right down to the last, "We must start building at once." The Pentagon builds redundancy into many of its strategic delivery systems, not the least of which is the House Armed Services Committee.

Given this atmosphere, the new member soon learns that mere logic is an inadequate tool. However useless a defense concept, however premature its implementation, however extravagant its cost, an argument to proceed is deemed conclusive on one of two grounds. Either the Russians are doing it and so must we do it to avoid falling behind, or the Russians are not doing it and therefore we must in order to stay ahead. In the former category one can include Safeguard and Site Defense; in the latter, the B–1 and the CVN–70 aircraft carrier. For those weapons systems that fall easily into neither category—the Trident, for example—there is always the bargaining chip catch-all. If we don't have it, how can we bargain it away?

What then are the feelings I was left with, the lessons I learned as a freshman on the Armed Services Committee, during a year when an Administration, badly weakened by Watergate and confronting a Congress allegedly eager to reassert its prerogatives, still got everything it wanted in weapons?

Lesson number one is that we are talking about strategies for cutting programs that are grossly excessive in terms of both cost and overkill potential. No longer is it necessary to discuss threshold policy questions while military costs stampede over us. We need no longer be apologetic about seeking to bring such costs under control. It is not reasonable strength that we oppose but unreasonable redundancy. Substantial cuts in this year's program were, for example, supported by such unlikely combinations as Bella Abzug and John Rousselot, Ron Dellums and Hamilton Fish, Herman Badillo and Mario Biaggi. The movement, alas, was not all-encompassing, but it was ecumenical.

Lesson number two is that first and second termers, particularly those on the Armed Services Committee, need not and ought not defer to their more senior peers. There is nothing personal in this at all. It is simply that my constituents elected me to work for sensible changes now, not twenty years from now. I did not keep my views on runaway military budgets secret in Denver. There is no reason why I should keep them secret in Washington.

I am reinforced in this conclusion by the sad national experiences of recent years. If we have learned nothing else from our foreign policy and political misadventures we should at least have learned the value of debate and dissent. Muting dissonant voices is a mark of insecurity rather than strength. We need the confidence to discuss military issues without bitterness. The wisdom allegedly acquired by mere political longevity can, moreover, easily be overestimated. I doubt that experience will persuade me that it is wise to spend $350.3 million on a Safeguard ABM system that is useless in the first instance and severely limited by the SALT agreement in the second. Or $100 million on "Site Defense" which is a euphemism for the ABM system to encircle Washington, D.C., that most members thought had been scuttled a year ago. Neither is experience likely to alter my belief that the $473.5 million authorized for continued development of the B–1 manned bomber is $473.5 million wasted. One Pentagon planner said all there was to say about this weapon when he compared it to the old horse cavalry in an *Aviation Week* interview: "Once the horse was replaced by something else, they didn't go on improving horses."

If anything, experience should have taught those urging acceleration of the Trident program that it is wasteful to press forward with production of a weapon before the research and development stage has been completed. Just as wasteful as keeping four and one-third divisions in Europe in 1973 when five full divisions were thought little more than a "tripwire" a decade ago.

It is also possible for the new member to become conversant with the dominant defense issues in fairly short order due to the superb work of groups like Members of Congress for Peace Through Law, the Center for Defense Information, the Brookings Institution and SANE along with an occasional *ad hoc* committee consisting of former members of the defense community.

While it may, then, take me years to become familiar with all the acronyms and jargon in the defense lexicon—some refer to the Pentagon's vocabulary as its first real line of defense against Congressional oversight—I do believe the conclusions I reached regarding a number of pet military projects were based on solid evidence. It takes only a knowledge of recent history, for example, rather than twenty years' experience on the Hill to decide that the new super carrier, CVN–70, will become a floating war looking for a place to happen. Similarly, one can reach conclusions regarding the wasteful concurrency we have now legislated in our Trident program, the anachronistic deployment of our forces in Europe, the bloated grade structure of our three services, and the implausible "teeth to tail" ratio of our support and combat forces, without having spent a professional lifetime in the military business.

Lesson number three is that there are no panaceas when it comes to trimming procurement bills. This year, after our noses had been bloodied in every roll-call battle challenging specific weapons systems, Rep. Les Aspin, the brilliant second termer from Wisconsin and a colleague on the Armed Services Committee, introduced what somewhat uncharitably came to be called the "meatax" amendment. Notwithstanding any other provision in the legislation, the Aspin measure would have trimmed $950 million from the final authorization and required the Pentagon to return to Congress with its plan for apportioning the reduction. If Congress failed to act within thirty days, the Pentagon plan would have been deemed approved.

As a tactical maneuver the amendment had a world of appeal. By the time most weapons systems come before the Congress for major authorization, the bureaucratic trade-offs that led to their birth have long since been consummated, industrial and political constituencies have grown up behind them, and their discontinuation means a loss of jobs in cities where they are produced. The Aspin amendment skirted all these problems. It also attracted many conservative budget cutters, who would do just about anything to save money except reduce the number of times we can wipe out the world's population.

On July 31, the amendment passed the House, 242 to 163, much to the consternation of senior Armed Services Committee members who quite realistically regarded it as a vote of no confidence in their handling of this year's bill. Two months and one day later a similar effort narrowly lost in the Senate. As of this writing the Aspin amendment has died in conference. I supported the amendment as a last resort. I shall support it again, if necessary, but again as a last resort. While attractive for the reasons already discussed, the amendment is in my judgment flawed as a long-range device for reducing military costs.

First, it holds out the false promise that we will forever be able to develop new, costlier and unnecessary weapons hardware while still keeping reins on the overall size of the defense budget. This is, at best, a dubious prospect and, at worst, a signal to Pentagon planners that Congress is neither willing nor able to apply even minimal constraint to the galloping arms race.

Second, putative savings from such an approach are likely to prove illusory, even during the very session in which the measure is enacted. We are dealing, after all, with an authorization bill. The appropriation process still must follow. And each year the House Appropriations Committee can be expected to cut somewhere in the neighborhood of $1.5 billion from the amount authorized by the earlier procurement legislation. An amendment trimming any lesser amount from the authorization bill is simply an open invitation to the Appropriations Committee to conduct business as usual, appropriating such funds as it sees fit and cutting where it chooses up to its normal amount—minus, of course, what has already been cut by the amendment.

Third, the Pentagon is one of the most sophisticated, adaptable agencies in the history of American government, an agency which manages to spend more in peacetime than it does in war, which routinely converts arms limitation agreements into excuses for "emergency" weapons funding. That sort of agency is unlikely to be restrained in the long run by annual ceiling amendments. Indeed, they are likely to inspire it to build even greater quantities of lard into its annual budgetary requests.

The last lesson of my freshman year, number four, is that the annual battle in committee against excessive spending on weapons, while frustrating in the short run, should not be abandoned. Again I return to the fatalistic argument that, by the time a weapons system is presented to the Congress for meaningful consideration, the battle against it has already been lost. That is perhaps true when the incumbent Administration lines up forcefully behind the program and has as its ally an Armed Services Committee dominated by pro-military hard liners. Except when rare circumstances converge, as happened with the ABM system, building a national consensus against a particular weapons system is a difficult undertaking. Better than 60 per cent of the people nationwide are telling Mr. Gallup that we are spending too much on defense, yet only a relative handful has even formulated opinions on Trident, the B–1 or the CVN 70.

But consider what that figure may some day mean to a national administration committed to the reality as well as the rhetoric of arms control. Quietly, unspectacularly, losing a dozen battles for every victory, those who have been fighting each year's outrageous Pentagon requests have been creating a political climate conducive to meaningful reform.

While it harbors only the vaguest feelings regarding individual items in the military procurement bill, the public clearly regards the whole package as far too big. That sort of feeling will make it increasingly difficult for future national candidates to campaign on cold-war issues and increasingly easy for rational discussion of conversion and the economics of disarmament.

So I shall continue to vote against programs I consider reckless, wasteful and provocative, and to work against such programs as a junior member of the House Armed Services Committee. So, too, I shall continue to ask what the military should do, rather than what it can do. I anticipate that we'll continue to lose more arguments than we win. But should a candidate with national aspirations decide to advocate common sense in military expenditures, he is likely to find that some of the educational spadework has already been done.

FDA SHOULD ALLOW INDIVIDUAL CHOICE ON VITAMINS

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. SHRIVER. Mr. Speaker, on March 22, 1973, I joined in sponsoring legislation to prohibit the Food and Drug Administration from attempts to ban sales of truthfully labeled vitamin and mineral supplements for reasons other than safety or fraud. The popular response to this bill has been tremendous, giving further evidence that the American people consider personal health actions to be a personal matter. The rightful role of the FDA is to insure the safety and truthful labeling of food supplements, not to make individual prescription decisions.

Under leave to extend my remarks, I am including in the RECORD my statement before the Public Health and Environment Subcommittee of the House Interstate and Foreign Commerce Committee regarding this legislation:

Mr. Chairman and distinguished members of the subcommittee: I appreciate having this opportunity to appear before your subcommittee today to convey the strong feelings of my constituents regarding the Food and Drug Administration's regulations on vitamin and mineral supplements.

No legislation introduced thus far in the 93rd Congress has generated such overwhelming support among my constituents in the Kansas 4th District as the bill before your subcommittee. I began receiving letters protesting the proposed FDA regulations soon after Congress convened this session, both from constituents concerned about the effect such regulations will have on their health and well-being and, just as importantly, from those who view this as just another attempt by "those bureaucrats in Washington" to rule their lives.

Here are portions from one such letter I received from a senior citizen in Wichita, Kansas. "I understand that the FDA has decided just how potent my vitamins should be, but their decision does not happen to coincide with mine. I am almost 83 years old—live alone, do all my cooking, baking, laundry and other related tasks as well as make my own decisions, and I greatly resent any bunch of nincompoops telling me what and how much I shall eat . . . For over twenty-five years I have been taking about ten times as many vitamins as the FDA thinks I should be allowed, and I am still here—going strong . . . And even if they (vitamins) were to kill why should they be prohibited when I could buy a barrel of whiskey, smoke ten packs of cigarettes a day or eat a bottle of aspirin were I so inclined—and had the money."

Another constituent has written: "I am outraged to find that the FDA has taken away my rights to decide how many and how I am to take vitamins and food supplements! Actually, I can get around this regulation by taking more individual supplements. But why, when inflation is already eating us up do I have to go to this added expense. . . . Why are they allowed this power to take away the citizen's rights and freedom of choice?"

Several important points about the impact of the proposed FDA regulations are brought out in these and other letters I have received. There is a serious question that the Recommended Daily Allowances for vitamins and minerals set by the FDA may not be based on fact. Certainly, there is a wide variation among nutrition experts regarding suggested dosages of Vitamin C. For example, Dr. Linus Pauling, winner of a Nobel prize for chemistry research, recommends a daily dosage of this vitamin at 50 times the amount prescribed by the FDA.

The regulations will have a serious effect on the health food and vitamin supplement industries and they will increase the cost and inconvenience suffered by those wishing to supplement their diets with vitamins and minerals. But, I believe the most important issue which must be settled, is whether or not we can continue to allow bureaucrats to involve themselves in every single aspect of the daily personal lives of our citizens. No one, myself included, has questioned the right, indeed, the responsibility, of the Food and Drug Administration to protest the American consumer against fraud and/or contamination. At the same time, no one, least of all the Federal Government, should question the right of the consumer to decide how much, if any, diet supplementation he wants. I do not share the view of the Food and Drug Administration to protect the is incapable of deciding what vitamin and mineral supplements he wants as long as these supplements are truthfully labeled. It is difficult to understand the alarm over vitamins and food supplements when one considers the amount of amphetamines and other across-the-counter drugs which are consumed daily by a large segment of our population.

We are fast approaching the deadline when the vitamin and mineral regulations will take effect. This is but another example of the government's attempts to overprotect American citizens and Congress must act promptly to force the Food and Drug Administration to let people decide for themselves what is best for them as individuals.

I am hoping that the Committee will give careful and complete consideration to H.R. 643 and recommend this proposed legislation for passage.

UNIVERSITIES—WHERE DO WE GO FROM HERE?

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. ROBISON of New York. Mr. Speaker, earlier this year I brought to the attention of the House remarks made by Dr. Hale Corson, president of Cornell University, because of the relevance they had to contemporary higher education issues. In his usual forthright and thoughtful manner, Dr. Corson spoke to the annual fall gathering of Cornell trustees and its alumni council, again

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raising the difficult questions which must be answered in the field of higher education.

The issues raised in Dr. Corson's speech are ones which this Congress and the Nation must confront. Because they are so well stated in Dr. Corson's remarks, I want to commend them to my colleagues for their consideration, and with the hope that they will stimulate a more aggressive search for the answers:

UNIVERSITIES—WHERE DO WE GO FROM HERE?

(By Dale R. Corson)

The topic for this session is "Universities—Where Do We Go From Here?" Let me assure you we are going to go onward and upward. You expect no less from us, and the universities are too important to do otherwise.

In the future, however things will be different for the universities of this country, including Cornell. There is no such thing as standing pat. Even if we wanted to stand pat, external forces over which we have no control would guarantee that we could not.

Right here at Cornell, we are going to see changes in our student body, in our educational offerings, in the role we play in public service and social problem-solving, and possibly most of all, in the way we are financed.

The students themselves are changing. There is medical evidence that, biologically-speaking, young people are maturing earlier. Furthermore, they have travelled—sometimes to far parts of the world. They have watched television for thousands of hours and bring with them all the information and all the value systems TV provides. Finally, their secondary school education has been at a high level. Today's typical high school graduate is more mature and more able than we have ever seen before.

Another important factor is the growing tendency to break away from the traditional pattern of direct progress from high school to four consecutive years of college and possibly straight on to graduate or professional school. More flexible arrangements are being tried. Students increasingly "stop out" of school for a time—to work, to experience a change of pace, to travel, to restore or enhance their motivation, or to sort out their educational and career objectives. We will also be placing more emphasis on adult, continuing, and mid-career education. We will reach a different audience, and we will have to stop thinking of college students exclusively in terms of an 18-to-21 year-old stereotype.

New points of emphasis are developing in what we teach and how. Ever since World War II we have seen an increasing tendency to specialize at the undergraduate level and there may now be reaction growing against such specialization. We are seeing increased effort to reduce time required for a bachelor's degree, and also to reduce the extraordinary time now required for some kinds of professional education, such as medicine.

There is new emphasis on vocational, technical and non-traditional education. The term "postsecondary education" has acquired a new vogue because of a conscious desire—in Washington and elsewhere—to place these kinds of education on an equal footing with what we think of as traditional higher education. After all, there are about 7,000 occupational institutions in the country, most of them proprietary, compared with 2,700 collegiate institutions. There is a rising belief that traditional higher education is not needed or is not wanted or is not appropriate for all the nation's young people.

We must think through the role the academy should play in dealing with social problems. As I indicated in the report, "Cornell in the Seventies," I believe universities must undertake new approaches to deal more effectively with the problems of a massive and ailing society, and we must do so without destroying the basic discipline-oriented departmental university structure which has proved productive and appropriate. Relevance to the "real" world is good for motivation. It can be good for learning, for teaching, and for research. It is more than simply a response to a perceived public need, important though this is. We need to bring to bear all the disciplines relevant to social problem-solving, whether law, history, engineering, economics, sociology or biology.

The importance of developing these new approaches, at the same time we retain and strengthen our old approaches, is especially acute at a Land-Grant institution such as Cornell. The land-grant mission requires us to employ the methods and findings of scholarship and research to meet the problems of people at large, outside the university. It is not enough to rely on our statutory colleges and our excellent programs of cooperative extension to carry out this mission: it is a mission of the entire university. We must ask ourselves what the land-grant responsibility means or should mean in this last third of the 20th century. I have appointed a faculty committee to advise me on these questions, a committee under the able chairmanship of Professor and former Provost Robert A. Plane. You will hear from him this afternoon about some of the problems and issues his committee will be studying.

Let me come now to a series of higher educational issues, all with serious financial implications. Some of them threaten the survival of much of what we value most in higher education.

ISSUE NO. 1

Can we continue to raise tuition indefinitely at a rate higher than the general inflationary rate in the economy? Do we keep doing what we do now, or something like it, keep our present quality and live with the financial consequences, or do we cut back expenses to the general inflationary rate and lose what we have come to regard as Cornell quality?

If we add 6% per year in accord with the current trend, the combined annual tuition and fees in Cornell's endowed colleges will reach $5,000 by 1981, $10,000 by 1993, and $15,000 by 2000.

Consider, however, the squeeze this puts on the university. Inflation has eroded everybody's dollar, but in higher education the rate historically is twice as great as the national inflationary trend. Princeton's President William Bowen, an economist, has developed figures showing that the average increase in cost per student per year has been more than 5% since 1905 at some typical private universities. The economy-wide cost index was rising at an average of slightly over 2% per year in this period. During the relatively normal peacetime years of 1949–66, per student costs rose 7.5% per year.

In the last half dozen years this long-term trend has overtaken the system and swamped it in crisis, even though disposable family income has increased about as fast as our tuitions have increased. Unlike industry, a university cannot hope to achieve significant offsetting increases in productivity, so where are the funds to come from to make up for the gap? Gift support has been magnificent and heartening here at Cornell, but there seems to be no prospect that it can bridge this wide a gulf.

Let me give you an example. We have a marvelous library system—one of the best in the country. It took us 70 years to reach the first million volumes, 20 years the second, 9 years the third and 6 years the fourth million. Our shelves will be filled by 1976. At the present rate we must duplicate our total capacity: Uris, Olin, Mann, Carpenter, Clark and all the others every 14 years. Right now we are filling the equivalent of one Olin Library every 8½ years. If our acquisitions continue to increase at the present rate we will be filling the equivalent of one Olin every five years by 1985, and one every two years by 1995. This requirement for facilities is on top of an increase of at least 10% per year in the cost per book. What shall we do?

ISSUE NO. 2

Should everyone in our diverse population attend a college or university? Having made the national commitment to universal access to postsecondary education, which institutions are the students going to attend and, above all, who is going to pay the bill?

Undoubtedly some can benefit more from non-collegiate forms of postsecondary education, and some simply don't wish to pursue higher education even though they may be qualified to do so.

We have, according to Kingman Brewster, too many "unwilling students" in the system now, students who are there for social or family or prestige reasons rather than from serious internal motivation. Perhaps we have overemphasized the idea that increasingly higher percentages of young people should go the collegiate route.

We have clearly established the concept of access for all as a national goal. This means that everyone should have the opportunity to participate in that type of postsecondary education which he or she is qualified for and wishes to pursue, regardless of social or economic status. The goal is socially and morally right. I believe in it. The country has taken a number of important steps toward it.

The fact is, however, that to attain this goal fully—especially with regard to providing the student with choice as to the institution he attends—will require resources far greater than the society has thus far shown itself willing to commit. It would require perhaps $2.5 billion per year, for example, to fund completely all the student financial aid programs Congress approved in principle last year. The current outlook is about a billion dollars short of that goal and even if the goal were reached, there would still be no relief in sight for the middle income family struggling with massive charges for one or more college-going children. How shall we deal with the problem?

ISSUE NO. 3

Collegiate enrollments are going to decline. This trend, which will begin toward the end of this decade, following some further growth in the interim, will result from two factors: a decline in the birthrate, and saturation of the market. The percentage of high school graduates who elect to pursue the collegiate route will have reached its practical maximum.

This is going to be hard on the institutions, both public and private, and the phrase "orderly retrenchment" is beginning to appear in discussions about long-range planning. Where there is no growth, there is sharply limited room for innovation and flexibility. All the overhead keeps on going while the income declines. Competition for students, already a serious problem of many of our smaller private colleges, will result in the demise of some—perhaps many—and could result in acrimonious confrontations between the public and private sectors.

I have heard the problem of how to stay healthy when no growth is possible described as a problem in the dynamics of the potted plant.

The situation is made more awkward by the enormous growth in the number of students pursuing higher education in the last decade. Degree-credit undergraduate enrollment in the nation's colleges and universities was about 3.5 million when I first became a dean in this institution in 1959, and is about 8.4 million now. Graduate enrollment has gone from perhaps 350,000 to about a million. Never before have we had such massive

additions to our higher educational system. The State University of New York, for example, has grown from a modest array of teachers' colleges two decades ago to the largest state system in the country, enrolling 280,000 full-time equivalent students and spending from all sources, some $800 million a year for operating expenses alone. Shifting gears from this growth rate to a "steady state" situation with some decline is a major challenge for the coming decade.

How are we, and every other university, going to learn how to settle down in a "steady state" operation after a quarter century of unprecedented growth and expansion?

ISSUE NO. 4

How do we achieve a balanced and compatible dual system of public and private institutions which has proved so effective in the past?

If all the private institutions in the country were to fail because of the tax-subsidized competition of the public colleges and universities, then the taxpayers would have to pick up the added burden at a staggering cost. A reasonable ballpark estimate of the additional annual cost to public treasuries is $4 billion.

A key problem at the moment is the great and widening difference between tuition charged at the two kinds of institutions. Middle income families are strongly motivated to send their children to the public institutions; if they elect private colleges they pay twice—once through tuition charges at the private institution, and again through taxes to support the public institutions. The combination of this tuition gap and declining enrollments is potentially ruinous for the private sector. How shall we avoid such a calamity?

ISSUE NO. 5

(Followng directly from issue No. 4.) Will adequate help for private institutions be forthcoming from public sources, and if so, on what terms?

Caught as we seem to be in an inexorable squeeze between inflation and tuition charges, with looming enrollment declines and heightened competitive forces, the higher educational system has been forced to look more and more toward the possibility of increasing support from tax resources.

The outlook for adequate funding is not encouraging, despite recent increases by the State of New York in its program of aid to private institutions, and despite the elaborate array of new and expanded aid programs approved in principle last year by the U.S. Congress. The share of total State expenditures going to higher education has leveled off. The Administration in Washington has shown itself unwilling to put into effect more than a modest fraction of the programs authorized last year.

If we must accept and seek subsidy of private higher education by the public treasury, whether Federal or State, we must develop and articulate a rationale and come to some understandings about the terms. Public support can be justified—to some extent—on the social utility of the service the private sector performs. Both the individual and society-at-large benefit, if we are doing our job properly. Beyond that is the fact that a relatively small cost will keep private institutions in business, saving the far greater cost of public takeover.

We know, however, that public subvention is never without its own costs. What is it reasonable for governments to ask, in the name of the people, in return for public money? The institutions should be "accountable," we all agree, for any public money they spend, but what does that mean in practical terms? Fiscal responsibility, of course. But can our outputs be measured and compared, with rewards being allocated accordingly? Are there meaningful measures of efficiency to which we can be held? Is Cornell a less cost-effective place than the University of Buffalo? By what standards of value?

Is there an acceptable mechanism by which public funds can provide the marginal dollars to maintain the present high quality private sector and if so, will the "accountability," which the public rightfully deserves, tend to reduce private higher education to the lowest common denominator?

These are troublesome questions; we are already running into them; and there may be some head-on collisions in the future.

ISSUE NO. 6

The Federal Government has pulled the rug out from under graduate education and has slowed the pace of university-based research. Will public policy and public pressure seriously weaken the system of university research and graduate education which has been so successful?

Drastic changes in Federal policy have compounded the financial problems of the major universities such as Cornell with strong graduate and research programs. We built these programs during the 1950's and 60's to meet the Federal Government's direct requests or indirect financial stimulation. Now we are stuck with much of the machinery we created. The fluctuations in national policy have been far more rapid than the response times of a system which cherishes and depends upon long-term stability.

Federal support for graduate students has been declining steadily since 1967 as a result of a deliberate policy to cut back sharply on all Federal grant support for graduate students, and to eliminate the NSF and NIH Training Grants.

According to the Federal Interagency Committee on Education, there were 51,000 Federal Fellowships and Traineeships in 1967—the peak year. In 1973, there were about 17,000 of these awards. The NASA Fellowships have disappeared. The NSF Traineeships have disappeared. The NDEA Fellowships are disappearing. The NIH grant and fellowship support is being severely cut back. Support for graduate students under the G.I. Bill is now the largest source of Federal aid to graduate students, but this will decline soon.

There is no way the universities can make up for this lost support from their own resources. The students themselves will have to shoulder the major burden for their graduate education, implying loss of access for students fully qualified except for the money. There is a possibility that there will be a decline in the student population in those areas which the Government has in the past identified as meriting special support to serve future public needs. This situation is especially difficult for minority students, who are badly needed in the professions, and who are now receiving bachelor's degrees in ever larger numbers and are ready to take up graduate study.

As for Federal sponsorship of research and development, a report recently issued by the National Science Board shows that, when expressed in non-inflated dollars, there was a 12% decline in the period from 1968 through 1971, with a slight pickup thereafter. In basic research alone, again using constant dollar equivalents, there was a 10% decline from the 1968 peak year to 1972.

This same report also points out that U.S. expenditures on research and development are declining as a percentage of Gross National Product, going from 3.0% to 2.6% in four years. This was occurring at a time when U.S.S.R. expenditures were rising sharply (from 2.3% to 3.0% of GNP), and R. & D. expenditures in Japan and West Germany were also rising as a percentage of GNP.

Research, I need hardly remind this audience, is a vital component of the university mission, essential to the education of students in addition to its own intrinsic worth.

Not only are the deflated dollars declining, but there is a fundamental change in emphasis and attitude in the Federal Government brought about by the pressure for quick results. Mission-oriented research, seeking solutions to clearly defined problems, is dominant, while fundamental research is being cut back.

I have already pointed out the need for problem-solving interdisciplinary research, and I think we can understand the public's disenchantment with expensive research when there are no clearly evident results. What tends to be forgotten, however, is that the visible results of the future depend on the laborious and unheralded fundamental research of yesterday and today.

This point was vividly illustrated in a report commissioned by the National Science Foundation a few years ago, a report which traced such important developments as computers and the electron microscope back to the discoveries, often occurring many years earlier, which made them possible.

One of the developments used as an example is the oral contraceptive pill. The underlying discovery of hormones and the evolution of steroid chemistry trace back to the turn of the century. A series of critical discoveries in the physiology of reproduction occurred in the 1920's and 1930's, notably including some which relate directly to the inhibition of ovulation. The first manufacture of sex steroids occurred in the early 1940's. In 1952, based on all of these streams of prior effort, the direct development of "the pill" began in earnest. In 1960, the progestin-estrogen combination known as Enovid was approved by the Federal Food and Drug Administration as an oral contraceptive.

"The pill" has had a major social impact in the short dozen years it has been on the market. But I would like to draw special attention to the location of some of the laboratories where individual investigators decades ago did the fundamental research which made it all possible—the Universities of Göttingen, Wisconsin, Rochester, California at Berkeley, Penn State, Pennsylvania, Columbia, and Harvard, to name just a few.

To take another example, when I speak to groups of agriculturalists I like to point out that hybrid corn, on which so much of the Mid-West economy rests, came from those two great agricultural colleges, Harvard and Princeton.

I hope our national policy-makers will keep this sort of perspective in mind when they discuss what is "relevant" and worthy of budgetary support.

This has been an effort to frame some of the issues with which we must cope. Change on the campuses has occurred so rapidly in the recent past that we have all had difficulty in assimilating it, or in seeing it in perspective. But it is still going on, and will continue to go on, and we will continue to have trouble getting our bearings until some of the fog surrounding higher education is dispelled.

Our distinguished panelists will now start dispelling the fog.

MINORITY ADVANCEMENT AT CUMMINS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. HAMILTON. Mr. Speaker, the Sunday, October 21, 1973, edition of the New York Times contained an excellent article by Marilyn Bender which reports the noteworthy progress the Cummins

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Engine Co. of Columbus, Ind., has made in hiring minority executives.

Cummins is to be commended for the advances it has made in equal opportunity executive employment which are described in the following article:

BLACK EXECUTIVES IN NEW ROLE

(By Marilyn Bender)

COLUMBUS, IND.—A nearly all-white town of 27,000, famed mostly for its modern architecture and the Ku Klux Klan tradition of its environs seems an unlikely mecca for black executives hoping to rise in the corporate world.

Yet, during the last eight years, some 100 black managers and executive trainees have moved here precisely for such professional achievement, and they have come despite their apprehensions about the setting.

A black corporate middle class thus has been grafted onto a community whose nonwhite population previously consisted of about 400 unskilled, low-income people.

The newcomers were imported mostly by the town's dominant industrial employer, the Cummins Engine Company. The results have been mixed, though not always as expected.

"It's been really smooth, and the main reason is that they brought in a large number of Harvard variety," observed a newspaper editor here.

During the last year, blacks with highly regarded credentials were named to three of Cummin's corporate-officer slots—a minority representation thought to be one of the highest in American industry. These officers are:

Delmar Barnes, 45 years old, an accountant with tax expertise, who was promoted to corporate controller.

Ulric Haynes Jr., 42, a New York management consultant, bank director and member of various corporate and cultural boards, who was appointed vice president—management development.

James A. Joseph, 38, a Yale-educated clergyman and foundation director, who was named vice president—corporate action.

Also, in recent months a popular black candidate for corporation directorships, Franklin A. Thomas, president of the Bedford-Stuyvesant Corporation, New York, was elected to the Cummins board.

Cummins hired William Norman, 35, a retired Navy commander, as director of corporate responsibility and William Mays, 28, as assistant to the president.

Irma Seiferth, 32, became college relations manager and the highest ranking black female in the company. She started at Cummins eight years ago as a clerk and has no college degree.

Cummins made these appointments in a disappointing year for earnings. In 1972 the diversified engine manufacturer had a scant profit of $8.2-million on sales of $521-million. Cummins blamed a two-month strike, price controls and start-up expenses for its international expansion program. The company's sales and earnings in the first half of this year made new highs.

Cummins has avoided broadcasting its social performance for some of the same reasons as those expressed by other corporations in similar situations.

Employe relations at Cummins are already strained by rumors that the new minority members were lured by inflated salaries. Though few salaries are disclosed at Cummins, their pattern seems in line with current levels for sought-after candidates. For example, a state university M.B.A. with business experience is paid $17,000 a year. Mr. Haynes termed the rumors of bonanza pay "a national myth."

Furthermore, many companies believe publicity tends to generate lawsuits; most of the Government's equal employment opportunity cases have been instituted against companies of some size and visibility.

Then, too, J. Irwin Miller, Cummins' chairman, major stockholder (40 per cent of the common stock is owned by his family) and the town's most influential citizen, is one of the nation's more unassuming multimillionaires.

A Republican, Protestant lay leader, civil rights activist and architecture buff, Mr. Miller has consistently channeled his family's philanthropies into support for racial equality and minority development. The Cummins Engine Foundation, a corporate trust, guarantees the architectural fees for any public building in town. Among the landmarks are a library designed by I. M. Pei and a bank building by the late Eero Saarinen.

"The chairman of the board is very much a humanitarian," said Mr. Norman by way of explaining why he had left the stimulating crucible of Washington (where he was a special assistant to Adm. Elmo R. Zumwalt Jr., chief of naval operations) for this placid Indiana community. At most parties in Columbus, a guest isn't asked where he works but rather in which department.

Mr. Miller's credibility "and the very bright people at the top caused me to believe the location was a secondary factor," Mr. Norman said.

The top management of Cummins is believed to share Mr. Miller's convictions about racial equality and social justice. The company's commitment to achieving "population parity in the work force" is spelled out in the annual report. But no one pretends that the message has thoroughly seeped down to middle management.

"I'm disturbed about the placing of minorities," one white manager said. "They may not all be qualified."

Everyone at Cummins knows that Mr. Barnes' sole rival for controller was Adrienne Savage, a white woman. Mrs. Savage was openly disappointed at losing out, and she discussed the decision with top management.

"Part of the group felt it was more important to have a black at this time," she reported, "although in some other areas it was felt his strengths may have outweighed mine."

She added, "I appreciate the fact that Del called me before he accepted to ask how I would feel about it."

Acceptance of the blacks was encouraged somewhat by the corporate policy of at least surface egalitarianism. Cummins has done away with reserved parking for executives. There are no executive washrooms. And executive offices are simply open recesses along distant walls. A former warehouse contains the corporate headquarters.

For most of the black professionals their apprehensions about living in a small, Southern-minded community (the nearest cosmopolitan center, an hour's drive away, is Louisville) proved unfounded. In Columbus, they discovered, monotony is a more serious problem than racial adjustments.

One of the top black executives noted with some irony that he was unable to hire a black for domestic work. He believes the low-income resident blacks of Columbus resent the presence of the newcomers. He was able to engage a white cleaning woman easily.

The activism of some of the earlier black arrivals at Cummins erased some of the expected problems, such as finding housing.

Columbus now has an open-housing ordinance, and almost all of the new black families live tranquilly in prosperous, mostly white sections of town and countryside. The excellence of the company-donated 350-acre recreation site, Ceraland, and other public facilities has made the question of membership in this area's two country clubs not worth bothering about.

DELMAR BARNES

Delmar Barnes, the controller, came to Cummins in 1967 as manager of tax planning. When he was an Internal Revenue Service agent in Cleveland, he had happened to sit next to two of Cummins's senior officers on an airplane and discussed a football game they had all attended. Shop talk followed, and a year later an offer to join the company was made.

"I've had great rapport from the top down, and— knock wood—I've never had a people problem here," he said. Nor does he think he has reached a dead end as controller. "I harbor hope that something will open up," he said. "This company is very dynamic."

He still has reservations about Columbus though. "It's a difficult place to create a unified black experience because the numbers are so small," he said. He is a past president of the William R. Laws Foundation, through which many of the black executives have tried to upgrade the education and motivation of Columbus blacks.

But he is concerned about the loss of black identity for his two teen-age children.

"They don't identify with things black, such as music style," Mr. Barnes said. He recalled wistfully that, in his formative years in the nation's capital, he attended black as well as white theaters and music halls.

ULRIC HAYNES, JR.

"Yolande, you're too pretty for Columbus," a neighbor told the Haitian wife of Ulric Haynes Jr. In New York Yolande Haynes had been a fashion model and actress. In Columbus she blooms like an exotic flower.

The Haynes house is furnished with Museum of Modern Art furniture and African sculpture of collector's caliber. Mrs. Haynes, whose cooking is of international quality, wonders if Columbus would support a first-class restaurant if she opened one "to keep busy."

Mr. Haynes is often accompanied by his wife and their 2-year-old daughter, Alexandra, on trips across the country and abroad. The Hayneses have rented out their brownstone house in the Clinton Hills section of Brooklyn.

Sometimes I miss the exhilaration of New York, the thrill of survival," Mr. Haynes conceded. "But, then, in New York I was twice stopped by cops for jogging. In New York, a black man running is a criminal."

He was educated at Amherst and the Yale law school. He served in Africa with the State Department and the United Nations. And he has lectured at the Harvard Graduate School of Business Administration.

He said he took on management development for Cummins "corporatewide and worldwide" as a way of "marrying my business and international interests."

Mr. Haynes declined to speculate about his long range potential with Cummins.

"I'm of that generation of young executives who don't feel committed to one corporation for life," he said. "Those days are gone forever."

JAMES A. JOSEPH

James A. Joseph, vice president-corporate action, also prefers not to predict his future in the company. "I'm still adjusting to being a businessman," he said.

Between two previous positions as associate director and later as president of the Association of Foundations (comprising the company's and the Miller family's two foundations), he was chaplain of the Claremont Colleges.

"Basically, I'm interested in the use of power for social change," Mr. Joseph said. "In 1960 the arena for social change was the church and civil rights. Then the focus became the university. Now it's clear that the center of power and the source of influencing change is the multinational corporation."

One of the projects under his aegis is a reappraisal of Cummins's operations in South Africa.

"I don't see myself as president of the corporation," he said, "but then I never saw myself as vice president either. For the time being I'm committed to the corporate life."

Mr. Joseph was threatened by the Ku Klux Klan in 1965 when he worked in Mississippi with church-related civil rights groups.

"Some of my friends thought I was out of my mind to come to southern Indiana, the birthplace of the Klan," he said.

"And the John Birch Society was founded in Indianapolis," he added. "But I've never had an encounter here with the Klan. When they had a parade here in town last year, no one paid much attention."

WILLIAM MAYS

"Architecture doesn't mean anything to me and even the money wouldn't count if I thought I was going to sit here for the next 10 years," declared William Mays, who weighed the Cummins offer of presidential assistant against that from Xerox, Dow Chemical, Eli Lilly and Procter & Gamble. (He had worked at Lilly and P.&G. before returning to Indiana University to earn his M.B.A. degree.) The presence of the three black officers tipped the scale in Cummins's favor.

"I don't know of any other corporation where you can touch a black who is in a position to do something," Mr. Mays said. "Del Barnes is really the controller here. Without his signature certain things don't happen. If I'm going to be an ice breaker, I'd rather break ice from the top down, as I think a black can do here."

Mr. Mays described his job as "a training exposure position from which I will move in a year to a line position, probably in marketing or sales."

"Most blacks have a tendency to move into staff positions, but I prefer to be on the firing line," he said.

Mr. Mays is the first black to hold the prized presidential assistant's job. He acknowledges: "If I were a guy with the same ability and not black, I might not have been able to touch these strings. There's nothing particularly outstanding about me."

THE SEIFERTHS

"There's no significance to the three black officers, because blacks don't move up in this corporation," asserted Jesse Seiferth Jr.

He came to Cummins in 1965 as an executive trainee in the first wave of black recruits. He had just graduated from Tougaloo College, a black institution in his home state of Mississippi.

Irma, his wife and kindergarten sweetheart worked to put him through college. She started at Cummins as a clerk at the bottom of the hourly wage scale while he entered at the bottom of the salaried rung. "She closed the gap," Mr. Seiferth said.

His ambitions lie in finance and operations. After the initial six-month training program, he says, he "bounced from one area to another," from systems analysis to profit planning, "never getting enough responsibility and training."

Then he took a leave of absence to study for his M.B.A. while his wife kept working to support him and their two daughters. "I thought I could use my schooling as leverage," he said.

Since returning to Cummins with his master's degree in 1971, Mr. Seiferth has continued internal job-hopping. "I don't know where it's going to lead," he said.

Meanwhile, Mrs. Seiferth's career took a startling upward turn. In 1970 she asked to be admitted to a program for training hourly employes for exempt jobs. From there she advanced swiftly through the personnel department. In her current post she supervises a staff of campus recruiters and travels to leading universities to conduct interviews.

What accounts for her success? "I'm a woman," she said jokingly.

"She's in personnel," said her husband with a bitter edge in his voice. "If I had a choice again, I'd be in the non-technical side."

"There is a frustration problem for most blacks in still predominantly white companies," Mrs. Seiferth said with matter-of-fact sadness.

"You don't find any black middle manager who thinks he's ever going to be a director," Mr. Seiferth said, alluding to the highest job level below officer status.

THEODORE JONES

Houston-born Theodore Jones asks himself if his life style and training in industrial relations will hamper his upward mobility in the corporation. At 25, he has a degree in sociology from Notre Dame University and two years of personnel experience as a counselor to Cummins's factory and clerical employes.

Most of the employes are white. (Because of its location, Cummins has been far less successful in attracting minorities for its plant work force.)

Many of the employes are troubled. (Alcoholism is a problem he frequently deals with.) And many are disconcerted by having to discuss personal matters with him.

"A lot of people are up-tight about psychology—'Are you a shrink?' they ask me—and about the shoes I wear and the way I comb my hair," said Mr. Jones. His husky form is heightened by a lofty Afro and platform boots.

He said: "This company is M.B.A. and Ivy League-oriented. I don't have Ivy. Is there a possibility for me to get on the fast track, or will I be refrigerated?

"I'm beginning to think you have to buy into the whole ball game—the legitimate area with legitimate friends, the Little League and the North Christian Church. [Mr. Miller's congregation]. Or you don't make it."

PAST AND FUTURE: HUMAN RELATIONS IN ATLANTA

HON. ANDREW YOUNG

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. YOUNG of Georgia. Mr. Speaker, Dr. J. Randolph Taylor, the very able chairman of the Atlanta Community Relations Commission, recently made a perceptive speech on human relations in our city, past and future.

Dr. Taylor vividly described the history of Atlanta and the vitality of its people, and portrayed a major city looking to a future of continuing progress and greatness. As a clergyman who is highly sensitive to the problems of human relations in urban life, he set forth a challenge which every city faces. I agree with his conclusion that—

> Atlanta has the best opportunity of any city in the world to do a new thing, to be a new kind of city, more free and fair, more open and just.

Mr. Speaker, I submit for the RECORD the full text of this important address by Dr. Taylor to the Kiwanis Club of Atlanta on September 18, 1973:

PAST AND FUTURE: HUMAN RELATIONS IN ATLANTA

Atlanta is a community characterized by chromium and concrete, by charisma and kudzu. Its feet are firmly planted in its region and its past, yet it aspires to the stars. What is happening in Atlanta in the field of human relations—as well as in other areas of inquiry—can be understood best by reviewing our past and reflecting upon the implications for the present of the path along which we have moved as a city. If we can understand how we came to be where and who we are, we shall understand better our present identity and our future hopes.

TERMINUS

Historians tell us that this community had its beginning in 1836 and was first known as *Terminus*. The name marked the function which founded the community: it was the south-eastern terminus of the Western and Atlantic Railroad. The stake driven into the ground determining the spot for the terminus is still marked by the zero mile post in Underground Atlanta. In 1837, one year after its founding, engineer Stephen H. Long remarked: "The Terminus will be a good location for one tavern, a blacksmith shop, a grocery store and nothing else." His prediction seemed sound enough at the time, for there was no particular reason to expect growth. There were no natural characteristics, like bays or rivers or land promontories, which predetermined that the community should be built where it was.

It was the determination of men and women which founded the community at a spot where train lines could intersect going North and South, East and West. It was just far enough below the Appalachian mountain range to make tunneling unnecessary. It was built on convenience. Following the railroads, came the highways and then the interstates. Along with them came the air routes forming here a hub for the Southeast.

We were a town characterized from the beginning by convenience, by accessibility, by movement. We are still Terminus. We live as a community by being convenient, open, accessible, in motion. This means that we need constantly to plan ahead for those things which enable Terminus to function and flourish and grow. When we are confronted with long and difficult holding patterns over Hartsfield International Airport or on the downtown connector, this is not simply a minor problem of inconvenience; it is an issue of life and death for us as a city.

This characteristic of life from our past is part of the picture of human relations in Atlanta. We are still Terminus, and into Terminus have come, as to a magnet, a tremendous variety of people who have been unfamiliar with the taste of urban life—people from the fields of Alabama, from the crossroads communities of south and north Georgia; people from the small towns of South Carolina and Tennessee, from the villages of Ohio and West Virginia, from the diminishing mill towns of the industrial East. Life in Terminus has been characterized for many by pressure, rootlessness, transiency, powerlessness, frustration.

Life in the cloverleaf patterns of Terminus demands major adjustment. Its movement and pressure seem normal to those who are riding along the expressway lanes but, to those standing on the side or seeking to get in, the pace and possibilities seem dizzying. Crowded into and around the magnet of Terminus, there is a built-in frustration that decisions are being made over which one has no control. Dependent upon the commerce and convenience of the community, one nonetheless feels held outside, restrained along lines of race or class or income or language or age. Human relations in Atlanta today are complicated by the very nature of what it means to be Terminus. It focuses upon the difficulty of adjustment for newly urbanized people who by moving into the metropolitan network of Terminus have experienced the breakdown of family patterns, of rootage in the land, of the constraints of community. This has the effect of disintegrating community as well as personality.

This, then, is one of the givens which we share in our corporate life as Atlantans.

XUM

From the zero mile post to MARTA, we are still Terminus. The very success of Atlanta as Terminus results in the rising complexity of community relations. The more we succeed, the more we have the possibility of failing.

MARTHASVILLE

Terminus, however, is only part of our past. That functional name seemed unimaginative to our ancestors and, in 1843, they changed the name of the community to Marthasville. Martha, for whom we were named, was the young daughter of former Governor Wilson Lumpkin. He was a booster of the Western and Atlantic Railroad, and, to honor him, they honored his young daughter. It was a warm, personal, familial thing to do, and characteristic of the community which was emerging.

While we did not bear that name long, it is important to remember that we are still Marthasville. We continue to be marked by a personal and family orientation and we are still, even in the late 20th century, a city for the young. This is still Martha's city. In a very real sense it belongs to her. She may be Black or White; she may be a girl or a boy; she may be named Martha or Martin—the important thing is that she is still a major concern for us as a community. As interested as we are in seeing Terminus boom, we are not willing to let its commerce run over Martha. For this is her city.

When you pick up a child you pick up the whole community. We have found that at the church which I serve as pastor. When you pick up a child in a sick baby clinic, the whole community comes up with her. Where does she live and under what circumstances? How many others are there in her family and do they all get something to eat at mealtimes? Where does her father and/or her mother work? Where does Martha have an opportunity to go to school and what kind of education is she likely to get there? How is Martha treated by her elders—teachers, citizens, police officers, public officials? What job opportunities are open to her upon graduation? What doors are open to her so that Martha may own a part of the life of her city and mark it with her own contribution as though the place were named for her?

There is no way of understanding Atlanta without reading into it this orientation toward Martha. Atlanta University was founded here in 1867; Morehouse College began that same year in Augusta and ten years later moved to this city; Clark College was founded in 1869; Spelman College and Morris Brown were established in 1881; the Georgia School (later Institute) of Technology was founded in 1888; Agnes Scott was first known as the Decatur Female Seminary, which opened its doors in 1889; Emory University moved in from Oxford, Georgia in 1915; Oglethorpe was re-established here in 1916; the Atlanta Division of the University of Georgia became Georgia State College of Business Administration in 1955 and its emergence as Georgia State University, along with the public colleges which feed into it, is reshaping our educational life and a part of our city. All of these are appropriately understood as a part of Marthasville.

The Marthasville quality of Atlanta helps to explain a variety of aspects of our corporate life—such as the De Give and Kimball Opera Halls in the 19th century and the Memorial Arts Center in the 20th; Peachtree Street; the Carnegie Library; the first public housing units in the nation at Techwood Homes; the varied history of "Tight Squeeze"; the sentimental feelings about the Atlanta Crackers and their major league successors in a variety of sports; the reclamation of Underground Atlanta; the rise of Rich's, perhaps; and the feelings in the inner city and in the patterns of white flight concerning the importance of the schools.

This Marthasville quality also gives us a point of focus in the field of human relations. The issues which confront us in this city are, in a very real sense, Martha's issues. Take, for example, the issue of the public schools. The issue joined here is not really busing nor neighborhood schools nor administrative personnel nor legal opinions nor community compromises—the basic issue is Martha. What about her? She should be able to experience and know and feel that this is her city, as though the place were named for her. That is why the schools are important, for it is through the schools primarily—along with the home—that we have the opportunity of giving to Martha a more open and more just community than we have given her in the past, a community whose future she can call her own.

As important as it is for us to fulfill the function of Terminus, we are not able nor willing to remove from our memory that we are also Marthasville. That gives us an effective point of focus in the matter of community relations.

ATLANTA

In 1845, we became *Atlanta*. The name was originally coined by J. Edgar Thompson, chief engineer of the Georgia Railroad. It is the feminine form of Atlantic and, no doubt, is traceable to that original Western and Atlantic Railroad. It is also the feminine form of the name Atlantis and reminds us of the mythical island Atlantis, that great kingdom under the sea that continues to conjure up imaginative stories about greatness and world-wide significance. Its root word is Atlas, the Greek symbol of support for the heavens and the earth. Imagine that! In 1845, a little community of 250 residents named themselves Atlanta! That is a classic symbol for aspiration, for ambition, for aggressiveness.

The little community had grown by 1847 to the place where it was chartered as a city by the State legislature, and it is this date which we recall as our date of birth. In 1850, there were 2,572 residents—a growth of 1,000% in half a decade. In 1860, there were 9,554; and then came the Civil War. The town was captured in 1864 and on November 15 of that year in recognition of its strategic importance to the transportation and economy of the South, General William T. Sherman's troops burned the city to the ground. On the following morning, as General Sherman mounted his horse and prepared to march to the sea, Captain Orlando M. Poe informed him: "the city of Atlanta has ceased to exist." That assessment was accurate except for the ideas resident in the symbols of Terminus, Marthasville and Atlanta. In December of that year, a writer in the *Atlanta Intelligencer* concluded a description of the devastation with the significant words: "Let us look now to the future!"

That was the spirit of Atlanta that has expressed itself in the recurrent theme of "Resurgens". The qualities of aspiration, ambition and aggressiveness asserted themselves once more. A Boston correspondent reported in 1865 on Atlanta's busy streets which, he said, were alive from morning until night with drays, carts, wheelbarrows, wagons, hauling teams, shouting men loads of lumber and brick and sand, piles of furniture and boxes. "Chicago in her busiest days could scarcely show such a sight as clamors for observation here. Every horse and mule and wagon is in active use. The four railroads centering here groan with the freight and passenger traffic, yet are unable to meet the demand of the nervous and palpitating city." He characterized the city as "not sitting in the supreme ease of settled pause, but standing in the nervous tension of expected movement."

That stance "in the nervous tension of expected movement" is both the description and the explanation of Atlanta. By 1870 the city had become the capital of the State and its population had grown to 21,789. By 1890 it had grown to over 75,000, and that trend of growth has continued up to today. It has not happened by accident. It has happened by the characteristics which are gathered in its name. In the 1880's, a writer in *Harper's Monthly* had commented: "Atlanta is less peculiar and picturesque in its characteristics than any other town in the South. She looks to me more like a Western town, since her newness and enterprise hardly affiliate her with Augusta, Savannah, Mobile, and the rest of the sleepy cotton markets whose growth, if they have had any, is imperceptible, and whose pulse beats are only a faint flutter."

The period since then has been marked by such ambitious evidences of aspiration as the International Expositions of the late 19th century; the Forward Atlanta programs of the 1920's and the 1960's; the aggressive search from industry, air routes, commerce, conventions and computerized communications; the bold and slightly premature assertions of "a new, international city" and of "the world's next great city."

We have a remarkable and often recorded capacity to build out of the rubble of the past, to take something that is as insignificant as a small idea and make of it an empire. How else explain Henry Grady and the slogans of the New South; or Joel Chandler Harris and the legends of the furry critters; or Margaret Mitchell and her long novel; or Coca-Cola; or Peachtree Center; or that classic of aspiring titles: the Omni?

This quality of aggressiveness is the key to this city's hopes in the field of human relations. It is also a sign of our city's youth. Its youth is in part what makes it a new kind of city. While we are grateful for our age and for 126 years of life and growth, we should be equally grateful for our youth and for the fact that our historical roots go no further back than they do. For this means that Atlanta is young enough to have missed the worst scars of the past and is a new kind of city born after the bitterly unjust and insidious experience of bondage and slavery. It also means that Atlanta continues to think young, young enough to learn from other and older cities.

Atlanta needs—for the sake of its future, of its region and of its nation—to apply its aspirations and aggressiveness to the area of human relations. It must further the kind of insight which Charles Morgan, of ACLU, expressed in referring to Atlanta as "the Center of the rational South." It must understand the insight of Julian Bond, who said, "Atlanta is not as good as we all say, but it's pretty good!" It must foster the discernment of Dr. Benjamin Mays, who wrote in his book *Born to Rebel:* "I have never been able to sing 'Dixie.' I cannot sing 'Dixie' because to me Dixie means all the segregation, discrimination, exploitation, brutality, and lynchings endured for centuries by black people. . . . But if Dixie were Atlanta or Atlanta were Dixie, I could sing 'Dixie'. . . . As long as Atlanta struggles toward the dream, I can sing Atlanta."

We need to sing Atlanta and to be grateful that we have here a new kind of city, born with its eyes toward the future, conscious that it is at one and the same time Terminus and Marthasville and Atlanta, and not losing sight of any part of that three-dimensional community.

The hope of human relations in Atlanta is that we are going to work together because we have got to work together. Our metropolitan area is not peopled by citizens who want Atlanta to fail, but if we are to succeed we must give ourselves ambitiously in the field of interpersonal community concerns. I have become convinced that things change in the human community when the right and the profitable coincide. Most people do not change attitudes and behavior just because

something is right. Saints will do the right thing no matter what the cost, but not a whole city.

At the same time, most people do not change and do things just because something pays. Thieves will do what pays even if it breaks all laws of right and wrong, but not a whole city. The city—and that means those of us who are part of it—lives somewhere between the saint and the thief. When a thing is right and when it pays, the human community is willing to make massive changes. Examples of that are to be found in our recent past in such experiences as the opening up of restaurants and public accommodations, the need and use of public transportation, the openness of job opportunities. To live together as good neighbors has become the most important necessity for our future survival and growth and prosperity.

It is important that Atlanta still strive to be a new kind of city, understanding that we are a crossroads (Terminus) made up of people (Marthasville) who aspire to the stars (Atlanta). Atlanta must strive to be a new kind of city which understands a new thing about itself. It must be new not simply in terms of its towers and its advertising, but new in terms of its schools and its streets as well; not only new in its ambition for international air routes, but new also in its ambition for interpersonal relationships; not simply new in its emphasis upon news media, but new in its emphasis upon neighborhoods. It must be a new kind of city, capturing the insight of that citizen of Atlanta and of the world, Dr. Martin Luther King, Jr., becoming a place where men and women "will be judged not by the color of their skin, but by the content of their character." Not to sense and seize upon that is to sell our birthright for a mess of cement pottage.

Today, Atlanta has the best opportunity of any city in the world to do a new thing, to be a new kind of city, more free and fair, more open and just. Our history gives us the points of reference, but gives us no guarantees. We have a chance here in Atlanta in the field of human relations, but it is only a chance and that means that if we want it, we are going to have to take it. Like the Atlantans who smelled the odor of charred wood in 1864, our word to one another today is: "Let us look now to the future!"

CRAVING FOR LIBERTY AND FREEDOM

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. BIAGGI. Mr. Speaker, on October 28 we celebrated the 51st anniversary of the establishment of the independent Republic of Czechoslovakia which at that time comprised Bohemia, Moravia, Slovakia, and Ruthenia.

Yet the history of independence for the Czechoslovakian nation has been short lived. It only took 30 years before a bloodless coup on February 23–25, 1948, resulted in a complete Communist seizure of the Czech nation.

Yet the spirit and craving for liberty and freedom among the Czech people has remained strong throughout the years. Yet, as strong as these feelings are, the ruthless suppressionary powers of the Communist rulers in this nation have emerged victorious time and time again.

A stark example was in 1968 when a developing reform movement in Czechoslovakia, in existence for less than a year, was ended abruptly when tanks and troops of the Warsaw Pact led by Russian soldiers crushed the movement and tightened their hold over the Czech people.

The courage and determination of the Czech people to resist the yoke of oppression throughout its 50 troubled years has deeply impressed the world. And in the year 1973, there are signs that there may finally be some thawing in the Soviet's treatment of Czechoslovakia.

Yet for many in Czechoslovakia, the continuing struggle for basic freedoms still clouds their celebration of Czech Independence Day. Let us hope that with the apparent emerging détente policy between the Soviet Union and the United States, the welfare of the people of Czechoslovakia will be improved. So this should be the goal that we should address ourselves in the coming year, let us strive for the day when the Czech people can truly begin celebrating their independence day.

THE WAR POWERS BILL

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. REID. Mr. Speaker, I am inserting in the RECORD two excellent articles by our colleagues, the gentleman from Minnesota (Mr. FRASER) and the gentleman from Wisconsin (Mr. ASPIN) expressing support for overriding President Nixon's veto of the War Powers bill.

Both of these articles address themselves specifically to constitutional and other reservations held by a number of liberals in the House.

Mr. FRASER, writing in this week's New Republic magazine, answers an editorial which appeared in that publication last week, pointing out both factual and conceptual errors and setting the record straight on exactly what this bill would do.

Mr. ASPIN's article, which appeared in this morning's Washington Post, also attempts to dispel the fear of some that the War Powers bill would increase, not limit, the President's warmaking powers.

Mr. Speaker, the House has a real chance to override this veto and to remind not only this President but future Presidents that it is Congress, not the Executive, which has the power to declare war. This bill provides the necessary machinery to enable Congress to accept and carry out that duty, including the provision that a single Member can introduce a resolution which must be considered by either House on a privileged basis.

I commend these two articles to the attention of my colleagues:

WAR POWERS BILL—THE VETO IS WRONG

(By Donald M. Fraser)

A socialist orator is supposed to have once said that "while yesterday we stood at the edge of a precipice, today, thanks to the Socialists, we have taken a step ahead." Apparently the editors of *The New Republic* believe that the enactment of the war powers bill would be such a step. In "A Bad War Powers Bill," (October 27 issue) they contend that this measure "defeats its own purpose" and that it would somehow expand the President's authority to draw us into new wars. Mr. Nixon, for his own reasons, vetoed the bill.

As a member of the conference committee that approved the war powers bill, I feel that *The New Republic* seriously misinterprets this unique legislation. It does place important new restrictions on the President's warmaking power: first, he must consult with Congress before introducing US armed forces into any hostilities; second, he must provide a full report to Congress within 48 hours after taking such action; third, he must withdraw troops within 60 days if Congress has not expressly authorized continued US military involvement (a 30-day extension is permitted if the safety of the troops requires it); fourth, he must immediately withdraw troops if Congress mandates it through a concurrent resolution, a measure which does not require a presidential signature.

This bill does not expand the President's authority. It states that none of its provisions shall be construed as granting any authority to the President "which he would not have had" in the absence of the bill.

The first section simply recites the constitutional powers of the President to introduce armed forces into hostilities when 1) war has been declared, 2) a specific statutory authorization is on the books, and 3) a national emergency is created "by attack on the United States, its territories or possessions, or its armed forces." Despite the clarity of this language *The New Republic* sees loopholes where none exist.

The editorial maintains that an attack on the armed forces anywhere gives the President authority to act. But this interpretation ignores the words "national emergency." As I pointed out on the floor of the House, an attack on an isolated unit of armed forces does not constitute a national emergency. The 1964 PT boat attack on destroyers in the Gulf of Tonkin could not be considered a national emergency. A nuclear attack on the Sixth Fleet clearly would.

Curiously the editors contend that there is no restraint on the President's authority to use US troops to rescue American citizens abroad. But we recite the President's powers in the bill and rescuing US citizens is not one of them. Such a provision was included in the Senate bill but was dropped in conference.

The editorial is flatly wrong in claiming that the bill would allow the President to commit troops under treaties that have been ratified. Exactly the opposite is true. The bill says that such authority shall *not* be inferred from any existing or prospective treaty, unless there is *legislation in addition* that specifically authorizes the President to commit troops.

Finally, *TNR* ignores a key provision that gives Congress authority to mandate military disengagement at any time. The constitutionality of this provision has been questioned but this new authority would clearly operate as a powerful restraint on any President.

In large part the war powers bill is significant as a political document rather than as a legal statement. Sen. Fulbright emphasized this in urging support for the final bill, having opposed the Senate version.

Legal restraints on the President have proved to be ineffective during the last 25 years, as *The New Republic* correctly points out. Most conferees accepted this fact acknowledging that the President may continue to ignore statutory limitations even if the war powers bill were to become law. We recognize that the President might have the power to use military power beyond the territorial limits of the United States, but the question of his authority would emerge as a clearly defined issue. Congress could call him to account under the terms of this bill. That point is emphasized by Harvard law professor Roger Fisher in a recent letter to some House members urging them to override the President's veto: ". . . the political restraints that the resolution establishes should far outweigh any effect of opening the door. The door now, unfortunately, is wide open. Speeches on the floor of the House are likely to be a less effective way of closing it than are the procedural requirements of the joint resolution. The requirements of reporting to Congress and the necessity of a congressional debate should cast their shadow forward and operate as an appreciable deterrent. Everyone knows the purpose of the resolution and the mood of the Congress which adopted it. Its political impact on a future President will be a reflection of these items, not the result of intricate legalistic arguments from language."

If Congress fails to override the veto, we will have lost an opportunity to restrain growing presidential usurpation of Congress' war-making responsibilities. To leave the President unrestrained is to take inordinate risks with our democratic system.

THE WAR POWERS VETO

(BY LES ASPIN)

On November 5, 1964, Assistant Secretary of State William Bundy wrote a paper on how to handle world and public opinion if the President decided to escalate the war in Vietnam. He didn't expect it to be hard:

"Congress must be consulted before any major action perhaps only by notification, . . . but preferably by talks with . . . key leaders . . . We probably do not need additional congressional authority even if we decide on very strong action . . . A Presidential statement with the rationale for action is high on any check list. An intervening fairly strong presidential noise to prepare a climate for an action statement is probably indicated and would be important . . ."

Had the War Powers Resolution then been law, Bundy would not have been able to dismiss congressional and public opinion quite so easily.

Next week the House will vote on whether to override Mr. Nixon's veto of the compromise bill which requires that the President consult with Congress before committing U.S. forces to hostilities abroad and report to Congress within 48 hours his reasons for doing so. At the end of 60 days, he must withdraw American forces unless Congress votes to allow him to continue the commitment. The deadline could be extended for up to 30 days to permit the safe withdrawal of the troops.

The criticism of the measure from the right is predictable enough. It was summed up in the President's veto message by his (inaccurate) claim that the bill was unconstitutional and deprived the President of the powers necessary to act decisively in times of crisis. In fact the bill's intent is simply to restore to Congress a little of the share in the war-making process with which the Framers endowed it and which successive Presidents have since arrogated to themselves.

The events of the last week, which the President himself described as the greatest international crisis since 1962, give the lie to his objections to the bill. Had the War Powers Resolution already been law, it would not have prevented Mr. Nixon from replenishing Israel's supplies, and it would not have prevented him from calling a worldwide alert of U.S. forces as he did at 3 a.m. on Thursday morning. It would not have stopped him from sending any of the firm notes he says he sent to Mr. Brezhnev; it would have done nothing to limit the scope of the diplomatic triumph he says he achieved. It would have meant simply that, had he decided to commit the alerted troops, he would have had to explain his actions rather more fully than Secretary Kissinger chose to do on Thursday.

The liberal objections to the bill are more serious and more complicated. They are, first that the bill will actually extend the President's warmaking powers, giving him authority he does not now possess to make war anywhere in the world for 60 days and second that even then Congress is most unlikely to stop him. It is said that the President will identify the struggle with flag and with honor and that Congress will almost inevitably rubber-stamp it.

Both these objections carry weight—the bill is far from perfect. But they ignore not only that the President already acts thus, whether he has the legal authority or not, and that Congress is already a rubber-stamp. They also miss the less obvious but more fundamental benefit of this bill. Besides its direct impacts (the 48 hour report, the 60 day approval, etc) which do have drawbacks, the bill will have an indirect effect which is altogether beneficial. This is in the enormous impact which it will have on the decision-making process of the executive branch.

When the President considers sending troops into hostilities—even in support of a treaty commitment or to defend U.S. forces—he and his advisers will know that an affirmative decision will provoke an intense debate which, unlike today, will focus on a concrete decision to be made by Congress within 60 days. Congressmen will hold hearings, editorial writers will write editorials, columnists will construct columns, Meet the Press and Face the Nation will cross-question government spokesmen, there will be network specials, demonstrators will demonstrate, and most important, constituents will write mail—telling congressmen whether they should say yea or nay to the President's action. This foreknowledge is bound to strengthen the hand of those in the President's council who might otherwise find it more politic to muffle their dissents.

Congress' ultimate verdict is not the most important factor. What is important is that the President and the men around him will know before he takes his decision that the scrutiny of his policy is likely to be far more consistent and purposeful than it is today. He will be much less inclined than he is today to embark upon an adventure unless he has a very good case to support it.

The real point about the War Powers bill is not that it gives the President power to go to war for 60 days (his lack of that power now doesn't limit him) nor is it that Congress is likely to force him to pull the troops out (it may well not). The bill's value, which far outweighs these defects, is that it will force the President to consider very carefully what is in store for him if he decides to make war. This is so because there will be a solid, practical reason for his more cautious counsellors to present him in advance with the arguments he will have to answer within 60 days.

The Pentagon Papers demonstrate how anxious the Johnson administration was to avoid a great national debate on its Vietnam policy. The War Powers bill not only guarantees that there will be such a debate, it will also compel the President to take public opinion into serious account when he makes his decision. In fact, it may well be not so much the debate itself but the agonizing prospect of it that will act as the most effective check on the President's warmaking. A President who rejects the bill does so only because he is concerned that his case for making war might not always be very convincing.

CAN WE TRUST OUR PRESIDENT?

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. HARRINGTON. Mr. Speaker, the question of whether we can trust the President is on the lips of many Americans, especially since the events of October 20.

When he says he will do something, will he do it? Or will he reverse himself at his own convenience? A spokesman for many of the Nation's teachers writes to Mr. Nixon asking him how he expects a teacher to impart the ethical and moral standards of a decent person when the President lies. Telegrams and letters pour into the Capitol at unheard-of rates demanding by an overwhelming majority that the President resign or be impeached. An editorial in Monday's Boston Globe asks the same:

A QUESTION OF TRUST

A week ago today in this space The Globe was compelled, because of the grave constitutional crisis in this nation, to call for the resignation of President Richard M. Nixon.

The events of the intervening week have served only to confirm that the national interest would be best served by such a course of action.

On Monday morning, on national television, Charles Alan Wright, the President's attorney for the Watergate matters, stood resolute in the view that the White House tapes should not be available to the court. Six hours later, the same Mr. Wright was in court offering the tapes on behalf of the President. His appearance represented a precipitous reversal by the President of a principle on which for months he had been staking his own credibility.

Then on Tuesday, former Attorney General Elliot Richardson held a press conference which White House aides had expected would help their beleaguered leader. But Mr. Richardson said that his resignation was based on the threat posed by the President to the integrity of the Watergate investigation, a matter more important to him than his admitted loyalty, respect and appreciation for the President.

On each of the next two days, Wednesday and Thursday, the White House announced that the President would appear on national television during the evening to report to the nation. Both events were canceled.

And on Friday night, when the President finally made his twice-postponed television appearance, he revealed the historic confrontation with the Soviet Union that by his own terms paralleled earlier confrontations between the superpowers which were supposed to have become obsolete after detente.

But of all the week's occurrences which continued to erode the public's confidence in the President's ability to govern, none was more devastating than the press conference itself.

During the course of the 38-minute confrontation with the press and the nation, Mr. Nixon:

Guaranteed a new crisis with the Congress by his unwillingness to accept a special prosecutor with the degree of independence the entire nation thought he had provided to Archibald Cox.

Tried to soften the impact of Elliot Richardson's resignation by asserting contrary to Mr. Richardson's own words that the former Attorney General had approved the compro-

mise plan on the tapes supported by the President.

Repeatedly returned to the Mideast as evidence of his ability to govern despite the suggestion by Secretary of State Kissinger that Mr. Nixon's crisis of authority at home may have contributed to creating the crisis abroad.

Justified his friend Charles "Bebe" Rebozo's actions in connection with the receipt of $100,000 in cash from Howard Hughes and its retention for three years with an explanation which, by his own admission, sounded "incredible to many people."

Unleashed an attack on the press, particularly the electronic media, which can be most appropriately described by the same words he used in his attack: outrageous, hysterical and distorted.

Despite his overwhelming electoral majority less than one year ago, Mr. Nixon has lost the trust and confidence of the American people to such a degree as to make it a disservice for him to continue in office.

He asks us to believe his assertions that only he can handle international affairs after he brings us to the brink of war. The Russians have denied the severity of the crisis and Mr. Nixon's credibility is so low that he had to publicly humiliate Mr. Brezhnev to try to convince the American people that he had done the right thing.

He asks us to believe that he will cooperate with a new special prosecutor even though he broke the same promise before.

He asks us to believe that the press is venal four months after he publicly praised the media for uncovering Watergate.

He asks us to believe that he is cool when the going is tough while he is unable to control his own pique during a nationally televised press conference.

The suggestion from constitutional law scholars such as Harvard professors Paul Freund and Raoul Berger that Congress could call a special presidential election next year if the Presidency was vacated may provide the avenue to restore both confidence in our institutions and the national spirit.

The Gallup Poll now reports that more people favor impeachment than approve of the President's performance in office. And the President has estranged himself from the press, the one institution through which he might be able to communicate a reassuring pattern of activity over the coming days.

For himself, and for the country which he so dearly loves, the President must resign.

FIRST NEW HAMPSHIRE REGIMENT IS ACTIVATED

HON. JAMES C. CLEVELAND

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. CLEVELAND. Mr. Speaker, the men of New Hampshire fought long and well in the American Revolution, earning an honored place in history which deserves recognition as we lead up to observation of our National Bicentennial.

Their dedication to freedom and willingness to fight for it, embodied in our State motto, "Live Free or Die," was exemplified by the 1st New Hampshire Regiment.

Formed in 1775, the regiment reinforced colonial forces at Bunker Hill and served in many of the principal engagements of the war, including those at Trenton, Princeton, Saratoga, Bennington, and Yorktown, where General Cornwallis surrendered his British forces to George Washington.

Unlike the 2d and 3d New Hampshire Regiments, the 1st remained intact throughout the war, and some research indicates that it was not deactivated until 1784 when the last British finally left New York.

I wish to inform my colleagues that this distinguished regiment has been reactivated and headquartered in Nashua, and already numbers more than 75 members from some 20 communities, some of whose forebears served with the original regiment. They will be commemorating the regiment's contribution to the War of Independence in observances in connection with the 1976 Bicentennial, including participation in reenactment of the Battle of Bunker Hill.

In addition, they have begun assembling a small library which they have plans to expand, and hope to build a museum with the objective of stimulating historical research into and public awareness of the role of the regiment and the life of the times.

The following proclamation of the unit's reactivation, signed by myself and the other members of the New Hampshire delegation, was drafted by Adj. Joseph P. David of Nashua on the basis of documents of the period:

A PROCLAMATION

To the Delegates of the United Colonies of New-Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the Counties of New Castle and Sussex *on* Delaware, Maryland, Virginia, South Carolina *and* Georgia, *to the People of New-Hampshire, Gentlemen, Greetings:*

Whereas the people of New-Hampshire were eagerly disposed to fight the oppression of His Britannic Majesty, George III, King of Great Britain, and

Whereas it is fully documented and proven that the people of New-Hampshire did raise a Regiment before the Enemy at Bunker Hill under the Command of New-Hampshire's John Stark, and

Whereas it was the pleasure of The Honorable Council and House of Representatives for New-Hampshire in General Court assembled to declare and proclaim that the forces assembled before Bunker Hill under John Stark to defend Liberty and Freedom against the Enemy be designated as the First Regiment in New-Hampshire for the Defense of America, and

Whereas, the First New-Hampshire Regiment served the United Colonies of North America with one of the longest and most honorable service records of any Regiment in the American Revolution, and

Whereas the people of New-Hampshire are still favorable disposed to the Spirit of Liberty and Freedom.

Now therefore be it known that we repose especial Trust and Confidence in the Patriotism, Valor, Conduct and Fidelity, and Do by these Presents constitute, appoint, proclaim and commission Herbert M. Surette of *Hudson*, Joseph P. David of *Nashua*, Russell S. Aiken, Jr. *of Manchester*, Raymond E. Atkinson *of Nashua*, to re-activate The First New-Hampshire Regiment in the Army of the United Colonies, raised for the Defense of American Liberty and for repelling every hostile Invasion thereof. They are to carefully and diligently discharge their Duty to the First New-Hampshire Regiment to do and perform all Manner of Things thereunto belonging. And we do strictly charge & require all Officers & Soldiers under the First New-Hampshire Regiment to be obedient to their Officers. They shall observe & follow such Orders and Directions from Time to Time as they shall receive from the Congress of these United Colonies or Committee of Congress for that Purpose appointed or the Commander in chief for the Time being of the Army of the United Colonies, or any other superior Officer, according to the Rules & Discipline of War in pursuance of the Trust reposed in them; and

Be it known that the Subscribers proclaim that the aforementioned may seek and recruit all Able-bodied men within the Colonies to prevent this Country from being ravaged and enslaved by Our cruel and unnatural Enemy, George III, King of Great Britain.

Done in the City of Washington, The District of Columbia this twenty-second day of September in the Year of Our Lord One-Thousand-Nine-Hundred and Seventy Three and In The Year of Our Independence The One-Hundredth and Ninety-Seventh.

NORRIS COTTON,
Senator.
THOMAS J. MCINTYRE,
Senator.
JAMES C. CLEVELAND,
Member of Congress.
LOUIS C. WYMAN,
Member of Congress.

ACLU MAKES ALL-OUT EFFORT TO PUSH LEGAL SERVICES

HON. BEN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. BLACKBURN. Mr. Speaker, earlier this year, the House passed the legal services bill which placed restraints upon the activities of Legal Services attorneys.

The Senate Committee on Education and Public Welfare has reported a very loosely drawn legal services bill. One group which is making a determined effort to enact a Legal Services Corporation is the American Civil Liberties Union.

At this time, I would like to insert an article from the October 13, 1973, issue of Human Events for my colleagues' attention:

[From Human Events, Oct. 13, 1973]

ACLU MAKES ALL-OUT EFFORT TO PUSH LEGAL SERVICES

The left-wing American Civil Liberties Union, which last week began a campaign to impeach President Nixon for the Administration's secret bombings in Cambodia and the creation of the White House's "plumbers" operation, is also making a determined effort to enact a Legal Services Corporation run by extremist anti-poverty attorneys (see cover story).

Just prior to the Senate's scheduled discussion of the legal services bill this week, ACLU members received a letter from the organization's Washington director, Charles Morgan. Arguing on behalf of a corporation with virtually no restrictions on militant legal activists, Morgan wrote that ACLU supporters should begin bombarding their senators, the President and the attorney general for the purpose of enacting a corporation "purged of all the restraints" against the activities of legal services attorneys written into the House bill.

According to Morgan's letter, the ACLU believes attorneys subsidized by the federal corporation should be permitted to get in-

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volved in cases involving busing, abortion, draft evasion, boycotts, strikes, lobbying, and virtually all projects cherished by the militant left. Condemning restraints on legal services attorneys, Morgan also urges the Senate to fund legal services "back-up" centers, even though these centers have proven to be a haven for left-wing activists.

"As you know," writes Morgan, "the legal services program—whose 2,500 lawyers have been serving some 1.2 million poor people per year through 900 offices in some 300 communities—has been under severe attack from the White House.

"As you also know, the White House and its allies succeeded last June in passing a bill to create a new Legal Services Corporation. That bill, HR 7824, came to the House floor on June 21 in acceptable form (it was far from ideal, but it was liveable). When the House was through with the bill, after 11 hours of vicious, mean-spirited debate, the bill was so ravaged that its enactment would be worse than no program at all."

Now, says Morgan, the focus has moved to the Senate where a "better bill" can be expected, but the Senate must pass an "outstanding bill." Otherwise, when the Senate and the House meet to iron out the final bill in a conference, "there will be nothing to compromise on; the regressive bill will result."

The ACLU, stressed Morgan, "is making the proposed Legal Services Corporation a major legislative goal for the immediate future. We are part of a coalition, called Action for Legal Rights (ALR), working full time to press Congress to fulfill its responsibility. . . ."

Morgan urges ACLU's members and supporters "to flood their senators with demands for passage of a strong legal services bill. Wherever possible, your personal interest should be communicated to your senators.

"It will also help for you to see that your representatives are pressed to reconsider HR 7824 and produce a decent bill. Your representatives should also be urged to instruct House delegates to that Conference Committee to drop all the regressive amendments.

"Senators should be contacted by you, your groups, and by public officials, bar leaders, party officials, labor unions, churches and individual campaign contributors. Urge your local papers to write strong editorials. No effort should be spared."

Ironically, says Morgan, the Watergate scandal seems to be helping the entire effort to get a liberal bill. The "new attorney general"—Elliot Richardson—"says he is committed to an effective program. Likewise, President Nixon has new legal counsel [obviously Len Garment]; some of them, too, acknowledged America's obligation to equal justice. Further, the new head of OEO has promised not to destroy legal services, which was the announced goal of his predecessor."

Thus, argues Morgan, there should be "far less negative pressure" coming from the White House than there was in the spring, and "it is all the more possible for the Senate to pass a strong bill."

CONGRESSMAN DRINAN ACTS TO SAVE NOW ACCOUNTS IN MASSACHUSETTS

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. DRINAN. Mr. Speaker, November 1 is the deadline for comments on the regulations proposed by the Federal Deposit Insurance Corporation affecting NOW accounts in Massachusetts and New Hampshire. I spoke out strongly in favor of preserving these accounts at the time of the enactment of Public Law 93–100. The Federal Deposit Insurance Corporation proposes to reduce the attractiveness and availability of NOW accounts in Massachusetts contrary to the legislative purpose, which was to permit the accounts to continue in Massachusetts and New Hampshire as an experiment.

The following are my comments on these proposed regulations, which I have sent to the FDIC:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., October 31, 1973.

EXECUTIVE SECRETARY,
Federal Deposit Insurance Corporation,
Washington, D.C.

DEAR SIR: I am pleased to have an opportunity to make comments concerning your proposed rules relating to the offering and use of NOW accounts by banks in Massachusetts and New Hampshire (12 C.F.R. Part 329).

I wish to make it clear that I believe there is no basis in the statute, or even relevant legislative history, for the actions which you propose to take which will pronounce the death knell to NOW accounts in Massachusetts.

In your proposed rules, you state that you would limit NOW accounts to those eligible for a savings deposit. While the regulations are not clear, I am hopeful that this will include fiduciaries.

You also would limit the offering of NOW accounts to depositors residing in Massachusetts and New Hampshire. This regulation would be unduly harsh, contrary to existing banking practices, particularly for those banks near state borders, and unsupported by the statute or legislative history.

Your regulations propose 4½ percent per annum as the maximum interest rate. This interest rate would completely change the nature of the NOW account as it now is in Massachusetts. It is perfectly clear from all of the legislative history, including the floor debate, hearings, and statements, that the intent of the legislation was to permit the NOW accounts to continue in their existing form in Massachusetts and New Hampshire as an experiment. The purpose of this experiment is to determine just what effect these accounts have on other financial institutions. The power to regulate these accounts was given to the Federal Deposit Insurance Corporation in order to monitor and to be able to act to prevent imbalance, if such became apparent. The power was not granted to the FDIC to restructure and remake NOW accounts.

Furthermore, it is clear that both the New Hampshire and Massachusetts banks have proceeded along somewhat different lines in the creation of their NOW accounts, and the attempt by the FDIC to write a regulation to cover such accounts in both states is overreaching, and neglectful of the differences between the accounts in each state.

Your regulations would eliminate the differential between the NOW account as offered by a savings bank, and a savings account offered by a commercial bank. This departs from the rules on savings deposits of other categories, where at least ¼ of one percent differential presently exists. For the experiment to continue, I believe it would be advisable for you to leave the rate in Massachusetts at 5 and one quarter percent per annum for the thrift industry, and 5 percent for commercial banks.

You propose the possibility of interest paid at a split rate, with lower interest on $200 to $300 in the account and a higher rate on anything in excess of that amount. Banks with NOW accounts believe this to be most difficult to compute and discuss how highly unworkable this would be in explaining the different rates to a customer. It would also make the maintenance of a NOW account more expensive and thus less attractive to a thrift institution, as well as the customer.

Your suggestion in the regulations that no interest can be paid on any amount in an account which exceeds the lowest balance in the account during any given calendar month destroys the NOW account features which are supposed to be like a savings account, where thrift institutions in Massachusetts now pay from day of deposit to day of withdrawal, crediting this at the end of each month to all accounts which have maintained at least a $10.00 balance.

In summary, I believe your proposed regulations will destroy the experiment proposed in the federal legislation. Your regulations will spell the demise of NOW accounts. The result of your regulations will be a demand deposit paying 4-½ percent per annum, rather than a new method of withdrawal from a regular savings account which benefits the consumers, including the elderly and shut-ins.

I believe the NOW account has been a great service of real benefit to the public. Your regulations will make this service expensive to operate and less attractive to savers.

At the very least, in order to maintain the experiment which was the intention of the Congress in enacting Public Law 93–100, I urge you not to limit the category of those eligible for such an account, to establish in Massachusetts a 5-¼ per annum maximum rate, to allow payment of interest on a daily basis, credited monthly to the account, and to permit the accounts to be maintained in other particulars as they were as of the date of the enactment of P.L. 93–100.

I speak for myself and many of my constituents in urging you to reconsider these regulations proposed for NOW accounts.

Thank you for your attention.

Cordially yours,
ROBERT F. DRINAN,
Member of Congress.

OIL WITHOUT REFINERIES IS NO SOLUTION TO THE ENERGY CRUNCH

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. RARICK. Mr. Speaker, as Trans World Airlines announces a layoff of 503 employees because of reduced flight schedules caused by the fuel shortage, one would think that the message would start reaching the American people.

Yet, in nearby southern Maryland a proposal to build a $160 million oil refinery is reported to be meeting with opposition, seemingly to the satisfaction of the reporting news media and many of the puritan environmentalists.

The pressing question remains, "What will it take to awaken and arouse the American people?"

Perhaps when the housewife awakens one cold morning because her electric blanket is not getting electricity and finds that the bedside lamp will not go on; when her gas range refuses to turn on to heat the coffee; or when she goes to her elevator to find out it is only operating 30 minutes in the morning and 30 minutes in the evening and walks down the stairs and finds her car low on gas; when she goes to a filling station which is closed or has not received its month's allocation of fuel; then receives the biggest insult when her car runs out of gas and the station attendant wants to charge her rent for parking.

Then perhaps after it is too late, the American public will awaken to the realization that whether or not the energy crisis is real, political, or manipulated, it is nevertheless here, and we must either learn to live with it by adjusting our way of life or solving the problem by increasing our fuel production.

Crude petroleum, be it from Alaska or the Middle East, will not alone solve the energy problem. We must have additional refineries which must be located near the port of entry or near the populated areas of users.

If it gets cold enough in southern Maryland this winter, I feel confident that there will be a public uprising, perhaps not by the eco-nuts, but surely by those American citizens who have had enough of being denied their right to pursue their life style as an individual American citizen.

I include related news clippings:

[From the Washington Star-News, Oct. 30, 1973]

REFINERY FOES INCREASE

(By Donald Hirzel)

The Steuart Oil Co.'s proposal to build a $160 million oil refinery at Piney Point on the Potomac River has generated a growing resistance in St. Marys County in Southern Maryland.

Eric Jansson, a member of the Potomac River Association, a conservation organization, said a fund-raising rally in opposition to the plant will be held at 7:30 p.m. Saturday at the Second District Fire Hall at Valley Lea.

The association's board of directors met over the weekend, according to Jansson, to discuss strategy in opposition to the plant and to make plans for the rally.

He said money will be needed to hire attorneys and technological experts to prepare a case against the proposed refinery which some county residents fear will affect the environment.

Jansson said David Sayre, president of the Watermen's Association who also is a member of the Potomac River Association, reported the Watermen are opposing the project.

"The watermen have not met yet to vote on opposition," Jansson said, "but Sayre is certain they will oppose it."

There are 1,500 members of the Watermen's Association and between 500 and 600 in the Potomac River Association which represents watermen, permanent county residents and summer residents.

Jansson said there is great fear that the refinery could affect the productive oyster beds in the Potomac River off of St. Mary's County.

"The county now leads the state in oyster production," according to Jansson, "and we don't want to lose it."

The association, he said, prefers more "light, clean" industry in the county to provide a broader tax base and to provide jobs to take the pressure off the increasing property tax.

"We have the Patuxent naval base," he noted, "which is the county's major employer—perhaps something could be done there."

The two associations opposed the $40 million refinery Steuart wanted to build at its Piney Point plant in 1968–69.

"We beat them," Jansson said, "and I think we can beat them now."

Last week, Leonard Steuart, vice president of the oil company, unveiled plans for the refinery at a special meeting with country leaders in Lexington Park.

Those present indicated a guarded interest in the project but wanted more information on how the refinery might affect the environment.

Steuart said the oil refinery would be an asset to the county and that an environmental study had been made by a company hired by Steuart which showed no adverse affect.

The plant would be built on the present company property which is now used to import fuel oil for use by Washington area utilities.

The proposal for the new plant comes at a time of increasing oil shortages and the threat of a drastic curtailment in fuel oil here this winter.

At the meeting last week Steuart pleaded for cooperation from county residents. The company must receive approval from state and federal agencies as well as the county before the plant can be built.

TWA LAYS OFF 503 BECAUSE OF FUEL SHORTAGE

KANSAS CITY.—A Trans-World Airlines spokesman says the airline will lay off without pay 503 employees nationwide because of reduced flight schedules caused by the fuel shortage.

The spokesman said yesterday the lay-offs are effective Dec. 1. He said they include 100 pilots, 303 hostesses and 100 ground personnel.

The employes will be subject to recall at any time.

TWA has terminated 30 flights in the domestic system. "There might be still more," the spokesman said. "The situation is still very fluid."

RECENT DEVELOPMENTS IN THE MIA SITUATION

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. OWENS. Mr. Speaker, North Vietnam has continually and stubbornly refused to cooperate in accounting for the 1,300 American servicemen listed as missing in action. The United States has tenaciously sought to determine the fate of these men, yet our efforts have been largely obstructed by the North Vietnamese Government. The Joint Casualty Resolution Center and the Four-Party Joint Military Team are currently seeking information concerning the MIA's. They have a detailed description of the circumstances surrounding the case of each missing serviceman and personal files on each of the men that would aid in identification, but both teams have been denied access to Communist-controlled sections of South Vietnam as well as Laos and North Vietnam. More recently, Hanoi has hinted that a full accounting of those missing in action would be contingent upon the release of political prisoners held in South Vietnam.

Mr. Speaker, Hanoi's disregard for the Paris agreement is a constant source of frustration and despair for the friends and relatives of our MIA's. Their anguish grows daily as our Government fails to uncover any information concerning their loved ones. I believe it is our obligation to provide a detailed accounting of those missing in action and to keep Americans informed of Government action to find them. I would like, therefore, to outline some recent developments in the MIA situation.

I have noticed, lately, that there seems to be a strengthening of diplomatic resolve by the administration regarding the MIA issue. On September 29, the United States finally issued a formal statement charging the North Vietnamese and Vietcong with interfering in the search for American servicemen missing or dead. Secretary of State, Henry Kissinger, also indicated a more vigorous attitude toward the recalcitrant North Vietnamese during testimony before the Senate Committee on Foreign Relations. When questioned about steps he would take as Secretary of State to secure an accounting of MIA's, he replied:

> We will use diplomatic pressure to the extent that it is available to us, and we will have to make clear to the North Vietnamese that the normalization of relations with them, which we would otherwise seek and welcome, is severely inhibited by their slow compliance with the missing in action provisions.

These executive actions are certainly a welcome change in diplomacy, but they represent only a rhetorical effort by the administration.

There have been, however, other encouraging events in addition to the State Department's stiffened protocol. I have long-favored withholding economic aid from North Vietnam until they permit a complete investigation of U.S. servicemen missing in action. The recently passed foreign assistance legislation reflects a growing consensus among Members of Congress that Hanoi should be denied reconstruction revenue until their cooperation is secured. Not one dime of the $2 billion authorized for foreign economic assistance over the next 2 years will go to North Vietnam. I believe that the United States should continue applying this type of economic sanction to elicit North Vietnam's compliance with the Paris agreement.

Recent developments in Vientiane, Laos may provide new information concerning the 327 servicemen missing in action there. On September 14, the Pathet Lao reached a negotiated settlement with the Royal Laotian Government. This protocol includes explicit provisions for the release of prisoners and accounting for those individuals missing in Laos, regardless of nationality. A delegation from the National League of Families of POW's/MIA's returned on October 22 from Laos, where they met with various government officials. The delegation was treated cordially during their stay in Southeast Asia, but they were not given specific information regarding U.S. personnel listed as missing in action. I share in the national league's hope that the new Laotian Government will cooperate in accounting for American MIA's once they have overcome the difficulties of establishing a coalition government.

The MIA issue must be resolved. I am

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convinced that significant progress in this direction can be achieved through increasing United States' economic and diplomatic pressure on those countries refusing to cooperate. We might also encourage the release of all prisoners being held for political crimes in South Vietnam. This would remove Hanoi's principal excuse for refusing to allow MIA search teams access to Communist-controlled territories.

The fact remains, however, that 1,300 American servicemen are currently missing in Southeast Asia. These men performed a service for their country, a service which, in many cases, cost them their lives. Our Government has an obligation to account for every American who served in the Indochina war. Only then will United States' involvement be completely terminated.

LEGISLATION IS NEEDED TO REVERSE FDA VITAMIN REGULATION

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. HANNA. Mr. Speaker, the Subcommittee on Public Health and Environment is presently considering legislation sponsored by Congressman HOSMER and cosponsored by myself and many others which would reverse the FDA's recently published regulations on vitamins and food supplements. These regulations, as I am sure my colleagues are aware, have created a storm of controversy. That controversy, in my view, has arisen because the FDA's regulations are philosophically and practically unsound. They act against the basic thrust and meaning of our system of government. They go against the grain of what the American public rightly understands to be the proper function of government.

Because of the great interest which has been generated by the FDA regulations and the legislation to reverse them, I am inserting in the RECORD for my colleagues' information, the testimony I submitted to the subcommittee on these matters.

TESTIMONY BY REPRESENTATIVE RICHARD T. HANNA

As one of the co-sponsors of legislation to reverse the FDA's recently published regulations on vitamins and food supplements, I welcome the opportunity to address this Subcommittee. The issues involved in the passage of this legislation are not difficult. But often it is that the most clearly drawn issues of public policy are also those which are the most profound. And, the issues addressed by the bill before you are profound. They are profound because they go to the basic root and substance of the lives of ordinary people in this country. They are profound because they bear on the question of the fundamental role of government in a free society. And they are profound because they point out the limits of sensible government regulation.

My reasons for offering legislation to reverse the FDA's policy in the area of vitamins and food supplements boil down to this: my basic philosophical disagreement with the FDA's position and my strong belief that their regulatory program in this area is, simply stated, just bad and impractical regulation.

The late Justice Brandeis once wrote that "the greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning, but without understanding." In my view, the FDA's regulatory policy regarding vitamins is the kind of "insidious encroachment" which Mr. Justice Brandeis had in mind. Under the FDA's regulations, any single vitamin tablet which exceeds the Recommended Daily Allowance for the average adult can be obtained only through prescription. Moreover, the FDA's rules would prohibit the combining of any vitamins in other than the combinations FDA approves and would prohibit the combining of vitamins or minerals with other associated food factors.

These regulations are not based upon any firm scientific evidence that vitamins taken in quantities above the Recommended Daily Allowance are intrinsically harmful to health. In many instances, just the opposite is true. For example, the FDA would require people to go to a doctor to obtain a prescription to purchase a Vitamin A tablet which exceeds 10,000 units. But a cup of diced carrots furnishes 18,000 units and a 2 oz. serving of fried beef liver provides 30,000 of such units. Is it credible to assert that the interposition of the government is necessary to protect people from a tablet which has only one-third the potency of 2 oz. of beef liver? I submit, Mr. Chairman, that it is not.

In its report on this bill, the Department of Health, Education, and Welfare would have us believe that a vitamin should be classified as a drug simply because it is "offered for the treatment or cure of disease." As such, according to HEW, the manufacturer should have the affirmative burden of proving that the vitamin is safe and effective. I don't dispute the FDA's legal authority under existing law to reason this way if it so chooses. What I do question is the wisdom and sense of justifying a disruptive public policy only on the basis of the technical legal meaning of statutory provisions and on the basis of reasoning that amounts only to the neat syllogism that since drugs are usually "offered for the treatment or cure of disease," vitamins which are so offered should be regarded as a drug. With this kind of reasoning, the old adage of "an apple a day keeps the doctor away" would require those of us who go to "excesses" by eating two apples to have a prescription to do so. Of course, nothing could be more absurd.

The absurdity of the FDA's position arises from the fact that, realistically speaking, in no stretch of the imagination can vitamins be called drugs. The nutritional elements consumed in a vitamin pill are for the most part, precisely the same as may be consumed in a totally unsupplemented diet. The same Vitamin A which is regulated by the FDA is found in carrots.

The same Vitamin C which is regulated by the FDA is found in citrus fruit. The same iron which is regulated by the FDA is found in red meat. It is clear that the FDA's regulation of food supplements is merely a regulation of form and not of substance. If you package ascorbic acid in the form of orange juice, the regulations don't apply, but if you package it in the form Vitamin C tablets, they do.

With all of these factors in mind, Mr. Chairman, it seems to me that the FDA has crossed the very fine but very definite line between government protection as a servant of the people and government protection as master of them. The warning of President Eisenhower rings truest in cases like the one before this Committee now: "Every step we take toward making the State the caretaker of our lives, by that much we move toward making the State our master."

No one offering this legislation would defend a vitamin producer's misrepresentation of the contents of his product or his failure to disclose additional information under circumstances where a half-truth would mislead the public. But that issue is not involved in these FDA regulations. What is involved is nothing less than government regulation of the human diet—not because it has been found that vitamin consumption is intrinsically unhealthy—but only because the circumstances surrounding the consumption of vitamins are similar to those surrounding the consumption of drugs.

I submit, Mr. Chairman, that we embark upon a historically dangerous path when we place the affirmative burden upon the citizen to prove the adequacy and effectiveness of his diet. In our system of government and jurisprudence, legally imposed affirmative burdens on the citizenry are few. And they are few for precisely the reason that government-mandated affirmative duties are the exception in a free society, but are the rule in a tyranny. Only the most compelling reasons of public policy can justify the creation of such positive duties, and the simple fact is that the FDA has failed to present any compelling case. Of course, this presumption is reversed with regard to what is ordinarily understood to be a "drug." But that is because true drugs often involve the introduction of unaccustomed elements to the human body, and in our common experience we have learned that the risks of such practices are so high as to require the imposition of maximum safeguards. This kind of standard, however, is hardly applicable to Vitamin C. And these FDA regulations, while perhaps falling within the letter of the law, hardly meet its spirit. Surely the philosophy which lies behind these regulations is not the philosophy which imbues the Food and Drug Act. Passage of the legislation before you will reassert what that fundamental philosophy is.

Not only are the FDA's vitamin regulations unwise from a philosophical point of view; they are unsound from the standpoint of what makes for practical, sensible regulation. What is the real impact of these regulations? It is not to limit the consumption of vitamins. Rather, it simply makes their consumption less convenient. And mere inconvenience is hardly the proper tool to employ to protect people from what presumably can be harmful to them.

This nonsensical aspect of the FDA's regulations arises from the fact that under them people can still purchase and consume vitamins in whatever quantity they so desire, so long as they do so by consuming individual tablets of a specified potency. What this means, for example, is that if you wish to consume 1 gram of Vitamin C per day, you can still do so—but only if you take 11 tablets. Or, if you just want to supplement your diet with a single pill containing both Vitamin A and Vitamin D, you can't—unless you take 7 other vitamins at the same time. Dr. Albert Szent-Gyorgi, who won the Nobel Prize for his resarch into the metabolism of Vitamin C and Vitamin A, has written that he consumes two grams of Vitamin C per day. Isn't it just a little ridiculous to require him to take 22 tablets for this purpose?

The practical fact of the matter, Mr. Chairman, is that millions of Americans supplement their diet with vitamins. I have no doubt but that these consumers will continue their dietary habits regardless of the FDA's regulations. The only difference will be that once the FDA rules go into effect, these consumers will have to do an end-run around the law. When government regulations encourage avoidance of the law, they breed disrespect for legal authority. And, particularly in these times, we can hardly afford to encourage that kind of attitude.

In sum, Mr. Chairman, these FDA regulations are neither philsophically nor practically justifiable. The legislation before you reverses these regulations and returns government activities in this area to their proper sphere. Passage of this legislation will reaffirm to the American public that the Congress is cognizant of the proper limits of governmental authority.

HEAVYWEIGHT CHAMP IN KOREA

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. WOLFF. Mr. Speaker, I would like to bring to the attention of my colleagues the story of a man who has developed his own form of foreign aid. Father Mike McFadden left his hometown for the peace and quiet of South Korea. Disturbed about the poverty and ignorance he found, Father McFadden, a member of the Columbun Order, started a credit union which has been a great help to the farmers of the area. It is a pleasure for me to insert in the RECORD an article about this great American:

HEAVYWEIGHT CHAMP IN KOREA

(By Maggie Black)

Big, round, smiling Father McFadden is a heavyweight fighter of a rather unconventional sort. His opponent is the poverty and ignorance that he found in the little village of Mun Mak in South Korea.

He went there in 1969 to "get away from everything"—everything being the bustle of Philadelphia, his home city. "I wanted a small parish, and some peace and quiet for reading and contemplation."

But it wasn't long before the calls he made on his parishioners gave him a deep urge to do something about their grinding poverty.

Pig farming in a co-operative framework appeared to be the best way for local farmers to raise their standard of living. So Father McFadden took himself off down the new highway to Seoul, the capital, to learn all about rearing pigs.

He then went off to visit Father McGlinchy on Chejn-Do island, who's been running a pig co-operative with Oxfam's help for many years.

Father McFadden described the experience as traumatic. "He took my suggestions apart piece by piece. At first I was apologetic, because I wanted Oxfam to finance me. But after a while, when this seemed hopeless, I began to argue and fight back, to show I'd done my homework. At the end, after hours of arguments, in which Don Shields had decimated my plans, he sat back and told me that in spite of all he'd said, he was going to recommend to Oxfam that they support me. I was absolutely flabbergasted."

The amount was less than Father McFadden had originally hoped for—£4,400. "But I was very grateful for the advice that Don Shields gave me. I can see now that if I had embarked on such an ambitious programme as I had planned at the beginning, it would have been a failure."

The first task that faced Father McFadden was to reactivate the Credit Union in the area around Mun Mak which had been started in 1966, but had collapsed because many of the Catholic members had opted out and wouldn't repay the money they had borrowed.

Undaunted by the behaviour of his own official flock, Father McFadden approached the nonCatholic people in the community. He trained local boys who went with him into the villages and began to build up enthusiasm for credit unions.

"But I felt it was essential to start on the right foot," relates Father McFadden. "I didn't want to start a new credit union until the Catholics had repaid their debts—or people would think it was doomed to failure like the last one. So I demanded that the Catholics pay up. Some of them tried to get me removed from the parish—even interceding with the Bishop against me.

"But the Bishop backed me all the way, and really laid them out. This has really helped to develop a broader outlook among the Catholics, so that they don't just ignore everyone else."

Once Father McFadden had got the Credit Union going again, he was able to start up the co-operative so that farmers who were putting savings by, could use them in the most fruitful way.

The Credit Union now has 500 members, of which the majority are non-Catholics. The maximum loan is only $10, but this sum guarantees that when a person is ill he can get into hospital. Hopefully the tragedy of Han Ho Tek will not be repeated.

But just as important are the loans that enable farmers to buy gain and fertiliser. The interest rate is only 2% compared with the 35% or 40% that local manufacturers used to charge when the farmers were obliged to go to them for credit.

The part of the project closest to Father McFadden's heart is now firmly established—this is St. Peter's Farm—the co-operative's own piggery. The new sow-house has been built, and the first four inhabitants are soon to be joined by another 30 breeding sows.

The price of pork—and of piglets—is going up in South Korea, so prospects are bright. With the new highway to Seoul running right past the village, marketing presents no problems. The restaurants are just waiting for as many nice juicy pork cutlets as the pig co-operative of Mun Mak can provide.

The co-operative is already diversifying into other enterprises. Father McFadden described a nutrition programme run during 1972. "I put on an apron myself to show the men how to make little pancakes out of oatmeal flour. They were amazed at the idea of a man doing the cooking!"

He now has a full-time woman volunteer visiting the women of Mun Mak and other villages to show them how to prepare and cook nutritious meals for their children.

The co-operative is already diversifying into programme for pig farmers in the area. Three hundred men have come in for the course, to learn about how to run a co-operative pig industry, look after the sows properly, and market the piglets.

"It's marvellous how enthusiastic the farmers are when they realise what the future has in store," says Father McFadden, "they're all so keen to learn."

A REALISTIC APPRAISAL OF THE PRESIDENT'S HOUSING MESSAGE

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. HANNA. Mr. Speaker, it is no secret that we stand at a critical crossroads in our national housing policy. Since the housing moratorium began last January, never has there been a more agonizing reappraisal of Federal housing policy by all concerned. Yet, that dialog, it seems to me, has taken the form of a rather impersonal appraisal of the past and an even more impersonal projection of the future. The administration has barraged us with cost figures, criticisms of past design standards, technical problems in the administration of FHA, et cetera.

Missing from all of this testimony is the kind of sensitivity to the problems. of the poor and the cities which actually comes from having had to grapple with the realities of providing safe, sanitary, and decent housing for those least able to afford it. It is one thing to read about and quantify the problems of the poor. It is quite another thing to have been out in the field trying to create and carry out viable solutions. As a member of the Housing Subcommittee, I cannot help but be struck by the paradox of receiving proposals for reform of Federal housing and community development programs from those who have consistently opposed vigorous Federal leadership in this area.

I have recently received a copy of a letter to an aide of Congressman BIESTER which reflects in a most articulate way the kind of sensitivity which comes from experience in and commitment to solving the problems of low income housing. This letter, from the executive director of the Bucks County Pennsylvania Housing Authority, represents one of the most perceptive criticisms of the President's housing message that I have read. I strongly recommend it to my colleagues.

The letter follows:

BUCKS COUNTY HOUSING AUTHORITY,
Doylestown, Pa., September 26, 1973.

Mr. RONALD L. STRAUS,
Cannon House Office Building,
Washington, D.C.

DEAR RON: Thanks for your letter of September 20th, 1973, and the attached fact sheet on the President's housing proposal. I have read the fact sheet, and I have also read the full text of the President's message to Congress. My thoughts have not yet fully jelled on all of the aspects of the President's housing message, but I can give you, as you requested, a few preliminary reactions.

I am concerned, to begin with, that again in this message the White House would rather focus on the achievements of the near past than face the problems of the immediate present. All the glowing words concerning the production of housing refer to a recently passed situation. The President's message does not recognize the present condition of the housing industry or the fact that the production records of the near past do not help the growing numbers of American families who find themselves disenfranchised in the housing market.

With regard to the President's recommendations concerning the mortgage credit system, I find them to be sound as far as they go. It seems to me that they fail to recognize that reducing the cost of mortgage money or, in some other way, reducing monthly mortgage payments, in and of itself does not deal with the problem which has been created by the spiralling inflation of construction costs. The fact of the matter is that many families (I would estimate more than 60% of the Bucks County families, for example) cannot afford the kind of housing product which is being made available for them. Too much ground is involved, and usually too much house is involved. If these people are to be helped, either some kind of pressure must be exerted on local officials with regard to zoning and building codes, or some kind of subsidy must be made available to allow these families to buy the product which is now made avail-

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able. Simply put, I find it hard to see how the President's recommendation with regard to the mortgage credit system will help a family earning less than $15,000 per year (60% of Bucks County, at the least) buy a house costing more than $40,000 a year (now the average in Bucks County's present production pattern).

I'm not really so much concerned about this area, however. I have great hope that an agency such as the Pennsylvania Housing Finance Agency will make a dent here, and their program for home ownership will be announced some time in late October.

Obviously, that portion of the President's message with which I am most concerned is the section dealing with low income families. My dogged persistence in this area is explained, I guess, by the fact that I'm concerned—legitimately and sincerely concerned—with the families we are trying to assist. I approach the President's message, then, with a bit of a prejudice. Housing, by my definition, means more than bricks and mortar. It means environment as well. Given this, then, my initial sketchy reaction to the President's message is as follows:

1. When he notes that Federal programs have produced some of the worst housing in America, with what is he comparing the housing produced? How does this supposed "worst housing" compare with the dwelling units previously occupied by the families who have supposedly benefited from the program?

2. When the President describes the public housing projects he has seen as "monstrous, depressing . . . run-down, overcrowded, crime-ridden, falling apart" I am wondering whether he is not describing the tenants more than the structures. Given design inadequacies, we must recognize that we are dealing not only with an economically disenfranchised group but a culturally disenfranchised group as well. I think that it is precisely in this area, to get a bit ahead of the game, that the President's housing message misses the mark. (Let me emphasize that I am not being patronizing or condescending or unfair in my evaluation of low income housing tenants; I am emhasizing the fact that they do have unique problems which require unique solutions. Without unique solutions, the effect these families have on any construction owned by anyone is liable to be the same.)

3. I agree with the President's comments to the effect that grouping low income families in large overbearing projects is unfair and dehumanizing. I have discussed the benefit of the Section 23 leasing program in this regard many times in the past and will not expand upon it now. On the other hand, speaking with some degree of pride, I would suggest that the President is unfair in his generalization based upon Pruitt-Igoe. We have, in Bucks County, an architectural award winning project which has never lost one penney of rent revenue. We have a project which has improved the lives of the elderly socially, physically, financially, and in every other conceivable way. In short, the picture is not as bleak as the President's message would paint it, although I'm inclined to agree that it could be improved through the use of the Section 23 leasing mechanism.

4. At one point the President's message states, "The present approach is also very wasteful, for it concentrates on the most expensive means of housing the poor, new buildings, and ignores the potential for using good existing housing." I guess it all depends where you're sitting. In Bucks County, this simply isn't true. We don't have the "good existing housing," and as mentioned above, the present market will not produce it for these people. But let me hasten to add that even if we did have the housing, I continue to insist, as spelled out in much greater detail in my several letters on the Direct Housing Allowance Program, that such direct cash payments would not generally get low income families into existing housing.

It is empty rhetoric to discuss the "basic right to choose the house they will live in" for most of the poor. Giving a large Black family a direct housing subsidy is not going to build a large unit, and it is not going to deal with the subtle prejudices which continue to operate. Putting cash in the pocket of an elderly family will not provide, as I have spelled out previously, that specially designed unit and environment so vital to a longer and better life for the elderly.

Interestingly, the President's housing message has given us reason to discuss with several of the owners in our leasing program how they would react to a suggestion that they house our low income tenants on a direct housing allowance plan. The general reaction has either been that they would not consider housing the tenants without the backup services of the Housing Authority, or that they would have to charge a *premium* to low income families. The same reasoning is behind either point of view: low income families by their very nature cost more to house. The elderly require special services, and the larger low income family, in addition to requiring special services, incur higher maintenance and management costs. The fact that we guarantee the owners against tenant abuse and neglect, and the fact we field the problems which come through senility or even from racial stress among the tenants, is, in and of itself, an incentive to the owner to house these families. I would venture a very sound guess as of this time, that the per unit month cost to the Federal government on a Direct Housing Allowance Program will be higher than is our cost presently in leasing.

5. When the President discusses the development of a "better approach," I refer you, again, to all that I have written previously on the Direct Housing Allowance Program. Let me just emphasize again that the basic problem of the poor is a lack of housing and not a lack of income. The income must be converted to housing before the problem is solved. It seems to me that, after guaranteeing the direct housing approach to be the most equitable, the President undermines his argument by listing all of the nitty-gritty problems which will have to be worked out to make the program equitable. To quote some of the problems, using the President's own words, "What, for example is the appropriate proportion of income that lower income families should pay for housing? Should this level be higher or lower for different kinds of families—for young families with children, for example, or for the elderly, or for other groups? Should families receiving Federal aid be required to spend any particular amount on housing? If they are, and the requirement is high, what kind of inflationary pressures, if any, would that produce in tight housing markets and what steps could be taken to ease those pressures? In the important case where poor families already own their own housing, how should that fact be weighed in measuring their income level? How should the program be applied in the case of younger families who have parents living with them?" And all of these questions on top of the myriad of questions that have come from other people with regard to the Direct Housing Allowance Program!

6. With regard to the President's willingness to lift the moratorium on Section 23, I'm concerned about the fact that the housing will be produced for "some" low income families and that it will be used "sparingly", however. My first basic question is for what kind of family will the moratorium be lifted—non-elderly or elderly? (Rumors have had it that it would be for the non-elderly, and this would be tantamount to building nothing, since local municipalities will not generally approve of housing for non-elderly, at least in Bucks County.) Another question would be concerned with what kind of changes will be made in the regulations, and perhaps the most pointed question of all is concerned with when I can resubmit our applications!

You may remember a letter I wrote two years ago or so arguing that all of the desirable goals of direct housing allowances could be achieved through Section 23 leasing, particularly the scattered-site program. I would repeat this claim now.

7. To the brief one paragraph mention in the President's message concerning some kind of new program similar to rent supplement under which the Federal government will give subsidies directly to the builder, I refer you to my comments immediately above concerning the attitude of developers and managers with regard to low income families.

8. I agree wholeheartedy with the President's concern with the operation of present low income public housing. In this regard, I refer you again to my past correspondence urging the repeal or drastic modification of the Brooke Amendment to generally allow housing authorities to administer their own programs, including the fixing of their own rents. I would argue that much of the lack of motivation the President points out in his message is due to the fact that the federal government has neither allowed nor required local housing authorities to be responsible for managing their own programs. It may, admittedly, be very late in the game for some authorities, but until the responsibility is fixed, including the responsibility for determining the local rent to a tenant, given cost and local market, the local housing agency will always pass the buck to the Federal government. I will be very interested in seeing the details of the recommendations the President has requested from Secretary Lynn in this area.

9. I am interested in the fact that rural housing seems to be kept apart from the general point of the housing message, and I have some general philosophical concern about how you draw a line between rural and urban problems. More specifically, however, I am practically concerned with what form the Farmers Home Administration Programs will take, since much of Middle and Upper Bucks can solve problems using this agency. (As a matter of fact, it now appears as though the subsidies in our planned residential development in Plumstead Township will eventually come from this source.)

All of this, then, is my preliminary and rather sketchy reaction to the full text of the President's housing message. I remain a dedicated advocate of the Section 23 program because I feel strongly that it combines all that has been best in public housing, rent supplement, and direct housing allowances. I think it can be a tool to accomplish home ownership. I think that it avoids ghettoization which has been more of a contributing factor to the Pruitt-Igoes of our country than has poor design. Thanks for taking the time to read all of this.

Very truly yours,

KARL A. GABLER,
Executive Director.

JUDGE WEINSTEIN SPEAKS AT BUFFALO B'NAI B'RITH

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. LENT. Mr. Speaker, on October 21, my good friend and colleague, JACK KEMP, was honored at a dinner of the Buffalo, N.Y., B'nai B'rith. In remarks delivered

before that gathering, U.S. District Court Judge Jack B. Weinstein recognized the need to understand the universality of human rights. He has a reasoned perspective which should be heeded, especially in light of conditions which exist around the world today, and I am pleased to include them in the RECORD at this point.

The remarks follow:

IN DEFENSE OF JUSTICE

(By Jack B. Weinstein)

I am pleased to be here tonight to join B'nai B'rith in honoring a distinguished citizen.

We here tonight know there are reasons other than his football experience for honoring Jack Kemp. Last Sunday, as I stood in New York's city hall square surrounded by some 60,000 people meeting to express our concern for the State of Israel and Soviet Jewry, I reflected that tonight I could help honor a man who long ago, in leading demonstrations to gain the release of oppressed Soviet Jews, recognized that this is one moral world; that there is a connection between repression inside Russia and brutal force applied by it outside whether directly as in Czechoslovakia or Hungry or Poland or the Baltic states or indirectly through those it has supplied with arms and training and then goaded into attack on Israel, the one democracy in the Middle East; that this country's long-term security depends upon preventing Russia from taking over the Middle East and the Mediterranean and that the Vital barrier to Russian imperialism is the free and independent State of Israel; that we will not be blackmailed into abandoning our friends by threats to withhold 5% of our oil needs—creating a gap that can be filled by cutting the temperature of our overheated homes a few degrees or driving less or more slowly.

The Rubinstein humanitarian Award is particularly one that I admire because Emil Rubinstein was a leader in B'nai B'rith's anti-defamation work on behalf of all—Jew and non-Jew—whose rights needed protection. When I taught at Columbia I headed a group of volunteers that wrote briefs and memoranda for civil liberties groups including the Anti-Defamation League, and my respect for your work for all the community was gained then.

The first words of the 1843 preamble of B'nai B'rith's Constitution seem to me to reflect the essence of the civilized man's concern for himself and for the world: "B'nai B'rith has . . . the mission of uniting Israelites on the work of promoting their highest interests and those of humanity . . ."

So, while you fought against Jim Crowism, you set up Hillel foundations to guide Jewish youth in their heritage; while you gave aid to the American armed forces and all veterans' hospitals, you created your fine adult Jewish education program; while your training programs in American citizenship went forward, your devotion to Zion remained unimpaired,

Therefore, despite our overriding concern tonight for Israel's life, it is in B'nai B'rith's tradition not to forget our continuing obligations to society as a whole.

You will, I hope, indulge me if I reflect with you on the need for effective justice today.

This subject has been an overriding concern to the Jews, since biblical times, when they recognized that abstract justice without human institutions to enforce the rights of real persons in the real world was futile. Others have noted that in Deuteronomy (Ch. VII) there is provision first for the courts and then for the king, from which scholars have deduced that no man, even the king, is above the law—a precedent, perhaps, of some current interest.

As in Deuteronomy, today the judges are the passive branch who declare judgment only when parties come to them. If, therefore, in the tradition of American Constitutional Law, conflicts between Congress and the President are resolved by compromise, the courts should not and will not intervene to force an abstract decision. But if the case comes to them as a justifiable dispute within their jurisdiction they must decide.

In Nazi Germany we know how millions died when the law could not protect individuals and in Russia today, despite a constitution, the laws are perverted to deny rather than to protect the integrity of the individual at a terrible cost to Jews and others. Strong judges and our judicial system in this country stand guard against tyranny of the right or the left.

Rather than talk of high constitutional cases, let me tell you about three recent cases which illustrate some everyday problems of the courts—each of them involves a young person.

The first was a twenty-one year old Jewish boy of unblemished record from a well-to-do suburb of Long Island, bar mitzvahed in a conservative congregation. He was in his last year of college and his parents had sent him to Israel for the summer; he was apprehended at Kennedy Airport smuggling (for resale) a large amount of hashish on the way home. Despite the pleas of his family and rabbi I felt I had to sentence him to jail for rehabilitation and to deter others, since the word that the courts will not condone this conduct does get around in the colleges. Under the Youth Correction Act I allowed him to finish school before being sent to the Youth Center in West Virginia. After his family moved to Israel I released him so he could join them. This month, the day before Yom Kippur I signed a certificate setting aside his conviction because probation reported he had a good job doing economic development work in Israel. He was about to be married, and the chances of recidivism were nil. Whether he is alive tonight, a fortnight after I acted, I do not know.

Other Jewish and non-Jewish defendants before me of good backgrounds have been involved in heroin and cocaine smuggling, in income tax cheating, in fencing hijacked merchandise and in other crimes. The law's deterrence can have but a minimal impact when the well-to-do and educated members of a society become so greedy, materialistic and power hungry, that they deliberately do wrong. You and others of good will, will have to discover what can be done to improve their and our moral commitment to avoid such cases. There is no pre- or post-Watergate morality. There are moral standards which individuals have to choose to live by or reject.

The second case is that of an eighteen year old girl. She came into Kennedy International Airport as a "mule", with cocaine strapped to her body. Her family from a small farming community in Colombia, South America, makes about $100 a year and she was promised a few hundred dollars and a ticket to New York. "If," she was told, "you are caught, they'll just send you back." The girl did not know she faced jail. The airlines deliver hundreds like her each year to New York and Miami. She had to be sent to jail to deter others. But there can be no deterrence if those like her who live in a land where cocaine is freely used are not told they face harsh penalties for smuggling. They must be informed at the foreign airport before they board the plane or sentencing becomes a useless act of cruelty.

For a year I have been trying to get the State and Justice Department to obtain the cooperation of airlines to warn people from abroad of the dangers of smuggling drugs into the United States. Until there was the threat to seize aircraft—based on precedents traceable to the law of the decedent going back to biblical times, that an object used in committing a crime is forfeit—nothing was done. After the threat of seizure the main airlines to Colombia agreed to cooperate fully by posting warnings and in other ways. If deterence can work, this source of drugs should begin to dry up. The point here is that the law must have the cooperation of private persons and industry. For example, the drug companies pushing chemical mood changers on television and other media urging easy solutions to problems make enforcement of the drug laws more difficult by creating an atmosphere of tolerance of drugs.

The third, and last, case is of a young man of 26 from the ghetto who I sentenced to a long term for armed bank robbery. At the sentencing his sister burst into tears. "He was so good until he was 12 and our parents broke up and he started getting into trouble. When he was taken to Family Court they did nothing and then it got worse and worse." His record showed just that. Family Court had a chance to save him and the family. The court, overloaded and with inadequate psychiatric and family counseling services, did nothing. In many cases we know who the criminals of tomorrow will be but we do not apply the knowledge. In the poorly administered criminal courts this young man plea bargained and plea bargained while he engaged in a life of crime. Probation did nothing for him. When he came to my court he was a criminal psychopath, rehabilitation was unlikely, and incarceration was needed in part because he was too dangerous to let loose.

This last case illustrates the great failures of the state criminal justice systems. This is not the time to go into detail, except to say that the system needs substantial structural and other changes if we are to reduce the discrepancy between what the law promises and what it delivers.

We need to select judges, as they do in half of the states, on merit, non-politically and without the elections we have requiring absurd large expenditures and political debts. We need a new method of disciplining judges who prove inadequate, or corrupt, using techniques working well elsewhere. We need consolidation of courts and more effective administration using techniques developed in the federal and other state courts. We need the state to take over fiscal responsibility so that every part of the state has equal and effective justice. All this can be accomplished when the citizens demand it.

Even the best run justice system cannot, by itself, eliminate crime. To meet the problem of crime and to assure the dignity of all citizens there must be adequate housing, decent education and good jobs for everyone in the society.

I recall a long conversation I had in this very hotel some seven years ago with Senator Robert Kennedy. We were at the State Democratic Convention and I had begun to work out plans for revision of the state constitution and, particularly, its judicial system. Both of us recognized that it would be many years and there would be many defeats before judicial reforms would be accepted. Yet he urged me to make the effort.

In his book, to Seek a Newer World (1967), page 231, he explained:

"Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current that can

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sweep down the mightiest walls of oppression and resistance."

It is a great honor to be here with an organization, Bnai Brith, and a man, Congressman Kemp, who have worked so hard to assure justice for all.

ELROY SPRAUVE: ST. JOHNIAN FEATURED IN THE LUTHERAN MAGAZINE

HON. RON DE LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. DE LUGO. Mr. Speaker, in these times when our Nation is buffeted by one crisis after another, it is encouraging to note the consistent, dedicated efforts of individual citizens in building a healthy and stable society. One such individual is my constituent, Mr. Elroy Sprauve, of St. John, V.I., who was the subject of a recent illustrated article in the Lutheran, the official publication of the Lutheran Church of America.

Mr. Sprauve, a former senator, is guidance counselor and acting assistant principal of the Julius E. Sprauve School in Cruz Bay which was named for his father. I am proud of the contributions which this young St. Johnian has made to the social well-being of his community, and am pleased to insert in the RECORD an article from the Virgin Islands' Daily News describing some of his activities:

SPRAUVE FEATURED IN U.S. CHURCH MAGAZINE

CRUZ BAY.—Elroy Sprauve of St. John is featured in a three page illustrated article in the Oct. 17, edition of The Lutheran, official church organ of The Lutheran Church in America.

The article by Edgar R. Trexler, associate editor, describes Sprauve's role in the Virgin Island community. A former senator, Sprauve has served the Nazareth Lutheran Church in Cruz Bay "as everything from acolyte and Sunday School teacher to organist and council president." He is also guidance counselor and acting assistant principal at the Julius E. Sprauve School in Cruz Bay which was named for his father. The 34-year-old Sprauve holds a master's degree from Inter-American University in Puerto Rico in linguistics and another master from New York University in guidance and counseling.

Trexler quotes the well-known St. Johnian at some length on the need for the church to reach young people and help in social work, hospitals and schools. "Young people in the islands are particularly disenchanted with the church," Sprauve feels. "They feel it is irrelevant to the needs of the day. Some still attend Sunday services, but not many are moved by them . . . We have to have more commitment . . . For example, if a member is in financial need, the church should do something. If a member is sick, we should provide a meal, visit him—simple things like that."

The Lutheran magazine article takes note of the warm regard St. Johnians of all ages feel for the soft-spoken erudite young Virgin Islander and his compassionate community concern.

"We don't really need any more churches in the Virgin Islands," Sprauve says, noting that on St. John alone with a population of 2,000 persons, there is one Lutheran, two Moravian and two Baptist churches as well as an Anglican, a Roman Catholic, a Methodist church, Jehovah's Witnesses and Seventh Day Adventists. "What we need is for the ones we have to meet the challenge in juvenile crime, housing for the elderly and things like that."

Just as St. John churches are geared to U.S. counterparts, Sprauve feels, so are its schools. "The educational system needs help. We need more vocational programs and the upgrading of what we have. There's a shortage of skilled labor on the islands. Our academic program has fared better. We have open classrooms in some areas. But some of our curriculum needs to be tailored more to local needs, such as classes in marine biology and island history."

THE NEED FOR MORE PLANT CAPACITY

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. CHAMBERLAIN. Mr. Speaker, in an article entitled "The Need for More Plant Capacity," which appeared in the Wall Street Journal on October 17, Dr. Paul W. McCracken, former Chairman of the Council of Economic Advisers under President Nixon, and present professor of business administration at the University of Michigan, offered thoughtful commentary on providing job opportunities for America's ever increasing work force. Cautioning against the extremes of diverting vast capital investments into environmental expenditures producing only limited job opportunities, as well as against creating jobs at the expense of our resources, Professor McCracken urges a balanced alternative and that consideration be given to stimulating growth by enlarging the share of total output going into capital formation. I include this article in the RECORD so others may have an opportunity to review Dr. McCracken's suggestions:

[From the Wall Street Journal, Oct. 17, 1973]

THE NEED FOR MORE PLANT CAPACITY

(By Paul W. McCracken)

In this current expansion we obviously have run out of plant capacity before we have run out of employable labor. Apparently a certain amount of further investment is needed for there to be a productive job available for each new entrant to the work force. And if that investment does not take place, the job seeker may find himself stranded.

During the first half of 1973 95% of the labor force was employed, the same as for the last half of 1964. It is obvious, however, that demands are pressing a lot harder on our capacity to produce this year than in 1964. In the first half of this year 87% of all companies in the purchasing agents survey reported slower deliveries, about equal to the proportion during the half-year following the outbreak of the Korean conflict. In the first half of 1964 the figure was only 68%. And if any further evidence were needed about pressures on the economy, the 13% per year rate of rise in industrial wholesale prices should settle the argument.

Yet the unemployment rate has remained at 5%. And group by group the rates are similar to those during the first half of 1965, when a comfortable margin of capacity seemed to prevail. Employment could be higher today except that we do not have the added plant capacity needed if these people are to be productively employed.

Why the shortfall?

At first glance it does not look as if there could be any shortfall at all. In 1973 fixed investment outlays (excluding residential construction) will be equal to about 11% of GNP (both in 1958 prices). That seems to be about in line with historical trends. During the last half of the decade of the 1960s, for example, 10.9% of our GNP was accounted for by these outlays, and during the first half of that decade the figure was only 9.7%. We seem to be devoting about as large a proportion of our output to capital formation as we usually have.

For two reasons, however, this customary share of output going to capital formation has left us short of plant capacity. For one thing we have had much larger increases in the labor force since 1970 than anything we saw in the previous decade. During the 1960s the civilian labor force grew at the average rate of 1.3 million per year. Since 1970, partly because of reductions in the armed forces, the growth has been at about a 2 million per year pace. The result has been that in the three years 1971–1973 inclusive capital formation has averaged only $39,000 per net additional person in the civilian force, sharply lower than the $49,000 average for the years 1963–1968. (Both of these figures are also expressed in 1958 prices.) And since the amount of gross investment required to replace the wear and tear on existing facilities is growing, the decline in the net investment per person added to the work force is even sharper than these gross figures suggest. These data suggest that the fixed investment needed if plant capacity were to be enlarged as rapidly as the work force grew simply has not been occurring in sufficient volume.

COMPLICATING A PROBLEM

The problem has been complicated by the fact that businesses did not begin earlier to anticipate their future inventory needs. Even a year ago an orderly build up in stocks would have been prudent and could have been done, but businesses refused to enlarge their inventories as sales were rising, and with every indication that they were destined to rise further. The result now is hand-to-mouth operations for many firms and with ceilings on production schedules imposed by shortages of raw materials and components.

The over-all statistics are quite dramatic. Inventories for manufacturing and trade by mid-1973 were down to 1.41 months of sales, and the ratio was declining. This is well below the normal relationship, which would be perhaps 1.5, and it is far below where inventories usually are relative to sales on the eve of a recession. If there is a 1974 recession, which has a lower probability than the nose-count of economists would imply, it will have to do its best with less assistance from inventory liquidation than any recedence in the postwar quarter of a century.

Capital formation, including inventory accumulation, in recent years would not have given us an expansion of plant capacity adequate for reasonably full employment of the civilian labor force even if it had all been of the conventional type that adds to plant capacity. But, of course not all of it was. A significant amount of our capital formation has been devoted to environmental objectives. However meritorious these objectives are, and in themselves they are quite unexceptionable capital expended for these purposes but does not leave the company in a position to produce more of its own products, and this inevitably limits its ability to take on additional employees.

Earlier this month Burt Schorr's story in this newspaper indicated that industry was in for a jolt because the water-cleanup bill was going to be far larger than had been predicted. This seems to be a law of life. Public programs are sold with a massive under estimate of costs, and after the commitment is made the true dimensions of the costs begin to emerge. And the Deputy EPA Administrator was quoted in the story as stating that "the capital costs of these facilities are going to represent a very large portion of total capital investment by the affected industries" during the next four or five years.

We have been excessively sanguine and complacent about the employment effects of these capital outlays because of a tendency to confuse two things. One is the employment incident to producing the equipment or building the facilities needed for cleaning up the air or water. It is presumably true that a billion dollars of anti-pollution equipment provides about as much employment in its production as the production of a billion dollars worth of more conventional capital equipment. What the latter does do, and the former does not, is to leave the buyers of this equipment with expanded capacity, either directly or through more efficient operation or both. Now we are beginning to see that these differences are not just figments of economists' imagination. Our shortages of plant capacity mean not only slower and more erratic delivery schedules; they are also limiting new job opportunities.

We must find the optimum balance here among some trade-offs. At one extreme we could forget about our environmental concerns and shift our capital formation back to the conventional items that expand capacity—either directly, or indirectly through improving productivity and reducing costs. This would have the advantage of relieving some serious supply constraints, and it would enlarge the plant-capacity base for new job opportunities. It would, however, have the consequence of halting or reversing progress in cleaning up our air and water resources.

At another extreme we could invoke the Club of Rome vows that economic expansion needs to be sharply curtailed in any case. The capital budgets of businesses could then be largely re-directed toward environmental objectives, recognizing that thereby capital outlays for more normal expansion purposes would be drastically curtailed. If this is a rational decision, and not a mindless and passionate seizure of one objective in complete disregard of the implications, it would mean that we want to do this while fully aware of the consequences. What would the consequences be? They would be some combination of a reduced rate of growth in real income and a reduced rate of growth in employment opportunities, with a tendency for unemployment "to stick" at a relatively high rate. The unemployment problem could be avoided if wage and salary levels were held below where they would otherwise be—thereby tilting the economy somewhat in a more labor intensive direction. If we are not willing to take any reduction in real income gains, employment opportunities would then be constricted.

A decision to divert capital budgets of firms in a large way would be a perfectly rational social decision if we candidly face the consequences for employment or real income.

A THIRD POSSIBILITY

There is a third possibility. We could enlarge somewhat the share of total output going to capital formation. In that way capital budgets for environmental projects could be enlarged without a parallel cutback in more conventional projects to enlarge or improve basic productive capacity. Thereby we would largely avoid the problems that would otherwise be posed by limited plant capacity.

Going down this route carries with it its own set of implications. For one thing a higher level of business profitability than now prevails would be required to provide the means and the incentives for these heavier investment programs. The fact is that corporate profitability, even with the sharp improvement from 1970, remains low by historical standards. In 1973 profits (excluding transitory inventory profits) will be equal to about 10.5% of national income. This is low for this stage of the cycle, 20% lower than the 1963–65 average of 12.8% and not consistent with a longer run diversion of our output toward a greater share for investment. Nor is this greater profitability apt to be realized in an era of direct controls.

Those are the three outer boundaries of policies through which we can work our way out of the current imbalance between the size of the work force and our inadequate plant capacity. We are certainly not going to jettison our concerns about environment and pollution. While there has been a large theological component to this movement on the part of some, and for a few it was a convenient device for lashing out at "the System," informed people remain determined to make progress toward cleaner air and water. We must, however, face the fact that this means a somewhat slower rate of growth in real income, ultimately the need to reduce the productivity factor in wage contracts, and the probability that growth in plant capacity will tend to lag behind the growth in the labor force.

What we cannot afford is another round of overly and unnecessarily ambitious objectives, adopted with insufficient exploration of consequences in other directions, and with the public misled by serious under-estimates of true costs and consequences.

THREE CHEERS FOR BRISTOL, CONN., NATIONAL GUARDSMEN

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mrs. GRASSO. Mr. Speaker, our National Guards are trained to defend their country in times of national emergency.

However, another role the Guards play is that of concerned citizens involved in projects which benefit the community at large. One such project is the painting of the Bristol Clock Museum which Infantry Co. C, Unit 102 from Bristol, Conn., carried out on a clear Sunday afternoon last month.

For the benefit of my colleagues I have inserted the following editorial from the October 15 edition of the Bristol Press telling of the service the Guards performed in painting the museum. I join the Press in requesting three cheers for Bristol's National Guardsmen.

THREE CHEERS FOR BRISTOL'S NATIONAL GUARDSMEN

On a clear Sunday afternoon in October, normally the Clock Museum would expect to host a modest number of clock buffs. And usually well over half the visitors come from out of town and many from out of state. The fame of our outstanding clock and watch museum among knowledgeable collectors has spread far and wide, throughout the country and even overseas.

But yesterday the routine was somewhat different as far as activity was concerned at Bristol's American Clock and Watch Museum. Several hours ahead of the afternoon visiting hours there were quite a few folks at the Clock Museum (and most of them from Bristol) who were giving their attention to the outside, rather than the famed collections in the Museum. There were men on the roof and men on ladders. And there were others relaxing on the grass, awaiting their turn on the ladders and on the roof. They were all in "fatigues" and many of them had come in the National Guard truck.

They were members of Company C unit, 102 Infantry, Bristol National Guard. They were giving of their time and energies on a community project. They were painting the exterior of the Clock Museum.

It was a sight to behold—and one that makes you feel pretty good towards the National Guard and the men in that Bristol company. Here was an example of Bristol young men who are geared for national defense and emergency service in time of crisis, going all out to take on this community service project. Chris Bailey, curator of the Museum was with them. He was up on the ladder wielding a paint brush, too. A member of the Guard unit, he had put in a request that the Clock Museum paint job should be the Guard's extra community service project for this year. A year ago it was a clean-up day at the old N.D. buildings on North Main Street.

With the local National Guardsmen cooperating, all they needed was the same kind of good cooperation from the weather man. And they had that in good abundance Sunday morning, despite a few showers in the very early morning hours.

The guardsmen did a fine job on "instant painting". Those who did not see them in action may be interested in checking the action photo taken by our Press photographer about 11 a.m. Sunday—on another page in this edition. The Clock Museum and the community as a whole are indebted to our local National Guardsmen. They have given an outstanding demonstration of good citizenship in peacetime. Let's have it loud and clear—"Three Cheers for our Bristol National Guard"! [Picture not reproduced in the RECORD.]

MAN-TO-MAN PROGRAM: "THE LEAST OF THESE * * *"

HON. ANDREW YOUNG

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. YOUNG of Georgia. Mr. Speaker, in the last 2 years a remarkable program known as Man-to-Man has been developed by community volunteers and inmates at the Lorton Reformatory, the Washington, D.C., prison located in northern Virginia.

One of the moving forces behind Man-to-Man is its president and project director, the Reverend Charles C. Mottley, who described the program in a recent speech to a group of men and women interested in starting similar work in Atlanta.

The concept and nature of this work is simple. Mr. Mottley explains:

> We ask the volunteer in the community, on a one-to-one basis, to take an inmate as a friend and visit him at least once a month, to help him get a job when he gets out of prison and then to stay with him as his friend on a long-term basis.

In the following speech, Mr. Mottley tells the story of Man-to-Man and its potential for dealing with the problem of crime.

"THE LEAST OF THESE * * *"

(By Charles C. Mottley)

Before I begin my speech, I would like to thank Wayne Smith for inviting me here to Atlanta to be with you on this very special occasion.

I noticed the headlines in tonight's newspaper—that crime had increased by 9% in the last year in Atlanta. What you are beginning here is a step in the right direction, and, I believe, a necessary one if we are ever going to get to the root cause of crime and quit dealing with symptoms. I met earlier this evening with Wayne Smith and Jimmy Washington (basketball player with the Atlanta Hawks) and I believe that they will give Atlanta the kind of leadership that they will need to deal with this ever-increasing problem of crime.

In my opinion, it will take another dimension to the usual law enforcement and corrections action—it will take community involvement on a one-to-one basis with real commitment by all involved, to this concept and to each individual offender. I would like to share with you how I got involved in this one-to-one concept.

This is my story:

"Mr. Mottley and Mrs. Suydam would like to talk with you about a television series that they are working on." The speaker was John Boone, the Superintendent of Lorton Reformatory, the Washington, D.C., prison which is located in Northern Virginia.

While John Boone was introducing us, I took my eyes off of him and looked at the 40 men assembled there in the large room. Each one of these 40 men had been convicted of either murder or rape. Mr. Boone's words broke upon my thoughts, "and now I turn the meeting over to Mr. Mottley." He looked at me and smiled and then turned and walked out of the large meeting room.

I looked around to see if there were any guards in the room with us, but I didn't see any. I couldn't believe that he was leaving my friend, Jane Suydam, and myself, in the room with 40 convicted murderers and rapists! To say that I had never felt so out of place in my life was an understatement.

I found myself thinking something like, "Mottley, what have you gotten yourself into now." I had been in some tough situations before—like looking over the edge of a cliff in Trinidad (our car had been forced off a narrow wet mountain road)—or like landing in Guyana with only one wheel of the airplane working—or like riding out turbulent thunderstorms flying over Central America, where two other passengers had been killed by being thrown against the ceiling of our airplane.

I had been in the presence of physical danger—violence and death, but, needless to say, I was not prepared for this particular occasion.

It all began when my friend, Jane Suydam, who had been a television producer, had heard me give a lecture on forgiveness. We began to discuss the relationship of the breaking of man's laws to the breaking of God's laws. There were many proposed solutions to the rising crime problem in Washington, D.C., but no one, to our knowledge, was approaching the crime problem from a spiritual point of view.

Jane decided to do some research for a T.V. series which would explore this relationship—the breaking of man's laws to the breaking of God's laws and asked me to help her with the research. As far as I was concerned it was strictly an intellectual exercise—one with no personal involvement. It sounded like it would be an interesting project.

It wasn't very long before we had an appointment with the Superintendent of Lorton, John Boone. He was very receptive to our premise that underlying the breaking of man-made laws was the breaking of spiritual principles, or laws. After about forty-five minutes, he said, "Look, why don't the two of you talk to some of the inmates here at Lorton?"

My reaction was, "Yes, that's a good idea. Maybe we can come back in a couple of weeks and interview one or two of them." Walking through the prison gates had been enough of a cultural shock for one day.

John Boone replied, "You don't have to wait, I can get a group together right now—in fact, why don't I get the 40 men who belong to the Lorton Lifers fro Prison Reform."

Mr. Boone got up from his chair and continued talking as he walked toward the door of his office. "You can talk to them about forgiveness or anything else that you like—and get their response."

He opened his office door and I could hear him giving his secretary instructions to have the men meet in the meeting hall in 15 minutes.

I looked at Jane and she just smiled back as if this was the most natural thing in the world to be doing. "Well, at least there will be guards with us," I thought to myself.

But there wasn't as I found out, as Mr. Boone left the meeting hall.

And so, I found myself in a room with 40 men—and one woman, Jane, who seemed to be the most relaxed person in the room.

The room was quiet. I could feel every eye in that room looking at me as I stared at a spot on the floor about two feet in front of my shoes. How did I feel? Well, "inadequate" comes close. Maybe "helpless" is a better word.

Have you ever been in a situation where your choices were to speak and feel foolish, or not to speak and feel foolish?

So, I started speaking. "We are here to do some research for a possible television series that would deal with the relationship of breaking man's laws and the breaking of God's laws." My eyes began to meet some of their eyes—but no response.

"We were talking with Mr. Boone just a little bit earlier and he suggested that we tell you what we are trying to do and maybe you could help us." I only saw one white man in the group. He had an intelligent look about him as did most of the others—but still no response. (He later escaped in a well planned exit.)

"For example, we are looking for anv stories of forgiveness where maybe you have forgiven someone for something that they've done to you or where someone has forgiven you."

Two men in the back row got up and walked out of the room. I saw a couple of smiles. "Great, Mottley," I said to myself, "just great. At this rate, they will all be gone in eight minutes." I paused for a few seconds to look around the room. Still no response. No flicker in the eyes. I hadn't touched anyone.

And then I began to tell them about the love of God—and about His Son, Jesus, and that God forgives us of all that we've done—and we know this because of what happened on the Cross. And I began to see a flicker on a pair of eyes there and then another one.

"You see, forgiveness is important. It's important because only as we forgive others can God forgive us—it sets us free and releases us from bitterness and resentment so that we may live in a full and whole life." Well, it wasn't exactly Billy Graham, but at least no one was leaving.

Most of the men were looking down at the floor and I still hadn't felt that I was really communicating with them. "Look, I just don't feel I'm doing a very good job explaining to you what I mean. Is there anyone in here who understands what I'm saying and can communicate it to the others?"

The room was very quiet. I became aware of rock music from a radio in an adjoining building. Some of the men shifted uncomfortably in their chairs. No one was looking at me. Except Jane. I was sure that she was saying to herself, "Okay, Mottley, what now?" And I didn't know.

After what seemed like eternity, a tall man, maybe 6'5", who looked to be in his middle 30's, stood up in the back of the room. "I know what you're talking about. I had two brothers who were killed. They were both caught in the act of robbery and were shot to death. I had a lot of bitterness about that. I was sentenced to a lifetime in prison for killing someone, but yet nothing happened to those two people who killed my brothers."

He was speaking in a very quiet, peaceful tone. "I hated them, really hated them, and the whole system too, but this hate was about to drive me crazy. After awhile, I saw what it was doing to me and with the help of God I was able to forgive them. It really made a new person out of me." He sat down.

Needless to say, I felt relieved. I could feel the tenseness leaving my body. The speaker had done a beautiful job of expressing the forgiveness principle, and because he was expressing it, the men could identify with him. They were having a hard time hearing someone from the outside who obviously had no idea of what it was like to be on the hated inside. And even though there were some men who obviously disagreed, the atmosphere of the room had changed. The spark had been lit and the dialogue had begun.

After the speaker had sat down, one man immediately fired back—"You mean if you saw either of those people walking down the street, you wouldn't do anything to them?"

"No," he answered, "I wouldn't. It's all over." And you had the feeling that it was, too.

I came away from Lorton that day with a terrific burden for the men there. After our little meeting, we stayed around for another hour talking informally with a few of the men.

What could I do to help them? What could one person do? And a nonprofessional at that, who knew nothing about these men, their background—or even about the correction system. College and Seminary had not prepared me for this kind of world with these kinds of problems.

These were the forgotten people of our society—the new "lepers" that are put outside the walls of our cities. These men were the men who for the most part had six common characteristics: they had no job skills; no high school education; grew up in the ghetto; had experienced drugs; were black; and had come from a broken family with no father influence.

But these forgotten men would soon be back with us. Of the 1,500 inmates at Lorton, 97 percent would be back in the community again, and if the national averages held up, 70 percent of those men would be back in prison within four years.

Another fact that astounded me was that over 80 percent of all crimes committed are committed by men who have already been convicted of another crime. In other words, if we want to do something about tomorrow's crime, we need to go to the prisons today.

There are many questions that need answering: what do we do about the compulsive, habitual offender? How do we keep the family together while the father is in prison? What can we do about the degradation of men in prison: the rapes? and the homosexual attacks?

From these concerns, which grew out of that first trip to Lorton, I shared with a group of friends a vision I had to try and do something about our prisons. We started a work at Lorton called Man-to-Man, which now had over 70 men involved in it.

We ask the volunteer in the community, on a one-to-one basis, to take an inmate as a friend and visit him at least once a month, to help him get a job when he gets out of prison and then to stay with him as his friend on a long term basis.

In the last two years, there have been some dramatic things which have come about not only with the inmates, but with the men in the community as well. The T.V. series, which was the reason for going to Lorton that first time, has yet to be produced, but something of far greater substance and value has been produced.

One of the things that has happened is that men in leadership positions in the Washington Metropolitan area responded to the challenge of the Man-to-Man concept. Some of the Northern Virginia men on the Board of Directors are: Charley Harraway, the Washington Redskin fullback who is also Chairman of the Board of Directors; Judge Frank Deierhol of the Juvenile and Domestic Court in Fairfax County; Dr. L. H. Blevins, a former member of the Arlington County Board of Supervisors; Neil Markva, an attorney; and Don Tobias, President of Data, Inc.

There have been many instances of unusual acts of kindness, but more important is the relationships that are being built. Some of the inmates who in the beginning were openly questioning the motives of the volunteers, are now calling the sponsor "the best friend that I have."

An inmate's wife was hospitalized for a week and there was no one to take care of his children, so his sponsor and his wife kept the children for that week while the wife was in the hospital. A small act of kindness for the sponsor, but even more important the opportunity to demonstrate his verbal commitment.

An inmate had not seen his daughter in eight years and his sponsor picked up the thirteen year old daughter in Washington, D.C., and took her to Lorton to be reunited with her father. In terms of time, a small thing for the sponsor, but in terms of demonstration of commitment, a very important act in building a relationship.

We in this work have come to the realization that God's love is very practical and that it means that our relationship to that man in prison is based on our commitment to him, not on his performance, just as our relationship to our children is based on our commitment to them, as parents, and not on their performance. It makes no difference in our relationship to our children whether they are "good" or "bad", we are still their parents. My friend in prison may escape, or he may be released and then get into trouble again and be put back into prison. But, no matter what happens, I am commited to be his friend, and my relationship to him is based on that commitment, not on his performance.

"As you do this to the least one of these, my brothers," Jesus said, "so you did it unto me."

RARICK REPORTS TO HIS PEOPLE: THE NEW POPULISM, AN INTERVIEW WITH FORMER SENATOR FRED HARRIS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. RARICK. Mr. Speaker, during a recently televised report to my constituents I interviewed former U.S. Senator Fred Harris of Oklahoma. I insert the text of that program at this time:

Mr. Rarick. The preamble to the Constitution begins with the words "We the people." Many Americans today feel that their government has become isolated from the average citizen because of its massive growth in recent years. And thus, "We the people" have lost much of the power to govern our own lives. Former Senator Fred Harris of Oklahoma is one of these people.

Senator Harris was elected to the U.S. Senate from Oklahoma in 1964 and served there until he resigned in 1971 to seek the Democratic nomination for President. He ran on a platform that has been called "The New Populism." This philosophy became the basis for his new book of the same title. Senator Harris is now a practicing attorney here in Washington and teaching at American University. Fred, let me ask you this: what is the New Populism and why do you feel it is relevant to America in the 1970's?

Mr. Harris. Well, we believe in a lot of the same kind of things that Huey Long believed in. We believe, for example, that there ought to be widespread private ownership of private capital in this country. Everybody ought to have a chance to own a part of the system, to be owners. We also believe that there ought to be a lot more competition in our economy, rather than more programs, more government regulations, more government subsidies. We believe that the market ought to be able to work better and can work better, as an alternative to more and bigger government. We also are against monopoly. We believe like William Jennings Bryan said that there ought not to be private monopolies. If there's going to be a monopoly, it ought to be a public monopoly. But primarily, we believe in the market.

Mr. Rarick. Well, does the New Populism then oppose the redistribution of the wealth?

Mr. Harris. No, we're for that, but that sounds a lot wilder than it is. Obviously, that's what we're up to with government—that is some kind of fair distribution of wealth and income and power. It's the whole idea. We think that the best way to do that is to enforce the present kind of laws that we have—for example, anti-trust laws. We're against monopoly profits. We're against these across-the-board wage and price controls that really haven't worked. The market would work a lot better, rather than trying to control the whole economy and set all prices and wages. Nobody is smart enough to be able to do that.

Mr. Rarick. You've been here in Congress and, of course, you're aware that many times we get gentlemen in Congress who have new theories for redistribution of the wealth. They always try to hide behind helping the poor man. And yet when these programs are proposed, many of the people who are in here lobbying for them certainly aren't poor people. The minute these programs get going, some of these strong men or wealthy powers get in control, and the whole theory of redistribution ends up meaning actually that the rich get richer and the poor get poorer.

Mr. Harris. With a lot of these programs, there's no question about that. I think, though, that it's really a shame that in the richest, most productive country in the world, most people who are working as hard as they can work are having a hard time buying groceries. That's just wrong, and I think there's a couple of reasons that are pretty obvious why that's so. One, we've got this awful inflation, a lot of it caused by monopoly power. And secondly, I think the government is taking too much out of the pockets of most of the working class people in this country. They're paying far too much of the bill and getting very little in return. My father's a very small farmer down in Southwestern Oklahoma, and he works as hard as a person can work. He's paying more than his share of the bills of the government. It's not enough just to have tax reform. I'm for that, and strongly for it. But, I think we also need some tax reduction for most of the taxpayers.

Mr. Rarick. We also find that many of the people retired today who can't even live on retirement are being forced into moonlighting and outside employment. Of course, Congress even increased the amount of earnings that the retired person now can make. From reading your book on the New Populism, Fred, is it safe to say then, that you don't agree with the old maxim that "what is good for General Motors, is good for America"?

Mr. Harris. No, I don't. I like the idea in America of the entrepreneur, somebody that can get in business, stay in business and make a living for himself and his family, or herself and her family. But what we've got now, today, is so much of the industries of the country, as with the automobile industry, are these huge giants that are bigger than the market. Remember, we used to have a lot of different kinds of automobiles and that was because the competitive system was working. Now, we've got three big giants that control about 90 percent of the automobile production in the country. They don't really compete on price, they don't compete on quality, and therefore, we've got a lot of Japanese making Datsuns and Toyotos and a lot of Germans making Volkswagens and Mercedes, that might be Americans making these cars, if we really had a competitive automobile industry here. The anti-trust laws are on the books, and we say we're against monopolies. What we'd like to do, those of us who call ourselves New Populists today, is to see the anti-trust laws enforced so that we could have real free enterprise again.

Mr. Rarick. Fred, I notice that in your book you have one chapter entitled, "The Money Changers Own the Temple." And in it, you mention my bill H.R. 119, which I introduced to provide for public ownership of the Federal Reserve Banking System. I dare say that the average American doesn't even realize that a private, independent corporation, not Congress, actually is in control of the flow of the money and the development of the credit in our country. How would your theories of New Populism answer this question of the money monopoly?

Mr. Harris. Well, that's one of the prime reasons, Congressman Rarick, I wanted to come on your program, because I really think you're on the right track, in regard to public ownership of the Federal Reserve Bank. I agree with you; I don't think most people know how money is created or how it's circulated. We know it's there. That's about all I used to know. We get a dollar bill; we can spend it. We didn't know where it came from, or who put it out or printed it. Well the Federal Reserve Bank is a monopoly. And it ought to be a public monopoly instead of a private monopoly. They make all sorts of decisions that affect every one of us about how much money supply there should be, about what the interest rates will be, and so forth. Now, interest rates have gone out of sight. And it is just wrong to allow people to do that privately, to affect the money of the whole country, when their own personal interests are very often deeply involved with what they do. That's why I think you're on the right track with the idea that that ought to be something the government does, the control of our money.

Mr. Rarick. Well of course, it's interesting that the Founding Fathers placed the responsibility and the authority to adjust any credit or any flow of money in Congress.

It's amazing to hear some of the opposition. When people say they don't want Congress to control the money flow, I usually reply, "Well, why not?" And they say, "We don't trust politicians." I say, "Oh, you trust bankers who are not responsible to the people?" I doubt if there are ten members of the entire Congress and Senate of the United States who even know who the members of the Federal Reserve Banking System are. These people have to file no disclosures of outside income; they have no kind of written ethics code. The American people demand this much of their political leaders. We have to live in a goldfish bowl. The bankers who regulate all the wealth of the country don't stand for reelection every two years.

Something must be wrong, because the system isn't working. We still have rampant inflation. They're apparently not regulating to help the average man. You see this from

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a Populist viewpoint, but it even goes back to provisions in our Constitution.

Mr. Harris. When I used to serve on the Senate Finance Committee, we'd have these bankers come in before us and almost say, "Don't throw us in the briar patch." They'd say, "I hope you folks don't force us to have to raise the interest rates so high again to save the country." I was talking to a fellow the other day. I happen to like him; he's a friend of mine and is president of a huge life insurance company. I was asking him what he thought was going to happen to the economy. And he said he was not very optimistic. In consequence of that, he said while normally they keep on hand one hundred fifty million dollars in cash, they've now run that up to four hundred fifty million in cash, which they're investing in 90-day notes at nine percent plus interest. Now, you can't tell me they're hurt by high interest rates. It's just about like my old daddy used to say, "If you've got money, you can make money." That's particularly true if these bankers run these interest rates up. Whereas, folks that are having to buy washers and dryers, cars or homes are paying an enormous penalty because we don't have real control over the Federal Reserve Board.

Mr. Rarick. People get mad at local bankers not realizing that the controls are coming from the Federal Reserve Banking System.

Mr. Harris. That's right. They have to get their money somewhere.

Mr. Rarick. But, the local banker is about as frustrated as he can be. You are aware that the Banking and Currency Committee of the House has come out with a bill to audit the Federal Reserve Banking System. And many people have been amazed to find out the Congress of the United States has never audited the Federal Reserve Banking System in all these years.

Mr. Harris. That's really a strange thing to me. I wonder how we got into that kind of situation. You know, I served in the Senate for eight years, and I didn't know enough about it. It's a complicated subject, and folks don't understand it out in the country and most of us in the Congress don't know as much as we ought to. I really like the idea of auditing the Federal Reserve Bank regularly. Anything we can do to learn a little more of what's going on will be helpful and might lead the way toward government ownership of the Federal Reserve Bank.

Mr. Rarick. Well, I suggest that we need an investigation with the depth of the Watergate probe into the operation of the Federal Reserve Banking System. Maybe then the common man and the working masses of America would really know what is happening to their dollar.

Mr. Harris. I agree with that.

Mr. Rarick. Well, Senator Harris, we're very happy to have had you on the show. Your book, The New Populism, certainly presents new, and different views—refreshing views to what our people are now hearing. I'm certain that many of our people will be interested in following your efforts and your new program. We certainly appreicate your chance to be with us and share your views today.

Mr. Harris. Thank you.

MORTGAGE MONEY PROBLEMS CONTINUE

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. HANNA. Mr. Speaker, on July 20, I warned that the July 5th decision of the Federal Reserve Board and the Federal Home Loan Bank Board would wreak havoc in the homebuilding industry. I was especially concerned that the creation of the "wild card" certificate of deposit would either drain savings and loans or would cause an unacceptable increase in interest rates on home mortgages.

The Congress quickly responded to the unsatisfactory results of the experiment with the "wild card" certificate by recently enacting Senate Joint Resolution 160 which requires the relevant regulatory agencies to set ceilings on 4-year, $1,000 minimum certificates. On October 17, acting pursuant to this legislative mandate, the Committee on Interest and Dividends, with the Federal Home Loan Bank Board dissenting, set ceilings on the "wild card" of 7½ percent for thrift institutions and 7¼ percent for commercial banks and, at the same time, removed the 5 percent-of-savings restriction on the certificates.

Mr. Speaker, these new ceilings are too high to correct the problems which Congress intended to correct and, as such, are not in keeping with congressional intent. The entire history of the change in rate ceilings since July 5 reflects a desire on the part of the financial regulatory agencies to reduce disintermediation and stabilize mortgage flows. But the history of the effects of their decision has been precisely the reverse. It is my strong feeling that the CID's October 17 decision will continue into the future this misguided record of the recent past.

One of the problems Congress intended to correct with Senate Joint Resolution 160 was a situation where thrift institutions held a considerable amount of deposit accounts at yields which would require the institutions in turn to give mortgages at unacceptably high interest rates. But that condition continues uncorrected by the CID's October 17 decision. In order just to break even on 8½ percent VA or FHA loans, for example, financial institutions can afford to pay no more than 6¾ percent on deposit accounts. Therefore, what the 7½ percent ceiling on thrift CD's means is that thrift institutions face the unhappy choice of either relending significant portions of their portfolios at above 9 percent—where homebuyer resistance is high—or risking significant outflows of savings to commercial banks. That was the situation before October 17, and that is still the situation today.

Another of the problems intended to be addressed by Senate Joint Resolution 160 was to lessen the tight grip which high interest rates have placed on the availability of mortgage money. But that problem also will continue to exist despite the CID's October 17 decision pursuant to Senate Joint Resolution 160. In light of the fact that the loan portfolios of savings and loans rarely exceed 7.2 percent, it is doubtful that thrift institutions will be able to compete with commercial banks for these long-term consumer deposits by taking full advantage of the one-fourth of 1 percent rate differential. If that is so, long-term depositors are likely to make their deposits in commercial banks—here high turnover short-term loans make it feasible to give higher yields on deposit accounts. With approximately $20 billion worth of CD's coming due this quarter, it is clear that there will be an inadequate flow of capital into those financial institutions specializing in home mortgages.

In short, Mr. Speaker, the problems which were addressed by the Congress in Senate Joint Resolution 160 have apparently been ignored by the Committee on Interest and Dividends in its October 17 decision. If the results of the October 17 decision fail to correct the problems created by the July 5 decision, yet stronger congressional action may be in order.

I wish to insert in the Record, for my colleagues' attention, a series of telegrams which describe the problems now being faced by thrift institutions throughout the country:

Beverly Hills, Calif.,
October 25, 1973.

Congressman Richard T. Hanna,
House of Representatives,
Washington, D.C.

The July 5 "wild card" was destructive to home financing resulting in New York commercial banks offering up to 10 percent on $1,000 accounts obviously not to be used to finance home ownership.

The proposed ceiling of 7.5 percent compounded daily on $1,000 savings accounts which amounts to 7.79 percent per annum means eventual disaster to all financing for home ownership. The $1,000 minimum at 6.75 percent which compounded daily amounts to 6.98 percent is as high as any financial institution can pay to break even on VA or FHA loans at 8½ percent. There is strong public opposition to 8½ percent for home loans and home building and real estate sales are gradually coming to a full stop at 6.98 percent interest cost and overhead of approximately 1½ percent. There is little or nothing left for reserves on 8½ percent mortgages so how can 7.79 percent be economically sound for $1,000 savings accounts to provide funds for home ownership? Immediate action should be taken to entirely eliminate the $1,000 4-year proposal costing 7.79 percent which is economically unsound for home financing.

S. Mark Taper,
President, American Saving and Loan Association.

Glendale, Calif.,
October 18, 1973.

Congressman Richard Hanna,
Rayburn House Office Building,
Washington, D.C.:

The action taken by the Treasury Federal Reserve and Federal Home Loan Bank Board yesterday appears to once again thwart the wishes and directives of Congress. As we understand the intent of Senate Joint Resolution 160 passed by both Houses and signed by the President on the 15th this was to reduce competition for funds and encourage additional flows of money into the housing market. The net effect of current action is to increase interest rates to home owners. The savings and loan industry in order to pay these new rates would have to charge on the order of 9 percent on real estate loans to enable them to continue in business. May Congress now reconsider Joint Resolution 160 and make its desires more emphatic to the C.I.D.

D. A. Clarke,
President, Glendale Federal Savings and Loan Association.

San Mateo, Calif.,
October 19, 1973.

The new wild card rate controls of maximum 7½ percent for Savings and Loan Associations and 7¼ percent for commercial banks is too high and appears to ignore and violate the intent of Congress, as expressed in JR160. The rates and rate differential announced will not assist or improve home mortgage situation, but does illustrate the apparent attempt of Treasury, FDIC, and Federal Reserve Board to set rates that penalize Savings and Loans and aid commercial banks.

California Savings and Loan Associations' average mortgage loan portfolio yield is 7.2 percent. Obviously, we cannot afford Savings rates as announced, or compete with commercial banks. The Savings and Loans in balance of country have loan portfolio yield of less than 7.2 percent. I urge passage of bill which would require concurrence on rates by the four federal financial agencies involved. It has become obvious that Congress and the country cannot depend upon the three commercial bank-controlled federal agencies to reflect the view of Congress in terms of public need for housing rather than promoting profit for commercial banks.

It is also apparent we urgently need passage of Senator Hubert Humphrey's bill S2454, to establish savings rate ceiling of 6¾ percent, with sufficient differential between commercial banks and Savings and Loan Associations to ensure an adequate flow of funds to the mortgage market.

Request your immediate support and appropriate action.

Milo J. D'Anjou,
President, West Coast Federal Savings.

Glendale, Calif., *October 18, 1973.*

Hon. Richard Hanna,
House Office Building,
Washington, D.C.:

The Committee on Interest and Dividends has again thwarted the intent of Congress in the new rates that they have just passed for banks and savings and loans.

The Fed continues to carry on a rate war against the savings and loans. Until there is agreement of rates rather than a 3 to 1 vote, the savings and loans and as a result, housing, will never get an even break.

The saving and loan industry cannot pay 7½ percent as a rate. There are not more than a few associations that have a portfolio yield that even reaches 7½ percent. Hence, the future safety and viability of our industry is in jeopardy.

Congress should act now to have the CID set reasonable, fair rates.

R. D. Edwards,
Chairman of the Board, Glendale Federal Savings.

San Francisco, Calif., *October 17, 1973.*

Congressman Richard T. Hanna,
House Office Building,
Capitol Hill, D.C.:

The new "wild card" rate controls announced by the Federal financial agencies today appear to be a direct rebuff of the intent of Congress as expressed in J.R. 160. The rates and rate differentials announced today will not assist the present dreadful home mortgage situation, and illustrate the intent of the Treasury and the Federal Reserve to set rates that penalize savings and loans and aid commercial banks.

I urge passage of an amendment to J.R. 160 which requires concurrence—repeat concurrence—on rates by the four Federal financial agencies involved. It is obvious that Congress and the country cannot depend upon the three commercial bank-controlled Federal agencies to fairly reflect the view of Congress and to allocate savings flow in terms of public need rather than private profit.

Anthony M. Frank,
Chief Executive, Citizens Savings.

DR. KONSTANTIN FRANK AND THE WINES OF THE VINIFERA WINE CELLARS

HON. LESTER L. WOLFF

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. WOLFF. Mr. Speaker, a few weeks ago, I challenged the California delegation to back the Oakland Athletics in the world's series against the New York Mets. Well, unfortunately, I lost that bet, and last night the New York delegation joined with the California delegation to pay off the wager with some New York State wines.

We were lucky enough to be tasting the wines of Dr. Konstantin Frank, wines which, according to the experts, are among the finest produced in the United States. Dr. Frank drove to Washington from Hammondsport, N.Y., near Elmira, in the western part of New York State in order to deliver and serve his wines to us personally.

Dr. Frank mentioned that "Americans are behind the moon" in understanding and appreciating fine wines. Perhaps he is right, but I do know that each of us who were fortunate enough to attend the wine tasting last night realized that we were drinking a superb product.

I want to thank Dr. Frank in behalf of the members of the New York and California delegations who participated in the wager—for driving down here with his student, Brother David of the Benedictine Brothers of Indiana, and for being so kind as to allow us to sample his wines.

In Dr. Frank's honor, I would like to include at this point in the Record an article from Holiday magazine, written in May 1968, after he had been operating on his own for only 5 years. It was certainly my honor and privilege to be his host here in Washington.

The article follows:

New York Wines Come of Age

(By William Clifford)

"Except for a couple of serviceable champagnes, nobody I know would be caught dead with a bottle of New York State wine in his cellar." The man who said this to me was a connoisseur with several thousand bottles of good wines in his cellar—enough so that he will very likely die with many of them still there. And he was expressing the common knowledge that New York wines are marked with the taste of wild grapes, grapes that once grew so profusely all over the eastern part of America that Leif Ericson named it Vinland. Many connoisseurs assert that all New York wines have always had this taste and always will. I am pleased to report that these connoisseurs are wrong.

I won't be surprised if a few people question this statement. By and large, the wines that have been made by many individuals in the East for some three hundred years, and in New York by large commercial wineries for more than a century, do not taste much like any other wines on earth. This has little to do with the soil or the climate or the way of making the wine; it has much to do with the varieties of grapes. There is a long record of failure to grow European wine grapes in the Eastern United States. And there is an equally long record of unfounded claims of indigenous excellence. A colonial governor was so impressed by the quantity of wild grapes that he conceived a plan for America to become the world's major wine producer. This hasn't happened yet, and it doesn't seem likely to happen, if only because Russia is currently making a much stronger bid than ours to overtake France and Italy.

More than a century ago Nicholas Longworth was selling his Cincinnati-made Sparkling Catawba in the urban centers of the East, and he even sent some cases of it to England. An accomplished showman as well as an honest wine maker, Longworth once claimed indignantly that when people ordered his wine at certain New York hotels they were served inferior French champagne in its place. And our agrarian-epicure President, Thomas Jefferson, had some years earlier written to a friend that his—the friend's—American-made red wine equaled any Chambertin. This was before the Concord grape had been hybridized, or the Isabella (which was bred at Flushing, Long Island), or Longworth's favorite, the Catawba, to which Henry Wadsworth Longfellow wrote the following lines (actually a thank-you note to Longworth for a gift of his wine):

> Very good in its way
> Is the Verzenay,
> Or the Sillery, soft and creamy;
> But Catawba wine
> Has a taste more divine,
> More dulcet, delicious, and dreamy.

But the wine that Jefferson praised must have carried the heavy stamp of all wild American grapes, the pervasive taste that wine people refer to as grapy or foxy. (The French call it *goût sauvage*.)

Last year, when the *Foreign Service Journal* asked Ambassador David Bruce to name the ten greatest wines in the world, it received a list of ten French and German wines—naturally enough. It also received cries of outrage from wine growers and congressmen in California and New York. How could a senior American diplomat commit such a *gaffe*, at a time when the State Department was promoting American wines abroad? Yet had the ambassador, a recognized connoisseur, included a California wine, American epicures might have been surprised and even distressed, because his choice would certainly have been a premium varietal of very small production, almost unobtainable by the general public. Had he included a New York wine, sophisticated wine drinkers might have fainted from shock.

Nonetheless, what I have to report is the recent production in New York State of wine that comes close to meriting a place on his list. After a century of crushing Concords and Catawbas, blending some good champagnes (New York makes more than half our sparkling wines, though California makes 85 percent of all American wines), making popular fortified and dessert wines, and last of all the odd-tasting table wines, New York has now suddenly produced fine dry table wines without a trace of the foxy flavor. They are wines that compare favorably with the well-known Rieslings of the Rhine and the superb Pinot Chardonnays of Burgundy.

To a considerable degree, this is the accomplishment of Dr. Konstantin Frank.

Born of German parents in the Ukraine on the Fourth of July, 1899, Doctor Frank immigrated to America in 1951, following eight years of agriculture and viticulture in Austria and Bavaria. Before the War he had been in charge of large vineyards in the Ukraine, where he supervised the planting of 2,000 acres of Rieslings and other fine wine grapes. His academic degree in agriculture comes from Odessa, where Lysenko was one of his professors.

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Like many another immigrant, Doctor Frank arrived in America broke and without a job. Finding life in a slum under the Brooklyn Bridge intolerable, he bought a one-way ticket to Geneva, New York, where the state's Agricultural Experiment Station is located. There he knocked on the door, described his previous experience with grapes, and requested a job. He was given menial work, which he performed for two years. Then his talents came to the attention of Charles Fournier, the head of one of the nearby Hammondsport wineries, who hired him as director of vineyard research for Gold Seal. Fournier had himself been an immigrant, though in different circumstances, from Reims, France, in 1934.

During his decade with Gold Seal, Doctor Frank experimented with many grape varieties, root stocks and soils. New York's winters are much colder than the winters in the vineyard areas of western Europe, but he was already familiar with the subzero temperatures of the Ukraine. And he knew that wine grapes benefit from a certain amount of cold, that in most wine districts of the Northern Hemisphere the best wines are made from the grapes growing the farthest north. This was a factor in favor of New York. And native American roots had adjusted to the climate and developed resistance to pests and disease. The soils proved favorable too. It was the grape varieties, the buds he grafted into native roots, that constituted Doctor Frank's daring area of experimentation.

In common with many other fruits, grapes are not generally grown from seeds, which would result in throwbacks to undesirable hereditary characteristics, but from grafts of the finest specimens onto suitable roots. The buds Doctor Frank determined to grow were all of the European Vinifera family, the grapes that had defeated attempts to grow them in the Eastern United States for three centuries. The men who remember him at Geneva say he has a green thumb. He also has scientific knowledge, practical experience, unlimited energy and dogged determination. He personally grafted more than 250,000 buds of European wine grapes onto American roots for Gold Seal, planted these grafts in various soils, watched them grow (the ones that *did*—naturally, there were failures), harvested the grapes and made the wines. He made wines that tasted not at all like the foxy New York State products of the past, but like the fine wines Europeans make from these same grapes.

Gold Seal continues to produce Vinifera wines, though it is a very small part of the firm's business. Its premium champagne, Charles Fournier Brut, takes much of its production of Pinot Chardonnay (one of the three legally authorized grapes in French champagne, and one of two that account for all *blanc de blancs* champagne); but if you can find a bottle of Gold Seal Pinot Chardonnay, or a bottle of Gold Seal Johannisberg Riesling *Spätlese*, you will have a good wine.

Five years ago Doctor Frank left Gold Seal to toil full time in his own vineyards. By then he owned more than a hundred acres of good land (forty-seven planted in about twelve varieties of the best grapes, with a heavy concentration of Rieslings), plus a sturdy brick house equipped with laboratory and library, a winery, and a cellar that represented his chief cash investment. Each year he has grown grapes with the zeal of the missionary and made wines with the care of the perfectionist. His own wines—labeled Dr. Konstantin Frank, Vinifera Wine Cellars—have been on the market since late 1965. The distribution has been limited, but any retailer or individual whose state laws allow it can order direct from him in Hammondsport. His wines cost more than all other New York table wines and most of California's, and serious wine drinkers may resist buying them both because they can't believe he has eliminated the foxy taste and because they thnk they can buy something better from Europe at the same price.

But those who have drunk his Pinot Chardonnay, or his Johannisberg Riesling *Spätlese* (all his Riesling is *Spätlese*, which means left late on the vine, and it's also *Natur*, undoctored with sugar), or his Gewürztraminer, have been astonished. These are his big three, and each has been sold in two or three vintages so far—1962, 1963 or 1964. He also makes a sweet fortified dessert wine, a superb Muscat Ottonel; and finally, in minuscule quantity, mainly to prove that you can do anything in America, he has made a *Trockenbeerenauslese* Riesling. Traditionally the world's most expensive wine, *Trockenbeerenauslese* is pressed from dry raisin-like grapes of the Rhineland that are picked one by one (only the driest single grapes out of the clusters) very late in the fall. They yield only a trickle of juice, but what there is ferments into the nectar of the gods—or of the Germans who willingly pay $30 and more a bottle when their wine makers are able to produce it. Doctor Frank charges $45 for his, and he is selling some at that price. The Commonwealth Club of Richmond, Virginia, ordered a second case when several of its members discovered how much they liked it.

Other Vinifera Wine Cellars prices are less astronomical. The 1964 Riesling retails for $3, and while that may seem expensive for a New York State wine, I am unable to find a German Riesling of equal quality at that price. I find that you have to pay closer to $5 for imported wines in the same class, and even then you are not so sure of getting honest wines as you are when you buy one of Doctor Frank's.

His Pinot Chardonnay, Gewürztraminer and Muscat Ottonel cost a dollar more than the Riesling, not because they are better but because he has less of them to sell. Each is well worth its price. During the past two years he has invited and conducted many blind tastings and open comparisons, but his wines have so often come out on top that it doesn't seem like much of a contest any more. Only his red wines (in small experimental production) fail to win universal favor, which seems to indicate that New York's Finger Lakes region is better suited to white wines, as is the Rhineland.

While this development in New York State wines might not have occurred—at least not in our time—without Doctor Frank, it also might not have occurred without the broad foundation of American wine production and the recent change in our cultural climate. Year by year we are growing more sophisticated in the arts of good living, including wine drinking. French-born restaurateur Roger Chauveron (original owner of New York's Cafe Chambord and for the past decade of the Café Chauveron) says that America now has more gourmets than France. Conceivably M. Chauveron wishes to flatter his distinguished clientele, but there are ways to substantiate his claim. Commenting on the scarcity of good bottles on the wine lists of ordinary restaurants in France, a wine buyer told a friend of mine, "Today France has the dollars but America has the wines." What does it profit a man to become rich, if in so doing he diminishes the good things money can buy?

With our growing national sophistication we have produced more wine connoisseurs, more people who buy the expensive wines of Europe, and more plain wine drinkers who appreciate an improvement in what goes into the two-dollar bottle or the gallon jug. We have hundreds of major private cellars and thousands of smaller ones. One estimate suggests there are three million of us who drink at least a couple of bottles of wine a month. Much of this is inferior, but it may lead to a taste for better wines.

"Have you tasted So-and-so's new rosé?" I asked a restaurant owner, naming a domestic brand.

"*That*," he replied, "that isn't even a wine." I was reminded of a *sommelier* in France who once said something similar to a friend who asked his opinion of *vin rosé:* "Monsieur, a rosé may be a very good *drink*, but it is not a *wine*." Both these men were condemning a type of wine that connoisseurs usually hold in low esteem, but that is nonetheless very popular. If this steps on your toes, I hope you will hobble on drinking what you like. That bottle of excellent Tavel you drank on a hot summer day in Aix, the Bandol in Saint-Tropez, the Bellet in Nice—if you can evoke the pleasure of their discovery by drinking them again and again, why not? By all means drink what suits your palate, but please keep it receptive. The palate can be educated much as the eye or ear. A California Grenache rosé (such as Beaulieu or Cresta Blanca) or Gamay rosé (Christian Brothers, Robert Bondavi) makes an excellent all-purpose drink.

The other part of the climate of readiness in which the remarkable new wines have appeared in New York State is that complex of ferment in Hammondsport. About the time Nicholas Longworth found his way from Pittsburgh down the Ohio River to Cincinnati, the New York wine industry got its humble start in the rectory garden of Hammondsport's Episcopal Church. The Reverend William Bostwick had brought the vines there from his previous parish in the Hudson River Valley. They were native American grapes and they flourished. Other citizens of the town soon had vineyards on the sloping shores of Lake Keuka, and in the 1860's two of the great wine companies of today were born, Great Western (the company name is actually Pleasant Valley) and Gold Seal (then called Urbana). Both gave priority to champagne, which is still their first order of business a century later. Both Great Western and Gold Seal make full lines of sparkling and still wines, and both have exeprienced with new types of grapes.

The other two major New York companies, Taylor and Widmer, both got their start about a generation later, Taylor also at Hammondsport, and Widmer at Naples, on neighboring Lake Canadaigua. The Swiss-descended William Widmer has a private cellar of the family's varietals going back to the 1890's. and the company sells wines made from such native American grapes as Catawba, Delaware, Moore's Diamond, Diana, Dutchess, Elvira, Niagara, Salem and Vergennes (all white wines), and Isabella (red). Widmer does not emphasize champagne, but has instead concentrated on fortified wines. Its sherry ages in barrels on the roof, exposed to summer sun and winter cold, pleasing the eye of the tourist, who often takes this for a *solera*, if he has heard of the Spanish way of aging sherry. Widmer does not keep blending new sherries with old ones as the Spanish do, so that there is always some wine in every barrel dating back to the year the *solera* was set up. (One of these true *soleras* has just been set up at Great Western.) Widmer has also many years' experience with *Spätlese* wines, but made from the Missouri Riesling (an American variety), not from the Johannisberg Riesling of the Vinifera family.

The Taylor family has probably played the most influential role of all in the development of the New York State wine industry. A rural wine museum has just been opened in the old wooden building that housed Taylor's first winery, high above Lake Keuka, several miles from the great modern winery, offices and warehouse that are wonders of technical efficiency. The museum is the brain child of Walter S. Taylor, who works with his father, Greyton H. Taylor, in the management of Great Western. The Taylor Wine Company bought Great Western several years ago, but it runs as an independent subsidiary. Taylor and Great Western wines compete with each other in the market, and they are made differently from each other. Still, there is sometimes a tendency to think of the two companies as one, even within the family. "We are the third biggest champagne producers in the world," a Great Western executive told me, and his "we" meant Taylor and Great Western combined. (Incidentally, the two bigger producers are Moët & Chandon in France and Henkell in Germany.)

Whether or not other grape growers and wine makers can duplicate Doctor Frank's achievement is a vital question for the future of Viniferas. The powers at Hammondsport agree that he is bringing new prestige to the New York wine industry, but they aren't entirely comfortable with it. They aren't sure they should change over to his kind of wine making, or that they can. Some of them, together with some of the men at Geneva, seem to consider him more an egotist than a scientist. But as one man admitted to me, "If he didn't have a strong ego, he wouldn't have survived. He knows he's achieved what nobody else was able to do, what we all said couldn't be done."

This is the background against which Doctor Frank says, defiantly and proudly: "Taste my wines. Compare them with European wines. Mine are better. America can do everything bigger and better. In forty-five years I was never so successful in Europe. The vines are so big and strong in this great country that I can plant only 600 of them to an acre. In Europe, 1,800 and even more. Here we pick grapes from new vines after two years. In Europe, five."

The problems are that it requires knowledge and care to grow Viniferas and that the yield is low, necessitating a higher price for the grapes.

Whatever the outcome—whether a generation from now there are Rieslings growing in twenty or thirty states (as Doctor Frank believes there will be, and I hope he is right), or whether the commercial wineries aren't going anywhere except on down the Concord-Catawba trail—there's no denying the real accomplishment of the past few years. Serious wine drinkers can no longer ignore or disdain New York wines. An American ambassador who follows Washington's directive and offers his guest a glass of New York Isabella may not himself know or like what he's drinking. But if he then opens a bottle labeled New York State Pinot Chardonnay, he may get the surprise of his life. And if the guest happens to be a European in the wine business, *he* may even feel a chill. The patriotic Doctor Frank likes to point out that the money we spend importing European wines would provide jobs to support a city the size of Albany. He especially likes to point this out to officials in Albany the state capital who feel he ought to do more to support the New York wine industry.

A lot of rainwater has drained down the slopes of the world's vineyards since Noah planted his vines on Mount Ararat. And there have been many remarkable developments in the science and art of viticulture. But no innovation I am aware of has been more surprising than what has happened recently in New York. You are welcome to go and see (and taste) for yourself. Hammondsport is a pretty place to visit, and there's a glass of wine on the house waiting for you at the end of a guided tour at each of the major wineries. If you want a serious talk about Viniferas, there's also Doctor Frank, in his red-brick house overlooking his vineyards and the lake. Perhaps one day people will go on wine tours or pilgrimages to Hammondsport as they do to Bordeaux and Beaune, to Reims, Mainz and Jerez. If they do, I think there ought to be a plaque on the modest building of Vinifera Wine Cellars, saying that here was the home and laboratory of Dr. Konstantin Frank.

AMERICAN CORPORATE SUPPORT FOR EXPLOITATION OF BLACKS IN PORTUGUESE COLONIES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. RANGEL. Mr. Speaker, testimony before subcommittees of the Judiciary Committee and the Foreign Affairs Committee of the House of Representatives has unfolded tale after sordid tale of American corporate support for policies of racism and exploitation. In the Republic of South Africa and in the Portuguese-held colonies of Africa, American dollars are more than currency; they are rationalizations for profits and dividends at the expense of the lives and blood of black workers.

American firms which so proudly proclaim that they are "equal employment opportunity" companies in the United States seem to have no compunction about running the 20th century equivalent of plantations overseas with African workers as virtual slaves.

Our own Government has subsidized the South African system of apartheid in operating a NASA space tracking station in South Africa where there is open, undisguised discrimination against black employees. Fortunately, attempts in Congress over the past 2 years to bar the authorization of funds for maintaining this tracking station focused public attention on U.S. Government complicity in a racist facility. As a result of these attempts which I led, NASA has agreed to phase out our facilities in South Africa.

Corporate subsidization of discriminatory and barbaric political and economic systems continues, however. Pulitzer-prize winner Jack Anderson recently recounted the story of one stockholder's valiant fight to make Gulf Oil responsive to its unconscionable role in Angola. The Anderson column follows:

[From the New York Post, Oct. 20, 1973]

GULF, ANGOLA AND GRANDMA

(By JACK ANDERSON)

WASHINGTON.—In a world beset by war and Watergate, a determined grandmother has stood up to a powerful oil executive over Gulf Oil's practices in faraway Angola. The story, as it has unfolded in their private correspondence, is an American morality tale worth printing.

The grandmother, Elizabeth Jackman of Arcadia, Calif., a Gulf stockholder, read a newspaper story criticizing her company for supporting the Portuguese colonials against the oppressed blacks in Angola. She protested.

The executive, B. R. Dorsey, president of the multibillion-dollar corporation, heeded the voice from the crowd and tried to assuage her. She wound up going to Angola, a lone stockholder on a fact-finding mission, where Gulf promised she would see for herself the company's benevolence toward the blacks.

Her private crusade began in April, 1972, when she set aside her family duties long enough to fly to the Gulf stockholders' meeting in Pittsburgh. She had a question.

"Could not Gulf," she said politely, "be more responsive than it is to the needs of the Africans?" But the Gulf brass gave her the brush-off.

Bothered by this, she wrote an acidly civilized letter to the corporate boss himself. The stockholders' meeting, she complained, had been a "dismal joyless affair, lacking in taste, sensitivity and humor. I had believed that (it) would be an occasion for the exchange of ideas. I now recognize the extent of my naivete."

The Gulf executives, she wrote, were "sitting there like robots . . . clapping together (at) the same beat. I heard a beat from a different drummer. Why didn't Gulf . . . explore a more creative position in Angola? (It) brought out the Bella Abzug in me."

The earnestness of her appeal stirred the busy Gulf president. "I must begin by apologizing for (the meeting's) rigidity," Dorsey responsed. "I am sorry it seemed 'dismal and lacking in taste.' We must improve the way we conduct future meetings . . . I am . . . abashed."

As for her complaints about Angola, he invited her to see the Gulf operation there for herself at company expense. Mrs. Jackman accepted the invitation but insisted upon paying her own fare.

The obliging Dorsey personally ordered detailed briefing papers be sent to her. These showed that Gulf has a formidable $209 million investment in Angola. Black employment at the oil facilities, according to the company statistics, was up 10 percent is one year, with pensions and other programs above the Angolan average.

Loaded down with corporate materials, the determined grandmother flew off to "see for herself" the Gulf facilities in both Angola and Nigeria. She received the well wishes of Dorsey from his executive suite.

"This letter probably will arrive too late to have permitted me to wish you a safe and worthwhile trip to Africa,' he wrote, "but not too late to be welcoming you back and to ask you to share with me your reactions to your trip."

Upon her return, accordingly, Mrs. Jackson shared her reactions with Mr. Dorsey. "Gulf's Angolan efforts seem ludicrous and feeble," she wrote.

She had been impressed with Gulf's effort to assist the black government in Nigeria with the "transition from colonialism to self-determination." But she had found this approach "totally lacking" in Angola. "The one black" in the Angola Gulf management, she wrote, had been shipped out of town "apparently because of friction with the Portuguese staff."

She had been briefed by Gulf on how kind the Portuguese were to Angolan blacks. Instead, she had found laborers on a coffee planation kept behind barbed wire "in one-room dormitories . . . separated from their families, cooking the allotted food on open fires."

The few whites in Angola, in contrast, lived in a world of golf courses, swimming pools and luxurious homes with well-stocked liquor cabinets.

"Importing large American cars for the Gulf staff," she wrote Dorsey, seems quite unnecessary." The practice "fosters the idea of limitless American money . . . The big cars are locally dubbed 'swimming pools.' "

Some of Gulf's employes in Angola, she charged, regarded blacks with "the outmoded Southern USA . . . redneck attitude."

She called upon Gulf to support small black businesses, to seek increased black enrollment in farm and technical schools and to promote better understanding of black liberation efforts in Angola.

"The priority given to construction of clubs for the Gulf staff, mainly Europeans, puts an emphasis on importing a lifestyle com-

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pletely inappropriate to black Angola todsy," she wrote.

The disappointed Dorsey, however, didn't reply. Instead an aide, William Cox, who accompanied Mrs. Jackman on her African tour, wrote back that "we both saw the same things but interpreted them quite differently."

Saddened, the crusading grandmother sold her Gulf stock and joined a church-sponsored boycott of Gulf products.

Footnote: The dissident stockholder, nevertheless, had an impact on Gulf policies. Company officials have now recommended ending the use of large American cars in Angola, promoting greater black enrollment in technical schools and making more purchases from small black businesses.

PETITION TO HOUSE

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. DRINAN. Mr. Speaker, all of us are aware of the achievements of Nicholas Johnson, a distinguished Commissioner of the Federal Communications Commission. Mr. Johnson has taken the very bold and brave step of speaking out before the House of Representatives on the subject of an impeachment inquiry of the President of the United States. I am hopeful that my colleagues will read carefully Commissioner Johnson's petition to the House of Representatives regarding the impeachment of President Richard M. Nixon.

The petition follows:

A Petition to the House of Representatives Regarding the Impeachment of President Richard M. Nixon

From Federal Communications Commissioner Nicholas Johnson.

October 29, 1973.

In the course of history of men and nations there are times when citizens must take a stand.

The tumultuous, exciting experiment called the United States of America has brought a number of decision points to its citizens. The Declaration of Independence of our colonies from England was one of the first and hardest choices we had to make as a people. Each war—the Revolution, Civil War, World Wars I and II, the Southeast Asian War—has called for a personal commitment of support, or opposition, from each citizen. And so today, as we ponder the initiation of impeachment proceedings against our President, must each American man, woman—and, yes, even child—ponder the facts and issues as he or she is best able, and come to some judgment.

It is crucial to our decision that we understand what we are, and what we are not, called upon to judge at this time. A conviction following the impeachment of the President—this is, his removal from office, or not, based upon findings by the United States Senate as to his guilt or innocence of charges—is not the issue at this time. Presidents are no more beneath the protections of the law than they are above its prohibitions; President Nixon is entitled to the same presumption of "innocent-until-proven-guilty" as any other citizen.

No, the only question that is now before the American people—and it is they who are the ultimate actors in this drama—is whether the House of Representatives should send to the Senate for trial the allegations against the President regarding the constitutional grounds for impeachment: "treason, bribery or other high crimes and misdemeanors." To borrow an analogy from our more conventional court proceedings, we are not sitting as a jury deciding guilt or innocence; we are merely sitting as a grand jury, deciding whether or not to indict and bring to trial.

Prejudgments of guilt or innocence should no more frighten us into motionless inaction than should outrage propel us to judgment.

If ever there was a time to put aside partisan considerations, this is such a time. And I believe that, to the extent partisanship has been evident on these issues, it may have been evidenced in the reluctance of Congressional Democrats as much as Republicans. It is charged that some Democrats may have hesitated to act because the polls did not yet indicate majority support for a conviction of impeachment, that others may be fearful they will be charged with precipitate and partisan action, and that all are mindful of the political disadvantges of running a Democratic nominee against an incumbent Republican President in 1976.

I must admit that I am not free of fault on this score. Richard Nixon's political career has been a part of my consciousness for 25 years. During the course of his Presidency, I have detailed some of the offenses that we must now consider in evaluating the propriety of House hearings—his manipulation of the media, the role of big money, and the war in Camobdia.[1] The evidence regarding the conduct of President Nixon's 1972 Presidential campaign has been available to all of us for over a year. The uproar following the resignations and firings in the Department of Justice the weekend of October 20, 1973 was the moment of decisions for millions of Americans. Through all these events I have remained silent.

I can no longer.

As a Presidential appointee,[2] and currently active federal official, I recognize the seriousness of this action. But I also recognize the seriousness of continued silence, that "not to decide is to decide."

Accordingly, I am today sending a copy of this statement to members of the House of Representatives, urging them to support the prompt initiation of House proceedings regarding the allegations of impeachable conduct by President Richard M. Nixon. I am simultaneously urging those of my fellow citizens who share my views to write their Representatives.

It seems both appropriate and necessary that the reasons for my action be set forth.

It is with deliberation that this decision, and statement, have been delayed until the "resolution" of the tapes issue; because, in my view, the allegations compelling House action on Presidential impeachment are unaffected by the events and issues surrounding the tapes. And it has been my desire to present the case without the diversionary complications of that issue.

In the flashing headlines surrounding burglaries, buggings, bribery, and break-ins, the most serious allegations have often been shadowed or ignored. It seems to me useful to review them here.

War. President Nixon ordered a land invasion of the sovereign state of Cambodia by American troops in May 1970 without the Constitutionally-required approval of Congress, and in violation of Cambodia's neutrality, as recognized by principles of international law and the United Nations which the United States is pledged to support. Even prior to that time, he authorized a secret bombing war against Cambodia which was undisclosed and overtly misrepresented to the American people, the press, members of the Senate and House, and even the civilian officials of the Department of Defense.

Free Press. President Nixon has waged a systematic campaign against the news media, including, but not limited to, the subpoenaing of newsmen's notes and films, wiretapping of Washington correspondents, the unprecedented effort to enforce "prior restraint" of publication (the Pentagon Papers), the jailing of newsmen, fraudulent FBI investigations of newsmen (the Daniel Schorr case), frightening non-complaint neworks and stations with ominous recriminations (while promising economic protectionism for good behavior), attempting to control the lyrics of popular songs, and trying to influence the funding, programming, personnel, and administration of the Public Broadcasting Corporation.

Impoundment. The degree to which President Nixon has used the impoundment process to defy the authority of Congress to fund legislative programs is unprecedented—over $40 billion for health care, housing for the needy, assistance for children of working mothers, and the handicapped.

Electoral Interference. During President Nixon's 1972 campaign there were violations of federal law in the collection and illegal use of campaign funds; a list of "enemies" was compiled for purposes of harassment by the Internal Revenue Services; fraud, espionage, libel, burglary, wiretapping, extortion, false reporting, bribery, and perjury were designed to—and very probably did—have an impact (whether or not decisive) upon the outcome of that election.

Use of Government Property. Unanswered questions remain regarding the use of government funds to improve private homes in California and Florida—as well as the private financial and tax transactions involving the acquisition of those properties.

Invasion of Privacy. Widespread use of wiretapping (including the wiretapping of his own employees), the secret taping of his own conversations with others, the investigations and spying on private citizens, the maintenance of dossiers on civilians by the military, all indicate a less than full commitment to the letter and spirit of the privacy guarantees of the Fourth Amendment. The President's July 23, 1970 approval of the interdepartmental intelligence project (subsequently abandoned at FBI Director Hoover's insistence) and the 1971 creation of a special investigative unit ("the plumbers"), indicates an affirmative intention to violate such rights.

Legal Procedures. While Daniel Ellsberg was on trial, White House aides burglarized his psychiatrist's office for possible evidence, and discussed with the Judge presiding over that trial his possible Directorship of the FBI. In May 1971 over 13,000 people were arrested in a Washington dragnet, on direct orders of the White House, and in a manner subsequently found by the courts to have been unconstitutional. Having agreed to abide by a court ruling regarding his tapes, the President subsequently refused to either appeal from, or comply with, a lawful order of the Court of Appeals—a position from which he subsequently retreated. Grand juries have been urged to return politically motivated indictments.

Intelligence Independence. There is evidence that the President and his aides sought to subvert the independence of the FBI and CIA, using those agencies to serve their own illegal, personal, and political ends.

Bribery. The evidence is not yet fully compiled regarding the relationship between the $60 million that was collected for the President's 1972 campaign and every governmental decision that may have been influenced thereby. Sufficient facts have already come to light, however, to suggest that there were at least some instances in which "bribery" may have taken place for which the American people are now paying the high price of a government-ordered "inflation" of "regulated" prices.

Many of these items are, at this point, only allegations that may be proven to be false. They are, however, illustrative of the "treason, bribery, or other high crime and misdemeanors" referred to in Article II, Section 4 of the Constitution as grounds for impeachment.

It is precisely because of—and not in spite of—my patriotism that I believe these charges cannot be ignored. My childhood was not so different from that of Richard Nixon. I, too, made an early commitment to public life, to study and participate in government, politics, law and law enforcement. I, too, was active in student government from the time of my grade school years. I, too, have participated in party politics throughout my adult life (though in much lesser roles than he). I, too, keep a flag in my office, and can sing the national anthem with the best of them. I, too, have studied the lives of our great American leaders, and have had the privilege of feeling the personal influence and inspiration of some of them—in my case, men like Supreme Court Justice Hugo L. Black and President Lyndon B. Johnson. I, too, have served the federal government during the past decade.

And so I can say that it is precisely because I *do* love America, because I have a commitment to the genius of its idea that is sentimental as well as intellectual, personal as well as professional, pragmatic as well as idealistic, that I cannot sit by silently and watch its decline and fall.

Without a commitment to our Constitution, without a defense of our dream, without the inspiration of our ideals, America is nothing but another authorization industrialized state with rapacious rich and ravaged poor, freeways anf factories, and neon signs amongst the natural beauty.

We cannot say "politics has been ever thus." That is simply not true. The Presidents of my lifetime—Roosevelt, Truman, Eisenhower, Kennedy and Johnson—may not have been paragons of virtue in every aspect of their lives. But I take pride in the fact that the cumulative allegations against all of them combined do not equal in seriousness the significance of any one of the nine categories of charges I have itemized regarding President Nixon.

We owe it to those who look to us for leadership to assert unequivocally that the past few years have not been "business as usual" in the land of Jefferson and Lincoln, that the lamp of liberty still burns bright from the Statue of Liberty to the eternal flame in Arlington Cemetery. We owe it to the "huddled masses yearning to be free" who look to us from across the seas, we owe it to our children—before the sparkle of youthful hope and idealism turns forever to the hard, cold stare of cynical despair. And, not least of all, we owe it to ourselves—those of us in "the establishment," the opinion leaders, the captains of industry, the educators, the ministers, the officials—who, if we are to lead, must feel of ourselves that we are fit to lead.

For America never promised the world it would be perfect. We are a bustling, brawling, boisterous people. We have a history of more materialism than is good for us, and more wars than have been good for anybody. All we have ever guaranteed is that "all men are created equal" and that no one would be bored. And, with occasional backsliding, we've struggled to make good on those promises.

We never said our Presidents, judges, and legislators would be free of fault. Indeed, the genius of our system of government is that it quite candidly creates checks and balances to deal with fault. Our leaders are not figures descended from royalty, gods or angels who "can do no wrong." They are quite human, "of, by and for the people," with all the strengths and weaknesses of the other mortals they serve and represent.

Thus, the great shame of the actions leading to the charges against President Nixon has not yet come. That the charges have surfaced, that the press has reported them, that the Senate and courts have investigated them, should be a matter of greatest national pride. No, the great shame will come to our nation if, and only if, knowing the charges, the House of Representatives refuses to act.

And so I conclude as I began. It is not my judgment that the President should be convicted after a trial. Under our Constitution, it is the United States Senate that will hear that case and consider the question. And just as all American citizens now sit as an advisory panel to the House, so will we then all sit as judges with the Senate. The only issue before us now is whether the facte, charges, and allegations I have summarily outlined here are sufficient cause for the House to send the matter to the Senate. That they require such action seems to me clear beyond doubt—although I expressly reserve judgment on whether the President should be removed from office following his Senate trial.

It is encouraging and commendable that the House Judiciary Committee has begun hearings. I urge every Member to support the efforts of that Committee and to expedite the transmission of this case to the Senate, where it belongs.

Footnotes at end of article.

FOOTNOTES

[1] For example, "Government by Television: A Case Study, Perspectives and Proposals," Earth (March 1971), pp. 50–59, 92–93; "Subpoenas, Outtakes and Freedom of the Press: An Appeal to Media Management," reprinted as "Stations Are Standing By While News Is Threatened," Television/Radio Age (April 6, 1970), pp. 69, 114, 116, 118, 120, 124, 126, 128, 132; "Dear Vice President Agnew," The New York Times, Oct. 11, 1970, p. D–17; "The Power of the People and the Obligation to Dissent," Los Angeles Free Press (May 29, 1970), p. 15; "Evil Times and Great Wealth," speech delivered at the University of Northern Iowa, Cedar Falls, Iowa, Oct. 15, 1973.

[2] July 1, 1966, by then-President Lyndon B. Johnson, not President Nixon.

SPECIAL PRESIDENTIAL ELECTIONS

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. MOAKLEY. Mr. Speaker, I am today introducing legislation to provide for a special election if the President resigns or is impeached while the Vice-Presidency remains vacant.

Before explaining this legislation, its purpose and intent, I would like to offer a word of profound thanks to Prof. Raoul Berger of Harvard Law School who called attention to the possibility of special election several months ago. He is, perhaps, our Nation's foremost authority on the Constitution and certainly there would be no effort in this direction today without his generous assistance and wise counsel.

Today I am introducing a bill, identical—except for technical changes—to the bill introduced by Representative Egbert Benson—Federalist—New York—in the Second Congress. The Constitutional Convention had charged Congress with responsibility for providing for Presidential succession by statute. Representative Benson's legislation fulfilled that responsibility and implemented the intent of the Constitutional Convention by providing for an acting President to serve until the next general election when a new President and Vice President would be selected.

Professor Berger has thoroughly explored the constitutional history and concluded that the Founding Fathers required a special election if there was a vacancy in both offices.

This remained law for 94 years and was force when the only Presidential impeachment in our Nation's history took place.

In 1886 and 1947 this statute was changed and produced our present law of Presidential succession which provides for the Speaker to take office for the remainer of the term.

Our present Speaker, Carl Albert, is a Democrat, yet 60 percent of the American people voted for a Republican. One of our greatest concerns is that Congress could be charged with political maneuvering if the party in power was changed by impeachment yet it is clearly unthinkable that the President could be allowed to name his own successor if circumstances force us to remove him from office.

No matter what happens, this would be a traumatic event for our Nation. I think it behooves us in Congress to do all that we can to be certain that as little damage as possible is done to the fabric of this Nation by such an event. Obviously we cannot ignore the fact that our present sucession law violates the specific intent of the Founding Fathers and the implied language of clause 5.

A Vice President has resigned under pressure, the President himself continues to obstruct efforts to fully investigate wrongdoing in his administration and impeachment could yet become necessary. In that event can we ask our esteemed Speaker to take office under a succession law whose constitutionality could yet be challenged? I think we owe it to him and to the American people to be absolutely certain that the most perfect possible succession law is in effect.

For most of our history, a law almost identical to the one I am now introducing stood in faithful compliance to the intent set forth at the founding of this Republic. It provided that the choice of President would remain where it belonged—with the people.

This bill provides that, if the Presidency and Vice-Presidency should both become vacant, the Speaker would become acting President—with all the powers and responsibilities invested in that office—until a President was selected on the next election day.

If the election day were 60 days away or less when the second office became vacant, the selection would be made on election day of the following year.

There are some technical problems involved in conforming to the electoral college machinery but that is adequately handled in this legislation.

I have asked the Judiciary Committee to schedule hearings on this legislation. While many pressing matters are now in the hands of that distinguished committee, I think it is important that we have a proper succession machinery established before we vote on impeachment. I believe that this is a good bill which solves serious political and constitutional problems in the proper, democratic tradition.

But I am anxious to see thorough hearings at which the Judiciary Committee could hear the opinions of the best legal and constitutional minds in this country. Professor Berger and his Harvard colleague Prof. Paul Freund have both informed me that the concept of special elections lies on sound constitutional ground. If they and other experts offer improvements on this legislation, I for one would be more than happy to see the best thinking available to the Judiciary Committee used in preparing this legislation for enactment. I am anxious to see the Judiciary hear from the constitutional scholars of this country and this bill seems to me to be the best means of obtaining such hearings.

I therefore invite support for this legislation in a truly bipartisan spirit of returning the choice to the American people and present it to my colleagues for their careful consideration.

H.R. 11214

A bill to amend title 3 of the United States Code to provide for the order of succession in the case of a vacancy both in the office of Presdent and office of the Vice President, to provide for a special election procedure in the case of such vacancy, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 19 of title 3 United States Code is amended to read as follows:

"¶ 19. Vacancy in offices of both President and Vice President, officers eligible to act; special election

"(a) In any case of removal, death, resignation, or inability both of the President and the Vice President, the Speaker of the House of Representatives (or, in any case in which the office of the Speaker of the House of Representatives is vacant, the President pro tempore of the Senate of the United States) shall act as President until such inability is removed or a President is elected.

"(b)(1) In the case in which both the office of the President and the office of Vice President are vacant, the Secretary of State of the United States shall notify the chief executive officer of each State with respect to such vacancy.

"(2) Except as provided by paragraph (3), electors of the President shall be chosen in each State on the first Tuesday after the first Monday in November following the date of notification under paragraph (1).

"(3) If there are less than two months between the date of notification under paragraph (1) and the first Tuesday after the first Monday in November, and if the terms of the most recent President and Vice President does not expire on the twentieth day of January next succeeding the date of such notification, then the Secretary of State shall specify in such notification that electors of the President shall be chosen on the first Tuesday after the first Monday in November in the calendar year next succeeding the date of such notification.

"(4) The electors (appointed or) chosen under paragraph (2) or paragraph (3) shall meet and give their votes on the first Monday after the second Wednesday in December following their selection."

SEC. 2. The table of sections for chapter 1 of title 3, United States Code, is amended by striking out the item relating to section 19 and inserting in lieu thereof the following:

"19. Vacancy in offices of both President and Vice President; officers eligible to act: special election."

HOUSE OF REPRESENTATIVES—*Thursday, November 1, 1973*

The House met at 12 o'clock noon.

Rev. J. C. Odum, pastor, Long Avenue Baptist Church, Port St. Joe, Fla., offered the following prayer:

Almighty God, accept our grateful thanksgiving for the heritage of faith and freedom that is ours. We ask for Your blessings to continue upon our Nation. Help us to be true to those great ideals that have made our Nation great. We ask for providential guidance not only for our Nation, but for all nations and people of this world which You have created. Deliver us from all bitterness and misunderstanding.

Especially do we beseech Thee in behalf of those to whom You have committed the authority of Government. Grant unto them the wisdom of Your counsel in their work today. This we ask in the name of our Saviour and Lord, Jesus the Christ. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

THE REVEREND J. C. ODUM

(Mr. SIKES asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, the prayer in the House today was offered by the Reverend J. C. Odum, of the Long Avenue Baptist Church of Port St. Joe, Fla., in my congressional district. Reverend Odum has an enviable reputation for sound and constructive service in God's work over a period of many years.

Reverend and Mrs. Odum are visiting in the Nation's Capital with their son, Capt. David Odum of the Army, and their daughter-in-law and grandchildren. Reverend Odum's family are seated in the gallery at this time enjoying with us this special moment of dedication, which is always such an important part of the procedure of the Congress. I know the House joins me in a warm welcome to each of them.

DISCHARGING COMMITTEE ON THE JUDICIARY FROM FURTHER CONSIDERATION OF HOUSE RESOLUTION 634, INQUIRY PAPERS IN CUSTODY OF SPECIAL PROSECUTOR

Mr. McCLOSKEY. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from the further consideration of House Resolution 634 and that the resolution be laid upon the table.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. McCLOSKEY. Mr. Speaker, I have requested the discharge of the Judiciary Committee from further consideration of House Resolution 634 by reason of the order of Chief Judge Sirica dated October 26, 1973, in which he orders court custody of the documents and exhibits in the possession of the Watergate special prosecution force. A copy of that order is set forth in full:

[U.S. District Court for the District of Columbia]

IN RE INVESTIGATIONS BY JUNE 5, 1972, GRAND JURY AND AUGUST 13, 1973, GRAND JURY—MISCELLANEOUS NOS. 47–73 AND 108–73

ORDER

Upon consideration of the motion dated October 25, 1973, submitted on behalf of the grand juries pursuant to Rule 6 of the Federal Rules of Criminal Procedure and 28 U.S.C. 1651, it is by the Court hereby

Ordered:

1. The transcripts of testimony taken before the above-captioned grand juries, all reporters' notes of such testimony, all exhibits introduced before the grand juries, and all writings, memoranda, notes, and other files containing information derived from such testimony or exhibits or secured pursuant to grand jury subpena, and located within the office of the former Watergate Special Prosecution Force, 8th and 9th floors, 1425 K Street, NW., Washington, D.C., are declared to be in the custody of this Court.

2. The Administrator of the General Services Administration is directed to instruct all officers of the Federal Protective Service assigned to security functions at the above described offices of the foregoing provision and not to permit the removal of any transcripts, exhibits, memoranda, files, or other writings from those offices except in the possession of an attorney employed by the Watergate Special Prosecution Force as of the close of business on October 19, 1973. Except for personal papers, such attorneys may remove such materials only for the purpose of conducting legal proceedings, interviewing witnesses, or otherwise discharging their official duties. In addition, Henry E. Petersen, Assistant Attorney General in charge of the Criminal Division, may remove copies of such materials for the same purposes.

3. No materials shall be removed from the above described offices by any person unless a true and exact copy of all such materials is left in the customary file in those offices.

4. The provisions of this order shall remain in full force and effect pending further order of the Court, either on application of the movants, the Acting Attorney General, the Assistant Attorney General in charge of the Criminal Division, or upon the Court's own motion.

5. The United States Marshal for the District of Columbia is directed to serve forthwith certified copies of foregoing order and moving papers upon the Administrator of the General Services Administration, the Director of the Federal Bureau of Investigation, the Director of the United States Marshals

Service, or the Acting Assistant Attorney General for Administration, Department of Justice.

JOHN J. SIRICA,
Chief Judge.

THREE NORTH CAROLINIANS WHO HAVE STOOD UP TO BE COUNTED FOR THE BILL OF RIGHTS

(Mr. HENDERSON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.

Mr. HENDERSON. Mr. Speaker, on Thursday evening, October 18, 1973, a distinguished North Carolinian addressed the North Carolina Democratic Club of Washington, D.C.

He is Albert Coates, professor emeritus in the law school of the University of North Carolina and moving spirit behind North Carolina's Institute of Government.

The North Carolina Institute of Government is administered by the University at Chapel Hill and has become a model for other States to follow as a training facility for local government officials. Mayors and city fathers, county commissioners, law enforcement officers, and many others have received valuable training there. It has provided research and technical assistance to the North Carolina General Assembly.

Albert Coates is a modest man who would not boast of his own achievements, but he can rightfully take his place along with leaders like Dr. Frank Porter Graham and Senator Sam Ervin who have exemplified the spirit of the great University of North Carolina.

I want to share with my colleagues the following address delivered by Albert Coates to the North Carolina Democratic Club.

THREE NORTH CAROLINIANS WHO HAVE STOOD UP TO BE COUNTED FOR THE BILL OF RIGHTS—SAM SPENCER IN THE 1760'S; ZEB VANCE IN THE 1860'S; AND SAM ERVIN IN THE 1970'S

(By Albert Coates)

THREE NORTH CAROLINIANS AND THE BILL OF RIGHTS

I thank the leaders of the North Carolina Democratic Club in Washington for this opportunity to talk to you. There are many things I have wanted to say, and I cannot think of a better time and place to say them. I want to talk to you about the historic tradition of North Carolina and the Bill of Rights as we know it today.

If I had to pick out three North Carolinians who have stood up to be counted for the Bill of Rights at critical moments in our history, and limit the picking to three, I would pick out Sam Spencer of Anson County in the 1760's, Zeb Vance of Buncombe County in the 1860's, and Sam Ervin of Burke County in the 1960's. Let me tell you why.

Sam Spencer of Anson County

In 1788 in the Constitutional Convention in Hillsborough Courthouse:

Our rights are not safeguarded. There is no declaration of rights, to secure every member of society those unalienable rights, which ought not to be given up to any government. . . . I know it is said that what [power] is not given up to the United States will be retained by the individual states, I know it ought to be so, and should be understood; but, sir, it is not declared to be so . . . there ought to be something to confine the power of this government within its proper boundaries. . . . The government is proposed for individuals. The expression "We the People of the United States" shows that this government is intended for individuals. There ought therefore to be a Bill of Rights.

I. Sam Spencer

Who was Sam Spencer? He was born in Connecticut in 1738; graduated from Princeton University around 1758; moved to North Carolina and became Clerk of Court in Anson County in the 1760's.

The Rule of Law and the Bill of Rights got into the mind of Sam Spencer as he read and studied the Charter from the Crown in 1663, guaranteeing to settlers in the Province of Carolina, the rights and privileges of Englishmen living in England. As he learned that these rights and privileges had been spelled out in Magna Carta in 1215 and the Petition of Rights in 1628, and promised to "the freemen of England and their heirs forever." As he learned that they had been rearfirmed and expanded in the Declaration of Rights in 1689.

They became more than words to him in the 1760's, 70's, and 80's and got into his bloodstream as he saw the King and Parliament denying these elemental rights to North Carolinians—vetoing act after act of the Colonial Assembly in the growing conflict of interests between the Colony and the Crown. As he saw Cornelius Harnett lead five hundred angry citizens to the doors of the Governor's palace to protest against the Stamp Act. As he saw the Royal Governor flee the Colony to the protection of a British Warship in the Wilmington harbor in the 1770's. As he marched with the Anson County militia in the American Revolution and became their fighting colonel.

He stood up to be counted for them as a delegate to the Provincial Congress in North Carolina which drew up the Halifax Resolves, authorizing "the delegates for this colony in the Continental Congress to concur with the delegates of the other colonies in declaring independency."

The American historian, George Bancroft, wrote this about the Halifax Resolves: "The first voice for dissolving all connection with Great Britain came, not from the Puritans of New England, the Dutch of New York, or the planters of Virginia, but from the Scotch Presbyterians of North Carolina."

He stood up to be counted for them again as a delegate to the Convention which met at Halifax from November 12 to December 18, 1776, and wrote into the State's first Constitution the relevant rights and privileges of the people which had been spelled out in Magna Carta, the Petition of Right, and the Declaration of Rights.

To make assurance of these rights and privileges doubly sure, he was one of the delegates who added the provision: "That the Declaration of Rights is hereby declared to be part of the Constitution of this State and ought never to be violated on any pretence whatsoever.

He stood up to be counted for them again on the floor of the State Convention in Hillsborough Courthouse in 1788 as a delegate from Anson County, and refused to vote to ratify the United States Constitution, drafted in Philadelphia the year before, because it did not include a Bill of Rights, such as he had helped to write into the North Carolina Constitution in 1776.

Here is what he said in debate on the floor of the Convention in Hillsborough Courthouse:

"Our rights are not safeguarded. There is no declaration of rights, to secure every member of society those unalienable rights which ought not to be given up to any government. . . . I know it is said that what [power] is not given up to the United States will be retained by the individual states, I know it ought to be so, and should be understood; but, sir, it is not declared to be so . . . there ought to be something to confine the power of this government within its proper boundaries. . . . The government is proposed for individuals. . . . The expression "We the People of the United States" shows that this government is intended for individuals. There ought therefore to be a Bill of Rights."

He Foresaw

Sam Spencer did not share the view of James Madison and his associates, who believed the people could do no wrong, that the rights of the people were safe in the people's hands, and therefore did not need a Bill of Rights in the United States Constitution.

He foresaw the abuse and the dangers of raw power in *anybody's* hands. He foresaw the doctrine of Lord Acton that "All power corrupts and absolute power corrupts absolutely." And he might have had some sympathy for the latter day observation that it is "being out of power that corrupts absolutely."

He foresaw what we have lived to learn in the hundred and eight-six years from 1787 to 1973: That the commonwealth may be plundered by favorites of the people as well as by favorites of the King. That to the victor belong the spoils may be the slogan of elected office holders as well as hereditary rulers. That shades of the ancient spoilsmen may gather in the modern sheriff's eyes. That remnants of the divine right of kings may still crack down in a policeman's billy. That the aristocratic doctrine that some men are not as good as other men may be changed into the democratic doctrine that "every man is as good as every other man, and a damn sight better."

If he had lived a few years longer, he would have felt his foresight was vindicated when the General Assembly of North Carolina in 1807 tried to deny a seat to a duly elected member because he was a Jew, and this Jew saved his seat by invoking the provision of Sam Spencer had helped write into the Declaration of Rights guaranteeing to every citizen the "right to worship God according to the dictates of his own conscience."

So much for a thumbnail sketch of Sam Spencer of Anson County, how the Rule of Law and the Bill of Rights got into his mind and bloodstream, and why he stood up to be counted for them in North Carolina in the 1760's and thereafter.

Zeb Vance of Buncombe County

In 1862 in a letter to the President of the Confederacy on learning that forty citizens of North Carolina had been taken from their homes and put in prison without a hearing:

As Governor, it is my duty to see that the citizens of this state are protected in whatever rights pertain to them, and, if necessary, I will call out the State Militia to protect them and to uphold the principles of Anglo-Saxon liberty—trial by jury, liberty of speech, freedom of the press, the privileges of Parliament, habeas corpus, the right to petition and bear arms; subordination of military to civil authority; prohibition of *ex post facto laws.*

II. Zeb Vance

One hundred years later, in the 1860's, Zeb Vance stood up to be counted for the Rule of Law and the Bill of Rights in critical moments of its life in North Carolina.

Zeb Vance was born in Buncombe County in 1830, went to the University of North Carolina in 1850–51; practiced law; went to the State Legislature in 1852; went to the National Congress in 1854, at the age of twenty-eight; became Governor of North Carolina in 1862, at the age of thirty-two, while he was fighting in the Confederate Army; became Governor again from 1876 to 1878; went to the United States Senate in 1878, and stayed there until the 1890's.

The Rule of Law and the Bill of Rights got into Zeb Vance's mind while he was a

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student at the University of North Carolina in the 1840's. He took a course given by David Lowry Swain, President of the University, and described the catalogue in these words:

"A regular course of lectures is delivered on the History of Constitutional Law, presenting an analytical review in chronological order, of the Magna Carta of King John; the Petition of Right; the Charters of Carolina; the Fundamental Constitutions (by John Locke); the Habeas Corpus Act; the Bill of Rights; the Declaration of Independence; The Articles of Confederation; the Treaty of Peace with Great Britain, and the Constitution of the United States."

In later years Zeb Vance wrote this description of one of President Swain's lectures in this course:

"I entered the University in 1851 and joined the senior class as an irregular. The first lesson was in Constitutional Law. A single general question was asked and answered as to the subject in hand and from these, [he] went back to the men and the times when the great seminal principles of Anglo-Saxon liberty were eliminated from feudal chaos, and placed one by one as stones polished by the genius of the wise, and cemented by the blood of the brave, in the walls of the temple of human freedom. He told us of the eloquence of Burke, of the genius of Chatham; he took us into the prison of Eliot and went with us to the deathbed of Hampden; into the closet with Coke and Seargent Maynard; and to the Forum where Somers spoke."

If the Rule of Law and the Bill of Rights got into Zeb Vance's mind through his college course with David Lowry Swain, they got into his bloodstream in his fight against secession by the General Assembly of North Carolina in 1860 and 1861.

He stood up to be counted for them as Congressman in 1960. Glen Tucker tells the story of a statewide rally of the Whig forces in Salisbury in 1860 to proclaim to the world "their stand for the preservation of the Union." Zeb Vance, a thirty-year-old Congressman from western North Carolina, "little known to the leaders of North Carolina politics . . . was called to the platform. . . . Any sentiment for secession which might have prevailed in the large gathering was swept aside by the words which poured from this young man's lips, as he said: 'We fight for the Constitution, for the Union, and the Laws. We fight *within* the Constitution for the Union and the Laws. We will not be led off by seceders.' He went on to say that:

"If they [the people] choose to undo the work of their wise and heroic ancestors, if they choose to invite the carnage to saturate their soil and desolation to waste their fields, they cannot say their public servants precipitated them into it! The people must and should rule, but we must see to it that we do our duty in warning, instructing, and advising them."

Under this sort of leadership the people of North Carolina voted down even the suggestion that a convention be called to look into the advisability of secession. In his own words: "I was canvassing for the Union with all my strength. I was addressing a large and excited crowd . . . and literally had my arm extended upward in pleading for peace and the Union of our fathers when the telegraphic news was announced of the firing on Fort Sumter and the President's call for seventy-five thousand volunteers, and my arm fell slowly and reluctantly to the side of a secessionist."

He stood up to be counted for them again as Governor in 1862. Glen Tucker tells the story:

"General French moved into eastern North Carolina in the latter part of 1862 and officers under his command arrested forty citizens on the suspicion that they were disloyal and sent them to a military prison at Salisbury for safe keeping—without notice or a hearing."

Vance wrote to the President of the Confederacy in Richmond, saying that as Governor of North Carolina it was his duty to see that these citizens were protected in whatever rights pertained to them, and that if necessary, "he would issue a proclamation recalling the North Carolina soldiers from Virginia and call out the state militia to protect the liberty of its citizens" and to uphold "the principles of Anglo-Saxon liberty—trial by jury, liberty of speech, freedom of the press, the privileges of Parliament, the right to petition and bear arms; subordination of military to civil authority; prohibition of ex post facto laws."

"If, in short, the merest citizen in all the land cannot instantly command for his protection in the commonest, simplest personal right, the entire physical and moral weight of the Republic . . . then, indeed, it is no more entitled to your reverence and attachment than is the autocratic splendor of the Czar or the idle magnificence of the Grand Turk."

He advised President Davis to go slow in suspending the writ of habeas corpus, "before shocking all worshipers of the common law throughout the world by hounding freemen into sheriffless dungeons for opinion's sake."

He knew what Sir Edward Coke meant when, in the debates involving the Petition of Right in 1628, he said that "the greatest inheritance that a man hath is the liberty of his person, for all others are accessory to it."

He knew that the writ of habeas corpus was the protector of other rights in the Constitution, and while it was suspended in Northern states by President Lincoln, and in Southern States by President Davis, Zeb Vance refused to suspend it at any time in the state of North Carolina.

He stood up to be counted for them again on May 11, 1863, when he issued a proclamation to militia officers "not to arrest any man as a conscript or deserter who had been discharged under a writ of habeas corpus issued by a Supreme or Superior Court Judge of the State" and to "resist any such arrest by any person not authorized by the legal order or process of a court or judge having jurisdiction of such cases."

His Proudest Boast

In later years he said that the "proudest boast" of his governorship was that "the laws were heard amidst the roar of cannon. No man within the jurisdiction of North Carolina was denied the privilege of the writ of habeas corpus, the right of trial by jury, or the equal protection of the laws, as provided by our Constitution and the Bill of Rights."

Sam Spencer would have thrilled to this record.

So much for this thumbnail sketch of how the Rule of Law and the Bill of Rights got into the mind and bloodstream of Zeb Vance, and why he stood up to be counted for them in the 1860's.

Sam Ervin, of Burke County

In 1973, in a speech to the student body of the University of North Carolina at Chapel Hill:

So long as I have a mind to think, a tongue to speak, and a heart to love my country, I shall deny that the Constitution confers any arbitrary power on any President, or empowers any President to convert George Washington's America into Caesar's Rome.

III. Sam Ervin

A hundred years later, in the 1960's, Sam Ervin stood up to be counted for the Rule of Law and the Bill of Rights in critical moments in the history of the United States.

I have talked about Sam Spencer and Zeb Vance from a background of reading and research. I shall talk about Sam Ervin from a background of observation and experience. I have known him since college days at the University of North Carolina in 1914.

He was born in Morgantown, Burke County, North Carolina, in 1896; graduated from the public schools in 1913, and from the University of North Carolina in 1917; went from college campus to training camp and World War I in the spring of 1917; graduated from the Harvard Law School in 1922; began practicing law and went to the General Assembly of North Carolina in 1923; became judge of the Burke County Criminal Court in 1935; Judge of the Superior Court of North Carolina in 1937; Congressman in 1946; Justice of the Supreme Court of North Carolina in 1948; and United States Senator from North Carolina in 1954.

The Rule of Law and the Bill of Rights got into Sam Ervin's mind by way of his lawyer-father who put him to reading Blackstone's Commentaries on the Laws of England when he was fifteen years old, and by way of teachers in the University of North Carolina just before and after World War I.

In talking to the University faculty in Chapel Hill in the spring of 1973, here is what he said about Dr. de Roulhac Hamilton's course in American Constitutional History: "He made it plain that if one is to understand the fundamental principles of the Constitution he must know the history of the events which brought those principles into being. I cannot over magnify the benefits which I received from his instruction." Here is what he said about Dean Lucius Polk McGehee's course in Constitutional Law: "Dean McGehee was one of the greatest lawyers as well as one of the greatest scholars I have ever known, and he emphasized above all things the necessity of being thorough in one's studies and endeavors, and being completely honest intellectually. I cannot adequately express my appreciation of the aid which his instruction has given me through all the intervening years."

They become more than words to him as he sat in the assembly of students in Chapel Hill in the spring of 1917, when college seniors were leaving the campus for the training camp in World War I, and President Edward Kidder Graham called the roll of great landmarks in this history of liberty—Magna Carta, the Petition of Right, the English Declaration of Rights, the Declaration of Independence, the United States Constitution, and the First Ten Amendments, and said: "Young gentlemen these are not empty phrases. Cut them and they bleed."

He stood up to be counted for them in the 1950's in a speech on the floor of the United States Senate, involving a provision in the United States Constitution, saying, "that . . . for any speech or debate in either House [Senators and Representatives] shall not be questioned in any other place."

Senator Joseph McCarthy had been using this provision as a cloak of immunity from prosecution while he was smearing the reputations and characters of American citizens whom the Bill of Rights was designed to protect. Sam Ervin spoke in support of a Senate Resolution censuring Senator McCarthy for this abuse of a Senator's privilege. In my opinion that speech was his finest hour up to that time.

He has stood up to be counted for the Rule of Law and the Bill of Rights again and again and again throughout the 1960's and 1970's, as he has spoken out on the floor of the U.S. Senate:

In protest against a bill before the Senate permitting police to break into a man's house by day or night "without knocking," on mere suspicion that he had "dangerous substances" in his possession which he might destroy if he was not taken by surprise.

In protest against bills permitting the courts to deny the right of bail to persons whom police and judges "suspect" might commit new crimes while out on bail.

In protest against regulations of the Post Office Department that would permit the opening of sealed letters from abroad without notice to the writer or addressee, if it is "suspected" that the letters contain pornographic pictures, lottery tickets, or narcotics.

In protest against regulations of the Census Bureau and other government agencies permitting data collecting programs, sophisticated surveillance techniques, and the use of the computer and data banks in ways violating the individual's historic right of privacy.

In protest against regulations of government employment agencies permitting probing questions about religion, family, and sexual matters. Questions calling for the disclosure of personal finances and creditors of employees and their relatives. Practices coercing employees to buy bonds and support political parties and participate in community activities having nothing to do with their jobs, and to conform their personal behavior and associations outside the office to agency rules and a supervisor's whim.

In protest against activities of military agencies operating a data bank "collecting files on private citizens" and spying on the lawful pursuits of Americans in public and private assemblies throughout the country.

Reminding privileged students on college campuses, as well as the underprivileged inhabitants of slums and ghettos, that the freedoms guaranteed in the U.S. Constitution do not go so far as to provide a cloak of immunity for such crimes as "treason, felony, or a breach of the peace" committed by anybody, anywhere, at any time.

Sam Spencer and Zeb Vance would have thrilled to this record.

Sam Ervin and the Senate Select Committee in 1973

The portals of the National Department of History and Archives carry this legend: "What Is Past Is Prologue." "What does that mean?" asked a tourist of a taxi driver, and got this answer: "It means you ain't seen nothing yet." That legend is true of Sam Ervin today as he stands at the threshold of his greatest challenge and his greatest responsibility as Chairman of the Senate Select Committee, appointed on the fifth day of February 1973, "to conduct an investigation and study of the . . . illegal, improper, or unethical activities . . . engaged in by any persons, . . . in the presidential election of 1972, or any campaign, canvass, or other activities related to it."

North Carolina can take pride in the fact that one of her sons, coming to the United States Senate in 1954, in nineteen years of intimate association won the confidence of his fellow Senators in his ability, integrity, and fairness, to the point that the Senate Majority Leader, Mike Mansfield said in appointing him Chairman of this Select Committee, "We are looking for a good, fair, impartial investigation, and Sam Ervin is the only man we could have picked on either side of the aisle who would have the respect of the Senate as a whole."

This Senate Select Committee comes at a time when men who ought to know better believe that loyalty to a candidate for political office is more important than loyalty to the laws, the Constitution, and the Bill of Rights, and carries more weight than the ten commandments. At a time when men distort the Golden Rule into saying: "Do unto others what you think they are going to do unto you and do it first." "Thrice armed is he who feels his cause is just," these men are saying, "but thrice times three who gets his licks in fust."

At a time when the Rule of Law and the Bill of Rights are being called into question as never before in the twentieth century. Let me illustrate my meaning.

Old Liberties in New Settings

The 39th Article of Magna Carta, written in 1215, promised to "the freemen of England and their heirs forever", that:

"No freeman shall be arrested, or detained in prison, or deprived of his freehold, or outlawed, or banished or in any way molested . . .; and we will not set forth against him, unless by the lawful judgment of his peers and by the law of the land."

This provision was brought forward in the Constitution of North Carolina in 1776, and in the Constitution of the United States in 1791. It takes on fresh and vivid meaning in the setting of 1973, as we listen to testimony that governmental agencies are being used to harass citizens by politically motivated audits, "quickie" investigations, and other tactics prostituting normal governmental activities to partisan political ends.

The 40th Article of Magna Carta reads like this:

"To no one will we sell, to no one will we deny or delay right or justice."

This provision was brought forward in the North Carolina and United States Constitutions. It takes on fresh and vivid meaning in the setting of 1973, as we listen to testimony about slowing down the processes of the courts in civil litigation, and suggesting a prestigious appointment to a judge while he is trying a criminal case—by an administration interested in the coutcome of cases before the court.

A provision in the Petition of Right in 1628 reads like this:

"That no man be hereafter compelled to make or yield any gift, loan, benevolence, or tax, or such like charge, without common consent by act of Parliament."

This provision was brought forward in the Constitutions of North Carolina and the United States. It takes on fresh and vivid meaning in the setting of 1973, as we listen to testimony about political pressures for campaign gifts from competing corporations. Testimony about rulings increasing the price of products in return for campaign contributions. Testimony about shifting profits from producers to middle-men by withholding information about massive sellings in the offing. Testimony about mergers of business influenced by proffered donations to subsidize the site for political conventions.

A provision in the Declaration of Rights in 1689 reads like this:

"That election of members of Parliament ought to be free."

This provision was brought forward in the Constitutions of North Carolina and the United States. It takes on fresh and vivid meaning in the setting of 1973, as we listen to testimony about uncounted millions of dollars used to manipulate elections by the fraudulent devices of lying, concealment, and non-disclosure, and the calculated use of "dirty tricks" without stint or limit.

A provision in the Declaration of Rights in 1689 reads like this:

"That it is the right of the subjects to petition the King . . . and that for redress of all grievances, and for the amending, strengthening, and preserving of the laws, Parliaments ought to be held frequently."

This provision was brought forward in the Constitutions of North Carolina and the United States, and the first amendment to the United States Constitution guaranteed "the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

It takes on a fresh and vivid meaning in the setting of 1973, as we listen to testimony about military agencies operating data banks, collecting files, and spying on American citizens attending lawful assemblies.

The fourth amendment to the Constitution of the United States reads like this:

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the places to be searched, and the persons or things to be seized."

It takes on fresh and vivid meaning in the setting of 1973, as we read of the practice of "no-knock" entries into homes to take the occupants by surprise, preventive detention of suspected persons, electronic surveillance, and burglaries of dwellings and business establishments, whenever possessors of "a little brief authority" request it.

Build-ups and Let-downs in the Flow of Freedom

The flow of freedom from the Establishment to the People throughout the centuries has not been uniform or smooth. It has been irregular and disjointed. Many times it has gone under in the undertow, and later come to a new advance with a returning wave—adding a new beachhead to the main, and expanding our liberties by slow and gradual accretion. Let me illustrate my meaning:

On April 19, 1783, the Governor of North Carolina wrote to members of the North Carolina General Assembly that:

"His Britannic Majesty having acknowledged the United States of America free, sovereign and independent, . . . Nothing now remains but to enjoy the fruits of uninterrupted Constitutional freedom, the more sweet and precious as the Tree was planted by virtue; raised by the toil and nurtured by the blood of Heroes."

With this invitation to rest on their oars, thirteen "free and independent" states began withdrawing from each other. They withdrew long enough to find that they could live *in* liberty but they could not live *on* it, long enough to find that they could not "go it alone," long enough to find that every state could not do as it pleased and let every other state do as it pleased, long enough to understand that they must pull together "in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty for ourselves and our posterity."

This experience of build-up and let-down has been repeated throughout our history. The let-down followed Magna Carta, and the build-up came with the Petition of Right. The let-down followed the Petition of Right, and the build-up came with Declaration of Rights. The let-down followed the Charter from the Crown, and the build-up came with the Declaration of Independence.

This let-down and build-up in the flow of freedom from one generation to another is a little like the flow of oil in a pipe line—starting out strong, and slowing down almost to a stop from the friction and erosion of the surrounding pipe, until a booster station pumps new life and vigor into the flow. It was in this way that Magna Carta, the Petition of Right, the Declaration of Rights, the Charter from the Crown, and the Declaration of Independence became "booster stations" in the flow of freedom. And so with the 13th, 14th, and 15th amendments in the 1860's, the Segregation Decision in the United States Supreme Court in 1954 and the decisions triggered by it, the Civil Rights Act of 1964 and the Voting Rights Act of 1965 in the United States Congress.

Flowing through the centuries like some magic gulf stream these historic documents have changed the climate and tempered the habits, customs, and manners of men wherever the current has gone. They are joints in the backbone of our liberties. The fluid in the spinal column. The marrow in the bones. The spark of life in the customs, laws, and Constitutions of North Carolina and the United States. Let the spark of life go out of the human body and the human body

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goes to rot. Let that spark of life go out of our customs, laws and constitutions, and our customs, laws and constitutions go to rot.

I believe it was a vivid awareness of this tragic flaw of build-up and let-down in human nature and in the body politic which caused Sam Spencer and his associates to write Section 35, Article 1, into the North Carolina Constitution in 1776, saying: "That a frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty."

I believe it was this vivid awareness which caused them to follow up Section 35 of Article I with another provision, saying that the North Carolina Declaration of Rights is "hereby declared to be part of the Constitution of this State and ought never to be violated on any pretense whatsoever."

Revelations going on around us today demonstrate with all the stinging freshness of demonstrated truth that "a frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty." This is simply another way of phrasing the well-worn observation that "eternal vigilance is the price of liberty."

The task of the Senate Select Committee is both simple and profound. It is (1) to find the facts, (2) inform the people, and (3) recommend laws and procedures to correct the evils they uncover.

It is well on its way to finding the facts, and it will keep on going until it finds them. It is well on its way to informing the people, and it will keep on going till it informs them. It will then propose legislation to strike at the roots of the evils it uncovers.

I do not know how many paragraphs and pages it will take for the Senate Select Committee to spell out the grievances of the people in 1973, as the predecessors spelled out the grievances of the people in 1215, 1268, 1688 and 1776. But I do know that its report must begin with a reaffirmation of the "ancient rights, liberties and inheritances," promised by Magna Carta to "the freemen of England and their heirs forever." Reaffirmed and expanded in the great historic documents which have punctuated the flow of freedom from one generation to another throughout our history.

If the Senate Select Committee draws up a document reaffirming and expanding our "ancient rights and liberties and inheritances," in this day, as their predecessors have done before them.

If it strikes at the roots of our grievances today, as its predecessors struck at the roots of the grievances of their day.

It will give the American people something to celebrate as the 200th anniversary of American Independence arrives in 1976; something above and beyond anything that any Bicentennial Commission is likely to propose; something that will help to turn "the Watergate Affair" into another "booster station" in the flow of freedom from the Establishment to the People.

What Will the People Do?

Mary McCarthy, writing in the New York Review of July 19, 1973, says this of Sam Ervin and his leadership of the Senate Select Committee: "It is the old America which Senator Ervin believes in. This house, he feels, can be cleansed, and restored to its semi-pristine condition. That is why he is stubbornly convinced that the hearings will arrive at their destination—the truth.

"But if it doesn't come out that way," I said to him. "If they fail? Just take it as a hypothesis." "I refuse to entertain the thought," was Sam Ervin's answer. "As though the thought was a felon seeking entry into his mental house. He is becoming a folk hero, because of that stout old-fashioned attitude."

Mary McCarthy goes on to say:

"I hope that Senator Ervin is right, but if he is right and nothing happens—a strong possibility—then we are worse off than we were before. If we know, that is, and don't act, can find no frame for action, then the powers that be, knowing that we know and won't do anything, will have nothing more to fear."

Sam Ervin is old fashioned enough to believe that the people will act. He knows that "the boughs of the Tree of Liberty have been swayed this way and that" throughout our history. He knows that "their strength to withstand the wind comes from the depth and toughness of their roots in the past. He knows that "the greatest danger to the people is that they themselves may erode these roots by forgetfulness and indifference—the slow smokeless burning of decay."

He also knows that in 1973, the people are seeing these revelations of what has been going on around them—revelations on their television screens by day and by night, reading about them in their morning and afternoon papers, and talking about them wherever they are. They are becoming as much aware of the pollution in the body politic as they are aware of the smog which obscures the sun and the waste which fouls their streams. As much aware of the gradual erosion of their liberties as they are aware of the general erosion of their top soil and the blighting of their landscape. Aware of the smug and arrogant complacency of a witness under oath recognizing their erosion and bragging about his part in it.

He is old fashioned enough to believe that a self-respecting people will not listen to seductive and self-serving cries from those who would stop the hearings before the truth comes out, any more than he believes that a self-respecting dentist will put a cement filling in a decaying tooth before rooting out the rot. He does not believe the American people are willing to be a party to the stultifying process of covering up the cover up".

Common Sense and Mother Wit

I think there may be something to Mary McCarthy's suggestion that he is becoming a folk hero because "of his stout old-fashioned attitudes." There are in him qualities giving color of title to his talk.

He is himself and nobody else. He moves in his own orbit, along inner directed courses. He is full of common sense and mother wit. Whether he is quoting the Bible or the Constitution he is illustrating his own philosophy and religious thinking and beliefs. He is all of a piece—not a lot of planks nailed together, but a growing tree with the sap of life flooding through it.

A Great Compassion

It surfaced at a hearing of the Senate Select Committee the other day, in saying that the Watergate affair may turn out to be a greater tragedy than the Civil War. Ed Yoder points out in the Greensboro *Daily News* that Sam Ervin is using "tragedy" in its precise and classical meaning:

"Those who recall its ancient resonances, as discussed by Aristotle, may feel that it fits the Watergate matter very precisely. Tragedy, said Aristotle, is the calamity of the man of overwhelming pride, neither exceedingly good nor exceedingly bad, who is betrayed by a tragic flaw and punished for his lapse by the gods. In King Oedipus the flaw was anger; in some of the Watergate principals—one thinks, for instance, of former Atty. Gen. John Mitchell—it was a dangerous mixture of cynicism and arrogance; in others, a misplaced, almost mindless, loyalty. . .

"When one feels, as Senator Ervin seems to feel, that the frailty of pride has undone the men of Watergate, and reflects that this frailty is universal, the natural response is indeed pity and fear—or what we mean when we think, "there but for the grace of God go I." One may not agree with the Senator that Watergate, in the scale of delinquency or present retribution, rivals the Civil War. But both, equally, were collisions of arrogant men "dressed in a little brief authority" that constitutes tragedy.

'Senator Ervin, as usual, has defined the matter with a precision his critics do not grasp."

In the twisted lives and tortured reputations of witnesses unfolding in succession before the Senate Select Committee, Sam Ervin has seen and heard and felt the "still sad music of humanity, not harsh nor grating, but with ample power to chasten and subdue."

He knows what the Grecian poet was talking about twenty-five hundred years ago when he wrote of the "God whose law it is that knowledge comes through suffering. . . ." How "Sorrow falls, drop by drop upon the heart, until, against our will, and even in our own despite, comes wisdom to us by the awful grace of God. . . ."

A Mighty Heart

Along with these qualities of common sense, mother wit, and compassion, he brings to the leadership of the Senate Select Committee another all important quality—which was pointed out in a Memorial Day address in 1884 to Union Veterans of the Civil War, by Mr. Justice Holmes: "Above all, we have learned that whether a man accepts from Fortune her spade, and will look downward and dig, or from Aspiration her axe and cord, and will scale the ice, the one and only success which it is his to command is to bring to his work a mighty heart."

In a speech on the Senate floor supporting the resolution to censure Senator Joseph McCarthy in the 1950's, Sam Ervin said in answer to a question, that if his name was called in question as Senator McCarthy's was, then if the Potomac was a river of fire instead of water he would somehow cross it to appear in defense of his name.

I call your attention to the fact that Sam Ervin said he would walk through fire. He knew he could do this, because he had done it before when he belonged to Company I of the 28th Infantry, selected as the first regiment of American troops to go "over the top" at the Battle of Cantagny—the first engagement fought by American troops in World War I. His part in the battle is described as follows: "Private Samuel J. Ervin, with exceptional courage and perserverance, led a carrying party through heavy fire; he made several trips from the rear to the front until he was wounded."

In the Battle of Soissons, on the 18th day of July, the 28th Infantry was halted by machine gun fire from an emplacement one hundred yards ahead. Most of the officers of the Company had been killed. At this point, twenty-two year old Sam Ervin called for volunteers to help silence the enemy gun. Four men responded and they charged the gun. Here is an affidavit of one of those men: "One man was mortally wounded. Another was killed. Ervin was knocked down by a shell fragment in front of the gun. The two remaining reached the machine gun, killed its crew, seized the gun," and the troops went on to victory.

The affidavit goes on to say: "We went back to Ervin and bandaged his wounds to stop the flow of blood and wanted to carry him back to safety, but he refused to be assisted and told us to go back and join the other soldiers if we could.

"It was only due to Ervin's initiative and gallantry that the gun was captured. Throughout the engagement he directed the fire upon the machine gun, and after being wounded he urged us to capture the gun and showed himself unmindful of his own safety. Though wounded so severely he was unable to walk, he refused to go to the rear, but crawled back and organized an advance automatic rifle post where he remained on duty until all danger of a hostile counter attack was over."

In speaking to five thousand students at the University of North Carolina in Chapel Hill some days ago, Sam Ervin said: "As long as I have a mind to think, a tongue to speak, and a heart to love my country, I shall deny that the Constitution confers any arbitrary power on any President, or empowers any President to convert George Washington's American into Caesar's Rome."

Anyone who knows Sam Ervin knows that he will live and die fighting on this front—fighting with his face to the enemy and with his wounds to the fore. Anyone who knows Sam Ervin knows that in 1973 he is doing this as instinctively, as deliberately, and as knowledgeably as he charged the machine gun firing on his comrades in the Battle of Soissons on the 18th day of July, in 1918.

A Love Letter to Sam Ervin

When I read what I had written up to this point to my wife, she said, "It reads like a love letter to Sam Ervin." As indeed it is. Let me tell you how we came to know Sam Ervin.

He was in the Class of 1917 and I was in the Class of 1918, in a University with a thousand students who knew each other—always by sight and nearly always by name. We felt the accuracy with which he was characterized in the college annual by one who knew him: "Everything he meets responds, and at once a sympathetic friendship ensues. Like Midas, he has that magic touch that makes everyone he meets his friend; and consequently he is liked by all."

He became a dramatic figure in the eyes of my wife and myself when the classes of 1917 and 1918 held a joint reunion in June 1929. This incident occurred as one returning alumnus after another stood up around the table giving his name and telling what he was doing in post-war years—until a ten-year-old boy was introduced as the son of Oliver Ransom of the Class of 1917.

At this point in the proceedings, my wife saw a tall and slender young man, elegant in dress and bearing, come to his feet in tribute to this ten-year-old boy's father, and the spirit that had moved him to . . . pour out
the red, sweet wine of youth;
Give up the years to be of work and joy,
And that unhoped serene that man call age.

My wife had come to Chapel Hill from Virginia as a bride the year before, and had never seen Sam Ervin until that night. She marvelled at his power to stir a cynical post-war generation in 1929 with the poetry of Rupert Brooke—until I told her that Oliver Ransom was Sam Ervin's friend and classmate, who had gone to war with him in the spring of 1917, and was killed in action early in the War and left behind him a bride who had become a wife, a widow, and a mother within a year, and this ten-year-old boy was the son that Oliver Ransom had never seen.

We followed Sam Ervin's career in the years after this 1929 reunion as the morning paper brought to our breakfast table the news of his election as Congressman, his appointment and election as Superior Court Judge, Supreme Court Justice, United States Senator. Each time my wife and I have interrupted our breakfast to call him on the phone to tell him of our delight and to wish him well.

We have voted for him in successive elections, not because of how he stood on any one particular issue—we never asked him—but because he was the sort of man he was; and we knew without his telling that he would vote and act from forces welling up within him and not from any outside force or external pressure, and because we felt he was headed in the general direction we wanted to go.

We have never had any fear that he would get lost along the way. There is a story told to us by Miss Beatrice Cobb, editor of his hometown paper, that Sam had been reported "missing in action" in World War I and continued on the missing list for a long time. When he finally turned up the whole worried community came together in a sigh of relief that "little Sam" had been found. "I was never lost," he told them. "I knew where I was all the time." And so it has been from that day to this. Sam Ervin is all there, all at once, and all the time.

Let me bring this love letter to a close by saying that my wife has read all that I have written, and begs exemption from the common-law doctrine that man and wife are one and the man is the one, long enough to sign her own name to this letter.

The Great Tradition

I have heard it said from boyhood days that one could up a seashell, hold it to his ear and hear the sound of ocean waves beating upon the shore. Not long ago I ran across this notion in a poem:

The hollow sea-shell, which for years hath stood
On dirty shelves, when held against the ear
Proclaims its stormy parent, and we hear
The faint, far-off murmur of the breaking flood.

This poetic folklore is a matter of fancy rather than of fact, but I have no doubt that imagination may call up the "far-off murmur of the breaking flood" to ears familiar with the sea.

As North Carolinians, we can take pride in the fact that when our freedoms have been in danger here in North Carolina, there have been among us men who have held the historic documents of our liberties to their ears and heard their music and gone into battle in their defense.

Sam Spencer in the 1760's, Zeb Vance in the 1860's, and Sam Ervin in the 1960's and 70's take their places in the great tradition of Stephen Langton and his associates in the Magna Carta, Sir Edward Coke, Sir John Eliot and John Somers and their associates in the Petition of Right, and the Thomas Jefferson, in writing the Declaration of Independence in 1776; James Madison and his associates in drafting the First Ten Amendments to the U.S. Constitution in 1791. Men who stood up to be counted for the Rule of Law and the Bill of Rights. Men who were, in Stephen Spender's words:

Born of the sun, [and] traveled a short while toward the sun,
And left the vivid air signed with their honor.

PERSONAL STATEMENT

Mr. BOLAND. Mr. Speaker, through some mistake, I am recorded as having voted "no" on rollcall No. 474.

I did not intend to vote "no." I supported the measure under consideration and wish to make my support clear. If the rules would allow, I would ask unanimous consent that the printed recording of my vote in the permanent RECORD be changed.

Mr. Speaker, rollcall No. 474 concerned final passage of H.R. 9256 to increase the contribution of the Government to the costs of health benefits for Federal employees. I have consistently supported legislation benefiting Federal employees. My first committee assignment upon being elected to Congress was on the Committee on Post Office and Civil Service. My service on that committee and my continuing service in the Congress reflects my constant interest in, sponsorship of legislation and support of all proposals improving the lot of Federal employees.

PERMISSION FOR JOINT COMMITTEE ON ATOMIC ENERGY TO FILE A REPORT ON H.R. 11216

Mr. PRICE of Illinois. Mr. Speaker, I ask unanimous consent that the Joint Committee on Atomic Energy have until midnight tonight to file a report on H.R. 11216.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PRESIDENT NIXON SHOULD SUBMIT HIS RESIGNATION

(Mr. RIEGLE asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. RIEGLE. Mr. Speaker, I rise today to ask President Nixon to submit his resignation from office, to take effect on the date that Vice-President-designate GERALD FORD is officially confirmed in his new post.

Only the most hardened Nixon partisans still believe the incredible deceptions, self-justifications, diversions, and excuses coming from the White House.

Who can believe the latest tale of the disappearing tapes? Well, I do not believe it. I think the White House is lying and that the tapes have been destroyed or hidden to protect the President.

The fact that they have the gall to try to foist this latest deception on us shows that the President takes the Congress and the country for a bunch of fools.

We are witnessing the destruction of our Nation's ethics right before our eyes.

This Congress must summon the courage and moral strength to insist on a new President, a President with integrity and a clean record. Only then can we begin the process of rebuilding citizen faith in Government.

SMALL BUSINESS AND METRIC CONVERSION

(Mr. THOMSON of Wisconsin asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. THOMSON of Wisconsin. Mr. Speaker, metric conversion is a topic that has been in the air for a considerable number of years. Yet there has been little public discussion and understanding of the purposes and implications of "going metric."

Considering the Congress may soon be required to vote on this far reaching proposal virtually without the benefit of constituent views, I would commend to the Members an enlightening position paper published by the Natitonal Federation of Independent Business. This paper was prepared by Mr. John Motley earlier this month for a World Trade Institute seminar in New York:

SMALL BUSINESS AND METRIC CONVERSION

Although there has been some uncordinated and widespread movement toward increased metric usage within the small business community over the past few years, the National Federation of Independent Business

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believes that the present attitude of the nation's independents can best be described as apprehensive and cautious. In other words, we feel that most small businesmen are not anxious to switch from their present system of weights and measures to metric. They simply do not see any pressing need for the proposed change over.

Metric conversion will have a widely diverse impact upon the various segments of the small business community. It will have little or no effect upon some small firms, like those in the pharmaceutical and chemical industries, because they have already converted to metric, but it will have a greater and more trying impact upon others, especially those dealing in consumer orientated products such as packaged goods and clothing. In general, though, systems of measurement play a much more critical role in manufacturing and electronics. Standards, dies, machinery and technical diagrams must all be accurately changed or converted within a specified period of time—a monumental task for a small firm. One slip, one time consuming mistake could inrreparably damage its competitive position.

Small firms with measurement sensitive operations are faced with a similar problem. Because of their highly competitive nature, they must be thoroughly prepared to convert whenever their materials and designs are changed to metric. Reluctance or hesitation on their part could cause them to lose valuable contracts. Engineering and architectural firms and all types of building contractors would be included in this category.

Consumer orientated service and retail firms face a somewhat different situation. Their main problem is one of education. Auto mechanics, TV repairmen and a host of others will have to learn to use new tools and terminology to work on and with metrically designed products. Wholesalers and retailers will have to rely on a comprehensive educational program to overcome consumer reluctance and combat employee ignorance. Such programs could prove very costly and even financially impractical for many small firms.

The diverse nature of the small business community makes it extremely difficult to determine and present a cohesive position of an issue as complex as metrication. Because of this, the federation has spent a good deal of time and money over the last seven years trying to gauge its reaction to the proposed change over.

During this period NFIB polled its membership twice on metric conversion. It also participated, at the invitation of the department of commerce, in the metric feasibility study conducted by the national bureau of standards. If nothing else, these surveys showed that the small business community is deeply divided and not overly anxious to change its traditional system of weights and measures.

The Federation's first mandate poll on this issue was conducted in 1965. It showed 41 percent of the responding members in favor and 54 percent against metric conversion. The remaining 5 percent were undecided. Metrication was polled again during February and March of this year. The results denote a shift in opinion to 51 percent in favor and 46 percent opposed.

While these polls indicate a trend in favor of metric conversion, the Federation does not feel that a 10 percent shift over a seven year period is dramatic enough to warrant its unequivocal endorsement of the change over. To the contrary, we feel that this shift is so slight, and the percentage opposed so large, that it reflects a deeply split small business community and re-emphasizes the need for continued caution.

The air of apprehension or reluctance that we have noted here is reinforced by closely examining the findings of the 1970 survey NFIB conducted for the metric study group (National Bureau of Standards). It surprisingly showed that only 6 percent of the respondents were then using metric, with the largest group of users being professionals. It also indicated that there had not been and probably would not be any rapid movement to metric by the small business community. Just 5 percent of the responding firms noted recent changes in the measuring systems used in their industries, while only 3 percent answered that they intended to switch to metric in the future. Clearly, contrary to what seems to be a rather widely held and popular belief, there has been no significant shift to metric by the business community. Nor does it appear that we can expect any widespread voluntary conversion in the near future.

There are several very sound reasons why small, independent business embraces this cautious and reluctant posture. And, most of them are based on the cost-benefit ratio of conversion.

The strongest and soundest argument used by the proponents of metrication deals with and plays upon the current unstable position of the United States in the international market place. The world is going metric and the U.S. must protect itself by adopting the same course. If it does not, its ability to influence international standards and to increase, or even maintain, its present share of the world market will be greatly impaired. While this argument is valid, it is advanced on behalf of and would benefit only a very small portion of the American business community. This select group would consist mainly of our major exporting firms, many of whom are large multinational corporations.

The export trade of the United States is dominated by big business—by conglomerates that have the market knowledge and the resources needed to compete on the same level with foreign cartels and government supported industries. Trade statistics show that only 4 percent of the Nation's 5.4 million firms are engaged in exporting and according to the evidence gathered by the House Select Small Business Committee less than 12,000 small manufacturers out of the more than 300,000 with export potential are involved in sending goods abroad. Although over 90 percent of all U.S. manufacturers are small, they account for less than 10 percent of the country's exports, a fact that clearly shows the dominance of our large firms in international trade.

Small business has and probably will continue to concentrate its efforts on our domestic market. Because of this, it would gain little from metric conversion, the cost of which would far outweigh any benefits it might receive.

The vast gulf that exists in the resources available to big and small business to finance the costs of conversion is another reason why independents have maintained a wait and see attitude toward metrication. Most small firms are well aware that they will need help to complete a successful changeover, while this is not generally true of their larger competitors.

Large corporations have the ability to convert to metric without encountering significant economic dislocation. Small firms, on the other hand, simply do not have the dollars needed to obtain the technical, financial and administrative expertise necessary to make an unassisted and successful changeover. Most multinationals and many of our larger domestic corporations have already given considerable thought to metrication, and they are preparing to face the challenges and opportunities it presents. Unfortunately, the nature of small business does not allow it this type of luxury.

Unassisted, forced conversion to the metric system could prove the difference between success and failure for many small firms that do not have the capital or the expertise to make the transition. If big business is allowed to dictate the timing and terms of the changeover, many small firms could be placed in an extremely vulnerable position vis-a-vis their larger competitors. This would be especially true of small manufacturers, who must sometimes employ used machinery in their operations. They simply could not make the transition to metric as inexpensively, as quickly and as easily as a General Motors or an IBM.

The American consumer is a whimsical individual and the small businessman must be ever conscious of his likes and dislikes. Since most small firms are controlled by market forces, constantly changing consumer tastes and attitudes are factors that cannot be taken lightly or ignored. Any faltering in demand or lag in sales might have a potentially harmful impact upon a small company.

The small businessman is simply not convinced that his customers approve of or understand the need for metrication, and this appraisal is backed by the findings of the metric study group. Its investigation found that only 40 percent of the individuals questioned knew anything about metric units and that only half of these were familiar with the relationship between traditional units and their metric equivalents. The small businessman sees this lack of knowledge about the metric system as an indication of possible consumer resistance to conversion. He feels that many people will be reluctant to study a new system that will challenge the security of present life styles and alter familiar habits. And, he seriously doubts that they will be willing to spend the time and effort needed to learn a system that seems to be imposed from above for the benefit of large multinational corporations. In short, his apprehension and caution about metric conversion is nothing more than good, sound business sense.

A common thread—cost—has run through everything that I have said so far about the apprehensive and cautious attitude of small business toward metrication. The exact dollar figure and the amount of economic dislocation involved in conversion are very controversial topics and have been the subject of a long and heated debate, but no matter whose estimate is used the fact remains that there will be substantial costs resulting from any change over to metric, and it is time for us to take a brief look at where these costs will impact within the small business community.

In a recent article in the Texas Business Review, Mr. J. Bryant Adair, a staff member of the Bureau of Business Research at the University of Texas, estimates that metric conversion will cost Texas business $449 million. He breaks down and distributes this figure into nineteen separate SIC code categories, in which soft manufacturing ranks first at $101 million, wholesale fifth at $30 million and retail sixth at $22 million. Nearly three quarters of the American small business community is concentrated within these three SIC categories, which means that there would be a very heavy burden placed on our smallest firms.

The Federation's 1970 Survey for the Metric Study Group determined that the average estimated cost per firm would be approximately $11,700. The distribution of these costs varied from $1,000 in the O–3 employee size category to over $26,000 in the 50 or more employee group, and from a low of $600 in the financial and real estate industries to a high of almost $42,000 in manufacturing. The most surprising figure was an estimated average of over $17,000 by responding professional firms.

These costs must be viewed in the context of the present operating environment of small business. A myriad of costly congressional enactments, including consumer, job safety and environmental laws, have had a negative impact upon certain segments of the small business community. Recent restrictive credit policies, an ever increasing federal paperwork burden and the pressures and uncertainties of phase IV have only posed additional restraints. The cost of metric conversion, added to these, would strain the financial resources of many small businesses to the breaking point and NFIB sees no immediate justification for exerting this unneeded pressure.

Small business would oppose a completely voluntary conversion plan that would let the costs fall where they may. In short, this would be suicidal. Unassisted, voluntary conversion would place the reins of decision firmly in the hands of big business, a situation that could pose a very real threat to many small firms that are vulnerable to this type of competition. The financial resources and expertise available to big business give it an edge in conversion—an advantage that would be used by some corporations against their smaller competitors.

In its 1970 metric study survey, NFIB asked its advisory council members to select the metric conversion plan they thought would be best if Congress decided the change over should be made. They were given a choice between a voluntary plan and a nationally coordinated program, and 67 percent of those responding preferred the latter. Their comments indicated that they heavily favored a nationally coordinated program because it emphasized education—an absolute necessity in their eyes.

If metrication becomes inevitable, small business would strongly prefer a well defined and coordinated conversion program, stretching over a number of years and emphasizing intensive educational preparation. It would also favor federal government aid, in the form of long term, low interest loans, to those small firms that need it. This is in keeping with its long established position that government has an obligation to assist small business when it could be injured by federal enactment of this type. But, small business is by no means convinced that conversion to the metric system is necessary, and if it had a choice it would, at least for the time being, leave well-enough alone.

LEGISLATIVE PROGRAM

(Mr. ANDERSON of Illinois asked and was given permission to address the House for 1 minute.)

Mr. ANDERSON of Illinois. Mr. Speaker, I wonder if we can from the majority side of the aisle have the program for the coming week.

Mr. BRADEMAS. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Indiana.

Mr. BRADEMAS. Mr. Speaker, I am happy to respond to the gentleman from Illinois.

There is no legislative business for today and on the announcement of the program for next week I will ask unanimous consent to go over until Monday.

The program for Monday is as follows:

On Monday we will have the Consent Calendar, and under suspensions there are no bills.

On Tuesday we will have the Private Calendar, and under suspensions we will have 10 bills as follows:

House Joint Resolution 755, Iranians at U.S. Naval Academy;

H.R. 10369, travel expenses for certain crew members;

H.R. 10366, Reserve officers active duty requirement;

H.R. 10367, assignment of certain reserve members;

H.R. 9075, office equipment disposal;

H.R. 10840, Library of Congress police salaries;

H.R. 3490, referees in bankruptcy salaries;

H.R. 5874, Federal Financing Bank Act;

H.R. 8219, Organization of African Unity; and

H.R. 10937, Watergate grand jury extension.

On Wednesday we will have House Joint Resolution 542, the vote on overriding the veto on the War Powers; and, subject to a bill being reported and a rule being granted, we will have the bill on the Social Security Act amendments.

On Thursday and the balance of the week we will have H.R. 9142, Northeast rail transportation, subject to a rule being granted; and H.R. 10265, audits of the Federal Reserve Board, also subject to a rule being granted.

Mr. ANDERSON of Illinois. I thank the gentleman from Indiana.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I would ask the acting majority leader in this rush for adjournment whether the plans for the Thanksgiving recess have been finalized.

Mr. BRADEMAS. Mr. Speaker, if the gentleman from Illinois will yield, I may say that the plans have not been made final. However, as the majority leader has already said on the floor we will probably be in recess from November 15 until Tuesday, November 27.

Mr. GROSS. I thank the gentleman.

ADJOURNMENT UNTIL MONDAY, NOVEMBER 5, 1973

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 12 o'clock noon on Monday, November 5, 1973.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday of next week.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

THE CASE OF DR. BENJAMIN SHAPIRO

(Mr. REID asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REID. Mr. Speaker, although consideration of the trade bill and the Mills-Vanik amendment has been temporarily postponed, we must continue to realize the plight of Soviet citizens who have applied for emigration permits and experienced great difficulty as a result of their applications.

Consider the case of Dr. Benjamin Shapiro and his family. He is from Belgorod in the Ukraine, and until July 1972 taught chemistry at the University of Belgorod. In 1967, his entire family applied for emigration visas to Israel. Dr. Shapiro's parents were permitted to leave, and departed for Israel with the assurance that their son, his wife and child would soon be issued permits.

Six years and five more applications later, Dr. Shapiro remains in the Soviet Union, fired from his job at the university and existing only on minor work.

Mr. Speaker, these have been 6 years of frustration and of financial strain on the Shapiro family. But their case is not unique. I met hundreds of Soviet Jews on a recent trip to Schoneau and Israel—virtually all of whom confirmed the existence of cases such as these.

Obviously the Congress must act on the trade bill at an appropriate time and undue delay could have thousands of Soviet Jews in daily jeopardy.

THE MISSING TAPES

(Mr. ANDERSON of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.

Mr. ANDERSON of California. Mr. Speaker, after a constitutional crisis threatened to bring down the Government—after the public's confidence has been eroded, perhaps beyond repair—after months of agonizing courtroom proceedings—we now learn that certain conversations with two key aides are not available.

And, we are asked to put faith and confidence in that revelation.

But, we are reminded of the paper shredders used all too frequently to destroy evidence.

We are reminded of the instructions to a key White House aide to "deep six" pertinent data.

We are reminded of the burning of documents by the Acting Director of the FBI.

How can the American people help but reflect a cynical attitude?

Mr. Speaker, a special prosecutor who is obliged to the central figure in the Watergate scandal cannot gain the trust of the American people. He cannot serve two masters—he cannot serve both the law and the accused.

To restore faith in our system of government; to restore confidence that all the facts will be revealed—we must enact a law such as House Joint Resolution 784 which will allow the court to appoint a special prosecutor. We must take this out of the hands of those who have lost the people's confidence and place the matter before the courts with an objective prosecutor who is working for justice.

XUM

THE WAR POWERS VETO—ARTICLE BY REPRESENTATIVE LES ASPIN

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, the Washington Post for October 31 published a superb article by our colleague, Representative LES ASPIN, concerning the War Powers Act and the importance of overriding the President's veto. Representative ASPIN had no difficulty in dismissing the inaccurate claims by the President in his veto message as to the extent to which the bill would hamper the conduct of foreign affairs by the President. Anyone who reads the bill carefully can see that the President's assertions are simply without foundation.

More important, Mr. ASPIN points out how the act would bring about major changes in the way in which decisions are made in the executive branch with respect to the commitment of troops to hostilities. Because the bill requires notification to the Congress within 48 hours of any such act and a decision by Congress within 60 days, the President, as Mr. ASPIN points out, will be forced to consider very carefully what is in store for him if he decides to initiate hostilities and will be forced to require his counselors to present him in advance with the justification he will have to make to the Congress.

Mr. ASPIN points out that the Pentagon papers show how eager the Johnson administration was to avoid debate on our Vietnam policy. The War Powers Act would guarantee such debate in similar circumstances. This in itself would add an important check on the President's warmaking.

The full text of Mr. ASPIN's article follows:

THE WAR POWERS VETO

(By LES ASPIN)

On November 5, 1964, Assistant Secretary of State William Bundy wrote a paper on how to handle world and public opinion if the President decided to escalate the war in Vietnam. He didn't expect it to be hard:

"Congress must be consulted before any major action perhaps only by notification, . . . but preferably by talks with . . . key leaders . . . We probably do not need additional congressional authority even if we decide on very strong action . . . A Presidential statement with the rationale for action is high on any checklist. An intervening fairly strong presidential noise to prepare a climate for an action statement is probably indicated and would be important . . ."

Had the War Powers Resolution then been law, Bundy would not have been able to dismiss congressional and public opinion quite so easily.

Next week the House will vote on whether to override Mr. Nixon's veto of the compromise bill which requires that the President consult with Congress before committing U.S. forces to hostilities abroad and report to Congress within 48 hours his reasons for doing so. At the end of 60 days, he must withdraw American forces unless Congress votes to allow him to continue the commitment. The deadline could be extended for up to 30 days to permit the safe withdrawal of the troops.

The criticism of the measure from the right is predictable enough. It was summed up in the President's veto message by his (inaccurate) claim that the bill was unconstitutional and deprived the President of the powers necessary to act decisively in times of crisis. In fact the bill's intent is simply to restore to Congress a little of the share in the warmaking process with which the Framers endowed it and which successive Presidents have since arrogated to themselves.

The events of the last week, which the President himself described as the greatest international crisis since 1962, give the lie to his objections to the bill. Had the War Powera Resolution already been law, it would not have prevented Mr. Nixon from replenishing Israel's supplies, and it would not have prevented him from calling a worldwide alert of U.S. forces as he did at 3 a.m. on Thursday morning. It would not have stopped him from sending any of the firm notes he says he sent to Mr. Brezhnev; it would have done nothing to limit the scope of the diplomatic triumph he says he achieved. It would have meant simply that, had he decided to commit the alerted troops, he would have had to explain his actions rather more fully than Secretary Kissinger chose to do on Thursday.

The liberal objections to the bill are more serious and more complicated. They are, first, that the bill will actually extend the President's warmaking powers, giving him authority he does not now possess to make war anywhere in the world for 60 days and second, that even then Congress is most unlikely to stop him. It is said that the President will identify the struggle with flag and with honor and that Congress will almost inevitably rubberstamp it.

Both these objections carry weight—the bill is far from perfect. But they ignore not only that the President already acts thus, whether he has the legal authority or not, and that Congress is already a rubber-stamp. They also miss the less obvious but more fundamental benefit of this bill. Besides its direct impacts (the 48 hour report, the 60 day approval, etc.) which do have drawbacks, the bill will have an indirect effect which is altogether beneficial. This is in the enormous impact which it will have on the decisionmaking process of the executive branch.

When the President considers sending troops into hostilities—even in support of a treaty commitment or to defend U.S. forces—he and his advisers will know that an affirmative decision will invoke an intense debate which, unlike today, will focus on a concrete decision to be made by Congress within 60 days. Congressmen will hold hearings, editorial writers will write editorials, columnists will construct columns, Meet the Press and Face the Nation will cross-question government spokesmen, there will be network specials, demonstrators will demonstrate, and most important, constituents will write mail—telling congressmen whether they should say yea or nay to the President's action. This foreknowledge is bound to strengthen the hand of those in the President's council who might otherwise find it more politic to muffle their dissents.

Congress's ultimate verdict is not the most important factor. What is important is that the President and the men around him will know before he takes his decision that the scrutiny of his policy is likely to be far more consistent and purposeful than it is today. He will be much less inclined than he is today to embark upon an adventure unless he has a very good case to support it.

The real point about the War Powers bill is not that it gives the President power to go to war for 60 days (his lack of that power now doesn't limit him) nor is it that Congress is likely to force him to pull the troops out (it may well not). The bill's value, which far outweighs these defects, is that it will force the President to consider very carefully what is in store for him if he decides to make war. This is so because there will be a solid, practical reason for his more cautious counsellors to present him in advance with the arguments he will have to answer within 60 days.

The Pentagon Papers demonstrates how anxious the Johnson administration was to avoid a great national debate on its Vietnam policy. The War Powers bill not only guarantees that there will be such a debate, it will also compel the President to take public opinion into serious account when he makes his decision. In fact, it may well be not so much the debate itself but the agonizing prospect of it that will act as the most effective check on the President's warmaking. A President who rejects the bill does so only because he is concerned that his case for making war might not always be very convincing.

OUR FORM OF GOVERNMENT IS AT STAKE ON THE WAR POWERS VETO VOTE

(Mr. MELCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MELCHER. Mr. Speaker, the failure of Congress to override President Nixon's numerous vetoes has discouraged the American people's faith in effective, representative government.

The required two-thirds vote to override a veto has been beyond the grasp of Congress, which is desperately attempting to assume needed leadership to handle national domestic crises.

On Wednesday of next week the House will face the test of this century in defense of the constitutional rights of people on the most basic of issues—the power to declare war for the Nation.

For a generation we have floundered in an atomic era misconception that has permitted the office of the Presidency to act single-handedly on this most grave proposition—the commitment of our Nation's youth and vigor and wealth to foreign wars, not in our own national defense, but the brutal warfare of other nations.

We have had the youth of the country trapped by forced drafts, draining their very zeal and patriotism for their country, to settle Asian conflicts over political ideology. We have drained our economy, causing us to lose our competitive position in world trade, forcing dollar devaluations and resulting in inflation that has sapped the security of our elderly and all others living on a fixed income, to participate in others wars. From crib to crypt, all ages of Americans have suffered, they suffer now, and will suffer in the future for a misguided, miscalculated, miserable policy of warmaking which benefits only those whose fortunes are geared to war materials, armament, and keeping multimillions of Americans in uniform.

After admitting our previous errors in the Southeast Asian involvement, the current administration, which rightfully disclaims responsibility for the start of our involvement in Vietnam and claims plaudits for its conclusion, confronts us with a Presidential veto of a mild bill to limit a President's ability to plunge our Nation into another war.

At no better time than now, with the Mideast stoker again belching flames of periodic strife, could the Congress of the United States speak on behalf of the

people to the President—now and to those who will be Presidents in the future—"this is the way, and the only way, Mr. President, that this country will go to war."

Congress must determine that war is in our national defense.

You, Mr. President, will not have your hands tied in case of attack, but you will have to answer to the American people for all military actions. You will have a 90-day period to seek and obtain the support of the people's representatives, or you will desist, Mr. President, because the U.S. Constitution places the power to declare war, not in your hands, but in the people whose representatives are the Members of Congress.

At no time has the need for a strong, straight-talking Congress been needed more to preserve this country's Government than now. A return of confidence in our national Government demands that Congress respond to the people's concern and rightful expectation that Congress reassert its power under the Constitution to commit, or refuse to commit, our country to war.

How much more usurpation of power must this country endure before Congress makes it clear that we will engage in war, not on the decision of just one man, but only after the people have made a collective judgment through their elected representatives in Congress?

A vote to override the President's veto of the war powers bill is a vote for the American concept of representative government.

To fail to override the President's veto would be a failure to uphold the people's rights under the Constitution to be protected from the whims of a single man by the requirement that all of their representatives participate in any decision so momentous—a decision which, in this atomic age, may involve the lives of all of us.

MATERNITY LEAVE OF ABSENCE—A FIRST FOR THE HOUSE

(Mr. GROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, the House of Representatives has just heard the Speaker request a leave of absence for one of our distinguished Members for maternity reasons.

This is an historic first in the House of Representatives, and I want to extend my congratulations to both parties, both to the Member and the Speaker of the House.

IS AMERICA OVERBURDENING ITS INSTITUTIONS?

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 30 minutes.

Mr. KEMP. Mr. Speaker, in the sophisticated world of modern technology, our scientists and engineers have developed early warning devices—little red lights flashing or buzzers sounding—to warn of overloads and pending malfunctions, allowing immediate action to save the whole of the system and to avert a larger crisis.

If we were able to devise a system of giving us early warning on pending overloads of our political, economic, and social systems, we would have lights flashing and buzzers sounding all about us today. Fuel shortages. Food shortages. Inflation. Watergate. Confiscatory taxation. Huge deficits. Welfare abuses. Work quality. Corruption. Crime. Promises exceeding deliveries. Centralization of power. Special interests. Uncontrolled spending. But, these are the results of our crisis, not its causes.

Each in its own way is a warning to us, as a result of the overloading of our institutions with demands which exceed their capabilities for performance.

THE ROLE OF INSTITUTIONS

Our institutions serve as the backbone of the "body politick." They are the mechanisms through which a culture transmits its values and establishes the norms of human interaction and conduct. They are the lengthened shadows of man, bringing cohesion of process and purpose to the extensions of time, serving as the threads which weave together the fabric of society. Upon their collective continuity rests the continuity of society and government and of the foundation stones upon which common consent rests. Institutions may be practices, or relationships, or processes, or organizations, or structures, but the common denominator of all is that they serve as the dispassionate devices through which people and groups, in agreement or in disagreement, act and react with one another.

Institutions do not arise simply and solely from the genius of man. They are, through the ceaseless learning processes of a people and a nation, hammered out upon the anvil of human experience. They are tried. They are tested. They are proved. And through all of this, adjustments are made, carefully here, prudently there. But in the long run, they provide the procedural mechanisms through which human conduct can be self-regulating by common agreement and perception, and, when necessary, by force of law.

It takes no specialist in institutional dynamics to conclude with a reasonable degree of certainty that we, as a nation, are placing ever greater burdens upon our institutions. It is not demagoguery to question the ability of our institutions to meet adequately the demands now being placed upon them.

We are, in my opinion, overloading our institutions with demands that exceed our human capacity to perform, and this gap between expectation and performance widens daily. Unless this trend is reversed, our institutions may be destroyed, our leaders overwhelmed, and our free society radically altered.

WHY OUR INSTITUTIONS ARE BEING OVERBURDENED

In order that we might better learn from the past, it is appropriate to inquire: How has our society moved so far and so dramatically toward an overburdening of its institutions?

There is no wholly adequate single answer to this query, for the reasons are several and interrelated. The answer lies in a combination of tendencies or propensities which became more acute during the past decade but which only collectively brought about the present crisis. I speak, principally, of these:

First, the failure of elected officials in general to demonstrate both by word and deed the qualities of leadership which engender respect both for our system and the principles on which it is based, and their seeming willingness to follow the uneven and often self-contradictory tides of public opinion in contrast to conscious efforts to make public opinion on issues of enduring concern.

Second, the failure of our leaders and our people to ascertain sharply the differences between realities and the appearance of realities—between substance and rhetoric—between substantive goals and procedural tactics.

Third, the inability of our institutions to keep performance abreast of expectations—to match delivery and anticipation—an unavoidable consequence of promises being made upon inadequate premises.

Fourth, the search for single answers to major problems with infinite variations, which search has contributed mightily to a concentration—rather than diffusion—of power in the upperstrata of decisionmaking, whether in government, or in business, or in labor, or in whatever. Such efforts tend, on the whole, to lessen the intellectual capabilities of a free and diverse people to resolve their own individual problems, leaving it instead, to self-professed problem-solvers who urge government expansion and intervention as the only solution.

Fifth, the inherent necessity of the news media focusing upon the problems of our society, instead of the time-proved, day-to-day occurrences which constitute the overwhelming bulk of human action, experience, and hope—"inherent" because, by definition, the news focuses on obvious aberrations from moral standards and normative states.

While understandable, this, unfortunately, distorts our view of the world, focusing that view upon the unusual, the tense, the conflicting aspects of human conduct, rather than upon the majority of human events which will go forever unnoticed in the public annals of our times. In short, there has been a neglect of our history as a nation and those real life examples which help us shape standards of the humanly possible.

Sixth, the inevitable frustration which builds within the people when the mandate of public elections is frustrated by unaccountable bureaucracy, unrestrained special interests, and divisive forces within the society. There cannot be a continuing faith in the electoral process, when the ballot box is frustrated by forces not accountable to the people.

Lastly, the understandable tendency of the public to be overwhelmed by the very visible effects of the breakdown in our institutions—to be overwhelmed by the sheer gravity of our times.

XUM

THE QUALITIES OF LEADERSHIP

Mr. Speaker, in his now classic work of 1922, "Public Opinion," Walter Lippmann noted that where the true qualities of leadership are absent, elected public officials simply follow public opinion; they do not help to mold it. Lippmann characterized these officials, no matter how lofty their stations, as opinion reflectors, not opinionmakers.

It is not an easy task, within a free society and within a republican form of government, to determine the proper balance between an official molding public opinion on one hand and merely following the perceived opinions of his constituency on the other hand. Such a search for balance will take one headlong into the ageless debate over whether an official is elected to exercise his own judgment in behalf of his constituency or simply to follow the majority opinion within that constituency on each and every issue. I do not intend to join that issue here, except to state that it is not an abridgement of the principles which buttress freedom for learned men in elected positions to exercise their own intellectual and political capabilities to positively influence the attitudes and perspectives of the electorate. It is in furtherance of the concept of the responsibility of leadership to impart wisdom and facts to those who will be effected by decisions arising from the judgments of those leaders to follow such a course of action.

The testing of leadership is acute today, made more so by the ever-shortening time frame within which astute judgments must be made and implemented, for every problem, every decision, and every judgment can now be brought into immediate question, on a nationwide scale, through instant communications. And, the perceived intensity of the problem to be solved governs the immediacy of its resolution.

A major problem of leadership today is the wide and deep scope of issues which must be joined and resolved. As a nation, we have concentrated, both knowingly and yet unwittingly, power into the hands of a diminishing number of leaders, giving each greater influence over our lives yet less time with which to deal adequately with the question. Because of their number, key questions must be delegated for resolution, at best reserving for the leader only a last moment "veto" privilege over the nature and implementation of the decision. Only the most major of issues can today receive the personal attention of national leaders, and then there is no surety that all points of view will be adequately expressed and alternative courses of action weighed either by him or those to whom he has delegated responsibility. In short, the supposed decisionmaker becomes little more than a mediator among competing constituencies or special interest groups within the nation, weighing the consequences of his action most heavily upon the voting booth and not upon the rightness of his judgment or decision. When we give to one man or one agency of government the power to effect an entire sector of the economy and millions of people, is there little wonder that we have thrust at him or that agency an opportunity for the abuse of power?

And in giving such major personal and institutional responsibility to the President and to his agencies, has not the Congress shirked its own constitutional and moral responsibilities to make such decisions—in essence, "passing the buck" and all the temptations for malfeasance which arise therefrom? And who is to blame: The man who had to make the specific decision, or those who placed that decisionmaking capacity solely in his hands?

The role of the conscientious critic is an important one, particularly within a free society, but so too is the role of the positive advocate. Our society has developed a tendency of late to criticize so quickly and so acutely the actions of its leaders, that it often makes them prone not to make decisions at all or, at best, to seek the paths of least resistance by "hedging the question." This is a tendency antithetical to true leadership. As then-Vice President Theodore Roosevelt declared in 1899:

> Far better it be to dare mighty things,
> To win glorious triumphs,
> Even though checkered by failure,
> Than to take rank with those poor spirits
> Who neither enjoy much nor suffer much,
> Because they live in the gray twilight
> That knows not victory nor defeat.

Our leaders should aspire to these words, to dare to do great and meaningful things, with their feet planted squarely upon the ethical foundations of truth and reason.

SUBSTANCE VERSUS RHETORIC

Mr. Speaker, we are a society and a world turned topsy-turvy by the rhetoric of an age in which the maximum degree of a man's or a nation's focus is often upon a minimum of genuinely important concerns. While on the one hand we have seen in our lifetime accomplishments which rank easily among the most notable of man's achievements, we have on the other hand seen the apparent degeneration of the spirit and soul which hold men's minds intact and civilizations together. Of what do I speak?

In the name of "peace," men wage war.

In the name of "love," men foment hatred and violence.

In the name of "liberation," one-half of the world's people has been subjugated.

In the name of the "quality of life," our courts sanction the destruction of human fetuses.

In the name of "preserving free enterprise," government regulation threatens to destroy it.

In the name of "controlling inflation," government abets it.

We move ever closer to the slogans of George Orwell's "1984"—"War Is Peace." "Freedom Is Slavery," "Ignorance Is Strength." And yet we live not within the pages of a novel about future civilizations.

This, then, becomes a task incumbent upon every citizen: To perceive the difference between the appearance of reality on one hand and reality itself on the other. They are often worlds apart. Aimless rhetoric has obscured the substantive issues with which we must, as a people, come to grips. We have lost our hold on substance by grasping at the shadows of rhetoric. We have made truth an elusive fact.

In the jargon of our times, the admonitions that, "you've gotta tell it like it is," or "gotta keep your eye on the ball," seems most appropriate for the seventies. We must all train our minds to be ever vigil upon the substance of our times. It is substance—not rhetoric, not procedure—upon which our mind's eye must be focused. It is not an easy task.

As President Kennedy declared in 1962:

> The great enemy of the truth is very often not the lie—deliberate, contrived, dishonest—but the myth—persistent, persuasive, and unrealistic.
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> * * * * *
>
> We must move on now from the reassuring repetition of stale phrases to a new, difficult, but essential confrontation with reality.

And the German dramatist, Johann Goethe, writing in 1828, summarized the imperative this way:

> The truth must be repeated again and again, because error is constantly being preached round about us. And not only by isolated individuals, but by the majority. In the newspapers and encyclopedias, in the schools and universities, everywhere error is dominant, securely and comfortably ensconced in public opinion which is on its side.

Every public leader, elected or otherwise, has a specific, affirmative obligation to tell the people the truth, not just what they perceive the people might want to hear. The time has come to tell the people the whole truth, no matter how much that may be in disagreement with prevailing public opinion and no matter how much the telling of the truth may hurt at the voting booth. We can no longer afford superficial solutions and foolish promises which can neither be fulfilled nor are expected to be fulfilled by those who make them. Words and promises are not deeds.

There are no painless nor cheap solutions to defeating inflation, providing adequate energy resources, restoring our environment, providing an adequate national defense, helping to assure peace. Promises made in a vacuum resolve none of our Nation's ills. Truth alone provides the premises upon which real world answers can be espoused and effectuated.

EXPECTATIONS VERSUS CAPACITIES FOR DELIVERY

Mr. Speaker, we are all, today, seeing too much of too little of the stage upon which all of us stand. Our concentrated focus on the problems and weaknesses of our system is misleading us into thinking we are looking at the cause of our ills. We are not; rather, we are looking at the results.

It must not be assumed that if capacity for increased performance lies latent in our society, we can continually increase our demands on our institutions, or that performance will automatically rise to the levels of demands. When you raise the ante, you do not improve the cards.

Yet the notion that in raising the ante one improves the cards is the central fallacy of our times. It is responsible in large part for our economic chaos, our overcommitted foreign policy, our overextended leaders. It is responsible for the dampening of our spirit.

We have not yet learned that the improvement of institutional and individual performance takes much effort over a considerable time. Demands for instant performance that ignore the time scale required lead to false judgments about our moral purpose and our social concern. It becomes easy to believe that only human depravity stands between the dream and the fact of heaven on Earth. Such a conclusion can be both false and dangerous.

One dangerous consequence of this distortion of demand and performance is only now coming into focus; namely, the downgrading of the whole profit sector of our life, both in its educational, social, and religious modes and in its entrepreneurial aspects.

The reason the private sector is in trouble is that increasing demands on our institutions have advantaged the public sector with its powerful levers of police, taxing, and spending powers. The private sector is under the pressure of demand also, but its limits of action are established by the levels of voluntary support. The Government's share of the wealth is interfering with our private enterprises' ability to produce the wealth so necessary to advance our society.

Some are only now beginning to fully appreciate the retarding influences generated by government taking ever greater shares of the people's money. In the New York Times of Friday, October 5, 1973, Robert B. Anderson, former Secretary of the Treasury, made the point graphically:

> More capital is a necessary steppingstone to further advances in our standard of living. The higher American standard of living as compared with other countries is a direct outgrowth of higher levels of capital investment per worker. America's ability to combat inflation at home and to meet foreign competition is in direct proportion to her ability to accumulate larger capital resources.
>
> In the area of expanding employment opportunities we must be equally aware of the demands for more and more capital. Frederick B. Dent, Secretary of Commerce, recently cited the staggering figure that each new indutrial job created in this country requires an average capital input of $25,000. Since my tenure at the Treasury Department we have also witnessed an increase in the demand that our economic system provide the answers for such valid national goals as clean water, pure air and better land use. Americans must realize that how we legislate or control our national stock of capital directly affects our standard of living, our jobs, our environment and our ability to fight inflation.
>
> Unwise tax policies that discourage savings and dampen the psychological climate for investment have an adverse effect on our total national well-being and on all segments of our society. There can be no more important national objective than to increase our capital resources. But we see instead under the guise of tax reform renewed attacks on the sources of capital accumulation.

Mr. Speaker, if we are coming to the point where it is widely believed that only those on the public payroll can work in the public interest, this endangers our free society. If we ever come to the point where we rely on others to make decisions on issues which directly affect us, our free society will be doomed.

Virtually every institution is being overburdened today. Greater and continued reliance upon government, as an institution, has placed its capacities to deliver effectively at a breaking point. Our colleges and universities are overburdened with enrollments, and the quality of education given to the quantity of students has noticeably declined. The President, as an institution, is given massive responsibilities of judgment over issues with which the other branches are unwilling to grapple; I have already commented in depth on this phenomenon. Our Congress is asked by every special interest group or constituency conceivable to act in its interest, often obscuring both our capability to work for the whole of the commonwealth and our capability to deliver. Our churches, as institutions, are overwhelmed with the depth of the moral crisis and moral dilemmas of our age, and the absolute and unflexible standards so necessary to our ethical system. The private sector is overburdened because the increasing demands on our institutions have advantaged the public sector with its powers of regulation, tax, and purse, and the capacities of the private sector to deliver through profit incentives and volunteer efforts are being restricted by government intervention and usurpation.

And if we do not believe that this body stands guilty of adding to this widening gap between expectation and capacity to deliver, look at the recently quoted words of the distinguished chairman of the Committee on Appropriations (Mr. MAHON):

> We're not stingy, we just don't have the money available. Full funding of all bills with specific dollar authorizations would have added $50-billion to last year's budget.

There is nothing wrong with proposing a solution to a problem: That is the exercise of a responsibility of office. What is wrong, however, is proposing a solution when one knows that it will only increase the hopes of those whose problems would be partially or wholly alleviated thereby but stands no realistic chance of enactment and implementation. We must be ever on guard against this natural tendency within the political process, for in the long run it endangers the very system we seek to preserve.

SIMPLE ANSWERS ARE NO ANSWERS

Mr. Speaker, the search for single answers to major problems with infinite variations has contributed to a concentration of power in the upperstrata of decisionmaking, particularly in Government.

Our Nation has moved to the implicit belief that it is possible to tamper indiscriminately with our system, making patchwork adjustments here, and imposing controls there, without affecting our productivity and standard of living. I believe that we have reached the point where we can no longer afford this view.

It is difficult to avoid the conclusion that the rapidly expanding role of government, if not reversed, will fundamentally change the nature of our system.

Our difficulties stem from the tendency these days to identify the source of our problems, real or imagined, with the functions of our system. Some government control or government program is then immediately advocated to come to grips with the supposed problem.

On the other hand, if there is anything that history teaches, particularly the contemporary history of midtwentieth century America and Western Europe, it is that symptom-fighting solutions are inherently self-defeating in a complex, interrelated structure, There are secondary and tertiary effects from all government actions. Problems do not disappear through government action, they are merely displaced.

Examples of the failure of institutions lie all about us, particularly in the area of government programs.

The war on poverty, heralded in 1964 upon its proclamation as "the answer" to America's economic and social ills, produced few meaningful alleviations of poverty, benefiting those most who served as full-time salaried employees within the poverty consultant complex.

The massive Federal efforts for low-income housing are generally conceded now, by liberals and conservatives jointly, to have been terrible failures, benefiting almost everyone except those for whom the benefits were intended.

The federally sponsored urban renewal program was never able to address itself fully to the real causes of urban blight and, in summary, simply moved a problem from one urban area to another, or from an urban area to a suburban area.

Government attempts to allocate scarce resources have not only failed to develop additional resources with which to overcome such scarcities but have also often resulted in worsened shortages. The energy crisis has been brought upon us, in no small measure, by government regulatory schemes and disincentives created thereby. Disincentives to exploration and artificially established wellhead prices have led to the shortage of natural gas—the cleanest of all our major fuels. Disincentives to exploration have resulted in rapidly declining searches for crude oil. Concerns, no matter how well intentioned, over potential, rather than proved, environmental impacts have stopped the trans-Alaskan pipeline, offshore exploration, et cetera. The food shortages being faced by the consumer today are similarly a result of misdirected government policies.

Most economists now agree that the attempts by Government to regulate prices as a means of controlling inflation have resulted, in a wide variety of instances, in higher prices than those which would have resulted if left to the free market and its principles of supply and demand.

A broad principle embodied in our Constitution gives an answer to these problems that has preserved freedom thus far, though it has been violated repeatedly in practice while proclaimed as precept.

The principle is that government power must be dispersed. If government is to exercise power, better in the county than in the State, better in the State than in Washington. If one does not like what his community is doing, he can move to

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another community, and though few may take this step, the mere possibility acts as a check. If one does not like what his State does, one can move to another. But if one does not like what Washington does, we have few alternatives in this world of jealous nations.

The great tragedy of this drive to centralization, as of the drive to extend the scope of government in general, is that it is mostly led by men of good will who will be the first to rue its consequences.

Prof. Milton Friedman, former president of the prestigious American Economics Association, summarized these concerns:

> The preservation of freedom is the protective reason for limiting and decentralizing governmental power. But there is also a constructive reason. The great advances of civilization, whether in architecture or painting, in science or literature, in industry or agriculture, have never come from centralized government. Newton and Leibnitz; Einstein and Bohr; Shakespeare, Milton, and Pasternak; Whitney, McCormick, Edison, and Ford; Jane Addams, Florence Nightingale; not one of these opened new frontiers in human knowledge and understanding in response to government directives. Their achievements were the product of individual genius, of strongly held minority views, of a social climate permitting variety and diversity.
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> Government can never duplicate the variety and diversity of individual action.
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> There are only two ways of coordinating the activities of millions. One is central direction involving the use of coercion. The other is voluntary cooperation of individuals—the technique of the market place.
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> The existence of a free market does not of course eliminate the need for government. What the market does is to reduce greatly the range of issues that must be decided through political means, and thereby to minimize the extent to which government need participate directly in the game. The characteristic feature of action through political channels is that advantage of the market, on the other hand, is that it permits wide diversity. It is, in political terms, a system of proportional representation.
>
> The fundamental threat to freedom is power to coerce. The preservation of freedom requires the elimination of such concentration of power to the fullest possible extent and the dispersal and distribution of whatever power cannot be eliminated.
>
> The use of political channels, while inevitable, tends to strain the social cohesion essential for a stable society. The strain is least if agreement for joint action need be reached only a limited range of issues on which people in any event have common views. Every extension of the range of issues for which explicit agreement is sought strains further the delicate threads that hold society together. If it goes so far as to touch an issue on which men feel deeply yet differently, it may well disrupt the society. Fundamental differences in basic values can seldom if ever be resolved at the ballot box; ultimately they can only be decided, though not resolved, by conflict.
>
> The widespread use of the market reduces the strain on the social fabric by rendering conformity unnecessary with respect to any activities it encompasses. The wider the range of activities covered by the market, the fewer are the issues on which explicitly political decisions are required and hence on which it is necessary to achieve agreement.
>
> A good society requires that its members agree on the general condition that will govern relations among them. No set of rules can prevail unless most participants most of the time conform to them without external sanctions; unless that is, there is a broad underlying social consensus.
>
> The need for government in these respects arises because absolute freedom is impossible.
>
> The major problem in deciding the appropriate activities of government is how to resolve such conflicts among the freedoms of different individuals.
>
> The paternalistic ground for government activity is in many ways the most troublesome to a liberal; for it involves the acceptance of a principle—that some shall decide for others—which he finds objectionable in most applications and which he rightly regards as a hallmark of his chief intellectual opponents, the proponents of collectivism in one or another of its guises.

THE FOCUS OF OUR ATTENTION

Mr. Speaker, as I pointed out earlier, there is an inherent necessity of the news media focusing upon the problems of our society, instead of focusing on the time-proved day-to-day occurrences which constitute the overwhelming bulk of human action, experience, and hope. This is an inherent characteristic because, by definition of its role in society, the news-gathering and news-reporting institutions must focus upon the aberrations from moral standards and normative states. That is what makes the news the "news." Yet this necessity has created some intense problems within our society, primarily by, first, leaving the impression that the aberrations are the norms, and, second, by dampening the spirit of the people and their hope and feelings of well-being. We now constantly feel that "something is wrong with America," when that which is reported and which leads us to that conclusion is but an aberration, a distinct minority of human action.

Thankfully, this phenomenon has not gone unnoticed.

The noted scholar, historian, and Director of the National Museum of History and Technology of the Smithsonian Institution, Daniel J. Boorstin, has summarized his concerns:

> One of the most effective weapons that can be used against a nation is to persuade it that it is suffering from incurable illnesses of some kind. I have been dismayed in talking recently to some politicians in Washington who refer casually to the "national decadence." I suggest that the best way to make a nation decadent is to persuade people to talk about its decadence.
>
> I don't suggest that the press and television give up their critical roles. That's very important. But I think they should give more of their attention to exploring the achievements that justify our society and its inhibitions. Unless they do that, the weight will go increasingly on the side of destruction, dissent, and discontinuity. It will depreciate more and more the gifts of tradition and civilization which are enormous and which are greater in the United States today than they have ever been anywhere before.
>
> We have lost interest in the real examples from the human past which alone can help us shape standards of the humanly possible.
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> When we allow ourselves to be imprisoned in the present, to be obsessed by the relevant, we show too little respect for ourselves and our possibilities.

A man who comes from the media industry itself, Mr. Bruce Herschensohn, an Academy of Motion Picture Arts and Sciences Oscar winner, for the USIA film, "Years of Lightning, Days of Drums," has set this phenomenon into perspective:

> This generation has been witness to life and age and death in new time-zones and it has created the young-generation-in-a-hurry. Television has brought this generation a feeling of urgency towards life.
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> Television has had a tremendous effect upon all of us and upon the way we live our lives.
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> All those lenses, viewfinders, turrets, cranks and buttons have been made to preserve the visible on film or tape or for live transmission. But that assumes the visible is the truth. It's not. The invisible is the greatest truth.
>
> What is so important that's invisible? Everything that's truly important. Peace is invisible, freedom is invisible, love is invisible, faith is invisible. Even the motivation behind political decisions is largely invisible.
>
> The camera, unable to record the invisible, not only focuses on the visible, but it lives with an inborn prejudice. It ignores the visually dull and records the visually interesting. And most often the visually dull is the more vital hint of the invisible truth.
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>
> Peace is simply a visual bore. War isn't. Put television cameras in choice positions around An Loc during a battle. It will be watched. Put the same cameras around Ann Arbor to watch the peace. It will be dull and boring.
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> Because of the immediacy of television, Americans and citizens of other sophisticated countries of the world have become news oriented. There is a great deal of difference between fact orientation and news orientation. Many say this generation knows more information than any generation before it. The truth is it knows more news than any generation before it. But news by itself can be misleading if not put in context with facts which are not news.
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> Television has been guilty of educating the younger generation in half-truths and non-truths. The six o'clock or seven o'clock or eleven o'clock news is accepted as truth. It is truth—but news programs by their very nature must present the truth of abnormality.
>
> A riot? News. No riot? That's not news. A murder? News. A life continuing from Monday to Tuesday. No news. A baby found in Appalachia with a distended stomach? News. Millions of well fed babies? No news. No story. Not interesting. Not visual. Dull. Boring.
>
> And so night after night all those little segments of news build up a composite and grand visual picture entitled: "The United States of America".
>
> But it isn't.
>
> The fact that riots and murders and poverty are news is a virtue and not a vice. It attests to their abnormality. If they were normal they would not be news.
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> Even in terms of dissent versus support, the dissent is visible in masses protesting and demonstrating, whereas support generally comes in the words of letters and telegrams.
>
> It is entirely possible that we can no longer fight wars in a visual age. This would surely be a great advance if it were true for the entire world. Unfortunately, the rule only applies to a free society. In closed societies they see what the government wants them to see. In short, the visible becomes the invisible.
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> Television images can mean life and death to someone. In a larger sense, those images can mean life and death to nations. Those images can be more powerful than a thousand armies—because armies can only scorch the skin but television can scorch the mind.

Mr. Speaker, these words were not intended by Mr. Herschensohn to be "antitelevision" or "antimedia." They could be taken that way only superficially or in an overreactive defense of the media. Rather, they call graphically to our attention the way in which the viewer, because he does not frequently think about the abstract character of that which he is viewing, can be unwittingly a party to viewing the "news" as the entirety of a day's events—viewing the aberration as the normal.

Coupled with the other tendencies of our age, this phenomenon adds to our seeming incapabilities to deal adequately with real world problems and to view them in their proper perspective.

FRUSTRATION OF MANDATES

Mr. Speaker, the frustration of mandates given to the programs of elected leaders by the people is nothing new to our system or to our Nation, yet it has been accentuated in recent years.

Consider what happens with most Federal programs today. The Congress levies taxes and authorizes expenditures, but the crucial operating decisions are often made by anonymous bureaucrats who are directly accountable neither to elected officials nor to the public at large.

Government talks more and taxes more, but too often it fails to deliver. It grows bigger and costlier, but our problems only seem to get worse. The result has been a widening frustration in America and the mounting fear, as I have pointed out in the entirety of these remarks, that our institutions will never again be equal to our needs. This must not be allowed to continue.

The people work and vote for a candidate pledged to a change in the direction of programs. The people, by majority vote, give to that candidate a mandate for such change. He comes to office and strives to achieve his plurality-endorsed mandate, but too often nothing, or little, happens.

The American people perceive the ways in which bureaucracy committed to old programs and special interests, committed to their own particular interests, often over and against the interests of the whole, are able to frustrate their—the people's—intent, expressed through the ballot box.

There can be little wonder why these frustrated voters often call into question the capacity of government to perform. One answer lies in making the structure and people within the government more accountable. An additional answer lies in removing from government the power over people's lives, so that they may, individually and collectively, make the decisions which affect them most directly.

IN CONCLUSION

Mr. Speaker, the time has come for a reassertion of genuine leadership in America. Misdirected programs—resting upon ill-conceived or inadequately documented premises, arising from the central yet fallacious notion that government alone can perform best for the people—have contributed mightily to the breakdown in our institutions, public and private. We see daily manifestations of this breakdown, but they are the results, not the causes, of our problems and of my concern.

Abraham Lincoln, before he came to the Presidency, lamented:

> If we could first know where we are, and whither we are tending, we could better judge what to do, and how to do it.

I think we, who look coldly at the truths of history and their relationship to our present crisis, know exactly where we are and where we should tend. I think it is time for this Nation and Members of this body to give to the Nation the quality of leadership which it and its institutions now require.

CAN DÉTENTE WORK?

The SPEAKER. Under a previous order of the House, the gentleman from Iowa (Mr. MEZVINSKY) is recognized for 10 minutes.

Mr. MEZVINSKY. Mr. Speaker, recent Soviet actions in the Middle East raise serious questions as to the Soviets' conception of the détente negotiated with the United States. At the outset of the war in the Middle East the Soviet Government publicly encouraged uninvolved Arab States to join Egypt and Syria in their war with Israel. Despite United States' calls for restraint, the Soviets immediately began massive airlifts to the Arab nations, thus insuring an escalation and prolongation of the bloodshed in the Middle East. Finally, the Soviets ominously threatened to send troops into the area. The President reacted by placing American Armed Forces on a military alert. Although both powers wisely backed away from a confrontation, it is this kind of confrontation which presents a clear threat to world peace.

Détente cannot work if the Soviets are allowed to believe that they can encourage warmaking and military confrontation abroad and practice brutal repression at home. Yet this is the course which the Soviets are continuing to pursue. Internally, they continue to oppose emigration of Jews and various other ethnic groups desiring to join relatives elsewhere. Most of those denied exit visas have lost their jobs and are forced to support themselves through manual labor and help from friends abroad. They are subject to constant harassment and arbitrary arrest.

The U.S. Congress is attempting to exert economic pressure on the Soviets to ease these severe emigration restrictions. Legislation which I am cosponsoring attempts to exert pressure by withholding MFN status. Similar efforts are being made to withhold credits and credit extensions. The Soviets have branded these efforts a grave threat to détente.

But it is not economic pressures which menace world peace and threaten détente. True threats to world peace are posed by actions which intensify international tensions and invite military confrontation—actions such as those of the Soviets during the Middle East conflict.

In light of these considerations we surely must reassess the nature of the détente that has been negotiated with the Soviet Union. We must continue to work with the Soviet Union toward world peace. But let us make certain that the détente negotiated is détente by mutual consent and not détente under Soviet terms.

CONGRESSMAN DRINAN SPEAKS ON IMPEACHMENT, THE CONFIRMATION OF GERALD FORD, AND THE NECESSITY OF A SPECIAL WATERGATE PROSECUTOR

The SPEAKER. Under a previous order of the House, the gentleman from Massachusetts (Mr. DRINAN) is recognized for 5 minutes.

Mr. DRINAN. Mr. Speaker, well over 3,000 persons have written to me during the 10 days following the "Saturday night massacre." All but 80 of these letters have called for the impeachment of the President. The authors of the communications also express their grave misgivings with respect to the confirmation of GERALD FORD as Vice President and their reservations concerning the appointment by the President of a special Watergate prosecutor.

Mr. Speaker, I want to give my viewpoints on these crucial questions both for my constituents and my colleagues.

HOW MANY IMPEACHABLE OFFENSES ARE NEEDED

On July 31, I filed the very first resolution of impeachment in the 93d Congress. I scrupulously avoided mentioning any possible offense of the President related to the Watergate crimes. I noted that impeachment is a noncriminal and nonpenal proceeding. I carefully noted that all of English and American legal tradition confirms the fact that impeachment is a proceeding of a purely political nature. Impeachment is not designed to punish the offender but simply to divest him of his political capacity and office.

On July 31, I mentioned—without excluding others—the following impeachable offenses. First, the secret bombing by the President of Cambodia over the period of 14 months between March 1969 and May 1970. Second, the clandestine taping of all conversations in the White House—an act which might well be a violation of existing Federal statutory law. Third, the fact that the President continues to impound billions of dollars—despite the fact that at least 21 Federal court decisions have denied the administration the right to continue this unconstitutional practice. Fourth, the establishment of a supersecret security force within the White House itself in derogation of the statutory duties of the FBI and the CIA.

The nature of impeachment as it has been understood in American law does not require the House of Representatives to wait before commencing impeachment proceedings until some clear indictable offense on the part of the President becomes manifest. The framers of the Constitution separated impeachment from subsequent criminal prosecution. The

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Founding Fathers made it clear that impeachment requires more evidence than would be required in the European parliamentary situation for a vote of no confidence. At the same time the authors of the Constitution intended that impeachment could be voted by the House of Representatives for Presidential conduct which would be less than criminal but more than tolerable.

Since impeachment is by its very nature a political process the people of the United States should be heard on this question more than perhaps on any other single issue that can ever come before the Congress. I, therefore, welcome communications from my constituency and from others since I obtain insights, sometimes of a very unique nature, from the hundreds of letters that come to me.

At this time the staff of the Judiciary Committee of the House is being expanded and a comprehensive investigation into every possible impeachable offense of the President has been initiated. No one at this time can predict how long that investigation will go on or where it will lead. I have repeatedly emphasized what I said on July 31:

> Impeachment should not be a partisan issue. Impeachment should be a question which members of both political parties in the House of Representatives should be able to discuss.

By the very establishment of impeachment proceedings in the House it seems fair to state that the Congress has come to the conclusion that an impeachment proceeding is the only way by which the President can vindicate himself. Col. George Mason, one of the authors of the Constitution, made this point that sometimes impeachment is the only way by which a President can exonerate himself. Colonel Mason, speaking to the framers of the Constitution meeting in Philadelphia, recommended that the Constitution provide "for the regular punishment of the Executive when his misconduct should deserve it—and for his honorable acquittal when he should be unjustly accused."

In my judgment that is the way in which the Congress and the country should approach the impeachment proceedings now unfolding in the Judiciary Committee of the House of Representatives.

THE CONFIRMATION OF GERALD R. FORD TO BE VICE PRESIDENT

As a member of the Judiciary Committee I have taken no stated position with respect to the confirmation of GERALD FORD to be Vice President. The 38 lawyers on the House Judiciary Committee will watch with the keenest interest the Senate hearings and will evaluate every item of information which will be obtained concerning the first nominee to be Vice President under the 25th amendment of the U.S. Constitution.

Although the legislative history of the 25th amendment is not without doubt it seems fair to state that the authors of that amendment intended that the 535 Members of the Senate and House would utilize as their norm in voting upon a Vice President the basic question of whether in their judgment this person has the qualifications to become, if called upon, the President of the United States. The framers of the 25th amendment did not intend to exclude the political ideology of the nominee nor did they think that the Members of the Congress should be required to set aside partisan differences of viewpoint as irrelevant or immaterial.

It would seem that the confirmation of Congressman GERALD FORD might well turn on the degree to which the Members of Congress feel that his judgment and conduct can be independent of those policies of the Nixon administration which a majority of the Congress deplore and lament. Obviously there are delicate and complex questions of the extent to which Congressman FORD should be penalized with respect to his views on executive privilege, impoundment of funds or the several other issues which cause Members of Congress to feel that their rights have been invaded by the executive branch of Government.

No one on the Judiciary Committee or in the House of Representatives has any desire or intention to delay unduly the nomination of Congressman GERALD FORD. At the same time it is self-evident that his confirmation is intertwined with the wrenching question of the impeachment of the man who appointed the Vice-President-designate.

One of the limitations in evaluating the background of Congressman FORD has been the attempt, at least up to this time, of the Department of Justice to make available the 1,400 pages compiled by the FBI on Mr. FORD only to the chairman and ranking minority member of the House Judiciary Committee. In my judgment that material and all other relevant material collected by any agency of the Federal Government should be available to every single Member who desires to view it. The contention made by the Department of Justice that allowing members of the Judiciary Committee to see this material might lead to unfortunate "leaks" does not respond to the assertion made by myself and other members of the Judiciary Committee that we are being deprived of knowledge which it may well be our legal and constitutional duty to evaluate.

As I write this statement there is growing pressure both from the press and from some Republicans to hasten the process by which Congressman FORD is to be confirmed. The reasons why haste is necessary never seem to be spelled out. If some individuals or organizations want to allege that the Judiciary Committee or the House of Representatives is deliberately delaying the burden is on them to demonstrate that there has been negligence. Any excessive speed in acting upon this nomination which could result in a failure to evaluate all of the issues involved in this selection could well bring to the American people another reason for their ever-deepening disillusionment with the way in which the Federal Government has been conducting itself in the recent past.

It should also be noted that the action of the Congress with respect to Mr. FORD is entirely different from the "advice and consent procedure" of the Senate with regard to the appointment of Cabinet members by the President. It should be noted, for example, that unlike other comparable sections of the Constitution the 25th amendment states that the President does not appoint the Vice President but rather that he "nominates" him and that the Congress does not give its "advice and consent" but rather the Congress gives "confirmation" of the President's nomination.

IS A SPECIAL PROSECUTOR STILL NECESSARY?

The nomination by the President of Leon Jaworski on November 1, 1973, will be urged by many as a reason why the House and the Senate should drop their plans to enact legislation to provide for a special prosecutor who will be accountable to the chief judge of the District Court of the District of Columbia. Obviously the appointment of a special prosecutor to be accountable to the new Attorney General-designate, Senator WILLIAM SAXBE, of Ohio, can be theoretically looked upon as the reestablishment in theory and in fact of the special Watergate prosecutor's office as it existed under Archibald Cox. Upon close examination, however, it would appear that the SAXBE-Jaworski arrangement cannot really be said to enjoy the independence or prestige possessed by the arrangement liquidated by the President in the "Saturday night massacre" of October 20, 1973. I am afraid that the assurance of the President that he would not dismiss the new special prosecutor without the consent of certain leaders in the House and Senate does not make the new arrangement equivalent to that which the President eliminated with the firing of Archibald Cox.

The President himself indicated in his press conference last week that it is inappropriate to have "a suit filed by a special prosecutor within the executive branch against the President of the United States." In my judgment the President is correct on that point and that the answer to the problem is to take the special prosecutor out of the executive branch. If, however, either the House or the Senate, both controlled by the Democratic Party, should be the appointing power such an arrangement could be looked upon as injecting partisan politics into an area which must be totally void of partisan consideration. Consequently the only approach left is to mandate that the chief judge of the District Court of the District of Columbia appoint the prosecutor. Under the unique and tragic circumstances that now exist it appears that this arrangement is the only possible way by which the people of America can be assured that the Office of the President is not being investigated by the Office of the President but by an outside, impartial agency accountable to someone other than to the executive branch of Government.

As impeachment becomes more and more a real issue within the Congress I am sure every Member of the House and Senate is resolved to avoid the excesses which stigmatized the only other impeachment proceedings ever conducted by the Congress—the proceedings against President Andrew Johnson in 1868.

A decent regard for the design of the founders of our Constitution mandates that all Members of Congress speak rationally, responsibly, and reasonably about that one process given to us by our basic law by which Federal officials may be removed from office.

It has been 90 days, Mr. Speaker, since I introduced my resolution of impeachment. I filed that resolution with the greatest reluctance and after a period of delay of many weeks and months in which my mind and heart resisted the conclusion that impeachment is now the unavoidable duty under the Constitution for Members of the House of Representatives. The determination of the question of impeachment is a right and duty which under the Constitution the House of Representatives possesses and which it may not delegate to any other body in America.

I have the hope that the House of Representatives, regardless of the ultimate outcome of its proceedings, will act with respect to impeachment in a way that will restore and deepen the faith of America in the integrity and soundness of the procedures and the objectives of that body of the Federal Government, the House of Representatives, to which the authors of the Constitution gave unique and exclusive jurisdiction over impeachment.

DECLARE FEBRUARY 16 BATAAN-CORREGIDOR DAY

The SPEAKER. Under a previous order of the House, the gentleman from Hawaii (Mr. MATSUNAGA) is recognized for 10 minutes.

Mr. MATSUNAGA. Mr. Speaker, few chapters of the history of World War II's Pacific theater tell a more dramatic story than that of Bataan and Corregidor.

When Japanese aircraft bombed Manila on December 8, 1941, the day after the Pearl Harbor attack, Gen. Douglas MacArthur commanded a force of some 30,000, including 15,000 American troops, the remainder a combination of the regular Philippine Army and reservists. The Japanese invasionary force quickly reached 200,000, and the Japanese controlled both sea and air around the Philippines. In late December MacArthur was forced to evacuate Manila and withdraw his army to the Bataan Peninsula, setting up headquarters on the island fortress of Corregidor.

The defense of Bataan and Corregidor was nothing short of valiant and inspiring. Both American and Filipino forces fought tenaciously, withstanding onslaught after onslaught by Japanese infantry, artillery, and air power. More than half of the Allied troops were disabled by either wounds or disease, and all were at the point of starvation by mid-April. Tens of thousands of Philippine refugees complicated the peninsula's defense.

General Wainwright, assuming command from MacArthur, in March when MacArthur reestablished his headquarters in Australia, was forced to surrender on May 6, 1942.

General MacArthur promised that he would return to the Philippines, and, of course, he did. In October 1944 he waded ashore on Leyte, beginning a campaign that carried American and Philippine forces back to Corregidor on February 16, 1945. Beginning with a surprise paratroop landing, the 6th Army overcame bitter opposition, gradually forcing the Japanese back, and finally recapturing all of Corregidor 2 weeks later.

Seldom have troops fought so valiantly as did the joint Philippine-American force which eventually yielded to the Japanese invaders at Bataan and Corregidor in 1942. Their vindication came almost 3 years later, with the retaking of Corregidor beginning February 16, 1945. Thousands died or suffered severe injuries. All endured the infamous "Bataan Death March" of prisoners to Camp O'Donnell.

In honor of the brave men who, at Bataan and Corregidor, struggled to keep the land free for democracy, I am today introducing a resolution calling on the President to designate February 16 as "Bataan-Corregidor Day." Perhaps by recalling the valiant struggle of the Americans and Filipinos who fought side by side for liberty, we can remind ourselves of the common heritage shared by free men everywhere.

I ask unanimous consent that the text of my resolution be included in the RECORD at this point.

> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President is authorized and requested to issue a proclamation designating February 16 as Bataan-Corregidor Day in observance of the anniversary of the recapture of Bataan and Corregidor and as a tribute to the gallant American and Philippine soldiers who fought, suffered and died side by side defending the principles of freedom. Such proclamation should call upon the people of the United States to observe such day with appropriate ceremonies and activities.

AN ANALYSIS AND DISCUSSION OF HOW COAL CAN ALLEVIATE THE ENERGY CRISIS

The SPEAKER. Under a previous order of the House, the gentleman from Alabama (Mr. BEVILL) is recognized for 5 minutes.

Mr. BEVILL. Mr. Speaker, energy shortages throughout the Nation continue to have an effect on the economic and everyday lives of our citizens. I believe we must redouble our efforts to increase domestic production of all types of energy. We must also develop other forms of energy. The United States has sufficient resources to meet its foreseeable energy needs. Coal reserves are abundant, and represent a supply of at least several centuries at existing levels of consumption.

My State is a coal-producing State. It has estimated recoverable coal reserves of 7 billion tons. This takes into consideration the 50-percent recovery factor. Coal production amounted to approximately 18 million short tons in 1971.[1] With these statistics, my State has roughly the potential of producing coal for 390 years.

With improvements in mining technology and the potential of coal conversion processes to produce clean burning fuels, production can be increased and coal can be made a larger contributor to the energy scene than ever before. It can be developed within a shorter time span than less abundant and more costly and sophisticated energy resources. Coal is recognized by leading coal industry and government authorities as a very significant short- as well as mid-term contributor to alleviating the domestic energy crisis.

Coal is a primary fuel for the Nation. In his testimony before the Committee on Science and Astronautics, Subcommittee on Energy, U.S. House of Representatives, October 18, 1973, however, Carl E. Bagge, president of the National Coal Association, emphasized that coal contracts, certain environmental, and strip-mine implications must receive attention before coal can become a full-fledged contender in the energy field. He very cogently pointed out that although coal is regaining, of necessity, its public visibility as a crucial source of energy, it cannot realistically be expected to reach its full stature merely by the shrinkage of other fuels. With that he added that:

> The coal industry, which has lived too long on a subsistence level, absolutely requires national policy encouragement and help to increase its production, improve its product, and compete without extraneous handicaps in a free fuel market.
>
> The nation has a second chance to put its energy house in order through sensible management and fuel use of its fuel inheritance. That reprieve, however, could be wasted unless the nation reverses its historical attitude of something less than benign neglect toward coal. We may look ahead to the nuclear promise and the even more remote hope of solar power, but in the realistic meantime we must live according to our present energy means, not draw blank checks against the future.

THE DEVELOPMENT OF COAL TECHNOLOGY

Research and development is a key factor to the future of coal and its contribution to the energy picture. It is obvious that the technological base of coal extraction, distribution, conversion, and consumption must be sound and expansive if America's energy needs are to be satisfied. To meet the annual demand will require a complex new coal system of which research and development is a crucial part.

Equally crucial appears to be to solve governmental restraints which inhibit the coal industry's ability to produce and market its product efficiently. Most frequently cited are price controls which interfere with the provisions of long-term cost recovery contracts, air pollution controls that rule out the use of much available high-sulfur coal, and the freezing of leases and exploration permits on western lands which halted major plans to expand the industry. It has repeatedly

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[1] U.S. Department of the Interior, Bureau of Mines, Mineral Industry Surveys, *Coal—Bituminous and Lignite in 1971,* Washington, D.C. 20240, 69 pp., pp. 8 and 11.

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stressed the enactment of governmental policies aimed at expanding the capability of coal to meet the demands of a rapidly growing and energy intensive society. These policies, they feel, should take into consideration and devise a total systems research and development program for coal. Only such a program can give production, distribution, conversion, and consumption technologies for the 1980's and beyond.

The administration proposal, with the intent to create a Department of Energy and Natural Resources as described in H.R. 9090 is aimed in that direction. According to the Atomic Energy Commission Chairman Dixie Lee Ray:

> The mission of the new Department is to bring together and direct Federal activities relating to research and development on the various sources of energy—to exercise responsibility for policy planning, coordination, support, and management of research and development programs—to be responsible for assessing the requirements of research and development—in terms of both short- and long-term needs.

The proposal heavily focuses on coal management.[2]

Although these efforts will have little immediate effect in terms of added supply through coal unless some of the utilization constraints are relaxed, they promise to establish research goals, define priorities needed to achieve such goals, and allocate those resources necessary to attain specific research objectives. According to its spokesman, the coal industry believes that the following are the research priorities necessary to permit maximum utilization of our vast coal resource base.[3] The specific allocation of effort in each one will depend upon the need, the technical state of the art, and available resources.

First. Mining research—Productivity has declined since the passing of the Coal Mine Health and Safety Act of 1969. It has also declined through the simple aging of coal mining technology which has remained relatively static since the 1950's. Future coal demands cannot be met without a major new forward thrust in extraction technology. It is felt that acceleration of research programs on production technology, within strict health and safety requirements, would improve the efficiency of coal mining. In a statement on October 11, 1973, the President has recommended that extraction technology, which includes reclamation, be increased from $5.9 million in fiscal year 1973 to $9.9 million in fiscal year 1974. Other mining and health and safety research and development is to be increased from $34.7 to $51.2 million.

Second. Liquefaction — Liquefaction processes can provide a low-sulfur alternative to imported residual oil for boiler purposes. The market potential for such a product is clear. Pilot plant work is now underway in solvent refining. An accelerated program, leading to the construction of additional pilot plants as successful research programs indicate, and the earliest possible construction of demonstration stations, strongly promise to be within the national interest. Again, according to the October 11 Presidential energy message, funds for liquefaction are to be increased from $11.5 million in fiscal year 1973 to $30.4 million in fiscal year 1974.

Third. Gasification—A major effort is underway in coal gasification. A jointly sponsored program between the American Gas Association and the Office of Coal Research has brought this process to the pilot plant stage. In addition, several private companies have extensive research programs of their own underway.

Within the past several years there has been a new initiative in another type of coal gasification, the use of low-Btu in conjunction with the combined cycle for the generation of electrical power. This program has exciting potential. If it is successful, future new power stations will be more efficient and will be able to burn a clean fuel made from coal. Federal dollar support in these areas have taken the following form: High-Btu gasification, low-Btu gasification, and research into improved combustion technology are to be increased from $33.4 million in fiscal year 1973 to $64.0 million in fiscal year 1974.

Fourth. Power systems:

Research and development in this area is both expensive and time consuming. But the realization has come that it is timely to develop power systems of the future, systems which will burn coal more efficiently and with less pollution than present power plants. Notice must also be served to the producers of electrical power that coal is and will remain a vital part of the Nation's energy base for decades to come.

Projects underway in the Office of Coal Research include fluidized bed combustion, now programed for pilot plant operation; magnetohydrodynamics—MHD—which seems to be a longer-term project; and combined-cycle generation. All of these systems promise exciting prospects. All have potential, but will be expensive to build and bring to commercial application. By the way that power systems are defined in the Presidential budget allocation, the exact allocation for such systems is difficult to determine.

Fifth. Environmental challenges to coal:

According to the industry, the largest single impediment to coal growth at present appears to be the unattainable pollution abatement standards which have been set by the Environmental Protection Agency and the various States. In its natural state, coal carries ash, sulfur, and other impurities. The focus of attention, to date, has been on the problem of sulfur dioxide control technology. Several processes have been brought through the pilot plant stage and are now at the early stages of demonstration work. But, ultimately, one or more of these processes will have to be used for a reasonable period of time on a full-scale power plant of 500 megawatts or above to demonstrate commercial feasibility. This will require a large dollar investment and the fullest cooperation of industry and the Federal and State governments involved.

Yet, even if and when sulfur dioxide problems are solved, there are oxides of nitrogen within coal and fuels. It is recommended that research and development begin immediately and be carried forth quickly so that when the new standards for nitrogen oxides are designed and implemented, the technology will be available to permit coal to meet them.

It has become evident that America desires both ample energy and a relatively pollution-free environment. The vast reserves of coal available to the Nation can supply both, given the time necessary to do it and a research and development program which will provide the technological base for meeting the energy requirements within acceptable environmental constraints.

COMPETING ENERGY SOURCES

Nuclear power is coal's potential major competitor in the utility market. It is a reality, however, that nuclear power will in the near term not be able to meet the energy shortfall of the magnitude involved.

Imported fuel oil appears to be the only feasible alternative to coal in much of the East and Midwest. A decrease in coal production is certain to increase the amount of oil imported. But current events in the Middle East doubly underscore the case for coal.

Many proposals have been made to develop alternate energy resources such as geothermal or solar energy to replace coal. Appealing as they may appear, their lack of early availability makes them clearly unacceptable in the early future.

The inevitable conclusion must be that the current focus on coal is here to stay.

RETIREMENT OF JULIAN R. SERLES, JR., AS OFFICIAL REPORTER OF DEBATES

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. McFALL) is recognized for 5 minutes.

Mr. McFALL. Mr. Speaker, I take this time to call attention to the retirement yesterday of a native-born Californian, Julian Serles, who has been an Official Reporter of Debates of the House of Representatives for the past 10 years.

In addition to that service here in the House, Mr. Serles was an Official Reporter of Debates of the Senate for some 7 years, and prior to that time an official committee reporter of the House for nearly 10 years.

He also had service in the U.S. Air Force during World War II, the latter half of which was in India and China. Therefore, his total service for the U.S. Government is nearly 30 years.

So far as I am aware, Mr. Speaker, Mr. Serles is the only reporter in history ever to serve in all three official reporting positions on Capitol Hill. In addition, he has the distinction of having been appointed an official superior court reporter for the Kings County Superior Court, in California, at the age of 19. He served in that court prior to entering the Air Force, where he performed the duties of a courts-martial reporter for more than 3 years.

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[2] Cf. Weekly Energy Report, August 6, 1973, p. 4.

[3] Testimony, Carl Bagge, October 18, op. cit.

Mr. Serles, in addition, has been active in his local community. He was the main organizer of and president for 5 years of the Donaldson Run Recreation Association, a community swimming pool in Arlington, Va.; and at the present time is the president of the River Bend Golf and Country Club of Great Falls, Va. At that club he has been an active and ardent golfer. He is the present club champion, as well as the senior club champion.

During the time he was an official committee reporter he attended Georgteown University, where he majored in executive business administration, in evening courses for some 7 years. At that university he was elected a member of the Gold Key Society and also was awarded the gold medal for economics.

Mr. Serles was born in Hanford, Calif., and attended local schools there while a boy. Thereafter he learned to write shorthand at the Merritt Business School in Oakland, Calif., before returning to Hanford to become a court reporter.

While he was in the service in World War II he married a North Carolina girl, and after the war he and his wife, Lewis, were blessed with a daughter, Grace, who now is married and living in Charlotte, N.C.

Mr. Speaker, I know I express the sentiments of all Members of the House when I wish both Julian and his wife very pleasant and happy years of retirement.

SAFE STORAGE OF NERVE GAS

The SPEAKER. Under a previous order of the House, the gentleman from Utah (Mr. OWENS) is recognized for 10 minutes.

Mr. OWENS. Mr. Speaker, earlier this year I introduced H.R. 9745, following an announcement by the Army that certain quantities of nerve agent at the Rocky Mountain Arsenal in Denver would be shipped to the Tooele Army Depot, a storage site located in my district in Utah. Since there are already large quantities of these nerve agents in storage at Tooele, my concern was not whether the depot could safely store the additional material contemplated for transfer. My concern was with the Army's long delay in confronting the danger inherent in storing nerve gas near the main airport at Denver, and whether transfer of the agents was the best means of removing that danger. Destruction onsite seemed to me to be the most logical and certainly the safest course of action possible. Such an action would necessarily depend on whether the Army really needed the stockpiles at Denver or whether these agents were surplus and could be destroyed.

The entire manner in which the Army handled this matter of the stockpiles at Denver indicated to me that there was no clear and well-coordinated plan either with regard to the necessary size of national stockpiles or as to procedures for munition disposition. It seemed incredible to me that such dangerous munitions could have been designed, tested, and produced without any detailed thought as to maintenance, storage, and destruction of deteriorating munitions, or the safety of transport of bulk agent for the filling of fresh munitions. The absence of a clear and definitive plan and the apparent Army policy of reaction to crisis and public pressure rather than of following a logical program suggested the possibility that inertia was the basis of our policy of maintaining nerve agents as a deterrent weapon system.

My bill was referred to the Subcommittee on Research and Development of the Armed Services Committee where hearings were held on October 3 and 4. The Army announced publicly, on the first day of the hearings, that a decision had been made to destroy all the nerve agents onsite at Denver. This, of course, had been my recommendation from the beginning.

Under questioning at these hearings, the Secretary of the Army and other Department of Defense witnesses indicated that a reevaluation of the stockpile requirements by the Joint Chiefs of Staff and the National Security Council had led to the decision that the stockpiles at Denver were not needed. One cannot help wondering whether this reevaluation would have been completed as quickly and the same decision reached if public examination had not exposed the dangers of the Denver storage site. I am pleased that the Army announced last week that destruction of the munitions has begun. Priority should be given to completion of the required destruction of the bulk agent as well.

When the Army announced its decision to destroy the nerve gas at Denver, one of the major objectives for House action on my earlier bill was satisfied. The bill was tabled by the committee and the hearings were adjourned. However, the testimony given at the hearings still leaves a number of issues of greater national importance still unresolved. Two other objectives of H.R. 9745 were to direct attention to the need for reevaluating our policy of maintaining nerve agent stockpiles as a deterrent weapon system and to focus attention on the fact that the Geneva protocol of 1925, in the Senate Foreign Relations Committee for over 2 years, has still not been reported out—apparently because of that committee's disagreement with a position taken by the President with regard to the exclusion of herbicides and riot control agents from the requirements of the protocol.

Some members of the House Armed Services Subcommittee pointed out during the hearings that they could not understand why the Senate Foreign Relations Committee would view the President's attempt to exclude herbicides as the basis for delaying action on the Geneva protocol when the more important issue of controlling chemical warfare, and particularly the use of nerve agents, was the primary purpose for ratifying the protocol. I think that the larger and more complex issues associated with the Senate actions were overlooked during these discussions. Herbicides are more than defoliating agents. They are also crop destruction agents and their use was discontinued in Vietnam because of serious charges that toxic substances capable of having a teratogenic effect on human beings were contaminating the area. The issue of excluding herbicides from the protocol has broader implications when viewed in the context of international understandings concerning the scope of the protocol, and the fact that there is concern in the world that the exclusion of one set of chemical agents might establish a precedent for exclusion of other agents. Such specific exclusions might weaken the effectiveness of the protocol as an international treaty. I cannot in this brief statement discuss the complexity of these arguments except to point out that the Senate committee did examine the issue in some detail. They arrived at the conclusion that they could not agree with the President in his interpretations, and rather than report out the protocol with a negative recommendation, asked the President to reconsider his position. Although he apparently has not chosen to reply to the Senate committee's request, the President's position on this issue was discussed during the House committee hearings on H.R. 9745. Ambassador Hill indicated in his testimony that the administration has not changed its position, despite the controversy about the dangers of herbicides, the investigations still continuing on the ecological effects of the use of these compounds in Vietnam, and the fact that the Senate committee disagrees with his recommendations.

The hearings before the Armed Services Committee only partially examined the national policy questions I had posed. Some of the testimony left me with serious doubts that we really are reevaluating our stockpile needs. The fact that the Army has proceeded to the point that plans for producing the new binary chemical warfare weapons have been announced, and that a decision is near regarding the open air testing of such weapons, makes me anxious to insure that we are certain about the need for replacing current nerve agent stockpiles with the new binary munitions. Such a restructuring of weapons systems bears with it not only the increased costs associated with the adoption of any new weapons system but also the danger, according to some analysts, of an escalation of chemical warfare capabilities by other nations.

I believe that the issue of our chemical warfare policies and the status of international treaty negotiations on chemical warfare arms control still require examination. To this end, I am submitting a resolution today which is intended to secure an intensive examination of our progress in negotiations on chemical warfare treaties and a careful public scrutiny of the entire process of determining whether this Nation should continue to commit itself to a policy of maintaining large stockpiles of chemical warfare weapons.

The proposals regarding binary chemical weapons have merit with regard to alleviating the dangers of storing and handling these highly toxic munitions, but this does not constitute an adequate justification for the continuation of stockpiling. The question of continued

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stockpiling requires evaluation, and in my opinion, this evaluation should not only be conducted in a public forum but should be completed as soon as possible, and certainly before we commit any additional resources to the production and stockpiling of binary munitions. To this end then, I recommend that the Congress conduct such an evaluation to determine whether our policy of maintaining stockpiles for deterrent purposes is indeed justifiable. I think that an examination of this policy will also help to clear the air and permit us to make definite decisions regarding our position in current international negotiations on chemical warfare arms control and progress toward ratification of the Geneva protocol. There is no reason why policies on chemical weapons should be conducted in an aura of secrecy in these days of open discussion of nuclear weapon capabilities and systems. I urge your support of this resolution, the text of which follows:

H. Res. 679

A resolution expressing the sense of the House of Representatives concerning ratification of the Geneva Protocol of 1925, and a comprehensive review of this Nation's national security and international policies regarding chemical warfare

Resolved, That it is the sense of the House of Representatives that the Geneva Protocol of 1925, banning the first-use of gas and bacteriological warfare, be ratified immediately; and be it further

Resolved, That it is the sense of the House of Representatives that both the President and the Congress should resolve the Position of the United States on the future status of herbicides and tear gas so that the Senate may move forward toward immediate ratification of the Geneva Protocol of 1925; and be it further

Resolved, That it is the sense of the House of Representatives that reconsideration of the Protocol would provide an opportunity for a comprehensive review of United States' policies in the field of chemical warfare.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to:

Mrs. Burke of California (at the request of Mr. Hawkins), on account of maternity leave.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. Anderson of Illinois) to revise and extend his remarks and include extraneous matter:

Mr. Kemp, for 30 minutes, today.

(The following Members (at the request of Mr. Riegle) to revise and extend their remarks and include extraneous matter:)

Mr. Mezvinsky, for 10 minutes, today.
Mr. Gonzalez, for 5 minutes, today.
Mr. Drinan, for 5 minutes, today.
Mr. Matsunaga, for 10 minutes, today.
Mr. Bevill, for 5 minutes, today.
Mr. Fuqua, for 5 minutes, today.
Mr. McFall, for 5 minutes, today.
Mr. Owens, for 10 minutes, today, and to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Appendix of the Record, or to revise and extend remarks was granted to:

Mr. Henderson, to extend his remarks in the body of the Record, notwithstanding it exceeds two pages of the Record and is estimated by the Public Printer to cost $940.50.

Mr. Boland, to extend his remarks in the permanent Record, following the rollcall No. 474.

(The following Members (at the request of Mr. Anderson of Illinois) and to include extraneous matter:)

Mr. Frelinghuysen in two instances.
Mr. Derwinski in two instances.
Mr. Quie in two instances.
Mr. Esch in four instances.
Mr. Robinson of Virginia in two instances.
Mr. Hinshaw.
Mr. Cleveland.
Mr. Young of South Carolina.
Mr. Kemp in two instances.
Mr. McClory.
Mr. Fish.
Mr. Heinz in two instances.
Mr. Shriver.
Mr. Spence in two instances.
Mr. Cohen in two instances.
Mr. Rousselot.

(The following Members (at the request of Mr. Riegle) and to include extraneous matter:)

Mr. Staggers.
Mr. Giaimo in 10 instances.
Mr. O'Hara.
Mr. Owens in five instances.
Mr. Dingell in two instances.
Mr. Won Pat in five instances.
Mr. Gunter in two instances.
Mr. Rarick in three instances.
Mr. Gonzalez in three instances.
Mr. Helstoski in 10 instances.
Mr. Danielson in five instances.
Mr. Harrington in two instances.
Mr. Drinan in five instances.
Mr. Moss.
Mr. Roush.
Mr. Dulski in six instances.
Mr. Hanna in five instances.
Mr. Riegle.
Mr. Waldie.

ADJOURNMENT

Mr. RIEGLE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 17 minutes p.m.), under its previous order, the House adjourned until Monday, November 5, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1496. A letter from the Secretary of the Treasury, transmitting drafts of proposed legislation to provide for increased participation by the United States in the International Development Association, and to provide for increased U.S. contributions to the Special Funds of the Asian Development Bank; to the Committee on Banking and Currency.

1497. A letter from the Secretary of Health, Education, and Welfare, transmitting a plan for the delegation of certain functions of the Commissioner on Aging to officers of the Department of Health, Education, and Welfare not directly responsible to him, pursuant to section 201 of the Older Americans Act of 1965; to the Committee on Education and Labor.

1498. A letter from the Assistant Secretary of State for Congressional Relations, transmitting copies of Presidential Determination No. 74-5, finding that it is important to the national security of the United States to furnish sophisticated weapons systems to the Republic of Korea, Turkey, and Jordan in fiscal year 1974, pursuant to section 504(a) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1499. A letter from the Executive Director, Federal Communications Commission, transmitting a report on the backlog of pending applications and hearing cases in the Commission as of September 30, 1973, pursuant to section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

1500. A letter from the Vice President for Public and Government Affairs, National Railroad Passenger Corporation, tranamitting the financial report of the Corporation for the month of July 1973, pursuant to section 308(a)(1) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HUNGATE: Committee on the Judiciary. H.R. 10937. A bill to extend the life of the June 5, 1972, grand jury of the U.S. District Court for the District of Columbia; with amendment (Rept. No. 93-618). Referred to the Committee of the Whole House on the State of the Union.

Mr. PRICE of Illinois: Joint Committee on Atomic Energy. H.R. 11216. A bill to amend Public Law 93-60 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes (Rept. No. 93-619). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Ms. ABZUG:

H.R. 11230. A bill to amend title 3, United States Code, relative to Presidential succession; to the Committee on the Judiciary.

By Mr. ANDERSON of California (for himself and Mr. Roe):

H.R. 11231. A bill to amend the Public Health Service Act to provide for the screening and counseling of Americans with respect to Tay-Sachs disease; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDERSON of California (for himself, Mr. Brademas, and Mr. Chappell):

H.R. 11232. A bill to provide for a 7-percent increase in social security benefits beginning with benefits payable for the month of January 1974; to the Committee on Ways and Means.

By Mr. CONTE (for himself, Mr. Badillo, Mr. Collier, Mr. Conyers,

Mr. Edwards of California, Mr. Frenzel, Mr. Horton, Mr. Keating, Mr. Kemp, Mr. Ketchum, Mr. Leggett, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Mollohan, Mr. Nix, Mr. O'Hara, Mr. Rangel, Mr. Roe, Mrs. Schroeder, Mr. Thompson of New Jersey, Mr. Udall, Mr. Widnall, Mr. Yates, and Mr. Yatron):

H.R. 11233. A bill to provide for the conservation of energy through observance of daylight saving time on a year-round basis; to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH:

H.R. 11234. A bill to improve the conduct and regulation of Federal elections and campaign activities; to the Committee on House Administration.

H.R. 11235. A bill to establish an Independent Office of Special Prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. FOUNTAIN:

H.R. 11236. A bill to provide authority to expedite procedures for consideration and approval of projects drawing upon more than one Federal assistance program, to simplify requirements for operation of those projects, and for other purposes; to the Committee on Government Operations.

By Mr. FUQUA:

H.R. 11237. A bill to amend the Federal Property and Administrative Services Act of 1949 to provide for the use of excess property by certain grantees; to the Committee on Government Operations.

By Mr. GUDE (for himself, Mr. Fraser, Mr. Rangel, Mr. Dellums, Mr. Fauntroy, Mr. Stark, Mr. Mazzoli, and Mr. McKinney):

H.R. 11238. A bill to amend the act of March 16, 1926 (relating to the Board of Public Welfare in the District of Columbia), to provide for an improved system of adoption of children in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. HENDERSON:

H.R. 11239. A bill to amend section 1006 of title 39, United States Code relating to the eligibility of U.S. Postal Service employees for promotion or transfer to other positions in the executive branch, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 11240. A bill to clarify the application of section 8344 of title 5, United States Code, relating to civil service retirement annuities and pay on reemployment, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. KYROS:

H.R. 11241. A bill to provide for the conservation of energy through observance of daylight saving time on a year-round basis; to the Committee on Interstate and Foreign Commerce.

By Mr. MATHIAS of California:

H.R. 11242. A bill to amend the act which created the U.S. Olympic Committee to require such committee to hold public proceedings before it may alter its constitution, to require arbitration of certain amateur athletic disputes, and for other purposes; to the Committee on the Judiciary.

By Mr. MOAKLEY (for himself, Mr. Rosenthal, and Mr. Charles H. Wilson of California):

H.R. 11243. A bill to amend title 3 of the United States Code to provide for the order of succession in the case of a vacancy both in the Office of President and Office of the Vice President, to provide for a special election procedure in the case of such vacancy, and for other purposes; to the Committee on the Judiciary.

By Mr. OBEY:

H.R. 11244. A bill to repeal the Campaign Communications Reform Act, to amend the Federal Election Campaign Act of 1971, and for other purposes; to the Committee on House Administration.

By Mr. O'BRIEN:

H.R. 11245. A bill to provide standards of fair personal information practices; to the Committee on the Judiciary.

By Mr. RAILSBACK:

H.R. 11246. A bill to establish an Independent Office of Special Prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. RANDALL:

H.R. 11247. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 11248. A bill to direct the Chief Judge of the U.S. District Court for the District of Columbia to appoint a Special Prosecutor to investigate and prosecute any offense with respect to the election in 1972 for the Office of President and with respect to the conduct of the Office of President by Richard M. Nixon; to the Committee on the Judiciary.

By Mr. REID:

H.R. 11249. A bill to provide that daylight saving time shall be observed on a year-round basis; to the Committee on Interstate and Foreign Commerce.

By Mr. STARK (for himself, Mr. Bell, Mr. Wolff, Mr. Heinz, Mr. Mallary, Mr. Gude, Mr. Keating, Mr. de Lugo, Mr. McKay, Mr. Robert W. Daniel, Jr., Mr. Bafalis, Mr. Young of Illinois, Mr. Johnson of California, Mr. Danielson, Mr. Veysey, Mr. Burton, Mr. Biester, Mr. McCloskey, Mr. Pettis, and Mr. Hanley):

H.R. 11250. A bill to govern the disclosure of certain financial information by financial institutions to governmental agencies, to protect the constitutional rights of citizens of the United States, and to prevent unwarranted invasions of privacy by prescribing procedures and standards governing disclosure of such information, and for other purposes; to the Committee on Banking and Currency.

By Mr. ULLMAN (for himself, Mr. Schneebeli, Mr. Mahon, Mr. Burke of Massachusetts, Mr. Landrum, Mr. Fulton, Mr. Burleson of Texas, Mr. Corman, Mr. Gibbons, Mr. Waggonner, Mr. Karth, Mr. Conable, Mr. Pettis, Mr. Duncan, Mr. Brotzman, and Mr. Archer):

H.R. 11251. A bill to amend the Tariff Schedules of the United States to provide for the duty-free entry of methanol imported for use as fuel; to the Committee on Ways and Means.

By Mr. WALDIE:

H.R. 11252. A bill to amend title 5, United States Code, to provide for the reclassification of certain security police positions of the Department of the Navy at China Lake, Calif., and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WYATT:

H.R. 11253. A bill to authorize the Secretary of Agriculture to make grants to cities to encourage the increased planting of trees and shrubs and to encourage other urban forestry programs; to the Committee on Agriculture.

By Mr. CULVER (for himself, Mr. Conte, Mr. Corman, Mr. James V. Stanton, Mr. Minish, Mr. Downing, Mr. Stratton, Mr. Fulton, Mr. Drinan, and Mr. Andrews of North Carolina):

H.J. Res. 805. Joint Resolution to provide for the appointment of a Special Prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.J. Res. 806. Joint Resolution to authorize the President to proclaim February 16 as Bataan-Corregidor Day; to the Committee on the Judiciary.

By Mr. O'NEILL (for himself and Mr. Harvey):

H. Res. 678. Resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

By Mr. OWENS:

H. Res. 679. Resolution expressing the sense of the House of Representatives concerning ratification of the Geneva Protocol of 1925, and a comprehensive review of this Nation's national security and international policies regarding chemical warfare; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

324. The SPEAKER presented a memorial of the Legislature of the Territory of the Virgin Islands, relative to the transfer of title to submerged and other lands to the territories; to the Committee on Interior and Insular Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII,

347. The SPEAKER presented a petition of Demetrius Zettos, San Francisco, Calif., relative to impeachment of the President; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

LUDWIG VON MISES: EMINENT ECONOMISTS PAY TRIBUTE TO HIS LIFE AND WORKS

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. KEMP. Mr. Speaker, in 1952, Prof. Ludwig von Mises, already recognized as an intellectual giant in the field of economics, contrasted free market economies with state-controlled economies:

> Laissez-faire does not mean: let soulless mechanical forces operate. It means: let individuals choose how they want to cooperate in the social division of labor and let them determine what the entrepeneurs should produce. Planning means: let the government alone choose and enforce its rulings by the apparatus of coercion and compulsion.

Professor Mises' life and works stand as a tribute to unceasing efforts on his behalf to espouse the principles of freedom within the marketplace, stressing, with the full force of history marshalled to sustain his arguments, that political freedom itself cannot long exist without economic freedom.

Professor Mises' teachings, particularly his classic work Human Action, have had a great influence upon me and my phi-

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losophies of government, economics, and human action. And, he has served as the principal inspiration for an entire school of economic thought, only now having a fuller impact in the political sphere.

Memorials honoring this great economist-philosopher have been marked by profound belief that Mises was a visionary of extraordinary insight, whose wisdom will, perhaps, not be fully appreciated for years. The current issue of National Review expressed this feeling in this way:

> The death of Ludwig von Mises, at the age of 92, marks the passing of the greatest economist of his generation. His was, in fact, one of the most powerful and original minds that ever operated in the social sciences, to be compared with such figures as Ricardo, Boehm-Bawerk, and Max Weber.

Four of the Nation's outstanding economists paid tribute to Mises in that issue of National Review, November 9, 1973. For the benefit of all my colleagues who struggle daily in this Chamber with the question of the proper role of government in the economy, I include these tributes in the RECORD:

TRIBUTE TO VON MISES

I. HIS OEUVRE

An incredible worker, he was the author of at least 19 books if one counts only first editions, and of perhaps double that number if one includes revised and expanded versions. He wrote hundreds of articles and monographs, and delivered countless lectures.

His published works include at least three masterpieces. They were *The Theory of Money and Credit*, first published in German in 1912, *Socialism: An Economic and Sociological Analysis*, also first published in German in 1922, and *Human Action*, which grew out of a first German version appearing in 1940.

Mises made so many special contributions to economics and to social thought that it is impossible to indicate here anything more than their general nature. He rejected the rigid quantity theory of money as elaborated by Irving Fisher and his school. Instead, he was the first to apply consistently to money the "Austrian" marginal theory of value and thus was the first to unify monetary with general economic theory.

He also elaborated, in his early book on money, the rudiments of a satisfactory theory of the previously mysterious "business cycle." He showed that, contrary to the contention of Karl Marx, booms and busts were not inherent in capitalism, but the result of unsound currency and credit systems, usually promoted by governments. Fractional bank reserve systems, combined with the support furnished by central banks, chronically promoted the overexpansion of money and credit, raised prices, and led to malinvestment, until finally the inverted pyramid of credit collapsed.

Mises' *Socialism* is the most devastating analysis of that philosophy ever written. Of the many new insights in it, the most memorable was to make clear that a complete socialism could not solve "the problem of economic calculation"; that it could not know what was being produced at a social profit and what at a social loss; and consequently could not know the relative amounts of the thousands of different goods and services that it ought to produce. It was this insight that led Oskar Pange, a Marxist economist who later became a member of the Polish Politburo, to propose that future socialists ought to erect a statue to Ludwig von Mises for forcing them to recognize this central problem.

Mises was not only a great thinker but a great man. I have never met anyone more completely dedicated to a life of the mind. In his youth, it is true, he was fond of some sports: He enjoyed mountain climbing and skiing, and occasionally even played tennis. When someone remarked that he was not very good at it, he replied: "The fate of the ball does not interest me very much."

His conversation was remarkable for its unsparing logic, its flashes of wit, and his immense range of historical knowledge; but he had no small talk.

There was not a touch of pettiness in him. Though he was so often neglected or disparaged, I never heard him utter a word of personal bitterness or resentment. When he first came to this country in 1940, he was in serious economic straits; but he never mentioned a word about this to me. Yet though he never asked for help, he was permanently grateful for it whenever it came.

His outstanding quality was moral courage, and an almost fanatical intellectual honesty that refused to deviate or compromise an inch. This often cost him dear personally; but it set an ideal to strengthen and inspire his students and all the rest of us who were privileged to know him. Henry Hazlitt.

II. VIENNA YEARS

The foundations of the great system of social thought that we now know as the work of Ludwig von Mises were laid half a century ago when he was a busy administrator for whom research and teaching could be only spare-time occupations. So long as he lived in his native Vienna, that is, far into his fifties, most of his time was devoted to his work as financial consultant to the most important semi-official organization of Austrian enterprise, the Vienna Chamber of Commerce, and he could only do a little teaching at the university on the side. Even this was interrupted by long service as an artillery officer during the First World War. Yet shortly before and after that, he published the two works which contain the outline of most of the ideas that he later developed into his comprehensive system.

In 1912 his *Theory of Money* appeared, for many years the most profound and satisfying work on the subject available. That it did not have the immediate effect it deserved—which might have saved the world many of the monetary troubles of the postwar period—was due mainly to the fact that he had found it necessary to go deeply into the problems of the general theory of value. This deterred many who might have profited from his elucidation of questions of more immediate practical value. After the war, in 1922, there followed his great work *Socialism*, which established his fame. Its central thesis was not, as it is sometimes misleadingly put, that socialism is impossible, but that it cannot achieve an efficient utilization of resources. That can be achieved only on the basis of a calculation in terms of value or price, which in turn can be ascertained only if there is a competitive market. It was this thesis which attracted the widest attention and led to discussions extending over many years in which Mises certainly was victorious, at least in the sense that the defenders of socialism were driven to far-reaching changes in their doctrines.

The book on socialism was particularly important in that it marked Mises as the leading interpreter and defender of the free enterprise system. Though he had been taught as a very young man the mild "Fabian" socialism then prevalent among the Viennese intelligentsia, he soon reacted against it, thereby isolating himself from most of his contemporaries. He probably owed this conversion to Eugen von Boehm-Bawerk, the teacher at the university who had the greatest influence on him. Boehm-Bawerk, before his premature death, had begun to work on the lines which Mises later developed. By the time he published *Socialism*, Mises had become so strongly convinced that socialist aspirations were based on an intellectual confusion and a failure to comprehend the task which the economic system had to perform that his later attempts to develop social theory and his defense of a libertarian political order often became inextricably intertwined. His tendency, particularly in his younger years, to defend his position with stubbornness and intransigence, made him many enemies. This was largely the reason he never obtained a regular university position in Vienna and why many academicians treated even his purely theoretical works as ideologically suspect for so long. He continued to teach occasional courses at the university, but for many years it was through an informal discussion circle, his *Privatseminar*, as it came to be known in Vienna, which ranged widely over problems of social theory and philosophy, that he extended his personal influence. Among the best known members of this circle are not only the economists Gottfried Harberler and Fritz Machlup, but also sociologists like the late Alfred Schuetz and philosophers like the late Felix Kaufmann.

During these years, the Twenties and early Thirties, Mises was extraordinarily fertile, and in a long series of monographs on economic, sociological, and philosophical problems built up the comprehensive philosophy of society that he first expounded in a German work and then summed up in the *magnum opus* by which he is mainly known to American readers, *Human Action*. This was written in New York. Mises had left Vienna for a professorship at Geneva shortly before Hitler occupied Austria, and in 1940, about as late as was still possible, he moved from Geneva to the United States. The years in America were happy. Newly married, in the care of a congenial companion, for the first time in his life he was able to devote himself entirely to writing and teaching. But not even a brief sketch of his life can conclude without a mention of three characteristics of his work as a scholar: the rare lucidity of his exposition, his astounding historical erudition, and his deep pessimism about the future of our civilization—a pessimism which led him often to predictions that did not come true as soon as he had expected but that were usually confirmed in the end. I believe the world would be a better place if Ludwig von Mises had more often been listened to.—F. A. Hayek.

III. TEACHER

Historians of the twenty-first century will surely be puzzled by the rankings accorded to economists in this era.

On the one hand they will note that academic honors, and in many cases substantial monetary rewards, were profusely showered on Establishment economists whose contributions were minuscule. Mostly they were technicians whose efforts were devoted to analyzing small segments of economics. On the other hand they will note that the work of the colossus of that period—Ludwig von Mises—was largely neglected by Establishment economists, despite the fact that this great social philosopher had formulated a coherent and powerful general theory the likes of which the world had not seen for over a century.

Of course Mises had a worldwide reputation, and a limited, devoted following who venerated him, including many distinguished academicians such as Lionel Robbins in Great Britain, Jacques Rueff, adviser to de Gaulle, Luigi Einaudi, former president of Italy, Professor Ludwig Erhard, former chancellor of Germany, Friedrich Hayek, and many others. But the popular verdict favored many lesser men.

Mises built his philosophy on the supremacy of the individual. Human action—the rational, purposeful decisions of individuals

seeking to achieve more favorable conditions for themselves day by day—this is the keystone of his work. A nation *harmonizes* its economic and social conflicts by meticulous regard for the rules of the free market where individuals vote their preferences. By constant adjustments of prices, production, and consumption the free market enables people of a nation to live better and to enjoy a maximum of personal freedom.

The Mises philosophy is ideal for a dynamic economy. It scorns the "equilibrium" theory favored by Establishment economists like Samuelson. New and unpredictable decisions by millions of people every day should result in dynamic change—an economy in flux—not static equilibrium. Since economics and politics cannot be reduced to neat mathematical equations like physics and chemistry, the "managers" of an economy are always fumbling in the dark. The free market and consumer sovereignty are the basic conditions of a prosperous, free society.

Little wonder that Mises' concept was not enthusiastically followed by Establishment economists. Most of them were lured into statist solutions by the devastating wars of the first half of the twentieth century and the Great Depression. It may be more than mere coincidence that statism, which requires decisions by countless boards and commissions of economists, greatly enhances the popular prestige of these economic managers. What need would there be for countless decision-making economists under a self-adjusting free-market system? When the world increasingly adopted the philosophy of *dirigisme* and socialism, it created conditions of Marxian *social conflict* rather than conditions of Mises' *social harmony*.

Mises was foremost—and very early—in pointing out the great dangers of the coming inflation. He often recounted how, before World War I, finance ministers in Europe scoffed at the very idea that nations would ever permit inflation to become a serious problem. He anticipated the dangers of the superwelfare state and sounded the alarm more than half a century ago. But most of the world did not listen. Like lemmings hurrying to their own destruction, celebrated economists continued to expound the beauties of the welfare state and inflation.

By the twenty-first century the ravages of hyperinflation and statism may become so evident to all the world that economists, historians, and social philosophers will rediscover the genius of Mises and accord him his rightful place in history. Lawrence Fertig.

IV. ON THE MARKET

In paying tribute to the memory of an inspiring teacher and towering scholar and thinker, it seems eminently appropriate to draw attention to the major intellectual "vision" which sparked and sustained the master's contributions to his science. To those who knew him, Ludwig Mises was, in the face of shocking neglect by so many of his contemporaries, a living exemplar of incorruptible intellectual integrity, a model of passionate, relentless, scholarship and dedication. It will not be easy to forget these stern lessons which he so courageously personified. But what will surely live on even longer in future histories of economic thought will be those distinctive elements of Mises' extraordinary contribution which set it so clearly apart from the dominant economics of his age. It was into the enunciation of these elements that Mises poured a lifetime of what can almost be called intellectual martyrdom. It is for the brief exposition of one of these brilliantly seminal ideas—the perception of the market exclusively in process terms—that these lines are set down.

In the sweep of the development of economic ideas over the past two centuries, the concept held by the various thinkers concerning the *market* has been crucial. The pioneers of modern economics after 1870, reinvigorating the contributions of the earlier classical economists by the infusion of powerful new insights into the nature of demand, offered a view of the operation of the market society which was of enormous significance. Henceforth economic literacy could not fail to embrace the understanding of the way in which the free interaction of the decisions of owners of resources, of producers, and of consumers in the market systematically generates determinate patterns of prices, output quantities and qualities, methods of production, and resource allocation.

However, in the ferment of intellectual developments in economics during the twentieth century, this understanding came, in the work of the dominant schools, to be perceived within a mechanistic framework which did violence to the subtle insights a more profound awareness of the market is able to confer. The *market* came to be seen as a kind of computer, grinding out the equilibrium solution compatible with the basic data of the system—a task which presumes that the economic actors already possess perfect knowledge. The *theory* of the market came to mean the solving by the theorist of the computation problem. Moreover this theory came to be seen as equally well suited to the needs of societies choosing to allocate their resources by central direction; the socialist planner could, it came to be thought, simulate the success with which the market allocates resources by merely addressing himself to the very same computation problem which it was thought to be the function of market theory to solve.

It was this view of the market which Mises denied with every ounce of energy. It is no exaggeration to say that this denial was central to the major portion of Mises' disagreements with the various economic doctrines of his age. Future economists, when they come to accept, as in time they surely must, the validity of the Misesian critique of the faulty perception of the market, will find it necessary to reexamine many of the doctrines of contemporary economics with which Mises took issue. For Mises the market is *not* a computer grinding out equilibrium solutions to sets of simultaneous equations. Rather the market is a delicate *process* whereby, against the background of continually changing conditions, and with informations available only in limited and piecemeal fashion, the decisions of market participants are, through their interplay in the market, brought into steadily more dovetailing adjustment. In this process the key roles are played by restless, active, ever alert entrepreneurship, and by its counterpart, the merciless, ceaseless, impartial court of active competition. Both these latter roles—completely absent in the dominant equilibrium versions of market theory—are crucial in the emergence of the kaleidoscopically changing patterns of *market prices*.

It was the "process" perception of markets and of market prices that led Mises unerringly to dismiss all attempts to recognize "nonmarket prices" as devices through which socialist planners might simulate the achievements of the market economy. The notion of nonmarket prices can have relevance only in a world of equilibrium situations; it bears no analytical or functional resemblance to the prices which emerge, during disequilibrium, in markets revealing the impact of entrepreneurial competition against a background of widespread ignorance.

It was the "process" perception of markets and of market prices that led Mises to deplore with such sharpness the dominance over economics achieved by mathematical techniques during his own lifetime. Such techniques, useful though they may be to the derivation of the conditions for equilibria of various kinds, must inevitably mask the more subtle processes of entrepreneurial change which (because they depend on essentially extra-economic flashes of awareness) do not permit analysis within the procrustean bed of maximization techniques.

And it was the "process" perception of markets and of market prices that led Mises to reject the various attempts by economists since the Thirties to build theories of the market based on notions of monopolistic or imperfect competition. Such models fail, Mises believed, because they reveal precisely the central weaknesses of the theories they seek to replace, viz., an exclusive concern with equilibrium, and a failure to understand the active entrepreneurial-competitive process.

No economist perceived more thoroughly and sadly than Mises how the rejection of his ideas was leading Western societies relentlessly down a path along which the free interplay of independent, individual decisions in the market was being steadily replaced by the centralization of more and more political and economic power in the hands of governments and their functionaries. If Western society ever achieves a reversal of this trend, if it ever learns to respect the decisions of free men interacting within a framework of rigorously maintained individual rights, it can only be as a result of Mises' vision and insight into the true character of the market society. Here indeed we have a monument to Mises the construction of which is well worth our diligence and our dedication.—Israel Kirzner.

Allan Brownfeld paid tribute to Professor Mises in a recent edition of Roll Call, and I include that article in the RECORD:

AN ABIDING BELIEF IN FREEDOM

(By Allan Brownfeld)

There are men who live their lives currying favor with the passing fads and the powers that be. They do what is expected of them, and they are the recipients of the world's rewards and riches. These men we know well, for all too often they are our leaders, and arbiters of taste, and the wielders of power.

There are other men who stand alone, not because loneliness is their choice but because a strict adherence to principle has afflicted them as a kind of plague, and men with more mundane ambitions quickly learn that association with them may enrich the soul, but will hardly assist one in getting on in the world.

Such men, however, are the ones who are remembered hundreds of years later. They are the men upon whose shoulders civilization and culture are built. They are the prophets who are never revered in their own time and place, but are later discovered by other men who have despaired of the mediocrity and opportunism which dominate most societies and seek to learn from the lives of men built of sterner stuff.

One such man—the economist and philosopher Ludwig von Mises—died on October 10 at the age of 92. He was an advocate of freedom and in this century he did battle with all those who believed in something else—Communism and socialism, facism and nazism, welfare statism and government interventionism.

Forced to leave his professorship at the University of Vienna and to flee from his native Austria as the Nazis approached, he came to the U.S. in 1940 and became a citizen in 1946. It was his economic work which has been credited with reviving respect for free-market economics in Europe and he was considered by many to be the intellectual godfather of the postwar German economic advance.

Only five years after the Russian Revolution, Professor von Mises wrote a book entitled Socialism, which shows his view of that economic system. He declared that

Marxist economics lacked an effective means for "economic calculation," or an adequate substitute for the criticial resource-allocation function of the market pricing mechanism. Thus, he pointed out, socialism is inherently condemned to inefficiency, if not disorder.

Economic freedom and political freedom, he believed, went hand in hand. It was not possible, in the long run, to have one without the other. In the U.S. he saw the major threat to freedom not from outright socialism, but from continued and gradual government intervention in the economy—as we have seen in the current Administration's policy of wage and price controls.

In his important book, Bureaucracy, Professor von Mises pointed out that government agencies have essentially no criterion of value to apply to their operations, while "economic calculation makes it possible for business to adjust production to the demands of consumers." He declared that, "if a public enterprise is to be operated without regard to profits, the behavior of the public no longer provides a criterion for its usefulness . . . the problem of bureaucratic management is precisely the absence of such a measure of calculation."

He maintained that interventionism usually achieves results precisely the opposite of those intended: subsidies to industries make them sick, minimum wage laws boomerang on labor, welfare hurts the poor, industrial regulation reduces competition and efficiency, foreign aid undermines developing countries.

Discussing his analysis of recent welfare-state policies and their effect, Professor William Peterson, a former New York University faculty colleague of Professor von Mises, notes that, ". . . citing German interventionism experienced in the 1920s climaxing in the Hitlerian regime and British interventionism of the post-World War II era culminating in devaluations and secular economic decline, he held that so-called middle of the road policies sooner or later lead to some form of collectivism, whether of Socialist, Fascist or Communist mold."

Professor von Mises knew that the differences between Nazism, Fascism, Communism, socialism, and welfare statism were matters of degree. He maintained that economic interventionism necessarily produces friction. What otherwise would simply be the voluntary action of private citizens in the marketplace becomes coercive politicized and intervention when transferred to the public sector. Such intervention breeds more intervention, and violence eventually becomes inevitable.

Ludwig von Mises was, according to Dr. Peterson, "the antithesis of sycophany and expediency, the intellectual descendant of the Renaissance . . . he believed in anything but moving with what he regarded as the errors of our times. He sought the eternal verities. He believed in the dignity of the individual, the sanctity of contract, the sovereignty of the consumer, the limitation of the state. . . . He opposed the plannned society, whatever its manifestations. He held that a free society and a free market are inseparable."

Truth can be denied, but it will inevitably return. In the midst of the twentieth century's romance with collectivism, Ludwig von Mises instinctively knew that this was true.

In his poem, "The Gods of The Copybook Headings," Rudyard Kipling provided something of an epitaph for the man who kept faith and insisted upon telling the truth, even when the world refused to listen:

Then the Gods of the market tumbled, and
their smooth-tongued wizards withdrew,
And the hearts of the meanest were humbled,
and began to believe it was true
That All is not Gold that Glitters, and Two
and Two make Four—
And the Gods of the Copybook Headings
limped up to explain once more . . .
And that after it is accomplished, and the
brave new world begins,
When all men are paid for existing, and no
man must pay for his sins,
As surely as Water will wet us, as surely as
Fire will burn,
The Gods of the Copybook Headings with
terror and slaughter return."

Mr. Speaker, this body should heed the wisdom of this great economist.

FARM LABOR AND THE SECONDARY BOYCOTT

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. LANDGREBE. Mr. Speaker, on September 10, 1973, I placed in the Record an abstract entitled "Exclusive Representation—Whose Interests Served?" It was the first in an excellent series of abstracts, prepared by the Farm Labor Research Committee, analyzing current legislation dealing with farm labor-management relations.

I am pleased to call the attention to my colleagues to the second of these abstracts, dealing with the question of secondary boycotts:

Proposed Farm Labor Laws Would Not Prevent Secondary Boycotts

The nationwide grape and lettuce boycotts used by Cesar Chavez in his drive to bring all agricultural employees under the control of his United Farm Workers Union are, in effect, secondary boycotts. They are designed to force retailers—secondary employers—to force farmers—primary employers—to sign contracts which force employees to pay union dues in order to hold their jobs.

Some farmers seeking to protect themselves from this coercive tactic have turned to legislative proposals to extend our present system of labor law to agriculture, since it supposedly bans secondary boycotts.

In fact, however, under the National Labor Relations Act, even as amended in an attempt to close loopholes, unions in industry have found it easy to conduct secondary boycotts. The provision of the labor law which outlaws secondary boycotts contains a proviso which has been interpreted to sanction union activities at the place of business of a secondary employer for the purpose of publicizing the union's dispute with a primary employer.

The National Labor Relations Board, backed up in several cases by the courts has allowed union officials to use this special privilege to conduct massive secondary boycotts. For example, the Farah Company, manufacturer of Farah slacks, has been the victim of a nationwide secondary boycott for over a year, and is completely helpless to stop it under the one-sided labor law. Closer to agriculture, the Supreme Court has upheld the NLRB's ruling in the Fruit and Vegetable Packers case that when a union strikes one employer and then engages in picketing or leafletting at the place of business of another employer who handles the first employer's products, the union's coercive activity is perfectly legal no matter how widespread a consumer boycott it brings about.

This is the so-called "protection" that farmers would gain from inclusion under the National Labor Relations Act. They would also gain all the other organizing and bargaining disadvantages under which industrial employers have been laboring for 38 years. Regulating farm labor relations by the federal legislation currently being considered could only result in the institutionalization of the same adversary relationship between unions and management that exists in industry generally. Farmers, farm workers and consumers will all suffer.

AMERICAN EDUCATION MAKES A DIFFERENCE

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. QUIE. Mr. Speaker, I recently read a newspaper article by Grace Hechinger which reports encouraging news about the state of American education as compared to 19 other countries. Because of the hopefulness of the conclusions of the study—released by the International Association for the Evaluation of Educational Achievement. I am inserting the article at this point in the Record.

Does Education for All Lead To Mediocrity?

(By Grace Hechinger)

America as the land of opportunity has long been synonymous with its faith in universal education. Does such open access to school, without any prior sorting out of either the materially or intellectually less privileged youngsters, penalize the gifted? Does the American commitment to mass education in fact mean that the talented few are sacrificed to the concern of the mediocre many? As an old Tory expression puts it, does more mean worse?

American egalitarian ideology has always said no to these questions—largely on faith. But now this idealistic view has been confirmed, not by populist do-gooders, but by the conclusions of the most extensive worldwide survey of educational accomplishments ever undertaken. The recently released findings of the International Association for the Evaluation of Educational Achievement (IEA) provide unprecedented proof that the critics of the open door to learning are wrong in their insistence that universal education is incompatible with quality education.

The study is based on data from 9,700 schools in 19 countries. They include Australia, Belgium (the French-speaking and Flemish-speaking sectors were considered separately), Chile, England, Finland, France, Hungary, India, Iran, Israel, Italy, Japan, the Netherlands, New Zealand, Scotland, Sweden, Thailand, the U.S. and West Germany. The $5 million cost of the survey was met by a number of private foundations and governmental agencies from many of the countries involved.

One of the study's key findings shows that in reading comprehension, the top group of American high school seniors—the upper 9% or 10% in academic achievement—actually comes out ahead of all other nations, including the educationally highly restrictive ones. In science, the comparable American groups finished in seventh place, still a respectable showing.

Professor Torsten Husen of the University of Stockholm, director of the IEA study, said in answer to the educational elitists: "It is actually the selective system that pays a price in lost talent and social dislocation."

To underscore that claim, he offered statistics that show West Germany, which siphons off "nonacademic" children at age 10, suffers from the highest degree of "social bias," the major indicator of a stratified

society. This means that the highest ranking students come almost exclusively from the most privileged social and economic classes. By age 18, only 1% of the lower class children, defined as coming from unskilled or semi-skilled workers' families, were still attending school. As a result, only 1% of that group show up in the academic elite. In American schools, 14% of those who graduate from high school come from lower socio-economic groups. This means a steady influx of "lower class" children into the potential leadership sector.

It is only when all American high school seniors are tested that the American performance slipped severely—to 12th place in reading comprehension. However, the U.S. keeps 75% of its young people in high school through graduation—the highest proportion of any country in the survey. In all the other participating countries great numbers of young people have by that time already dropped out or been pushed into nonacademic activities. Thus the low ranking of the American high school senior class on the international scale is not the sign of depressed academic quality that American critics see in it, particularly since it does not lower the achievements of the intellectually gifted. On the contrary, it is reasonable to support Professor Husen's conclusion that the American plan for keeping virtually everyone in school until high school graduation gives the U.S. a greater pool of educated citizens from which to draw its leaders. And it clearly aids the American people's social and economic mobility.

The relationship between children's education achievements and their adult careers and status is a subject of continuing controversy here and abroad. For instance, the Stockholm report challenges head-on the widely publicized study by a Harvard research team headed by Christopher Jencks, which claims that schools fail to reduce social and economic inequity. The IEA survey did not directly concern itself with pupils' future income; but by proving that open access is a significant factor in allowing children from disadvantaged homes to rise to the level of the academic elite, it offers persuasive evidence that education does improve chances for econmic success, and has done so more effectively in the U.S. than anywhere else.

The study does uphold the claim, first published by sociologist James Coleman in 1966, that home background is more important to a child's scholastic success than anything the schools have so far been able to offer. But the. Stockholm findings point more strongly than did the Coleman report to the fact that schools, nevertheless, make a substantial difference—a fact that has increasingly been denied by the New Left anti-school ideologists.

The debate over the effectiveness of public education in the United States thus will have to take account of these findings:

Hard work in school plus open access do count. "Get them and stretch them" is the way a member of Professor Husen's research team summarized the need for a combination of mass education and tough study requirements.

Women's Lib is right in charging that girls have traditionally been short-changed. They have lagged behind boys in interest and performance in science and the gap grows larger the longer girls attend all-girls' schools, where they are not being challenged. Significantly, the gap does narrow in coeducational schools.

An analysis of the schools' greater success in teaching science—called a "school-oriented subject" by the study—than in teaching reading—labeled "home-oriented"—suggests a puzzling discrepancy in the schools' relative skills and efforts. "The schools appear to do little to mobilize their resources for the improvement of reading beyond the early years," the report said—a serious indictment of neglect in so crucial an area.

The study itself, however, is not without its limitations. The basic problem with a survey of so many nations' schools is that educational systems do not exist in a social and historical vacuum. The way a nation interprets its educational responsibilities cannot be discussed independently from its political, social and economic priorities. There is no common denominator which can readily be extracted from such a study. To be valid, comparisons between countries cannot be made without great caution and qualifying explanations of cultural and socio-political differences.

Moreover, the process of statistical averaging dulls the sharp edges of the data and thereby tends to reduce the usefulness of such research for specific pedagogical reform planning. For example, the study concluded that class size makes little difference in the pupils' success. Yet that conclusion becomes of limited usefulness when the differences, which are typically between 30 and 35 pupils, are averaged out. What such statistics fail to provide is information on a real difference—between a class, say, of 10 and another of 30 students.

Moreover, in the science study, only the hours of science teaching are measured. This is of little help to potential policy makers in individual countries who are left in the dark about the relative value of laboratory work vs. classroom lectures in science.

In spite of these limitations, the international scope of the study does offer some much-needed perspectives and insights for a more rational approach to the American debate of the problems of public education. The increasingly vocal critics of our schools, in keeping with the current mood of American self-criticism, have assumed an isolationist or at least a provincial tone. It is, of course, true that American schools have discriminated against the poor and against minority groups. American education policy has not always made the climb up the ladder of success as easy or as equal as envisioned by the American dream. But a look at the schools of Germany, England and France, where stratification is still far more rigid puts the American achievement in a much brighter light, clearly at the head of the international parade.

The virtue of the IEA studies is precisely that they shatter the parochialism of both the conservative and radical critics who over-analyze and undervalue American education. Charles W. Eliot, president of Harvard at the end of the 19th Century and one of the leading public school reformers of his time, wrote almost 100 years ago that, in order to keep society fluid, "it is a supremely important function of the teacher throughout the entire school system to discover, recognize and give ample chance to the remarkable child." And he emphasized persistently that he saw no contradiction in the establishment of quality controls and the open democratic approach.

The message from Stockholm confirms President Eliot's earlier faith. The IEA findings, despite their limitations, are persuasive on two points central to forward-looking American public school doctrine: Schools do matter in keeping society fluid, and more can be better.

NATIONAL AIR TRANSPORT POLICY BY THE HONORABLE JOHN J. McFALL

HON. HARLEY O. STAGGERS

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. STAGGERS. Mr. Speaker, practically every Member of Congress is actively interested in one or more of our various systems of transportation. By necessity, every committee becomes involved in transportation problems. The Honorable John J. McFall, prestigious and knowledgeable member of the Appropriations Committee, adds to his other responsibilities that of the chairmanship of the Transportation Subcommittee. As is the case with many of us, he sees the need of formulating and putting into effect a national policy on transportation which will bring the various sprawling systems into a mutually supplementary relationship designed to add to their efficiency and economy.

At a recent conference of the Airport Operators Council, Congressman McFall delivered a thoughtful address on the problems of the air systems of transportation. His remarks constitute a practical approach to the formulation of a national policy with respect to all transportation. I believe my colleagues in the House will find it useful in developing their own ideas on the matter.

The remarks follow:

Address of the Honorable John J. McFall, of California

It is an honor and a privilege to be with you today at your Airport Operators Council Conference, because you and your operators are such an important part of our country's, and the world's, transportation system.

You have chosen a very fitting location for your meeting—the site of the Nation's newest and by far our largest airport. Dallas-Fort Worth is a Texas-sized response to the massive challenges that face the aviation industry during the remainder of this century.

When I left Washington yesterday, to fly from Dulles to Dallas, I thought to myself that there could not be two more different solutions to the same set of problems.

Because Dulles, like Dallas, is an attempt to cope.

Dulles, all of you know, features a single, compact terminal with mobile lounges waiting to ferry passengers to the airport.

Dallas-Fort Worth, which I had the opportunity to see yesterday, is a multiple, composite terminal which provides separate passenger facilities at planeside for each flight. A passenger can park his car within walking distance of his plane. It is as close as we can get to drive-in aircraft boarding.

The thing that Dallas and Dulles have in common is that they are both airports of the future. And whether one approach is better than the other only the future can tell.

I am told that Dallas-Fort Worth will probably be in full-scale operation by early 1974. I understand that the airlines need some time to set up their terminal facilities and baggage handling facilities.

One thing is certain: the developers of Dallas-Fort Worth deserve congratulations for their foresight and initiative. I want to extend my personal commendations to the two cities, the Regional Airport Board and to the Board's Director, Thomas M. Sullivan. Rather than talking about their problem, they got together and did something about it. It was a major cooperative effort involving the cities, private industry and government at all levels. At the Federal level, incidentally, our participation was almost $85 million including funds for people-movers, control tower and other facilities and equipment. That is a fact of which I am particularly aware as Chairman of the Transportation Subcommittee. What they have accomplished here in Texas is an unmistakable message to everyone else—get together and get moving.

Dallas-Fort Worth—or D-FW, as it is known—shows how radically you can alter the airport complex itself in an effort to free it from the restraints of ground traffic

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congestion and heavy passenger-service demands. It also shows that no matter how vast the solution, certain industry problems—beyond the control of any single facility—can continue to beset the airport. What I am trying to say is, you can still get caught in the traffic on the way from the airport to the hotel.

I understand that at the airport dedication a few weeks ago, most of the honored guests were flown in—which is not unusual except that they were flown in from Love Field and Greater Southwest Airport to avoid the crowd on the highways.

Congested access roads, of course, plague most of the great airports of this nation. This problem—and most of the others associtated with air transportation—inevitably come to roost upon the airport and the airport operator:

The capacity of airport loading facilities,

Over-use of hub airports and under-use of associate airports,

The daily ground-level transactions involving passengers, baggage, cargo and mail,

Airport security,

Noise,

And that little matter of operating the airport at a profit, so it will be an asset not a burden to the taxpayers.

* * * * *

Now, I could discuss each of these questions on an individual basis. But there has been too much of that already. Because these are not isolated questions. They are simply different aspects of the same single gigantic American transportation quandary: How do you get there from here?

Congress has wresteled with this problem and its corollaries for many years. Texas' own Albert Thomas—one of the most respected and well-liked members of Congress—devoted much of his career to it. Congressman Thomas had major influence on most of the national transportation decisions of the last decade. He was the father of the carryall concept we see at Dulles. He worked hard to establish the Manned Spaceflight Center—now renamed for Lyndon B. Johnson—near Houston. Until his death in 1966, he was chairman of the predecessor subcommittee to the Transportation Appropriations Subcommittee which I now head. Finally, Congressman Thomas strongly supported the development of a national transportation policy; he sought ways to focus our efforts on our transportation problems.

That is why he would have been as astonished as I was when the Administration proposed breaking up DOT just four years after it had gone into operation. That was one of the recommendations of the department's 1971 statement on national transportation policy.

That, of course, is exactly the reverse of what Congress intended when it created DOT in 1966. Unfortunately, that kind of recommendation is all too typical of the performance we have been getting from the present administration and the Department of Transportation.

After six-and-a-half years in operation, DOT still refuses to address itself to the big picture. It continues to nibble at things on a piece meal basis—as if it were still a series of isolated agencies.

The purpose of establishing DOT was to get rid of the piecemeal approach. Piecemeal won't work anymore. You cannot deal with air travel without considering the impact of highways and railroads.

For example, the railroad crisis in the northeast very definitely reduces the effectiveness of Dallas-Fort Worth Airport. If you do not have fast dependable rail transit, people will fly, instead, between Washington and Boston and New York. And if air space over New York is cluttered with these local flights—as well as the international and transcontinental traffic—Dallas-Fort Worth is going to have considerably more difficulty in getting its planes into and out of Kennedy.

The northeast rail crisis consumes so much of the government's time and energy that very little is left for any other transportation problem—to say nothing of a national transportation policy. I recently asked the president of one of our major automobile manufacturers about competition from Japanese imports. He said that Japanese cars have an edge when they arrive on the West Coast. But once the importer ships inland, and his vehicles get caught in our transportation system, they lose their competitive advantage. A sad commentary—even the Japanese cannot cope with our transportation system.

Now, let's take a look at the transportation demands facing us in the years ahead. By 1980, our population will be 227 million, an increase of 21 million in ten years. Besides all the other implications of that growth, the demands of our burgeoning population will triple air passenger miles. Railroad ton-miles will go up twenty-five percent. Truck tonnage will increase by one half. And travel in private motor vehicles will go up thirty percent.

By 1990, we will have to double the transportation capacity of this nation; we will need twice the transportation facilities which we have developed and installed in this nation since its founding in 1776. Not only that, we will have to accomplish all this without ruining our environment and without wasting our energy resources as we have done in the past.

So how do we do all this? How do we even begin?

Tom Sullivan, there, knows what I am going to say. Because he was a member—and a very capable one—of the Aviation Advisory Commission which made its final report to President Nixon last January.

Crocker Snow, Director of the Massachusetts Aeronautics Commission, was chairman of the advisory commission, and the commission's report recommended the development of a national aviation plan as part of a national transportation plan.

Now, that is exactly the conclusion I reached—and many other Members of Congress reached some time ago—and that is what we have been calling for from the Department of Transportation—a single comprehensive national transportation policy.

My colleague, Brock Adams, Congressman from Washington State and a Member of the Commerce Committee, very eloquently stated the consequences of this lack of transportation policy. In a recent address, Congressman Adams said: "The failure of the federal government to adopt a national transportation plan is the primary cause of the massive urbanization of the last thirty years; we have allowed our smaller communities to wither away, and we have caused a concentration of people in megalopolis-type centers."

Congressman Adams pointed out that such concentrations simply compound our urban ills, waste the potentials of our smaller communities and—of particular concern to the air industry—reduce the market for air transportation.

A respected spokesman for the air industry—Mr. C. R. Smith—told his staff that the lack of a transportation policy is one of the big things airlines are up against. Mr. Smith, I am sure you know, recently resumed control of American Airlines, and one of his first concerns was the federal role—or lack of it—in transportation planning.

Now what would we do with this policy if we had it? What would it mean, for example, to you, the airport operator?

The kind of national policy I am talking about would lay out for us a system of arterials and ancillary routes—something like we already have for our interstate highways. But this would be a composite system showing our major and subordinate routes for all forms of transportation—from mule track to great circle routes and all the railroads and watercourses and highways in between.

If we had such an integrated policy, obviously we would know where to locate our new airports and other transportation facilities. We would be able to project the use of these airports and perhaps to deal with these problems of loading capacity and ground passenger services—including security. We would be able to spread the passenger load more evenly—not only among airports but among the alternate methods of transportation. We would have an important leg up on the noise problem if we knew well in advance where we are going to put our new airports. A national transportation policy would enable us to use each method of transportation to its best advantage—and to make the best use of the scarce resources of our lands, waters and skyways.

Unfortunately, the report of the Aviation Advisory Commission received the treatment that this Administration gives most reports from most of its advisory bodies—a swift and unlamented death.

And the Department of Transportation continues to tinker with transportation policy as if it were a Model T. DOT's planners spend an excessive—almost obsessive—amount of time working with the economic regulation aspect of transportation. They hope that with deregulation, private industry will step in and take over, and competition will solve the problem.

Certainly this kind of regulation is important but it is only a part of the problem.

Last year James M. Beggs, former Under Secretary for Transportation authoried an article in which he laid out the Department's objectives. They boil down to the same three things that the department always comes back to: reorganization—which means splitting up DOT—revenue sharing and deregulation.

All of these are political solutions that deal with the problem largely in terms of money. And even President Nixon says you can't solve problems merely by throwing money at them. We need to knew what we should spend the money for.

Revenue sharing provides funds to states and cities with as few constraints as possible on the way they spend it. That means you will have everyone running in all directons—something we don't want in transporation.

The deregulation of carriers would simply return us to chaos. We need to decide what type of system to have before we worry about how to regulate it.

What sort of balance do we need among our air, rail and highway systems? Between public and private development? Between federal and local participation?

The federal government must articulate a rational and coherent national transportation policy. That is the key to a functional service-oriented transportation system—compatible with its environment, convenient to its users and reasonable in its fares.

Then we should attract the private participation we need.

It is up to the government first to provide the substance of the policy and then to commit itself to put that policy into operation.

What has Congress been doing toward these goals?

Congress created DOT to coordinate federal transportation activities. Congress established a trust fund to help build airports in decades ahead. And Congress again this year appropriated nearly $8 billion for DOT and related agencies in fiscal 1974, including more than $1.5 billion for aviation.

Last June Congress passed legislation improving the benefits available from the Airport and Airways Development Trust Fund. The 1973 amendments increased the federal share of most airport projects to seventy-five percent, authorized $620 million in new contractual authority and prohibited DOT from

imposing an airport "head tax" this year. The tax was another piecemeal measure, and we directed DOT to give it more study within a wider context.

The airport trust fund, which Congress created less than four years ago, has already accumulated about $1 billion. Congressional foresight has been more than justified; the Administration now estimates that this nation will need almost 700 new airports by 1983.

Congress also has given considerable attention to other modes of transportation this year. We passed a landmark highway bill which for the first time allows use of some trust funds for urban rail mass transit, beginning in the second half of 1975. Legislation dealing with the railroad crisis in the Northeast is in the final stages of committee preparation.

Our campaign against noise is growing rapidly. In fiscal 1973, DOT spent $22 million on noise reduction, and the entire federal government spent $73 million—twice the amount of 1972.

Last year Congress gave FAA and the Environmental Protection Agency the duty of protecting people against aircraft noise. EPA is drafting proposed regulations which should be ready soon for review and comment by FAA.

Compatible use of adjacent land and diversionary take-offs can help. But much of the answer remains with technology—for noise and for two related considerations: Air pollution and energy waste. We must make our jet engines quieter, cleaner and more efficient users of fuel.

Aircraft are a minor source of air pollution—but nevertheless a consistent one—and they must be included within the federal clean-up effort, with emphasis equaling that on the automobile.

However, jet engine research is just as important to our energy problem as to the questions of noise or pollution.

Recently, our Transportation Appropriations Subcommittee had a special meeting on the entire energy crisis. We received a thorough briefing from the staff of the joint Congressional Committee on Atomic Energy. I can tell you that the dimensions of the problem are just staggering.

Transportation is by far the nation's most wasteful user of energy. Our ships, planes and cars burn up eight million barrels of oil a day—twenty-two percent of all the energy we use. Yet because of the nature of these craft, they convert only one-fourth of their fuel into propulsion; fully three-fourths of the energy in-put is wasted.

Actually, if you drive one of those great big fully equipped automobiles, you are losing ninety percent of your energy in-put.

By contrast, our largest user of energy—industry—and our third largest—residential and commercial—successfully convert more than seventy percent of their fuel into useful work.

The United States with six percent of the world's population consumes thirty-five percent of our planet's energy projection. That amounts to the equivalent of thirty-five million barrels of oil per day. By the year 2000, if present trends continue, the United States will require the equivalent of ninety-five million barrels per day.

Where is this energy going to come from? Texas, the nation's largest oil producer, now supplies three-and-a-half million barrels a day. That meets only one-tenth of today's needs, and Texas' output is declining.

Plainly, we must supplement our energy sources and drastically improve our efficiency of use. We cannot look simply to the Middle East for additional supplies. If we were to make up all of our projected deficiencies with imports, we could expect to be paying at least $35 billion a year for foreign oil by 1985—provided, of course, that the Arab nations would sell it to us. The new outbreak of hostilities in the Middle East has reminded us once again of the enormous foreign policy ramifications attending oil from that source.

That is why Congress is so concerned about our energy situation—why we are encouraging research on alternate fuels, why we are seeking new oil supplies in Alaska, and why we must develop more efficient use of our fuels—not only in transportation but in every sector.

That is why we have tried to prod the Department of Transportation into giving us a national transportation policy.

To date, DOT's reply has consisted of a 1971 statement on national transportation policy, a national transportation report in 1972 and, just last month, a national airport system plan.

The policy statement involved the empty unworkable and incredible discredited troika: revenue sharing, reorganization, and deregulation.

The 1972 report was simply a study of capital investment needs; it projected costs far beyond our financial capabilities, and it failed to take the essential step of molding needs into a meaningful policy.

The airport plan was submitted three years after the law that ordered its preparation—and one year after the deadline set by that law. Despite that, the plan is just a "wish list" that presents no reasonable alternatives if we cannot build all the 700 airports it hopes for. The plan fails to relate each airport to the rest of the transportation system, and it does not consider the effects of future technology on aeronautics and other modes of transportation.

I think we have had enough of this continuing ineptitude or indifference on the part of the department. I think it is time that Congress struck out on its own.

For some time now, I have felt that Congress itself should undertake the study of a national transportation policy. I hope that we can either jar the department into activity or beat them to it and produce a viable and functional transportation policy on our own.

I have discussed this matter at some length with Chairman Harley Staggers of the Committee on Interstate and Foreign Commerce. I can announce to you now that if this departmental apathy continues—if DOT continues to show no inclination to address itself to the nation's most critical transportation problem—then I will ask the Commerce Committee to fund and to staff such an undertaking on behalf of the Congress. That will be a bi-partisan fact-finding and policy recommending task force employing the best transportation minds in the country.

There is no reason for further delay. We must push on with this task. We should be at work on our national transportation policy—within the Department of Transportation or in spite of it—not later than early 1974.

I think the best interests of our nation—its economy, its national security, and its future—demand such action.

The necessity and the urgency are self-evident. We need only supply the will and the energy to meet the challenge of the Twenty-first Century. I ask your help. Only if we all strive together can our great nation achieve the vital, flourishing, pre-eminent transportation system that our destiny and our posterity demand.

CONGRATULATIONS, LIEUTENANT

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. SPENCE. Mr. Speaker, on July 1, 1972, one of my constituents performed an act of courage which was so outstanding that it attracted nationwide attention in a field where heroism is routine.

Lt. Ralph O. LaFrance, of the Orangeburg City Fire Department, put his life in extreme jeopardy no less than three times that day; and because of his actions, three young children are alive today. Lieutenant LaFrance has received both State and national recognition for his efforts, and the latest award prompted a fine editorial about him in the Orangeburg Times and Democrat. The Times and Democrat's editorial entitled "Congratulations, Lieutenant," expresses as well as anyone can the feelings that the citizens of Orangeburg have for their own national hero. Mr. Speaker, I insert this fine tribute to an outstanding man at this point in the RECORD:

CONGRATULATIONS, LIEUTENANT

The Times and Democrat's congratulations go to Orangeburg Fire Department's Lieutenant Ralph O. LaFrance who, this week, was one of eight firemen over the nation receiving Award of Honor plaques in the annual Fire Industry Awards for Heroism in Baltimore, Md.

It was the second time that Lieutenant LaFrance has been honored, the first being on June 6 when he was named the James B. Murphy Award for Heroism recipient and at the same time was named the Fireman of the Year in the state by the South Carolina State Fireman's Association.

Both awards are well deserved. Each was based on Lieutenant LaFrance's courageous action on July 1, 1972, during a fire at 173 Amelia, N. E., which resulted in his being credited with saving the lives of three young children.

The firefighter risked his life not once, but three times when he repeatedly entered the blazing house in which the walls were flaming, smoke so dense that visibility was almost nil except near the floor.

Of all things man and animals fear most is fire. To conquer such fear is a must for firefighters. It is not easy to do. Lieutenant LaFrance did it. He has been recognized on both a state and national level.

We know that Lieutenant LaFrance thought nothing of either the possible personal consequences of his act or the recognition it might bring. It was the instinctive reaction of a brave man, a courageous man.

His bravery and courage have brought an additional brilliance to the image of the City of Orangeburg and its Fire Department. He will be long remembered by a grateful citizenry.

FDA OVERSTEPS ITS BOUNDS ON VITAMIN REGULATIONS

HON. GEORGE E. DANIELSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. DANIELSON. Mr. Speaker, as one of the sponsors of the Food Supplement Amendment of 1973, I submitted a statement in support of this crucial legislation to the Public Health and Environment Subcommittee of the Interstate and Foreign Commerce Committee during its hearings on the FDA's new vitamin regulations. These regulations, which are the result of a serious abuse of authority on the part of the FDA, can only be changed through passage of the food supplement bill (H.R. 643). I would

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like to include in the RECORD my statement on the FDA's actions and H.R. 643:

STATEMENT BY HON. GEORGE E. DANIELSON

Mr. Chairman, I am submitting this statement today as the spokesman for thousands of my constituents who have written to me to protest strongly against the FDA's new regulations of food supplements. These citizens are, like myself, gravely concerned about the FDA's attempts to drastically curb the availability of dietary supplements to people whose health may depend on them, or who simply feel that they are necessary for continued good health.

The FDA has undertaken this effort to set new standards for vitamins and minerals as part of its overall program to improve the nutrition information available to the average consumer. These standards, based on Recommended Daily Allowances established by the Nutritional Board of the National Research Council, National Academy of Sciences, limit both the potency and the combinations of ingredients allowed to be sold as non-prescription food supplements.

Aside from the readily apparent concerns which these new regulations generate, such as the restriction of freedom of choice, the inevitable cost increases to consumers, and the economic damage to small health food store owners and vitamin supplement dealers, there is, I think, a more fundamental issue at stake. Does the FDA have the authority to so drastically limit and regulate our supply of vitamins and minerals? The FDA was set up to protect the American public from adulterated products, toxicity and fraud in the marketing of all food and drugs. Food supplements, except in huge overdoses, are not toxic and neither is there fraud involved in their marketing. Who gave the FDA the authority to decide which *safe* foods we can and can not eat?

Even if one is willing to assume that the FDA has this authority, there remains the question of whether it has the capability to determine the optimum nutritional requirements of every individual in the United States. At this point in the development of the relatively new science of nutrition, there is a great deal of disagreement among the experts about the effect upon one's health of vitamins and minerals, which ones are essential, how much of each we should take, and how much variance there is in individual nutrition requirements. Yet the FDA feels it knows enough about nutrition to write into law the essential vitamins and minerals, the maximum necessary potency of each one, and the proper combinations of ingredients for dietary supplements.

These regulations, which assume that we are already getting all the nutrients we need from the food we eat, are supposed to assure maximum good health for all average Americans. A person who for any reason is not average and needs more nutrients than those allowed by law will have to purchase food supplements classified as drugs by the FDA.

I think it is fairly obvious that the FDA is overstepping its bounds. I have introduced a bill, H.R. 6098, which is designed to correct this intolerable situation by curbing the FDA's authority to limit our vitamin and mineral intake. H.R. 6098 is identical to Congressman Hosmer's bill the "Food Supplement Amendment of 1973." The Hosmer bill will not prevent the FDA from regulating any dosage or ingredient which is thought to be unsafe. The bill will not affect the FDA's ability to enforce truthful labeling requirements for dietary supplements. It will simply ensure that people will be able to consume whatever nutrients they feel will contribute to their maximum good health.

It is necessary that we pass this bill to protect the right of Americans to determine and satisfy their own individual health needs.

THERE IS LIPSTICK UNDER THAT FORESTER'S HARD HAT

HON. WILLIAM S. COHEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. COHEN. Mr. Speaker, one of the most striking, positive, and healthy achievements of our society in the decade of the 1970's has been the profound changes that have occurred with respect to the role of women in American society. Whether by personal experience, hearsay, or through the medium of the press, each of us have become acutely cognizant of the redefined and expanded role of women in our society.

Today, it is not uncommon to find women making critical corporate decisions, climbing telephone poles, inspecting oil rigs, adding transmission fluid to your car, or even occasionally calling balls and strikes in a minor league professional baseball game. Clearly, there is widespread evidence of the phenomenon of women entering into vocations and performing tasks that were formerly reserved for the male of the species.

One of the more refreshing instances in which women have breached a formerly all-male bastion occurred in Maine this past summer, and was thoughtfully brought to my attention by the Georgia-Pacific Corp., one of the partners in this historic venture.

I would like to share the extremely interesting and enlightening press account of this undertaking with my colleagues, and I insert it in the RECORD for my colleagues to review:

THERE IS LIPSTICK UNDER THAT FORESTER'S HARD HAT

Up until the historic "lib" year of 1973, the deep woods of eastern Maine were a place for husky male foresters to safely roam, but eight young women employed by the Georgia-Pacific Corp. woods department at Woodland (Maine) have changed all that. The girl foresters who breached the all-male bastion recently wound up 10 weeks of woods work that earned them an "excellent" rating from the company's divisional chief forester, Oscar Selin.

He has had some of the girls working with survey crews mapping out the construction sites for a new lumber mill and a planned secondary treatment lagoon at the pulp and paper mill to further improve quality of the adjacent St. Croix river. Others have been measuring permanent timber plots to check annual growth rates and timber inventories. A few of the girls have been wielding Swedish axes to thin over-abundant new timber growth on areas harvested by the company.

Woods department men who work with them and have watched their progress praise the girls for their enthusiasm, adaptability and won't-quit attitude. Working in steel-toed safety boots and under hard hats, with some very unfeminine attire in between, the girls started every eight-hour work day at 7:30 a.m. Despite the tough work, they all say they enjoyed the summer experience; some of them for the chance to earn money, others to prove they could do a man's work and, in the case of Patricia Casciere, because she has chosen forestry for a career.

Pat, the only non-Mainer in the group, will graduate next year from the State University of New York College of Environmental Sciences and Forestry at Syracuse. The other two college girls on what appears to be only a temporarily disbanded summer crew were Donna Crosby and Janet Duval.

A 1972 graduate of Woodland High School, Donna is majoring in health, physical education and recreation at the University of Maine at Presque Isle. She wants to teach physical education so she can "get kids interested in sports." Janet, whose father is a Georgia-Pacific forester, attends the University of Maine at Presque Isle and plans to be a nurse.

Five of the girls, Christie James, Linda Call, Darlene Smith, Betsy McCluskey and Denise Huntley, are 1973 graduates of Woodland High School, and all have a parent or relative working at Georgia-Pacific's Woodland mill.

Christie will enter the University of Maine at Orono where she will study to be a medical technician. Linda says she wouldn't mind returning as a truck driver or heavy equipment operator because she loves being out-of-doors. Darlene wants to get into elementary education, and she will enter the University of Maine at Machias this fall.

Before parting company to go their separate ways after the summer "breakthrough," the girls gathered at a nearby Eastport seafood restaurant for their "First Annual Lady Loggers Convention." Some were already talking about returning to the forestry job next summer. Pat Casciere said she would be happy to leave New York and return to Maine as a practicing forester.

Denise Huntley said she'd like to try it another summer even though she's going to beautician's school and planning to be married next June. Why? "Because I want to prove to my husband that I can do it!"

Regardless of their reasons for returning, it's a sure bet that Chief Forester Selin will welcome them back to the Georgia-Pacific forest.

Although it doesn't apply to the hard work accomplished by G-P's all-girl woods crew, one formerly doubtful male adds this:

"The Maine woods had a certain new allure this summer."

CRIME CONTROL NO. 3

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. LANDGREBE. Mr. Speaker, the advocates of gun control rest their case on the argument, since guns are used to kill so many people, guns are "responsible" for the deaths, and therefore guns should be registered and/or confiscated from private citizens. Now my dictionary defines "responsible" as:

> 1. Liable to be called upon to answer as the primary cause, motive, or agent; 2. Able to answer for one's conduct and obligations.

When the concept responsible is applied to guns, the result is an unintelligible mush—and it is this mush that we are asked to accept as logical argumentation. Is a gun "able to answer for one's conduct and obligations?" Is a gun 'liable to be called upon to answer as the primary cause, motive, or agent?" When someone remarks that guns are "responsible" for thousands of deaths each year, that person is speaking nonsense: the notion of responsibility is applicable only

to conscious beings, not pieces of inanimate metal.

Only living beings, and in this case, human beings, can be responsible, for only living beings can respond. But the materialism of the gun controllers is so pronounced that they make no distinction between human beings and pieces of metal—and thus place "responsibility" on whatever "machine" they wish, human or mechanical. This is the same "environmentalism" that finds its most explicit formulation in Marxism: remove the guns from the environment, that is, improve the society, and the individuals will improve. The illogicality of such arguments should be apparent to all.

GUAM'S ECONOMY: BOMBERS AND BIKINIS

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. WON PAT. Mr. Speaker, the Nation's economic decline during the past several years has taught many American communities the dangers of being a "one industry town." Seattle learned this the hard way when Boeing Aircraft slowed its production to a crawl. Rhode Island and Massachusetts recently discovered that the Navy would not be a permanent part of their economic scene. And Cape Canaveral in Florida has felt the full economic brunt of the slow-down in our space program.

Guam, too, has long feared that the U.S. military, which has been a major part of our Island's economy for almost 70 years, would someday decide to decrease its presence in the Territory. Last year, the military funneled into the island almost $144 million by taking care of its B–52's, Polaris submarines and other facilities. While no one seriously questions that Guam will continue to play a vital role in our Nation's strategic defense system, wisdom dictates that alternatives be developed to decrease our reliance on military spending.

The principal alternative is tourism. In recent months, Guam's sudden rise as one of the most favored tourist spots in the Pacific has been chronicled by a number of leading journals. From time to time, I have inserted these articles into the RECORD for the enlightenment and enjoyment of our colleagues in the House.

On October 23, the Wall Street Journal also reported on developments in the Territory, this time taking an in-depth look at the economic ramifications of our new-found progress, rather than simply reciting a few facts about Guam's scenic beauty. As the Journal article shows, Guam's continuing struggle to develop a strong civilian economy is far from won. But, with continued hard work and the support of the American people, I am certain that Guam will meet the challenge facing it.

At this point, Mr. Speaker, I insert the Wall Street Journal story into the RECORD.

GUAM'S ECONOMY IS BASED ON MILITARY, TOURISTS; BUT SOME FEAR BOOM IN VACATIONERS MAY BURST

(By William D. Hartley)

TAMUNING, GUAM.—Over the waters of Tumon Bay, a huge B52 bomber banks right as it heads for a landing at Anderson Air Force Base. Not long back, it would have been returning from a raid on North Vietnam; today it is just on a training flight.

Below, at poolside of the Hilton Hotel, a bikini-clad Japanese girl lazily watches the jet for awhile, then turns back to tickle the toes of her new husband. They are honeymooners from Tokyo on a three-day trip.

Bombers and bikinis make an incongruous combination, but they also present a pretty accurate economic picture of the island of Guam these days. The American military and the Japanese tourists support Guam's current prosperity.

The military has been here a long time, but tourism burst onto this island unannounced—and mostly uninvited—only a few years ago. An estimated 200,000 tourists, nearly all from Japan, will visit here this year, compared with only 3,500 in 1967. They will spend $90 million on hotel rooms and food, tours and souvenirs. Most are honeymoon couples taking advantage of cheap excursion air fares and a more valuable yen that buys a lot in a place that uses the U.S. dollar.

A BOOM BUT . . .

So Guam booms. Construction grows more than 50% a year. Also rising is what passes for gross national product; officials call it gross business receipts, and it measures only the private sector. Whatever you call it, it's been going up 27% annually for the past several years. Consumers spend wildly, and money circulates rapidly.

Yet there is something of a soap-bubble look to Guam today, and not a few here are worried about the stability of this boom. The steps that Guam decides take over the next year or two and how successful they will be are crucial to both the economic and political future of this tiny American community in the Pacific.

The military is little worry; it spent $144 million here last year taking care of its B52s, Polaris submarines and other facilities; it is believed here to stay. But tourism is another question, and there are serious doubts here as to just how long it can last unless someone pays more attention to it. "It sprang on us like a tiger," says one of Guam's leading businessmen. "We weren't ready for it, and we still aren't ready for it."

STARING INSTEAD OF SELLING

Indeed, the invasion of tourists is so new that some Guamanians are a bit dazzled and often aren't quite sure what to do. "When tours pass through a village, the villagers come out and stare at the tourists instead of thinking how they could sell them something," complains Bert Unpingco, who runs the Guam Visitors' Bureau. The island did little to attract tourists in the first place, and some here argue that little is being done to keep them. There are plans galore, the complaint goes, but little action.

It was Pan American World Airways that opened Guam to the Japanese tourist a few years back, promoting it as an ideal spot for a cheap honeymoon. The results were dramatic, and soon hotels were sprouting from the sands of Tumon Beach. There are a half-dozen modern ones now, most owned by Japanese interests, and a couple more are under construction. "Six years ago we had three restaurants here," one man says. "Now there are 50."

Tourists are fickle, though, and the worry of some involved in the business is that they could fade away overnight if new destinations offer fresher attractions. The Philippines are making a big push for Japanese tourists, and a recently offered low-cost fare between Manila and Tokyo could cut into Guam's trade.

POINT OF NO RETURN

Officials in Guam's capital of Agana already fret over the fact that return visits by Japanese tourists are minimal. In this industry, that's a danger signal. The officials concede that so far Guam has little to offer except sunshine and clean air. There isn't any doubt that these are attractions for Japanese who live in polluted cities, but it is also true that these qualities can be found elsewhere.

So the economic preoccupation of government and business these days is to provide alluring tourist facilities to keep visitors arriving and happy and to diversify, even if minimally, into other industries as a backstop. Neither goal will be easily achieved, and the problems facing this island are tough ones.

One is that Guam simply isn't very big and its resources are too limited to accomplish all it would like, says Shinkyung Kim, chief economist for the Department of Commerce. Only about 104,000 persons live here, and about 30,000 of these are transient military men and their families. Full employment today means Guam has to import nearly a quarter of its labor force. There aren't any natural resources to speak of, and even the agriculture is poorly developed; thus, Guam imports essentially everything it consumes. About two-thirds of the island's 209 square miles are owned by the military and local government and are prohibited from private use, and this could hamper development in a few years.

Guam, of course, is an American territory, the possession most distant from the U.S. mainland and the one most often forgotten. It lies some 6,000 miles west of California, across the international date line, which produces its constantly repeated slogan, "Where America's Day Begins." The U.S. gained Guam as spoils of the Spanish-American War, and for decades it lay sleeping in the Pacific, subsisting on the military dole.

Although for the past three three years Guam has had Carlos G. Camacho as an elected governor (previous chief executives were appointed by Washington), the U.S. federal government still can control Guam. Congress has power to change laws without any say from Guam. Guamanians are U.S. citizens but can't vote in federal elections.

Needless to say, this status often irks the populace. There is constant discussion of the island's political future, and there is a growing realization that its economic efforts are closely linked to that political future.

One popular idea is is to create a commonwealth, similar to that of Puerto Rico, and join Guam with the northern Marianas Islands, which include Saipan and Tinian. The 13,000 people of these islands are of the same Chamorro ethnic strain as the bulk of Guam's population. These islands currently are part of a United Nations trust territory called Micronesia, administered by the U.S.

"Guam has been historically part of the U.S., and our people can't see any other form of government," Gov. Camacho says. "The ultimate desire of the people is statehood." But in the interim, the desire is for more home rule, more autonomy. Under commonwealth status, Guam would have political autonomy and make its own laws while the U.S. would handle foreign affairs and defense.

But Guam isn't likely to win home rule if the island, as in the recent past, remains dependent on military spending, says J. S. Leon Guerrero, president of the Bank of Guam. And so Guam realizes now that diversifying the economy is a must. Tourism gets priority, but there are other efforts as well.

Guam wants industry, so it has drawn up a list of tax incentives even more generous

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than those offered by most developing countries. For instance, it will rebate to the investor 75% of corporate income tax for up to 20 years and all property tax up to 10 years. It is a duty-free port, so manufacturers can import parts for assembly freely, and because it is part of the U.S., goods can be shipped to the mainland, under certain conditions, without paying duty.

WATCHES AND APPAREL

This has been a factor in drawing six companies here to assemble watch movements. Three apparel companies have been established, a government official says, and formation of three more is pending. But businessmen think it unlikely that foreign investors will rush here in droves.

And whatever comes here would just be frosting. The cake is tourist trade, and this is the area in which Guam is beginning to put most of its effort. Many observers say the activity is at best belated, but Gov. Camacho defends the past efforts.

What Guam needs and has been low in providing is something for tourists to do besides soak up the sun. "At the beginning, honeymooners were perfect tourists for Guam because there weren't any facilities and honeymooners didn't make any demands," says Mr. Unpingco of the visitors' bureau. But Guam also wants to attract the more lucrative trade of tours and families, and these are more finicky visitors.

There are plans to open more beaches (Guamanians concede that the current ones aren't especially attractive), and there are moves to construct marinas for sports fishing. "We'll be spending $20 million in the next five years to build facilities," says Jose D. Diego, director of the Department of Commerce. And there is private money as well.

Guam would feel more comfortable if some tourists came from somewhere in Asia beside Japan. A Japanese recession—which isn't considered altogether unlikely in the next year or two—could sharply reduce the number of tourists from Japan. Gov. Camacho says: "We see that putting all our eggs in one Japanese basket could be fatal."

Still, affluent Japan is certain to be a major market for years to come. Martin Pray, an associate professor of the travel industry at the University of Guam, sees this island someday becoming Japan's Bermuda, to which richer Japanese will escape for a weekend.

Guam has one great advantage over all the rest of Asia, says Koki Narita, who runs the local office of Japan Travel Bureau, a travel agency. This island is the closest piece of U.S. territory to Japan. In status-conscious Japan, it means a lot to have a U.S. visa in a passport. Some couples even delay their weddings until the ceremonies can be performed here on U.S. soil.

LIMIT PRESIDENTIAL WARMAKING POWERS

Hon. PETER H. B. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. FRELINGHUYSEN. Mr. Speaker, the crisis in the Middle East, and the continuing danger that we might become directly involved, though against our will, underlines the inescapable responsibility of both the President and Congress in matters of war and peace. Passage of House Joint Resolution 542 would have the effect of muddying our mutual responsibility. It could severely handicap the flexibility of a President to act without giving Congress any responsibility we do not already have.

An editorial in the October 26, 1973, edition of the Detroit News clearly points out the inherent dangers in enacting House Joint Resolution 542, and I commend this article's consideration to my colleagues.

Mr. Speaker, I ask unanimous consent to insert this editorial in the RECORD. The editorial follows:

LIMIT PRESIDENTIAL WARMAKING POWERS

"Members of Congress must have known their timing was bad when they sent President Nixon a bill to limit presidential warmaking powers in the middle of the Mideast war crisis.

"Imagine the position President Nixon would be in if the other side knew he could commit troops for no more than 90 days and that his decision to do so could be countermanded by a simple majority vote in the two houses of Congress?

"Military leaders contend that this country would be openly inviting the Soviets to engage in military 'excursions' abroad if an American president were limited in this way. The Red Army could dart out from its lair, then withdraw and dart out again while America, in a state of confusion, tried to settle its military and strategic policy in committee.

"The Kremlin is not limited by the Soviet legislative assembly on how it may throw its strategic weight around. Russia does not make these decisions in committee. Russia can move pretty quickly when she wishes.

"Knowing that, why should we deliberately throw away the ability to respond immediately? And if we do, how can we speak convincingly to this adversary on the other side of the Iron Curtain?

"British jurists are fond of saying that it is 'not only important that justice be done, but also that justice appear to be done.' Let us paraphrase that:

"It is not only important that America be strong, but also that America appear to be strong. Otherwise, who will listen when America speaks?"

BEEP—BROOKLINE EARLY EDUCATION PROJECT

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. QUIE. Mr. Speaker, I wish to bring to the attention of my colleagues a most significant research project being conducted on early childhood education. The Brookline Early Education Project is a project being administered by the Brookline, Mass., public school personnel in cooperation with Burton L. White, director of the Harvard University preschool project, and parents, physicians, and 225 infants.

The $750,000 project, funded by private foundations, is developing a data bank and information on the effect of a child's home environment during his first months of life. I commend the following article appearing in the November 1973 issue of Nation's School describing this project and a few other preschool projects designed to help mothers develop the home situation into a more productive learning situation.

HOME, SWEET HOME: BEST PLACE FOR EARLY LEARNING

True story. Thirteen-month-old Sandra reaches for a glass of milk on the kitchen table, sips a little, spills a little, then puts it down. She drops a piece of meat into the glass and watches it fall to the bottom. Next, she tries a potato chip and—surprise—it floats.

Enter Sandra's mother. "Oh, you're naughty today," she says and snatches the glass away.

So begins Sandra's education. But, according to one of the country's best-known early learning experts, her Mom just blew it. What the mother doesn't realize, says Burton L. White, director of Harvard University's Preschool Project, is that Sandra's experiment with flotation amounts to a "highly intellectual activity" for a child her age. "By cutting it short, the mother is doing her daughter a real disservice," says White—one that could lead to failure in school and life.

As White sees it, the flotation incident—and hundreds like it recorded by researchers in the Harvard project—points to an urgent need for educators to get involved in the early home life of their students. If education is to have any lasting effect on children at all, White contends, schoolmen first must offer prenatal instruction for parents and institute a new type of informal schooling in which teachers work with parents and preschoolers in the children's own homes.

It is in those homes, say most early learning experts, that children receive their most important intellectual training—training that constitutes the "fundamental requirements for academic success." Yet precious few parents are prepared to provide the skills, guidance and stimulation their children need so early in life.

Parents who *are* prepared make a huge difference, White believes. Since 1965, he has been studying poorly and well-developed children at home to determine how to structure experiences that "encourage maximal development of human competence." His studies indicate that the period between eight and 21 months of age is a critical one for building linguistic, intellectual and social skills. Successful parents—those with highly competent children—act a particular way during that period, White has found. They consistently make themselves available to their child, usually at the child's initiative. Unlike Sandra's mother, they encourage their baby's experiments and may try to facilitate them as well by giving the child more equipment, for instance. Then they quickly move away and let the baby discover things on his own. Significantly, White notes, successful parents *don't* try to play a traditional teacher's role or schedule their child's activities in advance.

These are rare parents indeed. The more typical ones, says White, act like Sandra's mother, and their mistakes are all but impossible to rectify later on. "There's a limit to what schools can do," White asserts. "And it's a surprising one."

Better preschools and kindergartens aren't the answer, he and other early childhood experts believe, because by the time children get there, it's likely to be too late. White's research has led him to conclude that youngsters beyond the age of three can only "refine" their skills in areas like language and problem-solving. Moreover, he has found that the three-year-old who's six months or more behind in these areas is unlikely *ever* to be successful academically, given the current state of remedial education.

Bringing youngsters to school earlier won't help either, the experts agree. Reason: Most pre-threes still have strong dependence needs and aren't emotionally equipped to leave their parents for a formal school environment. "Except in the case of an intolerable home life," White says emphatically, "the best place for early education is the home."

To make that home the educational force it can and should be, White currently is working with public school personnel, parents, physicians and 225 infants in the pioneering Brookline, Mass., Early Education Project (BEEP). Aim of the project is to help parents in shaping a home environment that will best develop their youngsters' natural abilities.

Initiated by Brookline's superintendent of schools, Robert I. Sperber, and funded with $750,000 in grants from private foundations, BEEP offers a unique blend of free services.

For the babies. BEEP provides a complete program of medical, psychological and educational testing from birth to kindergarten to make sure none of them get through their preschool years with undetected problems that might hamper their learning abilities. For mothers and dads, the project offers parenthood education classes at the BEEP center and regular home visits from project teachers.

The format and frequency of the classes and home visits vary with different groups of participants. In both activities, however, BEEP teachers generally try to make parents more aware of child development principles, especially those related to learning stages. Teachers also spend time discussing any child-related subject, from diaper rash to discipline, that the parent considers important.

Just as accessible to parents is the project's early education center, which offers a child information library and a loan service of educational toys, records, films and other materials to try out at home.

Brookline school officials are keeping detailed individual profiles on project children and are already meeting with BEEP staffers to consider the best ways the schools can accommodate BEEP graduates. One proposal: Analyze the profiles for learning styles and academic strengths and weaknesses, then structure kindergarten programs around them.

Other less ambitious school programs are also incorporating the findings of early learning researchers, and the results could have dramatic effects on education in the near future. In Compton, Calif., for example, schoolmen recently received $46,000 in state funds to license 10 to 35 day care homes, where Montessori-type preschool centers will be set up. Plans are to train mothers to use project materials both in the centers and their own homes. Like BEEP, Compton's program also will involve health checks and developmental tests for youngsters. School kindergarten teachers will be trained to handle the project's graduates.

In Oklahoma City, Okla., the private Casady School is trying yet another approach to early education. Along with the Oklahoma City Arts Council, Oklahoma City University, and the state department of social services, Casady school officials supervise the operation of a "magic blue bus," a van that travels to 25 day care centers and 22 licensed day care homes. The driver, a teacher, lends early learning materials to parents and also instructs them in how to use the materials with children. During the driver's subsequent visits, books and toys are exchanged for new and more advanced materials. Aimed at low-income families, the year-old project now reaches about 1,100 preschoolers and plans to add two more "magic buses" next year. "Our goal is to affect the child's disposition to learning, to make him more learning-oriented," explains Robert Woolsey, Casady School headmaster.

All in all, early learning researchers are making an impact on schools—though definitely not as powerful as they'd like. But Burton White, for one, feels certain the day will come when educators will invest heavily in the first years of a child's life and spend less as he moves through elementary and secondary schools.

"Such a radical shift is sure to meet with resistance," White acknowledges, "but it's inevitable."

GIVE THE AMERICAN PEOPLE A CHOICE

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. HARRINGTON. Mr. Speaker, the suggestion has been made that there will be a need for a special Presidential election in November 1974, in the event of vacancies in the Office of President and Vice President. Surprising as this may seem at first glance, it is actually a very old idea dating back to the Constitutional Convention, and one that, until a few years ago, was the law of the land.

After a moment's reflection, it seems clear that this is the best solution to the possible question of succession and the cynicism that now pervades the Nation. Let the people decide. What could be simpler, more straightforward or more consistent with our traditions.

I support this proposal and urge my colleagues to give it serious consideration as the fairest and most satisfying way out of the Watergate quagmire.

For the information of my colleagues, I include the proposal for a special Presidential election as it appeared in the New York Times.

FOR A SPECIAL PRESIDENTIAL ELECTION

(By Kevin H. White)

BOSTON.—The nation is now facing the most significant political crisis in its history. The crisis encompasses not simply the issue of whether and how the President should be removed but perhaps more importantly the question of how, through the manner of Presidential succession, confidence in the Presidency and the political process is to be restored.

There is a solution to our present difficulties. One that is readily available to us, and one which will give the American public time to debate, and also time to decide their own destiny—the electoral process.

There is no reason why an election could not be held in 1974 to determine national leadership. It is possible through legislative action for the people to elect a new President and Vice President in 1974. The Speaker of the House would serve as interim or acting President until Jan. 20, 1975, when the newly elected administration would commence a full four-year term.

This would require no constitutional amendment, but simply an act of Congress. The idea is not far fetched; ironically enough, it was the intent of our Founding Fathers. It is not a revolutionary concept; it is, in fact, just the opposite for the Constitution was explicitly written to make it possible.

In the Constitutional Convention of 1787 the framers consciously adopted the language of Article 2, Section 1, Clause 6, to allow Congress to provide by law what should happen if the offices of the President and Vice President should both become vacant.

The second Congress of the United States in the Succession Act of March 1, 1792, accordingly provided for a special popular election to fill such a void. That statute remained the law of the land for 94 years.

This system was changed by the Succession Act of 1886 which provided for succession through the Cabinet and dropped the requirement of a special Presidential election in these circumstances. It, however, required Congress to assemble within twenty days of such an occurrence, thus facilitating the discussion of other options. The Presidential Succession Act of 1947 made no reference to this alternative.

A special Presidential election was, then, the required method of succession in the event of simultaneous vacancy of the Presidency and the Vice-Presidency for almost a century.

It was mandated by act of Congress and it can, therefore, be restored by act of Congress.

As President Kennedy once wrote: "Our greatness is based on the final premise that the people themselves, working among themselves, making their final decision, will make a judgment which fits the best interest of our country. If we did not accept that premise, then the whole concept upon which a democracy is based would be hollow."

Rather than living for three years with an Administration unable to instill confidence and lacking legitimacy, a special election would seize the crisis of impeachment and succession as an opportunity to reaffirm the workings of our political process. Rather than resulting in a traumatic confrontation, a special election would serve as a beginning of national renewal—cathartic, salutary and healing.

Rather than entrusting succession to the Congress and leaving it susceptible to partisan jockeying, tactical maneuvers and backroom political deals, a special election would return decisionmaking directly to the people, where it belongs.

Rather than increasing alienation and cynicism about the workings of a closed political system, the special election would bring us together in the process of open and participatory debate.

It would finally not only insure the legitimacy of Presidential power, but a special election run fairly and honestly and openly would answer directly the fundamental issues underlying our current crisis and help to restore confidence not only in the operations of government, but in the resilience and viability of our political system itself.

Watergate and related abuses have cast a long and ominous shadow over the entire workings of Government and the faith our people have in the institutions they are called upon to support and defend.

An untainted and open election would help to heal the nation by reaffirming the very process which was compromised and violated by Watergate.

ROUSH DISCUSSES FEDERAL HIGHWAY AID

HON. J. EDWARD ROUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. ROUSH. Mr. Speaker, one of the most widely discussed subjects in the northeastern Indiana press in recent months has been the Federal-aid highway program. Indiana State Highway Commissioner Chairman Richard A. Boehning has visited our area a number of times to speak about it. Newspapers have editorialized about it. Environmentalists have written letters to their editors about it.

Most of this discussion has been precipitated by Congress recent considera-

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tion of the Federal-Aid Highway Act of 1973 and the revelation that Hoosiers were paying more in highway user taxes than they were receiving in Federal highway aid. Unfortunately, much of the discussion has been characterized more by partisan rhetoric than by an objective analysis of the problem and potential solutions.

Like most important questions of public policy, the questions relating to Federal highway policy, the Congress role in setting it, the use of highway trust fund money for mass transit and the rate at which Indiana is returned its highway user tax dollars have no simple answers. To adequately pursue them requires an impartial discussion, beginning with 1956 when the Federal highway program, as we know it today, began.

In passing the Federal Aid Highway and Revenue Acts of 1956, the Congress and President Eisenhower made the following commitments:

First, the Nation needed and would complete a 41,000 mile system of interstate highways to connect the Nation's major population centers and provide a transportation network vital to the Nation's defense.

Second, the Nation needed to and would help keep the primary and secondary roads in both rural and urban areas in this country in adequate condition.

Third, the Federal Government would finance these two prior commitments on a wholly highway-user-supported, pay-as-you-build basis.

With these major commitments, the Congress established a "highway trust fund" which serves as a depository for the excise taxes collected on motor fuels, motor vehicles and associated products. Money from the trust fund is used to support six entirely different programs: the Interstate Highway System, the rural primary road, rural secondary road, urban extension, urban system and priority primary road programs.

It should be understood as well that although Congress and the U.S. Department of Transportation—DOT—determine each State's apportionment of funds for each of these programs before any construction begins, no money is actually distributed to the States until the work is complete and the books audited.

It is also important to remember that by no means is the highway trust fund the sole source of highway and road construction money in Indiana. We have a number of different State and local highway, road, street and bridge programs financed with State road taxes and other non-Federal funds. These State and local programs are responsible for the construction and maintenance of the bulk of Indiana roads and streets. In addition, there are a number of other Federal highway programs which have no automatic apportionments but depend on interested State and local governments to apply for the funds.

With these considerations in mind, I want to address myself to the three most frequently asked questions about the operation of the Federal highway trust fund programs in Indiana.

First. Is Indiana getting its share of highway trust fund money? This is a more complicated question than it appears. First of all, the Internal Revenue Service does not keep records of highway-user excise taxes by State so no one really knows for sure how much each State contributes. Secondly, there are some serious problems with trying to evaluate the State's "share" for only 1 year of an ongoing program. Thirdly, the difference between the Congress-DOT determined apportionments and the money actually distributed to the states raises problems as to which amount should be used in such an analysis.

Despite these caveats, it is true to say that Indiana last year got considerably less in highway aid than the Federal Highway Administration—FHWA—estimates our highways' users paid in excise taxes. The FHWA estimates that Indiana highway users paid 2.82 percent of all taxes paid nationally to the highway trust fund and received back 2.31 percent of all funds paid out.

Two things that soften these statistics somewhat can be mentioned. It is not entirely the individual Hoosier motorist who contributes to the trust fund from Indiana but also the visiting tourist and the trucker hauling his wares from, to and through the State. In addition, Indiana has not always been in as bad a position in receiving funds. In 1969, for example, we paid 2.88 percent of all taxes paid into the fund and received 3.46 percent of the money paid out.

Second. Who is responsible for the poor return Hoosiers get on their Federal highway tax dollar and why? Again a complicated question with a lot of complicated answers. Let me give you what I perceive to be the two most important reasons that Indiana motorists will be getting back less than they will contribute to the highway trust fund this year: our nearly finished Interstate System and Presidential impoundment policies.

Because the Interstate System in Indiana is 90 to 95 percent complete, we get a much smaller portion of the interstate highway money than do States who are not as far along in building their interstates as we are.

Earlier I mentioned that the highway trust fund provides money for six different programs including the Interstate System. Indiana does better with the five noninterstate programs, where we have been apportioned 87 percent of the national per capita average this year than with the interstate program, which is by far the largest, where we receive only 47 percent of the national per capita average.

What has happened is that our State has completed all but a small number of miles—the official figures vary somewhat; State Commission Chairman Boehning was very recently reported as saying 63 miles—of its 1,129-mile Interstate System. These funds are apportioned on the basis of the relative Federal costs of completing the remainder of the system in each State. Since our interstates are almost complete, our share of interstate funds is now quite small.

Of course, this was not always the case. In 1968, we received 119 percent of the national per capita average in interstate funds and in 1969 that figure went up to 141 percent.

Thus, while Indiana got a large chunk of interstate money early in the game, other States are only now getting their share.

We could advocate that the entire interstate program be discontinued or substantially modified now that Indiana has pretty much received its share and that the money is going to other States not as far along as ours. This would keep some of our dollars from going to other States.

As a practical matter, however, I do not think that either the Congress or the President will abandon the Interstate System—and I think in the long-run this commitment will benefit our State just as the early completion of our own interstates have. At the same time I plan to pay close attention to the noninterstate trust fund programs to make sure we continue to get a reasonable share of that money.

This is the main reason why Indiana has received the 1974 apportionment it has. However, the Nixon administration's policy of impoundment—preventing the distribution of Federal funds—is likely to mean that we will get even less. State Commission Chairman Boehning has indicated that $18 million of our $80 million apportionment, 23 percent, may be withheld this year. He and State Senator Keith McCormick have been reported as having an interest in joining a law suit against the administration for release of the funds, an action in which I would be willing to join.

Third. Will provisions in the new Federal highway law permitting some highway trust fund money to be used for mass transit hurt Indiana even more? This certainly is the easiest of the three questions. The answer is an emphatic and unequivocal "no."

For quite some time transportation experts have realized that in parts of this country the ever increasing use of the automobile is a growing menace. In many of our larger communities, congestion caused by auto usage is creating serious health and safety problems—to say nothing of the gasoline shortage—which cannot be solved by more highways.

These experts have pointed to the highway trust fund as a potential source of help in this crisis. They contend that the fund was established to meet the Nation's transportation needs in the most effective way and that some forms of mass transportation, rather than highways, would have that effect in many communities.

Congress recognized their arguments but also kept in mind that more and safer highways were still needed in many places. Hence the bill we passed—and which I supported—made this provision: Beginning in fiscal year 1974–75, areas over 50,000 'n population have the option of using their "urban system"—one of the six trust fund programs mentioned earlier—apportionments for either roads or passenger bus purchases. Beginning the next year, all or part of these large communities' apportionments could be

used for roads, buses, or rail transportation projects. No trust fund money is allowed to be used for mass transit operating subsidies.

It is important to note that no money is being diverted to urban areas from rural areas and that urban areas do not have to use the money for mass transit. They only have the option of choosing whether to use the urban system money they would have received anyway for mass transit or for roads.

I think it fair to conclude that our deficiencies in receiving highway funds in the upcoming year will be due for the most part to our advanced position in interstate construction and Presidential impoundments and that the new Federal highway law's provision regarding mass transit will provide only more flexible transportation possibilities for larger communities and not hurt the other roadbuilding programs in our State.

PICKLE LETTER ON ITT–SEC CONTROVERSY

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. PICKLE. Mr. Speaker, I place a letter I mailed yesterday to Acting Attorney General Robert H. Bork in the RECORD. The letter speaks for itself.

Today I am sending the letter to Attorney General-designate Senator WILLIAM B. SAXBE.

The letter follows:

Hon. ROBERT H. BORK,
Acting Attorney General of the United States, U.S. Department of Justice, Washington, D.C.

DEAR MR. BORK: On October 10, 1973, the Special Subcommittee on Investigations of the House Interstate & Foreign Commerce Committee referred to the Department of Justice the record of its inquiry into the withholding and transfer of SEC files pertaining to ITT.

Accompanying the records was a letter from the Honorable Harley O. Staggers to the former Attorney General Elliot Richardson.

The last sentence of Chairman Staggers' letter of October 10th states, "Individual members may also contact you with supplemental views concerning the issues which have been raised during the Subcommittee's inquiry."

This letter is pursuant to this part of Chairman Staggers' letter.

I do not write a minority view, nor do I attempt to limit or give a charge to the Justice Department's review of the Subcommittee's referral. I write as an individual who has participated in every hearing with concern and interest.

During the Subcommittee hearings, some evidence was particularly disturbing; and as a Member of Congress and as a citizen, I feel that I would be derelict in my duties if I did not present my particular concerns to the proper officials of the Executive Branch of our government.

My concern can be divided into a general observation and five specific areas.

GENERAL OBSERVATION

As a general observation, I must state that the larger overview, which I have of the whole set of hearings, is that Mr. William Casey, while Chairman of the SEC, with the knowledge and encouragement of certain White House officials, improperly tried to keep certain documents related to ITT away from the public, the Congress, and even the Justice Department (until he received a subpoena might issue from the Subcommittee for the documents). Mr. Casey purposely and willfully refused to deliver the files requested. He did everything in his power to keep these pertinent files away from a Congressional Committee.

Afterwards, in an attempt to mask his actions, and the motivations for those actions, former Chairman Casey made several very questionable statements under oath to the Subcommittee.

A thorough investigation of Mr. Casey's and the White House officials' actions in these matters should be undertaken by your staff.

SPECIFIC CONCERNS

I. ITT transfer of Hartford stock to Mediobanca & Dreyfus

This area can be divided into two parts:

A. There is a possibility that ITT exchanged ITT stock for Hartford stock under extreme misrepresentation to the Hartford stockholders and possibly the Internal Revenue Service. Even though I do not have the exact dates, as this question was not fully developed in the Subcommittee's hearings, I must give a step-by-step tracing of certain developments of the ITT-Hartford merger.

1. ITT obtains approximately 8% of Hartford's outstanding stock shares.

2. ITT proposes to exchange ITT stock for Hartford stock held by Hartford stockholders in order to consummate a merger between the two companies.

3. The Internal Revenue Service, in response to an ITT inquiry as to how the exchange would be treated for tax purposes, holds that ITT must divest itself of 8% of the Hartford stock it had earlier obtained in order to have a tax-free exchange of ITT stock for Hartford stock.

4. ITT submits to the IRS a three-part proposal outlining steps ITT would take to rid itself of the 8% Hartford stock. In a very short time the IRS gives approval to ITT's proposal. Parts 1 and 2 of the ITT submission to IRS stated plans to complete a bona fide selling of the 8% Hartford stock by ITT Part 3 of the IRS submission was a vague outline of ITT's selling its stock, through its agent Lazard Freres, to Mediobanca of Italy.

5. ITT does not follow Parts 1 and 2 of its submission to IRS, and instead implements what appears to be a bogus sale of the 8% Hartford stock to Mediobanca.

6. The SEC later determined that the ITT-Mediobanca transfer was not a sale, for ITT maintained complete control of the stock while it was on Mediobanca's books, including the dividends the Hartford stock might yield.

The points that I would make about this rather contrived turn of events are twofold.

First, one can assume the IRS ruled the future ITT-Hartford exchange as being tax-free to the Hartford stockholders because the IRS thought that Parts 1 and 2 of ITT's submission were to be followed by ITT. If this is the case, ITT has committed a fraud or filed a false statement (I use these items in the non-legal sense since I am not an attorney) on the IRS by deliberately misleading the IRS to think that ITT was going to make a bona fide sale of its earlier obtained 8% stock.

Second, if the IRS did know of the plans of ITT to engage in a sham transaction, or if the IRS did not want to know what the rather vague ITT Part 3 proposal entailed because the agency suspected what ITT was planning to do, then I would be very disturbed by the implied compromising of the IRS in order to facilitate a merger of ITT and Hartford.

No matter how the IRS-ITT situation is viewed, it would seem that ITT's representation to the Hartford stockholders that ITT had divested itself of the 8% Hartford stock appears fraudulent to me.

The Hartford stockholders assumed their taking ITT stock for their Hartford stock would be tax-free since ITT supposedly sold its earlier obtained 8% Hartford stock.

Since ITT had not unconditionally disposed of its Hartford stock, the exchange of ITT stock for Hartford stock should not have been tax-free.

There is strong speculation that the Hartford stockholders would not have agreed to the exchange if they had known the exchange would result in their incurring a tax liability.[1]

In any event, Hartford stockholders acted in good faith on a bad faith ITT representation that it (ITT) had sold its earlier obtained 8% Hartford stock.

B. The second aspect that bothers me about the ITT-Mediobanca transfer is that the 8% Hartford stock was eventually sold to the Dreyfus Fund by ITT's agent Lazard Freres, and there was no evidence presented to our Subcommittee that ITT ever incurred a tax liability, or a tax loss for that matter, on the sale to Dreyfus.

If ITT has never reported this sale on either its 1971 or 1972 tax returns, then ITT could be guilty of income tax evasion.

To conclude this Part I of my letter, it would seem to me that the SEC should have reported the fraudulent or questionable nature of the ITT-Mediobanca transfer, and the tax question of the ITT-Dreyfus sale, to the Internal Revenue Service and the Justice Department. I would think the SEC had a duty to do so, and despite reviewing these matters, I still do not understand why the SEC did not do so.

II. The testimony presented by Mr. Charles Colson to our subcommittee

You and your staff can readily see from the record that Mr. Colson clearly left the impression with the Subcommittee that he (Mr. Colson) had no knowledge of certain documents pertaining to the ITT-Hartford merger held by the SEC.

Mr. Colson appeared before our Subcommittee on the afternoon of June 14, 1973, and that morning, at 9:30 a.m., the staff of the Subcommittee had delivered to Mr. Colson's offices copies of the SEC–ITT documents.

.On August 1, 1973, a memorandum was made public by the Senate Select Committee on Presidential Campaign Activities. This memorandum was from Charles Colson to Mr. H. R. Haldeman. The memo was dated March 30, 1972.

The general purpose of the memo was to express Mr. Colson's dissatisfaction with a decision to postpone until June 1, 1972, any White House decision to withdraw Mr. Richard Kleindienst's nomination for Attorney General of the United States.

The Colson to Haldeman memo contained the following assertions about certain ITT documents; that he (Colson), Fred Fielding, and John Ehrlichman had fully examined all the documents, and that some of the documents were in the hands of the SEC.

Mr. Colson also described the documents in the memorandum.

Several of the documents Mr. Colson described in the March 30, 1972, memo were in the hands of the Subcommittee on June 14, 1973, when Mr. Colson testified before the Subcommittee.

On June 14, 1973, Mr. Colson, when shown a document that was clearly described in his

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[1] Of course, there is the side issue that the IRS should re-examine the exchange with a view to collect that tax liability.

XUM

March 30, 1972, memo, responded as if he had never seen the document. (Refer to Pages 54–55 of the Committee transcript.)

Three times after Mr. Colson's statement on Pages 54–55, he affirms that he had not seen certain ITT documents until June 14, 1973. (See Pages 70, 72, and 96.)

Comparing the testimony of June 14, 1973, to the memo of March 30, 1972, one must note that the March 30, 1972, memo demonstrated a full knowledge of ITT documents held by the SEC, while before the Subcommittee Mr. Colson demonstrated little or no knowledge of these documents.

Before leaving Part II, which is a general oversight of Mr. Colson's testimony, I want to call attention to Pages 76–87, 87–89, and 97–98. On these pages I questioned Mr. Colson of his knowledge of the original Dita Beard memo as published by Jack Anderson, his knowledge of the rather mysterious sequestering of Mrs. Beard in Denver, Colorado, and the intensive investigation of the authenticity of the Beard memo.

It is obvious to me that Mr. Colson had extensive knowledge of the events surrounding the ITT affairs, particularly those events involving Mrs. Beard's presence in Denver, Colorado.[2] Mr. Colson was either not telling the truth, or his memo to Mr. Haldeman was inaccurate.

I would urge that my impressions be investigated to the fullest by proper officials in the Justice Department.

It is obvious to me that Colson knew a great deal about the ITT affair.

III. Passing of FBI materials to ITT

In this part, I turn to a discovery that I made during my questioning of Mr. Colson that still disturbs me.

Succinctly, from Mr. Colson I learned that the FBI had obtained the original, or Anderson, Beard memo from Jack Anderson. Then, someone at the White House obtained this memo from the FBI. (Mr. Colson stated he did not know how the White House got the memo, but the implication is strong that John Dean did. Pages 98–102.) Then from the White House, the original Beard memo was examined by Intertel,[3] which had been retained by ITT. (Pages 98–102) In short, ITT gained possession of a document in the possession of the FBI via a White House conduit.

I have since been advised that this chain of events may not technically be illegal because if ITT had been under judicial action, the corporation could have obtained this document through discovery proceedings.

Since ITT at this time was not involved in a Court action, and since this turn of events seems highly improper, I would hope that the ramifications of the circumstances which I learned of during questioning of Mr. Colson, would be reviewed closely.

Frankly, I think that it is reprehensible that the White House passed material in the hands of the FBI to investigators for ITT.

IV. Ex parte contacts by John Ehrlichman with the SEC

During the June 27, 1973, hearing former Chairman Casey described a meeting he had with former White House aide John Ehrlichman.

This meeting was held at Mr. Ehrlichman's request, and occurred in March of 1972.

As Mr. Casey described the meeting, Mr. Ehrlichman inquired of Mr. Casey of the necessity of the SEC's subpoenas for ITT documents. Mr. Ehrlichman's questioning came after columnist Jack Anderson published the Dita Beard memo, which led SEC staff attorneys to believe ITT had not fully complied with earlier SEC subpoenas.

I would hope that your staff would give a full review of the Ehrlichman-Casey meeting, keeping in mind 18 U.S.C. 1505.

V. Kleindienst's possession of ITT documents

Also in the June 27, 1973, hearing, former Chairman Casey stated that on August 25th or 28th former Attorney General Richard Kleindienst had been provided with copies of the "politically sensitive" ITT documents (Pages 93–97).

Several things can be noted of this fact. First, Mr. Kleindienst had supposedly reclused himself from consideration of the ITT case.

Second, Mr. Kleindienst never sent these documents to those in charge of the ITT investigation with regards to the Kleindienst confirmation hearing record, even though one person familiar with these documents stated the documents were proof perjury was being committed during these hearings.

Third, the whole controversy between Mr. Casey and our Subcommittee was whether or not our Subcommittee could review documents Mr. Casey eventually maintained were sent to the Justice Department in early October, at the request of the Justice Department, when the truth is that former Attorney General Kleindienst had already reviewed the "politically sensitive" documents over a month earlier.

This concludes my recitation of the three areas which particularly bothered me as a result of these hearings.

SUMMARY

To summarize, I am concerned with:

I. The improper activities of former Chairman William Casey in keeping certain documents from a Committee of Congress.

II. The possible act of fraud and filing of false statements by ITT in the matter of the supposed ITT to Mediobanca transfer of Hartford stock, and the possible tax evasion involved with the ITT to Dreyfus sale of Hartford stock.

III. The possible inconsistencies in Mr. Colson's testimony before the Subcommittee in view of his assertions in a memo to Mr. H. R. Haldeman over a year earlier.

IV. The passing of documents in the FBI's possession by the White House to the party being investigated.

V. The possibility of a very improper contact by John Ehrlichman with William Casey concerning SEC subpoenas.

VI. Certain ITT documents were in the possession of former Attorney General Richard Kleindienst beginning in late August, 1972, and these documents were not turned over to staff attorneys at the Justice Department for their review.

I re-emphasize that my letter is only a statement of a layman who has heard and studied the testimony presented to the Subcommittee.

I do not wish to limit your review of the record to those points that bother me, nor do I intend to give a charge to you and your officers.

For the past two weeks, I have deliberated over the question to whom my letter should be addressed. This was a particular problem since Mr. Henry Petersen had reclused himself from the ITT matter after the Kleindienst confirmation hearings. Recently, however, I have been assured that the investigation of the ITT matter begun by Mr. Cox is to be vigorously pursued by your office.

I appreciate the Special Subcommittee on Investigations allowing me, as an individual and a Member of Congress, to write a separate view of things that I learned while serving as a member of the Subcommittee.

Your consideration of all these matters is appreciated.

Sincerely yours,

J. J. PICKLE.

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[2] I do not make reference to several very interesting articles which have appeared in the *Rocky Mountain News* over the past few weeks.

[3] Private investigative firm.

THE PRESIDENTIAL CHALLENGE TO ACCOUNTANTS

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. HANNA. Mr. Speaker, even the greatest tragedies have some humor. And that humor may itself make more poignant the point which is intended to be made. Imagine for a moment the difficulties which stories of President Nixon's personal finances have created for accountants around the country. Beset by recitals of the President's example, these accountants are likely to be confronted by suggestions of "creative" financial arrangements heretofore unheard of.

In a recent issue of the Saturday Review, Goodman Ace has imagined such a situation by writing a letter to his own accountant, a Mr. Greenwald. To my good-humored colleagues, I commend this witty piece. Place yourself in Mr. Greenwald's position, for a moment, and imagine trying to write a reply.

The letter follows:

TOP OF MY HEAD

(By Goodman Ace)

ONE MAN'S LOAN IS ANOTHER MAN'S LIEN

DEAR MR. GREENWALD: For more years than I care to remember, you have been our accountant—certified, bona fide, deified. Have I ever before written to you complaining about your tax estimates? No! Never!

However, after this year's tax bite, I have finally figured out what is wrong with you. You are honest! I recognized that grievous fault the day you sat for three hours adding, multiplying, with a minimum of subtracting. You rose from the desk and stretched. You gave yourself away when you arched your back. Mr. G., you have been bending over backward to be honest.

Come with me, sir, into our new era of permissiveness. Not one deduction for which I fought last year did you permit. You kept saying, "Dick Nixon won't like that; the government won't pay for those deductions." And you added, "It's not honest!" Man, don't you read the papers?

Listen, somebody buys a ten-room home, with five bedrooms, in San Clemente. The price is $1.4 million. He gets a loan of $625,000 from a friend. The friend later creates an investment company, which buys the 23.1 acre tract surrounding the home for $1,249,000 and, in doing so, wipes out the $625,000 loan and erases the lien on the home.

Can't you do little things like that for me? Don't you have a pencil with an eraser? No! You keep sticking to your old math. Since you began accounting, Mr. G., a lot of water has flowed under the gate.

Remember last spring? I told you we were planning to landscape the long terrace of our apartment. It wasn't to be a big deal—nothing like the $76,000 landscape caper at San Clemente. Just some flowers I could smell when I'm sitting out there thinking of something to write. I create best when I'm smelling flowers. It's a deductible business expense.

But you said that smelling flowers is not a business expense. The government isn't going to pay for flowers. "If you want to smell," you said, "plant your own garden." So I did. And for the first time in botanical history, tulips came up upside down. And not one bee demeaned itself by walking around to the back door of one of my tulips to beg for a cup of honey.

Let's go now to last June and early July, a "time frame" our President designated as Salute America Week. We had made plans to sit on our terrace, where we were going to install our flag on a pole. Surely the government would allow a deduction for that. Nothing as grand as the San Clemente flagpole, which, according to the General Services Administration, cost $587, plus $1853 to install and $476 to paint. Ours was to be a small pole, complete with a can of paint.

Again you said the government wouldn't pay me to be patriotic and added that Dick Nixon wouldn't like that. But believe me, Mr. G., our President would have thought it a sorry sight to see my wife and me sitting out there, celebrating the Fourth of July with two small flag decals pasted on the terrace windows.

Then this fall I spoke to you about installing an electric heating system in our apartment. No $13,500 system as in S.C. A model electric system, much needed for our security against the winter and the icy drafts that seep through our twenty-fifth floor windows.

I wasn't too surprised when you told me the government wouldn't pay for that. What hurt me most—and that's why I'm writing you—was when my wife improvised a couple of rasping coughs and you said sternly, "Sorry, you'll have to pay for it yourself." Which sounded to me as if you had said, "Sorry, you'll have to cough up the money yourself."

You make every item I want to deduct seem as if I were asking for $7515 worth of picture frames, or a $100,000 golf course, or $3800 for a couple of golf carts, or $999 for fertilizer. (I guess they got that at a sale.)

In closing, Mr. Greenwald, as our President has so often said, I think you are out to get me. You are just too precise. I suggest we have a talk about eating higher off the hog—the affluent lifestyle set by our leader. And when we meet, will you please, in your precise manner, stop pronouncing the second c in Connecticut. It's driving me up a wall.

And another thing: Please stop referring to our President as Dick Nixon. If you simply have to be familiar—and honest—try Rich Nixon.

WHY I LOVE MY COUNTRY

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. SPENCE. Mr. Speaker, looking through my files recently to prepare for several Veteran's Day speeches, I came across a clipping which I had cut out of the newspaper last May. The newspaper item consisted of comments from several grammar school students on "Why I Love My Country."

I was so impressed with the efforts of these young people—aged 8 and 9—to express their love for America, that I thought perhaps my colleagues would want to have the opportunity to have them for their own files.

Therefore, Mr. Speaker, with great pride I include the remarks of my constituents, Mr. Doug Brown, Miss Angela Lorick, Mr. Joby Vining, Miss Debbie Crawford, Miss Beth Branham, and Mr. Michael Whitener, as printed in the Journal of West Columbia, S.C., on May 9, 1973, in the RECORD at this point:

WHY I LOVE MY COUNTRY

When I say "America" I mean freedom to anything I want. We have "free speech" when we disagree. We have "religious rights". We didn't just have this country, we fought for it!! Like the "Civil War", the southern states fought the northern states, we lost but we're free. Many men gave their lives to win freedom and we got it! Some were kept hostage, but our president got them out. The first few presidents didn't get involved as much as today, but now they pay more attention. Our president is the best ever.—Doug Brown, 8, B–C No. 2.

I love my country because it is beautiful. And in spring the flowers bloom and makes it more beautiful. I love my country because in the summer you can go to the beach. And if we had never had our country we could have not been born and we would have not had pretty flowers blooming and could not go to the beach and swim. I love my country because it is a free country. You have the right to say what you want to say in speech. I love my country because it is a beautiful place to live. Because it has nice houses and nice communities. I love my country because it is clean. I love my country because it has nice schools to go to learn to read and write and spell. I love my country because it has nice stores to go and shop for clothes and food and stuff to go in your house. And that is why I love my country.—Angela Lorick, 8, B–C No. 2.

I like America because it was fought for many times. Many brave men gave up their lives for this country. This country took time to build. People went through strife, agony, and hatred to build this great land. Finally it came, peace. This country was civilized. Our first president came to America. Our population grew and grew. I like my country because we have food, clothing, and a right to free speech. We can go to our own church and have our own religion. You know many people don't have what we have. You can go to wherever you want. You can select your own job and vote for whom you want. I also appreciate America for it is a country where if I work hard I can get all the things I need for my family. We have a fine president. I'm proud of America because it is organized now.

I wish the ones who fought could see what they brought to this land. If it weren't for them this land would not be a land. I think we have a good government who will take care of our problems. And most of all I thank God for America.—Joby Vining, 8, B–C #2.

I love America because it's other country's like Russia make you do what they say.

America is fair to everyone.

I love America's natural beauty. I really like what America's doing. America is trying to save its wild-life. While other country's like Russia don't care about their wild-life.

America will fight for it's right's.

What I am trying to tell you is, the reason I love America is its free, brave, gentle, and that the way I want to be. And that's the reason I love America.—Debbie Crawford, 9, B–C #2.

First of all why I love my country is because of my freedom. I have freedom to worship God. I have freedom to speak. I love my country because there are no wars. I feel safe when I go to bed at night because I live in America. I have good police looking after me. I love my country most of all because it is so beautiful.—Beth Branham, 8, B–C #2.

I like America because it has good schools and good teachers. Because I have gone through three levels and thats not bad, and if it had not been for Mrs. Moody I wouldn't be so smart. And I have a lot of friends in America that care about me. It has lakes where you can get good meat free. America has one of the best presidents that America has ever had. A president that cares about his country. He stopped the war which saved millions of lifes. And America has good laws and besides, I think America is great.—Michael Whitener, 8, B–C #2.

FINANCING PRIVATE HIGHER EDUCATION

HON. H. JOHN HEINZ III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. HEINZ. Mr. Speaker, from time to time, we, as Members of Congress, must make judgments on legislation that affect both public and private educational institutions.

Private higher educational institutions in the United States constitute a large and important sector of our quality universities. Since the financial condition of the private educational sector continues to decline, it is well that we consider carefully the role of private higher education in our society and its relationship to public institutions of higher learning.

In his recent annual report to the trustees of Carnegie-Mellon University, CMU President Richard M. Cyert offers an insightful view of the current problems of America's private institutions of higher education. I urge my House colleagues to review President Cyert's report and to give full consideration to the thoughtful proposals he offers to some current financial and educational dilemmas.

President Cyert's report to the trustees follows:

PRIVATE AND PUBLIC HIGHER EDUCATION

(By Richard M. Cyert)

(NOTE.—*To the Board of Trustees: It is a pleasure to present the annual report of the President of Carnegie-Mellon University for the year 1972–73.*)

Carnegie-Mellon University closed the fiscal year 1972–73 with a surplus; this indicates a vastly improved fiscal position. Moreover, the freshman class entering in the fall of 1973 will be larger by 100 students than the class which entered in the fall of 1972. These are encouraging results and the Carnegie-Mellon University community can be proud of them. Private higher education, however, continues to be in a critical state, and the essay which follows is, I believe, an important analysis for those charged with anticipating its problems and insuring its welfare.

Upon accepting the presidency, I indicated my commitment to the preservation of the private university. After one year in office, my determination to work toward this end is even greater than it was when I accepted the presidency, and my understanding of the difficulties of the task is much deeper. It is quite clear that our mixed system of higher education—a combination of public universities and private universities—is being threatened by the growing gap between private and public university tuition.

The original role of public universities justified heavy subsidy by the state and federal governments, and as a result the student paid only a token amount of tuition. Thus, in most instances, the tuition in a public university is a fourth to a third of that of the private university.

Today tuition is low in public universities because society wishes to provide an opportunity for higher education for all of its members. The concept extends access to freely available public education from kindergarten beyond high school. One might question, however, the way in which the subsidy to public universities is being utilized. For example, a study of freshmen in 1972 was made by the American Council on Educa-

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tion.[1] It included 19 public universities from which a sample of 36,636 students was taken. An analysis of the income distribution of the parents of these entering students shows an estimated average income of approximately $17,000 and an estimated median income between $12,500 and $15,000. Indeed 77.9% of the parents of students enrolled in public universities had incomes above $10,000. In contrast only 51.7% of the 53.3 million families in the United States in March 1972 received an income of $10,000 or more in 1971.[2]

The effect of the low public university tuition on the private university, however, is a significant negative factor. As the gap between the cost of attending public and private institutions becomes larger, private colleges and universities will begin to fail roughly in reverse order to the size of their endowments, starting of course with those having the smallest endowments. In Pennsylvania, where the mix of universities is fairly typical, students who in the past would have attended private universities will because of the tuition gap move either to the community colleges or the public universities. This reduction in enrollment will lead to an increasing number of private schools in financial trouble deep enough to force them eventually to close their doors. The result will be an excess of total educational facilities at the same time that the state is being pressured to invest public funds to increase the capacity of public campuses. In the long run, unless there is a significant change in the methods of financing public education, all private universities will be affected adversely regardless of quality and size of endowment.

To see the reality of the threat to private education, it is useful to look at some trends in higher education. One striking statistic is the change from 1961 to 1971 in the number of bachelor's degrees conferred by public and private institutions. In 1961 private institutions accounted for about 44% of the degrees awarded nationally. By 1971, when the degrees granted had doubled (402,000 to 840,000), private institutions were awarding only 34% of the degrees. Part of the reason for this drop is the fact that many private institutions did not try to expand, but a more substantial reason is the increase in the number of low tuition public institutions. The opening fall enrollment of students in 4-year institutions in 1961 found about 56% of the total students in public institutions. In 1972 this figure had gone to about 69%. By 1981 it is projected at 74%.[3] Clearly these developments must be of concern to our society if our current mixed system is one we want to maintain.

The trends are, of course, no different from those that could be expected if any private industry had to compete with a government sponsored industry that was subsidized with public funds. Suppose that the government decided to enter the automobile business to produce a low-priced car, and suppose further that the decision was made to subsidize the factories to enable the poor to have cheap automobiles. Thus the government factories would not be required to show a competitive return on investment, nor to account for depreciation, or even to recover all out-of-pocket costs, in the prices that it charged. It would be only a short time before private manufacturers would have to withdraw from the production of low-cost automobiles. Neither the Ford Motor Company nor General Motors could compete with the federal government when it was producing automobiles under these conditions. Private companies would produce only expensive, high quality automobiles. As the gap in price between the high quality automobiles and the low quality, publicly produced automobiles became greater, production by private companies in the high quality product would have to be significantly reduced.

Footnotes at end of article.

In education a similar situation is exacerbated because of the difficulties for most people of appreciating the quality of education and because of the deficiencies on the part of private universities in attempting to measure and make clear what quality education is.

WHY PRIVATE UNIVERSITIES?

At this point it is proper to raise the whole question of why private universities should continue to exist.[4] To those of us who have been in private education most of our lives, it may come as a shock to realize that almost all of the universities of the world are dependent upon various public governments for support. Private universities are in a minority. Even in the United States two-thirds of all faculty employed at institutions of higher education are employed at publicly controlled institutions.

The argument for maintaining private universities is based on their role in providing leadership and high quality in education. It is fair to say that the private universities have been of significant importance in the history of higher education and research in America, particularly as a source of innovation. Private universities have also led in experimentation and curriculum development in undergraduate education. The initial impetus to graduate education and research was given by private universities. And, in each of the five rankings of the quality of graduate education since 1925, the private universities have had a majority of the strongest departments in most fields. Most of the institutions of highest quality have been private universities.[5]

Other kinds of evidence also substantiate the importance of private institutions. In 1970, for example, although fewer than 50% of the graduate degrees were granted by private institutions, roughly 71% of the professors in the five strongest departments in each field were from private institutions. This is, again, an indication that the private institutions are remaining vigorous. An analysis of Nobel prize winners leads to the same conclusion. Sixty-six Americans received the Nobel prize between 1946 and 1971, and of these approximately two-thirds received their most advanced degree at a private university, only 13% in public universities, and 20% in foreign universities (most of the last were naturalized Americans).

Thus the private sector is vital not only to the quality of higher education, but also to the diversity necessary to make further progress in research and education. The United States has been a leader in research because of the quality of its private institutions. It is generally recognized, too, that public universities are of better quality than they would be without the competition of private universities. And they are better because of the great contributions of the private universities to innovate education, to graduate training and to research.

These arguments indicate that, since the quality of education is important, the probability is high that the American education system will be poorer if the private institutions disappear.

TO STRENGTHEN PRIVATE HIGHER EDUCATION

What then is the answer? There are several that can be given. First, the private universities must manage themselves more effectively. Many of the academic institutions of greatest quality have tended to ignore the concept of efficient management. It has now become critical that private universities move to use all of their resources in the most effective manner possible. Steps in this direction are already being taken, and I predict that within a five-year period private universities will become models of efficient use of resources. But these moves alone cannot solve the whole problem. Over the years it is unlikely that the savings achieved by decreasing cost through improving efficiency can keep up with the pace of inflation. A second step needed is to increase the amount of income from endowments. Again, it is unlikely that increased return on endowments, even with the utilization of capital gains, will enable private universities to make their tuitions competitive.

The third and most decisive change that must take place is in the way that the state finances public education. If we are to maintain a mixed system of private and public education, state governments must move to the concept of giving public funds directly to students and enabling those students to decide upon the university of their choice. A simple form of determining equity in financing would be to give the student the dollar amount of the subsidy students in public universities receive, that is, total cost of public education per student minus the tuition paid, and allow the student to apply that sum against the tuition in a private university. There are other more elaborate formulas that could be developed.

Another, even more appealing, solution to the problem exists.[6] We have shown that the parents of students attending public universities have a significant financial capability. It would be appropriate, therefore, for the state to increase the tuition in public universities to the point where tuition covered one-half to two-thirds of the cost, and to reduce the amount of budget support provided public universities by taxpayers. Such a move coupled with a scholarship program paid directly to qualified, needy students to allow them to attend the schools of their choice would reduce the state budget and hopefully the tax burden. And such a move could provide conditions that would enable our mixed system to survive because any remaining tuition gap would be significantly reduced.

It is clear that much fresh, hard thinking must be done by state governments and by the faculties and administrations of private universities in order to maintain and strengthen our system of mixed public and private higher education in the years ahead.

With these financial pressures on private institutions, and with the clear indication that excellence is required for survival, it is incumbent upon us at this University to continue to make the changes required to improve the educational services that we offer and to increase our efforts and determination to develop new knowledge through our research. Indeed, it is only through such efforts, as I have indicated above, that private education itself can justify its cost.

FOOTNOTES

[1] *The American Freshman: National Norms for Fall 1972*, ACE Research Reports, Vol. 7, No. 5, December, 1972, p. 35. It is interesting to note that the same study (p. 36) shows that 41.9% of the students entering private universities had an average grade of A— or better in high school as opposed to 25.3% of those enteing public universities.

[2] *Current Population Reports—Current Income*, U.S. Department of Commerce Publication, Series P-60, No. 83, July 1972.

[3] *Projections of Educational Statistics to 1981–82, National Center for Educational Statistics*, 1973, p. 42.

[4] For much of the information in this section I am indebted to the "Report of the Committee on Private Universities and Private Giving," published in *The University of Chicago Record*, Vol. VII, No. 5, April 21, 1973.

[5] The most recent of these rankings is: Kenneth D. Roose and Charles J. Andersen, *A Rating of Graduate Programs*, American Council on Education, Washington, D.C. 1970.

[6] *Higher Education: Who Pays? Who Benefits? Who Should Pay?* The Carnegie Commission on Higher Education, June 1973, pp. 9–13.

FULL TEXT OF IMPEACHMENT RESOLUTION

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. WALDIE. Mr. Speaker, in the past week there has been an overwhelming request for information concerning the text of the impeachment resolution which I introduced for myself and 30 cosponsors last week.

Mr. Speaker, the full text of the resolution to impeach President Richard M. Nixon follows:

Resolution

Whereas the United States Court of Appeals for the District of Columbia Circuit has issued an order that President Richard M. Nixon produce for inspection by the Chief Judge of the United States District Court for the District of Columbia certain tapes, documents, and other materials requested by the Special Prosecutor Archibald Cox, relating to the breakin of the Democratic Headquarters on June 17, 1972, and President Nixon has indicated his intent not to comply with that order of the honorable court;

Whereas, President Richard M. Nixon has dismissed the Special Prosecutor Archibald Cox and abolished the Office of the Special Prosecutor in violation of the order which established that Office and contrary to his promise made to the United States Senate through his Attorney General designate, Elliot Richardson, that the Special Prosecutor would have full authority to pursue all matters relating to the break-in of the Democratic Headquarters, and thereby has obstructed the administration of justice;

Whereas, President Richard M. Nixon has further impeded the administration of justice by forcing the resignation of Attorney General Richardson and by firing Deputy Attorney General Ruckelshaus because they refused to participate in the President's attempt to subvert the order of the Court and to interfere with the administration of justice;

Whereas President Richard M. Nixon knowingly and unlawfully and with the intent to obstruct justice refused to make available to Special Prosecutor Archibald Cox certain tapes, documents, and other materials relating to the investigation which Mr. Cox had been lawfully appointed to conduct, and thereafter ordered Mr. Cox to cease and desist from further utilization the judicial process to acquire said tapes, documents, and other materials, thereby intentionally engaging in the unlawful obstruction of justice: Now, therefore, be it

Resolved, That a committee be appointed to go to the Senate and, at the bar thereof, in the name of the House of Representatives and of all the people of the United States, to impeach Richard M. Nixon, President of the United States, of high crimes and misdemeanors in office, and acquaint the Senate that the House of Representatives does hereby exhibit these particular articles of impeachment against him and make good the same.

Articles exhibited by the House of Representatives of the United States, in the name of themselves and all the people of the United States, against Richard M. Nixon, President of the United States, in maintenance and support of their impeachment against him for high crimes and misdemeanors in office.

Article I

That said Richard M. Nixon, President of the United States, unmindful of the high duties of his office, of his oath of office, and of the requirement of the Constitution that he should take care that the laws be faithfully executed, and contrary to the Constitution and laws of the United States, did knowingly, and willfully and with the intent to obstruct the process of justice, violate the mandate of the United States Court of Appeals for the District of Columbia Circuit issued under lawful authority commanding the said Richard M. Nixon and any of his subordinates or employees acting under his direction having custody of certain tapes, documents, and other materials, to comply with the order theretofor entered by the Chief Judge of the United States District Court for the District of Columbia, requiring the production of such tapes, documents, and other materials for inspection by the said district court in connection with certain grand jury proceedings then pending.

Article II

That said Richard M. Nixon, President of the United States, unmindful of the high duties of his office, of his oath of office, and of the requirement of the Constitution that he should take care that the laws be faithfully executed, did knowingly and willfully, and with the intent to obstruct the process of justice, issue orders and instructions directing Mr. Archibald Cox not to invoke the judicial process further to compel the production of certain tapes, documents, and other materials then in the custody and control of said Richard M. Nixon or his subordinates or employees acting under his directions, said Archibald Cox having been theretofore duly appointed and commissioned as a Special Prosecutor of the United States with full and lawful authority to investigate and prosecute certain crimes committed by officials and employees of the executive branch of the Government and other persons in connection with the burglary of the offices of the Democratic National Committee and other burglaries and other crimes, including the misprision and concealment thereof, said Richard M. Nixon is hereby guilty of an impeachable offense while in office.

Article III

That said Richard M. Nixon, President of the United States, unmindful of the high duties of his office, of his oath of office, and of the requirement of the Constitution that he should take care that the laws be faithfully executed, did on October 20, 1973, knowingly and willfully, and with the intent to obstruct the process of justice, issue an order to the then Acting Attorney General of the United States Robert H. Bork, for the removal of Archibald Cox from the Office of Special Prosecutor and the abolition of the said office, the function and duty of such office being to investigate and prosecute certain crimes committed by officials and employees of the executive branch of the Government and other persons in connection with the burglary of the offices of the Democratic National Committee and other burglaries and other crimes, including the misprision and concealment thereof, which order in substance was stated as follows:

"Dear Mr. Boak: I have today accepted the resignation of Attorney General Richardson and Deputy Attorney General Ruckelshaus. In accordance with title 28, section 503(B) of the United States Code and of title 28, section 0.132(A) of the Code of Federal Regulations, it is now incumbent upon you to perform both the duties of Solicitor General, and duties of and act as Attorney General.

"In his press conference today, Special Prosecutor Archibald Cox made it apparent that he will not comply with the instruction I issued to him, through Attorney General Richardson, yesterday. Clearly the Government of the United States cannot function if employees of the executive branch are free to ignore in this fashion the instructions of the President. Accordingly, in your capacity of Acting Attorney General, I direct you to discharge Mr. Cox immediately and to take all steps necessary to return to the Department of Justice the functions now being performed by the Watergate Special Prosecution Force.

"It is my expectation that the Department of Justice will continue with full vigor the investigations and prosecutions that had been entrusted to the Watergate Special Prosecution Force.

"Sincerely,

"(S) Richard Nixon."

Further, the said Richard M. Nixon did by such order procure the dismissal on October 20, 1973, of the said Archibald Cox as Special Prosecutor and the abolition of the said Office of Special Prosecutor by then Acting Attorney General Robert H. Bork; and in pursuit of his objective to thwart and obstruct the investigations aforesaid the said Richard M. Nixon did force and bring about the resignation and removal from office on October 20, 1973, of Elliot L. Richardson, Attorney General, and William D. Ruckelshaus, Deputy Attorney General, both of whom had been theretofore duly appointed and commissioned, with the advice and consent of the Senate of the United States; whereby said Richard M. Nixon did then and there commit and was guilty of an impeachable offense while in office.

DÉTENTE AND RADICAL LEFTIST MOVEMENT IN OTHER COUNTRIES

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. DERWINSKI. Mr. Speaker, while we discuss, here in Congress, the true meaning of détente as well as the question of whether or not the radical leftist movement is a motivated one, it is perhaps practical to look at the same questions as they affect other countries.

In this sense, I believe there is a most interesting implication given by the distinguished, international correspondent of the Copley Press, Dumitru Danielopol, who recently returned from a factfinding tour of Europe, in his commentary in the Aurora, Ill., Beacon-News of September 29.

The article delves into the facts toward a logical relationship to events in the United States and other countries:

[From the Aurora (Ill.) Beacon-News, Sept. 29, 1973]

Pompidou on the Hot Spot

(By Dumitru Danielopol)

Cote-d'Azur.—Any Frenchman who recoils at the memories of the May, 1968, student-labor revolt in France must be apprehensive this fall. And that includes President Georges Pompidou.

The "affaire Lip" is a case in point. Lip was an old and reliable watch manufacturer in Grenoble. Its managers branched out but found themselves in financial trouble. They decided to close down.

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"Not so," decided the workers. They were going to lose their jobs. They seized the factories and ran themselves in a "socialist" way. They stole existing stocks of watches and manufactured new ones, selling them privately at 40 per cent discount. They paid themselves and capitalized the rest by neglecting to pay taxes, social security or to make allowances for purchases of necessary materials.

Lip was a victim of anarchy. The workers under the coercion of "Gauchistes," extreme left wing agitators, vandalized the operation in the name of anti-bossism. True, they had lost their livelihood—but they had taken none of the risks of their bosses.

When they were finally thrown out by the army they moved to other premises and continued to operate on Lip's assets, thus robbing the stockholders who had invested in Lip.

"Had this not happened during the August vacations other enterprises would have gone on strike in sympathy of Lip workers," said one observer.

As it was, the government controlled radio and TV struck for 24 hours in support of the Lip workers.

Another ominous incident that serious Frenchmen must ponder was a demonstration at Larzac where several thousands extreme leftists and antimilitary hoods gathered to oppose government plans for the area.

The government proposes to buy farm land at Larzac to extend its military training facilities. The farmers refuse to sell and move away. They are sheep breeders and want to stay out.

The leftist demonstrators are the same type that nearly brought down the system in France in 1968. They are anti-establishment, nihilists, anarchists and thugs on the rampage. They have seized a local issue in an attempt to fan national indignation.

Too few Americans realize the inroads of this type Soviet inspired anarchy in West Europe as a result of "detente" and automatic respectability conferred on radical socialism. Mixed with modern laisez-faire morality, the effects are frightening.

Another symptom of trouble is the action of Lloyds of London and other insurance companies in canceling policies for fire insurance on the elegant mansions and villas on the famous Riviera. The rash of fires in recent years, particularly during the summer season, are deliberately set by leftists, the insurers claim.

Their slogans seem to be "burn baby, burn."

Unless Pompidou asserts authority, an isolated problem on the Riviera could become a national headache this winter.

MORE FOR IMPEACHMENT

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. HARRINGTON. Mr. Speaker, after the latest fiasco in the Watergate affair, the incredible claim that two of the tapes do not exist, my office has not received a single correspondence supporting the President. Today's total is 79 in favor of impeachment, none against. The totals since October 20 are: In favor of impeachment, 1,091; opposed to impeachment, 25.

A CALL TO END THE CONTINUING SHIPMENT OF U.S. HERBICIDES TO PORTUGAL

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. RANGEL. Mr. Speaker, on June 11 of this year, I proposed a bill that would prohibit the export of herbicides from the United States to Portugal and South Africa. It was referred to the House Banking and Currency Committee where no action has been taken on it yet. It is now November, almost 6 months since I have introduced this legislation and during that time Portugal, with assistance from South Africa, has continued to spray herbicides over large portions of its colonies Angola and Mozambique. The following article from the monthly "Southern Africa" describes the atrocities which are resulting from the use by Portugal of herbicides shipped from the United States.

ANGOLA

HERBICIDES—ANOTHER FORM OF MASSACRE—IN ANGOLA

In the wake of publicity on Portuguese atrocities in Mozambique, various witnesses have spoken of similar atrocities in Angola, showing once again that it is all of a pattern—that none of the atrocities can be dismissed as unusual or exceptions to the rule.

Both MPLA and GRAE have also classed Portuguese use of herbicides as equivalent to a face-to-face massacre. GRAE reports more than 2500 cases of diarrhea, of which more than 200 were fatal, during the period of November 1972 through July 1973. Cause: food and water polluted by chemicals sprayed and bombed over the area by the Portuguese. The MPLA estimates 4,000 persons dead from eating poisoned crops in the past 18 months.

A former Portuguese Air Force major, Jose Ervedosa, estimates that between 50,000 and 80,000 Angolans were killed between March 16 and June 30 of 1961, in the reprisals against the African uprising in the coffee plantation area of northern Angola. He served at the time with the Information Section of the Second Air Region in Angola—the office that was compiling the official statistics of the military and police activities in that region. He also participated in some of the bombing.

Ervadosa is now a supporter of the FPLN, the Portuguese Liberation Front, which is related to the Revolutionary Brigades who have claimed various acts of sabotage inside Portugal during the last year.

An MPLA member, now in England studying, has spoken recently of witnessing the total destruction of a small village—about 30 people and their huts—in 1967 in Angola. The Portuguese troops forced the people to dig a hole, then lined them up beside it and shot them, afterward burning the huts. It was during the rainy season in a village northwest of Vila Salazar where he was teaching at the time.

A Belgian Roman Catholic priest, Father Francois Houtart, has said that in October 1970 about 300 nationalists in a village near Luanda were massacred in reprisal for the assassination of a Portuguese. Father Houtart gave his source as Bishop Eduardo Muak, auxiliary bishop of Luanda.

And two Dutch missionaries, in a recent radio broadcast, have reported massacres of 130 persons in two villages east of Luanda. The date is not given. GRAE confirms the report and says one of the villages is Quibaxe and that the total dead reached 200. (*Vers l'Avenir* (Belg.) July 25; *La Croix* (France) July 25; *Anti-Apartheid News* July-August 1973; *Times* (London) July 28; *The Living Church* September, 1973; *Guardian* (London) July 26; *East African Standard* July 27; *Star* (Johannesburg) July 28, 1973).

With these statistics glaring us in the face, I once again ask this House to consider H.R. 8573 and H.R. 8574 so that the United States will cease its support of these atrocities.

NEW JERSEY'S STAKE IN WORLD TRADE

Hon. PETER H. B. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. FRELINGHUYSEN. Mr. Speaker, Mrs. Margaret M. Miller, international relations chairman of the League of Women Voters of New Jersey, has sent me a copy of "New Jersey's Stake in World Trade," a publication she recently compiled for use by the League and other groups concerned about world trade.

As pointed out in this report, New Jersey, while ranking 46th in size among the States of the Nation, also ranks 8th among the States in exports.

As one who is interested in the development of an enlightened U.S. trade policy, I read this article with great interest, and recommend its consideration to my colleagues.

Mr. Speaker, I include in the RECORD the article "New Jersey's Stake in World Trade" at this point:

[From New Jersey Issues, October 1973]

NEW JERSEY'S STAKE IN WORLD TRADE

(NOTE.—The League of Women Voters believes in a liberal U.S. trade policy. We are convinced that the political and economic interests of this country and of its citizens collectively and individually are best served by such a policy, which paves the way for political harmony with other nations, stimulates economic development at home and abroad, and expands consumer choice. We believe that our trade policy should be flexible, effective and efficient and that it should be based on the public interest, not on special or sectional interests.)

INTRODUCTION

New Jersey is a small state, ranking 46th in size among the states of the nation. New Jersey, however, ranks among the top ten states as an industrial and trading center.

The state's strength lies in its advantageous geographic location. Within a radius of 250 miles are more than 29 percent of the population of the United States and an effective buying income totalling $238 billion. New Jersey enjoys the strategic position as a gateway to the rest of the world by being bounded on the east by the Hudson River and the Atlantic Ocean, and on the south by the Atlantic Ocean and the Delaware River Bay.

Although New Jersey is called the "Garden State", actually less than three percent of its work force is engaged in agriculture. In fact, New Jersey is an industrial giant. Its 17,000 plants manufacture products which represent almost 95 percent of all classifications of U.S. industrial goods. Almost one-third of the state's labor force is engaged in manufacturing.

NEW JERSEY'S PORTS

Located in the greater New Jersey area are two of the largest port complexes in the world—The Port Authority of New York and New Jersey, and the Delaware River Port Authority of Pennsylvania and New Jerey (Ameri-port).

Since the 1950's, the enormous growth of the New Jersey side of the Port Authority of New York and New Jersey has coincided with the parallel growth of container shipping. Containerization may be defined as the shipping of cargo in huge sealed cartons, which function as demountable truck bodies, are usually eight feet in heighth and width and around 40 feet in length. This system, which is revolutionizing the transportation industry, replaced the more expensive method of shipping cargo in comparatively small parcels.

The giant shipping complex on the west shore of Newark Bay—only eight miles from the open sea—includes the 1,000 acre Elizabeth marine terminals, the adjacent 800-acre Port Newark, and Newark Airport. The Elizabeth-Newark container complex began operating in 1962 and in 1971 it handled 10.3 million tons of general cargo, more than six million of this amount containerized. Port developments will end in 1976 when the two terminals will have the combined capacity to handle 18 millions tons of cargo annually. The Elizabeth terminal, devoted almost exclusively to the use of container ships, is already known as "the container capital of the world".

Within the complex is the 2,300 acre Newark International Airport that moves 160,000 tons of air-freight and 6.5 million people annually. In 1972 the airport handled over 347,000 overseas passengers, and this figure is expected to quadruple by 1975. Presently under development are three new passenger terminals, an instrument runway, a 10.6 million gallon fuel storage and underground distribution system, new roads, parking facilities, etc. The master plan for Newark's redevelopment also calls for the expansion of existing cargo building facilities, but this has not yet been inaugurated.

Another strategic area which has been reviving in recent years is the west side of the Hudson River, just across from Manhattan. Two new major terminals are located at Port Jersey and Weehawken. As part of Jersey City's Liberty Harbor redevelopment plan there are 615 acres of land slated for industrial development. Thus far, the major tenant, Global Terminal, occupies a 73-acre facility used by a number of million tons of cargo last year, and a 12-acre expansion is planned.

The Delaware River Port Authority of Pennsylvania and New Jersey stretches from Trenton to Delaware Bay, and includes such New Jersey cities as Trenton, Burlington, Camden, Gloucester, and Deepwater Point. The port complex is served by more than 100 steamship lines, which operate to every part of the world. Growth has been rapid: in 1951 the port's international trade was about 28 million tons; during 1963, this total had reached over 50 million tons. In 1972, this figure rose to over 63 million tons, a 17% increase over 1969. Major imports entering the complex include petroleum and iron ore, which are processed in nearby refineries and mills of New Jersey and Pennsylvania.

EXPORTS AND NEW JERSEY

In recent years, New Jersey has experienced a remarkable growth in export trade. In 1960 its world-wide commerce was valued at $782 million. By 1969 this export trade had grown to $1,113 billion. In 1972 this figure rose impressively, again to a projected $1,412 billion. Included are $1,401 billion in manufactured products, and $11 million in agricultural products. New Jersey ranks eighth in the nation in total and per capita exports.

Based on studies made by the Bureau of Labor Statistics of the U.S. Department of Labor, each billion dollars worth of exports provides jobs for 66,000 workers. For New Jersey, therefore, the employment directly attributable to exports is an estimated 93,200 jobs. It is significant to note further that, according to the State of New Jersey's Department of Labor and Industry, over 300,000 people—ten percent of the state's work force—are involved directly or indirectly with international trade. Moreover, by 1980, it is predicted that two out of every ten jobs will depend on import and export related activities.

Well over half a billion dollars of New Jersey's exports consist of chemicals and machinery, both electric and non-electric. Other important exports include transportation equipment, primary metal products, food products, fabricated metal products, petroleum and coal products, instruments, and rubber and plastic products.

The biggest industrial exporting centers are Newark, the Paterson-Clifton-Passaic area, and the counties of Camden, Burlington, and Gloucester. Other communities whose products are sold abroad include Atlantic City, Jersey City, and Trenton; as well as Salem County and Warren County.

FOREIGN INVESTMENT IN NEW JERSEY

The other side of the coin in New Jersey, as far as international business is concerned, features reverse, or foreign investment into the state. According to Joseph F. Brady, Chief of the Bureau of International Operations, State of New Jersey, there are now more than 105 foreign plants in the state and at least another 100 foreign installations, such as supply centers, American headquarters, and regional offices. New Jersey ranks second in the nation in foreign investment and the number of companies locating here is growing rapidly.

A number of leading foreign car manufacturers have established U.S. distribution headquarters in New Jersey. They include Volkswagen of West Germany, and Fiat of Italy, Englewood Cliffs; Suburu of Japan, Pennsauken; Volvo of Sweden, Rockleigh; Leyland of England, Leonia; and Mercedes-Benz of West Germany, Montvale. Toyoto of Japan established its Eastern regional operations in Lyndhurst.

New Jersey long has been the leading state in chemicals and pharmaceuticals and has attracted a number of foreign-based multinational corporations. They include four Swiss companies: Ciba-Geigy, Summit; Sika Chemical, Lyndhurst; Hoffmann-LaRoche, Nutley; and Sandoz-Wander, East Hanover, German companies such as BASF, Parsippany; and American Hoechst, Bridgewater; and Organon in West Orange, which is owned principally by a Netherlands company.

Products made in or sold through New Jersey by foreign companies include steel, photography, liquor, machine tools, electronic components, typewriters, textiles, printing presses, perfumes, canned food, construction equipment, china, candy, and motorboats.

Countries whose companies operate in New Jersey include Austria, Belgium, Canada, Denmark, England, Finland, France, West Germany, Italy, Japan, Netherlands, Sweden, and Switzerland.

Although there are no estimates available as to the amount of money foreign business has invested in New Jersey, it is believed the figure is in the hundreds of millions of dollars. It is known that current cumulative foreign direct investment in the United States is approximately $15 billion. Certainly foreign investment has contributed greatly to the economy of the state by providing new technology and in the creation of thousands of jobs for New Jersey people. Also, like exports, foreign investment helps offset the U.S. balance of payments deficit, which has persisted for some years now.

NEW JERSEY AND U.S. TRADE POLICY

It is estimated that United States exports have risen dramatically since this country began to pursue a liberal trade policy in the 1930's. Total U.S. exports amounted to only $2.1 billion in 1934. In 1972 they climbed to $48 billion. In order to protect and expand its export business and jobs, the U.S. must continue its efforts toward trade expansion, not trade restriction. Foreign buyers of New Jersey's big exports include importantly the countries of Western Europe, Taiwan, Korea, Japan, and Latin America—countries which depend on sales of their products, so they in turn, can buy U.S. products. All these countries would be hurt by U.S. unilateral restrictions of their sales, and would be forced to retaliate by limiting U.S. exports into their own markets, and notably those which make up the bulk of New Jersey's foreign sales.

Furthermore, a spiral of retaliation similar to the disastrous Smoot-Hawley years could plunge the world deep into an economic depression and result in dangerous deterioration of relations between the members of the world community of nations.

While it is true that the U.S. balance of trade has reflected a greater volume of imports over exports in 1972, it appears that U.S. dollar devaluations abroad are alleviating this negative trend. To further insure a favorable position in the international market, the United States is expected by the end of 1973 to enter into negotiations seeking a more stable, equitable world monetary system and multilateral negotiations to reduce tariff and non-tariff barriers to trade.

Finally, serious consideration should be given to upgrading U.S. export efforts. Despite its position as a major exporting state, efforts by the State of New Jersey in this area have been minimal, due to budgetary restrictions. The governments of many other countries offer considerable encouragement and assistance to companies entering the export field. Perhaps the federal government should offer increased financial and technical assistance to state governments to encourage expanded trade efforts on a state level.

It is evident that New Jersey has a large stake in world trade. Both exports from and foreign investment into the state have steadily increased in recent years, have created new jobs, and contributed immeasurably to the real prosperity of New Jersey. With cooperative efforts on the part of governmental agencies, business, and labor, New Jersey can become an even more important center of international commerce. New Jersey's economy and the economy of the nation as a whole will be well served by an expanding trade policy.

A SYNOPSIS

In 1972 N.J. exports are expected to total $1,412 billion.

N.J. ranks 8th among the states in exports

An estimated 93,200 jobs in N.J. directly relate to exports

300,000 N.J. jobs (10% of the work force) depend on import/export related activities, number predicted to double by 1980

Despite great potential, only 5% of N.J. firms export

In the greater N.J. area are located two of the world's largest port complexes

N.J. is 2nd in nation in foreign investment into state

N.J.'s future prosperity depends on U.S. continuing liberal, expanding trade policy

"HOW TO" EXPORT

Obviously, exporting is a vital source of employment. It also benefits New Jersey's economy in other ways as well. Exporting provides the manufacturer with additional markets in which to sell his goods. A leading U.S. bank emphasized this fact in an advertisement which read: "Since 1950 world-wide industrial production had almost doubled and the volume of world trade has almost dou-

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bled. . . Any businessman who ignores the world market is betting against the future."

No more than 25,000 of an estimated 300,000 U.S. manufacturing companies export to any extent. A relatively few large corporations account for most of the exports and the few small and medium sized companies that do export do so at only a small portion of their real potential. It is estimated that only five percent of New Jersey's companies are engaged in exporting. Why are there not more?

According to Theodore S. J. Davi, president of the New Jersey World Trade Committee, "There is a market somewhere in the world for every product made in New Jersey. Unfortunately, many businessmen are not aware of export opportunities abroad, and do not know that assistance is available to help them enter the foreign sales market."

An interesting program designed to help smaller companies export operates as a joint effort on the part of the World Trade Institute, the National Association of Manufacturers, and the U.S. Department of Commerce. Called the Partners in Trade Program, it utilizes the services of 25 major U.S. companies and banks as senior partners to provide specific marketing, product, financial, and legal expertise to the smaller companies that want to break into the export market. In effect, these 25 companies for one year act as consultants to the participating companies in a series of workshops, seminars, and personnel conferences. The World Trade Institute conducts the meetings at the World Trade Center in New York City. Although there is a moderate fee paid by the prospective exporter to cover expenses, the senior partners donate their services. The Port Authority of New York and New Jersey, the parent organization of the World Trade Institute, furnishes information advisors. Further information about the program may be obtained from: Registrar, The World Trade Institute, 1 World Trade Center, 55th Floor, New York, N.Y. 10045 (Telephone: 212-285-4452).

DETROIT FREE PRESS URGES OVERRIDE OF WAR POWERS ACT VETO AND QUOTES REPRESENTATIVE GERALD R. FORD IN SUPPORT OF SUCH LEGISLATION

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. SEIBERLING. Mr. Speaker, the Detroit Free Press, in an editorial of October 27, states that the war powers bill just vetoed by the President is crucial to correct the imbalance of power that has developed within our Government, and goes on to urge Congress to override the veto.

The editorial quotes some very interesting comments made by Representative Gerald R. Ford, the distinguished minority leader, in a speech in July 1971. Mr. Ford, at that time, pointed out that circumstances have undermined the exercise by Congress of its constitutional warmaking powers and that this situation should be corrected by legislation at the earliest possible moment. He went on to say that such legislation would be a responsible way for Congress to exert its power over the deployment of U.S. troops and would "guarantee that the United States will not again be drawn into an undeclared war without the support of the American people." Mr. Ford also stated that—

> This legislation would not tie the President's hands. He would still have the freedom to act promptly in an emergency situation.

The full text of the editorial and the excerpts from Representative Gerald R. Ford's speech follow:

[From the Detroit Free Press, Oct. 27, 1973]

CONGRESS MUST FIGHT VETO TO BALANCE WAR POWERS

The war powers bill just vetoed by President Nixon is crucial to correcting the imbalance of powers that has developed within our government. If Congress is to have any effect on government over the next three years, it must override that veto.

The test comes on the House floor on Thursday. Rep. Clement J. Zablocki, D-Wis., is handling the bill, and he says seven more switches could bring the needed two-thirds majority. Some of those switches should come from the Michigan delegation. Those who voted for the bill when it first passed will also have to hear from the folks back home to encourage them to stand against the heavy pressures the President will bring to bear.

Michigan representatives who voted against the bill and who should reconsider their position are Edward Hutchinson, Gerald Ford, Lucien Nedzi and Robert J. Huber. Rep. John Conyers of Detroit did not vote against the bill but announced his opposition to it. All but Reps. Conyers and Nedzi are Republicans and will feel White House pressures to hold the line.

But one need reach back only to 1971 and for the words of Rep. Gerald Ford, reprinted elsewhere on this page, for some good arguments for overriding the war powers veto. Rep. Ford, speaking to the Pennsylvania American Legion in convention, said:

"The best way to avoid another Vietnam is to develop mechanisms that will bring the people into executive branch decision making—and the best way to do that is through the people's chosen representatives, the Congress of the United States.

"The Constitution clearly grants to Congress the power to declare war."

Rep. Ford went on to outline procedures for limiting war powers of the President even more than the legislation just vetoed. Yet when forced to choose between his own views and those of his President, Rep. Ford has voted against limiting war powers.

Should Rep. Ford choose to vote his convictions this time around, that would be one of the needed switches. His action would also free up the other Republicans to vote to override if they see fit.

Rep. Conyers could also find himself among the switch-hitters without sacrificing his previous stands. Rep. Conyers is one of the liberals in Congress who argue that the bill actually gives the President too much power. This group holds that the Constitution gives all warmaking powers to the Congress and that executive wars under several recent presidents have actually been in violation of the Constitution.

Those who favor the bill argue that it will not only return war powers to the Congress but it also will delegate a limited amount of those powers to the presidency. There is a need for some delegation of power in our jet bomber-ICBM-nuclear age. If some future Congress believes too much authority has been delegated, the war powers can be further limited once Congress has reasserted its prerogatives. Right now it has no control. If it did, the American troop involvement in the war in Vietnam might have ended much sooner—if begun at all.

Defining war-making authority is a vital part of the sorting out process that is underway in Washington. The bill, passed by huge margins in both houses, but now vetoed by a power-hungry President, will cut deeply into the power bulge that has accumulated in the presidency.

The bill is a reasonable compromise, and even those who oppose presidential war powers can justify a vote in support of it.

FORD ON WAR POWERS

(Following are excerpts from a speech calling for legislation to limit presidential war-making powers which Rep. Gerald Ford made to the Pennsylvania American Legion in convention in Pittsburgh on July 16, 1971.)

There must never be another Vietnam. We are all determined never to repeat it. The best way to avoid another Vietnam is to develop mechanisms that will bring the people into the executive branch decision making—and the best way to do that is through the people's chosen representatives, the Congress of the United States.

The Constitution clearly grants to Congress the power to declare war, but we are now living in a world where wars are fought but not declared. We are living in an age of limited and undeclared wars. This circumstance has stripped Congress of its war-making power and delegated it solely to the executive. It is this which makes a tragedy like Vietnam not only possible, but likely. This is a situation which should be corrected at the earliest moment. I therefore urge that Congress approve legislation which would create a new and meaningful role for Congress in limited war or undeclared war situations.

Under terms of the legislation, a military action by the President would have to be approved by the Congress within 30 days or U.S. troops dispatched to a foreign station would have to be withdrawn.

This legislation also would create a new joint congressional committee on national security which would consult with the president and his national security advisers on military decisions.

Prior to military action, or no later than 24 hours subsequent to it, Congress would consult with the president or his advisers and obtain information on the circumstances surrounding the military action. The committee would then draft and send to the House and Senate legislation to ratify or alter the president's action.

This legislation would not tie the president's hands. He still would have the freedom to act promptly in an emergency situation. But his action would be subject to immediate review by the Congress—and this is as it should be. This would bring the Congress into the decision-making process in all military actions involving the dispatch of U.S. troops into any foreign theater of operations.

This would be a responsible way for Congress to exercise its power over the deployment of U.S. troops abroad and could help guarantee that the United States will not again be drawn into an undeclared war without the support of the American people.

MORE SOBER THOUGHTS ON PRESIDENT NIXON'S DISMISSAL OF ARCHIBALD COX

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. MICHEL. Mr. Speaker, after the initial round of emotional and, in some cases, almost hysterical press accounts relating to the President's decision to fire Mr. Archibald Cox, it would appear that the time has arrived for a more sober and deliberate examination of the whole affair.

In that connection, I noted two columns by the distinguished and respected columnist for the Washington Evening Star, Mr. Richard Wilson. The first, from the Saturday, October 27, 1973, edition, entitled "Why Professor Cox Had To Be Fired", and the second, from the October 29, 1973, edition, entitled "No Case Yet for Impeachment". I insert both columns in the Record at this point.

WHY PROFESSOR COX HAD TO BE FIRED

(By Richard Wilson)

The professor was in good form before his awed and appreciative class. He savored the exquisite nuances of his exposition of a classical legal exercise which would go down in the annals of the law for all time to come.

Even indulging a daring "what the hell", Prof. Archie Cox enthralled the amateur law students who then fed him leading questions allowing him to embroider his explication.

But this was not the Harvard law school, nor Prof. Archie Cox. It was a press conference in which special prosecutor Archibald Cox made it unmistakably clear what the trouble was about his attempt to implicate the President of the United States in criminal activity, and why Cox had to be fired.

The trouble was that, with the sure instincts of a law professor of the Kennedy school, Archie Cox was digging himself in for a long tenure which would continually harass if not paralyze the presidency. No amount of self-abnegation or professed detachment could mask the fact that Prof. Cox, himself a Kennedy partisan and solicitor general, had surrounded himself with avid Kennedyite lawyers who fully expected to be gnawing away at the Nixon administration for three and a half years.

The legal exercise so fascinating to them was intolerable to a government which required a much faster resolution of the Watergate affair and could not abide a continual inquisition constantly refueled by leaks of information.

No government could abide that condition of perpetual inquisition. With Cox and his Kennedyites ranging into every wild rumor and false implication far afield from the Watergate break-in the Nixon administration would be kept in constant turmoil. The noose was out for Nixon, to be drawn strangulation tight from any angle it could be tossed and no matter how long it took.

Cox's fate was predestined even before he defied the President and threatened him with contempt of court. He invited his own execution, surely knowing that his demise might conceivably bring down Nixon, and it nearly did. What he also knew for sure was that his one-time law student, the proper Bostonian Elliot Richardson, would be true blue to the law school tradition, no matter that Nixon had accepted the Richardson compromise on the presidential tapes.

It was a good compromise, a fair and reasonable one which would have supplied the court and the Senate with substantively as much evidence as the court will get under the modified circuit court decision with which Nixon is now complying. Now the court gets it all, and the Senate gets nothing.

So, it is "goodbye, Mr. Cox" without the loving kindness afforded to the professional Mr. Chips in the movie by that name. The result could not have been otherwise under the conditions Cox created. He had to know that from the beginning his independent status was delicate and tenuous. From the first day of his investiture his resignation or discharge was a matter for public discussion.

The whole concept of an independent prosecutor at the pleasure of the President was transparently faulty, with as many contradictions as the forgotten Pat Gray encountered when the FBI was charged with investigating the White House.

Nor is it likely that Congress can create an effective prosecutorial office. The constitutional responsibility for enforcing the law cannot be taken away from the presidency. This is what the Nixon people have been talking about when they say Cox tried to set himself up as a fourth branch of the government.

That does not lie within Congress' power either, nor is it practical to create an office within the executive department which is not under the President's control. Even if that were constitutional, which is doubtful, such a prosecutorial office could be isolated and rendered ineffective.

The more the whole problem of acting against the President is considered the more its dimension returns to what it was in the first place.

If Congress is determined to act against the President's interest in the Watergate affair, it will in the end find the clearest course in the constitutional remedy of removing him from office. Once removed he could be subjected without question to criminal proceedings.

But this is a course Congress does not take for reasons other than the shock to the country. Congress does not have evidence sufficient to prove Nixon guilty of conspiracy to obstruct justice, nor did Cox have it. An impeachment proceeding so weekly based could end in disaster for its initiators.

NO CASE YET FOR IMPEACHMENT

(By Richard Wilson)

Nothing illustrates with more crystal clarity the urgency of a quick and final resolution of the impeachment issue than the public attitudes which ran wild in the recent Mideast crisis.

Every random thought which ran through a congressman's or journalist's head was articulated in living color to feed the fevered imaginations of the prejudiced and irresponsible.

If there is cause for impeachment, let's get it out and done with immediately. If there is not—and this is the rub, there is not yet a clear case for impeachment—then let's bury the thing and get on with what has to be done.

Implications that the President has gone berserk, that he created a phony nuclear crisis, that he tricked up a scheme to justify firing the special Watergate prosecutor are evidences of the irrational fury of those who wish to hang Nixon without a trial.

They demand that he commit political suicide and there are even those so intense that they imagine his physical and mental collapse, to be followed by self-destruction.

This is more than the "crisis of confidence" of which Secretary of State Henry Kissinger spoke. It is a livid hatred demanding punishment and retribution for imagined crimes which have not been proved. Lacking conclusive proof of criminality, Nixon would be rushed to the stake for the "secret" Cambodia bombing, for impounding congressionally appropriated funds, for his opposition to busing for inetgration purposes and—yes—for settling the Vietnam war on a time schedule not considered fast enough. He would be pilloried for the detente with Russia as a dangerous illusion, and brought to ruin for opposing the obstructive arrogance of a Congress controlled by the opposition party.

Usurpation of power by Congress was one of the earliest fears of the founders of the Republic who had little faith in the ability of the people's representatives to execute national policy. The present affords a vivid illustration of those fears. A runaway Congress is determined to impose its will on the chief executive because it differs with his methods and quarrels with constitutional prerogatives the President deems unimpeachable.

The impeachment issue has thus burst outside the bounds of treason, high crimes and misdemeanors. It has spread into the political morass of how the country is to be governed, what the Constitution meant when it gave the presidency its great powers, whether Nixon's major policies are right or wrong, and, indeed, on subjective judgments of good and evil based on whether or not people like the cut of the President's jib.

A president is to be impeached because he has a legally reasoned and carefully prepared position on the foggy issue of executive privilege? Nonsense. He is to be impeached because he fired a member of the executive department? Unbelievable. He is to be impeached because he claimed war powers which Congress does not have the votes to deny him? Bunk. He is to be impeached because he sought to protect the integrity of national security secrets? Debatable.

Then what can he be impeached for? He can be impeached for the criminal obstruction of justice which hasn't yet been proved and may be no more provable from the White House tapes when they are presented to the grand jury.

This is the issue which needs to be gotten on with quickly and cleared up once and for all. The rest of it is a massive political collision involving windy moralizing about the "capacity to govern" of a President who has just proved that he can govern under the most ominous circumstances.

The blather, fustian and exaggeration—called a "fire storm" in the hyperbole of those who wish to incinerate Nixon—has done as much to limit Nixon's ability to govern as anything he has done.

The symptoms of what has happened to the country, to which Kissinger referred, are those of a fevered, unreasoning patient wildly suspicious of his physician. Not until the fever subsides will the patient's judgment return.

In this case the way to get the fever down is to get to the seat of the ailment, the Watergate collusion, and proceed with radical treatment if justified. That means quick action on impeachment or none at all. The patient can't stand much more of the intermediate political procedure.

HUGE WHEAT EXPORTS DETRIMENTAL TO WHEAT SUPPLY IN UNITED STATES

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. WOLFF. Mr. Speaker, I would like to share with my colleagues the resolution that was recently adopted by the members of the American Bakers Association expressing concern over the impending severe wheat shortage facing our country due to abnormally excessive exports of our wheat to other nations. The American Bakers call upon the Congress to regulate the exportation of wheat in order to insure an adequate domestic supply. I agree that we are going to face a real crisis this spring if we do not take steps to control the exportation of domestic supplies, and I have introduced legislation, H.R. 10844, which would set up an export licensing and allocation system in order to insure adequate domestic supplies of agricultural

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commodities at prices the American people can afford.

The text of the American Bakers resolution follows; I urge my colleagues to direct their attention to this critical problem.

Resolution on Wheat Supply

(Adopted by the Members of the American Bakers Association At their Annual Meeting, October 15, 1973, Atlantic City, N.J.)

Whereas the wheat supply in the United States is in great jeopardy due to abnormally large quantities now committed for export to foreign nations, and

Whereas this continuing high rate of exports, encouraged and fostered by the government, does not make adequate provision for domestic requirements including carryovers, and

Whereas the Baking Industry is the largest domestic user of wheat flour, requiring 400 million bushels of wheat annually out of total food requirements of 525 million bushels, and

Whereas a minimal carryover of wheat for blending from one crop year to the next should be maintained at not less than 350 million bushels, and

Whereas the Baking Industry is alarmed and greatly concerned that sufficient wheat flour to manufacture bakery products for consumers will not be available in the spring of 1974, and

Whereas the American Bakers Association has previously expressed its concern to the President of the United States and officials of his Administration as well as the Congress, and

Whereas the Administration claims to be without legal authority to interfere with wheat exports in advance of an actual physical shortage, and

Whereas time is of the essence in resolving this problem of sufficiency of supply, otherwise the Baking Industry and the consumer will be considerably damaged because of a shortage of bread and other bakery products.

Now, therefore, be it resolved that the members of the American Bakers Association in Annual Meeting assembled do call upon the President, the Secretaries of Agriculture and the Treasury, and the Congress to take all steps necessary, including enactment of legislation by the Congress, to assure adequate supplies of wheat and wheat flour for domestic needs during the remainder of the 1973–74 crop year.

Be it further resolved that the Administration and the Congress establish as a matter of policy, by legislation or Executive Order, that domestic wheat needs take precedence over exports and in any given crop year a quantity of wheat of not less than 350 million bushels shall be made available to meet carryover requirements.

WAR POWERS FOR WHOM?

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. MOSS. Mr. Speaker, next week we will consider legislation that has been presented as enhancing congressional powers in declaring war. A close scrutiny, however, of the contents of the war powers bill, reveals that nothing could be further from the truth. Indeed, in an age when we should be reasserting our constitutional warmaking powers, this bill would grant to the President the unprecedented and unconstitutional right to conduct war for 90 days without full congressional approval. It implies that the only power Congress has is to insist upon disengagements of conflicts precipitated by a war-hungry Executive. In short, it makes impotent the fundamental constitutional doctrine that Congress has "the power to declare war."

The Constitution ordains that all legislative powers herein granted shall be invested in the Congress of the United States. If anything makes clear the dominant role of the Congress and the limited role envisioned for the President, it is article I, section 8 of the Constitution, entitled, "Powers Granted to Congress";

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years.

To provide and maintain a navy.

To make rules for the government and regulation of the land and naval forces.

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions.

To provide for organizing, arming, and disciplining, the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.

The legislation we are being urged to enact, notwithstanding the veto of the President, would constitute a grant of power to the Executive that is potentially as dangerous as was the Gulf of Tonkin resolution. Rather than seeking to satisfy a grasping Executive, eager to expand its privilege and power, Congress should act to regain and exercise its authority over the disposition of our military power. For a more detailed analysis of this legislation, I insert the following article from the New Republic in the RECORD:

A Bad War Powers Bill

After more than three years of grappling with the subject, Congress has finally passed a compromise bill that seeks to spell out the President's power to commit the country to war. The bill is bound to be vetoed by Mr. Nixon, who has described it as "dangerous bid to erode the constitutional authority of the Chief Executive," and it is doubtful that the House of Representatives can muster the votes to override his rejection. We have long sympathized with attempts to control the Executive's war-making authority, and we disagree completely with Mr. Nixon's efforts to preserve his almost absolute power in this domain. Yet we would welcome his veto, for, in our estimation, the present war powers bill is so riddled with reservations that, in many ways, it defeats its own purpose. Indeed it may give a President more power to take us into war than is granted him in the Constitution.

Except in the event of enemy attack, a President has no constitutional authority to initiate or declare war, a prerogative that belongs to Congress. Even Alexander Hamilton, who favored a strong Executive, held during the Constitutional Convention that the war-making power "is the peculiar and exclusive province of Congress," and, as Justice Douglas pointed out during the Cambodia bombing controversy this summer, that interpretation was further strengthened in the Prize Cases of 1863. Nevertheless in practice the legal limitations on Presidents have been ignored time and again within the past quarter-century. Harry Truman thrust us into Korea in 1950 without congressional authorization, and President Eisenhower bypassed the legislature eight years later when he landed US troops in the Middle East. We began to ooze into Southeast Asia under John F. Kennedy, and Lyndon Johnson escalated the Vietnam conflict, in both instances without any specific authorization by Congress, and Richard Nixon behaved with similar autonomy when he ordered the invasion of Cambodia. Against this background of unilateral military actions by successive Presidents, the need for an explicit definition of the right to push the nation into war had been long overdue. To our regret the current bill does not fulfill that need.

In the first place the bill authorizes a President to get the nation into a fight without the prior legislative sanction in the event of a "national emergency created by attack upon . . . its armed forces"; considering the fact that more than a half million American soldiers are now deployed around the world, many of them as safe as the crater of an active volcano, this would effectively permit the President to escalate a war in those areas on his own initiative. Thus Mr. Nixon could conceivably move fresh forces into Thailand if he estimated that the 40,000 US troops already there were endangered by last week's coup d'état, and, with the same self-generated authority, he could increase our military strength in South Korea on the grounds that our boys in that country are threatened. It is worth recalling in this respect that the Tonkin Gulf Resolution of 1964, which Lyndon Johnson referred to repeatedly as his legislative support for expanding the Vietnam war, authorized him to "take all necessary measures to repel any armed attack against the forces of the United States. . . ." Even after the Tonkin Gulf Resolution was repealed, the Nixon administration continued to rationalize its operations in Indochina with the protect-our-boys argument. In April 1972, asked to explain on what authority the President had resumed the heavy bombing of North Vietnam, the then Defense Secretary Laird replied: "It is the protection of American personnel. You don't need any more authority than that . . . That is sufficient, complete and total."

Another feature of the bill that seems to fortify rather than reduce a President's war powers is a clause that requires him merely to "consult" with Congress before introducing US forces "into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances." In short that appears to say that a telephone call from the White House to the congressional leaders will suffice. And once troops are committed, the bill goes on to say, a President need only explain "in writing" within 48 hours the circumstances necessitating their intervention, the estimated scope and duration of the hostilities, and the authority under which he acted. Conspicuously absent from the bill is any restraint on a President's authority to use US soldiers to rescue American citizens abroad—the argument, it will be remembered, that Lyndon Johnson used when he intervened in the Dominican Republic's civil war.

More significantly the bill permits a President to commit troops for 60 days simply by keeping in touch with Congress, and he can extend that period for another 30 days by certifying that "unavoidable military necessity" requires their prolonged presence. Criticizing the bill from opposite sides, Senators Barry Goldwater and Tom Eagleton have emphasized that this timetable accords a President powers beyond those in the Constitution. Moreover, it is difficult to imagine that Congress would compel a President to pull US soldiers out, when they had been sent in ostensibly to defend the flag and the honor of America. Here again the Tonkin Gulf Resolution offers a lesson. Passed in

August 1964 it was not repealed until January 1971—and even then it took two more years before US troops were finally withdrawn from Vietnam. It also took until last August to halt the President's bombing of Cambodia, and that came about only after Congress deliberately voted to cut off his funds. So we concur in Senator Eagleton's opinion that this provision is nothing less than "an open-ended blank check for 90 days of warmaking anywhere in the world by the President."

Still another part of the bill appears to us fuzzy. It would allow the President to commit troops under treaties that have been ratified. But treaties are only ratified by the Senate, and thus the House of Representatives, which under the Constitution shares the authority to declare war (not to mention its responsibility for raising and maintaining an army), seems to be excluded. Consider, for example, US allegiance to the Southeast Asia Treaty Organization. As Professor George McT. Kahin recently wrote in these pages, SEATO may be moribund, yet it legally binds the US to assist certain countries militarily, and it allows a President to define whether internal insurgency is really outside aggression, and, consequently, whether US intervention is legitimate.

To a large extent the bill is confused because, in an attempt to reconcile their differences, the Senate and House produced a hodgepodge. Senator Javits, who worked hard to sponsor it, obliquely admitted that the result was less than ideal in his remarks during the Senate debate that "it is a miracle that we got this bill." That raises the question of whether bad legislation is better than no legislation. Eagleton, who has long wanted to curb presidential war-making power, obviously had this question in mind when he withdrew his support from the compromise version, commenting that the baby he had originally helped deliver "has been kidnapped."

The President's expected veto will render this debate and the bill itself academic, and it will take years and perhaps another crisis like Vietnam before better legislation on the subject is brought up. In the meantime, we submit, Congress has ample latitude under the Constitution to restrain a President, as it demonstrated when it forced a halt to the bombing of Cambodia in August. Senator Stennis' project to investigate the Central Intelligence Agency, for instance, could expose what US covert operatives are up to overseas and thereby contribute to curbing their activities. The Appropriations, Foreign Relations and Armed Services Committees in both chambers have authority to sit on other operations abroad. Above all Congress controls the purse. The key question is whether the legislature is going to use its prerogatives responsibly. "It is easy to roll this body because the executive branch comes in with power . . . we are afraid, we are fearful men," confessed Hubert Humphrey during the recent debate. His autocriticism ought to challenge Congress to exercise its authority over the disposition of our military power. That can be done without new legislation.

MONSIGNOR ADAMSKI SYMBOL TO POLISH COMMUNTY

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. DULSKI. Mr. Speaker, in the spring I spoke of the commemoration this year of the 100th anniversary of St. Stanislaus, the "Mother Church of Polonia," the oldest Polish church in western New York. In the century since the founding of St. Stanislaus in Buffalo, three men have served as pastors there, with the Right Reverend Monsignor Peter J. Adamski, P.A., having served since 1945.

"Served" is the appropriate term for Monsignor Adamski's relationship with his parishioners, as I can personally attest.

It has been a great privilege to count him as my friend for the past quarter of a century, and he has provided me with guidance on many occasions and through many trials and tribulations. One of his most admirable traits is his ability to see both points of view—to state the other side of a discussion without seeming to try to convert his opponent.

Recently, the Buffalo Courier-Express ran a series of three articles on the interrelationship for Monsignor Adamski and the Polish community on the east side. Mr. Wiater has written a most perceptive account of this good man, his great understanding of his people and his tremendous empathy for the character of the Polish immigrants in our country. I am pleased to insert the text of these articles:

Monsignor Adamski Symbol to Polish Community

(By Edward S. Wiater)

The heels of an oppressor can dig deep, cruel wounds into a nation and whether that nation survives depends on many factors—factors sometimes varied and complex, sometimes few and simple.

The Poles have survived.

Not only have the Poles survived their calvaries in Europe (so often has Poland been invaded during the past 1,000 years and her soil drenched in blood that one of her flags is a white eagle on a dark red background), but they have contributed handsomely to America through communities such as Buffalo's East Side and Black Rock.

If one was to pin down the indomitable spirit of the Poles, he would find it to be made up largely of an unquenchable thirst for freedom and a burning belief in the Roman Catholic Church.

But what brought the Pole to America? More pointedly, what brought him to Buffalo? And what has he contributed here? And what of the future?

The answers can be found to some degree by researching books in libraries and by poring over documents such as the doctorate dessertation of Felician Sister Ellen Marie Kuznicki, CCSF, Ph. D. (She is a teacher of history and French at Villa Maria College). But the inside story can best be told by such towers of community strength as the 82-year-old patriarch of Buffalo's East Side, the Rt. Rev. Msgr. Peter J. Adamski, PA, the third pastor of Western New York's oldest Polish parish, St. Stanislaus Bishop and Martyr.

Msgr. Adamski has been the pastor of St. Stanislaus since July 2, 1945. And a patriarch he has been in every powerful sense of the word; a patriarch with an exceptional grasp of history and the ability to learn from it.

Even his physical appearance a deceptive picture of a slight but ram rod straight frame—gives one the feeling that he is in the presence of a man whose intellect is extraordinary, whose vision is unclouded and whose love for his people and religion knows no bounds.

He moves not with the waver of aging persons, but almost as if he were gliding—walking on air if you wish. His bearing is almost majestic and it's easy to understand why the Poles over the years have huddled to him, have found comfort and solace in his advice.

And solace and comfort the early Poles in America needed. For it was because of tyranny, oppression and hunger that they left their mother country, the land that gave birth to Chopin, Copernicus, Paderewski, Pulaski and Kosciuszko, among others and Peter J. Adamski.

When Peter J. Adamski first saw the light of day on August 2, 1891, in Sanok, Poland was not to be found on the maps of the world. She was divided by the three powerful enemies, Germany, Russia and Austria.

"And, although Poland with geographic boundaries was not to be found on the maps of the world, all of us who were born and raised in the areas held by the three partitioning powers knew very well that we were Poles, with a rich heritage and a future," Msgr. Adamski recalls.

That heritage included a strong belief in God. And the idea of serving God touched Msgr. Adamski as a youth at a time when he also recognized the value of education.

"Although Poland was partitioned, religion was not forbidden as some people might think," Msgr. Adamski said. "You've got to remember that Germany always had religion; Austria was a Catholic country and Russia had its Orthodox church. And leaders of these countries recognized the role religion plays in maintaining order. But the economic picture in Poland during the years of the partition was terrible."

In 1909, the Rev. Michael Dyminski, pastor at the time of Holy Trinity parish in Niagara Falls, N.Y., returned to his native Poland and took time out to visit an old school chum, the father of Peter J. Adamski.

"When I learned that Father Dymanski had a parish of his own, there was nothing that was going to hold me back from becoming a priest and from going to America," Msgr. Adamski recalls today with a smile.

And nothing did hold him back.

On Dec. 18, 1909, a train pulled into the railroad station in the Cataract City bearing among its passengers a young man with two years of college studies, Peter J. Adamski.

Father Dyminski took the young Adamski under his wing and shortly after sent him to St. Bonaventure to complete his college study. After his graduation in 1911, he was "adopted" by the late Bishop Charles H. Colton and continued his studies for the Diocese of Buffalo. He was ordained by Bishop John Grimes of Syracuse on June, 1915, at St. Bonaventure and celebrated his first mass at Assumption Church in Black Rock.

His first assignment: Assist the Rt. Rev. Msgr. Alexander Pitass, pastor of St. Stanislaus parish. The impact of Peter J. Adamski on Buffalo was about to be felt.

Monsignor Adamski: God, Education

(By Edward S. Wiater)

The Pole that came to America, materially, brought with him only what he could carry on his back—the necessities of keeping the body warm.

The riches he brought were a cultural heritage; riches built on a solid base of earning his bread, an appreciation of freedom and belief in God.

Rare was the Pole who came to America with that added advantage of having an education. And, for that he paid a price; sometimes, a terrible price.

"Keep in mind that the Pole came to America in the late 1800s came with a background that knew only servitude and oppression," Msgr. Adamski relates. "He didn't know the English language and because Poland had been divided by the three European powers he knew fear, and timidity as etched in his soul. This was to hinder the Pole for decades.

"The immigrant Pole found in America freedom, but he also found that a lack of education, the strange language and in many instances hostile people were to impede his progress, and indeed rekindle fears learned in Europe, fears which brought on timidity."

When the immigration quotas made it possible for the Poles to come to America they streamed for the established areas, New York City and the larger cities around the Great Lakes—Buffalo, Chicago, Detroit.

"Water was the cheapest mode of transportation and most chose to move by ship and consequently ended up in port settlements," Msgr. Adamski observed.

Ironically, hundreds of Buffalo Poles, according to Msgr. Adamski and Felician Sisters Ellen Marie and Mary Donata, who have made a study of Polonia as the heart of Buffalo's Polish settlement has been known, came to the Queen City because of Germans.

Msgr. Adamski relates that Poles and Germans had intermingled in Europe especially in the Posen district. The Germans who had emigrated to America often wrote to families in Europe telling of the opportunities in America. Hearing the stories, the oppressed Poles asked, "Why shouldn't we go to America too?"

And go they did. And, once in Buffalo they settled near the German neighborhood. They chose to live at first in the Spruce, Walnut, Ash, Pine, Clinton and Genesee St. portion of the city. They worshiped at St. Mary's Church.

"You've got to keep in mind that most Poles in America were from the German-held section of Poland and they could relate a bit to their new neighbors," Msgr. Adamski said. "And, because the language was new to them, they learned English mixing it with the guttural sounds of German, thus the strong accent of first and second generation Poles."

Although the Pole was timid, he displayed a marvelous capacity for self-discipline and thrift.

"The Pole, because of his lack of education and because other nationalities had a foothold in America through early arrival had to take whatever job was offered," Msgr. Adamski said. "The job frequently was dirty and paid poorly. And yet the Pole was able to get food on the table from the meager pay, put away money and even send a dollar now and then to the family still in Europe. If you look at this, it was really an amazing accomplishment."

Msgr. Adamski then pointed out that the goal of every working Pole was to own his own home. He said:

"He was subjected to serfdom in Europe and to own property was a dream. If you want to understand the full meaning of this keep in mind the picture of subjugated Poland where people owned almost nothing.

"And so here you had the Germanic people and the Irish and those of the Jewish faith who came to American early spreading out in business, finance and industry while the Pole was saving his money to buy a piece of land and a home to call his own.

"They were too timid to strike out in bold ventures. They didn't have the education to become professional people. They huddled to the church and in Buffalo they eventually found the Broadway-Fillmore area their Polonia."

The fact that so few Poles were in the ranks of professional people and that so few were in finance left scars in the make-up of Msgr. Adamski. And it seems much of his life has been dedicated to the education of young people, to the goal of pointing out to the Poles that their future is tied up in God and in education.

He has immense pride in Poles who have proven themselves in the world.

"They did it the hard way and have added to the good we find in America," Msgr. Adamski said.

Msgr. Adamski's eyes glow with pride when he talks of Buffalo people and organizations who have contributed to the cultural wealth of the Niagara Frontier.

"You know, there is much more to the goodness Poles have brought with them than just kielbasa," Msgr. Adamski said.

He pointed out that while kielbasa is now accepted nationally as a fine food, so is "barszcz" (a soup), "golabki" (often referred to in English as pigs in a blanket) and "pierogi" (dumplings).

"The real big contributions our people have made can be found in such cultural areas as music," Msgr. Adamski said. "Polonia here can point to such organizations as the Chopin Singing Society, Kalina Singing Society, Arions, Paderewski Singing Society, Moniuszko, Harmonia, Fileraci and others."

And when one thinks back to the recent performances of the Polish singing and dance group, The Mazowce, at Kleinhans Music Hall, it is easy to understand why pride swells the soul of those of Polish parentage.

But, these are changing times in which we now live. The past is history. What does the future hold? Is there still Polonia? If there is, can she exist?

Msgr. Adamski speaks of the future in most concerned terms.

Change Tears at Polonia

(By Edward S. Wiater)

The back of Polonia is broken!

There is almost insurmountable tragedy in this phrase. And many refuse to believe it.

To the millions who found a delightful little bit of Poland in the concentration at the crossroads of Broadway and Fillmore, this pronouncement brings on anguish; perhaps even a desire to turn back the clock. But it appears to be true. And, sadly, Msgr. Adamski acknowledges the developments which are tearing at Polonia.

"There was a time when you found more people shopping in the Broadway-Fillmore area than you had in downtown Buffalo," Msgr. Adamski reminisced. "But, it's no longer that way. Things have changed. The back of Polonia has been broken."

The sadness in Msgr. Adamski's voice was unmistakable when he delivered the last phrase. Just as in the areas of Main St. north of Chippewa, empty stores provide undeniable proof that Broadway-Fillmore is in death throes.

Is this a sudden development? Or has it been coming on since the end of World War II, a time when so many changes have taken place?

As far as Msgr. Adamski is concerned, change in the Pole in America has been taking place since World War I. True, Polonia has been growing since World War I days, but there also has been an exodus. What it amounted to is found in the title of the song, "How Are You Going to Keep Them Down on the Farm After They've Seen Paree?"

The title of the song could really be applied to everyone, however. With World War I conscriptions into military service, men got a chance to see the world. When they returned, America had already started to become a nation on the move. The moving was slow, but it was there.

Broadway-Fillmore prospered and, outwardly after World War II, the district was happy. It was a place to see.

But the winds of change were blowing.

On July 2, 1945, Msgr. Adamski was installed as the third pastor of St. Stanislaus. He felt the winds, but he also felt the overwhelming need to provide the best education possible for the young people of his parish.

A year later, Bishop Colton High School for girls and Bishop Ryan High School for boys were opened to serve the youth of the East Side. He was going to do everything possible to see that more Poles were to get the education necessary to become professional men and women, to be competitive, to be able to throw off the shackles of timidity.

But the winds of change have been relentless.

Msgr. Adamski points with pride to "our people" when he recounts the roles Poles have played in international, national and Western New York developments.

"In this year of Copernicus, it is easy to do so," he said. "But, we have had Poles who played major roles in other years and whose accomplishments weren't really fully appreciated."

Msgr. Adamski had in mind such accomplishments as Poles who said the Niagara River could be bridged and helped to do so, that the Delaware between Philadelphia and Camden could be bridged and helped prove it, and that a monument could be carved in a mountain as a tribute to the Indians and are proving it.

And, while Msgr. Adamski stressed the importance of education, he toiled tirelessly to keep Polonia from disintegrating.

Mass at St. Stanislaus once attracted some 3,000 persons to church at one time. Now, the total is at best about 1,000.

The exodus into the suburbs has been general. Whether it's been for the good is debatable. The winds of change have caught everyone.

The East Side is changing in Buffalo. But so are the West Side, the South Side, the North Side and the core.

And so are the suburbs changing. The mixture is becoming complete.

Is there a comeback in the future for Broadway-Fillmore? Where does Polonia fit in the picture?

Even the most optimistic observer has difficulty generating any enthusiasm at present for a vibrant Broadway-Fillmore shopping district.

The smell of kielbasa is there, the "ski" can still be found on names of store signs and "dzien dobry, pani" (good day, madam) and "dziekuje" (thank you) can still be heard. But, the smell of sausage is not as strong, the "ski" is on signs showing wear and tear and the Polish language is not THE language.

There is a rebirth in downtown Buffalo. But the ember of hope for Broadway-Fillmore, as Buffalonians once knew it, is a weak flicker.

Msgr. Adamski today still counsels his flock. And he speaks of it in endearing terms.

"They are my people," he says proudly.

St. Stanislaus this year celebrates its 100th anniversary. Parishioners have much of which to be proud: the impressive stone church, the modern elementary school and the bright and much-needed athletic center. And Msgr. Adamski has much of which to be proud. "His" children have done well, his drive to provide quality education has paid off.

Although a shadow of darkness seems to be spreading over Polonia, there are recognizable flickers that Poles are capturing the imagination of others. There are Polish chairs of culture in our universities, the Polish language is being taught in more and more schools and Poles and non-Poles are learning, by going to Poland and returning with enthusiasm over their discoveries.

There is a sign over the doors on buildings at St. Stanislaus that reads "Sto Lat." It means 100 years. It is in Polish, also a wish of warmth. Roughly translated it means, may you live to be 100, may you live in good health and good cheer.

With Msgr. Adamski, now in the warm glow of the 80s, it is fitting to say, "Monsignor, sto lat."

Polonia is not what she used to be. But, there are embers, thanks to Msgr. Adamski. It may take another 100 years, but Polonia will rise again. It could produce another Msgr. Adamski. And, if it does, all Buffalo will benefit.

"Sto lat."

BOOM-AND-BUST SCIENCE

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. TEAGUE of Texas. Mr. Speaker, the training and effective utilization of those dedicated to the pursuit of science is an important national resource that cannot be ignored. To solve many of our major problems, the abilities of engineers and scientists are not only important but essential. Further, adequate support for the research and development to foster the necessary technology in solution of many of our national problems requires a constant support of research and development in our country. A recent editorial of Monday, October 15, 1973, outlines the significance of adequate and stable support for science and technology. This important editorial follows:

[From the New York Times, Oct. 15, 1973]

Boom-and-Bust Science

Spokesmen for the American science community claim that the United States is falling behind other industrial nations in "the rate of growth and application of new scientific findings." The predictable response to such warnings is to view with alarm only the impact of the lag on competitive military strength. In reality, far more is involved, as Dr. H. Guyford Stever, director of the National Science Foundation, suggested by citing the decline of new patent applications.

Science advocates are not above the suspicion of acting in the manner of special interest lobbyists. Dire predictions are a familiar technique whenever any group loses Federal funds and favor, especially if partisan purposes can be served by accenting the negative.

In this case, however, all the surrounding circumstances lend both credibility and urgency to the scientists' warning. Dr. Lee A. DuBridge, who joined the appeal, was until recently one of President Nixon's close advisers. What bothers the scientists, without regard for party identifications, is the long-term trend toward allowing scholarly priorities to be determined by a curve which rises and falls in direct relationship to real and imagined national crisis which ought not to affect a nation's academic or scientific commitments.

Thus, if it was inexcusable to let science, mathmatics and foreign-language studies languish in the post-World War II era, there was a touch of the absurd in the return to academic rigor purely as a defensive reaction to the launching of the first Soviet Sputnik in 1957.

Now, academic enterprise has once again slipped downward on the scale of public and official concern. The National Science Foundation reports a decline in science enrollments in two successive years. The number of federally supported graduate students in science is down by 10 per cent—and by 20 per cent in mathematics alone.

Scholarship and research are caught between the penny-pinching of economy-minded conservatives and the hostility of those, at the other end of the spectrum, who equate science expenditures with support of the military. A more realistic view of national needs should make it evident that none of the nation's and the world's critical problems—from environmental issues to the urgent need for food, energy and transportation—will be solved without the innovative contributions of trained minds. The continued boom-and-bust cycles in support of education and research constitute a costly waste of the nation's human resources. Perhaps the President's recent presentation of the National Medal of Science to eleven top scientists—the first such awards since 1970—represents a signal of Administration desire for a sounder approach.

SERIOUS QUESTIONS ON PUBLIC FINANCING OF FEDERAL ELECTION CAMPAIGNS

HON. H. JOHN HEINZ III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. HEINZ. Mr. Speaker, as a result of Watergate, Congress is devoting much time and consideration to legislation that would curb the abuses of campaign spending.

The Senate has already taken action on legislation that promotes public financing of elections. However, I would urge my colleagues in the House to exercise restraint before enacting any measure that would use taxpayers dollars to pay for campaign expenses. We must understand completely the implications of public financing before we—as a result of strong public demands growing out of Watergate—approve any legislation of this type.

"Politics and Public Financing" is the subject of two articles, one written by Philip M. Stern and the other by George Thayer, which appeared in the Washington Post on October 7, 1973. Stern and Thayer carefully analyze the pros and cons of paying Federal election campaign expenses from the Federal Treasury.

Since there seems to be hot debate but little public understanding of this issue, I recommend that all my colleagues closely consider these two thoughtful pieces:

Too Many Limits

(By George Thayer)

What can be done to improve our campaign financing practices? The first thing we must do is to ask ourselves what kind of a political system we want. Presumably, it should be dynamic and flexible, open to all comers, competitive, capable of attracting the best minds and candidates and provide a forum for debate, new ideas and national reconciliation.

Campaign financing reforms should be molded around this ideal. We should work toward creating a broad-based financial system in which the bulk of all contributions come in sums of $500 or less.

One scheme that will probably not improve matters is the $1 checkoff plan, a provision of the Revenue Act of 1971 which does not go into effect until the 1976 elections. A revival of an old idea previously introduced by Sen. Russell Long in 1966, the plan would allow a taxpayer to earmark $1 of his tax payment to the party of his choice. Once the party picks its presidential nominee, the money would be turned over to him to spend as he chooses. If the candidate accepted this form of fund raising, he would have to forgo other forms of financing. Indeed, if a contributor gave more than $1, the excess amount would be deducted from the total the candidate could receive from the checkoff fund. Tax authorities believe that over $20 million will be available for each presidential candidate in 1976 from this scheme.

LIMIT ON SPENDING

At best the plan is of dubious value. In the first place, if private funds are spent independently on behalf of a candidate, can such money be applied against the candidate's total allowable limit without a bitter fight—indeed, chaos—breaking out? Is not such a scheme an abridgement of First Amendment rights for those citizens who wish to express their support for candidates in more substantial ways?

Second, it puts a limit on presidential campaign spending that is totally arbitrary. The amount to be spent is determined by taxpayer whim rather than the needs of the democratic process. Suppose, for instance, taxpayer interest in the scheme waned and only, say, $10 million was raised for a particular presidential election. Is that the amount we should be spending to elect a President? Most Americans undoubtedly would say no.

Third, the money is to be contributed to parties prior to nominees being selected; thus a $1 donor might find himself having contributed to a party whose nominee he does not support. Furthermore and fourth, Americans have historically supported *individuals*, not parties, with their money. This plan would enshrine the two big parties as permanent bodies on the political scene.

Fifth, such funds will tend to perpetuate the incumbents in power. The 1968 Democratic debt, in retrospect, has had a revitalizing effect on the party and, as such, is a healthy development; had its leaders been guaranteed huge sums every four years, yesterday's losers would probably still be running the party.

Sixth, such a scheme will undoubtedly wreak havoc on state and local parties because, without a fund-raising role, they will be downgraded in importance and deprived of one of their major functions. Party control will become centralized in the candidate with the money, the faithful will feel less needed, and volunteers would probably become difficult if not impossible to find.

PUERTO RICO'S WAY

Another frequently suggested solution to our campaign financing inequities is federal funding, in which all or part of the money needed in presidential, House and Senate races would be simply appropriated from general tax revenues.

Puerto Rico has had such a subsidy system since 1957. It allows each of the three major political parties (Popular Democratic, Statehood and Independence) to draw against a fixed allotment in off years and a larger fixed allotment in election years. A party is allowed to harbor its financial resources in off years by accumulating unspent balances of up to 50 per cent of the yearly allotment. The private solicitation of additional funds is not prohibited.

The trouble with this and other similar schemes is that guaranteed money tends to entrench politicians in power; it strengthens the power of the existing parties and guarantees that they will remain on the scene for years, regardless of how spiritually and politically bankrupt they may become; it hinders the rise of new talent to the top; and it makes life difficult for splinter parties that cannot compete financially.

Partial government subsidies used for specific purposes are not necessarily regressive, however. Many Western European governments underwrite costs like election-day expenses, television time and free mailings.

Eliminating such partisan political expenses as pollwatching, "walking-around money," babysitting fees and so forth could reduce the costs of some campaigns by as much as 30 to 40 per cent. The costs could be picked up by the local, state or federal governments out of general revenues. Of course, there would be stiff opposition to such a plan from local leaders whose politi-

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cal power derives in part from their financial clout on election day.

The British government also assigns during elections a certain number of free hours of television and radio time to the major political parties. Each can use its time as it sees fit.

A similar plan would be beneficial in the United States. The major television and radio networks should give a prescribed number of free hours each election year to Republican and Democratic candidates for President, Vice President, the House and Senate, governor and mayor of cities over 200,000 in population. Minor political parties should also be given some free time, perhaps basing the amount on the number of signatures each collects. Furthermore, a bonus plan should be available to those who use their time for public debates and presentations of 15 minutes or more.

The private purchase of time should not be prohibited (to do so might be an abridgement of First Amendment rights), but the free time made available should be close enough to the saturation point so that large amounts of additional purchased time would be deemed unnecessary.

A similar scheme could be worked out for the primaries: Each candidate for office would be given a small amount of free television and radio time which he could supplement with his own funds. The purpose in both instances would be to guarantee a basic access to the broadcast media, to help relieve the financial pressures of broadcast campaigning, to promote rational political discussion and to stimulate citizen participation.

The British government also underwrites one free mailing for every parliamentary candidate. Such an idea should be adopted here in the United States right down to the local political level. Every announced candidate for office should be allowed one free mailing throughout his election district. (Rules limiting an individual's mailing to one sheet of paper, to be sent third class, the addresses broken down by the candidate by zip code and street number, all of which would have to be delivered to the post office by a certain date prior to the election, would surely cut down on the postal overload)

DISCLOSURE IS CORE

Adopting some of the good ideas from other countries, however, will only partially ameliorate the problem. What is needed most of all is sufficient conviction to use the homegrown ideas already available.

More than anything, we must work to secure the vital centers of our campaign financing law. The fact that we do not, and probably will never have, a perfect law should not be of particular concern, because if we strengthen those vital centers the peripheral inadequacies, loopholes and inconsistencies will fade into insignificance.

Disclosure is the vital core of campaign finance law. The provision of the 1971 act, as written, are quite comprehensive and only minor loopholes remain.

One of the loopholes that could be closed is that which allows, through lack of clarity in the law more than anything else, foreign corporations or nationals to contribute, as happened technically in the Mexican and Luxembourg laundry operations.

Another loophole that should be closed is that which tacitly allows corporations and unions to lend their jet aircraft to candidates. There should be a flat ban accompanied by stiff fines for any candidate for federal office, or federal officeholder, using corporate or union transportation, or any other costly "courtesies."

Another vital area is the one that guarantees, and indeed encourages, dynamic, open and freewheeling elections. In this regard, several sections of the law are in need of revision. One is Section 315 of the Communications Act, known as the "Equal Time Provision," which hinders debate between serious candidates for a particular office because all candidates, no matter how frivolous, for the office are required to be given equal air time.

If this section were repealed, minor party candidates would not necessarily be denied access to the media. On the contrary, the Federal Communications Commission has encouraged stations to offer free time to minor party candidates as part of their community service function. In fact, in 1972, many minor party candidates received free exposure, but at the same time there were no debates or public discussions between Nixon and McGovern or even their surrogates.

A further provision of the law that needs eliminating is that which limits media expenditures to 10 cents per voter. Although the law appears to curb profligate television and radio spending, it is in fact an invitation to break the law, despite the cost-of-living escalator clause, because of the competitive nature of American politics. There should be no laws limiting how much can be spent, but only the manner in which money can be raised. Candidates will spend every cent they can get their hands on, and to set a limit, as the old Corrupt Practices Act attempted to do, is to make lawbreakers of every person running for office.

CONTROL FUNDS AT SOURCE

Another vital center is the one that seeks to clamp down on the power and influence of special interests. The most effective way to do this, in addition to complete disclosure, is, as has been noted, to control campaign funds at their source. While it would be distasteful, and probably unconstitutional, to legislate a monetary limit on total contributions, the influence of "fat cats" could be diminished somewhat by requiring that all cumulative gifts over $3,000 be subject to the gift tax, regardless of how many political committees the money passes through.

The ban on contributions from business and union general operating funds should also be rigidly maintained. The problem here is less with a weakness in the law and more with a weakness of government officials to prosecute violators.

The personal spending limitations in the Federal Election Campaign Act of 1971 placed on candidates for the presidency and vice presidency ($50,000), the Senate ($35,000) and House ($25,000) on their face appear unconstitutional and should be repleaded. If it is legitimate for one person to contribute unlimited sums to another (even if the gift tax applied), why should a candidate not be able to spend as much on himself? Surely this abridges a man's freedom of speech.

The sentiment is right: the law seeks to bar rich men from buying office. But have rich men bought their way in? History has told us, in the words of stockbroker Fergus Reid, that "the graveyard of American politics is strewn with the bones of rich guys who didn't make it," and that those wealthy individuals who have succeeded in politics through the use of their own money have gone no farther than they deserve. There should be a ceiling on contributions only if large funds pose a direct and substantial danger to our political process which cannot be controlled by alternative measures, and it has never been proved that such a danger exists.

The danger of rich men in politics is not a general one, but is specifically limited to primary elections. There, a rich man whose only qualification for office is his money can do particular damage, because he does not have to compete in the political marketplace for his funds (which in itself is a winnowing process), and he forces the voter to give him attention which he might not otherwise merit. The time spent examining his qualifications, or lack of them, inevitably reduces the amount of time the voter could spend analyzing the assets of more qualified candidates.

As a result, a "fat cat" candidate's money can distort the process, as John F. Kennedy's did in the 1960 presidential primaries and as Richard Ottinger's did in the 1970 New York primary. But in the general election, a rich man's money becomes less important because traditional party sources are tapped for the bulk of the necessary campaign funds.

The problem, therefore is to balance the influence of wealthy candidates with less wealthy ones in primary elections. One way this can be done is by offering certain free services, such as television and radio time and election-day expenses, to all comers, both rich and poor alike. Another way to equalize the imbalance without abridging individual rights (through arbitrary spending and contribution limits) would be to require an even stricter accounting of funds prior to the primary election day. For instance, the law might be expanded to require disclosure reports on the 25th and 35th, in addition to the 15th and 5th, days preceding the primary. In our zeal to give every break to a candidate of average financial means—a worthy goal—we do not want to end up taking away rights from others.

MATCHING FUND PLAN

Yet another vital center and perhaps the one best suited to minimize the influence of the rich and the powerful, is that body of law which encourages small, broad-based contributions. The provisions of the Revenue Act of 1971, which allow up to $100 in campaign contributions to be deducted from a joint tax return, appear to be the best means to achieve this goal.

Although there are critics who argue that democracy should not be tax deductible, such a scheme has been used successfully in the past to finance many worthy causes. This provision of the law could be improved, however, by periodically increasing the limit to cover the full cost. A tax-deduction limit today at $300 per couple, for instance, would not empty the U.S. Treasury, yet it would free candidates from heavy dependence on "fat cats" and the real or implied debt that comes with their large contributions.

The federal government should also institute a matching fund plan, in which every dollar raised from small broad-based solicitations such as the tax-deduction device would be matched by an additional dollar. Bonus money could also be offered in addition where expenditures are channeled toward activities that promote vigorous debate and discussion. Such a plan would further reduce both the inequities between the wealthy and the not-so-wealthy, and the power and influence of "fat cat" contributors.

The most vital element of all, of course, is American society itself. Nothing in the realm of campaign financing will change substantially unless we change some of our habits and attitudes. Adherence to our campaign financing laws will never improve until we change our attitude toward the enforcement of all our laws. It should not be surprising that our lax attitude toward enforcing many of our laws spills over into the manner in which we enforce our campaign financing laws.

Any attempt to curb the power and privileges of special interest in politics will occur only when we curb such interests throughout society. Until monopolies, polluting industries, price-fixers, closed-shop unions, lobbyists, elitist professions and the like are brought to heel, it is unreasonable to expect them to be brought under control in our political process.

A GREAT BARGAIN

(By Philip M. Stern)

With remarkable rapidity, public financing of elections has suddenly become an enactable and widely debated program. It won 38 votes in the Senate on July 26 (not counting seven announced proponents who voted nay on procedural grounds); it was the subject of Senate hearings in September, and it is attracting new adherents who heretofore have been cool or opposed to the idea—ranging from the AFL–CIO to George Spater, the former chairman of American Airlines who admitted responding to Nixon fund solicitation with a $55,000 illegal contribution of corporate funds.

As the debate proceeds, new facts and arguments for public financing are being advanced and some old objections are being answered. For example, some new calculations by the Center for Public Financing of Elections may allay one of the main fears about federal aid to campaigns: the potential cost to the taxpayers, especially if the lure of federal assistance produces a deluge of candidates in primary contests. The Center has calculated that, even under the broadest and most generous plans thus far proposed, the cost of federal assistance in all elections—primary as well as general—for the House, Senate and the presidency, would not exceed $262 million a year, or $1.88 for each of the 140 million eligible voters in America.

TWO ASSUMPTIONS MADE

Seeking to build its cost overruns into its projections, the Center's $1.88-per-voter figure assumed a trebling of the number of congressional primary candidates over those who filed in 1972. But the Center also found that even if the number of candidates were to quadruple, rather than merely treble—that is, even if an *average* of 14 House candidates in each congressional district and 26 Senate candidates in each state were to enter the primaries *and* quality for federal assistance—that would merely add 30 cents per eligible voter to the annual cost of public financing of elections.

Even then, the cost per voter would be little more than $2 per year. That is about one-hundredth the projected cost over the next decade of cleaning up the environment—surely not an excessive price for cleaning up American elections.

BARGAIN OF THE DECADE

Indeed, public financing of elections would be the greatest bargain of the decade for taxpayers and consumers, since it would remove the hidden costs of financing elections, which mount into the billions every year.

Take, for example, just two governmental decisions that were hugely expensive to the public. The first involves the $500 to $700 million in higher milk prices that apparently resulted from the contributions to the Nixon re-election campaign by the major milk producers. Prior to the dairymen's display of generosity, the Secretary of Agriculture could find no evidence to justify an increase in the government support price of milk. But after the dairymen had met personally with the President and after they had begun pouring what became more than $400,000 into the Nixon campaign chest, the Agriculture Secretary discovered new "evidence," and announced a boost in the support price of milk that is now costing millions of milk buyers some $500 to $700 million a year in higher milk prices—twice to three times the maximum annual cost of federal campaign assistance.

Secondly, in 1970, Mr. Nixon refused to abolish oil import quotas, as recommended by his own Cabinet task force, and thereby deprived tens of millions of oil consumers of a $5 billion annual saving—20 times the yearly cost of public election financing. That is, the President sided not only against his own Cabinet's portrayal of the national interest but against tens of millions of consumer-voters and in favor of a single industry whose members had contributed at least $500,000 to his 1968 election campaign.

If the existence of public financing of elections could have prevented (or reversed) just those two governmental decisions that would have netted the taxpayers a 200–300 per cent return on their public-financing "investment" in the case of milk and a 2,000 per cent return in the case of oil.

Is it reasonable to suppose that public financing could have that effect? I think so. In the milk and oil cases, the influence of big contributors was potent enough to prompt a President, faced with the task of raising millions of dollars from private sources, to risk angering millions of voters. But suppose, in both cases, that public financing had been in effect, with the campaign fund assured in advance, and with the President beholden equally to every voter for it. Under those circumstances, wouldn't a politically-sensitive President be far more inclined to side with the millions of voters rather than with the handful of donors?

CAPITAL GAINS TAXES

Certain tax preferences, whose benefits are confined to the very rich, represent an even more blatant flouting of the one-person-one-vote principle—at enormous expense to the average taxpayer who contributes little or nothing to political campaigns. For example, the favored taxation of capital gains costs the taxpayers $14 billion a year. Who benefits from that tax preference, and who foots the bill? Hard Internal Revenue Service statistics provide the answer: 90 per cent of all taxpayers receive no capital gains and are thus wholly excluded from the blessings of this tax favor; only 1 per cent receive a significant amount of capital gains each year. That means that the lowest 99 per cent of the people are footing a $14-billion bill for the top 1 per cent.

Now, given that astounding 99 to 1 ratio, why aren't more candidates for office clamoring for the repeal—or at least the substantial tightening—of this preference-for-the-rich-only? The answer lies in the universal dependence of candidates on large contributors.

An illustration will show that this is more than pure surmise on my part: in 1970, Joseph Duffey, then a candidate for the U.S. Senate from Connecticut (as well as national chairman of ADA), had the temerity to propose repealing the capital gains preference. And what happened? First, a businessmen's fund-raising lunch in New York was abruptly canceled; then, many of Duffey's wealthy (albeit liberal contributors descended upon him in indignation. Such a reaction hardly encourages a candidate with a million-dollar campaign budget to espouse causes offensive to the wealthy, from whom the bulk of his campaign funds emanate.

But, if all candidates for federal office could be assured in advance of a minimum campaign budget, supplied equally by all the voters, reforms that offend the wealthy would no longer be politically "out of bounds," far more candidates would be willing to debate them, and, as candidates' silence was broken and the public became educated as to who was benefiting and who was paying the bills, I believe that many of these preferences for the rich would soon be repealed or substantially tightened. To the extent that is true, then the billions that now are affected by these preferences must be reckoned as part of the cost of the present system of private, fat-cat-dominated financing of campaigns.

Public financing would net far more than a dollars-and-cents return. It would open up politics not just to new ideas but to new faces. In his forthcoming book, "Who Shakes the Money Tree," George Thayer argues that federally provided campaign funds would merely serve to entrench those already in power. But a new study of the 1972 elections by Common Cause shows that it is the present system that favors the incumbents and deters their challengers. In the 1972 congressional campaigns, incumbents raised more funds than challengers, on the average by 2 to 1. They were especially dominant over challengers in attracting the funds of organized groups of contributors.

This, of course, merely compounds the advantages inherent in officeholding (greater public renown, better access to the mass media, government-paid staffs and mailing etc.). Little wonder that, since 1954, more than 90 per cent of House incumbents who have sought re-election have successfully fended off challengers.

UNCONTESTED ELECTIONS

Even those figures don't tell the whole story, for they do not speak of the remarkable number of congressional elections that, under the present system, are uncontested. In 1972, fully half of all House primary elections were uncontested. Even in the general election, the winning candidate had no opposition in 53 congressional districts. Lack of money is of course not the sole cause, but it is surely a major factor.

But the heart of the problem lies in the universal candidate dependence on large contributors—and by large contributors, I do not mean solely the super-rich like W. Clement Stone, who has bestowed no less than $4 million on the 1968 and 1972 presidential efforts of Richard Nixon. It goes much deeper than that.

After all, only a tiny fraction of the population can afford to give $100 or more to a single political candidate. And yet, two-thirds of all congressional campaign funds raised in 1972 came from $100 and over contributors. Even in the case of Sen. McGovern, whose direct-mail solicitation of small gifts was remarkably successful, $21.3 million of his 1972 presidential campaign funds came in gifts of $100 and more.

Tighter disclosure laws will not reduce that dependence on large givers; neither will ceilings on campaign spending, which still leave candidates faced with the need to raise large amounts of money. It's doubtful, too, that tax incentives alone will solve the problem: such incentives were in the law, in 1972, yet nearly two-thirds of all congressional campaign funds still came from a small segment of the population.

The only way to do away with the large contribution is to make it unnecessary; and the only way to do that is to assure each candidate a minimum campaign budget, for which he will be beholden equally to all his constituents—that is, from tax-supported funds.

And why not? Election campaigns are, after all, very much the public's business—and one of the few examples of the public's business not financed by tax-supported money. Every other aspect of elections—registration, printing and counting of ballots, purchase of voting machines, etc.—is paid for by the taxpayer, in the interest of honest elections. Private financing of those activities would be unthinkable.

Yet campaigns are an integral part of the election process; why should they be *entirely* privately financed, especially in the face of the overwhelming evidence that the present system badly warps the entire democratic process, giving vastly more weight to the big giver than to the average voter?

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METRIC SYSTEM

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. ESCH. Mr. Speaker, the House Science and Astronautics Committee has approved legislation to start the United States on the way to conversion to the metric system. The bill is now pending before the House Rules Committee.

The legislation would create a special board to report a plan for implementing the changeover within a year. If Congress agrees, the plan would go into effect during the next 10 years on a voluntary basis.

As an indication of the attention the metric system is getting around the Nation, I offer for the Members' attention the following excellent article by Emer E. White, of the Michigan Press Association:

METRIC SYSTEM

(By Elmer E. White)

Americans might as well get used to the idea. It won't be long before you'll be going to the store for a couple of liters of milk and a half kilo of butter.

The metric system is going to come to this country. The only question is when.

At present, we are the last major industrialized nation on the earth to measure distance by inches, feet, yards and miles; weight by pounds and tons; bulk by pints, quarts, gallons and bushels. That puts us in company with such nations as Southern Yemen and Tonga.

The metric system can sound very complicated to someone who never had to deal with it, but it actually is much simpler than what we have. In it, all units are based on increases or decreases of one decimal point.

The basic unit of length is a meter—a little over 39 inches long. But instead of being divided into three parts (feet) or 36 parts (inches) like a yard, it is divided by tens. Thus one-tenth of a meter is a decimeter, one-one hundredth is a centimeter and one-one thousandth is a milimeter. The same goes for liters, which measure bulk, and grams, which measure weight.

Americans already have begun letting metric terms slip into their language. The huge influx of foreign cars, for example, has quite a few Americans talking about "two liter" engines or "five liter" engines where a few years ago cubic inches were the only measurement used to describe displacement.

For many people who grew up with our current system, the changeover could be traumatic. Some may never really feel comfortable with it. But if your children are young enough, they may grow up with the metric system wondering how on earth anyone ever understood all that gobbledeegook about inches, pounds, ounces and all that.

The Michigan Department of Public Instruction already set up requirements to insure that all match and science textbooks sold in Michigan after June, 1976, use the metric system as their dominant form of measurement.

All this means instead of a grammar school math book having a story problem about how much candy Sally has if she buys eight ounces in one store and seven in another, it will ask how much she has if she buys 500 grams in one store and 450 in another.

To help people confused by the conversion, the department is developing a pocket card on metric transition for use by anyone who wants it.

While it may look imposing, after a few weeks or months with it, most people should get along quite well.

And with the rest of the industrialized world using the metric system, and the United States needing to increase its trade with other countries, the changeover can help greatly.

The major corporations are already working on the change. In fact, Ford has built a $100 million plant in Lima, Ohio, to build engines which will be based on the metric system.

CITIZEN'S RIGHT OF PRIVATE PROPERTY

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. ROUSSELOT. Mr. Speaker, Columnist and Editor Dick Tracy, of the San Gabriel Valley Tribune, in my 24th Congressional District in California, has called attention to the fact that pending land-use legislation threatens to establish total Government control of all lands in the United States. H.R. 10294—a successor to H.R. 6894, the bill Mr. Tracy discusses—is currently being marked up by the House Committee on Interior and Insular Affairs. This bill would require the States to establish comprehensive land-use planning programs, with an associated bureaucracy which would have a veto over local land-use policy actions. The State plans would have to be acceptable to the Federal Government, or else the Department of the Interior could impose its own plan and cut off large amounts of Federal grant funds.

While the supporters of this bill claim it is to protect the environment, it actually contains several provisions which would interfere with the ability of localities to establish and enforce their own environmental standards. For example, section 105(e) requires the State master plan to "assure that local regulations do not unreasonably restrict or exclude development and land use of regional or national benefit." This is an antienvironmental provision if I have ever seen one, and it is antilocal government, as well.

The fifth amendment provides that:

> No person shall "be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

Since H.R. 10294 would subject private property to unprecedented State and Federal controls without providing either due process or just compensation to the owners, I believe it is unconstitutional.

As I stated before this House on September 19, "if we pass the land-use bill we will be foregoing this very basic right in return for a vague promise of environmental preservation, regulated by the Government."

I submit for my colleagues' attention the full text of Mr. Tracy's column of October 21, 1973, as it appeared in the San Gabriel Valley Tribune. I hope this extremely cogent discussion of proposed land-use regulation will be carefully reviewed.

The article follows:

FEDERAL LAW MAY END PRIVATE LAND CONTROL

(By Dick Tracy)

Under all is the land and he who controls it has wealth greater than gold.

It has been an accepted tenet since the days of feudal serfdom that man has a right to the ownership and control of the land he can acquire.

Yet we know that the freedom to own land and control its use is, in modern society, a limited freedom.

We may be on the verge of losing even that limited freedom.

We may be on the verge of total government control of all land in the United States.

Of course, we may have a title. Certainly we will pay taxes. But government will control the land, totally.

It will be done, naturally, in the guise of promoting the national interest by protecting our environment. The result will be the same, federal control.

Establishment of a federal "land czar" is well along the way to completion in Senate Bill 268, passed 64–21 on June 21, 1973, and entitled "Land Use Policy and Planning Assistance Act."

The next 15,000 or so words in the bill spell the end of the traditional concept of private ownership of land as conceived and understood under the American system of Constitutional government.

A similar bill, H.R. 6894, is before the House of Representatives for action.

At the other end, states are falling into line with the federal intent by approving their own land use commissions, which would, in effect, carry out the dictates of the federal government.

Under Pre-Print Assembly Bill No. 1 by Assemblyman Paul Priolo, a state land use commission would assume authority over all matters involving real estate from the current Real Estate Commission and all local government agencies.

If a pattern seems to emerge, it's because there is one.

The states would carry out the land use wishes of the federal government or—as we might have suspected—they would be denied federal grants and revenue sharing funds.

In asking for land use control under S.B. 268, President Nixon echoed the call heard in Washington for years by proponents of regionalized government who hold no brief for the tradition of states' rights and the premise that local government is the best government.

Former HUD Chief Robert C. Weaver was quoted as having said: "Regional government . . . would supersede state and local laws. Through this authority, we seek to recapture control of the use of land, most of which the government has already given to the people."

More moderately but no less ominously, Los Angeles Mayor Thomas Bradley said recently: "Americans have always felt the ownership of land somehow gives them the right to do with it what they want. We are no longer able to do that. There have always been some controls, but we are going to have to take them a few steps further."

There has been, to this point, little press attention given the federal land use law. Watergate and war have been too much to the fore.

And, quite honestly, many people in this country are convinced that federal controls is the best—if not the only control if the environment is to be preserved. They view additional federal control as desirable, not despicable.

At the opposite pole stand those who are convinced that land use control is not only socialistic but derives from communism through the evil United Nations.

It may be significant that one of the original sponsors of S.B. 268, Sen. Paul Fannin of Arizona, awakened suddenly to the dangers inherent in it.

Sen. Fannin says the land use policy "would do great violence to our traditional American rights" and warns that through it property owners can be reduced to landless serfs beholden to the lord of the manor in Washington.

The key element which clinches government control under S.B. 268 is its ability to prescribe areas of "critical environment concern" and subject them to severely limited uses.

According to Sen. Fannin, "It is not folly to say that in some states every square foot of private and state land could fall within such a limitless definition." And he points out that lands already owned by the federal government are exempt from the act.

So obviously S.B. 268 intends to control only private and state land, not federal land.

SENIOR CITIZEN'S TAX PROBLEMS

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. FISH. Mr. Speaker, we are all aware of the special problems senior citizens confront as they struggle to maintain an adequate standard of living in the face of continuously rising prices. We, in the Congress, have responded to their pleas for help in a variety of ways, including reform of the social security system and expansion of medicare coverage.

Yet, an issue that remains untouched at the Federal level of Government, and that increasingly is brought to my attention by the elderly in my district is the property-based school tax.

Many of our older Americans pay out a large percentage of their incomes for property-based taxes, incomes that are often too small to warrant the payment of State and Federal taxes. This is becoming an increasingly harder burden for the elderly to bear, given our inflationary economy.

No governmental entity has yet come forth with a satisfactory solution to this problem because, as a practical matter, a State cannot eliminate school taxes without insuring another source of revenue. For example, in my own State of New York, while most localities grant a 50 percent property tax abatement for senior citizens who meet certain age, income, and residence requirements, the result is that any taxes lost to the community must be made up through increased levies on the other property owners within a particular community.

While the property-based school tax has generally been held to be matter that each individual State should deal with, I think it would be unrealistic for us to deny that the States are going to need Federal assistance if a workable alternative is to be developed. Further, I believe that a viable alternative must be found because of the hardship that the property-based tax inflicts on our senior citizens.

On September 26, a meeting of the Region 3—New York State Wide/Senior Action Council was held in Newburgh, N.Y. The delegates, representing Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, and Westchester Counties, adopted a resolution relating to this problem. At this point in the RECORD, I would like to insert the full text of this resolution because I think it points up the severity of the problem, as well as the need for a comprehensive study of possible solutions.

RESOLUTION

The following resolution was presented at a regular stated meeting of Region 3–New York State Wide/Senior Action Council, held on Wednesday, September 26, 1973, at Newburgh New York and approved by the duly elected delegates representing Region 3 from the seven participating Counties, namely Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster and Westchester.

Whereas senior citizens as a group are opposed to the present system of school taxation based on real estate to support schools and

Whereas the majority of the voters at school budget hearings and elections are Senior Citizens, many retired and

Whereas the only income many Senior Citizens have today comes from their retirement or social security and

Whereas one school budget after another has been and are still being voted down, because Senior Citizens cannot afford, in our present escalating economy to pay for school services, and

Whereas the tax structure is driving many Senior Citizens from ownership of property in New York State, to seek living quarters in other States, thereby leaving beloved families and homesteads, and

Whereas this results in the breakup of the family structure, and nurtures despondency and lonliness, now therefore be it resolved

That the support of the schools be based on income and not on real estate holdings and be it further resolved

That the schools be supported through a State and or Federal Income Tax structure, and be it further resolved

That a copy of this resolution be forwarded to the Governor of the State of New York and to each legislator, by our membership and be it further resolved

That we would welcome any support the legislators could and would give to proposals in law, that may be submitted along these lines.

HOT AIR VERSUS CLEAN AIR

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. BROWN of California. Mr. Speaker, on September 27, in the course of reporting the findings of a recent medical profession symposium on air pollution, I mentioned that the Governor of California has written to every Member of Congress from our State, urging us to weaken the Clean Air Act of 1970.

The San Francisco Examiner, which printed an article describing Governor Reagan's lobbying efforts, subsequently printed a commentary on the subject written by Edward Groth III, Ph. D., a research fellow in the population program at the California Institute of Technology in Pasadena. Dr. Groth recently moved to Pasadena from northern California, where he served as chairman of the advisory council to the Bay Area Air Pollution Control District while working in the biological field at Stanford University. His statement should be of interest to all of us, since we may be called upon to vote on efforts to weaken the Clean Air Act, and I, therefore, submit the article, from the Examiner of October 10, for inclusion with my remarks in the RECORD at this point:

[From the San Francisco Examiner, Oct. 10, 1973]

HOT AIR VERSUS CLEAN AIR

(By Ned Groth)

The amendments of 1970 to the Federal Clean Air Act (CAA) have been hailed by environmentalists as perhaps the strongest and most progressive piece of conservation legislation ever enacted by the Congress. Now, three years after the amendments took effect, an unprecedented political drive is being mounted to cut the act.

Governor Ronald Reagan has now joined the chorus clamoring for "modification" (read: emasculation) of the law, by sending a message to California's congressional delegation, urging the adoption of a nine-point plan to make the CAA more "workable."

Reagan's intent, it seems clear, is to cut out the muscle and sinew, indeed the very heart, of the nation's most important air pollution law.

Reagan would like to see air quality standards lessened, whenever their implementation meant high cost or economic disruption.

He is opposed to the 1975 target date and feels the states should have more freedom to design their own control strategies, rather than have to follow guidelines set down by the federal Environmental Protection Agency (EPA).

These, and other elements that the Governor objects to, are the essential core of the changes adopted by the 1970 Congress—changes which transformed the national effort to combat smog from an uneven, often ineffectual attack into a strong multi-front campaign.

Previous federal clean air laws had required the states to adopt air quality standards. But the old laws had no teeth, and fewer than half the states took the required action.

Under the 1970 law, EPA set national air quality standards and drew up a plan that will work. As a direct consequence of the CAA, many significant new measures to fight smog have been enacted in California in the last three years.

Though much has been done, the tasks still remaining are mind-boggling. The CAA calls for innovative approaches to the control of pollution—regulating land use to control the growth in numbers of sources, and controlling automobile use in order to curb the emissions of the number one pollution source, the private car.

Under the law, such measures must be adopted—but California, and the Bay Area smog board, have moved into this new field of rule-making most reluctantly and gingerly.

The reason is obvious—this approach to smog control runs head-on into some of our biggest social and economic sacred cows; unregulated economic and population growth; transport systems based almost entirely on the auto freeway alliance; oversized, overpowered, gas-guzzling cars; spiraling energy consumption; and accelerating squandering of our finite fossil fuel reserves.

The five-year time span for compliance allowed by the CAA was probably unrealistic for some areas of the country. In smog-shrouded Los Angeles, for example, EPA estimates that present levels of auto traffic must be reduced by more than 80 percent if the oxidant standards are to be attained.

The state Air Resources Board, unwilling to attempt any drastic measures that could achieve such a reduction, has done virtually nothing to this end in three years. At pres-

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ent, EPA is debating whether to impose severe gasoline rationing in the L.A. air basin, the only method likely to work, given the short time remaining.

The problems of Los Angeles and other heavily polluted regions are not insoluble, if the political will power exists to take the needed steps. Reagan clearly lacks that will power; he'd rather ride herd on his sacred cows.

Reagan's proposal to Congress, if accepted, would be a national disaster. The air quality standards that the Governor would like to see relaxed are not arbitrary numbers. They are designed to protect the health of the public, and to prevent the further erosion of the aesthetic quality of life.

The current standards were adopted after a lengthy political process, in which the difficulty of achieving them was weighed carefully, along with the potential health hazards of tolerating higher smog levels. The national standards are in a number of cases less strict than California's own standards, adopted in 1969.

Too much is at stake to throw in the towel the first time the bill comes due for the costs of cleaning up the air.

Reagan's objectives also include removal of the firm compliance dates and the EPA back-up authority from the CAA. These are the heart and soul of the law.

It has been shown time and time again that, without a specific, unavoidable target date, major programs are very often procrastinated into oblivion.

And the most effective spur to state action yet devised is the certain knowledge that failure to act will lead to the imposition of a "solution" from above, one which might be hard to live with.

Some of the more drastic proposals now coming out of EPA, such as gasoline rationing, are potential political dynamite which, in the hands of irresponsible leaders, could be used to blast air pollution control efforts back into the (pre-1970) stone age.

Reagan and his think-alikes hope to capitalize on the certain unpopularity of such measures to rally public support for their campaign to destroy the effective portions of the CAA.

The Clean Air Act is basically sound. It is strong, forward looking, and the most effective law of its type this country has ever had. It is essential that the integrity of the CAA be maintained.

Mr. Speaker, so that my own position on this issue may be quite clear to all interested, I will also include at this point the text of the letter which I sent to Governor Reagan in response to his lobbying efforts:

OCTOBER 9, 1973.

DEAR GOVERNOR REAGAN: On September 20 of this year, you wrote to each member of the California Congressional delegation to urge them to support your proposed changes in the Clean Air Act Amendments of 1970. I have been actively involved in encouraging strong and effective air pollution controls since the 1950's at virtually every level of government. I was one of the Congressmen who urged the adoption of the 1970 amendments to the Clean Air Act. Those amendments established the principle that the federal government would enforce air pollution laws if local and state governments failed to act. After watching your response to this law, I am disappointed, but not surprised that you now ask the Congress to support changes in the law that would, in essence, "gut" the Clean Air Act.

Your recent veto of the South Coast Air Basin APCD bill (AB 2283) demonstrated your lack of concern about cleaning up the air. The reason the Clean Air Act gives the U.S. Environmental Protection Agency the authority to act when states fail to act is because we, in Congress, do not intend to let the citizenry of the U.S. or California suffer because of mistaken inactions by any particular state.

Your letter asks the Congress to remove from the EPA the power to enforce air pollution control strategies. That reserve power is necessary for the protection of the health and welfare of the people. This is especially true when politicians, such as yourself, fail to do their duty and protect the health and welfare of their constituents.

Your letter asks for the Clean Air Act to be rewritten to restrict any standards and controls by the innocent sounding but insidious philosophy of technologically and economically feasible goals. This philosophy invariable means inaction because any changes in the status quo can be called technologically and/or economically infeasible. The health related air quality standards are the only criteria that should be considered in legislation that affects what everyone must breathe.

Your letter called for an extension of the deadlines of the Clean Air Act Amendments of 1970. We may eventually need some extensions, but we will not know what type of extensions to consider until we make a genuine, good-faith effort at compliance with the air pollution control strategies. I have yet to see any good-faith efforts emanate from your office in this field.

I would like to end my response to your letter by challenging you to put the resources of your high office towards solving the continuing air pollution crisis that we have in the Los Angeles Air Basin. I would like to see your office devise an air pollution control strategy which includes transportation and land use controls that would give us clean air. Furthermore, I would like to see you support the federal, state and local financing that would be necessary for any effective control strategy to work. I would like to see you recognize that the oil dependent, pollution plagued internal combustion engine is obsolete. I would like to see you support the efforts to "bust" the state and federal highway trust funds. In addition to these suggestions, I would like to see you direct the state government to be the leader in the implementation of the various pollution reducing suggestions that exist and set an example for the rest of the nation. Once you, as the Governor of California, demonstrate that you can do a better job at air pollution control than the U.S. Environmental Protection Agency is doing, then I, as a Member of Congress will be ready to believe that your proposed changes in the Clean Air Act are justified and in the best interests of the health and welfare of the people of California.

Sincerely yours,

GEORGE E. BROWN, Jr.,
Member of Congress.

BRONX RESIDENTS HELP THEMSELVES COPE WITH GOVERNMENT REDTAPE

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. BINGHAM. Mr. Speaker, on several occasions I have had the pleasure of rising to describe the cultural and civic accomplishments of Bronx County, N.Y. Today, I would like to advise my colleagues of a most unusual service available to residents of the Bronx. The Citizens Advice Bureau, which operates out of a storefront in my district, is a private, nonprofit organization providing free counseling and information services for people having problems with Government. The service is unique, first because it centralizes information about Government needed to cope with bureaucratic redtape, and second, because it helps its clients to use that information to solve their problems.

The "problem solvers," as the CABers call themselves, see between 650 and 750 persons in need of help each month. For the elderly, and others unable to travel about town to deal with the various governmental agencies, the need for such a service is obvious.

As the article below, which appeared in the October 30 New York Post, makes clear, the CAB has had a great deal of success. I congratulate the bureau on its efforts, and commend the idea to my colleagues for consideration:

A POOR FOLKS' ADVICE BUREAU

(By Peter Freiberg)

They come into the storefront at 2103 Grand Concourse for a variety of reason's: a tenant claims harrassment by his landlord, an elderly couple wants senior citizen transit passes, a widow needs help in filling out a Medicaid application. Sometimes, they come in simply because they are lonely or frightened.

Although information or help might be found elsewhere, obtaining it would usually mean a trip out of the neighborhood and a battle with government red tape.

But since July 1972, West Bronx residents have been able to take advantage of a unique storefront operation—a Citizens Advice Bureau, reported to be the only one of its kind in the country.

A BRITISH PROGRAM

The idea for the CAB came from Mildred Zucker, a veteran New York social worker who had studied the British network of advice bureaus and concluded New Yorkers could benefit from them also.

The Bronx CAB was established with financial support from the Greater New York Fund under the co-sponsorship of the West Federation and the Federation of Protestant Welfare Agencies.

Heading the CAB is Edward Kaufman, a 30-year-old social worker. Working with him are Hilda Pagan, his assistant, two graduate social work students and a half dozen volunteers from the Ethical Culture Society of Riverdale.

The CAB is partly a "middleman," giving the citizen enough information to get a needed service without wasting time and energy going from agency to agency.

But it is also an advocate—calling, writing and badgering agencies on behalf of individuals seeking help. It is open weekdays from 9 a.m. to 5 p.m.

"PROBLEM-SOLVERS"

"Most other organizations and agencies that give information don't specialize in it, like we do," said Kaufman. "We see ourselves as problem-solvers."

About 8300 people visited the bureau in its first year, and they are still coming at the rate of 650 to 750 a month. More than 60 per cent are elderly, and the majority are white. Most are poor.

"People don't know where to get a service," Kaufman said. "And if something comes along, and you've never gone through the bureaucracy, it's a difficult thing to do. Even people with good education, people with money—have problems."

Sometimes a person is relatively easy to help, like the woman who had been trying for three years to get $500 the Social Security Administration owed her."

"We started calling around," Kaufman said, "and two weeks later she came in smiling and holding her check."

Often, more effort is required for success. Max and Miriam Schwadron came to the CAB for assistance after they received what they considered an illegal rent increase.

A REDUCTION INSTEAD

The bureau advised them on how to protest the increase. "So instead of a rent hike," said Mrs. Schwadron, "we got a reduction, and now we're due for another reduction."

One day last week Hazel Shackelford, 60, who has been on the city Housing Authority's waiting list since 1970, asked the CAB if it could get the city to move faster on her apartment request.

Harriet Buyon, a CAB volunteer, called the Housing Authority, as she had once before on Mrs. Shackelford's behalf. She was told the woman had been placed on the "emergency waiting list." "If you don't hear soon," Mrs. Buyon advised Mrs. Shackelford, "come back and we'll call again."

But in some cases, there is nothing the CAB can do. Kaufman tells of one widow in her '70s who has $203 on which to live. After she pays her $100 rent, she is left with about $25 a week to spend.

"She comes in here and cries and cries and we can't do anything," says Kaufman. "But it's something that a humane society would never allow to happen. She's worked hard, been a good citizen, and she's just thrown to the dogs . . . and she's not an isolated case by any means."

CONCERN IS CRIME

The "overriding concern" of residents in the Concourse area, according to Kaufman, is crime. "Until steps are taken to correct the housing crisis and ensure the safety of residents in the area, the neighborhood cannot be stabilized," Kaufman said. Without such steps, the West Bronx is certain to become a ghetto, he predicted.

Kaufman would like to see CABs in neighborhoods throughout the city. He says his experience in the Bronx has also reinforced his views about the need for decentralization and some degree of community control over services.

"If services were decentralized, without people having to go downtown to Manhattan or elsewhere, it would solve a great deal of the problem," he says.

WEAPONS SHORTAGE: SHORTING PETER TO SUPPLY PAUL

HON. ANDREW J. HINSHAW

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. HINSHAW. Mr. Speaker, I believe the war now going on in the Mideast between Israel and the Arab States has created a situation for this country which deserves the urgent attention of this Congress.

The situation to which I refer is our decision to provide additional military supplies and materiel to the Israeli Government so as to keep the balance of power in the Mideast as it was prior to the outbreak of the current hostilities.

I am confident that we are primarily concerned with bringing the hostilities to a halt. At the same time, however, I believe we need to concern ourselves with replacing the Department of Defense stocks which are presently being transferred to the State of Israel. This concern is doubly important at this point in time in that our weapons reserves have already been seriously depleted, because of our long involvement in Southeast Asia.

It is with this thinking in mind that I have sent the following identical letters of this matter to Chairman MAHON, of the Appropriations Committee, and Chairman HÉBERT, of the Armed Services Committee:

DEAR MR. CHAIRMAN: I have, with a good deal of interest, followed the attitudes of many of our colleagues urging that we undertake the resupply of military materiel to Israel.

I have also noted the actions which have been taken by the Administration to keep the present balance of power in the Mid-East—which includes some replacements of weapons lost by Israel in the fighting in that area. In this regard, I have been particularly impressed with the competence demonstrated by the men and women of the Department of Defense in meeting these demands both in the shortest period of time and with the highest degree of professionalism.

At the same time, I feel that you share my view that we now want to take the necessary steps to assure that these supplies are not being provided at the expense of our own Department of Defense resources to meet both our present needs as well as our capability to meet future contingencies.

I strongly feel, to the extent the stocks have been drawn down from our own reserves, that prompt action needs to be taken to restore them with equipment and the materiel required.

It is my understanding that the materiel being supplied to Israel is being provided as a cash sale and the funds made available through this sale will be provided to the Department of Defense to replace items drawn from its inventory. However, I think it likely that the receipts from these sales will, in many cases, be inadequate to cover the costs of replacement items. I expect that this will be true, first, because the elapse of time between the original procurement of these items and the procurement of their replacements will be such that inflation alone will increase the replacement costs above the amounts charged to the Government of Israel. Secondly, it is possible that some of the items provided to Israel were costed on the basis of used rather than new equipment. If this is true, this will be another source of a deficiency in funds for the procurement of replacement items.

In both of the cases cited above, all the Members of the Congress should be alert to this new need for increased funds for the Department of Defense and we should also be prepared to support legislation to provide these funds just as quickly as we have been to support the transfer of this materiel to the Government of Israel.

I recognize that both authorization legislation and appropriations for the Department of Defense may, and should, draw increased support from Congress merely as a result of a broader recognition that there is a continuing and urgent need for Congressional action to provide strong support for our national security. However, I question whether the regular authorization and appropriation measures which had been prepared and considered by the Congress *before* this recent action to resupply Israel can be expected to meet the concerns I have discussed above.

I will strongly support any actions that you feel should be taken to meet the unique requirements placed on the Department of Defense as a result of the resupply action and stand ready to assist you in any way that I can.

NORTHERN IRELAND

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. MOAKLEY. Mr. Speaker, I am pleased to bring to the attention of my colleagues and the public at large the following articles on Northern Ireland by a constituent of mine, Mr. Fred Burns O'Brien of Boston:

[From the Irish People, Feb. 17, 1973]

THE IRISH POLICE STATE

(By Fred Burns O'Brien)

A series of measures has been taken recently by the Government of Ireland directed against so called terrorist elements, more specifically, they seek to silence the Irish Republican Army, which has abstained from any act of violence in the Republic. The only reason Prime Minister Lynch has taken the repressive course against his own people is that he has made a deal with the British Government and has advance knowledge of what the British will publish in their upcoming White Paper on the future of the North. In order to risk the displeasure of his people, Mr. Lynch has to have assurances from the British that they will announce the eventual reunification of Ireland and make John Lynch the hero. For this, the Irish Prime Minister has taken steps that in reality remove basic protections within the administration of justice from the Irish people.

In the first instance, the headquarters of Sinn Fein, a legal political party in Ireland, was closed by the Government of John Lynch. Sinn Fein is the oldest party in Ireland, North or South. The mission of Sinn Fein is political. It is to use its political persuasion to convince the people of the validity of Republicanism and to offer dissent towards the Government. The Constitution of Ireland is premised on the basis of Republicanism which is the goal of Sinn Fein—a united 32-County Irish State. Sinn Fein has served to remind the Government of their pledge to unite Ireland. Sinn Fein does support the IRA Campaign in the North because they do not draw the line that peaceful means are the only ones to be utilized in fulfilling the mission of the Republicans.

Peaceful means have been attempted and their failure brought violence in their wake. When the Government has to resort to such tactics as the elimination of its opposition then it is in fear of itself and makes an admission of its failures. The words of dissent must ring true if a state must prevent free speech, as its own rebuttals fall short of belief. The Government has not taken its measures for the protection of the people as it would have the outside world believe. Instead, it has forged a policy to rid itself of concrete dissent.

Article 40(1) of the Constitution of the Irish Free State gives citizens the right to express freely their convictions and opinions. It is reasonable to assume this applies to all citizens not just those approved by the Government. The words of Sinn Fein obviously have an adverse effect on the Government and they are feared all the more for being true. Normally a state fears the truth, because a Government can always weather any false allegations, but the truth is difficult to escape and to suppress it sets the state involved on the path of a police state.

The Government may consider the policy of Sinn Fein seditious and therefore punishable by law, but the Sinn Fein Party only follows consistent policy laid out over fifty years ago that set guidelines of what Irish

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Independence is all about. Each successive Irish Government since the institution of The Irish Free State has professed an allegiance to the very policy of Sinn Fein, but the party itself, the purveyors of the policy, is now considered seditious. To consider Sinn Fein seditious is to defeat the very essence of the foundation of an Irish Republic.

Article 40(iii) further states the right of citizens to form associations and unions. Sinn Fein, formed before the Constitution itself, certainly qualifies as an association. The state considers it has the right to regulate and control in the public interest, the right of exercising the right to form associations. Countering this, Article 40(2) provides that even laws regulating the association in question shall contain no political discrimination. The closing of Sinn Fein headquarters was the government's fear of a political organization evidencing its own inadequacies.

The Government's general policy of repression is in itself unconstitutional. The closing of Sinn Fein headquarters sparked the Government's general crackdown of any supporters of the IRA Sinn Fein and the IRA in their pursuit of a united Ireland are only following Articles 2 and 3 of the Irish Constitution which recognizes the whole island of Ireland as the true historic nation; anything short of this is unacceptable.

The hierarchy of Radio Telefis Eireann RTE, the Government owned television network, were dismissed by the Government for allowing controversial people to appear and give their views on Irish Television. This was aimed at preventing the IRA from giving their views on the North. This act on the part of the Government was to establish a precedent for preventing future dissent against the Government's policies.

The Government in their effort to railroad members of the IRA to prison and away from the public, sought to coerce Mr. Kevin O'Kelley to testify in court that a taped interview he had in his possession was in fact with Mr. Sean Mac Stiofain, Chief of Staff of the IRA. Mr. O'Kelley, much to his credit, refused to break a confidence and was held in contempt of court and sentenced to prison. If a newsman were to reveal all his sources, news would be hindered and only limited selective stories would ever get printed. People have to rely on the word of newsmen in order to feel free to divulge information. It is quite obvious that the Irish Government wishes to prevent this.

At the trial of Sean Mac Stiofain, there was no jury and he was appearing after having been on hunger strike. He was weak, but made very pertinent objections at the most opportune times. Without reservation, it can be said that no lawyer could have done any better objecting to the discrepancies put forth by the Government's counsel. Mr. Mac Stiofain only offered objection to the legal discrepancies raised in the Government's case, but would not defend himself, as he did not recognize the court. His trial was a sham and in the class of a kangaroo court. It was disgraceful for a country to offer such a slur to the legal system. Instead of trying him at all, they would have been better off just to incarcerate him which was the intention of the Government.

At the end of 1972, the Irish Government passed a bill amending The Offenses Against The State Act that at the least can be called repressive. By its very nature, it is designed to curb individual rights and projected over time to prevent meaningful dissent.

The Irish Republic had been critical of Britain when Her Majesty's Government permitted the Provincial Regime at Stormont Castle in Belfast to impose internment without trial under the Special Powers Act. The Act was used solely against the Minority as they were contrived to be the sole culprits for all the violence that occurs in the North of Ireland. Regardless of what Community or people this Act was designed to repress; it is a denial of basic rights under law and abridges due process under law. For this same offense, Ireland brought an action against Britain in the European Court of Human Rights, as the Special Powers Act is in violation of the Convention on Civil Rights in Europe of which Britain and Ireland are signatories.

Ireland seems to have just cause in bringing the British Government to account on this matter. Now Ireland in its self-righteousness has passed parallel legislation that is as offensive as the Special Powers Act. It can be expected for the Irish to drop their case against Britain as part of the deal bringing about Ireland's repressive legislation which Britain has pressured Ireland to pass. What this does is for one oppressor to pat the other on the back while each is absolved of guilt by the other. As two established Governments, no nation is going to question their actions.

According to the new legislation in Ireland, any senior Irish policeman can have an individual encarcerated on his word alone. This law is so far reaching that if a given policeman observes a newspaper article that alleges that a certain individual is a member of the IRA, then the policeman may assume that this article is correct and report his contentions which are taken as valid without verification. On this absurd evidence, a special court may find the defendant guilty and pass sentence. The defendant is deprived of a jury of his or her peers and the full burden of proving innocence rests with the defendant. The accused will find it extremely difficult convincing a court of his or her innocence when that court was established for the purpose of rubber stamping a prejudged conclusion of guilt.

How can a government expect its people to accept such treacherous legislation? Any lawyer must reject this Act as totally abhorrent to the very basis of a legal system. This administrative practice is reprehensible as a complete violation of the European Commission on Human Rights and it is in a class with the Special Powers Act. With such legislation in effect, no citizen can feel free to live unhindered in a day to day society as an aura of parranoia will shortly set in. The Irish Government can extend their jurisdiction at will under this broad power. Any person that is a vocal dissenter can be put away.

For instance, a prospective defendant might travel to the States to visit a relative and it might be mentioned that the visitor was a member of the IRA. By some wild coincidence, if the information is made known and a United States policeman hears the rumor and by further fantastic coincidence it reaches the U.S. Department of State; what then happens? The State Department may become perturbed that such a "terrorist" is present in the United States. The State Department feels obligated and then informs Dublin of the whereabouts of their errant terrorist who upon touching down at Shannon Airport is then taken into custody. He is then found guilty on the testimony of a senior police official whose reliable proof is the word of the U.S. State Department and their contrived rumor. This situation is so far fetched yet it truly faces every Irish citizen.

The legislation, as offensive as it is to the legal system, is passed and it has to be asked—how was it passed? It did not have the consent of the Irish People "since it was never presented to them." They would most certainly have rejected a blatant infringement on such a precious rights as free speech and assembly. Then one might ask—if the people wouldn't stand for it, how was it put into effect?

There were reliable reports that when this legislation was introduced it would be defeated by a 71–70 margin. Fearing this rejection, the Government just might have resorted to extraordinary tactics. They key question is, who stood to lose from the defeat of this bill?

Prior to the passage of this amendment to the Offences Against The State Act, there was an explosion that killed two people in Dublin. There had never been any IRA violence in the Republic of Ireland, since they stood to lose by initiating any such action. They would not perpetrate violence in their so-called heaven from the British in the North. This would have jeopardized their whole operation and in no way would they have been responsible for the explosion. If and when the IRA commits a violent act they admit it even if it is detrimental to their cause. They are at least that honorable. Their word is binding, since the whole freedom movement depends on it.

Then if the IRA did not plant the bomb, who did? There are only two explanations to consider. The timing of the explosion was strategically planned to go off during the vote on the bill. It had to have the acquiescense of either the Irish Government, the British Government or both. This is not to say that either intended for anyone to die. On the other hand, death is such an extreme measure that its effect would be profound and insure the desired result. The British wanted the bill to pass, since they had been pressuring Dublin for just such legislation.

The Irish Government cognizant of their entry into the Common Market had to appease the British pressure and therefore needed passage of the bill. Both the British and the Irish were set to receive massive pressure from the Common Market countries to settle the conflict. The Common Market is obliged to help depressed areas within its jurisdiction and the North of course is such an area. If the Dublin Government participated in planting the bomb, it would be consistent with their recent policy of total appeasement of the British.

As it turned out, the Bill was passed 70–23 with its main opposition abstaining, solely as a result of the well timed explosion. The Government carried the day and put into effect one of the most repressive laws anywhere in the world. Ireland took the first step on the road to a police state.

Whoever planted that bomb assisted the Government in a power crisis. It could have been the British intelligence squad with the complicity of Dublin or someone authorized by Dublin itself. This is a horrible thought to think established Government would participate in such an enterprise, but who else stood to benefit from that well placed bomb. The answer to that will tell who set it. Had it not gone off, the new legislation would have been defeated. The culprits knew the opposition to the bill would automatically assume it was the work of the IRA. They are the one group who definitely did not set that bomb.

[From the Irish People, July 28, 1973]

BRITISH VIOLATIONS OF THE HUMAN RIGHTS DECLARATION

(By Fred Burns O'Brien)

There was a study in 1932 concerning the Special Powers Act of Northern Ireland and that unequivocally denounced it as unbefitting a democratic society. It was deemed a degrading piece of legislation designed and implemented to curtail the political activity of Irish Nationalists in the six counties in the Northeast corner of Ireland. From its inception, Nationalist politicians in divided Ireland have made lengthy appeals for its abolition; first of all, as it violates international agreements, and secondly, since its primary function is directed on a discriminatory basis at only a portion of society (with a token exception now and again), making it selective in application.

One could hear British politicians for the better part of fifty years berating the necessity for such diabolical measures, but their reverberations remained only words, lacking

the transformation into the actual repeal of the Act. The law, per se, only applies to Northern Ireland and not Britain proper, so that the pressure of constituents is not an overbearing factor to contend with the abrogation of the Special Powers Act remained elusive.

Nine of the twelve Members of Parliament from the North itself are vociferous supporters of the Special Powers Act as long as it is applicable only to the Nationalists, yet they offer mild condemnation when it is threatened on militant loyalists. With its singular application (until very recently) against the Nationalist Community there were only three consistent M.P.'s steadfastly in opposition to the legislation, for it does directly affect their constituents.

In 1972, the British Government finally relented and instituted the Diplock Commission to study the Special Powers Act and make its pertinent suggestions as to its rectification. The Commission was the result of pressure from international circles and not the consequences of deep humanitarian feeling. The mass media around the globe found it interesting that an alleged democracy could employ such undemocratic legislation to curtail political and in some cases military activity (implemented to bring an end to discrimination). The European Economic Community was not elated that one of its new members (Britain) adhered to such practices, and the European Court has agreed to hear complaints of prisoners who had been tortured during internment without trial under the auspices of the British Government which is a blow to Britain's international reputation.

The British Government by its utilization of the Special Powers Act on the Nationalist Community (with recent exceptions) has devolved upon herself the condemnation of world humanitarians who view her flagrant disregard of human rights as reprehensible. There are many specific points that must be noted, whereby the Special Powers Act controverts the United Nations Universal Doctrine of Human Rights. There are thirty articles in The Declaration and Britain is blantantly in violation of fifteen of them; quite a serious violation as perceived by the impartial eyes of the world community.

Article 3 states that every person has the right to life, liberty and security of person. The selective detainment of citizens occupying the streets of the North by walking on them, the unannounced invasion of private homes, and the shooting and maiming of individuals is in illicit contradistinction of these stated natural freedoms. If an individual cannot feel secure in his or her home and on the street without the fear of harassment from soldiers of a foreign nation, then the society has embraced the atmosphere and physical presence of a police state.

In article 5, no one shall be subjected to torture or cruel, inhuman or degrading treatment, or punishment. International committees of inquiry have clearly established that many of those encarcerated under The Act have been brutally beaten and tortured and the status of coerced degradation has been evidenced substantially. This is a blatant violation of people's rights and subverts human decency as well as international law.

All people mentioned in Article 6 have a right to recognition everywhere as a person before the law. In other words, no individual shall be prevented from obtaining due process of law and no person shall be deprived of liberty without the same. The very fact of the Special Powers Act subrogates this internationally recognized right as its primary purpose is to detain and imprison without trial.

Article 7 holds that all are equal before the law and are entitled without any discrimination to equal protection of the law. The State of Northern Ireland was created by Britain as a sectarian haven for Ireland's Protestants thereby having this pervading factor inhibiting the state through fifty-three years of its history. To seek to alter this after allowing it to flourish is a task of dimensions not truly contemplated by the British Government.

The Government of Ireland Act of 1920, technically the Constitution of the North, sets forth principles assuring fundamental rights to all citizens, yet remedies for contesting the violation of the rights remain stagnant relegating complaints to having no effectual remedy at all, thus violating Article 8 which states that competent national tribunals must be made available so abused citizens might avail themselves of their legal comfort. The word competent has to be interpreted to mean fair and impartial, words lacking in the British vocabulary as applied to Northern Ireland.

No one shall be subjected to arbitrary arrest, detention, or exile states Article 9, but Britain has completely violated this in the implementation of internment without trial which controverts accepted international legalities and encarcerates (usually innocent) people after an arrest and detention based on no founded charges or concrete evidence, only arbitrary sweeps of neighborhoods arresting any person whose politics might suggest a desire for reunification of the Irish nation.

In conjunction with Article 9, Article 10 states that every person is entitled in full equality to a fair and public hearing by an independent and impartial tribunal to elucidate the charges against a person and provide a forum for rebuttal and the opportunity to formulate a defense. This has been denied to those political prisoners arrested in Northern Ireland and detained without charges. A Bill of Rights emulating that of the United States Constitution would ensure a protection of these rights of the individual, or perhaps just adherence to the Declaration of Human Rights.

In most criminal systems, regarded as free, the accused is presumed to be innocent until proven guilty beyond any reasonable doubt. Under the internment process utilized in the North, there is guilt with no chance to prove one's innocence. The accused is categorically declared guilty with no opportunity for defense under the system of internment without trial, just by being arrested. With the complete disregard for the fact of a person's innocence, Britain finds herself in violation of Article 11, which holds "the presumption of innocence may be deemed a principle of justice 'so rooted in the traditions and conscience of our people as to be ranked as fundamental.' "

The language of Article 12 protects in theory against the arbitrary interference with an individual's privacy, family, home, or correspondence and against attacks upon honor and reputation. It recommends the protection of the law against such intrusions and violations. In the North, it is difficult for them to evolve a protection of the law, when the forces of law and order and the law itself is aimed at certain selected portions of the community to in fact deprive them of their rights under democratic law, which is absent from Northern Ireland by design of the London Parliament.

The British Army in Northern Ireland has violated the privacy of the citizens, broken up families causing undue hardships, destroyed the homes of many and confiscated correspondence as many who have written to the North can attest. The victims are afforded no chance of defense and are arbitrarily detained for indefinite periods of time without due process of law. While in concentration camps, the detainees are subjected to mental abuse and physical torture which has been substantiated by concrete evidence in the form of testimony of those abused and the doctors treating them.

By her insistence in maintaining colonial authority in the North, Britain denies a nationality to all citizens, both those desiring Irish nationality and those claiming to be British or Irish British. Article 15 declares that no nation can prevent another's citizens the right to a nationality. This article was specifically designed to protect the nationals of small nations from subjugation by "great powers." It is a crime to display the effects of Irish nationalism, especially the Tricolour of Sinn Fein in the North, which is the symbol of a united Ireland.

When other rights have been denied, it is an accepted fact that the right to freedom of thought, conscience and religion are assumed to be abrogated as well. This is ever so true in Northern Ireland where the sectarian government with the full complicity of the British Government has prevented free access to all phases of society (housing, employment, politics) due to a person's religious persuasion. The issue has been employed to polarize the Nationalist and Loyalist Communities to complement the power structure which could never survive a vote of the laboring class which makes up the overwhelming majority of both communities. The elite class divides and conquers and maintains political and economic dominance. Article 18 forbids this and calls for freedom to think and express one's thoughts publicly in opposition to the existing ruling class. If one is a Nationalist, and now if one is a Separatist (calling for an independent Ulster), then he or she is suspect and if public expression is considered potentially detrimental to the politicians in power, there will result internment without charge. Nationalists cannot express their true thoughts for fear of encarceration and certain elements cannot stand for election. This is in violation of this Article of the Declaration.

Hand in hand with this is the guarantee of the right to freedom of opinion and expression without interference as guaranteed in international law by Article 19. One cannot be free to express one's opinion and impart information with full freedom if there is a risk of imprisonment as there is in the North.

To foster one's opinions publicly there must be the right of peaceful assembly and association as specified under Article 20. These were the methods used by Irish civil rights people in the 1960's, but violently prevented which only set off further violent confrontation. When troops were called in to protect the established government, the soldiers sided with those who prevented peaceful civil rights activity calling it a danger to the peace and security of the society of Northern Ireland. This attitude on the part of the troops in protecting the sectarian government was another spark that put Northern Ireland into a state of war.

The interpretation of Article 21 is clear as it succinctly holds that everyone has the right to take part in the government of his or her country, directly or through freely chosen representatives. Britain allowed the puppet government in Northern Ireland to distort the electoral process into a debacle of debauchery. To claim that a free election might be held in so far as all might be permitted to cast a vote is misleading, since the result could be predicted before any ballots were cast because of the blatant gerrymandering process. This gives an outward appearance of all people participating in an election, but in effect denied systematically any possible chance at gaining control prior to participation.

If all these rights are attained on paper, there must be a force that those denied rights might turn to for an effective remedy. Article 28 calls for a social and international order in which the rights and freedoms set forth by the other Articles of the Declaration can be fully realized. The people of Northern Ireland have no hope for appeal to the logic body—the United Nations, since a complaint as attempted by the Irish Republic, can be and has been vetoed by Britain by claiming domestic jurisdiction

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under Article 2(7) of The United Nations Charter.

The only way those in the North could appeal would be as a nation with a provisional government in exile recognized by the United Nations as an entity of its people. The U.N. agencies might then be able to given proper attention to a nation of people in pursuit of self-determination from a foreign power. Many national groups, lacking in military capability utilize this method attaining international recognition for their plight. The people of Northern Ireland might consider uniting their divided community by seeking to develop their own nation free of Britain with long range possibilities of integrating with the rest of Ireland.

The civil rights movement was started in Ireland to attain the basic human rights as set out in the previously discussed declaration. The categorical denial of these rights has led the Irish people on the path of insurrection and actually forced them to confront the British over the right to govern themselves and more important the right to be first class human beings, not chattels of the state. British legislators always respond to Irish unrest with an affirmative plan, but its implementation is stalled and finally ignored and its contents are deleted so as to be made ineffective. Now the implementation of human rights is not enough without the right to self-determination which is where the crisis has evolved to in recent years. In 1969 human rights effectively enforced was the solution; in 1973 a new nation is necessitated by the historic indifference of Britain toward her conquered colony allowing its deteriorating into an undemocratic province ruled by a landed elite who use religious differences as a tool for maintaining power by polarizing two Irish Communities against one another.

HOBBYISTS AND COLLECTORS NEED ADDED PROTECTION AS ANTIQUE MARKETS EXPAND

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. HELSTOSKI. Mr. Speaker, during the past decade more Americans than ever have taken up the hobby of collecting antiques. Many people seek interesting and unusual items of eras past to add to the decor of their homes. Some antique collecting becomes a hobby in itself—that is, just the sheer fun of taking long drives in the country and rummaging through secondhand stores looking for the old and hard to find. Others, more serious, search the world over for additions to their rare collections. And many are now collecting antiques as a hedge against inflation and as a means of building their financial estates.

The sharp increase in demand for all kinds of antiques has quite naturally brought about sharp increases in price—and unfortunately sharp business practices among unscrupulous sellers. This growing problem has already been brought before the Congress in an attempt to protect antique purchasers from those who fraudulently "reproduce" political items and numismatic items—H.R. 5777, the Hobby Protection Act of 1973.

The question now appears, however, if in fact we must broaden the scope of protection to include other forms of collecting; such as glassware, china, and metal objects d'art, which are as easily copied and sold as originals as coins and political artifacts.

And aside from the "antique factory" menace the growing profit motive in everything antique has created a very disturbing situation wherein some dealers and hustlers find it enormously profitable to create markets for items that otherwise have no intrinsic value. These bogus markets are often fueled by the periodic publication of price guides which purport to set the current price for any given antique item.

All collectors, regardless of their reasons for collecting have one common bond. They are all concerned with price—what to pay when buying, what to ask when selling. This is the common concern of all antique hobbyists and even more so to all antique dealers.

This factor gave birth to the price guide. It is unknown how many unsuspecting hobbyists and collectors have been the victims of the antique price guide scheme over the past 20 years.

It works something like this: You go into a charming little roadside antique shop while on a weekend drive. You see a piece of cut glass that matches the one given to you by your grandmother. Should you buy it? You just came in to browse, but now you have a decision to make—to buy or not to buy. The dealer helps you by producing a price guide. He may bring to your attention that the price of this pattern of cut glass has gone up 15 percent from the price listed in previous editions of the price guide. Now, assured that you are buying at a better than current price and assured that the value has steadily increased, you make the purchase. Pride of ownership and human nature never lets you doubt that you got anything less than a bargain.

Was the information given in the price guide really valid and reliable? Unfortunately the purchaser has no way of knowing. With few exceptions price guides are homespun products, without research staff or expertise. Some price guides tend to be basement products suited to being peddled through the mail with no objective standard determining the listed prices. Usually the price guide is the opinion of a single person bent on arbitrarily raising prices with every new edition.

There is one and only one way of determining the current price of an antique. That single foolproof method is the price at which the seller is willing to part with an item and a buyer is willing to pay to acquire the item. Such information pertaining to an actual sale should be recorded in every published price guide.

Thus price guides for antiques or objects d'art can be helpful if they list an accurate description of the item, especially markings or characteristics that will help in deciding if it is authentic. Also listed prices of a bona fide price guide will give evidence of date and place where such an item was sold for the listed price. Such price guides are generally a labor of love by a serious collector or club and are nearly always limited to a selected subject. Often legitimate auction houses will publish a catalog of available objects d'art to be sold at auction and give reference to the price paid by the previous owner or prices paid by buyers of similar objects at recent auctions.

Consequently price guides can be invaluable to both purchaser and dealer when they reflect actual current transactions, but they can also be fraudulent—and cheat the purchaser or the dealer—when their listed prices are used for the purpose of inflating the market.

U.S. FOREIGN POLICY SUFFERS METTERNICH SYNDROME

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. RARICK. Mr. Speaker, the reaction by Dr. Kissinger to our allies in Europe because of their failure to support U.S. policies and actions in the Middle East must certainly be considered as grave a threat to the United States and the American people as is the potential of a Middle East holocaust itself. Reports that Secretary of State Kissinger is disgusted with NATO and that President Nixon and top Cabinet members criticized Western European leaders for their abstention from Middle East involvement certainly does not give us the assurance of free world solidarity.

The world is again in a state of flux with much of the problem having been caused by the new Nixon policy of détente and application of Metternich theories to the 20th century.

Staunch allies of years past, such as England, France, Spain, and West Germany, to name a few, have refused to allow the United States to implicate their countries in the Middle East situation through use of their ports and airfields for U.S. military action. The increased exposure of American men to hostile action in making deliveries of aircraft and other military to Israel have been greatly increased because of the hands-off attitude of our European friends.

On the other hand, 26 nations of the black area of Africa have severed diplomatic relations with Israel—nine preceding the current war—Guinea, Uganda, Congo—Brazzaville, Niger, Chad, Mali, Burundi, Togo, and Zaire—and 17 since the war started—Dahomey, Upper Volta, Rwanda, Equatorial Guinea, Cameroon, Tanzania, Malagasy, Senegal, Gabon, Kenya, Central African Republic, Ethiopia, Nigeria, Gambia, Zambia, Sierra Leone, and Ghana.

How can this but jeopardize U.S. foreign policy in Africa as well as at the United Nations?

Of the 41 nations in Africa, only 8 continue to have diplomatic relations with Israel. Among these eight we find the Republic of South Africa.

And in Holland, it is reported that starting next week there will be a Government ban on Sunday driving because

of the gas shortage resulting from the war. The Netherlands people apparently will not even be able to use their automobiles to drive to church on Sunday. Because of the détente and the free trade program with Russia, we can expect that the Dutch will blame their situation on the United States and not on other trading patterns.

If the existing foreign policy of our country is being made and carried out for the benefit of the American people, then something is wrong. Right now it appears to be the United States and Israel against the rest of the world. And if what we read is correct, even Israel is not behind us.

The related newsclipping follows:

[From the Washington Post, Nov. 1, 1973]

U.S. CRITICISM BRINGS ANGRY RESPONSES FROM EUROPEANS

(By Dan Morgan and Michael Getler)

American displeasure with the neutral Middle East policies of its closest allies provoked a number of angry European responses yesterday, as the dispute showed signs of spreading into other areas affecting Atlantic relationships.

In Paris, French President Georges Pompidou proposed a summit meeting of the nine Common Market countries to seek a joint European policy on the Middle East.

Pompidou noted that Western Europe had been left out of the American and Soviet moves even though its vital interests had been at stake.

In Washington, high-level European-American consultations on trade policy and future tariff reductions ended with both sides admitting that they were far from any agreement.

At the same time, Europeans who spoke with Secretary of State Henry A. Kissinger earlier in the week said he was "very angry" about a wide range of Atlantic matters, not all of them directly connected with the Middle East.

One of the few bright signs in the otherwise dissension-ridden atmosphere was a cautious resolution drafted here yesterday by American congressmen and European members of parliament. It calls for the two sides to avoid trying to outbid each other in the scramble for oil supplies which have suddenly been restricted by Arab countries.

Far less harmonious, according to European sources, were talks held this week between Sir Christopher Soames and top administration economic officials. Soames, representing the Common Market countries, met with Treasury Secretary George P. Shultz, Under Secretary of State William Casey and the special White House representative for trade negotiations, William D. Eberle.

"After Sir Christopher's talks here there is broken china all over town," said one European. He said that Soames had refused to accept extremely tough administration criticism of European trade policy and had "given back what he got."

U.S. officials are angry over the refusal of European members of the General Agreement on Tariff and Trade, meeting in Geneva last week, to set up working groups pending passage of a U.S. trade bill that would give the administration authority to negotiate tariff cuts.

But the Europeans are equally angry over signs that the U.S. trade bill may not be passed until March—and could conceivably be vetoed by President Nixon if Congress succeeds in inserting restrictions on trade with the Soviet Union.

In talks with European legislators this week, U.S. officials reportedly blamed Zionists, isolationists and labor unions for stalling the trade bill by demanding restrictions on Soviet trade.

At a meeting with reporters yesterday, Soames said that he had noticed "no signs of strain," but added that there is "no sweet harmony." He said, however, that this was "not such as to cast doubt on the good intentions of either partner."

The Europeans and Americans are trying to draft a joint declaration of economic principles. European sources said this week that Kissinger had blamed the Europeans for stalling on this.

A visiting member of parliament said, "He is very angry that the whole thing is hung up because the French and the British can't agree on the word 'partnership' as it refers to the United States."

He said Kissinger was also angry that Britain refused to submit a proposal for a Middle East cease-fire in the U.N. Security Council, "even though he knew very well that the British thought it was too early for an initiative."

These developments came amid indications that a difference of opinion is developing within the Nixon administration over the way it has directed criticism at U.S. NATO allies for their failure to line up behind this country in the Middle East crisis.

Last Friday, the President, Secretary of Defense and the State Department all joined in leveling unprecedented criticism at the Europeans for their role.

However, some senior U.S. officials say the Pentagon would prefer that the State Department tone down its strong public chastisement of the Europeans in favor of more quiet discussions.

It is the Pentagon that must deal with the allies most directly on military matters, and the Defense Department's top official—Defense Secretary James R. Schlesinger—will have to confront the Europeans face to face next week at a previously scheduled NATO meeting at the Hague.

Though Pentagon officials have criticized the Europeans, much broader criticism has come from the State Department. Yesterday, a State Department spokesman denied published reports that Kissinger had gone so far as to express "disgust" on Capitol Hill over the NATO countries' neutral stance in the Middle East crisis.

[From the Washington Star-News, Oct. 31, 1973]

ALLIES BLASTED BY KISSINGER

(By David Binder)

Secretary of State Henry A. Kissinger has reportedly said he is "disgusted" with the North Atlantic Treaty Organization because its European members did not support U.S. policies in the Middle East crisis.

Testifying Monday at a closed session of the House Foreign Affairs Committee, Kissinger advanced the administration's criticism of the Western Europeans, begun publicly Friday, when President Nixon chastised them, as did the Defense and State Departments.

After Kissinger had finished his testimony, a congressional aide said, the secretary remarked in an aside heard by a committee member, "I don't care what happens to NATO, I'm so disgusted."

Kissinger is also said to have voiced his irritation yesterday at a meeting with a group of Western European members of parliaments.

Chancellor Willy Brandt of West Germany sent a letter to President Nixon Sunday voicing "understanding" for American actions in the Middle East as "a world power," but also chiding the United States because it failed to advise its allies fully and swiftly on its estimate of the nature and degree of the Middle East crisis.

Complaints were also voiced in London that the United States had been remiss, and Prime Minister Edward Heath pointedly refrained from endorsing Nixon's decision last week to put American forces around the world on alert. Heath was speaking in the House of Commons.

Brandt emphasized in his letter that he considered alliance solidarity to be as strong as ever, but he said that the latest events showed that there is a pressing need for better and closer consultation among the allies, especially in moments of crisis.

A congressional source said Kissinger had selected Britain and West Germany for special criticism, reminding the House members of his statement on April 23 that "our European allies have regional interests," but "we cannot hold together if each country or region asserts its autonomy whenever it is to its benefit."

Monday Kissinger was quoted as having said, "It is sad to relate the last three weeks bore out that description."

At the State Department press spokesman Robert J. McCloskey yesterday reiterated the criticisms he and Secretary of Defense James R. Schlesinger made Friday about the lack of Western European cooperation, saying, "this was not done lightly or casually."

McCloskey said the criticism he and Schlesinger had voiced last Friday had been intended to apply to "the time we sought for a cease-fire in the United Nations."

Officials said McCloskey had been referring to the British in this instance, as had Kissinger, who was upset because Britain had declined a U.S. request to sponsor a cease-fire resolution in the U.N. Security Council in the first week of the Arab-Israeli war, which began Oct. 6.

An official said that Britain had sounded out the Egyptians on the possibility of a cease-fire in that week and, being told Cairo was not interested at the time, decided "not to play the fall guy for the United States."

Diplomats said that on Kissinger's instructions the U.S. delegate to NATO Donald Rumsfeld, had strongly demanded of the European allies in the first week of the war that they take steps to chill their trade and political relations with the Soviet Union as a means of pressure.

According to the diplomats, however, the Europeans balked, saying that they had not received information indicating that they together with the United States had entered a major East-West confrontation.

[From the Washington Star-News, Oct. 27, 1973]

UNITED STATES BLASTS NATO ALLIES

The Arab-Israeli war and this week's worldwide U.S. military alert apparently have strained relations between the United States and its European allies.

Government officials in several North Atlantic Treaty Organization nations were said yesterday to be upset because President Nixon did not consult them about the alert and because of comments he and the State Department made about the allies' behavior in the Middle East crisis.

Nixon said at his news conference last night: "Our European friends hadn't been as cooperative as they might have been in attempting to work out the Middle East settlement."

He noted that Europe gets 80 percent of its oil from the Middle East while the United States gets only 10 percent from there. He declared that Europe "would have frozen to death this winter unless there had been a settlement."

Earlier, State Department spokesman Robert J. McCloskey said America's allies had "separated themselves publicly from us" during the crisis when "we would have appreciated support."

Much of the American concern apparently centered on the unwillingness of the European allies to allow bases inside their territories to be used as relay points for arms shipments to Israel. U.S. officials said yesterday that West Germany formally protested such use of the bases on Tuesday.

XUM

Only one NATO ally had provided the necessary backing for the United States, McCloskey said, apparently referring to Portugal.

But a British diplomat in Washington said his country was not asked for assistance. "It would have been a mistake to assume that we would have refused such a request," the diplomat said.

West Germany on Tuesday protested the United States' using bases in the country as relay points for supplies going to Israel. Secretary of Defense James R. Schlesinger said two days later that the German protest could force the United States to review the depth of its military and diplomatic commitment to Bonn.

Secretary of State Henry A. Kissinger and West German Ambassador Berndt von Staden discussed the matter yesterday, and Von Staden said afterward the talks had "a friendly atmosphere."

Nixon said last night he ordered the worldwide military alert Thursday because of indications of possible Soviet troop movements toward the Middle East.

Prime Minister Edward Heath of Britain, President Georges Pompidou of France and Chancellor Willy Brandt of West Germany reportedly were informed of the alert after it was in effect but their advice was not sought beforehand, even though some of the alerted bases were in Europe.

When asked to comment on the matter, a European at NATO headquarters in Brussels said an alerted U.S. base is a potential Soviet target and host governments should be consulted about base operations.

"If you have an American base in your country, and the Americans suddenly put it on alert, you might decide you wanted to take a long ride away from the neighborhood," the European said.

Other European diplomats were concerned about the big-power consultations on the Middle East between the United States and the Soviet Union.

[From the Washington Star-News, Oct. 31, 1973]

SUNDAY DRIVES BANNED IN HOLLAND

The Netherlands, coping with an Arab oil cutoff, announced a ban on Sunday driving.

The ban, which starts next week, is the second to affect Dutch motorists as a result of Mideast tension. In 1956, they were forbidden to drive on Sundays for 10 weeks because of Anglo-French intervention in the Middle East which resulted in the closure of the Suez Canal.

There will be exceptions, and Dutchmen have been lining up for special permission to drive on Sundays, but for most people the Sunday pleasure trips will be out for a while, except for bicycle rides.

The Arab oil nations have said they are boycotting the Netherlands because of its pro-Israeli stand in the mideast war.

The ban will apply to cars, motorbikes and motorboats, but not to taxis, emergency vehicles or buses taking fans to sports events, economic affairs minister Ruud Lebbers said yesterday. Small motorized bicycles will also be exempt.

Algeria, Iraq, Kuwait, the United Arab Emirates, Qatar, Oman, Libya and Saudi Arabia have banned oil exports to the Netherlands.

The oil boycott against Holland was expected to affect other countries, too, because the Netherlands re-exports about two-thirds of its refined oil.

The Netherlands also is restricting heating fuel deliveries and has a standby gasoline rationing plan ready if other measures are needed.

In Beirut, meanwhile, Arab oil sources said there would be no policing of the boycott of petroleum shipments to the United States.

One official said the Western oil companies operating in the Arab world would avoid secret shipments to the United States since they then would have to explain to other "countries they are shortchanging where the oil has gone."

Arab nations also have ordered partial cuts in shipments to other Western nations.

Saudi Arabia, for example, will cut its oil production by another 5 percent Nov. 1 in accordance with the plan agreed among most Arab oil producing nations, a Saudi spokesman said yesterday.

The reduction will bring total Saudi production cuts since the beginning of the fourth Middle East war to 26½ percent.

ABRAHAM S. LEVINE RETIRES AS MAYOR OF MOUNT CLEMENS, MICH.

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. O'HARA. Mr. Speaker, on November 8, 1973, the people of Mount Clemens, Mich., will pay special tribute to a very special man—the Honorable Abraham S. Levine, who is retiring after having served for the last dozen years as the city's mayor.

Abe Levine is the kind of man any American community would be proud to have as its chief executive—a man who has helped his city keep pace with changing times; a man who has given tirelessly of his time, energy, and imagination in the development of his city; a man who has carried out his responsibilities without partisanship or factionalism.

For 16 years, Abe Levine has served the people of Mount Clemens—first as a city commissioner and then, since 1961, as the city's mayor. Despite the enormous amount of time that public service demands, Mayor Levine has still found time to serve his fellow men through a variety of other activities—as a member of the lay board of the St. Joseph Hospital in Mount Clemens; as a member of the Board of Trustees of Congregation Shaarey Zedek in Southfield, Mich.; as a member of the City Employees' Retirement Board of Trustees; and as a vice president and member of the board of directors of the First National Bank in Mount Clemens.

In addition, Abe Levine has been a concerned, active, and involved member of a number of citizens' committees, including the Housing and Redevelopment Committee, the Downtown Rehabilitation Committee, the Insurance Study Committee, the Investment Advisory Committee, the Parking Study Committee, and the Central Macomb Development Area Council.

In short, Abe Levine has had a total devotion to the community in which he lives and the people whom he has been privileged to serve. There is a quotation from the works of George Bernard Shaw, which comes strongly to my mind when I think of Abe Levine.

Shaw wrote:

> You see things: and you ask "why?" But I dream things that never were, and I say "why not?"

Abe Levine has dreamed these dreams of better things—for the community and the people he loves—and has done his share, and more, to make these dreams come to pass. The people of Mount Clemens, Mich., are infinitely the better because Abe Levine dreamed his dreams, and the fruits of his labors are visible to all who have watched the city of Mount Clemens march forward.

Now, at age 70, Abe Levine is retiring from public office. Those of us who have seen him move successfully through two careers, as businessman and public servant, know that, even in retirement, he will continue to be a powerful influence for progress for a long time to come.

CLAREMONT HOSPITAL PIONEERS NURSERY CARE

HON. JAMES C. CLEVELAND

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. CLEVELAND. Mr. Speaker, at a time of great concern over the quality of health care in this country, Claremont General Hospital in my district has developed specialized application of the team nursing concept to the particular needs of the victims of various categories of illnesses.

Building on successful establishment of a coronary care unit, this small community hospital has developed coordinated and specialized nursing teams in the areas of cancer, diabetes, stroke, and respiratory illnesses. Local physicians who have monitored its development attest to the resulting improvement in care and enhancement of patients' recovery.

Response to this innovation is reflected in the comments of Dr. Hanford L. Auten, M.D., of Claremont, who has closely followed the evolution of the specialized nursing teams:

> I have felt that they contributed greatly to the morale and recovery of the patients for whom such coordinated efforts are available, and it has seemed to me that this is a splendid idea which supports my contention that worthwhile ideas can come from any source, even such a relatively small community hospital as ours.

Specifically evaluating performance of the cancer team, Dr. Robert G. Maxfield, M.D., also of Claremont, comments that "from a physician's standpoint, this approach has been of great help in the management of cancer patients at our hospital."

Added Dr. Maxfield:

> I practiced at this hospital for about 15 years before this plan was instituted. This "team approach" has upgraded the quality of our care while, at the same time, increasing the satisfaction of the patient. This has been accomplished by a cooperative effort which delegates and defines certain responsibilities to each of the members of the hospital team.

I consider this a significant indication of the innovation of which one community general hospital is capable, reflecting a dedication by members of the nursing staff to upgrade care and expand their skills, and the essential support by the medical staff and hospital administration.

The director of nurses at Claremont General, Patricia Waite, R.N., was encouraged to write an article on the program by two members of the Board of Surveyors of the Joint Commission on Accreditation of Hospitals. Their experience in evaluating care at 60 hospitals led them to regard the Claremont program as a pioneering improvement worthy of adoption elsewhere.

I ask unanimous consent that the following excellent article, being adapted for publication in monthly magazine RN, be inserted at this point in the RECORD.

The article follows:

A UNIQUE NURSING PLAN TO IMPROVE PATIENT CARE

(By Patricia Waite, R.N.)

In our small community hospital consisting of 84 beds and a medical staff of 21 members, we recently initiated an innovative plan of nursing care for our patients. Prior to instituting this new plan, we used the traditional, functional nursing approach, common in most hospitals, with individual nursing units of approximately 25 patients each. In this traditional setting, the "head nurse", or "charge nurse", was expected to coordinate total care of all the patients on the unit. It was standard procedure to hold conferences once or twice a week to discuss certain patients, but there was no structured program or planned and shared coordination of care for each individual patient. However, the nursing care rendered at that time was considered adequate and of average quality for a small, closely-knit hospital.

In 1966, we were fortunate in obtaining a grant from the Federal government to open a Coronary Care Unit of 4 beds. This was our first introduction to the "expanded role of the nurse." The Coronary Unit is now successfully established, and we have been able to develop a very well prepared Coronary Care Team. There is a systematic, on-going teaching program within the unit, including lectures and television conferences, provided by the expert staff Cardiologist and/or the nearby 400 bed Dartmouth-Hitchcock Medical complex. As the program developed in this area, it was noted that the Coronary Care Team Nurses were particularly competent, knowledgeable, well read in their specialty and highly motivated toward continuing education and professional development. Having worked so effectively as a team, they were able to administer a truly high quality of patient care. As a result of the enthusiasm generated by these Coronary Care Team nurses, we were encouraged to expand the basic framework of this system to other clinical units.

In the fall of 1970, members of the Nursing Staff (consisting of 63 RN's, 31 LPN's, and 40 nurses aides, divided between full and part time) were approached with the idea of developing various nursing teams to *"specialize"* in caring for patients within the different categories of illness. After considerable exploration by the nurses, the Director of Nursing approached the Executive Board of the Medical Staff, of which she is an ex officio member. They were very receptive and cooperative. Consequently, four additional nursing-care teams were established. These are identified as follows:

1. Cancer Team
2. Diabetic Team
3. Stroke and Rehabilitation Team
4. Respiratory Team

Once these four care-teams were identified, the next task was the "appointment" of nurses and other vital care providers, who were specifically competent or personally interested in one of the four team categories. Each team was composed basically of a registered professional nurse, licensed practical nurse, and a physician, acting as a team member and medical consultant. Representatives from various other hospital departments were invited to join teams of specific concern to them. The dietitian was chosen to serve on the Diabetic Team; the physical therapist on the Rehabilitation Team; and a Reach-to-Recovery worker on the Cancer Team.

Organization meetings of each team's members were held in order to develop their own objectives, teaching program and overall system of functioning. Some teams developed at faster rates than others, depending upon the extent of each member's enthusiasm and the opportunities for action. The Diabetic Team seemed to move the fastest, as they had more basic background on Diabetes on which to build. Since their medical consultant had also helped to develop the guidelines for the Coronary Nurses, he was much more aware of the Team-building approach.

By the beginning of 1971, each team had requested participation by the local Visiting Nurse Association as a much-needed asset to their patients' continuity of care, especially in the discharge planning. Currently, it is a standard procedure for the nurses from the VNA to come to the hospital each day and team members are able to relate accurately and frequently with them about the individual patients and the plan for care.

Scheduled meetings for the combined teams are held every other month. At this time new ideas are generated and problems which relate to patient care in all areas are presented for general assistance and possible solution.

Each individual team schedules its own meetings in accordance with its own needs. The medical consultant is informed of new developments and progress reports are kept up-to-date on a daily basis. At the time of admission to the hospital, a special identification card is prepared for each patient. The following are examples of the way this is accomplished for a diabetic, and a rehabilitation patient:

Name: Brown, Donald, Catholic, Doctor Jackson.

Address: Maple Street, Claremont, N.H., Tele. 2-4325.

Adm. Date, 3-19-72, (36 yrs).

Insulin or P.O. medication, Insulin to scale on admission.

Diet, 1,500 Cal. Diab.

3-30-72: Discharged on NPH 35u daily.

3-19-72: Admitted & Diagnosis of Diabetes—New Diabetic Placed on Insulin (Regular) to scale.

3-20X72: Changed to NPH 50u daily. Given literature and instruction begun by diabetic teaching nurse.

3-21-72: Record "Getting Started" played to patient. Urine testing and insulin administration explained.

3-22-72: Insulin reaction and diabetic coma discussed. Patient testing own urines and injecting own insulin. Very intelligent, adjusting well to his diabetes. Instruction in diet begun by Dietician. Wife present for this day of teaching.

3-26-72: Information about Joslin Clinic given patient. Teaching and reviewing of problems continued.

3-29-72: Appears well adjusted and ready for discharge.

3-30-72: Given list of necessary equipment to purchase along with sample copies of records to keep.

Name: Mars, Joe; Doctor: Short; Date: July 26, 1971.

Address: 127½ Sprnig Ave. City. Sex: Male, Age: 67.

Adm. Diagnosis: Cerebral Vascular Accident (Left hemiplegia).

Date of Onset: May 5, 1972.

Vital Signs on Adm: Blood pressure 210 over 100; temperature, 98; pulse, 100; quality, good; R. 24.

Present alertness: Semi-coma, yes.

Speech: Slurred no, Aphasia, no.

Extremities: left upper, flaccid; left lower, flaccid.

Incontinent: Bladder, yes; bowel, no.

Speaks English yes, foreign language no.

Religion: Protestant.

Attends church: yes.

Past health: Old CVA, no; hypertension, yes; blackouts, no; mental confusion, no; previous coronary, no.

Previous physical handicaps: None.

Hearing difficulty prior to stroke: None.

Sight difficulty prior to stroke: Wears glasses.

Speech difficulty prior to stroke: No.

Personality changes prior to stroke: No.

Degree of independence: Lived with others, yes; relationship, wife.

Degree of self-care: Walked alone, yes; total self-care, yes.

Educational background: Elementary, yes; high school, no; college, no.

Working status: Retired 2 years ago.

Hobbies: Fishing, making bird houses, repairs lawn movers, gardening.

Personality: Happy, easygoing

PROGRESS

5-5-72: 8 a.m., responding when spoken to by gesture only; blood pressure 210 over 100; pulse, 100 Color good skin warm and dry. Left arm and leg appears flaccid, incontinent. Urine: foley catheter inserted.

12 noon: blood pressure 160 over 90; pulse 96; responding verbally.

Eight p.m. appears more alert; blood pressure 140 over 80; pulse 88; left arm and left leg flaccid.

5-6-72: Blood pressure 130 over 80; pulse 80; speech appears normal; R.O.M. exericise to arm and leg show resistance, able to swallow liquids well. Placed on bladder training program.

5-8-72: Patient sent to physical therapy, dangle for 15 minutes, to 1. well.

5-10-72: Sitting in chair, daily physical therapy, foley catheter removed, progress good on bladder program; diet increased to mechanical soft.

5-15-72: Walking with assistance of a cane, doing fairly well in dressing himself.

5-20-72: Doing well. A.D.L. Partial use of left arm and hand and left leg.

5-21-72: Discharged to home walking to cane. Physical therapy as out-patient.

These are individual patient cards which are kept in a central file at the nurse's station on the unit. These are used as cumulative reference cards, and progress notes are continued on this card should there be subsequent admissions. These patients are followed in this manner even though a subsequent admission may be for a different diagnosis. These reference cards are used for information to fill out and build on the patient's nursing care plan in the Kardex.

Each Nursing Unit has a supply of these special admission cards, and the team is notified if a patient is admitted with a diagnosis in any one of the four specialty areas. One of the team members then visits with the patient, fills out the admission card, and starts a planned program of nursing care.

For clarification, our team members are all full time personnel, are on regular staff duty and are assigned a typical patient assignment. Their team duties are in addition to this schedule.

Each team has developed its own manual, consisting of over-all objectives and policies for functioning, teaching instructions, and descriptions of equipment and nursing procedures. Team members have worked many hours on these manuals and continue to devote much time to improving them, keeping them pertinent, and highly effective tools. On examining these manuals, everyone is very much impressed with the expertise as well as the thoroughness of this work. Each manual includes:

1. Purpose

XUM

2. Objective
3. Function

Each team has contributed to better patient care through new techniques learned, the use of better appliances and/or equipment through evaluation. With greater knowledge they are more effective in teaching patients, family members and other nursing personnel.

In April 1972, the hospital employed a Social Worker on a part time basis. This person consults with each team and has been a real asset to all of them. As she is also social worker part time at the nearby nursing home, she is able to continue to be involved with many of the patients formerly in the hospital.

Another outgrowth of the Specialized teams, was the forming of a general Patient Care Committee. This includes three Registered Nurses and one Licensed Practical Nurse. They all assist with general orientation and give instruction and demonstration of new procedures or changes in procedures; assist with nursing care conferences, contribute to development of nursing care plans and assist in correlating the specific efforts of all the teams. This committee works closely with the part time In-Service Educational Director.

The Patient Care Committee members have frequent meetings, and each individual has conferences with Head Nurses and Staff Nurses to discuss the proper use of nursing mechanisms, nursing care plans and related patient care problems. Once a month the committee holds a joint meeting with each specialized care team. As this report is being written, it can be validly judged that all nurses on these teams have approximated the ability and competence of "Nurse Clinicians." They have consistently demonstrated increasing competence and a true expertise in their field of nursing service. This fine performance did not happen by chance! They have assiduously grasped every opportunity for continued learning and skill development. Time has been spent in clinical practice in other settings, such as the Orthopedic Unit of the 400 bed, Mary Hitchcock Hospital and Dartmouth Medical Center at Hanover, New Hampshire; the Crotched Mountain Rehabilitation Center in Greenfield, New Hampshire; the Joslin Clinic for Diabetics at Boston, Massachusetts; and the Memorial Hospital in New York City for specialized experience in Cancer nursing and chemotherapy. We also utilize a closed-circuit television from the University of Vermont and Dartmouth Medical Center. Eight of these television sessions were specific to Cancer nursing. Team members attend seminars, in the immediate area, that are relevant to their specialty. Some are members of and attend State meetings of the American Cancer Society and the New Hampshire Heart Association and have participated in the programs offered by these groups. In addition, the team members must carry on their own individual research and study through reading of nursing periodicals and other related literature.

This unique approach to patient-care in our hospital has increased the quality of nursing substantially; and developed the nurses' competence and capabilities in addition to strengthening the effectiveness of communications among the nursing staff itself, as well as with physicians, and members of all other concerned departments and agencies within and without the hospital walls.

We view this innovation as an example of what one small community hospital, geographically distant from the variety of resources of the complex medical and health centers can do to maintain the highest quality of care in at least one segment of the total health system.

BETTER LIBRARIES CREATE BETTER CITIES

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. BRADEMAS. Mr. Speaker, as the sponsor of House Joint Resolution 766, a bill to authorize a White House Conference on Libraries and Information Services to be held in 1976, I wish to bring to the attention of my colleagues an excellent study of the needs of urban libraries prepared for the Urban Library Trustees Council.

As the study points out, Mr. Speaker, urban libraries, large and small, are faced with an increasing demand for services from diverse and ever-changing populations.

Yet, urban libraries are faced with this increased demand at a time when local funds for libraries are, as a percentage of urban budgets, decreasing.

I need hardly remind my colleagues that this increased demand for services also comes at a time when the administration has proposed that Congress terminate all Federal funds for our Nation's libraries.

Mr. Speaker, I insert "Better Libraries Create Better Cities" at this point in the RECORD:

BETTER LIBRARIES CREATE BETTER CITIES

THE FUTURE OF URBAN LIBRARIES

When it comes to the programs deemed necessary for urban living, an increasing number can neither be developed nor maintained on a strictly local basis. The federal government is already responsible for a great deal having to do with the future shape of urban America with such federally supported urban projects as transportation, pollution control, hospital and health facilities, housing and urban renewal projects. The city can no longer provide adequate financial support for the urban library from its declining tax base. Additional funds are imperative to support the urban library's efforts to serve the residents of disadvantaged, inner city neighborhoods and to continue the urban library's service as reference and research center for the metropolitan region.

The changing environment of the urban library

Cities of over 100,000 population are the home of 27.7 percent of the U.S. population on .37 percent of the land. The character of nearly all these major cities has been changed by recent shifts in population. They are increasingly beset by poverty, inadequate schools, slums, crime in the streets, pollution, insufficient transportation systems, and inadequate services.

As a rough approximation, it appears that at least one-sixth of the urban population, or over five million families, live in a slum environment. Of the 22.7 million blacks in the United States, 74 percent live in metropolitan areas and 78 percent of that number live in central cities. In 1970, more than 80 percent of the ten million Spanish-speaking population lived in an urban environment. During the 1950–60 decade, the white population of the central city increased by 5.7 percent while the non-white population increased 50.6 percent. During the 1960–70 decade the white population of the central city decreased by .2 percent and the non-white population increased 32.1 percent. These bare statistics can convey very little of the human problems represented by the vast movements in population and drifting of millions of people into crowded and poverty-plagued ghettos.

Serving the new city-dweller, the disadvantaged

It is obvious that the future of urban public libraries is inextricably interwoven with these groups who are forming an increasingly large sector of the cities. Libraries can no longer afford to have a policy of business as usual plus a fringe of outreach service to the disadvantaged.

Three strategic information functions for the public library have been suggested: reducing barriers of access to already-existing information, collecting the much-needed information which does not now exist, and effecting the widespread dissemination of crucial information which is not now being distributed so that ghetto people and the groups working with them can be reached. In this last regard libraries should coordinate the proliferation of information from various city agencies about programs, benefits, employment, and training opportunities. Libraries should also serve an important referral function of directing inquirers to the agencies in the city which deal with their problems. A reference service of a highly personalized and specialized form would help to solve the problem.

There is also a need for the urban library to function as a cultural institution, but with materials representing differing cultural orientations than has been traditional in the past. Unlike previous immigrants to American cities, today's ethnic groupings have not melted into a larger society, but prefer to emphasize their own differing outlook and cultural heritage. Neighborhood library centers in black areas have been able to provide a variety of black materials for their communities. Providing cultural material for the Spanish-speaking community involves more problems since materials in Spanish are not as readily available, and Mexican, Puerto Rican, and Cuban groups each have their own history, customs, and attitudes. In addition to books, where money has been available, urban libraries have experimented with the use of non-print materials—records, cassettes, films.

Even with a well-organized information system and a variety of cultural materials, the single most important ingredient in a successful outreach program is staff. One barrier which often separates librarians from inner city residents is the profession's largely white and middle-class composition. The slum individual's habits and values may seem shiftless, delinquent, or unmotivated from a middle-class point of view, while in actuality they may be a perfectly realistic response to the physical, economic, and cultural conditions of slum life. A white librarian finds it difficult to respond with sensitivity to a community of which he has never been and will never be a part. In turn, slum residents are likely to respond with distrust or hostility toward attempts by an outsider to offer help, especially in an institutional form. There is the additional problem of communicating with these people in their own language which is most often not standard English or standard Spanish but the vernacular of the slums.

Another key factor in urban library work with the disadvantaged is the desirability of small neighborhood library centers. These can offer the person-to-person approach for uncertain ghetto residents and can specialize in the needs and wishes of the neighborhood.

Library service for the aged is often mentioned in the context of library service for the disadvantaged. In 1970 over 19 million people in the United States were 65 years or older and that number is increasing by over 1,000 a day. It is true that the group called "the aged" includes people of all races and various income and educational levels. However, in the words of Ollie Randall, founder of the National Council on the Aging:

"At the same time we should recognize that the senior citizens are people with some special social, psychological, economic, and biological needs resulting from the process of aging, and that libraries have a responsibility and a concern for helping to meet these needs."

The greatest problem in carrying out any specialized program for disadvantaged groups is the matter of funding. The majority of programs for the disadvantaged have been financed by federal funds, but the lack of stability in the receipt of these funds has interfered with the effectiveness of the programs. There is a need for a redesign of federal funding for urban libraries that will not just support innovative projects but will support sound ongoing services.

The present user of urban libraries

In order to understand present clientele and to sense potential user groups, several urban libraries have conducted user studies. In these studies different variables have been used to describe the users: different age groupings, educational groupings and occupational groupings.

In addition to user characteristics most surveys have branched into such areas as user satisfaction with library services, reason for the visit, type of material used, whether assistance is sought, and other related topics. It is possible to make some generalizations from these studies about the types of people now using urban libraries.

Age of library users .

With respect to age, it is impossible to make exact comparisons, however, in most cases the percentage of use drops off after about 40 years of age and is about 5% or lower by the age of 60.

Generally, the heaviest percentages of use fall in the middle years, from the young adult age group to the 40 years group. Usually the groups showing library use from the age of about 14 or 16 to about 20 or 21 have the highest percentage.

Occupations

Occupations of library users were also studied. Where occupational groupings in individual studies were very detailed, groups were combined to facilitate comparisons with other studies. In all cases, student use is higher than use by any other group, varying from 32.4% to 64.2% of total library use.

Library use by the retired shows the same low percentage as use by the oldest age group, never more than 5% of main library use but higher use of branch libraries. Housewives never show more than 4% use of central urban libraries, but may account for as much as 18% of total use of branch libraries. Both of these cases underline the need for readily accessible libraries.

Considering only employed adults, the professional, managerial category represents the largest user group in each survey. The professional, managerial group represents from 17%–27% of all library use, while the sales, clerical group represents 5.3%–8% of all library use. Those in the craftsman, laborer category represent the smallest group of employed users, 3.5%–5%.

Education

Related to the pattern of occupational use is the pattern of use by educational level. Surveys show consistently that the higher the level of education, the heavier the use of the library. Only 2.4% to 8.3% of library users did not have some high school education. From 22% to 28% of library users graduated from high school. Education above the high school level is reported by 57% to 74% of the users, with 22% to 64.9% of users being college graduates or holders of advanced degrees.

Urban library as area resource center

There is an increasing tendency to ignore jurisdictional distinctions in urban areas. Students, in addition to using school and academic libraries, are major users of urban public libraries. Researchers, whether academic, industrial or professional, use the library most convenient for their purposes. This places the central city library in the role of reference and research center for the outlying area.

Only the urban central library has the variety of material required for research. While the metropolitan area may abound in partial collections in small public libraries, businesses and schools, only in the city library are found specialized materials, bibliographical information, and subject specialists. Therefore the small neighboring libraries or their patrons depend upon the metropolitan libraries to answer difficult reference questions from materials not available in their community. In some cases this relationship has been formalized in the shape of legal designation of the city library as regional resource center with state funds for that purpose. In many cases there remains an informal arrangement without adequate financial support from sources other than local government. This is expensive service in terms of cost of materials and specialized staff, and libraries find that the financial base which made possible the development of the collection is now largely outside the taxing area of the library.

While most urban libraries do not record the frequency of assistance given to other libraries, information on direct use of the urban library by nonresidents is often available. Figures given in user studies include: 38 percent of the use of the Detroit Public Library is by nonresidents, Enoch Pratt Free Library (Baltimore) reports 20.3 percent of their total users are nonresidents and 12.7 percent of users of the central library in San Francisco live outside the city. Letters in response to a questionnaire from the Urban Library Trustees Council report the following figures. Chicago: 25 percent of Central Library users do not live in Chicago; Hartford, Connecticut: 50 percent of walk-in and telephone reference service is given to nonresidents (outside funding for this service amounts to only 2 percent of operating costs); Los Angeles: 20 percent of central library users reside in the county; Mobile, Alabama: 1 of 4 reference users at the main library is not a resident or taxpayer of the service area; New Haven, Connecticut: ⅓ of the in-person and telephone reference use is by nonresidents with no reimbursement to the library; Rochester, New York: 42 percent of the borrowers using the main library lived outside of Rochester.

These figures emphasize the city central library's function of serving the reference needs of the whole area, often with inadequate funding. It is becoming increasingly clear that the legal boundaries of a city are meaningless dividing lines as far as public library service is concerned. It is imperative to the whole region that central library collections should be kept strong, current and well staffed. Money is the crucial stumbling block to achieving this end. Without funds in addition to local city funds supplied from a declining tax base, no urban library can adequately continue their vital function as an area resource library.

Statistics of urban libraries

A 1-YEAR VIEW OF LIBRARIES

A comprehensive view of public library statistics in the areas of budget, staff, holdings, and transactions for libraries of various sizes has been compiled from *Statistics of Public Libraries Serving Areas With at Least 25,000 Inhabitants*.

The following discussion focuses on those libraries serving populations of 25,000–99,999 (to be referred to as small libraries) and those serving populations of 100,000 and over (to be referred to as large libraries). All items have been listed as totals and per capita amounts.

The small library group shows a slight advantage in holdings and transactions per capita. They hold 1.67 books per capita in comparison to the large libraries' 1.57, and each hold approximately .03 bibliographic volumes of serials per capita. However, in terms of average books per library, each small library would have a collection of 80,823 books and each large library would hold 524,763 books. This gives the large city patron access to a collection over six times the size of the collection available to the small city patron.

Library operating and capital expenditures for 1968 were $3.71 per capita for the small library group and $4.40 for the large library group. The major reason for the difference is evident in the break-down of operating expenditures by purpose. Expenditures for salaries show a large variance between the two groups, while the other items vary only slightly. The higher percentage of professional librarians employed by large libraries is reflected in a larger expenditure for salaries.

Federal funding provided 6.2% of the total operating and capital budget of the small library group and 4.3% of the total budget of the large libraries. Translated into per capita amounts, the small libraries received 23¢ per capita in federal funds and the large libraries 19¢. If these amounts had been equalized and the large libraries had received an additional 4¢ per capita, it could have meant in 1968 an additional $3,310,188 for libraries serving over 100,000 population. The difference in federal funding is even more pronounced when the libraries are further subdivided by size:

Population served by libraries and Federal funding per capita

	Cents
25,000 to 49,999	25
55,000 to 99,999	22
100,000 to 499,999	23
500,000 and over	16

This indicates a severe lack of federal funding in the largest libraries.

CITY FINANCE AND LIBRARIES, 1961–70

How have libraries fared in their competition with other city services for a share of limited city income?

Expenditures for libraries have not kept pace with the growth of the city budget. General expenditures for cities of all sizes increased 150.9% from 1961–1970/71, but expenditures for libraries only 111.9%. This 39% difference could have meant an additional $82 million for city libraries in 1970/71 if their income rate of growth had equalled that of general city expenditures.

The difference in growth rate is even more striking for the 43 largest cities. While general expenditures increase 147% from 1961 to 1970/71, expenditures for libraries increased only 99.6%. If expenditures for libraries had grown that additional 47.4% and kept pace with general expenditure, each of the 48 largest libraries would have had an average of slightly over $1 million additional funds for 1970/71.

However, this has not been the case and expenditures for libraries for 1970/71 amounted to 1.39% of the city budget for cities of all sizes and 1.2% of the total budget for the 43 largest cities. In the words of one urban library director, "Because a library's budget is a tiny fraction of expenditure for public service, budgetary cushions are seldom possible in the way that they are for larger departments. A difference of as little as ten percent in a library budget can measure the distance between luxury and disaster."

LEGISLATION PROVIDING FOR SPECIAL PRESIDENTIAL ELECTION INTRODUCED

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Ms. ABZUG. Mr. Speaker, today I introduced a bill that provides for scheduling a special national Presidential election under certain circumstances which may soon become a reality.

Before discussing the details of the bill, I would like to allude to the events of last week, which were among the most dramatic and nerve wracking in the history of our Nation.

In 1 week we went from the unprecedented spectacle of President Nixon defying a Federal order and breaking a solemn commitment to the U.S. Senate by firing Special Prosecutor Archibald Cox to an international crisis in which we appeared to be on the brink of nuclear war.

In the intervening days a dam of popular resentment broke that has been building up with each successive revelation of corruption and unlawful acts by the Nixon administration. We in Congress have been inundated with a reported quarter-million telegrams, as well as phone calls, from all over the country, demanding that the President resign or be impeached. The credibility of President Nixon lies in ruins about us, and despite his turnabout on the tapes, the fact is that the American people can no longer believe what Mr. Nixon says or does.

It is tragic that the President chose to precipitate a national crisis over the issue of the firing of Mr. Cox in the midst of the ominous military situation in the Middle East. While the people of Israel were fighting for their survival, their strongest supporters, the American people, were forced to turn their attention to the survival of our democratic institutions.

We saw a worldwide alert of our Armed Forces, including planes carrying nuclear bombs. I believe that many Americans are prepared to accept the declaration of Secretary of State Kissinger that it was necessary, and not an overreaction, as some people suspected. But I think we must all share Mr. Kissinger's view that "it is a symptom of what is happening to our country that it could even be suggested" that this alert may have been motivated by domestic reasons.

The real tragedy is that Mr. Nixon has cried "wolf" so often—invoking national security as a coverup for his own lawless acts—that when a genuine crisis arises, the American people do not know whether they are being tricked or told the truth. The American people do not deserve to be placed in that kind of dilemma. We cannot exist in a continuing crisis atmosphere created by a President whose actions are suspect. Certainly in this nuclear age, we need a President who has the confidence and support of the American people.

I believe the events of last week, including his appalling attack on our free press at his news conference, demonstrate that the highest patriotic act Richard M. Nixon could perform right now would be to resign as President. If he should not do so, then I think the Congress should place itself on alert and act expeditiously and responsibly to process the impeachment charges that have been brought against Mr. Nixon so that he may be tried before the Senate.

The articles of impeachment that I presented to the House last week are consistent with the view held in the House in 1868 when it was said that:

> An impeachable high crime or misdemeanor is one in its nature or consequences subversive of some fundamental or essential principle of government or highly prejudicial to the public interest, and this may consist of a violation of the Constitution, of law, of an official oath, or of duty, by an act committed or omitted, or, without violating a positive law, by the abuse of discretionery powers from improper motives or for an improper purpose.

I believe there is sufficient evidence at hand to warrant prompt impeachment proceedings on these grounds against the President without waiting on lengthy committee deliberations. I appreciate that many of my colleagues believe the Committee on the Judiciary should move very cautiously and deliberately on this matter, which for only the second time in the history of our Nation involves such grave charges against a President. I would only remind the House that impeachment is comparable to indictment, not to a finding of guilt, and that it is in the interests of the stability of our Nation to present this case to the Senate for trial as soon as possible. Certainly we can all agree that if the President should be brought before the Senate the trial would be conducted with the utmost concern for judicial process, the law, and the rights of the defendant.

If, as appears more likely every day, the President is impeached, then it would also, in my opinion, be improper for the Congress to proceed with the confirmation of the President's nominee for Vice President. The 25th amendment did not contemplate, in proposing that the President should fill a vacancy in the Vice Presidency with the approval of the House and Senate, that the President himself would be in an impeachable position.

The role and duties of the Vice President have been the subject of controversy throughout the history of our constitutional democracy, as has been the problem of how to handle the succession to the Presidency. In an article in the Fordham Law Review, March 1964, entitled "The Vice-Presidency and the Problems of Presidential Succession and Inability," John D. Feerick, a noted attorney and authority on this question, discusses in detail the evolution of the office of Vice President, and I would commend it to your attention.

Mr. Feerick recalls that the late President Truman, who served without a Vice President for more than 3 years, sent a special message to Congress on June 19, 1945, in which he declared:

> By reason of the tragic death of the late President, it now lies within my power to nominate the person who would be my immediate successor in the event of my own death or inability to act.
>
> I do not believe that in a democracy this power should rest with the Chief Executive.
>
> Insofar as possible, the office of the President should be filled by an elective officer. There is no officer in our system of government, besides the President and Vice President, who has been elected by all the voters of the country.
>
> The Speaker of the House of Representatives, who is elected in his own district, is also elected to be the presiding officer of the House by a vote of all the Representatives of all the people of the country. As a result, I believe that the Speaker is the official in the Federal Government, whose election next to that of the President and Vice President, can be most accurately said to stem from the people themselves.

In placing the speaker ahead of the President pro tempore, Mr. Feerick reports:

> President Truman stated that the Members of the House are closer to the people than those of the Senate since they are elected every two years and thus the Speaker would be closer than the President pro tempore. He recommended that whoever succeeds after the Vice-President should serve only until the next Congressional election or a special election to elect a President and Vice-President.

If Mr. Nixon should resign or be removed from office and the office of Vice President should remain vacant, under the Succession Act of 1947 the Speaker of the House would become acting President.

It has been widely assumed that the next Presidential election could not take place for another 3 years, until November 1976.

However, an examination of the Constitution and the Statutes of 1972 and 1886, dealing with the succession, indicate very clearly that President Truman knew whereof he spoke when he recommended a special Presidential election.

In a case in which the President and Vice President—including a Vice President chosen under the 25th amendment—leave office, whether by death, removal, or resignation, the Constitution permits Congress to provide by law for the election of a new President, even though the former President's term has not yet expired.

Article II, section 1, clause 1 of the Constitution provides that the President and Vice President "shall hold—office during the Term of four Years," and clause 6 provides that:

> In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the same shall devolve on the Vice President, and the Congress may by Law, provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

In its initial form, the provision which ultimately became clause 6 provided that:

> The Congress may declare by law what officer of the U.S. shall act as President in case of the Death, Resignation, or Disability of the President and Vice-President; and such Officer shall act accordingly until the time of electing a President shall arise. (J. Madison, Notes of Debates from the Federal Convention of 1787, 594.)

However, Madison observed that this, as worded, would prevent a supply of the vacancy by an intermediate election of the President, and moved to substitute "until such disability be removed, or a President shall be elected." Ibid. Madison's motion was agreed to, and remains in the Constitution to this day.

The second Congress of the United States, which included some of the framers of our Constitution, passed the Succession Act of March 1, 1792. 1 Stat. 239, section 9 provided that:

> In case of the removal, etc., of both the President and the Vice President, the President pro tempore of the Senate (or, if there were no such official, the Speaker of the House) for the time being shall act as President of the United States until the disability be removed or a President elected.

I Stat. 240, s. 9, section 10 provided:

> That whenever the offices of President and Vice President shall both become vacant, the Secretary of State shall forthwith cause a notification thereof to be made to the executive of every state, and shall also cause the same to be, published in at least one of the newspapers printed in each state, specifying that electors of the President of the United States shall be appointed or chosen in the several states within thirty-four days preceding the first Wednesday in December then next ensuing: *Provided,* There shall be the space of two months between the date of such notification and the first Wednesday in December, but if there shall not be the space of two months between the date of such notification and the first Wednesday in December; and if the term for which the President and Vice President last in office were elected shall not expire on the third day of March next ensuing, then the Secretary of State shall specify in the notification that the electors shall be appointed or chosen within thirty-four days preceding the last Wednesday in December in the year next ensuing, within which time the electors shall accordingly be appointed or chosen, and the electors shall meet and give their votes on the said first Wednesday in December, and the proceedings and duties of the said electors and others shall be pursuant to the directions prescribed in this act, 1 Stat. 241, s. 10.

Finally, section 12 of the 1792 act provided that a President so elected would serve for a full 4-year term. In the view of Prof. Paul Freund of Harvard University, it is possible that a President elected by such an "interim" election must be given a full 4-year term because he would fall under the provision of clause 1 of the Constitution that the term of a President shall be for 4 years.

The 1792 provision was repealed in 1886, 24 Stat. 2. c. 4, s. 3, and it was never used because there has never been an instance in which both the President and the Vice President failed to serve out their terms of office. Partly because of doubt as to whether the Speaker and the President pro tempore were "officers" within the meaning of clause 6, the 1886 act removed them from the line of succession and substituted the cabinet officers. 24 Stat. 1, c. 4, s. 1. The act also provided that a cabinet officer could not succeed to the presidency unless: First, he had been confirmed in his cabinet office by the Senate, second, he was otherwise eligible for the presidency, and third, he was "not under impeachment by the House of Representatives of the United States at the time." 24 Stat. 2, c. 4, s. 2.

The 1886 act also provided that Congress should meet within 20 days of the accession of the new acting President, thus leaving it up to Congress to determine then whether there should be a special election.

The Presidential Succession Act of 1947 reinstated the Speaker and the President pro tempore after the Vice President in the line of succession, on the theory that preference should be given to having an elected official as President. 61 Stat. 380, c. 264; H. Rep. 817, 80th Cong., 1st Sess. (1947). Both the committee which reported the legislation and the Acting Attorney General were of the opinion that it was constitutional to have the Speaker and the President pro tempore in the line of succession. H.R. 817, 80th Cong., first session, 1947.

The 1947 act continued in force the prohibitions on succession contained in the 1886 act, including the disqualification of anyone under impeachment. 61 Stat. 380, c. 264, s. 1(e). Except for amendments to reflect changes in the composition of the Cabinet, the 1947 act continues in force, and has been codified as section 19 of title 3 of the United States Code.

It is interesting that following President Truman's message to Congress in 1945, and before the final adoption of the Succession Act of 1947, the question of providing for an interim election of a President and Vice President was seriously considered by the Congresses.

The President's recommendations, including his proposal for a special election, were incorporated in a bill introduced by Representative W. Sumners of Texas on June 25, 1945. The Sumners bill provided for a special election to fill vacancies in the offices of President and Vice President if such should occur 90 days or more before the midterm congressional elections. This provision was eliminated before the bill was passed by the House and forwarded to the Senate, where it became pigeonholed in committee.

In the debate on the Succession Act of 1947, an amendment was also proposed by Senator McMahon regarding a provision for a special election, but it was defeated.

It is clear, however, from this review of the precedents, that the framers contemplated and the Constitution permits Congress to provide for an interim election of a new President, should the President leave office before a new Vice President is confirmed by Congress. This was, indeed, the law from 1792 until 1886, and even from 1886 to 1947 it was up to Congress to provide for such an election under existing law.

Accordingly, the bill I introduced today amends title 3, United States Code, relative to Presidential succession, to provide that if the elected President and Vice President both leave office, the Speaker of the House would act as President only until a new election for President and Vice President was held.

This new election, which would be for a full 4-year term, would take place on the first November election day occurring more than 120 days after the double vacancy occurred.

Conceivably, such an election could be held in November 1974, when a new House of Representatives and a third of the Senate are elected. If less than approximately 1½ years remained in the current Presidential term, the Speaker would serve out the rest of the term and no special election would be held.

We have seen what happens to a nation when a President seeks to violate the Constitution and assumes extraordinary and unlawful power. Under our system, the ultimate power resides with the people and under the bill I am introducing that power would be restored. The confidence of our people in government has been badly damaged by the revelations that have been stunning the Nation since the Watergate scandal broke. It is important that they should not feel that in the current crisis the question of who will lead this Nation will be subject to political manipulation and decided outside the will of the electorate.

In closing, I would recall that during the 1964 debate over the Presidential succession, former President Eisenhower said in an interview on CBS Reports—January 8, 1964—that if the Presidency went to a member of the Cabinet and that man had more than 1 year to serve in the Presidency, then he believed a special election might be called and, he added, "let the people decide this thing." That is the basic principle upon which our democracy operates—"let the people decide"—and it is a rule which should guide us in the crisis we now face.

Text of bill follows:

H.R. 11230

A bill to amend title 3, United States Code relative to Presidential succession

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 19 of title 3, United States Code, is amended to read as follows:

"(c) An individual acting as President under subsection (a) or subsection (b) of this section shall continue to act until the expiration of the then current Presidential term or until a President shall be elected, pursuant to subsection (f) hereof, except that

"(1) if his discharge of the powers and duties of the office is founded in whole or in part on the failure of both the President-elect and the Vice-President-elect to qualify, then he shall act only until a President or Vice-President qualifies;

"(2) if his discharge of the powers and duties of the office is founded in whole or in part on the disability of the President or Vice-President, then he shall act only until the removal of the disability of one of such individuals."

SEC. 2. Paragraph (2) of subsection (d) of section 19 of title 3, United States Code, is amended to read as follows:

"(2) An individual acting as President under this subsection shall continue so to do until the expiration of the then current Presidential term or until a President shall be elected, pursuant to subsection (f) hereof, but not after a qualified and prior-entitled individual is able to act, except that the removal of the disability of an individual higher on the list contained in paragraph (1) of this subsection or the ability to qualify on the part of an individual higher on such list shall not terminate his service."

SEC. 3. Section 19 of title 3, United States Code, is amended by relettering subsection

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(f) as subsection (g) and by adding a new subsection (f), to read as follows:

"(f) Whenever the powers and duties of the office of President devolve pursuant to this section and more than one year and one hundred twenty days remain before the next scheduled appointment of electors, the Secretary of State shall forthwith cause a notification of such event to be made to the executive of each State, and shall specify in such notification that electors of a President and Vice-President shall be appointed in the several States on the Tuesday next after the first Monday in November which shall occur more than one hundred twenty days subsequent to such devolution. Electors appointed pursuant to such notification shall meet and give their votes on the first Monday after the second Wednesday in December following their appointment, at such place in each State as the legislature of such State shall direct. Except as otherwise provided in this subsection, all provisions of federal law relating to the choosing of a President and Vice-President at a regular quadrennial election shall apply with respect to the choosing of a President and Vice-President to fill a four year term as provided in this subsection; and the terms of the President and Vice-President so chosen shall begin on the 20th day of January immediately following their election.

Sec. 4. Section 1 of title 3, United States Code, is amended by striking out the first word and inserting in lieu thereof the following: "Except as provided in section 19 of this title, the".

Sec. 5. If any provision of this Act, or the application thereof to any person, office, or circumstance, is held invalid, the validity of the remainder of the Act and the application of such provisions to other persons, offices, and circumstances shall not be affected thereby.

Sec. 6. This Act shall be known as "The Presidential Succession Act of 1973."

ON THE CONSTITUTIONALITY OF A SPECIAL ELECTION

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. MOAKLEY. Mr. Speaker, the question of special Presidential elections is one to which we must give considerable attention. The Constitution charges Congress with specific responsibility for enacting statutes which will provide for the orderly, democratic transition of power in the event that the President resigns or is impeached while the Vice Presidency remains vacant.

In an effort to utilize this power to provide for special elections, I introduced H.R. 11214 yesterday, a bill which would, in essence, reinstate the 1792 Succession Act.

Boston Mayor Kevin H. White has taken an active role in presenting the possibility of such legislation to the country. In his investigations, he sought the opinions of three of the Nation's most distinguished experts on constitutional law, Harvard Profs. Paul Freund, Abram Chayes, and Raoul Berger.

They have offered their considered opinion on the constitutionality of the step being proposed. In order to provide my colleagues with the fullest possible background on this position, I am pleased to offer the comments of Professors Freund, Chayes, and Berger.

The comments follow:

Law School of Harvard University,
Cambridge, Mass., November 1, 1973.

Hon. Kevin H. White,
Mayor of Boston,
City Hall,
Boston, Mass.

Dear Mayor White: You have asked if, under the Constitution, Congress has the power to provide by statute for a special election to fill the office of President in the event that both the offices of President and Vice President become vacant. In our opinion, Congress has such power.

Article 2, section 1, clause 6 of the Constitution provides:

"In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation, or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected."

The matter was expressly considered in the Constitutional Convention and the debates show conclusively that the Framers intended to empower the Congress to call a special election in those circumstances.

On September 7, 1787, it was moved in the Convention that the Legislature should designate by law which officer of the United States would act as President in the event of vacancies in the offices of both President and Vice President and that "such officer shall act accordingly until the time of electing a President shall arrive. James Madison objected to this language on the ground that it would prevent the vacancy in the Presidency from being filled by a special election. He therefore moved to change the language to read that the officer who was designated to "act as President" do so "until such Disability be removed, or a President shall be elected." Madison's amendment was carried and with minor stylistic changes was incorporated in the final text of the Constitution.

The Second Congress, of which Madison himself was a member, exercised this very power when it enacted the succession Act of March 1, 1792, providing for a special election in the event of a simultaneous vacancy in both Presidential and Vice Presidential offices. 1 Stat. 239. Actions of the First and Second Congresses are traditionally given great weight on questions of Constitutional interpretation. *Myers* v. *U.S.* 272 U.S. 52, 175 (1926).

The text of the relevant sections of the Act of 1798 is attached to this letter. You will note that the Act provided for the special election to be omitted if the double vacancy occured within six months of the expiration of the Presidential term. It also stipulated that the president pro tempore of the Senate (and if there was none the Speaker of the House) should act in the interim until the special election; and that the person elected should serve for a term of four years from the next inauguration day following the special election. These features are remarked here not to suggest that they are Constitutionally required, but to indicate the flexibility that is available to the Congress in dealing with the practical questions involved in a special election.

The Act of 1972 remained law for almost a century. Then the mechanism of Presidential succession was changed to provide that in the event of the vacancy of both the offices of President and Vice President, one or another member of the Cabinet in the order therein provided should "act as President." But the statute went on to provide that Congress should assemble within twenty days, presumably to consider what further action to take.

The 1886 statute was in turn replaced in 1947 with the present law providing that in the event of the vacancy of both the offices of President and Vice President, the Speaker of the House of Representatives would act as President to be followed by the President pro tempore of the Senate to be followed by ranked Cabinet officers for the remainder of the then Presidential term. 3 U.S.C. 19.

These subsequent enactments are further evidence of the broad and flexible authority available to Congress in fulfilling its Constitutional mandate to provide for continuity in the office of President in case of "removal, death, resignation or inability of both the President and Vice President."

In our view, the Constitutional text, the debates at Philadelphia and the practice under the Constitution leave no doubt that the Congress has the power to provide by statute for a special Presidential election in the event the offices of President and Vice President both become vacant.

Yours very truly,

Paul A. Freund.
Abram Chayes.
Raoul Berger.

FORTY YEARS OF SERVICE—A MILESTONE IN THE DISTINGUISHED CAREER OF CHIEF SIDNEY A. JONES

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. BROWN of California. Mr. Speaker, I asked to have this time set aside from our busy schedule here today because I want to focus some attention on the distinguished career of Police Chief Sidney A. Jones of Rialto, Calif. In the course of legislative debate here on the floor of the House of Representatives, during consideration of bills that will affect the law-enforcement profession, we often speak of the many fine men and women throughout the Nation who serve as peace officers, but rarely do we refer to any individual by name. I would like to take just a moment here, however, to pay tribute to Chief Jones as he approaches his 40th anniversary of service to the city of Rialto.

Chief Jones was born in Arkansas, but his family moved to Rialto when he was only 5 years old and he has lived in Rialto ever since. After getting his formal education in Rialto, Sidney Jones worked in the local citrus industry for a while, and then, at the age of 21, began his service to the city in 1943. He began with the department of public safety, working as both a fireman and a policeman, but the two functions were split a short time later and in 1945 young Sidney Jones was appointed chief of police.

But Chief Jones has not just sat back and taken it easy, just because he made it to the top so quickly. The Rialto Police Department has grown and improved under his leadership, and Chief Jones has grown and improved as well. He has kept up with current developments in

police science—in 1959 he graduated from the FBI Academy—and not too many years ago he was awarded the advanced certificate by the California State Commission on Police Officers Standards and Training. He is highly respected by those who know and work with him as a top law enforcement man with a warm and understanding heart and a good-will ambassador for the city of Rialto, and I am pleased to be able to join today in paying him my highest respect.

OBJECTIONS TO SONNENFELDT CONFIRMATION MUST BE ANSWERED—PART XI

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. ASHBROOK. Mr. Speaker, starting on May 23 of this year, I inserted in the Record documents, newspaper articles, letters, and commentary on the case of Helmut Sonnenfeldt, whose nomination as Under Secretary of Treasury has now been reported out by the Senate Finance Committee. The House Internal Security Committee has scheduled hearings for November 7 on the Federal civilian employee loyalty-security program which may have bearing on the Sonnenfeldt case.

In this connection, Mr. John Hemenway, who testified against the nomination of Mr. Sonnenfeldt, has written the Department of Justice calling for an investigation into the possible violation by Mr. Sonnenfeldt of criminal statutes including perjury. He also has informed Senator Mansfield of his communication to the Acting Attorney General.

In addition, I have written to Acting Attorney General Bork regarding the identity of the FBI agent who interviewed Mr. Stephen Koczak on the Sonnenfeldt case in 1959 concerning the alleged leaking of highly classified information to a foreign power.

I insert at this point the press release I am issuing on the need for strict implementation of regulations concerning the reliability and good conduct of Federal employees to prevent future Watergates at all Government levels. Also inserted is a copy of my letter to the Acting Attorney General along with the letters from Mr. Hemenway to Mr. Bork and Senator Mansfield:

News Release From Representative John M. Ashbrook

Congressman John M. Ashbrook (R-Ohio) ranking minority Member of the House Internal Security Committee announced today that hearings on the Federal Civilian Employees Loyalty-Security Program will be continued on Wednesday, November 7. The principal witness that day will be Stephen A. Koczak who has already provided testimony to the Senate Finance Committee in connection with hearings on the nomination of Helmut Sonnenfeldt as Under Secretary of Treasury.

Ashbrook has written to Acting Attorney General Robert H. Bork asking the Department of Justice to identify the FBI agent who interviewed Koczak in 1959 in connection with the Sonnenfeldt case. According to Koczak this agent subsequently stated that the Department of Justice had been prepared to prosecute Sonnenfeldt but had been frustrated by the State Department refusal to declassify the telegrams and make them available to the prosecutor as evidence.

The purpose of the Committee hearings is to examine the existing security and suitability procedures in the Federal government and to propose such legislative reforms as may appear necessary. The Committee is currently considering HR 8865 which would establish a Central Security Review Office for the coordination of loyalty and security programs administered by Federal executive agencies.

The Sonnenfeldt case is only one of a number of cases under study by the House Internal Security Committee.

Cong. Ashbrook stated that "one of the issues in the Sonnenfeldt case concerns the peculiar circumstance that so many facts are still a matter of unresolved controversy. I am most disturbed that relevant security information at the FBI, CIA and the State Department appear to have been withheld from the Congress and from responsible officers in the Executive Department. If Executive Order 10450, which seeks to provide reliable, trustworthy employees in Federal employment, public servants of good conduct and character, is to be nothing more than a joke and a fraud, strict observance of the Order's requirements and restrictions must be employed. If nothing else, the Watergate case demonstates this."

Congress of the United States,
Washington, D.C., November 1, 1971.

Hon. Robert H. Bork,
Acting Attorney General,
Justice Department Building,
Washington, D.C.

Dear Mr. Bork: Enclosed is a copy of my letter of October 10 to the FBI which Director Kelley informs me has been referred to the Justice Department for action. As Mr. Koczak is scheduled to appear before the House Internal Security Committee on Wednesday, November 7, I would appreciate receiving by Monday, November 5, a reply as to the identity of the agent involved in the Sonnenfeldt case.

Also enclosed are two replies from the then Acting Director of the FBI, Mr. Ruckelshaus, one of which confirms that Mr. Koczak was interviewed by an FBI agent in 1959 on the Sonnenfeldt case. The other letter, that of May 29, 1973, indicates that over a year transpired before I received an answer to my initial inquiry concerning this case.

Your consideration of this matter will be, needless to say, much appreciated.

Sincerely,

John M. Ashbrook,
Representative to Congress, 17th District.

Washington, D.C.,
November 1, 1973.

Hon. Michael J. Mansfield,
Majority Leader of the Senate,
U.S. Senate,
Washington, D.C.

Dear Senator Mansfield: As you know, the nomination of Mr. Helmut Sonnenfeldt, to be Under Secretary of the Treasury, was reported out of the Finance Committee for Senate action. Public hearings were held on May 15, October 1, and October 2, 1973.

The confirmation hearings have been protracted. However, I have evidence that several key witnesses were not called. Thus, the evidence and/or information available to Senator Long and the Finance Committee is incomplete. This makes possible a coverup of Mr. Sonnenfeldt's past activities. For example, clear evidence suggestive of perjury exists.

Information in the record available to senators expected to vote on this important matter, therefore, is incomplete. How can any official, even a U.S. senator, vote intelligently when he has only partial information? If nothing else—the question of other criminal actions notwithstanding—the issue of perjury remains unsettled.

Mr. Sonnenfeldt will handle matters involving billions of dollars; he will be the senior U.S. official charged with checking on the financial implications of the judgements of his personal friend, mentor, and protector, Secretary of State Kissinger, regarding credits involved in East-West trade, special financial arrangements facilitating the so-called "detente" policy of Mr. Kissinger, and other sensitive matters of lasting importance to this nation, such as peace in the Middle East. American taxpayers will have to fund any errors of judgement made by the Treasury Dept.

For this reason, today I wrote a letter to the Acting Attorney General with a view toward possible prosecution of any party established by the hearing testimony to have violated criminal statutes. Mr. Sonnenfeldt may be such a person. A similar letter was directed to the United States Attorney for the District of Columbia today for action.

Recent revelations that high administration officials may have committed perjury has attracted much attention in the Senate. Have we reached such a curious state of morality that, while attention of individual senators is fixed on certain other "perjuries", the U.S. Senate as a body can confirm to a high position a nominee whose confirmation hearing transcript indicates a great deal of evidence that perjury has been committed?

Sincerely yours,

John D. Hemenway.

Washington, D.C.,
November 1, 1973.

Hon. Robert H. Bork,
Acting Attorney General of the United States,
U.S. Department of Justice, Washington, D.C.

Dear General Bork: The purpose of this letter is to report to you the violation of criminal statutes of the United States including, but not limited to the crime of perjury. I am reporting this matter to you because I understand you are currently the senior official in the U.S. Government charged with the enforcement of federal statutes.

Specifically, Mr. Helmut Sonnenfeldt, an employee of the U.S. Department of State and NSC, stands accused of "leaking" highly classified information to foreign agents with whom he had frequent and close associations and to other persons. These charges were made in the public record before the Senate Finance Committee on May 15, October 1, and October 2, 1973. They were reported, somewhat inaccurately, in the press. The charges were specific, capable of being decisively proved or disproved, and were made under oath by a number of responsible citizens including Mr. Otto Otepka, retired member of the Subversive Activities Control Board, and Mr. Stephen Koczak, retired US diplomat who currently holds a responsible position with the AFGE of the AFL–CIO. Many corroborating witnesses are available and have been named in the record.

Mr. Sonnenfeldt has denied the charges under oath. At the very least the crime of perjury may well have been committed. In pre-published form, the Hearing Transcript amounts to slightly more than 250 pages. The transcript is available and part of the public record. Senator Russell Long, Chairman of the Finance Committee of the Senate, can supply you with a copy. I understand that the record is being published today.

Highlights of the testimony on Helmut Sonnenfeldt include the following:

October 1, 1973: Under oath, Mr. Stephen Koczak charged Mr. Helmut Sonnenfeldt with giving highly classified information to agents of the State of Israel.

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Under oath, Mr. Helmut Sonnenfeldt denied the charge. However, Mr. Koczak named witnesses who could support his charges who were not called by Senator Long.

October 2, 1973: Under oath, Mr. Otto Otepka charged that Mr. Helmut Sonnenfeldt violated US criminal statute by "leaking" classified information to representatives of Israel and to others not authorized to receive it.

Under oath, Mr. Sonnenfeldt testified in a manner to convey the impression that he denied Mr. Otepka's charges. However, Mr. Otepka named individuals who would support his charges, under oath, in detail.

It is obvious, even to a layman, that, at the very least, the crime of perjury is established by this testimony.

Chairman Long has claimed that the above matters have been investigated, but it is clear that the investigation, such as it was, was far from complete. For example, the FBI files were not complete, when summarized for Senator Long; neither has the FBI contacted Mr. Koczak or me in connection with recent testimony.

The testimony of many other witnesses is not yet in the record—in the FBI files or elsewhere. This testimony includes that of Mr. Lampe of State Department Security (named by journalist Paul Scott), Mr. Niland of Justice (named by Mr. Otepka) and other witnesses, such as those named by Mr. Koczak.

I have been told that the statute of limitations does not apply to some of the criminal aspects of the matters discussed at this hearing. Whether this is true or not, the evident perjury discernable in the transcript is of a recent date.

Your attention to this matter is invited with a view to determining your own duty to prosecute any violation of statutes concerning perjury or other crimes. I would appreciate an early report from you concerning the procedures you intend to take to move forward in this matter.

Sincerely yours,

John D. Hemenway.

EMERGENCY MEDICAL SERVICE SYSTEMS

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. ESCH. Mr. Speaker, last week I voted in support of H.R. 10956, the Emergency Medical Services Systems Act. This bill, which except for the provisions of the Public Health hospitals, is identical to the bill vetoed by the President earlier this year. I chose to override the President's veto, because I firmly believed that we needed an emergency medical system that can reach out to the millions who could be helped and many of whose lives could be saved if such a system were established.

Even without the Public Service hospitals, this is a good bill and at an authorization of $185 million, not a very expensive one.

First I would like to congratulate the members of the Health Subcommittee and full Interstate and Foreign Commerce Committee for moving so expeditiously in reporting a bill, despite the veto. It is clear the members of the committee, unlike a few on the Education and Labor Committee who are sitting on the minimum wage bill, are more concerned with passing laws for the good of Americans than playing politics.

When this bill becomes law, as I am sure it will, it is estimated that the lives of between 60,000 and 100,000 Americans can be saved through the use of trained personnel and insured ambulance service.

SENATE—*Friday, November 2, 1973*

The Senate met at 10 a.m. and was called to order by the Acting President pro tempore (Mr. Metcalf).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

The Lord is nigh unto all who call upon Him, to all that call upon him in truth. He will fulfill the desire of them that fear Him: He also will hear their cry, and will save them.—Psalms 145: 18, 19.

O Lord our God, look upon this Nation and bring to it cleansing, renewal, and fresh power. Deliver us from coldness of heart, from indifference to Thy laws, from moral numbness, and from neglect of the things of the spirit. Make us ever ready to confess our sins and even more ready to accept Thy forgiveness. Replenish us with the grace, the wisdom, and the power Thou hast promised to those who love Thee and seek to do Thy will. Support and strengthen all who bear the burdens of government. May we pray for one another, work with and for one another as sons of the great redemption in a nation under God.

In Thy holy name we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, October 30, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 9286) to authorize appropriations during the fiscal year 1974 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve for each Reserve component of the Armed Forces, and the military training student loads, and for other purposes.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 8916) making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1974, and for other purposes; had agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon; and that Mr. Rooney of New York, Mr. Slack, Mr. Smith of Iowa, Mr. Flynt, Mr. Sikes, Mr. Mahon, Mr. Cederberg, Mr. Andrews of North Dakota, and Mr. Wyatt were appointed managers of the conference on the part of the House.

The message further announced that the House insists upon its amendments to the bill (S. 1570) to authorize the President of the United States to allocate crude oil and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare; to provide for the delegation of authority to the Secretary of the Interior; and for other purposes, disagreed to by the Senate; had agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon; and that Mr. Staggers, Mr. Macdonald, Mr. Van Deerlin, Mr. Brown of Ohio, and Mr. Collins of Texas were appointed managers of the conference on the part of the House.

The message also announced that the House had agreed to the amendments of the Senate to the amendment of the House to the bill (S. 2410) to amend the Public Health Service Act to provide assistance and encouragement for the development of comprehensive area emergency medical services systems.

The message further announced that the House had passed the bill (H.R. 9456) to extend the Drug Abuse Education Act of 1970 for 3 years, in which it requests the concurrence of the Senate.

The message also announced that the House had agreed to the concurrent resolution (H. Con. Res. 373) directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 9286 in which it requests the concurrence of the Senate.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the bill (S. 11) to grant the consent of the United States to the Arkansas River Basin compact, Arkansas-Oklahoma.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. Metcalf).

HOUSE BILL REFERRED

The bill (H.R. 9456) to extend the Drug Abuse Education Act of 1970 for 3 years was read twice by its title and referred to the Committee on Labor and Public Welfare.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NOMINATION BY PRESIDENT OF SENATOR SAXBE TO BE ATTORNEY GENERAL OF THE UNITED STATES, AND DESIGNATION OF LEON JAWORSKI TO BE SPECIAL PROSECUTOR

Mr. HUGH SCOTT. Mr. President, the President has announced the appointment of one of our beloved colleagues, Senator William B. Saxbe, of Ohio, to be Attorney General of the United States, and Acting Attorney General Bork has announced the designation of Mr. Leon Jaworski, of Texas, to be special prosecutor.

In the first instance, as to Senator Saxbe, I would hope that the Senate would proceed in accordance with its ancient traditions and will proceed decently and in order toward the steps preceding confirmation. I would hope that confirmation could be had expeditiously. If the Senate wishes to waive a hitherto unbroken tradition, of acting immediately on the nomination of the Senator, I would hope that it will also do that with dignity and that it will proceed with whatever reasonable dispatch it can summon, as I do cherish the traditions of this body—as I am sure we all do.

We know our colleague from Ohio. We know his character, his reputation, and the high regard in which he is held. Therefore, I would hope that the Senate would not use the appointment of Senator Saxbe, of Ohio, to be Attorney General for any purpose other than to determine his competence for the office and his ability to assume its responsibilities.

We will, of course, miss him very much in this Chamber. I have no better friend.

As to the appointment of Mr. Leon Jaworski, whom I do not think I know so far as I can recall, we know that he was a past president of the American Bar Association, that he was frequently counsel for the late President Lyndon Johnson, that he was chief counsel, I believe, at war crimes trials, beginning his labors with the trial of the criminals at Dachau.

Mr. Jaworski refused the job of Special Prosecutor once before because he did not feel that it carried with it the assurances of complete independence. He has now received those assurances and they will be buttressed by the undertaking of the Attorney General, the Acting Attorney General, and, more importantly, of the President of the United States, that he cannot be removed from this office save after consultation with the majority leader, with myself, with the majority and minority leaders of the House, with the chairmen and ranking members of the Judiciary Committees of both bodies, and that a consensus is required. We had a discussion of the consensus yesterday. It can be interpreted to mean a substantial majority or an overwhelming majority. It cannot be interpreted to mean a bare majority. Therefore, members of both parties and, for the most part, nearly all of them, would have to agree. Therefore, the power of removal is volunteered by the Executive even though it cannot be forced from him or coerced out of him constitutionally, in view of the decision of Myers against the United States, Chief Justice Taft's opinion, which has not, in that regard, ever been overruled by any other decision. The power to appoint is the power to remove and Congress cannot prohibit the exercise of that power to remove officers of this kind.

Myers against United States is one way of going at this thing. A better way is, as I have suggested on previous occasions with regard to the President, the way of conciliation, the way of cooperation, the way of ready willingness to concede rights and privileges where the public interest demands.

I took that position—I believe I was the second Senator to take it—with regard to the special prosecutor. I believe it here.

I believe that we should not, here in Congress, or elsewhere, rely solely on our privileges but on consideration also of our responsibilities. So I hope that is the way we will proceed here. This is an offer made in good faith, and made to the American people as well as to Congress.

Mr. President, I ask unanimous consent to have printed in the Record a transcript of yesterday's statements by the President, by Attorney-General-designate Saxbe, and by Acting Attorney General Bork.

There being no objection, the material was ordered to be printed in the Record, as follows:

Exchange of Remarks Between the President and Attorney-General-Designate William B. Saxbe

Ladies and gentlemen, I have an announcement today with regard to the new Attorney General.

I shall send to the Senate, as soon as the papers are prepared, the nomination of William Saxbe, Senator Saxbe of Ohio, as Attorney General of the United States.

The Senator and I, as I have found from reading press reports, have had several discussions on this in recent days, and I have found that he is eminently qualified, which I had known before, having known him for 25 years. I met him first when he was Speaker of the House of Representatives for the State of Ohio, knew him when I was Vice President, also, when he was Attorney General of the State of Ohio, on two different terms.

Not only is he eminently qualified, but he is an individual who wants to take this position, and who will do everything that he possibly can to serve the Nation as the first lawyer in the Nation. As a matter of fact, as you know, Bill Saxbe had already indicated that he wasn't going to run for the Senate again in Ohio this year, and he wanted to practice law. So I have given him the opportunity, with the Senate's consent, which I think will be overwhelming, to head the largest law firm in America, the Department of Justice.

He will have, of course, under the rules, only a brief statement to make, since he has to answer questions in his confirmation hearings and has to delay any other questions which might relate to those hearings. But you can make a statement, Bill, as I understand, when I complete my own statement with regard to you, and also with regard to Mr. Bork.

Mr. Bork, the Acting Attorney General, who has handled this position with very great ability during a very difficult time, has an announcement with regard to the Special Prosecutor. Mr. Bork will make the announcement and then will be prepared to answer any questions you ladies and gentlemen may have with regard to the Special Prosecutor and his activities in the future.

This matter we have already discussed with various congressional leaders and, of course, discussed it this morning with the Republican congressional leaders in our regular leadership meeting, and they generally felt that the selection which Mr. Bork will announce is one that is perhaps the best we could get for this very important position.

And so, Mr. Saxbe, Senator Saxbe, whom shortly we hope we will call Mr. Attorney General, you will have an opportunity to speak to the members of the press here at the White House now, and when you finish your statement, Bob, if you will then make your announcement with regard to the Special Prosecutor and take any questions that the ladies and gentlemen may have on that, I would appreciate that.

Thank you.

Senator Saxbe. Thank you, Mr. President.

The President. Congratulations.

Senator Saxbe. Most of you I had rather extensive talks with yesterday. I certainly don't feel inhibited in talking about the job because I think I have said about all I have to say on it, but I do understand and comprehend the difficult times that I feel that our country is in, a crisis of leadership. I believe that I can help solve this problem.

I think everyone in this country wants to get back to routine affairs and the very difficult things that we have to settle both nationally and internationally. I hope that I can contribute to this and I certainly am anxious that it proceed just as rapidly as it can and without any limitations in regard to the affairs that Mr. Bork is going to talk about.

I am anxious to undertake this job. I have no reluctance and I have no doubts that I can handle it. I know it is going to be difficult, but it is going to be one that I am familiar with and one that I am happy to tackle.

I want to turn this over to Mr. Bork at this time. I certainly hope that he will stay with me. It is going to be a difficult job to get a staff, and his record as Solicitor General has been outstanding, and I certainly want him to stay. His coolness during this difficult time of the last few weeks has been outstanding. The rest of my staff will have to wait until I get down to the business of confirmation, and I cannot say more about that. I have got to make my calls and be prepared to go before the committee.

Mr. Bork.

Press Conference of Acting Attorney General Robert H. Bork

The Acting Attorney General. Ladies and gentlemen, in my capacity as Acting Attorney General, I am announcing today that I have appointed Leon Jaworski as Special Prosecutor for the investigation of the Watergate matter and related subjects.

Mr. Jaworski is a distinguished member of the Bar and he has a long record of outstanding public service. He has extensive prosecutorial experience. Born and raised in Texas, he personally prosecuted the first major war crime trials in the European Theater during World War II. He later served as Special Assistant to the Attorney General in

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the Kennedy and Johnson Administrations, and as advisor to President Johnson.

In 1971 and 1972, Mr. Jaworski was president of the American Bar Association. He is also a past president of the American College of Trial Lawyers. Today, he is a senior partner in a Houston law firm, a position which he is relinquishing, of course, as he takes on this new assignment.

As Special Prosecutor, Mr. Jaworski's jurisdiction will be defined in the same terms as those first established for his predecessor. He has been promised the full cooperation of the Executive branch in the pursuit of his investigations. Should he disagree with a decision of the Administration with regard to the release of Presidential documents, there will be no restrictions placed on his freedom of action.

There is no expectation whatever that the President will ever have an occasion to exercise his constitutional right to discharge the Special Prosecutor or that it would ever be necessary in any way to limit the independence that he is being given. Should that expectation prove to be ill-founded, the President has given his personal assurance that he will not exercise his constitutional powers with regard to the Special Prosecutor without first consulting the Majority and Minority leaders and chairmen and ranking members of the Judiciary Committees of the Senate and the House, and ascertaining that their consensus is in accord with his proposed action.

I want to point out that the decision to name Mr. Jaworski to this post is one I made personally. Senator Saxbe participated in the closing stages of the selection process and concurred in the result. The selection also has the approval of President Nixon.

I should conclude by saying that, as one who has committed his honor and professional reputation to achieving justice in this case, I am totally satisfied with the process of selection, with the terms of the new charter, and most especially with the man who is going to be taking on these new duties. I believe the public is being well served.

Q. Mr. Bork, was there any discussion between you or any other member of the Administration with Mr. Jaworski about the Presidential tapes and other documents?

The Acting Attorney General. Was there any discussion between me and who?

Q. Mr. Jaworski.

The Acting Attorney General. No.

Q. And any other member of the Administration and Mr. Jaworski?

The Acting Attorney General. Not that I know of.

Q. So you know of no understanding that has been reached between Mr. Jaworski and—

The Acting Attorney General. No. Mr. Jaworski is not coming on with any understandings that limit his freedom of action. I thought I made that quite plain, and it must be quite plain.

Q. Sir, you said you didn't think there would be any difficulty with him at this time, as there was with his predecessor. Is this because you have elicited some promise from him?

The Acting Attorney General. I have elicited no promise from Mr. Jaworski. Mr. Jaworski would not give any such promise if he were asked for one. He is a man of complete independence and integrity.

I anticipate reasonableness on both sides. I anticipate cooperation from the White House. There is no promise that he will in any way be limited in the actions he is free to take.

Q. Will his charter be word for word the same one that governed Mr. Cox?

The Acting Attorney General. Yes, except for this additional safeguard about the President's personal assurance that he will not exercise any constitutional power without first consulting with these Members of Congress I have named.

Q. Was there any understanding with Mr. Jaworski about the present special Watergate prosecutorial staff?

The Acting Attorney General. Mr. Jaworski, of course, has complete freedom, but I have discussed that with Mr. Jaworski. I have stated to him that I thought that staff is indispensable to the rapid investigation and prosecution of these cases, and Mr. Jaworski fully agrees. Mr. Jaworski, I am sure, will be up here to meet with the staff very early, and I know will urge them to stay with the cases and discharge their professional obligations.

Q. Mr. Bork, if his charter is to be precisely the same as Mr. Cox's was, why was it necessary for you to revoke the departmental order which created that one, and are you now going to reissue it?

The Acting Attorney General. The answer to that is, at the time we had no Special Prosecutor. The matter was to be held and handled within the Criminal Division under my overall authority and under Mr. Henry Petersen's direct supervision, and that charter was inappropriate at that time. Now it becomes appropriate with the appointment of a new Special Prosecutor.

Q. What relationship will Mr. Henry Petersen have to this investigation now?

The Acting Attorney General. Mr. Petersen will no longer be involved in the investigation. Mr. Petersen will continue to run the Criminal Division, but the Special Prosecutor will run these matters.

Q. Mr. Bork, who brought Mr. Jaworski to your attention?

The Acting Attorney General. I had access to the files that Elliot Richardson had gathered in his rather extensive search for a Special Prosecutor. Mr. Jaworski's name was very prominent in those files. I think that is where it first came to my attention, although, of course, I knew of the reputation of the man.

Q. Governor Connally nor Professor Wright, neither discussed it with you?

The Acting Attorney General. No. I have never discussed this matter with Governor Connally, and I know Mr. Wright did not bring it to my attention. I have discussed, I should say, the question of a Special Prosecutor extensively within my own staff—well, I should back up on that.

It is a little hard to discuss matters extensively within my own staff within the Department of Justice because it is a very tiny staff, but insofar as it is possible, I discussed it with my own staff. I have discussed it with leaders of the Bar and I have discussed it with lawyers I know personally whose judgment I trust.

Q. Who elicited the assurance of the President that he would not fire the man unless he has the acquiescence of Congress?

The Acting Attorney General. I am not sure whose idea that originally was, but when it was brought to my attention, I thought it was a very good idea.

Q. It was not your idea?

The Acting Attorney General. No, I did not dream that one up.

Q. On that point, in the event that the President did find it necessary to discharge the new Special Prosecutor and consulted with these Members of Congress, would there be some provision for them voting, and a majority vote would be able to veto the decision, or would he only have to inform them and get their opinion and still be free to do as he chose?

The Acting Attorney General. No. My understanding of this personal assurance of the President is that when he says he will consult with them and ascertain that their consensus is in accord with his proposed action, by that he means he would want and need a substantial majority that agreed with him.

Q. Mr. Bork, do you see any change in the scope of the jurisdiction of the Special Prosecutor's office? Will Mr. Jaworski be free to pursue inquiries into the Rebozo-Hughes $100,000 contribution, the dairy fund contribution, and related acts not specifically involved in the Watergate break-in?

The Acting Attorney General. If you have read the original charter, which will now be reissued, it contains four heads of jurisdictions. One is the unauthorized entry into the Democratic National Committee headquarters at the Watergate. Number 2 is all offenses arising out of the 1972 Presidential election for which the Special Prosecutor deems it necessary and appropriate to assume responsibility. The third head of jurisdiction is allegations involving the President, members of the White House staff or Presidential appointees. And the fourth head of jurisdiction is any other matters which he consents to have assigned to him by the Attorney General.

Q. Mr. Bork, what moves will be made to extend the life of the various Watergate Grand Juries in view of the length of time it will take for Mr. Jaworski now to orient himself and his activities; and secondly, will you stay on in the Justice Department?

The Acting Attorney General. First, the Justice Department has submitted a bill to Congress asking that the life of those Grand Juries be extended. I will fully support that bill, and I trust it will pass.

Will I stay on in the Department of Justice? Yes.

Q. In what capacity, sir?

The Acting Attorney General. I would like to stay on in the capacity which is the only one I have ever aspired to, and I would like to try the job out, and that is Solicitor General, which to me is a lawyer's dream job and the one I want to hold.

Q. Is it your intent, as the Acting Attorney General, to assign to Mr. Jaworski the job of investigating those items in my previous question; that is, the milk fund and the Rebozo-Hughes $100,000 contribution?

The Acting Attorney General. To answer that question, I think, would be to make a statement about whether or not they are already under investigation, and I am not going to talk about what that staff is presently doing.

Q. Mr. Bork, what if the Attorney General does not want to sign an indictment that Mr. Jaworski might want to bring?

The Acting Attorney General. The Special Prosecutor will have the power to sign his own indictments.

Q. The White House has complained that Mr. Cox had "roamed far afield" in his investigation, going into these various matters. Is it your understanding or expectation that none of the investigations, whatever they are, that have been conducted under Mr. Cox would be curtailed, or will they be continued?

The Acting Attorney General. That is a decision for the Special Prosecutor. I certainly intend in no way to try to influence his decision. I am confident—knowing Mr. Jaworski and his reputation—I am confident that if there is any investigation that is going forward which he perceives as a live investigation, he will not curtail. But I certainly do not intend to begin in any way to try to tell Mr. Jaworski what he ought or ought not to do.

Q. Mr. Bork, the President said that the general feeling was that Mr. Jaworski was very good and perhaps the best we could get. What, if any, reservations have been expressed to you about him, and were you in the leadership meeting to know what, if any, were expressed there?

The Acting Attorney General. I heard no reservations expressed about him this morning. I have talked to a number of leading figures in the American Bar and to a number of personal friends whose judgment I trust, and to tell you the truth, I have heard no reservations.

The man appears to be, and is, an independent type of man, an experienced prosecutor, experienced trial lawyer. Nobody questions his integrity. I am delighted with this choice.

Q. Mr. Bork, is Mr. Jaworski your selection or was he recommended to you by somebody in the White House?

The Acting Attorney General. No, he is my selection, but we discussed him—I discussed him with my staff in the Justice Department, I discussed him with some lawyers in the White House, I discussed him with members of the Bar, but he is my selection, and it has been my understanding from the outset that this was to be my selection.

Q. If I could follow up on that, what lawyers did you discuss it with in the White House?

The Acting Attorney General. Len Garment and Fred Buzhardt. I ask them what they knew about the man and they knew his reputation, is about it, I think.

Q. Will they not be representing the President to this new prosecutor, and is this a proper move, to consult an adversary lawyer on something like that?

The Acting Attorney General. I asked them if they knew anything about the man, and they knew his reputation and that was about it, to tell you the truth.

Q. Did they talk to him, Mr. Bork?

The Acting Attorney General. Yes. Listen, one of the reasons it is essential, I think, that they talk to him is that Mr. Jaworski have it understood all the way around about his independence, and that was fully agreed to. Of course he would want to talk to them.

Q. Mr. Bork, is there now any understanding with the leaders of Congress that they will back off from the legislation permitting the court to appoint its own Special Prosecutor?

The Acting Attorney General. I have no such understanding, and I know of no such understanding. I would hope that many Congressmen would perceive this Special Prosecutor office as fulfilling the needs they feel, and also as not raising the serious constitutional questions that some of the other proposals do raise.

Q. Mr. Bork, was Mr. Jaworski among your top five?

The Acting Attorney General. Oh, yes. I started off with an extensive number of names suggested to me from various sources and Mr. Jaworski was not only among my top five, but as the process continued, he became my top one.

Q. Mr. Bork, would you give us, in some more detail, the underlying reason for your apparent settled conviction that there is not going to be any more confrontation between the White House and the Special Prosecutor?

The Acting Attorney General. Because the President told me he wanted full investigation, he wanted full prosecution. I believe that is what he wants. I think the President fully understands that with Mr. Jaworski that is what he is going to get, and I don't think anybody wants any further confrontations of that sort.

Q. Mr. Bork, did you say that the President concurred in your choice of Mr. Jaworski, and the second part to that question, was Mr. Jaworski the first name you submitted to the President for concurrence?

The Acting Attorney General. I didn't submit any names to the President for concurrence. The President approves of Mr. Jaworski because he has the record of the man's accomplishments and integrity. He knows about him.

Q. Had he disapproved anyone else?

The Acting Attorney General. No.

Q. When does he go to work?

The Acting Attorney General. He hopes to be up here Monday morning, or as soon as the plane gets in from Texas, which may be noon or something like that.

Q. Did Mr. Jaworski require any urging by you or anyone else to accept the job, and if he did, who else besides you urged him to do so?

The Acting Attorney General. Insofar as I could see, Mr. Jaworski was aware that he was taking on responsibilities and duties of the most difficult and profound nature, and I think Mr. Jaworski was acutely aware of the personal sacrifice he was making, but also of the service he was going to perform to the nation at this time.

Q. Was Mr. Jaworski active in the Democrats for Nixon Campaign in 1972 which Governor Connally ran down in Texas?

The Acting Attorney General. I have no idea. I know Mr. Jaworski is a Democrat, but I did not in any way try to figure out his political activities. I didn't think they were important.

Q. Mr. Bork, you may have stated it generally, but so it is perfectly clear and specific, is it clearly understood by you and by Mr. Jaworski that he is free to go to court to press for additional tapes or Presidential papers if he deems it necessary?

The Acting Attorney General. That is absolutely clear.

The Press. Thank you, sir.

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Massachusetts (Mr. Kennedy) is now recognized for not to exceed 15 minutes.

Mr. KENNEDY. Mr. President, I have just listened to the remarks of the distinguished minority leader and I, too, would join in congratulating Senator Saxbe on winning the confidence of the President and obtaining this nomination. I also congratulate Mr. Jaworski for the confidence he has been able to achieve in being selected by the President as special prosecutor.

I had the opportunity to introduce Elliot Richardson, the past Attorney General, a man from my State, to the Committee on the Judiciary and to urge, on the opening day of the hearings, the quick and expeditious consideration of his nomination. Mr. Richardson is a person who had served with considerable distinction in a variety of different executive positions, and who had held important positions of public interest and trust in my own State of Massachusetts.

I believe that the Committee on the Judiciary wisely spent a significant period of time—a period of some 3 weeks—and explored with Mr. Richardson his views about the special prosecutor and about a number of other matters of significant public interest.

As a member of the Judiciary Committee, I had a deep interest in a wide variety of matters before the Attorney General's office. In the course of the hearings, Mr. Richardson displayed a clear sensitivity to many of those interests, which was a matter of great satisfaction to many members of the committee.

I am hopeful that we will have a similar opportunity in the Judiciary Committee to explore with our distinguished colleague, Senator Saxbe, his views on many of the matters which are of consequence and importance to this country today. Obviously, we have a very high regard for our colleague. But, if the Senate were to put its stamp of approval on a fellow Member of this body without careful exploration of his views on matters of importance and consequence to the country today, we would fail in our responsibility to the Senate and to the American people. The historic precedents are an important factor, but I think we also have this responsibility.

In addition, I would think that Senator Saxbe would welcome such opportunity. In a brief and informal conversation with him yesterday—he was kind enough and generous enough to come by and talk with me briefly on some of the matters of my particular interest—I gathered the impression that he would welcome the opportunity to explore various issues before the committee and, hopefully, before the American people, and to give us his views on a number of matters of importance.

I must say that, as a member of the Judiciary Committee, I would also welcome the opportunity to explore similar matters with Mr. Jaworski, either at the same time or approximately the same time, so that we may hear his views on how he expects to proceed as the special prosecutor. We had the opportunity to do this with Mr. Cox and Mr. Richardson together, when the arrangements for the special prosecutor were first made, and I think it will be interesting and rewarding for the committee and for the Senate if we have a chance to exchange ideas and to question Mr. Jaworski.

I think we realize at the outset that he has already assumed his position today. Under the terms of the previous arrangement, he already is the special prosecutor, and there is absolutely no existing requirement that his selection must be submitted for the advice and consent of the Senate. But I think we would be negligent in our responsibility on the Judiciary Committee if we do not call him to testify at an early time. I agree with the minority leader that it should be done promptly.

The Judiciary Committee has already scheduled a hearing with a representative of the American Bar Association, on Monday, to be followed by former Attorney General Richardson. We have already heard from Mr. Cox, who was the special prosecutor. I would hope that after Mr. Richardson, we could move ahead with Mr. Saxbe and Mr. Jaworski, and continue with our committee deliberations leading to passage of the special prosecutor legislation and the extension of the Watergate grand jury.

I do feel, as I am sure others do, that there is a very favorable atmosphere and climate within the Judiciary Committee. I certainly share that feeling toward Mr. Saxbe and Mr. Jaworski, and as I have stated earlier, there are extremely significant institutional questions to be resolved with respect to Mr. Jaworski's appointment and his independence from the executive. In spite of the assurances that have been given about consultation with particular congressional leaders prior to any effort to dismiss him, I do not find these assurances sufficiently reassuring. The Judiciary Committee had assurances that Mr. Cox would be fired only for extraordinary improprieties, and we found that he was fired because he apparently had a disagreement with the White House, a disagreement which he was prepared to take to the Supreme Court of the United States.

I wish I could say that I felt a greater

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sense of reassurance after the statements and comments that have been made on Mr. Jaworski, but I do not. And so, I feel the Judiciary Committee must explore in detail the understanding that Mr. Jaworski has of his independence, after he has had a chance over the weekend to plan his approach to this job. We want to learn what assurances he can give to the Senate and to the American people about his commitment to an independent investigation, and to the pursuit of all the evidence and other materials he will need to do his job effectively.

I would also hope that Mr. Jaworski would retain the Cox team that has been developed in the special prosecutor's office. Mr. Cox has urged that they remain, and I think the Justice Department has urged them to continue. I am hopeful that Mr. Jaworski will share that view.

THE ATLANTIC ALLIANCE

Mr. **KENNEDY**. Mr. President, last week I paid a brief visit to Brussels to fulfill a speaking engagement and meet with a number of officials in the European Commission. It was a fortuitous moment to be in Europe. Negotiations were just beginning in Geneva on the "Tokyo round" of tariff negotiations, and the MBFR talks were set to begin in Vienna this Monday. Meanwhile the United States and the Soviet Union were engaged in the second round of the SALT talks to limit the nuclear arms race, and 35 nations were involved in the Conference on European Security and Cooperation.

These four conferences—on troops and trade, and on strategic arms and security—all have immense consequences for the current well-being and future development of the Atlantic alliance. The terms of alliance are changing; there are new problems and difficulties; and new opportunities for promoting good relations across the Atlantic for the years ahead.

Throughout this process, the climate of our relations is of the highest importance. This is a time when we must talk with one another; we must understand one another's interests and desires; and we must seek to resolve difficulties before they produce crisis or conflict. If, together, the allies do these things, then I am confident that the next generation of North Atlantic relations will be as rewarding as the last.

We cannot exaggerate the importance of current negotiations, as well as the hopeful opportunities that exist both for the future of Atlantic relations and for moving beyond the era of cold-war confrontation. Thus all of us view with distress the unfortunate disruption of our relations with our European allies that took place last week.

The immediate problem began on October 25, when President Nixon ordered U.S. conventional and nuclear forces on worldwide alert. By all accounts, he took the decision without either informing or consulting a single one of our European allies. He did this even though U.S. forces in Europe were involved, and even though Europe's fate is inextricably bound up with our own.

Last Thursday, I approved the President's decision to place U.S. forces on alert, based on the information that was available to me. But I did not and cannot approve the administration's failure to take our allies into its confidence. Consulting with our allies would not have meant changing our actions to support Israel, to maintain the cease-fire, or to prevent a superpower confrontation in the Middle East. But it would have meant preserving the basis for good relations with our allies, both now and in the future.

The reaction from Europe was predictable. It is one of shock and anger. A decision was taken that could have vitally affected our allies, yet there was virtually no effort by the administration to inform them, much less to consult actively with them.

Here in Washington, the administration still shows no awareness of the threat it has posed to alliance cohesion.

Instead, various administration officials, up to and including the President, have been publicly and privately criticizing our European allies for their actions during the Middle East war. Secretary of Defense Schlesinger stated that the administration will be forced "to consider established notions and established doctrine." The State Department spokesman added his criticisms. The President chastised Europe with the remark that it "would have frozen to death this winter" if there had not been a settlement. And Dr. Kissinger was reported as being strongly displeased with the allies.

It is hard to believe that these statements came from the administration's highest officials. It is incredible to be told that Portugal, of all countries, should now be considered our one reliable Atlantic ally. These comments are all the more incredible coming, as they do, after years of U.S. neglect of the Atlantic Alliance.

Of course, many of us do not approve of the attitude taken by a number of European countries in the recent Middle East conflict. We would have all welcomed more European support for U.S. actions. But, like it or not, our membership in the NATO Alliance compels us to consider the European point of view, just as Europe must consider ours.

Until now, every President since Harry Truman has understood the demands of alliance. One cardinal rule has applied to every nation in NATO: There must be close consultations among allies when one another's interests are at stake.

Along with other allied nations, the United States has generally tried to follow this principle. We have done rather well over the years, especially in the most critical circumstances. President Eisenhower set a high standard, and Presidents Kennedy and Johnson sought to follow his example. Secretary Kissinger himself wrote a distinguished book—"NATO: The Troubled Partnership"—which argued strongly for close consultations between the United States and its NATO allies. Last week, however, all this experience and good advice was ignored. America chose to go it alone, unmindful of its obligations to Europe.

This is a serious development. But it did not just happen in the last few weeks. For several years, this administration has permitted relations with Europe to deteriorate, while it concentrated on other aspects of its foreign policy. It was understandable, perhaps, that President Nixon and Dr. Kissinger wanted to focus on relations with the Soviet Union and China—pursuing arms control and détente with the former, and ending two decades of almost total hostility with the latter.

Yet there is no excuse at all for the United States to ignore Atlantic relations. There has been—and continues to be—a danger of isolating our NATO allies during bilateral negotiations with the Soviet Union. There is a danger of giving the impression that we are prepared to reach agreements with Moscow at Europe's expense. And there is a danger of allowing serious conflict to develop in economic relations among Atlantic States—relations that have been neglected by this administration for far too long.

Earlier this year, Dr. Kissinger proclaimed a "year of Europe," and proposed the adoption of a new Atlantic Charter. There was a mixed reaction to these proposals in Europe. At long last, it seemed, this administration was ready to take allied interests seriously. But at the same time, there was concern in Europe that the administration did not understand the difficulties that lay ahead. How was it possible to chart a new course in Atlantic relations in a single year? How could a set of complex relations be reduced to a single charter?

A new Atlantic Charter can work for the alliance or against it. It could stimulate new approaches to both old and new problems. Or it could be a way for the United States to obscure real problems; to play one European ally off against the others; and to try insuring American supremacy in the alliance, at the very moment when we are being called upon to share our power, our influence, and our responsibilities.

Since then, very little has come of Dr. Kissinger's "year." To be sure, his proposal for a new Atlantic Charter helped stimulate the nations of the European Community into preparing common positions on a range of issues.

Yet it is reported that this response did not please the administration. There was pique, not pleasure, that Europe was beginning to speak with one voice. Despite 20 years of American support for unity in Europe, its tentative steps in that direction were viewed with concern, and with disappointment that Europe could act without tutelage from officials in Washington.

Nagging questions remain. Is this administration really concerned to bolster the Atlantic alliance? Does it intend to work with our allies in meeting the demands of our relations for the 1970's? Can it come to grips with the economic problems of alliance? Or has the new dialog with the Soviet Union become so important that nothing can stand in the way—including the interests and needs of our allies? Despite reassurances from the administration that we are not seeking a "condominium," there has long been reason to believe that Atlantic relations still occupy a very low priority

in administration thought and action. And there is continuing evidence that the administration is too overpreoccupied with military issues to act on the critical problems of allied economic relations.

Mr. President, the administration has helped to resolve a crisis in the Middle East. But in the process it has needlessly created a crisis in the Atlantic alliance. It is even now issuing vague hints that the United States will reconsider its policies concerning the maintenance of U.S. troops on the continent—not after careful evaluation and consultation with the allies on the appropriate force structure, not through MBFR, but in retaliation for an alleged lack of European euthusiasm and support for U.S. policies.

I deplore this approach. It goes against American interests in the defense of Europe and in the strength of alliance. And it calls into question the credibility of the administration in managing the foreign relations of the United States.

At a critical time in détente, when negotiations to reduce troops in Europe are just beginning in Vienna, and when the SALT talks raise European concerns about U.S. intentions, stimulating strife and dissension within the alliance is sheer folly. It will make it more difficult to work with our allies on effective preparations for East-West negotiations, on putting the role of military force in proper persceptive, and on creating a new set of economic relations that can benefit all nations.

Our European allies cannot be expected to forget what the President has done, the next time the administration talks of Atlantic charters or years of Europe.

Mr. President, the Atlantic alliance can be—it must be—revived and strengthened. But to do this, the United States must take several specific steps:

The principle of allied consultation must be reaffirmed, and applied consistently to United States-Soviet negotiations, to negotiations on troop reductions and European security, and to matters within the alliance itself.

The administration must work even more closely with the Congress on trade legislation that will permit negotiations on this vital issue;

It must not delay the reform of the international monetary system; it must make the basic decisions required, and negotiate seriously;

The administration must join with Europe in meeting our shared commitment to the economic development of poor nations;

It must make a firm commitment to include our European allies in all U.S. decisions affecting troop levels in Europe;

It must abandon the attempt to link levels of U.S. forces in Europe to European concessions on issues in trade and monetary relations;

It must finally appoint a new Ambassador to the OECD;

It must foreswear any return to the six-gun diplomacy that was uppermost when John Connally was Secretary of the Treasury;

And it must finally take a strong and forthright stand on developing a genuine energy policy, both here at home and in the alliance.

Above all, the attitudes of this administration must change. It must stop patronizing Europe. It must stop seeing relations with the Soviet Union—important as they are—as justifying the neglect of our allies. And it must begin realizing that our future is bound up with that of Europe, and that we must all work together. If the administration hopes to restore the credibility of its foreign policy, it must indicate that it understands the true demands of the alliance—and of foreign policy—in these difficult times.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial entitled "What 'Year of Europe'?" published in the New York Times of October 31, 1973, and an editorial entitled "NATO and the Mideast," published in the Washington Star-News of November 1, 1973. Both editorials relate to this subject.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

WHAT "YEAR OF EUROPE"?

What the United States had envisioned as the Year of Europe, a period of imaginative updating and refurbishing of the NATO Alliance, capped with a new Atlantic Charter, has become instead the year in which Washington's relationship with its European partners has struck an all-time low.

The Administration's unprecedented decision last week to trumpet its resentment against the allies for not lining up solidly behind United States actions in the Middle East—not once but thrice in a day, the last shaft delivered by President Nixon himself—understandably provoked anger and bewilderment in nearly every NATO capital in Europe. The climate was not improved by Secretary of State Kissinger's alleged remark to visiting European-parliamentarians this week that during the two-week Middle East crisis the European's "acted as though the Alliance did not exist." And his reported expression of "disgust" with NATO during an appearance before the House Foreign Affairs Committee could only further sour relations.

Most NATO members had made clear in advance, privately or publicly, either that they did not share Washington's assessment of the crisis or that they could not afford to take a stance that might have the result of cutting off the flow of Arab oil which, as Mr. Nixon pointed out, is far more vital to Western Europe than to the United States.

Apart from any desire to remain officially neutral between Israel and the Arab states, however, the allied governments felt strongly that once again they were being asked to support an American policy on which they had not been consulted. These feelings were exacerbated when Washington did not notify them in advance of its worldwide security alert, obviously of concern to every country allied with the United States and especially those in which American military bases are situated.

President Nixon was right about Western Europe's tremendous stake in a Middle East cease-fire. State Department spokesman Robert J. McCloskey stated the obvious in saying that maintenance of the military balance and establishment of a durable peace in the Middle East "is just as much in the vital interest in West Germany and the other NATO allies as it is in our interest." The relevant point, however, remains the right of the European allies to be consulted about policies crucial to their survival.

Washington's failure to consult, despite countless promises to do so, and its decision not to give its allies advance warning of a military alert that inevitably affected their interests, fits a dismally familiar pattern for this Administration. Mr. Nixon and Secretary Kissinger can speak eloquently about the indispensable American-European connection; but their actions, particularly in crisis, do not match their words.

Some allied governments did go to unnecessary lengths to "separate themselves publicly" from the United States—one of Mr. McCloskey's complaints. West Germany might at least have made through diplomatic channels, rather than by public pronouncement, its demand that the United States halt arms shipments to Israel from German territory. But no constructive purpose was served by the peevish public criticisms of allied behavior from an Administration whose policy in crisis had been carried out in disregard of the interests of its European partners.

NATO AND THE MIDEAST

An important side-effect of American involvement in the Middle East crisis is the acute embarrassment of the North Atlantic Treaty Organization. The problem needs top-level attention to avoid a severe wrenching of the 24-year-old alliance.

The United States has pretty well gone it alone in its policy of supplying Israel to maintain a military balance between that country and its Soviet-supported Arab opponents, both to ensure Israel's survival and to promote an eventual settlement. The crunch came when, in the latest Arab-Israeli war, the Russians mounted a resupply effort for the Arab side and Washington decided it must do the same for Israel.

This produced a public scramble by most of our European allies to avoid identification with the American action and even, in the view of some U.S. officials, to hinder it. Only Portugal permitted overflight and landing by Israel-bound supply planes and fighters. West Germany made a public fuss over the discovery of American tanks being loaded abroad Israeli ships at Bremerhaven. Turkey and Greece, among the countries warning our planes off, reportedly permitted Soviet overflights (which Greece denied in its case).

The spectacle of our NATO allies treating us like lepers caused deep hurt in Washington, even after giving due weight to the European desire to avoid giving offense to the Arabs and jeopardizing the major part of their oil supplies. Defense Secretary Schlesinger and State Department spokesman McCloskey voice unprecedented criticism of our NATO partners, and the President commented bitterly at his generally bitter news conference Friday night. Mr. Nixon turned the oil argument around, saying Europe "would have frozen to death this winter" without the Mideast settlement that American policy seeks to promote.

The rift has pointed up the disparity between European and American attitudes toward the Mideast conflict. It also reveals some basic disagreements on the loyalty to be expected among NATO allies and on American freedom to shift Europe-based equipment and forces to trouble spots elsewhere, even to such a contiguous zone as the Mideast. Russia's role there as Arab sponsor and would-be oil broker can hardly be of no consequence to NATO.

Blame in the current misunderstanding surely belongs on both sides, with Washington still subject to reproach for failure to communicate and consult, especially on the near-confrontation with Moscow that provoked our military alert last Thursday. But the seeming desertion by our European partners could produce enough American resentment to hasten the withdrawal of substantial American forces from Europe. There is important congressional sentiment for doing

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this, and the administration now is restudying our NATO deployment especially with a view of our flexibility in using men and equipment wherever needed.

The NATO alliance obviously needs intense medication, and it is too bad the necessity has been shown this painfully as an unwanted highlight of Mr. Nixon's "Year of Europe." It is worth taking a moment to reflect that the Atlantic partnership still is vital to the security of all of us.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. Allen). In accordance with the previous order, the Chair now recognizes the Senator from Michigan (Mr. Griffin).

Mr. ROBERT C. BYRD. Mr. President, will the distinguished Senator from Michigan yield me a minute?

Mr. GRIFFIN. Mr. President, I yield to the distinguished Democratic whip.

ORDER FOR ADJOURNMENT UNTIL MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR DOMENICI ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders or their designees have been recognized under the standing order on Monday, the distinguished Senator from New Mexico (Mr. Domenici) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, following the recognition of the distinguished Senator from New Mexico (Mr. Domenici) on Monday, I ask unanimous consent that there be a period for the transaction of routine morning business of not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF CONFERENCE REPORT ON MILITARY PROCUREMENT BILL ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, following the conclusion of routine morning business on Monday, I ask unanimous consent that the Senate proceed to the consideration of the conference report on the military procurement authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL FIRE PREVENTION AND CONTROL ACT

Mr. ROBERT C. BYRD. Mr. President, I have discussed the request I am about to make with the distinguished assistant Republican leader (Mr. Griffin) and have likewise cleared it with the distinguished Senator from Washington (Mr. Magnuson) and the distinguished Senator from New Hampshire (Mr. Cotton): that the yea-and-nay vote which has been scheduled on the final passage of S. 1769, to establish a U.S. Fire Administration and a National Fire Academy in the Department of Housing and Urban Development, occur at no later than the hour of 12:30 p.m. today; that rule XII be waived; that there be a limitation of 30 minutes on amendments to the bill; that there be a limitation of 20 minutes on any amendment to an amendment, debatable motion, or appeal; and that the agreement be in the usual form; with the added proviso that if at the hour of 12:30 p.m. an amendment is pending, the time allotted to the amendment under the agreement be allowed to run, unless such time is yielded back.

The PRESIDING OFFICER (Mr. Allen). Is there objection? Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, if the distinguished Senator does not want to utilize his time at this moment——

Mr. GRIFFIN. I would like to yield to the Senator from Oklahoma. He will not use all the time.

Mr. ROBERT C. BYRD. I thank the Senator.

Mr. BARTLETT. I thank the distinguished Senator from Michigan and the distinguished Senator from West Virginia for yielding to me at this time.

THE PRESIDENT CAN BE REMOVED ONLY AFTER IMPEACHMENT

Mr. BARTLETT. Mr. President, I am very concerned by the suggestions and demands that President Nixon resign his office because of the accusations, insinuations, and innuendoes of Watergate. Well-meaning people may not realize the long-term consequences of such a decision.

One of the greatest strengths of our form of government is the constitutionally guaranteed continuity of government through the elective process.

Article II, section 4, of the Constitution provides that the President shall be removed from office only after impeachment for and the conviction of treason, bribery, or other high crimes and misdemeanors.

There is no provision in the Constitution that a President should resign because of accusations or because of public clamor. If this were so, many of our great Presidents would never have served out their terms. President Lincoln was perhaps subjected to the greatest abuse of any President in our history. Both President Truman and President Wilson plunged to perilous lows of popular support.

If a President who is innocent of an impeachable offense resigns from office because of the tremendous public pressure brought to bear on him, the voters who elected that President are denied their mandate.

Once such a resignation occurs, the precedent is established for a minority to succeed through pressure where it failed through the electoral process.

Certainly, if a President is guilty of wrongdoing he should resign or be impeached. But it is a dangerous idea to suggest that the President resign solely because public opinion has turned against him and that he may be impaired in carrying out his duties. Even the national trauma of an impeachment proceeding would not have the long-term adverse impact of the forced resignation of an innocent President.

The integrity of the constitutional office of the President is far more important than specious and emotional demands.

I yield back to the Senator from West Virginia.

Mr. GRIFFIN. Mr. President, I now yield to the Senator from Louisiana.

PRESIDENT NIXON'S NOMINATION OF SENATOR WILLIAM B. SAXBE AND APPOINTMENT OF LEON JAWORSKI

Mr. LONG. Mr. President, I applaud President Nixon's decision to nominate Senator William B. Saxbe to become Attorney General and the appointment of Leon Jaworski as the new independent prosecutor.

Senator Saxbe's record of independence during his service in the Senate and his crisp and outspoken criticism of the President on a number of issues should demonstrate to any doubters that he will perform the job fearlessly and that he will exercise the judgment that the Nation expects at this time.

I am sure Bill Saxbe would not leave the Senate prior to the completion of his term if he were not certain that he could handle the Attorney General's duties effectively and without partisanship.

While I do not know Mr. Jaworski personally, his credentials are as impressive as any attorney's in this Nation and they are in line with the highest ethics of the legal profession.

I had the opportunity to watch the "Today" show on nationwide TV this morning, in which Mr. Jaworski was interviewed. It took only about 10 minutes to watch that interview to convince anyone that this great jurist is entitled to all the acclaim that has come to him during the past 50 years, because he is the type of person who clearly inspires the confidence of people. Obviously, his elevation to the presidency of the American Bar Association occurred because of his very fine performance of the tasks assigned to him in different areas.

Public service is not new to Mr. Jaworski, and it is entirely unlikely that he would have accepted this appointment had he not thoroughly believed his duties would be performed as was expected of him.

A man of such distinction throughout his life would not accept an appointment of this sort without first setting terms and conditions under which he would be expected to pursue his task. We have heard those terms spelled out—that Mr. Jaworski had a firm agreement with the

President that, if there are disagreements, they would be submitted to the joint leadership—both Republicans and Democrats—of the House and Senate, and the President and Mr. Jaworski would abide by the judgment of the congressional leaders.

Mr. Saxbe explained on television this morning that this would not be just a simple majority of the leadership, but an overwhelming one. He would expect at least six of the leaders would have to agree that Mr. Jaworski was not doing his duty the way it should be performed for the President to be supported against Mr. Jaworski's views.

I do think it was very unfortunate that the situation developed as it did with regard to Mr. Cox. But, in fairness to the President, what has transpired since that time has supported the President's obvious feeling that he was not being treated fairly by Mr. Cox.

I regret that Mr. Cox did something which he admitted was a grave violation of legal ethics. Mr. Cox described it as "unpardonable." Now we see that perhaps the President did have a basis for feeling that he was not being treated fairly by the prosecutor.

I think Mr. Jaworski's appointment now makes it unnecessary for Judge Sirica to name his own special prosecutor at a time when the Nation is beset with serious divison and controversy. I have not heard a single person argue the proposition that a judge should be both prosecutor and judge, or that a judge should be the prosecutor, particularly of the President of the United States, without creating grave constitutional doubts of such a course. In a time of national hysteria, this is also no time for Congress to embark on a journey into a constitutional no-man's land.

It would seem to me the proper approach would be that if Congress thinks a President has committed a crime, it could have all the investigators it wants. But that should start in the House, because the appropriate procedure, under the Constitution, would be impeachment.

I think it is time for many in this body and the other body and news commentators to start being fair to the President. From time to time I think it would be fair for some people even to issue an apology for some of the things they have said that are unfair and unkind.

As I say, it seems to me that if Congress wants to investigate further, it should do so on its own account, either through the Watergate Committee or the Judiciary Committee which is looking into the matters at the present time.

However, I do think that in this time of national unrest, it is no time to depart from the procedures set forth by the Founding Fathers and to embark upon an area that, in my judgment, creates the gravest of constitutional doubts. Even one of its most fervid advocates, Mr. Cox, appeared on public television and stated himself that he had grave doubts about the constitutionality of a court-appointed prosecutor. And if it is doubtful as to whether it should be funded and upheld by the courts, that would then mean that all of those who were charged and prosecuted by this man would have to be turned loose and those indictments would have to be found invalid. I believe that is something we ought to try to avoid.

I would think that others would look into the credentials and understand that the President has an independent prosecutor who feels reassured, as I do, that he will be able to act independently.

I would point out that there is a great difference between Attorney General Richardson's making a commitment to his independent prosecutor and the President himself making that commitment to his prosecutor.

The PRESIDING OFFICER. Does the Senator from Michigan desire to be recognized?

Mr. GRIFFIN. I do.

Mr. President, I commend the distinguished Senator from Louisiana for the very important statement he has made. I must say that this Senator had mixed feelings about the route that we should go in reestablishing a special, independent prosecutor.

There is a lot of appeal in the argument of those who say that the administration should not appoint a prosecutor to investigate itself. On the other hand, as a lawyer, I have been very concerned about the constitutionality of a court-appointed prosecutor since the court would then listen to the testimony and decide the cases.

When Professor Cox himself, as the Senator from Louisiana has said, admits that this is of doubtful constitutionality, it seems to me that we should take a long look at it. The last thing we should want is to have all of those indictments declared invalid because they have come down from a court-appointed prosecutor.

However, there is no question that a special prosecutor appointed by the President is constitutional. And the indictments would be held to be valid.

As a result of being at a leadership meeting on yesterday I can report that the President himself has not talked with Mr. Jaworski. The only person who has is Mr. Bork, the Acting Attorney General, whose job it has been to seek out and name the special prosecutor.

The Senator from Louisiana would agree that if Judge Sirica had appointed Mr. Jaworski, that appointment would meet with general approval. He is a lifelong Democrat, a former war crimes prosecutor, and past president of the American Bar Association. He is a man of impeccable credentials—a man who will insist on independence. He is the kind of person who would resign if he got into a situation where he could not be independent.

Mr. LONG. Mr. President, if the Senator will yield, I think the Senator is aware of the fact that Mr. Jaworski was offered the job before Mr. Cox and he declined it. I assume that one of the reasons he did so was because he did not have the kind of assurances that he has now. He would have to have the assurances of the President and he would want the procedure that he has apparently arranged with the President.

And if he and the President should be at loggerheads about how he is doing the job, the matter would be submitted to what I believe would be a fair jury. And who would be better than the Congress itself, which, incidentally, is far more appropriate than to have the Judiciary Committee decide the matter. The matter would be submitted to the leadership of the Congress. And we in Congress, which has the impeachment function in the last analysis, would look into the matter.

It is agreed, as I understand it, that the President would listen to the views and the consensus of the Congress, so that the President would have to have, let us say, six out of a group of eight, composed equally of Democrats and Republicans, sustain his position in order for Mr. Jaworski to be relieved.

The PRESIDING OFFICER. The time of the Senator from Michigan has expired.

Mr. ROBERT C. BYRD. Mr. President, if the Chair will recognize me, do I have any time remaining?

The PRESIDING OFFICER. The Senator from West Virginia has 9 minutes remaining.

Mr. ROBERT C. BYRD. Mr. President, I yield the Senator from Michigan as much time as he desires.

Mr. GRIFFIN. Mr. President, I thank the distinguished acting majority leader.

I want to add another point which I think is important. Obviously, if a different person had been appointed, then I could understand the continuing debate. However, knowing who the man is, it would seem to me that we would want to get on with the job rather than be tied down trying to get the legislation approved in both Houses of Congress and in the face of a possible veto on constitutional grounds.

If we wait for that procedure to be finished before we get a special prosecutor, a lot of time will be wasted. There is need to do that because we now have a special prosecutor. He has the independence that he wants. He is extremely well qualified. He has assurances from the President as to the procedures to be followed in the event there was disagreement and he was to be relieved.

Does anyone really doubt as a practical matter that this appointee is going to be discharged? The public pressure would not tolerate it.

Mr. LONG. Mr. President, any fair-minded person would admit that if Leon Jaworski was appointed special prosecutor by the other route, by being appointed by Judge Sirica, then all of those who are the accusers of the President would be acclaiming the appointment from the house-tops because Judge Sirica would have appointed as eminent a man as could be found anywhere on God's green Earth.

The only objection would be that the man happens to get the job by the only way that is clearly constitutional and by the precedents.

It will be amusing to watch the challenges made concerning a man who is clearly qualified and obviously the right man for the job merely because he got there in the way he is supposed to get there.

Mr. GRIFFIN. Mr. President, it seems

to me that even those who would admit begrudgingly that this is the kind of man we ought to have, would say that we should get on with the job.

Mr. LONG. I would hope so.

SENATE RESOLUTION 194—SUBMISSION OF A RESOLUTION RELATING TO SENATE RESOLUTION 60

(Ordered to be placed on the calendar.)

Mr. ERVIN. Mr. President, I send to the desk a resolution and ask for its immediate consideration. I do this in behalf of all the members of the Senate Select Committee on Presidential Campaign Activities.

The assistant legislative clerk read the resolution by title.

The resolution (S. Res. 194) is as follows:

Resolved That,

SECTION 1. By S. Res. 60, 93d Cong., 1st Sess. (1973), Sec. 3(a)(5), the Select Committee on Presidential Campaign Activities was and is empowered to issue subpenas for documents, tapes and other materials to any officer of the executive branch of the United States Government. In view of the fact that the President of the United States is, as recognized by S. Res. 60, an officer of the United States, and was a candidate for the office of President in 1972 and is therefore a person whose activities the Select Committee is authorized by S. Res. 60 to investigate, it is the sense of the Senate that the Select Committee's issuance on July 23, 1973. of two subpenas *duces tecum* to the President for the production of tapes and other materials was and is fully authorized by S. Res. 60. Moreover, the Senate hereby approves and ratifies the Committee's issuance of these subpenas.

SEC. 2. On August 9, 1973, the Select Committee and its members instituted suit against the President of the United States in the United States District Court for the District of Columbia to achieve compliance with the two subpenas referenced in Section 1 above, and since that time, in both the District Court and the United States Court of Appeals for the District of Columbia Circuit, have actively pursued this litigation. It is the sense of the Senate that the initiation and pursuit of this litigation by the Select Committee and its members was and is fully authorized by applicable custom and law, including the provisions of S. Res. 262, 70th Cong. 1st Sess. (1928). In view of the entirely discretionary provisions of Section 3 (a) (6) of S. Res. 60, it is further the sense of the Senate that the initiation of this lawsuit did not require the prior approval of the Senate. Moreover, the Senate hereby approves and ratifies the actions of the Select Committee in instituting and pursuing the aforesaid litigation.

SEC. 3. The Select Committee and its members, by issuing subpenas to the President and instituting and pursuing litigation to achieve compliance with those subpenas, were and are acting to determine the extent of possible illegal, improper or unethical conduct in connection with the presidential campaign and election of 1972 by officers or employees of the executive branch of the United States Government or other persons. It is the sense of the Senate that, in so doing, the Select Committee and its members were and are engaged in the furtherance of valid legislation purposes, to writ, a determination of the need for and scope of corrective legislation to safeguard the processes by which the President of the United States is elected and, in that connection, the informing of the public of the extent of illegal, improper or unethical activities that occurred in connection with the presidential campaign and election of 1972 and the involvement of officers or employees of the executive branch or others therein. It is further the sense of the Senate that the materials sought by the Committee's subpenas are of vital importance in determining the extent of such involvement and in determining the need for and scope of corrective legislation.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. GRIFFIN. I would have to reserve the right to object because I do not know what the resolution is or its fundamental purpose.

Mr. ERVIN. Mr. President, the resolution is to make it plain that the Senate Select Committee in bringing a suit in the District Court of the United States to require access to certain specified tapes is acting in behalf of the Senate.

Mr. GRIFFIN. May I inquire of the distinguished Senator from North Carolina, does he really expect the matter to be considered and voted on this morning, or is it acceptable to the Senator——

Mr. ERVIN. I would ask unanimous consent that the resolution be placed upon the calendar, and that it be called up Tuesday morning, if that does not interfere with the program.

Mr. GRIFFIN. I suppose it would be called up in the normal course at that time, would it not, if we could have it called up under the same circumstances. The Senate is not coming in on Tuesday, necessarily.

Mr. ROBERT C. BYRD. Mr. President, I was going to reserve the right to object simply to state that it is not certain that the Senate will be in on Tuesday. The Senate will come in on Monday.

Mr. ERVIN. There may be some objection to considering it Monday. I ask unanimous consent——

Mr. GRIFFIN. But to have it go on the calendar——

Mr. ERVIN. I ask unanimous consent that the resolution be placed upon the calendar, and that it not be called up before Tuesday morning.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, I shall not object to that. I realize that many of my colleagues, perhaps, will think that this matter should go to a committee, and we should have some hearings on it, and that would be a preferable way to legislate. But, on the other hand, the Senator from North Carolina, under the parliamentary situation, is clearly able, through this procedure, to ask unanimous consent for immediate consideration to get it to the calendar without it going to a committee, and if he wants to take that route he is certainly within his rights, and the only thing we are doing here by unanimous consent is to avoid the parliamentary steps that would be necessary.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. I make this request because time is of the essence. A suit that this resolution might possibly affect is now pending, and may come up any day in the circuit court.

I ask unanimous consent to have printed in the RECORD a statement prepared by me explaining the nature and purpose of the resolution, for the information of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT OF SENATOR ERVIN

The Resolution before the Senate is intended to aid in resolving certain questions that have been raised concerning the Select Committee's actions.

It states that it is the sense of the Senate that the Committee, under S. Res. 60, had and has authority to subpena the President, who is an "officer" of the United States amenable to subpena under Sec. 3(a)(5) of S. Res. 60, to obtain certain information relating to possible improper, illegal, or unethical conduct in connection with his candidacy for the Presidency in 1972. It further states that the Senate approves and ratifies the Committee's action in regard to its subpenas.

It states it is the sense of the Senate that the Committee and its members were and are fully empowered by applicable custom and law, including S. Res. 262, 70th Cong., 1st Sess. (1928), to sue to enforce the Committee's subpenas and that the Senate approve and ratifies the initiation and prosecution of this litigation.

Finally, it states that it is the sense of the Senate that the Committee and its members, in subpenaing and bringing a civil action to enforce its subpenas, were and are acting in furtherance of valid legislative purposes—a determination of the need for and scope of corrective legislation relating to presidential campaigns and, in that regard, the revelation to the public of the extent of corruption in the 1972 presidential campaign and election. It also states that it is the sense of the Senate that the information sought is vital to the performance of the Committee's functions.

The members of the Committee are fully confident that they have complete authority to pursue the activities referred to in this Resolution, and are acting in this request with valid legislative purposes. The Resolution, however, removes all doubts.

INTRODUCTION OF S. 2641, A BILL TO CONFER JURISDICTION UPON THE DISTRICT COURTS OVER CERTAIN CIVIL ACTIONS BROUGHT BY CONGRESS

Mr. ERVIN. I send forward a bill and ask for its immediate consideration. I might state that this bill is introduced in behalf of every member of the Senate Select Committee on Presidential Campaign Activities.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 2641) to confer jurisdiction upon the District Courts of the United States over certain civil actions brought by the Congress, and for other purposes.

Mr. ERVIN. The purpose of the bill is to make clear that the U.S. District Court for the District of Columbia will have jurisdiction of suits brought by authorized congressional committees to enforce subpenas. The necessity for it is occasioned by the fact that Judge Sirica, under his ruling on the 17th of this month in a suit brought by the select committee at the insistence of all the members of the select committee to enforce subpenas which we had issued to

the President calling for the production of tapes for September 15, 1972; February 28, 1973; March 13, 1973; and March 21, 1973, held that the District Court of the District of Columbia had no jurisdiction to pass upon the merits or demerits of the subpena, and he pointed out the fact that the committee had not pursued either of the two remedies that would ordinarily have been available in this connection. One of these remedies is to seek to prosecute in the criminal courts of the district for contempt of the Senate the person who refused to obey the subpena.

Manifestly, the committee did not think it would be appropriate to try to prosecute the President of the United States in the courts for contempt of the Senate, and therefore did not make a recommendation to that effect. The other available remedy is to seek to bring before the Senate itself for punishment the offending party.

We did not think that this would be an appropriate remedy.

The purpose of this bill is to make clear that the District Court of the District of Columbia shall have jurisdiction of a civil action to enforce a subpena directed to the President, the Vice President, or any other officer of the Federal Government, by a congressional committee where the committee is seeking to obtain information which is relevant to an investigation the committee is authorized to make.

I sincerely hope that when this matter is considered on its merits, every Member of the Senate and every Member of the Congress who thinks it is time for the Congress of the United States to quit playing second fiddle to the White House will support this bill.

I ask unanimous consent that the bill be placed upon the calendar, and that it not be called up for consideration prior to Tuesday of next week.

The PRESIDING OFFICER (Mr. KENNEDY). Is there objection to the bill being placed on the calendar, and not considered before Tuesday? The Chair hears none, and it is so ordered.

Mr. ERVIN. Mr. President, I also ask unanimous consent to have printed in the RECORD a statement prepared by me explaining the nature and purpose of the bill, for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR ERVIN

The bill before the Senate responds to Judge Sirica's ruling on October 17 that the District Court has no jurisdiction to hear the Select Committee's suit seeking enforcement of its two subpenas. The Committee believes that the Court has jurisdiction in its case and that the Committee would eventually prevail on appeal, but this bill removes any doubt that its suit is properly before the Court. This bill will also permit the Committee to resolve the jurisdictional issue more promptly than if the matter were left solely to litigation.

But the bill has a broader usefulness because it will allow suit against any officer or employee of the executive branch to test the validity of a Congressional subpena. The bill provides a nonexclusive remedy. Other remedies available to the Congress to enforce its subpenas are its implied self-help procedures and the statutory contempt power, but the use of these processes may be inappropriate, unseemly, or nonefficacious where executive officers are involved. Moreover, a civil suit may be a quicker way of enforcing subpenas than either of these other two processes. Use of self-help procedures and the statutory contempt power can result in a court determination of the validity of a Congressional subpena, so there is nothing novel in turning over the question of validity to the courts.

The bill applies to suits seeking to enforce subpenas for "information, documents and other materials." The tapes and documents the Committee seeks would be covered. The use of the phrase "information, documents and other materials" indicates that it is not necessary that the subpenas seek evidence that would be admissable in a judicial proceeding. The bill is limited to subpenas to officers and employees of the executive branch and does not apply to subpenas to private individuals.

The bill is jurisdictional; it deals with the right of the District Court for the District of Columbia to hear suits to enforce subpenas against executive officials and in no way touches on the merits of those suits.

The term "any committee" is used in the bill to demonstrate that it applies to select and special committees, as well as standing committees.

The bill also provides that the Houses and their Committees have *standing* to prosecute a suit of this type.

And the bill provides that the Houses and their committees may employ attorneys of their choice to prosecute their litigations, thus making plain that the provisions of 28 U.S.C. §§ 516–519, which provide that suits on behalf of the United States shall be brought and prosecuted by the Attorney General and his subordinates, are inapplicable to litigation initiated under this bill.

It is anticipated that this section will be seldom used. In most cases where the Congress seeks information from the executive branch, any dispute can be resolved by the normal processes of political accommodation.

Mr. GRIFFIN. Mr. President, I merely want to add, following that last unanimous-consent agreement, that the same explanation in terms of the responsibility of the leaderships on this side would apply to the bill as to the resolution which the Senator from North Carolina offered earlier.

I see no particular reason for having him present it and have it objected to today, and then come back in on Monday, which he could do, have it offered, and then have it objected to again, in which case it would go on the calendar automatically under our rules.

He has asked unanimous consent to bypass those procedural steps and have it go right to the calendar rather than to committeee, and it seems to me that the rights of Senators are protected to the same degree as they would be otherwise.

Mr. ERVIN. I thank the Senator from Michigan.

I would point out that he has reserved, on behalf of any Member of the Senate, the right to make a motion; to refer the resolution or the bill when a motion to call up either of them is made.

Mr. GRIFFIN. I thank the Senator.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. KENNEDY). Under the previous order, there will now be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KENNEDY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ERVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NUNN). Without objection, it is so ordered.

APPOINTMENT OF A SPECIAL PROSECUTOR

Mr. ERVIN. Mr. President, when the nomination of Elliot Richardson to be Attorney General of the United States came up before the Committee on the Judiciary, Mr. Richardson made a specific agreement with the Senate Judiciary Committee. As I understand it, Mr. Richardson assured the Judiciary Committee that he had been authorized by the President to appoint a special prosecutor to have charge of the prosecution of criminal actions arising out of that unhappy series of events known collectively as the Watergate affair. As I understand it, Mr. Richardson's agreement with the committee pledged that the special prosecutor would not be discharged except for gross improprieties.

Pursuant to that agreement, Mr. Richardson was confirmed as Attorney General of the United States. He appointed Archibald Cox, an outstanding teacher of law, who had served with rare distinction as Solicitor General of the United States, to act as special prosecutor.

From such information as I have on the subject, Mr. Cox was summarily discharged, not for gross improprieties, but simply because he undertook to perform his duty as special prosecutor in a courageous and intelligent manner.

I have grave misgivings about taking any power out of the hands of the executive department of Government, but there is an old proverb which says, "If you fool me one time, it is your fault, but if you fool me the second time, it is mine."

Now, we are assured that Mr. Jaworski, who is a most eminent lawyer and a fine gentleman, will have independence. We were given the same assurance in respect to Mr. Cox. No special prosecutor can truly enjoy independence in the discharge of his duties if he is subject to removal by either the Department of Justice or the White House.

I am not concerned by the argument that an effort to obtain congressional action to insure the independence of a special prosecutor will delay matters.

The Department of Justice has had jurisdiction of the Watergate affair since the morning of the 17th of June 1972. During that time, justice has been traveling on leaden feet.

XUM

I think that we need a truly independent special prosecutor.

Section 2 of article II of the Constitution, which deals with appointments of civil officials by the President, subject to the advice and consent of the Senate, expressly states that Congress may provide for the appointment of inferior officers by the President, or by the courts, or by the head of an agency or a department.

In the case of *ex parte Siebold*, 100 U.S. 471, the Supreme Court of the United States held under that provision——

The PRESIDING OFFICER (Mr. NUNN). The time of the Senator from North Carolina has expired.

Mr. ALLEN. Mr. President, I ask for recognition in order that I might yield my time to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina may proceed.

Mr. ERVIN. The Supreme Court held that an act of Congress which provided that supervisors of elections could be appointed by the circuit courts—the court which at that time corresponded to our present day district courts—was constitutional under section 2 of article II of the Constitution.

So, certainly, it would seem to me, that if Congress can authorize a circuit court—or the district court—to appoint supervisors of elections, it can authorize the court to appoint a person much more narrowly related to the activities of the judicial branch of the Government; that is, prosecutors.

Mr. President, if the American people are going to have confidence in the integrity of their Government, it is essential to have a special prosecutor of criminal cases arising out of the Watergate affair who is independent of the Department of Justice and independent of the White House. For that reason, I support this procedure.

After all Mr. President, grand juries, which are recognized constitutional institutions, are the ones who will return any bills of indictments, not the special prosecutor. Those who are indicted will be tried on the bills of indictment returned by grand juries, if any are returned, by the courts and the petit jurors.

I therefore respectfully submit that the appointment of a special prosecutor authorized by an act of Congress or by the courts is perfectly constitutional. But, if it is not, the special prosecutor would be at least a de facto prosecutor and his actions would not be subject to collateral attack.

Therefore, I apprehend no impediment through prosecution on bills of indictment returned by a grand jury when trial is had before counts and by petit jurors.

I think the time has come to restore the confidence of the American people in the administration of justice. I do not think that Congress should sit by and receive a second promise that we will have an independent prosecutor when the first promise proved worthless.

Mr. KENNEDY. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. I am glad to yield to the Senator from Massachusetts, if I have any time left.

Mr. KENNEDY. Mr. President, may I ask for recognition during the morning hour in my own right for 3 minutes?

The PRESIDING OFFICER. The Senator from Massachusetts is entitled to 3 minutes and is so recognized for that purpose.

Mr. KENNEDY. Mr. President, all Americans are in the debt of the distinguished chairman of the Watergate committee. As was seen at the time of his appointment, there is a unanimous feeling within this body of the fairness of the distinguished Senator from North Carolina, who has been an outstanding judge, a thoughtful member of the Committee on the Judiciary, and a great constitutional scholar.

I would like to ask the Senator from North Carolina, who has spoken so eloquently of the importance of a truly independent special prosecutor, why he is not satisfied with the statements that have been made by the White House with respect to the independence of the new special prosecutor. What reservations does the Senator from North Carolina have about the independence that has been promised to the new appointee?

I am interested in knowing whether the distinction between the assurances given by the White House about the independence of the appointee and the statutory independence of a special prosecutor created by Congress outside the appointment of the Executive is a question merely of semantics, or whether there is a real difference of substance.

Is the Senator from North Carolina satisfied with the recent assurances given to the American people that there must be consultation with congressional leaders before the new special prosecutor can be removed? Do these assurances provide the special, independent atmosphere and climate which the Senator from North Carolina feels is essential to assure the American people that this prosecutor will be truly independent? Is the Senator from North Caroina satisfied that those assurances would truly provide the kind of independence which the Senator feels is so essential, and with which I agree?

Mr. ERVIN. Simply because the Supreme Court, in the case of United States against Myers, held that the President had the power to remove, at his own whim and caprice, any executive officer appointed by him. To be sure, this power may be subjected to certain limitations in the cases of quasi-judicial officers.

Our friends talk about the proposal to appoint a special prosecutor as being unconstitutional. I say that it is unconstitutional for the President of the United States to say, "I won't exercise my constitutional power to remove an officer appointed by me, without the consent of the majority and minority leaders of the House and the Senate."

While we are standing for the Constitution, I think we ought to get a constitutional agreement on this matter and not have an unconstitutional agreement such as that now proposed by the administration.

The PRESIDING OFFICER. The time of the Senator from Massachusetts has expired.

Mr. ROBERT C. BYRD. Mr. President, how much time remains for morning business?

The PRESIDING OFFICER. Sixteen minutes.

Mr. ROBERT C. BYRD. If the Chair will recognize me, I will yield my 3 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator is recognized.

Mr. KENNEDY. I would like to inquire further of the Senator. Article II, section 2, clause 2 of the Constitution gives Congress the power in certain cases to allow the courts to appoint Federal officials. As I understand it, the test applied by the Supreme Court in interpreting this provision is the test of congruity. In other words, if it is not incongruous for the courts to appoint the official in question, then Congress can appropriately and constitutionally vest the appointment power in the courts. That is the test announced in the Siebold case in 1879, and it seems to me that under this test, it is entirely proper for Congress to authorize the courts to appoint a special prosecutor.

I wonder whether the distinguished Senator from North Carolina, who is a constitutional authority, feels that we have the power constitutionally to act to create a truly independent prosecutor in this, I also wonder whether the Senator would agree with me that it would be grossly irresponsible if we do not act to create an independent prosecutor.

Mr. ERVIN. I think that under the decision of the Supreme Court in the Siebold case, Congress has power to pass a law authorizing the courts to appoint a special prosecutor for these particular cases. It is well recognized in many judicial opinions that where there is an emergency which renders the regular district attorney or the regular prosecuting attorney unable to prosecute a case, the court has the power to appoint someone to act in his stead, without any act of Congress. The court also has the right to appoint, and is required by law to appoint, lawyers to defend indigent defendants.

If the courts can exercise such powers without a specific act of Congress, I cannot see why, under section 2, article II, the court cannot be authorized by an act of Congress to appoint a special prosecutor to prosecute a specific line of cases.

Also, the necessary and proper clause of the first article says that Congress can pass any law which is necessary or proper to implement any powers given to any officer of the Federal Government, including the President. The President should see that the laws are faithfully executed; but if a President does not exercise that power, is the country to be helpless? I think Congress can pass a law to make effective that duty of the President, and I believe the appointment of a special prosecutor would fit within that category.

Mr. KENNEDY. A final inquiry. In listening to the discussions here this morning, the question of constitutionality has been raised by some Members of the Senate.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HARRY F. BYRD, JR. Mr. President, I yield time to the Senator from Massachusetts.

Mr. KENNEDY. It has been said that if the special prosecutor were actually appointed by the courts pursuant to a statute we enact, and the act is subsequently found to be unconstitutional, many guilty persons may go free. They also say that, in any event, the act may take a long time to test in court. Therefore, they argue, in order to achieve speed of justice in terms of the prosecution of those who are guilty, Congress would be wise not to insist on a court-appointed prosecutor.

Obviously, in an area like this, it is always possible to develop constitutional arguments on both sides. But my own view, after studying the relevant precedents, is that we are on extremely solid constitutional ground in urging a court-appointed prosecutor. Clearly, the 21 law school deans who have filed statements or comments with the Judiciary Committee assuring us of the constitutionality of our legislation also agree.

I would be interested in the response of the Senator from North Carolina, a former jurist, to this question.

Mr. ERVIN. My answer to that question is this: While bills of indictments are ordinarily drawn by the prosecuting attorney, the bills of indictment are totally without effect unless they are returned as true bills by the grand jury. When they are returned as true bills by the grand jury, I do not think the courts are going to waste their time inquiring as to who drew the bill of indictment. Any bill of indictment that is returned by a grand jury as a true bill, even though it may have been drawn by a special prosecutor instead of some hireling in the Department of Justice or somebody in the district attorney's office, would be perfectly valid and could be used as a basis for a valid trial, even if the courts would be so foolish as to reverse the decision in the Siebold case and say that section 2, article II, of the Constitution does not mean what it says.

Mr. KENNEDY. I thank the Senator from North Carolina for his comments.

QUORUM CALL

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ACCOUNTABILITY OF FEDERAL JUDGES

Mr. HARRY F. BYRD, JR. Mr. President, earlier this year, Senate Joint Resolution 13 was introduced by the Senator from Virginia on behalf of himself, the distinguished Senator from Alabama (Mr. ALLEN), the distinguished Senator from South Carolina (Mr. THURMOND), the distinguished Senator from Georgia (Mr. TALMADGE), and the distinguished junior Senator from Georgia (Mr. NUNN), who is now presiding over the Senate.

This joint resolution would attempt to bring some accountability to the Federal judges. In the present situation, Federal judges are appointed for life. They are accountable to no one. This proposal would require reconfirmation at the end of an 8-year period. It is an attempt to bring some accountability to the Federal judiciary.

I submit that in a democracy, it is not logical or wise for a public official to have lifetime appointment and to be completely unaccountable for his actions. In the whole world, the only individuals today who have lifetime tenure are kings, queens, maharajas, and U.S. Federal judges. I think it is time that something be done about this situation.

I am prompted to make these remarks because I received a letter today from the Governor of the State of New Hampshire, the Honorable Meldrim Thomson, Jr. Governor Thomson is interested in the proposed legislation, and in his letter to me he said this:

> Such legislation is long overdue and, in fact, is essential if we are not to have a nation run by judicial dictatorship.

This is a personal letter, and I would not make a comment on it publicly without his approval. I telephoned Governor Thomson, and I have his approval to insert his letter in the RECORD. I welcome his support.

I might point out that the proposal which has been offered to the Senate is in line with 47 of the 50 States.

Forty-seven of the 50 States have fixed tenure for their State judges, and the proposal offered by the distinguished Senator from Alabama, the distinguished Senator from South Carolina, the two distinguished Senators from Georgia, and myself would attempt to do the same thing for the Federal judiciary.

I might state also that the Legislature of Virginia, at its last session, approved a resolution memorializing the Congress of the United States to adopt such an amendment to the Constitution and to submit it to the States for ratification. I think there is a clear, unequivocal indication that our citizens believe that lifetime tenure for Federal judges is a practice which should be ended.

NATIONAL VOTER REGISTRATION AGENCY

Mr. HARRY F. BYRD, JR. Mr. President, I note that proposed legislation to establish a National Voter Registration Agency in the Bureau of the Census, to provide for the post card voter registration at Federal elections, has been tabled by the Subcommittee on Elections of the House of Representatives. The subcommittee conducted extensive hearings on this subject and tabled the measure in mid-September. I commend the House subcommittee for this action. I think it is very undesirable legislation which has been proposed.

A similar proposal passed the Senate by a large vote, I am sorry to say. I call it tombstone legislation. Under the bill, persons, whether existing or nonexisting, could be registered by postcard. I submit that such a bill would probably help to reduce unemployment, but it would not help the electoral process. The reason why it would help to reduce unemployment is that people would be employed by politicians to go around looking at tombstones for names of persons to be registered. I think that to pass such legislation would be very undesirable and could lead to fraud and corruption.

I wanted to speak on this subject today and to commend the House Subcommittee on Elections for tabling this measure and, I hope, killing what I regard as a very bad piece of proposed legislation.

U.S. COMMITMENT TO THE SOUTHEAST ASIA COLLECTIVE DEFENSE TREATY AND ORGANIZATION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar 453, Senate Resolution 174.

The PRESIDING OFFICER. The resolution will be stated by title .

The legislative clerk read as follows:

> A resolution (S. Res. 174) relating to the United States commitment to the Southeast Asia Collective Defense Treaty and Organization.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. ROBERT C. BYRD. Mr. President, there is probably no other alliance of nations that is as outdated as is the Southeast Asia Treaty Organization. Throughout all the years that the United States was bogged down in the tragic war in Vietnam, SEATO contributed nothing but meaningless rhetoric.

In March of 1971, I suggested that the United States use its position of prominence within SEATO to Asianize the Organization; and, if such efforts failed, I said that America should withdraw completely from SEATO.

It is now clear, Mr. President, that SEATO is not going to change in any respect. It is not going to become responsive to the problems unique to Southeast Asia unless it is forced to do so by the withdrawal of its most formidable and powerful member, the United States. And I look upon the resolution that is before the Senate today as the first step toward such a withdrawal.

The resolution, which I cosponsored along with the distinguished Senator from Idaho (Mr. CHURCH) and the distinguished Senator from Vermont (Mr. AIKEN), calls for the Senate Foreign Relations Committee to review American commitments under the SEATO accords. Such a review would be especially timely, Mr. President, in light of the growing disinterest among member nations, the recent formation of all-Asian alliances, and the violence that produced changes in the Government of Thailand.

I hope that the Senate will adopt this resolution, that the review will be conducted as expeditiously as possible, and that the United States will finally remove itself from SEATO.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 174) was agreed to, as follows:

Resolved, by the United States Senate that the Committee on Foreign Relations undertake a full and complete review of United States participation in the Southeast Asia Collective Defense Treaty and Treaty Organization and report to the Senate the committee's findings and recommendations no later than March 31, 1974. Such review shall include reexamination of the basic foreign policy considerations which originally led the United States to join the SEATO Organization and reassessment of those considerations in the light of subsequent developments relating to that Organization and the foreign policy interests of the United States.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, November 2, 1973, he presented to the President of the United States the following enrolled bill:

S. 11. An act to grant the consent of the United States to the Arkansas River Basin compact, Arkansas-Oklahoma.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MAGNUSON, from the Committee on Commerce, without amendment:

S. 1070. A bill to implement the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969 (Rept. No. 93–482).

S. 2651. A bill to amend the Federal Aviation Act of 1958 and the Interstate Commerce Act in order to authorize reduced rate transportation for handicapped persons and for persons who are 65 years of age or older or 21 years of age or younger (Rept. No. 93–483).

By Mr. CANNON, from the Committee on Commerce, without amendment:

S. 1432. A bill to amend the Federal Aviation Act of 1958 to authorize free or reduced rate transportation for widows, widowers, and minor children of employees who have died while employed by an air carrier or foreign air carrier after 20 or more years of such employment (Rept. No. 93–484).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Robert H. Miller, of the District of Columbia, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency;

J. Owen Zurhellen, Jr., of New York, to be Deputy Director of the U.S. Arms Control and Disarmament Agency;

O. Rudolph Aggrey, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Senegal, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of The Gambia;

Nicholas W. Craw, of the District of Columbia, to be an Associate Director of the Action Agency; and

Donley L. Brady, of California, to be a member of the Board of Directors of the Overseas Private Investment Corporation.

(The above nominations were reported with the recommendation that the nominations be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. MAGNUSON, from the Committee on Commerce:

George Henry Hearn, of New York, to be a Federal Maritime Commissioner; and

Mary Elizabeth Hanford, of North Carolina, to be a Federal Trade Commissioner.

The above nominations were reported with the recommendation that the nominations be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

By Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs:

Hugh F. Owens, of the District of Columbia, to be a Director of the Securities Investor Protection Corporation for the remainder of the term expiring December 31, 1973;

Hugh F. Owens, of the District of Columbia, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 1973; and

Glenn E. Anderson, of North Carolina, to be a Director of the Securities Investor Protection Corporation.

The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify befor any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. PACKWOOD (for himself and Mr. Proxmire):

S. 2640. A bill to provide for full deposit insurance for public funds, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. ERVIN (for himself, Mr. Baker, Mr. Talmadge, Mr. Inouye, Mr. Montoya, Mr. Gurney, and Mr. Weicker):

S. 2641. A bill to confer jurisdiction upon the District Courts of the United States over certain civil actions brought by the Congress, and for other purposes. Ordered to be placed on the Calendar.

By Mr. TAFT:

S. 2642. A bill to establish an independent Special Prosecution office, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. KENNEDY:

S. 2643. A bill to revise the Immigration and Nationality Act. Referred to the Committee on the Judiciary.

By Mr. GRIFFIN:

S. 2644. A bill for the relief of Mr. Joselito S. Arca and Dr. Corazon I. Arca. Referred to the Committee on the Judiciary.

By Mr. PASTORE (by request):

S. 2645. A bill to amend Public Law 93–60 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with Section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes. Referred to the Joint Committee on Atomic Energy.

By Mr. INOUYE:

S. 2646. A bill for the relief of Amador Domingo Domingo. Referred to the Committee on the Judiciary.

By Mr. STEVENS:

S. 2647. A bill to amend 5 U.S.C. 5343 (c) (1) to expand the data base for federal wage surveys in certain areas of the United States wherein there is insufficient private industry to determine comparable wages or where State and local governments exert a major influence on wage rates. Referred to the Committee on Post Office and Civil Service.

By Mr. STENNIS:

S. 2648. A bill for the relief of Katherine Whiteman Jackson. Referred to the Committee on the Judiciary.

By Mr. McCLURE:

S. 2649. A bill to provide for the public disclosure by candidates for election to Federal office of their Federal income tax returns. Referred to the Committee on Finance.

By Mr. CRANSTON (for himself and Mr. Abourezk, Mr. Brock, Mr. Fong, Mr. Gravel, Mr. Hatfield, Mr. Humphrey, Mr. Kennedy, Mr. McGovern, Mr. McIntyre, Mr. Packwood, Mr. Metcalf, Mr. Percy, Mr. Ribicoff, and Mr. Sparkman):

S. 2650. A bill to provide for the early commercial demonstration in residential housing and other buildings of technology for solar heating and combined solar heating and cooling by the Secretary of Housing and Urban Development, to establish a National Solar Energy Coordinating Council, and for other purposes. Referred, by unanimous consent, jointly to the Committees on Banking, Housing and Urban Affairs, and Commerce; and if and when one of these committees reports the bill, then to be referred to the Committee on Labor and Public Welfare.

By Mr. MAGNUSON (for himself, Mr. Burdick, Mr. Cannon, Mr. Church, Mr. Dole, Mr. Fong, Mr. Gravel, Mr. Griffin, Mr. Gurney, Mr. Hatfield, Mr. Hughes, Mr. Humphrey, Mr. Kennedy, Mr. McGovern, Mr. Montoya, Mr. Moss, Mr. Percy, Mr. Stevenson, and Mr. Williams):

S. 2651. A bill to amend the Federal Aviation Act of 1958 and the Interstate Commerce Act in order to authorize reduced rate transportation for handicapped persons and for persons who are 65 years of age or older or 21 years of age or younger. Referred to the Committee on Commerce.

By Mr. JACKSON (for himself and Mr. Randolph):

S. 2652. A bill entitled the National Coal Conversion Act of 1973. Referred to the Committee on Interior and Insular Affairs.

By Mr. GRAVEL:

S. 2653. A bill to authorize and direct the Secretary of the Department under which the U.S. Coast Guard is operating to cause the vessel *Miss Keku*, owned by Clarence Jackson, of Juneau, Alaska, to be documented as a vessel of the United States with coastwise priviliges. Referred to the Committee on Commerce.

S. 2654. A bill to confer jurisdiction upon the U.S. District Court for the District of Alaska to hear, determine, and render judgment with regard to claims concerning certain lands in the city of Fairbanks, Alaska, and for other purposes; and

S. 2655. A bill for the relief of Richard Zorza. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PACKWOOD (for himself and Mr. Proxmire):

S. 2640. A bill to provide for full deposit insurance for public funds, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. PACKWOOD. Mr. President, on behalf of myself and Senator Proxmire, I am introducing legislation which will provide for 100-percent insurance of deposits of public agency funds in all federally insured financial institutions.

The Committee on Banking, Housing and Urban Affairs considered this matter during the course of our investigations last year into the need for Federal legislation dealing with State taxation of national banks. In the form of an amendment to the pending legislation, Senator Proxmire proposed that we add to the pending bill provision for 100-percent-deposit insurance for public fund deposits .

After this flurry of activity, the 92d Congress finally did nothing to eliminate the insurmountable hurdles that prevent thrift institutions from receiving public fund deposits.

Currently, most States require that deposits of public funds, whether they be from the State government or from units of local government, in effect, be secured by pledged collateral. Such collateral is essentially in the form of Federal, State, and local government obligations. The problem is that thrift institutions are prohibited from pledging government obligations as collateral for public fund doposits.

The inevitable result of this conflict is that nearly all public fund deposits are held by commercial banks, with only a pittance held by thrift institutions.

The latest figures show that commercial banks, with about half of all savings deposits, hold $30 billion worth of public fund deposits. Thrift institutions—savings and loan associations, credit unions, and mutual savings banks—account for only $550 million worth of public fund deposits. In other words, thrift institutions hold, overall, about half of all savings deposits on record; but, because of the hurdles that various levels of government have placed in their way, they hold only 1.8 percent of public fund deposits.

Mr. President, we are talking about billions of dollars of the American taxpayers' money that effectively must be limited in the choice of depositories. At a time when this Nation is experiencing a severe shortage of adequate funds for housing, it is particularly important that we take such action as we can to insure that thrift institutions are in a position to acquire every possible dime in deposits as to insure that those funds will be made available for meeting the housing needs for our people.

During the course of the hearings held by the Committee on Banking, Housing and Urban Affairs last year, I became convinced of the need for this legislation. As the committee proceeds early next year to consider legislation dealing with restructuring of financial institutions following from the President's recommendations based on the Hunt Commission Report, I want to make certain that we consider this very important element of the overall debate: the ability of thrift institutions to compete for fund deposits from whatever source to insure an adequate and continuing supply of mortgage credit to meet the housing needs of this country. One way to insure that this desired end is accomplished is to approve the legislation that Senator Proxmire and I are introducing today.

I ask unanimous consent that the text of our proposal be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2640

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

Section 1. (a) The Federal Deposit Insurance Act is amended—

(1) in subsection (m) of section 3 (12 U.S.C. 1813(m)), by inserting immediately after "depositor" in the first sentence the following: "(other than a depositor referred to in the third sentence of this subsection)";

(2) in subsection (i) of section 7 (12 U.S.C. 1817(i)), by striking out "Trust" and inserting in lieu thereof the following: "Except with respect to trust funds which are owned by a depositor referred to in paragraph (2) of section 11(a) of this Act, trust"; and

(3) in subsection (a) of section 11 (12 U.S.C. 1821(a)), by inserting "(1)" immediately after "(a)", by striking out "The" in the last sentence and inserting in lieu thereof the following: "Except as provided in paragraph (2), the", and by inserting at the end of such subsection the following:

"(2) (A) Notwithstanding any limitation in this Act or in any other provision of law relating to the amount of deposit insurance available for the account of any one depositor, in the case of a depositor who is—

"(i) an officer, employee, or agent of the United States having official custody of public funds and lawfully investing the same in an insured bank;

"(ii) an officer, employee, or agent of any State of the United States, or of any county, municipality, or political subdivision thereof having official custody of public funds and lawfully investing the same in an insured bank in such State;

"(iii) an officer, employee, or agent of the District of Columbia having official custody of public funds and lawfully investing the same in an insured bank in the District of Columbia; or

"(iv) an officer, employee, or agent of the Commonwealth of Puerto Rico, of the Virgin Islands, of American Samoa, or of Guam, or any county, municipality, or political subdivision thereof having official custody of public-funds and lawfully investing the same in an insured bank in the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, or Guam, respectively;

his deposit shall be insured for the full aggregate amount of such deposit.

"(B) The Corporation may limit the aggregate amount of funds that may be deposited in any insured bank by any depositor referred to in subparagraph (A) of this paragraph on the basis of the size of any such bank in terms of its assets."

(b) Title IV of the National Housing Act is amended—

(1) in section 401(b) (12 U.S.C. 1724 (b)), by striking out "Funds" in the third sentence and inserting in lieu thereof the following: "Except in the case of an insured member referred to in the preceding sentence, funds";

(2) in section 405(a) (12 U.S.C. 1728(a)), by inserting after "except that no member or investor" the following: "(other than a member or investor referred to in subsection (d));" and

(3) by adding at the end of section 405 (12 U.S.C. 1728), the following new subsection:

"(d) (1) Notwithstanding any limitation in this subchapter or in any other provision of law relating to the amount of deposit insurance available for any one account, in the case of an insured member who is—

"(i) an officer, employee, or agent of the United States having official custody of public funds and lawfully investing the same in an insured institution;

"(ii) an officer, employee, or agent of any State of the United States, or of any county, municipality, or political subdivision thereof having official custody of public funds and lawfully investing the same in an insured institution in such State;

"(iii) an officer, employee, or agent of the District of Columbia having official custody of public funds and lawfully investing the same in an insured institution in the District of Columbia; or

"(iv) an officer, employee, or agent of the Commonwealth of Puerto Rico, or of the Virgin Islands, or of any county, municipality, or political subdivision thereof having official custody of public funds and lawfully investing the same in an insured institution in the Commonwealth of Puerto Rico or the Virgin Islands, respectively;

the account of such insured member shall be insured for the full aggregate amount of such account.

"(2) The Corporation may limit the aggregate amount of funds that may be invested in any insured institution by any insured member referred to in paragraph (1) of this subsection on the basis of the size of any such institution in terms of its assets.".

Mr. PACKWOOD. Also, Mr. President, I ask unanimous consent that some material on a closely related matter be printed in the Record. This is the package of recommendations submitted to the Congress earlier this year by the President calling for a substantial restructuring of our financial institutions. It would be in concert with our consideration of these recommendations that the legislation that Senator Proxmire and I are proposing will be considered.

There being no objection, the material was ordered to be printed in the Record, as follows:

Recommendations for Change in the U.S. Financial System, August 3, 1973

To the Congress of the United States:

Our country depends on a strong, efficient and flexible financial system to promote sound economic growth, including the provision of adequate funds for housing. Such a system is one which allows financial institutions to adapt to the changing needs of borrowers and lenders, large and small, and is free to make full use of technological innovations.

Events during the last decade, however, have revealed significant defects in the operations of our financial institutions. On two recent occasions when the Federal Reserve System moved to restrain the economy, it was found that the inadequacies of our financial structures created unnecessarily severe burdens for the business community and the consuming public. The consumer-saver was denied a fair market return on his savings, while the consumer and small businessman, as borrowers, often could not obtain adequate funds to meet their requirements.

The inflexibility of our financial system can be directly attributed to the methods

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used by the Government to direct credit flows—methods designed to meet the depressed economic conditions of the 1930's but poorly suited to cope with the expansionary conditions of the past decade. In recent years, government regulations have limited the efficiency and flexibility of our financial system. Ironically, those regulations that were designed in part to keep a steady flow of funds moving into housing loans actually served to diminish that flow, severly penalizing both the borrower, who could not find funds, and the saver who received an unfairly low return on his savings.

As the Government tries to play its proper role in building a better financial system, we must proceed with one basic assumption: the public interest is generally better served by the free play of competitive forces than by the imposition of rigid and unnecessary regulation.

By law, thrift institutions—a category primarily composed of savings and loan associations but also including mutual savings banks—were created to provide funds for housing by maintaining large holdings of residential mortgages. However, earnings on holdings of previously acquired mortgages do not respond to changes in market interest rates. When market rates rise, the ability of thrift institutions to attract funds is limited and their ability to lend additional mortgage money is diminished.

Attempts to alleviate this problem by restrictive laws and regulations have achieved very little at great cost. The main technique has been to impose ceilings on the interest rates that financial institutions could pay savers for funds. The result, however, has often been a reduction in the flow of deposits to financial institutions. In many cases, in fact, deposits have been withdrawn so that they could be invested in higher yielding securities. Thus interest ceilings that were intended as a protective shield for the housing market turned out instead to be an additional burden.

Interest rate ceilings proved harmful to Americans both as savers and as borrowers in the late 1960's. Because the interest rate ceilings for deposits were often below market interest rates, small savers, who depended on banks and other savings institutions, were denied a fair rate of return on their money. On the borrowing side, smaller increases in savings deposits resulted in a sharp drop in loan funds available to consumers and small business firms.

Since financial institutions were prohibited from paying better interest rates, they were forced to compete for customers in other ways. Much of the public had to settle for so-called "free services" or even offers of consumer goods when in fact they may have preferred to receive higher interest on their deposits. In addition, such competition often led to increases in operating costs which prevented lending rates from declining when credit conditions later eased.

Finally, because of reduced inflows of savings, thrift institutions cut back on their mortgage lending or borrowed from Federal Home Loan Banks which had to pay market rates for their funds. Although the Federal Government stepped in and picked up some of the slack, mortgage flows were still disrupted.

Recognizing the need for action on all these problems, I appointed a Presidential Commission on Financial Structure and Regulation during my second year as President to study this entire matter and to make recommendations for reforming our financial institutions. The Commission's report identified quite precisely the causes of rigidity and instability in our financial institutions. Its recommendations were of major assistance in our further deliberations concerning the best ways to correct the weaknesses in our financial system.

The time to correct those weaknesses has come. Our current efforts to fight inflation and preserve the value of the dollar at home and abroad require strong financial markets. Without strong markets, the American public will be forced once again to bear excessive burdens.

If we do not act promptly, there is every reason to believe that those burdens will be even greater in the 1970's than they were in the 1960's. Educated by the last two credit crunches and by constant advertisements about interest rates, even the small saver will shift his funds to places offering higher yields. As market rates rise above passbook ceilings and the saver shifts his funds to obtain the higher interest rates, the result may be that little loan money is available from financial institutions.

In keeping with that analysis, I will propose to the Congress legislation designed to strengthen and revitalize our financial institutions. These proposals may be divided into seven major areas:

(1) Interest ceilings on time and savings deposits should be removed over a 5½ year period.

(2) Expanded deposit services for consumers by federally chartered thrift institutions and banks should be allowed.

(3) Investment and lending alternatives for federally chartered thrift institutions and banks should be expanded.

(4) Federal charters for stock savings and loan institutions and mutual savings banks should be permitted.

(5) Credit unions should be provided with greater access to funds.

(6) FHA and VA interest ceilings should be removed.

(7) The tax structure of banks and thrift institutions should be modified.

These recommendations would achieve the basic reforms our financial system requires. They represent the best suggestions from many different sources—from the Presidential Commission and from business. Government, consumer and academic communities.

The first five of these recommendations are designed to provide increased competition among banks and thrift institutions. Such competition would help to eliminate the inequities now imposed upon the small saver and borrower. My recommendations, and the increased competition that would follow, should reduce the cost of the entire package of financial services for the consumer. Furthermore, the saver would be assured a fair return on his money. In addition, thrift institutions would be strengthened, so they would no longer need the Government support required in the past.

Recommendations 6 and 7, along with the other recommendations, are designed to promote adequate funds for consumer needs, including housing finance. It is clear that interest ceilings on FHA and VA mortgage loans have failed to keep costs down, as evidenced in part by the widespread use of discount "points." At the same time, these ceilings have restricted the flow of private funds into mortgage markets. I will urge that individual states follow our lead and remove similar barriers to housing finance wherever such barriers exist.

The final recommendation would substantially broaden the base of housing finance. Although the final details have yet to be worked out, active consideration is being given to the creation of an income tax credit tied to investments in housing mortgages. Such a credit would be available to all lenders and could vary in direct proportion to the percentage of invested funds held in the form of such mortgages.

These recommendations are not the only steps being taken to strengthen the housing finance market. In my State of the Union message on Community Development of March 8, 1973, I pledged that this Administration would undertake a comprehensive evaluation of our housing policies and programs and would recommend new policies to eliminate waste and better serve the needy. An interagency task force, under the leadership of Secretary Lynn, is now completing that task, and my recommendations will be presented to the Congress in the near future.

My recommendations on restructuring financial institutions represent a coordinated approach to this challenge, and I urge that they be considered as a package. For example, removing interest ceilings will not make a positive contribution unless banks and thrift institutions can expand their deposit and lending services. Flexibility and efficiency will be enhanced by placing competing institutions on a roughly equal footing with regard to three essential considerations: deposit powers, lending powers, and tax burdens. Finally, the tax recommnedation and the removal of FHA and VA interest ceilings will help ensure more adequate funds for housing. The need for reform of our financial institutions is pressing. I urge the Congress to give these proposals its prompt and favorable consideration.

RICHARD NIXON.

THE WHITE HOUSE, *August 2, 1973*.

SUMMARY OF THE PRESIDENT'S RECOMMENDATIONS

Events during the latter part of the 1960's showed that U.S. financial markets are ill-equipped to deal with periods of credit restraint. As interest rates rose because of inflation, thrift institutions faced a severe profit squeeze which threatened to cut off funds for housing.

Attempts to alleviate the crisis by regulation, mainly the imposition of ceilings on the amounts financial institutions could pay for funds, failed to keep funds flowing into the institutions at previous levels.

Interest ceilings adversely affected the public directly and indirectly. In their role as savers, for whom the thrift institution was a major place at which to save, consumers were denied a market rate of return on their money. Moreover, thrifts reduced in a disproportionate manner the availability of funds to consumers and small business firms.

Less direct, but equally costly to the public, interest ceilings contributed to severe setbacks in efforts to meet our housing objectives, and helped make the Federal Reserve's attempt to combat inflation with monetary policy needlessly costly and complicated.

The time to correct those defects in our financial structure is now. Current efforts to fight inflation and preserve the value of the dollar at home and abroad require strong financial institutions. Without them, there is every reason to believe that the burdens of credit restraint will be even greater than before.

Financial institutions are to be strengthened by phasing out Regulation Q over a 5½ year period; permitting all federally chartered banks and thrift institutions to offer a full range of checking and savings accounts, and permitting federally chartered thrifts to offer consumer and real estate related loans in competition with banks. Housing finance will be strengthened by the elimination of Federal Housing Administration and Veterans Administration interest ceilings and by a tax credit to all taxpayers investing in residential mortgages.

The dual banking system will be preserved and strengthened. Federal Reserve requirements on "checking" accounts will apply only to members of the Federal Reserve and Federal Home Loan Bank systems. Federal charters will be available for stock thrift institutions and for savings banks.

Credit unions are to be strengthened by broadened asset and liability powers and by access to a new source of liquidity administered by the National Credit Union Administration.

BEFORE AND AFTER STATUS OF FINANCIAL INSTITUTIONS

Before	*After*
COMMERCIAL BANKS	
Deposit Powers	Deposit Powers
Payments of interest: severe restrictions on all types of deposits.	5½ year phase-out of restrictions, then interest freely determined. However, no interest on demand deposits.
Savings accounts: individuals only.	Savings accounts: full powers; individual and corporate.
Demand accounts: full powers; individual and corporate.	Demand accounts: full powers; individual and corporate (no change).
Negotiable Order of Withdrawal (N.O.W.) accounts: not permitted.	N.O.W. accounts: full powers; individual and corporate.
Lending and Investment Powers	Lending and Investment Powers
Real estate loans: severe restrictions *re* collateral, loan size, maturity and method of repayment.	Real estate loans: model restrictions *re* collateral, loan size, maturity and method of payment; *plus* community rehabilitation loans under a 3 percent leeway authority.
Equities: holdings severely restricted.	Equities: holdings severely restricted (no change).
Taxes	Taxes
Tax credits: none.	Tax credits: special tax credits for investing in residential mortgages.
Chartering Alternatives	Chartering Alternatives
Federal: yes.	Federal: yes, no change.
State: yes.	State: yes, no change.
Branching	Branching
National banks and State banks: State law governs location of branches.	National banks and State banks: State law governs location of branches (no change).
Summary	Summary
Consumer interests penalized. Opportunities to compete for funds limited and prohibitions restrict participation in housing and real estate finance. Absence of mortgage investment incentives given S&L's.	Consumer interests given high priority. Virtually unlimited opportunities to compete for funds; restriction against housing and real estate finance modified, and positive incentives for such investment, identical to those given S&Ls.
THRIFT INSTITUTIONS	
Deposit Powers	Deposit Powers
Payment of interest: severe restrictions on all types of deposits.	5½ year phase-out of restrictions, then interest freely determined. However, no interest on demand deposits.
Savings accounts: full powers; individual and corporate.	Savings accounts: full powers; individual and corporate (no change).
Demand accounts: not permitted.	Demand accounts: full powers; individual and corporate.
N.O.W. accounts: not permitted.	N.O.W. accounts: full powers; individual and corporate.
Lending and Investment Powers	Lending and Investment Powers
Loans for housing and closely, related areas.	Loans for housing and closely related areas; *plus* (on a limited basis) consumer loans; real estate loans under same conditions as commercial banks; construction loans not tied to permanent financing; community rehabilitation loans under a 3 percent leeway authority.
	Commercial loans permitted only to extent they are closely related to housing.
Equities: no acquisition of private sector issues.	Equities: no acquisition of private sector issues (no change).
Securities: no acquisition of private debt securities.	Securities: limited acquisition of high-grade private securities.
Taxes	Taxes
Loan loss deductions: preferential treatment compared to banks.	Loan loss deductions: will move to experience basis; same treatment as banks.
Tax credits: none.	Tax credits: special tax credits for investment in residential mortgages; significant incentive to retain high percentage of portfolio in residential mortgages.
Chartering Alternatives	Chartering Alternatives
Federal: mutual associations only.	Federal: mutual and stock associations.
State: mutual and stock associations.	State: mutual and stock associations (no change).
Branching	Branching
Federally chartered: governed by FHLBB.	Federally-chartered: governed by FHLBB (no change).
State-chartered: governed by state law.	State chartered: governed by state law (no change).
Summary	Summary
Consumer interests penalized owing to prohibitions against service competition and enforced specialization between thrift institutions and banks.	Consumer interests strengthened by availability of new sources of supply of both deposit services and lending services and the promise of direct price competition between thrift institutions and banks.
Opportunities to compete for funds limited and little ability to withstand tight-money pressures without substantial government support.	Virtually unlimited opportunities to compete for funds. Ability to withstand tight-money pressures strengthened, minimizing need for government rescue operations.
CREDIT UNIONS	
Lending and Investment Powers	Lending and Investment Powers
Severe restrictions.	Less severe restrictions.
Chartering Alternatives	Chartering Alternatives
Conversion to Mutual Thrift Institutions not permitted.	Conversion to mutual thrift institutions permitted.
Sources of Liquidity	Sources of Liquidity
Private sector institutions only.	Private sector institutions, *plus* NCUA-administered Central Discount Fund for emergency, temporary liquidity purposes only.
Taxes	Taxes
Tax-exempt.	Tax-exempt (no change).

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NARRATIVE EXPLANATION: BACKGROUND OF ISSUES AND RECOMMENDATIONS

ISSUE 1

Payment of interest on deposit accounts

Background

Prohibitions against the payment of interest on demand deposits and interest ceilings on savings accounts were initially a product of the 1930's. The popular notion at that time—since proved incorrect—was that excessive interest rate competition among banks was the cause of bank failures. Thus Congress, with the enactment of the Banking Act of 1933, prohibited banks from paying interest on demand deposits and authorized the Federal Reserve Board to regulate the rate of interest member banks may pay on savings accounts. That era was also characterized by an orientation toward the borrower, in an attempt to bring the nation out of the Depression, rather than toward the consumer saver.

Studies of the prohibition of payment of interest on demand deposits have shown the reasons for it were ill-founded. Moreover, the prohibition has not kept bank costs from rising during tight-money periods because banks have developed other sources of funds for which they have paid market rates. Unfortunately, misconceptions about the prohibitions are so widely and strongly held that removal is not feasible.

However, development of "negotiable order of withdrawal" (N.O.W.) accounts and the development of "electronic funds transfer systems" (EFTS) can be expected to blur the difference between demand and savings accounts to such an extent that the prohibition will become meaningless. N.O.W. accounts provide most of the benefits that would be derived from interest-bearing checking accounts without forcing banks to pay interest on current demand deposits. They also allow banks a means of experimenting before any move to a system where interest is explicitly paid on demand deposits.

Working with the money flow theories of the 1930's, Congress, in September 1966, turned to interest ceilings to protect the deposit holdings of thrift institutions and thus the flow of funds into mortgage markets. It enacted legislation giving the Federal Home Loan Bank Board (FHLBB) and the Federal Deposit Insurance Corporation (FDIC) authority to regulate, in conjunction with the Federal Reserve Board (FRB), interest payments made by the institutions they supervise. The three supervisory authorities then agreed to formalize the historical interest differentials paid by thrift institutions over those paid by commercial banks at about 50 basis points (reduced to 25 basis points on July 5, 1973).

Interest ceilings on savings accounts have failed to achieve their objectives. Contrary to expectations, they did not protect the liquidity of thrift institutions by preventing an outflow of funds during periods of tight money, and thus did not produce funds for the mortgage market. Large savers enjoyed many alternatives for their savings which paid the higher market rates and reacted accordingly. Faced with a loss of funds, thrift institutions cut back on their mortgage lending or borrowed from especially created agencies, which had to pay market rates for their funds, or did both. The result was significant instability in mortgage markets, and accentuated differences between the rate of return to large and small savers.

Ironically, even though the small savers received less than the large saver, the cost of funds to thrift institutions rose appreciably. Ceilings did force those who, due to their unsophistication or small savings, had only limited outlets for their savings to accept less than market rates. However, large savers who withdrew their funds had the option of acquiring debt issues of Federal Home Loan Banks at market rates. Funds raised in that manner were then relent to thrift institutions at rates which were generally above deposit rates.

Interest ceilings also hampered the implementation of restrictive monetary policy. Because depository institutions could not attract funds, large and increasing credit flows were moving outside the banking sector. The base on which the Federal Reserve operates decreased in relative terms, and its restrictive policies had to be made increasingly stringent at the same time that they became increasingly ineffective.

Formalized interest differentials may have prevented, to some extent, a shift of deposits from thrift institutions to commercial banks If they did, the interest differential helped to maintain the viability of thrift institutions. That does not necessarily imply however, that the differentials will be effective in future periods of high and rising interest rates. Educated by the last two "credit crunches" and by constant advertisements about interest rates, even the less sophisticated savers will shift their funds to the highest yield if market rates greatly exceed the passbook ceilings. Such shifts began occurring in the summer of 1973.

Thus it is increasingly unlikely that interest ceilings or differentials will continue to protect thrift institutions. Additionally, large corporations, which are not subject to ceilings, have already successfully experimented with small-denomination capital debentures—e.g., savings bonds. Any corporation or governmental unit is a potential competitor for the savings dollar. Savings institutions therefore must be allowed to compete for these funds if they are to continue to provide their intermediation function.

Should "free-competition" for funds cause some institutions to make imprudent lending and investing decisions, the situation can be remedied effectively through actions of the federal and state supervisory authorities. Blanket regulation of the entire deposit industry, geared to the lowest common denominator of management competence, is neither justified nor desirable.

RECOMMENDATION

The payment of interest on demand deposits will remain prohibited for all institutions.

Regulation Q is to be phased out over a period of five and one-half years. Parity of interest ceilings between commercial banks and thrift institutions is to be achieved by raising the rate permitted banks in four annual steps commencing 18 months after enactment of the recommendation. At the same time, preparations can be made for the complete elimination of interest ceilings on time and savings accounts.

N.O.W. accounts are to be subject to ceiling rates so long as the ceiling system remains in force. Such ceilings are to be uniform for banks and thrift institutions and may be no higher than the maximum rate on passbook accounts.

Administrative decisions on the actual levels of ceiling rates will be made by a coordinating committee composed of the FDIC, the FHLBB, the FRB, and the Treasury Department.

ISSUE 2

Expanded deposit liability powers and reserves

Background

The elimination of preferential interest rate treatment for thrift institutions will necessitate adjustments in the structure of their deposit liabilities and assets so that they will be able to compete with commercial banks and other seekers of the savings dollar. Additionally, the decreasing effectiveness of interest ceiling differentials and technological innovations that blur the traditional lines between savings accounts and demand deposits are actual developments which call for the same remedy.

In the area of deposit powers, federally insured thrift institutions are prohibited by law from offering third-party payment services (i.e. bona fide checking accounts) but they may issue non-negotiable orders of withdrawal.

For their part, commercial banks are prohibited from offering savings accounts to their corporate customers. Such accounts were prohibited by the FRB in 1936 on the theory that they represent the indirect payment of interest on demand deposits. (Section 19 of the Federal Reserve Act prohibits member banks from paying interest directly or indirectly on demand deposits.)

Those constraints upon federally insured thrift institutions and member banks can be effective only in a world where all thrift institutions operate under the same rules and where there are relatively high costs attached to shifting funds from savings accounts to demand deposits. If that ever were the case, it no longer is so. Non-federally chartered thrift institutions in Massachusetts and New Hampshire are offering negotiable order of withdrawal (N.O.W.) accounts which are tantamount to and near-perfect substitutes for interest-bearing checking accounts. Such a system is made possible by advances in computer technology which enable any institution to offer customers low-cost rapid transfers of funds from checking to savings accounts and the reverse.

It seems imprudent to try to block those innovative changes sought by the consumer. Innovative minds will always find ways around piecemeal restrictions. However, if commercial banks and thrift institutions are permitted to offer the same range of services, some suggest that they should operate subject to the same ground rules. The more important of those rules covers the holding of reserves against accounts subject to third-party payments.

Imposition of comparable deposit reserves on all banks and thrift institutions is controversial. Comparability does not exist now, and differences between the Federal Reserve and the individual states on the issue of reserves is one of the important factors keeping the dual banking system alive. Of the 509 state-chartered banks opened for business in 1970 through 1972, only 30 joined the Federal Reserve System. However, Federal Reserve member banks hold approximately 80 percent of all demand deposits. There are substantive advantages to maintaining the dual system, particularly the advantages and innovations of competitive regulation and the avoidance of overly restrictive chartering policies.

Recommendations

For federal thrift institutions, checking accounts, third party payment powers, credit cards, and N.O.W. accounts will be available to all customers, individual and corporate.

For national banks, savings accounts and N.O.W. accounts will be available to all customers, individual and corporate.

All federally chartered institutions and all state chartered institutions which are members of the Federal Reserve System or the Federal Home Loan Bank System will be required to maintain reserves against deposits in demand and N.O.W. accounts in a form and amount prescribed by the FRB after consultation with the FHLBB. State chartered savings and loan associations insured by the Federal Savings and Loan Insurance Corporation (FSLIC) need not be members of the Federal Home Loan Bank System, just as state chartered banks need not be members of the Federal Reserve System.

N.O.W. deposits will be subject to the same range of reserves as demand deposits. However, the FRB after consultation with the FHLBB may establish a different level of reserves for N.O.W. accounts.

Required reserves for demand deposits and N.O.W. accounts will range from 1 to 22 percent. Those for savings accounts will range from 1 to 5 percent and those for time accounts will range from 1 to 10 percent.

For state chartered institutions FDIC and FSLIC statutes will be changed to permit competitive equality, if such equality is sanctioned by state law.

ISSUE 3

Expanded lending and investment powers

Background

The removal of interest ceiling and the granting of a greater range of deposit powers can be expected to alter significantly the maturity structure of thrift institutions deposits. Those changes on the liability side require flexibility for compensating adjustments on the asset side. Such compensations should look to increasing income and enhancing liquidity through portfolio diversification—objectives that can be achieved only through the acquisition of shorter term and more diversified assets, such as consumer loans. Opening up those areas to thrift institutions can be expected to create downward pressures on the cost of credit to consumers and governmental bodies.

It might be argued that such significantly liberalized lending authority may curtail the flow of funds into housing. That issue is not easily resolved, but the Administration's task force concluded that the expansion of powers, coupled with the suggested tax changes, should not adversely affect the supply of mortgage funds. It is impossible to give definitive support to that position because theoretical arguments on both sides abound. The key seems to be the extent to which: (1) thrifts will shift long-term funds into short-term (non-mortgage) assets, and (2) the extent to which that shortfall would create market inducements encouraging other institutions (e.g. commercial banks and real estate investment trusts) to fill the gap. In its study of the issue, an Administration housing study group, chaired by the Council of Economic Advisers, concluded that the former would likely be small and that the latter would operate, leaving mortgage flows unaffected.

The possibility that commercial banks may fill the gap will be enhanced if current restrictions on their real estate lending are removed, especially in light of the removal of interest ceilings on savings accounts. Furthermore, commercial banks will be confronted by thrift institutions armed with a full range of consumer finance powers and, therefore will need to be more attentive to mortgage credit demands if they are to hold their customers for other consumer business.

However, since housing has a high social priority, it seems advisable to place some restrictions on the acquisition of "non-mortgage" assets and to increase the number of ways thrifts can participate in financing construction activity. In addition, changes are also being recommended in the taxation of banks and thrift institutions to assure a steady flow of funds into housing.

Since the impact of the proposed changes on the availability of mortgage funds is so important, a synopsis of the Administration's task force study on this matter will be found later in this booklet.

Recommendation

Federal savings and loan associations will be authorized to:

(1) make consumer loans not exceeding 10 percent of their total assets;

(2) make real estate loans under the same conditions as commercial banks;

(3) make construction loans not tied to permanent financing (i.e., interim construction financing as offered by banks);

(4) make community rehabilitation and development and mortgage loans on residential and related properties, including a participation in rental income or a share of capital gains on the sale of property, but with this leeway authority not to exceed 3 percent of their total assets;

(5) acquire high quality commercial paper and private investment-grade corporate debt securities in accordance with approved-list and other guideline procedures established by the FHLBB. Such investments are not to exceed 10 percent of total assets, with the maximum limitation to be set at 2 percent in the first year and growing to 10 percent, at the rate of 2 percent per year, over a 5-year period;

(6) utilize for consumer loans the unused portions of authorized investments in private corporate debt (commercial paper and debt securities) and leeway loans; and

(7) continue the acquisition of a full range of U.S. Government, state and municipal securities.

National banks will be granted:

(1) liberalized powers with respect to real estate loans;

(2) a leeway authority, not to exceed 3 percent of total assets, for community rehabilitation and development and mortgage loans on residential and related properties, including a participation in rental income, or a share of capital gains on the sale of property.

The FRB is to be granted more flexible authority to define assets eligible for discount, and the FHLBB is to be given expanded authority to broaden the definition of collateral required for advances to savings and loan associations.

ISSUE 4

Charters for thrift institutions

Background

The dual banking system has contributed a great deal to the more efficient operation of financial markets. It has permitted an element of competition among supervisory authorities which has been conducive to innovation and experimentation by financial institutions. In addition, it has restrained supervisory authorities from over-zealously protecting existing firms by restricting entry to the field.

The dual banking system is, however incomplete. Federal charters are not available to mutual savings banks and federal law explicitly prohibits the federal chartering of *stock* savings and loan associations. Both types of institutions have been operating in a more than satisfying manner at the state level for a number of years. There are no obvious reasons why federal charters should not be available to them.

Recommendation

The FHLBB is to be empowered to charter stock thrift institutions, granting them powers identical to those enjoyed by mutual savings and loan institutions.

Newly empowered federally chartered thrift institutions may be called either "savings and loan associations" or "savings banks."

State chartered mutual savings banks may convert to a federal charter and be granted all of the asset and liability powers available to all federally chartered thrift institutions. In additon, they may retain their life insurance, equity investments and corporate bond investments. Equity and corporate investments may be no greater than levels determined by their average percent of assets for the 5-year period January 1, 1968 through December 31, 1972.

State chartered mutual thrift institutions which convert to a federal charter will be insured by the FSLIC, even if they had been insured by the FDIC.

ISSUE 5

Credit Unions

Background

Credit unions represent a small but rapidly expanding portion of the nation's financial system. At the end of 1972, there were about 23,200 credit unions holding total assets of more than $24.8 billion. That represents only a 4.4 percent increase in the number of firms since 1965, but a 134.6 percent increase in their assets over the same period.

Because of their cooperative form of ownership credit unions enjoy, by law, many advantages not accorded other depository institutions, but must satisfy special conditions to keep those advantages.

Their principal advantage is exemption from income taxes, while the main constraint on their operations is inability to offer services to non-members. Membership is limited to those who share a "common bond of association."

That constraint does not impinge upon the operations of the vast majority of credit unions. Although there are credit unions that would prefer to offer the services of "mutual saving institutions," such an extension of powers would leave them indistinguishable from taxable institutions and their tax-free status could not be justified.

Credit unions deposit in and borrow from commercial banks. However, there is the possibility that in times of severe credit restraint, a credit union may face an emergency, such as a plant closing, and be unable to acquire short-term funds from the banking system. A totally-credit-union-financed "Emergency Fund" might be one method to solve this problem.

Recommendation

A Central Discount Fund will be established for insured (federal or state) credit unions solely to provide funds to meet emergency, temporary liquidity problems. Capital for the fund will be obtained through subscriptions by credit unions wishing to join. The Fund is to be administered by the National Credit Union Administration.

Additionally, there will be some minor liberalization of existing credit union powers. Credit unions will retain their tax-exempt status as long as they remain within the bounds of the existing tax law.

Credit unions that want to expand their services and assume the burdens of full service mutual thrift institutions will be permitted to do so. Procedures to facilitate an exchange of charters will be available.

ISSUE 6

FHA and VA interest ceilings

Background

One of many federal attempts to keep the cost of housing funds low is the administrative interest ceiling placed upon Federal Housing Administration-insured and Veterans Administration-guaranteed mortgage loans. Those attempts have by and large failed, as is evidenced by the widespread use of "points," and the move by the Federal National Mortgage Association in 1968 to a "free market system" for buying and selling mortgages. If administrative rates have kept costs down, it has been at the expense of fewer funds available for housing.

Recommendation

The FHA and VA interest ceiling will be removed.

ISSUE 7

Taxes

Background

In light of the expanded powers to be granted thrift institutions and the overall goal of reducing the degree of functional specialization among financial institutions, the basic objective of the tax proposals is a uniform tax formula for all financial institutions. A "tax neutrality" is sought, by providing that a given investment or activity will be subject to the same income tax provisions regardless of the functional type of financial institution making the investment or engaging in the activity.

However, differences in tax treatment, and

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thus overall tax burden and effective rates of taxation among financial institutions, will continue to exist. Those differences will result from three factors: (1) the form of the institution, i.e., mutual bank versus capital stock corporation; (2) federal and state regulation which will grant certain types of institutions the power to make certain investments and engage in certain activities that are denied to other institutions; and (3) the extent to which an individual institution uses the powers granted to it.

The principal difference between existing income tax provisions applicable to commercial banks and savings institutions is in the area of deductions for additions to a reserve for losses on loans (Internal Revenue Code sections 593 and 585). Those provisions must be changed if there is to be a uniform tax formula. Furthermore, if changes are made in that area, conforming amendments will have to be made to a number of other provisions of the Internal Revenue Code which currently reflect the differences of existing law. Those other changes are technical in nature and do not involve policy considerations. Therefore, the recommendations which follow deal only with the provisions affecting deductions for additions to a reserve for losses on loans.

If the current subsidy being provided thrift institutions through the special bad debt reserve provisions is eliminated, a continued incentive to insure a flow of capital into the residential mortgage market may be provided through a mortgage interest tax credit. Such a credit would be equal to a percentage of the interest income earned on residential mortgages and would operate as a direct incentive in place of the indirect incentive currently being provided through provisions for loan losses. In addition, the mortgage tax credit could be used to compensate thrift institutions for the loss of tax benefit resulting from elimination of the special bad debt reserve deduction.

Recommendation

The special reserve provisions applicable to thrift institutions will be eliminated and all thrift institutions will compute reserve additions under an experience method similar to the one applicable to commercial banks.

Thrift institutions will be compensated for the tax benefit being eliminated by means of a new tax credit equal to a percentage of the interest earned from residential mortgages and other qualifying loans. The credit will be made available to all taxpayers and will serve as an incentive to attract capital into the residential mortgage market.

The size of the credit has not yet been decided, but it will be calculated so as to give thrift institutions full compensation for the tax benefit they would have received in the aggregate (based on projections for a future year) through deductions for additions to a reserve for losses on loans. To induce thrift institutions to continue their high level of investment in residential mortgages (to be eligible for the special bad debt reserve deduction they currently must invest 60 percent of their assets in qualifying real property loans and must invest 82 percent of their assets in such loans to receive the maximum tax benefit) and provide an incentive to other lenders to increase their level of investment in residential mortgages, the credit will be multi-level. For example, one rate might apply to those lenders who invest more than 70 percent of their assets in residential mortgages, a lower rate might apply to those lenders investing more than 50 percent of their assets in residential mortgages and still lower rates might be set for all other lenders. The specific rates and the investment levels have yet to be determined.

QUESTIONS AND ANSWERS

I: PAYMENT OF INTEREST ON DEPOSIT ACCOUNTS (REGULATION Q, ETC.)

Q. What are the current regulations governing the payment of interest on demand deposits?

A. Payment of interest on demand deposits by any insured bank is prohibited by federal statute, 12 U.S.C. 1828g.

Q. When and why was the payment of interest on demand deposits barred?

A. Payment of interest was prohibited in 1933 in the belief that deposit rate competition contributed to bank failures. Subsequent studies have failed to support that belief.

Q. What is the legal basis for the current regulations governing the payment of interest on time and savings accounts?

A. Federal law empowers the FRB, the FDIC, and the FHLBB to limit by regulation the payment of interest on time and savings deposits. Ceiling rates may be varied in accordance with deposit size, maturity, location of institution and any other basis deemed desirable in the public interest.

Q. When was that authority first granted those regulatory bodies?

A. The current broad grant of authority was first enacted in September 1966 at the time of the severe liquidity crisis.

Q. Why was it enacted?

A. It was believed at that time that ceilings on deposit rates would hold down the costs of deposit institutions (primarily S&L's) thereby alleviating the squeeze on their profits and maintaining them as viable suppliers of funds for housing. However, the ceilings failed to provide a protective shield.

Q. What is Regulation Q?

A. Regulation Q is a regulation issued by the FRB, under the authority mentioned above, governing the payment of interest by member banks on time and savings deposits.

Q. Are other regulatory bodies empowered to set interest ceilings for the depository institutions they supervise?

A. Yes. Under the legislation originally passed in 1966, both the FHLBB and the FDIC may set interest ceilings on the time and savings accounts of the institutions they supervise. Extension of that authority until December 31, 1974, is currently before Congress. Under current authority the FDIC has promulgated 12 CFR 7829.6 and the FHLBB 12 CFR 526.

Q. Are the same regulations applicable to commercial banks and thrift institutions?

A. Not entirely. The ceiling rate permitted thrift institutions is now generally 25 basis points higher than that permitted commercial banks. There are no ceiling rates on certificates of deposit of $100,000 or more, or on 4-year deposits of $1,000 or more (up to 5 percent of time and savings deposits).

Q. Has the differential between what commercial banks and thrift institutions can pay for time and savings accounts been due to a law or to administrative action?

A. Administrative action.

Q. Why are thrift institutions given an interest-rate advantage?

A. Because of the prominent role they play in funneling funds into housing markets.

Q. Why is elimination of that differential now being proposed?

A. The total package of recommendations contains other and more efficient means of encouraging financial support for housing, principally through the mortgage tax credit.

Q. What is a "N.O.W." account and how does it differ from a demand deposit?

A. A N.O.W. account in a negotiable order of withdrawal offered by mutual savings banks in Massachusetts and New Hampshire. In essence, they are checks drawn on savings accounts in those institutions. N.O.W. accounts differ from demand deposits in that such accounts bear interest and legally a bank does not have to honor it on demand.

Q. Why are you recommending the payment of interest on accounts that are essentially demand deposits while continuing the ban on interest payments for demand deposits?

A. Given the long period in which banks have not paid such interest they will need time to experiment with interest-bearing transaction accounts. Maintaining a distinction, however small, between N.O.W. accounts and checking accounts gives banks time for experimentation.

If interest could be paid immediately on demand deposits, it is believed that banks with their existing large balance of demand deposits would start paying interest on them and S&L's would never have a chance to attract such deposits. Also, many banks would feel that they were being forced by the government to pay such interest. And finally, by allowing N.O.W. accounts rather than interest on demand deposits we have introduced a degree of gradualism into the new world of paying interest on demand deposits.

Q. Why do you want to phase out Regulation Q?

A. We want consumer/savers to have the full benefit of market interests and thus to receive a fair return on their savings.

Interest ceilings on time and savings accounts have inhibited financial institutions from competing with the rest of the capital market for funds, particularly during periods of credit restraint.

Q. If you eliminate Regulation Q, won't we have the same type of cutthroat interest rate competition that led to numerous bank failures in the 1930's?

A. No. The statement that interest rate competition led to bank failures has not been supported by the evidence. There is little if any evidence that pure interest rate competition led to bank failures. The cause was, instead, poor investments.

If irresponsible deposit rates, inaugurated by isolated banks, should lead them to invest unwisely, this can best be handled on a case-by-case basis by the supervisory agencies. There is no point in penalizing all savers and all institutions for potential abuses by a few.

Interest rate ceilings in the past have proved to be discriminatory to the small unsophisticated saver while not really protecting the individual institutions.

Q. If you allow ceiling rates to increase, won't this mean higher rates on mortgages and bank loans?

A. Not necessarily. A number of interrelated factors have to be taken into account:

1. The interest rate for loans is determined by a market that is separate from the one which determines the interest rate for deposits. Although these two markets are indirectly related, they do not necessarily move in unison.

2. The market for mortgage loans is a long-term market, while the market for deposits is short and medium term.

3. To argue that removing Regulation Q will mean an increase in the average cost of funds for institutions is to assert that the Regulation has been effective in holding down the average cost of funds to the institutions. This has not been the case. What has happened has been a tilt in the yield curve with the average remaining about what it would have been otherwise—i.e., short-term Regulation Q rates have been depressed (savings accounts of small consumers) while the longer maturity deposits (big CD's) have been disproportionately bid up due to the intense competition by institutions for these relatively scarce deposits. We might expect this yield curve to "untilt" and thus not necessarily increase the average cost of funds to institutions.

4. However, the overall Regulation Q rates

may go up and loan rates may go up. But if this happens, there will merely have been a redistribution of income from borrowers to savers. Who is to say that the consumer savers should not receive a fair return on their savings?

Q. Why not remove Regulation Q immediately?

A. S&L's, due to their portfolios of substantially all long-term mortgages frozen into fixed rates, do not have the ability to immediately start paying free competitive rates. They must be given a couple of years to adjust their portfolios so as to shorten the maturity of some of their assets (i.e., consumer loans) and improve their overall yield.

II: EXPANDED DEPOSIT LIABILITY POWERS AND RESERVES

Q. What are the major differences in deposit liability powers between commercial banks and thrift institutions?

A. All thrift institutions, both federal and state chartered, offer a full range of savings account services to all customers, individual and corporate. However, thrift institutions may not offer demand deposit services. A major exception is the N.O.W. account offered by mutual savings banks in Massachusetts and New Hampshire. Among commercial banks only member banks of the Federal Reserve System may not offer a full range of both demand and savings account services to all customers. Member banks may not offer savings account services to their corporate customers. That prohibition is a regulation promulgated by the FRB. State chartered non-member banks are subject to state law on the issue of corporate savings accounts.

Q. Why have differing deposit liability powers for commercial banks and S&L's been established?

A. It has been generally believed that the longer maturity structure of thrift assets, vis-à-vis commercial banks, demands a longer maturity structure of deposit liabilities. Hence the general prohibition against S&L's offering checking accounts.

Q. Why the recommendation that the difference in deposit liability powers between S&L's and commercial banks be eliminated?

A. It will be beneficial for consumers and small businesses to be offered a full range of services by all institutions which wish to do so. The elimination of current differences is part of the overall plan to make thrifts more viable financial institutions. By possessing all the powers needed to compete for deposit funds, thrifts will no longer require the great rescue operations used in the past.

Q. Will changes in their liability powers require changes in their asset powers?

A. Yes. Permitting thrifts to have shorter-term liabilities requires that they possess shorter-term assets. Recommendations put forward by the President include proposals that would permit thrifts to make consumer loans and business loans related to real estate.

Q. Will these changes in liability powers mean changes in their deposit reserve responsibilities?

A. Not necessarily. If thrifts are members of the FHLBB system, and membership will be voluntary for state chartered institutions, reserves on their transaction accounts (demand and N.O.W. accounts, but not time and savings accounts) will be imposed by the FRB, after consultation with FHLBB.

Q. Will that be the same treatment accorded commercial banks?

A. Members of the Federal Reserve system will be subject to the same requirements on their transaction accounts as members of the FHLBB system. Again, membership will be voluntary for state chartered institutions.

Q. Will there be any differences between the reserve requirements for thrifts and commercial banks?

A. Yes. Current reserve (liquidity) requirements on time and savings deposits of thrifts will not be altered. Those on the time and savings accounts of commercial banks will be altered.

Q. Before we get into these changes what are the current limits on reserves?

A. Currently, the FRB is empowered to set reserve requirements on demand deposits from 10 percent to 22 percent for so-called reserve city banks and from 7 percent to 14 percent for all other banks.

Q. What are the requirements in effect today?

A. As of May 31, 1973 reserve requirements on demand deposits were:

Deposits ($ millions):	*Reserve requirements (percent)*
0–2	8
2–10	10
10–100	12
100–400	13
over 400	17½

Q. What will the new reserve requirements be?

A. They will range from 1 to 22 percent on transaction accounts (including demand and N.O.W. accounts), 1 percent to 5 percent on savings accounts, and 1 percent to 10 percent on time accounts.

Q. In what form will reserves be held?

A. For Federal Reserve and FHLBB members, reserves will be held in a form and amount to be prescribed by the FRB.

Q. Are reserve requirements imposed on savings accounts?

A. Yes. Currently, member banks of the Federal Reserve system are subject to reserve requirements on savings accounts. Such reserves may range from 3 percent to 10 percent. At the moment the requirement for all banks is 3 percent. Non-member banks are subject to state law.

Q. Are there any reserve requirements on time deposits and certificates of deposit?

A. Members of the Federal Reserve system must hold as reserves 3 percent of such deposits for the first $5 million and 5 percent for deposits over $5 million. Recently, the FRB imposed an 8 percent marginal reserve requirement (the regular 5 percent plus a supplemental 3 percent) on further increases in the total of (a) outstanding certificates of deposit of $100,000 and over issued by member banks, and on (b) outstanding funds obtained by a bank through issuance by an affiliate of obligations subject to the existing reserve requirement on time deposits. The 8 percent marginal reserve does not apply to banks whose obligations of those type aggregate less than $10 million.

Q. What proposals are being made for reserves on time and savings accounts in commercial banks?

A. For member banks reserve requirements on savings accounts will range from 1 percent to 5 percent and those on time accounts will range from 1 percent to 10 percent. State law will prevail for nonmember banks.

Q. What is the difference between savings accounts and time accounts?

A. Generally, the two differ in terms of the amount of time funds must remain on deposit and the rules governing withdrawal of funds.

For savings accounts, the depositor is not required by contract to leave funds on deposit for any specified period of time nor to give notice in writing of an intended withdrawal. However, the depositor may at any time be required by the bank to give at least 30 days notice.

For time accounts, the depositor agrees to leave funds on deposit for a specified minimum period of time and for many types of time deposits must give prior notice of withdrawal.

Q. Will new reserve requirements be imposed on time and savings accounts in thrift institutions?

A. No. The liquidity reserves imposed by the state or the FHLBB, whichever is applicable, will continue.

Q. Although the FRB imposes reserve requirements only on member banks, are you recommending that it set reserve requirements for all federally insured banks?

A. No, not all of them. The FRB will have authority to set, in consultation with the FHLBB, reserve requirements on transaction accounts of members of the FR and FHLBB systems.

Q. Won't that recommendation bring some thrift institutions under the control of the FRB?

A. Only with regard to reserve requirements on transaction accounts. There is no way to estimate at this time how many FHLBB thrifts will offer transaction accounts.

Q. Are there any reasons for preserving the dual banking system?

A. Yes. The dual system creates 52 laboratories for experimentation in bank regulation. Experimentation has taken place in areas of ancillary bank services and capital adequacy to the advantage of the banks and the public. In addition, the availability of alternative chartering agencies has resulted in increased competition and more service for the public.

Q. Why is it that state chartered banks which are not members of the Federal Reserve System do not have to hold the same reserves as the system members?

A. The history of our banking laws has been one of dual regulation of state chartered banks and federally chartered banks. We do not wish to damage this very healthy system of dual banking.

By providing a choice of chartering and supervisory agencies to banks and S&L's, we have fostered an innovative and progressive banking system.

We believe that states have the right to regulate their own banks so long as such regulation does not unduly interfere with the implementation of monetary policy which is, of course, a federal responsibility. From a practical point of view, most state banks hold reserves roughly equivalent to those of FR member banks. However, unlike the member banks, they are frequently able to put such reserve balance to productive use.

Q. Summing up, how will this decision on reserves affect financial institutions?

A. National banks—no change.

State Federal Reserve System member banks—no change.

State non-member banks—no change.

Federal S&L's—must hold reserves against demand deposits and N.O.W. accounts; no change on savings and time deposits.

State S&L's—if member of FHLBB (which almost all will remain), same as above. If not FHLBB member, state banking authorities will set reserve requirements. It is hoped they will be the same as for banks.

Mutual savings banks—same as for Federal and State S&L's.

The new ranges within which the Fed may set the reserve level are:

Demand deposits and N.O.W. accounts—1–22 percent.

Savings—1–5 percent.

Time—1–10 percent.

III: EXPANDED LENDING AND INVESTMENT POWERS

Q. What is the general purpose of expanding the lending and investment powers of thrift institutions and banks?

A. Generally, the expansion is part of the overall plan to make thrifts more viable financial institutions. More specifically, changes on the liability side require compensating adjustments on the asset side aimed at increasing income and enhancing liquidity. Those objectives can be achieved only through the acquisition of shorter term and more diversified assets, such as consumer loans. Opening up those areas to thrift institutions can be expected to create downward pressures on the cost of credit to consumers and governmental bodies.

Q. What are the current limitations on lending and investing by thrift institutions?

A. This can be answered precisely only about federally-chartered S&L's, since there are so many laws covering state-chartered institutions.

Currently, federally-chartered S&L's are generally restricted to making loans related to housing and real estate.

There are two exceptions to that rule. First, they may make passbook loans, that is loans to account holders secured by the deposits in their accounts. The size of loan is limited to the amount of funds in the account. Second, thrifts may make loans to individuals to pay for college, university or vocational expenses. Those loans are limited to 5 percent of assets.

Generally, S&L's are precluded by law and regulation from acquiring private sector debt obligations other than mortgages. They may, however, acquire the stock of so-called service corporations—corporations designed exclusively to provide related services such as data processing.

Q. What expanded lending and investing powers are being recommended for federal savings and loan associations?

A. Federal S&L's will be authorized to make consumer loans; make construction loans not tied to permanent financing; make community rehabilitation and development and mortgage loans on residential and related properties, including a participation in rental income or a share of capital gains on the sale of property; acquire high quality commercial paper and private investment grade corporate debt securities; utilize for consumer loans the unused portions of authorized investments in commercial paper and securities, and in community rehabilitation and development and mortgage loans.

Q. What expanded lending and investing powers are being recommended for national banks?

A. National banks will be granted liberalized powers with respect to real estate loans, and authority to invest in community rehabilitation and development and mortgage loans on residential and related properties, including a participation in rental income or a share of capital gains on the sale of property.

Q. Why should thrift institutions be given expanded lending authority?

A. This will allow them to pay the market rate for deposits by shortening the maturity and diversifying the composition of their assets, and increasing the yield thereon.

Q. Won't this diversification divert money from the home loan mortgage market?

A. The CEA study referred to earlier in the discussion of issue 3 concluded that such curtailment will not be significant in view of the other powers being extended to thrift institutions. Moreover, commercial banks can be expected to take up some of whatever slack does occur if current restrictions on their real estate lending are removed, particularly in light of the elimination of interest ceilings on savings accounts.

Q. Why are strict percentage-of-asset limitations being set on thrift institutions' expanded investment powers?

A. Since housing has a high social priority, it seems advisable to place some restrictions on the acquisition of non-mortgage assets and to increase the number of ways thrift can participate in financing construction activity.

IV. CHARTERS FOR THRIFT INSTITUTIONS

Q. Why are there no existing provisions for federally-chartered stock thrift institutions?

A. At the time the federal law was enacted savings and loan associations were looked upon simply as self-help cooperatives, and there was thought to be no role for stock savings and loan associations.

Q. Why is it being recommended that Federal charters now be granted to stock thrift institutions?

A. Presently 21 states charter stock savings and loan associations. Experience with stock savings and loan associations has been at least as satisfactory as that with mutuals; therefore there is no good reason for the present statutory ban on federal charters. It is also believed beneficial to have a dual option of chartering and supervisory agencies to avoid two problem areas which emerge when a particular type of financial institution can be chartered by only one agency: first, the agency may become overzealous in protecting existing firms; second, the agency may not be as innovative and imaginative as it should be in exercising its authority.

Q. Under the recommendations will there be any difference in activities permitted stock S&L's, mutual S&L's, mutual savings banks, and the new savings banks?

A. Under the recommendations all federally-chartered thrift institutions will have essentially the same asset and liability powers. "Savings bank" will just be an alternative title available to newly empowered federally-chartered thrift institutions. However, state-chartered MSB's which convert to a federal charter will be able to retain their life insurance, equity investments and corporate bond investments. This will enable them to maintain their customary investments which will not be available to other existing or newly chartered federal thrift institutions.

Q. Won't allowing MSB's to convert and retain their investments undermine a dual banking system?

A. No. Allowing mutual savings banks, which can now be chartered in 18 states and Puerto Rico, the option to convert to a federal charter and maintain their customary investments will enhance the dual banking system. Allowing them to retain their investments upon conversion will give them a real option between either remaining under their present state supervisory agency or coming under a federal supervisory agency.

V: CREDIT UNIONS

Q. What is a credit union, and what special privileges does it enjoy?

A. A credit union is a cooperative nonprofit organization of individuals with a common bond of occupation, association or residence. The credit union's objectives are to promote thrift among its members and to provide them with a source of credit at reasonable rates of interest. Credit unions enjoy an income tax-free status since they are nonprofit organizations.

Q. Are federal and state charters available to credit unions?

A. Yes; credit unions may be incorporated under a federal law or under the laws of 44 states.

Q. What resources are available to federal credit unions now to meet temporary liquidity problems?

A. Credit unions may use their investments or increase their direct borrowing from other credit unions and private sources such as commercial banks. However, to qualify for federal insurance, credit unions are limited by a ceiling on aggregate borrowing from all sources.

Q. What is being recommended to meet emergency problems?

A. The establishment of a Central Discount Fund (CDF) to be administered by the National Credit Union Administration is being recommended. It would provide funds to meet the temporary liquidity problems of its members.

Q. Will non-federally-chartered credit unions have access to the CDF?

A. Yes. All *insured* credit unions, either federal or state, may become members of the Fund.

Q. How will the CDF be funded?

A. The capital for the Fund will be supplied through subscriptions by member credit unions. (Presumably additional funds could be provided through the issue of debt obligations and from the deposits of credit unions as recommended by the Hunt Commission.)

VI: FHA AND VA INTEREST CEILINGS

Q. What are the current Federal Housing Administration and Veterans Administration interest ceilings on mortgages and who imposes them?

A. Interest ceilings on FHA-insured loans are set by the Secretary of Housing and Urban Development; those on loan guaranteed by the VA are set by the Administrator of Veterans Affairs. The ceiling on FHA-insured and VA-guaranteed loans was recently raised from 7 to 7¾ percent.

Q. What was the purpose of having interest ceilings on FHA- and VA-backed loans?

A. FHA insurance is intended to enable persons of modest incomes to more easily obtain residential mortgages. Ceilings on FHA and VA loans were imposed with the assumption that borrowers under these programs would pay reasonable rates of interest.

Q. Why are you recommending the elimination of those ceilings?

A. Experience has shown that the administratively set ceilings lag behind market rates for conventional mortgages. This has meant that either FHA- and VA-backed loans become unavailable during periods of rapidly rising interest rates, or the effective rate of interest on these loans is raised above the ceilings by the practice of charging "points," in effect buying the loan at a discount. Ending the ceilings will eliminate this practice and enable persons who rely on FHA- or VA-backed financing to obtain mortgages during periods of high interest rates.

Q. Won't elimination of the ceilings lead to a rise in mortgage interest rates?

A. At present, the interest rates on FHA- and VA-backed mortgages rise with market rates on conventional mortgages through the use of "points" (or mortgage money becomes unavailable). Elimination of the ceilings is not expected to increase the *effective* rate of interest charged on these mortgages but is expected to provide a steadier supply of funds for mortgages during tight money periods.

Q Why won't there be a phase-out period for these ceilings, as is planned for the interest ceilings on time and savings deposits?

A. The removal of interest ceilings on FHA- and VA-backed mortgages is not expected to sharply affect interest rates charged on mortgage loans so their removal should not disrupt the mortgage market. Some fear that the removal of ceilings on time and savings deposits may lead to substantially higher interest rates on those deposits. Rather than expose financial institutions to perhaps damaging and sudden competition for those funds, a period of adjustment will be provided, during which these institutions will be able to learn through experience what rates are needed to attract necessary funds without damaging their viability.

Q. Will removal of FHA and VA interest ceilings eliminate all usury-type barriers to mortgage financing?

A. No. Currently, many states employ usury ceilings in the mortgage area. It is the Administration's hope that states which impose such ceilings will move toward eliminating them as soon as possible. During periods of severe credit stringency, arbitrary ceilings below market rates can keep funds from mortgage markets.

VII: TAXATION

Q. Why are changes being recommended in the taxation of banks and thrift institutions?

A. The purpose is threefold: (1) to assure a steady flow of funds into housing; (2) to achieve a tax neutrality by providing that the income from a given asset will be subject to the same tax provisions, regardless of the functional type of financial institution holding the asset; and (3) to place competing institutions on an equal footing.

Q. What are the current special reserve provisions which apply to thrift institutions and how do they differ from the reserve provisions applying to commercial banks?

A. The principal difference between existing income tax provisions applicable to commercial banks and savings institutions involves deductions for additions to a reserve for losses on loans. Currently, thrift institutions are granted more favorable terms than commercial banks.

Q. Will the recommendations completely eliminate all differences in taxation between thrift institutions and commercial banks?

A. Generally, yes. The special reserve provisions applicable to thrift institutions will be eliminated, and all thrift institutions will compute reserve additions under an experience basis rule of the type currently applicable to commercial banks.

Q. How will thrift institutions be compensated for this tax loss?

A. Thrift institutions will be compensated for loss of the tax benefit by means of a new tax credit equal to a percentage of the interest earned from residential mortgages and other qualifying loans.

Q. Would the proposed mortgage interest tax credit be available to all lenders?

A. Yes.

Q. What are the current provisions of tax law with regard to the treatment of loan losses of thrift institutions?

A. In computing taxable income, all deposit institutions may deduct from gross income an expense item called additions to reserves for bad debts.

Currently, thrift institutions may, in calculating that expense item, use the same methods available to commercial banks or, in the case of qualifying real property loans, a special method designed to increase the after-tax profitability of their mortgage holdings.

Under the second alternative, thrift institutions may deduct, for the year 1973, up to 49 percent of taxable income. Between 1973 and 1979 that maximum figure will be reduced gradually to 40 percent.

To obtain the maximum deduction permitted by law, at least 82 percent of a thrift institution's assets must be in so-called eligible assets. As the amount of eligible assets declines so does the percent of gross income which may be deducted as a business expense. If the percentage of eligible assets falls below 60 percent of total assets, the special method is not available.

With regard to non-qualifying loans, bad debt reserve deductions are made under the same ground rules as are applicable to commercial banks.

Q. What changes in the tax treatment of "additions to reserves" are being recommended?

A. As of the effective date of the legislation, all deposit institutions would operate under the provisions now available to commercial banks.

Q. What are those provisions?

A. Banks may deduct amounts in accordance with an "experience method" or a "percentage of eligible loan method."

Under the "percentage of eligible loan method," the amount to be deducted is the amount necessary to bring the level of the reserve for bad debts up to a specified percentage of eligible loans. That percentage is currently 1.8 percent but will be reduced to 1.2 percent in 1976 and to 0.6 percent in 1982. This method will cease to be available after 1988.

Under the experience method, the amount to be deducted is the amount necessary to bring the level of the reserve up to an amount reflecting the actual loss experience for the current year and preceding 5 years.

Q. When thrifts convert to the provisions available to banks, will the level of their reserves be low enough to permit them to deduct loan losses as a business expense?

A. Generally, no.

Q. Will thrifts be given any special treatment as a result?

A. Yes. Highly technical changes in the tax law will be made so that thrifts will continue to be able to deduct additions to reserves for bad debts as a business expense. However, the amount of the deduction will be substantially lower than that which is available under current law. Thrift institutions will always be able to receive a deduction for actual loan losses.

Q. Are the proposed changes in tax law designed to equalize the effective tax rates or tax burden?

A. No. The object of the recommendations is to create a tax neutrality with regard to the lending and investment activities of deposit institutions. Under the proposal, differences in effective tax rates and burden will continue to exist. Such differences will result from a combination of three factors: (1) the form of the institution (i.e. mutual vs. capital stock corporation); (2) differences in federal and state regulation governing the permissibility of certain investments and ancillary activities; and (3) the extent to which the individual institution utilizes the powers granted to it.

Q. What is the background of the bad debt reserve deduction?

A. Under current law a thrift institution is entitled to the special bad debt reserve deduction with respect to all *qualifying real property loans* (defined to include all loans secured by an interest in improved real property or secured by an interest in real property which will be improved from the proceeds of the loan). Improved real property includes residential property such as a single family home or apartment house as well as office buildings, shopping centers, warehouses, hospitals or other health, welfare, or educational facilities.

Based on 1971 figures, approximately eight percent of loans made by S&L's were not secured by an interest in *residential* property. In the case of MSB's virtually all of their mortgage loans were secured by an interest in residential real property.

The proposed mortgage interest tax credit is *limited to interest income from residential mortgages*, but is designed to compensate thrift institutions for the tax benefit they presently enjoy with respect to all real property loans.

Q. If the credit is limited to residential mortgages, what loans would be excluded?

A. All mortgages secured by an interest in commercial and industrial property, and loans secured by an interest in educational, health or welfare institutions or facilities including facilities used to house students, residents, patients, employees of staff members of such institutions or facilities.

Q. What effect will the proposal regarding bad debt deductions have on student loans?

A. Under current law, student loans are one of the types of investments that a thrift institution may make in order to meet the 82 percent test which will entitle it to the maximum bad debt deduction. However, the percentage of taxable income method is available only with respect to qualifying real property loans and does not include student loans.

Under the proposed change, the bad debt reserve deduction with respect to student loans will be unaffected. However, since thrift institutions will no longer be required to maintain a specified percentage of assets in eligible assets, student loans will be classified as consumer loans, for which there will be ample lending authority.

VIII: MORTGAGE AND HOUSING MARKETS

Q. Is the mortgage lending industry viable with its existing structure and regulations?

A. We take "viability" to mean the ability to withstand the effects of cyclical changes in credit market conditions without the need for massive Federal supportive intervention.

A conclusive case that the industry is not viable cannot be made on the basis of available evidence, but there appears to be a high enough probability to warrant attention. The instructive value of 1966 and 1969–70, the last two complete occasions when mortgage markets were under severe pressure, is not easily assessed, since many structural and regulatory changes have taken place over the last few years.

The chance of severe harm to thrift institutions has to some extent been moderated since 1969 by the improvement of the secondary market for both conventional and insured mortgages and by improvements in government sources of emergency liquidity. Moreover, thrifts and banks are now able to offer a "no-ceiling" deposit (minimum $1000 and 4 years) to the small consumer. On the other hand, there seems to be a general awakening of savers to the various forms of holding wealth alternative to deposits at thrift institutions. In addition, new alternatives to savings accounts have emerged in the last two years.

On balance, it appears that if present institutional arrangements were to continue, there would be good cause for concern about large-scale reductions in deposit inflows when market rates climb appreciably.

Q. How can we make the mortgage lending industry more viable without increased Federal support?

A. By implementing the balanced program of broadened asset and liability powers for financial institutions and restructuring tax support for residential mortgage lending.

Q. What are the present forms of government activities relating to housing and mortgage markets, including taxation?

A. Federal assistance to housing now takes two forms: (1) direct assistance to low-income persons building, buying or occupying dwellings and (2) a number of general tax incentives, some with accompanying restrictions, designed to encourage those same activities. Two major incentives are the deductibility of mortgage interest paid from homeowner's taxable income and the favorable manner in which savings institutions can add to bad debt reserves (beyond the levels warranted by losses) in return for the restriction that a high portion of their assets be held in residential real estate mortgage loans.

Q. How will Federal expenditures and tax preferences change if the President's recommendations are implemented?

A. The President's recommendations would not affect the structure of any direct program, but would substitute a tax credit for the bad debt provision for thrift institutions, and would make the residential mortgage tax credit available to all taxpayers. The amount of existing bad debt preferences for thrift institutions was estimated to be $545 million in fiscal 1971. If the tax credit is set at a level which does not alter the taxes paid by thrift institutions, the overall tax subsidy to housing will be larger since other investors will utilize the tax credit. If the overall subsidy is maintained at the current level, thrift institutions would receive less of the tax subsidy, with other holders of residential mortgages receiving the remainder.

Since the outlays in some Federal direct

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programs are positively related to mortgage rate levels, these would rise if rates increased and decline if rates decreased. If a mortgage tax credit is established in such a way as to compensate for the loss of subsidy through the bad debt reserve treatment, residential mortgage interest rates should not be higher as a result of this package. Indeed if anything they should be lower, as the tax credit would benefit all holders of mortgages. This would reduce direct Federal outlays on housing support programs.

Q. How would adoption of the President's recommendations on expanded powers affect mortgage markets both in the long run and cyclically?

A. The overall impact of the proposed changes on the mortgage market depends upon the relative magnitudes of two opposing effects.

First, expanded asset powers for thrifts, in and of themselves, might reduce the supply of mortgage funds from those institutions. However, the reduction would be small.

Elimination of interest rate ceilings for commercial banks would increase competition for savings and loan associations and mutual savings banks and thus contribute to the negative effect.

On the other hand since thrift institutions will be able to provide a broad range of consumer services, they would be in a stronger position to attract savings deposits. Since a good portion of these deposits would go into mortgages, the mortgage market would benefit.

Finally, the rate of personal savings in the economy might well increase, providing more funds for all financial intermediaries.

It is believed that the *net* effect on mortgage flows of all these nontax factors is approximately neutral. With an appropriate tax credit, the effect will be positive.

Additionally, an element of cyclical stability will be introduced. The new powers to be granted to thrift institutions would improve their ability to compete for funds, strengthen their cash flows, and thereby alleviate tendencies toward disintermediation (loss of deposits) during periods of financial restraint.

Q. Ignoring for the moment the mortgage tax credit, if the recommendations reduce the supply of mortgage funds, won't there be a corresponding decline in the supply of housing?

A. Not necessarily. Mortgage credit and housing finance are not identical. The former is only one constituent of the latter. Other constituents include personal wealth (e.g. savings accounts; funds from sale of current house) for home buyers and equity markets for the development and construction of housing projects and apartment houses.

The popular view is, however, that the rate of housing production is a captive of the amount of mortgage funds in both the short and long run. Those who believe this point to the data which show mortgage funds and housing moving together in the short run. However, that relationship is open to another interpretation: both housing and mortgages are simultaneously influenced by other factors. According to this view, high interest rates reduce housing production by reducing demand for housing and high interest rates channel funds away from thrifts (because of interest ceilings) which are legally required to invest in mortgages. Choosing between the two explanations is not easy.

However, the most recent studies tend to support the second idea: credit conditions in general, not the availability of mortgage funds, influence housing over the long run. Over the short run the availability of credit is, however, a significant factor.

Under a contract to the Department of Housing and Urban Development, two Princeton University economists, Professors Ray C. Fair and Dwight M. Jaffee, prepared a report which attacks the problem directly. Using the Federal Reserve-MIT-Penn Model of the economy, the authors ran a number of tests simulating the impact of the Hunt Commission's recommendations during the 1960's. On the expanded powers, the President's recommendations are similar to those in the Hunt Report. The authors summarized the results of their tests as follows:

"Our results indicate that the housing market would probably, on net, gain under the Hunt Report, while the mortgage stock may gain or lose depending on the specific assumptions. In any case, the magnitudes involved are small relative to the current outstanding stocks of these assets." [*]

Q. What implications would the recommended changes have for the conduct and effect of monetary policy?

A. The expanded deposit and asset powers for thrift institutions and banks, the abolition of interest ceilings, and the tax credit should make mortgage and housing markets less sensitive to changes in credit conditions.

Removing restrictions on interest paid on deposits would greatly moderate the shifts between deposits and other assets as market rates fluctuate. This would reduce the disorder in financial markets which has accompanied restrictive fiscal and monetary policies.

Q. What are "points."

A. A point is one percentage point of the total value of a mortgage loan. One or more points may be added to the homebuyer's closing costs to compensate lenders when market rates on loans are above usury ceilings.

Q. What are Government National Mortgage Association tandem plans?

A. Tandem plans were employed by GNMA to add support to housing markets. Under those plans GNMA would buy mortgages typically at above market prices and sell them later at market prices to private buyers (often pension funds). GNMA would absorb any losses that might result.

Tandem plans were suspended June 28, 1973.

Q. What is the Federal National Mortgage Association's role in mortgage markets?

A. FNMA, a private corporation since 1968, has as its primary responsibility providing secondary market services by buying and selling FHA-insured, VA-guaranteed, and conventional mortgages. The great bulk of current holdings is composed of FHA-insured and VA-guaranteed mortgages.

FNMA was permitted to begin secondary market operations by the Emergency Home Finance Act of 1970. However, it did not begin actual operations until February 14, 1972. At the end of April 1973, FNMA held $133 million of conventional mortgages and its rate of activity has increased substantially in 1973 over 1972.

IX: UNIFORM RESERVES

Q. Is it true that the President's recommendations do not call for uniform reserves on all third-party or transaction accounts such as checking accounts or N.O.W. accounts?

A. Yes. Under the President's recommendations only members of the Federal Reserve and FHLBB systems will be subject to federally-set reserves on their transaction accounts. Membership in those two systems will remain optional for state chartered institutions. State non-member institutions will continue to have their reserves set by the individual states.

Q. Why do the President's recommendations exclude the request for uniform reserves?

A. The question of uniform reserves has been discussed at great length over the years, by formal commissions and congressional committees. Although not critical at this point, should the lack of uniform reserves impede the implementation of monetary policy, the question must rightfully be opened.

Q. What has been the practical effect of voluntary FR system membership for state chartered banks?

A. Voluntary Federal affiliation has been healthy for the system and spurred creative regulations. At the moment, about 40 percent of all commercial banks holding about 80 percent of all commercial bank demand deposits belong to the Federal Reserve system. Most newly chartered banks obtain state charters but few of them elect to become members of the Federal Reserve system. Of the 509 state chartered banks opened for business between end-1969 and end-1972, only 30 joined the Federal Reserve system. Small banks used the correspondent banking services of large banks and most large banks belong to the Federal Reserve system.

Q. Why is it important to have uniform reserves?

A. The FRB maintains that uniform reserves are essential for the efficient conduct of monetary policy.

The reasoning underlying that argument seems to fall into two parts. First, the fact that all banks are not subject to uniform reserves limits the effectiveness of changes in required reserves as an instrument of monetary management. Second, there is the fact that demand deposits in non-member banks do not respond directly to other techniques such as open market operations.

As a result of those two factors some contend that member banks bear a heavier burden during periods of credit restraint than do non-member banks.

Q. What has been the practical effect of the existence of non-member banks on the conduct of monetary policy?

A. There is no easy way to answer that question. However, as of June 1973 non-member banks held about 22 percent of all commercial bank deposits and about the same amount of demand deposits of individuals, partnerships, and corporations (IPC deposits).

Some argue that under existing conditions non-member bank deposits need not affect the efficiency of monetary management. So long as the demand for deposit reserves by those banks is stable and predictable and so long as the FRB can control the supply of those reserves the efficiency of monetary management should not suffer.

However, over the longer run, changing circumstances may warrant a reexamination of this issue.

Q. Since the absence of uniform reserves has preserved the dual banking system, what advantages have accrued to the American public?

A. Generally, it has permitted an element of competition among supervisory authorities which has been conducive to innovation and experimentation by financial institutions. It has restrained supervisory authorities from over-zealously protecting existing firms by restricting entry.

Non-member bank deposits need not affect the type experiments on such issues as capital adequacy, capital debentures, and the extension of ancillary services such as data processing services, insurance services, messenger services and the like.

State law and federal law are not the same on those issues and thus some banks have more freedom on the issues than others. They have used that freedom to experiment. And supervisors have learned from those

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[*] Ray Fair and Dwight Jaffee, "An Empirical Study of the Implications of the Hunt Commission Report for the Mortgage and Housing Markets," HUD Contract H1781, April 1972, second page of Abstract.

experiments. In some cases the freedoms have been extended to those who had not previously enjoyed them.

If preserved, the dual banking system can continue to serve the public interest and keep the federal system alert.

Effects on Housing of Changes in Financial Structure

The effect on housing of the recommended changes in financial structure can usefully be examined in two parts. First, the overall effect of all the changes except the tax changes can be estimated. Then the tax recommendations can be evaluated. Since the mortgage interest tax credit can in principle be set at any level, it can be established in such a way as to ensure that the overall impact on housing is not adverse.

However, the overall impact of the nontax recommendations together is not likely to be adverse. For that reason, the mortgage tax credit can be established on the basis of subsidies lost when existing tax treatments are changed.

Important to the issue concerning the effects of the Administration recommendations on housing is what effect, if any, the specialized system of mortgage finance has had on housing in the United States. Yet, as the Interagency Task Force Study on Housing chaired by the Council of Economic Advisers makes clear, it is important to realize that this is not the only consideration. There are two important central issues here. The first is what effect, if any, the recommendations will have on the supply of mortgage credit. The second is what effect a change in mortgage credit will have on housing. Even if the recommendations would decrease the supply of mortgage credit, as seems unlikely, it does not follow that anything like a corresponding effect must be transmitted to housing. The last point is not widely understood and merits elaboration.

As a matter of definition, a mortgage is secured by an existing (or potentially existing) house, but the creation of a new mortgage does not imply that new construction will necessarily take place. Nor does the construction of a new house in all cases require a mortgage.

First of all, "mortgage money" is widely used to finance existing housing in addition to newly constructed housing. Indeed, a homeowner may mortgage his house in order to pay for his children's college expenses, or to finance the expansion of his business. A larger mortgage may be sought to enable the home buyer to purchase furniture.[1] A family may choose a larger or a smaller mortgage, depending on its savings and other sources of potential borrowing. In general, mortgage credit (like any other kind of credit) is "fungible." That is, it can be used for any purpose the borrower chooses.[2]

Moreover, a mortgage is only one among a variety of sources of funds available to the borrower, whether he seeks money to acquire a house or for any other purpose.[3] A family which owns its home outright may finance a new house simply by selling the old one. When outside financing is chosen, it can come either from a mortgage or from several other sources.

Furthermore, the financing of new housing involves not only homeowners but many other categories of investors. The following is a partial list of the types of financing which play a role in the production of housing:

(i) equity investment: the accumulated savings of homeowners; equity for the development and construction of large housing projects, and equity investments in apartment houses.

(ii) construction financing: short-term debt money for developers and builders during the development and construction phases of housing.

(iii) other debt financing: long-term mortgage funds for consumers; long-term mortgage funds for investors for the purpose of buying and renting housing units, and short-term loans for consumers and investors for repair and rehabilitation of housing.

These other sources of financing can (and sometimes do) act as substitutes for mortgage credit. In sum, mortgage credit and housing finance are not identical: the former is only one constituent of the latter.

Frequently, however, the distinction between them has been blurred. The popular view, which is held by many mortgage practitioners and home builders, as well as by some economists, regards the rate of housing production to be a captive of the *amount* of mortgage funds available—in both the short and long run. This view, which may be called the "bottleneck" hypothesis, is held so widely and firmly that few writers, at least until recently, have felt that it is open to question.[4]

Proponents of this view believe that specialized financial institutions provide additional funds for some borrowers to which they would not otherwise have access. They argue that savings and loan associations and mutual savings banks have produced higher mortgage flows and lower mortgage rates than would otherwise occur because they are forced to invest in mortgages. Thus, they contend that if the financial institutions which funnel funds to the mortgage markets are allowed to reduce their specialization because of the administration's recommendations, the flow of money for mortgages will be reduced and mortgage interest rates will rise.[5]

If this "long-run bottleneck" view is correct, then policy measures which subsidize or support the mortgage market (holding general credit conditions constant) will also increase the rate of housing production in the long run. Measures which support the mortgage as such will be effective without subsidizing housing directly.

Proponents of this view have supported their case by noting that mortgage flows and housing move together in the short run. Actually, several different interpretations of this numerical relationship are possible, including:

(a) the rate of housing construction is influenced by the supply of mortgage credit;

(b) the demand for mortgage credit is influenced by the rate of housing construction;

(c) mortgage credit flows and the rate of housing construction are influenced simultaneously by outside variables.

Although the first of these views is the popular one, it is the third which follows most naturally from received economic theory. According to this view, the mortgage and housing markets are stimulated or contracted simultaneously by outside influences—in the short run notably by fluctuations in general credit conditions.

The reasons are straightforward and combine two effects. First, when market interest rates rise, households defer long-term borrowing and purchases of long-lived assets, such as housing. Second, higher open market rates induce the public to move out of deposits at thrift institutions into marketable securities since these institutions cannot increase their interest rates on deposits by as much as the rise in open market rates. When the latter fall, funds shift back to institutions.

Thus, high interest rates (i) reduce housing production by decreasing the demand, and (ii) reduce mortgage flows by channeling savings away from the financial institutions that are legally required to invest heavily in mortgages. Such a mechanism would explain why the mortgage and housing markets have often moved closely together in the past. This view places little stress on the structure of financial institutions as a determinant of long-run mortgage flows, housing production and mortgage interest rates.

Credit can and does flow to ultimate users via a number of routes. A dollar flows to where it can earn the best return, given risk, term to maturity, tax status, and so on. Thus, no one type of borrowing group can enjoy special rates, independent of such attributes, that arise from institutions constraints. Similarly, specialized institutions do not provide increased access to capital for special purposes such as housing.

This view says that a savings and loan association, for example, must be able to compete with other investment opportunities if it is to attract savings from the consumer. If the operation of S&Ls increased the aggregate flow of mortgage funds and lowered mortgage rates below rates of return in the other sectors of the financial markets, S&Ls would be in a weak position to compete for deposits and capital. At the same time, there are other types of financial institutions which provide funds to mortgage borrowers. If S&Ls increased their investment in mortgages, mortgage yields would fall, inducing other suppliers of credit to reduce their mortgage investments.

This approach implies that changes in the supply of mortgage funds, holding general credit conditions constant, will not materially affect housing construction. In this case, indirect policy measures such as the government purchase of mortgages will not succeed in stimulating housing in the long run because government lending simply displaces other lenders. In the short run (up to a year), a stronger case can be made that government purchases of mortgages will have a positive impact on the mortgaging and housing markets, and this fact should not be lost sight of.

If is difficult to design and conduct a definitive empirical test of whether housing demand is more responsive to mortgage flows or interest rates. The best available work found by the housing study group supports the interest rate hypothesis. It is also very significant that a number of European countries have experienced the same type of behavior of mortgage flows, housing production and interest rates. This has occurred despite wide variety in the institutional structure by which housing is financed. Accordingly, the Task Force leaned toward the view that the financial effects on housing production operate primarily through general credit conditions and not through the specific characteristics of the mortgage market. Housing production is also presumably affected by economic variables specific to the housing industry itself. The Task Force accepted that credit rationing may occur in the very short run, but was persuaded that over any significant period of time it is the general level of interest rates, rather than the flow of mortgage credit, which acts as the rationing instrument for housing and other durable assets.

There remains the question of how the Administration's recommendations will affect the flow of funds into the mortgage market. This is still a relevant question for two reasons. First, nearly all economists agree that in the short run (about a year or less) changes in the availability and flows of mortgage credit importantly influence housing production. Second, it is of interest to note how the housing stock will be financed in the future. The impacts can be separated into cyclical and long-range.

It is hard to imagine how these recommendations could increase the cyclical variability of housing compared with recent years. The Task Force believes they will decrease it substantially by decreasing short-run disruptions of mortgage flows. This will result from two important sets of changes. First, traditional mortgage lenders

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Footnotes at end of article.

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will have their cyclical viability strengthened by broadened powers to hold assets and issue liabilities. Second, mortgages themselves will be made more attractive to nontraditional lenders as a result of the mortgage interest tax credit and improvements in the secondary market for mortgages.

Asset restrictions on thrift institutions and the poor development of a secondary market have made it very difficult for thrifts to weather periods of credit restraint for these reasons:

1. The absence of a secondary market in mortgages means that the institutions may not be able to sell their mortgages even with the appropriate capital loss, in order to meet the outflow of deposits.

2. The long-term maturity of mortgages and the resulting low rate of repayment and turnover implies that considerable time may be required before savings institutions can adapt to higher or rising interest rates.

3. The legal prohibitions on investment alternatives and portfolio composition that are placed on savings institutions limit the pool of alternative assets that they could otherwise sell as an aid in their adjustment problem.

For all of those reasons, the ability of institutions to withstand loss of deposits is hampered by enforced specialization of investments. If their assets were diversified, savings institutions would be able to retain deposits more easily, and thus would not have to restrict new lending so severely. Consequently, the relaxation of portfolio restrictions is expected to help stabilize the short-run cycles in mortgage financing of residential building.

Liability restrictions have similarly made it hard for thrift institutions to maintain their mortgage lending when rates rise:

1. Interest rate ceilings limit their ability to compete with securities markets for funds.

2. Savings institutions are not entirely free to offer new types of deposits and other obligations that may increase their flow of funds.

3. They cannot issue demand deposits, which (a) May have the advantage of being less interest sensitive than savings deposits; and (b) Will allow them to provide to the customer services which he formerly had to obtain from a commercial bank.

Again, relaxation of these restrictions will help stabilize the capacity of institutions to provide housing finance in times of tight money. However, while deposit rate freedom should assist thrift institutions to maintain mortgage flows, it will not necessarily reduce the cyclical instability of housing construction. Given relatively elastic housing demand, a significant increase in the interest rates would still imply a significant contraction of residential construction.

Removal of state usury laws and Federal ceilings on insured mortgages should help mortgages attract funds. Use of variable rate mortgages may also do this and may help institutions raise their deposit rates to retain funds when market rates rise. The Task Force is not convinced that variable rate mortgages will be as beneficial as their proponents assert, but sees no reason to impede their use in the private market.

All these changes will stabilize the flow of funds into the mortgage market during periods of high interest rates. Accordingly, they will help eliminate pressures on the housing market caused in the past by the virtual withdrawal of thrift institutions from mortgage lending at these times due to their own precarious positions. Housing production will not be made constant over the cycle, nor should it be, since the demand of housing is highly sensitive to interest costs.

The long-run prospects for funds flowing into mortgages are harder to evaluate. The relevant changes recommended are: (1) relaxed restrictions in investment powers, (2) broadened powers to offer financial services, (3) relaxed restrictions on borrowing powers, (4) equal tax treatment, and (5) removal of obstacles to mortgage lending. Changes (2), (3), (4), and (5) should help mortgage and housing markets, while (1) tends to remove funds from the mortgage market.

RELAXED RESTRICTIONS ON INVESTMENT POWERS

The potential mortgage market impact of the proposals expanding lending powers is not simple to analyze.[6] At first blush, the ability of thrift institutions to invest in assets other than mortgages implies that mortgage flows would be lower. There are important qualifications to this view, however. By investing some of their money in non-mortgage assets, savings institutions will earn a higher rate of return and thus be able to offer higher deposit rates. As a consequence, savings flows could be higher. In addition, allowing savings institutions the opportunity to provide consumer loans will enable them to compete more effectively for consumer savings. When other factors are equal, convenience and familiarity lead people to borrow and to lend with the same institution. Thus, while competitive responses from commercial banks should not be excluded, one effect of allowing savings institutions to offer consumer loans could be larger savings flows to these institutions in the long run. To the extent that there is a greater flow of savings arising from both of these effects, the mortgage and housing markets will benefit.

BROADENED POWERS TO OFFER FINANCIAL SERVICES

It is proposed that savings institutions be allowed to extend their service functions to consumers. The most important function would be the third-party payment services (primarily the issue of demand deposits). If savings institutions could do so, their competitive position vis-a-vis other financial institutions, primarily banks, would be improved substantially. Savings institutions would be better able to compete for the funds of those savers who prefer one-stop banking. As a consequence of this recommendation, savings institutions will thus be in a better position to provide more funds to housing. At the same time, when commercial banks are faced with demand deposit competition, they will need to be more responsive in meeting consumer mortgage demands. In the past, a bank could send a consumer to a savings bank when a mortgage was needed and be relatively confident that the consumer's other business would remain with the bank.

RELAXED RESTRICTIONS ON BORROWING POWERS

Insofar as deposit rate ceilings faced by commercial banks are more severely constraining than those of savings institutions, their elimination would enable commercial banks to compete more vigorously for deposits. If deposits were drawn away from savings institutions, the net effect on aggregate mortgage flows would be negative. This effect could be blunted, however, by higher overall deposit flows to depository institutions induced by higher deposit rates. This would mean that funds were being bid away from other segments of the financial markets or that aggregate savings in the economy was increasing.

EQUAL TAX TREATMENT

The Task Force recommends two basic tax principles which, if jointly put into law, could have a positive impact on mortgage flows. First, Congress should enact a uniform tax formula for all depository institutions. Second, a mortgage interest tax credit should be allowed on mortgage investments. This credit would be based on gross interest income from residential mortgages. The credit would be allowed to all investors in such loans, and not solely financial institutions. Such a credit could completely replace the hidden tax subsidy implicit in the tax laws which allow savings and loan associations tax advantages. Of course, the impact of these tax proposals on the mortgage market will depend on how the tax laws are written and the size of the mortgage investment tax credit.

Mutual savings banks and savings and loan associations currently enjoy a tax advantage because their bad debt reserve deduction on qualifying real property loans exceed actual default experience. The deduction allowed is dependent on an organization having a stipulated percentage of its total assets invested in a prescribed list of assets, the most important of which is mortgages. Thus, current tax laws for these savings institutions provide an incentive for investments in mortgages and supposedly an incentive for investment in housing. The mortgage investment incentive is limited, however, since it is not available to other types of institutions.

One approach in implementing a uniform tax structure for all depository financial institutions would be to base the bad debt reserve on actual default experience. This is currently the direction in which commercial bank taxation is moving. If this route were followed, and there were no offsetting tax credit on mortgage investments, mortgage flows from these institutions could decline. However, any such decline could be offset by implementing the mortgage tax credit proposal, which would act as a subsidy to mortgage flows.

REMOVAL OF OBSTACLES TO MORTGAGE LENDING

The Hunt Commission also proposed a number of ways in which the mortgage market could be made a more flexible instrument for financing housing. Since some of these require state action, while others simply exhort existing institutions to continue and expand what they are already doing, these recommendations were not included in the Task Force's overall judgment about the impact of the recommendations on mortgage flows.

The question here is how all these effects add up. The answer to this question will come primarily from judgment, but there is some empirical evidence which can contribute to judgment. Under a contract to the Department of Housing and Urban Development, two Princeton University economists, Professors Ray C. Fair and Dwight M. Jaffee, have prepared a report which attacks the problem directly. Using the Federal Reserve-MIT-Penn Model of the economy, the authors ran a number of tests simulating the impact of the recommendations during the 1960s. The authors summarized the results of their tests as follows:

"Our results indicate that the housing market would probably, on net, gain under the Hunt Report, while the mortgage stock may gain or lose depending on the specific assumptions. In any case, the magnitudes involved are small relative to the current outstanding stocks of these assets."[7]

To date, the Jaffee-Fair study has been the only direct empirical analysis of the recommendations, although there is a large empirical literature on the mortgage and housing markets. Other studies, using different econometric techniques, would be desirable. The interagency study group finds that the impact of the Hunt Commission proposals on the long-range flow of mortgage credit cannot be determined with any degree of precision, but may well be approximately neutral.

FOOTNOTES

[1] In 1971, 35.1 percent of new S&L mortgage loans were classified as for purposes other than housing. Only 17.3 percent were classified as for the purpose of home construction.

[2] A typical household has a variety of outstanding liabilities (a mortgage, an auto loan, unsecured borrowing, credit card debt, and so on) which have been used to finance its assets. Fundamentally, there is no way to tell which specific asset is financed by which specific liability even though (in certain cases) one can specify which asset is used as collateral to back a specific loan.

[3] The technical question is the size of the cross-elasticity of demand between mortgage borrowing and other forms of financing (such as the use of accumulated savings) for the purpose of residential construction. If this elasticity is very high, then, at the margin, funds from other sources are close substitutes for mortgage funds, and the demand for housing is determined independently of the supply of funds.

[4] A paper by Arcelus and Meltzer contains a critique of the "bottleneck" hypothesis and some empirical evidence against it. See Francisco Arcelus and Allan Meltzer, "The Markets for Housing and for Housing Services," forthcoming in *Journal of Money, Credit and Banking*. Criticisms of the popular view began to appear in the literature many years ago, but have been largely ignored by the dominant school of thought. Other critics include Brunner, Hester, Jacobs, Mayer, and more recently Geisel and Jaffee.

[5] This argument would, of course, apply to only one part of the recommendations, i.e., that part pertaining to the investment powers of savings institutions. As described subsequently other changes proposed for the savings institutions would provide them with the potential to attract more funds.

[6] See Dwight Jaffee, "The Entry of Savings Institutions into the Consumer Loan Market," Princeton University, February 1972.

[7] Ray Fair and Dwight Jaffee, "An Empirical Study of the Implications of the Hunt Commission Report for the Mortgage and Housing Markets," HUD contract H1781, April 1972, second page of Abstract.

By Mr. ERVIN (for himself, Mr. Baker, Mr. Talmadge, Mr. Inouye, Mr. Montoya, Mr. Gurney, and Mr. Weicker):

S. 2641. A bill to confer jurisdiction upon the district courts of the United States over certain civil actions brought by the Congress, and for other purposes. Ordered to be placed on the calendar.

(The remarks Senator Ervin made on the introduction of the bill are printed earlier in the Record.)

By Mr. TAFT:

S. 2642. A bill to establish an independent special prosecution office, and for other purposes. Referred to the Committee on the Judiciary.

Mr. TAFT. Mr. President, I appeared yesterday before the Senate Judiciary Committee to testify on the various proposals before that committee relating to the appointment of an independent special prosecutor in the Watergate matter.

At that time, I commented on the so-called Hart-Bayh proposal and the Percy proposal to that effect, and expressed serious reservations about the constitutionality of the approach taken with regard to the power of appointment and the power of removal of the special prosecutor as provided for in those measures.

I also testified at that time with respect to a proposal the substance of which I put in the Record at the last meeting of the Senate, which has now been put in the form of a bill which I anticipate submitting at the desk today.

In my appearance before the Senate Judiciary Committee, I submitted to that committee a lengthy statement indicating my reservations about some of the pending legislation, and explaining just exactly why we pursued and attempted, and will introduce today a measure embodying, the course we pursued. At an appropriate time I shall present to the Senate for inclusion in the Record a 35-page legal brief in support of that resolution.

At this time, I ask unanimous consent that my statement made before the Committee on the Judiciary be printed in the Record, and that the bill I am introducing be printed in the Record immediately following that statement.

There being no objection, the statement and bill were ordered to be printed in the Record, as follows:

Statement of Senator Taft

Mr. Chairman, I congratulate this distinguished committee for holding hearings to review the issue of a Special Prosecutor in depth and I appreciate having this opportunity to present my views on the legislation under consideration.

The recent dismissal of the Special Watergate Prosecutor has aggravated the trauma experienced by our county as a result of the events and revelations arising out of the investigation of the Presidential Campaign and election of 1972. That trauma has manifested itself in the growing climate of doubt among the American people as to the credibility of their elected representatives, as well as the vital capactiy of our system to meet the continuous assaults upon its integrity. This distress of the people is heightened by the increasing distrust and political partianship and antagonism which have erupted this year between and within the branches of our government. This temper has filtered down to the people and they are, properly, alarmed.

A democratic government imperiled by loss of faith of its people cannot prosper or even safely survive. Disruptions in the delicate balance of power in our government could ultimately lead to citizen apathy and chaos. Those of us who have been elected by the people have a duty which requires us to put aside partisan politics and in a spirit of cooperation and adherence to truth, seek to establish an independent Special Prosecutor who will vigorously pursue the investigation and prosecution of Watergate-related offenses within the confines and structure provided by our Constitutional mandate form of government.

No branch of government should allow the hysteria of recent events to become the basis for an attempt to exercise supremacy over the other two branches. The framers of our Constitution intended that the tripartite pattern they created would restrain each branch through cooperation and interaction. It is upon this restraint that our people must finally place their hopes and faith in our system. We must deliberate upon the issue of a Special Prosecutor with this trust in mind and in common sense, be cautious that we do not, in the interest of immediate pressures, tamper with the delicate balance of a system that in its short history has proven to be most durable and stable.

I am concerned that certain of the legislative proposals now before the Senate apparently with broad support, are subject to serious Constitutional objection which may not only threaten the existence of the Office of Special Prosecutor sought to be established and raise new constitutional crises, but also might create the risk of dismissal of indictments and reversal of convictions which he may have achieved. This could further upset confidence in the adequacy of our institutions.

Moreover, we can, at the very least, anticipate an immediate Constitutional challenge upon the first calling of a witness or other attempt to seek additional evidence. Depending upon the ultimate determination of the courts, the effective functioning of the Special Prosecutor would at least be delayed several months and might be nullified altogether.

Before these proposals would reach the courts, we must also recognize the possibility of a Presidential veto based upon what I believe are sound legal arguments as to Constitutionality. Before entering his office, the President must swear that he will to the best of his ability, preserve, protect and defend the Constitution of the United States. Article II, Section 1. We in the Senate take a similar oath upon assuming our official duties here. Passage of one of the proposals now before this committee could precipitate one of the most severe Constitutional crises which the fabric of our system of government has ever had to withstand.

The Constitution provides that "the Executive power shall be vested in the President of the United States" and that the President's basic obligation is to "take care that the laws be faithfully executed." Article II, Sections 1 & 3. While the exact nature and extent of this power has been disputed, there can be little doubt that functions placed in the four original federal departments—conduct of foreign relations, command of the military, enforcement of the law and collection of taxes—are at the core of executive authority. Vesting the power of appointment and/or that of dismissal of a Special Prosecutor in the Judiciary or Congress as is proposed in the Hart-Bayh Bill and Percy Bill would seem to be in direct conflict with the Constitutional mandate to the Executive branch.

In *Springer* vs. *Philippine Islands*, 277 U.S. 189, 201–202 (1928) Justice Southerland wrote:

"Legislative power, as distinguished from Executive power, gives the authority to make laws, but not to enforce them or appoint the agents charged with the duty of such enforcement. The latter are Executive functions . . ."

In *Myers* vs. *United States*, 277 U.S. 52, 116, Chief Justice Taft wrote:

"If there is any point in which the separation of legislative and executive powers ought to be maintained with great caution, it is that which relates to officers and offices. . . . The vesting of executive power in the President was essentially a grant of the power to execute the laws . . . As he is charged specifically to take care that they be faithfully executed, the reasonable implication, even in the absence of express words, was that as part of his executive power he should select those who were to act for him under his direction in the execution of the laws. The further implication must be, in the absence of any express limitation respecting removals, that as his selection of Administrative officers is essential to the execution of the laws by him, so must be his power of removing those for whom he cannot continue to be responsible."

While the broad power of the President to remove expressed in the Myers Case has been somewhat curtailed in the *Humphrey* and *Weiner* Cases, both of those cases proceed on the premise that the President's obligation to see to the faithful execution of the laws is a basic executive function as to which the President may direct and supervise his subordinates and ultimately, if necessary, fulfill through the removal of certain officers. It is basic that the power of appointment and the power of removal of the Special Prosecutor remain in the Executive Branch. (See *Parsons* v. *U.S.*, 167 U.S. 324.)

It may be argued that the Special Prosecutor could come under the category of "inferior officers" who are an exception to the power of appointment by the President set forth in Article II, Section 2 of the Constitution. The Senate may by law invest the appointment of such "inferior officers" in the President alone, in the courts of law, or in the heads of Departments, Article II, Section 2. There is no doubt that such "inferior officers" such as court administrators, law clerks, and judicial secretaries may be appointed by the courts themselves. But these employees of the Judicial branch are not executive officers responsible for such fundamental executive functions as foreign relations, military commands, law enforcement, and fiscal matters. Those are the problems of the President, subject to legislative standards that may limit his discretion. Any effort to block his control of these functions would be unconstitutional.

Moreover, it is incredible to suggest that the proposed Special Prosecutor could fall within the category of "inferior officers" who could be appointed outside the Executive branch of government. He has broad investigative and prosecutory powers which involve executive and policy making decisions. He also has the power to appoint and set the compensation for the members of his special staff. His powers are clearly executive which are at least equal to that of a U.S. Attorney.

In *United States* vs. *Cox*, 342, F. 2d 167(5th Cir.) *Cert. Denied*, 85 S. Ct. 1967(1965), the court declared that the Attorney General is the hand of the President in taking care that the laws of the United States and the prosecution of offenses, be faithfully executed. *Id. at 171.* In describing the responsibility for the Executive functions of the U.S. Attorney the court stated:

"The U.S. Attorney is an executive official of the government and it is as an officer of the Executive department that he exercises a discretion as to whether or not there shall be a prosecution in a particular case. It follows, as an incident of the Constitutional separation of powers, that the courts are not to interfere with the free exercise of the discretionary powers of the Attorneys of the United States in their control over criminal prosecutions."

The court held that to transfer the power which is committed to the Executive to determine whether to prosecute to another body would be in derogation of Article II of our Constitution. Thus, the proposed Special Prosecutor is clearly an executive officer who must be appointed and function, within our legislative mandate, as part of the Executive branch of our government and probably as a special office in the Justice Department.

The appointment of the Special Prosecutor by the Judiciary would also raise serious due process questions because of the blending of judicial and prosecutorial functions. Under the Hart-Bayh bill the Chief Judge not only is directed to appoint a Special Prosecutor, but is also empowered to dismiss the Special Prosecutor if, in his discretion, he determines that the Special Prosecutor has violated the provisions of the Act or committed other extraordinary improprieties. It would seem improper and probably a violation of due process for the court on the one hand to assume responsibility for the supervision and conduct of the Prosecutor and on the other hand be responsible for the judicial determination of the case on its merits. In addition, the court would be in an especially difficult position when called upon to determine questions of jurisdiction as to whether the Special Prosecutor or the Department of Justice should be responsible for the prosecution of any specific matter. But under the Hart-Bayh bill, only the Chief Judge is empowered to determine whether the Special Prosecutor had exceeded the bounds of his statutory authority in any particular case. The court found in *Tumey* vs. *Ohio*, 273 U.S. 510, 532 (1926), that:

"The requirement of due process of law in judicial procedure is not satisfied by the argument that men of the highest honor and the greatest self-sacrifice could carry it on without danger of injustice. Every procedure which would offer a possible temptation to the average man as a judge to forget the burden of proof required to convict a defendant, or which might lead him not to hold the balance nice, clear and true between the state and the accused, denies the latter due process of law."

See also *Smith* vs. *Gallagher*, 408 Pa.551,185 A.2d 135,153 (1962).

It has been argued that the authority of the Chief Judge to appoint the Special Prosecutor is no different than the process by which the courts under Title 28 U.S.C. Section 506, appoint a temporary prosecuting officer to fill a vacancy. That statute, however, does not confer nor have the courts assumed, any authority over the United States Attorney appointed by the court. Like all other United States attorneys, he remains within the Executive branch, subject to direction by the Attorney General and removal by the President. In *United States* v. *Solomon*, 215 F. Supp.835,842 (1963), the court made a clear distinction between the limited appointive power of the Judiciary contemplated by Section 506 as opposed to the President's power of appointment under Article II, Section 2:

"The appointment itself contemplates only a temporary mode of having the duties of the office performed until the President acts . . . the exercise of the appointive power by the Judiciary in no way binds the Executive. The statute clearly contemplates that the Executive branch is free to choose another United States attorney at any time, the judicial appointment notwithstanding. It was not to enable a Circuit Justice to oust the power of the President to appoint, but to authorize him to fill the vacancy until the President should act, and no longer."

It is an invalid assertion, therefore, to use the analogy of appointment by the court under Section 506 as the legal threshold from which a shift of Executive power to the Judiciary can be accomplished. As to the removal power, clearly the statute and the *Solomon* case are authority that it must be kept in the Executive.

As I have previously indicated, and as former Special Prosecutor Cox has indicated, should the Congress pass legislation which is unconstitutional, it will be running the risk that the indictments or convictions achieved by the Special Prosecutor may be thrown out and justice would never be done. In the case of *In re Wyrick*, 301 Mich. 273,3 N.W. 2d 272 (1942), a conviction and sentence for contempt of court was overturned and the defendant was released from custody because a Special Prosecutor, appointed by the court was not legally authorized to participate in the proceeding which led to the conviction of the defendant in the lower court. The court stated:

"The state has wisely provided that this power should lie in the discretion of the Prosecuting Attorney or the Attorney General in certain cases . . . It is directly contrary to public policy to allow any general delegation of a prosecutor's powers, and the courts cannot recognize any such arrangement . . ."

In the case of *United States* v. *Heinze*, 177 F. 770 (1910), the court granted a motion to quash an indictment because of the presence in a Grand Jury room, during an investigation which resulted in the indictment of a person not authorized by law to be there. In that case, the Attorney General had illegally appointed a Special Assistant to help him in the investigation and prosecution of the case. In *State* vs. *Heaton*, 21 Wash. 59,56 p. 843 (1899), the court set aside an indictment because the unauthorized appointment of a Special Counsel who attended the Grand Jury sessions daily, advised them, and aided them in their deliberations, was a substantial irregularity in the proceedings resulting in the presentment of the indictment. See *Viers* v. *State*, 10 Okla. Crim. 28,134 p. 80, (1913); *State* v. *Maben*, 5 Okla. Crim. 581,114 p. 1122 (1911).

Given these dangers, it is clear we must not put stress on our Constitutional fabric by trying to create a Special Prosecutor subject to the control of the Congress or the Judiciary or otherwise taking law enforcement out of the Executive branch. I believe that the responsibility for the appointment and removal and supervision of the Special Prosecutor can be vested in the Justice Department and still establish the degree of independence necessary to the Special Prosecutor in order that he may carry out a vigorous and thorough investigation and prosecution of the Watergate-related offenses. Thus unnecessary Constitutional confrontations can be averted and the stability of indictments and convictions achieved by the Prosecutor can be sustained.

I will be introducing legislation on Friday which calls for the Attorney General appointing a Special Prosecutor and a Deputy Special Prosecutor, each with the advice and consent of the Senate. They will have the same general responsibilities and authority which the Hart-Bayh and the Percy bills provide. The legislative intent of my bill is clear with respect to the degree of independence and vigor with which we expect the Prosecutor to pursue his duties. This legislative mandate will serve as a check upon the other branches to assure the Special Prosecutor of no interference with his performing his duties.

However, he could be dismissed only by the Attorney General and only for neglect of duty, malfeasance, or violation of the Act and for no other cause except by impeachment by the Congress. If the Attorney General believes that one of these violations has occurred, he would be empowered immediately to suspend the Special Prosecutor or the Deputy Special Prosecutor, and prepare a notice of dismissal which would not take effect for 30 days thereafter. The Attorney General would be required to advise both Houses of Congress of the notice and any reasons for the dismissal. This approach seems clearly authorized by language in the *Myers* reading as follows at page 161:

"The power to remove inferior executive officers, like that to remove superior executive officers, is an incident of the power to appoint them, and is in its nature an executive power. The authority of Congress given by the exempting clause to vest the appointment of such inferior officers in the heads of departments carries with it authority incidentally to invest the heads of departments with power to remove. It has been the practice of Congress to do so and this Court has recognized that power."

It has the further merit of leaving untrammeled any residual constitutional power that may exist in the President to remove the Special Prosecutor or his Deputy. With the prescribed procedure for the Attorney General, the question can be avoided.

By this method, the appointment and removal power would remain in the Executive branch in accordance with our Constitution, and yet an immediate dismissal would be impossible, thereby giving the Congress, the people, and the President a 30-day period to consider or reconsider such action.

Since the appointment responsibility would be vested in the Attorney General, the Senate could refuse to confirm his nomination if he does not adequately assure it of the independency of the Special Prosecutor and of his full support for a thorough and non-partisan investigation of all Watergate-related offenses. The same holds true for the confirmation of the appointment of the Special Prosecutor and the Deputy Special Prosecutor. In this manner, the Senate will have a second check through which it can assure that the desire of the public and the Congress for an independent Prosecutor will be fulfilled.

The requirement that the Special Prosecutor be appointed only with the advice and consent of the Senate is important. In reviewing the qualifications for the new Special Prosecutor and Deputy Special Prosecutor, we must insist not only upon the nonpartisanship of these individuals but also demand assurance of nonpartisanship of the staff which they choose to assist them. To do otherwise would be to threaten the credibility and the impartiality of the investigation and prosecution carried out by their office. The temptations involved and the pressures which may be brought to bear, both in terms of partisan considerations as well as the interests of those persons being investigated, are a severe test of the capacity to carry out the mandate of this legislation. The gravity of the crimes alleged and the temper of our times demand that not only the legislation authorizing their existence but also the individuals assigned the task of Special Prosecutor and Deputy Special Prosecutor be capable of unerring fulfillment of their independent and impartial roles.

I believe that the bill which I am proposing will not only meet the requirements of our Constitution, but will also resolve the concern of the Congress and the public over the concept of a Special Prosecutor under the Executive Branch, having a conflict of interest in fulfilling his duties of investigating the President's role in the Watergate affair. Appointment of a Special Attorney or Assistant U.S. Attorneys in the Public interest has long been provided by statute, 28 U.S.C., Section 542 & 543. Appointment and removal by an Attorney General who has assured the Senate of the independence of the Special Prosecutor should insure that the President's and anyone else's role in the Watergate affair will be fully and vigorously investigated. As former Special Prosecutor Cox has testified, "These things don't happen twice in succession."

I urge you to give serious consideration to the legislation which I am proposing. It avoids the undue confrontation of the three branches of government over the Constitutional separation of powers and prevents the creation of a headless fourth branch which is impossible to fit into the tripartite scheme of our Constitution. Most importantly, it assures us of the establishment of an independent Special Prosecutor to which the public and the Congress are committed and whose indictments or convictions will be sustained.

S. 2642

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Independent Special Prosecutor Act of 1973."

Sec. 2. The Congress hereby finds and declares—

(a) Alleged crimes arising out of the Presidential campaign and election of 1972 have raised serious questions whether a full and complete investigation and prosecution of such charges will proceed without partisanship or favor.

(b) The Justice Department is composed of men and women of the highest integrity and ability capable of conducting a fair, full, and impartial investigation and prosecution of these alleged crimes, but circumstances already existing call for special independent investigation and prosecution.

(c) The appointment of a Special Prosecution Force in the Executive branch of government on May 24, 1973, began the process of restoring the faith of the American people in the integrity of this Administration and, in particular, in the belief that the ends of justice were to be served.

(d) The dismissal of the Special Prosecutor on the direct order of the President of the United States on October 20, 1973, has aroused public controversy and has the potential to place serious strains on the Doctrine of Separation of Powers inherent in our governmental system.

(e) In order to restore the public confidence, the investigation and prosecution of any offense arising out of the Presidential campaign and election of 1972 should be in an independent prosecutorial force.

Sec. 3. There is hereby established an Independent Special Prosecution Office (hereinafter referred to as the "Office"), responsible for investigating and initiating prosecution of all offenses and other matters arising out of the Presidential election of 1972 and relating to such election, including all matters which were properly under investigation by the Special Prosecution force prior to October 19, 1973, pursuant to the agreement made between the former Special Prosecutor and the Attorney General Designate on May 19, 1973.

Sec. 4. The Office shall be headed by a Special Prosecutor who shall be assisted by a Deputy Special Prosecutor, both of whom shall be appointed by the Attorney General, within thirty days after the date of enactment of this Act, by and with the advice and consent of the Senate.

Sec. 5. (a) The Special Prosecutor shall have exclusive jurisdiction, to investigate and prosecute on behalf of the United States—

(1) offenses arising out of the unauthorized entry into Democratic National Committee Headquarters at the Watergate;

(2) other offenses arising out of the 1972 Presidential election;

(3) offenses alleged to have been committed by the President, Presidential appointees, or members of the White House staff in relation to the 1972 Presidential campaign and election;

(4) all other matters heretofore referred to the former Special Prosecutor pursuant to regulations of the Attorney General (28 C.F.R. Section 0.37, rescinded October 24, 1973); and

(5) offenses relating to or arising out of any such matters.

(b) The Special Prosecutor shall have full power and authority in carrying out his duties and responsibilities under this Act—

(1) to conduct proceedings before grand juries and other investigations he deems necessary;

(2) to review all documentary evidence available from any source;

(3) to determine whether or not to contest the assertion and scope of "executive privilege" or any other testimonial privilege;

(4) to receive appropriate national security clearance and review all evidence sought to be withheld on grounds of national security not claimed to be under executive privilege or any other testimonial privilege, and if necessary contest in court, including where appropriate through participation in in camera proceedings, any claim of privilege or attempt to withhold evidence on grounds of national security;

(5) to make application to any Federal court for a grant of immunity to any witness, consistent with applicable statutory requirements, or for warrants, subpenas, or other court orders;

(6) to initiate and conduct prosecutions in any court of competent jurisdiction, frame and sign indictments, file information, and handle all aspects of any cases over which he has jurisdiction under this Act, in the name of the United States; and

(7) notwithstanding any other provision of law, to exercise all other powers as to the conduct of criminal investigations and prosecutions within his jurisdiction which would otherwise be vested in the Attorney General and the United States attorneys under the provisions of chapters 31 and 35 of title 28, United States Code, and the provisions of 28 C.F.R. 301.8103 (a)-1 (q), and act as the attorney for the Government in such investigations and prosecutions under the Federal Rules of Criminal Procedure.

Sec. 6. (a) All materials, tapes, documents, files, work in process, information, and all other property of whatever kind and description relevant to the duties and responsibilities of the Special Prosecutor under this Act, tangible or intangible, collected by, developed by, or in the possession of the former Special Prosecutor or his staff established pursuant to regulation of the Attorney General (28 C.F.R. Sec. 0.37, rescinded October 24, 1973), shall be delivered into the possession of the Special Prosecutor appointed under this Act.

(b) All investigations, prosecutions, cases, litigation, and Grand Jury or other proceedings initiated by the former Special Prosecutor pursuant to regulations of the Attorney General (28 C.F.R. Sec. 0.37, rescinded October 24, 1973), shall be continued, as the Special Prosecutor deems appropriate, by him, and he shall become successor counsel for the United States in all such proceedings, notwithstanding any substitution of counsel made after October 30, 1973.

Sec. 7. The Deputy Special Prosecutor shall assist the Special Prosecutor as the Special Prosecutor shall direct in the performance of his duties and, in the event of the disability or suspension of the Special Prosecutor or vacancy in the office of Special Prosecutor, shall act as Special Prosecutor until his successor is appointed in accordance with section 4 of this Act.

Sec. 8. (a) The Special Prosecutor and the Deputy Special Prosecutor shall each be entitled to receive an annual salary and reimbursement for expenses equal to the annual salary and expense allowance payable to a judge of the United States district court.

(b) The Special Prosecutor shall have power to appoint, fix the compensation, and assign the duties of such employees as he deems necessary, including but not limited to investigators, attorneys, and part-time consultants, without regard to the provisions of title 5, United States Code, governing appointments in the competitive civil service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of such title. The Special Prosecutor is authorized to request any officer of the Department of Justice, or any other employee of the Department of Justice, or any other department or agency of the Federal or District of Columbia government, to provide on a reimbursable basis such assistance as he deems necessary, and any such officer shall comply with such request. Assistance by the Department of Justice shall include but not be limited to affording to the Special Prosecutor full access to any records, files, or other materials relevant to matters within his jurisdiction and use by the Special Prosecutor of the investigative and other services on a priority basis, of the Federal Bureau of Investigation except that only the Special Prosecutor and the Deputy Special Prosecutor shall have access to confidential or classified documents, records, files, or other such materials unless otherwise waived by the Attorney General or any other head of an appropriate agency.

Sec. 9. The Administrator of General Services shall furnish the Special Prosecutor with such offices, equipment, supplies, and services as are authorized to be furnished to any other agency or instrumentality of the United States.

Sec. 10. Notwithstanding any other provisions of law the Special Prosecutor shall

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submit to the Congress directly requests for such funds, facilities, and legislation as he shall consider necessary to carry out his responsibilities under this act, and such requests shall receive priority consideration by the Congress.

Sec. 11. The Special Prosecutor shall carry out his duties and responsibilities under this act within two years, except as necessary to complete trial or appellate action on indictments then pending.

Sec. 12. (a) The Special Prosecutor and the Deputy Special Prosecutor may be removed by the Attorney General for neglect of duty, malfeasance in office, or violation of this act, but for no other cause, or by the Congress pursuant to article II, section 4 of the Constitution.

(b) If the Attorney General believes grounds for removal under subsection (a) exist, he may suspend the Special Prosecutor or the Deputy Special Prosecutor immediately and prepare a notice of dismissal. Such notice of dismissal shall be effective 30 days thereafter and shall be transmitted to both Houses of Congress, stating the reasons for such dismissal.

(c) For the purposes of subsection (b) of this section—

(1) continuity of session is broken only by an adjournment of Congress sine die; and

(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the thirty days period.

Sec. 13. If any part of this Act is held invalid, the remainder of the act shall not be affected thereby. The provisions of any part of this act, or the application thereof to any person or circumstance if held invalid the provisions of other parts and their application to other persons or circumstances shall not be affected thereby.

Sec. 14. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

By Mr. KENNEDY:

S. 2643. A bill to revise the Immigration and Nationality Act. Referred to the Committee on the Judiciary.

IMMIGRATION AND NATIONALITY ACT AMENDMENTS

Mr. KENNEDY. Mr. President, I am introducing today a bill to amend the Immigration and Nationality Act.

The proposed legislation goes a long way in continuing the reform effort initiated in the Immigration Act of 1965, which repealed the national origins quota system. In addition to strengthening the traditional immigration objective of family unity, to facilitating the admission of mentally retarded family members, to removing needless barriers to naturalization, and to providing special immigrant visas to Ireland, Holland, Poland, Germany, and several other countries disadvantaged in the transition under the act of 1965, the proposed legislation accomplishes two long-sought objectives.

First, it refines and strengthens the new system established in 1965. It not only remedies the confused situation in the allocation of visas to applicants in Western Hemisphere countries—but also provides a more orderly, flexible, and humane method of allocating visas to applicants of all countries, on a first-come, first-served basis.

And second, the proposed legislation establishes a new humanitarian policy of asylum for refugees and victims of natural disaster and war.

I would like to elaborate briefly on these two major objections.

REFINEMENT OF THE NEW SYSTEM ESTABLISHED IN 1965

Section 3 establishes a worldwide ceiling of 300,000 immigrants annually, exclusive of immediate family members of U.S. citizens and other special immigrants.

The worldwide ceiling becomes effective on July 1, 1976. In the interim, the present ceiling of 170,000 immigrants from countries in the Eastern Hemisphere continues to operate. The present ceiling of 120,000 immigrants from countries in the Western Hemisphere is raised to 130,000—and, owing to the special nature of the Cuban refugee program, refugees who adjust their status to permanent resident alien under the act of November 2, 1966, will not be counted against the ceiling.

Section 4 of the bill extends the present 20,000 annual limitation on immigration from any one country in the Eastern Hemisphere to Western Hemisphere countries as well—except that Canada and Mexico are given a maximum of 35,000 each.

Section 5 amends the preference system established in 1965. In addition to introducing flexibility into the allocation of visas among the seven preferences, this section applies the preference system on a worldwide basis simultaneously with the effective date of the world ceiling.

In the interim, the preference system, which is currently operative only in the Eastern Hemisphere, is broadened to include the Western Hemisphere. But the preference system will operate separately in each hemisphere until July 1, 1976.

As suggested, section 5 of the bill introduces maximum flexibility into the allocation of visas within the preference system. This is accomplished, first of all, by making minor changes in percentage allocations from the pool of visas to each preference category, so as to better reflect the pattern of anticipated demands and, more importantly, by permitting the dropdown of unused visas in any category to meet excessive demand in the category that follows. Visas remaining after the dropdown through the seven preference categories will be issued to nonpreference immigrants.

ASYLUM FOR REFUGEES

Sections 5 and 7 of the bill establish a new humanitarian policy of asylum for refugees. First, the definition of a refugee is broadened from its present European and cold war framework, to include the homeless throughout the world. Second, the number of annual refugee admissions allocated within the preference system is raised from the current maximum of 10,200 to 36,000. Third, the Attorney General is authorized to parole into the country additional numbers of refugees in times of emergency, if he determines it to be in the public interest. This merely confirms what we have done over the last 15 years in admitting those who fled Hungary and Cuba and Czechoslovakia. And, fourth, the bill provides a permanent authority to adjust the status of refugee parolees to that of permanent residence, thus avoiding the need for special legislation of the kind enacted for Hungarians and Cubans.

In practice, our country has always been generous in providing resettlement opportunities to refugees, but our permanent immigration law has never included a comprehensive asylum policy. As chairman of the Judiciary Subcommittee on Refugees, I believe it is extremely important that our law fully recognize refugee problems and resettlement needs throughout the world. The bill accomplishes this objective.

Mr. President, the bill I introduce today meets some pressing needs in the immigration field, and I am extremely hopeful that the Judiciary Committee will be able to consider this bill and other pending proposals within the near future. And I am hopeful as well that the administration will join the Congress in this effort, and finally give its full support to enacting legislation which will continue the reform effort begun in 1965.

Mr. President, I ask unanimous consent that the bill I introduce today, and a summary of its provisions, be printed at this point in the Record.

There being no objection, the bill and summary were ordered to be printed in the Record, as follows:

S. 2643

A bill to revise the Immigration and Nationality Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Immigration and Nationality Act Amendments of 1973."

Sec. 2. Subsection (a)(27) of Section 101 of the Immigration and Nationality Act (8 U.S.C. 1101) is amended—

(1) by amending subparagraph (A) to read as follows:

"(A) an immigrant who is the spouse or child of a citizen of the United States or is the parent of a citizen of the United States at least twenty-one years of age: *Provided*, That in the case of a parent, the spouse and children of such a special immigrant shall be entitled to special immigrant status if accompanying or following to join him. The special immigrants in this subparagraph who are otherwise qualified for admission as immigrants shall be admitted as such, without regard to the numerical limitations in this Act."

(2) by striking out "carrying on the vocation of minister of a religious denomination" in subparagraph (D) and inserting in lieu thereof "performing duties which are related to the religious activities of a religious denomination"; and

(3) by amending subparagraph (E) to read as follows:

"(E) an immigrant who is an employee, or an honorably retired former employee, of the United States Government abroad, and who has performed faithful service for a total of fifteen years, or more, and his accompanying spouse and children: *Provided*, That the principal officer of a Foreign Service establishment, in his discretion, shall have recommended the granting of special immigrant status to such alien and the Secretary of State approves such recommendation and finds that it is in the National interest to grant such status."

Sec. 3. Section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended to read as follows:

"Sec. 201. Exclusive of special immigrants defined in section 101(a)(27), and of alien refugees who may apply for adjustment of status to that of aliens lawfully admitted to the United States for permanent residence under the Act of November 2, 1966 (80 Stat. 1161; 8 U.S.C. 1255 note), the number of aliens who may be issued immigrant visas or who may otherwise acquire the status of an alien lawfully admitted to the United States for permanent residence, (a) shall not in any of the first three quarters of any fiscal year exceed a total of eighty thousand and (b) shall not in any fiscal year exceed a total of three hundred thousand: *Provided*, That during the period from the effective date of the Immigration and Nationality Act Amendments of 1973 through June 30, 1976, the number of aliens specified in this section shall not in any of the first three quarters of any fiscal year exceed a total of forty-five thousand and shall not in any fiscal year exceed a total of one hundred seventy thousand for aliens ascribed to independent foreign countries of the Eastern Hemisphere, and (B) shall not in any of the first three quarters of any fiscal year exceed a total of thirty-five thousand and shall not in any fiscal year exceed a total of one hundred thirty thousand for aliens ascribed to independent foreign countries of the Western Hemisphere."

Sec. 4. (a) Subsection (a) of section 202 of the Immigration and Nationality Act (8 U.S.C. 1152) is amended—

(1) by striking out "section 201(b),"—

(2) by striking out "and the number of conditional entries" in the first proviso—

(3) by amending the second proviso to read as follows:

"*Provided further*, That notwithstanding the preceding proviso, the total number of immigrant visas made available to natives of any country contiguous to the United States shall not exceed thirty-five thousand in any fiscal year."

(b) Subsection (c) of such section is amended—

(1) by striking out "or an immediate relative of a United States citizen as specified in section 201(B),"—

(2) by striking out "shall not exceed 1 per centum" and insert in lieu thereof "shall not exceed 3 per centum".

Sec. 5. (a) Subsection (a) of section 203 of the Immigration and Nationality Act (8 U.S.C. 1153) is amended—

(1) by striking out "201(a)" and insert in lieu thereof thereof "201", and by striking out "or their conditional entry authorized, as the case may be," in the portion which precedes paragraph (1);

(2) by striking out "201(a)(ii)" each place it appears in paragraphs (1) through (6) and insert in lieu thereof in each such place "201";

(3) in paragraph (1), by striking out "20" and insert in lieu thereof "10";

(4) in paragraph (2), by striking out "20" and insert in lieu thereof "24", by inserting a comma and "or parents" after "unmarried daughters", and by inserting after "permanent residence" the following: ": *Provided*, That in permanent residence must be at least twenty-one years of age";

(5) in paragraph (3), by striking out "10" and insert in lieu thereof "12", and insert after "201(a)(ii)," the following: "plus any visas not required for the classes specified in paragraphs (1) and (2),";

(6) in paragraph (5), by striking out "24" and insert in lieu hereof "20", and by striking out "brothers or sisters" in that paragraph and inserting in lieu thereof "unmarried brothers or unmarried sisters";

(7) in paragraph (6), by striking out "10" and insert in lieu thereof "12", and insert after "201(a)(ii)," the following: "plus any visas not required for the classes specified in paragraphs (1) through (5),"; and

(8) by amending paragraph (7) to read as follows:

"(7)(A) Visas shall next be made available, pursuant to such regulations as the Secretary of State may prescribe and in a number not to exceed 12 per centum of the number specified in section 201, to alien refugees described in subparagraph (B), who are not firmly resettled in any country and apply for admission to the United States.

"(B) The term 'alien refugee' means (i) any alien (I) who is outside the country of his nationality or who, not having a nationality, is outside the country of his habitual residence, and who is unable or unwilling to return to such country because of persecution or well-founded fear of persecution on account of race, religion, nationality, membership of a particular social group or political opinion, or (II) who has been uprooted by catastrophic natural calamity or military operations and who is unable to return to his usual place of abode, and (ii) the spouse and children of any such alien, if accompanying or following to join him.".

(9) in paragraph (8), by striking out "(6) and less the number of conditional entries and visas made available pursuant to paragraph".

(b) Subsection (d) of such section is amended to read as follows:

"(d) Every immigrant shall be presumed to be a nonpreference immigrant until he establishes to the satisfaction of the consular officer and the immigration officer that he is entitled to a preference status under paragraphs (1) through (7) of subsection (a), or to a special immigrant status under section 101(a)(27). In the case of any alien claiming in his application for an immigrant visa to be a special immigrant under section 101(a)(27)(a) or to be entitled to preference immigrant status under paragraphs (1) through (6) of subsection (a), the consular officer shall not grant such status until he has been authorized to do so as provided by section 204."

(c) Subsections (f), (g), and (h) of such section are appealed.

Sec. 6. Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended—

(a) in subsection (a), by striking "or to an immediate relative status under section 201 (b)," and insert in lieu thereof "or to a special immigrant status under section 101(a)(27)(A),";

(b) in subsection (b), by striking "an immediate relative specified in section 201 (b)" and insert in lieu thereof "a special immigrant specified in section 101(a)(27) (A)";

(c) in subsection (e), by striking "an immediate relative under section 201(b)" and insert in lieu thereof "a special immigrant under section 101(a)(27)(A)".

Sec. 7. (a) Paragraph (1) of subsection (a) of section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended to read as follows:

"(1) Aliens who are mentally retarded, except that any such alien may be granted a visa and admitted to the United States if otherwise admissible upon a showing that the parent or legal guardian of such alien will provide for the support of such alien;";

(b) Paragraph (4) of subsection (a) of section 212 of the Immigration and Nationality Act (8 U.S.C. 1182 (a)) is amended by striking "or a mental defect";

(c) Paragraph (14) of subsection (a) of such section is amended to read as follows:

"(14) Aliens seeking to enter the United States, for the purpose of performing skilled or unskilled labor, unless the Secretary of Labor has determined and certified to the Secretary of State and to the Attorney General that (A) there are not sufficient workers who are able, willing, qualified, and available at the time of application for a visa and admission to the United States and at the place where the alien is to perform such skilled or unskilled labor, and (B) the employment of such aliens will not adversely affect the wages and working conditions of the workers in the United States similarly employed. The exclusion of aliens under this paragraph shall apply to preference immigrant aliens described in section 203(a) (3) and (6), and to nonpreference immigrant aliens described in section 203(a)(8). The Secretary of Labor shall submit quarterly, to the Congress a report containing complete and detailed statements of facts pertinent to the labor certification procedures including, but not limited to, lists of occupations in short supply or over-supply, regionally projected manpower needs, as well as up-to-date statistics on the number of labor certications approved or denied;".

(d) Paragraph (24) of subsection (a) is repealed;

(e) Subsection (b) of such section is amended by striking out "paragraph (25) of subsection (a)" at the first place it appears, and inserting in lieu thereof "paragraph (1) or (25) of subsection (a)";

(f) Subsection (d) of such section is amended by adding at the end thereof a new paragraph as follows:

"(9)(A) If the Secretary of State shall find that it is in the national interest that all, or any portion, of the members of a group or class of persons who meet the qualifications set forth in section 203(a)(7) be paroled into the United States, he may recommend to the Attorney General that such aliens be so paroled.

"(B) Upon receipt of a recommendation pursuant to subparagraph (A) of this paragraph and after appropriate consultation with the Congress, the Attorney General may parole into the United States any alien who establishes to his satisfaction, in accordance with such regulations as he may prescribe, that he is a member of the group or class of persons with respect to whom the Secretary of State has made such recommendation and that he is not firmly resettled in any country. The conditions of such parole shall be the same as those which the Attorney General shall prescribe for the parole of aliens under paragraph (5) of this subsection.

"(C) Any alien paroled into the United States pursuant to this paragraph whose parole has not theretofore been terminated by the Attorney General and who has not otherwise acquired the status of an alien lawfully admitted for permanent residence shall, two years following the date of his parole into the United States, return or be returned to the custody of the Immigration and Naturalization Service and shall thereupon be inspected and examined for admission into the United States in accordance with the provisions of sections 235, 236, and 237 of this Act.

"(D) Notwithstanding the numerical limitations specified in this Act, any alien who, upon inspection and examination as provided in subparagraph (C) of this paragraph or after a hearing before a special inquiry officer, is found to be admissible as an immigrant as of the time of his inspection and examination except for the fact that he was not and is not in possession of the documents required by section 212(a)(20) shall be regarded as lawfully admitted to the United States for permanent residence as of the date of his arrival in the United States.".

(g) Subsection (g) of such section is amended by striking out "who is excludable from the United States under paragraph (1) of subsection (a) of this section, or any alien".

(h) Subsection (h) of this section is amended to read as follows:

"(h) Any alien, who is excludable from the United States under paragraph (9), (10), (12), or (19) of this section, who (A) is the spouse or the unmarried son or daughter, or the minor unmarried lawfully adopted child, of a United States citizen, or of an alien lawfully admitted for permanent residence, or of an alien who has been issued an immigrant visa, or (B) has a son or daughter who is a United States citizen, or an alien lawfully admitted for permanent residence, shall, if otherwise admissible, be issued a visa and admitted to the United States for permanent

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residence (1) if it shall be established to the satisfaction of the Attorney General that (A) the alien's exclusion would result in hardship to such spouse, parent, or son or daughter of such alien, and (B) the admission to the United States of such alien would not be contrary to the national welfare, safety, or security of the United States; and (2) if the Attorney General, in his discretion, and pursuant to such terms, conditions, and procedures as he may by regulations prescribe, has consented to the alien's applying or reapplying for a visa and for admission to the United States."

(i) Such section is amended by adding at the end thereof a new subsection as follows:

"(j) Any alien lawfully admitted for permanent residence whose principal, actual dwelling place is in a foreign country contiguous to the United States and is returning from a temporary stay in such foreign country to seek or continue employment in the United States shall be admitted into the United States only if the Secretary of Labor has determined and certified to the Attorney General within six months prior to the date of admission that the employment of such alien will not adversely affect the wages and working conditions of workers in the United States similarly employed, and if such certification has not been revoked on any ground. The provisions of this subsection shall be applicable to any aliens lawfully admitted for permanent residence, whether or not such aliens were so admitted prior to or on or after the date of enactment of this subsection."

SEC. 8. Subsection (a) of section 222 of the Immigration and Nationality Act (8 U.S.C. 1202) is amended by striking "[a] an immediate relative within the meaning of section 201 (b) or".

SEC. 9. Section 223 (b) (8 U.S.C. 1203) is amended to read as follows:

"If the Attorney General finds (1) that the applicant under subsection (a) (1) has been lawfully admitted to the United States for permanent residence, or that the applicant under subsection (a) (2) has, since admission, maintained the status required of him at the time of his admission and such applicant desires to visit abroad and to return to the United States to resume the status existing at the time of his departure for such visit, (2) that the application is made in good faith, and (3) that the alien's proposed departure from the United States would not be contrary to the interests of the United States, the Attorney General may, in his discretion, issue the permit. The permit shall be valid for not more than three years from the date of issuance and shall be in such form as shall be by regulations prescribed for the complete identification of the alien.

SEC. 10. (a) Section 224 of the Immigration and Nationality Act (8 U.S.C. 1204) is amended by striking "immediate relative" each place it appears and inserting in lieu thereof "alien refugee".

(b) The section heading for such section is amended by striking "IMMEDIATE RELATIVE" and inserting in lieu thereof "ALIEN REFUGEE".

(c) The item relating to such section 224 in the table of contents of such Act is amended by striking "Immediate relative" and inserting in lieu thereof "Alien refugee".

SEC. 11. Section 241 (a) (10) of the Immigration and Nationality Act (8 U.S.C. 1251 (a) (10)) is amended by striking out the language within the parentheses and inserting in lieu thereof the following: "other than an alien who is a native-born citizen of any independent foreign country of the Western Hemisphere or of the Canal Zone".

SEC. 12. Section 244 (d) of the Immigration and Nationality Act (8 U.S.C. 1254 (d)) is amended by striking out "or is an immediate relative within the meaning of section 201 (b)".

SEC. 13. Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended to read as follows:

"Sec. 245. (a) The status of an alien, other than an alien crewman or any alien admitted in transit without visa under Section 238(d), who was inspected and admitted or paroled into the United States may be adjusted by the Attorney General, in his discretion and under such regulations as he may prescribe, to that of an alien lawfully admitted for permanent residence if (1) the alien makes an application for such adjustment, (2) the alien is eligible to receive an immigrant visa and is admissible to the United States for permanent residence, and (3) an immigrant visa is immediately available to him at the time his application is filed: *Provided*, That any alien who meets the qualifications of an alien refugee as set forth in section 203(a)(7) and determined by the Secretary of State, shall be eligible to make an application for adjustment regardless of such alien's means of entry into the United States.

"(b) Upon the approval of an application for adjustment made under subsection (a), the Attorney General shall record the alien's lawful admission for permanent residence as of the date the order for the Attorney General approving the application for the adjustment of status is made, and the Secretary of State shall reduce by one the number of the preference or nonpreference visas authorized to be issued under section 203(a) within the class to which the alien is chargeable, for the fiscal year then current."

SEC. 14. The first proviso contained in paragraph (1) of section 312 of the Immigration and Nationality Act (8 U.S.C. 1423) is amended by striking out "or to any person who, on the effective date of this Act, is over fifty years of age and has been living in the United States for periods totaling at least twenty years" and inserting in lieu thereof the following: "or to any person who, on the date of the filing of his petition for naturalization as provided in section 334, is over fifty years of age and has been living in the United States for periods totaling at least ten years".

SEC. 15. (a) Notwithstanding the provisions of section 245 of the Immigration and Nationality Act and without regard to the numerical limitations specified in that Act, any alien who, on or before the effective date of this Act (1) has been granted by the Secretary of Labor an indefinite certification for employment in the Virgin Islands of the United States which has not subsequently become invalid, (2) has been inspected and admitted to the Virgin Islands of the United States, and (3) has continuously resided in the Virgin Islands of the United States for a period of at least five years as of the date of enactment of this Act, and the spouse and minor unmarried children of any such alien, may have his status adjusted by the Attorney General, in his discretion and under such regulations as he may prescribe, to that of an alien lawfully admitted for permanent residence, or may be issued an immigrant visa, if the alien (i) is eligible to receive an immigrant visa, and (iii) is admissible to the United States.

(b) Upon approval of an application for adjustment of status under subsection (a) of this section, the Attorney General shall record the alien's lawful admission for permanent residence as of the date of the order of the Attorney General approving the application for adjustment of status.

(c) Applications for adjustment of status or for immigrant visas pursuant to the provisions of subsection (a) of this section may be initiated on or after the effective date of this Act, but not later than the last day of the third fiscal year beginning on or after the date of enactment of this Act. Applications for immigrant visas pursuant to the provisions of this section shall be considered in such order as the Secretary of State shall by regulations prescribe, except that not more than three thousand visas shall be issued in any one fiscal year.

(d) Except as otherwise provided herein, the definitions set forth in section 101 of the Immigration and Nationality Act shall be applicable.

SEC. 16. (a) Notwithstanding the numerical limitations in sections 201 (a), 202 (a), and 202 (c) of the Immigration and Nationality Act, if in any fiscal year after June 30, 1972 the total number of immigrants admitted, or aliens who were adjusted to permanent resident status in the United States under the Immigration and Nationality Act, from any foreign state under paragraphs (1) through (6) and paragraph (8) of section 203 (a) of such Act was less than three-fourths of the average annual number of such visas made available to immigrants from such foreign state under such Act during the ten-fiscal-year period beginning July 1, 1955, there shall be made available to immigrants from such foreign state an additional number of visas for the succeeding fiscal year equal to the difference between the number of visas made available to them under paragraphs (1) through (6) and paragraph (8) of section 203 (a) of such Act in the preceding fiscal year and three-fourths of such average number, except that the number of such additional visas made available in any fiscal year to immigrants from such foreign state shall not exceed seven thousand five hundred. The additional visas authorized by the preceding sentence for immigrants from such foreign state shall be made available as follows:

(1) Forty per centum of the additional visas shall be made available to immigrants entitled to a preference status under paragraph (1), (2), (3), (4), or (5) of section 203 (a) of the Immigration and Nationality Act, except that no more than 8 per centum of the additional visas may be made available to immigrants entitled to a preference status under any one of such paragraphs.

(2) Thirty per centum of the additional visas plus any visas not issued under paragraph (1) shall be made available to immigrants entitled to a preference under paragraph (6) of section 203 (a) of the Immigration and Nationality Act.

(3) Thirty per centum of the additional visas plus any visas not issued under paragraph (1) or (2) shall be made available to immigrants who are not entitled to a preference under section 203 (a) of the Immigration and Nationality Act.

In the case of immigrants entitled to a preference under paragraph (1), (2), (3), (4), (5), or (6) of section 203 (a) of the Immigration and Nationality Act, the additional visas authorized by this subsection shall be issued in the order in which a petition in behalf of each such immigrant is filed with the Attorney General as provided in section 204 of such Act. In the case of immigrants not entitled to a preference under section 203 (a) of the Immigration and Nationality Act, such visas shall be made available in the chronological order in which such immigrants qualify. The provisions of section 212 (a) (14) of the Immigration and Nationality Act shall not apply in the determination of an immigrant's eligibility to receive any visa authorized to be issued under this Act.

(b) No alien shall be issued a visa under the first section of this Act, nor have his status adjusted to that of a permanent resident alien under such first section, after the expiration of the four-fiscal-year period beginning with the first fiscal year commencing on or after the date of enactment of this Act.

(c) Except as otherwise specifically provided in this Act, the definitions contained in section 101 (a) and (b) of the Immigration and Nationality Act shall apply in the administration of this Act. Nothing contained in this Act shall be held to repeal, amend, alter, modify, affect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of the Immigration and Nationality Act or any other law relating to immigration, nationality, or naturalization.

SEC. 17. Section 21 of the Act of October 3, 1965 (79 Stat. 916, 920), is hereby repealed.

SEC. 18. (a) The amendments made by this Act shall not operate to affect the entitlement to immigrant status or the order of consideration for issuance of an immigrant visa of an alien entitled to a preference status, under section 203 (a) of the Immigration and Nationality Act, as in effect on the day before the effective date of this Act, on the basis of a petition filed with the Attorney General prior to such effective date.

(b) An alien chargeable to the numerical limitation contained in section 21(a) of the Act of October 3, 1965 (79 Stat. 921) who established a priority date at a consular office on the basis of entitlement to immigrant status under statutory or regulatory provisions in existence on the day before the effective date of this Act shall be deemed to be entitled to immigrant status under section 203 (a) (8) of the Immigration and Nationality Act, as amended by section 5 of this Act. The numerical limitation to which such an alien shall be chargeable shall be determined as provided in sections 201 and 202 of the Immigration and Nationality Act, as amended by this Act.

SEC. 19. The foregoing provisions of this Act, including the amendments made by such provisions, shall become effective on the first day of the first month which begins more than sixty days after the date of enactment of this Act.

SUMMARY OF IMMIGRATION BILL INTRODUCED BY SENATOR EDWARD M. KENNEDY

Section 1: designates the bill the "Immigration and Nationality Act Amendments of 1973."

Section 2: redesignates "immediate relatives" as special immigrants—provides special immigrant status to aliens "performing duties which are related to the religious activities of a religious denomination."

Section 3: provides for establishing a worldwide ceiling of 300,000 immigrants annually, exclusive of special immigrants, to become operative on July 1, 1976—in the interim the current ceiling of 120,000 for the Western Hemisphere is increased to 130,000—Cuban refugees who adjust their status to aliens lawfully admitted for permanent residence are removed from ceiling considerations.

Section 4: except for Canada and Mexico, extends to Western Hemisphere countries the 20,000 annual limitation on immigration from any one country which is currently applicable to countries in the Eastern Hemisphere—the annual limitation on Canada and Mexico is 35,000—raises from 200 to 600 the annual limitation on immigration from dependent areas—

Section 5: amends the preference system.

(a) The preference system, currently operative only in the Eastern Hemisphere, becomes operative on a worldwide basis simultaneously with the effective date of the world ceiling—in the interim the preference system operates separately in each hemisphere.

(b) The percentum of first preference (unmarried sons and daughters of U.S. citizens) is changed from 20 to 10.

(c) The second preference, currently the spouses and unmarried sons and daughters of aliens lawfully admitted for permanent residence, is expanded to include parents of permanent resident aliens—the percentum is changed from 20 to 24.

(d) The percentum of third preference (members of professions or persons of exceptional ability in the sciences and arts) is changed from 10 to 12.

(e) The fourth preference (married sons or daughters of U.S. citizens) and its percentum of 10 remains unchanged.

(f) The fifth preference, currently the brothers and sisters of U.S. citizens, eliminates those who are married—the percentum is changed from 24 to 20.

(g) The percentum of sixth preference (skilled and unskilled workers in short supply) is changed from 10 to 12.

(h) The percent of seventh preference is changed from 6 to 12—instead of being given "conditional entry" in accordance with regulations prescribed by the Attorney General, refugees are issued regular immigrant visas in accordance with regulations prescribed by the Secretary of State—the definition of a refugee establishes a worldwide asylum policy for the United States: "The term 'alien refugee' means any alien who is outside the country of his nationality or who, not having a nationality, is outside the country of his habitual residence, and who is unable or unwilling to return to such country because of persecution or well-founded fear of persecution on account of race, religion, nationality, membership of a particular social group or political opinion, or who has been uprooted by catastrophic natural calamity or military operations. . . ."

(i) To permit maximum flexibility in the use of visas, available visas not required in any one preference are to be used in meeting excessive demand in succeeding preference categories—except the seventh—or in the non-preference category—

Section 6: technical amendments.

Section 7: facilitates the admission of the mentally retarded and others—provides a permanent authority for the Attorney General to parole refugees into the country for emergency reasons and subsequently adjust their status to permanent residence—regulates the flow of employable "commuter aliens" from Canada and Mexico.

Section 8: technical amendment.

Section 9: removes the renewal provision for re-entry permits, but extends their validity from one to three years—re-entry permits are required for aliens in the United States who wish to maintain their immigration status while temporarily outside of the country.

Section 10: technical amendments.

Section 11: technical amendments.

Section 12: technical amendments.

Section 13: provides for adjustment of status of Western Hemisphere aliens on the same basis as aliens from the Eastern Hemisphere—

Section 14: facilitates the naturalization of persons over 50 years who have been living in the United States for at least 10 years.

Section 15: establishes a temporary program to facilitate the adjustment of status of certain nonimmigrant aliens in the Virgin Islands.

Section 16: establishes a temporary program making additional immigrant visas available to certain countries disadvantaged in the transition from the national origins system to the first-come, first-served system, established by the Immigration Act of October 3, 1965.

Section 17: technical amendments.

Section 18: technical amendments.

Section 19: technical amendments.

By Mr. STEVENS:

S. 2647. A bill to amend 5 U.S.C. 5343 (c)(1) to expand the data base for Federal wage surveys in certain areas of the United States wherein there is insufficient private industry to determine comparable wages or where State and local governments exert a major influence on wage rates. Referred to the Committee on Post Office and Civil Service.

Mr. STEVENS. Mr. President, in August 1972, Public Law 92–392 was enacted which made major changes in the method of fixing pay rates for governmental employees. One of these changes was an amendment to 5 U.S.C. 5343, which reversed a long-standing civil service practice of including nonprivate sector pay rates in Federal wage board surveys for certain areas.

Prior to the enactment of Public Law 92–392, the Federal Personnel Manual provided:

> Under certain circumstances, exceptions are made to the basic policy that surveys cover only private industries. A lead agency may include State and local governmental activities in a regular wage survey when the area involved has limited private industry employment and a high concentration of governmental employment exerts a major influence on the level of rates.

Public Law 92–392 amended 5 U.S.C. 5343(c)(1) to limit the subject of wage board surveys to include only wages "paid by private employers in the wage area for similar work performed by regular full-time employees."

This new statutory limitation has caused considerable concern to Federal employees in several areas of the country. Under the requirements of Public Law 92–392, the Civil Service Commission has understandably felt itself to be limited in its discretion and has ruled that wage board surveys may not include Government operated businesses such as utilities. However, because most of these operations in Alaska; Champaign-Urbana, Ill.; and a few other areas of the United States pay union scale and are an important factor in determining the wage rate for wage board employees, their exclusion has had serious consequences. Many employees in Alaska fear that failure to include these enterprises may force the Wage Board to survey Seattle, with a significantly lower wage scale. Many of these employees have contacted me and asked for my help.

In Alaska, for example, many State and local governmental employees receive good wages, in some cases, higher than the private sector. This is not generally the case in other parts of the country, with certain exceptions. The exclusion of governmental employees in Public Law 92–392 was based on the premise that most governmental employees are paid less than private employees. No account was taken of the few areas, such as Alaska and Champaign-Urbana, wherein Government employees form the only basis of comparison, particularly because they are paid comparable wages.

When the House Post Office and Civil Service Committee was considering the legislation later adopted as Public Law 92–392, John Griner, then President of the American Federation of Government Employees, testified concerning conditions in Alaska. I understand the same conditions are found in Champaign-

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Urbana. At those hearings in April and May, 1971, Mr. Griner testified:

> I should like to call your attention to an unusual condition. Just a few days ago, I returned from an extensive trip to Alaska during which I tried to isolate the special problems which affect all employees there, private enterprise, as well as Federal, State, and local government.
>
> One fact is clear, there are so few large private enterprises employing 300 or more workers that the provision in H.R. 12481 and associated bills limiting wage surveys to private establishments with 300 or more employees cannot be effectively carried out in Alaska.
>
> I, therefore, recommend that the State of Alaska be specifically exempted from the provisions of subparagraph (e)(4) of Section 5343 of the associated bills.
>
> I might say, I have full concurrence from both Senators and at least one Congressman—or the one Congressman, I believe we have only one Congressman up there.

At my request, the Department of Defense has forwarded Federal wage system survey data obtained in the 1972 full scale survey for Alaska and Champaign-Urbana.

In the Alaska survey, approximately 58 percent of the survey samples came from governmental—public—jurisdictions. The remaining samples, exclusive of government, would not provide an adequate data base upon which statistical trend lines could be drawn under the Federal wage system procedures.

In Champaign-Urbana, although 46 percent of the sample survey came from the University of Illinois, a governmental activity, the data base from "private" enterprise establishments in the area remained adequate for the development of statistical trend lines under the Federal wage system procedures. The resultant trend lines, excluding the University of Illinois data, would have been significantly lower, however, than that produced if all data, private and public, are used in the computations.

Because of the importance of this bill, I urge Congress to act on it speedily and request that it be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2647

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5343(c)(1) of title 5, United States Code, is amended by inserting the following before the semicolon: ", and except that, when there is insufficient private employment in a wage area to establish a wage schedule or a high concentration of state or local government employment exerts a major influence on the level of rates in the area, wages to be surveyed may include those paid by state and local governments (including political subdivisions thereof) in the area".

By Mr. McCLURE:

S. 2649. A bill to provide for the public disclosure by candidates for election to Federal office of their Federal income tax returns. Referred to the Committee on Finance.

Mr. McCLURE. Mr. President, I am introducing today legislation to provide for the public disclosure by candidates for Federal office of their Federal income tax returns.

The suggestion has been made that Vice-Presidential-nominee Gerald Ford should, over and above presenting all financial records, including income tax returns, to the Rules Committee, make his income tax returns part of the public record.

Now I personally do not think we should be required to disclose our personal income tax returns. Yet if we are to demand it of Congressman Ford, then we ought to demand it of ourselves as well. We have no right to say to Mr. Ford, "You have got to be cleaner than the rest of us."

It is not right to require of anyone the forced disclosure of personal, nonpolitical expenditures at the whim of a legislative body which has made no such ruling for its own Members. I am fully aware that some Senators and Congressmen have made such disclosure. This was an exercise of their right to handle their own finances in their own way, which in no way abrogates the rights of others to make a different choice.

Under nomal circumstances each man has the right to keep the small details of his personal life private. His relationship with his church, for example, is a very private one. A man who gives a small amount to a specific charity might be criticized, and a man who gives a great deal, besieged. Public disclosures would also make public the names of those who can afford to and do, give to many charities. Such contributions would then become political.

In requiring a nominee to make a disclosure not required by Members of the body itself, we of the Senate would be clearly implying that Vice Presidents ought to be more moral than Senators.

In these times of doubt and distrust in political officeholders we cannot afford any action which would advance the theory that some people should be more honest than others; that morality is a quantitive ideal. Consistency is essential in morality, and in these times even the appearance of morality must be more carefully guarded than ever.

For this reason I submit a bill which would require all candidates for Federal office to make their tax returns public. If disclosure is a moral issue, it must apply to every officeholder; if not, it should remain a voluntary option for all.

By Mr. CRANSTON (for himself, Mr. Abourezk, Mr. Brock, Mr. Fong, Mr. Gravel, Mr. Hatfield, Mr. Humphrey, Mr. Kennedy, Mr. McGovern, Mr. McIntyre, Mr. Packwood, Mr. Metcalf, Mr. Percy, Mr. Ribicoff, and Mr. Sparkman):

S. 2650. A bill to provide for the early commercial demonstration in residential housing and other buildings of technology for solar heating and combined solar heating and cooling by the Secretary of Housing and Urban Development, to establish a National Solar Energy Coordinating Council, and for other purposes. Referred, by unanimous consent, jointly to the Committees on Banking, Housing and Urban Affairs, and Commerce; and if and when one of these committees reports the bill, then the bill to be referred to the Committee on Labor and Public Welfare.

SOLAR HOME HEATING AND COOLING DEMONSTRATION ACT OF 1973

Mr. CRANSTON. Mr. President, I rise to introduce for appropriate reference a bill to stimulate the practical application of solar energy in a manner that can make a substantial contribution to our current energy deficiencies.

Mr. President, I also ask unanimous consent that the bill be referred jointly and simultaneously to the Committees on Banking, Housing and Urban Affairs, and Commerce, and provided further that when one committee reports the bill it shall then also be referred to the Committee on Labor and Public Welfare to consider functions imposed upon the National Science Foundation by such bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, this bill is the Solar Home Heating and Cooling Demonstration Act of 1973, and it would require the Secretary of Housing and Urban Development to undertake a major demonstration program to determine the economic and practical feasibility of solar heating and combined solar heating and cooling systems in residential and other buildings.

It has been estimated that up to 40 percent of the energy consumed annually in the United States is used for heating, air-conditioning, ventilation, lighting, and power systems in buildings. If we can perfect and demonstrate existing technology to tap the unlimited energy of the sun for these purposes and begin to apply such technology to a fair number of existing and new buildings, then we can substantially reduce the barrels of oil and cubic feet of gas consumed by this sector at a time of decreasing supplies and international tension.

The idea of tapping the vast energy of the sun is not new. Mr. E. S. Morse received a patent in 1881 on a technique of "warming and ventilating apartments by the Sun's rays" (U.S. Patent No. 246,626, September 6, 1881). The Heating and Ventilation Journal reported in July 1950 that an experimental solar house in Dover, Mass., had passed its second successful winter without a fuel bill. Other successful experiments took place, prior to 1960, in Denver, Colo., and Albuquerque, N. Mex. I am proud that one of the most recent and innovative steps in the continuing research and development of solar power is the Harold Hay house in Atascadero, Calif., developed in cooperation with the California Polytechnic Institute.

These experiments clearly demonstrate that the technology exists to build a solar-powered house. These houses work. It is primarily the high cost of these homes to date which has prevented solar energy from being more widely utilized.

Since there is as yet almost no mass production of solar energy equipment, the hardware for these homes must be

custom designed and custom built. Presently, for example, the price of the collector unit alone for an average single-family home is around $2,000. And inspired and built as they were by different individuals, some of the houses required extensive, frequent maintenance. Such maintenance is something which an inventor would willingly, perhaps lovingly, perform, but would be at best a tedious chore for the average homeowner.

My bill seeks to overcome these obstacles by directing the Secretary of Housing and Urban Development, after consultation with the National Solar Energy Coordinating Council established under this bill, to undertake a major demonstration program to determine the practical feasibility of solar heating and cooling in residential buildings. This would involve the development of appropriate standards and building codes, the awarding of an adequate number of designs to test fully existing technology and innovations, and the actual construction of solar-powered homes. The Secretary of Housing and Urban Development will have overall responsibility for this program, for implementing, monitoring, and evaluating it, after he has consulted with the National Solar Energy Coordinating Council. This Council will be composed of the following, or their designees: The Administrator of the National Aeronautics and Space Administration, the Director of the National Science Foundation, the Administrator of General Services, the Director of the National Bureau of Standards, the Administrator of the Environmental Protection Agency, the President of the National Academy of Sciences, three members representing the public, and any additional Federal department or agency heads which the President may name.

The bill provides for an immediate 3-year demonstration program for solar heating, and a 5-year development and demonstration program for combined solar heating and cooling systems. The reason for this staggered arrangement is that the technology for solar heating is available now, while the technology for combined heating and cooling needs to be further refined before it can be demonstrated. A maximum of $50 million is authorized to carry out the purposes of the proposed act.

Mr. President, I am confident that this $50 million is a wise investment for the Nation. With a continuing energy supply problem—one which will certainly get worse before it gets better—it is our obligation to seek promising alternative sources of power for a power-hungry economy.

And solar energy for heating and cooling buildings is among those alternatives now available with a high probability of success. In the December 1972 report of the NSF/NASA Solar Energy Panel, entitled "Solar Energy as a National Energy Resource," is the following statement:

> There is no doubt that among all the possible uses of solar energy, residential heating and cooling has the highest probability of success. There are the least uncertainties both in the technology and the economics of these domestic applications. There is, moreover, a very high benefit/cost ratio in that the total funds needed for the development of a viable enterprise will be only a small fraction of the annual value of fuel savings, or of equipment sales, or of some other measure of benefits to the economy. (p. 18)

Solar energy is available now. We do not have to invest untold millions into research and development. We are past that stage with solar heating and cooling. What we need now in order to boost the practical and widespread utilization of this technology is to undertake a demonstration program which is sufficiently large to assure an adequate data base and to determine the ultimate contribution such systems can make to our continuing energy crisis.

Mr. President, I ask unanimous consent that the text of my bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2650

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Solar Home Heating and Cooling Demonstration Act of 1973."

FINDINGS AND POLICY

Sec. 2. (a) The Congress hereby finds and declares that—

(1) the current imbalance between supply and demand for fuels and energy is likely to persist for some time;

(2) the application of solar energy for the heating and cooling of buildings can help to relieve the demand upon present fuel and energy supplies;

(3) the technologies for solar heating are close to the point of commercial application in the United States;

(4) the technologies for combined solar heating and cooling still require research, development, testing, and demonstration, but no insoluble technical problem is now foreseen in achieving commercial use of such technologies;

(5) the early development and export of viable solar heating equipment and combined solar heating and cooling equipment can make a valuable contribution to our balance of trade;

(6) commercial application of solar heating and combined solar heating and cooling technologies can be expedited by early commercial demonstration under practical conditions; and

(7) the establishment of a Federal coordinating body will assure active participation in the development and implementation of this demonstration program by the Federal agencies knowledgeable or previously involved in solar energy programs. (b) It is therefore declared to be the policy of the United States and the purposes of this Act to provide for the demonstration within a three-year period of the practical use of solar heating technology, using current technology for this purpose, and to provide for research development, and demonstration within a five-year period of the practical use of combined heating and cooling technology, and to establish a National Solar Energy Coordinating Council.

Sec. 3. For the purposes of this Act—

(1) the term "solar heating", with respect to any building, means the use of solar energy to meet such portion of the total heating needs of such building (including hot water) as may be required under performance criteria prescribed by the Secretary of Housing and Urban Development;

(2) the term "combined solar heating and cooling", with respect to any building, means the use of solar energy to provide both such portion of the total heating needs of such building (including hot water), and such portion of the total cooling needs of such building (including cooling by means of nocturnal heat radiation or by other methods of meeting peak-load energy requirements at non-peak-load times) as may be required under performance criteria prescribed by the Secretary of Housing and Urban Development;

(3) the term "Secretary" means the Secretary of Housing and Urban Development;

(4) the term "residential dwellings" means single-family and multi-family dwellings, and mobile homes; and

(5) the term "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

ESTABLISHMENT OF NATIONAL SOLAR ENERGY COORDINATING COUNCIL

Sec. 4. (a) There is hereby established within the Federal Government a National Solar Energy Coordinating Council (hereinafter referred to as the "Council") to advise the Secretary on the implementation of the purposes and provisions of this Act. The Council shall be composed of the following (or their designees whose positions are Executive Level IV or higher): the Administrator of the National Aeronautics and Space Administration, the Director of the National Science Foundation, the Director of the National Bureau of Standards, the Administrator of the Environmental Protection Agency, the President of the National Academy of Sciences, the Administrator of General Services, and such other Department or agency heads as the President may designate, and three public members who have expertise in the field of solar energy or related fields appointed for five year terms by the President. The Secretary shall serve as Chairman and shall call the meetings of the Council, which shall meet at least four times each year.

(b)(1) It shall be the responsibility of the Council (A) to advise and consult with the Secretary in carrying out the purposes and provisions of this Act; and (B) to cooperate with the Secretary in such other appropriate ways as he may request.

(2) The Council shall also have the responsibility for developing and implementing agreements, policies and practicees designed to maximize effort, promote efficiency, and eliminate conflict, competition, duplication and inconsistency among the operations, functions, and jurisdiction of the various departments, agencies and branches of the Federal government responsible for research, testing, development, and demonstration of solar energy technology.

(c) Appointed members of the Council shall receive for each day they are engaged in the performance of the functions of the Council compensation at rates not to exceed the daily equivalent of the annual rate in effect for grade GS–18 of the General Schedule, including travel time; and all members, while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as such expenses are authorized by section 5703 of title 5, United States Code; for persons in the Government service employed intermittently.

(d) The Secretary shall make available to the Council such staff, information and other assistance as it may require to carry out its activities effectively.

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DEMONSTRATION OF SOLAR HEATING SYSTEMS TO BE USED IN RESIDENTIAL DWELLINGS

Sec. 5. (a) The Secretary shall promptly initiate and carry out a program as provided in this section for the development and demonstration of solar heating systems for use in residential dwellings.

(b)(1) Within ninety days after the date of the enactment of this Act, the Secretary, after consultation with the Director of the National Bureau of Standards and the President of the National Academy of Science, or their designees, shall determine, prescribe, and publish in the Federal Register, after notice and hearing in accordance with all provisions regarding rulemaking prescribed by section 553 of title 5, United States Code—

(A) performance criteria for solar heating equipment and systems to be used in residential dwellings, and

(B) performance criteria (relating to suitability for solar heating) for such dwellings themselves,

taking into account in each instance climatic variations existing among different geographical areas.

(2) As soon as possible after the publication of the performance criteria finally prescribed under paragraph (1) of this subsection, the Secretary shall determine and approve, on the basis of open competition, an appropriate number (but not less than three) of designs for various types of residential dwellings suitable for and adapted to the installation of solar heating systems meeting the performance criteria finally prescribed under paragraph (1)(a) of this subsection. Each such design competition shall be announced a reasonable time in advance in the Federal Register and appropriate trade publications, and shall be open to all professionally recognized architects and engineers (or architectural or engineering firms) qualified, in accordance with regulations prescribed by the Secretary after consultation with the Council, to assist in the design of residential dwellings to demonstrate solar heating.

(c) The Secretary shall—

(1)(A) enter into such contracts as may be necessary or appropriate for the development (for commercial production and residential use) of solar heating systems meeting the performance criteria finally prescribed under subsection (b)(1)(A) of this section (including any further planning and design which may be required to conform to the specifications set forth in such criteria); and

(B) if he determines that it would expedite the program to be carried on under this section or otherwise accelerate the achievement of the purposes and provisions of this Act, provide by contract or otherwise for the manufacture or production of prototype solar heating systems (by the contractors for development under clause (A) of this paragraph), and for the installation of such prototype systems in residential dwellings meeting the performance criteria finally prescribed under subsection (b)(1)(B) of this section;

(2) enter into contracts with at least two different persons for the actual manufacture and production of solar heating systems as developed under contracts described in paragraph (1)(A) of this subsection (including adequate numbers of spare and replacement parts for such systems); and

(3) take such action as may be necessary or appropriate—

(A) in conjunction with the Administrator of General Services the head of the department or agency concerned, to secure the installation of such systems, manufactured on a mass-production basis, in substantial numbers of residential dwellings which are located on Federal or federally-administered property where the performance and operation of systems can be regularly and effectively observed and monitored by designated Federal personnel, and

(B) to secure the installation of such systems, manufactured on a mass-production basis, in substantial numbers of residential dwellings which are privately-owned and occupied and located in both rural and urban areas.

The residential dwellings referred to in clauses (A) and (B) of this paragraph shall be located in a sufficient number of different climatic regions (but not less than five) in the United States as are necessary to assure a realistic and effective demonstration of the solar heating systems involved, and of the dwellings themselves, under climatic conditions which vary as much as possible. The United States shall retain title to and ownership of solar heating systems which are installed in residential dwellings as provided in clause (B) of this paragraph; except that the Secretary may provide by contract, that if the owner and occupant of any such dwelling agrees at the time of the installation of the system or of the purchase of the property, on such terms and conditions as the Secretary may prescribe in regulations, to observe and monitor (or permit the Secretary or his agents to observe and monitor) the performance and operation of such system for a period of five years, and such owner and occupant (including any subsequent owner and occupant of the property who also makes such an agreement) regularly furnishes the Secretary with such reports thereon as the Secretary may require, title to and ownership of such system shall vest in the owner and occupant (including any such subsequent owner and occupant) at the close of such period, upon a determination by the Secretary that the terms and conditions of such contract have been substantially complied with. For the purposes of clauses (A) and (B) of paragraph (3) of this subsection, solar heating systems shall be considered to have been manufactured on a mass-production basis and installed in substantial numbers of residential dwellings if they are manufactured and installed in sufficient numbers (as determined by the Secretary in regulations) to assure a realistic and effective demonstration to carry out the purposes and provisions of this Act.

DEVELOPMENT AND DEMONSTRATION OF COMBINED SOLAR HEATING AND COOLING SYSTEMS TO BE USED IN RESIDENTIAL DWELLINGS

Sec. 6. (a) The Secretary shall promptly initiate and carry out a program as provided in this section for the development and demonstration of combined solar heating and cooling systems for use in residential dwellings.

(b)(1) As soon as possible after the date of enactment of this Act, the Secretary after consultation with the Director of the National Bureau of Standards and the President of the National Academy of Sciences or their designees, shall determine, prescribe, and publish in the Federal Register after notice and hearing in accordance with all provisions regarding rulemaking prescribed by section 553 of title 5, United States Code—

(A) performance criteria for combined solar heating and cooling equipment and systems to be used in residential dwellings, and

(B) performance criteria (relating to suitability for solar heating and cooling) for such dwellings themselves, taking into account in each instance climatic variations existing among different geographical areas.

(2) As soon as possible after the publication of the performance criteria finally prescribed under paragraph (1) of this subsection (and if possible before the completion of the research and development provided for in subsection (c) of this section), the Secretary shall determine and approve on the basis of open competitions, an appropriate number (but not less than three) of designs for various types of residential dwellings suitable for and adapted to the installation of combined solar heating and cooling systems meeting the performance criteria prescribed under paragraph (1) (A) of this subsection. Each such design competition shall be announced in the Federal Register and appropriate trade publications and shall be open to all professionally-recognized architects and engineers (or architectural or engineering firms) qualified, in accordance with regulations prescribed by the Secretary after consultation with the Council, to assist in the design of houses to demonstrate combined solar heating and cooling.

(c) During the period immediately following the publication of final performance criteria under subsection (b) (1) of this section, the Secretary, jointly with the Director of the National Science Foundation, shall undertake and conduct the research specified in Section 8 with respect to commercial application of combined solar heating and cooling systems as contemplated by the program to be carried out under this section.

(d) The Secretary, at the earliest possible time during or immediately after the period specified in subsection (c) of this section, shall—

(1)(A) enter into such contracts as may be necessary or appropriate for the development (for commercial production and residential use) of combined solar heating and cooling systems meeting the performance criteria prescribed under subsection (b)(1)(A) of this section (including any further planning and design which may be required to conform to the specifications set forth in such criteria or to reflect the results of the activities conducted under subsection (c)); and

(B) if the Secretary determinea that it would expedite the program under this section or otherwise accelerate the achievement of the objectives of this Act, provide by contract or otherwise for the manufacture or production of prototype solar heating and cooling systems (by the contractors for the development under clause (A)), and for the installation of such prototype systems in residential dwellings meeting the performance criteria prescribed under subsection (b)(1)(B) of this section;

(2) enter into contracts with at leaat two different persons or firms for the actual manufacture and production of combined solar heating and cooling systems as developed under contracts described in paragraph (1)(A) of this subsection (including adequate numbers of apare and replacement parts for such systems); and

(3) take such action as may be necessary or appropriate—

(A) in conjunction with the Administrator of General Services and the head of the department or agency concerned, to secure the installation of such systems, manufactured on a mass-production basis, in substantial numbers of residential dwellings which are located on Federal or federally administered property where the performance and operation of systems can be regularly and effectively observed and monitored by designated Federal personnel, and

(B) to secure the installation of such systems, manufactured on a mass-production basis, in substantial numbers of residential dwellings which are privately owned and occupied and located in both rural and urban areas.

The residential dwellings referred to in clauses (A) and (B) of this paragraph shall

be located in a sufficient number of climatic regions (but not less than five) in the United States as are necessary to assure a realistic and effective demonstration of the combined solar heating and cooling systems involved, and of the dwellings themselves, under climatic conditions that vary as much as possible. The United States shall retain title to and ownership of the combined solar heating and cooling systems which are installed in residential dwellings as provided in clause (B) of this paragraph; except that the Secretary may provide by contract, that if the owner and occupant of any such dwelling agrees at the time of the installation of the system or of the puchase of the property, on such terms and conditions as the Secretary may prescribe in regulations, to observe and monitor (or permit the Secretary or his agents to observe and monitor) the performance and operation of such system for a period of five years, and such owner and occupant (including any subsequent owner and occupant who also makes such an agreement) regularly furnishes the Secretary with such reports thereon as the Secretary may require, title to and ownership of such system shall vest in the owner and occupant (including any subsequent owner and occupant) at the close of such period, upon a determination by the Secretary that the terms and conditions of such contract have been substantially complied with. For the purposes of clauses (A) and (B) of paragraph (3) of this subsection, solar heating and cooling systems shall be considered to have been manufactured on a mass-production basis and installed in substantial numbers of residential dwellings if they are manufactured and installed in sufficient numbers (as determined by the Secretary in regulations) to assure a realistic and effective demonstration to carry out the purposes and provisions of this Act.

DEVELOPMENT OF SOLAR HEATING AND COMBINED SOLAR HEATING AND COOLING SYSTEMS FOR PUBLIC BUILDINGS AND COMMERCIAL USE

Sec. 7. The Secretary in consultation with the Council, concurrently with the conduct of the programs under section 5 and 6, shall provide for such projects and activities (including demonstration projects)—

(1) with respect to apartment, condominium and cooperative buildings, office buildings, factories, agricultural structures (including crop-drying facilities), and other commercial and industrial buildings,

(2) in consultation with the Administrator of General Services and the head of the Federal department or agency concerned and making maximum utilization of funds available to such other Federal departments and agencies, with respect to non-residential dwelling Federal, federally-controlled or federally-assisted buildings (especially educational institutions, hospitals, courthouses, and other public function facilities), and

(3) with respect to non-Federal public facilities; taking into account the special needs of and individual differences in such buildings based upon size, function, and other relevant factors, as may be appropriate for the early development and demonstration of solar heating, and, concurrent with the support of projects pursuant to section 6(d), of combined solar heating and cooling systems suitable and effective for use in such buildings.

SOLAR ENERGY RESEARCH AND DEVELOPMENT

Sec. 8. (a) Notwithstanding any other provision of the law, the Director of the National Science Foundation, jointly with the Secretary in consultation with the Council, and upon recommendation of appropriate scientific peer review panels, is authorized and directed, out of funds otherwise available or transferred to him, to initiate, support, and fund basic and applied research activities related to solar energy, and research, development, testing, and demonstration designed to provide the necessary technological resources in support of the purposes and provisions of this Act. Such research activities shall, insofar as practicable, support the new solar heating and cooling technologies demonstrated or to be demonstrated pursuant to sections 5, 6, and 7 of this Act.

(b)(1) Whenever a patent is granted to an inventor for an invention developed in whole or in part under any contract, grant, or other arrangement funded under this Act, one-half of any amounts payable as royalties by persons licensed to use the invention or as damages by persons liable for infringement of the patent (including any amounts paid in settlement of any claim of infringement) shall be payable to the United States Government, and covered into the general fund of the Treasury as miscellaneous receipts.

(2) There is established on the books of the Treasury of the United States a trust fund to be known as the "Solar Energy Trust Fund" (hereinafter referred to as the "fund"). Amounts in the fund shall be available, without fiscal year limitation, for obligation and expenditure by the Secretary for purposes of carrying out the provisions of this Act, in addition to any amount appropriated under section 12. There is appropriated to the fund, out of any amounts in the general fund of the Treasury not otherwise appropriated, for each fiscal year an amount equal to the amount of royalty payments or damages covered into the general fund of the Treasury as miscellaneous receipts under this section during the preceding fiscal year.

(3) The provisions of paragraph (1) shall not apply with respect to any use of a patent occurring after June 30, 1979. Any amounts remaining in the fund on June 30, 1980, and not otherwise obligated or expended, shall be subject to fiscal year limitation.

DISSEMINATION OF INFORMATION AND OTHER ACTIONS TO PROMOTE PRACTICAL USE OF SOLAR AND COOLING TECHNOLOGIES

Sec. 9. (a) The Secretary shall take all possible steps to assure that full and complete information with respect to the demonstrations and other activities conducted under this Act is made available to Federal, State, and local authorities, the building industry and related segments of the economy, and the public at large, during and after the close of programs carried out under this Act, in order to promote and facilitate, to the maximum extent feasible, the early and widespread practical application of solar energy to heat and cool buildings throughout the United States. In accordance with regulations prescribed under section 11, such information shall be disseminated on a coordinated basis by the Secretary, utilizing the facilities of all Federal departments and agencies, especially those represented on the Council.

(b) The Secretary shall also, directly or by grant or contract—

(1) study and investigate the effect of existing building codes, zoning ordinances, and other laws, codes, ordinances, and practices upon the practical use of solar energy to heat and cool buildings; and

(2) determine the extent to which such laws, codes, ordinances, and practices should be changed to permit or facilitate such use, and the methods by which any such changes may best be brought about.

(c) Each Federal officer having functions under this Act shall include in the annual report regarding activities of his department or agency to the President and the Congress a full and complete description of his activities during the preceding fiscal year and those projected for the next such year under this Act, along with his recommendations for legislative, administrative, or other action to improve the programs carried out under this Act or to carry out the purposes and provisions of this Act more promptly and effectively.

(d) The Secretary shall submit annually to the President and the Congress a special report summarizing in appropriate detail the progress achieved in carrying out the purposes and provisions of the Act, and all of the activities during the preceding fiscal year and those projected for the next such year of the various Federal departments and agencies pursuant to this Act, in order to present a comprehensive view of such programs. Such special report shall include the results of monitoring and evaluation as required and carried out under section 10 (b) and (c).

ENCOURAGEMENT AND PROTECTION OF SMALL BUSINESS

Sec. 10. Functions under this Act shall be carried out so as to assure that small business concerns will have a realistic and adequate opportunity to participate in the programs under this Act to the maximum extent possible.

GENERAL PROVISIONS

Sec. 11. (a) Notwithstanding any other provision of law, (1) the Secretary may, after consultation with the Council, direct one or more of the Federal departments or agencies represented on the Council to carry out, on a reimbursable basis, any of the functions conferred upon him by sections 5, 6, 7 and 9 of this Act if he deems such directive to be necessary to carry out the purposes and provisions of this Act, and (2) The Secretary shall transfer to any such department or agency, and such department or agency shall so utilize, such funds available to him pursuant to section 12 of this Act as are necessary to carry out such transferred functions.

(b) The Secretary, or, as to systems installed pursuant to subsection (c)(3)(A) of this section, the Secretary and the head of the Federal department or agency concerned, shall hsve the function of monitoring the performance and operation of all systems installed in residential dwellings, buildings, or facilities under this section.

(c) For the purpose of providing information that will assist Congress in its oversight responsibilities and improve the accountability of agency expenditures and activities, the Secretary shall, in consultation with the Council, provide for independent evaluations of activities carried out pursuant to this Act, and present to the Congress an annual report of the results of such evaluations, as well as his own evaluation, presented in quantitative and qualitative terms and in summary and detailed form, of the progress in carrying out the programs authorized under this Act.

(d) The Secretary shall maintain continuing liaison with the building industry and related industries and interests, during and after the period of the programs carried out under this Act, with the objective of assuring that the projected benefits of such programs are and will continue to be effectively realized.

(e) The Secretary, after consultation with the Council, shall prescribe and publish in the Federal Register such regulations as may be necessary or appropriate to carry out this Act.

APPROPRIATIONS

Sec. 12. There are appropriated to the Solar Energy Trust Fund established under section

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8 (b), out of any amounts in the general fund of the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1974, $50,000,000, which shall remain available for obligation or expenditure by the Secretary for the purpose of carrying out the provisions of this Act without fiscal year limitation through June 30, 1980.

Mr. PACKWOOD. Mr. President, it is with great pleasure that I join with Senator CRANSTON in introducing the Solar Heating and Cooling Demonstration Act of 1973. An effort such as that undertaken in this bill is long overdue and I give my support without reservation to his proposal to conduct a major demonstration of the feasibility of solar heating and cooling in various climatic regions of the country.

Reading from time to time of small demonstrations whereby solar energy has been harnessed has engendered my own enthusiasm for the Sun as an alternative energy source. In this day of diminishing supplies, it is imperative that we explore all potential energy sources, and it is with great excitement that I look to our possibilities, not the least of which is energy from the Sun. The route pursued in the bill I am cosponsoring is, I feel, a desirable one, and I fully endorse a major research effort coordinated by the Department of Housing and Urban Development, the National Science Foundation, and the National Bureau of Standards. What is surprising in light of our finite energy sources and our infinite energy needs—which, by the way, gets into another subject of the necessity for a sound energy conservation policy—is that the Federal Government has never taken on a major research, development, and demonstration program of this magnitude where alternate energy sources are concerned. At the very least, one would expect that the feasibility of using solar energy would be inquired into in more depth than research to date indicates has been the case.

Gasoline shortages are proving to be a real attention-getter for the Nation's energy problems, and this is an almost sure indication that some corrective and innovative actions will and must be taken. Not the least among them is, finally, meaningful legislation such as this to demonstrate the feasibility of using solar energy. Recently, the National Science Foundation awarded three contracts for a research project designed to hasten the day when solar energy for heating, cooling, and supplying the hot water needs for buildings will become commercially available. I was glad to see this stepped-up interest and feel that legislation such as we are introducing today will speed the process and coordinate ongoing and new research and development programs. Recently, NSF officials have said that among the methods being researched, the use of solar energy for heating and cooling of buildings is the most advanced potential application and presents an excellent opportunity to make an early impact on national energy requirements. The legislation proposed today recognizes this in pursuing a research development and demonstration program to utilize solar energy to heat and cool our homes and businesses.

Expert testimony in hearings on the subject of solar energy indicates that success in utilizating solar energy could significantly reduce the impact of projected increased use on existing energy resources. The attraction of harnessing an inexhaustible power supply becomes apparent when, according to a recent article appearing in the Wall Street Journal, is is realized that "over the next 30 years the United States is expected to consume more energy than it has since the arrival of the Mayflower." Yet many of the United States present energy sources are either, like natural gas, in short supply or, like coal, a major cause of pollution. Even nuclear power no longer has the assured growth that was once predicted. Solar energy proponents, on the other hand, have pointed out that power from the Sun is not only environmentally safe but also will be shown to be economically competitive with other power sources.

Via a vehicle such as the Solar Heating and Cooling Demonstration Act, we will be able to obtain answers to many of our unanswered questions concerning the feasibility of solar energy. I am not saying that this alone will solve our energy problems, but I do feel that it is one of the steps which must be taken in conjunction with steps to pursue our geothermal and fusion energy potentials and whatever other alternate resources may be available to this Nation. In Peter E. Glaser's article entitled, "Solar Energy: An Alternative Source for Power Generation," he points out that—

> The fundamental aspects of engineering science and technology for a programme of harnessing solar energy will require government and industry support. Both will be needed to advance our capability to enter a new era where fire is no longer a necessity in our lives. The use of solar energy can provide a base from which may spring many foreseen and unforeseen applications with long-term effects which may make our present concern with nuclear affairs seem simple by comparison.

For too long, we have sat idly back and consumed, consumed, consumed until, now, we find ourselves confronting an energy "crunch." I, for one, intend to do my part to alleviate this crunch and plan to pursue vigorously the various avenues open to us, to insure that the United States will indeed implement the necessary national energy policies, pursue energy conservation programs, and investigate our alternative energy sources. It is my sincere hope that this bill, as well as those others which have been introduced to help meet the so-called energy crisis will be considered and acted upon at the earliest date.

Mr. President, at this point in the RECORD, I ask unanimous consent to have printed an article recently appearing in Industry Week concerning the outlook for solar energy.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOLAR POWER HAS BRIGHT FUTURE

(While "energy crisis" has been turning into an everyday term, a number of projects have been started in an attempt to harness our greatest potential source of energy.)

People have studied it, written songs and poems about it, feared it, and some even worshipped it as a god. Now, though, scientists around the world are trying to put the sun to a more practical use. They are trying to convert its rays into usable energy that could help allay the world's energy problems.

This summer, the switch was thrown on an experimental house in Delaware that can convert the sun's energy into both heat and electricity. Its planners at the Institute of Energy Conversion of the University of Delaware, Newark, claim it is the first house to perform this dual feat for domestic use.

Solar One, as the house is called, is the brainchild of Dr. K. W. Boer, director of the institute. Dr. Boer and his team of scientists, engineers, and technicians have built a house with a roof that is an array of solar cells. These act as collectors and converters of solar energy. Electricity is stored in lead-acid batteries. Heat is stored by a complex mixture of chemical salts that hold the heat until it is needed—at night or during cloudy periods.

Solar One is being operated to gather data for the widespread use of solar energy and to test specific techniques. The project is partially backed by the Delaware Light & Power Co.

As an associate of Dr. Boer says, "We don't expect solar energy to provide all the heat and power for homes. But if we can supply 50% to 80% of a home's power from the sun, a utility company would not have peak load problems."

There are indeed many reasons why scientists are looking at the sun as a potential source of energy for man. One major reason is that the potential is so large.

The total influx from solar, geothermal, and tidal energy into the earth's surface environment is estimated to be 173,000 x 10^{11} watts. Solar radiation accounts for 99.98% of it. The sun's contribution to the energy budget of the earth is 5,000 times the energy input of all other sources combined.

Radiant energy from the sun is readily convertible to heat, with the only requirement a surface which can absorb the solar energy. If the surface is black, more than 95% of the radiant energy is absorbed and converted to heat. If a fluid, such as air or water, is then brought into contact with the heated surface, the energy can be transferred into the fluid and used for practical purposes.

Theoretically, the heated fluid produced in a solar collector can be used anywhere that conventional fuels are used. Glass-covered, flat-plate solar collectors can deliver heated air or water at temperatures of 100 to 200 F., useful in house heating, domestic water heating, crop drying, and many other areas.

The sun is already being put to such uses. In Japan, solar water heaters dot many a roof. In the U.S. many small businesses are springing up, making and selling swimming pool heaters, hot water heaters, solar collectors, and other devices. Now, big business has taken an interest.

MARKET STUDY LAUNCHED

In May, Arthur D. Little Inc., Cambridge, Mass., started a multiclient study to evaluate means of creating a new market for solar climate control.

Dr. Peter E. Glaser, vice president and head of engineering sciences at Arthur D. Little, is director of the project. Dr. Glaser is convinced the time for solar energy is now. "If you look at the total amount of energy we use in this country for household and commercial purposes, it is 21%. We use electric power for this purpose and natural gas and petroleum products. However, reducing this total by 1% would be equivalent to saving 100 million barrels of oil a year. And, we believe that over the next ten or 20 years, we can approach savings of 5% to 10%, eventually 30%, using solar energy."

The Arthur D. Little study is aimed at bringing these numbers closer to reality. The research firm anticipates that new markets for solar climate control systems (heating and cooling) will approach $1 billion worth of equipment over the next ten years. These systems will include solar collectors, heat storage systems, sources of auxiliary energy, heat-actuated air conditioners, auxiliary equipment such as piping, valves, pumps, motors, and on-site power generation, using solar cells to convert solar energy directly to electricity.

The study is aimed at helping industry to realize this goal. First, it will identify potentially successful businesses associated with solar climate control, the prerequisites for their success, and ways by which they can be integrated into the construction industry. Secondly, it will evaluate specific hardware and formulate more detailed business approaches. Finally, the study team will assist individual sponsors who decide to initiate business activities in solar climate control.

Dr. Glaser emphasizes that it is not a research program, "but a project to develop practical applications in heating and cooling which conserve conventional energy resources with no detrimental effects on the environment."

Dr. Glaser also points out that within three years he expects various products, associated with solar energy, to appear on the market. Then, depending on how the energy picture develops for all fuels, it is possible that in five years, some firm will be offering a total heating/cooling system for homes.

The major problem to overcome oddly enough, is not technical but a business problem. The construction industry is so vast and complex that no one is yet sure where and how solar heating/cooling will fit in.

There is another approach that some scientists think could make use of the vast amounts of solar energy that reach our planet. This is by setting up central power stations that would collect solar energy, convert it to electricity, and distribute it to users.

For about a year now, a joint study by the University of Minnesota and Honeywell Inc., Minneapolis has been working toward this goal. Roger N. Schmidt, manager of solar energy programs at Honeywell, says design of working model for such a system has been completed and construction should be done by February. One year from now, he says, we will know whether we can collect solar energy with this device and do it at an efficiency of 50% to 60%.

The device is a troughlike shape that is 15 ft long—actual devices would be 40 ft long. It is 4 ft wide (the full-size version would be 10 ft wide) and the inner surface is coated to reflect solar energy onto a heat pipe running down the center of the trough. The pipe conducts absorbed heat to one end where it is used to change water to steam to power an electric generator.

Dozens of the larger version of the collection troughs would be laid out in a remote area, possibly in the Southwest, where they would feed their collected energy to a central powerplant.

Such a solar farm, as Honeywell calls it, could also serve another use. The shade provided by the large trough would permit grass to grow. Thus cattle could be grazed on this land.

Among the recent proposals for generating electrical power by collecting solar energy in outer space and beaming it to earth via microwaves is one designed by J. T. Patha and G. R. Woodcock Boeing Co., Seattle.

They told participants at the Eighth Intersociety Energy Conversion Engineering Conference, Philadelphia, that while major engineering development strides will be required to make such a system feasible, the technology is a simple, plausible extrapolation of what we already know today. At least, it is no more or no less feasible than large-scale systems that would be earth-based, they note.

MAJOR TECHNICAL PROBLEM

Just about all the solar scientists claim that solar energy can be put to practical use today, with today's technology. All do admit, however, that there is one area where the technology can stand some improvement.

Jim Eibling, a solar scientist at Battelle Memorial Institute, Columbus, Ohio, explains this deficient area: "What we need are better ways to store heat energy." Without any equipment for storing heat, he points out, solar energy could provide 40% to 50% of a home's heating and cooling needs.

"However, if we could store this energy for just a few days, we could provide 75% of a home's heating and cooling needs. And, we could get up to 90% to 100% if we could store energy for a few weeks."

Some of the more primitive solar energy houses in the U.S. (there are only a dozen or so, usually built by individuals) use stones or gravel to store the heat of the sun. (With today's storage capabilities, these solar houses also use auxiliary heating systems for those periods of prolonged cloudiness.)

Salt mixtures are also being tried by several research teams. The importance of this area of research is indicated by Mr. Eibling: "With present day technology, the average house in the U.S. could get all its energy needs from the sun, if we had long-term storage techniques."

But no one is waiting for this breakthrough. Solar energy projects are moving ahead now. And, a recent National Science Foundation-National Aeronautics & Space Administration study projects that 10% of all buildings constructed by 1985 will have solar climate control systems. That means a $1 billion market over the next ten years.

By Mr. JACKSON (for himself and Mr. RANDOLPH):

S. 2652. A bill entitled the National Coal Conversion Act of 1973. Referred to the Committee on Interior and Insular Affairs.

NATIONAL COAL CONVERSION ACT OF 1973

Mr. JACKSON. Mr. President, in the last 2 weeks, we have had dramatic reminders that a growing dependence on imported oil cannot be tolerated. Increased reliance on Mideast and other foreign sources is not a viable approach for assuring that we can meet our future energy needs.

In the past, it has been "an easy way out" to import relatively inexpensive foreign oil. We have drifted into a dependence on oil imports. Now, when these imports are no longer readily accessible or dependable, we must accept the need for changes in our fuel consumption habits. In recent years, while domestic oil production has been declining, demand has soared.

Similarly, natural gas is currently in short supply. Natural gas is a premium fuel, prized for its cleanliness and for the convenience with which it can be extracted, transported, and burned. Yet, for the past several years new discoveries have not kept pace with consumption. Currently, supplies are very tight, with some consumers facing curtailment and new consumers shut out of the market almost entirely.

With such a tight supply situation, we have lost much of the flexibility in our energy distribution system. A perfect example of this problem is our current crisis: we face oil shortages this winter of up to 3 million barrels a day. Unwise use of our fuel resources and the lack of a rational energy policy has brought us to the brink of this emergency. But we need not be in this situation.

We must stop wasteful use of these increasingly scarce fuels. Petroleum and natural gas are fuels in limited supply. Both are valuable for other uses which cannot be served by coal. The transportation and agricultural sectors are areas in which coal cannot be substituted for oil and gas. National policy should, therefore, conserve these fuels for priority uses. Yet, we are currently burning both oil and gas as boiler fuel to produce electricity, process steam in industry, and so forth—uses which can be served by more abundant coal supplies.

This misuse of fuel is not inevitable and can be alleviated relatively easy. The Federal Power Commission's Bureau of Power has just issued a report entitled "The Potential for Conversion of Oil-Fired and Gas-Fired Electric Generating Units to Coal" showing that about 44 percent of our oil-fired electric plants are equipped to burn coal and could be converted within a year to the use of coal as a primary fuel. If this change were made, we could conserve nearly 500,000 barrels of oil a day. This is more than 40 percent of our 1972 consumption of residual fuel oil and nearly all of our projected import needs for this winter. In the longer run, many more plants can be converted to coal, and even more significant savings realized. These are savings which can scarcely be achieved by any but the most spartan conservation measures.

Had we instituted a coal conversion program a year ago, New England, which in 1972 generated about 74 percent of its electricity in plants using oil and natural gas, would by now have reduced this dependence to approximately 45 percent. In the process, 21 million barrels of oil would have been saved. In the Middle Atlantic States—Pennsylvania, New York, and New Jersey—a natural gas and oil dependence of 41 percent of electricity generation could be reduced to around 20 percent, with a savings of over 84 million barrels. And in the south Atlantic region—Maryland through Florida, including West Virginia—a 35-percent dependence could be reduced to 23 percent, saving approximately 48 million barrels.

Mr. President, I believe that it is essential that the Nation adopt as a matter of national policy a strategy which will enable us to reduce the demand for both natural gas and imported petroleum by converting electric powerplants and other high-volume facilities now burning these fuels to domestic coal. Making this conversion may not be easy for some of these facilities. Implementing such a conversion policy nationally may present logistic problems involving coal supply and transportation systems to move the coal to the converted powerplants and industrial facilities. It will require arrangements for continuing electric service in those areas where plants may be temporarily shut down to convert. The bill is designed to facilitate these steps to energy self-sufficiency.

Perhaps the most difficult aspect of constraints which the Nation's air quality laws have necessarily imposed on the ability of electrical powerplants and other facilities to burn any but the lowest-sulfur fuels. For this reason, this bill provides for temporary and limited variances to be granted from Federal and State emissions standards to facilitate conversion to coal, provided that such variances will not result in violation of primary ambient air quality standards.

Mr. President, I urge the adoption of this legislation. It is entirely appropriate and essential to our long-run energy supply position that we reduce our reliance on foreign oil and increase the utiliza-

S. 2616

At the request of Mr. GRIFFIN (for Mr. PERCY), the Senator from Tennessee (Mr. BROCK) was added as a cosponsor of S. 2616, a bill to establish an independent special prosecution office as an independent agency of the United States and for other purposes.

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 189

At the request of Mr. HUMPHREY, the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Nebraska (Mr. HRUSKA) were added as cosponsors of Senate Resolution 189, to urge the continued transfer to Israel of Phantom aircraft and other equipment.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 621

At the request of Mr. HUMPHREY, the Senator from Pennsylvania (Mr. SCHWEIKER) and the Senator from Iowa (Mr. CLARK) were added as cosponsors of amendment No. 621, intended to be proposed to S. 2188, a bill to provide for the identification of a restructured rail transportation system in the Midwest and Northeast regions of the Nation in order to meet the present and future needs of commerce, the national defense, and the environment; the service requirements of passengers, mail, shippers, States, communities, and the consuming public; and for other purposes

whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF HEARINGS ON OIL AND GAS DEVELOPMENT IN SANTA BARBARA CHANNEL

Mr. METCALF. Mr. President, ever since the famous oil well blowout in the Santa Barbara Channel in January 1969, the future development of the oil and gas resouces under the channel has been a matter of great concern throughout the United States, particularly in California. The Committee on Interior and Insular Affairs has held hearings on legislation concerning the Santa Barbara situation in both the 91st and 92d Congresses. No law was enacted.

The senior Senator from California (Mr. CRANSTON) has introduced a bill designed to resolve the many unanswered questions—the Santa Barbara Channel Federal Energy Reserve Act (S. 2339). President Nixon also has proposed legislation dealing with the Santa Barbara situation—S. 1951.

I wish to inform all Senators and other interested persons that the Subcommittee on Minerals, Materials and Fuels will hold a hearing on S. 1951 and S. 2339 on November 12. At this hearing we will hear Government witnesses only. The hearing will begin at 10 a.m. in room 3110, Dirksen Senate Office Building.

OPEN HEARING ON S. 2589, NATIONAL EMERGENCY PETROLEUM ACT OF 1973

Mr. JACKSON. Mr. President, I wish to announce for the information of the

ADDITIONAL STATEMENTS

DEPARTMENT OF DEFENSE SEMIANNUAL REPORT ON CHEMICAL AND BIOLOGICAL WARFARE PROGRAMS

Mr. McINTYRE. Mr. President, under the provisions of section 409, Public Law 91–121, the Department of Defense is required to submit a semiannual report on funds obligated for chemical warfare and biological research programs. In the past this report has contained classified material, so that it could not be inserted in the CONGRESSIONAL RECORD or otherwise be made available for public information.

The Department of Defense for the first time has prepared the report so that it contains only unclassified information. Thereafter, the report covering the second half of fiscal year 1973 can be made public. I request unanimous consent to insert the full report in the RECORD.

I would also like to call to the attention of the Senate the comemnts made by the Armed Services Committee on the fiscal year 1974 chemical and biological warfare programs, which appear on pages 104 and 105 of Report No. 93–385 on the fiscal year 1974 military procurement bill.

There is a widespread interest in the chemical and biological warfare programs of the Department of Defense. Therefore, I will present this report in this same manner in the future to the extent that it is not classified for security purposes.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, D.C., Aug. 14, 1973.

HON. SPIRO T. AGNEW,
President of the Senate
Washington, D.C.

DEAR MR. PRESIDENT: In accordance with the requirements of Section 409, Public Law 91–121, the Department of Defense semiannual report on funds obligated in the chemical warfare and biological research programs during the second half of fiscal year 1973 is attached.

The report provides actual obligations through 31 May 1973 and estimated obligations for the month of June 1973. The report for the first half of fiscal year 1974 will include an adjustment summary which will permit the conversion of estimated obligations for the month of June 1973 to actual.

As a result of inquiries received from members of the House of Representatives relative to the declassification of the semiannual reports, the attached report has been prepared to present unclassified information. Wherever possible, future reports will also be submitted on an unclassified basis.

The attached report has also been sent to the Speaker of the House of Representatives.

Sincerely,

W. P. CLEMENTS, Jr.,
Deputy.

DEPARTMENT OF DEFENSE SEMIANNUAL REPORT ON CHEMICAL WARFARE AND BIOLOGICAL RESEARCH PROGRAM OBLIGATIONS FOR THE PERIOD JAN. 1 TO JUNE 30, 1973, RCS DD-D.R. & E. (SA) 1065

[Actual dollars]

	Army	Navy and Marine Corps	Air Force	Total
Chemical warfare program	$19,455,002	$291,000	$100,000	$19,846,002
R.D.T. & E	8,124,000	0	100,000	8,224,000
Procurement	11,331,002	291,000	0	11,622,002
Biological research program	4,202,000	0	0	4,202,000
R.D.T. & E	4,202,000	0	0	4,202,000
Procurement	0	0	0	0
Other ordnance program	$27,706,328	–$41,000	$290,000	$27,955,328
R.D.T. & E	1,329,328	0	0	1,329,328
Procurement	26,377,000	–41,000	290,000	26,626,000
Total program	51,363,330	250,000	390,000	52,003,330
R.D.T. & E	13,655,328	0	100,000	13,755,328
Procurement	37,708,002	250,000	290,000	38,248,002

DEPARTMENT OF THE ARMY SEMIANNUAL REPORT ON CHEMICAL WARFARE AND BIOLOGICAL RESEARCH PROGRAMS (JAN. 1 TO JUNE 30, 1973) RCS DD-D.R. & E. (SA) 1065

[In conducting the research described in this report, the investigators adhered to the "Guide for Laboratory Animal Facilities and Care" as promulgated by the Committee on the Guide for Laboratory Animal Resources, National Academy of Sciences—National Research Council]

SEC. I. OBLIGATION REPORT ON CHEMICAL WARFARE PROGRAM

8 (b), out of any amounts in the general fund of the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1974, $50,000,000, which shall remain available for obligation or expenditure by the Secretary for the purpose of carrying out the provisions of this Act without fiscal year limitation through June 30, 1980.

Mr. PACKWOOD. Mr. President, it is with great pleasure that I join with Senator CRANSTON in introducing the Solar Heating and Cooling Demonstration Act of 1973. An effort such as that undertaken in this bill is long overdue and I give my support without reservation to his proposal to conduct a major demonstration of the feasibility of solar heating and cooling in various climatic regions of the country.

Reading from time to time of small demonstrations whereby solar energy has been harnessed has engendered my own enthusiasm for the Sun as an alternative energy source. In this day of diminishing supplies, it is imperative that we explore all potential energy sources, and it is with great excitement that I look to our possibilities, not the least of which is energy from the Sun. The route pursued in the bill I am cosponsoring is, I feel, a desirable one, and I fully endorse a major research effort coordinated by the Department of Housing and Urban Development, the National Science Foundation, and the National Bureau of Standards. What is surprising in light of our finite energy sources and our infinite energy needs—which, by the way, gets into another subject of the necessity for a sound energy conservation policy—is that the Federal Government has never taken on a major research, development, and demonstration program of this magnitude where alternate energy sources are concerned. At the very least, one would expect that the feasibility of using solar energy would be inquired into in more depth than research to date indicates has been the case.

Gasoline shortages are proving to be a real attention-getter for the Nation's energy problems, and this is an almost sure indication that some corrective and innovative actions will and must be taken. Not the least among them is, finally, meaningful legislation such as this to demonstrate the feasibility of using solar energy. Recently, the National Science Foundation awarded three contracts for a research project designed to hasten the day when solar energy for heating, cooling, and supplying the hot water needs for buildings will become commercially available. I was glad to see this stepped-up interest and feel that legislation such as we are introducing today will speed the process and coordinate ongoing and new research and development programs. Recently, NSF officials have said that among the methods being researched, the use of solar energy for heating and cooling of buildings is the most advanced potential application and presents an excellent opportunity to make an early impact on national energy requirements. The legislation proposed today recognizes this in pursuing a research development and demonstration program to utilize solar energy to heat and cool our homes and businesses.

Expert testimony in hearings on the subject of solar energy indicates that success in utilizating solar energy could significantly reduce the impact of projected increased use on existing energy resources. The attraction of harnessing an inexhaustible power supply becomes apparent when, according to a recent article appearing in the Wall Street Journal, is is realized that "over the next 30 years the United States is expected to consume more energy than it has since the arrival of the Mayflower." Yet many of the United States present energy sources are either, like natural gas, in short supply or, like coal, a major cause of pollution. Even nuclear power no longer has the assured growth that was once predicted. Solar energy proponents, on the other hand, have pointed out that power from the Sun is not only environmentally safe but also will be shown to be economically competitive with other power sources.

Via a vehicle such as the Solar Heating and Cooling Demonstration Act, we will be able to obtain answers to many of our unanswered questions concerning the feasibility of solar energy. I am not saying that this alone will solve our energy problems, but I do feel that it is one of the steps which must be taken in conjunction with steps to pursue our geothermal and fusion energy potentials and whatever other alternate resources may be available to this Nation. In Peter E. Glaser's article entitled, "Solar Energy: An Alternative Source for Power Generation," he points out that—

> The fundamental aspects of engineering science and technology for a programme of harnessing solar energy will require government and industry support. Both will be needed to advance our capability to enter a new era where fire is no longer a necessity in our lives. The use of solar energy can provide a base from which may spring many foreseen and unforeseen applications with long-term effects which may make our present concern with nuclear affairs seem simple by comparison.

For too long, we have sat idly back and consumed, consumed, consumed until, now, we find ourselves confronting an energy "crunch." I, for one, intend to do my part to alleviate this crunch and plan to pursue vigorously the various avenues open to us, to insure that the United States will indeed implement the necessary national energy policies, pursue energy conservation programs, and investigate our alternative energy sources. It is my sincere hope that this bill, as well as those others which have been introduced to help meet the so-called energy crisis will be considered and acted upon at the earliest date.

Mr. President, at this point in the RECORD, I ask unanimous consent to have printed an article recently appearing in Industry Week concerning the outlook for solar energy.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOLAR POWER HAS BRIGHT FUTURE

(While "energy crisis" has been turning into an everyday term, a number of projects have been started in an attempt to harness our greatest potential source of energy.)

People have studied it, written songs and poems about it, feared it, and some even worshipped it as a god. Now, though, scientists around the world are trying to put the sun to a more practical use. They are trying to convert its rays into usable energy that could help allay the world's energy problems.

This summer, the switch was thrown on an experimental house in Delaware that can convert the sun's energy into both heat and electricity. Its planners at the Institute of Energy Conversion of the University of Delaware, Newark, claim it is the first house to perform this dual feat for domestic use.

Solar One, as the house is called, is the brainchild of Dr. K. W. Boer, director of the institute. Dr. Boer and his team of scientists, engineers, and technicians have built a house with a roof that is an array of solar cells. These act as collectors and converters of solar energy. Electricity is stored in lead-acid batteries. Heat is stored by a complex mixture of chemical salts that hold the heat until it is needed—at night or during cloudy periods.

Solar One is being operated to gather data for the widespread use of solar energy and to test specific techniques. The project is partially backed by the Delaware Light & Power Co.

As an associate of Dr. Boer says, "We don't expect solar energy to provide all the heat and power for homes. But if we can supply 50% to 80% of a home's power from the sun, a utility company would not have peak load problems."

There are indeed many reasons why scientists are looking at the sun as a potential source of energy for man. One major reason is that the potential is so large.

The total influx from solar, geothermal, and tidal energy into the earth's surface environment is estimated to be 173,000 x 10^{11} watts. Solar radiation accounts for 99.98% of it. The sun's contribution to the energy budget of the earth is 5,000 times the energy input of all other sources combined.

Radiant energy from the sun is readily convertible to heat, with the only requirement a surface which can absorb the solar energy. If the surface is black, more than 95% of the radiant energy is absorbed and converted to heat. If a fluid, such as air or water, is then brought into contact with the heated surface, the energy can be transferred into the fluid and used for practical purposes.

Theoretically, the heated fluid produced in a solar collector can be used anywhere that conventional fuels are used. Glass-covered, flat-plate solar collectors can deliver heated air or water at temperatures of 100 to 200 F., useful in house heating, domestic water heating, crop drying, and many other areas.

The sun is already being put to such uses. In Japan, solar water heaters dot many a roof. In the U.S. many small businesses are springing up, making and selling swimming pool heaters, hot water heaters, solar collectors, and other devices. Now, big business has taken an interest.

MARKET STUDY LAUNCHED

In May, Arthur D. Little Inc., Cambridge, Mass., started a multiclient study to evaluate means of creating a new market for solar climate control.

Dr. Peter E. Glaser, vice president and head of engineering sciences at Arthur D. Little, is director of the project. Dr. Glaser is convinced the time for solar energy is now. "If you look at the total amount of energy we use in this country for household and commercial purposes, it is 21%. We use electric power for this purpose and natural gas and petroleum products. However, reducing this total by 1% would be equivalent to saving 100 million barrels of oil a year. And, we believe that over the next ten or 20 years, we can approach savings of 5% to 10%, eventually 30%, using solar energy."

The Arthur D. Little study is aimed at bringing these numbers closer to reality. The research firm anticipates that new markets for solar climate control systems (heating and cooling) will approach $1 billion worth of equipment over the next ten years. These systems will include solar collectors, heat storage systems, sources of auxiliary energy, heat-actuated air conditioners, auxiliary equipment such as piping, valves, pumps, motors, and on-site power generation, using solar cells to convert solar energy directly to electricity.

The study is aimed at helping industry to realize this goal. First, it will identify potentially successful businesses associated with solar climate control, the prerequisites for their success, and ways by which they can be integrated into the construction industry. Secondly, it will evaluate specific hardware and formulate more detailed business approaches. Finally, the study team will assist individual sponsors who decide to initiate business activities in solar climate control.

Dr. Glaser emphasizes that it is not a research program, "but a project to develop practical applications in heating and cooling which conserve conventional energy resources with no detrimental effects on the environment."

Dr. Glaser also points out that within three years he expects various products, associated with solar energy, to appear on the market. Then, depending on how the energy picture develops for all fuels, it is possible that in five years, some firm will be offering a total heating/cooling system for homes.

The major problem to overcome oddly enough, is not technical but a business problem. The construction industry is so vast and complex that no one is yet sure where and how solar heating/cooling will fit in.

There is another approach that some scientists think could make use of the vast amounts of solar energy that reach our planet. This is by setting up central power stations that would collect solar energy, convert it to electricity, and distribute it to users.

For about a year now, a joint study by the University of Minnesota and Honeywell Inc., Minneapolis has been working toward this goal. Roger N. Schmidt, manager of solar energy programs at Honeywell, says design of working model for such a system has been completed and construction should be done by February. One year from now, he says, we will know whether we can collect solar energy with this device and do it at an efficiency of 50% to 60%.

The device is a troughlike shape that is 15 ft long—actual devices would be 40 ft long. It is 4 ft wide (the full-size version would be 10 ft wide) and the inner surface is coated to reflect solar energy onto a heat pipe running down the center of the trough. The pipe conducts absorbed heat to one end where it is used to change water to steam to power an electric generator.

Dozens of the larger version of the collection troughs would be laid out in a remote area, possibly in the Southwest, where they would feed their collected energy to a central powerplant.

Such a solar farm, as Honeywell calls it, could also serve another use. The shade provided by the large trough would permit grass to grow. Thus cattle could be grazed on this land.

Among the recent proposals for generating electrical power by collecting solar energy in outer space and beaming it to earth via microwaves is one designed by J. T. Patha and G. R. Woodcock Boeing Co., Seattle.

They told participants at the Eighth Intersociety Energy Conversion Engineering Conference, Philadelphia, that while major engineering development strides will be required to make such a system feasible, the technology is a simple, plausible extrapolation of what we already know today. At least, it is no more or no less feasible than large-scale systems that would be earth-based, they note.

MAJOR TECHNICAL PROBLEM

Just about all the solar scientists claim that solar energy can be put to practical use today, with today's technology. All do admit, however, that there is one area where the technology can stand some improvement.

Jim Eibling, a solar scientist at Battelle Memorial Institute, Columbus, Ohio, explains this deficient area: "What we need are better ways to store heat energy." Without any equipment for storing heat, he points out, solar energy could provide 40% to 50% of a home's heating and cooling needs.

"However, if we could store this energy for just a few days, we could provide 75% of a home's heating and cooling needs. And, we could get up to 90% to 100% if we could store energy for a few weeks."

Some of the more primitive solar energy houses in the U.S. (there are only a dozen or so, usually built by individuals) use stones or gravel to store the heat of the sun. (With today's storage capabilities, these solar houses also use auxiliary heating systems for those periods of prolonged cloudiness.)

Salt mixtures are also being tried by several research teams. The importance of this area of research is indicated by Mr. Eibling: "With present day technology, the average house in the U.S. could get all its energy needs from the sun, if we had long-term storage techniques."

But no one is waiting for this breakthrough. Solar energy projects are moving ahead now. And, a recent National Science Foundation-National Aeronautics & Space Administration study projects that 10% of all buildings constructed by 1985 will have solar climate control systems. That means a $1 billion market over the next ten years.

By Mr. JACKSON (for himself and Mr. RANDOLPH):

S. 2652. A bill entitled the National Coal Conversion Act of 1973. Referred to the Committee on Interior and Insular Affairs.

NATIONAL COAL CONVERSION ACT OF 1973

Mr. JACKSON. Mr. President, in the last 2 weeks, we have had dramatic reminders that a growing dependence on imported oil cannot be tolerated. Increased reliance on Mideast and other foreign sources is not a viable approach for assuring that we can meet our future energy needs.

In the past, it has been "an easy way out" to import relatively inexpensive foreign oil. We have drifted into a dependence on oil imports. Now, when these imports are no longer readily accessible or dependable, we must accept the need for changes in our fuel consumption habits. In recent years, while domestic oil production has been declining, demand has soared.

Similarly, natural gas is currently in short supply. Natural gas is a premium fuel, prized for its cleanliness and for the convenience with which it can be extracted, transported, and burned. Yet, for the past several years new discoveries have not kept pace with consumption. Currently, supplies are very tight, with some consumers facing curtailment and new consumers shut out of the market almost entirely.

With such a tight supply situation, we have lost much of the flexibility in our energy distribution system. A perfect example of this problem is our current crisis: we face oil shortages this winter of up to 3 million barrels a day. Unwise use of our fuel resources and the lack of a rational energy policy has brought us to the brink of this emergency. But we need not be in this situation.

We must stop wasteful use of these increasingly scarce fuels. Petroleum and natural gas are fuels in limited supply. Both are valuable for other uses which cannot be served by coal. The transportation and agricultural sectors are areas in which coal cannot be substituted for oil and gas. National policy should, therefore, conserve these fuels for priority uses. Yet, we are currently burning both oil and gas as boiler fuel to produce electricity, process steam in industry, and so forth—uses which can be served by more abundant coal supplies.

This misuse of fuel is not inevitable and can be alleviated relatively easy. The Federal Power Commission's Bureau of Power has just issued a report entitled "The Potential for Conversion of Oil-Fired and Gas-Fired Electric Generating Units to Coal" showing that about 44 percent of our oil-fired electric plants are equipped to burn coal and could be converted within a year to the use of coal as a primary fuel. If this change were made, we could conserve nearly 500,000 barrels of oil a day. This is more than 40 percent of our 1972 consumption of residual fuel oil and nearly all of our projected import needs for this winter. In the longer run, many more plants can be converted to coal, and even more significant savings realized. These are savings which can scarcely be achieved by any but the most spartan conservation measures.

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around 20 percent, with a savings of over 84 million barrels. And in the south Atlantic region—Maryland through Florida, including West Virginia—a 35-percent dependence could be reduced to 23 percent, saving approximately 48 million barrels.

Mr. President, I believe that it is essential that the Nation adopt as a matter of national policy a strategy which will enable us to reduce the demand for both natural gas and imported petroleum by converting electric powerplants and other high-volume facilities now burning these fuels to domestic coal. Making this conversion may not be easy for some of these facilities. Implementing such a conversion policy nationally may present logistic problems involving coal supply and transportation systems to move the coal to the converted powerplants and industrial facilities. It will require arrangements for continuing electric service in those areas where plants may be temporarily shut down to convert. The bill is designed to facilitate these steps to energy self-sufficiency.

Perhaps the most difficult aspect of constraints which the Nation's air quality laws have necessarily imposed on the ability of electrical powerplants and other facilities to burn any but the lowest-sulfur fuels. For this reason, this bill provides for temporary and limited variances to be granted from Federal and State emissions standards to facilitate conversion to coal, provided that such variances will not result in violation of primary ambient air quality standards.

Mr. President, I urge the adoption of this legislation. It is entirely appropriate and essential to our long-run energy supply position that we reduce our reliance on foreign oil and increase the utilization of our abundant domestic coal resources. This measure represents the first in what will necessarily be a long series of national initiatives which we must undertake to improve the Nation's capability to be more nearly self-sufficient in basic energy supplies.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1644

At the request of Mr. ABOUREZK, the Senator from Kansas (Mr. DOLE) was added as a cosponsor of S. 1844, the American Folklife Preservation Act.

S. 1929

At the request of Mr. KENNEDY, the Senator from Colorado (Mr. HASKELL) was added as a cosponsor of S. 1929, the Nantucket Sound islands trust bill.

S. 2532

At the request of Mr. MANSFIELD (for Mr. MAGNUSON), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Wyoming (Mr. MCGEE) were added as cosponsors of S. 2532, a bill to amend the Federal Power Act to promote conservation, reduce wastage, and attain greater efficiency in the generation of electrical energy, and for other purposes.

S. 2616

At the request of Mr. GRIFFIN (for Mr. PERCY), the Senator from Tennessee (Mr. BROCK) was added as a cosponsor of S. 2616, a bill to establish an independent special prosecution office as an independent agency of the United States and for other purposes.

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 189

At the request of Mr. HUMPHREY, the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Nebraska (Mr. HRUSKA) were added as cosponsors of Senate Resolution 189, to urge the continued transfer to Israel of Phantom aircraft and other equipment.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 621

At the request of Mr. HUMPHREY, the Senator from Pennsylvania (Mr. SCHWEIKER) and the Senator from Iowa (Mr. CLARK) were added as cosponsors of amendment No. 621, intended to be proposed to S. 2188, a bill to provide for the identification of a restructured rail transportation system in the Midwest and Northeast regions of the Nation in order to meet the present and future needs of commerce, the national defense, and the environment; the service requirements of passengers, mail, shippers, States, communities, and the consuming public; and for other purposes.

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. ROBERT C. BYRD. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

John L. Bowers, Jr., of Tennessee, to be U.S. attorney for the eastern district of Tennessee for the term of 4 years, reappointment.

Leigh B. Hanes, Jr., of Virginia, to be U.S. attorney for the western district of Virginia for the term of 4 years, reappointment.

James T. Lunsford, of Alabama, to be U.S. marshal for the middle district of Alabama for the term of 4 years, reappointment.

Jack V. Richardson, of Kansas, to be U.S. marshal for the district of Kansas for the term of 4 years, reappointment.

Rex Walters, of Idaho, to be U.S. marshal for the district of Idaho for the term of 4 years, reappointment.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Friday, November 9, 1973, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF HEARINGS ON OIL AND GAS DEVELOPMENT IN SANTA BARBARA CHANNEL

Mr. METCALF. Mr. President, ever since the famous oil well blowout in the Santa Barbara Channel in January 1969, the future development of the oil and gas resouces under the channel has been a matter of great concern throughout the United States, particularly in California. The Committee on Interior and Insular Affairs has held hearings on legislation concerning the Santa Barbara situation in both the 91st and 92d Congresses. No law was enacted.

The senior Senator from California (Mr. CRANSTON) has introduced a bill designed to resolve the many unanswered questions—the Santa Barbara Channel Federal Energy Reserve Act (S. 2339). President Nixon also has proposed legislation dealing with the Santa Barbara situation—S. 1951.

I wish to inform all Senators and other interested persons that the Subcommittee on Minerals, Materials and Fuels will hold a hearing on S. 1951 and S. 2339 on November 12. At this hearing we will hear Government witnesses only. The hearing will begin at 10 a.m. in room 3110, Dirksen Senate Office Building.

OPEN HEARING ON S. 2589, NATIONAL EMERGENCY PETROLEUM ACT OF 1973

Mr. JACKSON. Mr. President, I wish to announce for the information of the Senate and the public that the Committee on Interior and Insular Affairs will hold an open hearing on Thursday, November 8, on S. 2589, the National Emergency Petroleum Act of 1973.

I need not remind my colleagues of the urgency for considering this measure. Since its introduction, the Interior Committee, together with members from the Committee on Commerce, Public Works, and the Joint Committee on Atomic Energy, have been meeting with administration officials in an effort to devise the best possible strategy to meet the current and prospective energy crisis facing the country. We are actively working on this legislation, and the hearing next Thursday will be for the purpose of receiving testimony from representatives of the administration, including Gov. John A. Love, Director, Energy Policy Office. The committee will invite statements for the record from industry and other witnesses. Time will not permit oral testimony. It is our hope to put together a full and complete hearing record which will be useful and instructive to the Members of Congress and the public as this legislation is considered.

The hearing will begin at 10 a.m. in room 3110 of the Dirksen Senate Office Building.

ADDITIONAL STATEMENTS

DEPARTMENT OF DEFENSE SEMIANNUAL REPORT ON CHEMICAL AND BIOLOGICAL WARFARE PROGRAMS

Mr. McINTYRE. Mr. President, under the provisions of section 409, Public Law 91–121, the Department of Defense is required to submit a semiannual report on funds obligated for chemical warfare and biological research programs. In the past this report has contained classified material, so that it could not be inserted in the CONGRESSIONAL RECORD or otherwise be made available for public information.

The Department of Defense for the first time has prepared the report so that it contains only unclassified information. Thereafter, the report covering the second half of fiscal year 1973 can be made public. I request unanimous consent to insert the full report in the RECORD.

I would also like to call to the attention of the Senate the comemnts made by the Armed Services Committee on the fiscal year 1974 chemical and biological warfare programs, which appear on pages 104 and 105 of Report No. 93–385 on the fiscal year 1974 military procurement bill.

There is a widespread interest in the chemical and biological warfare programs of the Department of Defense. Therefore, I will present this report in this same manner in the future to the extent that it is not classified for security purposes.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, D.C., Aug. 14, 1973.

Hon. SPIRO T. AGNEW,
President of the Senate
Washington, D.C.

DEAR MR. PRESIDENT: In accordance with the requirements of Section 409, Public Law 91–121, the Department of Defense semiannual report on funds obligated in the chemical warfare and biological research programs during the second half of fiscal year 1973 is attached.

The report provides actual obligations through 31 May 1973 and estimated obligations for the month of June 1973. The report for the first half of fiscal year 1974 will include an adjustment summary which will permit the conversion of estimated obligations for the month of June 1973 to actual.

As a result of inquiries received from members of the House of Representatives relative to the declassification of the semiannual reports, the attached report has been prepared to present unclassified information. Wherever possible, future reports will also be submitted on an unclassified basis.

The attached report has also been sent to the Speaker of the House of Representatives.

Sincerely,

W. P. CLEMENTS, Jr.,
Deputy.

DEPARTMENT OF DEFENSE SEMIANNUAL REPORT ON CHEMICAL WARFARE AND BIOLOGICAL RESEARCH PROGRAM OBLIGATIONS FOR THE PERIOD JAN. 1 TO JUNE 30, 1973, RCS OD–D.R. & E. (SA) 1065

[Actual dollars]

	Army	Navy and Marine Corps	Air Force	Total
Chemical warfare program	$19,455,002	$291,000	$100,000	$19,846,002
R.D.T. & E.	8,124,000	0	100,000	8,224,000
Procurement	11,331,002	291,000	0	11,622,002
Biological research program	4,202,000	0	0	4,202,000
R.D.T. & E.	4,202,000	0	0	4,202,000
Procurement	0	0	0	0
Other ordnance program	$27,706,328	−$41,000	$290,000	$27,955,328
R.D.T. & E.	1,329,328	0	0	1,329,328
Procurement	26,377,000	−41,000	290,000	26,626,000
Total program	51,363,330	250,000	390,000	52,003,330
R.D.T. & E.	13,655,328	0	100,000	13,755,328
Procurement	37,708,002	250,000	290,000	38,248,002

DEPARTMENT OF THE ARMY, SEMIANNUAL REPORT ON CHEMICAL WARFARE AND BIOLOGICAL RESEARCH PROGRAMS (JAN. 1, TO JUNE 30, 1973) RCS OD–D.R. & E. (SA) 1065

[In conducting the research described in this report, the investigators adhered to the "Guide for Laboratory Animal Facilities and Care" as promulgated by the Committee on the Guide for Laboratory Animal Resources, National Academy of Sciences—National Research Council]

SEC. 1.—OBLIGATION REPORT ON CHEMICAL WARFARE PROGRAM

Description of effort	Funds obligated (millions of dollars) PY / CFY	Funds obligated (millions of dollars) In-house / Contract	Explanation of obligation
OBLIGATION REPORT OF RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS			
Chemical warfare program	−0.032	7.176	During the second half fiscal year 1973, the Department of the Army obligated $8,124,390 for general research investigations, development and test of chemical warfare agents, weapons systems, and defensive equipment. Program areas of effort concerned with these obligations were as follows:

Chemical research:	
Basic research in life sciences	0
Exploratory development	$398,332
Total, chemical research	398,332
Lethal chemical program:	
Exploratory development	0
Advanced development	1,540,572
Engineering development	0
Testing	2,270,000
Total, lethal chemical	3,810,572
Incapacitating chemical program:	
Exploratory development	0
Advanced development	660,000
Engineering development	0
Testing	25,000
Total, incapacitating chemical	685,000
Defensive equipment program:	
Exploratory development	1,597,395
Advanced development	773,927
Engineering development	−45,836
Testing	456,000
Total, defensive equipment	2,781,486
Simulant test support	449,000

DEPARTMENT OF THE ARMY, SEMIANNUAL REPORT ON CHEMICAL WARFARE AND BIOLOGICAL RESEARCH PROGRAMS (JAN. 1, TO JUNE 30, 1973) RCS DO-D.R. & E. (SA) 1065—Continued

[In conducting the research described in this report, the investigators adhered to the "Guide for Laboratory Animals Facilities and Care" as promulgated by the Committee on the Guide for Laboratory Animal Resources, National Academy of Sciences—National Research Council]

SEC. 1.—OBLIGATION REPORT ON CHEMICAL WARFARE PROGRAM—Continued

Description of effort	Funds obligated (millions of dollars) PY CFY	Funds obligated (millions of dollars) In-house Contract	Explanation of obligation
OBLIGATION REPORT OF RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS—Continued			
1. Chemical research	0.122 .276	0.220 .178	
(a) Basic research in life sciences.	(.000) (.000)	(.000) (.000)	1. No additional funds were obligated during the report period. Life sciences basic research in support of chemical materiel continued as follows with funds previously obligated: (a) Studies were conducted in attempts to induce soil bacteria with respect to thiodiglycol (hydrolysis product of H) and similar compounds for enzyme induction in microorganisms. Studies of solvent effects on solvolysis and chemical reduction were initiated. The reaction of tetraethyfammonium fluoride with a phosphonate in acetonitrile showed a positive internal salt effect with an increasing bimolecular rate constant. (b) Effort was initiated to establish the design criteria for filters that will remove physiologically active aerosols from environmental air with maximum efficiency and minimum power consumption. Equations were developed to predict the aerosol flow rate corresponding to maximum penetration from limited data points. The study of an holographic laser camera technique for following aerosol formation from explosive dissemination was continued. Static calibration trials confirmed the system's particle size resolution limits. Trials with liquid-filled bomblets were made at a series of growth radii relative to the expanding cloud front and at varying times during cloud growth without evidence of a leading droplet spray (as expected). (c) A closed-system apparatus designed to monitor intermediate rate reactions has been constructed. The reaction product obtained from the interaction of binary intermediates QL and NM has been characterized by gas chromatography and mass spectrometry. The internal reaction pressure as a function of reactor void, and the time-temperature profile of this reaction have been determined. The reactor has been used to characterize and develop reaction simulants—having reaction times and pressures comparable to the QL/NM reaction. Additional effort will be expended to elucidate the rates of agent and simulant reactions; particular emphasis will be placed on the measurement or pressure/reactor void relationships. The technique of fast Fourier transform infrared spectroscopy will be evaluated (theoretically) for application to this problem. (d) A report is being prepared describing the behavior of free-falling droplets (less than 1 mm in diam). The experimental results were found to be in good agreement with results obtained when drag coefficients for falling water droplets were used; however, some deviation occurs at velocities greater than 325 meters/second. Preliminary plans have been formulated for a column which will permit studies to be made with large droplets (3–4 mm diam) of agents at speeds approaching terminal velocity. Careful consideration will be given to the specific technique, apparatus, and physical layout of this equipment for future work with toxic agents. Fabrication and assembly will be undertaken. As presently envisioned, photographic techniques will be employed to collect the experimental data. (e) Preliminary evaluation of the rate data obtained in a high pressure thermogravimetric apparatus indicates that atropine undergoes a first-order weight-loss (indicative of decomposition) during the initial one-third of the sample weight-loss. The kinetic data also show the material to be decomposing to form one or two volatile products and one nonvolatile product. A decomposition mechanism has been written. Under atmospheric conditions a simple half-order evaporation is obtained. A large amount of effort was devoted to the selection of computer plotting facilities to handle the large amount of data and numerous calculations involved. This study demonstrated the practical aspects of this approach. Future compounds for study will be selected to demonstrate the useful range and/or limitations of the technique. The mathematical equations, computer techniques, and automatic data plotting aspects of the data reduction will be improved. (f) The effects of morphine in relation to GD poisoning have been examined in the cat. Morphine abolishes all electrical activity in the phrenic nerve and reduces the sensitivity of the respiratory center to stimulation by CO_2. Both Nalline (a morphine antagonist) and GD will reverse these effects. The results suggest that the respiratory depressant effect of morphine comes from its ability to occupy receptor sites in the brain other than those occupied by ACh. GD (7–10 ug/kg, i.v.) restores respiration to the morphine-paralyzed system. Smaller doses are ineffective and larger doses merely cause CNS poisoning, reversible by atropine but not by Nalline. In a cat poisoned by GD at 15 ug/kg, morphine given in the early phase causes immediate respiratory arrest. Hemicholinium has been shown not to be satisfactory for treatment of GD poisoning. The supramedullary area has been selected as the next field of investigation. Efforts will be made to localize the sites of action by means of singlecell recording. (g) The isolation and characterization of the cholinergic receptor protein from eel AChE has been continued. After isolation of the membrane fraction of homogenized eel electroplax it was radiolabelled with either 125I or 3H labelled cobra neutrooxin. Acetylation of the toxin with 3H acetic anhydride in the presence of carbondiimide was finally successful. Recent results suggest that the receptor is a proteophospholipid (actually a phosphoinosotide). The receptor protein will be given a lipid-spin label and the EPR spectrum will be examined before and after reactions with ACh and other agonists. The effects of binding various drugs on the receptor conformation will be studied by Optical Rotatory Dispersion, Circular Dichroism, difference spectrophotometry as well as spin labelling. (h) Comparisions of performance ability in human subjects were made after giving paired drugs, with the Number Facility (NF) and the Variable Interval Time Analyzer (VITA) as criteria for performance. The subjects received alcohol: placebo, alcohol: diazepam, and alcohol: methylphenidate. The results to date indicate that performance is impaired more by the alcohol (ethanol): diazepam, and less by the alcohol: methylphenidate, compared to the alcohol: placebo. Studies will continue on the interaction of drugs in man and the combined effects on performance and physiological changes. (i) Using highly-purified eel AChE, attempts have been made to label the active site with appropriately sized spin-labels so that the structure and stability of the active site of the enzyme can be elucidated (provides information on the mechanism of action of G-agency poisoning). Several spin-labels have been designed, formulated and tested by electron paramagnetic resonance techniques. Studies of circular dichroism and optical rotatory dispersion have also been undertaken. So far no significant differences have been seen in fresh and partly inactivated enzyme. Further studies along the same lines are planned, particularly with intermediate size spin-labels. When satisfactory labels are found, agent effects on the enzyme will be scrutinized. (j) Using histochemical detection of succinic dehydrogenase (SDH) and lactic dehydrogenase (LDH) (quantitated by photodensitometry), it was established that at 3 percent oxygen, there is a quantifiable increase in the amounts of LDH and SDH present in specific cellular layers of the oxygen starved cornea. The elevated amounts of these enzymes indicates a shift for aerobic to anerobic metabolism in corneas exposed to decreased levels of O_2 for controlled periods. The morphological effects are being assessed. In future work epithelial structures, such as rabbit cornea will be exposed to irritating substances which are known or purported to alter corneal structural integrity or permeasibility. The morphobiochemical effects will be determined. 2. During the report period basic research in chemistry continued as follows: (a) Considerable effort has been applied to multiple-detector gas chromatography. Attempts are being made to correlate, mathematically, the various "specific" versus "nonspecific" detector response ratios to ascertain gas chromatographic component identifications. Additionally, more sensitive methods of detecting one type of incapacitating agent is being pursued. Basic research will continue on fundamental studies on metabolites, hydrolyzates, and other degradation products of chemical agents (essential to the determination of the total quantity of agent initially present in a suspected contaminated area). All types of spectrometric analysis and elemental analysis will continue to be employed in the identification process. (b) The Nuclear Magnetic Resonance (NMR) spectral parameters have been determined for five compounds in the phenylphosphonic difluoride series. Studies were conducted on the kinetics of the reactions of the difluorides and 2-propanol, with and without accelerators present. The NMR spectral parameters of two additional phenylphosphonic difluorides will be determined and kinetic investigations will continue to elucidate further the mechanism(s) involved in these reactions. The effect of structure on reactivity and on the spectral parameters may then be evaluated.

Description of effort	Funds obligated (millions of dollars) PY CFY	Funds obligated (millions of dollars) In-house Contract	Explanation of obligation
OBLIGATION REPORT OF RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS—Continued			
			(c) The use of an infrared spectrophotometer as a detector was studied and the investigation of other detectors continued for the identification and quantitation of compounds of interest separated by high speed liquid chromatography. Studies were made of new separation schemes for the analysis of compounds by the same process. Studies will be performed on the separation, identification and quantitation of compounds of interest utilizing high speed liquid chromatography. Research will continue into the use of different detectors for the direct identification and quantitation of compounds of interest.
(b) General chemical investigations.	(0.122) (.276)	(0.220) (.178)	Exploratory development investigations continued in search for potential chemical agents, techniques of evaluating effects of chemicals, medical effects of chemical agents, dissemination and dispersion techniques, process technology, test and assessment technology, systems analysis, evaluation of foreign CW potential, simulation technology and chemical safety. 1. In search for potential agents: (a) The number of agent compounds submitted for toxicity screening has been reduced. However, the variety of special studies that demand attention has increased. Six reports that covered several years work were completed. Screening methodology will be updated, with particular emphasis on new methods to make systemic incapacitant screens, using small animals, more predictive as to the possible effect (both desirable and noxious) in man. An important new area to be developed will be the study of possible toxicological interaction (synergism or potentiation) of chemical agents with air pollutants. (b) In the physical chemical studies on new classes of compounds, two Edgewood Arsenal Technical Reports are in the final stages of publication. These reports cover mass spectra studies. Many compounds have been obtained and analyzed for Nuclear Magnetic Resonance (NMR) spectra and a large volume of spectra were required for the analyses of these compounds which were submitted for evaluation. In the analytical molecular structure determination, confirmation and quantitative/qualitative analyses of toxic chemical agents and related compounds, infrared spectra have been determined and band assignments made for a specific series of compounds, and an Edgewood Arsenal Technical Report has been published on these data. As new potential agents are uncovered, studies will be undertaken, using spectroscopic techniques, to elucidate molecular structures. Thermal analysis, involving molecular orbital calculations, will be initiated to determine the feasibility of applying this technique for correlating activities with structure. Other chemical and instrumental methodologies will be exploited to determine the chemistry of agents. 1. 2. In techniques of evaluating effects of chemicals: (a) Experiments designed to identify the effects of different drugs on the central nervous system have shown that antinicotinic compounds (e.g. mecamylamine) and antimuscarinic compounds (e.g., scopolam) affect separate pathways in the CNS. These results were obtained by fear-conditioned response studies in rats. Similar analyses have shown that anti-ChE compounds (G- and V- agents) affect pathways which are from those affected by anticholinergics (stropine, scopolamine, etc.). Other experiments in rats with operant-type experiments have been directed toward an examination of the extent to which physostigmine will reverse the effects of incapacitating agents such as EA 3834. The results in hand indicate that when separate behavioral responses of the rat are examined after treatment with EA 3834 and physostigmine, some but not all are restored to normal by the physostigmine. (b) Work has been resumed on a study of the effects of the protective ensemble (protective clothing, mask and hood on prolonged visual monitoring. The monitoring has been done with a model task system intended to represent a variety of real systems) (radar screens, tracking system instruments, etc.) Observations have also been made on the use of this task as a component of systems used to evaluate new mask designs. A facility using existing space and equipment has been developed to permit the evaluation of human movement and response rates under a variety of conditions. The objective of this effort is the evaluation of performance criteria and subsequent changes which result when a variety of defense material are used. Data has been used to provide a concrete basis for recommended design changes. These studies are continuing. (c) An automated system has been devised for measuring hemoglobin-methemoglobin levels in blood as a part of the study of cyanide poisoning. A similar automated method has been applied to measure cyanide in blood. As little as 1 ug/ml can be detected. Another application of the automated assay permits measurement of physostigmine in aqeuous solutions when used as an inhibitor of ChE. Efforts will continue to simplify analytical procedures with the goal of automation where applicable and to increase sensitivity of methods used to detect and quantify agents and drugs in various body organs, tissues, and liquids. 3. In medical effects of chemical agents: (a) Long term toxicity evaluations of vapors of difluoro (DF) have continued on dogs; guinea pigs, rats, mice and rabbits. Mutagenicity, teratology, cutaneous sensitivity, physiology, hematology, as well as general toxicity and pathology, have been evaluated. Studies with DF will continue, oriented toward the Binary GB Weapon System. Testing of the chronic toxicity of a mixture of IP and KZ will be initiated. Screening studies have been performed with wet-wet and dry-wet binary test samples of VX. Results indicate that VX production is less than 100 percent efficient. Spin rates of the samples produced appear to have little influence on toxicity of the material produced. (b) The uptake of radiolabeled EA 3580 has been studied in various tissues of rats. Brain, muscle, and heart seem to acquire lower levels than lung, liver, and kidney. The caudate nucleus appears to attain higher levels of glycolate than other regions of brain. Further improvements have been made to standardize the host-mediated assay and a new rapid in vitro screening method for mutagens has been devised. Several strains of E. coli, differing in DNA repair capacity, are exposed to a gradient of the chemical being tested in a Petri plate. The CNS mechanisms regulating water balance are being studied as indicators of the sites of action of various chemical agents and drugs. At 100–600 ug/kg doses, EA 3834 increases the thirst threshold of rats (inhibits drinking) significantly. Atropine S04 at 20 ug/kg and Librium at 10 ug/kg were also effective. Compound 309,196 is much less potent in its effect on thirst control mechanisms. No change in threshold was found even at doses 100 x those of EA 3834. Studies in animals will continue on the evaluations and determination of site of action of compounds of interest. (c) Critical flicker fusion frequencies have been measured in volunteers who have received various doses (0.25, 0.125, and 0.06 percent) of pilocarpine to constrict the pupil. One eye was treated and one was used as a control. Pilocarpine caused a reduction in the critical frequency. Similar measurements have been made with scopolamine. This will be continued in order to show whether the effect is central or peripheral and whether glycolates have similar effects. Significant differences have been found to red and green visual fields of human subjects after exposure to 302,196. Color vision is also being examined after men have been exposed to EA 3834. To date no significant differences have been seen. Penetration of EA 3834 through skin can be demonstrated by reduction of local sweating. On neck skin of man this varies from 30 to 77 min, depending on dose. Skin penetration, sweating, and vision studies related to compounds of interest will continue in the next period. 4. In chemical dissemination and dispersion techniques: (a) Flight dynamics of inert submunitions which were base ejected from an 8" shell at Dugway Proving Ground were analyzed. Trajectories of the individual submunitions and the resulted ground patterns were examined. A variety of non-lethal projectile configurations were designed and tested in an effort to improve sealing and functioning of the projectiles containing simulants. Aerodynamic studies were conducted on conventional and advanced configurations which appeared to be feasible for achieving extended range for both hand-held weapons and artillery weapons systems. (b) Binary programs were supported by the following chamber/simulant test programs: (1) aerosol characteristics vs burster size for 8-inch projectile submunition, (2) diaphragm rupture characteristics and agent mixing for an air delivered munition, (3) dissemination at cold ambient temperatures; effect of a central void; and aerosol ingition by hot aluminum fragments for models of the XM687 projectile. Preliminary feasibility tests have shown that this system should provide superior "pre-masking" target coverage to the XM687 GB projectile or the XM723 incap projectile. Also a percutaneous capability will be established for Agent EA 3834 and the drop size control will be improved over the percutaneous effects 8-inch VX "expulsion" system. Target coverage vs time data will be obtained to enable system analysis studies to provide quantitative predictions of these capabilities.

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DEPARTMENT OF THE ARMY, SEMIANNUAL REPORT ON CHEMICAL WARFARE AND BIOLOGICAL RESEARCH PROGRAMS (JAN. 1, TO JUNE 30, 1973) RCS DD-D.R. & E. (SA) 1065—Continued

[In conducting the research described in this report, the investigators adhered to the "Guide for Laboratory Animals Facilities and Care" as promulgated by the Committee on the Guide for Laboratory Animal Resources, National Academy of Sciences—National Research Council]

SEC. 1.—OBLIGATION REPORT ON CHEMICAL WARFARE PROGRAM—Continued

Description of effort	Funds obligated (millions of dollars) PY CFY	Funds obligated (millions of dollars) In-house Contract	Explanation of obligation
OBLIGATION REPORT OF RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS—Continued			(c) A preliminary mathematical model to describe the functioning of the two compartment generator based on spray equations has been made. The model shows that aerosol sized particles can be created under the conditions of the two compartment functioning. Vaporization-condensation parameters are being considered as a method of making the model more descriptive of the actual phenomena occuring. Electro-analytical procedures were initiated to determine whether electrical oxidation correlates to pyrotechnic oxidation in the pyrotechnic generator. Initial experiments with dye were promising in that similar products were generated from both processes. Potential differences between products were tabulated. 5. Chemical agent process technology studies continue. The current effort is primarily associated with binary G and V systems. NM, a reactant for a binary V agent system, was synthesized for evaluation in a binary reactor. The evaluation showed promise so laboratory studies were started on the process parameters of NM production. The first samples of NM were not stable during low temperature storage so the process must be improved to improve storage stability. Intermediates for other binary systems were also synthesized. Analytical support was supplied for pilot plant work on binary G-reactants. Analytical investigations were conducted to develop or improve methods for use in pilot plant studies and in specifications. An investigation on agent CR was started to determine specification requirements and to develop the required analytical techniques. Candidate agents were synthesized for evaluation in other research programs. Investigations on a laboratory scale and a prepilot plant engineering scale will be continued where data are lacking on reactants for binary G and V agent systems. The process study on NM will be completed in which the objective will be to produce a stable high sulfur content compound. Analytical assistance and development of analytical techniques will continue on specific problems. Candidate agents will be synthesized for evaluation in the research programs. Environmental pollution problems at Edgewood Arsenal connected with the mission operations will be studied. 6. Effort continued in chemical test and assessment technology. An experimental chamber test program was designed to determine the extent at which simulant properties affect the explosive dissemination process. A novel test device and sampling technique was devised to track the liquid cloud produced by a directional explosive projector. The analyzer portion of the particle transport and diffusion test system was refined by a factor of 2 and 5 micron detection and count capability was achieved. The chamber studies on similant properties will continue with the objective of determining the liquid variables which control explosive dissemination. Work will resume on methods of producing monodisperse particles as part of the particle transport and diffusion test system. 7. A comparative cost effectiveness analysis of several versions of the XM256 Detector Kit was performed. An optimization study was made for the 8-inch binary projectile and a ballistic similitude analysis was made for the XM687 and M483 projectiles. A comparative cost effectiveness analysis will be performed for the rocket and missile systems filled-GB, VX and IVA. A comparative cost effectiveness analysis and a risk assessment for the 8-inch VX system will be performed. The risk analysis for the XM687 will be updated. 8. In technical assessment of foreign CW potential: (a) A candidate warhead payload was selected and a test firing conducted at White Sands Missile Range. The warhead fell short of its intended target by approximately 1000 yards. Although the desired grid date was not obtained, valuable film data on the fluid breakup was obtained. An investigation was conducted on the cause of short range flight and tentative conclusions reached. It is intended to statically test three rocket motors to test the hypothesis for short range flight. Additionally, another warhead firing test with complete grid analysis is scheduled for October–November 1973. (b) Procedures were developed for analyzing the simulant used in field tests of experimental defensive warning and detection systems against offensive CW threats. Another field trial will be conducted to determine the threat by the means of delivery of the weapons system. Data thus generated will be used to guide the development program for defense equipment. 9. In simulant and training agent investigations: (a) The investigation of the irritant compound, EA 4923, as a training agent has continued since this agent would simulate a nonpersistent agent and formulations could be developed leading to diluted or thickened agents which could offer a range of properties for the simulation of the three types of chemical agents desired. Another agent under investigation for consideration as a training agent is the respiratory irritant, EA 3547. Decontamination techniques for EA 4923 and EA 3547 are currently being assessed. Future investigations will be guided by user requirements. Decontamination and defensive techniques will continue to be devised. (b) Toxicity and drug therapy studies were completed with MSF (methane sulfonyl fluoride) and DMPT (O,S diethyl methyl phosphonothiolate), GD, and VX simulants, respectively, for the M8 alarm. Though not devoid of toxicity, these simulants were much safer than the agents they replace. Atropine was clearly indicated for MSF poisoning. However, the oxime, 2-PAM Cl, should not be used adjunctively. For DMPT, both atropine and adjunctive 2-PAM Cl were suggested for victims of accidental poisoning. Request was also made to the Surgeon General for approval of the use of 1 percent CS in PG as a training agent in the field exercise METOXE III. The approval has been granted. Proposed simulants as training agents for small or large scale exercises introduced into the simulants program will be tested for their acute toxicity in small laboratory animals. (c) Test models of each of two concepts of a ground burst simulator for training agents were fabricated and subjected to functional testing. Future effort will include improving the dispersal characteristics of the ground burst simulator selected because of its safety and realism and exploratory development of an air burst simulator which fulfills the CDNARC requirements 10. In chemical safety investigations: (a) A series of VX samples were analyzed to determine the reaction rate and the effectiveness of decontaminating VX using bleach or chlorine. An Edgewood Arsenal Technical Report was submitted which included mass spectrometric studies to characterize and catalog the fragmentation patterns of agents and potential agents so that identification of these and related compounds becomes more certain and rapid. A number of waste water samples, which were decalin solutions of vapor samplings, were analyzed for the identification of a possible irritant, also samples of air pollutants collected in decalin were analyzed for identification of a lachrymator-irritant present in some of the samples. Effort will continue and be extended to other classes of compounds in the same depth as described for lethal agents. The extent of this undertaking will depend on future requirements for the production, stockpiling, testing, and demilitarizing of such agents. (b) The ecological survey of Carroll Island has resulted in a large amount of data on animal and plant populations of the area. This information is being entered on punch cards. Rare and endangered species have been identified. Mammalian studies have been focused recently on squirrel densities and on bat populations. An inventory of woody plants has been completed. Effort is being put into study of the turtle population because they are slow to miltiply and normally live in restricted habitats. This makes them especially good indicators of any serious environmental event. Ecology teams are advising and assisting program managers who lacked the required biological background to prepare acceptable environmental assessment statements. These teams are identifying RDT&E programs for which environmental assessment statements are required and are providing assistance to program managers. The quality and acceptability of environmental statements being prepared has improved very much as a result of this assistance. Population counts of plants and animals will be added to accumulated data banks. Special studies will focus on the turtle population, which appears to be a key species for identifying past effects of agent dissemination.

Description of effort	Funds obligated (millions of dollars) PY CFY	Funds obligated (millions of dollars) In-house Contract	Explanation of obligation
OBLIGATION REPORT OF RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS—Continued			(c) During this report period, tests were conducted to establish the maximum permissible quantity of agent to be disseminated in the Explosion Test Chamber and the Toxic Dissemination Chamber. It has been established that not more than 5 lbs. can be dispersed during any one test. The exhaust gas and particulate filters of the chambers were tested and found satisfactory. Decontaminating solution and procedures for toxics and incapacitating agents were established. Bleach solution will be used for toxics and an acetic acid wash, followed by neutralization with caustic solution, will be used for incapacitating agents. The holding tank disposal procedures were established. All chamber washings will be held for 24 hours in holding tanks, after which time an analysis for the presence of toxic or incapacitating agents is made to insure that complete destruction of agent had occurred. The pH of the solution is then adjusted to 6.5–7. The solution is then disposed of by further dilution with fresh water in a ratio of 100:1. During the next reporting period, plans to move the Controlled Velocity Test Chamber from Carroll Island to Gunpowder Neck area will be expanded to include a long-time surveillance and rough handling facility for toxic and incapacitating agent-filled munitions. Efforts to construct a permanent change house for the Explosion Test Chamber will be continued.
2. Lethal chemical program	0.000 3.811	3.582 .229	
(a) Agent investigations and weapons concepts	(.000) (.000)	(.000) (.000)	No additional funds were obligated under this effort during the report period. Exploratory development effort was expended as follows with funds previously obligated: 1. Structure-activity relationship studies on carbamates have continued with significant attempts to synthesize several possible metabolites and gain more insight into the mode of physiological action. The studies on compounds as related to intelligence sources are continuing and emphasis is being directed toward binary studies. In studies relating to analytical support, a report has been prepared for publication detailing a thin layer chromatography method for the separation of various G agent acids. In order to streamline chemical investigations of lethal agents, physical studies with intermediate volatility agents will be combined with this plan and studies will be initiated on newer agents of interest as they are developed. Partition coefficients with selected systems will be continued. Chemical investigations of new binary systems, to be used in a retaliatory role, will continue with major emphasis on binary systems research concerning compounds of interest as furnished by intelligence sources. 2. The speed of action of VX, EA 1356, and EA 5365 was also evaluated through bare and clothed skin of rabbits at dose levels equivalent to 2, 5, 10, and 20 times their respective LD 50's. Toxicity of GD through bare and clothed skin was conducted. Studies will be initiated to evaluate the influence of changes in agent particle size and of windspeeds on munition expenditures for the eight inch binary projectile agent selection. 3. Technology for the practical generation of binary VX by liquid-liquid system was advanced. Progress was made in the development of a practical binary process for EA 5365 and its analogs, although much still remains to be accomplished. Additional information was generated on specifications for binary intermediates. Effort was continued in the investigation of simulants/simulation techniques for both VX and GB binary systems to permit full scale reaction and dissemination tests. Effort will continue in the development of binary procedures for new agents as well as exploitation and/or optimization of techniques for existing binary processes. Work will also be performed in the development of ingredients specifications and simulants for the binary reactions. 4. Exploratory development of a 155mm binary IVA projectile was continued. Preliminary designs completed for this system included explosive and expulsive munition concepts with agents EA 1356 and EA 5365. Critical trajectory tests were completed for the explosive round. Hardware based on preliminary designs for the 155mm IVA projectile will be fabricated and tested with optimization of the base-expulsion design as a primary objective. The effort will involve necessary analytical, aeroballistic and structural work; theoretical and experimental evaluation of in-flight mixing methods; and evaluation of simulant dissemination with this munition configuration. 5. Experimental hardware for the binary missile warhead and air-to-ground rocket warhead was fabricated and successfully tested. The suitability of equipment and techniques for introducing the second binary ingredient into partially-filled bomblets preassembled in the missile warhead was demonstrated. Design efforts on the rocket warhead were continued, with emphasis on the refinement of the bore-rider mechanism to achieve reliable rupturing of the bulkhead and proper mixing of the two binary ingredients at launch. A parametric study was initiated to provide estimates of the relative effectiveness of missile warheads with massive, segmented, and bomblet configurations. Studies will be continued to evaluate current and new lethal binary agents for use in missile warhead systems, and to determine the effects of flight environments on the binary reaction in warhead systems. Test hardware and instrumentation will be designed and fabricated for static and dynamic tests to be performed in support of these studies.
(b) Agent pilot plant investigations	(.000) (.000)	(.000) (.000)	No additional funds were obligated under this effort during this report period. Advanced development effort was expended as follows: 1. Development of chemical treatment of waste materials anticipated from manufacture of methyl phosphonyl difluoride (DF) was conducted. The objective of chemical treatment is to transform DF waste, such as distillation residues, to a form or forms suitable for disposal or interim storage. Neutralization of DF residues with aqueous sodium hydroxide was shown to be a simple process. The applicability of spray drying to convert the neutralized material to a dry solid state was demonstrated. In addition, the applicability of centrifugal filtration to separate the precipitated sodium fluoride from the neutralized material was demonstrated. The sodium fluoride filter cake was found to be easily tray-dried, and the filtrate (an aqueous solution of the sodium salt of methyl phosphonic acid) was easily spray dried. Data were obtained applicable to the specification of industrial equipment for these operations. A follow-on process/unit operation development program will be applied to such G-binary intermediate product on routes from VX demilitarization residues as may be shown feasible in further laboratory studies. Process/unit operation subpilot studies will be conducted on laboratory improvements to the process for production of intermediate NM for the VX binary liquid/liquid system. Materials compatibility studies will be conducted with this and other later generation binary agent components. Munition tests will be supported by filling of test items. 2. Design and fabrication of a prototype machine for filling and closure of both canisters for the XM687 binary munition are being performed to meet development testing (DT II) requirements in 2d quarter fiscal year 1974. Filling and closure studies have been concurrently performed. Filling is being done by a commercially available pharmaceutical filler. Closure studies have evolved from heat seal closure of large tube diameter to spin welding of a small centrally located filling port. This approach will allow eventual fabrication of an all-up container, probably blow moulded. Developmental studies have been completed to determine closure integrity by tracer gas detection. Direct detection of the agent has been temporarily suspended in order to meet the DT II filling schedule. Preliminary studies have been initiated to determine the closure requirements for the 8-inch binary projectile. Closures with commercially available O-Ring-screwplugs and spin welding are being explored. The prototype filling machine will be made operational during 1st quarter fiscal year 1974. Debugging procedures will be completed during this period. The DT II XM687 canisters (XM20 and XM21) will be filled, sealed, leak tested, and prepared for subsequent LAP operations. Filling and closure studies will be extended to second generation binary systems involving solid and liquid chemical intermediates contained in bulk canisters and in submunitions. These studies will be aimed at developing automated processes for production of the 8-inch binary projectile, the binary air-to-ground rocket, and the binary missile warhead.

DEPARTMENT OF THE ARMY, SEMIANNUAL REPORT ON CHEMICAL WARFARE AND BIOLOGICAL RESEARCH PROGRAMS (JAN. 1, TO JUNE 30, 1973) RCS DD-D.R. & E. (SA) 1065—Continued

[In conducting the research described in this report, the Investigators adhered to the "Guide for Laboratory Animals Facilities and Care" as promulgated by the Committee on the Guide for Laboratory Animal Resources, National Academy of Sciences—National Research Council]

SEC. 1.—OBLIGATION REPORT ON CHEMICAL WARFARE PROGRAM—Continued

Description of effort	Funds obligated (millions of dollars): PY CFY	In-house Contract	Explanation of obligation
OBLIGATION REPORT OF RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS—Continued			
(c) Tactical weapons systems:			
(1) Advanced development	(0.000) (1.541)	(1.324 (.217)	Advanced development of the 8-inch binary VX projectile was continued with competitive prototyping of the bulk expulsive and submunition concepts. Both liquid-liquid and solid-liquid binary ingredient systems were studied. Environmental and physical testing demonstrated the integrity of the projectiles. In-flight mixing and dissemination trials with simulants have provided data inputs for the system effectiveness study which will be the basis for selecting the design concept for further exploitation. These dynamic trials were supplemented by agent generation and explosive-dissemination tests in chambers for better prediction of actual munition performance. Advanced development testing of the 8-inch binary projectile will be completed, and a development plan and concept formulation package prepared and staffed for approval to enter engineering development in 2d quarter fiscal year 1974. Commencement of advanced development of the 155mm IVA projectile, which was expected in late fiscal year 1973, was deferred due to the lack of a suitable binary process for an effective IVA. It is now anticipated that this phase will begin in fiscal year 1974 with the initial effort directed toward the development of a test program and the initiation of test hardware procurement.
2. (c) (2) Engineering development.	(.000) (.000)	(−.012) (.012)	The formal engineer-design test program for the 155mm Binary GB Projectile was completed, and the prototype system technical review was held for approval to proceed to the DT II phase of development. Simultaneously, a production plan for the acquisition of DT II hardware was prepared and purchase of long-lead-time materials was initiated. Supplemental development efforts to ascertain storage life of canisters and to establish munition effectiveness parameters were continued. With respect to the latter, simulants and simulation techniques have been evolved. Future effort will be concerned with the in-house manufacture of projectiles and ancillary components required for DT II. The supplementary development effort will be continued, effort will be made to estimate munition effectiveness via simulants/ simulation techniques, and if approved, a limited number of open-air tests will be performed. Engineering development will be initiated on the 8-inch binary VX projectile during the next report period.
(d) Materiel tests in support of joint operational plans and/or service requirements.	(.000) (.928)	(.928) (.000)	During this report period obligations were incurred in the planning, conduct and/or reporting of joint operational test and operations research studies in response to CINC and Services requirements. The following tests and studies have been actively pursued during this report period: 1. DTC Test 69–14 Phase II: This test was designed to provide the U.S. Air Force with data on the effectiveness of the weapon system (MC–1 Bomb/F4 Aircraft) employing current delivery modes. During this period, 31 field efforts, utilizing the 105 projectile with 15 candidate simulants, were conducted to provide a basis for selection of the best simulant. Four MC–1 flashing trials were conducted with the simulant to verify the 105 projectile trials. Seven of nine MC–1/F4 aircraft trials were conducted for weapon effects data. Hazard analysis has been made and environmental assessment statement prepared for the simulant of choice. Data analysis has been initiated. Final Report is scheduled for second quarter fiscal year 1974. 2. DTC Test 69–14 Phase III: This test is designed to evaluate the hazards resulting from the disposal of damaged or leaking MC–1 Bombs when being handled under current explosive ordnance disposal (EOD) procedures cited in current Air Force Technical orders. During this period a test plan has been prepared, coordinated with the U.S. Air Force and published. Trials to be initiated second quarter fiscal year 1974. 3. DTC Test 73–11. This test is in response to U.S. Air Force and CINPAC requirements and is designed to evaluate and validate emergency destruct procedures for chemical weapons. During this report period a test plan outline has been coordinated and approved by the Air Force and published. Laboratory and munition investigations will be initiated in July 1973 to screen acceptable chemical compounds in order to obtain a test simulant and to obtain test procedures for bomb handling for the field trials scheduled for second quarter fiscal year 1974. 4. DTC Test 71–110 Phase II: This study effort provided CINCEUR with a determination of the effectiveness of V-agent artillery against troops in a temperate European environment. The operations research study was published and forwarded in January 1973. 5. DTC Study 73–111: The U.S. Army requested a computer assessment of the downwind travel and harassing hazards distances resulting from the functioning of nerve agent munitions and to compare these estimates with predictions based on current manuals. During this report period an exhaustive literature review was completed. Safe entering times or safe occupation times were being estimated utilizing a model developed by a DTC contractor. Model computes concentration as a function of downwind distance/time. The model is being modified to incorporate a dose response deviation. The study will be completed 1st quarter fiscal year 1974.
2. (e) Army materiel development (suitability) tests.	(.000) (1.342)	(1.342) (.000)	Obligations were incurred for the planning, conduct and reporting for approximately 16 tasks associated with binary weapon systems in response to the U.S. Army's development (suitability) program. The purpose of this testing was to: (1) evaluate the ballistic stability and accuracy of the candidate projectile under various projectile configurations; (2) evaluate rough handling and effects of short term and long term storage under a variety of environmental conditions; (3) identify simulant material that will duplicate the reaction kinetics and dispersion characteristics of V agent munitions; (4) prove that the candidate weapon will disperse its payload in a manner consonant with target effects criteria; and (5) determine the technical performance of the XM687 projectile 155mm and to ensure the item meets the military needs requirements. During this report period, approximately 16 projects were conducted and reported by DTC. Major efforts were on the projectile 155mm and various configurations of the projectile 8 inch. Simulant dissemination trials on prototype bulk filled 8 inch binary projectiles were completed, data analyzed and a model developed to predict target effects was completed. Testing indicated additional field efforts are required. Sixteen flashing trials utilizing two simulants were conducted with the XM687 projectile. Based on the dissemination characteristics, a simulant was selected. Target effects testing will be initiated in the 1st quarter fiscal year 1974. Hazard analyses were made and environmental assessment statements prepared for the simulant. Ballistic firings were conducted employing various configurations of the 8 inch projectile in order to obtain data on optimum design. Safety tests were conducted with 36 projectiles 155mm to ensure the item was inherently sound and safe to release for the engineering tests scheduled for 3d quarter fiscal year 1974. Informal coordination of the preliminary draft test plan for the Engineering test of the projectile 155mm XM687 was completed. Test matrix for the binary agent dissemination trials have been prepared. Hazard analysis and environmental assessment statements have been prepared and forwarded to higher headquarters for approval prior to open air toxic trials of the XM687 projectile in support of the U.S. Army's development program.
3. Incapacitating chemical program	.000 .685	.655 .030	
(a) Agent investigations and weapons concepts	(.000) (.000)	(.000) (.000)	No additional funds were obligated under this effort during the report period. Exploratory development effort was expended as follows with funds previously obligated: 1. Investigations into the preparation of high purity precursors for the synthesis of analogues and homologues of thebaine and oripavine has continued with significant reduction procedures advancing the thebaine studies. Additional efforts are being made to prepare large quantities of phenothiazines for additional biological evaluation and some success has been attained toward this end. Work has been completed on writing the discussion and experimental sections of the chemical portion of the Edgewood Arsenal Technical Report being prepared in conjunction with toxicity screening studies on the phenothiazine work. A structure-activity-relationship study for this report is now being written. Future research to be conducted will be based and proceed along the same lines as previously described. It is expected that further work will emphasize (1) percutaneously active glycolates, (2) incapacitants with markedly reduced onset time and increased effectiveness. Attempts will be made to formulate binary systems for the production and application of incapacitants. 2. Two compartment studies were conducted using chemical agent EA 3834. Standard designs gave extremely low yields. Canted propellant chamber orifices gave yields of about 20 per cent. Additional experiments conducted showed that most of the rest or about 60 percent of the agent was found on the chamber floor. The conclusion was that most of the material was sprayed in larger particles and was not aerosolized. The propellant was fully characterized for the complete pressure range for burning rate vs pressure in one, three, and four orifice configuration. 3. A surveillance program was completed on canisters filled with incap agent EA 3834A. Review of test data indicates there were no significant effects on the ignition or performance of the agent filled canister as a result of this conditioning. A candidate impact fuze was investigated for use in the submunition. Functioning trials of this fuze, FMU–65/B, modified to permit venting, were very promising. Investigation of other impact fuzes such as spin arm and dash pot will continue. Optimum venting requirements for submunitions to produce skittering but eliminate possibility of submunition becoming airborne will be investigated. Design studies were continued on proposed wide area coverage concepts utilizing a SUU–30B/B type dispenser and an air delivered munition. Several concepts of potentially acceptable designs for a non-explosive module were evaluated. One that showed promise is a three piece break away plastic module. Selection of materials and designs for soft tooling for prototype fabrication were completed. Initial units were constructed and limited tests conducted. A requirement for a tactical air delivered incapacitating munition system (TADICAMS) was approved by the Department of the Army. Optimum agent formulation for the submunition canister will be determined. Investigation into new techniques for module design and delivery systems will be continued.
3. (b) Agent pilot plant investigations.	(0.000) (.100)	(0.100) (.000)	Advanced development effort during this report period was expended as follows: 1. Pilot plant studies on the final step in the synthesis of agent EA 3834 free base and acid were conducted in small reactions. The runs yielded data for an optimized process. Purchase descriptions including specifications for the chemical and physical requirements, analytical test methods, safety and packaging details were prepared for incapacitating agent EA 3834A and the two precursors, i.e., the amino alcohol and ester. A method for decontaminating the filtrate from the product separation step was developed and will be used in the production scale design if analytical results of completed confirmatory runs duplicate earlier data. Bench scale studies are being conducted to develop a safe, economical and nonpolluting method for disposal of the detoxified waste streams as applicable to future production scale operations. 2. The overall developmental plan for the XM723 projectile has been revised for the filling of AD, ED, and EST rounds at Edgewood Arsenal. The modifications to the experimental loading facility at Edgewood Arsenal was completed 4th Quarter fiscal year 1973. Basic filling and loading equipment has been purchased for the filling of AD rounds. Limited prototype equipment developmental studies were conducted.
(c) Tactical weapons systems.	(.000)	(.530) (.030)	1. A stimulant mixture has been devised that duplicates the sensitivity of the incap mixture. This mixture has been used to test set back characteristics of the mix with no significant problem noted. Experiments have been scheduled to determine proper pressing force to mechanically withstand set back forces. A second stimulant mixture has been devised which matches gaseous evolution rate and temperature. This stimulant is to be used to provide experimental field coverage data. The agent mix has been characterized as to its burning time-loading force—yield relationship. 2. Significant progress was made in development and design of the 155mm XM723 Incap projectile. Additional metal parts and safety firings were accomplished. Firing (except with simulant in lieu of live agent) of six rounds is scheduled for early July 1973 at Dugway Proving Ground. Contingent upon funding for fiscal year 74, Advanced Development will continue. The assembly of 100 rounds (simulant loaded) is planned for the last half of calendar year 1973. Firing will be conducted at Dugway in early 1974 with the objective of evaluating total design and all functional aspects including ballistic adequacy. The program schedule objective is to accomplish sufficient development and testing during fiscal year 74 to facilitate entry into the ED phase early in fiscal year 75.
(d) Army materiel development (suitability) tests.	(.000) (.025)	(.025) (.000)	Obligations were incurred for a U.S. Army test designed to evaluate the ballistics stability and accuracy of a candidate projectile 155mm. During this report period 6 projectiles were fired by DTC. Report will be published July 1973.
4. Defense equipment program	−.154 2.935	2.270 .511	
(a) Physical protection investigations.	(−.002) (.650)	(.417) (.231)	Exploratory development effort during this report period was expended as follows: 1. The general trend of the reactivity of CK with various nucleophiles in aqueous solution tends to follow the basicity of the nucleophile employed. Alpha nucleophiles tend to exhibit increased reactivity compared with those expected whereas nucleophiles with bulky structural groups around electron-rich sites tend to be less reactive. Neat mustard can be destroyed using a 5:1 volume ratio of monoethanolamine to H; half lives of 5.4 hours at room temperature and 16 minutes at 52°C were obtained. In studies on the effect of cations on the displacement of fluoride ion from GB in nonaqueous solvents it was found that GB can be decomposed or formed depending on the type of cation. In the future, studies will be conducted to find compounds which will facilitate the decomposition of H and VX in the presence of materials generally available in the field (i.e. water and oxygen of the air) for vehicle decontamination. Attempts will be made to find a replacement for DS2 which will overcome its shortcomings. 2. Agent penetration rates into rabbit skin were determined which formed the basis of a mathematical model to correlate the percutaneous lethal dose to a covered lethal dose to an aerated dose. Studies on a new decontaminating paste were continued and it was found that a thixotropic paste appears to represent an optimum skin decontaminant. Modified formulations of DS–2 decontaminating solution were tested but no promising results were obtained to warrant replacing the current composition. Impermeable paint formulations were tested for agent resistance in conjunction with the Coatings and Chemical Lab. Polyurethane formulations were found to offer the most promise. Alternative methods to preclude contamination by simple film covering techniques were studied. Studies will continue on chemical agent insoluble paints (polyurethanes) and chemical agent resistant coatings (polyvinyl alcohol). 3. Studies of gas adsorption kinetics showed that a fully predictive equation is possible for adsorption by a bed of activated carbon granules. Studies of dioctylphthalate aerosol filtration have shown the velocity dependent relationships existing for the diffusion, interception, and inertia filtration mechanisms. Theoretical and experimental gas adsorption and aerosol filtration studies will be continued in order to improve predictive equations for air purification processes. 4. Feasibility studies were performed on removing chemical contamination from air streams at elevated temperatures. A photoionoization system for testing chemical protective devices was fabricated under contract. A technique was developed for testing full scale collective protection systems for entry/exit procedures. A technique of testing for cyanogen chloride was developed. Conceptual studies were performed on an impermeable liner for use in collective protection under pressurized techniques. Physical and chemical tests continued in an effort to increase the capacity of charcoal for agent absorption. Studies will continue on air purification using high heat sources. Work will continue on developing chemical simulant tests for full collective protection systems. Carbon sorbent modification will also be investigated to enhance protection from blood agents and storage stability. 5. An intensive management program was initiated to develop a high performance mask by fiscal year 1976 to replace the M17A1 mask. Prototype models were fabricated utilizing several different canister filtering systems and designs for improved flexible lens for better vision and coupling with Army optical instruments. Maximum effort was placed on methods to enhance the performance characteristics of the adsorbent: The intensive management program was redirected by CDC to TC a mask by fiscal year 1981 rather than fiscal year 1976, making a reduction in the rate of expenditure of effort during the 4Q fiscal year 1973. During the next fiscal year: studies will continue on methods to increase the protective capacity of adsorbents to cyanogen chloride; extensive studies will be made on gas aerosol filter media to determine optimum methods for fabricating filtering elements; mechanical design studies will be conducted to investigate methods of attaching the filter to the protective mask in a rapid and reliable manner; design of temporary tooling and fabrication techniques will be performed and prototypes fabricated; materials engineering will be performed on new elastomers for the protective mask facepiece. 6. Exploratory efforts were continued to determine the parameters which affect the transfer of vapors to the skin from droplet contamination on an outer fabric layer of clothing. Tentative conclusion reached from these studies show that agent vapors perpendicular to the wind direction are more toxic than those parallel to the wind direction, a highly permeable spaced layer increases protection by one order of magnitude and protection increases with increasing wind speed. Efforts continued on a search for a one-layer, carbon-impregnated protective fabric with non-sweat-poisoning charcoal. The search for a non-sweat-poisoning charcoal for use in a one layer charcoal impregnated protective clothing will be continued. Jointly with Natick Laboratories, it is planned to determine if the high air permeability fabric spaced away from the skin will markedly reduce the heat burden imposed by current protective clothing on the operational soldier.

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DEPARTMENT OF THE ARMY, SEMIANNUAL REPORT ON CHEMICAL WARFARE AND BIOLOGICAL RESEARCH PROGRAMS (JAN. 1, TO JUNE 30, 1973) RCS DD-D.R. & E. (SA) 1065—Continued

[In conducting the research described in this report, the investigators adhered to the "Guide for Laboratory Animals Facilities and Care" as promulgated by the Committee on the Guide for Laboratory Animal Resources, National Academy of Sciences—National Research Council]

SEC. 1.—OBLIGATION REPORT ON CHEMICAL WARFARE PROGRAM—Continued

	Funds obligated (millions of dollars)		
Description of effort	PY CFY	In-house Contract	Explanation of obligation
OBLIGATION REPORT OF RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS—Continued			7. Studies on the ionization detection technique were concentrated on techniques to reduce the flow rate without affecting sensitivity in an effort to reduce the power requirements. Efforts continued on the electrochemical enzyme concentrating on evaluation of the enzyme urethane pad, fabrication of six prototypes and redesign of the cell. Automatic liquid agent detector paint formulations were continued. A scavenger-type automatic liquid agent detector was fabricated. Studies on luminous biosensor systems were initiated. Plans call for studies on the ionization detection technique as a multi-agent detector to be emphasized. Also, the electro enzyme detectors will be subjected to intensive field interference testing and cell redesign studies will be continued. Automatic liquid agent detection will continue with emphasis on the scavenger-type design. Luminous biosensors will continue to be evaluated and the systems will be tested against field interferences. 8. A Passive LOPAIR system has been evaluated to determine the limits of performance, spectral discrimination and effect of potential interferences. A bread-board Isotopic CO_2 LASER LOPAIR device has been fabricated and delivered. Results indicate that reflectivities exceed minimum projected values required for field evaluations. A comprehensive test and measurement program for the Remote Raman technique was developed and implemented. During the next fiscal year: the ability of the Passive LOPAIR system to spectrally discriminate between agents and interferences will be resolved and limiting parameters of the overall system determined; the bread-board Isotopic CO_2 LASER LOPAIR will be evaluated to determine its theoretical advantages in remote sensing; an operations research study will be performed assessing the advantages and disadvantages of the LASER LOPAIR and Passive LOPAIR; the Remote Raman technique will be evaluated to assess potential for detecting the presence of contamination on terrain. 9. A real-time monitoring program for investigating highly sensitive detection systems for use in stack, working areas and perimeter monitors during C-Agent Demilitarization operations was initiated in 4Q fiscal year 1973. Investigative work has been initiated on candidate detectors and concentrators both in the laboratory and at pilot demil facilities. Three systems for monitoring incapacitating agents were tested for sensitivity: (1) an ionization detector; (2) an electrochemical enzyme alarm, and (3) a pyrolysis-gas chromatograph-electron capture device. During fiscal year 1974 feasibility studies on a real-time C-Agent monitor for application in agent demilitarization plants will be completed and recommendations made for a follow-on development effort. A characterization of demil plant interferences will be attempted so that laboratory interference generators can be built for in-house testing. Evaluation of the three candidate incapacitating alarms for plant use will continue. Sampling technique for dry aerosols will be evaluated. Following the selection of one of the detection techniques, design studies for a prototype plant alarm will be initiated. 10. A comprehensive survey of AMC pollution problems was completed. During fiscal year 1974 remote sensing instrumentation developed under task 1W662710AD27–02 will be evaluated for monitoring components of air pollution effluents. This will include on-site measurements of multiple components, cloud drift and diffusion, tracking contaminants to sources and contaminant cloud mapping. 11. Employing ion cluster mass spectrometry, better than 10 parts per billion of certain phosphonate esters have been detected. Mechanistic studies on the Ionization Detector System have resulted in increased understanding of the detection mechanism of the detector. The characteristic P=O stretching frequency of isopropyl methylphosphonate was detected using Fourier Transform spectroscopy with 10^{-12} g of compound. A direct fluorometric test for G-agents and acylating agents using 2-carboxyisonitrosoacetanilide was improved; sodium carbonate system with heat has specific potential for detection of H. The immobilization of a thermo-stable and highly reactive enzyme B. Stearothermophilus on "Enzite" was accomplished. Work will continue on fundamental chemistry of V, G, and H with a view toward finding direct detection and identification end item systems. High volume sampling techniques will be investigated for use in conjunction with promising detection and identification systems. Research will be carried out on new enzyme sources and immobilization techniques for use in biochemical approaches to detection and identification systems. 12. Two feasibility models of an incapacitating agent detector kit were fabricated under contract. Physical methods for detection using ionization and hydrogen flame emission were investigated. Methods to increase the wetability of enzyme detector tickets were studied. Detection of mustard agents by tha DB-3 reaction were initiated. During fiscal year 1974, studies will continue on the hydrogan flame emission device for use in the kit mode. Wetability of enzyme detectors will continue as well as the evaluation of the DB-3 detection system for mustard agents. The incapacitating agent detector kit effort will be concluded by 2nd quarter fiscal year 1974. Special application detection techniques for leaking munitions for CB Surety will be initiated. Studies will continue on detector paints and new principles for detection.
(b) Advanced development of defensive systems.	(−0.006) (.780)	(0.748) (.026)	1. Chemical Agent Detector Kits prototype and simplified samplers were fabricated in-house and tested for storeability as well as challenge to the agents of choice Problems encountered in testing for mustard agents were apparently resolved by modifying chemical reactants. This improved sampler is currently being evaluated by testing to the requirements. During the next report period testing of the sampler in the Advanced Development phase will be completed. A validation in-process review will be held and the item advanced into engineering development. 2. A contract was initiated to conduct development studies on the Liquid Agent Detector (LAD) relative to the utilization of high energy surfaces and human factors. Laboratory scale paper making equipment was procured and installed to study paper formulations and serve as a limited production facility. Visits were made to other countries to discuss detectors, paper production techniques. B-1 dye in a paper matrix continued to be the material of choice. Various paper pulp formulations will be studied to evaluate additives, calendering and dye particle size. Detectors will be evaluated under accelerated and aggravated storage conditions. Field tests will be performed to evaluate LAD as an indicator for overall body contamination and warning capabilities.
(c) Collective protection systems.	(.000) (.100)	(−.300) (.400)	1. During this report period $300,000 was reprogrammed from in-house to contract an and additional $100,000 contract obligations were incurred for Modular Collective Protection Equipment (MCPE). 2. Engineering development (ED) continued under contract with Donaldson. Contractor fabricated and tested ED hardware. Review was held in June to release design for fabrication of DT II hardware. The expedited program for collective protective equipment for TACFIRE and AN/TSQ–73 was terminated. A mounting bracket for the gas particulate filter unit (GPFU) was designed by Tobyhanna Depot for the TACFIRE and successfully passed the rough road haul. Collective protection compatibility tests on the AN/TSQ–73 shelter were deleted from the DT II requirements for AN/TSQ–73. These tests will be performed as part of the Initial Production Test (IPT). 3. During the next report period hardware will be fabricated and DT II initiated. A limited producibility, engineering and planning (PEP) program will be initiated. Hardware interfaces will be completed for TACFIRE and compatibility tests conducted. Hardware interfaces will be incorporated into production drawings for AN/TSQ–73. Hardware will be procured for use in compatibility tests of AN/TSQ–73 during IPT. Support will be rendered to improve HAWK shelters, if funded.
(d) Warning and detection equipment.	(−.146) (.000)	(.000) (−.146)	1. During this report period $146,000 prior year contract deobligations resulted from contract termination and withdrawal of funds. 2. Engineering development effort will be initiated on the Chemical Agent Detector Kit, XM256, during the next report period. Stability and sensitivity of components will be evaluated with emphasis on reliability, maintainability, human factors and production engineering aspects. The Technical Data Package will be updated and limited production tooling will be fabricated for initial production engineering of hardware. The Engineering Development Test Plan will be updated.
(e) Medical defense against chemical agents.	(.000) (.949)	(.949) (.000)	1. An extensive sutdy of the role of the liver in the excretion of therapeutic drugs has been initiated by baseline studies with pentobarbital, indocyanine green (ICG) and antipyrine (AP). The effects of stress (temperature, exercise, dehydration, etc.) on clearance rates are being determined. The physiological factors governing wearability of protective masks have been studied and ranked as follows: neuromuscular fatigue, respiratory impedance in heavy work, heat stress, metabolic limitation, mechanical trauma, psychological exhaustion. Guidelines have been established. The effectiveness of cooling by evaporation of water from clothing was determined on men clad in the standard protective outfit (cloth not impregnated in order to allow uptake of water). As the amount of water initially present in the clothing increased, the amount of body heat lost by evaporation decreased. The actual decrease was greater than predicted. Evaluation of protective material with respect to stress (temperature, physical, and chemical) will continue. Stability studies of therapeutic drugs in newly developed containers for storage, injection, etc. will be conducted as needed.

	Funds obligated (millions of dollars)		
Description of effort	PY CFY	In-house Contract	Explanation of obligation
OBLIGATION REPORT OF RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS—Continued			2. Because the binding constant is a measure of effectiveness of a vaccine, new methods for increasing the sensitivity and reliability of measurement are in process. Emphasis has been directed to a vaccine against an analog of GO. The binding ability of erythrocyte antibody (Anti-E) has been correlated with the results from histochemical staining and electromicroscopy to permit counting of binding sites on leucocyte membranes. The visual identification of occupied binding sites when leucocytes are exposed to a vaccine indicates how many cells react (recognize) with a given antibody, the titer of amount of reacting antibody in the vaccine sample, and permits identification of blood donors (animals or men) who would receive no agent protection from a vaccine. To correlate physiological protection with levels of circulating antibody, several new methods have been developed. The level of antibodies against paraoxon is currently under investigation using a variation of specific immunoabsorbent column. This method has several inherent advantages. The method employs the natural ability of antibodies to bind antigens specifically and uses the peroxidase-antiperoxidase method to provide high sensitivity. The latter method (previously developed for use in histochemical staining in these laboratories) has many potential uses. Newly developed, sensitive, and accurate methods of measuring hemoglobin and methemoglobin in blood have been applied to assess the effectiveness of amyl nitrite as a means of treating cyanide poisoning. Attempts will be made to immunize species other than rabbits. 3. The spontaneous reactivation of AChE under various experimental conditions (aging pH) is under study. The effect of simultaneous injections of 2-PAM Cl (10 or 30 percent solutions) and atropine into rabbits was tested. The 10 percent solution produced higher blood levels of 2-PAM at 5, 15, 30, and 60 min than did the 30 percent solution whether the same site of injection or different ones were selected for 2-PAM and atropine. The synthesis of ACh in cat brain has been examined by simultaneously injecting and withdrawing fluid in a double cannula inserted into the brain. When tritium labelled choline is added to the perfusate, labelled ACh is formed. Movement from the site of formation appears to be slow. The complete amino acid sequence for the serine active site of eel ACh has been mapped out. A complete analysis of amino acids has also been performed with results in terms of numbers of residues per 60,000 sub-unit weight. A study of urinary excretion of 2-PAM Cl have shown that it is largely eliminated by a base-secreting mechanism rather than an acid-secreting process as previously thought. Thiamin decreases renal elimination of 2-PAM. The intramuscular injection of 2-PAM causes some tissue damage, which in turn causes release of creatine phosphokinase (CPK) proportional to 2-PAM injections. Measuring CPK in plasma will, therefore, give an indication of the extent of damage. It should be noted that exercise also causes CPK release and that i.v. 2-PAM does not increase CPK level. Recent experiments with dogs given 0.9–400 ug/kg atropine have shown that the maximum heart rate developed is not dose-related but the half-time for return to normal is. The plasma clearance of atropine exceeds clearance in liver and kidney combined. The analysis of physiological factors involved in cyanide poisoning and emergency treatment has suggested new concepts in the causes of death and methods of treatment. The release of large quantities of histamine and a pooling of venous blood in the hepato-splanchnic bed (which accompanies cardiovascular collapse in dogs given a lethal i.v. dose of NaCN) may be more harmful than the inibition of the cytochrome oxidase system (commonly thought to be the lethal process). Amyl nitrate and oxygen are effective in reversing cyanide poisoning probably by relieving circulatory distress. Studies similar to the foregoing will be continued in an effort to solve problems in prophylaxis and therapy as related to poisoning by lethal chemical agents. 4. The toxicity to mice of nine potential antagonists to glycolate agents has been measured. One of these compounds (843,884) has low toxicity and shows enough activity against EA 3834 to warrant further examination. A new cytotoxic mechanism has been discovered in cells exposed to H. This process involves depurination of mono-alkylated bases followed by formation of crosslinks in the two strands of DNA. Some crosslinking of this type occurs normally and has been considered a part, if not a cause, of aging. It has also been found that cellular resistance to H poisoning can be increased by inhibiting protein synthesis by removing an essential amino acid from the culture medium. This is thought to promote DNA synthesis and repair, essential processes in recovery from H injury. The preparation of military purchase descriptions for physostigmine is complete and is being submitted. Preliminary studies have been carried out to examine the binding of EA 3834 to the resin XAD2 and to cholestyramine; both resins are effective. The XAD2 resin has somewhat higher binding capacity and a wider pH range than the latter. Efforts to find prophylactic and therapeutic drugs to be used against poisoning by incapacitating agents will continue. 5. A recently acquired polymer solution, identified as MPD 3856, has given good results in protecting animals against percutaneous penetration by liquid VX. Efforts are being made to overcome the problem of bubble formation by using a more suitable solvent system. Formulations suitable for aerosol delivery and for application as creams or ointments are being investigated. Liquid and vapor penetration properties of promising films are being studied relative to water, lethal agents, and irritants. Wearability of promising films on animals is being evaluated. When warranted, similar studies on human volunteers will be carried out. Essential to the development of effective and improved skin decontaminants (and currently being investigated) is the nature or mechanisms of the reaction between VX, GO and other lethal agents and the decontaminants, such as aqueous hypochlorite, dichlorethylene carbonate, and S–330. Previous studies (in which the results of Contractor's investigations were exploited) have provided promising leads to new decontaminants. Their effectiveness for decontaminating skin of laboratory animals contaminated with VX, GO, EA 1356- and EA 5365 will be evaluated.
(f) Army materiel development (suitability) tests.	(0.000) (.456)	(0.456) (.000)	Obligations were incurred for the Suitability and Environmental surveillance testing of the U.S. Army's defensive equipment and materiel. Engineering tests were planned, conducted and/or reported for the following test items: 1. CB Protective Clothing for Explosive Ordnance Disposal Personnel: Test is designed to determine the ability to the suit to meet approved small development requirements. During this report period testing was completed. This included the following phases: (1) transportation, vibration and rough handling tests; (2) biological and chemical aerosol challenges of the suit; (3) environmental operations wearing trials; (4) Service tests at Redstone Arsenal. Minor deficiencies were noted and as a result the developer made corrections and submitted a new suit for testing Final report will be published July 31, 1973. 2. 200 CFM Modular Collective Protection Equipment (MCPE) for TACFIRE: This test is designed to determine the interface hardware system compatability and the overall capability of the MCPE as applied to TACFIRE to meet the protection requirement of system specifications. During this period the test plan was coordinated and published. Rough road haul test was completed at Aberdeen Proving Ground, data provided DTC. Further testing has been suspended at this time. 3. 200 CFM Modular Collective Protection Equipment (MCPE): This test is designed to perform an Engineering and Expanded Service Test and to determine the capability of the MCPE to meet the protection requirements as outlined in requirement documents. During this period the test directive was amended. Informal coordination on a draft test plan was completed. Final test plan will be submitted in July 1973 to TECOM for approval. Testing will be initiated March 1974. 4. Environmental Surveillance Items: The environmental surveillance program for the 3d and 4th quarters of fiscal year 1973 had a total of 19 items undergoing some phase of the long term surveillance and storage at one or more of the test sites. These items consisted of chemical detection and decontamination devices, incendiary weapons, protective masks, winterization kits, protective hoods, etc. One item completed the cycle of long term storage and was reported. Three new items were initiated into the test program during this period. 5. CB Protective Handwear: This test effort is designed to determine the physical durability and sizing characteristics of the CB protective handwear and to evaluate the safety aspects of the handwear. During this period, planning has been completed, test plan published and testing to be initiated 1st quarter fiscal year 1974.

DEPARTMENT OF THE ARMY, SEMIANNUAL REPORT ON CHEMICAL WARFARE AND BIOLOGICAL RESEARCH PROGRAMS (JAN. 1, TO JUNE 30, 1973) RCS DD–D.R. & E. (SA) 1065—Continued

[In conducting the research described in this report, the investigators adhered to the "Guide for Laboratory Animals Facilities and Care" as promulgated by the Committee on the Guide for Laboratory Animal Resources, National Academy of Sciences—National Research Council]

SEC. 1.—OBLIGATION REPORT ON CHEMICAL WARFARE PROGRAM—Continued

	Funds obligated (millions of dollars)		
Description of effort	PY CFY	In-house Contract	Explanation of obligation
OBLIGATION REPORT OF RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS—Continued			
5. Simulant test support	0.000 .449	0.449 .000	
(a) Materiel tests in support of joint operational plans and/or service requirements.	(.000) (.449)	(.449) (.000)	Obligations were incurred in the planning, conduct and/or reporting of joint operational tests and operations research studies. During this period the following tests and studies were in progress: 1. DTC 70–11 Phase I: This test effort is in response to U.S. Army, U.S. Navy, and U.S. Air Force requirements and is concerned with the vulnerability of military installations and equipment to chemical attack and decontamination problems associated with such an attack. During this period testing is in progress, 5 of 8 large scale elevated line source releases of chemical simulants tagged with flourescent particles were completed using F4 aircraft and the TMU 28/B spray system. Data analysis is in progress. Project completion is scheduled for September 1973. 2. DTC 70–11 Phase II: This test effort is in response to U.S. Army, U.S. Navy, U.S. Marine, and CINCLANC requirements and is designed to establish the technical aspects of the threat from massive chemical attack including agent characteristics, delivery mode, decontanination capability, and associated test equipment and procedures for evaluation of such threat to military troops and equipment. During this period, the test plan for the laboratory and limited field tests has been coordinated and published. Testing has been initiated and is scheduled for completion August 1973. 3. DTC 71–152 Phase II: This study effort is in response to a CINCLANT requirement and is designed to determine the effectiveness of aerially disseminated chemical aerosols over jungle and forestal areas. Operations research study was published in January 1973.
OBLIGATION REPORT OF PROCUREMENT FUNDS			
Chemical warfare program	4.291 7.040	3.912 7.419	During the second half of fiscal year 1973, the Department of the Army obligated $11,331,002 for procurement activities associated with chemical warfare agents, weapons systems, defensive equipment, and production base projects. Program areas of effort concerned with these obligations were as follows: Lethal chemical program: Materiel procurement 0 Production base projects $2,400,000 Total, lethal chemical 2,400,000 Incapacitating chemical program: Materiel procurement 0 Production base projects 0 Total, incapacitating chemical 0 Defensive equipment program: Materiel procurement 8,931,002 Production base projects 0 Total, defensive equipment 8,931,002
1. Lethal chemical program	2.000 .400	2.400 .000	
(a) Item procurements	(.000) (.000)	(.000) (.000)	No obligations were incurred for procurement of lethal chemicals.
(b) Production base projects:			
(1) (APE) Advanced production engineering for 155 mm Binary project XM687.	(.000) (.400)	(.000) (.000)	Obligations incurred to conduct advanced production engineering on the end item (155MM Binary production process.) Objectives and benefits of the project are: Objectives: 1. Investigate manufacturing and processing procedures in the filling, closing lack testing, and LAP of the 155MM projectile 2. Review the form, fit and function of the projectile components their assembly and quantity manufacture with its related documentation. 3. Simplify, improve reliability, and reduce cost. 4. Improve and finalize production and processing techniques. Benefits: 1. Assured fielding of end items which are safer and more reliable. 2. A mass producible nontoxic end item suitable for quantity production.
(2) Chemical agents munitions disposal system (CAMDS).	(2.000) (.000)	(2.000) (.000)	Obligations incurred for continuing design and fabrication of a multipurpose disposal system for use in detoxifying and/or disposing of toxic agents and obsolete chemical munitions. Ultimate system will consist of a series of modules which can be transported to storage sites of toxic agents/munitions, assembled and operated to detoxify and dispose of material.
2. Incapacitating chemical program	.000 .000	.000 .000	No obligations were incurred for procurement of chemical incapacitating agents or weapon systems.
3. Defensive equipment program	2.291 6.640	1.512 7.419	
(a) Item procurements:			
(1) Mask, tank, M25A1.	(.020) (.951)	(.598) (.373)	Obligations incurred for procurement/production and in-house engineering support of protective mask used to provide CBR respiratory protection to the wearer in a combat vehicle.
(2) Shelter systems, M51.	(.026) (2.952)	(.000) (2.978)	Obligations incurred for procurement of transportable collective protection equipment used to provide protection from toxic CB agents in the field.
(3) Decontaminating apparatus, M12A1.	(.000) (.756)	(.110) (.646)	Obligations incurred for procurement and in-home engineering support of decontaminating apparatus.
(4) Filter unit, M13A1.	(.000) (.511)	(.079) (.432)	Obligations incurred for procurement and in-house engineering support of filter units which are installed in armored vehicles to provide purified air to crew members.
(5) Alarm, M8	(2.245) (1.470)	(.725) (2.990)	Obligations incurred for procurement and in-house engineering support of chemical agent alarms.

DEPARTMENT OF THE ARMY, SEMIANNUAL REPORT ON CHEMICAL WARFARE AND BIOLOGICAL RESEARCH PROGRAMS (JAN. 1, TO JUNE 30, 1973) RCS DD–D.R. & E. (SA) 1065—Continued

[In conducting the research described in this report, the investigators adhered to the "Guide for Laboratory Animals Facilities and Care" as promulgated by the Committee on the Guide for Laboratory Animal Resources, National Academy of Sciences—National Research Council]

SEC. 2.—OBLIGATION REPORT ON BIOLOGICAL RESEARCH PROGRAM

	Funds obligated (millions of dollars)		
Description of effort	PY CFY	In-house Contract	Explanation of obligation
OBLIGATION REPORT OF RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS—Continued			
Biological research program	0.100 4.102	3.787 .415	During the second half fiscal year 1973, the Department of the Army obligated $4,202,000 for general biological research investigations and the development and test of physical and medical defensive systems. Program areas of effort were as follows: Biological research: Basic research in life sciences 0 Exploratory development 0 Total, biological research 0 Defensive systems: Exploratory development $3,087,000 Advanced development 270,000 Engineering development 0 Testing 423,000 Total defensive systems 3,780,000 Simulant test support 422,000
1. Biological research	.000 .000	.000 .000	Funds for this effort were obligated in the 1st half of fiscal year 1973.
(a) Basic research in life sciences.	(.000) (.000)	(.000) (.000)	Mass spectrometry analysis of hydrolysis products from microbial nucleic acids is undergoing research as a new biological identification approach. Initial findings are favorable for the feasibility of this approach. Contract and in house research will continue on evaluating the mass spectrometry approach for identification of microorganisms from samples of biological aerosols in the presence of atmospheric ambient background.
(b) General biological investigations.	(.000) (.000)	(.000) (.000)	A cost effectiveness study for the chemiluninescence Biological Detector system was reviewed in May 1973. This study was limited to a field army in a defensive posture. A theoretical study of detector deployment logic for large scale line source attacks is being finalized and will aid in the recommended optimum array for protecting large target areas. The report on potential threat of foreign biological attack is being finalized for review and comment. Data are being collated on disease outbreaks throughout the world with the aim of advancing the state-of-the-art in differentiating artificially caused outbreaks as opposed to naturally occurring ones. Cost effectiveness studies will continue to examine the additional protection provided and the additional costs incurred by placing alarms with dedicated personnel. Detector deployment arrays will be developed for multiple point source attacks using probability theory and measuring the number of casualties prevented. A data base of population densities, meteorological data and geographical features will be developed to determine the probability of a successful attack on a specific target. Data will continue to be collected and collated on disease outbreaks. A potential biological agent will be selected and a compendium compiled on instructions for prophylactic countermeasures, therapy and treatment, and practices to assist in termination of the disease.
2. Defensive equipment program	.100 3.680	3.365 .415	
(a) Physical defense against biological agents.	(.100) (.000)	(.100) (.000)	Exploratory development effort during this report period was expended follows: 1. The contract to develop a formaldehyde generator-neutralized was completed and two prototype units delivered. Hydrogen peroxide was selected as the neutralizer. Approximately 1,000 compounds were screened for potential biological decontamination capability with none having sufficient promise to warrant further investigation. Paraformaldehyde was recommended as a replacement for BPL as a biological decontaminant in supply system. The prototype generator-neutralizer units will be evaluated for determination of minimum concentrations of hydrogen peroxide, optimum methods, times of application and effectiveness. Available compounds will continue to be screened for effectiveness. 2. The contract to study the elimination of background through characterization and identification on interferants has resulted in the identification of substances which give positive response to the XM19. Most of these are large particles capable of being removed by particle separation methods. Investigations into the preparation group specific bacterial anti sera have resulted in the preparation of individual antigens to serve as base lines for evaluation on antigens for four bacterial pathogens prepared in a single animal. Moderate titers have been obtained. The remote detection of biological aerosols has resulted in the establishment of optimum conditions for excitation and measurement of peak fluorescence emission. The emissions and decay times will probably be suitable for remote laser detection of concentrated biological aerosols. The mobile alarm study has indicated that there are advantages to a mobile detector, potential methods of employment and evidence of feasibility. An analysis of the data resulting from the exploratory studies will be made and continuation of efforts deemed feasible will be supported.
(b) Biological defense material concepts.	(.000) (.270)	(.430) (−.160)	During this report period $160,000 was reprogrammed from contract to in-house, and an additional $270,000 of in-house funds were obligated to continue in-house effort on detector and system/component development. Advanced development effort was expended as follows: 1. The XM19 (Alarm, Biological Agent Automatic: Chemiluminescence) contract effort furnished Phase I prototype models and components incorporating background elimination devices/techniques, improved alarm logic and many mechanical features to improve maintainability, reliability and efficiency. They have been tested and evaluated with simulant agents and the results have led to further improvements. The contract effort on the Sampler, Biological Agent: XM2, has resulted in the large volume concentrator-wet being selected for incorporation into the XM19. Physiological saline has been selected as the best collecting fluid/media. Phase II XM19 devices, incorporating the best features of the Phase I models, will be tested and evaluated at various locations for background determinations and against various pathogens in controlled chambers. Incorporation into this testing will be the XM2 Sampler for evaluation. 2. A comprehensive computer program and methodology has been developed and evaluated considering large scale, high casualty line source attacks, alarm logics, various agents and size zone defended. A cost-effectiveness study has been started utilizing an Army size target considering various deployments and numbers of devices required, all with associated costs. The systems computer model will continue to be exercised with various network variables to assess, define and formulate reasonable, effective and economical networks.
(c) Medical defense against biological agents.	(.000) (2.987)	(2.412) (.575)	1. The experimental program of the Insitute is targeted toward: (a) infectious illnesses which pose special problems to our military forces; (b) medical defense against biological warfare; and (c) the safe study of infectious, highly dangerous microorganisms in the unique and special containment facilities of the Institute. A variety of experimental approaches is used to solve these problems as illustrated by: (a) infectious disease models are developed in laboratory animals and the resulting information is extrapolated and applied to man; (b) the defense mechanisms of the body are studied and stimulated in an effort either to prevent an infectious disease or to reduce its harmful effects among military personnel; (c) rapid accurate laboratory methods are developed for identifying causative microorganisms before, or soon after, illness begins thus permitting therapy to be instituted early in the disease process; (d) techniques are developed to measure subtle changes that occur at the molecular level in cells of the infected host. An understanding of these mechanisms is basic to establishing effective measures to combat disease. 2. Efforts will continue during fiscal year 1974 to exploit the information obtained previously. All aspects of the program will continue to emphasize infectious illnesses of military importance. None of these or future studies is directed toward offensive biological research and development.

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DEPARTMENT OF THE ARMY, SEMIANNUAL REPORT ON CHEMICAL WARFARE AND BIOLOGICAL RESEARCH PROGRAMS (JAN. 1, TO JUNE 30, 1973) RCS DD–D.R. & E. (SA) 1065—Continued

[In conducting the research described in this report, the Investigators adhered to the "Guide for Laboratory Animals Facilities and Care" as promulgated by the Committee on the Guide for Laboratory Animal Resources, National Academy of Sciences—National Research Council]

SEC. 2.—OBLIGATION REPORT ON BIOLOGICAL RESEARCH PROGRAM—Continued

Description of effort	Funds obligated (millions of dollars) PY CFY	In-house Contract	Explanation of obligation
OBLIGATION REPORT OF RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS—Continued			
(d). Materiel tests in support of joint operational plans and/or service requirements.	(0.000) (.139)	(0.139) (.000)	Obligations were incurred in support of a test effort designed to investigate the naturally occurring particulate materiel presen in the marine atmosphere and at the land-sea interface. Data will be utilized in design criteria for biological detection and warning devices. During this period the sampling and analyzing equipment used in the October 1972 sea trials was returberated, recalibrated and shipped to the Navy Undersea Center at San Diego, California. A second sea trial was conducted aboard the oceanographic vessel USNS Silas Bent (T AGS 26) during February and March 1973. Samples were taken daily while the ship traveled a route covering 7,000 nautical miles. Trial was successful and preliminary analyses of the data indicate similar results as those obtained during the October 1972 at sea trial. Final Report will be published 1st quarter fiscal year 1974.
(e) Army materiel development (suitability) tests.	(.000) (.284)	(.284) (.000)	Obligations incurred were for the advanced development testing of the biological detectors (chemiluminescence and partichrome). The testing is designed to evaluate the technical performance of two candidate biological detectors under various environmental conditions and to ensure the detectors meet the requirements of system specifications. During this period test plans were prepared, coordinated and published covering the pathogen/nonpathogen chamber exposures test and the open air field challenges utilizing nonpathogen in order to determine detector performance. Chambers testing has been completed. Eight nonpathogen field challenge trials were conducted. Data analysis has been initiated. A background particulate study in a desert environment was completed at Dugway Proving Ground. Testing is expected to proceed for a period of approximately 18–24 months.
3. Simulant test support	.000 .422	.322 .000	Obligations were incurred in the planning, conduct and/or reporting of Joint Operational Tests and/or Operations Research Studies in response to CINC and Service requirements. Testing is in consonance with the current national policy for CB. The following tests and studies have been pursued during the period 1 January 1973 through 30 June 1973.
a. Materiel tests in support of joint operational plans and/or service requirements.	(.000) (.422)	(.422) (.000)	1. DTC Test 70–74 Phase II: This test effort, in response to an Army requirement, is designed to develop the mobile van/microthread technique into a useful tool for field experimentation in order to obtain essential data in the effects of atmospheric pollutants on biological aerosols. Data will be applicable to studies determining U.S. vulnerability to biological attack. During this period field trials to demonstrate the validity of the microthread technique in the mobile van were completed. Data analysis and final report is in progress. Report will be published 1st quarter fiscal year 1974. Design, fabrication and installation of a dual microthread system in the mobile van is scheduled for fiscal year 1974. Additional stimulant work is required prior to finalization of the van/microthread concept for acceptable field experimentation. This effort will continue in fiscal year 1974. 2. DTC Test 73–30: This test effort, in response to a U.S. Army requirement, is designed to obtain data on the effect of sunlight on biological material. Data will be applicable to studies determining U.S. vulnerability to biological attack. During this period a test plan was published. Four field trials were conducted under two test methods: (1) microthread technique and (2) conventional field aerosol release. Preliminary evaluation indicates a good correlation of biological decay can be obtained by use of the microthread technique. Final report is scheduled for publication 1st quarter fiscal year 1974. 3. DTC Study 71–160 Phase IV: This study is to evaluate the CB protective posture of severa. key/critical facilities in CINCLANT's area of responsibility and to make recommendations for minimizing the vulnerability of the facilities. During this period a site survey of the selected facilities was completed. Initial theoretical CB challenges by the use of current models have been completed. Final Report is scheduled for publication October 1973. 4. DTC Study 73–115: This study effort in response to a U.S. Army and a CINCLANT requirement is designed to develop a rationale for establishing decontamination requirements for specific targets as they may vary with climate, area usage and agents. During this period the literature search has been completed. All data compiled and analyzed. Draft report has been initiated. Final report is scheduled for publication August 1973.
OBLIGATION REPORT OF PROCUREMENT FUNDS			
Biological research program	.000 .000	.000 .000	During the second half fiscal year 1973, the Department of the Army obligated $-0- for procurement activities associated with biological defensive equipment and production base projects.

SEC. 3.—OBLIGATION REPORT ON ORDNANCE PROGRAM

Description of effort	PY CFY	In-house Contract	Explanation of obligation
OBLIGATION REPORT OF RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS			
Ordnance program	0.009 1.320	0.856 .473	During the second half Fiscal Year 1973, the Department of the Army obligated $1,329,328 for general research investigations, development and test of smoke, flame, incendiary, herbicide, riot control agents and weapons systems, and other support equipment. Program areas of effort concerned with these obligations were as follows: Smoke, flame and incendiary program ..... $32,000 Herbicide program ..... 272,458 Riot control program ..... 91,870 Other support equipment program ..... −55,000 Test support 998,000
OBLIGATION REPORT OF PROCUREMENT FUNDS			
Ordnance program	4.293 22.084	3.815 22.562	During the second half of fiscal year 1973, the Department of the Army obligated $26,377,000 for procurement activities associated with smoke, flame, incendiary, herbicide, riot control agents, and weapons systems and other support equipment. Program areas of effort concerned with these obligations were as follows: Smoke, flame, and incendiary program ..... $25,428,000 Herbicide program ..... 0 Riot control program ..... 525,000 Other support equipment 424,000

DEPARTMENT OF THE NAVY, SEMIANNUAL REPORT ON CHEMICAL WARFARE AND BIOLOGICAL RESEARCH PROGRAMS (JAN. 1, TO JUNE 30, 1973) RCS DD–D.R. & E.(SA) 1065

[No funds were obligated during the second half fiscal year 1973 for RDT & E activities in the chemical warfare program, the biological research program, or the ordnance program. No funds were obligated during the second half fiscal year 1973 for procurement activities in the biological research program.]

[In thousands]

Description of procurement effort	Funds obligated PY Fiscal year 1973	In-House Contracts	Explanation of obligation
1. Chemical warfare program	0 291	291 0	For the procurement of clothing outfit, chemical protective.
2. Ordnance program	−61 20	−41 0	For the procurement of smoke and incendiary devices. Smoke: Grenade Hd, Smk Yellow: Prior year ..... 0 Fiscal year 1973 ..... 20,000 Incendiary: Ctg 81MM Smk, WP, M375/C276: Prior year ..... −61,000 Fiscal year 1973 ..... 0 Prior year funding decreased from $1,323,000 to $1,262,000 as a result of unit price decreases.

DEPARTMENT OF THE AIR FORCE, SEMIANNUAL REPORT ON CHEMICAL WARFARE AND BIOLOGICAL RESEARCH PROGRAMS (JAN. 1, TO JUNE 30, 1973) RCS: DD DR&E(SA) 1065

SEC. 1.—CHEMICAL WARFARE LETHAL AND INCAPACITATING AND DEFENSIVE EQUIPMENT PROGRAMS

[In thousands of dollars]

Description of R.D.T. & E. effort	Prior year Current year	In-house Contract	Explanation of obligations
OBLIGATION REPORT OF RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS			
Defense equipment program:			
Explanatory development	0 0	0 0	
Engineering development	0 100.0	0 100.0	Survey of existing Air Force Collection structures and development of Modification Kits for collection structures.
Total defensive	0 100.0	0 100.0	
Total R.D.T. & E. obligations	0 100.0	0 100.0	

SEC. 2.—BIOLOGICAL RESEARCH PROGRAM—NEGATIVE

SEC. 3.—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS AND PROCUREMENT FUNDS, FOR FLAME, SMOKE, INCENDIARY, RIOT CONTROL AGENT AND HERBICIDE MUNITIONS AND AGENT/MUNITION SYSTEMS AND OTHER SUPPORT EQUIPMENT

[In thousands of dollars]

Description of procurement effort	Prior year Current year	In-house Contract	Explanation of obligation
OBLIGATION REPORT OF PROCUREMENT FUNDS			
Procurement			In support of Southeast Asia operations and Air Force training requirements.
Anti-PAM 510 lb BLU-32	[1]−2.0 220.0	0 220.0	
Anti-PAM 750 lb BLU-27	0 0	0 0	
Incendiary cluster 750 lb M-36	0 0	0 0	
Smoke bomb 100 lb PWP M47-A-4	0 70.0	70.0 0	
Total procurement obligations	[1]−2.0 292.0	70.0 220.0	

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[1] Negative (—) figures represent a deobligation of funds due to price decreases.

XUM

NOMINATION OF THE HONORABLE GERALD FORD

Mr. HUGH SCOTT. Mr. President, an editorial in Tuesday's Philadelphia Inquirer states eloquently the need for the Congress to proceed to consider the nomination of the Honorable GERALD FORD to be the next Vice President of the United States. I ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Philadelphia Inquirer, Oct. 30, 1973]

ON WITH THE FORD HEARING

Amid all the other uncertainties which inevitably and indefinitely will be hanging over Washington, one which can and should be removed without further delay is the selection of a new Vice President.

In accordance with the 25 Amendment to the Constitution, President Nixon has sent his nomination of Rep. Gerald Ford to the Congress.

It is not only appropriate but essential, given the crisis of confidence now afflicting our national leadership, that Mr. Ford be thoroughly investigated and carefully questioned before his nomination is acted upon. He himself has said he would want it no other way.

But it would exacerbate, rather than ease, the situation to hold Mr. Ford hostage—as some Democrats want to do—to extract concessions from Mr. Nixon. That would not only leave a dangerous vacuum in the order of succession but would feed the suspicions that some extreme partisans are seizing upon the current chaos to try to overturn the results of the 1973 election.

Mr. Ford's nomination deserves consideration on its merits. If he measures up, he should be confirmed—without regard to other questions—as quickly as deliberate consideration will permit. If he does not, then the nomination should be rejected so that another may be submitted and the nation's second highest office may be filled.

NATIONAL HEALTH INSURANCE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the following statement concerning national health insurance be reprinted in the RECORD. The statement was written by Mr. Alfred Baker Lewis, national treasurer emeritus of the National Association for the Advancement of Colored People.

The statement summarizes the health care crisis in our country in its various aspects and supports passage of the health security program, a national health insurance bill which I have introduced in the Senate.

Mr. Lewis' statement deserves careful attention.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

LET US GET GOVERNMENT HEALTH INSURANCE

A bill has been introduced in Congress by Senator Kennedy, S. 3 to provide a system of government health insurance to cover practically all medical, hospital, and dental bills for everyone, except those injured in industrial accidents which are already covered by workmen's compensation liability insurance.

The bill should be passed.

It is absurd that a person hurt while at work gets his hospital and medcal bills taken care of regardless of fault, while a person injured in some other accident, such as an auto crash, has no such coverage.

We should, but do not, have the best medical care. Those who have opposed government health insurance, mainly the American Medical Association argue that we already have the best medical care. We don't.

We are the richest country in the world. We have potentially the best medical care in the world bcause we can afford it. We can and do spend more on medical research than any other country. But we break down in delivering good medical care to those who need it. The reason is that we rely mainly on an ineffective fee-for-service system.

The best test of good medical care is infant mortality. If we had the best medical care we would have the lowest infant mortality. We don't. We are 15th from the lowest. The facts are as follows: The infant mortality rate for the United States is 22.1 per 1000 live births. The rates for other countries having lower infant mortality rates than ours are:

Japan	20.2
Taiwan	13.3
Denmark	16.9
Finland	15.0
France	17.1
E. Germany	21.2
Iceland	13.7
Luxembourg	20.4
Netherlands	14.7
Norway	16.8
Sweden	12.6
United Kingdom (England)	18.8
Australia	18.2
New Zealand	17.7

In addition, Canada, which also has government health insurance, has a lower death rate than ours, namely 7.3. Ours is 9.4. Canada's infant mortality rate is slightly higher than yours, namely 23.1.

(The figures are from the 1970 Encyclopedia Britannica. They get them from the United Nations Monthly Bureau of Statistics for October 1968; Population and Vital Statistics Report July 1, 1968, and Demographic Year Book 1967.)

Every country, including two Asiatic countries and one Communist Country, that has lower infant mortality than ours has some form or other of government health insurance or actual state medicine. Furthermore, our position has worsened. A dozen years ago we were 5th not 15th from the lowest.

This is a fact which cannot be argued away. We can ignore it, as the opponents of government health insurance do. But they do so at the expense of the nation's health.

It is undeniable and inexcusable that we don't deliver medical care to those who need it.

It has been argued that the reason for our too high infant mortality rate is the high rate among Negroes. It is true that the general life expectancy for Negroes is between 10% and 11% lower than that for whites and their infant mortality rates are higher by that much or more. But this is added proof of our lack of proper and reasonable delivery of medical care. For Negroes are basically as healthy and hardy as whites if not more so. If you doubt that, you have only to look at the figures for the Olympic games.

In the 1964 Olympics, one college, Tennessee A&M in Nashville, with 15,000 Negro students, had 7 gold medalists. No other college had more than one gold medalist except the University of California, which has some 90,000 students, over 90% of them whites; and it had two gold medalists. When 15,000 Negro students turned out 7 gold medalists and nearly 90,000 white students won 2 gold medals, no one can say that Negroes are not healthy and hardy. They are. If they don't live quite so long—and they don't—and have a higher infant mortality rate than whites—which they do—it is because of the harder economic conditions under which on an average—they have to live, and part of these harsher economic conditions is poorer medical care.

The 1968 Olympics told the same story. The proportion of Negro to white gold medal winners on the American team was higher than their proportion to the general population.

GOVERNMENT HEALTH INSURANCE MAY REDUCE THE SOCIAL COST OF MEDICAL CARE

There is nothing in government health insurance that will increase the cost of medical care, though it will add to the Federal budget. That is why the statement by Mr. Veneman of HEW that the cost would be far too high is absurd. The cost of ill health is already borne by the members of the community. If a man becomes ill or injured in a non-industrial accident, the cost is borne by him if he can afford it. His family pays part of the cost. His employer suffers the loss of his work, and in a sense the whole community loses from the loss of his productive labor. Some of the financial cost may be borne by an insurance company, which means in the long run by the premiums of the policy holders. If he is indigent, or the illness forces him to become so, the state and local taxpayers, who pay for public welfare relief, carry the load. The cost is there. Someone in the community pays it. All that health insurance does is to distribute the cost around in a more just and equitable manner.

Part of the trouble with health care is that the availability of it is very unevenly distributed. If you live in a poor community the chances are that there is not good medical care readily available even if you can afford it. Most physicians, like others, want to live and practice where the money is. So poor communities have far fewer doctors or dentists in proportion to the population than richer ones.

We recognized this fact by trying to stimulate the building of hospital and health centers in places which lack them through the Hill-Burton Act. This has reduced somewhat but not eliminated the present maldistribution of medical care.

If you are unfortunate enough to be on relief the situation is worse. Most relief costs are paid for by local taxes, mainly real estate taxes, with some subsidies from the state governments. This means, if relief is to be adequate, that the poor would have to be taxed heavily to support the destitute living among the poor, of whom there are many; while wealthier persons living in richer communities are taxed only lightly to support the destitute living among the rich, of whom there are few. This is clearly unjust. Also, it intensifies the maldistribution of medical care because the poorer localities simply cannot pay the taxes to provide adequate relief including medical care for those who need it and cannot pay for it.

Here, too, we have recognized this to some extent by medicare, by substantial Federal contributions to specialized forms of relief like aid to dependent children and aid to the blind and disabled. Also it is the idea behind President Nixon's proposal to establish through Federal funds a guaranteed minimum income. The suggestion is a good beginning, although the amount of the guaranteed minimum income is less than half of what the Labor Department says is needed for an existence minimum.

There are additional reasons why the social cost of medical care would almost certainly be less under a system of government health insurance than it is now.

Too many people, when they begin to get sick, put off going to the doctor because of the expense. Inevitably, when they finally do have to go, the disease is apt to have a stronger hold and the cure is likely to take longer than would have been the case had

he or she sought medical care earlier. If they could get medical care by government health insurance without personally paying for it through the fee-for-service system, they would be less likely to put off going to the doctor until too late.

PRESENT ACCIDENT AND HEALTH INSURANCE COSTS ARE TOO HIGH

A good deal of accident and health insurance costs are now carried by private insurance companies. Most of the policies are not sufficiently comprehensive. Some are only for disaster insurance, paying the cost of hospitalization if it goes above a certain fairly high level. Nearly all the group insurance policies that I know exclude mental illness and dental care. Nearly all individual policies exclude the cost of care for illness growing out of a pre-existing physical condition. The cost of maternity coverage is very high for those in the marital and age bracket that need it most.

Above all, all the policies are unnecessarily expensive because of the high acquisition costs. These acquisition costs are mainly broker's fees and advertising expense. They are totally unnecessary from a social point of view, and would be eliminated entirely by government health insurance.

Just what these acquisition costs are, for the industry as a whole, no one can tell precisely. The companies do not publish such costs as a separate item of expense, and do not even tell the insurance departments of the states where they operate. They lump all their costs together. The company I was connected with and which specialized in accident and health insurance, originally the Trade Union Accident and Health Assoc., now the Mt. Vernon Life Insurance Co., had very low acquisition costs compared with other companies, because we dealt mainly in group accident and health insurance for unions, and when we get a policy there were frequently thousands of persons insured. Nonetheless, our acquisition costs were on an average 10% of the premium. At a guess, I believe for the industry as a whole, the acquisition costs would run somewhat over 15% and perhaps 20%. But whatever the proportion of such costs, they would all be cut out by a government health insurance system.

We can get some idea of the acquisition costs from the difference in the proportion of benefits paid out to premiums taken in in those states which have an exclusive state fund for workmen's compensation liability insurance compared with those states where private companies write the policies and compete with each other for doing so.

In Ohio and West Virginia which have an exclusive state fund for workmen's compensation, about 90% of the premium collected is paid out in benefits. In Connecticut and New York where private companies, either mutual companies or stock, write such insurance, the amount paid out in benefits is only about ⅔ of the premium. Not all the difference of course is acquisition costs, but a good deal of it is.

Also, the cost of correction would be negligible, which is not the case now. For those who have jobs and their families it would simply be added to what employer and employee now pay for old age benefits. For those on relief the cost would be paid out of general Federal taxes relieving the local taxpayers of the burden.

So the conclusion is clear that government health insurance would be a good deal less expensive than private insurance. And it could and would in the proposed bill cover practically all health needs, which private insurance does not now do.

CURRENT U.S. POPULATION

Mr. PACKWOOD. Mr. President, I would like to report that, according to U.S. Census Bureau approximations, the total population of the United States as of November 1, 1973, is 211,420,423. In spite of widely publicized reductions in our fertility levels, this represents an increase of 155,541 people since October 1—that is, in just 1 month. It also represents an increase of 1,445,272 since November 1, 1972.

Over the year, therefore, we have added enough additional people to fill three cities the size of Atlanta, Ga. And in just 1 short month, we have added twice as many people as now reside in Wilmington, Del.

BALTIMORE-WASHINGTON INTERNATIONAL AIRPORT

Mr. BEALL. Mr. President, on November 16, the State of Maryland will change the name of its Friendship Airport to "Baltimore-Washington International Airport". This is no cosmetic change, but represents the substantial increase in passenger loads which has come from throughout the Middle Atlantic region. In recent years, this facility has become a major regional airport, serving not only the entire State of Maryland, but the District of Columbia, and portions of Virginia and Pennsylvania as well. Therefore, the change in names signifies a real change in the area of service for this great facility.

Along with the change in nomenclature, should, I believe, come a change in the designator, or three letter code which identifies the airport. This designator is used on airline schedules, tickets and baggage claim checks and on aeronautical charts and other navigational publictions. Certainly it is an important part of an airports operation. Since 1950, the designator for Friendship International Airport has been "BAL". Certainly this designator gives the impression that the airport serves primarily the Baltimore City area only, and I think that at its time of assignment it very accurately reflected the role of Friendship Airport. However, in recent years, as many of my colleagues who use the facilities of Friendship know, this airport has become a major center of travel for the Washington metropolitan region as well. For that reason, I call upon the Federal Aviation Administration to change the airport designator to "BWI" in order to more accurately portray the important place that Friendship plays in the whole region.

The State of Maryland has petitioned the FAA to take this action, which to me sounds very reasonable. However, I regret to report that the FAA has to date denied the request. In a letter to Mr. Robert J. Aaron, Administrator of the Maryland State Aviation Administration, the agency outlined some rather unconvincing arguments in reply to Maryland's request. For instance, they cite a high cost to domstic airlines if the code of a major airport were to be changed. However, I think that any reasonable person can see that a new designator, properly phased in over a period of months, will result in no significant expense to anyone.

Second, the letter seems to imply that if the Baltimore-Washington International Airport's designator would change then others might have to be changed to accommodate it. I am not aware of any other airport in this country which has the initials "BWI" as their designator, thus I cannot see the objection in this case. Finally, they state that several hundred airport names were changed each year without changing the designator. However, this fact should not in any way have any bearing upon the decision to change the designator of the Maryland facility.

I think it is necessary to point out that the agency which denied this request, the FAA, also owns and operates the Washington National and Dulles International Airports, both of which actively compete with Maryland's Friendship International Airport for the share of the Baltimore-Washington travel market. I would certainly hope that the agency's refusal to consider the request that Maryland can change the designator had anything to do with the fact that these airports in fact operate sometimes in competition with Friendship. Such competitive factors should be forgotten in a decision of this nature.

Mr. President, I can only say that it seems very much justified to me that in light of the change of Friendship's name to Baltimore-Washington International, a similar change in the appropriate designator must take place. I call upon the Federal Aviation Administration to give this application by my State prompt, serious, and favorable consideration.

SUPPORT FOR SCHOOL NURSING EDUCATION

Mr. KENNEDY. Mr. President, I ask unanimous consent that the following resolution by the Department of School Nurses of the National Education Association be printed in the RECORD. As indicated in this statement, our Nation's shortage of qualified nursing personnel is further complicated in our school system by the need for school nurses to obtain additional training in the area of education. The attached resolution requests Federal support for such training in order that a sufficient number of qualified personnel exists to fill the need in our Nation's schools.

The resolution deserves the Congress careful attention.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

STATEMENT FOR CONGRESSIONAL RECORD

In most states, financing of education has depended primarily on real estate taxes, burdening the home and land owner with unequivalent taxes.

Because of the economic plight of the boards of education, supportive services, such as school nursing, are being curtailed or diminished to the detriment of the physical, mental, emotional, and social health of the the school child.

The effect of malnutrition, drug addiction, sickle cell anemia, and sensory perceptual deviations on the child's education is evidenced in the learning disabilities, drop-out rate, low reading level of military inductees, and dissent toward school authority.

The NEA-DSN and ANA have collaborated on the drafting of the following resolution:

Resolution to Gain Support of School Nurs-

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ing Services under Boards of Education by Certified Personnel.

Whereas the school nurse is the health specialist in the school concerned with the health and welfare of the whole child;

Whereas her nursing skills combined with her academic background in both health and education give her the ability to function in this unique capacity in the schools;

Whereas the school nurse must meet the same requirements as teachers for certification and on-going education to keep current with changing needs in the school;

Whereas school nurses provide primary health care through screening procedures, assessment of the health status, and early identification of health problems;

Whereas the role of the school nurse in health education is that of a consultant and resource person in planning, implementing, and evaluating the health education curriculum;

Whereas the school nurse, through health counseling of individuals and groups, effectively permits students to work through their problems;

Whereas the school nurse assists teachers to adapt the school program to the individual's needs;

Whereas the school nurse is a liaison between the school and the home;

Whereas the school nurse counsels parents to secure needed medical, dental, or other treatment; therefore

Be it Resolved, that federal legislators, education and health committeemen support and finance legislation to provide education which will enable persons to become certified in the profession of school nursing; continue in their pursuit of knowledge to continue to perform their specialty of public health in school health programs administered by Boards of Education.

WATERGATE SPECIAL PROSECUTOR X—NADER VERSUS BORK

Mr. ROBERT C. BYRD. Mr. President, at the request of the distinguished Senator from Utah (Mr. Moss), I ask unanimous consent to have printed in the RECORD a statement by him and certain documents in the case of Nader against Bork.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR MOSS

WATERGATE SPECIAL PROSECUTOR

The events of the last ten days concerning the Special Prosecutor's Office and the discharge of Archibald Cox as the Special Prosecutor are of great concern to me. I firmly believe that we need an independent Special Prosecutor to ferret out, expose, and prosecute all who have violated the public trust and engaged in criminal wrong-doing. The question we are faced with is, "Who will be the Special Prosecutor?"

On May 23, 1973, I voted for the confirmation of Elliot Richardson as Attorney General. I did so in large part because of my satisfaction that he would establish an independent special prosecutor's office to investigate Watergate-related matters, would appoint Archibald Cox to direct that office, and would seek to ensure that the office was operated in accordance with the guidelines agreed upon by him, Professor Cox, and the members of the Senate Committee on the Judiciary. It was my understanding when voting for the Richardson confirmation that the Special Prosecutor could be removed from office only if he committed extraordinary improprieties.

The recent firing of the Special Prosecutor and the abolishing of his office have resulted in my receiving an unprecedented number of telegrams, letters, and telephone calls from my constituents, who are incensed by the blatant disregard of the agreement upon the basis of which the appointment of former Attorney General Richardson was approved by the Senate. These communications from the citizens of Utah evidence a widespread lack of confidence in the nation's government, and in my opinion, this public distrust will continue, and perhaps increase unless the wrong which has been done is righted.

There are bills presently pending before the Senate which would create a new special prosecutor's office, which would result in the appointment of a new special prosecutor, and which must be acted on in the very near future. Even though I support this legislation, I am in something of a quandary. For while I strongly favor some sort of independent prosecutor, I believe that Archibald Cox was illegally discharged, that his office was illegally dismantled, and that both should be restored to their former status.

Thus, we are in the unfortunate position of having the existing Special Prosecutor illegally discharged, of having the President and the Acting Attorney General proposing to appoint a purportely independent Special Prosecutor, and lastly having the Senate and House considering bills to have the District Court appoint a Special Prosecutor.

If we are to preserve the rule of law in this nation, then we must consider in a step by step manner the ramifications of the various special prosecutors which may be appointed or have already been illegally discharged. With that in mind, I have joined as a plaintiff in a law suit against the Acting Attorney General charging that his firing of the Special Prosecutor was an illegal act.

Upon the disposition of the suit, Mr. Cox will either be restored or we will be in a better position to determine the merits of other Special Prosecutor proposals which may be forthcoming.

Mr. President: I include here certain documents pertaining to the suit against Robert H. Bork.

U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA, CIVIL ACTION 1954–73

(Ralph Nader, Plaintiff, v. Robert H. Bork, Acting Attorney General of the United States, Defendant)

PLAINTIFF'S MOTION FOR LEAVE TO FILE AN AMENDED COMPLAINT AND ADD ADDITIONAL PLAINTIFFS

Pursuant to Rules 15(a) and 21 of the Federal Rules of Civil Procedure, plaintiff Ralph Nader hereby moves for leave to file an amended complaint in the form filed herewith which (1) adds additional plaintiffs and makes necessary conforming changes with respect to said plaintiffs; (2) adds allegations to reflect events which have occurred since the original complaint was filed; (3) deletes subparagraph 20(d) of the original complaint; and (4) makes other minor changes.

ALAN B. MORRISON,
W. THOMAS JACKS,
RAYMOND T. BONNER,
Attorneys for the Plaintiffs.

U.S. DISTRICT COURT, DISTRICT OF COLUMBIA, CIVIL ACTION No. 1954–73

(Ralph Nader, Washington, D.C., Senator Frank E. Moss, U.S. Senate, and Representative Bella S. Abzug and Jerome R. Waldie, U.S. House of Representatives, Plaintiffs, v. Robert H. Bork, Acting Attorney General of the United States, Defendant)

AMENDED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

1. This is an action (a) to declare that the attempts by the defendant to discharge Archibald Cox as Special Watergate Prosecutor and to disband the Office of the Watergate Special Prosecutor are of no force and effect, and (b) to enjoin the defendant, preliminarily and permanently, from taking any further action to accomplish such objectives.

2. Each of the plaintiffs is a citizen, taxpayer, and lawyer. As lawyers they are officers of the court who have the highest obligation to maintain the integrity of the courts and the administration of justice.

3. Plaintiff Frank E. Moss is a United States Senator who voted for the confirmation of Elliot Richardson as Attorney General. Plaintiff Jerome R. Waldie is a member of the Committee on the Judiciary, United States House of Representatives, which exercises legislative jurisdiction over the Department of Justice and the Federal courts and will consider matters relating to the impeachment of the President and the appointment of a Special Prosecutor. Plaintiff Bella S. Abzug is also a member of the United States House of Representatives, and both she and plaintiff Waldie have introduced resolutions calling for the impeachment of the President which include among the allegations a charge that the President's direction to discharge Archibald Cox and to disband the office of the Watergate Special Prosecutor were unlawful.

4. Defendant is the duly confirmed Solicitor General of the United States who has since the evening of October 20, 1973, been the Acting Attorney General of the United States.

5. The value of the matter in controversy exceeds the sum of $10,000.

6. This Court has jurisdiction over the subject matter in this action pursuant to 28 U.S.C. §§ 1331 and 1361 and Section 10 of the Administrative Procedure Act, 5 U.S.C. §§ 701–706.

7. On April 30, 1973, Richard G. Kleindienst resigned as Attorney General of the United States, and on May 1, 1973, Elliot Richardson was nominated to be Attorney General.

8. During the course of the confirmation hearings on Mr. Richardson before the Senate Judiciary Committee, several Senators expressed their views that there was a need for an independent prosecutor to conduct the Watergate investigation. In response to this expressed desire on the part of most members of the Committee, as well as many members of the public at large, Mr. Richardson stated to the Committee his intention, which was understood by the Committee to be with the consent of the President, to appoint Archibald Cox as Special Prosecutor and to grant to Mr. Cox full independence to conduct the investigation and prosecution of the Watergate crimes.

9. As a result of the assurances given by Mr. Richardson concerning the appointment and independence of Mr. Cox as Special Prosecutor, the Judiciary Committee recommended that Mr. Richardson be confirmed, and the Senate voted to confirm him as Attorney General of the United States. Plaintiff Moss voted to confirm Mr. Richardson in large part because of such assurances. In addition, the Congress foreswore from other legislative activities, such as the statutory creation of an independent prosecutor's office, which were being considered prior to the time that assurances were given that Mr. Cox would be appointed as an independent Special Prosecutor.

10. On May 28, 1973, Mr. Richardson was sworn in as Attorney General, and on May 31, 1973, he issued Order 517–73, effective May 25, 1973, 38 Fed. Reg. 14688 (June 4, 1973), 28 C.F.R. §§ 0.1, 0.37 (1973), which created the Office of the Watergate Special Prosecutor as he assured the Senate that he would. On May 25, 1973, Mr. Richardson designated Mr. Cox as Special Prosecutor and confirmed the appointment by letter dated May 31, 1973.

11. In connection with his duties as Special Prosecutor, Mr. Cox caused a subpoena to be issued to President Richard M. Nixon for the production of certain tapes and other documents under his control. When President Nixon refused and invoked the doctrine of executive privilege in defense of his refusal to comply with the subpoena, the Special Prosecutor moved for an order in this Court requiring compliance with the subpoena.

12. On August 29, 1973, this Court, the Honorable John J. Sirica, entered an order directing compliance with the subpoena by producing the requested documents for an in camera inspection by the Court.

13. On October 12, 1973, the United States Court of Appeals for the District of Columbia Circuit affirmed the decision of August 29th of this Court with modifications not relevant to this action. That Court delayed the effectiveness of its order for five days to permit President Nixon to seek further review in the Supreme Court.

14. On the evening of October 19, 1973, President Nixon announced that he was not seeking further judicial review of this Court's order of August 29th, but that he had agreed to make available summaries of portions of the tapes sought by the Special Prosecutor. He also announced that he had directed the Special Prosecutor not to proceed further with his efforts to obtain the tapes or other documents which he sought through the judicial process.

15. On October 20, 1973, the Special Prosecutor announced that he would not comply with any direction not to proceed with efforts to obtain such documents through the judicial process since they were essential to the matters that he was directed to investigate and prosecute.

16. Although having elected not to appeal the decision of the Courts of Appeals, the President nonetheless declined at that time to produce the documents for in camera inspection by the Court. In order to prevent the Special Prosecutor from seeking judicial assistance in obtaining the subpoenaed documents, the President requested Attorney General Elliot Richardson to discharge Mr. Cox as Special Prosecutor. Mr. Richardson refused to comply and instead resigned as Attorney General on October 20, 1973.

17. Upon the resignation of Mr. Richardson, Deputy Attorney General William D. Ruckelshaus succeeded him, pursuant to 28 U.S.C. § 508(a). He, too, was requested by President Nixon to discharge Mr. Cox, but like Mr. Richardson, Mr. Ruckelshaus refused to do so and also resigned in lieu of being discharged.

18. Upon Mr. Ruckelshaus's resignation, the Defendant Robert H. Bork, became the Acting Attorney General, pursuant to 28 U.S.C. § 508(b) and 28 C.F.R. § 0.132(a). When he was asked to discharge Mr. Cox, he agreed to do so, and on October 20, 1973, he advised Mr. Cox that effective immediately he was discharged as Special Prosecutor. On October 22, 1973, defendant designated Assistant Attorney General Henry E. Petersen to be in charge of the Watergate investigation and prosecution.

19. The action of the defendant in attempting to discharge Archibald Cox as Special Prosecutor was ineffective because:

(a) Pursuant to 28 C.F.R. § 0.37, which was then and is still today in full force and effect, the Special Prosecutor can be discharged only for "extraordinary improprieties on his part," which does not include a refusal to obey an order to cease litigation with respect to claims of executive privilege since that regulation specifically authorizes him to determine whether or not "to contest the assertion of 'Executive privilege' . . ."; and,

(b) The defendant, as Acting Attorney General, is limited in the powers that he may exercise under 28 U.S.C. § 508(b), and such limited powers do not include the power to remove the Special Prosecutor who was specifically approved by the Senate in the course of confirming the prior Attorney General Elliot Richardson.

20. President Nixon also directed the defendant to abolish the Office of Special Prosecutor, and on the evening of October 20, 1973, the President acted to effect that abolition by directing agents of the Federal Bureau of Investigation to take control of the files of the Office, which they did. The following day defendant replaced the agents of the Federal Bureau of Investigation with United States Marshals. Furthermore, on October 22, 1973, defendant designated Henry E. Petersen, the Assistant Attorney General in Charge of the Criminal Division, to take charge of the Watergate investigation and prosecution. On October 23, 1973, defendant formalized his attempted abolition of the Office of Special Prosecutor by issuing Order No. 546–73, which appears at 38 Fed. Reg. 29466 (October 25, 1973), and which purports to transfer all of the functions of the Special Prosecutor to the Criminal Division of the Justice Department.

21. The attempt by defendant to abolish the Office of the Special Prosecutor is void and of no force or effect because:

(a) The regulation creating the Office provides that the Special Prosecutor shall carry out the responsibilities of the Office "until such time as, in his judgment, he has completed them or until a date mutually agreed upon between the Attorney General and himself." Since neither of such conditions has taken place, the Office cannot be abolished;

(b) Even if the Office could be abolished under certain extraordinary circumstances by an Attorney General who has been confirmed by the Senate, the defendant, who is merely Acting Attorney General, lacks the power under 28 U.S.C. § 508(b) to abolish the office which a duly confirmed Attorney General has created; and,

(c) Even if defendant might under certain circumstances abolish the Office of Special Prosecutor, his attempt to do so here is ineffective because (1) he was directed to do so by President Nixon, who is one of the persons being investigated by the Special Prosecutor, and hence was ordered to abolish the Office for improper purposes, and (2) he knew that, unless he agreed to order the abolition of the Office of the Special Prosecutor, he would be discharged, and therefore, his attempted abolition of the Office was ineffective and without basis in law as a result of the undue influence and coercion placed upon him to order such abolition.

22. On October 26, 1973, President Nixon announced that at some time during the week of October 28th the defendant will appoint a new prosecutor to take charge of the Watergate investigation within the Criminal Division of the Department of Justice.

23. The actions of the defendant in attempting to discharge the Special Prosecutor and to abolish the Office of the Special Prosecutor constitute attempts to impede the administration of justice which would, if successful, cause grave and irreparable harm to the administration of justice in the United States, to all the plaintiffs as citizens, taxpayers, and lawyers who have sought to insure the independence of the investigation of the Watergate matters undertaken by the Special Prosecutor, and to plaintiffs Moss, Waldie, and Abzug in their capacities as members of Congress.

24. Unless enjoined by this Court, defendant will continue to exercise control over the Office of the Special Prosecutor, will continue to permit Henry E. Petersen to remain in charge of the Watergate investigation on a temporary basis, will appoint a new prosecutor in lieu of Archibald Cox to be in charge of the Watergate investigation, and will continue to conduct the Watergate investigation within the Criminal Division of the Department of Justice instead of as an independent Office.

Wherefore, plaintiffs pray for an order

(1) Declaring that Archibald Cox still validly holds the Office of Special Prosecutor, and preliminarily and permanently enjoining the defendant from taking any action which in any way interferes with the functioning of Mr. Cox in that Office;

(2) Declaring that defendant's attempts to abolish the Office of the Special Prosecutor have been of no force or effect and that he lacks the power to abolish such Office, and preliminarily and permanently enjoining him from taking any action which in any way interferes with the operation of the Office of Special Prosecutor as set forth in 28 C.F.R. § 0.37 (1973); and,

(3) Granting plaintiffs such other and further relief as may be just and proper, including their costs and disbursements herein.

ALAN B. MORRISON,
W. THOMAS JACKS,
RAYMOND T. BONNER,
Attorneys for the Plaintiffs.

U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA, CIVIL ACTION 1954–73

(Ralph Nader, Plaintiff, v. Robert H. Bork, Attorney General of the United States, Defendant)

MEMORANDUM IN SUPPORT OF PLAINTIFF'S MOTION FOR LEAVE TO FILE AN AMENDED COMPLAINT

Most of the events which precipitated this action occurred on October 20, 1973, the date the defendant purported to fire Archibald Cox as the Watergate Special Prosecutor and agreed to abolish the Office of Watergate Special Prosecution Force. Because of his belief that the defendant's actions were illegal and created a crisis of confidence throughout the country which needed to be rectified as soon as possible, Mr. Nader filed this action on October 23, 1973, the first day that this Court was open after the events of October 20th. During the days following the dismissal of Mr. Cox, Senator Frank E. Moss, Congresswoman Bella Abzug and Congressman Jerome R. Waldie decided to join Mr Nader in this action.

Plaintiffs' amended complaint is not materially different from the original complaint. The amended complaint makes only the following minor changes:

(1) The addition of Senator Moss, Congresswoman Abzug and Congressman Waldie as plaintiffs and the modification of certain paragraphs to reflect the harm they have suffered. (Amended Complaint, paragraphs 2, 3, 5, 9 and 23.)

(2) The amendment of paragraph 19 of the original complaint (paragraph 20 of the amended complaint) and the addition of paragraphs 22 and 24 of the amended complaint to reflect the events which have occurred subsequent to the filing of the original complaint.

(3) The deletion of the allegation of subparagraph (d) of paragraph 20 of the original complaint (paragraph 21 of the amended complaint).

These amendments are clearly authorized uuder Rules 15(a) and 21, and no harm to defendant will result from granting this motion.

Respectfully submitted,

ALAN B. MORRISON,
W. THOMAS JACKS,
RAYMOND T. BONNER,
Attorneys for the Plaintiffs.

U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA, CIVIL ACTION 1954–73

(Ralph Nader, Plaintiff, v. Robert H. Bork, Acting Attorney General of the United States, Defendant)

ORDER

It is hereby ordered that plaintiff's Motion for Leave To File an Amended Complaint to (1) add additional plaintiffs; (2) delete the allegation in subparagraph (d), paragraph 20, of the original complaint; and (3) add paragraphs 22 and 24 reflecting events which have occurred subsequent to the filing of the original complaint is hereby granted.

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Plaintiff shall serve by hand and file within 48 hours of the time this Order is signed an Amended Complaint in the form filed with his motion.

U.S. District Judge.

[U.S. District Court for the District of Columbia, Civil Action 1954–73]

(Ralph Nader, Plaintiff, v. Robert H. Bork, Acting Attorney General of the United States, Defendant)

PLAINTIFF'S MEMORANDUM IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION

INTRODUCTION

This action challenges the legality of the attempts by the defendant to discharge Archibald Cox as the Special Watergate Prosecutor and to disband the Office of the Watergate Special Prosecution Force. Plaintiffs [1] are all citizens, taxpayers, and attorneys; in addition, plaintiff Moss is a United States Senator, and plaintiffs Waldie and Abzug are Members of the House of Representatives. The complaint prays for declaratory and injunctive relief against the defendant, and this memorandum is submitted in support of plaintiffs' motion under Rule 65(a)(1) of the Federal Rules of Civil Procedure for a preliminary injunction. Because of the extraordinary public interest in having this matter resolved at the earliest possible time, plaintiffs ask this Court to consolidate the hearing on the motion for the preliminary injunction with a final hearing, as authorized by Rule 65(a)(2).

In a nutshell, the facts of this case are as follows:

In May 1973, Elliot Richardson was confirmed by the Senate to be Attorney General after he had, with the authorization of the President, worked out a detailed agreement with the Judiciary Committee concerning the appointment of a special prosecutor to conduct the so-called "Watergate" investigation and prosecutions;

Immediately after his confirmation, Attorney General Richardson formally appointed Archibald Cox to be Special Prosecutor and promulgated departmental regulations establishing the Office of Watergate Special Prosecution Force and embodying explicit rules governing its conduct which were identical to the terms agreed upon during his confirmation hearings;

These detailed regulations authorized the Special Prosecutor to challenge claims of executive privilege in court actions, declared that he could only be dismissed for committing "extraordinary improprieties", and provided that the office would continue to perform its functions until its job was completed or until another time agreed upon by the Special Prosecutor and the Attorney General;

Despite these binding regulations, defendant, who became Acting Attorney General after the forced resignations of the Attorney General and the Deputy Attorney General, purportedly fired Special Prosecutor Cox and abolished his office when Cox declined to accede to a Presidentially proposed "compromise" of a court action concerning access to tapes and other memoranda of Presidential conversations, or to comply with a Presidential directive not to make any attempts through future judicial proceedings to obtain similar materials.

The complaint alleges that two separate actions of the defendant were unlawful. The first of these, the defendant's discharging of Archibald Cox, is alleged to be unlawful because there was then in existence a validly promulgated regulation of the Department of Justice which permitted the firing of Mr. Cox only for "extraordinary improprieties on his part", and there are conceded to be none in this case. Moreover, because of defendant's limited authority as an Acting Attorney General, he lacked the power to discharge the Special Prosecutor.

The second action of the defendant claimed to have been illegal is the abolition of the Office of the Special Prosecutor. Plaintiffs contend that this order is unlawful since the regulation which created the Office specifically provides for its continuation until the Special Prosecutor determines that his work is concluded or until a date mutually agreed upon between the Attorney General and himself. Moreover, the attempted abolition was invalid because the defendant, as a Solicitor General who has become Acting Attorney General, has no authority to effect wholesale changes in the organizational structure of the Department of Justice. Further, plaintiffs argue that the special circumstances surrounding the appointment of Mr. Cox and the creation of his office, also act to preclude a Solicitor General who becomes Acting Attorney General from making a drastic change of this kind. Finally, in this connection, defendant's decision to abolish the Office was unlawful because it was made without any independent rational basis and was undertaken solely because of the direction by the President. Since the defendant would have been fired from his job unless he agreed to both fire Mr. Cox and abolish the Office, his decision to do so was unlawfully coerced and cannot be sustained.

Coercion is of particular importance in this case where the President who directed the abolition of the office is—along with many of his former cabinet officers and closest associates—one of the persons under investigation. Plaintiffs contend that the totality of these circumstances deprives the Solicitor General of the authority to abolish the Office.

In our final point we demonstrate that there is a need for immediate action in this case, primarily because the public interest requires that the legality of defendant's action be determined at the earliest possible date. It is apparent that so long as a cloud exists over the special prosecutor's office, it cannot be run in an effective manner, whether it is within the Criminal Division of the Justice Department or exists as an independent office. Plaintiffs also contend that their own activities are hampered by the uncertainty that persists with respect to the legality of the firing of the Special Prosecutor and the abolition of his office, and that these interests will continue to be severely hindered unless preliminary relief is afforded.

STATEMENT OF FACTS

(1) *Events leading to the creation of the Office of the Special Prosecutor and the appointment of Archibald Cox as special prosecutor*

On April 30, 1973, Richard G. Kleindienst resigned from the office of Attorney General of the United States, citing as the ground for his resignation his close personal and professional relationship with several individuals then being investigated by the Department of Justice. On the following day, the President submitted to the Senate the nomination for Attorney General of Elliot L. Richardson, who was then serving as Secretary of Defense,[2] and on May 9, the Senate Judiciary Committee commenced hearings on Richardson's nomination.[3]

The principal concern of the Senate Judiciary Committee in passing on Richardson's nomination was that an independent special prosecutor be appointed to manage the investigation and prosecution of certain crimes committed during the 1972 presidential election campaign, which had come to be referred to collectively as "Watergate offenses".[4] It was apparent from the first day's hearings that the appointment of a special prosecutor by the new Attorney General was of such vital importance to the Committee that Richardson's confirmation by the Senate was wholly dependent upon his willingness to create such an office, to grant to the office a high degree of independence, and to place it under the direction of a capable attorney of unimpeachable integrity.[5] Accordingly, at the very outset of the hearings, Secretary Richardson stated that he had concluded that he should appoint a special prosecutor; he added that he thought it desirable to have his designee for the position appear before the Committee and be questioned so that the Senate could be satisfied as to the special prosecutor's qualifications.[6]

During the course of the confirmation hearings, several issues were raised which bear on the subject matter of this litigation. These are discussed more fully in Point I of the Argument, but they are deserving of brief mention here. First, the Committee evidenced a strong conviction that the activities of the special prosecutor should be independent of the Department of Justice and of the White House, subject only to the power of the Attorney General to discharge the special prosecutor in extreme circumstances.[7] Second, the Committee insisted that the special prosecutor be subject to removal by the Attorney General only in the most unusual circumstances.[8] Third, the Committee demanded assurance that the special prosecutor would have the authority to seek access to White House files and to contest in court any Presidential claims of executive privilege.[9]

One of the chief aims of both Secretary Richardson and Committee members during the course of the hearings was to agree upon definite guidelines which would govern the conduct of the special prosecutor's office and which would set forth in writing their formal understanding regarding, among other things, the three issues discussed above. On May 21, 1973, Secretary Richardosn presented to the Committee a set of guidelines which he had formulated after an exchange of correspondence with Senator Stevenson.[10] The guidelines provided generally that a special prosecutor would be appointed to serve within the Department of Justice and to investigate Watergate-related matters. They specified that the special prosecutor would have the authority, inter alia, to determine whether to contest any assertion of executive privilege and whether application should be made to any federal court for subpoenas or other court orders. The guidelines stated that "[i]n exercising this authority, the Special Prosecutor will have the greatest degree of independence that is consistent with the Attorney General's statutory accountability for all matters falling within the jurisdiction of the Department of Justice. The Attorney General will not countermand or interfere with the special prosecutor's decisions or actions." The guidelines went on to state, with respect to dismissal, that "[t]he special prosecutor will not be removed from his duties except for extraordinary improprieties on his part". Under the heading "Duration of Assignment" the guidelines provided: "The special prosecutor will carry out these responsibilities, with the full support of the Department of Justice, until such time as in his judgment, he has completed them or until a date mutually agreeable between the Attorney General and himself."

On that same date, Secretary Richardson presented to the Committee his designee for the office of special prosecutor, Professor Archibald Cox of the Harvard Law School. Professor Cox was questioned closely by members of the Committee with respect to his understanding of and satisfaction with the guidelines proposed by Secretary Richardson. Both Professor Cox and Secretary Richardson were specifically questioned with respect to the Attorney General's power to govern the conduct of the office of special prosecutor. Both stated that it was their understanding that the Attorney General would have no control over the special prosecutor, except his power to dismiss the special prosecutor if he committed extraordinary improprieties.[11]

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Both Secretary Richardson and Professor Cox were also questioned with respect to the special prosecutor's authority to challenge claims of executive privilege with respect to the documents or testimony of executive officials, and especially of the President. Their understanding with respect to the challenging of claims of executive privilege was embodied in Secretary Richardson's statement that:

"For purposes of the Watergate investigation and all the other related matters, if such an issue should arise, the President will be represented by counsel on one side of that issue and * * * the special prosecutor should assert his claim to obtain the information or the evidence on the other, and that if that cannot be resolved otherwise, then in my judgment, the issue would have to be resolved by a court." [12]

Having hammered out what it considered to be a workable set of guidelines for the conduct of the office of special prosecutor, the Committee finally sought and obtained the assurance of Secretary Richardson that upon his confirmation as Attorney General these guidelines would be made legally binding on the Department of Justice through their publication in the Federal Register.[13]

The hearings were concluded on May 22 and Secretary Richardson's nomination was favorably reported to the floor of the Senate on May 23. In recommending the confirmation of Secretary Richardson, Senator Robert Byrd, the floor manager of the nomination, discussed the qualifications of Professor Cox as much as he did those of Secretary Richardson, and he made it clear that his recommendation that Richardson be confirmed was based primarily on the agreement that had been worked out between the nominee and the Judiciary Committee.[14] With this agreement having been presented to the Senate, Secretary Richardson was confirmed as Attorney General on May 23 by a margin of 82–3. He was sworn in as Attorney General on May 28, 1973.

Pursuant to his agreement with the Senate, Attorney General Richardson on May 31, 1973 promulgated and published Order 517–73, effective May 25, 1973, amending Justice Department regulations to create the Office of Watergate Special Prosecution Force.[15] The regulations incorporated an appendix listing the duties and responsibilities of the Special Prosecutor, which was identical in all material respects to the guidelines presented by Richardson to the Senate Judiciary Committee on May 21, 1973.[16]

(2) *Events leading to the firing of Special Prosecutor Cox and the abolition of the Office of the Special Prosecutor*

On July 16, 1973 it became known publicly for the first time that for approximately the past three years every conversation in the Oval Office of the President, the Executive Office Building office of the President, and the White House Cabinet Room had been tape recorded by secret equipment with the knowledge of only a few persons.[17] On July 23, Special Prosecutor Cox, acting on behalf of a grand jury empaneled by this Court, caused to be issued a subpoena to President Nixon requiring the production for the grand jury of certain tape recordings and documents pertaining to conversations alleged to have been recorded. In a letter to the Court dated July 25, the President advised that the materials sought would not be provided. Upon application of the Special Prosecutor, Judge Sirica issued a show-cause order, in response to which counsel for the President filed a special appearance contesting the Court's jurisdiction and raising primarily the defense of executive privilege. On August 29, Judge Sirica entered an opinion and order requiring the production of the subpoenaed materials for his *in camera* examination so that he could determine which portions, if any, were privileged.[18]

Both the President and the Special Prosecutor challenged the order of Judge Sirica by filing separate petitions for a writ of mandamus in the United States Court of Appeals for the District of Columbia Circuit. On October 12, 1973, a majority of the judges of that Court, sitting *en banc*, affirmed Judge Sirica's order in most respects. The Court ordered that the case be returned to the District Court for further proceedings consistent with its opinion, but it provided that the issuance of its mandate would be stayed for five days (until Friday, October 19) to permit the seeking of Supreme Court review of the issues raised in the petitions.[19]

Beginning on Monday, October 15, the President initiated efforts to resolve the controversy extrajudicially.[20] He directed Attorney General Richardson to approach Special Prosecutor Cox with a proposal whereby the court would be given a non-verbatim record of the tapes verified by Senator John Stennis on the condition that, among other things, Cox not seek any other similar tapes or memoranda in judicial proceedings.[21] On Wednesday, October 17, Attorney General Richardson prepared and submitted to Special Prosecutor Cox a proposal embodying most of the President's suggested terms, except that the Attorney General deleted the prohibition against instituting further judicial proceedings seeking other tapes because he considered it to be undesirable.[22]

On Thursday, October 18, Special Prosecutor Cox prepared and submitted to Attorney General Richardson a memorandum [23] in which he voiced several concerns with the proposal and concluded by saying:

"The Watergate Special Prosecution Force was established because of a widely felt need to create an independent office that would objectively and forthrightly pursue the prima facie showing of criminality by high Government officials. You appointed me, and I pledged that I should not be turned aside. Any solution I can accept must be such as to command conviction that I am adhering to that pledge."

Also on Thursday, the 18th, the President's counsel, Charles Alan Wright, addressed a letter to Special Prosecutor Cox in which he stated that while some of Cox's comments on the Attorney General's proposal were negotiable, certain other of his comments departed "so far from that proposal and the purpose for which it was made that we could not accede to them in any form." [24]

On Friday evening, the office of White House Press Secretary released a statement by the President in which he said that he had decided not to appeal the Court of Appeals decision, but had chosen instead to propose a compromise to Special Prosecutor Cox, which had been rejected. The President added that he had "felt it necessary to direct [Cox] as an employee of the executive branch, to make no further attempts by judicial process to obtain tapes, notes, or memoranda of Presidential conversations." [25]

Later on Friday evening, the Special Prosecutor issued a statement in which he said that he considered the President to be refusing to comply with the orders of the courts and that he would present his objections to the courts and would abide by their decision.[26] He added that to comply with the President's order not to seek to obtain through judicial proceedings any other materials relating to presidential conversations would be to violate his promise to the Senate and the nation, something which he would not do. The next day, Saturday, October 20, Special Prosecutor Cox held a press conference in which he reiterated his inability to agree to the proposal made to him or to abide by the President's direction of Friday evening that he make no further attempts through judicial proceedings to obtain tapes, memoranda or other documents pertaining to presidential conversations.[27]

After that press conference, the President decided that the Special Prosecutor should be fired, and he directed Attorney General Richardson to do so. Richardson declined, and in a letter to the President, he repeated much of what he had said in his earlier letter of that same day [28] and stated that he had "been obliged to conclude that circumstances leave me no alternative to the submission of my resignation as Attorney General of the United States." [29] Upon Attorney General Richardson's resignation, the President next directed States." [29] Upon Attorney General Richard- Deputy Attorney Generol William D. Ruckelshaus to fire Special Prosecutor Cox. The Deputy Attorney General declined to do so, and submitted a letter resigning his office.[30]

The Attorney General and Deputy Attorney General having declined to carry out his instructions and having resigned, the President turned next to the defendant, who was then Solicitor General of the United States, and who thereupon became Acting Attorney General pursuant to 28 U.S.C. § 508(b) and 28 C.F.R. § 0.132(a). In a letter to the defendant dated October 20th, the President stated, in pertinent part:

"In his press conference today Special Prosecutor Archibald Cox made it apparent that he will not comply with the instruction I issued to him, through Attorney General Richardson, yesterday. Clearly the Government of the United States cannot function if employees of the Executive Branch are free to ignore in this fashion the instructions of the President. Accordingly, in your capacity of Acting Attorney General, I direct you to discharge Mr. Cox immediately and to take all steps necessary to return to the Department of Justice the functions now being performed by the Watergate Special Prosecution Force." [31]

That evening defendant signed a letter to Special Prosecutor Cox which stated that he had assumed the duties of Acting Attorney General, and that "I am, as instructed by the President, discharging you, effective at once, from your position as Special Prosecutor, Watergate Special Prosecution Force." [32]

A few minutes after the firing of Special Prosecutor Cox, F.B.I. agents acting on directions from someone in the White House, occupied and "sealed off" the offices of the Attorney General, the Deputy Attorney General, and the Watergate Special Prosecution Force. Prosecution Force staff attorneys were not permitted to remove any papers from their offices, either by hand or by mail. The F.B.I. agents were replaced on Sunday by U.S. marshals, who acted on instructions from defendant, but normal security procedures were not reinstated until Monday, October 22.[33] Also on Monday, the 22d, the defendant announced that he was placing Assistant Attorney General Henry E. Petersen in charge of the Watergate case.[34]

On Tuesday, October 23, 1973, the day this action was filed, defendant issued Order No. 546–73.38 Fed. Reg. 29466 (Oct. 25, 1973), which purported to abolish the Office of the Special Prosecutor effective October 21, and to revoke all prior orders and regulations pertaining thereto, including the regulations which had been promulgated by Attorney General Richardson on May 31st establishing the office and setting forth the agreed upon guidelines under which it would be conducted.

(3) *The aftermath of the firing of Special Prosecutor Cox and the abolition of the Office of Special Prosecutor*

The events of October 19th and 20th sent a shock wave through this nation which has not yet subsided. Beginning on Saturday night, members of Congress were flooded with letters, telegrams, and telephone calls from their constituents, most calling for the impeachment of the President.[35] When the

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House of Representatives convened on Tuesday, October 23rd, over 20 resolutions[36] were introduced calling for the initiation of impeachment proceedings of some sort, including resolutions by plaintiffs Waldie and Abzug; such resolutions were sponsored by over 65 members of the House. A large number of other bills and resolutions were introduced in both houses proposing various mechanisms for reestablishing a Special Prosecutor's office.[37] The Judiciary Committees of both houses announced that they would commence hearings on such legislation beginning on Monday, October 29. Some members of those two committees, as well as of the respective full houses of Congress, who believe that the dismissal of the Special Prosecutor and the abolition of his office were illegal, are uncertain whether they should expend their energies and resources and cast their votes for new legislation when they believe the former structure to have been illegally demolished.[38] At the same time, these members consider the reestablishment of some type of independent prosecutorial force to be of the utmost importance, and they are hesitant to withhold their support of such legislation because of the uncertainties that exist with respect to Mr. Cox's status. An expeditious disposition of this case will provide them with the guidance they need to perform their legislative duties.

Indecision and uncertainty have also been the order of the day within the Department of Justice generally, and the Office of the Special Prosecutor in particular. During the first thirty-six hours following the firing of the Special Prosecutor, members of the Force were severally inhibited in the discharge of their duties by the presence of F.B.I. agents and U.S. marshals who, on orders from the White House and the defendant, respectively, refused to permit the removal of any papers from the offices. Although that situation has normalized, uncertainty continues to exist. As recently as October 25th, members of the Force observed in papers filed with Judge Sirica that "[t]he status of the records developed by the Watergate Special Prosecution Force and the responsibility for the security of these materials is * * * uncertain."[39] In addition, the conclusion is inescapable that the work of the Force will be hampered until this controversy is resolved. Potential defendants in criminal cases and their attorneys will be reluctant to engage in any kind of plea bargaining until it is clear who has final authority to speak for the United States.

This uncertainty in both the Congress and the Department of Justice can only have been exacerbated by the President's announcement on Friday, October 27, that "in consultations * * * we've had in the White House today, we have decided that next week the Acting Attorney General, Mr. Bork, will appoint a new special prosecutor for what is called the Watergate matter."[40] While it remains unclear what powers this new special prosecutor would have, President Nixon did state that "[w]e will not provide Presidential documents to a special prosecutor."[40a]

In short, until this Court rules whether the firing of Special Prosecutor Cox and the abolition of his office were legal, neither the Congress, the Justice Department, nor those who are the subjects of investigation can make truly informed decisions about their future courses of action. As time passes without resolution of this issue, the task of righting the wrong which has been done grows more confusing and more difficult.

Finally, it cannot be overlooked that perhaps the greatest harm occasioned by the traumatic events of October 19–20 is the harm that is inflicted upon the American people when they witness the arbitrary dismissal of a highly respected public servant and the forced resignation of two other eminently regarded public officials who refused to violate solemn promises that they had made. Public distrust of government, already at an ebb, appears to be at its lowest point in recent memory.[40b] This lack of confidence will continue, and perhaps worsen, so long as there remains unanswered the question being asked by many—the question whether defendant violated the law in firing Special Prosecutor Cox and abolishing his office. Only an expeditious resolution of this issue can help to restore the citizens' lost confidence in their government and to quiet the raging storm which was unleashed by the abrupt dismissal of Archibald Cox.

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ARGUMENT

I. Archibald Cox was unlawfully discharged as special prosecutor

When Elliot Richardson's confirmation hearings began eight days after his being nominated to be Attorney General, virtually the sole topic of concern to the Judiciary Committee members was the appointment of a special prosecutor for Watergate. Mr. Richardson agreed immediately that there was a need for an independent special prosecutor, and he and the Committee members discussed at great length the nature of the independence of the prosecutor. During the hearings he advised the Committee of his selection of Archibald Cox for the position, and on May 21, 1973 Mr. Cox appeared before the Committee to testify concerning his understanding of his role as the Special Watergate Prosecutor.

There can be little doubt that the confirmation of Elliot Richardson was contingent upon establishment of a truly independent prosecutor. As Senator Hart said, ". . . until we have an agreement on the ground rules establishing the independence of this special prosecutor we ought not to move to confirmation."[41] There were extended discussions about the independence of the prosecutor and the grounds for his selection and removal. Mr. Richardson stated at the start of the hearings that the Senate should "concur" in the selection of the special prosecutor.[42] Thus, even though technically the only confirmation was that of Mr. Richardson, it can hardly be disputed that the Senate also specifically approved the appointment of Mr. Cox as Special Prosecutor.

A considerable portion of the hearings related to the question of Mr. Cox's potential discharge should the Attorney General become displeased with his performance. Senator Ervin suggested that he would not be subject to removal "except for malfeasance in office."[43] When this matter was raised initially with the Attorney General designate, he replied that he would prefer the term "malfeasance or gross incompetence" but added that he "cannot conceive that either one would ever occur unless the man had a mental breakdown or something."[44] Later he indicated that, even if the President directed him to fire the special prosecutor, he would refuse "in the absence of some overwhelming evidence of cause," and then added that "these are things that in the present circumstances are so remotely possible as to be practically inconceivable."[45]

After receiving suggestions from the Committee members, Mr. Richardson made certain amendments in his proposed guidelines on the duties of the Special Prosecutor.[46] He stated that, although he reserved the power of removal for "extraordinary impropriety on the part of the special prosecutor, . . . it is totally inconceivable to me that Mr. Cox would ever be guilty of extraordinary improprieties in the conduct of any function."[47] When asked by Senator Tunney to define "extraordinary improprieties," Secretary Richardson indicated that he did not think he could, adding that the phrase was one contained in a letter sent to him by Senator Stevenson and 28 others as "indicative of their notion of specific circumstances under which removal might be justified. I had another phrase before that that was incorporated in language that I had used in other hearings, about arbitrary or capricious or irrational conduct and so on, and I thought that the senatorial phrase was somewhat better, so I substituted it."[48]

With the nominee having pledged to appoint Archibald Cox as special prosecutor, having vowed to vest him with extraordinary independence, and having agreed to discharge him only for "extraordinary improprieties," the Senate accepted the solemn pledge and confirmed Elliot Richardson as Attorney General of the United States. There can be little doubt that the arrangement had the tacit if not active approval of the President, since it was he who had selected Mr. Richardson and had given him the right to decide whether or not to appoint a special prosecutor.[49] Senator Hugh Scott, the minority leader of the Senate, stated that he had discussed the matter of the special prosecutor with the President, who indicated that he would not interfere in the selection or in the conduct of the Office of the Special Prosecutor, and that the President "wishes a complete, total, absolute and utter investigation to the end, to the truth, and to the ultimate consequences."[50]

On May 31, 1973, three days after Elliot Richardson was sworn in as Attorney General, he issued order 517–73, which established the Office of Watergate Special Prosecutor. This order, which was duly published in the Federal Register of June 4, 1973 (38 Fed. Reg. 14688), and was later codified at 28 C.F.R. § 0.37 (1973), is identical to the final agreement that he reached with the Senate Judiciary Committee,[51] save for the substitution of "is" in the first sentence for the words "will be." On the same day, he formally appointed Archibald Cox to be Special Prosecutor, confirming the letter of designation he had written on May 25th. Thus, the solemn compact made by Elliot Richardson with the United States Senate was complete, and the office of an independent Watergate Special Prosecutor was established with Archibald Cox in charge.

In spite of these assurances of independence, the President directed the Attorney General of the United States to fire Mr. Cox and to disband the Office less than five months after its creation. What Mr. Richardson had described during the hearings as actions "totally at variance with the whole approach [the President] set forth," and something that "just will not happen"[52] in fact did happen. Elliot Richardson refused to violate his agreement with the Senate and the Justice Department regulations and resigned, as did his Deputy, William D. Ruckelshaus. Then, on the evening of October 20, 1973, the Solicitor General of the United States, the defendant Robert H. Bork, became Acting Attorney General pursuant to 28 C.F.R. § 0.132(a), and at the direction of the President issued an order purporting to discharge Mr. Cox from office. The letter of discharge from the defendant to Mr. Cox[53] makes no reference to any cause, nor does it suggest that there were any "extraordinary improprieties" on the part of Mr. Cox within the meaning of the regulation establishing the office. Furthermore, at a post-resignation press conference, Mr. Richardson stated that he did not believe that Mr. Cox was guilty of any such extraordinary improprieties and that the President had not purported to fire him on that basis.[54] At his October 24th press conference the defendant never suggested that Mr. Cox had violated the regulation but stated that he wrote the letter because "the decision of the President to discharge Mr. Cox was final and irrevocable."[55]

There can be little doubt that Mr. Cox was fired for one and only one reason: he refused to accede to the order of the President directing him to cease further litigation with respect to documents subpoenaed from the White House. Mr. Cox had first challenged the claim of executive privilege in this Court, where he was successful in resisting the claim, and on appeal the decision below was affirmed with modifications not relevant to this proceeding. On October 19th, the President decided not to take the case to the Supreme Court, but refused to do more than provide Mr. Cox with summaries of the documents. It was in this connection that he directed Mr. Cox not to proceed with further litigation, and Mr. Cox announced at an October 20th press conference his intention not to abandon the pending litigation.[56] Immediately after that press conference, the President decided to fire Mr. Cox because of his refusal to cease litigation on the issues of executive privilege and the President's compliance with the order of the Court to produce the subpoenaed documents for an *in camera* inspection. No other basis for the firing has been suggested, and we do not understand either the defendant or the President to have taken a contrary position.

Seeking court resolution of a dispute would not ordinarily be thought to be "extraordinary improprieties," even where the dispute relates to executive privilege. More important, however, both the testimony before the Judiciary Committee and the terms of the enabling regulation make it clear that Mr. Cox's refusal to cease litigation of the issues was not an extraordinary impropriety. The regulation specifically gives to the Special Prosecutor the "full authority * * * for * * * determining whether or not to contest the assertion of 'Executive privilege' or any testimonial privilege * * *."[57] This specific authority was discussed and approved by the Senate Committee in various parts of the hearings,[58] and thus there can be no doubt that the applicable regulation, which permits a discharge only for extraordinary improprieties, cannot be read to apply to an assertion of a power which was specifically granted to the Special Prosecutor. Finally, when the defendant was asked at his press conference whether Mr. Cox was guilty of extraordinary improprieties, he stated that he had "very little knowledge of Mr. Cox's activities" and that he believed Mr. Richardson who told him that Mr. Cox "was guilty of no extraordinary improprieties."[59]

The regulation governing the discharge of the Special Prosecutor was legally in full force and effect when the attempted firing took place, and hence it limits the authority of the Attorney General to discharge Mr. Cox except for "extraordinary improprieties" until it is validly amended or repealed. The principles of administrative law firmly establish that an agency which issues regulations is bound by them and cannot act in disregard of them. *Vitarelli v. Seaton*, 359 U.S. 535 (1959), and *Service v. Dulles*, 354 U.S. 363 (1957). Even though Mr. Cox might have been summarily dismissed in the absence of the regulation, its existence limits the authority of the defendant to discharge Mr. Cox except for "extraordinary improprieties." See *Vitarelli, supra*, 359 U.S. at 540.

Under these basic principles of administrative law, it is plain that the firing of Archibald Cox was unlawful. This result is particularly appropriate here since there can be little doubt that Elliot Richardson would not have been confirmed by the Senate without specific assurances that Mr. Cox would be truly independent and not subject to normal rules regarding dismissal, and that he would be given full authority over the Watergate investigation. Moreover, it is equally clear that Mr. Cox assumed the job only after assuring himself that he would be independent and could be discharged only in accordance with the guidelines,[60] which Mr. Richardson stated would be issued as regulations having the full force of law.[61] Since his discharge was not for the only valid reason under the regulation, it was unlawful and must be set aside.[62]

It may be argued that the same result could have been obtained by revoking the regulation first and then firing Mr. Cox. The answer to this, of course, is that this is not what was done. The defendant issued an Order on October 23rd, purporting to make it effective as of October 21st, abolishing the Office of the Special Prosecutor. Since Mr. Cox was fired the day before the purported effective date of the order, that order cannot arguably validate the discharge. Moreover, as we shall demonstrate in Point II of this Memorandum, even the belated attempt to revoke the regulation and abolish the Office was invalid.

Archibald Cox was fired in clear violation of a valid existing regulation which permitted his discharge only for "extraordinary improprieties." It is apparent that no such improprieties existed and that the cause of his firing was his refusal to desist from doing that which he was specifically authorized to do under that regulation. Seen in this light, plaintiffs have established not merely that there was a strong probability that Mr. Cox was unlawfully fired, but a virtual certainty of that.

II. The attempted abolition of the Office of the Special Prosecutor was invalid

A. The Regulation Precludes Abolition of the Office

In order to achieve the objectives of the President, the defendant issued an order on October 23rd which purports to abolish the Office of Special Prosecutor. Plaintiffs contend that the order is without validity for a variety of reasons, the first of which is that the regulation creating the office provides for the "Duration of assignment" of the Special Prosecutor as follows:

"The Special Prosecutor will carry out these responsibilities, with the full support of the Department of Justice, until such time as, in his judgment, he has completed them or until a date mutually agreed upon between the Attorney General and himself."[63]

The clear import of this provision is that the Office of Special Prosecutor shall remain in existence until the Special Prosecutor determines that his work is done, or until he and the Attorney General agree upon a termination date. There can be no dispute that neither of those conditions has been met, and accordingly, under the terms of the regulation itself, the office may not be abolished.

The only defense to the plain meaning of this provision, which mandates the continuation of the Special Prosecutor's Office until either of two events occurs, is that there was no authority to enact such a provision and that it could have been revoked the day after its adoption.[64] Our research has disclosed no case in which a revocation of a regulation containing a provision similar to this has been challenged in court. We believe that an analogous area of the law—that dealing with the validity of statutes establishing fixed terms for Presidential appointees—may be of assistance to the Court in this case. Thus, cases such as *Humphrey's Executor v. United States*, 295 U.S. 602 (1935), and *Wiener v. United States*, 357 U.S. 349 (1958), suggest an analysis that is relevant in determining the validity of the provision establishing a determinable, non-revocable term for the Office of the Special Prosecutor. Those cases hold that the validity of statutory limitations on the President's removal powers turns upon the question of whether the office was purely executive, or whether it was one which contained functions which are in part either legislative or judicial. *Humphrey's Executor, supra*, 295 U.S. at 628–629. In addition, the necessity for the independence of the particular officer was considered to be highly significant. *Id.* at 629–30. Judged by these standards, it is apparent that the Office of Special Prosecutor was not purely executive, as was the Postmaster Firstclass in *Myers v. United States*, 272 U.S. 52 (1926) in which the Court held the limitation on discharge to be unconstitutional.[65] The relation of the Special Prosecutor to the Grand Jury and the fact that the Special Prosecutor had been created in a compact with the Congress in part to investigate the executive branch demonstrate that the office is not purely executive. It is obvious that no person could investigate the President and his closest associates and be a purely executive officer. Therefore, the situation is similar to that in *Humphrey's Executor* (Federal Trade Commissioner) and *Wiener* (War Claims Commissioner) where the discharge limitations were upheld.

There are further very strong justifications for the independence of the Special Prosecutor here which support the necessity for insuring that the Office cannot be abolished. Certain of the members of the Justice Department may be witnesses to charges of obstruction of justice (such as Assistant Attorney General Henry Petersen who is now in charge of the investigation), and other former Justice Department officials may themselves be prosecuted. In both of these cases, it is obvious that the Special Prosecutor's Office must be independent of those persons and that, if it is part of the Department of Justice, that independence will be destroyed. Furthermore, although Mr. Petersen had assured the public in September 1972, that an exhaustive investigation of the Watergate matters had taken place[66] it is obvious that the Senate wanted a fresh look taken at the situation and felt that the Justice Department could not properly provide it. This was a situation in which it was essential that public confidence be restored by a truly independent prosecutor who, among other things, could assure sources, who might be unwilling to cooperate with the Justice Department proper, to come forth with evidence. Finally, and perhaps most important of all, Mr. Cox and the staff, which he was free to hire himself, would not have served unless the necessary assurances had been given that he would truly be independent.[67] It is apparent that "independence today but abolition tomorrow" is not the kind of independence that the Senate approved when it confirmed Elliot Richardson. The continued vitality and existence of the Special Prosecutor's office was part and parcel of the confirmation proceedings since the identical terms regarding continuation of the Office that were in the guidelines submitted by Mr. Richardson to the Senate are in the regulation. Everyone, from the President down, knew precisely the nature of the bargain that had been struck with the Senate. To confirm Elliot Richardson as Attorney General, it was necessary to agree to the establishment of an independent Special Prosecutor's office, and in exchange the Senate put aside the various other legislative solutions which had been proposed to it.[68] It is inconceivable that the Senate would have confirmed Elliot Richardson if the position of the President and the Justice Department were that the assurances of the continued operation of the Special Prosecutor's office were no more than empty promises which could be broken as soon as either Elliot Richardson changed his mind, resigned, or was fired. Yet, that is precisely the position which the defendant must take in this proceeding if he is to persuade this Court that the abolition of the office was lawful under the circumstances of this case. We submit that the attempted abolition of the Office of Special Prosecutor by Order 546–73 was a nullity and that there was no authority even for a duly confirmed Attorney General to abolish the Office at this time.[69]

Footnotes at end of article.

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B. The Defendant, Who Is Acting as Attorney General Pursuant to 28 U.S.C. § 508 (b), Lacks the Power To Abolish the Office of Special Prosecutor

The attempted destruction by the defendant of the Office of the Special Prosecutor is also invalid because defendant is merely an Acting Attorney General. The Office was established by Elliot Richardson, whose confirmation depended upon his agreement to set up such an Office, and thus it is inconceivable that the Senate expected that the Office could be abolished by someone who became Acting Attorney General pursuant to 28 U.S.C. § 508(b). To permit the defendant to abolish the Office would mean it could also have been eliminated by any of the nine Assistant Attorneys General covered by Section 508(b), including one whose appointment does not even require confirmation. See 28 U.S.C. § 507. That cannot have been the intent of those who voted for the confirmation of Elliot Richardson.

The proposition that the defendant, who is a confirmed Solicitor General but merely an Acting Attorney General, has no authority to effect major organizational changes such as this in the Department of Justice, is supported by the Department's own regulations. Chapter 28 of the Code of Federal Regulations, section 0.180 provides in pertinent part that—

"All documents relating to the organization of the Department or to the assignment, transfer, or delegation of authority, functions, or duties by the Attorney General or to general departmental policy shall be designed as orders and shall be issued *only* by the Attorney General in a separate, numbered series." (emphasis added).

Our research discloses that this is the only instance in the Justice Department's published regulations in which a function is authorized to be performed "only" by the Attorney General. In fact, in only two other instances in the Justice Department regulations is the term "only" used to explicitly limit the authority granted to the persons described. In both of these instances (28 C.F.R. §§ 3.6 and 17.23) persons other than the Attorney General are also authorized to take the particular actions. In the case of § 17.23, which provides that only the Attorney General and such other officials as he has designated in writing may classify documents Top Secret, the use of "only" is clearly for emphasis since the very next section, which deals with Secret and Confidential classifying authority, fails to use that term. Thus, the use of "only" in § 0.180 cannot be lightly disregarded, and since defendant was not the Attorney General, he had no authority to issue order 546–73 which so significantly affects the organization of the Justice Department.[70]

Chapter 31 of Title 28 (Sections 501–526), which contains the Congressional mandate covering the Department of Justice and the Attorney General, provides statutory support for the proposition that the defendant may not effect wholesale changes in the organization of the Department of Justice. Section 508(a) provides that, in the case of a vacancy in the office of the Attorney General, the Deputy Attorney General "may exercise all of the duties of that office . . . ." The immediately following subsection [508 (b)], which deals with the instant case in which neither the Attorney General nor the Deputy is available, provides in startlingly different language that the next person in succession, who may be either the Solicitor General or an Assistant Attorney General as designated in departmental regulations, "shall act as Attorney General."[71] If Congress had intended that someone acting under Section 508(b) would have the same powers as a Deputy Attorney General acting under Section 508(a), it would surely have used the same and not different language. The failure to use identical language in two parts of the same section strongly suggests that Congress did not intend the authorities granted by those provisions to be identical.

Moreover, the legislative history of Section 508 demonstrates that this difference in language is not a mere happenstance of draftsmanship but is based on significant differences between the duties and qualifications of the Deputy on the one hand, and the Assistant Attorneys General and the Solicitor General on the other, and thus operates to withhold from defendant the authority to order such drastic changes as the abolition of the Office of Special Prosecutor. Under Section 347 of the Revised Statutes of 1874, the Solicitor General was the person who filled any vacancy in the office of the Attorney General and was given the power "to exercise all of the duties of that office," which is the same language used now in Section 508(a) regarding the Deputy. Following the passage of the Reorganization Act of 1949, Reorganization Plan No. 4 of 1953 was submitted by President Eisenhower to the Congress on April 20, 1953.[72] Section 1(a) of that Plan provided that "[t]he function with respect to exercising the duties of the Office of Attorney General vested in the Solicitor General by section 347, Revised Statutes, as amended (5 U.S.C. 293),[73] is hereby transferred to the Deputy Attorney General, and for the purposes of Section 177, Revised Statutes (5 U.S.C. 4)[74] the Deputy Attorney General shall be deemed to be the first assistant of the Department of Justice." Thus, Section 1(a) substituted the Deputy Attorney General for the Solicitor General as the immediate successor to the Attorney General, and this provision became the basis of Section 508(a) of the current Title 28. Section 1(b) of that Reorganization Plan established a new provision which is substantially identical to the present Section 508(b) and which provided for the filling of the vacancy of the office of Attorney General when neither the Attorney General or the Deputy is available, by the Solicitor General or the Assistant Attorneys General in such order of succession as the Attorney General may from time to time prescribe. Section 1(b) specifically provided that the person filling the vacancy in that case "shall act as Attorney General," a marked contrast to the language used to describe what the Solicitor General formerly might do under Section 347 of the Revised Statutes, and what the Deputy could do once the change took place, as it did on June 20, 1953, without objection by Congress.[75]

The accompanying reorganization message sent by President Eisenhower gives the reasons for this change.[76] He stated that the Solicitor General is:

"No longer the appropriate officer of the Department of Justice to be the first in the line of succession of officers to be Acting Attorney General. His basic and primary function is to represent the United States before the Supreme Court. He is not concerned with the day-to-day administrative direction of the affairs of the Department of Justice. Thus, he is not likely to be the officer of the Department whose regular duties best prepare him to assume the occasional responsibility of guiding the affairs of the entire Department in the capacity of Acting Attorney General."

The message then detailed the duties of the Deputy Attorney General, from which President Eisenhower concluded that the Deputy is "both by title and by the nature of his functions, the officer best situated to act as the administrative head of the Department of Justice when the Attorney General is absent or disabled or the office of Attorney General is vacant."

The differences in language between these two provisions, now Sections 508(a) and 508 (b), and hence the differences between the authority given the Deputy and that given the others when filling a vacancy in the position of Attorney General, are amply supported by the reasons given by the President for removing the Solicitor General from the position as immediate successor to the Attorney General and these reasons still apply today. The duties of the Solicitor General, as set forth in 28 C.F.R. § 0.20, indicate that he is basically an appellate attorney, one who, in the language of Section 505 of Title 28, is selected because he is "learned in the law." Similarly, the Assistant Attorneys General all are given areas of special expertise, ranging from tax, to criminal law, to antitrust. While those persons may be well-qualified in their areas of expertise, there is no guarantee that they have any broader range of experience such as would be normally found in an Attorney General or his Deputy. Moreover, they were not confirmed for their positions with these broader duties in mind and have ordinarily had virtually no experience in the Department outside their specialized area. Accordingly, they would, in the normal course of events, be ill-suited to handle the wider-ranging duties of the Attorney General, whereas the Deputy by reason of his normal functions would be prepared to take over for the Attorney General, and his confirmation would have been given with this in mind. It is one thing for Congress to provide a statutory framework to insure that there is always someone to act as the head of the Justice Department; it is another to assume that when Congress used different language to describe what different officials may do when filling a vacancy in the office of Attorney General, that it meant that in both instances the powers were identical.

The notion that an Acting Attorney General has limited powers and cannot perform all of the duties that the Attorney General may, is fully consistent with the Constitution and, indeed, may even be required by it. Article 2, section 2, clause 2 provides that the President . . .

Shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, or in the Courts of Law, or in the Heads of Departments.

There can be little doubt that the requirement of Senate confirmation is essential in order for Congress to maintain some measure of control over those department heads who are in charge of effectuating the laws which have been duly enacted by Congress. It is apparent that, if a person not confirmed by the Senate as a department head could assume the duties of a department head, great changes could be wrought without any opportunity for Senatorial supervision and control. On the other hand, it is equally apparent that some interim measures must be provided for so that when a sudden vacancy occurs in an important governmental office, the immediately necessary work of that office does not cease because there is no person validly holding the office as head of the department.[77]

Therefore, the Second Congress enacted a statute in 1792 which provided for the temporary filling of vacancies in the offices of Secretary of State, Treasury, and War by the President.[78] It was not until 1863 that Congress extended to the President the power of temporarily filling a vacancy in the other heads of departments and simultaneously imposed the first time limitation on vacancy appointments (six months).[79] In 1868, because of alleged abuses by President Andrew Johnson, the period for filling a vacancy was cut to 10 days by the statute which is known as the Vacancies Act and is now codified in 5 U.S.C. §§ 3345–49.[80] Senator Trumbull, the statute's principal Senate sponsor, stated that it was his intention that the bill should repeal all other laws inconsistent with it and that:

"The intention of the bill was to limit the time within which the President might supply a vacancy temporarily in the case of the death or resignation of the head of any of the departments or of any office appointed by him with the advice and consent of the Senate in any of the departments * * *" 39 Cong. Globe 1163 (Feb. 14, 1868).

The ten day limit for filling temporary vacancies was increased in 1891 to the present 30-day period[81] because of a belief that the shorter time limit resulted in undue haste and possible mistakes in selecting persons for important positions. See 22 Cong. Rec. 2078–79, (Feb. 3, 1891) (Remarks of Senator Gorman and others). Accordingly, since the office of Attorney General is covered by the Vacancies Act, see 28 U.S.C. § 508(a) and 5 U.S.C. §§ 101 and 3345–49, the defendant may continue as the interim head of the Justice Department only for a period of 30 days. See *Williams v. Phillips*, 360 F. Supp. 1363 (D. D.C.), *motion for stay denied*, 482 F. 2d 669 (D.C. Cir. 1973).[82]

Thus, the Congressional decision to permit the President to fill vacancies in emergency situations, where the Constitution otherwise requires that he first obtain the advice and consent of the Senate, coupled with the short periods of time for which those vacancies may be filled, strongly suggests a Congressional concern that these interim appointments be only for the purpose for which they are intended—*i.e.*, to handle emergency or quasi-emergency situations. Congress never intended the Vacancies Act to be a blanket authorization to the President to affect wholesale changes in the operation of the departments during periods in which the head of a department is an interim appointee who has not been confirmed by the Senate.

Seen in this light, the distinction between the language in Sections 508(a) and 508(b) is quite significant and represents a judgment initially made by President Eisenhower and confirmed by the Congress that the emergency powers which may be conferred upon a Deputy Attorney General are of one kind, whereas those conferred upon the Solicitor General and the other specialists who head the divisions of the Justice Department, are of a different sort. Congress was obviously aware that the vacancies would only be for a period of 30 days and that the nature of the matters to be undertaken during that time could not be fully predicted. Yet these statutes clearly indicate an expression of Congressional policy that the Solicitor General and the other Assistant Attorneys General do no more than is necessary, whereas far greater power is given to a Deputy Attorney General who is filling the Office of the Attorney General. Judged in light of the historical perspective, it is apparent that Congress, in passing the Vacancies Act and in enacting Section 508(b), never intended to allow a Solicitor General, as an Acting Attorney General, to take so drastic an action as the abolition of the Office of the Special Watergate Prosecutor, which had been painstakingly created in conjunction with the Senate and which had been the *quid pro quo* for the confirmation of Elliot Richardson and the abandonment of proposals to create an independent special prosecutor by Act of Congress.

Finally, the defendant has himself expressed the view that as an Acting Attorney General his proper role is a limited one:

". . . I am not nominated and confirmed Attorney General, and therefore, I view it as my task simply to keep the Department going on an even keel and to make it as effective as possible for as long as we can until a new Attorney General is nominated and confirmed. I don't plan any major structural changes. I don't plan any personnel changes.[83]

This common sense view, that an Acting Attorney General is little more than a caretaker, is buttressed by Section 508(b) when the Acting Attorney General is someone other than the Deputy. Yet the major organizational change which defendant ordered is wholly at odds with his own concept of a limited role for an Acting Attorney General. Accordingly, for the reasons set forth above, defendant lacked the power to issue order 546–73 abolishing the Special Prosecutor's Office.

C. Defendant's Order Assigning the Functions of the Office of Special Prosecutor Back to the Criminal Division Was Not an "Appropriate" Order Within 28 U.S.C. § 510, and was Arbitrary, Capricious, and Without Basis in Law Or Fact

The attempted abolition of the Office of the Special Prosecutor by defendant was also invalid because it was not an "appropriate" order under 28 U.S.C. § 510. The analysis of this issue begins with Section 509, which provides that "all functions of other officers of the Department of Justice and all functions of agencies and employees of the Department of Justice are vested in the Attorney General . . ." with four exceptions not relevant here. Next, under Section 516 the conduct of litigation to which the United States is a party, which includes all criminal proceedings, is reserved to officers of the Department of Justice under the direction of the Attorney General.

Thus, under this statutory framework, the President has the undisputed authority to nominate, and with the advice and consent of the Senate, to appoint the Attorney General of the United States, but he does not have the power to run the Justice Department, or to require the Attorney General to perform specific acts, or to direct the Attorney General's subordinates to do any such acts. This is made clear from provisions such as Section 511, under which the Attorney General "shall give his advice and opinion on questions of law when required by the President," a power specifically derived from Article 2, Section 2, Clause 1 of the Constitution.[84] That same clause in the Constitution also makes the President Commander-in-Chief of the Armed Forces, an authority which permits him to direct their operations. But there are no comparable statutory or constitutional authorizations for him to direct the Department of Justice, and hence if he disagrees with the policies which the Attorney General is following, his only recourse is to discharge him. The President does not have the authority to direct the implementation of those policies, and indeed he has no authority to order the discharge of inferior officers or the reorganization of the Department of Justice. The actions of the President in this case confirm this interpretation since he did not attempt to discharge Archibald Cox himself, nor did he issue any orders which purported to abolish the Office of the Special Prosecutor. These tasks he assigned to others, and when two Attorneys General resigned rather than comply, the defendant was asked and agreed to carry out the directives.

The Supreme Court has recognized that the provision in Article 2, Section 1 of the Constitution that "the executive power shall be vested in a President of the United States" does not mean that the President may direct the actions of every single person in the executive branch of the government contrary to express Congressional direction:

"The executive power is vested in a President, and as far as his powers are derived from the Constitution, he is beyond the reach of any other department, except in the mode prescribed by the Constitution through the impeaching power. But it by no means follows that every officer in every branch of that department is under the exclusive direction of the President. Such a principle, we apprehend, is not, and certainly cannot be claimed by the President.

"There are certain political duties imposed upon many officers in the executive department, the discharge of which is under the direction of the President. But it would be an alarming doctrine that Congress cannot impose upon any executive officer any duty they may think proper, which is not repugnant to any rights secured and protected by the Constitution; and in such cases, the duty and responsibility grow out of and are subject to the control of the law, and not to the direction of the President.

* * * * *

"It was urged at the bar that the Postmaster General was alone subject to the direction and control of the President, with respect to the execution of the duty imposed upon him by this law, and this right of the President is claimed, as growing out of the obligation imposed upon him by the Constitution to take care that the laws be faithfully executed. This is a doctrine that cannot receive the sanction of this court. It would be vesting in the President a dispensing power which has no countenance for its support in any part of the Constitution; and is asserting a principle which, if carried out in its results to all cases falling within it, would be clothing the President with a power entirely to control the legislation of Congress, and paralyse the administration of justice. *Kendall v. United States*. 37 U.S. [12 PET.] 524, 610, 612–13 (1838)."

Accordingly, it is the determination of the defendant who ordered the abolition of the Office, and not that of the President which must be judged in assessing the lawfulness of the attempt to bring the Office of Special Prosecutor back into the Criminal Division of the Justice Department.

In assessing the validity of the defendant's direction, it is well to recall the sequence that led to the attempted abolition. On the afternoon of October 20th, after both the Attorney General and the Deputy Attorney General declined to discharge Mr. Cox and to abolish the Office of Special Prosecutor, the President made a similar request of the defendant, and he agreed to execute the orders. That very evening, minutes after the discharge orders were conveyed to Mr. Cox, agents of the Federal Bureau of Investigation were sent by the White House to take control of the files at the Office of the Special Prosecutor and thereby to deny access to members of that staff to the premises. Thus, the legality of the determination to reassert control over the Watergate investigation must be judged on the basis of what the defendant knew and considered on Saturday, October 20th, and not at the time that the decision was committed to writing three days later.

The authority under which the Attorney General may assign the functions of the Justice Department among its employees is contained in Section 510, which provides that the Attorney General may "make such provisions as he considers appropriate authorizing the performance by any other officer, employee, or agency of the Department of Justice of any function of the Attorney General." Thus, the statute requires that the Attorney General consider the assignment to be "appropriate," and it is apparent here that the defendant gave no independent consideration to the question, but simply obeyed the order of the President. Mere obedience to the command of another cannot constitute a proper use of administrative discretion.[85]

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remains unclear what powers this new special prosecutor would have, President Nixon did state that "[w]e will not provide Presidential documents to a special prosecutor."[44]

In short, until this Court rules whether the firing of Special Prosecutor Cox and the abolition of his office were legal, neither the Congress, the Justice Department, nor those who are the subjects of investigation can make truly informed decisions about their future courses of action. As time passes without resolution of this issue the task of righting the wrong which has been done grows more confusing and more difficult.

Finally it cannot be overlooked that perhaps the greatest harm occasioned by the traumatic events of October 19-20 is the harm that is inflicted upon the American people when they witness the arbitrary dismissal of a highly respected public servant

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he indicated that, even if the President directed him to fire the special prosecutor, he would refuse "in the absence of some overwhelming evidence of cause," and then added that "these are things that in the present circumstances are so remotely possible as to be practically inconceivable."[45]

After receiving suggestions from the Committee members, Mr. Richardson made certain amendments in his proposed guidelines on the duties of the Special Prosecutor.[46] He stated that, although he reserved the power of removal for "extraordinary improprieties on the part of the special prosecutor, . . . it is totally inconceivable to me that Mr. Cox would ever be guilty of extraordinary improprieties in the conduct of any function."[47] When asked by Senator Tunney to define "extraordinary improprieties," Secretary Richardson indicated that he did not think he could, adding that the phrase was one contained in a letter sent to him by Senator Stevenson and 28 others as "indicative of

came Acting Attorney General pursuant to 28 C.F.R. § 0.132(a), and at the direction of the President issued an order purporting to discharge Mr. Cox from office. The letter of discharge from the defendant to Mr. Cox[52] makes no reference to any cause, nor does it suggest that there were any "extraordinary improprieties" on the part of Mr. Cox within the meaning of the regulation establishing the office. Furthermore, at a post-resignation press conference, Mr. Richardson stated that he did not believe that Mr. Cox was guilty of any such extraordinary improprieties and that the President had not purported to fire him on that basis.[53] At his October 24th press conference the defendant never suggested that Mr. Cox had violated the regulation but stated that he wrote the letter because "the decision of the President to discharge Mr. Cox was final and irrevocable."[54]

There can be little doubt that Mr. Cox was fired for one and only one reason: he refused to accede to the order of the President directing him to cease further litigation with re-

been summarily dismissed in the absence of the regulation, its existence limits the authority of the defendant to discharge Mr. Cox except for "extraordinary improprieties." See *Vitarelli, supra*, 359 U.S. at 540.

Under these basic principles of administrative law, it is plain that the firing of Archibald Cox was unlawful. This result is particularly appropriate here since there can be little doubt that Elliot Richardson would not have been confirmed by the Senate without specific assurances that Mr. Cox would be truly independent and not subject to normal rules regarding dismissal, and that he would be given full authority over the Watergate investigation. Moreover, it is equally clear that Mr. Cox assumed the job only after assuring himself that he would be independent and could be discharged only in accordance with the guidelines,[60] which Mr. Richardson stated would be issued as regulations having the full force of law.[61] Since his

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Our research discloses that this is the only instance in the Justice Department's published regulations in which a function is authorized to be performed "only" by the Attorney General. In fact, in only two other instances in the Justice Department regulations is the term "only" used to explicitly limit the authority granted to the persons described. In both of these instances (28 C.F.R. §§ 3.6 and 17.23) persons other than the Attorney General are also authorized to take the particular actions. In the case of § 17.23, which provides that only the Attorney General and such other officials as he has designated in writing may classify documents Top Secret, the use of "only" is clearly for emphasis since the very next section, which deals with Secret and Confidential classifying authority, fails to use that term. Thus, the use of "only" in § 0.180 cannot be lightly disregarded, and since defendant was not the Attorney General, he had no authority to issue order 546–73 which so significantly affects the organization of the Justice Department.[70]

Chapter 31 of Title 28 (Sections 501–526), which contains the Congressional mandate covering the Department of Justice and the Attorney General, provides statutory support for the proposition that the defendant may not effect wholesale changes in the organization of the Department of Justice. Section 508(a) provides that, in the case of a vacancy in the office of the Attorney General, the Deputy Attorney General "may exercise all of the duties of that office . . . ." The immediately following subsection [508 (b)], which deals with the instant case in which neither the Attorney General nor the Deputy is available, provides in startlingly different language that the next person in succession, who may be either the Solicitor General or an Assistant Attorney General as designated in departmental regulations, "shall act as Attorney General."[71] If Congress had intended that someone acting under Section 508(b) would have the same powers as a Deputy Attorney General acting under Section 508(a), it would surely have used the same and not different language. The failure to use identical language in two parts of the same section strongly suggests that Congress did not intend the authorities granted by those provisions to be identical.

Moreover, the legislative history of Section 508 demonstrates that this difference in language is not a mere happenstance of draftsmanship but is based on significant differences between the duties and qualifications of the Deputy on the one hand, and the Assistant Attorneys General and the Solicitor General on the other, and thus operates to withhold from defendant the authority to order such drastic changes as the abolition of the Office of Special Prosecutor. Under Section 347 of the Revised Statutes of 1874, the Solicitor General was the person who filled any vacancy in the office of the Attorney General and was given the power "to exercise all of the duties of that office," which is the same language used now in Section 508(a) regarding the Deputy. Following the passage of the Reorganization Act of 1949, Reorganization Plan No. 4 of 1953 was submitted by President Eisenhower to the Congress on April 20, 1953.[72] Section 1(a) of that Plan provided that "[t]he function with respect to exercising the duties of the Office of Attorney General vested in the Solicitor General by section 347, Revised Statutes, as amended (5 U.S.C. 293),[73] is hereby transferred to the Deputy Attorney General, and for the purposes of Section 177, Revised Statutes (5 U.S.C. 4)[74] the Deputy Attorney General shall be deemed to be the first assistant of the Department of Justice." Thus, Section 1(a) substituted the Deputy Attorney General for the Solicitor General as the immediate successor to the Attorney General, and this provision became the basis of Section 508(a) of the current Title 28. Section 1(b) of that Reorganization Plan established a new provision which is substantially identical to the present Section 508(b) and which provided for the filling of the vacancy of the office of Attorney General when neither the Attorney General or the Deputy is available, by the Solicitor General or the Assistant Attorneys General in such order of succession as the Attorney General may from time to time prescribe. Section 1(b) specifically provided that the person filling the vacancy in that case "shall act as Attorney General," a marked contrast to the language used to describe what the Solicitor General formerly might do under Section 347 of the Revised Statutes, and what the Deputy could do once the change took place, as it did on June 20, 1953, without objection by Congress.[75]

The accompanying reorganization message sent by President Eisenhower gives the reasons for this change.[76] He stated that the Solicitor General is:

"No longer the appropriate officer of the Department of Justice to be the first in the line of succession of officers to be Acting Attorney General. His basic and primary function is to represent the United States before the Supreme Court. He is not concerned with the day-to-day administrative direction of the affairs of the Department of Justice. Thus, he is not likely to be the officer of the Department whose regular duties best prepare him to assume the occasional responsibility of guiding the affairs of the entire Department in the capacity of Acting Attorney General."

The message then detailed the duties of the Deputy Attorney General, from which President Eisenhower concluded that the Deputy is "both by title and by the nature of his functions, the officer best situated to act as the administrative head of the Department of Justice when the Attorney General is absent or disabled or the office of Attorney General is vacant."

The differences in language between these two provisions, now Sections 508(a) and 508 (b), and hence the differences between the authority given the Deputy and that given the others when filling a vacancy in the position of Attorney General, are amply supported by the reasons given by the President for removing the Solicitor General from the position as immediate successor to the Attorney General and these reasons still apply today. The duties of the Solicitor General, as set forth in 28 C.F.R. § 0.20, indicate that he is basically an appellate attorney, one who, in the language of Section 505 of Title 28, is selected because he is "learned in the law." Similarly, the Assistant Attorneys General all are given areas of special expertise, ranging from tax, to criminal law, to antitrust. While those persons may be well-qualified in their areas of expertise, there is no guarantee that they have any broader range of experience such as would be normally found in an Attorney General or his Deputy. Moreover, they were not confirmed for their positions with these broader duties in mind and have ordinarily had virtually no experience in the Department outside their specialized area. Accordingly, they would, in the normal course of events, be ill-suited to handle the wider-ranging duties of the Attorney General, whereas the Deputy by reason of his normal functions would be prepared to take over for the Attorney General, and his confirmation would have been given with this in mind. It is one thing for Congress to provide a statutory framework to insure that there is always someone to act as the head of the Justice Department; it is another to assume that when Congress used different language to describe what different officials may do when filling a vacancy in the office of Attorney General, that it meant that in both instances the powers were identical.

The notion that an Acting Attorney General has limited powers and cannot perform all of the duties that the Attorney General may, is fully consistent with the Constitution and, indeed, may even be required by it Article 2, section 2, clause 2 provides that the President . . .

Shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, or in the Courts of Law, or in the Heads of Departments.

There can be little doubt that the requirement of Senate confirmation is essential in order for Congress to maintain some measure of control over those department heads who are in charge of effectuating the laws which have been duly enacted by Congress. It is apparent that, if a person not confirmed by the Senate as a department head could assume the duties of a department head, great changes could be wrought without any opportunity for Senatorial supervision and control. On the other hand, it is equally apparent that some interim measures must be provided for so that when a sudden vacancy occurs in an important governmental office, the immediately necessary work of that office does not cease because there is no person validly holding the office as head of the department.[77]

Footnotes at end of article.

Therefore, the Second Congress enacted a statute in 1792 which provided for the temporary filling of vacancies in the offices of Secretary of State, Treasury, and War by the President.[78] It was not until 1863 that Congress extended to the President the power of temporarily filling a vacancy in the other heads of departments and simultaneously imposed the first time limitation on vacancy appointments (six months).[79] In 1868, because of alleged abuses by President Andrew Johnson, the period for filling a vacancy was cut to 10 days by the statute which is known as the Vacancies Act and is now codified in 5 U.S.C. §§ 3345–49.[80] Senator Trumbull, the statute's principal Senate sponsor, stated that it was his intention that the bill should repeal all other laws inconsistent with it and that:

"The intention of the bill was to limit the time within which the President might supply a vacancy temporarily in the case of the death or resignation of the head of any of the departments or of any office appointed by him with the advice and consent of the Senate in any of the departments * * *" 39 Cong. Globe 1163 (Feb. 14, 1868).

The ten day limit for filling temporary vacancies was increased in 1891 to the present 30-day period[81] because of a belief that the shorter time limit resulted in undue haste and possible mistakes in selecting persons for important positions. See 22 Cong. Rec. 2078–79, (Feb. 3, 1891) (Remarks of Senator Gorman and others). Accordingly, since the office of Attorney General is covered by the Vacancies Act, see 28 U.S.C. § 508(a) and 5 U.S.C. §§ 101 and 3345–49, the defendant may continue as the interim head of the Justice Department only for a period of 30 days. See *Williams v. Phillips*, 360 F. Supp. 1363 (D. D.C.), *motion for stay denied*, 482 F. 2d 669 (D.C. Cir. 1973).[82]

Thus, the Congressional decision to permit the President to fill vacancies in emergency situations, where the Constitution otherwise requires that he first obtain the advice and consent of the Senate, coupled with the short periods of time for which those vacancies may be filled, strongly suggests a Congressional concern that these interim appointments be only for the purpose for which they are intended—*i.e.*, to handle emergency or quasi-emergency situations. Congress never intended the Vacancies Act to be a blanket authorization to the President to affect wholesale changes in the operation of the departments during periods in which the head of a department is an interim appointee who has not been confirmed by the Senate.

Seen in this light, the distinction between the language in Sections 508(a) and 508(b) is quite significant and represents a judgment initially made by President Eisenhower and confirmed by the Congress that the emergency powers which may be conferred upon a Deputy Attorney General are of one kind, whereas those conferred upon the Solicitor General and the other specialists who head the divisions of the Justice Department, are of a different sort. Congress was obviously aware that the vacancies would only be for a period of 30 days and that the nature of the matters to be undertaken during that time could not be fully predicted. Yet these statutes clearly indicate an expression of Congressional policy that the Solicitor General and the other Assistant Attorneys General do no more than is necessary, whereas far greater power is given to a Deputy Attorney General who is filling the Office of the Attorney General. Judged in light of the historical perspective, it is apparent that Congress, in passing the Vacancies Act and in enacting Section 508(b), never intended to allow a Solicitor General, as an Acting Attorney General, to take so drastic an action as the abolition of the Office of the Special Watergate Prosecutor, which had been painstakingly created in conjunction with the Senate and which had been the *quid pro quo* for the confirmation of Elliot Richardson and the abandonment of proposals to create an independent special prosecutor by Act of Congress.

Finally, the defendant has himself expressed the view that as an Acting Attorney General his proper role is a limited one:

". . . I am not nominated and confirmed Attorney General, and therefore, I view it as my task simply to keep the Department going on an even keel and to make it as effective as possible for as long as we can until a new Attorney General is nominated and confirmed. I don't plan any major structural changes. I don't plan any personnel changes.[83]

This common sense view, that an Acting Attorney General is little more than a caretaker, is buttressed by Section 508(b) when the Acting Attorney General is someone other than the Deputy. Yet the major organizational change which defendant ordered is wholly at odds with his own concept of a limited role for an Acting Attorney General. Accordingly, for the reasons set forth above, defendant lacked the power to issue order 546–73 abolishing the Special Prosecutor's Office.

C. Defendant's Order Assigning the Functions of the Office of Special Prosecutor Back to the Criminal Division Was Not an "Appropriate" Order Within 28 U.S.C. § 510, and was Arbitrary, Capricious, and Without Basis in Law Or Fact

The attempted abolition of the Office of the Special Prosecutor by defendant was also invalid because it was not an "appropriate" order under 28 U.S.C. § 510. The analysis of this issue begins with Section 509, which provides that "all functions of other officers of the Department of Justice and all functions of agencies and employees of the Department of Justice are vested in the Attorney General . . ." with four exceptions not relevant here. Next, under Section 516 the conduct of litigation to which the United States is a party, which includes all criminal proceedings, is reserved to officers of the Department of Justice under the direction of the Attorney General.

Thus, under this statutory framework, the President has the undisputed authority to nominate, and with the advice and consent of the Senate, to appoint the Attorney General of the United States, but he does not have the power to run the Justice Department, or to require the Attorney General to perform specific acts, or to direct the Attorney General's subordinates to do any such acts. This is made clear from provisions such as Section 511, under which the Attorney General "shall give his advice and opinion on questions of law when required by the President," a power specifically derived from Article 2, Section 2, Clause 1 of the Constitution.[84] That same clause in the Constitution also makes the President Commander-in-Chief of the Armed Forces, an authority which permits him to direct their operations. But there are no comparable statutory or constitutional authorizations for him to direct the Department of Justice, and hence if he disagrees with the policies which the Attorney General is following, his only recourse is to discharge him. The President does not have the authority to direct the implementation of those policies, and indeed he has no authority to order the discharge of inferior officers or the reorganization of the Department of Justice. The actions of the President in this case confirm this interpretation since he did not attempt to discharge Archibald Cox himself, nor did he issue any orders which purported to abolish the Office of the Special Prosecutor. These tasks he assigned to others, and when two Attorneys General resigned rather than comply, the defendant was asked and agreed to carry out the directives.

The Supreme Court has recognized that the provision in Article 2, Section 1 of the Constitution that "the executive power shall be vested in a President of the United States" does not mean that the President may direct the actions of every single person in the executive branch of the government contrary to express Congressional direction:

"The executive power is vested in a President, and as far as his powers are derived from the Constitution, he is beyond the reach of any other department, except in the mode prescribed by the Constitution through the impeaching power. But it by no means follows that every officer in every branch of that department is under the exclusive direction of the President. Such a principle, we apprehend, is not, and certainly cannot be claimed by the President.

"There are certain political duties imposed upon many officers in the executive department, the discharge of which is under the direction of the President. But it would be an alarming doctrine that Congress cannot impose upon any executive officer any duty they may think proper, which is not repugnant to any rights secured and protected by the Constitution; and in such cases, the duty and responsibility grow out of and are subject to the control of the law, and not to the direction of the President.

* * * * *

"It was urged at the bar that the Postmaster General was alone subject to the direction and control of the President, with respect to the execution of the duty imposed upon him by this law, and this right of the President is claimed, as growing out of the obligation imposed upon him by the Constitution to take care that the laws be faithfully executed. This is a doctrine that cannot receive the sanction of this court. It would be vesting in the President a dispensing power which has no countenance for its support in any part of the Constitution; and is asserting a principle which, if carried out in its results to all cases falling within it, would be clothing the President with a power entirely to control the legislation of Congress, and paralyse the administration of justice. *Kendall v. United States*. 37 U.S. [12 PET.] 524, 610, 612–13 (1838)."

Accordingly, it is the determination of the defendant who ordered the abolition of the Office, and not that of the President which must be judged in assessing the lawfulness of the attempt to bring the Office of Special Prosecutor back into the Criminal Division of the Justice Department.

In assessing the validity of the defendant's direction, it is well to recall the sequence that led to the attempted abolition. On the afternoon of October 20th, after both the Attorney General and the Deputy Attorney General declined to discharge Mr. Cox and to abolish the Office of Special Prosecutor, the President made a similar request of the defendant, and he agreed to execute the orders. That very evening, minutes after the discharge orders were conveyed to Mr. Cox, agents of the Federal Bureau of Investigation were sent by the White House to take control of the files at the Office of the Special Prosecutor and thereby to deny access to members of that staff to the premises. Thus, the legality of the determination to reassert control over the Watergate investigation must be judged on the basis of what the defendant knew and considered on Saturday, October 20th, and not at the time that the decision was committed to writing three days later.

The authority under which the Attorney General may assign the functions of the Justice Department among its employees is contained in Section 510, which provides that the Attorney General may "make such provisions as he considers appropriate authorizing the performance by any other officer, employee, or agency of the Department of Justice of any function of the Attorney General." Thus, the statute requires that the Attorney General consider the assignment to be "appropriate," and it is apparent here that the defendant gave no independent consideration to the question, but simply obeyed the order of the President. Mere obedience to the command of another cannot constitute a proper use of administrative discretion.[85]

Footnotes at end of article.

There are only two reasons of which we are aware for which the office might have been abolished. If either or both of these reasons is improper, *i.e.*, legally irrelevant to defendant's determination that abolishing the office was "appropriate," then the determination must be set aside. *D.C. Federation of Civic Ass'ns.* v. *Volpe*, 459 F. 2d 1231 (D.C. Cir. 1971), *cert. denied*, 405 U.S. 1030 (1972). The first possible reason is that the President did not want to surrender more than the summaries of the tapes, which he had agreed to provide to Judge Sirica, and which Mr. Cox, and presumably other members of the Office of the Special Prosecutor, would not accept as being sufficient. That reason is not necessarily related to the independence of the Office since any prosecutor could demand the tapes, subject only to the threat of discharge by the Attorney General for doing so. Thus, that reason seems wholly irrelevant to any consideration that might properly cause defendant to abolish the Office of the Watergate Special Prosecutor.

The second possible reason is that the President himself was concerned that the investigation was coming too close to him, to former members of his Cabinet, to his friends, and to his former close associates in the White House. In short, he was concerned that the independent prosecutor would truly be independent, and that he and his closest associates might be adversely affected by such continued independence. No other reason has been suggested for the abolition of this office, and the circumstances admit of no other conclusion. It is apparent that if this other reason is the basis for assigning the functions of the Special Prosecutor back to the Criminal Division, that is not an "appropriate" reason under Section 510.

Finally, in determining whether the defendant acted in an arbitrary and capricious manner in abolishing the Office, it is well to consider that he was aware of the resignation of the two predecessors in office and knew that he would be out of a job unless he also agreed to the President's desire.[66] Seen in this light, his decision, even if he had the authority and met the technical requirements of the statutes and regulations, was clearly affected by a personal stake and thus must be judged with the greatest skepticism. In that respect the defendant's decision must be viewed in the same manner as the Court of Appeals for this Circuit did in assessing the approval by the Secretary of Transportation for the Three Sisters Bridge in *D.C. Federation of Civic Ass'ns.* v. *Volpe*, *supra*. The improper influence in that case was a threat on the part of Representative Natcher to withhold badly-needed funds for the District of Columbia Metropolitan Transit Authority unless the bridge was approved by Secretary Volpe. Judge Bazelon found this pressure to be "sufficient, standing alone, to invalidate the Secretary's action," [67] and Judge Fahy agreed that it was sufficient, when combined with other factors, to overturn the administrative decision. We submit that the virtual certainty of the defendant that he would be fired unless he obeyed the President's order, coupled with the fact that the President appears to have acted in part to prevent the Special Prosecutor from investigating him and his closest associates, fatally taints defendant's decision to abolish the Special Prosecutor's Office and requires that this Court set aside Order 546-73 of October 23, 1973.

* * * * *

The question presented on the abolition of the Office of the Special Prosecutor is whether the statutes, regulations, Constitution, and the Congress of the United States contemplate that a Solicitor General, who is suddenly catapulted into the office of Acting Attorney General, should be able to make the drastic organizational change of destroying the Office of an independent prosecutor, which was established to reassure public confidence in the investigation of the Watergate matters, where he did so at the direction of the President who is a subject of the investigation and where he made the decision in order to avoid being fired and without any rational basis. Plaintiffs submit that the answer to this question is clearly "No," and that the attempted abolition of the Office of Special Prosecutor was of no force and effect.

III. Immediate injunctive relief is required in this case

The Court of Appeals for this Circuit established the criteria for the issuance of a preliminary injunction in *Virginia Petroleum Jobbers Ass'n* v. *FPC*, 131 U.S. App. D.C. 106, 110, 259 F.2d 921, 925 (1958). Under that decision, this Court is required to consider the probability of success on the merits, to balance the equities between the parties, and to assess where the public interest lies. Moreover, the Court made it clear that a far lesser showing of irreparable harm to the plaintiffs is required as the probability of success increases. *Id.* As we have demonstrated above, there is a very strong likelihood that Mr. Cox was unlawfully discharged from his office and that the attempted abolition of the Office of Special Prosecutor was invalid. Thus, the showing of harm to these plaintiffs which is required can be met without proof of the kind of irreparable harm present in other situations where plaintiff's case on the merits is not so strong.

Each of the plaintiffs is seeking to restore the public confidence in the administration of justice in this country and to insure that a truly independent special prosecutor is given full powers to investigate the full range of Watergate matters. Their efforts will be greatly aided by a preliminary injunction since that will permit them to turn their attentions away from legislative solutions to the problem of an independent prosecutor and direct their efforts towards other aspects of the problem, particularly since preliminary relief will entail a finding of probable success on the merits.[68]

A preliminary injunction will cause almost no harm or inconvenience to the defendant since he has little personal stake in the outcome of this controversy; in fact, an injunction may relieve him of the problem of selecting a new prosecutor to handle the Watergate matters and of the need to exercise any further supervision over this matter. As for the public interest, even a preliminary injunction will go a long way towards restoring the public's faith that ours is still a system of laws and not men and that the actions of every citizen are subject to scrutiny by the courts where they transgress specific provisions of law.

This motion also asks that the hearing on the motion for a preliminary injunction be consolidated with a hearing on the merits as authorized by Rule 65(a)(2). This case would seem to be a particularly appropriate one for consolidation since the facts would not appear to be in dispute and the conflicts are solely those of law. Perhaps more important than the absence of factual dispute, and the consequent lack of need for discovery, is the real public need for the resolution of this conflict at the earliest time. So long as there is any uncertainty about the legality of the firing of Mr. Cox, the work of the office cannot go forward. No defendant will be able to consider entering a plea until he knows who is in charge of the prosecution, and no indictments can be brought until it is determined who has the final authority to decide who is to be charged with what. Perhaps the best evidence of the uncertainty that must be resolved is the joint motion of the Special Prosecutor's Office and Mr. Petersen which asked Judge Sirica to take control over the Office's files until these questions of control can be resolved.[69]

Finally, the stated intention of the President to have the defendant appoint during this week a new special prosecutor, who will operate within the Justice Department, makes clarification of the legality of defendant's actions at the earliest time even more urgent. It is clearly not in the interest of anyone to have a new prosecutor embark on examination of all the work undertaken by the Special Prosecutor's Office only to be told later that Archibald Cox is still validly holding the position of Special Prosecutor.

CONCLUSION

For the reasons set forth above, plaintiffs' motion should be granted in all respects, and this Court should enter plaintiffs' proposed order submitted herewith.

Dated: Washington, D.C., October 29, 1973.

Respectfully submitted,

ALLAN B. MORRISON,
W. THOMAS JACKS,
RAYMOND T. BONNER,
Attorneys for Plaintiffs.

FOOTNOTES

[1] Submitted simultaneously with this motion is a motion for leave to amend the complaint and add additional parties. This amended complaint raises no new issues, and most of the changes simply reflect the addition of the new parties and the changes in circumstances that have occurred since the original complaint was prepared. For the convenience of defendant and the Court, we will refer to the amended complaint in this memorandum in lieu of the original complaint and include facts and arguments related to the parties in the amended complaint.

[2] 119 Cong. Rec. S 8094 (daily ed. May 1, 1973).

[3] *Hearings Before the Sen. Comm. on the Judiciary on Nomination of Elliot L. Richardson, of Massachusetts, to be Attorney General*, 93rd Cong. 1st Sess. (1973) [hereinafter cited as "Hearings"]. [A copy of the Hearings is being provided to the Court for its convenience].

[4] Even before the hearings began, numerous resolutions and bills had been submitted in both houses of Congress calling for the creation of a special prosecutor's office. *See* S. Res. 105, 106, 109; H.R. 7590, 7504, 7855; H.J. Res. 538, 541; H. Con. Res. 208; H. Res. 367–369, 373–374, 376–378, 381, 384–386, 391, 93d Cong., 1st Sess. (1973).

[5] Hearings at 12 (Remarks of Senator Hart).

[6] *Id.* at 4–5.

[7] See, e.g., *id.* at 5, 15, 17, 36, 45–47, 94, 130–131, 144–147, 177. Members of the Committee were especially insistent that the Watergate prosecution not be under the direction of Henry E. Petersen, the Assistant Attorney General in charge of the Criminal Division. See, e.g., *id.* at 152–153.

[8] Senator Ervin stated early in the hearings, "[h]e should have assurance that he would not be subject to removal from his position except for malfeasance in office." See also *id.* at 38 and 137–139, as well as the prescient, if overly optimistic exchange between Senator Tunney and Secretary Richardson discussing the possibility of the Attorney General's being pressured by the President to dismiss the special prosecutor, *id.* at 72–73.

[9] See generally *id.* at 40–42, 52, 57–58, 68–69, 76–77, 79, 159.

[10] Hearings at 144–146. Such guidelines were first proposed in a Senate resolution offered by Senator Stevenson and others, and were later the subject of correspondence between Secretary Richardson and Senator Stevenson. See 119 Cong. Rec. S 9713–15 (daily ed. May 23, 1973).

[11] Hearings at 146, 149–150, 155–156, 177–178.

[12] *Id.* at 159. See also *id.* 179–182.

[13] *Id.* at 200–01 (colloquy between Secretary Richardson and Senator Mathias).

[14] 119 Cong. Rec. S 9709 (daily ed. May 23, 1973). See also *id.* at S 9711 (Remarks of Senator Kennedy), S 9712 (Remarks of Senator Javits), and S 9712–15 (Remarks of Senator Stevenson).

[15] 38 Fed. Reg. 14688 (June 4, 1973), 28 C.F.R. §§ 0.1, 0.37.

[16] Also on May 31, 1973, Attorney General Richardson promulgated Internal Order 518–73, which was not published in the Federal Register, designating Special Prosecutor Archibald Cox the Director of the Watergate Special Prosecution Force, effective May 25, 1973. Additional orders were promulgated by Attorney General Richardson over the next few months to further clarify the authority of the Special Prosecutor. See 38 Fed. Reg. 18877 (July 16, 1973); 38 Fed. Reg. 21404 (Aug 8, 1973).

[17] See *Hearings Before the Select Sen. Com. on Presidential Campaign Activities on Watergate and Related Activities*, 93d Cong., 1st Sess. 2073 *et seq.* (1973).

[18] *In re subpena to Nixon*, 360 F. Supp. 1 (D.D.C. 1973).

[19] See *Nixon v. Sirica*, — F.2d — (D.C. Cir. No. 73–1962, decided Oct. 12, 1973), reprinted at 119 Cong. Rec. S 19303 *et seq.* (daily ed. Oct. 18, 1973).

[20] Transcript of Press Conference of Former Attorney General Richardson, October 24, 1973, p. 3; a copy of the transcript is submitted as Exhibit 14 to the Affidavit of W. Thomas Jacks filed herewith [hereinafter referred to as "Richardson Press Conference"]. [Exhibits to this affidavit will hereinafter be referred to as "Jacks Exhibit —"].

[21] See Richardson Press Conference [Jacks Exhibit 14] at 3–4. A copy of Attorney General Richardson's proposal is submitted as Jacks Exhibit 1.

[22] Richardson Press Conference at 4.

[23] A copy of this memorandum is submitted as Jacks Exhibit 2.

[24] A copy of this letter is submitted as Jacks Exhibit 3. On Friday, October 19, the day on which the stay of the Court of Appeals was to expire, Special Prosecutor Cox and Attorney Wright had still another exchange of correspondence, but were still unable to resolve their differences. Copies of these two letters are submitted as Jacks Exhibits 4 and 5.

[25] Copies of the President's statement and the White House press release are submitted as Jacks Exhibit 7. Just before issuing this statement, President Nixon sent a letter to Attorney General Richardson directing him to instruct Special Prosecutor Cox accordingly and expressing his regret for "the necessity of intruding, to this very limited extent, on the independence that I promised you * * * when I announced your appointment * * *" [A copy of the President's letter is submitted as Jacks Exhibit 6]. Attorney General Richardson responded to the President's letter the next day, stating that the President's direction was an intrusion on the independence promised him by the President and that for him to carry out the order would be to violate a number of the specific promises made by him to the Senate. [A copy of this reply letter is submitted as Jacks Exhibit 9].

[26] A copy of the Special Prosecutor's statement of October 19 is submitted as Jacks Exhibit 8.

[27] A copy of a transcript of Special Prosecutor Cox's press conference of Saturday, October 20, is submitted as Jacks Exhibit 10.

[28] This letter is discussed in note 25, *supra*.

[29] A copy of Attorney General Richardson's letter of resignation was released by the White House on October 20th; a copy of that release is submitted as Jacks Exhibit 11.

[30] Deputy Attorney General Ruckelshaus' reasons for resigning were discussed by him in a press conference on Tuesday, October 23, a transcript of which is submitted as Jacks Exhibit 15.

[31] The text of the President's letter to the defendant was released by the Office of the White House Press Secretary on October 20th; a copy of that release is submitted as Jacks Exhibit 12.

[32] A copy of this letter is also part of Jacks Exhibit 12.

[33] See Motion for Prospective Order, *In Re Investigations By June 5, 1972 Grand Jury and August 13, 1973 Grand Jury* (D.D.C. filed Oct. 25, 1973) (copy submitted as Jacks Exhibit 17).

[34] See note 7, *supra;* In a written statement released to the press, Bork added that "[m]y job is to keep the Department operating effectively until such time as the President nominates and the Senate confirms a new Attorney General. In my capacity as Acting Attorney General, I hope to preserve for that future Attorney General the programs and initiatives begun by Elliot Richardson." A copy of the Acting Attorney General's written statement is submitted herewith as Jacks Exhibit 13.

[35] See the affidavit of plaintiff Moss, which is submitted herewith.

[36] See 119 Cong. Rec. H 9356–57 (daily ed. Oct. 23, 1973).

[37] See, e.g., S. 2603; S. Res. 191, H.R. 11043, H.R. 11067, H.R. 11075, H.R. 11081, H.J. Res. 784–788, 791–793, H. Res. 632, H. Con. Res. 366, 93d Cong., 1st Sess. (1973).

[38] See generally the affidavit of plaintiff Moss submited herewith.

[39] See note 33, *supra*.

[40] *New York Times*, Oct. 27, 1973, at 14, a copy of which is submitted as Jacks Exhibit 19.

[40a] *Id.*

[40b] See the Moss affidavit submitted herewith.

[41] Hearings at 12.

[42] *Id.* at 5.

[43] *Id.* at 6.

[44] *Id.* at 38.

[45] *Id.* at 72.

[46] *Id.* at 144.

[47] *Id.* at 150.

[48] *Id.* at 177.

[49] *Id.* at 73.

[50] *Id.* at 46.

[51] *Id.* at 144–46.

[52] *Id.* at 73.

[53] Jacks Exhibit 12.

[54] Jacks Exhibit 14, p. 37.

[55] Jacks Exhibit 16, p. 4.

[56] Jacks Exhibit 10 pp. 16–17.

[57] 28 C.F.R. § 0.37 (1973).

[58] Hearings at 41–42, 52, 57–58, 68–69, 77.

[59] Jacks Exhibit 16, pp. 27–28.

[60] Hearings at 144, 174.

[61] *Id.* at 200–201.

[62] In addition, the discharge was invalid for the reasons set forth in Sections B and C of Point II of the Argument—*i.e.*, that as Acting Attorney General the defendant lacked the power to discharge Mr. Cox and that his decision to do so was not an independent exercise of his discretion but was merely a carrying out of the President's order in order to prevent the President from discharging him as well.

[63] 28 C.F.R. § 0.37 (1973).

[64] In this connection it should be noted that Justice Department regulations, 28 C.F.R. §§ 0.25(b) and 0.182, require the Assistant Attorney General in Charge of the Office of Legal Counsel to review all proposed orders, including those affecting organizational changes in the Department, for form, legality, and consistency with other orders. It would be interesting to know what led the same person, Robert G. Dixon, to conclude in May that the provision was valid, and to reach the opposite result in October.

[65] The Court held that there could be no limitation on the President's power to dismiss where Congress had vested the power of appointment in the President. It noted that until Congress "is willing to vest their appointment in the head of the department, they will be subject to removal by the President alone and any legislation to the contrary must fall as in conflict with the Constitution." 272 U.S. at 163. Thus, *Myers* is not applicable to the issue of discharge since Mr. Cox was not appointed by the President.

[66] Hearings at 152.

[67] *Id.* at 144–46.

[68] *Id.* at 62. See also note 4, *supra*.

[69] The legislative understanding was further confirmed when the Senate appropriated 2.8 million dollars for the Office of the Special Prosecutor. S. Rep. No. 368, 93rd Cong., 1st Sess. 12 (1973); See also *Hearings Before the Committee on Appropriations*, 93rd Cong., 1st Sess., pt. 2, at 2151–2153, 2181–2194 (1973). Because the Office was created after the House committee had concluded deliberations on the Justice Department fiscal 1974 appropriations, no provision was included in the House bill, and as of this date, no conference committee meeting has been held to resolve the differences between the two bills.

[70] The importance attached to organizational changes is demonstrated by the Reorganization Act of 1949, 5 U.S.C. §§ 901 *et seq.*, under which a reorganization plan must be submitted by the President to Congress for 60 days before it can become effective. Such plans include "the consolidation or coordination of a part of an agency *or the functions thereof* with another part of the same agency or the functions thereof . . ." 5 U.S.C. § 903(a)(4), and thus appear literally to cover the transfer at issue here. However, the Act has never been considered to apply to functions which are created administratively, and hence its requirements are useful only as a guideline that Congress attached to major organizational alterations.

[71] Prior to October 23rd, the only successor designated was the Solicitor General. 28 C.F.R. § 0.132(a). On that date defendant issued a new order providing for further successors after the Solicitor General. See 38 Fed. Reg. 29466 (Oct. 25, 1973).

[72] Jacks Exhibit 18.

[73] Now 28 U.S.C. § 505.

[74] Now 5 U.S.C. § 3345.

[75] 67 Stat. 636 (1953). In 1966 the codification of Title 28 merely reflected these changes in what are now Sections 505 and 508.

[76] A copy of President Eisenhower's message is submitted as Jacks Exhibit 18.

[77] The defendant's action in promulgating an order of succession to follow him (38 Fed. Reg. 29466, October 25, 1973) was clearly the type of emergency action which he had authority to take since the prior regulations, 28 C.F.R. § 0.132(a), did not cover the case in which there is no Solicitor General to fill the vacancy.

[78] 1 Stat. 281, Ch. 37, Sec. 8.

[79] 14 Stat. 656, Ch. 44.

[80] 15 Stat. 168, Ch. 227.

[81] 26 Stat. 733, Ch. 113.

[82] We do not suggest that the actual confirmation process and swearing in must be completed within 30 days, which expires in this case on November 19th, since that would permit the Senate, by delaying action on a nominee, to cause the removal from office of the person holding the acting position. In our view the Vacancies Act is properly construed to require only the nomination of a new Attorney General within that period of time. This view is supported by the remarks of Senator Trumbull, who said: ". . . the President is authorized to detail some other officer to perform the duties for ten days in case of a vacancy, and during those ten days it will be his duty to nominate to the Senate * * * some person for the office * * *." 39 Cong. Globe 1164 (Feb. 14, 1868).

[83] Jacks Exhibit 16, at 5.

[84] "The President . . . may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any

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Subject relating to the Duties of their respective offices. . . ."

[55] The Department's own regulation, 28 C.F.R. § 0.182, requires the submission of proposed orders to the Office of Legal Counsel "for approval as to form and legality and consistency with existing orders." There is not the slightest indication that any such action was taken before the F.B.I. take-over of the files of the Special Prosecutor, and thus there also appears to be a failure of compliance with the Department's own regulations.

[56] Jacks Exhibit 16, p. 3.

[57] 459 F. 2d at 1245.

[58] Had the attempted discharge not already taken place by the sudden unilateral action of defendant, there seems little doubt that the balance of equities would compel the issuance of an injunction, even if the case were far weaker on the merits.

[59] See Jacks Exhibit 17.

POLITICAL REFUGEES IN CHILE

Mr. KENNEDY. Mr. President, on October 18, I wrote to Secretary of State Henry A. Kissinger to express my concern over conditions in Chile, particularly the difficult situation of political refugees and the continuing violation of human rights.

Although the record does suggest that a measure of progress has been made in this important area of international concern, a tremendous gap continues to exist between the actions of the Chilean authorities and their repeated assurances on human rights questions to various international organizations and to other governments.

Because of numerous reports regarding personal tragedy and human rights violations in the aftermath of the coup in Chile, I urgently appealed on September 12 for humanitarian initiatives by the United Nations High Commissioner for Refugees and the International Committee of the Red Cross. The military government in Chile subsequently admitted representatives from these international humanitarian organizations and has committed itself to the humane treatment of political prisoners and the protection of political refugees and others in distress. Several thousand refugees are now awaiting safe conduct out of the country under international auspices.

In supporting the work of the United Nations High Commissioner for Refugees, I urged Secretary Kissinger and the Department of State to respond positively to the appeal of the High Commissioner on October 17 to provide resettlement opportunities for political refugees in Chile who wish to migrate to other countries. In light of the fact that there are now a number of applications for refugee visas to the United States pending at the American Embassy in Santiago, I believe the time is long overdue for our Government to express its willingness to assist in this resettlement effort of the U.N. High Commissioner.

I urge the administration to take immediate steps to provide asylum and resettlement opportunities in our country to a reasonable number of political refugees in Chile, under the parole provisions of the Immigration and Nationality Act.

The time to act is now. And, as we have done with refugees from Hungary, Czechoslovakia, and Cuba, and more recently in the case of Asians from Uganda, this humanitarian gesture is in keeping both with the law and our past traditions.

Mr. President, I ask unanimous consent that the full text of my letter to Dr. Kissinger and my questions to the Department of State on developments in Chile, as well as the text of the appeal by the United Nations High Commissioner for Refugees, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., October 18, 1973.

Hon. HENRY A. KISSINGER,
Secretary of State, Department of State, Washington, D.C.

DEAR MR. SECRETARY: Congressional and public concern continues over the conditions in Chile, including the difficult situation of political refugees and the continuing violation of human rights. As you know, I share this concern, and, since the overthrow of the Allende government on September 11, I have strongly advocated and supported efforts by our government in behalf of protecting human rights and of providing international protection and safe conduct out of Chile for political refugees and others in distress.

On September 28, the Judiciary Subcommittee on Refugees appreciated the testimony on these matters from the Honorable Jack B. Kubisch, Assistant Secretary for Inter-American Affairs, and Mr. Louis A. Wiesner, Acting Director of the Department's Office of Refugee and Migration Affairs. In this connection, and as anticipated by the Subcommittee's witnesses, enclosed are a number of questions which elaborate the Subcommittee's concerns over developments in Chile, especially in the area of human rights and refugees.

Although the record suggests that a measure of progress has been made in this important area of international concern, a tremendous gap continues to exist between the actions of Chilean authorities and their repeated assurances on human rights questions to international organizations and other governments. Action taken in recent days by the Executive Committee of the United Nations High Commissioner for Refugees (UNHCR) clearly suggests this. Moreover, reports from many sources confirm that the situation of many thousands, both foreign residents and Chilean nationals, continue to deteriorate. Apart from the general concern over the repressive policies of the Military Government, there is specific concern over the treatment of political prisoners, and over the failure of Chilean authorities to maximize the protection of political refugees and provide for their safe conduct out of the country.

In light of these conditions, I would like to encourage a more positive and active policy on the part of our government, and urge that a number of immediate steps be taken.

First, our government should make strong representations to Chilean authorities in support of the UNHCR's effort to provide full protection for political refugees under his mandate, including their unimpaired access to the many "safe havens" and refugee centers established in Chile under international auspices.

Secondly, our government should make strong representations to Chilean authorities for a speedy conclusion of agreements with the UNHCR to ensure the safe conduct out of Chile of political refugees under his mandate, including several hundred persons remaining in foreign embassies.

Thirdly, in light of the UNHCR's current efforts to find resettlement opportunities for all refugees from Chile, I am extremely hopeful that our government will reconsider its apparently negative response to my earlier recommendation that the United States should offer asylum to a reasonable number of refugees from Chile under appropriate provisions of the Immigration and Nationality Act.

Fourthly, our government should make strong representations to Chilean authorities in behalf of the humane and just treatment of all persons, including former members of the Allende Government, who are being detained for political reasons. Especially, the United States should strongly support efforts by the International Committee of the Red Cross (ICRC) in this area of international concern, and actively encourage Chilean authorities to invite a regular inspection of all detention facilities by representatives of the ICRC and to provide for the orderly due process or release or safe conduct of persons detained for political reasons.

Fifthly, our government should actively encourage and support efforts of the Inter-American Commission on Human Rights to undertake an immediate inquiry into recent events in Chile.

And finally, with the exception of emergency humanitarian assistance, the President should deny the new Chilean Government American economic or military assistance, until this Government carries out its assurances to the UNHCR and others on questions of human rights and refugees, and fulfills its humanitarian obligations in conformity with international conventions to which Chile is a party.

I am extremely hopeful that Congress and the American people can be fully assured of our government's active concern over developments in Chile, and that every effort is being made to encourage and facilitate a resolution of Chile's human rights and refugee problems under international auspices.

Many thanks for your consideration, and I look forward to hearing from you soon.

Sincerely,

EDWARD M. KENNEDY,
Chairman, Judiciary Subcommittee on Refugees.

QUESTIONS ON DEVELOPMENTS IN CHILE SUBMITTED TO THE DEPARTMENT OF STATE BY SENATOR EDWARD M. KENNEDY

1. During September 28 hearings before the Subcommittee on Refugees, Department of State witnesses were asked to comment on allegations in the press and from other witnesses before the Subcommittee regarding widespread killing, executions, torture, etc. At one point, Assistant Secretary Kubisch said: "We do not have all the facts now but we are tracking down everything we can . . . We have not been able to find out anything concrete. . . . It has been so far only hearsay. . . . I do not exclude the possibility that we may learn more in a week or two, or a month from now, but we are doing everything we can now to find out. . . ."

What is the Department's current assessment of allegations regarding: widespread killing, executions, torture, etc.? What is the Department's current understanding of the cumulative total of persons killed, executed, arrested, detained, etc.? What is the Department's overall assessment of the impact of the Allende Government on political activities, civil liberties, and human rights in Chile?

2. Generally describe the mandates, activities and objectives in Chile of the United Nations High Commissioner for Refugees (UNHCR) and the International Committee of the Red Cross (ICRC).

3. Describe the number, location, administration, and conditions of the "safe havens", which are operated under the auspices of the UNHCR for political refugees. Are the

centers open to both foreign residents and Chilean nationals? How many persons are in these centers? What are their nationalities? Are the locations of these centers publicly known and easily accessible? Are Chilean military or police personnel in the centers or around them, and has there been any evidence of interference by the Military Government in the effective operation of these centers or in the movement of persons into the centers? Have any persons been removed from the centers by Chilean authorities, and, if so, for what reasons? An October 17 UNHCR press statement declares: "Chilean authorities have said that refugees who have committed offences would be prosecuted, but the High Commissioner said it was not as yet clear what was meant by the term 'offences'. He was trying to obtain clarification on this point." Comment on this statement, and what is the Department's understanding in this area of concern?

4. What is the status of the UNHCR's efforts to provide safe conduct out of the country for persons able to reach a refugee center? Have any persons in the refugee centers been given safe conduct out of the country? Why has there been so little progress on the conclusion of safe conduct agreements, and what is the United States doing about it?

5. What is the number of persons who sought asylum in foreign embassies? What are the nationalities of these refugees, and in which embassies did they find asylum? How many refugees in these embassies have been given safe conduct out of Chile? What are their nationalities, from which embassies did they leave, and where did they go? How many refugees remain in embassies? What are the nationalities of these refugees, and in which embassies are they still found? Why haven't they been given safe conduct out of Chile, and what is the United States doing to help resolve this problem?

6. Were any persons given asylum in the American Embassy? Were any persons refused asylum in the American Embassy, and, if so, on what grounds? Generally elaborate on United States policy towards granting asylum in an American Embassy or United States government office overseas.

7. Generally describe our Embassy's activities in behalf of Americans present in Chile during and following the military coup. What specific activities were carried out in behalf of Americans detained, missing, etc? Has the Department been satisfied by the response of Chilean authorities to official American inquiries and activities in this area of concern?

8. Describe any supportive role the United States Embassy has played vis a vis UNHCR, ICRC, and similar international activities or presence in Chile.

9. Why hasn't the United States responded positively to the UNHCR appeal for resettlement opportunities for refugees from Chile?

10. What is the Department's understanding as to the number and nationalities of political prisoners in Chile, the number and location and condition of detention facilities, the treatment of detainees, the allegations of torture and summary executions, and the prosecution and sentencing of those charged with "offences"?

11. Has our Embassy in Chile and the Department of State been satisfied with the Chilean Military Government's response to UNHCR, ICRC, and other international activities in behalf of refugees and human rights in Chile? Is it the Department's judgment that the Military Government is living up to its publicly stated commitments to the UNHCR and the ICRC, and that the Military Government is fulfilling Chile's humanitarian obligations under international conventions and law? If not, what can, or should, the United States do?

12. Define the considerations which led to United States recognition of the Chilean Military Government on September 24. Did any bi-lateral understandings, commitments, etc. accompany American recognition of the junta?

13. Describe any United States aid or other commitments to Chile as of early September 1973. Describe any pending Chilean requests to and/or negotiations with the United States, again, as of early September 1973. What effect did the Allende Government's overthrow have on these commitments, requests and/or negotiations?

Describe any new United States aid or other commitments to Chile since the Allende Government's overthrow by the junta. Describe any pending Chilean requests to and/or negotiations with the United States.

14. Was the overthrow of the Allende Government in Chile in the best interests of the United States? Elaborate.

15. Regarding contacts between United States personnel attached to the Embassy and Chilean military personnel, list the names of the personnel involved, the dates of contact, and the subjects of conversation during the 10 days immediately preceding the coup.

16. The Senate Foreign Relations Subcommittee on Multinational Corporations concluded in its report: "ITT sought to engage the CIA in a plan covertly to manipulate the outcome of the Chilean presidential election," and that "The pressures which the company sought to bring to bear on the U.S. for CIA intervention . . . are also incompatible with the formulation of U.S. foreign policy in accordance with the U.S. national, rather than private interests." On the issue of whether American foreign policy should be highly influenced by the interests of private U.S. firms, have U.S. officials or Department of State personnel met with officials of U.S. firms which had been nationalized by the former Chilean government since the coup? If so, when and who and which companies were represented? Elaborate on the purposes of the meetings and at whose initiative they were called.

17. From the ITT hearings of the Foreign Relations Committee, the Senate is familiar with a series of Forty Committee meetings in 1970 which dealt with Chile. The first meeting of which there is public knowledge took place in June 1970. At that meeting, the CIA was authorized to carry out a covert propaganda campaign against Allende. $400,000, was, in fact, spent for this purpose. Additionally, the testimony states that there was a further meeting of the Forty Committee which dealt with Chile soon after Allende was elected on September 4, 1970. The Subcommittee was unable to get a clear answer as to precisely what transpired at this meeting. But it was subsequent to this meeting that Mr. Broe of the CIA made his proposal of September 29, 1970, to Mr. Gerrity of the ITT Corporation to create economic chaos in Chile. The testimony showed that this proposal was made with Mr. Helms' knowledge and approval.

How many times since has the Forty Committee considered the Chilean political situation and U.S. policy with respect to the Allende regime? When was the last Forty Committee meeting prior to the coup in which the subject of Chile was discussed? What were the conclusions regarding Chile?

Did the Forty Committee at any of these meetings authorize CIA assistance, directly or indirectly, in any form whatever, to any of the groups or individuals opposed to Allende?

From Mr. Hennessey's testimony before the Multilateral Corporations Subcommittee it is clear that the U.S. Government used its influence in the multilateral lending institutions to prevail upou these institutions to cut off economic development credits to Chile, even before there was any expropriation of any properties by the Chilean government. Yet Mr. Hennessey also testified that the United States Government made available millions of dollars of credits for military purchases. Why were new military credits offered and new economic loans denied?

18. In an article in the *New York Times* of September 27, 1973, a *Times* correspondent reports that the plotting of the coup which toppled Allende began as early as November 1972. In October 1972 there were a series of demonstrations by Chileans, primarily from the middle class who were opposed to Mr. Allende, the so-called "pots and pans" demonstration. This demonstration bore a striking resemblance to similar demonstrations which took place in Brazil in 1963 and early 1964 against the Goulart regime. Did the CIA play any role whatsoever,, directly or indirectly, in the demonstrations which took place in Chile in October of 1972?

UNHCR EXECUTIVE COMMITTEE CABLES CHILEAN GOVERNMENT ABOUT PROTECTION OF REFUGEES

(The following is reproduced as received from UNHCR, Geneva)

The Executive Committee of the United Nations High Commissioner for Refugees (UNHCR) has sent a cable to the Government of Chile expressing "the hope that Chile will, in continued co-operation with the High Commissioner, and in conformity with the international conventions to which it is a party, promote rapid solutions for refugees under the High Commissioner's mandate in Chile, taking into account their need for protection and assistance".

The idea of dispatching a cable was first suggested by the Norwegian delegate to the Committee, Edward Hambro, after a great number of delegates among the 31 member Governments had stated their concern about the situation of refugees from various Latin American countries who are living in Chile.

ANOTHER UNHCR OFFICIAL SENT TO SANTIAGO

UNHCR's presence in Chile was strengthened yesterday when another senior official was sent to Santiago from Geneva to join UNHCR's Regional Representative for Latin America, Oldrich Haselman. Soon after the change of regime last month, Mr. Haselman established "working modalities" with the Chilean Ministries of Foreign Affairs and of Interior.

Several hundred refugees from various Latin American countries have sought protection and assistance in the emergency reception centres that have been set up under the auspices of the National Committee for Aid to Refugees. UNHCR has secured the services of a Chilean lawyer to provide to the greatest extent possible due process of law and proper defence of refugees charged with offences.

Chilean authorities have said that refugees who have committed offences would be prosecuted, but the High Commissioner said it was not as yet clear what was meant by the term "offences". He was trying to obtain clarification on this point.

In addition to strengthening the UNHCR presence in Chile, the High Commissioner is intensifying his contacts with Governments, the International Red Cross, the Intergovernmental Committee for European Migration, and international as well as national voluntary agencies, to ensure co-ordinated actions to assist the refugees in Chile.

Supporting the idea of sending a cable to the Chilean Government, the delegate of Sweden, Governor E. A. Westerlind, stated during the Committee's deliberations: "If the international instruments that safeguard the rights of refugees are not applied entirely in Chile, this could have a bearing on their application in other situations. Silence today might destroy the whole system of measures of protection that has been built up so laboriously over the years",

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Chile is a party to the two main instruments in the field of international protection of refugees, namely, the 1951 Convention relating to the Status of Refugees, which defines the rights of refugees and prescribes a standard of treatment to which refugees are entitled, and the 1967 Protocol relating to the Status of Refugees which extends the provisions of the 1951 Convention to new groups of refugees and is thus applicable to the present situation.

APPEAL FOR RESETTLEMENT OPPORTUNITIES FOR 1,000

The High Commissioner has also appealed to the Governments who are members of his Executive Committee to provide resettlement opportunities for some 1,000 refugees in Chile who wish to migrate to another country. This is considered an initial figure which may increase considerably. UNHCR has been informed that 20 refugees have already arrived in Canada.

Even before the High Commissioner's appeal, the representatives of Sweden, Switzerland and France had told the Committee that their Governments would be willing to accept refugees uprooted as a result of events in Chile who decided to resettle elsewhere.

The full text of the cable that was handed yesterday by the Chairman of the Executive Committee, Axel Herbst of the Federal Republic of Germany, to Pedro Daza, Permanent Representative of Chile to the United Nations in Geneva, for transmittal to the Minister of Foreign Affairs, is as follows:

"The Executive Committee of the programme of the United Nations High Commissioner for Refugees has during its present session requested me to inform Your Excellency of the following: The Executive Committee has considered the situation of the refugees under the mandate of the High Commissioner in Chile. With reference to the contacts which have taken place and the arrangements made between your Government and the High Commissioner in view of the humanitarian aspects involved, the Committee has expressed the hope that Your Excellency's Government will, in continued co-operation with the High Commissioner and in conformity with the international conventions to which Chile is a party, promote rapid solutions for these refugees, taking fully into account their need for protection and assistance.

"Accept, Your Excellency, the assurances of my highest consideration."

ANNIVERSARY OF UNITED CHURCH OF WEST RUTLAND

Mr. STAFFORD. Mr. President, on October 20, 1973, the bicentennial celebration was held for the United Church of West Rutland, Vt. A beautiful historic landmark, the church has a rich local history. In 200 years the church has had 25 pastors and has worshiped in four church buildings. The impressive development of both the church and the town has been facilitated by a very active membership.

The Reverend Benajah Roots was the first pastor from 1773 to 1787. The church was built early in the ministry of Lemuel Haynes, the first Congregational clergyman of partially black ancestry. Father Haynes was a self-educated and widely respected man of independent thought and fearless utterance. The worship service opening the bicentennial week included a memorial to these men and to the fine people who have shaped the history of the United Church of West Rutland.

I ask unanimous consent that the following article from the Rutland Herald of October 1, 1973, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ANNIVERSARY FOR CHURCH IN WESTSIDE

The United Church of West Rutland began with a gathering of 14 persons at the home of its first pastor Oct. 20, 1773. And later this month, the present membership will celebrate that event and the 200 years of rich, local history that followed.

A succession of church buildings marks the evolution and expansion of both the church and the town.

At first, the church served only Congregationalists. Now, it serves Baptists, Methodists and Episcopalians as well.

The first incorporated group met under the leadership of the Rev. Benajah Roots, who was pastor from 1773 to 1787. Services were held at a log meeting house which had slabs for seats. The house was on the west side of what was known as Meeting House Hill, near Evergreen Cemetery in Center Rutland.

This log meeting house was the first established church in Rutland County and the 10th in the state. Since its founding, the church has moved to three other buildings and has thrived under its string of 25 pastors.

In 1784, the eastern parish of the original group erected its own meeting house and in 1788, its own church. This split was the beginning of the present Grace Congregational United Church of Christ in Rutland.

The Rev. Mr. Roots died in 1787. The following year, his parishioners built a new church. This wood frame church was just south of the old Pleasant Street Cemetery.

It was an austere church, lacking a steeple, chimney, paint or heat. It was built early in the ministry of the Rev. Lemuel Haynes, who was pastor until 1818.

The Rev. Mr. Haynes was the first Congregationalist minister with black blood. He was self-educated and had fought as a Minuteman in the Revolutionary War.

During his tenure, 300 persons joined the congregation despite his outspoken opinions on national politics. The Rev. Mr. Haynes was later dismissed from the pastorate at his own request.

The wood frame church served the parish until 1855. In 1826 a porch, a belfry, a steeple and three galleries were added. It was described as a "handsome building."

But the parish decided in 1855 to build a brick church.

The new church was Greek Revival in style, with white columns and a steeple. It cost $18,000 and was on the east side of Pleasant Street, across from the cemetery and the wood frame church.

This new church was believed by some to be ill-fated. When it was being built, the master builder fell to his death.

The hall echoed, the roof leaked and the church often filled with smoke because the chimney had been poorly placed.

The church was torn down in the late 1880's after only 30 years of service. Much controversy is recorded about the decision, but renovation of the old church would have been too expensive.

A new site was chosen in the growing western side of the village. One parishioner laid the misfortunes of the first brick church to the omission of a religious service at the laying of its cornerstone. "I expected accidents would happen," he is reported to have said, "and that everything would go wrong. The Lord wants His work to start right," he said.

Things were put right for the fourth church. A formal ceremony was held when the cornerstone was laid Sept. 10, 1886, for the second brick church at its present site—the corner of Chapel and High Streets.

The cornerstone contains copies of The Herald, the Vermont Chronicle, the Boston Congregationalist (a church manual dating from 1831), a sermon preached by the Rev. Mr. Haynes in 1805 and a historical address by one Deacon Thrall.

The foundation of the church is dark blue marble donated by Sheldon and Sons. A pipe organ dated 1866 and made in Westfield, Mass., was moved from the old brick church. Its black walnut case was altered to the style of the 1880s.

The membership of the church broadened early in the century. The Congregational Society voted Dec. 27, 1918, to invite the Methodist and Baptist churches to join them as the United Church of West Rutland.

The Episcopal Church didn't join this union. But it discontinued its own services at the same time. The Methodist and Baptist churches were sold and torn down. The Episcopalian chapel is now a house near West Rutland School.

On March 2, 1919, the Rev. Thomas Carlson became the first United Church pastor. In the middle 1960s, the West Rutland church was affiliated formally with the United Church of Christ.

The church has been renovated and redecorated over the years through the work of youth groups, the Women's Society and individual gifts.

A two-story wooden building called Pratt Hall is adjacent to the church and is used for Sunday school and special programs. It has been a meeting hall during remodeling at the church.

The bicentennial celebration begins Oct. 14 and will continue for a week. Highlighting the actual anniversary on Oct. 20, will be a banquet at the Beacon Restaurant in North Clarendon.

The speaker will be Robert W. Mitchell, editor and publisher of The Herald. Chauncey Osborne will be toastmaster. Reservations are available from Mrs. Louis Shannon or Mrs. H. B. Pratt.

A memorial tablet will be dedicated to the Rev. Mr. Roots, the first pastor, at the Sunday morning worship service opening the bicentennial week.

The Rev. James McLaughlin, pastor from 1965 to 1967, the Rev. Roger L. Albright, pastor from 1957 to 1965, will take part with the current pastor, the Rev. Irving E. French.

An organ recital will be held in the afternoon. Also scheduled are a Gospel music concert Oct. 17 and a special morning worship service Oct. 21.

AQUACULTURE AT WOODS HOLE, MASS.

Mr. KENNEDY. Mr. President, seldom do we have the opportunity to discuss good news for the New England fishing industry; but recently there has been some renewed hope that we can be successful in our efforts to revitalize the industry. We have witnessed a growing national awareness of the problems of the fishing industry and movement in the Congress to deal with those problems.

We have heard of the disappointment at recent ICNAF meetings; but we saw some small signs of hope at the meeting 2 weeks ago in Ottawa that other nations are at least aware of the serious intention of the Congress to act to preserve and protect our fish stocks. New inspection procedures and a reduction in quotas for 1975 to allow our dwindling fish stocks

to recover are both important steps achieved at the Ottawa meeting to assist the New England fishing industry.

And in the last few months, representatives of the New England fishing industry working with the National Oceanic and Atmospheric Administration have initiated a plan funded by NOAA to deal with some of the unique problems facing New England fishermen.

I want to bring to the attention of the Senate another important development in the painfully slow process of revitalizing the fishing industry and that is the research that is being conducted at Woods Hole Oceanographic Institution in Massachusettts in aquaculture.

Very simply, Dr. John Ryther of the institution is recycling waste to grow algae which is a source of food for shellfish. It is the kind of research that is important in the field of pollution abatement, renewal of the fish stocks, and ultimately food supply for the world.

I ask unanimous consent to print in the RECORD an article from the Woods Hole Notes which describes in greater detail this important research project.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AQUACULTURE AND ADVANCED WASTE TREATMENT

Aquaculture—the farming of the sea and cultivation of its animal resources—is being done at many locations today for the development of food resources from the sea to support the world's growing population. None, however, reflect the approach of Dr. John Ryther of the Woods Hole Oceanographic Institution, whose acquaculture project incorporates an advanced waste treatment process by recycling human wastes to grow algae as a source of food for shellfish.

In a sense, Dr. Ryther is working with one aspect of overpopulation—pollution—to help meet the needs of another—food. In recent months, he has received grants from the National Science Foundation and from several private sources totalling more than one million dollars to fund the initial construction and operational costs of an Environmental Systems Laboratory for further expanded research. The first phase of the laboratory, located in a wooded area in the Quissett section of Falmouth, about two miles from Woods Hole, was finished at the end of the summer and becomes operational next month.

"A major focal point for aquaculture is in the oyster fisheries," said Ryther, explaining how shellfish have been produced in a variety of ways around the world for years. "In the Chesapeake Bay region, draggers called skipjacks are employed, dredging oysters under sail in a picturesque but inefficient method. In Brittany, lime-coated tiles are systematically laid out in estuaries. The oysters attach themselves to the tiles from which they are later removed, planted in prepared inter tidal beds, and allowed to grow to maturity. In Japan, a three-dimensional hanging culture method was developed which makes available a whole water column to nourish the growing oysters. When grown under these conditions, the oysters reach marketable size in about a year. A single raft in the Inland Sea of Japan can produce four tons of oyster meat per year—the highest rate of production of animal protein per unit anywhere on earth."

As a source of oyster food, algae has been the subject of diverse research pertinent to its growth. "Fresh water algae has been grown in various kinds of little ponds and other experiments have been carried out at the University of California at Berkeley, using raw sewage as a source of food for the algae," pointed out Ryther. "Shellfish, like clams and oysters, are filter-feeding mollusks which can feed on the algae grown under controlled conditions using sewage for nutrition. Through the shellfish, the algae is converted at little cost into a form of animal protein with high nutritional and commercial value for mankind."

Ryther envisioned the output of an algae farm being linked to a shellfish farm designed along the lines of the Japanese hanging culture method. "The water containing the treated sewage would provide a source of nutrients for the algae farm, and the algae would provide food for oysters," he said. "In turn, the oysters would become a source of food for man, based around a large-scale but reasonable farm system."

Under Ryther, a similar, experimental process has been going on in laboratories at the Oceanographic Institution for the past three years. A scaled-down model of the tertiary-treated, sewage-aquaculture system was designed and successfully tested both indoors and outside before evolving to the present plan. This summer, as in the past two years, a scale model of the system was set up on the Institution's pier, but for the last time. The level of experimentation now must be increased to a much larger scale, which will be accommodated at the new Environmental Systems Laboratory.

Basically, Ryther's aquaculture project involves working with pollution—growing marine phytoplankton in diluted effluent from treated sewage and other compounds. Inorganic products of sewage decomposition, such as ammonia and phosphate, are removed in the process, and crops of the commercially-valuable shellfish are raised on the resultant algae. Carried to a high level of sophistication, the system could raise food crops of oysters and other bivalve mollusks such as mussels and scallops for man, using algae as a source of food for the shellfish. In turn, the marine animals would keep the seawater in the area clear of excessive algae, which would otherwise grow as a result of enrichment from the sewage.

"In any consideration of pollution problems, the choice is not simply between 'clean' and 'dirty' water," points out Ryther, "but may also, to a large extent involve the choice between high and low productivity of organisms, including those of direct use to man as food. There can be little question that the high yields of shellfish from such places as Chesapeake Bay, Long Island Sound, and other estuaries is due, at least in part, to the fertilization of these waters with human wastes. The cleansing of these waters may therefore be accomplished at the expense of their fisheries.

"The resulting dilemma is an example of the conflicting uses of, and demands on, the coastal zone," he continued. "The solution to such problems must lie in our ability to design processes and techniques whereby these various uses may be made compatible, either by separating them physically or by designing them functionally so that they are not mutually exclusive within the same physical environment." The system under investigation, consisting of a combined sewage treatment-acquaculture process, would concentrate two essential uses of the coastal zone—food production and waste disposal—in one confined area, leaving the contiguous waters free and unaffected by those uses for other purposes such as recreation.

Done on a large enough scale, the system could produce an annual crop of one million pounds of shellfish meat from a one-acre animal production facility and a 50-acre algae farm using treated effluent from a community of 11,000 people, according to Ryther. Projecting the pattern even further, he noted: "In New York, 10 million people produce about a billion gallons of sewage per day, which is discharged into New York Harbor and Bight. This could flow through a secondondary sewage system so that the organic matter is decomposed and mineralized into inorganic nutrient materials. Sea water could be brought through a nuclear power plant, providing warm water the year round for the growth of the algae. The output of the algae farm could be linked to a shellfish farm designed along the lines of the three-dimensional hanging culture method first developed in Japan."

Thinking on such a hefty scale, one would expect Ryther to be among those citing the untapped resources of the sea as a potential cure-all for man's increasing demands for food to satisfy his multiplying numbers, but such is not the case. His view is tempered by the experience of two decades of ocean study rather than by the rhetorical expectation of the decades to come. "We've drastically revised our estimates of the potential of the ocean for food production," he said. "The ocean is not the great reservoir of food that everyone thought it was—a thought which came about after *Challenger* and other expeditions showed the great variety of life in the deep sea.

"In my own work, I started out measuring primary productivity in the oceans," he continued: "Soon, it became obvious that most of the ocean was nutrient-limited; productivity was extremely low, and it was centered in the coastal areas. Most people now generally agree that 90 per cent of the ocean is poor in terms of food resources. This led me to aquaculture with the possible beneficial application of human wastes for increasing productivity."

That application will continue as the main thrust of the research conducted by the Ryther group at the newly-completed Environmental Systems Laboratory, but while the scientists will be most concerned with waste recycling in respect to aquaculture, other studies also will be made on the accumulation of pollutants such as heavy metals and chlorinated hydrocarbons in the marine food chain, since pollution has such a major bearing on the field. The 4,800 foot single story structure was designed by the engineering firm of Kramer, Chin, and Mayo of Seattle to house laboratories and a supporting complex of elaborate piping systems and tanks. A second phase of construction is envisioned for the future and will include additional ponds and enclosures for the growing animals, and laboratories.

Initially, the Environmental Systems Laboratory will utilize a 12,000 foot algae farm and shellfish and finfish culture tanks using seawater from Vineyard Sound, a short distance from the site, and treated effluent to cultivate algae as food for the fish. The six algae ponds are 50 feet in diameter with three foot depths, the shellfish growing units occupy a 3,000 square foot area, and the piping system is capable of filtering and heating up to 1,000 gallons of seawater per minute. The facility is unique in that it will be the first such large scale operation to draw on salt water and treated effluent in an aquaculture project.

Earlier research in existing laboratories was done by Dr. Ryther and his staff on a smaller scale with seaweed, oysters, clams, shrimp, lobsters, and other shellfish. It revealed that nutrient-enriched waste water diluted with seawater to a concentration of 50 per cent has proved to be an excellent culture medium for the growth of phytoplankton at the base of the marine food chain. The 20-man staff of the Environmental Systems Lab will be conducting related research on a much larger scale which could make future production of shellfish as a high-protein source of food for man economically feasible. The facility also will be concerned with other

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aspects of pollution control and the environmental sciences in general.

A book entitled "Aquaculture: the Farming and Husbandry of Freshwater and Marine Organisms," written by Ryther, John E. Bardach, and William O. McLarney, was nominated by the National Book Awards Committee for the 1973 science book of the year. In their preface, the authors noted: "Seafaring, including the quest for fish, and the domestication of land plants and animals, has enabled man to spread over the globe. We now wish to explore what species can be domesticated in the sea or in lakes and rivers, especially with the development of some technical mastery over the once alien, liquid portion of our biosphere. It is not surprising that aquaculture has advanced farther in fresh than in salt water and that mariculture is still in its infancy. Thus, the only true domesticated aquatic animals are carp and trout rather than saltwater creatures.

"Whether we wish to grow crab or mullet, lobster or shrimp, and whether the first consideration is to make money or to supply additional animal protein in a country's diet, we should have complete manipulative mastery over the entire life cycle of the animal." In this regard, the authors were concerned with the capability of initiating reproduction at predetermined times while considering other points such as nutrition and diseases and their interplay with aspects of the animals' behavior. Still a third focal point was the utilization of economically-sound technology—aquaculture engineering, an area which ranges from the construction of simple ponds or hand-operated sluicegates that mix fresh and salt water "to more complex, such as sophisticated larval rearing schemes that employ pumps, filters, and ultraviolet sterilization of the water, all more or less automated."

Among the problems to be studied by Ryther's aquaculture project are those relating to the presence of toxic substances in domestic sewage and in industrial cooling water, and their transmission through the food chain. They may interfere with the biological system itself because of their toxicity, or they may become concentrated in the shellfish at the top of the food chain, making them unsuitable as food. Among the toxic pollutants being studied are the ions and organic complexes of heavy metals, and such organic compounds as chlorinated hydrocarbons, polychlorinated biphenyls, dioxins, and petroleum derivatives. The presence and possible biological concentration of the substances must be taken into account if the proposed aquaculture system is to be properly evaluated. The study of the transfer of the pollutants through the experimental food chains will be an important part of the research program and will involve both waste products occurring naturally and those added artificially.

Overall, Ryther sees the problem as an extremely valuable research opportunity. "Little is yet known about the mechanisms, routes, and rates of transfer and concentration of most of the toxic constituents of human wastes," he said. "A few studies have been made with DDT and other pesticides, but for the most part, however, conclusions concerning the food-chain amplification of pollutants have been based on analyses of organisms collected from nature and their assumed position in the food chain. Little attention has been focused on such problems as the partition and rate of transfer of the various pollutants within the various phases of the marine ecosystem (water, sediment, and organisms), the biochemical and geochemical transformations that take place within each phase, and the effects of these variables on biological uptake and concentration."

LONG-RIBICOFF CATASTROPHIC HEALTH INSURANCE AND MEDICAL ASSISTANCE REFORM ACT OF 1973

Mr. RIBICOFF. Mr. President, on October 2 Senator RUSSELL LONG and I introduced the Catastrophic Health Insurance and Medical Assistance Reform Act of 1973. This bill has been cosponsored by 23 Members of the Senate. Our bill will help every segment of our population.

Wherever I go in Connecticut people come up to tell me of their experiences with the high costs of illness. Thousands have written me expressing approval and concern. No one is immune from the possibility of such a catastrophe. This bill provides protection not only for those who have to face present medical bills, but also for those who know that prolonged illness could happen to them.

I am pleased that many newspapers throughout Connecticut and elsewhere recognize the need to take steps now to remove the burden of catastrophic health costs from all American families.

I ask unanimous consent that several editorials be printed at this point in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Bridgeport (Conn.) Post, Oct. 3, 1973]

NEEDED HELP

Senator Abraham Ribicoff has been busy lately addressing himself to the problems of the chronically and seriously ill.

Our senior Senator is the co-sponsor with Senator Russell Long of Louisiana of the Catastrophic Health Insurance and Medical Assistance Reform Act of 1973.

The measure would create a fund for all Americans covered by Social Security which would be financed by an additional Social Security payment of .3 per cent by both employes and employers. From this fiscal reservoir, the government would assume payment of medical costs after 60 days of hospital care or $2,000 of medical bills.

The bill would also establish a uniform national program of basic medical benefits for low-income persons to cover the first $2,000 and 60 days. Another provision makes available to every American a private health insurance policy at group rates to cover the same basic costs.

The United States, compared to many other industrialized nations, has been remiss in caring for its citizens' medical needs. Although we have the Medicare and Medicaid programs, Senator Edward M. Kennedy recently pointed out that persons covered by the government health insurance are paying higher medical bills now than in 1965 before the programs were enacted.

Hospital costs have been rising at an annual rate of almost 13 per cent. The average daily cost of in-patient care in Connecticut is $97, and the figure for the nation as a whole is a dismaying $110. A National Cancer Foundation survey shows that prolonged illness can reduce a middle-income family to poverty in less than two years.

The Ribicoff-Long proposal has several features to recommend it. It puts a ceiling on runaway medical costs for the individual. While it places the largest burdens on the government, it does not interfere with private plans for basic coverage and makes group coverage available to those who otherwise would not have access to it. Finally, the bill has a much better chance for passage than Senator Kennedy's mammoth $80 billion Health Security Act, firmly opposed by the Nixon Administration.

Ribicoff-Long deserves fullest consideration. A measure of this kind is needed to ensure that for Americans prolonged illness does not spell financial ruin.

[From the New Canaan (Conn.) Advertiser, Oct. 18, 1973]

CRITICAL HEALTH NEED

Most American families, in contemplating their future, would admit that catastrophic illness is their biggest worry.

With hospital rates at $100 or more per day—not even including the special services often required or the medical expenses—a single serious illness in a family can all but wipe out that future.

Often, the cost of coping with such illness is so great that various hospitalization insurances are but of only minor assistance. Gone in one fell swoop are a life's savings, the children's education fund and all of the aspirations for the years ahead. Only the affluent can survive the toll illness can exact; many of the rest are reduced to virtual poverty and even a place on the public welfare rolls.

The desperate plight of the afflicted has not gone unrecognized, however, and last week U.S. Sen. Abraham Ribicoff of Connecticut introduced legislation that promises to help.

Under its terms, the government would guarantee all medical costs above $2,000 and all hospital expenses incurred beyond 60 days. In addition, of course, everybody would be eligible to buy private insurance that would help cover those initial expenses.

The provisions of the bill are not so generous that they constitute a give-away. They leave with the individual the responsibility of providing for himself and his family, but they compassionately recognize also the limits beyond which a family cannot assume health burdens without ruinous impact.

As in most Congressional legislation, however, provisions for how these costs would be financed remain unclear. Presumably, Americans would make their contributions as they do now to Social Security benefits for their old age. At any rate, the cost in payroll deductions seems preferable to the alternative—depletion of a family's resources.

Concerned Americans should urge their Congress to examine this bill carefully, weighing its practicalities with compassion. We need it or something like it to spare American families from the threat of financial disaster.

[From the Naugatuck (Conn.) News, Oct. 18, 1973]

THE COST OF MEDICAL CARE

That the cost of medical care these days is a problem for most Americans is an established fact.

The question is—what can be done about it?

Well, we rather like what we have been hearing from Connecticut's Sen. Abe Ribicoff, who joined hands a few days ago with Sen. Russell Long of Louisiana to introduce a measure in Congress which would, it seems to me, go a long way toward accomplishing that objective.

The Long-Ribicoff Bill would provide government insurance, similar to Medicare, which would pay everything beyond the first $2,000 of a medical bill or beyond 60 days of hospitalization.

There's a bit of a gap here, since average hospital costs—around these parts, at least—are about $100 a day. That means the guy who faces a 60-day hospital stay also faces a $6,000 hospital bill—and forget about the extras.

That, however, is something that can be ironed out in due time.

Further, the Long-Ribicoff Bill would seek to introduce health insurance companies to offer policies at a "reasonable cost" covering the first 60 days of hospital care and the first $2,000 of medical bills.

Replace the federal-state Medicaid programs, which vary from state to state, with a uniform national program of medical benefits for low-income people. It would cover 12 million additional low-income people as well as the 22 million poor now covered.

The plain fact is that almost anyone, regardless of income, can find his life savings depleted or his house sold out from under him, educational opportunities for his children lost—all because of a major illness or injury.

Low-income individuals are hurt most of all, but let's face it—middle class Americans can be financially destroyed almost as easily.

Long and Ribicoff propose that their bill could be financed by an increase in social security taxes, which would cover the anticipated $3.6 billion cost.

That may not go down too well with the average worker who is getting a bit fed up these days with payroll deductions—but a small increase in social security deductions is little enough to pay for protection against major financial losses in the event of serious and prolonged illness or injury.

[From the Waterbury (Conn.) American, Oct. 10, 1973]

AID IN LONG ILLNESSES

The Ribicoff-Long national health insurance plan, which places emphasis on catastrophic illnesses, makes a reasonable start toward finding a solution to the medical cost problem plaguing American families. Undoubtedly many other bills will be introduced before a feasible plan is developed.

The Ribicoff-Long measure introduced in the Senate would cover all families on major medical costs above $2,000 and some low-income families for the first $2,000 as well. UAW President Leonard Woodcock charged immediately that the plan is inadequate and unfair. He claims less than a million persons would benefit from it annually, while everyone would be taxed for it.

The Senate measure proposes a $37.80 a year increase in Social Security taxes. The annual cost has been estimated at $8.9 billion. Many other plans carry costs far in excess of this, and also would call for higher taxes. Congress will have to sift out the various proposals, keeping in mind the overall costs and the amount of benefits that should be provided. It will be no easy task.

Already there are predictions that a health insurance plan will not be passed at the current congressional session. Hopefully, however, the plight of families who lose their homes and savings to pay for illnesses will gain enough publicity to pave the way for more thorough studies on ways to finance catastrophic illnesses.

[From the Danbury (Conn.) News-Times, Oct. 7, 1973]

NEW HEALTH INSURANCE PLAN

Senator Abraham Ribicoff of Connecticut, joined by Senator Russell Long of Louisiana, has moved to break the impasse in Congress over a national health insurance plan.

They introduced the Catastrophic Health Insurance and Medical Assistance Reform Act of 1973 and almost immediately drew several other senators, including Senate Republican Leader Hugh Scott and Senator Robert Dole, former Republican national chairman, as cosponsors.

Their compromise bill probably will not get Senate action until sometime in 1974.

But the sponsorship is a clear indication to the Senate of an effort by its Finance Committee to come up with a workable compromise and a signal to the House Ways and Means Committee that the Senate is receptive to action before the 93rd Congress adjourns sometime in late 1974.

Senator Long is chairman of the Finance Committee and like most of its other members a recognized member of the Senate's conservative bloc. Senator Ribicoff is one of only two or three Finance Committee members identified with the liberal bloc.

The Long-Ribicoff bill would limit the amount an American family would have to spend for medical care in case of serious illness. The catastrophic insurance would cover all medical bills in excess of $2000 and all hospital costs incurred beyond 60 days.

The bill would also make available a certified private insurance policy at reasonable rates to cover the first $2000 and 60 days of cost. Low income individuals would be covered under a medical assistance plan to be administered by the Social Security Administration.

The Long-Ribicoff approach if adopted, would be far less costly than a comprehensive health insurance system proposed by Senator Edward Kennedy of Massachusetts. But it goes well beyond the minor program proposed by the Nixon administration.

As Senator Ribicoff pointed out in introducing the bill, "You don't have to be poor to be staggered by health costs. Almost anyone can find his life savings depleted, his house sold out from under him, educational opportunities for his children lost—all because of major illness or injury."

The Long-Ribicoff bill is not perfect. It can be improved. It does represent an approach which appears reasonable and financially realistic.

It should draw constructive response from all concerned with the financial aspects of health care.

[From the Groton (Conn.) News, Oct. 16, 1973]

NHI—A REASONABLE START

It has been a standard prediction that U.S. Senator Russell Long, a very conservative Democrat, would come up with a National Health Insurance plan that would, in effect, keep the government out of the insurance business.

In cooperation with U.S. Sen Abraham Ribicoff, Russell has produced that plan, and, if it is adopted, and found to be workable, it should easily accomplish that objective.

Ribicoff, in introducing the Long-Ribicoff plan to the senate, conceded that it is a far cry from some of the proposals that have been made for comprehensive National Health Insurance.

He points out, realistically, that every reform must start somewhere—and that the Long-Ribicoff bill is a good starting point.

He is correct in that assessment, for the plan goes to the heart of the health care crisis in the United States. It is an immediate attack on the unbelievably high costs of catastrophic illness.

But, and perhaps most important, it provides legal jaw-boning to force the private insurance industry to come up with a reasonably priced and comprehensive policy for the payment of ordinary medical and surgical bills. The incentives are strong—for if an insurer fails to provide for such a plan after a three year period, he would be excluded from serving as a carrier for Medicare, and thus, in effect, forced out of the health insurance business.

The catastrophic coverage envisioned by the Long-Ribicoff bill would take over after a family has incurred $2,000 in medical bills in the course of a year, and hospital costs would be paid after a person has incurred 60 days of hospital care.

Although the deductibles seem high, the plan would have every chance to work, if the private insurers were able to produce a policy that would cover the first $2,000 or 60 days of medical costs.

The benefits of the plan would be extended to low-income families without payment of premiums, and families above the income eligibility limit for Medicaid benefits would be included if their medical costs reduced their net income sufficiently.

The plan is moderately complex, although its basic purposes are clear.

As Ribicoff said in his presentation to the Senate, "a catastrophic illness can reduce a middle-income family to poverty in less than two years . . ." It is not unusual for families in the middle income class to be inflicted with medical payments in excess of $25,000 for a protracted illness or complex surgery.

In effect, the plan places a ceiling on medical costs for the entire nation—and provides the means for everyone to share equally in the opportunity for a sensible medical prepayment plan. It accomplishes these two purposes without throwing the private insurance industry out of business. That is a benefit that is important—for the insurance industry is a major employer, purchaser and investor in our economy.

[From the Hartford (Conn.) Courant, Sept. 28, 1973]

HIGH-COST HEALTH OPTIONS

Plans for national health insurance could be called a dime a dozen—except that the prospective first-year price range runs from $3.1 billion to $80 billion.

Much as we might be tempted by Senator Edward Kennedy's $60-to-$80 billion plan, which would cover nearly everyone against nearly everything, reality dictates that we do our shopping in lower price ranges.

At the other end of the scale, we could limit ourselves to protection against the catastrophic costs of long-term illness. Senator Abraham Ribicoff has just announced he is backing such a plan.

A plan of this type would extend the Medicare principle to cover the cost of hospital stays longer than 60 days and other costs which exceed $2,000, regardless of the patient's age. In the form now before the Senate, the yearly cost would be $3.1 billion to be paid with increased Social Security taxes.

In the next-higher price bracket one finds several similar proposals, including those backed by the American Hospital Association, the Health Insurance Association of America and the Administration, whose proposal is currently being redrafted.

These call for a partnership between government and the private health insurance industry. Government-backed insurance would be intended primarily to cover gaps not filled by normal private plans.

Most would also provide coverage for catastrophic illness, would encourage health maintenance organizations and other potentially cost-saving means of service and would give strong backing to planning and research.

Within this broad group, though, there is a great cost spread, from about $7.5 billion to $18 billion. The revised Administration plan is expected to come in at the $7.5 billion mark.

Much of the cost difference depends on how much coverage we would buy. For example, the $18 billion proposal would cover up to 90 days in a hospital, while an $8.1 billion version would pay for only 30 days.

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Buying national health insurance, then, is a matter of paying your money and taking your choice. A catastrophic illness plan would seem to be the most basic item. It would be relatively low in cost and would meet one of the most serious needs.

There is much to be said too, for the partnership principle in which government would supplement and encourage private health insurance rather than trying to replace it.

Beyond that, however, the selection of added benefits would be similar to adding options to a new car. Air conditioning and power windows might be nice, but they do add to the cost. The same is true of broader insurance benefits.

Before we make the final selection of any national insurance plan, we must first answer some basic questions: How much protection do we really want and need, and how much are we willing to pay for it.

[From the Baltimore (Md.) Sun, Oct. 7, 1973]

MEDICAL CARE LEGISLATION

Comprehensive medical care insurance legislation may at long last get off dead center and could conceivably pass Congress during the coming election year. Such a timetable is implicit in the Long-Ribicoff bill introduced this week. Aim of the sponsors, which include, of course, the ideologically distant Senators Long and Ribicoff, as well as Minority Leader Scott and leading liberals from both parties, Senators McGovern and Percy, is, simply, to get something done in this long-neglected legislative area. Then later if it should prove necessary, Congress could go ahead with more radical measures such as the now-stymied Kennedy-Griffiths bill.

But the Long-Ribicoff strategy is not one of getting just anything passed. Their bill is drawing wide bipartisan and inter-ideological support and at the same time appears to offer promising remedies for the present chaos of medical and hospital care financing. Title I of the bill would establish federal insurance coverage (financed by payroll taxes) for all citizens for catastrophic illnesses, defined as requiring hospital and/or medical care payments exceeding $2,000 annually or requiring more than 60 days hospitalization. Title II of the bill would provide federal insurance coverage for the poor for illnesses not covered under the catastrophic provisions. Title III would impose far-reaching reforms on the private health insurance industry, essentially requiring this industry to provide comprehensive insurance policies at reasonable cost for illnesses not included under the first two titles—or else. The stick held over insurance companies would be a three-year oversight of the Title III program with a view to nationalizing health insurance if the insurors do not perform. The bill also would establish devices for more rational hospital utilization and elimination of duplicating facilities, for encouraging membership in health maintenance organizations and for incentives to doctors to move into inner city and rural areas which now suffer severe doctor shortages. Cost of the total program is estimated at $8.9 billion annually in payroll taxes and general funds.

The overworked Senate Finance Committee, of which Senator Long is chairman, cannot get to the bill this year, and the House Ways and Means Committee appears to be in a similar bind. But Senator Long promises early Finance Committee action next year, and many House members are interested in sponsoring similar legislation there. As in the recently passed pension bill, the once recalcitrant and conservative Finance Committee appears to be playing a major social reformist role. The medical care legislative logjam thus may break soon and, with luck, the result will be constructive legislation.

THE CONTINUING SAGA OF JACK HUSHEN

Mr. GRIFFIN. Mr. President, syndicated columnist Nick Thimmesch recently wrote a column about Jack Hushen who served as my press secretary for more than 4 years before going to the Justice Department in May of 1970 as chief press officer. I ask unanimous consent that the column be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

JACK HUSHEN HAS SEEN THEM COME AND GO

(By Nick Thimmesch)

WASHINGTON.—Write a column on a government public information officer? White House press secretaries, yes, but a department public relations man, how come? Well, Jack Hushen is worthy, if only because he has served as press officer under five attorneys general in three and a half years, and that says something about the Justice Department.

Hushen started under John Mitchell in May, 1970, shared Richard Kleindienst's ordeal for 13 months, was hopeful for a new era under Elliot Richardson for nearly five months, blinked as William D. Ruckelshaus held office for 20 minutes and earnestly vowed to continue under the Honorable Robert H. Bork, acting attorney general.

"Bork is going to be in the job at least until the question over the Watergate investigation is settled," Hushen said. "If he would have quit Saturday (after Richardson and Ruckelshaus), I think there would have been a mass exist here. He prevented that and did the right thing. He had no pledge on Cox as they did."

It must be difficult for Hushen to muse over the department's top names of the past three and a half years because only two of the 27 senior officers who came to DOJ in 1969 are still there—Lawrence Traylor, the pardons attorney, and Ben Holman, director of community relations service.

It's remarkable how Hushen has seen them come and go. "John Mitchell wasn't an ogre as depicted," Hushen says, as though Mitchell's time was light-years ago. "He had the President's ear and did plenty to get more funding and manpower. He built the Law Enforcement Assistance Administration (LEAA), and worked hard on the 1970 organized crime act and antitrust activity. He told me that he did not sign the orders on wiretapping Dr. Kissinger's staffers and some newsmen (the famous 17), and it shocked me when I learned he had.

"Dick Kleindienst was a good guy, but he didn't have a chance to get going. He was tied up three months in confirmation hearings, and the rest of 1972 went to the campaign. He was strong on civil rights and antitrust. There was no reason for him to resign except that he was close to some of those under fire for Watergate, and he didn't want any conflict of interest.

"Richardson was making progress, both in reorganizing the department and reviving work left neglected. We thought we were moving again, especially with programs (drug abuse, crime, D.C. court reorganization) developed in recent legislation.

"I was sorry to see Bill Ruckelshaus leave, too. He was dedicated, like Richardson, and greatly respected here. Did you hear the ovation by department people when Richardson gave his speech and press conference?"

Hushen, 38, was a Detroit newspaperman before joining Robert Griffin in his successful 1966 campaign against G. Mennen Williams for the U.S. Senate. Hushen came to Washington as Griffin's press secretary, was soon in the thick of the controversy generated by Griffin over Justice Abe Fortas.

Griffin's revelations stopped Fortas from becoming chief justice. Hushen was Griffin's conduit to the press in the subsequent squabbles over Clement Haynsworth and G. Harrold Carswell, President Nixon's rejected nominees.

In 1970, Jerris Leonard, head of the civil rights division, was instrumental in bringing Hushen to the department. He serves at the pleasure of the attorney general for $36,000 a year, has an immediate staff of 18 and oversees the work of another 70 Office of Information employees.

Hushen has known newspapering all his life (his father worked 31 years at the Detroit News), worked his way through college as a copy boy and was a student editor before becoming a reporter. The press here, including the jackals, likes and respects him.

So he's listened to when he speaks of newsmen's responsibilities for fairness, especially in the Watergate era, when competition is fierce to find new sin and report it. The result, says Hushen, can be that "ethics is forced into the background. So-called source stories—some of questionable validity—spring forth from every reporter. Today's hallway speculation by someone who has no facts is tomorrow's headline."

Hushen encouraged Richardson to stop leaks from DOJ, and to provide the press with a list of officials at Justice "who know what the facts are" during his past embroilment. Hushen also is against an absolute shield law for newsmen, but strongly supports the practice of no newsman being subpoenaed unless the attorney general okays it.

It was Hushen who announced a new Richardson directive that the attorney general's approval would have to be obtained before any newsman could be questioned, arrested or indicted for a suspected offense while covering a news story.

If Hushen gets no salutes for serving under that quintet of attorneys general, he rates one, at least, for helping set guidelines on how the law must deal with working newsmen.

DR. PAUL DUDLEY WHITE

Mr. KENNEDY. Mr. President, all Americans have been saddened at the passing of Dr. Paul Dudley White. Dr. White was one of the world's most renowned cardiologists. His famous textbook "Heart Disease" was instrumental in influencing the teaching of cardiology throughout the Nation. His skill as a clinician won him the respect and admiration of physicians around the world.

He was dedicated to preventing heart disease and to fostering international peace and cooperation. He devoted much of his life to bridge building with professional colleagues of his behind the Iron Curtain. In 1957 he helped to found the International Cardiology Foundation which is dedicated to combating heart disease on a worldwide basis.

Mr. President, in its editorial yesterday the Boston Globe paid tribute to a "man of heart." I ask unanimous consent that the Globe's editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MAN OF HEART

If anyone in the world deserved the title "Dr. Heart" it was Paul Dudley White, who died yesterday in his beloved Boston. He deserved the title for many reasons. One is that when he was born on June 6, 1886, the word cardiology did not exist. When he became an intern at Massachusetts General Hospital in 1913, cardiology was being born. They grew together and he became one of the greatest developers: teacher, physician, innovator, preacher and prophet without peer.

In addition, Dr. White had "heart" for all his patients, whether they were presidents or peasants, and whether they lived in Boston, Washington, Moscow or Timbuktu. He treated South American dictators, Soviet scientists, his friend Dr. Schweitzer, President Eisenhower and Boston welfare recipients with equal compassion and skill.

It was this universal interest in people that led him in 1957 to help found the International Cardiology Foundation, an organization dedicated to fight heart disease everywhere through research, travel grants, heart conferences, educational training and fund raising. Its philosophy is that heart disease knows no political, religious or geographical boundaries and that only through international communication can this common threat be conquered.

Much of Dr. White's energy in recent years went into the foundation. His work was so important he was nominated for the Nobel Peace Prize in 1970 and in 1966 was presented a gold stethoscope by his former patient, Dwight Eisenhower, for contributions to medicine and world harmony, especially the idea that common effort among heart scientists could help break down barriers dividing nations.

Many of Dr. White's associates feared that his contributions to cardiology might be overlooked at the time of his death because of his prominence as President Eisenhower's physician. They point to his early recognition of coronary artery disease, his authorship of the first standard text in cardiology, his constant preaching to people, rich and poor, to exercise and to eat sparingly if they wanted to improve their chances for longevity.

Dr. White was "a doctor's doctor." To other physicians he was the man who wrote the book on cardiology. Dr. Alan Friedlich, who was Dr. White's physician, said on Dr. White's 85th birthday, in 1971: "He has done more than any living man to give us the understanding and knowledge of heart disease which are the tools with which to work."

Dr. White did not die a wealthy man, but he died extremely rich in friends and accomplishments. He gave of himself and his pocketbook unsparingly in good causes. He made friends everywhere he went, through his optimism, his ever-present belief in a better world to come, his love for people and his devotion to patients. He taught other doctors the value of optimism in treating heart disease.

The following quotation perhaps best sums up Dr. White, his philosophy and the kind of advice for fellow humans that will long remain with us.

"It is good for the hearts of men, as of women, to do their own chores, to cut the grass, to shovel the snow, to dig and weed the garden, to chop the firewood, to put on and take off the storm windows, and even to take out the ashes. It gets us down to earth, keeps us humble, is good for our health and, incidentally, saves us money."

SENATOR LAWTON CHILES MEETS WITH THE MINISTER OF FOREIGN RELATIONS OF CHILE

Mr. CHILES. Mr. President, despite the swirl of events here at home and in the Middle East, I have had a continuing concern for events in Chile and U.S. relations with Chile. Two weeks ago I met with the new Minister of Foreign Relations of Chile, Vice Adm. Ismael Huerta, who came to see me after his participation in the opening sessions of the United Nations in New York. I wish to report to my colleagues in a summary way the kind of concerns I expressed to Minister Huerta.

I told him that there was great concern in this country for the respect for human rights in Chile. He seemed to be well aware of this and expressed surprise that there was so much concern here. I told him that Chile had a special place in the minds of Americans because of its long democratic tradition and the identity we feel as Americans with other nations like Chile which have a strong commitment to democratic ideals. For this reason there is concern here not just for civil liberties in Chile but for the integrity of the court system, the fact that the Congress has been dissolved and that all the political parties made either illegal or suspended and the effects these might have on the overall evolution of Chilean society.

The Minister emphasized that the military did not want to intervene and take over the government in Chile and they are intent on limiting their period in the government. I warned the Minister that no matter how well intentioned they are it is always more difficult to leave power than to take it. I know that many people in Chile view the military coming to power as a means of regaining their position and their property. The "tuvos," those who had wealth before Allende, now see that it may not be gone forever. This group provides an obvious political base for the present government which over time will create pressure on the military junta to stay in power. While the junta is now looking for support from groups in Chile, it will become difficult to abandon those groups further down the road.

Furthermore, I told the Minister that we had seen in our own country recently the truth in the old saying that "power corrupts, and absolute power corrupts absolutely." We have seen the dangers of too much concentration of power. It seems evident that the more power is concentrated the more it is abused. While it is more difficult to govern, the more that power is diffused, the more freedom there is and the more checks there are on the abuse of power. I told the Minister that I am not alone in looking forward to seeing how quickly Chile can again diffuse power.

I especially emphasized the necessity of freedom of press. I told him that public criticism by the press is an essential means of preventing the abuse of power and of keeping political leaders in touch with the public. No government, even a military government, can afford to lose touch with the society they govern. Whereas Allende definitely made efforts to manipulate the press through increasing government control of advertising and the production of newsprint he never succeeded in stifling any of the news media altogether. At least the Chilean people knew what disasters were occurring. Now there are only three progovernment newspapers in Chile whereas there were at least a dozen papers before the military coup. My own belief is that any government benefits from freedom of the press.

I was glad to have the opportunity to talk with the Minister of Foreign Relations in Chile. I was happy to hear his point of view and his ideas, and I was pleased to be able to express to him the concerns of many Americans, given our own traditions and history, for the future of democracy in Chile.

RECOGNITION OF ENVIRONMENTAL LEADERSHIP BY FORMER SENATOR J. CALEB BOGGS

Mr. ROTH. Mr. President, I would like to take a minute to recognize a former colleague of ours, Cale Boggs. Cale Boggs has been a public servant and leader for more than 24 years, beginning as a Member of the Congress, then Governor, and then Senator from Delaware.

A spirited man, and a man with foresight, Cale Boggs worked hard as a member of the Senate Public Works Committee to protect our environment, from air and water polution laws to ocean dumping laws.

Senator Boggs was recognized recently for his interest and leadership in the environment by the National Recreation and Parks Society.

Mr. President, I ask unanimous consent that the newspaper article that appeared in the Evening Journal be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ENVIRONMENT UNIT TO FETE BOGGS

Former Sen. J. Caleb Boggs will receive a national award Monday in Washington as the National Recreation and Parks Society recognizes his efforts toward preserving the environment.

The national association will meet until Thursday at the Sheraton and Shoreham Hotels.

Boggs this year was awarded the first "Friends of Recreation" award by the Delaware Recreation and Parks Society. The state group nominated him for the national honor. The recommendation cites that Boggs was a leader in successful moves to get the Army and Navy to return land at Cape Henlopen to Delaware to become part of Cape Henlopen State Park: wrote provisions into law which financed anti-pollution efforts in the Brandywine, considered a model river program for the nation; worked to get a $9 million grant for Delaware to build a trash recycling plant; worked for Congressional funds for beach protection along the Atlantic and helped write laws controlling ocean dumping and coastal zone pollution programs.

He worked with the Army Corps of Engineers to get fishing piers along the Chesapeake and Delaware Canal and was instrumental in getting additional funds for acquiring more land and operating funds for Lums Pond State Park. He was active during his years in the Senate in writing air, water and solid waste pollution measures.

SPECIAL PROSECUTOR: THE CONSTITUTIONAL ISSUE

Mr. KENNEDY. Mr. President, the Senate Judiciary Committee is presently considering legislation to provide for the establishment of an independent special prosecutor to succeed Mr. Cox, who was fired from his job 2 weeks ago for at-

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tempting to fulfill the responsibilities imposed upon him by the Senate and Attorney General Richardson. The events of last week, and testimony of Mr. Cox this week, make it abundantly clear that Congress must provide maximum insulation for a special prosecutor if he is to be free to pursue his law enforcement duties without influence or pressure or threat from the White House.

Senator Hart, along with myself and 53 other Members of the Senate, introduced S. 2611, a bill to provide for the appointment of a special prosecutor by the chief judge of the district court in the District of Columbia. We believe this legislation to provide the ultimate safeguard against White House inteference—the special prosecutor will not be appointed by or removable by or under the direction of any officer or employee of the executive branch of Government.

Our attempt to vest appointment power in the "courts of law" has given rise to a continuing debate on the constitutionality of the legislation. I indicated upon introduction of the bill, as did other sponsors at the time, a firm conclusion that the bill was constitutionally sound under article I, section 8, and article II, section 2 of the Constitution. The Senate Judiciary Committee will be hearing testimony from constitutional law experts in the coming week, but the House has already taken testimony on this subject and I believe that the statements of law professors before the Judiciary Committee of that body provide us an excellent preview of what our own hearings will be developing: a clear case for the constitutionality of our bill.

Mr. President, I think that Congress cannot lose sight of the need for statutory establishment of an independent special prosecutor, despite our reaction to or attitude toward the appointment of Mr. Jaworski yesterday to serve in that post. Both the law and the public statements of executive branch officials make it clear that the President can have whoever is appointed fired as quickly as he did Mr. Cox. The mere possibility of this ultimate control must hang heavily over the head of any special prosecutor appointed by the executive branch. Some vague notion of consultation with congressional leadership provides an inadequate safeguard to the public's right to have the special prosecutor carry out his duties in the most independent manner. The editorial in today's Washington Post reflects what I believe to be the dominant sentiment now—that the only special prosecutor acceptable to the American people and the Congress is one who does not owe his job to the President and who cannot under any circumstances be dismissed by him. That special prosecutor is provided for in S. 2611.

I ask unanimous consent that the statements of Prof. Paul Mishkin of the University of California at Berkeley, and Prof. Daniel Meador of the University of Virginia, along with a memorandum prepared for the House Judiciary Committee on the constitutionality of a court-appointed prosecutor, be printed in the Record. I also ask unanimous consent that the editorial referred to be printed in the Record after those materials.

There being no objection, the materials were ordered to be printed in the Record, as follows:

Statement of Paul J. Mishkin

My name is Paul J. Mishkin. I am professor of Constitutional law at the University of California at Berkeley. I welcome the opportunity to appear before this Committee which is dealing with what is undoubtedly a most important matter for the integrity of our government and the welfare of our country.

The subject to which I will address myself is the constitutionality of the Congress establishing a new Special Prosecutor to be appointed by a Federal judge or court and protected against removal except for his own misconduct, whose principal focus would be crimes relating to presidential election campaigns or misconduct on the part of executive officers. On initial consideration, proposals along these lines seemed to me to raise constitutional difficulty. On further study and reflection, however, I have concluded that an act of Congress creating such an office would be entirely constitutional. That conclusion is supported by the text of the Constitution, by authoritative precedent, by principle and by history.

The most direct source of the authority to vest such appointment in a Federal judge is Article II, Section 2 of the Constitution. After providing that the President, with the consent of the Senate, shall appoint "Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States" not otherwise provided for, that section continues:

"But the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments."

The language seems plain enough. And on the basis of the Constitutional history as well, I have little doubt that the proposed Special Prosecutor would be an "inferior Officer" within the meaning of this provision. On the face of the Constitution, therefore, there seems to be no reason why his appointment could not be vested in a judge or judges of what the Constitution elsewhere describes as "inferior" Federal Courts.

The objection has been raised, however, that this language should be taken as allowing vesting in the courts of law only appointments of officers whose work is somehow judicial or related to the work of the courts. It would certainly be possible to make a strong case for the proposition that prosecuting attorneys would qualify even under such a restrictive interpretation; moreover, some early history of the Republic which I shall mention later would support that position. But it seems sufficient to say at this point that the Supreme Court of the United States has entertained that restrictive view but on full consideration decisively and unanimously rejected it. In 1880, the Court squarely held that while Congress might appropriately be guided by such considerations, the Constitution itself imposed no such limitation. *Ex Parte Siebold*, 100 U.S. 371.

The appointment issue might appropriately be taken as completely settled by this case. But one need not rest simply on authority, for this conclusion is well supported by reason, principle and history as well. Judicial appointment of the prosecutor, his independence from the executive, and his protected tenure of office is entirely in accord with the separation of powers which we properly consider a fundamental principle of the framework of our democratic government. The other side of the coin of separation of powers is checks and balances. In the words of Justice Louis Brandeis, "Checks and balances were established in order that this should be 'a government of laws and not of men.' . . . The doctrine of separation of powers was adopted by the Convention of 1787 not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was not to avoid friction, but, by means of the inevitable friction incident to the distribution of the governmental powers among three departments to save the people from autocracy." *Myers* v. *United States*, 272 U.S. 52, 292–93 (1926).

What must be emphasized is that the separation of powers means not the building of high walls or watertight compartments between the different branches but the *sharing* of power among them. In the words of Mr. Justice Jackson:

"While the Constitution diffuses power the better to secure liberty it also contemplates that practice will integrate the dispersed powers into a workable government. It enjoins upon its branches separateness but interdependence, autonomy but reciprocity."

It would be possible to spell out many examples of this, but it hardly seems necessary. I cannot, however, resist pointing out the fact that in President Nixon's brief in the Court of Appeals in the Watergate Tapes Case, the President is described in a single sentence as both "Chief Executive . . . and Chief Legislator." (p. 11)

Our Constitution thus provides—and this has been considered its genius—for the kind of flexibility and development which are essential if a fundamental framework of government is to survive for long in a constantly changing world. Thus, with the industrialization of our society, it has now become well established that the Constitution permits the establishment of independent regulatory agencies with members having protected tenure and with functions that are fairly characterized as essentially mixed legislative, judicial and executive in nature. In view of some recent argumentation, it is perhaps worth noting that the essential charge and responsibility of such agencies is to execute the laws entrusted to their care.

In 1934, the Supreme Court unanimously upheld the constitutionality of a provision protecting the members of such a Commission against removal without cause. Rejecting an effort by President Roosevelt to remove a Federal Trade Commissioner, the Court held that protected tenure could be sustained whenever the functions assigned to an office appropriately called for such protection. *Humphrey's Executive* v. *United States*, 295 U.S. 602.

The protection of the Special Prosecutor's tenure against removal except for cause can easily be justified in terms of the function which the office is to perform. It is certainly not difficult to support the need for such insulation of an officer whose principal charge involves the determination and prosecution of criminality in high executive offices. If abstract reasoning is not sufficient to demonstrate that necessity, recent experience should certainly fill any lack.

To be sure there is a danger when the role of prosecutor is too closely tied with that of the judge presiding over the trial. And this might be of constitutional proportions if one contemplates continuous supervision by a judge of the activities of the prosecutor. When, as contemplated by many of the bills presently before you, the judge will in fact merely be an appointing authority with limited power to remove, the dangers involved are of much smaller proportion. In fact, it may be worth recalling that judges sitting on criminal cases can appoint defense counsel, and presumably have the power to remove them if they misbehave badly enough in the conduct of the case, but no one seems to feel that this combination of powers represents a serious threat. Nevertheless, to be safe, and in order that justice not only be done but also be seen to be done, it would probably be at least the better part of wisdom for the appointing judge to disqualify himself from sitting on trials conducted by the Special Prosecutor.

Note, however, that the objection just considered arises from the point of view of due process or fairness to a defendant being prosecuted, and not from any claim of the executive branch. From the latter point of view, the objection raised is that prosecution is "inherently executive" and must be part of the executive branch. Sometimes this is justified on the basis that prosecutorial decisions should ultimately be accountable to the electorate, and this can only be achieved through making the President responsible. I agree that ultimate accountability to the electorate is indeed an important element of our form of government.

Viewing separation of powers in light of its purposes, let us consider the effect of the proposals for an independent Special Prosecutor. He is to be charged with prosecuting crimes committed in, by or for the executive branch. Does this contribute to a concentration of power which is the danger sought to be avoided by the separation doctrine? Or isn't it, rather, fair to say that the creation of this office, particularly under present circumstances, would in fact constitute one of the checks and balances which are not less important than separation of powers in our scheme of government?

But it seems to me that the idea that this is only achievable by keeping all prosecutions under the President is much more attractive as superficial theory than sustainable in fact: On the one hand, it is certainly highly unlikely that prosecutorial decisions will become a significant element in any given presidential campaign. On the other, the Congress is also accountable to the electorate, no less than the President. And it would seem clear beyond question that, should such drastic action be necessary, Congress would have the absolute power to abolish totally the office of Special Prosecutor which it has created.

The phrase "inherently executive" needs further analysis. The term "inherently "normally is used to signify that a power may be inferred, though not expressly provided for in the Constitution, because it goes with a power which is granted by the Constitution. In that sense, I agree that the prosecutorial function is "inherently" an executive function—without being explicitly stated in the Constitution, it is clearly a function which can be derived from the duty to take care that the laws be faithfully executed.

But that concept of "inherently executive" does not mean that no one else may exercise a prosecutorial role. To support that conclusion, "inherently executive" must be made to mean instead "exclusively executive". And that proposition seems to me impossible to maintain. Indeed the very existence of the Grand Jury, with its duty of investigating corruption and other offenses, in government and out, and its power to stand astride the issue of whether any prosecution can be initiated, might itself be viewed as a refutation of that proposition. It is true that in recent years we have seen great centralization of the conduct of Federal criminal prosecutions in the Department of Justice. And while I consider that on the whole a desirable development, the reasons are reasons of policy and evenhandedness rather than constitutional necessity.

Certainly the early history of this country contradicts any idea that criminal prosecution was perceived as exclusively an executive function.

The Federalist papers considered the essence of the executive power to consist of foreign affairs, the planning and managing of appropriated funds, and military operations; in line with this concept, the original Departments of the government were Foreign Affairs (later State), Treasury, and War. There was an Attorney General, but he was not the head of a Department. There was no Department of Justice until 1870. There were local U.S. Attorneys but until 1861 they "remained formally independent of supervision by the Attorney General or anyone else, save as particular statutes gave to him or another officer, such as the Solicitor of the Treasury, a power of direction in particular matters." (Hart & Wechsler, *The Federal Courts and the Federal System* 67, n.2 (1953).)

The attitude of the Framers toward the function of prosecution as purely executive was thus apparently far from categorical. This is certainly suggested also by the fact that at least some of them considered it entirely appropriate under the Constitution that the local U.S. attorneys might be appointed by the district judges, and the Attorney General by the Supreme Court.

That was the proposal of the Senate Judiciary Committee in the First Congress, whose membership included five members of the Constitutional Convention [out of first 8, then 10 members of the Committee]—including such leaders as Ellsworth and Paterson. Though this provision was dropped on the Floor of Senate (for reasons unavailable to us), the very fact of the Committee proposal indicates that prosecution was not conceived as ineluctably executive in nature. The notion of central executive control of federal criminal prosecutions is certainly of relatively recent vintage.

Finally, the idea that prosecution must be instituted and managed by a member of the executive branch is totally inconsistent with another fact of history: the First Congress (which has been viewed as virtually a continued session of the Constitutional Convention) explicitly authorized criminal prosecutions to be instituted and maintained to conclusion by *private individuals* (as well as public prosecutors); one example of this is a statute *outlawing larceny* in federal territory (1 Stat. 112, § 16 (Act of April 30, 1790)).

All of this confirms the basic proposition that— regardless of what some abstract concept of separation might imply—the concept of separation of powers under our Constitution certainly allows for an office such as is contemplated in the bills before this Committee. I have previously dealt specifically with the issue of judicial appointment of a Special Prosecutor. I believe that his independence of the executive and his insulation from removal from office are also entirely consistent with the Constitution. I also believe as a general proposition that the power of removal may appropriately be assigned with the power of appointment. But in any event, in the present case, the same reasons that support the appointment of the Special Prosecutor by the judiciary equally support vesting the power of removal in the judiciary. As I indicated previously, I recognize that too great an aggregation of such power in a single judge may raise a question of fairness or due process for defendants in related criminal trials were that judge to preside over such trials. But that problem can be met. And I see no incongruity with the judicial role for a judge to exercise such powers over a prosecutor. We are certainly accustomed to such judicial supervision over grand juries, and no question can now be raised as to that. It is also true that under the First Judiciary Act and since, judges have exercised certain supervisory powers over United States marshals, who are law enforcement officers.

I thus have no difficulty with vesting the power of removal in a judge or judges. Other possibilities exist. But the choice is in my judgment for this Committee and the Congress. I do not believe that the Constitution bars a reasonable solution to this question.

Statement of Daniel J. Meador

November 1, 1973.

I am Daniel J. Meador, James Monroe Professor of Law at the University of Virginia, where I have been a member of the Law Faculty since 1957, with the exception of four years during which I was Dean of the University of Alabama Law School and of one year during which I was a Fulbright Lecturer in England. During 1972–73 I served as Chairman of the Courts Task Force which authored the Report on Courts for the National Advisory Commission on Criminal Justice Standards and Goals. Currently I am director of the Appellate Justice Project of the National Center for State Courts.

In response to the invitation of committee counsel, I am presenting my views on the constitutionality of a proposal that Congress create an office of special prosecutor, with a high degree of independence, charged with responsibility for investigating and prosecuting suspected offenses arising out of the Watergate episode and the 1972 presidential campaign. In varying forms such a proposal is embodied in H.J. Res. 784, H.R. 11043, H.R. 11067, H.R. 11075, H.R. 11081, H.R. 11132, and H.R. 11135. The comments which follow are directed to the constitutional validity of the proposal and not to its wisdom and desirability; the latter are matters for the political judgment of Congress.

Although the question is not free from doubt, my conclusion, supported by the reasoning set forth below, is that it is constitutionally permissible for Congress, in the present circumstances, to provide by legislation for a special prosecutor, with investigatory and prosecutory responsibilities as to specified matters, to be appointed by a federal court, and subject to removal only by the court.

1. THE CONSTITUTIONAL TEXT

Article II, Section 2, of the Constitution grants to the President power, with the advice and consent of the Senate, to appoint certain federal officials "and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law." This is followed immediately by a proviso: "but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments." For purposes of the question at hand, it is enough to read the words "such inferior Officers" in the latter clause to refer only to "all other Offices of the United States" in the preceding clause.

It is unnecessary to consider here whether this provision would permit Congress to place in the courts the power to appoint officials unconnected with the courts. For a prosecuting attorney, like all members of the bar, is an officer of the court. In the criminal process he is as integral as the judge to the work of the courts. See American Bar Association, Standards Relating to the Prosecution Function and the Defense Function 44 (1970). His role is so intimately involved in the judicial process that the prosecutor's office was dealt with at length in the Report on Courts (1973) of the National Advisory Commission on Criminal Justice Standards and Goals. Thus there is little substance to an argument that to authorize a court to appoint a prosecuting attorney is to involve the court in the appointment of a wholly unrelated official. Such an argument was made as to court appointment of board of education member in *Hobson v. Hansen*, 265 F. Supp. 902 (D.C. 1967), appeal dismissed, 393 U.S. (1968). But even as to those board members, the court upheld the constitutionality of the statute vesting their appointment in the U.S. District Court for the District of Columbia. While that decision relied in the

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alternative on the special powers of Congress over the District of Columbia, it rested equally on the constitutional power of Congress under Art. II, Sec. 2, to provide for court appointment of officials (265 F. Supp. at 911–13).

In Ex parte *Siebold*, 100 U.S. 371 (1879), the Supreme Court sustained the constitutionality of an Act of Congress which authorized judges of the United States Circuit Courts to appoint "supervisors of election" in connection with elections of representatives to Congress. The supervisors thus appointed were authorized and required by the statute to attend at the times and places fixed for registration of voters, to challenge applicants, and to cause names to be registered as they thought proper; the supervisors were also required by the statute to attend the elections, to challenge voters, to be present when ballots were counted, and to inspect poll books and tallies. The argument was made that these supervisors performed only executive duties and that the courts could not be empowered to appoint officers whose duties were not connected with the judiciary. In rejecting that argument and upholding the statute, the Supreme Court said:

> The Constitution declares that 'the Congress may, by law, vest the appointment of such inferior officers as they think proper, in the President alone, in the courts of law, or in the heads of departments.' It is no doubt usual and proper to vest the appointment of inferior officers in that department of the government, executive or judicial, or in that particular executive department to which the duties of such officers appertain. But there is no absolute requirement to this effect in the Constitution; and, if there were, it would be difficult in many cases to determine to which department an office properly belonged. Take that of marshal, for instance. He is an executive officer, whose appointment, in ordinary cases, is left to the President and Senate. But if Congress should, as it might, vest the appointment elsewhere, it would be questionable whether it should be in the President alone, in the Department of Justice, or in the courts. The marshal is preeminently the officer of the courts; and, in case of a vacancy, Congress has in fact passed a law bestowing the temporary appointment of the marshal upon the justice of the circuit in which the district where the vacancy occurs is situated. [presently 28 U.S. § 565]
>
> But as the Constitution stands, the selection of the appointing power, as between the functionaries named, is a matter resting in the discretion of Congress. (100 U.S. at 397–98.)

In addition to the statute mentioned in the *Siebold* opinion authorizing court appointment of marshals, there is, and has been for many years, a statute authorizing a federal district court to appoint a United States Attorney whenever a vacancy in the office occurs in the district. 28 U.S.C. § 546. The constitutionality of this provision was sustained in *United States* v. *Solomon*, 216 F. Supp. 835, 838–43 (S.D.N.Y., 1963). As to both marshals and U.S. Attorneys, the court's appointment holds only until the vacancy is otherwise filled. But this is because Congress chose to couch the appointing power in those terms. The constitutional basis for the Congressional authorization of these judicial appointments is Art. II, Sec. 2, and nothing there limits the authorization to temporary appointments or to those necessary to fill a vacancy on an interim basis.

For present purposes, however, it is unnecessary to consider the constitutionality of a statute empowering the courts to appoint a general prosecutor for all purposes or on a permanent basis. The proposals under consideration all contemplate that the special prosecutor is to have a specifically defined province. He is not to roam over the entire range of suspected criminal activity in the nation. Rather, his authority to investigate and litigate is restricted to matters arising out of specified activities—Watergate and the 1972 Presidential election. The life of the office is also limited to the time within which those matters are disposed of.

2. CONFUSING THE FAMILIAR WITH THE NECESSARY

Where an existing scheme is the only one we have known, there is often a misleading tendency to view it as the only one that is constitutional. Although there are scattered provisions in the federal statutes authorizing courts to appoint officials, most officials are appointed by the President or by a lesser executive officer. This is because Congress has arranged matters that way. The entire executive structure is, to a high degree, a statutory creation. The cabinet departments and their heads and sub-heads are all provided for by Acts of Congress. Provisions concerning the Department of Justice and its officials, for example, are found in 28 U.S.C. § 501 et seq. Though familiar and long standing, this arrangement is nevertheless not constitutionally mandated. The text of Art. II, Sec. 2, and such judicial explication as there has been of these clauses point clearly toward a choice vested in Congress as to the allocation of the appointing power.

Another familiar feature of our system is the placing of prosecutorial functions almost exclusively in an official who is considered a member of the executive department. This too gives rise to erroneous assumptions that the Constitution requires such an arrangement.

Here the English practice may be instructive. There is in England a Director of Public Prosecutions with a staff of lawyers; this office may be analogized to an American prosecutor's office. But relatively few cases are handled by that office. The basic principle in England, subject to a few exceptions, is that any member of the public may prosecute a crime. The prosecuting party need have no special interest in the case, although a prosecution is always conducted in the name of the Crown. Many prosecutions are carried out by the police, as they investigate and assemble evidence of offenses; they prosecute, however, not as officially designated prosecutors but as members of the public, and they engage private lawyers to present the cases in court just as a private citizen would. Other prosecutions are at the instance of businesses such as insurance companies or of government departments such as the Board of Trade.

Some are by private individuals. Jackson, *The Machinery of Justice in England* 154–65 (6th ed. 1972); Devlin, *The Criminal Prosecution in England* 16–19 (1960). The point is that there is no concept of an executive official, or any other official, with a monopoly on the prosecuting function. There is instead a multiplicity of prosecuting possibilities. In the main, private, non-governmental attorneys appear in court to present cases in the name of the Crown, at the instance of the prosecuting party who may or may not be a government official or agency.

While English practices are of course not binding on the meaning of the United States Constitution, they are significant in that they reveal attitudes about legal institutions held by a people with a common legal ancestry and with a traditionally high regard for civil liberties and government under law. The English way of handling prosecutions suggests that there is nothing fundamental to ordered liberty or government under law about having a monopoly of all prosecutions lodged in an executive officer appointed by the President. Nothing in our Constitution expressly prohibits an adoption of the English arrangement. But to sustain a court appointment of a special prosecutor, in the present circumstances, it is not necessary to go nearly so far as that. It is necessary only to recognize that all prosecutions for all offenses need not be placed in the hands of one official or one department; a prosecuting attorney can be designated to handle a specially described group of cases, leaving all others to other prosecuting parties.

The English practice is instructive also in underlining the functional distinction between investigating suspected criminal conduct and presenting cases in court, that is, the distinction between the role of the investigator and the role of the advocate. In England criminal investigations are handled by the police; the presentation of cases in court is handled by solicitors and barristers. There, lawyers appearing in court, in the name of the Crown, have no role in investigation. In the United States these roles are to a degree kept separate, but they are often blended. Many American prosecuting attorneys play an active part in investigating cases as well as appearing in court as lawyers for the state. The proposals for a special prosecutor contemplate combining the investigating and litigating functions in a single individual and office. The constitutionality of authorizing court appointment of a lawyer to represent the government in litigation, and to play no role in investigation, might be somewhat clearer because of the intimate relationship between advocate and court. But adding the investigating function to this advocate's responsibilities would not appear to alter the constitutional power of Congress to place the appointing power in the court.

3. SEPARATION OF POWERS

The doctrine of separation of powers is pointed to as an obstacle to the proposal for a Congressionally authorized, court-appointed special prosecutor. While nowhere expressly set forth in the Constitution, this doctrine is viewed as one of the premises on which the constitutional scheme rests. It is reflected in the creation of the three departments of government—executive, legislative, and judicial. But the special prosecutor proposal, if carefully structured, need not run afoul of the purpose of the doctrine.

The purpose of the separation of powers is to prevent the concentration of power and thereby to protect liberty and to guard against abuses of power. As Madison wrote on this subject in The Federalist (No. 47), "The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many . . . may justly be pronounced the very definition of tyranny." And in this same paper Madison read Montesquieu—"The oracle" on the subject—as meaning "that where the whole power of one department is exercised by the same hands which possess the whole power of another department, the fundamental principles of a free constitution are subverted."

Taking the prosecutorial function out from under the dominion of the President in no way runs counter to these concepts. The separation of powers is not concerned with the diminution of power; it is concerned about the consolidation of power. Thus there would appear to be no violation of the doctrine, properly considered in light of its purpose, in allocating the prosecution of certain described offenses to one outside the executive branch. Indeed such a division of the overall prosecution role might be thought of as consistent with the purpose of the separation of powers doctrine by dividing power still more.

Apprehensions may be voiced, however, that authorizing a court to appoint and remove a prosecutor would move toward combining in the judicial branch the executive power in relation to those cases within that prosecutor's jurisdiction. But this need not be so for at least two reasons.

First, nothing in the proposed bills suggests that the appointing court is to control the prosecutor in his decisions and actions. Presumably existing law to the effect that a

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court cannot direct a prosecutor in the performance of his duties would continue. To make this clear, it might be desirable to include in the bill a provision expressly stating that a court may not exercise any control over the special prosecutor's discretionary decisions concerning the investigation and prosecution of cases. Grounds for removal should be spelled out.

Second, in order to insure that the "same hands" do not exercise the "whole power" of two departments, it might be wise to include in the bill a provision that no judge participating in the appointment of the special prosecutor shall sit in any matter handled by the special prosecutor's office and that no judge who has participated in any such matter shall participate in the appointment or removal of the special prosecutor. A provision such as this would also serve the salutory purpose of assuring future defendants in cases brought by the special prosecutor that the judge sitting in those cases would not have had any role in appointing the prosecutor and could have no role in his removal. The appearance of justice is as important as the fact of justice.

Considerations of justice and its appearance would also be served by vesting the appointing power in the court, or a majority of its judges, rather than in a named judge. Placing the power in the court would also be on firmer constitutional ground since Art. II, Sec. 2, speaks in terms of "the Courts of Law."

An argument of another sort is based on a premise that the Constitution vests in the President a certain minimum core of executive power which cannot be withdrawn by Congressional legislation and that the prosecution of federal crimes is part of this essential executive power. History and practice, however, rebut the idea that the prosecuting function must be lodged under the executive and can be placed nowhere else. The English practice, outlined above, is strong evidence that in Anglo-American jurisprudence there are a variety of legitimate arrangements for getting criminal cases before the courts. The view that there is nothing uniquely "executive" about a prosecuting attorney's role finds support also in the practices of some states in permitting a private attorney engaged by private persons to act as a special prosecutor. See 63 *Am. Jur. 2d*, Prosecuting Attorneys § 9, at 342–43 (1973). This view is also supported by the presence for many years in the U.S. Code of the provision authorizing a federal district court to appoint a U.S. Attorney when a vacancy occurs. 28 U.S.C. § 546. Indeed, state courts have taken the view that a court has inherent power to appoint a lawyer to represent the state in criminal cases when the regular prosecuting attorney is disqualified or unable to act. See 63 *Am. Jur. 2d*, Prosecuting Attorneys § 11, at 344 (1973).

Whatever in general may be thought of as the core of executive power and as the lines of separation among the three departments of government, express provisions of the Constitution control. Thus the provision in Art. II, Sec. 2, giving Congress power to vest appointing authority in the courts governs, even if it appears not to accord neatly with the separation of powers doctrine. As applied to court appointment of a prosecuting attorney, in the special circumstances where Congress finds allegations and grounds of suspicion that the President himself and persons closely associated with him may have engaged in criminal conduct, that clause goes far towards answering any objections based on the separation of powers.

Whether it is wise for Congress to deal with existing circumstances by the proposed means is another matter. The proposal, for example, to create a position of special prosecutor to be appointed by the President and the Senate acting together, with restrictions on presidential removal, would avoid most of the constitutional arguments which can be made against vesting the appointment in the court. Such choices of means, however, are for Congress to make.

Memorandum for the House Judiciary Committee

RE INDEPENDENT SPECIAL WATERGATE PROSECUTOR

This memorandum, prepared at the request of Representative John C. Culver, examines the Constitutionality of measures introduced by him in the House of Representatives on October 23, 1973 (H.J. Res. 784) and by Senator Birch Bayh in the Senate on October 26, 1973 (S. 2611). These bills would establish by statute an independent Special Prosecutor for defined purposes relating to the Watergate and similar offenses, such Special Prosecutor to be appointed by the United States District Court in the District of Columbia and to be immune from control or discharge by the President.

The two bills are marked more by similarity than by differences. Each exhibits the same purposes and essential mechanisms. There are some divergencies, however, as well as provisions that might appropriately be joined together.

The conclusions reached, based on review of the materials discussed in this memorandum, are, *first*, that the approach taken in the Culver-Bayh proposals is unembarrassed by any genuine or substantial Constitutional difficulty; *second*, that this approach is Constitutionally preferable to any other approach that might be taken to achieve the same purpose; and, *third*, that there are a few amendments to H.J. Res. 784 that might serve to perfect and harmonize the two proposals.

The balance of this memorandum will consider the question of Constitutionality under the following heads of discussion:

I. Prosecutorial Discretion in the Face of a Conflict of Interest.

II. The Separation of Powers.

III. Immunity of Presidential Appointees from Removal by the President.

IV. Immunity of Court-Appointed Officers from Extraneous Control.

V. Conflict of Functions and Due Process of Law.

VI. The Territorial Reach of the Special Prosecutor's Jurisdiction.

An appendix will contain some drafting suggestions for appropriate amendments.

Discussion

I. PROSECUTORIAL DISCRETION IN THE FACE OF A CONFLICT OF INTEREST

Despite the clear language of Article II, Section 2 of the Constitution—"the Congress may by law vest the appointment of such inferior Officers, as they think proper . . . in the Courts of Law"—it is sometimes argued that judicial appointment of a Special Prosecutor would impermissibly intrude upon the discretionary power of the Prosecutor.[1] The case usually cited for this proposition is *United States* v. *Cox*, 342 F. 2d 167 (5th Cir. 1965), in which the Court of Appeals quite properly refused to uphold a District Judge's order that the attorney for the United States sign an indictment presented to him by a grand jury. Nothing in the bills introduced by Representative Culver or by Senator Bayh would in any way change that rule of law; indeed, the prosecutor's freedom from judicial control established by that rule assists in overcoming a different objection that might otherwise be raised to judicial appointment of the prosecutor. (See Part V, *infra*.)

The whole question of prosecutorial discretion as it bears on this legislation has been exhaustively researched and analyzed in an article published last Spring by the American Bar Association's Section of Criminal Law. Schneider, Greenspan & Anzalone, *The Special Prosecutor in the Federal System: A Proposal*, 11 American Criminal Law Review 577–638 (1973). It points out and fully documents that freedom from prosecutorial control by the Courts is wholly compatible with freedom from prosecutorial control by or in the interests of potential parties defendant. Both are essential to the maintenance of the adversary process on which our system of justice is founded. As ABA President Chesterfield Smith put it in his speech on October 25, 1973, this is based upon ". . . the almost universally accepted proposition that only a prosecutor, independent and free from the dictates and controls of those whom he was to investigate, could satisfactorily resolve in the minds of the people the illegality of matters which he was to investigate."

President Smith pointed to the ABA Standards for Criminal Justice, which provide that the prosecuting officer should have no conflict of interest, or the appearance of a conflict of interest. He concluded:

"Thus, under that standard, it clearly was and is improper for an investigation of the Executive Branch of the government, of the Office of the President, or of the President himself or of his close associates, to be conducted by a prosecutor who is under the control and direction of either the President himself or some other person who himself is under the direction and control of the President."

This is so because:

"It has never been suggested to my knowledge that the truth of opposing contentions could be fairly and equitably ascertained if one of the opposing parties before the court could determine what evidence and what contentions his opponent could present to the judge or jury for consideration."[2]

These propositions are so fundamental that they may themselves be considered of Constitutional dimension. The Supreme Court of Missouri has declared it essential that a prosecutor's discretion "be exercised in accordance with the established principles of law, . . . [and] according to the dictates of his own judgment and conscience and not that of any other person." *State* v. *Wallach*, 353 Mo. 312, 322–23, 182 S.W. 2d 313, 318–19 (1944). And the Supreme Court of the United States has held that it violates due process of law for a judge to have a pecuniary interest in the outcome of a case. *Tumey* v. *Ohio*, 273 U.S. 510 (1927). The same might properly be held of a prosecutor, sworn to see that justice is done, whose very job tenure is dependent upon the outcome of his efforts as regards his adversary.

Thus to bow to the arguments of "prosecutorial discretion" when a conflict of interest is present might very well be to condone a violation of due process of law. It may be contended that an honorable man, when and if presented with an actual conflict, would resign as Elliot Richardson and William Ruckelshaus have done. But that of course would not accomplish the prosecutorial purpose. And the Supreme Court in *Tumey* spoke to this point by declaring that "the requirement of due process of law in judicial procedure is not satisfied by the argument that men of the highest honor and the greatest self-sacrifice could carry it on without danger of injustice." (273 U.S., at 532.) As Representative Culver suggested when introducing his bill, in matters of public moment particularly, it is important that justice be not only done but be seen to be done.

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[1] Roger Cramton, the immediate past Legal Counsel in President Nixon's Administration, advanced this argument in the Outlook section of the *Washington Post* for Sunday, October 28, 1973, page C5.

[2] Address of Chesterfield Smith before the National Legal Aid and Defender Association, Coronado Beach, Calif., pp. 4, 5, 7.

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An independent prosecutorial discretion, in other words, free from both the reality and appearance of a conflict of interest, would answer fully to the requirements of *United States* v. *Cox* within its established legal setting.

II. THE SEPARATION OF POWERS

The *Cox* case is also sometimes cited for a broader proposition, that prosecution of offenses is somehow an inherently executive function whose placement in any other branch would violate the Constitutional principle of separation of powers. What the Court of Appeals said is that the prosecutor is "an executive official of the Government. . . . It follows, as an incident of the Constitutional separation of powers, that the courts are not to interfere with the free exercise of the discretionary powers of the attorneys of the United States in their control over criminal prosecutions." *United States* v. *Cox, supra,* 342 F. 2d at 171. But again, the Culver-Bayh legislation would not allow judicial interference; instead, it would create an authorization for a special "attorney for the United States" who would remain fully insulated from such judicial interference.

It is not the Separation of Powers, but due process of law as embodied in our adversary system of justice, that ensures freedom from judicial control. This question was met and disposed of in *United States* v. *Solomon,* 216 F. Supp. 335 (S.D.N.Y. 1963), which is the only Federal case to have passed on a Constitutional challenge to judicial appointment of a prosecuting officer. The appointment was made pursuant to 28 U.S.C. § 546 (1970), authorizing the District Courts to fill vacancies in the office of United States attorney, and the court squarely held that this did not violate the doctrine of the separation of powers. Canvassing the literature from Montesquieu to Madison, and the federal practice since adoption of the Constitution, the court determined that there is nothing doctrinaire or rigid about separated powers but that, in Holdsworth's phrase, "it was the autonomy in the action and in the development of these divided, though not quite separated powers, which, *by enabling them to check and balance one another*, was the guarantee of liberty." 10 Holdsworth, History of English Law 721 (1938) (emphasis added); see also The Federalist, Nos. 47 and 48 (Madison) (Wright ed. 1961). The purpose of the Culver-Bayh legislation would appear precisely to be one of setting up checks and balances against Presidential over-reaching.

Separation of powers has never been considered a bar to judicial appointment of what would otherwise be considered executive officers. This is made evident by the longstanding practice of the States. The highly respected Chief Judge of the Supreme Court of New Jersey, Arthur T. Vanderbilt, summarized the situation as follows:

"The state legislatures have . . . long cast many nonjudicial duties on the judiciary. This has traditionally been the practice in England both at the county level and nationally, and it was carried over to the colonies and then to the *states despite statements in the constitutions of many states expressly setting up the principle of the separation of powers*. Dean Pound has catalogued a wide variety of the nonjudicial functions of an eighteenth-century judge: 'In Connecticut, the County Courts appointed Collectors of Excise. . . . In Pennsylvania, the Quarter Sessions licensed rangers to take up stray cattle. . . . So it was in Virginia, where those courts . . . for example, licensed ferry keepers. . . . In North Carolina, the justices of the peace . . . appointed road commissioners. . . . In South Carolina, the County and Precinct Courts, afterwards superseded by the General Court, had general administrative powers. So had the justices of the peace in Georgia.'

"Throughout the country the situation has not changed. . . . A cursory examination of the laws of a single state [New Jersey] discloses that its judges are called upon to appoint county park commissioners, water commissioners, morgue keepers, commissioners to survey the boundaries between municipalities, and persons to examine maimed, sick, or disabled animals." Vanderbilt, The Doctrine of the Separation of Powers and Its Present-Day Significance 113–114 (1953) (citations omitted).

Nor is the case any different when it comes to appointment of prosecuting attorneys. Quite the contrary, either by statute or without it the courts of almost all States are authorized to appoint a special prosecutor whenever the regular district attorney is incapacitated, fails *or refuses to perform his duty, or is disqualified by conflict of interest*. The cases are collected and analyzed in the American Criminal Law Review article previously cited, pp. 579–82. Typical is the Illinois Statute, Ill. Rev. Stat., Ch. 14, Sec. 6:

"Whenever the Attorney General or State's attorney . . . is interested in any cause or proceeding, civil or criminal, which it is or may be his duty to prosecute or defend, the court in which the cause or proceeding is pending may appoint some competent attorney to prosecute or defend said cause or proceeding, and the attorney so appointed shall have the same power and authority in relation to such cause or proceeding as the Attorney General or State's Attorney would have had if present and attending the same. . . ."

It was pursuant to this statute that attorney Barnabas Sears was recently appointed to prosecute State's Attorney Edward Hanrahan in Chicago, see *People* v. *Sears,* 49 Ill. 2d 14, 273 N.E. 2d 380 (1971). The statute has furthermore been upheld against a separation-of-powers challenge, *Tearney* v. *Harding,* 166 N.E. 2d 526 (Ill. Sup. Ct. 1929); and this notwithstanding the explicit language of the 1870 Illinois Constitution, Art. 3:

"The powers of the Government of this State are divided into three distinct departments—the Legislative, Executive, and Judicial; and no person, or collection of persons, being in one of these departments, shall exercise any power belonging to either of the others, except as hereinafter expressly directed or permitted."

There is of course no such separation of powers clause in the Federal Constitution (though if there were, Article II, Section 2 would still provide the requisite express direction or permission).

Some of the State special prosecutors have gained fame, notably Thomas E. Dewey who made impressive discoveries of official corruption in New York in the 1930's. See, *e.g.,* Wilkes, *A History Making Grand Jury,* 13 the Panel 1 (1935). Others have labored in more routine fashion, but the very routineness of their appointments is what is noteworthy here. Set out below in footnote are a representative sampling of decisions in three States which by statute or court ruling or both provide for judicial appointment of special prosecutors in conflict of interest situations.[3] Perhaps the aptest commentary on all such activity was provided by the Maryland Supreme Court, which in 1860 declared:

"We are not prepared to admit that the power of appointment to office is a function intrinsically executive, in the sense in which we understand the position to have been taken; namely that it is inherent in, and necessarily belongs to, the executive department. Under some forms of government it may be so regarded, but the reason does not apply to our system of checks and balances in the distribution of powers, where the people are the source and fountain of government, exerting their will after the manner, and by instrumentalities provided in, the Constitution." *Mayor of Baltimore* v. *State,* 15 Md. 378, 455 (1860).

Under the Federal Constitution, of course, it is the Congress that creates offices and that regulates their powers and duties. Congress need not have created a Department of Justice at all, or made it fully subject to the President's control. Normally it is more convenient to do so, but perceptions of convenience can change as for example when conflict of interest is involved. For any such case, Congress may at any time take the appointment power away from the President and "transfer the power to other hands." *Myers* v. *United States,* 272 U.S. 52, 177 (1926) (separate opinion of Holmes, J., concurring with the majority on this point, cf. 272 U.S., at 160). No case can be found in which the contrary has been held.

The notion of intrinsic Executive authority, insofar as it extends to creation or regulation of governmental offices, is antithetical to the Constitution. Article II, Section 2 demonstrates that ours is a government not of rigidly separated but of blended powers. In Professor Kenneth Davis' well-chosen phrase, "we have learned that danger of tyranny or injustice lurks in unchecked power, not in blended power."[4]

III. IMMUNITY OF PRESIDENTIAL APPOINTEES FROM REMOVAL BY THE PRESIDENT

Suggestions have been heard that, instead of vesting the appointing authority in the courts, Congress might better follow the more habitual route of allowing the President to appoint a Special Prosecutor by and with the advice and consent by the Senate. The independence of the prosecutor, it is contended, could be assured by prohibiting or severely restricting the President's right to remove him from office.

This is of course the route that was followed by the Reconstruction Congress in the various Tenure of Office Acts, and it provokes the controversy that culminated in the imepachment (but not conviction) of President Andrew Johnson. Many years later, in *Myers* v. *United States,* 272 U.S. 52 (1926), the Supreme Court struck down the Tenure of Office Acts as unconstitutional. Of course that opinion itself was over-broad, and it was substantially whittled down just nine years later in *Humphrey's Executive* v. *United States,* 295 U.S. 602 (1935). But *Myers* has never been over-ruled, and it remains as at least something of a threat to the independence of any Presidential appointed Special Prosecutor.

To assure independence, the case would have to conform very closely to that of *Humphrey's Executor*. There are responsible grounds for believing this could be done. *Myers* had involved a postmaster, which the Court described as "an executive officer restricted to the performance of executive functions. He is charged with no duty at all related to either the legislative or judicial power." (295 U.S., at 627.) *Humphrey's Executor* by contrast involved a member of the Federal Trade Commision, an agency with quasi-judicial as well as quasi-legislative responsibilities and one whose independence the Congress had been at pains to establish. "The commission is to be nonpartisan; and it must, from the very nature of its duties,

act with entire impartiality. It is charged with enforcement of no policy except the policy of the law." (At 624.) The Court accordingly rejected the President's claim of power to remove a Commission before the end of this statutory seven-year term. And it suggested that the test for removability in such cases should turn on whether the officer in question is but a policy *alter ego* for the President; whether "their acts are his acts" and the President's will therefore controls. (At 631, citing *Marbury* v. *Madison,* 1 Cranch 137.)

There is much in the *Humphrey's Executor* opinion that is readily adaptable to a Congressionally created office of Special Prosecutor. Certainly the intent could be made clear that the Special Prosecutor was not to be the President's *alter ego,* that he was to enjoy independence, and that he should carry out his judicially related responsibilities with entire impartiality and pursuant to no policy but that of the law. Yet all that *Humphrey's Executor* actually decided, as the Court made plain, is that a postmaster can be fired whereas an FTC Commissioner cannot; other cases between these two, the Court said, would have to be decided as they arose. And the language of the opinion is no sure guide to how they may be decided. Supreme Court Justice Stanley Reed was fond of recalling how his staff assured him that, based on the expansive opinion in *Myers,* he could not possibly lose the first case he argued as Solicitor General. Yet he lost the *Humphrey's Executor* argument nine votes to nothing.

We conclude that, even with the advice and consent of the Senate, a Presidentially appointed Special Prosecutor is less certain of achieving secure and independent tenure than one appointed by the courts.

IV. IMMUNITY OF COURT-APPOINTED OFFICERS FROM EXTRANEOUS CONTROL

A. *Appointing Authority.* (*1*) *Article II, Section 2* of the Constitution expressly allows the Congress to vest the appointment of "such inferior officers, as they think proper" in the courts of law. It is plain from the language, in context, that "inferior officers" may include any that are not mentioned in the Constitution; anyone, that is, but the President and Vice President themselves, Ambassadors and other chief diplomatic officers, the Justices of the Supreme Court, and very likely the heads of the Cabinet departments. That still leaves what Justice Story described as "probably . . . ninety-nine out of a hundred of the lucrative offices in the government" free to be appointed as the Congress deems best. 2 Story, Constitution § 1544, cited in *Myers* v. *United States, supra,* 272 U.S. at 150.

It is also plain from the language, "as they think proper", that Congress' discretion is Constitutionally unlimited. Story's commentaries again provide an amplifying key: "The propriety of the discretionary power in Congress, to some extent cannot well be questioned. If any discretion should be allowed, its limits could hardly admit of being exactly defined; and it might fairly be left to Congress to act according to the lights of experience." This is exactly what was thereafter decided in *Ex parte Siebold,* 100 U.S. 371, (397–98) (1879), rejecting an argument that the appointing authority of the courts must be limited to court clerks or other strictly judicial officers. The Court pointed out that marshals are habitually appointed by the President and perform executive functions in the strictest possible sense, but that they might just as logically be appointed by the courts and that the courts in fact had (and still have, 28 U.S.C. § 565) statutory authority to fill vacancies in the office of U.S. Marshal. The parallel with 28 U.S. § 546 (U.S. Attorneys) could scarcely be more striking.

It is hard to find fault, then, with the recent conclusion by the U.S. District Court for the District of Columbia that "Article II is couched in terms of discretion; and Congress has not considered it can empower judges to appoint only officers concerned with the administration of justice. . . ." *Hobson* v. *Hansen,* 265 F. Supp. 902 (1968) (three-judge court). To be sure, there is language in *Ex parte Siebold* that the appointment must not be incongruent with the performance of regular judicial functions. But on any fair reading this must be taken to refer to the conflict-of-functions problem, considered in the next Part of this memorandum. At all events, *Siebold* approved judicial appointment of Congressional election supervisors, while *Hobson* approved similar appointment of a school board. The activities of a Special Prosecutor who is after all an officer of the court, will be far more congruent with the regular administration of justice. Certainly the long-established law and practice of the state courts on this matter should suffice to demonstrate any requisite congruence.

(2) *Article I, Section 8* of the Constitution is also in point and supports the legislation. It provides that the Congress shall have power over a wide scope of subject matter, and also "to make all laws which shall be necessary and proper for carrying into execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department or Offices thereof."

If the prosecution of criminal offenses is claimed to be an inherent power of the President, or of the Department of Justice, and they are disabled by conflict of interest from exercising those powers as intended, then Congress under the plain language of this clause has full authority to take remedial legislative action to correct the disability. The power is to "make all laws", which should disabuse any argument that the sole Congressional remedy is impeachment. As Chief Justice Marshall put it in *McCulloch* v. *Maryland* 4 Wheat. 316, 415 (1910), the "necessary and proper clause" is a provision "made in a constitution intended to endure for ages to come, and, consequently, to be adapted to the various crises of human affairs."

(3) *Article I, Section 8* also gives the Congress plenary regulatory jurisdiction over the District of Columbia; and this is recited as additional Constitutional authority in Section 2(e) of the Senate bill (S. 2611). That is a more dubious proposition. In *Glidden Co.* v. *Zdanok,* 370 U.S. 530, 580–81 (1962), Justice Harlan set forth the following considered dictum:

"It is true that *O'Donoghue* v. *United States,* 289 U.S. 516, 545–48] upheld the authority of Congress to invest the Federal courts for the District of Columbia with certain administrative responsibilities—such as that of revising the rates of public utilites—but only such as were related to the government of the District. [Citations omitted.] To extend that holding to the wholly nationwide jurisdiction of courts whose seat is in the District of Columbia would be to ignore the special importance attached in the *O'Donoghue* opinion to the need there for an independent national judiciary.

"The national courts here may perform any of the *local* functions elsewhere performed by State courts." (Emphasis added.)[5]

Presidential accountability is of course not a local but a national matter. For this reason, it would appear that this Constitutional reference might as well be dropped.

B. *Immunity from Presidential Removal.* It is well-settled law that the power of removal goes with the power of appointment. In *Ex parte Hennen,* 13 Pet. (38 U.S.) 225 (1839), the Court so held with respect to a court-appointed clerk, and its opinion has controlled the law from that day to this. See, *e.g., Myers* v. *United States,* 272 U.S. 52, 119 (1926); *Hobson* v. *Hansen, supra,* 265 F. Supp. at 913 n. 13. The relevant passage appears at 13 Pet. 258–60:

"The Constitution is silent with respect to the power of removal from office, where the tenure is not fixed. . . .

"In the absence of all constitutional provision, or statutory regulation, it would seem to be a sound and necessary rule, to consider the power of removal as incident to the power of appointment.

"[T]he Constitution has authorized Congress, in certain cases, to vest this [appointment] power in the President alone, in the courts of law, or in the heads of department; and all inferior officers appointed under each, by authority of law, must hold their office at the discretion of the appointing power. Such is the settled usage and practical construction of the Constitution and laws, under which these offices are held."

It follows that the President cannot claim any authority whatever to remove judicially appointed officers. And since the judges of the federal courts hold their offices for life under Article III of the Constitution, the President cannot do indirectly what he did with Archibald Cox by issuing instructions to remove the Special Prosecutor. Any such instructions would have absolutely no force or effect.

C. *Statutory Regulation of Tenure.* The *Hennen* rule applies as stated only "where the tenure is not fixed" by "statutory regulation." Where Congress has spoken, "the tenure of the office is determined by the meaning and intention of the statute." (13 Pet., at 260.) Employment by Congress of the Article II, Section 2 excepting authority entitles it to regulate the right of removal and restrict it. See *Myers* v. *United States, supra,* 272 U.S. at 160, quoting from and approving *United States* v. *Perkins,* in which it was held that a naval officer could not be removed by the Secretary of the Navy without a court martial, since the statute so specified:

"The head of a department [or court] has no constitutional prerogative of appointment to offices independently of the legislation by Congress, and by such legislation he must be governed, not only in making appointments but in all that is incident thereto."

The Culver-Bayh legislative proposals in fact do make the Special Prosecutor removable from office by the District Court, for "extraordinary improprieties." This is not only Constitutionally permissible but also highly desirable, to make sure of preserving the "inferior officer" status which might be jeopardized if the Special Prosecutor were not removable at all save by impeachment.

D. *Judicial Interference.* Apart from the causes specified in the legislation—as to which a hearing would have to be afforded, pursuant to the Administrative Procedure Act—the judges of the District Court would have no right to interfere with the discretion of the Special Prosecutor. This follows from the cases just considered, as well as the *Cox* decision previously cited. It is an essential element of the adversary process.

Judicial satisfaction that the prosecutor is in fact independent should actually help to assure that any trials are conducted with entire impartiality. It is when a judge suspects that a prosecutor is "pulling his punches" that he is most tempted to inter-

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[3] Indiana: Ind. Ann. Stat., Sec. 49–2515–18 (1964), afterwards repeated but held constitutional in *Hendricks* v. *State,* 245 Ind. 43, 196 N.E. 2d 66 (1964); see also *Williams* v. *State,* 188 Ind. 283, 301–02, 123 N.E. 2d 209, 215 (1919). Iowa: *White* v. *Polk County,* 17 Iowa 413, 414 (1864). Missouri: *State* v. *Jones,* 306 Mo. 437, 445, 268 S.W. 83, 85 (1924).

[4] Davis, Administrative Law, Sec. 1.09, at 30 (1972).

[5] Footnote 54 then recites the probate and divorce jurisdiction of the U.S. District Court, and distinguishes "the appointing authority given judges of this District Court to select members of the Board of Education and of the Commission on Mental Health, . . . (which] *is probably traceable to Article II, § 2 of the Constitution*. . . ." (Emphasis added.)

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vene and take over the questioning of witnesses. This risks prejudicing the jury or otherwise producing a judgment that is reversible on appeal. See *The Special Prosecutor in the Federal System: A Proposal*, 11 American Criminal Law Review 577, 628–29 (1973), and cases there cited. Thus judicial appointment of the Special Prosecutor should enhance the prospects of attaining due process of law.

V. CONFLICT OF FUNCTIONS AND DUE PROCESS OF LAW

In *Ex parte Siebold, supra*, 100 U.S., at 397–98, the Supreme Court held that there was "no such incongruity in the [appointment] duty required as to excuse the courts from its performance, or to render their acts void." In *Hobson* v. *Hansen, supra*, 265 F. Supp., at 916, the court similarly declared that appointment of a prosecuting attorney would cause no due-process difficulties. And in *Tumey* v. *Ohio*, 273 U.S. 510, 534 (1927), where the judge was also the mayor of the village, the Court said that "the mere union of the executive power and the judicial power in him cannot be said to violate due process of law."

Notwithstanding these pronouncements, however, Constitutional and ethical considerations may counsel against vesting the appointing authority in the judge who will also sit in judgment on cases brought by his appointee. The judge might appear to the public or to himself to have acquired an adversary interest which would conflict with his impartiality. In *Tumey* v. *Ohio, supra*, 273 U.S., at 532, the Court stated that "every procedure which would offer a possible temptation to the average man as a judge to forget the burden of proof required to convict the defendant, or which might lead him not to hold the balance nice, clear and true between the State and the accused, denies the latter due process of law." On grounds such as these, the Congress has itself adopted a broad disqualification statute (28 U.S.C. Sec. 455 (1970)):

"Any justice or judge of the United States shall disqualify himself in any case in which he has a substantial interest, has been of counsel, is or has been a material witness, or is so related to or connected with any party or his attorney as to render it improper, in his opinion, for him to sit on the trial, appeal, or other proceeding therein."

In a recent case which bears considerable similarity to the present one, Judge Gerhard Gesell of the District Court here in fact did recuse himself from sitting in judgment on an indictment which, over the objection of the U.S. Attorney, he had refused to dismiss. See *The Special Prosecutor in the Federal System: A Proposal*, 11 American Criminal Law Review 577, 597–98 § nn. 119–21 (1973).

What this all comes down to is, *first*, that court appointment of a Special Prosecutor would not itself void any convictions or other judgments that might later be returned by that court; but, *second*, that a single appointing judge might feel compelled to disqualify himself from sitting on such cases. Representative Culver's bill indeed anticipates such a contingency in its Section 4. It it is desired to avoid this difficulty, so as to conserve the knowledge of past proceedings held by Judge Sirica, the simplest way would be to amend the bill, authorize creation of a three-judge panel to perform the appointing function, and provide that no member of this panel may participate in cases brought by an appointee.

VI. THE TERRITORIAL REACH OF THE SPECIAL PROSECUTOR'S JURISDICTION

H.J. Res. 784, Section 7, provides that the Special Prosecutor's powers to collect evidence shall extend "throughout the territory of the United States," and Section 6 authorizes him to proceed "in all Federal Courts . . . of the United States." S. 2611 would go further and specify in its Section 4(6) that the Special Prosecutor may initiate and conduct prosecutions "in any court of competent jurisdiction" (which could include the courts of the States, 18 U.S.C. § 3231, paragraph 2). Some question may be raised about the propriety of vesting so nationwide a jurisdiction in an officer appointed only by the District Court for the District of Columbia.

In *Ex parte Siebold, supra*, the Supreme Court ruled that considerations of convenience could guide the Congress' determination with respect to location of the appointing authority. In the present case, no other authority would be so convenient as the D.C. District Court. It is presiding over the two grand juries thus far empaneled to look into Watergate, the so-called "cover-up", and campaign finance offenses.[6] The Office of the Special Prosecutor is here, as is the Office of the President. Furthermore, all or most of the offenses covered by the Culver-Bayh legislation (Watergate, Presidential election, Presidential entourage) bear sufficient connection with the District of Columbia to be triable here. Crimes must be tried under the Constitution in the State and district where committed (Article III, Section 2; the Sixth Amendment)—but "any offense against the United States begun in one district and completed in another, or committed in more than one district, may be inquired of and prosecuted in any district in which such offense was begun, continued, or completed." 18 U.S.C. § 3237 (1970).

If it were thought desirable to resolve this question with absolute clarity, it might be in order to provide that the jurisdiction and venue for all proceedings brought by the Special Prosecutor shall be in the District of Columbia federal courts. There would be some risk, however, that some aspects of some cases could not be Constitutionally tried here. Furthermore, this could put an excessive burden both on the District Court and on the Special Prosecutor. Compulsory process may occasionally be more conveniently enforced in other parts of the country. The same may be true of the initiation of certain criminal cases, such as the prosecution of John Mitchell and Maurice Stans in the Southern District of New York. And alteration of the jurisdiction and venue provisions of the U.S. Code, which have been carefully considered and balanced over the years, is an uncertain venture.

For these various reasons, it appears preferable to authorize the Special Prosecutor to appear in all federal courts of competent jurisdiction[7] and perhaps to provide (on burden-sharing grounds) that the U.S. Attorneys in other districts shall be subject to his supervision and control for this purpose. This would also assist in the disposition of any ancillary civil business the Special Prosecutor may be given. (See Appendix.)

The only other alternative, that of giving each U.S. District Court a separate appointing authority, is too confusing to contemplate. Certainly there is nothing in the Constitution or cases construing it that would compel the Congress to adopt so unwieldy an instrument. Independent prosecution of the Watergate, etc. offenses can be conducted effectively only if it is under unitary management and control. This can be appropriately reflected in the findings and declarations of the legislation.

ROLAND S. HOMET, Jr.

APPENDIX: SOME DRAFTING SUGGESTIONS

1. *Title:* [Reconcile the name differences between H.J. Res. 784 and S. 2611.].

2. *Findings and Declarations:* (a) Under the adversary system of justice established in this country, the truth of opposing contentions is ascertained in an impartial court of law with each party free from control or restriction by his opponent in determining what evidence and arguments to bring forward.

(b) Recent serious allegations of improper and illegal activities involving former high officials and advisers of the President of the United States require for their investigation and resolution the services of a Special Prosecutor who will be independent and nonpartisan and engaged in enforcement of no policy but the policy of law, and who for this purpose will be free from either the appointment or removal power of both the President and of the Congress as well as of anyone who is subject to removal by them.

(c) Under Article II, Section 2 of the Constitution, the appointment and removal authority for such a Special Prosecutor may be vested by Congress "in the courts of law"; and the exercise of this power by statute is "necessary and proper" under Article I, Section 8 of the Constitution to assure the due and proper administration of justice.

(d) The court best qualified by location and jurisdiction to receive and exercise such authority is the United States District Court for the District of Columbia.

3. *Protection of Files*. [Section 2 of H.J. Res. 784 confirms the protective authority over Mr. Cox's files and records that Judge Sirica has already reportedly exercised. It would help to ensure that such protection is maintained until the appointment of a new Special Prosecutor. There is no comparable provision in S. 2611.]

4. *Appointment*. (a) The United States District Court for the District of Columbia shall appoint a Special Prosecutor for the purposes and with the powers and duties prescribed in this Act, and shall replace said officer only for extraordinary improprieties in the exercise of his responsibilities as an officer of the court, or in the event the office becomes vacant. [Similar language may be added for a Deputy Special Prosecutor if desired.]

(b) The authority conferred on the District Court by subsection (a) of this Section shall be exercised by a panel of three judges who are members of that Court, said panel to be convened by the Chief Judge thereof. Any vacancies occurring in said panel shall be filled through appointment by the then Chief Judge.

(c) No judge who is a member of the panel convened pursuant to subsection (b) of this Section shall thereafter preside over or otherwise participate in any judicial proceeding conducted by or in behalf of a Special Prosecutor [or Deputy Special Prosecutor] appointed by that panel.

5. *Special Prosecutor: Jurisdiction*. [Section 6 of H.J. Res. 784 covers the subjects in Section 3 (b) and Section 4 (6) and (7) of S. 2611 The following are suggested harmonizing amendments to Section 6 of H.J. Res. 784]:

Anything in the statutes or *rules* of the United States . . . including the Supreme Court of the United States, *involving* any or all of the following *matters:*

(a) . . .

(b) all offenses arising out of the 1972 Presidential election;

(c) offenses alleged to have been committed by the President, present or former members of his White House staff, or other present or former Presidential appointees;

(d) all other matters heretofore referred to the former Special Prosecutor pursuant to regulations of the Attorney General (28 C.F.R. § 0.37, rescinded October 24, 1973);

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[6] The Court of Appeals is more removed, and does not enjoy the precedential benefits of the temporary appointment statute, 28 U.S.C. § 546. The United States Supreme Court should be held entirely detached from the matter.

[7] There is of course no conflict-of-interest justification for going into the province of state district attorneys.

(e) perjury or other offenses arising out of previous or future investigation of such matters; and

(f) such other matters certified by the Special Prosecutor *in camera* to the three-judge panel convened under Section 4(b) of this Act and determined by it to bear a proximate relation to any of the foregoing matters.

6. *Special Prosecutor: Powers*. [Section 7 of the Culver bill covers subjects addressed in Sections 4 (2)–(5), (7) and 5 (a) of the Bayh bill. The following would amend Culver § 7]:

The Special Prosecutor . . . material described in Section *3* of this Act . . . subject matter described in Section *5* of this Act. . . . full power to:

(a) . . .

(b) [insert Section 4(4) of Bayh bill]

(c) [relettered Culver (b), as amended]: *make application to* any Federal Court . . .

(d) . . .; *and*

(e) notwithstanding any other provision of law, to exercise all other powers as to the conduct of criminal investigations and prosecutions within his jurisdiction, including supervision of the United States Attorneys, which would otherwise be vested in the Attorney General or the United States Attorney under the provisions of Chapters 31 and 35 of Title 28, United States Code, and . . . [balance of Bayh Section 4(7)].

7. *Civil Actions*. The Special Prosecutor shall have exclusive authority and responsibility to conduct in the courts of the United States any civil action that is ancillary to the exercise of his responsibilities under this Act, or that challenges its Constitutionality. [*Note:* this is adopted from Senator Stevenson's bill, introduced October 23, 1973, but narrowed so as to encompass such "ancillary" matters as civil contempt, habeas corpus, or a Constitutional challenge.]

8. *Succession*. (a) All material of the character described in Section 3 of this Act, and all information relating thereto, which may have been collected, produced or otherwise obtained after October 20, 1973 by the Attorney General or any other person designated by him to assume responsibility for the investigation of any of the matters described in Section 5 of this Act, shall be delivered into the possession of the Special Prosecutor appointed under this Act.

(b) [Insert Bayh Section 5(b).]

9. *Staff and assistance*. [Insert Bayh Section 6, with the insert of a new second sentence]: . . . The Special Prosecutor shall receive a salary equivalent to the current rate payable to positions at Level 5 of the Executive Schedule, under Section 5316 of Title 5, United States Code.

10. *Office, supplies, and services*. [Bayh Section 7.]

11. *Budgetary authority*. [Congress must reconcile Culver Section 5, last sentence, with Bayh Section 8.]

12. *Disclosure of information*. [Culver Section 8, first sentence. The committee might wish to add, if it sees fit, language along the following lines]: Any evidentiary privilege asserted as a bar to a formal request, signed by the Special Prosecutor, for such information or assistance shall be submitted by motion to the United States District Court for the District of Columbia within seven days from the date of such formal request; otherwise, the privilege shall be deemed to have been waived.

13. *Appearances before Congress*. [Culver Section 9, but insert, after the word "evidence"]: . . ., not inconsistent with the rights of any accused or convicted persons, . . .

14. *Public reports*. [Culver Section 11.]

15. *Limitations of Powers*. [Bayh Section 11, perhaps revising the first sentence for clarity to read]: The Special Prosecutor shall exercise only those powers and perform those duties specified herein. . . .

16. *Duration of office*. [Congress must reconcile Culver Section 12 and Bayh Section 9.]

17. *Funding*. [Culver and Bayh Sections 13, with the following addition]: Such funds shall remain available without fiscal year limitation until expended. All funds appropriated to the Watergate Special Prosecution Task Force pursuant to the Departments of State, Justice, and Commerce Appropriations Act for Fiscal Year 1974 and not previously expended, shall by virue of the enactment of this Act, be transferred to the account of the Special Prosecutor appointed hereunder.

18. *Public trust*. [Finish with Section 15 of the Culver bill, H.J. Res. 784.]

[From the Washington Post, Nov. 2, 1973]

New Men and Old Business

The President has now presented us with a nominee to be his fourth Attorney General in less than five years, Sen. William Saxbe (R-Ohio). And Acting Attorney General Robert Bork has presented us with the new Special Prosecutor for the Watergate and related investigations, Leon Jaworski. Ordinarily the discussion of the wisdom of appointing these two men would proceed from an examination of their experience, ability and judgment. And ordinarily the nomination of a U.S. Senator who had served for eight years as attorney general of his own state would move quickly and smoothly through the Senate. Similarly, the appointment of a past president of the American Bar Association who has a reputation as an excellent lawyer and a strong law-and-order man to be Special Prosecutor would be widely hailed.

It scarcely needs to be noted, however, that these are not ordinary times. Both the circumstances creating the vacancies these men are to fill and the congressional proposals for alternative action to advance the Watergate investigations and prosecutions have to be taken into account. Mr. Nixon was so determined to be rid of Archibald Cox that he was willing to sacrifice two of the ablest officials in his administration—the top two men in the Justice Department—in order to achieve that end. In effect, Mr. Cox was offered a deal in which he had to agree to give up any further attempts to obtain vast amounts of evidence in the White House files which he had already identified as necessary to his pursuits. Both houses of Congress are now considering legislation to set up a truly independent prosecutor—one beyond the reach of presidential fiat and one whose search for evidence, recourse to the judicial process to secure it and judgments both as to the scope of his investigations and the nature and number of indictments he will ultimately bring, would be unimpeded.

Thus, the independence that is envisioned for Mr. Jaworski is the yardstick by which the new arrangement should be judged. That in turn depends on two questions. The first is the scope and nature of the assurances of independence which have been made to Mr. Jaworski. The second is his own independence of spirit and resolve to pursue these investigations wherever they may lead. All of that has to be weighed on the scale against the independence which Congress, on behalf of the people, is trying to achieve in the bills now before it.

On the first issue—the assurances Mr. Jaworski has received—the record is mixed. Mr. Nixon has made it clear he believes that presidential papers should not be made available to the Special Prosecutor and there is disquieting evidence that Senator Saxbe agrees with the President—or did, at least, prior to his nomination as Attorney General. Mr. Bork, on the other hand, has dusted off Mr. Cox's recently discarded charter and seems to have strengthened it. In addition to the extraordinarily wide latitude Mr. Cox had—at least on paper—Mr. Jaworski has the assurance that the President can't fire him until he has at least consulted with the majority and minority leaders of both houses and with the chairmen and the ranking minority members of both the Senate and House Judiciary Committees. In addition, Mr. Jaworski is given the power to sign indictments, a power Mr. Cox never had.

On its surface, all of that seems fine, but in light of recent events, it has to be tested. The best test we can think of is drawn from those recent events. The question of how complete these investigations ultimately turn out to be revolves not simply around how much evidence the Special Prosecutor is empowered to seek, but also how much evidence he is *inclined* to seek. Here, the only available standard is the range of investigations Mr. Cox has mounted and the nature and amount of information which Mr. Cox thought he needed in order to accomplish a full investigation into the matters within his jurisdiction.

Mr. Cox was conducting investigations into a number of matters. Among them were the Watergate burglary, the cover-up, the activities of the White House "plumbers," campaign dirty tricks, campaign financing, the ITT antitrust settlements and the political use of the Internal Revenue Service. Attorney General Elliot Richardson has told us that from time to time the White House would raise certain questions about Mr. Cox's jurisdiction and that he—the Attorney General—discussed them with Mr. Cox and invariably backed him. Will Senator Saxbe be as restrained and as resolute?

And further, will Mr. Jaworski be as diligent in pursuing all of these investigations and the evidence needed for them as Mr. Cox was? Mr. Cox has informed us that the subpoenaed tapes and related notes and memoranda were simply the tip of the evidentiary iceberg now buried in the White House. While the legal issue was being tested in the courts, Mr. Cox said, he didn't make a large point of going after the other evidence, but he did give us some idea of how important he thought it was and of the nature of the cooperation he was getting from the White House. He said:

"My efforts to get information beginning in May have been the subject of repeated frustration. This is a very special investigation in some ways. The problem is unique because nearly all the evidence bearing not only on the Watergate incident and the alleged cover-up, but on the activities of the Plumbers and other things of that kind, is in the White House papers and files, and unless you have access to those, you are not able to get the normal kinds of information that a prosecutor must seek."

Mr. Cox can't be faulted for the independence with which he conducted himself. He knew what he wanted and why he wanted it. He also knew what the obstacles were. The President has said that the Special Prosecutor will not have access to presidential papers, whatever those may be. Apparently, whatever they are, the definition expands day by day. Mr. Cox, again at his press conference, explained how this works:

"You will recall that the papers of many White House aides, Haldeman, Ehrlichman, Krogh, Young, Dean and others, were taken into custody, and they were in a special room. And many of their papers were taken out of the usual files and put in something special called Presidential Files."

So we have another veil to add to "national security," executive privilege, separation of powers, confidentiality of presidential conversations and the rest. It is "Presidential Files" or "Presidential Papers." The Congress has to judge whether it believes Mr. Cox's pursuit of this evidence was reasonable and necessary to the performance of the Special Prosecutor's duties. If it believes Mr. Cox

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was reasonable, it has to decide whether Senator Saxbe and Mr. Jaworski agree with the course upon which Mr. Cox was embarked. It has the means at its disposal to do this. In the consideration of the legislation now pending to set up a new Special Prosecutor, both judiciary committees can call Mr. Cox and explore his views in these matters. They can then call Senator Saxbe and Mr. Jaworski and test the views of these two men against the legislators' own judgment of the correctness of the course Mr. Cox was pursuing. That, in our view, would be an essential first step toward redeeming the terrible damage Mr. Nixon has done to the investigative process that was set up to deal with evidence of wrongdoing in his administration—and thereby to restore public confidence in the workings of our system of justice.

ADMINISTRATION IMPORT OF DAIRY PRODUCTS SHORTSIGHTED AND HARMFUL TO FARMERS AND CONSUMERS

Mr. HUMPHREY. Mr. President, I predict that the decision by the Nixon administration to allow the importing of additional huge quantities of butter and butter oils into the United States is shortsighted, unjustified, and will ultimately result in higher prices for American consumers.

The American consumer may think he is getting a good deal now, because these foreign products are subsidized by the governments of the countries from which they come. But such marketing practices can only lead to the eventual destruction of the U.S. manufactured dairy product industry.

This means that U.S. consumers will then become highly dependent on foreign suppliers with the usual accompanying higher price structure, as we have seen in the instance of crude oil.

This increased importation of European subsidized butter and butter oils is a flagrant example of unfair competition to the American farmer.

It will, if continued, drive the American dairy farmer out of business or compel our Government to engage in extensive increases in subsidies of our own dairy producers. Neither is desirable.

Two weeks ago wholesale domestic butter prices dropped 12½ cents in a single day—one of the greatest drops on record.

There is no indication at this time that this price is about to strengthen. This alone should be sufficient evidence that butter is not in critically short supply in the United States.

Earlier this year 265 million pounds of nonfat dry milk and 64 million pounds of cheese were imported. Added to that is now nearly 80 million pounds of butter.

While the administration may try to convince the American consumer that these imports are being permitted to avoid supply shortages and higher prices, they will likely hide from these same consumers how these imports are destroying many U.S. dairy farmers.

The European Community, where most of these imports originate, pays out a 27-cents per pound export subsidy for every pound of butter it ships to the United States.

While U.S. dairy farmers are prepared to compete with foreign dairy producers in the U.S. market, they can hardly be expected to do so when their competitors are subsidized as heavily as European producers are presently.

The ultimate result of this policy will be to place the American consumer at the mercy of foreign exports. At the same time the number of dairy cows in America will be sharply reduced, thereby reducing fluid milk supplies and causing even sharper increases in prices for all milk products.

PRISONERS OF WAR IN THE MIDEAST

Mr. DOLE. Mr. President, the U.S. Congress has on prior occasions unanimously reaffirmed our support for the principles asserted in the Geneva Convention of 1949. Whatever our many and varied perceptions of the conflict in Vietnam may have been, we in the Congress have concurred vigorously in the humanitarian precepts of the convention. And now, whatever our feelings may be on the conflict in the Mideast, we must continue to focus our attention on the grave problem of prisoners of war. Until international conflicts are settled by means other than war, we must be concerned with the problems of returning men safely to their homes at the end of conflicts.

Under the provisions of the Geneva Convention of August 12, 1949, relative to the treatment of prisoners of war, and particularly article 70, annex IV, and article 122, every party to the conflict is obliged to give the International Committee of the Red Cross without any delay all the information required by that convention, regarding any prisoner held by its forces who has fallen into its power. Such information shall be immediately forwarded to the International Committee of the Red Cross by the most rapid means.

I do not believe it is asking too much of any nation or any political organization to abide by the humanitarian obligations which spring from fundamental human decency and go beyond politics or philosophy. We can all understand the agony, the uncertainty, and the suffering of parents, wives and children who long for any shred of evidence which might provide the basis for resolving the unknown fate of a son, husband or father.

On October 22, speaking to the Security Council in support of the cease-fire resolution, our Ambassador John Scali declared:

> I want to report to the Council that both the Soviet Union and the United States believe that there should be an immediate exchange of prisoners of war.

I call upon our own Government and the Soviet Union to honor that understanding, and to speak out forcefully and clearly on this question, and to use their considerable influence over the parties to the conflict to get their compliance with the requirements of the Geneva Convention.

I call upon all parties to the conflict to submit immediately all the required information to the International Committee of the Red Cross and to enable the representatives of the International Committee of the Red Cross to visit the prisoners at once and to exchange wounded prisoners and make the proper immediate arrangements to exchange all prisoners that they hold.

I have been informed that the representatives of the International Committee of the Red Cross in Israel regularly visit the Arab prisoners of war, those in camps, and also the wounded and sick in hospitals, and that they have been transmitting to the representatives of the International Committee of the Red Cross in Israel data concerning prisoners of war held by them. My information indicates that little information has been received from Syria or Egypt.

I believe the facts regarding the Mideast POW's underscores the need for action. Israel is holding over 7,000 prisoners of war from the recent fighting. Of these, over 6,000 are Egyptians and more than 300 are Syrians, with the remaining prisoners being Iraqis and Jordanians. The Arab POW's held by the Israelis include over 500 officers. The Israelis have 450 of their men "Missing in Action" and estimate that about 350 are POW's held by the Egyptians and 100 are held by the Syrians.

Clearly this is a most important and emotional issue for all parties to the conflict, and I hope most fervently that the POW question will be treated by all the powers to the conflict, as a humanitarian question and not as a political pawn.

LEAGUE OF WOMEN VOTERS STATEMENT ON PROPOSED OIL AND GAS DRILLING

Mr. BIDEN. Mr. President, there is presently considerable concern in my State over proposals to drill for oil and gas on the Atlantic Outer Continental Shelf. The Council on Environmental Quality has currently held a series of hearings on the subject, one of which was held in Philadelphia on October 11, 1973. The League of Women Voters of Delaware presented an excellent statement at this hearing. The statement raises a number of vital questions which are prevalent in Delaware today. Because of the present interest in this subject I ask unanimous consent that this statement be printed in the Record.

There being no objection, the statement was orderd to be printed in the Record, as follows:

Testimony of the League of Women Voters of Delaware Council on Environmental Quality Hearings on Proposed Oil and Gas Drilling on the Atlantic Outer Continental Shelf

The League of Women Voters of Delaware is pleased to have the opportunity to comment on the proposed oil and gas drilling on the Atlantic Outer Continental Shelf. The League has a strong position on the need for citizens to participate in decisions which will affect the environment in which they live. We certainly hope the Council for Environmental Quality will use public hearings such as this one again in the future.

As preparation for these hearings, Delaware's Governor Sherman W. Tribbitt held a citizen's conference to bring the issues surrounding the possible off-shore drilling to the people of Delaware. This conference gave a good summary of the geological, environmental, legal, and development issues raised by off-shore oil development.

From the environmental standpoint, the League of Women Voters of Delaware opposes any deterioration of water quality in Delaware Bay. Any drilling would need proper safeguards so that leakage or spills would not enter the tidal marsh area. Delaware has already taken steps to protect the Delaware River estuary and its value both for recreation and as a fertile nursery ground for sea life, by passage of Coastal Zone and Wetlands control legislation. A major spill or drilling leak such as that in Santa Barbara, California would be much more damaging to the complex bay and marsh habitat than to open shoreline. Delaware should have a measure of control over such drilling since the effects of carelessness would be so great.

Because the bay is part of a region rather than belonging to Delaware alone, we also are concerned that a regional approach to be taken to regulation of drilling. We encourage the development of a Federal-State compact for the coastal areas, similar to the river basin commissions. Citizens in the whole region would be affected by regulation policies of any single state or by those of the Federal government acting alone.

Our final concern is that oil and gas are non-renewable resources. Should a national energy policy depend heavily on these for fuel when they will be needed in the future for other uses?

Thank you again for the opportunity to speak on behalf of the members of the Delaware League of Women Voters.

NEW WATCHDOG ISSUES INVITATION TO ASSESS NUCLEAR BREEDER PROGRAM

Mr. GRAVEL. Mr. President, an invitation has been issued to both scientists and laymen by the Natural Resources Defense Council, which is launching a major project to make the AEC's environmental impact statement on the nuclear breeder program into "a full, candid, and public reassessment of the Federal Government's present commitment to commercializing this new reactor."

NRDC recently won a lawsuit for the Scientists' Institute for Public Information; the decision requires the AEC to prepare an environmental impact statement on its huge program to commercialize the breeder reactor.

Now NRDC is trying to "mobilize the resources of the scientific community in an effort to subject the—AEC—impact statement to the most thoroughgoing scrutiny and analysis," and to assist "extensive public participation in this NEPA review."

NRDC points out that, under the National Environmental Policy Act, the AEC's impact statement must discuss possible alternatives to the breeder, such as solar, geothermal, and fusion energy; coal gasification; and energy conservation.

The declared intention of the NRDC project is "to prevent a rash and irrevocable Federal commitment to the liquid metal fast breeder."

NRDC is located at 1710 N Street NW., Washington, D.C. 20036; it is a public interest law group whose board of trustees includes Dr. Dean Abrahamson, Mrs. Louis Auchincloss, Dr. Rene Dubos, Dr. Joshua Lederberg, James Marshall, Anthony Mazzocchi, John B. Oakes, and Laurance Rockefeller.

To work on the breeder review project, Dr. Arthur Tamplin and Dr. Thomas Cochran have joined the NRDC Washington staff. They will coordinate their efforts with Gus Speth, the NRDC attorney who conducted the lawsuit.

TRIBUTE TO SENATOR HRUSKA

Mr. GRIFFIN. Mr. President, along with Senators Eastland, McClellan, Curtis, and Bartlett, I traveled to Omaha last weekend to attend a dinner honoring our colleague, the senior Senator from Nebraska, Roman L. Hruska.

The event, attended by nearly 1,000 persons, was the occasion for an outpouring of bipartisan appreciation for Senator Hruska's 21 years of service in the U.S. Congress. The eloquent remarks which Senator Hruska delivered before that gathering of fellow Nebraskans have meaning and significance for all of us. I ask unanimous consent that they be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Response of Senator Roman L. Hruska

Victoria and I are touched and grateful.

It is more than a little flattering to hear that Roman Hruska did this and Roman Hruska did that. I appreciate deeply the sincerity and kindness of those who have spoken so well of me. I am reminded, however, of a story which helps me to keep my feet on the ground. Many years ago a lawyer asked General George Goethals: "Are you the engineer who built the Panama Canal?" Goethals replied: "No sir, I am one of 2,232 engineers who worked together to build the Panama Canal." Likewise, Roman Hruska is but one of 535 Senators and Congressmen privileged to work together in the greatest representative body in the history of civilization.

Each member of Congress—those sitting now and those whose footsteps still echo in the halls of Congress—has had a part in making our noble idea of self-government real. Each has had an opportunity to make an imprint on the laws and life of our country.

How proud and privileged I have been to have served and worked with each of my distinguished colleagues who is with us tonight.

Many of the ventures my colleagues and I have been engaged in have aroused tension and controversy. After all, the concept of political freedom not only invites but demands that each man advance his opinions on how to secure the common good. The system invites forthright and determined initiative in the public arena, and a diversity of opinion quite naturally follows. But our Constitutional system is a great vehicle for balancing the passions of free men. It has consistently provided for the ultimate resolution of great issues. Only once in nearly 200 years has the fabric been rent—in the tragic conflict of the 1860's. In the long process of reconciliation that followed the Civil War, the system not only survived but was strengthened.

Today, our people and our government are experiencing a crisis that may seem catastrophic, tragic and precedent making. But future historians, looking over the broad sweep of our national history, will note what we, in our immersion in the struggles of the moment, may fail to discern.

My own study of American history tells me that there is precedent for nearly every aspect of our present troubles. Attempts to secure privileged records, accusations of conspiracy to obstruct justice, motions to impeach, the dismissal of executive branch appointees—if not exactly in the same framework we see today—are not unique events in our political experience.

In September 1833, President Andrew Jackson fired Secretary of the Treasury Duane; President Truman in 1951 fired Attorney General J. Howard McGrath and General Douglas MacArthur. Furthermore, President Coolidge appointed a special prosecutor to investigate the intrigues of the Teapot Dome scandal. And talk of impeachment has haunted many a Presidential mind.

Certainly we witness in all of those struggles a demonstration of the quality, the strength, and the stamina of our constitutional system. Conflicts within the system are rarely tidy and never tranquil. At times, they appear to be rather rough and coarse. But the noise and dust of human conflict, seemingly so crushing at the time, fade alongside the cumulative achievements of the decades and centuries. Thus it is that the enduring strength of our nation is in the system itself and not in the frail and imperfect man who operate within it. Indictments, trials, and the like are the stuff of headlines. But they are merely the surface, the rough edges, if you will, of the great historic process of molding evermore firmly our institutions of self-government.

Right now, as they have before in the last 200 years, the trumpeters of dismay are calling for instant and severe action. There is tension, excitement and confusion throughout our land. The tendency is to rush out and proclaim our indignation to the men to whom public trust has been granted and to demand immediate retribution.

But one of the strengths of our system is that it does not allow us to stampede across the pages of history; rather, it demands that we walk, deliberately and surely, hand in hand wtih prudence. The essence of the concept of due process in our Constitution can be summed up in two words: "Fair play." Twenty-one years ago I first swore to uphold that Constitution. If that means being unpopular at times with some segments of the people, with the press, or even with the highest leaders of government, then so it will be. Not that I will be dilatory or tarry too long, but that I will recognize that our system, with history on its side, compels me to be calm and to be guided by common sense.

It is easy, in times such as these, to grow impatient with a system that seems so ponderous, so slow to act. The space age has made us accustomed to swift movements. But I will not decry the safeguards built into our Constitution; rather, I applaud them. I derive sustenance from the Constitution and from the stanchion upon which it rests, the American people.

The American Constitution is the oldest and most successful charter of government in the world. It is mature from two centuries of abundant experience, yet vibrant with guidance for our affairs today. It is limited in specific directives, yet pregnant with potential interpretation. It is the ideal instrument for maintaining the representative government—that government under which the church, the family, the economy and the schools maintain their independence but still cooperate in the political arena. It propels America toward an orderly and rational resolution of its affairs without smothering its diverse institutions and creative initiative with a debilitating cloak of governmental intervention.

But despite the obvious wisdom of the founding fathers in framing the Constitution, that document could not have been preserved without the wisdom of the American people. This is a people who led persecution and repression in all areas of the world and adopted America as a haven of freedom; a people whose descendants have recognized the toil and suffering required not only to tame a continent, but to maintain and exercise their freedom; a people who, generation after generation, have viewed freedom as an exercise, a moving experience, a principle of action; a people who have valued and cultivated individual liberty and refused to see mankind as a helpless marionette, jostled here and there by the impersonal strings of circumstance.

I stand before you to testify to the opportunities this great nation offers to each of its citizens for building the institutions of freedom.

Many years ago in this city when I was going to the House of Representatives, a good friend and distinguished citizen said to me: "Roman, I envy you because you are going to Congress; not because you will sit in high places and people will be deferential to you, but because you will be sitting in an arena where you will have the opportunity to tip the scales one way or another in matters of great importance to our way of life."

Thanks to you, the citizens of this state, this has been my lot and my experience—to play a part in weighing and balancing the needs and desires of a free people. It has been a privilege beyond measure and I am deeply grateful to you for it.

2000 years ago a Greek philosopher, Seneca, observed: "Our ancestors have done much, but they have finished nothing."

Here in America our forefathers have done much; in our time we have added some measure of progress.

Yet, even here nothing is finished. Much remains to be done. It is for us and those who follow us to carry on.

May it be in the spirit and tradition of our Constitution with all of its glory that our Republic will continue in achieving its destiny.

Vicki and I join in saying thank you again. Good night and God Bless.

APPOINTMENT OF SENATOR SAXBE AS ATTORNEY GENERAL

Mr. METCALF. Mr. President, I want to join my Senate colleagues in extending congratulations to Senator Saxbe for his appointment as Attorney General. As one who regards the U.S. Senate as the top job in American Government I cannot understand why he deserts us to take a position in the Cabinet. However, since he has done so it must be said that I do believe that he will be an excellent Attorney General. He is a fine lawyer, his previous experience as Attorney General of Ohio qualifies him to head the Nation's largest law establishment. He is fiercely independent and articulate in his pronouncements. President Nixon could have made no better choice.

A NATIONAL AND INTERNATIONAL FOOD POLICY

Mr. HUMPHREY. Mr. President, Thomas Malthus' thesis, that man would breed himself into a corner of misery, was ridiculed for 150 years as the exaggerations of a "prophet of doom."

However, during the last decade scientists and Government officials have been carefully reexamining Malthus' theory that the ratio of people to resources will continue to decline rapidly with catastrophic results.

This year, as a result of food, energy, forest product, mineral, and other serious shortages, this relationship of people to resources has become a major public concern.

In each of these areas, a tremendous increase in planning for more efficient resource utilization is essential.

One area of vital importance to the continued existence of millions of people throughout the world is food supply. For years we have taken food supply for granted and have done very little, domestically or internationally, to plan and organize to meet the food needs of a growing world population. This failure must be corrected.

The United States must act now to develop a domestic food policy and to vigorously work with other nations in developing a world food policy.

The growing number of mouths to feed, the changes in diet resulting from rising affluence, the limited amount of arable land not in production, and severe shortages of world food reserves, all require that the world community develop food policies that will provide a minimum level of food security for all of the people of the world.

On October 24, I had the opportunity to discuss the urgent need to move "Toward a National and International Food Policy," at the International Conference of the Grain Trade.

I ask unanimous consent that my discussion of this subject be printed in the Record.

There being no objection, the discussion was ordered to be printed in the Record, as follows:

Toward a National and International Food Policy

(By Senator Hubert H. Humphrey)

In the year 1793, Thomas Malthus predicted that man would breed himself into a corner of misery by increasing his numbers beyond his ability to feed himself.

While historically this theory has been subjected to occasional debate, the advances of science and the general belief that the world's natural resources are unlimited have resulted in its being given little serious attention.

However, during the past decade, scholars, scientists, social planners and government leaders have begun a re-examination of the basic process underlining this theory—the ever shrinking ratio of people to resources. And while it may come as a shock to some of us, we, along with the other more affluent and developed nations of the world, are increasingly guilty of depleting the world's scarce resources.

The United States, for instance, with 6 percent of the world's population, accounts for about 40 percent of the world's annual consumption of natural resources.

In other words, as that famous philosopher "Pogo" once stated, "We have met the enemy, and they is us!"

Now you might very well ask, "What does all this have to do with agriculture and the world food situation?"

I'm here to tell you, "A lot."

The goal of controlling the continued expansion of world population still eludes us. The world's population continues to expand at a rate of about 2 percent per year. And added to this demand factor is yet another major claimant on the world's food resources—rising affluence.

In poor countries, the availability of grain per person average only 400 pounds per year, or about one pound per day. Practically all of this grain is consumed directly.

In the United States and Canada, on the other hand, per capita consumption of cereal grains is now approaching nearly 2,000 pounds per year, most of which is converted into meat, milk, and eggs.

What does this mean in terms of "input" requirements, the amounts of land, water, fertilizer and energy, seed, credit, transportation, and storage needed to satisfy such consumption habits?

Briefly stated, it means that the amount of such resources used to support an average North American are *nearly five times* those required to support the average Indian African, or South American.

The United States today supplies almost 50 percent of the world's wheat exports, 60 percent of the world's feed grain exports, and 90 percent of the world's soybean exports. While this means that our nation has an agricultural productive capacity far in excess of its own food needs, it also means that much of the world is directly dependent upon us for its food.

We must also remember that our nation is dependent upon other parts of the world for the input resources needed to produce all of that food.

In other words, food production and supply is a two-way street.

Any disruption or denial of needed agricultural inputs will result in food supply shortages—and today, given the fact that U.S. and world grain reserves are at their lowest levels in decades, anything adversely affecting food production in the near future, especially in the U.S., will have immediate and catastrophic effects in food deficit areas of the world.

If worse comes to worst in this regard, the American consumer can be protected—but not without a price.

The price to the American consumer under these circumstances would likely be some shortages and much higher grocery bills, but the price to many outside the U.S. could mean no food at all—starvation or death.

When Arab countries cut off petroleum supplies to the U.S., they are, in effect cutting food grain supplies that are available for export from this country to assist the needy and sometimes starving people of the world, including many millions of Africans today.

Notwithstanding any man-made or political threats to the achievement of expanded agricultural production this next year, let us examine what is in prospect, assuming normal weather conditions.

World grain and oilseed prospects point to record crops this year. Rice supplies are the tightest among major commodities at present and will likely remain so for the immediate future.

But now let's examine world consumption estimates for this next year.

While world grain production prospects point to record crops this next year, consumption is expected to exceed that record production, which will mean even further drawdowns on carryover or limited reserve stocks.

The world carryover or reserve stocks of all grains (wheat, coarse grains and rice) is estimated to be about 100 million metric tons, about one-month's supply.

On July 1 of this year, wheat stocks in the four major exporting countries—U.S., Canada, Australia and Argentina—were at the lowest level in two decades. Grain stocks in many other nations of the world also have been drawn down.

What all of this adds up to is that the world will be almost entirely at the mercy of next year's weather. Reserve stocks of grain during this next year will be too thin to protect against any major crop failure.

And let's not pass over the "weather" portion of this equation too quickly.

During hearings on the world food situation, which I chaired with Senator Huddleston last week in Washington, Dr. Reid A. Bryson, Director of the Institute of Environmental Studies at the University of Wisconsin, reminded us of the 20-year drought cycle to which the United States has historically been subjected.

While he gave no evidence, or in any way tried to convince us that our nation's Midwest and Great Plains regions would be subject to such conditions next year, he did remind us that the last major drought occurred in those regions during the early 1950's and that, in his judgment, some repeat of such conditions probably could be expected sometime during this decade.

His general analysis of his situation should serve as an ominous and serious warning to the world about the need to protect against such changing weather patterns through explicit food reserve policies in the future.

There is an additional observation. It takes 9 calories of energy input to produce 1 calorie for the American consumer. It takes 5 calories of energy input to produce every 1 calorie we export. Therefore, any substantial dislocation of the energy input (Arab oil) will sharply reduce our production and thereby deny the needy nations and peoples, particularly of Africa and Asia, the food they desperately need. If need be, we can, through export controls, have sufficient food for our own people.

Our nation and the other nations of the world must begin immediately to work toward national and international food and agricultural policies which recognize the interrelationship of all of these factors.

Specifically, here's what I believe must be done to deal effectively with these serious problems:

1. A more extensive and intensive effort must be undertaken by all countries to control continued population growth. This is needed not only in the developing nations where population growth rates are highest, but also in the more affluent nations where resource consumption has reached staggering levels.

2. Affluent nations must also temper their own consumption habits in the future, especially as they relate to excessive depletion of non-renewable resources.

3. A world conference to deal with the problems threatening the world food supply must be convened immediately. I have urged the President, in an amendment to the Foreign Assistance Act of 1973, to initiate a conference to study and report on such issues as barriers to increased world food production, the world availability of agricultural inputs such as fuel and fertilizer, and the requirements for humanitarian food assistance over the coming decade.

4. The countries of the world must give the highest priority to increasing the volume of farm output instead of directing their attention to ways to restrict production and markets by trade barriers, high consumer prices, and other such practices.

5. There must be immediate consultation among the exporting and importing nations of the world on the question of access and equitable sharing of available supplies of food, such consultation must also include the inputs required for food production.

It would be unconscionable for the developed countries to forget the crucial food requirements of the developing world when these poorer countries encounter periods of temporary shortages. Tight supplies may mean spot shortages and rising prices in this country, but in many countries of the developing world, food scarcity or sharp price increases mean death.

6. The developing countries must be provided with greater assistance in their efforts to meet their own food needs by expanding their production. The major thrust of the Foreign Aid Bill, which I recently managed on the Senate floor, is toward increasing food production in the developing countries by sharing the agricultural know-how which has made the American farmer the most productive in the world.

7. We must develop a system that offers the consumers of the U.S. and the world at least a minimum level of food security at reasonably stable prices.

Unless the world develops a system which insures the availability of stored reserves large enough to offset these periodic production swings, the consequences for the farmers and consumers of the world will become increasingly disastrous.

To do this, we must begin immediately to establish a system of domestic reserves to protect the American consumer from wild price escalation, to assure a stable income to the American farmer, and to maintain our credibility in the world as a dependable supplier of food and fiber.

Currently pending before the Senate is a bill (S. 2005) I introduced last May that would provide for an adequate level of domestic reserves of agricultural commodities—wheat, corn, and soybeans. It needs prompt attention, and it deserves the support of the Congress and the President.

The skyrocketing food prices of this past year should underline the need to provide some stability in the prices of essential food items. Farmers also should support it to protect their prices in times of overproduction.

But this alone isn't enough.

The United States must also participate in the establishment of an international system of strategic food reserves. In my amendment to the Foreign Assistance Act of 1973, the President is directed to cooperate fully with other nations to establish such a reserve system. This is something that I have been calling for in the Senate for nearly 20 years. Perhaps its day has finally come.

Such a reserve would provide a minimum level of security for the peoples of the world from the ravages of hunger and malnutrition such as those being experienced in Africa and Asia today.

There must be an equitable sharing of the cost of maintaining such a system between both the producer and consumer nations. Furthermore, these reserves should be strategically located in various parts of the world so they will be readily available when needed.

8. Finally, we must take the opportunity offered in the upcoming round of trade negotiations to tailor world agricultural policies toward increasing world farm output and expanding international agricultural trade.

Without generally accepted rules to guide national farm policies, we force governments to solve their own agricultural problems without regard to the external effects of such actions.

If the nations of the world are to meet the food needs of their people, three basic issues must be dealt with. They are:

Population control

Access to the resources required to produce food (fuel, transportation, storage, fertilizer, seed, land, water, credit), and

Improved management and conservation of such resources.

Unless the world's continued population expansion can be stopped or at least slowed down, the horrible proof of Malthus' theory may soon be at hand.

Unless our nation and the rest of the world soon learns the importance of sharing access to the essential resources required to produce food, major breakdowns in even current production levels will likely occur—petroleum today being a classic example and fertilizer another.

And unless both our country and the rest of the world do more to improve the management and conservation of the world's limited resources—especially the non-renewable type—many of these resources which are essential to food production will be tragically lost through waste or misallocation.

In short, unless we become better managers of our own destiny, mankind will surely collide with himself and the natural limits to his environment.

Food—commodities—has become the new currency. Today nations are trading in commodities which represent real wealth. We, as a major food producing nation, need to fully understand the important asset that is at our command—the productivity of the American farm and the excellent system that we have of processing and distribution. To be sure, it needs improvement but it ranks at the top of the list in comparison to other countries.

Food is a new form of power. Food is wealth. Food is an extra dimension in our diplomacy. There is no way that any country can have economic stability or that its currency can be sound if it suffers from severe scarcity of food and highly inflated food prices. In other words, the hope of international monetary stability will in the long run depend upon the availability of food, fiber, and energy.

If we are to avert serious international tensions that could erupt into catastrophic warfare, we must have an adequate supply of food and energy. We must also understand the interrelationship between food and fuel. When nations threaten to cut back on oil shipments to the United States, the whole world needs to be alerted to the implications that this move could have regarding adverse effects on U.S. agricultural production. And if American agricultural production is severely limited or restricted, then the entire world will suffer.

Why? Because the United States provides about one half of the world food exports, 70% of the world's feed grain exports, close to 80% of the world's soybean exports.

Given this great dependence that agriculture has on petroleum products, especially from the standpoint of its importance as a feed stock for fertilizer production, the implication on U.S. production goals is obvious. If U.S. production falls drastically, then the entire world will feel the consequences. There is a lesson of interdependence here. We live in a global village, and all of us need each other.

I have discussed with you today some of the issues which I believe must be addressed and actions that must be taken if the world is to enjoy a minimum level of food security in the years and decades ahead.

The stakes are too high to let food policies be established after crises are upon us. When that occurs, it is usually too late, and our options are too limited.

Our responsibilities to the producers and consumers of the world demand that we act now to move forward a clearly defined "National and International Food Policy."

THE SBA'S FIRST 20 YEARS

Mr. DOLE. Mr. President, this past summer the Small Business Administration observed the 20th anniversary of its establishment. The site chosen for the ceremonies, appropriately, was the Eisenhower Center at Abilene, Kans. Abilene, of course, was the boyhood home of Dwight D. Eisenhower, who as President of the United States signed into law the Small Business Act in 1953.

The day's events drew an impressive and enthusiastic group of Kansas citizens, dignitaries, and businessmen who knew firsthand what two decades of the SBA has meant to America's economic system.

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The event was supervised and presided over by one of Kansas' most distinguished citizens, former Senator Harry Darby. A pioneering industrialist and civic leader, Senator Darby was a close personal friend of General Eisenhower's and is deservedly recognized as the driving force behind the creation of the Eisenhower Center and its development into one of the most outstanding educational and historical facilities in the country.

The entire occasion was a moving tribute to one of America's greatest public figures and to the system of free enterprise and individual initiative which built and sustains this Nation. The statements and observations made that day may be of interest to many, and I ask unanimous consent that the transcript of those ceremonies be printed in the Record.

There being no objection, the transcript was ordered to be printed in the Record, as follows:

National Salute to Small Business, the Dwight D. Eisenhower Presidential Center, Abilene, Kans., July 30, 1973

Honorable Harry Darby: "Good Morning, Ladies and Gentlemen."

"Governor Docking and Mrs. Docking: Mr. Administrator, Tom Kleppe; Senator Dole; General Cassidy: General Duquemin and Mrs. Duquemin; General Fry and Mrs. Fry; Senator Carlson and Mrs. Carlson; Distinguished Guests all; Ladies and Gentlemen."

"I am gratified to see such a large crowd. Thank's very much for coming."

"I would like to ask you to stand for the National Anthem of our great country, as sung by our lovely vocalist, Mrs. Deryl K. Schuster, of Wichita. Mrs. Schuster is the wife of the Small Business Administration's Wichita District Director, which services this part of Kansas. Mrs. Schuster will be accompanied by the First Infantry Division Band, Fort Riley, Chief Warrant Officer Francis P. Harris, conducting."

"Please remain standing afterwards, Ladies and Gentlemen, for the Invocation by Chaplain Lieutenant Colonel Raymond P. Hoffman of Fort Riley."

Chaplain Hoffman: "Let us pray. Almighty God, our Heavenly Father, in whose hands are the living and the dead, we give Thee thank's for all those, Thy servants, who have laid down their lives in the service of our country, especially do we pray for Dwight David Eisenhower. Grant to them Thy mercy and the light of Thy presence, that the good work which Thou hast begun in them may be perfected in us. All of which we ask in hope and confidence that you are our God. Amen."

"Thank you, Chaplain, for that appropriate invocation, and thank you very much, Mrs. Schuster."

"As we gather here today for this event at this Eisenhower Center, we are all thinking of Dwight Eisenhower. From a Kansas farm boy to a Supreme Allied Commander in Europe to the Presidency of the United States, Dwight Eisenhower symbolized all that is good about America. He came from the humble beginnings right here in this neighborhood, where he was taught to revere God, to love his country, and to honor his fellow man. He grew up in this 34th State of the Union and was elected and re-elected to be the 34th President of the United States. He personified those enduring qualities that are universally admired and respected by all of us. We thank God for knowing him and for the privilege of living with him right here in Abilene as our neighbor and as our close personal friend, and we can be proud he wanted to come back home to Abilene to be with us. He was probably loved by more people in more parts of the world than anyone who has ever served in public life. We salute him again and again today, as one of the all-time greats in history."

"We have assembled here today on this platform one of the most distinguished groups of both men and woman ever put together. There are about 100 of them, representing every state and every territory of this nation. They are all civic, business and political leaders; distinguished men and women in the field of small business; doctors and lawyers in the professional field; Generals of the Army; Governors and former Governors; United States Senators and former United States Senators; Justices of the United States Courts, state courts and local courts; Congressmen; soldiers; statesmen; Presidents of state universities and colleges; and President Nixon's brother, Ed Nixon; obviously all are very important people. We are proud to have them showing their tremendous interest in the affairs of the United States Small Business Administration by being present on this occasion."

"Time doesn't permit, and more importantly, your comfort during this program, prohibits individual introductions. Weather conditions such as they are today justify our taking a position that maybe these introductions just might be 'too hot to handle' so to speak. I want to present all of them, so I'm asking them, each and every one of them, to please stand so that you can welcome them and applaud their presence at this National Eisenhower Shrine. Please stand, Ladies and Gentlemen. Thank you very much."

"We wish to call your attention to the fact that a number of items provided here for your comfort and pleasure, such as the umbrellas, have not been paid for at Government expense. They were obtained through private donations from the friends of Small Business."

"Right now, Ladies and Gentlemen, I want to present Governor Docking, but before I do that, I want to present his wife, the First Lady of the State of Kansas. She is very smart, charming and gracious, and I'm thinking now that there isn't anyone more important than a pretty girl, especially when she is the wife of the Governor of Kansas. My privilege, Ladies and Gentlemen, to present Mrs. Robert Docking."

"It's great to have our Governor here with us on this occasion. He has affection for his associates and his friends, and seems to master the art of popularity. The people of Kansas like his record in office. They have spoken about his record and elected him four times as their chief executive. He has served the longest term of any Governor of Kansas. He has long been a friend of Small Business. He is a small businessman himself, and obviously a very important one. He has served as a member of the Small Business Administration's Advisory Council in Kansas. He has supported every effort at this Eisenhower Center. His father, Governor George Docking, helped build it. They both have responded promptly when they were called upon to help. It is my privilege, Ladies and Gentlemen, to present the very capable and distinguished Governor of the Great State of Kansas, the Honorable Robert Docking."

Governor Docking: "Thank you very much. Thank you very much Senator Darby and Mrs. Darby, Senator Dole, Mr. Kleppe, distinguished Ladies and Gentlemen. It is with great personal interest and pride that I have the opportunity to participate in this program. We are here today for a tri-fold purpose: to observe the Small Business Administration's 20th anniversary, to pay tribute to the late President, Dwight D. Eisenhower, and to recognize the contributions of our nation's eight million small businesses.

Each of these three purposes of our gathering here today touch me and my family. When my father was Governor, he served under Senator Darby as Co-Chairman of the National Committee which worked for the creation of this Eisenhower Library and Center. On October 13, 1959, Dad attended the ground breaking for this great complex. I know and remember how very proud he was to be a friend of the President's and to be a part of this project's early development. It was under President Eisenhower's Administration that the Small Business Administration was created. As former Chairman of the Kansas Small Business Administration Advisory Board, I know of the many great assets of the SBA, how it was effectively worked to give a foothold to private business, to keep the Small Business community alive and to keep it thriving. For two decades the SBA has sought to fill the major needs of the nation's eight million small businesses. This period has spawned a dramatic surge of individual initiative in a competitive atmosphere where small businesses have become a dynamic force in our economic way of life. Recognizing that the needs of small business can be served best through the combined efforts of the public and private sectors, the SBA has placed new emphasis on administering its programs. The Agency has sought and achieved greater participation of all the business, academic, financial and management segments. This broadened concept has resulted in increased focus on assistance to low income and to other disadvantaged groups."

"I congratulate the SBA, whose role continues to be one of leadership in stimulating and coordinating all possible sources of assistance needed to develop new concerns and strengthening the competitive positions of those already in existence. As a small businessman, I know of SBA's importance, and I wish it continued success in its contributions to maintaining and strengthening the overall economy of the United States of America. On behalf of all Kansans, I welcome the many people who have joined us here today at this beautiful Eisenhower Center to pay fitting tribute to a great President and effective SBA program, and our nation's small businesses, which are indeed the backbone of our American economy. And it's Mrs. Docking's and my great pleasure to be here to share this occasion with all of you."

Senator Darby: "Thank you very much, Governor Docking. We appreciate your appropriate and cordial welcome."

"Ladies and Gentlemen, we have the 1973–74 distinguished Chairman of the National Advisory Council. This SBA's volunteer affiliate plays an important and vital role. The National Advisory Council was established in 1961. At present, the Chairman is President of the Bank of Beaufort, South Carolina. This National Advisory Council Chairman is the forthcoming President of the State Chamber of Commerce, so I'm very pleased to present the very capable and distinguished Chairman, the Honorable Elrid M. Moody. Mr. Moody."

Mr. Moody: "Senator Darby, Governor Docking, Senator Dole, Honorable Tom Kleppe, distinguished platform guests, Ladies and Gentlemen.

"It is with much pride and deep humility that I appear on the program today as Chairman of the National Advisory Council of the Small Business Administration, representing over 2,000 business and professional people throughout the country who give of their time and their talents to bring wide and varied experiences to counsel and recommend new areas of services and assistance to small businesses. This assistance is provided our small businessmen through the agency of the Small Business Administration. The Small Business Act of 1953 created the Advisory Council and defined its role. I would like to pay tribute to those Advisory Council members who, through the twenty-year history of the Small Business Administration, have dedicated their efforts to maintaining on a sound economically viable basis, the small business assistance throughout our nation. The combined effort and talents of the Advisory Council and the Small Business Administration have enabled our small businessmen to compete successfully in the market place. The SBA provides not only financial assistance, but counseling, planning and management. Guidance and also vital services are provided small businessmen in this area through our council of advisors who have served unselfishly the small businessmen of our country.

"In summary, I would like to pay tribute to President Eisenhower and those who wrote the Act and enabled legislation whereby assistance has been provided through these two decades to our small businessmen; and I would like to use a story of birds to demonstrate the services as I see them in the way I visualize our role in service to our small businessman. Once there was a wise man who befriended the birds; loved and fed them, cared for them and administered to their injuries, sheltered them in winter and provided within his capabilities for their needs. There were a couple of youngsters who resided in the neighborhood. They knew of the wise man's fondness for birds, but doubted his wisdom, so they determined to put him to the test. They caught one of his birds, approached him when he was in the garden, and as they approached, they held their hands behind their backs. When they reached the wise old man, they paused and said: 'O wise man, in our hands we hold a bird. Is the bird alive or is he dead?' The wise man meditated for a few moments, then said: 'I know not whether the bird is alive or dead; I only know that whatever you will it, that the bird shall be.' With that statement the young men were astounded, for the wise old man knew that if he said that the bird was alive, they would squeeze the bird in their hands and take its life. If he said the bird was dead, they would open their hand and release the bird; and to you, Tom Kleppe, and your professional staff within the SBA and to those who legislate for the best interests of everyone in this nation, and to those who serve as advisors or in any other capacity, for the continuing best interest of small businesses, within your hands the future and the future of our nation rests."

"I challenge you to uphold the high ideals that we all can pay respect to today that were conceived twenty years ago, and to carry forward this torch of free enterprise."

Senator Darby: "Thank you very much, Mr. Moody, for those very appropriate remarks."

"Our next speaker today has several distinctions. He is a college drop-out. I'll start with that. He has made a hole-in-one. He has bowled a perfect (300) game. He has picked up money as a rodeo rider. He turned down a contract offer from the St. Louis baseball Cardinals. He is a self-made man and a highly successful businessman."

"At the age of 17 Thomas S. Kleppe was assistant manager of a grain elevator in rural North Dakota. Four years later, he was manager of a small country bank. By the time he had reached the age of 29 he was Vice President of the Gold Seal Company, a North Dakota manufacturer of bleaches and wax. In nine more years he was President and Treasurer of the firm. Before entering public service, he also was Vice President and Director of J. M. Dain & Company, a Minneapolis investment banking firm."

"In 1950, Tom Kleppe was elected Mayor of Bismarck, North Dakota, and in 1966 he was elected to the United States House of Representatives for the first two terms."

"On January 18th of 1971, President Nixon named him Administrator of the Small Business Administration, the Government's official spokesman and guardian of over eight million small businesses throughout the country. On this occasion, he brings personal greetings from President Nixon. So now at this time, I'm pleased to introduce this Administrator of the United States Small Business Administration; the very capable, the very distinguished, the Honorable Thomas Kleppe."

Mr. Kleppe: "Thank you very much, Senator Darby, Governor Docking and Mrs. Docking, Senator Dole, to all of you very distinguished people on this platform and, yes, all of you ladies and gentlemen, boys and girls, out in the audience."

"I approach this podium with a great feeling of depth of humility and thankfulness, one of appreciation, recognizing and knowing that you're here, that all these people up on this platform are here, not because of the Small Business Administration, but because we are here to say we respect and understand the health and the strength and the necessity of the small businessman in our total concept of America as we understand it today. That's what this is all about."

"And, Senator Darby, you got this off to a good start when you introduced all of us en masse. I noticed quite a few heads out here nodding like this. Thank God for Senator Darby's judgment that we are not going to introduce everybody. Now if we don't mess it up from that point on, I think the audience will give you an A-Plus; but all that does is lead me into a word of appreciation and thanks to you, Senator Darby, and all the rest of you SBA people, military people, community people, all of you, for the wonderful arrangements, circumstances prevalent here in this very auspicious moment in the celebration. I would be remiss if I did not mention Chief Warrant Officer Harris, who led this wonderful band here. He's already cleared the post. He's supposed to go to Korea, but out of dedication and wanting to be a part of this celebration today, here he is. We want you to know, Mr. Harris, how much we appreciate this. Thank you very, very much for that personal dedication.

I also would like to commend the efforts of Sen. Darby, his committee and the Host Region for this superb job in negotiating and expediting all the arrangements. Region VII's staff, headed by its most capable Regional Director C. I. Moyer, has my deepest admiration and respect for a marvelous job.

"This letter from President Nixon comes to me, and says: 'Dear Tom: It pleased me greatly that you have agreed to be my personal representative to the special event at the Dwight David Eisenhower Presidential Center marking the 20th anniversary of the U.S. Small Business Administration. I have, as you well know, a strong personal belief in the importance of small business. I grew up in a small business family and it was a great source of stability and satisfaction in my life. It is also the life blood of America. Small business is proud of the freedom of opportunity which is our national creed. It expresses the freedom of every American to achieve something in his own way. From the beginnings of our nation, small business has provided us with some of our best ideas and inventions, and it has considerably accelerated the growth of our industry and science. Today, small business remains one of the strongest forces in the country. It is the livelihood for half of our population. When I first took office I made a commitment; that this administration would encourage, develop and reserve small business. I urged all federal departments and the Congress to work towards those ends. Small Business Administration deserves special recognition for its innovative leadership in this task. Its financial assistance to small business today is more than three times what it was when I entered office. More than one half of all its business loan funding during the 20-year history we are observing, has been made during my administration. This is a record in which I take great pride, as I express my appreciation to those who have made it possible. The deeds of the small business community remain as significant today as they were twenty years ago when President Eisenhower signed the SBA act into law. On this historic milestone, I re-affirm my pledge to give SBA programs our fullest cooperation and support. Sincerely, Richard Nixon.' I proudly present that letter to you."

"I know first hand the dedication of the President to small business. I've had the great privilege and the honor of being the Administrator for two and one-half years and in going to the President and going to Congress with that which we believe will carry out the principles and the purposes for which we were created. That's us really. And the reason it's a thrill, ladies and gentlemen, is so obvious. It's obvious to me, anyway. Because in all of your or my Government, there is no department or no agency that identifies itself so acutely with private enterprise which built this nation, as does SBA and its programs.

That's why, as a businessman, I thoroughly enjoy this. And the spirit of the 4,000 of our employees in 83 offices around this land in carrying that out and trying to do our job better to help that small businessman create more jobs and improve the quality of jobs that are already there, that's America. That's what Government is for. Not to tell you how to do it, or what to do, or to control you at every step of the road, but to take that segment of our private sector that we call the banks, and work with them, providing funds and assistance to small businesses that otherwise isn't available. That's the thrill of running the Small Business Administration; that's the thrill of the spirit of 4,000 people. And I want to publicly tell you what kind of bureaucrats they are. You all know and you've all heard about bureaucrats. Well, when you find a bureaucrat out in the field the important thing to do is to promote him and move him to Washington, so you can cover him up so everybody can't see him. We went the other way, ladies and gentlemen. We've moved people from Washington out to the field, because that's where the work is. We've sent 170 people out and we've got another 40 or 50 to come out. Their visibility is high in your community. We want it to be high because we want them to address themselves to the important problems of assisting small business. That's a thrill."

"And now, having said that, I have some more remarks here, and I have them in order and I'd like to present some of them to you, because today, on the 20th anniversary of our administration, our agency, we do offer a richly deserved national salute to the men and women who work all the time for the benefit of eight million small businesses across this land."

"Knowing fully that it is not within our powers to express adequately our gratitude for the many contributions they have made to the nation's economic strength, but here today are you and us, gathered together in a solemn ceremony here in a very auspicious setting, the Eisenhower Presidential Center, to celebrate our 20th birthday; and this is our 20th birthday."

"And so, it is with a deep sense of gratitude and thankfulness, and a profound respect for the 34th President of our United States who is enshrined on these grounds, we are indeed grateful for the opportunity to participate and to make this the kind of occasion that it is. And in keeping with the dignity which marked General Ike's life, even in his greatest moments of triumph, we planned this ceremony to eulogize the contributions that he made to the small business world; not only that, but also to commemorate twenty years of service by this agency to the small business community."

"This couldn't have happened any other place in America, except right here on this 13-acre tract of land which once heard the

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thunder of thousands upon thousands of Texas Longhorn cattle that came up here to the end of the Chisholm trail. That's interesting to me because of my heritage of North Dakota and the identity with cattle and that industry, knowing about Abilene, Kansas, long before I really knew much about General Ike."

"It's quite a thrill to be here in this situation, on this location for this purpose. It was right here in this heartland of America that Dwight David Eisenhower formed the roots of a very rare leadership in our land which later grew to world renown and, as has already been said, endeared him to the world. This man has received some awards that no other foreigner in any of these countries have ever received. And yet it was here on this prairie that he played, where he hoed the family garden plot where the Eisenhower Museum now stands, that he learned some of the disciplines of small business when he worked as an ice-puller at the Belle Springs Creamery still located only a few blocks north of his home."

"Perhaps not unexpectedly, it was from this land of rawboned frontier lore that he made his bid for a United States Army career which was to eventually lead him to be Supreme Commander of the allied forces in World War II. Likewise, it was from this frontier territory that Wild Bill Hickok came from that General Ike launched his campaign for the Presidency of the United States."

"In modern times can you and I think of anybody that possibly could have been nominated by either major political party in this country and been elected President, as was the situation with General Ike in 1952."

"Finally, it was in the small picturesque chapel at the western end of these grounds that he was placed to rest in immortal greatness."

"And so, we ask, what more appropriate place than right here at the Eisenhower Presidential Center could have been selected for this occasion, because it was President Eisenhower who signed the bill that created the Small Business Administration twenty years ago today. I don't know what might have crossed his mind at that time, but we do know that he had a great sense of history. So in that frame of reference, I think that it would not be unreasonable that he had a few fond memories of the role that he played in small business by his own life experiences right here. It was at the creamery that he got his first job, and he lived in a God-fearing town where small businessmen provided the kind of leadership so important and so necessary. But perhaps his fondest thought of all on that July day twenty years ago, was his recollection of how total mobilization of the nation's small business sector during World War II helped turn the tide of freedom into victory and win the peace in Europe."

"And, I can't help but think just two weeks ago, ladies and gentlemen, I sat in the castle in the home of the grandson of the old Iron Chancellor of Germany, Otto Von Bismarck; his grandson, Prince Von Bismarck, his grandfather, the name-sake of our city in North Dakota where I came from. His grandson, the Prince and Princess came to Bismarck and my wife and I hosted them at a party, and we have exchanged Christmas cards ever since. Two weeks ago my wife and I were there; we were invited out to their estate for a dinner and they told me all about the destruction of their castle. Three days before the end of World War II the bombs struck, the fires burned. A thought went through my mind. Do you know who bombed that? We did. Whether it was an English plane or an American plane, I don't know. But we bombed it—the Allies. And yet here I was, sitting in a home, being thanked from a member of the German government, saying thank you to America for what they did in reconstructing their country after World War II. No animosities. One of appreciation and thanks. It was a strange feeling, and yet that's the attitude I found in Europe of the peoples of the world about America—much greater pro-America than you will read in the papers. Yet I found with some of our American representatives in the embassies, pessimism, negativism, and in my old salesman's spirit, I tried to give them a pep talk about American patriotism. Oh yes, I used the platform of small business to do it, but several of them thanked me for it because they said we needed it. Well, I'm not necessarily here to give you a pep talk, but as I look at those red, white and blue umbrellas and I hear 'Mine eyes have seen the glory' coming out of that chapel and I see the military people around here, I tell you it stirs the heart. It stirs the heart of America. And to think that we here in the Small Business Community, government or otherwise, can identify with that which built this country, and will sustain this country, I don't care what kind of pressures within or without, we've got something to hold on to."

"And so thank you, ladies and gentlemen, for being a part of saying thanks to the support and strength that all of us must give to the small business community."

"Well, just one example of the wisdom of President Ike, in my judgment, was when he was President, we selected an excerpt from a speech he made on October 27, 1958, and we have committed it to a plaque for permanent installation in the Eisenhower Library. These are the words cast in bronze on that plaque, and I quote:

"Jobs are best provided by sensible, progressive programs which generate and hold confidence, and encourage steady growth all across the land."

"A good example is our help to small businessmen. We made the Small Business Administration a permanent organization. We opened new methods of easing the financial problems of these concerns. We made it easier for small businesses to work with the government. We assured them a full opportunity for a larger share of government contracts."

"It seems to be that President Ike said it all, and we are proud to have that committed to a plaque, which will stay permanently. We think there's a deep sense of pride in those words, and we're happy to be a part of it."

"Now just a word or two about the Small Business Administration during its first year of operation, and it pleases me that Wendell Barnes is here. He was Administrator for five years; he has the longest tenure of any Administrator in the history of the Agency. I proudly come in second at this moment. If the President doesn't catch up with me tomorrow morning, I may make it a few more days. In any event, we did $35 million the first year, but this year of 1974, we are projecting to do $2.6 billion. And we are going to do that to a segment of our population that does 43 percent of our gross national product; more importantly, they hire about 52 percent of our total labor force."

"In epitomizing the small businessman, we've got two people up here that I want to introduce to you, to stand up and to be acknowledged: The Small Businessman of the Year and the National Small Business Subcontractor of the Year. The Small Businessman of the Year, Byron Godberson, from Ida Grove, Iowa, and Mr. Harold Guller, from St. Louis, Missouri. That's what it's all about. They are the symbols and may I tell you if you learned more and knew more about them, you'd know that they are like shining symbols.

"I would like to call your attention to an important phrase that I hang my hat on and that is that we should not forget that the place where the concept of free enterprise has its greatest value and its greatest potential productivity is not in the marketplace. It's in the minds of a free people because if we've got a free people working in the small business community, we've got a vibrancy that can never be destroyed. Boldly engraved in bronze on one of the pylons at the eastern end of these grounds are the following words: "Sustained by faith in the cherished ideals of true democracy each American works at his daily task at plow or forge or machine or desk knowing this nation will forever stand, one and indivisible in devotion to the cause of liberty for all mankind." Yes, it is true, as President "Ike" so aptly declared, that the men and women of small business are the heart of the economy. They serve as a constant reminder of freedom and, used properly, it still remains the key to all meaningful human progress. That's why we salute them here today. And now, ladies and gentlemen, it gives me great pleasure to call upon Dwight Ink, Deputy Administrator of the General Services Administration, to accept the plaque which we present here to the Eisenhower Library and which will be a permanent part. I have already read the words to you, and it pleases me at this time to make this presentation, and with that I say thank you, thank you, thank you."

(Mr. Ink): "Thank you, Tom, Chairman Darby, and guests. I had the privilege of serving in the Eisenhower administration, and I know first hand of his belief in the importance of the free enterprise system and the vital role of small business in that system. I have never thought there was a full appreciation of the sense of experimentation and progress which existed during the Eisenhower years. The Small Business Administration was one of these important innovative steps which was made to succeed and which has since made a significant imprint on the American scene. Tom, on behalf of Art Sampson and the General Services Administration, I am most pleased to accept this plaque for placement in the Eisenhower museum for all to see."

(Senator Darby): "Thank you, Mr. Kleppe and Mr. Ink, for your fine talks. And of course this plaque will long be a tribute to commemorate this occasion. Our next speaker, ladies and gentlemen, is our United States Senator, Bob Dole. He was raised in an egg and cream station in western Kansas. Dole attended Kansas University Law School on an athletic scholarship and later attended the University of Arizona. He graduated from Washburn University Magna Cum Laude. He served five and one-half years in the Tenth Mountain Division, United States Army in World War II. He was wounded twice and discharged from the service as a Captain in the Infantry, and of course he was discharged with honors and decorations. At 26, he was elected to the Kansas Legislature, while attending law school, and was the youngest Representative in our State Legislature at that time. From 1953 to 1961, he served four terms as Russell County Attorney and 4 terms as the First District Congressman from Kansas. He has served in the United States Senate since 1968. He was Republican National Committee Chairman from 1971 to 1973. He was Advisory for the United States Delegation to the United Nations Food and Agricultural Conference in Rome, Italy, in 1965. Senator Dole has served the interests of the small business "community through his great efforts on the United States Senate's select committee on Small Business, which make him a most appropriate speaker for today's event . . . now and at this time, I'm privileged to present the very capable and distinguished United States Senator from Kansas, the Honorable Bob Dole."

(Senator Dole): "Thank you very much, Senator Darby, distinguished guests, Governor and Mrs. Docking, and Senator and Mrs. Carlson, Tom Kleppe, Governor and Mrs.

Avery, and all the other distinguished guests here—particularly those who are in the sun. And I agree with Tom Kleppe; this is a rather unusual day for Kansas—much cooler than we sometimes have—and I'm happy that Tom Kleppe could be here, but people came to be toasted, not roasted, Tom, so I think with the indulgence of the press, I'll stand behind my remarks as far back as I can get and I'll summarize what I intended to say.

"But I do want to welcome Tom Kleppe to Kansas. We were colleagues in the Congress, both from great wheat producing states. It's just that ours is more in demand. And so we're very happy to have him here today.

"I want to say first of all that I think we are indebted to Harry Darby for his great efforts when General Eisenhower and President Eisenhower was alive and since that time the great efforts he has made on behalf of all Kansans to preserve and protect and to emphasize the great leadership of Dwight D. Eisenhower. And I think very frankly as we talk about small business we can talk about other things that as Americans we take for granted. Tom Kleppe made reference to the military and the others and the music played and the patriotism in mid-America. We are in the heartland of America. We do take many things for granted. Some may take peace for granted. But I am convinced when the history of this country is written, two great American presidents will go down in history as the peacemakers. First of all will be our native Kansan, and our great friend and great leader, the late President Eisenhower, and "secondly our present President, President Richard Nixon.

"Sometimes in the flurry of the moment or the week or the month, we overlook great leadership, and I am certain that Ed Nixon recognizes the great number of friends that President Nixon has in mid-America and throughout America. And Ed, I hope you carry that message back to our great President, who did want to be here as has been indicated, but with a 10-day bout with pneumonia, it did upset his schedule. So instead, he sent Kleppe, and fortunately Kleppe's health is very good . . . his lungs are good . . . and I listened carefully and I was hoping to get on before the train. But if they're bringing boxcars, I'll take credit for the boxcars!

"But like Tom Kleppe I worked long and hard on a speech about small business. I don't think that railroad represents the small business I had in mind. But very sincerely, small business is in its purist form the free enterprise system. Bill Avery knows. He was a member of the House Select Committee on Small Business. Senator Carlson knows as a member of the Senate at that time. The late Senator Schoeppel knew because he was on the Senate Select Committee on Small Business when they drafted the first Small Business Act some 20 years ago. Yes, it was under the leadership of Dwight D. Eisenhower, and yes, it had strong bipartisan support in the Congress, Democrats and Republicans, and yes, it had some resistance—some resistance in the banking community—others who felt this agency might in effect take over, might be another Federal bureaucracy. But under the leadership of Administrators like Mr. Barnes that Mr. Kleppe referred to, and I say in all sincerity under the leadership of men like Tom Kleppe, who's been on the job two and one-half years, the Small Business Administration is making progress. It is a cooperative agency. They are working closely with small business and with banks across America to build America and to build the free enterprise system. And that's what it's all about. And when we lose our faith in America in free enterprise and in small business, we've lost a lot.

"Because as Tom Kleppe alluded, the growth of the Small Business Administration in the past 20 years is outstanding. In fact, to some it may be unbelievable. But I know Tom Kleppe . . . I know his staff, and I agree with him when he says they're sending people to the field, not to Washington. They're going where the action is. But I think we remember that most every big business today was once a small business. I think it's well to point out the emphasis now is on those businesses which provide services rather than production. The Small Business Law itself says that they have a mandate. They are charged and directed to aid, counsel, assist, and protect the interests of small business concerns. And I think they've done that. And as a present member of the Senate Committee on Small Business, as Senator Darby alluded to, and under the Chairmanship of one of the great members of Congress, Senator Alan Bible of Nevada, you have friends in the Congress . . . yes, friends on both sides of the aisle. And I think the Committee along with the SBA itself has come a long way. And we're charged with overseeing the activities of SBA. But as Tom Kleppe knows, very few times in the history of SBA have there been any strong differences of opinion.

"I would only say in closing that even though 95% of all U.S. businesses are defined as small, the remaining 5%—or big business—accounts for 63% of the Gross National Product. And today the hundred biggest industrial corporations control approximately one-half the nation's manufacturing assets. So thus, economically speaking, small business is a minority, and as such, it has special problems contending with bigness, lack of credit, unfair trade practices, tax burdens, new technology, government paper work, and compliance with a growing number of safety, health, consumer, and environmental laws. But the problems of the day were no less severe, perhaps different than they were 20 years ago. But we have seen after 20 years what can happen with the proper stimulus and with the great direction and initiative of a man like Dwight David Eisenhower. And from the beginning, the SBA has delivered. That's been the code word. That's been the key word for SBA. So last year in this fiscal year that ended in June, 249,000 loans were made for a total of $3.7 billion. And that's a far cry from the $63 million in the first year of SBA history. So again, I'm very pleased to be here, pleased to have a small part in paying tribute, yes, to a great American, but to a great agency that lives and grows and endures because of its leadership and because of its inspiration. And I thank you all for coming."

(Senator Darby): "Thank you very much, Senator Dole. I just want to say a word to let you know that we all appreciate the efforts of all those who have helped on this ceremony. There have been many that we would especially like to mention: those here at the Center, the Kansas National Guard, the Kansas Highway Patrol, the Commanding Officer and his men at Fort Riley, General Cassidy, General Duquemin, Jeff Hillelson and his associates at General Services Administration in Kansas City and at the Washington level, and the law enforcement and public services under the jurisdiction of Governor Docking and Attorney General Miller, the press, radio, and TV. Obviously we could not have this successful occasion without their help. So I believe I can say for all of us now today that this program has been a marvelous observance of the 20th anniversary of the United States Small Business Administration and a great tribute to former President Dwight D. Eisenhower.

"Now, ladies and gentlemen, we will begin the procession to the Place of Meditation for the next segment of our program. We invite all of you to join in this procession following those we have here on the platform. Thanks for coming."

FIVE BILLION DOLLARS FOR THE BREEDER, AND LIPSERVICE FOR SOLAR ENERGY

Mr. GRAVEL. Mr. President, for a long time I have been saying that the main obstacles to widespread use of solar and geothermal energy are political, not technical. The energy industry and the administration just do not want solar and geothermal power yet.

They are planning a fossil-fuel and fission future for the rest of this century, with only lipservice funding for solar and geothermal energy. Out of a Federal energy development budget in fiscal year 1974 of about $870 million, approximately $15 million is for solar energy, and according to the September 28, 1973, issue of Science magazine, perhaps $12 million for geothermal power.

In fiscal year 1973, although Congress directed the National Science Foundation to spend "not less than" $19.5 million for energy research and technology programs "including but not limited to solar, geothermal, and other nonconventional energy sources," the NSF spent only $4.2 million on solar energy, its "most promising" energy source.

Since nonconventional sources of safe, ecologically attractive energy are plentiful enough to meet all our demands for both fuel and electricity, I think this go-slow policy is unforgivable.

NOBEL LAUREATE ENDORSES SOLAR ENERGY

I would like to quote Sir George Porter of Britain, Nobel Prize winner in chemistry, who predicted on August 21, 1973: that solar energy will solve the world's energy crisis. He also said; according to the Herald Tribune in Paris:

> I have no doubt that we will be successful in harnessing the sun's energy. . . . If sunbeams were weapons of war, we would have had solar energy centuries ago.

His remark is similar to a statement in 1972 by Leon Gaucher of Fishkill, N.Y., who is an energy consultant to Texaco and others:

> Had it not been for an abundance of fossil fuels—coal, oil and natural gas—we might today have a "Solar Energy Economy" just as effective and efficient as our "Fossil Fuel Economy".

The late, great chemist, Dr. Farrington Daniels, was trying to tell us the same thing:

> Solar energy is amply adequate for all the conceivable energy needs of the world. It is harmless and it is certain to work . . . Surely solar energy will be important within 20 years, and if enough financial support should become available, the time could be considerably less.

That is a lot more than can be said for nuclear breeder reactors, to which the Government plans to commit 5 billion tax dollars, according to the October 5, 1973 issue of Science magazine.

Mr. President, I ask unanimous consent that major excerpts from the Science magazine articles entitled "Energy R. & D.: Slicing the Promised Pie," and "One Breeder for the Price of Two?" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Science magazine, Sept. 28, 1973]

ENERGY R. & D.: SLICING THE PROMISED PIE

(By Robert Gillette)

If the White House takes the advice it requested from Atomic Energy Commission chairman Dixy Lee Ray, federal support of nonnuclear energy R & D will rise by more than 40 percent or $94 million this year, over and above the $220 million originally requested from Congress. Among a number of underfed and long-neglected areas of energy technology due for an increase, geothermal power would receive nearly triple its current level of $4 million in federal funds; money for energy conservation studies would nearly double; magnetohydrodynamic (MHD) power generation would receive a major boost; and a small kitty would be set aside for turning "urban wastes" into alcohol fuel.

Nuclear energy would receive a small bonus—$7 million for gas-cooled reactors to serve as backup technology for the liquid metal fast breeder reactor—but the lion's share of the added money, just over $50 million, would go into coal-related projects, mainly to accelerate the development of gasification and liquefaction technology.

This, at least, is the substance of recommendations contained in a report from the AEC chairman, and currently under review by the White House Office of Management and Budget (OMB). The report, which Ray spent most of the Labor Day weekend polishing before dispatching it to the OMB, is in turn an outgrowth of President Nixon's promise of 29 June to devote an extra $100 million to energy research in the current fiscal year. With the stricture that half the money or more be dedicated to coal, the President left it to the AEC chairman to suggest how the remainder should be divided, and to supply a report by 1 September.

The task was an unusual one for any AEC chairman, but it was only a prelude to a much larger Presidential assignment: To examine (under the general supervision of the White House energy policy office) the present state of government-supported and private energy R & D, to devise a $10 billion 5-year "integrated energy research and development program for the nation," and to have at least the 1975 part of the master plan ready by 1 December.

In his first energy message of the year, last April, Nixon paid abundant homage to research, but said nothing about spending more on R & D than the $772 million contained in his fiscal 1974 budget request to Congress, released at the end of January. This was a sizable increase, roughly 20 percent above the 1973 figure, but evidently was not enough to pacify influential elements of Congress and the energy industry.

What happened between April and June? The year's first and much-criticized energy message dealt mainly with economic aspects of the nation's energy problems, perhaps as a reflection of the fact that its principal author was an economist (James E. Akins, then a State Department authority on international fuels policy, now President Nixon's ambassador-designate to Saudi Arabia). The all-but-defunct White House Office of Science and Technology was invited to contribute essentially nothing to the energy statement, and, although the White House had an embryonic energy policy staff, there was little time for it to incorporate any substantial new initiatives.

"We hadn't been in business very long," a staffer in the energy policy office, now under the direction of former Colorado governor John Love, said recently. "We really weren't on top of things by then."

A less charitable diagnosis current in government circles is that higher authority in the White House suffered an acute and uncomplicated spasm of embarrassment from reaction to the first message. "In all candor, it was not well received," says one highly placed administration official. "The way I put it together, all the criticism about lip service to research really stung. They had to show they meant business, that they were really doing something."

That decided—whatever the motivations—two formidable problems remained even after the President released his second message on 29 June: Where to find an extra $100 million, and where to spend it.

Solving the first problem, it now appears, will require either some budgetary sleight-of-hand, some painful sacrifices in other programs, or a discreet raising of the self-imposed $269 billion budget ceiling—or possibly a combination of all three. In public at least, the President has been adamant about holding the lid on spending. Moreover, as he quite pointedly stated in his June message, "These vital [energy] programs must and can be funded within that ceiling."

The implication, it is now clear, was that energy's gain would be someone else's loss; whose loss he didn't say, for the simple reason that no one knew. Two months later, knowledgeable White House officials produced conflicting and rather cryptic answers on this point. On the one hand, a staff assistant in the energy policy office expressed doubt that other research programs would be cut for the benefit of energy R. & D. Speculating that some money would be shuffled from other areas of the budget and that some would simply be added on, he noted that Congress had already authorized some tens of millions of dollars for coal, nuclear, and other specific energy programs that the Administration had not requested. "Our position," he said, "will be to examine these add-ons, and where they are consistent with Administration desires, we will not oppose them."

On the other hand, when asked whether, for instance, a biomedical researcher might reasonably worry about his money being siphoned off for a coal gasification plant, an OMB official would only say that "we haven't explicitly identified program areas" from which the new energy money might be drawn.

There seems to be general agreement on two points, however: The additional $100 million really is an addition to the $772 million previously requested, and will not be conjured by mirrors from within the larger amount as some in government had feared. ("There's not going to be any monkey business here," one White House staffer insisted.) And, what with the first quarter of fiscal 1974 already past, no more than about half the $100 million will actually be spent this year, with the balance spent next year.

The Administration's second problem—where to spend the money—was dropped in the lap of Dixy Lee Ray, though she was already thoroughly preoccupied with the concerns of the AEC. The desire of the White House to produce an immediate "impact" on energy programs by spending the money in fiscal 1974, and the fact that fiscal 1974 was already well under way, conspired to severely limit the amount of time and thought that could be invested in planning the disbursement of the $100 million. Nevertheless, Ray plunged ahead. By mid-July she had recruited two staff assistants, and together they organized an advisory panel of representatives from ten federal agencies with major energy programs. Formal solicitations for ideas went out from Ray's office at the end of July, leaving federal agencies only about 2 weeks to shake the dust off whatever R & D proposals happened to be handy and submit them for screening. From some 320 projects worth $400 million, Ray and the panel winnowed out $100 million in winners just in time to meet the Labor Day deadline.

The consensus of those involved in this frenzied process seems to be that Ray did succeed in injecting an element of considered thought into what had been little more than a hip-fire decision by the White House. Moreover, these was a laudable ambience of openness to it all. Other federal agencies took an active part, the AEC appears to have received no special consideration, and the appropriate committees of Congress were consulted. "I don't mean to damn with faint praise," said one Congressional aide, "but she made a gallant effort."

Inevitably, though, this rush to judgment has left a good deal of grumbling in its wake. There was time only to resuscitate 6-month- or year-old proposals that the OMB had previously spurned, and to pump up the size of existing federal programs. Universities and industry had no chance to compete directly for a slice of the $100 million. OMB was said to be unhappy that Ray's report was not more explicit about what the money would buy in the way of useful new energy technology. Some agencies were apparently overlooked in the screening process; among them was the General Services Administration, which is looking for new ways to reduce the government's consumption of energy. Other agencies were unhappy with what they regarded as an unnecessarily narrow definition of "energy R & D," as applied to the summer sweepstakes. A number of proposals to examine the environmental and health effects of energy production, for example, were declared ineligible.

In response, Ray says that the limits of time, and the demand that the money be spent this year, made it impossible to look beyond the federal establishment in this initial effort. "Our instructions were not 'go thou into the countryside and survey the world,'" she said in a recent interview. "Unless this is understood, there will be criticism."

As for what should and should not be called energy R & D, she commented that:

"You'd be surprised, when something becomes popular, how many things people want to include in energy research . . . enormous mapping programs of the entire United States, impacts on human health, long-range genetic effects, and so on. Certainly there is a relation with energy, but it is hard to call such things R & D and to fit them into the requirement that the money be spent in fiscal 1974."

More than once in the interview during which her two gray dogs lay congenially nearby on the rug of her office at Germantown, Maryland, Ray emphasized that the September report was to be considered an entirely separate undertaking from the one due in December. It was not, she insisted, a "mini-preview" of the $10 billion master plan.

Precisely how this is to be assembled in the next 2 months still seems uncertain, however, and there are signs of wheel-spinning at the AEC. No doubt the AEC staff or one of the national laboratories could whip up a presentable shopping list, but, for the sake of credibility, Ray is anxious to produce something more thoughtful and ecumenical than that. "This cannot be an AEC document," she said at one point. "The agency is not being asked; the President asked the chairman for her advice."

A large advisory apparatus and public hearings have been rejected as too cumbersome and time consuming, although a tentative stab was made in that direction. A panel of consultants, including Alvin Weinberg, the director of Oak Ridge National Laboratory, convened for several days in early September but now appears to have slipped into limbo.

Fortunately, a great deal of homework for the December report has already been done—ironically enough—by the now-defunct OST. In a little noticed sentence in the President's energy message of June 1971 (written by the OST), the OST instructed itself to survey the world of energy R & D and suggest where

federal money might be most productively invested. A year later, the result was a foot-high stack of 12 reports from 11 panels organized under the aegis of the Federal Council for Science and Technology, an interagency group which the President's science adviser headed. "Just about every technological opportunity you can imagine was covered," says one of the project's initiators.

Only one of the 12 reports (on solar energy) has been published, but others provided the justification for higher funding of energy R & D in fiscal 1974.

Along with its function as the government's ultimate font of science advice, the OST's reports were bequeathed to the National Science Foundation, which is busy updating them. The NSF is at least as interested as the AEC in asserting primacy in the planning of energy R & D, but Ray is nevertheless banking on the newly revised reports being available.

In the meantime, the processes of national research planning—at least so far as energy is concerned—remain rather in disarray during this interregnum between the fall of OST and the rise of something else. As one student of energy affairs in Washington expresses it, "the first agency to put together a convincing R & D program will have a leg up on all the others." What may emerge in the way of a grand design for research is anyone's guess, but Presidential promises aside, the betting is against any major new initiatives before fiscal 1976.

[From Science magazine, October 5, 1973]

ONE BREEDER FOR THE PRICE OF TWO?

(By Robert Gillette)

The Atomic Energy Commission has estimated that development of a commercially attractive liquid metal fast breeder reactor (LMFBR), designated by President Nixon as the nation's "highest priority" energy R&D project, could end up costing twice the $2.5 billion the AEC said it would cost just 18 months ago.

The new, unofficial price of $5.1 billion appears to reflect a more realistic calculation of expenditures—including direct subsidies to utilities—necessary to bring the breeder to a point of wide commercial acceptance by the mid-1980's. The figure may also indicate an urge in the AEC to embark on an even more ambitious R&D program now that the White House has promised to set aside a $10 billion bonanza for energy research and development over the next 5 years.

The LMFBR's tentative new price emerged recently from the Federal Power Commission's advisory task force on energy conversion R&D. The task force, in turn, is part of a larger technical advisory committee the FPC organized last December to survey broadly the "needs and consequences" of energy R & D. While this might seem a bit far afield of the FPC's duties as a regulatory agency, one of the commission's responsibilities is to encourage the development of new sources of energy, and it therefore considers such inquiries to be within its ken.

Officially, at least, the $5.1 cost estimate was the product of deliberations by the energy conversion task force, a heterogeneous group spanning a spectrum from federal energy authorities to utility executives, and including one environmentalist, Thomas B Cochran, a physicist with the Natural Resources Defense Council in Washington, D.C Cochran and other members of the task force however, say the new cost estimate can be attributed entirely to the AEC, and thus would seem to accurately represent its intentions. Indeed, the $5.1 billion estimate was presented to the group for the first time in a 13 September briefing by the task force's chairman, Merrill J. Whitman, an AEC official. As assistant director of program analysis, Whitman is centrally involved in long-range projections of the AEC's R & D costs.

Attempts to reach Whitman by telephone, for an elaboration of his estimate, were unsuccessful. An AEC spokesman, however, while not disputing the accuracy of the figure, said that it "cannot be compared" to the $2.5 billion estimate used in a published cost-benefit analysis of the LMFBR last year[*] because the new number had been derived from "certain bases that were different from those used by the AEC in the past."

The 1972 estimate of $2.5 billion (which assumed commercial introduction of the LMFBR in 1986) included only those R & D costs incurred directly in the breeder program, according to the spokesman. In contrast, he said, Whitman's estimate includes another $1 billion for "general" R & D that would indirectly benefit the LMFBR. There are also additional allowances in the $5.1 billion figure for inflation and the "increased cost of hardware and high performance fuel." In short, it appears that building the breeder will cost a lot more than the AEC has previously believed or brought itself to admit.

It is worth noting at this point that the LMFBR program has already rung up some extraordinary cost overruns, particularly at the AEC's Hanford, Washington, site. Here, the total cost of a new experimental sodium-cooled reactor called the Fast Flux Test Facility (FFTF) has been rising during construction from an initial estimate (in 1968) of $87.5 million to a current estimate of around $200 million. The FFTF project has also cost another $300 million or so for related hardware and R & D, and there is reason to believe that, by the time the project is completed next year, the grand total for the FFTF may top $600 million.

Whitman's calculations of breeder program costs also allow $200 million for a second "demonstration" breeder reactor plant, although Congress and the White House have authorized construction of only one such plant—a 350- to 400-megawatt facility to be built near Oak Ridge, Tennessee, at a cost of $700 million (of which utilities have pledged to pay $240 million).

Finally, tucked away in the $5.1 billion price is $90 million that would be spent in direct assistance to utilities, to help them buy their first four commercial breeder power plants. Up until now, the AEC has not openly broached the possibility of directly subsidizing the first such plants, although the General Electric Corporation, among others, reportedly has indicated that subsidies might be essential to the ultimate commercial success of the LMFBR.

In any case, the practice of paying potential customers to buy a strange new product has ample precedent. During the late 1950's and the early 1960's, the AEC spent tens of millions of dollars in direct assistance to utilities to induce them to buy the early light-water nuclear power plants. As an added inducement, General Electric, Westinghouse, and other vendors found it necessary to drastically underprice their first nuclear plants and recoup their losses by raising the prices later.

Reactor vendors, unlikely to stand still for a similar financial beating on their first breeder plants, may thus be counting on some generous assistance from the federal government, above and beyond the gift of LMFBR technology itself.

FATHER HESBURGH—ON RESPONSIBILITY

Mr. HUMPHREY. Mr. President, Father Theodore Hesburgh, the distinguished president of the University of Notre Dame, is noted for the fact that he teaches by the personal example he sets and because his practices have been his preachings. The leadership he has given has been the leadership of example. When Father Hesburgh cites others for leadership we can be certain that they deserve the credit he gives them.

Wherever one who is in public life turns today—be that person a local official or a national official—one senses the national concern about the integrity of all officials which has been caused by the actions of a very few. As one who has worked in local as well as National Government for close to three decades I know that most public officials are honest, hard working, and dedicated to the public welfare. Beyond this most public officials have the highest respect for the law.

Recently Father Hesburgh cited four members of the Prince Georges County Board of Education in nearby Maryland "for their integrity, humanity, courage, and respect for the law."

I ask unanimous consent that Father Hesburgh's letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. HUMPHREY. Mr. President, all public officials take the same oath of office. It requires that we faithfully execute our office, carry out all laws, and preserve, protect, and defend the Constitution of the United States.

In citing the conduct of four school board members, Father Hesburgh succinctly makes the point that is far too often overlooked in situations such as those faced by local school boards: they are not lawmakers. His main point goes to the real issue that concerns many Americans today—the disciplined response that all of our public officials have to their responsibilities. In the field of education one of the top topics is discipline. Father Hesburgh observes with exact correctness that—

> The key to the learning process that is education is discipline of mind, of character and of deportment.

There is much in America that we can be proud of. We have many local officials of whom the people they serve can be justifiably proud. Our neighbors in Maryland can be proud that they have public officials who set the example in "their integrity, humanity, and respect for the law."

Any citizen who has been thus commended by Father Hesburgh can be proud of his or her achievements. I want to join in adding my commendation to Father Hesburgh for focusing on the positive and constructive accomplishments and dedication of four local officials in Prince Georges County, Md.—Mrs. Ruth S. Wolf, Mrs. Joanne T. Goldsmith, Mr. Jesse J. Warr, Jr., and Mr. Righton S. Robertson.

EXHIBIT 1

UNIVERSITY OF NOTRE DAME,
Notre Dame, Ind., September 26, 1973.

MR. RAYMOND J. MCDONOUGH,
Chairman, Prince Georges County Committee,
Marlow Heights, Md.

DEAR MR. MCDONOUGH: I was most encouraged to receive the report on the continued forward progress in the Prince Georges County Public Schools.

We are a nation whose people do, in the

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[*] *Cost-Benefit Analysis of the U.S. Breeder Reactor Program*, WASH-1184 (Atomic Energy Commission, Washington, D.C., January 1972).

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main, observe our laws and do what is right. When the dire predictions of last year in Prince Georges are measured against what actually happened this truth becomes self-evident.

Local leadership was most important and this was the ingredient in shortest supply as many simply remained silent.

School Boards have as their first responsibility carrying out the law. They are not lawmakers. The key to the learning process that is education is discipline of mind, of character, and of deportment. School Board members Ruth S. Wolf, Joanne T. Goldsmith, Jesse J. Warr, Jr., and Righton S. Robertson thus deserve special credit for the way they publicly met their obligation to children and education. Their example was a key factor in the peaceful progress that resulted. They have my warm respect and admiration for their integrity, humanity, courage, and respect for the law. Please convey to each of them my sincere regards.

A school—any institution—be it large or small, educational or otherwise, can move forward only if its leadership sets the example of disciplined response to its obligations. In education, discipline in the classroom will follow the tone set by the Board.

Sincerely yours,
Rev. THEODORE M. HESBURGH, C.S.C.,
President.

DEDICATION OF REGIONAL WASTE WATER TREATMENT FACILITY, KENT COUNTY, DEL.

Mr. McCLELLAN. Mr. President, recently the junior Senator from Delaware (Mr. ROTH) had the pleasure of dedicating Delaware's first regional waste water treatment facility. Senator ROTH pointed out that the dedication of this plant not only marks a new day in Kent County, Del., it demonstrates for others how the Federal Government and a State joined hands and successfully developed a farsighted waste water treatment system.

The able Senator from Delaware, my good friend, described it in these words:

> First, it inaugurated the regional waste water treatment system in Delaware. This system connects all the former sewage systems into one pipeline which goes to one plant. This single plant accomplishes, with the most modern technology available, the work of numerous smaller and less efficient sewage facilities. In fact, only one river in the entire county has effluent flowing into it, and that effluent is 98% pure. No longer are effluents flowing into the other rivers in the County.

The Senator added:

> Second, unlike many projects in which the Federal Government becomes involved, this project actually cost less than the amount appropriated for it. The County Engineer, Walter Fritz, and the State did a commendable job.
>
> Finally, the plant is exceptional in another respect, and that is, that it is designed for expansion, but even taking that under consideration, the present facility won't reach its maximum capacity for another 8 years, which will be 10 million gallons per day. It can easily be expanded to 35 million gallons per day. The pipeline in the ground should be adequate for another 50 years. If one part of the system malfunctions, the waste water can be shifted to a duplicate system.

Mr. President, the people of Delaware, and especially Kent County, should be commended for their foresight, planning, and work to clean up the State's waters and preserve the State's natural resources. Senator ROTH should be commended, too, for calling this event to our attention.

I ask for unanimous consent that Senator ROTH's remarks from the dedication be inserted into the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR WILLIAM V. ROTH, JR.

Governor Tribbitt, distinguished guests, ladies and gentlemen: I'm honored to be here and participate in a small way on this important occasion.

The Governor talking about sewage in his opening remarks, reminds me of some of the remarks some of my so-called friends on the Senate floor said when I told them that I was coming here to this dedication. They allowed that probably this was an appropriate place for me to speak, because perhaps my remarks could be cleaned up. In any event, it is a most important occasion for this region.

I think that for all too long, bodies of water have been viewed as natural depositories for human and industrial waste. Quick flowing streams and rivers, even slower moving tidal bodies, were thought to be self-flushing or self-cleaning. Despite the fish kills, despite the odors, and despite the ill health resulting from this attitude, it really was not until recent times that we have made a major effort to stop this degradation. This has been true of our bays and oceans as well. It was only last year that the Congress of the United States acted to halt dumping of waste materials in the ocean when it passed the Marine Protection, Research, and Sanctuaries Act of 1972, which I was pleased to help co-sponsor. I might say this is a very important piece of legislation to our State of Delaware.

The Kent County Regional Sewage Treatment Plant has been many years in coming; it goes back to the inception of legislation to clean up waste water, through the various committee hearings; appropriation processes, applications; and months of planning.

But even more important is the actual physical plant here and building. I'd like to, as a member of the Finance Committee, congratulate our County Engineer for—it's rare that you hear about a project where they spend less than had been appropriated for it. In Washington, we always try to do the opposite and have overruns. So I think you should be very proud, Mr. Fritz, of your accomplishment in doing such a fine job. I think those of us who have looked at our rivers lately would all agree that its completion comes none too soon. Unlike many states that are suffering from highly contaminated effluents flowing into their waters—and doing nothing about it—Delaware is moving ahead quickly and efficiently to preserve our environment and our State's natural resources.

The Kent County Regional Sewage Treatment Plant has been, as has been pointed out, a joint effort of the State and local governments with the Federal government. Of the $12.5 million that has been made available, the Federal government has made available something like 55%, or more than $6 million. Of course, the State has invested 25%, and the County has absorbed the remainder.

Combining modern technology with commendable foresight, the designers and planners have developed a facility that will reach its maximum capacity in ten years, and that will be a voluminous ten million gallons per day. I think it's important that the pumping system is capable of pumping twenty million gallons per day; the pipeline is estimated to be large enough to satisfy the needs of the County for the next fifty years. I think this is sound planning. The plant itself can easily be enlarged to a potential 35 million gallons per day capacity.

Perhaps the most outstanding feature of this waste water treatment system is the fact that it satisfies the needs of a rapidly developing region, thus making it our first Regional Sewage Treatment Plant in the State of Delaware. By connecting almost every sewage treatment facility in the County with this plant, the County will have only one river into which the treated effluent will flow. No longer will effluenta flow into the Smyrna River, the St. Jones River, or the Mispillion. I have been told that the St. Jones River, for example, is responding to this relief, showing signs of rejuvenation with several forms of marine life returning to the river that had been literally chased from its natural habitat by human and industrial wastes.

Finally, I would just like to say it has been, of course, gratifying to be involved with the enactment of this legislation, but particularly be involved with my good friend and colleague Cale Boggs, who really has been one of the outstanding leaders in Washington of the major pieces of environmental legislation that has made this project possible.

Although this plant has been operational since last January, I think today marks an end to an era of careless waste treatment practices, an end to unmonitored waste treatment, an end to overflows and raw sewage making its way into our streams. More positively, this day launches the regional sewage concept in Delaware, a return to clean bodies of water, and superlative planning.

I thank you.

A USEFUL AND ESSENTIAL UNITED NATIONS

Mr. JAVITS. Mr. President, in addition to the vital role played by the United Nations in the containment and cessation of the recent outbreak of hostilities in the Middle East and the crucial role the United Nations has played in so many other world crisis situations, in recent years there has been an ongoing debate as to whether the United Nations is more than a debating society. In my judgment, the U.N. has proved its worth many times over by its essential peacekeeping role and the settlement of disputes in areas such as Cyprus, Korea, the Congo, and other areas. Furthermore, the United Nations has sponsored the Declaration of Human Rights and numerous international conventions, such as the conventions dealing with genocide, forced labor, and slavery, all of which serve to protect the undeniable human rights and civil liberties of all peoples.

In an article published in the September 1973 Free Mind—a publication of the American Humanist Association—Mr. Jesse Gordon has succinctly described why, in his judgment, the United Nations is the useful and essential world organization that it, in fact, is. I recommend this article, "AHA and the United Nations," for the information of all Senators, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AHA AND THE UNITED NATIONS

(By Jesse Gordon)

When delegates from 50 nations met at San Francisco in the spring of 1945, World War II was not yet over, but a determination to establish an international organization to keep the peace was paramount in the minds of the delegates. After two months of intense negotiations, the language of the Charter of the United Nations was agreed upon.

Twenty-eight years have passed since the nations of the world pledged themselves "to save succeeding generations from the scourge of war."

In judging the political performance of the UN and in making the organization the scapegoat for the difficulties of its members, a number of important considerations are often conveniently forgotten. The first of these is the origin of the UN. The UN was *not* set up by small or medium powers themselves under the shock and experience of two devastating world wars. Kurt Waldheim, the secretary-general of the UN, states: "The UN was set up by the great powers to avoid in the future the mistakes, weaknesses and misunderstandings which, twice in less than 30 years, had led them into total war. We ignore this historical fact at our peril."

The American Humanist Association is active among the hundreds of non-governmental organizations sponsoring the UN.

The A.H.A. realizes there is an urgent need for greater understanding and support of the United Nations by the millions of citizens who are the constituents of non-governmental organizations. The A.H.A. is represented in the NGO group by Mrs. Henrietta Rogoff with Mr. Jesse Gordon, alternate.

In 1945, the UN came into existence accompanied by the usual flowery speeches. It was seen as "the great hope of humanity," "the hope of the world," and "the last, great hope for peace."

Has the UN fulfilled the "hope" that so many people placed in it as "The last great hope of humanity?" Or, is it just a useless debating society?

First of all the UN has contended with a world of many revolutions—peaceful and otherwise. The original membership of the UN was 51; it now numbers 135, with the two Germanys recently joining. The UN has many achievements to its credit. It can count among its successes, in the political area, the negotiated settlement of disputes affecting Indonesia, Kashmir, and West New Guinea, among others. The Middle East "question" has, of course, been before the UN almost continuously since 1947. It can be shown that UN presence in the area has prevented many incidents from developing into a wider war.

One might ask the question: What might have happened in the Congo and neighboring states in 1960 if it had not been for the UN peacekeeping force there? Critics point to Soviet intervention in Hungary and Czechoslovakia and the impotence of the UN to act in those situations.

It all comes down to big power politics and political objectives. The U.S. role in Indochina could similarly be examined for violations of the U.N. character.

What are the principles of the charter?

The charter is based on seven main principles:

1) The equality and sovereignty of all member states.

2) Fulfillment "in good faith" by all members of obligations assumed under the charter.

3) Peaceful settlements of disputes.

4) Renunciation of the threat or use of force.

5) Cooperation with the UN in any action it takes.

6) Encouragement of non-member states to abide by its principles.

7) Non-intervention by the UN in the internal affairs of any state.

The Charter also calls for freedom of religion. Many faiths, each with a different conception of God, are represented at the UN. A moment of silence opens and closes each General Assembly session, and there is a Meditation Room at UN headquarters which is open at all times. There is no mention of God in the Charter just as there is none in the U.S. Constitution.

The UN Charter pledges all members to cooperate for the promotion of human rights. Although the authority of the United Nations is limited to debate, study, publicity, and recommendation, it has exerted immeasurable influence on behalf of human rights.

In 1948 the General Assembly adopted the Universal Declaration of Human Rights. Its clauses on the civil, political, economic, and social rights of human beings have influenced the written constitutions of a number of new nations. Its provisions have been incorporated in several important peace treaties.

The General Assembly has also produced draft conventions—treaties—in the human rights field. Some forbid particular offenses such as genocide, forced labor, and slavery. Others set standards in particular areas such as political rights of women. Such conventions must be ratified by the individual UN members in accordance with their constitutional processes. In addition, the Assembly has produced two comprehensive human rights covenants, one on civil and political rights and one on economic and social rights, both ratified by more than 30 governments.

For many years UN experts have offered advisory services to governments on human rights questions. Various UN-sponsored international seminars on human rights have been held. The UN has also served as a central point to which aggrieved groups may complain of specific human rights violations. But there is disagreement as to how the UN should handle such complaints. One proposal would establish a UN office, that of High Commissioner for Human Rights, to receive inquiries and complaints from both governments and private parties and to advise and conciliate at their request. The High Commissioner would have no power to overrule a government, but his views would carry moral authority.

OFFSHORE OIL DRILLING

Mr. BIDEN. Mr. President, the move to expedite drilling for oil off the North Atlantic coast is underway. Hearings by the Council for Environmental Quality have already begun and local hearings for the Delaware area will be held shortly. The pressure for such drilling is, of course, increased by our immediate concerns about energy shortages. I am really disturbed that efforts will be made to shove us headlong into such a program, just as efforts have been made to push us toward construction of deep water ports.

It is for this reason that I was particularly interested in an article entitled "California Urged To Keep Oil Curb" which appeared in the New York Times on September 23, 1972. In the article Santa Barbara city and county officials are represented as objecting to the lifting of a moratorium imposed after a disastrous spill in 1969. It appears to have been the feeling of many of those testifying on the subject before the California State Land Commission that adequate techniques are still not available to prevent or contain oil spills.

I think that we on the east coast should take seriously the bitter lessons learned elsewhere and proceed cautiously and prudently in any venture involving offshore drilling. For the information of the Senate I request unanimous consent that the text of the entire article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CALIFORNIA URGED TO KEEP OIL CURB—OFFSHORE OPERATIONS OPPOSED WHILE SUIT IS PENDING

SANTA BARBARA, CALIF., September 22—California should not allow more oil drilling in the Santa Barbara Channel as long as the state is unable to collect damages from the oil industry as a result of the 1969 channel oil eruption, the State Lands Commission was told this week.

The Santa Barbara city and county authorities presented that argument at the commission's hearing on the drilling issue here, registering strong objections to oil and gas industry requests to the state to lift its moratorium on new drilling in tidelands off Santa Barbara. The State Lands Commission had imposed the ban after the disastrous 1969 oil spill at a drilling site leased by the Union Oil Company from the Federal Government some 5 miles offshore and adjacent to state parcels.

The commission headed by State Controller Houston Flournoy, a candidate for Governor, has scheduled a meeting in Sacramento Nov. 29 presumably to announce its decision after studying transcripts of testimony.

COMPROMISE REPORTED

The city and county of Santa Barbara as well as the state Attorney General's office have turned down Union Oil's $2.5-million compromise offer to three governmental entities in response to the combined $500-million suit originally filed. The case is still in United States District Court in Los Angeles.

Spokesmen for 15 major oil companies involved in production called upon the commission to end the moratorium so the industry could help meet the current energy crisis.

The Western Oil and Gas Association and the Independent Oil and Gas Producers of California contended that the industry now had full safety and cleanup capability to augment stiff new state offshore regulations.

The Coast Guard oil strike team for the Pacific Coast has trained personnel to deal with oil spills and is currently testing new oil containment and recovery systems regarded as "highly promising," said Lieut. Comdr. John Wieckert, whose office is on Yerba Buena Island in the San Francisco area.

The hearing also produced testimony from the Sierra Club, the Audubon Society, GOO (Get Oil Out) Inc., of Santa Barbara, and other environmentally-minded groups calling for continuance of the moratorium. Supporting them were State Senator Robert Lagomarsino, Republican of Ventura, and Assemblyman W. Don MacGillivray, Republican of Santa Barbara.

The gist of their testimony and that of other opponents of renewed oil drilling in the channel was that the industry had not conclusively proved with tests in severe weather on the high seas that it had equipment to contain and corral major oil spills without considerable damage to the marine environment.

PRESIDENTIAL PRECEDENT FOR WITHHOLDING EVIDENCE

Mr. PROXMIRE. Mr. President, in the course of President Nixon's press conference last week, a question was raised concerning the use of executive privilege and the President's right to withhold Presidential documents and tapes.

In responding to that question, President Nixon referred to a precedent involving a subpena which was served on President Thomas Jefferson during the treason trial of Aaron Burr. President Nixon said:

> You remember the famous case involving Thomas Jefferson where Chief Justice Marshall, then sitting as a trial judge, subpoenaed a letter which Jefferson had written which Marshall thought or felt was necessary evidence in the trial of Aaron Burr. Jefferson refused to do so, but it did not result in a suit. What happened was, of course, a compromise in which a summary of the contents of the letter which was relevant to the trial was produced by Jefferson . . .

The President relied on this to support his effort to withhold the subpenaed Watergate tapes, and to justify his offer to turn over a summary of the tapes to Watergate Special Prosecutor Archibald Cox.

Mr. President, in the past few days I have done a little research to determine just what did occur when President Thomas Jefferson was subpenaed. My research has convinced me that President Nixon was somewhat mistaken in his recitations of the facts, and that the case actually provides a precedent for the opposite conclusion—that the President may be compelled to submit tapes and documents to the court for examination.

The history of the Burr case is as follows:

In 1807, Aaron Burr was brought to trial in Richmond for treason. The treason charge grew out of allegations that Burr was seeking to sever lands west of the Allegheny mountains, and was planning an attack on Mexico. One of his partners in the scheme was General Wilkinson.

At some point in the scheme, Wilkinson and Burr parted ways, and Wilkinson wrote to President Jefferson about the scheme. Prior to Burr's trial, Jefferson sent a message to Congress, in which he outlined Burr's plan, relying heavily on Wilkinson's correspondence.

At the treason trial itself, Burr sought to subpena a number of Presidential papers and documents, in order to prepare his defense.

One of the subpenaed documents was a letter written by General Wilkinson to Jefferson, dated October 21, 1806. President Jefferson left it to the U.S. attorney, George Hay, "to withhold communication of any parts of the letter which are not directly material for the purposes of justice."

Hay, in turn, told John Marshall, who was serving as presiding judge, that he would be willing to disclose the complete letter to the court, with the court to decide what material portions should be passed on to defendant Burr. In returning the subpena, Hay said that in his opinion, such parts of the letter should be excised as are:

> Not material for the purposes of justice, for the defense of the accused, or pertinent to the issue now about to be joined. . . . The accuracy of this opinion I am willing to refer to the judgment of the court, by submitting the original letter to its inspection.

Thus the Government counsel tendered the entire letter to the court for its examination. In his ruling, John Marshall stated that:

> The President of the United States may be subpoenaed, and examined as a witness, and required to produce any paper in his possession. . . .

Marshall agreed with Hay that the court should decide what portions of the letter should be turned over to the defendant, and stated that the case must be extremely strong to warrant showing private Presidential communications to the defendant. He concluded by ruling that the letter should be:

> Fully shown to the court before its production could be insisted on.

Thus, Marshall made it very clear that it is for the courts, and not for the President, to determine what must be turned over to the other party, and what may be kept confidential. Marshall also made it clear that what is eventually made available to the other side must be a verbatim excerpt, and not a mere summary.

Thus, it appears that in relying on this precedent, President Nixon was wrong on several counts:

President Nixon said a summary of the contents was produced by Jefferson. In fact, the entire letter was made available by Hay to the court. In this respect, the Burr precedent is even stronger than the court of appeals ruling in the Nixon against Cox case—the court in the present case permitted President Nixon to delete the national security and foreign affairs matters himself; Marshall's ruling would have required those excisions to be made by the court.

Jefferson never refused to cooperate, as President Nixon suggested. Jefferson acted through his U.S. attorney, and tendered the entire Wilkinson letter. Furthermore, Jefferson offered to be personally examined on this subject by a court officer.

The Wilkinson letter was written to Jefferson, not by Jefferson, as President Nixon indicated.

According to the Library of Congress, there is one other instance in which a sitting President of the United States has been subjected to a subpena. That was in 1818, when President James Monroe was subpenaed in the course of a court-martial involving a William Barton. Barton needed a statement from Monroe to substantiate his defense involving an appointment to a naval hospital, and had Monroe subpenaed.

Monroe went to his Attorney General for an opinion. The Attorney General advised Monroe to reply that although his duties prevented his coming to Philadelphia, he would comply with the subpena by responding to interrogatories. These were sent from Philadelphia, and Monroe responded.

Mr. President, I hope this will set the record straight. The President of the United States, like any other citizen, is subject to the rule of law. This appears to have been one of the painful lessons to be learned from the Watergate affair. Let us hope that as this case continues to unfold, this administration will reestablish obedience to the law as its No. 1 priority.

THE DANGERS OF ENERGY DEPENDENCY

Mr. JACKSON. Mr. President, I think it is now obvious to all Americans that unless we move without delay in crucial energy programs, the Nation is going to be in serious trouble. After years of nonchalance, the American people are finally coming to grips with a problem to which there is no easy solution.

In this connection, I want to call the Senate's attention to a recent address by my good friend and able colleague Senator Ribicoff. Speaking to a special seminar on energy held in New York on October 29, Senator Ribicoff pointed out that "if the United States is to remain a world power, it must never permit itself to be in a position where vital American interests must be sacrificed because of dependence on foreign energy sources." Everything we have been hearing about the international petroleum situation confirms the correctness of Senator Ribicoff's point.

Mr. President, I ask unanimous consent that the full text of Senator Ribicoff's remarks be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Speech by Senator Ribicoff

Much of the current public discussion over our nation's so-called "energy crisis" has generated neither light—nor heat. In the attempt to score points in the brand new game of petro-politics, basic truths have often been conveniently overlooked, and the nation's energy picture distorted.

We have indeed encountered certain energy problems, but these are mainly in distribution. The fact is there is no lack of energy resources in the world today. What is lacking in this country, however, is an overall energy policy to deal with today's difficulties and tomorrow's potential shortages.

So there is no real energy crisis today. This might come later—and unless we act now—it most certainly will.

Certain trends already are clear. Our nation's rising demand for energy has driven up costs and created a growing reliance on foreign source oil and natural gas. This should not have come as a great surprise. It had been predicted for some years now. But bad news is never popular, and no one paid much heed to the Cassandras. In the meantime our nation's energy spree continued.

The United States is the only nation to attempt industrial development with the assumption of unlimited cheap energy and natural resources. As a result of this, we have developed an energy appetite that is not only gluttonous, but looks like a bottomless pit. With only 6% of the world's population, we consume today over one-third of its energy and over one-half of all the gasoline produced.

American industry has for years used energy consumption as a method of increasing productivity. We have even made our automobile engines bigger to support devices designed to rid the air of pollutants.

The average U.S. automobile gets 13.5 miles to the gallon—or almost double the gasoline required to move its Japanese or European counterpart the same distance.

European and Japanese industrial operations usually operate with an energy consumption of 10 to 20 percent less than that required to do the same job by American industry.

What has happened since World War II is that the United States has become hooked on oil—with the oil companies acting as pushers. With this kind of extravagant consumption pattern, and the rest of the world's

appetite for energy, problems were bound to crop up—and they have.

The rest of the world tolerated this situation as long as the United States was self-sufficient in energy resources and was using its own abundant raw materials. But now, because of our growing dependence on oil, we are being forced to purchase more of it overseas. This has raised the most serious questions about the value of the American dollar, the impact on our national security, and the role of the United States as a world power.

The most outstanding feature of our nation's energy consumption pattern is that we have increasingly turned to oil. If the growth in demand continues this will mean dependence on foreign oil.

The very real dangers of such dependence have become apparent during the most recent Middle East conflict. The governments of Western Europe have been forced to pursue a more pro-Arab policy because of their heavy dependence on Middle East oil.

During my recent trip to Europe to study oil and energy problems, I had discussed this very situation with European oil and government officials. Last year Western Europe used oil for 63 percent of its total energy consumption. Two-thirds of this came from the Middle East with almost all the rest coming from Africa. Three countries, all involved in the latest fighting—Libya, Saudia Arabia, a. 1 Kuwait—provided more than one-half of Western Europe supplies.

When France sells its latest Mirage fighter bombers to Libya; when England places an embargo on the shipment of tank spare parts to Israel; and when Germany refuses to permit its territory or airspace to be used by American planes airlifting equipment to Israel—we have examples of petropolitics at work.

If the United States is to remain a world power, it must never permit itself to be in this same position. We should all be thankful that this country has not yet reached the stage where vital American interests must be sacrificed because of dependence on Arab oil.

Our own domestic production of oil is now averaging at about 11 million barrels per day of a total of more than 17 million barrels consumed. If our ravenous demand keeps climbing, our needs in 1980 will be 25 million barrels per day—with about half of it coming from abroad.

The problem is more than finding the money to pay for it.

In the midst of the most recent run on the dollar, the Senate Subcommittee on International Trade, which I chair, sought answers from top government officials as to who benefited from the attack on the dollar. While no definitive analysis was forthcoming, the movement of Arab oil money during this crisis was acknowledged.

It is obvious that with the United States paying out $7.5 billion for oil imports this year alone, and with many more billions flowing from elsewhere into the coffers of Saudi Arabia, Kuwait and Libya, the potential for chaos in the entire international monetary system is apparent. This year alone, Saudi Arabia will receive $6 billion in oil revenue with $40 billion predicted by 1980. Saudi Arabia, Kuwait and the Persian Gulf States over the next 12 years will collect the staggering total of $227 billion—and this figure is based on an estimate before the most recent price hikes. By 1985 it is forecast that Arab reserves of gold and foreign exchanges will rise to over $100 billion. How and where this money is spent poses a challenge to all industrialized nations and to the economic health of the world community.

The threat this poses to our economic well-being and foreign policies cannot be overlooked. Not only are there the obvious problems of our balance of payments and our strategic interests in the Middle East, but there is also the danger of destructive competition with Western Europe and Japan for foreign oil. Already, our government's initial attempts to reach some agreement on sharing oil supplies in times of emergency have not been met with great enthusiasm by Europe and Japan.

I have long maintained that ecopolitics is replacing geo-politics in the affairs of nations. With the prospect of the whole world actively competing for the same resources, and the exporting nations playing one nation off against the other, it is fair to say that petro-politics will become the most vital element of ecopolitics.

To date, the success of the OPEC nations in forcing foreign oil companies to meet their demands with regard to price, ownership, control and participation in down-stream activities, has not been matched by cooperation and coordination on the part of the consuming nations. It is simply not in the interest of the United States to leave such important decisions up to our oil companies alone. At the same time it should be recognized that we cannot place the entire burden of developing alternative energy sources on the private sector.

Public attention so far has been focused on oil since most Americans equate the energy crisis with shortages of petroleum products. They have already seen gasoline stations closed or rationing gas last summer. In New England consumers are faced with higher prices for No. 2 heating oil and have been warned of the possibility of shortages this winter. While oil is the immediate problem—it does not provide a longer term solution. Oil reserves are finite and two-thirds of the total proven reserves are in the Middle East. It is through the development of sources of energy other than oil, that the oil problem itself will be solved.

The search for alternative energy sources must be the cornerstone of our nation's energy policy. Today our nation has no clearly defined energy policy, and no clear priorities have been set for research and development. We have had a number of Presidential messages on this subject, but few specific and no appreciable new funding of R & D projects. There has also been no clear signal of what exactly is expected of American industry and the American people.

If we are to escape from a dangerous dependence on foreign-source oil, there are two broad goals which must be pursued simultaneously.

We must lower our demand curve by effective conservation measures and we must increase domestic energy production by the application of new technology and the acceleration of proven methods.

With regard to the first objective, a recent Treasury Department study outlined eight emergency measures that would save two million barrels of oil a day. This figure represents 12% of present U.S. consumption, and is also twice as much as we import from Arab countries.

These are the measures outlined:

1. Reducing speed limits to 50 miles per hour for passenger cars—150,000 barrels a day would be saved.

2. Increasing load factors on commercial aircraft from 50% to 70% by consolidating and reducing flights—50,000 barrels a day saved.

3. Setting home thermostats two degrees lower than average—50,000 barrels a day saved.

4. Conservation measures in industry—500,000 barrels a day saved.

5. Limiting hot water laundering of clothes—300,000 barrels a day saved.

6. Mandatory car tune-ups every six months—200,000 barrels a day saved.

7. Conservation measures in commercial buildings—200,000 barrels a day saved.

8. Increasing car pools for job commuting—from 1.3 average to 2.3 average per car—200,000 barrels a day saved.

If by measures such as these we can keep the nation's growth rate of energy consumption to around 3% instead of the current 4½% annual increase, we can begin to escape from the energy crunch. Realistically, we cannot do away with all oil imports by 1985—but we can limit these imports to around 10% of our total requirements—or about 5 million barrels a day.

A report issued by the Office of Emergency Preparedness said that by 1980, the country would reduce its energy demand by the equivalent of 7.3 million barrels of oil a day and save an estimated $10.7 billion in outlays for imported oil, thus benefiting its balance of payments problems as well.

In examining alternative sources it is prudent to first look at areas where the requisite technology already exists. Because of this the most we can expect from nuclear power by 1985 is 10% of our nation's consumption. Nuclear fusion, hydrogen power and solar energy are still decades away. Natural gas, with only 11 years of proven reserves can only be counted on for 15% of total consumption in 1985. Oil from shale will be important by then, but aside from serious disposal and water problems, this involves the development of new technology.

The key then to a realistic energy policy is coal. This is certainly not revelation to an audience like this. But in the space age such an old-fashioned solution will surprise many Americans. Increased coal production, with emphasis on gasification and liquefaction of coal must be the main element in any effective program.

First, more coal should be used to generate electricity. This can happen almost immediately. While this raises the sulphur problem, there are already in existence processes to remove sulphur from stack gas. For the near future there is great hope in magneto-hydrodynamic power generation—MHD—whereby energy from coal is converted directly into electrical energy. More important, however, than the burning of coal itself is its conversion to gas and at a lower priority to oil. The advantages are obvious. Gas is cleaner, more adaptable, easily transported—and environmentally the most acceptable.

Options for processing coal include conversion to low-BTU gas, high-BTU pipeline-quality gas, oil, or various combinations. The great advantages of gas justify concentration on this choice. But a massive crash program is needed to move this forward.

The Congress has already taken the lead here, and has support to develop its own competence in planning energy research projects. The major initiative in the Senate is a measure introduced by Senator Jackson, which I have cosponsored. It seeks to commit this nation to a goal of energy self-sufficiency by 1983 and to buck-up the ten-year commitment with $20 billion. This bill calls for the creation of five quasi-public corporations to develop energy technologies, including one for coal gasification and one for coal liquefaction.

Along with Senator Jackson I have been chairing hearings on the Administration's proposal to create a Department of Energy and Natural Resources. But before we can reorganize, we have to know where we are going and how much we are willing to spend to get there. We also must come to grips with the conflict between greater self-sufficiency in energy and preservation of the environment.

A fourfold increase in the use of coal inevitably leads to problems connected with strip mining. I know you will be hearing more about this later today, but it should be noted that a large part of the nation's coal reserves are located on public lands, putting the federal government in a position

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to set the conditions for mining operations. Strip mining as you can imagine is not a wildly popular idea with citizens and groups concerned about the preservation of the environment.

It is clear that there must be provisions for restoration of the land after the coal is extracted, disposing of solid waste from the land after the coal is extracted, disposing of solid waste from the mining process, and creating a satisfactory land surface. Similarly, new coal gasification plants must incorporate controls to avoid air and water pollution.

But with a maximum of goodwill and understanding, and with an involved federal government—solutions should not be beyond human ingenuity.

The investment needed to go forward with plans to have coal meet 50 percent of our energy needs by 1985 would be substantial—some $15 billion by reasonable estimate. But I would rather see this nation make such an investment instead of spending this sum to buy Middle East oil.

PUBLIC FINANCING OF ELECTIONS

Mr. BIDEN. Mr. President, on September 21, 1973, I testified before the Senate Rules Committee on the subject of public financing of Federal elections.

In my formal remarks, I took the view that:

> I do not believe the old ways of campaign financing are sufficient. In fact, they are deficient. The time has come for all good men of both major parties to come to the aid of the system by changing it.
>
> Slowly, Mr. Chairman, I have become convinced that efforts to place ceilings on overall campaign expenditures, to prohibit certain groups from contributing funds, to restrict the size of campiagn contributions—these and other devices, however well-intentioned and well-designed—are not fully effective.

Mr. President, I ask unanimous consent that the full text of my formal statement be printed in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Thank you for providing me with a few minutes of your time in order that I may share my views with you about public financing of election campaigns for Federal office. I wish particularly to thank Senator Cannon for his willingness to put this important issue on the agenda of the Committee on Rules and Administration of which he is chairman.

I sense that there is an increasing number of Senators, both Republicans and Democrats, who have come to support the concept of public financing. In late July of this year Senators Kennedy and Scott offered a bipartisan amendment to S. 372, the campaign financing bill then before the Senate, that would bave established a system of public financing for elections. The amendment, although tabled garnered 38 votes—10 Republicans and 28 Democrats.

I wonder what J. P. Morgan, the financier, would have said had he witnessed the discussion about the Kennedy-Scott Amendment? Mr. Morgan, you may remember, once complained about President Theodore Roosevelt, who had advocated public financing:

"If Roosevelt had his way, we'd all do business with glass pockets."

And that's exactly the point.

As the New York Times recently pointed out:

"Since political campaigns are indispensable to self-government and since campaign cost have to be paid by some source, the central question is not how to break the nexus between politics and money. Rather, it is how to make that connection clean and open."

In other words, politics needs those "glass pockets" that Mr. Morgan complained about more than half-a-century ago.

Aside from the issue of public financing, I suggest that a majority of the Congress and the American people believe as a minimum that there should be full disclosure of campaign finances—both contributions and expenditures.

But this, in itself, seems to be insufficient.

Full disclosure—"Glass Pockets"—does not touch a condition which is best described as a "Tyranny of the Incumbency." It is too difficult for challengers to overcome incumbency.

I'm now an incumbent myself. Nevertheless, I do *not* believe the old ways of campaign financing are sufficient. In fact, they are deficient. The time has come for all good men of both major parties to come to the aid of the system by changing it.

There is also the matter of rising costs.

The 1984 of presidential elections will come about when there are no candidates available who can each raise the trillion-dollars to finance the campaigns.

What this adds up to is that the political system is in trouble because, as someone has said for us. Democracy is less a form of government than a system that assures we shall be governed no better than we deserve.

The hazard is not necessarily that the voters will rise and vote us all out of office within the next few years. A clear and present danger is that the voters may turn away from the ballot box—after all the 1972 presidential voter turnout, percentage wise, was the lowest in this country.

The real danger, then, is that the dismayed American voter may act like Mark Twain's cat which sat down on a hot stove lid—the cat never will sit down on a hot stove lid again, but also the cat will never sit down again.

My wife, who was less of a politican than I, used to have an expression she used. She said: "You should not burden your elected officials with too much responsibility." I think she was a true Jeffersonian.

Slowly, Mr. Chairman, I have become convinced that efforts to place ceilings on overall campaign expenditures, to prohibit certain groups from contributing funds, to restrict the size of campaign contributions—these and other devices, however well-intentioned and well-designed, are not fully effective.

Disclosure and ceilings have merit, but the ingenuity of political operators outranks that of an Einstein in finding ways of funneling private funds of undisclosed, if not dubious origins, into campaign coffers.

Public-subsidy would allow candidates—incumbents and challengers alike—to compete more on the basis of merit than on the size of the pocketbook—free from potentially corroding dependence on personal or family fortune or the gifts of special interest backers—be they those of business, organized labor or conservative or liberal interests.

I think that when we ask men and women to go out and raise the hundreds of thousands of dollars that is necessary to run for public office in this nation, we are putting them in a position of being exposed to great temptation. Not personal financial gain, but great temptation to maybe not say what they think all the time, maybe not take the positions they support all the time.

I suggest an additional benefit may accrue from adoption of public-subsidy campaign financing. I believe it would hasten the day when we in the Congress enact tax-reform for the American people. Revision of the Federal tax code as to make it fairer is made more difficult, in my opinion, because those wealthy who benefit by existing tax shelters also make large campaign contributions.

As for specifics, Mr. Chairman, let me say that there is an "objective solidarity" among supporters of public-financing of Federal elections that this concept should be enacted into law. I hope we do not fall out among ourselves as specific legislation comes before us. I think we should try for a workable bill, even one that simply makes a modest beginning and even if it permits a measure of private financing of small contributions not in cash. A central reporting system, with a single treasurer, should be established. Adequate provision for public financing of "independent" and minor party candidates should be provided. Some modification of the franking privilege should be instituted—either extending it to challengers in the period between a primary and a general or suspending it during that period for incumbents. At this time, I am most reluctant to compel commercial radio and television stations to provide adequate time for political candidates.

I can well understand the frustration at the unresponsiveness of many individually licensed stations to recognize their public responsibility in this area. Furthermore, I well know the high proportion of expenditures allocated to "media," largely broadcasting. I would prefer to have broadcasting stations respond ungrudgingly on their own: some are. Let's give them an additional opportunity before enacting any compulsory legisaltion compelling them to allocate time for candidates in both primary and general elections.

I think that with good-will, and less concern for obtaining personal recognition, we supporters of public-financing can achieve our objective.

Public financing—public subsidy—is the swiftest and surest way to purge our election system of the corruption that, whatever the safeguards, money inevitably brings.

In an essay of Thomas Carlyle is found a statement I offer in conclusion, Mr. Chairman:

"Our grand business is not to see what lies dimly in the distance—but to do what clearly lies at hand."

THE SCARLET LETTER

Mr. PROXMIRE. Mr. President, the Philadelphia Inquirer on September 9, 1973, carried a most informative article by Mike Leary regarding the serious problems involved in maintaining a good credit rating. Because of today's myriad credit economy, thousands of individuals will encounter difficulty at one time or another in keeping their credit records straight.

One of the cases related by Mr. Leary deals with Robert Meisner, a New York businessman whose auto insurance application was denied because a member of his family was considered unacceptable for credit. According to the information maintained in a credit file on Mr. Meisner, his son had long hair and was suspected of using drugs. Mr. Meisner was one of the more fortunate ones. He finally received auto insurance coverage, but only after considerable effort on his part as to the veracity of the information contained in his credit file. The "intelligence" concerning his son, however, remains a matter of this man's record, on display like a scarlet letter to any inquirer.

Recently, my Subcommittee on Consumer Credit completed 1 week of oversight hearings on the Fair Credit Reporting Act, which has provided some measure of protection against an inaccurate credit report. The information developed during these hearings clearly points out the urgency for more comprehensive regulation.

Mr. President, I ask unanimous consent to print Mr. Leary's article in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Credit Is a Risky Business—It Is Hard to Clear Your Name

(By Mike Leary)

About a year ago, the Nationwide Insurance Co. turned down Robert Meisner's auto insurance application because a credit company reported that his son was "a long-haired hippie . . . suspected of drug use."

Meisner, a suburban New York City businessman, eventually succeeded—with much difficulty—in persuading Nationwide that the information was of doubtful accuracy.

He got his insurance, but he wasn't able to get the adverse information out of his credit file, where it still ticks away like a time bomb. The reason: the firm that dug up the allegations—the Retail Credit Co., a giant, Atlanta-based investigative firm with branches in Philadelphia and dozens of other American cities—stuck to its charges after rechecking them with its anonymous informants.

Retail Credit's executive vice president, Franklin Brutzman, shrugs off the case as "an isolated example, surely not representative."

But to critics of the way in which credit bureaus currently operate, the case is but one of an apparently large number of cases in which individuals are victimized by the potential for error in the complex field of keeping track of the credit records of millions of consumers.

The critics, which include some consumer agencies, the American Civil Liberties Union, and even some people within the credit bureau business, contend that the consumer needs opportunities to correct wrong or misleading information that comes into his file.

Few persons are advocating that credit bureaus be abolished. The service they provide is essential in an affluent, highly mobile society in which individuals expect to walk into a bank and receive a loan from a loan officer they may never have met before, or to send a postcard away to request a credit card, or to walk in off the street and buy insurance.

Insurance companies, credit card concerns, retail stores, and other businesses pay over $450 million to obtain credit information on potential customers from the nation's some 3,000 credit bureaus. By one estimate the bureaus churn out 135 million files a year on Americans who are buying something, somewhere on credit.

Credit Bureaus like the Philadelphia Credit Bureau at 1211 Chestnut St., simply gather information on how faithfully an individual has paid his bills. Other concerns, like Retail Credit, prepare detailed background reports, including comments on an individual's personal life culled from acquaintances and associates.

Throughout, the individual is dependent on the accuracy, good judgment, and integrity of the credit bureau to literally protect his good name. And, as the Meisner case indicates, there can be cases in which the capabilities of the credit bureau are open to question, and where the citizen's recourse is limited.

"This (the Meisner case) is just the tip of the iceberg" says Ira Glasser, an American Civil Liberties Union attorney in New York. "We run into dozens of similar cases each year, but I suspect many more aren't reported because many people don't realize they have some rights under the law."

What rights individuals do have are embodied in the Fair Credit Reporting Act of 1971, pushed through after sometimes stormy hearings conducted by Wisconsin Sen. William Proxmire. Under terms of the law, Meisner was, for example, able to have his file read to him orally, and to have placed in the file a notation saying that he disputed the allegations about his son.

But some persons, like Harvard law professor Arthur Miller, think such rights give too little power to the consumer. "The act simply doesn't go far enough . . . it's full of loopholes," says Miller, who helped prepare a recent Department of Health, Education and Welfare report that contained strong criticism of automated personal data systems.

To use Meisner as an example again. He wasn't able to obtain a written copy on his dossier, or learn who provided the adverse information. And he wasn't notified of his rejection by the insurance company until it was fait accompli.

Beyond that, the act says only that credit information must be provided to parties with a legitimate business interest in the files, a broad definition. It doesn't prevent straight financial case histories—like the tidy bill-paying records compiled by the Philadelphia Credit Bureau—from being combined with the subjective, investigative reports Retail Credit also prepare.

There is no provision in the law for licensing credit bureaus, and there is nothing to stop bureaus from acting as bill collection agencies, as many do, including the Philadelphia Credit Bureau.

The act skirts questions about the desirability of maintaining such files at all—particularly the investigative reports that delve into such personal areas as drinking and driving habits, and, in some instances, report on sexual activities and political beliefs.

All of these factors add up to what J. Taylor DeWeese, a Philadelphia attorney who was a colleague of Miller's on the HEW panel, describes as "an information imbalance."

"The information-gathering agencies," he says, "are continually obtaining more and more material on the individual who knows less and less about the agencies all the time."

Narrowing this gap means treading on tricky terrain. As Robert Nicholas, director of the Philadelphia office of the state Bureau of Consumer Protection puts it: "Credit bureaus have some rights, too."

A department store, for instance, has an interest in knowing whether a potential credit customer has left a trail of unpaid bills elsewhere. And an auto insurance company would shy away from covering someone who was a problem drinker.

Right now, credit grantors can routinely obtain such records in writing, but consumers can't. This is partly, suggests Anthony C. Capaldi, who manages the Philadelphia Credit Bureau, because of a fear that persons with bad credit ratings would alter written reports to fraudulently—obtain credit.

(Critics—like Proxmire aide Kenneth McClean—scoff at this argument, saying consumers who aren't able to obtain written records can never be certain "whether . . . all of the information is being disclosed.")

Even if written records were available—as they are in the Canadian province of Quebec—there would still be a problem with the investigative reports, which rely heavily on anonymous sources.

Brutzman argues that without confidentiality, 'people wouldn't talk and information would dry up . . . we have to protect our sources just like the press has to protect theirs."

No one has ever conducted a systematic study into the accuracy of such records—their vast numbers (Retail Credit, alone, has 50 million files) is an awesome deterrent.

Miller points to an informal study conducted by a consumer protection group in Tulsa, Okla., in which members checked their own credit ratings: "The error rate was 40 percent. One man, for instance, found he had an excellent credit rating because he was a heavy and frequent borrower and always paid off his loans promptly. In fact, he never had borrowed any money at all."

Investigative files are even more susceptible to error, suggests Glasser, because "They institutionalize gossip, some of it malicious, a lot of it not substantiated. In fact, I've never run across a file of this type that's been completely accurate.".

An Inquirer reporter who checked his own file at the Retail Credit Co.'s Philadelphia office uncovered several errors. It said, for instance, that he'd spent a year in Australia, when he hadn't (his brother had); it said that he'd attended the University of Wisconsin when he'd gone to Notre Dame and Columbia; it estimated that his income was 40 percent less than it actually was.

When such errors do crop up, notes Nicholas, "the burden is generally on the consumer to correct them."

William Cain, now manager of Dun and Bradstreet's Scranton office, learned that to his dismay.

Earlier this year, Cain then living in Philadelphia, had his Lit Brothers credit card stolen by a thief who rang up $400 in bad bills on it, Cain wasn't forced to make good on the fradulent purchases, but—by mistake—a negative notation turned up in Philadelphia Credit Bureau files.

After he was turned down for a credit application at Sears, Cain uncovered the error and got Lit's to admit it. But it took more than two months to get his rating restored—and in the meantime he was turned down at Sears a second time.

"It was unbelievable," he says of the incident. "The credit bureau just wouldn't believe me when I told them they'd made a mistake."

Capaldi, manager of the Philadelphia Bureau, for his part, says "such things happen. We're human, and we make mistakes."

For Cain, the error was a relatively minor—although frustrating—problem. But, notes McClean, because "an individual does not learn of an adverse report under the law until he has actually been turned down for either insurance, employment or credit . . . in many cases it may be too late to do anything about it, particularly if he has applied for a job.

"He finds he has lost the job, he goes down to the credit bureau, he gets the report corrected, but in the meantime, someone else has the job, so it doesn't do him much good."

Under current law, there is at least a mechanism to wipe out such errors, or failing that, to dispute them with a contradictory statement.

While the consumer may have difficulty finding out what exactly is in his file, almost anyone who claims to be doing business with him can get the information or request. The only restraint on the dissemination of the material is that which the credit bureaus impose on themselves.

Says Gerald C. Davey, former president of the Credit Data Corp., one of the nation's largest commercial credit agencies, "There isn't anyone who can't find some sort of legitimate business concern and get access to the files."

Indeed, CBS correspondent Mike Wallace once created a bogus corporation, then picked names out of the phone book at random in 20 different American cities. Using a fake letterhead, he asked for credit information on each of the persons from their local credit bureaus. In 50 percent of the cases, he obtained it.

Capaldi says such a thing "couldn't happen" in Philadelphia, noting a company has to be affiliated with the credit bureau before it gets information. But he admits credit rat-

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ings are often read over the telephone, and persons who know a store's coded identifying number could "theoretically" obtain information under false pretenses.

Another potential danger, contends Davey, is that "people who have no business looking at credit files get to see them routinely. I feel very strongly that credit reports should only go to credit grantors—and no one else."

Yet Retail Credit frequently submits both character and credit reports to employers. As Brutzman told a reporter: "If you were the publisher of The Inquirer, wouldn't you want to know how someone you were going to hire paid his bills?"

A similar "conflict of information" situation, as Davey describes it, exists when a credit bureau also acts as a collection agency.

The Philadelphia Credit Bureau's collection arm, for instance, sends out notices which warn consumers that delinquent bills must be paid in seven days, or "this information will be entered on your credit record."

It's a practice Capaldi sees "nothing wrong with—we're a reputable agency and if a consumer disputes a bill, we * * *

But Otis Littleton, executive director of the Consumer Protection Committee of the state House of Representatives, disagrees.

"There is an implied threat in that sort of notice," he says, noting that his committee is now drafting a bill to outlaw the practice.

"Why should an individual have to cope with that sort of pressure? It's simply unfair."

That, says Glasser, is the crucial point: "Look at the Meisner case—is it fair that that nonsense about his son is going to follow him around for the rest of his life? Why do insurance companies need such information in the first place?"

"You know," observes Nicholas, "the unfortunate thing about the whole situation is that all of commercial law that deals with sources of information, free flow of credit, (and) ethical conduct, was never developed with the consumer in mind.

"Right now, credit bureaus too often reflect the businessman's interests, but with a few changes here and there, they could very easily serve the consumer."

HARVEY EDWARDS

Mr. SPARKMAN. Mr. President, at the end of October, Harvey Edwards of Tuscaloosa, Ala., retired as chairman of the Druid City Hospital Board of Trustees. He has served that hospital for many years and was during all of those years a great strength and a great manager. He devoted his time and effort without stint to that work.

I have known Harvey Edwards since he was a high school student in the same high school that I attended with him in Hartselle, Ala. He was 1 year ahead of me. Upon graduation he went to the University of Alabama in Tuscaloosa and a year later I followed him to the university. He was a great help to me as a freshman and throughout the years that we were there together. I have never known a better man and a better citizen. I congratulate Harvey Edwards upon his long years of great service and I wish for him and Mrs. Edwards great happiness in the retirement which they have so justly earned.

The Tuscaloosa News printed a very nice review of his activities and his service throughout the years; also, an editorial entitled "Harvey Edwards Has Served Community Well." The Birmingham Post Herald likewise carried a laudatory news item regarding his retirement. I ask unanimous consent to have all of these articles printed in the RECORD as a part of my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

EDWARDS TO RETIRE FROM DCH BOARD

(By Anne Plott)

H. A. Edwards Sr., a 26-year veteran of the Druid City Hospital Board of Trustees and chairman of the board since 1953, will step down when his current term expires at the end of this month.

"I love people and I love Tuscaloosa and the people here," Edwards said of his service on the board before attending a meeting Monday night of the newly created Druid City Hospital Foundation. "It has been one of the greatest joys I ever had. It pays better than anything I ever did."

The 80-year-old chairman was not talking of a cash payment. Hospital board members serve without pay.

Edwards later spoke to a banquet audience combining a meeting of the foundation and the hospital's continuing golden anniversary celebration, and it was then when he announced he was stepping down.

At the meeting, Herbert D. Warner, chairman of the board of the Warner Foundation, and Joe Duckworth, chairman of the board of Duckworth-Morris Agency Inc. and chairman of the board emeritus of First Federal Savings and Loan Association, were named as the Druid City Hospital Foundation's first two fellows.

Both Warner and Duckworth are former members of the hospital's board of trustees. A fellow with the foundation has no fixed duties but may be consulted by foundation officials on matters of policy.

Warner's son Jack, who is president of Gulf States Paper Corp., presented the plaques for the two fellowships. Jack Warner is vice president of the Druid City Hospital Foundation.

Charles Snyder, president of the foundation, said that one of the new non-profit corporation's duties will be to aid hospital expansion by soliciting and administering gifts, bequests and donations to the hospital.

The first phases of Druid City Hospital's massive $20 million expansion program are now under construction, hospital administrator D. O. McClusky told the meeting.

Before Edwards made his announcement, his son, H. A. Edwards Jr., had unveiled a color portrait of the board chairman, which McClusky said would hang "in a position of honor in the board room at Druid City Hospital."

The portrait was a gift from hospital employes.

"He was first appointed to the board in 1947 and has served as its chairman since 1953," McClusky told the banquet meeting, which included hospital trustees, former trustees, members of the medical staff of the hospital, members of Druid City's medical clinic board and others.

"In all those years, he missed only one meeting and that is a remarkable record," McClusky said. "It is true that he did attend two meetings in a wheelchair because he was in the hospital himself, but he was there."

"I know I speak for all of them when I say that he will be deeply missed," Snyder said after Edwards' announcement. Snyder also is a hospital trustee.

"We know it is because of pressurea of health and not because of any lessened desire to serve his community," Snyder added.

Edwards talked of the progress made at Druid City over the years since the hospital was located in the facilities of the old U.S. Army Hospital at Northington before the building on the present site was completed.

"It's come a long way since we moved out to Northington," he said. "So much has happened and so many crises passed—apparently successfully."

McClusky later told the group that work is now under way on Druid City's new infant intensive-care unit, on expansion of the emergency room and site work at the rear of the hospital which will result in a new entrance on McFarland Boulevard.

"There are only two hospitals which have more beds than we do, and only one in the state admitted most patients than we did last year," he said.

"I'm glad to say to you tonight that we have a Druid City Hospital that stands out well in comparison with others," Edwards said.

In addition to his hospital board service, Edwards also served 10 years on the Tuscaloosa Planning Commission.

Edward's long career has been studded with many honors for civic and professional service.

In 1966, he was named Tuscaloosa's Citizen of the Year by the Tuscaloosa Civitan Club. In 1971, the Tuscaloosa County Homebuilders Association presented him with the organization's Community Builder Award.

Edwards also was named Realtor of the Year by the Tuscaloosa Real Estate Board in 1962. His church, Calvary Baptist, in 1968 made him a "life deacon" in recognition of his long service in that office.

Edwards' life is almost a model for a story of a poor boy who makes good. He was born in a two-room tenant dwelling in the Morgan County community of Lawrence's Cove.

At 14, he quit school to support his family. But Edwards returned to school when he was 16 and then worked his way through Hartselle High School as a janitor.

He graduated from high school in 1916 with an average of 97 in a class of 13 members. That summer, with $100 in cash, he moved his family to Tuscaloosa where he entered the University of Alabama.

Dr. George Denny, then University president, gave him a job at the school's power plant shoveling coal for the furnaces. Sen. John Sparkman was a member of Edward's crew at the University's power, water and electrical plant at Comer Hall.

He left the job in 1918 for military service. But he returned in 1919 and graduated with an AB degree that year. He worked for a chemical company at Holt for a short time and then returned to the University for his law degree in 1920.

Later that year he entered the life insurance business.

In 1921 after completing some special courses at the University, Edwards went to work for the Veterans Administration in Washington. He later worked for the VA in Illinois, Wisconsin and Michigan.

He returned to Tuscaloosa in 1923 entering the general insurance business. Edwards expanded his business to include real estate in 1928. In 1929, he organized the H. A. Edwards Insurance Agency Inc. and has served as its president ever since.

Edwards is a member of the Tuscaloosa Civitan Club and served as its president in 1947. He is also a member of the American Legion, the Tuscaloosa Chamber of Commerce, the Woodmen of the World and the Masons.

HARVEY EDWARDS HAS SERVED COMMUNITY WELL

H. A. Edwards Sr., will retire as chairman of the Druid City Hospital Board of Trustees at the end of the month. This community and this section of the state owe this man a debt of gratitude for his long, faithful and fruitful service.

Edwards has served as a hospital trustee for 26 years and has been chairman of the board for the past 20. This has been a period

during which Druid City Hospital has made tremendous strides toward providing adequate care and treatment for patients of this community and others from West Alabama. It has been a time when the hospital has faced problems—in service, in facilities.

Druid City Hospital today stands as a fitting memorial to Harvey Edwards dedication and determination. He has not been alone in providing leadership for the institution, but he has always been in the forefront in determination to provide this community with the best possible hospital and staff.

Druid City now is embarking on a new expansion program. This is part of a continuing effort to improve facilities, to keep pace with needs and medical technology. That has been the hallmark of the period during which Edwards has been Druid City's board chairman.

Planning and looking to future needs have been uppermost in the direction of the hospital board from the time the institution moved from the University campus to the former Northington General Hospital and then on to its present location in modern facilities.

Certainly Harvey Edwards has earned well-deserved relief from his duties as board chairman of the hospital. And he retires from that position assured that his long service has been appreciated by hospital staff and employes, by his fellow board members and by this community.

DRUID CITY HOSPITAL BOARD CHAIRMAN RESIGNS

TUSCALOOSA.—After 26 years on the board of trustees at Druid City Hospital, the past 20 of them as chairman, H. A. Edwards has resigned.

Edwards was appointed to the board in 1947 and was elected chairman in 1953. In his 26 years on the board, Edwards missed only one meeting, according to hospital administrator D. O. McCloskey.

The resignation announcement came at a banquet celebrating the 50th anniversary of the hospital. An oil portrait of Edwards, a gift from hospital employes, was unveiled and will be hung in the hospital board room.

Also at the meeting, Herbert D. Warner, chairman of the Warner Foundation, and Joe Duckworth, chairman of the board of the Duckworth-Morris Agency, were named as the first two fellows of the newly formed Druid City Hospital Foundation.

The foundation was formed to help the hospital seek bequests and grants for an announced $20 million expansion program.

McCloskey said that progress was being made on the first phase of the expansion, an intensive care unit for infants. He said West Alabama has one of the highest infant mortality rates in the Southeast.

LAND USE POLICY ACT

Mr. ABOUREZK. Mr. President, on June 21 of this year the Senate passed the Land Use Policy and Assistance Act (S. 268). I believe this is a good act. It is badly needed but also widely misunderstood.

It has been claimed by some that the National Land Use Policy Act would challenge the basic rights of property owners. That is simply not true. The purpose, and the effect of this act would be to provide financial assistance through grants to State and local governments to improve existing land use controls and to make them more democratic.

The fact of the matter is that this act may be the last, best chance we have to preserve and invigorate local land use decisionmaking and to insure that basic property rights are not infringed by Washington bureaucrats.

I support this bill precisely because I believe that State and local government, working together, can provide a better design for tomorrow—a design which embodies all legitimate values and goals, local, regional, and national.

We must take this chance while we still have the opportunity. The alternative is continuing land use crises that could well lead to the usual solution to national problems: Federal control.

To further explain this bill. Senator MCGOVERN and I have worked out a fact sheet showing the necessity for this bill and describing what the bill does and does not do. It also includes some editorial comments on the importance of this legislation.

Mr. President, I ask unanimous consent that this fact sheet be printed in the RECORD.

There being no objection, the fact sheet was ordered to be printed in the RECORD, as follows:

FACT SHEET ON S. 268, LAND USE POLICY AND PLANNING ASSISTANCE ACT OF 1973

Everything, it seems, is growing: population, size of urban areas, transportation, energy and food consumption, and industrial capacity.

Land area, on the other hand, does not grow; the Nation will remain its present size.

But each of these growth categories requires more and more land, creating more and more conflicts over the use of finite land area.

These conflicts have brought about a clear need for better land use planning and decision-making.

Every change in land use requires a decision: farming or strip mining of coal; corporate or family ownership of farmland; recreation and wildlife or highway construction; factory or power plant or parkland.

At issue is whether decisions as to the best use of land will continue to be made on a helter-skelter basis, with little regard as to how they affect people, or whether they may be made in an efficient, systematic manner.

Congress, after years of study, has developed a proposed method of land use planning and decision-making. It is in the form of a bill, the Land Use Policy and Planning Assistance Act (S. 268), which passed the Senate by a vote of 64–21 on June 21, 1973.

Inevitably, land use decisions will be made. S. 268 addresses the question: who will make them?

People at the local and state levels, and not the Federal government, should make these decisions. That is the intent of S. 268, which has passed the Senate and is now before the House of Representatives. The Federal government should properly assist in funding an effort in each state, and in making decisions of a national concern—but decisions that are legitimately those of the local and state bodies must remain in the hands of the people. S. 268 does not permit Federal interference with these decisions, but strengthens their ability to make decisions stick, by insuring that adequate funds are available. Congress provides a general framework for funding and action—but it would be strongly to the benefit of the people of South Dakota that they take the initiative to plan wisely for future land use.

That there is a need to make these decisions over our land now can be shown by a short review of some of the statistics looming ahead.

Within thirty years, if present trends continue, an additional 28 thousand square miles of presently undeveloped land (18 million acres) will be needed for urban growth. What we call urban sprawl will then constitute an area roughly equal to the combined size of New Hampshire, Vermont, Massachusetts, and Rhode Island. New urban growth will demand an increased area the size of the state of New Jersey each decade.

By 1990 the Department of Transportation estimates that we will have built another 18,000 miles of freeways within urban areas alone. These and other uses will be competing with farm and recreational uses for land. The electric power industry estimates that it will need three million acres of new right-of-way for transmission lines and more than 140,000 acres for 200 new generating plants. During this period of rapid growth, farmers and ranches will be asked to supply enough food not only for our own fast-growing population, but perhaps for other parts of the world, all while urban areas spread into what once was farmland; it is essential to maintain prime farmland for these production requirements.

WHAT S. 268 DOES

(1) Provides that local land use decisions be made by local government.

(2) Requires States to exercise rights and responsibilities over land use planning and policy decisions of "more than local concern."

(3) Requires States to maintain a process of planning and a "balanced" State land use program which takes into account needs of environment (recreation, social services, and essential economic activities—transportation, energy, housing, and agriculture.

(4) Authorizes appropriations to the States to develop land use data inventories, improve the size and competence of professional staffs, establish appropriate planning agencies, and develop State land use programs.

(5) Gives the States wide latitude in determining the method of implementing the Act and reasserts all local land use powers under State guidelines such as in flood plain and power plant siting laws.

(6) Authorizes appropriations to the States to coordinate land use planning in interstate regions, and encourages coordination of Federal planning and management of Federal lands with State and local planning of non-Federal lands.

(7) Authorizes appropriations to Indian tribes to develop land use programs for reservations and other tribal lands.

WHAT S. 268 DOES NOT DO

(1) Does not alter private property rights, which are guaranteed by the Constitution. Subsection 203(f) reads:

"Nothing in this Act shall be construed as enhancing or diminishing the rights of owners of property as provided by the Constitution of the United States or the constitution of the State in which the property is located."

(2) Does not alter any landowner's rights to seek judicial redress for land taking. The Act does not change constitutional or statutory provisions for police power or eminent domain. The right of a landowner to petition a court for a determination of whether a particular exercise of State police power diminishing the use of land requires compensation is guaranteed in every State.

(3) Does not mandate State zoning, but reasserts local zoning powers. States are encouraged to develop programs not by zoning or by producing a master plan, but by reinforcing local government authority and providing guidelines for the exercise of that authority.

(4) Does not require or allow "federal planning" or "federal zoning." Zoning power is based on State police power; the Federal government does not have authority to zone State or privately owned lands.

(5) Does not permit wide-ranging Federal

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review of State and local decisions concerning the use of State and local lands. Federal review is to focus on procedures to develop, and the State's ability to implement, State land use programs, not the substance of those programs.

(6) Does not require State planning over all land within a State. Rather it focuses on five categories of critical areas and uses of clearly more than local concern:

A. Areas of critical environmental concern (shorelines, flood plains, historic areas).

B. Key facilities (airports, major highway interchanges, power plants).

C. Large-scale development (industrial parks).

D. Public facilities or utilities of regional benefit.

E. Land sales or development projects.

(7) Does not tell a State how much or what specific land must be included in the State land use program. The extent of and type of land use to be included in the critical areas and uses of more than local concern depends on how the State defines those five areas or uses.

EDITORIAL COMMENTS

Sound land planning use needed now

(Watertown, S.D.—Public Opinion—August 21, 1973)

For years visionaries have proclaimed the need for a national, uniform land use policy in the interests of environmental preservation and human requirements. The need has grown as population has grown and as that population has moved about in the world's most mobile nation.

Land use planning has become a national project, in later years extending into the states. The issue was given strong local flavor recently with a meeting in Watertown of the Special S.D. Legislative Committee on Land Use.

Among those testifying at the committee's meeting was Allen Burke, editor and director of public relations for the S.D. Farmers Union. Burke, emphasizing the growingly acute need for a consistent, inclusive policy oriented—in South Dakota's case—toward agriculture, had this to say:

"Regulation and control of land in the interests of people is essential if real progress is to be made in achieving a quality of life for all Americans. It is essential because control of the land is the key to insuring that all future development is in harmony with sound ecological principles.

"The land use and environmental problems of the present, serious as they are, look relatively insignificant when compared with the problems we will have in 10, 20 or 30 years if we fail to develop the institutional and legal capacity to deal with the land use problems that exist now and that will developed in the future."

At this point, Burke offered some startling projections to document the broadening need for land use planning:

By 1975, the nation's park and recreation areas, many of which are already crowded and overcrowded, will receive twice as many visits as they do today and perhaps 10 times as many by the year 2000.

By 1978, the nation must construct 26 million new housing units. This is equivalent to building two and a half cities the size of the San Francisco-Oakland metropolitan area every year.

Each decade, new urban growth will absorb 5 million acres, an area equivalent to the state of New Jersey.

Demands for electrical energy will double every 10 years. By 1990, demands will have increased by 284 per cent.

The cause for alarm here rests largely in the fact that little has been done to plan for and deal with the problem of accommodating future growth in a manner compatible with a quality environment. Says Burke, "We have instead settled for haphazard growth generated and controlled by individual and local economic considerations with complete disregard for social and environmental problems created by the projects concerned."

It is not at all difficult to identify relatively nearby examples bearing out this statement. Multiply them by a nation-full and the enormity of the problem, with the concurrent need for sound land use planning now, becomes instantly obvious.

Land use laws

(National Catholic Rural Life Conference Newsletter, September 1973)

The National Catholic Rural Life Conference Directors in 1948 at their annual convention passed a resolution on Land Use. 1948, mind you! Twenty-five years ago.

The resolution stated: "We urge the establishment of a National Land Policy which will carry out the mandates of natural law in the matter of access to natural resources by human beings. Agricultural science, social advancement and Christian charity and justice must be considered as basic guides in the formation of a national land policy.

Preservation and development of the family-type farm and to make it productive of the greatest possible spiritual and temporal good for the family, the community and the world."

Today, land use and land policy is the "in thing." Legislators, ecologists, environmentalists, students and Mr. A. C. are high on Land Use. In fact the first broad Federal land use control law in our history, according to reports, is almost a certainty by the end of 1973. The U.S. Senate has already written and passed its version of the new law in bill S. 268. The House of Representatives has begun to write its version, with passage predicted by October.

A land use law for our country is long overdue. Why the delay? The hem-hawing? As the NCRLC resolution indicates, the issue has been around a long time. If you search library shelves, you can find study upon study on land use which is gathering dust. The Senate had passed its version last year but was allowed to die. Why the delay?

For one thing, the issue is very complex. For another, most people because of self-interest—in religious circles we call it greed—did not take it seriously.

The size of our nation and the difference in land topography alone presents a formidable obstacle for national legislation. The jurisdictional rights of federal, state and local government regarding land use present a bewildering maze. Private ownership controls about ¾ of the land and carries many "no trespassing" signs.

Should penalties be attached to the law? What values of land use should be stressed in the legislation? All makes for complexity.

However, I think a more important aspect is the matter of greed. The 1948 NCRLC resolution said, "Agricultural science, social advancement and Christian charity and justice must be considered as basic guides in the formation of national land policy." At present our main concern is based on ag. science. We want to survive. "Social advancement and Christian charity and justice" are still lagging down the road. They can hardly be considered guiding lights even in 1973 Land Use legislation.

The generalities in terminology of the proposed legislation are hardly conducive for quick fulfillment of the law. Let's hope that this "greed" will not catch up with us—as has our national cheap food policy—before we have changed our mind and mended our ways. The proposed legislation has many good qualities and is needed. However, all citizens have a stake in Land Use laws. Don't sit idly by, especially you family land owners, and let some one else write the laws for you. A land use policy indicates that advisory committees may be part of the law. Insist that "plain dirt" farmers get on these committees. Follow the guiding principles of "social advancement and Christian charity and justice." They are still valid and always will be.

U.S. LEADERSHIP IN HUMAN RIGHTS HAS BEEN UNDERMINED BY SENATE INACTION ON THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, the birth of the United States was announced by a profound human rights document—the Declaration of Independence. Since that time the United States has been a champion among nations in the field of human rights.

Indeed, it was effective American leadership at the San Francisco Conference in 1945 that resulted in a strong human rights section in the Charter of the United Nations. Our delegates recognized that the denial of human rights and human dignity creates a prime source of potential conflict and a threat to international peace.

A quarter century ago the United States also lent its leadership to the drafting of the Genocide Convention, which was the first human rights document to be endorsed by the U.N. General Assembly. Today, the United States stands alone with the Union of South Africa among the charter members of the United Nations which have failed to ratify this convention.

The responsibility for this failure rests with this Chamber. This inaction has proven an embarrassment to our diplomats and allies and a delight to our enemies.

Mr. President, the cause of human rights and the promotion of international peace are interlocked. It is imperative that the United States attempt to regain its leadership role in this area. We must renew our dedication to the principles which Thomas Jefferson so eloquently laid down two centuries ago.

I call upon my colleagues, Mr. President, to join with me in attempting to ratify this convention during the current Congress.

A. GRANT FORDYCE

Mr. PELL. Mr. President, I believe that the way a man, after his death, continues to live on this earth is by the merits of his own ideas which affect the course of succeeding generations' lives and which live on in other men's lives, thoughts, and actions.

Monuments constructed, educational institutions, recreational facilities, the bricks and mortar which bear special names, these are tangible reminders which signal man's achievements and are recorded in history.

But it is the ideas and beliefs of the individual which give abiding meaning to these reminders.

It is in this regard that I was particularly privileged to join in honoring this past weekend Mr. A. Grant Fordyce. Mr. Fordyce's collection of architectural books was given by his widow to the Rhode Island School of Design.

Mr. Fordyce was a founder and senior partner in the firm of Fordyce & Hambly Associates, New York. Among his many projects were the Forrestal Building in Washington, D.C., the Loula D. Lasker memorial swimming pool and the skating rink in New York's Central Park, and the master plan for the gymnasium and recreation center for the New York State University at Plattsburgh.

The honors bestowed on Mr. Fordyce are well deserved. They represent a lasting recognition of his abilities, but we should also remember the originality of his ideas and the breadth of his many interests, and I would stress in my tribute to him these qualities and their inspirational values which will live on for a long, long time.

FAMILY HEALTH MAGAZINE NUTRITION AWARD

Mr. McGOVERN. Mr. President, the Family Health magazine recently held its second annual Nutrition Advertising Awards luncheon.

Family Health was created in 1969 to fill a growing need by millions of Americans for more information on how to stay healthy, look better, feel well—and live their lives to the fullest. To that end, the publishers brought together a distinguished board of editorial advisers and sought out leading experts, medical journalists, and respected magazine writers to chronicle the so-called Age of Health in accurate, nontechnical language.

In a relatively short period, the magazine has achieved an impressive record in accomplishing its goals. Subscribed to by a million families, it is read by almost 4 million persons monthly. Its advertising columns carry consumer information from major corporations in food, drug, beauty, and personal products. Its editorial content has won seven prestigious awards from such groups as the American Medical Association, the American Dental Association, the National Society for Medical Research, the American Association of Anesthesiologists, the American Optometric Association, and the Arthritis Foundation. These awards reflect not only the quality but the diversity of Family Health's editorial approach, the first medium to bridge the communications gap between the consumer and the professional in medicine and research.

In establishing its own award—the Family Health Awards for Nutritional Advertising—the magazine has added another dimension to its unique publishing concept. For with these awards, it hopes to encourage the business community to join in communicating information which will help the American family enjoy all the health-enhancing benefits that modern foods can offer.

This year's award winners were:

Award for Excellence, Best Print Advertisement, Oils, Fats & Dressings Category: Advertiser—Standard Brands, Incorporated, Agency—Ted Bates & Company, Inc.

Award for Merit, Best Print Advertisement, Cereal & Bread Products Category: Advertiser—Kellogg Company (Special K), Agency—Leo Burnett Company, Inc.

Award for Merit, Best TV Commercial, Cereal & Bread Products Category: Advertiser—Kellogg Company, Agency—Leo Burnett Company, Inc.

Award for Excellence, Best TV Commercial, Fruits & Vegetables Category: Advertiser—National Potato Promotion Board, Agency—Botsford Ketchum Inc.

Award for Merit, Best Print Advertisement, Fruits & Vegetables Category: Advertiser—National Potato Promotion Board, Agency: Botsford Ketchum, Inc.

Award for Excellence, Best TV Commercial, Meat, Fish & Dairy Category: Advertiser—Oscar Mayer & Company, Agency: J. Walter Thompson Company.

Award for Excellence, Best Radio Commercial, Meat, Fish & Dairy Category: Advertiser—Geo. A. Hormel & Company, Agency: BBDO/Minneapolis.

Award for Excellence, Best Print Advertisement, Meat, Fish & Dairy Categotry: Advertiser—Geo. A. Hormel & Company, Agency—BBDO/Minneapolis.

Award for Merit, Best Print Advertisement, Supermarket Advertising Category: Advertiser—Nash Finch Co., Piggly Wiggly Div.

The keynote speaker at this year's luncheon was Dr. Charles Edwards, Assistant Secretary for Health, HEW. I believe Dr. Edwards' speech was of great importance to those concerned about good nutrition and good health. For that reason, I ask unanimous consent that it be printed in full in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

NUTRITIONAL LABELING AND PUBLIC HEALTH

(By Charles C. Edwards, M.D.)

I am deeply honored to receive *Family Health's* Special Gold Medal Award. But I would hasten to point out that, while I have been chosen to accept this recognition, the credit for the important strides now being made in nutritional labeling of foods belongs not to a handful of individuals, but to thousands of dedicated people throughout this country.

Jim Grant, Virgil Wodicka, Ogden Johnson, and I had the opportunity to help plan and guide a program that is, I think, one of the most important in the history of the Food and Drug Administration, the food industry, and the entire field of public health.

But our efforts would have yielded nothing without the contribution of countless individuals—in government, in science and industry, and in the consumer movement—who helped shape this program and give it substance.

The Nation's debt to those individuals is beyond measure,

A process has been set in motion in this country that will give the American people the opportunity to do something that has never before been possible—to select and use foods on the basis of their nutritional value.

To those of us who can remember a time when virtually everyone took it for granted that Americans were the best fed people in the world, our new awareness of nutritional deficiencies, and of the need to take firm measures to correct them, comes as something of a shock.

Yet there is no question that we have been living in a kind of fool's paradise—equating quantity with quality, and trusting in the idea that dramatic changes in food technology were producing not just greater convenience, but better nutrition.

I don't need to tell you that this change from complacency to enlightened concern did not happen overnight. Nor does any one factor account for it.

In my judgment, many things contributed to the change toward greater public concern about food, nutrition, and health.

For one thing, the scientific community has made substantial progress toward clarifying the vital connection between nutrition and human health. On top of our traditional understanding of problems such as iron deficiency anemia and the classic illnesses associated with inadequate vitamin intake, we are today much more aware of subtile and often tragic health problems associated with poor nutrition.

Reduced height and weight, especially in young children; physical and mental impairment of newborn infants whose mothers lack proper diets during pregnancy; reduced performance in school and on the job—these and many other problems have been scientifically shown to be associated with inadequate nutrition.

Furthermore, it is now clear that the United States is by no means immune to the health hazards associated with poor diet. Surveys by the Public Health Service and the Department of Agriculture clearly document the existence of improper nutrition and the health risks associated with it.

We spend billions of dollars every year to deal with health problems that could be prevented—through better nutrition, prevention of accidents, and more effective health education all across the board. I personally believe that sound preventive health measures are likely to do more to improve the health of the American people than scores of categorical health programs aimed at solving specific disease problems.

But as I think you know, it took more than scientific insight and common sense to bring nutrition to the forefront of national attention and concern.

It took the relentless and dedicated efforts of people like Dr. Jean Mayer, who recognized not just the problems, but what would be required to solve them, and who had the courage to speak out, even if it meant stepping on important toes.

Surely, the White House Conference on Food, Nutrition and Health, under the leadership of Dr. Mayer and Jim Grant, was a milestone on the road toward facing up to our Nation's nutritional problems. But I think they would agree that it might well have been just another conference were it not for the fact that the people of this country are no longer as complacent as they once were.

Whether you call it consumerism or enlightened self-interest, the fact is that more and more Americans are insisting that they have a right to know the difference between promotional ballyhoo and legitimate nutritional claims. They are convinced, just as we in government are, that the need for sound nutrition is far too important to be left to chance, or the glib assurance of product promotion.

The steps we have taken in nutritional labeling are intended specifically to give the American people the opportunity to know that when nutritional claims are being made for a food product, those claims are valid.

In my opinion, the nutritional labeling program is a remarkably important accomplishment. And the credit belongs, as I said, to many people—not the least of whom are those people in the communications media who helped make the public aware of a problem that had long been swept under the rug.

But I don't want to overestimate the importance of what we have managed to do so far.

I will tell you flatly that this achievement will amount to nothing if we, as a Nation, fail to complete the work that has been started.

The nutrition movement—if I can call it that—has had a history of important advances that never quite had the impact they could have had on the quality of the American diet.

Thirty or forty years ago, scientific interest in human nutrition was remarkably high, and the scientific literature was full

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of important new discoveries. Yet this scientific information did little to alert the general public about nutritional shortcomings. Indeed, it is now clear that at a time when knowledge in the nutrition field was increasing, the nutritional status of millions of Americans was going down.

Now we are moving into a new phase in this history. But whether it will be a period of advance, stagnation, or decline depends not on the promulgation of Federal regulations on food labeling, but on the degree to which the American people use the information available to them, and use it wisely.

If that is to happen, more than the content of food labels will have to change.

The private sector will have to recognize that its public responsibility goes far beyond providing jobs, paying taxes, and returning earnings to stockholders. If the free enterprise system is to survive in this country, industry will have to accept its full share of responsibility for protecting the health and welfare of the American people.

Nowhere is that responsibility more critical than in the processing and marketing of the Nation's food supply.

The whole level of consumer understanding of food and nutrition will have to rise, and rise substantially. Surveys have shown that the American people know dangerously little about nutrition and what constitutes a balanced diet.

Plainly, we in the Federal Government have to take on our share of the responsibility for educating the public about food and nutrition. As some of you may know, the Department of Health, Education, and Welfare, the Department of Agriculture, and the Grocery Manufacturers Association, with the full assistance and support of the Advertising Council, are about to launch a national campaign to get basic facts about food and nutrition to the American people.

The campaign theme is simple, and the message is clear:

"Food is more than something to eat."

I have seen some of the materials that are going into this campaign—especially an attractive and highly informative publication that will be offered free to the public. It amounts to a basic primer on food and nutrition, and it contains the very kind of information people need to have in order to assure themselves and their families an adequate, nutritious diet.

We hope to have this campaign under way later this Fall, and we are naturally very optimistic about it.

But no matter how effective this individual effort turns out to be, much more will have to be done by government, and by those who are directly involved in food processing, marketing, and advertising.

Some old, entrenched notions about what makes people buy one food product instead of another will simply have to go by the board. Empty calories will be increasingly hard to sell in the months and years ahead. With increasing public awareness—to say nothing of high food costs—the buying public will demand not just convenience, but quality for its food dollar.

In a field as competitive as the food industry, those companies that meet—and even anticipate—the public demand for better nutrition will certainly come out ahead. The food industry spends over a billion dollars a year for advertising and promotion, most of it, frankly, for products that contribute relatively little in the way of nourishment.

I don't have the precise figures in front of me, but I am sure that there is an inverse relationship between the nutritional value of products and the amount of money spent to advertise them. And what is more, a great deal of this advertising is aimed at children. To me, that is not just questionable behavior, it is a serious neglect of public responsibility on the part of the food and advertising industries.

What I am saying is that the products have to change, and so does the way they are presented to the American people.

Certainly the primary function of food advertising is to get people to buy the product. But the way to do that, in my judgment, will be to present the public full and accurate information on what that product has to offer in the way of nutritional content.

The concept that nutrition won't sell is disappearing. A whole new generation of young adults simply won't buy promotional puffery, or the product behind it. They too need to learn something about what constitutes good nutrition, but they don't have any patience for hollow advertising claims, and neither will their children.

I didn't intend to launch into a diatribe. Furthermore, I am sure the changes I am talking about are well known to everyone here. Family Health magazine is making a significant contribution to this process of change both in its own pages, and in its recognition of the efforts of advertisers to make nutrition information a part of food promotion.

But in closing, let me point out something that maybe most of you have not fully appreciated.

In the years to come, when a system of national health insurance is fully established in this country, Federal tax dollars will be paying an increasing share of the cost of health care. It doesn't take any sophisticated calculation to figure out that the healthier the American people are, the less it will cost to provide decent care for those in need.

In my judgment, better nutrition has to be an integral part of our national effort to meet the health needs of the American people, first and foremost by seeing to it that people know how to protect their own health by selecting and using the right foods.

To the extent that nutritional labeling will help make that possible, I would say it is an important first step. But we have to be prepared to take many more steps. And when I say "we," I mean government, industry, educators, and everyone else who has a responsibility to the American consumer.

Americans can be and ought to be what we once thought we were—the best fed people in the world.

It's going to be just a bit harder than we imagined to live up to that claim. But it can be done. Perhaps now we are on the way toward doing it.

SUPPORT FOR S. 1739

Mr. CANNON. Mr. President, on September 26 the distinguished junior Senator from Florida (Mr. CHILES) made a statement on the floor in opposition to S. 1739. His argument was that this legislation would adversely affect "the availability of scheduled service to the people of the smaller communities" in Florida and other States. Although this argument has been made repeatedly by the opponents of this bill, I was especially surprised and disappointed to hear such a statement made by my esteemed friend from Florida. I can only conclude, Mr. President, that someone has failed to give the Senator the facts.

Since Florida is one of the Nation's most popular vacation spots, it is one of the States which would benefit most from the enactment of S. 1739. The purpose of this bill, after all, is to make it possible for people of modest means to take vacation trips to places like Miami or Fort Lauderdale or St. Petersburg by means of low-cost inclusive tour charters. The people who would use this new form of charter service would not be the same people who now come to Florida on scheduled airlines. On the contrary, experience both in this country and abroad has shown again and again that the vast majority of people who travel by charter would not fly at all if charter service is not available. Mr. President, I fail to see how legislation which would bring more tourists to Florida could injure that State or its citizens in any way.

In fact, it is interesting to note that Florida is one of the few States which is already benefiting from the kind of ITC service which S. 1739 would make more broadly available to all Americans. Although there is very little ITC traffic within the United States, because of the regulatory restrictions which S. 1739 is intended to remove, there is considerable ITC traffic from Canada to the United States, because the Canadian regulations are much more liberal than U.S. regulations. Canadian airlines have been allowed to operate ITC's in the United States in accordance with Canadian rather than U.S. regulations. As a result, there is already a sizable flow of ITC traffic from Canada to Florida. In 1972, 13,592 Canadians came to Florida on inclusive tour charters, and in the first quarter of 1973 alone the number was 19,188. Does Senator CHILES believe that this influx of Canadian tourists is hurting Florida? Does he see any evidence that it is reducing the availability of scheduled service to the people of Florida? I doubt it.

The spurt in charter traffic led by ITC's has not been adverse to scheduled aviation between Canada and the United States.

Scheduled traffic in major Canadian-United States vacation markets has maintained healthy growth—while charters also have grown—and scheduled traffic dominates these markets. In 1972, there was a 30 percent increase in Montreal/Toronto-Miami and Toronto-Miami and Toronto-Tampa scheduled traffic, while charter traffic grew 41 percent, but on a much smaller numerical base. One year's growth of passengers—72,000—was more than 5 times the entire charter market growth. Thus, once again, the statistical evidence belies the argument that expanded ITC service would somehow injure the existing scheduled transportation system.

Until recently, the Canadian regulations required ITC flights to the continental United States—including flights to Florida—to include at least two stops. On the other hand, one-stop ITC's were permitted to other points, including Hawaii and the Caribbean. As a result, the amount of Canadian ITC traffic to Hawaii and the Caribbean was far greater than the ITC traffic to Florida. I wonder whether Senator CHILES feels that the interests of his State were served by the fact that many more Canadians took ITC trips to Hawaii than to Florida. I certainly hope not, because Canada has now changed its regulations, and beginning this winter one-stop ITC's will be permitted to Florida and the rest of the continental United States as well. Thus, Canadian citizens will soon begin to enjoy precisely the kind of low-cost ITC service which S. 1739 would make available to U.S. citizens.

Mr. President, none of the supporters of S. 1739 want to weaken or undermine the system of scheduled airline service which now exists in this country. We fully recognize the importance of that system. But there is simply no basis for the argument that the introduction of one-stop inclusive tour charters would hurt the scheduled airline system, particularly in light of the restrictions imposed in the bill and the committee report; on the contrary, the scheduled airlines as well as the charter airlines would benefit from this legislation.

One-stop ITC's have existed for many years in Europe, without any injury to scheduled service. The Canadian Government has recognized this, and has authorized the same kind of service for Canadians. The people of the United States deserve to have what Europeans have had for years, and what Canadians are now about to receive as well. I urge my friend from Florida, and all other Senators, to study the facts, and not to be taken in by the false propaganda which is being spread by those who are trying to kill this legislation. I am sure that anyone who studies the issue fairly and dispassionately will agree with me that S. 1739 is in the public interest, and should be enacted into law.

IMMEDIATE EXCHANGE OF PRISONERS NECESSARY IN THE MIDDLE EAST

Mr. WILLIAMS. Mr. President, since last week when the United Nations Security Council, at the urging of the United States and the Soviet Union, called for a cease-fire in the Middle East, there has been a continuing serious and inexcusable violation of the Geneva Convention by Syria and Egypt.

Under the provisions of the Geneva Convention, every party to a conflict is obliged to give the International Committee of the Red Cross without any delay all information required by that committee, regarding any prisoner who has fallen into its hands. Such information is to be immediately forwarded to the International Committee of the Red Cross.

Israel has been transmitting to the representatives of the International Committee of the Red Cross in Israel, all such required data concerning prisoners of war held by them. However, no information whatsoever has been received from Syrian and negligible information regarding only a few prisoners has been received from Egypt.

It is imperative that Egypt and Syria immediately submit all required information to the International Committee of the Red Cross.

Furthermore, it is necessary for all parties to enable the representatives of the International Committee of the Red Cross to visit the prisoners at once.

Such representatives in Israel are regularly visiting the Arab prisoners of war, those in camps, and also the wounded and sick in hospital.

Mr. President, on October 22, speaking to the Security Council in support of the cease-fire resolution, United States Ambassador John Scali declared:

> I want to report to the Council that both the Soviet Union and the U.S. believe that there should be an immediate exchange of prisoners of war.

The Soviet Union must honor that understanding. It must use its considerable influence over the Egyptians and Syrians to secure their compliance with the requirements of the Geneva Convention. And we in the United States must do all in our power to bring to bear the voice of American conviction in this matter.

All parties should at once exchange wounded prisoners and make the proper immediate arrangements to exchange all prisoners that they hold.

A NATURE ETHIC

Mr. PROXMIRE. Mr. President, last month Arthur Godfrey delivered a speech at Bethel College in Indiana which I believe should be read by my colleagues. Mr. Godfrey has been renowned for decades as one of America's great TV and radio personalities, but in recent years he has devoted much of his effort to advancing the cause of conservation and environmental protection.

His speech at Bethel College, entitled "A Nature Ethic," sums up his feelings about the environment, and what must be done to protect it.

He points out that man is the only species on earth whose population growth rate is greater than zero. He notes that even in the United States, where the growth rate of population has dropped to 1 percent, this rate will mean a population of close to 300 million by the year 2000. How, he asks, will we have sufficient arable acreage, sufficient hospitals and schools, sufficient energy, sufficient recreational areas—when these commodities are in short supply for our present population?

Mr. Godfrey has a unique capacity for reducing things to the bare essentials—and doing so in a way that they can be readily understood by all of us.

Mr. President, I ask unanimous consent that Mr. Godfrey's address entitled "A Nature Ethic" be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

A NATURE ETHIC

(Address by Arthur M. Godfrey)

Over the entrance to the National Archives building in Washington, are carved in the marble the words: "The Past is Prologue."

Often, as I stumble along down the home stretch of this "fixed" race with the Grim Reaper, I find myself wondering where I went wrong. It is now obvious, in retrospect, that I might have done some things much better. For instance, I might profitably have been a keener student of history.

I don't mean the ridiculous trivia taught in the class room in my youth. I'm thinking of the history of *Earth* as revealed by the geologists, anthropologists and astronomers.

Biologists, too, and limnologists and oceanographers. In a word, really, not history at all except where it helps us to understand ecology.

Ecology. Let's not go any farther tonight with our theme, a Nature Ethic, until we are sure we understand the meaning of that word ecology, because therein lies the key to what is, in my view, the only possible solution to our dilemma.

Ecology is not commodity. It doesn't mean air or water pollution or population growth. Like the word biology, or any other ology, it is simply the name of a science.

Ecology, however, is the most complex of all the sciences because by definition it encompasses all of them.

Ecology is the science which treats of the interlocking relationship that ipso facto exists between all organisms. Ecology is, therefore, so complex that no one, even within a life-span of a hundred years, could hope to master it.

Hence, no person, however learned, can ever really be more than an avid *student* ecologist. No one person even *begins* to know *all* the answers; in fact, the student is soon dismayed to find that the more one searches for the truth, the more one realizes how very little is actually known. The cosmos is awesomely complex; especially the biosphere in which we earthlings live.

The Biosphere? That includes the soils, the waters and the air above them in which the myriad plants, mammals, fish, birds and insects are supported in their life cycles.

If one wishes to affect a little intellectual snobbery, one refers to all this as the flora and fauna and their environment, the lithosphere, hydrosphere and atmosphere. That makes it all seem very simple, doesn't it?

The rub is that every one of these organisms is at least partially dependent upon several of the others—and *all* are inescapably at the mercy of the composition of the air, water or soil, or even all three, in which they exist.

The larger and stronger subsist on the smaller and/or weaker.

It isn't that they're emotional enemies: nobody's really mad at anybody. It's just that everybody gets hungry and the fauna that eat the flora, are in turn eaten by larger fauna who don't like spinach.

Now every organism in nature seems to be subject to two fundamental laws which though they contradict each other, will not be denied. First, the survival of species through propagation and, second, the inexorable law of zero population growth.

Mother Nature will not permit any species to multiply beyond the capacity of its environment. And she inevitably enforces this law even when the species is protected from all predators and is provided with plenty of food.

This was irrefutably proven in recent years by an experiment conducted in Florida. Two pairs of mice—two males and two females—were placed in a "perfect" environment—air conditioned, plenty of water and food supplied at all times and no predators. No unseemly noises, no disturbances of any kind: a *rodential* paradise, as it were.

Well, since mice are mammals and mammals will be mammals, those little critters lived the life of Reilly. One would have thought the creator was speaking to them in Genesis 26, 27 and 28. They really multiplied and took dominion and just like man, they ignored the admonition to replenish.

Before the end of a year, their numbers had increased from four to 2100 some odd.

Along the way the males fought greedily for territory and females, as is the nature of things, and everybody begat themselves silly. How does that old rhyme go: "The world is so full of a number of things, I'm sure we should all be as happy as kings!"

And then, curiously, without a snake or an apple in sight, their little Garden of Eden became a horror chamber. The females refused to copulate, the males quit fighting for territory, the young males even lost interest in the young females—utter boredom and hopeless despair took over. They began to die off and by something like eighteen months from the day the experiment began, the last mouse expired.

I say again: it is quite apparent that Mother Nature will not tolerate a greater than zero population growth once the capacity of the environment is reached.

As those mice showed, and as the lemmings every so often demonstrate, even if there's plenty of food and water, eventually a species which becomes too numerous drives itself nuts! If they don't die of a bad case of ennui, they panic into a suicidal stampede.

Now, let's keep those two laws in mind and examine some other species.

How about rabbits: time was when the cotton-tail was the main dish on the daily menu of owls, hawks, eagles (Golden Eagles), coyotes, wolves, foxes, pumas and lynx and all the lesser wild cats not to mention alligators, occasionally a lucky bear, and both indigent and immigrant human beings.

Despite all of this voracious yen for his savory flesh, the rabbit has always kept everlastingly at it—wham, wham, thank you, ma'am—in the effort to keep his growth rate *up* to zero.

But what we call civilization long ago drove 99% of the so-called *natural* predators out of most of the eastern states in one way or another. Pesticides, traps, poisoned bait, bullets, yes, all those things—but mostly it was just man and his suffocating despoilment of the habitat.

He scorched and denuded, eroded and stripped, dammed and channelled, "reclaimed" and "developed" and it just naturally became a noisy, messy, unfriendly environment to which most of the carnivores could not adapt. The coyote (may his tribe increase) resourceful, intelligent, clever and courageous, alone seems able not only to adapt but to outsmart most of his human enemies. He has recently been reported on the increase in some eastern states, which is good news, indeed.

He will find plenty of mice, rats, squirrels and rabbits—all his favorite food.

But with all of the greater carnivores gone from the eastern U.S., why are we not overrun with rabbits? Why is their growth rate still zero?

Lack of food? No, indeed. Human hunters? Heck, no. There are millions of so-called "sportsmen" out there every open season, but they don't take 1% of the rabbit population because most of them are lousy shots.

What, then? That zero population *growth* law—nothing else. Mother Nature is beautiful but ruthless—when the rabbits get too numerous, she cuts them back, with tularemia, rabies, infertility what not.

How do I know? Well, up until about a decade ago I sincerely believed, for example, that when I shot into a covey of quail (of which there were four on our 2600 acres in Virginia) I was actually doing the species a big favor. All my so-called "Sportsmen" friends, and all the sports and hunting magazines, advised this for years on the theory that we thus "break up" and scatter a covey and prevent in-breeding, which is detrimental and eventually brings on an irrevocable decline in the population. What an ill-founded old wives tale that turned out to be.

I used to go out shooting wood chucks every week-end. Not to eat, like the delicious quail, but just to keep the population down because I was convinced that otherwise they would soon so pepper the fields with their dens that it would be unsafe to ride the horses—or even just pasture them and the cattle. They would be sure to step in a groundhog hole and break a leg. For these reasons I used to shoot over a hundred or so every year and invite my hunting friends to participate in the "sport."

Once or twice I went coon hunting with a neighbor who had some well-trained dogs for the purpose. Why shoot raccoons? Well, it was "beautiful" to hear the "music" of the hounds when they had one treed—and, besides, they reputedly raided quail nests and were bad for game birds.

Believe me, that coon hunting is really some "sport". The procedure is to drive out into the woods with some friends and a jug, turn the hounds loose and "jist set thar" sipping white lightning and wait for the baying of the hounds. When Ol' Bess sounds her bugle it means she has one safely up a tree. Now the "sportsmen" drive as close to the spot as possible, so as not to have to walk too much, up to the base of the tree around which the dogs are circling—two, three or four of them—each twice the size of the coon—daring him to come down and be torn apart. If anyone in the party wants the pelt, the owner will call off his dogs and leash them,—whilst shining a powerful flashlight into the racoon's eyes.

Everyone will be trembling with excitement (aged coon hunters have been known to drop dead of heart failure under these dangerous conditions!) and he who wants the pelt will aim his .220 or .30–30 just under those blinded, shining eyes and knock him down. If the coon is lucky, the shot will be fatal. If not he crawls off into the brush and the dogs are turned loose to find him and finish him off. Often the coon will tear a few chunks out of one or more of the hounds before giving up the ghost, thus serving to intensify the hatred of the hunters, who then vow to come out again and get a couple more as soon as the dogs heal up.

I think about the second time I did that I sickened at the very thought and cut it out.

Shortly afterward, I was "still-hunting" for deer one lovely fall evening, sitting motionless on an old chestnut stump. I could hear some quail talking to each other not far off, so I began to call them by imitating a lost female seeking contact with her covey. By golly, I fooled 'em even with as poor an impression as I just rendered. Soon I heard them rustling through the leaves close by, so I quit calling, to watch. Some of them jumped up on the top rail of an old fence nearby, where a squirrel was munching an acorn. Their presence annoyed him, apparently, because he took a swipe at the closest bird and made him move down the log a little ways.

It was now almost dark and it was difficult for me to see the birds clearly against the brown background under those trees. But sharper eyes than mine were watching those quail, too, somewhere behind me. Suddenly, like a flash of lightning, a big red-tailed hawk swooped past my left shoulder and the birds and the squirrel vanished—but one was too late. Before it could move, the hawk had him in his right talons and was off to a lofty perch to enjoy his dinner.

I had seen the food-chain at work in the bush in Africa, but that was the first time I had ever been treated to the sight of a raptor performing so close at hand. Those quail were less than ten feet away when the hawk struck.

It so happened that the following winter was unusually severe for that part of the country. Over 70 inches of snow fell between Thanksgiving and spring and we had to use the horses to get hay and grain to stranded live-stock. Often, looking down from the saddle, I'd follow a fox track and find telltale feathers and bloodstains on the snow under the poor cover afforded by the widely-spaced branches of the bushes three and four feet off the ground on top of the snow. Many rabbit tracks also ended in bright red-stained fatal rendezvous in the snow—sometimes with no tracks of a pursuer except the marks of beating wings as the raptor fought for altitude and air-speed with his heavy cargo.

Now and then I'd spot a frozen feathered carcass. After that, I'd carry a sack of shelled corn across my horse's withers and throw handfuls into likely cover.

Gradually it became clear to me that the wild creatures had enemies enough without me and my shotguns and rifles. I reasoned empirically, of course, that nature provided plenty of natural controls for population growth in the smaller species. So I quit shooting for a couple of years to see what would happen.

Yes, you've probably guessed it: there are still only four coveys of quail on my place—big, strong, healthy, happy birds—and I haven't shot into them nor permitted anyone else to, for nearly a decade. The inbreeding myth is just that: an anthropocentric fable.

My present herds of bison, elk and European red deer are all big, sturdy descendants of a handful of ancestors in each species. Since I have no wolves, or bears, or pumas, or coyotes, I have to be the controlling predator.

But I haven't shot a woodchuck for years and there are no more holes around today in each field than there were when I used to kill them by the score. The same goes for squirrels and rabbits and raccoons. Nature's law is infallible—population growth rate is zero—period!—except where the *natural* predators have been wiped out. For instance we have ten times more deer now than when only Indians lived here. Why? The deep forests are gone, and there is now plenty of browse, and the only predator is man and he is mostly a lousy shot. Most of them are smaller deer now than formerly because ignorant, arrogant man took all the big ones for trophies. Natural predators take only the weak and the sick and the helpless young, leaving the sturdy to survive for reproduction. We follow that same logic in our beef herds and horses. I also do the same with the game animals and birds.

So I do shoot deer now and then when the browse gets thin and there are obviously too many deer. How does one know when there are too many deer? One stumbles over the carcasses of those who didn't make it through the winter because of starvation. If the deer are beginning to look gaunt and dull-colored, there is obviously something wrong and Mother Nature, in her ruthless wisdom, is cutting back. Her philosophy is that only the fittest shall survive.

I also shoot starlings and sparrows and pheasants without hesitation. They were all imported here from abroad by well-intentioned, badly-mistaken bird-lovers. These shanghaied interlopers have spread like disease throughout the continental United States and are giving native birds a hard time.

On my farm I have observed Mother Nature's well planned territorial distribution at first hand. For instance, there is but one pair of red-tailed hawks living in my woods. They raise one or two young every year and they all disappear somewhere for awhile and then only the parents return. No room for the others, mebbe?

There are two, possibly three fox dens, that's all. The vixen feeds the cubs, teaches them to hunt and they're gone. I can't be sure, of course, but I think the parents stick around for more than one season. They should know by now that they're not going to be hurt on my place. But I shouldn't say that. Now *I'm* being anthropocentric.

These observations and hundreds of others, coupled with the firm resolve to *try* to eschew anthropocentricism like the plague gave rise to my personal philosophy once stated so beautifully by the late Aldo Leopold: "man is just a fellow creature in the odyssey of evolution."

All organisms are inextricably bound together in an indissoluble relationship that can be ignored only at great peril; not only to the human race, but to many of the other mammals and birds and fishes, as well. Such is the enormity of the impact of modern man upon the biosphere, that when he goes he'll surely take with him whatever species have not already become extinct.

The insects will probably be the sole survivors with mebbe some algae, fungi and plankton with which the whole ball of wax started several billions of years ago.

Mark you: I am of the firm belief that this catastrophic climax *can* be avoided *if* the nature ethic I will describe can be universally adopted in time. I am also convinced there is no alternative.

Now, I have brought with me a few copies of an anthology I edited back in 1969 which will give to anyone interested some of the sources of the documentation I have obtained for my ideas. Please believe me, I'm not just plugging *my* book. I want you to buy it because I have directed that royalties be paid to the Environmental Policy Center in Washington which, to the shame of all of us, is desperately in need of financial support. The young people who comprise the EPC are probably the most highly respected and, hence, the most effective conservation lobbyists in Washington.

I hope you'll glance through my book if only to use the bibliography. Actually, that's what it is: a collection of excerpts from well-documented works of competent, highly-regarded men of science who know what they're writing about. I hope that your appetites will thus be whetted to buy some of those books. A properly informed electorate will be able to act in time, I believe.

We have learned a few things already. For instance, we've known for years now that unburned hydro-carbons combined with nitric oxides, lots of sunlight and mountain-locked air inversions cause photoelectric smog, as in Los Angeles, Phoenix, Honolulu (for goodness' sake!) and many other places.

What have we done about it? Well, for openers, we've loaded up the decadent, long obsolescent internal combustion engine with pollution controls which have at least doubled the fuel consumption. We're really worse off now than heretofore, what with the fuel shortages and all. And I read an ad only yesterday in which one of the oil companies complained that we're faced with energy shortages because environmentalists won't let them build their damned pipelines and dig more wells off-shore. It appears that they're not looking for more sources of natural gas (which is practically pollutant free when burned) because the government won't let them raise prices on it and make it more profitable for them. Tsk! Tsk! Shame on us nasty old defenders of the ecosphere!

They also say we'll have to depend upon oil imports which may be curtailed and high-sulphur coal, the latter because environmentalists are trying to stop strip mining.

Now it so happens that I am privileged to serve these days as Honorary Chairman of The Coalition Against Strip-Mining.

The lovely lady who does all the hard work for the group is Louise Dunlap of the EPC. She is probably the best informed and most highly-respected antagonist of strip-mining in Washington. She has made great progress in both Houses of the Congress in keeping the various committees concerned properly informed.

Nobody likes statistics but here are just a few you must mark. Strip-mining, no matter what anyone says, destroys good land. It could be restored and there's a lot of talk about how well they're doing it. But if you'll come with me in my little Beechcraft Baron, I'll fly you over some country and you tell *me* where you see any evidence of restoration. Ask the poor souls who live in the areas that are being stripped! But don't ask those who are in the employ of the mining interests: they're making money and they'll tell you it's great. They couldn't care less what happens to the land.

The horrible thing is that it is absolutely unnecessary to strip-mine low sulphur coal. It is preferable to the miners because its easier and cheaper to dig, but there is 30 times more low sulphur coal available in deep mines in this country, than in surface coal veins.

The ratio of all deep mine coal to strippable coal in the U.S. is 34 to 1.

In Appalachia, where most of the irreparable damage has already been done, the ratio of deep-mine low sulphur coal to strippable low sulphur coal is 43 to 1!

And the ratio of all deep mine coal to strippable coal in Appalachia is 49 to 1!

Of the total coal resources, some 50%, or 1.5 trillion tons of bituminous, subtuminous and lignite coal, are considered recoverable reserves—that is, minable under current economic conditions and with either present technology or technology that may be available in the future.

Furthermore, in certain regions of the country, strippable coal will soon become marginal and in some areas exhausted within the next decade. Thus, eventually they'll have to go deep for the coal, anyway, *after* they have ruined the land.

Here's another example of our stupid policies. The Corps of Engineers has succeeded in ruining every one of the 17 great rivers of the U.S. with hydro-electric dams, thus almost wiping out our anadromous fish population. Guess how much of the total electrical energy used in America these dams provide: a paltry 4%!

Still, we've learned a few things and we have made some small progress, but we have much to do—and time is running out.

For instance, certain groups brag these days that we have no population problem in America because our PGR is only 1%. Fiddle-dee-dee! They forget that U.S. population today is about 210 million—and one percent of 200 million is two million!! That's 40,000 every single week—52 weeks per year! That's a South Bend every two months!

There are about 105 million cars and trucks on the roads today in America—one for every two persons. About 150,000 here in South Bend. At the end of this century there'll be, at the present rate, 150 million cars in America, probably 225,000 in South Bend.

We haven't mentioned schools, yet, or hospitals, or even homes. How many people can we say, on the average, to the American home these days? Three? Four? Let's be conservative and say four. Okay, that's 10,000 homes a week we've got to build. We'll build 'em too, of course—out of fiber glass, garbage, chopped tin cans—anything but wood. We can't use wood; we have to ship it to Japan! Yes! along with the low-sulphur coal we're strip-mining. Oh, we've really got the smarts.

It's funny, y'know, in a way. When I first started barking about population explosions, urban sprawl, smog, sewage and garbage disposal several years ago, many listeners actually became so incensed, that they wrote vicious letters urging the networks to throw me off the air. "How dare you speak of birth control! Conception is an act of God!" Pipe down about pollution of the rivers. If your filthy mind wasn't always in the sewer, you'd never notice it. What do you propose: a return to the backyard privy? Stick to your ukulele and your tea-bags!"

They kept at it, too, until about a year and a half ago, when suddenly "conservation" became the "in" thing. As I said earlier, until about 7 years ago, I had no documentation to bolster my conclusions. My pitifully small knowledge was strictly empirical. I could only describe what I saw or heard or more often *smelled*. And when it came to animal species other than man, I'm afraid I was as phony an animal lover as any dour dowager with a wheezy pet pekinese on an alligator hide leash.

The turning point for me came about 1965 or 1966 when the late Mike Zeamer brought a book to my attention. It was called "Moment in the Sun" by Robert and Leona Rienow. That led me to Paul Ehrlich's "Population Bomb," to Wesley Marx' "Frail Ocean" to Barry Commoner's "Science and Survival" and on to Aldo Leopold's "Sand County Almanac." And more recently "The Invisible Pyramid" by Loren Elsely.

I soon got to know many of the authors personally, had them as frequent guests on my daily CBS radio network show. I came to know and work with Rene Dubos, Lamont Cole, Roland Clement, Bill and Lucille Stickel, Ken Norris and many others among what I call the scientific elite.

I try to read everything these scientists write—talk with them, correspond with them, ask questions. From them at first-hand, I have learned something of elementary ecology, such that I now feel at least partially qualified to express by findings in lay language.

I am now more than ever completely convinced that we must divest ourselves of all of the old fallacies, prejudices, and anthropomorphicism with which we are slowly but surely hanging ourselves! We must do it quickly, too, if there is to be any semblance of a decent future for our descendants. This is no longer debatable! As Paul Ehrlich states on the back cover of his new book "How To Be A Survivor" it is up to those with the intellect, guts and resources, to recognize what is needed and carry the rest of the world."

We must beware, may I add, of wearying of the true story because of too much rhetoric. We must beware of political and commercial exploitation. And we must beware of those who would have us hide our heads in the siren sands of fanatical religious dogmas.

We must realize that no living organism, plant or animal, ever had any appreciable deleterious effect on the biosphere until this critter we call man came along.

It has now been pretty well established that he came down out of those trees and picked up a club about 3 thousand millennia ago—give or take a couple of hundred thousand years—dragging his mate by the hair off to a cave in a steep hillside. There he was safe from attack from above and he could roll rocks down on would-be marauders from below.

Abhorrent as the very thought of such a thing is to the frightened racists among us, anthropologists now generally agree that this initially innocuous little experiment in nature had its beginnings in the middle of the African Continent, and those first forebears of ours were encased in pretty dark skin! That means that three or four hundred thousand generations ago, our ancestors were all "black as the ace of spades!"

Many other such experiments didn't make it, especially those as poorly physically equipped as primitive man, and for uncounted thousands of centuries this poor wretch, our ancestor, was just another link in the food chain. He ate and recycled and *was eaten* and recycled, as is every other living organism. However, because he had neither fangs nor claws nor great speed nor strength, man was obliged to develop his brain. He had to learn to outwit his enemies and he had to devise ingenious methods of providing his food and shelter and the primitive weapons with which to take game and protect himself. He was a hunter and a gatherer and found life very tough going. For

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3 million years or so he just barely held his own. The human population growth rate was zero, the same as all other species. Only the ablest and cleverest survived.

I believe modern man is so often capable of being the most despicable of all species simply because we inherit many foul instincts from our primitive forebears who were continually forced to resort to the cruelest cunning in order to exist.

About 8000 years before Christ, man began to cultivate a little grain and domesticate a few cattle. With the dawn of agriculture, life became progressively easier. By the advent of Christianity, he numbered probably 10 million which figure by 1650 A.D. had reached 500 million. Then in only 200 years, it was doubled so that by 1850, the human population of the world had risen to one billion, where, it is now obvious, it should have stopped!

However, through technology, more people reached the age of fertility and stayed there longer. Man propagated and scattered to the far corners of the earth constantly adapting to new environments, constantly improving his technology. He is unquestionably the most readily adaptable of all species. He can and will put up with anything. To find fresh land, man abandoned that which he had ruined and moved on. He did this also to avoid his *worst* enemies—other men. Here again he is unique: Man is the only species which deliberately murders its fellows!

In all other species, he who defends his own territory always wins!—with rare exceptions, of course, to prove the rule.

Man gradually lengthened and facilitated his life, increased in numbers, incessantly making ever more horrible war against his fellows with one hand whilst inordinately befouling the entire biosphere with the other. And all this "For the love of Allah," "For God and Country" or some other fanatical fatuity.

In only 100 years, by 1930, the population had doubled again to 2 billion, and it required only 30 years to bring it to 3 billion in 1960. Here we are in 1973 at about 3.9 billion, going for four at the rate of 70 million a year. That's not the number of babies born. That's the total of new births minus deaths!

The *birth* rate is about the same as it always has been despite the pill, vasectomies and more sensible abortion laws. It's the *death* rate that has been drastically reduced, through our advancing technology, despite the wars, traffic deaths, muggings and murders. Live individuals, of course, are ecstatic about that.

Unfortunately, this results in the human population of the world doubling now every 30–35 years. In America it doubles about every 70 years because both the birth and the death rates are down. Let me re-emphasize: Man is the only species on earth whose birth rate is greater than zero! Net world increase: two-hundred and ten million every three years! That's about the present population of the United States. Therefore, if the predicted cataclysms fail to materialize the world population by 2000 AD will be 7.2 billion. By 2030, 14.4 billion. By 2060, 28.8 billion. By 2090, 57.6 billion and so on. Which is ridiculous, of course. Those figures will never be reached. There are already over 2 billion people in the world who go to bed hungry every night!

Here in the United States, despite our low growth rate of 1%, the population will be close to three hundred million by 2000.

We haven't sufficient arable acreage in America to raise enough food for three hundred million people! Notwithstanding which we continue to destroy a million point 4 acres a year in highways, airports, urban sprawl, reserviors, recreation areas, supermarkets and what not.

Nearly 1½ million acres per year of the best land, too. Yet despite these documented government figures, there are still those in high places who will tell you that we have no population problem in America: "It exists only in the underdeveloped countries." That, as Paul Ehrlich says, is like saying: "Your end of the boat is sinking."

We don't have half enough schools or hospitals or housing for our present 200 million! Three hundred million will mean, even if we provide half again as much of everything, that will still be woefully short of everything. Yet we continue to welcome thousands of immigrants every year and export millions of tons of low sulphur coal and millions of board feet of lumber!

As I have tried to point out, we are some kind of smart!!

And the ghettos—with their poverty and misery and unspeakable living conditions—rats and mice and cockroaches and other vermin. Filth and garbage. Horrible overcrowding. What kind of monsters are we that we allow such things to exist while we waste billions! Gathering moon rocks, and like that? And aren't you glad that we're now sure that our moon is actually 3.6 billion years old? I don't know how we managed to get along all this time without that vital statistic.

So what to do? We want everybody to be happy and healthy and live a nice long life. But we can't keep on multiplying like this—something's got to give. Our little planet, which is ¾ ocean, isn't big enough. And remember one-third of the land area is desert—either sand or ice. We're able to sustain human life on only ⅔ of ¼ of Earth's surface.

Yet, birth control, some say, is immoral. Traditions, mores, religious scruples: wherein lies the solution? Listen: in conclusion, here's a hopeful sign: "Christianity linked to Pollution:" squeaked a headline in the May Day issue of the New York Times three years ago. I say "squeaked" because the article appeared back on page 12, where apparently most people missed it.

Think of it: twenty Protestant theologians convened in Claremont, California in a three-day symposium to "consider the religious dimensions of the ecological issue." Their verdict was beautiful: "Theology, like Western philosophy has gone too far in making man the center of attention." That's the arrogant, anthropomorphism I mentioned earlier.

Y'know, that was more than a courageous, laudable self-indictment: It was a vivid example of the kind of spiritual leadership for which I, for one, have long been pleading.

I have often ventured the thought in bygone years that most of the insufferable, egocentric arrogance of the western world can be traced to misinterpretation of the Judeo-Christian First Book of Moses, also referred to earlier. If only we could as easily abandon some of the rest of the apocrypha of the scriptures, as we did the line ". . . . . and replenish it," it is conceivable that we could eventually develop a breed of Christians worthy of the name!

This is what we must do if we are to stop this insane, wanton destruction of our beautiful planet in time. We have, throughout the centuries, become so completely and blindly preoccupied with our own "special status" that we have lost all logical perspective and we are now perilously close to irreversible environmental degeneration. Ironically, the affluent leaders are guilty of the greatest plunder and are responsible for the most effluent. "Taking dominion over," which should have been interpreted as "assuming careful stewardship," became, instead, reckless abuse and even willful destruction of our environment.

But now, at long last, some of our clerical leaders are taking themselves to task and urging immediate reappraisal of spiritual values. One of the professors at Claremont, Dr. John B. Cobb, Jr., "regarded," said the Times "as a major American theologian," wrote in the principal paper of the conference: "As Christians we need to develop a new asceticism, based not on economics but on ecology." What makes one cross his fingers, though, is the ". . . new kind of asceticism" part. Doesn't that imply the existence of an older kind? Does the Professor actually believe there are bona fide ascetics in this country? (Outside, of course, of a handful here and there of devout members of some very strict religious orders.)

Let's face it: one average American today consumes in his lifetime perhaps a thousand times as much of our planet's natural resources as does an Indonesian, for instance, or an Eskimo, or one of the peaceful forest people of the Madyha Pradesh in India or a proud Masai tribesman of the Serengeti Plain, or any native of any so-called "underdeveloped" country, for that matter. Ascetics in America? We can't even get half a dozen professed Christians to observe any one of the ten commandments let alone adopt any voluntary austerity program! Even among the new craftily-exploited youth cultists who call themselves "Jesus freaks." (The great redeeming feature of this fad, of course, is the possibility that it may steer the kids away from dope.)

Modern Western affluent man no longer contributes anything to the environment except pollution. He pours fossil fuel poisons into the ecosphere (the air, the water and the land), he re-cycles nothing he consumes as food and in addition, incredibly demands, upon his demise an impervious bronze casket in which to eternally house his puny remains so that even *then* he will contribute nothing to the land that nurtured him!

Oh, if only Dr. Cobb's suggestions would be heard: ". . . based on ecology . . ."! Think of it this way: shorn of all the apocryphal, medieval monotheistic legends, Christ emerges as the first and greatest ecologist the world has ever known. A true Christian, therefore, is intrinsically an ecologist and vice versa.

To practice ecology is to love and have consideration for one's fellow creatures, as Christ did. We are all kindred living organisms sharing an interdependence on each other and a common environment. Did he not say: "What you do unto the *least* of these, you do unto me?"

Make no mistake: at the rate we are now destroying ourselves, the "new asceticism" will inescapably be *forced* upon all mankind *long* before the turn of the century. Such regimentation as we've never dreamed of!

If there is to be any quality of life for our children: indeed, if there is to be any life for them at all, we must waste no more time in further "rhetoric of concern."

So, I say, lead on, good reverend sirs: a tragically lonely, confused laity is begging to follow. What better place than the pulpit from which to promulgate the doctrines of ecology? Then the hearth, then the classroom and thence, the political rostrum.

We all have a lot to learn—very quickly. Those of us who know a little must not lose patience with and alienate those who don't know anything. We must help them to understand. We must keep our lines of communication open between the generations, between the races, between the professions and callings, between the lettered and illiterate, between the nations. Since the problems are planet-wide, we must shoot for some kind of world agreement—quickly! Ecology may yet prove to be the final deterrent to global war, even while we develop today the badly needed B–1 bomber for SAC.

If ever people needed to work together, it is now! Black, white, yellow, red—rich and poor. Remember, we are all members of the

same species—homosapiens—supposedly intelligent descendants of that beetle-browed poor wretch who started the whole mess by standing up on his feet.

The technology of which we now so proudly boast, cannot manufacture one square millimeter of soil, one drop of water or one breath of air. But the same brains which constitute the vast organization that puts men on the moon, for example, could give the same priorities and support, clean up the pollution in a decade! And for almost the same money! Those 30 billion, plus 30 odd additional billions we squandered so tragically in Southeast Asia, would have done the trick by now.

We've got to find ways to reduce that 165 million tons of pollutants in the air and to recycle that 360 million tons per year of garbage! Nobody need ever again be unemployed with all the mess we've got to clean up! We should rid the army engineers of their beaver complex and put their great organization to work building sewage treatment facilities instead of dams.

Let the aeronautical designers put their brains to work on non-polluting ground transportation facilities. Detroit the greatest collection of engineering brains in the world, ought to be able to come up with an automobile power plant that runs clean! And doesn't use up so much irrecoverable fossil fuel. Please note, however, none of what I have said indicts anything but *irresponsible* technology.

The technology of private industry must in future include protection of the environment. Air and water must be returned to the biosphere clean and unpolluted. All materials must be recycled. This will cost billions of dollars and you and I will pay the bill! And it will require all of the scientific research we can muster and unstintingly support.

No technological advances—even those completely devoid of biospheric pollution—will buy us anything, however, but a little time, if we fail to reduce *by at least half* the human population of the world and *keep* the *growth* rate at zero. Since some 2 billion people are hungry all the time today, if not actually starving, we must already be overpopulated by that many.

We must learn to do as all other species do: refrain from multiplying beyond the ecological limits of our environment!

Instead of striving to take dominion over the fish of the sea and the fowl of the air and every creeping thing that creepeth, let us accept and assume our rightful place among "our fellow creatures in the Odyssey of Evolution."

You must believe me when I assure you that with this humbling understanding there comes finally to a troubled, bewildered heart a beautiful peaceful serenity of spiritual fulfillment akin to Buddhist nirvana, that gives real meaning to everyone's life. Which is why I beg you to read and thoroughly digest the books I have mentioned.

I would like to close today by reading a short piece taken from the "Stevens Point (Wisconsin) Daily Journal" dated December 14, 1967, and sent to me by one of my listeners in Portland, Oregon in February of 1968. It was written by Kenneth Ross for the Idaho Wildlife Review.

In the end,
There was Earth, and it was with form and beauty.
And man dwelt upon the lands of Earth, the meadows and trees, and he said
"Let us build our dwellings in this place of beauty."
And he built cities and covered Earth with concrete and steel.
And the meadows were gone.
And man said, "it is good."
On the second day, man looked upon the waters of Earth.
And man said, "Let us put our wastes in the waters
That the dirt will be washed away."
And man did.
And the waters became polluted and foul in their smell.
And man said, "it is good."
On the third day, man looked upon the forests of Earth
And saw they were beautiful. And man said, "Let us cut the timber
For our homes and grind the wood for our use."
And man did.
And the lands became barren and the trees were gone.
And man said, "it is good."
On the fourth day man saw that animals were in abundance and ran in the fields and played in the sun. And man said, "Let us rage these animals for our amusement and kill them for our sport."
And man did. And there were no more animals on the face of Earth.
And man said, "it is good."
On the fifth day man breathed the air of Earth. And man said,
"Let us dispose of our wastes into the air for the winds shall blow them away."
And man did. And the air became filled with the smoke and the fumes could *not* be blown away.
And the air became heavy with dust, and choked and burned.
And man said, "it is good."
On the sixth day man saw himself; and seeing the many languages and tongues, he feared and hated.
And man said,
"Let us build great machines and destroy these lest they destroy us."
And man built great machines and the Earth was fired with the rage of great wars.
And man said, "it is good."
On the seventh day man rested from his labors and Earth was still.
For man no longer dwelt upon Earth.
And it was good.

ORR KELLY LEAVES PENTAGON

Mr. PROXMIRE. Mr. President, Orr Kelly, the key military reporter for the Washington Star-News, is leaving his post at the Pentagon for the Justice Department.

In the 6 years he has covered the Pentagon, Washington has been left with a rich legacy of reporting and analysis from a man who was close to the military planners. His columns have often been clear and reasoned. They bore the marks of accurate information coupled with sound analysis.

Covering the Pentagon must be a difficult job. Being able to distinguish between planted stories and issues leaked for parochial purposes demands a balanced perspective. Orr Kelly's opinions have always been respected.

In his final military column, Orr Kelly speaks out on several issues based on his experience with the military establishment.

Though his conclusions would not be mine throughout, I share his belief that the nation is fortunate that there are so many highly qualified military and civilian personnel devoted to service for the national defense. Orr Kelly's name is among those.

Mr. President, I ask unanimous consent that Orr Kelly's article titled "Last Pentagon Report" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Star-News,
Oct. 23, 1973]

LAST PENTAGON REPORT

(By Orr Kelly)

This is the last column on military affairs that will appear here under this byline.

After more than six years covering the Pentagon, through much of our nation's longest war and through crises and scandals almost too numerous to recall, this reporter is moving across the Potomac to cover the Justice Department.

In the life of a bureaucracy like that of the Pentagon, six years is a long time—substantially longer than most key officials of the department spend in their jobs there. It is a time that affords some perspective on American military policy and the military establishment.

Here are some brief observations based on that perspective:

First, as the current confrontation in the Middle East has reminded us, the major concern of American foreign and military policy is, and will remain, the Soviet Union. Despite all the talk of détente and of the turn from confrontation to negotiation, relationships between the United States and the Soviet Union are supremely important and dangerously uncertain.

This does not mean that war between the two countries is probable. War has been avoided in the difficult years since the end of World War II on a number of occasions, and there is real hope that war can continue to be avoided. But with two countries armed as no nations ever have been armed before in history, the awfulness of war, if it should come, makes the avoidance of war between the United States and the Soviet Union the single most important objective of American policy.

Since the avoidance of war—deterrence, in the word of our nuclear strategists—depends on a balance of terror, there is very little realistic hope that the U.S. defense budget can be reduced in the foreseeable future. If the relations between the United States and the Russians continue about as they are now, with slow progress toward more comprehensive strategic arms limitations, we probably will be fortunate to keep the arms budget at about its current level in constant dollars. But there is little slack in the budget for emergencies, like the current resupply of Israel, and even brief crises can eat up millions, even billions, of dollars.

There is a broad range of opportunities for improvements in the American military structure. The changes, requiring a certain boldness and a willingness to challenge hoary assumptions, might save some money, but mostly they would provide more effective defense for about the same money.

The irrational deployment of American troops in Europe, for example, has long cried for change. The Titan missile force, already bargained away in exchange for the right to build more submarines, still is kept on alert at an annual cost of $30 million, as another example.

Spending on defense is declining as a percentage of the gross national product, as a share of the federal budget and, most dramatically, as a percentage of all public spending, both federal and local. There simply is no way that the defense budget can be squeezed to provide the large sums of money that other government programs, already on the books, will require in coming years.

There will, of course, continue to be extremely heavy pressure on the defense budget. It is very difficult to explain, for example, why the government is spending less this year to house a rapidly expanding prison population than it spends for a single fighter

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plane. This pressure will require great discretion to determine what is really needed and what can be cut without danger to national security.

Despite its size, the Defense Department probably is the best-managed agency in the government. This is true, also, in spite of all the talk about cost overruns and inefficiency.

The fact that most Americans, most congressmen and many Pentagon officials do not believe the department is well-managed is a problem in itself. There is a pervasive—but false—belief that all of the Pentagon's problems would be solved if it were simply managed better.

This is simply not true. The management of the department has been improving gradually over the years and it almost certainly will continue to improve. But there is no reason for hope that there will be some miraculous breakthrough to an era of mistake-proof, error-free management. The best we can hope for is continued gradual, undramatic improvement—and demands for a miracle will simply make that kind of improvement more difficult and unimpressive when it does come.

Finally, it should be said that, despite the recent scandals that have tarnished the image of the military establishment, the nation is indeed fortunate that the quality of those, both military and civilian, who devote their skills to national defense is, on the whole, so very high.

ISRAEL—ZIONISM AND THE U.N.

Mr. HUMPHREY. Mr. President, on October 21 many Americans watching the televised proceedings of the United Nations debate on the Middle East after the cease-fire were disappointed at the atmosphere of suspicion and hate which permeated so much of the discussion. This kind of atmosphere is not a healthy one in a forum dedicated to world peace and its attainment. The spectacle of a stream of representatives vindictively engaged in a concerted effort to isolate the government of Israel, which was itself the victim of an attack by its neighbors on October 6, was not a pleasant one for many Americans.

Much of the talking was a series of acrimonious attacks on Zionism. In response, Israel's permanent representative to the United Nations, Ambassador Yosef Tekoah, responded with an eloquent defense of Zionism, describing it as a historical and valid liberation movement of the Jewish people.

I ask unanimous consent that the text of those remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

ZIONISM—LIBERATION MOVEMENT OF THE JEWISH PEOPLE

(By Yosef Tekoah)

It was not my intention to speak at this stage of the meeting; the statement delivered by the representative of Saudi Arabia compels me, however, to do so.

Only the other day I was interrupted five times in this very chamber in the course of expressing grief over the death of innocent civilian victims of the war, whether they be Egyptian, Syrian, Israeli, or nationals of other states. Yet today we listened to a statement by the representative of Saudi Arabia into which he succeeded in packing the maximum of nonsense and the maximum of verbiage and venom. He did not stop at distorting fact and history. He insulted heads of states, including permanent members of the Security Council. He slandered nations. He abused civilizations and religions. He extolled Hitler and anti-Semitism. Yet no one except me tried to call him to order. His falsifications and calumnies do not deserve any response.

I should, however, like to refer to one point in his speech: his attack againt Zionism—because he is not the only one who resorts to these perfidious views and expressions.

Zionism is the love of Zion. Zionism is the Jewish people's liberation movement, the quest for freedom, for equality with other nations. Yet in an organization in which liberation movements are hailed and supported, the Jewish people's struggle to restore its independence and sovereignty is maligned and slandered in an endless spate of malice and venom.

In his drive to annihilate the Jewish people, Hitler began by distorting the image of the Jew, by rewriting Jewish history, by fabricating some of the most odious historic and racial theories. The Arab Governments, in their campaign to complete Hitler's crimes against the Jewish people and destroy the Jewish State, have adopted the same method of falsifying Jewish history, and in particular the meaning of the Zionist movement and the significance of its ideals.

What is Zionism?

When the Jews, exiled from their land in the seventh century before the Christian era, sat by the rivers of Babylon and wept, but also prayed and sought ways to go home, that was already Zionism.

When in a mass revolt against their exile they returned and rebuilt the Temple and reestablished their State, that was Zionism.

When they were the last people in the entire Mediterranean basin to resist the forces of the Roman Empire and to struggle for independency, that was Zionism.

When for centuries after the Roman conquest they refused to surrender and rebelled again and again against the invaders, that was Zionism.

When, uprooted from their land by the conquerors and dispersed by them all over the world, they continued to dream and to strive to return to Israel, that was Zionism.

When, during the long succession of foreign invaders, they tried repeatedly to regain sovereignty at least in part of their homeland, that was Zionism.

When they volunteered from Palestine and from all over the world to establish Jewish armies that fought on the side of the Allies in the First World War and helped to end Ottoman subjugation, that was Zionism.

When they formed the Jewish Brigade in the Second World War to fight Hitler, while Arab leaders supported him, that was Zionism.

When Jews went to gas chambers with the name of Jerusalem on their lips, that was Zionism.

When, in the forests of Russia and the Ukraine and other parts of East Europe, Jewish partisans battled the Germans and sang of the land where palms are growing, that was Zionism.

When Jews fought British colonialism while the Arabs of Palestine and the neighboring Arab States were being helped by it, that was Zionism.

Zionism is one of the world's oldest anti-imperialist movements. It aims at securing for the Jewish people the rights possessed by other nations. It harbours malice towards none. It seeks co-operation and understanding with the Arab peoples and with their national movements.

Zionism is as sacred to the Jewish people as the national liberation movements are to the nations of Africa and Asia. Even if the Arab States are locked today in conflict with the Jewish national liberation movement, they must not stoop in their attitude towards it to the fanaticism and barbarism of the Nazis. If there is to be hope for peace in the Middle East, there must be between Israel and the Arab States mutual respect for each other's sacred national values—not distortion and abuse.

Zionism was not born in the Jewish ghettoes of Europe, but on the battlefield against imperialism in ancient Israel. It is not an out-moded nationalistic revival but an unparalleled epic of centuries of resistance to force and bondage. Those who attack it attack the fundamental principles and provisions of the United Nations Charter.

DELAWARE'S VETERANS UPWARD BOUND PROGRAM

Mr. BIDEN. Mr. President, an article in the August–September issue of American Education, a publication of the U.S. Department of Health, Education, and Welfare, Office of Education, focuses on the Delaware Opportunities Industrialization Center, a private, nonprofit training organization, and its Veterans Upward Bound program.

The article is entitled "From the Service to the Campus" and was written by Steve Hulsey.

The Veterans Upward Bound program, while primarily designed for Vietnam era veterans, also gives assistance to veterans of other wars and their families. The primary focus of the program is on education, but it also deals with all veteran-connected problems.

With the support of funds authorized under title IV of the Higher Education Act, five pilot VUB's were established last year. Today 67 such projects are in operation.

Delaware's program is unique in that it is both the only one that is statewide and the only one that is administered by an Opportunities Industrialization Center, an agency rather than an educational institution.

At a time when there is much justifiable concern as to whether or not Vietnam veterans are receiving adequate assistance, especially with respect to educational benefits, I think Delaware's DOIC/VUB and the other 67 VUB's throughout the country should be applauded for their worthwhile efforts in this area.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FROM THE SERVICE TO THE CAMPUS

(By Steve Hulsey)

A Delaware project that combines talent search and Upward Bound illustrates a nationwide effort to open education to Vietnam vets.

Like many another Vietnam veteran, Robert Hilton returned home with no clear idea of what kind of a career he might want to take up and an equally hazy notion of the possible options.

Bob was luckier than some in that he did manage to find work—with a burglar alarm company, thanks to his training as an electronics technician with the U.S. Coast Guard. However, he says, "The kind of training I could qualify for in the service was so general that it wouldn't carry me very far in a civilian job, and of course the fact that I had only a high school diploma didn't help, either."

The more he thought about the situation the more convinced he became that his best bet was more education. After an absence of three years in the service, however, he was uncertain as to how to go about applying and felt apprehensive about tackling whatever procedures might be involved. Moreover, though he had been saving from his salary from the burglar alarm company job, he recognized that money would be a problem, too. All in all, the odds seemed so much against him that he came close to abandoning the whole idea.

Bob Hilton's dilemma was resolved by a form letter. It came from the Delaware Opportunities Industrialization Center, it described this private, nonprofit training organization's Veterans Upward Bound program, and it invited inquiry. Bob responded, and this is what happened as a consequence: Counselors at the DOIC/VUB, as the enterprise usually identifies itself, familiarized him with the requirements and procedures for enrolling in a small liberal arts college near his home. Since in high school he had not taken the college entrance examination, they helped him get admitted on a probationary basis to complete the course requirements. They helped him apply for education benefits under the Veterans Administration's GI Bill. And to carry him along until his VA checks began to arrive, they helped him arrange a $150 loan to cover the difference between his savings and what he would have to spend. Bob proved to be a first-rate student, and this fall the plans to transfer—again with DOIC/VUB help—to the University of Delaware to major in accounting.

Bob is one of more than 500 Delaware men and women who have received guidance and conseling from DOIC/VUB, and they are in turn among an estimated 40,000 who are being helped by somewhat similar operations run by institutions or organizations in locations marked by high concentrations of unemployed or underemployed veterans. With the support of funds authorized under Title IV of the Higher Education Act, five pilot Veterans Upward Bound projects were established last year. They quickly proved their worth, and today 67 such projects are operating in 41 States, the District of Columbia, and Puerto Rico.

The Delaware program is the only one that is statewide, and it is unique also in that it is administered by an Opportunities Industrialization Center, an agency rather than an educational institution. The first such center was founded in 1964 in Philadelphia to provide free job training and to help disadvantaged persons find jobs. Like the VUBs, the OICs have expanded, there now being 105 of them in the United States and seven overseas.

Despite its name, the VUB component includes not only the Office of Education's Upward Bound program but its Talent Search program as well, these having been adapted to the particular needs of this special "client." The program is designed primarily for Vietnam-era vets (though assistance is also given to veterans of other wars, and their families), and though the focus is on education, in practice it deals with just about any veteran-connected problem.

Talent Search identifies disadvantaged veterans who have a capability for post-secondary education and encourages them to return to school, and also publicizes GI Bill educational benefits and other available financial aid. Upward Bound helps such vets get high school certification, arranges for whatever tutorial or remedial assistance they may need, and seeks to move them into a postsecondary setting, either for vocational training or for academic study in a college or university. The latter involves some special problems.

Many vets, says Eugene N. Cannon, director of DOIC's Veterans Upward Bound program, feel apprehensive about getting back into the classroom and competing with "regular" students. Most have been out of school for a long time and have lost the "feel" of attending classes and studying.

"Just about every veteran we deal with is bothered by having gotten out of the academic flow," Cannon says. "Moreover, though they want to get an education, they are adults now and have adult responsibilities." Most support themselves, many have acquired automobiles, and some have families. Most seem to have shut off all avenues other than that of finding a job. VUB seeks to open up, through counseling and training, the option of getting an education.

"We showed one vet," says Cannon "that he would be making less on a $2.25-an-hour job he was interested in than he would get on the GI Bill while he was getting an education."

Members of the DOIC/VUB staff do not always have so cogent a dollars-and-cents argument to offer, but their batting average is nevertheless high. Most are Vietnam-era veterans themselves. They understand the problems that other veterans face, they are persuasive advocates of VUB services, and they are experts in how to put those services to best use.

Typical of the young people they deal with are George Wilson, James Fitzpatrick, and Priscilla Graham. Wilson spent three years in the Army as a supply clerk. He had a high school diploma, but when he returned home in July of 1971 he was able only to find work "doing odds and ends." At the urging of a friend he entered a DOIC program set up to train technicians in industrial chemistry. VUB staff members helped him apply for GI Bill benefits. And as the training sessions neared an end, they taught him how to fill out job application forms and coached him in how to be effective in job interviews, down to such details as how to dress for such an encounter.

Wilson is now part of a four-man crew that operates and maintains extruding equipment used to manufacture new plastic materials at the Marshallton, Delaware, plant of Hercules, Incorporated, one of the world's largest chemical companies.

"I couldn't have got the job without the DOIC/VUB program," Wilson says. "I'd probably still be looking."

Much the same series of events led James Fitzpatrick, who had been a reciprocating-engine mechanic in the Air Force, to become a fellow member of George Wilson's crew at Hercules. Upon his discharge in 1971 Jim wanted to work for a local aviation firm but discovered it was laying off workers rather than hiring them. He then took a course in welding, only to find that welding jobs were scarce in that area, too. Then through an advertisement in a local newspaper he learned of DOIC/VUB and subsequently enrolled in its industrial chemistry technicians training program. Illustrative of the uncertainty that many veterans feel is that Jim remembers—perhaps more vividly than anything else about the DOIC experience—the help he and George Wilson received in learning how to fill out job application forms, and above all how to handle the tense business of going through an interview. That they learned well is testified to by their supervisor, Gerald H. Zimmerman. "They knew what to say and what not to say," Zimmerman recalls, "And subsequently they demonstrated that they knew how to accept the responsibility of a job."

Like Jim Fitzpatrick, Priscilla Graham made a couple of false starts before DOIC/VUB helped her find her niche. Priscilla had been a nurse's aide in the Women's Army Corps, but when she was discharged she decided she would like an office job. So she completed a course at a data processing school to become a key punch operator, only to discover that the job market for key punch operators was so tight that only experienced people were being hired. She was unhappily working as a waitress when she learned of the DOIC/VUB. There she entered a training program to learn typing, accounting, and the operation of business machines, the staff having meanwhile taken her through the ropes of applying for GI Bill benefits. When a local bank subsequently called DOIC/VUB with openings for teller trainees, Priscilla was recommended by her instructor and landed a job in the bank's computer center. Currently, on the advice of a DOIC/VUB counselor, she is also a part-time student in banking courses at a local vocational college.

"In the job I have now," she says, "I can go as far as I want to. I can move to other departments and get more experience, and when the right time comes I think I can get a supervisory position."

DOIC's Veterans Upward Bound program got under way in July of 1972 with an initial Office of Education Talent Search/Upward Bound grant of $60,000 (later boosted to $85,000) and the mission of serving unemployed veterans throughout Delaware. Inquiries about the VUB program began to come in even before it officially got started, says Cannon. Nearly 70 veterans were enrolled in the first three-month training courses devoted to college preparatory subjects, with a large backlog of others waiting for the start-up of vocational sessions. Meanwhile DOIC/VUB was establishing itself as a kind of "sub-VA," offering special counseling and advice and volunteering help on just about any veteran-related problem. With an office in each of Delaware's three counties, DOIC/VUB now provides Delaware veterans with 24-hour service and the assistance offered has ranged from providing benefits information for the widow of a Spanish-American War veteran to helping an enterprising Vietnam vet negotiate a loan to build an apartment house.

Since a year ago, when Delaware had an estimated 10,000 Vietnam-era veterans, the DOIC/VUB's potential clientele has been increasing at a rate of about 150 per month. Each receives a letter describing the program (the same letter that captured the attention of Bob Hilton) and letting it be known that DOIC/VUB is ready to lend a hand. Those that enroll in the program can get basic instruction in math and English as well as take vocational training or college preparatory courses.

A DOIC staff member known as the "job developer" keeps track of employment opportunities available in the community and maintains a "job bank" that not only serves the trainees but is used as the basis for adjusting the curriculum, toward making sure that the training programs reflect employer needs. Local industries have in turn agreed to interview DOIC/VUB trainees before advertising new job openings.

What happens to the young men and women exposed to the program is indicated by a survey of an initial group of 210: 89 had been placed in jobs, 15 were still in DOIC/VUB training programs, another 15 were taking on-the-job training, 80 had entered a college or university, and the remainder were doing preparatory work toward enrolling in a postsecondary institution this fall.

Those that enter the University of Delaware can receive further assistance under the Special Services for Disadvantaged Students program, also funded under Title IV of the Higher Education Act. These services, operating at the college level, include tutoring, help with applications for GI Bill benefits, and counseling not only as to course work but social problems as well.

But the special Veterans programs

are so new, no statistics are available as to the performance of DOIC/VUB men and women who enter college or undertake vocational training at the postsecondary level. However, the veterans seem to be at least average students and may be somewhat above average. So says the Office of Education's Prince Teal, Jr., veterans coordinator for Delaware and other States included in OE's Region III.

"There is no question but what the Talent Search/Upward Bound approach works," Teal says, "and it helps not only the veterans themselves but the institutions they attend. In some ways it is a kind of unofficial arm of the institution's administration. Veterans today make up a large segment of many undergraduate student bodies—25 percent or more in some places—and it would seem important that these institutions use some of their funds to establish programs that specifically concern themselves with the needs of veterans in the fashion that VUB does. Many colleges apparently are not aware of such things as that the VA will pay tutorial fees for veterans of up to $50 a month."

As the Delaware example demonstrates, moreover, VUB's potential for helping veterans is just beginning to be tapped. As director of DOIC's Veterans Upward Bound program, Eugene Cannon is now seeking to bring its benefits to eligible veterans who are inmates of the State prison. At Delaware State College, campus veterans' clubs are being organized toward building *esprit de corps* and giving these young people an opportunity to share their experiences and aspirations; other veteran-oriented projects are being planned.

"The transition from the service back into civilian life presents some problems for any veteran," Cannon says, "but particularly for those from disadvantaged backgrounds. They recognize that they need more training, more education, if they're not going to wind up in dead-end jobs. And yet they're not sure they can handle it, or even how to go about getting started. That's what VUB is all about. We want to dig out the God-given talent these young people have and then help them exploit it.

"The Vietnam-era veteran represents a major resource for this Nation. We don't want to see it go to waste."

CONFERENCE OF NONALINED NATIONS

Mr. FULBRIGHT. Mr. President, Dr. Thomas B. Manton is a recognized expert on Asiatic and Middle Eastern affairs and has been for many years a close observer of that region.

Dr. Manton, who is the president of the China-America Relations Society, was in Algiers for the recent conference of nonalined nations and wrote a series of articles on the conference for the Arkansas Gazette.

This was an important meeting of the leaders of third world nations and Dr. Manton has provided a very thorough and interesting report.

As Dr. Manton suggests in his report, having improved relations with the Soviet Union and the People's Republic of China:

> A concerted effort must be undertaken to understand and then to reconcile the differences—the enormous differences—that exist between the United States and the Non-Aligned nations . . . Within this process . . . a new and more equitable international system must be built.

I ask unanimous consent, Mr. President, to have the articles from the Arkansas Gazette printed in the Record. Despite the importance of the conference, it received relatively little attention in the American press.

There being no objection, the articles were ordered to be printed in the Record, as follows:

"Third World"—The Largest Gathering of Heads of State

(By Dr. Thomas Manton)

(Editor's Note.—Dr. Thomas B. Manton of New York is a recognized expert in Asiatic studies and has been a close observer of the Asiatic scene for 16 years. He is president of the China-America Relations Society, headquartered in New York. He was in Algiers for the recent Conference of Non-aligned Nations and here is the first in a series of articles he wrote especially for the Gazette, setting forth his observations and opinions on the Conference.)

Algiers.—As the gentle waves of the Mediterranean lapped up on the sandy beach 200 yards away, one Emperor, two Kings, two Princes three Shiekhs, one Sultan, an Archbishop, 34 Presidents, four Prime Ministers and 69 Foreign Ministers from 75 countries of Asia, Africa and Latin America met recently in the ornate yet functional Palais des Nations, 15 miles west of Algiers, at the fourth Summit Conference on Nonaligned Countries. In terms of grandeur, contrasts, peoples represented, and ideas discussed, some of which were agreed to by all, this gathering could rightly have been called "the greatest show on earth." It was indeed the largest gathering of heads of state ever assembled.

The Conference theme was expressed by Forbes Burnham, Prime Minister of Guyana. He said, "What we must now do, is liberate ourselves economically now that we have gained political independence." Indeed, the common theme running through all the proceedings, the nearly 70 speeches in the plenary session, the all-night sessions of the political and economic committees, and finally the declaration of the conference coupled with the action program for economic cooperation, was the absolute necessity of national economic independence as a goal with an intermediate step of interdependence in order to build up that economic sovereignty.

Essentially, what many of the countries of this non-aligned movement possess is an abundance of natural resources but they lack the technology to exploit them for the good of their own people. Consequently, they have been technologically dependent on the developed countries of the West. Before the large international oil companies came into the Middle East, Saudia Arabia, Libya, Algeria, Iran and the others were all economically backward desert kingdoms. Since the introduction of Western technology, billions have been made, providing many Middle Eastern countries an economic independence possessed by virtually no developing countries in any other part of the world.

Muammar Kueddafi, President of Libya, pulled the tail of the international oil lion, with the knowledge that he had enough money put away for his country ($3 billion in reserves) to survive another ten years without exporting one additional barrel of oil. Rarely has a country of the Third World been able to dictate its terms to a developed nation of the West, let alone a superpower. Consequently, when President Nixon compared his action with that a generation earlier of Dr. Mossadegh, Col. Kueddafi reacted as expected. It was well-known the American government was instrumental in overthrowing Dr Mossadegh of Iran in the early 1950's. Thus Col Kueddafi in a press conference said, "If anybody intervenes militarily, we are ready to defend ourselves."

The Conference concluded that each country should have effective control over its own natural resources, and that "any state is entitled to set the amount of possible allowances as well as the terms of payment, and any dispute must be settled in conformity with the national law of the non-aligned country. The non-aligned nations would promptly and fully support developing countries and territories under colonial domination, suffering from boycott, economic aggression or political pressures, struggling for the recovery of an effective control of their natural resources and economic activities still under foreign control."

Amid an increasing number of nuclear tests in the atmosphere, the first non-aligned summit conference met in Belgrade, Yugoslavia, at the beginning of September, 1961. President Tito recalled that the conference "addressed an appeal to the great powers, divided by the cold war, at least to sit down together at the table and to begin to negotiate." He further stated "that was an expression of the concern of mankind and a voice of its conscience which was not without its response." At the conclusion of the first Non-aligned conference two groups of heads of state from the summit conference had gone to the superpowers, the United States and the Soviet Union, to plead for an end to atmospheric nuclear testing and a reduction of the cold war. This was an attempt to end the bi-polarity which had characterized world politics since the end of the Second World War and to begin what President Nixon instigated nine years later—an "era of negotiations." In the words of President Habib Bourguiba of Tunisia, "the Belgrade conference was a reaction to the atomic bomb, the military blocs, the foreign military bases on the soil of the nonaligned."

"Now," said President Numery of Sudan, "the two big powers have met and the era of entente has started." President Tito of Yugoslavia said, "If the cold war has lost its intensivity, if in the relations among the great powers negotiations and agreement have replaced confrontation in many ways, if the situation in many parts of the world has been considerably improved—our efforts have also been woven into this progress."

President Boumedienne of Algeria, host to this 4th nonaligned summit conference, voiced the determination that never again would a Yalta conference be held at which three world leaders (Roosevelt, Stalin and Churchill) would meet to determine the fate of the post-war world.

The opening session of this non-aligned conference was a pageantry of contrasts. The 27-year-old King of Nepal strode in proudly at the head of an 18-person delegation followed by his beautiful, young, sari-clad queen. Tall and stately, Archbishop Makarios, President of Cyprus, with a long beard and a tall hat, nodded to the crowds at the entrance of the hall as if he were passing on his spiritual blessing. Fidel Castro, wearing green fatigues, open at the neck, responded to a cheering crowd of enthusiastic supporters. The 71-year-old President Habib Bourguiba of Tunisia walked in a dapper lounge suit wearing dark glasses. Black and white robes flowing, the most powerful man in the conference, King Faisal of Saudi Arabia, was accompanied by a retinue of his highest ranking advisors. The Lion of Judah, Emperor Haile Selassie I, would be called the grandfather of the movement, while President Tito was acknowledged as one of the three founders of the non-aligned movement (the other two having been Nehru and Nasser). The popular heroes at the conference were the more revolutionary ones—Colonel Kueddafi of Libya dressed in a simple uniformed sports shirt and Yassar Arafat, chairman of the Palestine Liberation Organization clad in checkered headdress, dark glasses, hunting jacket and tennis shoes. Madame Indira Gandhi, daughter of the Prime Minister Nehru of India, gracefully

walked in a flowing sari surrounded by an all-male group of advisors.

At the opening session, after President Boumedienne's welcome and the short speeches of appreciation, the plenary session got down to the serious business of listening to the sometimes-longwinded, sometimes-realistic, sometimes-action-oriented, sometimes-flowery speeches delivered by nearly all of the 75 member nations of the conference. In addition, a number of observers and representatives of liberation movements spoke to the assembled delegates.

At the end of each session, the entrances were crowded with the heads of state going in new Citroen limousines, preceded by motorcycle outriders, to their three-bedroom villas dotting the complex known as the "Club des Pines"—a resort area built originally by Algeria's first president (now confined to his own house in Algiers) Ahmed Ben Bella, and now sometimes occupied by American, British and Canadian oil men working in the gas and oil fields (which supply Algeria's largest export).

So many heads of state arrived in their own private planes that during the two days prior to the opening of the conference the band and honor guard welcoming them stood constantly in the blazing sun at "Maison Blanche" airport, while President Boumedienne shuffled from the airport's VIP lounge out to each plane, then to the reviewing stand where the national anthem was played followed by the welcome of each head of state by the Algiers diplomatic corps. After Prince Sihanouk arrived and delivered a 27-minute airport speech, thus making the following plane adopt a holding pattern above Algiers, it was decided that airport speeches would be eliminated.

With such a diverse group of world leaders meeting, conflicts were bound to occur. Frankly, it was surprising that more did not take place. There seemed to be a tremendous sense of solidarity both expressed publicly and felt privately. The next article will attempt to analyze this phenomenon.

'Third World'—Moving Toward New International System

(By Dr. Thomas B. Manton)

(Editor's Note: Dr. Thomas B. Manton of New York is a recognized expert in Asiatic studies and has been a close observer of the Asiatic scene for 16 years. He is president of the China-America Relations Society. Dr. Manton was in Algiers for the recent Conference of Non-aligned Nations and this is a second article that he wrote especially for the Gazette, setting forth his observations and opinions on the Conference.)

Algiers.—At the end of the fourth Summit Conference of Nonaligned Countries, an Algerian came up to me and asked: "What advice would you have given the President of the United States regarding the U.S. policy towards this conference?" I replied, "I would have recommended that he instruct the American ambassador to attend the opening and closing sessions of the Conference as an observer as well as send a message to the Conference, as did the leader of the Soviet Union and the People's Republic of China, congratulating them on holding the Conference; and then at its conclusion, that he invite a delegation from the Conference to inform him of its results, and then determine ways in which the United States could assist in the implementation of its more positive and constructive recommendations."

In other words, the United States will have to come to terms with an increasingly powerful movement of non-aligned nations. Although this Conference defined non-alignment "as not belonging to a collective security pact," a number of countries that do belong to military pacts did apply to be included in its meeting, including Australia, New Zealand, Romania, Turkey and Pakistan. They were all turned away from attending because they belonged to either SEATO, CENTO, NATO or the Warsaw Pact.

What is the cement that keeps this non-aligned movement together? Mujubur Rahman, Prime Minister of Bangladesh, who got the Conference to endorse his country's membership in the United Nations, declared that "there are two groups in the world—the oppressed and oppressors," adding: "We stand with the progressive forces." Prime Minister Gandhi of India told the conference at the outset, definitely "Assembled in this hall are rebels, great revolutionary heroes and architects of newly developing nations . . . once we were termed rebels—today we must speak for those who are many, but whose voice is muted."

THIRD WORLD FALLING BEHIND

The final Economic Declaration said: "The Third World which represents 70 per cent of the world's population, lives on only 30 percent of the world's income. By 1980, the average income per person will be $3,600 for the developed countries whereas it will be only $265 for the developing countries." Third World participation in world trade is getting smaller and smaller, stated this Economic Declaration, "passing from 21.3 per cent in 1930 to 17.6 per cent in 1970," adding: "The economic situation in developing countries is worsening because of the international financial crisis for which they are not responsible." President Tito in one of the most thoughtful and perceptive speeches of the conference observed: "We have been and still are preoccupied to the greatest possible extent with the struggle of peoples and countries for state political and economic independence. We are confronted with the seemingly contradictory process. Countries are becoming ever more closely integrated and interdependent, at the same time, [they] determine to achieve and preserve their independence. These are only the two aspects of the same movement; all-around, equitable and fruitful co-operation is only possible among independent and sovereign states. Indeed, independent countries are always oriented toward co-operation with the rest of the world in order to make further progress. However, we are still compelled, and we shall probably be forced for a long time to come, to insist upon independence as an irreplaceable prerequisite of equitable international cooperation."

With an increased call for participation of peoples around the world in the determination of their own destiny, the question becomes obvious—what is the future of the non-aligned movement and how can the United States relate to it?

It was interesting to note that the Soviet Union was strongly defended by Fidel Castro, so much so that President Kueddafi of Libya stated in a press conference, "Castro doesn't belong here, he is aligned to a super power."

The People's Republic of China was hardly mentioned. Prince Sihanouk who is deeply grateful to the People's Republic of China, his government-in-exile being in Peking, made just a passing reference to China. The United States, however, was constantly called by many in this Conference an "imperialist, colonialist, and neo-colonialist power." Our actions in Indochina and our support of reactionary government around the world and, for this conference, our resolute support of Israel were given as examples of the United States being a major enemy of the non-aligned world. Not *one* nation came to our defense.

President Sadat of Egypt remarked how "the non-aligned movement started as a minority but now is a majority." Sadat claimed, as did others, that "the great powers cannot have agreements against the interests of the non-aligned."

The Conference was one of defiance—largely defiance of the United States—economically, militarily, politically, etc. The days of the United States being the great revolutionary example are over in the Third World. We are viewed now as a bully and dominator. Suspicions abound that if the United States cannot get resources using peaceful persuasion, military force will be used.

What were the primary concerns of delegates to this conference which represented a majority of the world's peoples and how can the United States relate to these concerns in helping to build a new international system which is both realistic and just? These questions are hard for us in the United States to answer. But if we want to relate to the rest of the world, as indeed we must, we need to grapple with them.

1. The non-aligned countries were unanimous in their determination to control their own natural resources. Whether it is 51 per cent control or total control is irrelevant—control is what they demand! For too long, they reason, they have been the exploited. Their determination to end that exploitation was displayed in thousands of ways here at this non-aligned conference. What the West has is technology and the ability to use it. What the non-aligned countries need is technology and the training and ability to use it. This struggle was not one between East and West at this conference but between the Northern developed states of the world in contrast to the Southern developing states.

2. One of two over-riding political concerns of this conference was the question of Palestine. In speech after speech, America and Israel were linked together. The Conference gave "its firm support to and solidarity with the Palestine people . . . and called for the restoration of the national rights of the Palestine people as a basic prerequisite for the establishment of an equitable and lasting peace in the area." The United States must realize the depth of feeling on this issue of Palestine around the world. We must then, after very careful consideration develop an all-inclusive policy which would have as its basis the national interests of the United States.

LIBERATION IN SOUTH AFRICA

3. The liberation of white-dominated Southern black Africa was the other major political problem discussed by virtually every speaker. Here is a near perfect case where a small group of persons with technology and the ability to use it are suppressing those who either lack the technology or ability to use it. In this particular case it is military technology or ability to use it. Fighters against these last vestiges of colonialism will probably win in the long run yet it will be a long, bloody struggle. The United States must deal with this problem firmly and without any equivocation. In deciding the policy of action, we in the United States must base our policy on the American tradition of self-determination of peoples and the principles of our own war of independence.

4. The creation of a more equitable international economic system was both a stated and unstated question raised by many speakers. The increasing economic disparity between the "haves" and "have nots" cannot be tolerated ad infinitum. A serious effort must be made to start the process of lessening this gap, not increasing it.

Now that the United States has made peace with the two superpowers, the Soviet Union and the People's Republic of China, a concerted effort must be undertaken to understand and then to reconcile the differences—the enormous differences—that exist between the United States and the Non-Aligned nations. Within this process, indeed a new and more equitable international system must be built.

"Third World"—Afterthoughts on the Nonalined Conference

(By Dr. Thomas B. Manton)

(Editor's Note: Dr. Thomas B. Manton of New York is a recognized expert on Asiatic and Middle Eastern studies and has been a close observer of the Asiatic scene for 16

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years. He is president of the China-America Relations Society. Dr. Manton was in Algiers for the recent Conference of Non-aligned Nations and wrote a series of special articles on the Conference for the Gazette. This is the last of three.)

"The world cannot continue to live half hungry and half fed," declared the Egyptian foreign minister, Dr. Hassan el Zayyat, in an exclusive interview with the Arkansas Gazette in Cairo after the Non-aligned Conference. Reflecting on the work of the Conference, Dr. Zayyat looked forward to the day when the assembled nations could indeed undertake important unified action.

He realizes full well that the Third World has much more to bring them together than to rend them asunder—that their commonality is far greater than their divergence.

The issue of hunger and poverty permeated much of the rhetoric of the Conference. The heads of state and government urged that in the context of the grave food crisis confronting vast areas and populations of the world, an emergency joint conference of FAO (Food and Agriculture Organization of the UN) and UNCTAD (UN Conference on Trade and Development) should be convened at a ministerial level in order to formulate a program of international co-operation, to overcome the increasing shortage of food and other primary commodities and maintain stable prices.

The new U.S. Secretary of State, Dr. Henry Kissinger, in a speech before the UN General Assembly on Sept. 24, proposed "that a world food conference be organized under UN auspices in 1974 to discuss ways to maintain adequate food supplies and to harness the efforts of all nations to meet the hunger and malnutrition resulting from natural disasters." Our new Secretary of State seems to be responsive to the major economic theme of the Non-aligned Conference—the gap between the rich and the poor. Dr. Kissinger said, "Let us therefore resolve that this (General) Assembly, this year, initiate a search—drawing on the world's best minds for new and imaginative solutions—to the problems of development." He went on to indicate serious interest in the President of Mexico's proposal for a charter of the economic rights and duties of states.

Meanwhile, at the annual meeting of the World Bank held this year in Nairobi, Kenya, the Secretary of the Treasury, George P. Shultz, announced that, if Congress agrees, the United States will contribute a third of the $4.5 billion three-year program of low cost loans to the poorest nations through the World Bank subsidiary—the International Development Association.

The Non-aligned Conference's economic plea, consequently, has not gone unheeded although some called its rhetoric "dogmatic." Some of the delegates had challenged the developed world to pay attention to the desperate needs of their peoples—and some in the developed world were listening.

The Egyptian foreign minister expressed a fervent hope for a change in United States policy toward the Middle East. He seemed, in retrospect, however, to be as cautious as Kissinger was in his comments to Arab ambassadors at the UN. Dr. Zayyat, in a wide-ranging conversation concerning U.S. policy, said that "Saigon and Tel Aviv have in the last few years been the centers of real decision making power." He referred specifically to the role Saigon had played for a number of years in blocking any peace settlement between Hanoi and Washington—that is until Kissinger broke the deadlock and the decision-making power moved from Saigon to Washington.

After a very quiet trip in March of this year to the Middle East, including Saudi Arabia, Abu Dhabi, and a number of other countries, Senator J. W. Fulbright, who is highly respected in the Middle East, indicated in a Senate speech that there was talk of a possible U.S.-inspired takeover of the oil fields in the Arabian Gulf. Earlier the foreign minister of Algeria had given credibility to the same report in comment at Algiers. When I told a friend who'd lived in the Middle East about his comment, she said that her brother had recently ended his term in the U.S. Army in Germany just as the order had been given to gradually paint desert camouflage on all U.S. Army vehicles there. The closest desert to Germany is in the Middle East.

Secretary of State Kissinger, in a meeting earlier this week with Arab ambassadors at the UN, pledged that the U.S. was ready to assist in finding ways of creating a "situation with which you can live." Kissinger, however, hoped none of the parties in the area would look to the United States or expect the U.S. "to bring forth miracles." It is widely recognized that the Middle East situation will be one of the toughest problems the new Secretary of State will have to tackle. There is little hope in the Middle East that anything positive will come out of the seemingly new initiatives taking place. Reaching any agreement of the parties concerned seems to be an insurmountable task. As the Arabs perceive a more irretractable stance by Israel on such items as annexation and development of occupied lands, the Arabs will be forced further and further into the use of the only bargaining levels they have, their vast resources of oil. Intransigence on one side fosters it on the other. It will take a mighty move to break the vicious circle.

Two days after the Non-aligned Conference ended, it had already lost one of its members—Chile. Colonial Kueddafi, president of Libya, warned that the proverbially blamed "imperialists, colonialists and neo-colonialists" would overthrow a number of governments before the next Non-aligned Conference. In Kueddafi's understanding, Chile was the first such overthrow. Which will be next?

ADMIRABLE ACTION BY THE RULES COMMITTEE ON THE FORD NOMINATION

Mr. KENNEDY. Mr. President, no one—no Senator, no Congressman, no citizen, Republican or Democrat alike—can contemplate with equanimity the depths to which the credibility of the Government of the United States is sinking. In the past 2 weeks alone, we have witnessed the immense outpouring of public outrage over the dismissal of Special Prosecutor Archibald Cox, the momentous decision by the House of Representatives to begin an inquiry into the possible impeachment of the President, the alarming public cynicism that greeted the military alert over the Middle East, and the incredible disappearance of two of the most critical White House tapes.

Certainly, the end is not in sight. Today, the Nation faces the possibility of lengthy impeachment proceedings by the House of Representatives, intensified Watergate hearings by the Senate, and reinvigorated investigations by the newly appointed special prosecutor.

In the face of these developments, there is no entirely satisfactory avenue to the restoration of confidence we all now seek. The future course that events may take is difficult to contemplate, let alone assess.

What we do know, however, is that the eyes of America and the world are now on Congress as we try to meet the crisis. At the very least, the extraordinary circumstances of these times demand a firm commitment from every person in public office to act in the highest interests of the Nation, and to avoid any possible imputation that partisan considerations are intruding in any way upon the effective discharge of our great responsibilities.

Seen in this light, one of the most troubling aspects of the current national crisis is the increasingly whispered White House accusation that Democrats in Congress may be seeking to delay action on the nomination of Gerald Ford as Vice President, as part of a partisan plan to reverse the 1972 election results by impeaching the Republican President, installing the Democratic Speaker of the House of Representatives in the White House, and taking over the entire executive branch of the Federal Government.

As one member of the Democratic Party who loves this country and is deeply concerned about its future, I want to go on public record now, as emphatically and unequivocally as I possibly can, to say that the last thing this country needs in the present turmoil is a partisan debate over the motives of Congress as we deal with the current crisis.

All of us in Congress have our own responsibility to the Constitution and the Nation and 200 million American citizens to proceed as responsibly as we can to resolve this tragic dilemma over our Nation's leadership, and to do so in a way that is free of any appearance of partisan political considerations. We must do our utmost to eliminate any such factor from the urgently pressing decisions that Congress and the country now must face.

Once before in our history, in the impeachment of Andrew Johnson, who had been a life-long Democrat before accepting the nomination as Abraham Lincoln's Vice President, allegations of unworthy partisan motives exacerbated the proceedings. At the time of President Johnson's trial before the Senate, Republican Senator Benjamin F. Wade of Ohio was the President pro tempore of the Senate. Under the Presidential Succession Act then in force, Senator Wade was next in line to the Presidency. Yet, Senator Wade was himself concerned in the conspiracy to impeach President Johnson, and he voted to convict the President and remove him from office, amid bitter partisan accusations.

The drive for President Johnson's impeachment failed by one vote, and historians now agree that it properly should have failed. Many factors were involved in those proceedings, but clearly, the passions aroused by these partisan allegations of unfair Senate motives should not have played a role.

Thanks to the 25th amendment, we do not have to repeat that aspect of our history. The Constitution now provides a mechanism to fill a vacancy in the office of Vice President, and Congress has the obligation to use it in good faith to fill the current vacancy.

As Democrats, we owe the country the earliest possible action on Mr. Ford's nomination—consistent, of course, with the special obligation of scrutiny we must

give to the nomination of the man who may well assume the Presidency.

Thus, I commend the Senate Rules Committee and its distinguished chairman, Senator Howard Cannon, for their prompt and vigorous action on Mr. Ford, and I hope that continuing expedited action on the nomination will be made the Senate's highest business.

All of us are heartened by Mr. Ford's replies yesterday to what are surely some of the most unusual questions any nominee for high national office has ever had to answer. It is a sign of these distressing times that Mr. Ford's best-received replies were those avowing his basic belief in the rule of law and refusing to contemplate the use of executive privilege as a coverup for corruption in the highest office in the land.

Today, all of us are in the Rules Committee's debt for the thorough and statesmanlike and efficient manner in which their hearings and investigations are being conducted. I hope that final Senate action will come as promptly as responsible investigation and scrutiny will permit.

MARINE CORPS EXPLAINS PROMOTION OF LIEUTENANT COLONEL BRENNAN

Mr. PROXMIRE. Mr. President, the Marine Corps has recently replied to an inquiry I made on October 4, 1973, about the details of the Presidential promotion of then major now Lt. Col. John V. Brennan.

The issue involved is that of alleged preferential treatment to a Marine officer due to his service in the White House.

The facts, as outlined by the Assistant Commandment of the Marine Corps General E. E. Anderson, appear as follows. Major Brennan was first eligible for consideration for promotion to lieutenant colonel in 1972 when the Lieutenant Colonel Selection Board met in August and September. At that time he was in the "zone of consideration," the lowest of three levels open for promotion. He was 853 notches below the most junior officer in the "promotion zone," the category of selection coming before his "zone of consideration." As a result he was not selected for promotion in 1972.

Major Brennan again was in the "zone of consideration" for the March–April Lieutenant Colonel Selection Board of 1973. As before, Major Brennan was substantially below the seniority of those who were selected; 728 slots below the last officer in the "promotion zone."

Again, he was not selected. Four majors from Major Brennan's "zone of consideration" were selected for promotion but Major Brennan was not one of them.

After Major Brennan was again passed over, the President intervened via the Secretary of Defense by requesting the Marine Corps to prepare a nomination form for Major Brennan under his authority in article II, section 2, of the Constitution and Major Brennan was submitted to the Senate and confirmed for promotion to lieutenant colonel.

PRESIDENTIAL INTERVENTION FOR MAJOR BRENNAN

In retrospect, therefore, it is clear that for one reason or another, Major Brennan's peers did not find it suitable that he be promoted to lieutenant colonel. Under the Presidential directive, the promotion was made over the heads of 1,105 majors senior to him, though 509 of these had previously failed selection one or more times.

It is also clear that the Commandant of the Marine Corps only gave approval for the promotion after receiving the Presidential directive. In filling out the appropriate forms, he stated:

> The commandant of the Marine Corps is in agreement with this nomination.

According to the data supplied by the Marine Corps, this type of Presidential appointment is exceedingly rare. Aside from the space program, there have been three examples of Marines promoted by Presidential authority: Brig. Gen. C. Randall nominated by President Eisenhower in 1957, Col. H. R. Smith nominated by President Johnson in 1968 and Lieutenant Colonel Brennan this year.

The central question involved in this type of promotion is one of equity. Is it fair to promote Major Brennan in 1973 when he would not have reached the promotion zone until 1976? Is it the result of his excellence or the intervention of political factors? We are left with unknowns.

I do not question the ability or outstanding qualities of Lieutenant Colonel Brennan. He may be an exceptional officer. And I realize that the Marine Corps, after passing over him for 2 years, was in a tight spot.

In the matter of promotions, however, I continue to believe that the Marine Corps is in the best position to judge the qualities of its officers and not the White House.

Exposure to high office and seats of power should not automatically grant an aspiring officer benefits beyond that of his peers.

The Marine Corps is an outstanding service. There is no better in the world. And that is why we must guard against the intrusion of political and nonmilitary forces in the officer selection process.

Mr. President, I ask unanimous consent that my correspondence with the Marine Corps and their reply be printed in the Record.

There being no objection, the correspondence was ordered to be printed in the Record, as follows:

October 4, 1973.

Gen. E. E. Anderson,
Acting Commandant of the Marine Corps,
Washington, D.C.

Dear General Anderson: I appreciate hearing from you regarding my statement about the promotion of Lt. Col. John V. Brennan.

You make the point that neither you or the Commandant opposed the promotion of Lt. Col. John V. Brennan. My comments to the contrary were based on the enclosed press article which quotes a Marine officer to that effect. You will note that the prior sentence in my speech indicated that this was "according to one press report."

Nonetheless, I will be happy to make your answer a part of the Record.

In order to clarify exactly what went on in this case would you please answer the following questions?

1. Who sat on the promotion board handling the case of Lt. Col. Brennan?

2. What was the decision of the promotion board with regard to Lt. Col. Brennan? How many times was his case reviewed and with what results? What time periods are involved?

3. How many times has the President exercised his powers of nomination when Marine promotion boards have refused to nominate? Please cite numbers, personnel involved and dates.

4. What are Lt. Col. Brennan's duties in the White House? Under what authority is he employed in the White House? How many other Marine officers are detailed to or employed by the White House?

5. Over how many other officers was Lt. Col. Brennan promoted? Why?

6. Would you please supply a copy of the written statement you attribute to the Commandant regarding his agreement with the nomination?

7. Would you please supply the official decisions of the Marine promotion board with regard to Lt. Col. Brennan?

8. Is it true that the Corps has tried to return Lt. Col. Brennan to active military duty out of the White House? Would you supply any documentation to this effect?

9. Is it true that Brig. General Brent Scowcroft actively pushed for the nomination of Lt. Col. Brennan?

10. Under normal circumstances when would have Lt. Col. Brennan reached the selection zone for Lt. Colonels?

11. Do you think it is prudent to have military officers work continuously and closely with political figures, regardless of the Administration, and thereby enhance their careers with early promotions?

12. What effect did Lt. Col. Brennan's promotion have on other officers in the Corps in terms of morale?

I appreciate your interest in this matter and I will look forward to your early reply.

Sincerely,

William Proxmire.
U.S. Senator.

Department of The Navy,
Washington, D.C., Oct. 29, 1973.

Hon. William Proxmire,
U.S. Senate,
Washington, D.C.

Dear Senator Proxmire: I appreciate your placing my September 28th letter in the Congressional Record and now respond to the questions you raised in your letter to me of 4 October 1973.

At the outset permit me to state that the statutory provisions related to the promotion of Marine Corps officers are extensive and are codified in Part II, Subtitle C, Title 10, U.S. Code. Chapters 543, Selection Boards and 545, Promotions, are particularly pertinent.

Under the selection board process for promotion to Lieutenant Colonel, three categories of officers are considered by the selection board:

a. Majors above the zone: Those are majors who have previously been in the promotion zone for lieutenant colonel but who were not selected.

b. Majors within the promotion zone: See 10 USC 5765.

c. Majors who are below the promotion zone but who are eligible for consideration and possible selection by the board. See Title 10, U.S. Code, 5706(4) and 5707(c).

Now, with respect to the questions asked in your letter I will answer them in the order in which they were presented.

1 Who sat on the promotion board handling the case of Lieutenant Colonel Brennan?

Answer: Lieutenant Colonel Brennan, then a major, was in the zone of consideration—the category referred to in subparagraph C. in my preceding paragraph—by the Lieutenant Colonel Selection Board which met in August and September 1972. The board was constituted of three general officers and six

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colonels pursuant to 10 USC 5703(a). The following are the names of the board members:

Major General M. P. Ryan.
Brigadier General J. R. Jones.
Brigadier General W. R. Quinn.
Colonel F. A. Shook, Jr.
Colonel D. H. Blanchard.
Colonel G. Caridakis.
Colonel K. L. Lynn.
Colonel W. G. McCool.
Colonel B. C. Stinemetz.

Lieutenant Colonel Brennan was 853 below the junior officer in the promotion zone. He was not among those officers selected by the 1972 board. Lieutenant Colonel Brennan was also eligible for consideration by the Lieutenant Colonel Selection Board which met in March and April 1973. The following are the names of the board members:

Brigadier General C. S. Robertson
Brigadier General D. H. Brooks
Brigadier General N. W. Gourley
Colonel D. L. Davis
Colonel H. L. Vancampen
Colonel W. N. Vest
Colonel R. E. Gruenler
Colonel H. F. Deatley
Colonel N. M. Laslavic

Lieutenant Colonel Brennan was 728 numbers below the last officer in the promotion zone. No officer junior to Lieutenant Colonel Brennan was selected by either the 1972 or the 1973 selection boards.

2. What was the decision of the promotion board with regard to Lieutenant Colonel Brennan? How many times was his case reviewed and with what results? What time periods are involved?

Answer: As stated in the answer to the previous question Lieutenant Colonel Brennan was in the zone of consideration for promotion to lieutenant colonel in 1972 and 1973.

3. How many times has the President exercised his powers of nomination when Marine promotion boards have refused to nominate? Please cite numbers, personnel involved and dates.

Answer: The President has nominated the following Marine officers for advancement through his Constitutional Authority:

Name	Position at time of promotion	President nominating	Grade promoted to	Date
C. Randall	Special assistant to the Secretary of Defense.	President Eisenhower	Brigadier general	1957
J. H. Glenn	Astronaut program	President Johnson	Colonel	1964
H. R. Smith	Aide to the President	do	do	1968
R. W. Cunningham	Astronaut program	President Nixon	Colonel, USMCR	1971
J. V. Brennan	Aide to the President	do	Lieutenant colonel	1973

All of the above nominations were confirmed by the Senate except that of Colonel Cunningham. As a reserve officer on inactive duty, his confirmation by the Senate was not then required by the law. However, I think it is important to point out that in the instances listed above, it is not a question of a Marine selection board refusing to nominate an individual. For example, the astronauts nominated by the President were nominated because of their service to the Nation's space program.

In the cases of Colonel Smith and Lieutenant Colonel Brennan it was not a situation where the Selection Board refused to nominate. Rather, in the case of Colonel Smith, he had not yet entered the zone of consideration and in the case of Lieutenant Colonel Brennan, he was only in the zone of consideration. In the Selection Board of March/April 1973, the Board was authorized to select a total of 94 lieutenant colonels and of that number, 5% (or 4 selectees) could come from the zone of consideration. The Board selected the quota of four; none of whom were junior to Lieutenant Colonel Brennan.

4. What are Lieutenant Colonel Brennan's duties in the White House? Under what authority is he employed in the White House? How many other Marine Officers are detailed to or employed by the White House?

Answer: Lieutenant Colonel Brennan has served as Marine Corps Aide to the President since 1968 to assist the President in his constitutional duties as Commander in Chief of the Armed Forces. Another Marine officer, a first lieutenant, is assigned to duty at Headquarters, Marine Corps, but on occasion is a social aide at the White House. The third Marine officer, a major, is assigned to the Office of the Special Assistant to the President for National Security Affairs, Secretary Kissinger.

5. Over how many other officers was Lieutenant Colonel Brennan promoted? Why?

Answer: When Major Brennan was promoted to Lieutenant Colonel he had advanced on the lineal list over 1,105 majors who had been senior to him. Actually, of this number, 509 had previously failed selection one or more times. As I stated in my letter to you of 28 September, the President's Constitutional Authority under Article II, Section 2, of the Constitution, to submit a nomination for promotion when an officer of the Armed Forces is clear and unequivocal. The determination to exercise this authority to nominate is reserved to the President alone.

6. Would you please supply a copy of the written statement you attribute to the Commandant regarding his agreement with the nomination?

Answer: Subsequent to the March 1973 selection board action, it became known at this Headquarters that the President desired preparation of the nomination form nominating Major Brennan for promotion to lieutenant colonel pursuant to Article II, Section 2, Clause 2 of the Constitution. In transmitting the nomination paper to the Secretary of the Navy the Commandant stated "The Commandant of the Marine Corps is in agreement with this nomination."

7. Would you please supply the official decisions of the Marine promotion board with regard to Lieutenant Colonel Brennan?

Answer: As stated previously Lieutenant Colonel Brennan was only in the zone of consideration on the 1972 and 1973 lieutenant colonel selection boards. However, the results of those boards are a matter of record and are contained in the Congressional Records, No. 163 of 11 October 1972, page S17583 and No. 117 of 24 July 1973, page S14618.

8. Is it true that the Corps has tried to return Lieutenant Colonel Brennan to active military duty out of the White House? Would you supply any documentation to this effect?

Answer: Under the normal rotational policies of all Armed Services, officers can expect reassignment after three or four years at a duty station. In anticipation that Lieutenant Colonel Brennan could be subject to transfer under this procedure the President requested the retention of Lieutenant Colonel Brennan in his present assignment because of his outstanding services. The Marine Corps did not seek to transfer Lieutenant Colonel Brennan, either before or after the receipt of the President's request.

9. Is it true that Brigadier General Brent Scowcroft actively pushed for the nomination of Lieutenant Colonel Brennan?

Answer: The evaluation of the performance of Marine officers is accomplished by a periodic reporting form, termed a fitness report, which is transmitted to Headquarters Marine Corps upon completion. Lieutenant Colonel Brennan's reporting senior has been General Scowcroft, the Military Assistant to the President. He has consistently evaluated Lieutenant Colonel Brennan to be an outstanding Marine Corps Officer and in his remarks in fitness report form he had, on each occasion, recommended Lieutenant Colonel Brennan for accelerated promotion. The predecessor to General Scowcroft, General Hughes, made similar recommendations for accelerated promotion, commencing as early as 1969. Other outstanding Marine officers have similarly been recommended for promotion by their reporting seniors. Apart from the foregoing evaluation reports this Headquarters has not been urged by General Scowcroft to promote then Major Brennan.

10. Under normal circumstances, when would Lieutenant Colonel Brennan have reached the selection zone for Lieutenant Colonel?

Answer: On the basis of expected personnel strengths and vacancies the Secretary of the Navy annually establishes the promotion zone. At this time, it is estimated that Lieutenant Colonel Brennan would have been included in the 1976 promotion zone.

11. Do you think it is prudent to have military officers work continuously and closely with political figures—regardless of the Administration, and thereby enhance their careers with early promotions?

Answer: In my opinion, it is desirable to continue the long established practice of assigning military officers as aides to the Commander in Chief. Also, for many years we have had Marine Officers posted at the Congress to work continuously and closely with members of the Senate and House of Representatives and their staffs. I think the results of such assignments have been beneficial both to the Marine Corps and to the other agencies in the United States government which are involved and I forsee no reason to terminate this relationship. As one might expect, only those with proven records and indications of exceptional potential are selected for these assignments. Therefore, it is reasonable to predict a successful promotion pattern for those so assigned, even without benefit of this specific type billet assignment.

12. What affect did Lieutenant Colonel Brennan's promotion have on other officers in the Corps in terms of morale?

Answer: There have been no indications to the Commandant or myself that this promotion of Lieutenant Colonel Brennan has adversely affected the high morale of other Marine officers and their esprit which is the hallmark of our Corps.

I trust that the foregoing information clarifies an incorrect impression created by an obviously inaccurate newspaper account concerning the Lieutenant Colonel Brennan nomination. Also, since your letter to me of 4 October 1973 appeared in the Congressional Record I hope that this response will be afforded similar treatment.

Sincerely,

E. E. Anderson,
General, U.S. Marine Corps, Assistant Commandant of the Marine Corps.

OIL AND MIDEAST POLICY

Mr. HUMPHREY. Mr. President, Americans are understandably disturbed about the threatening fuel shortages which we face this winter. Our concern, however, must be more broadly based. None of us welcomes the inconvenience that will be ours as a result of fuel allocations and possible rationing. Even more than those immediate inconveniences, however, will be the long term effects on our economy and our national security in the years to come, should the fuel shortage assume crisis proportions.

It is clear that our present problems are the result of long-term policy neglect. It is a matter of some comfort to me that this body is now seeking to remedy the shortsightedness of the past through hearings, studies, and proposed legislation under the chairmanship of the distinguished Senator from Washington (Mr. Jackson).

There is, however, an immediate danger that faces us, far beyond the inconveniences that we will experience this winter as a result of the shortages. The danger is that forces both inside and outside of the United States will seek to exploit those fuel shortages in an effort to corrupt and interfere with our national security interests in the field of international relations. I specifically refer to the question of oil in the Middle East.

It is clearly in the best interest of the United States that we seek peace in the Middle East between Israel and the Arab nations which surround that beseiged country. Israel is a democracy whose people seek secure boundaries and yearn for peace. It has been consistent U.S. foreign policy that there be a special relationship between our two countries, two strong and viable democratic societies. This is a consistent policy which has been carried out by the Democratic and Republican administrations and has been supported by both Houses of the Congress through leadership provided by both Republicans and Democrats.

And yet, we have been and are experiencing a serious and deliberate effort by the oil producing Middle East nations to blackmail our country into changing its policy for the sake of alleviating our oil shortages.

Aside from the indignity of our Nation that results from our having placed ourselves in a position to be so dependent upon other nations for the supply of our oil, the process is an outrageous insult which we must and will resist.

In that connection, it is also most unfortunate that certain leading American oil companies are permitting their financial self-interest to so distort their view of our national self-interest as to put them in a position of appearing as helpful or sympathetic to those who now threaten or impose embargoes on crude oil. The reports we all hear of influence and heavy pressuring from some of these large oil companies from our Department of State and our Department of Commerce are very disturbing and sad.

The problem of oil and United States/Middle East policy is a serious one. The highly respected Antidefamation League, which is now celebrating its 60th year, has recently issued a comprehensive analysis of that problem. This report urges a program for accomplishing national self-sufficiency in energy. That study will make a significant contribution to our national deliberations and I welcome it in that spirit. I particularly note its wise observation that once a nation or an individual submits to blackmail, that submission invites a chain of escalating demands. For that reason, we must seek the national self-sufficiency which the study urges. We must never permit our economy to be hostage to foreign economic pressures.

I ask unanimous consent that the study to which I refer, together with the newspaper editorials attached to it and a column by Hobart Rowan which appeared in the Washington Post for October 28 be printed in the Record.

● There being no objection, the material was ordered to be printed in the Record, as follows:

Oil and U.S. Mideast Policy

We Must Be Concerned

The long foreseeable energy crisis is now upon us and is threatening to become worse before it becomes better. Our nation's policies, which include policies not to make hard decisions, have brought us to the point of major dependence upon the daily consumption of imported oil which, to a considerable extent, will mean more imported oil from the Middle East Arab states.

As Americans, we must be concerned both with the immediate and long-range effects of putting these nations in control of well over 100 billion dollars in currency, credits and U.S. property during the next decade. We must also be concerned because these foreign oil producers have made it clear that they intend to raise the price of what is becoming a scarce commodity and will refuse to increase production in order to maintain their superior position for as long as possible.

As Americans, we are concerned not only with the dangers of placing these tremendous sums of dollars in foreign hands, but also with the need of adjusting our consumption of energy to what is available and practicable. As we have done in times of war, we shall have to demonstrate our ability to make small sacrifices of convenience for the greater national interests.

As American citizens of Jewish extraction, we have a secondary need for looking objectively at the elements of the energy crisis. Certain of the Middle East oil producing states have indicated that they contemplate using their effective bargaining position to compel the United States to change its foreign policy toward the Middle Eastern nations and Israel in particular. Approval of the policy of such oil blackmail has been voiced by at least four of the major American oil companies, while others have disavowed support of that position. It is self-evident that American Jews, recognizing the need for Israel as a haven for persecuted Jews from Nazi Germany and in recent years from the Arab nations, and bound to Israel by religious and sentimental ties, are alarmed that such threats may be heeded.

Consequently, the leadership and professional staff of the Anti-Defamation League has spent in recent weeks untold hours in obtaining the facts about the oil shortage and the relevance to it, if any, of the Middle East conflict. We have interviewed top officials of our government, officers of the major oil companies and of independents, as well; we have taken advice from leading specialists in oil, and we have come to a series of conclusions which are set forth in this pamphlet.

Neither Israel nor U.S. policy toward the Middle Eastern nations has any relevance whatsoever to the energy crisis.

If there were no Israel at all, the Arab oil producing nations would continue to increase their prices for the oil they export and they would continue to put a limit on the amount of their exports to maintain their advantageous position and bargaining power as long as possible.

The energy crisis is real and will continue for the next decade by which time alternate sources of energy will be available to meet the growing demands of American industry and American consumers.

In an article outlining "A Plan for National Energy Independence" that appeared in the July, 1973, issue of *Foreign Affairs*, Professor Carroll L. Wilson of the Sloan School of Management, Massachusetts Institute of Technology, wrote:

"I believe the United States is facing a national energy emergency. It arises from our extravagant and wasteful use of energy and from a shift in the sources of fuels. Per capita consumption is three times that of Western Europe, and we may ask ourselves whether our greater use enriches the quality of life by any such margin. Our cars are twice as heavy and use twice as much fuel as European cars which run about the same mileage each year, and the ratio is getting worse because of the sharp drop in fuel economy on recent models of American cars, owing to emission controls and air conditioners. We keep our houses and buildings too hot and use large amounts of fuel in air-conditioning everything. We have not given a thought to fuel conservation and efficiency since the days of rationing in World War II—an era which only 30 percent (those over 45) of the population can remember. These are some of the reasons why with six percent of the world's population the United States uses 33 percent of the world's energy—and why Europe and Japan are unlikely to be sympathetic to our plight as we ask them to share with us their traditional supply sources in the Middle East."

During this next decade our nation will have to cope with this long-expected emergency by a combination of methods. We will have to increase our use of automobiles which get at least 20 miles to the gallon instead of six or eight. We will have to compel our public utilities and other big industrial consumers of energy to turn increasingly to the use of low sulphur coal instead of oil, and where only high sulphur coal is available, to install the sulphur extraction processes now available to limit pollution of the air. We will have to reschedule our airlines so that they do not duplicate flights carrying small payloads and thus conserve the fuel they consume. We will have to increase public transportation to replace private automobile transportation that is wasteful. And as we already have begun to do, we will have to carry out crash programs for recovery of oil from the Continental Shelf, for the gasification of coal, for the extraction of oil from shale, for nuclear energy and for the other potential sources of energy now only in experimental stages.

This paper does not undertake to delineate the means by which we can accomplish self-sufficiency in energy. Rather, it gives the hard facts about the energy crisis and the importation of oil. On the basis of the facts, it is our hope to expose the propaganda which seeks to confuse the Arabs' striving for greater profits and economic independence with their efforts to change American foreign policy in the Middle East.

Seymour Graubard,
National Chairman of the Anti-Defamation League of B'nai B'rith.

Oil and U.S. Mideast Policy: A Statement of the Case

Americans are in a time of rapidly growing demand for oil and are deluged with talk about an energy crisis and an oil shortage. The Arab states have undertaken an effort to force a change in American Middle Eastern policy and U.S. support for Israel by threatening to hold down crude oil production unless such a policy reversal is carried out by Washington. This Arab effort, sometimes labeled "oil blackmail," is being buttressed by parallel activities of certain international oil companies whose economic interests depend heavily on the availability of Arab oil and the good will of the Arab countries, particularly the oil producing regimes.

In effect, Arab countries which presently provide the United States with a mere 3% or 4% of its total oil needs are seeking to dictate American foreign policy in the Middle East.

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Functioning as a cartel, they seek to extort a quick political dividend for the Arab cause by exploiting an oil supply problem that the United States faces in the rest of the 1970s and probably into the early 1980s.

This Arab political pressure comes at a time when rising U.S. energy needs, especially for oil, are making this country increasingly dependent on imported crude and imported petroleum products. While this need for imported oil is expected to continue for some years, depending upon how rapidly the U.S. moves to cut down its consumption of oil and to develop new sources of energy, experts agree that the energy squeeze is solvable and that in the interest of national security, the U.S. can and must achieve energy self-sufficiency as quickly as possible.

At stake is the independence of American foreign policy itself and the freedom of U.S. decision making from pressure by other countries.

What is the energy crisis? The problem confronting the U.S. has nothing whatsoever to do with any shortage of known energy reserves, let alone potential energy resources geologists say lie buried in the American earth and the seas offshore. Experts agree that these known reserves and potential energy resources are sufficient to meet U.S. needs for hundreds of years. But the U.S. economy is heavily dependent on oil and domestic production has levelled off in recent years and is not expected to increase sufficiently to meet projected demand in the years ahead. For reasons of technology, economics or ecology, moreover, the nation's vast potential reservoir of other forms of energy is not available in sufficient amounts now, and is not likely to become available quickly enough, to avoid a gap between available domestic energy supply and the rising energy demand for seven, ten or 15 years. The U.S., with 6% of the world's population, consumes 33% of the world's energy and everything depends on how fast the country moves to cut its oil consumption, to conserve its fuels, and to develop new sources of energy.

In the meantime, the experts agree, the country will have to import more oil from abroad. Most of the readily available foreign sources of oil lie in the Middle East (including Iran which is not an Arab state), especially in Saudi Arabia whose vast known reserves could easily meet projected American oil deficits in the years ahead—if that oil were pumped from the ground and if the U.S. could pay for vast additional imports.

In this situation, which is in no sense political but purely economic, the Arab states, including the Saudis, seek to convince the American people that if their oil is to flow here in sufficient quantities to meet projected U.S. needs, this country must act politically to reduce, or abandon, its support for Israel and must impose a political settlement of the Middle Eastern dispute on terms favorable to the Arab cause. Otherwise, the Arabs, contend, they will hold down oil production, or increase it only minimally, in amounts far below those needed to meet projected American needs.

The Arab campaign, in short, is a political smokescreen to mask the purely economic effort of the oil states to exploit a changed demand-supply equation that has created a long-term sellers' market in the world oil trade, resulting in a new and favorable Arab bargaining position. Certain of the oil regimes, moreover, have found other economic reasons for threatening to hold down output now.

Their rationale is that their vast oil reserves will be worth even more in the future than they are now, even at today's prices, and that it is likewise prudent for them to prolong the life of their finite reserves, however large they may be. Further, these Arab oil states appear reluctant to accept currently devalued American dollars and claim they prefer to wait for stronger American currency; in effect, they contend that at present their oil is worth more to them in the ground than it is flowing into tankers and pipelines.

The demand for a change in U.S. policy toward Israel is merely a "cover"—a political pretext—designed to camouflage these Arab economic motivations as well as the rapidly escalating financial demands and greater economic control of crude reserves being wrested from Western oil companies by the oil producing states.

The efforts of certain leading American oil companies in support of the Arab pressure campaign reflect the fact that more and more the major international oil firms are becoming mere economic agents and hostages of the oil producing Arab states. Whereas the kings and sheikhs once welcomed their technical know-how and capital investments via favorable concessions in return for "royalties" based on the volume of oil extracted from the ground, plus taxes, the major companies today are functioning more and more as tax collectors for the oil regimes and as marketers of Arab crude and its byproducts. The new relationship, in which the companies are increasingly captives of the oil-laden Arab states, has emerged as the oil countries have demanded, and won, a larger share of crude oil profits and greater control over the oil resources themselves—sometimes by threatened or actual nationalization. Cast in their increasingly captive role, certain of the oil companies are now echoing publicly the political demands of their Arab captors for a reversal of U.S. policy in the Middle East.

Extended coverage of the energy crisis and the oil problem in the American mass media during the past year has already fertilized the soil of public opinion for the political demands and propaganda arguments put forward in the parallel campaigns of the Arab states and certain of the oil companies. Some of this coverage in newspapers and magazines, and on television, reaching millions of Americans, has posed the issue in misleading terms: Oil or Israel.

It is a phony issue. The basic economic factors that have made possible the increasingly blunt political demands of the Arabs for a reversal of U.S. Middle Eastern policy have nothing whatever to do with Israel. These basic economic factors, that have given the Arabs new bargaining leverage in the market place, would exist today if Israel had never been born. The U.S. today would be confronting energy problems and an oil supply squeeze even if Israel had remained only a dream in the hearts of Jews around the world. The present sellers' market of the Arab oil regimes were predictable for years. Unfortunately, American government and industry alike failed to plan for it with the necessary prudence and foresight; in fact, some government policies and industry practices contribute to the emergence of the oil supply squeeze that now confronts the U.S.

Unless a sound national policy to achieve energy self-sufficiency is promptly adopted and carried out by the United States on a crash basis, the country faces a growing threat to its national security via a dangerous over-dependence on imported foreign oil in general and Arab oil in particular. Such over-dependence, according to the best authorities, poses future dangers for the American domestic economy, its dollar balance of payments and the value of the dollar; it poses future threats, as well, to American military security and to the freedom and independence of American foreign policy. The United States of America must not become the oil prisoner of any foreign country, certainly not any unstable, unpredictable or unfriendly Arab state, especially when alternative sources of energy are possible, awaiting only a prompt and concerted national effort to develop energy self-sufficiency in America's self-interest and in behalf of American security.

There are the realities underlying the present oil problem—realities to which the State of Israel is totally irrelevant. Economic considerations will continue to determine the amount of oil that flows from wellheads in the Arab world, regardless of U.S. policy toward Israel. If it is economically profitable to the oil regimes, that oil will flow; if it is economically profitable to keep it in the ground in the hope of better returns later, the Arabs will try to hold production down.

In short, it is impossible to assure a continued or increased flow of Arab oil by selling Israel down the river, even if this greater long-term American dependence on imported Arab oil were in the national interest, which it is not. Nor is it in America's national interest to betray its only reliable friend and democratic ally in the Middle East and a major force for stability in the area.

Experience, moreover, shows that when economic agreement and cooperation are deemed profitable by Arab states, continuing U.S. support for Israel is no barrier to the closing of such deals. In the final analysis, economic self-interest and the profit motive are the controlling factors in Arab decision-making and they are completely capable of separating their political goals from their financial concerns when it suits their purposes.

As recently as May, 1973, Egypt signed agreements with two major American oil firms who propose to spend $73 million in Mediterranean offshore oil exploration north of the Nile Delta.

Two months earlier, in March, 1973, a combine of American oil companies initialed an accord with Egypt permitting them to use the projected Suez-Mediterranean pipeline.

Also in March, Algeria, which broke relations with the U.S. after the 1967 Arab-Israeli war and which maintains a revolutionary stance in politics, signed an agreement under which a major American oil company became a partner of the Algerian national oil company.

A month earlier, the same American oil company headed a consortium of Western petroleum firms that signed an agreement granting them rights to new oil developments in Oman.

In April, 1973, Algeria concluded a $1.7 billion deal to sell the U.S. market a billion cubic feet of natural gas a day for 25 years, starting in 1976. The transactions are being financed by loans of $556 million from U.S., Canadian and other banks; $336 million, more than half the loan total, was provided by the U.S. Export-Import Bank.

In September, 1973, Iraq, which has had no diplomatic relations with the U.S. since 1967, awarded a $117 million contract for the construction of crude oil exporting facilities to an American firm.

In October, 1973, Egypt concluded a $400 million deal with an American firm for the construction of the Suez-Mediterranean pipeline. American banks played a key role in the financing arrangements.

Against this background, the current Arab effort to use oil as an instrument for diplomatic blackmail against the United States emerges for what it really is—an opportunistic attempt to secure a political victory against Israel by exploiting the presently favorable economic position the Arabs enjoy in the world market place of oil. The Arabs seek to add political icing to their economic cake.

THE ARAB THRUST

The current Arab effort to harness oil to the goals of Arab political and diplomatic policy in the war against Israel was originated by Libya's fanatical dictator, Khadafi, but is now being orchestrated by Egyptian President Anwar Sadat, with the help of King Faisal of Saudi Arabia.

Clear evidence of the economic basis for the Arab campaign of political blackmail was contained in a Cairo dispatch to *The New York Times* by correspondent Henry Tanner that was published on August 31, 1973. The Tanner dispatch is one of many providing such evidence. Tanner wrote:

"One of Mr. Sadat's greatest assets in seeking to harness Arab oil wealth for political purposes, diplomats here say, is that for the first time the economic interests of the Arab oil-producing countries are in harmony with the political interests of Egypt and the other 'front-line' states bordering on Israel."

Tanner wrote that "Egyptian experts working in other Arab countries and officials of the Arab League, under Mahmoud Riad, its secretary general and a former Egyptian Foreign Minister, have been conducting a patient campaign of explanation and education to this end." According to Tanner, their argument, in its briefest form, runs as follows:

"At a time of steep inflation and after successive devaluations of the dollar, the Arab oil countries would be stupid to agree to a rapid increase in production when by keeping more of their oil in the ground they can expect far higher prices. In addition, they can stretch the limited time—two or three generations—that their oil would last at the current rate of exploration.

"The argument continues that at the present rate, oil revenue is so great that even with the greatest ingenuity only a fraction of it can be invested for development in the producing countries or even the whole Arab world.

"Therefore, large sums are piling up in Western banks where they are vulnerable to devaluation and may soon be subject—along with other capital—to restrictions on movement . . .

"When Arab oil and financial experts speak of these issues their talk is technical and unemotional. They talk in terms of economic self-interest. The Arab countries, as much as anyone else, are interested in a well-functioning international monetary system and have no intention of disrupting it, they say.

"But when the political writers get hold of the same issues, the terminology is different. Then it is a matter of 'punishing the United States for its total support of Israel.' "

The official spokesmen of the Arab oil-producing states themselves admit their motivation is primarily economic, not political.

The *Christian Science Monitor* of July 16, 1973, quoted Hisham Nazir, President of Saudi Arabia's Central Planning Organization and a member of his country's Supreme Petroleum Council, as expressing reluctance to sell more oil because Saudi Arabia has no way to spend the additional dollars. He said:

"We were able to spend only 62 percent of the past year's budget, though I think we can improve on that. Of course, seen from the standpoint of you oil users in the West, a 10 percent increase [in oil output] is low. But Saudi Arabia must strike a balance among competing factors."

Listing as the first two factors in importance the requirements of Saudi Arabia's own development and the need to diversify, Nazir continued:

"Everything about oil is vulnerable: the markets, the political angle and the physical installations themselves. Oil is precious. It also is undependable. This is why the kingdom now wants heavy industries.

"Third, is the absorptive capacity of the economy. We can absorb just so much money and no more. Tied to this is the fourth consideration: the accumulation of oil reserves. It is better to have reserves in the ground than a lot of depreciating dollars in hand."

A week earlier, a Saudi Arabian cabinet minister declared:

"We have found that the maximum revenue we can usefully absorb is brought in by production of seven million barrels a day. Anything we produce over that harms our own interests by keeping prices down and by disturbing our economic balance."

In a recent interview with CBS news correspondent John Sheahan, Kuwait's Minister of Finance and Oil, Abdul Rahman S. Al-Ateeqi, said:

"Why should I produce more oil and give it for unguaranteed paper money? Why should I produce oil, which is my own bread, my livelihood, and give it for a price which next year will be devalued for so much percent. That means that I am sacrificing so much percent for somebody else who is giving me unguaranteed paper money."

Obviously, however, were Israel to die tomorrow, the Arab oil regimes and their allies would have the same purely economic reasons for restricting oil output in the present period.

The depreciated value of the dollar, one of the factors which now tempts them to do so, emerged at just about the same time that other purely economic developments were taking place—developments that have driven the price of oil sharply upward, that may in coming years send extra billions into Arab coffers, and that may strain the U.S. balance of payments deficit, putting further downward pressure on the value of the dollar.

The price of oil has just about doubled since 1970. The Arabs have been able to send the price spiraling upward because they have been wresting control of their own oil reserves from major Western oil companies who previously controlled those resources under long-term concessions.

Under the concession system, the Western oil companies, mostly American, British and French, decided how much oil to produce, where to sell it, and how much to charge. The countries in whose ground the oil lay received a fixed royalty of about 12.5% of the sale price, plus a tax. The production costs to the companies were, nevertheless, so low that their producing operations—"upstream"—were highly profitable. "Downstream" operations—refining and marketing—in fact accounted for only a minuscule portion of the profits earned by the giant international companies.

Following a unilateral 1958–1959 cut by the companies in posted prices for oil—the prices on which the taxes to host governments were based—the revenues to the oil states were, as a result, reduced. In 1960, they formed the Organization of Petroleum Exporting Countries (OPEC), originally Saudi Arabia, Iran, Iraq and Kuwait, plus Venezuela, and now including Libya, Algeria, Abu Dhabi, and Qatar, plus Indonesia and Nigeria. These 11 OPEC countries are a cartel that controls half the world's production and 80–90% of the oil that moves in international trade, although only 3% or 4% of U.S. oil consumption comes from the Arab states.

At first seeking only a restoration of the 1958–1959 posted prices that had been cut by the international oil companies, OPEC was by 1969–1970 warring against the concession system itself. In the last two or three years, a rapid succession of confrontations has taken place between the producing countries and the international oil companies that has drastically and dramatically changed their relationships and that has placed the oil states, rather than the companies, in the driver's seat.

The oil states have not only won their demands for higher payments but have wrested ownership participation" rights from the companies as well. This participation, in the case of the Persian Gulf states, provides for a 25% interest in existing concessions now, with 51% majority interest scheduled by 1983. (Now there are rumblings that these states may press for control now—or at least earlier than 1983.) In other countries, such as Libya, oil company properties have been seized without compensation, or have been nationalized with offers of some compensation to the corporations. In yet other cases, nationalization has been threatened.

These actions have been met by a noticeable inability on the part of the companies and the consuming governments to resist. The companies are well down the road to becoming the servants of the exporting countries—more and more mere conduits for the transfer of billions of dollars from consumers to the producing states.

In none of these purely economic developments of recent years, so radically altering the international oil picture, have the State of Israel and U.S. Middle Eastern policy been factors of any significance whatsoever.

ENERGY CRISIS

Just as Israel is totally irrelevant to the purely economic developments of recent years that have led to the new sellers' market in oil and to the threatened Arab oil output hold-down, so too the existence of the Jewish State has no relationship whatsoever to the ever-increasing demand for energy in the United States and the rest of the world that has now come to be called an energy crisis."

That escalating demand for energy—a purely economic manifestation—results from the combined and mounting needs of the U.S., Western Europe, Japan and some of the underdeveloped countries now striving for more industrialization.

The human animal has used up more energy in the 30 years since 1940 than he consumed in all of recorded history until then. And, experts say, by 1980 world energy consumption is expected to be double that of 1970.

As far as the United States is concerned, here is how recognized authorities see the situation:

The U.S. grew to its present stature of strength and prosperity because of vast domestic supplies of cheap energy that enabled it to emerge as an industrial giant with the highest standard of living in the world.

Tremendous amounts of fossil fuels—coal, oil and natural gas—made this growth possible. Those supplies are far from exhausted. Indeed, the energy crisis the country faces is a problem of shortage in the midst of plenty—tight supplies above ground amidst vast recoverable reserves and even vaster basic resources believed to exist under ground and under water but not presently able to be tapped. For example:

The U.S. Geological Survey estimates the nation's total coal resources at 3.2 trillion tons, enough for many hundreds of years, and of this resource base, 150 billion tons are presently recoverable, enough for almost 200 years.

The U.S. has an estimated 385 billion barrels of ultimately discoverable oil—that is, estimated oil in place but not yet part of proven reserves or presently recoverable. The amount is almost equal to all the oil discovered in the country up to 1971.

The U.S. has 1,178 trillion cubic feet of ultimately discoverable natural gas in its overall energy resource base—a little less than double all the natural gas discovered until 1971.

The U.S. has 1.6 million tons of mineable uranium, 700,000 tons mineable at costs low enough to assure cumulative requirements through 1985, and to take the nation from the oil age through the age of the breeder reactor and on into the next energy age, whatever it may be.

The country has 1.8 trillion potential barrels of crude shale oil in oil shale deposits in the Western states.

For reasons of technology, economics or ecology, most of these vast potential sources of energy are not now readily available. The lag in development of these resources is in part the result of government policies, industry practices and pressures in recent years from ecologists and environmentalists.

Existing supplies, meanwhile, have been squandered at a far faster rate than necessary by national wastefulness and failure to conserve—the result, likewise, of various gov-

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ernment policies and certain industry practices.

The gap between available energy supplies and mounting energy demands that is expected in the next seven to 15 years is one of the most serious facing the country, if not the most serious. Closing the gap will take time, great outlays of money, technological research and a concerned effort, starting at once.

The prospects for a solution are far brighter for the long term—ten years or more from now—than they are in the short term, between 1973 and 1980 or 1985. Sen. Henry M. Jackson of Washington, considered by many to be one of the best informed men in the nation's capital on energy problems, believes that a 10-year, $20 billion research and development program, on the scale and scope of the Space Program, must be undertaken at once with the goal of making the U.S. once again self-sufficient in energy by 1983.

The challenge confronting the nation is formidable. Energy consumption in the U.S. doubled between 1950 and 1970 and most of the consumption levels projected for 1985 are almost double those of 1970.

Because the American economy is so heavily geared to petroleum and its by-products, much of the projected increase in the demand for energy will take the form of an increased demand for oil, which has already risen markedly in recent years. The U.S. oil consumption picture looks like this:

U.S. oil consumption—Actual and projected

[Millions of barrels a day]

Actual:	
1970	14.7
1971	15.1
1972	16.3
1973 (estimated)	18.0
Projected:	
1975	21.0
1980	22.0–25.0
1985	25.0–27.0

The U.S. oil import picture looks like this:

U.S. OIL IMPORTS, ACTUAL AND PROJECTED

Year	Millions of barrels daily	Percent of total oil consumption
Actual:		
1970	3.4	23
1971	3.7	25
1972	4.6	28
1973	[1] 6.0	33
Projected:		
1975	7.5	36
1980	9.0–12.5	36–57
1985	13.0–15.0	48–60

Until now, most imported U.S. oil has come from Venezuela, Canada and Nigeria. In 1970, less than 3% of total U.S. consumption came from the Middle East. By 1972, the percentage had risen to 3% or 4%.

The estimates of U.S. oil demand for the years ahead, until 1985, tend to vary, depending on assumptions made with respect to various demand and supply factors.

Most of the increased imports, the experts say, will come from the Middle East, and some estimates place the expected 1980 imports of Middle Eastern oil at 35–40% of total U.S. consumption.

All estimates and future projections, it should be noted, rest on a series of assumptions that may or may not prove to be sound. Most of the statistical data on oil come from petroleum industry sources and both the government and the mass media are heavily dependent on oil industry sources for crucial information, key statistical data and indicators, and for future estimates and projections as well.

That the oil industry itself can be wrong in its projections was indicated by Thornton F. Bradshaw, president of the Atlantic Richfield Co., during an interview on a recent three-hour NBC–TV documentary on the energy crisis. Discussing the present oil and gasoline squeeze, Mr. Bradshaw stated that demand for petroleum and petroleum products had proved to be greater than the industry had anticipated and that at the same time actual supply had been less than anticipated.

While the foregoing caveats with respect to oil statistics and future projections are worth noting, it is nevertheless generally agreed that, if the consumption of oil continues to increase, the United States is likely to be increasingly dependent on Middle Eastern oil imports in the latter years of the 1970s and the early years of the 1980s, and the main available sources of supply for such imports from the area will be Saudi Arabia and Iran.

Yet another factor in the picture is the price of crude oil which, as noted, has just about doubled since 1970 and which seems certain to go up even further in the wake of Libya's recent action, setting the price of its crude at $6 a barrel.

The combination of increasing U.S. reliance on imported oil and the rapidly escalating price of crude could have a serious impact on the U.S. balance of payments in the future.

In 1972, the U.S. balance of payments deficit was approximately $6.5 billion of which about $4 billion resulted from energy imports, mostly oil. In testimony before the Senate Foreign Relations Committee on May 31, 1973, Deputy Secretary of the Treasury William E. Simon said that the U.S. payments outflow due to oil imports might reach about $7 billion for 1973, and that this figure could grow to $10 billion in 1975 and might reach $17 billion by 1980.

Allowing for estimated exports of $8.2 billion that would be generated in 1980 by this outflow of dollars—an optimistic estimate—plus about $5.9 billion returning to the United States as "repatriated profits," Mr. Simon put the net dollar outflow due to oil imports at about $3 billion. This figure, however, would be substantially increased by projected capital and exploration expenditures overseas on the part of American oil companies.

The Simon analysis made it clear that some of the oil producing states in the Persian Gulf area—Saudi Arabia, Kuwait, Abu Dhabi and Qatar—had small populations and that they might not be able to increase imports or domestic investments as fast as their oil revenues accumulate. He said that by 1980, the combined dollar holdings of these oil states could be about $60 billion.

A *Newsweek* article in April, 1973, was less restrained. It projected accumulated Arab oil earnings of $120 billion by 1985—a figure the magazine noted was almost as much as the world's combined reserves of gold and foreign exchange and enough to buy up all the issued stock of all the petroleum companies in the world. *The Economist*, respected British publication, recently put the projected monetary reserves of the four Arab oil states of the peninsula at anywhere from $44 billion to $95 billion by 1985.

These projections of accumulated Arab oil earnings by the end of the next ten or twelve years have led to speculation that the oil states could end up controlling a number of major American corporations. Other speculation suggests that Arab investments in U.S. industry will increase sharply. Some highly placed government officials feel such investments are to be welcomed as a way of soaking up accumulated Arab earnings and offsetting the projected U.S. payments deficits.

In any case, the problems implicit in projected U.S. trade deficits stemming from energy imports and accumulated monetary holdings in Arab treasuries are obvious. First and foremost is the problem of how the U.S. is to pay for billions of dollars worth of oil imports and meet its steep balance of payments deficits. Another problem is the possibly serious impact of these oil imports and trade deficits on the value of the dollar in the years ahead. A third is the problem of increasing competition for Arab oil supplies among the U.S., Western Europe and Japan, not to mention the underdeveloped countries who may be priced out of the market as the escalating demand of the major industrial nations drives crude oil prices steadily upward.

Put bluntly, the projected dependence of the United States on oil imports from the Middle East during the next decade poses serious threats to American national security, the health of the U.S. economy, the value of the dollar and the freedom and independence of American foreign policy.

FACTORS IN THE ENERGY SQUEEZE

The growing reliance of the United States on imported oil, especially from the Middle East, has its roots in an array of domestic factors that in recent years have tended to stimulate oil demand while restricting exploratory drilling, U.S. production of oil and natural gas, expansion of American oil refining capacity, and development by this country of alternate sources of energy. These factors include various government policies in the energy field, certain industry practices, and resistance by environmentalists to a variety of energy projects.

Experts who have analyzed the problem say this: Government import quotas on crude oil, originally adopted in 1959, were continued for some time after they had become self-defeating; they were finally abolished by the President on May 1, 1973. By restricting supplies of crude oil, these import quotas tended to stifle construction of additional refinery capacity, as well as competition by independents in the petroleum industry. The industry and other observers contend, also, that government tax, pricing and leasing policies stifled exploratory drilling for new sources of domestic oil, especially offshore oil along the Outer Continental Shelf. At the same time, many experts agree, government price controls kept natural gas so cheap that exploratory drilling likewise lagged, restricting new finds of both natural gas and oil, since the two are often found together. The cheapness of natural gas led to uneconomic and wasteful uses of that fuel; this has led to a supply squeeze in natural gas.

Government incentives have likewise been lacking for the construction of oil storage facilities and deepwater ports to make possible substantial economies from the use of super-tankers. These factors have in turn dampened efforts to construct new refining facilities.

The international oil companies, pointing to uncertainties as the result of all these government policies, have tended to concentrate on "upstream" profits in crude oil production at the expense of building more refining facilities. In many cases, where efforts were made by the major companies or by independents to build refineries, sincere opposition by environmentalists delayed or blocked construction. Environmentalists have likewise opposed construction of nuclear energy plants, although the U.S. now has 30 such plants in operation, 59 under construction and 97 on the drawing boards. Yet nuclear power generates less than 5% of electricity today; this is expected to grow to 20% by 1980, and to 27% by 1985.

The often understandandable opposition of environmentalists to the siting of oil refineries and nuclear plants has also delayed or blocked other steps that might, in recent years, have begun to relieve the energy supply problem. Such opposition has held up offshore oil drilling projects and has prevented construction of the Alaska pipeline for the last five years.

The Federal Government recently proposed a variety of steps aimed at speeding the production of new domestic oil supplies and at developing alternate sources of energy. Results, however, will take time, many of the proposals may encounter opposition, and technological research will have to be speeded on an even more urgent basis.

Experts, however, agree that the "supply side" of the nation's urgently needed crash program for energy self-sufficiency must be balanced by determined efforts to attack the "demand side." They point out that national security requires not only the development of new supplies of energy, but a concerted drive to reduce our total consumption of energy, especially oil, plus the more efficient use of the energy supplies we already have.

Conservation of energy, these experts say, must become an urgent national priority because, over a period of time, such conservation can achieve reductions in the country's total energy consumption that would be the equivalent of hundreds of thousands of barrels of oil a day, perhaps even more.

An October, 1972, report issued by the Office of Emergency Preparedness ("The Potential for Energy Conservation") said that by 1980, the country could reduce its energy demand by the equivalent of 7.3 million barrels of oil a day and save an estimated $10.7 billion in outlays for imported oil, thus benefiting its balance of payments problem as well.

The study said major areas for energy conservation were in the sectors of industry and transportation. It said industry could cut demand by 10% to 15% of projected levels, or more, if given incentives to do so. Transportation, which accounts for about 40% of overall energy consumption, offers major opportunities for consumption cuts but some of the possible economy measures, the OEP conceded, might encounter public resistance. Residential and commercial uses, the report said, now consume about 20% of the country's overall energy demands and could possibly be cut 20% by 1980.

In the final analysis, the U.S. goal must be to achieve independence from foreign sources of energy.

ECHOES OF THE ARAB THRUST

In the last year, every aspect of the energy crisis and the oil problem has been covered by the American mass communications media. The public has been deluged with articles, in-depth analyses, editorials and cartoons in newspapers and magazines, and by extensive coverage on radio and television.

In the hundreds of thousands of words that have been printed and broadcast about the energy crisis and the oil problem, there have been references time and time again linking the nation's fuel difficulties to American policy in the Middle East. Such coverage has implicitly or explicitly given credence to the smokescreen the Arabs have raised to camouflage the economic self-interest that underlies their recent threats to hold down oil production now in the hope of greater profit later.

The false Arab claim, that their threatened oil hold-down results from U.S. support for Israel and that Arab oil will flow only if the U.S. changes its policy, has been given such heavy exposure and the energy crisis has been so extensively covered that it appears many Americans are disturbingly vulnerable to the propaganda campaign of the oil regimes and their collaborators here.

Thus, in a June, 1973, advertisement in *The New York Times*, one international oil company urged that the U.S. join with the Soviet Union in insisting on a Middle Eastern peace "guaranteed" by the two great powers—an *imposed* peace between the Arabs and Israel and a solution opposed not only by Israel but by the United States Government itself.

A month later, the board chairman of another major international oil corporation sent a letter to his company's 262,000 stockholders and 40,000 employees, urging them to pressure Washington into adoption of a policy favorable to "the aspirations of the Arab people, and more positive support of their efforts toward peace in the Middle East." The letter received extensive coverage in the mass media. Filled with obvious anti-Israel insinuations, its basic message was identical to that contained in the Arab oil hold-down threats: if the U.S. wants increased supplies of Arab oil for its energy needs, it must change its foreign policy with respect to the Middle East. The board chairman who signed the letter later denied any anti-Israel intent. Other such statements from similar sources have followed. Significantly, all these companies are those most dependent on Arab oil reserves.

Major American oil companies have long maintained a pro-Arab stance and their executives have been for many years busy Washington lobbyists for the Arab cause in the dispute with Israel. Most of their activities, however, have been carried out quietly and discreetly—behind the scenes and far from the spotlight of publicity, in the offices and corridors where policy is made, and by support of "educational" activities carried out by pro-Arab groups to influence public opinion. Rarely, however, have oil companies openly attempted to influence American foreign policy in line with their own corporate interests.

More usual is the tactic whereby oil industry spokesmen have testified before Congressional committees considering U.S. foreign policy, or have met privately with State Department officials, or other top leaders in the Executive branch.

Thus for example, in June, 1972, the former chairman of a consortium of four major American oil companies, testifying before a House Foreign Affairs Subcommittee on the Middle East, urged a change in U.S. Middle Eastern policy and the adoption of a more "realistic political stance" toward the Arab nations. Two years earlier, in July, 1970, the same spokesman told the same House panel that America's pro-Israel policies were hurting U.S. business interests.

In May, 1970, 10 representatives of the same consortium and its four owning oil companies met privately with Assistant Secretary of State Joseph Sisco and warned him that American military sales to Israel would damage relations with the Arab states and jeopardize U.S. oil interests in the Middle East.

As recently as September 4, 1973, the present board chairman of the same consortium, owned by the four major American oil companies (and now in part by the Arab host government as well), told a Los Angeles *Times* reporter in an interview that he was the "middleman" in a "calculated" attempt by the consortium to create a more sympathetic attitude in this country toward Arab nations. The board chairman of the consortium contended that the intent of this effort was not to arouse sentiment against Israel but to promote a climate of public opinion which might move the American government to "more aggressively" seek a settlement of the Arab-Israeli dispute.

In the interview, the chairman also disclosed that he had initiated the effort because of "pressure" from King Faisal of Saudi Arabia. The views of the monarch, the board chairman told the Los Angeles *Times*, were conveyed to him at a meeting early in May, 1973, at which Faisal said he felt the consortium should be doing more in the U.S. to put across the Arab viewpoint.

Following his conversation with the King, the board chairman said, he immediately sent a detailed cable to the four American companies summarizing his conversation with Faisal.

Two of them acted during June and July (a third acted later)—the company that published the ad in *The New York Times* and the company whose board chairman sent the letter to his stockholders and employees. The chairman of the consortium indicated that he considered the content of the letter "ill-advised." But he contended that while the consortium's interest in its own good relations with the Arabs remained a major factor, "Mideast stability" had also become an American national interest.

In any case, the open effort to influence American foreign policy by the oil consortium and three of its owning corporate partners emerged as an Arab-instigated propaganda tactic.

It soon became clear that other major oil firms were disavowing such tactics. In August, 1973, a spokesman for one such firm told *Anny*, a New York advertising weekly, that his firm would not meddle in American foreign policy. "Oil companies," he was quoted as stating, "have no right to involve themselves in international politics." *Anny* reported that another oil company spokesman had issued a similar statement. An official of yet a third major oil firm wrote a public letter asserting that his company "has made no public statement supporting either side in the Middle East conflict." He added: "It is our position that U.S. foreign policy is the responsibility of government, acting on behalf of all citizens who are free to express their individual beliefs."

Despite these disavowals from within the oil industry itself, despite sharp reactions from thousands of customers and from the American Jewish community, and despite editorial criticism from a number of leading newspapers around the country, echoes of the Arab pressure campaign for a change in U.S. Middle Eastern policy were again heard in mid-September, 1973.

In a public speech, the chairman of yet another giant international oil company—like the others a member of the four-company consortium and heavily dependent on Arab crude—called for a re-examination of the country's Mideast policy. He noted that "key reserves on which this country is now dependent, and on which it is destined to become more dependent, reside with countries where these reserves represent substantially all or the major part of their known wealth." Consequently, he said, it was not difficult to understand "that the leaders of these nations will use their oil to achieve the major objectives to which their people aspire, whether they be economic or political."

Perhaps more significant, this oil industry executive pointed out that close ties had developed between the oil companies and Saudi Arabia, adding:

"We must feel concern when those who have been so close to us urge us to review our policies. When such long-time friends assert that we are not being fair and even-handed, it seems only sensible to pause and examine the actions about which they express concern.

"This would seem appropriate even if this nation were not now facing decisions about the Middle East which will directly affect the flow of energy during the critical, short supply years ahead—energy which is so fundamental to our economic well being. To dismiss without some concern the viewpoint of those who feel wronged is to neglect a significant aspect of the nation's energy policy."

As may already be clear, the major international oil companies face some serious problems, but these problems are economic. They result from the economic self-interest of the Arab oil countries and bear no relation whatsoever to the existence of Israel as a sovereign state in the Middle East or to U.S. policy in that area of the world.

All of the problems that now confront the oil companies would confront them if Israel had never existed, or if it were to disappear tomorrow.

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NEEDED: U.S. SELF-SUFFICIENCY IN ENERGY

The United States should not, need not, and must not, submit to Arab oil blackmail, aimed at forcing a reversal of U.S. support for Israel.

This country should not submit because a change of policy will not alter the basic economic factors behind the Arab threat to hold down oil production.

This nation need not submit because it has energy options available.

It must not submit because American self-interest and the requirements of national security dictate a policy that avoids a dangerous over-dependence on imported Arab oil.

To submit would invite a chain of escalating demands that would threaten the independence of American foreign policy.

The September, 1973, conference of oil ministers from 10 Arab nations, held in Kuwait, indicated that the Arab world is not as united on the issue of using oil as a political weapon against the U.S. as its propaganda would have us believe. The Kuwait conference ended without any agreement on a common policy to force a change in U.S. policy by holding down Arab oil production. *The Wall Street Journal* of September 5, 1973, quoted "conference sources" as stating that "the ministers believed their views were so diverse that to attempt a common policy at this time would threaten serious damage to the organization."

In any case, the course to be taken by the United States is clear and commands widespread support and broad agreement. That course would set the United States on the road to energy self-sufficiency through adoption of a concerted and coordinated national program to conserve energy and to develop alternative energy sources that would free the country from dependence on imported Arab oil and the vagaries of unpredictable Arab regimes.

While conservation of energy resources through reduced consumption can be and must be pursued, according to many experts, conservation and reduced consumption will not solve the long-term problem. Nevertheless, these experts say, development of mass transit, lower legal speed limits, taxation of heavier cars to stimulate production and purchase of smaller ones, and other such efforts, can be helpful. So, too, they add, can educational campaigns and incentives aimed at persuading homeowners to improve the insulation of their homes and the efficiency of their heating units.

But, all agree, the major U.S. effort must take the form of a national program to develop alternative sources of energy and there is an array of options open to the country. Promptly pursued, on the scale suggested by Sen. Jackson's 10-year, $20 billion development proposal, they offer a permanent solution to the energy problem.

Here is what leading experts in government, science and industry say:

America's energy options include nuclear energy through both fission, including breeder-reactors, and fusion. Fusion especially offers great hope for a lasting solution to the energy requirements of a great industrialized nation.

The nation's vast supplies of coal offer opportunities through the use of gasification and liquidation processes and the use of low-sulphur coal for direct burning. There is great hope in magneto-hydrodynamic power generation—MHD—whereby energy from coal is converted directly into electrical energy. MHD is both a clean and efficient source of energy from coal and offers another long-range answer.

Other potential sources of energy include the extraction of oil from shale rock, already being explored, and from tar sands, plus research into the employment of solar power to tap the vast energy of the sun and geo-thermal energy to be extracted from the core of the earth.

These potential sources of energy will have to be researched and the best sources developed for our long-term future needs because even if national security considerations were not involved and the independence of American foreign policy were not at stake, the plain fact is that even the vast oil resources of the Arab world will some day run out. In the shorter term, if the United States resolutely develops alternative sources of energy, it will stand a far better chance of ending the OPEC cartel's grip on the world trade in petroleum that has produced the current Arab effort at oil blackmail.

The Arabs know all this. They know that they are in an advantageous position now, but that some time down the road in the future, their bargaining position will eventually erode.

American policy in the Middle East must be determined by the long-term interests of American security, not by worry—let alone panic—in the face of an oil squeeze and Arab blackmail threats that may turn out to be mere bluff.

To bow to these threats, to sell the existence of Israel as a reliable and democratic ally for future supplies of Arab oil that would make the U.S. a prisoner of the oil regimes, would be folly.

[From the Jerusalem Post magazine, Sept. 14, 1973]

The Great Oil Blackmail

The Western world's biggest headache during the next decade is going to be the oil crisis. It is a problem of such intimidating dimensions that its association with the Arab-Israeli dispute becomes incidental, almost irrelevant. Put another way, if Israel were to disappear tomorrow, the oil crisis would remain unchanged.

Here are the statistical facts, as they were immediately prior to President Nixon's statement last Saturday. Oil production on the American continent has passed its peak, and is beginning slowly to decline—while consumption goes on growing. The U.S. imported close to 250m. tons last year. That figure, will increase to 600m. tons in 1980.

The Americans consumed 775m. tons of petroleum in 1972—550m. tons of it from internal sources, the rest imported. By 1980 they will be needing 1,200m. tons, 50 per cent of it from foreign wells.

Japan will be buying a similar quantity by then. Europe is importing more than that already. In all, the world will need over 1,000m. tons of extra oil eight years from now.

The chief supplier will be the Middle East, at a price—a very high price. In fact, the cost of this whole operation will be so immense that it probably cannot be accommodated within the framework of the world's present monetary system. For the first time in human memory, neither currency nor bank loans nor gold are going to prevent a major economic deadlock.

The U.S. paid $7,000m. for oil imports last year. By 1980 (with prices already going up), the bill be be $20,000m. or more. The Americans do not have that amount of foreign exchange to spend. They cannot possibly push up their exports by $10–15 billion in eight years—just to pay for oil.

One of the reasons they cannot is that the Arab States face the same problem in reverse. Saudi Arabia—the country with the largest oil reserves in the world—earned $3,000m. from the oil trade last year. By 1980, if she is to supply the purchasing countries as outlined above, she will be earning an estimated $25,600m. per annum. Saudi Arabia has no idea how to spend last year's $3,000m.—and this year's revenue is already appreciably greater. What will she do with an annual inflow of $25 billion?

According to the British Institute of Strategic Studies, the Arabs—and Saudi Arabia especially—want to industrialize; but they cannot possibly manage to spend—whether on raw materials, machinery or consumer goods for the wage-earners—a fraction of these huge sums. If they could, the U.S. would have a new market for exports. Instead, King Faisal will be sitting on an increasing pile of superfluous dollars. He will be stuck with a growing mass of depreciating banknotes. The more he has, the more their value will decline—inevitably, as supply exceeds demand.

Meanwhile, his country's one vital treasure is being remorselessly extracted from the ground. Once that oil is exhausted, Saudi Arabia will be like Samson shorn of his locks—powerless, abandoned, a forgotten monster. The Arabs are lucidly aware of this problem. They are being asked to exchange their one priceless asset for bits of paper—notes, bills, scrip, bonds, share certificates—whose purchasing-power could quite conceivably evaporate with the passage of time. (Western governments are already alarmed at the mounting purchase of securities in their countries by the oil sheikhs.)

Why did Kuwait freeze her petroleum output two years ago? The real reason is that she has no incentive to increase production. Last year she earned $1,560m.—for a population of 800,000, only half of whom are Kuwaitis. That comes to $10,000 per family. This year she is receiving $2,000m. What can she do with the money?

Abu Dabi earned $550m. last year, for a population of less than 40,000. Seven years from now, assuming a 25 per cent population growth, there will be (quite literally) $400,000 a year per family. Even if they share it with other inhabitants of the United Arab Emirates, it will still come to a handsome quarter of a million dollars annually per family.

The game is scarcely worth the candle. Explaining to the "Christian Science Monitor" why his country wants to reduce the growth-rate of its petroleum output from 30 per cent a year (which represents the Western need) to 10 per cent, Mr. Nazer, chief of Saudi Arabia's Central Planning Bureau, said: "Frankly, I wish you could find some other energy source, to take the pressure off us."

Production costs are only six to seven cents a barrel. Yet the Arab Governments make $1.70. (This is in the Persian Gulf, where the posted price is $2.90 a barrel. In Libya, which is nearer the European market, the price is $4.40) OPEC (the Organization of Petroleum Exporting Countries) constitutes by far the biggest international cartel in history. It puts on the squeeze in order to extract profits. These profits have no relation whatever to production costs, the price of capital, or anything else. They are a kind of toll, extorted by the menace of sanctions. It can be said that OPEC was over-successful. The consumer countries were altogether too obliging. Their agreements threaten to wreck the world's monetary stability. (A first small taste of this was felt in the recent dollar crisis.)

One could ask, why should not poor countries get what they can out of the rich countries? If all the poor countries were benefiting, the imbalance would be much less serious, because the world's poor need desperately to buy, and would want to spend those dollars. But even the Arabs are not doing as well as they think out of their one-sided deal. They are at last beginning to recognize that, in a way, they are themselves being exploited for the benefit of the industrialized world. They are giving away their only asset albeit expensively—but at a pace convenient to the buyer, and highly inconvenient to the seller.

It would be best for them to market the oil in their own time, to step up production slowly, as their need for foreign exchange slowly increases. Any business consultant would give them the same advice. Other things being equal, the Arabs should nurse their oil reserves, whose availability, after all, is finite, even in the Middle East. They should dispose of the precious liquid at a cautious and calculated rate, as extra finance is required to activate the country's industrial and social development.

If they sell too much too quickly, as is happening today, they are faced with the problem of finding investments abroad for the cash that comes in. But there is nothing in the world better to invest in than the oil itself, which lies securely under their own feet. The ideal placement for the Arabs is to refrain from pumping the "black gold" out of the ground in the first place.

This dawning realization on both sides of the astonishing problem they have created in their transactions with each other is causing anxiety—on both sides. To say that Saudi Arabia will cut production to a 10 per cent growth-rate because of Israel is meaningless. Even if President Nixon throws Israel to the wolves, will King Faisal, in a spurt of gratitude, order the companies to go on increasing production by a breathtaking 100m. tons a year, as before?

Just as much as the Westerners, the Arabs need an agreed solution to their oil problem and possibly more. Their wealth lies not in the oil, but in the readines of the outside world to buy that commodity. President Sadat may fulminate about the Israel problem, because he has no oil to speak of. But King Faisal is preoccupied with something more important: how to secure that the West buys his oil more slowly, and for a longer time to come. Therefore President Nixon's decision to maximize efforts for developing alternative energy sources should have the King's warm approval.

He probably welcomes the proposed Alaska oil pipeline. He should applaud the development of nuclear energy. On the other hand, he must make sure that the pendulum does not swing too far the other way. If the West, stimulated by the oil crisis into a fever of inventive energy, finds a way of running its cars and trucks with a new form of battery, powered by nuclear energy, there could develop a buyer's market for conventional fuels. That could be a death-blow to Faisal's monarchy—and to Saudi Arabian independence.

There are liberal-minded people in Europe who rely on the Americans to take the hard decisions, and can therefore indulge a curious sentimentalism in their political thinking. They are responsive to the high-minded statements that men like Faisal make for the record, such as his observation to Frank Jungers of Aramco that he is "not able to stand alone much longer in the Middle East as a friend of America"—if, that is, the White House does not change its posture over Israel.

Faisal is first and foremost a friend not of America, but of Faisal. It is not Israel that threatens him, but Egypt, Iraq, the Soviet Union, China. It is Egypt, not Israel, that invaded the Yemen and bombarded Saudi Arabian targets before 1967. It is fear of Egypt that made Faisal beg Harold Wilson, then Prime Minister of England, not to leave Aden Saud Arabia is today the leading Arab power, thanks partly to Egypt's collapse in the Six Day War. If Nasser's successor, Sadat, makes friendly noises, it is not because Egypt has changed, but because Israel has altered the Middle East power balance.

It cannot be denied that hostility to Israel is a problem. But for the Arab oil principalities, it is largely a rhetorical issue—"a 'figleaf' for more pressing economic objectives," to quote the "Wall Street Journal." The article (published on August 21) goes on:

"Libya has nationalized American properties ostensibly over Israel, but it has nationalized British properties ostensibly over the Persian Gulf islands of Abu Musa, Greater Tunb and Lesser Tunb."

In other words, the oil blackmail is a political bluff, reminiscent of the techniques commonly used in hi-jacking planes. The object is to make kindly-minded people panic. The question for Western statesmen to consider is whether to call the bluff, or submit. If they submit, it will be another defeat for Western interests.

If the West maintains its position and does not yield, one thing at least is clear: the oil problem will not be materially affected. If the Arabs are trying to pretend that they would genuinely like to step up their oil sales, but are prevented from doing so by U.S. policies in the Middle East, that is a gambit which even the least sophisticated listener cannot accept.

As to King Faisal, his mind is evidently divided. He wants to speak up against Israel—the Arabs expect it of him. But it is far from certain that he wishes the Americans to treat his gently-worded reproaches as an ultimatum.

[From the Wall Street Journal, Aug. 21, 1973]

Eyes on the Figleaf

With the voluminous talk of the "energy crisis" and the eternal tension in the Middle East, a great deal of attention has been focused on the possibility that the U.S. may have to back away from its support of Israel because of its need for Arab oil. We often wonder whether the West isn't more obsessed with Israel than the Arabs are.

Some Arab nations have long made rhetoric about oil and Israel, of course, and the current concern arises because Saudi Arabia has started to join in. Lobbying for a more pro-Arab U.S. policy by Mobil and Standard Oil of California, two of the partners in Saudi Arabia's main oil consortium, apparently results from something King Faisal said to their executives. But we wonder just what the king said, and what he meant by it. Similar well-publicized remarks by his oil minister, Sheik Ahmed Zaki Yamani, seemed on close examination to peter out into remarkably vague and mild statements. We wonder whether the whole issue is being kept in perspective.

Take, for example, the "energy crisis," which in fact is America's adjustment to becoming a larger-scale importer of oil like other industrial nations. Saudi Arabia, which sits on some 28% of the world's proven oil reserves, is of course a key factor in meeting future world demand. And the United States will need some Middle Eastern oil to meet its increasing demands. But even 10 years from now about half of American needs will be met domestically, and nearly half of the rest from elsewhere in the Western Hemisphere. Some of the remaining 25% to 30% will come from non-Arab lands such as Iran. Up to now, for instance, our largest supplier from the Eastern Hemisphere has been Nigeria.

As far as the Arab world is concerned, a renewed war with Israel would indeed endanger the flow of Persian Gulf oil. But this possibility seems to have blinded American opinion to the even more serious Middle East trouble spots that border directly on the oil fields. As an immediate source of an oil crisis. Arab-Israeli conflict ranks somewhere below Kurdish nationalism, the Iraqi-Kuwait confrontation over the islands of Babiyan and Warba, the Iraqi-Iranian dispute over the Shatt al Arab waterway, the Saudi tension with Abu Dhabi over the Buraimi Oasis, and the ethnic rebellion in the Dhofar province of Oman.

Arab politics might not even be as monolithic on Israel as many in the West seem to think. In spite of King Faisal's fear of the Jews, the Saudis have not forgotten that the 1967 war forced Egypt to withdraw its expeditionary force from the Yemen, from which it occasionally dropped gas bombs on Saudi border villages.

Rhetoric about Israel in fact often seems to be a "figleaf," as one Middle East bureaucrat puts it, for more pressing economic objectives. Saudi reluctance to increase oil production has its real origin in problems of absorbing oil revenues in a near-feudal economy. Yet the London-based International Institute for Strategic Studies says the answer favored by the Saudis and other Arabs is "a dream of transforming themselves from mere reservoirs into industrialized states, exploiting a combination of surplus capital and cheap energy in order to process oil and other goods for the world market." This dream needs cooperation from America, both as an outlet for investment money and for help creating a local petrochemical industry; the IISS remarks that industralization depends on "assured export markets for oil products and other manufacturers."

While Saudi Arabia may suffer pressure from more militant Arab lands, the militants themselves have their own economic interests. We hear reports that Iraq's oil boycott plan, for instance, would give Iraq an increased share of the market. Libya has nationalized American properties ostensibly over Israel, but it has nationalized British properties ostensibly over the Persian Gulf islands of Abu Musa, Greater Tunb and Lesser Tunb. It recently put production limits on Standard Oil of California despite California Standard's pro-Arab lobbying, suggesting that the real targets of the campaign are the oil companies that have not yet agreed to Libya's economic demands.

Egypt's President Anwar Sadat saluted one of Libya's nationalizations in a militant speech about beginning the battle against American interests in the Arab world. Two weeks before, he was inviting Exxon to explore for oil under a 30-year contract. Two weeks later, he was soliciting American bids for construction of a $300 million Suez-Mediterranean pipeline.

The Arabs no doubt are tough customers to deal with, as are the Norwegians, the Ecuadorians, the Alaskans and almost anybody else who sits on oil. There may be serious troubles ahead if the Arabs decide to foressake their development plans and sit on the oil instead. But the idea that to crush Israel they would ignore their economic interests, or would turn charitable if Israel were sacrificed, strikes us as a view tinged with the romanticism which has so often fogged the Western view of the Middle East.

[From the New York Times, Sept. 5, 1973]

Tightening the Valve

Unofficial reports on the secret talks held by Arab oil ministers in Kuwait yesterday carry the welcome news that no common policy of political blackmail against the United States and other major oil-consuming nations was adopted.

But even if the Arab states' chronic difficulty in ever being united on anything has averted an immediate showdown, it is plain that the Middle East forces determined to use oil as a weapon for isolating Israel from diplomatic and military support are steadily gaining ground. Both price and supply will be the instruments of pressure, with Libya in the van through its 51 per cent nationalization of foreign-owned companies, its 20 per cent boost in the price of crude and its refusal to accept payment in United States dollars.

The intensification of this squeeze makes it particularly important that the United States not allow panic over the availability of fuel to control its decisions on how it can best contribute to a just and stable peace in the Middle East. Instead of yielding to self-serving scare talk from the Arabs, the United States should start taking the long-

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term steps needed to lessen its dependence on oil as an energy source.

This dependence cannot be ended overnight, but there has been too much extrapolation from that point to suggest that it cannot be ended at all—or at least, not in this generation. When talk is heard about developing alternate sources of energy, that talk is too often shot down as esoteric or science fiction or just impractical. Such has been the fate of two promising energy technologies which, though long familiar in their potential, found themselves for years downgraded when the priorities for private and Government research funds were drawn up.

The more immediate in its possible application is the process called MHD, a manageable acronym for magneto-hydrodynamic power generation, by which energy from coal is converted directly into electric power without the serious problem of pollution or loss of thermal efficiency which still bedevils other processes for using this country's immense coal reserves. The Soviet Union is far ahead of the United States in MHD research, not so much because know-how is lacking here but because the Russians have committed more investment to bringing this process closer to commercial application.

More impressive in its long-range potential is the process of nuclear fusion, which is viewed with unusual unanimity by energy experts as the ultimate answer to the energy demands of the industrialized world. The Atomic Energy Commission has long downplayed fusion research in favor of the less satisfactory fission reactors, now much under fire from scientific and citizens' groups alike for their reputed danger and inefficiency. Even the breeder reactor, which the Administration seems to consider the next best hope in nuclear power, pales in its promise compared with the fusion process.

Technological and economic problems remain unsolved for these and other alternative sources of energy, including even solar power, geothermal energy and gasification of coal—processes which have stirred long-absent popular and industrial interest in the past year or so. Another inhibiting factor, as some specialists argue, may be that existing economic interests have little stake in fusion or MHD research, and thus there are no active lobbies at work to attract funds.

The point is that alternatives do exist to petroleum fuel, if not for this decade, then for the next. That is time enough, since any convincing show of progress in making these alternatives commercially viable—even if realization remains a decade away—would immediately reduce the blackmail possibilities now open to the Arab oil-producing nations. Now it is a sellers' market, and America's dependence on Middle Eastern oil is growing, but once alternative energy sources begin to be taken seriously, the interest of the oil-rich countries would be to extract and sell their oil while they can.

[From the Washington Post, Oct. 28, 1973]

U.S. Oil Policy: Live Without Arab Supplies

(By Hobart Rowen)

The Arab nations' embargo on oil shipments here has taught this country a valuable lesson: It must develop an energy policy to permit the Untied States to get by without any dependence at all on Middle East oil.

"We can't and we won't let the Arab oil-producing countries blackmail us," a high Nixon administration official says. "Happily, we're in a position where we can turn to other sources. We'll be pinched, to be sure. But we can do without any Arab oil at all, while Japan and Europe would be hurt by such a policy."

There is reason to believe that the Arab boycott, coming when it did, may have been a blessing in disguise. Our dependence on Arab oil, while growing, is still a pittance. In July, for example, total crude oil and oil products imports from Arab countries shutting off or curtailing their supplies amounted to 6.7 per cent of U.S. supplies from all sources.

That's an easier gap to try to fill than, say, 20 per cent of our supplies—the level that Middle East oil could have reached in a couple of years if the sheikhs had delayed their squeez play by that long.

But by having signaled this country so dramatically that they are not reliable suppliers, the Arab nations have escalated American efforts to produce oil and gas supplies from shale and coal. What was once seen as an uneconomic venture not only becomes economically feasible, given the sharp rise in oil prices that the Arab producers have been extorting, but a political necessity. No major power such as the United States can vest its foreign policy in the hands of a small group of willful men 10,000 miles from these shores.

But a policy keyed to living without Mideast oil has many grave consequences, all of which must be faced openly and intelligently. Among them are these:

There must be a "crash" program of the same magnitude as the Manhattan Project that developed the atom bomb in World War II to find alternative sources of energy from all sources—fossil, solar, and nuclear. That means beefing up the present Energy Policy Office, and much more concentration on research and development. There are signs that the Nixon administration is willing to invest up to $10 billion in an initial effort in this direction.

Environmental needs will have to take a second priority, at least in the short run. That doesn't mean that all protections for the environment should be abandoned. But environmentalists will be pressured by administration officials to compromise on some goals to permit explorations on the continental shelf, for the production of oil from shale and coal, and to allow the Alaskan pipeline to get under way.

Industrial and individual consumers of energy will have to learn to live with less. We waste a horrible amount of energy (and other raw materials) in this country. But voluntary efforts to save, although clearly now a major necessity, won't be enough. Gasoline and oil will have to be rationed, at least until the time that adequate alternative supplies have been developed. Such rationing plans are being readied by the administration. Consumer goods producers, who have a high consumption of fuel oil per worker, will doubtless be hit hard.

Any drop in total energy supplies will, of course, immediately require the curtailment of private passenger car travel. It could come first by letting gasoline prices skyrocket, later through coupon rationing. Undoubtedly, there would be some shift from truck transportation to more economical (in fuel use) rail transport. Detroit's present frantic efforts to move from gas-guzzlers to compacts will be accelerated.

These measures will substantially raise the cost of all forms of energy, and therefore will add to inflationary pressures in the U.S. economy. But it should be borne in mind that the Arab nations have steadily been extracting a higher price for their oil, and to the extent that they continue shipments, costs will be going up anyway. (And the reason that the United States was planning, before the latest Arab-Israel war, to rely more on Arab oil was that it used to be cheap.)

As difficult as will be our adjustment to living without Middle East oil, the problem is substantially less than it would have been if the Arabs had begun to use oil as an economic weapon against us three or four years hence.

While embarked on a crash program, the United States could make it plain to both the Arab nations and the Soviet Union that it can't be pressured by an oil boycott by indicating that it is also willing to use economic leverage. One highly regarded economist who privately advises the Nixon administration points out that the United States "must be prepared to periodically embargo farm products to certain countries if it is to exercise a countervailing pressure against the Arab-Soviet oil alliance."

If the Russians still want to pursue and reinforce their detente with the United States, they will have to acknowledge that American policy in the Middle East includes a commitment to the preservation of Israel. That policy is not merely a Nixon policy—it is a commitment by both major American political parties.

On the other hand, if we pass from detente back to cold war, it will mean not only a regrettable reversion to an arms race, but it will underscore the need for more dependable oil resources than those in Saudi Arabia, Kuwait, Libya, and other points east.

CLOSE OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

FEDERAL FIRE PREVENTION AND CONTROL ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 1769, which will be stated by title.

The legislative clerk read as follows:

A bill (S. 1769) to establish a United States Fire Administration and a National Fire Academy in the Department of Housing and Urban Development, to assist State and local governments in reducing the incidence of death, personal injury, and property damage from fire, to increase the effectiveness and coordination of fire prevention and control agencies at all levels of government, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Federal Fire Prevention and Control Act".

DECLARATION OF POLICY

Sec. 2. (a) Findings.—The Congress finds and declares that—

(1) The National Commission on Fire Prevention and Control, established pursuant to Public Law 90—259, has made an exhaustive and comprehensive examination of the Nation's fire problem, has made detailed findings as to the extent of this problem in terms of human suffering and loss of life and property, and has made ninety thoughtful recommendations. The National Commission concluded that while fire prevention and control is and should remain a State and local responsibility, "the Federal Government must . . . help . . . if any significant reduction in fire losses is to be achieved."

(2) The United States today has the highest per capita rate of death and property loss from fire of all the major industrialized nations in the world (57.1 deaths per million versus only 29.7 deaths per million for the industrialized nation with the next to the worst record).

(3) Fire constitutes a major burden affecting interstate commerce. Fire kills twelve thousand and scars and injures three hundred thousand Americans each year, including fifty thousand individuals who must be hospitalized for periods lasting from six weeks to two years. Almost $3,000,000,000 worth of property is destroyed by fire annually, and the total economic cost of destructive fire has been conservatively estimated by the National Commission to be $11,400,000,000 per year. Firefighting is the Nation's most hazardous profession, with a death rate 15 per centum higher than that of the next most dangerous occupation.

(4) The National Commission concluded that the fire problem is exacerbated by—

(A) "the indifference with which Americans confront the subject";

(B) the Nation's failure to undertake significant amounts of scientific research and development into fire and fire-related problems;

(C) the inadequate facilities and resources available to train firefighters in fire prevention and control techniques;

(D) the scarcity of reliable data and information;

(E) the fact that designers and purchasers of building and products generally give only minimal attention to fire safety ("many communities are without adequate building and fire prevention codes");

(F) the fact that many local fire departments appear concerned only with fire suppression and rescuing victims rather than with being at least equally concerned with fire prevention, inspection, and code enforcement programs ("about 95 cents of every dollar spent on the fire services is used to extinguish fires; only about 5 cents is spent on efforts . . . to prevent fires from starting"); and

(G) the limited number of places in the United States that have burn centers which are properly equipped and staffed to save lives and rehabilitate the victims of fires.

(5) The unacceptably high death, injury, and property losses from fires can be reduced if the Federal Government establishes a coordinated program to support and reinforce the fire prevention and control activities of State and local governments.

(b) Purposes.—Therefore it is declared to be the purposes of Congress in this Act to—

(1) establish the office of Assistant Secretary of Commerce for Fire Prevention and Control;

(2) direct the Secretary of Commerce to establish a national Program for Fire Prevention and Control (FIREPAC) and to authorize him to initiate, support, and maintain programs and activities to reduce the Nation's fire problem;

(3) direct the National Institutes of Health to conduct an intensified program of research into the treatment of burn injuries and the rehabilitation of victims of fires; and

(4) authorize fire protection assistance.

DEFINITIONS

Sec. 3. As used in this Act—

(1) "Academy" means the National Academy for Fire Prevention and Control (FIREPAC Academy), authorized under section 6 of this Act.

(2) "Fire service" means a department, bureau, commission, board, or other agency established by a Federal, State, or local government or by a volunteer organization for the purpose of preventing or controlling fires or loss and damage from fire.

(3) "Local" means of or pertaining to any city, county, special purpose district, or other political subdivision of a State.

(4) "Program" means the Program for Fire Prevention and Control, established pursuant to section 5 of this Act.

(5) "Secretary" means the Secretary of Commerce.

(6) "State" means any State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Canal Zone, Guam, American Samoa, the Trust Territory of the Pacific Islands, or any other territory or possession of the United States.

ASSISTANT SECRETARY OF COMMERCE FOR FIRE PREVENTION AND CONTROL

Sec. 4. Section 42(a) of the Act of October 21, 1970 (84 Stat. 1036; 15 U.S.C. 1507a) is amended by adding at the end thereof the following new subsection:

"ASSISTANT SECRETARY FOR FIRE PREVENTION AND CONTROL

"There shall be in the Department of Commerce, in addition to the Assistant Secretaries now provided by law, one additional Assistant Secretary of Commerce who shall be known as the Assistant Secretary of Commerce for Fire Prevention and Control. This Assistant Secretary shall be appointed by the President, by and with the advice and consent of the Senate. The Assistant Secretary of Commerce for Fire Prevention and Control shall receive compensation at the rate prescribed by law for Assistant Secretaries of Commerce, shall be responsible for carrying out the provisions of the Federal Fire Prevention and Control Act under the direction of the Secretary of Commerce, and shall perform such other duties as the Secretary of Commerce shall prescribe. In carrying out such responsibilities, the Assistant Secretary of Commerce for Fire Prevention and Control shall consult, be guided by, and implement, so far as practicable, the recommendations of the National Commission on Fire Prevention and Control, to the extent not inconsistent with this Act."

FIRE PREVENTION AND CONTROL PROGRAM

Sec. 5. (a) Establishment.—The Secretary is authorized and directed to establish a national Program for Fire Prevention and Control (FIREPAC). The Program shall consist of all relevant programs and activities heretofore established in the Department of Commerce together with all programs and activities authorized or mandated to be established under this Act. The Program shall be administered, under the direction of the Secretary, by the Assistant Secretary of Commerce for Fire Prevention and Control.

(b) Content.—The Program may consist of—

(1) the FIREPAC Academy, authorized to be established by the Secretary under section 6 of this Act;

(2) research and development programs, pursuant to section 7 of this Act;

(3) an annual conference of professionals in fire prevention, fire control, and treatment of burn injuries, pursuant to section 8 of this Act;

(4) a national data center on fire prevention and control, pursuant to section 9 of this Act;

(5) a fire services assistance program, pursuant to section 10 of this Act;

(6) State demonstration projects, pursuant to section 11 of this Act;

(7) citizens' participation programs, pursuant to section 12 of this Act;

(8) relevant studies, as directed by section 13 of this Act;

(9) an annual report, as directed by section 14 of this Act;

(10) an awards program, as directed by section 16 of this Act; and

(11) such other programs and activities as in the judgment of the Secretary are likely to reduce the Nation's losses from fires.

FIREPAC ACADEMY

Sec. 6. (a) Authorization.—The Secretary is authorized to establish a National Academy for Fire Prevention and Control (FIREPAC Academy). The Secretary is authorized, pursuant to this section, to dedevelop and revise curricula, standards of admission and performance, and criteria for the awarding of degrees and certificates. He is further authorized to appoint a Director, faculty members, and consultants for the Academy without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and, with respect to temporary and intermittent services, to make appointments to the same extent as is authorized by section 3109 of title 5, United States Code.

(b) Purposes.—The Academy is authorized to conduct appropriate educational and research programs to—

(1) train fire service personnel in such skills and knowledge as may be useful to advance their ability to prevent and control fires;

(2) develop model curricula, training programs, and other educational materials suitable for use at other educational institutions, and to make such materials available without charge;

(3) develop and administer a program of correspondence courses to advance the knowledge and skills of fire service personnel;

(4) develop and distribute to appropriate officials model questions suitable for use in conducting entrance and promotional examinations for fire service personnel; and

(5) reduce the Nation's fire problem.

(c) Board of Overseers.—Upon establishment of the Academy, the Secretary shall establish a procedure for the selection of professionals in the field of fire safety, fire prevention, fire control, research and development in fire protection, treatment and rehabilitation of fire victims, or local government services management to serve as members of a Board of Overseers for the Academy. Pursuant to such procedure the Secretary shall select the members of the Board of Overseers. Each member of such Board shall each year independently inspect and evaluate the Academy and report his findings and recommendations to the Secretary. The Board of Overseers shall meet from time to time and shall advise the Secretary on all questions pertinent to the Academy.

(d) Placement Service.—The Secretary shall maintain at the Academy a placement and promotion-opportunities program for firefighters in cooperation with fire services.

(e) Construction Approval.—(1) No appropriation shall be made for the planning or construction of facilities for the Academy involving an expenditure in excess of $100,000 if such planning or construction has not been approved by resolutions adopted in substantially the same form by the Committteee on Interstate and Foreign Commerce of the House of Representatives and by the Committee on Commerce of the Senate. For the purpose of securing consideration of such approval, the Secretary shall transmit to Congress a prospectus of the proposed facility to be planned or constructed;

(A) a brief description of the facility to be planned or constructed;

(B) the location of the facility, and an estimate of the maximum cost of the facility;

(C) a statement of those agencies, private and public, which will use such facility, together with the contribution to be made by each such agency toward the cost of such facility; and

(D) a statement of justification of the need for such facility.

(2) The estimated maximum cost of any facility approved under this subsection as set forth in the prospectus may be increased by the amount equal to the percentage increase, if any, as determined by the Secretary, in construction costs, from the date of transmittal of such prospectus to Congress, but in no event shall the increase authorized by this paragraph exceed 10 per centum of such estimated maximum cost.

FIRE RESEARCH AND DEVELOPMENT PROGRAM

Sec. 7. The Secretary is authorized to conduct directly or through contracts—

(a) a program of basic and applied fire research for the purpose of arriving at an understanding of the fundamental processes

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underlying all aspects of fire. Such program shall include scientific investgiations of—

(1) the physics and chemistry of combustion processes;

(2) the dynamics of flame ignition, flame spread, and flame extinguishment;

(3) the composition of combustion products developed by various sources and under various environmental conditions;

(4) the early stages of fires in buildings and other structures, structural subsystems, and structural components and all other types of fires, including, but not limited to forest fires, fires underground, oil blowout fires, and waterborne fires with the aim of improving early detection capability;

(5) the behavior of fires involving all types of buidings and other structures and their contents, (including mobile homes and highrise buildings, construction materials, floor and wall coverings, coatings, furnishings, and other combustible materials); and all other types of fires (including forest fires, fires underground, oil blowout fires, and waterborne fires);

(6) the unique aspects of fire hazards arising from the transportation and use in industrial and profesional practices of combustible gases, fluids, and materials;

(7) development of design concepts for providing increased fire safety consistent with habitability, comfort, and human impact, in buildings and other structures; and

(8) such other aspects of the fire process as are deemed useful for pursuing the objectives of the fire research program;

(b) research into the biological, physiological, and psychological factors affecting victims of fire and the performance of individual members of fire services and research to develop clothing and protective equipment to reduce the risk of injury to firefighters;

(c) studies of the operations and management aspects of fire services, including operations research, management economics, cost effectiveness studies, and such other techniques as are found applicable and useful. Such studies shall include, but not be limited to, the allocation of resources, the manner of responding to alarms, the operation of citywide and regional fire dispatch centers, and the effectiveness, frequency, and methods of building inspections; and

(d) operation tests, demonstration projects, and fire investigations in support of the activities set forth in this section.

ANNUAL CONFERENCE

SEC. 8. The Secretary is authorized to organize or participate in organizing an annual conference on fire prevention and control. He may pay in whole or in part the costs of such conference and the expenses of some or all of the participants. All the Nation's fire services shall be eligible to send representatives to each such conference to discuss, exchange ideas, and participate in educational programs on new techniques in fire prevention and control. Such conferences shall be open to the public.

NATIONAL DATA CENTER

SEC. 9. The Secretary is authorized to—

(a) operate directly or through contracts an integrated comprehensive fire data program based on the collection, analysis, publication, and dissemination of information related to the prevention, occurrence, control, and results of fires of all types. The program shall be designed to provide an accurate national picture of the fire problem, identify major problem areas, assist in setting priorities, determine possible solutions to problems, and monitor progress of programs to reduce fire losses. To carry out these functions, the program shall include—

(1) information on the frequency, causes, spread, and extinguishment of fires;

(2) information on the number of injuries and deaths resulting from fires, including the maximum available information on the specific causes and nature of such injuries and deaths, and information on property losses;

(3) information on the occupational hazards of firemen including the causes of death and injury to firemen arising directly and indirectly from fire-fighting activities;

(4) information on all types of fire prevention activities including inspection practices;

(5) technical information related to building construction, fire properties of materials, and other similar information;

(6) information on fire prevention and control laws, systems, methods, techniques, and administrative structures used in foreign nations;

(7) information on the causes, behavior, and best method of control of other types of fires, including, but not limited to, forest fires, fires underground, oil blowout fires, and waterborne fires; and

(8) such other information and data as is judged useful and applicable;

(b) develop standardized data reporting methods and to encourage and assist State, local, and other agencies, public and private, in developing and reporting fire-related information;

(c) make full use of existing data, data gathering and analysis organizations, both public and private; and

(d) insure dissemination to the maximum possible extent of fire data collected and developed under this section.

FIRE SERVICES ASSISTANCE PROGRAM

SEC. 10. The Secretary is authorized to assist the Nation's fire services, directly or through grants, contracts, or other forms of assistance, to—

(a) advance the professional development of fire service personnel;

(b) assist in conducting or supplementing, at the request of a fire service, local and regional programs for the training of fire personnel;

(c) develop model fire training and educational programs, curricula, and information materials;

(d) develop new or improved approaches, techniques, systems, equipment, and devices to improve fire prevention and control;

(e) conduct such development, testing, and demonstration projects as are deemed necessary to introduce new technology standards, operating methods, command techniques, and management systems into use in the fire services;

(f) provide, establish, and support specialized and advanced education and training programs and facilities for fire service personnel;

(g) measure and evaluate, on a cost-benefit basis, the effectiveness of the programs and activities of each fire service and the predictable consequences on the applicable local fire services of coordination or combination, in whole or in part, in a regional, metropolitan, or State-wide fire service; and

(h) sponsor and encourage research into approaches, techniques, systems, and equipment to improve and strengthen fire prevention and control in the rural and remote areas of the Nation.

MASTER PLAN DEMONSTRATION PROJECTS

SEC. 11. (a) GENERAL.—The Secretary is authorized and directed to establish master plan demonstration projects which shall commence not later than eighteen months after the date of enactment of this Act. Not less than five nor more than eight demonstration projects may be assisted by the Secretary under this section. Any demonstration project under this section shall be conducted by, or under the supervision of, a State in accordance with the application of the State submitted under subsection (c) of this section. Whenever any such State includes a Standard Metropolitan Statistical Area, as defined by the Bureau of the Census, the geographical boundaries of which include two or more States, then such State shall include the entire such Standard Metropolitan Statistical Area in its master plan demonstration project.

(b) ELIGIBILITY FOR GRANTS.—The Secretary is authorized to establish criteria of eligibility for awarding master plan demonstration project grants. In awarding such project grants, the Secretary shall select projects which are unique in terms of—

(1) The characteristics of the State, including, but not limited to, density and distribution of population; ratio of volunteer versus paid fire services; geographic location, topography and climate; per capita rate of death and property loss from fire; size and characteristics of political subdivisions of the State; and socio-economic composition; and

(2) The approach to development and implementation of the master plan which is proposed to be developed with Federal assistance under this section. Such approaches may include central planning by a State agency, regionalized planning within a State coordinated by a State agency, or local planning supplemented and coordinated by a State agency.

(c) PROCEDURE FOR AWARDING GRANTS.—A grant under this section may be obtained upon an application by a State at such time, in such manner, and containing such information as the Secretary shall require. Upon the approval of any such application, the Secretary may make a grant to the State to pay each fiscal year an amount not in excess of 80 per centum of the total cost of such project. Not more than 50 per centum of the amount of each grant shall be allocated to the planning and development of the master plan and the remainder to partial or total implementation. Payments under this subsection may be made in advance, in installments, or by way of reimbursement.

(d) MASTER PLAN.—(1) Each demonstration project established pursuant to this section shall result in the planning and implementation of a comprehensive master plan for fire protection for each State funded thereunder. Each such master plan shall contain:

(A) a survey of the resources and personnel of existing fire services and an analysis of fire and building codes effectiveness in the State;

(B) an analysis of short- and long-term fire prevention and control needs in the State;

(C) a plan to meet the fire prevention and control needs of the State; and

(D) an estimate of costs and a realistic plan for financing implementation of the plan and operation on a continuing basis, and a summary of problems that are anticipated in implementing such plan.

(2) Forty-two months after the date of enactment of this Act, the Secretary shall submit to Congress a summary and evaluation of the master plans prepared pursuant to this section. Such report shall also assess the costs and benefits of the master plan program and recommend to Congress whether Federal financial assistance should be authorized in order that master plans can be developed in all States.

(e) AUTHORIZATION FOR APPROPRIATION.—There is authorized to be appropirated to carry out the provisions of this section $10,000,000. Not more than 20 per centum of the amount appropriated under this section for any fiscal year may be granted for projects in any one State.

CITIZEN PARTICIPATION

SEC. 12. (a) GENERAL.—The Secretary is authorized to take all steps necessary to educate the public and to overcome public indifference as to fire safety and fire prevention. Such steps may include, but are not limited to, publications, audio-visual presentations, and demonstrations.

(b) FIRE SAFETY EFFECTIVENESS STATEMENTS.—The Secretary is authorized to encourage owners and managers of residential multiple-unit, commerical, industrial, and transportation structures to prepare and submit to him for evaluation and certification a Fire Safety Effectiveness Statement pursuant to standards, forms, rules, and regulations to be developed and issued by the Secretary. A copy of such statement and evaluation shall be submitted to the applicable local fire service and, in the case of transportation structures, to the Secretary of Transportation. Any person who submits such a statement and receives certification may attach the following statement to any contract of sale or lease or any advertisement or notice which pertains to the structure as to which such statement has been submitted: "A Fire Safety Effectiveness Statement has been prepared regarding this structure and this structure has been certified as meeting the requirements of the United States Department of Commerce.".

(c) REVIEW.—The Secretary is authorized to review, evaluate, and suggest improvements in State and local fire prevention and building codes, fire services, and any relevant Federal or private codes, regulations, and fire services. He shall annually submit to Congress a summary of such reviews, evaluations, and suggestions. In evaluating such a code or codes, the Secretary shall consider the human impact of all code requirements, standards, and provisions in terms of comfort and habitability for residents or employees as well as the fire prevention and control value or potential of each such requirement, standard, and provision.

(d) ASSISTANCE.—The Secretary shall assist the Consumer Product Safety Commission in the development of fire safety standards or codes for consumer products, as defined in the Consumer Product Safety Act (15 U.S.C. 2051 et seq.).

(e) PUBLIC ACCESS TO INFORMATION.—(1) Copies of any document, report, statement, or information received or sent by the Program for Fire Prevention and Control shall be made available to the public upon identifiable request, and at reasonable cost, unless such information may not be publicly released pursuant to paragraph (2) of this subsection. Nothing contained in this subsection shall be deemed to require the release of any information described by subsection (b) of section 552 of title 5, United States Code, or which is otherwise protected by law from disclosure to the public.

(2) The Secretary shall not disclose information obtained by him under this Act which concerns or relates to a trade secret referred to in section 1905 of title 18, United States Code, except that such information may be disclosed—

(A) upon request, to other Federal Government departments and agencies for official use;

(B) upon request, to any committee of Congress having jurisdiction over the subject matter to which the information relates;

(C) in any judicial proceeding under a court order formulated to preserve the confidentiality of such information without impairing the proceedings; and

(D) to the public in order to protect health and safety after notice and opportunity for comment in writing or for discussion in closed session within fifteen days by the party to which the information pertains (if the delay resulting from such notice and opportunity for comment would not be detrimental to health and safety).

STUDIES

SEC. 13. (a) FISCAL STUDY.—The Comptroller General of the United States is authorized and directed to study the financing of the Nation's fire services and to report to the Congress on whether the moneys available to the various fire services through State and local taxation and Federal-State revenue sharing is adequate to meet the Nation's need to minimize human and property losses from fire, or whether the Congress should authorize a grant-in-aid program to prevent and reduce fire losses. The results of such study shall be reported to the Congress not more than three years after the date of enactment of this Act and shall not be subject to prior review, clearance, or approval by any other officer or agency of the United States.

(b) FIREFIGHTERS STUDY.—The Secretary is authorized and directed to prepare a comprehensive study of the organization and operation of the Nation's fire services as they affect individual firefighters, including, but not limited to, rates of pay; retirement benefits; working conditions; training requirements; entrance and promotional systems, standards, requirements, and opportunities; number of hours spent on active service; employment opportunities for women and members of minority groups; the impact on individual firefighters of coordinating and combining local fire services into regional metropolitan, or statewide fire services; risk of injury or death during active service; and recommendations for improvements. The results of such study shall be reported to the Congress not more than two years after the date of enactment of this Act; thereafter, such results shall be updated as part of the annual report of the Secretary required by section 14 of this Act.

ANNUAL REPORT

SEC. 14. The Secretary shall report to the Congress and the President not later than June 30 of the year following the date of enactment of this Act and each year thereafter on all activities of the Program for Fire Prevention and Control and all measures taken to implement and carry out this Act undertaken during the preceding calendar year. Such report shall include, but is not limited to—

(a) a thorough appraisal, including statistical analysis, estimates, and long-term projections of the human and economic losses due to fire;

(b) a survey and summary, in such detail as is deemed advisable, of the research undertaken or sponsored pursuant to this Act;

(c) a summary of the activities of the National Academy for Fire Prevention and Control, for the preceding twelve months, including, but not limited to—

(1) an explanation of the curriculum of study;

(2) a description of the standards of admission and performance;

(3) the criteria for the awarding of degrees and certificates; and

(4) a statistical compilation of the number of students attending the Academy and receiving degrees or certificates;

(d) a summary of the activities undertaken to assist to the Nation's fire services, pursuant to section 10 of this Act;

(e) a summary of the citizens' participation programs undertaken during the preceding twelve months;

(f) an analysis of the extent of participation by owners of residential multiple-unit, commercial, industrial, and transportation structures in preparing and submiting a Fire Safety-Effectiveness Statement pursuant to section 11 of this Act;

(g) a summary of outstanding problems confronting the administration of this Act, in order of priority;

(h) such recommendations for additional legislation as are deemed necessary to carry out the declaration of policy of this Act; and

(i) all other information required to be submitted to Congress pursuant to other provisions of this Act.

ADMINISTRATIVE PROVISIONS

SEC. 15. (a) ASSISTANCE.—Each department, agency, and instrumentality of the executive branch of the Federal Government and each independent regulatory agency of the United States is authorized and directed to furnish to the Secretary, upon written request, on a reimbursable basis or otherwise, such assistance as the Secretary deems necessary to carry out his functions and duties pursuant to this Act including, but not limited to, transfer of personnel with their consent and without prejudice to their position and rating.

(b) POWERS.—With respect to this Act, the Secretary is authorized to—

(1) enter into, without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), such contracts, leases, cooperative agreements, or other transactions as may be necessary to carry out the provisions of this Act;

(2) accept gifts and voluntary and uncompensated services, notwithstanding the provisions of section 3679 of the Revised Statutes (31 U.S.C. 665(b));

(3) purchase, lease, or otherwise acquire, own, hold, improve, use, or deal in and with any property (real, personal, or mixed, tangible or intangible) or interest in property, wherever situated; and to sell, convey, mortgage, pledge, lease, exchange, or otherwise dispose of property and assets;

(4) procure temporary and intermittent services to the same extent as is authorized under section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for qualified experts; and

(5) establish such rules, regulations, and procedures as are necessary to carry out the provisions of ths Act.

(c) COORDINATION.—To the extent possible and consistent with the declaration of policy of this Act, the Secretary shall utilize existing programs, data, information, and facilities already available in other Federal Government departments and agencies, and, where appropriate, existing private research organizations, centers, and universities. The Secretary shall provide liaison at an appropriate organization level to assure coordination of its activities with State and local government agencies, departments, bureaus, or offices concerned with any matter related to the Program for Fire Prevention and Control and with private and other Federal organizations and offices so concerned.

PUBLIC SAFETY AWARDS

SEC. 16. (a) ESTABLISHMENT.—There are established two classes of honorary awards for the recognition of outstanding and distinguished service by public safety officers—

(1) the President's Award For Outstanding Public Safety Service ("President's Award"); and

(2) the Secretary's Award For Distinguished Public Safety Service ("Secretary's Award")

(b) DESCRIPTION.—(1) The President's Award shall be presented by the President of the United States to public safety officers for extraordinary valor in the line of duty or for outstanding contribution to the field of public safety.

(2) The Secretary's Award shall be presented by the Secretary or by the Attorney General to public safety officers for distinguished service in the field of public safety.

(c) SELECTION.—The Secretary and the Attorney General shall advise and assist the President in the selection of individuals to whom the President's Award shall be tendered. In performing this function, the Secretary and the Attorney General shall seek and review recommendations submitted to them by Federal, State, county, and local government officials. The Secretary and the Attorney General shall transmit to the President the names of those individuals determined by them to merit the award, together with the reasons therefor. Recipients of the President's Award shall be selected by the President.

(d) LIMITATION.—(1) There shall not be

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awarded in any one calendar year in excess of twelve President's Awards.

(2) There shall be no limit on the number of the Secretary's Awards presented.

(e) AWARD.—(1) Each President's Award shall consist of—

(A) a medal suitably inscribed, bearing such devices and emblems, and struck from such material as the Secretary of the Treasury, after consultation with the Secretary and the Attorney General, deems appropriate. The Secretary of the Treasury shall cause the medal to be struck and furnished to the President; and

(B) an appropriate citation.

(2) Each Secretary's Award shall consist of an appropriate citation.

(f) REGULATIONS.—The Secretary and the Attorney General are authorized and directed to issue jointly such regulations as may be necessary to carry out this section.

(g) DEFINITIONS.—As used in this section, the term "public safety officer" means a person serving a public agency, with or without compensation, as—

(1) a firefighter; or

(2) a law enforcement officer, including a corrections or a court officer.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 17. There are hereby authorized to be appropriated to carry out the foregoing provisions of this Act, except section 11 of this Act, such sums as are necessary, not to exceed $25,000,000 for the fiscal year ending June 30, 1974, $30,000,000 for the fiscal year ending June 30, 1975, and $35,000,000 for the fiscal year ending June 30, 1976.

CONFORMING AMENDMENTS

SEC. 18. (a) Chapter 552 of the Act of February 14, 1903, as amended (15 U.S.C. 1511) is amended to read as follows:

"BUREAUS IN DEPARTMENT

"The following named bureaus, administrations, services, offices, and programs of the public service, and all that pertains thereto, shall be under the jurisdiction and subject to the control of the Secretary of Commerce:

"(a) National Oceanic and Atmospheric Administration;

"(b) United States Travel Service;

"(c) Maritime Administration;

"(d) National Bureau of Standards;

"(e) Patent Office;

"(f) Bureau of the Census;

"(g) Program for Fire Prevention and Control; and

"(h) such other bureaus or other organizational units as the Secretary of Commerce may from time to time establish in accordance with law.

(b) Paragraph 12 of section 5315 of title 5, United States Code, is amended by striking out "(6)" and inserting in lieu thereof "(7)".

(c) Title I of the Fire Research and Safty Act of 1968 (Act of March 1, 1968, 82 Stat. 34; 15 U.S.C. 278 f, g) is repealed.

VICTIMS OF FIRE

SEC. 19. The Secretary of Health, Education, and Welfare is authorized and directed to establish, within the National Institutes of Health and in cooperation with the Secretary, an expanded program of research on burns, treatment of burn injuries, and rehabilitation of victims of fires. The National Institutes of Health shall—

(a) sponsor and encourage the establishment throughout the Nation of twenty-five additional burn centers, which shall comprise separate hospital facilities providing specialized burn treatment and including research and teaching programs, and, twenty-five additional burn units, which shall comprise specialized facilities in general hospitals used only for burn victims;

(b) provide training and continuing support of specialists to staff the new burn centers and burn units;

(c) sponsor and encourage the establishment in general hospitals of ninety burn programs, which comprise staffs of burn injury specialists;

(d) provide special training in emergency care for burn victims;

(e) augment sponsorship of research on burns and burn treatment;

(f) administer and support a systematic program of research concerning smoke inhalation injuries; and

(g) sponsor and support other research and training programs in the treatment and rehabilitation of burn injury victims.

For purposes of this section, there are authorized to be appropriated not to exceed $7,500,000 for the fiscal year ending June 30, 1974, $10,000,000 for the fiscal year ending June 30, 1975, and $10,000,000 for the fiscal year ending June 30, 1976.

FIRE PROTECTION ASSISTANCE

SEC. 20. Section 232 of the National Housing Act (12 U.S.C. 1715w) is amended by adding at the end thereof the following new subsection:

"(l) (1) The Secretary is authorized upon such terms and conditions as he may prescribe to make commitments to insure loans made by financial institutions to skilled nursing facilities and intermediate care facilities to provide for the purchase and installation of fire safety equipment necessary for compliance with the latest edition of the Life Safety Code of the National Fire Protection Association, as modified in accordance with evaluation by the Secretary of Commerce under the Federal Fire Prevention and Control Act or which are recognized by the Secretary of Health, Education, and Welfare as conditions of participation for providers of services under title XVIII and title XIX of the Social Security Act, as modified in accordance with evaluations by the Secretary of Commerce under such Act.

"(2) To be eligible for insurance under this subsection a loan shall—

"(A) have a principal amount not to exceed $50,000;

"(B) bear interest at a rate not to exceed the rate prescribed by the Secretary;

"(C) have a maturity satisfactory to the Secretary, but not to exceed twelve years from the beginning of the amortization of the loan or three-quarters of the remaining economic life of the structure in which the equipment is to be installed, whichever is less; and

"(D) comply with other such terms, conditions, and restrictions as the Secretary, in consultation with the Secretary of Commerce, may prescribe.

"(3) The provisions of paragraphs (5), (6), (7), (9), and (10) of section 220(h) shall be applicable to loans insured under this subsection, except that all references to 'home improvement loans' shall be construed to refer to loans under this subsection.

"(4) The provisions of subsections (c), (d), and (h) of section 2 shall apply to loans insured under this subsection, and for the purpose of this subsection references in such subsections to 'this section' or 'this title' shall be construed to refer to this subsection.".

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time for debate on the bill be equally divided by the distinguished Senator from Washington (Mr. MAGNUSON) and the distinguished Senator from Alaska (Mr. STEVENS).

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. MAGNUSON. Mr. President, we have before us a bill which would create a Federal Program for Fire Prevention and Control (FIREPAC). I quote from the Final Report of the National Commission on Fire Prevention and Control as follows:

> The striking aspect of the Nation's fire problem is the indifference with which Americans confront the subject.

We, as a nation, should not be indifferent: destructive fire takes a huge toll in lives, injuries, and property losses. Each year, 12,000 American lives are lost and $11 billion worth of our precious resources are wasted. Annual costs of fire rank between crime and product safety in magnitude. Each year 300,000 are injured of which 60,000 will spend anywhere from 6 weeks to 2 years recuperating. And the real tragedy is that there are many measures—often very simple precautions—that can reduce these losses significantly.

Mr. President, the legislation which the Committee on Commerce has developed and reported to the floor—the Fire Prevention and Control Act—is the first step towards combating this Nation's neglect of the social and economic costs of fire.

Although a Federal presence is needed in the fire area, that does not mean we should "run the show." In fact, I feel strongly that fire prevention and control should remain primarily a local responsibility. Local governments have always shouldered the responsibility because those governments appreciate special local conditions and needs more than an arm of the Federal Government would be able to do.

The program contemplated by the Fire Prevention and Control Act (S. 1769) is designed to supplement rather than supplant the local effort. There are many aspects of the Nation's fire problem that have not received enough attention—often due to a lack of resources. And while genuine economic problems often stand in the way of deeper investment in fire protection, lack of understanding of fire's threat helps to account for the low priority given fire protection.

The people to whom we turn when fire strikes—the volunteer and the paid firefighter—have themselves been sorely neglected by the Nation. Theirs is the most hazardous profession of all with an injury rate of 39.6 per 100 men. Their training is often scant, their protective gear grossly inadequate and their firefighting equipment archaic.

It is to these problems that the Fire Protection and Control Act are addressed.

S. 1769 as reported would establish the position of Assistant Secretary of Commerce for Fire Prevention and Control who would administer the Federal FIREPAC program. The program to be established in the Department of Commerce would be multifaceted and would include a National FIREPAC Academy, a research and development program, a national fire data gathering system, fire prevention education, and a demonstration grant program to establish master plans for fire prevention and control.

The FIREPAC Academy would offer the Nation's professional and volunteer

firefighters the same quality training and teaching in advanced techniques and skills that the FBI Academy has for so many years offered the Nation's law enforcement academy. If properly constituted, the Academy can serve not only as a national center for the education and training of the fire services, but also as a catalyst for modernization of firefighting prevention and control techniques. Although many State and local jurisdictions have established fire training centers, the quality of these centers varies throughout the Nation. I would envision this Academy playing an important role in assisting to upgrade the curriculum of these local programs.

The fire research and development program contemplated by S. 1769 is designed to arrive at an understanding of the fundamental processes underlying all aspects of fire including problems of fighting building, transportation, forest, warehouse, aviation, and high rise fires. The Secretary would also explore the operation and management aspects of the fire services and recommend improvement where necessary.

I would also develop better protective equipment to reduce the risk of injury to firefighters. With regard to this latter function, the Senate Commerce Committee hearings revealed that a major factor contributing to the high injury rate of firefighters is the antiquated personal protection equipment which they are forced to use. The research program in S. 1769 is designed to alleviate this deficiency.

Another component of the FIREPAC program which is specifically authorized in S. 1769 is the establishment and maintenance of a National Data Center. The center would collect information on causes of all types of fires, extinguishment and control methods, and methods of fire prevention. This data gathering function is crucial to the FIREPAC program because it will assist the new Assistant Secretary in defining his priorities for research and education.

The Assistant Secretary for Fire Prevention and Control would play an important role in overseeing other programs of assistance to local fire services. For example, he is authorized and directed to establish five to eight demonstration grant projects which would result in the development and implementation of master plans for fire prevention and control. Similiarly, he is authorized to take all steps necessary to educate the public and to overcome public indifference as to fire safety and fire prevention. He also would review, evaluate and suggest improvements in State, local, and model fire prevention and building codes. I was shocked to learn that many local jurisdictions do not even have fire codes. Clearly, FIREPAC can aid those jurisdictions in adopting such codes.

Mr. President, there is a very human aspect to the fire problem which S. 179 addresses directly. Fire kills. But there are also those that survive fire injuries and for them, there is a long painful and difficult road ahead. About half the victims of fire are children. The average hospital stay for a burn victim is over three times that of a medical and surgical patient. Their scars, psychological as well as physical, often last a lifetime.

At present, fewer than 100 of the 6,000 general hospitals in the United States provide specialized burn care. Together, these few hospitals treat only 8 percent of the Nation's patients with serious burn injuries. In fiscal year 1972, the National Institutes of Health spent only $1.25 million on research connected with burns and their treatment. The Social Rehabilitation Service of HEW spent an additional $380,000 on special studies having to do with rehabilitation of burn patients. This is grossly inadequate.

The Fire Prevention and Control Act would authorize and direct NIH to undertake an expanded program of research on burns, treatment of burn injuries and rehabilitation of victims of fires. Included in this program would be the establishment of 25 additional burn centers—there are currently 12—and 25 additional burn units. Finally, the act would authorize Federal loan guarantees to enable nursing homes to install fire detection devices in compliance with the latest edition of the Life Safety Code.

Mr. President, I was proud of the report of the National Commisison on Fire Prevention and Control which explored the fire problem in the United States. I am equally proud to report, on behalf of the Commerce Committee, this bill, which I authored. The United States—the richest and most technologically advanced nation in the world—leads all major industrialized countries in per capita deaths and property loss from fire. While differing reporting procedures make international comparisons unreliable, it appears as though the United States reports a deaths-per-million-population rate nearly twice that of second-ranking Canada.

I believe this legislation will reduce those losses. The National Commisison on Fire Prevention and Control estimated—and there was pretty solid testimony as to this—that we can achieve a reduction of 5 percent a year in deaths, injuries, and property losses. During the first 10 years, 119,000 Americans would be spared the trauma of serious burn injury and 8,300 lives would be saved. This to me is a proper and prudent investment in our future.

Mr. STEVENS. Mr. President, I wonder if the chairman of our committee, author of the bill, and a Member of the Senate with such a distinguished record in this area, had a chance to see the article that was in the Washington Post of yesterday that sort of derides the efforts of the national commission? One of the comments was: "When was the last time a commission concocted by the Federal Government did not urge the Federal Government to expand itself?" The author also notes that S. 1769 indicates there is an indifference with which Americans confront the subject of fire prevention and says. "This is a right. You might have thought Americans were allowed to be indifferent about something these days, even a problem."

I would ask the distinguished chairman of our committee if we can afford to be indifferent any longer about the problem of fire prevention and the problem of adequate training of our firefighters, and thus to provide the educational structure for the Nation's fire prevention mechanism?

Mr. MAGNUSON. Mr. President, I do not think that we can afford to. I quickly read that article this morning. I think that in all fairness we should have it printed in the RECORD. I ask unanimous consent. Mr. President, to have the article to which reference has been made printed in the RECORD along with, and right behind it a letter that I am sending today to the Washington Post.

Mr. STEVENS. I did not know that the chairman of the committee had done that.

There being no objection, the article and letter were ordered to be printed in the RECORD, as follows:

NOW THE FEDS WANT TO HELP FIGHT FIRES

(By George F. Will)

This month's winners of the Tenth Amendment Memorial Trophy are Sen. Warren Magnuson (D-Wash.) and the 20 senators (13 Democrats, 7 Republicans) who have joined him in sponsoring S. 1769, a bill to establish "a United States Fire Administration and a National Fire Academy," among other things.

This trophy (which would exist if we were fortunate enough to have a United States Trophy Administration) is the way I recognize and reward, in my imagination, the efforts of those who think the federal government, having mastered the art of delivering the mail, needs new challenges to keep it alert

Thus S. 1769 which, at long last, will get the federal government into the fire fighting business, and for the initial bargain basement three-year price of only $127.5 million.

This breakthrough in creative government began, as all things do, with a commission. (I expect that in the next improvement on the King James version of the Bible, Genesis will read: "In the beginning, a commission said, 'Let There be God.' And then God said. . . .") The bill's "declaration of policy" says: "The National Commission on Fire Prevention and Control . . . has made an exhaustive and comprehensive examination of the nation's fire problem . . . and has made ninety thoughtful recommendations."

Pause a moment.

An interviewer once asked Eric Hoffer, the author-longshoreman, why his books are so short. Look, Hoffer replied, waving a thin volume under the nose of the interviewer, this book has five especially well-wrought sentences and five new and true ideas. Of how many books, however thick, can that be said?

Well, Hoffer is a piker. The national commission spun off 90 "thoughtful recommendations" and, according to S. 1769, "The National Commission concluded that while fire prevention and control is and should remain a state and local responsibility,"—brace yourself—"the federal government must . . . help . . . if any significant reduction in fire losses is to be achieved." When, I wonder, was the last time a commission concocted by the federal government did not urge the federal government to expand itself.

Anyway, that predictable "must ("the federal government must . . . it . . .") lacks constitutional force. Really, it does. And Magnuson and friends quaintly acknowledge that there should be some passing nod to the Constitution when shoehorning the federal government into yet another sphere of local responsibility.

So Sec. 2. (a) (3) says "Congress finds and declares" that "Fire constitutes a major

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burden affecting interstate commerce." Amid the hurly-burly of modern life, our legislators still take time to honor in the breach the doctrine that the federal government needs a *reason* to justify getting up to its elbows in the business of lower governments.

With that formality disposed of, S. 1769 buckles down to what senators recognize as serious business, i. e., rhetoric and the creation of new bureaucracies. So Sec. 2 (a) (4) begins, "the National Commission concluded that the fire problem is exacerbated by—" And now, class, there will be a snap quiz. Which of the following is the topmost exacerbator on S. 1769's list?

A. Oxygen

B. Combustible materials

C. Matches

D. "The indifference with which Americans confront the subject."

Right. You might have thought Americans would be allowed to be indifferent about *something* these days, even a "problem." But S. 1769, like so many other bills, acknowledges that it is a bill made "necessary" because the American people are not interested in it.

So, in case of "fire problem," break glass and pour on a spanking new Assistant Secretary of Commerce, "who shall be known as the Assistant Secretary . . . for Fire Prevention and Control." The Secretary himself is directed to "establish a national Program for Fire Prevention and Control (FIREPAC)" and "the FIREPAC Academy." In addition, there will be a national data center, annual conferences, "relevant studies," "citizen participation programs," and "demonstration projects."

And that, fans of the "new federalism," is how S. 1769 proposes to tidy up after Prometheus. Anyone got a match?

November 1, 1973.

The Washington Post,
Editor,
Washington, D.C.

Dear Sir: George F. Will's November 1 column on the Fire Prevention Act takes some valid pokes at the bureaucratic mentality but he doea so at the expense of one of this Nation's tragic and neglected problems. The United States leads all major industrialized countries in the world in per capita deaths and property loss from fire. That is leadership we can do without. Half of the victims of fire are children. This year 60,000 Americans will spend anywhere from 6 weeks to 2 years in hospitals recuperating from burn injuries. The average hospital atay for a burn victim is over 3 times that of a medical or surgical patient.

But to merely quote statistics can not possibly convey the physical and psychological scars of fire victims which often last a lifetime. The frightening circumstances of the injury, the long isolation from family, the feeling of helplessness, the continuous pain during recovery, the cosmetic operations that fall far short of expectations, the stigma of disfigurement—all contribute to a deep despondency that impairs recovery. And perhaps the greatest tragedy of all is that there are many measures—often very simple precautions—that can reduce our fire losses.

There are several major components of S. 1769. It would establish a federal fire academy to provide specialized training to firefighters throughout the Nation. Firefighting is more than merely aiming a hose at a flame; with the complex array of building designs and materials, and the multitude of hazardous materials in commerce, the old techniques may actually exacerbate the ravages of fire. The quality of training throughout the country varies greatly, and many firefighters receive none at all. The Academy would not only itself train firefighters, but would also offer moder curricula to upgrade local programs.

The FIREPAC Program would undertake research in fire prevention and control technology. Research is needed to better understand how fire behaves in the presence of new materials. Much work is also needed to protect firefighters. Firefighting is the most hazardous profession in America. 39.5 of 100 firefighters are injured each year in fires. Firefighting equipment has not changed in 5 decades despite new building designs. Personal protective gear is antiquated—helmets conduct heat, breathing apparatus is heavy and leaks, and turncoats are virtual sweatboxes and often melt on the back of the firefighter.

Finally, the federal government can play a major role in mitigating the pain of burn victims. Only 8% of the 300,000 injured annually in fire received attention in specialized burn care units. In fact, fewer than 100 of the 6,000 general hospitals in the United States offer such care. S. 1769 would direct NIH to undertake an expanded program of research on burns, treatment of burn injuries and rehabilitation of victims of fires. Included in this program would be the establishment of 50 additional burn centers and units throughout the nation.

In short, S. 1769 would supplement, not supplant local firefighting efforts. It is designed to offer State and local jurisdictions the fruits of research, specialized training, and advanced firefighting techniques and technology which, due to a lack of resources, have not been available on local levels. This modest federal effort will, in its first 10 years, save 8,300 lives and spare 119,000 Americans the trauma of a serious burn injury. And that effort deserves more than a cheap shot.

Sincerely yours,

Warren G. Magnuson,
Chairman.

Mr. MAGNUSON. Mr. President, this is the first time that I have read anything as critical as that with regard to the pending bill, As the Senator from Alaska knows, we have had the bill before us for many weeks. I suppose what is behind this particular article is that some person found out that the Senate was going to consider the matter today. I think Mr. Will fears that this will merely be another governmental agency.

Here, we are dealing with loss of life and property through fire. We are not creating a new agency but only authorizing additional programs in the Department of Commerce.

I have seen, and I know that the Senator from Alaska has also probably seen, the result of fire. All one has to do is to go to a children's hospital and see a child in a glassed-in room who has been burned by fire. We would probably double the amount of money contained in the bill if we had all seen such sights.

Mr. STEVENS. I would point out that if one realized that in rural areas such as we have in my State, the situation is much worse. My State is the largest State and has the smallest population. It leads the Nation in this respect. We are double the rate of the rest of the Nation.

As the Senator knows so well, the loss in terms of capital investment that goes with that is almost double in Alaska the rate of the rest of the Nation.

I think we should take a much more serious view of the matter than we have. It seems to me that the most shocking fact about the destruction of fire is, as the Senator has pointed out, the deaths of children under 5 and the deaths of the elderly, those over 65. Those deaths are three times the number of deaths among the rest of the population. And although the young and old, those under 5 and over 65, account for only 20 percent of the population, they account for 45 percent of the fire deaths. Of course, with our high statistics, we are no exception. This is one place where unfortunately we have kept up with the national average. In 1971, 18 of Alaska's 33 fire fatalities—over half of them—were young people or people over the age of 65.

Mr. MAGNUSON. Mr. President, as the Senator from Alaska will recall, we made a special attempt in the hearings to do what we could to report a strong bill on fire prevention. When we consider nursing homes, for example, we realize that there are tragedies almost weekly in which a great many old people have been killed due to inadequate fire protection. In this bill we are trying to see if we cannot get more vigorous fire codes to take care of the very young and the very old.

I think that we can save thousands of lives if this bill passes. And there is no reason why firefighters should not have a National Fire Academy, similar to the Federal Bureau of Investigation Academy for police officers. In terms of dollars, it is not expensive. Each year, there are about 12,000 people in the United States that have died from fires, and the rest are so badly burned that they are immobile for the rest of their lives.

We have done a great deal in the area of deaths from automobile accidents, in which field there are 50,000 deaths a year. Fire is the second greatest cause of accidental death, and we as a nation are completely indifferent about it. This bill would change that.

Mr. STEVENS. Mr. President, I am pleased today to join the distinguished Senator from Washington in urging Senate passage of S. 1769, the Federal Fire Prevention and Control Act. I believe that this is a comprehensive piece of legislation that is direly needed to deal with our Nation's great fire problem.

During the last year, I have been privileged to be named along with Senator Magnuson as one of the two congressional advisers to the National Commission on Fire Prevention and Control. Congress established the Commission to make an independent and authoritative examination of the nature and scope of the fire problem in the United States today. After 2 years of careful analysis and research, the Commission filed a final report with statistics which make it abundantly clear that destructive fires are indeed a major national problem.

Each year over 12,000 of our citizens are brutally killed due to fire, and 300,000 more are injured and scarred both physically and emotionally. In addition, each year over $11 billion of our national resources are lost forever due to fire's destructive power.

In comparison to other national perils, fire ranks near the top. Among causes of accidental death, only motor vehicle accidents and falls rank higher. In terms of magnitude of both physical and property loss, destructive fire ranks in size between crime and product safety.

One of the most shocking figures I have read reveals the group upon whom destructive fires fall with unusual severity. The death rate from fire among children under five and the elderly over 65 is three times that of the rest of the population. Although together these young and old make up only 20 percent of the American population, they account for 45 percent of the fires deaths.

As a nation, the United States has an appalling record for fire safety. Although we are the richest and most technologically advanced nation in the world, we lead all the major industrialized countries in per capita deaths and property loss from fire.

Among those Americans who must pay most dearly for this grim record are our firefighters. Firefighting is without doubt the most hazardous profession in our Nation today. In 1971, for example, the injury rate for firefighters was 39.6 per 100 men—or 15 percent higher than for the next most dangerous occupation. In the same year 175 firefighters died in the line of duty; an additional 89 died of heart attacks; and 26 died of lung disease.

Mr. President, these grisly statistics should make it undeniably clear that destructive fire is a truly national problem of alarming magnitude. Nevertheless, destructive fire is a national problem which has not received the critical examination and analysis given to so many other pressing national concerns. Indeed, the deadly toll that is exacted each year through fire accidents has been ignored and forgotten. Indifference and apathy among the public at large and among too many levels of our government have inevitably meant that meaningful efforts toward fire prevention and protection have been allotted a low priority among our national concerns.

I believe that S. 1769 will go a large way in filling the void that now exists in our national fire prevention and control efforts. Surely the Federal Government should assist in helping State and local governments control the fire menace. The final report of the National Commission on Fire Prevention and Control stated that were its recommendations to be adopted, the Nation could half its present level of losses due to fire in about 14 years. This is a goal that I truly believe is worthy of the Senate's effort and support.

Without detailing all of the provisions of S. 1769, I would like to highlight a few of the bill's sections for the Senate.

S. 1769, as amended, would establish a National Program for Fire Prevention and Control—or FIREPAC—in the Department of Commerce. The program would include various projects. One of these projects that I most strongly support is the establishment of a National Academy for Fire Prevention and Control in section 6. The Academy would train fire service personnel in the prevention and control of fires, much as our National Service Academies presently train officers for our Armed Forces. Additionally, the Academy would develop curricular and other training programs for use at other educational institutions without charge, so that all our colleges and universities might benefit from their new teaching techniques.

Section 7 of the bill would authorize the Secretary of Commerce to conduct an extensive research and development program to arrive at an understanding of the fundamental processes underlying all aspects of fire, including investigations into the dynamics of flame ignition and spread, the behavior of fires involving all types of buildings, and the development of design concepts for buildings and other structures.

Additionally, section 9 of S. 1769 would create a National Fire Data Center to collect and disseminate the latest information concerning fire statistics and new techniques in fire control and prevention. The Commerce Secretary is directed to assist the Nation's fire services in the training of fire personnel, and in the development of new firefighting techniques. The Secretary is also directed in section 10 to sponsor research into techniques and equipment to improve fire prevention and control in the rural and remote areas of the Nation. I believe this latter provision is particularly important in light of the greater proportional losses which occur each year in the Nation's rural areas.

S. 1769 would also provide for the funding of five to eight State master plan demonstration projects to serve as models for the rest of the Nation. This limited effort would be to see if such demonstration projects are worth supporting on a larger scale in all 50 States.

Section 16 would establish two classes of honorary awards for the recognition of outstanding and distinguished service by local public safety officers, whether law enforcement officers or firefighters. This provision will help gain greater public recognition and appreciation for the truly heroic efforts that firefighters have achieved. For too long has the Nation bypassed public servants in these fields.

Mr. President, S. 1769 is the most comprehensive legislation ever proposed on the Federal level for controlling our Nation's very real and very sizable fire problem. I believe this is a well designed measure which should greatly assist State and local governments and our firefighters in their daily firefighting efforts. Most importantly, I believe this bill should help to create the national consciousness that is necessary for a truly effective program of fire prevention and control.

Mr. President, I ask unanimous consent to have printed in the Record the statement I made before the Alaskan Firefighters' Association and a brief summary of the bill.

There being no objection, the material was ordered to be printed in the Record. as follows:

Speech of Senator Ted Stevens Before the Alaska State Fire Fighters Association

Juneau, Alaska,
October 19, 1973.

Fellow Alaskans: It is a great pleasure to be with you today to discuss some of the recent developments on the national level concerning fire prevention and protection. Because I believe that recent days have seen some real progress in this critically important field, I would like to explore these matters in some depth.

However, before doing so, I think it is worthwhile to reflect on the nature and scope of the day-to-day dangers that destructive fire poses to Americans in general and to Alaskans in particular. Strangely enough, fire is a national problem which has not received the critical examination and analysis given to so many other national concerns. While anxiety has mounted regarding the high numbers of Americans who die and are injured each year due to automobile accidents and while alarm has risen concerning the health problems posed by air and water pollution, the deadly toll that is exacted each year through fire accidents has been largely ignored and forgotten. Indifference and apathy among the public at large and among too many levels of our government have inevitably meant that meaningful efforts towards fire prevention and protection have been allotted a low priority among our national concerns. Indeed, although those citizens who have survived a fire never forget its terror and incredible destructive potential, most Americans view fire as a remote danger that justifies their ignorance and indifference.

During the last year, I have been privileged to serve as one of the two Congressional advisors to the National Commission on Fire Prevention and Control. Congress established the Commission to make an independent and authoritative examination of the nature and scope of the fire problem in the United States today. After two years of careful analysis and research, the Commission filed a final report with statistics which make it abundantly clear that fire is indeed a major national problem. Each year over 12,000 of our citizens are brutally killed due to fire, and 300,000 more are injured and scarred both physically and emotionally. In addition, each year over $11 billion of our national resources are lost forever due to fire's destructive power.

In comparison to other national perils, fire ranks near the top. Among causes of accidental death, only motor vehicle accidents and falls rank higher. In terms of magnitude of both physical and property loss, destructive fire ranks in size between crime and product safety.

One of the most shocking figures reveals the group upon whom destructive fires fall with unusual severity. The death rate from fire among children under five and the elderly over 65 is three times that of the rest of the population. Although together these young and old make up only 20 percent of the American population, they account for 45 percent of the fire deaths. Our State is no exception to this grisly record. In 1971, 18 of Alaska's 33 fire fatalities, or over half, were ten years old or younger.

As a nation, the United States has an appalling record for fire safety. Although we are the richest and most technologically advanced nation in the world, we lead all the major industralized countries in per capita deaths and property loss from fire.

Among those Americans who must pay most dearly for this grim record are our fire fighters. Fire fighting is without doubt the most hazardous profession in our nation today. In 1971, for example, the injury rate for fire fighters was 39.6 per 100 men—or 15 percent higher than for the next most dangerous occupation. In the same year 175 fire fighters died in the line of duty; an additional 89 died of heart attacks; and 26 died of lung disease. These figures cause me particular distress because of the thousands of Alaskans who contribute their time and effort each year as volunteer fire fighters.

Closer to home, I regret to tell you what you already know far beter than I do—that Alaska leads the nation in its rate of fatalities and property loss due to fire. While the 1971

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national fire death rate was 57 per million inhabitants, the rate in Alaska was 119, or over double. Likewise, while national per capita property loss for 1971 was $13.22, the figure in Alaska was $23.91.

As you are aware, this dismal record is not due to poor fire protection and control all over Alaska. The statistics I have received indicate that our major cities have a commendable record and that Alaska's main fire problem lies in our small towns and villages. Alaska is not unique in this situation, however. According to statistics of the Department of Health, Education, and Welfare, the fire fatality rate for Americans in our nonmetropolitan areas is nearly twice the rate for Americans in metropolitan areas.

Because the national loss from fire is so great and because fire presents itself in such direct and tragic form to so many of our nation's citizens, I have believed for some time that more action was required on the national level if we are to deal adequately with the scope of the destructive fire problem. Although each state and local area must develop a fire protection scheme which is adapted and tailored to meet the unique problems of that area, the national government can assist in this effort. In its final report, the National Commission on Fire Prevention and Control stated that were its recommendations to be adopted, the nation could half its present level of losses in about fourteen years. It is my earnest hope that such a goal can be reached.

As I stated earlier, I think that recent days have witnessed some positive developments which will assist states and local governments in dealing with the tremendous fire problems that they face. For example, last year the Congress enacted the State and Local Fiscal Assistance Act of 1972, commonly known as the Revenue Sharing Act. Sec. 103 of the Act enumerates the permissible uses to which local governments can put their revenue sharing allocation. Among these uses is "public safety" which is defined to include law enforcement, fire protection, and building code enforcement. For 1972 Alaskan local governments received over $4 million in revenue sharing funds. Of course, each town, village, or borough must itself decide how to spend these sums. Hopefully, however, some of these monies will be used to improve the equipment and training of local fire fighting forces, whether full time or volunteer.

In 1972, the Congress also enacted the Rural Development Act of 1972. Title IV of the Act established a Rural Community Fire Protection plan whereby the Secretary of Agriculture was authorized to provide financial assistance to state officials for cooperative efforts to organize, train, and equip local forces in rural areas to prevent and control fires which threaten human life, livestock, wildlife, and woodlands.

In 1973 the Congress amended the 1972 Rural Development Act to authorize federal assistance for organizing, training, and equipping local volunteer fire departments in "rural areas." "Rural areas" was defined to include towns with a population of over 200, but less than 2,000. I believe that this provision offers a great deal of hope for the numerous small towns in our state which at present are financially unable to train or equip fire fighting forces.

Unfortunately, I must tell you that no funds were appropriated by the Congress for this section of the Rural Development Act for this fiscal year. As you can guess, budgetary pressure has forced the curtailment of many worthy programs in recent months. I remain hopeful, however, that funds will be appropriated for this provision in the not too distant future.

The report by the National Fire Commission makes plain, nevertheless, that more action is necessary on the federal level for our nation to cope effectively with the problem facing us. I am pleased to report to you today that the Senate Commerce Committee has finished its work on S. 1769, the Federal Fire Prevention and Control Act and has reported it to the full Senate.

Although I have corresponded with some of you in recent weeks concerning the various provisions of this bill, I would like to describe briefly the areas of the bill in light of the amendments that the Commerce Committee accepted.

S. 1769, as amended, would establish a National Program for Fire Prevention and Control (or "FIREPAC") in the Department of Commerce. The program would include various projects. One of these projects that I most strongly support is the establishment of a National Academy for Fire Prevention and Control. The Academy would train fire service personnel in the prevention and control of fires, much as our National Service Academies presently train officers for our armed forces. Additionally, the Academy would develop curricula and other training programs for use at other educational institutions without charge, so that all our colleges and universities might benefit from their new teaching techniques.

The present bill would also authorize the Secretary of Commerce to conduct an extensive research and development program to arrive at an understanding of the fundamental processes underlying all aspects of fire, including investigations into the dynamics of flame ignition and spread, the behavior of fires involving all types of buildings, and the development of design concepts for buildings and other structures.

I was successful in obtaining Committee approval of an amendment to authorize research and development into the behavior and nature of forest fires, fires underground, oil blowout fires and waterborne fires. As most of you probably know there is very little knowledge about how to deal effectively with these latter kinds of fires. In fact, I learned recently that there has been an underground oil shale fire near Eagle that has been burning for nearly a year. No one at present has devised a proper method for dealing with fires of this nature.

Additionally, this bill would create a National Fire Data Center to collect and disseminate the latest information concerning fire statistics and new techniques in fire control and prevention. Likewise, the Commerce Secretary is directed to assist the Nation's fire services in the training of fire personnel and in the development of new fire fighting techniques. The Committee accepted an amendment which I proposed directing the Secretary, in addition, to sponsor research into techniques and equipment to improve fire prevention and control in the rural and remote areas of the nation. I particularly had in mind the development of more effective techniques for small towns and villages in states such as Alaska with their unique weather problems and financial limitations.

Finally, S. 1769 would provide for the funding of 5 to 8 State Master Plan Demonstration Projects to serve as models for the rest of the nation. This limited effort would be to see if such demonstration projects are worth supporting on a larger scale in all fifty states.

The Committee also accepted an amendment that I offered which would establish two classes of honorary awards for the recognition of outstanding and distinguished service by local public safety officers, whether law enforcement officers or fire fighters. This last provision will help, I hope, to gain greater public recognition and appreciation for the truly heroic efforts that fire fighters have achieved. For too long has the nation bypassed public servants in these fields. Hopefully, these awards will also show fire fighters that their great contributions are indeed worthy of national recognition.

As I stated, S. 1769 has been reported to the full Senate this week. I can tell you that I will do all I can to secure prompt passage of this important piece of legislation.

The measures that I have discussed today are limited, to be sure. However, I feel that increased efforts of these kinds will begin to create the national consciousness that is necessary for a truly effective program of fire prevention and control. Ultimately, the task of fire protection falls upon the shoulders of men such as yourselves here today. It is my earnest hope, however, that these efforts will create the climate and conditions so that your great work can be as effective as possible.

BRIEF SUMMARY OF S. 1769

Sec. 4 (p. 50)—establishes an additional Assistant Secretary of Commerce for Fire Prevention and Control. He will be appointed by the President with the advice and consent of the Senate.

Sec. 5 (p. 51)—The Secretary of Commerce will establish a National Program for Fire Prevention and Control (FIREPAC) to be administered by the Assistant Secretary of Commerce for Fire Prevention and Control.

The FIREPAC Program will consist off:

(1) a FIREPAC Academy—Sec. 6 (p. 52).

(2) a Research and Development Program—Sec. 7 (p. 55).

(3) an annual conference of professionals in fire prevention, fire control, and treatment of burns—Sec. 8 (p. 57).

(4) a National Data Center on fire prevention and control—Sec. 9 (p. 58).

(5) a fire services assistance program—Sec. 10 (p. 60).

(6) State Demonstration projects—Sec. 11 (p. 61).

(7) a Citizens Participation program—Sec. 12 (p. 64).

(8) Relevant studies—Sec. 13 (p. 67).

(9) Annual report—Sec. 14 (p. 68).

(10) Awards Program—Sec 16 (p. 71).

Sec. 19 (p. 75)—The Secretary of HEW is directed to establish within the National Institutes of Health an expanded program of research on burns, treatment of burn injuries, and rehabilitation of victims of fire.

Sec. 20 (p. 76)—The Secretary of HUD is authorized to make commitments to insure loans not to exceed $50,000 made by financial institutions to skilled nursing facilities and intermediate care facilities to provide for the purchase of fire safety equipment.

AUTHORIZATIONS FOR APPROPRIATIONS

For sections 2–17

(In millions)

For fiscal year 1974	$25
For fiscal year 1975	30
For fiscal year 1976	35
Total	90

For section 11

(In millions)

Master Plan Demonstration Projects	$10

For section 19 (Victims of Fire)

(In millions)

For fiscal year 1974	$7.5
For fiscal year 1975	10.0
For fiscal year 1976	10.0
Total	27.5

Total for whole bill: $127.5 million for three (3) years.

More detailed analysis of certain key sections of bill:

Sec. 6—FIREPAC Academy—p. 52:

(b) Purposes: 1. train fire service personnel;

2. develop model curricula and training programs, and make them available to other educational institutions without charge.

(c) Board of Overseers—composed of professionals

(e) Construction Approval—for Academy facilities not to exceed $100,000

Sec. 7—Fire Research and Development Program—p. 55:

The Secretary is authorized to conduct:

(a) A program of basic and applied fire research for understanding the processes underlying all aspects of fire, including:

(1) physics and chemistry of combustion processes;

(4) early stages of fires in buildings and other structures . . . and all other types of fires, including but not limited to forest fires, fires underground, oil blowout fires, and waterborne fires;

(5) the "behavior" of fires in (4) above;

(7) development of design concepts for providing increased fire safety . . . in buildings and other structures.

(c) Studies of operations and management aspects of fire services.

Sec. 9—National Data Center—p. 58:

The Secretary is authorized to:

(a) to operate a fire data program based on collection, analysis, publication, and dissemination of information related to prevention, occurrence, control, and results of fires of all types.

Sec. 10—Fire Services Assistance Program—p. 60:

Secretary is authorized to assist the nation's Fire Services, to:

(a) Advance professional development of Fire Service Personnel,

(b) Assist in conducting . . . local and regional programs for the training of fire personnel.

(h) Sponsor and encourage research into approaches, techniques, systems, and equipment to improve and strengthen fire prevention and control in the rural and remote areas of the Nation.

Sec. 11—Master Plan Demonstration Projects—p. 61:

(a) Secretary is authorized and directed to establish no less than 5 nor more than 8 demonstration projects, under the supervision of a State in accordance with the application of the State.

(b) Eligibility for grants—project grants shall be awarded to "unique" projects.

(d) Each demonstration project established shall result in . . . the implementation of a master plan for fire protection for each State funded.

Sec. 12—Citizenship Participation—p. 64:

(c) Secretary is authorized to review, evaluate, and suggest improvements in State and local fire prevention and building codes, fire services, and any relevant Federal or private codes.

Sec. 13—Studies—p. 67:

(b) Firefighter study: The Secretary is directed to prepare a study of the organization, and operation of the Nation's Fire Services, as they affect individual firefighters, including rates of pay, retirement benefits, working conditions, etc.

Sec. 15—Administrative Provisions—p. 70:

(a) Assistance: Departments and agencies of the Federal Government are directed to furnish such assistance as the Secretary deems necessary.

Sec. 16—Public Safety Awards—p. 71:

(a) Establishment—2 classes of awards established: (1) The President's Award, (2) the Secretary's Award.

(c) Selection: Recommendations to the President may be made by Federal, State, and local government officials.

(d) Limitations: No more than 12 Presidential awards per annum.

Sec. 19—Victims of Fire—p. 75:

The Secretary of HEW is directed to establish within the National Institutes of Health an expanded program of research on burns, treatment of burn injuries, and rehabilitation of victims of fire;

The National Institute of Health shall—

(a) Sponsor the establishment of 25 additional burn centers throughout the Nation.

(b) Provide training for specialists to staff the new centers.

Mr. MAGNUSON. Mr. President, I want to add, and I am sure that the Senator from Alaska will join with me in the statement, that we have over 1 million volunteer firefighters all over the United States. I would suspect that most of Alaska's firefighters are volunteers.

Mr. STEVENS. Almost all of them.

Mr. MAGNUSON. They have not been able to receive the training that we should be able to supply them with. This bill would provide them with much of that training.

There was a fire downtown yesterday in the Southern Building. I understand that it took over an hour to evacuate the building, according to the reports. The stairways were filled with smoke so escape was by fireman's ladder.

As it turned out, it did not amount to a great deal. No one was injured. However, if it had flared up, a lot of people could have been killed. I am sure that stairways could be designed that would remain smoke free.

Mr. President, these are some of the things we are thinking of in this bill. We want our firefighters to receive training in fire prevention and control and a knowledge of the proper city codes.

At this time, I am pleased to yield to the Senator from Maryland.

Mr. BEALL. Mr. President, I thank the distinguished chairman of the committee for yielding to me.

I read the article that the Senator referred to in the Washington Post of yesterday. Although I find myself more often in general agreement with the author of that article than I do with some of the others who write in that newspaper, I must admit that I am in general disagreement with the impression he reaches in the article. He did not recognize the nature of the problem. There are 300 very destructive fires in the United States this minute, and I believe this matter needs our attention.

Before becoming a Member of the Congress, I happened to be in the insurance business as an agent. I had an opportunity first hand to view the destruction brought about by fire and the tragedy brought to families and small businesses in rural America.

I have seen people burned out, not because they were indifferent about preventing fire, but because they did not know the cause. They were not aware of the inadequacies in the fire code in their community and the need to upgrade that code.

I have seen firemen burned, not because they were indifferent, but because of the inadequacies of the fire protection devices they were using.

We have not had the research necessary to change firefighting equipment from the early part of this century.

I had the honor and pleasure to chair one of the sessions of the Commerce Committee on this bill, and one of the witnesses was Fireman Thomas Herz, from Baltimore City. One would just have to look at this man to see the terrible burns he had. He brought with him the equipment he used in the fire in which he was injured. The equipment provided hardly any protection whatever. He showed how the equipment had failed when it was supposed to protect him from the ravages of fire.

It seems to me that it is a proper role for the Federal Government to provide a framework whereby we can have the kind of cooperation needed between local and State governments to upgrade the opportunities provided by fire protection devices and can have the kind of cooperation necessary between local and State governments so that firemen can meet one another and find out what is going on.

I think it is proper for the Federal Government to be the leader in research to provide new equipment for firemen. I think it is a proper role for the Federal Government to provide training facilities and people knowledgeable who will be able to train people in fighting fires every day.

Rather than saying that this bill is an unnecessary appendage, I think it is very important legislation.

I commend the Senator from Washington and the Senator from Alaska for seeing to it that the legislation moved so rapidly through the Commerce Committee and in seeing to it that it receives the kind of consideration that it will receive from the Senate today; because, as the Senator from Washington has pointed out, most of the firefighting in the United States is done by volunteers, much of it at their own expense. These men and their auxiliaries go out and raise money, spend a lot of time protecting other people's property, train themselves, and do a splendid job in providing protection for the lives and property of the American people. I think the least we can do is provide some sort of Federal direction so that their time and talents can be used to the fullest advantage through taking advantage of the training, research, and new techniques available to them.

Mr. President, certainly there is no greater catastrophic threat to the citizens of our country than the destruction that is caused by fire. During the next hour as we discuss this legislation, there is a statistical likelihood that more than 300 destructive fires will rage somewhere in this Nation. Annually, fire claims nearly 12,000 lives in the United States. An additional 300,000 Americans will be injured and 1 out of 6 of these victims will be hospitalized for a period ranging from 6 weeks to 2 years. The more seriously burned may be disfigured and/or disabled for life in spite of advances in corrective or plastic surgery. At least $11.4 billion worth of property will be destroyed this year, and we are unable to accurately calculate the additional losses that occur from lost jobs and interrupted business activity. Mr. President, the United States has the dubious distinction of leading the industrialized world in fire death and property loss, with a death per million figure of 57.1, nearly twice that of the second place nation—Canada.

We should also note that our Nation's 2.2 million firefighters are engaged in the most hazardous profession of all.

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Their death rate is at least 15 percent greater than that of the next most hazardous occupation, mining, and quarrying. Firefighting is probably always going to be an especially hazardous profession. However, we must develop a concerted national effort to promote programs of fire prevention and mobilize the technological resources of this Nation to improve our ability to combat fires.

For these reasons, Mr. President, I heartily applaud S. 1769. This legislation, which I have cosponsored and strongly endorse, represents an important step in focusing the resources of the Federal Government on the problem of fire prevention and fire control. I urge my colleagues in the Senate to give it overwhelming support today.

Mr. President, this legislation will do several things. First, it will establish under the administration a new Assistant Secretary of Commerce for Fire Prevention and Control and a coordinated program for fire prevention and control. The purpose of this program will be to reinforce and support fire prevention and control activities of State and local governments and volunteer fire companies for research and development programs.

It will also call an annual conference of professionals in fire prevention, fire control, and treatment of burn injuries to discuss the problems in this area. Additionally, the bill will establish a National FIREPAC Academy, a national data center, a technical assistance program for State, local, and private fire services, a master plans demonstration project, a citizens participation program, and relevant studies. Also, the bill authorizes the Secretary of Health, Education, and Welfare to establish a research program on burn injuries and rehabilitation of fire victims in the National Institutes of Health, and authorizes the Secretary of Housing and Urban Development to make loan guarantees toward the installation of fire safety equipment in skilled nursing facilities and intermediate care facilities.

Mr. President, I would also, while discussing this bill, like to take a moment to commend the entire membership of the Senate Commerce Committee, and particularly its able chairman, Senator Magnuson. This legislation was introduced on May 9, 1973, as a result of the final report of the National Commission on Fire Prevention and Control, entitled, "America Burning." Originally introduced by Senator Magnuson, the bill has been cosponsored by 20 Senators, myself included. Full Commerce Committee hearings were held on September 24 and 26, and it was my pleasure and honor to chair the second day of these hearings. Work on the bill was completed in two executive sessions on October 9 and 11, which readied the bill for consideration. I certainly believe that the expeditious way in which the committee handled this bill stands as testimony to the urgent need for legislation in this area.

Mr. President, the Congress must move quickly to meet the threats posed to this Nation by the dangers of major fire. This bill takes giant strides toward this goal, and I implore my colleagues in the Senate to give overwhelming support, and ask my colleagues in the other body to join with us in helping to curb the needless loss of lives, the almost unspeakable injuries and the extensive destruction of property that is a result of fire. Let us begin today to make that type of national commitment that is needed to halt the menace of fire.

I ask unanimous consent that a section-by-section summary of S. 1769 as reported by the Commerce Committee be included at the conclusion of my remarks.

There being no objection, the summary was ordered to be printed in the Record, as follows:

Section-by-Section Summary of S. 1769 as Reported by the Committee on Commerce

Sec. 1. Short title, Federal Fire Prevention and Control Act.

Sec. 2. Declaration of Congressional findings and the purposes of the Act.

Sec. 3. Definitions of terms used in the Act.

Sec. 4. Establishes within the Department of Commerce an Assistant Secretary for Fire Prevention and Control who shall be responsible for carrying out the provisions of this Act and who shall be guided by the recommendations of the National Commission on Fire Prevention and Control, insofar as practicable.

Sec. 5. Directs the Secretary to establish a National Program for Fire Prevention and Control consisting of a National Academy for Fire Prevention and Control, research and development programs, a national data center on fire prevention and control, fire service assistance programs, State demonstration projects, and citizens' participation programs.

Sec. 6. Authorizes the establishment of the National Academy for Fire Prevention and Control and authorizes the Academy to conduct appropriate educational and research programs to train fire service personnel, develop training programs, administer a program of correspondence courses, and reduce the nation's fire problem.

Sec. 7. Authorizes the Secretary to conduct a program of basic and applied fire research; research into biological, physiological, and psychological factors affecting human victims of fire; and studies of the operations and management aspects of fire services.

Sec. 8. Authorizes the Secretary to organize an annual conference on fire prevention and control.

Sec. 9. Authorizes the Secretary to operate a comprehensive fire data program designed to provide an accurate national picture of the fire problem.

Sec. 10. Authorizes the Secretary to assist the nation's fire services through grants, contracts, or other forms of assistance to develop technology to improve fire prevention and control.

Sec. 11. Authorizes the Secretary to establish master plan demonstration projects and authorizes an appropriation of $10 million for the purpose of awarding project grants.

Sec. 12. Authorizes the Secretary to conduct citizens' participation programs.

Sec. 13. Fiscal and firefighter studies.

Sec. 14. Annual report by the Secretary on activities pursuant to this Act.

Sec. 15. Administrative provisions.

Sec. 16. Establishes honorary awards for the recognition of outstanding and distinguished service by public safety officers.

Sec. 17. Authorizes appropriations of $25 million for fiscal 1974, $30 million for fiscal year 1975, and $35 million for fiscal year 1976.

Sec. 18. Conforming amendments.

Sec. 19. Directs the Secretary of Health, Education, and Welfare to establish, within the National Institutes of Health, an expanded program of research on burns, treatment of burn injuries, and rehabilitation of victims of fires; and authorizes $7.5 million for fiscal year 1974, $10 million for fiscal year 1975, and $10 million for fiscal year 1976 for this purpose.

Sec. 20. Amends the National Housing Act to authorize the Secretary of Housing and Urban Development to make loan guarantees for the purchase and installation of fire safety equipment in nursing facilities.

Mr. BEALL. I also ask unanimous consent to have printed in the Record a letter I was moved to write to the editor of the Washington Post.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Editorial Page Editor,
The Washington Post,
Washington, D.C.

Dear Editor: As a cosponsor and strong supporter of S. 1769, the Federal Fire Prevention and Control Act, I was disappointed to note the article by Mr. George Will entitled "Now the Feds Want to Help Fight Fires", which appeared in the November 1 *Washington Post.*

Mr. Will seems to demonstrate a lack of understanding of a serious national problem. Annually, fire claims nearly 12,000 lives in the United States. 300,000 more Americans are injured by fire, of which nearly 50,000 lie in hospitals for a period ranging from six weeks to two years. By conservative estimate, fire destroys $11.4 billion of property yearly, with additional incalculable losses from businesses which must close and jobs that are interrupted or destroyed. I believe it is appalling that the richest and most technologically advanced nation in the world leads all major industrialized countries in per capita deaths and property loss from fire, with a death rate that is nearly twice that of our nearest rival for this dubious distinction.

In his haste to award the mythical "Tenth Amendment Memorial Trophy", Mr. Will also seems to forget the tremendous sacrifices borne by our nation's firefighters. They are the ones who must pay most heavily for this horrendous record. A fireman participates in the most hazardous profession of all, with an annual injury rate for firefighters of nearly 40%, far higher than any other profession. In 1971, at least 290 firemen died of fire or fire-related causes.

The Fire Prevention and Control Act seeks to focus the resources of the Federal Government on this terrible problem. Its three year cost of $127 million is a small investment when compared to the billions annually lost in property, and the massive human suffering, upon which no price tag can be placed. The bill will reinforce and support fire prevention and control activities of local groups throughout the country, and for the first time place proper emphasis on meeting this grave national menace.

I hope Mr. Will would consider these facts the next time he needs a firefighter.

With best wishes, I am
Sincerely yours.
J. Glenn Beall, Jr.

Mr. MUSKIE. Mr. President, the Fire Protection and Control Act which we are considering today addresses in a constructive manner an historically cruel enemy of all mankind—fire. Throughout history, fires have brought death and destruction, striking down the helpless and healthy alike, destroying the lifework of men and women without mercy. The proud and brave efforts of firefighters have met the threat of fire for generations. But their work has never been given the maximum support needed to minimize the danger of fire.

The Fire Protection and Control Act, S. 1769, would establish programs of education and support for local firefighters that would help them meet the threat of fire. I hope the Senate will give this goal a strong endorsement by passing this bill, so that it may soon become law.

Only a little imagination is needed to translate the appalling statistics about fires in the United States into their cruel toll of death and destruction. The statistics for 1972, released October 10 by the National Fire Protection Association, tell a sad story. Last year nearly 21,000 people died in fires. There were 2¾ million fires in the Nation. And the property loss from these fires was almost $3 billion. And all of these figures sadly reflect an increase over the previous year.

In the face of these mounting tragedies, the firefighters of America have responded with a record of service of which they can be proud. In my own State of Maine, there are over 400 municipal fire departments, with about 12,000 firefighters, most of them volunteers. Maine's professional firefighters work a 56-hour week at modest wages. And they perform the most hazardous job of any in the Nation, with a death rate 15 percent greater than the next most dangerous occupations.

The firefighters in Maine have been part of a strong firefighting tradition which has benefited from widespread community support. Initiatives by State governments have helped their work: one notable example is the fire technology program for professional firefighters which Maine initiated in 1968, which now operates at five vocational technical institutes in the State, and which leads to an associate degree in fire technology. But firemen could be given extra help on the national level to do their job more effectively. Critical national needs exist: there is no central, comprehensive source of data on fires; there is little research conducted on controlling or responding to fires; there is little national effort in the field of training firemen; and there are few sources to which the local firefighting agency can turn for technical advice.

The Fire Protection and Control Act constitutes a framework of sensible Federal effort to meet some of these needs, without altering the nature of firefighting as a local function.

The support furnished by this act would be through a National Program for Fire Prevention and Control—FIREPAC. Working within the Commerce Department, the FIREPAC program would devote resources to getting answers to crucial questions of fire control, would provide that information to firefighters and firefighting agencies throughout America, and would give needed support to firefighting personnel themselves. The FIREPAC program includes research and development programs and studies covering the many topics involved in firefighting from physics to psychology, as well as comprehensive planning programs—called master plan demonstration projects—to be established in selected States. The FIREPAC program would gather firefighting expertise on a national level and distribute it to the firefighting community through an annual conference of firefighting professionals, a national fire data center, a program of fire services technical assistance to local firefighting agencies, and a FIREPAC Academy to train fire service personnel and promote fire service training. Finally, the FIREPAC program would bolster the efforts of firefighting personnel through public safety officer awards and a study of firefighting employment.

The Fire Prevention and Control Act before us today is a modest Federal contribution to the heroic efforts of local firefighters across the Nation. I give it my full support.

Mr. KENNEDY. Mr. President, I urge the Members of the Senate to act favorably on S. 1769, the Fire Prevention and Control Act. The Senate Commerce Committee under the distinguished leadership of Senator Magnuson has spent a great deal of time and effort in developing this legislation which is so important to the citizens of this country.

We, in Massachusetts, are unfortunately acutely aware of the devastating effects of fire on a very recent occasion. On October 14, fire destroyed 17 blocks of Chelsea, Mass. We are now in the process of coordinating Federal, State, and city efforts to renew this city of 33,000 people. We have had the sad opportunity to walk through the burned-out section of Chelsea, and we are painfully aware of the need for a broad program of fire prevention and control.

The National Fire Protection Association has completed their preliminary report on the fire in Chelsea and I would like to insert it in the Record at this point. Their final report will be completed in the near future.

There being no objection, the report was ordered to be printed in the Record, as follows:

NFPA Fire Record Department, Preliminary Report, Conflagration, Chelsea, Mass., October 19, 1973

A conflagration occurred in Chelsea, Massachusetts on October 14, 1973. It was the second such fire: a previous fire, in 1908, destroyed about half the city. The city rebuilt an almost perfect replica of the buildings that burned, laying the groundwork for the latter-day fire. With few exceptions, the rebuilt Chelsea had nearly as much conflagration potential as before the fire of 1908.

The hazardous condition in the waste trades district and adjacent residential area, low humidity and high winds, and an inadequate water supply were contributing factors in this second conflagration.

A detailed report will be available from the NFPA in the near future.

HISTORICAL PERSPECTIVE

Conflagrations were more common in the 19th and early years of the 20th century. Cities and towns were built with little or no regard to fire safety, and the fire departments of the day left something to be desired. There were "great" fires in Chicago, Boston, Baltimore, and San Francisco, along with a host of lesser communities. Fewer conflagrations occurred in this country after the 1930's. One can guess at reasons: faster response and reinforcement of firefighters using motor vehicles: better protection by organized and trained fire departments; safer buildings through use of codes and fire prevention activities. Whatever the causes, the last large conflagration on record at the NFPA occurred in 1934.[1] Smaller conflagrations occurred, such as the Bellflower Street Fire in Boston in 1962. But most of these fires were stopped within a few blocks, as soon as sufficient firefighting units could be mustered from the surrounding area. Fire destroying hundreds of buildings have not occurred in almost three decades. Fire and insurance officials, and spokesmen for the NFPA who warned of conflagrations were not heeded. Municipal administrators seemed to feel their fire departments could handle any fire that developed. But they were wrong. Given the right circumstances, the potential for a conflagration could exist in many other communities.

THE CITY OF CHELSEA

Chelsea itself is an independent city of about 33,000 people crowded into just over two square miles. The city has industrial and residential occupancies. Perhaps the largest commercial activity in the city is salvage. Many small companies are engaged in recycling useable materials. The "rag shop district" as it is called is characterized by narrow streets with wood-frame and brick-wood joist buildings up to three stories high. These shops, sheds, and warehouses are loaded with rags, waste paper, used tires or whatever else their owners feel may be of some value. Fire loading is heavy. Housekeeping is poor, and trash is everywhere. If the price on some material drops, the salvage dealers specializing in that line may go out of business leaving the building abandoned but still containing considerable amounts of stock. A few buildings are sprinklered, and a few are of ordinary construction. There are few fire breaks. Streets are only 20 to 25 feet wide; sidewalks 2½ to 3 feet wide. The total separation between blocks is only 30 feet or so. The area fire flow for the rag shop district is about 1,000 gpm.

To the south and east, the rag district gives way to houses. First, there are wood-framed "three-deckers," three-story multiresidential structures. They are on narrow lots, with the structures separated by only a foot or two. They are constructed with wood porches on the rear and sometimes on the front and trash, awaiting collection, is usually stored under the porches.

These buildings contribute to the conflagration hazard. Further to the south and east are apartment buildings of ordinary construction up to four stories high. Some have stores on the first floor. Still further to the south are another industrial area and some petroleum storage facilities.

The conflagration of April, 1908 killed 18 persons, destroyed 3,500 buildings and left 17,000 homeless. In September, 1908, another serious fire destroyed 40 buildings in Chelsea under similar circumstances. With help of donations from all over the world, the city was rebuilt almost exactly as it had been before. The only notable exceptions were that wood-shingle roofs had disappeared, and the "oil works" had increased in size.

Some people did get concerned about the hazard of fire in Chelsea. A local fire prevention council was set up in the 1920's. With encouragement from the NFPA and local backing, the council got a Fire Prevention Bureau established in the fire department. The rag shops were supposed to have sprinklers installed. The fire department was increased in size, and new equipment purchased.

The population had declined in the intervening years, from 38,000 in 1908 to about 33,000 in 1973. Some houses and shops had burned and never been rebuilt. Others were vacant, and frequently the scene of incendiary fires. Fires in all types of buildings were all too common in Chelsea. In 1968, Chelsea had more building fires per 1,000 population than any other city covered by the NFPA's annual survey.[2] The salvage business was in decline, and many dealers simply piled up materials, hoping for a better price. Many of these were marginal businesses at the time of the 1973 fire.

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[1] Excluding brush and forest fires.

In the past few years, the city government finally began to improve conditions. An urban renewal plan was developed which would revitalize the rag shop area and part of the blighted residential area nearby. Planned improvements included an improved water system, re-location of streets to provide bigger lots and wider streets, sufficient parking areas, and zoning restrictions to separate residential and industrial occupancies. After several years, the program had been approved and funded. The local developer was buying buildings and land when this fire occurred.

The first department had changed considerably since 1908. At that time, they had three "steamers," four other companies, and twenty-one men. The present-day department had five engines and two ladder trucks, manned by 109 firefighters. Usually about 23 men were on duty at any given time. To make up, in part, for deficiencies in the water supply, the department was equipping its units with 4-inch hose for supply lines.

It was proposed that one company be eliminated during a recent "economy" drive, but the company continues to operate.

THE FIRE OF OCTOBER 14, 1973

October 14th was a Sunday. The weather was warm, 69°F at 4 p.m., with the wind from the northwest gusting up to 48 miles per hour. There had been only 0.01 inches of rain in the preceding week. It was what forestry men call a "Class 5 Day"—extremely hazardous. Because it was Sunday, there were few people in the area. About 4 p.m., a fire started near a truck parked in a yard at 120 Summer Street.[3] A passer-by reported it to a watchman on duty at a nearby plant. He called the fire department. By that time, smoke from the fire was visible five miles away.

The fire department sent their standard response of two engines, one ladder truck and a deputy chief. The two engine companies had about ⅔ of a mile to travel to reach the fire. When they arrived, the fire had already involved two buildings. The deputy ordered a third alarm as soon as he arrived. At that time, three buildings, were involved. The chief of the fire department arrived from his home a minute or two later and ordered a fourth alarm.

The initial attack was made with two-2½ inch-hose lines, one from each of the first two engine companies. Additional companies, responding to the multiple alarms, began to arrive about four minutes after the first alarm companies. The fire was extending faster than companies could get into operation. The fire spread through tires and other combustibles stored between buildings. An attempt was made to hold the fire in the block of origin, but it was unsuccessful. The fire ignited buildings across Maple Street and jumped across Summer Street. It was now a conflagration.

With the fire spreading rapidly, and parts of three blocks already in flames, the chief realized a major conflagration was developing. He ordered his off duty firefighters to report for duty. He also put out a call for "all available assistance" over the intercity fire radio. (This is a system for communication between fire departments of different cities when assistance or "Mutual Aid" is required. There is no control function which decides which departments should send assistance and how much). The response to this and later calls was about 105 units and 700 firefighters.

At this time, the chief attempted to hold a line at Third Street. But the fire jumped this, and successive lines. Hand lines were too small to be effective, and there was not enough water available to supply master streams. Water supply was becoming critical.

In one case, five pumpers were required to provide one good stream at the fire. Command and control problems were developing. The fire had become so large that one could not see all important parts of it. The chief started to walk from point to point, but the area was so large and the fire developing so fast that he could not exercise control effectively that way.

Arrangements were made to get a helicopter for the chief so he could get an overview of the fire. The chief felt this was an excellent means of finding critical areas, and taking effective action in them. He had placed a Chelsea officer with a walkie talkie in each sector of the fire. He could communicate directly to them as well as to his dispatcher. They could relay messages to many of the companies. The chief also found spot fires, and could send companies to them through his dispatcher. The command problem was never completely solved, but by this procedure control was significantly improved.

Another control problem related to companies arriving from out of town. The companies might follow the glow of flames till they ended up close enough to the fire to go to work on their own. Other companies came to Chelsea's headquarters fire station to be assigned. The dispatcher would hold them there until someone requested assistance, then send them out. By midevening, companies were arriving every three or four minutes, and only staying a few minutes before being sent out. Some companies were at work in the narrow streets at right angles to and in front of the line. One of these units was burned, and two others were damaged. Others had to pull out hurriedly to avoid a similar fate.

To the north, a successful defense was eventually set up along railroad tracks. The right-of-way, wide enough for six tracks, was wide enough to be a good fire break. Two tracks had been taken up, and the remaining roadbed provided easy access. The buildings north of the tracks were of better construction and less susceptible to ignition, too, when helped.

To the west, firefighters were able to hold a line on Second Street. The wind carried much of the heat and smoke away from them. Also, the flimsy buildings had burned quickly, limiting the most intensive exposure. (The piles and bales of stock, however, continued to burn for several days. The fire was still smouldering Wednesday night).

By 6 p.m., a firestorm had developed. Winds at ground level blew toward the fire at such speeds that working was difficult. Items as heavy as shutters were borne along by the wind. Flaming trash, rags, papers, and brush were carried by the wind to adjacent properties where they ignited accumulated trash and stock, then structures. The effect was similar to that seen in "rolling" brush fires in the western states. Fire was also spread by direct radiation, and by flaming brands drawn up in the thermal column above the fire, then deposited up to half a mile downwind.

The main fire was contained about 9:15 p.m. Additional fire companies were still required to relieve timed crews and broken down or fuel-short apparatus on the fire line. Companies were also required to extinguish spot fires. One spot fire broke out in City Hall about 10:30 p.m. which required a two-alarm assignment to subdue it.

By this time, fuel supplies were becoming critical. Arriving pumpers had come so far they needed fuel on arrival. Companies that had been operating for several hours also needed refueling. Fuel trucks were obtained from neighboring fire departments and local firms. In some cases, fuel was carried in the fire area in 5-gallon cans. The refueling problem was not resolved.

The first out-of-town units returned to their stations about midnight, October 14. The last returned during the afternoon of October 17.

GENERAL POPULATION

A sizeable portion of the general population, perhaps 3,500 people, had to be evacuated from their homes. This work was done by firefighters, police, and bystanders as soon as the fire was seen to be threatening houses. The occupants were usually stunned by the threat of fire to their home, and unaware of the speed at which the fire was traveling. Strenuous efforts were needed to get them out of the house safely. Some fled with nothing; others tried to save furnishings. Most grabbed a shopping bag or trash bag, filled it with clothes and food, and left.

Some of the population have lived in the area for two or three generations. These people, when evacuated, went to stay with relatives or friends out of the danger zone. Others, newly arrived in the area, knew no one to turn to, and ended up at an emergency shelter in the local armory.

A large portion of the population turned out to watch the fire. Spectators sometimes got in the way, but were also of valuable assistance in hauling hose lines and evacuating houses. Police control of spectators was not achieved until about 7:30 p.m. Police operations appeared to have little central direction. Officers came voluntarily or were sent from numerous area police departments. A command post was set up under command of a state police captain. While a force of 25 to 30 police officers stood by at this post, crowd control was left to local police and to volunteers wearing schoolboy traffic control belts.

RELIEF ACTIVITIES

Immediate relief activities including feeding of emergency workers, feeding and shelter of evacuees, and care of the injured. (There were no fatalities reported).

Action was taken to have Chelsea declared a disaster area. By Wednesday, October 17, representatives of the various federal agencies met with Chelsea officials to arrange disbursement of federal disaster aid. It was reported that this was the fastest that such relief had ever been available. About $40,000,000 will be available.

DAMAGE

At this time, losses have not been established. The damage covered 17 blocks. Dollar losses are expected to exceed the $12,000,000 loss of 1908. A detailed break-out of losses will be published when available. There were a number of businesses destroyed, employing about 600 persons. Many of these will not do business again.

Mr. KENNEDY. Mr. President, this report is chilling. The firestorm had developed by 6 in the evening, and families were stunned by the fire and unaware of how fast it was traveling. The report notes that it took strenuous efforts to get families from their homes safely.

And the preliminary report notes that an inadequate water supply was a contributing factor as the fire spread. That is why I have asked for and received the assurances of the chairman that water supply and pressure has high priority in the fire prevention and control bill. Clearly there are areas, particularly in the rural sections of this country, that are desperately in need of improvement of water systems for fire fighting.

I would like to include in the RECORD at this point an article entitled "Hydraulics for Fire Protection" which outlines the crucial need for adequate water pressures in fire control.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HYDRAULICS FOR FIRE PROTECTION

(By N. J. Patek)

The art of fire protection has been referred to as a study of hydraulics. Good basic fire protection consists of provision of water at adequate pressures and volumes at the start of and at the source of a fire. If this rather simple requirement could be met, fire would be held to the minimum and any resulting loss of property would be inconsequential.

As yet there is no satisfactory alternative for water in fire extinguishment. Admittedly, water has its drawbacks—it wets things down, and as a result it often causes irreparable damage. This is referred to as "water damage"—a phrase often used to attempt to discredit water extinguishment facilities such as sprinkler and standpipe systems. When water causes collapse of structures or equipment, the reason is that the design of the sprinkler or standpipe system did not take into consideration the additional weight of the water needed for extinguishment. When they are not dried out sufficiently after being wet, water can cause slow oxidation of ferrous metals. Last but not least, water can cause serious and violent reaction with certain basic metals.

However, in spite of those, and possibly other, drawbacks, water is still the most basic and the best extinguishant for a wide variety of fires. No other extinguishant offers such relatively easy, economical, fast control and extinguishment (sprinkler systems), such storage capabilities (tanks and reservoirs), such high pressure (pumps and pressure tanks), and such availability coupled with high heat absorption properties. It is therefore appropriate that those concerned with designing structures and equipment consider the problems of hydraulics as related to fire protection engineering.

In my opinion, the best place to start this discussion is at the location of a fire, for if our design assumptions and criteria have been correct, a fire will have slight consequences. If we have designed wrong, there may be a catastrophe.

One axiom of fire protection is that what is done during the first five minutes after a fire starts is more important than what may be accomplished during the next five hours. Fire loss experience files bear this out, all too graphically. Therefore it is essential to provide means of detecting and extinguishing fires at the site of origin and as speedily as possible. The most common means of accomplishing this is an automatic sprinkler system, which incorporates sprinklers actuated by preset temperature elements. The excellent performance of automatic sprinkler systems over the years is borne out by statistics; e.g., over 96 per cent of the fires in properties that have automatic sprinkler protection are extinguished or controlled by actuation of 30 or fewer sprinklers.

In order, then, to arrive at some reasonable bench mark on the amount of water required for fire-fighting, the 30-sprinkler figure seems to be in order, at least from an average statistical standpoint.

Each sprinkler has its own unique design criteria related to pressure and volume. As an average, the normal ½-inch-orifice sprinkler, which is the most common in use, discharges 25 gpm at approximately 20 psi. As the available pressures increase at the sprinkler, the greater will be the quantity of water discharge. Also, increased water pressure emanating from the sprinkler will cause greater water velocity impinging on the sprinkler deflector. This results in finer water droplets as pressure is increased. For a sprinkler to perform at optimum design—mainly quantity discharge, area coverage, and water droplet size—the acting pressure at the sprinkler must be within a given range—generally between 10 and 60 psi. Lower pressure results in the water's just spilling out, which in turn produces inadequate area coverage and droplet size much too large to absorb heat efficiently. Greater pressure results in the water's being broken into such fine mist that it has insufficient mass to overcome the vertical velocity of the heat of the fire.

Therefore the starting design criteria for an "average" water supply become approximately 17 gpm at 10 psi at the most remote sprinkler. If we take an average discharge—a fictitious assumption, as we shall see—of 17 gpm for the 30 sprinklers, the quantity of water required becomes 510 gpm.

The pressure requirement for an "average" sprinkler system at the area of the fire will be in the range of 40 psi. The actual pressure requirement at ground-floor level or in the street will depend upon the building and upon the configuration of the sprinkler system.

For a decade the Factory Insurance Association has been pioneering in advancing the principle of calculating the discharge characteristics of sprinkler systems. Up to ten years ago the sprinkler codes and the people concerned with fire protection grouped hazards under broad classifications, such as light-, ordinary-, and extra-hazard occupancies. Each sprinkler system was designed to accommodate one of the occupancy classifications, and the only task of the designer of the system or of the person reviewing plans was to determine if the system conformed to the prototype. Little if any thought was given to how the system would react under the influence of a specific water supply. The Factory Insurance Association proposed the principle of calculating sprinkler systems originally for high-hazard occupancies, and the idea met with such favor by assureds and other interested persons that calculated sprinkler systems are now provided in a variety of circumstances. The guesswork has been taken out of this phase of protection, and we are able to relate protection to hazards.

I just said that taking an "average" 17-gpm discharge is erroneous, and I would like to explain this.

Let us assume an ordinary 130-foot-per-sprinkler system having eight-sprinkler branch lines, center feed, and standard ½-inch-orifice sprinklers having a 5.7 K factor.

With a starting pressure of 10 psi, the end sprinkler would flow 17.7 gpm. As we calculate branch-line friction losses and equate resulting sprinkler discharges, the required volume pressure at the base of the first branch line riser nipple becomes 377.2 gpm, at a required pressure of 30.9 psi. Calculating cross-main pressure losses and balancing the volume and pressure requirements at the base of the second branch line riser nipple yields a demand at that point of 752.2 gpm at 50.1 psi for 30 sprinklers operating. Carrying the calculations through the system and its riser and supply main to a city water main results in a system requirement of 752.2 gpm at a required pressure of 73.6 psi. Therefore, to discharge 17 gpm at the end sprinkler with 30 sprinklers operating it is necessary that the supply yield 752.2 gpm at a residual pressure of 73.6.

To that quantity we must add hose demands. Each area of a building should be within reach of at least one hand hose stream. Calculations on hand hose nozzles indicate discharge of approximately 100 gpm at 80 psi from standard 1½-inch adjustable spray nozzles. It is not unusual for fire departments and plant fire-fighting personnel to use two, three, or more hand hose streams to extinguish the fire and to wet down adjacent areas, to keep the fire from spreading. To arrive at the total water supply required during the course of fire-fighting, both sprinkler and hose demands must be considered cumulative. Therefore, for the facility we are discussing a combined flow of 992 gpm for both sprinkler and hose demands at a residual pressure of 73 psi is considered an average water supply.

It must be pointed out that the quantity of water discussed here would be adequate for a light-hazard occupancy in a noncombustible building, such as a light-hazard metalworking or electrical assembly plant in a masonry-walled metal-deck-roof building. Other, more hazardous occupancies, such as warehousing, rubber-working, and chemical plants require much more as a basic water supply for the sprinkler system. The sprinkler systems in those occupanices may be designed to discharge three or four times our original quantity, with a resulting increase in pressure requirements.

The next natural question is duration: For how long is it necessary to supply 992 gpm at a residual pressure of 73 psi? Experience shows that fires in industrial properties, where high pressures and large volumes of water are needed, may be of long duration. It is generally considered that high pressures and high volumes should be available for a minimum of one hour, with additional water at somewhat reduced pressure available for another three hours. Therefore a four-hour water supply is considered necessary for proper fire-fighting.

It is surprising how many communities cannot supply the necessary amounts of water for anywhere near four hours. Even city officials are surprised during flow tests from hydrants when the water stream decreases appreciably after flowing water for a relatively short time. Tall, thin standpipes and high, small gravity tanks may impress passers-by, but they are far from impressive to the fire fighter holding a dry hose stream inside a burning building. It is all-important to analyze not only momentary flow characteristics but also what is back of the entire water supply—automatic or manual pumps, size of tanks and reservoirs—and what is to replenish it.

The fact most often overlooked in predetermining water supply is that a water supply determination must be made on a specific basis. Each building complex or occupancy usually has its own water supply requirement. Not all industrial complexes are alike. The sprinkler water requirement for metalworking is quite different from that for woodworking, or an electrical works, or a solvent extraction plant. In answer to the question *What is a good water supply?* we must ask the question *What are we talking about?*

I receive numerous phone calls inquiring if a city water main capable of supplying, say, 1,500 gpm at a residual pressure of 50 psi is a good sprinkler and hose supply. Before answering such a question I must have some idea of the hazards the sprinkler system would be called upon to cope with, the configuration of the building, its construction, and its location in regard to the water supply. In many cases 1,500 gpm at a residual pressure of 50 psi would be more than enough to supply the system. In many others it would be drastically deficient. The mere fact there is a city water main connection, there is a gravity tank or pressure tank on the system, and even one pump has been provided do not necessarily mean an adequate water supply for a specific property.

For quick and self-evident determination of the adequacy of water supplies as related to specific sprinkler and hose demands we often make use of graphs. Knowing that quantities of water flowing through orifices approach mathematically the square root of the pressure (multipled by a constant), we are able to represent the flows by means of a straight line on semilog graph paper.

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[2] See "Fire Record of Cities," July 1969, Fire Journal, Page 17 Volume 63, No. 4

See attached map.

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Plotting pressure versus volume for a given city water supply of 70-psi static pressure and 50-psi residual pressure with 1,500 gpm flowing, and plotting our sprinkler and hose demand curve, we see that the demand point is above the city supply curve. Therefore the city supply is insufficient for the required pressures and volumes. If we plot a theoretical fire pump curve of 1,000 gpm at 100 psi in relation to the demand curve, the pump is able to supply the required volumes and pressures.

Using graphs to plot water demands and supplies is a quick, easy, and readily recognizable way to determine if a given supply is sufficient for a specific property or hazard.

Too many individuals directly responsible for determining water supplies fail to take into account the water requirements to fill both the fire protection needs and the domestic needs of the specific building. The presence of an eight-inch or 10-inch city water main is considered all that is necessary, and the specific sprinkler requirement receives no further thought.

With ever-growing application of the principle of building away from large metropolitan areas, the problem of adequate water supplies has increased immeasurably. Land sites are selected and commitments consummated before any determination is made of the needs of water volume and pressure at the building sites. Building developers too often fail to take into account the large volumes and high pressures required for firefighting purposes over and above normal production and sanitary needs.

During the review of building and occupancy plans insurance companies advance the requirements for additional private water supplies. Building owners are often appalled at the prospect of having to pay for a private water supply system (with costs frequently in the vicinity of a quarter of a million dollars, which were not originally considered in the cost of the new facility) in order to achieve insurance at the lowest possible rates. This naturally arouses consternation, and fire protection is delegated the role of scapegoat. It is then realized that building in small municipalities or unincorporated areas is sometimes less economical than first envisioned. Communities that have a good, strong, reliable water supply may have land values and taxes somewhat higher than other communities, but the cost of providing and maintaining a private water supply over a period of years may well offset any original savings. When the cost of providing the necessary water supplies is considered as part of the fire protection cost of a structure, the ratio of the cost of the fire protection facilities to the cost of the total building becomes extremely high. If the area in question does not have a sufficient city water supply, the cost of fire protection is less; but in all probability taxes will be higher. The saving in taxes therefore becomes a fire protection cost. Would it not be fairer to delegate some of the cost of private water supplies to the accounting ledger column marked *municipal taxes?*

This is not intended to discredit building facilities in outlying areas. Such locations may be extremely beneficial for a given type of property. However, should such a site be selected, all the factors warrant consideration and the property owner deserves to know all the facts and all the costs. Only then should the final selection be made.

After all this has been said, we come to a matter whose logic often evades persons not directly concerned with insurance requirements: secondary water supplies for insurance purposes.

Whenever a facility has an extremely high insurable value, the underwriter feels that to underwrite it successfully a certain backup in water supplies (and possibly other forms of protection) is necessary. The exact dollar evaluation of this "breaking point" is not so important as the determination that the property does constitute a high insurable value. When a property falls into this category the underwriter will advise the assured that the water supply for the sprinkler and hose demands requires two separate and distinct supplies. In the event, under reasonably adverse circumstances, something should occur to take one of the supplies out of service (e.g., breakdown of a city water main, a pump's being down for servicing, or removal of a gravity tank for repairs or cleaning), another source capable of supplying the total sprinkler and hose demands should be available. Basically, this theory can be reduced to "how many eggs in one basket" thinking. If 1,500 gpm is considered an adequate supply for the property and the property has a high insurable value, a second source capable of delivering the 1,500 gpm would be recommended. If the sprinkler system's basic supply is provided by a pump supplied from a reservoir, the secondary supply requires another pump and another reservoir.

Again, one must bear in mind the principle of adequate supply for the hazard. Just because a property has one city connection and one gravity tank, it does not necessarily have two sources of water for its fire protection needs. It may well be that neither of the sources is adequate, and, therefore, that an additional totally distinct and separate source of water supply is necessary. It is wise to consult with insurance carriers regarding their requirements for the specific property as to whether a single or a secondary source of water supply is considered sufficient.

While we are speaking of reliability, I believe it might be well to discuss the reliability of the water supply. In years past the most reliable supply was that of the gravity tank, with nothing more than gravity and open valves being necessary for water to be delivered to the sprinkler system.

Increased floor heights and areas have meant substantial increase in the required pressures for the water supplies. To produce the necessary pressure for high-hazard areas, gravity tanks would have to be situated at extreme heights, making their original and maintenance costs prohibitive.

Over the years electric motor-driven fire pumps have proved to be extremely reliable. In fact, I do not know of one major loss directly attributable to failure of an electric fire pump. There have been situations of serious consequences because of interruption of electric current to the pump, but these were attributable to improper installation of electrical feeders and disconnects. The electric motor and its controller have had a very reputable record indeed. However, at present we face serious situations related to the reliability of the electrical supply from the utilities. Practically all sections of the country, some much more than others, face problems of reduced voltages, brownouts, or blackouts. The duration of these serious situations has varied from moments to hours and even days. The consequences of interruption of electrical power occurring at the same time as a fire are not difficult to imagine. Occurrences at the wrong time, at the wrong place, could result in a major catastrophe.

Underwriters have become increasingly concerned about properties whose major source of water supply depends on electrically driven pumps. Many communities rely almost totally on electric wells or fill or booster pumps as the source for municipal water supplies. The pumping capacities available from stand-by sources are usually negligible.

It has been with this fact in mind that diesel-driven fire pumps have been quite extensively recommended in high-valued, high-hazard properties. Over the last few years diesel-driven pumps at properties insured by the FIA have had a flue record of reliability, as a result of weekly and yearly testing conducted by our representatives. It should be pointed out to owners that maintenance of diesel engines is all-important, as is the presence within the company of at least two knowledgeable individuals. The pump should not be left for long periods out of service, awaiting service representatives.

No item of protection is so basic or so totally necessary as a good, sound, reliable water supply for sprinklers, hydrants, and hand hose connections. Determination of quantities and pressures required is not a simple or easy task, but, rather, a task requiring full knowledge of the construction and the hazards inside and outside the property.

This determination is considered so vital that Factory Insurance Association field engineers spend a large segment of their time testing and analyzing municipal and private water supplies, for it is realized that upon this one item binges the determination of the eligibility of a property for a superior insurance rate. Our representatives are fully trained and educated to advise architects, builders, and owners of the necessary water supplies. We solicit early—as early in the planning stages as possible—inquiries regarding the water needs of a specific building and how they relate to the area's water supply.

The Factory Insurance Association has recently increased its computer facility to accommodate sprinkler design calculations. Our computers enable us to offer our policyholders quick plans review and existing sprinkler installation design criteria for a specific water supply.

Close cooperation by everyone concerned produces a well-protected facility, of which all who were involved in the building may well be proud, and, more important, wherein all may feel safe.

Mr. KENNEDY. Mr. President, the most hopeful thing about this legislation we act on today is that it shows the Congress is aware of the enormous problems involved in fire prevention and control. And that awareness is growing across the country.

We can no longer afford to waste $11 billion annually in property losses, treatment, productivity losses, and fire department operations. We can no longer live with the scars on 300,000 Americans who are injured every year by fire. And we cannot tolerate the loss of 12,000 lives every year in this country from fire injuries.

The first year cost of $42.5 million is a small price to pay if we can begin to alleviate this loss of life and economic injury.

This legislation has important provisions for burn treatment research and rehabilitation for the injured. It provides for loan guarantees for firefighting equipment for nursing homes, and $10 million for demonstration projects to find out how to prevent fires.

The people of Chelsea and all other communities in this Nation that have tragically experienced large and uncontrolled fires know the importance of the legislation we act on today. And it is for them that we take these first steps to reduce this tremendous waste in lives.

Mr. WEICKER. Mr. President, as an original sponsor of S. 1769, along with Senators MAGNUSON and COTTON, I urge my colleagues to overwhelmingly approve

this first comprehensive legislation to enhance the training and resources available to the firefighters of America.

S. 1769, the Federal Fire Prevention and Control Act, is based on the recommendations of the 2-year National Commission on Fire Prevention and Control, as well as the hearings of the Senate Commerce Committee.

In its report entitled "America Burning," the National Fire Commission has concluded that—

> Appallingly, the richest and most technologically advanced nation in the world leads all the major industrialized countries in per capita deaths and property loss from fire.

The Commission estimated that more than half of the 12,000 lives and much of the $11 billion lost in fires in the United States each year could be saved through a greater effort in fire prevention and firemen training programs.

Therefore, to assure that national attention and resources are focused on the Nation's fire problem, the legislation before us today would establish within the Department of Commerce a national program for fire prevention and control—FIREPAC—to be administered by a new assistant secretary for fire prevention and control.

The secretary for FIREPAC would establish a national firefighting academy for the training of fire service personnel and the development of educational programs that may reduce the fire problem. FIREPAC would also provide increased Federal support of fire research and fire safety education programs, develop a comprehensive national fire data system to aid local fire companies, and offer technical assistance to State and local governments and volunteer firefighting organizations.

The Federal Fire Prevention and Control Act would preserve the autonomy of State and local fire departments, which would retain their initiative as innovative and vigorous parts of the community. In providing a significant opportunity for all firefighting units to improve their services and activities, this bill will further assist the development of master plans for mutual aid associations.

Firefighters in Connecticut and other States have long deserved national recognition for their selfless service. The Federal commitment embodied in this toric bill will aid the efforts of local fire departments without encroaching on their responsibilities or essential autonomy. Further, citizens and communities will be encouraged to participate in FIREPAC programs to minimize the shocking human costs and property losses caused by fire.

I urge my distinguished colleagues to afford this imperative comprehensive fire legislation speedy and affirmative consideration.

Mr. ROTH. Mr. President, I am pleased to support S. 1769, the Fire Prevention and Control Act. I have heard from a large number of people in Delaware who support this act. S. 1769 is a bill to establish a U.S. Fire Administration and a National Fire Academy in the Department of Housing and Urban Development, assist States and local governments in reducing the incidence of death, personal injury, and property damage from fire, increase the effectiveness and coordination of fire prevention and control agencies at all levels of government, and for other purposes. This legislation is based on the recommended program resulting from a 2-year study by the National Commission on Fire Prevention and Control. The Congress recognizes the need for adequate legislation to reduce the unacceptably high rate of death, injury, and property loss from fires in the United States.

The National Commission on Fire Prevention and Control points out in its report that annually in the United States, fire claims nearly 12,000 lives, leaves scars and terrifying memories on 300,000 Americans, and costs by conservative estimates at least $11.4 billion a year. The report goes on to point out that—

> Appallingly, the richest and most technologically advanced nation in the world leads all the major industrialized countries in per capita deaths and property loss from fire. While differing reporting procedures make international comparisons unreliable, the fact that the United States reports a deaths-per-million-population rate nearly twice that of second-ranking Canada (57.1 versus 29.7) leaves little doubt that this nation leads the other industrialized nations in fire deaths per capita. Similarly, in the category of economic loss per capita, the United States exceeds Canada by one-third.

Consideration to our firefighters is long overdue, especially when we think about the terrible toll of fire on them; for example, in 1971, the injury rate for firefighters was 39.6 per 100 men—far higher than that of any other profession, the death rate was 175 firefighters who died in the line of duty, and 89 died of heart attacks and 26 from lung diseases contributed to by the routine smoke hazard of their occupation.

S. 1769 is concerned with these problems. It will provide for the establishment of a National Fire Administration to supply a national focus for the fire problem. It will also establish a National Fire Academy, which will offer specialized training in fire protection, assist State and local jurisdictions in planning programs, and conduct campaigns to educate the public.

The bill also calls for the development of a National Data System to collect data on fire injuries and deaths, property losses, and other fire-related information to assist local fire departments. In addition, the bill will provide grants to States and local governments for the preparation and adoption of comprehensive master plans for fire protection. These plans will provide the opportunity for local fire departments to improve and strengthen their fire prevention and control programs.

Research and development for improving fire prevention and control and developing new methods and technology in this area are also a major part of this bill. In addition, other areas of research are included, that is, medical research, aimed at making more burn centers, burn units, and burn programs available for research, treatment, and rehabilitation of fire victims will be conducted by the Secretary of Health, Education, and Welfare through the National Institutes of Health. Fire prevention and control research and development activities will be conducted by the Secretary of Commerce.

When we pause to consider the high price we pay in human lives and losses in property, we realize that fire is such a great tragedy. We should remember that it can strike anyone of us at any time. Therefore, I add my support to this important bill, which I hope, will help in bringing about a reduction in losses due to fire.

Mr. DOLE. Mr. President, I wish to express my support for a bill which addresses a long-overlooked but vitally important concern. The prevention and control of fires in the homes, businesses, and institutional facilities of America is a matter in which everyone has a major stake. We all live in houses, apartments, or mobile homes and have too often seen flames engulf a home bringing loss and tragedy to our own communities. Most of us can recall witnessing at least one major business or industrial fire which resulted in thousands—if not millions—of dollars in losses. And often the headlines tell of major fire catastrophes involving nursing homes and similar facilities.

TRAGIC COST

It is estimated that some 7,200 destructive fires occur every day in this country. Each year 12,000 lives are lost by fire, and more than 300,000 men, women, and children suffer injuries ranging from minor burns to traumas requiring weeks and months of hospitalization and surgery.

The annual cost is a staggering $11.4 billion or more. But the real dimensions of the problem are disclosed only through recognition of the fact that the United States has the highest per capita rate of fire death and property damage of any major industrialized nation.

For a country with our standard of living, technological resources, and problem solving abilities, I feel this situation constitutes a major disgrace. There is simply no excuse for it.

Clearly, the time has come for a major effort to reduce this senseless waste of lives and property. Not only does the need to reduce such widespread human suffering and sorrow make this a cause for action, but the economics of the matter—the sheer waste involved in the present situation—demand that we act now.

PREVENTABLE LOSSES

As the committee report indicates, estimates have been made that only a 5-percent annual reduction in fire deaths, injuries, and property damage over the next 5 years would save 8,000 lives, mean 210,000 fewer injuries—with $85 million saved in hospital and medical costs—and avert some $1.9 billion in property losses.

NECESSARY APPROACH

The approach to formulating a meaningful and effective response to this problem is important.

The answer lies primarily with strengthening our existing system of fire

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prevention and firefighting. That means emphasis must be put on assisting local governments in their efforts, for we certainly cannot create a new Federal Fire Department.

The program should be directed toward harnessing new developments in the sciences and technology which can be applied to the job of preventing fires before they happen and to putting them out once started. Better information on these developments should be made available, and special efforts should be made to stimulate innovation and improvement in the methods and techniques of fire loss prevention.

EMPHASIS ON BURN TREATMENT AND REHABILITATION

Another area which should receive attention is the treatment of fire injuries and rehabilitation of burn victims. I know that some important work in this field has been undertaken in a few research facilities—the University of Kansas medical center for one. But burns present a whole range of unique medical problems from emergency treatment, to plastic surgery, postsurgical therapy, and vocational rehabilitation. So while we work to reduce the number of injuries, we should also improve our capacity to treat those who still become burn victims.

GOOD FIRST STEP

Mr. President, the bill before us, the national fire prevention and control act, is a worthwhile and constructive first step toward reversing the present situation and bringing this country up to acceptable standards for dealing with fires and fire hazards. Its 3-year, $100 million program is not intended to be a cure-all. But it does appear to be a realistic and sensible way to go about the job at hand.

COMMERCE DEPARTMENT PROGRAMS

It places primary responsibility for this national program of fire prevention and control within the Department of Commerce. This Department, through its National Bureau of Standards, has had a long involvement in fire prevention and control research. And it is the logical location for the FIREPAC program.

I do not wish to itemize the details of the program. But I feel that appropriate emphasis is placed on research and development, technical assistance, information exchange, and availability for professionals in the field and a grant program for State FIREPAC demonstration projects.

NATIONAL FIREPAC ACADEMY

The Commerce Department would also supervise and operate a National FIREPAC Academy, for training local firefighting personnel. It would follow the concept of the highly successful program offered by the FBI Academy for State and local law enforcement officials. I feel this Academy's training opportunities would be highly valuable assets for the thousands of local, county, and volunteer fire companies around the country who make such outstanding efforts to meet their responsibilities to their communities.

LOCATED IN TOPEKA, KANS.

Incidentally, I realize that the site requirements and criteria for this Academy will not be formally determined for some time. But I would think that a central geographic location with ample room for construction of drill and training facilities, classrooms, and administrative quarters would be desirable. In this regard let me offer the suggestion that the deactivated Forbes Air Force base in Topeka, Kans., might very well be an ideal location. This base, much of which is now being considered for disposal as surplus Federal property, would seem to offer many attractive features for selection as the FIREPAC Academy's home. It has a central location. Its runway facilities will hopefully become the new Topeka Municipal Airport. It is located on major east-west and north-south interstate highways. And of course, Kansas is one of the most pleasant, friendly, and desirable places to live and work in America.

It is just a thought, but one which I believe deserves study and consideration at the appropriate stage of implementing this bill's mandate.

The bill also establishes a program within the National Institutes of Health to focus special research emphasis on the techniques of treating and rehabilitating burned victims. This program should be highly worthwhile and I would hope this could serve to stimulate additional research efforts throughout the country. The National Institutes of Health have an outstanding research record and I believe by placing this effort in this kind of Federal research community that chances for major progress can be greatly enhanced.

I also note that the bill establishes a loan guarantee program for supporting the installation of fire control equipment in nursing facilities. I feel this is an extremely important step. As the numbers of elderly in this country continue to increase special care facilities, tailored to their needs will multiply, therefore, we must assure, to the greatest possible degree, protection from fire.

The elderly often have mobility problems which makes speedy evacuation of a building impossible. Therefore, the presence of fire control equipment may spell the difference between alarm and tragedy. So I feel that this portion of the bill looks ahead to a very important and serious need.

Mr. President, I would say in conclusion that the Federal Fire Prevention and Control Act is a most constructive and fiscally responsible approach to problems which have received far too little attention. but must be dealt with if governments on the Federal, State, and local levels have to fully meet their obligation to our citizens.

ALASKA FIREFIGHTING

Mr. GRAVEL. Mr. President, I am today announcing my cosponsorship of S. 1769, legislation which will establish a coordinated program for fire prevention and control in the Department of Commerce. and a National FIREPAC Academy. The need for this legislation is painfully apparent in the report of the National Commission on Fire Prevention and Control. Perhaps the most stunning of all those contained in that report is the fact that the most technologically advanced nation in the world leads all the major industrialized countries in per capita deaths and property losses. This alone cries out for the sound legislative action represented by this bill.

My concern is also parochial. The State of Alaska's fire protection problems have been massive in the past. Symptomatic of this is the fact that each year we sustain the greatest loss of life and property damage per capita of all the States.

Alaska's unusual situation is immediately seen in the amazing figures detailing the cost of forest firefighting. According to Bureau of Land Management data, in 1972 the total amount of damage due to forest fires in Alaska was $9,406,700. Total firefighting costs for BLM was $19,259,000 in 1972, or $64.20 per capita. The total timber loss amounted to $1,890,000. When compared with national fire statistics, one sees that the annual per capita cost of all fire destruction, $54.18 is $10 under the per capita cost of just fighting forest fires in my State during 1972. The national average per capita cost of firefighting operations is $11.88, roughly 17 percent of Alaska's costs in 1972. Lastly, between 1960 and 1969, the average number of acres burned in Alaska was 13 percent of the national average, or 618,496 acres. Though these figures are distorted in some instances because of the high ratio of land mass to the number of people in my home State, I believe they are an indication of the threat fire poses for Alaskans.

However, aside from the pressing need for action in Alaska, I am supporting S. 1769 because it is a sensible approach to the problem. The stated role of the Federal Government will be that of an adviser and information coordinator for the State, local government, and volunteer fire organization. The responsibility for competent fire protection will remain with the local fire organization. This is only proper. I am confident in the case of Alaska that the insight of the local decisionmaker would be more sensitive than that of the distant Federal Government.

This brings me to what I regard as the potentially most fruitful portion of the bill. I am referring of course to the concept of State master plans for fire protection. Under the present bill, between five and eight "master plan demonstration projects" will be formulated, selected, and implemented. After a period of 3½ years the Assistant Secretary of Commerce for Fire Protection and Control will recommend to the Commerce Committee whether or not this concept should be extended to the rest of the States.

I am hopeful that the Assistant Secretary will find that every State should have a master plan for fire protection. From the Alaskan perspective, this would be just what we need. A State-operated system of coordination between the several rural, urban, State, and Federal agencies in charge of fire protection would be a major step toward the comprehensive fire protection envisioned by this legislation. Indeed, when I consider the multiplicity of fire protection facili-

ties in Alaska which would benefit from such an arrangement, I wish that we did not have to wait 3½ years.

This brief description of the hazards of fire in Alaska and what this bill could eventually mean for my State is testimony to the healthy basis for this legislation. In recognizing the importance of local decisionmaking, the Congress can at last provide States with unique fire problems like Alaska with the opportunity to effectively combat fire. The Federal Government cannot provide the panacea in this regard, and should not try. Instead, it should carefully assess its responsibility with a realistic eye directed at the most viable solution. With respect to the national attack on the fire problem and mindful of the interests of my State, I think Congress will exercise sound judgment by expeditiously accepting this legislation.

Mr. ROBERT C. BYRD. Mr. President, I regretfully wish to express my opposition to S. 1769, the Federal Fire Prevention and Control Act, which was reported from the Senate Commerce Committee on October 18, 1973.

This bill, if enacted, would establish a U.S. Fire Administration, within the Department of Housing and Urban Development, to administer the several programs authorized within S. 1769, and to carry out a national fire safety overview program. This bill also authorizes the establishment of a National Fire Academy; a national data collection center to collect information on fires; a technical assistance program for State, local, and private fire services; a master plans demonstration project; citizens participation programs; and several other relevant studies on this subject. In addition, S. 1769 authorizes and directs the Secretary of Health, Education, and Welfare to establish a research program on burn injuries and the rehabilitation of fire victims in the National Institutes of Health.

I support the objectives which are desired to be achieved in this legislation, and I compliment the committee for the thorough job they performed in compiling the report. I am, however, voting against S. 1769 because I believe that it would establish another governmental layer and further proliferate our ever-expanding Federal bureaucracy. I believe that most of the desired objectives set forth in S. 1769 could be accomplished within existing Government structures, and at a lower cost, rather than providing for these new, and in some cases, duplicative programs, which are estimated to cost over $170 million through fiscal year 1976.

I believe the time has arrived when we in the Congress are going to have to take every action possible, regardless of how unpleasant it might be, to hold Federal programs and spending within manageable bounds. If we, in the Congress, continue to authorize new programs, and their concomitant expenditures, such additional Federal spending will further fuel the fires of inflation and necessitate our voting for increased taxes. Therefore, Mr. President, I am voting against this legislation because I believe we have to draw a line at some point to keep our Federal spending in check.

Mr. MAGNUSON. Mr. President, does the Senator object to the technical amendments?

Mr. BEALL. I will join the Senator in offering them.

Mr. MAGNUSON. I have looked them over, Mr. President, and I think they provide some things to perfect the legislation. As far as I am concerned, if the Senator from Alaska agrees, we will agree to them.

Mr. STEVENS. Mr. President, we have examined the technical amendments and have no objection.

Mr. MAGNUSON. I send the technical amendments to the desk.

The PRESIDING OFFICER. The amendments will be stated.

The legislative clerk proceeded to read the amendments.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

On page 50, line 5, strike out all after "SEC. 4." and strike out lines 6, 7, 8, and 9 in their entirety.

On page 50, line 10, strike out the quotation marks.

On page 51, line 3, strike out the quotation marks.

On page 54, line 17, strike out "Interstate and Foreign Commerce" and insert in lieu thereof, "Science and Astronautics".

On page 64, line 7, between "section" and "$10,000,000" insert the following: "not to exceed".

Amend the title so as to read: "A bill to reduce the burden on interstate commerce caused by avoidable fires and fire losses, and for other purposes.".

Mr. STEVENS. I ask unanimous consent that it be in order at this time to take up these amendments, which are technical in nature.

The PRESIDING OFFICER. It is in order to take them up.

Mr. STEVENS. We do not want to yield back our time.

The PRESIDING OFFICER. Does the Senator yield back his time on the amendments?

Mr. STEVENS. Yes.

Mr. MAGNUSON. I yield back my time on the amendments.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing, en bloc, to the amendments of the Senator from Washington (Mr. Magnuson).

The amendments were agreed to.

Mr. MAGNUSON. Mr. President, I have nothing further to say, unless the Senator from Alaska wishes to speak.

Mr. STEVENS. Mr. President, I want to thank the chairman and the other members of our committee for including once again in this bill the proposal that we establish two classes of honorary awards for the recognition of outstanding and distinguished service by local public safety officers, whether they are law-enforcement officers or firefighters.

Twice before the Senate has passed a bill such as this, but, because of the nature of the timing in the other body, it has not become law. I am very hopeful that we will be able to see this provision become law, along with the rest of this bill. because I think it is very important for us to recognize the contributions of these people, particularly the volunteer firemen who serve so well throughout the Nation.

I also want to commend the chairman for the provision that is in this bill relating to the commitments for loans, to insure loans made by financial institutions for skilled nursing facilities and intermediate care facilities to give them the opportunity to purchase and install fire safety equipment. This is one of the most significant problems we face in rural areas of the country, particularly in my State, where we have very old and in many instances outdated hospitals and care facilities. Now we do have some capability to install fire prevention equipment. All too often the people in those areas cannot afford them, and I think it is particularly important that the National Housing Act be amended as provided in section 20.

I commend the Senator from Washington also. He and I were the two Members of this body who were named to be advisers to the National Commission on Fire Prevention and Control, and I think that the leadership in this field of my colleague from Washington, our distinguished southern neighbor, whether in the area of fire prevention and control or in the area of flammable fabrics, is universally recognized. We all know of the long and distinguished record of the Senator from Washington in this area, and I am most pleased to be associated with him in the presentation of this bill to the Senate.

I have no further remarks at this time.

Mr. MAGNUSON. Mr. President, I understand that the distinguished assistant majority leader wants to have a roll call.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. ROBERT C. BYRD. The yeas and nays have been ordered. Under the agreement, the vote would occur not later than 12:30, and could come at any time.

The PRESIDING OFFICER (Mr. Nunn). The question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

Mr. MAGNUSON. Mr. President, I think some Senators thought the vote might be a little later than now. Therefore, I suggest the absence of a quorum at this time to put them on notice.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Abourezk). Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, I understand that the distinguished Senator from Massachusetts (Mr. Kennedy), wants to ask a couple of questions on the bill.

Mr. KENNEDY. Mr. President, I want to commend the distinguished chairman and originator of this legislation. It is extremely important. It is imaginative.

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It is legislation which will have a real impact on saving lives in this country of ours. It will also be helpful in assisting local communities and those who are economically affected or injured by fires.

As the Senator from Washington would understand, we had, a little over 2 weeks ago, a most grievous fire in Massachusetts, probably the most serious fire in the history of our State. The fire destroyed more than 1,200 structures, and more than 250 families were left homeless.

One of the factors that contributed to the widespread expansion of the fire was the lack of water pressure within the municipal system. This was reported to me by the mayor and by the firefighters and has been supported by the National Fire Protection Association in their preliminary report on the Chelsea fire. Fortunately, no lives were lost, which is a great tribute to the firefighters, to the police, and to the local officials.

I should like to ask the distinguished chairman and floor manager of the bill whether, in the demonstration programs, as outlined in this legislation, water pressures in municipalities will be one of the factors that will be considered in the master plan. I come from an old part of this country, and I know that the problems of water pressure are of great importance and consequence. We find in a number of communities that there has been a serious problem in maintaining the pressure which is absolutely fundamental and basic in controlling fires.

I wonder whether this will be a feature of the demonstration projects—whether the Senator feels, first of all, that this feature would be useful and, second, whether it is so included.

Mr. MAGNUSON. I say to the Senator from Massachusetts that I am familiar with the terrible disaster in Massachusetts. Probably, they will find that there was an inadequacy of water pressure.

The Senator raises an excellent point. I am familiar with the problems encountered by firefighters in combating the blaze in Chelsea. I would hope that the Firepac program would take a good hard look at that fire to determine what preventive steps could have been taken.

Certainly the water pressure in a municipality's water system is an integral component in combating blazes. Since the master plan program is designed to examine, on a systemwide basis, fire prevention and suppression plans, adequate water pressure would be a component of the master plan.

This could be done in a master plan demonstration project or a research project. The National Bureau of Standards, which would probably conduct most of the research effort under this bill, has an outstanding plumbing laboratory to study the question.

Mr. KENNEDY. I thank the Senator for those assurances. In reviewing the proposed legislation, it seemed to me that these were consistent with the thrust and purpose of the measure. This bill is an enormously imaginative piece of legislation that can make a great deal of difference in this whole problem area of fire prevention and control.

I again commend the Senator and thank him for his assurances.

Mr. MAGNUSON. The Senator from Massachusetts must agree with me that the tragedy that happened in his State is probably one of the best reasons why we should have this kind of bill.

Mr. KENNEDY. The Senator is correct. If such legislation had been enacted years before, it might have been instrumental in saving a good deal of property and industry in an old part of an old community in Massachusetts. Hopefully, it will be implemented, and we can avoid this type of disaster in the future.

I urge my colleagues to support the measure.

Mr. HARRY F. BYRD, JR. Mr. President, the Senate considers today S. 1769, captioned "The Federal Fire Prevention and Control Act of 1973."

The Senator from Virginia has been a strong supporter of the firemen in my State. I have been a strong supporter of volunteer fire organizations and there are many throughout Virginia.

The fire companies and their personnel render a very important service to their fellow citizens in the communities in which they are located. For more than 25 years, I have taken an active interest in the local fire companies, and I have endeavored to be helpful in every way I could.

We come to today's measure, which establishes a new program—a new Federal program—dealing with fire prevention and authorizing the appropriation of $127.5 million over a period of 3 years.

Mr. President, I am deeply concerned about the condition of the Federal Treasury. Unfortunately, Government finance is a subject with which many people are not acquainted. Yet, it affects the lives of all Americans. The Federal Government, in my judgment, has become involved in too many programs. It is trying to spend too much of the taxpayers' money, and it has run up smashing deficits.

The deficit this year, by the Government's own figures, will be almost $20 billion. Last year, it was more than $20 billion. The year before that, it was more than $20 billion. The year before that, it was more than $20 billion. And the same the year before that. In a period of 5 years ending next June 30, the total accumulated deficits of our Federal Government will be $116 billion. That means that during a 5-year period, 25 percent of the total national debt will have been accumulated. It is a very serious matter. It is the major cause of inflation. Inflation is a hidden tax which is eating heavily into every housewife's grocery dollar and into every wage earner's paycheck. Until we get Federal spending under control, we are not going to get inflation under control.

I have reached the conclusion that I must oppose new Federal spending programs unless Congress and the President are willing to cut out other programs. There are many existing programs which are not working, which are highly expensive, which are wasteful, and which are extravagant. Until we do cut out some existing programs, I submit that it is unwise to go into new programs.

Much as I want to help in every way possible and to cooperate in every way possible with our magnificent fellow Americans who are in the fire protection profession, I do not feel that I can vote for a new program of establishing the expenditure of $127.5 million over the next 3 years. The question of fire companies and fire fighting is about as local as any function of government. Yet, the Senate is considering establishing a new program, the initial cost of which will be $127.5 million, for an essentially local function. I question the wisdom and desirability at this time in our history of having the Federal Government undertake such a local endeavor.

Mr. MAGNUSON. Mr. President, I yield back the remainder of my time.

Mr. STEVENS. I yield back my time.

The PRESIDING OFFICER. All time has been yielded back.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FANNIN. On this vote I have a live pair with the Senator from South Carolina (Mr. THURMOND). If he were present and voting, he would vote "yea." I have already voted "nay." I withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Texas (Mr. BENTSEN), the Senator from Nevada (Mr. BIBLE), the Senator from Idaho (Mr. CHURCH), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Maine (Mr. HATHAWAY), the Senator from Iowa (Mr. HUGHES), the Senator from Wyoming (Mr. MCGEE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), and the Senator from Louisiana (Mr. LONG) are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH) and the Senator from Wyoming (Mr. MCGEE) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BELLMON), the Senator from Tennessee (Mr. BROCK), the Senator from New York (Mr. BUCKLEY), the Senator from New Jersey (Mr. CASE), the Senator from Kentucky (Mr. COOK), the Senator from New Mexico (Mr. DOMENICI), the Senator from Arizona (Mr. GOLDWATER), the Senator from Maryland (Mr. MATHIAS), the Senator from Oregon (Mr. PACKWOOD), the Senator from Kansas (Mr. PEARSON), the Senator from Illinois (Mr. PERCY), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) are necessarily absent.

I further announce that the Senator from Colorado (Mr. DOMINICK) is absent on official business.

I further announce that, if present and voting, the Senator from New Jersey

(Mr. CASE) and the Senator from New Mexico (Mr. DOMENICI) would each vote "yea."

I further announce that the pair of the Senator from South Carolina (Mr. THURMOND) has been previously announced.

The result was announced—yeas 62, nays 7, as follows:

[No. 475 Leg.]

YEAS—62

Abourezk
Allen
Bartlett
Beall
Bennett
Biden
Brooke
Burdick
Cannon
Chiles
Clark
Cotton
Cranston
Curtis
Dole
Ervin
Fong
Fulbright
Gravel
Griffin
Gurney
Hansen
Hatfield
Helms
Hollings
Hruska
Huddleston
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Magnuson
Mansfield
McClellan
McGovern
McIntyre
Metcalf
Mondale
Muskie
Nelson
Nunn
Pastore
Pell
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott, Hugh
Sparkman
Stafford
Stennis
Stevens
Stevenson
Symington
Talmadge
Tunney
Weicker
Williams
Young

NAYS—7

Byrd,
Harry F., Jr.
Byrd, Robert C.
Haskell
McClure
Proxmire
Scott,
William L.
Taft

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Fannin, against

NOT VOTING—30

Aiken
Baker
Bayh
Bellmon
Bentsen
Bible
Brock
Buckley
Case
Church
Cook
Domenici
Dominick
Eagleton
Eastland
Goldwater
Hart
Hartke
Hathaway
Hughes
Long
Mathias
McGee
Montoya
Moss
Packwood
Pearson
Percy
Thurmond
Tower

So the bill (S. 1769) was passed, as follows:

S. 1769

An act to reduce the burden on interstate commerce caused by avoidable fires and fire losses, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Fire Prevention and Control Act."

DECLARATION OF POLICY

SEC. 2. (a) FINDINGS.—The Congress finds and declares that—

(1) The National Commission on Fire Prevention and Control, established pursuant to Public Law 90-259, has made an exhaustive and comprehensive examination of the Nation's fire problem, has made detailed findings as to the extent of this problem in terms of human suffering and loss of life and property, and has made ninety thoughtful recommendations. The National Commission concluded that while fire prevention and control is and should remain a State and local responsibility, "the Federal Government must . . . help . . . if any significant reduction in fire losses is to be achieved."

(2) The United States today has the highest per capita rate of death and property loss from fire of all the major industrialized nations in the world (57.1 deaths per million versus only 29.7 deaths per million for the industrialized nation with the next to the worst record).

(3) Fire constitutes a major burden affecting interstate commerce. Fire kills twelve thousand and scars and injures three hundred thousand Americans each year, including fifty thousand individuals who must be hospitalized for periods lasting from six weeks to two years. Almost $3,000,000,000 worth of property is destroyed by fire annually, and the total economic cost of destructive fire has been conservatively estimated by the National Commission to be $11,400,000,000 per year. Firefighting is the Nation's most hazardous profession, with a death rate 15 per centum higher than that of the next most dangerous occupation.

(4) The National Commission concluded that the fire problem is exacerbated by—

(A) "the indifference with which Americans confront the subject";

(B) the Nation's failure to undertake significant amounts of scientific research and development into fire and fire-related problems;

(C) the inadequate facilities and resources available to train firefighters in fire prevention and control techniques;

(D) the scarcity of reliable data and information;

(E) the fact that designers and purchasers of building and products generally give only minimal attention to fire safety ("many communities are without adequate building and fire prevention codes");

(F) the fact that many local fire departments appear concerned only with fire suppression and rescuing victims rather than with being at least equally concerned with fire prevention, inspection, and code-enforcement programs ("about 95 cents of every dollar spent on the fire services is used to extinguish fires; only about 5 cents is spent on efforts . . . to prevent fires from starting"); and

(G) the limited number of places in the United States that have been burn centers which are properly equipped and staffed to save lives and rehabilitate the victims of fires.

(5) The unacceptably high death, injury, and property losses from fires can be reduced if the Federal Government establishes a coordinated program to support and reinforce the fire prevention and control activities of State and local governments.

(b) PURPOSES.—Therefore it is declared to be the purposes of Congress in this Act to—

(1) establish the office of Assistant Secretary of Commerce for Fire Prevention and Control;

(2) direct the Secretary of Commerce to establish a national Program for Fire Prevention and Control (FIREPAC) and to authorize him to initiate, support, and maintain programs and activities to reduce the Nation's fire problem;

(3) direct the National Institutes of Health to conduct an intensified program of research into the treatment of burn injuries and the rehabilitation of victims of fires; and

(4) authorize fire protection assistance.

DEFINITIONS

SEC. 3. As used in this Act—

(1) "Academy" means the National Academy for Fire Prevention and Control (FIREPAC Academy), authorized under section 6 of this Act.

(2) "Fire service" means a department, bureau, commission, board, or other agency established by a Federal, State, or local government or by a volunteer organization for the purpose of preventing or controlling fires or loss and damage from fire.

(3) "Local" means of or pertaining to any city, county, special purpose district, or other political subdivision of a State.

(4) "Program" means the Program for Fire Prevention and Control, established pursuant to section 5 of this Act.

(5) "Secretary" means the Secretary of Commerce.

(6) "State" means any State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Canal Zone, Guam, American Samoa, the Trust Territory of the Pacific Islands, or any other territory or possession of the United States.

ASSISTANT SECRETARY OF COMMERCE FOR FIRE PREVENTION AND CONTROL

SEC. 4. There shall be in the Department of Commerce, in addition to the Assistant Secretaries now provided by law, one additional Assistant Secretary of Commerce who shall be known as the Assistant Secretary of Commerce for Fire Prevention and Control. This Assistant Secretary shall be appointed by the President, by and with the advice and consent of the Senate. The Assistant Secretary of Commerce for Fire Prevention and Control shall receive compensation at the rate prescribed by law for Assistant Secretaries of Commerce, shall be responsible for carrying out the provisions of the Federal Fire Prevention and Control Act under the direction of the Secretary of Commerce, and shall perform such other duties as the Secretary of Commerce shall prescribe. In carrying out such responsibilities, the Assistant Secretary of Commerce for Fire Prevention and Control shall consult, be guided by, and implement, so far as practicable, the recommendations of the National Commission on Fire Prevention and Control, to the extent not inconsistent with this Act.

FIRE PREVENTION AND CONTROL PROGRAM

SEC. 5. (a) ESTABLISHMENT.—The Secretary is authorized and directed to establish a national Program for Fire Prevention and Control (FIREPAC). The Program shall consist of all relevant programs and activities heretofore established in the Department of Commerce together with all programs and activities authorized or mandated to be established under this Act. The Program shall be administered, under the direction of the Secretary, by the Assistant Secretary of Commerce for Fire Prevention and Control.

(b) CONTENT.—The Program may consist of—

(1) the FIREPAC Academy, authorized to be established by the Secretary under section 6 of this Act;

(2) research and development programs, pursuant to section 7 of this Act;

(3) an annual conference of professionals in fire prevention, fire control, and treatment of burn injuries, pursuant to section 8 of this Act;

(4) a national data center on fire prevention and control, pursuant to section 9 of this Act;

(5) a fire services assistance program, pursuant to section 10 of this Act;

(6) State demonstration projects, pursuant to section 11 of this Act;

(7) citizens' participation programs, pursuant to section 12 of this Act;

(8) relevant studies, as directed by section 13 of this Act;

(9) an annual report, as directed by section 14 of this Act;

(10) an awards program, as directed by section 16 of this Act; and

(11) such other programs and activities as in the judgment of the Secretary are likely to reduce the Nation's losses from fires.

FIREPAC ACADEMY

SEC. 6. (a) AUTHORIZATION.—The Secretary is authorized to establish a National Academy for Fire Prevention and Control (FIREPAC Academy). The Secretary is authorized, pursuant to this section, to develop and revise curricula, standards of admission and performance, and criteria for the awarding of degrees and certificates. He is further authorized to appoint a Director, faculty members, and consultants for the Academy without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and, with respect to temporary and intermittent services, to make appointments to the same extent as is authorized by section 3109 of title 5, United States Code.

(b) Purposes.—The Academy is authorized to conduct appropriate educational and research programs to—

(1) train fire service personnel in such skills and knowledge as may be useful to advance their ability to prevent and control fires;

(2) develop model curricula, training programs, and other educational materials suitable for use at other educational institutions, and to make such materials available without charge;

(3) develop and administer a program of correspondence courses to advance the knowledge and skills of fire service personnel;

(4) develop and distribute to appropriate officials model questions suitable for use in conducting entrance and promotional examinations for fire service personnel; and

(5) reduce the Nation's fire problem.

(c) Board of Overseers.—Upon establishment of the Academy, the Secretary shall establish a procedure for the selection of professionals in the field of fire safety, fire prevention, fire control, research and development in fire protection, treatment and rehabilitation of fire victims, or local government services management to serve as members of a Board of Overseers for the Academy. Pursuant to such procedure, the Secretary shall select the members of the Board of Overseers. Each member of such Board shall each year independently inspect and evaluate the Academy and report his findings and recommendations to the Secretary. The Board of Overseers shall meet from time to time and shall advise the Secretary on all questions pertinent to the Academy.

(d) Placement Service.—The Secretary shall maintain at the Academy a placement and promotion-opportunities program for firefighters in cooperation with fire services.

(e) Construction Approval.—(1) No appropriation shall be made for the planning or construction of facilities for the Academy involving an expenditure in excess of $100,000 if such planning or construction has not been approved by resolutions adopted in substantially the same form by the Committee on Science and Astronautics of the House of Representatives and by the Committee on Commerce of the Senate. For the purpose of securing consideration of such approval, the Secretary shall transmit to Congress a prospectus of the proposed facility including (but not limited to)—

(A) a brief description of the facility to be planned or constructed;

(B) the location of the facility, and an estimate of the maximum cost of the facility;

(C) a statement of those agencies, private and public, which will use such facility, together with the contribution to be made by each such agency toward the cost of facility; and

(D) a statement of justification of the need for such facility.

(2) The estimated maximum cost of any facility approved under this subsection as set forth in the prospectus may be increased by the amount equal to the percentage increase, if any, as determined by the Secretary, in construction costs, from the date of transmittal of such prospectus to Congress, but in no event shall the increase authorized by this paragraph exceed 10 per centum of such estimated maximum cost.

FIRE RESEARCH AND DEVELOPMENT PROGRAM

Sec. 7. The Secretary is authorized to conduct directly or through contracts—

(a) a program of basic and applied fire research for the purpose of arriving at an understanding of the fundamental processes underlying all aspects of fire. Such program shall include scientific investigations of—

(1) the physics and chemistry of combustion processes;

(2) the dynamics of flame ignition, flame spread, and flame extinguishment;

(3) the composition of combustion products developed by various sources and under various environmental conditions;

(4) the early stages of fires in buildings and other structures, structural subsystems, and structural components and all other types of fires, including, but not limited to forest fires, fires underground, oil blowout fires, and waterborne fires with the aim of improving early detection capability;

(5) the behavior of fires involving all types of buildings and other structures and their contents, (including mobile homes and high-rise buildings, construction materials, floor and wall coverings, coatings, furnishings, and other combustible materials); and all other types of fires (including forest fires, fires underground, oil blowout fires, and waterborne fires);

(6) the unique aspects of fire hazards arising from the transportation and use in industrial and professional practices of combustible gases, fluids, and materials;

(7) development of design concepts for providing increased fire safety consistent with habitability, comfort, and human impact, in buildings and other structures; and

(8) such other aspects of the fire process as are deemed useful for pursuing the objectives of the fire research program;

(b) research into the biological, physiological factors affecting human victims of fire and the performance of individual members of fire services and research to develop clothing and protective equipment to reduce the risk of injury to firefighters;

(c) studies of the operations and management aspects of fire services, including operations research, management economics, cost effectiveness studies, and such other techniques as are found applicable and useful. Such studies shall include, but not be limited to, the allocation of resources, the manner of resources, the manner of responding to alarms, the operation of citywide and regional fire dispatch centers, and the effectiveness, frequency, and methods of building inspections; and

(d) operation tests, demonstration projects, and fire investigations in support of the activities set forth in this section.

ANNUAL CONFERENCE

Sec. 8. The Secretary is authorized to organize or participate in organizing an annual conference on fire prevention and control. He may pay in whole or in part the costs of such conference and the expenses of some or all of the participants. All the Nation's fire services shall be eligible to send representatives to each such conference to discuss, exchange ideas, and participate in educational programs on new techniques in fire prevention and control. Such conference shall be open to the public.

NATIONAL DATA CENTER

Sec. 9. The Secretary is authorized by—

(a) operate directly or through contracts an integrated comprehensive fire data program based on the collection, analysis, publication, and dissemination of information related to the prevention, occurrence, control, and results of fires of all types. The program shall be designed to provide an accurate national picture of the fire problem, identify major problem areas, assist in setting priorities, determine possible solutions to problems, and monitor progress of programs to reduce fire losses. To carry out these functions, the program shall include—

(1) information on the frequency, causes, spread, and extinguishment of fires;

(2) information on the number of inquiries and deaths resulting from fires, including the maximum available information on the specific causes and nature of such injuries and deaths, and information on property losses;

(3) information on the occupational hazards of firemen including the causes of death and injury to firemen arising directly and indirectly from firefighting activities;

(4) information on all types of fire prevention activities including inspection practices;

(5) technical information related to building construction, fire properties of materials, and other similar information;

(6) information on fire prevention and control laws, systems, methods, techniques, and administrative structures used in foreign nations;

(7) information on the causes, behavior, and best method of control of other types of fires, including, but not limited to, forest fires, fires underground, oil blowout fires, and waterborne fires; and

(8) such other information and data as is judged useful and applicable;

(b) develop standardized data reporting methods and to encourage and assist State, local, and other agencies, public and private, in developing and reporting fire-related information;

(c) make full use of existing data, data gathering and analysis organizations, both public and private; and

(d) insure dissemination to the maximum possible extent of fire data collected and developed under this section.

FIRE SERVICES ASSISTANCE PROGRAM

Sec. 10. The Secretary is authorized to assist the Nation's fire services, directly or through grants, contracts, or other forms of assistance, to—

(a) advance the professional development of fire service personnel;

(b) assist in conducting or supplementing, at the request of a fire service, local and regional programs for the training of fire personnel;

(c) develop model fire training and educational programs, curricula, and information materials;

(d) develop new or improved approaches, techniques, systems, equipment, and devices to improve fire prevention and control;

(e) conduct such development, testing, and demonstration projects as are deemed necessary to introduce new technology standards, operating methods, command techniques, and management systems into use in the fire services;

(f) provide, establish, and support specialized and advanced education and training programs and facilities for fire service personnel;

(g) measure and evaluate, on a cost-benefit basis, the effectiveness of the programs and activities of each fire service and the predictable consequences on the applicable local fire services of coordination or combination, in whole or in part, in a regional, metropolitan, or State-wide fire service; and

(h) sponsor and encourage research into approaches, techniques, systems, and equipment to improve and strengthen fire prevention and control in the rural and remote areas of the Nation.

MASTER PLAN DEMONSTRATION PROJECTS

Sec. 11. (a) General.—The Secretary is authorized and directed to establish master plan demonstration projects which shall commence not later than eighteen months after the date of enactment of this Act. Not less than five nor more than eight demonstration projects may be assisted by the Secretary under this section. Any demonstration project under this section shall be conducted by, or under the supervision of, a State in accordance with the application of the State submitted under subsection (c) of this section. Whenever any such State includes a Standard Metropolitan Statistical Area, as defined by the Bureau of the Census, the geographical boundaries of which include

two or more States, then such State shall include the entire such Standard Metropolitan Statistical Area in its master plan demonstration project.

(b) Eligibility for Grants.—The Secretary is authorized to establish criteria of eligibility for awarding master plan demonstration project grants. In awarding such project grants, the Secretary shall select projects which are unique in terms of—

(1) The characteristics of the States, including, but not limited to, density and distribution of population; ratio of volunteer versus paid fire services; geographic location, topography and climate; per capita rate of death and property loss from fire; size and characteristics of political subdivisions of the State; and socio-economic composition; and

(2) The approach to development and implementation of the master plan which is proposed to be developed with Federal assistance under this section. Such approaches may include central planning by a State agency, regionalized planning within a State coordinated by a State agency, or local planning supplemented and coordinated by a State agency.

(c) Procedure for Awarding Grants.—A grant under this section may be obtained upon an application by a State at such time, in such manner, and containing such information as the Secretary shall require. Upon the approval of any such application, the Secretary may make a grant to the State to pay each fiscal year an amount not in excess of 80 per centum of the total cost of such project. Not more than 50 per centum of the amount of each grant shall be allocated to the planning and development of the master plan and the remainder to partial or total implementation. Payments under this subsection may be made in advance, in installments, or by way of reimbursement.

(d) Master Plan.—(1) Each demonstration project established pursuant to this section shall result in the planning and implementation of a comprehensive master plan for fire protection for each State funded thereunder. Each such master plan shall contain:

(A) a survey of the resources and personnel of existing fire services and an analysis of fire and building codes effectiveness in the State;

(B) an analysis of short- and long-term fire prevention and control needs in the State;

(C) a plan to meet the fire prevention and control needs of the State; and

(D) an estimate of costs and a realistic plan for financing implementation of the plan and operation on a continuing basis, and a summary of problems that are anticipated in implementing such plan.

(2) Forty-two months after the date of enactment of this Act, the Secretary shall submit to Congress a summary and evaluation of the master plans prepared pursuant to this section. Such report shall also assess the costs and benefits of the master plan program and recommend to Congress whether Federal financial assistance should be authorized in order that master plans can be developed in all States.

(e) Authorization for Appropriation.—There is authorized to be appropriated to carry out the provisions of this section not to exceed $10,000,000. Not more than 20 per centum of the amount appropriated under this section for any fiscal year may be granted for projects in any one State.

CITIZEN PARTICIPATION

Sec. 12. (a) General.—The Secretary is authorized to take all steps necessary to educate the public and to overcome public indifference as to fire safety and fire prevention. Such steps may include, but are not limited to, publications, audio-visual presentations, and demonstrations.

(b) Fire Safety Effectiveness Statements.—The Secretary is authorized to encourage owners and managers of residential multiple-unit, commercial, industrial, and transportation structures to prepare and submit to him for evaluation and certification a Fire Safety Effectiveness Statement pursuant to standards, forms, rules, and regulations to be developed and issued by the Secretary. A copy of such statement and evaluation shall be submitted to the applicable local fire service and, in the case of transportation structures, to the Secretary of Transportation. Any person who submits such a statement and receives certification may attach the following statement to any contract of sale or lease or any advertisement or notice which pertains to the structure as to which such statement has been submitted: "A Fire Safety Effectiveness Statement has been prepared regarding this structure and this structure has been certified as meeting the requirements of the United States Department of Commerce.".

(c) Review.—The Secretary is authorized to review, evaluate, and suggest improvements in State and local fire prevention and building codes, fire services, and any relevant Federal or private codes, regulations, and fire services. He shall annually submit to Congress a summary of such reviews, evaluations, and suggestions. In evaluating such a code or codes, the Secretary shall consider the human impact of all code requirements, standards, and provisions in terms of comfort and habitability for residents or employees as well as the fire prevention and control value or potential of each such requirement, standard, and provision.

(d) Assistance.—The Secretary shall assist the Consumer Product Safety Commission in the development of fire safety standards or codes for consumer products, as defined in the Consumer Product Safety Act (15 U.S.C. 2051 et seq.).

(e) Public Access to Information.—(1) Copies of any document, report, statement, or information received or sent by the Program for Fire Prevention and Control shall be made available to the public upon identifiable request, and at reasonable cost, unless such information may not be publicly released pursuant to paragraph (2) of this subsection. Nothing contained in this subsection shall be deemed to require the release of any information described by subsection (b) of section 552 of title 5, United States Code, or which is otherwise protected by law from disclosure to the public.

(2) The Secretary shall not disclose information obtained by him under this Act which concerns or relates to a trade secret referred to in section 1905 of title 18, United States Code, except that such information may be disclosed—

(A) upon request, to other Federal Government departments and agencies for official use;

(B) upon request, to any committee of Congress having jurisdiction over the subject matter to which the information relates;

(C) in any judicial proceeding under a court order formulated to preserve the confidentiality of such information without impairing the proceedings; and

(D) to the public in order to protect health and safety after notice and opportunity for comment in writing or for discussion in closed session within fifteen days by the party to which the information pertains (if the delay resulting from such notice and opportunity for comment would not be detrimental to health and safety).

STUDIES

Sec. 13. (a) Fiscal Study.—The Comptroller General of the United States is authorized and directed to study the financing of the Nation's fire services and to report to the Congress on whether the moneys available to the various fire services through State and local taxation and Federal-State revenue sharing is adequate to meet the Nation's need to minimize human and property losses from fire, or whether the Congress should authorize a grant-in-aid program to prevent and reduce fire losses. The results of such study shall be reported to the Congress not more than three years after the date of enactment of this Act and shall not be subject to prior review, clearance, or approval by any officer or agency of the United States.

(b) Firefighter Study.—The Secretary is authorized and directed to prepare a comprehensive study of the organization and operation of the Nation's fire services as they affect individual firefighters, including, but not limited to, rates of pay; retirement benefits; working conditions; training requirements; entrance and promotional systems, standards, requirements, and opportunities; number of hours spent on active service; employment opportunities for women and members of minority groups; the impact on individual firefighters of coordinating and combining local fire services into regional, metropolitan, or statewide fire services; risk of injury or death during active service; and recommendations for improvements. The results of such study shall be reported to the Congress not more than two years after the date of enactment of this Act; thereafter, such results shall be updated as part of the annual report of the Secretary required by section 14 of this Act.

ANNUAL REPORT

Sec. 14. The Secretary shall report to the Congress and the President not later than June 30 of the year following the date of enactment of this Act and each year thereafter on all activities of the Program for Fire Prevention and Control and all measures taken to implement and carry out this Act undertaken during the preceding calendar year. Such report shall include, but is not limited to—

(a) a thorough appraisal, including statistical analysis, estimates, and long-term projections of the human and economic losses due to fire;

(b) a survey and summary, in such detail as is deemed advisable, of the research undertaken or sponsored pursuant to this Act;

(c) a summary of the activities of the National Academy for Fire Prevention and Control, for the preceding twelve months, including, but not limited to—

(1) an explanation of the curriculum of study;

(2) a description of the standards of admission and performance;

(3) the criteria for the awarding of degrees and certificates; and

(4) a statistical compilation of the number of students attending the Academy and receiving degrees or certificates;

(d) a summary of the activities undertaken to assist to the Nation's fire services pursuant to section 10 of this Act;

(e) a summary of the citizens' participation programs undertaken during the preceding twelve months;

(f) an analysis of the extent of participation by owners of residential multiple-unit, commercial, industrial, and transportation structures in preparing and submitting a Fire Safety Effectiveness Statement pursuant to section 11 of this Act;

(g) a summary of outstanding problems confronting the administration of this Act, in order of priority;

(h) such recommendations for additional legislation as are deemed necessary to carry out the declaration of policy of this Act; and

(i) all other information required to be submitted to Congress pursuant to other provisions of this Act.

ADMINISTRATIVE PROVISIONS

Sec. 15. (a) Assistance.—Each department, agency, and instrumentality of the executive branch of the Federal Government and each independent regulatory agency of the United States is authorized and directed to

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furnish to the Secretary, upon written request, on a reimbursable basis or otherwise, such assistance as the Secretary deems necessary to carry out his functions and duties pursuant to this Act including, but not limited to, transfer of personnel with their consent and without prejudice to their position and rating.

(b) POWERS.—With respect to this Act, the Secretary is authorized to—

(1) enter into, without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), such contracts, leases, cooperative agreements, or other transactions as may be necessary to carry out the provisions of this Act;

(2) accept gifts and voluntary and uncompensated services, notwithstanding the provisions of section 3679 of the Revised Statutes (31 U.S.C. 665(b));

(3) purchase, lease, or otherwise acquire, own, hold, improve, use, or deal in and with any property (real, personal, or mixed, tangible or intangible) or interest in property, wherever situated; and to sell, convey, mortgage, pledge, lease, exchange, or otherwise dispose of property and assets;

(4) procure temporary and intermittent services to the same extent as is authorized under section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for qualified experts; and

(5) establish such rules, regulations, and procedures as are necessary to carry out the provisions of this Act.

(c) COORDINATION.—To the extent possible and consistent with the declaration of policy of this Act, the Secretary shall utilize existing programs, data, information, and facilities already available in other Federal Government departments and agencies, and where appropriate, existing private research organizations, centers, and universities. The Secretary shall provide liaison at an appropriate organization level to assure coordination of its activities with State and local government agencies, departments, bureaus, or offices concerned with any matter related to the Program for Fire Prevention and Control and with private and other Federal organizations and offices so concerned.

PUBLIC SAFETY AWARDS

SEC. 16. (a) ESTABLISHMENT.—There are established two classes of honorary awards for the recognition of outstanding and distinguished service by public safety officers—

(1) the President's Award For Outstanding Public Safety Service ("President's Award"); and

(2) the Secretary's Award For Distinguished Public Safety Service ("Secretary's Award.")

(b) DESCRIPTION.—(1) The President's Award shall be presented by the President of the United States to public safety officers for extraordinary valor in the line of duty or for outstanding contribution to the field of public safety.

(2) The Secretary's Award shall be presented by the Secretary or by the Attorney General to public safety officers for distinguished service in the field of public safety.

(c) SELECTION.—The Secretary and the Attorney General shall advise and assist the President in the selection of individuals to whom the President's Award shall be tendered. In performing this function, the Secretary and the Attorney General shall seek and review recommendations submitted to them by Federal, State, county, and local government officials. The Secretary and the Attorney General shall transmit to the President the names of those individuals determined by them to merit the award, together with the reasons therefor. Recipients of the President's Award shall be selected by the President.

(d) LIMITATION.—(1) There shall not be awarded in any one calendar year in excess of twelve President's Awards.

(2) There shall be no limit on the number of the Secretary's Awards presented.

(e) AWARD.—(1) Each President's Award shall consist of—

(A) a medal suitably inscribed, bearing such devices and emblems, and struck from such material as the Secretary of the Treasury, after consultation with the Secretary and the Attorney General, deems appropriate. The Secretary of the Treasury shall cause the medal to be struck and furnished to the President; and

(B) an appropriate citation.

(2) Each Secretary's Award shall consist of an appropriate citation.

(f) REGULATIONS.—The Secretary and the Attorney General are authorized and directed to issue jointly such regulations as may be necessary to carry out this section.

(g) DEFINITIONS.—As used in this section, the term "public safety officer" means a person serving a public agency, with or without compensation, as—

(1) a firefighter; or

(2) a law enforcement officer, including a corrections or a court officer.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 17. There are hereby authorized to be appropriated to carry out the foregoing provisions of this Act, except section 11 of this Act, such sums as are necessary, not to exceed $25,000,000 for the fiscal year ending June 30, 1974, $30,000,000 for the fiscal year ending June 30, 1975, and $35,000,000 for the fiscal year ending June 30, 1976.

CONFORMING AMENDMENTS

SEC. 18. (a) Chapter 552 of the Act of February 14, 1903, as amended (15 U.S.C. 1511) is amended to read as follows:

"BUREAUS IN DEPARTMENT

"The following named bureaus, administrations, services, offices, and programs of the public service, and all that pertains thereto, shall be under the jurisdiction and subject to the control of the Secretary of Commerce:

"(a) National Oceanic and Atmospheric Administration;

"(b) United States Travel Service;

"(c) Maritime Administration;

"(d) National Bureau of Standards;

"(e) Patent Office;

"(f) Bureau of the Census;

"(g) Program for Fire Prevention and Control; and

"(h) such other bureaus or other organizational units as the Secretary of Commerce may from time to time establish in accordance with law.

(b) Paragraph 12 of section 5315 of title 5, United States, is amended by striking out "(6)" and inserting in lieu thereof "(7)".

(c) Title I of the Fire Research and Safety Act of 1968 (Act of March 1, 1968, 82 Stat. 34; 15 U.S.C. 278 f, g) is repealed.

VICTIMS OF FIRE

SEC. 19. The Secretary of Health, Education, and Welfare is authorized and directed to establish, within the National Institutes of Health and in cooperation with the Secretary, an expanded program of research on burns, treatment of burn injuries, and rehabilitation of victims of fires. The National Institutes of Health shall—

(a) sponsor and encourage the establishment throughout the Nation of twenty-five additional burn centers, which shall comprise separate hospital facilities providing specialized burn treatment and including research and teaching programs, and, twenty-five additional burn units, which shall comprise specialized facilities in general hospitals used only for burn victims;

(b) provide training and continuing support of specialists to staff the new burn centers and burn units;

(c) sponsor and encourage the establishment in general hospitals of ninety burn programs, which comprise staffs of burn injury specialists;

(d) provide special training in emergency care for burn victims;

(e) augment sponsorship of research on burns and burn treatment;

(f) administer and support a systematic program of research concerning smoke inhalation injuries; and

(g) sponsor and support other research and training programs in the treatment and rehabilitataion of burn injury victims.

For purposes of this section, there are authorized to be appropriated not to exceed $7,500,000 for the fiscal year ending June 30, 1974, $10,000,000 for the fiscal year ending June 30, 1975, and $10,000,000 for the fiscal year ending June 30, 1976.

FIRE PROTECTION ASSISTANCE

SEC. 20. Section 232 of the National Housing Act (12 U.S.C. 1715w) is amended by adding at the end thereof the following new subsection:

"(i)(1) The Secretary is authorized upon such terms and conditions as he may prescribe to make commitments to insure loans made by financial institutions to skilled nursing facilities and intermediate care facilities to provide for the purchase and installation of fire safety equipment necessary for compliance with the latest edition of the Life Safety Code of the National Fire Protection Association, as modified in accordance with evaluation by the Secretary of Commerce under the Federal Fire Prevention and Control Act or which are recognized by the Secretary of Health, Education, and Welfare as conditions of participation for providers of services under title XVIII and title XIX of the Social Security Act, as modified in accordance with evaluations by the Secretary of Commerce under such Act.

"(2) To be eligible for insurance under this subsection a loan shall—

"(A) have a principal amount not to exceed $50,000;

"(B) bear interest at a rate not to exceed the rate prescribed by the Secretary;

"(C) have a maturity satisfactory to the Secretary, but not to exceed twelve years from the beginning of the amortization of the loan or three-quarters of the remaining economic life of the structure in which the equipment is to be installed, whichever is less; and

"(D) comply with other such terms, conditions, and restrictions as the Secretary, in consultation with the Secretary of Commerce, may prescribe.

"(3) The provisions of paragraphs (5), (6), (7), (9), and (10) of section 220(h) shall be applicable to loans insured under this subsection, except that all references to 'home improvement loans' shall be construed to refer to loans under this subsection.

"(4) The provisions of subsections (c), (d), and (h) of section 2 shall apply to loans insured under this subsection, and for the purpose of this subsection references in such subsections to 'this section' or 'this title' shall be construed to refer to this subsection.".

The title was amended so as to read: "A bill to reduce the burden on interstate commerce caused by avoidable fires and fire losses, and for other purposes.".

Mr. MAGNUSON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER (Mr. BIDEN). The question is on agreeing to the motion to lay on the table.

The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries.

FINANCIAL ASSISTANCE TO DEVELOPING COUNTRIES—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. ABOUREZK) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

As their role in conveying financial assistance to developing countries has steadily enlarged in recent years, multilateral lending institutions have become vital to our hopes for constructing a new international economic order.

One of the most important of these institutions is the International Development Association, a subsidiary of the World Bank that provides long-term loans at low interest rates to the world's poorest nations. During the 13 years of its operation, IDA has provided over $6.1 billion of development credits to nearly 70 of the least developed countries of the world. Two dozen countries have contributed funds for this effort.

By next June, however, the International Development Association will be out of funds unless it is replenished. As a result of an understanding reached in recent international negotiations, I am today proposing to the Congress that the United States join with other major industrialized nations in pledging significant new funds to this organization. Specifically, I am requesting that the Congress authorize for future appropriation the sum of $1.5 billion for the fourth replenishment of IDA. Initial payments would be made in fiscal year 1976 and the full amount would be paid out over a period of years.

I am also requesting that the Congress authorize an additional $50 million for the Special Funds of the Asian Development Bank. The bank is one of the major regional banks in the world that complements the work of the International Development Association and the World Bank.

Legislation for both of these authorities is being submitted to the Congress today by the Secretary of the Treasury.

STRENGTHENING THE INTERNATIONAL ECONOMIC SYSTEM

Just over a year ago, in September 1972 at the annual meeting in Washington of the International Monetary Fund and the World Bank, I stressed the urgent need to build a secure structure of peace, not only in the political realm but in the economic realm as well. I stated then that the time had come for action across the entire front of international economic problems, and I emphasized that recurring monetary crises, incorrect alignments, distorted trading arrangements, and great disparities in development not only injured our economies, but also created political tensions that subvert the cause of peace. I urged that all nations come together to deal promptly with these fundamental problems.

I am happy to be able to report that since that 1972 meeting, we have made encouraging progress toward updating and revising the basic rules for the conduct of international financial and trade affairs that have guided us since the end of World War II. Monetary reform negotiations, begun last year, are now well advanced toward forging a new and stronger international monetary system. A date of July 31, 1974, has been set as a realistic deadline for completing a basic agreement among nations on the new system.

Concurrently, we are taking the fundamental steps at home and abroad that will lead to needed improvement in the international trading system. On September 14, while meeting in Tokyo, the world's major trading nations launched new multilateral trade negotiations which could lead to a significant reduction of world trade barriers and reform of our rules for trade. The Congress is now considering trade reform legislation that is essential to allow the United States to participate effectively in these negotiations.

ESSENTIAL ROLE OF DEVELOPMENT ASSISTANCE

While there is great promise in both the trade and monetary negotiations, it is important that strong efforts also be made in the international effort to support economic development—particularly in providing reasonable amounts of new funds for international lending institutions.

A stable and flexible monetary system, a fairer and more efficient system of trade and investment, and a solid structure of cooperation in economic development are the essential components of international economic relations. We must act in each of these interdependent areas. If we fail or fall behind in one, we weaken the entire effort. We need an economic system that is balanced and responsive in all its parts, along with international institutions that reinforce the principles and rules we negotiate.

We cannot expect other nations—developed or developing—to respond fully to our call for stronger and more efficient trading and monetary systems, if at the same time we are not willing to assume our share of the effort to ensure that the interests of the poorer nations are taken into account. Our position as a leader in promoting a more reasonable world order and our credibility as a negotiator would be seriously weakened if we do not take decisive and responsible action to assist those nations to achieve their aspirations toward economic development.

There are some two dozen non-communist countries which provide assistance to developing countries. About 20 percent of the total aid flow from these countries is now channeled through multilateral lending institutions such as the World Bank group—which includes IDA—and the regional development banks.

These multilateral lending institutions play an important role in American foreign policy. By encouraging developing countries to participate in a joint effort to raise their living standards, they help to make those countries more self reliant. They provide a pool of unmatched technical expertise. And they provide a useful vehicle for encouraging other industrialized countries to take a larger responsibility for the future of the developing world, which in turn enables us to reduce our direct assistance.

The American economy also benefits from our support of international development. Developing countries today provide one-third of our raw material imports, and we will increasingly rely upon them in the future for essential materials. These developing countries are also good customers, buying more from us than we do from them.

NEW PROPOSALS FOR MULTILATERAL ASSISTANCE

Because multilateral lending institutions make such a substantial contribution to world peace, it must be a matter of concern for the United States that the International Development Association will be out of funds by June 30, 1974, if its resources are not replenished.

The developing world now looks to the replenishment of IDA's resources as a key test of the willingness of industrialized, developed nations to cooperate in assuring the fuller participation of developing countries in the international economy. At the Nairobi meeting of the World Bank last month, it was agreed by 25 donor countries to submit for approval of their legislatures a proposal to authorize $4.5 billion of new resources to IDA. Under this proposal, the share of the United States in the replenishment would drop from 40 percent to 33 percent. This represents a significant accomplishment in distributing responsibility for development more equitably. Other countries would put up $3 billion, twice the proposed United States contribution of $1.5 billion. Furthermore, to reduce annual appropriations requirements, our payments can be made in installments at the rate of $375 million a year for 4 years, beginning in fiscal year 1976.

We have also been negotiating with other participating nations to increase funds for the long-term, low-interest operation of the Asian Development Bank. As a result of these negotiations, I am requesting the Congress to authorize $50 million of additional contributions to the ADB by the United States—beyond a $100 million contribution already approved. These new funds would be associated with additional contributions of about $350 million from other nations.

MEETING OUR RESPONSIBILITIES

In addition to these proposals for pledging future funds, I would point out that the Congress also has before it appropriations requests for fiscal year 1974—a year that is already one-third completed—for bilateral and multilateral assistance to support our role in international cooperation. It is my profound conviction that it is in our own best interest that the Congress move quickly to enact these pending appropriations requests. We are now behind schedule in providing our contributions to the International Development Association, the Inter-American Development Bank and the Asian Development Bank, so that we are not keeping our part of the bargain. We must show other nations that the United States will continue to meet its international responsibilities.

All nations which enjoy advanced stages of industrial development have a grave responsibility to assist those countries whose major development lies ahead. By providing support for international economic assistance on an equitable basis, we are helping others to help themselves and at the same time building effective institutions for international cooperation in the critical years ahead. I urge the Congress to act promptly on these proposals.

RICHARD NIXON.

THE WHITE HOUSE, *October 31, 1973.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. ABOUREZK) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

JACK GOLDBERG

Mr. MAGNUSON. Mr. President, the auto safety program in the United States suffered a recent setback. There will be no notice in the Federal Register or headlines in the daily newspaper indicating the setback, but it occurred nonetheless with the untimely demise of Jack Goldberg, Associate Administrator for Planning and Programing of the National Highway Traffic Safety Administration.

Those of us who knew Jack Goldberg and worked with him on auto safety matters realize how much he contributed to our efforts to save lives and prevent injuries on the Nation's highways. His services will be missed by both the Department of Transportation and the Congress.

During his tenure in the Federal service, in both the Department of the Navy and the NHTSA, Mr. Goldberg achieved the remarkable feat of receiving outstanding performance ratings almost a half dozen times. In 1971, Secretary Volpe recognized Mr. Goldberg's dedication by presenting him with the "Secretary's Award for Meritorious Achievement."

I wish at this time to publicly recognize his contributions to auto safety and to extend my personal condolences to his wife, son, and daughter.

ARREST OF MECHANIC FOR "THEFT BY FRAUD"

Mr. MAGNUSON. Mr. President, from time to time we are reminded that the very best protection for the Nation's consumers is the integrity of business organizations. Perhaps a minor, but telling, example of such integrity crossed my desk recently in the form of the in-house newspaper for the Goodyear Tire & Rubber Co. retail stores division. In the October 8 edition of the Stores the company ran the story of the arrest of one of its own mechanics for "theft by fraud" for billing a customer $105 for repairs to a car which had been certified mechanically perfect.

Not only did Goodyear publish the articles as an obvious warning for its other employees but it included this statement as an editor's note:

> It is the policy of The Goodyear Tire and Rubber Company to sell only needed parts and service to customers. There are no exceptions to this policy.

On October 22, the lead article in Stores announced the dismissal of the mechanic and the demotion of the store manager.

I ask unanimous consent that the articles be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

MECHANIC DISMISSED, STORE MANAGER AND ADM–R DEMOTED IN BALL JOINT INCIDENT

A Gretna, La., store mechanic has been dismissed and the store manager and an ADM–R demoted for failure to comply with company policy in the sale of automobile ball joints.

The action resulted when an undercover car from the Jefferson Parish Consumer Protection Agency was sent to the store, where the mechanic said the vehicle needed new ball joints and shock absorbers.

After the repairs were made, the mechanic was arrested and charged with theft by fraud.

Goodyear's policy for inspection of all ball joints is clearly specified in many places, including the company's hire package given to all store mechanics:

1.) Measure the ball joint looseness with a dial indicator guage.

2.) Indicate to the customer the looseness as compared to the manufacturer's specifications.

3.) Record this measurement, plus the manufacturer's specification, on all copies of the invoice.

The company emphasizes that it is essential that its mechanics follow these three steps in all ball joint inspections.

"By indicating to the customer the looseness of the ball joints as compared with manufacturer's specifications, the mechanic is graphically demonstrating the need for the repairs," the company says. "And if the mechanic does not follow the stated policy, he is subject to immediate dismissal."

A company investigation of the Gretna incident revealed that the mechanic had measured the ball joints with a dial indicator but that he had failed to record these measurements, along with the manufacturer's specifications, on all copies of the invoice.

Thus, after the new parts were installed, the mechanic was unable to prove the old ball joints were measured prior to being removed.

The mechanic was dismissed because of this violation of stated company policy.

In addition, the company determined that the mechanic was not properly trained in Goodyear's ball joint policy and, as a result both the store manager and ADM–R were demoted.

MECHANIC ARRESTED FOR ORDERING REPAIRS ON "PERFECT" AUTOMOBILE

(EDITOR'S NOTE.—It is the policy of The Goodyear Tire & Rubber Company to sell only needed parts and service to customers. There are no exceptions to this policy. The following story is from the New Orleans Times-Picayune of Thursday, Sept. 27.)

A Gretna, La., automobile mechanic has been arrested and charged with theft by fraud for making unneeded repairs on a car, it was announced Wednesday night by the Jefferson Parish district attorney's office.

The mechanic was an employe of the Goodyear store in Gretna.

According to Ernest Barrow, director of the Consumer Protection Department of the district attorney's office, letters were sent to auto repairs shops about six weeks ago notifying them a car which has been certified mechanically perfect would be sent to repair shops in the parish without warning.

If unneeded repairs were made on the car, the letter stated, the district attorney would prosecute for theft by fraud.

The car was taken to the Goodyear Tire Center Wednesday, where the mechanic said it needed new ball joints, shock absorbers and "the works" Barrow said. The repairs totaled $105.

The mechanic was arrested by Sergeant Elie Lyons of the Parish Sheriff's Department, who has been assigned to the Consumer Protection Department.

Barrow said the mechanically perfect car has been sent to seven Jefferson Parish garages thus far.

The Goodyear mechanic's arrest was the first under the program.

NORTHWEST ENERGY CONSERVATION PROGRAM

Mr. MAGNUSON. Mr. President, the Pacific Northwest has been encountering severe energy shortages due mostly to low water levels on the Columbia River, which is responsible for much or our region's power generation. Until recently, we in the Northwest thought we were unluckier than the rest of the country, but now it appears that the east coast and Middle West may experience a similarly difficult energy situation due to cutoffs and slowdowns of distillate imports from Europe and crude oil imports from Arab nations.

The Northwest appears to be successfully managing its reduced energy budget and can provide leadership for other parts of the country in which severe shortages may come in the next few months. I invite my colleagues to review an account of how the Northwest has kept on top of its problems in the October 22, 1973, issue of Energy, the weekly journal for energy consumers, and ask unanimous consent to have it printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CONSERVATION LAB: PACIFIC NORTHWEST

With European nations cutting the U.S. off from heating oil and other distillate imports which this country must obtain to get thru winter in the style to which it is accustomed, the Pacific Northwest has become a laboratory for an experiment in coping with a severe energy shortage.

The area is suffering because much of its energy is supplied by hydro-electric power which is being hard hit by drought. It also recently began encountering problems with its natural gas supplies from Canada, although these are minor compared with the hydro difficulties.

OREGON SUCCEEDS

Oregon's mandatory curtailment of electrical consumption—the first such statewide program in the nation—apparently has been

a success. The Bonneville Power Administration reports demand has fallen steadily. It was about 1.5% below normal when the curtailment ended its first week on Sept. 13 and had fallen by 7% by the end of the third week.

There are reports that Gov. Tom McCall may modify his executive order curtailing outdoor display advertising and decorative lighting in answer to pleas from business, particularly restaurant and motel owners. They want permission to light outdoor signs if they can balance the consumption with savings elsewhere in their establishments.

McCall turned them down at the start of the curtailment because, said an aide, "people wouldn't be aware there's an energy shortage if we let the signs stay on." But with demand continuing to drop, the governor may be willing to make concessions, such as returning the handles for hot water faucets that were removed when the campaign began.

While there have been the inevitable complaints about the program, there have been no court suits challenging McCall and his office claims letters received on the subject back the governor's program 10–1.

Perhaps the most monumental conservation program in Oregon was an "in-house" effort by the city utility of Springfield which claims to have cut its consumption 61.8%. The utility's headquarters had been a showcase for energy use that was lighted 24 hours a day. Springfield said it achieved the 61.8% figure by elimination of non-essential lights and adjusting thermostats.

WASHINGTON TRIES

In Washington state, Snohomish County utility officials have been conducting a campaign to reduce electricity usage by 7% among the District's 106,000 industrial, commercial and residential customers in the hopes that the voluntary curtailment program will eliminate the necessity of mandatory curtailment later.

The utility is making an effort to set a good example during the current power shortage and for several weeks has curtailed all non-essential night lighting; and by reducing the lighting, heating and cooling level in buildings. Employees have been encouraged to conserve on use of electricity in their homes and the large industrial and commercial businesses in the County have been requested to reduce electrical loads by at least 7%.

The Okanogan County, Wash., public utility has supplemented its voluntary conservation program by banning the installation of municipal street lights or rural yard lights except in emergency situations requiring light for safety or security. It has conducted a newspaper and radio campaign to promote voluntary curtailment of power use and has also requested larger customers to do what they can to cut back on energy consumption.

The Grant County utility in Ephrata, WA, has been conducting an extensive conservation program urging all users to participate in the curtailment plan. It has used direct mail, the news media and personal contact to provide commercial and residential customers with information and advice on how they can reduce use of electricity. One official of the utility said that "our own employees are one of our best means of communication with our customers, and we intend to keep them informed of the need to conserve energy."

Meanwhile, Bonneville Power Administrator Donald Hodel warned in Seattle that energy conservation will be a way of life in the Pacific Northwest "from now on." He praised Seattle City Light for its "Kill-A-Watt" program for curtailing use of electricity.

SUCCESS ABROAD

New Zealand and the Pacific Northwest have very similar power problems of hydro power being endangered by droughts. New Zealand seems to be resolving its difficulties thru voluntary power conservation, a three-week long mandatory conservation program and voltage reductions of 5%–10%.

Officials there say their conservation program probably will continue for the next several years. There will also be a public education campaign for power conservation.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Senators may speak out of order during the afternoon. There is no business before the Senate. I ask unanimous consent that there be a time limitation of 15 minutes on such statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

WAR POWERS RESOLUTION

Mr. STENNIS. Mr. President, I regret that the President vetoed the war powers resolution. This measure is more properly called, I think, the "Congressional Responsibility Bill as to the War-Making Power." The measure is the outgrowth of a long and careful legislative procedure which was begun with the introduction in both 1970 and 1971 of separate war powers bills by the Senator from New York (Mr. JAVITS), the Senator from Missouri (Mr. EAGLETON), and myself.

The House of Representatives later passed a joint resolution, the Senate passed a different version, and the House-Senate Conference approved this compromise version last October 4.

I believe the resolution approved by the Conferees was a responsible bill. As I have said before, the most important thing about this issue is that a procedure needs to be established to insure that Congress recognizes and accepts its own responsibility on the question of committing this Nation to war. As a matter of fact, as I have indicated before, I prefer to discuss this issue in terms of responsibility rather than power.

Until Congress specifically outlines procedures for accepting such responsibility in times of crisis, this whole issue will remain fraught with ambiguity and confusion—and I emphasize the word "remain."

Unless we have specific procedures it will always be argued by some, in a crisis, that there is no need for Congress to act because the executive branch has the authority to act alone. As long as it is unclear whether the Executive may properly act solely on its own authority, it will be unclear whether congressional support is necessary or superfluous. This is one of the great lessons of the Gulf of Tonkin resolution passed in 1964.

I am not one to be critical of that resolution or those who voted for it. I was one who did.

I was a Member of the Senate in 1964, and I firmly believe that, if it had been clear in 1964 that Congress had the responsibility to decide for or against war, there would at least have been a vote by the Congress. If the Congress had favored war, the people would have understood and supported the war to a far greater extent than was true.

But fundamentally and apart from all of that, I think it is a clear, positive, spelled-out duty that the Congress, and the Congress only, has the power to declare war, and that means the responsibility.

It is important to note that by its terms this joint resolution gives the executive branch the power to respond to an emergency—and this, I submit, covers the only real basic criticism to the bill—and the further power to extend an emergency period for purposes of protecting the safety of American forces. This is a necessary—of course it is necessary—and desirable feature of any legislation in this area, and I believe this resolution offers ample safeguards to permit the President to deal with a crisis. I know that I certainly would not want to limit his authority in an emergency. And I assume that no other Member of Congress would want to limit that authority and power. Certainly it is the intention of those of us who have backed this legislation to provide ample safeguards and authority to permit a President to deal with a crisis.

The measure has a special added virtue. In place of the confusion and contradiction of court cases and executive orders extending over a period of almost 200 years, we would have a definite, positive, clearly written-down, and recently enacted recognition of just where the power of the President is and also where the responsibility of the Congress is.

For example, during the recent Mideast crisis the President used his authority as Commander in Chief to order the Armed Forces to a higher level of alert than that in which they are normally placed. He also ordered extra ships into the Mediterranean. These were not precipitous acts, but a careful and responsible use of his powers as Commander in Chief. The Armed Forces were not ordered to a state of alert so high as to prepare them for imminent war, but leaves were canceled and readiness was improved. If it had been necessary in the President's judgment for him to go an additional step to meet what he thought was an emergency or a crisis, of course without any further written law he would had the authority under this bill to have gone further. The deployment of the ships did not clearly indicate that was imminent, but the location of some ships was changed to improve general readiness. By these changes in the alert status and deployments of our forces throughout the world the President showed his resolve, and I believe that such steps materially assisted in the agreement in the Security Council of the United Nations on a resolution establishing a cease-fire policed by nations other than the United States and the Soviet Union.

As one who is somewhat disappointed because I expected too much of the United Nations, I would point out that we should never forget and never let anyone fool us in this matter. The United Nations did render a service in those critical hours, in that day or two just a

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short 2 weeks ago when things were uncertain and when anything could have happened. Let me reassure my colleagues that in my opinion nothing in the war powers resolution would hinder the President from taking these types of steps in the future on his own authority as Commander in Chief, and nothing in the resolution would require congressional approval of such decisions. Moreover, nothing in the resolution would even require the reporting of most such actions, although I believe the President was wise during this crisis to consult with the Congress and I would hope that he will continue to consult with the Congress regardless of whether or not a so-called War Powers Act—I always want to correct it and say congressional responsibility—were the law of the land, or whether its provisions were applicable in a specific case.

But the point is that his ability to respond to an emergency in the way he responded last week would not be inhibited nor limited by this type of legislation. Under the resolution certain deployments of combat-equipped U.S. forces into a foreign nation's territory, airspace, or waters must be reported to the Congress. In addition, if U.S. forces are introduced into hostilities or into situations such that "imminent involvement in hostilities is clearly indicated by the circumstances" then congressional approval is required within 60 days. There is our cooling time, time in which to make adjustments if possible. And it is a generous time in this era in which we live. The deployments and alerts of U.S. forces during the recent crisis clearly do not require congressional approval.

This resolution deals with involvement in war, and imminent war, not with this type of moderate change in readiness and deployment.

Turning to the President's veto message, one feature of which I particularly disagree with, is the emphasis which it places upon the possibility that Congress would take no action to approve the use of the Armed Forces in an emergency.

In a situation in which there is no emergency Congress could, under the resolution as passed, take considerable time to deliberate if the President requested the authority to go to war. This is as it should be. In the absence of an emergency the Congress should not be forced to act quickly on such a momentous question as war or peace. The veto message is quite incorrect, however, insofar as it implies that Congress would fail to act in a true emergency. Quite apart from the patriotism and responsible character of the Members of Congress themselves, it is quite clear that there are stringent procedures in the resolution to insure that, in a true emergency, committee consideration and votes in both Houses would be accomplished relatively quickly. I would urge any interested Senator to study carefully the detailed provisions of the bill which insure prompt consideration of authorizing legislation during a crisis.

Mr. President, am I speaking under a time limitation?

The PRESIDING OFFICER. The Senator from Mississippi is speaking under a 15-minute time limitation.

Mr. ROBERT C. BYRD. Mr. President, I would point out that any number of Senators would be glad to get time and to yield the Senator from Mississippi their time.

Mr. HANSEN. Mr. President, I ask unanimous consent that I might yield my time to the distinguished Senator from Mississippi.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I thank the Senator from Wyoming very much. I ask the Chair to call me at the end of 4 minutes.

Mr. President, in summary I believe the resolution approved overwhelmingly in both the House and Senate is a responsible one and one which establishes the necessary procedures to insure that Congress and the President will assume their responsibility together in any future circumstances where the commitment to war is in question. I urge my colleagues in both Houses to vote to override the President's veto.

Mr. President, we are not going to get into an approved war without the concurrence of both the President and the Congress on this resolution. I remember when Woodrow Wilson asked for a declaration of war or recommended it in 1917. I remember again in 1941 when Franklin Delano Roosevelt did the same thing. And that is the last declared war we have had.

It takes the cooperation and the power and the responsibility and the urgency and the patriotism of all of those officials in addition to the terrific power of the people throughout the country.

I have no doubt that in the proper circumstances the people will always be willing to go to war to defend our country.

I feel like I know—and this is with all due deference to everyone—that if we had had one more safeguard, perhaps we could have gotten the war in South Vietnam settled before it started, and before they started the actual fighting. I am not trying to change history or look back, and I did not offer a resolution at that time to this effect. I am just pointing out that to go to war did not require a single affirmative act by the Congress. Not one.

We already had a draft act passed. We already had selectees in battalions and divisions, and the Navy and the Air Force. We already had all the essential things that have to be legislated in motion and passed, a fait accompli.

The only real test that came was a good long time after that war had started, when the direct issue arose on an appropriation bill. Mr. President, I was the floor manager of that appropriation bill, and held the hearings on it, and I could not get them to make a request for the estimated amount that they desired for the fiscal year that we were already in, for the fighting of the war.

Finally, after I spoke on the subject—and I deserve no credit; I should have done more, of course, and I will never be able to forget it—a request came over for $1.7 billion, or perhaps $1.8 billion.

I just said, "Not enough."

Someone else said, "Well, how much would it take?"

I did not know, of course. The Secretary of Defense said he did not know how to figure it. There was no recommendation at all. But anyway, I finally came up with a figure of $12 billion, and the requirement was just a little more than that. It shows how offbase we were, the people were and everyone was, as to the spoken words, publicly at least, about the cost of the war.

I want to emphasize, Mr. President, that I am just as guilty of error and misjudgment as anyone could be, because I was a Member here during all the buildup and background for that war. I am not crying over spilled milk. But we have a chance now, as I see it, to put on the books something that is fresh and current, and is an expression, after these 200 years that we have existed already as a nation, that we can spell out something. I think the exact language does not make a lot of difference, as long as it is certain that the President can act in an emergency, particularly to head off a crisis, and then leave the responsibility directly in the lap of Congress.

Mr. HARRY F. BYRD, JR. Mr. President, I am in full accord with the comments just made by the distinguished Senator from Mississippi. It seems to me that the so-called War Powers Act, which the distinguished Senator from Mississippi and the distinguished Senator from New York had so much to do with writing, is a reasonable measure. It is one which should have the approval and has had the approval of Congress.

I, too, regret, just as the Senator from Mississippi has expressed his regret, that the President did not see fit to sign that legislation, but I think the arguments made this morning by the able Senator from Mississippi point out the need for the legislation, the reasons for it, and why it is important that it be enacted by this Congress, even though that requires that the veto of the President be overridden.

Mr. STENNIS. I thank the Senator from Virginia. I feel greatly encouraged by his remarks.

Mr. JAVITS. Mr. President, if it will not unduly tire the Senator from Mississippi, I would like him to hear these words.

At a time of division in this country, and a time of deep trouble for our confidence in Government, I deeply feel that Americans should note the way that Congress, with particular reference to the Senate, has closed ranks on this measure. This is the clear, specific measure by which Congress has opted, at long last, to assert its sense of reponsibility in respect to this awful decision of going to war.

When the chairman of the Armed Services Committee, which is generally considered to be the most hawkish committee in Congress, and when the individual Senator whom the President himself says he trusts beyond any other Member of this body for objectivity in respect to a matter of the greatest sensitivity to him, takes this position, I think in terms of American patriotism, it is time for the country to sit up and listen.

Mr. STENNIS. Mr. President, I thank the Senator for his remarks, and I say with deference to all the others that the Senator from New York has put in more time, work, effort, and leadership on this

measure than any other Member of Congress, and many have contributed to it substantially. I congratulate him as well as thank him for his leadership.

If I may so state, I think it is an amazing thing, Mr. President, that such a large percentage of the entire Congress, the House of Representatives and the Senate, would find a common ground, first, in feeling the need for such legislation, and second, in being able to agree on the key words.

Mr. JAVITS. Exactly.

Mr. STENNIS. I thank the Senator from New York.

Mr. JAVITS. Mr. President, if I may make just one other observation, the effort has been made in this veto message, in my judgment, to make us feel that a President would be hampered in an emergency.

I think, as the Senator from Mississippi has brilliantly shown in his own brief speech this morning, the very emergency which has just occurred has indicated that the bill would have done nothing except facilitate, in terms of the greatest national authority, should we have resorted to it, the ultimate deployment of forces in this matter where they would have been in imminent danger of hostilities, and that in everything else the President was left absolutely free, and that is exactly the way it ought to be.

So, I thank my colleague very much for his enormous contribution this morning at such a critical point in the consideration of this measure, and wish to add further that we are engaged, Mr. President, in an enormous struggle for American freedom. As far as I am concerned, and I know as far as the Senator from Mississippi is concerned, we will pursue it until that freedom is assured in respect of the power to make war.

I thank my colleague very much.

The PRESIDING OFFICER (Mr. Biden). What is the will of the Senate?

ORDER FOR THE RECOGNITION OF SENATORS GRIFFIN AND ROBERT C. BYRD ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday, following the remarks of the distinguished Senator from New Mexico (Mr. Domenici), the distinguished assistant Republican leader (Mr. Griffin) be recognized for not to exceed 15 minutes, and that he be followed by the junior Senator from West Virginia for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING THE CONSIDERATION OF ROUTINE MORNING BUSINESS ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that statements during the period for the transaction of routine morning business on Monday next be limited to 3 minutes.

The PRESIDING OFFICER (Mr. Biden). Without objection, it is so ordered.

Mr. JAVITS. Mr. President, will the Senator from West Virginia yield?

Mr. ROBERT C. BYRD. I yield.

Mr. JAVITS. Tuesday is election day in my State and in many other States. I just wondered what the Senator could tell us about the program for Tuesday next.

Mr. ROBERT C. BYRD. As of this moment, it would appear that the Senate probably would not be in session on Tuesday, but I am unable to say definitely in that regard. It would depend on what developed over the weekend and what we would have on Monday by way of conference reports, and so forth, that could be called up on Tuesday. But, as of this moment, it would appear that the Senate would go over from Monday until Wednesday next.

Mr. JAVITS. I thank the Senator very much.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, on Monday the Senate will convene at the hour of 12 o'clock noon.

After the two leaders or their designees have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes and in the order stated: Mr. Domenici, Mr. Griffin, and Mr. Robert C. Byrd.

There will then be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Senate will proceed to the consideration of the conference report on the military procurement authorization bill, H.R. 9286.

Mr. President, there will be a yea-and-nay vote on the adoption of the conference report on the military procurement authorization bill on Monday.

ADJOURNMENT TO MONDAY

Mr. HARRY F. BYRD, JR. Mr. President, in accordance with the previous order, I move that the Senate stand in adjournment until 12 noon on Monday, November 5, 1973.

The motion was agreed to; and at 1:15 p.m. the Senate adjourned until Monday, November 5, 1973, at 12 meridian.

NOMINATIONS

Executive nominations received by the Senate November 2, 1973:

Department of Justice

Lincoln C. Almond, of Rhode Island, to be U.S. attorney for the district of Rhode Island for the term of 4 years, reappointment.

Elmer J. Reis, of Ohio, to be U.S. marshal for the southern district of Ohio for the term of 4 years, vice Donald M. Horn, resigned.

Department of the Interior

Morris Thompson, of Alaska, to be Commissioner of Indian Affairs, vice Louis R. Bruce, resigned.

Federal Power Commission

Don S. Smith, of Arkansas, to be a member of the Feedral Power Commission for the remainder of the term expiring June 22, 1978, vice John A. Carver, Jr.

Department of State

The following-named person for reappointment in the Foreign Service as a Foreign Service officer of class 3, a consular officer, and a secretary in the diplomatic service of the United States of America:

Sidney Leonard Woollons, of California.

For appointment as a Foreign Service officer of class 3, a consular officer, and a secretary in the diplomatic service of the United States of America:

John A. Murtha, of Washington.

For reappointment in the Foreign Service as Foreign Service officers of class 4, consular officers, and secretaries in the diplomatic service of the United States of America:

Joe L. Alarid, of Oklahoma.
Thomas Robert Kresse, of Ohio.

For appointment as Foreign Service Officers of class 4, consular officers, and secretaries in the diplomatic service of the United States of America:

Gerald C. Mull, of Michigan.
James J. Young, of Georgia.

For reappointment in the Foreign Service as a Foreign Service information officer of class 5, a consular officer, and a secretary in the diplomatic service of the United States of America:

Robert Douglas Jones, of Maryland.

For appointment as Foreign Service officers of class 5, consular officers, and secretaries in the diplomatic service of the United States of America:

Johnnie Carson, of Illinois.
Joseph P. Cheevers, of Kansas.
Jacques Cook, of the District of Columbia.
Richard F. Crehan, of Rhode Island.
William Rogers Gray, of California.
J. Alexander Mannings Jackson, of Pennsylvania.
Patricia Ann Langford, of Mississippi.
Kenneth Walter Luecke, of Illinois.
James Alexander Smith, of New York.

For promotion from Foreign Service officers of class 7 to class 6:

Robert D. Arthur, of California.
Edwin L. Brawn, of Maine.
Donald S. Bryfogle, of Virginia.
Edward Brynn, of California.
Landon C. Carter, of Virginia.
William Harrison Courtney, of West Virginia.
Ann E. Darbyshire, of Hawaii.
John R. Dobrin, of Tennessee.
Arlene I. Gemmil, of New York.
James Hogan, Glenn, of Nebraska.
Dennis M. Grimmer, of Wisconsin.
Judith M. Heimann, of Connecticut.
James R. Hooper, of Michigan.
Joseph S. Hulings III, of South Carolina.
Therese Ann Kleinkauf, of New York.
Richard P. Livingston, of Tennessee.
Ronald L. Main, of Oklahoma.
Thomas H. Martin, of Illinois.
Lauralee M. Peters, of Minnesota.
Roger Keith Rutledge, of Tennessee.
Joseph Philip Saba, of Pennsylvania.
James Gary Seyster, of California.
Charles R. Sten, of Washington.
Gregory D. Strong, of Montana.
Philip Bates Taylor III, of Texas
Eugene C. Zajac, of Illinois.

For promotion from Foreign Service information officers of class 7 to class 6:

John F. Kerr, of Texas.
Patricia H. Kushlis, of the District of Columbia.
Gary P. Elhiney, of Massachusetts.
Lezetta J. Moyer, of Massachusetts.
Diane M. Murphy, of Ohio.
Veda B. Wilson, of the District of Columbia

For appointment as Foreign Service officers of class 6, consular officers, and secretaries in the diplomatic service of the United States of America:

Victor A. Abeyta, of New Mexico.
Norman F. Del Gigante, of Rhode Island
Ellen G. Joyner, of North Carolina.
Grace A. Rafaj, of California.
Eleanor M. Ridge, of Massachusetts

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Lucy G. Silverthorne, of New York.
Joan Veronica Smith, of the District of Columbia.
Mary Elizabeth Snapp, of Virginia.
George C. Stephenson, of Ohio.
Lyle A. van Ravenswaay, of Missouri.

For promotion from Foreign Service officers of class 8 to class 7:

Marshall P. Adair, of California.
Ryan Clark Crocker, of Washington.
Arnold Jackson Croddy, Jr., of Maryland.
Bonnie Ann Frank, of Oklahoma.
John E. Hope, of California.
B. Sue Wood, of Mississippi.

For promotion from Foreign Service information officers of class 8 to class 7:

Frank Dietrich Buchholz, of New York.
Ann Hume Lolkow, of Virginia.

For appointment as Foreign Service officers of class 7, consular officers, and secretaries in the diplomatic service of the United States of America:

Vittorio A. Brod, of New York.
Richard A. Christenson, of Wisconsin.
Robert E. Gribbin III, of Alabama.
Michael J. Guignard, of Maine.
Jon Gundersen, of New York.
Paul Hacker, of New York.
Thomas R. Hanson, of Virginia.
Patrick R. Hayes, of Virginia.
Michael J. Hellman, of Wisconsin.
Douglas Randall Hunter, of Illinois.
James A. Larocco, of Illinois.
Paul B. Larsen, of Hawaii.
John W. Limbert, of Massachusetts.
John P. Londono, of Colorado.
Michael John McLaughlin, Jr., of New York.
Michael D. Metelits, of California.
Peter B. Morrissey, of Hawaii.
David R. Pozorski, of Illinois.
Elizabeth Raspolic, of Arizona.
Richard Allan Roth, of Michigan.
Eugene David Schmiel, of Pennsylvania.
Gregory M. Talcott, of Hawaii.
David K. Thompson, of the District of Columbia.
Thomas C. Tighe, of Florida.
Gary S. Usrey, of Maryland.
Carol E. Wheeler, of New York.
Donald E. Willett, of Illinois.
David W. Williams, of California.

For appointment as Foreign Service officers of class 8, consular officers, and secretaries in the diplomatic service of the United States of America:

Robert L. Craven, of Oregon.
Georgia J. DeBell, of California.
George Anthony Dies III, of New York.
James R. Doyle, of Massachusetts.
Peter D. Eicher, of Connecticut.
Mary Lee K. Garrison, of New Jersey.
Wayne G. Griffith, of Virginia.
Donald S. Hays, of Virginia.
John W. Helm, of Tennessee.
Kevin E. Honan, of New Jersey.
MaryAnn Love, of Connecticut.
Steven Rolf Ordal, of California.
Robert Jefferson Roehr, of Rhode Island.
Brenda Therese Saunders, of Ohio.
Andrew William Spisak, of New Jersey.
Wayne Edward White, of Pennsylvania.
James D. Whitten, of California.
Anne Brevard Woods, of Arkansas.

Foreign Service Reserve officer to be a consular officer of the United States of America:

Fred C. Thomas, Jr., of Pennsylvania.

Foreign Service Reserve officers to be consular officers and secretaries in the diplomatic service of the United States of America:

Albert N Alexander, of Maryland.
Donald Arbona, of Virginia.
Eric John Carlson, of Virginia.
Edward J. Carroll III, of Virginia.
Norman M. Descoteaux, of Florida
Paul L. Dillon, of Virginia.
Lillian G. Dobsa, of Maine.
Gary E. Erb, of Montana.
Earl Ferguson, of New York.
William E. Hager, of California
William C. Hamilton, Jr., of Florida.
Martin C. Hawkins III, of Arkansas.
Jane B. Hoerrner, of New Jersey.
Robert W. Hultslander, of Virginia.
Carolyn J. King, of Georgia.
James R. Lilley, of Maryland.
Danny M. Loftin, of Virginia.
Clyde L. McClelland, of Ohio.
Robert F. Mock, of Virginia.
James D. Montgomery, of Tennessee.
Kenneth P. Moorefield, of Maryland.
Sheila K. O'Neill, of Virginia.
Joseph Pettinelli, of Virginia.
Russell G. Phipps, of Virginia.
Robert H. Riefe, of Connecticut.
Patricia A. Stahl, of Wisconsin.
William R. Stanley, of Florida.
Neyle C. Theriault, of Georgia.
James Webb, Jr., of California.

Foreign Service Reserve officers to be secretaries in the diplomatic service of the United States of America:

Edward W. Coy, of California.
Thomas Franklin Olmsted, of New York.
Elias K. Zughaib, of Maryland.

Foreign Service Staff officers to be Consular officers of the United States of America:

Patrick W. Brennan, of Washington.
Edmund P. Glowen, Jr., of Washington.
Joan McKerness, of Florida.
John H. St. Denis, of California.
Patsy G. Stephens, of California.

IN THE NAVY

The following-named officers of the U.S. Navy for temporary promotion to the grade of captain in the staff corps, as indicated, subject to qualification therefor as provided by law:

MEDICAL CORPS

Akin, Richard Walter
Bellinger, Sidney Baldwin
Bingham, George Conley
Brannon, William Lester
Brodhead, Charles L.
Carr, John Eddington
Cefalo, Robert Charles
Chenault, Oran Ward, Jr.
Davis, Reginald Maurice
Delisser, Robert Bache
Fout, Larry Roy
Freeman, Edward Everett
Henderson, John Arthur
James, David Roger
Kostinas, John Eugene
Mammen, Robert Eugene
Marlor, Russell Larry
Meaders, Robert Hogan
Morioka, Wilfred Toshiy
Mullins, Wallace Rodney
O'Brien, Robert Mullings
Palumbo, Ralph Richard
Philip, Gordon Wallace
Pohle, George Alexander
Publicchio, Louis Umil
Pursch, Joseph Arthur
Raffaelly, Nicholas Ral
Randels, Paul Harmon
Simmons, William Wells
Smith, Joe Purser, Jr.
Smith, John Parker
Smith Jose Caunabo
Solomon, Alexandre
Viola, Francis Vincent
Williams, Wilfred Leroy
Woodall, Martin Anthony
Zimble, James Allen

SUPPLY CORPS

Alderman, Charles Bennett
Badger, George Raymond
Bledsoe, William Marvin
Corn, James Raymond
Dempster, Darrell Dean
Dollard, Paul Alan
Eastwood, William O. Car, Jr.
Ebert, Scott Ward
Fiske, Leon Sangster, Jr.
Gilmore, Roger West
Girod, Roy Oscar
Goodwin, Earl Eugen
Johnson, Millard Jerry
Kispert, Lane Arthu
Larson, Nelson Siegfred
Lindsay, William Earl
Lovell, W. B.
Mason, Albert Grant
McNeill, Neil Edward
Mercier, Arthur Gerald
Morehouse, Charles William
O'Neil, Raymond Leo
Ott, Matthew James
Paul, John William
Perry, Robert Phili
Recher, Bernard Louis
Ross, William Thomas, Jr.
Sansone, Joseph Sarto, Jr.
Stumbaugh, David Charles
Taylor, Robert Roe
Trimble, Philip
Vogel, Ralph Herber
Wald, Stanley Bevan
Weber, Robert Josep
White, Frank Lewis

CHAPLAIN CORPS

Chambliss, Carroll Randolph
Fitzgerald, Owen Ray
Kinlaw, Dennis Charles
McAlister, Fred Ranson, Jr.
Miller, Stanley Dean
Schneider, Otto
Slejzer, Ferdinand Edward
Warren, Robert Hagen

CIVIL ENGINEER CORPS

Anderson, Warren Harry
Brooks, Kenneth Donald
Burns, William John, Jr.
Falk, Harvey Alfred, Jr.
Gates, Charles William
Haynes, Howard Homer
Hines, John Charles
Jones, John Paul, Jr.
Jones, Thomas Kennedy
Lake, George
Lawson, Leroy Donnell
Lewis, Frank Herbert, Jr.
Mitchell, Thomas Jerome
Robinson, Charles Francis
Smith, George Lee
Trunz, Joseph Paul, Jr.
Wolf, Robert Bruce
Yoshihara, Takeshi

JUDGE ADVOCATE GENERAL'S CORPS

Lapin, Robinson
Lynch, William Christopher
Mirtsching, Leonard Charles
Price, Oliver Leon
Rawls, Roy Jeff
Zitani, Genius Ares

DENTAL CORPS

Albers, Delmar Dean
Allen, Robert William
Allman, Daryl Manley
Applegate, Donald Ellis
Altman, Richard Stuart
Amato, Angelo Emanuel
Anderson, Dale Marvin
Atkinson, Robert Arnold
Barlow, Doll Earl
Biron, George Albert
Bodner, Joseph Andrew
Bottomley, William Kent
Bradford, Paul Laymond
Brenyo, Michael, Jr.
Brown, Charles Anderson
Burch, Meredith Sibley
Burke, Joseph Harold
Cagle, John David
Carrothers, Richard Loc
Castronovo, Sam
Christian, James Tod
Connole, Peter William
Corio, Russell Lawrence
Cummings, Matthew Rolla
Cunningham, Charles Jo
Davis, Malcolm Scott
Deaton, Herbert Clenton
Devos, Brice Jay
Diem, Charles Robert

Dodds, Ronald Neil
Duncan, Donald Eric
Eden, George Taylor
Edwards, Richard Cunlif
Fenner, David Thomas
Fenster, Robert Keith
Gibson, William Vernon
Gomer, Ronald Morris
Gonder, Donald Cook
Goska, John R.
Grimsley, William Arthu
Grisius, Richard Joseph
Grove, David Malley
Hanson, Richard Keith
Hegley, John Howard
Hill, Ronald Kevin
Hoffman, Robert Martin
Holcomb, John Burnett
Holroyd, Samuel Vernon
Howe, Robert Edward
Huestis, Ralph Parke
Kennedy, Paul Thomas
Kieny, Richard Joseph
Kitzmiller, John Stanle
Koss, Ronald Joseph
Leonard, Walter Prudden
Lessig, John Frank
Little, Earl Ernest, Jr.
Loizeaux, Alfred Drew
Lucker, Ronald Wayne
Magnus, Walt Wolfgang
Mark, Leonard Edward
Martin, William Richard
McCann, Thomas Francis
McMurdock, Robert O., Jr.
Messer, Eugene Joseph
Miller, James Earl
Moore, Dorsey Jerome
Moore, Robert Eugene
Morse, Ronald Prescott
Muldrow, Lewis Martin
Neagley, Ross Lynn, Jr.
Osetek, Edward Marion
Parsons, Richard Lee
Pines, Barry Edward
Pirie, George David
Plump, Ellsworth Herman
Prince, Richard Daniel
Reed, Wilbur Guy
Rice, George William, Jr.
Richter, Henry Edward
Roper, David Ardell
Scharpf, Herbert Otto
Semler, Harry Edwin, Jr.
Shaffer, Richard Glenn
Shoemaker, O. L.
Short, George Allen
Smith, David Joseph
Spearman, Glyn Moore, Jr.
Stallworth, Henry Arnol
Stanton, George Addison
Stepnick, Robert James
Strange, Charles Gilber
Stump, Thomas Eugene
Sugg, William Everett
Sullivan, William Clint
Swaim, Bobby Lee
Thomas, Robert Edwin
Tibbetts, Van Roger
Voyles, Wesley Loyd
Walsh, John David
Walters, Ray Alan
Watson, William James
Wilkie, Noel David
Williams, Frederick Bro
Workman, James Leroy
Zustiak, Michael

MEDICAL SERVICE CORPS

Beckwith, Joan May
Connery, Horace Joseph
Feith, Joseph
Petoletti, Angelo Romulus
Steward, Edgar Thornton
Scrimshaw, Paul Wesley
Wetzel, Orval Benjamin

NURSE CORPS

Furmanchik, Helen Imelda
Pfeffer, Elizabeth Marie
Shea, Frances Teresa
Wilson, Katherine
Zabel, Kathryn Elizabeth

The following-named Reserve officers of the U.S. Navy, for temporary promotion to the grade of captain in the staff corps, as indicated, subject to qualification therefor as provided by law:

MEDICAL CORPS

Drewyer, Richard Glenn
Valeri, Cesare Robert

CHAPLAIN CORPS

Bolles, Hebert Winslow
Senieur, Jude Richard

Comdr. Winifred L. Copeland, Nurse Corps, U.S. Naval Reserve, for temporary promotion to the grade of captain in the Nurse Corps, U.S. Naval Reserve, subject to qualification therefor as provided by law.

Comdr. Helen R. Levin, Supply Corps, U.S. Navy, for permanent promotion to the grade of captain in the Supply Corps, U.S. Navy, subject to qualification therefor as provided by law.

IN THE NAVY

The following-named officers of the Navy for permanent promotion to the grade of Captain:

Captain

LINE

Abelein, Herman Carl
Ackerman, Eugene Berthold
Ackley, Alfred Russell
Adler, Robert Earl
Agnew, Richard Scott
Anderson, Stanley Joseph
Angleman, Cornell Carpenter
Anglim, Daniel Francis, Jr.
Ashurst, Albert Joseph
Aslund, Roland Erhard
Axell, Charles Leroy
Ayres, William Harvey, Jr.
Backstrom, Robert Irving
Baggett, Lee, Jr.
Bailey, Henry Gordon
Bakke, Harlan James
Barkalow, Gerald Hyde
Barker, Franklin Hess
Barker, Harold Drake
Barker, Raymond Haydn
Barnette, Curtis Levon
Barrineau, Edwin
Barron, Joseph Michael
Barunas, George Aloysius, Jr.
Baty, Edward McCoy
Bauer, Edward Clark
Beasley, James Wiley
Beesley, Howard Leslie
Beitzer, Francis Joseph
Belter, Robert Herman
Benton, Hugh Arthur
Bergstrom, James Howard
Berthier, Neil Eugene
Block, Peter Fitzgibbon
Borgstrom, Charles Olaf, Jr.
Bortner, James Augustine
Boston, Leo
Bowen, Jack Winnree
Bowersox, Earl Charles, Jr.
Boyd, David Stuart
Branch, Alvin Deon
Bres, John Henry
Brettschneider, Carl A.
Brick, John Henderer
Bryan, Gordon Redman, Jr.
Buck, Roger Leonard
Burden, James Dineen
Burkhalter, Edward Allen, Jr.
Burt, Alexander Roy, Jr.
Burton, Herbert Oran
Bush, Charles Leroy
Buteau, Bernard Lamothe
Butts, John Lewis
Caldwell, Ronald Harry
Cameron, Allan Kenzie, Jr.
Canaan, Gerald Clyde
Carlker, Jess Lee, Jr.
Carius, Robert Wilhelm
Carlson, Burford Arlen
Carlton, George Arthur
Carr, William Kelly
Carter, Edward Walter, III
Cassilly, Frank Rodes
Cawley, Thomas Joseph
Cernan, Eugene Andrew
Choyce, Charles Van
Christenson, Donald Allen
Church, Clifford Ellison, Jr.
Church, George Andrew
Clark, Fred Preston, Jr.
Clark, Wyndham Stokes, Jr.
Clayton, John Edwin
Cochran, James Alexander
Cole, Charles Wesley
Colenda, Herbert Fentriss
Colvin, Robert Doyle
Compton, Bryan Whitfield, Jr.
Conlon, Frank Stevenson
Cooney, David Martin
Cooper, Carleton Robert
Cooper, David Lawson
Cossaboom, William Miner, II
Cramblet, Frank
Crawley, Don Edward
Cross, Daniel Frank
Crow, Edwin Monroe
Culbertson, Richard Knox
Cumbie, Lorendo Andrew
Davey, Richard Byrd
Day, Lawrence Calvin
Demers, William Henry, II
Dewitt, Duane Darrell
Dickens, Richard Amos
Diehl, William Francis
Dittmar, Louis Clinton
Doak, Samuel Lawall
Dood, Robert Lee
Draddy, John Mangin
Dreesen, Robert Fitch
Driscoll, Jerome Maher
Duke, Marvin Leonard
Dunn, Robert Francis
Dunnan, Neville Deon
Dunning, Frederick Samuel, J.
Dwyer, Laurence Albert
Easterling, Crawford Alan
Eckert, Richard Holvey
Eckstein, John Richard
Edwards, Frederick A., Jr.
Elfelt, James Sidle
Elliott, James Donald
Ellison, David Joe
Engle, Raymond Edwin
Fahland, Frank Richard
Falkenstein, Rudolph F.
Fanning, Frank Leon
Farrell, John Roger
Feagin, Frederick King
Feit, Harry Hartman, Jr.
Finley, Alden Gordon
Fitzpatrick, Joseph Anthony
Flynn, Richard Edward
Foley, Sylvester Robert, Jr.
Forbes, Donald Kerry
Forsyth, Robert Joseph
Foster, James Richard
Fox, Albert Daniel
Fox, Richard Thornton
Fraasa, Donald Gordon
Franklin, Billy Dean
Friesen, Edwin J.
Frudden, Mark Perrin
Fuller, Robert Byron
Gamache, Samuel Cresswell
Gardner, Richard Carner
Geitz, Kenneth Lloyd
Gercken, Otto Edward
Gibbons, Paul Coy, Jr.
Gilchrist, John Foster, II
Gillespie, Charles R., Jr.
Gooding, Niles Russell, Jr.
Gottschalk, Arthur W., Jr.
Goulds, Ralph John
Green, John Neal
Green, Richard Wayne
Griffin, Jack Ross
Grigg, William Hunter
Grosvenor, Alexander G. B.
Grunwald, Edward Albert
Gureck, William Alexander
Gurney, Sumner
Haff, William Burton
Halleland, Henry Lloyd
Hallett, Edward Reveley
Hamer, Robert Reginald, Jr.

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Hardgrave, James Barton, Sr.
Harkness, Vinton Orris, Jr.
Harris, Robert Doughtry, Jr.
Hart, William Daniel
Hartell, Ronald Dale
Hayes, James Thomas
Heerwagen, David Dupuy
Heigl, John Theodore, Jr.
Herbig, Henry Frank
Herndon, William James, Jr.
Hibson, Leo Anthony, Jr.
Hicks, Lawrence Frederick
Higginbotham, Leonard Howar
Hill, Allen Edward
Hill, James Colson
Hilscher, Carl Charles
Hines, Gulmer Augustus, Jr.
Hofstra, Edward Jacob
Holman, Rockwell
Holt, Robert Edwin
Hoover, Richard Martin
Hopkins, Clifford David
Hughes, Ray Stewart
Hugo, William Peter
Huth, Ralph Lee
Inman, Bobby Ray
Ismay, Arthur Peter
Jacobsen, Adolf M. B.
Jansen, Alan Lester
Jarrell, Donald Lee
Jennings, John Staff
Jensen, Donald Lavar
Jensen, Wayne Leroy
Jermann, Donald Robert
Jett, William Starke, III
Johnson, Ian Jarvis
Johnson, Joseph Jefferson
Johnson, Richard Charles
Johnson, Robert Whitman
Johnson, Willard Edward
Jones, Ray Paul
Jordan, Watt William, Jr.
Kamm, Thomas Allen
Kamrad, Joseph George
Kaune, James Edward
Keach, Donald Leigh
Kelly, Ronald Thomas
Kelsey, Robert Lee
Kempf, Cecil Joseph
Kennedy, James Roger, Jr.
Ketchmark, Giles Jerome
Kidd, Owen Austin
Kinsley, Donald Taylor
Kittrell, Jack Charleston
Kjeldgaard, Peter Dean
Klett, George Jacob
Kollmorgen, Leland Stanford
Kolstad, Tom Irby
Krantzman, Harry Morris
Lacy, James Ernest
Larry, Walter Charles
Lasell, Max Henry
Lasley, William Ward
Lautermilch, Paul Anthony J.
Lawrence, William Porter
Lechleiter, Mark Bernard Jr.
Lee, Byron Albert
Leis, Alfred Charles
Lemon, Robert Taylor
Lester, Louis Rhea, Jr.
Leue, David Ernest
Lewis, James Richard
Lockwood, Harold Raymond
Long, Charles Remington
Longhi, William John
Loux, Raymond Eugene
Lovelace, Robert Henry
Loyd, Rupert Harb
Luskin, Arthur George
Lytle, James Hunter
Mahon, Richard Burton
Maice, Lee, Jr.
Malan, Max Edward
Malloy, John Edward
Manning, Richard Thomas
Mantz, Roy Trafford
Martin, Richard William
Martin, William Kinne
Massa, Emiddio
Matson, Willis Arthur, II
Maxwell, Daryl Orville
Mazzolini, John Andrew
McAulty, David John
McArthur, John Chester
McCarthy, Richard Leland
McCall, Charles Richard
McClain, Kirby Larue, III
McDonough, William D., Jr.
McGarrah, William Erwin, Jr.
McGlaughlin, Thomas Howard
McGlohn, Robin Hollie, Jr.
McKellar, Edwin Daniel, Jr.
McKnight, Jesse Eddie, Jr.
McNally, John Joseph, Jr.
McNerney, James Francis
McQueston, Jack Edward
McQuillan, John Parker
Mealy, Daniel Nelson
Meeks, Robert Benjamin, Jr.
Merchant, Paul Glenn
Metcalf, Joseph, III
Miguel, Theodore, Jr.
Miller, Richard Archibald
Miller, William Anthony
Minnigerode, John H. B.
Mitchell, Joe Cephus
Molzan, Edward Werner
Montague, Lloyd Lee
Moore, William Franklin
Morin, Gene Douglas
Morris, Robert Eastin
Morrissey, John Noel
Mow, Douglas Farris
Muck, Floyd Robert
Mull, Charles Leroy, II
Murphy, Frank M., Jr.
Murray, Douglas Vrooman
Muto, Charles John
Neander, Stanley Brown
Neiger, Ralph Eugene
Newark, Theodore Elmer
Nolan, Joseph Dunstan
Nordan, Emile Earl
Norton, Curtis Ralph, Jr.
Nunneley, James Kenneth
Nunneley, John Kerwin
Nyce, William Edward
O'Connor, Francis Edward
O'Donnell, George Joseph, Jr.
O'Donnell, John Joseph
O'Drain, John Edward
O'Hara, Jack Franklin
Ohlrich, Walter Ernest, Jr.
Orem, John Bohannon, Jr.
Ostrand, Allen Eugean
O'Toole, Kevin James
Ozburn, Forrest Cline, Jr.
Palmquist, John Richard
Parce, James Robert
Parrish, William Isaac
Paulk, Joseph McDonald
Peterson, Richard Eugene
Pettigrew, Raymond Arthur
Pezzei, Engelbert George
Pfeiffer, King Woodward
Phillips, Alan Randolph
Phillips, Charles Thomas
Piraino, Daniel
Platte, William Allan
Powell, James Richard, Jr.
Profilet, Leo Twyman
Puccini, Joseph Elmer, Jr.
Putnum, Charles Lancaster
Quigley, Donovan Bernard
Quinn, Jack Quentin
Radcliffe, Roderick Thomas
Radja, James Eugene
Rau, William Franklin
Redman, James Richard
Redmon, John Gerald
Reed, Robert Kendall
Rentz, Frank Leslie, Jr.
Replogle, Thomas Harvey
Resek, Lawrence Harmon
Reynolds, Kenneth Clay
Robinson, Robert Bruce
Robisch, Herbert Eugene
Rockwell, Richard Frederick
Rockwood, Jerred Rushton
Rogers, Thomas Stevenson, Jr.
Ross, Thomas Hugh
Roth, Franklin Herold
Rough, Jimmie Lynn
Rowley, Reginald Charles
Ruble, Byron Craffe
Russ, Jack Elder
Rutherford, Ralph Baillie
Rutledge, Howard Elmer
Ryan, John James, Jr.
Ryan, Philip Joseph
Sagerholm, James Alvin
Salin, Robert Sven
Sample, Richard John
Sandsberry, Jack Coleman
Sarosdy, Louis Robert
Sattler, Donald Charles
Schenker, Marvin Leonard
Schlank, John James, Jr.
Schneider, Arthur Frederick
Schriber, John Charles
Schuller, Gordon Joseph
Schulte, Richard Joseph
Schultz, Milton John, Jr.
Schuster, Robert James
Schwab, Robert William
Schwartz, Sheldon Omar
Schwarz, Ira Norton
Scribner, Henry Irving, Jr.
Seay, Wesley Herman, Jr.
Self, William Henry Cowles
Shafer, Walter Richard
Shaffer, Guy Henry B.
Shartel, Howard Austin
Shaughnessy, William David
Shaver, Frank Trenton
Sheridan, William Raymond
Sherman, Peter Woodbury
Sherman, Thomas Hanson, Jr.
Shrine, Bertram Jr.
Simmons, Robert Raymond
Skinner, Clifford Admiral J.
Small, Robert Holderman
Smedberg, William Renwick I.
Smith, Maurice Edward
Smith, Thomas Mitchell
Snyder, Carl Sampson, Jr.
Snyder, Roy Dietrich, Jr.
Soracco, David Louis
Space, David Jewell
Spayde, Keith Crawford, Jr.
Speer, Paul Harold
Spiller, John Herman, Jr.
Springer, Roy Marinor, Jr.
Stanley, Richard Mervin
Stapp, Aron Lawrence
Stewart, Thomas Phillip
Stone, Bruce Goodwin
Storeide, Arthur Julius
Strand, John Alexander, Jr.
Stratmann, Charles Immanuel
Stull, Donald
Sullivan, Don Michel
Sundt, Wilbur Allan
Surovik, George Alfred
Swadener, John Richard
Swanberg, John Marvick
Swenson, Erick Noak
Terrell, Fred Worrell, Jr.
Thamm, Tom Brobeck
Thomas, Gerald Eustis
Thomas, John Keith
Thomas, Robert Lee
Thomas, Walter Russell
Tomb, Paul David
Toy, Frank Evans
Tregurtha, James David, Jr.
Tuomela, Clyde Henry
Turnbull, James Robert
Twite, Martin Jerome, Jr.
Tyson, James Jordan, Jr.
Underwood, Leland Jack
Utterback, Paul Wilson
Vahsen, George Martin
Vankleeck, Justin Laing
Vanreeth, Eugene William
Wagner, Robert Henry
Wales, John Renison
Wallace, Kenneth Richard
Ward, Thomas Martin, Jr.
Warwick, William Bertram
Watson, Peter James
Whaley, William Semmes

Wheeler, Donad Lytel
White, Steven Angelo
Whitman, Donald Louis
Wigent, Richard Andrew
Wikeen, Donald Bruce
Wilbur, Harley Dexter
Wilkins, James Rudyard, Jr.
Wilkinson, Edward Lewis
Williams, Allen Dean
Williams William Albert, II
Williford, James Richard, II
Willson, Donald Merritt
Wilson, Alexander Blake
Wilson, Joseph William
Wilson, William Wellington
Winberg, William, III
Winnefeld, James Alexander
Wisenbaker, Eugene Morgan
Woolcock, Thomas Edward
Wooldridge, Edmund Tyler, Jr.
Worchesek, Robert Roman
Young, John Watts
Zeisel, Richard Stephen
Zendler, Edwin Earl
Zink, Stewart Taylor
Zoehrer, Herbert Alfred

SUPPLY CORPS

Armstrong, George Kornegay
Ball, Thomas Fauntleroy, Jr.
Barber, Ray Cleveland
Bray, Joseph Alfred, Jr.
Brown, Robert Michael
Burbank, Donald Dean
Cloutier, Norman Lewis
Davis, James Bly
Dickson, Holton Carroll, Jr.
Donley, Harold Clement, Jr.
Ely, William Benjamin, Jr.
Evans, William Henry, Jr.
Foster, Paul Lowe
Gordon, Donald Bedell
Gove, Jack Edwin
Greenberg, Edwin Gilbert
Henderson, John Merrill
Hutchinson, Arthur Edward
James, Billy Mink
Killebrew, Thomas Edgar
Lynn, James William
McClintock, Harry Clayton
Mitchell, William Frederick
Porter, Orland Ainsworth, Jr.
Ringhausen, Robert Leo
Rixey, Charles Woodford
Ryan, William Jardine
Smith, Herbert Richard
Stratton, Dene Brian
Stubbs, Raymond Cooper
Wasson, John Arthur
Weisskopf, William Malvin
Wirsing, John Arnold
White, George Handford

CHAPLAIN CORPS

Conte, James William
Dimino, Joseph Thomas
Frimenko, Michael
Fuller, William Calvin
Geary, Joseph Francis
Grace, Patrick Joseph
Hardage, Owen Allen, Jr.
Heath, Robert Hubbell
Howard, William Raymond
Huffman, William Wyland
Ingebretson, Ervin Duane
Jones, Asa Wallace
Keen, Homer Eugene, Jr.
Lemaster, Donald Calvin
Moore, Withers McAlister
Roberts, Maurice Edward
Ryan, Joseph Emmet
Samuel, William Roy
Simmons, David Eugene
Sire, Elwin Norton
Veltman, Dean Kay
Wootten, Thomas Joseph

CIVIL ENGINEER CORPS

Courtright, Carl
DeGroot, Ward Walton, III
Forehand, Paul Warren
Olson, Paul David
Phelps, Pharo Alfred
Trueblood, Donald Richard
Wagner, Walter Richard
Whipple, Caryll Robbins
Wingast, Stanley
Zobel, William Marshall

JUDGE ADVOCATE GENERAL'S CORPS

Cedarburg, Owen Lee
Conkey, Carlton Glen
Davis, William Johnson
Driscoll, William Thomas, Jr.
Dunbar, John Peter
Hantzes, Savas
Hawk, James Thomas
Jimmerson, Thomas J., Jr.
Palau, Henry Stuart
Phillips, Lawrence Edwin
Root, John Bernard, Jr.
Sabalos, Nicholas
Selby, Donald Eugene

DENTAL CORPS

Abbott, Paul Lamar
Ainley, James Edward, Jr.
Anderson, John T.
Bowers, Gerald Miles
Elliott, James Roy
Enoch, James Duncan
Falcone, Philip Russell
Fields, Robert Earl
Flagg, Roger Holmes
Gorman, Walter James
Grandich, Russell Anthony
Granger, Ronald Grant
Hardin, Jefferson Frederic
Hiatt, William Robert
Hodson, Harold Wade
Hoffius, Edwin Laurine
Holmes, John Bernard
Hyde, Jack Elgin
Johnson, Dean Leroy
Kelley, John Philip
Lawrence, Joseph James, Jr.
Luther, Norman Kennedy
McKinnon, John Alexander, Jr.
Orrahood, Robert Howard
Pebley, Harry Calvin
Pinkley, Virgil Alvin
Pistocco, Louis Robert
Prange, William Herbert
Reid, Albert Francis
Rulifson, Franklin Russell
Schultz, Chester John, Jr.
Shirley, Robert Edwards
Slagle, Lowell Elwood
Slater, Robert William
Smith, Albert Ritchie
Stanley, James Howard
Sydow, Paul John
Taylor, B. Frank
Tenca, Joseph Ignatius
Terry, Bill Carlton
Thomason, Robert Richard
Whatley, Thomas Luther
Wilson, James McClelland
Wooden, Robert Aubrey
Woodland, Everan C., Jr.

MEDICAL SERVICE CORPS

Akers, Thomas Gilbert
Barkley, Lucien Edward
Boggs, Clifford Walter
Jones, William Henry
Kaufman, Louis Richard
Laedtke, Ralph Harold
McKearly, Georgia Mae
McMichael, Allen Edgar
Miller, Edwin Bartley
Pruitt, John Dallas
Rudolph, Henry Steven
Still, Donald Eugene
Testa, Michele Joseph
Tober, Theodore Wendel

NURSE CORPS

Butler, Ann Teresa
Byrnes, Anna Marie
Conder, Maxine
Davis, Alice Louise
Gardill, Norma Helen
Parent, Shirley Marie
Weeter, Bessie Racheal

EXTENSIONS OF REMARKS

ENERGY CONSERVATION IN PUBLIC BUILDINGS

HON. DICK CLARK

OF IOWA

IN THE SENATE OF THE UNITED STATES

Friday, November 2, 1973

Mr. CLARK. Mr. President, in the midst of the continuing Watergate scandal, the conflict in the Middle East, and the resignation of the Vice President, our attention has once again been turned away from the country's critical energy crisis.

That crisis is still very much with us and we cannot afford to delay our search for a balanced and an effective approach to a national energy policy. We have already faced shortages of petroleum products earlier this year, and even more severe shortages are predicted in the winter months ahead. Cutbacks in imports from Arab nations will aggravate these shortages.

Energy conservation could substantially help mitigate fuel shortages. We must assess current patterns of energy consumption, and then take the steps necessary to eliminate wasteful practices.

One area in which a great deal of energy could be saved is in the operation and maintenance of the buildings in which we live and work. It is encouraging to see that, in this field at least, the Federal Government is taking a leading role.

In a recent speech, Larry F. Roush, Commissioner of the Public Buildings Services, makes an excellent presentation of the steps being taken by the General Services Administration to conserve energy in Federal buildings throughout the Nation. GSA is obviously making a concerted effort to deal with the energy crisis—an example that should be followed not only by other agencies, but by private industry as well. I commend Mr. Roush's speech to my colleagues for their earnest consideration.

Mr. President, I ask unanimous consent that Mr. Roush's statement be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Energy Conservation in Buildings

(By Larry F. Roush)

For the people present in this meeting today, the word "conservation" needs no definition in ordinary conversation. It is my contention, however, that as we develop an energy conservation policy for public office buildings, the general understanding of "conservation" is not enough. We have recognized that this word means more than just "sav-

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ing," and that energy conservation must be a continuing effort to achieve the best balance between the benefits and costs of energy use.

The Public Buildings Service has been vitally concerned with the conservation of energy for many years. In our primary role as the builders and operators of office space for the Federal Government, we have attempted to use the most economical source of energy, while using it in the most efficient manner. We have had several on-going energy conservation programs to reduce energy consumption in 2,600 GSA-owned and operated buildings nationwide. These programs were not based primarily on the development of new technologies, but rather emphasized more efficient use of energy in existing buildings.

We quickly realized, however, that new technologies needed to be developed and tested, and their energy conservation features quantified, if we were to achieve optimum energy utilization in existing office buildings and those planned for the future. GSA's energy conservation policy for public office buildings is to incorporate features which insure the best possibilities of energy use. To do this we have attempted to recognize the trade-offs in terms of energy conservation, work area, costs and the environment in general.

For example, in considering the trade-offs between energy conservation and the work area, we must consider the people and the services they provide. For any energy conservation system to be viable, it must be compatible with the comfort and safety requirements of the occupants. We must answer many questions such as: How much light is really required to do specific kinds of work? What noise levels can be tolerated before they become distracting? How "good" are our current air purification and odor control systems? What levels of heat, humidity, and air movement provide the optimum level of thermal comfort for the building occupants? The answers to these and similar questions can provide the information necessary to balance energy usage against an adequate work environment. To do this we must apply the latest systems for measuring these factors in an actual work situation where we can correlate the human response with the environmental conditions.

To evaluate these and other energy conservation related questions, we needed a laboratory—a place where we could accurately measure and compare various energy conservation systems and their impact. And, in June 1972 Mr. Sampson designated the new Federal Office Building in Saginaw, Michigan, as the GSA Environmental Demonstration Building. Most of the experimental features of the Saginaw Project are directly related to environmental concerns. The prime energy conservation feature of the Saginaw Project is the proposed solar energy collector.

Recognizing the need for additional experimental work in energy conservation, the Administrator designated the new Federal Office Building in Manchester, New Hampshire, as the GSA Energy Conservation Building.

For the Manchester Project, we put together a design team consisting of the architect-engineer, an energy conservation consultant, the National Bureau of Standards and GSA. Energy conservation was made a prime design parameter to be considered equally with function, fire safety, life cycle cost and aesthetics. Determinations were made regarding features, systems, and equipment which would contribute greatly towards reduction in energy requirements *before* developing a concept for the building. From the very beginning of the design process, energy conservation possibilities were given major attention.

The final design of the building is expected to make a positive contribution to the urban surroundings and provide a pleasant interior environment for employees and visitors. We expect the building to operate with at least 20 percent less energy consumption than other comparable existing buildings.

In addition to energy conservation features in the basic architectural design, we intend to demonstrate energy savings in the mechanical, electrical, lighting, plumbing, and space conditioning areas. We have included such energy conservation features as heat recovery systems, computer programmed mechanical and electrical systems, and a solar collector. Once the building is complete with the various energy conservation systems installed, they will be monitored and evaluated, based on built-in instrumentation and occupant reaction. From this experimentation we will be able to develop guidelines and criteria for use in the design and construction of future buildings.

I would like to pause for a moment—to quote the President—as he said on September 10: "While energy is one of our Nation's most pressing problems, and while the preservation and effective use of our natural resources is an imperative policy goal, it is presently impossible to administer these related objectives in a coordinated way. Our ability to manage our resources and provide for our needs should not be held hostage to old forms and institutions." I couldn't agree more and commend the President for his initiative to create Governor Love's office and his proposal for the new Energy Research and Development Administration.

The NBC white paper on the Energy Crisis, aired over two weeks ago, emphasized that there were over 40 Federal government agencies involved in some way or another with the energy question. To my way of thinking this indicates that; first, there is a great deal of enthusiasm to solve the problem and second that it must become a coordinated effort if we are going to effectively manage the solutions to our problem. Governor Love's office is a great step toward pulling us all together. GSA hopes that the Manchester and Saginaw projects will help act as a catalyst for the coordination of the technical effort.

But the need to conserve energy is real and now. Therefore, our greatest efforts are being made toward reduction of energy use in the buildings we presently operate.

As you all know, President Nixon has established a requirement to reduce the Federal Government's anticipated energy consumption by 7 percent. In this regard, GSA views its responsibility as the overseer of energy utilization in Federally-occupied buildings and of eliminating wasteful practices and concepts which developed during the past period of apparent energy abundance.

In order to fulfill this requirement we established a task force to develop and implement GSA's accelerated energy conservation program. When we considered that our annual utilities cost exceeds $90 million and that all resources in our buildings equate to over 5 billion kilowatt hours. We also had to review those current building operating practices which result in the consumption of substantial quantities of energy, such as nighttime cleaning operations, lighting levels and the temperature being maintained in our buildings.

It is imperative that you as executives in your organizations gear onto what we're doing. And, it is important to emphasize that, in revising operational procedures, it is critical that the employees at the grass roots level be aware of what you're doing and why you're doing it. This is a voluntary effort and when dealing with existing buildings, the occupants must be educated to energy saving actions.

Accordingly, to the extent feasible, the following changes in operating practices are being initiated in all GSA-operated/owned buildings and GSA's 7,800 leased buildings. I think you can do the same things in your space.

We have advanced nighttime force-account cleaning operations from the 5 p.m.–1:30 a.m. time frame to 11 a.m.–7:30 p.m. daily.

We have reduced the amount of lighting required in various space throughout a building without reducing the level at work stations;

We have raised (by 4 degrees) the setting on room thermostats serving office space during the airconditioning season to a range of 76–78 degrees;

And, we have lowered the setting (by 4 degrees) on room thermostats serving office space during the heating season to a range of 70–72 degrees; and

In addition we have made appropriate temperature and lighting changes in other types of space to realize similar energy savings.

Lessors who provide building services and utilities have been notified by the regional PBS offices to take appropriate action to reduce the anticipated energy consumption during the next 9 months by 7 percent.

Federal agencies have been notified that the aforementioned practices are being initiated, to the extent feasible, in all GSA-managed buildings in a way which will not impair the provision of vital services, nor curtail the proper functioning of the departments and agencies. In addition, each Federal agency has been requested to designate a headquarters representative as a point of contact to assist in realizing these objectives.

These revised operating practices already have been adopted in our Central Office and Regional Office Building, both in Washington, with excellent results.

As an example of savings that may be realized, 22 percent of the fluorescent light tubes have been removed from buildings here in Washington, with an opportunity to do more. Assuming we are able to achieve similar savings throughout the nation, we will eliminate approximately 1.2 million tubes and save 164 million kilowatts of electrical energy each year.

We believe that with the changes in operation, we will be able to reduce our overall energy consumption by approximately 20 percent. This equates to over 1 billion kilowatt hours of electricity or 600,000 barrels of oil or 580,000 tons of coal that may be saved per year. But we're not stopping there.

We have begun a building profile study to determine the energy consumption characteristics of existing buildings as affected by their physical features.

We are conducting an Air Change Rate Study to determine the minimum number of air changes required for acceptable heating and air conditioning of buildings.

We are conducting a study of lighting levels and distribution required for the performance of the various work tasks in Federal buildings.

And we are conducting a study to develop a fully automated building control system using computer techniques and sophisticated equipment to optimize operations, manpower and energy utilization.

The research and the efforts in existing buildings will help GSA accomplish the President's conservation goal. They can be far more valuable, however, if we can get them out to industry and local government. To that end, we have written to all of the nation's governors and the mayors of 20 of our largest cities to urge their cooperation in the energy conservation effort.

We think we have a strong start in the race to alleviate an energy crisis. But all of our efforts are really minimal when you consider that we only have the responsibility for 200 million square feet out of 2.5 billion square feet of space; 200 million out of 2.5 billion! That means that you are very important. Have your employees turn off lights, lower thermostats, etc. I hope we can rely on you for this assistance in our effort, and

we will assist you in yours, because it will take the voluntary cooperation of many Federal employees if it's going to be a complete success.

CHILEAN MARXISTS TO ENTER UNITED STATES?

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. LANDGREBE. Mr. Speaker, the recent anti-Communist revolt in Chile has aroused a torrent of criticism from those who believe slavery is not slavery accepted. Marxist Salvador Allende had nearly ruined the economy of Chile, despite aid from both the United States and the U.S.S.R., and had expropriated American property in Chile. There are indications that the government itself planned to use force to impose a dictatorship—a step which all socialist nations must take sooner or later, if they are to remain socialist. Since the anti-Communist coup the leftists have been howling with anger—and the new governors of Chile have justifiably made life difficult for them. It is our misfortune that a bill has been introduced by Congressman Drinan (H.R. 10525) which would allow Chilean political refugees to enter the United States. Apparently America is not to be a haven for the tired, the poor, and the huddled masses yearning to breathe free, but for the angry, the envious, and the vanguard of the proletariat. I insert an article by Mr. Paul Scott which appeared in the Indianapolis News in the Record:

KENNEDY-DRINAN BILL—CHILEAN MARXISTS TO ENTER UNITED STATES

(By Paul Scott)

A move is underway in Congress to clear the way for thousands of revolutionaries, Communists, Marxists and socialists, now in Chile to enter the U.S.

Leading the movement are Sen. Edward Kennedy, D-Mass., chairman of the Senate Subcommittee on Refugees, and Rep. Robert F. Drinan, D-Mass., the far-left leaning Catholic priest.

Both lawmakers have introduced and are actively pushing legislation which would turn the U.S into a haven for the militant supporters of the late Marxist President Salvador Allende.

Under the Kennedy-Drinan legislation, upward of 50,000 of these "political refugees" would be permitted to enter the U.S. regardless of their Communist and Marxist backgrounds.

This flow of refugees also would include many of the thousands of foreign revolutionaries who are now in hiding in Chile or have been imprisoned by that country's military government. At least 500 of these foreign nationals are now in foreign embassies in the Chilean capital seeking political asylum and free passage to leave the country. Because of the roles these revolutionaries played in trying to turn Chile into a Communist dictatorship, Chilean troops have barred their departure from the country by placing guards around the embassies.

Overshadowed by the Middle East war and Nixon administration scandals, the Kennedy-Drinan movement has received little or no attention in the press. Only the Daily World, the official organ of the Communist party, and government security officials have given the Kennedy-Drinan drive the attention it deserves.

Alarmed over the prospects of the country being flooded with Latin American revolutionaries, officials of the FBI, CIA, and Immigration Service have passed word to the White House that the Kennedy-Drinan proposal, if enacted into law, would create a major internal security problem for the nation.

These officials warn the Kennedy-Drinan measure would allow into the U.S. the elite revolutionaries and bomb throwers of Latin America who took asylum in Chile when Allende came to power.

Thousands of these foreign nationals were involved in setting up an international Communist brigade similar to the one Moscow established in Spain during the Civil War there. If these foreign revolutionaries are permitted to join with other militants in the U.S., security officials claim that they could turn the country into another Northern Ireland in a matter of months.

Efforts by Assistant Secretary of State Jack A. Kubisch during the senate subcommittee hearings to point out that many of these foreign nationals had been involved in Chile was discounted by Kennedy and the Daily World.

The Communist publication hailed the Kennedy-Drinan movement with big black headlines. The front page article stated that "Sen. Edward Kennedy today demanded that the U.S. government provide 'asylum and resettlement opportunities' to tens of thousands of Chilean patriots (revolutionaries)."

The story in the Daily World stressed how Kennedy had opened his hearings "with an indictment of the Nixon administration for its silence in the face of bloodshed and violation of human rights by the junta."

Whether by design or coincidence, the Kennedy-Drinan movement in Congress to protect these revolutionaries fits into a worldwide campaign now being pushed by Moscow to save them and discredit the Chilean military government.

This campaign is similar to those conducted in the past against the government of Nationalist China and later against the anti-Communist governments of South Korea, South Vietnam and Cambodia.

At stake in this growing controversy is whether the U.S. is now going to become a haven for those who failed in their efforts to turn Chile into a Communist dictatorship.

If permitted to enter the U.S., these revolutionaries' next attempt to establish another Communist base in the Western Hemisphere could be disastrous for all of us.

One of the revolutionaries that would be permitted to enter the U.S. under the Kennedy-Drinan legislation is Luis Corvalan, general secretary of the Communist Party of Chile and a legislator there before the military takeover. He is now being held under charges of treason.

ENERGY CONSERVATION AND THE LIGHTING LOBBY TAKE THE LEASH OFF SNOOPY

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Friday, November 2, 1973

Mr. METCALF. Mr. President, the widespread interest in energy conservation is commendable. The efforts of the administration, State, and local governments, companies and individuals to sensitize the American public to our wasteful energy practices will help alleviate the shortages.

Some of the energy conservation suggestions are being repeated and emphasized in various ways. There are advertisements and speeches. The administration has even enlisted the assistance of Snoopy. And the oil companies have hired Johnny Cash to strum his guitar and admonish us to slow down—which is easy to do in the car-clogged streets of the Nation's Capital.

There are some significant ways to conserve energy which have not yet been incorporated into the ads and commercials. These are conservation methods opposed by the energy companies and the administration, which has our friend Snoopy on a tight leash. I want to suggest today several areas of energy conservation which need to be embarked upon now:

I. LIGHTING STANDARDS

Illumination standards should be drastically reduced. These standards—recommended by the Illuminating Engineering Society which is composed of utility officials and electric equipment salesmen—have been increased some 300 percent during the post-World War II period. Recommended lighting levels are far above the levels recommended by independent lighting experts and used in foreign countries. The July-August issue of the Architectural Forum contains an excellent article on this subject by Richard G. Stein. A Public Citizen's Action Manual, a paperback by Donald K. Ross, published this year by Grossman, includes a chapter on how individuals can help reduce excessive lighting standards. Presentations on the subject by school and library consultants are incorporated within my testimony on advisory committees, on November 4, 1971, before the House Government Operations Subcommittee on Legal and Monetary Affairs.

In addition, Members will be glad to know, the Architect of the Capitol is moving to bring our own institution into line on this matter. At the conclusion of these remarks, I shall ask for inclusion in the Record of correspondence which Chairman Cannon, of the Rules Committee, and I have had with the Architect, Bureau of Standards and General Services Administration, along with excerpts from Architect Stein's excellent article.

II. OIL CONVERSION TO ELECTRICITY

Utility use of oil to produce electric heat is a ghastly waste of a dwindling resource. Electric heat generation requires about three times as much energy, to provide the same number of Btu's, as oil heat does. I intend to develop this point more fully at another time. However, the Architectural Forum excerpts I shall include in the Record today include a succinct discussion of this waste.

III. ALTERNATE ENERGY SOURCES

Given the precarious position of foreign oil markets, and the continuing problems which will always plague nuclear power, we should go all out now on development of solar, water, sewage conversion, and wind energy. Valuable power increments are practical now by some of these methods. On October 30 the senior Senator from Maine (Mr. Muskie) brought us up to date on the

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Passamaquoddy tidal power project—Congressional Record, page 35392. For years the Office of Management and Budget has delayed planning of additional generators at existing dams on the Missouri River. The dams are in place—the additional hydropower would involve no additional impoundments. Hydro facilities are superior from an environmental viewpoint to steam or nuclear plants, because hydropower pollutes neither air nor water.

IV. NATIONAL POWER GRID

Construction of a national power grid would reduce new electric plant proliferation by an estimated 25 percent. A national grid—to fill in the serious gaps in our transmission system—would mean lower fuel consumption as well. There would be less demand for peak generating facilities. Bulk power could be moved from one section of the country to another to take care of load requirements peaking at different times of day in the various time zones, and at different seasons of the year in different regions of the country. Legislation to establish a national power grid has been introduced in both the 91st and 92d Congresses. S. 1025, which Senators Mansfield, Humphrey, McGovern, Moss, Abourezk, Hathaway, and I cosponsored, is before the Commerce Committee. Companion legislation by Congressman Tiernan and others is before the House Interstate and Foreign Commerce Committee. The administration's and power industry's opposition to this legislation should no longer delay its consideration.

V. RATE RESTRUCTURE

In a typical utility rate structure, large polluting industries pay about one-third as much for their electricity as do low-income persons in densely settled areas where cost of service is low. Rate structure is subject to regulation by State utility commissions. This means that people do not have to come to Washington for their remedy. A reduction in the rate subsidy now provided large industries would be an excellent incentive to those companies to review their energy consumption practices.

Mr. President, I sincerely hope that all of us, including the administration, can take time to rethink our approach to energy conservation. I was encouraged at one of our Interior Committee sessions Thursday by the promise of Governor Love and Assistant Secretary of Interior Wakefield to broaden the membership of some energy advisory committees. There are good men and women, and good projects, ready and waiting to become part of the answer to our national energy conservation problem.

Mr. President, I ask unanimous consent to print in the Record excerpts from Richard G. Stein's article in the July-August issue of the Architectural Forum, and the correspondence previously referred to regarding lighting standards, the Illuminating Engineering Society, and the constructive attitude of the Architect of the Capitol.

There being no objection, the material was ordered to be printed in the Record, as follows:

Excerpts From the Article, "Architecture and Energy," July-August 1973 Issue of the Architectural Forum

(By Richard G. Stein)

LIGHTING

Lighting is also coming in for serious reinvestigation, and for good reasons. Lighting represents about a quarter of all electricity sold; that is, as noted in the *EEI Statistical Handbook* 1970, about 500 billion kwhrs. 15 years ago, recommended light levels were as much as two thirds lower than present recommendations of the Illuminating Engineering Society (IES) in some categories. 15 years ago, only about one third of present quantities of electricity were being generated. In the interior of buildings, air conditioning is a more frequent requirement than heating. Every two excessive watts of lighting requires one excessive watt of cooling.

While the IES professes a primary interest in the quality rather than the quantity of light, all the quality related tests—Visual Comfort Probability, Equivalent Sphere Illumination, Effective Foot Candles—tend to downgrade the effectiveness of the light computed to satisfy the IES recommended minimal standards, making higher intensities inevitable if the entire methodology is embraced.

Spot analyses indicate that lighting can be reduced by large percentages. There is an advertisement of a lamp manufacturer in the IES magazine *Lighting Design and Application* (Nov. 1972, pp. 58–59). The heading reads, "Part of this lighting story is a lot of hot air." Across the top of the page is a picture of an office with a number of ceiling luminaires, people working below, a stretch of glass wall toward the right of the photo and a text that says, "Over 25,000 Sylvania Curvalume lamps light up the interior of S. S. Kresge Corporation's new headquarters in metropolitan Detroit. With two Curvalumes to a fixture, Kresge got the lighting they were after—and much more. The heat from the U-shaped lamps and ballasts is saved and recirculated into the building. It's a conservation of energy concept with Curvalume lamps at its heart. The bent lamps make it possible to use two by two foot fixtures that can be evenly spaced over the modular ceiling. This makes for even distribution of air as well as light. In Kresge's contemporary building, these long-lived fluorescents last even longer. They are never turned off, which lengthens their life. The constant circulation of air around them increases their efficiency. This handsome installation gives lighting levels of 100 footcandles or more in the general offices and the color of the lamps blends in beautifully with the interior decor."

Now let's see what they are really saying. If 25,000 40-watt lamps are in use 24 hours a day, there are one million watts in use for 8,760 hours a year; or in kilowatts, 8,760,000 kilowatt hours per year. If all the lamps are on from 8 a.m. to 6 p.m., that would mean there are 14 hours of unnecessary time for five days of the week. A million watts times 14 hours is 14,000 kilowatt hours per day times five days of the week, or 70,000 kilowatt hours. On the two days you do not need the lights on at all—that is 48 hours times one million watts, or 48,000 kilowatts. This means that there is an unnecessary expenditure of 118,000 kilowatt hours per week times 52 weeks a year which means that 6,136,000 kilowatt hours per year out of 8,760,000 kilowatt hours are unnecessary.

The waste, just in dollar terms, not to mention energy, at two cents per kilowatt hour, is $122,720 per year. As described instead of using the tubes 2,500 hours per year they are used 8,760. More than three times what they should be. The ad states, "They're never turned off which lengthens their life."

Let's see what this means. If the lamp is turned off once in ten hours, according to the IES Handbook, it will last 140/190 times as many hours as one burning continuously; that is, 75 percent as many hours. If its lamp life is 10,000 hours (the figure given for medium loading) it would last four years if burned ten hours a day for five days a week. If it is on continuously with a life expectancy of 13,300 hours, the additional 25 percent lamp life, it will last about a year and a half. In other words, while the lamp lasts longer it has to be replaced almost three times as frequently.

It is interesting to see in the ad's photo that there are some 15 people at work in the section of the office covered in the photograph. The ceiling above them has 181 fixtures each with 80 watts without counting the power load for ballast, a total of 14,480 watts, or about a thousand watts per person. The lighting is distributed indiscriminately, or should we say uniformly, over banks of files, desks, corridors, storage spaces and aisles. There are 40 fixtures over a bank of files with one person filing.

Also there are floor to ceiling windows that would appear to throw a high level of light for a distance of three ceiling modules or about 15 feet from the window. Yet the lights there are continuously on. Obviously all this adds to the summertime heat load for air-conditioning as well as the power load that the lamps themselves consume.

Next, according to the text the basic light levels provided are above 100 footcandles. According to an article by Mr. Robert Dorsey, then President of The Illuminating Engineering Society, in the AIA Journal (June 1972), this is satisfactory for reading a fifth carbon, which requires ten times as much light as the original for equal visibility. And since lights are always left on, there is no provision for selective switching even if there were an attempt to cut down on energy use.

Let me recapitulate. If the lights were on for an average of ten hours a day, five days a week, this 8,760,000 kwhr load would be reduced to 2,624,000 kilowatts per year. If the maximum overhead level were 50 footcandles (which is higher than the 30 footcandles cited by Mr. Ringgold of IES as adequate for the reading of printed matter), if offices where interviews are carried on were lighted to 20 footcandles (both generous since every typist using an electric typewriter has a connection nearby that could also permit portable light in the typist's area), then the above figure could be reduced by 60 percent. If we add a five percent factor for local lighting, the saving would be 55 percent, reducing the overall power requirements to 1,062,720 kilowatt hours.

Selective switching could turn off unused sections of the office. Conservatively, another 10 percent could be saved. The reduced requirement is now 956,450 kilowatt hours. This total obviously permits a significant reduction in air-conditioning requirements. The capacity of the plant can be substantially reduced and the operation will require many fewer kilowatt hours per year. Without considering the air-conditioning saving, however, there is a direct saving of about 7,800,000 kwhr's per year against the present expenditure of 8,760,000. This is enough to keep a village of 6,500 people supplied with a budget of 5,000 kwhr's per year for each family.

Since this was reported, there have been some changes. According to *Electrical World* (January 1, 1973), the lights are no longer kept on 24 hours a day, and there is some selective switching.

Existing lighting installations can be modified more easily than exterior walls, complex heating and cooling systems and ventilation systems.

A 50 percent reduction in electric usage for lighting would be a three percent reduction in nation-wide energy use. This is equivalent to the output of over 30 1,000-megawatt generating plants.

The question has been discussed in some detail for the past couple of years. The spokesmen for the Illuminating Engineering Society and their sponsored research arm, the Illuminating Engineering Research Institute, have insisted their findings have been misinterpreted and misapplied. Nevertheless, there is no literature coming out that shows how to design and provide controls for lighting that will significantly reduce electrical consumption. It is time to call on the industry to produce some illuminating components that perform quite differently from those that fill our new schools and buildings.

It is encouraging to learn that the American Institute of Architects has disaffiliated itself from the joint committee on school lighting with the IES, and will work toward a new approach to school lighting design with Educational Facilities Laboratory.

The IES has such a long standing commitment to the light evaluation system based on the 1958 Blackwell Report that a fresh overall investigation of how to provide a satisfactory seeing environment for carrying on our daily activities at the lowest energy cost is almost impossible to expect.

The characteristics of the new lighting: A more efficient light source; a lighting component capable of being easily plugged in and removed as requirements change; one capable of delivering a number of levels of light; one easily controlled locally; one fitted with a light-sensitive device that will turn it off if the ambient light level is adequate; and one that will accept screening devices when necessary.

The lighting design standards will eliminate the shibboleth of more than three to one contrast. This is not only contrary to the activity of the eye in nature, but also counters the experience of people watching a drama or film where the task (the stage or screen) is brilliantly lighted and the surrounding area is without light. The contrast between the light from the sky and the light in shadow areas under trees can be 20 to 1 (or more) without causing discomfort or loss of discrimination. In contrast, an unrelieved snowfield can be fatiguing, disorienting and can produce such physical symptoms as headaches and nausea.

The idea of lighting designed for specificity of delivery is certainly not new. Moreover it works effectively wherever it is installed. Examples are an operating room light, the light on a drafting table, the small lamp attached to a sewing machine, the built-in lamp in a study carrell, the individual lights over airplane seats, the light over a pool table, the illuminated instruments in an automobile. In commercial buildings there is no area that cannot accommodate an electric typewriter, a desk computer or an electric coffee maker; which means the area can also accommodate local lighting, either attached to the equipment or free-standing to serve it.

The remote-control device for changing television channels suggests a type of control by which a person could selectively turn lighting on and off, or change its intensity.

In a universal ceiling grid, fixtures could be plugged in or removed to change the light delivery system for different programmatic requirements The animated movable electric signs in Times Square hint at the variety of levels and points of illumination we could have in a space.

Since there is so much to be gained nationally by reducing unnecessary electric use, the reduction of unnecessary lighting, as well as other technological possibilities, should be immediately investigated (low voltage switching systems, for one).

The great benefit of the modified approach to lighting design—differentiated spaces, contrast and lowered ambient levels—is the improved architectural quality. The building begins to respect and respond to changing human needs, and to variations of climate and weather.

Two recent findings may have some bearing on performance requirements. First, the report on job dissatisfaction among assembly line and production workers. This stated that despite "efficient" work conditions, psychological factors caused reductions in productivity which could be offset by less routine work assignments and less undifferentiated environments. In place of assembly lines, experiments with assembly teams, putting together SAABs and Volvos in Sweden, resulted in dramatic reductions in absenteeism and defective workmanship. Second, it was reported by a CBC radio interview that a Canadian school found that reducing light levels in a new school noticeably reduced psychosomatic headaches and fatigue.

In looking critically at energy use, the amount of energy used for advertising purposes is generally lost in the commercial category reporting. Aside from giving information—the name of a hotel, the number of a building, similar messages, most merchandising lighting is either excessive or superfluous. During the war years of 1942 to 1945, the extreme situation of no advertising lighting pertained. While it was by no means a relaxed and joyful setting (one of the environmental tunes of the day was "When the Lights Go On Again All Over the World," as an equation of lights and peace) it did demonstrate that we could indeed survive without advertising lighting.

The ironic part about advertising is that a high light level, if it is used to overwhelm the message of its neighbors, is only effective if it is the highest light level around. As soon as a new high is established, the tendency is for others to seek a still higher level. This is kilowatt one-upmanship.

The light level intensities can mount from 100 to 200 to 300 to 400 (and higher) footcandles, and do so very rapidly. Each advance cancels out the merchandising advantage of the one before it. The only way to avoid such an escalation is by having a limit on intensity that is either voluntary, or enforced. When this is done, ingenuity will replace sheer brute brightness.

The wonderful effect of tiny lights strung in trees was demonstrated in New York last Christmas as an increasingly popular technique for decorative lighting. Blocks along Park Avenue and the Avenue of the Americas were given a magical scintillating quality. All told, about one half watt was used per square foot. By contrast, the business streets in Las Vegas have so much wattage that the various messages are virtually cancelled out in the glare.

Lighting in residences has remained closer to light levels people enjoy, especially since there is no one goading them to increase levels for sake of performance. As a result, home lighting was considered undersaturated; that is, it had the potential for being appreciably increased and, energy shortage or not, there are promoters in the electrical industry who want to push up the amount of electricity for home lighting.

In an account of Edison Electric Institute's 1971 Annual Marketing Conference, *Air-Conditioning, Heating and Refrigeration News*, a trade weekly, ran a report about Edwin Vennard, former managing director of the Institute, commenting on residential lighting: "Lighting always stands out as one of our best builders of percent return." Mr. Vennard mentioned that the electric industry had failed to sell higher lighting levels at the residential level where, he continued, "We give them about 20 foot-candles." By raising the average wattage of all electric bulbs used in houses just 30 watts, there would be more net income for utilities "than in all existing house heating. I'm not saying neglect house heating, but why not have both?"

It is ironic that if we attempt to describe the most pleasantly lighted spaces we can think of, our thoughts turn to certain residences. Softly lighted restaurants, theater lobbies and other spaces whose performance requirements have escaped the foot candle escalation process. Judging from the above quotation the watt salesmen are zeroing in on these.

ELECTRIC HEATING

In considering Mr. Vennard's last sentence we come to another emotionally charged subject, electric heating. It would be wonderful to find that it really uses less energy than all those other crude, primitive and expensive systems. It is obvious that costs of installation are generally less than for hydronic fossil fueled systems. No boiler rooms are necessary, no chimneys; instead of conveying heat as a liquid or a gas in pipes, it is transmitted through copper wires that can turn corners more readily and don't require pitches for drainage. Controls operate an on-and-off switch instead of a valve or pump.

Unfortunately the basic production of electricity is so inefficient in converting heat to electricity (which can be converted back to heat) that the advantages of electric heating are offset by the cost of operating it.

In the years 1963–70, it is possible to see the result of the promotion of electric heating on the residential use of electricity. For a decade residential use represented about 30 percent of the total sale of electricity. On a per capita basis, the average increased at the same rate as the general increase in electric usage. That is, it doubled while the population increased by 15 percent. In 1957 there were 167,758,000 people, using 161 trillion kwhr for residential use. In 1967 197,374,000 people using 332 trillion kwhr. Each average family used 3,660 kwhr per year in 1957 compared with 6,420 kwhr in 1967. Suddenly, in 1968 there was a sharp increase in the amount of electricity used in residences, beyond the general rate of increase for electricity. Residential use of electricity within two years jumped to 32 percent of all electricity sold.

If this merely represented a shift from one source of energy to another with no other consequences, it would be interesting as a technological shift. It has more serious results however and complicates the problem it purports to solve.

It may be worth repeating that electric heating is basically wasteful of primary energy, largely due to the three to one inefficiency in converting primary fuel to electricity. The 11,000 (plus or minus) Btu's required to generate a kwhr have a heating value of 3,413 Btu's at 100 percent efficiency in the reconversion process. If primary fuel (oil or natural gas) is burned directly, even if it is burned at only 60 percent efficiency, it will use only half as much fuel as the needed heat supplied by electricity.

The different fuels are interchangeable and interdependent. In the New York City area, for example, gas turbine peaking units are providing some of the base load. These units, basically jet engines, operate on kerosene or No. 2 oil. As they convert it into electricity, used for heating, they contribute to the shortage of fuel oil for heating.

According to New York City officials, one quarter of Con Edison's generation is now in gas turbine units, over 2,000 megawatts worth. Originally planned as peaking units, they now are part of the base load supply. They use No. 2 fuel oil the oil used in home heating furnaces and boilers. The shortage is being worsened since electricity for home heating drains off twice the No. 2 oil from the market that would be required for direct combustion at the houses.

Similarly, where natural gas is available, it is used to generate electricity which, in turn is being used for heating that could be done more economically from a fuel use point of view by using the gas directly.

A rationale of the utilities for using electric heat is that it is required at a time when operations are below their peaks which occur, excepting a few northerly areas, during the summer air conditioning period. There are two flaws in this. First, we are faced with shortages in all primary fuels—oil, gas, fissionable material and available low-sulphur coal. Predictions for the exhaustion of these resources suggest that they had better be used carefully until alternative power sources have been developed and made available in sufficient volume to replace the present generating and petroleum refining capacities. The absolute reduction in primary fuel use becomes more important than the more profitable use of generating facilities on a year round basis. The result of burning less fuel (and still providing the same basic performance standards) is also the reduction in pollution. The second point, however, is that the promotion of electric heat does not affect only the winter loading. The all-electric home is given more favorable rates year round than the non all-electric home. For over 360 kwhrs per month, the service classification for electric heating lists only 60 percent of the non-heating customer's cost during the eight heating months and only 75 percent of the non-heating customer's cost in the remaining four months. As a result the favorable rate structure makes electricity attractive for cooking, clothes drying, and hot water heating in addition to the space heating. It also encourages the use of more air conditioning. These additional electric uses tend to drive the summer peak still higher, resulting in still more winter time capacity to be exploited for electric heating.

If the controls and delivery of fossil fuel systems were as effective as those in electric systems, there would be no basis for discussion. The difference would be three and a half to one in favor of the fossil fuel. As the result of the losses in combustion and delivery, and of less specifically responsive controls, the edge drops down to about two to one. Even with boiler inefficiencies and chimney stack losses, direct use of fossil fuel is generally twice as efficient as electric heat, and does not cut into generating capacity.

The only promising use of electricity for heating under present methods is the heat pump. In the past this has been so beset with poor performance equipment that it has not been actively pursued.

The impact of additional electric heating on overburdened generating capacity can be appreciated by looking at actual quantities. In New York State, depending on location, between 10 percent and 50 percent of new homes have electric heat. In other areas of the country, that figure is higher. According to figures from Pennsylvania Power and Light, the average all-electric house in 1971 used 28,000 kwhrs, while the non-electric one used 5,600. That leaves an average of 22,500 kwhrs for heating. Applying this figure to the one percent of New York State's 5,300,000 residential customers, who now use electric heat, it turns out that 1,200,000 megawatt hours went into electric heat last year in this state—the total output of a 240 MW plant such as Indian Point 1. The amount of fuel which went into generating power to heat these residences could have heated about two and a half times the number of residences directly, given the same standards of construction.

In 1970, with a seven and a half percent saturation of the residential market, electric home heating used about 66,000 million kwhrs of electricity. This represents almost four percent of all electrical energy produced and sold. In other words, if the ratio of capacity to consumption of the Con Edison generators is used, a total of about 16 million kwhrs capacity is required—the equivalent of twice the total capacity of all of Con Edison's generators.

According to "Electric World", the preference for electric heating has increased from 22 percent to 36 percent during the last six years. The electrical industry projects that the number of electrically heated residential units will be 19 million by 1980 and 25 million by 1985.

The annual electric consumption, if this prediction came true (assuming established 22,500 kwhrs per unit per year), would be 562.5 billion kwhrs. In primary energy, this would require about 6.5 billion (10^{15}) Btu's, and would be the equivalent of a 50 percent importation of petroleum in 1985. This is obviously a matter to be decided on something other than first construction cost.

In addition, there has been a successful campaign on the part of the utility companies to increase substantially the amount of electrical heating in office buildings and other commercial installations. In 1969, of all new non-residential construction, 23 percent was electrically heated, a total of almost 40,000 buildings of which 5,400 were new office buildings.

A governmental policy, expressed in codes and power use regulations, is necessary to stop this tendency, one that permits electric heat only in installations where fuel deliveries cannot be made or where the presence of an open flame in an unattended building would be either unsafe or undependable.

U.S. SENATE,
Washington, D.C., September 7, 1973.

Hon. LEE METCALF,
Chairman, Subcommittee on Budgeting, Management, and Expenditures, Committee on Government Operations, U.S. Senate, Washington, D.C.

DEAR LEE: I enclose a copy of the report of the Architect of the Capitol concerning lighting standards and conditions in Senate spaces, about which you wrote me several weeks ago.

Mr. White's summary of the situation seems to be responsive to my request, but I would be glad to have your comments on it after you have had a chance to read it.

With all best wishes,

Sincerely,

HOWARD W. CANNON,
Chairman.

WASHINGTON, D.C.,
September 4, 1973.

Hon. HOWARD W. CANNON,
Chairman, Committee on Rules and Administration, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: In pursuance of your request regarding Senator Metcalf's comments concerning lighting standards and lighting conditions in Senate spaces, I have made a careful investigation of the quality of lighting to which Senator Metcalf refers.

Appended hereto are copies of data obtained by our engineers from calibrated light meter readings made in nine different Senators' offices in the Russell Building. These data corroborate Senator Metcalf's concern. As a personal matter, I should add that I have long held an opinion similar to that of Senator Metcalf's, namely, that the recommended light levels as indicated by the Illuminating Engineering Society standards are, in many cases, substantially more than is necessary for the comfort of people with normal eyesight.

A short review of the lighting development in the Russell Building may be helpful in understanding the present situation.

In the Second Supplemental Appropriation Act, 1955, authority was given for the employment of lighting consultants to survey and study the illumination in the Russell Building (at that time called the Senate Office Building) and to "submit recommendations and estimates of cost for improved illumination. The amount of $10,000 was expended for that study. As a result, an allotment of $220,000 was requested in the appropriations for 1957, to provide for the purchase and installation of new lighting fixtures recommended by the lighting consultant. In the justification for the request, the following statement is made:

"Existing lighting conditions in Senators' suites are definitely substandard. The average level of illumination is five to six foot-candles at desk level, 30 inches from the floor. These figures may vary with the size of the room and the number and type of luminaires."

The justifications state, further, the recommendations made by the lighting consultants. A portion of these reads as follows:

"Initial illumination levels in Senators' private offices, in Administrative Assistants' offices and in reception rooms should not exceed 35 foot-candles. In stenographic-file rooms, the initial illumination levels should not exceed 50 foot-candles."

Accordingly, funds were appropriated and lighting fixtures furnished and installed on the basis of the consultant's recommendations.

Those fixtures, installed in 1958, contained plastic shades that had, by 1973, over the years, become old and brittle and, therefore, subject to frequent breakage during cleaning and lamp maintenance operations. Because of their age, they could no longer be procured from commercial sources without special manufacture. Further, because the fixtures were designed with an open top which caused their efficiency to be impaired as a result of the collection of dirt and insects, and because the exhorbitant cost of shade replacement resulted in approximately half of the lighting fixtures being without any shades at all, funds were requested and appropriated for FY 1973 to enable these 15 year old fixtures to be replaced.

The replacement fixtures which were installed during the first six months of this year were identical in electrical power consumption (wattage) to those which were replaced. Fifteen years of development in the lighting fixture industry, however, resulted in our obtaining much more efficient lighting in terms of lumens per watt. We are thus experiencing substantially greater foot-candles at the reading level resulting from the use of the same electrical energy. It should be noted also that the initial foot-candle readings will, in a short period of time, diminish to approximately 80%–85% of the initial readings. This occurs in varying degrees in all lighting installations, and is a result of general aging of the lamps and fixtures and the impracticability of cleaning them each day.

Nevertheless, it is undoubtedly true that since the installation of the new fixtures, the illumination level has increased to the point where for some people there may be discomfort. In several of the Senators' offices, half of the fluorescent tubes have been removed from the fixtures and the resulting illumination has remained at a satisfactory level. It thus appears possible to achieve satisfactory illumination levels with virtually one-half the energy consumption that has been used during the last 15 years. It should be noted, also, that the new fixtures, on an individual basis, cost very little more than the replacement costs of the outdated shades on the 1958 fixtures. Since installation was accomplished through the use of our in-house electricians, the labor cost was minimal.

One further factor should probably be recognized. Lighting levels are, by and large, a matter of individual preference.

Higher lighting levels, within limits, are found to be more comfortable for some individuals, and not for others. Under the present situation in the Russell Building, we are able, with the fixtures installed in 1973, to provide a substantial range of illumination

in answer to individual requests. As the appended data indicate, the foot-candle readings in various Senators' offices range from 10 to 160. I certainly agree with Senator Metcalf that these upper levels are substantially greater than necessary. I intend, therefore, to survey each Senator's office with the goal of reducing the electrical power consumption by removing lighting tubes to such extent as deemed necessary, subject, however, to the desires of each Senator.

Because, as you know, the extension to the Dirksen Office Building is now under design, it is my intention, also in accordance with Senator Metcalf's comments, to keep the lighting levels at a range more consistent with the standards of comfort than those generally recommended by the Illuminating Engineering Society. Measurements taken at my own desk have persuaded me that lighting levels beyond 60 to 75 foot-candles are, for the most part, unnecessary, if not uncomfortable, for ordinary desk work by persons with normal eyesight.

Please be assured that the lighting consultants for the new construction will be carefully apprised of these concerns. Our goal in the new building is, of course, to achieve maximum but reasonable flexibility consistent with the cost implications that are inherent in that goal. Thus, in connection with the lighting, it may be that higher illumination levels may be provided for but not utilized except as they may be needed for specific sight tasks.

I shall, of course, be pleased to incorporate or adjust these lighting philosophies in accordance with the guidance of the Senate Office Building Commission. I shall be happy, also to furnish you and Senator Metcalf with any additional information that you might deem appropriate.

Cordially,

GEORGE M. WHITE,
FAIA, Architect of the Capitol.

JULY 9, 1973.

Dr. RICHARD W. ROBERTS,
Director, National Bureau of Standards,
Washington, D.C.

DEAR MR. ROBERTS: New lighting fixtures recently installed in my office are so bright that several members of my staff complained that the light hurt their eyes. A test by a Senate electrical engineer showed that the illumination amounted to more than 100 footcandles.

That is a level two or three times the amount recommended by school and library officials and oculists. I included some of the documentation on this point in my testimony before a House subcommittee two years ago, which I enclose for convenient reference. Further documentation is provided in "A Public Citizen's Menion Manual," a paperback by Donald K. Ross just published by Grossman.

The Senate, and many other governmental units, Federal and non-Federal, unfortunately rely on standards suggested by the Illuminating Engineering Society, which is composed principally of utility officials and electrical equipment salesmen. It seems to me, especially in view of the energy problem, that the Federal Government ought to issue scientifically based lighting standards, and that your bureau is the appropriate agency for that task.

I would welcome your general comments on the matter, and your specific response to my suggestion that the Bureau of Standards promulgate appropriate lighting standards for Federal buildings.

In view of the responsibilities and interests of the General Services Administration in this matter, I am sending a copy of this letter to the GSA Administrator, and requesting his comments.

Very truly yours,

LEE METCALF.

JULY 9, 1973.

Hon. HOWARD W. CANNON,
Chairman, Committee on Rules and Administration, U.S. Senate.

DEAR SENATOR CANNON: I would welcome Rules Committee review of lighting standards used in the Senate and other government buildings as discussed in my enclosed letter to Dr. Richard W. Roberts, Director of the National Bureau of Standards, and in the enclosed testimony before a House subcommittee.

Very truly yours,

——— ———.

GENERAL SERVICES ADMINISTRATION,
Washington, D.C., July 24, 1973.

Hon. LEE METCALF,
U.S. Senate,
Washington, D.C.

DEAR SENATOR METCALF: Thank you for your letter of July 9 inviting our comments on illumination levels.

The General Services Administration has been concerned with levels of illumination for some time and on this basis is taking action to remedy and revise some of the existing standard procedures. Of special concern are comfortable and adequate lighting levels and the conservation of energy.

We have already taken action to establish new standards for illumination in both existing and new GSA-controlled space which will significantly reduce energy consumption.

In all new buildings we have introduced a new task oriented illumination concept. The traditional concept used in the past provides uniform illumination throughout the entire space to the level of the most difficult visual task, whether needed or not. The idea of the task oriented (or nonuniform) lighting concept is to provide the required amount of light only at the work station, with the flexibility to relocate the light as the work station changes. The traditional concept required a power input of four watts per square foot of ceiling area, whereas the task oriented lighting concept requires no more than two watts per square foot and in some cases may be reduced to one watt per square foot. Attendant benefits are, of course, reduced airconditioning loads and less lighting fixtures to install and maintain.

We are enclosing a copy of our guide specification T 4–13500. Integrated Ceiling and Background (ICB) System. The lighting performance for task oriented lighting is contained in paragraph 2.02A, and establishes a maintained lighting level of 70 footcandles at the work stations, and a minimum of 20 footcandles anywhere within the space.

The task oriented or nonuniform illumination concept is also being applied to existing buildings, in accordance with the enclosed GSA Order 5856.1, paragraph 5 of Attachment A. The Order also indicates other actions we have taken to conserve energy in GSA-maintained buildings.

With regard to new standards, we have recently engaged a private consulting firm to perform a comprehensive study of illumination levels. The study, when complete, will establish criteria to provide a national GSA standard that can be utilized in planning and designing systems for GSA-controlled space. The final report of the study should be complete by October 1973 and if you so desire we shall be pleased to send you a copy.

Concurrently, GSA has an Energy Conservation Demonstration Building (the proposed Federal Building for Manchester, New Hampshire) under design. Present plans include the provision of different types of office lighting on the various floors. For example, one floor will be designed for conventional uniform lighting, other floors will be designed for task oriented lighting, another floor will be designed to take maximum advantage of natural lighting, while other floors may be designed for polarized lighting and lights incorporated in the furniture. Through this demonstration project, we expect to gain further knowledge which will help us provide adequate lighting with savings in energy.

We hope this information has been helpful. If we may be of further assistance, please let us know.

Sincerely,

ARTHUR F. SAMPSON,
Administrator.

U.S. DEPARTMENT OF COMMERCE,
Washington, D.C., July 26, 1973.

Hon. LEE METCALF,
Chairman, Subcommittee on Budgeting, Management and Expenditures, Committee on Government Operations, U.S. Senate, Washington, D.C.

DEAR SENATOR METCALF: Thank you for your letter of July 9, 1973, suggesting that the National Bureau of Standards promulgate appropriate lighting standards for Federal Buildings.

The National Bureau of Standards does not promulgate industry standards. NBS contributes technical competence and makes recommendations upon request to standardization groups. The current research effort at NBS is directed toward an improved technical basis for the quantity and quality of illumination and improved measurement methods for determining whether users' needs are met by lighting systems.

The standard for office lighting currently used is the American National Standard A132.1, "American National Standard Practice for Office Lighting," issued by the American National Standards Institute which is sponsored by the Illuminating Engineering Society (IES). Xerox copies of Table 1—Illumination Levels Currently Recommended, from A132.1—1972 (proposed Revision of A132.1—1966) and appropriate portions of Figure 9–80 IES Lighting Handbook, 1972, are enclosed for your convenience—Appendices A and B, respectively.

The National Bureau of Standards through its Center for Building Technology (CBT) has initiated technical studies on the illumination required to perform visual tasks. These studies were in response to the general dissatisfaction voiced by some of the "user" community to the current recommendations, including some of those documented in your testimony to the House subcommittee. The CBT studies are based on illumination experiments which more nearly simulate real-life conditions. The current American National Standard A132.1 and IES recommendations are based on visual performance data obtained under situations seldom encountered in everyday task performance. A brief summary of the experimental data on which current IES recommendations are based and the initial efforts of CBT in this area is included as Appendix C. Hopefully the new information developed by the current CBT research could serve to stimulate reconsideration of present illumination standards.

CBT's Building Environment Division has been working with the General Services Administration in the field of energy conservation, where lighting power is a very important parameter. In the enclosed copy of NBS/GSA Roundtable on Energy Conservation in Buildings, May 23–24, 1972, on pages 52–53 the subject of lighting is discussed. We understand that GSA is in the process of implementing many of the energy saving ideas mentioned by reducing lighting levels in offices and by providing the principal illumination in the task-performance areas.

NBS is cooperating with GSA on the Manchester, New Hampshire, energy conservation demonstration office building, which was a result of the above Roundtable. Computer studies of savings possible from changing normal design practices to energy design are

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> shown on pages 120–133 of the enclosed publication, Technical Options for Energy Conservation in Buildings, June 19, 1973. This same publication (pages 93–98) gives information on the subject of conserving energy used for lighting.
>
> Thank you for your interest and your suggestions.
>
> Sincerely,
>
> RICHARD W. ROBERTS,
> *Director.*

THE PALESTINIANS: THE REAL PROBLEM IN THE MIDDLE EAST GOES UNSOLVED

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. RARICK. Mr. Speaker, people the world over are prayerfully hoping that peace can be restored to that area of the world called the Middle East, with whatever concessions are necessary by all parties involved so that all people in that area can save face and live together in mutual respect and understanding.

Tragically, at this time the Palestinian people do not appear represented nor do they have a voice in any of the negotiations. Only those who understand the Palestinian and his ageless plight can understand the seriousness and the futility of any negotiated peace without including the Palestinians.

Those who followed the negotiated "peace with honor" in Vietnam will recall that not only were representatives of North Vietnam and South Vietnam included at the peace table, but also representatives of the Viet Cong and every other dissident splinter faction, a measure which was deemed advisable by our Government so that every aggrieved group participated in the final decision.

In considering a Middle East settlement without the Palestinian, we must remember that before the conversion of Palestine into Israel by unilateral action in 1948, the population of Palestine was 1,845,000, of which 1,076,000 were Arab-Moslem, 608,000 were Jews, and 145,000 were Arab-Christians, Arab-Israeli Dilemma by Fred J. Khouri, Syracuse University Press, 1968.

The 1969 census of Israel gives a population of 2,919,172 of which 2,496,438 are Jews, 314,580 are Arab-Moslem, 73,556 are Arab-Christians, and 34,598 are Druzes and others, Worldmark Encyclopedia of the Nations, vol. 4, 1971 edition.

Where did the Arab-Palestinians go? They are still in the Middle East where they can be expected to continue as an oppressed minority, convinced that they have been deprived of their land and their birthright—and now by action of all nations of the world.

I ask that a related news clipping follow:

> [From the Washington Star-News, Nov. 1, 1973]
>
> PALESTINIANS SEEN SHIFTING ON SEPARATE-STATE ISSUE
>
> The Palestinian guerrilla command may be dropping its opposition to the idea of a separate Palestinian state, a switch that could help break the 25-year-old Middle East deadlock.
>
> The development was hinted in Beirut press reports as the Palestinian command was meeting in the Lebanese capital in a summit of various guerrilla organizations as the executive committee of the Palestine Liberation Organization.
>
> Chairman of the group is Yasir Arafat, who heads Al Fatah, the largest of the Palestinian organizations.
>
> The news report yesterday quoted Arafat as saying the Palestinian movement "is on the threshold of a new stage that would require an historic decision . . . and I am confident that it is capable of finally coming out with such a decision."
>
> The Pro-Palestinian newspaper Al Moharrer said that agreement had already been reached by all but one of the Palestinian groups on the executive committee after three days of what it described as "heated debate."
>
> The paper said a majority of guerrilla leaders favored acceptance of a Soviet invitation to Arafat for Palestinian participation in an international peace conference on the Middle East, with the insistence that:
>
> Israel withdraws from occupied Arab territory inhabited by Palestinians without "bargaining."
>
> Palestinians living on the west bank of Jordan, The Gaza Strip and the Hamma Plains east of The Sea of Galilee—the southern part of the Golan Heights—will have "the right to self-determination."
>
> The Palestinians also will "have the right to determine what kind of relationship they want with the east bank of Jordan," King Hussein's monarchy where 70 percent of the population is Palestinian.
>
> The Palestinians had previously rejected a proposal by King Hussein to form a semi-autonomous Palestinian state on the west bank of the Jordan River, federated with his east bank kingdom under the Hashemite throne.
>
> On the critical question of prisoners taken in the war, Syrian authorities said yesterday they would submit a list of Israeli prisoners of war in Syria to the International Red Cross. But Deputy Foreign Minister Abdel Ghani Rafei said Syria would only comply with the Geneva Convention on Prisoners of War if Israel also complied.
>
> Rafei told a news conference Syria had two conditions: That Israel return the bodies of Syrians killed during the fighting and that Israel allow Syrians who fled their villages during the fighting to return.
>
> Egypt has sent Israel a list of 82 Israeli prisoners, but a quick exchange is hung up on Egypt's demand that Israel withdraw from territories it took after the Oct. 22 cease-fire. Israel captured about 6,000 Egyptians and wants to exchange them for about 450 Israeli prisoners the other side took.

THE PROSECUTOR'S PREROGATIVE: INDEPENDENT AND IMPERVIOUS, OR PRESSURIZED?

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. LANDGREBE. Mr. Speaker, there appears to be much sentiment in Congress for the appointment of a special prosecutor by the chief judge of the district court. In the interest of the restoration of confidence in the Federal Government, the role of the special prosecutor should be strictly and unambiguously defined and guaranteed by law in order to assure impartiality and objectivity in investigations and prosecutions of Government authorities. Accordingly, I call your attention, Mr. Speaker, to a letter I received from a gentleman in San Francisco, Calif., who has set forth in reasonable terms what I consider to be some pertinent points to consider in the possible legislation of the appointment:

> SAN FRANCISCO, CALIF.,
> *October 28, 1973.*
>
> I have noted with interest the news reports that the congress of the United States is indicating great interest in the establishment of a prosecutor's office which would be unentangled or pressurized either pro or con in its use of the subpoena and other court powers to investigate the administrative branch of the government.
>
> I salute this progressive step only on the condition that the congress do no less for itself by also freeing the prosecutor to act at his whim and will in the same manuer, free from pressure or entanglement, politically, in investigating alleged wrong doing on the part of any congressman or senator. And why not the same power to investigate the federal courts themselves?
>
> I predict that any bill with amendments tacked on to it to add investigative and unbridled authority to a prosecutor investigating the congress . . . or the courts, as well as the administration, would die a sudden death in committee.
>
> To state that it would be all right to have uncontrolled investigation of a main branch of our government . . . to wit: the administrative, and at the same time exclude the other main branches . . . the judicial and the legislative, must certainly cause the constitution to vibrate if not crash into pieces.
>
> WILLIAM L. GREGORY.

EQUITY FUNDING CASE AND CONGRESSIONAL ACTION

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. HANNA. Mr. Speaker, the Equity Funding case now before the Federal Court for the Central District of California gives us a grim and awesome warning of the potential for computer frauds. It must be continually appreciated that all the tools of man are subject to abuse and may be used for evil as well as good. You can use the kitchen knife to slice the bread, but you can also use it to slay the breadwinner. You can use the computer to effectively convey facts, but you can also use it to conveniently confuse or cover the facts. In the Equity Funding case, it appears that the programers used the computer for these latter purposes.

In the words of the assistant U.S. attorney in the case:

> The Equity scandal involves probably the most substantial business fraud of the century, possibly in the history of this country.

It involves approximately one-half billion dollars in Equity's assets and more than $1 billion in allegedly phony life insurance policies. The dimensions of the fraud may exceed the Vesco, Billy Sol Estes, and IOS scandals all together.

Unfortunately, the list of stockholding victims include a number of colleges, public pension funds, churches and foundations. Each of them stands to lose a substantial percentage of its investment and to be tied to a long period

of loss of liquidity, if it wishes to reduce its loss by obtaining devalued stock in the course of a reorganization. Since none of these entities pay taxes, their losses will be real and permanent. Each of the eleemosynary organizations affected will have its capacity to serve the public good reduced accordingly.

My expectation, Mr. Speaker, is that the realization of the full scope of the damage will raised demands for legislative action. And I am sure that these demands will be met by countervailing arguments from industry to do nothing at all. Our action should reflect an appreciation in Congress for this new type of sophisticated "white collar" crime. It should equally reflect the best efforts of our committee system and floor activity to hone an answer to the proper use of computers while discouraging to a maximum extent the recurrence of an Equity Funding type of fraud.

CONSERVE ENERGY—RESTORE DAYLIGHT SAVING TIME

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. DULSKI. Mr. Speaker, with increasingly higher estimates of the fuel shortage being revealed, Congress and the administration are trying to map out emergency plans for this winter.

Certainly, a broad spectrum of conservation measures is needed now as well as developing a long-range program to solve the energy crisis.

However, I believe that Congress could take a very simple step immediately to start the long journey toward sound energy policy.

As one of the sponsors of H.R. 7647, to provide that daylight saving time shall be observed on a year-round basis, I am even more firmly convinced than ever that we should institute this change without further delay.

Daylight saving time is an easy and proven method of conservation. We are all aware of the positive results in this country during the World Wars and in fuel-short Europe following the war.

Several of my colleagues already have pointed to the results of the Rand study indicating there would be a saving of half our estimated shortage for next year resulting from DST. We are also cognizant of the auxiliary benefits of increased traffic safety and decreased crime statistics.

At this point, I include the text of a very pertinent editorial:

> TIME TO SAVE ENERGY
>
> The impetus in Congress for conserving energy by adopting Daylight Saving Time throughout the year is one of several signs that the lessons pointed up by the Middle East war are at last being driven home.
>
> Western Europe, President Nixon observed in last week's press conference, "would have frozen to death this winter" unless the Middle East fighting had been brought to an early end. The United States, fortunately, is less vulnerable than Western Europe and Japan to the impact of embargoes or cutbacks of oil production by the Arab states.
>
> Even so, the folly of leaving the future economic life of the U.S. a potential hostage to the blackmail threats of Arab producers charges with fresh urgency the nation's search for ways to minimize the risks in excessive reliance for energy resources upon unstable foreign sources.
>
> This need not imply any cause for panic. We have time to find sound solutions for energy shortages, provided the nation does not delay the effort necessary for the development of fuel alternatives to gas and oil.
>
> The answer to our long-term needs lies in developing new energy sources. John A. Love, director of the President's Energy Policy Office, foresees no one single solution but rather a "group of pieces"—including coal conversion, shale oil, nuclear power and the Alaska pipeline.
>
> But until this massive research-and-development investment commitment can produce effective solutions, there must be a public readiness to restrain demand for energy supplies with an acceptance of what government officials call a new "ethic of energy conservation."
>
> An industrial society that has been profligate with its fuel supply, in an era of abundance when we were all lulled into complacency, now must discipline its wasteful practices. Shifting our life styles and economy demands a reassessment of the way we insulate our homes and offices, the efficiency we get out of our gas-guzzling cars, and in particular prudent restrictions on non-essential uses of electric power. To assure the most efficient use of diminishing fossil-fuel resources, State Public Service Commission Chairman Joseph C. Swidler calls for steps by the major gas and electric utilities to discourage excessive use of power by their major customers.
>
> A similar concern for saving electricity and the fuel it takes to generate it now has prompted congressional proposals for making Daylight Saving Time permanent. An extra hour of daylight at the end of the day, advocates contend, would achieve a substantial savings in winter energy needs. Year-round Daylight Saving Time served this purpose during World War II, when it was adopted by congressional action, and it has stayed in effect in most of Western Europe.
>
> The claims of opponents, that any fuel savings might be offset by such things as additional gasoline consumption for more daylight driving, are currently the subject of study by the Rand Corporation. Though the Nixon administration has taken no official position on a time change long opposed by farm groups, energy officials in the Interior Department lean toward giving experimental daylight saving time a reasonable test, along the lines of a Senate bill. Certainly the need is at hand to intensify present studies and give this potential energy-saving idea serious consideration.

Much more than year-round daylight saving time is need for a complete solution, of course, but there is no plausible reason why Congress cannot promptly pass the legislation for a simple, immediate, and cost-free way to begin to meet the energy crisis in a positive manner, in order that the energy savings can be realized this winter.

ANOTHER AFFRONT TO THE CONSTITUTION OF THE UNITED STATES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. RARICK. Mr. Speaker, article I, section 6, clause 2, of the Constitution provides:

> No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States . . .

The question posed is: Can Mr. FORD and Mr. SAXBE be appointed to the positions of Vice President and Attorney General of the United States?

Mr. Speaker, I include the full text of article I, section 6, clause 2, of the Constitution of the United States following my remarks:

> No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

CRIME CONTROL NO. 4

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. LANDGREBE. Mr. Speaker, a gentleman has been insisting for several months that guns are responsible for thousands of deaths, and inserting in the RECORD examples to prove it.

I have already discussed the fact that guns cannot be responsible for anything, simply because they cannot respond. Now, I must call into question the attempted proof of the ghastliness of guns. Apparently the gun control lobbyists believe that the accumulation of case upon case in which guns have been used in the commission of crimes constitutes proof for their fundamental proposition: guns cause crimes. The silliness of this idea may be realized when it is recalled that observation of entities does not include observation of causes. The notion of cause must find its basis in a prior argument and not in observation. The conjunction of guns and crimes no more proves that guns cause crimes than does the conjunction of wet streets and cloudy days prove wet streets cause clouds.

Second, the argument of the gun control lobbyists ignores the fact that crimes, human deaths, and injuries are joined much more frequently with other things than they are with guns: bicycles, stairs, doors, cleaning fluids, tables, beds, football, swings, fuel, glass, lawnmowers, baseball, nails, baths, heaters, pools, ovens, basketball, chairs, cutlery, clothing, paint, chemicals, coins, and automobiles, if one may believe the U.S. Consumer Product Safety Commission. To select guns as the objects responsible for crimes and injuries is arbitrary and unwarranted.

Third, guns are used to stop and prevent crimes as frequently, if not more frequently, than they are used to commit crimes. The alleged proof of the statement that guns cause crimes fails completely. Guns do not cause crimes, nor are they involved in a large proportion of human injuries, nor are they used exclusively for criminal purposes. The argument fails to use logic and observation, and deliberately ignores examples

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of gun use that militate against its conclusion. In further articles in this series I will present counterexamples. These will serve to show the deliberate misrepresentation of the facts for which the gun control lobbyists are responsible.

URGENT NEED FOR LONG-TERM REHABILITATION PROGRAM IN THE SAHEL

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. STOKES. Mr. Speaker, as chairman of the Congressional Black Caucus, I wish to share with my colleagues in the House a joint statement by the members of the caucus calling for increased U.S. aid to the drought- and famine-stricken countries of the West African Sahel.

I invite the attention particularly of those members serving on the foreign aid bill conference which seeks to reconcile the weaker Senate version, S. 2335, with the strong House version, H.R. 9360.

The statement follows:

URGENT NEED FOR LONG-TERM REHABILITATION PROGRAM IN THE AFRICAN SAHEL

The Congressional Black Caucus, concerned about the crippling effects of prolonged drought and famine in the West African Sahel, calls for a strong commitment by the U.S. Government to cooperate with international planning efforts to rehabilitate the area as rapidly as possible.

The six countries principally affected—Mauritania, Senegal, Niger, Upper Volta, Mali and Chad—have just concluded a summit meeting in Ouagadougou, capital of Upper Volta, to discuss long-term rehabilitation of the semi-desert zone. It is now vital that the United States continue to provide the leadership it has shown in the provision of relief food by leading the movement, in cooperation with the African countries, towards effective international coordination and planning on a regional basis in the Sahel. A long-term program of perhaps $1 billion over the next ten years will be required. It is imperative that aid donors assist the countries concerned in implementing their own priorities.

FURTHER RELIEF GRAIN SHIPMENTS

It is urgent that the U.S. Government make commitments for grain deliveries after October when the harvest is expected. Due to the prolonged continuation of the drought and the late arrival, uneven distribution, and periodic interruption of the rains, substantial food shortages are likely in the year to come, at least in certain areas. We urge the U.S. Government to take every precaution against food shortages and to commit grain and protein supplements with a margin of safety adequate to cover the inevitable underestimates which inadequate communications always produce.

The Caucus is not convinced that the preservation of human life and culture in the Sahel is of sufficient importance to the officials of the U.S Government. In particular, we note with alarm that Portugal whose colonial policies in Africa are officially disapproved by the U.S. has been receiving $30 million worth of feed grain with which to build up a commercial dairy industry, in direct competition with the human needs of the Sahel. The Caucus opposes the diversion of food away from Africa to feed the animals of a colonial regime responsible for brutal repression in Africa. We demand that human life take priority.

CONGRESSIONAL ACTION

The House version of the Foreign Aid Bill contains a provision for $30 million in backing for reconstruction in the Sahel, which was introduced by Congressman Charles C. Diggs, Jr. The Senate Bill contains a weaker clause, without any specific commitment, and we consider it essential that the conferees agree to retain the House version. We appeal for letters to be sent immediately to Congressmen Morgan, Zablocki, Fascell, Mailliard and Frelinghuysen, and to Senators Fulbright, Case, Church, Aiken and Humphrey, urging them to retain the House provision for the Sahel.

In addition, we call on the responsible officials of the U.S. Government to give top priority to work out a long-term development program with (1) the six countries concerned and their permanent Interstate Committee; (2) the United Nations and its agencies involved in regional programming; and (3) other donor countries. We deplore the duplication and uneven concentration with resources in certain sectors and areas which ultimately unbalance the whole economy and environment of the region. We call for an integrated, carefully coordinated African Sahel Development Program.

We also support the appeal of the six Sahel countries for the rescheduling of their debt burden as an essential first step towards the recovery of their economies. We endorse their request for the financing of the dam projects designed for the conservation and efficient use of their water resources—projects which for years have been largely ignored by the donor community.

IMPLICATIONS FOR U.S. AFRICA POLICY

Due largely to the emerging interest in Africa among many communities in the U.S., the United States has become the major supplier of relief food to the Sahel. This relief effort should be supported by a generous appropriation to a development program and a genuine commitment to cooperation on a regional basis.

The disaster in the Sahel has brought home to us the ineffectiveness of U.S. aid to Africa. U.S. aid tends to be concentrated on the relatively prosperous States, where U.S. strategic interests lie; this is an untenable basis for an aid policy, which should be seen as an impartial expression of concern for and solidarity with the poorest areas.

In the long run, last-minute relief efforts are a huge and wasteful drain on U.S. aid resources. The airlift in Mali may have cost as much as the construction of an adequate road system, which has been repeatedly requested by the countries concerned; this would have ensured distribution of food in the years ahead. This painful lesson should lead U.S. aid officials to seek a new policy of anticipating food shortages, and planning ahead, in cooperation with international agencies, to provide the tools with which the countries themselves can plan their own development without major disasters like the seven-year Sahelian drought.

Development is, in the end, cheaper than emergency relief. Should the U.S. revise its aid policy for Africa on the basis of maximum development potential, it could, as a disinterested participant in the struggle for economic self-determination in Africa, avoid the malign neglect of current short-sighted foreign aid policies.

AMSTERDAM NEWS NAMES SARA SLACK AS NEW MANAGING EDITOR

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. RANGEL. Mr. Speaker, I am pleased to report that the New York Amsterdam News, America's largest black weekly newspaper, has just named Sara Slack to the position of managing editor.

Sara Slack, formerly women's editor, has been with the newspaper for 17 years.

The Amsterdam News has earned a reputation for hard-hitting editorials, investigative reporting in the areas of narcotics, crime and community development, and excellent coverage of local events. The promotion of Ms. Slack to the post of managing editor is another sign of this newspaper's continued commitment to excellence.

FIRST AID OF TRANSIT

HON. ANDREW YOUNG

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. YOUNG of Georgia. Mr. Speaker, one of the most pressing issues facing the future life of the Nation's cities is one of mass transit. If our centers of urban growth are to survive, it is imperative that we take sound and rational approaches to the movement of citizens in these metropolitan centers.

The citizens of Atlanta, Ga., have for some time now made a commitment to plan and design a system of balanced transportation for its metropolitan community. Mr. Stephen Goldfarb, an instructor at the Atlanta University Center has written an informative digest of the effects of that work in Atlanta for the October 22, 1973, issue of the Nation magazine.

I commend it to my colleagues for their reading:

GETTING AROUND IN ATLANTA

(By Stephen Goldfarb)

ATLANTA.—It has been evident for a number of years that only drastic measures will revive mass transit in American cities. From 1950 to 1972 the number of revenue passengers carried by the country's urban systems dropped from 13.8 billion to 5.3 billion per year. Unlike automobile travel, which receives hefty subsidies from all levels of government, transit systems are for the most part expected to pay their own way. With only the fare box to depend on, they have fallen into a downward spiral of higher fares and poorer service and fewer riders. In an attempt to break even, some transit systems have stopped Sunday and holiday services altogether, and have severely reduced service at night. Since 1954, 260 transit systems have gone out of business.

A possible solution for this nearly desperate situation is suggested by the recent experience of Atlanta, Ga. Beginning on March 1, 1972, the bus fare in Atlanta was reduced from 40c with 5c zone and transfer charges to a flat 15c with free transfer. This decrease in fare generated a new patronage of 14 per cent in the first month, and 27 per cent a year later. Not all of the increase can be attributed to the fare reduction, for there has also been a substantial increase in the services offered. In addition to fourteen new bus lines and extensions on sixteen others, there have been ninety-one improvements of scheduling and eighteen route revisions. These changes have increased the number of annual vehicle miles by more than 30 per cent and required seventy-one additional busses.

This remarkable improvement in transit service was made possible by the creation of

the Metropolitan Atlanta Rapid Transit Authority (MARTA) by the Georgia legislature in 1965 and the voting on a referendum in 1971 that increased the Georgia sales tax in Fulton and DeKalb Counties from 3 to 4 per cent. Two other counties in the Atlanta metropolitan area voted down the larger sales tax, and are excluded from both expanded service and the reduced fare, but the counties which did approve the increase comprise about two-thirds of the population of the metropolitan area, enough to put a slightly modified MARTA plan into operation.

The long-range goal of MARTA is the construction of 50 miles of rapid rail transit (Atlanta has none at present) and 14 miles of special connecting busways which, with future improvements in bus service, should put most people in the two participating counties close to some kind of mass transit. Of more immediate interest, however, is the fact that MARTA has been able to reverse the downward trend in ridership which has plagued most transit systems in this country. So far, the 12 per cent increase in ridership during the two daily rush hours has not made a dent in the massive automobile congestion, but optimists point out that the twice-daily traffic jam has not gotten any worse since the fare was reduced.

The 1 per cent additional sales tax is used in part to offset the deficit incurred by increased service and reduced fare, which has grown steadily from about half a million dollars in the first month to more than $1 million a month a year later. Figures for July 1973, the latest month for which they are available, show that the total cost of transit operations was $1,845,000, of which $760,000 came from fares and $1,085,000 from the sales tax. The 1 per cent sales tax, however, raised almost $4 million in the same month. The remaining income has thus far gone to pay MARTA's third of the purchase of the old Atlanta Transit System and for 125 new air-conditioned busses (another 365 are on order), with the Urban Mass Transit System paying the other two-thirds. The capital cost of the projected rail-busway system is so great—now estimated at more than $1.3 billion—that even with the federal government paying 80 per cent (its new matching figure), MARTA will have to issue bonds for its share.

As it now seems certain that there will be no federal funds available for the operating expenses of mass transit, a sales tax is perhaps the country's only practical recourse in the present urban transportation crisis. Neither state legislatures, dominated as they usually are by rural constituencies and highway interests, nor the financially troubled cities can be looked to as possible sources of operating funds. Although a few American cities and counties now provide some operating subsidies for mass transit from various tax sources, most of these subsidies are on a year-to-year basis and subject to stiff competition from other vital community needs. The Missouri legislature has in recent weeks levied a sales tax to bail out the near-bankrupt Bi-State Transit System in St. Louis.

It appears from Atlanta's experience of the last year that any metropolitan county in the United States, by levying a 0.5 per cent sales tax on itself, could generate enough income not only to reduce the mass transit fare to, say, 25¢, but also to improve the service substantially. Unlike Atlanta, most large cities already own their transit systems and many have some rapid rail service. With a new source of income, not tied to the whims of either city, state or national governments, a transit system could attract new riders in impressive numbers. That it makes good sense to do so is obvious from a glance at the urban transportation problems that prevail. On a passenger-mile basis, mass transit uses only a fraction of the fuel and creates only a fraction of the pollution that the automobile does. A new air-conditioned, diesel-powered bus carries from twenty to forty times as many passengers during rush hours as does the average automobile, and uses only three times as much fuel. Moreover, a properly tuned diesel engine emits far less pollution than does a gasoline-powered automobile. A beefed-up transit system also takes the steam out of plans for new highways and the widening of streets. The recent defeat of the Stone Mountain Tollway in Atlanta, for instance, was due in part to a rail transit line which is slated to be built near the right-of-way of the proposed highway.

The most obvious criticism of the approach to mass transit is the regressive nature of the sales tax. However, given the loophole-infested federal income tax, a sales tax that excludes food and prescription drugs, which is the case in many states though not in Georgia, may not be as bad as once thought. For a family with a near-poverty take-home income of $5,000, the additional annual tax would be less than $15. If just one member of this family used mass transit to commute to work and the fare dropped from 40¢ to 25¢, the annual savings would be $60 (30¢ times 200 workdays).

For the middle-income family with a take-home pay of $10,000, a good mass transit system can make the difference between owning one car or two, if one of the members can commute by bus. The annual tax burden on this family created by the 0.5 per cent increment in the sales tax would be between $25 and $35, a sum that would not even pay the insurance on a second automobile. Those whose incomes are large enough for the cost of transportation not to be a consideration would ultimately benefit from fewer cars on the streets and freeways and the resulting reduction in pollution.

At present, MARTA is trying to attract the more affluent away from their automobiles. Many of the new lines extend to suburban areas which previously had no transit service. (Due to the creation of two new lines, it is now possible to ride 57 miles for 15¢, changing busses once with a free transfer—which must be the best bargain around these days.) The recently purchased air-conditioned buses, adorned with MARTA's logo of three brightly colored stripes, have given the transit system a certain flair, though the ridership remains overwhelmingly lower income. Whether the middle- or upper-income groups can be attracted away from their cars remains to be seen, but they are, through their payment of the sales tax, making a contribution to mass transit in Atlanta whether they ride on it or not.

CAN MR. NIXON GOVERN?

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. RANGEL. Mr. Speaker, for the last 6 months the Nation has been in the midst of a constitutional crisis brought on by President Nixon's refusal to give up the Watergate tapes. In the end, after the Nation responded with a flood of mail and telegrams never before experienced, he released the tapes. Does Mr. Nixon thrive on confrontation and crisis for its own sake? Is there the possibility, ever more apparent with each new shock, now that we are told that the tapes never existed in the first place, that Mr. Nixon is really unable any longer to govern because of his loss of credibility?

A column by Joseph Kraft appeared in the Washington Post October 5, 1973 addressed these questions and presents an answer for our Government's current paralysis.

CAN MR. NIXON GOVERN?

(By Joseph Kraft)

By turning the White House tapes over to Judge John Sirica, President Nixon has brought himself—and the country—a breathing spell. The congressional and judicial pressures against his authority are now slightly eased.

But whether he can continue to govern abides as a question. Everybody will still want to think seriously about the possibility of using the present circumstance to organize the retirement of Mr. Nixon in favor of a person capable of giving the country more dependable and steady leadership.

To be sure, the turning over of the tapes is a great relief. It proves that the combination of pressure from the public, the Congress and the courts can force even the most powerful and resolute official to back down.

It also shows that the country is not beyond shocking. There are developments—and the firing of Special Watergate Prosecutor Archibald Cox is one of them—so repugnant that they set in motion a tidal wave of opposition. The taste for freedom and the bias toward constitutional government are not dead in this country. We have proved worthy of the founders.

Still the tapes comprise only a narrow part of Mr. Nixon's troubles. Few knowledgeable people believe that they can resolve anything in an unambiguous way. Many savvy persons felt that all along the President was using them as a device to foil investigation of other more important matters.

So there remain some immediate problems associated with the Watergate investigation. The most pressing by far is the need for an independent prosecutor. Mr. Cox was clearly on the trail of highly explosive material pointing toward criminal action by the President himself, his friend Charles Rebozo and several of his closest political associates.

The Justice Department, which is under the President's orders, cannot possibly conduct an investigation that inspires public confidence. It is surprising that Assistant Atty. Gen. Henry Petersen, who is now in charge of the case, could, of all people, imagine otherwise. For Mr. Petersen is himself a witness in the case and is particularly sensitive to the problem of conflict of interest. There is simply no substitute for an independent prosecutor—preferably Mr. Cox himself. So the incipient moves in the Senate to establish that office will surely go forward.

More important, there is the question of Mr. Nixon's general standing in the country. The effort to stamp out Mr. Cox shows that the President and his praetorian cohorts under Gen. Alexander Haig have lost touch with public opinion.

In the first two days after the Cox firing, Western Union reported some 72,000 telegrams to the White House. The majority was apparently running heavily against Mr. Nixon. While there is no breakdown from the White House, the flow to House Speaker Carl Albert is suggestive. Of the first 156 wires that came to his office, all called for ouster of the President.

Mr. Nixon was not even in touch with the thinking of his own party. Hours before the President decided to turn over the tapes, Bryce Harlow of the White House staff met with the Republican Caucus in the House of Representatives. Hardly any members were prepared to stand up for the President. The one resolution offered called on the President to rescind the order firing Mr. Cox and to comply with the orders of the court.

Partly because he was out of touch with opinion, Mr. Nixon for the last six months has been leading the country at a dizzying pace over a staggering course of crazy developments. Time and time again he has been driven to the brink of crisis. Our standing in the world has been diminished as a result, along with respect for authority in this country. And for what?

Not certainly because of the tapes. That issue could have been settled months ago. The hard issue, the issue that will not drown is the apparent involvement of the President and his closest associates in the various scandals with Watergate. Either Mr. Nixon has something to hide, or he likes confrontation and crisis for its own sake.

In any case, there is now no rapport between the President and moderate opinion in the country. Mr. Nixon can only stumble for the next three years. So it would be a blessing for all of us if a way could be found—perhaps through the continuing vacancy in the Vice Presidency—to drive a bargain whereby Mr. Nixon withdrew to make room for some other leader.

REPLY TO THE PRESIDENT'S VETO MESSAGE ON THE WAR POWERS RESOLUTION

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. ZABLOCKI. Mr. Speaker, the President's veto message of the war powers resolution (H.J. Res. 542) made several unfounded assertions resulting in serious questions and some confusion.

As you well know, Mr. Speaker, the war powers resolution is first and foremost an effort to reaffirm the prerogatives of Congress—of restoring the balance intended by the Founding Fathers in the awesome decision to send our sons to war. We submit that the war powers resolution does that responsibly and legally.

Chairman Morgan and I have prepared a reply to the misleading and unfounded assertions in the President's veto message. The memorandum was sent to our colleagues for their careful review and consideration.

In view of the wide interest in this legislation, I include the reply to the President's veto message on the war powers resolution at this point:

REPLY TO THE PRESIDENT'S VETO MESSAGE ON THE WAR POWERS RESOLUTION

In the President's veto message on House Joint Resolution 542, the War Powers Resolution, a number of assertions are made about the legislation which require reply. This statement is intended to answer criticisms made in the October 24, 1973, message and to provide an accurate description of the purpose and effect of the War Powers Resolution.

Veto Assertion. The Founding Fathers, acknowledged the need for "flexibility" in meeting national security contingencies, through close cooperation of the Congress and President. The War Powers Resolution violates those principles.

Reply. "Flexibility" has become a euphemism for Presidential dominance of war powers. The Founding Fathers decreed that only Congress could commit the nation to war and that the President, as commander-in-chief, was to be first among the generals and admirals. In recent years Presidents have in practice illegally arrogated to themselves more and more authority. Congress therefore believes it necessary to pass war powers legislation which establishes a procedure for the close cooperation of the two branches consistent with the Constitution.

Veto Assertion. House Joint Resolution 542 "I believe is unconstitutional" because it would "take away . . . authorities which the President has properly exercised under the Constitution for almost 200 years."

Reply. Section 8(d)(1) of the measure states that the resolution is not intended "to alter the constitutional authority of the Congress or the President . . ." At the same time, under article I, section 8 of the Constitution, Congress has the power to make laws "necessary and proper" for carrying out all powers vested in the government, including those of the President. H.J. Res. 542 does not purport to affect the President's constitutional authority—only to establish a procedure for its legitimate exercise.

Veto Assertion. H.J. Res. 542 is unconstitutional because it provides that Congress may require the President to disengage troops from an unauthorized commitment through the passage of a concurrent resolution, an action which does not normally have the force of law.

Reply. Many legal and Constitutional scholars have endorsed the use of a concurrent resolution as being Constitutional. It is a logical way for the Congress to pass judgment on a commitment not authorized by Congress.

The President can secure advance authorization for a commitment only if a majority of both Houses approve his request.

If he makes the commitment without getting authorization in advance, the ability of a majority of both Houses to pass judgment should be maintained, not diminished.

It makes no sense to give the Congress less control over war powers simply because the President makes a commitment without first securing approval. Yet, that is the effect of the above veto message assertion. Under it, the Congress could force a President to disengage forces from hostilities outside the U.S. only by overriding his veto, which means mustering a two-thirds margin—not just a simple majority—in both Houses.

Veto Assertion. H.J. Res. 542 would "undermine this nation's ability to act decisively and convincingly in times of international crisis," and thereby increase the likelihood of miscalculation and war.

Reply. The measure in no way restricts the legitimate authority of the President to respond to crises. For example, it would *not* have hindered the President in any way from following precisely the course he pursued in obtaining the recent Mideast cease-fire, the U.N. peace-keeping force and the new peace initiative. It simply provides that if the President commits U.S. armed forces to hostilities in a crisis, he may do so for a maximum of 60 days—and must have Congressional approval if he wishes to extend the commitment beyond that time frame. As a practical matter, miscalculation and war are less likely to occur when the Congress and President *jointly* participate in decisions of war and peace, rather than when the President acts alone.

Veto Assertion. If H.J. Res. 542 had been in operation, the United States could not have responded as it did during the Berlin crisis of 1961, the Cuban missile crisis of 1962, the Congo rescue operation of 1964, or the Jordanian crisis of 1970.

Reply. The assertion is patently false; if H.J. Res. 542 had been in force, the U.S. response in those crises would not have been affected. Since neither the Berlin nor the Jordanian crises involved direct introduction of U.S. troops into hostilities, only the consultation and reporting provisions of the resolution would have applied. The Cuban crisis and Congo rescue operations did carry clear dangers of imminent hostilities, and in those instances the termination provisions of the War Powers Resolution also would have applied. However, since both operations lasted less than one month, the President would have been acting well within the time parameters set by the legislation.

Veto Assertion. Peace might be delayed if a future adversary stalled serious negotiations believing that Congress would allow the 60-day period to terminate.

Reply. In the unlikely event of such a situation, the President need only inform Congress of the adversary's strategy and it could act quickly to provide him with sufficient additional time to convince the other side to come to the conference table.

Veto Assertion. Existence of a deadline could lead to an escalation of hostilities in order to achieve certain objectives before 60 days.

Reply. This argument assumes acts of irresponsibility and abuse of authority by future Presidents for which there is no model in American history. If a future Chief Executive is irresponsible or irrational in his conduct, he will be so whether or not there is a War Powers Resolution in force. Moreover, the existence of the established procedures provided for in the Resolution might well help restrain an irresponsible President from even greater excesses.

Veto Assertion. The resolution "would strike from the President's hand a wide range of important peacekeeping tools by eliminating his ability to exercise quiet diplomacy backed by subtle shifts in our military deployments."

Reply. This criticism indicates a startling lack of knowledge about H.J. Res. 542. The legislation would require consultation and reporting on important military peacetime deployments, but the termination provisions in the measure would *not* apply. Thus, any authorities presently exercised by the President in peacetime deployments of U.S. armed forces would be unaffected by the measure.

Veto Assertion. H.J. Res. 542 would "cast into doubt" Presidential authority for humanitarian relief missions in conflict areas, protection of fishing boats, anti-hijacking actions and response to threats of attack.

Reply. A careful reading of the legislation would not raise such doubts. No authorities exercised by Presidents in the situations delineated would be infringed. H.J. Res. 542 does not define specific contingencies under which the President may act. Only when he responds by sending U.S. armed forces into hostilities or situations of imminent hostilities do the termination provisions apply.

Veto Assertion. Section 8 of the War Powers Resolution contains a "prohibition" against fulfilling U.S. obligations under the NATO treaty.

Reply. Section 8 contains no such "prohibition"; rather, it contains specific reference in Section 8(d)(1) that the legislation is not intended to alter "the provisions of existing treaties." Moreover, Section 8(b) specifically permits U.S. participation in joint exercises with other NATO members. The resolution concurs with the position of the Department of State that the NATO treaty and other mutual security agreements are not self-executing in their provisions but require Congressional approval for commitments of U.S. armed forces into combat made pursuant to their provisions.

Veto Assertion. "The bill is somewhat vague as to when the 60-day rule would apply."

Reply. The application of the 60-day limitation refers to the physical introduction of United States Armed Forces into hostilities or situations of imminent hostilities. Once the troops have been so introduced, the President has 48 hours to provide Congress with a report on the situation. Sixty days after the report is submitted or is required to be submitted, the use of U.S. forces must

terminate unless Congress has, in the meantime, declared war or otherwise approved the commitment. Since the provisions of the resolution are triggered by a specific, tangible act by the President—i.e., introduction of troops into hostilities—there is little chance of confusion.

Veto Assertion. H.J. Res. 542 fails to provide for "positive Congressional action" to force the President to disengage troops which he may commit to combat. Congressional inaction could force disengagement of troops.

Reply. If "positive Congressional action" is required to force disengagement of U.S. troops committed by the President, then it follows that "positive Congressional action" is required to introduce troops. Any other interpretation would distort the Constitutional mandate that only Congress can declare war. There can be no war unless Congress declares it; similarly there can be no commitment of U.S. forces beyond 60 days unless Congress approves it.

Without a doubt, a resolution of approval or disapproval of U.S. troops committed by the President would be introduced. The provisions of H.J. Res. 542 require an "up and down" vote on such resolutions within a 60-day period. In addition, H.J. Res. 542 contains anti-filbuster priority provisions. Finally, special provision is made for situations in which House and Senate versions differ.

When one considers the public pressures which would be on Congress to act in a crisis situation, the assertion of Congress "handcuffing" the President by "doing nothing and sitting still" is ridiculous.

FREEDOM OF CHOICE FOR VITAMIN USERS

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. WON PAT. Mr. Speaker, on Wednesday, I had the privilege of testifying before the House Subcommittee on Public Health and Environment in support of legislation introduced by Congressman Craig Hosmer, many of our colleagues and me. The measure in question would reverse the Food and Drug Administration's ill-advised regulations controlling the use of vitamins.

As one who feels he has personally benefited from the use of food supplements, I believe that it is my right to use whatever type or amount of vitamin I regard as necessary, in lieu of data proving the possibility of harm to the user.

Because this issue has generated considerable interest in many segments of our society, I request that my statement before the subcommittee be inserted in the Record at this time for the information of my colleagues.

STATEMENT OF ANTONIO B. WON PAT, M.C.

Mr. Chairman and members of this Subcommittee, I hereby express my support for H.R. 643, the Food Supplement Amendment of 1973 which I have cosponsored, as the key legislative measure before the Congress in opposition to the FDA regulations limiting the potency and availability of food supplements to the American people. The regulations, which represent a major setting of standards of identity for hundreds of vitamin and mineral products, may be illegal and are certainly beyond the intent of Congress in any section or provision of the Federal Food, Drug and Cosmetic Act.

I view the massive FDA rulings as an overdose of bureaucratic specifics imposed upon an agency and an industry already overburdened with unmanageable regulations. Recently saddled with an apparatus in drug investigations leading to a virtual standstill in new drug entities, the FDA is apparently determined to produce a similar immobility in food supplement formulations. This invasion of privilege in common dietary practices of millions of Americans is not only an unnecessary restriction on private behavior, but also constitutes government control of human activity in an area where the benefits may be high and the risks relatively low. There are few adults today whose safety is in peril because of their use of vitamin and mineral supplements or of any of the standard health foods.

Assuming the FDA/AMA arguments for the daily requirements of nutrients are technically valid, the rulings made regarding these nutrients are unduly restrictive. Why should we put a relatively small industry, or at least the small business sector of it, through refinements in formulations that exceed scientific, medical and nutritional knowledge concerning such refinements? And why should we impose restraints on self-determination in the use of food supplements, when it is a fact that deficiencies in some vitamins and minerals exist in the diets of millions of Americans in many parts of the country? If government is not prepared to control the excessive intake of common foods which cause most of the nutritional and degenerative diseases in the country, why is it so bent on controlling nutrients which are rarely mentioned as leading causes of ill-health and mortality among our people?

The intervention of government in the food supplement market may do a great deal more harm than good. The millions of individuals who rely on vitamins, minerals and other special foods in self-treatment are generally health-oriented people whose dietary practices are only a part of the regimen they follow in preventing disease. Most of them do not smoke or drink alcoholic beverages, nor do they use tea, coffee or large amounts of refined sugars. They engage in sensible exercise and other good "preventive medicine" practices. On the whole, they represent a healthy portion of the population, thus reducing the demand for health care services on a system currently saturated with the burden of medical service demand. By removing the food supplement and dietary cornerstone of the millions of people engaged in good health beliefs, we may, by government fiat, be adding substantially to the population of indulgent Americans who frequent the office of doctors for a "quick fix" from the prescription pad. A scientifically and medically advised consumer protection agency, admittedly concerned with our drug-oriented culture, would do well to concern itself more with the safety and efficacy of such drugs as prescribed by the pharmaceutical-medical complex, and less with what kind and how often our citizens are adding supplemental vitamins to their daily diet.

I believe the rulings and compliance in the area of potent pharmacologic agents is a matter of first priority for FDA and far too important for it to be diluting these efforts by unnecessary and confusing regulations concerning health foods and food supplements. I therefore fully support H.R. 643, which would prevent the FDA from imposing standards of identity and labeling on food supplements unless demonstrated to be harmful in amounts recommended on truthfully labeled food supplement packages.

UNJUSTIFIED SMALL AUTO PRICE INCREASES

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. VANIK. Mr. Speaker, in recent months I have been pointing to the vital necessity of designing gasoline efficiency into the American automobile. Recent events in the Middle East have illustrated to us how tenuous our supply of crude petroleum really is. With declining domestic production, we have become increasingly dependent on the narrow and self-serving interests of the Arab States. Seen in this light, efficient automobiles have become a fundamental issue in our own national security. Let us look at some serious facts.

THE OIL SUPPLY CRISIS

Total known reserves of crude oil in the United States—including offshore and Alaskan oil—are about 44.4 billion barrels. With our present consumption of 3.5 billion barrels a year, these reserves would be exhausted by about 1983. If demand does not stay at present levels, but instead grows at historic rates, our reserves will be gone by 1981. Admittedly, these projections follow from an overly pessimistic assumption—that we will discover no more domestic oil. But even if we include new discoveries based upon past rates, we will be pumping our last barrel of petroleum sometime before 1990.

Clearly, we will need to rely increasingly on other countries to supply our burgeoning demand. Mexico, for example, has known reserves of 5.5 billion barrels. Canada possesses 9.9 billion known barrels, and Central and South America show known reserves of 23.3 billion barrels. However, the region best in a position to supply our future needs will be the Middle East. The small countries of the Middle East are sitting on over 67 percent of the world's proven oil reserves.

The United States is not alone in its search for petroleum. In the years ahead, competition for available supplies will intensify. Western Europe and Japan are already heavily dependent on imports for their petroleum supplies. In addition, other rapidly developing countries—India and Chile are examples—will increasingly enter the world market in search of oil. As the result of these changes, the world petroleum market has already shifted from a "buyers" market to a market in which sellers hold the dominant power.

Beyond this unmistakable movement to a monopoly market in oil lies the difficult problem for the United States of massive dollar outflow from increased reliance on petroleum imports. Although estimates vary widely, it is clear that our trade deficit in oil will reach the neighborhood of $10 billion annually by 1980 and will likely be over $25 billion each year by 1985. The bulk of this money will end up in small countries with nar-

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row, undiversified economies. This tremendous liquid balance of dollars in the hands of a few self-interested politicians presents a most grave threat to world economic stability and our own national security. Last winter, we got a brief glimpse of the havoc these dollar reserves could play in the orderly pattern of international monetary flows. By dumping their reserves on the world money markets, the leaders of the oil states can manufacture a crisis of confidence in the dollar and throw our tenuous international monetary system into turmoil.

REASONS FOR CRISIS AND THE NEED FOR CONSERVATION

This crisis, although international in scope, has its roots in our own lack of foresight in energy planning. To find a way out of this dilemma we need to buy time—time which can be spent finding ways to exploit sensibly our available domestic energy supplies: petroleum, coal, oil shale, geothermal and solar energy. We need time also to evaluate our own extravagant consumption of energy. With only 6 percent of the world's population, we consume over one-third of the world's energy. What is perhaps more significant, we waste between a quarter and a third of all the energy we consume. In short, we waste more energy in 1 year than most countries in the world actually consume each year.

These facts boil down to one inescapable conclusion: The energy joyride is over. We must begin now to cut back our inflated energy demand by discovering more efficient ways to use our energy. Cutting back on our energy waste will not only buy us time to recover from our past mistakes but also will prepare our country for the inevitable changes ahead as the world petroleum supply disappears. The now defunct Office of Emergency Preparedness estimated in a report issued 1 year ago that the Nation could conserve 7.3 million barrels of crude oil a day by 1980 through a comprehensive program of energy conservation. This represents a savings of over 40 percent of our present crude oil consumption.

THE NEED FOR MORE EFFICIENT AUTOMOBILES

The best place to initiate an effective national conservation program is the automobile. A recent study by the Department of Treasury has estimated that the automakers in Detroit can manufacture automobiles which by 1980 will realize a savings of over 2 million barrels of crude oil a day by 1980. This task can be accomplished through the application of present technology and need not result in a sacrifice of comfort, safety, or emission control. However, recent actions by Detroit have led me to conclude that the manufacturers are not, as yet, committed to achieving this goal.

Accordingly, I have introduced legislation with Senator FRANK MOSS of Utah to establish an excise tax on all new automobiles which fail to obtain a certain level of fuel economy and efficiency. The level of the tax would be determined by the fuel economy of the vehicle. This legislation is needed to create an incentive for the automakers to design efficiency into their automobiles. Without a serious sustained commitment to automobile efficiency today, the industry—as well as the American economy—is likely to suffer from severe dislocations as our petroleum supplies dwindle.

AMERICANS WANT A SMALL, EFFICIENT AUTO

Recent news reports have detailed the shifting preferences of the American car buyer. Detroit claims to be meeting this need with the production of more smaller cars. Yet, a more complete examination of the facts illustrates that Detroit's response is more "PR" than substance.

The automakers are committed to profits. Traditionally, Detroit has maximized profits by producing large cars loaded with optional equipment. The small-car market and the export market have received only token attention by the Big Four. However, increasing shortages of petroleum will reinforce and accelerate the demand for safe, clean, and efficient automobiles. In making adjustments to meet this demand, Detroit must reappraise its design and marketing strategies.

Unfortunately, the manufacturers have thus far failed to supply the American consumer with a satisfactory selection of efficient automobiles. By following their past avenues to profits, the managers in Detroit have saddled the economy-minded car buyer with small cars which are neither safe, comfortable, nor particularly efficient. Let us look more closely at the time-tested tactics of Detroit impeding the supply of compact manufacturers from fully meeting the demands of the American market.

One. The "tradeup" strategy: Automakers are fearful of "locking in" their customers to smaller, less luxurious, and less profitable automobiles. To avoid this effect, automakers continually invite their customers to "step up to a wide track." Apart from advertising, the automakers encourage this movement from less profitable to more profitable automobiles in more subtle ways. First, they may consciously limit the appeal of their smaller models. This end is accomplished primarily by limiting the availability of optional equipment on their smaller cars. For example, according to Business Week magazine of March 29, 1969, when Ford first introduced the Maverick there was a decision to offer just 15 options—power steering and power brakes excluded:

> A relatively spartan auto, it is hoped, won't attract the Mustang customer, who likes his cars flashy, and loaded with gadgets. But austerity is bad for profits, since optional equipment, relatively insulated from competitive price shopping, is a powerful money earner.

Second. Making optional equipment standard once an irreversible market for smaller cars developed. Because of the earning power of optional equipment, there has been an increasing emphasis on gadgets by Detroit. Hidden headlights, rear window defrosters, airfoils, all are nonessential equipment that Detroit has attempted to standardize in the design of their cars. In addition, there is an increasing tendency to "package" optional equipment. One-half of the new 1973 models came equipped with vinyl roofs at a cost of around $125 apiece. Over 70 percent are equipped with factory-installed air-conditioning with an added cost of $360 per car. This emphasis on optional equipment is in reality an attempt to counteract the widening trend toward smaller, less profitable cars in the American market. As the First National City Bank has noted—

> The key to successful profit performance . . . is options.

Third. Increasing the weight of established models. Another way for Detroit to increase profits is to increase the size and weight of their established model. The Environmental Protection Agency documents this trend in the Chevrolet Impala: In 1958 the car weighed 4,000 pounds; 14 years later, it had ballooned to 5,500 pounds.

Fourth. Limiting the number of small cars to dealers. Whether by conscious decision or simple mismanagement, the fact remains that Detroit is unable to supply American car buyers with enough small cars. In July, my staff and I conducted a market survey of automobile dealers in the Cleveland, Ohio, area. The results of this survey, reprinted in the RECORD of August 3, 1973, page 28362 clearly demonstrate the unavailability of small cars among the dealers sampled. Typically, fewer than 10 compacts or subcompacts were available at any one dealership. Waiting periods for these cars ranged to a month and even longer. Meanwhile, the dealer was overloaded with intermediate and full-sized models. The implication is clear: An economy-minded car buyer, unable to tolerate a 4- to 6-week waiting period, is forced to compromise on a larger automobile.

Fifth. Bulging the small car price tag. As a final outrage my staff and I have uncovered abuses by Detroit in the application of price increases recently authorized by the Cost of Living Council. Quite simply, average price increases were applied unevenly so that small cars suffered the highest increase in price, while the price tags of larger models increased only slightly. I will detail more completely this latest manuever by Detroit.

This latest marketing strategy came to light after my staff and I studied the Cost of Living Council's ruling on price increases for 1974 models. We conducted a survey of the base prices of 1973 and 1974 models in the Cleveland area.

During the 1973 model year, the Big Four sold more cars than in any other year since the automobile was invented. Profit figures have mirrored this boom. For example, General Motors experienced profits of $267 million for the third quarter of this year. This is over twice the profits for the same period last year. Despite this rosy profit picture, the automakers pushed for more price increases—increases that would ultimately cost the American consumer over $1 billion.

The Cost of Living Council has the obligation of screening these applications and obtaining a diversity of viewpoints in open hearings. But instead of well organized open hearings, the CLC—through some shrewd maneuvering of its own—provided only a 1-day announcement of the meeting. With such a calculated short notice, it is not surprising that the only witness to challenge the auto industry's claims was a Ralph Nader associate.

Not unexpectedly, the auto industry based their claim for price increases on new governmental pollution and safety standards. Following this reasoning, the add-on cost for each car should have

been more-or-less similar. For this reason, the CLC authorized an average increase of $74 for GM, $74 for Ford, while Chrysler and American Motors both received a bit less.

But my market survey shows that the automakers took advantage of the CLC ruling—and exploited the key word "average"—to increase inordinately the price of their smaller cars. As the table below illustrates, the burden of the increase fell on that segment of the market that has shown the liveliest growth—the market for smaller more efficient and cheaper cars. For example, while the Chevrolet Vega increased $281.90, the price of an Impala increased by only $50.90. With these results, I am left to one conclusion: Detroit has manipulated the CLC ruling to bolster their profits in the small car market. In fact, their motivation for initially seeking the increase was false and misleading. I have written a letter to CLC Director John Dunlop requesting his staff to investigate this wanton violation of the intent of his agency's ruling.

The automakers have a moral responsibility to prepare the American people for the inevitable changes ahead. As a nation we can no longer afford the luxury of inefficient, overpowered automobiles. The move toward smaller cars—much heralded by Detroit as evidence of their good faith in meeting our Nation's transportation and energy needs—is an illusion. Detroit's present tactic of gouging the economy-minded auto buyer—by inflating small car prices, limiting their availability, and dampening their appeal—reveals a shallow commitment by the automakers to the genuine needs of the American people.

There is going to be no easy path out of our energy dilemma. Shortages will occur this winter and again next summer. Detroit, however, has the capability of providing the Nation with answers for the future. This is a challenge unparalleled in the history of American industry. To insure that Detroit considers and meets this challenge, the Vanik-Moss bill, which is cosponsored by 39 of my colleagues in the House, will create a profit incentive for efficiency.

Using existing technology, Detroit can manufacture automobiles which have all the qualities of comfort, safety, and efficiency. Up until now, however, there has been little incentive for the automakers to maximize the operating efficiency of their product. A graduated excise tax, as I have proposed, will insure that the transitions that must be made will be accomplished with a minimum of disruption to the industry, the workers, and the American economy as a whole.

The table follows:

LIST PRICES OF 1973 AND 1974 CARS

	1973	1974	Increases
General Motors:			
Chevrolet:			
Vega	$2,060.00	$2,341.90	$281.90
Vega wagon	2,285.00	2,472.90	187.90
Impala	3,726.00	3,776.90	50.90
Impala wagon	4,171.00	4,190.40	19.50
Oldsmobile:			
Omega 2D	2,664.70	2,814.70	150.00
Omega 4D	2,692.70	2,842.70	150.00
Delta 88 2D	4,177.05	4,189.05	12.00
Delta 88 4D	4,238.00	4,250.05	12.00
Ford Motor Co.:			
Pinto	2,021.00	2,292.00	271.00
Pinto wagon	2,343.00	2,543.00	200.00
Maverick	2,248.00	2,441.00	193.00
LTD	4,001.00	4,083.00	82.00
LTD wagon	4,515.00	4,615.00	100.00
American motors:			
Gremlin	2,161.00	2,222.00	61.00
Hornet 2D	2,363.00	2,423.00	60.00
Hornet 4D	2,407.00	2,463.00	56.00
Hornet wagon	2,740.00	2,764.00	24.00
Matador 2D	2,996.00	2,996.00	0
Matador 4D	3,017.00	3,061.00	44.00
Matador Brougham	3,060.00	3,214.00	154.00
Chrysler-Plymouth:			
Dodge:			
Dart 2D	2,467.00	2,597.00	130.00
Polara 2D	4,317.00	4,495.00	178.00
Plymouth:			
Valiant 2D	2,499.00	2,673.00	174.00
Valiant Duster	2,428.00	2,563.00	135.00
Fury II 2D	3,747.00	3,792.00	45.00

BASE PRICE FOR IMPORTS

Fiat: 128 2D sedan	$2,343.00	(1)	(2)
Datsun: 610 2D sedan	3,200.00	3,200.00	0
Toyota: Corolla S1200	2,044.00	2,145.00	$101.00
Mazda: Rx3	3,295.00	(1)	(3)

[1] Not available until January 1974.
[2] Dealers feel a $100 to $300 increase.
[3] Dealers feel a $25 to $30 increase.

EMERGENCY MEDICAL SYSTEM USES NASA TECHNOLOGY

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. TEAGUE of Texas. Mr. Speaker, combining space developed technology with down-to-earth needs continues to be an important contribution of our national space effort. A recent NASA press release describes an emergency medical unit now in use in Houston, Tex., which is helping to save lives through aerospace technology. I am including this NASA press release to alert my colleagues and the general public to the possibility of utilizing this technology throughout the United States:

NEW EMERGENCY MEDICAL SYSTEM USES NASA TECHNOLOGY

A compact, 18-kilogram (40-pound) medical unit containing essential equipment to help meet a victim's diagnostic and therapeutic needs at the scene of an emergency—including two-way voice and telemetry communications—has been developed by SCI Systems, Inc., Houston, based in part on technology derived from NASA's manned space flight program.

Called Telecare, the ambulance-stored unit permits trained emergency medical technicians to administer prompt, professional care under radio supervision of a physician who may be miles away in a hospital emergency room or even in his office.

It is during the first critical minutes after arrival of a rescue squad at the scene of an emergency that quick, accurate diagnosis and therapy prescribed by a physician can be instrumental in saving a patient's life—particularly cases involving heart attacks, shock or drowning.

The overall concept of the system brings together six major elements to cope with medical emergencies: trained personnel, diagnostic and therapeutic equipment for use in the field, communications, vehicles, physicians and hospital facilities.

The Telecare unit is a key component of the total system. Despite its suitcase-size it contains the following equipment—brought together for the first time in a single portable package:

A respiratory resuscitation system,

A 15-minute oxygen supply contained in a lightweight canister developed from space technology,

An electrocardiogram display and telemetry system,

A defibrillator for external heart stimulation,

A semi-automatic indirect blood pressure measurement system using a special microphone placed beneath a hand-inflated cuff, similar to the blood pressure device used in the Skylab program,

A basic pharmaceutical pack.

Optional equipment can include an electroencephalogram, to permit remote observation and detection of brain waves stemming from technology first devised for the Skylab sleep analyzer, and a strip chart recorder and tape recorders.

The unique communications system permits full duplex communication between the physician and the emergency medical technician, including a backup system using telephone circuits. In addition, electrocardiogram data on a patient's condition and voice transmissions can be sent simultaneously to the base station over a single radio frequency by the multiplexing process. This permits continuous transmission of medical data as well as two-way voice communication without the use of switches.

Comprehensive field tests of the Telecare system were successfully conducted earlier this year by SCI Systems, Inc., under direction of the Harris County Medical Society in Houston.

As a result, the City of Houston is equipping 28 rescue vehicles with Telecare units and training technicians in their operation. The system is expected to be in operation before the end of the year.

Cities throughout the country are currently evaluating Telecare for possible incorporation in their own emergency medical services programs.

HOUSE OF REPRESENTATIVES—*Monday, November 5, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Let the peace of God rule in your hearts, and be ye thankful.—Colossians 3:15.

Eternal God, our Father, whose creative spirit is ever calling us to new frontiers of thought and action, we pause in Thy presence as we greet the coming of another day. For the daily task and challenge, may we rise renewed in Thee; in the heat and stress of duty may our souls find strength in Thee. With a greatness of spirit, a genuineness of motive, and a goodness of life may we make ourselves ready for the responsibilities of these hours.

Kindle in our hearts and in the hearts of all people a real love for peace and may the rule of Thy spirit increase in

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the minds of men until justice with good will shall be established in our land and in every land.

In the spirit of the Master, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1769. An act to reduce the burden on interstate commerce caused by avoidable fires and fire losses, and for other purposes.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

PERMITTING TWO IRANIAN CITIZENS TO ATTEND U.S. NAVAL ACADEMY

The Clerk called the joint resolution (H.J. Res. 735) authorizing the Secretary of the Navy to receive for instruction at the U.S. Naval Academy two citizens and subjects of the Empire of Iran.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. ALEXANDER. Mr. Speaker, at the request of the gentleman from California (Mr. STARK), I ask unanimous consent that the joint resolution be passed over without prejudice.

The SPEAKER. Is there objection to to the request of the gentleman from Arkansas?

There was no objection.

AUTHORIZING TRAVEL EXPENSES FOR CERTAIN CREW MEMBERS WHOSE SHIPS ARE BEING INACTIVATED AWAY FROM THE HOME PORT

The Clerk called the bill (H.R. 10369) to amend title 37, United States Code, to provide entitlement to round trip transportation to the home port for a member of the uniformed services on permanent duty aboard a ship being inactivated away from home port whose dependents are residing at the home port.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I would like to ask the distinguished gentleman from Texas, or whoever is handling this bill, what effect the home porting of the fleet in Greece will have and how this legislation would affect the home porting of the 6th Fleet, or portions thereof, in Greece. Would it have any effect at all?

Mr. FISHER. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I would be glad to yield to the gentleman from Texas.

Mr. FISHER. Mr. Speaker, the answer to the gentleman's question is in the negative, that it would have no effect.

Mr. GROSS. It would have no effect whatever?

Mr. FISHER. The gentleman is correct.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill as follows:

H.R. 10369

A bill to amend title 37, United States Code, to provide entitlement to round trip transportation to the home port for a member of the uniformed services on permanent duty aboard a ship being inactivated away from home port whose dependents are residing at the home port

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 7 of title 37, United States Code, is amended as follows:

(1) The text of section 406b is amended by inserting "or inactivated" after "overhauled " and "or inactivation" after "overhaul" whenever they appear.

(2) The catchline of section 406b is amended by inserting "or inactivating" after "overhauling", and by making a similar change in the analysis of chapter 7.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ELIMINATING MAXIMUM TIME ON ADDITIONAL ACTIVE DUTY THAT A RESERVE OFFICER OF THE ARMY AND AIR FORCE MAY BE REQUIRED TO PERFORM ON COMPLETION OF TRAINING AT AN EDUCATIONAL INSTITUTION

The Clerk called the bill (H.R. 10366) to amend title 10, United States Code, to remove the 4-year limitation on additional active duty that a nonregular officer of the Army or Air Force may be required to perform on completion of training at an educational institution.

There being no objection, the Clerk read the bill as follows:

H.R. 10366

A bill to amend title 10, United States Code, to remove the four-year limitation on additional active duty that a nonregular officer of the Army or Air Force may be required to perform on completion of training at an educational institution

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 4301(b) and 9301(b) of title 10, United States Code, are each amended by striking out "but not longer than four years" in the sentence.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING THE VOLUNTARY ASSIGNMENT OF CERTAIN RESERVE MEMBERS IN THE READY RESERVE

The Clerk called the bill (H.R. 10367) to amend section 269(d) of title 10, United States Code, to authorize the voluntary assignment of certain Reserve members who are entitled to retired or retainer pay to the Ready Reserve, and for other purposes.

There being no objection, the Clerk read the bill as follows:

H.R. 10367

A bill to amend section 269(d) of title 10, United States Code, to authorize the voluntary assignment of certain Reserve members who are entitled to retired or retainer pay to the Ready Reserve, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 269(d) of title 10, United States Code, is amended by striking out the last two sentences and inserting in place thereof the following: "Notwithstanding any other provision of law and under regulations prescribed by the Secretary concerned, any qualified member of the Army Reserve retired under section 3914 of this title, any qualified member transferred to the Fleet Reserve or Fleet Marine Corps Reserve under section 6330 of this title, any qualified member of the Air Force Reserve retired under section 8914 of this title, or any qualified member of the United States Coast Guard retired from active service under section 355 of title 14, United States Code, may, with his consent, be placed in the Ready Reserve and participate in such training duties as the Secretary concerned may prescribe, including those duties described in section 270 of this title."

Sec. 2. Section 684(b) of title 10, United States Code, is amended by adding the following sentence: "Notwithstanding subsection (a), a Reserve of the Army, Navy, Air Force, or Marine Corps described in that subsection who performs active duty for thirty days or less or inactive duty training may receive both the payments to which he is entitled because of his earlier military service and the pay and allowances authorized by law for that active duty or inactive duty training."

Sec. 3. Section 3914 of title 10, United States Code, is amended by striking out the second sentence and inserting in place thereof the following: "He then becomes a member of the Army Reserve, and if otherwise qualified, may be appointed for service in the Army National Guard of the United States or the Army Ready Reserve.

Sec. 4. Section 8914 of title 10, United States Code, is amended by striking out the second sentence and inserting in place thereof the following: "He then becomes a member of the Air Force Reserve, and if otherwise qualified may be appointed for service in the Air National Guard of the United States or the Air Force Ready Reserve."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LAND CONVEYANCE IN LOUISIANA

The Clerk called the bill (H.R. 9295) to provide for the conveyance of certain lands of the United States to the State of Louisiana for the use of Louisiana State University.

There being no objection, the Clerk read the bill as follows:

H.R. 9295

A bill to provide for the conveyance of certain lands of the United States to the State of Louisiana for the use of Louisiana State University

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture shall convey, without monetary consideration, to the State of Louisiana, for the use of Louisiana State University, all right, title, and interest of the United States in and to the real property at Robson, Caddo Parish, Louisiana, containing 99.956 acres in section 19, township 16 north, range 12 west, and sections 24 and 25, township 16 north, range 13 west, Caddo Parish, Louisiana, being a part of lot 3 (Martin survey) Robson Plantation and described as follows:

Beginning at a point 260 feet south and 230 feet west of northwest corner section 30, township 16 north, range 12 west, thence north 42 degrees 37 minutes east, 2,986 feet to Harts Island Road, thence along road north 44 degrees 55 minutes west, 1,361 feet to intersection with Robson-Forbing Road; thence along latter road south 30 degrees 25 minutes west, 523 feet south 51 degrees 40 minutes west, 832.5 feet south 48 degrees 15 minutes west, 1,008.4 feet south 24 degrees 40 minutes west, 572 feet (all courses along both roads being a distance of 40 feet from centerlines of said roads); thence south 35 degrees 20 minutes east, 567 feet along Bayou Pierre; thence south 1 degree 30 minutes east along Bayou Pierre 530 feet; thence south 85 degrees 02 minutes east along drainage canal 641 feet to place of beginning.

Sec. 2. The real property conveyed pursuant to this Act shall be used consistent with the purposes of Louisiana State University, including, but not limited to, the maintenance of a pecan production research station.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the Consent Calendar.

"WAR POWERS BILL, THE VETO IS WRONG," AN ARTICLE BY THE HONORABLE DONALD M. FRASER

(Mr. BRADEMAS asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, I believe that Members of the House will find most perceptive and thoughtful an article by our distinguished colleague, the Honorable DONALD M. FRASER of Minnesota, concerning President Nixon's veto of the war powers bill.

Mr. FRASER's article, which appears in the November 3, 1973, issue of the New Republic follows:

WAR POWERS BILL: THE VETO IS WRONG

(By Hon. DONALD M. FRASER)

A socialist orator is supposed to have once said that "while yesterday we stood at the edge of a precipice, today, thanks to the Socialists, we have taken a step ahead." Apparently the editors of *The New Republic* believe that the enactment of the war powers bill would be such a step. In "A Bad War Powers Bill," (October 27 issue) they contend that this measure "defeats its own purpose" and that it would somehow expand the President's authority to draw us into new wars. Mr. Nixon, for his own reasons, vetoed the bill.

As a member of the conference committee that approved the war powers bill, I feel that *The New Republic* seriously misinterprets this unique legislation. It does place important new restrictions on the President's war-making power: first, he must consult with Congress before introducing US armed forces into any hostilities; second, he must provide a full report to Congress within 48 hours after taking such action; third, he must withdraw troops within 60 days if Congress has not expressly authorized continued US military involvement (a 30-day extension is permitted if the safety of the troops requires it); fourth, he must immediately withdraw troops if Congress mandates it through a concurrent resolution, a measure which does not require a presidential signature.

This bill does not expand the President's authority. It states that none of its provisions shall be construed as granting any authority to the President "which he would not have had" in the absence of the bill.

The first section simply recites the constitutional powers of the President to introduce armed forces into hostilities when 1) war has been declared, 2) a specific statutory authorization is on the books, and 3) a national emergency is created "by attack on the United States, its territories or possessions, or its armed forces." Despite the clarity of this language *The New Republic* sees loopholes where none exist.

The editorial maintains that an attack on the armed forces anywhere gives the President authority to act. But this interpretation ignores the words "national emergency." As I pointed out on the floor of the House, an attack on an isolated unit of armed forces does not constitute a national emergency. The 1964 PT boat attack on destroyers in the Gulf of Tonkin could not be considered a national emergency. A nuclear attack on the Sixth Fleet clearly would.

Curiously the editors contend that there is no restraint on the President's authority to use US troops to rescue American citizens abroad. But we recite the President's powers in the bill and rescuing US citizens is not one of them. Such a provision was included in the Senate bill but was dropped in conference.

The editorial is flatly wrong in claiming that the bill would allow the President to commit troops under treaties that have been ratified. Exactly the opposite is true. The bill says that such authority shall *not* be inferred from any existing or prospective treaty, unless there is *legislation in addition* that specifically authorizes the President to commit troops.

Finally, *TNR* ignores a key provision that gives Congress authority to mandate military disengagement at any time. The constitutionality of this provision has been questioned but this new authority would clearly operate as a powerful restraint on any President.

In large part the war powers bill is significant as a political document rather than as a legal statement. Sen. Fulbright emphasized this in urging support for the final bill, having opposed the Senate version.

Legal restraints on the President have proved to be ineffective during the last 25 years, as *The New Republic* correctly points out. Most conferees accepted this fact acknowledging that the President may continue to ignore statutory limitations even if the war powers bill were to become law. We recognize that the President might have the power to use military power beyond the territorial limits of the United States, but the question of his authority would emerge as a clearly defined issue. Congress could call him to account under the terms of this bill. That point is emphasized by Harvard law professor Roger Fisher in a recent letter to some House members urging them to override the President's veto: ". . . the political restraints that the resolution establishes should far outweigh any effect of opening the door. The door now, unfortunately, is wide open. Speeches on the floor of the House are likely to be a less effective way of closing it than are the procedural requirements of the joint resolution. The requirements of reporting to Congress and the necessity of a congressional debate should cast their shadow forward and operate as an appreciable deterrent. Everyone knows the purpose of the resolution and the mood of the Congress which adopted it. Its political impact on a future President will be a reflection of these items, not the result of intricate legalistic arguments from the language."

If Congress fails to override the veto, we will have lost an opportunity to restrain growing presidential usurpation of Congress' war-making responsibilities. To leave the President unrestrained is to take inordinate risks with our democratic system.

THE CASE OF MENDEL LEIBOVICH TREER

(Mr. BINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BINGHAM. Mr. Speaker, the past month has been packed with national and international crises. Our calendars are overcrowded, but the cause of human freedom which is the motivation behind the Mills-Vanik amendment, deserves a place on the busiest of calendars. I welcome the opportunity to be among those of my colleagues who have participated in this vigil on behalf of all peoples who are not free to emigrate from the Soviet Union.

Mendel Treer is a 71-year-old shoemaker from Zaporozhye in the Ukraine. In November 1972, Treer and his daughter, Liubov, a teacher, applied to the local OVIR—passport office—for exit permits to Israel. Treer said that he wished to be reunited with his brother.

But OVIR ignored Treer's eligibility to emigrate under the "reunion of families" policy and twice rejected his application. This elderly, ailing man made trips to Kiev and to Moscow to have his application reviewed; but it was returned to the local OVIR. Again emigration permits were denied.

The Treers were told that since they were born in the Soviet Union they were obliged to live only in the Soviet Union. Another high official told them that as long as he lived and was in a position of authority they could not leave Zaporozhye.

On July 15, 1973, Treer wrote to the Presidium of the Supreme Soviet describing his plight and stated:

> I want to spend the last years of my life in my historical homeland together with my relatives.

Months have passed and the father and daughter are still waiting for permission to emigrate to Israel.

The Soviet Union must lift these restrictions on free emigration. It is urgent that the 93d session of this House pass the Mills-Vanik amendment by an overwhelming majority and go on record as being on the side of human freedom.

XUM

STRIP MINING LEGISLATION

(Mr. RONCALIO of Wyoming asked and was given permission to address the House for 1 minute.)

Mr. RONCALIO of Wyoming. Mr. Speaker, this morning in the Subcommittee on Mines and Mining of the Committee on Interior and Insular Affairs, in a meeting in conjunction with the Environmental Subcommittee of that committee, for about the fifth or the sixth day in the last 3 weeks on the failure of an amendment to carry, the minority asked for a quorum call and thereby stopped markup on the very important Surface Mining Act of 1973 from going forward.

This is the second year we have labored on a strip mine bill in this same committee. We reported out an excellent bill which this House passed by a large margin under suspension of the rules in October 1972, and the Senate then allowed it to die.

Mr. Speaker, I take the floor now to ask my friends in the interest of this country, if they are taking part in any "deal" to try to frustrate this legislation, I want them not to think that they will be getting a better bill next year than they would be this year. If they do believe that, they are sadly mistaken.

Mr. HECHLER of West Virginia. Mr. Speaker, will the gentleman yield to me?

Mr. RONCALIO of Wyoming. I yield to the gentleman.

Mr. HECHLER of West Virginia. Mr. Speaker, I think there is a filibuster going on which is instigated by the coal industry and the utilities industry in order to avoid regulation which this Nation is demanding, not only in the way of regulation but hopefully in the way of phasing out strip mining.

Mr. RONCALIO of Wyoming. I thank the gentleman.

Mr. Speaker, many Members and coal company executives now admit they would rather have had last year's bill than this year's. I believe they will be better off with the present bill than one still further in the future. I hope they will not repeat the same action as they did last year. For if they delay again they may well be flirting with an eventual banning of all strip mining, the position I know is not the answer for the State of Wyoming or the Nation at the present time.

CREATION OF A SANTA BARBARA ENERGY RESERVE

(Mr. TEAGUE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. TEAGUE of California. Mr. Speaker around noon on January 28, 1969, an offshore oil rig situated on leased Federal seabed off Santa Barbara, Calif., was the site of one of the most significant occurrences in the process by which America was awakened to the hazards of environmental pollution. The blowout at platform "A" released thousands of gallons of crude oil and natural gas into the sea.

It may be difficult for some to recall without a brief reminder the spontaneous reaction of millions of citizens across the land when the television cameras brought to their living rooms the blackened beaches and suffocated wildlife of Santa Barbara along with thousands of citizen volunteers struggling valiantly to restore nature suddenly thrown into disarray. When the initial tide of emotional reaction subsided and the rate of leakage from platform "A" slowed to a few barrels a day, the search for a long-term answer to the difficult task of protecting this environmentally and geologically fragile area began.

As the President's Council on Environmental Quality recommended, the logical procedure was to cancel leases which, if developed, would pose a significant continuing threat to the environment. Along with myself, California's two Senators, then George Murphy and ALAN CRANSTON advocated such a course. In June of 1970, the President proposed legislation to cancel 20 Santa Barbara leases. The difficulty, of course, is that depriving the oil companies of their rights to develop oil that can be produced from these leases—for which many millions were paid—requires compensation.

A key feature of several of the many legislative proposals I have introduced to respond to the Santa Barbara Channel oil problem has been that recompense for leaseholders in the channel, once determined by the courts, would be paid from proceeds of oil sales from Naval Petroleum Reserve No. 1, at Elk Hills, Calif. This method avoids the substantial drain from the general fund of the Treasury and substitutes one reserve of oil, in the Santa Barbara Channel, for another.

Senators CRANSTON and TUNNEY, and the administration since April of 1971, have also proposed the substitution of Elk Hills oil for Santa Barbara oil. Many Members of both Houses have cosponsored these proposals in the interest of protecting the delicate ecological balance of the channel. Unfortunately, there are some old bugaboos associated with the Naval Petroleum Reserve.

Recently our colleague from Sacramento, Calif., the Honorable JOHN MOSS, raised questions about the operation of the Elk Hills Naval Petroleum Reserve, and particularly the financial interest of oil companies in possible production from the Reserve. Hearings held by the Armed Services Committee on October 17 and 18 and available to all Members, deal at some length with these matters and satisfy me that the private gain to any company which would derive from production at Elk Hills is the result of contractual arrangements which have, for the most part, been ratified by Congress as well as the executive branch.

Although incidental to the primary purpose of the Santa Barbara Channel bills, the Elk Hills aspects of these proposals will be of interest to Members in formulating their conclusions as to the merit of such legislation. In the interest of presenting a concise treatment of this matter for the consideration of the Members, I am including a letter from Mr. L. T. Vice of the Standard Oil Co. of California at this point in the RECORD:

STANDARD OIL CO. OF CALIFORNIA,
San Francisco, Calif., November 3, 1973.

Hon. CHARLES M. TEAGUE,
House of Representatives,
Washington, D.C.

DEAR MR. TEAGUE: You have requested the comments of my company, Standard Oil Company of California, as to the letter of October 18, 1973, from Representative Moss of California to the President with regard to his proposal for a limited open-up of Naval Petroleum Reserve No. 1 (Elk Hills) for a limited period, and Representative Moss' remarks to the House when he had a copy of his letter inserted in the Congressional Record on October 24, 1973.

We are happy to oblige.

I shall discuss first my company's participation in the development and operation of Elk Hills, and secondly the current disposition of oil therefrom including the contract with Shell Oil Company which Representative Moss mentioned.

We are not involved in the Teapot Dome Reserve, also mentioned in Representative Moss' letter.

I shall not discuss Representative Moss' general and inflammatory remarks about the oil industry, except to say that we disagree with them in every particular, and that they are irrelevant to the President's proposal with regard to Elk Hills.

CREATION OF THE RESERVE

As you may know, Naval Petroleum Reserve No. 1 was established in 1912 and is located in the Elk Hills in Kern County, California. At the turn of the century, government lands in the West were rapidly being turned over to private ownership. At the same time there was a growing realization of the importance of oil for the Navy, which was then changing from coal to oil burning ships. Accordingly, President Taft withdrew large tracts of potentially oil-bearing public lands in California and Wyoming from eligibility for private ownership, and in 1912 set aside Naval Petroleum Reserve No. 1 by Executive order.

A good many sections of the lands covered by this Executive order had, however, already passed into private ownership, in accordance with the government's policy of the time. While the Executive order establishing the reserve governed the further use and disposition of the government lands included in the reserve, it had no effect on the privately-owned lands so included, and the owners of those lands remained free to use them or dispose of them as they saw fit.

In 1944 there were approximately 44,000 acres of land within the reserve. Of these approximately one-fifth were privately owned in fee by my company, Standard Oil Company of California, and the remainder, or approximately four-fifths, were owned by the United States and administered by the Navy. The Standard lands were and are not all in one block, but are checkerboarded throughout the reserve.

Also, by 1944 three geologic "zones" underlying the reserve known to be commercially productive of oil and/or gas had been discovered. These are the Dry Gas Zone, the Shallow Oil Zone, and the Stevens Zone.

Within the Shallow Oil and Stevens Zones are several separate oil pools or reservoirs. These underlie both Navy and Standard lands within the reserve, and production from the lands of one could reduce the amount of oil underlying the lands of the other, with the result that the government's policy of conserving its oil in the ground until needed in time of emergency could not be effectively implemented if Standard were to produce from its own lands as it had the right to do. For this reason, in the years prior to World

War II, Standard did not develop its lands within the reserve to the extent that it would otherwise unquestionably have done.

On the threshold of World War II, and with the threat of the condemnation of Standard's underdeveloped lands, active negotiations began either for an exchange, purchase or condemnation of Standard's lands within the reserve, or for their operation as a unit with Navy's lands. A purchase or exchange would have required a substantial expenditure by the government. As an alternative arrangement, Navy and Standard agreed to operate all of the lands within the reserve as a unit, and on June 19, 1944, entered into a Unit Plan contract for the reserve.

THE UNIT PLAN CONTRACT

A Unit Agreement is an arrangement, common in the petroleum industry, under which the owners of two or more separate parcels of land in a common pool or field agree to operate all the lands overlying the pool or field as a single unit, and to share production and costs in agreed-upon proportions. Such an arrangement is usually for the life of the field and the parties have the same objective, i.e., to produce currently at minimum expense and at maximum rates, consistent with good engineering practice.

The Unit Plan contract here involved, however, is unusual because its long-range purpose (after certain emergency production during World War II) is not to produce currently but to conserve in the ground as much of the oil in the field—both Navy's and Standard's—as is feasible, until needed for a future emergency. This required Standard to agree to the curtailing of its production from its lands, along with that of Navy from its lands, once World War II was over, for which Standard was entitled to compensation. Accordingly, the parties agreed that in consideration for Standard giving up control over the development and operation of its lands, Standard would be allowed to take certain quantities of Shallow Oil Zone oil, most of which were produced during World War II, until Standard had received 25 million barrels of oil, or an amount equal to ⅓ (one-third) of its share of the estimated recoverable oil in the Shallow Oil Zone, whichever was less—all of which production was charged to Standard's share of the oil in the Shallow Oil Zone. The period during which Standard received this oil is referred to in the Unit Plan contract as the "primary period." After the primary period, production was to stop, except to the extent necessary to cover Standard's out-of-pocket expenses in connection with the operation of the reserve, and except for production for the purpose of protecting, conserving, maintaining and testing the reserve.

Provision was also made for exploration and development, and for the drilling, equipping and maintenance of wells in the reserve so that it could be produced upon short notice in the event of a national emergency. It is a truism, of course, that once oil wells are drilled they must be inspected and tested periodically to make sure that they still retain their capacity to produce.

Incidentally, the Unit Plan contract for Elk Hills was submitted to and approved by both the House and Senate Armed Services Committees, was specially authorized by an Act of Congress adopted in 1944, and after execution by the Secretary of the Navy was approved by President Franklin D. Roosevelt.

THE AMENDATORY AND SUPPLEMENTAL AGREEMENT

After the Unit Plan contract was entered into, exploration within the reserve showed that part of a Stevens Zone pool extended outside the reserve. There was no mechanism provided in the Unit Plan contract for drilling outside the reserve, however, to determine how far. Accordingly, in December 1948 Navy and Standard entered into an amendatory and supplemental agreement which provided in Part II for exploration jointly by the parties of lands of both Navy and Standard in a "proposed extended area" outside the northwest boundaries of the reserve, and for the inclusion under unit operation (down to and including the Stevens Zone) of any lands found to be commercially productive of oil from any pool or pools then productive within the then existing boundaries of the reserve. Under this amendatory and supplemental agreement certain additional Navy and Standard lands were included within the Unit, and Standard received an extension of the "primary period" as consideration for the inclusion of its lands.

Again, the 1948 amendatory and supplemental agreement was submitted to and approved by the House and Senate Armed Services Committees, and was approved by the President of the United States.

PRODUCTION TAKEN BY STANDARD

In other words, 25 to 30 years ago, as a consideration for giving up its control over its own privately owned and proven oil lands at Elk Hills, which Standard had a clear right to develop and produce, Standard was permitted to take a certain quantity of oil from the reserve, most of which would in all probability have been produced anyway in the World War II emergency, and all of which was charged solely to Standard's overall share of oil in the Shallow Oil Zone, thus depleting Standard's share in that zone while leaving Navy's share of the oil untouched and intact in the ground.

Since that time, the only oil which Standard has received from Elk Hills has been in strict compliance with the Unit Plan contract and has been produced at the direction of Navy for the purpose of protecting, conserving, maintaining or testing the reserve—including oil produced to test the readiness wells referred to above—or to reimburse Standard for its out-of-pocket costs in the reserve—the latter on the theory that it would be grossly unfair to require Standard not only to forgo the development and operation of its own proved oil lands at Elk Hills, but to suffer a net out-of-pocket monetary loss in so doing.

Representative Moss' statement that "at given intervals. Socal has been permitted to remove significant quantities of oil from Elk Hills under agreement with government" must therefore be read in the light of the above.

Further, I cannot agree with Representative Moss' statement that "another windfall profit could be in order for Socal if Elk Hills is opened up . . .," whether for national defense or otherwise. So far as I know, no one has seriously suggested that Standard received an undue or unfair consideration for giving up control over its fee lands at Elk Hills when it was permitted 25 to 30 years ago to take a quantity of oil which was going to be produced anyway all of which was charged solely to Standard's agreed share of the oil in the field and not in any way to Navy's share. Since then Standard has adhered to its agreement with the government regarding Elk Hills and its oil as well as Navy's oil has been kept shut up in the ground with the exception of the relatively minor quantities noted above. To say that Standard would receive a "windfall" because Standard would now be able to produce and take an additional quantity of its own oil, if the government concludes that the national interests require that Elk Hills be opened up, strikes me as grossly unfair and prejudicial to my Company.

NO POSSIBILITY OF STANDARD CANCELLING THE UNIT PLAN CONTRACT

Incidentally, there is no danger of the existing Unit Plan contract for the governance of Elk Hills being unilaterally terminated by Standard because of an open-up by the government which otherwise follows the provisions of the Unit Plan contract, no matter what the purpose of the open-up may be, and we are prepared to give the government any needed assurances on this point.

THE OPERATION OF THE RESERVE

Subject to the provisions of the Unit Plan contract, Navy was given exclusive control over the exploration, prospecting, development and operation of the reserve. Navy was also given the right at its discretion to operate the reserve directly with its own personnel or to contract for such operation. Navy entered into a contract with Standard for Standard to operate the reserve, and since that time has entered into two subsequent operating agreements with Standard.

Each of these operating agreements has also been approved by the House and Senate Armed Services Committees, and by the President of the United States.

THE WORKING OF THE UNIT PLAN CONTRACT

Under the Unit Plan contract all exploration, prospecting, development and producing operations on the reserve were placed under the supervision and direction of an operating committee comprised of two petroleum engineers, one to be appointed by and represent Standard and one to be appointed by and represent Navy. In order to provide technical advice and to make certain specified determinations based upon petroleum engineering data, an engineering committee was also established, consisting of the members of the operating committee ex officio and four other petroleum engineers or geologists, two to be appointed by and represent Navy, and two to be appointed by and represent Standard.

The "percentage participations" of the parties in each productive zone within the Elk Hills Unit were fixed as of November 20, 1942, and are to be revised retroactively from time to time in the light of new knowledge gained. Generally, as to each zone, production is to be shared by the parties currently in accord with their then existing participating percentages, and costs are to be paid currently in accord with receipts of production, because of the special provisions of the Unit Plan contract, however—e.g., the provision that Standard was to be permitted to take World War II production, up to 15,000 barrels per day (to be charged to its share of the Shallow Oil Zone oil) during the "primary period"—it was inevitable that the parties from time to time would become "out of balance" with their participating percentages both in oil received and costs paid. In addition, any retroactive revision of the participating percentages of the parties in a given zone will automatically place the parties "out of balance" in that zone. Accordingly, the parties provided for certain "catch-up" mechanisms and provided that at the end of the life of each zone there should be an appropriate cash adjustment to effect an ultimate balancing of production and costs with final participating percentages.

It is because of these special provisions that Standard is at the moment behind in costs and ahead in oil to the extent of approximately $24,000,000, as Representative Moss notes. However, Standard does not "owe" this amount to Navy, as Representative Moss says, or indeed any amount. On an open-up, Standard would be required to reduce its take of production to ⅓ of its participating percentage share (which would work out to be about 12 percent to 14 percent) until oil balance occurs, and then to increase its share of current cost payments until cost balance occurs. You can see, therefore, that in overall operation the Unit Plan contract is a fair one, and does not favor Standard at the expense of Navy or the United States.

XUM

DRILLING AROUND PERIPHERY OF RESERVE

Lastly, I should like to commend on Representative Moss' statements with regard to drilling by my Company around the periphery of the reserve.

In his remarks to the House, Representative Moss said "federal regulations prohibit issuance of oil and gas leases by BLM within a mile of a naval petroleum reserve boundary. Over Navy protests and in violation of such a rule, the BLM issued such leases around and adjacent to the Elk Hills reserve to—by sheer coincidence—Standard Oil of California, which proceeded to drill a well within 1 mile of the reserve boundary and, by luck and accident, I am sure, hit major oil strikes." Representative Moss adds that "this has resulted in significant drainage of oil pools under the Elk Hills reserve," and refers to "Socal's illegal drilling near the Elk Hills boundary." Essentially the same statements are Representative Moss' letter to the President

Representative Moss has been misinformed. The BLM has not issued any leases adjacent to or within 1 mile of the reserve to Standard Oil Company of California, over the protests of Navy or otherwise. Standard does hold two government leases on the South Flank of Reserve No. 1 issued to another company in 1920, which company was acquired by Standard in 1943. Both leases are in the Buena Vista Hills field within Reserve No. 2, however, which field has been produced commercially by numerous owners and lessees ever since its discovery and development around 1910. Further, in 1955 the BLM issued a government lease outside the northwest corner of the Reserve No. 1 to American Marc, Inc. In 1965 and 1966 Standard acquired this lease by assignment. Later it drilled several wells thereon, the closest of which was over ¾ of a mile from the Elk Hills Unit. Some of these wells were and are productive from a zone not known to be productive within the Unit. Three wells penetrated a zone (not a pool) which is known to be productive within the Unit, and were shut in. By agreement between Navy and Standard, a well was then drilled to this zone approximately half way betweeen Standard's wells and the boundary of the Elk Hills Unit, and proved to be not commercially productive. Clearly, then, none of these wells of Standard's can be said to be draining or injuring the Unit.

Standard does own outright a substantial amount of land around the periphery of the reserve. As part of our stepped-up exploration program undertaken to help alleviate the growing shortage of petroleum and petroleum products in California, we drilled an exploratory well earlier this year on a section of our own fee land just outside the northern boundary of the reserve. Since the well was drilled on our own fee land, outside the reserve, it cannot possibly be characterized as "illegal." The well was successful, and discovered a new and productive pool of oil. Present indications are that the pool does not extend within the reserve. We have given all the information on our well to the government, however, and if it should turn out that the pool does extend within the reserve the government has ample authority to protect it, and we would fully expect it to do so

DISPOSITION OF GOVERNMENT OIL FROM ELK HILLS

Representative Moss' fear that Shell Oil Company will reap "windfall profits" if Elk Hills is opened up as the President has proposed seems to me to be unjustified. While it is true that Shell has a contract executed in May 1970, to purchase Navy's unit production at Elk Hills for a period of five years, under Article IX thereof the contract is terminable at will by either party on six months' notice to the other. Shell is therefore not in a position to "claim all new production," as Representative Moss fears.

At to how and to whom the new production going to Navy might be sold, the Director of Naval Petroleum Reserves can, of course, give you the facts better than we can, but I do know that in past years Navy's production from the Elk Hills area, both within and outside the Unit operation, has been sold at various times to Wilshire, Douglas, Mohawk, Rothschild and Edgington. In each case, Navy has offered the oil for bidding on the open market, and companies desiring to purchase the oil may add a bonus over and above the posted prices for comparable oil produced from other fields in the vicinity. And in each case, the purchaser has had no difficulty in getting the oil out of the field, and disposing of it or utilizing it as he saw fit.

Incidentally, Navy's non-unit production in the Elk Hills area is presently going to the Mohawk Petroleum Company, I understand.

CONCLUSION

In view of the developing energy shortage in this country, it seems to me undeniably in the national interest that the President's proposala for dealing with that shortage receive a fair and objective hearing by all concerned. Accordingly, we very much appreciate your interest in the facts with regard to Elk Hills, and hope that the above will assist you in your inquiry.

Respectfully,

L. T. VICE.

FRANK SMALL, JR.

The SPEAKER. Under a previous order of the House, the gentleman from Maryland, (Mr. HOGAN) is recognized for 10 minutes.

Mr. HOGAN. Mr. Speaker, the people of Prince Georges County and of the State of Maryland are mourning the loss of one of our most outstanding citizens and a former Member of the House of Representatives, Frank Small, Jr.

Frank Small was a man of modest and simple beginnings. Born on a farm in Temple Hills, Md., Mr. Small showed the ambition and drive which led him to high responsibilities in government and business. He became the president of the Clinton Bank and after the merger of this bank with the Equitable Trust Co. of Baltimore he served as its vice president. He was also the president of the Clinton Realty Co. at the time of his death.

Mr. Small was a devoted and sincere political leader. He served in the State house of delegates in 1927 and 1928; was a member of the board of county commissioners from 1930–34; was a member of the Republican State Central Committee from 1934–42 and served as its chairman for 4 years. He was a delegate to the Republican Conventions in 1940, 1944, and 1956 and served in the U.S. House of Representatives during the 83d Congress. He was the Republican nominee for Governor of Maryland in 1962 and I was privileged to serve as his coordinator in that campaign.

Mr. Small was a member of the Maryland Racing Commission from 1937–52 and served as the commission chairman during 1951 and 1952; was a member of the Maryland Commission of Motor Vehicles from 1955–57. He also served as president of the National Association of State Racing Commissioners.

I admired Mr. Small very much and learned most of what I know of politics from him. He was a close friend of mine and I extend my deepest sympathy to his children and grandchildren.

INTERNATIONAL MONETARY REFORM: COMMITTEE OF TWENTY'S OUTLINE

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 60 minutes.

Mr. REUSS. Mr. Speaker, on October 25—CONGRESSIONAL RECORD, pages 35019–35022—I spoke here to urge that the United States withdraw our endorsement of the Nairobi fixed but adjustable exchange rates monetary reform. I recommended that this body not approve any so-called reform which deprived the United States of its present option to float the dollar in exchange markets as a regular procedure. I said:

> With the air thus cleared, the Committee of Twenty can go on in a streamlined way to meet its July 31, 1974 deadline. Questions such as SDRs, convertibility, the dollar overhang, intervention will yield easier solutions as a result of this clearing of the air. I shall discuss these questions in a second speech in a few days

I now undertake that discussion. For purposes of clarity, the simplest procedure is to touch upon the issues in the same order, using the same headings, as in the IMF Committee of Twenty's "First Outline of Reform," issued at Nairobi on September 24, 1973.

PRESSURES; THE EXCHANGE RATE MECHANISM; MULTICURRENCY INTERVENTION

The Committee of Twenty's outline of reform envisages the reinstitution of fixed par values for the currencies of member states. Market exchange rates would be allowed to fluctuate within 2¼ percent above or below the stated par for each currency. In the absence of a change in par values, intervention by monetary authorities would keep market exchange rates within the designated margin. The outline states:

> Countries may adopt floating rates in particular situations, subject to Fund authorization, surveillance and review.

I have already indicated in my October 25 speech the reasons I object to the need for any IMF authorization permitting a country to adopt a floating exchange rate as a matter of regular policy. Each IMF member, I believe, should have the option of permitting the external value of its currency to be determined day to day in exchange markets. This option should be fully equivalent to the alternative of announcing a par value, and should not entail any sanction, or for that matter privilege, for those countries opting in favor of floating rates.

Since the reformed international monetary system will be based in part on fixed par values, the question arises when and how these values will be changed. The outline indicates that changes in par values will result from consultations among Fund members, guided in part by changes in reserve stocks sufficiently large to indicate that serious payments disequilibria in fact exist. Countries that refuse to make the exchange rate changes or to take the other policy actions recommended by the Fund would be subject to a graduated series of pressures designed to induce these countries to conform to the best judgment of a majority of the Fund's membership.

Such procedures seem reasonable for that group of IMF member states that elect to announce par values for their currencies and to formulate their economic policies for a fixed rate regime. Agreement on the technical details of such arrangements should not provide any unsurmountable obstacles or prolonged delays, especially if the reform adopted gives each Fund member the option, without prejudice, of allowing exchange markets to determine the external value of its currency.

Surveillance by an appropriate body of the IMF will also be necessary for those countries electing to let their currencies float. The Fund should be charged with the responsibility of insuring that these countries observe the established guidelines regarding central bank intervention in exchange markets, and that other policies, including monetary and fiscal policy, are not used to bring about competitive exchange rate changes. Monetary and fiscal policies should in general be directed toward the maintenance of domestic full employment and a satisfactory rate of noninflationary economic growth. Of course, such policies will sometimes have external effects, and for countries whose international transactions constitute a third or even a larger fraction of their gross national product, such external repercussions will certainly, at times, be necessary and desirable. A review group in the IMF would be well situated to evaluate these differences in the economic characteristics of member states, and to draw appropriate conclusions about whether their policies are appropriate.

The exchange market intervention activities of countries adopting floating rates are of central importance. This issue does not arise for those nations announcing par values, since intervention by their monetary authorities will be directed toward maintaining actual market rates for their currencies within the margins specified by the IMF. Apparently because the Committee of Twenty's outline is based on a presumed return to fixed but adjustable parties, and sanctions floating rates only as "providing a useful technique in particular situations," it did not address the issue of guidelines for exchange market intervention by the monetary authorities of countries with floating rates. But if the United States and numerous other countries adopt floating as a long-term practice, as I believe they inevitably will, intervention guidelines must be established among IMF members.

I can think of only one legitimate objective of central bank intervention in exchange markets when rates are otherwise being allowed to float, that is, to preserve orderly market conditions in the face of an imminent breakdown. When Federal Reserve Board Chairman Burns testified before the Joint Economic Committee last August 3 and argued that intervention had been necessary to prevent a market breakdown, I asked him how he characterized a disorderly market. In response, he submitted the following useful staff memorandum:

FEDERAL RESERVE STAFF MEMORANDUM IN RE: DISORDERLY MARKETS

Disorderly markets have certain features in common: exaggerated rate movements, wide spreads in quotations, a stifling of the intermediary role of professional dealers, and an unresponsiveness of prices and orders to the fundamentals operating at the time. Disorderly markets are by their nature unstable; in the absence of some stabilizing influence, disorder can increase to the point at which the market ceases to function.

The developments leading up to the Federal Reserve intervention in foreign exchange markets in July provide an illustration of how markets become disorderly. In May, foreign exchange traders of banks and commercial concerns were beginning to take the view that they were likely to sustain losses when they held a long position in dollars overnight and, conversely, to realize profits when they were short of dollars. In these circumstances, traders became increasingly unwilling to expose themselves to the risks of holding dollars. The market found it increasingly difficult to accommodate dollar sales as they appeared. A moderate-sized dollar offer in normal conditions could have been easily handled would be passed from one dealer to another. Traders, hoping to make their rates unattractive to potential dollar sellers, widened very substantially the spreads that they quoted between bid and asked rates. As sales of dollars for foreign currencies continued in this atmosphere, market conditions worsened, and by early July the dollar declined by 2 percent or more each day against major continental currencies.

In the face of this widespread selling and rapidly changing exchange rates, market participants lost confidence in their ability to assess exchange-rate relationships. Traders concentrated their attention on movements in spot rates for major continental currencies and virtually ignored the other currencies and all forward exchange rates; consequently these markets virtually dried up. Moreover, major corporate customers suspended much of their normal foreign exchange business, and by July 6, a number of New York banks were refusing to quote exchange rates and had suspended all foreign exchange business—even in the major currencies.

As conditions in the exchange markets deteriorated during the first week of July, the need for official intervention to restore order in the markets was recognized by monetary officials here and in Europe. A communique implying that such intervention would be undertaken was issued on July 8 by the central bank Governors meeting at the B.I.S. in Basel, Switzerland, and intervention was in fact undertaken by several central banks, including the Federal Reserve, during the ensuing days, with the result that order in exchange markets was restored. The need for official intervention at that time was also recognized by the financial press, including supporters of floating exchange rates. For example, the London Financial Times, in its editorial of July 9, called the situation in the exchange market "not only absurd but dangerous" and urged immediate implementation of "a set of informally-agreed rules to govern the . . . period of floating." Several days later, the New York Times urged a reformed monetary system that would be "less crisis-prone than either the now dead fixed rate Bretton Woods system or the present state of disorderly floating, and growing export, import and capital controls."

As I see it, if a country elects to have the market establish the external value of its currency on a day-to-day basis, the function of any intervention by monetary authorities ought to be to help the market fulfill this role. After a dozen years of fixed parities sustained by massive central bank intervention whenever a crisis threatened, followed by 2 years of switching back and forth between floating rates and fixed parities, exchange dealers, exporters, importers, and international investors cannot be expected to adapt painlessly to generalized floating. The ease with which the international monetary system has adjusted to floating, the continued brisk expansion of trade and investment, the relatively small magnitude of exchange rate fluctuations in the face of unprecedented political upheavals, and the self-correcting ability of the market that has been manifested in recent weeks all testify to the intelligence and flexibility of exchange dealers, traders, and investors.

In the face of a domestic monetary crisis, the function of a central bank is to lend freely. When for any reason all the bets in the exchange market start running only one way, the central bank needs to enter the picture and make a market.

IMF guidelines for intervention by the central banks of countries adopting floating rates will most likely contain a list of what these institutions may not do. The Joint Economic Committee's Subcommittee on International Economics in its report of August 14, 1973, concluded:

> Under no circumstances should intervention in exchange markets by U.S monetary authorities be massive, continuous and committed to maintaining a fixed exchange rate between the dollar and any other particular currency. . . . Any intervention that is conducted should be limited in amount, used from time to time, rather than continuously, and applied with respect to an underlying trend rather than a particular rate.

This is sharply at variance with the intervention objective suggested by IMF Managing Director Witteveen in his opening address at Nairobi of "using intervention to prevent * * * excessive deviation from exchange rates considered to be appropriate in the medium term." The inability of officials to judge accurately what are appropriate exchange rates in the medium term has been amply demonstrated in the last 5 years.

A suggestion was offered at Nairobi by Otmar Emminger, deputy governor of the West German Central Bank, that when the dollar strengthens sufficiently to reach the set of exchange parities proposed by officials in February 1973 the dollar be stabilized at that point. Stabilization to prevent a further rise in the exchange value of the dollar would be achieved through sales of dollars by central banks in exchange markets. Mr. Emminger's suggestion would come into play when the dollar was worth 2.67 deutsche marks, as contrasted with its current level of about 2.40.

The set of parities proposed by officials last February was inappropriate at the time, as the market quickly demonstrated. There is no reason to believe that it would be appropriate at the time the dollar again touches these levels. Of course, Mr. Emminger may have proposed stabilization of the dollar in part to permit foreign central banks to run off some of their excessively large dollar holdings. One can hardly blame foreign countries for desiring to divest themselves of some of their paper money and exchange it for goods or more profitable investments. This issue I shall return to in discussing the problem of the dollar overhang.

CONTROLS, DISEQUILIBRIATING CAPITAL FLOWS

The Outline of Reform says on the subject of controls:

> There will be a strong presumption against the use of controls on current account transactions or payments for balance of payments purposes. . . . Countries will not use controls over capital transactions for the purpose of maintaining inappropriate exchange rates or, more generally, of avoiding appropriate adjustment action.

Nations permitting their currencies to float, like those announcing fixed parities, should similarly not resort to exchange controls to influence the value of their currencies. Countries with floating currencies will have no need to rely upon trade or capital flow restrictions, since exchange rates can adjust to eliminate any payments surplus or deficit.

CONVERTIBILITY

The outline states:

> All countries maintaining par values will settle in reserve assets those initial balances of their currencies which are presented to them for conversion.

Thus, as long as the United States allows the dollar's external value to be determined day to day in exchange markets, we would assume no obligation to convert any additional dollars that might be acquired by foreign monetary authorities into SDR's, gold, or foreign exchange. Moreover, to the extent that the fluctuating rate system functions efficiently and without interference by monetary authorities, there should be no additional dollar accumulation.

But for countries adopting fixed parities, the Outline asserts:

> ,That there is a need for some elasticity within the settlement system, particularly to finance disequilibriating capital flows.

The use of official credits to counteract the impact on exchange rates of large international transfers of liquid assets is, as we have seen in the past, likely to be ineffective, to foster the maintenance of disequilibrium exchange rates, to have severe inflationary consequences in the countries attracting such flows, and to build up massive international debts that are difficult to liquidate. In attempting to curtail speculative capital flows, international monetary authorities should rely upon the harmonization of monetary policies, to the extent that domestic considerations make this feasible, and upon movements in exchange rates to choke off the transfers.

PRIMARY RESERVE ASSETS

If the United States and several other major countries opt to permit their currencies to float in exchange markets, the need for SDR's by the remaining IMF members adopting fixed parities will be minimized. Moreover, given the dollar accumulations of recent years, the global stock of reserve assets is now excessive. There should be little need for additional SDR's until a substantial portion of these dollar reserves are spent in the United States to purchase goods, services, or investments.

CONSOLIDATION AND MANAGEMENT OF CURRENCY RESERVES

As long as the dollar remains a major currency used to finance international trade, it will also continue to be used to some extent as a reserve currency. The reduction and eventual elimination of current official dollar holdings in excess of working balances is not a problem that can be easily or quickly resolved. Perhaps at some time in the future U.S. authorities will be prepared to consider bilateral funding or consolidation of these balances within the IMF. But any proposed exchange of dollar reserves for a few issues of SDR's would need to be carefully managed to avoid the danger of diminishing the attractiveness of SDR's by creating an excessive amount of them.

Another way gradually to amortize the overhang would be to maintain a slight undervaluation of the dollar by permitting foreign central banks to intervene in exchange markets on a regular basis. Official institutions could thus gradually sell off their excess dollar holdings to private foreigners purchasing goods and services in the United States or investing either in equities or real property. But under no circumstances should intervention by foreign monetary authorities be linked to a specific exchange rate between the dollar and any other particular currency. Nor should the degree of undervaluation be large enough to create a price incentive for foreigners to suck away commodities that are scarce in the United States and so create undesirable pressures for export controls. Sales of dollar holdings by monetary authorities should be gradual and gaged with reference to the trend in the dollar's external value as determined by exchange markets. The rate at which the dollar overhang can be reduced should be subject to continuous negotiations between United States and foreign monetary authorities.

THE LINK AND CREDIT FACILITIES IN FAVOR OF DEVELOPING COUNTRIES

Since the need for SDR's is likely to be small, developing countries would benefit only to a minimal degree from any arrangement that would merely increase slightly the proportion of these assets allocated to them. Under these circumstances, an appropriate remedy would be to allocate all newly created special drawing rights to the developing countries. Those industrial nations maintaining fixed parities and desiring to increase their reserve stocks could then earn their SDR's from poorer states. Through this mechanism, transfers of real resources to speed the economic growth of poorer countries would be facilitated.

TOWARD A PROMPT INTERNATIONAL MONETARY REFORM

If the document drafted by the Committee of Twenty includes floating as a fully equivalent and equally desirable alternative to establishing a fixed parity, IMF members should be able to agree quickly on the shape of the proposed reform. After all, the substance of this reform has been in place since last March, and is working far more satisfactorily than did the old fixed-rate regime.

CPA AT FDA, CONTINUED

The SPEAKER. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 5 minutes.

Mr. FUQUA. Mr. Speaker, the huge volume of the Federal Food and Drug Administration proceedings and activities that would be subject to Consumer Protection Agency advocacy under pending bills has precluded me from listing them all in one RECORD insertion.

To avoid speculation and confusion on these controversial bills, I have asked various agencies frequently mentioned in the CPA bill hearings to list for me their 1972 proceedings and activities, divided into the various categories in which the CPA would have a right to be a party or participant under the bills.

I have been sharing this material with the Members through publication in the RECORD. Yesterday I inserted part of the FDA response; today I shall insert the remainder. FDA, according to the hearings on these bills, will be one of the prime targets for CPA advocacy.

The bills, now before a Government Operations Subcommittee on which I serve, are: House Resolution 14 by Congressman ROSENTHAL, House Resolution 21 by Congressmen HOLIFIELD and HORTON, and House Resolution 564 by Congressman BROWN of Ohio and myself.

The major difference among the bills is that the Fuqua-Brown bill would not

allow the CPA to appeal to the courts the final actions and refusals to act of other Federal agencies. The other two bills would grant such an extraordinary power to this nonregulatory agency.

The remainder of the FDA response begun yesterday is now inserted in the RECORD for the important reasons already stated:

FDA RESPONSE—CONTINUED

Question 2. What regulations, rules, rates, or policy interpretations subject to 5 USC 556 and 557 (that is, APA rulemaking on the record) were proposed or initiated by your agency during calendar year 1972?

Answer:

Food and Drug Administration (FDA): The provisions of 5 USC 556 and 557 could apply in any FDA rulemaking proceeding listed under question 5 or FDA adjudicatory proceeding listed under question 3.

Question 3. Excluding proceedings in which your agency sought primarily to impose directly (without court action) a fine, penalty or forfeiture, what administrative adjudications (including licensing proceedings) subject to 5 USC 556 and 557 were proposed or initiated by your agency during calendar year 1972?

Answer:

Food and Drug Administration (FDA): 1. New Drugs—human use. New drugs must be approved by FDA before they can be marketed. Strictly speaking, this process is not initiated by FDA but rather by the drug's sponsor. During fiscal year 1972, FDA received 448 new drug applications. In addition, FDA received 3,258 supplemental new drug applications (seeking changes in approved methods, labeling, formulations, etc.) FDA does not publish notice of receipt of new drug applications in the *Federal Register*. Notice of approval or denial of a new drug application for human use usually is given to the sponsor and is generally not published in the *Federal Register*. This information is, however, available to the public through weekly listings.

Many revocations of new drug applications are not generally published in the *Federal Register*. FDA has, however, made it a practice to publish the results of its drug efficacy review in the *Federal Register*.

The following lists notices regarding actions on new human drug applications and of notices concerning the drug efficacy review of human drugs published in the *Federal Register* during calendar year 1972.

2. New Drugs—Animal Use: As with drugs for human use, drugs for veterinary use must be given FDA approval before they may be marketed. During 1972 actions were completed on 545 New Animal Drug Applications. *Federal Register* notices were published with respect to the following new animal drugs during 1972 (numbers are *Federal Register* pages):

Applications, approvals, refusals, etc.:

Animal New drugs:

Acepromazine maleate, 28055.
Acetazolamide, 9048.
Albaplex, 9793.
Aklo-3, 26456.
Aminopentamide hydrogen sulfate, 16539.
Aminopropazine fumarate, 8379, 26828.
Ammonium chloride, 74, 10980.
Anthelmintics, proposed rules, 16200.
Antibiotic-containing preparations, 15946.
Aqua-Strep, 10014.
Aquasol A, 6776.
Arsanilic acid, 3000, 10979.
Arsenamide sodium, 12791.
Aureomycin and combinations, 10014, 15946.
Bacitracin and combinations, 9317, 21960.
Benzathine penicillin G, 13468.
Betamethasone valerate, 6925.
Biosol, 17230.
Bisophene, 18575.
Boldenone undecylenate injection, 11723.
Broiler premix medicated, 26456.
Bunamidine hydrochloride, 24816.
Buqinolate, 4429, 9669.
Butonate liquid, 18530.
4-*tert*-Butyl-2-chlorphenyl methylphosphoramidate, 12172.
Cadmium sulfide, 7111.
Calcium amphomycin, 20164.
Carbadox, 20683, 23906.
Castor oil, 11723.
Cephaloridine, 1170, 20938.
Cerumenex Vet Drops, 24453.
Chloramphenicol preparations, 7497, 12936, 14768, 16076, 19149.
Chlordiazepoxide or chlordiazepoxide hydrochloride preparations, 18482.
Chloroquine hydrochloride, 8564, 11740.
Chlorothiazide, 2178.
Chlortetracycline, 2960, 9317.
Chorionic gonadotropin, 4333, 25230.
Clopidol, 13531, 18615.
Corticosteroid drugs, 24343.
Coumaphos, 3633, 6734.
Crystalline trypsin, liquid, 11723.
Crysticillin, 10014.
Daribiotic, 22891, 26355.
Decoquinate, 2960, 12792, 16077.
Dexamethasone sodium phosphate, 26453, 26537.
Dichlorophene, 5697, 6471.
Dichlorvos, 12635, 20939.
Dictycide, 26454.
Diethylcarbamazine, and combinations, 7783, 24031.
Diethylstilbestrol, 2961, 5264, 12251, 15747, 25307.
Dihydrostreptomycin, 5764, 6509.
Dimethylsulfoxide, 5746, 11241.
O,O-Dimethyl O-(2,4,5-trichlorophenyl) phosphorothioate, 5020.
Disophenol, 21632.
Dithiazanine iodide, 19611.
Dynafac, 4003.
Enheptin soluble, 23285.
Entromycin bolutab, 9354.
Erythromycin thiocaynate, 3000.
Ferric oxide, 14872, 18448, 23905.
Flucinolone acetonide, 14385, 16176, 17171.
Flumethasone, 13281.
Gentamycin sulfate, 6925, 21808.
Glyceryl guaiacolate, 12936.
Griscofulvin, 4333, 12633.
Hepzide blackhead control, 23285.
Hexachlorophene, 11739, 18531, 18575.
Hexamethyltetracosane, 7110.
Hi-Co Nox Medicated, 13815.
Histocarb soluble, 23285.
Histosep-S, 23285.
Hydrochlorothiazide, 13281.
Hydrocortisone preparations, 409, 20938, 20164, 21905.
Intramammary infusion products, 9317.
Iodinated casein, 4730.
Iodochlorhydroxyquin, 13281.
Ipronidazole, 7881, 17387, 24743.
Iron dextran complex, 7080.
Iron hydrogenated dextran, 16076, 18910.
Isopropamide, 12066, 20939.
Kanamycin sulfate, 20164.
Kao-strep Powder, 10014, 15946.
Kaobiotic suspension, 28285.
Kaolin, 409, 3079.
Ketamine hydrochloride, 21429, 21905.
Lactated potassic saline injection, 10980.
Lead arsenate, 492.
Lentovet, 10014, 15946.
Levamisole hydrochloride, 740, 15701, 16540, 23905.
Lincocin forte, 9794.
Lincomycin, 16077.
Lincomycin-neomycin-methylprednisolene, 9764.
Megasul (Nitrophenide) premix, 25560.
Mepine, 16628.
Methetharimide, 7110.
Metoserpate hydrochloride, 6996.
Multiple-vitamin preparations, oral, etc. 18576.
Naloxone hydrochloride, 3053.
Neomycin-sulfacetamide, 409.
Neomycin sulfate and combination preparations, 1130, 6956, 8406, 10676, 12718, 14228, 14385, 15947, 16176, 18530, 21905, 22374, 22891, 23110, 28111.
Neo-My-Sol solution, 9354.
Nequinate, 5372, 9211.

3. Biological products for human use: On July 1, 1972, the Bureau of Biologics (formerly the Division of Biologics Standards) was transferred from the National Institutes of Health to FDA. The Bureau issues Federal licenses for manufacture by establishments and products after determining that prescribed standards for safety, purity, and efficacy have been met. The licensing authorization is found in section 351 of the Public Health Service Act.

Question 4. What adjudications under provision of 5 USC Chapter 5 seeking primarily to impose directly (without court action) a fine, penalty or forfeiture were proposed or initiated by your agency during calendar year 1972?

Answer: Food and Drug Administration (FDA); None. The marketing approvals and disapprovals ordered by FDA (without court action) which are discussed in question 3 have as their primary purpose the protection of public health rather than penalizing industry.

Question 5. Excluding proceedings subject to 5 USC 554, 556, and 557, what proceedings on the record after an opportunity for hearing did your agency propose or initiate during calendar year 1972?

Answer:

Food and drug Administration (FDA); Most FDA regulatory action is taken through rulemaking under 5 USC 553. Under the Federal Food, Drug, and Cosmetic Act, certain kinds of regulations require opportunity for a hearing and must be promulgated according to the formal on the record rulemaking procedures, with judicial appeal, prescribed in sections 701 (e), (f), and (g).

This would include certain of those regulations listed under question 1 which were issued under sections 401 (food standards), 403(j) (special dietary foods), 406 (poisonous ingredients in foods), 501(b) (test methods for strength and purity of certain drugs), 502(d) (habit forming drugs), 502(h) (labeling of drugs subject to deterioration), 502(n) (prescription drug advertising), 506 (insulin), and 706 (color additives). Sections 408 (food additive petitions) and 507 (antibiotics) also provide for formal rulemaking procedures.

Question 6. Will you please furnish me with a list of representative public and nonpublic activities proposed or initiated by your agency during calendar year 1972?

Answer:

Food and Drug Administration (FDA): 1. Correspondence and other communications and meetings with consumers, industry, scientists, and Congress.

2. Internal operating procedures for inspectors, analysts, etc.

3. Informal enforcement actions (e.g., 1,029 recalls in 1972).

4. Intramural research and methods development.

5. Research performed under contract or grant.

6. Advisory committee meetings.

7. Educational campaigns to alert consumers to hazards of particular products (e.g., toy safety in 1972).

8. Inspections of establishments (10,610 in 1972).

9. Informal defect action levels for various products.

10. Shellfish certification program.

Question 7. Excluding actions designed primarily to impose a fine, penalty or forfeiture, what final actions taken by your agency in calendar year 1972 could have been appealed to the courts for review by anyone under a statutory provision or judicial interpretation?

Answer:

Food and Drug Administration (FDA): (See questions 1 and 3.) A listing of the types of actions during 1972 which could have been appealed to the courts by anyone would almost duplicate these lists which show FDA's proposed and/or final rules and adjudications during 1972. Appeal to a United States court of appeals may be taken under a specific statutory provision (e.g., with respect to the regulations named under question 5 or with respect to actions on new drug applications.) Even if there is no specific statutory provision for review appeals of an FDA final action may be had in a United States district court. Any citizen has standing to challenge FDA actions, administratively or in the courts, and it would be appropriate for an independent Consumer Protection Agency to have the same rights.

FRANCIS J. FOLEY

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, last Wednesday, October 31, one of the finest men in American politics and a close personal friend of mine died, Francis J. Foley, chairman of the St. Clair County, Ill., board.

Known to all as "Red" Foley, this remarkable man used the political process for the purpose it should be used—to give better government to the people. Red Foley was a politician in the finest sense of the word.

County board chairman, township official, regional government leader, and Democratic Party power, Red Foley used the leverage of power at his disposal to provide forceful leadership and reform for the public benefit.

At this point, I include the editorial tribute of November 1 that the Metro-East Journal paid to Red Foley:

FOLEY MADE POLITICS WORK

Sure, "Red" Foley was a politician, and we should be glad of it, for his life and his work gave politics a better name in an age when it needs it.

Mr. Foley took the route that politics affords to the poor, rising from jobs as circus roustabout and tavern keeper, to become supervisor of East St. Louis Township and chairman of the St. Clair County Board, a man of substance and success.

Mr. Foley used the power that politics embodies for its best purpose—to give better government to the people.

When he became board chairman in 1962 he inherited a county with a reputation for vice, a county deeply in debt, a county whose leadership was enatangled in political factionalism.

Mr. Foley's firm hand and fast gavel brought a measure of unity and order to the county board.

He insisted that board committees do their work; he knew how, and when, to work out a compromise; he was able to create alliances that would hold up when it came time for the board to take some needed but perhaps unpopular action.

Mr Foley, the one-time saloonkeeper and gambler, came down hard on the side of propriety in his years at the head of St. Clair County government. Soon after he became chairman be halted the open vice that operated in some areas of the county, and just last year made certain that night club dancers keep their clothes on.

Mr. Foley took over a county that was chronically in debt and turned it into a county that operates in the black.

He paid off old bills with a judgment funding bond issue, insisted that the fee offices turn over their revenues to the general fund, brought professionalism and efficiency to budgeting, tax collection and administration, made sure that county employes, whether they were appointed politically or not, work at their jobs.

Mr. Foley was a blunt and ready speaker, who brought color and zest to the otherwise drab business of arguing some technical point of bi-state planning or settling some item in a county budget.

He had a knack for reducing some complex debate to the human level: "He said to me . . . so I said . . . so we did it that way . . ."

So Francis J. "Red" Foley, who died at his home early Wednesday, will be missed.

We will miss his strong voice as chairman of the East-West Gateway Coordinating Council.

We will miss his strong rule as chairman of a board that has given better government to St. Clair County.

And a lot of us will miss running into him in East St. Louis or Belleville, miss the quick greeting and handshake, miss hearing him argue a point or speak his mind, miss the feeling that we just met someone worth knowing—a good politician.

Part of Red Foley's greatness was that he never forgot the people. His generosity was expressed in private ways that only a few knew about.

During World War II, for example, he saw to it that the local paper was mailed to servicemen from the home area. "Send him the paper," he would say, handing over a $5 bill, "and when that runs out, let me know and I'll give you some more."

In that way, Red Foley made sure that 50 men or so kept in touch with news from home during the war.

As colorful and as strong-willed as he was, Red Foley was one of the most considerate and generous men that I have ever known. He was a credit to the human race.

I include, at this point, the editorial from the Friday, November 2, Belleville, Ill., News Democrat. As the editorial concludes:

The man who takes his place is going to have one helluva job trying to follow in his footsteps.

The editorial follows:

FRANCIS FOLEY

Francis J. Foley was a product of the scandal-ridden East St. Louis political machine that for decades has transcended party lines in order to gain its objective—power and more power.

But Foley had the knack of rising above his tutors and he reached the pinnacle of his success in spite of handicaps that would have toppled most men.

His education was limited to high school and his business training was confined to operating a tavern in the days when East St. Louis was truly a gang-ridden town.

Once elected chairman of the old County Board of Supervisors, however, he soon displayed qualities that confused not only his critics but also his friends.

"Whoever heard of 'Red' talking down the bankers and getting them to go along with a bond issue of more than a million bucks," was the gist of the talk in the courthouse when he embarked the county on a program that eventually led to the settlement of debts, putting the county on a sound financing basis and making St. Clair one of the better-governed larger counties in Illinois.

Foley, an Irish Democrat from East St. Louis, was able to worm his way into the hearts of Belleville's conservative Republican bankers. How he did it—no one can actually say—but the fact remains he did it.

Many Belleville businessmen expressed sincere regrets when they learned "Chairman Red" had died of a heart attack last Wednesday morning. Everyone acknowledged Foley came from an old school of politicians but to a man they also agreed he was able to do a job that brought credit to himself and to the county.

Down through the years, no man has ever put in more hours in handling the county's top administrative job. It's true he was paid well for his efforts but it also must be remembered he rendered a dollar's service for every dollar he drew.

Despite all the criticism that he evoked, no one ever accused him of shirking his duty. No one ever challenged his sincerity or his integrity. At times his judgment was questioned but never his devotion to the cause he espoused.

Well do we remember the time he stood up in court and told a visiting judge he was prepared to go to jail rather than grant a license to a Stookey Townahip tavern.

He lost the case and eventually had to issue the license but a hawk-like watch was established at this emporium. Complaints about it are rare today.

Saloonkeepers thought they had a friend when Foley was elected board chairman and assumed the office that goes with it—excise commissioner for the unincorporated areas of the county. They soon found out how wrong they could be.

Not only did he drive out gambling and prostitution but he vigorously enforced the closing hours. And woe to the tavern that sold intoxicants to a minor. It meant one thing only—license revocation.

The best part of this tough attitude was that he was able to convince the Illinois Liquor Control Commission and the courts, in a majority of the cases, that he was right.

As chairman of the East-West Gateway Coordinating Council, Foley had more than his share of reverses because the Missouri delegation ganged up on him. Still he was able to push through many of his pet projects.

It's a shame he won't be around if and when work begins on the $350 million airport on the Illinois side of the river in the Millstadt-Columbia-Waterloo district. He gave every bit of his energy in pushing this project, fighting such political giants as ex-St. Louis Mayor Al Cervantes and St. Louis County Supervisor Larry Roos.

It's also a shame he won't be here when they dedicate the $10 million Courthouse in 1975. It was Foley who pressured the County Public Building Commission into keeping the Courthouse in downtown Belleville.

Frequently he remarked: "If we take the Courthouse out of downtown Belleville, Main Street can roll up the sidewalks. That's the only way we will save the downtown stores."

Only time will prove if he was right but, judging from the amount of shopping done by jurors and witnesses in court cases now being heard, we think he had a pretty good perspective.

And finally no comment about Foley would be complete without mention of his devotion to his family. You could talk all you wanted to about "Red" but you never said anything against his wife, Alice, or his daughter, Nancy.

As rough and tough as he was in his dealing with politicians, businessmen and even judges that's how sweet he could be when it came to Alice and Nancy.

Red Foley will be missed—not only in St. Clair County but also throughout the metropolitan area.

The man who takes his place is going to have one helluva job trying to follow in his footsteps.

Mr. Speaker, I have lost a good friend. Fortunately, I have many fond memories of Red that I will carry with me in his absence.

AMERICA AHEAD OF POLITICS

(Mr. PASSMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PASSMAN. Mr. Speaker, I represent a Democratic district; the voter composition is 97½ percent Democratic and less than 2½ percent Republican. With my constituents, Americanism and principle must always come ahead of partisan politics and political party.

My constituents are highly intelligent, they would not tolerate for a moment my taking a position out of step with principle. They expect me to speak up and speak out, and if I should not do so, my tenure in the Congress would soon be ended.

Mr. Speaker, there are two significant matters I would like to bring to the attention of the House and the readers of the CONGRESSIONAL RECORD:

First. My correspondence is running 12 to 1 in favor of President Richard M. Nixon. In today's first mail there were 54 pro-Nixon and 2 anti-Nixon communications. My records are available for inspection.

Second. Some of the finest newspapers in America are domiciled in my district. They put it on the line and say what they think is correct. Under leave to extend my remarks, I am inserting editorials that ran in the Monroe Morning World under the date of October 29, 1973, and in the Ouachita Citizen under date of October 29, 1973. Both are to the point and, in all probability, composed after due deliberation by the topnotch business people and good Americans who wrote the editorials.

I would like to admonish my colleagues to read these editorials carefully. They are indeed food for thought. Read them the second time, and then the third time, if you have time. I believe your conclusions would be that these highly respected newspapers believe in justice above politics, fairness above persecution and, above all, Americanism above unproved accusations.

The editorials follow:

[From the Ouachita Citizen, Nov. 1, 1973]

CRITICAL YELLERS HARASS NIXON

Richard M. Nixon will probably be recorded in history as the most harassed president up to his time. He has shown great courage and durability in his survival up to this time, but if he makes it to the end of his second term it will be a miracle.

Nixon's blood-thirsty political opponents will not let up until they crack the armor of his resistance to their onslaught. We regard much of the news media, particularly a great many of the television network commentators as arch political critics who lend themselves to the objectives of the vanguard of liberal political professionals who are hounding the president.

These electronic jackals, who parade under the cloak of privilege given them under freedom of the press guarantees, are not worthy to be called journalists. They are tools of the liberal left and by no stretch of the imagination can they be considered objective journalist.

And Nixon told them so in his press conference last Friday night when he cited them as "alarmists" and bias merchants. The president assured them in answer to one question, that he did not hate them. "You don't hate those whom you do not respect," Nixon told them with a smile.

None of the biased commentators have seen fit to give Mr. Nixon credit for being a president with backbone enough to bring the communists to the line and end the Viet Nam war with honor and bring American prisoners there home "on their feet instead of on their knees." Nor do they give him any credit for his firmness which resulted in concluding middle east hostilities and forcing Russia to a hands off policy there.

Their reaction to one Nixon accomplishment after the other is to yell about some negative currently on the troubled scene in America.

When the president deals firmly with the communists this coterie of liberal commentators yell that he is bringing the nation to the brink of a holocaust conflict with Russia.

Nixon's handling of American foreign policy should have earned for him at least one compliment from any opinionated objective commentator. Yet, some of these yellers have never said anything complimentary.

We can come to only one of two conclusions when we observe these nightly pontificators who never see any good in our great president. They are either so dedicated to the political enemies of Mr. Nixon that they don't care about the integrity of their chosen profession or they are dedicated to the downfall of America in favor of some un-American ideology.

There should be an investigation to determine why some of these electronic "journalists" appear to be short circuited.

[From the Monroe Morning World, Oct. 29, 1973]

BIG LIE EFFECTIVE AS EVER; BLASTS BY NIXON JUSTIFIED

A dark page in the history of American journalism has been written in the news coverage—primarily by the electronic media—of the momentous events of the past week or so.

Perhaps never has mere speculation—much of it rabid—been so played up to distort fact with opinion. Absolutely never has a President of the United States been subjected to such cheap, irresponsible and disrespectful behavior by the news media, principally the "personality" people of national television, as was President Nixon at his news conference last Friday.

One can shut one's eyes, substitute the name of 1964 presidential candidate Barry Goldwater for that of President Nixon, and get a 1973 replay of the concerted campaign of villification heaped upon the admirable and since vindicated Goldwater.

The big media presentation of both men—Nixon and Goldwater—has been virtually the same: trigger-happy, war-monger, fascist, dishonest, mentally-deranged, etc.

Today, television is falling over itself in a rush to quote the feverish mouthings of such men as AFL–CIO President George Meany, talking about the "dangerous instability" of the President, Archibald Cox suggesting presidential crookedness, and others, with never a hint at the crass political motives that inspire them or the mass hysteria that makes them seem credible.

Where nothing exists, the media—again, mostly the electronic group—manufactures it. In the latest Mideast crisis, it appeared that the United States and Soviet Russia might wind up facing each other over the barrels of loaded guns. Yet, Secretary of State Henry Kissinger actually was asked if the decision to alert U.S. military forces in that potential showdown was the "act of a rational man." On other recent occasions, after presidential appearances, incredible hints were floated that the President of the United States was under the influence of alcohol or drugs.

The depth of this degradation was evident when Kissinger defended the alert on the grounds that President Nixon only approved it as a recommendation of the National Security Council and was not involved in the deliberations leading to it. The stunning lesson from this is that an act in the express interest of the nation was acceptable to the news media only if it originated through someone other than nation's chief executive.

Such bias, the result of willful politicizing by electronic media barons operating behind the mask of freedom of the press, is frightening and can be deadly. Adolph Hitler's use of the "Big Lie" in pre-World War II Germany—the constant repetition of even the most outrageous lie until it is accepted unthinkingly as truth—was devastatingly effective. As it left Germany in shambles, so could it destroy this country.

The snide allusions to the President's mental capacity are but one example of this technique. At every step on the way to peace in Southeast Asia, the President was pictured as a war-monger for taking the hard-nosed actions which proved to the enemy that peace was the only way to save himself. Though the President took the history-shaping steps to achieve accords with Russia and Red China, he is now depicted as using possible war with these behemoths as a distraction from domestic disarray.

Of course, it makes no sense. The Big Lie does not need to. Repeated often enough—daily, say—on the evening news, it passes for truth.

After months of bitterness and confrontation, when the President finally agreed to compromise on the issue of the Watergate tapes, the media overshadowed this significant development with the lesser story of the President's firing of Special Prosecutor Archibald Cox. Though the President was unquestionably within his rights to fire an employe, this story, blown out of proportion, was almost in itself responsible for the present impeachment clamor.

But the absolute bottom was hit last Friday at the news conference. The tone of the questions were patently insulting in many cases, delivered in an air of prejudgment. Even worse was the arrant and obvious disrespect which put before the nation the image of mere newsmen, so puffed up on self-importance, that they were actually shouting and back-cracking at the highest elected official in the land.

Indeed, the tumult would have gotten worse if the President had not, sensibly, broken off and left. So abused has press privilege become that it is no wonder that press conferences have been rare. The President invariably faces, not healthy curiosity and useful skepticism, but bald hostility—monstrous and unrelenting.

Indeed, it is no surprise that the President feels, as he said, no respect for those in the media who, knowing the true facts, nevertheless persist in delivering their own distorted interpretation of selected facts and half-truths. It is to his credit that he was man enough to say so. The contrast between the even tones of the President, his coolness and courage under deliberate abuse, and the rowdy slurs of the assembled newsmen was striking.

Despite calm and control, however, he pulled no punches, declaring: "I have never seen such outrageous, vicious, distorted reporting in 27 years of public life." Pointing to television, apparently particulary to CBS, he observed: "When people are pounded night after night with that kind of frantic reporting, it naturally shakes their confidence."

If the news conference established anything, it was the fact that the confidence of the President himself has not been shaken. Neither has his capacity to act effectively in a crisis, as in the Mideast, despite the spiteful drone of suspicion. Or his ability to discern the face of any enemy in the guise of free speech.

Hopefully, the American people also can now discern the degree of importiality—or lack of it—in much of the "news treatment" they are being saturated with. Old-school journalists are as appalled and offended as the President.

Of course, the President's charge was not a blanket indictment. Neither is ours. But he is as obviously and rightly fed up as many journalists are with the corruption of the Right to Know into the right to know only what a relative few network news executives want to be known. Not only are facts selected and emphasized arbitrarily, but "analyses" are thoughtfully provided to spare the public the effort of thinking their way to the desired conclusion.

The transformation of the nation-commander-in-chief into a surrealistic combination of mongol warload, buffoon-like clown, homicidal maniac and second-story thief is more than the violation of a privilege. It is the violation of a sacred responsibility.

If the President really had the dictatorial powers and assassin's mentality that he is accused of, he could stop this destructive display of raw hatred toward him. Indeed, it could never have started. Those who have freedom are the only ones able to complain of a lack of freedom.

The President has neither that kind of power nor that kind of inclination. At least, however, it was good to see him plainly and openly calling the hand of those behind these power-hungry subterfuges.

IMPACT OF FUEL SHORTAGE ON THE ECONOMY

(Mr. UDALL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. UDALL. Mr. Speaker, I would rather not make this speech. But there are some things which must be said.

We are going to have hard times this winter. We all now know that heat for homes, schools, offices, and plants will be short as will be fuel for autos and airlines, but very little has been said about the impact on the economy, on people's jobs and incomes of drastically reduced energy consumption. We have approached it largely in terms of reduced airline travel, reduced speed limits, and suggested lower home temperatures or use of lights. The ramifications go far beyond that and it is time to say it loud and clear; serious fuel shortages this winter mean factories reducing output or closing down, swelling unemployment, and a whole host of other impacts on people's incomes. The English coal strike in 1972 provides an example of the effect of an energy shortage. Electricity production was cut by 15 percent, and industrial users of electricity were first placed on a 3-day workweek and, as the strike continued, forced to lay off much of their work force. By the 6th week of the strike, unemployment was estimated to have risen to 10 percent of the work force.

Let me spell out the dimensions of our current trouble in exact terms: even before the Middle East fighting, the Interior Department projected an adequate supply this winter of home heating oil only under the following conditions: First, if the winter was warmer than usual; second, if refinery operations were continued at near-capacity rates; third, if foreign companies with excess refinery capacity cooperated in making available to us their excess products—and that the Arab countries made available sufficient crude oil both for us and foreign refineries; and fourth, if sufficient transport was found to handle the record amount of imports required this winter.

The probability that all these conditions would be met was considered unlikely, and therefore experts considered spot shortages this winter unavoidable. This shortfall could have run from 100,000 to 300,000 barrels during the winter.

The situation is now much grimmer. Renewed hostilities in the Mideast have already cut oil production by over 4 million barrels per day, with all exports from Arab countries to the United States prohibited. This action will increase the winter's shortage to nearly 2 million barrels per day.

Some of us in the Congress have been begging this administration to take the lead in a full force energy conservation program. That effort has won only nodding acknowledgement from the administration leaders, but now, with a crisis upon us, administration officials have suddenly changed their tune and with unrealistic optimism are projecting that a conservation program will deliver us from the brink. That is simply not true; voluntary conservation without monetary incentives to save does not in the short run have that potenial.

It is all very well for the Treasury Department to issue sweeping statements that 3 million barrels a day can be saved by easy conservation methods, but in fact, without strong incentives to save, not much happens. Last summer, in spite of gasoline allocations, sales limitations, and considerable publicity on possible shortages, gasoline sales continue to rise. Even though it is true that a 3-degree reduction in all home temperatures would save the equivalent of 500,000 barels per day of heating oil, it is impossible to enforce such action.

If we restrict our efforts to exhortation, consumption will not be significantly affected until inventories run out, and all the effects of the shortage will pile into the first quarter of 1974 resulting in cold homes, closed factories, and high unemployment.

To cut back consumption of energy at any time will be painful, but it will be less painful if we spread it out by starting now. That is why now is the time to restrict gasoline consumption by rationing or higher taxes or both. Now is the time to force conservation of heating oil, of jet fuel, of electric power. This will not be popular, but the sooner such actions are implemented, the less severe the winter's hardships will be.

Implications of all this cut across the economy in the way Americans live. Since we will not have energy to meet all demands this winter, we have to sort out those which are wasteful and unimportant from those which are necessary. Major decisions will be required. It is impossible for me to list or even to anticipate all of them, but here are some impacts that I see and some suggestions for actions that ought to be taken.

Automobile manufacturers and the public had better quickly face a hard fact: The bigger car is going to be in real trouble within a few months. As gas rationing or much higher prices at the pump descend upon us, retail sales and resale values of larger cars are going to suffer drastically. People limited to 15 gallons a week, or whatever, are going to put them in the tank of a car which will go 300 miles rather than 150.

The auto industry already has a plateful of problems; maybe it is unfair to add this one, but it is coming anyway and plans should be made to minimize the impact on men and women who work in plants to make the larger model cars.

Many efforts on the energy front will pay off only in years or decades. For example, the much touted Alaskan pipeline won't deliver a drop of oil this winter, or the next, or the next. But there are things we can do right now, which will soften the impact on people's incomes and their health. Such actions would include:

First, gas rationing, or a staff gas tax. In Europe it costs $12 to $15 to "fill 'er up." Much higher costs would cause everyone to save every drop.

Second, require an inverted rate structure on residential and commercial utility rates. Beyond some basic home allowance all rates might double to discourage those who squander unnecessary amounts rather than present rates which become cheaper as wasteful use increases.

Third, action might be considred to discourage new vacation or second home developments. With utilities hard pressed to maintain present demands and with first homes in short supply, the less unnecessary construction we have, the better.

Fourth, the Defense Department uses large amounts of energy; without interferring with essential defense needs, greater care can result in enormous savings. Other civilian branches of government including Congress should get in line, too.

There are a host of other suggestions such as permanent daylight savings time to reduce evening lighting loads, limited hours for commercial establishments, lower speed limits, reduced advertising signs and lights, and so on; of course, I do not want to imply that omitted suggestions are not equally important.

The point is, whatever actions are to be taken, they should be implemented now—contingency plans for use when the homes go cold and factories close are inadequate. Every gallon of fuel saved by moderate—if inconvenient—methods in November means that much less unemployment or cold homes in February.

THE LATE HONORABLE JOHN P. SAYLOR

(Mr. SKUBITZ asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SKUBITZ. Mr. Speaker, October 28, 1973, was a sad day for Mrs. Skubitz and me and so it will remain during our lifetimes for on that day passed from this Earth a man whom we treasured as our friend—John Phillips Saylor of Pennsylvania.

John Saylor was truly a man for all seasons. He was large of heart and spirit and of body to match. He was a statesman in all that word implies. His was no petty mind, hemmed in by partisan considerations and political motivations. His concern, manifested in a hundred ways, was always for what was good for the greatest number; what was right for the land he loved and the Nation he endeavored to make better.

When I came to this august body 11 years ago and was named to the Interior and Insular Affairs Committee, fate and the parliamentary procedures had treated me well for it brought me close to John Saylor. From that day onward, he was my mentor, my counselor, my friend in times of trouble, and above all, my leader. From him I learned that one can fight sharply for his beliefs and be magnanimous in victory and courteous in defeat. From him I learned that this Earth we live upon is a precious land that can be easily despoiled. From him I learned that we who live today owe a duty to those who come after us to preserve and protect the heritage that our fathers left us.

Others have echoed more eloquent tributes than is within my small ability but none feel more strongly and deeply the sense of loss that is with me in the passing of this excellent Congressman, this loving husband and father, and above all this great gentleman. His like will not be among us soon. To his wife, Grace, and to his son and daughter, John Phillips, Jr., and Susan, go our heartfelt condolences.

Mr. Speaker, many citizens throughout this land mourn the passing of our eminent friend, John Phillips Saylor. Not the least among them is Dr. Spencer M. Smith, Jr., a member of the executive committee of the Citizens Committee on Natural Resources, an organization I might add, that in my opinion stands preeminent in its long history of work for environmental protection of our land.

Dr. Smith was a long time personal friend of Congressman Saylor. They appreciated each other and their problems. Dr. Smith, unlike so many in the environmental field, recognized the problems of a legislator and the need for compromise in certain situations.

Mr. Speaker, I now enter into the Congressional Record his tribute to our late friend and I am pleased to do so. It follows:

Citizens Committee on Natural Resources,
Washington, D.C.

A Big Loss of a Big Man

The Honorable John Phillips Saylor, Representative from the 12th District of Pennsylvania, died October 28, 1973. In the field of conservation, John Saylor stood as tall as the Redwoods he spent so much of his life to protect. The general recognized efforts that he put forth were slow in coming from the general public. Tragically, some of the instant conservationists know not of his long term and outstanding accomplishments. Much should and will be written about the Congressman's contributions in a wide variety of areas and we shall not recount the almost endless individual bills and acts which he either authored or helped bring to fruition to better manage and conserve our natural resources in the public interest. Rather, we should like to emphasize that Congressman Saylor, from the day he was elected to the House of Representatives—almost a quarter of a century ago, was a conservationist first and a politician second.

His was not a popular position and he ran the gamut of criticism from political friend and foe alike. It was not unusual for him to find his position to be a lonely one but it must have been rewarding to find that some years subsequent—it prevailed. John Saylor never hesitated. If he thought he was right to oppose his own party on an issue with great vigor and resolve, he would do so. Those who knew the Congressman are aware of how strenuous and effective that activity was. By the same token, he would support with equal enthusiasm a position of the opposite political party if he was convinced of its correctness. To maintain this kind of independent integrity and still attain an effective leadership with his colleagues resolved any doubt as to the greatness of this conservation pioneer.

He was fond of sharing credit and often pointed to the professionals who labored so long in behalf of constructive conservation policies. He went out of his way to offer them protection that occasionally only a Congressman can give. By the same token, his criticism could be stinging if he thought that bureaucratic pettiness was failing to block a hazardous program or support a good one.

To John Saylor's everlasting credit, there are others today who are extremely helpful in behalf of conservation programs. Everyone appreciates the new awareness but they were far fewer and the difficulties were infinitely greater through the years and early decades during which John Saylor spent his every effort. He would say, "Don't you prettify me—I haven't always been right and there were many times of despair." We can agree with that, but the percentage of his accomplishments is a goal for all of us. We will be lucky if we come close.

Spencer M. Smith, Jr.,
Secretary, Citizens Committee on Natural Resources.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to:

Mr. Ketchum (at the request of Mr. Arends) for today and tomorrow, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. McCollister) to revise and extend his remarks and include extraneous matter:)

Mr. Hogan, for 10 minutes, today.

(The following Members (at the request of Mr. Alexander) to revise and extend their remarks and include extraneous matter:)

Mr. Gonzalez, for 5 minutes, today.

Mr. Reuss, for 60 minutes, today.

Mr. Fuqua, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Yates, in two instances.

(The following Members (at the request of Mr. McCollister) and to include extraneous matter:)

Mr. Hanrahan in two instances.

Mr. Steiger of Wisconsin.

Mr. Winn in two instances.

Mr. Quie.

Mr. Madigan.

Mr. Arends.

Mr. Hogan.

Mr. Anderson of Illinois in two instances.

(The following Members (at the request of Mr. Alexander) and to include extraneous matter:)

Mr. Montgomery.

Mr. Rarick in three instances.

Mr. Gonzalez in three instances.

Mr. Conyers in 10 instances.

Mr. Dingell.

Mr. Vanik in two instances.

Mr. Sarbanes in five instances.

Mr. Waldie in two instances.

Mr. Anderson of California in three instances.

Mr. Johnson of California.

Mr. Bolling.

Mr. Davis of Georgia in five instances.

Mr. Waggonner.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1769. An act to reduce the burden on interstate commerce caused by avoidable fires and fire losses, and for other purposes; to the Committee on Science and Astronautics.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2410. An act to amend the Public Health Service Act to provide assistance and encouragement for the development of comprehensive area emergency medical services systems.

ADJOURNMENT

Mr. ALEXANDER. Mr. Speaker, I move that the House do now adjourn.

XUM

The motion was agreed to; accordingly (at 12 o'clock and 10 minutes p.m.), the House adjourned until tomorrow, Tuesday, November 6, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1501. A communication from the President of the United States, transmitting proposed supplemental appropriations for fiscal year 1974 for accelerated energy research and development efforts (H. Doc. No. 93–175); to the Committee on Appropriations and ordered to be printed.

1502. A letter from the Director, Defense Civil Preparedness Agency, transmitting a report on the Federal contributions program of civil defense equipment and facilities for the quarter ended September 30, 1973, pursuant to section 201(1) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

1503. A letter from the Assistant Secretary of State for congressional relations, transmitting a report on assistance-related funds obligated for Cambodia during the first quarter of fiscal year 1974, pursuant to section 655(f) of the Foreign Assistance Act of 1961, as added by Public Law 92–226; to the Committee on Foreign Affairs.

1504. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to Public Law 92–403; to the Committee on Foreign Affairs.

1505. A letter from the Director, U.S. Information Agency, transmitting a draft of proposed legislation to authorize appropriations for the U.S. Information Agency; to the Committee on Foreign Affairs.

1506. A letter from the Chairman, Foreign Claims Settlement Commission of the United States, transmitting a draft of proposed legislation to amend the International Claims Settlement Act of 1949, as amended, to provide for the timely determination of certain claims of American nationals settled by the United States-Hungarian Claims Agreement of March 6, 1973, and for other purposes; to the Committee on Foreign Affairs.

1507. A letter from the Chairman U.S. Water Resources Council, transmitting the Council's report on the Pearl River comprehensive basin study, Mississippi and Louisiana, pursuant to Public Law 89–90; to the Committee on Interior and Insular Affairs.

1508. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed concession contract for the operation of a public transportation service between San Francisco and Alcatraz Island, Calif., for a term ending December 31, 1978, pursuant to 67 Stat. 271 and 70 Stat. 543; to the Committee on Interior and Insular Affairs.

1509. A letter from the Secretary of Transportation, transmitting a report on the administration of the Emergency Rail Facilities Restoration Act, pursuant to section 11 of the act (Public Law 92–591); to the Committee on Interstate and Foreign Commerce.

1510. A letter from the Secretary of Transportation, transmitting a report on a study of automobile odometers, pursuant to title IV of the Motor Vehicle Information and Cost Savings Act of 1972; to the Committee on Interstate and Foreign Commerce.

1511. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended [8 U.S.C. 1154(d)]; to the Committee on the Judiciary.

1512. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in the cases of two aliens found admissible to the United States, pursuant to section 212(a)(28)(I)(ii) of the Immigration and Nationality Act [8 U.S.C. 1182(a)(28)(I)(ii)(b)]; to the Committee on the Judiciary.

1513. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to section 212(d)(6) of the Act [8 U.S.C 1182(d)(6)]; to the Committee on the Judiciary.

1514. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to section 244(a)(1) of the Immigration and Nationality Act, as amended [8 U.S.C. 1254(c)(1)]; to the Committee on the Judiciary.

1515. A letter from the Acting Attorney General, transmitting a draft of proposed legislation to insure that the compensation and other emoluments attached to the Office of Attorney General are those which were in effect on January 1, 1969; to the Committee on Post Office and Civil Service.

1516. A letter from the Administrator of General Services, transmitting a report of a building project survey under the Public Buildings Act of 1959, as amended, for Palmer, Alaska; to the Committee on Public Works.

RECEIVED FROM THE COMPTROLLER GENERAL

1517. A letter from the Comptroller General of the United States, transmitting a report that consumer protection would be increased if the Animal and Plant Health Inspection Service, Department of Agriculture, improved its administration of intrastate meat plant inspection programs; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 9142. A bill to restore, support, and maintain modern efficient rail service in the northeast region of the United States, to designate a system of essential rail lines in the northeast region, to provide financial assistance to rail carriers in the northeast region, to improve competitive equity among surface transportation modes, to improve the process of Government regulation, and for other purposes; with amendment (Rept. No. 93–620). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

[Submitted Monday, Nov. 5, 1973]

By Mr. ALEXANDER (for himself, Mr. MELCHER, Mr. VIGORITO, Mr. BROWN of California, Mr. MATHIS of Georgia, and Mr. BAKER):

H.R. 11254. A bill to amend the Consolidated Farm and Rural Development Act; to the Committee on Agriculture.

By Mr. HÉBERT:

H. Res. 680. Resolution authorizing the printing of proceedings unveiling the portrait of the late Hon. Philip J. Philbin; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII,

325. The Speaker presented a memorial of the Senate of the Commonwealth of Massachusetts, relative to the Charles River watershed proposal of the Corps of Engineers; to the Committee on Public Works.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

348. By the SPEAKER: Petition of the Hawaii County Council, Hilo, Hawaii, relative to the appointment of Representative Patsy T. Mink as a delegate to the United Nations Law of the Sea Conference; to the Committee on Foreign Affairs.

349. Also, petition of Vladimir A. Zatko, Tamal, Calif., relative to redress of grievances; to the Committee on the Judiciary.

SENATE—*Monday, November 5, 1973*

The Senate met at 12 o'clock meridian and was called to order by Hon. WALTER D. HUDDLESTON, a Senator from the State of Kentucky.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Our Father God, amid the stress and strife of busy days, we are grateful for unhurried moments of communion with Thee. We open our hearts for the indwelling of Thy love. We open our minds to Thy truth. Teach us, by the light of a great faith, how to be victors over life and not victims of dark powers of defeat. That we may live victoriously, give us a faith fit to live by, a self fit to live with, and a cause fit to live for. Inspire and guide with Thy spirit, the President, all leaders of our Government, and especially the Members of this body, that they may be found faithful stewards of the Nation's trust.

We pray in the Name that is above every name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
President pro tempore,
Washington, D.C., November 5, 1973.
To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. WALTER D. HUDDLESTON, a Senator from the State of Kentucky, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. HUDDLESTON thereupon took the chair as Acting President pro tempore.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

A message from the President of the United States was communicated to the Senate by Mr. Heiting, one of his secretaries, and he announced that on November 1, 1973, the President had approved and signed the act (S. 907) to authorize the appropriation of $150,000 to assist in financing the Arctic winter games to be held in the State of Alaska in 1974.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. HUDDLESTON) laid before the Senate messages from the President of the United States submitting sundry nominations and withdrawing the nomination of G. McMurtrie Godley, of the District of Columbia, to be an Assistant Secretary of State, which nominating messages were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, November 2, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VII, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONSIDERATION OF CERTAIN MEASURES ON THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 456, 457, and 458.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

INTERVENTION ON THE HIGH SEAS ACT

The bill (S. 1070) to implement the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intervention on the High Seas Act".

SEC. 2. As used in this Act—

(1) "ship" means—

(A) any seagoing vessel of any type whatsoever, and

(B) any floating craft, except an installation or device engaged in the exploration and exploitation of the resources of the seabed and the ocean floor and the subsoil thereof;

(2) "oil" means crude oil, fuel oil, diesel oil, and lubricating oil;

(3) "convention" means the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969;

(4) "Secretary" means the Secretary of the department in which the Coast Guard is operating; and

(5) "United States" means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

SEC. 3. Whenever a ship collision, stranding, or other incident of navigation or other occurrence on board a ship or external to it resulting in material damage or imminent threat of material damage to the ship or her cargo creates, as determined by the Secretary, a grave and imminent danger to the coastline or related interests of the United States sea by oil which may reasonably be expected from pollution or threat of pollution of the to result in major harmful consequences, the Secretary may, except as provided for in section 10, without liability for any damage to the owners or operators of the ship, to her cargo or crew, or to underwriters or other parties interested therein, take measures on the high seas, in accordance with the provisions of the convention and this Act, to prevent, mitigate, or eliminate that danger.

SEC. 4. In determining whether there is grave and imminent danger of major harmful consequences to the coastline or related interests of the United States, the Secretary shall consider the interests of the United States directly threatened or affected including but not limited to, fish, shellfish, and other living marine resources, wildlife, coastal zone and estuarine activities, and public and private shorelines and beaches.

SEC. 5. Upon a determination under section 3 of this Act of a grave and imminent danger to the coastline or related interests of the United States, the Secretary may—

(1) coordinate and direct all public and private efforts directed at the removal or elimination of the threatened pollution damage;

(2) directly or indirectly undertake the whole or any part of any salvage or other action he could require or direct under subsection (1) of this section; and

(3) remove, and, if necessary, destroy the ship and cargo which is the source of the danger.

SEC. 6. Before taking any measure under section 5 of this Act, the Secretary shall—

(1) consult, through the Secretary of State, with other countries affected by the marine casualty, and particularly with the flag country of any ship involved;

(2) notify without delay the Administrator of the Environmental Protection Agency and any other persons known to the Secretary, or of whom he later becomes aware, who have interests which can reasonably be expected to be affected by any proposed measures; and

(3) consider any views submitted in response to the consultation or notification required by subsections (1) and (2) of this section.

SEC. 7. In cases of extreme urgency requiring measures to be taken immediately, the Secretary may take those measures rendered necessary by the urgency of the situation without the prior consultation or notification as required by section 6 of this Act or without the continuation of consultations already begun.

SEC. 8. (a) Measures directed or conducted under this Act shall be proportionate to the damage, actual or threatened, to the coastline or related interests of the United States and may not go beyond what is reasonably necessary to prevent, mitigate, or eliminate that damage.

(b) In considering whether measures are proportionate to the damage the Secretary shall, among other things, consider—

(1) the extent and probability of imminent damage if those measures are not taken;

(2) the likelihood of effectiveness of those measures; and

(3) the extent of the damage which may be caused by those measures.

SEC. 9. In the direction and conduct of measures under this Act the Secretary shall use his best endeavors to—

(1) assure the avoidance of risk to human life;

(2) render all possible aid to distressed persons, including facilitating repatriation of ships' crews; and

(3) not unnecessarily interfere with rights and interests of others, including the flag state of any ship involved, other foreign states threatened by damage, and persons otherwise concerned.

SEC. 10. (a) The United States shall be obliged to pay compensation to the extent of the damage caused by measures which exceed those reasonably necessary to achieve the end mentioned in section 3.

(b) Actions against the United States seeking compensation for any excessive measures may be brought in the United States Court of Claims, in any district court of the United States, and in those courts enumerated in section 460 of title 28, United States Code. For purposes of this Act, American Samoa shall be included within the judicial district of the District Court of the United States for the District of Hawaii, and the Trust Territory of the Pacific Islands shall be included within the judicial districts of both the District Court of the United States for the District of Hawaii and the District Court of Guam.

SEC. 11. The Secretary of State shall notify without delay foreign states concerned, the Secretary-General of the Inter-Governmental Maritime Consultative Organization, and persons affected by measures taken under this Act.

SEC. 12. (a) Any person who—

(1) willfully violates a provision of this Act or a regulation issued thereunder; or

(2) willfully refuses or fails to comply with any lawful order or direction given pursuant to this Act; or

(3) willfully obstructs any person who is acting in compliance with an order or direction under this Act, shall be fined not more than $10,000 or imprisoned not more than one year, or both.

(b) In a criminal proceeding for an offense

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under paragraph (1) or (2) of subsection (a) of this section it shall be a defense for the accused to prove that he used all due diligence to comply with any order or direction or that he had reasonable cause to believe that compliance would have resulted in serious risk to human life.

Sec. 13. (a) The Secretary, in consultation with the Secretary of State and the Administrator of the Environmental Protection Agency, may nominate individuals to the list of experts provided for in article III of the convention.

(b) The Secretary of State, in consultation with the Secretary, shall designate or nominate, as appropriate and necessary, the negotiators, conciliators, or arbitrators provided for by the convention and the annexes thereto.

Sec. 14. No measures may be taken under authority of this Act against any warship or other ship owned or operated by a country and used, for the time being, only on Government noncommercial service.

Sec. 15. This Act shall be interpreted and administered in a manner consistent with the convention and other international law. Except as specifically provided, nothing in this Act may be interpreted to prejudice any otherwise applicable right, duty, privilege, or immunity or deprive any country or person of any remedy otherwise applicable.

Sec. 16. The Secretary may issue reasonable rules and regulations which he considers appropriate and necessary for the effective implementation of this Act.

Sec. 17. The revolving fund established under section 311(k) of the Federal Water Pollution Control Act shall be available to the Secretary for Federal actions and activities under section 5 of this Act.

Sec. 18. This Act shall be effective upon the date of enactment, or upon the date the convention becomes effective as to the United States, whichever is later.

AMENDING THE FEDERAL AVIATION ACT OF 1958 BY OFFERING FREE TRANSPORTATION TO CARRIER EMPLOYEES AND SURVIVORS

The bill (S. 1432) to amend the Federal Aviation Act of 1958 to authorize free or reduced rate transportation for widows, widowers, and minor children of employees who have died while employed by an air carrier or foreign air carrier after 20 or more years of such employment was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1432

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of section 403(b) of the Federal Aviation Act of 1958 is amended by inserting after "in the service of such air carrier or foreign air carrier;" the following: "widows, widowers, and minor children of employees who have died while employed by such air carrier or foreign air carrier after twenty or more years of such employment;".

REDUCED RATE TRANSPORTATION FOR CERTAIN PERSONS

The bill (S. 2651) to amend the Federal Aviation Act of 1958 and the Interstate Commerce Act in order to authorize reduced rate transportation for handicapped persons and for persons who are 65 years of age or older or 21 years of age or younger was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2651

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 403(b) of the Federal Aviation Act of 1958 is amended by striking out the last sentence and inserting in lieu thereof the following: "Any air carrier or foreign air carrier, under such terms and conditions as the Board may prescribe, may grant reduced rate transportation to handicapped persons and may grant reduced rate transportation on a space available basis to ministers of religion and to persons who are sixty-five years of age or older or twenty-one years of age or younger. As used in this subsection the term 'handicapped persons' means the blind and other persons who are physically or mentally handicapped, as further defined by regulations of the Board."

Sec. 2. Section 22(1) of the Interstate Commerce Act is amended by inserting after "managers of said homes" a comma and the following: "or to persons who are blind or otherwise physically or mentally handicapped, as further defined by regulations of the Commission, or to persons who are sixty-five years of age or older or twenty-one years of age or younger".

STATE OF THE NATION ADDRESS BY THE PRESIDENT OF MEXICO

Mr. MANSFIELD. Mr. President, one of the outstanding chiefs of state in this hemisphere, one of the leaders in the so-called third world, is the distinguished President of the United Mexican States, the Honorable Luis Echeverria.

President Luis Echeverria delivered his third state of the nation address on September 1, 1973. The chief executive of Mexico evaluated the results obtained in the past 12 months of his administration. He also reconfirmed his intention to renew the national structures and called upon the people of Mexico to make this task a common endeavor.

Mr. President, because of the close relationship existing between our two countries, I ask unanimous consent that the full text of the third state of the nation address by the President of Mexico be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Third State of the Nation Address

(By Luis Echeverria, Constitutional President of the United States of Mexico)

Honorable members of Congress:

Half way through my term of office, I come before the representatives of the people of Mexico and before the people themselves, at a difficult time for the world and at a moment of adversity in nature.

Catastrophes in different areas of the world caused a disastrous crop decline in the past agricultural cycle, considered by specialists to be the worst in the last twenty years.

This is part of an international situation characterized by economic disorder and by an increasingly sharp class division between the highly industrialized and the poor countries.

The conflicts and contradictions among powerful financial groups have triggered an inflationary process which evolves against the chaotic background of the monetary crisis.

The instability of the most important currencies produces uncertainty and mistrust with regard to money; it hinders trade operations, encourages hoarding and speculation.

But although the inflationary process, the shortage of food, fuel and power and of raw materials are problems that affect both large and amall nations, their characteristics and effects are different in each case. For a vast region of Africa, it means hunger, plagues and the interminable search for water and food. For many countries of Latin America, it is, above all, the accumulation of social tension, the confrontation of groups with opposing interests. In the centers of financial power, it is one more opportunity to turn the needs of others to their own benefit, to multiply their wealth and extend the invisible frontiers of their empire.

All these phenomena prove the obsolescence of international structures, the decadence of a system founded on an irrational concentration of political and economic power, the need to find new formulas for coexistence that satisfy the true requirements of peoples and nations.

Mexico is suffering the consequences of international instability, the effects of a generalized inflationary phenomenon which goes beyond borders and benefits only those who can amass reserves of raw materials and establish their own market prices. It is a chain of disasters in which drought alternates with earthquakes and cyclones.

The heavy rains of the last few daya have made rivers overflow, broken dikes, flooded crops, wiped out whole cities and left a tragic aftermath of death and victims. Hundreds of our countrymen died and hundreda of thousands lost their belongings and their usual means of livelihood.

We had hardly returned from inspecting the ruins of Irapuato when we received word of other floods and of the damage caused by the August 28th earthquake in the states of Puebla and Veracruz.

Although it is still too early for an exact evaluation of the losses in life and property caused by these phenomena, the country can get a general idea of their magnitude from the fact that, to a greater or lesser degree, they affected more than half the atates of the Republic.

We have visited some of the disaster areas, given instructions for emergency measures, and have begun definitive reconstruction in cities and on highways, dams, and other infrastructure works. Various civilian and Government organizations and to an outstanding degree, the Armed Forces, have collaborated in these tasks. Nevertheless, the active solidarity of the entire population is indispensable in the effort to help our brothers in distress.

Misfortune serves to test the spirit of peoples that are strong. For them, there can be no defeat, but only challenge. In the ups and downs of fortune they achieve renewal. No matter what the circumstances, they find reason to redouble their determination and to continue onward and upward.

Throughout its history, Mexico has demonstrated its will to survive and to attain greatness. Today, it renounces useless lamentation and enters a new period of unity and collective effort.

Despite the destruction of important works and the loss of thousands of hectares of farmland, our agricultural future is promising. The storage capacity of our dams is calculated at around 28 billion cubic meters, an unprecedented figure that guarantees the irrigation of three million hectares during the forthcoming farm cycles.

The purpose of the present document is to inform the people about our immediate past and our perspectives, about the results of national activity during the period that ends today.

The work that we review at this time concerns us all and must be freely evaluated by everyone. Great collective undertakings are made possible only through enthusiastic action based on patriotic conviction.

Day by day, we explain and offer our acts of Government for public consideration. Today, we must evaluate the sum total of these acts

in relation to the objectives that have been set. It is the task of the representatives of the nation gathered here now, and of each and every citizen, to judge what has been done during this year of intensive work.

DOMESTIC POLICY

I promised the Mexican people that I would strengthen our democratic way of life. We have kept this objective in mind in all our Government activities.

That is why we have encouraged open expression of different currents of opinion and have demonstrated, with deeds, the capacity for renovation of our laws and institutions. After three years of work, I can say to the country with absolute certainty that the path we have chosen will enable us to carry out the changes our society requires, within a framework of freedom and justice.

The constitutional reform that reduced the percentage of votes needed to accreait party Deputies and increased their number to 25, made it possible for minority parties to have a greater representation in Congress.

The new Federal Electoral Law and those we promoted to amend the Constitution, when we believed this to be necessary, were based on one of the essential policy targets of this Administration: 'creation of a legal framework that will permit extensive and deep-rooted political reform.

The new electoral legislation facilitates the integration of national political parties by reducing the number of members required for registration to 65 thousand.

Improvements have also been made in the system of party representation in the Federal Electoral Commission, as well as in local commissions and district committees. The new law provides parties with full guarantees for surveillance of the organization, development, and assessment of the electoral process. In this way, fair elections are assured.

One of the most important innovations in the new law is that it provides political parties and candidates with radio and television time during campaign periods for massive dissemination of their principles and programs. It also granted them special postal and telegraph franking privileges.

The federal elections gave content to the constitutional reforms designed to bring our political institutions into alignment with our demographic realities. The number of inhabitants with the right to be represented by a federal Deputy was increased to 250 thousand, and the Federal Electoral Commission was able to approve the creation of 16 new districts distributed among eight states of the Republic.

True democracy calls for active, day-by-day participation of the citizens in public decisions. But the culmination of this process is the election of the representatives of the people. Failure to vote means renouncing the most important political right of all; it means placing one's will in the hands of others.

By every means within our power, we encouraged the participation of all citizens in the recent elections. An intensive registration campaign produced a considerable increase in the number of registered voters: more than 24 out of a total of 26 million eligible citizens.

In my last report, I said that federal Deputy elections would put to the test the reforms we have carried out. Time has shown us to be correct; the July 1st elections provided categoric proof of their efficacy.

More than 15 million citizens voted not just for candidates and parties, but for our system of civic liberties as well. The country ratified its decision to live as a democracy.

Governors were elected in the states of Campeche, Colima, Guanajuato, Nuevo León, Querétaro, San Luis Potosí and Sonora. State Deputies were elected for Coahuila, Colima, Chiapas, Guanajuato, Morelos, Nayarit, Nuevo León, Querétaro and Sonora. Municipal authorities were chosen in Coahuila, Guanajuato, Hidalgo, Mexico, Morelos, Nayarit, Querétaro and Sonora.

We transformed our institutions without departing from the path we had chosen. The country is advancing toward a higher stage in its democratic life and fully accepts its destiny.

It is most satisfactory to verify, once again, the efficient operation of the mechanism provided by Article 93 of the Constitution. During the past year, seventeen Government officials have appeared before the legislators in sessions of Congress or committee meetings.

The desire to reinforce the concept of the work of the Government as a community effort, to emphasize its republican nature, and to avoid personalization of institutional actions led us to issue a decree prohibiting the inscription of the name of any Government official on the inaugural plaques of public works.

The task of the Federal Government is to consolidate democracy and promote the egalitarian development of society, within the possibilities of renewal offered by law. This action is based on, and reflected in, the creation of new legal instruments.

The present Administration has promulgated a constitutional amendment, twelve new laws, eighteen reforms, and additions to other existing laws. Moreover, seventeen instruments of an international nature have been ratified.

The Government feels concern regarding the effects of the mass communications media on society. It seeks to provide a balance between the need to improve the cultural and informative level the people have a right to expect and the creative freedom of those in charge of such media. In order to regulate the content of radio and television programs, a set of rules was issued in the public interest establishing standards for the adequate use of these federal concessions.

The citizen is aware of Government performance through the action of public administration. The growing complexity of modern living calls for constant revision of our syatems of organization.

As of January 1, after careful studies, the five-day work week for those covered by the Federal Law for Civil Service Employees went into effect. This measures does not imply a reduction in working hours but only a new work schedule. We want the civil servant to do his work within the best systems of organization and with a more dedicated and forceful spirit of service so that he may become the most active agent for administrative reform. As an instrument to implement this policy, the Federal Government Commission on Human Resources was created.

Centralization, which forces the poorest citizens to move from distant parts of the country to Mexico City to resolve their problems, is an old defect of our administrative structure that we are determined to correct. Accordingly, 55 public sector agencies have established a process to delegate responsibility, and another process of regional decentralization which divides the country into nine zones has begun. The first of these is already working in the northeast of the country with headquarters in Monterrey, and the others will be set up in the next few months.

To achieve this purpose, new internal regulations of a homogeneous, flexible and modern criterion have been drawn up for various offices of the Executive Branch.

As part of the programs of administrative reform and in order to channel investments of the public sector in a more democratic way, a system of consultation with the people has been established to allow the inhabitants of each community to point out to Federal Government officials which of their demands should be given preference.

The Armed Forces maintain unshakable loyalty to the Constitution and to the people that are their source of origin. They keep the Republic safe from threats from abroad and ensure the continuity of its institutions.

The Army, Air Force and Navy have increased their capacity to assist and serve the civilian population considerably. They cooperate in all campaigns to conserve natural resources and, in coordination with other official agencies, fight against the cultivation and traffic of narcotics. With firm solidarity and exemplary patriotism, the members of our Armed Forces gave opportune assistance to victims of earthquakes and floods that affected a large part of our country For this reason, they again deserve public recognition of the nation's gratitude.

We have maintained social peace. Although there have been isolated cases of terrorism, this form of violence certainly has no real roots in our country. As a militant strategy, it can only prosper in a climate of totalitarian oppression. As long as opposition can develop freely, clandestine organizations are artificial and destined to lead a precarious existence.

For some time, various groups of individuals engaged in illicit activities have used the facilities of the National Autonomous University of Mexico as centers for their operation. They seriously disturbed public peace and academic activity. In the face of continued criminal practices, university officials denounced these cases and requested the intervention of the Mexico City police who acted by court order to correct the situation.

Mexico is one of the firmest and most consistent defenders of the right of asylum. During the past year, 71 persons who requested asylum for political reasons were granted permission to enter and stay in the country.

The traffic in archeological treasures has been successfully fought against and an intensive campaign has been carried out to prevent and eradicate crimes against health.

The program to improve penitentiary systems in the country has continued, based on the law that establishes minimum standards for the social readaptation of convicted prisoners. State and federal authorities cooperate in this task. New prisons are being built, a policy of subsidies to upgrade existing installations and modernize their services has been implemented and technical assistance has been given to several states so that the most modern principles in the field can be applied.

Mexico now has more than 56 million inhabitants and this number will double in 20 years. Our index of growth of 3.5 percent a year is one of the highest in the world and certainly the highest among the countries with a population similar to or larger than ours. This high birth rate and the decrease in mortality create a serious demographic situation. In accordance with present trends, we shall begin the twenty-first century with 135 million Mexicans who will require food, housing, education, employment and all types of services. The parents of these millions of Mexicans of the year 2000 are already born or are about to be born.

This is the moment to consider seriously a problem which for some time has been faced by many nations that have a different economic and political structure. Large sectors of our population are worried about the problem of family growth. Mexican women by the thousands go to health centers, to Government and private clinics in search of orientation on the possibilities of regulating their fecundity.

We reject the idea that a purely demographic approach to birth control can replace the complex task of development. But we would be committing a grave error if we did not realize the seriousness of the population increase and the needs it generates.

The bill of additions and reforms to the General Law on Population, which we shall soon present to the Congress, establishes

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the legal framework in which programs for responsible parenthood can be carried out with absolute respect for individual liberties and as part of our general development policy.

We reconfirm our revolutionary and nationalistic humanism. We believe that all social processes must have man as their central concern and that improving his condition always implies preserving his dignity and free will. We affirm that human resources are the vital nucleus of any important change and that the basis of progress is the community's power to modify its circumstances.

FOREIGN POLICY

At this time, the main objectives of Mexican diplomacy are to diversify our foreign contacts and to give them a practical content.

The changes that have taken place in the world during the last few years favor our purpose. Cold War tensions are disappearing and negotiation between opposing forces is slowly replacing aggressive methods based on military power.

In a period characterized by the existence of dialogue, Mexico emphasizes its vocation of universality. We are an active part of the community of nations and our life is conditioned in many aspects by external events. To renounce our responsibility in the shaping of the new international order would mean to endanger the autonomous progress of the country.

We have expanded our bilateral relations. We decided to establish embassies in Barbados, Tanzania, Guyana, Rumania, the German Democratic Republic and New Zealand.

We know that no nation is self-sufficient. Consequently, we are trying to increase our bargaining power with foreign nations. We have hosted trade delegations from seventeen countries and sent numerous economic missions to different parts of the world.

During the sixteenth General Conference of the International Atomic Energy Agency, we reiterated our rejection of any type of nuclear tests. We also demanded that existing arsenals be destroyed. Any position of power implies the risk of its being used and the threat is, in itself, a form of violence

We subscribed the Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matters. This is the first multilateral agreement that attempts to prevent pollution of the sea and to protect ocean ecology.

In view of the upsurge of terrorism and in particular, of hijacking of ships and airplanes, we have stated that the prevention and repression of these acts falls within the exclusive competence of the state in whose territory these acts take place.

We also pointed out that such measures should not conflict with the norms of the right of asylum. The agreement signed with the Republic of Cuba follows these principles, and tries to discourage crimes which endanger innocent lives.

In reciprocity to the state visit I paid to the Republic of Chile, its President, Dr. Salvador Allende, came to Mexico as our guest. During his stay, the agreements approved in Santiago to intensify trade between the two countries were implemented. A line of credit to facilitate these operations was opened and we signed an Agreement for Scientific and Technical Cooperation.

We received the President of El Salvador, Col. Arturo Armando Molina. Pursuant to our policy on foreign investments, we decided to offer for sale to citizens of El Salvador up to 51 percent of the stocks of Fertica, a subsidiary of Guanos y Fertilizantes which operates in that country.

In this capital, I held official talks with the Prime Minister of Australia, Mr. Edward Gough Whitlam. We studied the adequate means to strengthen our ties and expressed our common concern at the increase of nuclear reserves.

Everything that affects the peoples of Latin America concerns the people of Mexico.

We went to the aid of Nicaragua, whose capital city was leveled by an earthquake. We provided aid and technical assistance for its reconstruction to the extent of our possibilities.

In order to counteract the isolationist strategy being used against Chile, we decided to sell oil and cereals to that country. This operation implements the agreement on payments concluded last year and expresses our intention to strengthen fraternal solidarity through economic cooperation.

During the meeting of the United Nations Security Council which took place in Panama, the conflict on the legal charter of the Canal was examined. We backed the just demand of the people of Panama to re-establish full rights over their territory.

As part of the process of regional integration, the Joint Andean-Mexican Commission was installed. Its purpose is to intensify our trade with the countries that are members of the Andean Pact.

We are determined to renew the structure of the Organization of American States. We hold that interdependence does not imply subordination or homogeneity. The fact that many different ideologies exist is a reality that should be recognized as the basis for hemispheric coexistence.

Mexico has invariably postulated that the inter-American system can only be understood as an association of sovereign states. We oppose all types of action, whether unilateral or collective, that interfere with the decisions that fall under the exclusive competence of each state. We do not accept extensive interpretations of treaties that imply interventionist theses.

Under difficult circumstances we have defended this doctrine that stems from the principle of self-determination. The diversity of political systems in the Continent once more proves that Mexico is right.

The lack of imagination in international affairs could chain us to a state of permanent dependence. We shall not delegate to others our decision-making powers. The struggle for sovereignty is also fought outside our national territory.

Our conviction that men and peoples can coexist peacefully, if they show mutual respect for their ideas and ways of life, made it possible for us to visit countries with different political systems and enter into transactions of reciprocal benefit with them.

We accepted, with the prior authorization of this Congress, the invitations extended by the Governments of Canada, the United Kingdom, Belgium, France, the Union of Soviet Socialist Republics and the People's Republic of China. During the course of this journey, we visited the headquarters of the European Economic Community and UNESCO.

More diversified relations with foreign countries will allow us to defend our rights and to promote our progress more firmly. We are trying to intensify relations that favor a substantial increase in economic exchange and which may broaden the sources of scientific and technological knowledge.

Latin America will become the first denuclearized region of the world when all atomic powers commit themselves not to use weapons of this kind against the signatory states of the Treaty of Tlatelolco. As a result of talks held with the Chiefs of State of France and China, both countries entered into this commitment when they signed Protocol II of the Treaty, as the United States of America and the United Kingdom had already done.

In all the countries we visited, we made arrangements for important financial and commercial operations that have since led to a tangible increase in transactions.

In Canada, we concluded agreements for economic cooperation and for exchanges in the fields of science, technology and tourism. With the United Kingdom and Belgium, we established mechanisms for technical collaboration and signed agreements to achieve equilibrium in the balance of trade. The Government of France expressed its interest in acquiring Mexican manufactured goods and in establishing joint capital export companies within our territory.

By virtue of the trade agreements we signed with the Soviet Union and the People's Republic of China, Mexico will receive most-favored-nation treatment. In this way, enormous markets are opened to our exports and favorable conditions are established for the purchase of industrial equipment under advantageous credit terms.

In Brussels, we entered into negotiations to reach an agreement with the European Economic Community, with whose countries we maintain relations of friendship and trade.

Like other nations of the Third World, our country affords possibilities for a diversified production that, under an equitable international system, would allow us to achieve a higher standard of living for our own people as well as to satisfy the demand of the industrial powers.

The prices of many of our articles and raw materials are fixed abroad. Going beyond our borders to defend the product of our labor is an obligation to present and future generations which we have fulfilled during this journey.

During my conversations with Heads of States, I discussed various subjects and obtained numerous results. At all times, I acted as the representative of a sovereign nation, while bearing in mind the needs and demands of the deprived majority sectors of our population.

After assessing the outcome of this undertaking, I can state with complete certainty that Mexico strengthened its prestige and increased its opportunities for trade.

Mexico has been a precursor of inernational theses that are generally accepted today. Repeated foreign incursions have served to reinforce an uninterrupted pacifist and anti-interventionist tradition. Both our past and our present have fostered our solidarity of interests with those countries which, having obtained their independence, are today struggling to achieve economic autonomy.

The principles that governed the international economy in the past have shown themselves to be inefficient. Not only is the gap separating the wealthy nations from the peripheral peoples growing steadily wider, but the dislocations existing in the economic field are further proof that these principles are now inoperative.

The contradictions arising from the survival of power politics are one of the principal causes of underdevelopment. A long colonial past, prolonged into our own times by more or less open forms of imperialism, prevents a radical transformation of prevailing structures of injustice.

Imbalance, inequity and coercion are incompatible with sound development of economic relations.

The Universal Declaration of the Rights of Man should be complemented by a normative document establishing standards that make economic coexistence and progress possible for all nations. We therefore consider that there is a steadily increasing need for adoption of a Charter of the Economic Rights and Duties of States that would express the collective will to preserve universal peace and stability.

The community of nations has given its support to this project. In Geneva, the working group composed of representatives of 40 countries in charge of drafting the Charter recently completed the first phase of its work. The positions held by different countries and

groups of countries with regard to the matters that might be included have been expressed in a preliminary document. We do not doubt the praiseworthy nature of the effort this group has made nor the integrity of its intentions. Nevertheless, convinced of the urgent need to accelerate this task, I have recently sent a message to United Nations Secretary General, Mr. Kurt Waldheim, indicating the need for modification of procedures that would allow more rapid approval of the Charter.

We are convinced of the value of this instrument for the establishment of a system of mutual respect and economic cooperation that the general interest demands.

Events abroad condition our own evolution. We cannot remain aloof from the changes that are taking place in a world that is making radical modifications in its structure. Through the creation of new forms of interdependence, we can more adequately confront the circumstances of our times.

Those who have been left behind by historical developments and accept the servitude imposed by docile imitation of other scales of value have raised objections to our right to establish closer relations with countries which, regardless of their social system, offer us their friendship and the opportunity to increase interchange with them in areas of mutual interest.

Our foreign policy decisions demand a mature civic awareness, guided not by the superficial aspects of diplomacy but by a deep understanding of the political significance of the decisions.

The nations we visited repesent the entire range of contemporary political and economic experience. We have no prejudices nor any fear of alleged influences. We accept ideological pluralism as an outstanding characteristic of this stage in history. With a broadened outlook, we reaffirm our confidence in ourselves and in the road we have chosen.

In the first half of 1974 Mexico will receive waters from Colorado River in the amount and quality that we have demanded over the past years. Minute 242 of the International Boundary and Water Commission, signed two days ago, on August 30th, with the Government of the United States, ensures permanent and definitive solution of the salinity problem in the Mexicali Valley.

To put this agreement into effect, the bypass canal for saline waters will be extended to the Arizona-Sonora border, continuing from there through Mexican territory to the Gulf of California. This Mexican portion will be constructed, operated and maintained by Mexico and paid for by the United States.

Last year, we reached the decision that we would refuse to accept Wellton-Mohawk Canal Waters. This is the policy we have followed and will continue to pursue until the works mentioned have been completed.

Successful conclusion of the negotiations we have conducted constitutes a triumph of reason and law, a just reward for the tenacious efforts of our diplomacy, and a promising sign in our relations with the United States.

Mexico reconfirms its confidence in the rule of law as the foundation for international life, and the course of its foreign policy is directed toward the well-being of the Republic.

DEVELOPMENT POLICY

The great tasks involved in national development demand the coordinated participation of every agency of the Federal Government.

Industry, the availability of fuel and power, communications of all types; agricultural, livestock, forestry and fishery production; greater flexibility in distribution systems, employment policies, credit in all its forms, expansion of the hydraulic network, drawing up of agricultural and livestock programs, and security in land tenure, are among the many problems that cannot be analyzed separately. Each complements the others, and all converge in a program of joint activity that must be carried out with a global criterion.

The country's economic growth has always depended basically on the efforts of the farmers. Recognition of this fact has led to our decision to permit no further delay in the payment of this longstanding debt.

Accordingly, we here reiterate our active solidarity with the farmers, to be expressed in a more expeditious solution of agrarian problems and a substantial increase in the resources devoted to the promotion of agricultural production.

During this Administration, we have issued 305 agrarian resolutions covering a total of two million 14 thousand 105 hectares and benefiting 45 thousand 481 families. We have handed over 216 thousand 291 certificates of agrarian rights and have paid 764 ejido members indemnities totalling 109 million pesos for land expropriated for public use. In addition, 21 decisions were taken involving a total of 2 million hectares of public land to accommodate 43 thousand families.

We also granted 6 thousand 18 certificates of non-affectability of farm land and 285 certificates of non-affectability of livestock ranges.

The rights of communial farmers, ejido farmers and small landowners are, and shall continue to be, respected. Attention is given to the demands of dispossessed farmers, but without harming any legitimately acquired interests. Both in the city and in the country, only those who hold spurious land titles or engage in activities prohibited by law can feel, and spread, uncertainty.

The reform we are carrying out rejects the false choice between justice and efficiency. We do not want excessive land division to dislocate agricultural production, but we are determined not to allow a new system of large landholdings to be established for this reason.

We have intensified programs for technical training and farmer organization. The new agrarian law puts an end to the prejudice which held the ejido farmers were incapable of engaging in any activity other than farming or cattle raising. The establishment of agro-industrial enterprises has shown ejido farmers to be fully capable of exploiting the resources of their land for their own benefit and of being incorporated into modern production processes.

Small agricultural landholdings are not always compatible with the dynamics of today's economy. In such cases, it is advisable to encourage the grouping of these farms. It should be noted that the law makes it possible for ejido members and small landholders to form associations under mutually beneficial conditions.

Recently, members of Congress, I have held several meetings with leaders of national farmer associations who have informed me of their decision to organize ejido farming on a collective basis.

The Mexican Revolution has been a complex historical process. There are still those who feel that its initial civic objectives should have gone no further than political reform and that what came later was only a constructive wish to add to that original structure.

It is true that a number of constitutional reforms and the Querétaro Charter were designed to meet the pressing demands of the farmers and workers, but—as so often occurs in the social life of a country—the great general transformation of the nation could not be held back and placed within a mere intellectual and theoretical framework with the thought that it would have sufficed for a planned reorganization of Mexico.

The Agrarian Reform meant reconquering the land for our farmers, even though it frequently followed no set program. We are convinced that we are barely coming to the end of what is the first stage of that reform, and that we must now begin an extensive reorganization that—it goes without saying—will not depend on mere legal or administrative bases, nor simply on the intentions of farmer organizations. Rather, it must be rooted in a profound sense of solidarity, in the subordination of individual interests to the collective need within the communities and ejidos themselves, and even in cases of small landholders who decide to join together, to improve farming methods, make more effective use of fertilizers and insecticides, defend themselves against middlemen and profiteers—a real national plague—establish cooperatives for the use and sale of their products and, in general, plan their crops in a better way.

When we are asked on occasion, from a theoretical point of view, by very studious, very erudite people who work in quiet sheltered studies, whether it is not contradictory to lay out a policy of this type for the future in view of our need for a managerial class imbued with patriotism and nationalism, we answer that, within the mosaic that is Mexico, we need these more socially advanced forms of organization in rural areas and we also need a managerial class, but composed of men who are modern, nationalistic, free of the colonialist mentality, who do not wish to be the employees of foreign interests but rather feel the responsibility to contribute with their initiative, which should be truly creative, to the building of our country.

We tell these learned theoreticians that we do indeed need entrepreneurs who will industrialize the country and help us to avoid being left at the mercy of imports from abroad, by producing what the country consumes and can export. We need entrepreneurs who want to be the masters of their own destiny; who will not limit or hold back their investments until foreign capital comes from abroad; who will not create rumors designed to undermine confidence, such as those that were spread when the Executive and Legislative Branches together began studying legislation on foreign technology and investment.

We have said that investments must be handled with a spirit of solidarity in order to promote the sovereignty and progress of Mexico within a framework of healthy nationalism. Therefore, we subscribe to the thesis that just as we need to establish sound and secure bases through Government organization or by means of farmers organizations, which are true organs of defense, we also need to promote an efficient private enterprise that is nationalistic, modern, and socially meaningful. Everything is compatible when one believes in Mexico and in Mexico's future.

The irrigation works constructed during the past 12 months have benefited a total area of 183 thousand hectares, 53 thousand of which were placed under irrigation for the first time.

Construction of the Melchor Ocampo Dam marked the completion of irrigation works of the Lower Lerma River Irrigation District serving an area of 33 thousand 200 hectares in the states of Guanajuato, Jalisco and Michoacán.

With an investment in February of 250 million pesos, we began the second stage of the Benito Juárez Plan, delivering fifty units of heavy construction equipment to be used to accelerate the construction of small irrigation works in twenty-two states of the Republic; 188 of these works, with a total storage capacity of 55 million cubic meters, have now been completed.

Investment and credit are two fundamental elements of agricultural development. The Federal Government has exerted a consistent effort to make financial resources available to the rural areas and has

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created a system of incentives to encourage private banks to do the same.

The Government has allotted 8 billion 300 million pesos for agricultural development. During this fiscal year the major governmental institutions provided credits in the amount of 11 billion 149 million pesos to 525 thousand ejido farmers and small landowners. This amount represents an increase of 41 percent over last year's financing.

Many ejido farmers and small landowners were unable to obtain credits because they were already in debt and the interest charges were often higher than the amount of the original loan. The Executive decided to free the farmers from this problem by absorbing the liabilities in accordance with the operative modalities of each official bank.

In order to correct inequalities between the development of rural and urban areas, we have carried out a program of industrialization under the auspices of the National Fund for Ejido Development. At present, with a total investment of 325 million pesos, there are 124 industries that employ more than ten thousand heads of families and benefit sixty-four thousand ejido farmers who are the owners of these enterprises. Another 88 industries, which require an investment of 202 million pesos, are currently being organized and we have approved 84 additional projects, which involve an investment of 270 million pesos.

The priority which the Government has given to the agricultural sector determined the creation of a Program of Public Investment for Rural Development to be applied in the country's more backward regions. The objective is to create permanent sources of employment which will keep farmers in their places of origin and to construct infrastructure works and services. Through this program, 2 billion 500 million pesos have been invested, of which 54 percent is earmarked for small works of infrastructure and the remaining 46 percent for works of a social nature. In all these projects 300,000 farmers have been employed, particularly during the periods in which they were not engaged in agricultural activities.

The use of natural resources and of local labor in the construction of roads, small reservoirs, irrigation works, schools and agro-industrial plants is a realistic answer to the problem of employment and proof of the creativity of small communities.

National programs for forage crops, pasturelands, and artificial insemination were importantly encouraged, and we started the National Program for Clearing Forest Lands through which large tracts of hitherto unproductive areas were made available for agriculture and livestock. One hundred and seventy thousand hectares in 13 states and territories have been cleared at a cost of 202 million pesos. These are gradually being turned over to farmers without charge in exchange for the work they have done.

In spite of severe floods and droughts, the total value of agricultural, livestock and forestry production was 68 billion pesos. The volume of exports of the main agricultural crops in 1973 increased 52 percent as compared to last year. Exports of meat and cattle on the hoof were temporarily restricted to satisfy domestic demand.

The largest production in the history of the sugar industry—2.6 million tons of sugar—was obtained during the 1972–1973 season. This yield was 230 thousand tons more than the year before and represents a net increase of 10 percent. During this period the farmers were paid at the higher rate established for sugar, molasses and alcohol. In the three years in which the new systems and rates of payment have been in operation, the cane growers have directly received greater benefits—in the amount of 1 billion 326 million pesos—than they did under the previous structure.

The disorder which prevailed in the production of an unfair distribution of profits between growers and manufacturers ended with the purchase of the foreign-owned company which controlled the greater part of the production and distribution of tobacco. With the establishment of Tabamex we obtained a new balance between these two sectors with the result that income to growers increased 184 percent in comparison with the previous year.

Likewise, in order to benefit harvesters of lechugilla, we authorized a new increase in the guarantee price of this fiber which, added to the one granted two years ago, amounts to a 100 percent increase.

Thousands of Indian families are engaged in the weaving of palm hats in the Mixteca region of the states of Oaxaca, Guerrero and Puebla as a supplementary activity. In order to improve their standards of living, increase their productivity and diversify their activities, a trust fund of 25 million pesos was set up. It has already benefited ten thousand families by increasing their income 60 percent.

The Coordinating Committee for the Integral Development of the Isthmus of Tehuantepec continued to promote the creation of new centers of employment. During this year new industries with an investment of nearly 800 million pesos have been inaugurated. Moreover, three programs of rural development, with a total investment of 174 million pesos, were begun. In April we issued a decree for fiscal incentives and other kinds of facilities to favor industrial, fishery, forestry and tourist enterprises that contribute to the economic development of this area.

The useful work of the Commission of Tehuantepec has encouraged us to create a similar agency for the Peninsula of Baja California in order to promote and coordinate the development of the basic activities of that region, which will be greatly stimulated in the near future when the trans-peninsular highway is finished.

In order to preserve and improve the natural conditions of the waters of the nation, we issued two decrees establishing the Tabasco and Papaloapan Basin aquaculture districts.

The primary objectives of the policy for the promotion of fisheries is to lower fishing costs and increase the use of coastal areas. We have made large investments to improve port installations and their operating capacity. We have signed contracts to purchase 500 boats and have improved marketing procedures. The first ejido fishing co-operatives founded in Sonora mark the beginning of the participation of farmers in these activities.

Mexico now holds second place in the American Continent in tuna fishing. In a little more than two years, the tuna fishing fleet has increased 238 percent.

The National Basic Commodities Company (CONASUPO) plays an ever more important role in the protection of small farmers and low income consumers.

Ten million Mexicans obtain their livelihood from corn and bean farming. During the past decade, since the last increase in guarantee prices, their purchasing power has dwindled while salaries and the general level of income of the population have increased.

In response to the urgent demands of all the farmers of the country, and in order to become nationally self-sufficient in grains, we have ordered that beginning with the next harvest, the guarantee price of corn be increased from 940 pesos to 1,200 pesos a ton and the price of beans from 1,750 pesos to anywhere from 2,000 to 2,300 pesos, depending on their variety and quality.

However, new guarantee prices are not sufficient for the farmer to be able to change his systems of production and social conditions. It is also necessary to free him from the monopolizer and the money-lender. In order to prevent the speculation of intermediaries, one thousand 600 purchasing centers are in operation and the system of warehouses and rural stores is being constantly increased.

We must prevent private interests from harming the tenuous balance of the economy of the people. The action of CONASUPO is a rational and just way to transfer income to groups of smaller purchasing power and to strengthen the alliance between the revolutionary regime and the majority of citizens.

True development implies adequate national integration. The efforts the Government is exerting in this respect are not limited to linking up large cities and production and consumption centers. The effort also implies incorporating into the general progress of the country many communities that for centuries have lived in isolation.

Roads, railroads, seaports, postal services and modern means of telecommunication have, in addition to their obvious social and economic usefulness, the political function of increasing awareness of the national unity we require, today more than ever, in order to achieve our objectives.

Because of the importance we place on roads as promoters of development, we give a great deal of attention to the highway construction and maintenance program.

A total of 2 billion 702 million pesos was invested in this area. The labor-intensive roads that are part of the Program for Rural Development have been a decided incentive ot the economic life of backward areas Thirty thousand kilometers of this type of road were completed during the past year at a total expenditure of one billion 512 million pesos.

National Railways is making a vigorous effort to normalize the critical situation caused by the vast accumulation of freight that continues to pile up in seaports, at main railroad terminals and the ports of entry on our northern border.

The purchase of 71 locomotives and 1,233 railroad cars considerably increased the capacity of railroad transportation. The acquisition of these units and other measures we have adopted are not merely an emergency program but the beginning of a complete renewal of the system.

The Ministry of the Navy is modernizing the main ports of the country and has been authorized to coordinate the technical and operational activities of government-owned shipyards. This measure is a decisive step toward the integration of this industry. At present, domestic shipyards are in a position to repair our entire war, merchant, oil tanker, and fishing fleets.

The satisfactory operation of free ports and of enterprises in which the Government has majority control in cargo handling and port services in Manzanillo and Guaymas, led to the establishment of similar enterprises in Ensenada, Mazatlán, Santa Cruz, Progreso, Coatzacoalcos and Tampico, with good initial results.

The eight ports in which duty-free zones were established have been able to reduce the procedures required for the dispatch of merchandise by 90 percent and the corresponding expenses by an average 72 percent.

In Veracruz, two of the most important labor organizations merged and, a week ago, the corresponding Government-participation enterprise was created there. These events definitely strengthen the port reforms carried out in the most important sea terminal of the country.

Constant technological innovations in air transportation call for continual improvement of the country's airport network. During the past year we have invested 385 million pesos in the construction and modernization of airports.

Our intention is to provide mail and telecommunication services that will link up the entire Mexican community The services provided by mail and telegraph networks have been modernized and new routes and service centers have been established.

The special importance we have given to the integration of Indian groups is demonstrated by the activities of the Rural Telecommunications Commission in the Tarahumara, Huicot, and Altos de Chiapas areas and by the Ejido Mail Pouch service that is already serving 9 thousand 329 rural communities.

Telédonos de México continues to provide clear proof of the organizational capacity of the Mexican people. Our country now holds second place in the world in rate of growth of all the nations that have an accelerated telpehone development. In July, the number of installed apparatus passed the 2 million mark. The company's earnings for the year were 873 million pesos, 59 percent more than in the preceding year. With its plans for expansion of its services to rural areas, this enterprise in which the Government is the major stockholder, gives added social meaning to its activities.

Throughout our history, mining has been a key factor in the generation of wealth. For a long time, however, it was simply an instrument of colonial exploitation, and its high and low periods were regulated from abroad.

With Mexicanization of the mining industry completed—795 enterprises in which a majority of the capital is Mexican now provide 98 percent of total production—,the time has come to expand and strengthen it. We are now participating to a greater extent in its development and in the proper direction of the work of exploration, extraction, refining, and marketing.

The total value of the principal mining products reached 7 billion 683 million pesos. This is an increase of 12.6 percent over the preceding period.

Mining will be strengthened by the Government's association with private enterprise. As a result of such action, exploitation of the copper deposits in Caridad, Sonora, which will require an investment of approximately 5 billion 500 million pesos, will soon begin.

This is the most important project ever undertaken by the nonferrous mining-metallurgical industry. Upon its completion, production will have been increased by 40 percent.

Future development of this industry should be based on the promotion of highly productive units, and should also take into consideration small and medium-scale mining companies that can, in the short term and at a relatively low investment, provide numerous jobs for the inhabitants of the arid and mountainous areas of the country.

State-administered mining enterprises increased their earnings by 118 percent over 1972. With recent Government participation in the Compañia Minera Autlán and in Ferroaleciones Teziutlán, the public sector's share in domestic mining-metallurgical production is 28 percent.

Mexico is vigorously confronting the task of strengthening and expanding its industrial progress and of making it compatible with the other aspects of our development.

In order to guarantee industrial growth and provide support for other sectors of the economy, we must ensure a steady flow of hydrocarbons and electric power. The recently founded National Energy Commission has been assigned the function of regulating the rationale use of these resources.

Petroleum is still our principal source of energy. The deposits recently discovered in the states of Chiapas and Tabasco are the most important of the last decade. This area produces an approximate average of 3 thousand barrels a day per well, as against 120 barrels that is the national average. It is already providing 10 percent of the country's total production of crude.

Industrial expansion has led to increased demand for energy which has obliged us to make a number of purchases abroad. However, the new oil deposits in southeast Mexico should make it possible for us to reduce imports as of next year.

Another important contribution to our supply of energy lies in the completion of the second natural gas pipeline from Ciudad Pemex to Mexico City, which has added considerably to the supplies reaching the central part of the country.

National investment in the petrochemical industry is 9 billion 113 million pesos, of which 4 billion 948 million correspond to Petróleos Mexicanos, 775 million to Guanos y Fertilizantes, and 3 billion 390 million to private enterprise. Construction is currently underway on 23 new plants representing a total investment of one billion 78 million pesos.

We increased net generation of electric power for public services by 10 percent, thereby benefitting two million new consumers. Installed capacity is 7 billion 532 million 518 kilowatts and projects being built have added 5 million more.

To diversify our sources of energy, work was begun on the construction of the Laguna Verde Nuclear Power Project, our country's first effort to use atomic power to produce electricity. This plant will have a capacity of one million 300 thousand kilowatts and will begin operations in 1976.

The country's first geothermic unit using steam from the subsoil began operations in the Cerro Prieto Plant in the state of Baja California. Research into possibilities for the generation of electric power by these means in other parts of the country is under way.

The Ciudad Sahagún industrial complex continues to obtain high yield rates. Total value of its production was over 2 billion pesos.

Altos Hornos de México is continuing its expansion programs and plans to produce two and a half million tons of steel by 1975.

To promote the expansion of the basic steel industry, work on the construction of the Benito Juárez-Peña Colorada mining consortium and the Lázaro Cárdenas-Las Truchas steel mill is proceeding at an intensive pace.

The operations of 585 state enterprises that in 1972 obtained a total income of 80 billion pesos, 21 percent over the preceding year, were overhauled. Several of these industries that had previously shown narrow margins of profit or losses, increased their earnings considerably in the course of this year.

Optimum use of our resources and decentralization of industry are essential conditions for generating the employment and exports that Mexico needs at this stage of its development.

The Federal Government has created many incentives to industry which will lead to a substantial increase in employment within a short period of time. The Fund for the Promotion of Small and Medium-Sized Industries, the National Fund for Industrial Promotion, and the National Fund for Industrial Equipment carried out operations for an amount of approximately 948 million pesos.

The decree establishing the bases for the development of the automobile industry is designed to create a structure for this industry in accord with present and future market conditions. Its provisions tend to promote the development of this activity, to favor majority participation of Mexican capital, and seek higher levels of efficiency and more favorable export indices.

Work is proceeding to create 14 industrial cities as one of the activities of urban development planning and promotion and as part of the policy for industrial decentralization. Infrastructure for the industrial cities of Mérida and Durango has been completed and work on similar cities in Aquascalientes, Celays, Guadalajara, Linares, Mexicali, Morelia, Tepic, Tijuana, Tizayuca, Tlaxcala, Villahermosa, and Zapopan is underway.

To attract the purchasing power of Mexicans living in border zones, the sale of articles produced in Mexico has been promoted with a resulting increase in tax revenues. Fiscal incentives consisting in the rebate of indirect taxes amounted to more than 63 million pesos on 717 million pesos in sales of national products.

The border assembly-plant system was extended to the entire country. During the period covered by this report the number of workers employed in this industry rose to 50 thousand.

Contemporary principles of international coexistence reject the exploitation of weak nations in all its forms. There is a growing consensus that accords foreign capital and technology a supplementary and invariably subordinate role with respect to the internal decisions of the recipient countries.

The accumulation of wealth and political power by the great powers leads to profound imbalance in international relations and thwarts the hopes for autonomous growth of less advanced countries. Subordination of foreign investment and technology to the foundations for vigorous economic nationalism.

The Law to Promote Mexican Investment and Regulate Foreign Investment has as its basic objective the consolidation of our economic independence and the prevention of interference in national decisions.

When capital flows are made subject to the policies and objectives we have set for our country, they promote development and become an efficient instrument for the transfer of technology. Their potential field of action complements national efforts for industrialization and increases the perspectives of a domestic market, at present incapable of absorbing the output of highly productive enterprises.

The new legislation defines the activities that are exclusively reserved to the state and to Mexican firms and places limits on the investment of foreign capital. It lays down specific rules and conditions to be observed by foreign investment and establishes the principle of majority participation by Mexican capital. It also places restrictions on the sale of national firms to investors from other countries. The National Commission on Foreign Investment was set up to coordinate the activities of the various departments of the Executive Branch in this field.

No reasons exist for granting special privileges or excessive incentives. We need foreign investment to accelerate our process of growth, but we are not prepared to accept it under conditions that would place the patrimony and the future of the nation at th mercy of any interests foreign to Mexico.

We have no desire to be the passive recipients of scientific methods that have not been created with our own needs in mind or that are only a factor of the production strategy of transnational corporations.

In our view, technology should be a true instrument of cooperation and never a bond of submission. These are the objectives of the Law on the Transfer of Technology and the Use and Exploitation of Patents and Trademarks.

We shall be independent only insofar as we can count on sufficient information regarding the use of alternative techniques; as we refuse to permit unjustifiable charges for royalties; as we eliminate charges or indirect taxes that increase our production costs and prevent us from creating a competitive industry; as we eliminate limitative clauses or practices such as those that restrict exports or make it compulsory to transfer, free of charge, technical advances or improvements

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developed in Mexico. In short, we can achieve economic independence only to the extent that we subject the acquisition of technology to the standards that are most in keeping with the country's interests.

Mexico's overall development should be guided by a clear awareness of the nation's realities and historical objectives. Our nationalism has been forged in the course of long and difficult experience, and we cannot exchange certainties for unsubstantial mirages of progress. To know what we are and to work to the limit of our capacity for what we hope to be, to clear the way for the forces of renewal, to unite through the solidarity of our daily efforts and shared benefits, is the only road that leads to the formation of a prosperous and egalitarian society.

EDUCATIONAL POLICY

Educational policy and economic policy reveal with greater clarity than any other Government activity the existing gap between what the nation is and what it wishes to become. Having recognized this fact we sought to devise a strategy in both areas in accordance with the ideals of the national community for change and progress.

One of the main aims of educational reform is to create and encourage studies that will permit our youth to participate in the productive life of the nation without the need for many years of training. It is also designed to eliminate the harmful and elitist notion that only a higher education can give prestige to the individual and provide him with an adequate standard of living.

The gap between the organization of higher studies and job opportunities is becoming increasingly greater. Many professional men face a serious unemployment problem upon graduating from our schools and universities. To deal with this situation, they accept employment which would have required less years of study, or engage in activities for which they have received no previous training.

We must recognize that many educational simple expedient of giving academic credits than to the difficult commitment of teaching students to participate in economic life.

This distortion in the scale of values, which is found in society as a whole, is responsible for the fact that part of our young people attend school not to learn but to obtain a diploma.

The Constitution did not ban titles of nobility only to replace them with professional titles.

Professional degrees must not serve to indicate alleged superiority, but to identify those citizens who owe more to society because they have received more from it.

Serious frustration is felt by our students when their university degree fails to provide them with the advantages which collective pretense had promised them, and when they find that they are unable to serve the community as much as they would have liked.

This disenchantment is, among others, one of the underlying reasons for the problems which affect our major institutions of learning.

When the combative and idealistic spirit of youth does not see adequate channels for self-development in the near future, it adopts attitudes of inconformity.

To hope to solve these problems exclusively within the educational framework reveals a limited view of the phenomenon.

The work to be done must take place both inside and outside the school—inside the school by encouraging the exercise of the democratic prerogative of criticism; outside, through corrective political, social and economic measures necessary for the renewal of the national community within a spirit of progress In short, it is necessary that our educational system offer opportunities that provide our young people with the certainty that they will be socially useful.

Our policy in the field of public education must not be examined by itself but within the frame of reference of Government action. The fruit it bears will depend on the progress achieved by the country as a whole.

Society is the main teaching agent and the school only shares in part of the process. We are carrying out educational reform which is not limited exclusively to didactic changes. Its principal objective, as we have already said, is to transform our mental structures.

The aims which guide us are oriented toward shaping a culture which, without divorcing itself from universal humanism and science, emphasizes the features of our own identity, is consistent with our needs and ensures our cultural and economic independence.

We have intensified our efforts to extend the benefits of elementary school education in cities and, especially, in rural areas. Two out of every three new teachers are assigned to rural schools. During the past term more than ten million children attended elementary school.

Approximately a million and a half Mexicans live in rural communities of a hundred people or less. For their benefit, different methods combining school and extracurricular procedures have been introduced. During the past year, 106 boarding schools have been established, strategically located in towns that already have schools with complete programs. Another 125 will being to operate this month.

Free textbooks—which are decisive elements in a truly democratic education—have been substantially modified. They encourage a scientific attitude and a marked interest in social problems, as well as active participation by the children in learning. They make the teacher a more diligent and confident actor in the educational process. Eighty million copies of these texts have been distributed to teachers and pupils.

Social integration of Indian groups is one of the central concerns of the Government. To this end 16 coordinating centers have been founded in regions inhabited by Indians speaking the Chatina, Chol, Chontal, Huasteca, Maya, Mayo, Mixteca, Nahua, Otomi, Yaqui, Zapoteca and Zoque languages. We have increased the number of bilingual promoters, teachers and supervisors and we have also set in motion an intensive program for the teaching of Spanish.

Upon the scope and diversity of our intermediate education depends, to a large degree, a solid base for our country's cultural evolution. Considerable budgetary increases permitted the construction of schoolrooms, laboratories and workshops.

For many years this educational level has followed traditional study programs and has neglected technical education to a certain extent.

For this reason we have established new Technological Schools of Agriculture where, in addition to general secondary school studies, useful instruction in farming and livestock-raising is given. Of 331 schools in existence, 262 have been built during the present Administration.

The capacity of Technical Fishery Schools and Industrial Technological Schools has also been increased.

During the present Administration we have founded 17 Centers for Agriculture and Livestock Studies and 45 Centers for Scientific and Technological Studies. Both types of institution were created by the present Government as the base of an independent system of senior intermediate education.

Students graduating from these schools with a bachelor's degree may, with a minimum of additional requirements, obtain a professional degree as technician.

Excessive enrollment in institutions of higher learning and the high rate of dropouts are partly due to the underestimation with which intermediate technical training was viewed. Our young people must understand that there are new possibilities for professional training, more suitable to their vocations, and with broader prospects for employment.

Higher education is the culmination of the community's formative efforts. It therefore defines the community's true nature and establishes the essential guidelines for its future evolution.

The difficult mission that our centers of culture face today is to train men who will keep an open mind toward all currents of thought and who have a deep-rooted awareness of their collective responsibility.

This school year the Federal Government invested 3 billion 255 million pesos in higher education. This expenditure is three times greater than in 1970.

To consolidate the system of technical training, during this Administration 12 new Regional Technological Institutes have been built, and the first Technological Institutes of Agriculture will begin to operate next October.

We created the Institute for Scientific and Advance Research at Ensenada and restructured and strengthened the School for Advanced Studies in Tropical Agriculture in Villahermosa, which will begin operating within three days.

The allocation for the National Polytechnical Institute with its 112 thousand students, was 938 million pesos. The Basic Sciences Unit of the School for Advanced Studies in Mechanical and Electrical Engineering began its work.

In turn, a subsidy of 1 billion 179 million pesos was granted to the National Autonomous University of Mexico, which has a population of 220 thousand students.

After a meeting in Mexico City, the Presidents and Directors of our centers of higher learning came to the conclusion that, due to the increasing demand for enrollment, it is urgent to establish a new university in the Federal District.

Consequently, I shall submit a bill for the consideration of Congress proposing the creation of the Metropolitan University of Mexico City.

In an effort to decentralize education, we have taken steps to strengthen all state universities.

All areas of extracurricular education have been expanded. We have given special emphasis to the organization of new institutions and have adapted the old ones to the cultural needs of the people. This is the criterion which prevails in all official activities related to the dissemination of publications and the fine arts. The rate of publications of a cultural nature was maintained and the National Theater, Opera and Dance Companies were formed.

A registry of archeological zones and remains and of historical monuments was established to defend our cultural heritage, and we created the Center for Advanced Research of the National Institute of Anthropology and History.

The abolishment of scientific and technical colonialism is essential to attain total economic independence. From the beginning of our Administration, agencies were created or restructured to coordinate and promote the work in this field.

As a result of this support, many research centers have been able to increase the volume of resources they have channeled into these activities in the period from 1970 to 1973.

The National Council for Science and Technology (CONACYT) promoted the first Continental Meeting on Man and Science, held in Mexico City. The conference brought together over 5 thousand outstanding Mexican and foreign scientists, technicians and students.

In programs to decentralize research, the National Council for Science and Technology, in collaboration with other institutions of higher learning, is developing the Center of

Physical Oceanography and Instruments in Ensenada; a similar one for chemical studies applied to products from desert areas in Saltillo; and another on tropical ecology in San Cristóbal de Las Casas. It also plans to create a Marine Biology Center in La Paz, Baja, California.

The need to acquire technology suitable to Mexico's industrial development obliges us to give great importance to the professional training of young scientists and technicians. To this purpose, we have signed two new technical cooperation agreements and employed other resources so that approximately 2 thousand Mexican graduate students may specialize abroad. This figure doubles that of last year.

The education budget amounted to 15 billion 100 million pesos, 44 percent higher than last year and 91 percent over 1970. And this is what some people call an inflationary budget. It is a matter of providing schools at all levels for the children of the farmers and workers of Mexico. We should point out, however, that in spite of the greater effort we are making to satisfy our growing educational needs, the collaboration of every sector of our national life continues to be necessary.

The federal school construction program is satisfactorily fulfilling its expansion plans. The budget authorized for this purpose came to over 2 billion 302 million pesos, a figure three times greater than the investment made in 1971.

In response to the just demands of teachers, the Mexican Government approved an increase in salaries for pre-school and elementary school teachers totaling 630 million pesos. Salary raises took into account not only the teachers' years of service, but also the studies they had undertaken to improve their professional skills.

Training programs were given to 262 thousand elementary school teachers, while the regular courses for the faculty of teacher training schools continued as planned.

Fourteen thousand 500 new teachers have been contracted for the coming school year. The new positions opened during the course of this Administration have already reached the figure of 37 thousand 800.

The process for educational reform will be incomplete unless legislation is enacted enabling us to implement its essential points. In a few days, I shall submit to Congress a Federal Education Bill which responds to the present needs of the country and to the philosophy contained in Article 3 of the Constitution. I shall also present a bill on Patents and Professional Practice for the Federal District and Territories, in which legal recognition is proposed for many new professions.,

Educational reform is the result of the direct assessment of our reality and a constant dialogue with the entire population, particularly with teachers, parents and youth.

Education is a political task because it inevitably shapes a way of life. Education is not imparted for life in the abstract but for participation in the activities of a given community.

The consolidation of national progress requires the cooperation of young people committed to the needs and problems of society, capable of critical judgment about what happens in the country and in the world, and willing not only to fight against ignorance and injustice, but to train in order to overcome these evils.

To the extent that these objectives are atained, public education will fulfill its commitment to Mexico.

SOCIAL POLICY

Development is not the accumulation of goods but rather the fulfillment of human abilities. It depends, basically, on the rational and just use of manpower.

To postulate that the increase in wealth is an essential value of the community is to submit in advance to those who possess it. Economic profitability based on the exploitation of labor is only an illusion of progress that conceals dangerous forms of colonialism.

On the other hand, to link our future to the improvement and productivity of human resources is a reaffirmation of dignity and autonomy.

During the last few decades, Mexico maintained a high rate of growth and made considerable progress toward industrialization. The main emphasis, however, was on the formation of capital assets, which gave rise to serious imbalance. In the social aspect, we have fallen far behind. Our most valuable patrimony, man's labor, has been underemployed and poorly remunerated.

Article 123 of the Constitution, the principal foundation of all our social policy, summarizes Mexican development philosophy. It not only contains the essential criteria for the protection of labor, but also establishes the legal instruments for the attainment of the well-being of the working class, equilibrium in the factors of production, and a more equitable distribution of its results.

Deterioration of the living conditions of wage earners is a dangerous departure from the mandates of the 1917 Constituent Assembly. The decision of the legislative body to confirm these labor standards by including them in a single legal instrument was taken for the purpose of guaranteeing equal rights to all workers. Accordingly, the establishment of separate jurisdictions in the application of these criteria should serve, rather than impede, this egalitarian purpose.

The Executive Branch offers the states its collaboration in strengthening the application of labor laws. We shall issue an invitation to a first nationwide meeting of labor authorities and welfare institutions to initiate a joint effort to enforce compliance with the provisions of Article 123.

At federal level, we have begun reforms and modernization of structures in the public administration of labor. By substantially reinforcing its traditional functions, we are contributing to the preservation of social peace. However, it is not enough to reconcile opposing interests; it is also necessary to program and direct a genuine labor policy.

The Labor Information and Statistics Center will provide full information on the main indicators of this policy. The activities of the Labor Institute have been expanded to make it a research and training center for labor officials and personnel managers, who will be chosen by competitive examinations.

Special importance has been given to labor medicine and safety measures, and the group of labor inspectors has been reinforced by the addition of technical personnel.

Our respect for the right to strike is invariable, as is our observance of the fundamental principle of non intervention in the internal life of labor unions. However, as revolutionaries, we aspire to the constant improvement and extension of the Mexican labor movement.

The labor movement has contributed vigorously to the growth of our economy, to the nationalization of our natural resources, and to our achievements in the field of social justice. Without its combative action, the institutions of contemporary Mexico could not be explained.

We particularly wish to acquaint members of the younger generations with the history of the struggles and conquests of labor. With this purpose in mind, we have created a Center for Historical Studies of the Labor Movement.

Federal authorities have acted as mediators in the drafting and revision of the most important collective labor contracts. A total of 175 such agreements have been signed, giving workers an average 14.5 percent increase in wages and new fringe benefits.

Particularly significant in the national economy was revision of the collective contracts of numerous locals of the Industrial Union of Mine and Metallurgy Workers of the Mexican Republic, and those of the National Railroad Workers, the Federal Electricity Commission and various branches of the film industry and Petróleos Mexicanos. Contract-laws were also revised, bringing substantial benefits for the workers of the Sugar and Alcohol Industry, the Wool Textile Industry and the Rubber Processing Industry for Manufactured Products.

Contract-laws, by unifying and codifying working conditions within a single economic activity, provide a valuable mechanism for social improvement and the redistribution of wealth. They also expedite processes to regulate competition and carry out national industrial planning.

For some time past, labor groups have been demanding the establishment and expansion of contract-laws. In answer to their requests, we shall proceed to call the relevant meetings.

The National Commission for Workers-Sharing in Company Profits has been convoked. The commission will undertake an evaluation of accumulated experience and eliminate complex procedures that have an adverse effect on its essential purpose. By law its duty is to check the percentage of profits that should justly accrue to wage earners, while allowing management a reasonable return.

The tutelary rights of workers and the improvement in their standard of living are the fruit not of altruism, but of the historic struggle of the proletariat. The forty-eight-hour work week is one of its main victories. In Mexico, it was established as a social guarantee in the 1917 Constitution.

It is only natural that labor should fight on all fronts for contracts providing a shorter work week than the legal maximum. In many technically or socially-advanced Mexican companies, workers long ago obtained shorter work weeeks.

Union demands for the generalization of this conquest through the establishment of a forty-hour, five-day week, have been the subject of controversy and public debate. In matters of supreme importance for the future of the nation, there should be no ambiguities, nor should uncertainty be prolonged.

The right of workers to benefit from technological advances is beyond question. International experience shows that a weekly rest period of two consecutive days contributes favorably to changing the life-style of the individual, the family and society. It also acts as an additional incentive for the improvement of production methods and the extension of welfare systems.

A joint study committee was formed to find adequate formulas to meet the demands of labor on a national scale. The Government will receive with satisfaction suggestions by the sectors involved regarding measures that may be taken to compensate for shorter hours by a real increase in productivity, and also to make optimum use of free time.

Care must be taken that this social demand be compatible with the requirments of development. The solution adopted should not curtail production, increase inflationary pressures, or reduce the country's ability to compete in foreign markets. Accordingly, it will be necessary to decide ways and means to reduce the work week gradually, by branch of economic activity.

Once the respective studies have been completed, the Executive will be able to set in motion the legal reforms that definitely confirm this labor conquest, and establish rational methods for its implementation.

The minimum wage is a constitutional guaranteee which transcends its simple monetary value by seeking to ensure that the

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worker and his family will be provided with the basic means for a proper life.

Different economic phenomena, both here and abroad, have caused a marked rise in prices within the last few months. The fixed-income population is suffering the results of imbalance, while minority groups are making exceptional profits by taking advantage of market conditions.

The Executive Branch considers it is urgent to re-establish the purchasing power of the minimum wage. It has sent to this Honorable Congress, through the Permanent Commission, a draft decree authorizing the National Committee on Minimum Wages to adjust the scales now in force with all possible speed.

For the same purpose, I have issued a resolution granting special raises in the wages and salaries paid to Government employees, which range from twelve to fifteen percent in the case of workers at the lowest income level.

The Federal Labor Law provides the means for those covered by its provisions to demand an increase in the minimum wage, and thus maintain both the remunerative nature of the pay they receive and a balance in the factors of production. I am sure that when they exercise these rights, they will meet with a responsible attitude on the part of management.

This effort, and all those that tend to promote a more equitable remuneration for labor, would in the long run prove useless if wage increases are simply transferred to the final price of goods. They would even be self-defeating if taken as a pretext to trigger undue rises in the cost of living.

The Government of the Republic is paying close attention to these phenomena. It hereby announces its intention to strengthen, if necessary, legal and institutional mechanisms to sustain the purchasing power of wages and eliminate antisocial economic practices of usury or speculation.

As of today, we have ordered the creation of certain instruments for the protection of wages. The market conditions that workers, as consumers, encounter have isolated them and weakened their capacity to demand equitable treatment in commercial transactions.

The purchases they must make to provide for their support and to increase the family patrimony are made through a distribution system that is frequently onerous and, as regards credit terms, notoriously unjust, often doubling legal rates of interest. Such conduct acts counter to the struggle for social betterment and prolongs exploitation of the worker.

We have ordered the creation of a National Fund for the Promotion and Guarantee of Workers' Consumption, which will act as guarantor for workers, thereby giving them the credit standing required for loans to purchase durable consumer goods and essential services. The fund will also finance the establishment of union stores envisaged in the Federal Labor Law, as well as of trading centers offering reduced prices.

This institution is an indispensable complement to those that provide workers with proper housing. The objective is to make credit available to all, encourage savings on a broad popular basis, correct the structure of demand, reduce middleman activity, and encourage better distribution of family budgets.

We have instructed finance authorities to ascertain the amount of resources needed to set up the fund before the end of the year.

If workers' wages are protected at consumer level, their true increase will ultimately depend on the degree of efficiency attained by labor, management, and the community in general.

Both workers and our political system, however, utterly reject any idea of productivity unrelated to the concept of justice.

A rise in labor yield due to a mere increase in the work load is not productivity. Nor is improvement of technical processes enough to ensure higher levels of efficiency. If we are to increase respect for human effort, we must above all have a substantial change in the social climate in which work is performed.

Basic elements of this program include the creation of technical committees responsible for specific productivity projects; rationalization of the transfer of technology; preparation of national inventory of institutions and resources for workers' training; the drafting of a bill for training of the labor force; establishment of a national system of professional orientation regarding the need for and availability of qualified personnel, and coordination of the different production programs already operating in the public and private sectors.

Social Security is a labor victory that the Government is duty-bound to strengthen.

In response to the people's demand for extension of the benefits this system provides, we submitted for the consideration of Congress a bill for a new Social Security Law, which was approved.

In it, we reaffirmed our intention to achieve an integral Social Security system for the double purpose of giving fuller protection to each worker and extending benefits to groups of persons not previously covered by the system.

Existing benefits were improved and new ones added; arrangements were made to permit voluntary membership and, in accordance with our respect for labor rights, provision for medical services to striking workers and their families were made compulsory.

Among the most important new measures are the creation of a system of day nurseries for the children of working mothers and the establishment of the social solidarity system for the protection of fringe groups. Already registered under this system are 40 thousand Federal District newspaper vendors and 535 thousand inhabitants of the ixtle-producing region.

With the addition of groups of henequen, tobacco and mine workers, among others, the general population covered by Social Security increased by one million 500 thousand, or 14 percent.

A total of 63 new medical units were placed in operation and 74 more are under construction. It should be noted that the number of beds increased by 65 percent and the number of clinics by 37.5 percent over the year before.

Just a few days ago the Social Security Institute agreed to extend benefits to farm families in rainfall agricultural zones.

This measure will make medical services available to 5 million people in 22 states of the Republic.

When beneficiaries of these services are unable to pay their fees in cash, they may cover the quota by personal labor in their respective communities, for their own benefit. The purpose of this provision is to help farmers raise their living standards so that they may eventually be eligible to receive full Social Security benefits.

To provide adequate medical care, it will be necessary to establish several hospital-clinics as well as a series of small outpatient units, which together will provide strong support to the program for the consolidation of the micropoles of development that corn-deposit and sales centers represent.

The Institute for Social Security and Services for Government Employees (ISSSTE) also extended its benefits, providing coverage to 10 new important groups of workers. It continued to sign contracts with local state governments to provide medical care for their civil servants. In this way, it has increased its number of beneficiaries to 2 million employees, 45 percent over its total coverage at the beginning of this Administration.

Child protection and welfare institutions directed their efforts toward integral child-care, strengthening the family nucleus and community development.

Three community development centers are already functioning in the Federal District, and 14 more will begin providing services within a few days. This program will be extended to the entire Republic in conjunction with regional institutes.

A program has been launched to provide farm families with guidance in nutrition and hygiene with a view to improving their eating and sanitation habits.

For nearly a year, children in the Mezquital Valley have been receiving free breakfast; daily distribution of these rations has now reached 31 thousand. As of tomorrow, the number of breakfasts distributed to the children of this area will be increased to 50 thousand per day.

The National Institute for Child Protection and the Mexican Institution of Child Welfare are thereby carrying out their sensitive mission with ever-increasing efficiency.

As a contribution to the over-all development of our youth, the construction of sports installations has been intensified. This work will benefit physical training of rural youth as well as young people in cities. A total of 29 thousand sports fields are being constructed throughout the ejidos of the Republic.

Our labor laws establish the obligation of companies with more than one hundred employees to provide low-cost housing for their workers as a social service. The economic motives that limited the scope of this measure were also responsible for the difficulties involved in carrying it out. It became increasingly evident that the original formula should be replaced by one more in accord with the economic and social realities of the country.

Particular mention should be made of the fact that there are already 3 million workers registered with the INFONAVIT (the national low-cost housing institute), and that 97 percent of the companies contributing to the fund employ fewer than 100 workers.

The Institute, which has been in existence for less than one and a half years, is now handling funds for the equivalent of 9 percent of total Government investment.

It is currently engaged in building 54 thousand 725 homes in 45 towns and cities throughout the country, for a total expenditure of 3 billion 540 million pesos. It has also granted 44 thousand individual home loans amounting to a total 2 billion 200 million pesos.

From the moment it began its work with a fund provided by an amount equivalent to 5 percent of the payroll—a percentage contributed by companies as an additional benefit to workers—management, labor and Government indicated that the program was not a panacea, that it would work gradually to solve the housing problem of salaried workers, and that its short-term goal was to reach an annual construction rate of 100 thousand homes. We are well on our way to achieving this purpose.

Workers, entrepreneurs and Government officials developed an equitable method of selecting the wage earners who, over a period of time, would obtain homes or building loans allowing them to build their own homes.

With the aid of Mexico's largest and most modern computer systems, an extraordinarily rapid job was done of drawing up a list of nearly 3 million workers, who have now seen from the first drawings that winners are selected on a just and impersonal basis. As it happens, there are a number of unions whose members earn wages high enough to enable them to purchase land on their own and to build housing complexes in the usual way, or to synchronize their efforts with the system established by the Institute and join with other unions in the construction of large developments that will provide housing facilities for many or all of their members.

Last year, we promised Government employees and members of the Armed Forces that we would take action to bring about the legal reforms necessary to provide them with similar services. Once the reforms were approved, the funds for this, which today total 948 million pesos, began to be used. Construction is now underway on more than 10 thousand homes for these public servants.

The number of houses built in Mexico City is exceptionally high. During the past year, the Department of the Federal District built 7 thousand dwelling units and the National Public Works and Services Bank, another 4 thousand 100. Within a short time, construction of 42 thousand homes will have been completed.

The FOVI has financed the construction of 16 thousand 400 dwellings in various cities of the country. For its part, the Fund for the Guarantee and Support of Housing Credits approved 7 thousand 443 applications for home loans in the last year.

The problem is not that production of building materials has dropped; it has increased, but demand, too, has risen, due to these social programs for low-cost housing. Most of the more than 60 industries involved in the production of building materials are enlarging their installations and stepping up production.

We must accelerate production in this area because the construction rate of low-cost workers housing is also being increased in many cities and small towns.

Rural areas, too, will undoubtedly soon be adding to the demand for building materials in view of the housing programs for farmers that began on a modest scale and are now being expanded.

We must also take into account the needs of the flood and earthquake-devastated areas in the states of Guanajuato, Michoacán, Chiapas, Tabasco, Puebla and Veracruz. The demand for construction materials in these areas is already heavy, and we must provide them in a spirit of social solidarity at official or traditional prices.

We hope, therefore, to see a concerted effort to meet the demands of these construction or reconstruction programs.

During my recent trip abroad, I had the opportunity to note the similarity of problems faced by great cities everywhere. This enabled me to exchange statistics, information and opinions with Heads of State, mayors and municipal authorities of the various capital cities I visited.

There is a noticeable tendency everywhere toward concentration of the population in cities. The causes of this phenomenon are numerous, but the principal motive lies in the difference in living standards of the urban and rural sectors. The grave problems arising from urban growth have created an urgent need for structural changes in each country's domestic policies and even for the revision of the organizational models that will provide guarantees for a future society.

In dealing with urban development, we have given preference to infrastructure works and improvements in low-income areas. Large districts and even entire cities in which poverty-stricken inhabitants existed without paved streets or services were transformed into decent settings for human life, as in the case of Ciudad Netzahualcóyotl.

Another important step was canalization of the Tijuana River, in which the sum of 140 million pesos was invested, and completion of the Urban Center 70–76, which provides new living quarters for 350 families who were living in the affected area.

Work on the Acapulco Plan continues, as do federal urban improvement programs in Ciudad Juárez, Ciudad Madero, Matamoros, Nuevo Laredo, Tampico, and low-income sections in the city of Veracruz.

Additions and reforms to the Organic Law of the Department of the Federal District were promulgated to perfect the process of administrative decentralization.

Among the more important of these measures was the creation of District Attorney offices in low-income neighborhoods to provide legal protection and take the necessary action for proper registration of property.

The city's growth in recent years had led to an increase in so-called "horizontal property". The Law on the System of Real Estate Property in Condominium for the Federal District and Territories offers greater legal security to owners.

FIDEURBE, an organization to promote the rational use of land in depressed areas, was brought into being. Work is underway on property registration in 500 neighborhoods, with the collaboration of both developers and residents, who must establish their right to the property they occupy and determine costs and terms of payment for the lots.

We have made satisfactory progress in programs for rehabilitation of "lost cities", moving thousand of families to housing centers built to meet the requirements of a modern city.

One of the basic problems besetting the Valley of Mexico is the difficulty of supplying it with drinking water. At present, the Federal District receives a volume of 35 cubic meters per second. The cooperation of all citizens is essential to avoid waste of this natural resource, so scarce and so necessary to life. A 7 percent increase in sewage treatment capacity, however, has permitted better utilization.

Huge deep-drainage works now include the drilling of 42 kilometers for the central emitter: 10 more than last year. Four kilometers more have been drilled for interceptors. This work, carried on out of public sight, is designed to carry off sewage and rainwater, thus preventing flooding in Mexico City.

We have greatly improved the electric transportation service in Mexico City with the renewal of over 70 percent of the equipment. The construction of another 13 kilometers of the Collective Transportation System will be undertaken in the near future.

The National Health Convention is an unprecedented event in the annals of our medical history. It scope and scientific importance constitute a new and exemplary point of departure in the struggle to procure the total well-being of our people.

More than three thousand delegates from all parts of the country met at this assembly to undertake an exhaustive study of actual conditions in health, welfare, and social security. The papers presented by eminent specialists, representatives of medical academies and associations, and by federal and state officials, comprised a vast sum of knowledge that is being used at present to compile the National Health Plan.

I would like to place particular emphasis on the gratitude of the Government to the members of the medical profession who participated so enthusiastically in this congress, and point out, at the same time, that unity among them is an essential condition to promote the improvement of our social life based on a firm foundation of individual health and fitting standards of family living.

The deterioration of our environment is one of the main concerns of public opinion. The life and well-being of societies depend on the strategy adopted to maintain a balance between development and preservation of the ecology.

Regulations were issued for the Prevention and Control of Water Pollution. In the period covered by this report, 31 programs of reforestation were undertaken throughout the national territory. In the Valley of Mexico alone, 3 million trees were planted over an area of one thousand 667 hectares.

Despite the efforts of the Government, it will not be possible to reduce present levels of pollution without the active cooperation and interest of every citizen.

ECONOMIC POLICY

From the beginning of my mandate, I proposed to the country the modification of the strategy for development. The objectives we then set forth and which we now reconfirm with facts were the result of a democratic consultation between the masses of the people and all sectors of economic activity.

Soon this Administration will have completed its third year. Therefore, this is a propitious occasion to make an assessment of the results of the actions undertaken and of the domestic and foreign circumstances that counsel us to adjust the policies adopted in order to attain their goals more effectively.

After a period of consolidation in which it was necessary to reduce the overall volume of public and private expenditures, though also the rate of indebtedness, all branches of activity experienced a marked upturn, reaching their highest levels toward the end of last year.

Economic expansion cannot be checked in a country with a high rate of demographic growth and social needs that have been postponed for centuries. The Federal Government assumed the responsibility of promoting productive activities by consistently increasing its outlays, in accord with development program priorities.

We made essential changes in the tax collection system in order to increase revenue. The fiscal reforms which this Congress passed in December 1972 strengthened federal, state and municipal finances. To fight tax evasion, certain modifications in the tax collection system were introduced and its decentralization was accelerated.

During the first eight months of this year, the effective budgeted revenues of the Federal Government showed an increase of 20 percent, while expenditures increased 28 percent. Outlays were based on priorities in order to obtain greater balance among immediately productive expenses and disbursements for infrastructure and social projects.

The numerous fiscal incentives the Federal Government grants facilitated the import of capital goods and industrial decentralization, specially favoring the economically depressed areas. Border assembly plants and mining activities were particularly benefited and an incentive, similar to one applied to exports, was established for the sale of technology abroad.

The rapid growth of demand for goods and services during 1972 constituted the driving force of economic recovery. The main factor was public sector demand, as a result of increased spending. Private investment also grew, although at a slower rate, due both to subjective factors and to limitations in the capacity of our productive structure.

Thanks to the way we oriented economic growth, consumption was strengthened by wage raises and increased employment. The intensive use of labor in rural areas and implementation of undeferrable projects of social usefulness contributed decisively to this growth.

The gross domestic product rose by 7.5 percent during 1972.

Agricultural activities were granted exceptionally high financial resources. This sector produced large surpluses for export. However, important shortages were created in certain food products due to floods and droughts which made it necessary for us to make purchases abroad.

The increase in durable goods and, in general, in all manufactured products, was remarkable. The construction industry expanded importantly due to the reactivation of public works and massive low-cost housing programs.

Diversification of exportable supplies consolidated the opening of foreign markets and offset the outflow of foreign exchange used to buy goods necessary to assure our process of industrialization. According to preliminary

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estimates, exports between September 1972 and August 1973 reached an approximate total of 23 billion 200 million pesos, that is, 18.6 percent more than in the comparable period of last year.

The sale of manufactured goods represented 43 percent of the total, which confirms the competitive capacity of Mexican industry. During this period, our sales to Japan increased 38 percent, Great Britain 65 percent, Canada 48 percent and the People's Republic of China, 55 percent.

Tourism maintained its high rate of growth. The number of visitors increased by 11.9 percent and our revenue on this account, 22.7 percent.

However, during the first months of 1973, clear symptoms of inflation reappeared. Abnormal rises in prices, in money in circulation and imports indicated an imbalance between total supply and demand. There was also overcrowding in transportation and shortages in the supply of fuels and power and other basic products.

Economic fluctuations transmitted from abroad adversely affected our domestic efforts. The deficit in the balance of payments of the United States and the imbalance in international money markets led, during February last, to a new devaluation of the dollar with respect to the currencies of other countries with which we have commercial relations. The adoption of emergency measures by these nations to avoid the excessive flow of speculative capital which threatened their own stability, led to the abandonment of the guiding principles of the international monetary system.

Also observable on a worldwide scale is a growing scarcity of food products and raw materials essential for development. These shortages are caused by population growth and the incorporation of millions of human beings into the consumer market, as well as by a relative depletion of existing natural reserves, insufficient crops and structural deficiencies in systems of distribution.

These monetary crises permit countries which have a surplus of foreign exchange to stockpile raw materials and engage in speculative activities in world markets. To this we must add the intervention of transnational corporations which take advantage of positions of monopoly to distort normal competitive mechanisms.

Inflation thus has an impact not only on industrial costs but also, to an excessive degree, on consumer prices. International prices of some basic products have, in only a few months, increased twice and three times over. The countries of the Third World are particularly affected by this phenomenon, and though it seems paradoxical, the nations which through our own efforts have developed sufficiently to participate to a greater degree in the world economy are the ones that suffer most.

However, the causes of the inflationary process are not exclusively a reflection of external influences. They are also a consequence of specific domestic conditions. A rapid process of economic expansion and the broadening of distributive policies require a period of adjustment to adapt increased demand to the behavior of management and the proportion of the productive system.

The most important instances of insufficient supply were felt in the agricultural sector which for the past two cycles has been affected by unfavorable weather conditions. Excessive rainfall in the northeast of the country and droughts in the central plateau reduced the corn and sorghum crops, already small due to the problems which for some years have affected agricultural production.

Lack of foresight regarding the volume of private investment needed to satisfy demand in certain fields, and speculative operations by middlemen, originated shortages in industrial supply. Not only do those who violate the essential norms of solidarity harm the interests of society, but also those who maintain in idleness resources that are the result of the common effort of the people.

To affirm that investment and the consequent rise in prices is the result of Government economic policy is a falsehood which only favors the interests of reactionary groups. What the Administration has undertaken is precisely to correct conditions that disclocate our economic life.

Obviously, in Mexico, Government spending is not and never has been excessive. It is notoriously insufficient to satisfy collective needs and as has been proven during the past year, the impulse it provides is indispensible to maintain the rate and continuity of growth.

Having decreased the prospects of foreign debt to which we reatored excessively in the past, our economic equilibrium depends, essentially, on the fair contribution of private enterprise to public expenditure. Wealth which is spent on superfluous consumption should be transferred, to a much larger degree, to the achievement of the basic aims of the comunity. This is the key mechanism for redistribution of income.

Some countries have adopted inflation as a technique for growth. Mexico wishes to continue advancing through a stable economy. The rise of inflation is contrary to the aims of the community because it permits those who have the most to increase their profits, while those who have less suffer a loss in their purchasing power.

But if out of fear of inflation we were to permit income to continue to concentrate in a few hands, we would endanger the country's stability and its possibilities for true development.

We must, therefore, at the same time control inflation, promote growth and redistribute income. To this end, we have set in motion an economic program to deal with excessive demand, insufficient supply and abusea of speculation.

Until we can organically reduce the imbalance between supply and demand, it is necessary to regulate the latter through adjustments which I have authorized in global Government expenditures. We have reorganized our disbursements so that their rate, insofar as possible, will keep pace with the general evolution of the economy.

Its structure by sectors is also being reviewed so that preference may be given to directly productive activities within a financial framework strictly adjusted to budgetary levels. We must discourage, for the present, any venture, expense or investment, whether governmental or private, which does not increase the supply of goods and services.

The financial authorities will prevent an excessive expansion of credit, but they will even more firmly support financing of production, principally in rural areas. They will tend to restrict nonessential consumption and excessive inventories, and favor instead consumption by the people of basic commodities.

We shall maintain the exchange rate of 12.50 pesos to the dollar and shall not establish exchange controls for transactions of goods and capital. This invariable policy is essential under the present circumstances to promote confidence and encourage public savings and business investment.

Our financial goals are backed by total reserves of 25 billion 137 millions pesos held by the Banco de México, of which 16 billion 59 million are gross reservea in gold, silver, and foreign exchange, and 9 billion 78 million, secondary reserves in various financial institutions abroad.

Through the coordinated action of all its agencies, the Federal Government is promoting maximum use of installed industrial capacity, as well as of farms and ranches which can rapidly increase the supply of food products, raw materials, and goods for immediate consumption.

The Government is also strengthening measures to encourage private investment, especially in those areas that have shown greater scarcity of supply. This firm action must be reciprocated by the more decided sharing of private investors in the work of development.

The country could not feel confidence in those who would subordinate an activity which is essential to the community, to psychological factors, prejudices or unfounded suspicions.

Quantitative and qualitative production growth depends not only on the increment in rates of investment. Basically it implies the use of our great national reserve: organized labor. It presupposes persevering action to reduce fringe groups, to integrate the country in its social and physical aspects, to improve standards of living, and give each and every Mexican a greater capacity to produce and consume.

Solutions to inflationary problems do not necessarily have to be conservative, as some try to make the nation believe. Measures adopted to curb wages provisionally are justifiable only in societies with high levels of income and well-being.

It is understandable that highly developed countries with low rates of unemployment would prefer to face social costs of a temporary decrease in employment rather than the risks of an increase in economic costs, which would reduce their possibilities to compete internationally.

In Mexico we want to foster production from its base. With this criterion, we decided to increase the guarantee price for corn and beans, as this is the source of income for millions of farmers. For similar reasons, we moved to raise the salaries of Government employees and to request Congress to authorize an adjustment upward in the minimum wage scale.

Similarly, as of today, a 15 percent raise will be granted to the members of a sector that has always shown unvarying loyalty to our institutions: the Army and the Navy.

The Mexican Government cannot ask the low-income groups to bear, alone, the burden of inflation, while certain minority groups take advantage of market conditions for their own benefit.

However, wage raises could be counterproductive unless they are backed by a rational price policy.

Entrepreneurial organizations, encompassing bankers, industrialists and businessmen, have accepted the commitment to absorb, without affecting prices, the wage increases that may be accorded to restore labor's purchasing power.

In a coherent program designed to prevent an inflationary spiral, they have agreed to maintain prices in effect as of July 31, 1973 for basic commodities, for a period ending March 31, 1974.

During this period, only rises in basic production or marketing costs that jointly exceed 5 percent, will be added to the price of goods. In this way, profit margins will not be excessive and speculation, which responsible and nationalistic entrepreneurs should be the first to condemn, will be averted.

I have given instructions to the competent authorities and institutions to work out the methods that will guarantee fulfillment of this commitment and, in cases of noncompliance, enforce it.

The responsibilities incumbent upon each sector at this time are clearly defined. From this tribune, I call upon all social groups to solve the controversies according to law, through negotiation and true patriotism.

Antagonistic feelings among divergent economic interests usually become more acute during inflationary periods. It is up to the Government to see to it that the general interests of society prevail and that its future is guaranteed. The revolutionary nature of our governmental system is not open

to question: we are in complete solidarity with the cause of the people.

Just as we demand at international level that the rights of the Third World be respected, so in Mexico we seek to ensure justice for the farmer and the worker. In the same way that we fight in order that fairness and a sense of survival prevail over irrational violence, so in Mexico we shall maintain national harmony to assure prosperity for all.

MESSAGE

Honorable Congress of the Union:

We have worked untiringly to serve the nation. We have rejected all forms of authoritarianism. We have extended systems for consultation with the people and we have renewed essential aspects of our political life.

The practice of democracy does not end with the election of Government officials. It also means the exercise of civic rights and a state of public awareness.

That is why we have opened debate on matters which, until recently, were treated with useless bureaucratic secrecy. We encourage all citizens to express responsible opinions because we do not believe in silence as a valid form of agreement or consensus. To prevent the legitimate expression of social differences neither resolves nor eliminates them; it only disguises and aggravates them.

The people know the dangers of actions by a closed-in Government, the mistakes and tensions that arise when Government leaders do not live immersed in reality or when they consider themselves to be distant arbiters, and not sensitive participants in the social process.

All groups and individuals must be coparticipants in political decisions, for together they are the true expression of the will of the nation.

We promote change but do not confuse what is desirable with what is possible. We accept the risks and limitations involved by strengthening, not suppressing, our democratic process.

International circumstances are difficult for developing countries. At every step we encounter the opposition of powerful interests and deep-rooted prejudice. It is only through the concerted will of all Mexicans and mutual trust between the Government and the people that we can advance toward the creation of more equitable forms of coexistence.

We are particularly concerned about the renewal of our political system and the transformation of our economy.

Mexico does not wish to lose itself in the labyrinth of an imitative consumer society. For the time being, its resources are only enough for a dignified life without superfluous luxuries. Future prosperity depends on its capacity to reorient the course of its productive forces in terms of law and political unity.

We do not govern only for today or for just a few. Each decision demands a broader perspective. We are clearly aware of Mexico's past course and what it must do in the future. We are concerned with the destiny of this and future generations. We take into account the opinion of social organizations and the voice of those who do not have the necessary means to make themselves heard.

We are carrying out a program which recognizes social complexities. We do not pretend to impose dogmas nor do we claim to possess absolute truths. We are acting within reality and not in the context of an oversimplified world. In our work, we face an accumulated backlog of the past, the problems of the present, and the possibilities of tomorrow.

We refuse to identify the administrative function with bureaucratic routine. A leader's desk must not be a barrier or a privilege, but an instrument of work.

We leave it frequently in order to confront specific problems, to get direct information on the needs of our fellow citizens, and to give instructions for immediate solutions.

And, far from remaining indifferent to world change, we have travelled to other countries to reaffirm Mexico's international doctrine, to defend our interests, strengthen bonds of friendship, and to establish relations that reinforce our political and economic autonomy.

Privileged groups invariably confuse general progress with their own, and fight every change that threatens their private interests. They forget, however, that wealth is not unlimited, and that its excessive accumulation presupposes the impoverishment of other sectors and inadequate compensation for human labor.

Social peace, a prerequisite for any stable economic process, cannot be enduring under conditions of injustice. We have always been aware that a program of transformation such as the one we have undertaken would face opposition from sectors, groups, and individuals who always look to the past, whose interests are in conflict with those of the majority, and whose actions and ideologies are alien to our national objectives.

It is necessary that all Mexicans, even those who have yet to understand the meaning of and necessity for the changes we have set in motion, now join in the collective task. The country needs their creative capacity and their human effort to transcend its present stage of historic evolution.

There can be no greater waste than the dispersion of wills. The national unity we call for today is not simply a principle of permanent coexistence; it is also a postulate for progress. We Mexicans have many common objectives to achieve before we can devote our attention to the pursuits of individual or group interests.

At this time, almost three years after my inauguration as President, the Government bases its action on the extensive and solid alliance of the people, without renouncing any of its original goals.

In reaffirming my confidence in the destiny of Mexico, I undertake before this Congress to continue upward toward renewal and onward along the road of the people.

WE MUST PUT OUR NATIONAL HOUSE IN ORDER

Mr. MANSFIELD. Mr. President, the Watergate and related inquiries will continue to be as important if not more important until the facts are fully clarified and corrective legislation is designed and recommendations are made to the Department of Justice. The Senate committee is not concerned with imposing penalties and will not do so. That is a matter for the courts. In the end, that is what the hearings are all about.

Just as important, however, the functions of the Government in the executive and legislative branches must also continue; the immediate problems confronting the Nation must be faced.

There are matters of overriding importance at this time—inflation, about 8 percent and especially the price of food which will show close to a 20-percent jump in calendar year 1973, a gathering energy crisis, campaign reforms, health, education, the skyrocketing cost of housing, and many others. These needs must be attended to and attended to now.

The Senate has been moving to face up to these issues. Together with the House, the Senate has been and is ready, able, and willing to work closely with the executive branch under the President in coping with these problems and in finding solutions.

Ahead of us lie growing shortages in gasoline and heating oil. Money is already in tight supply as attested to by prime interest rates of 9 percent and above. It is shocking to note, too, that in spite of a decline in the unemployment rate to 4.5 percent, in spite of an inflationary boom, there are also fears of a recession.

The record of the Senate has been an excellent one so far this year. It will be even better in the months ahead. While there may be differences between the executive and legislative branches, I want to repeat that there is no obstruction of the regular functions of the Government. Insofar as the Congress is concerned, there will not be any obstruction. On that score, the leadership in both Houses—Republican and Democratic alike—is in full accord. The U.S. Government must continue to function, it is functioning, and it will continue to function.

We are passing through a difficult period. It is not only Watergate and all that it implies. It is years of neglect of inner national needs. It is the long night of a devastating war.

With the phasing-out of the war in Indochina and the establishment of a truce and ceasefire in the Middle East, it seems to me that we must turn to face directly the urgent difficulties inside this Nation. To be sure, major problems still confront us abroad and they must be dealt with in the long-range building of a stable peace in the world. All of them, however, will be more readily resolved if we do what we must do at home to put our national house in order.

Mr. SYMINGTON. Mr. President, may I express my congratulations to the distinguished majority leader for his logical and able presentation this morning.

Mr. MANSFIELD. Mr. President, I appreciate what the distinguished Senator from Missouri has just said.

Mr. HUGH SCOTT. Mr. President, I agree with the distinguished majority leader's always rational approach to our duties and our responsibilities. I hope it is a matter well understood by the public that in the midst of all our problems and difficulties, a war we were in, and a war we are now out of; the problems of inflation; the problems of unemployment, which is at at a new peacetime low—a new low for almost 4 years; and the gradual improvement of our economy—all these are good things.

On the other hand, there are other problems which concern us with regard to all the crises, foreign and domestic; and during all this time the Senate and the House of Representatives have proceeded rationally and responsibly in the conduct of the public business. The Democratic Party has acted responsibly, and the Republican Party has acted responsibly. The two-party system in this country is firmly embedded in our practices and in its operation.

I think it is important that we remember that the right of the Executive has been preserved. He has, in fact, had eight vetoes sustained in Congress. On the other hand, the right of Congress to be head on important matters, particularly those of national defense, has been preserved. We have worked out

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and adjusted many of our differences. We have done all this in the midst of a turmoil that is unprecedented in the country's history.

I think—and I have said—that it is time to bring to an end some of the recurring crises that confront us. The way to do that, I believe, is to make full and complete disclosure of all information by the Executive which would have any bearing whatsoever on the numerous and almost altogether unproved allegations against the administration. The way to do it is simply to give the American people all the facts and to let them judge.

We are not going to lance this boil on the body politic unless we use the kind of measures which will bring about not technical delays, not long processes in the courts, but a mutual spirit of accommodation which itself can go a long way to bring back the confidence of the American people in the operation of our Government—in the legislature acting responsibly, in the administration acting responsibly, and in the court system, in which we all have faith and complete confidence. I believe there are ways in which this can be done. I am in favor of doing it.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from New Mexico (Mr. Domenici) is recognized for not to exceed 15 minutes.

Mr. DOMENICI. Mr. President, I yield 3 minutes to the senior Senator from Missouri.

Mr. SYMINGTON. I thank the distinguished Senator from New Mexico for yielding.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that any time given by the distinguished Senator from New Mexico to the distinguished Senator from Missouri—and I do this with the approval of the distinguished assistant majority leader—be taken out of the time allocated to the Senator from West Virginia (Mr. Robert C. Byrd).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE FARCE THAT IS OUR BASE AND TROOP POSITION ABROAD

Mr. SYMINGTON. Mr. President, for a number of years, along with many other Members of the Senate, I have questioned the tens of billions of dollars the United States has been spending in Europe on personnel and bases, much of this spending having been made with the premise that these American military, their equipment, and the bases themselves would be important "staging areas" for possible utilization in case of trouble.

Now we know that these apprehensions have been only too true. Except for Portugal, not a single country in Europe would allow us to use any of these "so-called" U.S. bases and facilities so as to reinforce our shipment of arms to the Middle East.

Let us not kid ourselves with all this talk about multilateral force reduction and so forth. The people of the United States have been taken and taken plenty, to the tune of tens of billions of dollars; and the irony is that the expenditure of all these billions of the taxpayers money have been at the expense of true national security, because a sound economy, with a sound dollar, is vitally important to the latter.

In this connection, I ask unanimous consent that an article by Richard Mowrer from the Christian Science Monitor, dateline Madrid, October 30, entitled "U.S. Bases in Spain—Open, But Inoperative in Crises," be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

U.S. Bases in Spain—Open, But Inoperative in Crises

(By Richard Mowrer)

Madrid.—The Middle East crisis has brought into sharp relief serious weaknesses in the United State's agreement with Spain over joint military bases.

Conflicting views and divergent attitudes on the part of the two military partners indicate that the full effectiveness of the American-manned air and naval installations here tend to be much reduced when there is a world crisis:

When President Nixon put American forces on global alert the Spanish Government announced that the alert did not apply here. In a statement to the press Information Minister Fernando de Linan said the bases used jointly by Spain and the United States were not affected by the alert "because under the treaty of friendship and cooperation the consent of both governments is required."

When the Middle East war exploded Spain let it be known that it would not permit the joint bases to be used in connection with "a local conflict such as the Arab-Israeli war." The purpose of the joint bases, it was stated, was "solely" to counter a threat or attack against the security of the West.

Within days a second statement was even more explicit. It said the bases could not be used in connection with the Middle East war "at any time, in any way, directly or indirectly."

The prohibition has denied the U.S. use of the bases here as staging areas for airlifting supplies to Israel. In previous crises, such as the Lebanon crisis of 1958, and following the Six-Day War in 1967, the bases in Spain had served in varying capacities.

ARABS BACKED

The Spanish attitude is prompted by the fact that it is General Francisco Franco's policy to back the Arab cause in the Middle East. Madrid has never recognized the State of Israel. Reasons for Spain's pro-Arab policy are: dependence on oil supplies from Arab countries and hope that Arab pressures on Spain to give up its possessions in Africa (Spanish Sahara and the enclave cities of Ceuta and Melilla) can be fended off.

According to American officials, the U.S. did not in any case ask to use the bases in Spain in connection with the airlift to Israel, so the question of their availability never arose.

What is not clear is to what extent the operational scope of the U.S. Navy and Air Force elements based in Spain has been affected by Spanish restrictions. The 16th Air Force, with headquarters at Torrejon, commands units across the full length of the Mediterranean. The naval base at Rota provides logistics support for the Sixth Fleet.

KEY PROVISO

Ambiguity surrounds the question whether President Nixon's global alert applied to the bases in Spain. It is a question American sources here are reluctant to discuss. It would seem, however, that the American military in Spain was, in fact, alerted and responded accordingly. If the oposite is true, then the picture is indeed startling.

A key proviso of the Spanish-American agreement of 1970 is that "There shall be urgent consultations between the two governments if there is an external threat or attack against the security of the West."

American officials would not comment when asked if there had been consultations, as provided for in the agreement, when the crisis escalated to direct confrontation between the United States and the Soviet Union. It would seem that in American eyes there was a threat against the security of the West requiring "urgent consultation" with the Spanish Government.

NO CONSULTATIONS

But Spain, it appears, did not see the situation that way. The impression one has is that if the Americans requested urgent consultations they didn't get them.

The U.S. agreement with Spain over the bases is 20 years old, but even though it provides for military cooperation, it is not a full-fledged military alliance. This status is a sore point with Spain, which is not a member of NATO. The feeling is strong in Spain that whereas the United States and the rest of Western Europe benefit from the Spanish link to Western defense, Spain is not getting its due.

Spain would like the American connection to include a clear-cut undertaking to protect Spanish territory in case of attack. But the deal with Spain is an executive agreement and consequently does not go that far. This being so, the inclination here is to be not all that cooperative when a crisis situation flares up.

NEED FOR CONGRESSIONAL BUDGETARY REFORM

Mr. DOMENICI. Mr. President, I know that today many Americans and certainly most Senators and Representatives in this land are concerned about matters that are not usual for us. Yet, it seems to me that while we together try to come to some solution to that problem, a solution that basically, it seems to me, must come in the method and manner suggested by the Senator from Pennsylvania (Mr. Hugh Scott) this morning, I thought nonetheless that even though that problem bothers me, I should return to the floor in the manner I had planned some 3 weeks ago and talk about the appropriating process that the U.S. Congress uses and once again remind my fellow Senators of this very serious problem.

I believe that when I spoke about this subject before, I made it clear that I feel that the system we presently use for appropriating funds appears to me to be totally beyond the bounds of logic and reason. That is a most serious charge, especially for a new Member of the Senate; but because it is, I would like to pursue it further, to buttress my case with additional observations which I hope will make my arguments more compelling.

Today, I would like to address myself to two problems in our present procedures of spending the money that the American taxpayers give us to spend on their behalf: Our failure to relate spending to revenues, and the total absence of priorities in our approach to spending.

If the Members of this body will bear with me, I would like to point out the inevitable confusion which results from both these facts and the danger to our country which follows from them.

Let me begin by saying—as I have already implied—that my arguments will not be based on some esoteric and inexact study called economics, which many of us find more often confusing than enlightening. They come from something more basic than that—from logic, the application of human reason to the problems man faces.

In this case, the results of our confusion, because they can be expressed in dollars and cents, may be economic in nature. But the source of our error, it seems to me, is our refusal to use our reason and to proceed in a logical way.

I do not believe that reason is a faculty from whose use Congress is exempt. In fact, because of the nature and importance of our endeavors, I think we are bound to it and to use it to a degree to which no private citizen can be bound. His mistakes in judgment affect only himself, a family, or a business; ours affect a Nation—and, in these times, a world.

How does a private businessman or professional man approach the sorts of problems we are talking about today?

Whether he is a member of the board of a giant corporation or the proprietor of a one-man shop, he plans. He projects himself into the future. He studies the past and present history of his enterprise and, on the basis of that study, attempts to find realistic answers to two questions:

What can we except as a ratio between what we take in and what we will be expected to spend?

When we spend, which items are essential and necessary to accomplish our ends and which are incidental or dispensable?

These questions are so basic, no business can ever succeed without answering them.

Yet Congress, in conducting the largest business enterprise ever developed by man, does not even ask these questions.

It probably does not matter what the forces of history were which led Congress to its present procedures. But it matters very much that the procedures defeat the application of logic and clear reasoning, that they make it all but impossible to go forward in a way which commonsense itself tells us is essential.

When this is so, it is not logic and reason which must be changed; it is procedures.

Do we, in fact, relate revenues—our annual income—to expenditures?

The answer to that is simply that at no time does either House, acting as a whole, examine any budget to pass judgment on whether its total is appropriate to the needs of the country or wisely related to expected revenues.

I say "any budget," but as we all know, there is only one budget—that drawn up by the President—since Congress does not even prepare such an essential document.

It is true that our Appropriations Committee normally begins its year with hearings on the President's budget recommendations. While their hearing record is printed, no formal report with an overall evaluation of the budget is made to Members of this or the other body.

Expected revenues, again, are examined by the Finance Committee when they act on a limitation on public debt. Yet their aim, as we all know, is to determine as accurately as they can what the gap between spending and receipts will be—not to help adjust spending to a level consonant with income. It would appear that the committee acts on the judgment that Congress has already made most of its spending decisions and it would not be appropriate for them to force those decisions to be revised.

Finally, the Joint Economic Committee holds hearings on such matters as the President's budget and submits a report to Congress—but that report has no direct effect upon us, because it is not a part of our legislative program, procedure, or requirements.

Thus we have a Congress which has no machinery to answer the fundamental question of businesslike procedure: What can we expect to take in and what can we expect to spend?

As to priorities of individual expenditures, our position is even worse.

Here the question is not merely one of how appropriate a single, top-dollar figure is to both revenue and the needs of the country; it is a question of the appropriateness of a series of proposed expenditures, not merely in and of themselves, but also in relationship to one another and to the total figure which I already discussed.

This is many times more complex than arriving at an overall budget total—but that does not mean it is any less necessary.

Unless all proposals can be viewed in relation to each other, how can their validity be determined?

In short, unless we can somehow devise a method for expressing a weight or priority for each category of our spending, we can never spend with the degree of rationality our job requires.

Certainly the present system, in which we face each session more than a dozen major appropriation bills, each presented to us separately and without reference to one another, only leads to economic chaos.

I have today used some strong language about our lack of an adequate system. If you are inclined to feel my descriptions are unjust, I call your attention to the results: A rate of inflation which bleeds away the value of all our holdings; spending which exceeds revenues and puts by nothing for tomorrow in session after session of Congress; and a tax structure which continues to spiral upward toward infinity.

Surely these are facts which persons of all persuasions must recognize. Surely it is incumbent on us to do something about them, even if that requires drastic surgery on our time-honored methods of procedure.

Surely logic will accept nothing less.

Whether you agree with me or disagree, I invite you to make your thoughts heard. For this is the most important legislative body in today's world; and for it to continue to proceed as though what it does makes sense when in fact it does not is an almost criminal affront to reason.

I am critical of no one for the situation in which we find ourselves today. I only invite you to consider it logically, as I hope I have begun to do—and then to join me in my resolve that outmoded procedures must be replaced, for the good of the country and the world.

ORDER OF BUSINESS

Mr. DOMENICI. Mr. President, I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Michigan (Mr. Griffin) is to be recognized.

Mr. STAFFORD. Mr. President, on behalf of the Senator from Michigan (Mr. Griffin), I am authorized to and I do yield back his time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Under the previous order, the Senator from West Virginia (Mr. Robert C. Byrd) is recognized for not to exceed 15 minutes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum with the time to be taken out of the time of the distinguished Senator from West Virginia (Mr. Robert C. Byrd).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I wish to address the Senate on the time of the Senator from West Virginia.

The ACTING PRESIDENT pro tempore. The Senator may proceed.

THE CONFERENCE REPORT ON MILITARY PROCUREMENT

Mr. MANSFIELD. Mr. President, it is my hope that when the conference report on military procurement, H.R. 9286, is brought before the Senate this afternoon, there will be a rollcall vote on final passage. I shall insist on that because of my strong feelings on this legislation and what has been done to it in the course of what is sometimes referred to as a conference.

The American presence in the war in Southeast Asia has ended; the cry for the domestic needs of our people at home has become more widespread; constituents believe that at last America is shifting her priorities from war to peace. But it seems that the more one hopes for change, the more one realizes that some things remain unchanged and bogged down by the tired old rhetoric of yesterday.

The defense outlays for this Nation would appear to be uncontrollable, or to state it more accurately perhaps—out of

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control. Total outlays for national defense will increase from $78.3 billion in 1972 to $81 billion in 1974. Authorizations for spending will increase from $80.3 billion in 1972 to $87.3 billion in 1974. There is no control over this rampantly burgeoning complex. It is inconceivable how much of the Nation's wealth is being consumed by this insatiable complex. In an attempt to understand how much money is involved, compared this total to the State budgets of the 50 States combined. The 50 Governors of the 50 States had approximately $59 billion total in their combined statewide budgets for all services and obligations.

The present defense bill deals with $21 billion of this total expenditure. There was great hope this year that slight inroads would be made. The opportunity was certainly there, and the House of Representatives for the first time in years authorized less than the Senate. But the Senate, too, made significant inroads into the question of vesting control in the Congress over both force levels and over the inordinate number of U.S. defense forces stationed on foreign soil—on lands and islands all over this globe.

Yet in the face of what once seemed to be progress by both bodies, the bill somehow returns to the Senate bloated over the levels approved by both the House and the Senate. Force level provisions so ably worked out by the Senate committee are drastically reduced. Troop reductions abroad voted by an overwhelming margin of the Senate have been eliminated. Of course, Trident's acceleration remained intact—committing over 1 billion of the Nation's resources in this fiscal year.

And the F–15 was approved—for nearly a billion more. And, of course, the B–1 goes on, the carriers go on, the M–16, and all the rest for billions more. The war may be over, but priorities have not shifted to peace; defense expenditures are on the increase instead.

With our troubled times at home, what this bill tells the American people is that there is still greater trouble ahead. Unless an effective measure of control is exercised over the voracious appetite of this defense complex, this Nation is in store for a crisis of enormous proportions. That is why I must cast my vote against it. It is the only way a Senator has to signal his concern over the direction of this Nation and the emphasis that must be brought to bear to make us truly strong and safe.

I yield the remainder of the time of the distinguished Senator from West Virginia to the distinguished Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I thank the distinguished majority leader, and I wholeheartedly support what he has just said. I intend to speak on the same subject. I understand the conference report will be before the Senate for action a little later today.

DEFENSE BUDGET ABOUT TO EXPLODE

Mr. President, I might point out that, while not a violation of Senate rules, reporting out a conference report on the military procurement bill that is higher than either the Senate or House versions circumvents at least the spirit of the legislative process.

The conference report on this bill authorizes a total of $21.3 billion. This is higher than either the House bill at $20.4 billion or the Senate bill at $20.9 billion.

The House had an historic vote on this bill when it was before the House. A new Congressman, in his second term, LES ASPIN, a young man from Wisconsin, introduced an amendment which was unanimously opposed by the leadership on both sides of the aisle, and it carried. It carried by a significant margin, but much of that victory was wiped out by action of the conferees.

According to both Senate and House rules, the conference compromise must be between the high- and low-line items limits of either bill. To quote from Senate Procedure:

> In a case where two amounts are involved, they may oscillate between the two extremes, but cannot go below the lower amount nor above the higher amount.

This applies to individual line items and not the full total. Under the strict interpretation of this wording, therefore, it is proper to obtain a total figure in excess of either body.

This is further reinforced by language stating:

> Where one House strikes out all after the enacting clause of a bill and inserts a substitute, the conferees have a wide latitude in dealing with the matters in dispute . . .

It is reasonably clear, therefore, that technically this is a proper situation.

Nonetheless, in my opinion, this "wide latitude" should not be abused and the original intent of both Houses should be reflected in the final conference report. And the original intent of both Houses was to have a lower military bill.

In fact, the conference report before the Senate is not a compromise. There is little give or take. It is mostly give. It is the acceptance of all the high levels of military spending and the rejection of almost all attempts to hold that spending in check by either body. It even contains funds not requested by the Pentagon for certain aircraft procurement.

Mr. President, the military budget is about to explode. Not only has the conference committee compromised at a higher level than recommended but two massive supplemental appropriations bills are waiting in the wings.

First, there is the military assistance supplemental of $2.4 billion, consisting of $2.2 billion for Israel and $200 million for Cambodia.

Second, there are strong indications that the President will ask for a special Department of Defense Supplemental to "increase U.S. readiness." While the size of this supplemental has not been made known, it is expected to be several billion dollars.

Coming on top of a defense budget of $5 billion more than last year and another $3 billion in savings from the Vietnam war, these new increases will have a significant inflationary impact on an economy that cannot stand many more strains.

We have had a series of hearings before the Joint Economic Committee on inflation, and there just is no queston at all this kind of action by Government is the most inflationary action it can take, because while it is necessary for us to have a strong military force—it should be, in my view, the strongest in the world— every dollar we spend in the military area is inflationary, because it increases demand and it does nothing to increase the supply of goods. Unlike housing or manpower training programs, where goods or services available are increased, the military program simply increases the demand for the economic goods that there are.

Furthermore, 70 percent of the controllable outlays in fiscal year 1974—$7 out of every $10 we can control—is in the military budget. That is about $52 billion.

Seventy percent of the controllable outlays in fiscal year 1974 are in the military budget—about $52 billion. Only 30 percent of $23 billion are accounted for by civilian programs. This means that any unanticipated rise in defense spending will either break the President's budget or have to come out of domestic programs. Either would be disastrous.

In addition to the increased military spending, there will be a $4 to $7 billion unanticipated increase for interest on the public debt. The combination of these factors—$5 billion fiscal year 1974 defense budget rise, $2.4 billion more for military assistance, several billion additional funds for the Pentagon in a supplemental, $4 to $7 billion for public debt interest—will be felt throughout a shaky economy in higher prices.

Last Friday we had the good news that unemployment in this country dropped to 4.5 percent, the biggest drop we have had in more than 2 years and the lowest percentage of unemployed we have had in about 3 years. This is good news, for which the administration deserves credit. To a considerable extent, the policies they have had have had much to do with the unemployment decrease. I think it is well for us to be aware of the fact that the unemployment situation has improved. I think all of us are very encouraged by the additional improvement particularly for blacks and other minority groups. I am glad unemployment has dropped sharply for women, who were heavily unemployed. Nevertheless, we should signal caution on our part with reference to any policies that would increase prices.

As I have said, if there is one policy of the Federal Government which has an inflationary effect, it is increasing spending in an area like this, where no economic goods are produced.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 2410) to amend the Public Health Service Act to provide assistance and

encouragement for the development of comprehensive area emergency medical services systems.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. HUDDLESTON).

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. HUDDLESTON) laid before the Senate the following letters, which were referred as indicated:

PROPOSED PEANUT AND RICE ACT OF 1973

A letter from the Under Secretary of Agriculture transmitting a draft of proposed legislation to establish improved programs for the benefit of producers and consumers of peanuts and rice (with accompanying papers). Referred to the Committee on Agriculture and Forestry.

PROPOSED LEGISLATION ENTITLED "EXTRA LONG STAPLE COTTON ACT OF 1973"

A letter from the Under Secretary of Agriculture transmitting a draft of proposed legislation to establish an improved program for the benefit of producers and consumers of extra long staple cotton (with accompanying papers). Referred to the Committee on Agriculture and Forestry.

DISPOSAL OF SURPLUS MILITARY SUPPLIES

A letter from the Assistant Secretary of Defense transmitting, pursuant to law, a report of receipts and disbursements pertaining to the disposal of surplus military supplies, equipment, and material, and for expenses involving the production of lumber and timber products (with an accompanying report). Referred to the Committee on Appropriations.

REPORT ON PROPERTY ACQUISITIONS BY THE CIVIL PREPAREDNESS AGENCY

A letter from the Director of the Defense Civil Preparedness Agency transmitting, pursuant to law, a report on property acquisitions of emergency supplies and equipment for the quarter ending September 30, 1973 (with an accompanying report). Referred to the Committee on Armed Services.

NEGOTIATED DEFENSE CONTRACTS

A letter from the Acting Assistant Secretary of Defense (Installations and Logistics) transmitting, pursuant to law, listings of new contracts, supplemental awards, and upward and downward amendments in the amount of $10,000 or more negotiated for experimental, developmental test or research work in the interest of national defense (with accompanying papers). Referred to the Committee on Armed Services.

REPORT BY THE DEPARTMENT OF THE ARMY

A letter from the Secretary of the Army transmitting, pursuant to law, a report on the number of officers on duty with Headquarters, Department of the Army, and detailed to the Army General Staff (with accompanying papers). Referred to the Committee on Armed Services.

FOREIGN DISTRIBUTION OF SPECIAL NUCLEAR MATERIAL

A letter from the Chairman of the United States Atomic Energy Commission transmitting a draft of proposed legislation to delete the requirement that Congress authorize amounts of special nuclear material which may be distributed to a group of nations (with accompanying papers). Referred to the Joint Committee on Atomic Energy.

REPORT OF THE EXPORT-IMPORT BANK OF THE UNITED STATES

A letter from the president and chairman of the Export-Import Bank of the United States reporting, pursuant to law, approved loans, guarantees, and insurance in support of U.S. exports to certain countries. Referred to the Committee on Banking, Housing, and Urban Affairs.

REPORT OF THE NATIONAL RAILROAD PASSENGER CORPORATION

A letter from the vice president for Public and Government Affairs of the National Railroad Passenger Corporation transmitting, pursuant to law, a report for the month of July 1973 relating to revenue and total expenses (with an accompanying report). Referred to the Committee on Commerce.

REPORT BY THE CONSUMER PRODUCT SAFETY COMMISSION RELATING TO PROPOSED LEGISLATION

A letter from the chairman of the Consummer Product Safety Commission transmitting, pursuant to law, its letter of approval of proposed legislation to amend the Lead-Based Paint Poisoning Prevention Act, and for other purposes (with an accompanying paper). Referred to the Committee on Commerce.

INCREASED PARTICIPATION BY THE UNITED STATES IN THE INTERNATIONAL DEVELOPMENT ASSOCIATION AND THE ASIAN DEVELOPMENT BANK

A letter from the Secretary of the Treasury submitting drafts of proposed legislation to provide for increased participation by the United States in the International Development Association and also to the Special Funds of the Asian Development Bank (with accompanying papers). Referred to the Committee on Foreign Relations.

REPORT OF THE DEPARTMENT OF THE INTERIOR

A letter from the Assistant Secretary of the Interior reporting, pursuant to law, on donations received and allocations made from the Funds Contributed for Advancement of Indian Race, Bureau of Indian Affairs, during the fiscal year ending June 30, 1972. Referred to the Committee on Interior and Insular Affairs.

PROPOSED CONCESSION CONTRACT FOR THE MOSES H. CONE MEMORIAL PARK

A letter from the Deputy Assistant Secretary of the Interior transmitting, pursuant to law, a copy of a proposed concession contract at the Moses H. Cone Memorial Park on the Blue Ridge Parkway, N.C. (with accompanying papers). Referred to the Committee on Interior and Insular Affairs.

PROPOSED CONCESSION CONTRACT FOR TRANSPORTATION AT ALCATRAZ ISLAND

A letter from the Deputy Assistant Secretary of the Interior transmitting, pursuant to law, a proposed concession contract to provide and operate public transportation service between San Francisco and Alcatraz Island (with accompanying papers). Referred to the Committee on Interior and Insular Affairs.

PROPOSED LEGISLATION REGARDING PATENT AND TRADEMARK CASES

A letter from the Secretary of Commerce transmitting, pursuant to law, a draft of proposed legislation to provide a remedy for postal interruptions in patent and trademark cases (with accompanying papers). Referred to the Committee on the Judiciary.

DELEGATION OF CERTAIN FUNCTIONS OF THE COMMISSIONERS ON AGING

A letter from the Secretary of Health, Education, and Welfare setting forth, pursuant to law, his plan for the delegation of certain functions of the Commissioner on Aging to officers of the Department of Health, Education, and Welfare not directly responsible to him. Referred to the Committee on Labor and Public Welfare.

REPORT OF THE UPPER GREAT LAKES REGIONAL COMMISSION

A letter from the Cochairmen of the Upper Great Lakes Regional Commission transmitting, pursuant to law, the report of the Commission for the period July 1, 1972, to June 30, 1973 (with an accompanying report). Referred to the Committee on Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CANNON, from the Committee on Rules and Administration, without amendment:

S. Con. Res. 55. A concurrent resolution authorizing the printing of the report of the proceedings of the forty-sixth biennial meeting of the Convention of American Instructors of the Deaf as a Senate document (Rept. No. 93–485).

S. Res. 195. An original resolution authorizing the expenditure of certain existing funds of the Committee on Rules and Administration for an inquiry and investigation relating to the nomination of Gerald R. Ford as Vice President (Rept. No. 93–486).

S. Res. 196. An original resolution to pay a gratuity to Mary H. Brick.

S. Res. 197. An original resolution to pay a gratuity to Raymond H. Miller.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. SYMINGTON, from the Committee on Armed Services:

Eugene E. Berg, of Minnesota, to be an Assistant Secretary of the Army.

The above nomination was reported with the recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

Mr. SYMINGTON. Mr. President, from the Committee on Armed Services, I report favorably the nomination of Col. Leonard F. Stegman, USA, to be brigadier general in the Chaplain Corps and Maj. Gen. Ernest C. Hardin, Jr., USAF, to be lieutenant general as deputy commander in chief, U.S. Readiness Command. I ask that these names be placed on the Executive Calendar.

In addition, there are 655 promotions in the Navy to the grade of captain and below. Since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD on October 10, 1973, and October 16, 1973.)

XUM

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. ABOUREZK:

S. 2656. A bill for the relief of Daniel Alberto Ibarra and Marta Susana Bernardi de Ibarra. Referred to the Committee on the Judiciary.

By Mr. MOSS:

S. 2657. A bill to provide scholarships for the dependent children of public safety officers who are the victims of homicide while performing their official duties, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. MOSS (for himself and Mr. Weicker):

S. 2658. A bill to direct the National Aeronautics and Space Administration to provide, in cooperation with other Federal agencies, for the early commercial demonstration of the technology of solar heating and for the early development and commercial demonstration of technology for combined solar heating and cooling. Referred to the Committee on Aeronautical and Space Sciences.

By Mr. MATHIAS:

S. 2659. A bill to establish a Conference on the Antitrust Laws. Referred to the Committee on the Judiciary.

By Mr. STEVENSON:

S. 2660. A bill for the relief of Monroe A. Lucas. Referred to the Committee on the Judiciary.

By Mr. BURDICK (for himself, Mr. Hansen, Mr. Packwood, Mr. McGee, Mr. Stafford, Mr. Stevens, Mr. Williams, and Mr. Young):

S. 2661. A bill to amend the Land and Water Conservation Fund Act of 1965 so as to authorize the development of indoor recreation facilities in certain areas. Referred to the Committee on Interior and Insular Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MOSS:

S. 2657. A bill to provide scholarships for the dependent children of public safety officers who are the victims of homicide while performing their official duties, and for other purposes. Referred to the Committee on Labor and Public Welfare.

PUBLIC SAFETY OFFICERS' CHILDREN: A CHANCE FOR AN EDUCATION

Mr. MOSS. Mr. President, I am pleased to introduce today a bill which would provide scholarships for the dependent children of public safety officers who are killed in the line of duty. When men and women consider law enforcement careers, they must also contemplate the accompanying dangers that have become very real to our public safety officers.

In this 93d Congress we are now working toward the passage of legislation which would provide a $50,000 death gratuity for public safety officers; legislation which would provide a bill of rights for the policeman; legislation which would encourage higher education for law enforcement personnel; and legislation providing better pension and group life insurance programs for members of the law enforcement profession.

One of the benefits we should first guarantee these professionals to insure that we are able to attract the best people into the law enforcement field is security for their immediate families. Any responsible man or woman will consider the welfare of his or her family and the possibility that the day may come when that family's breadwinner may no longer be able to provide for them. This person must eye the job critically now, for many police families have been left destitute in the wake of the surge of police deaths in the past 5 years.

My bill is quite straightforward. It provides for college scholarships for the children of public safety officers when those officers are killed in the line of duty. The scholarship would pay for tuition, fees, books and room and board, or $3,500, whichever is less. The scholarship would cover 4 years, unless the student is in a program that requires 5 years. In no case is the scholarship to run for more than 5 years.

The streets of our cities and towns have become hostile places now, particularly after dark. A policeman answering a disturbance call today is much more likely to be walking into a planned ambush than ever before. Today's criminals are more brazen and less conscious of the penalties as they shoot it out with policemen. Of course, policemen will continue to climb the dim flights of steps, knocking on third-story doors, listening to the screaming and wailing of incessant fights, yet wondering whether guns or knives or merely hateful invective is being prepared for their arrival. Firemen will continue to rush into burning tenements to save frightened children, despite the personal peril they, too, face in the situation. Prison guards will continue to work for low wages, trying to maintain the semblance of discipline in our prisons which literally seethe with hatred and rage, knowing that they could easily become the hostage in the next critical prison uprising. It is a special kind of person who will still choose as his occupation to defend our body of laws, despite these obvious concerns that he must face daily.

In 1965, the Congress showed great foresight in voting passage of the Law Enforcement Assistance Act, which I was pleased to introduce for the Johnson administration. The 1965 legislation was the forerunner of the Omnibus Crime Control and Safe Streets Act of 1968, which created LEAA, and was indeed the first national expression of concern for the adequacy of local police agencies. Through its grant programs, LEAA provides funds for internal police department reform, improvement of police operations technique, and upgrading of police personnel, as well as for court and prison reform. I take pride in having sponsored the pioneer legislation in this field.

Unfortunately, we live in an age of violence. From the years 1967–1972, crimes of violence jumped 67 percent. This is a serious reflection of our national life. During the same period of time arrests of juveniles for violent crimes doubled. Violent crime continues to increase throughout our Nation in all areas—urban, suburban, and rural—even though recent FBI crime statistics showed overall crime down 3 percent. While firemen and prison guards are also real victims, I shall discuss statistics pertaining to the police since they are available.

It is not surprising that police face this violent mood. Society, with all its shooting, stabbing, gouging, skyjacking, assassination, terror, rape, murder, and assault, has become a pressure cooker for some people. The friendly cop on the beat has sometimes changed into a faceless occupant of a police car and has become a highly visible symbol of the establishment. He has become a tangible target for grievances against shortcomings throughout the criminal justice system; against assembly-line justice in the overcrowded lower courts; against wide disparities in sentences; against antiquated correction facilities; and against the basic inequities imposed by the criminal justice system on the poor.

And, for these reasons among others, 488 policemen lost their lives in the years from 1968–72.

Yet, the strength of our American institutions rests in part on respect for the law and the officers of the law.

The President's Commission on Law Enforcement and Administration of Justice reported in 1967 that two thirds of the police agencies in large- and medium-size cities were understaffed by as much as 10 percent. This problem has become more acute in the ensuing years, as noted by the report of the National Advisory Commission on Criminal Justice Standards and Goals released earlier this year. This report states that it is imperative that the police service engage in forceful, active recruiting. Both reports stress what the candidate must bring to the job. The Bureau of Labor Statistics has cited that an estimated 15,000 opportunities will occur each year for qualified candidates to enter police work through the 1970's. It should be noted that this projection is not based on need but on maintenance of the present police-population ratio.

With this realization of our need for able public safety officers, I am amazed when I scan the literature in the field. It continues to stress selection standards needs such as education, physical ability, character, emotional stability, intelligence—and while I, too, would like to attract such men to become our public safety officers, I continue to wonder why we have not given greater thought to increasing the desirability of the job by bringing the salary up to a competitive level, enhancing pension benefits, improving the working conditions of the many cramped and badly maintained quarters of our police stations throughout the country, and providing better uniform allowances, et cetera. I was hard-put to find any discussions of what our society intends to do when this dedicated public servant dies, leaving a young family behind with mortgage payments, bills, educational expenses, and grief at a shattered dream.

S. 15, providing a $50,000 death gratuity to the survivors of public safety officers who die in the line of duty has already passed the Senate and has received hearings in the House during this 93d Congress. In addition, I feel that we

should look to the future of the law enforcement family which has lost its breadwinner. Let us help this man or woman provide the opportunity for his or her children to become educated, perpetuating the finest hopes a parent could have wished for the child.

There were 112 policemen killed in the line of duty in 1972, and I am relieved that no law enforcement officer from the State of Utah was included in that statistic. However, we should remember the words of the English poet: "No man is an island." I believe it is wise to establish a Federal standard when we consider benefits. Our obligation is great in these turbulent times. We need to express our gratitude to the public safety officer more visibly.

An organization in Chicago, the Hundred Club of Cook County, has provided a wonderful service to families of slain law enforcement personnel in that area since 1966. This is an organization of some 500 men who make sure that, whenever a policeman or fireman meets death, his widow will, first, have a substantial sum for immediate needs, and second, be quickly relieved of what for her alone could be the impossible burden of a mortgage on her home and other debts. I salute this organization in Chicago, and the few others like it who have organized to meet such a need. However, several States offer virtually no financial assistance through private or public sources.

Chicago Detective Gerry Gigante, of the fourth police district, has been quoted as telling what this kind of concern can mean to a man:

> There's a feeling of security, knowing that, if anything happens to me, there's going to be such help for my wife, not to make her rich or anything but to give her a way to live.

He relates, and thoughtfully:

> There's more to it than that, more than the money. What I mean is, there's a good feeling knowing you have people on your side, because these are tough times for policemen, not only here but all over the country. It's not easy being a police officer these days.

I believe that this bill which would provide scholarships to the children of public safety officers who are killed in the line of duty, is another way of providing peace of mind to the man who must live on the frontlines of our epidemic violence.

I ask unanimous consent that the text of the bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2657

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Public Safety Officers Memorial Scholarship Act".

DEFINITIONS

Sec. 2. As used in this Act the term—

(1) "academic year" means an academic year or its equivalent as defined in regulations of the Commissioner;

(2) "Commissioner" means the United States Commissioner of Education;

(3) "dependent child" means a child who is either living with or receiving regular support contributions from the public safety officer at the time of his death, including a stepchild, an adopted child or posthumous child;

(4) "eligible applicant" means a dependent child of a public safety officer who has been accepted for enrollment at or is enrolled in an eligible institution,

(5) "eligible institution" means any such institution as defined under section 435(a) of the Higher Education Act of 1965.

(6) "public safety officer" means a person serving a public agency, with or without compensation, as—

"(A) a law enforcement officer, including a corrections or a court officer, engaged in—

"(i) the apprehension or attempted apprehension of any person—

"(a) for the commission of a criminal act, or

"(b) who at the time was sought as a material witness in a criminal proceeding; or

"(ii) protecting or guarding a person held for the commission of a criminal act or held as a material witness in connection with a criminal act; or

"(iii) the lawful prevention of, or lawful attempt to prevent the commission, of a criminal act or an apparent criminal act or in the performance of his official duty; or

"(B) a firefighter; and"

(7) the term "State" means any State of the United States, the Commonwealth of Puerto Rico, and any territory or possession of the United States; and

(8) the term "unit of general local government" means any city, county, township, town, borough, parish, village, or other general purpose subdivision of a State, or any Indian tribe which the Secretary of the Interior determines performs law enforcement functions.

SCHOLARSHIPS AUTHORIZED

Sec. 3. (a) The Commissioner is authorized to award a scholarship to any eligible applicant for full time undergraduate study at an eligible institution. Each applicant shall submit an application accompanied by a certification from the head of the agency which employed the public safety officer upon whom the applicant was dependent, stating that such officer was the victim of a homicide while engaged in the performance of his official duties.

(b) The maximum amount of the scholarship award payable under this section shall not exceed the cost to such applicant at the appropriate eligible institution for tuition, fees, books and room and board, or $3,500, whichever is less, for each academic year for which the scholarship is awarded, as determined by the Commissioner.

(c) The duration of a scholarship award under this act shall be the period required for the completion by the recipient of the award of his undergraduate course of study, or other appropriate course of study at an eligible institution. That period shall not exceed four academic years except where the Commissioner determines that the student is enrolled in a degree program which normally requires more than four academic years for a baccalaureate degree, in which event such period shall not exceed five years.

(d) (1) The Commissioner shall notify both the eligible applicant and the eligible institution in which the applicant is enrolled or has been accepted for enrollment of the award of a scholarship under this Act.

(2) A separate determination shall, on the basis of the latest available information, be made as to the eligibility of a student and the amount of the award to be made under this Act, for each academic year of its duration.

(3) The Commissioner shall, in accordance with agreements pursuant to section 5, utilize the services and facilities of eligible institutions as fiscal agents for paying to students attending such institutions the amounts, if any, to which such students have been determined, with respect to each academic year, to be entitled under this Act.

ADDITIONAL AWARD REQUIREMENTS

Sec. 4. (a) No payment shall be made to an eligible applicant under this Act unless an application therefor is made by such applicant containing such information as the Commissioner may reasonably require together with the clarification required under section 3 (a) of this Act.

(b) A student awarded a scholarship grant under this Act shall continue to be entitled to that grant only if such student (1) is maintaining good standing in the course of study which he is pursuing according to the regularly prescribed standards and practices of the eligible institution which he is attending and (2) devotes himself full time to such course of study during the academic year in attendance at an eligible institution, except that failure to be at an eligible institution during periods of vacation, military service and such other periods as the Commissioner determines are good cause for nonattendance, shall not be considered contrary to the requirements of this clause.

AGREEMENTS WITH ELIGIBLE INSTITUTIONS

Sec. 5. (a) For the purpose of this Act, the Commissioner is authorized to enter into agreements with eligible institutions in which any student receiving a scholarship award under this Act has enrolled or is accepted for enrollment. Each such agreement shall—

(1) provide that an eligible institution will cooperate with the Commissioner in carrying out the provisions of this Act;

(2) provide that the institution will periodically conduct a review to determine whether students enrolled and receiving a scholarship award under this Act continue to be entitled to payments under such grants and the amounts of such payments;

(3) provide for the authorization of such institution as a Federal agent for payments to students under this Act;

(4) provide for such Federal control and accounting procedures as may be necessary to assure proper disbursement of and accounting of funds paid under this Act;

(5) include such other provisions as may be necessary to protect the financial interest of the United States and promote the purposes of this Act.

(b) the Commissioner is authorized to pay a cost of agreement allowance to any eligible institution in which a student receiving a scholarship award was enrolled during an academic year ending during any fiscal year after June 30, 1973. With respect to each such student, such allowance shall be an amount equal to $. The Commissioner shall prescribe regulations to insure that a student who received payments pursuant to a scholarship grant during an academic year in more than one institution is not counted more than once for the purpose of computing the cost of academic allowance to which each such institution is entitled under this section.

APPROPRIATIONS AUTHORIZED

Sec. 6. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

By Mr. MOSS (for himself and Mr. Weicker):

S. 2658. A bill to direct the National Aeronautics and Space Administration to provide, in cooperation with other Federal agencies, for the early commercial demonstration of the technology of solar heating and for the early development and commercial demonstration of technology for combined solar heating and cooling. Referred to the Committee on Aeronautical and Space Sciences.

XUM

SOLAR HEATING AND COOLING DEMONSTRATION ACT OF 1973

Mr. MOSS. Mr. President, today in an effort to resolve long-term problems of the great energy crisis, I am introducing legislation to accelerate the use of solar energy. I say "long term" because the severe problems we face in the next few months may well pale to insignificance from the perspective of a few years hence.

This crisis has precipitated a plethora of words and sophistries but precious little action. It is imperative that we act swiftly for the energy crisis is upon us. As far back as last March, David Freeman, one-time energy advisor to Presidents Johnson and Nixon, stated that the joy ride is over. He noted that the richest nation in the world is becoming energy poor because, among other things, it has burned most of the oil and natural gas that have been easy to find in America. Experts claimed the situation is going to get worse in the next 10 to 15 years and they warned of fuel rationing. Their predictions actually proved to be optimistic. Fuel usage has already been limited and allocated, and just this past week the administration has proposed a bill which would ration, and, in some cases, prohibit energy consumption.

The long-term picture is much bleaker. In October, the National Journal Report noted that a worldwide scramble for oil is underway.

Elm City Filling Station of New Haven, Conn., has bought 200,000 barrels of residual fuel oil from the Soviet Union. Tenneco and Union Carbide are also importing and purchasing oil products from the Soviet Union. A report prepared for the White House Office of Energy Policy shows that imports of oil will have to increase a record 64 percent this winter alone. A severe winter will compound this and there is no assurance that enough foreign fuels will be available. The Mid-East, one of America's major foreign suppliers of oil, is in a state of turmoil. Yet, experts predict that within 12 years America will be dependent upon this area for 50 percent of its oil needs. In addition, obtaining Mid-East oil may cost more than money. Arab Governments have stated openly that access to their oil depends on U.S. policy toward Israel. And, in the face of this dilemma, Americans in some places already cannot buy gas on Sunday or find natural gas to run their factories.

Thus, there is a pressing need for a secure, accessible, and vast source of energy. Solar energy meets all of these requirements. First, it is secure from the threat of foreign interference and obfuscation. Second, recent technological advances have made it readily accessible. Finally, the source of energy is as vast as the power which maintains life itself on this planet. The applicability of solar power as a solution to America's energy needs is readily evident. Unfortunately, current funding for research into solar energy amounts to only three-tenths of 1 percent of our total research and development funds. Considering the momentous nature of the problem, this low figure certainly cannot be justified. A more realistic figure must be achieved to demonstrate that solar energy is a viable alternative energy source.

It is for this reason that I am urging the early commercial demonstration of solar heating and cooling. The technologies of solar heating are already close to the point of commercial application. Under proper supervision, a demonstration of solar heating could be achieved in 3 years, and a demonstration of combined heating and cooling could be achieved in 5 years. The National Aeronautics and Space Administration, with its excellent record of achievements in space and solar-related endeavors, is the most logical Government entity to take the lead.

For the benefit of those of my colleagues who may not be fully apprised of NASA's present capabilities in the field of solar heating and cooling, a few examples might be in order.

Of course, NASA and its industrial contractors have been engaged for years in the basic technologies involved, including heat transfer, thermal balance, thermal protective coating, and others.

Two NASA research centers are currently working on a commercial-type building that will have its environmental system of heating and air conditioning partially operated by a solar energy system. Construction of the building, at the Langley Research Center, was authorized for fiscal year 1974. Construction will start in 2 months.

The major objective of this project is to establish a facility to do research in solar energy in areas where NASA has extensive experience, such as thermal design, thermal coating technology, heating, ventilating, air conditioning, system design, controls, and instrumentation.

The 50,000-square-foot, one-story office building will be the first known building in the world of its size for which solar energy will provide a significant part of the buiding's heating and cooling load. It will provide working space for 350 engineering personnel.

A solar collector system of 48,000 square feet would collect all the energy required to supply the heating and cooling needs for the Langley Building. In view of the economics involved, capital outlays, and present state of the art, a 15,000-square-foot collector is planned This size collector will provide most of the heating requirements, some of the cooing requirements, and excess storage capacity, thereby obtaining feasibility data of all aspects of the system. Capability has been maintained to expand the collector system to supply all the energy requirements for the buiding.

The 15,000-square-foot solar system will provide a fuel savings of 10,500 gallons per year. A 100-percent collector would provide a total fuel savings of 35,000 gallons per year for the Langley Building.

A third NASA center, the Marshall Space Flight Center in Alabama, is actively at work on residential heating and cooling using solar thermal energy. The first phase of this work was completed a year ago. The second phase, which will be in full swing by next summer, relies on a recent breakthrough in thermal control coatings. The new coating is economical to apply and allows operation of the solar collector at a higher temperature than previously had been possible. As with all solar heating and cooling systems, this residential system requires an auxiliary energy source for use in extended periods of heavy cloudiness. But it is significant to note the Marshall system is expected to save better than 80 percent of the normal energy requirements of a private home.

I am introducing legislation which utilizes these facilities and NASA's great reservoir of expertise in the field of solar energy. The bill provides for 2,000 mass produced solar heating units and 2,000 mass produced heating and cooling units at an estimated cost of $50 million over a 5-year period. This figure is still less than 1 percent of projected Federal research and development funds.

In conducting this program, NASA will work in conjunction with the Secretary of Commerce to establish performance criteria for solar heating equipment and dwelling units. Differences in climate and geography will be taken into account in order to obtain the most accurate performance data. Shortly after publication of this criteria, and on the basis of open competition, an appropriate number of design for dwellings will be determined. Thereupon, NASA shall be empowered to enter into contracts for the development and production of solar heating and cooling systems.

A number of other Federal agencies would participate directly in this program. The National Science Foundation will have the responsibility of continuing and increasing its support of basic and applied research related to solar heating and cooling.

The National Bureau of Standards will set the performance criteria for solar heating and cooling equipment as well as building designs, and will monitor and evaluate the continuing program.

The Department of Housing and Urban Development will have the role of coordinating the demonstration program and its building activities and providing reports and information to Congress and the public.

The Department of Defense has the logical responsibility of providing buildings for installation of half of the mass-produced heating and cooling units.

Mr. President, I have repeatedly advocated research and development efforts to expedite the use of solar energy. My Committee on Aeronautical and Space Sciences has recently held fruitful hearings toward this end, and the time is ripe for appropriate legislation. Senator WEICKER is cosponsoring this bill, and I trust other Senators will see fit to do so.

Congressman McCORMACK has introduced a similar bill in the House as H.R. 10952. I am hopeful that both Houses of Congress will join together to resolve this critical problem. The time for inaction is past.

Mr. President, at this point I ask unanimous consent to have included in the RECORD the text of the bill, the Solar Heating and Cooling Demonstration Act of 1973.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2658

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Solar Heating and Cooling Demonstration Act of 1973".

FINDINGS AND POLICY

SEC. 2. (a) The Congress hereby finds that—

(1) the current imbalance between supply and demand for fuels and energy is likely to persist for some time;

(2) the early demonstration of the feasibility of using solar energy for the heating and cooling of buildings could help to relieve the demand upon present fuel and energy supplies;

(3) the technologies for solar heating are close to the point of commercial application in the United States;

(4) the technologies for combined solar heating and cooling still require research, development, testing, and demonstration, but no insoluble technical problem is now foreseen in achieving commercial use of such technologies;

(5) the early development and export of viable solar heating equipment and combined solar heating and cooling equipment, consistent with the established preeminence of the United States in the field of high technology products, can make a valuable contribution to our balance of trade; and

(6) commercial application of solar heating and combined solar heating and cooling technologies can be expedited by early commercial demonstration under practical conditions.

(b) It is therefore declared to be the policy of the United States and the purpose of this Act to provide for the demonstration within a three-year period of the practical use of solar heating technology, using current technology for this purpose, and to provide for the development and demonstration within a five-year period of the practical use of combined heating and cooling technology.

DEFINITIONS

SEC. 3. For purposes of this Act—

(1) the term "solar heating", with respect to any building, means the use of solar energy to meet such portion of the total heating needs of such building (including hot water) as may be required under performance criteria prescribed by the Secretary of Commerce acting through the National Bureau of Standards;

(2) the terms "solar heating and cooling" and "combined solar heating and cooling", with respect to any building, mean the use of solar energy to provide both such portion of the total heating needs of such building (including hot water) and such portion of the total cooling needs of such building, as may be required under performance criteria so prescribed, and include cooling by means of nocturnal heat radiation or by other methods of meeting peakload energy requirements at nonpeakload times;

(3) the term "Administrator" means the Administrator of the National Aeronautics and Space Administration; and

(4) the term "residential dwellings" includes mobile homes.

CONDUCT OF ACTIVITIES IN SOLAR HEATING AND COOLING TECHNOLOGIES BY NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SEC. 4. Section 203 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473) is amended by redesignating subsection (b) as subsection (c), and by inserting immediately after subsection (a) the following new subsection:

"(b) The Administration shall initiate, support, and carry out basic and applied research, development, demonstrations, and other related activities in solar heating and cooling technologies, including (to the extent that funds are appropriated therefor) activities as provided for in sections 5, 6, and 7 of the Solar Heating and Cooling Demonstration Act of 1973.".

DEVELOPMENT OF SOLAR HEATING SYSTEMS TO BE USED IN RESIDENTIAL DWELLINGS

SEC. 5. (a) The Administrator shall promptly initiate and carry out a program as provided in this section for the development and demonstration of solar heating systems for use in residential dwellings.

(b) (1) Within eighty days after the date of the enactment of this Act, the Secretary of Commerce, acting through the National Bureau of Standards and in consultation with the Administrator, shall determine, prescribe, and publish—

(A) performance criteria for solar heating equipment and systems to be used in residential dwellings, and

(B) performance criteria (relating to suitability for solar heating) for such dwellings themselves, taking into account in each instance climatic variations existing between different geographic areas.

(2) As soon as possible after the publication of the performance criteria prescribed under paragraph (1), the Secretary, acting through the National Bureau of Standards, shall determine on the basis of open competitions an appropriate number of approved designs for various types of residential dwellings suitable for and adapted to the installation of solar heating systems meeting the performance criteria prescribed under paragraph (1)(A). Any such design competition shall be open to all professionally recognized architects and engineers (or architectural or engineering firms) who are qualified to assist in the design of houses to demonstrate solar heating.

(c) The Administrator, in accordance with the applicable provisions of title II of the National Aeronautics and Space Act of 1958, shall—

(1)(A) enter into such contracts as may be necessary or appropriate for the development (for commercial production and residential use) of solar heating systems meeting the performance criteria prescribed under subsection (b)(1)(A) (including any further planning and design which may be required to conform with the specifications set forth in such criteria); and

(B) if the Administrator determines that it would expedite the program under this section or otherwise accelerate the achievement of the objectives of this Act, provide by contract or otherwise for the manufacture or production of prototype solar heating systems (by the persons with whom the development contracts under subparagraph (A) were entered into), and for the installation of such prototype systems in residential dwellings meeting the performance criteria prescribed under subsection (b)(1)(B);

(2) enter into contracts with at least two different persons or firms for the actual manufacture and production of solar heating systems as developed under contracts described in paragraph (1)(A) (including adequate numbers of spare and replacement parts for such systems); and

(3) take such action as may be necessary or appropriate—

(A) in conjunction with the Secretary of Defense, to secure the installation of such systems, manufactured on a mass production basis, in substantial numbers of residential dwellings which are located on Federal or federally administered property where the performance and operation of such systems can be regularly and effectively observed and monitored by designated Federal personnel, and

(B) in conjunction with and under arrangements made by the Secretary of Housing and Urban Development, to secure the installation of such systems, manufactured on a mass production basis, in substantial numbers of residential dwellings which are privately owned and occupied.

The residential dwellings referred to in subparagraphs (A) and (B) shall be located in a sufficient number of different geographic areas (not less than three) in the United States to assure a realistic and effective demonstration of the solar heating systems involved, and of the dwellings themselves, under climatic conditions which vary as much as possible. Title to and ownership of solar heating systems which are installed in residential dwellings as provided in subparagraph (B) shall remain in the United States; except that if the owner and occupant of any such dwelling agrees at the time of the installation of the system or of the purchase of the property, in such manner and form and on such terms and conditions as the Secretary of Housing and Urban Development may prescribe, to observe and monitor (or permit the Secretary or his agents to observe and monitor) the performance and operation of such system for a period of five years, and such owner and occupant (including any subsequent owner and occupant of the property who also makes such an agreement) regularly furnishes the Secretary with such reports thereon as the Secretary may require, title to and ownership of such system shall vest in the owner and occupant (including any such subsequent owner and occupant) at the close of that period.

For purposes of subparagraphs (A) and (B) of paragraph (3), solar heating systems shall be considered to have been manufactured on a mass production basis and installed in substantial numbers of residential dwellings if they are manufactured and installed in sufficient numbers (as determined by the Administrator) to assure a realistic and effective demonstration in support of the objectives of this act; except that in any event, for purposes of either subparagraph (A) or subparagraph (B) of such paragraph, they shall be considered to have been so manufactured and installed if they are installed in one thousand or more such dwellings under that subparagraph.

(d) The Secretary of Commerce, acting through the National Bureau of Standards and in consultation with the Secretaries of Housing and Urban Development and Defense, shall have the general function of monitoring the performance and operation of all solar heating systems installed in residential dwellings under this section, and of collecting and evaluating data and information on such performance and operation; and he shall from time to time make such findings and recommendations and take such other actions (including the submission of special reports to the Congress when appropriate) as may be necessary to assure that the program under this section effectively carries out the objectives of this Act. The Secretary shall in addition maintain continuing liaison with the building industry and related industries and interests, during and after the period of the program under this section, with the objective of assuring that the projected benefits of such program are and will continue to be effectively realized.

DEVELOPMENT OF COMBINED SOLAR HEATING AND COOLING SYSTEMS TO BE USED IN RESIDENTIAL DWELLINGS

SEC. 6. (a) The Administrator shall promptly initiate and carry out a program as provided in this section for the development and demonstration of combined solar heating and cooling systems for use in residential dwellings.

(b)(1) As soon as possible after the date of the enactment of this Act, the Secretary of Commerce, acting through the National Bureau of Standards and in consultation with the Administrator, shall determine, prescribe, and publish—

(A) performance criteria for combined solar heating and cooling equipment and systems to be used in residential dwellings, and

(B) performance criteria (relating to suita-

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bility for solar heating and cooling) for such dwellings themselves,

taking into account in each instance climatic variations existing between different geographic areas.

(2) As soon as possible after the publication of the performance criteria prescribed under paragraph (1) (and if possible before the completion of the research and development provided for in subsection (c)), the Secretary, acting through the National Bureau of Standards, shall determine on the basis of open competitions an appropriate number of approved designs for various types of residential dwellings suitable for and adapted to the installation of combined solar heating and cooling systems meeting the performance criteria prescribed under paragraph (1)(A). Any such design competition shall be open to all professionally recognized architects and engineers (or architectural or engineering firms) who are qualified to assist in the design of houses to demonstrate combined solar heating and cooling.

(c) During the period immediately following the publication of performance criteria under subsection (b)(1), the Administrator shall undertake and conduct with respect to solar heating and cooling a program of research, development, testing, and demonstration designed to provide the additional technological resources necessary for the development and commercial application of combined solar heating and cooling systems as contemplated by the program under this section.

(d) The Administrator, in accordance with the applicable provisions of title II of the National Aeronautics and Space Act of 1958 and at the earliest possible time during or immediately after the period specified in subsection (c), shall—

(1)(A) enter into such contracts as may be necessary or appropriate for the development (for commercial production and residential use) of combined solar heating and cooling systems meeting the performance criteria prescribed under subsection (b)(1)(A) (including any further planning and design which may be required to conform with the specifications set forth in such criteria or to reflect the results of the activities conducted under subsection (c)); and

(B) if the Administrator determines that it would expedite the program under this section or otherwise accelerate the achievement of the objectives of this Act, provide by contract or otherwise for the manufacture or production of prototype solar heating and cooling systems (by the persons with whom the development contracts under subparagraph (A) were entered into), and for the installation of such prototype systems in residential dwellings meeting the performance criteria prescribed under subsection (b)(1)(B);

(2) enter into contracts with at least two different persons or firms for the actual manufacture and production of combined solar heating and cooling systems as developed under contracts described in paragraph (1)(A) (including adequate numbers of spare and replacement parts for such systems); and

(3) take such action as may be necessary or appropriate—

(A) in conjunction with the Secretary of Defense, to secure the installation of such systems, manufactured on a mass production basis, in substantial numbers of residential dwellings which are located on Federal or federally administered property where the performance and operation of such systems can be regularly and effectively observed and monitored by designated Federal personnel, and

(B) in conjunction with and under arrangements made by the Secretary of Housing and Urban Development, to secure the installation of such systems, manufactured on a mass production basis, in substantial numbers of residential dwellings which are privately owned and occupied.

The residential dwellings referred to in subparagraphs (A) and (B) shall be located in a sufficient number of different geographic areas (not less than three) in the United States to assure a realistic and effective demonstration of the solar heating and cooling systems involved, and of the dwellings themselves, under climatic conditions which vary as much as possible. Title to and ownership of solar heating systems which are installed in residential dwellings as provided in subparagraph (B) shall remain in the United States; except that if the owner and occupant of any such dwelling agrees at the time of installation of the system or of the purchase of the property, in such manner and form and on such terms and conditions as the Secretary of Housing and Urban Development may prescribe, to observe and monitor (or permit the Secretary or his agents to observe and monitor) the performance and operation of such system for a period of five years, and such owner and occupant (including any subsequent owner and occupant of the property who also makes such an agreement) regularly furnishes the Secretary with such reports thereon as the Secretary may require, title to and ownership of such system shall vest in the owner and occupant (including any such subsequent owner and occupant) at the close of that period.

For purposes of subparagraphs (A) and (B) of paragraph (3), solar heating and cooling systems shall be considered to have been manufactured on a mass production basis and installed in substantial numbers of residential dwellings if they are manufactured and installed in sufficient numbers (as determined by the Administrator) to assure a realistic and effective demonstration in support of the objectives of this Act; except that in any event, for purposes of either subparagraph (A) or subparagraph (B) of this paragraph, they shall be considered to have been so manufactured and installed if they are installed in one thousand or more such dwellings under such subparagraph.

(e) The Secretary of Commerce, acting through the National Bureau of Standards and in consultation with the Secretaries of Housing and Urban Development and Defense, shall have the general function of monitoring the performance and operation of all solar heating and cooling systems installed in residential dwellings under this section, and of collecting and evaluating data and information on such performance and operation; and he shall from time to time make such findings and recommendations and take such other actions (including the submission of special reports to the Congress when appropriate) as may be necessary to assure that the program under this section effectively carries out the objectives of this Act. The Secretary shall in addition maintain continuing liaison with the building industry and related industries and interests, during and after the period of the program under this section, with the objective of assuring that the projected benefits of such program are and will continue to be effectively realized.

DEVELOPMENT OF SOLAR HEATING AND COOLING SYSTEMS FOR COMMERCIAL BUILDINGS

SEC. 7. The Administrator, concurrently with the conduct of the programs under section 5 and 6, shall carry out such projects and activities (including demonstration projects) with respect to apartment buildings, office buildings, factories, agricultural structures (including crop-drying facilities), and other commercial or industrial buildings, taking into account the special needs of and individual differences in such buildings based upon size, function, and other relevant factors, as may be appropriate for the early development and demonstration of combined solar heating and cooling systems suitable and effective for use in such buildings.

FUNDING OF SOLAR ENERGY RESEARCH BY NATIONAL SCIENCE FOUNDATION

SEC. 8. (a) Section 3 of the National Science Foundation Act of 1950 (42 U.S.C. 1862) is amended by redesignating subsections (e) and (f) as subsections (f) and (g), respectively, and by inserting after subsection (d) the following new subsection:

"(c) The Director shall initiate and support basic and applied research relating to solar energy development, as provided in section 8(b) of the Solar Heating and Cooling Demonstration Act of 1973.".

(b) The Director of the National Science Foundation is authorized and directed to initiate, support, and fund basic and applied research activities related to solar energy in support of the objectives of this Act. These research activities shall, insofar as practicable, support the new solar heating and cooling technologies demonstrated or to be demonstrated by the National Aeronautics and Space Administration pursuant to sections 4 through 7 of this Act. For this purpose the Director of the National Science Foundation is authorized to utilize funds appropriated to the Foundation pursuant to law or transferred to it from the National Aeronautics and Space Administration or other Federal agencies.

DISSEMINATION OF INFORMATION AND OTHER ACTIONS TO PROMOTE PRACTICAL USE OF SOLAR HEATING AND COOLING TECHNOLOGIES

SEC. 9. (a) The Secretary of Housing and Urban Development shall take all possible steps to assure that full and complete information with respect to the demonstrations and other activities conducted under this Act is made available to Federal, State, and local authorities, the building industry and related segments of the economy, and the public at large, both during and after the close of the programs under this Act, with the objective of promoting and facilitating to the maximum extent feasible the early and widespread practical use of solar energy for the heating and cooling of buildings throughout the United States. In accordance with regulations prescribed under section 11, such information shall be disseminated on a coordinated basis by the Secretary, the Administrator, the National Bureau of Standards, the National Science Foundation, the Patent Office, and other appropriate Federal officers and agencies.

(b) In addition, the Secretary of Housing and Urban Development shall—

(1) study and investigate the effect of existing building codes, zoning ordinances, and other laws, codes, ordinances, and practices upon the practical use of solar energy for the heating and cooling of buildings; and

(2) determine the extent to which such laws, codes, ordinances, and practices should be changed to permit or facilitate such use, and the methods by which any such changes may best be brought about.

(c) Each Federal officer and agency having functions under this Act shall include in his or its annual report to the President and the Congress a full and complete description of his or its activities (current and projected) under this Act, along with his or its recommendations for legislative, administrative, or other action to improve the programs under this Act or to achieve the objectives of this act more promptly and effectively. In addition, the Secretary of Housing and Urban Development shall submit annually to the President and the Congress a special report summarizing in appropriate detail all of the activities (current and projected) of the various Federal officers and agencies having functions under this Act, with the objective of presenting a comprehensive overall view of such programs.

ENCOURAGEMENT AND PROTECTION OF SMALL BUSINESS

SEC. 10. In carrying out their functions under this Act, all Federal officers and agencies shall take steps to assure that small business concerns will have a realistic and adequate opportunity to participate in the programs under this Act to the maximum extent possible.

REGULATIONS

SEC. 11. The Administrator, in consultation with the Secretary of Commerce, the National Science Foundation, the Secretary of Housing and Urban Development, the Secretary of Defense, and other appropriate officers and agencies, shall prescribe such regulations as may be necessary or appropriate to carry out this Act. Each such officer or agency, in consultation with the Administrator, may prescribe such regulations as may be necessary or appropriate to carry out his or its particular functions under this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 12. There are authorized to be appropriated to the Administrator, for the first five fiscal years beginning after the date of the enactment of this Act, such sums, not exceeding $50,000,000 in the aggregate, as may be necessary to enable him (1) to carry out the functions vested in him or in the National Aeronautics and Space Administration by this Act, and (2) to reimburse the National Bureau of Standards, the National Science Foundation, the Secretary of Housing and Urban Development, and the Secretary of Defense for expenses incurred by them (during the respective periods of the program under section 4 and the programs under sections 5 and 6) in carrying out the functions vested in them under this Act.

By Mr. MATHIAS:

S. 2659. A bill to establish a Conference on the Antitrust Laws. Referred to the Committee on the Judiciary.

Mr. MATHIAS. Mr. President, recent disclosures in connection with the ITT antitrust settlement have again shaken public confidence in our legal system. At a time when public confiedence in our institutions is, according to polls, at an all-time low, the recent disclosures concerning the ITT case are a further blow to the already beleaguered Department of Justice.

Great uncertainty surrounds the ITT settlement. This is true despite the fact that many antitrust lawyers believe that the settlement revealed was, in fact, a good one for the Government in view of the novelty of the action undertaken by the Justice Department. Whatever the merits of the ITT settlement, recent and earlier allegations concerning the improper use of influence in that case have cast doubt on the method by which it was reached. The appearance of propriety, which is so essential to public confidence, has been clouded.

The Congress should move expeditiously to ascertain all of the facts in connection with the ITT settlement. It should also move quickly to help restore confidence in the Justice Department. Opportunities to do so now exist as questions of how it can insure the continued prosecution of Watergate offenses are examined and a new Attorney General and Deputy Attorney General are presented to it for confirmation.

I believe also that we should move now to take care to examine and, where appropriate, strengthen those very laws that underlie the ITT controversy, the entire body of statute and precedent that constitute the antitrust laws of the United States. These laws are entrusted to the Antitrust Division of the Justice Department, the FTC, and the courts. It has been remarked that: "The antitrust laws are what the Antitrust Division says they are." It is true that a remarkable power now resides in that Division, a result of the Supreme Court's understandable reluctance to question the expertise of the Division and the FTC and of the failure of the Congress to comprehensively address the application of statutes which have existed for over half a century.

But as the case of Telex against IBM indicates, the frontiers of the antitrust field are again being staked out by private parties—without any meaningful involvement of the Congress or the Justice Department—with implications that are difficult to foresee.

Mr. President, I am today introducing a bill which would establish a conference on the antitrust laws.

Work of the conference would be directed by a council composed of 12 members, 6 from various branches of the Government and 6 from private life. General membership of the conference would include, in addition to members of the council, at least 61 additional members whose knowledge and experience would qualify them to assist the conference in a thorough and objective analysis and evaluation of our existing antitrust statutes and their enforcement. These statutes, passed by the Congress in 1890, 1914, 1936, and 1950, are said by some to contain inconsistencies. There are also those who argue that the conditions of our basic economy and of the world economy in which U.S. businesses must compete have so changed that some of these laws are now out of date. It is also suggested that these laws, because of inherent weaknesses and alleged lack of vigorous enforcement, have failed to prevent increasing concentration of control of U.S. industry and have permitted the development of conditions in a number of so-called "oligopoly" industries in which competition does not now adequately serve the interests of the consumers, taxpayers, businessmen, or of the Nation as a whole. And it is suggested that they work different results depending upon the form of business to which they are applied. Our system is further being tested in competition with other economic systems with different approaches to control of monopoly. These are matters of great controversy among economists, politicians and lawyers inside and outside the Government. It is also true that, whether justified or not, much of the reporting in the press of principal antitrust cases in recent years has been such as not to inspire confidence in the public that the welfare of the Nation is truly being served.

In the last few years, we have vacillated between widely varying degrees of control of prices and wages under the apparent delusion that freely competitive prices and wages are not acceptable to the American people. This erosion of the basic assumptions behind our antitrust laws has gone largely undiscussed, although there has been much attention-calling to the inconsistency between the antitrust laws and most of our Federal regulation of transportation and other public utilities.

Mr. President, in introducing this bill calling for a conference on the antitrust laws, I submit that it is high time that we create the mechanism for a thorough thoughtful review by an expert but sufficiently broadbased body as to give to the Congress some real help in evaluating the adequacy of our present statutes and their administration.

It should be noted that my bill, while it differs in some respects from S. 1196, introduced on March 14, 1973, by Mr. JAVITS for himself and Messrs. HRUSKA, MCGEE, and TOWER, has a similar objective—the creation of an expert body to study and report to the Congress on the antitrust laws. While I might differ from Senator JAVITS and the others on the proper measures that study may show need to be taken, we do share the view that serious study is called for at this time, and there is little basic difference between his bill and mine. However, believing as I do in the need for great diversity of viewpoint in any study of these controversial matters, I would propose a conference of substantially larger numbers than that called for by S. 1196.

Mr. President, the issues which confront us this morning regarding the ITT settlement and its message for us all were first clearly spelled out during the hearings of the Senate Judiciary Committee in the spring of 1972, at the time of the confirmation of Mr. Richard Kleindienst as Attorney General. I therefore ask unanimous consent that the views I stated at the conclusion of those hearings be printed in the RECORD at this point, as they further reflect my judgment on the urgency and importance of action by the Congress in this field.

There being no objection, the views were ordered to be printed in the RECORD, as follows:

INDIVIDUAL VIEWS OF MR. MATHIAS

The hearings on the fitness of Richard Kleindienst to be the Attorney General have been diverted by events so far from their original purpose that a simple statement of position on that question is not an adequate response to the avalanche of evidence that has threatened to immobilize the Judiciary Committee. The sudden and unexpected appearance of this evidence has, however, been healthy and useful, and I am glad to have been instrumental in the extension of the hearings and the invitation of necessary witnesses.

What use the Congress makes of the information developed will be a test of our sensitivity and our response. These hearings, though indirectly, have given the Congress knowledge not only about Richard Kleindienst, but also about the activities of giant corporations, the competency of our branches of government and the omissions of Congress. We must take advantage of all this information if these hearings are to be fully utilized. In this regard, this should be just the first Congressional inquiry into America's corporate community. The Judiciary Committee must continue its investigation.

We are called upon to make several judgments because we are involuntarily confronted with several issues.

The first verdict must be "guilty." The Congress is clearly guilty of neglect in overseeing and updating the anti-trust laws. Our 19th Century statutes are so unrelated to 20th Century realities that Congress has literally handed over its legislative and overseer responsibility to administrative and judicial officers with only the broadest of guidelines. In some respects the current state of the law is unfair to business management, and in others, it is inadequate to protect the public. In either phase, it is so vague that the unseemly pulling and hauling attempted by ITT to influence the result seemed to corporate officers not only justifiable, but even proper. No judge or lawyer in the United States today can say without fear of contradiction that the law covers conglomerates in spite of the ITT settlement. Only the Congress can say, and the Congress has been silent.

When a corporation has become so large that it can create a ripple effect in the American economy, that it might induce a stock market slump or that it could affect our international balance of payments, it is clearly time for Congress to review national policy in this area. And yet these are the conditions that responsible officials saw as possible, and the apprehension of which was the alleged basis for abandoning litigation and accepting a compromise of anti-trust cases. The Congress can no longer leave it to chance whether these officials were right or wrong. Business, government and the public all have too much at stake for so casual an attitude.

The Congress has also some responsibility to direct whether a hardship settlement is properly available in a case where a warning was issued by the Anti-Trust Division prior to the merger, or where the risk of hardship is primarily upon investors or stockholders and not upon the public generally. Events have now dictated what our own sense of responsibility should have already undertaken. I shall renew my efforts to get action on pending legislation for review and reform of anti-trust laws.

A second verdict of guilty must be rendered against ITT for, at the very least, being willing to stoop to conquer. While it is impossible to probe the corporate motive for every act, it does not seem unfair to assume that fear rather than remorse triggered the shredding of company records and that such destruction of evidence is a serious step going far beyond "taking the fifth." The massive corporate assault on government was launched and pursued at every political and official level.

It does not require any confirmation by Dita Beard to explain to me the relationship between a $400,000 commitment to a political party whose incumbent president is likely to be re-elected and a corporate giant which must deal with some level of government every day. It was like a wind-storm insurance premium since it sustained the general level of protection even it it were not immediately offset by reimbursement for storm damage.

The White House itself has been embarrassed by being designated as one of the targets of this drive, although there is no clear proof that the target was reached in any meaningful way: Even the most desperate corporate official should have realized that the transcontinental activities stretching from Washington to San Diego could not escape notice. While some part of this barrage was the proper exercise of the citizen's right to petition government and to demand justice, the sheer mass of this effort would alone make it excessive. This effort did not gain the optimum result, but it may have enabled ITT to avoid the worst.

The final settlement was apparently ITT's choice of evils. When that has been said, it must be added that the settlement was substantial, significant and reasonable in the light of the risks of litigation to all litigants. It has been supported by objective and independent legal experts. It is regrettable, however, that although it may be the best such settlement ever made, it will always be suspect because of the circumstances that surrounded its conception.

In the interaction of public and private agents and agencies, several omissions in our administrative practices have been noticed. One is the desirability of giving departmental tax rulings in live controversies involving substantial amounts the same publicity as a compromise of a tax case filed in court. In both, the public is entitled to notice. I shall introduce legislation, if necessary, to attain this end.

Secondly, we should attempt to provide for the Anti-Trust Division the kind of insulation from external influences that we have been able to give to courts. Although the Supreme Court may read election returns, we can rejoice in the overwhelming likelihood that attempts to reach judges through political channels would be rebuffed and rewarded by adverse reaction. While the Anti-Trust Division is neither judicial nor quasi-judicial, I think it may need special protection.

Since we have committed administration of Anti-Trust laws to the Anti-Trust Division we could at least assure that it be forewarned, if not forearmed. When anti-trust cases are in litigation, it would not seem unreasonably restrictive to require that contacts between the litigants and other government officials and agencies should be recorded by the litigants at the Anti-Trust Division.

Every citizen, no matter what the nature of his interest or grievance, has a constitutional right to petition his government. Such a right would not be abridged by requiring disclosure of pertinent conversations, but furtive appeals and unworthy demands might be discouraged.

All governmental officers in all departments in all administrations are susceptible to attempts to exert improper external influence, and so we should perhaps consider extending this requirement to quasi-judicial agencies.

The enigma of Mrs. Dita Beard is suspended over the whole scene, poisoning the air but not clearly discernible to the unaided eye. The role Mrs. Beard played can only be surmised from the fragmentary evidence available. Whatever it may have been, it was carried on with bravado and bluff amidst internecine corporate welfare. On the basis of the circumstantial evidence I am forced to conclude that she wrote the famous memorandum, but it is more difficult to conclude why she did so or whether she herself believed what she had written. But in a large measure such questions have been leap-frogged by other testimony and the whole matter no longer hangs upon the answers to them.

Some individual folly and carelessness has, of course, been disclosed. I am, for example, unsatisfied that the secretarial staff at the Justice Department could not have located Mr. Ramsden without White House help. I am disappointed that Mr. McLaren leaned so heavily for support in his testimony on points alleged to be in the Ramsden report, but which cannot be found there nor which its author ever discussed with Mr. McLaren or anyone else in the Justice Department. Mr. Flanagan could have offset these errors if he had simply given Mr. McLaren the address where he could find Mr. Ramsden and then left him to his own devices. Instead, he compounded the error by involving himself personally, as he candidly regretted in his testimony before the Committee. Mr. Kleindienst cannot escape all criticism when he denied participation in functions in which he was required by statute to participate, and when the effect of that participation could have been significant.

Measuring the damage created by these various errors and fixing the blame are tasks complicated by the number of participants and the scope of the action. On the surface, the basic public interest seems to have been protected by the ITT settlement, and any lost opportunities for more comprehensive action can hardly be assessed. Our sights therefore shift to the process by which the settlement was achieved. It seems fundamental to inquire how far private interests inimical to the public welfare penetrated the official process of decision. It is in this area that so many must bear the burden of suspicion for acts that may have been thoughtless or careless, but which appear as questionable to the public as if they had a corrupt or malicious motive. No greater illustration can be given that rules of ethics and standards of conduct provide a shield for public officials as well as for the public they serve.

Thus we return to Richard Kleindienst.

When Mr. Kleindienst came to Washington as Deputy Attorney General, I found myself forced to take issue with some of his first official acts. We each confronted the issues squarely and when they were resolved, as a result of Mr. Kleindienst's flexible and positive attitude, I believe we had a mutually enhanced respect for each other. He has been scrupulous in the observance of every commitment he has made while in office. While I might disagree with the substance of some of his decisions, I do not question his motives in reaching them.

Whatever mistakes Mr. Kleindienst made in connection with the ITT matter, they appear to me to be human errors which result from a highly pressured life and not parts of a deliberate and deep-laid plot to give preferred treatment to a contributor to the Republican Party. I certainly do not believe that all of the questionable acts committed by the entire cast of characters should be laid at his doorstep to prejudice his confirmation.

One example of the manner in which he is willing to confront differences of opinion is worth citing as a guide to the way in which he will conduct himself as Attorney General. He happened to be in the hearing room while Clarence Mitchell, legislative director of the NAACP, was testifying with reference to certain doubts as to Mr. Kleindienst's posture on civil rights. In an act, which I suspect was unprecedented under the circumstances and with candor that was unusual under any circumstances, Mr. Kleindienst returned to the witness table to join Mr. Mitchell in a dialogue that was both frank and friendly. The fact that he was willing to risk a confrontation and that he was able to convert it into a conversation speaks well for his confidence and for the state of his conscience.

His professional ability has not been questioned. His experience as a member of the bar commands respect. No question has been raised as to any personal pecuniary conflict of interest, and he has filed a complete financial statement with the Judiciary Committee.

It is scarcely necessary to observe that it is a very short term we are considering. Under the established precedents, the present Cabinet will submit resignations in January of 1973. At that time the Judiciary Committee and the Senate will again review the qualifications of the nominee for Attorney General. Although I personally would vote to confirm Mr. Kleindienst for a longer term than that to which he has been nominated, I shall urge the Senate to confirm him for the brief period remaining before the 1972 elections bring about a new appointment of the Cabinet.

By Mr. BURDICK (for himself, Mr. HANSEN, Mr. PACKWOOD, Mr. MCGEE, Mr. STAFFORD, Mr. STEVENS, Mr. WILLIAMS, and Mr. YOUNG):

S. 2661. A bill to amend the Land and Water Conservation Fund Act of 1965 so as to authorize the development of indoor recreation facilities in certain areas. Referred to the Committee on Interior and Insular Affairs.

Mr. BURDICK. Mr. President, I am introducing today a bill which would vastly increase the benefits received by the public through the Land and Water Conservation Fund Act of 1965. The bill, identical to S. 2473, which I introduced last year, permits the States to use 25 percent of their annual apportionments to enclose certain traditional outdoor recreational facilities. I am pleased that Senators YOUNG, STAFFORD, WILLIAMS, HANSEN, MCGEE, STEVENS, and PACKWOOD have joined me in offering the bill this year. Hearings were held in June of 1972 before the Subcommittee on Parks and Recreation of the Senate Committee on Interior and Insular Affairs, under the able chairmanship of Senator ALAN BIBLE. I feel the record of these hearings clearly establishes the need for my bill and I am hopeful that the Senate committee will see fit to approve it this year.

In 1964 Congress recognized the need for Federal participation in both preservation and development of recreational areas by authorizing the Land and Water Conservation Fund Act. Now, 9 years later over 4,800 outdoor recreation projects have been approved and funded by matching grants to State and local governments of more than $750 million. In addition, there have been greater than 2,600 land acquisition projects which have helped preserve over a million acres of recreational land for public enjoyment. Here there has been a total expenditure of nearly $500 million.

The 50 States, Guam, Puerto Rico, District of Columbia, American Samoa, and the Virgin Islands participate in the program and themselves provide one half the cost of maintaining a statewide comprehensive outdoor recreation plan required by the act. Money for this highly successful program is maintained at an annual level of not less than $300 million by revenues from the sale of Federal real surplus property, the collection of motorboat fuel taxes, and Outer Continental Shelf mineral receipts.

Mr. President, I think that it goes without saying that State and local governments have come to rely upon the responsiveness of this program to meet their identified recreation needs. One such is the development of indoor recreation facilities. The bill I introduce today would give the Land and Water Conservation Fund the flexibility needed to meet this growing recreation demand. The concept of amending the act to provide for the construction of either temporary or permanent enclosures for recreation facilities has interested me for some time. In 1967 I first introduced legislation to do so. At that time, however, many felt that the Land and Water Conservation Fund had not been in effect long enough to permit a complete evaluation of the impact of such a change. I was encouraged, therefore, when during the last session of Congress, and again this year, an administration sponsored bill included a provision similar to that which I offered 6 years ago.

While serious questions have been raised concerning other portions of the administration's bill, I feel that authorizing the construction of temporary or permanent enclosures over traditionally outdoor recreation facilities is needed. For this reason, I revitalized my effort and introduced S. 2473 in the 92d session of Congress. The bill I introduce today is identical. Briefly, it provides that not more than 25 percent of the total funds allocated to a State under the act shall be directed to the construction of indoor facilities in an area where the Secretary determines that: First, the unavailability of land or climatic conditions provides no feasible or prudent alternative to serve identified, unmet demands for recreation; and second, the increased public use made possible by indoor facilities justified their construction. Also, I should mention here that the intent of this legislation is to authorize either portable or permanent enclosures. Senator STEVENS indicated during last year's hearings that there may be a need to clarify this point and I am happy to comply.

The benefits are easily demonstrable. Swimming pools, to cite just one example, are used for only 60 to 70 days per year in my own State of North Dakota. Temporary or permanent covers could make swimming a year-round sport. While the increase in construction costs for such a facility are estimated to be 30 to 40 percent, for this increased cost the public would enjoy 500 percent more swimming time. And this is a pool which recreation experts tell me will be more sanitary and easier to maintain. This is only one example of the benefits to be derived from the passage of my bill.

My amendment would allow fund money to be used for such facilities as enclosed swimming pools, ice skating rinks, and tennis courts—traditionally outdoor recreation activities. The money could not be used to fund such traditionally indoor recreation facilities as bowling alleys, billiard rooms, theaters, and gymnasiums. My amendment would not in any way decrease the funds given to a State for purpose of recreational development. It would not require a State to build indoor facilities and it is not intended to divert any outdoor recreation agency from the acquisition and preservation of land with recreational value. Rather than subvert the original intent of Congress, the bill will go a long way toward realizing the goal of optimum recreational resource development.

Mr. President, I recognize that some feel that the Land and Water Conservation Fund Act money should be used primarily for "open space" land acquisition. The basis for this argument seems to spring from the fact that some of the revenue of the fund was derived from park entrance and user fees, thus making the fund a "trust fund" for additional park acquisition. I feel that the record established by the Land and Water Conservation Fund since 1965 clearly indicates that large amounts of money are being made available for land acquisition and that many acres of land have, in fact, been acquired. But the record also shows that this is not the only purpose of the fund.

Also, it is significant to note that entrance and user fees have historically provided but 6 percent of the total moneys available under the Land and Water Conservation Fund Act. At this point, I ask unanimous consent to have printed in the RECORD a letter I received from the Director of the Bureau of Outdoor Recreation, Mr. James G. Watt, which outlines the cumulative receipts to the fund for the fiscal years 1965–72. Further, the letter indicates that, under recent amendments, entrance and user fees collected are placed within a separate account to be administered in conjunction with, but separate from, receipts in Land and Water Conservation Fund.

Mr. President, my bill has been given the unanimous support of the National Association of State Outdoor Recreation Liaison Officers and I personally have received volumes of mail from every section of the country in support of the concept of Federal participation in construction of indoor recreation facilities. It is my hope that hearings will be scheduled on this legislation soon and that a new vista of recreational opportunities will be opened to the public by its early enactment.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF OUTDOOR RECREATION,
Washington, D.C., February 15, 1973.

Hon. QUENTIN N. BURDICK,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BURDICK: In reply to your letter of January 26, 1973, requesting information about receipts of the Land and Water Conservation Fund, I am pleased to provide you with the following data:

CUMULATIVE RECEIPTS, FISCAL YEARS 1965–72

[In thousands of dollars]

	Amount	Percent
Surplus property sales	$391, 244	29
Motorboat fuels tax	197, 096	15
Outer Continental Shelf receipts	688, 529	50
Entrance and user fees	78, 992	6
Total	1, 335, 861	100

In regard to your question on motorboat fuels tax and entrance and user fees, all of the receipts are comingled and lose their separate identity after they are placed in the Fund. Appropriations are made from the total amount available and not from specific receipts.

Under amendments to the Land and Water Conservation Fund Act of 1965, entrance and user fees collected after December 31, 1971, are covered into a special account to be administered in conjunction with, but separate from the receipts in the Land and Water Conservation Fund and are available for appropriation for outdoor recreation functions of the collecting agency. To date, there have been no appropriations from this special account.

If we may be of further service to you, please let us know.

Sincerely yours,

JAMES G. WATT, *Director.*

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1745

At the request of Mr. MONDALE, the Senator from Iowa (Mr. HUGHES) was

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added as a cosponsor of S. 1745, the Sudden Infant Death Syndrome Act of 1973.

S. 1765

At the request of Mr. Bayh, the Senator from California (Mr. Tunney) was added as a cosponsor of S. 1765, a bill to establish an Independent Board of Parole, to provide for fair and equitable Federal parole procedures, to study the parole procedures provided for released prisoners, and for other purposes.

S. 1777

At the request of Mr. Stafford (for Mr. Schweiker), the Senator from New Mexico (Mr. Domenici) was added as a cosponsor of S. 1777, a bill to amend the Federal meat inspection act to prohibit the sale for human consumption of meat from horses, mules, and other equines.

S. 2238

At the request of Mr. Mondale, the Senators from Iowa (Mr. Hughes and Mr. Clark), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. Abourezk), and the Senator from Wisconsin (Mr. Nelson) were added as cosponsors of S. 2238, to amend the Internal Revenue Code of 1954 to increase the maximum credit and deduction allowable with respect to contributions to candidates for public office, to make certain changes in subtitle H of such Code with respect to the financing of Presidential election campaigns, and for other purposes.

SENATE CONCURRENT RESOLUTION 56—SUBMISSION OF A CONCURRENT RESOLUTION AUTHORIZING THE PRINTING OF ADDITIONAL COPIES OF HEARINGS ON THE CHILD ABUSE PREVENTION ACT, 1973

(Referred to the Committee on Rules and Administration.)

Mr. MONDALE submitted the following concurrent resolution:

Resolved, by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on Labor and Public Welfare one thousand additional copies of the hearings before its Subcommittee on Children and Youth during the present session on the Child Abuse Prevention Act, 1973.

SENATE RESOLUTION 195—ORIGINAL RESOLUTION REPORTED AUTHORIZING CERTAIN FUNDS RELATING TO THE NOMINATION OF GERALD R. FORD TO BE VICE PRESIDENT

(Placed on the calendar.)

Mr. CANNON, from the Committee on Rules and Administration, reported the following resolution:

Resolved, That Senate Resolution 53, 93d Congress, agreed to February 1, 1973, is amended as follows:

(1) Sections 5 and 6 are redesignated as sections 6 and 7, respectively.

(2) Insert after section 4 the following new section:

Sec. 5. From October 13, 1973, through February 28, 1974, the amounts made available under sections 3 and 4 of this resolution shall also be available for a study or investigation, including the procurement of individual consultants or organizations thereof, relating to the nomination of Gerald R. Ford of Michigan to be Vice President of the United States.

SENATE RESOLUTION 196—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY TO MARY H. BRICK

(Placed on the calendar.)

Mr. CANNON, from the Committee on Rules and Administration, reported the following resolution:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Mary H. Brick, widow of John Brick, an employee of the Senate at the time of his death, a sum equal to nine and one-half months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 197—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY TO RAYMOND H. MILLER

(Placed on the calendar.)

Mr. CANNON, from the Committee on Rules and Administration, reported the following resolution:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Raymond H. Miller, widower of Anne C. Miller, an employee of the Senate at the time of her death, a sum equal to six months' compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

SOCIAL SECURITY ACT AMENDMENTS OF 1973—AMENDMENT

AMENDMENT NO. 640

(Ordered to be printed and referred to the Committee on Finance.)

MEDICARE DEDUCTIBLE FREEZE AMENDMENT TO H.R. 3153

Mr. MUSKIE. Mr. President, on behalf of myself and Senators Church, Clark, Williams, Tunney, Humphrey, Hart, Moss, Hartke, Hughes, Metcalf, McGee, Ribicoff, Pell, McGovern, Eastland, Stevenson, Eagleton, Chiles, Abourezk, McIntyre, Mondale, Stevens, Jackson, Magnuson, Javits, Bayh, Case, Hathaway, Burdick, and Bible, I offer an amendment to H.R. 3153, the Social Security Act Amendments of 1973, to freeze the medicare part A hospital insurance deductible at its current $72 level for 1974 as a temporary relief measure.

The Department of Health, Education, and Welfare announced last month that the deductible—the amount a hospital patient must pay before medicare takes over—would increase from $72 to $84 in 1974. This increase in the hospital deductible would also have the effect of raising by 17 percent the medicare coinsurance charges—the portion of the costs that patients must pay for hospital stays longer than 60 days and for nursing home extended care after 20 days.

If the increase is allowed to take place, it would affect some 5½ million aged and disabled medicare beneficiaries who are expected to be hospitalized in 1974. It would add yet another burden to the aged who have limited incomes and still must somehow cope with ever-rising prices. It would also come hard on the heels of an increase in the monthly premium charge under the medicare supplementary medical insurance program, which has just risen from $5.80 to $6.30 per month.

These additional medicare charges are robbing the aged of the small amount of discretionary income that they have. For many of the aged, food and shelter and medical costs consume almost their entire income. Even relatively small increases in medicare charges can have a major impact on their personal finances.

The deductible for medicare hospital insurance was $40 when medicare went into effect in July 1966. Raising the deductible to $84 would mean that it has more than doubled since the program began. At the same time, the coinsurance payments, which are linked to the deductible, would also more than double. Next year, if a medicare beneficiary required more than 60 days' hospitalization, the coinsurance payment per day for the 61st through 90th day would be $21 a day as compared to $18 currently and $10 when medicare was enacted. For a posthospital stay of more than 20 days in a nursing home the coinsurance would be $10.50 a day compared to $9 currently and $5 when medicare began.

As things now stand, this increase is mandatory because the law requires the deductible to be determined annually according to changes in average per diem hospital costs covered by medicare. Under section 1813(b) of the Social Security Act, each year the medicare inpatient hospital deductible for the following year is set—in multiples of $4—at $40 multiplied by the ratio of average per diem inpatient hospital costs, for the previous year compared to the average per diem cost for 1966. For instance, the deductible for 1974 is set in 1973 based upon inpatient hospital rates in 1972.

My amendment would declare a 1-year moratorium on the ever-increasing hospital deductible and coinsurance charges. The amendment requires that the deductible remain at $72 during 1974, thus also freezing coinsurance at current levels. In addition, the amendment modifies the cost increase formula by changing the base year from 1966 to 1972, thus providing that increases from the $72 level would be based on the percentage increase in the average per diem rate for hospital services since 1972. Under the amendment, for example, the deductible and coinsurance for 1975 would be set during 1974 based on hospital cost increases in 1973.

This temporary relief for medicare recipients can easily be borne by the hospital insurance trust fund. The estimated additional cost of the amendment would be $103 million for 1974, but in that year the hospital insurance trust fund is projected to have a surplus of almost $10 billion. The fund is expected to have increasing surpluses in later years because: First, the hospital insurance fund portion of the payroll tax has been raised from 0.6 percent in 1972 to 1 percent in 1973; second, the amount of wages which are covered by social security, and thus taxed, will go from $10,800 to $12,600 in 1974; and third, the number of employed persons continues to go up, which provides additional revenues. My amendment would not jeopardize the short-term or long term actuarial balance or safety of the trust fund, and would require no further financing.

Finally, there is no policy justification for allowing the medicare deductible and coinsurance to increase. Hearings I have conducted, as chairman of the Subcommittee on Health of the Elderly of the Special Committee on Aging, show that increased "cost-sharing" under medicare would not increase the efficiency of the program, but would merely impose financial hardship on millions of the elderly, and possibly discourage needed preventative health care leading to increased longrun costs.

Mr. President, this amendment is enthusiastically supported by the National Council of Senior Citizens and the National Retired Teachers Association-American Association of Retired Persons. Together they represent almost 9 million aged and aging Americans who are more than a little concerned about escalating medicare charges.

Now is the time to provide at least temporary relief from yet another stiff medicare increase. I urge the Senate to adopt this medicare deductible freeze amendment. I ask unanimous consent that the text of this amendment be reprinted in the Record.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

Amendment No. 649

At the appropriate place in the bill, insert the following new section:

LIMIT ON MEDICARE INPATIENT HOSPITAL DEDUCTIBLE

Sec. —. (a)(1) Section 1813(b)(1) of the Social Security Act is amended—

(A) by striking out "$40" and inserting in lieu thereof "$72"; and

(B) by striking out "1969" and inserting in lieu thereof "1975".

(2) Section (b)(2) of such Act is amended—

(A) by striking out "1968" and inserting in lieu thereof "1974";

(B) by striking out "$40" and inserting in lieu thereof "$72"; and

(C) by striking out "1966" and inserting in lieu thereof "1972".

(b) The Amendments made by subsection (a) shall be effective with respect to services provided after December 31, 1973.

Mr. RIBICOFF. I am cosponsoring with Senator Muskie an amendment to freeze at present levels the medicare deductibles and copayments which patients have to pay. Under present medicare law these payments go up annually as the average daily cost of hospital care goes up.

It was recently announced that on January 1, 1974 these deductibles will go up again.

There is no doubt that the cost of hospitalization has increased since medicare was enacted in 1965. But we cannot keep putting heavier cost burdens squarely on the shoulders of the poor, sick elderly members of our population whose incomes are frozen.

The average out-of-pocket payment for Americans aged 65 and over has grown from $234 in 1966 to $276 in 1972, the latest year for which complete statistics are available.

In Connecticut alone over 290,000 older Americans enrolled in medicare would have to pay more for hospital care. This would completely wipe out the benefit of my 5.9-percent social security increase which Congress recently enacted into law.

If this bill is not enacted, medicare patients will have to pay the first $84 of these hospital bills rather than the first $72.

Because of the increase in the hospital deductible present law also requires other cost increases. Thus, when a medicare beneficiary has a hospital stay of more than 60 days he will be forced to pay $21 a day for the 61st through the 90th day, up from the present $18 per day. If he has a posthospital stay of over 20 days in an extended care facility he will be forced to pay $10.50 per day instead of the present $9. And if a medicare beneficiary ever needs more than 90 days of hospital care, his "lifetime reserves" of 60 days will cost him $42 a day instead of the present $36 per day.

Under our proposal the deductibles would be kept at their present level. That means the 1st day of hospital care will cost $72 instead of $84. The deductible for the 61st to 90th day will cost $18 instead of $21. The deductible for extended care after 20 days will cost $9 instead of $10.50. And the deductible for the medicare lifetime reserve will cost $36 instead of $84.

It is time once and for all to put an end to these additional cost burdens on older Americans who cannot afford to shoulder them.

Our proposal will provide long overdue relief to millions of older Americans.

I ask unanimous consent that certain tables be printed at this point in the Record.

There being no objection, the tables were ordered to be printed in the Record, as follows:

MEDICARE DEDUCTIBLES AND COPAYMENTS

	Levels as of 1974	Muskie-Ribicoff proposal
1st day hospital deductible	$84.00	$72
61st to 90th day hospital deductible	21.00	18
Extended care after 20 days	10.50	9
Lifetime reserve days	42.00	36

INCREASES IN DEDUCTIBLES SINCE MEDICARE ENACTED

For benefit period beginning in	Inpatient deductible	61st to 90th day	Lifetime reserve
1966	$40	$10	$20
1969	44	11	22
1970	52	13	26
1971	60	15	30
1972	68	17	34
1973	72	18	36
1974	84	21	42

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 619

At the request of Mr. Mondale, the Senators from Iowa (Mr. Hughes and Mr. Clark) and the Senator from Pennsylvania (Mr. Schweiker) were added as cosponsors of amendment No. 619 intended to be proposed to the bill (S. 2188), the Midwest and Northeast Rail System Development Act of 1973.

NOTICE OF CHANGE OF HEARING DATE ON OIL AND GAS DEVELOPMENT IN SANTA BARBARA CHANNEL

Mr. METCALF. Mr. President, I wish to inform all Senators and other interested persons that the hearings on S. 1951 and S. 2339, both dealing with the Santa Barbara Channel situation, which were scheduled for Monday, November 12, have been rescheduled for Tuesday, November 13. The hearing will begin at 10 a.m. in room 3110, Dirksen Senate Office Building.

NOTICE OF POSTPONEMENT OF HEARINGS

Mr. ROBERT C. BYRD. Mr. President, on behalf of Senator Eastland, chairman of the Federal Bureau of Investigation Oversight Subcommittee of the Judiciary Committee, I announce that the hearings of that subcommittee set for tomorrow, November 6, on S. 2106, to provide a 10-year term for the Director of the FBI are indefinitely postponed due to conflict with the ongoing full Judiciary Committee hearings into the firing of Archibald Cox and legislation dealing with court appointment of a special prosecutor.

Hearings on S. 2106 will be rescheduled as soon as the schedule of the full Judiciary Committee allows them.

ADDITIONAL STATEMENTS

WATERGATE

Mr. YOUNG. Mr. President, I share the deep concern as evidenced by good people all over the country with reference to this whole Watergate mess. There have been countless charges—many of them substantive, but some of them irresponsible and oftentimes of little substance.

Unfortunately some good people have been hurt. They have been put in the position of being guilty until they prove themselves innocent.

One of North Dakota's most able and respected editors, John Hjelle of the Bismarck Tribune has some views regarding the recently fired Special Prosecutor Prof. Archibald Cox. He expressed these views in an editorial entitled "Cox Objectivity Suspect" which appeared in the Tribune on October 31. I am sure the views expressed by this very able and reputable editor are shared by a great many people. It has become a bit too uncommon for editors and others to speak up in defense of an unpopular issue.

I ask unanimous consent to have this printed in the RECORD as a part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Bismarck (N. Dak.) Tribune, Oct. 31, 1973]

COX OBJECTIVITY SUSPECT

The suspicion that former special prosecutor Archibald Cox was less than an objective and politically-disinterested participant in the Watergate investigation is strengthened by disclosures Tuesday.

It now has been made known that Cox, who served as solicitor general in the John F. Kennedy Administration, has gone out of his way to discuss secret information in the case with political enemies of the Nixon Administration.

Of course, he says, he did not intend that the information be "leaked" to the press.

He also asks for himself a regard that he has indicated is evil if directed towards anyone else.

He hopes, he says, that members of the Watergate investigation committee will be "charitable enough" to believe that he did not intend a deliberate leak.

And he pleads the "stress and strain" of the last few weeks as an excuse for his misdeed. After the error, he admits it was "inexcusable" and he feels "very badly" about it.

Of course, all this compunction comes after the damage has been done and it's too late to do anything about it.

Cox has been elevated into something of a Galahadian hero whose only purpose as special investigator, before he was fired, was to ferret out the truth without fear or favor.

Now, however, it is divulged that he hasn't been totally above special favors to political compatriots. Of all people he might have chosen, he selected Sen. Edward M. Kennedy, one of the Republican Administration's most bitter foes, and one whose political ambitions may be served greatly by discomfiture to the Republicans, for his confidences. The choice is too significant to be either coincidental or accidental. Obviously, it means he has been feeding information to persons outside the investigating committee for purposes other than the furtherance of the investigation.

BANGLADESH: THE WAVE OF THE FUTURE?

Mr. KENNDEY. Mr. President, just as Bangladesh has come to symbolize for many the triumph of self-determination and the struggle for democratic principle, so, too, has Bangladesh come to represent the growing problems facing most of the developing nations of the world.

In a peculiar and important way, Bangladesh may represent the wave of the future—whether for good or ill. Like so many nations in the Third World, Bangladesh faces progressively severe demographic problems, with persistent scarcities in food, problems and corruption in administration, instability in government, all of which undermine the Nation's social and economic development.

And, like too many developing nations, Bangladesh is particularly subject to the winds of fate. Droughts, floods, and other natural disasters which, in a developed nation barely faze national life, in a nation surviving on the slim margin as Bangladesh, means not only immediate human tragedy but longer-term disruption of economic and social life.

Combined, these factors tend to create a vicious cycle: Forced to use its limited foreign exchange to buy food to feed its hungry cities and towns, Bangladesh is unable to purchase the fertilizers, insecticides, and other agricultural investments to increase its food production, only to be faced again, the following year, with the need to buy more food, sometimes at double the price, with even less funds left for improvement in agricultural production.

Mr. President, if Bangladesh is, as many speculate, a symbol of the future of the Third World, then it becomes one of the crucial issues of our time whether that future is filled with tragedy and even greater human suffering, rather than progress in social and economic development.

This issue was clearly presented last week by the Christian Science Monitor correspondent, Mr. Richard Critchfield. In a two-part essay on Bangladesh, he clearly portrays the human aspect of the dilemmas confronting the developing nations, as well as the governmental and economic problems involved.

Mr. President, I commend these important articles to my colleagues in the Senate, and ask unanimous consent that they be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, Oct. 31, 1973]

BANGLADESH—I

(By Richard Critchfield)

JOYPUR VILLAGE, BANGLADESH.—It is a land of golden dreams and dreadful nights, fiercely naked in the enormity of its population and the depth of its poverty.

It is the great delta of the Himalayan-watered Ganges and Brahmaputra Rivers, silt-rich, wet, flat, and so lushly green and fertile that despite regular cyclones, floods, and drought it has managed to precariously support 76 million Bengalis in an area smaller than Wisconsin. If the United States were so densely populated, it would have more than 6 billion people.

It was created after a bloody civil war in 1971. It is the world's newest country and, as Prime Minister Mujibur Rahman told me, it is "poor, poor, poorest of the world." It is the international extremity case, as far as you can go, the rock bottom—Bangladesh.

Land holdings are fragmented and small. Very few (only 10 percent) are as much as 8 acres. Most farms are between one and two acres and closer to one acre. Of the many holdings that are less than half an acre, most are subdivided still further into tiny, disconnected plots.

Rice and few vegetables are the diet; with a daily average of 841 grams per person in the villages and 726 grams in the towns—both amounts considered by some experts to be at the starvation level. Along with malnutrition, such age-old scourges as cholera and smallpox are reported once more on the rise.

Some 94 percent of Bangladesh's people live in the country's 65,000 villages. The productivity of their subsistence agriculture is very low. Its growth rate of 2.5 percent a year cannot keep up with one of the world's highest rates of population growth, estimated at more than 3 percent.

Yet experts believe that if the peasantry is given an opportunity and supplied with all the resources it needs, the potential is there for doubling rice output in 10 to 20 more years. This would be more than enough to feed the projected population.

Unlike the arid and semiarid parts of Africa and India where population already may have outstripped resources and no corrective agricultural technology exists, at least Bangladesh has a degree of discernible hope for its future.

This hope has been reduced to a flicker in the villages. But it is not too late.

Now in the Monsoon, out in the rural countryside, Bangladesh is a very beautiful land, with a soft languor and gentle rhythm of its own. Great swirls of white, thick, cumulus clouds, towering 30,000 to 40,000 feet, drift over its wet, pale-green surfaces. Mist hangs over the endless sea of rice paddies like steam over a vat.

By day, it is a deceptively peaceful scene. The village of Joypur (pop, 1,507, 138 families, 306 houses, six high-school graduates, a primary school, and a mosque) lies steamy and somnolent in the sun—its busy activity out of sight off in the fields, or hidden from view in the women's courtyards.

Chickens scratch for grain, naked children play in the dust, there is the soothing creak of bullock carts; a tailor sits crosslegged before his ancient sewing machine.

In the background, provided the diesel fuel and spare parts can be found to keep it running, there is the drone of the pump engine at the village's only tube well, which waters 60 of Joypur's 250 cultivated acres.

The lack of more wells is a bone of contention: Water means the difference of one or three crops a year. The village has been promised two more deep wells and pumps to irrigate all its land. But although local politicians from the ruling Awami League vowed something would be done before last March's general election, nothing has happened.

At dusk the village comes to life. As crows leave the village in screaming flocks for their night roosts in the fields, the men come in to settle in groups before one of the open pavilions and talk—rich, warm Bengali talk, argumentative and humorous, fervent, and excited in gossip, protest, and indignation.

HIGH PRICE OF CLOTH

The men are barefoot and clad only in saronglike *lungis*—from habit and the high price of cloth; a few still have rags tied around their hair against the day's fierce sun or sudden monsoon rains.

They are for the most part cheerful, with shy, diffident manners that suddenly explode into grins or excited chatter, their heads bobbing from one side to the other. Although generally malnourished, one or two robust figures stand out—like Rashid, an earnest youth respected as the best farmer in the village, or silver-haired Abdur, the cooperative society chief—as if nature sought to show that all of the modern world's concern with nutrition, health, and disease prevention hardly mattered.

Against the murmur of their voices, fireflies dart over the ponds and the winding path to the outside world; slowly the flickering lamps in the enclosed women's quarters start to be extinguished and cicadas and frogs snicker and croak from the fields.

It should be a calm and idyllic scene: It is not.

As night falls, fear seeps into Joypur. The talk, as it always does these days, centers on growing lawlessness, the gangs of dacoits, or bandits, who attack the villages at night.

SITUATION DETERIORATING

"We are always afraid," frets Ram Lal, the Hindu coppersmith. "The government cannot cope with all this lawlessness. Ah, Sheikh Mujib [the Prime Minister] is a good man, but those around him are dishonest and corrupt."

Sitting crosslegged beside the coppersmith, an old whitebeard cackles, "Hee, when an elephant tries to catch a frog, the frog will jump quickly. But once he's under the elephant's heel, he lies there pretending to be dead. That's how it is for us."

"The situation deteriorates day by day," says the bespectacled schoolteacher, feeling called upon to comment.

Although a moon shines, the fall of darkness has made everything outside the halo of a small oil lamp look impenetrable and dark. Across the courtyard, Rashid's wife, shrouded and bent over a smoking cauldron, waits for water to boil. Everyone is resting from the day's labor, thinking and wondering when the dacoits will attack the village next.

They came just after 11 o'clock one night, 15 or 20 young men armed with Sten guns and rifles and landing in small boats from the river—some wearing dark cloths below their eyes but others with war paint like savages in a Hollywood film. The villages suspect it was an inside job. They attacked two houses whose owners had just sold their rice crops. One man refused to open the door; they shot through it and wounded him.

POLICE STATION LOOTED

Some villagers claim they were not real dacoits at all but younger, better-educated men. They got the impression the attackers were liberation war veterans or university students, maybe youths better armed than the police and embittered against the government, who saw no other way of making money.

Others speculate politics was involved: Maybe the night-comers were Communist Naxalities or Muslim Leaguers or Pakistani militiamen or Awami League bully boys. Or maybe just straight bandits after all.

In other places it is worse, they hear—daylight bank robberies, hijackings, murders, rapes.

Most shocking to Joypur's people was a successful seizure and looting of their local thana, or district police station. From Mogul times until now, the police thana always has been the village's main link with the government. What are they to think now at the spectacle of 30 sacred policemen, armed with ancient Lee Enfield rifles and cowering behind their rusted barbed wire at night lest the dacoits strike again?

Who will protect Joypur?

No one but themselves, they conclude, and now each night five volunteers patrol—ready to sound a general alarm the moment anyone suspicious approaches.

Ram Lal, one of the village's few Hindus, is most fearful of all. During attacks on some of the nearby villages, he has heard, the raiders are telling the people that what the Pakistanis had not destroyed the Indians would steal, that Sheikh Mujib mollycoddled Hindus and was not standing by the tenets of true Islam.

EDUCATED DACOITS

Ram Lal knows too well the age-old phenomenon of Bengali Muslims reacting to pressure in unpleasant anti-Hindu ways. He and his wife and children were among the 10-million refugees who fled to India during the civil war and he tells her; "We are a minority and we must always worry about how we will be treated by the Muslims.

"Sheikh Mujib is not communal and has declared Bangladesh a secular state. But if times get bad again, we will be made the victims and must flee."

Now, as everyone sits in silence somewhere out in the darkness comes the mournful cry of a bird, "Trrrr, trrrr. . . ."

Ram Lal shudders.

"Did I feel a raindrop?" asks Rashid.

"Hah," snorts the old man, "we are not salt that will melt away."

After another pause, he observes: "Even the educated people are dacoits these days. But they do it sitting from a chair in Dacca. The real dacoits come to your door."

"They do, they do," affirms the Hindu, drawing nearer his familiar Muslim neighbors as if he has grown apprehensive.

Ahmed, a rugged-faced sinewy man who is one of a group of itinerant landless laborers now in the village, makes fun of the paunchy Hindu.

"Dacoits don't bother poor men," he scoffs. "All we possess is our bedding. Who will slit our throats for that?"

"Whatever comes, it is Allah's will," mumbles another of the laborers.

Ahmed and his group had journeyed two days by boat from their distant village—part of the army surging across the Bengali countryside looking for field work, in return for rice to eat and 50 cents a day. Rashid has let them sleep in a lean-to at his threshing ground.

Young Rashid is troubled. "We got independence but not peace," he tells the others.

"These dacoits come to plunder us at night. Who dares to sleep in his own house? Without security, what good is independence?" In the yellow glow cast by the oil lamp his handsome face has a haunted appearance.

The silver-haired Abdur agrees. "Before we listened to what the government said. Now who can believe the rascals? We just turn away from their words."

NO FERTILIZER

"But the dacoits are not the worst of it," interrupts Rashid. "Look at me. My whole life is growing rice. But these days I cannot grow a good crop for want of fertilizer, insecticides, and fuel to keep the irrigation pump going.

"If we had a sure supply of these things, I for one would like the government to stop its subsidy. Let us pay cash."

The other men enthusiastically agreed.

"But now it's impossible," Rashid went on. "Those foxes in the government are selling our supplies out the back door at black-market prices."

"Some high hands are involved in it," Abdur puts in.

Rashid is stirred up now. "For the last 18 months we are learning from the radio that corruption will end and that the government wants us to grow more food. But for this 18 months, there is no change at all."

"During liberation even a dying man wanted to hear their words. Now no more."

"Ah, brothers," sighs the old man. "I hoped things would get better and I could take rest. Now I must go on working."

"Those who can afford it stop at 60," philosophizes Ahmed. "Those who can't go on until they drop in the fields."

"Work can keep your health," retorts the old grandfather with spirit. "An idle man gets lead in his bones." He looks around slowly at the faces of the younger villagers. "Bangladesh will always live in want," he thinks aloud, remembering many such conversations going back generations. He tells the men how it was in his youth, when Joypur had half the people, much less than half the people. "Ponds full of fish; fields full of grain. . . ." He chuckles and the men laugh.

Only Ahmed is not amused. "You speak like Sheikh Mujib," he says, "and his dream of a golden Bengal."

Some of the villagers may not curse, nor complain, remembering Allah's will, but Rashid is determined to improve his lot. Although like his neighbors he completed only five years of primary school, he keeps careful records of all his earnings and the money he spends.

Rashid possesses two acres (somewhat more than the average sized holding), owns two bullocks, and supports a family of wife, five children, and a widowed mother. (Typically, he married when his wife was 13 and he 22).

A student also lives with the family, in return for rice and a place to sleep, tutoring his children in Bengali, English, mathematics and the Koran—not an unusual arrangement in Bangladesh where learning is held in highest esteem.

Last year Rashid raised 7.5 tons of IR20 and IR5 dwarf rice, plus some traditional varieties for his often-flooded lowland plot, by triple cropping half his land. The total worth of his harvest came to the equivalent of $471, giving him enough, after expenses, to build a new house.

But figuring in his bullocks' labor and his own, Rashid gives his farm a net profit of only $28.

As a cultivator, Rashid sympathizes more with a laborer like Ahmed than the more prosperous coppersmith Ram Lal, who loans money at 100 percent interest. ("After the Hindus fled to India," Rashid says, "more than twice as many came back. It is some Indian Government policy. Some tried to claim land they sold 10 years ago. Maybe Sheikh Mujib favors them; I don't know.")

LAND MORTGAGED

He feels Ahmed is justly embittered; the laborer's wife had an operation at the government hospital in Dacca that cost him $70. Already in debt, he had to mortgage the quarter-acre of land he inherited from his father. For the first time, he joined the hungry army of roaming men looking for farmwork in the countryside.

Ahmed has told Rashid, "First my wife got ill, then came insects, then floods, and now rising food prices. This is the worst year of my life, worse than ever before."

So far, harvesting by day and threshing by night for 18 days, he has managed to send home a $4.50 postal money order.

"I may have to go home empty handed now," he tells Rashid, since there is no work available in Joypur. "It is peaceful here, but all I do is sit around and think what I can take home to feed my four children."

Rashid is sympathetic and realizes his own good fortune. "Khub bhalo katse," he thinks. "I eat good. I have my independence and my dignity. This Ahmed is confused. I can employ men. If you lose the land, you are a slave to others."

Future hope in Bangladesh rests with Rashid and the millions like him, provided law and order is restored and they get the resources they need.

Or a grimmer future lies with men like Ahmed, for whom, in the words of Rabindraneth Tagore, "the horizon is fiercely naked." The great Bengali poet was comparing pent-up human wrath with the ominous silence, heat, and despair of a drought, when "lashes of lightning startle the sky from end to end."

The determination of which of these futures will come to pass in Bangladesh depends largely on the day-by-day decisions of the men in Dacca.

[From the Christian Science Monitor, Nov. 1, 1973]

BANGLADESH—2

(By Richard Critchfield)

DACCA, BANGLADESH.—A clap of thunder breaks from the black clouds fearful and deafening. Hardly has it ceased when there flames such a blinding flash of light that for an instant you can see the whole city to its farthest reaches: the crumbled, rubbish-strewn boulevards; the Mogul and Victorian public buildings mildewed with neglect; the thatch of the squatters' shantytowns gnawed away by rats and rain; the graffiti urging a "Muslim Bengal" and "death to American imperialism"; and everywhere, the straining, emaciated figures of men, pushing hard against heavy wooden carts, pedaling their rickshaws, harnessed like draft animals to barges along the canals, their drawn faces outlined with startling clarity as bursts of lightning gleam in their eyes and glitter from the sweat running down their backs.

Then the rains come. A torrent of solid shafts of water coming straight down. Soon the streets are knee-deep in it; rivers of mud and filth flow down to the low land squatters' colonies.

Under an improvised shelter of corrugated tin, a group of men huddles, shivering. They wear only old sackcloths, which have once seen service for sugar or grain, around their waists. Wet, trembling, half numb with the cold, yet cheerful, they gossip in loud, excited voices.

Here is Ali, a rickshaw man from the rotting slum nearby. Ali, his wife, and four children sleep in their single room, their one possession an iron bed loaned from fleeing Biharis during the war. He earns $1 to $1.40 a day and yearns for enough to send his children to school. But in the five years since he left his village in Faridpur he has been forced deeply into debt.

And Abdul Kalam, son of a rice-growing peasant in Noakhali. A daily laborer, just 18, he has no home nor wife but sleeps on the ground at his construction sites. Alone of the group he wears a torn, sleeveless shirt garment, which despite its holes is still a mark of status.

EARNINGS SHARED

And Rajab, a cart puller, poorest of all. Wiry, barrel-chested, sun-blackened, he owns his cart but must share earnings of 80 cents to $1 a day with one or two youths who push from behind and get 25 cents apiece. On bad days he sometimes goes hungry, but has no debts. "Debts?" he laughs in a rich, deep voice. "Who would be so foolish as to loan money to such a poor man?"

The rain lasts and a plump little man with a black umbrella and anxious eyes seeks shelter, standing apart from the laborers and fretting in English about the rain and the heat. He mops his face with a grubby handkerchief and ties it around his neck to protect a frayed white collar.

Badrul Mohammed, as he shyly introduces himself, formally shaking hands, is a lower-level clerk earning $37.14 a month. He shares one room in a government "mess quarter" with four others from the office.

Cultivated, conscientious, and self-conscious, he pays the $8 monthly tuition of two younger brothers in college being educated to follow his example of shuffling papers in an overstaffed government bureau that exists to shuffle papers and worry about how to educate its future sons for nonexistent jobs. He sends another $7 a month back to his mother in the village.

Badrul gazes into the rain, taking in the pall of cooking smoke from the slum colony, its slippery stairways carved from mud, the potholes, the rubbish everywhere, children with spindly legs and matted hair standing in doorways, and the pathetic lines of torn and ragged garments left hanging by some absent workers and rotting in the rain.

"My father loved Macaulay," he blurts out in a tone of suppressed hysteria, "and he wore a tie, suit, and vest every day of his life."

His longing to escape his environment was barely suppressed—underlined by the tortuous, shadowy streets in this old part of Dacca, with its hint of threatening violence and medieval superstition.

CITY SEEMS OMINOUS

The minor lanes are dark, narrow, and seem charged with a sense of excitement and revolutionary fervor. Here one remembers it is not long since Dacca was a prime symbol to the world of crazed soldiers terrorizing the capital and mobs of armed students who changed the course of the subcontinent's history.

The newer, modern part of the city seems no less ominous.

Even the Intercontinental Hotel—all plate glass and fantastic prices—breathes anxiety. Jittery do-gooders and fed-up engineers exchange the latest horror stories in the lobby. The bar is a hangout for Bengali hoodlums, black marketeers, and KGB and CIA hardboys companionably sipping their iced drinks and eavesdropping on each other to find out what is going on.

Worst is the bureaucracy. The central government Secretariat is swarming with scheming Awami Leaguers and petitioners, underpaid clerks with incipient beards intent on procrastination, a muddle of telephones that do not work, frequent power failures (Badrul, the clerk, said he was afraid to ride on elevators in his building for fear the electricity would suddenly give out), and senior civil servants and military officers who openly declare to any sympathetic ear their unhappiness over upset decisions, insecure jobs, being at the mercy of whimsical men in a whimsical party. They bluntly state the country is going to the dogs.

Above all is lawlessness and the pervasive fear of a complete breakdown in order where the deprived Alis and Abduls and Rajabs would rise up in mob rioting, looting and seizing what they could.

To save the situation there has got to be an economic turnaround. In the nearly two years of independence, prices of some key commodities have risen 100 percent, rice has gone from 45 to 120 rupees per sack (82 pounds). Essential goods like cloth and baby's milk are scarce; and farm inputs like fertilizer, insecticides, engine fuel, and spare parts are seldom available, or if they are, at black market prices.

Exports are not going out nor imports coming in as they should. Banks cannot make loans. No one will invest when the law and order and economic situations seem so grim.

The production of jute, the country's primary export, earns just over what was spent to import food this year, but it is expected to decline to 6 million bales in 1973, a million below normal.

Both in Dacca and in the countryside, there is an oppressive, pervasive sense of civil dissolution and national demoralization that most Bengalis seem to feel and are universally anxious to tell you about.

MILLWORKERS MAKE DEMANDS

Millworkers, who either struggled in the liberation war or at least had their hopes raised by it, are becoming hard to handle with their quite legitimate demands in relation to their impoverished status.

The government's response has been to strong-arm banks to provide ever more money to meet union demands—something that feeds already soaring inflation and is self-defeating, since it only buys time.

And time is running out in Bangladesh.

Mujibur Rahman, the Prime Minister, still has some support from the masses; there is no alternative to him in sight, and Bengali peasants are greatly fatigued and deeply conservative. But widespread disaffection seems to be growing quickly as they come to feel themselves directly threatened by lawlessness.

How can a massive upheaval be avoided?

A neat and tidy solution would be if Sheikh Mujib could reform the Awami League, clean house in the bureaucracy, extend popular participation (there will be local elections in December), encourage the growth of an opposition party so that Awami League monopolization of local power does not perpetuate a system of corruption and strong-arm rule, and somehow find ways to arrest economic decline and increase productivity.

One rainswept night in Dacca I spent more than an hour discussing this with Sheikh Mujib in his office in Dacca's old parliament building.

Mercedes 220's lined the driveway, there were a lot of soldiers, and liveried servants scuttled back and forth with elaborate tea trays. But the Prime Minister himself, wearing his habitual white Punjabi pajamas and a black wool vest, seemed, when the conversation turned away from political rhetoric, to be a very decent man, fatherly and with strong, rather conservative middle-class values.

The Prime Minister described Bangladesh as being trapped in the familiar vicious cycle:

As long as most of the country's foreign exchange must be spent on keeping Dacca and the other cities and towns fed, he is unable to buy the fertilizer, insecticides, and irrigation equipment to increase the yield.

"If I have to purchase so much food from outside," Sheikh Mujib asked, "how can I divert money to agricultural production and reconstruction? This is one of my terrible problems."

He also claimed that with an expanding force of Army, combat police, and civil police (he refused to say how many but estimates range from 30,000 to 50,000, with 20,000 more Army and Air Force regulars coming back as repatriates from Pakistan), he would soon have lawlessness under control.

I asked Sheikh Mujib if Bangladesh's troubles were not fundamentally rooted in the inherent difficulty of trying to transform, within some semblance of democratic government, a subsistence agriculture economy into the more prosperous kind of society that lives by buying and selling.

STRONG AUTHORITY REQUIRED?

The United States achieved this a century ago only by exploiting to some degree millions of poor immigrants. Russia did it by brute force, and China now seems to be succeeding, but only by absolute despotism. Could Bangladesh, or even India, carry out its economic transformation without a more authoritarian or at least stronger government?

He answered with some passion: "It is a question of conviction. Within these past 21 months, we have given the nation a liberal constitution with fundamental rights and general parliamentary elections. And production and exports have increased.

"In a fair and free election, we won 307 out of 315 seats. If I wanted to I could pass laws and take more drastic actions and nobody would object to it." (Indeed, the new Parliament that very day passed a new emergency-powers act, that will, in effect, give him virtual martial-law authority if he chooses to use it.)

Sheikh Mujib went on: "After liberation, the people would have given me anything, dictatorial powers. But I don't want them. You should take your people with you. You can't always resort to arms and authoritarianism. You require the people's cooperation and confidence. It is a very big asset.

"Let us try the democratic process. It is a very long one; but democracy is not something you can do in one day."

After I left his office that night, my car fell behind a bus on a crowded, rainy street. It was one of Dacca's old double-deckers. Despite the drizzle and darkness, men were riding on the roof, others clung to the sides, the doors. The rear bumper seemed to drag on the pavement.

The bus creaked forward, not fast, but fast enough so that men who could not find a grip or had lost their hold ran behind, perhaps hoping it would stop further on. But the bus did not stop. It just disappeared into the wet, dense Bengali night and so did the men, running silently, enduringly after it.

LUDWIG VON MISES: GENIUS OF THE FREE MARKET

Mr. BUCKLEY. Mr. President, I was saddened to learn of the death on October 10, 1973, of Ludwig von Mises, described by the New York Times as "one of the foremost economists of this century." A champion of the free market and a defender of individual liberty, Von Mises made a unique and lasting contribution to the history of freedom. Born in Austria in 1881, he achieved worldwide fame for his work, "Theory of Money and Credit" in 1912. Because of his staunch defense of freedom, he was forced to flee Austria when the Nazis took over. For many years he was a member of the faculty of New York University, where a generation of students discovered that his mastery of his subject was matched by his skill as a teacher.

During a period when socialism seemed to many to be the economic dogma of the present and the political hope of the future, Von Mises challenged the premises of socialism and was so successful that he caused socialist theoreticians to make revisions in socialist economics. With devastating logic and a brilliant grasp not only of his subject matter but of a wide range of knowledge, he demonstrated that free choice and a free market are indispensable to a healthy economic system. The attempts at planning an economy that mark socialist theory and practice simply do not work, and Von Mises deserves the major credit for demonstrating by his irrefutable arguments the ineffectiveness of socialist economics.

Mr. President, it is one of the ironies of our times that the name of Ludwig von Mises is relatively unknown to the general public. In an age when the eccentric economic theories of pop-economists like John Kenneth Galbraith are taken seriously and receive front-page publicity, a real genius like Von Mises is relegated to the back pages.

Mr. President, I ask unanimous consent that the following articles be printed in the RECORD:

"Ludwig von Mises: in Memoriam," William H. Peterson, the Wall Street Journal, October 12, 1973.

"Ludwig von Mises, Economist, Author and Teacher, Dies at 92," Leonard Silk, the New York Times, October 11, 1973.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Oct. 12, 1973]

LUDWIG VON MISES: IN MEMORIAM

(By William H. Peterson)

A generation of students at New York University's graduate business school who took the economics courses of Ludwig von Mises remember a gentle, diminutive, soft-spoken, white-haired European scholar—with a mind like steel.

Professor von Mises, who died Wednesday at the age of 92, was an uncompromising rationalist and one of the world's great thinkers. He built his philosophical edifice on reason and individualism, on freedom and free enterprise. He started with the premise that man is a whole being with his thought and action tightly integrated into cause and effect—that hence the concept of "economic man," controlled by impersonal force, is in error.

All this was subsumed under the title of his 900-page magnum opus, "Human Action," first published in 1949. Mr. von Mises, a total anti-totalitarian and Distinguished Fellow of the American Economic Association, was professor of political economy at New York University for a quarter-century, retiring in 1969. Before that he had a professorship at the Graduate Institute of International Studies in Geneva. And before Geneva he had long been a professor at the University of Vienna—a professorship which the oncoming Nazi "Anschluss" take-over of Austria, understandably, terminated.

Among his students in Vienna were Gottfried Haberler, Friedrich Hayek, Fritz Machlup, Oskar Morgenstern and Karl Popper who were to become scholars of world renown in their own right.

Starting right after World War II, Mr. von Mises gave three courses at NYU: Socialism and the Profit System, Government Control and the Profit System, and Seminar in Economic Theory. In each course he carefully established the primacy of freedom in the marketplace. He stated that the unhampered pricing mechanism, ever pulling supply and demand toward equilibrium but never quite reaching it, is the key to resource optimization and, indirectly, to a free and creative society.

Mr. von Mises believed in choice. He believed that choosing among options determines all human decisions and hence the entire sphere of human action—a sphere he designated as "praxeology." He held that the types of national economies prevailing across the world and throughout history were simply the various means intellectually, if not always appropriately, chosen to achieve certain ends.

His litmus test was the extent of the market; accordingly, he distinguished broadly among three types of economies: capitalism, socialism, and the so-called middle way—interventionism, or government intervention in the marketplace.

A BELIEF IN CHOICE

Mr. von Mises believed in government but in limited, non-interventionistic government. He wrote: "In stark reality, peaceful social cooperation is impossible if no provision is made for violent prevention and suppression of antisocial action on the part of refractory individuals and groups of individuals." He believed that while the vast majority of men generally concurs on ends, men very frequently differ on governmental means—sometimes with cataclysmic results, as in the various applications of extreme socialism in fascism and communism or of extreme interventionism in the "mixed economies."

He reasoned that regardless of the type of economy the tough universal economic problem for the individual in both his personal and political capacities is ever to reconcile ends and choose among means, rationally and effecstively. Free—i.e., noncoerced—individual choice is the key to personal and social development if not survival, he argued, and intellectual freedom and development are keys to effective choices. He declared: "Man has only one tool to fight error—reason."

Mr. von Mises thus saw something of an either/or human destiny. While man could destroy himself and civilization, he could also ascend—in a free society, i.e., a free economy—to undereamed-of cultural, intellectual and technological heights. In any event, thought would be decisive. Mr. von Mises believed in the free market of not only goods and services but of ideas as well—in the potential of human intellect.

The failure of socialism, according to Mr. von Mises, lay in its inherent inability to attain sound "economic calculation," in its denial of sovereignty to the consumer. He argued in his 1922 work, "Socialism," published five years after the Bolshevik Revolution that shook the world, that Marxist economics lacked an effective means for "economic calculation"—i.e., an adequate substitute for the critical resource-allocation function of the market pricing mechanism. Thus is socialism inherently self-condemned to inefficiency if not disorder, unable to effectively register supply and demand forces and consumer preferences in the marketplace.

Socialism must fail at calculation because an effective economy involves the simultaneous decisions of many individual human actors—which creates far too large a task for any central planning board, argued Mr. von Mises.

The problem, as Mr. Hayek later pointed out, is of the use of knowledge in society. A central planning board cannot obtain the knowledge of the decentralized market. To do so ultimately would be to require the central planning board to know as much as each human actor. Thus this knowledge is far beyond the reach of any centralized agency, even with the aid of computers.

Some years afterwards, Oskar Lange, then of the University of California and later chief economic planner of Poland's Politburo, recognized the challenge of the von Mises critique on Socialist economic calculation. So he in turn challenged the Socialists to somehow devise a resource allocative system to duplicate the efficiency of market alloctaion. He even proposed a statue in honor of Mr. von Mises to acknowledge the invaluable service the leader of the Austrian School had presumably rendered to the cause of socialism in directing attention to this as yet unsolved question in Socialist theory. The statue has yet to be erected in Warsaw's main square.

But probably to Mr. von Mises the more immediate economic threat to the West was not so much external communism as internal interventionism—government ever undermining if not outrightly supplanting the marketplace. Interventionism from public power production to farm price supports, from pushing minimum wages up to forcing interest rates down, from vigorously expanding credit to contracting, however, inadvertently, capital formation.

As in socialism, interventionism also incurs the problem of economic calculation, of denial of cousumer sovereignty. In his "Bureaucracy," he held that government agencies have essentially no criterion of value to apply to their operations, while "economic calculation makes it possible for business to adjust production to the demands of the consumers."

On the other hand, he maintained, "if a public enterprise is to be operated without regard to profits, the behavior of the public no longer provides a criterion of its usefulness." He concluded, therefore, "the problem of bureaucratic management is precisely the absence of such a method of calculation." Indeed, interventionism, he maintained, usually achieves results precisely opposite to those intended: subsidies to industries make them sick, minimum wage laws boomerang on labor, welfare hurts the poor, industrial regulation reduces competition and efficiency, foreign aid undermines developing countries.

So, citing German interventionist experience of the 1920s climaxing in the Hitlerian regime and British interventionism of the post-World War II era culminating in devaluations and secular economic decline, he held so-called middle-of-the-road policies sooner or later lead to some form of collectivism, whether of the Socialist, Fascist or Communist mold.

INTERVENTION BREEDS INTERVENTION

He maintained economic interventionism necessarily produces friction whether at home or, as in the cases of foreign aid and international commodity agreements, abroad. What otherwise would be simply the voluntary action of private citizens in the marketplace becomes coercive and politicized intervention when transferred to the public sector. Such intervention breeds more intervention. Animosity and strain if not outright violence become inevitable. Property and contract are weakened. Militancy and revolution are strengthened.

In time, inevitable internal conflicts could be "externalized" into warfare. Mr. von Mises wrote: "In the long run, war and the preservation of the market economy are incompatible. Capitalism is essentially a scheme for peaceful nations. . . . To defeat the aggressors is not enough to make peace durable. The main thing is to discard the ideology that generates war."

Mr. von Mises had no stomach for the idea that a nation could simply deficit-spend its way to prosperity, as advocated by many of Keynes' followers. He held such economic thinking is fallaciously based on governmental "contracyclical policy." This policy calls for budget surpluses in good times and budget deficits in bad times so as to maintain "effective demand" and hence "full employment."

He maintained the formula ignored the political propensity to spend, good times or bad. And it ignored market-sensitive cost-price relationships and especially the proclivity of trade unions and minimum wage laws to price labor out of markets—i.e., into unemployment.

Thus, he held Keynesian theory in practice proceeds through fits of fiscal and monetary expansion and leads to inflation, controls and untimely stagnation. Further, it results in the swelling of the public sector and shrinking of the private sector—a trend that spells trouble for human liberty.

To be sure, many economists and businessmen have long felt that Mr. von Mises was entirely too adamant, too impolitic, too "pure," too uncompromising with the real world on its terms and assumptions. If that is a fault, Mr. von Mises was certainly guilty.

But Ludwig von Mises, the antithesis of sycophancy and expediency, the intellectual descendant of the Renaissance, believed in anything but moving with what he regarded as the errors of our times. He sought the eternal verities. He believed in the dignity of the individual, the sanctity of contract, the sovereignty of the consumer, the limitation of the state, the efficacy and democracy of the market.

He opposed the planned society, whatever its manifestations. He held that a free society and a free market are inseparable. He gloried in the potential of reason and man. In sum, he stood for principle in the finest tradition of Western civilization. And from that rock of principle, during a long and fruitful life, this titan of our age never budged.

[From the New York Times, Oct. 11, 1973]

LUDWIG VON MISES, ECONOMIST, AUTHOR AND TEACHER, DIES AT 92—CHAMPION OF THE LIBERTARIAN VIEW DEVELOPED THEORY OF SUBJECTIVE VALUE

(By Leonard Silk)

Ludwig von Mises, one of the foremost economists of this century, died yesterday in St. Vincent's Hospital at the age of 92. He lived at 777 West End Avenue.

Professor von Mises was best known in this country as a champion of libertarian economics—the doctrine that regards with intense suspicion any intervention in the economy by government. He was recognized as a brilliant contributor to economic thought not only by his disciples but also by many who disagreed radically with his political and social philosophy, such as the outstanding socialist economist, Osker Lange.

He acquired his first recognition for his "Theory of Money and Credit," published in German in 1912. In that work he was the first to develop the theory of subjective value to explain the demand for cash balances as a basis for expansions and contractions in economic activity.

Stressing the casual role of individual human decisions, Professor von Mises observed that changes in the amount of cash individuals want to hold would cause expansions and contractions in the volume of money and credit.

DEVELOPED CYCLICAL VIEW

He went on to develop a complete theory of the business cycle resulting from the expansion and contraction of the money supply. Booms, he said, resulted from the expansion of fiduciary bank credit, which inflated the money supply and artificially lowered interest rates. This in turn led to overinvestment, which set the economy up for a slump. Depression would follow as the expansion of the money supply was brought to a halt—either because the banking system encounted a limit of reserves or because the monetary authorities clamped down on further credit expansion.

In 1922, Professor von Mises set forth his critique of collectivist economics in "Socialism: An Economic and Sociological Analysis." The work was to have a major impact on socialist thinking.

He presented the challenging argument that rational economic organization was logically impossible in the absence of free markets. Hence, he contended, socialism was bound to wallow in inefficiency, because it lacked correct market prices on which to base decisions about what to produce and how to produce it.

Although they regarded his views as too extreme, such socialist economists as Oskar Lange in Poland and Abba P. Lerner in England took von Mises' strictures seriously, and set out to construct a theory of socialism based on simulated markets—"playing the game of competition." Professor Lange, who spent some years at the University of Chicago and returned to Communist Poland after World War II, once declared that "in front of every Socialist ministry of planning there should be a statue of Ludwig von Mises."

It was not until the nineteen-sixties that the Soviet Union and other Communist countries began to take seriously the need for developing the market as a tool for rational planning and allocation of goods and resources.

Professor von Mises, however, regarded such socialist efforts at imitating the market—"planning not to plan"—as doomed to failure. "Unfortunately," he wrote, "it is not possible to divorce the market . . . from the working of a society which is based on private property in the means of production." Without the striving of entrepreneurs for profit, of landlords for rent, of capitalists for interest and of workers for wages, the system could not succeed, he contended.

A BRILLIANT TEACHER

The economist was regarded as a brilliant teacher. His students, at the University of Vienna and in his informal Wiener Kreis, Vienna circle, numbered many who were to go on to fame of their own as economists and philosophers. His students included Fritz Machlup Gottfried von Haberler, Fredrich Hayek, Gerhard Tintner, Oskar Morganstern, Rudolf Carnay, and Karl Popper.

Professor von Mises was credited with helping to revive respect for free-market economics in Europe (he was considered by some the intellectual godfather of the German postwar "economic miracle." His views are held in high regard at the American capital of libertarian economics, the University of Chicago, whose most famous resident scholar is Prof. Milton Friedman.

The economist was born in Lemberg, Austria, on Sept. 29, 1881. He left his professorship at the University of Vienna as the Nazi tide approached Austria, and became Professor of International Economic Relations at the Graduate Institute of International Studies in Geneva. He came to the United States in 1940 and became a citizen in 1946. He was a founder of the Mount Pelerin Society, a group of like-minded economists, a member of the faculty of New York University from 1945 to 1969 and the author of 19 books.

Surviving is his widow, Margit.

The service will be held at noon Tuesday in the Universal Funeral Chapel, Lexington Avenue and 52d Street.

ATTENDANCE OF NONPUBLIC SCHOOLS

Mr. PELL. Mr. President, I was very struck by the attached table prepared by the U.S. Catholic Conference in behalf of itself and in behalf of the Council of the American Private Education concerning the decline in attendance of nonpublic schools over a short period of years and also the relative standing of the various nonpublic school enrollment by regions.

Thinking that these tables might be of interest to my colleagues, I ask unanimous consent that they be printed in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE I.—TOTAL ENROLLMENT IN NONPUBLIC ELEMENTARY AND SECONDARY SCHOOLS, AND NONPUBLIC AS PERCENT OF TOTAL, BY REGION AND STATE: UNITED STATES, 1965–66 AND 1970–71

	1965–66 [1]			1970–71		
	All enrollment	In nonpublic schools	Nonpublic as percent of total	All enrollment [2]	In nonpublic schools	Nonpublic as percent of total
Total United States	48,448,276	6,304,772	13.0	51,047,429	5,144,058	10.1
New England	2,700,747	515,331	19.1	2,928,088	403,524	13.8
Connecticut	699,047	124,249	17.8	769,911	107,706	14.0
Maine	253,705	31,199	12.3	264,184	19,514	7.4
Massachusetts	1,277,044	256,544	20.1	1,367,170	199,457	14.6
New Hampshire	164,500	35,643	21.7	186,336	27,580	14.8
Rhode Island	205,392	50,891	24.8	225,213	37,123	16.5
Vermont	101,059	16,805	16.6	115,274	12,144	10.5
Mideast	9,697,851	2,016,157	20.8	10,183,849	1,672,040	16.4
Delaware	128,891	20,534	15.9	151,353	18,608	12.3
District of Columbia	167,098	23,082	13.8	168,316	22,612	13.4
Maryland	901,192	138,545	15.4	1,032,859	116,615	11.3
New Jersey	1,614,225	328,225	20.3	1,745,056	263,056	15.1
New York	4,095,275	904,430	22.1	4,226,607	749,591	17.7
Pennsylvania	2,791,170	601,341	21.5	2,859,668	501,558	17.5
Great Lakes	10,019,350	1,702,728	17.0	10,522,312	1,334,140	12.7
Illinois	2,640,883	553,194	20.9	2,802,563	445,927	15.9
Indiana	1,266,461	141,737	11.2	1,339,500	108,042	8.1
Michigan	2,238,730	353,730	15.2	2,447,558	266,859	10.9
Ohio	2,651,679	381,571	14.4	2,747,257	321,614	11.7
Wisconsin	1,131,597	272,496	24.1	1,185,434	191,698	16.2
Plains	4,124,982	587,856	14.2	4,174,623	399,467	9.6
Iowa	725,312	99,954	13.8	731,491	71,387	9.8
Kansas	558,207	51,249	9.2	547,458	35,150	6.4
Minnesota	971,506	163,299	16.8	1,038,533	117,694	11.3
Missouri	1,140,614	176,263	15.5	1,145,886	106,409	9.3
Nebraska	377,958	59,212	15.7	373,830	44,720	12.0
North Dakota	168,205	19,334	11.5	158,985	11,972	7.5
South Dakota	184,180	18,545	10.1	178,440	12,135	6.8
Southeast	10,293,758	576,680	5.6	10,753,651	656,199	6.1
Alabama	862,051	30,350	3.5	859,935	54,730	6.4
Arkansas	464,483	13,252	2.9	475,505	12,185	2.6
Florida	1,314,962	94,381	7.2	1,540,425	112,529	7.3
Georgia	1,084,233	29,147	2.7	1,131,579	32,678	2.9
Kentucky	758,474	93,428	12.3	780,213	63,008	8.1
Louisiana	945,414	142,822	15.1	984,222	141,857	14.4
Mississippi	606,150	21,521	3.6	601,688	67,293	11.2
North Carolina	1,204,161	22,603	1.9	1,220,866	28,679	2.3
South Carolina	654,414	16,424	2.5	668,811	31,011	4.6
Tennessee	907,165	35,167	3.9	934,584	34,691	3.7
Virginia	1,049,007	62,884	6.0	1,144,548	65,794	5.7
West Virginia	443,244	14,701	3.3	411,275	11,744	2.9
Southwest	3,981,549	238,742	6.0	4,368,895	181,143	4.1
Arizona	408,237	34,578	8.5	470,925	31,401	6.7
New Mexico	292,287	24,587	8.4	295,209	13,837	4.7
Oklahoma	602,658	18,552	3.1	639,521	12,565	2.0
Texas	2,678,367	161,025	6.0	2,963,240	123,340	4.2
Rocky Mountains	1,283,977	84,020	6.5	1,359,903	35,910	4.4
Colorado	532,102	45,318	8.5	585,628	35,568	6.1
Idaho	183,007	9,311	5.1	188,504	6,171	3.3
Montana	185,858	19,093	10.3	187,889	11,177	5.9
Utah	292,643	6,239	2.1	308,731	4,729	1.5
Wyoming	90,367	4,059	4.5	89,151	2,265	2.5
Far West	6,345,062	583,258	9.2	6,756,108	437,635	6.5
Alaska	62,186	2,459	4.0	80,402	557	.7
California	4,713,328	451,328	9.6	4,973,403	340,205	6.8
Hawaii	192,170	29,970	15.6	202,417	21,776	10.8
Nevada	110,765	4,813	4.3	130,519	2,969	2.3
Oregon	483,924	35,397	7.3	505,427	25,900	5.1
Washington	782,689	59,291	7.6	863,940	46,228	5.4

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[1] U.S. Department of Health, Education, and Welfare, Office of Education, "Statistics of Nonpublic Elementary and Secondary Schools, 1965–66."

[2] Public school enrollment from U.S Depariment of Health, Education, and Welfare, Office o Education. "Statistics of Public Schools, Fall 1970."

TABLE II.—NONPUBLIC SCHOOL ENROLLMENTS, BY RELIGIOUS AFFILIATION, 1960–62 TO 1970–71

	1960–62	1965–66	1970–71
Roman Catholic	5,120,932	5,481,325	4,134,299
Lutheran	151,476	188,521	200,914
Seventh Day Adventists	58,048	62,603	53,527
Jewish	39,830	52,589	65,335
Protestant Episcopal	30,516	48,582	73,393
Christian Reformed	39,964	42,275	29,486
Baptist	16,574	25,189	35,098
Friends	8,814	10,572	13,784
Methodist	4,882	5,622	10,760
Presbyterian	4,335	4,766	7,489
Other	21,158	41,458	52,299
Total church-related	5,496,529	5,963,502	4,676,384
Not church-related	239,951	341,270	467,674
Total nonpublic	5,736,480	6,304,772	5,144,058

Note: All of these figures are taken from National Center for Educational Statistics (USOE) publications. Nonpublic elementary school figures were gathered for 1960–61; secondary school figures for 1961–62. For 1965–66 and 1970–71, however, elementary and secondary data was gathered simultaneously.

HEALTH CARE

Mr. DOMENICI. Mr. President, on September 17, I sent a mailing to more than 2,000 medical doctors, dentists, optometrists, and osteopaths in New Mexico.

The mailing contained some comments of mine on the shortage of doctors in the Nation and the State, and specifically asked the recipients to comment on two bills—S. 2248, to provide for mobile health units, and S. 1550, to provide tax credits for practitioners who set up an office in areas which are medically underserved.

More than 6.5 percent of those who got the mailing responded. Many of them took time from their busy lives to give me extensive observations based on their own experience, some of it lengthy and outstanding.

It is in no way true that the opinions expressed represent so statstically acceptable a sample that we may generalize from them to say what the State's medical community's views are. But because I found them immensely interesting, I ask my staff to summarize them in the form of a report.

Let me note, before addressing myself to their observations, that there were frequent references to the work of the medical school at the University of New Mexico and its need for both Federal and State funding in helping fight a shortage of medical personnel. I am, of course, aware of the work of the medical school and, as I think I have made clear, solidly committed to its support. I thank all those who took the time to call attention to its needs.

Finally, by way of introduction, let me point out that, despite all jokes about physicians' handwriting, only one doctor out of all those who wrote had a signature which proved totally illegible. This may, for all I know, have set a new record in this matter.

IS THERE A SHORTAGE OF MEDICAL PERSONNEL?

It was clearly the consensus of the group that the word "shortage" is a misnomer and that, on this point, we should discuss rather a maldistribution of medically trained people in America.

Despite the fact that one physician discussed his worries about an oversupply of doctors and several others spoke of oversupplies in certain specialties, respondents almost unanimously agreed that many areas, principally rural ones and some low-income sections of larger cities, are poorly served.

But additional points were also made, such as the question of whether or not those of us who comment on the problem are doing a disservice by the use of such adjectives as "critical," which we sometimes apply to it. The point here was that we probably do not have statistics which are totally revealing, especially of patient loads, even where we have accurate counts of medical personnel.

Some figures the doctors pointed out to me are very dramatic, however. When Dr. William Wiese of the University of New Mexico medical faculty issued his report entitled "Distribution of Medical Doctors in New Mexico" in May 1973, it showed that Bernalillo and Santa Fe counties had more than one physician for every 500 persons, while 15 other counties—out of 32—had less than one for every 1,500 residents. At that time, two counties, Guadalupe and Harding, had no physicians at all. As one man, a former president of the State medical society, points out, "There would be no shortage of physicians if the distribution were equitable."

But what do "shortage" and "maldistribution" actually mean? Do we need one practitioner for every 1,000 residents,

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or for 1,500, or for 2,000? And how do we credit the health-support personnel when arriving at such a measure? These are questions which must be answered if we are to discuss the issue intelligently.

As for reasons why medical people tend to congregate in more populous areas, many were given. Despite one man's warning that we should not generalize—that reasons in Hawaii may be very different from those in Idaho or New Mexico—certain reasons were cited so frequently as to allow us to see this pattern.

THE NATURE OF RURAL AREAS

Small towns offer few cultural or educational advantages and sometimes not even intellectual companionship. Hence they do not appeal to highly educated individuals—or to their wives—one dentist put what was a recurring theme in many letters like this:

> It has been my observation that one unhappy, big-city-oriented wife can override any bill you want to pass.

Another doctor said the 2 years he spent as a general practitioner in a town of 500 people were "the most dismal years of my life."

Several letters also used an ad hominem argument, which went like this: If you are so much for serving rural areas, why did you not set up your legal practice there? It is a legitimate question, and it does at least have the merit of setting the issue in a dramatic context.

THE NATURE OF RURAL PRACTICE

Again and again there were references in these comments to a lack of the kind of support facilities modern medicine seems to need in less populated areas—host of ancillary services which seem to be necessary.

In addition, there were other pleas: the rural doctor is on call for 24 hours of every day; he has no prestige, even with his patients, and becomes a kind of "first aid man," as one doctor put it, who takes care of emergencies and loses his patients to the big towns when they need real help. There were also some references, though they were not overly numerous, to the problem of lower income in rural areas, at least on a long-time basis.

Finally, there was a sprinkling of comments like these. The people who get into med schools are from richer families and more populous areas; they would not be happy making less money in the country. Several people tied this to the lack of openings in medical education and some to the high entrance requirements in such schools. Additionally, some remarked somewhat sharply about the effect of over-specialization on the problem: one person even said it went on "without any reference to social needs."

WOULD MOBILE MEDICAL UNITS HELP TO SOLVE THE PROBLEM

More of those responding thought this was a good idea than were opposed to it. But even many of those who are for it expressed reservations in their support; their attitude could be summarized as "Yes, but—."

Among those opposed, one gentleman flatly called the idea "naive," and another said it "would accomplish nothing." Most who opposed it apparently did so on the ground that such units do not lend themselves to an ongoing doctor-patient relationship; one commentator even said they would provide only "part-time, second-rate care,"—I cannot help wondering if that is not an improvement over no care.

All in all, those in favor of such units seem to feel their service would be somewhat limited—emergency service only if you were in the right place at the right time, plus well-baby and child care and identification of the chronically ill for treatment elsewhere. Others point out they would be really useful only if they were supported by permanently located health workers—not necessarily full-fledged doctors—on some sort of health corps basis.

SHOULD MEDICAL PERSONNEL BE GIVEN TAX BREAKS FOR PRACTICING IN UNDERSTAFFED AREAS?

Here the "vote" was much closer than on the previous question. The "yesses" had it by a slight margin, but again those in favor filed some demurers. Principal among these was the observation that this approach aims at economics only, and since economics is not the main cause of the problem, it probably cannot be the main cure. One respondent also pointed out that such an arrangement might aid in convincing people to set up such practices but it would not help convince people they should stay in the area.

As for those opposed to the idea, some called it unrealistic—"naive" was used once again—and others felt it was unnecessary. One man felt doctors make enough money and do not need this kind of help—a view I doubt if all his conferees share. Another said they get enough tax help already, and one Roswell physician got back to basic economics; he said the free market is the only solution to the whole problem.

ARE THERE OTHER THINGS WHICH SHOULD BE CONSIDERED AS SOLUTIONS TO THE MALDISTRIBUTION PROBLEM?

Of the many suggestions I received, the groupings would seem to go like this.

First. Supply and demand will take care of the problem in time, especially if we adopt some form of universal licensing and develop meaningful information on where oversupply and undersupply really exist. Small communities, which are often unduly "soft" in their approach must speak up, even to conducting some "hard sell" on doctors at the intern and residency levels.

Second. We need a genuine overall health planning mechanism, not the regionalized and inchoate one we have now. Not until we have such a mechanism in operation can we, for example, make full use of hospital beds, instead of having some stand idle while other facilities are overused and overworked.

Third. There is probably a need for Federal funding of all sorts of ancillary services in under-doctored areas. We should study such solutions as satellite hospitals and centralized clinics, as well as an increased use of paramedical personnel at all levels where this is practical.

Fourth. The whole question of the application of improved transportation as it applies to medicine must be tested in some detail. This includes both sides of the issue—do we bring medical service to patients by such means, or do we bring patients to medical service? Besides the use of helicopters, suggested by many observers, one physician prescribed STOL aircraft, such as the DeHavilland Otter, as of maximum utility.

Fifth. A somewhat surprisingly large number of respondents said some sort or another of compulsion must be applied. Their suggestions included a compulsory period of primary practice before final licensing, probably rotating such physicians and others on something like a 2-year basis in undersupplied communities. Large numbers spoke of a National Health Service as an alternative and one even suggested a two-tier level of medical service like that used with some success in some foreign countries.

Sixth. There were a few other long-view suggestions, such as a full-scale attempt at preventative medicine, supported by all the "selling" and publicizing talent of which the country is capable.

I cannot close without observing that the results of my mailing contain numerous fruitful ideas and observations—many more than I would have had a right to expect.

I am grateful to the busy men and women who took time to give me their observations, all of them based on the intimate knowledge which can really come only from participation in a field.

Mr. President, these suggestions are various, which I suppose indicated at least two things: that medical people are as multifarious as those in any other area of endeavor; and that, once again, as in so many other problem areas, there are no obviously "right" and "wrong" solutions and no easy answers.

DRUG ABUSE PREVENTION WEEK 1973

Mr. SYMINGTON. Mr. President, during the past decade, our country has witnessed an alarming increase in the use of harmful, illicit drugs. Estimates place the annual costs of drug addiction at $4.7 billion in crime, law enforcement, treatment, and rehabilitation. However, there is a far greater toll exacted in human loss and suffering.

The harsh consequences of drug abuse are impossible to measure, but almost every community across our land has been victimized at one time or another by the dreadful realities of this problem.

Great strides have been made in curbing rampant drug abuse, but we have not yet reached the end of the road to complete eradication of the Nation's drug problem. This past week was designated "Drug Abuse Prevention Week 1973." It is a fitting opportunity to call attention to the cooperative drug prevention effort which is being carried out by the President's Special Action Office for Drug Abuse Prevention and the State of Missouri Office of Alcoholism and Drug Abuse programs.

As a national cosponsor of Drug Abuse Prevention Week, the Special Action Office is introducing a new theme in the fight against drugs. Emphasis is

being shifted from "scare tactics" to the role of people—people who through caring, personal interaction, and concern for the problems of each other can work effectively in preventing drug abuse.

In Missouri, the Office of Alcoholism and Drug Abuse programs, with the assistance of the Missouri Mental Health Association, will carry the important message of Drug Abuse Week to community organizations, State and local officials, schools, police, and to individual citizens.

We are hopeful that Drug Abuse Prevention Week not only will be a capstone of our accomplishments during the past year, but the start of renewed initiatives for the future fight against drug abuse.

Cooperation in government must be accompanied by cooperation and commitment by individual citizens. Drug abuse is a problem of very serious dimensions, but it is not unconquerable. We can join together in preventing drug abuse by assuming greater responsibility for the needs and difficulties of each other.

AFFIRMATIVE ACTION

Mr. BUCKLEY. Mr. President, a recent issue of National Journal Reports contained an excellent article concerning the problems of implementing—indeed, of understanding—the Federal Government's affirmative action and nondiscrimination programs. This article gives both sides of the issue and I think it is one of the most balanced, informative and useful summaries of this controversial area that I have seen.

On May 22, 1973, I placed in the RECORD my own views concerning what I felt to be the basic errors of the affirmative action program as it was being implemented in our universities and colleges. The National Journal Reports acticle to which I refer suggests that there are attempts being made to at least have a unified policy among the various agencies charged, in one way or another, with implementing affirmative action programs. I must say that after reading this article, I am more convinced than ever that goals and timetables are not the tools to use in order to bring about equality of opportunities. I notice that this view is shared by many in the academic area, as well as in labor unions and among certain ethnic minority groups as well.

Mr. President, I ask unanimous consent that this article, "Employment Report/Agency Differences Persist Over Goals and Timetables in Nondiscrimination Plans," be printed in the RECORD. I also ask that the article, "Goals and Timetables in Academic Hiring—A Debate at Political Scientists' Meetings," be printed in the RECORD. This is a supplement to the National Journal Reports article and outlines the basic disagreements among those involved with affirmative action programs at the university level.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

EMPLOYMENT REPORT/AGENCY DIFFERENCES PERSIST OVER GOALS AND TIMETABLES IN NONDSICRIMINATION PLANS

(By Michael J. Malbin)

One cynical view in Washington holds charged with administering one policy, if it is certain to deteriorate into five or more different policies.

Federal attempts to end job discrimination tend to confirm this point of view.

Despite a recent interagency effort to coordinate federal policy in this field, individual departments continue to put their own interpretations on critical aspects of the over-all effort, leading to what one Justice Department official called an "intolerable situation" in which employers do not know who speaks for the federal government.

The interagency agreement outlined the general thrust of the job-discrimination effort, defining the difference between affirmative action and reverse discrimination, and describing the obligations of all employers, public and private.

AFFIRMATIVE ACTION

Virtually every federal department has a hand in enforcing nondiscrimination in hiring.

Both law and executive order forbid employers of more than 15 persons, and all labor unions, to give preference to any job candidate because of race, religion, sex or national origin. In addition, if there is reason to believe the employer discriminated in the past, the employer will be required to correct the effects of his past discrimination by taking such affirmative steps as may be necessary.

Normally, an agency will ask an employer to come up with an "affirmative-action plan" outlining the steps the employer intends to take to overcome the effects of past discrimination. These plans generally will be required to contain goals and timetables, indicating the number of persons in "underutilized" categories the employer expects to hire within a specified length of time.

The general principle of nondiscriminatory hiring, while often resisted in practice, has provoked virtually no public opposition. The elaboration of that principle, directing affirmative steps to overcome past discrimination, is far more controversial.

Labor unions, business groups, Jewish organizations and groups of university professors have been the strongest opponents of goals and timetables, branding them unworkable cures that inevitably lead to the imposition of illegal hiring quotas. Women's groups, black civil rights organizations, the Americans for Democratic Action and the American Civil Liberties Union have supported them, calling an essential part of the overall enforcement effort.

VARIATION

Both the intensity of the interest-group controversy and the intrinsic difficulties involved in understanding federal policy have been responsible for a great deal of variation in affirmative-action policy across federal agencies. Two of the most controversial problems leading to the greatest variation have had to do with goals and quotas on the one hand, and the status of merit systems of hiring on the other.

Does the formulation of a goal and timetable oblige an employer to hire on the basis of race, sex, religion or national origin to fulfill the goal? Federal agents have maintained that it does not, but critics question this.

Even if the policy does no more than force employers to rely on true standards of merit, as the government claims, how does one define an objective standard of merit—especially when minorities typically fail many forms of written tests at a higher rate than the population as a whole?

These two questions represent the thorniest and most controversial of the issues relating to job discrimination. Because different agencies answer the questions in different ways, there has been much confusion over what is the "official" government answer.

COORDINATING COUNCIL

It was to alleviate this difficulty that the Equal Employment Opportunity Coordinating Council was formed in March 1972.

Congress created the council in the Equal Employment Opportunity Act of 1972 (86 Stat 103), as part of a compromise designed to retain Labor Department and Civil Service Commission authority over job discrimination. (*For a report on congressional deliberations over this act, see Vol. 3, No 46, p. 2249*).

Civil rights groups, led by the National Association for the Advancement of Colored People (NAACP), wanted to take the Office of Federal Contract Compliance (OFCC)—which coordinates enforcement of nondiscrimination for all government contractors—out of the Labor Department and place it in the Equal Employment Opportunity Commission (EEOC). The NAACP also wanted to take jurisdiction for state and local government merit-system hiring away from the Civil Service Commission and give it to the EEOC.

COMPROMISE

Clarence M. Mitchell of the NAACP described what happened.

"We felt," Mitchell said in an interview, "that you could not get things coordinated very well if EEOC is going one way and OFCC is going another. We also thought that the Civil Service Commission has been so inept and so difficult in these employment problems that it, too, should not have jurisdiction over racial discrimination cases, but that it, too, should be under EEOC.

"Well, needless to say, OFCC lobbied very strongly against having the EEOC in charge of all these things. Finally, after a lot of negotiations, Senator Javits (Jacob K. Javits, R-N.Y.) thought that the way to keep everybody reasonably happy while achieving some level of coordination would be to form this coordinating council."

GUIDELINES

The coordinating council, which has no staff of its own, is made up of the Attorney General, the Secretary of Labor and the chairmen of the EEOC, the Civil Service Commission and the Commission on Civil Rights

The most important issue the council has dealt with formally has been that of merit-system testing. The testing guidelines have not yet been published in the *Federal Register*, but they were issued for informal comment in the first week of September, and may become official policy within a few months.

In addition, the four operating agencies in the council—Justice, OFCC, EEOC and Civil Service—issued a paper on goals and quotas in March 1973. The agreement was not formally a council product, although it was meant to coordinate federal policy on the goals-and-quotas issue.

GOALS AND TIMETABLES

Goals and timetables can be required in at least three different kinds of situations:

Contract-compliance agencies require them as parts of affirmative action plans for ending discrimination.

EEOC asks employers to include them in any agreement reached through conciliation.

Both EEOC and the Justice Department can ask courts to impose them as a remedy required by Title VII of the 1964 Civil Rights Act (78 Stat 241), as amended by the 1972 Equal Employment Opportunity Act (86 Stat 103).

The situation of colleges and universities illustrate all three of these possibilities, as does the situation of most federal contractors.

As a government contractor, a university is required to submit an affirmative-action plan to the HEW Department, which is the individual contract-compliance agency operating under the authority of OFCC. Before 1972, this was the only way the federal government could reach job discrimination in academies, since the 1964 Civil Rights Act specifically exempted institutions of higher education, as well as agencies of state and local government. With the removal of these exemptions in 1972, EEOC and Justice now share jurisdiction in this field with HEW.

DIVISION OF AUTHORITY

The directives governing contract compliance contain the fullest discussion of the use of goals and timetables. In part this is because EEOC and the Justice Department both derive their authority from Title VII, which does not call explicitly for goals or timetables. Some have even argued that Title VII is inconsistent with the use of goals and timetables. As a result EEOC and the Justice Department are limited to proposing goals and timetables as a remedy to be considered on a case-by-case basis after a prima facie case of discrimination has been established.

The contract-compliance agencies, in contrast, do not derive their authority from the Civil Rights Act, but from a series of executive orders and Labor Department orders stemming from the government's general power to establish conditions for federal contractors in the name of efficiency.

Thus, President Johnson's Executive Order 11246—which in 1965 required federal contractors to "take affirmative action to ensure that applicants are employed, and that employees are treated during their employment without regard to their race, color, religion or national origin"—was based on the President's power as chief executive to set terms for contractors. (ExecOrder 11246 was amended by ExecOrder 11375 in 1967 to includes sex as a prohibited basis of discrimination.)

Because contract compliance rests on this independent authority, the government has been able to require all federal contractors to take "affirmative action" whether or not discrimination was proved against them. What "affirmative action" meant was not clear, however. President Johnson said that it included, but should not be limited to, affirmative steps in hiring, recruiting, advertising, training and salary raises.

The Nixon Administration took an important step, in concept if not in practice, in June 1969, when it announced the Philadelphia Plan, which for the first time included numerical hiring goals for minorities working in the construction trades in Philadelphia. (*For more on the Philadelphia Plan, see Vol. 2, No. 3, p. 130.*) Labor Secretary (1969–70) George P. Shultz followed this up in January 1970 by issuing Order No. 4, which was supplanted by Revised Order No. 4 in December 1971.

ANALYSIS

The revised order requires all federal contractors with more than 50 employees and more than $50,000 in federal contracts to submit a detailed affirmative-action plan to the Office of Federal Contract Compliance as a condition for retaining federal contracts. These plans consist of two main parts. The first is a survey of the contractor's current workforce to determine whether the contractor is "underutilizing" women, blacks, persons with Spanish surnames, persons of Oriental ancestry or American Indians in any of its job classifications. If any such underutilization is discovered, the contractor then must establish goals by sex and race, indicating the number of persons in each category the contractor should be employing in each job classification, and stating a timetable for reaching that numerical goal. Unlike the situation in Title VII cases, these goals and timetables must be established to correct underutilization, whether or not that underutilization results from intentional discrimination. Failure to produce goals and timetables may mean cancellation of all federal contracts for the contractor.

A sex or race is said to be underutilized if it is employed in numbers significantly smaller than would be expected if the employer hired persons from the available workforce in a random, nondiscriminatory way. Thus, if 30 per cent of the qualified or readily qualifiable bricklayers in a particular metropolitan area are black, while only 5 per cent of a contractor's bricklayers are black, that contractor would be underutilizing the workforce of readily available black bricklayers by a factor of 25 per cent.

Each contractor is expected to do this "utilization analysis" on his own. This in turn means that the contractor must do his own estimate of availability for each subgroup in each job classification. "Availability" refers to the number of persons available for work in a given job. To estimate this, it is necessary to know something about skills levels for each subgroup, unemployment rates, population and transportation patterns within each metropolitan area, the existence of training institutes in the area and the degree of on-the-job training possible for each job classification.

Figures on availability must necessarily vary among the job classifications, and are in no way interchangeable with general population statistics provided by the Census Bureau. Despite this, one staff member of the Civil Rights Commission, who asked not to be identified, said that most federal agencies rely on general population statistics if the contractor has not done a complete availability analysis.

GOAL-AND-TIMETABLE ISSUE

Once underutilization has been pinpointed, the contractor must establish a goal—a numerical figure representing what that contractor takes to be a proper level of utilization. In addition, the contractor must establish a timetable containing interim goals, indicating the rate at which the contractor expects to reach a level of proper utilization, given the availability of people in the workforce, and the expected turnover rate on the job.

QUESTIONS

The implementation of these goals and timetables has led a number of critics to raise several serious questions about them. When the contract-compliance agency requires a contractor to formulate a goal, does this mean that it then wants the contractor to hire qualified persons on the basis of race or sex in order to fill the goal? Does it mean, in other words, that the contractor will be asked to fill a quota? Will the contractor who has "overutilized" white males on his present work force be required to discriminate against white male applicants to achieve a proper level of utilization? Are the goals expected to reflect the fact that contractors will not discriminate in their future hiring and recruitment, or do they mean that contractors are expected to engage in "reverse discrimination" until the over-all balance of the workforce resembles what it would have looked like had discrimination never occurred?

NIXON REPLY

The American Jewish Committee asked some of these questions of President Nixon and Sen. George McGovern, D-S.D., in a letter it sent during last year's Presidential election campaign. President Nixon's reply, dated Aug. 11, 1972, said: "With respect to these affirmative-action programs, I agree that numerical goals, although an important and useful tool to measure progress which remedies the effect of past discrimination, must not be allowed to be applied in such a fashion as to, in fact, result in the imposition of quotas, nor should they be predicated upon or directed towards a concept of proportional representation."

DISAGREEMENTS

The President's reply to the American Jewish Committee was a brief one, written in the context of a campaign for reelection. It did little to provide the kinds of answers agency heads needed if they were going to work out the disagreements among themselves over what was the Administration's policy.

Typical of the kinds of disagreements existing, a staff member for the Civil Rights Commission said in an interview, were several between the Civil Service Commission and the Justice Department in 1971 and 1972. The Justice Department had been asking several district court judges for what the Civil Service Commission considered to be an explicit imposition of quota or ratio hiring. The Civil Service Commission was upset, in addition, over a decision of the Sacramento Fire Department to implement a policy of hiring one black for every four whites, whatever their relative position on a list of qualified candidates. Civil Service considered this policy to be opposed to merit standards of hiring—the 1970 Intergovernmental Personnel Act (84 Stat. 1909) gives Civil Service the job of overseeing state and local government merit systems—and it decided to bring the matter up with Leonard Garment, then the President's chief White House adviser on matters relating to civil rights.

FOUR-AGENCY AGREEMENT

After a great deal of negotiation with extensive White House participation, Civil Service, Justice, OFCC and EEOC agreed on a common position.

The four-agency agreement, issued on March 23, 1973, came two days after a speech in which Garment alluded to the problem of interagency disagreements at least three different times, and in which he noted that even though the agreement specifically concerned state and local government hiring, the principles were meant to extend to private employers as well.

GOALS VERSUS QUOTAS

The agreement states that "all agencies recognize the basic distinctions between permissible goals on the one hand and impermissible quotas on the other. . . . A quota system, applied in the employment context, would impose a fixed number or percentage which must be attained, or which cannot be exceeded; the crucial consideration would be whether the mandatory numbers of persons have been hired or promoted. . . . It would be no defense that the quota may have been unrealistic to start with, that he had insufficient vacancies, or that there were not enough qualified applicants, although he tried in good faith to obtain them through appropriate recruitment methods.

"Any system which requires that considerations of relative abilities and qualifications be subordinated to considerations of race, religion, sex or national origin in determining who is to be hired, promoted, etc., in order to achieve a certain numerical position has the attributes of a quota system which is deemed to be impermissible under the standards set forth herein.

"A goal, on the other hand, is a numerical objective, fixed realistically in terms of the number of vacancies expected, and the number of qualified applicants available in the relevant job market. Thus, if, through no fault of the employer, he has fewer vacancies than expected, he is not subject to sanction, because he is not expected to displace existing employees or to hire unneeded employees to meet his goal. Similarly, if he has demonstrated every good faith effort to include persons from the group which was the object of discrimination into the group being considered for selection, but has been unable to do so in sufficient numbers to meet his goal, he is not subject to sanction.

"Under a system of goals, therefore, an employer is never required to hire a person who does not have qualifications needed to perform the job successfully, and an employer is never required to hire such an unqualified person in preference to another candidate who is qualified; nor is an employer required to hire a less qualified person in preference to a better qualified person, provided that the qualifications used to make such relative judgments realistically measure the person's ability to do the job in question, or other jobs to which he is likely to progress. The terms 'less qualified' and better qualified as used in this memorandum are not intended to distinguish among persons who are substantially equally well qualified in terms of being able to perform the job successfully. Unlike quotas, therefore, which may call for a preference for the unqualified over the qualified, or of the less qualified over the better qualified to meet the numerical requirement, a goal recognizes that persons are to be judged on individual ability, and therefore is consistent with the principles of merit hiring."

CRITICISMS

Not all of the critics of goals are happy with this reformulation of the issue of goals and quotas. Robert F. Sasseen, dean of the faculty at California State University, San Jose, said in an interview that even after this statement, goals remain "nothing but quotas with an escape clause."

Others have fewer questions about the four-agency statement than about its implementation. Jan Vetter of the University of California/Berkeley Law School is doing a study for the Administrative Conference of the U.S., of the HEW Department's affirmative-action guidelines as they relate to faculty hiring in higher education. Vetter said in an interview that although he had not yet reached his final conclusions for the Administrative Conference, he did wonder "how much reality" the four-agency agreement has.

"That four-agency agreement is really a manipulation of symbols," he said. "Unless somebody is out there looking to see that those words are connected to something in the real world, it does not necessarily mean anything. . . . As far as I can figure out, there are a lot of people in HEW who have never heard of this four-agency agreement, at the local level and in Washington."

DISSEMINATION

Sheldon E. Steinbech, staff counsel for the American Council on Education's Equal Employment Opportunity Task Force, agrees with this assessment. "The four-agency document," Steinbech said in an interview, "is a reasonably good statement of what goals and timetables are all about. The problem is: I know that document," Steinbech said in an inter- • • • the U.S. attorneys may know it exists and EEOC may know it exists. But I wonder whether the schools know it. A lot of their misconceptions about the program have not been brought about by the people you and I talk to in Washington, but by regional officers who, during the conduct of contract-compliance reviews or at other negotiations, tend to go off on frolicsome detours of their own, not stating national policy, but stating some kind of self-generated policy."

The B'nai B'rith Anti-Defamation League made similar charges in a letter sent to the Justice Department two weeks ago. David L. Rose, chief of the employment section in the department's Civil Rights Division and chairman of the staff committee for the EEO Coordinating Council, was in the process of drafting a response to this letter when he said, in an interview, that "we sent a copy of the agreement within three or four days to every U.S. attorney. Every lawyer in this section and in the education section has it. So, every lawyer who represents this department in court has it. I understand that Civil Service put out something like 2,000, not only to its regional offices, but also to every state and local government. I'm sure that EEOC has distributed it. I know that Labor distributed them to all of the contract-compliance agencies, and I assume that each of them distributed it to their field agencies, so I believe they are very widely distributed." Rose acknowledged that there might be some problems of understanding, however, "The federal government is rather far flung. The very fact that we have a council suggests this."

AGENCY SURVEY

An *NJR* survey showed that, despite the agreement the four agencies still have some major differences.

One of the key problems in understanding the purpose of goals and timetables is caused by a phrase in Revised Order No. 4, which indicates that affirmative action is a "result-oriented" policy designed to ensure that more women and minorities actually are hired. As the four-agency agreement recognizes, however, there sometimes may be a tension between a result-oriented policy and nondiscriminatory hiring procedures and practices. This tension is at the heart of the differences between agency interpretations of affirmative action, rather than any clear-cut difference between goals and quotas.

CIVIL SERVICE

Irving Kator, assistant executive director of the Civil Service Commission, is the commission staff member serving on the EEO Coordinating Council. Kator was on vacation when the survey was taken, but James C. Scott, on his staff, presented the Civil Service Commission's point of view.

Scott tended to put more of an emphasis on process than any of the other officials surveyed—with the possible exception of Peter E. Holmes, director of HEW's Office of Civil Rights.

Scott, saying that others had not defined the notion of affirmative action as precisely as Civil Service had, supported the use of goals as indicators of an employer's progress. "But," Scott said, "goals are not the be-all and end-all of affirmative action. In fact, they are not affirmative action at all, but are merely the means of encouraging affirmative action. We have been trying to sell a definition of affirmative action which is much broader than others we have seen."

Scott argued that minority hiring can increase only "if the commitment and the resources are there on the backup programs."

One of the questions useful to point out the tension between a result-oriented program and a process-oriented program is whether or not an employer ever should use race or sex as a criterion in making hiring decisions. If two candidates for a job have roughly equal job qualifications, should the employer hire the minority or female candidate because of the candidate's race or sex, as a way of redressing an imbalance in his workforce that might have been caused by past discrimination?

Scott said that "a selecting official should have some flexibility in hiring, but he may not use race or sex as a criterion in making his final selection."

Civil rights and women's rights organizations argue in response that if employers use color-blind or sex-blind hiring criteria now, after not having used them in the past, they will simply perpetuate the existing imbalance, making it impossible for minorities or women to catch up in any reasonable length of time. For this reason, they are willing to use race and sex as hiring criteria—and thus risk charges of reverse discrimination—to redress the balance, and bring the composition of the work force to where it would have been had discrimination never occurred.

Scott thinks this is unrealistic. Speaking more of minorities than of women, Scott said, "I personally don't believe minorities can expect to catch up in the employment situation until they also catch up in other areas which affect their employability, such as education and past employment service. A lot of elements in society have to come along. This has to be looked at in a total context. It has been happening. Blacks, for example, have been increasing their college enrollment. More and more women are going into occupational areas formerly considered male. Things are changing, but it is a gradual process. I don't see any overnight changes in the employment picture.

"A lot of people are looking for short cuts, but short cuts won't work. If you short cut the idea of goals too much, leaving out the backup, they become quotas."

JUSTICE DEPARTMENT

J. Stanley Pottinger, assistant attorney general for civil rights since January 1973, worked under Attorney General Elliot L. Richardson when Richardson was HEW Secretary (1970–72). Pottinger was director of HEW's Office of Civil Rights. At HEW, Pottinger replaced Leon E. Panetta, who resigned in February 1970 in a dispute with President Nixon over the use of busing to achieve racial balance in schools. It was under Pottinger that HEW first began to enforce the requirements of Revised Order No. 4 against institutions of higher education.

POTTINGER

In an interview, Pottinger gave more emphasis than did Scott to the result-oriented side of affirmative-action policy. Pottinger said it would be legitimate for an employer, in trying to meet a goal, to take race into account when choosing between two qualified job candidates.

"But that needs to be expanded a little bit," he said. "The model assumes, if it is not an insensitive metaphor, that you have a bag of qualified people who have all met the minimum skills and qualifications. Maybe a better metaphor would be that they have cleared that wall or hurdle. All of them qualify. Then a truly colorblind hiring decision by an employer who is outside the wall, at the gate, with a list, who says, 'We need another worker,' would yield a proportion on the inside of black to white.

"The confusion arises because, in making sure that you are truly not letting racial effects cause you to pull only the whites out of that pool, the judge will say that over a period of time, let's say there were 30 per cent blacks on the inside of that wall, it ought to yield 30 per cent on the employment force.

"Now, how do you do that unless, someplace along the line, you're keeping track of who's coming out? It's impossible in the real world. . . . The only way you can do that is, at some point, to take account of who's coming in."

Pottinger was then asked whether he has in mind simply a matter of record keeping, or whether he thinks race should be a factor in the hiring decision itself. Random colorblind hiring, for example, can never produce the catch-up effect that many groups are asking for. Should hiring of minorities and women be speeded up to balance the workforce? And if so, would not that automatically require an employer to take race and sex into account in the actual hiring decision?

"Yes it would," Pottinger responded. "But you're not going to be permitted to take one person and discriminate on the basis of race against another person who is better quali-

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fied where qualifications are relevant to job performance, or where, to do so would be on so compressed a basis that you automatically are excluding even the invitation or recruitment of whites to a job."

Pottinger then spoke of three different groups of people, each of whom would call for a different response on the question of whether or not to use race and sex consciously to produce the catch-up effect. "The first group is where you can name individuals who were discriminated against and you say that they must now move into a position where they would have been but for the discrimination. Common Anglo-Saxon contract law puts you in the same position. You get the car you would have had if you hadn't been screwed by the car dealer.

"The other extreme is a group of black men or women candidates for a position who have not as individuals been discriminated against at all. They weren't even born, let's say, 20 years ago when the policy operated. But they're there now, knocking on the door next to a white colleague, and because of an effort to recruit based on past discrimination, the company says, 'You're equally well qualified, but because you're black and you're black and you're white, I'm going to take the black.' No showing of systemic or class discrimination. That's wrong. That is reverse discrimination.

"The middle group is the group where you have a mix of both. And there's only one real-world practical way to resolve that. You have a mix of people who were actually discriminated against and you have a mix of people who were not but who, by conditions of their race and sex have historically been discriminated against. . . . Since you can't historically turn the clock back to know which are which, the judge takes some of the first group and adds a presumption that there are additional persons in the second group, and sets a goal."

ROSE

While Pottinger concentrated on the occasional need to take race and sex into account when making hiring decisions. David Rose, chief of the employment section in Pottinger's Civil Rights Division, spoke of the need to take race and sex into account at earlier stages of the process, precisely to avoid the need for doing so at the hiring stage.

Rose said in an interview that to ask an employer to eliminate present discriminatory hiring practices without asking anything else is not sufficient. Nor is it sufficient merely to ask employers to recruit and advertise in such a way that minorities and women will know that current practices are nondiscriminatory. In addition, employers should strive actively to redress imbalances in employee utilization caused by past discrimination. Rose said he believes that "in the abstract, it is illegal to take race into account when making individual hiring decisions." But, on the other hand, Rose said it is not illegal for an employer to take race and sex into account when he decides where to direct his recruitment efforts.

Aggressive recruitment in minority neighborhoods should help produce the desired catch-up effect, Rose argued, particularly in lower skills jobs where the high unemployment rate among young blacks should mean that there are a high number of workers available.

"If you ask whether this kind of a recruiting pattern is discriminatory, in a sense it is," he said. "You expect this kind of recruiting to produce a higher percentage of black applicants than there are blacks in the population as a whole. But, if this differential is not produced because the employer, for example, stepped up his advertising on a hillbilly radio station at the same time as he stepped up his advertising on stations listened to by blacks, we would have to ask why the employer did that."

Numerical goals are important, Rose said, because they indicate to the minority community that the employer is serious while, at the same time they prod the employer into action. They differ from illegal quotas in that race and sex may not be factors in individual hiring decisions, but only in the establishment of recruitment and other back-up programs.

OFCC

Philip J. Davis, director of the Office of Federal Contract Compliance, said he believes that race or sex might be a valid criterion for an employer to consider when making individual hiring decisions. Given two roughly equal candidates, Davis said, "I would encourage the contract to give the minority applicant every consideration," rather than let the decision be made by lot.

OFCC Associate Director Robert R. Hobson said that he was pleased with the result-oriented character of Order No. 4, saying that "before Order No. 4 it was a matter of looking at techniques. Now we look at results."

On the question of the catch-up effect, Hobson said that "it's a simple fact that there has been discrimination in the past. Our purpose is to achieve a degree of utilization which would have existed had discrimination not occurred. The mere fact that a contractor is hiring in rough proportion to availability does not mean that the contractor is in compliance. It depends on the seriousness of the deficiency. You would expect the goals in many cases to be higher than the current availability in order to remedy past deficiencies."

It is not clear that the seriousness of the deficiency is the only factor at work, however. The HEW Civil Rights Office under Pottinger, for example, issued guidelines in which it said that universities should strive to eliminate the effects of past discrimination in faculty hiring within five years. This conclusion was based on little research into such factors as the expected turnover rate, availability or normal career patterns.

In contrast, the General Services Administration (GSA), acting as the contract-compliance agency for utility companies, recently accepted a plan from the Long Island Lighting Co. with a much longer anticipated catch-up period. Grant Brown, employee relations manager for the company, said that the plan was put together with the help of National Economic Research Associates, a private consulting firm, which did a study of local availability for each of the company's job categories, projected growth in availability levels, and anticipated turnover and growth rates. Based on the company's low turnover and limited growth potential, given the large backlog of people still working with the company who were hired during the high-growth period of the early 1950s, and given the continued use of what GSA considers to be a nondiscriminatory internal promotion, training and seniority system the company expects that it may take an extremely long time for women and minorities to work their way up through the ranks to reach the top levels in some of the company's job categories. For example, there probably will be virtually no woman foremen in 1983 and only 1 per cent black foremen, unless the labor situation changes within the next 10 years.

This disparity between HEW and GSA does suggest that, in addition to the seriousness of company deficiency, such factors as the seriousness of the economic research undertaken and the degree to which agency heads are concerned with results rather than process, both have an independent effect on what two different agencies working under OFCC direction may find acceptable.

Asked about this in an interview, OFCC director Philip Davis said that "it is the OFCC's intention to have uniform and specific guidelines, but each agency deals with each individual company based on that company's own problems and past record. Our intention is uniformity, of course, and we are now working on guidelines which should alleviate the problem considerably."

CIVIL RIGHTS COMMISSION

The Civil Rights Commission did not participate in the formulation of the four-agency agreement, a fact that Staff Director John A. Buggs said has its advantages. "I view the role of the commission in the (EEO Coordinating) council as a little different from the other agencies' roles," Buggs said. "We, as you know, have long been the critics. I don't know how well one can function as a part of an operation and then turn around and be a critic."

Because it was not a council document, Buggs said he feels completely free to criticize the four-agency agreement. Nevertheless, he said, "I'm not too dissatisfied. There were a few problems, as I recall—it was a few months ago—that concerned me a little, so I sent it (the agreement) to the general counsel's office for comment. I would be hesitant to say what these disagreements were at the moment, however, because frankly I didn't focus on them too much, since I knew we would be asking for the general counsel's views."

The Civil Rights Commission's general counsel, John H. Powell, Jr., never did respond to Buggs' request.

EEOC

Powell recently was nominated by President Nixon to replace William H. Brown III as chairman of EEOC. (*See Vol. 5, No. 34, p. 1265*). Powell told *NJR* that he would not comment on his views until after his Senate confirmation hearings. Thus, he would not state his reaction to the four-agency agreement or provide any insight into the understanding of affirmative action he is likely to take to EEOC.

Powell did say, however, that he was the principal author of the Civil Rights Commission's February statement on affirmative action, the document against which Buggs wanted the four-agency agreement checked. Powell said that he accepts everything in that statement as his current opinion on the issue.

The Civil Rights Commission's statement on affirmative action is more result-oriented than any of the other documents or expressions of opinion encountered in this survey.

On the question of whether race or sex should be used as criteria in individual hiring decisions, the commission said that "the criteria which have traditionally been used in hiring and promoting must be broadened to include consideration of minorities and women."

On this same point, the commission later said that "many subjective elements enter into the selection process. The candidate's personality, disposition, experience, apparent judgment, are just a few of the elements that always influence a selection. Unfortunately, a significant reason for the paucity of minority group persons and women in many job categories is that these subjective factors never included providing a fair share of employment opportunities to them.

"An affirmative-action plan must require some action that has not heretofore taken place, otherwise it is useless. . . . One of the requirements thereof is that in the subjective evaluations that always occur in the selection process, one factor previously excluded should now be included—a concern that a reasonable number of qualified minorities and women be hired until equity is attained."

"The best test for determining whether these aims are being achieved," the commission said at another point, "is by a results test. Whether expressed in terms of applications, hires or promotions, the results test is the best test of whether women and minorities in fact are achieving the access to equal employment opportunities required pursuant to the twin airs of affirmative action."

HEW

Policy at HEW has undergone some subtle changes since Casper W. Weinberger and Peter E. Holmes replaced Elliot Richardson and Stanley Pottinger, respectively.

Secretary Weinberger testified on July 30 at Joint Economic Committee hearings being conducted by Rep. Martha W. Griffiths, D-Mich., on the problems of discrimination against women. Weinberger said that too many persons speaking about affirmative action rely excessively on the numerical aspects of the goals, and get tied up in the "metaphysical issue of goals and quotas."

Holmes agreed with this in an interview, in which he said that HEW's actions as a contract-compliance agency were partly responsible for the problem.

"We are getting too caught up in the numbers game. The whole goal-setting aspect has to be a relatively minor part of the affirmative-action commitment. The focus should be changed, and it will be, to look at the entire process."

Another side of this apparent shift in emphasis emerged in response to a question about a hypothetical school willing to let HEW examine its hiring process to look for discriminatory practices, but which refused to establish numerical goals for faculty hiring because of what it claimed was the lack of sufficient data to determine the availability of qualified persons in each of the subfields in which it had an opening.

"Under current Labor Department guidelines," Holmes responded, "the goals must be established. That's troublesome to me in an example such as the one you have there. I think that in that instance, we would want to maintain as much flexibility as possible, if a university is able to demonstrate the affirmative nature of such things as its recruitment process."

In addition, Holmes said he realizes that availability of qualified candidates affects results.

"I have some concern about the actual availability of minorities and women in the labor nfarket," he said. "There is no question about the availability of people currently working on Ph.D.s. But I think the recently published American Council on Education study, which notes that the percentage of women and minorities on faculties have not increased very much in recent years, raises serious questions about assumptions regarding the widespread availability of women and minorities, and is indicative that the problem may have more to do with discrimination in graduate programs or earlier." (*For more on Holmes' views, see box on the affirmative-action panel at the American Political Science Association convention.*)

AMBIGUITIES

One of the reasons for the persistent differences among the four agencies stems from the interrelationship of the conceptual problems involved. The formulation of goals and timetables, the length of time given for bringing the workforce up to a position where it no longer shows the effects of past discrimination, the problem of reverse discrimination, and the base used for figuring the availability of qualified workers, are all linked; no one of them can be resolved without resolving the others.

None of the persons surveyed has resolved *all* of these problems, and this fact is reflected in some of the criticisms made of the goals-and-timetables policy by both friends and foes of this approach.

Jan Vetter, the Berkeley Law School professor studying higher education guidelines for the Administrative Conference, said in an interview that "the catch-up requirement seems to me necessarily to imply reverse discrimination, especially if you are talking about catching up in five years, as the HEW guidelines suggest."

Vetter's criticism is based on his estimates of the availability of qualified persons and likely faculty turnover rates in the currently depressed academic market.

Bernice Sandler, director of the Association of American Colleges' Project on the Status and Education of Women and a supporter of the goals-and-timetables approach, also connects the idea of goals with the question of availability in a criticism of HEW practice.

"HEW has not been very effective at all," Ms. Sandler said. "Their procedures really have been abominable. . . . One problem is that HEW hasn't been monitoring the goals really effectively, and they haven't explained to the institutions how they are to set goals. They haven't given availability data to the schools. You have every institution in the country looking for the same availability data, which is really wasteful of everybody's time. HEW should be doing that."

Both of these criticisms are directed at HEW, and availability may be harder to determine for jobs that require highly specialized skills than for those with more easily attained skills. Despite this, as the Civil Rights Commission stated, no agency has good availability data for any job, and almost all rely on population or highly approximate Labor Department statistics when they are dissatisfied with an employer's own availability analysis.

CRITICISM

Criticisms of the goals-and-timetables approach have come from labor unions, the business community, Jewish voluntary organization and academicians.

UNIONS

Donald S. Slaiman, director of the AFL–CIO's Office of Civil Rights, said he considers the whole goals-and-timetables approach—and the Philadelphia Plan which resulted from the approach—as "a phony".

Slaiman said that "they (Labor Department officials) speak about it having a good pressure effect, but it wasn't sound. The problem is that they haven't accepted any alternative. They are using an eclectic approach, but whatever real success there is because of the Outreach program (a program of pre-apprenticeship training for the construction trades). In reviewing any program you have to have numbers, but the use of goals and timetables is just a semantic switch for saying quotas. The real reason we don't like it is that too often it is a substitute for a real program, such as the Outreach program, which could do something.

BUSINESS

In a rare show of agreement with the AFL–CIO, Richard A. Berman of the Chamber of Commerce of the United States said that he thought goals and quotas were inseparable, at least in the way that the government is enforcing the goals concept at the local level. "Unless there is some overriding reason—for instance, a recalcitrant party who refuses to use good-faith efforts—our position and, I think, the business community's position, is that quotas and timetables are discriminatory of themselves," Berman said. "You really don't solve one problem by creating another. If there has been discrimination in the past, and everyone recognizes there has been, it has been the fault of everyone; but the business community is being made the scapegoat."

JEWISH VOLUNTARY ORGANIZATION

The major Jewish voluntary organizations, led by the Anti-Defamation League of B'nai B'rith, the American Jewish Congress and the American Jewish Committee, have been actively concerned with what they consider to be a federal encouragement of reverse discrimination. It was largely at the instigation of the Anti-Defamation League that HEW's Civil Rights Office appointed a special ombudsman to oversee problems of reverse discrimination, while the President's letter during the 1972 campaign rejecting quotas was a response to a query from the American Jewish Committee.

The voluntary organizations met with HEW Secretary Weinberger on July 18, at which time they said that, despite the appointment of the ombudsman, "the situation is worse today than it was a year and a half ago."

Benjamin R. Epstein, president of the Anti-Defamation League, made similar charges in a letter to OFCC Director Philip Davis on July 13. Epstein said in the letter that the league is especially concerned with some implications of new guidelines OFCC is considering for contractors.

ACADEMIC CRITICISM

Neither the American Council on Education nor the American Association of University Professors has taken an official stand on the utility of goals and timetables.

STEINBECH

Nevertheless, Sheldon Steinbech, staff counsel for the American Council on Education's Equal Employment Opportunity Task Force, has reached some tentative conclusions of his own.

"I think," said Steinbach, "that the government's desire for goals and timetables really results in somewhat of an unnecessary exercise because, in part, if you could enforce a process that would ensure equal employment opportunity, you could go about your business of searching as widely as possible for candidates for a given slot without having to waste resources and time trying to figure out how many people in the country could possibly fill that slot.

"I think that as a matter of national policy, what we are looking for is equal accesss for all individuals to jobs. If you could assure a nondiscriminatory process, the law and the country as a whole should demand no more. One of the poor offshoots of the whole goals-and-timetables approach is that you create a pressure within the community to achieve that number, and thereby get into the whole problem of reverse discrimination."

TODOROVICH

One organization that has taken an official stand on this matter is the Committee on Academic Nondiscrimination and Integrity, an organization created precisely to deal with this issue, with a distinguished roster of faculty members of all races and both sexes opposed in principle to the use of goals and timetables. The committee's coordinator, City University of New York physics professor Miroslav M. Todorovich wrote in a recent memorandum that "the committee supports the concepts of nondiscrimination and affirmative action outlined in the 1964 Civil Rights Act and in President Johnson's 1965 executive order dealing with employment discrimination. We feel, however, that bureaucratic actions taken to implement these statutes in the Nixon Administration . . . have gone far beyond legally permissible grounds, have treated on *ultra viral* ground (*ultra vires* is a legal term referring to actions that exceed granted authority) and have resulted in patterns of discrimination contrary to law. We believe, despite Administration protestations to the contrary, that this reverse discrimination is the direct consequence of Administration practices, rules and guidelines."

Todorovich maintains that "there are no indications that, within the institutions of higher learning, the mandatory affirmative-

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action programs tailored in accordance with the requirements of Order No. 4 have achieved anything positive beyond what could have been expected from a projection of favorable trends existent before the introduction of said programs, and a vigorous application of normal grievance and complaint procedures, and a positive promulgation of the true letter and spirit of the original Presidential executive order."

In addition, Todorovich argues that "in writing the rules which are supposed to implement the said Order 11246, unelected lower-echelon bureaucrats have grossly overstepped the boundaries set forth by both the letter and the spirit of the Presidential order. Where the executive order asks for affirmative action to ensure that applicants are employed and that employees are treated during their employment *without regard to* their race, color, religion, sex or national origin, the interpretational rules mandate that persons be treated *with regard to* their membership in ethnic and sexual groups."

Todorovich said that Revised Order No. 4, besides contradicting Executive Order 11246, is "in violation of the explicit provisions of the 1964 Civil Rights Act."

Todorovich bases his contention on Sec. 703(j), which reads, "Nothing contained in this title shall be interpreted to require any employer . . . to grant preferential treatment to any individual or to any group because of the race, color, religion, sex or national origin of such individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, sex or national origin employed by any employer."

When asked how the Justice Department reconciled the concept of affirmative action, as defined by Order No. 4, with this clause in the Civil Rights Act, David Rose said that the Civil Rights Act only prohibited preferential hiring, while what he was advocating was preferential recruitment of training.

Another answer, more applicable to OFCC contract-compliance cases than to the Civil Rights Act cases brought by the Justice Department, was the one given in 1971 by the U.S. Third Circuit Court of Appeals in a case upholding the Philadelphia Plan (*Contractors Association of Eastern Pa. v. Secretary of Labor*). The court noted in that case that the Civil Rights Act says that "nothing contained *in this title* shall be required," while the OFCC requirements stem not from "this title" but from the legally independent executive order. So far, the Supreme Court has not ruled on either of these arguments.

PRAISE

Women's groups, civil rights organizations and the American Civil Liberties Union have been among defenders of the goals-and-timetables approach.

WOMEN

Bernice Sandler of the Association of American Colleges, for all of her criticism of HEW effectiveness, said she thinks "goals can be very useful when there is a genuine commitment to them, and when there is monitoring of them."

Sheila Tobias, past president of the Professional Women's Caucus and current EEO officer at Wesleyan University, also is pleased at the effect federal policies have been having. "Maybe it is because I am comparing now to yesterday when there were no official policies on this at all," said Ms. Tobias, "but I am just impressed with the progress we have had."

NAACP

Roy Wilkins, executive director of the NAACP, wrote in a March 3 column on the use of goals in the construction industry that he agrees with their use, so long as they do not deteriorate into racial quotas. "The construction industry has had at least 73 years to recognize the right of a Negro American to a job," Wilkins wrote. "Guidelines are in order. Persuasion and pressure are in order. But racial quotas for American life—no!"

ACLU

The American Civil Liberties Union is not so concerned as Wilkins with the distinction between goals and quotas. In a Nov. 29, 1972, memorandum listing policy recommendations of the ACLU's Equality Committee, the ACLU said that "the use of minimum racial, ethnic, religious and sexual quotas as a technique for correcting a serious discrimination in employment is a justifiable means of offsetting past wrongs by temporarily recruiting people from a group which has been discriminated against. A minimum quota may be a necessary criterion to assure the employment of more than a token number from such groups. The minimum quota may thus be a conscious effort to counteract the effects of earlier injustices."

On the question of whether the explicit imposition of minimum quotas would not result in reverse discrimination, the ACLU said that "the alleged discrimination experienced by the individual white applicant under a system of compensatory treatment is not the same as the discrimination previously suffered by blacks. The white applicant is not being barred from employment because of his race; rather his claim to a particular job is being deferred while a remedy is applied."

OUTLOOK

While the ACLU's position is many steps removed from the position the Administration is trying to maintain, the ACLU's memorandum does help to point out the difficulty the Administration has had and can expect to have in trying to maintain fidelity to the four-agency agreement. Is there any likelihood that the Administration position on goals and timetables will be clarified and made more uniform across agencies? The four-agency agreement seems to have reduced the differences in agency interpretation but, as the NJR survey showed, these differences are many steps away from having been eliminated. The differences over the time to be allowed for correcting the effects of past discrimination are but one indication of this.

One key to the problem is the way in which the different agencies try to define the notion of availability. How can you tell how many qualified or easily qualifiable persons are in the pool of those persons looking for jobs?

Clarification of this in turn depends on clarification of what is meant by "qualified or easily qualifiable" candidates.

The EEO Coordinating Council has been trying to define these concepts, and to issue guidelines for tests designed to measure them, ever since its inception 18 months ago. They have finally issued their testing guidelines for informal comment and review—the first step in a several-months-long process that should result in their being printed in the *Federal Register* as formal administrative guidelines. The new testing guidelines will be the subject of the second part of this report.

GOALS AND TIMETABLES IN ACADEMIC HIRING

The HEW Department's oversight of college and university faculty hiring has generated sharp controversy over the relationship between goals and quotas in the administration of federal affirmative-action policies designed to eliminate discrimination in employment.

The controversy was the subject of a panel discussion at the annual meeting of the American Political Science Association (APSA) in New Orleans on Sept. 7. Participants were Peter E. Holmes, director of HEW's Office of Civil Rights; Robert F. Sasseen, dean of the faculty at California State University, San Jose; and Jane Cassels Record, senior economist at the Kaiser Health Services Research Center, Portland, Oreg., who delivered a paper she prepared with her husband, William Record, a sociologist at Portland State University. The moderator was Phillip Siegelman, political scientist at California State University, San Francisco.

Holmes defended HEW, Sasseen challenged the assumptions underlying the use of goals and timetables, and the Records raised questions concerning the relationship between affirmative action and ethnic studies.

Opening remarks: These summaries of the panelists' opening remarks and prepared statements follow the order in which they spoke.

Holmes. "The underlying assumption of affirmative action is that qualified women and minority applicants for faculty positions exist. . . .

"To be sure, an institution which falls short of meeting a realistic hiring goal that forms part of an affirmative plan must be able to document the efforts it has made to recruit qualified women and minorities. . . . The concept of good faith demands no more than that the university define and justify the standards it applies and the decisions that are reached as a consequence. . . .

"To argue that demonstrating good-faith effort is a burden that no institution will be able to sustain is to suggest at the same time that hiring decisions are based on criteria unfathomable to the non-academic mind, that no justifiable criteria exist, or that a university's prized defense of and search for merit is nothing but a chimera.

"The affirmative-action process is most certainly not anti-merit; it assumes the right of an institution to hire and promote persons who are deemed most qualified. But those who oppose affirmative action on grounds that it will chip away at standards of merit cannot in the same breath dispute the test of good faith. . . .

"We construe (Labor Department Revised Order No. 4) as prohibiting a contractor's use of an unnecessarily high standard of qualification intended or serving to exclude women and minorities from promotion consideration at a higher rate than others. . . .

"The Office for Civil Rights joins . . . in condemning illegal hiring quotas. However, we dispute the inference that goals are by definition quotas, that the distinction is simply a matter of semantics, and that HEW is applying otherwise legitimate principles in a discriminatory manner. . . .

"That there have been excesses, masking as legitimate affirmative action, is indisputable. . . . However, our experience to date does not support the notion that such distortions are a universal, permanent and ever-growing phenomenon. Indeed, as our inquiries proceed, they are likely to counteract any further momentum in this direction. . . .

"While there is no doubt that affirmative action is 'result oriented,' in the sense that an effective plan is designed to lead to the employment of additional women and minorities, should underutilization exist, the means by which this is to be achieved was seldom examined in any detail. . . . Preoccupation with the end product of what is demonstrably an intricate and comprehensive exercise in institutional reform tended to oversimplify the issues."

SASSEEN.—Affirmative action was developed as a means to the legitimate end of the executive order, and is thus properly to be judged in terms of its compatibility with equal treatment and its consistency with the principle of equality. . . .

To the problem of discovering real discrimination, the policy's solution is to give up the attempt. . . . To the problem of demonstrating positive action to ensure equal treatment, the solution is to look for effective effort to overcome 'underutilization,' to achieve the proper proportionality in the employment of numbers of the employed The simplicity of this solution makes it an attractive answer to a complex practical problem. But it is an answer which altogether begs the question and transforms both the executive order and the civil rights legislation into a preferential policy of proportional employment.

"The denial of this transformation is based on the assertion that the policy is a necessary and reasonable means to the legitimate end intended by the executive order. But to be necessary and reasonable, a means must bear an intrinsic relation to the end of which it is a necessary means. . . .

"Underutilization is the policy's focus of concern and point of attack. The underrepresentation of particular groups triggers action under the policy. Action is required to overcome the underrepresentation of women, blacks, Spanish-surnamed individuals, American Indians and Orientals. Most groups, however, are not included in this focus of concern. . . . Through the concept of underutilization, a legitimate order to ensure equal treatment has been transformed into a willful command to recruit, employ and promote more members of the preferred groups.

"Underutilization may be thought to supply the necessary link between means and end which would justify the policy. But for affirmative action to be a necessary and reasonable means to the end of equal treatment in employment, the principle of equality must be understood as an arithmetic proportionality naturally involving proportional employment. . . .

"This radical theory of equality is the true foundation of the policy, and the acceptance of the policy necessarily entails the establishment of that theory as the principle of public law and policy. The ultimate establishment of this false principle of equality will fundamentally alter the character of the republic and that prospect makes affirmative action truly revolutionary.

"Thoughtful citizens have long been disturbed by the persistent disadvantages suffered by blacks and others in our society. The cherished dream of full integration seems no nearer realization still, and affirmative action has perhaps arisen in a desperate effort to make that dream come true. Affirmative action, however, is a fundamental betrayal of that dream. In its efforts to force the proportional employment of persons identified by their race or national origin, the policy writes racial distinctions into law and declares that, after all, race should count in the competitions of life and in the distribution of the benefits of society. In doing so, the policy sanctions the eventual establishment of an American form of apartheid."

RECORD. Minority studies and affirmative action are at once mutually supportive and inherently conflicting movements. . . . Affirmative action issued from the equalitarian-integrationist-universalistic tradition of the liberal establishment. Earlier curriculums in race and ethnic relations had the same ideological orientation. But the new minority studies programs are quite another matter. Black studies, for instance, have developed as an instrument of the 'black-power' movement, which inevitably assumed a strongly separatist bent. . . .

"It is unfortunate that an elevated sensitivity about graduate and professional school admissions has come at a time when the need for their graduates is declining, as evidenced by market conditions. . . .

"The young white male . . . might find himself being denied admission to these programs in favor of a black or Chicano with a lower achievement record, as measured by the university's own stated requirements.

"That turn of events, though it might be justified as a means of redressing past grievances of minority groups, in effect asks individual members of white society to bear an inequitable portion of the burden. If the demand for professors and lawyers were booming, the onus of redressment could be shifted to society as a whole by merely increasing enrollment and distributing the costs over the taxpaying public; that is to say, members of minority groups selected for admission could be treated as add-ons without reducing the established opportunity levels of other groups. . . .

"In the same sense . . . individual blacks are falling heir to a disproportionate share of the redressment benefits, which could be viewed as belonging to blacks as a whole. . . .

"Once admitted to graduate and professional programs, marginal or submarginal minority students—those who could not meet the entrance requirements upheld for others—present a whole range of problems. . . .

"If minorities exit from, as well as enter, graduate and profesisonal programs on the basis of special criteria, are law firms, university faculties, government agencies and corporations expected to hire them on the basis of special criteria so as to fill the assigned quotas? For how long? Is there a move from horizontal ghettos to vertical ghetto corridors running from kindergarten to the highest educational levels? If so, what is implied for the dignity of blacks and other 'quota-ed' groups, or for the supposedly equalitarian socialization of whites.'

"The alternative to such corridors is to say no at some stage along the way: in other words, to pick a point or points beyond which yardsticks, whatever they may be or come to be, will be applied without regard for race, color, creed or national origin. . . .

"Given the bureaucratic propensity to attack subtle, complex issues instrumentally, the questions raised above are discomfiting."

COMMENTS

After reading their papers, the panelists responded to each other's remarks.

HOLMES. "Dr. Sasseen . . . talks about certain aspects of the policy, about numbers and goals and timetables. But affirmative action is much more than that and there are problems on university campuses that affect the equal treatment of women and minorities already on the roll, as well as evidence that the traditional old-boy recruitment system has been oblivious to the interests and qualifications of women and minorities.

"I urge these very distinguished minds to start communicating with me and with the federal government and come forward with recommendations to make this a program more palatable to the academic community."

SASSEEN. "I believe we *have* suggested what is to be done. What is to be done is to remove from the policy that corrosive component which leads to the concentration on overcoming underutilization, as if that were the same thing as ensuring equal treatment. If it appears that I am preoccupied with that aspect of the policy, it is because the policy is preoccupied with it."

RECORDS. "In administering policy, we should recognize that the problem is not simply one of ensuring equality, but also one of making sure of the quality of the society in which we are all to be equal.

"If we were to achieve proportional representation in 1973, this would be prima facie evidence that equal employment opportunity did *not* exist, because there are not enough qualified people around for that to happen.

"One question I might ask Mr. Holmes to think about is whether it isn't troubling that this Administration is requiring more hiring of women and blacks while it cuts back on the funds needed to help these groups become more qualified?" (Holmes responded by saying that he was not embarrassed by this, but that he did not pretend to be an economist with a full understanding of fiscal policy.)

"TODAY SHOW"

Mr. ROBERT C. BYRD Mr. President, on Wednesday, October 31, I was interviewed on the "Today Show," a production of NBC. I was interviewed by Bill Monroe, Washington editor of the "Today Show," and by NBC congressional correspondent, Paul Duke.

I ask unanimous consent that the transcript of the interview be printed in the RECORD.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

AN INTERVIEW WITH SENATOR ROBERT C. BYRD

FRANK MCGEE. Chapter by chapter, the Watergate crisis continues to unfold. Questions now hanging over Washington include at least these: Will Congress insist on a special prosecutor the President cannot fire; if Mr. Nixon names a new Attorney General will the Senate confirm him; will the Watergate Committee get the White House tapes?

We want to talk about these matters now with a man who will have considerable influence on the answers, Senator Robert Byrd of West Virginia. He's the Democratic Whip in the Senate.

Senator Byrd is in our Washington studios with "Today" Washington editor, Bill Monroe, and NBC New congressional correspondent, Paul Duke.

Gentlemen?

BILL MONROE. Thank you, Frank.

Senator Byrd, let me start with one of the questions that Frank just asked. Is Congress in your opinion, going to insist on a special prosecutor who can not be hired or fired by the President?

Senator ROBERT BYRD. I think it will.

MONROE. You think that's going to go through both Houses?

Senator BYRD. I think it will. I think there's a majority in both Houses that would support this.

MONROE. Now what happens if Congress passes such a bill but the President has his Attorney General appoint a new special prosecutor within the Justice Department and vetoes the congressional bill for an independent special prosecutor?

Senator BYRD. The vetoing of a special bill providing for an independent prosecutor would be a political decision that the President would have to make and I think it would be fraught with peril to the President, especially in the context of the experiences that the country has gone through recently. Secondly, the legislation passed by the Congress would supersede the actions of the President and I think would preempt the field.

MONROE. In view of the fact that Congress has not been able to override a Presidential veto for some time, do you think the Congress could override a veto in this area?

Senator BYRD. I don't know. It may very well be able to override a veto because I think the public's reaction would be very strong against the President if he should veto this bill because it would be another indication, rightly or wrongly, that the President was trying to obstruct justice.

PAUL DUKE. You talked yesterday at the Senate Judiciary Committee, Senator, about what you regarded as a new cover-up. Would you explain that?

Senator BYRD. The former special prosecutor, Mr. Cox, indicated to the Judiciary Committee, that various files and papers, at the White House were being shifted into a category designated as "presidential papers" so as to avoid surrendering them to the committees of Congress and to the courts on the basis that they involved matters which were privileged. The prosecutor Mr. Cox also stated

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that among these files are those which have to do with Mr. Ehrlichman, Krogh, and so on.

In the light of the President's order to Cox that he not pursue the securing of evidence from the White House through the judicial process, and in view of the fact that it appears that the President will not allow any prosecutor named ~~by him~~ or named by the Attorney General to pursue, through the judicial process, the securing of evidence from the White House, that the White House does not wish to surrender, it would then appear on the basis of Mr. Cox's statements that by shifting papers that the White House doesn't wish to surrender into the file designated "presidential papers," thus allowing the invocation of the doctrine of executive privilege, and not allowing a prosecutor to go through the courts to secure these, this then, would amount to the ultimate cover-up.

Duke. Senator, Senator Mansfield, the Democratic leader in the Senate, said yesterday that the Watergate Committee should now expand its inquiry because we don't have a special prosecutor. Do you support that? Do you believe that the Watergate Committee now must look into other areas of potential wrongdoing?

Senator Byrd. This is a matter which the Committee initially would have to decide. Secondly, the Senate would have to decide this. I think that during the remaining four months under which the Committee will act by virtue of the mandate previously passed by the Senate, through the resolution that was enacted, the Committee will have ample time to go into the matters that remain for it to investigate. And also, there will be ample time to make this decision as to whether or not the mandate should be expanded.

Monroe. Frank?

McGee. Senator Byrd, yesterday Mr. Cox told the Judiciary Committee that he had had a discussion with two Democratic Senators about a matter that later was published, and he thereby acknowledged that he might have inadvertently caused a leak. The White House responded by this—to this by saying this proved their contention that Mr. Cox was engaged in a partisan political matter from the beginning. That in fact the whole investigation was politically inspired. Do you agree with the White House assessment?

Senator Byrd. I do not. Mr. Cox's action was of course indiscreet. I think he used very poor judgment in making these statements to any Senators and their staffs. If he wanted to make a report on this matter he should have made it to the full Judiciary Committee. But that doesn't change the substance of the information. I think Mr. Cox was very forthright, he was very contrite, he volunteered the information, it didn't have to be drawn out of him. And he was very, very sorry.

That doesn't change the substance of the information. That—that is really the heart of the matter. The issue really boils down to this, did the government lie about the ITT case? And also, did high government witnesses commit perjury during their testimony in the hearings on the Kleindienst nomination? These are the real issues, and they'll be around a long time after Mr. Cox is forgotten.

Monroe. Senator Byrd, Senator Saxbe, a fairly independent man by reputation, has confirmed that he is under consideration by the President to be the new Attorney General. Suppose he is appointed Attorney General, and he comes to the Senate for confirmation and says we intend to appoint a new special prosecutor, or we have a new special prosecutor, who may then have been appointed by Mr. Bork, and Mr. Saxbe offers some pledges in blood that he will be fully independent. Might the Congress not be swayed to accept Senator Saxbe's word that the prosecutor would be independent?

Senator Byrd. This would put us right back where we were in the case of Mr. Richardson and Mr. Cox, I don't think that there's any doubt but that the Judiciary Committee would certainly attempt to exact commitments, solid commitments out of the Attorney General and out of the new special prosecutor, that they would pursue the case fearlessly and objectively and also there would be a hard and fast set of guidelines drawn up as there was in the case of Mr. Cox. But the problem here is that even with all of these safeguards, the President still has the prerogative and the right to fire the special prosecutor if for reasons of his own, the President's own, he wants to fire the man. So we'd be right back where we were in the case of the firing of Mr. Cox.

Monroe. Then you don't think the Congress would buy that?

Senator Byrd. Well, I think the Congress ought to insist on legislation vesting authority for the appointment of a special prosecutor in the District Court.

Monroe. Senator, we have some more questions for you in just a moment. Right now, back to Frank.

McGee. We will be back after this message.

* * * * *

McGee. Senator Robert Byrd of West Virginia, the Democratic Whip in the Senate is in our Washington studios. We're discussing Watergate, and we will rejoin Bill Monroe and Paul Duke for the remainder of that discussion in just a few moments.

* * * * *

McGee. Now let's return to Washington. Senator Robert Byrd of West Virginia, "Today" Washington editor Bill Monroe, and NBC News congressional correspondent Paul Duke.

Gentlemen?

Monroe. Senator, you brought up the subject of perjury in the ITT case just a moment ago. Now, when Mr. Kleindienst was being considered for Attorney General and testified before your Committee, the Judiciary Committee, he said that he had not been pressured and contacted by people at the White House. There is now evidence that he was called personally by the President. Is this grounds for consideration of perjury and should the Committee reopen its inquiry into the ITT case?

Senator Byrd. I think the Committee probably ought to reopen its inquiry into the ITT case. It would appear that there are grounds for perjury. Mr. Kleindienst did say that he was not importuned, he was not pressured, he was not directed. And on the basis of information that has now come to light, of course, this certainly has the appearance of being an untruth.

Duke. Senator, we seem to be in a new and nasty phase of Watergate with some Republicans—John Connally, last night, for example, suggesting there is a vendetta against the President in this country, there are new attacks being directed against the press. Do you regard these as a new ploy to divert attention from the real issues?

Senator Byrd. It may very well be a new ploy. I'm in no position to say that it is. I don't think anyone is in the position to say that there's a vendetta against the President. There's no question but that some people probably are carrying on a vendetta against the President, just as they carried on a vendetta against Mr. Johnson, and just as they carried a vendetta against previous presidents.

I don't think any president can escape this on the part of some people. But the majority of the people aren't carrying on a vendetta against the President, and yet the polls show that a great segment of the American people distrust the President and that they feel that he had some part in the cover-up, et cetera.

I don't think that there's a majority of the members of Congress, or even in my own party who are carrying on a vendetta against the President. As a matter of fact, I think Democrats generally in the House and Senate have acted in a very remarkable restrained way. So I don't think it's a vendetta. There may be some substance to this, but not much.

Monroe. Senator, aren't the Democrats in some danger of approaching the whole thing on a partisan basis, and, for example, I realize Senators don't like to comment ordinarily about things going on in the House. The Rodino Committee yesterday, looking into its proceedings on impeachment, voted to give the chairman, a Democrat, subpoena powers, but to withhold the subpoena power from the senior Republican and the vote was on a strict party line basis, and it looks as if that Committee is beginning its inquiry on a partisan basis.

Senator Byrd. I don't know the facts in back of this action by the Committee. I would not be in a position to comment on the action by the House Committee.

Monroe. Is it clear to Democrats in the Congress, and particularly in the Senate, in your view, that the country should have a man in succession, in line of succession to President Nixon who is a Republican? That is, in this case Mr. Ford, because of the fact that the Republicans won the election overwhelmingly about a year ago?

Senator Byrd. That's my viewpoint and I believe that it would be shared by most of the Democrats in the Senate. The country elected a Republican. I think the country's entitled to have a Repubulican serve out the remaining three years of the President's term. I think it would be a serious mistake on the part of the Democrats and Congress if they sought to withhold action on the nomination of Mr. Ford. If they did it purely on that basis, I think it would be a serious mistake because it would be, in effect, a repealing of the results of the 1972 election, and I don't think the country would stand for that.

Duke. Senator, this has been an incredible year in which we go from controversy to controversy, and bombshell to bombshell, and the impeachment inquiry is now underway in the House. You have your Judiciary Committee hearing on the Cox/Richardson affair. And all of these point to one fundamental question, can the President survive? Can he remain in office?

Senator Byrd. This is a serious question. And the seriousness of this question became so obvious during the recent alert in connection with the Middle East situation. There were so many people in this country who, even in the face of the announced alert, did not believe that there was any crisis of any kind. This indicates that the credibility of the administration has suffered badly and there is a point beyond which lost credibility can never be regained. This is the very vital and sad side of this whole affair.

Monroe. Have we reached that point? Should the President resign?

Senator Byrd. I don't think we've reached that point, but we have reached the point where the credibility of the President has been severely impaired. I have serious doubts that it can be repaired. And as long as it goes on, of course, our courtry suffers. It affects our national security. I wonder what the response of the people would be in the event there were an attack on this country, or in the event that this country had to send men abroad in a situation which vitally affected the security of this country.

Monroe. Senator Byrd, thank you very much for being with us this morning.

Senator Robert Byrd (Democratic Whip in the Senate). Thank you, Paul Duke.

PABLO CASALS

Mr. MATHIAS. Mr. President, the death of Pablo Casals is a proper time to recall one of the principal themes of his life. Once when I was visiting his home in Puerto Rico he told me—

> You must help each child in the world to understand that he is totally different from every other child; that there has never been another child like him in all the world and there will never be another child like him in all the world; and if each child understands this about himself, he will respect himself a little more, and eventually he will come to respect other children, other people, and the world can then be a better place.

Pablo Casals devoted much of his life to peace and to freedom and thought that progress toward those enduring human goals could be attained if each one of us understood our proper relation to our fellow men and to the world around us. If, as he said, each leaf on each tree is unique, how much more remarkable and important is the individuality of every human being.

The story of Casals' lifelong dedication to human dignity is too well known to be retold here. But the integrity of his life in all his associations cannot be understood too often.

For example, he described to me a little of the circumstances of his youth, because he was early recognized as a genius. He was given a scholarship at the Conservatory of Music in Madrid. His merit was recognized by the Queen of Spain, and he became a familiar figure in Madrid. He grew up knowing the royal family very well.

In spite of these close personal ties, he became one of the most ardent advocates of human freedom. He felt compelled, at one point, to go to King Alphonso, a few years his junior, and tell him that he was a Republican and believed that Spain should be a Republic. He said it made no difference in the friendship, and King Alphonso said—

> Well, you are a man, and that is what is important.

I ask unanimous consent that the tribute to Pablo Casals which appeared in the New York Times on October 28, 1973, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times Oct. 28, 1973]

Pablo Casals, 1876–1973

(By Harold C. Schonberg)

At the end, of course, Pablo Casals was a symbol. Anybody who lived to his great age—96!—would automatically be a symbol. But in his case, the Casals legend was based on a good deal more than mere seniority. Nobody would seriously argue against the fact that for many years he was the world's greatest cellist. Nobody ever disputed his monomaniacal dedication to music. And then there was his strong stand against dictatorships, which alone would have made him a public figure. And then there was Casals the teacher, Casals the conductor, Casals the player of chamber music, Casals the inspiration. The tiny Catalan musician carried enormous weight.

And he knew it. He was conscious of his worth. He would have been a fool had he not known what he was capable of when he had his cello before him, and Casals was anything but a fool. Some musicians can be simple-minded. Casals, all are agreed, had a shrewd peasant streak in him.

Basically a simple man, he nevertheless must have realized that his art transcended himself. He accepted the honors that came his way not only for himself but in the name of music. I really believe this. And he tried to live the part. There was the time in Puerto Rico when he set forth from his house to receive birthday plaudits from the Governor. There was Casals, neatly dressed, sitting in the back of his car, with ineffable dignity, his chin thrust forward, his body erect. And so he remained through the ceremonies. Coming home, he was tired. His body slumped a bit; his eyes struggled to remain open. But that peasant stubborn chin was thrust forward as strongly as ever. The man was 90 years old at the time.

Like all great instrumentalists, he was born to music. As a baby he had a perfect ear. By the time he was 7, he was a soprano in the church choir, a decent enough pianist, a budding violinist, a boy hypnotized by sheer sound. Curiously enough, he did not start the cello until he was about 12. That is last for an instrumentalist. But it turned out that he and the cello were one; the instrument was an extension of his hands, his body, his ears, his brain.

And so he went on to his great career. What a career it was! There was his discovery of the Bach suites when he was not yet 14. "For 12 years I studied and worked every day at them, and I was nearly 25 before I had the courage to play one of them in public." Musical considerations aside, it did take courage. The cello, in Casals's early years, was more a salon than a serious instrument. Virtuosos avoided Bach and the Beethoven cello sonatas, and instead had a repertory consisting largely of display pieces and lollipops. Those pieces were also in the Casals repertory, as witness the series of Columbia records that were issued in the World War I period—"The Swan," "Song to the Evening Star," and so on. But as the years went on, Casals dropped this literature entirely.

As early as 1900, he and the pianist Harold Bauer were bringing the masterpieces of the literature to the public. His association with Bauer, that elegant musician, lasted for many years. Then there was Casals's part in the trio he formed with two great French musicians—the pianist Alfred Cortot and the violinist Jacques Thibaud. Their recordings made history. How many of us were introduced to the trios of Schubert, Beethoven, Schumann by the Cortot-Casals-Thibaud Trio! It also was in the 1920's, after the advent of electrical recording, that Casals's own great series started. His performances of the great cello concertos—Schumann, Dvorak, Elgar, Boccherini. The six Bach suites. And so to his festivals at Prades and Perpignan, where he and a group of eminent musicians including Rudolf Serkin made records of a good part of the chamber music literature.

As a musician, he was a romantic. What else could he be considering a birthdate of 1876? (Remember: the Civil War was only about 10 years over; the Bayreuth Festival was having its opening season; Queen Victoria had another 25 years to reign.) Casals the interpreter was an apostle of warmth, free tempos and the right—no, the necessity—of the player to add his own ideas to the ideas of the composer.

There was a period, during the strict liberalism of the 1930's, '40's and '50's, when Casals' ideas about interpretation were somewhat looked down upon by the younger generation. Yes, he could play the notes—but *so free! So romantic!* Ugh! It is only in the last decade or so that musicians have come to realize that the controlled emotionalism of a Casals may be closer to the spirit of Bach and Beethoven than the antiseptic performances, devoid of imagination, that once were considered "musicianly."

And so Casals lived a legend, and died a legend. And it was a real legend, one that Casals had righty earned. In him came together a set of attributes that few musicians have matched. The man was largely responsible for modern cello playing, was instrumental in furthering the cause of chamber music, and lived and died for music. His was an important life. And in most respects it was a beautiful life.

THE ENERGY DILEMMA

Mr. MOSS. Mr. President, 22 outstanding faculty members from diverse backgrounds participated in a 1973 Summer Faculty Program in Engineering Systems Design, jointly sponsored by the National Aeronautics and Space Administration and the American Society for Engineering Education.

The 22 faculty members included 20 with Ph. D degrees. The degrees were not only in science and engineering, but also in psychology, economics, law, and political philosophy.

The subject of the study was "The Energy Dilemma and Its Impact on Air Transportation." The study report, numbered NGT–47–003–028, was just released.

Mr. President, I would like to commend this report to my colleagues. I ask unanimous consent to print in the Record a portion of the foreword as well as the summary of recommendations.

There being no objection, the material was ordered to be printed in the Record, as follows:

Foreword

". . . The objectives of this systems design program included the following:

(1) To provide a useful study of a broadly based problem of society that required the coordinated efforts of a multidisciplinary team.

(2) To provide a framework for communication and collaboration between academic personnel, research engineers, and scientists in governmental agencies and private industry.

(3) To generate experience and foster interest in participation in and development of systems design activities and multidisciplinary programs at the home institutions of the participants.

These three objectives were met by an intensive systems study of the energy crisis and its effect on transportation, particularly air transportation. The report resulting from this interdisciplinary effort is intended to communicate the dimensions of the energy situation and its impact on air transportation to the general public, to governmental bodies, and to policy makers on the local, state, and federal levels. To be realistic, such a study must encompass a wide range of social, technical, legal, and economic considerations. Therefore to address this study, a group of 20 investigators, including representatives from 10 different academic disciplines, was assembled. The result was a multidisciplinary team with a broad variety of expertise that could be brought to bear on one of the nation's most critical problems.

The presence of a multidisciplinary team has been essential to the success of the study, but the program has been greatly enhanced by visits from many lecturers and consultants from various industries, government agencies, and academic institutions. . . ."

SUMMARY OF RECOMMENDATIONS

". . . A wide range national energy policy is needed now. This should include the following recommendations:

A national energy conservation program should be established which would include:

a. Coordination of conservation efforts and establishment of an energy conservation consciousness in the American public.

b. Institution of a penalty tax on new cars on a sliding scale in proportion to their gasoline consumption rate.

c. These plans should be implemented immediately before the energy dilemma is out of control.

The federal government should conduct a campaign to inform the public about research-initiated technological change, and to determine the best methods for overcoming unfounded public resistance to such change.

An energy data bank should be established.

Energy research should be diversified according to the following guidelines:

a. Federal funding levels should be increased.

b. Development of solar and geothermal energy should receive as much emphasis as nuclear energy development. The solar energy forms would include wind, ocean thermal gradients, solar thermal conversion and photovoltaic conversion.

c. Major investment should be placed in diversified research, development and production of new sources of fossil fuels.

d. Federally-financed coal research should be continued, expanded and integrated, including conversion into clean portable fuels.

e. Research into coal mining techniques including environmental hazards should continue and full land reclamation should be required for all surface mining operations.

f. Federally-funded research should continue toward the development of a safe commercial breeder reactor.

g. Fusion research should continue as a long range energy source.

h. The conversion of solid organic waste into clean fuels should be encouraged.

The government should sponsor an accurate reassessment of available U.S. fossil fuel reserves and production capacity.

Public utilities should be made to pay premium rates for use of prime energy sources such as oil or natural gas so as to encourage central use of other energy sources such as coal, with the attendant pollution control investment requirements.

Environmental, not economic, considerations should dominate the decision regarding disposal of radioactive wastes.

A wide range national transportation policy is needed which would include the following:

a. Government sponsored research should continue toward the development of energy-efficient subsonic aircraft for a wide range of uses, with a reduction in noise and air pollution.

b. Modify the CAB subsidy program to force efficiency in air service to small communities.

c. The federal government should revise the air transportation tax structure so that general tax revenues are not uesd to support air travel, and so that the payment of the air transportation taxes encourages energy efficiency.

d. Encourage economy and charter flights which will fill the airplanes to capacity.

e. To achieve economic and energy efficiency, the CAB should revise its regulatory policies so that the airlines will minimize the duplication of flights and better match aircraft to their intended mission.

f. Provide stand-by economy ticketing for the poor and elderly.

g. Place revenues from user taxes into a general Transportation Fund with allocations from this fund based on a national transportation plan.

The government should establish an extensive research program leading toward the development of a hydrogen economy.

The federal government should fund the development of economical techniques for generating hydrogen from nonfossil sources.

Research on the use of hydrogen as an energy transmission medium should be supported.

A demonstration project should be established to show the feasibility of using hydrogen as a regular jet fuel, with NASA in charge of the project.

Other demonstration projects should follow which would show the feasibility of using hydrogen to power trains, buses, and cars, and as a household fuel.

The federal government should undertake an extensive research program to resolve the present impasse between the environmentally concerned on the one hand and the nation's real energy demands on the other."

CONSUMER PRODUCT SAFETY COMMISSION

Mr. BIDEN. Mr. President, in recent years, the Federal Government has taken an increasingly active role in protecting the consumer. A major step forward was the creation of the Consumer Product Safety Commission charged with promulgating and enforcing safety standards for consumer products.

I would like to bring to the attention of my colleagues an article appearing in the Wall Street Journal on October 1, 1973, which describes some of the activities of the new Commission. I think it is important to publicize its activities in order to promote its efficiency. The consuming public will best be protected by increased awareness of potential hazards and, at the same time, the Commission will be able to focus on those items which it knows are causing injury. This article points out that the Commission intends to focus its actions on products it considers most hazardous, according to injury reports at 119 hospital emergency rooms.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CONSUMER SAFETY PANEL TO FOCUS ACTIONS ON PRODUCTS IT RANKS AS MOST HAZARDOUS

WASHINGTON.—The Consumer Product Safety Commission, after months of preparation, is beginning to flex its regulatory muscle.

The five-member commission, which exerts authority over an estimated 10,000 to 100,000 products, doesn't expect to ban any items from the market. Rather, the agency will focus on enhancing the safety of those products that cause the most frequent and severest consumer injuries.

Among its major steps will be issuance of required safety standards for such items as swimming pools, slides and swings and football equipment.

The commission, authorized last year by the Congress and established in May, has prepared a priority list based upon injury reports at 119 hospital emergency rooms. So far, the commission's regulatory actions have been largely based on groundwork laid by the Food and Drug Administration and other agencies whose consumer-product tasks it assumed.

But Richard Simpson, commission chairman, made it clear that the agency will base its future actions on the needs shown in its new priority list, made public yesterday. "We will be working from the worst case first," he explained. "The companies that produce products near to the top of the list have a more immediate problem than the manufacturers near the bottom."

The commission estimates that 20 million Americans are injured and 30,000 killed each year by consumer products, excluding automobiles, with a cost of $5.5 billion in medical care and economic loss. The consumer products ranked as the 10 top causes of injury by the commission are: bicycles and bicycle equipment; stairs, ramps and landings; doors other than glass, including garage doors; cleaning agents and caustic compounds; nonglass tables; beds; football and related equipment and apparel; swings, slides and other playground equipment; lighting fluids inincluding charcoal starters, and sliding glass doors, windows and other glass enclosures.

All told, the agency ranked 369 consumer products in order of their hazard to users. The top 50 were responsible for 3.6 million of the estimated 20 million injuries a year. Mr. Simpson says 70% to 75% of the commission's regulatory actions will be guided by the priority list. He said the agency will attempt to adjust its corrective steps, which could range from merely disseminating information to an actual product ban, to the severity of the hazard, the prospect for success, economic cost and the actual exposure of consumers to risk.

But he stressed that other information coming to the commission from consumer complaints and requests for action from other organizations also will play a role. For the near future he indicated that these steps are probable:

A safety standard for swimming pools designed to deal with problems of shallow depths, diving boards and water slides, shock hazards arising from lighting and slippery surfaces.

Safety standards for football equipment focusing on increasing the protection offered by helmets and other equipment. The commission has been requested by the Football Players Association, representing professional players, to set standards for artificial playing surfaces and impose a moratorium on the installation of new synthetic turf until standards are imposed. The players contend the turf causes burns and a variety of other problems. Football-team owners have asked the commission to take no action. Mr. Simpson says the agency will decide this controversial issue within a week or so.

Standards for swings, slides and other children' playground equipment regulating the minimum strength of metal chains and the required space between swings.

AMERICAN LEGION COMMEMORATES VETERANS' DAY

Mr. MATHIAS. Mr. President, Rear Adm. Robert Y. Kaufmann, U.S. Navy, was the grand marshal for the 41st annual parade and Veterans' Day celebration sponsored by Steadman-Keenan Post, American Legion No. 96, Brunswick, Md.

Admiral Kaufmann is the Director, Strategic Submarine Division, U.S. Navy. He is a Marylander who was appointed to the Naval Academy in the class of 1945. As the officer primarily responsible for Trident development, he is charged with

planning the security of the next generation of Americans.

The mayor of Brunswick, the Honorable Jess D. Orndorff, welcomed the thousands of persons who had come to participate in this traditional ceremony. The program was ably conducted by the general chairman, Ellwood Wineholt. The principal address was delivered by Robert N. Ford III, commander, Department of Maryland, American Legion.

Mr. President, I ask unanimous consent that a copy of Commander Ford's speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ADDRESS OF DEPARTMENT COMMANDER ROBERT N. FORD III

Veterans Day honors those men and women who manned the defense in time of crisis when their country and her freedom and principles were endangered.

Veterans Day is thus, inescapably, a poignant reminder for Americans of the lesson spread across the pages of two centuries of the nation's history. This lesson written with sacrifice and hardship by veterans, is that freedom must be maintained by each succeeding generation.

In their task of defending and maintaining this heritage of freedom that is ours, veterans have learned this great truth from the heart, as no other person lacking their experiences of service to their country could.

Veterans know from hard experience that the defense of this great heritage founded upon freedom has never been and never will be free of pain, free of struggle and free of individual and collective concern and effort. This is a truth faced in every generation, in every year and, yes, in every day of the life of this nation and society.

More than 38-million men and women have served in the United States Armed Forces from the Revolution onward and more than 27-million are still living. Living veterans and their families, plus the living dependents of deceased veterans, constitute about one-half the present United States population. I don't believe you can find another single day that honors so many in tribute for a job well done.

Veterans Day as a national observance, goes back to the great outpouring of relief, of patriotism, of prayerful thanksgiving and unrestrained joy which marked the end of the first World War. Perhaps never again will our nation witness the jubilation of that first Armistice Day.

Young America has been tried in the most terrible war the world had, until then, ever known. The United States had not been found wanting in this test. Its men and material provided the margin of victory. The United States had fought and won "a war to end wars"—a war "to make the world safe for democracy."

The fact that war was not banished from the world, that democracy is as seriously threatened today as it was then, takes nothing from the achievements and the sacrifices of World War I. The honor and esteem in which we hold the veterans of that war today is not lessened by the knowledge that the world and the nation failed to achieve the ultimate victory over evil for which they fought.

From the vantage point of history, we know that World War I was not a war to end wars, but simply another chapter in man's long struggle for freedom and dignity. We have relearned the hard truth that each generation must meet the evil of its time, that as yet there has been no final battle which will bring lasting peace, that no sacrifice, however great, makes further sacrifice unnecessary.

For many years thereafter America celebrated "Armistice Day" each November 11. Unfortunately for the world, the name proved all too fitting. The dictionary defines "armistice" as "a brief cessation of hostilities." And that is what America experienced.

World War II came, and old battles had to be refought on an even bloodier field while a new enemy was licking at our western shores. Americans were called upon to meet the threat of aggression and tyranny in Korea and South Vietnam.

In 1926, Armistice Day was made the official name for November 11th by Congressional resolution. The historical significance of this date was the fact that World War I came to an end on the 11th hour of the 11th day of the 11th month. In 1938, similar action made the date a national holiday.

It remained that way until 1954 when Congress gave the day its broader designation of Veterans Day. The new order spelled out that this day would be one to honor all the nation's veterans, from all wars, both living and dead.

In this change, the veterans of World War I sacrificed their right to an exclusive day in memory of that war. But, in the light of history, the new name seemed appropriate. For the meaning of the word armistice has changed greatly since 1918, when it meant not just an end to a war, but an end to war as an institution. Today its meaning is much closer to the dictionary definition—a truce, a temporary halt to hostilities, with a great deal of emphasis on "temporary."

We do not Honor our Vietnam Day on Nov. 11th but October 22. I am sure all of you know that the date was changed by law to a Monday and that the sole basis for changing the observance date to create a three-day holiday weekend.

Ladies and gentlemen, I must go on record and point out to you, The American Legion has opposed this blatant disregard for historical fact. Such an arbitrary change diminishes the importance long attached to this historical date.

For many years now, our generation and the young men who have followed us to maturity have accepted as a fact of life the necessity of performing some sort of military service. For us and for them it was not a matter of whether or not to serve, but simply, how and when.

In America's wars, its citizens from every station of life have accepted and discharged well the heaviest obligation of citizenship—the responsibility of defending their country with their very lives.

This is the lesson of Veterans Day—that ordinary Americans, the everyday people with whom we live and work—are capable of greatness when great demands are made upon them. And have no doubt about it. Great demands were made upon America's fighting men and women in every conflict in which we have fought.

On this, the day of all veterans, we of the American Legion ask that all Americans rally to the cause of freedom. Great demands are being made on us today, as we are faced with many problems, both internal and external. And it goes without saying that we live in a nation and a world that is far from perfect.

However, all too frequently, we have seen Americans of all ages downgrade their country by emphasizing America's faults while completely ignoring her virtues. While we certainly rejoice over the cease-fire in South Vietnam and the return of the prisoners-of-war, we also witnessed at the same time—during the years of the Vietnam war—the degradation of honorable military service.

Noted experts have observed that when the citizens of a nation assume negative attitudes, national pride is weakened and the national fabric endangered. A nation without pride is a nation headed for history's scrapheap, and it is the task of all Americans to reverse this negativism.

If we fail our responsibility to maintain our national pride, then the United States will have failed its heritage—then will the sacrifices of the veterans of the nation's wars become empty and meaningless.

On this day, so rich in American tradition, let us, resolve that this shall never happen, that America will be preserved for our children, our children's children, and for countless generations yet to come.

Certainly, it is the hope and prayer of all veterans that neither the young people of today nor the future generations of young Americans will ever be faced with war! Yet, we cannot give you a guarantee, for you know, history has proven to us repeatedly that freedom must be won anew by each generation.

Thank you.

CONTINUATION OF RAIL SERVICE ON DELMARVA PENINSULA

Mr. BIDEN. Mr. President, the Delmarva Peninsula consists of portions of the three States of Delaware, Maryland, and Virginia south of the Chesapeake and Delaware Canal. While the area is not heavily industrialized, it does have a substantial number of thriving business enterprises which bolster the economy of the area and provide employment for its residents. Many of these business enterprises depend upon continued railroad service for their successful operation. Also vital to the economy of Delmarva are its general agriculture and its poultry industry. These too depend upon railroad service.

Because the area is completely surrounded by water there are only two rail links with the Nation. One of these is over a bridge over the Chesapeake and Delaware Canal, which connects with the northern part of Delaware. The other is a car float operation between Little Creek—Virginia Beach—and Cape Charles on the peninsula. Both of these connections provide essential service to industry and agriculture in Delmarva. The particular importance of maintaining two rails links was demonstrated recently when a ship hit the railroad bridge over the canal, putting it completely out of commission. Only the existence of the car float operation prevented a major economic disaster.

I have received a resolution from the Delmarva Advisory Council, a representative group of citizens and officials of Delaware, Maryland, and Virginia. This resolution urgently requests:

> The preservation of the present rail service and that the car float link so vital to the rail service of this peninsula be given unrelenting support and assistance.

Rail services to the peninsula are a part of the Penn-Central system that is now in bankruptcy. It is important that the Congress give priority attention to continuing rail service in the Northeast part of our Nation. In doing so we must not lose sight of the importance of rail

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links such as this one to the economic health of certain areas.

Mr. President, because of the importance of this matter, I ask unanimous consent that the resolution of the Delmarva Advisory Council be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Special Railroad Committee Requested Resolution

(Adopted by Delmarva Advisory Council, Salisbury, Md., Sept. 19, 1973)

Whereas, the Delmarva Advisory Council is a representative group of interested citizens and officials of Delaware, Maryland and Virginia; and

Whereas, this council has been requested by a specially formed Railroad Committee to request, by resolution, that the Delaware, Maryland and Virginia governors and congressional legislators oppose the abandonment of the Penn Central rail and car float links, which is the Wilmington-Salisbury-Norfolk core; and

Whereas, the Penn Central operation on the Delmarva Peninsula is essential to the economic survival of this area; and

Whereas, the car float operation from Little Creek (Virginia Beach)-Cape Charles is an integral part of the railroad's operation on the Delmarva Peninsula and is essential in stopping the deterioration of the Delmarva rail service; and

Whereas, the industrial park areas of Delaware, Maryland and Virginia supported by Delmarva Advisory Council, the Economic Development District organization, and financed by the Economic Development Administration and local funds, will be drastically affected;

Now, therefore, be it resolved, that the Delmarva Advisory Council urge the Delaware, Maryland and Virginia representatives to use their appropriate offices to advocate the continuation of the rail service on the Delmarva Peninsula; and

Be it further resolved, that the Delmarva Advisory Council, at a regular meeting held in the office of the Delmarva Advisory Council on the 19th day of September, 1973, did vote unanimously that all urgency be placed upon the preservation of the present rail service and that the car float link so vital to the rail service of this peninsula be given unrelenting support and assistance to the promotion of this endeavor.

EFFECTIVENESS OF AIRCRAFT CARRIERS DURING MIDEAST CRISIS

Mr. THURMOND. Mr. President, much has been learned from a military standpoint as a result of the recently concluded hostilities in the Middle East.

U.S. weapons systems employed in this conflict were used by Israeli forces while on the other hand the Arab nations were utilizing weapons supplied principally by the Soviet Union.

While it is possible to state at this time that the performance of some of the newer systems was outstanding, it is too early to fully assess and evaluate the military lessons which should receive the attention of the Defense Department as well as the Congress.

However, there can be no doubt that the presence of U.S. aircraft carriers in the Mediterranean was the key to the survival of Israel in the face of this sudden and overpowering military aggression.

Because of the unwillingness of our NATO partners to assist us in aiding Israel, it was necessary to fly planes from the mainland United States to Israel, using only aircraft carriers as landing fields and supply points enroute.

For many years I have argued strongly that aircraft carriers are indispensable in a world in which three-fifths of the surface is covered by water. The use of our carriers in the Mediterranean and the President's deployment of a carrier task force into the Indian Ocean were key moves in assuring the survival of Israel.

Columnist Bill Anderson of the Chicago Tribune has written an article on this point in the November 1, 1973, issue of that outstanding newspaper. I ask unanimous consent that this article be printed in the Record at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

How Do-Nothing Allies Strained United States

(By Bill Anderson)

Washington.—One of the many lessons to come from the Middle East war is that the United States military—for the second time since 1970—found it could not count on European allies when it came to a crunch.

Had it not been for Navy carriers, the Israel resupply airlift also might have failed and this would have changed the ending ultimately written on the Sinai Desert. The carriers, three of them as it turned out, acted as landing fields for A-4 jets and as refueling stations for F-4s flown to Israel as replacements.

Still, the absence of cooperation from partners in the North Atlantic Treaty Organization stretched the limits of the American military to a nearly incredible degree. The picture we obtained from Washington sources is this:

The United States Navy, backbone of the American presence in the Mediterranean, was drastically outnumbered by the Russians. At this writing, the Soviets have continued to increase their naval forces in the area, bringing their surface strength to about 90 ships.

What troubled the American navy perhaps more than the numbers [we had about 66 surface ships toward the end of the drama] was the logistics. In regular times, the combined U.S. military presence can draw directly on its resources from Spain, Italy, Greece, and even Turkey along the southern flank of NATO.

When the allies refused to cooperate [and this included West Germany and England], the supply chain for the United States became almost 6,000 miles long. Even with aerial resupply tankers, this strains the ability to move conventional jet fighters. It also means that oil for ships has to be more carefully calculated in the long supply runs.

But by a stroke of luck, the carrier Franklin D. Roosevelt had been on maneuvers in the Atlantic, and she came to the rescue of planes flying the first leg of the long haul to refurbish the Israeli air force. Navy intelligence and estimates of the potential confrontation had also resulted in correct evaluations in enough time to get the supplies rolling.

In fact, the Navy foresaw the potential for Soviet intervention long before Western diplomats were willing to concede that Russia would dare place its own men directly in a combat environment in the Middle East.

Naval intelligence in the Mediterranean is far better than imagined in some quarters, perhaps because it is always under the gun. For example, the Navy has been aware for some time of the exact number of Russian submarines operating in the area. Those vessels outnumber our submarines there almost four to one.

Altho some of the Russian equipment is nuclear powered, there are large numbers of diesel "Fox Trot" types operating with missiles that can be targeted to surface ships. [They have only a few short-range antiballistic-missile submarines in the area and have held back two helicopter carriers in the Black Sea.]

"You can say that it was a very bad place to get into a fight," said one of our sources.

It was pointed out that thruout the crisis that Russian submarines tracked most of the surface elements of the U.S. Sixth Fleet and used satellites for double checking—and do so even today. Land-based Soviet air power, which did not materialize over the ocean areas in any large numbers, would drastically complicate the problem in any future emergency.

As it was, Russia overflew Turkey with her transports containing SAM-6 missiles, which destroyed well in excess of 100 planes in the Israeli air force. Portugal was the only partner in NATO which permitted the United States free access to bases developed over the years. There was some under-the-counter support from two other allies, but nothing overt or directly traceable in a diplomatic way.

The estimates here are that the European nations that they were buying this winter's supply of oil by not assisting the United States. It is the American military estimate that if the Western world loses control of the Middle East, the oil supplies will then be totally dominated by Russia.

LACONIA'S WOMAN OF THE YEAR

Mr. McINTYRE. Mr. President, on October 23 the Laconia, N.H., Business and Professional Women's Club presented its 1973 "Woman of the Year" award to Mrs. Julia Elizabeth "Betty" Jessup. This was a wise selection and one which gave pleasure and satisfaction to all of us who know Betty Jessup or her work.

Laconia is my home town, Mr. President, and there are few, if any, in our town who do not know Mrs. Jessup or her work.

Like all close communities, Laconia collectively rejoices over the individual triumphs and achievements of her citizens, and collectively grieves over their individual sorrows.

On that week of October 23, Mr. President, Laconia did both, for as Betty Jessup was winning personal recognition for her multiple achievements as a nurse, as a wife, mother, and homemaker, as a teacher, a church, and civic leader, she was losing her husband of 32 years, the late Dr. James Jessup, who passed away only hours after the award presentation.

I would like to take this opportunity, Mr. President, to express my sorrow over Betty Jessup's loss as I extend my congratulations on her selection as Laconia's Woman of the Year.

Betty Jessup is a nurse, pursuing that

career from the time of her graduation from Skidmore College's School of Nursing, and serving, successively, as medical supervisor at the American University Hospital in Beirut, Lebanon; as obstetrical supervisor at Mt. Auburn Hospital in Cambridge, Mass.; as supervisor and instructor at New Haven Hospital and the Yale School of Nursing; and, for the past 15 years, obstetrical nurse at the Lakes Region General Hospital in Laconia, where she has been assistant director on nights for the past 4 years.

She is past president of the Graduate Nurses Association; past president, past secretary, and now board member of district III of the New Hampshire Nurses Association; is on the committee on nursing education of that association; and teaches home nursing, mother and baby care courses for the American Red Cross.

But Betty Jessup is more than a nurse who, through the years has comforted, served, and treated and taught apprehensive mothers-to-be, the hopelessly ill, accident victims, the elderly, and nursing students. She was the wife and helpmate of Dr. James Jessup, whom she married in Beirut, Lebanon in 1941, and is the mother of three; a church leader; and an active participant in the life of the Laconia community.

Betty Jessup is past adviser for the youth group at the Congregational Church; teaches Sunday school; teaches poise, homemaking, and adult life preparation to teenage girls in the Latter Day Saints Church "Mutual" program; and teaches social relations in the Women's Relief Society. And she demonstrates responsible citizenship by serving on the board of directors of the League of Woman Voters.

I am confident, Mr. President, that Laconia's "Woman of Achievement—1973" was so designated not for her professional prowess, not for her homemaking; not for her church and community activities, but for the truly admirable way she has combined these achievements, honoring each and slighting none.

IN SUPPORT OF PUBLIC FINANCING

Mr. BIDEN. Mr. President, on numerous occasions, I have stressed my continuing strong support for the public financing of Federal elections. As the debate concerning this concept continues, I have become increasingly convinced that no matter how well-intentioned campaign reform legislation is, stronger measures are needed to restore the American peoples' faith in the electoral process. Our citizens have become disgusted with the proliferation of illegal activities that have marred recent elections and demand that such illicit behavior be prevented in the future. By removing a candidate from the potentially corroding dependence upon large contributors, public financing would be a major step toward improving our elections. Candidates would have to address themselves to the vast majority of our people, not the very rich who have always provided the funds necessary to run for office. In short, public financing would allow a return to the one-man, one-vote concept that originally was incorporated into the election process.

Philip M. Stern, writing in the Washington Post on October 7, 1973, discusses the public financing of elections and raises some new arguments favoring the concept. Addressing himself particularly to the cost inherent in public financing, Mr. Stern suggests some financial benefits that may accrue with the inception of publicly-financed elections. As he states at one point;

> If the existence of public financing of elections could have prevented (or reversed) just these two governmental decisions that would have netted the taxpayers a 200–300 per cent return on their public-financing "investment" in the case of milk and a 2,000 per cent return in the case of oil.

Developing the argument even further, Mr. Stern concludes:

> The only way to do away with the large contribution is to make it unnecessary; and the only way to do that is to assure each candidate a minimum campaign budget, for which he will be beholden equally to all his constituents—that is, from tax-supported funds.

Mr. President, I concur with Mr. Stern's arguments and ask unanimous consent that the full text of his article, "Politics and Public Financing" be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Politics and Public Financing: A Great Bargain

(By Philip M. Stern)

With remarkable rapidity, public financing of elections has suddenly become an enactable and widely debated program. It won 38 votes in the Senate on July 26 (not counting seven announced proponents who voted nay on procedural grounds); it was the subject of Senate hearings in September, and it is attracting new adherents who heretofore have been cool or opposed to the idea—ranging from the AFL–CIO to George Spater, the former chairman of American Airlines who admitted responding to Nixon fund solicitation with a $55,000 illegal contribution of corporate funds.

As the debate proceeds, new facts and arguments for public financing are being advanced and some old objections are being answered. For example, some new calculations by the Center for Public Financing of Elections may allay one of the main fears about federal aid to campaigns: the potential cost to the taxpayers, especially if the lure of federal assistance produces a deluge of candidates in primary contests. The Center has calculated that, even under the broadest and most generous plans thus far proposed, the cost of federal assistance in all elections—primary as well as general—for the House, Senate and the presidency, would not exceed $262 million a year, or $1.88 for each of the 140 million eligible voters in America.

TWO ASSUMPTIONS MADE

Seeking to build its cost overruns into its projections, the Center's $1.88-per-voter figure assumed a trebling of the number of congressional primary candidates over those who filed in 1972. But the Center also found that even if the number of candidates were to quadruple, rather than merely treble—that is, even if an *average* of 14 House candidates in each congressional district and 26 Senate candidates in each state were to enter the primaries *and* qualify for federal assistance—that would merely add 30 cents per eligible voter to the annual cost of public financing of elections.

Even then, the cost per voter would be little more than $2 per year. That is about one-hundredth the projected cost over the next decade of cleaning up the environment—surely not an excessive price for cleaning up American elections.

BARGAIN OF THE DECADE

Indeed, public financing of elections would be the greatest bargain of the decade for taxpayers and consumers, since it would remove the hidden costs of financing elections, which mount into the billions every year.

Take, for example, just two governmental decisions that were hugely expensive to the public. The first involves the $500 to $700 million in higher milk prices that apparently resulted from the contributions to the Nixon re-election campaign by the major milk producers. Prior to the dairymen's display of generosity, the Secretary of Agriculture could find no evidence to justify an increase in the government support price of milk. But after the dairymen had met personally with the President and after they had begun pouring what became more than $400,000 into the Nixon campaign chest, the Agriculture Secretary discovered new "evidence," and announced a boost in the support price of milk that is now costing millions of milk buyers some $500 to $700 million a year in higher milk prices—twice to three times the maximum annual cost of federal campaign assistance.

Second, in 1970, Mr. Nixon refused to abolish oil import quotas, as recommended by his own Cabinet task force, and thereby deprived tens of millions of oil consumers of a $5 billion annual saving—20 times the yearly cost of public election financing. That is, the President sided not only against his own Cabinet's portrayal of the national interest but against tens of millions of consumer-voters and in favor of a single industry whose members had contributed at least $500,000 to his 1968 election campaign.

If the existence of public financing of elections could have prevented (or reversed) just those two governmental decisions that would have netted the taxpayers a 200–300 per cent return on their public-financing "investment" in the case of milk and a 2,000 per cent return in the case of oil.

Is it reasonable to suppose that public financing could have that effect? I think so. In the milk and oil cases, the influence of big contributors was potent enough to prompt a President, faced with the task of raising millions of dollars from private sources, to risk angering millions of voters. But suppose, in both cases, that public financing had been in effect, with the campaign fund assured in advance, and with the President beholden equally to every voter for it. Under those circumstances, wouldn't a politically-sensitive President be far more inclined to side with the millions of voters rather than with the handful of donors?

CAPITAL GAINS TAXES

Certain tax preferences, whose benefits are confined to the very rich, represent an even more blatant flouting of the one-person-one-vote principle—at enormous expense to the average taxpayer who contributes little or nothing to political campaigns. For example, the favored taxation of capital gains costs the taxpayers $14 billion a year. Who benefits from that tax preference, and who foots the bill? Hard Internal Revenue Service statistics provide the answer: 90 per cent of all taxpayers receive no capital gains and are

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thus wholly excluded from the blessings of this tax favor; only 1 per cent receive a significant amount of capital gains each year. That means that the lowest 99 per cent of the people are footing a $14-billion bill for the top 1 per cent.

Now, given that astounding 99 to 1 ratio, why aren't more candidates for office clamoring for the repeal—or at least the substantial tightening—of this preference-for-the-rich-only? The answer lies in the universal dependence of candidates on large contributors.

An illustration will show this is more than pure surmise on my part: in 1970. Joseph Duffey, then a candidate for the U.S. Senate from Connecticut (as well as national chairman of ADA), had the temerity to propose repealing the capital gains preference. And what happened? First a businessmen's fund-raising lunch in New York was abruptly canceled; then, many of Duffey's wealthy (albeit liberal) contributors descended upon him in indignation. Such a reaction hardly encourages a candidate with a million-dollar campaign budget to espouse causes offensive to the wealthy, from whom the bulk of his campaign funds emanate.

But, if all candidates for federal office could be assured in advance of a minimum campaign budget, supplied equally by all the voters, reforms that offend the wealthy would no longer be politically "out of bounds." far more candidates would be willing to debate them, and, as candidates' silence was broken and the public became educated as to who was benefitting and who was paying the bills. I believe that many of these preferences for the rich would soon be repealed or substantially tightened. To the extent that is true, then the billions that now are affected by these preferences must be reckoned as part of the cost of the present system of private, fat-cat-dominated financing of campaigns.

Public financing would net far more than a dollars-and-cents return. It would open up politics not just to new ideas but to new faces. In his forthcoming book, "Who Shakes the Money Tree," George Thayer argues that federally provided campaign funds would merely serve to entrench those already in power. But a new study of the 1972 elections by Common Cause shows that it is the present system that favors the incumbents and deters their challengers. In the 1972 congressional campaigns, incumbents raised more funds than challengers, on the average by 2 to 1. They were especially dominant over challengers in attracting the funds of organized groups of contributors.

This, of course merely compounds the advantages inherent in officeholding (greater public renown, better access to the mass media, government-paid staffs and mailing etc.) Little wonder that, since 1954, more than 90 per cent of House incumbents who have sought re-election have successfully fended off challengers

UNCONTESTED ELECTIONS

Even those figures don't tell the whole story, for they do not speak of the remarkable number of congressional elections that, under the present system, are uncontested. In 1972, fully half of all House primary elections were uncontested. Even in the general election, the winning candidate had no opposition in 53 congressional districts. Lack of money is of course not the sole cause, but it is surely a major factor

But the heart of the problem lies in the universal candidate dependence on large contributors—and by large contributors, I do not mean solely the super-rich like W. Clement Stone, who has bestowed no less than $4 million on the 1968 and 1972 presidential efforts of Richard Nixon. It goes much deeper than that.

After all, only a tiny fraction of the population can afford to give $100 or more to a single political candidate. And yet, two-thirds of all congressional campaign funds raised in 1972 came from $100 and over contributors. Even in the case of Sen. McGovern, whose direct-mail solicitation of small gifts was remarkably successful, $21.3 million of his 1972 presidential campaign funds came in gifts of $100 and more.

Tighter disclosure laws will not reduce that dependence on large givers; neither will ceilings on campaign spending, which still leave candidates faced with the need to raise large amounts of money. It's doubtful, too, that tax incentives alone will solve the problem: such incentives were in the law, in 1972, yet nearly two-thirds of all congressional campaign funds still came from a small segment of the population.

The only way to do away with the large contribution is to make it unnecessary; and the only way to do that is to assure each candidate a minimum campaign budget, for which he will be beholden equally to all his constituents—that is, from tax-supported funds.

And why not? Election campaigns are, after all, very much the public's business—and one of the few examples of the public's business not financed by tax-supported money. Every other aspect of elections—registration, printing and counting of ballots, purchase of voting machines, etc.—is paid for by the taxpayer, in the interest of honest elections. Private financing of those activities would be unthinkable.

Yet campaigns are an integral part of the election process; why should they be *entirely* privately financed, especially in the face of the overwhelming evidence that the present system badly warps the entire democratic process, giving vastly more weight to the big giver than to the average voter?

S. 1739, INCLUSIVE TOUR CHARTER BILL

Mr. MOSS. Mr. President, once again the consumers of this country are being confronted with untruths concerning pending legislation designed to benefit them. Once again arguments are being used; the legislation will "put us out of business," the legislation will "undermine" existing structures; or the legislation will "destroy competition."

And so when we hear these same arguments we must look at the bill to which are being attributed the same old tired arguments.

In this instance, it is the inclusive tour charter concept as embodied in S. 1739 reported by the Senate Commerce Committee on September 11, 1973, that is the recipient of this tirade of untruths. I first introduced an ITC liberalization bill in the 92d Congress. We held several days of hearings in the Commerce Committee on the measure, and I reintroduced the bill as S. 455 in the 93d Congress. Hearings were again held on the legislation in the 93d Congress, and the record is replete with examples of how inclusive tour charters can and do provide the vacationing public with an inexpensive and convenient method of enjoying the increasing recreational opportunity and leisure time with which our society enjoys.

This legislation is needed because the Civil Aeronautics Board has been unwilling or unable to comprehend the need for relaxation of ITC rules. But even beyond permitting the CAB to eliminate restrictions on ITC's, the Congress by enacting S. 1739, will require the Board to eliminate the burdensome restrictions on interstate commerce which have hindered the development of ITC's.

The principal objection voiced to the legislation has been that ITC's will undermine scheduled service. This is absolutely untrue as the legislation has been drafted. But lobbyists against this significant consumer proposal have resorted to untruths, innuendo, and threats of doom in order to achieve their objectives.

Now, how would the ITC mode serve the consuming public? Simply by removing restrictions which preclude the American people from making the best use of their vacation dollars.

The most vigorous consumer group involved in aviation matters, the Aviation Consumer Action project, which has repeatedly gone to the courts to throw out CAB decisions which were not in the public interest, has endorsed S. 1739. Particularly noteworthy is a letter from Rubin B. Robertson III, the director of the Aviation Consumer Action project. In this letter is the statement that "their effort—Air Transport Association—has been characterized by an utter lack of factual substantiation for their claims, combined with gross distortions of what the legislation says and what effects it will have." The Aviation Consumer Action project goes even further in pointing out that this vicious lobbying campaign is being unwittingly financed by the consuming public. The irony of individual citizens paying for the demise of a proposal to benefit them is disturbing if not shocking. I wrote a letter to CAB Chairman Robert Timm, recommending that the lobbying expenses used to fight S. 1739, be excluded from the rate base during the next round of scheduled air line fare increases. There is absolutely no reason why the traveling consumer should be financing a lobbying effort featuring untruthful and unethical assertions designed to prevent his taking advantage of a proven method of taking economical vacations.

Mr. President, I ask unanimous consent that a letter addressed to the distinguished Senator from Nevada (Mr. CANNON), chairman of the Aviation Subcommittee, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AVIATION CONSUMER ACTION PROJECT,
Washington, D.C., October 2, 1973.

Hon. HOWARD W. CANNON,
Chairman, Subcommittee on Aviation, Committee on Commerce, Washington, D.C.

DEAR SENATOR CANNON: As you know, the Aviation Consumer Action Project has been a vigorous and independent advocate of consumer interests in aviation and tourism since its establishment over two years ago. We have consistently urged the airline industry, the Civil Aeronautics Board and various committees of Congress that the public interest and that of the industry will be mutually served by opening up opportunities for low-cost air travel and developing a more healthy competitive environment. Repeatedly, the response of the scheduled carriers has been to oppose any and all needed reforms, demand higher fares and reduce the level and quality of service, making air travel all the less accessible to the great majority of potential customers.

Again the pattern is showing itself as the Senate prepares to vote on S. 1739, which has been favorably reported out by the Commerce Committee. The scheduled airlines and their trade organization, the Air Transport Association, are putting on a massive lobbying campaign in a last-ditch effort to kill this important consumer legislation. Their effort has been characterized by an utter lack of factual substantiation for their claims, combined with gross distortions of what the legislation says and what effects it will have. In reality their opposition to this legislation has been waged through a nationwide campaign of scare tactics and falsehoods. Most outrageous, perhaps, is that the hundreds of thousands of dollars being expended by the airline cartel to defeat this consumer legislation ultimately comes out of the airline passengers' own pockets through air fares that will include this as a cost of doing business.

We wish to make clear ACAP's support for the liberalization of airline charter restrictions which will be accomplished by S. 1739. If this bill is enacted, Americans will enjoy the same opportunities for low-cost vacation travel that Europeans and Canadians have had the benefit of for years. It will help to strengthen the dollar by encouraging foreign tourists to visit the United States (and Americans to get to know their own country, as well). There is no basis whatever for the argument that single-stop ITC authority will eliminate or reduce scheduled service to any community or will put any airline out of business—especially since the scheduled carriers as well as the supplementals will have this authority.

A recent poll by the Gallup organization commissioned by the Air Transport Association shows that only slightly more than half of all Americans over 18 have ever flown on a scheduled airline, and over 77% of their passengers have annual incomes of $15,000 and up. This is indeed a stunning revelation of how the industry, with the CAB's blessing, has virtually priced out of their market all but a small group of upper-income and expense-account travelers. Nothing could demonstrate more clearly the need for reforms which will make low-cost air travel reasonably accessible to the great majority of middle- and lower-income Americans.

The scheduled airlines' fight against S. 1739 in reality reflects their dog-in-the-manger attitude toward the public and the supplemental carriers, who they hope will be forced out of business if this legislation is defeated. But why should they really oppose a means by which travel possibilities can be made available without unreasonable restrictions to the great numbers of people who don't fly now? Instead of trying to strangle this innovation, airline managements should be eagerly anticipating the huge new potential markets which may be opened up, and the tremendous possibilities for growth. It makes one wonder, indeed, why their shareholders are willing to put up with second-rate cartelites instead of first-rate growth companies.

We urge you to continue your vigorous efforts to see S. 1739 enacted into law.

Very truly yours,
REUBEN B. ROBERTSON III.

Mr. MOSS. Mr. President, I firmly support S. 1739, and I believe that most American citizens, if they were able to obtain the truth about this legislation would similarly support it. But whether the bill wins or loses, I must comment upon the current state of lobbying in Washington.

All of us, save perhaps the legislators from the metropolitan Washington area, must frequently make use of air transportation services. Similarly, we frequently have local officials pleading with us to encourage one carrier or another to improve service to our communities. Finally with campaign financing in a somewhat hazy state of having passed the Senate, but not yet being considered in the House, there are always coercive pressures hanging like unanswered questions.

We cannot fulfill the trust placed in us by the voters if we are subjected to unwarranted pressures surrounding a piece of legislation. The innuendoes of service curtailments if ITC legislation is enacted, are as despicable a form of bribery as money under the table.

THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, the Genocide Convention adopted by the General Assembly of the United Nations, and signed by the United States in 1948, was submitted for Senate ratification by President Truman in 1949. Under this convention, the commission of specified acts with intent to destroy national, ethnic, racial or religious groups as such, is made a crime under international law.

The Genocide Convention has as its stated objective the preservation of man's most precious right: the right to live. When this Convention was first submitted, only five nations had ratified it. Today 75 nations have ratified it, including all of our major allies.

It certainly seems to be mystifying that the United States has failed to ratify a convention which is so closely identified with its best traditions. Over the years our shores have been a beacon for human rights—the only hope of freedom for millions. It is important that the Senate again seize the initiative and ratify this Convention during the current session, thereby renewing our dedication to the cause of human rights.

Mr. President, I urge my colleagues to give this matter their most serious attention.

SOLAR POWER HAS BRIGHT FUTURE

Mr. BIDEN. Mr. President, present crises in energy supply dramatize the immediate need for new sources of power. I was therefore pleased to read in the October 29 issue of Industry Week magazine an article entitled "Solar Power Has Bright Future." I would like to bring this informative article to the attention of my colleagues.

The article describes an experiment being performed by planners at the Institute of Energy Conversion of the University of Delaware. They have built a house, called Solar One, with a roof of solar cells that act as collectors and converters of solar energy. Solar One is being operated to collect information and try out new ideas for potential uses of solar energy.

A solar scientist in Ohio feels that solar energy can be put to practical use today, with today's technology, except in the area of heat storage. Without any equipment for it, however, solar energy would provide 40 to 50 percent of a home's heating and cooling needs, but if energy could be stored for just a few weeks, 90 to 100 percent of the home's energy needs could be provided.

Because of the enormous potential for solar energy, I hope the Delaware experiment, as well as those being conducted in other parts of the country, will prove successful. In the meantime, however, I think we ought to be aware of the work going on and support it wherever productive. A recent National Science Foundation-NASA study projects that 10 percent of all buildings constructed by 1985 will have solar climate systems. It appears that a new technology is fast becoming a part of everyday reality.

I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOLAR POWER HAS BRIGHT FUTURE

While "energy crisis" has been turning into an everyday term, a number of projects have been started in an attempt to harness our greatest potential source of energy.

People have studied it, written songs and poems about it, feared it, and some even worshipped it as a god. Now, though, scientists around the world are trying to put the sun to a more practical use. They are trying to convert its rays into usable energy that could help allay the world's energy problems.

This summer, the switch was thrown on an experimental house in Delaware that can convert the sun's energy into both heat and electricity. Its planners at the Institute of Energy Conversion of the University of Delaware, Newark, claim it is the first house to perform this dual feat for domestic use.

Solar One, as the house is called, is the brainchild of Dr. K. W. Boer, director of the institute. Dr. Boer and his team of scientists, engineers, and technicians have built a house with a roof that is an array of solar cells. These act as collectors and converters of solar energy. Electricity is stored in lead-acid batteries. Heat is stored by a complex mixture of chemical salts that hold the heat until it is needed—at night or during cloudy periods.

Solar One is being operated to gather data for the widespread use of solar energy and to test specific techniques. The project is partially backed by the Delaware Light & Power Co.

As an associate of Dr. Boer says, "We don't expect solar energy to provide all the heat and power for homes. But if we can supply 50% to 80% of a home's power from the sun, a utility company would not have peak load problems."

There are indeed many reasons why scientists are looking at the sun as a potential source of energy for man. One major reason is that the potential is so large.

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The total influx from solar, geothermal, and tidal energy into the earth's surface environment is estimated to be 173,000 x 10^{12} watts. Solar radiation accounts for 99.98% of it. The sun's contribution to the energy budget of the earth is 5,000 times the energy input of all other sources combined.

Radiant energy from the sun is readily convertible to heat, with the only requirement a surface which can absorb the solar energy. If the surface is black, more than 95% of the radiant energy is absorbed and converted to heat. If a fluid, such as air or water, is then brought into contact with the heated surface, the energy can be transferred into the fluid and used for practical purposes.

Theoretically, the heated fluid produced in a solar collector can be used anywhere that conventional fuels are used. Glass-covered flat-plate solar collectors can deliver heated air or water at temperatures of 100 to 200 F., useful in house heating, domestic water heating, crop drying, and many other areas.

The sun is already being put to such uses. In Japan, solar water heaters dot many a roof. In the U.S., many small businesses are springing up, making and selling swimming pool heaters, hot water heaters, solar collectors, and other devices. Now, big business has taken an interest.

MARKET STUDY LAUNCHED

In May, Arthur D. Little Inc., Cambridge, Mass., started a multiclient study to evaluate means of creating a new market for solar climate control.

Dr. Peter E. Glaser, vice president and head of engineering sciences at Arthur D. Little, is director of the project. Dr. Glaser is convinced the time for solar energy is now. "If you look at the total amount of energy we use in this country for household and commercial purposes, it is 21%. We use electric power for this purpose and natural gas and petroleum products. However, reducing this total by 1% would be equivalent to saving 100 million barrels of oil a year. And, we believe that over the next ten or 20 years, we can approach savings of 5% to 10%, eventually 30%, using solar energy."

The Arthur D. Little study is aimed at bringing these numbers closer to reality. The research firm anticipates that new markets for solar climate control systems (heating and cooling) will approach $1 billion worth of equipment over the next ten years. These systems will include solar collectors, heat storage systems, sources of auxiliary energy, heat-actuated air conditioners, auxiliary equipment such as piping, valves, pumps, motors, and on-site power generation, using solar cells to convert solar energy directly to electricity.

The study is aimed at helping industry to realize this goal. First it will identify potentially successful businesses associated with solar climate control, the prerequisites for their success, and ways by which they can be integrated into the construction industry. Secondly, it will evaluate specific hardware and formulate more detailed business approaches. Finally, the study team will assist individual sponsors who decide to initiate business activities in solar climate control.

Dr. Glaser emphasizes that it is not a research program, "but a project to develop practical applications in heating and cooling which conserve conventional energy resources with no detrimental effects on the environment."

Dr. Glaser also points out that within three years he expects various products, associated with solar energy, to appear on the market. Then, depending on how the energy picture develops for all fuels, it is possible that in five years, some firm will be offering a total heating/cooling system for homes.

The major problem to overcome, oddly enough, is not technical but a business problem. The construction industry is so vast and complex that no one is yet sure where and how solar heating/cooling will fit in.

There is another approach that some scientists think could make use of the vast amounts of solar energy that reach our planet. This is by setting up central power stations that would collect solar energy, convert it to electricity, and distribute it to users.

For about a year now, a joint study by the University of Minnesota and Honeywell Inc., Minneapolis, has been working toward this goal. Roger N. Schmidt, manager of solar energy programs at Honeywell, says design of a working model for such a system has been completed and construction should be done by February. One year from now, he says, we will know whether we can collect solar energy with this device and do it at an efficiency of 50% to 60%.

The device is a troughlike shape that is 15 ft long—actual devices would be 40 ft long. It is 4 ft wide (the full-size version would be 10 ft wide) and the inner surface is coated to reflect solar energy onto a heat pipe running down the center of the trough. The pipe conducts absorbed heat to one end where it is used to change water to steam to power an electric generator.

Dozens of the larger version of the collection troughs would be laid out in a remote area, possibly in the Southwest, where they would feed their collected energy to a central powerplant.

Such a solar farm, as Honeywell calls it, could also serve another use. The shade provided by the large troughs would permit grass to grow. Thus cattle could be grazed on this land.

Among the recent proposals for generating electrical power by collecting solar energy in outer space and beaming it to earth via microwaves is one designed by J. T. Patha and G. R. Woodcock, Boeing Co., Seattle.

They told participants at the Eighth Intersociety Energy Conversion Engineering Conference, Philadelphia, that while major engineering development strides will be required to make such a system feasible, the technology is a simple, plausible extrapolation of what we already know today. At least, it is no more or no less feasible than large-scale systems that would be earth-based, they note.

MAJOR TECHNICAL PROBLEM

Just about all the solar scientists claim that solar energy can be put to practical use today, with today's technology. All do admit, however, that there is one area where the technology can stand some improvement.

Jim Eibling, a solar scientist at Battelle Memorial Institute, Columbus, Ohio, explains this deficient area: "What we need are better ways to store heat energy." Without any equipment for storing heat, he points out, solar energy could provide 40% to 50% of a home's heating and cooling needs.

"However, if we could store this energy for just a few days, we could provide 75% of a home's heating and cooling needs. And, we could get up to 90% to 100% if we could store energy for a few weeks."

Some of the more primitive solar energy houses in the U.S. (there are only a dozen or so, usually built by individuals) use stones or gravel to store the heat of the sun. (With today's storage capabilities, these solar houses also use auxiliary heating systems for those periods of prolonged cloudiness.)

Salt mixtures are also being tried by several research teams. The importance of this area of research is indicated by Mr. Eibling: "With present day technology, the average house in the U.S. could get all its energy needs from the sun, if we had long-term storage techniques."

But no one is waiting for this breakthrough. Solar energy projects are moving ahead now. And, a recent National Science Foundation-National Aeronautics & Space Administration study projects that 10% of all buildings constructed by 1985 will have solar climate control systems. That means a $1 billion market over the next ten years.

EMERGENCY APPROPRIATION FOR AID TO ISRAEL

Mr. HUMPHREY. Mr. President, today I testified before the Foreign Operations Subcommittee of the Appropriations Committee in favor of the President's $2.2 billion budget request for emergency military assistance for Israel. I told Senator INOUYE's subcommittee that with this legislation the administration is proposing a plan of assistance which carries out the clear intent of the Senate as expressed in Senate Resolution 189 now cosponsored by 70 Members of this body.

I believe that prompt consideration of this legislation will do much to uphold the balance of power in the Middle East and thus increase the chances of maintaining the cease-fire. As I said in my testimony:

> Only a strong Israel will be able to convince Egypt, Syria and their allies that a resumption of the war is fraught with serious and certain danger to their forces.

Mr. President, I believe a very strong case can be made that Israel has a definite military and economic need for this emergency assistance. An article in the New York Times by Mr. Terrence Smith documents the severe financial burden caused by this war for the Israeli Government and individual citizens.

Mr. President, I ask unanimous consent that my testimony before the Appropriations Committee, a copy of Mr. Terrence Smith's article, and a copy of Senate Resolution 189 with a complete list of cosponsors be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR HUBERT H. HUMPHREY BEFORE THE FOREIGN OPERATIONS SUBCOMMITTEE, NOVEMBER 5, 1973

Mr. Chairman, I appear today before your distinguished Subcommittee in support of the President's proposal to authorize $2.2 billion in military grant assistance and credit sales to Israel.

I consider this legislation imperative to the maintenance of peace in the Middle East.

If the balance of power is to be upheld, if the ceasefire is to continue, and if direct negotiations are to occur, the Arab world and the Soviet Union must realize that Israel cannot be overwhelmed by military force.

Only a strong Israel will be able to convince Egypt, Syria and their allies that a resumption of the war is fraught with serious and certain danger to their forces.

Only a strong Israel will be able to convince the Soviet Union that it must restrain its Arab friends in order to avoid the expenditure once again of billions of rubles to resupply Arab armies and air forces.

I support the President's request in the spirit of a genuine bipartisan foreign policy.

With this legislation, the Administration is proposing a plan of assistance which carries out the clear intent of resolutions sponsored by over two thirds of the Senate and sixty percent of the House.

I am sure that we realize that this figure of $2.2 billion is but an estimate of Israeli needs. It is imperative that the Executive Branch, with the close cooperation of the Appropriations Committees and the Committees on Foreign Relations and Foreign Affairs, arrive at a figure based on careful evaluation and documentation of Israeli losses and future requirements. We do not want to appropriate large sums of money in a hurried manner without adequate safeguards.

On the question of the Administration's request for $200 million for Cambodia, I believe the Congress should carefully consider the needs of the Cambodian government for these additional funds. I do not believe the Cambodian people should be left defenseless in the face of increased fighting which will likely come at the beginning of the dry season in December. But a note of caution should be voiced. This commitment to supply ammunition should not be expanded in a manner contrary to the law which states that American combat involvement in Indochina be terminated.

On October 18 I introduced S. Res. 189 which called for the United States to maintain Israel's deterrent strength by continuing to transfer to Israel, by whatever means necessary, phantom aircraft and other equipment. On that day I was joined by 66 of my colleagues in this expression of support for Israel. We were endorsing on-going efforts by the President and Secretary Kissinger to provide Israel with the equipment needed to defend itself from Arab aggression. An additional three members of the Senate have since cosponsored this resolution, for a total of 70 sponsors.

I believe a definite and pressing need now exists to justify the authorization of this emergency appropriation.

It has become evident that the military losses suffered by Israel were due, in part, to its unwillingness to launch a preemptive first strike in order to preserve the cease-fire initiated by our government. In the early hours and first days of hostilities, Israel lost aircraft and armor in such amounts as to threaten its capability to deter the advance of the Egyptian and Syrian armies.

Our resupply efforts announced on October 15 in the face of massive Soviet airlifts to Egypt and Syria prevented the military balance from being upset.

Despite the American resupply, Israel continued to suffer losses in the fighting as a result of the provision of highly sophisticated Soviet anti-aircraft and anti-tank weapons to the Arab forces.

I understand that Israel has lost over 700 tanks and more than 90 fighter aircraft in the conflict. Deputy Secretary of State Kenneth Rush has documented the approximately $1 billion in military equipment Israel has recently purchased from the United States to replace its losses and keep its supplies at adequate levels.

In view of past Soviet actions in recent weeks, as well as in 1967, we can be sure that the Soviet Union has and is already undertaking resupply efforts to Egypt and Syria which will far surpass American support of Israel. We know that numerous Soviet ships are on their way to Arab ports, not to mention Soviet air cargo transports which land daily in Egypt and Syria.

Mr. Chairman, I believe it is important for the Subcommittee to take note of the tremendous financial burden which this war has placed on Israel.

It has suffered significant losses of costly aircraft and armor.

Its economy has been disrupted, with 30 percent of its labor force mobilized.

The cost in the loss of young men cannot be measured at this time.

It is estimated that the war was costing Israel $250 million a day. And this rough estimate does not take into account general economic and manpower losses. It is clear that Israel is unable to afford to equip itself with all of the tools needed for its self-defense.

Israel, a country of three million people, already spends approximately 34 percent of its total budget on defense or 20 percent of its total GNP. Before the war an Israeli citizen earning almost $5,000 paid 50 percent of this sum in taxes. The Israeli government has already announced a compulsory "war loan" which will take another 7 to 12 percent from an individual's taxable income. An income of approximately $10,000 was taxed at the rate of 63 percent. The pre-war external debt of Israel was about $4.5 billion. It is the highest per capita external debt in the world.

The individual and collective cost of defense in Israel was astronomical before this war. I am sure that it will become even greater in the weeks and months ahead. Added to these high costs are the continual expenditures for the resettlement and absorption of Soviet Jews which have already cost Israel nearly $400 million this year.

The sum requested by the President will help to relieve the already enormous burden assumed by Israel to pay for its defense. In view of the still uncalculated costs of this conflict and its undetermined effect on the Israeli economy, I strongly support the provision of this legislation which gives the President authority to determine what percentage of the $2.2 billion shall be grant military assistance and what portion should be in the form of foreign military sales credits.

I would state, however, that the Administration should notify the Committees on Foreign Relations and Foreign Affairs and the Appropriations Committees in advance of any final determination of the grant-credit apportionment of these funds, as well as supplying a quarterly report of sums disbursed.

Mr. Chairman, there is neither diplomatic nor military stability in the Middle East as we meet today. The situation remains extremely tense despite the presence of U.N. forces and the intense diplomatic efforts underway. Major issues concerning the return of prisoners of war and the ultimate determination of cease-fire lines remain unsettled. These unresolved problems could cause the fighting to resume.

However, it is clear that if Arab forces violate the cease-fire, they would only do so because they perceived that the Israeli forces were in a weakened state. I believe the Congress has a responsibility to prevent such an event from occurring.

An overwhelming Congressional expression of support for Israel has been followed by the submission of a Presidential request to fund emergency military support. I believe we have a responsibility to approve and enact this legislation in the coming days. At stake is not only the defense and security of Israel, but also the success of the negotiations and eventual peace in the Middle East.

S. RES. 189

Mr. HUMPHREY (for himself, Mr. BAKER, Mr. BAYH, Mr. BEALL, Mr. BENTSEN, Mr. BIBLE, Mr. BIDEN, Mr. BROCK, Mr. BROOKE, Mr. BUCKLEY, Mr. CANNON, Mr. CASE, Mr. CHILES, Mr. CHURCH, Mr. CLARK, Mr. COTTON, Mr. CRANSTON, Mr. DOLE, Mr. DOMENICI, Mr. DOMINICK, Mr. EAGLETON, Mr. FONG, Mr. GRAVEL, Mr. GURNEY, Mr. HART, Mr. HASKELL, Mr. HOLLINGS, Mr. HUDDLESTON, Mr. HUGHES, Mr. INOUYE, Mr. JACKSON, Mr. JAVITS, Mr. KENNEDY, Mr. MCGEE, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MAGNUSON, Mr. MATHIAS, Mr. METCALF, Mr. MONDALE, Mr. MONTOYA, Mr. MOSS, Mr. MUSKIE, Mr. NELSON, Mr. NUNN, Mr. PACKWOOD, Mr. PASTORE, Mr. PEARSON, Mr. PELL, Mr. PERCY, Mr. PROXMIRE, Mr. RANDOLPH, Mr. RIBICOFF, Mr. ROTH, Mr. SCHWEIKER, Mr. HUGH SCOTT, Mr. STEVENS, Mr. STEVENSON, Mr. SYMINGTON, Mr. TAFT, Mr. TALMADGE, Mr. THURMOND, Mr. TOWER, Mr. TUNNEY, Mr. WEICKER, Mr. WILLIAMS, Mr. MCCLELLAN, Mr. SPARKMAN, Mr. HRUSKA, and Mr. YOUNG) submitted the following resolution, a

Resolution to urge the continued transfer to Israel of Phantom aircraft and other equipment

Whereas the President is supporting a strong and secure Israel as essential to the interests of the United States; and

Whereas the armed forces of Egypt and Syria launched an unprovoked attack against Israel shattering the 1967 cease-fire; and

Whereas Israel refrained from acting preemptively in its own defense; and

Whereas the Soviet Union, having heavily armed the Arab countries with the equipment needed to start this war, is continuing a massive airlift of sophisticated military equipment to Egypt and Syria; and

Whereas Public Law 91–441, as extended, authorizes the President to transfer to Israel by credit sale whatever arms may be needed to enable Israel to defend itself: Now, therefore, be it.

Resolved, That it is the sense of the Senate that the announced policy of the United States Government to maintain Israel's deterrent strength be implemented by continuing to transfer to Israel, by whatever means necessary, Phantom aircraft and other equipment in the quantities needed by Israel to repel the aggressors.

[From the New York Times, Nov. 5, 1973]

ISRAELIS FACE LEAN TIMES AS COSTLY WAR ENDS BOOM

(By Terence Smith)

JERUSALEM, November 4.—In the wake of the costliest war in Israel's history, the country is bracing for a prolonged period of severe economic austerity.

Vast defense expenditures, manpower shortages and inflation as a result of accelerated Government spending are all in Israel's immediate economic future, in the opinion of specialists here.

For the average Israeli, the war marks the end of the unprecedented economic boom that began in 1967. It was a free-spending period in which Israelis made more money than ever before and spent it as fast as they made it on cars, television sets and travel abroad.

All that seems likely to come to an end now. "We had our six fat years," Ephraim Dovrat, an economic adviser in the Ministry of Finance, said. "Now we are likely to have a few lean ones."

The cost of the war is difficult to estimate. As a tentative round figure, Government specialists are speaking of about 30 billion Israeli pounds, or roughly $7.1-billion.

Whether the final figure proves to be a little more or less, it is an awesome amount of money for Israel. This is a country where the national budget for 1973 is less than $5-billion and the gross national product for the year is estimated at slightly more than $8-billion.

Beyond the military expenditures, there is a loss from reduced production during the war, estimated by Mr. Dovrat at two billion Israeli pounds, or about $480-million. In addition, Mr. Dovrat said that hundreds of millions of pounds of damage had been caused to Israeli civilian and military installations on the Golan heights.

To offset these losses in part, Israel expects to raise about $1.5-billion in the next year from the sale of Israel Bonds and in the United States and Europe through the fund-raising activities of the United Jewish Appeal. From 70 to 80 per cent of this money has been pledged from the United States, Mr. Dovrat said.

In addition, President Nixon has asked Congress for $2.2-billion in emergency military aid for Israel. Mr. Dovrat said it was still not clear, however, how much of that money would be in arms credits and how much would constitute a grant.

At home, the Government has increased the high tax rate with a compulsory "war loan" of 7 to 12 per cent of taxable income.

This scheme amounts to a compulsory purchase of Government bonds, which are repaid years later at relatively modest interest rates. Since inflation is rampant in Israel—about 20 per cent last year alone—the money is usually worth far less, interest included, when the Government repays the loan.

The Government has also called on all Israelis who can, to commit themselves to additional voluntary war loans. Itzhak Rabin, the former ambassador to the United States, has been placed in charge of the voluntary loan drive and the response so far has been remarkable. A total of 565 million pounds, or about $130-million, had been raised through last week. The Government hopes to raise some $500-million from both the compulsory and voluntary loan.

Further tax increases are planned, Mr. Dovrat said. "I think the public realizes this and is ready for it," he said. "But it won't make it any less painful for the average working man."

HIGH LUXURY TAX

With significantly less money in his paycheck, Mr. Dovrat said, the Israeli taxpayer will have to pass up many purchases he might have planned to make in the next year.

"I am talking about television sets and luxury goods," he said. "The items will still be in the stores—the temptation will still be there—but the taxes on them will be so high that few Israelis will be able to afford them."

The major economic task, Mr. Dovrat said, will be to meet the increased defense demands. One Israeli economic writer estimated last week that defense items will absorb 30 to 40 per cent of the nation's manufacturing output during the next year. To achieve this the production of many nonessential items will have to be suspended.

The war has also created a severe shortage of trucks. Thousands of the civilian trucks were mobilized and have been off the roads for nearly a month. Vital supplies backed up in ports and manufacturers are having major difficulties transporting their products.

When the problem reached crisis proportions, Mr. Dovrat said, Finance Minister Pinhas Sapir took a personal hand in solving it.

ORDER OF 2,500 TRUCKS

"He got on the phone to about 30 key people in the United States and all around the world," Mr. Dovrat said, "and within 48 hours he had placed orders for the immediate delivery of about 2,500 heavy trucks, many of them from America."

To compensate for the manpower shortage created by the mobilization of the reserves, thousands of pensioners, women and teenagers have been recruited—most set for harvesting. As a result, agricultural production has been nearly normal.

Other industries, however, are off anywhere from 50 to 75 per cent. Tourism and the building industry are among the most hard hit, but both of these have begun to pick up in the last 10 days, Mr. Dovrat said.

The economic consequences of the war are already significant, but the crucial question is how long the country will be required to sustain itself on a war footing. If a solution is reached in the next month, most economic specialists see little problem. If the crisis lasts several months, however, and the reserves remain mobilized, the economy will suffer a major setback.

THE UNITED NATIONS

Mr. MUSKIE. Mr. President, last week the United Nations celebrated its 28th anniversary—in the midst of yet another world crisis in which the U.N. has played a constructive role in the quest for international peace and stability.

Two thoughtful commentaries have come to my attention recently on the role of the United Nations in the international system today. Prof. Walter S. Schoenberger of the University of Maine, at Orono, has written me a letter on the subject, and Prof. Richard N. Gardner of Columbia University has sent me a copy of his remarks at the Pacem in Terris Conference held in Washington earlier this month. I think these two analyses would be useful to my colleagues, and I ask unanimous consent that they be printed in the RECORD.

There being no objection, the documents were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM LETTER OF WALTER S. SCHOENBERGER, PROFESSOR OF POLITICAL SCIENCE, UNIVERSITY OF MAINE AT ORONO

The United Nations is currently in considerable difficulty. As a result of the inability of the Security Council to resolve the current Middle East conflict, many are once more deprecating the organization. Such criticism overlooks its character and purpose.

Those who wrote the charter attempted to associate the authority to act with the power to make such action effective by requiring that United Nations decisions in substantive matters be subject to the approval of the permanent members of the Security Council. Their assumption was not that the permanent members would usually act unanimously, but that the Council should not act in such matters unless there was approval by the states whose power was necessary to sanction the action. If the Security Council could operate over the objection of a permanent member and against what it perceived to be its interests, a division of power would occur which might lead not only to a weakening of the United Nations but also to war. So the United Nations was not constructed to operate in the case of an issue on which there was a division among the permanent members. Such an issue has emerged in the Middle East.

The problem of public disillusion arises from the fact that the United Nations has been generally oversold and is currently sold incorrectly. Many expect it to do what it cannot do but what they have been told it should be able to do. Despite this situation, however, there are many potentialities which the United Nations promises as useful goals in the long-range development of an effective world government.

Among the many problems facing the United Nations, I consider these to be of special importance:

1. The United Nations doesn't possess the power to stop conflict among either the major powers or among minor powers on occasions when the permanent members of the Security Council are divided. No state has implemented Article 43 of the Charter so as to provide the United Nations with a military force of its own. Military power rests in the member states. Such United Nations forces as have existed, have been ad hoc national forces, temporarily under United Nations control which has been exercised only under national restrictions. In the present international system of states characterized by ideological, national, and strategic conflicts of interest, no government has been willing to place military power in the hands of an organization which it might not be able to control and which might use such force in actions against what it considers to be its national security. In other words, the member states will not provide the United Nations with the power it needs to fulfill its obligation to maintain international peace and security. This situation is a result of the semi-anarchistic international system of states and will not be significantly changed until an effective global community develops as a basis for world government. To suggest that the United States implement Article 43 would be an exercise in futility. Neither it nor other member states will do it under present circumstances.

2. As the number of member states has proliferated, as the Security Council has run afoul of the veto, and as the General Assembly with but limited authority to recommend action to the member governments has assumed a larger operational role, the United Nations has declined as an agency through which the major powers attempt to resolve their major international problems. Quite reasonably, none of the major powers is willing to accept the risk of submitting a matter to the General Assembly which it might not be able to control and in which finding a solution may be complicated and prolonged, when the alternative of bilateral or multilateral negotiations outside the organization is available. In short, there has been a growing disassociation in the United Nations between authority and power. A massive majority vote in the General Assembly means little if it does not include the votes of the most heavily populated and most powerful states of the world. One solution to this difficulty might be some form of weighted voting. But an acceptable formula has been difficult to construct; the idea runs against the principle of sovereign equality of states; and, given the opposition of the great number of lesser powers in the organization, any proposal would be almost impossible to adopt.

3. As human interests have progressively become international, many functional agencies have developed to satisfy the resultant needs. One of the most productive areas of United Nations operations has been in the activities of the specialized agencies. But satisfying such functional needs has been impossible to separate from political considerations, and member states are prone to use such agencies for their national purposes rather than to satisfy an international human interest. The problem might be alleviated by modifying national representation in functional agencies, by developing a much larger international civil service, and by channelling more national funds through such agencies on an obligated basis. It is doubtful that the United States or other powerful states would accept such suggestions.

The United Nations can only be as effective as the member states permit. It is not a world government. It has little power of its own. Humans, organized in nations, do not identify their loyalties and their emotions primarily with it. It has no administrative machinery capable of taking the actions its great purpose requires. It has no legislature to pass laws binding on its members. It has no court system with mandatory jurisdiction. Under these conditions it is surprising that the United Nations has done as well as it has. Despite its inherent difficulties which largely reflect the nature of the international system, the United Nations has been a useful organization both to the world and to the United States.

There are many evidences of its general utility:

1. It has resolved many disputes, among others, those in Korea, the Congo, and Cyprus. It is reasonable to assume that the world's conflicts might have been more extensive and more bitterly contested were it not for the activities of the United Nations.

2. It has furnished a permanently organized forum for the discussion of matters of international interest and an agency which might be used by the member governments to carry on continuing regular diplomacy.

3. It has been the core around which has developed a growing international civil service.

4. It has been a source of multilateral economic aid to developing states.

5. It has promoted research in and alleviation of many of the world's most pressing human and physiographical problems.

6. It has promoted human rights in all nations and has been a force against the continuing evils of racism.

7. And last, but by no means least, it continues to exist as an organization from which a world government may develop. If only incompletely utilized in a world of semi-anarchy among states, it has been a force for sanity and for order.

For the United States, it has been a particularly useful agency:

1. Inasmuch as during the history of the United Nations, the United States has been able to muster majority support in its organs for United States policies, the organization has provided widespread, multi-lateral, and well-publicized backing for United States positions.

2. Although in recent years the United Nations has been by-passed in arms limitation negotiations, it still provides a useful forum for the promotion of the United States point of view.

3. The fact that the center is in New York, enhances the prestige of the United States as delegates from all of the world's governments journey here to attend United Nations functions.

4. It is a relatively inexpensive means of propagandising the United States system and its values.

5. It provides a means by which the United States may use its resources in providing economic aid to developing states, thus removing some of the stigma attached to unilateral aid programs.

6. Assuming that the long-range interests of the United States lie with world peace based on world order, the United Nations is the best existing hope to accomplish such a goal.

One last thought. Many criticize the United States for using the United Nations to promote its own ends rather than to promote the organization itself. Such criticism is unwarranted and unrealistic. Any organization is viable only in terms of its utility. The United Nations can only develop when member governments believe that they may satisfy their interests by using it. My major concern presently is that states, particularly the major powers, are using the United Nations all too infrequently in resolving their differences. The problem is not that the United Nations is used, but it is not used enough.

THE UNITED NATIONS AND ALTERNATIVE FORMULATIONS—THE HARD ROAD TO WORLD ORDER

(By Richard N. Gardner*)

Has the quest for a decent world order ever seemed so full of contradictions, at once so frustrating and so hopeful? The international institutions established at the close of the Second World War to establish peace, justice and economic cooperation have failed to live up to the world's expectations. Yet never has there been such widespread recognition of the necessity of planetary planning or such an impressive array of ongoing negotiations aimed at the cooperative management of global problems.

The central policy-making organs of the United Nations—the General Assembly, the Security Council and the Economic and Social Council—all seem drained of vitality. They are suffering from a "crisis of confidence," some would even say from "creeping irrelevance." The business of managing the world's political, security and economic problems is increasingly handled elsewhere.

Lord Caradon, the eloquent former British representative to the U.N., liked to say that "there is nothing basically wrong with the U.N. except its members." What is wrong with the members is painfully obvious. Virtually all of them pay lip service to the organization while at the same time pursuing their short-term interests at its expense.

Questions are voted upon less and less with regard to the requirements of law and justice and more and more with a view to bloc affiliations and the protection of other interests. The willingness of U.N. members to risk their short-term interests for the good of the community often seems at the level of the frontier town in the unforgettable Western "High Noon," where the citizens abandoned their lawman as soon as the outlaw was released from jail. If a clear and unambiguous case of aggression came before the Security Council or General Assembly today, there would be little confidence that a majority of members would treat it as such or come to the aid of the victim. The Charter concept of collective security is obviously dead; even for consent-type "peacekeeping," little progress has been made in devising agreed constitutional and financial arrangements.

Given this state of affairs, plans for instant world government carry little credibility. The consensus on basic values and the willingness to entrust vital interests to community judgment is simply not there. One need only picture a world constitutional convention including President Nixon, Chairman Brezhnev and Chairman Mao, Prime Ministers Heath and Pompidou, not to mention Messrs. Castro, Peron, and Qaddafi and Mmes. Golda Meir and Indira Ghandi. What rules and procedures for world government could they agree upon?

The same considerations suggest the doubtful utility of holding a Charter review conference. To amend the U.N. Charter requires the approval of two thirds of the membership, including all of the five Permanent Members. If one examines carefully the attitude of U.N. members to specific proposals, one quickly discovers that the most likely consequence of wholesale revision of the Charter would be to diminish rather than enhance the strength of the organization. The Charter of the U.N., like the U.S. Constitution, provides a framework for organic growth in response to new demands and changing realities. As in the case of the Constitution, we are more likely to make progress by pressing to the outer limits of its potentialities through creative use of the existing instrument, seeking amendments only on carefully selected matters where they seem both necessary and capable of adoption by the constitutionally required majority.

If instant world government and Charter review now seems bankrupt of possibilities, so does the old-fashioned idea of achieving "world peace through world law" by means of a greatly strengthened International Court of Justice. The members of the United Nations seem less willing than ever to entrust vital interests for decision to the fifteen men at the Hague, as may be seen from the Court's lack of activity and the small number of countries accepting the Court's compulsory jurisdiction without crippling reservations. This reluctance to take cases to the Court partly reflects lack of confidence in the competence and independence of some of its judges, but even if all of them had the intellectual and moral qualities of a Philip Jessup the basic problem would still remain. Not only are nations reluctant to risk adverse judgments at the hands of third parties they cannot control, they are understandably unwilling to commit themselves to have all controversies to which they may be a party decided according to rules of international law which may be of doubtful legitimacy, incapable of alteration as circumstances change, and uncertain of enforcement. As Professor Julius Stone once put it:

"How satisfactory would the 'rule of law' be if we awoke one bright morning to find that there was no longer any parliament to make laws, and that the only way we could adjust legal rights among us was either by direct agreement between all the individual citizens concerned, or by naked force? But this precisely has always been and is still the final position in the international community and its law. If, without changing this, we tried to clamp the 'rule of law' on States by requiring every dispute to be settled by binding decisions of an international court this would freeze vested rights as they now are, and make it even more difficult to adjust legal rights to rapidly changing conditions. There is obviously not the slightest hope that States will agree to this. But to change this, a rule of law programme would also have to provide some accepted method of changing the law, and of enforcing it as it changes. The feasibility of this in the international as in a national community turns on whether the community as a whole, especially those who wield supreme power, share certain common ethical convictions as to the basic principles of decency between man and man."[1]

If instant world government, Charter review, and a greatly strengthened International Court do not provide the answers, what hope for progress is there? The answer will not satisfy those who seek simple solutions to complex problems, but it comes down essentially to this: Our best hope for the foreseeable future seems to be, not in building up a few ambitious central institutions of universal membership and general jurisdiction as was envisaged at the end of the last war, but rather in the much more decentralized, disorderly, and pragmatic process of inventing or adapting institutions of limited jurisdiction and selected membership to deal with specific problems on a case-by-case basis, as the necessity for cooperation is perceived by the relevant nations. Such institutions of limited jurisdiction will have a better chance of doing what Professor Stone reminds us must be done to make a "rule of law" meaningful—providing methods of changing the law and enforcing it as it changes and of developing the perception of common convictions and interests that is the prerequisite for successful cooperation.

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[1] *Law and Policy in the Quest for Survival* (The ABC Lectures, 1960).

In short, we are likely to do better by building our "house of world order" from the bottom up rather than from the top down. It will look like a great "booming, buzzing confusion," to use William James' famous description of reality, but an end run around national sovereignty, eroding it piece by piece, is likely to get us to world order faster than the old-fashioned frontal assault. Of course, for political as well as administrative reasons, some of these specialized arrangements should be brought into an appropriate relationship with the central institutions, but the main thing is that the essential functions be performed.

The hopeful aspect of the present situation is that even as nations resist appeals for "world government" and "the surrender of sovereignty," technological, economic and political interests are forcing them to establish more and more far-ranging institutions to manage their mutual interdependence. Consider for a moment the institutional implications of negotiations already underway or likely to be undertaken within the next few years:

We are embarked on an ambitious negotiation for the reform of the international monetary system, aimed at the phasing out of the dollar standard and the improvement of the balance-of-payments adjustment process. The accomplishment of these objectives will inevitably require a revitalization of the International Monetary Fund, which will be given unprecedented powers to create new international reserves and to influence national decisions on exchange rates and on domestic monetary and fiscal policies. The strengthened IMF will probably be able to back its decisions by meaningful multilateral sanctions—uniform surcharges on the exports of uncooperative surplus countries and the withholding of multilateral and bilateral credits and reserve facilities from recalcitrant deficit countries.

We are undertaking a parallel effort to rewrite the basic ground rules for the conduct of international trade and investment. At a minimum, we can expect the strengthening of the General Agreement on Tariffs and Trade to cover a whole range of hitherto unregulated "non-tariff barriers." This will subject countries to an unprecendented degree of international surveillance over hitherto sacrosanct "domestic" policies such as farm price supports, subsidies, and government procurement practices that have transnational effects. New standards will also be developed to regulate protectionist measures to cope with "market disruption" from imports. To make these new rules of the game meaningful, GATT arrangements for consultation, conciliation and enforcement of its decisions will have to be greatly improved. In addition, new standards and new procedures are likely to be developed through the OECD and the U.N. to deal with the activities of multinational corporations and conflicting national efforts to regulate them.

The years ahead will almost certainly witness a continuing increase in the resources of the multilateral development and technical assistance agencies in contrast to static or declining bilateral efforts. This will enhance the authority of the World Bank, the Regional Development Banks and the U.N. Development Program over the economic policies of rich and poor nations. By the end of this decade, we are likely to have a substantial portion of aid funds channeled to international agencies from sources independent of national decision-making—some form of "link" between monetary reserve creation and development aid and some arrangement for the payment of fees to international agencies for the exploitation of seabed mineral resources.

We are likely to witness a continued strengthening of the new global and regional agencies charged with protecting the world's environment. In addition to the comprehensive monitoring of the earth's air, water and soil and the effects of pollutants on human health, we can look forward to new procedures to implement the principle of state responsibility for national actions that have transnational environmental consequences, probably including some kind of "international environmental impact statement" procedure culminating in recommendations from independent scientific authorities. At the same time, international agencies will be given broad powers to promulgate and revise standards limiting air and open pollution by nations and their citizens.

We are entering a wholly new phase of international concern and international action on the world population problem, which is dramatized by the World Population Conference scheduled for Bucharest in 1974. By the end of this decade, a majority of nations will have explicit population policies, many of them designed to achieve zero population growth by a specific target date. These national policies and targets will be established and implemented in most cases with the help of international agencies. Under their auspices, several billions in national and international resources will be mobilized in fulfillment of the basic human rights objective already proclaimed by the U.N.—that every person in the world should be given the information and means necessary to control the number and spacing of his children.

We can look forward, after several years of very difficult negotiations, to a new international regime governing the world's oceans, including new law on such important matters as the territorial sea, passage through international straits, fisheries, the exploitation of the mineral resources of the seabed, the regulation of marine pollutions, and the conduct of scientific research. To make these new arrangements meaningful, there will have to be tough provisions to assure compliance as well as to provide for the compulsory settlement of disputes.

We will almost certainly have to create new international arrangements to cope with the emerging global politics of resource scarcity. The problem is not only that of increasing total supplies but of assuring their fair allocation between countries. Large parts of the world are dependent on food exports from the United States while the United States is increasingly dependent on oil from the Middle East. Unilateral cutoffs of these vital resources for political, economic or conservation reasons could have grave consequences and could trigger international conflict. In the early days of the Second World War, President Roosevelt and Prime Minister Churchill proclaimed an Atlantic Charter with the post-war objective of "access, on equal terms, to the trade and to the raw materials of the world." In three decades of negotiations since that time, our focus has been almost exclusively on access to markets. In the next decades, we will need to place equal emphasis on new standards and new procedures to assure a fair allocation of scarce resources.

We will need to develop new international rules and institutions to regulate new communication technologies, notably direct broadcasting from satellites. While providing some safeguards against the unwanted intrusion of foreign broadcasts, these new arrangements should maximize the potential for using satellite communications to promote trade and economic development as well as world culture and understanding. Ways will very likely be found to give the U.N. and other international agencies access to this new technology for both operational and informational purposes. The International Telecommunication Union and other agencies will be given new powers to allocate radio frequencies and satellite parking orbits among competing users.

We will be obliged at some point in the years ahead to move beyond bilateral discussions on strategic arms into further multilateral negotiations to limit the spread of conventional as well as nuclear weapons. It seems inevitable that the U.N., the International Atomic Agency and perhaps regional bodies will be given new responsibilities for the administration of these arms control and disarmament measures, including means of verification and enforcement.

We are likely, despite the constitutional impasse over U.N. peacekeeping, to resort increasingly to U.N. forces to contain local conflicts in the Third World. The arguments over authorization, financing and operational control will be resolved on a case-by-case basis where the interests of key countries converge. The U.S., the Soviet Union and China, in the happy phrase of an American journalist, will each act "more like a country and less like a cause." Under the aegis of the U.N., or possibly in bilateral negotiations, some principles for mutual non-interference in the internal affairs of other countries are likely to be worked out. A corollary of such agreements will be international peacekeeping arrangements to patrol borders, supervise elections and verify compliance with non-intervention norms.

These and other developments that could be mentioned may not add up to "world government" in the old-fashioned sense of a single all-embracing global authority, but they will represent key elements of planetary planning and planetary management on very specific problems where the facts of interdependence force nations in their enlightened self-interest to abandon unilateral decision-making in favor of multilateral processes.

It may be objected that the above catalogue is more convincing as a statement of what nations ought to do in the pursuit of their enlightened self-interest than as a prediction of what they actually will do. Admittedly, the same forces of short-sighted nationalism that have crippled the central institutions of the U.N. may wreck all or most of these specialized negotiations, but I do not believe this will happen.

The reason is that the case-by-case approach is likely to yield some remarkable concessions of "sovereignty" that could not be achieved on an across-the-board basis. The Soviet Union, China and the United States may be unable to agree on the general rules that should cover U.N. peacekeeping in all unspecified future contingencies, but they may well agree on a new U.N. peacekeeping force to implement a Middle East settlement that is otherwise satisfactory to them. The same three countries are unlikely to accept the compulsory jurisdiction of the International Court of Justice over all disputes to which they might be parties, but they may very well agree upon effective third-party machinery for compulsory settlement of disputes on the specific subjects dealt with in a new Law of the Sea agreement where they recognize compelling national interests in getting other nations as well as themselves to comply with the rules.

What is the conclusion of all this for the

foreign policy of the United States? Stated simply, it is that the main preoccupation of U.S. foreign policy from here on in should be the building of the international machinery necessary for the management of mankind's common problems. This means supplementing balance of power politics with world order politics.

Some may argue that the present direction of our foreign policy is incompatible with this approach. This is not necessarily so. The achievement of a better balance of political and economic forces and the normalization of relationships between formerly hostile nations do not constitute world order politics, but they are necessary first steps to make such politics possible. The achievement of a better power balance surely enhances prospects for a world in which power is subordinated to a rule of law. The burying of ancient animosities opens new possibilities for cooperative action on emerging global problems through the United Nations and other international organizations.

One phrase has recurred throughout the foreign policy statements of President Nixon and Henry Kissinger—the building of a "structure of peace." The use of the word "structure" is significant. New political and economic relationships may clear the ground for building a structure of peace, but they should not be confused with the structure itself. To take one example: the Smithsonian agreement of December 1971 which established a more realistic pattern of exchange rates between the dollar and other currencies was a prerequisite to a satisfactory reform of the international monetary system.

But in the absence of a new and acceptable system for changing exchange rates and for settling international accounts, the Smithsonian accord, hailed at the time as "the most important monetary agreement in the history of the world," lasted only 14 months. The recent political achievements in relations with the Soviet Union and China and in relations between the two Germanys could prove equally ephemeral if we do not make the distinction between new *relationships* and new *structures*. For an enduring peace system, the former must be reinforced and buttressed by the latter.

There is some evidence that this point is recognized in Washington and that we are in fact at the beginning of a transition from one phase of foreign policy to another. In his first press conference after his appointment as Secretary of State, Dr. Kissinger, after summarizing the achievements of the first four Nixon years, declared: "But now we are in a different phase. The foundations that have been laid must now lead to the building of a more permanent structure . . . that we can pass on to succeeding administrations so that the world will be a safer place when they take over. Now this requires that there be a greater institutionalization of foreign policy than has been the case up to now."

This reference to "institutionalization," to be sure, was in the context of our domestic arrangements for the making of foreign policy. By combining the post of Secretary of State with that of the President's principal foreign policy adviser, the President has assured that the traditional foreign affairs machinery will now be plugged directly into the Presidential policy-making process. But "institutionalization" at the domestic level is likely to lead to "institutionalization" at the international level. For Dr. Kissinger will now turn his attention to the broad range of foreign policy problems that face the country in the years ahead. In addition to his former preoccupation with Southeast Asia and normalization of relations with the Soviet Union and China, the very nature of his new assignment will take him deeper into the reform of the international monetary and trading system, the law of the sea, economic development, the protection of the international environment, the world population problem, and the global politics of food and energy, not to mention the search for peace in such trouble spots as the Middle East and Southern Africa. Faced with these new challenges, it would be surprising if Dr. Kissinger did not encourage the foreign policy machinery to look for new solutions through more effective international institutions at the global and regional level.

Such a new emphasis on multilateralism would serve another important objective emphasized by Dr. Kissinger—the rebuilding of the shattered domestic consensus for U.S. foreign policy. The self-confidence and idealism of the American people are two of the world's most valuable natural resources. They made possible our sponsorship of the United Nations, the postwar financial and trade arrangements, the Marshall Plan, Point Four, the Alliance for Progress, the Decade of Development, and many other programs of great value.

Viet Nam has transformed much of this self-confidence into self-doubt, much of this idealism into cynicism. It has even encouraged a school of thought which holds that the United States is so violent, so racist and so imperialistic that it can no longer play any constructive role in the world. But the threats to mankind's future from poverty, population growth, environmental degradation and the arms race cannot possibly be dealt with successfully in the absence of a massive global effort in which American technology, managerial skill, and political leadership play a major part.

Forced to choose between interventionism and isolationism, the Americal people will eventually choose isolationism. Multilateralism is therefore the only chance in the long run to sustain a positive U.S. role in the world. It has always been the approach most likely to win support for our actions abroad; but it now is also essential for the achievement of a foreign policy consensus at home.

One of the most important but least appreciated functions of the United Nations is in influencing the political process within member states toward more cooperative and outward-looking policies. In a certain sense, the United Nations and other international organizations constitute an "alliance of doves," in which the outward-looking members of national governments can reinforce one another in their struggle with more inward-looking members of their national administrations. For an American President wishing to gain domestic support for substantial cuts in the military budget and a greater investment in economic and social programs at home and abroad, international agencies represent a resource of enormous potential. They can help us to reorder our national priorities, to turn our country around.

One of the serious dangers for the United States in its reaction from the Viet Nam tragedy is that we may disengage from international enterprises that are mutually beneficial and even essential to our enlightened self-interest. Here again, the United Nations offers an opportunity to American leadership. U.N. programs are yielding new perceptions of the linkages between conditions abroad and conditions at home. To give just a few obvious examples: U.N. assistance to Asian farmers to grow wheat or rice instead of opium can reduce drug addiction and crime in New York. U.N. efforts to limit the use of toxic pesticides in other countries can safeguard our interests in the conservation of wildlife, fish and the health of the marine environment. U.N. efforts to control diseases and establish minimum health standards can save the lives of an untold number of Americans. And, most fundamentally of all, men in blue helmets under a U.N. flag in a world trouble-spot can remove the occasion for American soldiers to fight or die there.

But even beyond these fairly obvious linkages between "foreign" and "domestic" problems, a foreign policy oriented to multilateral organizations could give us a new sense of national purpose—an opportunity for recommitment to some fundamental principles of justice and human dignity which, at an earlier and happier stage in our existence, we perceived as essential elements of our behaviour as a free people.

Increasing numbers of Americans, particularly young Americans, are raising questions about the justice of our domestic economic and political order. At present these Americans are mainly looking inward. But a foreign policy focusing on the building of a decent world order could help us by putting these concerns in a global context.

If world order politics has at last become feasible as well as necessary, there are some very specific steps which we in the United States can take. I venture to suggest a few of them:

1. The President, the Secretary of State, and our senior policy-makers could assert that U.S. foreign policy from now on is aimed at the creation of a better world order founded on the enlightened self-interest of the United States and other countries—and that the strengthening of the United Nations and other international agencies is indispensable to the achievement of that end. Some may dismiss this suggestion as just "rhetoric"—but "rhetoric" can be important. It can stimulate new perceptions of interdependence here and overseas and build a new domestic and international constituency for U.S. foreign policy by identifying our purposes with those of mankind. We could both rebuild and draw upon the reservoir of idealism and generosity of the American people which has been so badly depleted by the war in Viet Nam. By substituting the language of constructive internationalism for reckless interventionism, we could find common ground between generations as well as political parties. Of course, the new language would have to be reflected in new action, which leads us to the other suggestions.

2. The United States could take a principled instead of an instrumental approach to the conduct of foreign policy. Instead of citing the U.N. Charter and other sources of international law when it suits our short-term interest and ignoring them when it does not, we would recognize our long-term interest in strengthening the norms and processes of a civilized world community. In specific terms, this would mean limiting our use of armed force to circumstances clearly permitted by the Charter and other sources of international law and submitting disputes to which we are a party to third-party processes of fact-finding, mediation, and, where appropriate, judicial settlement. There are undoubtedly risks in such a policy, but they are less than the risks inherent in the unilateralism that has characterized some of our actions in recent years.

3. We could put a new emphasis on world order issues in our bilateral negotiations with former adversaries, non-aligned nations, and old allies. In particular, this would mean using our negotiating leverage to encourage the Russians and Chinese to take a more affirmative position on such matters as the law of the sea, international programs to curb population growth, U.N. peacemaking and U.N. financing, and the strengthening of machinery for the peaceful settlement of disputes. There will be a growing number of people in both countries who understand the necessity of tackling such global issues in a cooperative and non-dogmatic way; we could strengthen their hand by the right kind of initiatives. For example, we have created a dozen U.S.-U.S.S.R. bilateral commissions as the result of the recent summit meetings; we

could use the SALT Commission to explore the possibilities of mutual non-intervention by the superpowers in Third World areas and of limiting the spread of nuclear and conventional arms; we could seek support for global health and population programs in the bilateral health commission; and we could press in the environmental commission for Soviet cooperation in global efforts to curb whaling, protect ocean fisheries, and regulate land-based sources of marine pollution. We could place a similar priority on world order issues in our relations with the European countries and Japan both bilaterally and in regional forums like NATO and OECD.

4. We could work harder to develop a "world order bargain" with the nations of the Third World. Because we appear to be neglecting their interests and concerns—whether on Southern Africa or on trade and development—we find ourselves increasingly isolated from them in the United Nations and are securing much less of their cooperation than is potentially available on population, environment, and resource questions. In the U.N. or in any political system, the price of getting support for one's own priorities is to offer some support for the priorities of others. Our objectives in the forthcoming negotiations on trade, monetary reform and the law of the sea may all be frustrated unless we urgently review our present policies on questions of interest to the developing world.

5. We could begin to seek help from international agencies in dealing with our own domestic problems—particularly the problems we face in our cities, problems of pollution, mass transport, crime, and drug addiction. For too long our government has regarded the U.N. system as a great funnel where we stuff aid and advice in at one end and developing countries take out the benefits at the other. The last few years have raised some questions about this rather arrogant approach. We have more than a few problems for which we do not have the answers and we could benefit from insights and know-how from Europe, Japan and the developing countries. If the U.N. and other international agencies were to render services to developed as well as developing countries, it would indicate to the world that we regard learning as a two-way process. It would also help build domestic political support for international agencies by demonstrating to Congress and the public that we derive direct as well as indirect benefits from our participation.

6. We could apply ourselves much more seriously to remedying the serious structural weaknesses in the present system to multilateral agencies. In collaboration with other countries, we should search for ways to harmonize the activities of global and regional organizations, to integrate the functional activities of the U.N. specialized agencies, and to strengthen the competence and the independence of the international secretariats. New thinking and new energy could also be devoted to reforming international decision-making procedures to find a satisfactory middle ground between the principle of unanimity and the principle of one-nation one-vote. There is growing dissatisfaction, for example, with the fact that countries representing less than five percent of the U.N. budget and less than ten percent of the population of the total membership can take decisions in the General Assembly by a two-thirds majority, including binding decisions on budgetary matters. Weighted voting is not now negotiable and possibly not even desirable, but we could explore the use in the U.N. and other agencies of "double majorities," bicameral arrangements and small committees so that action proposals of certain kinds would have to be adopted by a reasonable number of large and middle as well as small nations. There is a pervasive attitude of cynicism and defeatism about the organizational deficiencies of the U.N. and other agencies, but we have not really involved our best minds and senior decision-makers in the search for solutions.

7. We could strengthen our Executive branch and Congressional arrangements for participating in the multilateral system. Our Ambassadors to the U.N. and other international agencies should be men with broad experience and deep substantive knowledge, and their permanent missions should consist of the best talent our country can make available, not only from the foreign service but from the business, academic, professional and scientific communities. The temporary public members of delegations should be chosen on a non-political and merit basis and appointed long enough in advance so that they can make a serious contribution. The Department of State should provide strong policy leadership for our participation in the multilateral system, with better co-ordination of its own activities and with new powers to coordinate the activities of other Cabinet departments as they relate to the international agencies. To this end, we might consider creating a new Undersecretary of State for Multilateral Affairs, with responsibility for overall direction of the State Department's Bureau of International Organization Affairs, its Bureau of Economic Affairs, the multilateral sections of the various regional bureaus, the Office of Legal Advisor, and State Department functions relating to the environment, population, the law of the sea, fisheries and wildlife, and development aid. Whether or not such a fundamental re-organization is undertaken, a revitalization of the Bureau of International Organization Affairs is clearly essential. As for Congress, there are a number of measures that could enhance its contribution to the building of more effective international institutions—for example, separation of our U.N. appropriations from the State Department budget and greater use of the International Organization Subcommittee of the Foreign Relations and Foreign Affairs Committees (or possibly the creation of a new Joint Senate-House Committee on International Organizations).

8. We could seriously reexamine our financial policies in international organizations. Our behavior here has been a classic example of penny-wise and pound-foolishness. A gradual reduction of the U.S. share of U.N. regular budgets was obviously called for in the light of new economic realities, dollar devaluations, and the addition of new members, but the unilateral and abrupt manner in which we pushed our 25% policy has undermined our bargaining power on matters where we have much more important interests at stake. From now on, our efforts should be focussed not on across-the-board reductions but on selective measures to improve the financial and management practices of the U.N. and its Specialized Agencies, achieve greater centralized control, and enhance the influence of the major contributors in the budget and policy process. In addition, and no less important, we could take some new initiatives to liquidate the U.N.'s financial deficit and establish a modest peacekeeping fund, and we could take a much more affirmative approach to increases in our voluntary contributions to the UNDP and multilateral financial agencies.

9. We could create a private political-action group to translate support for international institutions and international law into the American political process. The trade unions, the corporations, the environmentalists and the welfare recipients of our country have all learned how to get the government to respond to their needs. Citizens interested in a stronger United Nations and more effective U.S. participation in international agencies have not. Ralph Nader has shown how hitherto ineffectual public interests can be given effective voice and political clout. Perhaps the time has come to create a "Nader's Raiders for World Order"—a group that could keep a box score on how Congressmen vote on matters like our U.N. contributions and on legislation violating the Rhodesian embargo. If such an enterprise were properly run, it might attract broad support—particularly from young people who are looking desperately for some way in which they can help the United States play a more constructive role in the world. We might even make such a U.S. group part of a broad transnational effort linking similar groups in key U.N. member countries.

10. We could find new ways of using the mass media to increase public support for international institutions and world order processes. The work of organizations like the Center for the Study of Democratic Institutions and the United Nations Association is excellent—but they do not reach mass audiences. We need to try some new approaches. We could establish a foundation to underwrite television programs which could bring new perceptions of interdependence to the American people through prime-time programs. After an initial period some of these programs might well become self-sustaining. Why not, for example, create a one-hour weekly television serial called "The Peacemakers," featuring a fictional representative of the U.N. Secretary-General grappling each week with the different kinds of problems that international agencies must deal with, whether monitoring a cease-fire between hostile nations, combating a plague of locusts, or coping with relief and refugee problems. Most people are not interested in international organizations as such, but they *are* interested in the problems with which these organizations are dealing, particularly if they can identify with them. E. G. Marshall and "The Defenders" helped influence the attitudes of a whole generation of young television viewers toward the legal profession. With skill and imagination, "The Peacemakers" could do the same for international institutions.

This paper has offered no simple and dramatic solutions, only a hard road to world order with a continual process of institution-building to manage mankind's common problems. To hasten this process, we will need to stimulate new perceptions of interdependence. For the most basic division in the world today is not between communists and non-communists, between blacks and whites, between rich and poor, between young and old—or even between men and women. It is between those who see only the interests of a limited group and those who are capable of seeing the interests of the broader community of mankind as a whole.

When people of my generation were coming of age, we were inspired by a number of leaders who spoke for these broader interests. One thinks of men and women like Wendell Willkie, Eleanor Roosevelt, Adlai Stevenson—and Philip Jessup. It remains for new leaders to pick up the fallen standard of constructive internationalism. They would find, I believe, a ready constituency in the United States—and throughout the world.

QUORUM CALL

Mr. STAFFORD. Mr. President, I move that the Senate stand in recess until the hour of 1:15 p.m.——

Mr. PROXMIRE. Mr. President, will the Senator withhold that motion? I talked to the majority leader a minute ago, and he said he wanted a quorum call first, before we went into recess.

Mr. STAFFORD. Mr. President, I will withhold the motion and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. STAFFORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECESS UNTIL 1:15 P.M.

Mr. STAFFORD. Mr. President, I move that the Senate stand in recess until the hour of 1:15 p.m. today.

The motion was agreed to; and at 12:41 p.m. the Senate took a recess until 1:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. JOHNSTON).

Mr. STAFFORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STAFFORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. JOHNSTON). Without objection, it is so ordered.

THE MATTER OF IMPEACHING THE PRESIDENT

Mr. WILLIAM L. SCOTT. Mr. President, I expect all of us have received a considerable amount of mail urging that the President resign or be impeached. My office has received more than a thousand letters and telegrams within the past 2 weeks that were unfavorable to the President, only about 10 percent of our mail was favorable.

This mail conflicted with what people had told me at home and in visits throughout Virginia. In fact, last Monday, I held an open door in the Richmond office and many people came in highly critical of the media and urging support for the President. It was difficult to know whether people in Virginia who had given the President 70 percent of the vote last fall had now actually lost confidence in him or whether the mail was generated by a segment of the population. To resolve this conflict, I asked several staff members to use both our wats line and regular lines in the office to call people who had written us asking for impeachment or resignation. We thanked them for writing and for their views. They seemed to appreciate our calls and with few exceptions were very polite and responsive. However, we found that only 20 percent of those who wrote had voted for President Nixon last fall and some of these said he was the lesser of two evils. Three percent had not voted or refused to answer and 77 percent had voted for Senator McGOVERN.

The staff talked with 162 people in 21 communities, 125 said they had voted for McGOVERN, 32 for Nixon, 4 did not vote and 1 declined to answer. The calls also indicated that 59 people, or 36 percent, belonged to Common Cause; 16 or 10 percent, said they were members of the American Civil Liberties Union, and 34 people, or 21 percent, volunteered that the Washington Post was the chief source of their information.

Mr. President, these calls indicate that the people who are asking for impeachment are consistent. They did not vote for the President last year and they do not want him this year. Our colleagues in the House who filed impeachment resolutions are also consistent. They also supported Senator McGOVERN last year and now want to impeach the man who defeated him.

President Nixon was elected last year as Chief Executive of our country for a term of 4 years. I am unaware of any charges that would warrant impeachment. While no one would suggest that he is a perfect man, we would have considerable difficulty in agreeing on who should replace him. He has led us to peace, to substantially full employment, a favorable balance of trade, and to an even higher standard of living. The national interest requires that we stop unwarranted criticism of the President and get on with our job of working in the best interests of the people of this country.

I would suggest that those who would destroy the President are harming the country. The liberal left can hawk their wares in next year's congressional elections. They will have another opportunity to gain control of the executive branch of the Government in 1976. The traditional American way to settle our political differences is at the polls on election day. President Nixon received a landslide victory last fall. I would hope that we could stop all unwarranted criticism and permit this man to do the job which the overwhelming majority of the American people elected him to do.

Mr. THURMOND. Mr. President, over the weekend I had the occasion to speak in California, and also in Oklahoma, and I am very pleased to state that the grass-roots sentiment where I went was strongly in favor of the President.

The people do not feel that he has not made mistakes. He has made mistakes. He is human. At the same time, they feel that he has been a good President, and they feel that a radical segment of the news media has not been fair to him, and has not been objective. These people are against impeachment, and they are against his resigning.

I talked to hundreds of people over the weekend, and it is my considered judgment that the great majority of the people in this country, if what I saw in California and Oklahoma is any index, are for the President, and that a lot of the mail that has been coming to Senators and House Members is inspired. I understand it is inspired by the ACLU. I understand it is inspired by Common Cause. I understand it is inspired by the labor bosses in this country. All of these groups wish to get rid of Mr. Nixon. But, as the distinguished and able Senator from Virginia just said, those people were against him anyway. They were against him in the election, and they are still against him. They lost the election, but yet they wish to run the country.

Mr. President, it seems to me it is high time that these people who are trying to disturb the President at every move, who are operating practically a vendetta against him, who are vindictive toward him, and who are castigating him at every opportunity, should now either put up or shut up. I challenge them: If they have grounds for impeachment, let them come forward.

The grounds for impeachment are listed in the Constitution. There are three grounds: Treason, bribery, or other high crimes and misdemeanors. There is no evidence that Mr. Nixon is guilty of any one of those crimes enumerated in the Constitution; but if they think they have grounds for impeachment, I challenge them to bring the proceedings. They can be brought in the House of Representatives, and then Mr. Nixon would be tried here in the Senate, with the Chief Justice of the Supreme Court of the United States presiding.

By keeping on and on against this man—every day, every night, the tirade goes on and on and on, and there is no end to it—we are merely harming our own country. We are harming it because we have only one President. He is the Chief Executive of this Nation. He is the commander of the Armed Forces. He speaks for the United States. He handles the foreign affairs of this Nation, and he has done a good job. When he went in, there were more than half a million fighting men in Vietnam. They have all been brought home. Mr. Nixon wound down the war in Indochina. He brought the prisoners of war home. He has been making every effort to locate and bring home the missing in action who are still alive.

In the Middle East no one, I believe, could have handled this very delicate situation more magnificently than he did in the last 2 weeks. That situation could have been inflamed and intensified until it embroiled the whole world in a war, but Mr. Nixon stood up to the Soviets. I thank God that we had a man with his courage, his knowledge, and his willingness to stand for freedom. He stood up, and as a consequence neither the United States nor the Soviets have sent troops to the Middle East. Smaller nations other than Security Council members are now sending troops to supervise the existing truce there.

There are many other matters—his trip to Red China, his trip to Moscow to bring peace to the world—that show him to be a man of peace. So I hope the American people will demand that the Members of Congress and others who are continually backbiting at this President and trying to do all they can to harass him either bring their charges or let him alone. There are a lot of people in this country who are proud of him.

I owe him no obligation, and if he proves unworthy I will not stand with him. But there have been insinuations and innuendoes, even though, as Mr. Cox himself said before the committee, there has not been one shred of evidence to connect Mr. Nixon with Watergate.

If that is the case, why not let him go about his job and represent America? At this time in history, which is such a critical period, we should stand behind

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our spokesman, who is the President, more strongly than ever before.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

MILITARY PROCUREMENT AUTHORIZATION, 1974—CONFERENCE REPORT

The PRESIDING OFFICER (Mr. JOHNSTON). Under the previous order, the Senate will now proceed to the consideration of the report of the committee of conference on H.R. 9286, which will be stated by title.

The legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 9286) to authorize appropriations during the fiscal year 1974 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each reserve component of the Armed Forces and the military training student loads, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of October 13, 1973, at pp. H9024–H9029).

Mr. STAFFORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that the following staff members on the Armed Services Committee be extended floor privileges during the consideration of the conference report on H.R. 9286, the Military Procurement Authorization bill. T. Edward Braswell, Jr., Don Lynch, Francis J. Sullivan, George Foster, Charles Cromwell, R. James Woolsey, Edward B. Kenney, and Robert Q. Old.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMINGTON. Mr. President, I submit a report of the committee of conference on H.R. 9286 and the House Concurrent Resolution 373, which is intended solely to correct a technical omission in the conference report, and ask for these two items to be given immediate consideration.

The PRESIDING OFFICER. Pursuant to the prior order, the conference report is already before the Senate.

Mr. SYMINGTON. And the concurrent resolution?

The PRESIDING OFFICER. That should be taken care of after disposition of the conference report.

Mr. SYMINGTON. Mr. President, I would make several preliminary observations regarding the conference report on the military procurement authorization bill (H.R. 9286).

The House approved the conference report last Tuesday, October 30. The Senate action, therefore, remains the final step before the bill goes to the President.

The conference report itself (93–497), 50 pages in length, discusses in detail the results of the conference and the reasons for the actions of the conferees with respect to the differences in the bill.

At this point, I am submitting for the RECORD a detailed breakdown of the 41 procurement differences in the bill, known as title I, and the results of the conference on each item.

I am also inserting an itemized list of the 47 language differences between the Senate and the House versions of the bill; and the results of the conference on each item.

I ask unanimous consent to have them printed in the RECORD.

There being no objection, the breakdown and list were ordered to be printed in the RECORD, as follows:

H.R. 9286—MILITARY PROCUREMENT AUTHORIZATION BILL FOR FISCAL YEAR 1974—LANGUAGE DIFFERENCES BETWEEN THE HOUSE AND SENATE-PASSED BILLS

	Item No.	Page of bill	Senate	Page of bill	House
TITLE I—PROCUREMENT					
Senate recedes, Oct. 9.	1	......	None	2	Sec. 101—Air Force, Aircraft Statutory House language which provides tha $172,700,000 of the funds available to the Air Force shall be available for procurement of 12 F-111F aircraft. (Item 10—Procurement.)
Senate recedes Oct. 9.	2	......	None	2	Sec. 101—Naval Vessels. Language specifying that $79 million shall be only for long leadtime items for the DLGN-41 and 42 nuclear frigates and that contracts shall be entered into as soon as practicable unless President advises that their construction is not in the national interest. (Item 29—Procurement.)
House recedes, Oct. 10 (language in last year's bill).	3	18	Sec 101—Navy, Aircraft. Language specifying that not to exceed $693,100,000 shall be available for an F-14 aircraft program of not less than 50 aircraft subject to no increase in the ceiling price of $325,000,000 specified in the F-14 contract except for increases related to incremental technical changes.	......	None.
TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION					
House recedes, Oct. 1.	4	19	Sec. 201—Navy, R.D.T. & E. Language which provides that $60,900,000 is authorized only for the surface effects ships program.	......	None.
TITLE III—ACTIVE FORCES					
Mutual compromise cut of 43,000 agreed, October 11	5	19	Sec. 301—End strengths June 30, 1974: Army .... 803, 806 Navy .... 566, 320 Marine Corps .... 196, 419 Air Force .... 666, 357 End strength shall be reduced by 156,100 as of June 30, 1974. Reduction to be apportioned among Services by Secretary of Defense who shall report to Congress within 60 days on manner of reduction.	3	Army .... 791, 627 Navy .... 565, 912 Marine Corps .... 196, 363 Air Force .... 665, 963 Requiring report by Apr. 1, 1974, from the House Armed Services Committee on the advisability of maintaining present military commitment to Europe.
House recedes with amendment, October 9.	6	20	Sec. 302—Makes permanent law the exclusion of reservists ordered to active duty from computation of authorized strength.	4	House sec. 301 makes temporary law the exclusion of called up reservists from the computation of the active duty ceiling and requires semiannual report from the President on all reserve units ordered to active duty. This includes those on active duty for training.
House recedes, October 9.	....		Sec. 303—Requires semi-annual report from the President on units called to active duty.	......	None.
House recedes with amendment on civilians, Oct. 9.	7	22	Sec. 304—Adds the requirement for Congress to authorize DOD civilian end strengths in addition to military end strengths beginning with fiscal year 1975, as a prior requirement for the appropriations for the civilians. It also requires the statutory manpower requirement report to add (1) civilians (2) the relationship of the support manpower and primary combat missions (3) the manpower required to be stationed overseas. Report required as of Feb. 15 each year.	.....	None.

	Item No.	Page of bill	Senate	Page of bill	House
Senate recedes, Oct. 9.	8	24	Sec. 305—(a) For fiscal year 1974 and fiscal year 1975 authorizes Secretary of Defense to release all military personnel without regard to any provision of law relating to retention or continuation except those between 18 and 20 years of service. (b) Expresses the sense of Congress that manpower reductions should be reduced to the extent practical by the same percentage in each grade. (c) Entitles regular officers released under the authority of this section to severance pay equal to reservists.	......	None.
TITLE IV—RESERVE FORCES					
House recedes with amendment Oct. 11.	9	25	Sec. 401: Naval Reserve .... 121, 481 Coast Guard Reserve 11, 300	5	Naval Reserve .... 116, 981 Coast Guard Reserve 11, 800
TITLE V—MILITARY TRAINING STUDENT LOADS					
House recedes, Oct. 9.	10	26	Sec. 501: Army .... 89, 200 Navy .... 75, 800 Marine Corps .... 28, 000 Air Force .... 55, 100 Naval Reserve .... 17, 400 Marine Reserve .... 6, 700 Provides for reduction in training loads consistent with overall manpower reductions.	6	Army .... 89, 053 Navy .... 75, 647 Marine Corps .... 27, 976 Air Force .... 54, 904 Naval Reserve .... 15, 200 Marine Reserve 5, 600
Senate recedes Oct. 9.	11	27	Sec. 502—Repeals Public Law 86-149 requiring authorization of training loads and training report.	......	None.
TITLE VI—ABM PROGRAM—LIMITATIONS ON DEPLOYMENT					
House recedes, Oct. 9.	12	......	Sec. 601—This section continues limitation on continuing or initiating deployment of an ABM system at any site except Grand Forks Air Force Base, Grand Forks, N. Dak.	......	None.
House recedes, Oct. 11.	13	......	None.	55	House sec. 605—Aspin amendment limits total amount of money authorized for titles I and II of this act $20,445,255,000 and requires Secretary of Defense to report in 30 days on apportionment of reduction.
TITLE VII—ECONOMIC ADJUSTMENT					
Senate recedes, Oct. 9.	14	28	Sec. 701 and 702—McGovern amendment establishes DOD Office of Economic Adjustment and authorizes $50,000,000 to assist communities impacted by Defense changes.	......	None.
Senate recedes, Oct. 9.	15	29	Sec. 703-704—Requires 580-day notification of base closures or curtailments and consultation with local communities. Requires development and implementation of recommendations for economic adjustment. Affects bases employing 500 or more people. Includes non-DOD agencies.	......	None.
Senate recedes, Oct. 9.	16	......	None.	8	Sec. 603—Prohibits multiyear contracts with termination charges greater than $5,000,000.
Senate recedes, Oct. 9.	17	......	None.	9	604—This section codifies 2 provisions of existing law which clarifies the statutory requirement for annual authorization for appropriations for various activities of the Department of Defense. It also eliminates superfluous language and provisions which had been executed and no longer have any force or effect.
TITLE VIII—MILITARY RETIREMENT					
Senate recedes, Oct. 9.	18	30	Sec. 801-806—Hartke amendment provides for recomputation of retired pay based on Jan. 1, 1972 pay rates. Applies to former military members who become age 60 or have 30 percent disability.	......	None.
TITLE IX—STUDY COMMISSION					
House recedes, Oct 9.	19	33	Sec. 901-908—Baker-Bentsen amendment established Defense Manpower Commission for 18 months to study all aspects of military and civilian manpower. Authorizes $2,500,000.	......	None.
TITLE X—NATO STRUCTURE					
Senate recedes, Oct. 9.	20	38	Sec. 1001-1005—Kennedy-Mathias amendment requires continuing review of U.S. forces for NATO and semiannual report to Congress on results. Requires President to consult with NATO allies and requests negotiation with Warsaw Treaty Organization of MBFR.	......	None.
TITLE XI—GENERAL PROVISIONS					
Differences split between Houses ($1126.0M) Oct. 11.	21	......	Sec. 1101—This section establishes a ceiling on funds authorized to be made available for the support of military forces of South Vietnam and Laos during fiscal year 1974. The Senate ceilng is $952,000,000.	7	Sec. 601—Ceiling level is not to exceed $1,300,000.
House recedes, Oct. 10.	22	......	Sec. 1102—Committee language continues restrictions enacted last year to ensure that funding for the C-5A program would be utilized strictly for that program.	......	None.
Senate recedes Oct. 9 (675 limit).	23	44	Sec. 1103—Proxmire amendment prohibits enlisted aides except for 2 per 4-star, 1 per 3-star plus 1 per Chief of Staff.	......	None.
House recedes Oct. 10.	24	44	Sec. 1104—Beall amendment extends the date by 6 months for retirees to sign up for survivor benefits.	......	None.
Senate recedes Oct. 10.	25	45	Sec. 1105—Haskell amendment requiring joint DOD-National Academy of Science study to eliminate chemical warfare agents.	......	None.
Senate recedes, Oct. 10.	26	46	Sec. 1106—Humphrey amendment prohibits funds for aerial acrobatic demonstrations outside the United States.	......	None.

H.R. 9286—MILITARY PROCUREMENT AUTHORIZATION BILL FOR FISCAL YEAR 1974—LANGUAGE DIFFERENCES BETWEEN THE HOUSE AND SENATE-PASSED BILLS—Continued

TITLE XI—GENERAL PROVISIONS—Continued

	Item No.	Page of bill	Senate	Page of bill	House
House recedes, Oct. 10.	27	47	Sec. 1107—Church amendment prohibits use of funds for involvement of U.S. forces in Southeast Asia unless specifically authorized by Congress.	......	None.
House recedes, Oct. 10.	28	47	Sec. 1108—Proxmire amendment requiring prior Congressional approval before the government is committed to contractor advances in funds in excess of $20,000,000.	......	None.
Senate recedes, Oct. 10.	29	48	Sec. 1109—Eagleton amendment restricting expenditure of procurement funds for AWACS until Comptroller General of the United States has studied and reported to Congress on defense cost effectiveness studies.	......	None.
House recedes, October 10.	30	49	Sec. 1110—Eagleton, Aiken amendment which amends the National Industrial Reserve Act to require maintenance of an essential nucleus of government-owned plants and an industrial reserve of machine tools and other industrial manufacturing equipment.	......	None.
Senate recedes, Oct. 10.	31	53	Sec. 1111—Humphrey amendment—sense of Congress that DOD conserve petroleum. Requires report within 30 days on action taken.	......	None.
Senate recedes, Oct. 10.	32	54	Sec. 1112—Humphrey amendment authorizes use of DOD escorts, bands and services for 1 week in support of Senate Youth Program.	......	None.
House recedes, Oct. 10.	33	54	Sec. 1113—Goldwater amendment directs study of merger of Air Force Reserve and Air National Guard. Report by Jan. 31, 1975.	......	None.
House recedes, Oct. 10.	34	55	Sec. 1114—Dominick amendment—sense of Congress that DOD cut petroleum consumption 10 percent.	......	None.
Senate recedes, Oct. 10.	35	56	Sec. 1115—Bartlett amendment directs DOD to request retiring employees for suggestions on procurement practices. All suggestions submitted to HASC and SASC.	......	None.
House recedes....	36	57	Sec. 1116—Jackson-Nunn amendment request reduction after 12 months of U.S. forces in Europe by the percentage that fiscal year 1974 military balance of payments deficits were not offset by the NATO allies. Requires quarterly report to Congress. Deficit to be determined by GAO. Urges allies to pay more budget costs.	......	None.
House recedes, Oct. 10.	37	58	Sec. 1117—Thurmond amendment prohibits procurement of other than American goods unless consideration has been given to labor surplus areas, small businesses, other business firms in United States, U.S. balance of payments, costs of shipping, foreign duties, surcharges, etc.	16	House sec. 606 – Prohibits procurement of other than American goods without consideration of unemployment, unemployment compensation or welfare, loss of tax revenue, loss to money supply, cost of shipping and inspecting, foreign duty surcharge, etc. Requires OMB to develop a reporting system and report to Congress.
House recedes, Oct. 10.	38	60	Sec. 1118—Thurmond amendment authorizes Secretary of Defense to provide medical emergency helicopter transportation for civilians. Limits individual liability.	......	Identical bill H.R. 7139 passed House May 21, 1973.
Senate recedes, Oct. 11.	39	61	Sec. 1119—Humphrey amendment reduces overseas deployment by 110,000 by Dec. 31, 1975 not less than 40,000 by June 30, 1974. Excludes shipboard personnel.	......	None.
Senate recedes, Oct. 10.	40	62	Sec. 1120—Stevens requires DOD study and report on extending payments of quarters housing and cost of living allowances to junior enlisted personnel.	......	None.
House recedes, Oct. 10.	41	63	Sec. 1121—Jackson amendment for Admiral Rickover promotion to 4 stars on retired list.	......	Identical bill H.R. 1717 passed House June 19, 1973.
House recedes, Oct. 10.	42	63	Sec. 1122—Jackson amendment extends military credits to Israel until Dec. 31, 1975. Extends 1970 Defense Procurement Act.	......	None.
Senate recedes, Oct. 10.	43	63	Sec. 1123—Dole amendment prohibits any use of funds for North Vietnam or Viet Cong until President has certified that parties have complied with peace agreement provisions regarding graves registration and information on missing in action.	8	House sec. 602 prohibits direct or indirect use of funds for any economic or military aid for North Vietnam during fiscal year 1974
House recedes, Oct. 10.	44	64	Sec. 1124—Goldwater amendment authorizes a maximum of 25 officers per Military Department per year to attend law school.	......	None.
Senate recedes, Oct. 10.	45	67	Sec. 1125—Byrd amendment prohibits loan settlement with India unless all loans are paid or Congress authorizes lesser amount of settlement.	......	None.
Senate recedes, Oct 10.	46	67	Sec. 1126—Dole amendment—sense of Coogress urging early release of military doctors to communities with medical shortage if DOD medical needs can still be met.	......	None.
House recedes, Oct. 9.	47	69	Sec. 1127—Magnuson amendment providing for operation of 8 public health service hospitals.	......	None.

H.R. 9286—MILITARY PROCUREMENT AUTHORIZATION BILL FOR FISCAL YEAR 1974—TITLE I—PROCUREMENT—SUMMARY OF HOUSE AND SENATE DIFFERENCES

[In millions of dollars]

	Item	Authorization request		House		Senate		Difference (House-Senate)		DOD reclama		Conference	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
	Aircraft:												
	Army:												
1	U-21 utility transport	20	12.2	20	12.2			−20	−12.2	20	12.2		
2	Aircraft spares		25.1		25.1		24.3		−0.8		24.3		24.3
	Programs not in dispute				143.7		143.7				143.7		143.7
	Total		181.0		181.0		168.0		−13.0		180.2		168.0
	Navy:												
3	EA-6B electronic warfare acft	6	116.6	6	116.6	6	101.6		−15.0	6	106.6	6	101.6
4	A-7E attack acft	42	166.9	42	166.9	42	152.1		−14.8	42	152.1	42	152.1
5	AV-8A/STOL acft	12	43.3	12	43.3	12	37.3		−6.0	12	37.3	12	37.3
6	F-14A fighter acft	48	572.0	50	703.0	50	693.1		−9.9	50	693.1	50	693.1
	Aircraft	(48)	(455.0)	(50)	(594.5)		(584.9)						
	Advance proc		(75.8)		(55.0)		(55.0)						
	Spares		(41.2)		(53.5)		(53.2)						
7	T-2C trainer acft	24	32.5	24	32.5		6.4	−24	−26.1	24	32.5	24	32.5
	Aircraft	(24)	(32.1)	(24)	(32.1)		(4.6)						
	Spares		(0.4)		(0.4)								
	Programs not in dispute				1,896.0		1,896.0				1,896.0		1,896.0
	Total		2,958.3		2,958.3		2,886.5		−71.8		2,917.6		2,912.6
	Air Force:												
8	A-7D attach acft					24	70.1	+24	+70.1			24	70.1
9	A-10 (AX) adv. proc		30.0		30.0				−30.0		30.0		
10	F-111F fighter			12	172.7	12	158.8		−13.9	12	184.6	12	158.8
	Aircraft			(12)	(165.5)	(12)	(151.6)						
	Spares				(7.2)		(7.2)						
11	F-5A	116	69.3	116	69.3		28.3	−116	−41.0	116	69.3	116	69.3
12	F-15	77	918.5	39	587.6	77	918.5	+38	+330.9	77	918.5	77	918.5
	Aircraft	(77)	(801.9)	(39)	(511.8)	(77)	(801.9)						
	Spares		(116.6)		(75.8)		(116.6)						
13	T-41D trainer	3	0.1	3	0.1	1	(1)	−2	−.1	1	[1]	1	(1)
14	UH-1H helicopter	308	96.7	308	96.7	180	56.5	−128	−40.2	308	96.7	180	56.5
15	Aircraft modification												
15a	B-52 mods		238.5		238.5		223.0		−15.5		238.5		223.0
15b	Operational necessity mods		20.0		20.0				−20.0		20.0		
16	Aircraft spares (C-130 E)		11.6		11.6		2.3		−9.3		2.3		2.3
17	Common ground equip		82.0		82.0		76.5		−5.5		82.0		76.5
													−41.0
	Programs not in dispute				1,430.6		1,430.6				1,430.6		1,430.6
	Total		2,912.8		2,739.1		2,964.6		+225.5		3,072.5		2,964.6
	Missiles:												
	Army:												
18	Lance missile		83.7		83.7		79.0		−4.7		79.0		79.0
19	Pershing missile		53.8		53.8		49.3		−4.5		53.8		49.3
20	AN/TSQ Air Def. Cmd. and control		10.5		10.5		6.2		−4.3		10.5		10.5
	Programs not in dispute				426.2		426.2				426.2		426.2
	Total		599.9		574.2		560.7		−13.5		569.5		565.0
	Navy:												
21	UGM-73A Poseidon		211.0		211.0		175.4		−35.6		205.0		205.0
22	AIM-9H Sidewinder		16.3		16.3		14.8		−1.5		14.8		14.8
23	AGM-84A Harpoon adv. proc		19.0		19.0		14.1		−4.9		16.0		14.1
24	AGM-87A Bulldog						12.5		+12.5				12.4
	Programs not in dispute				433.9		433.9				433.9		433.9
	Total		680.2		680.2		650.07		−29.5		669.7		680.2
	Marine Corps: Programs not in dispute		32.3		32.3		32.3				32.3		32.3
	Air Force:												
25	LGM-30 Minuteman		401.2		401.2		355.4		−45.8		355.4		355.4
26	AGM-45A Shrike		11.0		11.0		8.8		−2.2		8.8		8.8
27	AGM-65A Maverick		107.1		107.1		97.2		−9.9		107.1		107.1
28	AGM-69A SRAM		136.7		136.7		131.1		−5.6		131.1		131.1
	Programs not in dispute				917.2		917.2				917.2		917.2
	Total		1,573.2		1,573.2		1,509.7		−63.5		1,519.6		1,519.6
	Navy shipbuilding and conversion:												
29	DLGN nuclear frigate adv. proc				79.0				−79.0				79.0
30	SCS sea control ship adv. proc		29.3		29.3				−29.3		29.3		29.3
31	SSBN Poseidon conversions	5	229.8	2	79.9	2	116.2		+36.3	2	116.2		116.2
32	DLG guided missile frigate conversions	2	93.7	2	73.7	2	58.1		−15.6	2	68.7		58.1
33	Escalation		196.7		174.0		102.1		−71.9		173.9		102.1
	Programs not in dispute				3,352.3		3,352.3				3,352.3		3,352.3
	Total		3,901.8		3,788.2		3,628.7		−159.5		3,740.4		3,737.0
	Tracked combat vehicles:												
	Army:												
34	M60A1 tank	360	99.4	360	99.4	240	66.4	−120	−33.0	360	99.4	360	99.4
	Programs not in dispute				93.9		93.9				93.9		93.9
	Total		201.7		193.3		160.3		−33.0		193.3		193.3
	Marine Corps: Programs not in dispute		46.2		46.2		46.2				46.2		46.2
	Navy torpedoes:												
35	Torpedo MK-48	500	164.3	500	164.3	500	159.3		−5.0	500	159.3	500	159.3
36	Captor		11.6		11.6				−11.6		4.9		
	Programs not in dispute				44.0		44.0				44.0		44.0
	Total		219.9		219.9		203.3		−16.6		208.2		203.3
	Weapons and other combat vehicles:												
	Army:												
37	M219, 7.62 machinegun	1,875	8.5	1,875	8.5	1,572	7.2	−303	−1.3	1,875	8.5	1,572	7.2
38	M60 machinegun	6,000	4.5	6,000	4.5			−6,000	+4.5	6,000	4.5	3,600	2.7
39	M16 rifle	31,000	3.1			31,000	4.2	+31,000	+4.2	31,000	4.2	22,620	3.1
	Programs not in dispute				31.7		31.7				31.7		31.7
	Total		51.3		44.7		43.1		−1.6		48.9		44.7
	Navy:												
40	MK22 machinegun	100	0.8	100	0.8			−100	−0.8				
41	CIWS Phalanx		13.0		13.0		5.0		−8.0		9.0		4.0
	Programs not in dispute				28.1		28.1				28.1		28.1
	Total		41.9		41.9		33.1		−8.8		37.1		37.1
	Marine Corps: Programs not in dispute		0.7		0.7		0.7				0.7		0.7
	Grand total				13,073.2		12,887.9		−185.3		13,263.2		13,104.6

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[1] Less than $50,000.

Note: ( ) indicates nonadd items. Amounts are included in appropriate numbered items.

Mr. SYMINGTON. Mr. President, there were 26 language additions inserted by the Senate for which there was no comparable version in the House bill. This total compares with five language differences in the House version which had no comparable version in the Senate bill. The remaining number had comparable provisions, with some differences in each version.

The point I make, Mr. President, is that due to a large number of additions made in the Senate, the Senate conferees carried a heavy responsibility in attempting to secure acceptance of these items with the House. I shall discuss these later during these remarks.

With respect to research and development, the conference report on pages 32–33 contains a detailed chart which sets forth the 60 differences in the major R. & D. activities; also the resulting adjustments of the conferees.

DISCUSSION OF FUNDING DIFFERENCES

Summary figures: The figure recommended in the conference report for procurement and R. & D. is $21,299,520,000. This is a reduction of $659.6 million below the authorization request of $21,959.1 billion.

The total figure the conference report recommends is $13.1 billion for procurement and $8.2 billion for R. & D.

DISCUSSION OF PROCUREMENT DIFFERENCES—TITLE I

The Senate is familiar with the bill as originally passed by this body. The easiest way to explain the difference is that, with certain minor exceptions, all procurement items passed by the Senate were retained. In addition, there was a total of $216.7 million which the conferees agreed to add to the Senate version. Principally, and in summary, these were as follows:

Poseidon missile, $35.6 million.

DLGN nuclear frigate adv. proc., $79 million.

SCS Sea Control Ship adv. proc., $29.3 million.

M–60A1 tank, $33 million.

Let us note that the entire bill for procurement and R. & D. was $351.9 above the Senate bill. This includes $135.2 million for research and development.

The bill as finally agreed to is $95.5 million below the bill as reported by the House Armed Services Committee, and $351.9 million above the Senate bill.

One of the more significant features of the bill was the House floor amendment which imposed a ceiling of $20.4 billion on titles I and II. This amendment was $949.7 million below the various items reported by the House. This House floor amendment did not specify where the cuts were to be made in terms of line items.

The House conferees receded from the House floor amendment. When said amendment was deleted, what was then before the conferees was the bill as reported by the House. As stated, the various line items totaled $949.7 million above the ceiling imposed by the House floor amendment.

DISCUSSION OF R. & D. DIFFERENCES—TITLE II

Let us refer briefly to the R. & D. portion of the bill, title II. The able Senator from New Hampshire, Senator McIntyre, chairman of the Research and Development Subcommittee, as he has done in past years, assumed the leadership in working out the differences in the R. & D. portion of the bill. The Senate version was $262 million below the House, of which $100 million was represented in a reduction of the B–1 aircraft program in the Senate committee.

The conferees finally agreed to a reduction of $25 million for the B–1. The remaining differences were compromised in such a way that the final version of the bill and the R. & D. authorization was $127 million below the House-passed total. The final figure agreed upon for R. & D. was $8.1 billion.

LANGUAGE DIFFERENCES

As presented, the conference report discusses in detail the resolution of the language differences. I now discuss briefly some of the principal issues involved in these provisions.

NATO AMENDMENTS

The House accepted the Jackson-Nunn amendment, which requires, under a formula set forth, a reduction in the U.S. forces in Europe unless our allies contribute more toward offsetting the balance-of-payments deficits in Europe.

The House was adamant in refusing to accept the amendment which would have reduced overseas deployments by 110,000 by December 31, 1975, of which not less than 40,000 would be reduced by June 30, 1974. As the Senate will recall, this amendment applies worldwide, not just to NATO. The current war in the Middle East obviously had some effect on the tone of the conference with respect to this amendment, as well as various other differences between the two bodies on the entire bill.

RECOMPUTATION AMENDMENT

The House also was adamant in not accepting the so-called one-shot recomputation provision, passed last year also by the Senate. The issues on this matter are well-known.

MANPOWER COMMISSION

The House conferees accepted the Baker-Bentsen amendment establishing a Defense Manpower Commission for 24 months so as to study all aspects of military manpower.

CIVILIAN AUTHORIZATION FOR THE DEPARTMENT OF DEFENSE

The House conferees accepted the Senate language requiring an annual authorization of the number of civilians employed in the Department of Defense for each fiscal year.

SOUTHEAST ASIA FUNDING

The Senate had reduced the fiscal year 1974 authorization for funding for South Vietnam and Laos to $952 million—the premise being that we were told the war was over—as compared to the $1.3 billion in the House version. The final conference agreement was $1,126 million.

ACTIVE DUTY MANPOWER ADJUSTMENT

As the Senate will recall, the Senate had reduced the total active duty end strength for June 30, 1974, to 2,077,000—a reduction of 156,100. The House reduced this request by only 13,000. After long discussion the conferees agreed to a reduction of 43,000 below the requested strength. This final figure will be 2,190,000. The reduction will be apportioned by the Secretary of Defense. The Secretary must report to the Congress the way he apportions within 60 days of enactment of this bill.

The foregoing remarks summarize the principal features of the conference report. I respectfully request the Senate to adopt the report, together with the concurrent resolution.

Mr. President, I ask for the yeas and nays on the conference report.

The PRESIDING OFFICER (Mr. Johnston). Is there a sufficient second (putting the question). There is not a sufficient recond.

The yeas and nays were not ordered.

QUORUM CALL

Mr. SYMINGTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMINGTON. Mr. President, I yield to the able ranking minority member of the committee.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I rise in support of the conference report accompanying H.R. 9286, the fiscal year 1974 military procurement authorization bill. This legislation amounts to approximately $21.3 billion for expenditures for military hardware and research and development. It represents a reduction of $659.6 million from the total authorization request of $21,959.1 million submitted by the Defense Department earlier this year.

Mr. President, I would hope the Senate would move expeditiously in agreeing to this report. Its passage is necessary in order that the Congress can move on with the defense appropriations bill.

As the Senate knows, it was not possible for the Senate conferees to obtain the concurrence of the House in the many language amendments added to the Senate bill in approximately 2 weeks of floor debate. However, on balance, it appears to me the Senate conferees held a large number of these amendments and important changes will result from this legislation.

The Mideast war and the resultant expenditures in the movement of U.S. forces and replacement of losses by Israel will place unexpected strains on our procurement budget. However, it is pleasing to me that in the procurement area this bill contains many of the programs most essential for our national security.

Mr. President, in closing I wish to commend all of the Senate and House conferees for the outstanding work they performed in conference. I wish to especially commend the distinguished Senator from Missouri (Mr. Symington) who presided as the chairman of the committee for the able and fair manner in which he handled this bill.

As a whole it is my belief this bill reflects a fair consensus between the two bodies and is legislation which will help maintain our military credibility in the face of a rapidly expanding Soviet defense establishment.

Mr. SYMINGTON. Mr. President, I should like to thank the able ranking minority member of the committee for his remarks. He and I did not agree on everything in the bill. And we do not agree on everything in the bill at the present time. The Senator is eminently fair. It has been a privilege for me to work with him not only on the conference committee but also on the bill when the regular chairman of the committee was not able to be with us.

SECTION 806 OF THE MILITARY AUTHORIZATION PROCUREMENT CONFERENCE REPORT

Mr. PROXMIRE. Mr. President, I understand that a question has been raised as to whether section 806 of this bill as reported by the conference committee will restrict the authority of the Defense Department to indemnify its contractors against unusually hazardous conditions or nuclear risk. The Defense Department has had such authority for many years and it has proven extremely valuable in the successful conduct of many of its essential programs involving nuclear ships, weapons systems, and airlift.

It could well have been necessary to use this authority to assist in achieving a cease-fire in the recent Middle East war. Our airlift of vital military supplies and equipment to the State of Israel was conducted by military aircraft alone.

However, if hostilities had continued, the situation might have required us to supplement our military capacity with civilian aircraft. If this had come to pass it would have been essential that the Defense Department be in a position to extend indemnification protection to these civilian companies.

My intention in introducing the original provisions now found in section 806 was to place a restriction on the amounts of fixed obligations, as represented by but not limited to loans and guarantees, contract adjustment authority and other emergency or unusual powers, incurred or envoked by the Department in connection with the statutes which are the subject of section 806 provisions. Indemnification on the other hand involves no specific dollar commitment. The ultimate liability of the Government could be more or less than the monetary limitations set forth in the provisions. It is impractical to place a fixed ceiling on indemnification. To do so would negate the effectiveness of that authority.

Accordingly, I am making this statement in order to avoid any misinterpretation of the scope of intended application of section 806. Emergency situations are extremely rare but one cannot discard the possibility that others may arise in the future, giving need to grant immediate indemnification coverage. These situations, nonetheless, should be immediately reported to Congress.

It was never my intention to restrict the indemnification authority under Public Law 85–804 of the Defense Department and other departments and agencies of the Government. I think it important, therefore, that a statement for the record be made at this time that any interpretation of section 806 to so restrict authority to grant indemnification would go beyond the intent and thrust of my amendment.

It is my understanding that this statement is consonate with the position of the Office of the Secretary of Defense and the Navy, which have expressed interest in clarifying this point.

Mr. McINTYRE. Mr. President, I would like to join with my distinguished colleague from Missouri and with the other members of the conference committee in recommending full support of the conference report on the fiscal year 1974 military procurement authorization bill. Senator Symington, acting for the chairman of the Armed Services Committee, did an outstanding job of leading the managers on the part of the Senate, of which I was privileged to be a member, in working out the differences with the House between the two versions of the bill. I should also state that the presence of our esteemed chairman, Senator Stennis, and his participation in the proceedings contributed substantially to the success of the conference. In my recollection the differences between the House and Senate versions of the bill, particularly in the language provisions, were more numerous than ever before. Nonetheless, this did not impede the orderly and constructive progress which brought the conference to a relatively rapid and mutually satisfactory conclusion.

I should like to address a few comments to the research and development portion of the bill, which largely represents the product of the Research and Development Subcommittee, of which I am chairman. In terms of total dollars, the conference report recommends authorization of $8,194,885,000. This compares with the House bill which authorized $8,321,797,000 and the Senate bill which provides $8,059,733,000. The conference recommendation essentially splits the difference between the House and Senate versions, and is $363 million below the budget request of $8,557,900,000.

I am pleased to report that the House accepted the Senate position on the major substantive items in research and development. In partially restoring the amounts reduced by the Senate for the B–1 aircraft, the subsonic cruise armed decoy, and the strategic cruise missile, the objectives of the Senate reductions remained intact. This also applies to the Army light area defense system, site defense program, and the advanced forward area air defense program. The specifics are detailed in the conference report. The House receded on the surface effects ships program and agreed with the actions of the Senate which reduced the program from $72.8 million to $60.9 million and imposed restrictive language limiting the use of these funds to the surface effects ships program.

The House approved the bill as recommended by the conferees last week without change and I strongly urge that the Senate do likewise.

Mr. CHILES. Mr. President, perhaps I have become oversensitive now that my Ad Hoc Procurement Subcommittee has begun hearings, but, ever since I served as a member of the Procurement Commission, much information has come to my attention about what is really wrong with the way we do military procurement and develop new weapon systems. The Commission report on major systems acquisition, to me, is a thoroughly sober assessment of our problems and the solutions that I intend to make a high-priority piece of subcommittee business next session. But, right now, I cannot help but comment on a glaring case in the conference report provisions on research, development, test, and evaluation—R.D.T. & E.—for close air-support weapon systems, page 37, and what they mean to procurement.

The Air Force originally requested $8 million to begin engineering development of a laser missile seeker for the Maverick missile. The House approved the request but the Senate rejected it. Instead, the Senate overruled a decision by the Director of Defense Research and Engineering—D.D.R. & E.—that there should be a three-way competition between the Army, Navy, and Air Force to find the best seeker in a hardware test.

Under the D.D.R. & E. plan, the winning seeker would have been used by all the services: Army, Navy, Air Force, and Marines.

The Senate Armed Services Committee picked the Navy Seeker for the Bulldog; directed its use in the Air Force Maverick; and told the Army to see if they could use it in their Hellfire missile provided it could meet Army requirements. They did this because the competition would have taken more time and cost more money, an additional $2.9 million, according to the Senate report.

The conference report reflects that decision, making $3 million available for integration of the Navy Seeker.

But the net effect of what we have done is this:

First. We have suffocated competition between the services and between the private companies, and

Second. We have guaranteed duplication where commonality was possible by giving the Army an out.

Now, I do not know all the details as to why this action was taken. Perhaps the plan advanced by the Department of Defense—DOD—was not advisable in every respect or had taken too long to get an agreement between the military services. Perhaps the Army, Navy, and Air Force programs should have been consolidated through competition earlier. Nevertheless, from my understanding of the situation, what this conference report does is highly damaging in its own right—and that is what concerns me.

From a system acquisition process standpoint, we have taught everyone some very bad lessons.

We have taught the military services to subvert direction from the Office of Secretary of Defense—OSD—to develop common weapons. We have taught them to hold on and push for their own parochial developments because, in the end, when the pressure is on, there is a good chance they will all get their own systems anyway. We have taught them to depend on the requirements process to prove that they need something different from the other services, putting even more emphasis on technical and performance requirements that have driven up company promises and weapon costs along with them. We have taught them to rely on the requirements process to define what they each "need" instead of an open competition to find what they can all use. As the Procurement Commission stated in its report:

> Early acquisition plans concentrate on a "needed" new system and a preferred system approach with inadequate attention to why any new capability is needed at all and what that capability is worth. One of the reasons new systems have been more and more complex and costly is that current acquisition procedures tend to say "this is what we need" from the outset, in accommodating a host of stipulations on system characteristics and performance.

We have taught the companies in the aerospace industry that promise is more important than performance by cutting off a hardware competition and fly-off. We have taught them that entreaties sent to Capitol Hill may pay off more than good weapons sent to the testing grounds. The Procurement Commission recommendations led to the summary statement that:

> Contractors must enter a competitive arena that rewards suppliers who are held responsible for creating and demonstrating the best system according to their own business and technical judgments. Competition should involve innovative products that must demonstrate that they meet the Government's need at the lowest cost, not an undeveloped but

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already defined system at the price needed to win.

In its fiscal year 1972 authorization report, the Armed Services Committee endorsed such competition, saying:

> It would be far more desirable for the Nation to be able to have alternative weapon systems and technical approaches from which to choose those systems best designed to accomplish the most important military missions before a large financial commitment has been made. In this context it is encouraging that the Department of Defense has announced an intention to develop experimental prototypes of new aircraft and other weapon systems and components without a prior commitment to production.

And we have taught ourselves here in the Congress—yet once again—that we do not have an effective framework of control for the Defense budget. While our decision for billion dollar boats boils down to whether we want the first one in 1978 or 1980, our decisions on an $8-million R. & D. request boils down to picking alternative laser seeker heads with different instantaneous field of view, different control circuitry, and different acquisition range requirements. Can we exercise the same erudite technical expertise on the rest of the $8 billion R.D.T. & E. authorization as we did on this $8-million item? Senator McINTYRE himself has stated that the Research and Development Subcommittee was lucky if it could consider even 15 percent of the 4,000 projects. I sympathize greatly with his position. Again the Procurement Commission stated:

> Congress and its committees have become enmeshed at a detailed level of decision-making and review that disrupts programs, denies flexibility to those responsible for executing programs, and obscures Congress' view of related higher-order issues of national priorities and the allocation of national resources.

And we have started again to reteach a lesson that I thought was only recently unlearned: The lesson of false economy in R. & D. I thought that after David Packard left the Pentagon, everyone had learned that we do not save money in the long run by cutting off competition in the front end of the process: That what small extra price we pay for competition and testing today will be returned many times over tomorrow when the cost overruns, unknown technical problems, and defective systems get into production.

Mr. President, I am not going to raise any objections to this bill because there are so many other considerations involved. But I do hope that Senator McCLELLAN takes this situation into account when his Defense Appropriations Subcommittee takes up the DOD appropriations.

THE $375,000 FRISBEE FLARE FAILURE

Mr. PROXMIRE. Mr. President, it is only proper that today as the Senate debates the military authorization procurement conference report, we consider just how rock bottom this budget is.

We have heard over and over that this military budget is as low as possible without cutting away essential strength. We have been told that there are no "pockets of fat" in this budget—no money to be saved.

Just how absurd these statements are is confirmed by the Navy Frisbee Flare program.

Beginning in 1969, the Navy has spent $375,000 on testing the popular Frisbee for its aerodynamic qualities as a flare. Two different testing authorities used wind tunnels, computers, special cameras, a motion analyzer and outsider consultants from MIT and Notre Dame University to test Frisbees for military applications.

First the Navy authorized computer tests and wind tunnel examinations of the Frisbee. When these proved inconclusive, the project was moved to Hurricane Mesa in Utah for practical testing. A special launcher was developed to throw the Frisbee over the cliff. The tracking camera recorded its flight. The results, as published in a 207-page report, were "somewhat spectacular and unexpected," a euphemism for test failures due to erratic and uncontrollable flight patterns.

The report concluded:

> While not successful in producing quantitative data, not too much had been expected, and these tests were valuable because they did provide qualitative validation of the math models and insight into the dynamic criteria, revealed problems in flare design, gave experience in field testing and data collection, and led to experience in data reduction.

For $375,000, the Navy received insight, experience, and data collection. But no flare.

Mr. President, every time the statement is made that this defense budget is rock bottom, I hope we will remember the Frisbee flare program. If it were not the taxpayers money, it would be humorous.

Although this particular incident has been reported several times, one of the best accounts comes from the Los Angeles Times by Mike Quinn. From this article and the original report come the quotes in my remarks. I ask unanimous consent that the Mike Quinn article in the Los Angeles Times of November 1, 1973 be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Nov. 1, 1973]

HOW FRISBEE FAILED ITS NAVY PHYSICAL

(By Mike Quinn)

NEW YORK.—In June, 1969, U.S. Navy project N–00164–49–C–0662 began. The Naval Ammunition Depot in Crane, Ind., and the government and aeronautics products division of Honeywell, Inc., of Hopkins, Minn., began research on an "Aerodynamic Analysis of the Self-Suspended Flare."

About $375,000 later the two groups had run exhaustive tests, using: a subsonic wind tunnel, a CDC–6600 computer terminal, a Honeywell computer network teletype computer terminal, several cameras, a semiautomatic motion analyzer, consultation from Massachusetts Institute of Technology, and Notre Dame University, and a test facility at Hurricane Mesa in Utah.

The team determined that a Frisbee could not be used as military hardware.

That's right. A Frisbee—the round plastic toy that costs $1.59 at the corner store, put out by Wham-O Manufacturing Co. of San Gabriel.

"Wham-O's feelings were mixed about this program," a company spokesman, Goldy Norton, said. "Primarily, the frisbee is a fun thing. We weren't overly thrilled with the idea of its being used as a weapon. Very honestly, from the company's standpoint, our primary market is the 16-to-30-year-old age group. This would be called the antiwar generation. If the Frisbee were adopted as an article of war, it wouldn't help us any."

But the Pentagon, which did not notify the company of its plans, was not to be denied. A Navy spokesman said it now costs about $50 for each intermediate-length flare parachuted from an airplane. The Navy was looking for a cheaper, more efficient way. Flares are used to illuminate battlefield areas at night and have a peace time application in such missions as search and rescue.

So, in Crane, Ind., the Frisbee began and eventually resulted in a 207-page report. (It may be purchased for $3 from the National Technical Information Service, Springfield, Va. 22151. Ask for Publication AD–74017).

The objective of the research according to the report, was ". . . to develop an air-launched flare concept which would utilize gyroscopic stabilization of the case of a disk-shaped flare to retard the descent of the flare sufficiently to provide intermediate-term illumination (without the parasitic weight and volume of conventional parachute flares)."

The testing of the Frisbee, as well as clay pigeons and other circular objects, was divided into three general areas. The actual research was done between June, 1969, and June, 1970, and the report was published last year.

In an "acknowledgement/disclaimer" at the beginning of the report, it is noted: "It is recognized that the name 'Frisbee' is a copyrighted trademark of the Wham-O Corp. Therefore, the more precise and legally correct way to describe the domed, cupped configurations studied herein would be the terms 'Frisbee-like configuration,' etc. However, in the interest of brevity and clarity, especially on figures, this report will define the word 'Frisbee' to mean 'Frisbee-like configuration.' Therefore, 'solid Frisbee' would refer to a Frisbee-like configuration whose top is domed similarly to the 'Frisbee' but whose bottom surface is filled in flush, etc."

The first approach that was tried placed an aluminum Frisbee in a wind tunnel. It was held in place by a piece of metal. "The results of these tests correlated fairly well with each other and with preliminary estimates and with some available discus data," the report noted. In other words, not much happened.

Next, the researchers tried a spring-mounted Frisbee, but they found that the spring introduced such as wobbling and swaying. For that matter, the solid mounting did not bring very good results.

Then, the project was moved to Utah, but not before the researchers ran a program through a computer. According to their calculations, if a Frisbee were launched at a speed of 50 feet per second from a 2,000-foot cliff, it would be airborne for a little more than 20 seconds and would travel forward about 1,000 feet.

In one of its best moments the report noted: "Satisfaction of the processional criteria represents simultaneous satisfaction of a relatively precarious simultaneous conditional equilibrium condition or coming close enough that the error from equilibrium causes an acceptably slow divergence from a straight flight." In other words, it is desirable to have a large, relatively light disk spun at a high speed and traveling at a low speed through the air.

At Hurricane Mesa the tests were not to be just throwing a Frisbee off a cliff. The Denver Research Institute designed and constructed a special Frisbee launcher that was to be used in planes if the project succeeded.

On hand also were a tracking camera to follow the flight, a data camera recording box, a panoramic motion picture camera and timing devices. Along the mesa floor were five-foot, red-and-white striped tracking poles.

As the report noted, "The results of the Hurricane Mesa tests were somewhat spectacular and unexpected." What happened was that the circular objects tended to take off like a jet plane when fired from the launcher. Their path was erratic and could not be controlled.

The report also noted: "While not successful in producing quantitative data, not too much had been expected, and these tests were valuable because they did provide qualitative validation of the math models and insight into the dynamic criteria, revealed problems in flare design, gave experience in filed testing and data collection, and led to experience in data reduction."

In other words, the project was scrapped—but everyone had a good time while it was on.

Mr. DOLE. Mr. President, the events and tensions which grew out of the latest Arab-Israeli war are appropriate subjects for consideration as the Senate takes up the military procurement conference report.

A TIME OF PEACE

At the outset it should be recognized that we are living in a time which is unusual in the recent history of this Nation. We are at peace. No U.S. troops are engaged in combat in Southeast Asia, for the first time since the early 1960's. Our forces, throughout the world, are performing the duty of maintaining a watchful alert over their areas of responsibility—from Minuteman missiles crews in chambers deep underground in North Dakota, to soldiers on manning watchtowers along the Berlin Wall, to sailors aboard nuclear submarines cruising the ocean's depths. They are performing well, and their service today is no less important or critical to this country than it was in the days of Khe Sanh, Pork Chop Hill, Anzio, or hundreds of other occasions when America has been at war.

OTHER NEEDS FOR FUNDS

But times of peace are difficult times when it comes to maintaining the support necessary to assure adequate resources and capabilities for our defense forces. When we are not at war, it is easy to look at the Military Establishment as an unnecessarily oversized drain on the limited finances available for other worthwhile national purposes. Aircraft, tanks, vessels, and armaments can readily be translated into health programs, old age assistance, handicapped rehabilitation, and countless other endeavors. And seen in a peacetime setting, it is often difficult to appreciate the necessity for continued expenditures on the machines of war.

Our history has demonstrated the hazards of too little peacetime attention to defense needs—particularly in the period between World War I and Pearl Harbor. But I would hope that the era following the Vietnam conflict will be remembered as a time when the coming of peace was not marked by a subsequent weakening of our national defense capabilities.

CRISIS AVERTED

If any Member of the Senate needed a reminder of the peacetime importance of our Defense Establishment, no more vivid or timely example could have been found than in the near-confrontation which arose from the Middle Eastern situation last month.

All the details and information have not yet been made public, but from the available knowledge of those critical days a clear picture has emerged of a major crisis with the Soviet Union being averted in part because the President was able to back up America's diplomatic position with a clear, creditable and understandable military capability. I would not characterize this capability—expressed in the worldwide alert of U.S. Forces—as a threat. The relationships involved in the situation were too sophisticated and complex for resort to bluff-threat theatrics. Rather, it was an indication, a signal that this country was firm in its position, serious in its resolve, and willing to tolerate no misinterpretation of its position.

But because our forces are strong and because their capacity to perform is unquestioned the message came through; and a situation, which could have expanded far beyond the bounds of the Arab-Israeli conflict, was defused and depressurized before it had a chance to get out of control.

POTENTIAL CRISIS ANYWHERE

In considering last month's events we should carefully separate the Israeli-Arab issues from those involving the United States and Russia. They are not the same, not really related, for this situation could have arisen anywhere in the world that American and Russian interests were in potential conflict. The important point is that regardless of the place—the Mideast, Europe, Asia, or wherever—the United States must be capable of taking whatever action is necessary at any time to protect its vital interests. And that ability cannot be assured without a strong national defense about which there is no question either of its resolve or its capacity to perform an assigned mission.

COMPLEX LEGISLATION

This brings us to the military procurement bill, one of the most complex and detailed pieces of legislation considered by the Congress.

As the bill which signs the purchase orders for military equipment, it involves large dollar figures. To some, the size of these figures almost defies imagination, and any thought of effectively assuring economy and reduction of unnecessary expenditures within these huge accounts might seem impossible. But I wish to take this opportunity to commend the members of the Armed Services Committees who assume the responsibility for writing this legislation, for breaking down the programs and for searching out every possible way to impose reasonable limits and insure maximum economy and efficiency in defense expenditures. They do an extremely conscientious job, and they must make many difficult decisions in the course of their deliberations.

CAREFUL WATCH ON EXPENDITURES

Lavish spending is not the answer to our need for sufficient military strength. A wasted dollar makes no contribution to our effort, rather it detracts from it. We should never hesitate to spend every dollar necessary to provide for our Armed Forces, but we should always impose the most stringent standards and requirements for assuring that each of these dollars is spent in the most effective and economical way.

I believe this year's bill is responsive to the broad national interest. First, it avoids crippling cuts in the defense budget and provides the basis for maintaining a peacetime level of preparedness which conforms to our requirements as one of the two great powers in the world. Second, it reflects an appropriate concern for economy in defense spending which is in keeping with the people's desire to hold overall Government spending within reasonable limits. The bill, like all products of compromise, will not satisfy everyone; it does not incorporate a meat-ax approach to spending reduction. It does not constitute a blank check for the military to buy every last item on its want-list of weapons systems, gadgets, and hardware. But it does provide a reasonable approach to meeting our Nation's responsibility for its own security and for our commitments as the free world's leader.

I am pleased to express my support for the conference report and believe that it represents a sound, constructive effort by Congress to deal with a very important field of national concern.

NO AID TO NORTH VIETNAM

Mr. President, as the author of a provision adopted by the Senate in its action on the military procurement bill, I would add just a brief comment about the conference report version.

At my urging the Senate adopted an amendment imposing a prohibition against the provision of any U.S. aid—direct or indirect—to North Vietnam. The Vietcong, as agents and, for all practical purposes, an identical entity, were also covered in the prohibition. This aid ban was intended to be imposed in response to the failure of North Vietnam and the Vietcong to comply with the requirements of the Paris agreements relating to information about our prisoners of war and the missing in action.

Our rights to information and verification are clearly and unmistakably defined in the Paris accords, but the U.S. task force, which is prepared to investigate crash sites, examine burial areas and track down any possible leads, has been prohibited by North Vietnam from carrying out its mission. There is no reason for such obstruction to this purely humanitarian undertaking. There is no excuse.

So as a means of expressing the American people's consideration of this action and their insistence upon our country's rights, my amendment was offered. Its passage was intended: First, to signal that North Vietnam and the Vietcong must live up to their obligations, and second, to demonstrate to some 1,300 American MIA's, their families, and friends that they are not forgotten.

The conference, in considering this Senate amendment as well as similar House language, adopted language which places an outright, unconditional ban

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on all direct or indirect aid to North Vietnam. As explained in the report, this provision was considered to be more closely in keeping with the will of Congress. Since this provision is broader, stronger and contains no loopholes, I believe it is consistent with the spirit of the Senate amendment. But I wish the record to show that this different language does not weaken, but strengthens, the Congress position in regard to obtaining the fullest possible information about our men—some 1,300 of them—who are still listed as missing in action in Southeast Asia. And as further clarification I ask unanimous consent that the debate on this Senate amendment be printed in the Record at this point.

There being no objection, the excerpt from the Record was ordered to be printed in the Record, as follows:

[From the Congressional Record, Sept. 28, 1973]

SENATE

The Presiding Officer. Without objection, it is so ordered.

The clerk will state the amendment.

The legislative clerk read as follows:

"At the appropriate place in the bill it is proposed to add a new section as follows:

"'Sec. . No funds authorized to be appropriated by this or any other Act shall be used directly or indirectly to provide aid, promote trade or cultural exchange, or undertake any other form of assistance or accommodation with the Democratic Republic of North Vietnam or the Provisional Revolutionary Government (Viet Cong) until such time as the President shall certify to the Congress in writing that said governments have fully complied with Chapter III, Article 8, paragraph (b) of the Agreement of January 27, 1973; Article 10 of the Protocol to the Agreement; and point 8(e) of the Joint Communique of June 13, 1973, all of which relate to facilitating the location and care of graves of the dead, exhumation, and repatriation of the remains as well as to obtaining information on those still considered missing in action; and in no event shall any such aid or assistance be made available unless the Congress has specifically authorized such aid or assistance by legislation enacted after the date of enactment of this section.'"

Mr. Dole. Mr. President, let me state briefly the purpose of the amendment. It merely provides that no funds authorized in this bill or any other act be expended, directly or indirectly, to aid North Vietnam or the Vietcong until there has been an accurate, complete, and full accounting of the Americans still missing in action.

Mr. President, this amendment is intended to accomplish two purposes. First, it will clarify and underscore the intention of this Nation that North Vietnam and the Vietcong live up to their obligations under the agreements which ended U.S. involvement in the Vietnam war.

Second, it will serve to demonstrate to the wives, families, and friends of some 1,300 missing Americans that these men are not forgotten.

Eight months ago, yesterday, the Paris agreements were signed. Eight months ago, the North Vietnamese and Vietcong promised to permit us to undertake and assist us in efforts aimed at resolving the questions and uncertainties surrounding the Americans who are listed as missing in action throughout Southeast Asia.

For 8 months, the North Vietnamese have not only refused to cooperate in our efforts to assert our rights under these agreements, but they have obstructed and frustrated our efforts to do so. This has not been a matter of hardship for North Vietnam or the Vietcong. It has not been a matter of honest misunderstanding or confusion. Instead, it has been a course of deliberate, calculated, and cynical refusal to comply with the clear obligations of the agreements and to permit the exercise of our rights.

I do not know the motivation for this policy. Many years ago I gave up attempts at understanding conduct which is so alien to the most basic humanitarian principles and which appears to offer no hope for any conceivable gain or profit on the part of those who engage in it.

I do understand, however, the agony, the uncertainty, and the suffering of parents, wives, and children who long for any shred of evidence which might provide the basis for resolving the unknown fate of a son, a husband or a father. And I know that for 8 months these Americans have been waiting and anticipating something which was promised to them and the entire Nation by the North Vietnamese and the Vietcong. They were promised a chance to know what became of their men.

These people are not naive. They are not living on false hopes. They know that the passing of every day reduces the chances for survival for anyone listed as MIA. And even before January 27, many days had passed. But they want a chance to have some certainty in their lives. They want to be able to live in the present and look to the future. They want to be able to set their personal and legal affairs in order—on the basis of fact, not speculation or some arbitrary administrative action.

So, today, I offer this amendment to foreclose—to the maximum possible extent—any opportunity that North Vietnam or the Vietcong can expect any advantage or gain to flow from their violation and flouting of the Paris agreements. Not only does this amendment deny any American aid—either direct or indirect—but it assures that no funds will be used to promote trade, engage in cultural exchange programs or any other kind of accommodation which other nations might enjoy with the United States.

I do not believe it is asking too much of any nation or any political organization to abide by humanitarian obligations which it has clearly and unambiguously assumed in a formal agreement. For 8 months, Hanoi and the Vietcong have acted in the most blatant disregard of these obligations, and I believe it is far past time that Congress act to demonstrate its refusal to tolerate such conduct.

I offer this amendment in the hope that Congress will consider it an appropriate means of going on record to demand that the North Vietnamese and Vietcong provide the full accounting and opportunities for verification of the status of our missing men to which we are entitled by the Paris agreement.

I ask unanimous consent that the text of a full-page advertisement published in today's Washington Post be printed in the Record. This advertisement, an open letter to the President, was placed by VIVA, an organization which has been active in building public awareness of POW and MIA matters for many years. I believe it indicates the extreme frustration and torment being suffered by the parents, wives, and families of these men. I certainly find no fault with nor criticize them for their anxiety or any expression of it.

But I do believe this advertisement serves to provide additional force to support adoption of this amendment. Hanoi and the Vietcong must be pressured relentlessly and continuously until they live up to their obligations, and every means of applying this pressure in Congress, in public opinion, and elsewhere must be utilized.

There being no objection, the advertisement was ordered to be printed in the Record, as follows:

AN OPEN LETTER TO THE PRESIDENT

Hon. Richard M. Nixon,
The White House,
Washington, D.C.

Dear Mr. President: We would like to express our thanks publicly for the concern you have shown for the POW/MIA's and their families. We have not forgotten that under your administration the Defense Department reversed its policy and allowed POW/MIA families to discuss the plight of their men.

Once informed the American people joined in the largest and most dramatic display of brotherhood in our history to help men they had never met. This power of public opinion influenced the Communists to improve the treatment of our men, to which many returned POWs attribute their very lives.

Unfortunately, the Communists are still perpetrating a barbaric form of mental cruelty on almost 1200 POW/MIA families. This inhumanity may never be ended unless the American people are again informed and utilize the power of public opinion.

Many have said that all the POWs are home. Yet more than 50 men, who were known to be prisoners and are still officially listed as POWs by our Government, did not return home nor were they listed as dead by the Communists. Their capture was substantiated by evidence such as a letter written home, photos in captivity, propaganda broadcasts, etc.

Mr. and Mrs. Sparks have a letter from their son Don which says he is in fine health and has been held for ten months without seeing another prisoner. It is fair that because no returned prisoner saw Don that the responsibility now falls on Mr. and Mrs. Sparks to prove that Don is still alive in order to prevent our own Government spokesmen from saying, "All POWs are home and all MIAs are dead," thereby relieving the Communists from their obligation to account for Don and hundreds like him?

To presume that the Communists could possibly account for all MIAs is ludicrous, but to presume that it takes over seven months for them to account for men who were known to be captured is just as ludicrous. Would our outrage have been demonstrated more vocally if only 50 POWs had returned and 500 known POWs had not been accounted for?

We are aware of the ability, sincerity and dedication of our delegation to the Four Party Military Team responsible for handling the negotiations and the men of the Joint Casualty Resolution Center who seek to account for the missing. These men acknowledge there has been little success in encouraging the Communists to live up to the Peace Agreement and that perhaps public awareness is the only weapon left. We have also been assured by Melvin Laird that the administration supports efforts to broaden public awareness of the failure of North Vietnam to comply with the Paris Agreement.

We can only assume, therefore, that it has not been brought to your attention that the Defense Department has been hindering the effective use of this weapon rather than supporting efforts to broaden public awareness.

This is evidenced by public statements such as the one made by Assistant Secretary of Defense William T. Clements who labeled everyone who distributes bracelets and bumper stickers "charlatans". It is also evidenced by the fact that a spokesman for the Department of Defense uses every possible opportunity to urge returned POWs, POW/MIA family members, and concerned citizens to refrain from making public statements on this issue and leave it to the government "experts" lest they harm the negotiations in progress.

Such actions negate the efforts toward awakening public awareness and are completely contrary to the statements of Mr.

Laird's and those actually involved in the negotiations.

Although only the Communists know whether any of them are still alive, all POWs did not return home, nor were they accounted for.

Please, Mr. President, don't allow anyone in our government to render less effective the only weapon the POW/MIA families may have left—that of public opinion.

Please grant representatives of the national organizations directly involved with this issue a meeting to clarify these discrepancies in order that your pledge of support to the POW/MIA families be fulfilled.

Sincerely,
National Board of Directors,
VIVA—Voices in Vital America.

Mr. Dole. Mr. President, I have discussed this amendment with the distinguished Senator from Missouri and the distinguished Senator from South Carolina. We have made one change in the amendment, after conferring with the distinguished senior Senator from Virginia (Mr. Harry F. Byrd, Jr.), and it is my understanding that the committee is willing to accept the amendment.

Mr. Symington. Mr. President, will the Senator yield?

Mr. Dole. I yield.

Mr. Symington. Mr. President, the able Senator from Kansas and I discussed the amendment yesterday. This is a subject in which the distinguished senior Senator from Virginia has been interested. Portions of the language were changed with the approval of the Senator from Kansas. As a result, we on this side of the aisle have no objection.

Mr. Thurmond. Mr. President, we on this side of the aisle are willing to accept the amendment. We think it is a good amendment, because it ought to give leverage to the President to get the North Vietnamese and the Vietcong to live up to their agreement. If it does this, it certainly will be worthwhile. We are all anxious, of course, to locate the missing in action and to get those back who are still living. We think this amendment will be helpful in that respect.

I commend the able Senator from Kansas for offering the amendment.

Mr. PELL. Mr. President, I have voted against approval of the conference report on the military procurement authorization bill for several reasons.

First, and most important, the conference report authorizes the appropriation and spending of more money by the Department of Defense than was approved by either the House of Representatives or the Senate in their original action on the bill. The bill authorizes $21.3 billion—$351 million more than the amount we approved in the Senate, and $854 million more than was originally approved by the House of Representatives.

In addition, the legislation as reported by the committee on conference deleted several provisions approved by the Senate which I believe are of vital importance. For example, the conference eliminated the Senate provision that would have required a reduction of 110,000 men in U.S. overseas land-based forces. Also eliminated was a provision of vital importance to my own State—an amendment adopted in the Senate authorizing $50 million for communities and areas, such as my own State of Rhode Island, which face severe economic adjustment problems because of the closing of major military installations.

Mr. President, there are many provisions of this bill, as reported by the conference committee, that I believe are important and indeed vital to our national defense. Among these vital provisions, which I fully support, is the authorization of funds for the *Trident* submarine.

I have, nevertheless, voted against approval of the conference report to express my disappointment that so many provisions approved by the Senate were eliminated in the conference with the House.

Mr. STENNIS. Mr. President, I shall not detain the Senate for over 2 minutes.

I want to very strongly commend and warmly thank the Senator from Missouri for almost a full calendar year of hard work, day and night, on the bill that has just won such overwhelming approval by the Senate. Many members of our committee worked with him, but I especially wish to mention the Senator from South Carolina who is the ranking minority member, and a highly valuable member. He is always ready and willing; he teaches us many things every day.

The Senator from Missouri took up this duty willingly and in a very fine spirit. He and I have worked together on the committee for more than 20 years. He could not have been finer or nicer than he was in picking up the entire burden of the chairmanship and carrying on. He fought this battle through all the hearings, the debate that took place on the floor of the Senate and then in conference. So I thank him again.

I thank the Senator from South Carolina (Mr. Thurmond) for his broad experience and his fine knowledge of military law, military weaponry, and everything that goes with them. The Senate owes him a deep debt of gratitude, and I owe him a special one.

Mr. SYMINGTON. Mr. President, I am very grateful for the remarks of the distinguished Senator from Mississippi, who is one of the most respected of all Members of this body. It was a privilege to try to do my best in service to him because of his temporary absence from the committee.

I have already expressed my deep appreciation to the Senator from South Carolina, but I join the able Senator from Mississippi in thanking the Senator from South Carolina also.

I am glad we now have passed this bill through the Senate.

Mr. THURMOND. Mr. President, I wish to express my deep appreciation to the distinguished and able Senator from Mississippi (Mr. Stennis) for his kind remarks. I have been a member of the Committee on Armed Services since 1958, and I have never worked with a finer or abler chairman than the distinguished Senator from Mississippi. It has been a joy and a pleasure to work with him. He is a knowledgeable man and a fair man. He has made an outstanding chairman.

Again, I express my appreciation to the distinguished Senator from Missouri (Mr. Symington) for the fine leadership he has provided throughout the year and during this conference in particular, and for the fair manner in which he has handled the conference report.

Mr. SYMINGTON. I thank the distinguished Senator from South Carolina.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the conference report.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. William L. Scott). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the conference report. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. Bentsen), the Senator from Virginia (Mr. Harry F. Byrd, Jr.), the Senator from Mississippi (Mr. Eastland), the Senator from North Carolina (Mr. Ervin), the Senator from Indiana (Mr. Hartke), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), the Senator from New Mexico (Mr. Montoya), and the Senator from Rhode Island (Mr. Pastore) are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. Pastore) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Massachusetts (Mr. Brooke), the Senator from New Hampshire (Mr. Cotton), the Senator from Colorado (Mr. Dominick), the Senator from New York (Mr. Javits), the Senator from Arizona (Mr. Goldwater), the Senator from Florida (Mr. Gurney), the Senator from Oregon (Mr. Packwood), the Senator from Illinois (Mr. Percy), and the Senator from Connecticut (Mr. Weicker) are necessarily absent.

If present and voting, the Senator from New York (Mr. Javits) and the Senator from Illinois (Mr. Percy) would each vote "yea."

The result was announced—yeas 69, nays 12, as follows:

[No. 476 Leg.]

YEAS—69

Aiken
Allen
Bartlett
Bayh
Beall
Bellmon
Bennett
Bible
Brock
Buckley
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Cook
Cranston
Curtis
Dole
Domenici
Eagleton
Fannin
Fong
Gravel
Griffin
Hansen
Hart
Haskell
Hathaway
Helms
Hollings
Hruska
Humphrey
Inouye
Jackson
Johnston
Kennedy
Long
Magnuson
Mathias
McClellan
McClure
McIntyre
Metcalf
Mondale
Moss
Muskie
Nunn
Pearson
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott, Hugh
Scott, William L.
Sparkman
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Williams
Young

NAYS—12

Abourezk
Biden
Church
Clark
Fulbright
Hatfield
Huddleston
Hughes
Mansfield
Nelson
Pell
Proxmire

XUM

NOT VOTING—19

Baker
Bentsen
Brooke
Byrd,
Harry F., Jr.
Cotton
Dominick
Eastland
Ervin
Goldwater
Gurney
Hartke
Javits
McGee
McGovern
Montoya
Packwood
Pastore
Percy
Weicker

So the conference report (H.R. 9286) was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. SYMINGTON. I move to lay that motion on the table. The motion to lay on the table was agreed to.

EXPLANATION OF VOTE

Mr. CHURCH. Mr. President, I voted "no" on this conference report, because I believe it to be an abuse of discretion for the conferees to agree upon a bill that substantially exceeds the amounts authorized by the House of Representatives and the Senate, when each body considered the bill and voted separately on the total to be authorized.

In reporting back from conference a final version of the bill which is larger than either body approved, the conferees have set themselves above the two Houses of Congress they were supposed to represent.

I cannot accede to this arrogation of power, and I regret that the Senate has voted to acquiesce in it.

INVOLVEMENT OF U.S. MILITARY FORCES IN SOUTHEAST ASIA

Mr. SYMINGTON. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House of Representatives.

The Presiding Officer laid before the Senate House Concurrent Resolution 373, which was read as follows:

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 9286) to authorize appropriations during the fiscal year 1974 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each reserve component of the Armed Forces, and the military training student loads, and for other purposes, is authorized and directed to make the following corrections:

(1) Immediately after section 805, insert the following new section:

"Sec. 806. Notwithstanding any other provision of law, upon enactment of this Act, no funds heretofore or hereafter appropriated may be obligated or expended to finance the involvement of United States military forces in hostilities in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia, unless specifically authorized hereafter by the Congress."

(2) Redesignate sections 806 through 818 as sections 807 through 819, respectively.

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the Senate proceeded to its consideration.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 373) was agreed to.

RESUMPTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask that there now be a resumption of routine morning business, with statements limited therein to 3 minutes, with the period for morning business not to extend beyond 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, for the information of the Senate, there will be no more rollcall votes today.

SUPPORT FOR OVERRIDING THE PRESIDENT'S VETO OF WAR POWERS RESOLUTION

Mr. JAVITS. Mr. President, I ask unanimous consent that a letter sent to all our Senate colleagues by me and Senator Muskie urging them to vote to override President Nixon's veto of the war powers resolution (H.J. Res. 542) be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Dear Colleague: The President's veto of H.J. Res. 542, the War Powers Resolution, is no less dismaying because it was anticipated. The veto should be overridden by the Congress.

It is especially regrettable that the veto message shows no forward movement in the position of the Administration from what it was when Congress first initiated the legislative process almost three and a half years ago, which culminated in H.J. Res. 542. The veto message reflects the same rigid opposition to reform in the war powers field and puts forward the same dogmatic arguments for the "imperial Presidency" as the President's spokesmen have in the hearings conducted in the Senate and the House over the past three years.

One may wonder how the White House could have so isolated itself as to be so unaware of and so insensitive to the logic of history and the demands of our people—which have culminated in the War Powers Resolution adopted by such overwhelming votes in both Houses of Congress. One searches the veto message in vain for evidence of awareness of the historic hearings conducted in the Senate Foreign Relations Committee and the House Foreign Affairs Committee, of the floor debates in both Houses, of the testimony of the nation's leading constitutional authorities, of the attention devoted to the war powers issue in the press and the media, and of the editorials from all over the nation supporting the war powers bill.

Indeed, the veto message simply disregards key provisions of the bill and fails to respond to the arguments in the great national debate which has been conducted respecting the war powers and the Constitution, in and out of the Congress over the past three years. Among the provisions of the bill the veto message disregards are those leaving free to the President general military deployment—what the President in the message calls "subtle shifts". If such deployments are significant in scope, they are subject only to reporting to the Congress. The message ignores the fact that whatever constitutional power the President has, is not taken away, e.g., in protecting U.S. nationals abroad, but only when it leads to war or imminent danger of war does the bill become operative.

Particularly inadequate are the veto message's statements respecting the constitutional questions. For, contrary to the assertions in the veto message, it is indisputable that the Founding Fathers, in drafting the Constitution, took more care to lodge the war powers in the Congress than was devoted to any other single issue. This is clearly manifested in the text of Article I, Section 8 giving the Congress all the appropriate powers—including the "necessary and proper" clause. And, the clear intention of the Founding Fathers in this regard is massively documented in the debates of the Constitutional Convention, in the Federalist Papers and other documents of the period, as well as in the practice of our government—both in the executive and legislative branches—throughout the Federal period.

It is particularly noteworthy that in using the words "foreign affairs" interchangeably with "war powers" to describe the powers dealt with by the vetoed bill, the veto message unwittingly, yet overtly, betrays the inclination of our recent Presidents to think of power in foreign policy as synonymous with power in war-making. This is precisely the attitude which continued the Vietnam war—a war which has deeply and grievously damaged the whole structure of our society, and which has made the war powers bill properly the first priority item on the agenda of national post-Vietnam rehabilitation.

The veto message alleges that the war powers bill seeks to accomplish objectives which ought to be accomplished by constitutional amendment. Administration spokesmen put forward this spurious argument during the Senate floor debates in 1972 and 1973. It is an argument which has been demolished in the Congressional hearings, and outside them, by our nation's leading constitutional authorities and historians. It is sobering to confront such a charge respecting legislation which seeks to restore to the Congress constitutional powers which have been wrested from it by activist Presidents. If the Congress cannot reclaim through legislation authority explicitly given to it by the Constitution, how much less is the Presidency entitled to acquire constitutional authority through unilateral, preemptive acts! By what logic must the Congress pass a constitutional amendment to reclaim its own constitutional powers?

Another of the central arguments of the veto message similarly stands the Constitution on its head. It argues that the Congress ought to have to pass a law in each instance in order to prevent a President from plunging the nation into war without the concurrence of the Congress, and therefore that the 60-day automatic cutoff of Presidential authority in war-making is unconstitutional. According to this logic must the Congress begin each legislative day by making a Declaration of No War? The Constitution gives to the Congress the power to declare war, which is the operative juridical act. Hence, whatever the act of Congress may be called, it is required if our nation is to change from a state of peace to a state of war. The Congress is not obligated to

declare or authorize war if requested by a President—and certainly is not obligated to make a Declaration of No War in order to keep a President from making war on his own.

And yet, the White House now argues that the Congress can only restrain a war-making President through legislation which requires the President's signature and is subject to his veto! To our knowledge no one has yet discovered any word or phrase in the Constitution conferring upon the President the power to make war for as long as he can muster the support of one-third plus one vote of either House of Congress—which is all he needs to sustain a veto.

This, truly, is an assertion right out of the doctrine of the imperial presidency.

The veto message contends also without substantiation that the war powers bill would have prevented the successful diplomacy of President Kennedy's Administration respecting the Berlin crisis of 1961 and the Cuba missile crisis of 1962. But, McGeorge Bundy, who occupied the position of Dr. Kissinger in the Kennedy Administration, specifically refuted this contention respecting the Cuba missile crisis when he testified before the Senate Foreign Relations Committee in 1971. Moreover, we know of no actions—diplomatic or military deployment—taken in the Berlin, Congo or Jordanian crisis which would not have been possible under the war powers bill. Efforts to elicit from the Administration facts and evidence supporting such claims have always gone unanswered. One can only conclude that they reflect a failure to consider the war powers bill—or that they are purely rhetorical arguments.

Nothing in the War Powers Resolution could have hampered the President in his handling of the recent Middle East crisis. The bill would have allowed the President to put our Armed Forces on alert, to order movements of our fleets and to resupply the Israelis with military equipment. The bill would have required the President only to report to the Congress within 48 hours in writing with respect to the deployment of U.S. Armed Forces in foreign territory, airspace and waters. It is important to note that during the recent crisis at no point were United States Armed Forces engaged in hostilities or in situations where imminent involvement in hostilities was clearly indicated by the circumstances. The actions taken by the President related solely to the state of readiness of U.S. Armed Forces and did not involve the provisions of this bill.

The veto message claims that the war powers bill "would seriously undermine this nation's ability to act decisively and convincingly in times of international crisis" and that it would diminish the confidence of our allies and lessen the respect of our adversaries.

Quite the opposite is true—for every nation in the world knows now, if it did not before the Vietnam war, that the President cannot commit this nation to a determined war struggle without the concurrence of the Congress; and that, without the concurrence of the Congress, even the President's *de facto* authority falls short of adequate effectiveness. By establishing a procedure wherein the concurrence of the Congress (or its non-concurrence) is plainly established, the war powers bill will bring much needed decisiveness and stability to the conduct of our nation's foreign affairs insofar as it relates to the war power.

The dangerous erosion of confidence and respect for our nation's conduct which developed on every continent during the Vietnam war is evidence of the price which our nation and the structure of world peace is required to pay when efforts are made to conduct Presidential war, which lacks the legitimacy which can alone be derived from Congressional concurrence.

The lesson of the legitimacy of making war, for the American people and for the world, is the crux of the issue. The recent lesson of the Presidential air war against Cambodia with all its dangers and deceptions is there for every American to see.

In another of its inaccuracies, the veto message alleges that the war powers bill would prohibit the fulfillment of our treaty obligations under the NATO Treaty. This is an assertion exactly contrary to fact. For, the fact is that Article 11 of the NATO Treaty specifically provides that all provisions of the treaty will be carried out in accordance with the constitutional processes of the signatory nations. Under the United States Constitution affirmative action by both Houses of Congress is required to commit our nation to war. This Constitutional process cannot be altered by a treaty.

This very point was made clear during the Senate debate on the ratification of the NATO Treaty in 1949. And, this position was confirmed by the State Department at that time, and was reconfirmed by the State Department in a legal memorandum submitted to the Senate Foreign Relations Committee in 1972. Also the bill confirms in Section 8(b) specifically U.S. participation in the joint command with other NATO members.

In its latter portion, the veto message contains several paragraphs of excellent sounding rhetoric concerning the "fullest cooperation between the Congress and the Executive" and "regularized consultations". Such sentiments are welcomed, indeed, but they are belied by the actual experience of recent years—for example, respecting Laos and Cambodia.

Moreover, the insupportable claims respecting "executive privilege" and "separation of powers" which are put forth regularly in the courts by the President's lawyers to justify refusal to provide information to the Congress, and to the courts, vitiate the veto message's implied suggestion that the Congress content itself with a bill which requests after-the-fact reports from the executive branch concerning war-making actions taken by the President.

Finally, the veto message suggests that the war powers bill should be shelved in favor of an administration proposal for a national study commission. Clearly, the Congress cannot abdicate its constitutional and legislative responsibilities to a study commission especially when considered in connection with the consideration of the war powers bill for the last three years—itself quite a "study commission". Moreover, assuming that the study commission proposal is one which is put forward in good faith and not as a way to sidetrack the issue, the appointment of such a commission, rather than an override of the veto, simply accepts the President's interpretation of the Constitution and shackles the Congress in getting back any real control over the war power for yet a considerable time longer.

Accordingly, we urge you to vote to override the President's veto of H.J. Res. 542, the War Powers Resolution. Similar appeals are being made by Congressman Zablocki and Chairman Morgan in the House of Representatives.

Sincerely,

Jacob K. Javits,
Edmund S. Muskie.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, November 5, 1973, he presented to the President of the United States the following enrolled bill:

S. 2410. An act to amend the Public Health Service Act to provide assistance and encouragement for the development of comprehensive area emergency medical services systems.

ORDER FOR ADJOURNMENT TO WEDNESDAY, NOVEMBER 7, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 11 a.m. Wednesday morning next.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Later in the day this order was modified to provide for the Senate to convene at 12 o'clock noon on Wednesday.)

ORDER FOR RECOGNITION OF SENATOR McGOVERN ON WEDNESDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders or their designees have been recognized under the standing order on the day the Senate next meets, the distinguished Senator from South Dakota (Mr. McGovern) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON WEDNESDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, following the remarks of Mr. McGovern, there be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements limited therein to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR GRIFFIN AND SENATOR ROBERT C. BYRD ON WEDNESDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, following the remarks of Mr. McGovern, and prior to the period for the transaction of routine morning business, the distinguished assistant Republican leader (Mr. Griffin) be recognized for not to exceed 15 minutes and that I then be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CURTIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEAVE OF ABSENCE

Mr. CURTIS. Mr. President, I ask unanimous consent, under the provisions or rule V, that I be excused from the sessions of the Senate while I attend as a designee from the Senate, the Food and Agricultural Organization meeting in Rome, Italy. The meeting will be in session from November 10 until November 29, 1973.

I shall leave here on Friday with the Secretary of Agriculture who is going to attend an International Meeting on Soybeans to be held at Munich, Germany. That meeting will be of great importance to all rural and agricultural areas of our Nation.

I therefore ask unanimous consent that I be excused from attending sessions of the Senate from Thursday, November 8, 1973, for the duration of the Food and Agricultural Organization meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess awaiting the call of the Chair.

The motion was agreed to; and at 2:50 p.m. the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 2:54 p.m., when called to order by the Presiding Officer (Mr. WILLIAM L. SCOTT).

ORDER FOR ADJOURNMENT UNTIL 12 NOON ON WEDNESDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon on Wednesday.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, on Wednesday the Senate will convene at 12 o'clock noon.

After the two leaders or their designees have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes and in the order stated: Messrs. MCGOVERN, GRIFFIN, and ROBERT C. BYRD.

There will then be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 3 minutes.

Mr. President, the conference report on S. 1081, the rights-of-way across Federal lands measure—the so-called Alaska pipeline bill—is expected to be available on Wednesday following action by the House of Representatives, which is likewise contemplated on Wednesday. The distinguished chairman of the Committee on Interior and Insular Affairs (Mr. JACKSON) has indicated to me by telephone that he would expect a yea-and-nay vote on the adoption of that conference report. Senators, therefore, may be sure—I think I ought to assure them—that there will be a yea-and-nay vote on that conference report.

Other conference reports may be available and ready for action on Wednesday, and they, being privileged matters, of course can be called up. There may be other bills on the calendar that will have been cleared by Wednesday for action, so Senators can be sure of at least one yea-and-nay vote on Wednesday and possibly others.

The leadership expresses the hope that Senate conferees on bills, that are in conference, will press to make progress with the conferees of the other body, so that the Senate can give these conference reports final action.

Mr. President, that pretty well sums it up.

ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until the hour of 12 o'clock noon on Wednesday.

The motion was agreed to; and at 2:56 p.m. the Senate adjourned until Wednesday, November 7, 1973, at 12 meridian.

NOMINATIONS

Executive nominations received by the Senate November 5, 1973:

DEPARTMENT OF STATE

The following-named persons for appointment to the offices indicated:

William H. Donaldson, of New York, to be Under Secretary of State for Coordinating Security Assistance Programs;

L. Dean Brown, of the District of Columbia, a Foreign Service Officer of the Class of Career Minister, to be Deputy Under Secretary of State;

Carlyle E. Maw, of New York, to be Legal Adviser of the Department of State;

John M. Thomas, of Iowa, a Foreign Service Officer of Class One, to be an Assistant Secretary of State;

Robert Stephen Ingersoll, of Illinois, to be an Assistant Secretary of State.

FEDERAL METAL AND NONMETALLIC MINE SAFETY BOARD OF REVIEW

Robert W. McVay, of Missouri, to be a Member of the Federal Metal and Nonmetallic Mine Safety Board of Review for the term expiring September 15, 1978. (Reappointment)

WITHDRAWAL

Executive nomination withdrawn from the Senate November 5, 1973:

DEPARTMENT OF STATE

G. McMurtrie Godley, of the District of Columbia, a Foreign Service Officer of the Class of Career Minister, to be an Assistant Secretary of State, which was sent to the Senate on March 16, 1973.

EXTENSIONS OF REMARKS

GERALD R. FORD

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. ARENDS. Mr. Speaker, I am pleased to insert in the RECORD for the benefit of all the forthright and direct statement made by our colleague, GERALD R. FORD, before the Senate Committee on Rules and Administration.

After reading the statement, I am sure everyone will feel as I do that these are the views of a dedicated American and that his nomination by the President to fill the office of Vice President is indeed an excellent choice. The statement follows:

STATEMENT BY THE HONORABLE GERALD R. FORD

This is a new experience for me. I realize it is also a new experience for you, and for the American people. I feel that I am among friends. However, I ask you only to treat me as true friends treat one another, with directness, with candor, without favor and without guile, in full and mutual awareness of the solemn oath we have all taken to the Constitution and our responsibility to the people of this great Republic.

Before going further, I must add my gratitude to the two distinguished Senators who ably represent my home State in the United States Senate. Together, Phil Hart, Bob Griffin and I have spent a combined total of 57 years in Washington trying to outdo one another in doing things for Michigan—and none of us is ready to concede that contest yet. But I want to take this opportunity to acknowledge publicly, before trying to exchange a vote for a gavel, that Michigan and Grand Rapids have given me far more than I could ever give them.

Yet I am deeply conscious that today the Congress and the citizens we represent are embarking upon an historic voyage into uncharted waters. I come before you as the nominee of the President to fill a vacancy in the office of Vice President of the United States under the provisions of the 25th Amendment to the Constitution, for which 65 Senators and 368 Members of the House voted in 1965 and which the Legislatures of 48 States subsequently ratified.

I might note that the State where I was born, Nebraska, was the first to ratify the 25th Amendment.

As you might guess, I have recently reviewed the debate on the 25th Amendment and there is little doubt that most of our attention in framing it was centered on the question of Presidential succession, on filling a vacancy in the Presidency.

Section 2, which dealt with the problem of filling a vacancy in the Vice Presidency, was a subsidiary issue in our minds, despite the fact that on 16 previous occasions, for a total of 37 years in our Constitutional history, the nation has been without a Vice President.

Vice Presidents have died and they have resigned, but our circumstances today are unprecedented. Until now they have always been elected, at first separately but most of the time together with the President, by an Electoral College chosen for that purpose by all the people. One Vice President, Richard Mentor Johnson, was elected by the Senate in 1837 under the 12th Amendment when the electoral vote was tied.

This is the first time in history that both

the Senate and the House of Representatives have been required to advise and consent to the President's nomination of a Vice President.

These are not ordinary times nor, I suppose, will the times ever be ordinary when the 25th Amendment must be invoked. I want to assure you, the members of this committee and all my colleagues in the Congress, that I fully appreciate and share your determination to consider with the utmost diligence qualifications and fitness for the second office of the Republic. For the sake of the country we all love, for your sakes and certainly for mine, I would not want it otherwise.

I am a member of this Congress. I have a vote and a responsibility under the Constitution the same as yours. Under the circumstances, I will vote "Present" when my nomination is before the House. I am used to this. Custom has compelled me to do it in the last 5 votes for Speaker, when I lost to the Honorable John McCormack and the Honorable Carl Albert.

You know, life plays some funny tricks on people. Here I have been trying with might and main for 25 years to become Speaker of the House. Suddenly, I'm a candidate for President of the Senate, where I could hardly ever vote and where I'll never get a chance to speak.

When I was asked by the President for my recommendations for Vice President I really did suggest Hugh Scott and Mel Laird and one other whose name I won't tell—but the President didn't pay any attention to my advice.

I know you are going to have a lot of questions for me, but there are two big ones perhaps I can answer at the start.

First, what makes you, Jerry Ford, qualified to be Vice President of the United States? Second, what kind of a Vice President would you hope to be?

Let me take the second question first. How do I regard the office of the Vice Presidency—in the climate and context of right now, and in terms of the future. History isn't much help here, except recent history, through which we have all lived.

There are only three living Americans who have held this high office, and three weeks ago at the White House one of them told me he wanted me to take the job.

The first two telephone calls I got after that announcement were from the two other former Vice Presidents. And for their generous good wishes I will always be grateful.

Events at home and abroad have moved so swiftly since that night that I have not had much time for scholarly homework on the duties of the Vice Presidency, or even to collect my own feelings at the sudden change in my own style of life.

My thoughts have been mixed—pride in the confidence which President Nixon has shown for me and deep satisfaction that apparently it is shared by hundreds of other old friends and colleagues, in the Congress, and throughout the country. I have felt a touch of sadness at the thought of leaving the House of Representatives which has been my home for nearly half my life.

I have also felt something like awe and astonishment at the magnitude of the new responsibilities I have been asked to assume. At the same time I have a new and invigorating sense of determination and purpose to do my best to meet them.

Since I first ran for Congress in 1948—the same year one of the greatest Vice Presidents ever to succeed to the Presidency was renewing his lease on the White House by whacking the Republican 80th Congress with hammer and tongs—I have believed that public office is a public trust. I believe that any man or woman who wins the votes of a majority of his fellow citizens has a solemn obligation to serve them faithfully and well, and to do them as much honor as they have done him.

Now I'm contemplating the first public office to which I would not be elected by the people, but by my peers in the Congress as the people's agents. As the first candidate to be so chosen, I recognize and welcome the fact that this committee, as it should, will inquire fully into my worthiness to have the trust of the Nation.

In this century, 32 men have been chosen by the two major parties as candidates for Vice President, and 19 of them have served in the House or the Senate or both. Of the 15 who won, 9 have served in the Congress and I believe there is no better training school for this job than service in the Congress. I am proud to be a Member of Congress, and if I were to express my new ambition in a nutshell, that ambition of mine is to earn the respect as well by all the American people as I hope I have with my good friends in the 5th District of Michigan.

Like that of most men and women who serve in Congress, my public life has been an open book—carefully reread every two years by my constituents. Likewise, the door to my office in Washington has been open, not only to my constituents but to any citizens who have wanted to discuss with me their views and their problems relating to legislation and the Federal government—or even just to satisfy their curiosity as to what a Congressman looks like. These contacts with people have represented a large part of my job, and since 1965 when I became Minority Leader of the House by the "landslide margin" of 73 to 67 such contacts have become more and more national in character. I not only think an open door is a duty, but I have learned a lot from the people who have passed through it, both from those who agree with me and from those who don't.

Perhaps the worst misgivings I have about the Vice Presidency are that such contacts with all kinds of people would be more difficult—and that my friends might stop calling me Jerry.

Not only has my public life been an open book but in the last three weeks my private life has been opened as well. Once I told the President I'd accept—I guess I told him as much—I made a firm decision, I decided to make available to this Committee and to the House Committee on the Judiciary, without reservation except reliance on their good judgment, every record relating to my public service, my personal finances, my health and the health of my wife and children, and to respond as fully and accurately as possible to every reasonable inquiry.

I asked all public officials, Federal, State and local, and all persons or agencies that have custody of normally private records regarding me to make them fully and speedily available, including all of my campaign finances, office and personal bank accounts—even our children's savings accounts—my income tax records and confidential financial disclosure reports required by House rules, all correspondence of my Congressional Office and the records of my certified public accountant in Grand Rapids, including a statement of my Net Worth. It has been a monumental job, just locating and digging out the records I have, all in a very short time. I have answered every request unreservedly, and I want to give such answers because of the great importance of the present inquiry.

I believe you and the Congress and the American people must become fully satisfied that I am worthy of your trust and that I am fit to perform the duties of the Vice Presidency.

I am not a saint, and I'm sure I have done things I might have done better or differently or not at all. I have also left undone things that I should have done. But I believe and hope that I have been honest with myself and with others, that I have been faithful to my friends and fair to my opponents, and that I have tried my best to make this great government work for the good of all Americans.

President Eisenhower had a very simple rule—I have never heard of a better one for people in public office who have to make decisions: get all the facts and all the good counsel you can, and then do what's best for America.

My old law professor at Yale, Eugene V. Rostow, who had a distinguished tour of duty at the State Department during the Johnson Administration, took the time to write to me a warm and inspiring letter upon nomination. I would like to share some of his words with you, because the master still says things much better than his pupil:

"Constitutionally and politically, the first and most important requirement for the post, I should say, is that the Vice-President be capable of discharging the duties of the Presidency, should fate call him to that office. I am opposed to any other criterion in the selection of Vice-Presidents, above all in these times of difficulty and danger at home and abroad. The nation has never needed strong Presidents more urgently, as the Middle East crisis of the last few months demonstrates. A critical factor of that most dangerous confrontation was the President's resolute public and private diplomacy, notably his threat to use force if need be. The basic question to ask about a prospective Vice-President is whether he has the character and insight to do what Theodore Roosevelt and Harry Truman did when they were called to the Presidency.

"While in office, the Vice-President should serve as a vital part of the President's administration. He should have no independent responsibility for policy, save as the President's adviser and agent. That is the idea behind the Twelfth Amendment, in my opinion. The Vice-President's duties and functions as the President's roving halfback cannot and need not be defined with precision. They will depend upon circumstance—on the nature of the pressing business before the country, and on the temperaments and special talents of the two men. Some Presidents have used their Vice-Presidents wisely and well; others, as we all know, have ignored them.

"In your case, it is apparent that President Nixon could well enlist your experience, and your influence in Congress, to help rebuild the relationship of confidence and cooperation between President and Congress which should characterize our constitutional order at its finest moments."

The Constitutional duties of a Vice President are few, and his statutory duties while numerous do not really define his role. It is trite and cynical to sum it all up by saying the Vice President does whatever the President wants him to, and no more. I have a different idea, I hope a broader one. It is based on the uniqueness of my situation and, above all, on the greatest single need of our country today

I realize, of course, that almost exactly a year ago President Nixon and Vice President Agnew were elected by majorities of the people in 49 of the 50 States. Not only that, but the President was running on his record of four years. He was reelected by a massive majority who approved of his program and his policies as they had been tried and tested over that period. I fought hard for those programs in the Congress as Republican Leader in the House. I defended them vigorously all over the country and on the campaign trail, and for that I have no apologies. If being *for* his President and *for* his party and *for* its candidates disqualified anyone from becoming Vice President, then we'll have another Truman, Nixon, Johnson or Humphrey.

But while I feel a strong obligation to recognize the Presidential mandate of 1972,

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I am also very much mindful of the Congressional mandate on the same election day. The very same Americans who gave the Republican President a margin of 17,838,725 votes also gave the Senate a Democratic majority of 56 to 42, with one Independent and one Conservative, and the House a Democratic majority of 243 to 192.

The Founding Fathers in 1787 never intended—and the American people in 1972 never intended—to paralyze and cripple the government in Washington. But responsible citizens and leaders in both parties are beginning to worry about our national government becoming seriously weakened by partisan division.

I have served in one Republican Congress and a dozen Democratic Congresses. I have served during three Democratic and two Republican Presidencies. In the course of 25 years I've stood with the Congress when it was right and with the President when he was right, in my judgment, regardless of which party controlled the executive branch or the legislative branch of government.

I know from firsthand experience that almost without exception the people in their wisdom send to Congress men and women who are reasonable, who prefer action to inaction, who are capable of compromise, who love their country and who are concerned for the future of the oldest representative republic on earth.

I know these men and women can work together because I have worked together with them the best years of my life.

So I come back to the first question: What makes you, Jerry Ford, qualified to be Vice President of the United States?

My answer is that I believe I can be a ready conciliator and calm communicator between the White House and Capitol Hill, between the re-election mandate of the Republican President and the equally emphatic mandate of the Democratic 93rd Congress. I believe I can do this—not because I know much about the Vice Presidency—but because I know both the Congress of the United States and the President of the United States as well and as intimately as anybody who has known both for a quarter century.

I count most of the members of the Senate and of the House as my friends. They have been wonderfully kind and helpful during these hectic days in volunteering support and encouragement to me. The President of the United States has been my friend from the time he was a second-termer from California in the House and took time to make a freshman from Michigan feel welcome. He has always been truthful to me, as have my good friends in the Congress. I have never misled them even when they might have wanted to hear something gentler than the truth. And if I change jobs that is the way I intend to continue.

Truth is the glue that holds government together, and not only government, but civilization itself.

So gentlemen, I readily promise to answer your questions truthfully. I know you will not pull any punches—the American people will never forgive any of us if you do. Through my testimony it is my intention to replace misunderstanding with understanding and to substitute truth for untruths.

We have all taken the same oath before God and under the Constitution, and we are today charged with the duty of trying and testing a new Amendment to that Constitution for the first time. Many of us had a voice and a vote in bringing about the 25th Amendment. From that debate I would like to quote two distinguished Senators—anonymously, since I hope you will not throw too many of my own words from the Congressional Record back at me.

One, a Republican, noted that "The security of our nation demands that the office of the Vice President should never be left vacant for long." Another, a Democrat, observed that "At a time of national crisis, the public would not tolerate the playing of politics in the choice of a Vice President."

I agree with both these distinguished Senators, and I also agree with the only American who has ever served consecutively as Speaker of the House and as President of the Senate, John Nance Garner.

"Men who have known how to compromise intelligently have rendered great service to their country," said "Cactus Jack", probably sitting right in the Capitol Office which I now occupy as Minority Leader. "The most constructive laws on our statute books have been put there by intelligent compromise—that does not mean that men have to abandon fundamentals or basic principles."

So my platform, gentlemen, is always to support truth and intelligent compromise. And I pledge to you and to the American people that if confirmed, then, as President Eisenhower did, I will do what I believe is best for America. I will do it as President Lincoln did, "with firmness in the right, as God gives us to see the right."

Thank you for your courteous attention.

FAREWELL ADDRESS OF PRESIDENT ANDREW JACKSON

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. HOGAN. Mr. Speaker, in this critical period of stress and uncertainty surrounding our political system, I would like to share with my colleagues a speech given by a former President. His speech which is as appropriate today as it was over 136 years ago:

FAREWELL ADDRESS OF PRESIDENT ANDREW JACKSON

MARCH 4, 1837.

In presenting to you, my fellow-citizens, these parting counsels, I have brought before you the leading principles upon which I endeavored to administer the Government in the high office with which you twice honored me. Knowing that the path of freedom is continually beset by enemies who often assume the disguise of friends, I have devoted the last hours of my public life to warn you of the dangers. The progress of the United States under our free and happy institutions has surpassed the most sanguine hopes of the founders of the Republic. Our growth has been rapid beyond all former example in numbers, in wealth, in knowledge, and all the useful arts which contribute to the comforts and convenience of man, and from the earliest ages of history to the present day there never have been thirteen millions of people associated in one political body who enjoyed so much freedom and happiness as the people of these United States. You have no longer any cause to fear danger from abroad; your strength and power are well known throughout the civilized world, as well as the high and gallant bearing of your sons. It is from within, among yourselves—from cupidity, from corruption, from disappointed ambition and inordinate thirst for power—that factions will be formed and liberty endangered. It is against such designs, whatever disguise the actors may assume, that you have especially to guard yourselves. You have the highest of human trusts committed to your care. Providence has showered on this favored land blessings without number, and has chosen you as the guardians of freedom, to preserve it for the benefit of the human race. May He who holds in His hands the destinies of nations make you worthy of the favors He has bestowed and enable you, with pure hearts and pure hands and sleepless vigilance, to guard and defend to the end of time the great charge He has committed to your keeping.

My own race is nearly run; advanced age and failing health warn me that before long I must pass beyond the reach of human events and cease to feel the vicissitudes of human affairs. I thank God that my life has been spent in a land of liberty and that He has given me a heart to love my country with the affection of a son. And filled with gratitude for your constant and unwavering kindness, I bid you a last and affectionate farewell.

HAPPY BIRTHDAY, MR. DEMOCRAT

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. JOHNSON of California. Mr. Speaker, I rise today to pay tribute to a special type of person, J. Everett Morrow, known far and wide in Butte County and northern California as "Mr. Democrat." Mr. Morrow, a day or two ago, celebrated his 96th birthday. At that time the Chico Enterprise Record, a newspaper which has established a reputation of independence, described him as "a very special person" not only because of the attainment of the age of 96 but because he is an outstanding example to all of us who are younger of how we should maintain an active interest in public affairs and in people. This basically is what our Government and our democratic system is all about.

So that I might share in the honoring of Mr. Morrow and so that my colleagues might see what one individual has done for his country I insert at this point in the CONGRESSIONAL RECORD the editorial of Friday, October 26, 1973, issue of the Chico Enterprise Record:

HAPPY BIRTHDAY TO "MR. DEMOCRAT"

The fact that this is an "off year"—with no elections being held for state or national posts—accounts for the relatively slow pace of political activity here during the current fall season.

It is true that a few of the hopefuls for next year's key state races—especially the governorship—are beating the bushes occasionally. But no great amount of enthusiasm is yet being generated.

Nevertheless, it is important to note that Democrats of the area are not letting the off-year doldrums prevent them from paying special homage to a very special person. That person is J. Everett Morrow, known far and wide as Butte County's "Mr. Democrat."

Mr. Morrow this week is observing his 96th birthday—and local Democrats are honoring him tonight with a birthday party. It is scheduled for 7:30 o'clock at the Women's Club, 592 E. Third St.

Our reference above to Mr. Morrow as "a very special person" is based not only on the fact that he has managed to attain the ripe age of 96. That is indeed a considerable accomplishment in itself. But what makes Mr. Morrow "special" is the fact that a fellow of 96 happens to maintain such an active interest in public affairs—and in people.

Knowing Mr. Morrow and admittedly a fond fan of his after watching his activities for so many years, it strikes us that his driving interest in people and public affairs

may be a key factor in his longevity, quite in contrast to the attitudes of many other persons of advanced age.

We say this because (as we have explained on other occasions) we have always found that while J. Everett Morrow is willing to talke about the past, the real sparks of enthusiasm come into his eyes when he manages to switch the conversation to the future.

What we mean is that Morrow always is looking ahead—looking forward to the next meeting, the next election, the next growing season, and so forth. He just can't seem to wait for tomorrow to come around.

Of equal importance, of course, is the fact that Morrow's has been a life of considerable versatility of interests and endeavors.

He has been a school teacher (in the old Floral District between Durham and Gridley back before the turn of the century; he was paid $65 a month).

He has been a fruit buyer (during one period, he made trips to Chico frequently to buy fruit from Gen. John Bidwell for the Biggs cannery).

He has been a cannery superintendent (running large cannery operations both in San Francisco and Emeryville as a young man—a job that required not only first-rate technical knowledge, but also an ability to use both psychology and muscle in ramrodding the hard-working cannery crews made up largely of fresh Italian immigrants in those years).

He has been a bootleg moonshine buster (at one time during Prohibition he "terminated" a clandestine distilling operation in the rural Gridley region and put the huge boiler into the more respectable service of heating a schoolhouse).

He has been a ranking horticulturist and major executive in the U.S. Department of Agriculture's plant introduction program (after serving in posts ranging from Southern California to the Florida Gulf Coast and Washington, D.C. Morrow was superintendent of the U.S. Plant Gardens here in Chico for many years).

But Morrow himself will tell you that of all the things he has done his 96 years, he is most proud of having been "an active Democrat" all of his adult life.

Emphasis should be placed on the word "active" in that prior sentence. Morrow cut his political teeth during the exciting—but ill-fated—Free Silver campaign of William Jennings Bryan back in 1896. And he has been active on behalf of Democratic candidates in every presidential campaign of the 20th Century, as well as state and congressional campaigns.

It is not surprising, then, that Morrow has for many years been regarded as "Mr. Democrat of Butte County." Nor is it surprising that his fellow Democrats (and a goodly sprinkling of Republicans as well) are making it a point to honor him on his birthday even during an "off-year" for politics.

And we at The Enterprise-Record say again as we have in the past: Happy 96th birthday to "Mr. Democrat" and we look forward to covering J. Everett Morrow's participation in many future campaigns.

FIRST WOMAN MAYOR

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. WINN. Mr. Speaker, I would like to take this opportunity to acknowledge the accomplishments of the Honorable Nancy Hambleton, the first woman mayor of Lawrence, Kans. In the brief period that she has been in office, Lawrence has witnessed many new programs which have promoted and reinforced the town's well-being. Because approximately only 12 other Kansas towns have a woman mayor, with most of these towns being smaller than Lawrence, Mayor Hambleton is an early crusader in Kansas in this position.

As Mrs. Hambleton herself said on the subject of being a woman mayor:

> In some ways it might be easier. It opens a lot of doors and people are sort of intrigued with the idea of a woman being there.

Nancy Hambleton accidentally tumbled into politics in the fall of 1970, through the urging and encouragement of a citizens committee concerned at the time with many of the problems then dividing Lawrence citizens. She was elected to the Lawrence City Commission in 1970 and became the city's first woman commissioner. This past April, she was elected Lawrence's first woman mayor.

Nancy Hambleton has not only developed and extended programs in flood insurance and revenue sharing, but has also given Lawrence's downtown area a facelift. The urban renewal project, initiated while she was commissioner, is nearly completed. Lawrence's main street now shows off new store fronts, sawtooth curbs, new street lights, sidewalk benches, trees, and flowers.

Lawrence is the home of Kansas University, thus the second home for the thousands of KU students. The relationship between the university and the town has increased tremendously. As we all know, any university town is unique in many aspects since the town and the university share many facilities and depend to a large extent on each other economically. Through Mayor Hambleton's efforts, the town and the university have been united in their goals and direction as never before.

Problems such as drainage or special assessments as well as the visual problems of downtown Lawrence, are being dealt with in the abundant revisional programs. "Her Honor" has succeeded in bringing many refreshing changes to Lawrence.

I know my colleagues will want to join me in paying tribute to Mayor Hambleton on the fine job she is doing.

FREE MARKET NEVER FAILS TO WORK

HON. EDWARD YOUNG

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. YOUNG of South Carolina. Mr. Speaker, the great thing about the free market is that it works, and it works every time. One day, the controllers, the manipulators, and the price fixers will learn this lesson.

This summer, the Cost of Living Council decided not to allow the country's 200,000 gasoline stations operators to pass along to the public the higher prices granted to gasoline wholesalers. The anguished cries of our service station people went unheard at the Cost of Living Council. Now, the refiners who produce fuel oil are the same ones who produce gasoline. Gasoline consumption during the summer months was maintained at an unnaturally high level as a result of unnaturally low gasoline prices at the pump, so the refineries quite naturally delayed their conversion to the refinement of fuel oil.

Now the Cost of Living Council and the Congress are mystified that there will be a fuel oil shortage this winter. So fuel oil will be rationed because the retail price of gasoline was frozen last summer. If the Cost of Living Council had allowed the retail price of gasoline to rise—if it had allowed the free market to establish the retail price of gasoline—fewer persons would have driven their automobiles quite so much, gasoline consumption would have been reduced, and the refineries could have converted to the production of fuel oil at an earlier date. There is no better allocator of goods and services than the laws of supply and demand. Since we have decided to repeal those laws, we have had to substitute a mandatory allocation program.

The punishment for violation of the laws of gravity comes with speed and with certainty, thus they are universally obeyed. The law of supply and demand is no less inflexible, yet the price fixers do not seem to be able to learn its lesson. When they do, the Nation will no longer be put through its paces, reeling through a "crisis" here, a "blunder" there, and a "shortage" everywhere.

VALUE OF MEN

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. TEAGUE of Texas. Mr. Speaker, the time between the understanding of the fundamental laws of science and the application to the benefit of man has grown shorter and shorter over the years. It is fortunate that this has been the circumstance. Prevention of disease and improved living standards all depend on new technology derived from scientific investigation. A recent article in the Evening Times of Melbourne, Fla., September 27, 1973 points to the value of men and their contributions in Skylab 2 and 3. We are fortunate in having automated satellites which greatly contribute to our ability to predict weather and to communicate on a worldwide basis. Along with this capability, it is important to recognize that man has a strong and direct role to play in space. This continues to be exemplified by the achievements of Skylab. I include this significant article in the RECORD for the benefit of my colleagues and the general public:

VALUE OF MEN IN SPACE PROVED AGAIN

Those dauntless Skylab 2 astronauts have again proven the value of having men in space.

This time they overcame a crippled spacecraft to perform an unprecedented and tricky reentry maneuver Tuesday for a successful splashdown in the Pacific off the California coast.

Two leaking steering jets on the Apollo ferry ship early in the 59½-day mission threatened a possible rescue attempt and curtailment of the voyage.

Instead, the astronauts surmounted the obstacles. With ground support they flew the entire mission to rack up more gains for this country's space achievements.

The actual results of the benefits of this latest manned space mission may be years away.

The thousands of photos and miles of tape could lead to an endless source of pollution-free energy, a catalog of the world's resources and new metals and materials.

Years may be required to evaluate completely the data obtained from the Skylab 1 and 2 crews and that still to come from Skylab 3.

"Space is a place, a very unique place and a new important resource that can be used for the benefit of people everywhere on earth," said NASA Administrator James B. Fletcher in summing up the importance of Skylab.

Skylab 2 brought home this week 77,600 pictures of the sun snapped through six solar telescopes. There are more than 12,000 pictures and 18 miles of computer tape gathered during earth resources surveys.

Add to that 30,000 sun photos and 3,000 earth photos collected by the Skylab 1 crew, and scientists declared it a bonanza.

Perhaps most importantly, the astronauts have proven that man can adapt to the weightless environment of space for long periods of time.

Photos and sensor data may determine through study hidden oil and mineral reserves needed by our nation.

Also important will be assessing land for its agricultural potential, timber volume and water runoff, as well as air and water pollution sources.

Of particular interest to Florida and Brevard County would be improved weather forecasting and determining fishing grounds.

Of the solar flares and activity recorded, Dr. Neil R. Sheeley of the Navy Research Laboratory, said, "Now we've got the possibility of answering questions that we've only had clues to for years."

Flares spew large doses of radiation into space, influencing weather and disrupting communications on earth by creating magnetic storms.

Experts hope the solar data will help unlock the secret of controlled thermonuclear fusion, which is the source of the sun's energy.

This would aid in searching for an unlimited and pollution-free power source on earth.

That alone would more than repay the cost of the entire space program borne by United States citizens.

HOME RULE FOR THE DISTRICT OF COLUMBIA

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. EILBERG. Mr. Speaker, as many of our colleagues are aware, this may be a historic week for residents of the Nation's Capital and for the Congress. It is the week that a home rule bill (S. 1435) for the District of Columbia is expected to emerge from a House-Senate conference committee.

Self-government for the three-quarters of a million residents of the District of Columbia is an idea whose time has not only come but is long overdue. It is a principle which I have worked diligently for and supported actively when the bill passed the House October 10, 1973.

The bill approved by the House of Representatives is a sound and reasonable legislative measure. It provides for:

An elected mayor and 13-member city council;

General legislative powers in the city council;

Reorganization and modernization of the governmental structure;

Bonding and general revenue authority;

A local planning and land-use authority; and

A merit-selection system for nominating local judges.

The bill is not all that some had hoped for. For instance, much of the appropriations process will remain in the Congress rather than being transferred to the local government. Yet, by and large, the bill will go a long way toward restoring basic self-government to the people of the Nation's Capital.

I commend the committee, under the able leadership of Mr. DIGGS from Michigan, and the House conferees for their considerable energies. I hope, indeed, that a bill does emerge from conference committee this week and that the bill is the strongest possible version of self-government consistent with constitutional and political realities.

HUMANE TREATMENT FOR MIDDLE EAST PRISONERS OF WAR DISTINGUISHED NIH BIOMEDICAL SCIENTISTS SPEAK OUT

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. ROSENTHAL. Mr. Speaker, now that the cease-fire in the Middle East has apparently taken hold and efforts are being directed toward achieving a permanent peace, it is vital that all the parties to the conflict avoid actions that could precipitate a further crisis. In an effort to set the stage for meaningful peace talks, the State of Israel has permitted the delivery of food, water, and medical supplies to the surrounded Egyptian 3d Army; and has released the names of and permitted International Red Cross access to Arab prisoners of war.

The fact that the Arab States have not reciprocated in a similar way, threatens the fragile cease-fire and leaves the families of captured Israeli soldiers without information as to the fate of their loved ones.

Mr. Speaker, a distinguished group of biomedical scientists associated with the National Institutes of Health—three of whom are Nobel Laureates—have joined together in an appeal to the American Red Cross to use its influence to secure humane treatment for the prisoners of war being held by the Arab States.

The scientists' statement follows:

The Geneva Conventions require that all countries release complete information on p-o-w's within one week of their arrival at a camp and allow representatives of the International Red Cross access to them. These requirements are not subject to reciprocal arrangements between the combatants nor to any conditions. As of October 31 the Israel Government has released the names of 3,827 captured p-o-w's and allowed the IRC free access to them. Egypt at the same time has released the names of only 47 Israeli p-o-w's captured in the presence of International Observers, and has not allowed the IRC access to them. Syria has also refused cooperation with the IRC and released no names. Egyptian President Anwar Sadat has stated that release of names of p-o-w's and access to them by the IRC will be conditional upon Israeli military withdrawal. This is inadmissible on humanitarian grounds. Unconfirmed reports in the past 24 hours of impending exchange of wounded p-o-w's between Egypt and Israel are a hopeful and welcome sign of the breakage of this deadlock.

In proposing the UN ceasefire resolution in the Security Council on October 22 the US Ambassador to the UN, John Scali, noted that "both the Soviet Union and the United States believe that there should be an immediate exchange of p-o-w's." In accepting the ceasefire resolution Israeli Ambassador to the UN, Joseph Tokoah, stated "we regard the release of all p-o-w's now held in the countries involved in the conflict as an indispensible condition of any ceasefire agreement". So far the Egyptian and Syrian Governments have not fulfilled the commitments which they presumably made to the US and the USSR Governments before the adoption of the ceasefire resolution on October 22.

Apart from normal civilized conduct the Geneva Convention requires humane treatment of p-o-w's. There have been several well-documented instances in the past of Egyptian and especially Syrian maltreatment of Israeli p-o-w's. We now have information from the highest and most responsible sources that in the present conflict there have been instances of mutilation of captured p-o-w's by the Syrians. This should be contrasted with the fact that Israel has allowed humanitarian supplies, water, food and plasma, to reach the encircled Egyptian Third Army, who are not even p-o-w's. The reluctance of the Syrians to give the IRC access to p-o-w's raises, at the very least, the possibility that they have something to hide.

In view of all of the above we call upon the American Red Cross to exert all its influence through the IRC and other appropriate international bodies to persuade the Egyptian and Syrian Governments to abide by the accepted norms of civilized conduct in war. Should the Egyptian and Syrian Governments fail to do so, and should the ceasefire then break down, the blame for the further suffering and destruction on both sides will rest squarely upon them.

The statement was signed by: Robert Adelstein, Christian Anfinsen (Nobel Laureate), Nathaniel Berlin, Jack S. Cohen, Philip Leder, Robert Goldberger, Bernard Moss, Marshall Nirenberg (Nobel Laureate), Ira Pastan, Edward Rall, John Robbins, David Sachs, Alan Schechter, DeWitt Stetten, Sheldon Wolf and Julius Axelrod (Nobel Laureate).

A COSTLY DELAY

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. WINN. Mr. Speaker, with one daily Government "crisis" following another, the American people are finding themselves as shell-shocked as the most battle-worn soldier.

While trying to uncover political scandals, the country's news media have subjected the citizens of this country to a battering comparable to the worst of battles.

In the meantime, we, in Congress, must keep our sense of perspective on the central issues facing this Nation. It is up to Congress to restore a sense of balance and credibility to our Government. In effect, we must carry on with much of the unfinished business still facing the Nation.

One piece of unfinished business is the confirmation of our distinguished minority leader, GERALD R. FORD, as Vice President. This is one matter which should be concluded at the earliest possible date, and it is one which cannot afford a costly delay.

To this end, I submit for the consideration of my colleagues, an editorial from the Lawrence Daily Journal-World:

COSTLY DELAY

In an apparent effort to retaliate against President Nixon, and challenge his arbitrary ways, some individuals and groups have urged using Rep. Gerald Ford as a sort of hostage, refusing to confirm Ford for the vice presidency until Nixon meets certain demands.

These critics, the AFL-CIO among them, argue that since Nixon is under fire he should not be allowed to name his successor until the charges against him have been disposed of.

That is dangerous thinking which could be injurious to the nation. It is based on the notion of considering a man guilty until something comes along to prove his innocence. Suspect as some of the President's actions and utterances may be, he has not yet been convicted of any crimes.

Furthermore, if anything should happen to Nixon now, House Speaker Carl Albert, D-Okla., would become President under a 1947 act of Congress. If Albert could not serve, Senate President pro tem James Eastland would be next in line.

If Gerald Ford is as acceptable as the Vice President as early Congressional action indicated, then the lawmakers should get down to the business of approving him. If he is not acceptable, that should be settled and somebody else should be chosen.

Having a capable man on the job as Vice President, a man qualified to be the President since he might become that, is important and should not be left to chance. Confirmation should not be snarled by personal enmity with the man who nominated him.

Rep. Ford should be judged for the vice presidency on his own merits, which up to now seem substantial. With continued talk of movements to oust Nixon, having a second-in-command takes on even more importance.

The nation has enough crises without wittingly adding new ones, particularly when they can be prevented. Congress should accept or reject Ford immediately with the realization that each day of delay due to pettiness, bickering and politics heightens the percentage for new problems.

AMERICA NEEDS MORE EASTERN WILDERNESS

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. RHODES. Mr. Speaker, as you are aware, various areas of land—mostly in the Western States—have been designated as wilderness areas by an act of Congress. The designation of wilderness carries with it certain restrictions. The designation bars logging, construction of roads, use of motor vehicles, and any type of development. Wilderness status is intended to protect these wild lands for public uses such as hiking, camping, fishing, and sightseeing.

The foundations for this national wilderness preservation program were established in 1964, when the original Wilderness Act was signed into law. I have recently sponsored action in Congress which will, if passed, expand the size of our current wilderness system.

The purpose of the original Wilderness Act was to establish a national policy and to lay the foundation for a practical program to preserve areas of wilderness. That initial act began the program by designating 9.1 million acres of wilderness in 54 different units. It also outlined a process for studying additional areas for later addition to the system, and specified the areas to be studied.

Increasingly, attention has focused on the importance of providing wilderness areas for the eastern half of the United States. The bill I have introduced designates 28 new wilderness areas in the East, the South, and the Midwest. If passed, this proposal will bring the benefits of wilderness closer to home for the large part of our population concentrated in these regions.

Each of the 28 new wilderness proposals found in my bill are within a national forest. Sixteen States are represented, and the areas total 471,186 acres.

Our population needs wilderness areas. They provide wholesome primitive recreation opportunities; places where you can camp beyond the roar of traffic, hike without dodging cars, fish without hooking a friend or an old shoe. A wilderness area can relieve the stress and strain of our crowded, fast-moving, highly mechanized and raucously noisy civilization. They are areas of solitude and quiet where we can keep in touch with some of the basic facts of life.

The Wilderness Act emerged from the deep feeling of millions of Americans who rallied to save America's wilderness. I hope that Congress will give my legislation early consideration and act to expand our wilderness system.

COLUMBUS SCHOOL FIFTH GRADERS SHOW ENVIRONMENTAL CONCERN

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. DELLUMS. Mr. Speaker, recently I received some enlightening letters from the fifth grade class of Columbus School, Berkeley, Calif. These young constituents show an amazingly avid concern for the welfare and protection of our environment. Their perceptions should inspire us in Congress to focus more clearly on issues of environmental destruction.

If these children are concerned about these problems now at 10 or 11 years of age, they will be more highly motivated as they grow older. At that time questions of environmental quality will be even more serious than now—unless Congress acts promptly and effectively. I am inserting here the letters I received from the fifth grade class, Columbus School in Berkeley.

OCTOBER 19, 1973.

DEAR CONGRESSMAN: I am in the 5th Grade in Columbus School in Berkeley. My teachers' name is Miss. Goodell. My name is Angelo M. Johnson. I wrote this letter to you about pollution & detergent that is making our world an unsafe place. Can't you do something about that. Please try.

Sincerely your,

ANGELA M. JOHNSON.

DEAR CONGRESSMAN: I hope you will do something about the pollution in the sea because the pollution is destroying Plankton which help us live. By inhaling oxygen and outhaling carbon dioxide which we need to live.

Sincerely your unknown friend,

NANOO STAAL.

DEAR RONALD DELLUMS: I am writing to you about this countrys wildlife.

There are to many animals in this country that are not banshed from hunting and maybe destroyed very soon. Various animals like the Golden Eagle, and many other animals. I hope you can do something.

Sincerely yours,

JACOB SMITH.

OCTOBER 19, 1973.

DEAR SIR: I'm a 5th grade student from Columbus. I am concerned about the pollution that is spoiling the United States.

If you could possibly make a public speech concerning this matter it would probably help the people understand it probably would solve a little of the problem.

Yours truly,

MARK CHAMBERLAIN STEVENS.

OCTOBER 19, 1973.

DEAR RON DELLUMS: I think we should do something about the amount of animals that are being killed. We should use some land for animals that are becoming extinct and make a law that no one can kill these animals.

Sincerely yours,

WILLIAM ANSPORCH.

OCTOBER 19, 1973.

DEAR CONGRESSMAN: I am a fifth grade girl who is very concerned about all the damage

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done to wildlife. We had a visitor come today, Mr. Malcolm Raff and he talked to us about birds and wildlife.

I found out lots of things I did not know. There are less than 200 tigers, they are becoming extinct. So are many other animals, some already have become extinct.

The plankton is be destroyed by detergents. The oxygen will be gone. We won't be able to live.

You have to help stop this, *now*!!!

ANNE ROSENFELD.

OCTOBER 19, 1973.

DEAR CONGRESSMAN: I am a fifth grade student. We just had a vistor his name is Mr. Malcolm Raff. He talked about prevent the birds from dying. He also talked about how animals are extinct.

There is so much pollution that animals are dying. I want to know what you are doing about it.

Sincerely yours,

ANGELA REID.

OCTOBER 17, 1973.

DEAR CONGRESSMAN: I am a fifth grade student writing in concern of our environment. I think that we should all help in the fight against pollution.

I am sure you know that plants convert carbon dioxide into oxygen and that plants seem to be our leading supply of oxygen but I found out today that plankton is our main supply and is going to be extinct within 30 years people estimate. I am sure you would not want this to happen so would you make some sort of legislation or whatever to make people pay a fine, clean it up or go to jail if they add to the chemical pollution of the ocean.

Sincerely,

GLENN A. CARROLL.

OCTOBER 19, 1973.

DEAR CONGRESSMAN: I feel very concerned with the disappearing wild life, Is there something we can do about it? For instance, stop shooting birds and give them a place to live where it is safe. Cats are hunters but why destroy them? I'ts not fair that we live and they have to be killed. We need to save them before they get extinct.

Thank you,

JUDY MANZA.

OCTOBER 19, 1973.

DEAR CONGRESSMAN: We have heard that you can help us stop the rate of pollution being dumped into the seas. The plankton is disappearing at a great rate and after all the fish and animals that live in water have died eventually we will die. I hope that you can help and are willing.

Your friend,

EILEEN MCGRATH.

OCTOBER 19, 1973.

DEAR CONGRESSMAN: I'm a fifth grader and we just had a visitor to talk to us about birds and nature, we found out that to many species of animals have been destroyed by humans. We talked about ways to help and this was one of them, PLEASE help stop this now!

Help The World.

Sincerely,

BECKY GROSS.

OCTOBER 19, 1973.

DEAR CONGRESSMAN: We had a man come to our class and talk about birds and animals. When we talked we told about the destruction of nature and we know that it is right to stop hunting, preserving animals, and to stop taking all wild life. Can you help the poor insent animals to be free!

Yours Truly,

CATHY SEVILLA

OCTOBER 19, 1973.

DEAR CONGRESSMAN: I am a 5 grade student. Are class just had a visiter that has taught us a few things about birds. The litter that are being pourd in the Ocean are destroying the plangton which we get the majority of oxygen that we breath. The trees that are being cut down in the forest are destroying the wildlife. I really think that something shoud be done about this.

Sincerely,

ERIC BUTLER.

OCTOBER 19, 1973.

DEAR CONGRESSMAN: I am a fifth grade student in Berkeley Calif. We had a visitor today he told us how so many animails are dying and also being killed we think it is time somebody did something.

Sincerely

HOLLY GOODMAN.

DEAR CONGRESSMAN: We have just had a man who come in about birds who have just told us all a bout the air polluten that is killing everything it is killing trees the nimals and all either things. And it is killing the nimals that are on top of the water and under the water.

I so do hope something can be done about this yours truely

RONNIE FLOYD.

OCTOBER 19, 1972.

DEAR CONGRESSMAN: Please stop the hunters from shooting birds and other wildlife. The pollution is to much for this world. I am a fifth grader at Columbus School. Do you have any concern for these disappearing species? Eventually the whole world will die out. Can we start to save it well I hope so!

DIANA HARRIS.

OCTOBER 19, 1973.

DEAR RON DOLLUM: I am Justin Lena. You came to my fathers party in Berkly once. I am concerned about the birds. too many unatural things are happening to birds. Like polution and guns. I think you should do something about it.

Yours Truly,

JUSTIN LENA.

AGAINST IMPEACHMENT OF PRESIDENT

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. RHODES. Mr. Speaker, I have been requested by Mrs. Elsa P. Mulhern, president of the Pima County Republican Women, that the resolution adopted at a general meeting of Arizona's Pima County Women's Organization be brought to the attention of each Member of the House of Representatives. I am pleased to do so—it is a wise, sound statement which I hope will be considered by every Member.

The resolution follows:

Honored Members of the House: By resolution adopted at a general meeting of Arizona's Pima County Republican Women's Organization, I urge you, on behalf of 336 members, to use your influence to prevent passage of any motions of impeachment against the President of the United States.

As Republicans, our great and overriding concern is the stability of the Nation, and the welfare of its people. In a world rife with crises, and with future crises looming at home and abroad, the traumatic divisiveness of a drawn-out presidential impeachment proceeding might well destroy the country we all wish desperately to preserve and undermine the good America has accomplished domestically and internationally. Under America's aegis, and President Nixon's brilliant and determined efforts, tremendous gains have been made toward peaceful solutions of complex problems previously thought to have been insoluble. We cannot allow internal problems, serious as they appear at the moment, nor the petty hatreds of self-servers, to obscure the horrifying potential for disaster which lies ahead, if the collision course toward impeachment is pursued. Gentlemen, the price is too high.

WAR POWERS ACT VETO—AKRON BEACON JOURNAL URGES OVERRIDE

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. SEIBERLING. Mr. Speaker, on October 29, the Akron Beacon Journal joined the growing list of distinguished newspapers who have editorially urged that the Congress override President Nixon's veto of the war powers bill. The Beacon Journal correctly characterized President Nixon's criticisms of the bill with a single word "poppycock."

As the editorial points out, the bill in no way infringes upon the President's prerogatives as Commander in Chief but "merely takes a step toward bringing Congress back into its rightful place in the control of foreign and military policy."

Mr. Speaker, I wish to commend the editors for their stand and offer the full text of their editorial for printing in the RECORD.

The editorial follows:

WAR POWERS VETO RATES A SLAP-DOWN

Congress should promptly override President Nixon's veto of the war powers bill.

Superficially, Nixon could hardly have picked a better time to make his arguments against the bill. His veto came on the same day he placed U.S. troops on alert because of the Mideast crisis.

In addition to holding that the bill is unconstitutional, the President complained that the limitations it would place on his powers could diminish the confidence of our allies in U.S. support. The respect of our adversaries for our deterrent posture would also decline, Nixon said.

He said that if the bill had been in existence in the past, it might have made it impossible for the U.S. to properly respond to the Berlin crisis of 1961, the Cuban missile crisis of 1962, the Congo rescue operation in 1964, and the Jordanian crisis of 1970.

Poppycock.

There is nothing in the war powers bill that would keep the President from taking prompt action anywhere in the world at a time of crisis.

There is nothing that would impair our treaty obligations to other nations.

There is nothing that could reflect, either favorably or unfavorably, on our deterrent posture.

The war powers bill would simply require the President to report to Congress within 48 hours after he has committed U.S. troops to combat abroad.

It would also require that those troops be withdrawn within 60 days unless Congress specifically approved the action, and empower Congress to halt the action anytime within the 60-day period by passing a concurrent resolution not subject to veto.

All of this is designed to prevent any long-term commitment of U.S. troops to a Vietnam-like action without a declaration of war or other specific approval of Congress.

The bill may not be a perfect answer to the problem, but Nixon's protestations notwithstanding, it does not infringe on his prerogatives as commander-in-chief.

It merely takes a step toward bringing Congress back into its rightful place in joint control of American foreign and military policy.

The current sense of crisis—whether real or bogus—should not cloud the issue. This is a proper and justified piece of legislation that is badly needed.

WHAT I CAN DO TO HELP SOLVE THE ENERGY CRISIS

HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. HANRAHAN. Mr. Speaker, our Nation is in the midst of a serious energy crisis, which threatens to get worse unless we, as individual citizens, take steps to alleviate over-usage of our precious fuel. For this reason, I joined three of my colleagues in sponsoring an essay contest for high school students in our district. Students were asked to write "What I, as a Citizen, Can Do To Conserve Energy;" and the answers I received were ingenious and informative, indicating an awareness that was both surprising and delightful. For the benefit of my colleagues, I would like to submit the winning entry from my district, written by Tim Joyce, of Dolton, Ill.:

WHAT I CAN DO TO HELP SOLVE THE ENERGY CRISIS

(By Tim Joyce)

To the unwilling sufferers who have resigned themselves to the thought that an individual cannot effectively fight the energy crisis: I merely say, "Think again." Think of five of your friends, and five of their friends, and five of their friends, that's 156 people who could also be helping because you passed on your original, non-polluting flame of genuine enthusiasm. Think of the organizations that may continue to fight because of the moral support of one more person. If nothing else, think of sense of worth that any advancement will bring to your formerly passive lives.

The next step is to find out what you're fighting about, then find out who. The library has all kinds of books and magazines that explain what the energy crisis is doing and will be doing to this country and it's economy. By joining the organizations that are fighting with you, you can receive all the information that they have on the subject. The government also has pamphlets that will help you tremendously.

Now, we get down to the truly individual activities, the first of which is to get your car in tune. An out-of-tune car burns considerably more gas. Then you should continue to have your car checked at the intervals recommended by the manufacturer. A cold engine burns more gas than a warm engine. By combining all your errands and shopping into one trip, you will keep the engine sufficiently warm. Starting a car burns more fuel than letting it run for a few minutes. By buying or having a second ignition key, you can leave the car running and still be able to unlock the doors. When stopped at a stoplight or train crossing, put your car in neutral or park, as idling a motor burns less gas than leaving it in gear.

One man in California makes a profit while helping the cause. He runs a "Computer Car Pool Service," using his brain as the "computer." He advertises in local papers for rider and riders. By matching starting areas and destinations, he groups the people together for minimal fees. The idea is so simple and the work not involved but it does clear the roads of many unnecessary fuel burners.

Cars today have been loaded with so many pollution controls that they are burning much more fuel. I don't know which is more important, the pollution or the gas, but I highly recommend the rotary engine, as it doesn't require pollution controls and gets many miles per gallon.

In the winter, many people leave their cars running for twenty minutes or more. This action was necessary on earlier cars but the machinery and the oils have both been improved. There are now "dip-stick heaters" that can be used overnight.

Is a sweater or an extra blanket so confining that they can't be worn in place of a furnace or electric blanket going full blast? How many people keep their doors shut to 68 degree weather while their air-conditioners rattle on to overcome the rays of the sun and body heat trapped in the house? Check your house for correct insulation, including walls, doors, windows, attics, and crawl spaces. Heating and cooling units, refrigerators (empty) and clocks, all run automatically, and should be shut off or unplugged while on vacation. One adequate lamp is preferred over two or more inadequate lamps, so are those with varying brightnesses. Use only the wattage that is needed. Some appliances such as, television, uses up more electricity while warming up than they do in 15 or more minutes of normal use. If you are coming back soon don't shut it off. Some brands of television use a constant flow of electricity in order to achieve the "instant-on" effect. Unplug them overnight and while on vacation; you can wait a few minutes for your picture. Dishwashers and other automatic shut-off appliances can be run at night when demands on electricty are low, and the generators are running anyway. Wash only full loads. Preheat and pre-cool foods going into the oven and refrigerator, respectfully. This takes space and time, but no gas or electricity. Keep refrigerators away from stoves, ovens, and heating vents that can cause it to lose its cool. You can go as far as having a locker outside to cool things in the winter.

The sun can do marvelous things. My mother makes a wonderful iced tea, letting the sun heat the water while the tea bags just sit. Using mirrors the sun can boil water in twenty minutes. Some houses have been built with hot water heaters used only to supplement the sun, which is used to heat the pool, bath, or whatever hot water is needed for.

Don't waste hot water either. It costs for the water and the power to heat it. A dripping faucet lets dollars down the drain A bath uses more than a seven minute shower.

After following these steps and doing your share, go out and brag about it; show those five friends your enthusiasm, and pass it on. It is the only way to get those thousands of other passive people into the ball game.

PSRO AND THE LOUISIANA STATE MEDICAL SOCIETY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. RARICK. Mr. Speaker, around the country, an increasing number of State medical societies continue to go on record in opposition to the implementation of Professional Standards Review Organizations—PSRO. Apparently, more medical people are becoming aware of the inherent dangers found in PSRO's bureacuratic control of the practice of medicine.

There is little doubt that the PSRO concept, which is so alien to the traditional doctor-patient relationship, would cause a great deal of alarm among patients as well as doctors if all the facts were known.

Unless PSRO is repealed from the Social Security Act, it will become law on January 1, 1974. My bill H.R. 9375 will do precisely that—repeal PSRO. I insert the text of H.R. 9375 following my remarks.

The Louisiana State Medical Society was one of the first State medical societies in the Nation to openly oppose PSRO.

Louisiana doctors realized early that—

> Quality medical care can be offered to all citizens . . . whereby health care professionals are free to employ their unfettered, free, and independent judgments and skills.

They realized too, that—

> It will best serve the public interest for physicians and their organizations to remain free from control of politicians and their assigns.

The overall result of Professional Standards Review Organizations will be to force medical doctors to abandon their oath to serve their patients. Rather, they will be bound by law to follow the edicts of nonprofessional PSRO investigators from the Department of Health, Education, and Welfare. The final decisions as to the type treatment, medication, hospitalization, et cetera, will become the prerogative of the PSRO examiner, not the doctor in charge of the case. In order to be paid for their services, medical doctors will be forced to abide by the treatment guidelines set by HEW. Medical doctors will essentially become political doctors.

This shocking reality has caused doctors around the country to demand that PSRO be repealed.

Mr. Speaker, let me assure our colleagues that if they have not heard an outcry from the doctors in their districts yet, they can expect to after the January implementation deadline becomes law.

I encourage my colleagues to join me in reintroducing H.R. 9375 on November 13.

Before yet another bureaucracy is created to restrict our freedom, I urge other Members to join me in an effort to repeal PSRO.

I insert the resolution of the Louisiana

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State Medical Society opposing PSRO and my letter to our colleagues, as follows:

Resolution No. 6: Contractual Agreements Between the Louisiana State Medical Society and Any Branch of Government

Whereas, quality medical care can only be offered to citizens of this state and nation whereby health care professionals are free to employ their unfettered, free, and independent judgements and skills, and,

Whereas, there exists court decisions stating, "That which government subsidizes, it shall control", and,

Whereas, the physicians of Louisiana intend to continue to render medical services to all citizens seeking said services with each physician exercising his own independent judgement and skill in providing the highest possible quality of medical care and that any denial of claims of beneficiaries of federal programs of health insurance must be solely a function of government, and,

Whereas, it will best serve the public interest for physicians and their organizations to remain free from control of politicians and their assigns, and,

Whereas, no law, including H.R. 1 (PSRO section), demands that physicians or their organizations are mandated to enter into contracts with the Federal Government or assume responsibility for PSRO function, it being an entirely voluntary option,

Therefore, be it resolved, by the Louisiana State Medical Society House of Delegates in special assembly this the 28th day of April, 1973, that it does:

(1) Reaffirm standing prior policy to forbid any contractual arrangement, both directly and indirectly, through commitment by a separately sponsored Foundation or other organization by whatever name, between Louisiana State Medical Society or any assign it may sponsor and any branch of government both federal and state or any subdivision thereof, and, further,

(2) Instruct that copies of this resolution with accompanying appropriate statements or cover letters be forwarded with all due possible haste to

(a) All members of the L.S.M.S.

(b) The Federal Congressional Delegation of Louisiana

(c) The A.M.A. Board of Trustees

(d) All affiliated States Societies of the A.M.A.

(e) Mr. Marvin Rowlands, Editor A.M. News with request for reproduction in an early issue of said publication.

(Adopted by House of Delegates, Louisiana State Medical Society April 28, 1973.)

Washington, D.C., *November 6, 1973.*

Re H.R. 9375, repeal of PSRO, section 249 F of Public Law 92–603.

Dear Colleague: I expect to reintroduce the above-captioned legislation on Tuesday, November 13th.

Section 249 F of PL 92–603 was added by the Senate to H.R. 1 and will take effect 1 January 1974. *This section establishes a network of Professional Standards Review Organizations to see that "appropriate professional standards" are practiced by our nation's doctors. The organizations will be charged with determining what medical practices are suitable.*

I am concerned with this and am firmly convinced that our nation's physicians have done an outstanding job of maintaining high professional standards. They simply do not need another federal bureaucracy to meddle and interfere with the doctor-patient relationship.

The legislation I have introduced, H.R. 9375, would repeal this section of 92–603, thus protecting our private medical delivery system from additional governmental interference. I have received numerous letters from physicians across the country indicating their alarm at the impending implementation of PSRO. To date, H.R. 9375 is supported by the Louisiana State Medical Society, the Indiana State Medical Society, the Kentucky State Medical Society, and the Tennessee State Medical Society.

I would appreciate your joining with me in sponsoring this legislation. If you wish to do so, please contact Nick Ashmore of my staff, 53901, by the close of business Monday, November 12th.

With kindest regards.

Sincerely,

John R. Rarick,
Member of Congress.

H.R. 9375

A bill to amend title XI of the Social Security Act to repeal the recently added provision for the establishment of Professional Standards Review Organizations to review services covered under the medicare and medicaid programs.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part B of title XI of the Social Security Act (as added by section 249F of the Social Security Amendments of 1972) is repealed.

Sec. 2. Title XI of the Social Security Act is further amended—

(1) by striking out "AND PROFESSIONAL STANDARDS REVIEW" in the heading; and

(2) by striking out "Part A—General Provisions" immediately before section 1101.

TRIBUTE TO DR. H. M. IVY

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. MONTGOMERY. Mr. Speaker, it is my very deep privilege to represent a man who is considered to be one of the outstanding educators of this Nation. He is Dr. H. M. Ivy, emeritus superintendent of the Meridian, Miss., public schools. I feel very fortunate to have been under his tutelage myself as a young man. Dr. Ivy was recently honored by the Mississippi Association of School Administrations for his accomplishments in and contributions to the field of education. Making appropriate remarks at the time was Dr. Kirby P. Walker, himself an outstanding educator and emeritus superintendent of the Jackson, Miss., public schools. I commend to my colleagues the remarks of Dr. Walker which outline the meritorious career of Dr. H. M. Ivy.

The remarks follow:

Horace McCauley Ivy: His First 90 Years

The initial opportunity to see the subject of these comments in action was in 1925 when the Southern Association of Colleges and Secondary Schools convened in Jackson at the Edwards Hotel.

It was my first year in school administration.

As an obvious novice in such work, anxious to move ahead, I thought the school I served should, in time, be regionally accredited. This accounted for my temerity in attending that Mississippi convention as an onlooker.

At that Jackson meeting my attention was quickly drawn to the one Mississippian who seemed to be involved in all aspects of Association business. That man just a few years earlier had been Mississippi's first High School Supervisor in the State Department of Education, and at that time was superintendent of the largest school system in the state.

You could not help but observe that Dr. Ivy enjoyed a wide acquaintance with and a warm acceptance by educators there assembled from all sections of our region. The vigor and alertness he exhibited amazed me.

I resolved then I would strive to emulate this educator who had just turned forty the year before. That was a large order I gave myself which I was never able to fill.

II

In this special moment of recognition for one of its most prominent charter members, the Mississippi Association of School Administrators truly honors itself when it reviews the achievements and the brilliant record of Horace McCauley Ivy.

The full story of this man's life—that of his forebears, his childhood, his education, his employment experiences which varied from working as a laborer in a sawmill, as a scientist in the U.S. Bureau of Standards, as a bookkeeper, as a teacher of Latin and Greek, as a high school coach and principal, as a college professor, as state high school supervisor, as superintendent of schools, and as founder and director of Associated Consultants in Education—is an exciting one and an inspiration to hear.

A part of this story has been narrated by Dr. Ivy and taped for the Living History Records of the Southern Association of Colleges and Schools. Should you have occasion to be in the Atlanta office of the Association go to its Library and Archives and listen to the saga of this great leader in Southern education, the Emeritus Superintendent of the Meridian Public Schools.

As a college student Horace Ivy made many teams—debate, oratory, baseball, football, track, and chess.

As a practicing school administrator he also belonged to many teams—some he captained. Some of these teams were the Mississippi Education Association, the Southern Association of Colleges and Secondary Schools, the Century Club, the National Education Association, the Board of Trustees of Millsaps College, the Board of Trustees of George Peabody College for Teachers, and the Board of Trustees of Institutions of Higher Learning in Mississippi.

III

We know there is something especially significant and historic in being Number One.

Several years ago a friend of Dr. Ivy listed a number of these firsts by this notable educator some of which I now recite—

He organized and coached the first football team in Mississippi which played in the first interscholastic football game in the state—Yazoo City vs Winona. His teams were so successful until it was not long until he was known as the Poison Ivy coach.

He was the first high school supervisor employed in the State Department of Education in Mississippi.

He established the twelve-grade school system for Mississippi.

He organized the first vocational-technical program in a Mississippi school district.

He published the first high school curriculum bulletin in Mississippi.

He established the first junior college in a public school district in Mississippi.

He organized the state's first junior college-hospital cooperative program for training nurses.

He was the first public school superintendent in the region to serve as president of the Southern Association of Colleges and Secondary Schools.

He was the first chairman of the Southern

Association's Committee on Negro Colleges and Schools.

He was the first school superintendent in Mississippi holding the PhD degree.

He proposed the establishment of a teachers' retirement system when president of MEA.

He initiated and led a national movement for federal aid to education.

He was chairman of the committee that chose the site and selected the first president of Mississippi Valley State College.

He was the first Mississippian awarded honorary life membership by the Southern Association of Colleges and Schools, followed by a similar award by the American Association of School Administrators.

He authored a book on alcohol and narcotics.

He is the first nonagenarian member of the Mississippi Association of School Administrators cited for his outstanding service to his profession.

IV

The illustrious career of this distinguished educator and friend has caused the Mississippi Association of School Administrators to take this moment in this annual convention to add its endorsement to the many citations by other organizations.

Dr. Ivy, members of this organization wish to acknowledge publicly their great debt to you for your life of service to education, not only in Mississippi but in our nation.

Your never-failing courage to step out, to speak out, and to persist for any cause you advocated has been an inspiration and example to all of us.

Your wisdom and acumen in pressing for educational improvement have been impressive and fruitful.

Finally, your zeal for worthy achievement and your many professional accomplishments distinguish you as Mississippi's Number One School Administrator of the Twentieth Century.

Mississippi Association of School Administrators is proud and distinctly honored to have the privilege of saluting you and congratulating you at this special occasion on this 22nd day of October 1973.

ON THE CONSTITUTIONALITY OF A SPECIAL ELECTION

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. MOAKLEY. Mr. Speaker, the question of special Presidential elections is one to which we must give considerable attention. The Constitution charges Congress with specific responsibility for enacting statutes which will provide for the orderly, democratic transition of power in the event that the President resigns or is impeached while the Vice Presidency remains vacant.

In an effort to utilize this power to provide for special elections, I introduced H.R. 11214 yesterday, a bill which would, in essence, reinstate the 1792 Succession Act.

Boston Mayor Kevin H. White has taken an active role in presenting the possibility of such legislation to the country. In his investigations, he sought the opinions of three of the Nation's most distinguished experts on constitutional law, Harvard Profs. Paul Freund, Abram Chayes, and Raoul Berger.

They have offered their considered opinion on the constitutionality of the step being proposed. In order to provide my colleagues with the fullest possible background on this position, I am pleased to offer the comments of Professors Freund, Chayes, and Berger.

The comments follow:

Law School of Harvard University,
Cambridge, Mass., November 1, 1973.

Hon. Kevin H. White,
Mayor of Boston,
City Hall,
Boston, Mass.

Dear Mayor White: You have asked if, under the Constitution, Congress has the power to provide by statute for a special election to fill the office of President in the event that both the offices of President and Vice President become vacant. In our opinion, Congress has such power.

Article 2, section 1, clause 6 of the Constitution provides:

"In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation, or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected."

The matter was expressly considered in the Constitutional Convention and the debates show conclusively that the Framers intended to empower the Congress to call a special election in those circumstances.

On September 7, 1787, it was moved in the Convention that the Legislature should designate by law which officer of the United States would act as President in the event of vacancies in the offices of both President and Vice President and that "such officer shall act accordingly until the time of electing a President shall arrive. James Madison objected to this language on the ground that it would prevent the vacancy in the Presidency from being filled by a special election. He therefore moved to change the language to read that the officer who was designated to "act as President" do so "until such Disability be removed, or a President shall be elected." Madison's amendment was carried and with minor stylistic changes was incorporated in the final text of the Constitution.

The Second Congress, of which Madison himself was a member, exercised this very power when it enacted the succession Act of March 1, 1792, providing for a special election in the event of a simultaneous vacancy in both Presidential and Vice Presidential offices. 1 Stat. 239. Actions of the First and Second Congresses are traditionally given great weight on questions of Constitutional interpretation. *Myers* v. *U.S.* 272 U.S. 52, 175 (1926).

The text of the relevant sections of the Act of 1792 is attached to this letter. You will note that the Act provided for the special election to be omitted if the double vacancy occured within six months of the expiration of the Presidential term. It also stipulated that the president pro tempore of the Senate (and if there was none the Speaker of the House) should act in the interim until the special election; and that the person elected should serve for a term of four years from the next inauguration day following the special election. These features are remarked here not to suggest that they are Constitutionally required, but to indicate the flexibility that is available to the Congress in dealing with the practical questions involved in a special election.

The Act of 1792 remained law for almost a century. Then the mechanism of Presidential succession was changed to provide that in the event of the vacancy of both the offices of President and Vice President, one or another member of the Cabinet in the order therein provided should "act as President." But the statute went on to provide that Congress should assemble within twenty days, presumably to consider what further action to take.

The 1886 statute was in turn replaced in 1947 with the present law providing that in the event of the vacancy of both the offices of President and Vice President, the Speaker of the House of Representatives would act as President to be followed by the President pro tempore of the Senate to be followed by ranked Cabinet officers for the remainder of the then Presidential term. 3 U.S.C. 19.

These subsequent enactments are further evidence of the broad and flexible authority available to Congress in fulfilling its Constitutional mandate to provide for continuity in the office of President in case of "removal, death, resignation or inability of both the President and Vice President."

In our view, the Constitutional text, the debates at Philadelphia and the practice under the Constitution leave no doubt that the Congress has the power to provide by statute for a special Presidential election in the event the offices of President and Vice President both become vacant.

Yours very truly.

Paul A. Freund.
Abram Chayes.
Raoul Berger.

[Second Congress. Sess. I. Ch. 8. 1792, 1 Stat. 239.]

Sec. 9. *And be it further enacted,* That in case of removal, death, resignation or inability both of the President and Vice President of the United States, the President of the Senate pro tempore, and in case there shall be no President of the Senate, then the Speaker of the House of Representatives, for the time being shall act as President of the United States until the disability be removed or a President shall be elected.

Sec. 10. *And be it further enacted,* That whenever the offices of President and Vice President shall both become vacant, the Secretary of State shall forthwith cause a notification thereof to be made to the executive of every state, and shall also cause the same to be published in at least one of the newspapers printed in each state, specifying that electors of the President of the United States shall be appointed or chosen in the several states within thirty-four days preceding the first Wednesday in December then next ensuing: *Provided,* There shall be the space of two months between the date of such notification and the said first Wednesday' in December, but if there shall not be the space of two months between the date of such notification and the first Wednesday in December; and if the term for which the President and Vice President last in office were elected shall not expire on the third day of March next ensuing, then the Secreary of State shall specify in the notification that the electors shall be appointed or chosen within thirty-four days preceding the first Wednesday in December in the year next ensuing, within which time the electors shall accordingly be appointed or chosen, and the electors shall meet and give their votes on the said first Wednesday in December, and the proceedings and duties of the said electors and others shall be pursuant to the directions prescribed in this act.

Sec. 12. *And be it further enacted,* That the term of four years for which a President and Vice President shall be elected shall in all cases commence on the fourth day of March next succeeding the day on which the votes of the electors shall have been given.

Approved, March 1, 1792.

IT'S TIME TO CHANGE COURSE

HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. HANRAHAN. Mr. Speaker, there are many areas in which Congress has been lax in its responsibility to the American people. One of the major problems is that Congress is reluctant to stick to a budget. We must cut Government spending at every opportunity and require the Congress to only spend those moneys which are available.

The results of irrational governmental spending have pushed this country into higher and higher national debt. A recent editorial by the Star-Tribune Publications, in the Third Congressional District of Illinois, points out many of the dangers of excessive governmental control mixed with spending irresponsibility. I should like to submit this editorial for the information of my colleagues:

IT'S TIME TO CHANGE COURSE

Each day the total cost of government increases, and it takes another bite out of the take-home pay and the personal independence of the American people. When the actions and growth of government no longer benefit the people and instead begin to disrupt and dislocate the affairs of the nation and the lives of the people, it is time to change directions.

There seems little question that we have come to a turning point in history. Up to now, we have been a nation of surpluses. We have had the most productive, vital economy in the history of nations. Our strength was so great that we could afford waste and errors and inconsistencies in government's administration of its own affairs and in its management of matters affecting the basic economics controlling the production of such essential things as food and energy supplies. We could almost afford excessive expansion in public welfare programs in an effort to deliver, at taxpayer expense, the good life to all our people. We could tolerate massive federal deficits that would have sunk most countries and have brought a gradually accelerating rate of inflation to our own. But now people of many nations have become more affluent and are competing for the good life. In a shrinking world, there is international competition for natural resources. The U.S. must bid for these.

Suddenly, we are no longer self-sufficient in the vital matter of supplying ourselves with essential petroleum products. We must import massive and increasing quantities. We can no longer control the cost of our energy supply and hold that cost at a low level. Other nations are willing to pay more, and we must bid against them. We must export goods to pay for the oil which we buy abroad. Among our most important exports are agricultural commodities, for which there is a growing world demand. We must reverse a 40-year policy of limiting our farm production to hold up prices. We must encourage the planting of new acres and the production of farm commodities for sale in the international markets. Higher demand for food supplies will mean higher prices for groceries at the local supermarket Like our energy supply, our food supply is going to cost more. Regardless of political pressures, there is nothing that government can do to maintain the tradition of cheap energy and cheap food. Record-high world demand for grain and rising grain prices inevitably mean higher prices for bread. Overall, it is expected that the end of 1973 will see food costs rising from 18 to 22 per cent over a year ago, and food prices cannot be frozen or set too low by price controls without drying up supply. We have seen this happen in the case of meat.

Government policies must change to encourage American business, industry and agriculture to produce more, not less, and those policies must change quickly. There are many examples. It makes little sense to maintain stiff price controls on gasoline, heating oil and other petroleum products at a time when there is a severe shortage of these essential fuels. This is certainly not the way to encourage crude oil production in the U.S. or the construction of new refineries which are critically needed in this country. At a time when there is world-wide competition for all natural resources and for markets, it makes little sense to propose federal legislation which would cripple U.S. companies operating manufacturing and marketing facilities overseas. These companies strengthen markets for American goods and bolster our sinking balance for payments. Yet such legislation is proposed. It makes little sense to cripple with regulations the innovative capacity of U.S. pharmaceutical companies which once led the world in research, development and introduction of new drug products and which now are falling behind pharmaceutical companies of other nations. It makes little sense to regulate the competitive free market out of existence—the free market which has always been the consumer's finest guarantee of the greatest volume and highest quality goods and services at the lowest possible prices.

These are just highlights of some of the dislocations in our national life in which government policies, often shaped more by political thinking than reality, have played a central role. Perhaps it would be too much in this day and age to suggest that the best government is still the one which governs least. But, in the light of all that is happening, it seems eminently reasonable to state that for the U.S. a better government would be one which governed at less cost and with more regard for the realities of the world today and for the conditions necessary to the successful functioning of the economic system upon which every person in the United States depends for his livelihood and his future.

HIGHWAY LEGISLATION

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. PICKLE. Mr. Speaker, the October issue of American Road Builder contains an article by Senator LLOYD BENTSEN, of Texas which amply illustrates the Senator's foresight and leadership capability.

As the chairman of the Senate Transportation Subcommittee, Senator BENTSEN helped marshal the effort to strike a reasonable compromise between those wanting to open the Federal highway trust and those opposing the alteration of the trust.

As we all know, the new highway bill molded an effective and reasonable compromise from this potentially volatile situation. The continuity of our highway improvement program is insured in the new bill, but provisions are included for beginning assistance to mass transit needs in urban areas.

This article offers us a glimpse of Senator BENTSEN's ability to seek out priorities and formulate mechanisms for dealing with complex questions. I am please to enter it into the RECORD:

HIGHWAY LEGISLATION: A RETROSPECTIVE AND A LOOK AHEAD

(Senator Bentsen, a Democrat from Houston, Texas, was elected to a full six-year term in November of 1970. In 1948 he won a special election to Congress and served consecutively as a Representative in the 80th through the 83rd Congresses. A former county judge, Senator Bentsen graduated from the University of Texas with an L.L.B. degree. From 1942 to 1945 he served in the U.S. Army and rose from the rank of private to major and squadron commander.

The Senator had planned to speak to the Annual National Highway Conference in Wichita, Kans. last month. When he was forced to cancel because of a heavy legislative schedule, ARBA asked him to prepare an article, the result of which appears above.)

The Federal Aid Highway Act of 1973 is now law. After some 29 Conferences and nearly three months of meetings, Senate and House Conferees emerged with comprehensive legislation that calls for some $20 billion in Federal funds, primarily for highways, over the next three years.

I will be frank to say that I believe this is a good law. It is in the nature of Conferences that no single group will be entirely pleased with every provision in the legislation; indeed, we expect that in the nature of compromises.

But it is important to note that we lost this bill last year. We lost it during the final hours of the 92nd Congress when there was a call for a quorum in the House of Representatives. As a result, the highway construction industry and millions of Americans lived with uncertainty over our highway program for many months.

With this bill, we have ended the uncertainty. Now we have a three year highway bill which can give members of the industry and the general public a sense of confidence that our highway program will proceed.

When I assumed the Chairmanship of the Senate Transportation Subcommittee, I was determined to move as expeditiously as possible to get our highway program moving once more. Construction was slowing or stopping in many States, and workers were being laid off. Accordingly, I held hearings in February and reported a bill to the Floor on March 1, the first major piece of legislation the Congress considered this year. We passed our bill on March 15 and, slightly over a month later, the House of Representatives acted on its own measure.

There has been considerable talk since the passage of the compromise bill about who "won" or "lost" in the final agreement, particularly in regard to the mass transit issue. I must reject such simplicities. The truth is that both sides gave substantially to reach an accord.

The Senate gave up rail mass transit from the Trust Fund until fiscal 1976; the House gave up its absolute insistence that no funds shall be diverted from the Trust Fund for non-highway related purposes.

There are two significant facts to remember when reviewing this feature of the 1973 Act: the first is that the great bulk of the funds, approximately $18.5 billion, will still be strictly for highway-related purposes. Only urban system funds can be utilized at local option for bus or rail in the final two fiscal years, and that represents a very small percentage of the total. The second is that, by delaying the use of trust funds for fixed rail until fiscal 1976, we have given the Congress time to enact alternative legislation which will be directed specifically at mass

transit. If some assured source of urban transportation funding, such as a new trust fund, is enacted prior to that time, the fiscal 1976 diversion will not occur.

On balance, then, the final bill represents a victory, not for "highways" or for "mass transit," but a victory for continuity in our building program, a victory of certainty over doubt and confusion.

Of course, there are other significant features in the highway bill, and it is unfortunate that the emotional debate over this one issue has eclipsed some of the substantial accomplishments found elsewhere in the legislation:

On the question of "Interstate transfer," the use of funds from Interstate segments withdrawn from the system, the Conferees decided that trust fund moneys to be spent on withdrawn Interstates cannot be used for mass transit. If a local government and a state wish to exchange these trust funds for general revenues, that, on the other hand, will be permitted. This provision, largely overlooked, prevents a potential invasion of the Trust Fund in the amount of $5 billion to $12 billion.

A new program, the Priority Primary System, authorizes some $600 million over three years to upgrade our primary roads, many of which are in severe disrepair.

We have acted to cut the "red tape" so strongly criticized by the road builders and other groups by introducing a new form of procedure to approve highway projects on systems other than the Interstate System. This procedure called "Certification Acceptance," allows the Secretary of Transportation to accept a certification of the capability of the state to perform its duties under the law. The Secretary would be required to make a final inspection of the projects upon completion; however, many of the burdensome interim steps would be eliminated and much of the responsibility would devolve upon the states. This provision should cut months and even years from the lengthy approval process.

The conferees have assured fair and equitable treatment for our larger metropolitan centers by assuring that funds attributable to urbanized areas of over 200,000 in population must be distributed according to a reasonable formula developed by the states.

Those innovative provisions and the dozens of others in this bill require a careful reading by the industry and the public. The 1973 Federal Aid Highway Act is much more than a simple extension of past programs or a conflict between the forces of mass transit and the highway construction industry. It is a complex interrelated series of provisions which represents continuity as well as change.

Now that the 1973 Act is behind us, what can we look forward to in highway legislation?

I suggest that we cannot afford to relax and let the legislation go its own way for the next three years. As long as I Chair the Transportation Subcommittee, I intend to monitor the administration of this new law and to develop plans for the future.

We have an Interstate program that will be ending someday, and we are going to have to plan for the post-Interstate period. In Section 107 of the Act there is a provision which declares that following the completion of the Interstate, we will place increased emphasis on the construction and reconstruction of the other Federal-aid systems that have been allowed to deteriorate. But that is not enough. We also have to take a close look at the Section 134 planning process to assure that we maintain cooperation between the local units of government and the Federal Government. We have to take a look at other features of the highway program. In short, an era is ending, and it is time for us to take stock and to decide where we have been and where we are going.

During this time, I do not intend to let my Subcommittee lie dormant, and I suggest that you in the industry resist the impulse to rest after the struggle. For if we do not plan ahead, we run the risk of acting too abruptly, with little consideration for the larger issues of transportation which are of paramount concern to millions of Americans.

I shall look forward to hearing from you in the months ahead, and I pledge you an open door to discuss your views on the issues I have raised.

GEN. BONNER FELLERS IN MEMORIAM

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. BRAY. Mr. Speaker, on October 7, 1973, Brig. Gen. Bonner Fellers, U.S. Army, retired, died at Georgetown University Hospital.

He was a man known to many of us, in both the House and the Senate, and he had our admiration, respect, and affection. My administrative assistant worked for him for almost 2 years, in 1960–61. He often spoke to me of how much he had learned from this intelligent, hard-working, gentle and patient man, "who more than self his country loved."

Since 1946 he had been in retirement from the Army, but had kept up an active, keen interest and involvement in the affairs of his country. His last 27 years, spent here in Washington, saw him deeply committed to those things he believed in, and fought and worked for. Indeed, one can say that he never left the service of his country. Gen. Bonner Fellers never really retired.

Now, as it is written in Pilgrim's Progress:

> He passed over, and all the trumpets sounded for him on the other side.

I have no doubt that, in whatever Valhalla is reserved for those who wore the uniform of their country with pride and courage and honor, as did Bonner Fellers, that when he entered the great hall there was a shouting and stamping and a clashing of swords upon shields, in salute and welcome.

Even though he did not die on the field of battle, his passing, I believe, was in the spirit exemplified in the following lines:

So now these waiting dreams are satisfied
  From twilight to the halls of dawn he went;
His lance is broken; but he lies content
  With that high hour, in which he lived and died.
And falling thus, he wants no recompense,
  Who found his battle in the last resort;
Nor needs he any hearse to bear him hence,
  Who goes to join the men of Agincourt.

General Fellers graduated from West Point on November 1, 1918. From Illinois, he had a direct congressional appointment from that true giant of the Congress, Representative Joseph "Uncle Joe" Cannon, who also served as Speaker of the House. There was a close friendship between the two men.

Bonner Fellers was one of that relatively small, yet select and capable, breed of men who wore their country's uniform in those difficult years between World Wars I and II. It was not a popular thing in those days to be a career soldier, or, for that matter, any type of soldier. The war to end wars had been fought and concluded in Europe in 1918. Disarmament and perpetual peace were the hopes of all. The military in this country had to fight for every dime they got—and there were not many of them—to maintain our Defense Establishment.

Yet, men of the caliber of Bonner Fellers were not dismayed nor discouraged. They stayed on. Promotions were few and slow; indeed, they were almost nonexistent. Fifteen years after his graduation from West Point, Bonner Fellers, in spite of the glowing efficiency reports he received from his superiors, was still a first lieutenant.

We owe him—and those like him—so very much. They stayed on, they were there, they were ready when we needed them. And they served honorably and well.

One of the most poignant, touching poems ever written on the passing of a soldier was by the English poet A. E. Housman; it appears in his Last Poems:

Soldier from the wars returning,
  Spoiler of the taken town,
Here is ease that asks not earning;
  Turn you in and sit you down.

Peace is come and wars are over,
  Welcome you and welcome all,
While the charger crops the clover
  And his bridle hangs in stall.

Now no more of winters biting,
  Filth in trench from fall to spring,
Summers full of sweat and fighting
  For the Kesar or the King.

Rest you, charger, rust you, bridle;
  Kings and Kesars, keep your pay;
Soldier, sit you down and idle
  At the inn of night for aye.

But before Bonner Fellers could rest "at the inn of night for aye," there was much for him to do, and much in his life. Following are obituaries from the Washington, D.C., Post, the Washington, D.C., Star-News, and his hometown paper, the Danville, Ill., Commercial-News:

[From the Washington, D.C., Post]

BRIG. GEN. BONNER FELLERS, RETIRED, DIES

(By Megan Rosenfeld)

Retired Brig. Gen. Bonner Fellers, 77, who served as military secretary and director of psychological warfare for Gen. Douglas MacArthur during World War II, died Sunday at Georgetown University Hospital after a heart attack.

A longtime resident of Washington, Gen. Fellers retired from the Army in 1946 after winning two Distinguished Service Medals and two Distinguished Service stars. After his retirement he became a spokesman and organizer for several conservative political organizations, including For America and The Citizens Foreign Aid Committee.

A native of Ridge Farm, Ill., and a 1918 graduate of West Point, Gen. Fellers taught mathematics at the military academy from 1924 to 1929.

In 1935 he joined Gen. MacArthur in the Philippines where he acted as liaison between MacArthur and Philippine President Quezon

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for three years and was honored with the Philippine Distinguished Service Star.

He then returned to West Point, where he taught English for a year.

In 1940 he was sent to Cairo, Egypt to serve as this country's first military attache there since 1922. He was awarded a Distinguished Service Medal for his reports of the Libyan desert battles and the Crete operation, and his observations and prophecies on the Middle East situation. In presenting the medal, Secretary of War Henry L. Stimson said, "His reports to the war department were models of clarity and accuracy."

In 1943, he rejoined MacArthur as his military secretary and personal observer of front line combat in the Southwest Pacific theater.

He also headed a psychological warfare drive against the Japanese troops and homeland population, telling them through air-dropped leaflets, radio broadcasts and loudspeakers that continued resistance would not save the island from total destruction from U.S. bombing and that Japanese militarists had betrayed their Emperor.

For this campaign, Gen. Fellers was awarded a second Distinguished Service Medal. After the war ended, Gen. Fellers served with MacArthur in helping to rebuild Japan.

He retired in 1946, joining the Republican National Committee as an assistant to the chairman and special adviser to Sen. Robert A. Taft on Air Force matters. Gen. Fellers resigned from the committee when Gen. Dwight D. Eisenhower was selected as the Republican presidential candidate instead of Taft in 1952.

In 1952, Gen. Fellers wrote "Wings for Peace, a Primer for a New Defense." The book, which advocated a strong defense based on airpower, won Gen. Fellers a citation of honor from the Air Force Association.

"The surest defense of New York and Chicago is the ability to wipe out Moscow," he said in a speech in April, 1953, to summarize his defense theory.

He was appointed national director of For America, a organization dedicated to "enlightened political nationalism," in 1954. As a trustee for the "Campaign for the 48 States" in 1955, he spoke out against "creeping socialism," and for decentralization of federal power.

Gen. Fellers chaired the Citizen's Foreign Aid Committee from 1959 to 1969, urging cuts in foreign aid and increases in defense spending in testimony before several congressional committees and subcommittees.

He is survived by his wife, Dorothy, of the home at 3535 Springland La. NW., a daughter, Nancy, and four granddaughters, Amy, Mary, Georgianna and Dorothy Lear of Sumner, Md.

[From the Washington (D.C.) Star-News]

General Fellers Dies at 77; Secretary to MacArthur

Retired Army Brig. Gen. Bonner Fellers, 77, a military secretary for Gen. Douglas MacArthur during World War II and later an assistant to the chairman of the Republican National Committee, died Sunday in Georgetown University Hospital. He lived on Springland Lane NW.

Gen. Fellers was a 1918 graduate of the U.S. Military Academy. During one of two assignments there as an instructor, he was assistant professor of English.

In 1933 he was among the first lieutenants selected to attend the Command and Staff School at Ft. Leavenworth, Kan.

After graduating in 1935, Gen. Fellers returned to the Philippines for his third tour there and joined Gen. MacArthur, then launching his Philippine Defense Program. For almost three years he was a liaison between MacArthur and Philippine President Quezon.

He attended the Army War College here and from 1940 to 1942 was the U.S. combat observer in the North African campaigns against the Nazis. His reports of the Libyan desert battles and the Crete operation and observations and prophecies on the Middle East situation were praised as models of clarity and accuracy in a citation for the Distinguished Service Medal.

After several months of lecturing on tank warfare in training campaigns in 1942, Gen. Fellers was ordered to the Southwest Pacific theater, where MacArthur assigned him to head a joint planning section at his headquarters.

Gen. Fellers helped plan the successful Hollandia operation against the Japanese in New Guinea. He became MacArthur's military secretary and personnel observer of front-line combat and also headed a psychological warfare effort against Japan's combat troops and civilian population. For that program Gen. Fellers received a second Distinguished Service Medal.

He accompanied MacArthur on the flight from Manila for the Japanese surrender in Tokyo Bay.

He served on MacArthur's staff in Japan after the war until retiring in 1946. Since then he had frequently lectured on national defense and foreign aid and wrote "Wings for Peace," a book about defense.

From 1947 until 1952 he was an assistant to the Republican Party's national chairman, directing the GOP veterans division.

Gen. Fellers received the Distinguished Service Star of the Philippines and two years ago the emperor of Japan conferred on him the Second Order of the Sacred Treasure "in recognition of (his) long-standing contribution in promoting friendship between Japan and the United States."

Gen. Fellers for some time was director of For America, an organization dedicated to patriotic nationalism, and also headed the Citizens Foreign Aid Committee, a taxpayer group.

Gen. Fellers was born in Ridgefarm, Ill.

He leaves his wife, the former Dorothy Dysart, a daughter, Nancy, and four granddaughters.

[From the Danville (Ill.) Commercial/News]

General Fellers' Rites Friday

Funeral services for retired Brig. Gen. Bonner F. Fellers, one of Vermillion County's most decorated military leaders, will be Friday at Ft. Myers, Va. Burial will be in Arlington National Cemetery. Gen. Fellers, 77, died Sunday (Oct. 7, 1973) at his home in Washington, D.C.

Fellers, a native of Ridge Farm, served more than 30 years in the Army, much of it as a chief aide to Gen. Douglas MacArthur, retiring in November, 1946.

He was born Feb. 7, 1896, was graduated from Ridge Farm High School in 1913, and attended Earlham College in Richmond, Ind., for two years. Rep. Joseph G. Cannon appointed him to West Point in 1915, and he was graduated three years later.

Fellers had two tours of duty in the Philippines prior to attending the Army Staff and Command School, Ft. Leavenworth, Kan. Upon graduation in 1935, he was ordered back to Manila. There he joined the staff of Gen. MacArthur, serving chiefly as liaison between him and President Manuel Quezon of the Philippines. For his contribution to the Philippine defense effort, President Quezon honored him with the nation's Distinguished Service Star.

Following study at the Army War College in Washington, Fellers was ordered overseas again. His rise from captain to colonel was rapid, and from 1940–42, he was the American combat observer with Gen. Bernard Montgomery's British Middle East Command in the desert campaigns against German Field Marshal Erwin Rommel. The late Frazier Hunt, also a former resident of Ridge Farm and an internationally known war correspondent and author, had this to say: "This (Fellers') reports of the great Libyan desert battles and the Crete operation and his observation and prophecies on the whole Middle East situation were officially recognized as among the most brilliant Army intelligence work of the entire war."

AWARDED MEDAL

Ordered home, he was promoted to brigadier general, and Secretary of War Henry L. Stimson personally awarded him the Distinguished Service Medal.

Gen. Fellers was with the Office of Strategic Services (OSS) briefly, then was assigned to the staff of his old commander, Gen. MacArthur. As chief of the Joint Planning Section G–3, General Headquarters, he masterminded the Hollandia operation, which broke the back of the Japanese forces in New Guinea. No Americans were killed in the landing.

After that, he became MacArthur's military secretary and personal observer of front line combat. In addition, he headed the psychological warfare effort against the Japanese. For this he won a second Distinguished Service Medal. The citation read in part: "Through his outstanding professional ability and resourcefulness, Gen. Fellers contributed in a marked degree to Japan's surrender and the initial success of the military occupation." He flew with MacArthur to Tokyo Bay to participate in the surrender aboard the battleship Missouri and worked with him during the next year in the task of rebuilding Japan.

GIVEN SECOND STAR

At the July 4, 1946, celebration of Philippine independence, Gen. Fellers received his second Distinguished Service Star, from President Manuel Roxas.

Following his retirement from the service, Gen. Fellers wrote and lectured on national defense and foreign aid, including an appearance in Danville for the annual Chamber of Commerce dinner meeting. For five years, 1947–52, he was an assistant to the chairman of the Republican National Committee. Then for more than 10 years, he was chairman of the Citizens Foreign Aid Committee, an organization dedicated to reducing U.S. monetary assistance abroad.

His most unusual foreign citation came Jan. 12, 1971, when Emperor Hirohito of Japan conferred on him the Second Order of the Sacred Treasure "in recognition of your long-standing contribution in promoting friendship between Japan and the United States."

Gen. Feller is survived by his wife, Dorothy, a daughter Nancy, and four granddaughters.

And there are even more things to tell of this man. His long-time, close personal friend, Frazier "Spike" Hunt, journalist and writer, had this to say of him:

A Short Biography of Bonner Fellers

(By Frazier Hunt)

Brigadier General Bonner Fellers' army career has extended over three decades and his experience has encompassed the world. He has spent 14 years in foreign service. Twice Fellers has crossed the Soviet Union. Few men are more fully alive to the Communist menace and the rising peril our country faces both from within and without.

In 1933 Fellers, age 37, had been a Lieutenant for 15 years. This year the Fort Leavenworth, Kansas, Command and Staff School, formerly restricted to senior officers, was thrown open to Lieutenants. Fellers was among those selected. As a prerequisite to graduation each student submitted a monograph on a military subject of his own

selection. Prophetically, as it later developed, Fellers chose "The Psychology of the Japanese Soldier."

Following has 1935 graduation, Fellers was sent back to the Philippines for his third tour of duty. There he joined General MacArthur who was launching his Philippine Defense Program. Fellers' principal job was liaison between MacArthur and President Quezon. After nearly three years on this assignment, he was ordered to Washington, D.C., as a student in the Army War College. For his contribution to the Philippine Defense effort, President Quezon honored him with the Distinguished Service Star of the Philippines.

From 1940–42, Fellers was the American Combat observer in the desert campaigns against Rommel. His reports of the great Libyan desert battles and the Crete operation and his observations and prophecies on the whole Middle East situation were officially recognized as among the most brilliant Army Intelligence work of the entire war. Ordered home, he was made a Brigadier General, ad Secretary of War Henry L. Stimson personally awarded him the Distinguished Service Medal. The Cituation read in part: "His reports to the War Department were models of clarity and accuracy. Colonel Fellers, by personal observation of the battlefields, contributed materially to the tactical and technical development of our armed forces."

For several months after his return, Fellers lectured on tank warfare in our training camps. After serving a short time in the Planning Section, Office of Strategic Services, Fellers was ordered to the Southwest Pacific Theater. There General MacArthur assigned him to head the Joint Planning Section G–3, General Headquarters.

The Hollandia operation, which broke the back of the Japanese forces in New Guinea and in which no Americans were killed in landing, was his conception. Following this operation, Fellers became MacArthur's Military Secretary and personal observer of front line combat. In addition, he headed a successful Psychological Warfare effort against Japanese combat troops and the Japanese homeland population.

By drop leaflets, radio, and loudspeaker, enemy troops in the Philippines were told that their combat, even were victory possible, could not save their homeland from total destruction by U.S. bombing. The Japanese home population, by radio and leaflets, was told—truthfully—that Japanese Militarists had betrayed their Emporer and they must demand immediate peace.

For this effective program, Fellers was awarded a second Distinguished Service Medal. The Citation, in part, read: "Through his outstanding professional ability and resourcefulness, General Fellers contributed in a marked degree to Japan's surrender and the initial success of the military occupation".

Fellers accompanied General MacArthur when he flew from Manila to take the surrender in Tokyo Bay. During the next year, he worked with the Supreme Commander in the task of rebuilding war-torn Japan.

For the July 4, 1946, Celebration of Philippine Independence, MacArthur and his staff flew to Manila. There President Roxas decorated Fellers with a second Distinguished Service Star for his contribution to Philippine liberation.

Since his retirement from the service in November 1946, Fellers has written and lectured on national defense and foreign aid. For five years, 1947–52, he was an assistance to the Chairman, Republican National Committee. He is the author of the book *Wings for Peace*, a primer for a new defense. For the past ten years, he has headed The Citizens Foreign Aid Committee—(to aid American taxpayers).

General Bonner Fellers was born in a Quaker home in Ridgefarm, Illinois, February 7, 1896. For two years he attended Earlham College. He was appointed by Uncle Joe Cannon to West Point, where he was graduated in 1918. Twice he was detailed to the Point as an instructor—the second time, as Assistant Professor of English.

NOTE.—Frazier Hunt died before he could have included Fellers' most unusual Japanese Citation. On January 12, 1971, His Majesty, The Emperor of Japan, conferred on Fellers The Second Order of the Sacred Treasure "in recognition of your long standing contribution in promoting friendship between Japan and the United States."

And there were the touching words spoken at his funeral in Arlington National Cemetery, on October 12, 1973, by Chaplain (colonel) Porter H. Brooks, Post Chaplain at Fort Myer:

Graveside Committal Service for Retired Army Brigadier General Fellers

Arlington National Cemetery,
October 12, 1973.

General Bonner Fellers had a long and distinguished career in the United States Army commencing with his graduation in 1918 from the United States Military Academy, West Point, New York. There were so many high points in his service it is difficult to single out those which merit repetition on this solemn occasion when we gather to hallow his memory and pay our final tribute of respect to him and to God.

Early in his career it became apparent that he was destined for high positions of leadership. As a lieutenant he was selected to attend the Command and General Staff College at a time when it normally was restricted to senior officers. In 1935 he joined General Douglas MacArthur's staff in Manila. His study of the Far East situation and profound understanding of the Japanese mentality enabled him to make a unique contribution to the Philipine defense plan.

Later, as an observer, in North Africa his analysis of desert warfare conducted by the Germans under Rommel became instrumental in shaping Allied strategy. Reassigned to the Southwest Pacific, he made important contributions to the defeat of Japan by his direction of psychological warfare activities, took part in the surrender ceremonies, and later introduced the Emperor of Japan to General MacArthur.

It has been said he contributed immeasurably to the Japanese defeat but worked just as indefatigably to the binding up of the Japanese wounds following the war.

The great mark of his life was his positive, pacific approach to his fellow man and the problems of society. In this he modeled himself after his mentor and friend, Herbert Hoover. He lived completely by the Inner Light. In his personal life he was utterly devoted to his family. In his public life he fearlessly accepted responsibility. Instead of straddling an issue he was always willing to make a decision and then defend it positively, fairly, and factually.

Basically a kind and honorable man it was said by one who knew him best that he was a model of self-control, good cheer, Quaker calm, and steadiness. He never lost his temper.

We mourn his loss, we celebrate his great achievements, we entrust his soul into the never-failing care of God, our heavenly Father.

Chaplain (Colonel) PORTER H. BROOKS,
Post Chaplain, Fort Myer, Va.

There is still so much that has not been told. Someday, it must—and will—be added to the history books.

Modest man that he was, he saw what he did as his duty—and nothing more.

Yet, there are things beyond duty; there are times, for certain men, in their lives, when they quite literally sit at the elbow of Clio, the muse of history, and by their actions change the course of world events.

The story has not yet been written, but some day must be, of what was probably one of the most significant and far-reaching acts of the entire Pacific war during World War II. Bonner Fellers had traveled in Japan before the war. He had made many close friends. He knew the people and the country well. He knew the best of the country, and he also had an everlasting and deep affection for those things of Japanese culture and tradition that were the best. He also knew the growing militaristic philosophy among some Japanese that eventually led Japan into war.

What he knew eventually led him to one of the most important acts of his entire career. He helped to give Gen. Douglas MacArthur the information and guidance and data that led to MacArthur's unquestioned success as American proconsul in Japan during the first years of the occupation. Japan, once an enemy, a beaten and devastated country, was turned into a strong, new nation, and an ally of its former enemy, the United States.

Now the last ruffles and flourishes have sounded; the rumble of the wheels of the caisson and the crash of the final volleys have faded; the last salutes have been rendered.

We mourn the passing of a man trained for war, but a man who loved peace, and who knew that winning and keeping a peace is a harder struggle by far than winning a war. I would like to close this tribute with a poem called "An Old Song," by the Jewish poet Yehoash; I believe it is fitting for this man who so loved peace, home, family and country:

> In the blossom-land Japan
> Somewhere thus an old song ran.
> Said a warrior to a smith
> "Hammer me a blade forthwith.
> Make the blade
> Light as wind on water laid.
> Make it long
> As the wheat at harvest song.
> Supple, swift
> as a snake without rift.
> Full of lightnings, thousand-eyed!
> Smooth as silken cloth and thin
> As the web that spiders spin.
> And merciless as pain, and cold.
>
> "On the hilt what shall be told?
>
> "On the sword's hilt, my good man,"
> Said the warrior of Japan,
> "Trace for me
> A running lake, a flock of sheep
> And one who sings her child to sleep."

GERALD B. LAMBERT AWARD TO KANSAS CITY AREA HOSPITAL ASSOCIATION

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. BOLLING. Mr. Speaker, in these days of high medical costs and shortages

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of medical personnel, I would like to point out that the Kansas City Area Hospital Association was 1 to 10 award-winning entries of this year's Gerald B. Lambert Award which is given for innovative and imaginative ideas which have resulted in improved patient care and/or reduced costs in the health care field. The Gerald B. Lambert Awards were established in 1971 by Mrs. Lambert in memory of her late husband. This year 1,718 ideas from every area of the country were reviewed by the organization in its 1973 search for innovative and imaginative ideas dealing with hundreds of problems faced every day by health care professionals.

The Kansas City Area Hospital Association was 1 of 10 recipients of the 1973 award for a program they developed, titled "Shared Training for Nurses Assistants." This is a cooperative program for entry-level nursing assistants whereby nine hospitals in the city use a single curriculum, taught in conjunction with the city's vocational technical school. Approximately 545 have been trained at a per student cost of $40, with training in skills deemed useful and necessary by future employers. This represents a unique and practical blending of education and industry. Each hospital's instructional staff has thus been freed to provide other essential programs for staff development.

I would like to be among those to extend my congratulations to the members of the Kansas City Area Hospital Association, to the executive vice president, Mr. Dell Nyland, and those member hospitals who participated in the program, for their fine achievement and recognition in being one of the recipients of this year's Lambert Awards to reduce costs to the health care field.

U.S. HIGH SCHOOLS: JUST AN AGING VAT?

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. QUIE. Mr. Speaker, an article in the October 13 National Observer very ably points out the arguments for giving teenagers experience in the real world of work. Some persons quoted in the article even go so far as to suggest that the mandatory school attendance laws be revised to lower the age from 16 to 14.

For many years, I have supported the concept of making the high school learning situation more meaningful and to increase the options available to students. I commend the article to my colleagues in the hope that it will generate more public dialog on this whole broad issue:

U.S. HIGH SCHOOLS: JUST AN AGING VAT?

(By Michael T. Malloy)

The trouble with kids nowadays is they spend too much time sitting on their tails in schoolrooms. Send them out to make a buck, rub them up against the real world for a change, and maybe they'd stop a lot of their foolishness.

Archie Bunker speaking? No, it's a crude but fair translation of what a lot of heavyweight educators are saying to each other about American high schools. They use bigger words, of course, but the idea isn't so different:

"With every decade the length of schooling has increased, until a thoughtful person must ask whether society can conceive of no other way for youth to come to adulthood," says educational authority James S. Coleman in the foreword to a recently published study commissioned by the President's Science Advisory Committee.

HACKLES WILL RISE AGAIN

Coleman's panel conceived of a lot of other ways, including experiments with easier child-labor laws, a lower minimum wage for youngsters, using big kids to teach little kids, more service corps like the old CCC or the modern VISTA, and taking the stigma off dropouts by making it easier for them to drop back in.

Some of these suggestions have raised hackles among teachers' organizations. They earned Coleman's commission a New York Times warning about the horror of child labor. But—with apologies to my high-school English teacher—them folks ain't seen nothing yet.

"I think compulsory education beyond 14 is unconstitutional," says chairman B. Frank Brown of the National Commission on the Reform of Secondary Education. His commission may make Coleman's look tepid when it unloads a study this autumn suggesting we roll back the school-til-16 rule that has been almost sacred in this country for close to half a century.

The National Association of Secondary School Principals and a Federally sponsored committee headed by educator John Henry Martin are supposed to come up with further high-school studies soon. They will probably stick to the school-till-16 rule, but they will question the good sense of keeping all youngsters so long in a classroom system that some educators deride as "the aging vat."

"RECOUPLING THE GENERALIZATIONS"

There are a lot of reasons why educators have begun in just the past few years to look askance at the deeply felt American belief that we all benefit by getting as much book learning as possible, whether we want it or not. Coleman's report, for instance, is suffused with dismay over evidence that we have herded our young people into a hostile "youth culture" by keeping them in resentful and babyish dependence at an age when previous generations of Americans were learning responsibility and self-reliance in the real world of work.

"The adolescent is more mature, larger, and more experienced than his parents and grandparents were," says Nathaniel Ober, superintendent of schools in Amityville, N.Y. "At the same time, we are holding him in dependent status a lot longer than his parents and grandparents. . . . It carries a pretty large responsibility for the acting out [troublemaking] you get from a proportion of high-school students. You can pinpoint some of it to continuing adolescence beyond what makes sense to him or anybody else."

Brown says you can't do much teaching in an institution where so many inmates are just waiting to get out, and raising hell in the meantime: "We have 66 per cent of the school systems now employing police. . . . I was in one school that has been written up seven times in four years as one of our great schools. I talked to 13 girls before I found one who wasn't afraid to go to the rest room. They go to the gas station across the street."

Martin talks of "recoupling the generations" and worries that young people segregated so long from the grown-up world get all their social "dos and don'ts" from other juveniles, TV, and parents who must cope singlehandedly with both influences.

"Where you used to assimilate youngsters [into society] at 12, now you don't until they are 20 or so," says Dr. James Beckler of the National Foundation for the Improvement of Education. "We may have ruined a whole generation of kids in terms of learning what the responsibilities of a citizen are in terms of work."

"The opportunities for growing up are not as plentiful," says Owen B. Kiernan, executive secretary of the National Association of Secondary School Principals. He says his organization's report will talk about "action learning," educationese for letting kids out of class from time to time to do something, paid or unpaid, in the real world.

Another worry is that high schools are still trudging down a rut originally worn when they were elite institutions designed to train a minority of bright students to go to college. College is still the goal most laymen imagine the high schools prepare their children for, but most young people don't go to college. Most who do, drop out. The roughly 20 percent who finally get a degree often find they can't get a job related to it.

THE TRY-IT-FIRST IDEA

The Nixon Administration has been trying to deal with this by promoting "career education," a favorite project of Sidney P. Marland, Jr., assistant Secretary for Education in the Department of Health, Education, and Welfare. The concept embraces everything from the familiar shop classes to "distributive education"—jargon that frequently means parttime work in a store. Marland insists he does not want to shunt youths into the job market as fast as possible but to give everybody, college-bound or not, the ability to get a job at any point in his education. He sees this as a vocational lifeline if college doesn't pan out, or an opportunity for teen-agers to try a field before committing themselves to four years of preparation for it.

The most radical idea growing out of this ferment is Brown's proposal to cut back compulsory education. A surprisingly large number of educators from Marland on down are attracted to the idea in theory—since compulsory-education laws are so widely flouted that absenteeism hits 50 per cent in some inner-city high schools—but frightened of it in practice.

"Like most educators, I have mixed emotions about compulsory attendance," explains Ober. "My guess is that if you get rid of compulsory attendance, your attendance would still be about the same as it is now. ... But it could be a terrific cop-out: 'We'll turn them loose and let somebody else worry about it.' What somebody?"

"We are not optimistic about revising our economy so employment for literally millions of 16-year-olds is going to take place," says Martin. "You want to know what the kids would do?" asks the principal of a Minnesota high school that many kids quit at 16. "Come here at noon and see the wine bottles and the beer cans in the street and the cars driving around. The 'dropins' are a bigger problem than the dropouts."

So the reformers who want young people to spend more time out of the classroom hasten to insist they are not just planning to dump them on the job market. They talk instead of replacing the conventional school with "something like a school" that helps its students experience jobs, apprenticeships, volunteer work, and other out-of-the-classroom activities that will add to instead of subtract from their education.

In this ideal high school a teen-ager might work in a hospital for awhile to learn if he can stand the sight of blood before investing his family's savings on medical school. Before becoming a parent he would learn about

small children by helping to teach them. He would learn about other careers to perfect the skills he discovers they need. "He spins out of [school], spins back into it, is accepted readily, continues to higher education, *and always keeps his options open,*" Marland says.

WORK-STUDY BENEFITS SEEN

So the youngster builds his classroom education around his growing awareness of the real world instead of following an arbitrary formula of so many hours of math and so many hours of English. At the same time he learns things such as independence, caring for old people or young ones, and maybe even to trust some people over 30.

"You'd learn that if the boss gives you a dirty job to do, it isn't because he doesn't like you but because he's got a dirty job that needs doing," explains Paul Muller, assistant director of vocational programs in the Minneapolis schools. It's that kind of lesson—that the job and the product are more important than you and your problems—that a student can hardly expect to learn in a school, which exists only to worry about him and his problems.

Muller says an experimental work-study program for 14-year-old potential dropouts led to prompt improvements in their school attendance, grades, and performance on a "lying-faking" test. It led youngsters with rotten grades to discover, in one boy's words, "You know, math is just as useful a tool as a hammer is."

In follow-up interviews two years later, 85 per cent of the youths said the work-study experiment had helped prepare them to hold a job. Fewer than 10 per cent of the youngsters in a control group could name any school program that had helped them that way.

Well, it sounds nice, but there are obstacles: parents, teachers, business, labor, and government, to name a few.

Minneapolis is a good laboratory in which to view the problems and successes of this kind of program. Superintendent John B. Davis, Jr., a member of Coleman's panel, has tried to tie the schools to the real world with experiments that have allowed thousands of teen-agers to try their wings at everything from construction sites to ballet studios.

CONVINCING THE COMPANIES

A program to place 50 students on part-time construction jobs required convincing unions and employers that it would work, then convincing the companies that their insurance would cover the youngsters, then convincing the insurance companies that it was all legal, and then riding herd on the boys themselves at scattered construction sites. It required special waivers from several state and Federal agencies, it cost more than a full-time classroom program, and this autumn it was only half full because construction work is slack in Minneapolis.

State laws may require so many hours of a subject in each grade. Physical-education teachers in one Minneapolis school promptly raised that legal issue when it looked like part-time work assignments of 18 students would cut a job from their department. State aid to local school districts is generally based on the number of children in school, so local officials may worry about cutting their financial throats if they let too many out.

CHILD-LABOR LAWS

Child-labor laws forbid hiring children under 16 to operate a power lawn mower or to push the buttons on a self-service elevator. A 17-year-old may operate a machine gun in the Marine Corps or a lathe in a shop class, but he can't operate the same lathe for pay in a commercial machine shop.

Parents often don't want anything that seems to shunt their children down a dead-end "vocational" track. Voters often rate their school boards on the percentage of graduates who go on to college, without thinking much about classmates who don't. "About half of those I've dealt with come from the suburbs, because they have nothing there for their dropouts," says Fran Reed, who counsels youths in a Minneapolis work-study program for hard-core dropouts.

Unions are wary of anything that smacks of cheap child labor or threatens to inundate their jobs with new competitors. A survey of the need for people trained in the graphic arts found that Minneapolis businessmen believed they needed 1,000 more, and the unions thought they didn't need any.

Students themselves may see out-of-school opportunities as just an opportunity to get out of school. An attempt to visit one young man in Minneapolis' hard-won construction-work program revealed that he had arrived an hour late that morning and was now two hours overdue from lunch. Such things reinforce educators who say out-of-school learning will require more instructors and money than classroom education in which one teacher can keep an eye on 30 students at a time.

That brings us to what some teachers bluntly call the high schools' "baby-sitting function." It sounds crass, but at roughly $1 per hour per child the public schools are a baby-sitting bargain, with a gymnasium and a classroom education thrown in for free. If action learning or career education doesn't "keep the kids off the street," it is likely to be unpopular and quickly forgotten.

TEACHERS ARE DOUBTFUL

Teachers sometimes fear the whole out-of-school idea is a gimmick to dump their students—and a lot of teachers—on the job market. They also argue that it's hard for anyone else to improve on their tried-and-true classroom methods.

"Students can learn a great deal in work places, but they will learn it better if the learning takes place under the direction of a professionally qualified teacher," said John A. Sessions, an AFL–CIO education official, speaking against some of Marland's notions last winter. "I have never attempted to milk a cow, but I am vain enough to think that I could develop a better curriculum on how to do it than could most dairy farmers."

The point, though, is not to produce school children who can milk cows, but to turn them into grownups who may never have to see a cow again.

"I'm sure he would have dropped out," Jeanette Sweeney says of a big and thoroughly bored young man who was approaching the school-leaving age of 16 last year at Champlain Valley Union High School in Vermont. Mrs. Sweeney helps direct an extensive program of out-of-school experience for students there. "That boy needed nothing more than good, hard, physical work. We got him some, on a dairy farm and later at a lumber company. And guess who's back in school this fall?"

EFFLUENT RUNOFF GUIDELINES

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. STEIGER of Wisconsin. Mr. Speaker, when we approved the Federal Water Pollution Control Act Amendments of 1972, Congress established the authority whereby the Environmental Protection Agency is to set up effluent runoff guidelines for all types of agricultural feedlots.

On July 5, 1973, EPA placed a notice in the Federal Register relating to the issuance of permits under the new regulations. While most of America's small farmers felt assured they would be exempt from the requirement to insert the septic tanks and settling ponds that are necessary for proper runoff control in large feedlot operations, the family farmer's expectations soon changed to feelings of deep concern.

In the September 7 Federal Register, EPA published an outline of proposed coverage under the effluent guidelines and standards of performance—and indicated there would be total coverage of all farm operations. This announcement brought a flood of mail from family farmers in Wisconsin to Mr. Philip Wisman of the EPA Information Center.

Wisconsin has a preponderance of small dairy farms, many of them in rolling, hilly areas that provide special runoff control problems. Primarily the concern is how the family farmer with 30 milk cows or 50 brood sows or 100 beef cattle will be able to comply with the standards, bear the inevitable financial burden, and still remain in business. Fully recognizing the importance of runoff guidelines, I nevertheless take issue with enforcement standards that would, by means of an undue financial penalty, increase the emigration flow of America's farmers.

Because the exact dimensions of the coverage and latitude of enforcement to be required by EPA is a matter of speculation on all fronts, I was pleased to note a recent telegram from Robert Samson, EPA's Assistant Administrator for Air and Water Programs, to all Regional Administrators. It is my firm belief that this statement establishes a binding commitment that EPA will provide a proper comment and hearing period before any "across the board" enforcement of the effluent guidelines can be realized. I hereby submit this correspondence for the attention and information of my colleagues:

WASHINGTON, D.C., *October 15, 1973.*

To: All Regional Administrators.

In order to provide the very large number of farm organizations and other interested groups the fullest possible opportunity to comment on our proposed feedlot regulations, the comment period will be extended until November 12, 1973. An announcement to this effect will appear in the *Federal Register* shortly.

As noted in my telegraphic message of October 1 the agency intends to restrict the coverage of the proposed effluent guidelines and standards of performance, published in the *Federal Register* on September 7, (Vol. 38, No. 173, p. 24466) to those feedlots required to obtain an NPDES permit under the *Federal Register* notice of July 5, 1973 (Vol. 38, No. 128, p. 18000).

While it is the intention of EPA to address the pollution problems posed by larger operations first, interested parties shoud be informed that it is anticipated that effluent limitations guidelines for feedlots smaller than the stated sizes will be established. At such time, of course, full opportunity for comment would be provided.

ROBERT L. SANSOM,
Assistant Administrator for Air and Water Programs.

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HELMS AMENDMENT A SERIOUS MISTAKE

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. DELLUMS. Mr. Speaker, on October 3, the Senate adopted an amendment to the Foreign Assistance Act of 1973, which would prohibit the use of AID funds for abortion services, abortifacient drugs and devices, information and education about safe abortion, and the support of scientific research designed to develop safe methods of abortion. This amendment, offered from the floor by Senator Jesse Helms of North Carolina, was unfortunately adopted in haste, without consideration of its very broad and negative impact on the health and well-being of women and families in the less developed nations of the world, and without ample consideration of the vast implications of its impact on the freedom of scientific inquiry.

Enactment of the Helms amendment would result in serious and dangerous obstacles to the quality and range of health care which may be made available to those women in the developing nations who receive assistance through U.S.-supported health programs. It is my understanding that we provide aid to nations precisely because we recognize that they do not have the capacity or resources to meet the grave health and economic problems which they face. Moreover, it seems to me that the amendment contravenes that which we in this country have recognized as necessary to safeguard the health of American women—that is, legal abortions under adequate medical supervision. In addition, the amendment would cripple not only a large portion of on-going and future research in human reproduction but would also affect other areas of scientific research, since many important and life-saving drugs have an abortifacient side effect.

A large number of national organizations, including the National Organization for Women which has been very active in the struggle for preservation of legal abortion, have already protested the hasty and ill-considered amendment and the manner in which it was adopted. In a joint letter to the conferees, more than 20 national organizations argued against the Helms amendment, stating:

> To the extent that abortion is legal in other countries, surely we must encourage extension of safe medical procedures to women who receive assistance through programs directly under U.S. sponsorship . . . It would be clearly unwise and unjust to attempt to impose a viewpoint abroad inconsistent with our own courts' decision made for the welfare of the American people.

Mr. Speaker, at this point I would like to insert the full text of this letter in the Record.

United Church of Christ Council
for Christian Social Action,
Washington, D.C., October 12, 1973.
Hon. J. W. Fulbright,
U.S. Senate,
Washington, D.C.

Dear Senator Fulbright: We, the undersigned organizations concerned with securing and protecting the rights of women and men of all backgrounds, economic levels, and political affiliations, are compelled to express our shock and indignation with regard to the precipitous adoption by the Senate of a previously unconsidered, undiscussed and discriminatory amendment to the Foreign Assistance Act of 1973, proposed by Senator Jesse A. Helms of North Carolina. The effect of this amendment is basically twofold: it would arbitrarily ban access to medically safe abortion procedures for the overwhelming majority of women in all underdeveloped countries which rely directly or indirectly on U.S. aid, even those in which it is already perfectly legal, and it would bring to a halt the bulk of vital and promising scientific research of the last decade on developing safe, effective and inexpensive methods of family planning and pregnancy termination.

In the less developed countries of the world, where contraception is as yet unavailable, abortion is the most widely used method of preventing unwanted births. It is usually practiced under even more primitive and dangerous conditions than American women faced until only recently. Abroad, the incidence of serious infections and death resulting from these unsafe conditions and inept practices is even more shocking. In Latin America, for example, the Population Reference Bureau reported this year that almost one-half of the available blood for transfusions in emergency rooms is utilized for complications of abortion. In 1969, one Latin American country reported that deaths from abortion complications represented 35% of the total maternal mortality. We in this country have removed restrictions on abortion at least in part to safeguard American women against the risks to health which illegal abortion imposes. To the extent that abortion is legal in other countries, surely we must encourage extension of safe medical procedures to women who receive assistance through programs directly under U.S. sponsorship or indirectly through the United Nations and other multilateral organizations. Moreover, to the extent that it is illegal in other countries, safe medical aftercare for women who have undergone induced abortions should be encouraged. To do otherwise is both regressive and discriminatory, and could only result in suffering and death for millions of women and, moreover, in great hardship for motherless children and families throughout the less developed nations.

Already too little worldwide attention and resources have been devoted to the development of fertility control technology. It is obvious that much human suffering can be avoided through safe and effective family planning and pregnancy termination methods. A prohibition on drugs and devices might result in banning intrauterine devices, which are widely accepted both in this country and abroad as a safe and effective birth control method, the once-a-month pill, and other beneficial and lifesaving techniques which are in wide use but which may, as a side effect, be abortifacient. Furthermore the situation is heavily clouded with biological uncertainty as to when pregnancy begins: with fertilization, with implanation, or after forty days as some theologians hold. In addition, a prohibition on research in this area of human health would not only jeopardize necessary scientific research into the sociological and physiological causes and effects of abortion but could seriously damage other important research areas. This would include research on most of the effective drugs against cancer, certain antibiotics, a major class of antibacterial agents, such as tetracycline, and prostaglandins, which offer promise in the treatment of infertility, hypertension, asthma, and duodenal ulcer.

We believe that restrictive abortion laws do not stop abortion; they only condemn women to the butchery of illegal, dangerous and expensive abortion. The decisions on abortion by our highest courts have been widely accepted throughout the United States as the law of our land. In fact, in an April 1973 Harris poll, 76% agreed that unless abortions are legalized, many women will die from having illegal and badly done abortions. It would clearly be unwise and unjust to attempt to impose a viewpoint abroad inconsistent with our own courts' decisions made for the welfare of the American people. This would create an untenable double standard. We believe that we must reinforce our commitment to securing human freedoms and improving the quality of life in all nations. For these reasons, we urge you not to allow this irresponsible, emotionally-charged amendment to become law.

Sincerely,

Larold K. Shulz, Executive Director, Council for Christian Social Action, United Church of Christ.

A. Dudley Ward, General Secretary, Board of Church and Society, United Methodist Church.

Arvonne Fraser, National President, Women's Equity Action League.

Eleanor Marvin, President, National Council of Jewish Women.

Deborah P. Wolfe, National Chairwoman, Legislative Program, American Association of University Women.

Joan Harriman, President, Catholics for Free Choice.

Rev. Elizabeth S. Miller, National Ministries, American Baptist Churches.

William P. Thompson, Stated Clerk, United Presbyterian Church, U.S.A.

Ray Tucker, Chairwoman, Executive Committee, Religious Coalition for Abortion Rights.

Dr. Raymond C. Hopkins, Executive Vice-President, Unitarian Universalist Association.

Lillian P. Benbow, National President, Delta Sigma Theta, Inc.

Doris E. Hanson, Executive Director, American Home Economics Association.

Arlie Schardt, Associate Director, Washington National Office, American Civil Liberties Union.

Mary E. Pardee, President, United Presbyterian Women.

Elizabeth Steel Genne, President, National Board, Young Women's Christian Association.

Dorothy I. Height, President, National Council of Negro Women.

Carol Burris, President, Women's Lobby.

Alan Guttmacher, President, Planned Parenthood Federation of America, Inc.

Judy Senderowitz, Zero Population Growth.

Ann Scott, Vice President, Legislation, National Organization for Women.

Audrey Colom, Vice Chairwoman, National Women's Political Caucus.

Rahea Mojica Hammer, Vice Chairwoman, National Women's Political Caucus.

Bobbie Kilberg, Vice Chairwoman, National Women's Political Caucus.

James A. Wood, Jr., Executive Director, Baptist Joint Committee on Public Affair.

OPENING JOB DOORS FOR OLDER WOMEN

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mrs. SCHROEDER. Mr. Speaker, one of the resolutions passed at the NOW Convention this summer created a new task force on older women. Its functions included investigating how women could more effectively document cases of age

discrimination, as well as promoting affirmative action legislation to insure that employers employ a percentage of older women which fairly reflects their proportion of available manpower resources.

According to Department of Labor statistics, 58 percent of all persons over 65 are women, of whom 67.7 percent live alone. Many of these women are still healthy and need to work, both for financial reasons and as a means of continuing a productive role in society. Yet, 35.3 percent of all women over 60 would like to work, but who are presently not in the labor force, are not seeking work because they think that they cannot get a job.

Together with groups such as NOW, Congress has begun to recognize the needs of older women and its responsibility to support older women in their desire for gainful employment. One of Congress responses was to authorize $60 million for title IX of the Older Americans Act, which would provide manpower training for older persons, both men and women. Unfortunately, this response has been negated by the absence of any funding provisions for title IX in the House, Labor and HEW appropriations bill. But the Senate was more responsive to the needs of our older Americans and did appropriate $40 million dollars to title IX. The ultimate fate of these programs now rests with the conference committee.

Following is an article "Opening Job Doors for Mature Women," from the September 1973 issue of Women and Work which succinctly describes some of the problems faced by older women in the job market.

OPENING JOB DOORS FOR MATURE WOMEN

Washington.—They are dependable. They are conscientious. They are competent. Yet women over 30 have a rough time in the job market.

A study by Ohio State University for the Labor Department's Manpower Administration reveals a discouraging employment situation for mature women. A sample group of women in the study, aged 14 to 24, held the same or higher positions on the job ladder than women 30 to 44, a recent issue of *Manpower* magazine reports. Nearly a third of the older women had not progressed beyond the jobs of their youth.

What's worse, a good many of the working married women with children had actually moved backwards—their most recent occupational status was lower than before they marched to the altar.

Things get worse when a woman passes 40, the Labor Department says. The unemployment rate for women 40 through 64 in 1972 was more than one-third higher than for men of the same age. And of 415,000 women 48 or older reported as unemployed in 1972, about 18 percent had been looking for work 6 months or more.

The Age Discrimination in Employment Act of 1967 says employers can't treat older people—women or men—this way. But enforcement of this law has proved difficult.

Why do employers discriminate against older women? First of all, because they are women. Furthermore, they are falsely regarded as difficult to train, more likely to quit, and more apt to be absent when the workday starts. So they find it hard to be hired and even harder to be trained for promotion.

A Civil Service study shows, however, that older women stick to their jobs. Turnover rates for women in their early fifties are about one-sixth the rate for women in their twenties. And a CSC study among Federal employees shows that women above 40 use less sick leave than younger women.

THE PROBLEM OF AMERICA—THE PRESIDENT

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. WALDIE. Mr. Speaker, during the troubled past few weeks I have been frequently asked to comment upon the issue of impeachment of the President which now so starkly confronts the Nation and this Congress.

Many of the questions that I have received center around whether the impeachment resolution which I introduced with 30 cosponsors on October 23 has lost its meaning because the President subsequently agreed to release the controversial Watergate tapes.

In the immediate aftermath of the President's belated agreement to turn over the tapes, I made it absolutely clear that his compliance with the court order, removed only one of the grounds on which I and my 30 cosponsors sought impeachment. Indeed, it occurred only after the even graver attempt to obstruct justice by firing Mr. Cox was carried out.

The President cannot erase the past. The long and varied attempts to obstruct justice are accomplished fact, and no amount of stepping back from the brink can save the President. It was this message that I delivered to a convocation of students at the University of California, Berkeley, on October 25.

Now, in the past week we have learned of the direct interference of the President in the ITT case, of more allegations in the milk scandal, and, finally, the assertion that two vital tapes were missing, and, therefore, not available to the courts.

The response of the American people was all too predictable and understandable: the majority of the public simply no longer believe Mr. Nixon. The President has lost his moral authority to govern, and he must now leave office, either by resignation or impeachment.

I would hope the President would recognize the danger to the National security posed by his continuation in office, and will respond to that recognition by a selfless act of resignation.

I do not believe the Speaker should succeed to the Presidency. Though he is capable of governing the Nation, the fact that he is a Democrat would preclude him from obtaining the necessary confidence from the country that a new President must possess. If the Speaker succeeded to the office of President, the Democrats would be subject to the criticism that we sought a legislative reversal of the 1972 election returns where the Republican Party was the choice of the electorate for the Presidency.

And yet, Gerald Ford is not adequate to the enormous task confronting a successor to President Nixon. The executive branch is in a literal shambles. Its morale is absent; it is in disarray. The people have no confidence in the present administration, and any individual as closely identified with President Nixon as is Gerald Ford will suffer from that lack of confidence.

The President should withdraw Ford from nomination; place in his stead, Elliot Richardson, a man of great integrity and of proven administrative capability. Congress would confirm Richardson immediately. Then the President should resign.

Mr. Speaker, in the Berkeley speech I attempted to summarize for a concerned student audience much of my own thinking concerning the reasons why the House must proceed forward with impeachment proceedings. I am offering those remarks for consideration at this time:

ADDRESS OF CONGRESSMAN JEROME R. WALDIE,
BERKELEY, CALIF., OCTOBER 25, 1973

Americans in the numbers of the millions, this climactic and terrible past weekend, with anger and outrage, finally decided they would no longer tolerate a President whose moral authority to govern had diminished to unacceptable levels; and whose instability in decision, and propensity for creating crisis and encouraging brinkmanship, had reduced the credibility of America at home and abroad to a dangerous low.

They have conveyed that message to a Congress not noted for courage in its relations with Presidents. That message is a simple one—the President—not events—but the President is tearing America apart and we can no longer abide his continuation in office. He must be removed. He must be impeached—or he must resign.

There has been increasing dismay in the country as the revelations of corruption, deceit and arrogance involving the President, his appointees and associates have come forth in deluge proportions. There has been building a growing revulsion to this administration predicated on a variety of outrages and assaults, beginning with the sordid assortment of crimes known as Watergate and escalating daily to include charges of Constitutional malfeasance in the conduct of the office of the Presidency. These charges include domestic subversion, conducting bombing assaults on a neutral country without consent of Congress, and then deliberately lying to the country while falsifying official documents and reports to conceal from Congress and the people its actions; ordering an acting Director of the FBI to destroy evidence of its culpability; ordering the CIA to participate in domestic surveillance; condoning and ordering illegal wiretapping; breaking and entering, seeking to obstruct justice; selling government favors; seeking to subvert the First Amendment by mounting an assault on the Nation's press.

The litany of crimes and outrages charged is sickening in its length, despairing in its volume, and horrifying in its consequences.

And even so, until the cataclysmic events of this past weekend, though the Nation's people were sickened, revolted and horrified by the revelation of the extent of rot that permeated the Presidency, they did not approve the act of cleansing necessary for a "new beginning," the act of removal of Richard Nixon from office.

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I think I know why they felt that way, because I was one of them. I felt that surely some way still existed, some method was still available to permit the *President* to remain and to excise the rot with which he had surrounded himself. I was reflecting a general belief held by most Americans that upheavals in government reflect instability and weakness and in addition, a mystic and mistaken belief that men who occupy the Presidency are—or perhaps become—honorable men by virtue of the very office they occupy.

It is only, then, by the most extreme provocation imaginable that the President can be divested of those protective attitudes. That provocation occurred this weekend.

When President Nixon imperiously announced he would not follow the orders of Judge Sirica and further ordered Special Prosecutor Cox to desist from further activity that might endanger the President by involving him in culpable activity, the fuse was lit for the necessary provocation to strip him of the protective defenses of public deference.

The bomb exploded shortly thereafter when the highly respected Mr. Cox, the symbol to the American people that in fact corruption in high places would finally be ferreted out, was discharged for his refusal to abide by the unconscionable restrictions placed on his activities by the President.

The explosion increased in intensity when the two most trusted high officials of the Nixon Administration, Attorney General Richardson and Deputy Attorney General Ruckelshaus resigned or were fired because their honor and their integrity would not permit them to participate in the "judicial branch coup" that President Nixon sought to accomplish.

The impact of the dismissal of perhaps the last 3 remaining men of honor and integrity in high positions in that Administration, coupled with the President's announced intention to continue his defiance of the Court, was total, and overwhelming.

The outrage and anger of the Nations' people that exploded immediately was unforseen and unprecedented. But it was compelling. It compelled a frightened President to perform, once again, a total reversal of intent right at the brink of contempt. It compelled a normally uncourageous Congress to begin Impeachment proceedings, and it, hopefully, will yet result in a cleansing of the problem of America—the problem of its President—by commanding his removal or resignation from office.

There has been speculation as to whether the President's act, in belatedly and with poor grace, seemingly complying with Judge Sirica's order will lessen the anger and outrage and therefor permit him to continue in office.

I do not believe so. The anger and outrage that compelled a beginning of the cleansing process will not diminish. It was not precipitated solely by his refusal to turn over the disputed tapes, and therefore that action will not restore to the President the confidence he has lost.

That loss of confidence and that anger have been building for many months as each successive outrage has been disclosed. There is no way, in my view, that the President can restore confidence. His past transgressions have been too numerous, and too great. His future transgressions lie undisclosed, but it is too much to ask one to believe there will be no more.

Will the uncertainties of the international scene lend strength to those who argue "we cannot remove the President at this time. We need his strength to confront an uncertain and hostile world?" If there is no "strength" at home, if his capacity to govern has been eroded to unacceptable levels because of actual or perceived moral deficiencies, then his "strength" to confront a hostile world is an illusion. In fact, we weaken our position in that regard, if we allow a President without a domestic mandate to govern, to represent the Nation in foreign affairs.

There is only one solution.

The problem of America is the President. The problem must be solved by his removal or resignation.

THE SCOPE OF U.S. AGRICULTURE

HON. EDWARD R. MADIGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. MADIGAN. Mr. Speaker, the Wall Street Journal has been running a series of articles exploring the scope and role of U.S. agriculture in this urban age. The October 15 issue of the Journal discussed the growth of farmer-owned cooperatives.

FS Services, Inc., a large supply co-op based in Bloomington, Ill., was featured in this story. Because of the importance of co-ops to our agricultural economy, I thought that you would be interested in the remarks made by E. V. Stevenson, executive vice president and general manager of FS Services, to their annual meeting this year.

I hope that the Members who have expressed such concern about the energy crisis will make special note of the potential disastrous impact that shortages of fertilizer and petroleum supplies might have on next year's food production.

Mr. Stevenson's remarks follow:

BALANCING OUR RESOURCES—FOOD FOR CRUDE

You have heard the results of FS Services operations for fiscal 1972–73. Volume and earnings set new all-time records. The financial condition of your company remains strong.

We look back on the year with mixed emotions. We are disappointed that we were unable to supply as much fuel and fertilizer as members wanted. But we are pleased that we were able to supply greater quantities than ever before in our history.

We take this opportunity again to express to FS member companies our congratulations and our deep appreciation for making this record possible. We are very conscious of the fact that FS Services does not create sales volume. Sales are created in the country, by FS member companies. It is our job to service these sales, and to do it effectively and profitably. The cohesiveness and the understanding support of the entire FS system makes our job easier, and makes it possible for us to be more effective.

We thank the Farm Bureaus in our three states for creating the FS System, and for their continued support and encouragement through the years.

We thank also the FS Board of Directors, on whose behalf these annual reports are presented. This is a fine board of directors, continually demonstrating broad understanding and mature judgment. Their ability to work as a team, with each other, and with management, without compromising their individual principles nor their broad accountability, has been most impressive.

We thank the inter-regional supply cooperatives—Universal Cooperatives, National Cooperative Refinery Association, and CF Industries—for their excellent performance which contributed significantly to FS's results.

And we thank the entire FS staff for another year of dedicated and effective performance. Operating under conditions of extreme pressure with ground rules constantly changing, FS employees met each new challenge as it occurred. The favorable results achieved under the adverse conditions which prevailed are a tribute to the professional skill and composure of the entire FS staff.

This has been a year without precedent in Midwestern agriculture and in the FS System. The year started with concerns about an energy crisis. It ended with concerns about a food crisis. Farmers and the FS System are deeply involved in both. After many years of apparent surplus, suddenly we are faced with shortages and allocations.

Energy and Food—both are products of scarce natural resources. Prudent management of these resources is essential if we are to meet the needs and the aspirations of an expanding world population.

Food and energy—both are experiencing growing demand throughout the world. Supplies are limited, and are not evenly distributed among the nations.

Energy and food—both are major factors in world trade, in the balance of payments, in the value of the U.S. dollar, and in international politics.

What is our situation in these two vital areas of concern?

ENERGY

The "energy crisis" has received much publicity in recent months—some of it factual, and some highly emotional. I will not attempt a complete review, but will touch on some of the highlights which have significance to agriculture and food production.

Our nation runs on energy. Our entire economy, and the life styles of our peoples, are based on using massive amounts of energy. With 6% of the world's population, we are using one-third of the world's energy. Until recently, our supplies of energy were cheap and plentiful.

Our nation's use of energy has doubled in the last 20 years. Unless we significantly change our habits, energy consumption will double again in the next 20 years.

Where does all this energy come from? Three-fourths of it is supplied by crude oil and natural gas. Most of the rest comes from coal. Only minor percentages are supplied by nuclear and water power.

For at least the next 10 to 15 years, we will continue to rely primarily on oil and gas. Coal has great potential, but expansion is limited by increasingly strict air quality standards, strip mining limitations, mine safety problems and labor problems. Nuclear power will play an important role eventually, but lead times are long and delays are frequent. Other sources of energy—such as geothermal, solar, oil shale, conversion of solid wastes, etc.—are fun to talk about, and may be important some day, but are unlikely to be significant in the next 10 to 15 years.

We come back to oil and gas as our major sources for meeting expanding demand. What is the situation in natural gas?

NATURAL GAS

The outlook for natural gas supplies in the next few years is not too bright. For the past five years in the U.S., we have been using gas faster than we have been finding it. Our proven reserves of natural gas have been declining. Daily production peaked in 1972, and is now on a downward curve. Present known reserves in the U.S. (including those in Alaska) are only 12 times the current rate of consumption.

No one is suggesting that we will run out of gas in 12 years. New reserves will be discovered. Imports can supplement our supplies. And eventually, we will produce some gas by conversion of coal. But most forecasts indicate that all of these supplemental supplies combined will do no more than maintain our present rate of gas production. Supplies will not keep pace with the growing demand. This means that in the future, we will need to use natural gas much more carefully than in the past.

What is the significance of natural gas to farmers? We are all aware that natural gas is important for crop drying. We are perhaps less aware that most propane (LPG) is extracted from natural gas—and that a decline in natural gas production leads to reduced supplies of propane. Lack of propane and natural gas at critical harvest periods can jeopardize the entire crop.

Natural gas is extremely important to farmers in another way. Natural gas is the principal raw material for anhydrous ammonia. And all nitrogen fertilizers (except the organics) are produced from anhydrous ammonia.

With limited supplies of natural gas, future production of ammonia is in jeopardy. For full food production in this country there is a projected need for 5 million tons per year of additional ammonia production. Present plants are running at capacity. To justify investment in new plants, companies need long term contracts for gas to run the plants. Gas suppliers have been unwilling to sign new long-term contracts for nitrogen plants, at any price.

To produce our nation's long term ammonia requirements would require only about 3% of our domestic gas supplies. It certainly would be in our nation's best interests to make sure that this vital ingredient of food production is made available.

By comparison, 18% of our gas supplies are being burned under boilers to produce electricity—six times as much as is required for our long range ammonia production. There are other alternative fuels for electricity. There are no feasible alternative raw materials for ammonia. Somehow, we need to find ways to quit burning so much gas under utility boilers—and preserve the limited supplies for those uses for which natural gas is uniquely suited.

It is possible to import gas, in liquefied form, from overseas. But such imports are expensive. For perspective, present prices of domestic natural gas at the well-head average about 20¢ per thousand cubic feet (m.c.f.). But the announced imports from Algeria will cost about $1.20 per m.c.f. delivered to our seacoast—six times as much as domestic gas.

The price of natural gas is an important factor in the cost of anhydrous ammonia. If it were to become necessary to pay the current import price, the cost of gas used in ammonia would increase by $40.00 per ton, as compared to our present Gulf Coast costs.

With supplies limited and demand strong, it is safe to predict substantial increases in the cost of natural gas in the years ahead. Prices need to go up, to stimulate exploration for added supplies, and to discourage excessive use. With higher construction costs and higher operating costs as well as higher gas prices, it seems quite evident that the price of nitrogen fertilizers will have to increase substantially in the years ahead. We don't like cost increases. But from agriculture's standpoint, gaining assurance of an adequate supply is even more important than cost.

OIL

What about oil?

For many years, we considered ourselves an "oil surplus" nation. In fact, as late as two years ago, the major oil producing states were still pro-rationing the production of oil wells, to prevent "surpluses."

But all that has changed. Our domestic oil wells are now producing at essentially full capacity—and still falling far short of meeting demand. We are now an "oil deficit" nation, and are likely to remain that way.

In 1973, we will import one-third of the oil and oil products we use. Imports are at the rate of nearly 6 million barrels per day—at a cost of about $8 billion per year.

Can we do anything to avoid our heavy reliance on imports of oil? One alternative would be to restrict our demand. It certainly makes sense to do everything we can to conserve our scarce energy supplies. But to solve our total problem by reducing demand would require a drastic change in the life-style, and in the standard of living, of the American people. Perhaps this will happen someday. At the present time, however, we do not see many signs that the American public is ready to make these drastic changes.

Another alternative would be to find more oil in the U.S. Most experts agree that we still have large undiscovered reserves of oil—primarily in the outer continental shelf—the off-shore areas of our country. But discovery and development of major new reserves takes many years and lots of money. To reduce our reliance on imports of oil, we would have to discover new oil and bring it to market much more rapidly than we ever have before.

For perspective, the largest domestic oil discovery in several decades was on the north slope of Alaska. Five years after discovery, this oil is still not available to us. Environmental challenges have caused repeated delays.

When fully developed, this area is expected to produce about 2 million barrels per day—about 12% of our present U.S. consumption. But our demand for oil is growing each year by nearly one million barrels per day. The total anticipated daily production of the Alaskan field is offset by two years' increase in demand.

Just to keep pace with growth in demand—just to hold oil imports at present levels—we would need to discover and bring on stream the equivalent of five additional Alaskan oil fields by 1985—an average of one Alaskan field every two years. There is nothing in our history to indicate we can discover and develop new reserves at this pace.

We should do all we can to conserve oil. We should search aggresively for new oil. We should expand the use of coal and nuclear energy. We should expedite research and development of new energy sources.

But even with our best efforts in all these areas, it appears almost certain that oil imports will have to increase substantially in the years ahead. Responsible projections indicate that by 1980, we will be importing two and one half times as much oil as in 1973—at a cost of some $20 billion per year!

If we need to rely heavily on oil imports, how comfortable can we feel? Who controls the world's oil? Can we get it? And can we pay for it? There are political as well as economic implications in the oil situation.

'Of all the proven oil reserves in the world today, only 6% are in the U.S. (including those in Alaska). We use 35% of the world's daily production of oil, but we control only 6% of the reserves

By contrast, 80% of the free world's present proven reserves are in the Middle East and Africa. The largest reserves are in nations such as Saudi Arabia, Iran, Kuwait, Algeria, and Libya. One of these nations by itself—Saudi Arabia—controls 20% of the free world's known reserves—three times as much as the proven reserves in the U.S.

From a political standpoint, most of the oil-rich nations are part of the Arab bloc. They don't like our policies toward Israel. Many of the oil-rich nations are moving toward nationalization or government control of their oil industries. They are in position to restrict our supplies, if they choose to do so. The political implications are sobering.

From an economic standpoint, the U.S. is not the only country competing for the world's oil. All the other industrialized nations also want it. Demands in Japan and in the European Economic Community (EEC) are rising even more rapidly than in the U.S., and these nations have even less oil reserves than we do in the U.S. The world market for oil is a seller's market, not a buyer's market. World prices are escalating rapidly. Imported oil is no longer cheap—it is higher priced than our own domestic supplies.

The prospective oil imports create a serious balance of payments problem for us. Unless we find additional exports to offset the imports, the value of the dollar will continue to be under pressure in world markets.

FOOD

How are we going to pay for the oil imports our nation needs? Expanded exports of farm products is the key. We need oil—the world needs food. Surely we can get together. Both politically and economically, exchanging food for crude makes sense.

The world's population was 3 billion in 1960. It is now approaching the 4 billion mark. It is projected to pass 5 billion by 1986. The annual growth in population is equivalent to adding a nation the size of the U.S.A. every 2½ years.

All of the people in the world need food. The vast majority need more food than they are now getting. And as their living standards increase, most people have a strong desire to upgrade their diets—toward more protein and animal products. World demands for food are increasing at a compounding rate.

In all of the world there are only a few areas of highly productive agriculture. The United States is one of those fortunate areas. With only 7% of the world's land area, the U.S. produces three-fourths of the world's soybeans, half of the world's corn, and 25% to 30% of the world's beef, pork, and milk. The productivity of American agriculture is the envy of the world.

Food production starts with natural resources—soil and water and sun. Farmers themselves are in the energy business in a big way—capturing solar energy through the leaves of plants—and converting it to human energy—food. All of our food products rely directly or indirectly on the capturing of solar energy.

The sun is the one apparently inexhaustible source of energy available to mankind. It is essential to our nation and to the world that we preserve and enhance our capabilities to capture solar energy through the modern farming process.

Top priority must be given to conservation of our agricultural soils. Farmers have long been leaders in recognizing the importance of soil conservation.

Fortunately, soil conservation practices are compatible with our other goals. Reduced tillage practices (with proper concern for pest controls) can conserve fuel and water, without sacrificing the capture of solar energy. With increasing prices for fuel (which are sure to come), reduced tillage also will become increasingly attractive from an economic standpoint.

High yields per acre will become increasingly important. High yields capture more solar energy per acre. High yields require less fuel per unit of production. High yields conserve soils by enabling us to meet our food and fiber requirements on less acres, and by returning more organic matter to the soil.

Proper fertilization is essential to high yields. Under-fertilization does not make good use of our resources. But over-fertilization is neither good conservation nor good economics. Nitrogen is made from scarce natural gas. High grade phosphate ores are being depleted. As low cost raw materials are used up, fertilizer prices will increase. In the interests of both production and conservation of energy, it will become increasingly important that farmers neither over-fertilize nor under-fertilize.

Our food production capacity is one of our nation's greatest assets. It is essential that we protect that asset. We must preserve our

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soils, because once lost they are irreplaceable. We must do our part to conserve fuels and fertilizers, because these are products of exhaustible natural resources.

But along with conservation, we need to expand production. To meet our energy needs, by 1980 we may need to import 50% of our oil needs, at a cost of $20 billion per year. To maintain a balance of payments and to protect the value of the dollar, we need to export a comparable amount of other products. Farm exports offer the best hope

Physically, we can produce more than enough food for the American people. Last year we exported over 50% of our soybean crop, and 20% of our corn crop. Our total farm product exports reached nearly $13 billion. Some predict that farm exports could grow to $20 billion by 1980, if we are allowed the opportunity. By coincidence, this is the projected value of oil imports in 1980.

To produce for expanded exports, however, we need adequate supplies of fuels and fertilizers. We cannot feed our nation and part of the rest of the world if agriculture is limited to a stick and a hoe, and a fish in each hill of corn.

Making sure there is enough energy for farming has a good payoff ratio. Farming uses less than 5% of the nation's oil and gas. But with that vital percentage we can produce the products to pay for the 50% of the nation's oil we will need to import. Food for crude makes sense.

Not everyone favors expansion of farm exports, however. Partially, as a result of this year's export expansion, domestic food prices have been rising. Supplies of some products are limited, until production can be increased.

Consumers don't like higher food prices. Many people feel that we should restrict exports, in order to keep food prices low. Even some farmers, caught in a squeeze by unprecedented feed costs, find export controls appealing.

But beware of a trap. Whoever sets the export limits will also be in a position to control farm product prices here at home—not only for crop producers, but for livestock producers as well. Experience tells us that cheap feed usually leads to cheap meat, milk, and eggs.

But today there is a powerful countervailing force. Although American people may not like higher food prices, neither do they like rationing of energy. As a nation, these may be the choices we face.

THE MAGIC EQUATION

Energy and food—the magic equation in world economics and world politics. In food our nation is strong—in energy we are weak.

The U.S. is deficient in oil and gas supplies. If we want more, we must import it. And the only apparent way to pay for expanded oil imports is to increase our exports of farm products—even though this may mean somewhat higher food prices than American consumers have grown accustomed to.

Food and energy—Energy and food. The American public wants both, but understands neither. For many generations we have been accustomed to ample supplies of both—at low prices. Suddenly there is an awareness that neither food nor energy can be taken for granted. The two are closely intertwined. We cannot have one without the other.

At the moment, farmers and the FS System are deeply concerned about supplies of essential fuels and fertilizers for farming. This problem may stay with us for awhile.

But in the long run, the same energy shortage which is contributing to our current problems may be the key which opens the doors to the greatest opportunities American agriculture has ever experienced. The most favorable equation for balancing oil imports is the same equation that benefits farmers the most—full farm production and expanded exports, at good prices.

When this opportunity knocks, Midwest farmers and the FS System will be able and willing to answer the call.

UNORTHODOX INSURER

HON. BILL GUNTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. GUNTER. Mr. Speaker, an article appeared recently in the New York Times about my friend and former associate, Ed Rust, president of the U.S. Chamber of Commerce. He is an exceptionally gifted leader of the business community, and I recommend the article about him to my colleagues:

UNORTHODOX INSURER—STATE FARM PRESIDENT VOICES HIS OWN VIEWS

(By Robert J. Cole)

BLOOMINGTON, ILL.—He earns $200,000 a year, raises quarter horses on a working farm, heads the world's largest auto insurer and serves as president of the United States Chamber of Commerce.

But anyone who talks to Edward B. Rust, president of the $2.8-billion State Farm Mutual Automobile Insurance Company, very quickly discovers that he is anything but an ordinary company president.

A close observer said Mr. Rust's thumb was always black from the pipe he smokes and that he sometimes rubbed soot on his face. His fingernails are often broken from working on the farm. Sometimes he comes to work with horse manure on his shoes.

"A lot of people don't even know I work here," he said in an interview the other day.

He told about the time a neighboring farmer, knocked on his door on a Saturday night and asked if he could come over and weld his combine. This man is one of a special group of people he calls "my Saturday friends," the ones he sees on his days off.

A working farmer by avocation—besides horses, he raises corn, soybeans and purebred Angus cattle—he has the scars that often come with the job.

A barely visible hole in the chin, caused by a piece of flying steel, took 15 stitches to close. A plainly visible dent in the left cheek, caused in a machinery unloading mishap, took 17 stitches.

"Some guys restore cars. I get my kicks out of restoring old machine tools," Mr. Rust remarked.

Edward Barry Rust, whose father, Adlai, rose through the ranks to become president before him, was born and raised in rural Bloomington. He went away to college at Stanford, where he was graduated cum laude in economics in 1940 and elected to Phi Beta Kappa.

A year later he joined State Farm Mutual and, except for a three-year stint as a naval officer, he has been there ever since. By 1951 he was a vice president. By 1958, at the age of 40, he had become president.

Thomas C. Morrill, vice-president and a member of the top echelon, admitted that the younger Mr. Rust got more than a little help from his dad.

"It's certainly true," Mr. Morrill said, "that his father made him president but if his name were Joe Mudd he ought to be president. We have lots of excellent young talent around but we have nobody with near his ability."

Clearly, though, Mr. Rust is an individualist who is happiest when working with his hands. He can handle machinery and has trained his son, Edward B. Rust Jr., a law student, to do the same.

One close associate told the story of the man who called the executive in his new role as president of the United States Chamber of Commerce to demand that he "do something about those college professors who ruined my son."

When he heard that the boy was 17, he took the caller to task. "You mean you had him for 17 years and they ruined him in one. What were you doing in those 17 years?" he wanted to know.

This same directness has also gotten him into hot water.

When Mr. Rust was elected president of the United States Chamber earlier this year, a few months before his 55th birthday, someone asked him how it felt to be the top spokesman for American business.

"If that's what they elected me to be," Mr. Rust replied, "they elected the wrong man."

If the chamber was annoyed by the remark, it never leaked out. But not too long ago, when Mr. Rust praised Ralph Nader, the consumer advocate, in glowing terms the Chamber fumed privately and very quickly made it clear that Mr. Rust was speaking for himself.

Mr. Rust said the fuss brought him about 35 letters—five of them with "all the four-letter words."

Mr. Rust had come to the conclusion several years earlier that Mr. Nader was someone that State Farm agents ought to hear. So he talked the consumer activist into making a film for the company.

Mr. Rust gave the State Farm staff just one order: Don't take out the criticism.

Aided by a solid reputation for fair dealings, State Farm Mutual has grown from an interesting idea in merchandising to a modern financial colossus.

Starting in 1922, when George J. Mecherle, its founder, trudged along the back roads of Illinois selling $34 policies in an old Model T Ford, State Farm Mutual became the world's largest auto insurer in 1942—just 20 years later—and has remained so. It is also the world's largest home insurer and one of the fastest growing life insurers in the business.

Today, the combined State Farm Companies have more than $4-billion in assets, 20 million policyholders, 25,000 employes, 11,000 independent agents and the best reputation in the auto insurance industry.

The State Farm formula is to sell auto insurance as if it were life insurance.

Most auto insurers sign on agents to sell policies on a commission basis, generally 15 to 20 per cent a year, every year. In life insurance, however, agents typically get a high commission in the first year and much smaller ones after that.

State Farm, long the king of the so-called direct writers—it sells directly to the customer—charges its customers $15 to $18 as a lifetime membership fee "for the privilege of buying insurance" and gives slightly more than half of it to the agent.

Because the initial sale is the hardest, the State Farm agent gets more commission the first year and less for renewals.

This helps produce sufficient volume that State Farm rates for those who qualify—are often surprisingly low.

And, because State Farm agents must find new "members" all the time if they want to make big money, State Farm profits usually move briskly upward.

In fact, from a loss of $29-million in 1969 on sales of $1.4-billion, State Farm Mutual showed net profits of $78.9-million in 1970 and $212.4-million in 1971. Earnings continued to climb so sharply in 1972 that the company decided to pay out $122.4-million in dividends to policyholders, effectively cutting rates.

As a result, profits eased last year to $186.9-million while sales soared to more than $2-billion.

This was seen as a move to head off insurance regulators, who, spotting the high profits, might have called hearings, giving the company bad publicity and, worse, demanding a cut in rates. By cutting its own rates in good times, the company leaves them intact for bad times.

As an indication of its policyholder loyalty, Consumers Union found when it took a poll among 230,000 car-owning members several years ago that State Farm Mutual (and the United States Automobile Association, which sells to military officers) topped the list for service. Allstate Insurance Company, the other giant "direct writer," stood in last place.

Nevertheless, State Farm has its detractors, too.

Four auto-body shops around Washington, D.C., maintaining that the company was sending business to competitors because they would do repair work for less money, have filed a multimillion-dollar national class action suit charging restraint of trade.

Jeffrey O'Connell, University of Illinois law professor, suggested, too, that State Farm could be misleading on occasion. What offended Professor O'Connell (the father of modern no-fault auto insurance along with a Harvard law professor, Robert E. Keeton) was the way the company fought no-fault a few years ago when it was against the idea.

What did the company do? It took poll.

"It purported to be scientific, but the questions were rediculously slanted to get the result they wanted," Professor O'Connell said. "It was a shoddy thing for such a big organization to do."

One State Farm officer quietly agreed that the survey "was not very accurate." Another said: "That's not so, but I know O'Connell thinks it is."

Then there is the hypersensitive view of the trial lawyers. Although some top insurers are considered pushovers by the legal profession—the companies differ from area to area—State Farm prides itself as one company that rarely goes to court.

For one thing, it often deals in areas where people are more apt to work things out informally. For another, it doesn't let a case get to court unless the facts or the money are in serious dispute.

"If we go to court, we rarely lose," an officer said.

That may explain the attitude of Melvin Belli, the trial lawyer who became famous for the huge awards his clients won.

"State Farm? They're the biggest so and so's in the insurance business," he said. "Any lawyer will tell you they're the cheapest on the street and Allstate's next in line."

A top State Farm officer, who declined to be quoted by name, seemed to like the observation, at least the part about his company. "That's the best recommendation we have," he remarked privately. "I hope you print it."

PROGRESS REPORT ON WORLD PEACE TAX FUND ACT

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. DELLUMS. Mr. Speaker, in response to many expressions of interest, I present the following progress report on the World Peace Tax Fund Act, H.R. 7053, which was introduced on April 16, 1973, by the following Members of Congress: Representatives DELLUMS, EDWARDS, and STARK of California; MITCHELL of Maryland; MOAKLEY of Massachusetts; CONYERS and DIGGS of Michigan; ABZUG, BINGHAM, RANGEL, and ROSENTHAL of New York; and KASTENMEIER of Wisconsin.

This legislation would:

Extend to taxpayers who are conscientiously opposed to war rights comparable to those traditionally given to draftees who are conscientious objectors.

Allocate to a World Peace Tax Fund the portion of their Federal taxes which would otherwise be used for military expenditures.

Authorize the Comptroller General to determine, based on the previous year's military appropriations, what percentage of a conscientious objector's Federal taxes could be allocated to the World Peace Tax Fund.

Model the World Peace Tax Fund after the National Highway and the National Airport and Airway trust funds, with a Board of Trustees appointed by the President with the advice and consent of the Senate.

Authorize the Trustees to provide World Peace Tax Fund support for research and other activities designed to develop and demonstrate nonviolent methods of resolving international conflicts.

Prohibit use of the World Peace Tax Fund as a means of reducing regular appropriations for nonmilitary purposes.

A MORAL DILEMMA

Since the introduction of this bill, I have received urgent pleas for action from members of the historic peace churches and others who are committed to a strict application of the Commandment: "Thou Shalt Not Kill."

These are law-abiding citizens who are deeply distressed because at present they must either violate what they consider to be the law of God or break the Federal laws which require them to pay taxes which will be spent on lethal weapons. They feel strongly that a Nation founded upon freedom and respect for the rights of the individual should not force upon them this intolerable choice.

CIVIL DISOBEDIENCE

With the proliferation of international conflicts, a growing number of these conscientious objectors are reporting that they have come to the point where they have no choice, in their conscience, but to break the Nation's laws and withhold part or all of their Federal tax payments. They do this openly and are prepared to take the consequences.

Their action imposes upon the Government the costly administrative burden of identifying and penalizing them. The task of recovering taxes from conscientious objectors is particularly onerous because it involves those very individuals whose qualities of citizenship and concern for the welfare of their fellowmen and of all mankind are recognized by those who know them and by those who hear of their plight.

A LEGAL ANSWER

As all of us ponder in our profoundest thoughts the message which conscientious objectors are telling us about the realities of war in the 20th century, and as we consider the economic drain which military preparations impose upon all nations on a finite planet, we must ask ourselves whether there is not some honorable accommodation which can be made with these, our fellow citizens. Can we not let them live within the law, paying their taxes in full under a system which legally channels their payments into peaceful purposes?

A citizens' committee in Ann Arbor, Mich., and a related one in Washington, D.C., have worked to bring the World Peace Tax Fund Act to the attention of citizens. I will read into the RECORD a recent letter from the chairman of the Ann Arbor committee reporting on the status of their efforts and of public response to the bill:

ANN ARBOR, MICH.,
October 31, 1973.

Representative RONALD V. DELLUMS,
House Office Building,
Washington, D.C.

DEAR MR. DELLUMS: I am writing on behalf of the World Peace Tax Fund (WPTF) Steering Committee to tell you of our efforts to inform citizens about the World Peace Tax Fund Act, H.R. 7053, and to report on public reaction to this information.

Citizen response to this legislation has strengthened our conviction that the time has come when the principle of conscientious objection, already recognized in many laws, must be extended to the areas of Federal income, estate, and gift taxes. Your bill does this, building on sound historical precedent as was documented in the supporting brief which appeared in the Congressional Record when the Bill was originally introduced on April 17, 1972.

Almost 1,000 persons, many of them representing religious, civil rights, and peace organizations, have written to us confirming their support of the World Peace Tax Fund Act. Formal action has been taken by a number of organizations. For example:

The Church of the Brethren, at its Annual Conference in June, 1973, recommended "that both the denomination and individual Brethren give strong and active support to appropriate legislation providing alternative tax arrangements for peace purposes for those persons conscientiously opposed to war."

The Division of World Justice and Peace of the United States Catholic Conference has distributed widely among American Catholics information about the World Peace Tax Fund Act, and encourages "legislative efforts which offer citizens, who object for reasons of conscience to paying taxes to support military programs, the option of allocating a portion of their tax payment to fund peace and development-oriented programs."

The legislative policy approved in February, 1972 by the General Committee of the Friends Committee on National legislation states: "We urge provision for alternative peaceful uses of taxes paid by persons who oppose war on grounds of conscience."

The General Conference Mennonite Church, at its triennial conference in August 1971, passed a declaration on "The Way of Peace" which said, in part, "the levying of war taxes is another form of conscription which, along with the conscription of manpower, make war possible. We are accountable to God for the use of our financial resources and should protest the use of our taxes for the promotion and waging of war. We stand by those who feel called upon to resist the payment of that portion of taxes being used for military purposes."

Currently, the WPTF Steering Committee is asking citizens to:

Study the WPTF bill

Send their views to their Representatives and ask them to co-sponsor HR 5073

Request that Hearings on the Bill be held by the House Ways and Means Committee

Ask their Senators to introduce similar legislation

Those who take any or all of these actions are asked to send copies of their letters to

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the Steering Committee (P.O. Box 1447, Ann Arbor, Mich. 48106) so that we can compile a more comprehensive report to send you at a later date.

If civilization is to advance, recognition must be given, by Federal law, to those who are conscientiously opposed to the intolerable and wasteful burdens of the arms race and who protest the inhumanity of all war. We believe that, in time, the soundness of our position will become apparent to the majority of citizens, to Congress, and to other nations of the world. In the meantime, we ask that we not be penalized for holding these beliefs.

We express our enthusiastic support for your continued efforts on behalf of the World Peace Tax Fund Bill.

Sincerely yours,

David R. Bassett, M.D.,
Chairman, World Peace Tax Fund Steering Committee.

I should now like to insert into the Record a summary of the legislation, reminding citizens that complete copies of the bill may be obtained by writing to their Representatives. Following the summary is a memorandum in support of this act:

Summary

The World Peace Tax Fund Act proposes that the Internal Revenue Code of 1954 be amended to provide an alternative to contribution to military spending for Federal taxpayers who are conscientiously opposed to participation in war, and that a Fund be established to receive and distribute to qualified peace-related activities the portion of such individuals' tax payments that would otherwise go to military spending. The remainder of qualifying individuals' income, estate, and gift taxes would be transferred to the general fund of the U.S. Treasury, to be spent only for non-military purposes.

The Act gives relief to those citizens conscientiously opposed to participation in war, who are presently forced to violate their beliefs by participating in war through tax payments. There is considerable procedent for such relief. The Selective Service System has long recognized and accommodated the beliefs of conscientious objectors. Tax exemptions have been provided for certain religious groups to void violation of their religious and conscientious beliefs.

The requested tax relief for conscientious objectors will not open the "floodgates" to similar relief for other groups. The conscientious objector's request for tax relief is exceptionally compelling because it is motivated by the widely-held and long-established fundamental religious and moral mandate—"Thou shalt not kill."

The Act provides taxpayers, who are conscientiously opposed to war and who might otherwise feel compelled to undertake illegal tax resistance, with a means of making a meaningful contribution to world peace consistent with their obligations of citizenship. It is particularly important that the Act extends the opportunity for conscientious objection to women and to men not eligible for conscientious objector status under the Selective Service System.

The amendments to the Internal Revenue Code of 1954 provide that a qualified taxpayer may elect to have his or her Federal income, estate, or gift tax payment transferred to a special trust fund, the World Peace Tax Fund. The amendments also explain how a taxpayer qualifies to have his or her tax paid to the Fund. Other sections of the Act provide for the creation of the World Peace Tax Fund, and for the appointment of a Board of eleven Trustees to administer the Fund. The Fund is modeled after the National Highway Trust Fund and the National Airport and Airway Trust Fund. The Act provides that the General Accounting Office shall annually determine and publish the percentage of actual appropriations, made by the United States from the Federal Funds Budget during the preceding fiscal year for military purposes. This percentage will be used to determine the portion of the qualifying taxpayer's tax which shall be received by the Board; the Board shall submit a budget to Congress for approval and appropriation, providing for channeling of these monies to specified peace-related activities. Monies not appropriated from the Fund for expenditures budgeted by the Board shall remain available for use in subsequent years by the Board, subject to Congressional appropriation.

Memorandum in Support of the World Peace Tax Fund Act

Introduction

Many persons in this country are conscientiously opposed to participation of any kind or nature in war. For some religious determinations this is a fundamental part of the religious beliefs of the members. For example, the Handbook of the Pacific Yearly Meeting of the Religious Society of Friends urges its members:

"To recognize that the military system is not consistent with Christ's example of redemptive love . . . (and) to consider carefully the implication of paying those taxes, a major portion of which goes for military purposes."—page 28 of 1962 Rev. Ed.

Freedom of conscience, whatever that conscience might be, is an integral part of our scheme of government. The Supreme Court of the United States, in March of 1965, quoted a statement made in 1919 by Harlan Fiske Stone, who later became Chief Justice of the Court:

"Both morals and sound policy require that the state should not violate the conscience of the individual. All our history gives confirmation to the view that liberty of conscience has a moral and social value which makes it worthy of preservation at the hands of the state. So deep is its significance and vital, indeed, is it to the integrity of man's moral and spiritual nature that nothing short of the self-preservation of the state should warrant its violation; and it may well be questioned whether the state which preserves its life by a settled policy of violation of the conscience of the individual will not in fact ultimately lose it by the process."—Stone, The Conscientious Objector, 21 Col. U.Q. 253, 269 (1919).

Although not all persons who are conscientiously opposed to participation of any kind in war base their convictions on religious training and belief, conscientious objection to war appears to be well recognized as an integral part of the religious beliefs of many people. Speaking of the struggle for religious liberty in this country, Chief Justice Hughes referred to:

"The large number of citizens of our country, from the very beginning, who have been unwilling to sacrifice their religious convictions, and in particular, those who have been conscientiously opposed to war and who would not yield what they sincerely believed to be their allegiance to the will of God . . ." *United States* v. *Macintosh*, 283 U.S. 605, 631 (1931).

Certainly to require significant participation in war, against the religious conscience of these people, would violate the spirit of the first amendment protection for the free exercise of religion. (See *West Virginia State Board of Education* v. *Barnett*, 319 U.S. 624 (1943); *School District of Abington Township* v. *Schempp*, 374 U.S. 203 (1963); *Contran, Tyrrell* v. *United States* 200 F. 2d 8 (9th Cir. 1953), *cert. denied* 345 U.S. 910.

Conscientious objection to war and military training is deeply imbedded in the traditions of this country. For example, the ratifying conventions of each of the six states that recommended the adoption of a Bill of Rights in ratfying the new Constitution approved specific amendments as a part of their recommendation; Virginia, North Carolina, and Rhode Island included a provision guaranteeing the right of conscientious objection. (See Elliot, *Debates on the Adoption of the Federal Constitution*, Vol. 3, p. 659, Vol. 4, p. 244 Vol. 1, p. 334—36 (reprint of 2nd ed. 1937).

A similar provision was suggested but rejected by the Maryland convention. (See Elliott at 553.) It is not surprising, therefore, that one of James Madison's proposed amendments presented to the first session of the first Congress included the following language: "but no person religiously scrupulous of bearing arms shall be compelled to render military service in person." *Annals of the Congress of the United States*, 343 (Gales and Seaton, 1934).

During the debates on the proposed amendment, it was suggested that the right be conditioned "upon paying an equivalent." To this suggestion Mr. Sherman of Connecticut remarked:

"It is well known that those who are religiously scrupulous of bearing arms are equally scrupulous of getting substitutes or paying an equivalent. Many of them would rather die than do either one or the other." *Annals* at 750.

A motion was then made to drop this clause altogether; the motion failed and the clause was included in the list of proposed amendments sent to the Senate for approval The Senate omitted this provision and it never became a part of our Bill of Rights. Although no record of the Senate debates was taken at the time, the opposition to the proposal in the House would indicate that the Senate preferred to leave the matter to legislation instead of a Constitutional Amendment. *Annals* at 751.

Precedent

There is sound precedent for such legislation giving tax relief to protect religious and conscientious beliefs. Section 1402(e) of the Internal Revenue Code provides an exemption from payment of self-employment taxes for duly ordained, licensed or commissioned ministers and members of religious orders, or for Christian Science Practitioners upon their filing an application for exemption together with a statement that they are conscientiously opposed to, or because of religious principles, they are opposed to participation in an insurance plan like that provided by the Social Security Act. Section 1402(h) of the Internal Revenue Code similarly relieves members of qualified religious faiths, primarily the Amish, of the duty to pay the Social Security tax. By this Code provision, enacted in 1965, Congress acknowledged and accommodated the conscientious objection of the Amish to participation in insurance plans. The tax exemptions provided by section 1402(e) and 1402(h) of the Internal Revenue Code were modeled after the exemption of conscientious objectors from the draft.

By exempting individuals conscientiously opposed to participation in insurance plans from payment of Social Security taxes, Congress clearly extended the principle of Congressional accommodation of conscientious beliefs from the area of the draft to the area of taxation. Thus Congressional precedent for tax relief to accommodate the beliefs of conscientious objectors to war is firmly established. Congress has recognized both the right of a tax exemption to avoid participation in a program to which the tax-payer is conscientiously opposed.

The tax treatment asked for conscientious objectors is less exceptional than that presently granted by sections 1402(e) and 1402 (h) of the Internal Revenue Code. Those sections allow individuals "conscientiously opposed" to Social Security insurance to be entirely exempted from payment of a portion of their tax. In contrast, the World Peace Tax Fund Act does not propose exemptions from payment of a portion of the conscientious objector's tax. Under the Act, a conscientious objector is still required to pay his entire tax. The Act merely provides that an appropriate portion of the tax may be diverted from military spending to non-military peace related activities.

Like the exemption from payment of the Social Security tax, the proposed tax accommodation for conscientious objectors is based on religious and conscientious belief. The conscientious objector to war has a compelling justification for the special tax status he seeks. His concern is fundamental. He asks not to be forced to join in the deliberate killing of his fellow men. His desire not to participate in war and killing through any means, including taxation, is based upon a widely acknowledged religious and moral principle. Observance of the principle is essential to the integrity of the individual. By forcing the conscientious objector to war to contribute to military spending, Congress presently forces him to violate his conscience and severely denies his right of religious freedom.

The contemplated tax treatment of conscientious objectors does not establish a precedent for individual earmarking of tax dollars. Trustees appointed by the President with the advice and consent of the Senate will receive, for subsequent channeling to appropriate peace-related activities, a portion of the Fund's monies. This portion represents the sum of all qualifying individuals' income, estate, or gift tax payments, multiplied by the percentage of last year's Federal budget devoted to military spending. The spending decisions of the Trustees require Congressional approval and appropriation. Congress retains power over spending of the conscientious objector's taxes. The taxpayer who qualifies as a conscientious objector can only decide that his tax dollars will not be spent for one specific purpose—military spending. Distribution of monies by the Board to qualified peace-related organizations finds precedent in the qualified distribution requirements for private foundations under Section 4942 of the Code.

Effectiveness

Individuals conscientiously opposed to war will be excused from tax contribution to military spending and thereby from a significant form of participation in war. The tax dollars diverted from military spending will be used to promote world peace. It is recognized that because of the nation's tax collection and budgeting process, the creation of the World Peace Tax Fund may not markedly reduce the money available for military spending. A serious curtailment of military spending would result only if a great many taxpayers participated in the Fund, thereby calling for a major shift in national priorities. The military will get the funding it requests until the success of the Fund helps persuade taxpayers and Congress to reduce the priority of military spending.

At present, many conscientious objectors are so determined to change this country's priorities that they have refused to pay their taxes. As an alternative to forcing conscientious objectors to pursue this difficult and unpopular course, this bill offers the conscientious objector a way of making a positive contribution to world peace in place of contributing to military spending. The Fund will provide a constructive means of citizen's protest for its contributors. The Fund will draw the attention of every taxpayer to the percentage of American tax dollars going to military spending. It will encourage Congress to recognize this percentage by publication of the Fund's annual reports. At present, for the most part, no effort is being made by the government to separate military spending from other spending. Individual taxpayers, in making out their annual returns, will be forced to decide whether or not they can conscientiously contribute to military spending. Those who become conscientious objectors for tax purposes will be voicing a significant vote against military policy. The bill provides that the number of contributors to the Fund, the amount of money contributed, and the expenditures of the Fund shall be published and reported to Congress each year.

The Fund itself will be selfsufficient. It is expected that the commitment of the Fund's Trustees to world peace and their appointment by the President with the advice and consent of the Senate will make the Fund self-policing so that contributors and other taxpayers and Congress will have faith in it, and it will accomplish the goals set for it. The operating expenses of the Fund will be paid out of the money the Fund receives from taxpayers. Because the Fund will encourage people who presently refuse to pay their taxes, to pay these taxes, the administrative costs of the Fund will be offset by the additional tax payments which the Fund is expected to generate.

Constitutionality

(1) *Uniformity*. The proposed legislation conforms with the requirement of Article I, Section 8, Clause 1 of the Constitution which provides "All duties, imports and excises shall be uniform throughout the United States." The requirement of uniformity has been read to require geographical uniformity, *Knowlton v. Moore*, 178 U.S. 41 (1900); *Brushaber v. Union P. R. Co.*,—U.S. 1 (1916); *Fernandez v. Wiener*, 326 U.S. 340 (1945).

(2) *First Amendment*. The first amendment provides "Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof." The proposed tax payment accommodation of the religious beliefs of conscientious objectors is a mitigation of a general requirement for the purpose of allowing the free exercise of religion. This is not an establishment of religion.

Despite the constitutionality of the proposed amendments, it might be argued there is an overriding public interest which forbids accommodation. But in *In Re Jenison*, 375 U.S. 14(1963) the Court relying on *Sherbert v. Verner* vacated a ruling of the Minnesota Supreme Court, which held that jury duty, a primary duty of all citizens, was superior to a religious belief which forbade judging others and therefore forbade jury duty. After *Jenison* it is possible to argue that it is unnecessary to balance the public interest against the individuals' interest to determine whether an exception to the general law should be made to accommodate the free exercise of religion. Rather Congress or the courts could simply determine if an accommodation is necessary to allow free exercise of religion and if so, grant it.

(3) *The due process clause*. The due process clause of the fifth amendment requires that tax statutes be resonable and apply to a reasonable class. However, the standards of reasonableness applied to tax statutes are more lenient than those applied generally; only clearly arbitrary tax classifications will be struck down. *Flemming v. Nestor*, 363 U.S. 603(1960); *Smart v. U.S.* 222 F. Supp. 65 (1963); *Leeson v. Celebrezze*, 225 F. Supp. 527 (1963). Therefore it is unlikely that the classification proposed by these amendments would be found unreasonable, especially since the classification is the same which has long been accepted as reasonable for draft exemption purposes.

THE STATE OF THE PRESIDENCY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. RANGEL. Mr. Speaker, increasingly President Nixon's resignation is being discussed as a way out of our current crisis of national leadership. This Sunday, the New York Times, perhaps the Nation's most respected journal, editorialized in favor of the President's resignation from office.

The decision to take this position did not, I am sure, come easy for the New York Times. Its editorial and the rationale it sets forth for making this proposal are worth the attention of every Member of this body:

The State of the Presidency

The visible disintegration of President Nixon's moral and political authority, of his capacity to act as Chief Executive, of his claim to leadership and to credibility leads us to the reluctant conclusion that Mr. Nixon would be performing his ultimate service to the American people—and to himself—by resigning his office before this nation is forced to go through the traumatic and divisive process of impeachment.

The doubts about Mr. Nixon that have gathered an ominous momentum over the past twelve months have arisen, basically, from three different sources—constitutional, political and personal—and they are now flowing together in a surging torrent.

Every President comes under attack from the political opposition, as is normal in a democracy; and every President makes misjudgments and administrative errors. If that were all that could be said about Mr. Nixon, the possibility of his resignation or impeachment would never arise. The gravity of the case against him rests instead on his deliberate violations of the letter and the spirit of the Constitution and, flowing out of this, the collapse of public confidence in the integrity of the man who only one year ago was elected to the Presidency by the largest popular majority in American history.

MR. NIXON AND THE CONSTITUTION

In an obsession with secrecy, in reliance on the blanket of "national security" to cover virtually any action, Mr. Nixon has at least twice given his approval to projects that would violate the law and his oath of office. In 1970, he endorsed a secret plan involving concededly illegal acts against domestic radicals. Although this plan was soon rescinded, Mr. Nixon later established a White House investigative unit, the notorious "plumbers," that did engage in illegal acts. Revelation of White House involvement in this kind of activity, including attempted subversion of both F.B.I. and C.I.A., was what first shook public faith in Mr. Nixon's understanding of the proprieties of his office.

In his management of the Vietnam War, Mr. Nixon compounded the secrecy, deceit and unconstitutional practices that had already grievously harmed the Presidency under Mr. Johnson. The secret bombing of Laos and Cambodia and the invasion of Cambodia were the acts of a President with scant regard for the authority of Congress and for the will of the people.

In an entirely different area of public policy, the President had abused his power in respect to the impoundment of funds. Mr. Nixon had tried to convert the implied, discretionary power to impound into an absolute item veto. In his exercise of that power, Mr. Nixon has acted as if he regarded his

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re-election as a mandate to do as he pleased in administering the budget.

The deceitful manipulation of the Presidential war-making powers, the deliberate violations of the law in the national security investigations and the abuse of the impoundment authority have all created in the minds of the people the enduring conviction that Mr. Nixon has little respect for the restraint of the law and no real understanding of constitutional checks and balances.

MR. NIXON AND POLITICS

The character of the President's political leadership has aroused profound distrust that goes far beyond the sentiments normally engendered by party politics or philosophical disagreements over public policy. There is now substantial evidence that the President's men, in their effort to build up political power for President and party, have engaged in a lawless and corrupt style of politics and political financing.

It is unnecessary to review the many ramifications of the Watergate scandal. One need only note that for the first time in fifty years, two Cabinet members—John N. Mitchell, the former Attorney General and the former campaign manager, and Maurice Stans, former Secretary of Commerce and former chief political fund-raiser—have been indicted. John W. Dean 3d, formerly the President's legal counsel; Jeb Stuart Magruder, formerly his deputy campaign manager, and Frederick Larue, formerly one of his White House assistants, have pleaded guilty to obstruction of justice. John D. Ehrlichman, formerly the President's chief domestic adviser, and two lesser White House aides have been indicted on other charges. H. R. Haldeman, another of the President's closest assistants, has been forced to resign. Still others formerly in high office in the Nixon Administration have publicly conceded that they committed perjury, destroyed evidence, obstructed justice, or committed other crimes but have not yet been indicted. Could these men have so acted without the President's knowledge?

In addition to the Vesco case in which Mr. Mitchell and Mr. Stans have been indicted, there is documentary evidence that:

The milk producers promised the Administration $2 million in campaign money while seeking the favorable rulings that they obtained with regard to milk prices and import quotas on foreign milk products;

ITT offered $400,000 to defray the cost of the 1972 Republican National Convention while the White House was actively intervening—despite denials subsequently shown to be false—to force the Justice Department to settle an antitrust suit on terms acceptable to ITT;

Howard Hughes transmitted $100,000 in cash to C. G. Rebozo, the President's closest friend, while seeking favorable antitrust rulings from the Government.

Vice President Agnew is a case apart. According to the Justice Department, bribes had been paid to him not only when he was an official in Maryland but throughout his first term as Vice President. This is the man whom Mr. Nixon twice chose as his highest associate in Government.

MR. NIXON'S SENSE OF FITNESS

President Nixon's personal leadership has served to increase rather than relieve the gathering doubts about his fitness to remain in office. Mr. Nixon has inflicted upon the public for fourteen months a bewildering series of complicated and evasive explanations of his conduct in the Watergate scandals. His firing of Archibald Cox, his acceptance of Attorney General Richardson's resignation, and his abolition of the office of Special Prosecutor served to convince many Americans, once and for all, that their President was determined not to have a thorough and independent inquiry into the charges against him and his associates.

The President's truly astonishing conduct with regard to the Watergate tapes has aroused even deeper uneasiness. First, Mr. Nixon seemed about to provoke a constitutional crisis by refusing to obey a confirmed court order that he turn over nine tapes to Judge Sirica for inspection. Then he abruptly reversed himself and announced that the tapes would be made available. And now he has informed the court through his attorney that two of the tapes—probably the two most critically important—never existed.

Other personal actions by Mr. Nixon have fed public distrust. It is dismaying to millions of ordinary taxpayers to learn that their President, during part of his first term in office, paid almost no Federal income tax because he claimed a huge and legally dubious deduction. It offends the instinctive sense of fairness of ordinary citizens when it is finally disclosed that their President has surreptitiously burdened the public treasury with major expenditures affecting his two private estates quite apart from the two provided by the Government. It offends the sense of propriety of most citizens that their President should live beyond his means by borrowing heavily from two millionaire friends.

MR. NIXON'S DUTY

Without prejudging the question of impeachment, the public has lost confidence in the President's veracity and good faith. The record of his unconstitutional and illegal acts and of the scandal-ridden management of his Administration and his party is plain. In this context, two questions arise. The nation has to ask: Can Mr. Nixon effectively govern during the remaining three years of his term? The President has to ask: Where does my duty to the nation lie?

The answer to the first question is negative. At best, the nation faces three years of a crippled Presidency. At worst, there will be fresh revelations, exposure of new crises, probably the ordeal of impeachment, while inquiry into the activities of his associates and subordinates goes on.

The one last great service that Mr. Nixon can now perform for his country is to resign. He has been trying to "tough it out" for too long at too great a cost to the nation. As long as he clings to office, he keeps the Presidency swamped in a sea of scandal and the American public in a morass of concern and confusion. The state of the union requires nothing less than a change in the sorry state of the Presidency.

JOHN PHILIP SOUSA WEEK IN WASHINGTON, D.C.

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. FAUNTROY. Mr. Speaker, November 6 is the 119th anniversary of the birth of John Philip Sousa, a native of Washington, D.C. It is fitting and proper that this city which he so loved should honor the man by acknowledging his great music which is taken for granted today by Americans in all walks of life. "The March King," as he is known, is truly one of the greatest musicians of all-time. The marches composed by Mr. Sousa are not merely songs, but have been embedded as international symbols of Americans tradition.

The District of Columbia has particular claim to these traditions, of course, as John Philip Sousa was born, raised, and educated right here in the Nation's Capital. The house where he was born, at 636 G Street SE., has been restored by the Capitol Hill Restoration Society, and the house where he did the major part of his composing is still in use as a home in Southeast Washington. Here, he composed the works which have come to represent the United States across the world. Mr. Sousa used his talents during his lifetime to glamorize Washington, D.C. and we are proud to have the opportunity to return his generosity by honoring him this week.

Mayor Walter Washington, has appropriately proclaimed the week of November 4–10 as "John Philip Sousa" week. He has called upon the citizens of the District to join in honoring this great American, "in greatful knowledge of the exceptionally outstanding contributions which he made to the field of music and to his fellow citizens." I would like to join in honoring John Philip Sousa and further the cause of this week by outlining the events of this week which are taking place in paying tribute to the man.

The Museum of History and Technology, the National Portrait Gallery, and the Library of Congress will feature special Sousa displays. The bands from the four branches of the armed services will continue to prepare their traditional Sousa repertories, and the historic Ford's Theater is bringing to Washington an exciting revival of Sousa's famous comic opera "El Capitan." Other groups working to make Sousa week something very special are the John Philip Sousa Memorial, the Sousa Band Fraternal Society, the band department of the University of Illinois, Paul Bierly-Sousa biographer, the Music Educators National Conference, and the American Bandmasters Association.

As a Member of Congress, I call upon my distinguished colleagues and the citizens of the United States to join our city of Washington, D.C., and the abovementioned groups in honoring "the March King."

BILL SEEKS CONVEYANCE OF CERTAIN U.S. LAND TO LOUISIANA

HON. JOE D. WAGGONNER, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. WAGGONNER. Mr. Speaker, I rise in support of the bill, H.R. 9295, which I have sponsored and which is cosponsored by the entire Louisiana delegation.

The bill simply provides for the conveyance of certain lands in Caddo Parish in Robson, La., owned by the United States to the State of Louisiana for use by Louisiana State University.

Mr. Speaker, by way of background, I want to give you a brief history of this property, a legal description of which is provided in the bill. In 1930, the police jury—the governing body of Caddo Parish—donated to the Government approximately 138 acres to be used in conducting research on pecan production problems. In 1952, 38.80 acres were conveyed back to the State of Louisiana, leaving 99.956 acres. The land, although not selected by representatives from the Department of Agriculture, was accepted by the Department because of the interest of pecan growers in northern

Louisiana in regard to problems relating to pecan production on upland sites as well as on river bottom land.

The Agriculture Department has made continuous use of this land during the last 43 years conducting research on disease and insect problems and cultural methods of pecan production. Louisiana State University's Agricultural Extension Services has cooperated with and offered some assistance to the research activities being conducted at the facility over the years. Pecan production in Louisiana increased fourfold during this period and production of improved varieties has increased nearly sixfold.

Last year and earlier this year, the Department of Agriculture made a determination that the pecan research facility should withdraw its personnel from the pecan research studies that were being done in Caddo Parish inasmuch as similar studies were being conducted in Byron, Ga., and Brownwood, Tex. USDA took the position that individual States could adequately furnish the additional information that was needed by pecan growers. It is the position of the Louisiana pecan growers, as well as pecan growers in the immediately surrounding area, that pecan problems that they experience are peculiar to the immediate area; and they feel that the research program presently being conducted in Caddo Parish by USDA and LSU should continue.

By conveying the land to the State of Louisiana to be used by Louisiana State University, it would allow the USDA to cease its operations there, but would allow the pecan research facility to continue under the direction and operation of LSU. Conveyance legislation is needed to prevent the property in question from being declared surplus by the Government and being taken over by some other interest not associated with pecan research. As you know, Mr. Speaker and fellow Members of the House, there is adequate precedence for conveyance of this type. Last Congress, legislation was enacted that would convey land to the State of Tennessee to be used by the University of Tennessee on the problems related to livestock breeding in that State.

I feel that I have outlined the history and need for this legislation, which is supported by Louisiana State University, the State of Louisiana, and the pecan growers in my State, as well as by the Department of Agriculture.

CONGRESSMAN FRANK ANNUNZIO ANNOUNCES RESULTS OF 1973 CONGRESSIONAL QUESTIONNAIRE

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. ANNUNZIO. Mr. Speaker, I submit by unanimous consent as official business the results of a poll which I conducted recently to obtain the opinions of citizens residing in the 11th Congressional District of Illinois, which I am privileged to represent, on issues of national significance under consideration by the Congress of the United States.

The strength and effectiveness of our Government is dependent upon the exchange of views between elected officials and their constituents. One way in which to insure an exchange of views is the Congressional Questionnaire, and I want to express my sincere appreciation to more than 15,000 of my constituents who involved themselves in the decisionmaking process by responding to this survey.

Twenty-three questions were asked relating to both domestic and foreign policy issues. These issues covered the economy, pension reform, abortion, the death penalty, war powers, mass transit, the energy crisis, and similar issues.

Not only was the volume of response gratifying, for almost 20 percent answered the questionnaire, but many persons attached detailed letters to explain the positions they took while others placed comments on the margin of the questionnaire.

All of the questionnaires which have been returned have been tabulated by computer and the consensus of opinion I have received has been of invaluable aid to me in formulating my own position in the legislative considerations confronting us during the 93d Congress.

Before listing a numerical summary of the responses to the questions that I asked, I want to point out some significant reactions to several important issues.

On two issues, 11th District residents were almost evenly divided—abortion and the Crosstown. On both of these questions, such a large number of people reported they were undecided that a clear consensus did not emerge. On the abortion issue, 43 percent were against and 44 percent were in favor of the Supreme Court decision liberalizing abortion regulations, while 13 percent were undecided. Since the number of undecided could swing the consensus either way, and since the mail in my office is running heavily against liberalizing abortion regulations, I would like to invite my constituents who have not yet expressed an opinion to drop me a line and let me know how they feel.

On the Crosstown issue, 37 percent wanted Governor Walker's substitute interstate highway plan in place of Crosstown, 42 percent did not want the Crosstown replaced with the Governor's plan, and an extremely large number—21 percent—were undecided. It is now up to Governor Walker and Mayor Daley to make the final decision on what happens to Crosstown.

A total of 88 percent felt that the death penalty should be reinstated. I have always felt that tougher penalties will serve as a forceful deterrent to serious crimes, such as murder, and I shall certainly support stricter penalties when legislation of this kind reaches the House floor for action. Every means at our disposal must be utilized to bring down the high crime rate and to make our city streets safe once again for our citizens. To this end, I have supported the Safe Streets and Crime Control Act, the Omnibus Crime Control Act, the Juvenile Delinquency Prevention and Control Act, the Drug Control Act, and similar bills aimed at bringing the crime rate down.

Eighty-five percent, or almost seven-eighths of those who responded, were opposed to forced busing of schoolchildren out of their neighborhoods as a means of achieving racial balance. My own position has been against forced busing. During the 92d Congress, four recorded votes on major bills, five recorded votes on amendments, and 20 unrecorded votes on the busing issue were taken in the House of Representatives. Each time, I voted consistently against forced busing. My position has been reinforced by the responses I have received and therefore I shall continue to oppose forced busing should legislation on this issue come to a vote in the 93d Congress.

Fully 85 percent favored controlling Federal expenditures. I share this view, and as chairman of the Personnel Subcommittee of the House Administration Committee, I was responsible for conducting a survey, and restructuring and consolidating positions in certain offices of the House of Representatives resulting in a savings of taxpayers' dollars of some $1.3 million per Congress in payroll expenses. I shall continue to oppose waste and duplication in Federal spending, for this is one sure way of controlling government expenditures of taxpayers' dollars.

Eighty-seven percent supported Federal regulation of private pension plans to prevent abuses. I have sponsored legislation to achieve this objective, and I am pleased to report that the House is expected to take action on a bill before the end of the year while the Senate has already passed similar legislation. It is my hope that the law which is finally enacted will insure that those who have paid into pension funds will get back every cent that is due to them, instead of being deprived, as so many have in the past, of their retirement benefits.

On the mass transit issue, 77 percent favored using some highway trust fund money to improve mass transit systems. With the fuel shortage rapidly increasing in severity, efficient mass transit systems have become even more important, for our citizens must have dependable means of getting to work, to school, to shopping areas, to the doctor's office, and to other places so essential to daily living needs. I have been in the forefront of the fight to secure better funding for mass transit systems, and authored legislation that would have achieved this purpose. I am glad to report, therefore, that such legislation has now been enacted into public law, and for the first time in the history of our country, some highway trust fund money will be available to improve our mass transit systems such as the Chicago Transit Authority.

Under article 1 of the Constitution, Congress has been given the power to declare war. However, in recent years the executive branch of the Government has taken this authority upon itself, and as a result, we have found ourselves engaged in undeclared wars, like Vietnam, where thousands of our young men have needlessly lost their lives. As a result, legislation was recently passed by both the House and Senate limiting the Presi-

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dent's power to commit troops in an undeclared war. The President has vetoed this legislation, and the House will soon consider overriding the President's veto. Because 80 percent of 11th district residents indicated to me they wanted to limit the Chief Executive's power to commit troops in an undeclared war, I shall accordingly vote to override the President's veto.

Over and over again, in notes and letters I have received, along with responses in the questionnaires, a total dissatisfaction was expressed with our current tax laws. Earlier this year, the Ways and Means Committee, which drafts tax legislation, began broad and extensive hearings on this issue in order that present inequities in our tax structure might be eliminated. The committee's consideration, however, was interrupted because prompt action was required on the trade bill and on the pension reform bill. Now that this action is almost completed, the committee will return to consideration of tax reform legislation.

It is my firm conviction that Congress must plug tax loopholes and cut out "special interest" tax breaks which permit high-income individuals and large companies to escape their fair share of taxation. Congress must also eliminate the inequity that has long existed as far as our single taxpayers are concerned. I have introduced legislation to achieve this objective, as well as legislation to give a tax exemption to a certain portion of income our older citizens receive in the form of retirement benefits. The Ways and Means Committee will consider my bills when it resumes its deliberations.

I shall continue my vigorous support of bills in the Congress to correct inequities and abuses in our tax laws. I feel that the money saved from plugging tax loopholes could be better spent for more effective pollution abatement, for meeting the educational needs of our country, and for reducing property and income taxes of the overburdened middle-income wage earners.

Finally, Mr. Speaker, a plurality of the citizens who responded felt that an increase in social security benefits should come now instead of next year, and I fully agree. Galloping inflation has hurt all of us, but it has hurt the most our senior citizens who are living on fixed incomes. Consequently, I have supported social security benefits increases in the past and shall continue to support such increases, as well as to do all I can to help our older people meet at least their basic daily living necessities such as food, rent, and medical bills.

It is also of interest to note that of those who returned the questionnaire, the largest number—48 percent—were in the 45 to 64 age category, while the largest number—43 percent—were privately employed.

Mr. Speaker, the following is the completed questionnaire tabulation according to percentages:

Congressional Questionnaire

1. Abortion: Amend the Constitution to overturn the Supreme Court decision which liberalizes abortion regulations?

Yes	43
No	44
Undecided	13

2. Death penalty: Reinstate the death penalty for the most severe crimes?

Yes	88
No	9
Undecided	3

3. Busing: Outlaw busing our schoolchildren as a means of achieving racial balance?

Yes	85
No	11
Undecided	4

4. Federal spending: Place a ceiling on annual spending as a means of controlling Federal expenditures?

Yes	83
No	8
Undecided	9

5. NATO: Reduce the number of troops we have committed under NATO to defend Europe?

Yes	70
No	20
Undecided	10

6. Tax credit: Enact legislation to permit tax credits to parents of students attending private and parochial schools?

Yes	56
No	39
Undecided	5

7. Energy crisis: Tax all users for excessive use of gas and electricity?

Yes	46
No	39
Undecided	15

8. News: Guarantee to reporters the right to conceal their sources?

Yes	58
No	30
Undecided	12

9. Pensions: Tighten Federal regulation of private pension plans to prevent abuses?

Yes	87
No	7
Undecided	6

10. Pollution: Tighten environmental regulations on industry, despite possible economic slowdown or increased consumer costs?

Yes	67
No	19
Undecided	14

11. Guns: Ban the sale of all "Saturday-Night Special" handguns?

Yes	91
No	7
Undecided	2

12. Crosstown: Substitute Governor Walker's plan for a 71-mile north-south interstate highway in place of Crosstown?

Yes	37
No	42
Undecided	21

13. Lottery: Install a national lottery, replacing taxation to some degree?

Yes	78
No	15
Undecided	7

14. Health insurance: Establish a National health insurance program that would provide coverage for all health care?

Yes	66
No	23
Undecided	11

15. Mass transit: Use some highway trust fund money to improve mass transit systems?

Yes	77
No	17
Undecided	6

16. War powers: Limit the President's power to commit troops in an undeclared war?

Yes	80
No	15
Undecided	5

17. Inflation: Reinstate strict government controls on food prices?

Yes	52
No	34
Undecided	14

18. No-fault auto insurance: Make it nationwide by Federal law?

Yes	71
No	12
Undecided	17

19. Wire tapping: Enact a new law tightening court restrictions on wire tapping?

Yes	70
No	18
Undecided	12

20. Trade: Limit foreign imports to protect American businesses and the jobs of American workers?

Yes	74
No	18
Undecided	8

21. Vietnam: Provide reconstrutcion assistance to North and South Vietnam?

Yes	19
No	65
Undecided	16

22. Post Office: Return to Federal government control?

Yes	57
No	23
Undecided	20

23. Military spending: Cut spending for new weapons systems such as long-range submarines and aircraft carriers?

Yes	42
No	45
Undecided	13

24. Age: (1) 15–19 (19%); (2) 20–29 (99%); (3) 30–44 (21%); (4) 46–65 (48%); (5) 65-up (21%).

25. Employer: (1) Private (43%); (2) Public (20%); (3) Self (10%); (4) Retired (21%); (5) Unemployed (6%).

PROGRESSIVE FORESTRY

HON. J. KENNETH ROBINSON

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. ROBINSON of Virginia. Mr. Speaker, it is with pleasure and pride that I make known to the House that Mr. Wickham B. Coleman, Jr., of Ruther Glen, Va., has been selected as the national honoree in a competition for forestry program excellence sponsored by the Future Farmers of America.

Wick Coleman received his award, not long ago, at the National FFA Convention in Kansas City, Mo. Obviously, this is a matter of great satisfaction to me, as I have the privilege of representing the congressional district in Virginia which includes Mr. Coleman's home community. In Virginia, more than 16,000 young people enrolled in programs of vocational agriculture, which lead to the achievement recognized in the award to Wick Coleman.

It is redundant to comment on the importance of our national competence in food production in the context of the world food shortage situation, but I think it important that we encourage, and recognize, the achievement of young people who have shown a commitment to agriculture in all of its aspects.

Under leave to extend my remarks in the appendix, Mr. Speaker, I include the text of Wick Coleman's address at an assembly of business leaders hosted by the Seaboard Coastline Railroad Co. at the Cincinnati Club, Cincinnati, Ohio, as follows:

My Forestry Program in Virginia

(By Wickham B. Coleman, Jr.)

Mr. Rice, Honored Guests and Fellow Award Winners:

Today I bring you greetings from the Virginia Association of Future Farmers of America, and say to each of you that it is an honor for me to represent such a fine youth organization on this occasion. I would like to publicly express my sincere appreciation to my parents, my FFA Advisors, the Virginia Association of FFA, and especially the Seaboard Coast Line Railroad for this great opportunity.

It is indeed a pleasure for me to be in Cincinnati today. I consider Ohio my second home since my mother is a "Buckeye" and I visit in this State often. I have looked forward to this occasion for five years. This was when I first became involved in forestry work and when I learned of the forestry program sponsored by the Seaboard Coast Line Railroad. As I stand here I realize that without the assistance, love, understanding, and full cooperation of so many people I would not be here today. Words cannot express my appreciation for all the kindness shown me because without this faithfulness and my faith in God this trip would have been impossible.

I began my forestry program upon entering the eighth grade at Ladysmith High School. With the help of my FFA Advisors and County Foresters, I developed a long-time plan for my forestry program to be completed by my senior year. I am happy to report that I was able to complete the program as planned. I included reforestation each year and my program includes over 100,000 loblolly pine seedlings set between 1968 and 1973. I personally set out 35,300 of these and secured the services of fellow FFA chapter members to help plant the remaining seedlings. I used a variety of methods to prepare sites for planting the loblolly pine seedlings. These included a controlled burn on part of my plot and bulldozing 20 acres myself on another area. In several of the areas hardwood trees which were left were either girdled or poisoned. I have marked and thinned a 5 acre stand of pine. I have harvested 41 cords of pulpwood, 16,000 board feet of saw timber, 500 fence posts, 16 cords of fuelwood, and collected 25 bushels of pine cones for the Virginia Division of Forestry. I have maintained several miles of fire lane surrounding my forestry projects.

I was fortunate in gaining much knowledge in forestry by being selected to attend a week long forestry camp. I have also visited a number of forest industries in my state and helped prepare educational exhibits on forestry for the State Fair and the East Coast Loggers' Exposition.

In addition to forestry activities, my supervised farming program has included beef cows, beef bull, baby beef, numerous swine projects, soybeans, hay and corn. I have exhibited my livestock on many occasions during my high school years.

I have been involved in many leadership activities in the FFA. I have served my chapter as Sentinel, Reporter and Vice President. I have represented my chapter in forestry judging, soils judging, farm mechanics and degree team contests. I was fortunate in winning the 1971 State Tractor Driving Contest and being a member of the winning 1973 State Parliamentary Procedure Team. I have represented my chapter as a delegate to the National FFA Convention in Kansas City and to the National Safety Conference in Chicago. I feel very fortunate in having been able to participate in these activities.

I have been active in my church and Sunday School. I have served as President of my Sunday School Class and have served in several offices in my church.

In school and community activities, I am a member of the National Honor Society, served as President of my Senior Class, and am an active member of the Ladysmith Volunteer Rescue Squad.

This year at our State FFA Convention I received the coveted State Farmer Degree and was honored by being named state winner in the SCL Forestry Program. I was also declared State Star Farmer for Virginia.

I am presently enrolled at Virginia Polytechnic Institute in Pre-Vet medicine. Although I probably will not be engaged in forestry as my life's work, I know that the many forestry management practices I learned in conducting my forestry program while in high school will certainly help me in properly managing the forest on my home farm in future years.

In closing, I must say this has truly been one of the most rewarding experiences of my life, and I thank each of you for making it possible.

Because I think it most important that there be an involvement of American business in the support of young people with respect to career motivation consistent with the tenets of the free enterprise system, I believe the members of the House would be interested, as well, in the remarks of Mr. Robert N. Hoskins, assistant vice president—forestry and special projects, of the Seaboard Coast Line Railroad Co., so I also include them under leave to extend my remarks, as follows:

A New Look at the SCL–FFA Cooperative Farm Youth Forestry Program

(By Robert N. Hoskins)

When one looks at the FFA today and those receiving the training at the high school level, it must be pointed out that their studies and production records are relevant to all agriculture and the agribusiness field.

Production agriculture has always been a part of the FFA program. The past summer I had the privilege of attending the State FFA Convention in Virginia which is held annually at Blacksburg and the thought occurred to me that you might be interested in just some of the accomplishments of the 314 young farm boys, all seniors, who were recipients of the State Farmer degree.

These 314 candidates completed 3,580 productive enterprises. Included in this production area were 11,810 acres of crops, 137,607 head of poultry and 6,908 head of livestock While engaged in these projects, they completed 413,152 hours of supervised work experience and invested $1,595,674.00 in agriculture. The amount of income for the 314 participants was $1,377,840.00.

Yes, the FFA does symbolize working America and it was for this reason that we set up our cooperative FFA forestry program back in 1945, and today we are proud to tell you that this marks the 29th consecutive year that we have provided incentives that recognize production by the farm boy on his home woodlands. Yes, it is the oldest regional farm youth forestry program in the Nation today.

You will be interested in knowing that during this 29 year period more than 850,000 youngsters have gained a little insight into the need for managing their timber holdings and this in turn has contributed to their total farm income. Many a youngster down through the years has obtained his college education as a result of soil bank plantings and proper utilization of his woodlands.

As one looks at our Section, the fact still remains that a majority of the ownerships of forestlands is still in the hands of the small woodland owner. If we are to meet and sustain the needs of the industry, as well as follow the "multiple use" concept on these lands, then we must look to the farm boy to do the kind of job that is necessary while he is enrolled in vocational agriculture in high school.

Much could be said and written about this program which over the years has had a tremendous impact on leadership, conservation, sound management through wise land use, and I could go on, but I think it best that we let those youngsters that we are recognizing today tell their own story of their forestry, farming and leadership activities.

George Bernard Shaw said, "People are always blaming their circumstances for what they are. I don't believe in circumstances. The people who get on in this world are the people who get up and look for the circumstances they want—and if they can't find them, they make them." I am sure you will learn from the remarks to be made by these youngsters today that they will make the circumstances fit into their plan for the future.

EXPORT-IMPORT BANK CHAIRMAN QUESTIONS CREDIT WORTHINESS OF SOVIETS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. ASHBROOK. Mr. Speaker, with the current debate on the granting of most-favored-nation status and the continued granting of credits to the Soviet Union, an interview with Henry Kearns, chairman of the U.S. Export-Import Bank takes on added significance. Mr. Kearns stated that the Export-Import Bank does not have the types of information "that are needed to make a credit judgment . . . We have informed the Soviets on several occasions that failure to give us this kind of information would make Eximbank vulnerable to charges that we are not responsible."

Critics of granting credits to the Soviet Union have raised this question previously among a number of others that have never been answered. When the Chairman of the Export-Import Bank, an organization never known for toughness in its credit policies, raises the same question, the advisability of the Nixon administration's granting credits to the Soviet Union is brought into even more doubt. At this point, I include in the Record the interview which appeared in the October 27, 1973, issue of Human Events.

Soviets Mum on Financial Info: Is U.S. Business Cooling Toward Red Trade?

While President Nixon and Secretary of State Henry Kissinger are working overtime to kill any congressional conditions to expanded trade with Moscow, a new note of caution has apparently surfaced among commercial banks and U.S. firms in regard to East-West trade. The reason: the growing belief that investments within the Soviet Union might go sour. The American business community isn't talking much to the pub-

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lic—for they fear Administration reprisals—but many have made their worries concerning Soviet business reliability known to sources here in Washington.

Indeed, it now develops that even the head of the Eximbank, Henry Kearns, whose outfit has already been called upon to extend U.S. government credits to the Soviets for a number of huge trade deals, has felt it necessary to raise a few concerns of his own. Here's what Kearns said to Human Events about potential Soviet trade just last week:

HE. It has been said that you don't want to extend loans to the Soviets unless they provide certain financial statements to the United States.

KEARNS. Yes, well the legislative authority of Eximbank authorizes support of export credits so long as we have reasonable assurance of repayment. That's in our legislation, reiterated every time we have our authority renewed. It's our view that as a responsible financial institution we must determine whether we have reasonable assurance of repayment. On every transaction, this is the result of two things—one is the intention to repay and the other is the ability to repay. There are those who make a good case that the Soviets have the intention to repay. . . . However, as we move to a period where outstanding credits are growing at a very rapid rate, we feel that it is only reasonable that Eximbank should have full financial information from the Soviet Union comparable to what we receive from any other country . . . not more, but comparable.

HE. What is full financial information—what are they not giving us that other countries are?

KEARNS. Well, we don't have such things as the amount of their external debts, their regular debt servicing, nor any idea of their convertible reserves. These are the things that are needed to make a credit judgment. . . . We have informed the Soviets on several occasions that failure to give us this kind of information would make Eximbank vulernable to charges that we are not acting responsibly.

HE. Even if they give us this information, how will we know how to verify it?

KEARNS. Oh, I don't think that there is any implication that information, if supplied, would be other than accurate.

HE. But how would we verify?

KEARNS. We don't have any means to verify it with any country. There's no authority to verify it with any country. There is no auditing system except the International Monetary Fund.

HE. But because there is freedom in other countries and American and government officials can talk to businessmen very openly in other countries, there is a better chance to check out information.

KEARNS. We have every confidence that the information they [the Soviets] could give us would be responsible. . . .

PROPOSED DESERT TRAIL

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. ULLMAN. Mr. Speaker, recently I introduced legislation to add the Desert Trail as a candidate for designation as a national scenic trial. The reaction to my proposal has been most encouraging, and I wanted to share two particularly interesting responses with my colleagues.

The first is a letter and poem from one of my constituents. The second is an editorial from the Capital Journal in Salem, Oreg.

I include these two items at this point in the RECORD:

LYONS, OREG., *October 12, 1973.*

AL ULLMAN,
House Office Building,
Washington, D.C.

DEAR MR. ULLMAN: I am delighted with your proposed desert trails. I hope that along with this program will be measures to lock up more of our desert before there developed to death.

I believe that when God made a desert He meant it. Though delicate the desert seems powerful. Though silent it seems full of melody. Far better it is to listen to the song of the land than to tear its heart out.

These lines by Mildred Breedlove express best the way I feel about the Desert.

VOICE OF THE DESERT

With what weak tools I try to paint
A desert lullaby
The voice that I must use grows faint
Describing hills and sky.
I need a palette and a brush;
A violin; a lute;
For every desert sunrise flush
Leaves me amazed, but mute.
The famed composer writes his song;
The artist paints his scene;
But I, whose love is just as strong,
Know only what they mean.
The desert gives its song to me;
The hills, their thousand hues;
But I, in deep humility,
Have only words to use.
I gaze in awe upon the peaks
As rainbow tints appear;
Though I am mute, the desert speaks,
For God, Himself is here

Sincerely,

MRS. C. ANTONIO THOMAS.

WHY WOULD ANYBODY HIKE ACROSS THE DESERT?

A friend of ours in Baker raises cattle for a living. He herds them by hardtop most of the time, and with a pickup truck when it gets rough. Once or twice a month things get so bad he even has to use a horse. He thinks Russell Pangelly and Al Ullman are nuts.

Why would anybody ride off across the desert for fun? Or, worse yet, try walking across it?

Pangelly, of Burns, is a principal author of the idea for a foot and horse trail through the Eastern Oregon area and to the Canadian and Mexican borders. Congressman Al Ullman is the sponsor of the National Desert Trail Bill, which he introduced in the House this week to formalize the Pangelly project.

At first, we agreed with our Baker friend. But the longer we think about the trail idea the better we like it.

If the bill passes, the federal government would start developing a 2,500 mile trail through what once was an inland sea. But the possible route we've drawn on the map below indicates that considerable diversity is envisioned in selection of terrain.

From the Alps-like vista of the Wallow as near Homestead, at the south end of Hells Canyon, the route would pass over rolling hills and down rocky gulches. It would go by rivers, falls and caves, skirt old volcanic craters and circle around shallow lakes teeming with wildfowl. It would cross swamps, go up gorges, and climb over a shoulder of the Steens Mountains—a spectacular fault—before settling down to alkali dust on Alvord Desert.

Ullman says little expense would be involved because most the route through Idaho, Oregon, Nevada, California and Arizona is on federal or state land. Where there is private land, there still is little development.

It wouldn't be the difficult and costly trail-building job that the Pacific Crest Trail has been (it still isn't complete after a half a century or so of trying). Much of the land is flat enough to need no trail construction. There are existing horse trails over much of the other terrain. In many cases these are the trails worn down by early day cattlemen or the Indians before them.

The Ullman bill doubtless will have a tough time this session, and maybe for years to come.

The Pacific Crest Trail still is soaking up federal funds despite the age of the project. The Appalachian Trail in the East was begun only five years ago and still has plenty of work undone. In addition, 14 other routes are under study, including the Oregon Trail.

So there's plenty of competition. But Ullman points out that his is the only one which would take travelers through all kinds of desert.

The low cost of such a trail might give it a headstart over the other proposals. But one aspect of the project would be difficult. That's water. Finding or developing waterholes at 10–20 mile intervals over the entire route might be the ultimate challenge.

This aspect and others probably would mean that in practice it would be a footpath for only the toughest human beings, and would become primarily a horse trail.

That's just fine. Horse competition on Pacific Crest Trail is tough on hikers, and a desert trail well might attract many horse parties away from footpaths, to the satisfaction of both groups.

Nonetheless, we suppose few people right now are going to work up much excitement over scattering trail signs across the high desert.

But friendlier areas are going to fill up someday. It's going to be hard to find a place to get away from crowds—even from crowds of hikers.

Staking out the trail before other uses cut the route apart sounds like a pretty good idea.

THE ECONOMIST AND THE COMPUTER

HON. J. KENNETH ROBINSON

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. ROBINSON of Virginia. Mr. Speaker, Mr. William D. Pardridge, an economic analyst and writer on economic subjects, observes trends from his rural site of contemplation in Greene County, Va., along the eastern slope of the Blue Ridge, in the Seventh Congressional District, which I have the honor to represent.

His writing have attracted notice from other observers of contemporary economics, and I include at this time, as of possible interest to the House, the text of a related column by John Chamblerlain which appeared in the Richmond, Va., Times-Dispatch, and other newspapers, on September 19, 1973, as follows:

THE COMPUTER AS VILLAIN

(By John Chamberlain)

William D. Pardridge, the self-styled "disagreeable economist" of Stanardsville, Va., who specializes in shatteringly disrespectful observations, put the plame for much of our inflation on the computer.

Since the computer is an unthinking workhorse, utterly dependent for its answers on what human beings put into it, how can a mere technological device be an active promoter of the dollar's collapse? The answer is that mass credit, on the inflationary scale that it is used today, would be much too costly a bookkeeping proposition if the computer did not exist to retrieve data instantaneously, to grind out the bills, to figure the interest rates, to do elaborate bookkeeping without the intervention of the human hand, and to reckon the actuarial chances of losing

important sums on delinquent accounts. If all the paper work involved in the phenomenon of mass credit had to be done by Dickensian clerks using quill pens at rolltop desks, the cost of it would quickly kill the whole idea.

This is Bill Pardridge's theory, and it is brilliantly obvious. I can claim to be the catalytic agent in provoking it; for I drew a snappish response when I commended to him the reports of the Federal Reserve Bank of St. Louis, which gave the lie to our supposed inflation fighters in Washington, D.C., by telling the truth about the continual month-by-month creation of an oversupply of new money. The Federal Reserve of St. Louis, said Pardridge, tells only half the story: To the superfluity of paper purchasing power, as evidenced by the government flushing of the money stock, there must be added the mass credit that has zoomed our total debt, public and private, to well over $2,000 billion.

Even in the time of Socrates philosophers were arguing whether ideas or technological innovations were responsible for most social change. The truth is that ideas and technology act together. The specific idea that has unleashed the computer to flood society with credit-card buying on what the British call the "never-never" is summed up in a phrase: the permissive society. Since "anything goes" in this sort of society, why shouldn't the computer go hog wild as the high priests of affluence use electrical impulses to reckon the actuarial chances of losing money on people who overestimate their capacity to absorb debt?

Not so long ago Arnold Saltzman, a New York City industrialist, suggested that a disinterested advisory commission be set up to study the probable effects of congressional social and economic legislation. The board that Pardridge has assembled to get a new organization, Economic Inequities, Inc., started might meet Saltzman's criteria; for it includes the chairmen of three university economics departments: Dr. Dudley Dillard of the University of Maryland, Dr. Richard T. Selden of the University of Virginia and Dr David Davies of Duke University. Anna J. Schwartz of the National Bureau of Economic Research, who was Prof. Milton Friedman's collaborator on an authoritative monetary history of the U.S., is another Economic Inequities board member, and Joseph W. McGuire, vice president of planning at the University of California in Berkeley, has signified his willingness to join.

The importance of this group is that it proposes to hold three national conferences to which theoreticians will be invited to deliver formal papers. The first conference promises to examine the relations between inflation, total public and private debt, and the economic production of goods and services. The second is scheduled to examine true economic employment as distinguished from public employment. And the third, utilizing the findings of the first two, will be charged with determining the causes and conditions of maintaining full economic employment with zero inflation.

This is a tall order, but with the failure of such governmental bodies as the President's Council of Economic Advisers, the Cost-of-Living Council, and the Federal Reserve itself, someone has to come up with fresh thinking about our economic necessities. If one thing is patent, even such able people as Secretary of the Treasury Shultz and Dr. John T. Dunlop, head of the Cost-of-Living Council, don't really believe in what the government has been doing under the various "phases" from one to four. President Nixon needs outside advice that will be independent of what is conceived to be "political necessity." When people demand snake oil, which is what we get when "controls" go hand in hand with almost unlimited credit and a seven per cent annual increase in monetary stock, they should be told that "political necessity" is the last thing that should be indulged.

THE RACE FOR THE LAST OF THE GREAT WHALES MUST BE STOPPED

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. DINGELL. Mr. Speaker, for centuries, man has relentlessly pursued the great whales, harvesting incalculable numbers of them throughout the oceans of the world. In just the last 50 years, over 2 million of these great creatures have been slaughtered to be turned into lubricants, pet food, shoe polish, paint, soap, and margarine, all products for which a ready substitute exists. But because they are the cheapest and most convenient raw material, the brutal exploitation by fleets of whalers continues.

But, as with so many wildlife situations where scientific management principles have been ignored, the leviathans of the sea are rapidly diminishing in number. The blue whale, largest of all living creatures, which may be a hundred feet long and weigh more than a hundred tons, is already nearing extinction and the other huge whales may not be far behind.

In 1971, the United States responsibly ceased its whaling activities and both Houses of Congress passed resolutions calling for a 10-year international moratorium on the commercial taking of whales and asking our State Department to negotiate to that end. At the same time, other nations, which have played a major whaling role in the past, have taken steps to phase out or cease their whaling activities completely.

And, in response to scientific warnings that whales are dwindling, the first United Nations Conference on the Human Environment held in Stockholm in June of last year unanimously passed a U.S. proposal that called for a moratorium on whale killing.

On an international level, however, these responsible efforts have apparently been in vain. Though the International Whaling Commission has strongly urged management principles to conserve the stocks of great whales, the Governments of Japan and Russia have consistently rebuffed these efforts and apparently have no intention of slowing down. By ignoring the International Whaling Commission recommendations, both the Soviets and the Japanese are acting within the legal bounds of the Commission and, thus, the world is apparently helpless to act.

So, over the objections of the United States and the other concerned whaling and non-whaling countries, the U.S.S.R. and Japan are proceeding with the race for the last great whales.

In an October 12, 1973, letter to the President, Executive Vice President Thomas L. Kimball, National Wildlife Federation, suggests that the American public, by exercising a massive consumer boycott on all Japanese and Soviet products, may exert enough international pressure on those countries to save the great whales. He indicates that where reason and appeals to humanity have failed, hard economic measures may succeed.

I commend Mr. Kimball's letter to the attention of our colleagues and the public.

NATIONAL WILDLIFE FEDERATION,
Washington, D.C., October 12, 1973.

President RICHARD M. NIXON,
White House,
Washington, D.C.

DEAR MR. PRESIDENT: The purpose of this letter is threefold: (1) to express the National Wildlife Federation's concern and outrage at the callous refusal of the Governments of Japan and the USSR to adequately limit their commercial whaling activities; (2) to advise you that the three and one-half million Americans represented by the Federation are being urged to initiate a boycott of Japanese and Russian consumer products; (3) to recommend that the United States Government use all feasible diplomatic and economic means to influence Japan and the USSR to modify their whaling practices.

The intransigence of the two nations in this matter was clearly demonstrated at the 25th Annual Meeting of the International Whaling Commission (IWC) held this past June in London, England. At the meeting, both Japan and Russia declared their unwillingness to abide by an earlier decision made by all 14 member nations to provide the Commission with a strengthened secretariat. In addition, the Japanese voted against three principal conservation decisions and the Russians against two. These decisions, made by a three-fourths majority of the member nations, were based on recommendations made by its own Scientific Committee, composed of recognized, outstanding international authorities on Cetacea—the whale order.

The Scientific Committee's recommendations are biologically-sound and predicated on viable wildlife management principles. In essence, the recommendations are intended to afford a greater degree of worldwide protection to the fin and sperm whales, two of the last three species of great whales not universally accepted as endangered but considered by most experts to be at least in the "threatened" category. We are attaching a brief summary of the three measures in the International Whaling Convention to which Japan and the USSR have taken formal exception.

We do not deny that large voids still exist in man's knowledge and understanding of whales and other ocean mammals. There is a real need for stepped-up whale research, including the collection of more comprehensive, reliable population statistics. Nevertheless, the best scientific information available points towards the possible extinction of at least some of the eight species of great whales unless all whaling nations are willing to revise their practices to the degree necessary to insure the survival of these great marine mammals. In other words, if man errs in his treatment of whales it should be on the side of conservation, not exploitation.

That is why the U.S. ceased all whaling activities in 1971 and has encouraged other whaling nations to do likewise. Through their actions, all IWC members, except Japan and Russia, have demonstrated a genuine desire to prevent further decline of the great whales. It is incomprehensible to us, in view of the precarious status of all eight species of great whales, that the Governments of Japan and the USSR are continuing to defy world opinion by their short-sighted actions.

Surely, the relatively small economic sacrifice which the two nations have been requested to make in this matter is not unreasonable in light of the grim consequences of continuing on their present course. It is generally accepted that satisfactory substitutes exist for all known whale products, such as animal food, lubricant, and ingredient in cosmetics, soap, paint, and shoe polish. The amount of protein which whale

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meat contributes to the Japanese diet is, by any standards, insignificant. Continued exploitation of the whale cannot be justified on the basis of nutrition or public health.

By their adamant refusal to strengthen the IWC Secretariat or to accept the recommendations of the IWC Scientific Committee, the Governments of Japan and the USSR have made it abundantly clear that neither nation desires to make the IWC a credible conservation body but prefers to have the Commission remain an industry-dominated organization. The National Wildlife Federation considers that position especially indefensible in light of the great international interest in conservation of whales expressed at the Stockholm Conference on the Human Environment in June, 1972.

In view of the above, the Federation has concluded that American citizens should no longer sit idly by and watch international authority and world opinion flaunted in this matter. Since Japan and Russia are acting within the legal constraints of the IWC Charter, that body is apparently helpless to act. Hence, it is up to Americans, individually and collectively, to persuade the Governments of Japan and the USSR to change their whaling practices.

It seems to us that our persuasion, to be effective, must hit the Japanese and the Russians in their pocketbooks. Therefore, I am encouraging the three and one-half million people whom the National Wildlife Federation represents, as well as all other Americans concerned about the conservation of whales, to boycott products imported from Japan and Russia. If our boycott of Japanese-made automobiles, electronic equipment, cameras, and clothing and such Russion consumer products as canned fish, alcoholic beverages, and furs is successful, perhaps the industrial sector of those two nations can succeed in changing their governments' whaling practices where world opinion and IWC actions have failed.

Recognizing that a citizen boycott can be most effective if it is combined with firm Federal action, the National Wildlife Federation urges you to:

(1) Review the so-called "Pelly Amendment to the Fishermens Protective Act of 1967" to determine its applicability to this case.

(2) Undertake a review of U.S. trade agreements with Japan and Russia. (For example, there is considerable bargaining leverage to be gained from our wheat transactions with the USSR and our soybean sales to Japan. It seems to us such leverage could be especially helpful in getting the Russia government to modify its whaling practices since it is unlikely that a citizen boycott of the few consumer products imported from that country would have much effect.)

(3) Work with the U.S. Congress to develop and adopt a joint resolution condemning current Japanese-Russian whaling practices and urging the two nations to fall into line with other IWC members.

(4) Explore the use, as appropriate, of the variety of diplomatic channels at your disposal to dissuade Japan and Russia from pursuing this unpopular ill-advised course.

As the world's largest private conservation organization, the Federation does not treat its responsibilities frivolously. Thus, we are fully aware of the serious content of this letter and the economic impact it might have on trade relations, especially with Japan. In our considered judgment, however, we cannot afford to procrastinate any longer. The lengthy delays in reaching amicable settlements with the Governments of Japan and the USSR are jeopardizing the continued viability of the great whales.

Please be assured that the National Wildlife Federation will fully support all U.S. initiatives in this matter. Our resolve to make the citizen boycott effective is strengthened by the firm belief that our concern for saving the whales is shared by a broad cross section of compassionate people, worldwide.

Sincerely yours,

THOMAS L. KIMBALL,
Executive Vice President.

ATTACHMENT

Russia and/or Japan take exception to the following three measures in the International Whaling Convention:

(1). Limiting the 1973–74 quota of fin whales to 1,450 (total) and phasing out all hunting of the species by June 1976. (The Scientific Committee concludes that the fin whale, hunted in the Antarctic, is seriously depleted. The total population is estimated at 80,000–100,000 whales, down from approximately 425,000 maximum. Although the Committee did not support the U.S.-proposed immediate moratorium, it recommended a complete phase-out of commercial hunting over the next three years. Japan alone opposes this measure.)

(2) Limiting the take of minke whales to a total of 5,000 in 1973–74, the same quota as last year. (The minke whale, not one of the eight species of great whales, was first commercially hunted in 1972. At that time, Japanese biologists estimated the total population to be 150,000+ in the Antarctic. Thinking it would be the only nation hunting minke whale in 1972, Japan agreed to a 5,000 quota. However, the Soviets decided to harvest the minke whale, beat Japan to the Antarctic hunting waters, and took the first 3,200 limiting the Japanese catch to about 2,500 whales. To preclude any possibility of a similar situation arising this year. Japan is pressing for a total quota of 12,230 minke whales. To justify more than doubling the annual quota, Japanese biologists—using the same scientific information as last year—are now estimating the total Antarctic population to be about 299,000. The IWC accepted the Scientific Committee's recommendation of a 1973–74 minke whale quota of 5,000.)

(3) Establishing 1973–74 quotas on sperm whales based on three geographical areas in the Southern Hemisphere rather than sex, as done last year. (This should result in a more equitable distribution of the sperm whale population. Catching by sex, without regard to geographical location, encourages "overkill" in more easily accessible hunting waters. Acceptance by IWC—by a 12 to 2 vote—of concept establishing separate sperm whale quotas for three geographical areas represented a compromise solution. The Japanese and Russians wanted to continue establishing hunt quotas by sex but the Scientific Committee recommended separate quotas for nine geographical areas in the Southern Hempishere stating, "the Committee does not consider that a single quota should be set for each sex for the whole Southern Hemisphere".)

AMERICAN LEGISLATIVE EXCHANGE COUNCIL

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. CRANE. Mr. Speaker, in recent months, conservative State legislators from around the country have joined together to form the American Legislative Exchange Council—ALEC—a bipartisan coalition.

These legislators feel that there is much more that State government should be doing about today's most pressing problems. State government, they hold, is best suited to solving most of these problems. As examples, they point to narcotic addiction, the oppressive burden of taxation, welfare reform, busing, and crime. The Federal Government, they argue, is not only too far removed from—and insensitive to—these problems but is the cause, all too often, of the very problems which the States are called upon to solve.

The leaders of ALEC are dedicated to seeing State government play a stronger role vis-a-vis the Federal Government. They are convinced that the State governments can show the Federal Government the answers to many of its own problems.

I think that we will be seeing much more of this fine organization and I wish the men involved good luck in the important job ahead.

Mr. Speaker, I insert at this point in the RECORD the "Statement of Purpose" of the American Legislative Exchange Council.

The statement follows:

AMERICAN LEGISLATIVE EXCHANGE COUNCIL

STATEMENT OF PURPOSE

We as conservative legislators believe that the unique American Federal system requires close cooperation and consultation among Members of Legislatures in the several States and Members of Congress.

That belief springs from a conservative philosophical promise that nothing should be undertaken by a higher echelon of government which can be accomplished by a lower echelon and that individual freedom demands strict limitations on the power of all levels of government.

We further believe that State governments are vital to the continued success of our Federal Union and that the genius of our Constitution is summed up in the primacy clause which delegates residual powers to the States and to the People in those spheres not specifically delegated to the national government.

We therefore establish the American Legislative Exchange Council:

1. To assist conservative legislators in the States and in Congress by sharing research information and staff support facilities.

2. To establish a clearinghouse for conservative bills at the State legislature level and to provide for a bill exchange program.

3. To disseminate model conservative legislation in all 50 State legislatures and among several thousand legislators. Also, to promote the introduction of companion bills in Congress and in the States including resolutions on Amendments to the Constitution and State resolutions which memorialize the Congress to act in specific areas.

4. To improve communications between conservative State legislators and Members of Congress.

5. To formulate conservative action programs and legislative initiatives which will help to promote federalism by strengthening the position of State governments and to define conservative positions on intergovernmental relations.

6. To consult with conservative legislators in foreign nations as to their ideas on problems of mutual concern.

THE CASE FOR SUPPORTING ISRAEL

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. YATES. Mr. Speaker, on Sunday, October 21, an article appeared in the

Chicago Sun Times by George Anastaplo entitled "The Case for Supporting Israel." Mr. Anastaplo is a lecturer in the liberal arts at the University of Chicago and a professor of political science and of philosophy at Rosary College. He has a fine background to discuss the matters appearing in the article, and I commend it to reading by my colleagues in the Congress.

The article follows:

THE CASE FOR SUPPORTING ISRAEL

(By George Anastaplo)

It is difficult, in these perilous times for Israel, to speak responsibly about what should be done by the United States to ensure that the terms upon which the Mideast fighting ends are terms which do not leave Israel crippled and vulnerable.

That the United States will continue to do something on Israel's behalf is highly likely. How much we will do, and in what spirit and on what terms, depends in part on official assessments by us of American interests in the Middle East, assessments in which global strategic considerations will necessarily play a part.

But these assessments should depend as well on something much deeper and finer than transient strategic calculations: They should take account of our relation as a free and humane people to a like-minded people in Israel. Indeed, such a relation can even be decisive in defining our permanent national interest in the Middle East.

My long and intimate association with Jews in the American academic community has kept me somewhat more aware than I might otherwise have been of the problems and aspirations (as well as the sometimes aggressive, if understandable, self-righteousness) of Israel. On the other hand, my opposition since the beginning to the misconceived American involvement in the Vietnam War helps make me aware of the care and self-restraint with which the United States should use its great power all over the world.

It is impossible at this time not to appreciate on campuses the distress of one's Jewish friends at the bleak prospects for Israel, whatever the outcome of present hostilities: It sometimes seems that, unless the Americans and Russians jointly insist upon and guarantee a just settlement in the Middle East, war will continue for generations—a war which the Israelis can never win and the Arabs can never lose. The prospects of that can be, for both Israelis and Arabs, quite demoralizing—and for world peace quite dangerous.

Sarajevo should remind the Great Powers of the limits of limited war.

It has been noticed that American foreign policy is influenced, both in the Executive and in Congress, by the well-organized and articulate Jewish minority in this country. It is, of course, always somewhat a matter of chance who one's friends happen to be—if only because chance does affect what people one comes to know and thereupon to like or to dislike. But it should also be noticed that the reasons why Jews are here at all in a politically significant minority, and why they remain an identifiable and hence cohesive minority, have very much to do with why both they and all other Americans should be concerned about the appropriate relations between the United States and Israel.

The affinities between these two countries are neither accidental nor superficial. Both countries are among the few in the world which are made up almost entirely of immigrants or the descendants of fairly recent immigrants. That is, both countries have nobly served as havens for the persecuted and the dispossessed of the earth. Both countries are also among the few which embody and somehow represent an idea: One looks back to the Old Testament for its heritage, the other to the Declaration of Independence. For better and for worse, the two countries are very much alike: They, like us, are fundamentally Western in orientation, in standards and in ways of conducting political and social affairs.

But there are not only affinities to keep us together. There are debts as well, debts owed to the Jewish people and (considering the sentiments of most articulate and informed Jews I know) owed by extension to Israel as a convenient, if not even necessary, homeland of world Jewry. Our debts reach back to the contribution of Jews to our heritage, the contribution of that demanding message which came out of the desert to challenge European paganism. There is also the contribution made by the Jews of the West in the two world wars, those wars which can be said to have made it possible for the Arab peoples to escape German imperialism and begin to achieve a national consciousness. And there is as well the awful price paid by the Jews at the hands of the Nazi tyranny which threatened to engulf all of Europe. One cannot help but wonder sometimes whether that price really had to be paid, whether the West did all it could and should have done to keep the Nazis from doing what they did. We cannot permit, for the good of our souls, another such awful miscalculation with respect to the fate of Jews.

Still another miscalculation we should guard against today is that of assuming we surely know better than the Israelis what is good, or safe, for them. Our attention is easily diverted from the Middle East; we have many other legitimate concerns all over the world as well as at home; and, all too often, we simply cannot know as well as involved people on the spot what is going on and what is likely to happen.

The Israelis are, it is safer to assume, probably better judges of their long-run interests than we here are likely to be. I do not suggest that we give the Israelis a blank check. But we should be aware of our limitations and of our preoccupations elsewhere. We should also be aware that the Israelis are a sophisticated and intelligent people who are more than likely to be aware in turn of what it is appropriate and prudent to expect from the United States. (However that may be, no one should want to see American soldiers fighting in the Mideast.)

The Israelis will no doubt make mistakes—or seem to make mistakes. For instance, they may even be tempted, should they drive the invading Egyptian forces back across the Suez Canal, to relieve themselves of their corrosive Palestinian refugee-camps problem by evacuating into the Port Said area the Arab inhabitants of the Gaza Strip. They may even consider themselves obliged and justified, in the event of a crushing victory won after the great sacrifices they are now making, to force a permanent demobilization of their neighbors, employing the promise of preventive strikes to ensure that their injunctions are obeyed. Such a Pax Judaica, which would have the added advantage of promising to ease a ruinously costly arms race in the area, may become particularly attractive to Israelis if they should consider themselves likely to be abandoned by the United States. That is, desperate circumstances may call for desperate measures, even more desperate measures than the two I have just mentioned.

But, the fair-minded American must also wonder, is a policy of guaranteeing the continued existence of Israel truly just to the Arabs? Western radicals do speak of "Israeli colonialism" and of "Arab liberation movements." This kind of talk strikes me as, at best, irresponsible sentimentality. What serious problems among 100 million Arabs, aside from the unrest created by incessant anti-Israeli propaganda, will be solved by the subjugation of a country of 3 million Israelis? The Arabs, it is said, are a proud people who must "save face" after having been defeated repeatedly by the Israelis. Is such face-saving really more important than the preservation of the only sovereign Jewish community in the world, a country of fewer than 10,000 square miles flanked by millions of square miles of Arab territory? One is reminded of the German insistence upon the Sudetenland.

It is, it should be added, impossible to determine without qualification to whom Palestine "belonged" before Israel was established. Possession is put forward by Arab spokesmen as decisive for their claim, but that is not as decisive on their behalf as is sometimes believed. That is, a British mandate preceded the establishment of Israel and before that a long Turkish rule.

But, it will be said, the resident Arab population had been kept from rightful possession by foreign occupiers. This, however, reminds one that Jews, too, have been kept from what they considered rightful possession, even longer and by even more foreign occupiers. Thus, the claims of the Jews are much older than those of the Arabs, their possession much more recent.

Of course, such considerations cannot be conclusive, but they do point up the difficulty of determining abstract property rights in such circumstances. It should also be added that one basis for a just allocation of the resources of the world is that they should be in the hands of those who will make the best use of them for mankind. Can it be denied by any detached observer that the level of civilization in Israel today, and in the foreseeable future, is markedly superior to that found in any of its belligerent neighbors?

Should not all the Arab peoples of North Africa and the Middle East profit from having in their midst—as an example of what can be done with modern technology and social democracy—an imaginative and industrious people such as the Israelis? Are not adaptation of the Israeli experiment, financed by the vast oil wealth of the Arabs, the true source of liberation for the Arab peoples of the world?

It should be noticed, in passing, that Middle East oil may not be as critical for us as is sometimes thought. We can, in the short run, adjust to politically inspired oil shortages by raising prices and thus consuming less. Our sacrifices, in the interest of a humane foreign policy, are more easily to be endured by us than the sacrifices which would tend, after awhile, to undermine the restraint-of-trade conspiracy among the oil-producing countries. Indeed, the Arabs should be made to understand that their refusal to supply Western markets can only mean, in the long run, more and hence cheaper fuel supplies than there would otherwise have been available. That is, the international economy can be expected to adjust to the deliberate withholding of Middle East oil just as it did to the closing of the Suez Canal.

What should we do now? We should, of course, do what we can to stop the current hostilities on terms the Israelis can live with. One condition for being able to do so is to make it clear we will not be blackmailed by threats to our standard of living. I do not presume to argue for a particular policy in the Midesat. But I have suggested why we should be inclined to continue to support the Israelis, why our sympathies must remain with them. These sympathies, properly understood, are also with those Arab peoples who have been exploited by demagogs and by desperate, if not reckless, leaders.

Should not Arab honor be appealed to over the heads of their impassioned exploiters? Everyone should be reminded that the Arabs are capable of behaving better than they have been led to do in recent years. Their illustrious past should not be forgotten, either by them or by us. Jews and Arabs, for centuries at a time, have lived with one another in peace and harmony. There is no good reason

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why this should not happen again. Indeed, the richest period of Jewish philosophy, to which the work of the late Leo Strauss is an eloquent tribute, was when the Jews lived under Moslem rule in Spain and elsewhere.

The Jews should be permitted to repay what they have gotten from their Arab benefactors—but to do this properly they seem to need a justly defensible country of their own in the Holy Land.

PUTTING PROPOSALS FOR CHANGING THE CLEAN AIR ACT IN PERSPECTIVE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. BROWN of California. Mr. Speaker, the Clean Air Act Amendments of 1970 are currently undergoing extensive scientific and political examination. Those examining the act for strengths or weaknesses will all acknowledge one significant point, and that is that the 1970 amendments are forcing changes that will improve air quality. No law is perfect, and the Clean Air Act deserves close scrutiny and oversight. The act also needs adequate funding to be effective. The administration should stop subverting the will of Congress and release the impounded funds which have been appropriated in the environmental field. In other cases, we may need to vote even more funds to properly implement the law. But even more than funds, the law needs time to work.

We in Congress should support programs that supplement the implementation plans for the Clean Air Act. We must appropriate more funds in areas such as mass transit and energy research to achieve this extremely vital national goal. It cannot be forgotten that the goal is to reach levels of pollution that are no longer dangerous to the public health. This is not an arbitrary level based on esthetic values, but a medical standard that really is a matter of life or death for substantial numbers of Americans. In the South Coast Air Basin in southern California we will not even reach this level until 1977, if then. Yet, I hear talk of changing the health standards or the law itself because of a few perceived flaws in the law. I am not adverse to examining flaws in the act, or the standards. This is being done with the approval of Congress, and I look forward to the National Academy of Sciences report that is due late in 1974. But until the act has time to work, and there is adequate data to justify changing the standards, the law should be vigorously implemented.

In relation to this subject, I would like to call the attention of my colleagues to a "National Conference on the Clean Air Act" that concluded last Friday at the University of North Carolina. The conference was sponsored by several divergent groups, all of whom agree that the Clean Air Act is a strong and effective piece of legislation, although nearly everyone in attendance seemed critical of some part or another of the act. One paper was presented at this conference which was of particular interest to me because it summed up the situation we are now in with the Clean Air Act. The paper was drafted by a number of the conference attendees and was presented by Lois Jeffrey, a member of the steering committee of the conference. I commend this paper to those who are concerned about the implications of the Clean Air Act and who may now be reexamining their own positions on it. The paper follows:

SUPPORTING THE CLEAN AIR ACT

(By Lois Jeffrey)

PREFACE

I am Lois Jeffrey, staff specialist on environmental quality, League of Women Voters Education Fund. I am not speaking in an official capacity for the League, but rather as a participant in the National Conference on the Clean Air Act and as a spokesman for a number of other participants who feel that the focus of the Conference should not be limited to criticism of the legislation.

SUPPORTING THE CLEAN AIR ACT: INTRODUCTION

With all deference to the keynote speaker, Professor Stern, a group consisting of a number of members of this conference feels it necessary to offer a perspective on the Clean Air Act which diverges substantially from Professor Stern's view. Our purpose is not to dissent from the thoughtful and sincere remarks of the keynote speaker, but rather to present an alternative frame of reference to guide the participants of this conference in their deliberations. In departing from the agenda prepared by our hosts from TUCAP, we are mindful that at this very moment a concerted attempt is underway to amend the Clean Air Act Amendments of 1970. The view of the conference participants who have contributed to this report may be briefly summarized: Do not amend the Clean Air Act until it has been given a chance to work!

Our comments parallel the sections of Professor Stern's address for the sake of easy reference; the organization of this paper does not imply any judgment about the priorities of criticisms leveled by Professor Stern.

THE CLEAN AIR ACT

"The Clean Air Act, as it now stands, is a pioneering document that reflects tremendous credit on the skill, wisdom and foresight of its draftsmen." They foresaw accurately almost every objection to the Act that has since arisen, and took these into account in their deliberation. In so doing, they relied on the will of the people, expressed throughout the United States, which was that the country was dissatisfied with previous federal air pollution legislation that relied on voluntary compliance by states and application of "reasonable" control technology by polluters; the Congress concluded, after careful consideration, that the people were ready for a bold and stringent federal approach to attaining clean air. Congress intended to force, within a fixed period of time development of new technology to deal with a problem deemed of overwhelming importance to the well-being of the citizens of the United States. We would note that, despite the new wave of fundamental criticism of the Act that has swelled up since the announcement of EPA's mandatory plans for transportation controls in the most polluted cities of this country, and, I might add, as the deadlines for meeting auto emission standards draw near, there has been little if any significant new information generated since 1970 by any interested group that would support a change in the goals or timetables of the 1970 Amendments to the Act. We therefore respectfully assert that there is absolutely no basis for amendment of the Act at this time.

MOTOR VEHICLE EMISSION STANDARDS

There are 29 major metropolitan centers in the United States that will not be able to meet the primary health standards for ambient air quality even with the 90% reduction in auto emissions mandated by the Act. The 90% reduction figure was based on testimony of auto industry representatives, who requested a final cleanup target to work toward, plus previous experience under the 1967 Clean Air Act.

At least one auto manufacturer has already testified that a 90% reduction is feasible with existing technology and the others will certainly be able to reach the reductions required by 1976. There is reason to believe that continuing technological development will produce improved control techniques for meeting 1977 deadlines. There is, therefore, no reason to soften the goal now. To do so would only confirm the worst fears of industry that standards might be changed in mid-stream.

AMBIGUITY OF KEY SECTIONS OF THE ACT

We believe that the Act is as clear and precise as need be. Regarding the prevention of "significant deterioration" of air quality in any portion of any state, there is now absolute lucidity; under the decision affirmed by the United States Supreme Court in *Sierra Club vs. Ruckelshaus*, no significant degradation is permissible. Nothing could be clearer. EPA is using an existing mechanism to *define* "significant deterioration" and is doing so with public input.

Similarly, nothing in the Act itself mandates consideration of economic impacts in the application of *existing* stationary source controls To the extent that participants in this conference have questioned the degree of consideration economic factors are given in applying controls to existing sources, they are misreading the Act. In fact, stipulations in Federal Regulations encourage the states to consider economic impacts.

ATTAINMENT AND MAINTENANCE OF HEALTH

The Clean Air Act is not in the least ambiguous about the purpose of the primary standards; they were to be set, with an adequate margin of safety, to protect the health of all living persons. It happens that those who are most susceptible are the very young and the very old—not, as some would suggest, peculiarly squeamish groups whose interests the society can afford to compromise if it begins to look like it might be expensive to protect them.

NEED FOR PRIMARY AND SECONDARY STANDARDS

There is a clear and present need for secondary standards as originally conceived. The provisions were based on protecting damage to vegetation and reflect a desire to preserve those scenic and wilderness areas of the United States, some of which depend upon the attraction of tourists for their economic well-being. The provisions were also based upon recognition of the economic costs incurred by consumers for repair and maintenance of homes and other consumer goods. Both these issues remain of critical importance in the third year of the Clean Air Act. Any delay in meeting air quality standards makes people unwilling subjects in a Tuskegee type experiment on the health of subjects exposed to air pollution.

AQCR BOUNDARIES AND INTERSTATE IMPACTS

As with several other criticisms of the Clean Air Act, the articulated dissatisfaction with particular boundaries of AQCR's can be resolved without any substantive revisions of the Act. The Environmental Protection Agency always has the authority to initiate changes in the make-up of the regions based on new and better technical data. Similarly, EPA has both the power and the responsibility for assuring that all implementation plans approved or promulgated by EPA do

not undermine attainment and maintenance of standards in neighboring states. This tool for dealing with the interstate impacts of air pollution sources clearly provides the necessary encouragement for interstate air pollution control planning and enforcement.

FISCAL PROVISIONS

While the manner for appropriating funds for clean air efforts clearly needs to be changed, emphasis should not be placed upon the specific wording of the fiscal sections of the Act. Instead, focus must be given to the disturbing fact that total appropriations for actual air pollution control efforts by state and local governments have remained at the same level since passage of the Act. The increasing responsibilities of the state and local agencies must be reflected in the funding of the Clean Air Act.

CONCLUSION

The Clean Air Act envisioned a five to seven year period with milestones along the way in order to achieve healthful air. Having already seen definite signs of improvement, and having finally begun to deal with the intricate and complex issues of growth—development—and pollution control, this is an inappropriate time to disrupt an ongoing experiment of such major importance to the welfare of the American people. Details of the Act can certainly be criticized constructively, and we can begin at this time to see changes which might be made in 1975 or 1976. However, at present, the Act is accomplishing what it was written to accomplish. Changing directions even to extend the deadlines at such a critical point in the Clean Air Act agenda should only be made on the basis of substantiated and overwhelming data or because of overwhelming broadly based public opposition—neither of which exists at the present time.

U.N. SANCTIONS AGAINST RHODESIA

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. DRINAN. Mr. Speaker, I reprint herewith an outstanding statement by the U.S. Catholic Conference, the unit which represents the 200 Roman Catholic bishops of this Nation.

This statement submitted this fall to the Congress persuasively urges the repeal of the Byrd amendment and the enforcement on the part of the United States of the United Nations sanction against all Rhodesian imports.

I am proud to associate myself with these remarks made on behalf of the U.S. Catholic Conference by Bishop Joseph L. Bernardin.

The statement follows:

U.N. SANCTIONS AGAINST RHODESIA

(Submitted to the U.S. Congress by Archbishop Joseph L. Bernardin, on behalf of the USCC, fall 1973)

The current reexamination by the U.S. Congress of the U.N. sanctions of Rhodesia and relevant U.S. legislation involves two political issues which have serious moral implications. The first concerns human rights, and the second, international order. The purpose of this statement is to underscore the moral dimensions of these two issues raised by the Rhodesian question and to exhort the U.S. government to fulfill its moral obligations in this situation. The dominant moral theme that forms the basis of consideration here is that the "international order is rooted in the inalienable rights and dignity of the human being."[1]

HUMAN RIGHTS IN RHODESIA

In our time, the human development of peoples has become a major consideration for many sectors of the world community. This phenomenon has received impetus from historic breakthroughs in global communications and human consciousness. "Now for the first time in human history, all people are convinced that the benefits of culture ought to be and actually can be extended to everyone. . . Persons and societies thirst for a full and free life worthy of man, one in which they can subject to their own welfare all that the modern world can offer them so abundantly."[2]

This eagerness for a fuller life is especially evident in the political sphere and more specifically among the peoples who, until recent years, were subject to colonial status. Ten years ago, Pope John XXIII, in his encyclical, *Pacem in Terris*, cited what he called one of the major characteristics of our age: "No one wants to feel subject to political power located outside his own country or ethnic group." The Pope suggested that this feeling for political independence was so strong that "there will soon no longer exist a world divided into peoples who rule others and peoples who are subject to others."[3]

The present domestic situation in Rhodesia, however, reveals how complex the process of self-determination can be when an entrenched powerful minority within a society assumes an intransigent position, protecting the status quo and resisting the emergence of the social and political consciousness of the majority of the indigenous people. The condition is further worsened by the presence of one of the most despicable legacies of the colonial era: racism.

This terrible blight frequently flared up between colonists and indigenous populations, and it continues to plague emerging nations and peoples with "heavy losses for justice and the risk of civil war." Attitudes of white supremacy can not fail to be the "cause of division and hatred within countries whenever individuals and families see the inviolable rights of the human person held in scorn, as they are unjustly subjected to a regime of discrimination because of their race or their color."[4] Such is the lamentable condition of the vast majority of the inhabitants of Rhodesia.

The events in the past ten years in Rhodesia document the efforts of several hundred thousand whites to deny human rights to the five million blacks in Rhodesia by severely restricting their political, cultural, social and economic life. The vast majority of black Africans are virtually disenfranchised by the Rhodesian constitution which specifically prohibits the African majority from ever gaining a significant political role in their own country.

Bshop Donal Lamont, president of the Rhodesian Catholic Bishops Conference, summed up the network of oppression and domination which surrounds the black Rhodesians: "It is simply breeding discontent and courting disaster to expect a whole people who outnumber those who govern by 20 to 1, to be happy with a condition of affairs which accords to them merely a marginal existence in the social, economic, political and cultural life of their country, and which because of their race, denies them the chance of integral development."

The rationale of white supremacy which marks the rule of the white authorities in Rhodesia is morally reprehensible since it violates the principle that all men and women are equal by reason of their shared humanity and inherent dignity.[5] The Rhodesian Catholic Bishops Conference has repeatedly stated their "conscientious objection to laws which segregate people merely on the basis of race." Continued intransigence by the ruling class has provoked the bishops to say: "It will be extremely difficult for us to effectively counsel moderation to a people who have been so patient for so long under discriminatory laws."

It is therefore essential that efforts to support structural systems which promote civil strife and even place in jeopardy world peace must be consistently condemned. In addition, efforts to create a society in which all persons are treated as equal under the law should be commended and actively supported.

INTERNATIONAL ORDER

The second political issue with serious moral implications is that of the development of international community. The process of developing relationships among nations for the purpose of achieving world peace has reached an acute stage. Since World War II, the destructiveness of modern war-making capabilities has become so enormous that the notion that armed conflict is a valid option to resolve national differences is being questioned.[6] Military force is not the only conventional source of power that has come under scrutiny: the sovereignty of individual nations has also been challenged. The consequences of these developments have prompted the search for new structures to promote and maintain world peace.

As Pope John XXIII observed: nations, acting as individual sovereignties, "are no longer able to face the task of finding an adequate solution to the problems of promoting the universal common good and world peace."[7] He added: "The moral order itself, therefore demands that a form of public authority be established . . . with powers, structure and means . . . and in a position to act in an effective manner on a worldwide basis."[8]

The current Rhodesian situation, and in particular, the U.S. response to that situation, highlights both the need for worldwide authority and the ways in which individual nations, in an abuse of their sovereignty, can presently undermine the effectiveness of such a worldwide organization. It provides a focal point from which the interplay between resolving internal disputes and international order is evident.

When Rhodesia's white ruling group unilaterally seceded from the United Kingdom in 1965, Britain condemned the action as an "illegal assumption of independence," suspended the Smith government and brought the issue to the U.N. Security Council. The Security Council upheld that judgment when it called upon the U.N. member nations "not to recognize this illegal racist minority regime in Southern Rhodesia." Since that time, no nation has granted recognition to Rhodesia as an independent sovereign nation.

Further, in 1966, following unsuccessful attempts by United Kingdom and Rhodesian officials to negotiate their differences, the U.N. Security Council voted unanimously to impose mandatory sanctions on certain imports from Rhodesia. The United States voted in favor of the sanctions, although it had the legal right to veto the resolution. When the scope of the U.N. sanctions was broadened in 1968 to include all Rhodesian imports, again the resolution was approved by unanimous vote of the Security Council.

ECONOMIC SANCTIONS

Economic sanctions are a legal means of bringing pressure on those countries and territories which the wider community of nations deem have violated the international legal order, jeopardizing the common good and therefore world peace. Such sanctions can adversely affect the domestic economy of

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Footnotes at end of article.

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the sanctioned country or territory, and their consequences can be damaging to the living standard of the people affected.

In Rhodesia, because the society is so markedly two-tiered, the white ruling minority affluent, the black majority with a "marginal existence," the detrimental effect of the sanctions tends to have impact precisely on that sector of society which is responsible for provoking the sanctions in the first place: the white ruling class, with a standard of living similar to Europeans and very vulnerable to economic sanctions.

In 1971, the U.S. Congress passed legislation, specifically the Byrd Amendment, which had the effect of allowing importation of Rhodesian chrome ore, in violation of the U.N. sanction. Each of the Security Council resolutions on the Rhodesian sanctions (which the U.S. had supported) explicitly stated that failure or refusal by any nation to implement the sanctions, "shall constitute a violation of Article 25 of the U.N. Charter," which provides that: "The members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter." In a recent opinion rendered by the International Court of Justice regarding Article 25, the Court stated: "when the Security Council adopts a decision under Article 25 in accordance with the Charter, it is for Member States to comply with the decision. . . . To hold otherwise would be to deprive this principal organ of its essential functions and powers under the Charter." The U.S. government obligated itself to adhere to this international treaty when the Senate initially ratified the U.N. charter, and consistent with its obligation enacted Federal legislation imposing penalties upon American violators of the U.N. sanctions.

In recognition of its legal obligation to enforce the sanctions, and uphold its own laws in this regard, the United States had indicted and convicted several U.S. firms and their officers for violating the sanctions during the period from 1968 to 1971. For the Congress then to negate the U.N. sanctions, as it did in 1971, would seem to require an extremely important and persuasive justification. National security has been offered by some as that justification, but the evidence presented by respected authorities suggests that this reason is less than convincing.

Activities of private corporations during the U.S. legislative deliberations in 1971 suggest that Pope Paul's recent expression of concern about the possibility of a "new and abusive form of economic domination" was warranted.[9] Private business interests in expanding their markets and increasing their profits seem to be taking precedence over more fundamental concerns such as human rights and international law.

It was on the very issue of enforcement of sanctions that the League of Nations faltered, since the determination for enforcement of approved sanctions was left to each member nation. In drafting the U.N. Charter, efforts were made to strengthen the delicate network of relationships between sovereign nations so as to develop greater justice in international affairs. Pope John XXIII recalled St. Augustine's observation about the dire results of the absence of justice in international relationships: "What are kingdoms without justice but bands of robbers?"[10] The lack of support by the United States for the U.N. sanctions therefore challenges not only some of the basic articles of the U.N. Charter but ultimately the viability of the United Nations itself. The crucial moral and legal issue, then, is the failure of the United States to meet its international obligations.

RECOMMENDATION

We urge the Congress to repeal the Byrd Amendment and enforce the U.N. sanction of all Rhodesian imports, including chrome ore. The U.S. violation of these sanctions since 1971 has strengthened the position of the white ruling class in Rhodesia, has caused a serious loss in both the prestige and credibility of the United Nations, and has damaged the efforts of all member nations to build a United Nations' structure that may, as Pope John XXIII earnestly prayed, "become ever more equal to the magnitude and nobility to its task."[11]

FOOTNOTES

[1] Roman Synod, "Justice in the World," 1971.

[2] Second Vatican Council, "Church in the Modern World" (n. 9), 1965.

[3] Pope John XXIII, "Pacem in Terris" (n. 43), 1963.

[4] Pope Paul VI, "On the Development of Peoples" (n. 63), 1967.

[5] Pope John XXIII, *op cit.*, (n. 44).

[6] Second Vatican Council, *op. cit.*, (n. 80).

[7] Pope John XXIII, *op. cit.*, (nn. 132–135).

[8] *Ibid.*, (n. 137).

[9] Pope Paul VI, "A Call to Action" (n. 44), 1971.

[10] Pope John XXIII, *op. cit.*, (n. 92).

[11] *Ibid.*, (n. 145).

THE DETROIT NEWS EDITORIAL CALLING FOR PRESIDENT NIXON'S RESIGNATION

HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. NEDZI. Mr. Speaker, the Detroit News has been a strong supporter of Richard Nixon for a very long time.

The fact that the News, on Sunday, November 4, reluctantly called for President Nixon's resignation, understandably sent shock waves throughout the Nation.

Knowing of the widespread interest in this editorial, I thought it would be well to place the entire text in the RECORD.

The editorial follows:

NIXON SHOULD GO: ENOUGH IS ENOUGH

After Rep. Gerald Ford has been confirmed as vice-president, President Richard Nixon should resign.

If he does not resign, serious consideration should be given to his impeachment.

We come to these conclusions with deep regret. This newspaper has been one of Mr. Nixon's strongest supporters. Watergate aside, we still agree with many of his basic policies and we believe that many of his successes will be recognized by historians of the U.S. presidency.

However, unless the present crisis of authority is resolved—through the installation of a new president or the acquittal of Mr. Nixon in impeachment proceedings—the country must endure 38 more months of the doubts, charges and recriminations ~~which~~ have destroyed the President's ability to lead.

True, Mr. Nixon has tried in recent days to resolve the crisis with conciliatory actions. He has agreed to surrender his tapes; appointed one of his strongest GOP critics, Sen. William Saxbe, to be his fourth attorney general; picked a widely respected lawyer and Democrat, Leon Jaworski, to be the new special Watergate prosecutor; pledged "complete freedom" to Jaworski and agreed that he will not be discharged without approval by a bipartisan panel of congressional leaders.

Unfortunately, these actions will not halt the rumbling anti-Nixon avalanche which this administration helped bring down upon itself. The momentum is now too great.

The White House's assertion that two key Watergate tapes never existed and can't be delivered sinks President Nixon's credibility to an all-time low. Someone in the White House is guilty either of unbelievable stupidity or outright lies. In either case, public confidence in this administration suffers the final shattering blow.

Since the missing tapes might prove or disprove whether Mr. Nixon took part in the Watergate cover-up, we find it hard to believe that the White House did not know until recently, as it now claims, that the tapes never existed. The stakes were too high for the White House to have taken so casual an attitude. Do intelligent and concerned persons make assumptions in matters so important without checking the physical evidence?

Along the tortuous course of the past months, we have criticized the President at some points and defended him at others but we find small basis for defense in the present case. The latest episode of the tapes is but one more in a series of ambiguous, contradictory and puzzling statements and deeds which have eroded the confidence of people who once believed in Mr. Nixon.

To repeat, this matter of the tapes is the final blow to public trust. That final disillusionment makes three more years of a Nixon administration too bleak, too dangerous a prospect.

Too many important decisions would remain in suspense. Issues of domestic policy would be decided less and less on their merits and more and more by the degree of presidential disarray.

America's status as a world leader would suffer. An administration which cannot maintain confidence at home cannot forever enjoy unshaken confidence abroad. President Nixon was able to avert a possible Soviet-American confrontation in the Middle East last month. But if public confidence and bipartisan support continue to dissipate, would he be able to exert the same influence in a foreign crisis six months hence?

We would prefer to see the nation avoid the stress and turmoil of impeachment. That stress and turmoil could be avoided, of course, if Mr. Nixon would, after Ford's confirmation, step down and let the new vice-president succeed to the presidency. Ford may not be the glamor boy of American politics but he is a competent man whom people trust, a man who could bring unity to a divided nation.

We hope Mr. Nixon will see this suggestion as a wise one for himself and as a necessary one for the national welfare. If he does not see it that way, the next step in the unfolding tragedy of Richard Nixon may be impeachment. Distressing as that procedure might be, it would be less distressing than three more years of political vendetta.

Enough is enough.

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PROCEEDINGS AND DEBATES OF THE 93d CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Tuesday, November 6, 1973*

The House met at 12 o'clock noon.

Rev. Joseph R. Weber, pastor, First Baptist Church, Fountain Inn, S.C., offered the following prayer:

Almighty God, Thou that hearest prayer, to whom can we come, but unto Thee? Thou hast said, "Call upon Me and I will hear thee." Now, Lord, we come.

Grant that we all may put all our trust and confidence in Thee forever. Help us not to have fears or misgivings, but at all times help us to rest contented with Thy will. Keep us from fainthearted and sinful doubting, and in all seasons of our lives may we have perfect peace because our minds are upon Thee.

May we not slight Thee with vague respect but rather consider Thee, and Thy will, day and night, so that the people and Nation might be the best and do the best for Christ's sake. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Marks, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On October 30, 1973:

H.R. 9590. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending June 30, 1974, and for other purposes.

On November 1, 1973:

H.R. 6691. An act making appropriations for the legislative branch for the fiscal year ending June 30, 1974, and for other purposes.

On November 3, 1973:

H.R. 689. An act to amend section 712 of title 18 of the United States Code, to prohibit persons attempting to collect their own debts from misusing names in order to convey the false impression that any agency of the Federal Government is involved in such collection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced

that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 373. Concurrent resolution directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 9286.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9286) entitled "An act to authorize appropriations during the fiscal year 1974 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and the military training student loads, and for other purposes."

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1070. An act to implement the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969;

S. 1432. An act to amend the Federal Aviation Act of 1958 to authorize free or reduced rate transportation for widows, widowers, and minor children of employees who have died while employed by an air carrier or foreign air carrier after 20 or more years of such employment; and

S. 2651. An act to amend the Federal Aviation Act of 1958 and the Interstate Commerce Act in order to authorize reduced rate transportation for handicapped persons and for persons who are 65 years of age or older or 21 years of age or younger.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Without objection, the Chair will recognize the gentleman from South Carolina (Mr. MANN) prior to the calling of the Private Calendar, and the Chair will ask that the Clerk then call the Private Calendar immediately thereafter.

There was no objection.

THE REVEREND JOSEPH R. WEBER

Mr. MANN. Mr. Speaker, we have just shared the experience of prayer with the Reverend Joseph R. Weber, pastor of the First Baptist Church of Fountain Inn, S.C. Fountain Inn is one of those delightful, perhaps idyllic, communities that combines the best qualities of urban and rural life. I am proud to represent it in the House of Representatives and pleased to be able to present to you today one of its religious leaders. As in many small towns and communities the church leaders are also the civic leaders, and Rev. Joseph Weber is no exception, participating actively in the affairs of the Fountain Inn area. He is a leader, in every sense of the word.

Reverend Weber was born in Charleston, S.C., on September 2, 1927. He is a graduate of the University of Louisville and the Southern Baptist Theological Seminary. He was ordained at the Citadel Square Baptist Church in 1954, and since that time has served as pastor of the Forest Park Baptist Church in Anderson, S.C.; an instructor at the Baptist Extension Center, Walterboro, S.C.; trustee, Baptist College of Charleston; was recently elected vice-moderator of the Greenville Baptist Association; and, for the past 3 years, has served as pastor of the First Baptist Church at Fountain Inn.

Reverend Weber served his country during World War II and the Korean war. He and Mrs. Weber are celebrating their 25th wedding anniversary. One feature of that is this trip to Washington, and Mrs. Weber and Jolen Weber, the youngest of their three daughters, are in the House Gallery today.

I am pleased to have the privilege of welcoming them to Washington and the House of Representatives, and I know that I express on behalf of my colleagues here in the House appreciation for Reverend Weber's devotion to God's work and for the thoughts that he has brought us today.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar Day. The Clerk will call the first individual bill on the Private Calendar.

MRS. ROSE THOMAS

The Clerk called the bill (H.R. 2535) for the relief of Mrs. Rose Thomas.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

COL. JOHN H. SHERMAN

The Clerk called the bill (H.R. 2633) for the relief of Col. John H. Sherman.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

ESTATE OF THE LATE RICHARD BURTON, SFC, U.S. ARMY (RETIRED)

The Clerk called the bill (H.R. 3533) for the relief of the estate of the late Richard Burton, SFC, U.S. Army, retired.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

MR. AND MRS. JOHN F. FUENTES

The Clerk called the bill (H.R. 2508) for the relief of Mr. and Mrs. John F. Fuentes.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

MURRAY SWARTZ

The Clerk called the bill (H.R. 6411) for the relief of Murray Swartz.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

ALVIN V. BURT, JR., EILEEN WALLACE KENNEDY POPE, AND DAVID DOUGLAS KENNEDY, A MINOR

The Clerk called the bill (H.R. 6624) for the relief of Alvin V. Burt, Jr., and the estate of Douglas E. Kennedy, deceased.

There being no objection, the Clerk read the bill as follows:

H.R. 6624

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $45,462 to Alvin V. Burt, Junior, and the sum of $73,500 to the estate of Douglas E. Kennedy, deceased, in accordance with the opinion in Congressional Reference Case Numbered 2–68, Alvin V. Burt, Junior, and Eileen Wallace Kennedy, executrix of the estate of Douglas E. Kennedy, deceased, against The United States, filed November 16, 1972, and in full and final settlement of the claims of the said Alvin V. Burt and of the estate for injuries and related disabilities and damages suffered by the said Alvin V. Burt and the late Douglas E. Kennedy on or about May 6, 1965, and thereafter as the result of wounds caused by gunfire from an United States checkpoint in Santo Domingo, Dominican Republic, manned by United States Marines.

SEC. 2. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, lines 6 and 7, strike "$73,500 to the estate of Douglas E. Kennedy, deceased, in accordance with" and insert "$36,750 to Eileen Wallace Kennedy Pope, widow of Douglas E. Kennedy, deceased, and the sum of $36,750 to the legal guardian of David Douglas Kennedy, a minor, son of Douglas E. Kennedy, deceased, for the use and benefit of the said David Douglas Kennedy, as provided in".

Page 1, line 11, after "1972," insert "as a gratuity".

Page 2, line 1, strike "estate" and insert "said Eileen Wallace Kennedy Pope and the said David Douglas Kennedy".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Alvin V. Burt, Junior, Eileen Wallace Kennedy Pope, and David Douglas Kennedy, a minor."

A motion to reconsider was laid on the table.

ESTELLE M. FASS

The Clerk called the resolution (H. Res. 362) to refer the bill (H.R. 7209) for the relief of Estelle M. Fass to the Chief Commissioner of the Court of Claims.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

RITA SWANN

The Clerk called the bill (H.R. 1342) for the relief of Rita Swann.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

LUIGI SANTANIELLO

The Clerk called the bill (H.R. 1466) for the relief of Luigi Santaniello.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

LEONARD ALFRED BROWNRIGG

The Clerk called the bill (H.R. 2629) for the relief of Leonard Alfred Brownrigg.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

BOULOS STEPHAN

The Clerk called the bill (H.R. 4438) for the relief of Boulos Stephan.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

FAUSTINO MURGIA-MELENDREZ

The Clerk called the bill (H.R. 7535) for the relief of Faustino Murgia-Melendrez.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

JOSE RAMON SANTA MARIA

The Clerk called the bill (H.R. 2542) for the relief of Jose Ramon Santa Maria.

There being no objection, the Clerk read the bill as follows:

H.R. 2542

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Jose Ramon Santa Maria shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct one number from the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GLORIA GO

The Clerk called the bill (H.R. 6116) for the relief of Gloria Go.

There being no objection, the Clerk read the bill as follows:

H.R. 6116

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Gloria Go shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State

shall instruct the proper officer to deduct one number from the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RITO E. JUDILLA

The Clerk called the bill (H.R. 7363) for the relief of Rito E. Judilla.

There being no objection, the Clerk read the bill as follows:

H.R. 7363

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Rito E. Judilla may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Adoracion J. Gonzaga and Robert S. Gonzaga, citizens of the United States, pursuant to section 204 of this Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

VIRNA J. PASICARAN

The Clerk called the bill (H.R. 7364) for the relief of Virna J. Pasicaran.

There being no objection, the Clerk read the bill as follows:

H.R. 7364

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Virna J. Pasicaran may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Adoracion J. Gonzaga and Robert S. Gonzaga, citizens of the United States, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NICOLA LOMUSCIO

The Clerk called the bill (H.R. 7684) for the relief of Nicola Lomuscio.

Mr. WYLIE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ROMEO LANCIN

The Clerk called the bill (H.R. 4172) for the relief of Romeo Lancin.

Mr. WYLIE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

DIANA L. ORTIZ

The Clerk called the bill (H.R. 4445) for the relief of Diana L. Ortiz.

Mr. WYLIE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

MORENA STOLSMARK

The Clerk called the bill (H.R. 5759) for the relief of Morena Stolsmark.

There being no objection, the Clerk read the bill as follows:

H.R. 5759

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Morena Stolsmark shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct one number from the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraph (1) through (8) of section 203(a) of the Immigration and Nationality Act.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

That, in the administration of the Immigration and Nationality Act, Morena Stolsmark may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf of Mr. and Mrs. Richard Henry Stolsmark, citizens of the United States, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

KEVIN PATRICK SAUNDERS

The Clerk called the bill (H.R. 2634) for the relief of Kevin Patrick Saunders.

Mr. WYLIE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

LUCILLE DE SAINT ANDRE

The Clerk called the bill (H.R. 6477) for the relief of Lucille de Saint Andre.

Mr. WYLIE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER. That concludes the call of the Private Calendar.

LEGISLATIVE PROGRAM FOR WEDNESDAY

(Mr. O'NEILL asked and was given permission to address the House for 1 minute.)

Mr. O'NEILL. Mr. Speaker, I wish to make the following announcement concerning the program for Wednesday.

Immediately upon the opening of the House, following the prayer and Journal, before the Speaker recognizes members for 1-minute speeches, we will have the matter of voting to override the veto on the war powers bill.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL. I yield to the gentleman from Illinois.

Mr. ARENDS. Mr. Speaker, I was just coming up the aisle and I did not hear the first part of the gentleman's explanation.

Mr. O'NEILL. There will be no 1-minute speeches tomorrow before we take up the matter of overriding the veto on the war powers bill. It will precede any 1-minute speeches.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL. I yield to the minority leader.

Mr. GERALD R. FORD. Mr. Speaker, will there be time for debate when the matter is brought to the floor?

The SPEAKER. It will be taken up under the 1-hour rule.

Mr. GERALD R. FORD. And the time will be divided?

Mr. O'NEILL. That is correct.

Mr. GERALD R. FORD. I thank the gentleman very much.

THE ALASKA PIPELINE BILL

(Mr. MELCHER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MELCHER. Mr. Speaker, there are bonuses for the public interest contained in the Alaskan pipeline bill which can be safely locked in the bill when the House votes on the final bill which includes broadening authority for the Federal Trade Commission and limiting some of the Office of Management and Budget's heavy-handed authority over independent regulatory agencies.

The Senate-passed version of the bill contained both provisions which have caused OBM Director Roy Ash and some big business interests to lean heavily on the House conferees and House leadership to scuttle these public interest features of the bill. Belated is the word for their efforts; indeed, OMB Director Roy Ash showed up in my office to voice his objection only after the conference had completed its work. Somehow during the 6 weeks of conference committee meetings he had not been moved to communicate his objections.

The bill with the features despite Mr. Ash's objection is stronger legislation than it was when it passed the House.

We have maintained the House's position on the provisions concerning general rights-of-way on public lands for oil and gas pipelines and have maintained the House position on the trans-Alaskan pipeline.

I believe that all the Members of the House can and should vote for the bill in good conscience as providing sound legislation to bring Alaskan crude oil down to the contiguous 48 States and also to provide needed authority for the Federal Trade Commission and a more workable arrangement for independent regulatory agencies on their questionnaires to carry out their functions as outlined by law.

If one or more of the provisions are objected to in a motion to recommit, it will mean a new conference procedure between the House and the Senate before final passage of the long-awaited bill can be accomplished. The delay would stretch into winter—too long, too long, and unnecessary.

A vote of approval by the House is warranted on the bill as it is, so that it can reach the President's desk this week.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON AGRICULTURE

The SPEAKER laid before the House the following communication from the chairman of the Committee on Agriculture, which was read and, together with the accompanying papers, referred to the Committee on Appropriations:

October 31, 1973.

Hon. Carl Albert,
The Speaker,
House of Representatives,
Washington, D.C.

Dear Mr. Speaker: Pursuant to the provisions of section 2 of the Watershed Protection and Flood Prevention Act, as amended, the Committee on Agriculture today considered and unanimously approved the following work plans for watershed projects:

PROJECT AND EXECUTIVE COMMUNICATION

Lost Creek, Missouri, 1368, 93rd Congress.

Nutwood, Illinois, 1476, 93rd Congress.

Prickett Creek, West Virginia, 1368, 93rd Congress.

T or C Williamsburg Arroyos, New Mexico, 759, 93rd Congress.

Attached are Committee resolutions with respect to these projects.

With every good wish, I am,
Yours sincerely,

W. R. Poage,
Chairman.

CALL OF THE HOUSE

Mr. RONCALIO of Wyoming. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 557]

Addabbo
Badillo
Barrett
Bell
Biester
Blatnik
Burke, Calif.
Camp
Chisholm
Clark
Clay
Conyers
Crane
Davis, Ga.
Davis, Wis.
Dellums
Dent
Diggs
Dulski
Eilberg
Foley
Fuqua
Gettys
Giaimo
Gray
Green, Pa.
Gubser
Hanley
Hanna
Harsha
Hawkins
Hébert
Hudnut
Jones, Tenn.
Keating
Kemp
Ketchum
Lent
McEwen
Mailliard
Maraziti
Mazzoli
Mills, Ark.
Mitchell, N.Y.
Mizell
Mollohan
Morgan
Murphy, Ill.
Nix
Parris
Patman
Podell
Powell, Ohio
Reid
Rhodes
Rodino
Roncallo, N.Y.
Rooney, Pa.
Sandman
Stanton,
  James V.
Steiger, Wis.
Stephens
Stokes
Stratton
Symington
Towell, Nev.
Walsh
Widnall
Wilson,
  Charles H.,
  Calif.
Wydler

The SPEAKER. On this rollcall 363 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. LONG of Louisiana. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

SPECIAL WATERGATE PROSECUTOR

(Mr. CULVER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. CULVER. Mr. Speaker, today I am reintroducing, with the cosponsorship of Mr. Wright, the joint resolution for judicial appointment of a special Watergate prosecutor. I would like to note that Mr. Wright should have been listed as a cosponsor last week, but his name was inadvertently omitted from the copy of the bill given to the Clerk of the House.

MR. WHITE COSPONSOR OF RESOLUTION

(Mr. THOMPSON of New Jersey asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. THOMPSON of New Jersey. Mr. Speaker, when this resolution was introduced, directing the Judiciary Committee to begin an investigation to determine if grounds exist for the impeachment of the President, the name of Mr. White of Texas was inadvertently left off as a cosponsor. Therefore, I am today reintroducing this legislation to include Mr. White among its list of supporters.

PERMITTING TWO IRANIAN CITIZENS TO ATTEND U.S. NAVAL ACADEMY

Mr. FISHER. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 735) authorizing the Secretary of the Navy to receive for instruction at the U.S. Naval Academy two citizens and subjects of the Empire of Iran.

The Clerk read as follows:

H.J. Res. 735

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is authorized to permit within eighteen months after the date of enactment of this joint resolution, two persons, citizens and subjects of the Empire of Iran, to receive instruction at the United States Naval Academy, but the United States shall not be subject to any expense on account of such instruction.

Sec. 2. Except as may be otherwise determined by the Secretary of the Navy, the said persons shall, as a condition to receiving instruction under the provisions of this joint resolution, agree to be subject to the same rules and regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation, as midshipmen at the United States Naval Academy appointed from the United States, but they shall not be entitled to appointment to any office or position in the Armed Forces of the United States by reason of their graduation from the United States Naval Academy, or subject to an oath of allegiance to the United States of America.

The SPEAKER. Is a second demanded?

Mr. DICKINSON. Mr. Speaker, I demand a second.

Mr. STARK. Mr. Speaker, I wish to inquire as to whether the gentleman from Alabama (Mr. Dickinson) is opposed to the joint resolution?

The SPEAKER. Is the gentleman from Alabama opposed to the joint resolution?

Mr. DICKINSON. Mr. Speaker, I am not opposed to the joint resolution.

Mr. STARK. Mr. Speaker, I am opposed to the joint resolution, and I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Texas (Mr. Fisher) will be recognized for 20 minutes, and the gentleman from California (Mr. Stark) will be recognized for 20 minutes.

Mr. FISHER. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, this resolution would do the same for Iran that we have done for any number of other friendly countries—that is, allow two Iranians to attend our Naval Academy. All their expenses are to be paid by the Government of Iran, and the admissions would not in any wise affect the usual nominations by Members of Congress.

Aside from precedents—of which there are many—we have every reason to extend a gesture of friendship to one of our most valued and dependable allies in the Middle East. Iran is the only one of the big oil and gas producers in that part of the world which refused to join the reduction and embargo of oil and gas imposed by Arab States.

As of today Iran is our chief source of oil and gas from the Middle East. As

we grapple with our severe fuel shortage we are increasingly aware of the fact that Iran is expected to increase its daily oil output to 8 or 9 million barrels a day, and we have good reason to believe our imports will share in that increase. Only 6 weeks ago a 22-year contract was signed which commits Iran to provide our east coast with 500 million cubic feet of liquefied gas a day.

In addition, Iran is one of our best cash customers in terms of trade—the volume of purchasers running into the billions of dollars—and increasing.

Surely this is no time to slight one of America's most valued and dependable allies and friends. This measure deserves to be approved unanimously.

Mr. du PONT. Mr. Speaker, will the gentleman yield?

Mr. FISHER. I yield to the gentleman from Delaware.

Mr. du PONT. Mr. Speaker, I would like to ask the gentleman from Texas (Mr. Fisher) as one Member of the Congress who has at least two young women who desire to and have been trying to get into the Naval Academy, why we should be admitting males from Iran before we admit women from America to the Naval Academy?

Mr. FISHER. The gentleman's answer to that is as good as mine. As the matter now stands, there are no facilities in the Academy to accommodate women. If the gentleman from Delaware would like to pursue that point, and if the gentleman would appear before our committee if and when the issue is before us, we would be pleased to hear the gentleman's views.

Mr. du PONT. Mr. Speaker, if the gentleman will yield further, I will say that I have a bill in to permit women to attend the service academies, and I would rather hope that the gentleman from Texas in his presentation would be willing to indicate support for that legislation.

Mr. FISHER. That would not be relevant to the legislation now pending before the House.

Mr. STARK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I should like to ask my colleagues in the House today to oppose House Joint Resolution 735 on several bases. First of all, President Nixon has pledged withdrawal from involvement in military affairs of other nations, and I can think of no surer way to support this pledge than not to be training the armies and navies of any nation, friendly or obviously in opposition to us.

We are also, as has been ably pointed out this morning, continuing to discriminate in our military academies, particularly against women and to a great extent against blacks, browns, and other minorities. There is a form letter which the academies use in rejecting women applicants. It has nothing to do with the nonavailability of facilities to women. It says:

> The acceptance of a female nominee for appointment to the Military Academy would be contrary to the national interest.

I submit that as long as that is the state of the national interest, we might start to think about changing. Also it is important to understand that Iran is a military dictatorship where the Shah governs by fear, military forces, and currently holds some 25,000 political prisoners in Iranian jails. I ask if that is the kind of government we wish to support and whose friendship we wish to seek.

There are two bases on which the proponents of the bill would ask the Members to support it. One is by reason of the fact that they want us to receive oil from Iran. We could extend that logic to the same kind of logic that says, we will be blackmailed for some oil or for some natural gas, because it is that logic that led us to bomb Cambodia at the supposed request of Sihanouk. I wonder if we are going to capitulate to demands when we can with a little conservation in this country solve our own energy crisis.

Mr. MITCHELL of Maryland. Mr. Speaker, will the gentleman yield?

Mr. STARK. I yield to the gentleman from Maryland.

Mr. MITCHELL of Maryland. I thank the gentleman for yielding. I certainly wish to associate myself with his remarks. I should like to propound one or two questions to the gentleman. Would the gentleman agree with me that there is a notable absence of black citizens in the officer corps of our various military services, including the Navy?

Mr. STARK. I would say that there is an outstandingly disproportionate low officer corps.

Mr. MITCHELL of Maryland. If the gentleman would yield further, would the gentleman agree with me that there is a disproportionate concentration of black citizens at the lowest echelons of enlisted services in our various services?

Mr. STARK. I would agree wholeheartedly.

Mr. MITCHELL of Maryland. Therefore, if the gentleman agrees with me, I certainly will reemphasize my association with his remarks. It is nonsensical to be talking about Iranian students when we should be attacking the problem of assuring mass participation of blacks in the officer corps of our country. I thank the gentleman for yielding.

Mr. STARK. I thank the gentleman for his remarks.

It is further stated in support of our bill, and I submit erroneously, that the admission of citizens from friendly foreign nations will expose the citizens to good will and friendship, and create deep and abiding relationships, and that their exposure to American ideals and principles could prove to be of great advantage during these troubled times.

I should like to set forth some of these ideals and principles that we would expose our foreign friends to, the kinds of ideals and principles that created the coverup in Mylai, and the kinds of ideals and principles that created the lie about the Cambodian bombing, the kinds of principles that led General Van Fleet to call Korea a blessing, and that led General Custer to call the Army the Indians' best friend, and the current military academies official version of Vietnam that says:

> The war ended in August, 1968, when sorely battered Communist troops were unable to engage the allied war machine.

I submit with historians like that, we do not need generals or admirals any more.

Mr. Speaker, I urge the Members to vote in opposition to this resolution. If they vote for it, first of all, they are voting against Mr. Nixon and his program. Secondly, if they vote for it, they are voting against equality for women, and they are voting for continued discrimination against minorities in our services. They are voting in support of a military dictatorship and, indeed, they are voting for approval of suppression of freedom and liberty, two of the basic tenets of this country.

Mr. Speaker, I urge the Members to join with me in opposing this bill.

Mr. Speaker, I yield 5 minutes to the gentleman from Alabama (Mr. Dickinson).

Mr. DICKINSON. Mr. Speaker, I rise in support of House Joint Resolution 735.

The purpose of the proposed legislation is to permit within 18 months after the date of enactment of this joint resolution, two persons, citizens and subjects of the Empire of Iran, to receive instruction at the U.S. Naval Academy, but the United States shall not be subject to any expense on account of such instruction.

Section 6957 of title 10, United States Code, authorizes the instruction at the Naval Academy of four persons from the Republic of the Philippines and not more than 20 persons at any one time from Canada and the American Republics—other than the United States. Except for these special provisions students from other friendly nations may attend the service academies only under special legislation. The act of November 9, 1966, Public Law 89–802 (80 Stat. 1518), authorized the admission of up to four students from foreign countries to each of the service academies, provided that the student's country was at the time of his admission assisting the United States in its efforts in Vietnam by the provision of manpower or bases. This act specified that no person might be admitted to an academy under the provisions of the act after October 1, 1970.

The Iranian Government has decided to expand the Imperial Iranian Navy and the commander in chief of the Imperial Iranian Navy, recognizing that the ultimate success of this expansion program is dependent upon a firm foundation of professional knowledge, has requested schooling for Imperial Iranian Navy officers and prospective officers in the United States. Specifically, the United States has been requested to permit two Iranian students to attend the U.S. Naval Academy for the class of 1978. For the past several years, the U.S. Government has authorized the training of Imperial Iranian Navy midshipmen at various NROTC colleges and universities and State maritime academies at Iranian expense.

The joint resolution provides that the United States shall not bear the expense of instructing the two Iranian citizens. The beneficiaries of this resolution must be mentally and physically qualified and agree to be subject to the same rules and regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduaation, as midshipmen, appointed from the United States. They shall not be entitled to appointment to any office or position or be required to serve in the U.S. Navy by reason of their graduation from the Academy.

The admission of citizens of friendly foreign nations to the service academies is a very sound measure to pursue in the national interests of the United States. The good will and the fellowship created is deep and abiding. The military expertise instilled in foreign midshipmen, coupled with their exposure to American ideals and principles, provides a much-needed asset.

Mr. Speaker, this is not unique in the experience of this country. We have foreign students attending many of our universities and many of our military institutions, whether it be the Air War College or the Army War College, the academies, or whatever. It has been the experience of this Government that by doing this we create bonds of friendship that last for many years to come. It is a real plus and an asset for us to make friends worldwide. I think it is in the best interest of the United States to admit these two students on a one-time basis.

Mr. Speaker, I urge support of this joint resolution.

Mr. FISHER. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. Sikes).

Mr. SIKES. Mr. Speaker, let us consider the bill on its merits. Let us forget about the smoke screen and stop trying to defeat this bill with a lot of things that have nothing whatever to do with the bill.

I am amazed that this bill has drawn opposition. One of the best investments we can make is the training of promising young foreign students in our own country. Since military leaders figure prominently in the government of most countries, it is doubly important that we train promising young foreign military students in America. There are many examples of the way this results in good relations in subsequent years. For instance, there is Indonesia. This country was on the verge of a Communist takeover. The situation was reversed and a new government installed. The principal members of the new government were trained in the United States as young officers and the Government is now friendly toward us and strongly anti-Communist. Indonesia is one of the important nations in the Far East.

No one has to tell the House of the importance of the Middle East to the interests of the free world and particulary the United States. Surely the House realizes that our policy of supporting Israel has left us with but few friends in the Middle East. Iran is probably the staunchest of these friends. Iran is the only Middle East country that does not restrict its shipments of gas and oil to the United States. Iran is one of our best customers and the sad state of the balance of trade shows how much we need business. Iran is a responsible member of the community of nations and has agreed to accept the unpleasant task of serving on the peacekeeping team in Indochina. Iran is a leader in the Middle East. The progress made by this country in improving a lot of its own people within a few short years is probably unsurpassed anywhere in the world.

I strongly support the resolution which takes nothing away from American citizens and simply adds Iran to a list of about 20 countries who have had students admitted to the Academy.

Mr. STARK. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. Seiberling).

Mr. SEIBERLING. Mr. Speaker, I think this particular bill presents some very serious diplomatic problems and if we vote it down it will undoubtedly be viewed by the people of Iran as a diplomatic slight set-back for Iran.

In view of the friendly diplomatic relations we have with Iran and the current crisis over oil, it would be a real mistake, in my opinion, to vote against this bill.

Nevertheless, I wish to record myself in opposition to the principle of continuing this kind of legislation in the future, which it seems to me amounts to a kind of intervention in the internal affairs of another country by creating an "old school tie" relationship between the career military in this country and those of other countries.

While I do not support the move of the gentleman from California to defeat this bill, I do believe he has raised a point that ought to be considered by the Committee on Armed Services in the future.

Mr. STARK. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. Derwinski).

Mr. DERWINSKI. Mr. Speaker, I appreciate the gentleman from California yielding to me, since I disagree with his position. As a matter of fact, when I looked at the schedule and saw this bill on the calendar, I assumed that it would pass unanimously. Then, yesterday I received a dear colleague letter from the gentleman from California which prompted me to send out one of my own in support of the bill.

Mr. Speaker, let me address myself to two points which the gentleman has raised. Let me say that I do not agree with the gentleman when he describes Iran as a military dictatorship. For example the Shah has, out of their oil income, expanded education in very effective fashion wiping out illiteracy in the country. Iran has a fine functioning parliament, and a viable economy with a good base of free enterprise.

In the 15 years I have served in this body, some of my proudest moments have come when I have witnessed the young men I have appointed to West Point, Annapolis, or the Air Force Academy, graduate and go on to serve their country. These are fine young men, outstanding young men. They are from the best of grassroots America. I think they can do a better job of selling America to foreign students than some people in public life.

Mr. Speaker, I think this bill is a very practical diplomatic measure. I am surprised that it has generated any heat at all. I urge its adoption.

Mr. Speaker, I commend the members of the Armed Services Committee for bringing it along expeditiously, and I urge an overwhelming vote from my colleagues here on the floor this afternoon.

Present law authorizes the instruction at the Naval Academy of four persons from the Republic of the Philippines and not more than 20 personnel at any one time from Canada and the other American Republics. Except for these special provisions, students from other friendly nations may attend the service academies only under special legislation. The Iranian Government has decided to expand the Imperial Iranian Navy and its commander in chief has requested schooling for two prospective Iranian Officers at the U.S. Naval Academy. House Joint Resolution 735 provides that the United States would not bear the expense of instructing the two Iranian students.

The admission of citizens of friendly foreign nations to the service academies is a very sound measure to pursue in the national interest of the United States. The good will and fellowship created is deep and abiding, and their exposure to American ideals and principles could prove to be of great advantage during these troubled times.

The admission of these two Iranian students at the Naval Academy would in no way reduce the number of openings for American boys, and, in my judgment, is a very practical development for both the United States and Iran.

Mr. Speaker, may I digress somewhat from the specific purpose of the bill before us to emphasize that, in my opinion, the various agreements under which young foreign nationals are trained at our service academies is a very practical and mutually beneficial undertaking for both the United States and any nation with which we work out such a program. It is really a high-level diplomatic program as well as a military program. I wish to reemphasize my strong belief that the understanding of our Nation which these outstanding young men receive is put to good use throughout their careers in which they serve their countries. International cooperation, understanding and a mutual desire to keep the peace is enhanced.

As a Member, I am very proud that I have been privileged to appoint some of our own outstanding young men to our service academics and I would, therefore, like to emphasize to the Members that this resolution that I urge them to adpot this afternoon would not reduce the number of openings for the young men who receive our congressional appointments. I reemphasize this point since our colleagues have circulated a letter stating that foreign nationals fill slots that would otherwise go to Americans, and this is totally inaccurate.

Mr. Speaker and Members of the House, this resolution certainly deserves our support.

Mr. FISHER. Mr. Speaker, I yield 1 minute to the gentlewoman from Oregon (Mrs. Green).

Mrs. GREEN of Oregon. Mr. Speaker, I take this 1 minute to direct a question to the distinguished gentleman from Texas.

This country is spending several billion dollars a year in the various colleges and universities in the United States. Would the gentleman inform me if it is a matter of national policy that we are not willing to accept any students from Iran or any of the other countries with whom we may agree or disagree? That we will not accept those students at any university such as the University of Oregon, the University of Texas, Yale, Princeton or Harvard, Radcliffe or the other schools and colleges of the country?

Mr. FISHER. Mr. Speaker, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from Texas.

Mr. FISHER. Mr. Speaker, in response to the gentlewoman's question, I would say, to be consistent, that if I were opposed to admitting them to one of the service academies, I would certainly be consistent and oppose allowing them in any of our colleges or universities in this country.

Mrs. GREEN of Oregon. Mr. Speaker, is the gentleman aware of any national effort or practice to try to prevent such schools and universities from admitting them?

Mr. FISHER. Mr. Speaker, until today, this is the first time I have ever heard anyone in the Congress oppose admitting students from friendly countries to the service academies when the entire cost of it is charged to the governments of those countries.

Mrs. GREEN of Oregon. I thank the gentleman and think it is as desirable to have foreign students from Iran and from other countries at the service academies as it is to have them at other universities.

Mr. Speaker, I thank the gentleman.

Mr. STARK. Mr. Speaker, I yield 1 minute to the gentlewoman from Maryland (Mrs. Holt).

Mrs. HOLT. Mr. Speaker, I rise in support of House Joint Resolution 735. Mr. Speaker, on October 15 of this year, your Committee on Armed Services brought to the floor House Joint Resolution 735 authorizing the Secretary of the Navy to receive for instruction at the U.S. Naval Academy two citizens and subjects of the Empire of Iran. We had asked the Speaker to place this legislation on the Consent Calendar, because it was an extremely simple measure which would authorize two Iranian students to attend the Naval Academy with the class of 1978 with all costs to be borne by the Government of Iran.

Frankly, I was amazed when I heard Representative Fortney H. Stark object to the resolution. But, of course, he has every right to do so under the rules of the House, and he merely exercised his prerogative. He opposes this legislation; as he felt that "citizens of a military dictatorship, which arbitrarily oppresses and imprisons its people, should not be allowed to further their military prowess in a U.S. institution."

In my opinion, he is rendering a great disservice to the United States and its very important ally, the Empire of Iran. Let us look briefly at Iran and see what it has accomplished under the leadership of the present Shah.

In the short space of 10 years Iran, an old country with modern aspirations, has moved from a semifeudal state into the 20th century and is one of the most rapidly developing countries in Asia. What Iran has accomplished in this decade has an "epic quality," to use the words of George Ball, formerly Under Secretary of State. No nation except Japan has achieved such a sustained rate of growth, and there seems to be no reason why the Shah's ambition to transform his country into a strong and modern nation and to achieve what he calls "The Great Civilization" should not be realized in his lifetime.

A few statistics: Irans GNP at constant—1969—prices is now increasing about 13 percent annually. Per capita GNP in current prices is rising by almost 16 percent. Per capita income has risen from $176 in 1962, at the start of the Shah's White Revolution, to about $560 today, and $850 is the target by the end of the fifth plan period—March 1978. Iran's goal is to have by that date a standard of living second in Asia only to Japan's and equal to that of a number of European countries.

Iran's first four plans—1950–72—gave the country a solid modern industrial and commercial foundation for its economy and a communications infrastructure to bind together this vast country of rugged mountains, interior desert and long Persian Gulf coastline. Iran is the size of the United States east of the Mississippi. The fifth plan, launched this year, calls for a massive $36 billion investment and huge gains in GNP and per capita income. Its goals are: First, maintenance of a high—11.4 percent—rate of real economic growth; second, more equitable distribution of income; third, a balanced sectoral and regional development with greater emphasis on agriculture and rural services; and fourth, an enhanced Iranian presence in the world economic and political system.

These achievements are the results of prudent leadership and the sound use of the nation's resources. The Shah is a ruler in a hurry who 10 years ago inaugurated the White Revolution and launched Iran on its exciting success story which has brought it a political stability not enjoyed for centuries. There is no visible threat to the regime and the constitutional monarchy provides a framework for democratic institutions to grow. Of the country's considerable natural resources, the most important is of course oil. Today Iran exports nearly 5 million barrels per day of crude oil and is expected to increase to about 9 million barrels per day by 1976. Government revenues from this and other resources finance the Shah's guns and butter policy.

The Government is committed to spend 80 percent of its oil revenues on development and is now reaching this goal. Iran received more than $2.4 billion oil income in 1972. This income is expected to increase to nearly $13 billion by 1980. These abundant funds would, however, be useless or at best largely wasted in a society and economy unable to plan and change. The Shah early realized that changes in planning the economy required the same kind of central direction that he has assumed in the political and social development of Iran. Thus land reform, which was the basic element of his White Revolution, was intended not only to improve the agricultural sector, but to make way for progress in the health, education and community life of the majority of Iran's people who live by the soil. Land reform in Iran remains one of the largely unreported achievements of social and economic engineering on a national scale.

Iran has been a reliable source of oil for the West and Japan. It is as much interested in a secure, stable outlet for its oil to finance its development as the West and Japan are in a secure source of energy to fuel their industries. Iran wishes to play a stabilizing, constructive role in this relationship and to keep political blackmail out of the oil business. In 1967, Iran refused to join the Arabs in the oil embargo, and Iran has been a force for moderation and practicality in OPEC.

Iran is also excellent business for the United States. The high sustained rate of economic growth, combined with a strong foreign exchange position and a government committed to rapid industrialization and social welfare, make Iran the most attractive market in the Middle East for a wide range of American products. During 1972 Iran's imports totaled an estimated $3 billion, a 15-percent increase over the previous year. It is anticipated that the Iranian market for foreign goods will top $4 billion in the current Iranian year.

The U.S. share of this business is holding steady at about 21 percent even though the American firms are challenged in every sector by third country competition. In 1972 for the first time the United States moved in front of West Germany as Iran's largest trading partner with sales of over $550 million, and this is expected to increase substantially in the next several years.

The investment and business climate in Iran is basically good, and more than 1600 American firms are actively in the Iranian market. United States nonoil investment is presently about $130 million and this figure could easily be quadrupled in the coming year. Joint ventures with American concerns presently involve such well known U.S. companies as B. F. Goodrich, General Tire & Rubber Co., Amoco, Reynolds, General Motors, Cabot Corp., FMC, and Mack Truck; and important multimillion dollar projects with J. F. Pritchard of Kansas City, and Phelps Dodge are now being contemplated. American know-how makes a major contribution to both Iranian industry and agriculture and our commercial presence here is expected to contribute more than a billion dollars to our balance-of-payments position in 1973.

The Shah's butter policy is supplemented by efforts to modernize and expand Iran's armed forces. During the last Iranian fiscal year—March 1972–73—the defense budget was 22 percent of the total budget and 9 percent of the GNP.

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Much of the equipment and advice needed for this program are being purchased from the United States.

Iran is a country which should gladden the heart of the American taxpayer and the Congress because, if there ever were a country that has received our aid and put it to good use, Iran is that country. Our military and economic assistance programs, which over the years totaled $1.4 billion, came to an end in 1968 and since that time Iran has stood on its own feet and paid its own way in all respects. The funds we invested in this country have come back to the United States many times over and in the process Iran has achieved a rare degree of political stability and economic prosperity. Further, it is a country that does not hesitate to thank us for aid in days gone by and for the cooperation characterizing our present relationship.

This relationship today is excellent. It is based on a solid mutuality of interests and of respect for one another, and is probably healthier and of longer standing than any other in all of Asia. The Shah, who is one of the most experienced chiefs of state, having assumed the throne in 1941, has greatly valued his close official and personal relationships with American Presidents over the years and most particularly with President Nixon, whom he has known for the last 20.

Finally, Iran is a country determined to stand on its own feet and to offer its friendship to one and all while maintaining a special relationship of cooperation with the United States. It is also a country that seeks to play a responsible role in this part of the world and especially in the Gulf to insure peace and stability in this strategic area and to shoulder some of the burdens and responsibilities assumed by others in the past.

Mr. Speaker, for us to reject this very simple measure would, in my opinion, be extremely detrimental to our national interest and would be a slap in the face to one of our staunchest allies. I urge the support of every Member of this body.

Mr. STARK. Mr. Speaker, I have no further requests for time.

However, I would just like to summarize my opposition to the bill by saying that I believe some of the proponents have given us the best argument here this afternoon by saying that some of these nations, such as the military dictatorship of Greece and the military government of Chile, now have in their ranks those who are graduates of our academies. We should vote to stop this, since Congress voted to stop it in 1970.

Mr. Speaker, I urge the Members to vote down this resolution.

Mr. FISHER. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. DAN DANIEL).

Mr. DAN DANIEL. Mr. Speaker, I will say initially that I favor the admission of women to our Naval Academy.

Mr. Speaker, it is the judgment of this Member that if we are involved in another war, it will be fought over fuel, food, and fiber, rather than over any ideology. If we follow the suggestion of the gentleman from California and withdraw from the world and become isolationists, it is the further judgment of this Member that wars will surely follow us home.

For some time now the Government of Iran has shared our own concern about the security of the oil-rich Persian Gulf region, and their concern has intensified since the withdrawal of British forces east of Suez in late 1971. This has not been idle concern, however; Iran not only recognized the potential problem, but set about taking positive actions designed to avoid a worsening of the problem. That nation is expanding its naval forces from 11,000 to 24,000 men, and at the same time has begun a program to modernize and expand its other military services. As a result, there have been large equipment sales from U.S. sources over the past 3 years. But equipment alone will not suffice. They need trained personnel—their own people—to use the equipment.

And training alone is not enough. Even more important, indeed fundamental, in forming a solid naval establishment, is education. For many years their navy midshipmen have been educated at British, French, German, and Italian naval academies, and this has resulted in a confusing variety of naval standards. Iran has no coherent educational foundation on which to build an effective and cohesive naval officer corps.

One solution, of course, would be to build and develop their own naval academy. This is impractical, since at this time they require only 40 midshipmen a year. Aside from the cost, such an undertaking would require more time than is available to acquire and to train teachers, build facilities, and assure quality output.

The better solution—and House Joint Resolution 735 is its logical outgrowth—is to seek billets in a friendly nation with a common language and a unified naval tradition. For the past 8 years Iranians have attended the Universities of Utah and Idaho under those schools' NROTC programs. Today there are 90 Iranian midshipmen in attendance at such schools, and approximately 100 in our State maritime academies. They are doing quite well. This request to permit two midshipmen to attend the U.S. Naval Academy, at no cost to our Government and in addition to, not instead of, our own young men who wish to go there, is a logical and reasonable next step.

On a personal note, I have been to Iran, as I am sure many Members of this body have been. I have had an opportunity to meet with the Shah, the Foreign Minister, and many members of their legislative chamber. I have talked with them about matters concerning United States-Iranian friendship, and about development of their country. And I can frankly say that in my travels not only as a Member of Congress, but as a former national commander of the American Legion, I have never seen a country making such rapid strides in its economy—and a government so willing to share the benefits of growth with its people.

Set aside what Iran has done for its own people, though. Given the proper circumstances any nation can do that. And for the moment, set aside as well the advantage which will accrue to Iran from such an arrangement.

Consider briefly only one point: Iran, just now, is one of the few friends we have left in the world on which we can rely for oil, and to which we can look for stability in that part of the world. How much longer shall we continue our present course of opening our hands—and our pocketbooks—to hostile governments while pushing away our friends, and denying them even modest assistance?

Like Charlie Brown of the comic strips, "We need all the friends we can get."

I urge each of you to support this resolution, lest we find ourselves totally friendless in a dark, cold world.

Mr. TREEN. Mr. Speaker, will the gentleman yield?

Mr. DAN DANIEL. I yield to the gentleman from Louisiana.

Mr. TREEN. Mr. Speaker, I wish to associate myself with the remarks of the gentleman from Virginia. I agree with him wholeheartedly.

I believe this would be the worst possible time for this House to vote down a resolution of this type.

Mr. Speaker, I appreciate the opportunity for speaking, and I thank the gentleman for yielding.

Mr. FISHER. Mr. Speaker, I yield 1 minute to the gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. Mr. Speaker, I rise in support of House Joint Resolution 735 which would permit two Iranians to attend the U.S. Naval Academy at Annapolis.

Mr. Speaker, one's friends in this world fall into different categories, just as one's personal friends are divided into several classes.

Some of our friends in this world are fair weather friends. They are with us when the going is good but let there be the slightest adversity and we find that they are not on our side. A second class of friends that the United States has discovered in the past are those who remain friends as long as we give them something. To be plain and frank about it, as long as we give them economic aid or military assistance of some kind. But once that foreign aid stops they have forgotten all of the past favors. It is like the story of the late Alben Barkley who had extended repeated favors to a constituent. When Mr. Barkley asked for a small favor in return the reply was "What have you done for me lately?"

But, Mr. Speaker, there is a third class of friends. They are those true friends who are with us year in and year out. They never seem to let us down. Most of all they never ask for anything. Iran falls into this third category of friends.

Moreover, Iran is not only our good friend but our best cash customer in the Middle East. Just like friends there are three classes of customers. There are those who want favored treatment and expect long-term credit. Iran, on the other hand, is a cash customer. As I mentioned once she is our very best cash customer in all of the Middle East. Oh, we have some new found friends who say they want to be our customers. What they mean is they will be our customers as long as we give them credits which may never be paid.

It is amazing why there should be any opposition to the admission of these two young Iranians to our Naval Academy. Surely those who oppose this resolution today have read of King Faisal turning off the valves of the oil pipelines that would give needed fuel not only to this country but to Western Europe this winter.

The admission of these young men to our Naval Academy is such a small thing. There are only two of them. We should remember there are now over 190 Iranian ROTC students in this country. Why should we risk even the slightest breach of friendship with our good and loyal ally as the Iranians?

Any arguments over quotas of minorities attending the Academy or admission of women to the Academy to satisfy the "women libbers" of this country are spurious arguments. They are pure surplusage to the issue before us today. Let us make room for more minority admissions. Let us make room some time in the future for young women to attend the Academy, if the Congress works its will on these issues, but these are not the issues before us today.

The true issue today is whether we should admit these two young men that come from a country that is our last remaining true friend in the Middle East. We should not refuse her this small request. Let us not slap her in the face.

Mr. FISHER. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Speaker, I rise in strong support of House Joint Resolution 735 and urge its passage. I am somewhat surprised at the charges of some that Iran is a military dictatorship. The Shah does not remain in office because of the armed forces. He is the hereditary monarch of a constitutional monarchy and, according to the best information I have, is well accepted by the vast majority of his people.

During his reign, the present Shah has moved Iran from a semifeudal state into the 20th century. He has brought significant political, economic, and social reforms to his country.

His constitutional monarchy provides a framework in which democratic institutions may grow. Iran, for example, has a fully developed cabinet, responsive to a parliament elected by direct popular vote.

Iran has undertaken a successful and progressive land reform program, intended not only to improve the agricultural sector, but also to improve the quality of life for Iran's rural population. When I speak of quality of life I refer to health, education, and community life.

Iran has built a solid industrial and commercial foundation for its economy and is now in the midst of plans to build on the economic progress of the past and to achieve a fairer distribution of income and balanced sectoral and regional development.

This Persian Gulf country has committed itself to spending 80 percent of its oil revenues on development and is now reaching that goal.

Mr. Speaker, Iran provides a vivid example of a country which has used American aid to benefit its people. Furthermore, it is a country willing and able to assume a responsible role to insure peace and stability in the Persian Gulf area and to shoulder its fair share of the burdens and responsibilities toward this end.

I, therefore, urge the suspension of the rules and a favorable vote on House Joint Resolution 735.

Mr. FISHER. Mr. Speaker, I yield myself 2 minutes to conclude this discussion.

Mr. Speaker, I would like to point out for your information that for a number of years the United States, being very much aware of our close ties with the country of Iran, has been providing training in our NROTC institutions and in our State maritime academies for a substantial number of their naval students. Right now there are 190 of those Iranian students receiving this training.

I emphasize, Mr. Speaker, that when the Arab countries reduced or completely cut off the export of oil and other fuels to this country and to other countries Iran, one of the rich oil-producing countries in the Middle East, refused to go along with that. They stayed on our side, and today they are providing a vast amount of fuel to this country. We can expect them to continue in the future in an increasing amount.

Right now, of all times, who in this House would want to slap a valuable and dependable friend in the face by refusing to do for Iran what we are doing for 29 other countries? Any person who has any concern about our fuel shortage, the imminent prospects for an increase in gasoline and other fuel costs, and the liklihood we will soon face rationing, will surely not want to insult our trusted friend which is one of our chief mainstays for future supplies.

We have heard talk here about depriving minorities and girls of slots in the academy. That is utter nonsense. Every Member of Congress may appoint any qualified person to the academy. There are over 300 blacks in the Military Academy now, and at least 200 in the Naval Academy. If Members appoint them, they go. If Members do not appoint them, they do not go. The enactment of this bill can have no remote connection with appointment privileges of Members of Congress.

Mr. Speaker, this bill deserves to be approved unanimously.

The SPEAKER. The question is [illegible] the motion of the gentleman from Texas (Mr. FISHER) that the House suspend the rules and pass the joint resolution, House Joint Resolution 735.

The question was taken.

Mr. STARK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 343, nays 28, not voting 62, as follows:

[Roll No. 558]

YEAS—343

Abdnor
Abzug
Adams
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashbrook
Ashley
Aspin
Bafalis
Baker
Bauman
Beard
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blackburn
Boggs
Bolling
Bowen
Brademas
Brasco
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Collins, Tex.
Conable
Conlan
Conte
Corman
Cotter
Coughlin
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, S.C.
de la Garza
Delaney
Dellenback
Dennis
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Downing
Dulski
Duncan
Eckhardt
Edwards, Ala.
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Gross
Grover
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hays
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Horton
Hosmer
Howard
Huber
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jordan
Karth
Kazen
Kemp
King
Kluczynski
Koch
Kuykendall
Kyros
Landgrebe
Landrum
Latta
Leggett
Lehman
Litton
Long, La.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mallary
Mann
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Minish
Minshall, Ohio
Moakley
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Mosher
Moss
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
O'Brien
O'Hara
O'Neill
Parris
Passman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel

Rarick
Rees
Regula
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncallo, Wyo.
Rooney, N.Y.
Rose
Rosenthal
Rostenkowski
Rousselot
Roy
Runnels
Ruppe
Ruth
St Germain
Sarasin
Sarbanes
Satterfield
Scherle
Schneebeli
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Steed
Steele
Steelman
Steiger, Ariz.
Stubblefield
Stuckey
Sullivan
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—28

Burton
Clay
Denholm
Drinan
du Pont
Edwards, Calif.
Evins, Tenn.
Fraser
Gaydos
Harrington
Hechler, W. Va.
Holtzman
Hungate
Kastenmeier
Long, Md.
Mink
Mitchell, Md.
Obey
Owens
Reuss
Riegle
Roush
Roybal
Ryan
Schroeder
Stark
Studds
Young, Ga.

NOT VOTING—62

Addabbo
Badillo
Barrett
Bell
Blatnik
Boland
Burke, Calif.
Camp
Cederberg
Chisholm
Clark
Conyers
Crane
Davis, Ga.
Davis, Wis.
Dellums
Dent
Diggs
Eilberg
Gettys
Giaimo
Green, Pa.
Griffiths
Gubser
Hanley
Hanna
Hawkins
Hébert
Hudnut
Jones, Tenn.
Keating
Ketchum
Lent
McEwen
Mailliard
Maraziti
Mazzoli
Mills, Ark.
Mitchell, N.Y.
Mizell
Mollohan
Morgan
Murphy, Ill.
Nix
Patman
Powell, Ohio
Reid
Rhodes
Roncallo, N.Y.
Rooney, Pa.
Sandman
Stanton, James V.
Steiger, Wis.
Stephens
Stokes
Stratton
Symington
Teague, Tex.
Towell, Nev.
Walsh
Widnall
Wydler

So (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert and Mr. Blatnik for, with Mr. Badillo against.

Until further notice:

Mr. Addabbo with Mr. Bell.
Mr. Davis of Georgia with Mr. Cederberg.
Mr. Gettys with Mr. Davis of Wisconsin.
Mr. Jones of Tennessee with Mr. Gubser.
Mr. Mollohan with Mr. Keating.
Mr. Murphy of Illinois with Mr. Mailliard.
Mr. Patman with Mr. Mizell.
Mr. James V. Stanton with Mr. Powell of Ohio.
Mr. Symington with Mr. Sandman.
Mr. Teague of Texas with Mr. Rhodes.
Mr. Barrett with Mr. Towell of Nevada.
Mr. Clark with Mr. Widnall.
Mr. Boland with Mr. Wydler.
Mr. Eilberg with Mr. Camp.
Mr. Giaimo with Mr. Crane.
Mrs. Griffiths with Mr. Hudnut.
Mr. Hanna with Mr. Ketchum.
Mr. Mazzoli with Mr. Lent.
Mr. Mills of Arkansas with Mr. Maraziti.
Mr. Dent with Mr. McEwen.
Mr. Handley with Mr. Roncallo of New York.
Mr. Morgan with Mr. Steiger of Wisconsin.
Mr. Reid with Mr. Walsh.
Mr. Rooney of Pennsylvania with Mr. Dellums.
Mr. Stratton with Mr. Mitchell of New York.
Mr. Stephens with Mr. Nix.
Mr. Green of Pennsylvania with Mr. Stokes.
Mrs. Burke of California with Mr. Diggs.
Mrs. Chisholm with Mr. Conyers.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT BY SECRETARY OF INTERIOR RECOMMENDING DISCONTINUANCE OF NEGOTIATIONS FOR A FEDERAL-INTERSTATE COMPACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93–176)

The SPEAKER laid before the House the following message from the President of the United States which was read and, together with the accompanying papers, referred to the Committee on Interior and Insular Affairs and ordered to be printed:

To the Congress of the United States:

In accordance with section 3 of Public Law 89–605, as amended by Public Law 91–242, I am transmitting a report by the Secretary of the Interior. This report recommends discontinuance of negotiations for a Federal-Interstate Compact and suggests repeal by Congress of Public Law 89–605 as amended by Public Law 91–242, the Hudson River Basin Compact Act.

The report includes a letter of agreement signed by the Secretary of the Interior and the Governors of New Jersey and New York. This letter documents the agreement reached and explains the facts leading to the agreement.

I concur in the recommendations of the Secretary of the Interior. A draft bill repealing Public Law 89–605 as amended by Public Law 91–242 is enclosed for your consideration.

RICHARD NIXON.

THE WHITE HOUSE.

AUTHORIZING THE DISPOSITION OF OFFICE EQUIPMENT AND FURNISHINGS

Mr. THOMPSON of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 9075) to authorize the disposition of office equipment and furnishings, as amended.

The Clerk read as follows:

H.R. 9075

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding any other provision of law, a Member may purchase, upon leaving office or otherwise ceasing to be a Member (except by expulsion), any item or items of office equipment or office furnishings provided by the General Services Administration and then currently located and in use in the office space of such Member in the district then represented by such Member.

(b) Each purchase of equipment or furnishings under subsection (a) of this section shall be—

(1) in accordance with regulations which shall be prescribed by the Committee on House Administration, after consultation with the General Services Administration; and

(2) at a price equal to the acquisition cost to the Federal Government of the equipment or furnishings so purchased, less allowance for depreciation determined under such regulations.

(c) Amounts received by the Federal Government from the sale of items of office equipment or office furnishings under this section shall be remitted to the General Services Administration and credited to the appropriate account or accounts.

(d) For the purposes of this section—

(1) "Member" means a Member of, Delegate to, or Resident Commissioner in, the House of Representatives; and

(2) "district" means a congressional district, the District of Columbia (with respect to any office of the Delegate from the District of Columbia situated at any place in the District other than at the United States Capitol), the Virgin Islands, Guam, Puerto Rico, and, in the case of a Representative at Large, a State.

SEC. 2. (a) Notwithstanding any other provision of law, a United States Senator may purchase, upon leaving office or otherwise ceasing to be a Senator (except by expulsion), any item or items of office equipment or office furnishings provided by the General Services Administration and then currently located and in use in the office space of such Senator in the State then represented by such Senator.

(b) At the request of any United States Senator, the Sergeant-at-Arms of the Senate shall arrange for and make the purchase of equipment and furnishings under subsection (a) of this section on behalf of such Senator. Each such purchase shall be—

(1) in accordance with regulations which shall be prescribed by the Committee on Rules and Administration of the Senate, after consultation with the General Services Administration; and

(2) at a price equal to the acquisition cost to the Federal Government of the equipment or furnishings so purchased, less allowance for depreciation determined under such regulations.

(c) Amounts received by the Federal Government from the sale of items of office equipment or office furnishings under this section shall be remitted to the General Services Administration and credited to the appropriate account or accounts.

The SPEAKER. Is a second demanded?

Mr. DICKINSON. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, this is a bipartisan bill introduced by the distinguished gentleman from Alabama (Mr. DICKINSON) supported unanimously in the Subcommittee on Accounts and by the Committee on House Administration.

The purpose of this bill is simple. It allows Members who leave Congress, except for expulsion, to purchase the furnishings provided by the GSA for their offices at their depreciated value. In the usual course of events when one leaves and has GSA provided furniture, that furniture is sent for by GSA, tossed into the nearest GSA warehouse and made available to the public on a bid basis in the same manner in which the Members would be able to purchase the furnishings under this bill.

Mr. GROSS. Mr. Speaker, would the gentleman yield for one question?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

Is this bill limited strictly and entirely to the equipment in the Member's district office or offices?

Mr. THOMPSON of New Jersey. Yes, it is, I will say to my colleague from Iowa. It does not relate at all to the furnishings in the three House buildings, in our Washington offices. It is limited entirely to furnishings in one's district office or offices.

Mr. GROSS. I thank the gentleman.

Mr. THOMPSON of New Jersey. Mr. Speaker, I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Speaker, I think there is a very real need for this legislation. I was surprised to learn that upon retirement a Member of Congress is not allowed to buy at the actual value the furnishings in the district office.

I do not intend to use this privilege at any time, but some Members do.

This simply permits a Member if he elects to do so to purchase from GSA the furnishings and equipment in his district office back home at its depreciated value.

It is better than putting it back in the GSA warehouse. I do not know where it goes from there.

I think it is reasonable. I think it is a service to the Members and I urge its passage.

The SPEAKER. The question is on the motion offered by the gentleman from New Jersey, that the House suspend the rules and pass the bill H.R. 9075, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to authorize the disposition of certain office equipment and furnishings, and for other purposes.".

A motion to reconsider was laid on the table.

TO PROVIDE SALARY INCREASES FOR MEMBERS OF POLICE FORCE OF THE LIBRARY OF CONGRESS

Mr. NEDZI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 10840) to amend the act of August 4, 1950 (64 Stat. 411), to provide salary increases for members of the police force of the Library of Congress.

The Clerk read as follows:

H.R. 10840

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act of August 4, 1950 (64 Stat. 411; 2 U.S.C. 167), is amended to read as follows:

"That (a) The Librarian of Congress may designate employees of the Library of Congress as special policemen for duty in connection with policing of the Library of Congress buildings and grounds and adjacent streets and shall fix their rates of basic pay as follows:

"(1) Private GS–7—step one through five;

"(2) Sergeant GS–8—step one through five;

"(3) Lieutenant GS–9—step one through five;

"(4) Senior Lieutenant GS–10—step one through five; and

"(5) Captain GS–11—step one through seven.

"(b) The Librarian of Congress may apply the provisions of subchapter V of chapter 55 of title 5, United States Code, to members of the special police force of the Library of Congress."

SEC. 2. The amendment made by this Act shall take effect on the first day of the first pay period which begins on or after the date of enactment of this Act.

The SPEAKER. Is a second demanded?

Mr. DICKINSON. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. NEDZI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of H.R. 10840 is to increase the pay scale of Library of Congress Police officers to a level competitive with those of other Federal police forces in this area.

Prior to 1968, Library Police were covered by the Classification Act of 1949, which kept their salaries constant with that of police at the General Services Administration. However, pursuant to Public Law 90–610, approved in that year, the Library force was removed from the Classification Act and were assigned pay grades with step 5 ceilings in each. There are normally 10 steps in each grade.

Given the pay scales of other forces in the metropolitan area, the Library is left in a poor competitive position to recruit and retain first-rate individuals. As a result, the Library for the past 3 years has found it necessary to pay new privates, sergeants, and junior lieutenants at the maximum levels. Under present law, these individuals would be denied further pay increases unless promoted.

The committee has conducted a study of Library Police statutory responsibilities and actual functioning. They have concluded that while valuable Library collections, staff, and public visitors require an experienced and reliable police force, the force's actual duties are more custodial than law enforcement in nature. There is virtually no crime problem at Library facilities; instead, Library officers deal with building safety, public complaints, and the prevention of unauthorized removal of Library materials. In short, the duties of Library Police are not comparable to those of the Capitol Police. However, the work of the Library force is similar to that of other Federal police in the area.

The bill would raise the grade levels of Library privates, sergeants, junior lieutenants, senior lieutenants, and captain from the equivalents of, respectively, grades 5, 6, 7, 9, and 10 of the civil service classification schedule to the equivalents of, respectively, grades 7, 8, 9, 10, and 11. The step 5 ceiling within each grade would be retained, except that the captain of the Library force would be permitted a step 7 ceiling. These increases would place the Library scale in a somewhat superior position to that of the General Services Administration, and would virtually equate Library compensation with that of the National Zoological Park force. Library Police salaries would continue to trail substantially those of the Capitol Police.

Last summer, the Senate approved a bill containing the same grade increases as in H.R. 10840, but which also removed all Step ceilings within grades. In your committee's view, the Senate bill's removal of the step ceilings is unwarranted. Accordingly, the Committee on House Administration unanimously endorsed this alternate measure.

It is my belief that the pay adjustments in H.R. 10840 are appropriate in view of the duties of the Library force; at the same time, the bill provides an equitable increase to insure that the Library of Congress can continue to attract and retain qualified officers. I urge approval of this legislation.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. NEDZI. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding. I appreciate the gentleman's explanation, but I still am not clear as to why, in the matter of pay, this bill should give to the police of the Library of Congress superior pay status to those in the General Services Administration and the National Zoological Park Service.

Mr. NEDZI. Mr. Speaker, it was felt by the people in the Library of Congress that they will not be able to attract people at the GSA pay schedule. It does provide for compensation which is equal to that of the zoological park system. I might say to the gentleman from Iowa that people working for the Library of Congress have somewhat different duties than most GSA guards who do not handle crowds and this type of thing.

The GSA pay scale covers custodial employees who do not have quite the contact with the public that these others have.

Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan (Mr. NEDZI) that the House suspend the rules and pass the bill H.R. 10840.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

TO REMOVE THE RESTRICTION ON CHANGE OF SALARY OF FULL-TIME REFEREES

Mr. EDWARDS of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3490) to amend section 40b of the Bankruptcy Act—11 U.S.C. 68(b)—to remove the restriction on change of salary of full-time referees.

The Clerk read as follows:

H.R. 3490

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sub-

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division b of section 40 of the Bankruptcy Act (11 U.S.C. 68(b)) is amended to read as follows:

"b. The conference, in the light of the recommendations of the councils, made after advising with the district judges or decrease any salary, within the limits prescribed in subdivision a of this section, if there has been a material increase or decrease in the volume of business or other change in the factors which may be considered material in fixing salaries: *Provided, however*, That during the tenure of any full-time referee his salary shall not be reduced below that at which he was originally appointed under this amendatory Act, and during any term of any such referee his salary shall not be reduced below the salary fixed for him at the beginning of that term."

The SPEAKER. Is a second demanded?

Mr. WIGGINS. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. EDWARDS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I move to suspend the rules and pass the bill, H.R. 3490, to amend section 40b of the Bankruptcy Act (11 U.S.C. 68(b)) to remove the restriction on change of salary of full-time referees.

The purpose of this bill is to eliminate the 2-year restriction on changes of salary for full-time referees in bankruptcy.

Full-time referees in bankruptcy alone among all legislative, executive and judicial offices subject to the Postal Revenue and Federal Salary Act may be barred from receiving salary increases as and when they are recommended by the Commission on Executive, Legislative, and Judicial Salaries and approved by Congress.

In 1946, section 40 of the Bankruptcy Act was enacted in substantially its present form by the Referee's Salary Act. This section, along with section 37 of the act, is the heart of the legislation which removed referees from the fee-collecting system of compensation and placed them on a salary basis.

Within the past 4-year period, the Judicial Conference of the United States has taken certain actions which have had the practical effect of changing this system. Upon recommendation of its Bankruptcy Committee, the Judicial Conference adopted a statement of policy that all full-time referees should be paid at the same rate within the limit upon such salaries established by the Presidential Salary Commission.

The Conference later, in 1971, adopted a policy that referees' salaries should be set at from 75 to 80 percent of the salaries of U.S. district judges. The last increase received by referees was effective November 1, 1972, when the Judicial Conference approved a recommendation by the Director of the Administrative Office of the U.S. Court of 5.5 percent, which was the equivalent of the increase given to graded Government employees under the economic stabilization amendments—in other words, a cost of living increase.

Under section 40(b), as it is presently stated, the next increase that can be considered for referees would be in November of 1974. The "2-year rule" is obsolete. It singles out referees in bankruptcy to suffer a lag in cost of living increases and other compensation adjustments. The circumstances which prevailed when the "2-year rule" was enacted are far different today. This restriction should be removed so that referees' salaries will simply be adjusted or not adjusted along with salaries of other personnel in the court system.

The repeal of this 2-year proviso has been urged by the Judicial Conference of the United States and was proposed and is supported by the Administrative Office of the U.S. Courts.

We are unaware of any opposition to the repeal proposed in this legislation.

Mr. Speaker, I urge favorable consideration on this resolution.

Mr. WIGGINS. Mr. Speaker, I rise in support of H.R. 3490, a bill to delete that portion of Section 40(b) of the Bankruptcy Act (11 U.S.C. 68[b]) which limits the authority of the Judicial Conference of the United States to adjust the salaries of Federal referees in bankruptcy more often than once in any 2-year period and in an amount of less than $250.

The salaries of referees are fixed by the Judicial Conference pursuant to section 40 of the Bankruptcy Act. That statute provides that a referee can receive a maximum of $36,000 per year. Section 40 further provides that the conference, in fixing a salary, shall consider a referee's workload, the asset size of his cases, and certain other factors. (11 U.S.C. 68[a]). However, currently all of the 190 full time referees are paid the maximum salary authorized by the Judicial Conference, $31,625, because of their uniformly heavy caseloads.

The notion that the application of statutory criteria would cause referees salaries to frequently gyrate up and down has been obselete for many years. The Judicial Conference testified that a salary adjustment of less than $250 is not a realistic possibility.

The restriction in section 40(b) of the act which this bill will eliminate now works an unfair hardship on all full time referees that Congress never intended. The Judicial Conference approved a "cost of living" adjustment in the rate of pay of referees effective November 1, 1972. Their salaries were raised from $30,000 per year to $31,625 per year. However, the referees are now in a unique position among all other government employees of being ineligible for a pay increase until November 1, 1974.

If H.R. 3490 is passed, it will not change the salaries of referees in bankruptcy. However, if the Judicial Conference decides to raise their salaries, within the existing maximum rate, whether to pass along a "cost of living" increase, or for any other reason, it should not be encumbered by this outdated restriction.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, did I understand the gentleman to say that this bill does not put referees in bankruptcy with other Federal employees on the pay escalator which operates in accordance with cost-of-living increases?

Mr. WIGGINS. No, sir, it does not. Pay increases amounting to a cost-of-living increase are not automatic as to referees. They must be approved by the Judicial conference.

Mr. GROSS. They must be approved by the Judicial Council?

Mr. WIGGINS. Yes, sir.

Mr. GROSS. And henceforth they can be approved every 6 or 12 months and not necessarily every 2 or 3 years?

Mr. WIGGINS. That is correct. It is contemplated they will be just like other employees and when other employees are given a cost-of-living increase, then it is contemplated that referees may be treated accordingly.

Mr. GROSS. I thank the gentleman. I have no further questions.

The SPEAKER. The question is on the motion of the gentleman from California (Mr. EDWARDS) that the House suspend the rules and pass the bill H.R. 3490.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

TRANS-ALASKA PIPELINE LEGISLATION

(Mr. MELCHER asked and was given permission to address the House for 1 minute.)

Mr. MELCHER. Mr. Speaker, the conference committee report on S. 1081, the Alaska pipeline bill, was signed last week. It is the intention of myself and the chairman of the conference committee, Chairman HALEY of the Interior and Insular Affairs Committee, to call that conference report up for consideration of the House tomorrow.

FEDERAL FINANCING BANK ACT OF 1973

Mr. ULLMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5874) to establish a Federal Financing Bank, to provide for coordinated and more efficient financing of Federal and federally assisted borrowings from the public, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5874

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Financing Bank Act of 1973".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. The Congress finds that demands for funds through Federal and federally assisted borrowing programs are increasing faster than the total supply of credit and

that such borrowings are not adequately coordinated with overall Federal fiscal and debt management policies. The purpose of this Act is to assure coordination of these programs with the overall economic and fiscal policies of the Government, to reduce the costs of Federal and federally assisted borrowings from the public, and to assure that such borrowings are financed in a manner least disruptive of private financial markets and institutions.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(1) The term "Federal agency" means an executive department, an independent Federal establishment, or a corporation or other entity established by the Congress which is owned in whole or in part by the United States.

(2) The term "obligation" means any note, bond, debenture, or other evidence of indebtedness, but does not include Federal Reserve notes or stock evidencing an ownership interest in the issuing Federal agency.

(3) The term "guarantee" means any guarantee, insurance, or other pledge with respect to the payment of all or part of the principal or interest on any obligation, but does not include the insurance of deposits, shares, or other withdrawable accounts in financial institutions, or any guarantee or pledge arising out of a statutory obligation to insure such deposits, shares, or other withdrawable accounts.

(4) The term "Bank" means the Federal Financing Bank established by section 4 of this Act.

CREATION OF BANK

SEC. 4. There is hereby created a body corporation to be known as the Federal Financing Bank, which shall have succession until dissolved by an Act of Congress. The Bank shall be subject to the general supervision and direction of the Secretary of the Treasury. The Bank shall be an instrumentality of the United States Government and shall maintain such offices as may be necessary or appropriate in the conduct of its business.

BOARD OF DIRECTORS

SEC. 5. (a) The Bank shall have a Board of Directors consisting of five persons, one of whom shall be the Secretary of the Treasury as Chairman of the Board, and four of whom shall be appointed by the President from among the officers or employees of the Bank or of any Federal agency. The Chairman and each other member of the Board may designate some other officer or employee of the Government to serve in his place.

(b) The Board of Directors shall meet at the call of its Chairman. The Board shall determine the general policies which shall govern the operations of the Bank. The Chairman of the Board shall select and effect the appointment of qualified persons to fill such offices as may be provided for in the bylaws, and such persons shall be the executive officers of the Bank and shall discharge such executive functions, powers, and duties as may be provided for in the bylaws or by the Board of Directors. The members of the Board and their designees shall not receive compensation for their services on the Board.

FUNCTIONS

SEC. 6. (a) The Bank is authorized to make commitments to purchase and sell, and to purchase and sell on terms and conditions determined by the Bank, any obligation which is issued, sold, or guaranteed by a Federal agency. Any Federal agency which is authorized to issue, sell, or guarantee any obligation is authorized to issue or sell such obligations directly to the Bank.

(b) Any purchase by the Bank shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration (1) the current average yield on outstanding marketable obligations of the United States of comparable maturity, or (2) whenever the Bank's own obligations outstanding are sufficient, the current average yield on outstanding obligations of the Bank of comparable maturity.

(c) The Bank is authorized to charge fees for its commitments and other services adequate to cover all expenses and to provide for the accumulation of reasonable contingency reserves.

TREASURY APPROVAL

SEC. 7. (a) To insure the orderly and coordinated marketing of Treasury and Federal agency obligations and appropriate financing planning with respect thereto, and to facilitate the effective financing of programs authorized by law subject to the applicable provisions of such law, the prior approval of the Secretary of the Treasury shall be required with respect to—

(1) the method of financing,

(2) the source of financing,

(3) the timing of financing in relation to market conditions and financing by other Federal agencies, and

(4) the financing terms and conditions, including rates of interest and maturities, of obligations issued or sold by any Federal agency; except that the approval of the Secretary of the Treasury shall not be required with respect to obligations issued or sold pursuant to an Act of Congress which expressly prohibits any guarantee of such obligations by the United States.

(b) Upon receipt of a request from a Federal agency for his approval under subsection (a) of this section, the Secretary of the Treasury shall act promptly either to grant his approval or to advise the agency of the reasons for withholding his approval. In no case shall the Secretary of the Treasury withhold such approval for a period longer than one hundred and twenty days unless, prior to the end of such period, he submits to the Congress a detailed explanation of his reasons for so doing. Expedited treatment shall be accorded in any case in which the Federal agency advises the Secretary of the Treasury that unusual circumstances require such treatment.

(c) Federal agencies subject to this section shall submit financing plans to the Secretary of the Treasury at such times and in such forms as he shall prescribe.

INITIAL CAPITAL

SEC. 8. The Secretary of the Treasury is authorized to advance the funds necessary to provide initial capital to the Bank. Each such advance shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury, taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturity. Interest payments on such advances may be deferred, at the discretion of the Secretary, but any such deferred payments shall themselves bear interest at the rate specified in this section. There is authorized to be appropriated not to exceed $100,000,000, which shall be available for the purposes of this section without fiscal year limitation.

OBLIGATIONS OF THE BANK

SEC. 9. (a) The Bank is authorized, with the approval of the Secretary of the Treasury, to issue publicly and have outstanding at any one time not in excess of $15,000,000,000 or such additional amounts as may be authorized in appropriations Acts, of obligations having such maturities and bearing such rate or rates of interest as may be determined by the Bank. Such obligations may be redeemable at the option of the Bank before maturity in such manner as may be stipulated therein. So far as is feasible, the debt structure of the Bank shall be commensurate with its asset structure.

(b) The Bank is also authorized to issue its obligations to the Secretary of the Treasury and the Secretary of the Treasury may in his discretion purchase or agree to purchase any such obligations, and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds of the sale of any securities hereafter issued under the Second Liberty Bond Act, and the purposes for which securities may be issued under the Second Liberty Bond Act are extended to include such purchases. Each purchase of obligations by the Secretary of the Treasury under this subsection shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury, taking into condition the current average yield on outstanding marketable obligations of the United States of comparable maturity. The Secretary of the Treasury may sell, upon such terms and conditions and at such price or prices as he shall determine, any of the obligations acquired by him under this subsection. All purchases and sales by the Secretary of the Treasury of such obligations under this subsection shall be treated as public debt transactions of the United States.

(c) The Bank may require the Secretary of the Treasury to purchase obligations of the Bank issued pursuant to subsection (b) in such amounts as will not cause the holding by the Secretary of the Treasury resulting from such required purchases to exceed $5,000,000,000 at any one time. This subsection shall not be construed as limiting the authority of the Secretary to purchase obligations of the Bank in excess of such amount.

(b) Obligations of the Bank issued pursuant to this section shall be lawful investments, and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority or control of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States, or any agency or instrumentality of any of the foregoing, or any officer or offices thereof.

GENERAL POWERS

SEC. 10. The Bank shall have power—

(1) to sue and be sued, complain and defend, in its corporate name;

(2) to adopt, alter, and use a corporate seal, which shall be judicially noticed;

(3) to adopt, amend, and repeal bylaws, rules, and regulations as may be necessary for the conduct of its business;

(4) to conduct its business, carry on its operations, and have offices and exercise the powers granted by this Act in any State without regard to any qualification or similar statute in any State;

(5) to lease, purchase, or otherwise acquire, own, hold, improve, use, or otherwise deal in and with any property, real, personal, or mixed or any interest therein wherever situated;

(6) to accept gifts or donations of services, or of property, real, personal, or mixed, tangible or intangible, in aid of any of the purposes of the Bank;

(7) to sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of its property and assets;

(8) to appoint such officers, attorneys, employees, and agents as may be required, to define their duties, to fix and to pay such compensation for their services as may be determined, subject to the civil service and classification laws, to require bonds for them and pay the premium therof;

(9) to enter into contracts, to execute instruments to incur liabilities, and to do all things as are necessary or incidental to the proper management of its affairs and the proper conduct of its business;

(10) to act through any corporate or other agency or instrumentality of the United

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States, and to utilize the service thereof on a reimbursable basis, and any such agency or instrumentality is authorized to provide services as requested by the Bank; and

(11) to determine the character of and the necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid, subject to provisions of law specifically applicable to Government corporations.

EXEMPTIONS

SEC. 11. (a) The Bank, its property, its franchise, capital, reserves, surplus, security holdings, and other funds, and its income shall be exempt from all taxation now or hereafter imposed by the United States or by any State or local taxing authority; except that (1) any real property and any tangible personal property of the Bank shall be subject to Federal, State, and local taxation to the same extent according to its value as other such property is taxed, and (2) any obligation issued by the Bank shall be subject to Federal taxation to the same extent as obligations of private corporations are taxed.

(b) All obligations issued by the Bank pursuant to this Act shall be deemed to be exempted securities within the meaning of section 3(a)(2) of the Securities Act of 1933 (15 U.S.C. 77c(a)(2)), of section 3(a)(12) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(12)), and of section 304(a)(4) of the Trust Indenture Act of 1939 (15 U.S.C 77ddd(a)(4)).

(c) Nothing herein shall affect the budget status of the Federal agencies selling obligations to the Bank under section 6(a) of this Act, or the method of budget accounting for their transactions. The receipts and disbursements of the Bank in the discharge of its functions shall not be included in the totals of the budget of the United States Government and shall be exempt from any general limitation imposed by statute on expenditures and net lending (budget outlays) of the United States.

PREPARATION OF OBLIGATIONS

SEC. 12. In order to furnish obligations for delivery by the Bank, the Secretary of the Treasury is authorized to prepare such obligations in such form as the Bank may approve, such obligations when prepared to be held in the Treasury subject to delivery upon order by the Bank. The engraved plates, dies, bed pieces, and other material, executed in connection therewith shall remain in the custody of the Secretary of the Treasury. The Bank shall reimburse the Secretary of the Treasury for any expenditures made in preparation, custody, and delivery of such obligations.

ANNUAL REPORT

SEC. 13. The Bank shall, as soon as practicable after the end of each fiscal year, transmit to the President and the Congress an annual report of its operations and activities.

OBLIGATIONS ELIGIBLE FOR PURCHASE BY NATIONAL BANKS

SEC. 14. The sixth sentence of the seventh paragraph of section 5136 of the Revised Statutes, as amended (12 U.S.C. 24), is amended by inserting "or obligations of the Federal Financing Bank" immediately after "or obligations, participations, or other instruments of or issued by the Federal National Mortgage Association or the Government National Mortgage Association,".

GOVERNMENT CORPORATION CONTROL ACT

SEC. 15. The budget and audit provisions of the Government Corporation Control Act (31 U.S.C. 841 et seq.) shall be applicable to the Federal Financing Bank in the same manner as they are applied to the wholly owned Government corporations named in section 101 of such Act (31 U.S.C. 846).

PAYMENTS ON BEHALF OF PUBLIC BODIES

SEC. 16. (a) Notwithstanding any other provision of this Act, purchase by the Bank of the obligations of any local public body or agency within the United States shall be made upon such terms and conditions as may be necessary to avoid an increase in borrowing costs to such local public body or agency as a result of the purchase by the Bank of its obligations. The head of the Federal agency guaranteeing such obligations, in consultation with the Secretary of the Treasury, shall estimate the borrowing costs that would be incurred by the local public body or agency if its obligations were not sold to the Bank.

(b) The Federal agency guaranteeing obligations purchased by the Bank may contract to make periodic payments to the Bank which shall be sufficient to offset the costs to the Bank of purchasing obligations of local public bodies or agencies upon terms and conditions as prescribed in this section rather than as prescribed by section 6. Such contracts may be made in advance of appropriations therefor, and appropriations for making payments under such contracts are hereby authorized.

NO IMPAIRMENT

SEC. 17. Nothing in this Act shall be construed as impairing any authority or responsibility of the President or the Secretary of the Treasury under any other provision of law, nor shall anything in this Act affect in any manner any provision of law concerning the right of any Federal agency to sell obligations to the Secretary of the Treasury or the authority or responsibility of the Secretary of the Treasury to purchase such obligations.

PROGRAM LIMITATION

SEC. 18. Nothing in this Act shall be construed as authorizing an increase in the amounts of obligations issued, sold, or guaranteed by any Federal agency which issues, sells, or guarantees obligations purchased by the Bank.

SEPARABILITY

SEC. 19. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected.

EFFECTIVE DATE

SEC. 20. This Act becomes effective upon the date of its enactment, except that section 7 becomes effective upon the expiration of thirty days after such date.

The SPEAKER. Is a second demanded?

Mr. CONABLE. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. ULLMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill, H.R. 5874, establishes a Federal Financing Bank for centralizing the marketing of Federal and federally assisted borrowing activities. Additionally, the bill requires most Federal agencies to submit to the Secretary of the Treasury for his advance approval their financing plans for securities they will sell or issue.

Mr. Speaker, this bill is necessary because of the substantial increase in Federal credit programs in recent years. With this increase in Federal borrowings, many Federal agencies have had to finance their own programs through the securities markets. This has required these agencies to deal with debt management problems, which has taken away in some respects from their program functions. The increase of Federal agency issues also has raised borrowing costs to the Federal Government because of the competition among Federal security issues, the specialized nature of many Federal securities, and the consequent limited markets in which they are sold. Many of these issues are not coordinated with Treasury financial management advisers, and this lack of coordination has made these financing problems worse.

Mr. Speaker, the Federal Financing Bank created by this bill would work to correct these problems. The bank would be able to purchase securities issued, sold, or guaranteed by all Federal agencies, and in turn could sell its own obligations on the securities market. In this way, the bank could centralize the financing of Federal agency obligations. It could decrease the cost of Federal borrowings, by providing expertise and flexibility in the securities market and by issuing a single widely accepted security backed by the Federal Government. The Federal Financing Bank would be an instrumentality of the U.S. Government, subject to the general direction and control of the Secretary of the Treasury.

In addition to establishing the Federal Financing Bank, this bill would require most Federal agencies to submit their financing plans to the Secretary of the Treasury for his advance approval. In this way, the Secretary would be able to coordinate the securities issued and sold by the Federal agencies. However, the bill does not include the TVA in this advance approval requirement, to maintain the independence of the TVA.

The bill does not give the Secretary of the Treasury any new authority to review obligations guaranteed by the Federal Government, such as guaranteed local public housing bonds or guaranteed merchant marine bonds. However, the bill does provide that guaranteed obligations may be sold to the Federal Financing Bank on a voluntary basis. Advance approval by the Secretary of the Treasury was not extended to guaranteed issues at this time because of questions raised about the possible impact of this review on some securities issues. This decision can be reconsidered at a later time when we have more experience with the Federal Financing Bank.

Mr. Speaker, the bill provides that obligations of the Federal Financing Bank are subject only to Federal taxation, and not taxation by State and local governments. This conforms to the existing tax treatment of Federal obligations.

Finally, the bill makes it clear that no additional authority is provided for the Federal Government to borrow or guarantee borrowings.

Mr. Speaker, this bill has been reported unanimously by the Ways and Means Committee and the Treasury Department recommends its enactment. I urge that the bill be adopted.

Mr. CONABLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support H.R. 5874, as reported by the Ways and Means Committee. This measure would establish a Federal Financing Bank to provide for coordinated and more efficient financing of Federal and federally assisted borrowings from the public. It would do so by shifting the debt management problems from program agencies to a Federal Financing Bank, by insuring the coordination of the financial management of agency programs which place or guarantee debt issues in the market and by providing that Federal and federally assisted borrowings are financed in a way least disruptive to private financial markets and institutions.

During the last Congress, the Senate passed legislation similar to the bill presently before us. The Ways and Means Committee considered and reported with certain amendments the Senate-passed bill but due to the lateness of the session, it was not brought to the House for consideration. H.R. 5874 with one clarifying technical amendment is identical to the bill approved by our committee last year. In June, the Senate passed similar legislation.

The establishment of a Federal Financing Bank is a priority item for the administration and H.R. 5874 has the support of the Treasury Department. Basically, it provides for a Federal Financing Bank which would be a focal point for the marketing of Federal and federally assisted borrowing activities. In addition, the bill calls for advance submission of financing plans to the Secretary of the Treasury and for Treasury approval of the method and source of financing, timing, rates of interest, maturities, and all other financing terms and conditions of financing of Federal obligations. It is anticipated that as a result of the coordination in Federal borrowing programs, which this bill should insure, significant economies will be effected.

Under Secretary of the Treasury for Monetary Affairs, Paul A. Volcker, in testimony before the Ways and Means Committee in support of H.R. 5874, highlighted the need for this legislation by noting the growing tendency to finance credit programs directly in the securities markets rather than through lending institutions. In addition, he pointed out that the borrowing costs of the various Federal agency financing methods normally exceed Treasury borrowing costs, because of the proliferation of competing issues, the cumbersome nature of many of the securities, problems of timing and size of issues, limited markets in which they are sold and underwriting costs.

Under the bill, these debt management problems could be shifted from the program agencies to the Federal Financing Bank. The Bank would be able to buy the obligations of the Federal agencies and those guaranteed by Federal agencies and, in turn, issue its own securities. Financing of these programs through the Bank would relieve the various Federal agencies of the debt management problems, minimize the cost of such management and assure greater flexibility and a broader market for the securities.

The committee, however, did not believe that the advance approval should be required for obligations issued under an act of Congress which expressly prohibits any U.S. guarantee of these obligations. As a result, the bill excludes obligations of this type from the provisions in the bill requiring advance Treasury approval. The Tennessee Valley Authority's obligations would be excluded by this amendment.

In summary, this measure should provide for more effective management of the Federal borrowing programs which presently operate independent of one another. The coordination which will be effected by the Federal Financing Bank should produce savings to the Government overall and make it easier for the various agencies involved in the borrowing programs to finance their programs. As a result, this bill should be approved.

Mr. Speaker, I yield 4 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, I have not heard thus far a good reason for the establishment of this Federal Financing Bank. I note that on page 6 of the report it states:

> Federal agencies issuing or selling obligations would be required to submit financing plans to the Secretary.

And so on; but on page 5 I note this language:

> Thus, the bill does not cover the Federal Reserve System or the five federally sponsored but wholly privately owned agencies, including the Federal land banks . . .

And so on.

If Congress is now going to create a Federal Financing Bank, why these exceptions and exemptions from its purview? And why have a Federal Financing Bank to cost in its inception $100 million?

Mr. ULLMAN. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Oregon.

Mr. ULLMAN. I will say to the gentleman that the Government is already, as the gentleman knows, in the credit business in a very widespread way. Many, many agencies of Government do issue their own paper, as the gentleman knows. This does not in any way expand that authority or infringe upon any other jurisdiction. All this does is provide a Federal bank that would coordinate these sales of securities by the Federal agencies.

When we have private agencies in an uncoordinated way issuing their securities willy-nilly, it results in not only inefficiencies, but extra cost to the Government. The Department of the Treasury keeps a good eye on the market, and by coordinating these sales that would go into the market anyway, by coordinating them in an orderly way, we think that we can save the Government money by getting lower interest rates, and we can also bring the market impact of these offerings to a minimum basis.

Mr. GROSS. Let me ask the gentleman why, if the Department of the Treasury is interested in this kind of legislation, there is no statement in the report to indicate that is the case? There are no departmental reports, no Bureau of the Budget report, no departmental report of any kind accompanying this bill.

Mr. ULLMAN. I would say to the gentleman that this bill is the result of an urgent recommendation by the Department of the Treasury, fully endorsed by this administration. We bring it to the Members at this time because of a special pleading on the part of the Secretary of the Treasury and the administration that we should move forward in this area so that they can begin coordinating the activities of the sales of securities. The Committee on Ways and Means had a public hearing on the proposal in March of this year.

Mr. GROSS. What is the urgency? We have gotten along pretty well without the creation of still another bank and another bureaucracy in the Federal Government, and this apparently will be an expensive one. Consider the fact that the bill asks for $100 million apparently for administrative costs, in other words, to get it off the ground.

Mr. ULLMAN. I would say to the gentleman from Iowa, if he will yield further, that it is our feeling that this bank will save the Government far more money through the coordinating of the issuance of securities than it woud cost for administrative purposes.

The SPEAKER. The time of the gentleman has expired.

Mr. CONABLE. Mr. Speaker, I yield 2 additional minutes to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman.

Mr. ULLMAN. Will the gentleman yield further?

Mr. GROSS. I yield to the gentleman from Oregon.

Mr. ULLMAN. The gentleman is as concerned as I am about the increasing proliferation of the issuance of credit and other types of securities on the part of Government agencies.

All of this proliferation of paper which does not come under the national debt and is issued by these agencies is a matter of concern. I think it is high time that we started to coordinate this whole area of financing activity on the part of the Government agencies.

Mr. GROSS. Turning to page 8 of the bill, beginning on line 6, it says:

> (c) The Bank may require the Secretary of the Treasury to purchase obligations of the Bank issued pursuant to subsection (b) in such amounts as will not cause the holding by the Secretary of the Treasury resulting from such required purchases to exceed $5,000,000,000 at any one time.

Is this the $5 billion provision that we have been extending periodically to provide a so-called cushion for the Treasury in financing the Government, and which the late Senator Taft called "the printing press money provision"?

Mr. ULLMAN. Will the gentleman give me the reference again to the point in the bill?

Mr. GROSS. It is on page 8, beginning on line 6. Is that the $5 billion provision that has been periodically extended?

Mr. ULLMAN. It says:

> The Bank may require the Secretary of the Treasury to purchase obligations of the Bank issued pursuant to subsection (b)—

That is the basic authority—

> in such amounts as will not cause the holding by the Secretary of the Treasury resulting from such required purchases to exceed $5,000,000,000 at any one time.

XUM

That is a limitation on the amount of these securities that the Bank can acquire and can hold at any one time.

Mr. GROSS. Evidently that provision is being taken from existing law and put into this bill and is the same as that about which I raised the question.

Mr. ULLMAN. It is merely a limiting factor on the activities of the Bank, I would say.

Mr. GROSS. What does the $15 billion refer to?

The SPEAKER. The time of the gentleman has expired.

Mr. CONABLE. I yield the gentleman from Iowa 1 minute.

Mr. ULLMAN. Mr. Speaker, if the gentleman will yield further, the $15 billion is another limitation on the extent to which the Bank can issue and have outstanding at any one time its obligations.

Mr. GROSS. Mr. Speaker, I regret very much that this bill is brought to the House floor under suspension of the rules. This is a bill involving the handling of a tremendous amount of money. It provides for the creation of a brand-new setup in the Federal Government, in the form of a Federal Financing Bank. It deserves much more attention from the House of Representatives than can be obtained under this seriously limited debate and procedure by which amendments are precluded. I regret very much that this bill has not been brought up under a rule, and I must vote against it.

Mr. ROUSSELOT. I thank the gentleman for yielding.

Mr. Speaker, I would like to direct some questions to the gentleman from Oregon.

Is it not true that most of the functions described in this bill are presently performed by the Treasury Department?

Mr. ULLMAN. With respect to the handing of obligations?

Mr. ROUSSELOT. The handling of obligations and so forth.

Mr. ULLMAN. Yes, as to Treasury obligations.

Mr. ROUSSELOT. Have they been doing such a bad job up until now? Is another agency handling it?

Mr. ULLMAN. But they cannot do it with respect to other agency obligations. For example on page 49 of the hearings, you will see a list of a number of different agencies, involved in the securities market including the Export-Import Bank, HEW-guaranteed medical facility loans, public housing bonds, Rural Telephone Bank, Small Business Investment Corporation, and the Student Loan Marketing Association, and so on.

Mr. ROUSSELOT. I am aware that the Federal Government is in the money market too much. We certainly agree with that. My point is that is it not true that the Secretary of the Treasury presently has supervisory authority and control of much that is accomplished? Why do we need the addtional bureaucracy? Do we not have adequate machinery now to take care of it?

Mr. ULLMAN. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman.

Mr. ULLMAN. The only reason we have this bill is because the Treasury does not now have that coordinating authority under the law. All this would do would be to give the Treasury the coordinating authority which the gentleman refers to over these obligations that are issued by the various agencies outside the Treasury that are covered under the bill.

Mr. ROUSSELOT. Would not the gentleman agree that one of the best things that Congress could do to come to grips with this basic problem and what caused it is to stop going so far into debt, constantly creating more debt, to support the bill, offered by the gentleman and others, that came out of the Joint Committee on Budget Control, to begin to control the expenditure situation here, so we do not go so far into debt and require the Treasury Department to be constantly in the money market?

Mr. ULLMAN. I could not agree with the gentleman more, but under the existing circumstances this is at least a step in the right direction where we reach out and try to coordinate some of these proliferating issues on the part of the agencies.

Mr. ROUSSELOT. Is the gentleman convinced that this legislation will put some kind of control on this, rather than encouraging the Federal Government to go into debt?

Mr. ULLMAN. Although we are not in any way attempting to impinge on the jurisdiction of any other committee or any other Department, we feel that by coordinating these various issues it is a step in the right direction for putting them all together on a meaningful basis.

Mr. CONABLE. Mr. Speaker, will the gentleman yield?

Mr. ULLMAN. I will be glad to yield to the gentleman from New York.

Mr. CONABLE. This is not an increase in the authority to borrow. It does, however, give the Treasury the power to coordinate the circumstances of an issue in order to save the Government money. It does not enlarge the borrowing capacity of the Government in any way. The borrowing authority is dependent on the individual programs that will be seeking financing.

I would like to add also that the $100 million seed money is simply an authorization provided here and is still subject to appropriation. The intention that is simply to provide an opportunity to get the program moving and enable the Federal Financing Bank to buy the proffered bonds by these agencies.

The SPEAKER. The time of the gentleman has expired.

Mr. ULLMAN. Mr. Speaker, I yield myself 5 minutes.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield further?

Mr. ULLMAN. I yield to the gentleman from California.

Mr. ROUSSELOT. I appreciate the gentleman yielding.

What are these underwriting costs now? Will this new bank save costs in underwriting? If so, how much?

Mr. ULLMAN. Mr. Speaker, will the gentleman let me give an example of the higher costs of agency borrowing?

On November 5, 1973, HUD issued some new community debentures, $18 million in amount, with a 20-year maturity. The effective rate was 7.97. Now, the comparable Treasury rate at the same time during this period was 7.35. There was 0.62 percent difference, or $111,600 in interest per year for 20 years.

Let me give the gentleman a second example of the Export-Import Bank issuance of August 14, 1973. This amounted to $300 million. It was a 5-year maturity and the effective rate there was 8.39. The comparable Treasury rate during this period was 7.80. The difference was 0.59 per cent, or $1,770,000 per year for 5 years.

Mr. ROUSSELOT. Mr. Speaker, I appreciate the fact that the gentleman is trying to make the point that there is a need to better coordinate the kind of interest rates that are allowed. I appreciate that.

The point that I was making was with regard to the statement made in the report that underwriting costs are often significant initial costs. Will this bill assure that the underwriting costs will be reduced or eliminated, and if so, how?

Mr. ULLMAN. Mr. Speaker, I think I can give the gentleman every assurance that the underwriting costs will be greatly reduced, because the Treasury does its own underwriting and therefore to the extent that the Treasury issues the securities, there will be no underwriting costs.

Mr. ROUSSELOT. In other words, they will not go to private institutions?

Mr. ULLMAN. That is correct.

Mr. ROUSSELOT. And those underwriting costs will be eliminated?

Mr. ULLMAN. That is correct.

Mr. ROUSSELOT. What kind of underwriting costs totally do we have? Do we have any estimate in the hearings concerning any figures as to what the savings might be?

Mr. ULLMAN. Mr. Speaker, at present one problem is that we do not know and have no evidence of just exactly what the underwriting costs are within the various agencies now. Certainly, we should be able to balance it up, but we have not been able to. This would eliminate them.

Mr. ROUSSELOT. Mr. Speaker, I hope the committee will do tremendous surveillance on this issue to make sure that we do find that there actually is a reduction in cost and that they do not turn around and find that this bank is going out again and turning it over to underwriters and we actually have an increase in cost.

Mr. ULLMAN. Mr. Speaker, I want to assure the gentleman that the Ways and Means Committee will exercise a very stringent oversight over this operation. This is a trial operation, I would say. I think it is a good experiment in the right direction. If there are any problems developing, then I want to assure the

gentleman that we will come back to the Congress in the future.

Mr. ROUSSELOT. Mr. Speaker, I thank the gentlemen from Oregon and New York for yielding to me. I still share the concern of my colleague from Iowa that I am sorry this bill was not brought up under the normal procedure. I realize the gentleman may be anxious to move it, but I really believe it should have been more extensively discussed and open for the Members.

Mr. Speaker, I thank the gentleman.

Mr. VANIK. Mr. Speaker, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from Ohio.

Mr. VANIK. Mr. Speaker, today's legislation to establish a Federal Financing Bank is a timid but welcome step in the direction of fiscal responsibility. The Bank establishes a framework to coordinate all Federal and federally assisted borrowing from the public. The present patchwork of public debt management practices is confusing, costly, and often irrationally inflationary. The Bank, in having the authority to purchase obligations of the various Federal agencies and to issue its own obligations in turn, will undoubtedly become the focal point for future Federal financing activities.

The major shortcoming of this legislation is that it lacks teeth. Although the Bank is given the authority to pool Federal borrowing, nowhere is there language in this bill to force the agencies to funnel their debt management activities through the Bank. Under section 7(a) of the bill every Federal agency issuing obligations must submit a financing plan to the Secretary of the Treasury. However, there is no requirement that these obligations be issued through the Bank. I can foresee the situation in which an agency, impatient with the progress of the Bank, would continue to seek financing directly in the private market. In short, there is no guarantee that all debt management problems will be shifted from the program agencies to the Bank.

A more glaring weakness of this legislation is the failure to define more clearly the nature of the Federal budget and the true dimensions of the national debt. Presently, an enormous amount of the Government's financing activities occurs outside the purview of the budget and the debt ceiling.

For example, in 1971 Congress passed legislation to remove the receipts and disbursements of the Export-Import Bank from the total of the budget of the United States. At present, the Eximbank has $20 billion borrowing authority. They are requesting an additional $10 billion. The Eximbank is given complete autonomy over this borrowing authority. Elmer Staats, Comptroller General, opposed this legislation stating at that time:

> In our view, excluding the Export-Import Bank's disbursements and receipts from the budget totals would establish a highly undesirable precedent since the exclusion could with equal logic and justification be applied to other loan programs—In my opinion it is impossible to differentiate between this program and other loan programs in the budget. It would open the door to excluding other programs, a weakening of the budgetary process, and reduce the ability of Congress to establish budgetary priorities.

From data provided to me by the Treasury, it appears that the contingent liabilities of the Federal Government now approach $1 trillion. It, obviously, would be a mistake to include this total contingent liability as part of the public debt. But is it reasonable to assume that 5 percent of this liability—is likely to become debt through the failure of Federal programs. Yet the Congress has little control or say over the growth of this contingent liability/potential debt.

In view of the enormous impact of the Government's financing activities on the economy, it is vital that Congress exercise some control over the extent and condition of Federal borrowing, loans, guarantees, and insurance. The primary tool for the control of the Government's impact on the economy has historically been the budget. However, H.R. 5874 timidly sidesteps the matter of including Government borrowing activities in the budget: If a program is now financed outside the budget, that treatment would continue; if a program is now financed in the budget, that treatment would continue.

Mr. Speaker, it is clear that in the fight against inflation, a ceiling on Federal expenditures will be largely meaningless unless we harness Federal borrowing and restrain Federal guarantee of debt. As an example of this burgeoning liability of the Federal Government, I include the following table which details the alarming growth in recent years of Federal direct and guaranteed loans.

FEDERAL DIRECT AND GUARANTEED LOANS

[In billions of dollars]

Fiscal year	Amounts outstanding at end of fiscal year	
	Direct loans	Guaranteed loans
1968	[1] 45.2	108.1
1969	46.9	117.7
1970	51.1	124.1
1971	53.2	140.1
1972	50.1	158.9
1973 (estimated)	50.1	179.0
1974 (estimated)	51.0	196.6

[1] For consistency with current budget treatment, excludes loans of the banks for cooperatives, the Federal Intermediate credit banks and the Federal National Mortgage Association.

Source: Special analysis E of the budget of the U.S. Government.

We will not be able to control effectively our Government's borrowing until we can understand more clearly the exact nature of our financing activities.

For this reason, if the parliamentary situation would permit, I would offer an amendment to clarify the extent to which Federal borrowing occurs outside the budget and which would provide regular information on the size of the contingent liabilities of the Federal Government. Specifically, I would request that the Bank, in filing its annual report, accomplish three important tasks:

First, list all obligations issued, sold, or guaranteed by all Federal agencies from whom a financing program is required under section 7(a);

Second, a statement of the receipts and disbursements of these agencies and a breakdown as to whether these receipts and disbursements are included in the computation of the budget; and

Third, recommendations for drawing more clearly the lines of the budget with regard to the borrowing activities of the Government and recommendations relating to supervising the lending, guaranteeing and insuring activities of the Government to prevent an excessive contingent liability and to insure maximum coordination in Federal fiscal policies.

The first step in reasserting congressional control over the autonomous financing activities of many Federal agencies is accurate information. We need to know exactly what borrowing occurs and where it is being listed. This is exactly what I am requesting in the first two requirements I have suggested be included in each annual report. As a next step, we need to establish the exact boundaries of the budget. If the budget is to be a meaningful fiscal tool, and if the concept of the public debt is to have any integrity whatsoever, we must make clear what Federal borrowing is included in the debt and what is not. To assist Congress in this task, I would request the Bank Directors to recommend a realinement of the budget with regard to Federal borrowing and to Federal guarantees and insurances.

The framework of the Federal Financing Bank could provide an instrument to exercise congressional control over virtually all Federal and federally assisted borrowing from and lending and guaranteeing to the public. By forcing the program agencies to finance borrowing through the Bank and by placing an effective ceiling on the obligations the Bank can issue, Congress can begin to regulate the full impact of all Federal borrowing on the Nation's economy. Today's legislation stops disappointingly short of accomplishing this important task.

Following is a draft copy of the type of amendment I would seek to offer if the parliamentary situation permitted:

AMENDMENT OFFERED BY MR. VANIK TO H.R. 5874, THE FEDERAL FINANCING BANK ACT

On page 12, line 4, change "Section 13" to "Section 13(a)";

On page 12, after line 6, add the following new subsection:

"(b) The annual report shall include the following information:

"(1) a listing of all obligations issued, sold, or guaranteed by any Federal agency subject to the provisions of Section 7(a) of this Act;

"(2) a statement of the receipts and disbursements for each such Federal agency and a determination of which of these receipts and disbursements are included in the Budget of the United States; and

"(3) recommendations from the Board of Directors of the Bank as to whether the receipts and disbursements of each such Federal agency shall be included in the Budget of the United States or otherwise regulated;

"(4) recommendations from the Board of Directors of the Bank as to ways and means to regulate the level of direct and indirect loans issued and guaranteed by Federal agencies, and ways and means to regulate and control the level of Federal guarantees, insurances and other actions which constitute the contingent liability of the United States."

Mr. ULLMAN. Mr. Speaker, I yield myself 2 minutes.

I wish to commend the gentleman from Ohio (Mr. VANIK) for his long interest in this problem. It is an extracurricular problem concerning financial matters, not coming under the debt ceiling, and it is something we ought to bring under control.

In the budget control bill that the Joint Committee has offered we have made provision for this by taking an overall look at all of these Government obligations which have proliferated through the years.

Certainly I fully agree with the gentleman that we must bring all of these matters within the immediate purview of the Congress.

The SPEAKER. The question is on the motion offered by the gentleman from Oregon (Mr. ULLMAN) that the House suspend the rules and pass the bill H.R. 5874, as amended.

The question was taken.

Mr. HUNT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 349, nays 25, not voting 59, as follows:

[Roll No. 559]

YEAS—349

Abdnor
Abzug
Adams
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Ashley
Aspin
Bafalis
Baker
Beard
Bennett
Bergland
Bevill
Biester
Bingham
Blackburn
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Breckinridge
Brinkley
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Carey, N.Y.
Carney, Ohio
Casey, Tex.
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Conable
Conte
Corman
Cotter
Coughlin
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, S.C.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gettys
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Griffiths
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holtzman
Horton
Hosmer
Howard
Huber
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jordan
Karth
Kastenmeier
Kazen
Kemp
King
Kluczynski
Koch
Kuykendall
Kyros
Landrum
Latta
Leggett
Lehman
Litton
Long, La.
Long, Md.
Lott
Lujan
McClory
McCollister
McCormack
McDade
McFall
McKay
McSpadden
Macdonald
Madden
Madigan
Mahon
Mallary
Mann
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Moakley
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Mosher
Moss
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Passman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rees
Regula
Reuss
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncallo, Wyo.
Rooney, N.Y.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sarasin
Sarbanes
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Spence
Staggers
Stanton, J. William
Steed
Steele
Steelman
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, N.C.
Teague, Calif.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wylie
Wyman
Yates
Yatron
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—25

Ashbrook
Bauman
Biaggi
Bray
Burgener
Burke, Fla.
Collins, Tex.
Crane
Gaydos
Gross
Hammerschmidt
Holt
Landgrebe
McCloskey
McKinney
Rarick
Rousselot
Satterfield
Snyder
Steiger, Ariz.
Symms
Taylor, Mo.
Wampler
Young, Alaska
Young, Fla.

NOT VOTING—59

Addabbo
Arends
Armstrong
Badillo
Barrett
Bell
Blatnik
Breaux
Brotzman
Burke, Calif.
Camp
Carter
Chappell
Chisholm
Clark
Conlan
Conyers
Davis, Ga.
Davis, Wis.
Dent
Diggs
Eilberg
Giaimo
Green, Pa.
Hanley
Hanna
Hawkins
Hébert
Hudnut
Jones, Tenn.
Keating
Ketchum
Lent
McEwen
Mailliard
Maraziti
Mazzoli
Mills, Ark.
Mitchell, N.Y.
Mizell
Mollohan
Morgan
Murphy, Ill.
Nix
Patman
Powell, Ohio
Reid
Rhodes
Roncallo, N.Y.
Rooney, Pa.
Sandman
Skubitz
Stanton, James V.
Stark
Stokes
Teague, Tex.
Towell, Nev.
Walsh
Wydler

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Dent with Mr. Arends.
Mr. Clark with Mr. Rhodes.
Mr. Hanna with Mr. Sandman.
Mr. Patman with Mr. Wydler.
Mr. Eilberg with Mr. Mizell.
Mr. Blatnik with Mr. McEwen.
Mr. Barrett with Mr. Carter.
Mr. Mills of Arkansas with Mr. Lent.
Mr. Teague of Texas with Mr. Camp.
Mr. Rooney of Pennsylvania with Mr. Brotzman.
Mr. Morgan with Mr. Powell of Ohio.
Mr. Mollohan with Mr. Skubitz.
Mr. Hébert with Mr. Hudnut.
Mr. Jones of Tennessee with Mr. Keating.
Mr. Mazzoli with Mr. Towell of Nevada.
Mr. Chappell with Mr. Conlan.
Mrs. Burke of California with Mr. Ketchum.
Mr. Addabbo with Mr. Davis of Wisconsin.
Mr. Davis of Georgia with Mr. Maraziti.
Mr. Green of Pennsylvania with Mr. Mailliard.
Mr. Giaimo with Mr. Walsh.
Mr. Murphy of Illinois with Mr. Roncallo of New York.
Mr. Badillo with Mr. Bell.
Mr. Breaux with Mr. Armstrong.
Mr. Hanley with Mr. Hawkins.
Mr. Stark with Mr. Diggs.
Mrs. Chisholm with Mr. Conyers.
Mr. Nix with Mr. Mitchell of New York.
Mr. Stokes with Mr. Reid.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXTENDING CERTAIN PRIVILEGES AND IMMUNITIES TO THE ORGANIZATION OF AFRICAN UNITY

Mr. ULLMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8219) to amend the International Organizations Immunities Act to authorize the President to extend certain privileges and immunities to the Organization of African Unity.

The Clerk read as follows:

H.R. 8219

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the International Organizations Immunities Act (22 U.S.C. 288–288f) is amended by adding at the end thereof the following new section:

"SEC. 12. The provisions of this title may be extended to the Organization of African Unity in the same manner, to the same extent, and subject to the same conditions, as they may be extended to a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation."

The SPEAKER. Is a second demanded?

Mr. SCHNEEBELI. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. ULLMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of the pending bill, as reported to the House by the Committee on Ways and Means, is to provide the President with authority to extend to the Organization of

African Unity and its office, officials, and employees in the United States those privileges and immunities specified in the International Organizations Immunities Act.

Under the bill, at the discretion of the President the Organization of African Unity—OAU—may be designated by the President as an international organization for purposes of the International Organizations Immunities Act. Upon such a designation the organization, to the extent so provided by the President, will be exempt from customs duties on property imported for the activities in which it engages, from income taxes, from withholding taxes on wages, and from excise taxes on services and facilities. In addition, the employees of the international organization, to the extent not nationals of the United States, may not be subject to U.S. income tax on the income they receive from OAU. OAU is an organization composed of 41 member states, representing all the independent African nations—except the Republic of South Africa—and acts to further the goals of political and economic development of Africa. It presently has a mission in New York.

For purposes of the International Organizations Immunities Act, under which international organizations may enjoy the exterritorial privileges generally granted to foreign governments, an international organization is one in which the United States participates and which has been designated by the President, through an appropriate Executive order, as being entitled to the privileges and immunities in question. The United States is not a member of the OAU, and therefore the organization presently cannot qualify under the act. H.R. 8219 which would provide the President with authority to extend to the OAU privileges and immunities under the act.

In transmitting this legislation to the Congress, the State Department stated that its enactment "would be consistent with important foreign policy interests of the U.S. Government." The bill was reported unanimously by the Committee on Ways and Means, and I urge its favorable consideration by the House.

Mr. SCHNEEBELI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 8219, which amends the International Organizations Immunities Act to authorize the President to extend certain privileges and immunities to the Organization of African Unity.

As the Members will recall, on October 2, 1973, the acting chairman of the Ways and Means Committee asked unanimous consent that this legislation be considered by the House. At that time, an objection was lodged against that request and now the bill is being considered under suspension of the rules.

As I said on October 2, this measure, which was requested by the administration, would allow the President to grant to the Organization of African Unity Mission in New York, its officers, and employees, the same privileges, exemptions, and immunities extended to most other international organizations and their officers and employees located in the United States.

Among the privileges and immunities included are the capacity to contract, acquire, and dispose of real and personal property; the immunity from suit and other judicial process for themselves, their property and assets equivalent to that enjoyed by foreign governments and the duty-free importation of baggage and effects for alien officers and employees upon their arrival. In addition, the International Organization Immunities Act extends an exemption from Federal income tax to income of international organizations such as the Organization of African Unity as well as the salaries of their alien employees and the employees of foreign governments represented in the organization. It should be noted that all of the employees of the Organization of African Unity are nationals of African countries.

The Committee on Ways and Means was informed by the Department of State that this legislation is a result of the administration's desire to develop a closer working relationship with the Organization of African Unity and to be responsive to the Organization of African Unity's request for some form of official acknowledgment of the status of its New York mission. This mission serves as the secretariat to the African group at the United Nations and acts as a liaison with the U.N. on issues relating to Africa.

Although the United States is not a member of the Organization of African Unity, the administration feels that the enactment of the proposed bill is consistent with important foreign policy interests of the United States.

The committee is convinced that this legislation will be helpful to the President in the exercise of his foreign policy responsibilities and unanimously voted to report it to the House. I urge its approval.

Mr. ULLMAN. Mr. Speaker, this involves only a handful of people in the mission in New York. The costs are listed as negligible.

Mr. RARICK. Mr. Speaker, will the gentleman yield?

Mr. ULLMAN. I yield 5 minutes to the gentleman from Louisiana (Mr. RARICK).

Mr. RARICK. Mr. Speaker, I thank the gentleman for yielding.

I take this time to ask several questions of the gentleman. As I understand this legislation it would create a special exemption only in this one instance to the existing law under the International Organizations Immunities Act.

Mr. ULLMAN. This would merely add one organization to the list of those organizations that get these special privileges under the International Organizations Immunities Act. This would add the OAU to that list. It would only be eligible to receive the same privileges that the other international organizations get under the act.

Mr. RARICK. But this is an exception to the existing law. Since the OAU is not qualified, because the United States is not a member of the Organization of African Unity.

Mr. ULLMAN. As I have indicated, normally under the definition of international organizations as specified in the International Organizations Immunities Act, the United States must be a member of that organization in order for the organization to receive the benefits. In this instance, of course, the United States, not being a member of this organization, to that extent it is an exception.

Mr. RARICK. Do not all of the 41-member nations in the Organization of African Unity, presently have delegations to the United Nations Organization?

Mr. ULLMAN. That is true. The OAU does have a mission in New York that is active in the affairs of the organization there, but it is not officially, of course, a member of the United Nations.

Mr. RARICK. I am referring to the 41 individual member nations has having a delegation to the United Nations Organization.

Mr. ULLMAN. Each individual country is a member of the United Nations, that is correct.

Mr. RARICK. And as far as we know, except perhaps for Egypt and Libya, all the OAU member nations also have an embassy in or diplomatic status with our Government.

Mr. ULLMAN. Very probably they do, yes.

Mr. RARICK. Since we are talking about an exception to the existing law, can the gentleman tell me what benefit the American people would realize by enacting this legislation?

Mr. ULLMAN. Well, the objectives are set out quite clearly in the report. I think the report is worthy of the attention of all the members.

The pertinent report language is as follows. This quote is from the Department of State's transmittal letter to the Congress of March 28, 1973:

> This bill results from the Administration's desire to develop a closer working relationship with the OAU and to be responsive to repeated resolutions at annual OAU conferences requesting some form of official acknowledgement of the status of its Mission in New York, as well as to specific discussions with OAU representatives in New York concerning their desires for certain privileges and immunities. The bill would serve three principal United States objectives: it would improve the ability of the U.S. to obtain the cooperation and support of the OAU and its 41 members at the U.N., enhance our bilateral relations with OAU members, and demonstrate concretely the Administration's expressed concern about the problems of African countries.

Mr. RARICK. I notice also in the report it says that the OAU exists "to further the goals of political and economic development of Africa."

It is true, is it not, that the African countries of South Africa, Rhodesia, Spanish Sahara, the Portuguese States of Mozambique, Guinea, and Angola are not members of the OAU.

Mr. ULLMAN. The only independent African nation of which I am aware that is not a member is the Republic of South Africa.

Mr. RARICK. Is it not correct that Egypt, Libya, Algeria, Tunisia, Somalia, Sudan, and other Arab States are members of this OAU?

Mr. ULLMAN. I believe that is true.

Mr. RARICK. Can the gentleman tell me what the OAU's political and economic goals for Africa consist of?

Do these goals include political activity in the United States, to repeal the Byrd amendment in an effort to prohibit purchases of chrome ore from Rhodesia and substituting the U.S. importation of Soviet chrome ore.

Mr. ULLMAN. I have no knowledge of such activities. Perhaps the gentleman knows something that I do not.

Mr. RARICK. Well, will the gentleman tell me the purpose of this legislation. Is not its effect, by giving tax exempt status, that of encouraging our tax exempt organizations in the United States to contribute financial support to terrorists and guerrillas of the so-called liberation movements against non-Communist governments in Africa who are not members of the OAU.

Mr. ULLMAN. I would just say to the gentleman that I think it is very important that the United States do develop a good working relationship with these 41 principal nations of Africa. All this would do at a negligible cost would be to extend certain very minimal benefits to the OAU mission in New York, which today comprises only six people.

Mr. RARICK. I thank the gentleman.

The SPEAKER. The question is on the motion of the gentleman from Oregon (Mr. ULLMAN) that the House suspend the rules and pass the bill H.R. 8219.

The question was taken.

Mr. RARICK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 340, nays 39, not voting 54, as follows:

[Roll No. 560]

YEAS—340

Abdnor
Abzug
Adams
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Arends
Armstrong
Ashley
Aspin
Bafalis
Baker
Bergland
Bevill
Biaggi
Biester
Bingham
Blackburn
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cohen
Collier
Collins, Ill.
Conable
Conte
Corman
Cotter
Coughlin
Cronin
Culver
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Gibbons
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Griffiths
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holtzman
Horton
Hosmer
Howard
Hungate
Hunt
Hutchinson
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jordan
Karth
Kastenmeier
Kazen
Kemp
King
Kluczynski
Koch
Kuykendall
Kyros
Landrum
Latta
Leggett
Lehman
Litton
Long, La.
Long, Md.
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McFall
McKay
McKinney
Macdonald
Madden
Madigan
Mahon
Mallary
Mann
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Matsunaga
Mayne
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Moakley
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Passman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Podell
Preyer
Price, Ill.
Pritchard
Quie
Railsback
Randall
Rangel
Rees
Regula
Reuss
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncallo, Wyo.
Rooney, N.Y.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
Sarasin
Sarbanes
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Spence
Staggers
Stanton, J. William
Steed
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Studds
Symington
Talcott
Taylor, N.C.
Teague, Calif.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wright
Wyatt
Wylie
Wyman
Yates
Yatron
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—39

Alexander
Archer
Ashbrook
Bauman
Beard
Bennett
Cochran
Collins, Tex.
Conlan
Crane
Daniel, Dan
Duncan
Flynt
Gilman
Ginn
Goldwater
Gross
Holt
Huber
Ichord
Landgrebe
Lott
McSpadden
Mathis, Ga.
Montgomery
Poage
Price, Tex.
Quillen
Rarick
Rousselot
Satterfield
Scherle
Snyder
Symms
Taylor, Mo.
Whitten
Wolff
Young, Alaska
Young, Fla.

NOT VOTING—54

Addabbo
Badillo
Barrett
Bell
Blatnik
Burke, Calif.
Camp
Chappell
Chisholm
Clark
Conyers
Davis, Wis.
Diggs
Eilberg
Ford, Gerald R.
Giaimo
Green, Pa.
Hanley
Hanna
Hawkins
Hébert
Holifield
Hudnut
Jones, Tenn.
Keating
Ketchum
Lent
McEwen
Mailliard
Maraziti
Mazzoli
Mills, Ark.
Mitchell, N.Y.
Mizell
Mollohan
Murphy, Ill.
Nix
Patman
Powell, Ohio
Reid
Rhodes
Roncallo, N.Y.
Rooney, Pa.
Rose
St Germain
Sandman
Stanton, James V.
Stark
Stokes
Sullivan
Teague, Tex.
Towell, Nev.
Walsh
Wydler

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Mr. Mills of Arkansas with Mr. Gerald R. Ford.

Mr. Jones of Tennessee with Mr. Mailliard.

Mr. Hébert with Mr. Camp.

Mr. Eilberg with Mr. Rhodes.

Mr. Blatnik with Mr. Ketchum.

Mrs. Sullivan with Mr. Sandman.

Mr. St Germain with Mr. Wydler.

Mr. Patman with Mr. Powell of Ohio.

Mr. Chappell with Mr. Hudnut.

Mr. Rose with Mr. Bell.

Mr. Hanna with Mr. Davis of Wisconsin.

Mr. Addabbo with Mr. Mizell.

Mr. Green of Pennsylvania with Mr. McEwen.

Mr. Mazzoli with Mr. Roncallo of New York.

Mr. Teague of Texas with Mr. Walsh.

Mr. James V. Stanton with Mr. Mitchell of New York.

Mr. Holifield with Mr. Keating.

Mr. Barrett with Mr. Towell of Nevada.

Mr. Giaimo with Mr. Nix.

Mr. Badillo with Mrs. Burke of California.

Mr. Clark with Mr. Lent.

Mr. Reid with Mr. Stokes

Mrs. Chisholm with Mr. Stark.

Mr. Conyers with Mr. Mollohan.

Mr. Hanley with Mr. Maraziti.

Mr. Murphy of Illinois with Mr. Hawkins.

Mr. Diggs with Mr. Rooney of Pennsylvania.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXTENSION OF WATERGATE GRAND JURY

Mr. HUNGATE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 10937) to extend the life of the June 5, 1972, grand jury of the U.S. District Court for the District of Columbia, as amended.

The Clerk read as follows:

H.R. 10937

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding rule 6(g) of the Federal Rules of Criminal Procedure, or any other law, rule, or regulation, the term of the grand jury of the United States District Court for the District of Columbia which was impaneled on June 5, 1972, is extended to June 4, 1974. If the United States District Court for the District of Columbia determines that the business of the grand jury will not be completed by that date, that court is authorized to extend its term for an additional six months.

(b) If the United States District Court for the District of Columbia fails to extend the term of the grand jury beyond the statutory extension period ending June 4, 1974, the Chief Judge of the United States Court of Appeals for the District of Columbia Circuit may extend its term for an additional six months on application by the grand jury upon the affirmative vote of a majority of its members that it has not completed its business. Upon the making of such an application by the grand jury, its term shall continue until the Chief Judge of the United States Court of Appeals for the District of Columbia Circuit enters an appropriate order. In no event shall the term of the grand jury extend beyond December 4, 1974.

The SPEAKER. Is a second demanded?

Mr. SMITH of New York. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Missouri (Mr. HUNGATE) and the gentleman from New York (Mr. SMITH) will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Missouri (Mr. HUNGATE).

Mr. HUNGATE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to urge passage of H.R. 10937, as amended, a bill to extend the life of the June 5, 1972, grand jury of the U.S. District Court for the District of Columbia.

As you may know, that grand jury is hearing testimony and receiving evidence relating to the Watergate break-in and coverup and is commonly known as the "Watergate grand jury." Pursuant to the provisions of rule 6(g) of the Rules of Criminal Procedure for the U.S. district courts, the grand jury's term will end on December 4, 1973, unless this legislation is enacted.

H.R. 10937, as amended, legislatively extends the term of the grand jury to June 4, 1974. At the conclusion of that extension, the U.S. District Court for the District of Columbia is empowered to extend the term of the grand jury for 6 additional months. The bill further provides that if the district court fails to extend the term, the grand jury may apply for the extension to the chief judge of the U.S. Court of Appeals for the District of Columbia Circuit. The grand jury is empowered to make this application upon the affirmative vote of a majority of its members that it has not completed its business. Finally, H.R. 10937, as amended, provides that in no event shall the term of the grand jury extend beyond December 4, 1974.

The arguments supporting this bill are very compelling. The representatives of the Department of Justice, who testified in support of this legislation, indicated that the Watergate grand jury will not complete its work by December 4, 1973, the end of its term. If we do not extend the term of this grand jury, it will then be necessary to impanel a new grand jury. That new grand jury will then have to receive all of the evidence and testimony presented to the June 5, 1972, grand jury. This would require the recalling of the witnesses before the new grand jury or the reading or extensive summarizing of their previous testimony. Either procedure will unnecessarily duplicate work already done and result in needless additional expense.

As you may know, the Watergate grand jury has been sitting for over 16 months and has heard numerous witnesses whose testimony fills many volumes of transcript. The grand jury has seen the witnesses, observed their demeanor, and been able to assess their credibility. It has, in short, developed a considerable expertise that will be invaluable when the time comes to decide whether to return indictments.

If the grand jury's term is permitted to expire, all of this expertise will be lost. This would, indeed, be regrettable, for it would result in prejudice to the prosecutors, to potential defendants, and to the general public. If we extend the term of the grand jury, we insure that all new evidence will be presented to a grand jury with the expertise to assess it and put it in the proper context.

My colleagues, this legislation is necessary to help bring the Watergate matter to a just and speedy conclusion and to promote the efficient administration of justice. I call upon you to act favorably on this bill.

Mr. Speaker, I yield such time as he may consume to the distinguished chairman of our committee, the gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. I thank the gentleman for yielding.

Mr. Speaker, I merely would like to advise the House that this legislation was introduced by me at the request of the former Attorney General Elliot Richardson. The need for this legislation has been amply demonstrated. The subcommittee reported this legislation unanimously, and the full committee, without objection. I believe that under the circumstances in which we find ourselves today there is ample justification for the need to extend the life of this grand jury. I hope that the Members will so agree.

Mr. SMITH of New York. Mr. Speaker, I rise in support of this legislation.

Mr. Speaker, the bill, as the chairman of the subcommittee has pointed out, will extend the life of the so-called Watergate grand jury for 6 months and thereafter provide the means by which the grand jury may be extended for an additional 6 months if necessary either by the district court, or if the district court should refuse, then by the chief judge of the Federal Court of Appeals for the District of Columbia on the grand jury's own motion. The bill provides that in no event shall the grand jury be extended beyond December 4, 1974.

Mr. Speaker, I urge that this bill be passed and the life of this grand jury be extended.

Mr. HUNGATE. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DANIELSON).

Mr. DANIELSON. Mr. Speaker, I rise in support of H.R. 10937, to extend the life of the June 5, 1972, grand jury, which has come to be known as the Watergate grand jury.

It is clear that, due to the complexity of the matters which this grand jury has been investigating, as well as the long refusal of the administration to provide the grand jury with necessary and relevant materials, the work of the grand jury will be far from completion when its life expires on December 4, 1973. Although the grand jury has made great progress in its investigation, much remains to be done.

The American public demands that this investigation be continued until all the facts in this case are brought out, so that those accused of wrongdoings can be charged and tried in a court of law. Equally important, the cloud of suspicion and doubt should be removed from those who, in fact, have not been involved in any of the illegal acts associated with the break-in at the Democratic National Committee Headquarters on June 17, 1972 and related matters. It is in the public interest that this investigation be completed thoroughly and as soon as possible.

I urge the passage of this important legislation.

Mr. SMITH of New York. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. Mr. Speaker, I rise in support of this legislation.

Mr. Speaker, I am pleased to give my support to H.R. 10937—a bill to extend the life of the Watergate grand jury for a period of 6 months, with the possibility of a similar extension by the district judge providing the grand jury's investigation has not been completed by next June 4, 1974.

Mr. Speaker, I want to make it perfectly clear that any and all violations of the law which have been perpetrated in connection with the Watergate break-in or related activities should be fully and fairly investigated and the perpetrators brought to justice.

Mr. Speaker, in connection with the Organized Crime Control Act of 1970, I supported and helped secure enactment of legislation which permits special grand juries in cases of organized crime to serve for as long as 36 months. This extended period of time seemed requisite when we considered the ramifications and complexities of some organized crime activities. In connection with the Watergate affair, the ramifications and complexities are also present—and it would be a reflection on this Congress—indeed, on all in public life—if the opportunities for a full investigation were to be hampered by the dismissal of the grand jury when its current term expires in just a few weeks—December 4, 1973.

Mr. Speaker, I hope that this legislation will not be used by the district judge as a basis for any undue delays—or that any persons for political or other reasons would be persuaded to drag out the Watergate affair for a single day beyond that which is necessary.

Mr. Speaker, no course of misconduct by persons in positions of political and governmental influence has ever received the attention or extensive involvement as in the case of the Watergate affair. In order to restore public confidence, it is of course necessary to avoid any appearance of a whitewash or cover-up. Indeed, with the thorough and intensive attention which the Watergate affair has received, any such suggestions are unthinkable.

Mr. Speaker, let us today extend the

authority for the Watergate grand jury to continue and to complete its work. Let us hope thereafter that all of those charged with wrongdong will be brought to prompt justice and that the entire disaster which bears the label of "Watergate" may be relegated to the past, that we may profit from the stupidity and the misdeeds which created this dreadful national problem—and that this Nation may go forward in the hands of honorable men and women whose courses of conduct will reflect the highest in human honesty and integrity, and with a deep and abiding respect for both the laws of this land and for the underlying principle of the rule of law upon which our great Republic is founded.

Mr. Speaker, I urge an overwhelming favorable vote in support of the Watergate grand jury extension bill.

Mr. HUNGATE. Mr. Speaker, I have no further requests for time.

Mr. SMITH of New York. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Speaker, I rise in support of this legislation which simply extends the Watergate grand jury for a 6-month period, provides that the district court may extend it for another 6-month period, and provides further that if the district court does not make that second extension, that if the grand jury feels that the second extension should be made, they may petition the chief judge of the circuit court of appeals for that second extension.

I think it is a good bill and needed under the circumstances. I urge its support.

Mr. SMITH of New York. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. MAYNE).

Mr. MAYNE. Mr. Speaker, I supported this extension of the term of the Watergate grand jury in the Criminal Justice Subcommittee and in the full Committee on the Judiciary and I am happy to do so again today.

The U.S. District Court of the District of Columbia appoints a new grand jury approximately every 2 months to hear evidence and draw up necessary indictments in local criminal cases. On June 5, 1972, the court summoned a new grand jury to sit during the months of June and July. On June 17, 1972, five men were apprehended with electronic "bugging" equipment inside the Democratic National Committee headquarters at the Watergate complex in Washington. The June 5 grand jury investigated the break-in and handed down an indictment against seven Watergate defendants on September 15, 1973.

Since those initial proceedings, the June 5 grand jury has continued to investigate several other matters directly related to the Watergate break-in, although a second grand jury was also impaneled on August 13, 1973, at the request of the Watergate special prosecution force specifically to review Watergate-related matters.

Under the Federal Rules of Criminal Procedure, a grand jury serves for a maximum period of 18 months. Although the Organized Crime Control Act of 1970 provides that special grand juries may serve as long as 36 months or even longer under certain circumstances, the June 5 grand jury was not named as a special grand jury and its term will therefore expire when the 18 months run out, on December 4, 1973.

The Department of Justice has requested that the term of the June 5 grand jury be extended, because of its special nature and because it has not yet completed its investigations. If this panel were allowed to expire on December 4, all the evidence heard in the last 16 months would have to be presented again to a new grand jury. As the Justice Department witnesses testified in our subcommittee hearings on this matter, such a procedure might result in delay and possible prejudice to the Government, to witnesses, and to the public interest in obtaining an early resolution of the Watergate affair and related matters. Enactment of the proposed extension, similar to the procedures employed for continuing special grand juries, may result in considerable savings by avoiding the repetition of testimony to a new grand jury.

The bill extends the term of the June 5, 1972, grand jury to June 4, 1974. The district court may further extend the grand jury's term for an additional 6 months if the court determines that the panel will not complete its business by that date. If the court fails to extend the term beyond the June 4, 1974, deadline, the chief judge of the U.S. Court of Appeals may extend the term for 6 months upon application by a majority of the members of the panel. Under no circumstances is the term of the grand jury to extend beyond December 4, 1974.

It would be a tremendous waste of the experience of this particular grand jury and its familiarity with the facts regarding the Watergate matter were this grand jury to be allowed to go out of existence on December 4 without first having completed its important task. It is essential for the restoration of confidence in our institutions and system of justice that the work of this grand jury go forward unimpeded in order to investigate fully the entire Watergate matter and hand down whatever further indictments as it finds the facts justify. This is an absolutely indispensable first step toward bringing to trial, to conviction and to punishment all those guilty of the commission of crimes in connection with the sordid Watergate affair.

Mr. Speaker, I urge all Members to support passage of this bill.

Mr. HOGAN. Mr. Speaker, the shocking events that have unfolded in connection with Watergate have shaken all of us. Due to the distress and concern of the American people, it is vitally important that this investigation go forward unfettered so that we can restore confidence in our Government.

We have before us today, the bill H.R. 10937, which would extend the life of the June 5, 1972, grand jury of the U.S. District Court for the District of Columbia. This grand jury, the so-called Watergate grand jury, is hearing evidence concerning the break-in at the Democratic National Committee Headquarters on June 17, 1972, and related matters. On September 15, 1973, the grand jury handed down an indictment against seven Watergate defendants.

The present law does not permit judicial extension of the life of a general grand jury and statutory extensions have been discouraged in the past. This, however, is a unique case because of the character of the crimes, the potential defendants, and the questions of public confidence that may arise. Under the Federal Rules of Criminal Procedure, a grand jury serves for a maximum period of 18 months. The June 5, 1972, grand jury's term will expire on December 4, 1973. The Organized Crime Control Act of 1970 provides that special grand juries may, under certain circumstances, serve as long as 36 months and in some cases even longer. Although the June 5 grand jury is not a "special grand jury," the Department of Justice has requested that the panel be extended because of the special nature of the Watergate affair.

The bill would extend this grand jury for 6 months and create the possibility of another 6 months' extension although we have been assured that the grand jury is expected to complete its work during the next 6 months.

At no time in the history of this country has a grand jury of this type served more than 18 months. However, due to nature of this particular grand jury and the need to restore the public's confidence in the Government, I strongly recommend that the Members of this body pass the bill and allow the grand jury to continue its investigation of the Watergate affair.

Mr. DONOHUE. Mr. Speaker, as a member of the House Judiciary Committee that expeditiously considered and favorably reported it, I earnestly urge and hope the House will speedily approve H.R. 10937 that is designed, as amended, to extend the term of the June 5, 1972, grand jury of the U.S. District Court for the District of Columbia.

The substantive purpose of the bill is to provide for two 6-month extensions of the term of the grand jury, with the first extension being mandatory rather than discretionary. I would emphasize that none of the normal powers and duties of the grand jury are affected by this bill. The bill's provisions are confined to simply extending the length of the grand jury term.

I would like to point out that such an extension will tend to result in a Federal savings instead of any increased cost because if the present jury is not extended a new grand jury would have to be empaneled by the court and any new jury would have to be given the time to receive testimony that already has been presented to the present grand jury.

It should be further emphasized that there was unchallenged testimony presented to our Judiciary Committee by the Department of Justice prosecutors, associated with the Watergate investigations and other related matters, that the business of the grand jury will not be completed by December 4, 1973, and that the then Attorney General, Elliot Richardson, urged prompt enactment of this legislation because of the character of the crimes, potential defendants and the questions of public confidence that were obviously raised by the matters under consideration by the grand jury.

Mr. Speaker, under any and all standards of judgment that might be applied to this historic legislative proposal, there can be no doubt whatsoever that it is in entire accord with the public interest and concern of the people of this country and I therefore urge its prompt and resounding adoption by the House.

Mr. HARRINGTON. Mr. Speaker, I support H.R. 10937, which would extend the life of the Watergate grand jury beyond its present expiration date of December 4, 1973, for a minimum of 6 months, but not more than 1 year. It seems to me that the extension of the Watergate grand jury is essential to the prosecution of those responsible for the Watergate break-in and related crimes. If the grand jury expires, it will mean that, no matter what the various special prosecutors discover in the course of their investigations, those suspected of crimes will not be brought to justice.

The question before us is whether we will be a government of laws, with equal protection for all Americans, or a government which excuses the rich and powerful from prosecution and punishment. I opt for the former, and am sure that my colleagues will do the same. For this reason, I support extending the life of the Sirica grand jury, and urge each of my colleagues to vote for the legislation under consideration.

GENERAL LEAVE

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 10937, extension of the Watergate grand jury.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SMITH of New York. Mr. Speaker, I have no further request for time.

Mr. HUNGATE. Mr. Speaker, I have no further request for time.

The SPEAKER. The question is on the motion offered by the gentleman from Missouri (Mr. HUNGATE) that the House suspend the rules and pass the bill H.R. 10937, as amended.

The question was taken.

Mr. SYMMS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 378, nays 1, not voting 54, as follows:

[Roll No. 561]

YEAS—378

Abdnor
Abzug
Adams
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashbrook
Ashley
Aspin
Bafalis
Baker
Bauman
Beard
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blackburn
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Carey, N.Y.
Carter
Casey, Tex.
Cederberg
Chamberlain
Clancy
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Collins, Tex.
Conable
Conlan
Conte
Corman
Cotter
Coughlin
Crane
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Griffiths
Gross
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Hosmer
Howard
Huber
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jordan
Karth
Kastenmeier
Kazen
Kemp
King
Kluczynski
Koch
Kuykendall
Kyros
Landrum
Latta
Leggett
Lehman
Litton
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mallary
Mann
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Moakley
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Passman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Rees
Regula
Reuss
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Rooney, N.Y.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sarasin
Sarbanes
Satterfield
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Steed
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—1

Landgrebe

NOT VOTING—54

Addabbo
Badillo
Barrett
Bell
Blatnik
Burke, Calif.
Camp
Carney, Ohio
Chappell
Chisholm
Clark
Clausen, Don H.
Conyers
Davis, Wis.
Diggs
Eilberg
Ford, Gerald R.
Giaimo
Green, Pa.
Hanley
Hanna
Hawkins
Hébert
Hudnut
Jones, Tenn.
Keating
Ketchum
Lent
McEwen
Mailliard
Maraziti
Mazzoli
Mills, Ark.
Mitchell, N.Y.
Mizell
Mollohan
Murphy, Ill.
Nix
Patman
Powell, Ohio
Reid
Rhodes
Roncalio, N.Y.
Rooney, Pa.
Rose
Sandman
Stanton, James V.
Stark
Stokes
Teague, Tex.
Towell, Nev.
Walsh
Widnall
Wydler

So (two-thirds having voted in favor therof), the rules were suspended, and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Gerald R. Ford.
Mr. Addabbo with Mr. Rhodes.
Mr. Rose with Mr. Lent.
Mr. Badillo with Mr. Camp.
Mr. Blatnik with Mr. Davis of Wisconsin.
Mr. Eilberg with Mr. Mizell.
Mr. Mazzoli with Mr. Widnall.
Mr. Mollohan with Mr. Ketchum.
Mr. Patman with Mr. Mailliard.
Mr. Reid with Mr. Sandman.
Mr. Teague of Texas with Mr. McEwen.
Mr. Hanna with Mr. Towell of Nevada.
Mr. Clark with Mr. Wydler.
Mr. Carney of Ohio with Mr. Powell of Ohio.
Mr. Giaimo with Mr. Mitchell of New York.
Mr. Mills of Arkansas with Mr. Hudnut.
Mr. Barrett with Mr. Walsh.
Mr. Chappell with Mr. Maraziti.
Mr. James V. Stanton with Mr. Keating.
Mr. Jones of Tennessee with Mr. Don H. Clausen.
Mr. Hanley with Mr. Bell.
Mr. Rooney of Pennsylvania with Mr. Roncallo of New York.
Mr. Murphy of Illinois with Mr. Stokes.
Mr. Green of Pennsylvania with Mrs. Burke of California.
Mr. Stark with Mr. Hawkins.
Mrs. Chisholm with Mr. Diggs.
Mr. Conyers with Mr. Nix.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER CHANGE IN LEGISLATIVE PROGRAM

(Mr. O'NEILL asked and was given permission to address the House for 1 minute.)

Mr. O'NEILL. Mr. Speaker, I take this time to announce a further change in the legislative program for tomorrow.

We are adding the debt limit bill to the schedule. So the program for tomorrow will be as follows:

The consideration of House Joint Resolution 542, the war powers resolution, a vote to override the President's veto, which will be the first item of business tomorrow; a vote on the conference report on S. 1081, the trans-Alaska pipe-

XUM

line bill; and a vote on H.R. 11104, the increase in the public debt limit, under an open rule, with 2 hours of debate.

UNITED NATIONS AND HYPOCRISY

(Mr. KOCH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter).

Mr. KOCH. Mr. Speaker, the United Nations is located in my congressional district and so I take special interest in its activities. But regretfully, I must admit that over the years I have viewed its actions—or better said its lack of action—with sadness and oftentimes contempt when its initiatives have been hypocritical. What distresses me today, Mr. Speaker, is that that august body, including both the General Assembly and the Security Council, has been silent in the face of the extraordinary savagery committed by Syrians on Israeli prisoners. We read reports that Israeli soldiers captured by the Syrians at the outbreak of the recent hostilities have been chained, blindfolded and shot—all in gross violation of the Geneva Convention and the most basic tenets of human decency. Yet, the United Nations remains silent, it does nothing to condemn or stop this barbarism.

We witness this callous disregard for human life with outrage and sadness. Yet in the context of the United Nations' short history, it no longer comes as a surprise to us to see this body turn its back on the most moral of issues. Let us consider for a moment just a few other instances in which it has ignored human suffering and failed to undertake its moral responsibility.

The tragedy that befell the Indian subcontinent a short time ago was never faced forthright by the United Nations. Pakistan was permitted to subjugate what is now Bangladesh, causing death and misery to millions and creating a refugee problem for India of incredible proportions. But because of great power politics and regional rivalries, the United Nations was helpless, until force resolved an intolerable situation.

When Biafra sought to break away from Nigeria, whatever the merits of the case, the United Nations again did nothing and incredible suffering resulted.

When General Amin of Uganda, pointing with praise at the example of Hitler, expelled the Indian minority in that Nation, under conditions as degrading as any in recent history, the United Nations did nothing.

When tribal warfare erupted in Burundi and Rwanda, and reports of genocide were well authenticated, the United Nations did nothing and the concept of respect for a nation's so-called "internal affairs" was permitted to cover up these atrocities.

When it is well documented that the Soviet Union persecutes minorities and violates in the most elemental ways the United Nations Declaration of the Rights of Man, the United Nations does nothing.

When the world body was presented with the important problem of airplane highjacking and terrorism, a topic the U.N. was well-equipped to handle, the Arab bloc was able to prevent any effective action.

Mr. Speaker, our Nation has just gone through the agony of having our own soldiers held captive by a nation that failed to honor the Geneva Convention's accords on the treatment of prisoners of war. We know better than any other Nation the anguish, indeed the agony now being suffered by the parents of the young Israeli soldiers being held captive or missing. It is incumbent upon every decent nation to act against Arab barbarism, and the United States should be in the forefront of the protest.

THE FAMILY, POVERTY, AND WELFARE PROGRAMS: FACTORS INFLUENCING FAMILY STABILITY

Mrs. GRIFFITHS asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Mrs. GRIFFITHS. Mr. Speaker, I wish to bring to my colleagues' attention a study reelased November 4 by the Subcommittee on Fiscal Policy of the Joint Economic Committee. This volume, entitled "The Family, Poverty, and Welfare Programs: Factors Influencing Family Stability," is paper No. 12, part 1, in the series "Studies in Public Welfare" issued by the subcommittee of which I am chairman.

This volume of studies indicates that welfare payments have contributed to the increase in the proportion of American families headed by the mother only. Five outstanding social scientists have analyzed the relationship between the American family and Government welfare programs, providing insight into what is happening to the low-income American family, as well as demonstrating how complex the issues are. These trends and their relation to Government policies and programs must be thoroughly examined if we are to formulate effective welfare reform measures.

The study reveals somewhat startling conclusions which I would like to share with my colleagues:

First, that "high" welfare payments independently and directly stimulate formation of single-parent families, those generally headed by the mother only. That is, there is now evidence that welfare does help break up families.

Second, that increases in income, including higher welfare payments, have allowed a rising proportion of already-broken families to set up their own households, rather than live in the household of parents or other adult relatives. This helps to explain the dramatic increase in families headed by women.

Third, that the number of persons receiving aid to families with dependent children—AFDC—doubled from 1967–70—even though the number eligible rose only 24 percent—because of a sharp rise in the utilization of welfare by eligible people.

Fourth, that the jump in AFDC caseloads may be over, since nearly all eligible families now collect benefits—an estimated 91 percent in 1970.

Fifth, that increases in illegitimacy may have resulted partly from improved living standards rather than from a deteriorating economic position of low-income groups; improved health conditions have hastened fertility, reduced sterility, and hence increased the chances for illegimate births.

In the last decade, the share of poor children living in one-parent families jumped from 27 percent to 51 percent. While half of the poor two-parent families lifted themselves from poverty with the help of economic growth, the number of poor one-parent families rose slightly, as these families benefited little from economic growth.

Along with the rise in fatherless families has come an alarming growth in illegitimacy. Between 1960 and 1968 illegitimate births as a share of all births doubled from 5 percent to 10 percent. Among the poor, the share of out-of-wedlock births has run as high as 30 to 35 percent in recent years.

This volume is available from the subcommittee office or from the Government Printing Office.

SUMMARY OF THE VOLUME

WELFARE PAYMENTS, DESERTION, AND FEMALE FAMILY HEADS

Earlier subcommittee staff studies showed that financial incentives are built into the welfare system for poor fathers to desert their families, or to at least feign desertion. Federal welfare cash is denied to intact families of fathers with a full-time job, no matter how poor the family, although such families are eligible for food stamps. The subcommittee has illustrated the desertion incentives with actual cases in which husband-wife families received far less Government help than a mother-headed family of the same size, and with the same earnings.

Now the subcommittee has released a study by Marjorie Honig of the National Insurance Institute in Israel, which provides statistical evidence that high welfare payments cause an increase in the share of families headed by women. Using a procedure that isolated the impact of high welfare payment levels from other factors, Dr. Honig found that a 10 percent higher welfare payment in a metropolitan area in 1960 seemed to induce a 3 to 4 percent higher share of families headed by women.

These results go well beyond the abundant anecdotal evidence that welfare causes family breakup. We must recognize that Government encouragement of family splitting is more than just a theoretical possibility.

LIVING STANDARDS, ILLEGITIMACY, AND FAMILY STABILITY

One surprising finding reported by the subcommittee in paper No. 12, part 1, is that improved living standards apparently caused some of the increase in illegitimacy. Dr. Phillips Cutright, an Indiana University sociologist, maintains that improved health standards were a primary cause of the large increase in illegitimacy. He attributes primarily to health-related factors almost 90 percent of increased illegitimacy among nonwhites and 20 percent of the increase among whites. Dr. Cutright says better nutrition and more adequate health care increased fertility among younger girls and reduced miscarriages and involuntary sterility.

As far as solutions are concerned, Government policies to increase the use of birth control pills and IUD's will have only limited success in reducing illegitimacy according to Dr. Cutright. Since most illegitimate births are first births among young, poor, unmarried women whose sexual experience generally is infrequent and periodic, many of these women will either not participate in the programs or encounter high failure rates. Dr. Cutright argues that providing abortion services will cause a much greater reduction in illegitimacy than will encouraging the use of contraceptives.

Rising income also probably caused some of the increased numbers of mother-headed families, according to Robert Lerman of the subcommittee staff. Many people have pointed out that insufficient income can cause marital disruption which, in turn, forces women to head their own families. But mothers must have some income to establish and maintain separate households. In earlier years, incomes were so low—including that from public sources like AFDC—that such mothers had to share the households of relatives or friends. Hence, they were not counted then by the Census Bureau as separate mother-headed families. The growth in income and the rise in AFDC payment levels have allowed many mothers of broken families to set up independent households. Dr. Lerman reports that almost 90 percent of mothers without husbands headed their own households in 1970, compared with only 67 percent in 1950. Paradoxically, growing numbers of mother-headed families are partly a sign of higher living standards rather than simply the result of marital breakdown.

RECENT INCREASES IN WELFARE CASELOADS

Barbara Boland, of the Urban Institute, sheds light on why the monthly AFDC caseload doubled from about 1.3 million families in 1967 to 2.5 million in 1970.

Apparently an increasing share of eligible families actually claiming benefits caused the bulk of the growth in AFDC numbers. In 1967, 63 percent of eligible families headed by women received benefits; by 1970 participation had climbed to 91 percent. Now that nearly all eligible families received benefits, caseloads have begun to level off and should continue to do so.

Mrs. Boland reports that the number of families eligible for AFDC rose 24 percent during the 3-year period, chiefly because of higher benefit levels which expanded eligibility to higher income levels.

WHAT CAN BE DONE?

Mr. Speaker, the huge number of broken families creates difficult problems for Government antipoverty policies. On the one hand, families with only one parent present—almost always the mother—have the greatest difficulty in making ends meet. Those mothers fortunate enough to get a job often must work at low wages and bear heavy day care costs. After taxes and expenses, work may pay less to these women than welfare. Thus, providing the greatest help to these families might seem wise. Unfortunately, this policy can prove disastrous in the long run. There is now solid evidence that such current policies have encouraged family breakups. The present AFDC program is weak on many counts. Benefits are dispensed in such a way as to provide incentives for fathers to desert and disincentives for the deserted mother to work and try to raise her family's income. And, in many areas, benefit levels are too low to help any families attain decent living standards.

In my judgment, we need reforms in the welfare system so that families do not have to break up in order to receive income supplements. Family disruption is simply too high a price to extract. The breakdown of the family is already a widespread and growing tendency in our society with effects which range far beyond an impact on the welfare budget. The Government should be part of the solution, not part of the problem.

WEAKNESSES OF PENSION AND RETIREMENT SYSTEM

(Mrs. GREEN of Oregon asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Mrs. GREEN of Oregon. Mr. Speaker, over the last few years, extensive research efforts in this body and elsewhere have uncovered some startling facts about the inequities and the weaknesses of the pension and retirement system. The need to insure a better life for those millions of workers dependent upon pension benefits for their retirement years is an obvious one. Indeed, far too many individuals who participate throughout their working years in private or public pension plans find at retirement time that their plan ends up in only a hollow promise, great disillusionment, and often little or no cash to pay the bills.

May I say that I fully support the intent of pending legislation which seeks to correct this scandalous situation. At the same time, we must take care that our efforts not be so overdrawn as to lose sight of the real benefits and the contributions conveyed through some programs—lest we find that through our zeal the chance of receiving benefits for some might be impaired.

May I share two items recently brought to my attention. First, a guest editorial which appeared in the Oregon Journal entitled, "Private Pension System Requires Breathing Room To Be Effective." Written by Gerald Toy, a Portland consulting actuary, this editorial puts the task of pension fund reform in a thought provoking way.

The second item is an excerpt of a letter to the Oregon congressional delegation from James L. McGoffin, for the State of Oregon. Mr. McGoffin highlights some of the benefits conveyed through the State system and warns of the difficulties which may arise as a result of pending legislation.

PRIVATE PENSION SYSTEM REQUIRES BREATHING ROOM TO BE EFFECTIVE

(By Gerald G. Toy)

The private pension system is one which provides retirement benefits and security for employes who have finished their working careers. Pension plans are paid for by employers (and in some cases employes also contribute toward costs). Plans are designed to supplement the Social Security System.

Recently, the private pension system has come under study and frequently criticized by Ralph Nader and others. A recent editorial in this newspaper entitled "Private Pension Reform Urgent" touches on several points which imply great weaknesses in the system.

First, let's look at some of the strengths cf the system:

1—There are over 6 million people drawing benefits of over $10 billion a year in regular retirement checks. These checks, when added to Social Security, keep thousands of people off the welfare rolls and help them to enjoy financial security.

2—Over 35 million currently employed individuals are covered by private plans.

3—Current contributions to pay for future pensions are in excess of $17 billion a year.

4—Average benefits per year have increased from $1,020 to $1,730 in recent years, and they are still rising rapidly.

5—Funding (advance payment for future benefits) is soundly provided in a great many of these plans.

Some weaknesses of the system:

1—Only about 50 per cent of workers in the United States are covered by private pension plans.

2—In some cases, "vesting" takes too long ("Vesting" is the guarantee that the plan will provide benefits whether or not the employe stays at his job. Usually, an employe is vested after certain age or service requirements are met.)

3—Under some plans, "eligibility" is too restrictive. ("Eligibility" means the conditions required before an employe can become a covered participant under a plan and start to earn pension benefits.)

4—There have been cases of dishonesty in handling of funds. Though these situations have been extremely rare, some pension plans have been hurt.

Our private pension system is relatively young. In almost every conceivable way, it has been expanding and improving every year.

Government, both at state and federal level, is moving in with additional laws and regulations. It may be that over-regulation will slow down or even stop growth of a system that has benefited many people and promises to benefit many more.

Since "vesting" is frequently cited as an area of weakness, let us take a close look at what it will mean if a law is passed requiring greatly liberalized vesting.

The cry often is heard that a pension is "lost" whenever a person leaves a job after a few years and before he becomes vested. Statistics are quoted that "only 10 per cent of the people ever get a pension." Such statictics can be misleading.

Suppose that a man works in 10 different jobs out of his 40-year working career from age 25 to age 65. The first nine jobs last one year each before he finally finds a job that he likes and stays with for the rest of his working life. He then retires and gets a pension. Is it logical to say that only 10 per cent of his jobs produced a pension? Or could you more properly conclude that he was 100 per cent successful in getting a pension?

Look at it from the employer's point of view: He wants to encourage good employes to stay with him and help him earn a profit. He wants to reward good and faithful service with good pension benefits, for which he

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puts away certain sums of money periodically. With a moderate vesting requirement such as 15 years of service, he will be able to reward not only his people who atay 20, 30, or 40 years to retirement age (usually 65), but also those who quit after 15 years but before reaching retirement age.

If a new law is passed requiring five-year vesting, a large amount of money will go to the short-term employes who leave. The result is that long-term employes will get less. Alternatively the employer will have to put in more money—or face a combination of these two possibilities.

Another alternative is that he may decide that it's just not worth it and terminate his plan. Or an employer thinking of setting up a new plan may decide that he doesn't want to be exposed to the risk of greater and greater governmental restrictions on how his money should be spent.

Herein Oregon, a new law governing pension plans was passed by the 1973 Legislature. The federal government already regulates the private pension system through the Treasury Department (Internal Revenue Service) and through the Labor Department.

One has to live with these laws and regulations and fill out the multitude of required forms to really appreciate the required amount of paperwork. It is my honest opinion that our new Oregon law does little, if anything, to strengthen the private pension system. Indeed, it may even weaken it by adding still another layer of red tape and expense to the operation of pension plans.

The tragedy of the tussock moth damage to our forests should be a constant reminder of what government regulation can do when it is contrary to common sense.

We all have a legitimate concern in this matter and both sides of the coin should be examined before hasty "reform" laws are imposed on the health, growing private pension system.

PUBLIC EMPLOYEES
RETIREMENT SYSTEM,
Portland, Oreg.

". . . We, as most other public retirement systems, now have adequate provisions covering the areas of vestment, funding and proper audit, which are far in excess of the requirements in H.R. 4200. The net effect of this bill would create extremely expensive, redundant and uncalled for additional reporting, describing and disclosing, only increasing our administrative expenses without providing one single iota of additional benefit or protection to the member over what he presently enjoys . . . We must have an extension of time beyond 1975 and a much clearer definition of all terms . . . Otherwise, only chaos will result in the actuarial funding of ours, as well as all other public retirement systems across the nation . . ."

The atatus of benefits for the Oregon Retirement System, its over 80,000 active employees and 20,000 retirees, has been enhanced and substantially increased, offering greater service and protection to the member, even in the past three bienniums. We now have total vesting with only five years of service; a complete and total return of all employee contributions coupled with total accumulated interest, upon separation from service; a 1% pension formula that generates approximately 50% of salary at 30 years of service; and early optional retirement benefits. This, coupled with disability and life and medical benefits funded over a 26 year statutory period with reserves in excess of 600 million dollars and a cash flow in excess of our obligations of over five million dollars a month, hardly requires, at this time, inclusion in such priority private-pension-legislation as H.R. 4200.

Yours very sincerely,
JAMES L. MCGOFFIN,
Director.

AN INTERVIEW OF SENATOR HENRY M. JACKSON BY CONGRESSMAN JOHN BRADEMAS

(Mr. BRADEMAS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr BRADEMAS. Mr. Speaker, I insert in the RECORD the transcript of a televised interview which I have conducted with the distinguished junior Senator from Washington, the Honorable HENRY M. JACKSON.

The interview, another in a "Washington Insight" series I conduct for showing on WSJV–TV, the ABC affiliate in South Bend-Elkhart, Ind., will be viewed on Wednesday evening, November 7, 1973.

The transcript follows:

AN INTERVIEW OF SENATOR HENRY M. JACKSON, BY CONGRESSMAN JOHN BRADEMAS, WSJV–TV, SOUTH BEND-ELKHART, IND., NOVEMBER 7, 1973

Mr. BRADEMAS. War in the Middle East, continued confrontation with the Soviet Union, threats made good by the Arab States to cut off their oil exports, and the possibility of serious energy shortages—these are among the most critical problems facing our country today. And they are all areas where Americans are looking for leadership to their elected National officials.

Here to discuss these and other issues with me today is one of the nation's top leaders, Senator Henry M. Jackson of the State of Washington.

Senator Jackson first came to Washington, D.C. as a Member of the House of Representatives, where he served for twelve years. In 1952, he was elected to the United States Senate, where he has served ever since.

Senator Jackson is chairman of the Senate Interior and Insular Affairs Committee, chairs the permanent Subcommittee on Investigations, and has headed a Congressional subcommittee to monitor the strategic arms limitation talks for the Senate Armed Services Committee. He is widely regarded as a potential candidate for the Democratic nomination for President in 1976.

Senator. I'm glad to have you with me.

Senator JACKSON. Well, John, let me say I am honored to be with you and to be in your Congressional District tonight. It's a real pleasure. I am real proud of your great leadership, not only in the Education and Labor Committee, but in the House Leadership as Chief Deputy Whip. It's a very important assignment.

Mr. BRADEMAS. Thank you, sir. I want to ask you some questions about the problem that I know has been troubling Americans all over the country. We all watched anxiously for the past month as the Middle East war developed into a possible confrontation between the United States and the Soviet Union. I wonder what your reaction is to the action of President Nixon in putting our forces on alert and giving us the feeling that we faced a crisis of the magnitude of the Cuban missile crisis?

UNITED STATES DELAYED REACTION TO SOVIET MOVES

Senator JACKSON. Well, I think the Presiden was justified in putting our forces on alert. I had a chance to see the summary of the Russian note. As I described it at the time, the note was brutal. However, I do want to emphasize, and I want to be emphatic about it, that some of this could have been avoided if we started our aid, reinforcement and resupply to Israel, at the outset.

I think we sent the wrong signals, John, to the Soviets. We waited a whole week. It wasn't until some of us came out very strongly, forcefully, in a public way, as well as representations made privately, that they decided to move, about nine days after the fact. I think that delay encouraged the Russians to make commitments to the Arabs that they would not have made otherwise.

Mr. BRADEMAS. You will recall that there have been a number of questions here about the President's putting the Armed Forces on alert, and some have even suggested that may have been motivated by his Watergate troubles.

BUT ALERT WAS JUSTIFIED

Senator JACKSON. Yes, I know that statement was made, but that is not a fair appraisal, frankly, of the situation. You look at the Russian note, and then you look for independent corroboration. The Soviets had put on alert six airborne divisions; they had infantry divisions ready to go; they had the equipment there ready to move; they stopped the airlift of supplies to the Arab countries, and that airlift obviously would then be available to move those troops.

In addition, they had the largest concentration of ships in the Mediterranean in history. They had over 90 ships, and we, by the way, had 60.

But the most dangerous part of it all was not those ships, because we have a superior surface force, but it was the deployment of their submarines. And when you take this along with all of the other military moves that they were making, then I think we had no alternative but to blow the whistle on them and to make clear our determination that we were not going to permit the Soviet Union to achieve one of their cherished dreams, which goes back to Catherine the Great, of getting a real foothold with a military presence in the Middle East.

Mr. BRADEMAS. You've spoken of the Soviet military presence in the Middle East, and we're all aware that you have been a strong voice for a strong defense posture in the United States. What is your estimate of the prospect of the Soviets' tipping the military balance of power in their favor? And could you also in that connection comment on whether you think we can be reducing our defense budget in the post-Vietnam era?

SEES RUSSIANS TAKING RISKS

Senator JACKSON. Well, what the Soviets have been doing over the past many years is to build up this enormous defensive capability. And concurrent with that, they have built up a very large conventional force. The combination of the two makes it possible for them now to take risks that I think are extremely dangerous.

John, I just want to mention that when they didn't even have an atomic bomb, in 1948, they took Czechoslovakia. They kept pushing and pushing and we didn't respond. Then in 1962, in the Cuban Missile crisis, when we had a seven to one advantage, and we had total superiority in local forces, they nevertheless tried to put missiles into Cuba.

Now the problem that we face, not just now, but looking down the road a bit, and this affects the conduct of foreign policy, is that the Soviet Union will have an ever increasing advantage, unless we do something about it, in strategic arms and local arms. For example, in strategic arms, they now have with the SALT I agreement, a total of 1,618 land-based missiles to our 1,054, and in nuclear subs, they will have 62 to our 41.

And then you add what they've done in the way of surface sea forces and their huge advantage in ground forces, which makes it possible for them to take greater risks.

So I put it this way: when they had a totally inferior force, in strategic terms, they tried Cuba; they were successful in Czechoslovakia. It doesn't take much imagination to see that the level of their risk-taking is going up. This is what I'm trying to say.

People get to thinking in terms that are mechanistic in strategic arms, that is in terms of a nuclear exchange. I don't think that is the scenario. I don't think we are going to have a nuclear war. I think that what we have to face up to is what kind of conduct will we see here flowing from the Soviet Union with its ever increasing force? So what I have advocated is not arms control, but disarmament.

UNITED STATES SHOULD NOT UNDERWRITE SOVIET ARMS BUILDUP

If the Russians want all this economic help, six percent loans, by the way—and I know that some of you people out in Indiana find it difficult to get six percent loans, long term-credits—I'm willing to help—I want to help them economically—but why should we subsidize this huge military buildup? I believe in the reordering of Soviet priorities. I believe we should cut our level of strategic arms with the Soviets doing the same to get down to a level of parity. Let's say that both sides only have 900 land-based missiles. Why not both sides have 30–35 subs?

Mr. BRADEMAS. If we move in that direction, do you think there is some prospect that we could see a reduction of military spending in the foreseeable future?

ARMS PARITY WOULD SAVE BILLIONS

Senator JACKSON. Yes, we could see it in our own country and over there. We would save billions. What burns me is that they are asking for all this economic help from us, so we are in effect subsidizing their military buildup, because they can't do both and not have real internal trouble in the Soviet Union.

Mr. BRADEMAS. Let me ask you a question . . .

Senator JACKSON. May I just interject here, this all goes to the question of détente.

Mr. BRADEMAS. That's what I was going to ask about.

RUSSIAN ACTIONS INDICATE DISREGARD FOR DÉTENTE

Senator JACKSON. I want détente. But I want a human détente. I want one that is credible, that I really believe that some change is taking place in the Soviet Union. But when you look at the balance sheet here, what is it that they have done that makes things better for the world?

I was reading—I get the daily report of Tass and Pravda announcing that they were encouraging the Arabs to cut off oil to the United States. Now, I mean we're facing within days drastic developments in our own style of life here at home, John, and this to me is a very dangerous indicator of the real true attitude of the Soviets towards us when they are encouraging Arab countries, not only what they did in helping to get other Arab countries involved against Israel, but telling the Arab countries, cut off oil to the United States. Is that détente?

Mr. BRADEMAS. I happen to be, as you know, a cosponsor of the Jackson Amendment.

Senator JACKSON. You have not only been a cosponsor, but you have been most effective as an advocate.

Mr. BRADEMAS. Thank you. Could you explain what the Jackson amendment to the Trade Bill is and then comment on the White House's apparent withdrawal of pressure for action on the trade bill right now.

IMPLEMENT U.N. DECLARATION OF HUMAN RIGHTS

Senator JACKSON. The amendment would simply provide that if the Soviets are going to get economic subsidies from the United States—that's in the area of credits and Most Favored Nation treatment—then all we say is look, 25 years ago, by vote of 88 to 0, the United Nations adopted a resolution known as the Universal Declaration of Human Rights. That declaration provides in article 13 that an individual in a given country shall have the right to leave that country and return to that country. All we're asking, twenty-five years later, is implement that right.

It applies, not just to Jews, it applies to a long list of minority groups in the Soviet Union. After all, the Great Russian is the minority in the totality of the population of the Soviet Union; but there are Germans who want to leave, there are Latvians, Lithuanians, Estonians, Ukranians, the list is long. They should have the right to leave, that's all we're saying. And if they are willing to do that, we'll help them.

Mr. BRADEMAS. I think I told you a few weeks ago I had the very moving experience of being at Schönau, the castle near Vienna which has served as a way station for Jews coming out of the Soviet Union on their way to Israel. Another member of Congress, Congressman William Lehman of Florida, and I arrived within a few minutes after the arrival of some 70 Jews from Warsaw and Brest-Litovsk, and, as I say, it was a very moving experience to see them. I know that the Austrian government has now decided that they are going to have to shut down that particular transit point, but I have been thinking about the problem of emigration of Jews which was affected by your amendment.

Senator JACKSON. May I say at that point, too, John, that one reson I think all of us can take great encouragement in the move we're making is that Dr. Andrei Sakharov, the father of the hydrogen bomb, their most distinguished scientist, brilliant nuclear physicist, wrote an open letter to Congress and said, look, support the amendment. Otherwise, my people here, my professional colleagues, are going to be seriously hurt.

Dr. Alexander Solzhenitsyn, who is at the summit of his discipline, he is a man of letters, said the same thing. And it is interesting to note that some who oppose this over here see it as interferring in their affairs, and here the two top intellectuals of the Soviet Union, with great courage and with the danger of what might happen to them, are speaking out in behalf of this humanitarian proposal.

Mr. BRADEMAS. Let me ask you a question about a remark in Time magazine not long ago saying that "Senator Jackson is Israel's best friend in Congress." You sponsored, I think, in 1969 an amendment that made it possible for President Nixon to send arms to Israel in this latest crisis, and I wonder, in view of the bipartisan commitment we've had in this country to Israel, if you could tell us, in the present circumstances, how far you think we should go to protect that commitment?

ISRAEL'S SURVIVAL CRUCIAL TO BALANCED MIDDLE EAST

Senator JACKSON. First, let me explain that my interest in Israel dates back to the time I was prosecutor at the age of 26 and I saw what certain hate groups in the United States were doing to the Jews—I'm referring to the Silver Shirts—and then after I got out of the Army and went back to my seat in the House during World War II, I saw Buchenwald right after it was taken by Patton's forces, and what I saw there caused me to make a commitment to never permit a thing like that to happen again.

And I have felt right along that our policy should be to make it possible for the Israelis to survive. And at no time, and this is the great thing about the Israelis, have they ever asked for a commitment of American troops or forces. They are one ally who says, "Give us the credits so that we can buy the equipment we'll defend ourselves," and that's precisely the extent of our commitment.

Now, when the Soviets come in and obviously seek not to just aid the Arabs, that's not their objective—it's an imperial objective that goes back centuries—to obtain a domination over this area, then I think all of the interests of the Western world are at stake.

Their immediate objective, John, is to reopen the Suez Canal. They want the Egyptians on both sides of the Canal. Reopen it and it will become a Russian waterway because we can't move our fleet through that Canal. It's not deep enough. It'll take eight, nine years to convert it for our ships. But they can move theirs and it'll cut the distance in two to reach the Persian Gulf.

Secondly, we can't move our tankers through there. These are the huge tankers that draw ninety to one hundred feet of water. Now that is their immediate objective, and not only the United States, but the whole Western world has a stake in that.

In the meantime, our commitment is not to bring American forces. I don't want American forces in there. The Israelis don't want American forces in there. The Russians want their forces in there. That's what that note was on and that's what I said was brutal because in 1788 Catherine the Great tried to do the same thing—to upset the Ottoman Empire in Egypt.

Mr. BRADEMAS. Do you think there's any danger that President Nixon and Secretary of State Kissinger will put presure on the Israelis to make an accommodation that would be prejudicial to the survival of Israel?

ISRAEL MUST HAVE DEFENSIBLE BORDERS

Senator JACKSON. I'm really worried about two possibilities. One, that there will be a settlement which will make it almost impossible for the Israelis to defend themselves. I say that because I have little confidence until I see what is being proposed—and we're not being kept informed on any aspect of this—that it might be a proposal or settlement in which they would not have defensible borders with modern weapons. That really disturbs me.

Secondly, intertwined with all this is, and we haven't discussed this, the Persian Gulf. In the Persian Gulf we have, John, about 70 percent of the oil reserves of the world. This is the jugular of the Western World. This is what the Soviets are after: Saudia Arabia, Kuwait, Iraq, Iran and the sheikdoms.

FEARS VIOLATION OF U.S. INTERESTS IN FACADE OF DÉTENTE

So I am concerned to really find out what's going on. I am concerned that the Administration, in an effort to put the pieces of détente back together again so at least they will have the facade of détente, will do something that will in my judgment violate both interests.

Mr. BRADEMAS. Let me turn to ask you more about the implications of the oil situation for the United States. I guess we import about 11 percent of our refined and crude oil from the Arab states, something in that order of magnitude. Now the Arabs are cutting off oil to this country. What are the implications for our energy supplies in this country, and secondly, the implications of the situation for our allies in Western Europe and Japan?

MUST TAKE EMERGENCY ENERGY MEASURES TO OFFSET ARAB BLACKMAIL

Senator JACKSON. Well, I'll do the last first. It's absolutely disastrous for Japan. They get 90 percent of their oil from the Middle East; in the case of Europe, about 80 percent. You hit it right about on the nose at 11 percent. Actually, we're consuming—it's up about a million barrels a day from last month—we're consuming 18 million barrels a day, we're importing six, and of the six we get about 1.6 million barrels a day from that area. We can completely, John, offset that, and I have emergency legislation pending that will give us 3.3 million barrels. That will involve conservation and alternative sources on an emergency basis, including utilizing coal where it will not impair the health of our people from the standpoint of air quality.

I think the key thing we need to do now is to tighten our belt and just tell the Arab world and tell the Russians we're not going to be blackmailed.

Now the Europeans did submit to blackmail. They just took a hands-off policy in the Middle East and they proved that old, old adage that once you allow yourself to be blackmailed, you've had it. It continues. And so here they are getting cut off even though they didn't participate in the Middle East conflict!

Mr. Brademas. What about the fact that the House and Senate have now passed mandatory fuel allocation bills to lessen the impact of shortages? Could you comment on that legislation and do so in the light of what the Administration is proposing to do to deal with the problem?

ADMINISTRATION FUEL POLICY TOTALLY INADEQUATE

Senator Jackson. The Administration's proposal has been voluntary up to now. They have in effect a limited mandatory allocation program which is totally inadequate.

The Congressional program sets down the mandatory moves they must make in terms of priority, whereas the Administration program does not.

The effect of the Congressional program, I think, will be to take care of hardship situations much better, to take care of our schools, our hospitals, our utilities, the basic things that we need on a high priority basis, and I believe that the mandatory program will be the most effective.

Mr. Brademas. Let me turn to another general area that is obviously of very great concern to the country right now, and that's Watergate, the confirmation of Gerald Ford, the possible impeachment proceedings of the President. Do you think the White House announcement last week that two of the Watergate tapes do not exist will intensify the pressure in Congress for a special prosecutor who is not subject to White House control?

WATERGATE TAPES ISSUE SHOCKS THE NATION

Senator Jackson. I don't think there's any doubt about it, John. I must say that I was shocked and I am sure the nation was shocked after all the controversy over the tapes to announce that the two critical tapes never existed. Why didn't the White House say, "Well, look, gentlemen, you're arguing over something that doesn't exist." Now to come in at the last minute and to have the White House advise Judge Sirica that these tapes have never been in existence, I think just escalates the credibility question.

Mr. Brademas. You travel all over the United States, Senator, speaking and are very much in demand in every part of the country. What are you finding is the reaction that people give you to Watergate and what do think the meaning of Watergate is for this country?

WATERGATE DAMAGED AMERICAN PRIDE AS NEVER BEFORE

Senator Jackson. Well John, that's a tough one. The American people are a proud people. And if I were to summarize the whole situation, I would put it this way—that Watergate has hurt the pride of the American people as never before in our history. This applies to Democrats, to Independents and to Republicans. Some have become cynical of all politicians and they feel that somehow we must do better. And it's not a fall-out in favor of any political party as such. They feel very deeply that they want to see this whole mess cleaned up and cleaned up as fast as possible.

That's the way I would summarize it.

Mr. Brademas. Let me ask you another question. If you were to rattle off the three or four major problems facing the country, aside from the foreign policy issue in the Middle East and defense, which we've been discussing, and Watergate, to which we have just alluded, what would you say they are?

OVERRIDING ISSUE IS ECONOMY

Senator Jackson. The overriding issue facing this nation is the proper management and direction of our economy. No doubt about it. Inflation has been devastating. We've had a continuous recession. Ask any housewife, ask the senior citizens who watch their savings recede, their earnings recede, their standard of living recede. This is the overiding issue.

Coupled with it is the whole energy problem, because, John, our energy problems are not going to be over this year. We've got there rough years ahead, minimum, and then we've got the long-term problem of making this country self-sufficient in energy.

But the heart of it is how we manage and direct our economy. By proper direction of our economy, proper growth with good environment, we can provide the revenue and the resources to do the things we must do in America to make it a better America.

Mr. Brademas. Let me then turn, in view of your having said that, to recall, Senator, that Joseph Kraft, who, as you know, is a very widely respected columnist here in Washington and acrosss the country, said recently that Seantor Jackson of Washington has now emerged as "the top Democrat in the nation," and some are even suggesting that you might be a candidate for the Presidency of the United States. Are you running for President, Senator Jackson?

Senator Jackson. Well, John, that's a tough question. Of course it's never been raised before. No, I must say, that all one needs to do is just observe what's happened the last three months—things are changing so fast—to look that far ahead is definitely an impossibility. Let's just summarize that one by saying I'm keeping my options open.

Mr. Brademas. Thank you very much, Senator Jackson.

You've been listening to a conversation with Senator Henry M. Jackson of Washintgon about some of the problems facing the people of the United States today.

PRESIDENT SIGNS PUBLIC LAW 93–135, THE AGRICULTURE-ENVIRONMENTAL AND CONSUMER PROTECTION APPROPRIATION BILL FOR FISCAL YEAR 1974

The SPEAKER pro tempore (Mr. McFall). Under a previous order of the House, the gentleman from Mississippi (Mr. Whitten) is recognized for 10 minutes.

Mr. WHITTEN. Mr. Speaker, as chairman of the Appropriations Subcommittee for Agriculture-Environmental and Consumer Protection and this year's chairman of the conference between the House of Representatives and the Senate, I was very pleased to note that on October 24 the President signed into law—Public Law 93–135—the agriculture-environmental and consumer protection appropriation bill for fiscal year 1974.

Mr. Speaker, this is a very good bill. The bill was carefully drafted by our subcommittee after many months of hearings. A number of changes were made to the bill when we brought it to the floor. Likewise, many changes were made to the bill by the Senate.

We had a very good conference and the final bill as it passed both the House and the Senate drew wide support from both sides of the aisle. The conference report passed the House by 348 to 24 and it passed the Senate by voice vote.

Because of the importance of this bill to the Nation, there are several items I would like to again call to the attention of the House. There are a number of important items in the bill and the reports.

AGRICULTURAL AND RURAL DEVELOPMENT PROGRAMS

With regard to those sections of the bill which relate to activities of the Department of Agriculture, I would like to point out that funding for programs under the Rural Development Act is provided for the first time. There is $163 million in grants and $720 million in loan authority. When the Department finally develops effective plans for new and innovative programs under this authority instead of substituting them for programs which have been effective for many years, additional funds will be provided.

The bill provides $175 million for the Agricultural Conservation Program. In this connection the conference report stipulates that ASCS county committees shall retain authority to select and approve cost sharing practices, including the application of minerals or other materials where such committees find such practices essential to land development or preservation.

ENVIRONMENTAL PROGRAMS

The committee directed the Council on Environmental Quality to include in their procedures the requirement that Federal agencies prepare and publish their comments on impact statements within a specified time limit. The committee will expect this directive to be implemented by the Council expediously. The delay of Federal projects because of excessive amounts of time spent on the preparation and review of impact statements cannot be permitted to continue.

In the case of the Environmental Protection Agency, the commitee's hearing record this year showed strong evidence that actions by the Environmental Protection Agency in carrying out the various environmental laws have contributed to the energy crisis, have increased the damage from floods because of the delay of flood and soil conservation projects, have increased the cost of production of food thereby contributing to higher consumer prices, and have greatly increased the danger to human health by banning DDT, which according to testimony has never injured a human being. In addition, actions by the Agency have placed American industry and American agriculture at a competitive disadvantage both at home and abroad.

The committee was convinced that the Environmental Protection Agency and its policies had contributed greatly to causing the energy crisis. The approval by the Agency of overly restrictive State plans, which called for the meeting of primary and secondary ambient air standards at the same time, resulted in the need for industry to convert from coal to low-sulfur fuels. This increased requirement for oil and gas has been a major contributor to our current fuel problems which have now bene further aggravated by the Mideast situation.

In addition, the automobile emission control standards imposed by the Agency have greatly increased the requirements

for gasoline, which is also in short supply and will probably require rationing.

The energy crisis has major implications with regard to our country's national security, foreign policy and balance of trade. These implications were not considered by the Agency in setting the standards and approving the plans that led to the problem. The potential impact on the economic and social wellbeing of this Nation of actions by the Agency is so great that it is absolutely essential that the Agency be required to consider the impact of their actions.

Therefore, since our committee is the only committee that reviews all of the Agency's programs, we provided a number of directives in order to help restore a sense of balance to our environmental efforts.

The bill includes $5,000,000 for a complete and thorough review of the programs of EPA by the National Academy of Sciences. This study will provide the information Congress needs to better assess whether or not the cost of our environmental efforts are equal to the benefits. EPA must submit periodic reports to the committee on the progress of the studies called for in the House report and copies of the final report must be provided to the appropriate executive departments and agencies and to the Congress.

The bill includes $5,000,000 and 50 positions for the testing of substitute chemicals by EPA. These funds should help the Agency to avoid taking actions based on insufficient knowledge as they have done in the past. The Agency was also directed to initiate a complete and thorough review, based on scientific evidence of the decision banning the use of DDT. This review of DDT must take into consideration all of the costs and benefits and the importance of protecting the Nation's supply of food and fiber and provide a comparison with the inadequacy and dangers of approved substitutions.

The bill includes $250,000 and 14 positions for the formation of an environmental impact statement review group within EPA. The major delays associated with impact statements frequently are not in the preparation time, but in the lengthy review process. Four of these positions will be located in Washington and one each will be located in each of EPA's 10 regional offices. These specialists will work with other Government agencies so that the views of EPA can be considered during the project development stage. These individuals will have sufficient authority to comment in behalf of the Agency.

In addition, the report directs that in those cases where an environmental impact statement is required in connection with a project that is already under construction, the cost/benefit ratio should be based on the cost to complete the project versus the total benefits of the project. Furthermore, the review of impact statements prepared for ongoing projects should in no event exceed 10 working days.

The bill also provides that EPA must prepare environmental impact statements as required by section 102(2)(C) of the National Environmental Policy Act on all proposed actions by the Agency, except where prohibited by law. To help the Agency in carrying out this directive of the Congress, the bill provides $5,000,000 and 50 positions.

On September 18, 1973, Russell E. Train, the Administrator of the Environmental Protection Agency wrote to me as chairman of the subcommittee. The purpose of his letter was to advise the committee of EPA's position on the items in disagreement between the two versions of the bill as passed by the House and Senate. With regard to environmental impact statements, Administrator Train's letter stated:

> The House bill includes language that would require EPA to prepare "Environmental Impact Statements as required by section 102(2)(c) of the National Environmental Policy Act on all proposed actions" such as proposed standards, regulations and guidelines. The Senate bill includes language that would require EPA to prepare "environmental explanations" to accompany all proposed actions.

The House conferees did not agree that "environmental explanations" on actions "such as proposed standards, regulations and guidelines" would suffice and insisted on the House language. Some Senate conferees strongly supported the Senate language, but because of the record, and overwhelming congressional support, receded. Therefore, EPA must prepare environmental impact statements on all proposed actions, including standards, regulations and guidelines as was recognized by Administrator Train in his letter of September 18, 1973.

The committee takes note of the colloquy that was inserted in the Record in the Senate on pages 33540 through 33542 in connection with the adoption of the conference report on the bill. This colloquy, between the chairman of the subcommittee, Mr. McGee, and the Senator from Maine, Mr. Muskie, and the colloquy between the ranking minority member of the subcommittee, Mr. Fong, and the Senator from Tennessee, Mr. Baker, relates their views of the intentions of the House in including the language on impact statements in the bill. Their views did not prevail and the statement by the managers on the part of the House are controlling as to the intent. While the colloquy perhaps presents the opinions of some individual Senators, it in no way alters the directives of the Congress as expressed in the bill nor the conference report or statement on the part of the managers. During the colloquy it was stated that "an appropriation bill cannot alter the text of existing law." Even on this there are exceptions. However, appropriations bills do spell out the purposes for which funds are provided and the conference reports do constitute directives for the executive departments, which are binding. Certainly, the colloquy led by those whose views were not accepted in the conference can in no way constitute a controlling legislative history.

The language on impact statements in the bill states:

> For an amount to provide for the preparation of Environmental Impact Statements as required by section 102(2)(c) of the National Environmental Policy Act on all proposed actions by the Environmental Protection Agency, except where prohibited by law, $5,000,000.

This language is now in the law and must be complied with by the Agency.

CONSUMER PROTECTION PROGRAMS

The conference also agreed to two important provisions in the consumer protection area. The Food and Drug Administration is to conduct a study of the pros and cons of continuing the Delaney clause in it's present form. Urgent questions have arisen in regard to the Delaney clause, and because of the importance of this study, the Congress has called for an initial report by January 1, 1974.

The conference also agreed to provide $1,000,000 to the Federal Trade Commission for a study of the energy industry. This study will be modeled on the recently completed study of the petroleum industry. Recent international events have made this study even more urgent, and the Federal Trade Commission should give high priority to initiation of this study.

The bill also provides a total of $2.5 billion for the food stamp program, and $97,123,000 for the special milk program.

PERSONNEL CEILINGS

The conferees were concerned that personnel ceilings might be established by the Office of Management and Budget that might negate the personnel increases provided by the Congress. To prevent this, the conferees directed that the additional personnel provided for fiscal year 1974 shall not be restricted by any personnel or monetary ceiling heretofore or hereafter applied, levied or charged against the Department or Agency and shall be considered an incremental increase in personnel ceiling to be accounted for separately. Also, additional personnel provided for laboratory staffing must be accounted for by laboratory. The conferees also directed that personnel engaged in the preparation of environmental impact statements shall be considered an addition to any personnel ceiling and shall be accounted for separately, including their cost.

CONCLUSION

Mr. Speaker, these provisions I have previously discussed all present an expression of congressional intent. The committee expects to follow closely Agency compliance during the coming year.

AN INDEPENDENT SPECIAL PROSECUTOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Robison) is recognized for 15 minutes.

Mr. ROBISON of New York. Mr. Speaker, in the aftermath of the series of events which included the dismissal of special prosecutor Archibald Cox, the resignations of Attorney General Richardson and his deputy, William Ruckelshaus, and President Nixon's decision to give up the tapes, I called immediately for a new independent special prosecutor

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who would not be answerable to the executive branch.

It seemed to me then, as it still does, that essential to the credibility and integrity of the "Watergate" investigation is the ability of the special prosecutor to follow the evidence wherever it may lead and to have available to him the documents and materials he needs in order to pursue this objective without any interference or threat of dismissal.

While, for instance, I can understand President Nixon's reluctance, on the basis of executive privilege, to turn over certain documents to any special prosecutor, it is my own belief that the necessity for an open and complete airing of all of the potential "Watergate" evidence as well as a speedy conclusion of the investigation is of paramount importance and should take precedence over the claims to executive privilege.

An appointment by the President to the post of special prosecutor under the same conditions that Mr. Cox assumed the post is no longer credible, nor would it serve the purpose of restoring confidence in the ability of our system of government to swiftly and fairly pursue justice. President Nixon's nomination of Senator William Saxbe to be Attorney General and the naming of Leon Jaworski to be the new special prosecutor do not, in my opinion, reduce the need for this legislation. While I have no doubts about the integrity or ability of either individual, it remains imperative that the special prosecutor be guaranteed the independence he needs by an authority other than the executive branch, for without this sort of guarantee, I do not believe the American people will have the degree of confidence in this investigation that is essential to restoring its credibility. This fact, as much as I regret it, cannot be overlooked.

What has become evident since I first called for an independent special prosecutor, however, is the grave constitutional hurdle which apparently precludes the appointment of a new prosecutor by the Congress or the courts. We cannot afford a lengthy fight over the constitutionality of such a move, as attractive and useful as it might be.

As a result I have been searcing, along with many of my colleagues, for a proposal which, while avoiding any constitutional problems, would guarantee the needed independence of the special prosecutor.

While I did so with some misgivings, last week I cosponsored a resolution authored by Congressman Bill Cohen which called for the appointment of a new special prosecutor by a newly appointed Attorney General. A pledge for complete independence for the prosecutor would be a condition for confirmation of the Attorney General nominee and the special prosecutor would have been subject to Senate confirmation.

I cosponsored the bill to indicate my support for the reestablishment of the post of special prosecutor as well as my support for a stance for the position which I perceived to be stronger than existed previously. Frankly, the bill was deficient in that, in my opinion, sufficient independence was not guaranteed.

In an attempt to find a proposal that sufficiently guaranteed the independence of the special prosecutor, I learned of the proposal made last week by Senator Charles Percy.

After reviewing it, I find that it more closely parallels my position than does the Cohen proposal and for that reason I am introducing it today.

In essence, Senator Percy proposes that Congress, by statute, establish the Office of Spcial Prosecutor and Deputy Special Prosecutor. The President retains the right to nominate the individuals for those positions subject, however, to the advice and consent of the Senate. Furthermore, and most importantly, the bill specifies that removal from those positions can be accomplished only if Congress concurs and on the basis of three specified conditions—malfeasance in office, neglect of duty, or violation of the act creating the office.

Clearly, the adoption of this proposal gives the necessary strength to the special prosecutor, enabling him to pursue the "Watergate" investigation without the threat of interference or dismissal because of any effort he might undertake to obtain all evidence and documents needed for his inquiry—regardless of their source, Presidential or not.

By his action last week it is clear the President recognizes the need for a new special prosecutor. I regret that at this moment it appears he does not recognize the need for giving that individual the autonomy undeniably needed to assure the confidence of the American people in the integrity and credibility of his work.

It is with considerable pain and sorrow that I have been forced to conclude that the informal assurances given by the President—that is, achieving a consensus of support from congressional leaders before dismissing the newly appointed special prosecutor—will not suffice in this instance. Stronger action is called for and needed.

This Nation cannot afford any lengthy period of uncertainty as to the ability of our system of government to assure that justice, speedily achieved, will be done in this instance. The "Watergate" case has lingered on the domestic political scene far too long aireday. While it never will be put "behind us," for it is indelibly stamped in our history books, let us insure that those same history books are not forced to record a story of an inability to swiftly bring to justice those responsible for this sordid affair.

Let it be demonstrated that in this crisis we as a nation moved in a timely but decisive manner to remove the sores on the body politic—acted responsibly to restore the integrity of government—and moved swiftly to bring justice.

CITIZENS DENIED DUE PROCESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. Hogan) is recognized for 10 minutes.

Mr. HOGAN. Mr. Speaker, on April 20, 1973, attorneys for Citizens for Community Schools, a countywide organization in Prince Georges County, Md., supported by voluntary donations, filed a petition with the U.S. Supreme Court seeking review of the forced busing decree imposed upon the children in the Prince Georges County school system. The essence of the appeal was that the citizens of Prince Georges County had been denied due process of law in that a trial had not been held on the question of whether segregation existed in the county's school system. Further, Judge Frank Kaufman's order in the U.S. District Court of Maryland, in my opinion, exceeded constitutional limits set by the U.S. Supreme Court in other cases. Shortly afterward, a petition for review was also filed by the attorney for the school board.

The Supreme Court today refused to review the case, and thus ends the courtroom battle to reverse what I believe to be a gross miscarriage of justice.

Although I have applauded the orderly manner in which the Prince Georges County citizens obeyed the busing order and sought to overturn it through the legal process, I have from the outset recognized that legislative action in this area is needed.

I am still of this opinion and have been working with my colleagues in Congress toward this objective. I am on the executive committee of the bipartisan Busing Strategy Committee of House Members seeking a solution to forced busing through legislative action in Congress.

It has now been 9 months since Judge Kaufman's order was implemented on virtually 30-days' notice. One could ask what has been accomplished in that period.

Concrete information is not readily available. Some data may not have been compiled; other data may be subject to analysis after the election of the school board tomorrow. But what is available does not appear optimistic for tohse who favor racial balancing through busing as contrasted with the neighborhood school.

At least it does appear that there have been some obvious and concrete results of the busing order of Judge Kaufman.

First. School hours now start as early as 7:30 a.m. and conclude as late as 4:30 p.m. This means that with busing, mothers may be required to have their children at the bus stops shortly after 6:30 a.m., and they may return home as late as 5:30 p.m. Mothers with children at several levels need much patience in meeting the new and varied bus times.

Second. At least 12,000 additional students were bused for the first time. The order added approximately 60 buses, so that the Prince Georges County schoolbus fleet now totals over 800. This is about six times the number of total public buses operating in Prince Georges County.

Third. Gasoline consumption for the additional buses certainly does not help the energy crisis. Gasoline consumption has increased probably 20 to 40 percent. Schoolbuses, because of start/stop operations, get only 5 to 5½ miles per gallon of gas.

Fourth. School attendance for the fall session is down 2,300 below the estimate.

The estimate is well under the 161,000 peak school attendance of a couple of years ago. In one of the fastest-growing counties in the Nation, private and church schools are gaining, public schools are losing students, and families are moving out of Prince Georges County to avoid busing.

Fifth. Disciplinary problems are manifold as evidenced by the request of the Prince Georges County schools for "alternative educational programs for disruptive students." The increased cost is indicated as $296,000 annually. The security staff of the schools has required an addition of 13 positions.

Sixth. A 4-year-old youngster being bused for racial balance from Palmer Park to New Carrollton has been killed in a bus accident. It was a tragic commentary on Judge Kaufman's order that the child was a member of a minority group, so young, and that the accident was so unnecessary.

Seventh. The outlook is for substantial readjustments of schoolbusing for racial balance this next semester because any kind of a plan drawn will be outbalanced when families move or put their children in private schools to avoid busing. As predicted, minority growth in various schools has resulted in the need to reschedule busing plans and pupil assignment under Judge Kaufman's formula twice a year.

The refusal of the Supreme Court to review the Prince Georges County case ends the judicial phase. What about the congressional or legislative prospects?

I have introduced House Joint Resolution 85, a constitutional amendment which would preclude the Court from ordering busing for racial balance, which states:

> Section 1. No public school student shall, because of his race, creed, or color, be assigned to or required to attend a particular school.
>
> Sec. 2. Congress shall have the power to enforce this article by appropriate legislation.

In the Congress approximately 50 antibusing bills have been introduced in seven different categories. Because of the proliferation of legislation and the differing provisions, the Busing Strategy Committee was formed, which I mentioned earlier.

I am hopeful that a single legislative proposed can be agreed upon which will receive favorable action by the Congress. Too long the courts have experimented with our schools with artificial color quotas and extravagant busing. I think it is time to return our schools to our communities. I think it is time the neighborhood schools again become the acceptable concept.

WAR POWERS LEGISLATION OVERDUE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Fish) is recognized for 10 minutes.

Mr. FISH. Mr. Speaker, I rise to urge my colleagues to override the President's veto of the war powers resolution (H.J. Res. 542).

This legislation requires that the President report to the Congress within 48 hours after a commitment of U.S. troops to combat abroad. It also would require that such troops be withdrawn within 60 days, unless the Congress specifically approved the action. It encourages, rather than discourages, consultation between the two branches on vital matters of war and peace.

Some opponents charge that, through this bill, the Congress is giving up some of its power by statute to the President. It is said the President has a 60-day mandate to commit troops to hostilities. I find this reasoning difficult to fathom. The fact is that under the provisions of House Joint Resolution 542, the Congress can halt military action anytime prior to the 60-day period by the passage of a concurrent resolution. The bill provides a definite procedure for preventing future "Vietnams." I can only interpret this as a reassertion of congressional prerogative, rather than a relinquishment.

Ironically, other critics argue that the bill goes too far. Mr. Speaker, there is nothing in this bill which inhibits quick fulfillment of the constitutional obligations of the Commander in Chief. There is nothing in the bill that would prevent the President from taking prompt action in response to a crisis anywhere in the world as recently he has done brilliantly in the Mideast. There is nothing that would impair our treaty obligations with other nations. To say otherwise assumes an irresponsible Congress. There is nothing that would reflect, either favorably or unfavorably, on our deterrent posture.

What this legislation signifies is a long overdue attempt by the Congress to share responsibility for warmaking—its clear constitutional role. What is implicit is a confidence in the collective judgment of the Congress.

Mr. Speaker, we are legislating pursuant to a power and a responsibility granted to the Congress in article I of the Constitution. The people expect no less of us.

THE IRS IS NOT A POLITICAL TOOL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. Alexander) is recognized for 30 minutes.

Mr. ALEXANDER. Mr. Speaker, almost 5 months ago I rose in this Chamber to voice my concern that the present administration had entered into activities designed to use the Internal Revenue Service as a political tool. Such an accomplishment would be a flagrant invasion of the right of privacy of millions of Americans. It would constitute an inexcusable breach of faith with the millions of law-abiding citizens who have honestly filed their income tax reports in the belief that the confidential information contained therein would be used only for the purpose of computing their tax liability.

My suspicions have been heightened by the revelations last week of a memorandum dated October 17, 1969, from Jeb Magruder to H. R. Haldeman, both former members of the highest echelons of this administration. The memorandum was titled "The Shotgun Versus the Rifle" and discussed methods which might be employed by the administration to put a dangerous damper on the freedom of the press.

I would like to quote two portions of this memo. The first describes the task, as Magruder saw it:

> The real problem that faces the Administration is to get to this unfair coverage in such a way that we make major impact on a basis which the networks-newspapers and Congress will react to and begin to look at things somewhat differently. It is my opinion that we should begin concentrated efforts in a number of major areas that will have more impact on the media and other anti-Administration spokesmen and will do more good in the long run . . .

There followed this comment some suggested ways of accomplishing the goal as Magruder saw it. Among these was the following:

> Utilizing the Internal Revenue Service as a method to look into the various organizations that we are more concerned about. Just a threat of an IRS investigation will probably turn their approach. . . .

A more blatant proposal for subverting our laws I have never seen nor heard proposed by an official in a position to influence policy decisions. It is evident from the date on this memorandum that seeds of things to come had already been planted in the minds of some members of the administration even before its first year in office ended.

It was this spring that I first suspected that a link might exist between the attempts by the White House to politicize the IRS and a couple of Executive orders issued early this year by President Nixon. My feeling developed as the Subcommittee on Foreign Operations and Government Information, of which I am a member, held hearings, at my request, on Executive Orders Nos. 11697 and 11709. These orders are designed to give the Agriculture Department authority to study income tax returns of our Nation's three million farmers.

The stated purpose for these orders was to allow the USDA to improve its statistical surveys.

On October 18, 1973, the subcommittee issued its report on its study of those Executive orders. The report is titled "Information from Farmer's Income Tax Returns and Invasion of Privacy." It contains three recommendations. They are:

> 1. For the purpose of statistical mail surveys, that the Internal Revenue Service provide to the Department of Agriculture only names, addresses, and taxpayer identification numbers. No personal financial data from farmers income tax returns should be provided unless an individual citizen gives his voluntary informed consent in writing. Ideally, the farmer could provide this information directly to the Department of Agriculture.
>
> 2. That the Department of Agriculture, utilizing lists of persons having farm operations provided by the Internal Revenue Service, seek the voluntary informed consent of farmers in obtaining private financial information needed to design statistical mail surveys.
>
> 3. That the appropriate Congressional Committees consider legislation amending

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> section 6103 of the Internal Revenue Code to make tax returns explicitly confidential, except as otherwise limited for tax administration, enforcement and other purposes approved by Congress.

My suspicions about a link between an Administration attempt to use IRS as a political tool and the Executive orders favoring USDA were triggered by the admission by the Department of Justice to the Subcommittee on Foreign Operations and Government Information that those orders had been designed to serve as a prototype for future tax return inspection orders. This feeling was strengthened by testimony before the Senate Select Committee on Presidential Campaign Activities—the "Watergate Committee"—that certain White House aides had sought to use the IRS as a political weapon against the administration's "enemies."

There were a number of other factors which influenced my thinking:

The testimony of John Wesley Dean III before the Senate Select Committee showed clearly there was a determined and active effort to politicize the Internal Revenue Service and much consternation over the resistance of top officials in the IRS to be a party to any such effort;

The revelation that J. Gordon Liddy and John Caulfield were employed by the Department of the Treasury at the time the Executive orders were formulated;

Dean's production of documents showing that Caulfield had advised him on matters pertaining to political enemies and the IRS; and

The Dean documents which included a reference to a way in which the IRS could "target" individuals by requesting an IRS audit "of a group of individuals having the same occupation."

To me this struck a resounding chord. Executive Orders 11697 and 11709 are aimed at "a group of individuals having the same occupation"—namely, farmers.

The appearance of the Magruder memorandum last week is additional evidence that the state of mind of the administration during the time the tax return release order was being formulated was to compromise the IRS and other agencies for political purposes.

Another portion of the Magruder memorandum's suggestions for putting the screws on the news media seems relevant here. Its final suggestion was—

> Utilize Republican National Committee for major letter writing efforts of both a class nature and a quantity nature. We have set up a situation at the National Committee that will allow us to do this, and I think by effective letter writing and telegrams we will accomplish our objective rather than again just the shot-gun approach to one specific Senator or one specific news broadcaster because of various comments. . . .

Could it be that they wanted the names and addresses of the Nation's 3 million farmers so they could pick out those who earned a high income and recruit them for political letterwriting campaigns "of a class nature"?

In "Past and Present," Thomas Carlyle wrote:

> In the long run every Government is the exact symbol of its people, with their wisdom and unwisdom. . . .

In the nearly 2 centuries since our Nation was founded the wisdom and courage of our people have given us the strength and determination to protect our precious rights and freedoms. Among the most important of these are freedom from illegal coercion and the right of privacy. Failure to protect these rights for even one citizen could well be the key to tyranny for us all.

These coincidents which I have cited are too obvious to ignore. It may be that the Congress will want to act along the lines suggested by Donald C. Alexander, Commissioner of Internal Revenue during his testimony before the Subcommittee on Foreign Operations and Government Information.

Commissioner Alexander said in part:

> . . . As I see it, today we should consider the basic problem of balancing two competing interests: The right of the taxpayer to privacy against the need of the requesting person or agency to information necessary to the fulfillment of its function. In striking this balance, the Congress might wish to impose a heavy burden upon the entity seeking tax information. . . . * * * Congress might consider modifications in the rules permitting access to tax information of those having a direct or beneficial interest in the particular tax return. . . .

I agree with the Commissioner. I am convinced that present tax law, which has the effect of treating an individual's tax return as a public document, within too loose limits, may well need to be changed. I believe that Congress should carefully consider modifying the law to make income tax returns private documents except under certain carefully prescribed circumstances.

In the future I expect to urge the appropriate congressional committees to give full consideration to this need.

IT WAS THE BEST OF TIMES, IT WAS THE WORST OF TIMES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. Kastenmeier) is recognized for 5 minutes.

Mr. KASTENMEIER. Mr. Speaker, Charles Dickens opened his classic "A Tale of Two Cities" with the following words—

> It was the best of times, it was the worst of times. . . .

Today it, indeed, is "the best of times" for the oil industry, and for the American consumer, on the other hand, it is "the worst of times." While the public is warned about energy shortages and rationing and is forced to pay higher prices for fuel, the oil oligopoly, despite the energy crisis and the greater demands by the oil-rich Middle East governments, is doing better than ever.

The third quarter profits are now being reported and they show some of the biggest profit increases in the history of the oil industry. Exxon Corp., the Nation's largest oil company, earned $638 million in the July–September quarter, an 80-percent hike over the $353 million reported in the third quarter of 1972. Profits for the first 9 months of this for Exxon were $1.66 billion, some 59.4 percent higher than profits in the same period of 1972. The Gulf Oil Corp. raked in record 9-month earnings of $570 million, a 60-percent gain over the first 9 months of 1972. Gulf's 1973 third quarter advanced 91 percent to $210 million. Standard Oil of Indiana's third quarter net surged by 37 percent to $147.3 million. Continental Oil Co. said its third quarter earnings rose 38 percent to $54.2 million. Cities Service Co. reported its third quarter earnings climbed nearly 61 percent to $28.6 million.

Ashland Oil had a 17-percent earnings gain to $24.4 million for the July–September period. Standard Oil Co. of Ohio announced its third quarter net rose 14 percent to $18 million. Getty Oil's third quarter net income of $33.7 million was a 71-percent jump over last year's third quarter figures. Phillips Petroleum earnings for the third quarter rose to $53.8 million, a 43-percent gain over a year ago. Atlantic Richfield's profits rose 16 percent in the third quarter and 37 percent in the 9-month period. Texaco's net income followed the trend of sharp gains as it advanced 48 percent above the 1972 third quarter. Union Oil saw its third quarter earnings rise 61 percent to $50.7 million, and Mobil Oil came in with a 64.1-percent boost in its third quarter profits, reaching $231.2 million. Standard Oil Co. of California turned in record profits for the third quarter with a 51-percent gain over the similar 3 months last year.

Mr. Speaker, the oil oligopoly has found a way to use the energy crunch to its advantage and to make more money than ever before. Furthermore, as we all know, the oil industry is the beneficiary of many Government policies, and we, in the Congress, find ourselves even unable to pass any reform of the minimum income tax provisions because we are told that the oil giants, who object to paying their fair share of taxes, have gotten to our brethren. So, as we enter "the winter of despair," the oil companies will have everything before them, and the American consumers, who are forced to pay more for fuel products in order to provide the greater profits for the oil barons, will have nothing before them.

CPA AT THE FED, CONTINUED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. Fuqua) is recognized for 5 minutes.

Mr. FUQUA. Mr. Speaker, on October 18, as part of my continuing effort to determine the scope of Consumer Protection Agency authority under the pending CPA bills, I entered into the Record responses to my questionnaire from four banking agencies.

One of the critical questions asked of each agency in my survey of the most affected Federal agencies concerned how many of their 1972 final decisions were appealable to the courts by anyone. Under two of the three CPA bills now before a subcommittee on which I serve, the CPA would be able to appeal the final decisions of another agency if anyone else could appeal them. This grant of power is the major difference among the three bills. Only H.R. 564, the bipartisan bill introduced by Congressman Brown of Ohio and myself, would not grant such

an extraordinary power to the nonregulatory CPA.

The Federal Reserve Board originally did not answer this question concerning appeals, before I included their response in the Record. Subsequently, the Federal Reserve Board, with its usual high degree of responsiveness to congressional inquiries, filed with me an answer to this question which I shall share with the Members because of the great importance of this agency to our economy.

Counting the decisions referred to by the Fed as being listed in its 1972 Annual Report, there were 2,430 actual decisions of the Federal Reserve Board last year which could have been appealed by the CPA under all bills except the Fuqua-Brown bill. I say "actual" decisions, because failure to act—inaction—is also an appealable matter by the CPA under all bills except the Fuqua-Brown bill.

Mr. Speaker, to complete the response of the Fed, I now include in the Record that agency's answer to my question on the appeal rights of the CPA:

Federal Reserve System,
Washington, D.C., October 24, 1973.

Hon. Don Fuqua,
House of Representatives,
Washington, D.C.

Dear Mr. Fuqua: I am writing in further response to your letter of September 7 regarding agency functions which would be affected by the three bills—H.R. 14, 21 and 564—to establish a consumer protection agency.

I regret that, as you noted in the Congressional Record of October 16, we failed to respond to question #7 of your letter. The failure was inadvertent, and we would have been happy to comply if we subsequently had been requested to do so. Question #7 and our reply follow.

7. Excluding actions designed primarily to impose a fine, penalty or forfeiture, what final actions taken by your agency in calendar year 1972 could have been appealed to the courts for review by anyone under a statutory provision or judicial interpretation?

Answer. The Board of Governors follows the Administrative Procedure Act in its rulemaking proceedings. This Act provides that persons with legal standing may seek judicial review of an agency's final actions. Therefore, the final rulemaking actions described on pp. 67–96 of the Board's Annual Report for 1972 (previously furnished) would be subject to such review. In addition, the 23 actions on bank mergers described on pp. 210–11 of the Annual Report would also be subject to judicial review. Page 211 also contains a table listing the number of applications acted on by the Federal Reserve with regard to bank holding companies, and a reference to the fact that 36 determinations were made by the Board in accordance with sec. 4(a)(2) of the Bank Holding Company Act. All of these actions would be subject to court review.

The Board in 1972 approved 80 applications by member banks for permission to establish branches in foreign countries and overseas areas of the United States (Annual Report p. 213). Also in 1972, the Board issued final permits to 10 corporations to engage in international or foreign banking or other international or foreign financial operations. Finally, actions described on p. 214 of the Annual Report were taken under delegated authority in 1972.

All of the above-mentioned actions would be subject to judicial review on appeal of plaintiffs with legal standing.

I hope the foregoing information will prove helpful to you. Please let me know if I can be of further assistance.

Sincerely yours,
Robert L. Cardon,
Assistant to the Board.

CONSTITUTIONAL AMENDMENT ON EXECUTIVE INVESTIGATION AND PROSECUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. Randall) is recognized for 15 minutes.

Mr. RANDALL. Mr. Speaker, to date some 44 separate measures, including my own bill, have been introduced in the House of Representatives calling for the creation of an independent special Watergate prosecutor. However, the whole question of Congress providing for the appointment of a new special prosecutor is fraught with constitutional difficulties and ambiguities. It was just such constitutional considerations that Archibald Cox, ousted special Watergate prosecutor, voiced recently on a television interview. On NBC's "Meet the Press," Cox stated:

> But I have to say in honesty that there is room for argument on the other side (of the constitutionality of the judicially-appointed prosecutor) and the Congress will have to consider whether it is worth running the risk because if it is unconstitutional there would be further risk that indictments would be thrown out and justice would never be done.

Cox has since modified his concern over the constitutionality of proposals requiring the chief judge of the U.S. district court here to appoint a successor to the post Cox formerly held; however, he still admits that such action by Congress may be infringing on some constitutional prerogatives of the Executive. Acting Attorney General Robert H. Bork also told a Senate committee recently he believes there are constitutional problems surrounding a court appointed independent prosecutor.

For example, the Constitution expressly provides that the prosecution of criminal offenses is an executive function. Since all Executive powers are vested in the President, it is unclear whether Congress has the authority to authorize the appointment of a new special prosecutor.

If Congress does provide for the appointment of a new special prosecutor, this could result in a serious constitutional crisis between the President and the Congress.

According to James Madison, the President is impeachable only if he fails to properly superintend these executive functions. However, this is a difficult matter to prove since all investigations are, in effect, controlled by the President. This is a little like delegating the fox to investigate a theft in the chickenhouse, and is an open invitation for a whitewash or coverup, rather than a serious investigation of the facts.

In an effort to eliminate such constitutional problems and in the interest of creating a clearly defined process by which Congress and the judiciary can independently investigate serious allegations of Executive malfeasance, I have introduced an amendment to the U.S. Constitution entitled "The Executive Investigation and Prosecution Amendment." This amendment authorizes Congress "to appoint or provide for the appointment of a civil officer of the United States who shall have all executive powers necessary to undertake criminal prosecutions against the President, Vice President, and all other civil officers of the United States."

Mr. Speaker, I believe that the approach that I am offering today is a reasonable and responsible approach to a problem of grave national concern. I have no illusions regarding the fact that the passage of a constitutional amendment is a lengthy and arduous process. While it is doubtful that this amendment could be passed and ratified in time to be applicable today, it is clear that such a constitutional change is necessary in order to preserve the integrity of our whole legal system in this country in the future.

POSITION REGARDING IMPEACHMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mr. Runnels) is recognized for 5 minutes.

Mr. RUNNELS. Mr. Speaker, on the morning of Tuesday, October 23, I returned to Washington after having spent the weekend in my New Mexico district and was questioned by a colleague about a story in the Monday, October 22, Washington Post to the effect that I was one of 25 Members of Congress who had indicated support of a move to impeach the President following the firing of the special Watergate prosecutor and resignations of the Attorney General and the Deputy Attorney General of the United States.

Mr. Speaker, I was very concerned over this report, because I had not made any such statements either in New Mexico or in Washington. At my instruction, my press aide determined that report was based on an Associated Press story carried by the wire service on October 21 and 22 and written by Michael Putzel of the Washington, D.C., bureau.

My press aide contacted Mr. Putzel to determine the source of his report since I have never been interviewed by, or for that matter had any conversation with Mr. Putzel. He was told that the story was based on a report filed by the New Mexico Bureau of Associated Press. Because I knew that I had not made any statement calling for the President's impeachment, I asked for a copy of the report filed by the New Mexico Bureau and immediately contacted the Albuquerque Bureau of the Associated Press.

Since I had been in New Mexico to attend the annual convention of the New Mexico Press Association and I knew that no such statement had been carried by the New Mexico news media, I was not surprised when the New Mexico Associated Press staff denied writing any story indicating support on my part of impeachment of the President.

On October 21, the New Mexico Associated Press quoted me as stating that

I was "completely baffled" by the incident and that—

> Congress will have to re-evaluate the situation and determine what is really going on in the executive branch.

On October 22, the New Mexico Associated Press wire reported:

> Runnels, like the others (of the New Mexico delegation), declined to make a firm commitment in favor of impeachment, saying he would return to Washington and study the reaction further before joining an impeachment move.

United Press International's New Mexico Bureau on October 22 also quoted me as stating that I wanted to return to Washington to study the matter further before making any decision on my position.

On October 24, Mr. Futzel advised my press aide that he was unable to find any information in his files to support the story carried on the Associated Press wires.

Mr. Putzel, at my request has written a letter admitting that his news report was inaccurate and I submit the letter for the RECORD:

THE ASSOCIATED PRESS,
Washington, D.C., October 24, 1973.

Hon. HAROLD L. RUNNELS,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN RUNNELS: Your aide, Larry Morgan, informed me of your concern after reading your name on a list of House members who had indicated support for initiation of proceedings leading to impeachment of the President.

I compiled the list from numerous statements collected by our bureaus around the country and inadvertently added your name. The operative portion of your statement as sent to us from New Mexico said: "I think that with this condition (the firing of Cox and resignation of Richardson), Congress will have to re-evaluate the situation and determine what is really going on in the executive branch."

Whether I misinterpreted that statement or accidently placed it in the wrong stack of messages when making up the list, I simply don't remember. But I regret the inaccuracy.

Sincerely,

MICHAEL PUTZEL.

THE HONORABLE RAY J. MADDEN

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, I take this time to pay tribute to one of the outstanding Members of the House of Representatives, a man who has been elected to Congress 16 consecutive terms and who now occupies the significant and powerful position of chairman of the Committee on Rules of the House.

I refer, of course, to our beloved colleague, the distinguished Representative from the First Indiana District, the Honorable RAY J. MADDEN.

I should add, also, that, with his 16 terms of service, Mr. MADDEN is the dean of the Indiana delegation in the Congress of the United States.

I take this particular time, Mr. Speaker, to pay tribute to RAY MADDEN, because only a few days ago occurred an event which, I know, meant a great deal to RAY and to all of us from Indiana who take pride in his achievements, the official unveiling of his portrait, which will now hang in the chambers of the Rules Committee.

Evidence of the high regard RAY MADDEN has earned by his service in the House was the presence on this occasion of both the distinguished former Speaker of the House, the Honorable John McCormack of Massachusetts, and the distinguished present Speaker of the House, the Honorable CARL ALBERT, who said of RAY MADDEN:

> You are one of the great Congressmen of your generation and one of the great Americans of all times.

Mr. Speaker, I insert at this point in the RECORD the text of three articles concerning the unveiling of Mr. MADDEN's portrait.

The articles were published in the Indianapolis Star, the Gary Post-Tribune, and the Gary Herald.

The articles follow:

[From the Indianapolis Star, Oct. 26, 1973]

"MEANER GAVEL, PRETTIER SMILE"—MADDEN IN ELEGANT "HANGING"

(By Ben Cole)

WASHINGTON.—They had an elegant hanging for Representative Ray J. Madden (D-Ind.) last night.

It all happened in the Carl Vinson room of the Rayburn House Office Building.

And it was the congressman's portrait, not himself, that got hung.

The portrait was painted by William Joseph Sabol, a soft-spoken and gentle-mannered artist from Hammond, Ind., who financed his education working as a machinst in a steel mill.

The unveiling of the picture, which will hang in the House Rules Committee chamber where Madden presides as chairman, was the occasion for sentimental speeches and praise for the 81-year-old dean of Indiana's congressional delegation.

Representative Richard Bolling (D-Mo.) presided over the ceremony and Madden's longtime friend, the Rev. Joseph B. Collins, S.S., of the Catholic University of America, pronounced the invocation.

Peter Calacci, president of the Lake and Porter County Central Labor Mission (AFL–CIO), made the presentation. The unions paid for the commissioning of the portrait.

Madden's grand nephew, a Georgetown University law student, unveiled the picture.

Speaker Carl Albert (D-Okla.) declared he owed Madden a "debt of undying gratitude" for the co-operation given him in "my infant days as speaker of the House." He called Madden "one of the great congressmen of this generation and one of the great Americans of all time.

Madden declared, "I haven't had so many verbal bouquets thrown at me since I missed getting married."

Former Speaker John M. McCormack (D-Mass.) described Madden as "a man of wisdom and prudence." He said Madden was marked for a place on the powerful rules committee he now leads "from the day he came to the House."

Representative John Young (D-Tex.), who vowed Madden had already served in Congress longer than he had lived some 30 years ago, took a careful look at the Sabol portrait. His conclusion was that above all, it caught Madden's youthful looks and his beneficent smile.

"Nobody has ever swung a meaner gavel with a prettier smile," Young declared.

Representative David Martin (R-Neb.), the ranking GOP member of Madden's committee, said it was the years Madden spent at Omaha, Neb., that have produced his vigor and assured his success.

For his part, Madden viewed his career in Congress as an experience that could come only in America. He recalled that he had served on the old Naval Affairs Committee with a lanky Texan named Lyndon Johnson, and later was a member of the Education and Labor Committee with John F. Kennedy and Lyndon B. Johnson—both future presidents.

"I frequently make speeches to high school students," Madden said, recommending speeches to future voters as an excellent thing for his young colleagues. "Recently I spoke at Hammond High School and one of the students asked me why—if I had a way of serving with future presidents—that Hubert Humphrey and George McGovern didn't have the foresight to serve on a committee with me."

Madden's colleagues from both sides of the aisle crowded into the spacious Carl Vinson room for the unveiling ceremony. Among those attending were a number of former members who returned for the occasion.

Also proudly observing the proceedings was Madden's older sister, Sister Daniel, a Roman Catholic nun now living in a retirement home of her order in Minnesota. She was accompanied by two cousins, Sister Agnes Clair and Sister Columbine.

Madden said his sister, who received a standing ovation, had bossed him since childhood and only recently had admonished him when he visited her and spoke to her order, "Now, don't talk too long."

[From the Post-Tribune, Oct. 26, 1973]

GALA HAILS MADDEN

(By Ed Zuckerman)

WASHINGTON.—In a ritual reserved for special occasions, Rep. Ray J. Madden of Gary was formally ordained Thursday as a full member in the highest circle of congressional power.

The investiture ceremony was during the official unveiling of Madden's portrait, which will hang forever in the chambers of the House Rules Committee where the Indiana Democrat this year became chairman.

With a stenographer recording every word for a permanent record, organized labor and two speakers of the House paid unrestrained tribute to the 81-year-old congressman, who was born in Waseca, Minn., and has been elected to 16 House terms from Northwest Indiana.

"You are one of the great congressmen of your generation and one of the great Americans of all times," declared House Speaker Carl Albert, D-Okla.

"His philosophy of government was the same as mine and when we were in disagreement, there was no disagreeableness. I always found him fighting on the side of progressive legislation," eulogized the venerable former House Speaker John McCormack, D-Mass.

"I haven't had so many verbal bouquets thrown at me since I missed getting married a few years ago," mused the veteran bachelor from Gary in grateful response. "This is an event that happens once in a lifetime to very few people in this nation."

Partisan politics were absent from the walnut-paneled Carl Vinson Room in the Rayburn Office Building. Coming at a time when presidential impeachment and Watergate-related scandals are the leading conversational topics, the hour of flowery rhetoric-avoided President Nixon's name.

The President's name was brought up only when Madden, in telling the greatness of American political tradition, recalled the day in 1948 when two freshmen congressmen—John F. Kennedy and Richard Nixon—both took their seats on the House Education and Labor Committee where Madden was already a member.

Marking the significance of the occasion, House Minority Leader and vice president-designate Gerald R. Ford, R-Mich., circulated among the crowd of Madden supporters at a post-ceremony reception shaking hands and having his photograph taken with several of the Gary Democrat's friends—despite Madden's repeated calls in recent days for President Nixon's impeachment and for delaying Ford's vice presidential confirmation.

Joining in the tributes to Madden were AFL–CIO President George Meany and United Steelworkers of America President I. W. Abel. Although the two labor leaders were unable to attend, both sent personal envoys to read their statements into the record.

In his message, Meany credited Madden for his "long and illustrious congressional career . . . he has been helpful in promoting and perfecting the rights of American working men."

Added Abel's spokesman: "USW members hold Ray Madden in very high esteem."

Both McCormack and Albert stressed the important and unique role the House Rules Committee fills in the scheme of Congress.

"It is said," McCormack emphasized, "that the Rules Committee is the political arm of the speaker."

The retired Massachusetts Democrat said members of the panel are carefully screened by the speaker and "from the day Ray Madden came to the House, he was marked by the leadership for a committee appointment of responsibility . . . he was marked for the Rules Committee when the first opportunity came."

Albert called the Rules panel, which sets the debating ground rules for every important piece of legislation and has the power to kill legislation by refusing to grant a rule, "an institution within the House which is almost a concentrated image of the House itself . . . it deals with the entire legislative business of the House and this group must have an unimpaired national feeling."

Albert added that membership of the important panel "must be reserved for very strong and fearless House members." While Congress is filled with outstanding people, the committee "must be made up of more than ordinary outstanding members," he said.

The Oklahoma Democrat, who is second in line to the presidency until a vice presidential nomination wins congressional approval, noted that "during the depression, many of my relatives left Oklahoma and went to the industrial Northwest Indiana in search of employment."

"I've been to the district and it warmed the cockles of my heart to mingle among his constituents and learn how much they love and respect this man."

[From the Herald, Oct. 31, 1973]

TOP TRIBUTE TO MADDEN

(By Teddie Razzini)

WASHINGTON, D.C.—During a congressional ceremony, reserved only for special occasions, Rep. Ray J. Madden, D–Ind., was formally inducted into the highest circle of congressional power.

The occasion was the official unveiling of Madden's portrait, which will now hang in the chambers of the House of Representatives Rules Committee.

A Speaker of the House, a former Speaker, leaders of organized labor, and the county chairman of his home district paid high tribute to Madden, who—this year—became chairman of what is considered the most powerful committee of the House. Born in Waseca, Minnesota and educated in Omaha, Nebraska, Madden has been elected to 16 terms in the House by his constituents in Northwest Indiana.

Speaker of the House Rep. Carl Albert, D–Okla., addressing the 81-year-old First District Congressman directly, said: "You have been and are one of the greatest Americans of all time."

Personal remarks were also directed to the honoree by former House Speaker John McCormack, D–Mass., when he said that ". . . he (Madden) was always concerned with the needs of people." Commenting upon their association, "McCormack continued: "His philosophy of government was the same as mine; when we were in disagreement, we were never disagreeable . . . I always found him fighting on the side of progressive legislation. . . ."

Referring to the Rules Committee, Speaker Albert said: "It is an institution within the House, which is a concentrated image of the House itself." Commending Madden as a man worthy of such responsibility, Albert added that ". . . membership of the important panel—reserved for very strong and fearless house members—must be made up of more than outstanding members."

In his comments made during the presentation of the portrait, Lake and Porter Counties AFL/CIO President and United Steelworkers Sub district 2 director Peter Calacci stated: "Congressman Madden has been helpful in promoting and perfecting the rights of American working men . . . organized labor holds Ray Madden in very high esteem . . . he has distinguished himself as a legislator with true compassion for the rights of individuals."

Lake County Democratic Chairman, East Chicago Mayor Robert A. Pastrick paid tribute to Madden as ". . . a man of great concern, with a commitment to his constituents—and to his country. . . . He has always been a credit to the district he represents. . . . Although he is a popular individual, I think it is more important that he is obviously a person in whom people can place their faith and trust. . . . and, during his sixteen terms in congress, he has never betrayed that trust."

The bachelor congressman from Gary thanked all of those present, ". . . and all the people from my district who have seen fit to send me to Washington for sixteen terms. . . . This is an event that happens only once in a life time, and to very few people. . . . I only hope that I can live up to the wonderfully kind things which have been said about me here today."

Partisan politics were removed from the significance of the occasion. House Minority Leader and vice-presidential designate Gerald R. Ford, R-Mich., mingled with Democrats and Republicans, alike, taking particular care to single out many of Madden's supporters and friends.

Speaker Albert—second in line to the presidency until a vice-presidential nomination wins congressional approval—spoke warmly of Madden as ". . . a close and trusted friend . . .," commenting that he has visited industrial Northwest Indiana, he said: "I've been to the district, and I've met many of the citizens there. . . . They are warm people. . . . It was a wonderful thing for me to meet with his (Madden's) constituents and to learn how much they love and respect this man."

CARL BALDWIN, DISTINGUISHED JOURNALIST, RETIRES

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, on October 1, 1973, Carl R. Baldwin of Belleville, Ill., retired. He thus ended a distinguished journalism career after nearly 50 years of news writing and investigative reporting for the East St. Louis Journal and St. Louis Post-Dispatch.

The citizens of East St. Louis and the entire St. Louis metropolitan area can be grateful for Carl's past courageous and conscientious reporting of local crime and corruption in public office. We had a true guardian at his typewriter.

In addition to his reporting, Carl has been a leader in local journalistic societies. He served as president of the St. Louis Press Club from 1969 to 1970 and is currently chairman of the Journalism Foundation of Metropolitan St. Louis.

Carl has taught journalism classes at Southern Illinois University, Washington University in St. Louis, and the University of Missouri. Throughout his career, he has fostered high standards of reporting and writing in younger newspapermen. Our sadness at the end of Carl's career is mitigated by the knowledge that he left something of himself in these young reporters. The valuable influence of Carl Baldwin will be felt for many years in the future.

Carl will now undertake to write a history of the city of East St. Louis. I can think of no one better fitted to that task than the man who covered that city as a reporer for so long and with such dedication.

Mr. Speaker, Carl Baldwin should be an inspiration not only to his colleagues in journalism but to all of us. Carl's devotion to the public good, his unselfish leadership and his true courage are qualities everyone would do well to emulate. Our gratitude and best wishes go with him as he closes a most distinguished career.

At this point, I include an October 21 article which appeared in the St. Louis Post-Dispatch highlighting Carl Baldwin's remarkable career:

CARL R. BALDWIN ENDS LONG CAREER ON PAPER

Carl R. Baldwin has just ended a career of 42 years on the Post-Dispatch news staff. It was a career highlighted by war without end on two fronts—against racketeering and corruption in public office, and on crimes against the English language.

He retired Oct. 1, when publication had been suspended because of a strike.

On the first front, he achieved his greatest accomplishment with a long series of stories he started developing in 1951, in which he dug out facts about wholesale shakedowns by labor leaders in the construction industry. As a result, 41 men went to prison.

On the second front, he scored his greatest gains as director of the Post-Dispatch training, beginning in 1966. In that work, he was a teacher in the handling of news and feature stories, primarily for younger newcomers to the staff.

When he stepped out of harness to lead the quiet life with his wife, Rose, in Belleville, their home for many years, he had been a journalist for 48 of his 65 years. He started as a sports writer on space rates for the East St. Louis Journal in his last two years in high school. But he switched to general news a few months after graduation in 1927.

Four years later, he joined the Post-Dispatch. But he was left on the East Side for the next 17 years—"interred," he called it—and so his career as a reporter, writer, editor and teacher of journalism was relatively late in coming to full flower.

He might have considered himself bogged down on the East Side. But life on that side of the river was extremely full in those days, and he was always in the midst of it. He was a police reporter, and violence was his daily diet. Baldwin was not afraid of gangsters, but he lived in fear of his city editor.

"I had to deliver for him," he says of his first city editor, Ben Reese. "I was a very timid kid. Even after I was out of my teens, it was difficult for me to ask a girl for a date. So it was tough when Reese told me to ask a young woman if she was pregnant when she shot her boyfriend to death in a theater. She said she was, but it turned out that she was not."

Baldwin got one of his best stories in August 1932, when he was covering a violent strike of boilermakers against a pipeline company. The company had brought in about 400 strikebreakers, and Baldwin heard that the union business agent, Oliver Alden Moore, was going to be killed by gangsters.

Baldwin went to great pains to arrange an interview with Moore. As they were talking in an automobile, with the labor leader's bodyguards standing by, Moore dropped to the floor of the car, saying he had seen some men who were out to get him.

Baldwin finished the interview. Forty-five minutes later, Moore was mowed down by machine-gun fire from the rear of a passing truck. Baldwin filled two pages of the next day's Post-Dispatch, and Reese gave him a $5 bonus—a day's pay.

Baldwin was still an East Side reporter when he was drafted into the Navy in 1943. For the next two years, he was a Seabee in the Pacific.

One of his duties on Guam was to read the nightly news on the radio, and that job helped him in his writing. For the first time, he had to write words to be spoken. This tended to make him write more smoothly.

In the training program, he could call the tune. And he never tired of trying to teach the young men and women the advantages of organizing information into sentences that would be easy on the ear if spoken—and easy also on the eyes and mind.

It was late in his career that he made direct use of the spoken word by extending his fields of interest. He developed an easy presence in front of a microphone, which helped him as president of the St. Louis chapter of Sigma Delta Chi, professional journalistic society (1964–66), as president of the Press Club (1969–70), and as chairman of the Journalism Foundation of Metropolitan St. Louis, a job he has agreed to keep until a successor can be found.

In a tape recording made recently for this article, Baldwin looked back over his nearly half-century of newspapering and ventured a few conclusions.

"Newspapermen run into so much corruption, occasionally in their own field, that they can become awfully embittered," he said. "They have to take the attitude that poor man just isn't far enough away from the ape. That's the only way to retain sanity.

"We can't become too personally involved. We have to stand off a bit and have a certain amount of compassion. One thing I've always tried to tell my students. They should be incensed at wrongdoing and go after the crooks. I tell them they'll find that they can't change the world very much, but they can make it uncomfortable for some people who deserve that uncomfortable feeling.

"I've contributed to sending 41 men to prison, getting a lawyer (a state's attorney) suspended, forcing a United States Attorney to quit because he failed to pay income tax or questionable income, getting a United States marshal fired, and helping a grand jury get indictments against two mayors, an ex-sheriff, the state's attorney and high-ranking policemen on the East Side. I have no regrets for any of this, because I think the bastards had it coming to them."

Baldwin has taught journalism classes at Southern Illinois University at Carbondale and at Washington University. He now teaches at the University of Missouri at St. Louis, where he will continue until December. Then he will devote full time to further work on a history of East St. Louis.

Speaking of his university students, as well as those of his classes in his own "Baldwin U." at the Post Dispatch, he said he had been "happy to share my experience with these young people—to give them some short cuts that I had to learn on my own.

"When one of them does something good, I can see something of myself in it, and that is a great satisfaction. In a way, I suppose it gives a measure of immortality, to be a little boastful about it. I just hope I can go on helping young people develop. I always tell them the worst part of the newspaper business and try to persuade those who are not cut out for it to get out before it breaks their heart."

Baldwin likes young persons. He understands their language but makes one requirement above all—that they be able to write his, which is English.

CONSTITUTIONAL AMENDMENT FOR A SPECIAL PRESIDENTIAL ELECTION

(Mrs. MINK asked and was given permission to extend her remarks at this point in the Record and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, the country finds itself confronted with a situation which no one ever believed could occur; a dual vacancy in both the Office of President and the Office of the Vice President. With more than 3 years remaining in the current Presidential term if President Nixon should resign, under present law the Office of the President would be filled by a person not elected to that position by the people, and the Office of the Vice President likewise. The prescribed order of succession is adequate for short periods of time or provided the President is elected by the people, such as was the case which Truman and Johnson became President as they were both elected as Vice Presidents.

I find in discussing the matter of impeachment of President Nixon that one of the difficult questions to be considered is the prospect of Congress bringing about the nonelected succession to the Presidency, because in this instance the elected Vice President has already resigned in disgrace. Under these circumstances, the only proper course is to not have Congress be required to make a choice between unacceptable alternatives but to let the people make a determination on who shall be President.

I believe under these unusual circumstances we should call for a special election of a new President and Vice President. By doing this we will be furthering the democratic system rather than superimposing our will on the electorate. Rather than creating more disunity, an election will tend to unify the people after this traumatic experience.

If we accept the proposition that a special election is the best solution to the current dilemma, the next issue involves the procedures for conducting one. My analysis indicates that the best way to hold a special election would be to amend our Constitution for that purpose.

Presently, the Constitution in article II, section 1, provides that—

> The Congress may by law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

Thus, it is possible for Congress to pass—with the President's signature or by overriding a veto—a statute prescribing a special election in the current situation. Because of another constitutional provision, however, there is substantial reason to believe that any such election must be for a full 4 years. Article I, section 1 of the Constitution specifically states of the President:

> He shall hold his Office during the Term of four years . . .

Because of this requirement, if a special Presidential election were held in 1975, subsequent Presidential elections would be held in 1979, 1983, 1987, and so on.

Clearly, to provide for a special election by mere statutory law instead of a constitutional amendment would cause a basic disruption in our historic election process. Instead of running with candidates for the House and Senate, the Presidential candidates might have to run separately in an odd-numbered year. Only by passing a constitutional amendment limiting the term of a President elected in any special election to the remaining years of the term then current, could we guarantee that such disruption would be prevented.

There is, of course, the objection that a constitutional amendment is difficult to obtain and would require too much time to resolve the existing crisis. I believe, however, that a proper amendment could be passed by the Congress this year and then ratified by the required number of States early next year. Wide public and political support exists for an alternative to decreeing a nonelected President for as long as 3 years. Wide public and political support exists for letting the people decide who will be their President and Vice President. An amendment could be enacted swiftly in the States, perhaps in less than a month.

Most State legislatures will convene in January, 1974. Only five States definitely are not scheduled to meet next year, Alabama, Nevada, New Hampshire, North Dakota, and Oregon, and the unique need for action on a constitutional amendment might prompt special sessions even in those States. Thirty-five States will hold annual sessions. In five of these States, Colorado, Connecticut, New Mexico, Utah, and Wyoming, the even-year sessions are limited to budget and fiscal matters, but here again, given the extraordinary circumstances, the possibility exists that legislators then meeting could find a way to take up an amendment. Six States, Arkansas, Minnesota, North Carolina, Ohio, Tennessee, and Vermont, which meet only in odd years may split the session so they can meet in 1974 as well. Ohio is required by law to hold the second session and the five others will probably meet in 1974, although the Arkansas legislature may meet only in order to adjourn sine die. Maine, which meets only in odd years, appropriated only enough funds for 1 year but will reconvene in 1974 and the legislature can determine the subjects

which will be dealt with. Texas is voting this week on a constitutional amendment to provide for annual sessions and if the amendment passes its legislature may convene in 1974. Washington probably will meet, at the call of the Governor. Since action by only 38 States is required to ratify an amendment to the Constitution, I believe there is reasonable assurance that this number can be obtained early in 1974 if Congress acts quickly on this amendment.

In order to provide a means for Congress to take up the special election alternative, I am today introducing legislation to amend the constitution. This amendment would provide for a special election if a vacancy exists in both the Presidency and Vice-Presidency, and a year or more remains in the term. Under the amendment, States would provide for the qualification of Presidential and Vice-Presidential nominees within 30 days of the creation of the Presidential vacancy, with the special election being held within an additional 30 days thereafter.

Following this nomination and campaign period, totaling 60 days, the electoral college would meet within 5 days to certify results. The President and Vice President would be inaugurated within 10 days thereafter. Within 75 days we could have a newly elected President and Vice President which is what I believe the people want.

In the interim between the Presidential vacancy and the inauguration of a new President for the remainder of the term, the House Speaker would serve as acting President. If a vacancy existed in the Speakership, which is unlikely, the officer next in order of succession under existing law would act as President. Upon inauguration of a new President, the officer would resume his former position.

My amendment would make as little change in the existing Presidential election system as possible. It confers authority on Congress to carry out the provisions by legislation, as is the case in existing law. An accompanying bill would set forth a special election system similar to the existing system for holding regular Presidential elections, only confined to the 60-day time frame.

My amendment and bill envision the two national political parties adopting procedures to select a nominee. It could be by the delegates to the previous national convention or by the national committee. States would be authorized to permit third/fourth party names to be placed on the Presidential and Vice-Presidential ballot in accordance with their own law and within the constitutional time frame.

I believe this legislation is the most desirable and feasible method of restoring public confidence in the Presidency, should a dual vacancy occur. It is based on the people choosing the President rather than having a President in office for as long as 3 years under a nonelective process. It avoids the constitutional pitfalls of the statutory approach.

It seems to me that this legislation should be taken up by the Congress on an expeditious basis regardless of each of our views on impeachment so that the American people will be assured of an election whenever feasible for the Office of President should a vacancy occur in that Office at the same time that there exists a vacancy in the Office of the Vice President. To enable my colleagues to examine the proposal in specific detail, I have attached the text of the constitutional amendment and accompanying bill at the conclusion of my remarks.

H.J. Res. 811

Joint resolution proposing an amendment to the Constitution of the United States to provide for an election for the office of President and the office of Vice President in the case of a vacancy both in the office of President and the office of Vice President.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, to be valid only if ratified by the legislatures of three-fourths of the several States within seven years after the date of final passage of this joint resolution:

"Article —

"Section 1. In case of removal, death, resignation, or inability, both of the President and Vice President, the Speaker of the House of Representatives or, in the case of a vacancy in the office of Speaker, such other officer as the Congress may declare, shall act as President until the disability be removed, or a President shall be elected.

"Section 2. In case there is one year of more remaining in the then current Presidential term, each State shall appoint, in such manner as the legislature thereof may direct, a number of electors for President and Vice President equal to the number of Senators and Representatives to which the State is entitled in the Congress. The electors shall meet in their respective States and perform such duties as provided by the twelfth article of amendment.

"Section 3. The Congress may determine the time of choosing the electors and the day on which they shall give their votes. The time of choosing the electors shall be the same throughout the United States and shall be not later than sixty days after the Speaker of the House of Representatives or such other officer as the Congress declares assumes the powers and duties of the office of President, or no later than sixty days after the ratification of this article in case an officer of the United States is acting as President at the time of such ratification because of the removal, death, resignation, or inability, both of the President and Vice President. Each State shall provide that a person who seeks to be elected President or Vice President as provided by this article shall qualify, in such manner as the legislature of the State may direct, no later than thirty days before the close of the sixty-day period which applies as provided by this section.

"Section 4. A person elected President or Vice President as provided by this article shall hold his office until the expiration of the then current Presidential term. If the then current Presidential term is less than two years, a person elected President as provided by this article may be elected President two other times; otherwise he may be so elected one other time.

"Section 5. If the President pro tempore of the Senate or the Speaker of the House of Representatives acts as President in case of removal, death, resignation, or inability, both of the President and Vice President, then the President pro tempore of the Senate or the Speaker of the House of Representatives, as the case may be, may resume the powers and duties of his office after the election of a President as provided by this article.

"Section 6. The Congress shall have power to enforce this article by appropriate legislation."

H.R. 11284

A bill to amend section 19 of title 3, United States Code, to provide for an election for the office of President and the office of Vice President in the case of vacancies in both the office of President and the office of Vice President

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 19 of title 3, United States Code, is amended by adding at the end thereof the following new subsections:

"(g) If, in any case in which there is neither a President nor Vice President to discharge the powers and duties of the office of the President, there is one year or more remaining in the then current Presidential term, then electors of the President and Vice President shall be appointed or chosen in the several States on the sixtieth day after the beginning of the period during which any individual acts as President under this section, or in any other manner directed by the Constitution.

"(h) The electors of the President and Vice President appointed or chosen under subsection (g) shall meet and give their votes on the tenth day after they are appointed or chosen.

"(i) The term for which a President or Vice President is elected under this section shall be for the unexpired portion of the then current Presidential term and shall commence on the tenth day after the electors of the President and Vice President meet and give their votes under subsection (h)."

Sec. 2. Section 19(c) and section 19(d)(2) of title 3, United States Code, are amended by striking out "the expiration of the then current Presidential term" and inserting in lieu thereof "a President shall be elected".

Sec. 3. The item relating to section 19 in the table of sections for chapter 1 of title 3, United States Code, and the caption of section 19 of title 3, United States Code, are amended by inserting immediately after "act" the following: "; special election".

Sec. 4. Sections 1, 7, and 101 of title 3, United States Code, are amended by striking out "The" and inserting in lieu thereof "Except as provided by section 19, the".

CONGRESS OPPORTUNITY TO CORRECT TWO GRAVE MISTAKES

(Mr. DULSKI asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DULSKI. Mr. Speaker, in voting to override the veto of House Joint Resolution 542, Congress will have an opportunity to correct two grave mistakes—the mistake of having allowed our constitutional responsibilities in the area of war powers to be eroded, and the mistake the President made in his bases for the veto.

On the first point, there is almost unanimous agreement that it is past time for Congress to reassume the powers granted in article I, section 8, of the Constitution; and to limit the President to those set forth in article II, section 2. House Joint Resolution 542 clarifies those powers, without lessening the authority of either branch of our Government.

Our Nation has spent too many years and too many lives in recent times in undeclared wars conducted by the executive

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branch and unchecked by the legislative branch. This legislation is not aimed maliciously at the present occupant of the White House; it is intended to draw upon the experience of past years to prevent future Congresses' shirking warmaking and peacekeeping duties, and to insure that future Chief Executives do not exceed constitutional limits of authority.

It is ironic that opponents of the legislation include liberals arguing that too much power is given to the Executive, and conservatives fearful that the President would be unable to act in emergency situations. In fact, neither charge is justified.

The veto message alleges that the President would have been unable to respond as he did during the Mideast crisis last month. That simply is not true. Had House Joint Resolution 542 been law, the President could have taken exactly the same steps he took in ordering the alert and deploying the ships. What he could not have done under the resolution—and did not do without it, in this case—was to have ordered our troops into combat for more than 60 days without Congress' consent. If there had been danger of troop safety involved in the 60-day withdrawal, he would have had an additional 30 days to complete the pullback.

The question arises: Should he be able to ignore Congress and catapult us into another Vietnam by Executive order, or should Congress assert its constitutional responsibility for declaring war?

Enactment of House Joint Resolution 542 will assure Congress part in such serious decisions, by requiring the President to report to Congress within 48 hours, and to withdraw the troops from hostilities within 60 days in the absence of a congressional directive to the contrary.

The veto message has interpreted this as Congress being able to force the President into troop withdrawal merely by taking no action. That interpretation is not only misleading, it is false.

There are provisions whereby any resolution of approval or disapproval of the President's action must be acted upon within clearly defined time limits, and an "up and down" vote taken. Consequently, if one Member of the House or Senate introduced a resolution to permit the President to extend the troop commitment beyond the 60-day period, that resolution would have to receive priority consideration by both House and Senate.

Is the current President afraid that he would be unable to persuade even 1 of 535 Members of Congress to introduce a resolution of approval? If not one Member agreed with his position, what does that say about his position? Such a situation is extremely unlikely, however.

Or is the fear that, once brought to the floor, he could not get a simple majority of both Houses to agree with him? If more than half the American people's elected representatives are opposed to keeping our men in combat, should the President be alowed to do so—again?

The veto message claims that this legislation would take away constitutional authorities that the President has exercised for 200 years. It would not take away any authorities granted by the Constitution to either branch. It would establish an orderly procedure for both branches, with the President able to react swiftly in emergencies, with the Congress advised of the emergency conditions, but with Congress the properly assigned decisionmaker on a state of war. What it does take away is the bold assumption of powers of past administrations to carry on secret bombings and open battles with no congressional curbs.

It is true that Congress can refuse to appropriate money, but we have been notoriously reluctant to do so. And, we have seen attempts at restraint vetoed, then sustained by barely over a third of the membership of one House.

Which brings us to another of the veto message objections: The use of the nonvetoable concurrent resolution to require the President to disengage troops. The President, naturally, wants to veto attempts to stop what he has started, and then to rely on the fact that he would stand a good chance of holding the one-third-plus-one membership on his side—this is, by the way, a contradiction to the earlier premise that he could not obtain support for introduction of a resolution—or is it that he thinks he could win a third of the membership to his view, but not a majority?

The veto protests are groundless again. Far from being "an action which does not normally have the force of law" there is sound precedent for use of the concurrent resolution to end an authorization, as legal and constitutional experts have testified. In recent years, concurrent resolutions were provided to bring to an end the Lend-Lease Act, First War Powers Act, Emergency Price Control Act, Stabilization Act of 1942, War Labor Disputes Act, Middle East resolution, and Gulf of Tonkin resolution.

The entire veto message is riddled with such specious statements. I refer my colleagues to the point-by-point reply to the message prepared by the Committee on Foreign Affairs and sent to each of us last week. A close reading of the document indicates either that the administration's credibility gap is open again, or that the President had some bad information about the legislation.

The American people are calling for Congress to assert itself and to assume responsibility. That is what this bill is all about. It is not about a President with personal problems, or about a vindictive Congress, or about granting new powers or taking away old ones. It is, purely and solely, a recognition of a long-standing need to redefine limits and establish clarity in a very murky area. It is not a hastily drawn piece of legislation. It is the result of years of research, study, and revision.

Mr. Speaker, it is a good measure. I urge an override of the veto of House Joint Resolution 542, and a return by the Congress to constitutional responsibility.

INTRODUCTION OF THE JOHN W. McCORMACK SENIOR CITIZEN INTERNSHIP PROGRAM

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the Record and include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, today I am introducing legislation creating a senior citizen internship program in honor of the former Speaker of the House, John W. McCormack.

At the age of 82, Speaker McCormack is clearly one of America's outstanding senior citizens. He served his country in the House of Representatives for a total of 42 years. For more than 30 of those years he was one of its leaders. At the age of 71 he was elected Speaker and served with distinction in the capacity for 8 years. This was a longer period of continuous service than any other Speaker. Only Speaker McCormack's great friend and predecessor, "Mr. Sam" Rayburn, served as Speaker for a longer period in toto.

What could be more appropriate than to name a program to involve senior citizens in the work of the House after this great American?

The program I propose will provide for the employment in each congressional office of two John W. McCormack senior citizen interns for a 1-week period or one such intern for a 2-week period each year. In addition to introducing the intricate workings of our legislative system to senior citizens in a way never before tried, internship will provide each Member of the House with a new line of communication to a growing and unfortunately all too often neglected segment of the community.

When I first introduced the National Senior Community Service Corps bill in the 89th Congress, I envisioned a program similar to that embodied in the resolution introduced today. In each Congress thereafter I introduced the legislation, and though long delayed, I welcomed its enactment as part of the comprehensive Social Security Amendments of 1973. The community employment concept had been carried on for several years without explicit statutory authorization, and has met with great success providing senior citizens useful and constructive employment serving the community and themselves. There is no reason why a congressional senior citizen internship program should not be equally successful.

It is easy for government to forget its senior citizens, even after they have raised families and worked long hours to provide the best possible future for their children and their Nation. This legislation gives Congress an opportunity to repay our elderly in a small way for their lifelong contribution to our society. The same type of program that enables college students to work in congressional offices can also be used to open up a new line of communication with our aged. We will certainly learn as much from our senior citizen interns as they will from us.

I invite my colleagues to join with me in sponsoring a program that will be a fine tribute not only to a great American but to our senior citizens as well. The text of the resolution follows:

Resolved, That (a) until otherwise provided by law and notwithstanding any other provision of law, each Member of the House of Representatives and the Resident Commissioner from Puerto Rico and the Delegates from the District of Columbia, Guam, and the Virgin Islands are authorized to hire either one additional employee for two weeks in any year, or two additional employees for one week, to be known as John W. McCormack congressional interns in honor of the former Speaker of the House of Representatives. Each such intern shall serve either within the District of Columbia or within the district which the employing Member or Commissioner or Delegate represents. Each Member, Delegate, or Resident Commissioner shall have available annually for payment of compensation to such interns a gross allowance of $200, to be payable to each such intern at a rate not to exceed $100 per week, out of the contingent fund of the House.

(b) No person shall be paid compensation as a John McCormack congressional intern who does not have on file with the Clerk of the House of Representatives, at all times during the period of employment as such intern, an appropriate certificate that such intern is sixty years of age or older and a resident of the district which the employing Member or Commissioner or Delegate represents.

(c) The compensation paid to each such intern shall not affect any other benefits allowed under any other law.

Sec. 2. The Committee on House Administration of the House of Representatives shall make such regulations as may be necessary to carry out this resolution.

Sec. 3. The provisions of this resolution shall become effective on July 1, 1974.

WORDS OF COMMENDATION FOR THE LOCKHEED C–5A

(Mr. DAVIS of Georgia asked and was given permission to extend his remarks at this point in the Record.)

Mr. DAVIS of Georgia. Mr. Speaker, I rise today to offer a word of commendation for one of this Nation's hardest working, ablest, and yet generally most underrated citizens, the Lockheed C–5A.

We all remember, Mr. Speaker, when this Chamber was a forum for blistering attacks on the C–5A, including everything from charges of large cost growth to claims that the mammoth cargo plane was a technological disaster, to still more charges that it was unable to adequately perform its job.

Since that time, Mr. Speaker, we have seen that cost growth is by no means confined to the C–5A, that at least three other major weapons systems have experienced a higher percentage of cost growth than the C–5A, and that many, many civilian programs, which did not involve developing technology as did the C–5A program, had greater cost growth than did the Lockheed giant.

Since that time, Mr. Speaker, the C–5A's unique technical advances have been proven time after time to be solid contributions to aviation, from its drive through capability to its highly sophisticated multimode radar with terrain avoidance and terrain following capacity.

Since that time, Mr. Speaker, the C–5A has demonstrated its ability to perform the job it was designed to do—in natural disasters, in emergencies of all types, in peacetime and in the heat of battle.

Many of those in this Chamber will recall having read of the C–5A's remarkable cargo achievements during the Vietnam war, including the transportation of tanks and helicopters—21 light observation choppers in one load—too large to be carried by any other airplane. Many of you will also recall newspaper accounts of a C–5A ferrying a 74-ton turbine generator from England to Taiwan, of C–5's responding to the terrible Nicaraguan earthquake by flying in outsized water purification units and bulky communications equipment, and of a C–5A which transported large diameter pipe and heavy pumps to Iceland to help stem the destructive lava flow from an active volcano.

The C–5A was in the headlines again last week, Mr. Speaker, as the leading light of the American airlift to beleagured Israel. It is only right that we should be proud of its performance—in sheer tonnage figures alone it stands head and shoulders above any other aircraft involved in either the American or the Russian airlift.

But the performance of the C–5A meant something else beyond simply being able to resupply tiny Israel with material vital to her survival. During the Mideast war, a belligerent Soviet Union threatened to further entrench itself in this most sensitive area, largely at the expense of American interests of cooperation with both Arabs and Israelis. The United States, in the face of a brutal oil shortage this winter and Arab threats of holding their oil hostage for a new American posture in the Mideast, was faced with an imminent decision concerning long and short term goals in the Mideast. This Nation made the determination that we and our NATO allies could not afford to see overt hostile Soviet intervention in what is essentially a regional conflict.

Once that decision was made we responded to the challenge of unilateral Soviet action by offering a realistic deterrent, predicated in large part upon our superior air mobility and capacity. It is important to remember that, at this point in time, the Soviets had already began a massive airlift in an effort to resupply the faltering Arab armies, and it is said that they had up to 50,000 troops prepared to enter the conflict.

It was in this hostile context that the Lockheed C–5A demonstrated conclusively to the Soviet Union that this country has the greatest air mobility of any nation on the face of the earth. Over a period of little more than 2 weeks, 300 round-the-clock sorties of C–5A and C–141 aircraft, averaging 20 missions a day, delivered over 24 million pounds of vital supplies, equipment, tanks and aircraft to tiny Israel. Included in the cargo were F–4 and A–4 fighter aircraft, carried virtually intact in the giant C–5A, air-to-air and air-to-ground missiles, conventional munitions and, of course, heavy tanks.

During a 3-week period the Russians airlifted almost 30 million pounds to the Arab nations. But of key importance is the fact that it took the Russians three times as many sorties—900 in all—to deliver their 15,000 tons of supplies, as it took our C–141's and C–5's to deliver their 12,000-ton load.

Additionally, we must remember that our aircraft involved in this mission were prohibited by most of our European allies from utilizing their landing strips, thus forcing our planes to stop for refueling in the Azores. On the second leg of their trip to the Middle East, American planes had to carry an oversized load of fuel and a smaller amount of cargo than would otherwise have been able to be transported.

With particular reference to the C–5A, it should be noted that the Lockheed giant can carry over four times the load of the other workhorse of the Mideast mission, the C–141, with the C–5A's capacity running at about 130 tons. The closest the Soviet Union can come to this is its AN–22 Cock which can carry between 40 and 60 tons. The other Soviet aircraft which flew Mideast resupply missions, the AN–12 Cub, holds only one-tenth the capacity of the C–5A, or 12 tons.

According to official Pentagon statistics, if we had not had the C–5A during our recent airlift, our C–141's would have had to fly four times as many trips and they still would not have been able to carry some of the oversized cargo which only the C–5A can transport. Falling into this category is the M–60 tank, which weighs in at 105,000 pounds, and jet fighters which must be drastically disassembled before being loaded into a C–141. The C–5A can carry two M–60 tanks at a time and can carry fighter aircraft with a minimum of disassemblage.

Mr. Speaker, the reason why the Russians did not inject their troops into the Mideast is not because we changed their desire to attain the fruits which further entrenchment would have brought them. Nor is it because we changed their moral attitude about interfering in sensitive internal matters of other nations.

It is because the Soviet Union was made fully aware that this country would stand up for her interests in that region, and that this country has the capability to back up that commitment. As we now know, this posture was made possible in large part because of the superior air mobility which the United States had the foresight to create, despite strong pressures to abandon or curtail that plan.

Many are quick to criticize defense systems when things go wrong, but all too often seem to overlook the successful performances of these vital tools. No one could argue that we set high standards for the C–5A, and no one can now deny that this aircraft has met that challenge and succeeded. In view of the fact that this radically new plane, embodying technology on the cutting edge of man's knowledge, has long been under the searching scrutiny of the public limelight and has endured at times frenetic criticism from the press and from this House. I believe it only fair for us publicly to recognize the crucial role this same plane played during the most severe confrontation of United States and Soviet power since the Cuban missile crisis.

Yesterday, it was a crisis in the Middle East. Today it might be in Europe, in South America or anywhere else in the world. Tomorrow it could even be on our own shores. But as long as we have ma-

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chines of the C–5A's caliber, Mr. Speaker, we can be assured that the United States will not blink when it stands eye to eye with an opponent and that it will not turn tail and run when its interests are threatened. That is one lesson the world has learned, I believe, from the events of the last week, and for a change, it is a lesson which should give us comfort in the uncertain times ahead.

TIME TO CHANGE THE FISCAL YEAR

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, I am cosponsoring a bill with Representative MICHEL and others to change the fiscal year in Government to parallel the calendar year. The logic behind such a change is clear and I think persuasive. It has been many years since the work of Congress on authorizations and appropriations has been completed at the beginning of the fiscal year which is now established as July 1. Some bills affecting both authorization and appropriation for the fiscal year do not receive final approval until just before the adjournment of Congress. An adjournment seldom is accomplished until late December.

The result is uncertainty and confusion in the various departments of Government. Most of them now operate after July 1 on the basis of continuing resolutions but with little in the way of clear guidelines to determine their spending levels. Meaningful planning and spending is virtually impossible under these conditions.

As long as it is the end of the year before Congress is able to complete its budget work, the departments will be required to work for half the fiscal year on the confusion which accompanies continuing resolutions. If the fiscal year is changed to begin on January 1, the Congress will have a full year of work ahead in which to complete its budget consideration. This would remove the intolerable situation in which both Congress and the departments now are placed.

There is another aspect. Under the present law, Congress is expected to complete the appropriations processes by June 30. When we take into account that we are appropriating the taxpayers' money in amounts in excess of $200 billion each year, a scant 6 months is barely sufficient for the task.

Departments, on the other hand, also should be able to plan for their needs and the needs of those they serve. In such important areas as housing and defense as well as health care and other vitally important aspects of Federal spending, 6 months in limbo followed by 6 months in fiscal clover is hardly acceptable.

Mr. Speaker, I urge my colleagues to adopt this proposal to change the fiscal year to coincide with the calendar year. Such a change will serve the best interests of the taxpayers of the United States, the various Government departments and those they are charged to serve, and the Congress whose job it is to make certain only needed expenditures are funded. This proposed change will give us time to do our jobs, a circumstance which does not now exist.

SLAVERY STILL EXISTS

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, it is shocking to realize that slavery still exists in this modern and supposedly enlightened age. Slavery is an ugly memory of a period many years ago when human beings were chattels to be bought and sold and whose lives were subject to the will of their owners. Yet the custom of slavery is known to have continued to persist and the Christian Science Monitor recently spelled out specific acts of slavery stating that tens of millions of people are held in some form of servitude in at least 40 countries of the world. Three specific examples were listed, and I include them in this statement:

> The services of a child reportedly can be bought at £15 (about $37) for 10 years in many Eastern lands from Lebanon to Indonesia.
>
> Fifty schoolgirls from Ghana were officially conceded earlier this year to have been sold to buyers in Lebanon.
>
> Four 16-year-old Asian girls of Persian descent have endured three years of forced marriage to members of the revolutionary council in the East African island of Zanzibar.

Slavery is outlawed in every nation of the world and the United Nations is on record against slavery. In 1956, 85 nations in the U.N. ratified a resolution abolishing slavery. Yet there has been no international policing of the practice of slavery. The only world organization of official stature is the U.N. Subcommission on Prevention of Discrimination and Protection of Minorities. Five representatives of the Subcommission now propose to meet 3 days a year to receive evidence of slavery. However, privately financed and organized antislavery groups, which are active against slavery, are very skeptical that anything will come of these meetings or that the U.N. will take any action against slavery. It has been urged, without avail, that a permanent adviser of world stature be designated by the U.N. to probe slavery full time.

The forms of slavery which still exist include debt bondage, which is reported to be widespread in India and Burma; serfdom, where people are bound to the land, is said to be practiced in Afghanistan and on some large South American estates; exploitation of children is reported in Latin America, the Middle East, West Africa, and Southeast Asia, including Hong Kong; servile forms of marriage in which forced and bought marriages are said to persist in some 30 Islamic and part-Islamic countries.

WHATEVER HAPPENED TO ARBOR DAY?

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, Dr. Joseph E. Howland has written an excellent guest editorial on Arbor Day. It was published in the magazine American Forests in its October 1973 issue. I submit it for reprinting in the RECORD:

WHATEVER HAPPENED TO ARBOR DAY?

(By Dr. Joseph E. Howland)

When we were a boy, Arbor Day, the annual tree planting day, was a big event on our school calendar. It had status because, like Thanksgiving Day, it was proclaimed by the Governor. Pupils and teachers cooperated on equal terms. It gave us a sense of importance. And best of all it took us out of doors.

Each year we dug the holes and did the actual planting, watering and staking of one or more trees. In eight years of grammar school this naturally gave us kids a tremendous sense of personal identification with the school's landscaping. The planting was "ours" and so vandalism was unthinkable.

Today the trees we planted when we were young have grown up and are shading new generations. But how many youngsters planted something this past spring? In some communities Arbor Day is still of real significance. But where it is being neglected we are all losers.

Agitation for a more beautiful America has gained tremendous impetus these past few years and conversation has become big news. But it would be a mistake to think of it only in national terms. While we are trying to save the redwoods for the children of America to enjoy "tomorrow" we shouldn't overlook the local park, the parking lot and the schoolyard that they see every day. Arbor Day gives them the chance—*in an organized way*—to discover at firsthand the joy of planting something and watching it grow. For many youngsters, even in suburbia it may be the only time they will plant anything themselves.

We have heard the excuse, more than once, that the school budget did not provide for trees. As far as new buildings go that may be deplorably true. But as far as Arbor Day is concerned it is nonsense. The cost of material is trivial. Parents would be happy to contribute. And it would be a poor sort of garden club or fraternal society that wouldn't jump at a chance to help out.

Why bring it up now when Arbor Day is in April? Because when planting time comes round again it is usually too late to make arrangements. If Arbor Day is being overlooked in your community the time to bring it up at PTA is as soon after Labor Day as possible.

SENATOR McGEE ADDRESSES NATIONAL POSTAL FORUM

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, the distinguished chairman of the Post Office and Civil Service Committee of the Senate on October 2 addressed the National Postal Forum in an able address dealing with the Post Office Department and the effects of the Postal Reorganization Act. From his knowledgable position, Senator GALE McGEE gives a very valuable dissertation upon the whole problem of the quality of our postal service and the manner in which is should be operated. Since Senator McGEE is an old friend of mine I take particular pleasure in asking that his outstanding address be included in the body of the RECORD immediately following my remarks:

REMARKS BY SENATOR GALE McGEE

General Klassen, distinguished guests, I appreciate very much this opportunity to join with representatives of the business community and with the managers of the Postal Service in your discussions leading to cooperative effort. I applaud the spirit of this Forum, a meeting where problems can be explored and solutions sought.

Mr. John Gardner, who has just concluded his remarks, has written that "The society which scorns excellence in plumbing because plumbing is a humble activity and tolerates shoddiness in philosophy because it is an exalted activity will have neither good plumbing nor good philosophy. Neither its pipes nor its theories will hold water".

His observation is apt for this occasion. You will recall that the Kappel Commission Report on Postal Reorganization, the report which recommended postal reorganization, was entitled "Toward Postal Excellence."

One of the reasons why the Postal Reorganization Act moved through Congress as rapidly as it did was that it had broad popular support, not only from private enterprise, but from the average citizen who uses the mail chiefly to pay his bills and to write his relatives. You are aware, I'm sure, that the people of this country feel very strongly about not passable, not good, but excellent postal service. They really care about postal excellence, and they expressed their views very vocally to the Congress during those hectic months in 1970 when the Reorganization Act was being hammered out in both Houses. I think that the American people watch the Postal Service as closely as they do because it is something universal; it touches the life of everyone, and it affects the way we feel in general about the efficiency and progressiveness of our society. It has something to do with the way people feel about how things are going and whether they are working right.

Thus, postal excellence is not just the movement of billions of pieces of printed materials through the pipelines we call the delivery system. Indeed no, it is the value we assign to the written word. Without that method of contact, the community is diminished; and if the community is diminished, our theories of brotherhood and of full-scale participatory democracy do not hold water. I'm glad to say that it is my hope that we are now on the way toward providing that kind of service for all mailers, large and small.

What about the plumbing that Mr. Gardner spoke of? In this case, the Postal Service as a system. Do the pipes hold water? I take the name of this gathering quite literally; it is a forum in the particular sense of the word, and it is not advertised as being a mutual admiration society. And so I am confident that it will be appropriate for me to speak plainly about what has happened during the three years which have elapsed since the enactment of the Postal Reorganization Act. No one man can supply the answers to all the problems which have arisen during those three years, but I think we can agree that certain facts have become clearly apparent and that, in order to do anything about them, we must recognize them and reason together on what they mean to the future of the Postal Service in this country.

CHALLENGE FACED BY THE POSTAL SERVICE

As one of the authors of the Act, I can only wish success for the Postmaster General, his staff, the small army of postal employees, and the Postal Service itself. As an American and as a United States Senator charged with certain specific postal responsibilities, I share with the average citizen a strong concern about the liveliness of the postal establishment. The past few years have demonstrated that the Reorganization Act provided no magic formula. True, it marked a milestone in our thinking about how the Postal Service ought to fit into the matrix of our complex society. Nevertheless, some of the problems which plagued us in the late 60's still exist. The hard economic facts controlling the destiny of the Postal Service just won't go away, no matter what the Congress in its wisdom decides about postal reorganization.

Let's consider some of the facts. In 1968 there were some 700,000 postal employees who, under the leadership of a member of the President's Cabinet, were doing a pretty good job of delivering the mail. Today, almost the same number of postal employees, under the leadership of a very able officer who heads an independent government agency, are still doing a pretty good job of delivering the mail. But there is a dramatic difference. Today, those employees are being paid approximately 40% more than they were receiving five years ago. Now, a 40% increase in personnel costs in a labor-intensive industry is bad enough; but let us also realize that all of the Postmaster General's other costs have increased as well—machinery, buildings, vehicles, transportation rates, and fuel.

As businessmen, you know about those costs. Each of you can calculate in his own head how much his own cost of doing business has skyrocketed in the past five years.

Now, these are problems which the Postmaster General faces, and I think we should all recognize them before we cry out in dismay and alarm at the rate increases which he last week recommended to the Postal Rate Commission.

In my view, Ted Klassen has done a very fine job under extreme difficulties. He has altered organization structures, re-emphasized the criterion of service when it was being forgotten in a mad rush to balance the books, and he has dealt with old problems he himself did not create. He has acted forthrightly and with executive dispatch to bring his costs in line and at the same time to try to preserve service standards which Americans expect and deserve. He has made headway in an effort to obtain committed space on airlines so that first-class mail can move by air on dependable schedules. He is making an effective effort to recapture lost parcel post business, and he is looking to the future by acquiring very promising high-speed letter-sorting machines. And I ask you to remember that he is acting under a mandate to bring his enterprise to the break-even point by 1984, and to move the mail within the confines of that mandate. I think he understands as well as you and I that the announcement of an across-the-board postal rate increase is greeted with something less than a warm welcome by the general public and by the business community.

THE CHALLENGES FACED BY THE BUSINESS COMMUNITY

The past three years have also revealed some changes in the views of the business community with regard to postal reorganization. I can remember how avidly businessmen in general endorsed the idea of postal reorganization in 1969 and 1970. They reflected a view fairly common at that time that a hard-headed business-oriented management team, goaded by the profit motive, would bring such new efficiency to postal operations that rates would be stabilized. But the controlling economic facts which I cited earlier have apparently changed those views. For example, I have just left an Executive Session of the Post Office and Civil Service Committee at which the Committee's Members were considering a bill strongly advocated by the business community to spread out the time during which some business mailers would be required to pay full postage rates. Essentially, these mailers are asking that the Government continue its subsidy to them for longer than the Postal Reorganization Act stipulates.

I do not consider this request unreasonable. The costs of all major mailers, including postal rates, have risen dramatically during the past few years, and these postal customers seek relief because they believe that their mail matter is of intrinsic benefit to all of the American people and is worthy of subsidy. I cannot say how the Committee, the Senate, or the Congress as a whole will respond to this petition for relief; and I cite this bill simply to show that a substantial segment of the business community now believes that there is a definite place for a government subsidy in our postal planning.

Three years ago the opposite view prevailed. It was strongly maintained that the Congress should get out of the postal rate-making business entirely, that subsidies should in ten years at most be ended for good, and that there was no reason whatever why the Postal Service, like any other big business, should not be able to provide its customers with reasonable rates and at the same time balance revenues with expenditures.

And so, this is one of the problems faced by the business community. I know that the Postmaster General's recently announced increases that he has recommended are substantial—25% for first-class, 38% for second-class, and 22% for third-class. I can only suggest, without endorsing them, that these rates represent the economic facts of life. The Postal Service faces a deficit of some $1.3 billion this fiscal year.

THE CHALLENGE FACED BY THE CONGRESS

I have mentioned the problems faced by the Postmaster General, and I think that I have been able to isolate some of the problems with which you, as large mailers, must in the future come to grips. The Congress, too, shares a large measure of responsibility for how well the Postal Service operates and how effectively it serves your needs. Thus, the Congress has its own problems in connection with this issue. A major question is one typified by the legislation which I just described. What is the responsibility of the Congress when it is asked to subsidize postage?

In an economic crunch such as the kind we face today, it is only natural for business mailers to petition Congress for the kind of aid it used to receive prior to the Reorganization Act. At the same time, I see in the Congress a reluctance on the part of Members to go back to the old days of random rate-making. There is no inclination to turn back the clock. The general Congressional view, as I see it, is that the Postal Rate Commission has shown itself able to assume the rate-making role and that the Commission will continue to serve in the future as the forum in which rate questions will be answered. As for the bill I have described, I see it as a unique case—almost an emergency measure. The need is there and it is urgent. How Congress will respond I do not know.

Nothing, of course, is final. The Congressional view as I have represented it may change as it has in the past. Perhaps in the years ahead, Congress will conclude that, in the public interest, a continuing subsidy should be authorized; that the break-even ideal, so avidly advocated three years ago, must be abandoned. I hope not. As an author of postal reorganization, I believed in the underlying precepts of the Reorganization Act. I still do, and I want the present system to work.

The problems that I have outlined represent formidable challenges for all of us. The Reorganization Act has succeeded extremely well in some areas but, for all the good intentions of its proponents, it has not yet been able to prevail against the economic realities of these inflationary times.

And so I think that our best efforts will be required in the years ahead to work together—the Postal Service, the business community which constitutes the largest single segment of mailers, and the Congress—each aware of the other's problems and each willing to proceed with a great deal of patience, understanding, good faith, and good will, until the postal excellence envisioned in the Kappel Commission Report is totally realized.

In the end, however, no matter how we categorize these problems, it is the rank and file citizens who will judge whether we have met the challenge. Whether, in fact, our theories hold water.

ACCOUNTING FOR 1,300 MIA'S

Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I call to the attention of my colleagues a memorial adopted by the Florida State Legislature in regular session 1973. This memorial to the Congress of the United States, urges Congress to take immediate steps to account for the more than 1,300 Americans still missing in action in Southeast Asia and to secure the immediate release from captivity of those still alive.

I concur with the views expressed in this memorial that it is imperative we determine whether these men are still alive and do everything in our power to secure their immediate release.

The memorial follows:

House Memorial No. 1307

A memorial to the Congress of the United States, urging Congress to take immediate steps to account for the more than thirteen hundred Americans still missing in action in Southeast Asia.

Whereas, American involvement in the Southeast Asian conflict has begun to draw to a close with the signing of a truce agreement calling for return of all American prisoners of war, and

Whereas, almost all American military forces in the Republic of Vietnam have been withdrawn pursuant to that truce agreement, and

Whereas, although almost five hundred Americans missing in action and held as prisoners of war have been accounted for and released from captivity, there remain at least thirteen hundred of their fellow Americans yet unaccounted for in Southeast Asia, and

Whereas, it is the responsibility of the people of this nation to do everything in their power to determine whether these men are still alive and, if so, to secure their immediate release from captivity, now, therefore,

Be It Resolved by the Legislature of the State of Florida:

That the Congress of the United States is urged and requested to take every possible step and to make every possible effort to account for the more than thirteen hundred American servicemen still missing in Southeast Asia and to secure the immediate release from captivity of those still alive.

Be it further resolved that copies of this memorial be dispatched to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

CRISIS IN CONFIDENCE

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, in last Sunday's issue of the Miami Herald there appeared an article by me dealing with what many call the crisis in confidence in public officials generally in this country. In this article I pointed out that from a long association with national, State, and local officeholders it was my conclusion that those in public office were percentagewise less guilty of dishonesty or unethical conduct than the general population, yet pointing out some of the problems and temptations which those holding public office had to face.

I concluded with the hope that the misconduct of many public officials in the country, although a conspicuous minority of the whole, would lead the people to a new demand for the highest standard of conduct by those entrusted with the opportunity and the responsibility to hold public office, and express the hope that that demand would be "the punctillo of honor"—the highest standard of conduct once described by Justice Benjamin Cardoza.

I insert my article in the November 4, 1973, issue of the Miami Herald entitled "Politicians Tempted on All Sides" in the body of the Record following my remarks:

Politicians Tempted on All Sides

(Note.—Claude Pepper, with more than 40 years in public office, has served in both the U.S. Senate and the House of Representatives.)

(By Claude Pepper)

Unmistakably there is a crisis of confidence in public officials in general.

And there is good reason for the people's concern about their officials when they see such revelations as the Watergate hearings have disclosed; the plea of guilty to income-tax violations by the vice president of the United States while he was governor of his state; former Cabinet officers indicted; top members of President Nixon's staff indicted or under investigation; members of Congress sentenced to prison for bribery, income tax evasion or requiring kickbacks from employes; a high-level judge convicted for income-tax evasion and bribery while governor of his state; many state, county and municipal officials throughout the country convicted or under indictment; and even the President under investigation for possible wrongdoing.

Such corruption and lack of integrity must be punished fairly and impartially. An honest and vigorous investigation must be made wherever there is a breach of public trust. Laws must be tightened and strengthened where necessary.

The President unhappily has not encouraged public confidence in public officials by discharging a special prosecutor who was recognized as an able, honorable and fearless prosecutor and investigator—Prof. Archibald Cox. It is difficult to see how anyone else in the Department of Justice can take up Cox's role in light of the President's prohibition to Cox of full independence in his investigation and prosecution of wrongdoing in this administration.

But, after all, the number of public officials who have been indicted or convicted or are under deep suspicion and investigation is a small part of the total number of public officials in the country.

It may shock many to have me say that after more than 40 years of close contact with public officials at the national, state and local levels and after 25 years in the U.S. Senate and House of Representatives, public officials—politicians—are above the average of the population in honesty, integrity and ethical considerations.

The reason obviously is that public officials have been through a screening process. They have been elected by the people or appointed by public authority and, by the large, they have a deep sense of pride in their office and a sincere feeling of duty to serve creditably. They want to be liked by the people and they seek to make a record that will be both satisfying to their ego and meaningful to the people they serve.

Furthermore, the offenses committed by most public officials are related to money—taking a bribe, failing to pay due income taxes, taking kickbacks from employes and the like, and this is an area where public officials are not different from their fellow citizens.

For bankers, lawyers, doctors, businessmen, writers, even ministers of the gospel share the same covetous instincts. But I believe percentage wise the rate of such offense is lower among politicians than among the general population, even when allowance is made for a certain possible favoritism on the part of public officials toward one another.

It's not the system that's bad; it's the individuals within the system whose greed leads them to corruption. Some—too many—politicians do yield to the desire to live beyond their means, have money along with power and take advantage of the many opportunities they have to get money illegally either through taking a bribe for the exercise of power or pocketing for personal use campaign contributions without paying income tax thereon or otherwise.

But the overwhelming majority of the public officeholders, like the overwhelming majority of the members of other honorable groups in the country, don't do that. The ones who do are the conspicuous exceptions.

I don't know of a vice president since Colfax in the Grant Administration who has been charged with crime. In more than 100 years no national administration has had scandals and corruption at the top since the Grant Administration in the 1860's, except for the Harding Administration in the early 20s and now the Nixon Administration.

Among the thousands of members of Congress whom I've known, I don't recall more than a dozen at the outside who have been indicted. Of the thousands of judges in our country only a few have been false to their trust. The same is true of the officers at the state and local legislative and executive levels generally. In spite of the bad reputation of politicians and officeholders generally, we ordinarily have confidence in the ones we personally know—those who represent us or whose performance we constantly observe.

The man in public office, especially elective office, has many temptations and many problems. He has to have money to get elected. In many campaigns, especially state and national campaigns, he has to have a lot of money. In a race for governor or U.S. senator even in a state the size of Florida, he must have several hundred thousand or a million or more dollars.

For representatives in Congress the law now provides that he may spend up to $75,000 and he generally is required to have from $50,000 to $75,000 to get elected. That is a lot of money for one who is not rich, and even one who is wealthy can spend only $25,000 of his own money under present federal law in a race for Congress. Raising this money is one of the greatest problems a candidate has—to get the money without selling out the public interest or compromising his freedom of judgment or his integrity as a public official when elected.

I have had only one brazen proposal made to me in respect to campaign contributions. After I left the Senate and before I returned to the House, I was considering running again for the Senate and went to see a wealthy man who had been my friend and contributor to my campaign in the past—a man who had never tied a condition to his contribution. I was seated on the foot of a bed in a hotel room and he towered over me standing right in front of me. He said: "I don't want you to run for the Senate. I want you to run for governor and if you will run for the governor I will underwrite $75,000 for your campaign cost, but on the condition that you will let me run the State Road Department."

My first impulse was to kick the man in the groin. Then I felt saddened because this man had been my friend, and I his, and he never had made an improper suggestion to me before. I knew this was going to estrange us. Without getting up I quietly said: "I don't want to be governor and I never intend to be, but if I am governor, I will run the State Road Department through my appointee. My relations with you would be the same as they were when I was in the Senate. You could come to me and talk to me about anything but you knew it would be I who would make the decision, not you." I got up and left and that man and I did not have another conversation for many years and we never have regained our old friendship.

Yet what does a candidate do who doesn't have the money himself to conduct the kind of a campaign he needs to conduct and who sees his opponent, as mine did in 1950, come up with 10 times as much money as he has? This then is the area of a politician's greatest temptation.

With increasing costs of using the various means of campaigning for almost any elective office, the candidate has to have a considerable sum of money. The candidate simply has to screen his contributions as closely as possible, checking not only for illegality but for contributions that would be an embarrassment to him during the campaign or after being elected. The statutes, federal and state, have been greatly strengthened in respect to campaign contributions but they must be tightened up a great deal more.

For example, a cash campaign contribution in excess of $10 should be forbidden. All contributions should be required to be by check so they can be traced. And each individual should be limited in the amount he or she can contribute directly or indirectly to a candidate or to all candidates.

Public contributions of public financing for elective campaigns should be further studied. Tax deductions should be encouraged for small contributions, especially for presidential campaigns, and a definite limit on presidential expenditures should be imposed.

Another great temptation for an office holder is to accept excessive favors, including social favors, from those who have an important interest upon which the office holder has to vote or act.

I know a man in the U.S. Senate who so constantly used the facilities of an airline and who was so close to that airline that he constantly spoke and worked for that line as if he were an officer or employe.

I never have been offered a bribe and I think most public officeholders will say the same thing. I suspect it's like the fact that most ladies who conduct themselves properly are not disrespectfully approached. Most elected officials draw the line between small favors and courtesies to those who befriend them and doing things that are against their judgment or conscience. We all know that no real friend will ask you to do something you think is contrary to the public interest or wrong.

I recall one time in the Senate that a man who headed a Florida sugar company threatened me if I tried to get more quota for other sugar companies in Florida. When he made his threat, I walked down the hall and testified before a Senate committee just as I told him I would. But this man was the exception.

Most contributors and friends respect the officeholder who respects himself and never will ask him to do anything he doesn't think is right. In my first Senate race in 1934, and thereafter, I was supported strongly by many road contractors of Florida. But I proudly recall that, not only did that group of men never ask me to do anything wrong, they would have severely rebuked and reproached me if they had found me doing anything wrong.

Public officials should observe a higher standard of honor and ethics than others, for they have been chosen for their tasks because they were trusted and they should have a keener-than-usual sense of responsibility and integrity. To hold public office is a great honor and a challenging opportunity for notable public service. Every officeholder, therefore, should be particularly sensitive to the trust reposed in him and to the obligation he bears.

Let us hope that the shock of criminal or unethical conduct that we see in so many places all over America today, shocking and lamentable as it is, will arouse the people of the country to a new demand for the highest standards of integrity in all aspects of public office—not only honesty in respect to money but to the highest sense of honor in the performance of all the duties and responsibilities with which the official is charged—"the punctilio of an honor" as the highest standard of conduct once was described by the great Justice Benjamin Cardozo.

WE MUST HAVE AN INDEPENDENT SPECIAL PROSECUTOR

(Mr. RANDALL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RANDALL. Mr. Speaker, today a dark shadow is cast across our Nation. The Watergate scandal and other allegations of presidential wrongdoing have been greeted with shock and dismay by the American people. Most Americans, nevertheless, had prior to October 20 suspended their final verdict regarding the President's complicity or lack of complicity pending the outcome of the investigation being conducted by special prosecutor Archibald Cox.

However, President Nixon's precipitous firing of Mr. Cox, which provoked massive public outrage, has left many vital questions unanswered. As a consequence, the presidency has been crippled by the pall of accusation and suspicion that today hangs over the White House. Until the truth is conclusively determined, it will be impossible for us to get on with the other business before this Nation.

The Middle East crisis, the energy crisis, the environmental crisis, inflation, unemployment, and a raft of other problems face this Nation today and cry out for strong and decisive leadership. Thus, we must put Watergate and the other sordid political crimes behind us as soon as possible. This requires that we get to the bottom of this affair as soon as possible.

The President's intemperate action of the weekend of October 20 leaves no alternative for Congress but to take the initiative, and in so doing demonstrate that no man—not even the President of the United States—is above the law. On May 1, the President stated publicly his commitment to "uncover the whole truth," however, recent events have called into question his commitment.

I make these remarks because I have recently introduced a resolution which would reestablish an office of the special prosecutor, this time under the aegis of the Congress. My measure provides for a prosecutor completely independent in both financing and authority from the executive branch of Government, as is noted in section 3 of our resolution. Although it provides that the chief judge of the U.S. District Court for the District of Columbia be empowered to appoint the new prosecutor, he will be subject to both confirmation and removal by the Congress.

In conclusion, what is needed at this critical moment in this Nation's history is a frank, forthright, and open investigation of all the allegations of executive malfeasance of office. I am convinced that a majority of the Members of Congress, as well as a large majority of the American people desire a fully independent prosecutor to carry forward the investigation. Congress, by acting decisively, will not only write a new chapter in executive accountability, but will assure that the whole truth is uncovered.

We must restore the trust of the American people in their Government. In 1968, President Nixon said that "men are accountable for what they do," and that "guilty men must pay the penalty for their crimes." I could not agree more with the President: and it is to this end that I have introduced this legislation.

ATHLETIC INJURIES AND SAFETY: DIMENSIONS OF THE AMERICAN ATHLETIC CRISIS

(Mr. DELLUMS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DELLUMS. Mr. Speaker, this spring Sports for People, a public interest organization in Chapel Hill, N.C., published an extremely informative and important study of the dimensions of the athletic safety crisis.

With the rising concern over this issue, I would like to now inert this study into the Record for the use by my colleagues:

Athletic Injuries and Safety: Dimensions of the American Athletic Crisis

(A Report on the results of a national opinion survey)

PREFACE

About "Sports for People"

Sports For People is a community-oriented group of friends and neighbors in Chapel Hill, North Carolina, which is providing opportunities for people to express themselves in new ways through sports. We conceive of ourselves as a growing circle of life, dedicated to exposing people to a variety of recreation opportunities through which they can build physical self-confidence and develop positive attitudes toward other people. We conceive of sports as a vehicle by which all people can come together on common ground, to share the rhythm of movement and the joy of physical exertion. We believe that sports based on this approach to human interaction and development can promote a healthy community, and that attitudes of caring and self-confidence can be transferred to other activities in community life, both personal and professional. Hence, Sports For People is seeking to build a healthy community which cares about its people through positive, attitude-changing, spontaneous, life-giving sports.

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Historically, Sports For People is the successor to the Committee of Concerned Athletes which was reconstituted January 31, 1973. Having achieved its objectives of promoting athletic safety on the University of North Carolina campus at Chapel Hill, and having brought athletic safety to the attention of Congress, it seemed appropriate for the Committee to reconstitute itself as Sports For People with a new set of objectives.

Sports For People retains the fundamental notion that life is an objective we need to work toward in contemporary sports. It is significant that the Committee, founded in September, 1971 after the death of UNC football player Bill Arnold, is continuing with its emphasis on life-giving sports. Respecting this tragic death and understanding its causes. and dynamics, Sports For People is now developing means of promoting life-giving sports.

About the survey

In November, 1971, the Committee (referred to hereafter in its new title Sports For People, SFP) approached Congressman Ronald Dellums about the feasibility of national legislation on athletic safety. Through its experience at Chapel Hill and exposure to statistics about injuries across the country, SFP learned that Arnold's death was not a unique circumstance; that thousands and thousands of injuries occur each year in a number of major and minor sports at all levels of play. It was felt by both Representative Dellums and SFP that athletic safety should be a national public policy and Congressional concern. On August 17, 1972, Rep. Dellums introduced the "Athletic Safety Act," into Congress, as an amendment to the Occupational Safety and Health Act of 1970. The Act received an initial hearing on September 13, 1972.

SFP had felt for a long time that the concerns of many coaches, players, sports writers, and researchers around the country on the issues of athletic safety needed a national focus. Assisting Rep. Dellums with the Act provided an opportunity to develop this focus, hence this survey and report. With the generous assistance of Rep. Dellums, his staff, Jack Scott of the Oberlin Athletic Department, and Dr. Benjamin Lowe of Temple University, Sports For People conducted a national athletic safety opinion survey during November, 1972–February, 1973. The following summary report represents both a qualitative and quantitative analysis of the responses.

The format of this report is designed to present a summary of the responses of 110 individuals' attitudes concerning a wide range of safety-related issues. The people who responded represent a highly sophisticated and knowledgeable group of individuals directly involved in athletics as players, coaches, writers, researchers, parents or spectators. Familiar with a broad range of issues, these people have provided the public with a rare insight into what sports-related professionals think about the current state of American athletics, particularly in relation to safety and injuries.

Through a combination of ranking scales and open-ended questions, the survey was designed to examine opinions about athletic safety from a perspective broader than just its medical aspects. A copy of the questionnaire is attached as Appendix A. SFP believes from its experience that injuries and safety in athletics have educational, sociological, and psychological parameters as well as health concerns. This report attempts to illuminate the opinions of sports experts on these parameters in the hopes of providing us all with a clearer perspective on ways through which we can actively seek and promote athletic safety.

American athletics is in a state of crisis. Perhaps the single, clearest conclusion of this survey is that contemporary sports are facing a profound and sustained series of challenges to its basic and traditional assumptions and operations, not only from former players reacting to negative experiences, or from researchers, sports writers, coaches or fans, but more seriously from within its own basic structures, values and means of operation. We hope to provide some clarity to these challenges and concerns, from the perspective of players, writers, researchers and coaches in terms of the structural and value problems which are reflected through American sports.

The wide variety of people from all over the country who responded to the survey have demonstrated in their opinions that the crisis in American sports, as reflected in injury statistics and other abuses, is a multifaceted, complex and interconnected problem of values and procedures, institutions, attitudes and human needs. There is no single individual, institution or sport responsible for the incredible high rate of injuries, though this survey suggests several major contact sports as being primarily responsible.* That their high number and often severe nature occur throughout all sports at all levels suggests to us that there is a much larger and complex issue than just sports alone. Similarly, attempts by institutions or individuals to excuse specific accidents as isolated incidents or medical problems, is not warranted either by the national statistics, or by the responses to this survey. What we face as a society engulfed in sports of all kinds at all levels of play is a crisis of major proportions in terms of our priorities and values—specifically whether we want athletics to be for athletes, to be safe and for fun, or whether we wish to perpetuate a system which is characterized by high pressure, commercialism, over-professionalization, high injury rates, competitive abuses, and a philosophy of winning at any cost.

A second major finding of the survey is that injuries are not felt to be the primary problem in contemporary athletics. Injuries are merely symptomatic of a much larger concern, an index of the extent to which we have allowed primarily the major sports to become more concerned with winning than the health, welfare and needs of each individual player. The areas of greatest interest and concern to those responding emphasized that the values and priorities existent within our society—winning in particular—are magnified in the sports arena through a high pressure system, resulting in an increasing number of abuses and injuries. As a former U.S. Olympic athlete stated in the survey, "The near neurotic frenzy to win is permeating virtually every stratum of athletics now, including the little leagues." This comment was reinforced by a university physical education professor concerned with the sociology of sport and coaching when he said, "The pressure to win is certainly the most crippling of all the pressures that confront sport." As another university P.E. professor very succinctly summarized the basic problem of the athletic crisis—

"The root cause of the problem is to be found in those values that comprise the dominant value structure in American society. When we begin to deal with Society's obsessive concern for material well-being, conformity, and competition-winning, then we can begin to address ourselves to the problems of drug-taking, recruiting, coaching procedures, pressures." . . .

The concern over the value of winning at any cost was coupled with a major concern about the pressures which have come to characterize athletics where large amounts of money and prestige are involved. Experts responding to the survey linked pressure and winning in a number of situations such as recruitment, the use of drugs to achieve better performance or merely to stay even competitively, psychological and physical pressure to obtain better playing, and so on. As a judge put it:

"I have played various sports since childhood. I am very concerned about the overemphasis on winning and lack of concern for individuals, especially on high school and college levels. Coaches are putting too much pressure on athletes in order to compile good records for themselves. Such emphasis on winning records has altered the purpose of athletic competition. Double standards exist, especially on the college level, where athletes are being torn between coaches who want to advance themselves, pro offers, possibility of serious injury, etc. The athletes must be confused and someone has to speak out and try to stop these practices."

The coach, we found, is at the apex of the pressure system which places winning above all other priorities. As a college physical education coach said:

"I see the problem as one of society's emphasis on winning at all costs, the coach's success being based upon win-loss records more than the joy he inculcates into the activity as a major problem. Legislation can be a stop-gap, but sports will become humanistic only when our society undergoes some basic changes in values."

The basic value of winning and its attendant pressures on coaches and athletes alike, the professionalization of scholastic sports, monopoly control and profits, and insufficient medical and athletic training and coaching procedures, all were felt to be the central, interrelated parameters of the sports crisis. Whether sports is to be for the health and development of each individual athlete, to be legislatively protected if necessary, is the immediate challenge we face today. The long-term challenge is whether there can be sufficient procedural, institutional and attitude change to eliminate injuries altogether and to promote the safety and health of every athlete without federal legislation, and whether sports can once again be fun and for the athlete. Thus, the solution to the American sports crisis as reflected in injury rates and other abuses lies in the reordering of our priorities toward a philosophy and practice of sports based on individual physical development, health and welfare.

Such a reordering of priorities is the responsibility of every spectator, parent, athlete, coach, sports writer and commercial interest. The responsibility and stimulus for initiating such a reordering of priorities, however, seems to lie in the hands of Congress. The Athletic Safety Act is the first step, the catalyst for this broad national effort to articulate the problems and parameters of athletic safety, and to provide constructive approaches and alternatives to remedying some of the more basic problems. Those responding have generally endorsed the Athletic Safety Act as a necessary first step in a long journey toward achieving a sense of balance in the athletic crisis.

Who responded to the survey?

Close to 400 questionnaires were distributed to selected individuals around the country, of whom 110 (102 men and 8 women) or 27.5% responded. Twenty-nine states were represented with the largest responses coming from the largest states: California (21), New York (19), and Pennsylvania (12). A variety of professions as well were represented with university and college physical education, sociology and psychology professors being predominant. All levels of schools except junior college and junior high school were represented. A large number of medical doctors (9) and sports writers or editors (13) were represented as were pro, amateur, college and high school athletes, coaches, a lawyer, a judge, sports associations and community groups. While academics and sports writers predominated, their wide familiarity with all

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* The Food and Drug Administration has access to national injury statistics and to the National Electronic Injury survey which is a selective sample of injuries across the nation. The Library of Congress is also a repository for a wide variety of papers and reports on injuries.

sports at all levels and the basic concepts underpinning athletics suggests a high level of knowledge and competent judgment.

The information on the positions of these people can be supplemented by their expressed concerns and interests, rounding out a picture of who it was who responded. Concerns about athletics ranged across a wide spectrum of issues centering on sports sociology, psychology and philosophy (18). Coaching, sports administration, human rights, women's sports, training, sports medicine, and legislation were also noted as concerns. Other areas of interest included values, competition, drugs, injuries, education vs. sports, financial aspects of sports, equipment, racism, professionalization, and a host of specific interests in individual sports such as track, wrestling, soccer, gymnastics, rugby, distance running, football, tennis and basketball. In sum, the 110 people who responded represent a broad geographical and professional spectrum with equally diverse concerns in contemporary athletics.

What were the major issues?

As the sample questionnaire demonstrates, 12 major issues with suggestive questions were listed, asking for an indication of concern and leaving room for comments. We will be primarily concerned with the top five issues, and briefly comment on the others below.

I. Drugs: Drugs and drug abuse was clearly the primary concern, with 75% of those responding selecting it as a major concern of theirs. The two problems repeatedly pointed to in the survey as being critical were:

a. The use of drugs such as anabolic steroids and amphetamines to improve performance or to be competitive.

b. The use of pain killers to get players back into games.

As the sports editor of a major national magazine pointed out, the lack of controls on drug use contributes to their abuse—

"While a sport like horse racing draws clear lines between permissible pain killers and ones that endanger animals, human athletes are treated in a vague and loosely regulated fashion—a major challenge to leaders of almost all sports."

Other opinions ranged from a high school football coach saying that coaches use drugs to increase physical size, to a sociology professor noting the tacit acceptance of drug use by many in the sports world, to a college football player deploring the use of amphetamines and steroids.

II. Education vs. Athletics: The second major parameter of the American sports crises was felt by 68% to be the contradictory pressures and demands of athletics in the educational system. As a university P.E. professor so well summarized the dilemma—

"There is no question that for the most part, athletes mean little more personally to coaches than automobiles do to workers on the assembly line. And this suggests to me that athletics presently has relatively little educational value. We must give sport back to the players if it is to remain in the educational domain. Otherwise, take it out of education and let it survive on its own merits."

Overprofessionalization of college athletics, the pressures on coaches to win to retain their jobs, the treatment of players as entertainment or as means to an end rather than as individuals, the career patterns existing from high school through to the pros in major sports, and the vested financial interests in the sports industry have made our respondents question the compatibility of contemporary athletics in the educational system.

While some felt that perhaps athletics should be removed from schools because of the abuses, others felt that athletics and education compliment each other and that sports should be subordinate to education. As a professor of sport sociology suggested, "If sport is to have any chance of realizing its educational potential, it must be supported as an educational expense. . . ." Some schools have withdrawn from intercollegiate competition and offer an alternative approach to either no sports or commercial sports. As one university P.E. professor said:

. "Our emphasis is on physical activity classes, intramurals, and recreation, and lastly student sport clubs. Faculty, staff and students intermingle. Enjoyment, fun and conditioning (are) stressed. The real test of a well-trained, coached and educated athletic team is for its coach to sit in the stands or the press box until the contest is concluded."

This range of opinions about the role and prospects for scholastic athletics reflects a crisis in priorities, an overwhelming feeling that winning, profit and status have taken over athletics as an academic enterprise. Our schools seem to reflect the question of priorities of athletics for athletes vs. for profit, a question at all levels of sport in our society.

III. Coaching Procedures: 65% of the people responding to the survey found the milieu of the coach to be a major concern. Comments on coaching procedures illuminate further the societal crisis caused by a need to win at any cost. The coach is the middleman. His job is on the line on the basis of a win-loss record. To win he implements an authoritarian system of discipline (usually) which he feels comfortable with, passing the pressure he feels to perform on to the players in the form of depersonalized and often brutal treatment, physically and psychologically.

As the sports editor of a national magazine commented:

"Too many coaches are encouraged to place the priority on winning above even the safety of competitors. Regulation is one answer, but a reevaluation of these priorities should go deeper than that."

The authoritarianism of coaches came under strong attack by a number of people, which when coupled with a concern about their lack of training suggests a major need for better trained coaches and perhaps a licensing procedure. A college PE professor noted—

"The area of my concern has been through the ethical values of the men who teach and administer the game. Generally these people have failed probably because of the pressure put on them, but more because of the lack of understanding of the real purpose of sport."

Using injured players, "ego trips," inflexibility, inability to treat athletes as humans and individuals, were all complaints registered in the survey. These complaints. however, need to be placed in the context of the "winner-take-all" value predominant in our society, which places the coach at the very apex of the pressure system. Demands by alumni and trustees, athletes, financiers, pro and college recruiters, sportscasters and writers—all make demands on the coach. With more training, some standardized licensing or degree requirements, and academic appointments for coaches, it was felt we could move immediately toward more humane and individualized treatment of athletes.

IV. Pressure: Of those responding. 60% felt that pressure in athletics was a major issue. Many responses noted that there was too much pressure too early in an athlete's life, that parents pressuring their children in little league to win is unnecessary. And yet the pressure system seems to reflect society's priorities. As the sports editor of a national magazine put it—

"What is important is the degree of emphasis on winning over everything, whether it is practices on some sandlot where intense fathers drive kids to throw curve balls at age 12 or execute perfect crackback blocks on 12-year-old knees, or at a big time football college where coaches make their own jobs easier by simply driving off the allegedly unfit at whatever costs."

· The pressure is of several kinds and comes from several directions resulting in multiple impacts. Certainly fathers pushing their children toward athletic perfection are not the only source of pressure. Coaches, alumni, politicians, sports writers, spectators and athletes all receive and exert pressure to win. The concept of a pressure system suggests no one single source, although the value of winning above everything else seems to be the engine for this system.

Pressure may be internal or external. As one sports magazine editor said, "Self-imposed pressure is the worst kind." Playing for perfection, to retain scholarships, or for a variety of psychological reasons all contribute to the pressure system. The results are most clearly shown in the injury statistics. Two people, both college football players, felt that pressure increases the number of injuries. More games, longer seasons, poor equipment, "running-off" techniques of eliminating unwanted players, all seem to suggest that an increase in pressure to win at any cost will result in a concomitant raise in injuries.

V. Equipment: The fifth priority concern in the survey for 57% was athletic equipment, in particular artificial surfaces, protective equipment and their relationship to athletic safety. The most critical concern for people was the existence and expanding use of astroturf and other artificial surfaces to save money for the institutions at the expense of the players. As a high school football coach said about astroturf—

"Almost no players like the stuff after having played some games on it, yet more and more schools use it for the benefit of spectators watching the game and (for) status effect."

The usual justification for using astroturf is that it is necessary for schools to remain competitive with other schools who have it. To reverse this inertia requires a school to take a position which may not be beneficial to their ability to win. Knee injuries were pointed out as a major problem with artificial surfaces, and more information on their effects was felt needed. In any case, as one sports editor said, there is "a crying need for athlete representation in decision-making" on such issues.

For women, the artificial surface question is not even the issue—any surfaces at all seem to be more relevant concerns. As one college P.E. teacher pointed out, "women play on worse fields, (with) pot holes and no grass in some cases." In at least three major universities and colleges, it was discovered as well that vast discrepancies exist between budget allotments to women's sports and those to men's—$7,000 and $450,000 in two instances.

At the high school and college levels, the paucity or nonexistence of protective equipment standards is directly reflected in the injury statistics. One newspaper sports writer who did a high school survey of football injuries concluded that "equipment is outdated or inadequate." A college athletic director was even skeptical of existing protective equipment, since it may "eventually be used as weapons. Note the use of the helmet in speartackling and forearm protections as weapons."

In sum, no standards, the need for enforcement, the need for evaluation and reduction or elimination of the use of artificial surfaces, and parity budget allocations for women's athletics were the highlights of the survey results on equipment. That substandard equipment is directly related to a high injury rate appears to be the fact, but poor equipment is only part of a winning-oriented, athletic pressure system which places winning above the health and safety of individual players.

Highlights of other major issues

1. Training Procedures: 56% felt this to be a major concern. Certification of trainers was felt to be a major need, as was the

presence of trainers at every practice session. As the head athletic trainer at one university commented:

"Additional state legislation requiring the licensure of certified athletic trainers, coupled with a law of some kind requiring the school . . . to employ an athletic trainer certainly is a necessary step."

2. Financial Aspects: 56% noted this issue as a concern. The role of monopoly institutions, the athletic programs' dependence on gate receipts for their survival, and some suggested graft were noted as parameters of athletic finances. As a member of the 1968 U.S. Olympic Team said:

"The institutionalized, big money athletic concerns need to be carefully scrutinized by the legislative branch—graft, monopoly questions, potential abuse of individuals for the sake of more dollars."

The dependence of scholastic athletic programs on alumni contributions, gate receipts, and winning seasons all add to the pressure put on coaches and players.

3. Recruiting Procedures: 53%. Many felt there was too much pressure in recruitment efforts, particularly at the high school level, and a considerable amount of dishonesty or "under the table" offers. It was felt by one national magazine sports writer that recruitment is a "price example of hypocrisy in sports." Scholars are not recruited into college, which caused one person to suggest that recruiting is educationally unjustifiable. In addition, a college teacher of women's sports said "women must be more highly qualified academically than men and (receive) no money." Thus recruitment problems continue to reflect the basic issues of this survey—too much pressure, winning at any cost, disparities between men's and women's sports, and questions about the athletics-education relationship.

4. Injury Rates: 52%. As noted throughout this analysis, injury rates are merely an index, a symptom of the larger problem, and a reflection of disoriented priorities in contemporary sports. While the coach is at the apex of the pressure system, the players are at the apex of the pressure system's results. As a college P.E. coach asked—

"Athletics are presumably supposed to build healthy bodies—all too often athletes end up with a myriad of elbow, shoulder, and other joint problems for years after their glory-filled careers. What's happened here?"

In addition to an increased national importance given to sports, a sports journalist and former editor of a national sports magazine says—

"One reason often overlooked, is increased schedules by teams on all levels—high school, college and pros. This is best exemplified by colleges, who played 7 games in the 1930's and up to 13 games in 1972 (football). Pro schedules, too, have been expanded—from a dozen games in the 1940's to 25 now if you count post-season, pre-season and All-Star games. High School kids in Texas are playing up to 13–14 games. Double the number of games and double injuries."

Practices as well account for a large portion of injuries, such as "running-off" techniques described by Gary Shaw in *Meat on the Hoof*, St. Martins Press, 1972. Concussions, brain damage, paralysis, death, broken arms, legs, backs and necks in all sports at all levels can only tell us that high pressure, poor education of coaches and trainers, inadequate medical care, and substandard equipment all require immediate attention.

5. Medical Care: 52%. Attitude on whether doctors provide adequate care range from judgments of their incompetence to a greater reliance on their role. A recent survey of high school football injuries concluded that "doctors aren't there when you need them or can't diagnose medical injuries." That qualified doctors be present at all practice sessions and games in all sports seems to be required. Adequate medical screening also seems necessary.

6. Game Practices: 50%. More adequate medical facilities and personnel are a major concern.

7. Enforcement of Rules: 47%. Opinions on whether rule enforcement was too strict or too lax were predominantly saying it was too lax, although some felt it was not a problem. Who makes what rules was felt by a high school coach to be an issue. Selective enforcement was seen as a problem by another person. In any case, a review of rules and enforcement procedures seems necessary.

What sports are felt to be the most dangerous?

Although a difficult section to tabulate, we were trying to determine what people *felt* were the most dangerous sports. Listed below are the top five sports, ranked as most dangerous by the number of times each was ranked in the top five out of twelve sports.

TABLE I

Sport	Number responding	Percent
Football	79	97
Hockey	56	69
Boxing	50	62
Rugby	42	52
Auto racing	40	50

Note: Total responding was 81.

A number of people did not feel auto racing was a sport, although the spectator nature of it, its recreational intent, and its incidence of accidents, death and injury, as well as its violence seemed to justify its inclusion. Of the five levels of sports play considered, the levels mentioned most often as one of the three most dangerous are presented in the following table.

TABLE II

Level of play	Number responding	Percent
College	59	91
High School	55	85
Professional	52	80

Note: Total responding was 65.

What corrective actions were recommended?

The extensive comments on corrective measures requires that we analyze responses in four major categories: regulation and the role of government, survey issues, other specific measures, and further suggested research.

Regulation and the Role of Government: Opinions on the role of the government in promoting athletic safety vary across the spectrum from no involvement to total control. The predominant feeling of persons responding was that while voluntary efforts are preferable, existing voluntary organizations have been ineffective, thus making national legislation necessary. A number of people, however, felt that legislation makes no difference in terms of attitude change needed to have safe athletics. As a university psychologist of sports summarized it—

"Though I strongly support the (Athletic) Safety Act, it does not get at the real causes of high injury rates in sports, but it probably is all the progress we can make at the moment."

Opinions about the extent and types of regulation ranged from restrictions on levels of competition, requirements for minimum safety procedures and medical facilities, to standards for equipment and facilities.

Survey Issue Recommendations: Under the issues noted above, a number of recommendations were already made. The following are an effort to summarize the wide range and diversity of corrective recommendations made.

1. Drugs: Although considered the first major athletic safety problem, there were few corrective actions suggested beyond more education and research, regulation of all drugs to athletes, and even their complete elimination from athletics.

2. Education vs. Athletics: The second major problem area cited above received a moderate (14) number of suggestions. A central focus was on removing commercialism from scholastic sports by eliminating athletic scholarships, financing athletics out of the general educational fund, and eliminating preferential entry requirements.

3. Coaching: By far the most volatile issue, coaching procedures received 24 recommendations for change. Most felt that they need to be certified through a qualification procedure which would include psychological testing. A number felt that coaches should be held personally responsible for injuries on their teams, and finally that they should be judged on their teaching rather than their winning abilities.

4. Equipment: 18 responses were fielded with a major recommendation being more research on artificial surfaces. Equipment standards for equipment and fields was also a major suggestion.

5. Trainers: Similar to the coaches, the major recommendation was for establishing a certification requirement at all schools.

6. Finances: A few people alarmed by financial abuses felt profits should be eliminated from athletics, or that athletics be made publicly accountable through open stocks and lower gate fees.

7. Recruiting: Only a few people made recommendations here, but most wanted some clarification of ethical standards and closer scrutiny of the operations.

8. Injuries: A wide variety (15) of responses were generated here ranging from a desire for more national injury data, to guidelines for playing conditions, and to knee injury protection.

9. Medical Care: While considered a tenth major issue, it was second in recommended corrective actions, with 21 responses. Most felt doctors needed more training and should be required at all sporting events. Independence of team doctors from coach controls was also felt needed to preserve their integrity and objectivity in their work.

10. Rule Enforcement: Most of the 11 responses recommended stricter enforcement from an agency outside the sports world, such as an independent regulatory agency with regional and/or local offices.

Other Specific Measures: A number of individuals recommended some form of national agency to coordinate or control local safety programs. Such an organization would concern itself with research on injuries, infractions of the law, sports sociology, psychology and medicine, and would have authority over existing independent institutions such as the NCAA or AAU.

A second measure suggested was the establishment of statewide insurance programs to cover individual athletes or compulsory liability insurance which would make institutions responsible for injuries incurred within their jurisdictions.

A third and significant recommendation made by 11 people concerned giving more decision-making control to the athletes and to promote a concept of sports which respects the dignity of each athlete over the necessity of winning.

A fourth minor recommendation was for the establishment of a code of ethics for the conduct of athletics.

Finally, a wide range (14) of specific controls was suggested, from the elimination of red-shirting to crowd control at games, to local or regional officers to insure athletic safety.

Further Research: A considerable amount of information is needed by athletes, coaches, parents, and the public about the dangers and safety in specific sports. In addition the following research issues were noted:

1. Pro sport franchises and gambling in pro sports.
2. The finances of the US Olympic Committee and other institutions governing sports.
3. The coaching system and the coach's social role.
4 Recruiting procedures and abuses.
5. Injuries and equipment.
6. Intercollegiate athletics.
7. Abuses which result from a "win at any cost" philosophy.

CONCLUSION

The purpose of this analysis has been to summarize and describe the elements and issues which comprise the crisis in American athletics. We began the survey from an observation that the extent and character of athletic injuries require a diagnosis beyond their medical context. We found from the survey results that this was true, and that athletic injuries per se were not felt to be the primary issue. Rather, the value of winning as a primary athletic priority, and its attendant high pressure system were felt to be primary causes for abuses of all kinds in a variety of sports activities, from drugs, coaching or recruiting, to medical practices in scholastic athletics. While injuries cannot be analyzed in isolation from a high pressure system, poor equipment or training, or inadequate medical care, determining the precise causes for injuries remains a highly complex issue requiring further research.

In terms of corrective actions the survey clearly indicates a need for more education, research and initial legislative action. The Athletic Safety Act is certainly an important first step toward guaranteeing the safety and health of athletes, although more affirmative action toward basic attitude-value change is necessary. In particular, the training and licensing of coaches and trainers was felt to be a major need. Financial controls and limits on commercial athletics in the educational system, more research on artificial surfaces, and the training of physicians and their required presence at all sporting events was also suggested. Finally, a liability insurance program and national organization to stimulate and monitor sports activities were recommended as measures needing immediate attention.

This survey hopefully points concerned individuals in a number of different directions where concerted action might be taken to alleviate pressure and promote athletic safety and health. Sports for People wishes to thank all those who participated in this effort for their insights and concerns.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to:

Mr. Jones of Tennessee (at the request of Mr. O'Neill), for today and balance of week, on account of death of a staff member.

Mr. Blatnik (at the request of Mr. Jones of Oklahoma), for November 6 and 7, 1973, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Whitten, for 10 minutes, today; and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Symms) to revise and extend their remarks and include extraneous matter:)

Mr. Schneebeli, for 1 hour, on November 12.

Mr. Robison of New York, for 15 minutes, today.

Mr. Hogan, for 10 minutes, today.

Mr. Fish, for 5 minutes, today.

(The following Members (at the request of Mr. Breckinridge) and to revise and extend their remarks and include extraneous matter:)

Mr. Davis of Georgia, for 30 minutes, today.

Mr. Alexander for 30 minutes, today.

Mr. Gonzalez, for 5 minutes, today.

Mr. Kastenmeier, for 5 minutes, today.

Mr. Fuqua, for 5 minutes, today.

Mr. Randall, for 15 minutes, today.

Mr. Runnels, for 5 minutes, today.

Mr. Udall, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Dellums and to include extraneous matter notwithstanding the fact it exceeds two pages of the Congressional Record and is estimated by the Public Printer to cost $731.50.

Mr. Thompson of New Jersey in five instances.

Mr. Rarick, to revise and extend his remarks on H.R. 8219 today.

(The following Members (at the request of Mr. Symms) and to include extraneous matter:)

Mr. Rhodes in five instances.
Mr. Keating.
Mr. Kemp.
Mr. Esch.
Mr. Archer.
Mr. Derwinski in two instances.
Mr. Burgener.
Mr. Gubser.
Mr. Gilman in two instances.
Mr. Baker.
Mr. Scherle.
Mr. Shoup.
Mr. Zwach.
Mr. Frenzel in two instances.
Mr. Conlan in three instances.
Mr. McClory in two instances.
Mr. Hogan in two instances.
Mr. McCloskey.
Mr. Snyder in two instances.
Mr. Smith of New York.
Mr. Wylie.
Mr. Young of Florida in five instances.
Mr. Steiger of Wisconsin.
Mr. Sebelius in two instances.
Mr. Cleveland.
Mr. Taylor of Missouri in two instances.
Mr. Hunt.
Mr. Ashbrook in four instances.
Mr. Bray in two instances.
Mr. Del Clawson.
Mr. Wyman in two instances.
Mr. du Pont.

(The following Members (at the request of Mr. Breckinridge) and to include extraneous matter:)

Mr. Waldie in two instances.
Mr. Litton.
Mr. Murphy of New York.
Mr. Aspin in 10 instances.
Mr. Harrington in five instances.
Mr. Gonzalez in three instances.
Mr. Rarick in three instances.
Mr. Brown of California in 10 instances.
Mr. Fraser in five instances.
Mr. Fisher in four instances.
Mr. Brademas in six instances.
Mr. de la Garza in 10 instances.
Mr. Ullman in five instances.
Mr. Fauntroy in five instances.
Mr. Annunzio in 10 instances.
Mr. Milford.
Mr. Leggett.
Mrs. Grasso in 10 instances.
Mr. Karth.
Mr. O'Hara.
Mr. de Lugo.
Mr. Randall.
Mr. Dent.
Mr. Mahon.
Mr. Udall in 10 instances.
Mr. Gaydos in 10 instances.
Mr. Riegle in two instances.
Mr. Kyros.
Mr. Stubblefield.
Mr. Hungate in 10 instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1070. An act to implement the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969; to the Committee on Merchant Marine and Fisheries.

S. 1432. An act to amend the Federal Aviation Act of 1958 to authorize free or reduced rate transportation for widows, widowers, and minor children of employees who have died while employed by an air carrier or foreign air carrier after 20 or more years of such employment; to the Committee on Interstate and Foreign Commerce.

S. 2651. An act to amend the Federal Aviation Act of 1958 and the Interstate Commerce Act in order to authorize reduced rate transportation for handicapped persons and for persons who are 65 years of age or older or 21 years of age or younger; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 9286. An act to authorize appropriations during the fiscal year 1974 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and the military training student loads, and for other purposes.

ADJOURNMENT

Mr. BRECKINRIDGE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 28 minutes p.m.), the House adjourned until tomorrow, Wednesday, November 7, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1518. A communication from the President of the United States, transmitting proposed supplemental appropriations for fiscal

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year 1974 for the legislative branch (H. Doc. No. 93–177); to the Committee on Appropriations and ordered to be printed.

1519. A communication from the President of the United States, transmitting proposed supplemental appropriations for fiscal year 1974 for the Department of Transportation, the Department of the Treasury, the General Services Administration, and the Postal Service (H. Doc. No. 93–178); to the Committee on Appropriations and ordered to be printed.

1520. A communication from the President of the United States, transmitting a request for an appropriation to pay claims and judgments rendered against the United States (H. Doc. No. 93–179); to the Committee on Appropriations and ordered to be printed.

1521. A communication from the President of the United States, transmitting proposed supplemental appropriations for fiscal year 1974 for the Department of the Interior (H. Doc. No. 93–180); to the Committee on Appropriations and ordered to be printed.

1522. A letter from the Director, Central Intelligence Agency, transmitting a draft of proposed legislation to amend the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended, and for other purposes; to the Committee on Armed Services.

1523. A letter from the Chairman, Cost Accounting Standards Board, transmitting a proposed cost accounting standards establishing criteria to be used by contractors in selecting time periods to be used as cost accounting periods, pursuant to section 719(h)(3) of the Defense Production Act of 1950, as amended by Public Law 91–379; to the Committee on Banking and Currency.

1524. A letter from the Chairman, Indian Claims Commission, transmitting the final determination of the Commission in docket No. 57, *Saginaw Chippewa Indian Tribe of Michigan, et al.*, Plaintiffs, v. *The United States of America*, Defendant, pursuant to 25 U.S.C. 70t; to the Committee on Interior and Insular Affairs.

1525. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend title 35 of the United States Code to provide a remedy for postal interruptions in patent and trademark cases; to the Committee on the Judiciary.

1526. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated November 29, 1972, submitting a report on Charlotte Harbor (Port Charlotte), Fla.; to the Committee on Public Works.

1527. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated November 30, 1972, submitting a report on Alapaha River and tributaries, Ga.; to the Committee on Public Works.

1528. A letter from the Administrator of General Services, transmitting a prospectus proposing construction of a Federal Office Building at Carbondale, Ill., pursuant to section 7(a) of the Public Buildings Act of 1959, as amended; to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 4864. A bill to amend the Wild and Scenic Rivers Act; with amendment (Rept. No. 93–621). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLLING: Committee on Rules. House Resolution 687. Resolution providing for the consideration of H.R. 11104. A bill to provide for a temporary increase of $13 billion in the public debt limit and to extend the period to which this temporary limit applies to June 30, 1974. (Rept. No. 93–622). Referred to the House Calendar.

Mr. PEPPER: Committee on Rules. House Resolution 688. Resolution providing for the consideration of H.R. 9142. A bill to restore, support, and maintain modern, efficient rail service in the northeast region of the United States, to designate a system of essential rail lines in the northeast region, to provide financial assistance to rail carriers in the northeast region, to improve competitive equity among surface transportation modes, to improve the process of Government regulation, and for other purposes. (Rept. No. 93–623). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 11255. A bill to amend the Small Business Act, as amended, to provide financial assistance to small business concerns in converting to the metric system of weight and measures; to the Committee on Banking and Currency.

By Mr. ARMSTRONG (for himself, Mr. Johnson of Colorado, and Mr. Evans of Colorado):

H.R. 11256. A bill to authorize the disposal of molybdenum from the national stockpile; to the Committee on Armed Services.

By Mr. ASPIN:

H.R. 11257. A bill to create the position of ombudsman, and for other purposes; to the Committee on House Administration.

H.R. 11258. A bill to require the U.S. Postal Service to provide postal lock boxes for certain persons who reside in rural areas; to the Committee on Post Office and Civil Service.

By Mr. BAKER:

H.R. 11259. A bill to establish improved programs for the benefit of producers and consumers of peanuts and rice; to the Committee on Agriculture.

By Mr. DON H. CLAUSEN (for himself, Mr. Andrews of North Dakota, Mr. Aspin, Mr. Bafalis, Mr. Baker, Mr. Danielson, Mr. Davis of South Carolina, Mr. Duncan, Mr. Frey, Mr. Froehlich, Mr. Gilman, Mrs. Hansen of Washington, Mr. Huber, Mr. Leggett, Mr. Mathias of California, Mr. Mazzoli, Mr. Milford, Mr. Miller, Mr. Mitchell of New York, Mr. Moss, Mr. O'Brien, Mr. Parris, Mr. Podell, Mr. Railsback, and Mr. Rangel):

H.R. 11260. A bill to amend chapter 29 of title 18, United States Code, to prohibit certain election campaign practices, and for other purposes; to the Committee on House Administration.

By Mr. DON H. CLAUSEN (for himself, Mr. Roncallo of New York, Mr. Rose, Mr. Seiberling, Mr. Shoup, Mr. Stark, Mr. Steiger of Wisconsin, Mr. Stephens, Mr. Walsh, Mr. Ware, Mr. Charles Wilson of Texas, Mr. Won Pat, Mr. Wright, Mr. Young of Alaska, and Mr. Zwach):

H.R. 11261. A bill to amend chapter 29 of title 18, United States Code, to prohibit certain election campaign practices, and for other purposes; to the Committee on House Administration.

By Mr. DON H. CLAUSEN:

H.R. 11262. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DENNIS (for himself, Mr. Smith of New York, Mr. Mayne, Mr. Butler, and Mr. Hutchinson):

H.R. 11263. A bill to define the powers and duties and to place restrictions upon the grounds for removal of the Special Prosecutor appointed by the Acting Attorney General of the United States on November 5, 1973, and for other purposes; to the Committee on the Judiciary.

By Mr. DENNIS (for himself and Mr. Smith of New York):

H.R. 11264. A bill to provide for the appointment of a Special Prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. DENT (for himself, Mr. Gaydos, Mr. Yatron, Mrs. Chisholm, Mr. Podell, Mr. Helstoski, Mr. Brasco, Mr. Eilberg, Mr. Mollohan, Mr. Holifield, Mr. Won Pat, Mr. Carney of Ohio, Mr. Long of Louisiana, and Mr. White):

H.R. 11265. A bill to amend the Securities Exchange Act of 1934 to restrict persons who are not citizens of the United States from acquiring more than 35 percent of the nonvoting securities or more than 5 percent of the voting securities of any issuer whose securities are registered under such act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DINGELL (for himself, Mr. Grover, Mr. Biaggi, Mr. Mailliard, Mr. Anderson of California, Mr. Goodling, Mr. Studds, Mr. McCloskey, Mr. Steele, Mr. Forsythe, Mr. Treen, and Mr. Pritchard):

H.R. 11266. A bill to authorize the Secretary of the Interior to assist the States in controlling damage caused by predatory and depredating animals; to establish a program of research concerning the control and conservation of predatory and depredating animals; to restrict the use of toxic chemicals as a method of predator control; and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. du PONT (for himself, Mr. Anderson of Illinois, Mr. Bell, Ms. Burke of California, Ms. Chisholm, Mr. Don H. Clausen, Mr. Corman, Mr. Coughlin, Mr. Dellums, Mr. Edwards of California, Mr. Eilberg, Mr. Fascell, Mrs. Hansen of Washington, Mr. Hogan, Ms. Holtzman, Ms. Jordan, Mr. Keating, Mr. Lent, Mr. Moss, Mr. Pepper, Mr. Rangel, Mr. Roy, Mr. Sarbanes, Ms. Schroeder, and Mr. Seiberling):

H.R. 11267. A bill to insure that each admission to the service academies shall be made without regard to a candidate's sex, race, color, or religious beliefs; to the Committee on Armed Services.

By Mr. du PONT (for himself, Mr. Stark, Mr. Stratton, Mr. Thone, Mr. Ware, and Mr. Won Pat):

H.R. 11268. A bill to insure that each admission to the service academies shall be made without regard to a candidate's sex, race, color, or religious beliefs; to the Committee on Armed Services.

By Mr. EVANS of Colorado:

H.R. 11269. A bill to designate the Weminuche Wilderness, Rio Grande, and San Juan National Forests, in the State of Colorado; to the Committee on Interior and Insular Affairs.

By Mr. EVANS of Colorado (for himself, Mr. Bergland, Mrs. Chisholm, Mrs. Collins of Illinois, Mr. Conyers, Mr. Culver, Mr. Eckhardt, Mr. Edwards of California, Mr. William D. Ford, Mr. Harrington, Mr. Hastings, Mr. Lehman, Mr. Mitchell of Maryland, Mr. Perkins, Mr. Riegle, Mr. Rooney of Pennsylvania, Mr. Tiernan, Mr. Towell of Nevada, Mr. Won Pat, Mr. Young of Alaska, Mr. Young of Georgia, and Mr. Zwach):

H.R. 11270. A bill to provide housing for persons in rural areas of the United States on an emergency basis; to the Committee on Banking and Currency.

By Mr. FORSYTHE:

H.R. 11271. A bill to amend the Community Mental Health Centers Act to provide for the extension thereof, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FORSYTHE (for himself and Mr. Kemp):

H.R. 11272. A bill to amend the Elementary and Secondary Education Act, and for other purposes; to the Committee on Education and Labor.

By Mr. FREY:

H.R. 11273. A bill to provide for the regulation of the movement in foreign commerce of noxious weeds and potential carriers thereof; to the Committee on Agriculture.

H.R. 11274. A bill to amend section 511 of the Career Compensation Act of 1949, as amended, to equalize the retired pay of certain officers of the uniformed services retired prior to October 1, 1949, under the same law and with the same service, as those retired after September 30, 1949 but prior to June 1, 1958; to the Committee on Armed Services.

By Mr. GOLDWATER (for himself, Mr. Charles Wilson of Texas, Mr. Bafalis, Mr. O'Hara, Mr. Gunter, Mr. Davis of Georgia, Mr. Dellums, Mr. Lujan, Mr. Moss, Mr. Stark, Mr. Dickinson, Mr. Archer, and Mr. Huber):

H.R. 11275. A bill to provide standards of fair personal information practices; to the Committee on the Judiciary.

By Mr. GOLDWATER (for himself, Mr. Charles Wilson of Texas, Mr. Bafalis. Mr. O'Hara, Mr. Gunter, Mr. Davis of Georgia, Mr. Conte, Mr. Dellums, Mr. Lujan, Mr. Gonzalez, Mr. Don H. Clausen, Mr. Moss, Mr. Rousselot, Mr. Dickinson, Mr. Zion, Mr. Archer, and Mr. Shoup):

H.R. 11276. A bill to amend the Social Security Act to prohibit the disclosure of an individual's social security number or related records for any purpose without his consent unless specifically required by law, and to provide that (unless so required) no individual may be compelled to disclose or furnish his social security number for any purpose not directly related to the operation of the old-age, survivors, and disability insurance program; to the Committee on Ways and Means.

By Mr. HANRAHAN (for himself, Mr. Long of Maryland, Mr. Won Pat, Mr. Martin of North Carolina, Mr. de Lugo, Mrs. Heckler of Massachusetts, Mr. Conters, Mr. Heinz, Mr. Eilberg, and Mr. Cleveland):

H.R. 11277. A bill to provide that daylight saving time shall be observed on a year-round basis; to the Committee on Interstate and Foreign Commerce.

By Mr. HOWARD:

H.R. 11278. A bill to provide that daylight saving time shall be observed on a year-round basis; to the Committee on Interstate and Foreign Commerce.

By Mr. HUNGATE:

H.R. 11279. A bill to amend the Economic Stabilization Act of 1970 to provide for the application of price controls to certain export sales; to the Committee on Banking and Currency.

H.R. 11280. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KEMP:

H.R. 11281. A bill to prohibit the export of agricultural grain to any country which reduces the quantity of oil normally exported by such country to the United States, and for other purposes; to the Committee on Banking and Currency.

By Mr. MADIGAN:

H.R. 11282. A bill to amend 5 U.S.C. 5343 (c)(1) to expand the data base for Federal wage surveys in certain areas of the United States wherein there is insufficient private industry to determine comparable wages or where State and local governments exert a major influence on wage rates; to the Committee on Post Office and Civil Service.

By Mr. MATHIS of Georgia (for himself, Mr. Blackburn, Mr. Davis of South Carolina, Mr. Eilberg, Mr. Ginn, Mrs. Green of Oregon, Mr. Hogan, Mr. Mazzoli, Mr. Pepper, Mr. Rose, Mr. Symms, and Mr. Stephens):

H.R. 11283. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for security device expenses; to the Committee on Ways and Means.

By Mrs. MINK (for herself, Mr. Badillo, Mr. Mitchell of Maryland, Mr. Rangel, Mr. Reuss, Mr. Rosenthal, and Mr. Won Pat):

H.R. 11284. A bill to amend section 19 of title 3, United States Code to provide for an election for the Office of President and the Office of Vice President in the case of vacancies in both the Office of President and the Office of Vice President; to the Committee on the Judiciary.

By Mrs. MINK (for herself, Mr. Badillo, Mr. Clay, Mr. Lehman, and Mr. Meeds):

H.R. 11285. A bill to limit the expenditure of public funds for the construction of improvements for the physical safety and security of the President to only one private residence; to the Committee on Public Works.

By Mr. MOAKLEY (for himself and Mr. Rangel):

H.R. 11286. A bill to amend title 3 of the United States Code to provide for the order of succession in the case of a vacancy both in the Office of President and Office of the Vice President, to provide for a special election procedure in the case of such vacancy, and for other purposes; to the Committee on the Judiciary.

By Mr. MOAKLEY (for himself, Mr. Ashley, Mr. Leggett, Mr. Badillo, Mr. Rees, Mr. Reuss, Mr. Mitchell of Maryland, and Mr. Won Pat):

H.R. 11287. A bill to amend title 3 of the United States Code to provide for the order of succession in the case of a vacancy both in the Office of President and Office of the Vice President, to provide for a special election procedure in the case of such vacancy, and for other purposes; to the Committee on the Judiciary.

By Mr. RAILSBACK:

H.R. 11288. A bill to authorize the Secretary of Transportation to provide mass transportation assistance essential for the movement of basic commodities and energy resources to and from production areas and major distribution and processing centers; to the Committee on Interstate and Foreign Commerce.

By Mr. RAILSBACK (for himself and Mr. Thone):

H.R. 11289. A bill to establish an Independent Office of Special Prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. REUSS:

H.R. 11290. A bill to amend title 3 of the United States Code to provide for the order of succession in the case of a vacancy both in the Office of President and Office of the Vice President, to provide for a special election procedure in the case of such vacancy, and for other purposes; to the Committee on the Judiciary.

By Mr. ROBISON of New York:

H.R. 11291. A bill to establish an Independent Special Prosecution Office, as an independent agency of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. ST GERMAIN:

H.R. 11292. A bill to provide that daylight saving time shall be observed on a year-round basis; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHERLE:

H.R. 11293. A bill to establish an Independent Office of Special Prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHNEEBELI (for himself, Mr. Green of Pennsylvania, Mrs. Griffiths, Mr. Conable, Mr. Chamberlain, and Mr. Carey of New York):

H.R. 11294. A bill to exempt State lotteries from certain Federal prohibitions, and for other purposes; to the Committee on Ways and Means.

By Mrs. SULLIVAN (for himself, Mr. Grover, Mr. Dingell, Mr. Mailliard, Mr. Pritchard, Mr. Jones of North Carolina, Mr. Goodling, Mr. Biaggi, Mr. Steele, Mr. Anderson of California, Mr. Forsythe, Mr. Kyros, Mr. Cohen, Mr. Studds, Mr. Treen, and Mr. Bowen):

H.R. 11295. A bill to amend the Anadromous Fish Conservation Act in order to extend the authorization for appropriations to carry out such act, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. THONE:

H.R. 11296. A bill to provide for a 7-percent increase in social security benefits beginning with benefits payable for the month of January 1974; to the Committee on Ways and Means.

By Mr. WINN:

H.R. 11297. A bill to provide for the use of certain funds to promote scholarly, cultural, and artistic activities between Japan and the United States, and for other purposes; to the Committee on Foreign Affairs.

By Mr. CLEVELAND:

H.R. 11298. A bill to amend the Walsh-Healey Act and the Contract Work Hours and Safety Standards Act to change the workday for employees who are employed under contracts subject to those acts from 8 to 10 hours per day; to the Committee on the Judiciary.

By Mr. CLEVELAND (for himself, Mr. Howard, and Mr. Snyder):

H.R. 11299. A bill to insure that certain buildings financed with Federal funds utilize the best practicable technology for the conservation and use of energy; to the Committee on Public Works.

By Mr. BENNETT:

H.J. Res. 807. Joint resolution to set aside regulations of the Environmental Protection Agency under section 206 of the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

By Mr. CONLAN:

H.J. Res. 808. Joint resolution to express the sense of Congress that a White House Conference on the Handicapped be called by the President of the United States; to the Committee on Education and Labor.

By Mr. CULVER (for himself and Mr. Wright):

H.J. Res. 809. Joint resolution to provide for the appointment of a Special Prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. DELLUMS:

H.J. Res. 810. Joint resolution, a national education policy; to the Committee on Education and Labor.

By Mrs. MINK (for herself, Mr. Badillo, Mr. Mitchell of Maryland, Mr. Rangel, Mr. Reuss, Mr. Rosenthal, and Mr. Won Pat):

H.J. Res. 811. Joint resolution proposing an amendment to the Constitution of the United States to provide for an election for the Office of President and the Office of Vice President in the case of a vacancy both in the Office of President and Office of Vice President; to the Committee on the Judiciary.

By Mr. RANDALL:

H.J. Res. 812. Joint resolution proposing an amendment to the Constitution of the United States to provide for the appointment of a civil officer to undertake criminal prosecutions against the President, Vice President, and other civil officers of the United States; to the Committee on the Judiciary.

XUM

By Mr. BRADEMAS:

H. Con. Res. 375. Concurrent resolution providing for the printing as a House document the booklet entitled "the Supreme Court of the United States"; to the Committee on House Administration.

By Mr. BINGHAM:

H. Res. 681. Resolution to establish as part of the congressional internship program an internship program for senior citizens in honor of John McCormack, and for other purposes; to the Committee on House Administration.

By Mr. BROTZMAN:

H. Res. 682. Resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

By Mr. GUDE:

H. Res. 683. Resolution creating a select committee to study the impact and ramifications of the Supreme Court decisions on abortion; to the Committee on Rules.

By Mr. RANGEL:

H. Res. 684. Resolution to request the resignation of the President of the United States; to the Committee on the Judiciary.

By Mr. THOMPSON of New Jersey (for himself and Mr. WHITE):

H. Res. 685. Resolution directing the Committee on the Judiciary to inquire into and investigate whether grounds exist for the impeachment of Richard M. Nixon; to the Committee on Rules.

By Mr. WALDIE (for himself and Mrs. BURKE of California):

H. Res. 686. Resolution for the impeachment of the President of the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DAVIS of Georgia:

H.R. 11300. A bill for the relief of Mrs. L. O. Crawford; to the Committee on the Judiciary.

By Mr. ECKHARDT:

H.R. 11301. A bill for the relief of George V. Vincin; to the Committee on the Judiciary.

By Ms. JORDAN:

H.R. 11302. A bill for the relief of Dr. Lawrence C. B. Chan; to the Committee on the Judiciary.

By Mr. WINN:

H.R. 11303. A bill for the relief of Choon Kyu Oh; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

BUDGET SCOREKEEPING REPORT NO. 8—1974

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. MAHON. Mr. Speaker, I am inserting for the information of Members, their staffs, and others, excerpts from the "Budget Scorekeeping Report No. 8, as of October 26," prepared by the staff of the Joint Committee on Reduction of Federal Expenditures. The report itself has been sent to all Members.

This report shows that the impact of congressional actions completed to October 26 would be to increase budgeted 1974 outlays by about $2.9 billion. This, together with certain revenue actions, would have the effect of raising the estimated deficit for fiscal year 1974 by more than $3.4 billion.

The excerpts from the report which I am inserting here include the highlights of completed legislative action, and point up the major areas of pending action which may materially affect the final impact of congressional action in this session. These excerpts follow:

EXCERPTS FROM 1974 BUDGET SCOREKEEPING REPORT NO. 8, AS OF OCTOBER 26, 1973

PART I—BUDGET OUTLAYS (EXPENDITURES)

The 1974 budget revisions of October 18: Budget revisions for fiscal 1974 were officially transmitted on October 18 in connection with hearings before the House Ways and Means Committee on pending debt ceiling legislation. Outlays were estimated at $270 billion and revenue at $270 billion.

The revisions reflected substantial reestimates in budget outlays and revenue largely due to economic factors—including specifically "higher than anticipated price increases". The revisions also reflect estimates of congressional actions increasing outlays by $2.4 billion and revenue by $0.1 billion.

Subsequent to the October 18 revisions, and not reflected therein, the Administration transmitted a budget amendment requesting additional funds for military assistance to Israel and Cambodia. This amendment increases 1974 budget authority by $2.4 billion and outlays by $600 million.

The 1974 unified budget totals as revised October 18 and subsequently amended are shown below, as compared to the original January budget estimates and the June 1 revised estimates:

[In billions]

	Fiscal year 1974			
	Jan. 29 estimate	June 1 revision	October revisions	Change from Jan. 29 estimate
Unified budget:				
Receipts	$256.0	$266.0	$270.0	$14.0
Outlays	268.7	268.7	270.6	1.9
Deficit	−12.7	−2.7	−.6	12.1

1974 scorekeeping outlay highlights: The impact of congressional action through October 26 on the President's fiscal year 1974 budget outlay requests as shown in this report, may be summarized as follows:

[In millions]

	House	Senate	Enacted
1974 budget outlay (expenditure) estimate as revised and amended to date	$270,624	$270,624	$270,624
Deduct: portion of congressional action included in revised estimates	−2,443	−2,443	−2,443
1974 budget outlay estimate exclusive of congressional action	268,181	268,181	268,181
Congressional changes to date (committee action included):			
Appropriation bills:			
Completed action	+609	+964	+799
Pending action	+450	+567	
Legislative bills:			
Completed action	+1,381	+2,456	+2,071
Pending action	+1,069	+2,440	
Total changes:			
Completed action	+1,990	+3,420	+2,870
Pending action	+1,519	+3,007	
Total	+3,509	+6,427	+2,870
1974 budget outlays as adjusted by Congressional changes to date	271,690	274,608	271,051

While this reports reflects enacted congressional increases in budgeted outlays of about $2.9 billion, many significant actions are as yet incomplete which may materially affect the final impact of congressional action or inaction on budgeted 1974 outlays.

Completed actions

A summary of major individual actions composing the $2.9 billion total outlay impact of completed congressional action to date on 1974 budgeted outlays follows:

Completed action on budgeted outlays (expenditures)

[In thousands]

Bills (including committee action):	*Congressional changes in 1974 outlays*
Appropriation bills:	
Regular 1974 bills:	
Agriculture	+$250,000
Interior	+75,000
Public Works	+20,000
District of Columbia	−14,500
Legislative	−15,800
Transportation	−30,000
Treasury-Postal Service	−42,000
1973 supplemental bills (1974 outlay impact)	+556,600
Subtotal, appropriation bills	+799,300
Legislative bills—backdoor and mandatory:	
Food stamp amendments (P.L. 93–86)	+724,000
Repeal of "bread tax" (P.L. 93–86)	+400,000
Federal employee pay raise, Oct. 1, 1973 (S. Res. 171)	+357,900
Welfare—medicaid amendments (P.L. 93–66)	+122,000
Unemployment benefits extension (P.L. 93–53)	+115,700
Veterans national cemeteries (P.L. 93–43)	+110,000
Social Security—liberalized income exemption (P.L. 93–66)	+100,000
School lunch amendments (H.R. 9639)	+100,000
Winema forest expansion (P.L. 93–102)	+70,000
Veterans dependents' health care (P.L. 93–82)	+64,915
Civil Service retirement (P.L. 93–39 and 93–136)	+$37,400
Airport development (P.L. 93–44)	+15,000
REA—removed from budget (P.L. 93–32)	−146,000
Subtotal legislative bills	+2,070,915
Total, 1974 outlay impact of completed congressional action	+2,870,215

Pending action

The major incomplete legislative actions affecting budget outlays which have passed or are pending in one or both Houses of Congress are shown in detail on tables 1, and are summarized below:

Appropriation bills: Incomplete action on two regular 1974 appropriation bills is reflected in this report, with the major impact on budgeted outlays as follows:

	House (in millions)	Senate (in millions)
Labor-HEW	+$490	+$587
State-Justice	−40	−20

Legislative bills—backdoor and mandatory: Twenty-one legislative measures authorizing backdoor or mandatory outlays have passed or are pending in one or both Houses of Congress.

House action on 10 such measures would increase fiscal 1974 budget outlays by about $1.1 billion. Senate action on 13 such measures would increase budgeted 1974 outlays at least $2.4 billion, including about $1.4 billion for social security increases. The undetermined outlay effect of increased contract authority is excluded.

The scored backdoor or mandatory impact of these pending legislative bills includes the following major amounts in excess of the budgeted outlays:

	House (in millions)	Senate (in millions)
Civil Service minimum retirement (including social security increase)	+$172	+$1,600
Mass transit operating subsidies		+400
Trade reform—readjustment costs	+300	
Federal employee health insurance	+234	
Veterans pensions	+208	+172
Veterans drug treatment		+144

Revenue legislation

The October 18 budget revisions estimate revenue for fiscal 1974 at $270 billion. This is an increase of $14 billion over the original January estimate of $256 billion, and $4 billion over the June 1 estimate.

The new 1974 revenue estimate reflects upward revision due to a higher than anticipated rate of inflation, and it also includes a small reduction due to the impact of certain congressional action and inaction on revenue proposals.

Completed legislative action to date, has the effect of reducing 1974 revenue estimates by $492 million, as follows:

Railroad Retirement: decrease of $612 million due to failure to provide additional trust fund receipts requested.

Social security wage taxes: increase of $120 million in trust fund revenue due to a wage base increase.

Deficit position

The 1974 deficit position is summarized below in terms of the original budget estimate, subsequent revisions and impact of congressional action to date:

	Billions
Original fiscal 1974 deficit estimate	$12.7
Budget revisions of June 1: Increase in revenue estimate	10.0
Budget deficit as revised June 1	2.7
Budget revisions of October 18:	
Increase in revenue estimate	4.0
Increase in outlay estimate	1.3
Budget deficit as revised October 18	0
Budget amendment: Proposed increase in outlays for military assistance to Israel and Cambodia	0.6
Budget deficit, as revised and amended to date	0.6
Deduct: Portion of congressional action included in revisions of October 18:	
Revenue increase (net action and inaction)	0.1
Outlay increase	2.4
Budget surplus (excluding congressional action)	1.7
Congressional action through October 26, as shown in this report:	
Decrease in revenue	0.5
Increase in outlays	2.8
Budget deficit as revised, amended and reflecting congressional action to date	1.6

PART II—BUDGET AUTHORITY (APPROPRIATIONS AND OTHER OBLIGATIONAL AUTHORITY)

Although the October 18 revisions did not reflect a revised total for fiscal 1974 budget authority, adjustments commensurate with the outlay revisions supplied indicate that the revised and amended 1974 budget authority total is approximately $293.7 billion.

The impact of congressional action through October 26 on 1974 budget authority, as shown in this report, may be summarized as follows:

[In millions]

	House	Senate	Enacted
Congressional changes to date in requested 1974 budget authority (committee action included):			
Appropriation bills:			
Completed action	−$204	+$592	+$225
Pending action	+1,182	+1,783	
Legislative bills:			
Completed action	+2,144	+2,885	+2,213
Pending action	+1,094	+3,035	
Shifts between fiscal years 1973 and 1974 (net) due to timing of action on budget requests	+3,890	+3,890	+3,890
Total changes:			
Completed action	+5,830	+7,367	+6,329
Pending action	+2,276	+4,818	
Total	+8,106	+12,185	+6,329
Total changes, excluding shifts between fiscal years due to timing	+4,216	+8,295	+2.439

It should be noted that many significant actions are as yet incomplete. Further actions, through to the end of the current session, may materially affect the final impact of congressional action on the 1974 budget requests for appropriations and other obligating authority.

Completed Actions

The following is a summary of the major individual actions composing the $2.4 billion total impact of completed congressional action to date on the 1974 budget requests for appropriations and other obligational authority:

Completed action on budget authority requests

[In thousands]

Bills (including committee action):	*Congressional changes in 1974 budget authority*
Appropriation bills:	
HUD-Space-Science-Veterans	+$439,047
Agriculture	+108,116
Interior	+72,770
Public Works	−8,066
District of Columbia	−15,281
Par value of gold supplemental	−47,000
Legislative	−71,961
Transportation	−112,286
Treasury-Postal Service	−140,156
Subtotal, appropriation bills	+225,183
Legislative bills:	
Federal-aid highways (contract authority) (P.L. 93–87)	+1,307,220
Food stamp amendments (P.L. 93–86)	+724,000
Federal employee pay raise, Oct. 1, 1973 (S. Res. 171)	+357,900
Traffic safety (contract authority) (P.L. 93–87)	+281,000
School lunch amendments (H.R. 9639)	+210,000
Welfare-medicaid amendments (P.L. 93–66)	+122,000
Social security—liberalized income exemption (P.L. 93–66)	+120,000
Veterans national cemeteries (P.L. 93–43)	+110,000
Railroad retirement—failure to provide trust fund revenue requested (P.L. 93–69)	−612,000
REA loans—removed from budget (P.L. 93–32)	−579,000
Other	+172,315
Subtotal, legislative bills	+2,213,435
Total	+2,438,618

Pending action

The major incomplete legislative actions which have passed or are pending in one or both Houses of Congress are shown in detail on table 1, and are summarized below:

Appropriation bills: Pending action on 2 regular 1974 appropriation bills is reflected in this report, with the major impact on budget authority as follows:

	House (in millions)	Senate (in millions)
Labor-HEW	+$1,264	+$1,846
State-Justice	−82	−63

Legislative bills: Twenty-three legislative bills carrying backdoor or mandatory authorizations have passed or are pending in one or both Houses of Congress.

House action pertaining to 11 such measures would increase budget authority by $1.1 billion, and Senate action on 15 measures would increase budget authority by $3 billion.

The scored backdoor or mandatory impact of these pending legislative bills includes the following major amounts in excess of the budget:

Freight car loan guarantee: additional backdoor borrowing authority of $2 billion in the Senate.

Mass transit operating subsidies: additional backdoor contract authority of $400 million in the Senate.

Trade reform: mandatory expansion of statutory readjustment benefits of $300 million as pending in the House.

Federal employee health insurance: mandatory increase in federal contribution of $234 million as passed by the House.

Veterans pensions: mandatory benefits of $208 million in the House and $172 million in the Senate.

Civil service retirement: mandatory increase in minimum retirement costs of about $170 million as passed by the Senate and $172 million as pending in the House.

Veterans drug treatment: mandatory benefits of $144 million in the Senate.

Authorizing legislation

In its actions during the current session to date, the Congress has made increases in various legislative authorizing measures reflected in the budget for continuation of ongoing programs (see table 8 for detail). While these actions in themselves do not mandate additional spending, and are not scored for purposes of this report, they do provide for higher discretionary funding levels.

Further, on its own initiative, the Congress has authorized nonmandatory spending programs which were not proposed by the administration. Such legislation may also create additional discretionary funding requirements—now or in the future. For example, in the case of legislation enacted to extend the unbudgeted Economic Development Administration, supplemental funding was subsequently requested by the President involving increased outlays of $25 million.

Some of the major legislation of this type is listed below:

Major discretionary (nonmandatory) authorization increases

Congressional action increasing authorizations contemplated in the 1974 budget requests [in thousands]

Authorization of budget on-going programs:	
Enacted:	
Housing programs (P.L. 93–117)	+$777,000
Health programs (P.L. 93–45)	+401,505
Clean air program, EPA (P.L. 93–15)	+469,000
Vocational rehabilitation (P.L. 93–112)	+260,904
Older Americans Act (P.L. 93–29)	+117,600
Law enforcement assistance (P.L. 93–83)	+108,876
Solid waste disposal (P.L. 93–14)	+93,000
National Science Foundation (P.L. 93–96)	+53,000
AMTRAK grants (S. 2016)	+56,200
NASA (P.L. 93–74)	+48,500
Corporation for Public Broadcasting (P.L. 93–84)	+35,000
Pending in one or both Houses:	
Manpower program (job training) (H.R. 7950, S. 1559)	
New authorizations not included in 1974 budget:	
Enacted:	
Economic Development Administration (P.L. 93–46)	[1] +430 000
Lead based paint poisoning prevention (S. 607)	+63,000

[1] Funding requested by budget amendment: $205 million in budget authority and additional $25 million in outlays

CONSUMER PRODUCT SAFETY COMMISSION TO HELP MONITOR MARKETPLACE

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. HARRINGTON. Mr. Speaker, the Consumer Product Safety Commission has recently begun a consumer deputy program. The program is aimed at recruiting citizen volunteers to canvass stores to make sure that toys on the Commission's banned products list are not being sold.

I intend to write to consumer organizations in Massachusetts to urge that they participate in this effort. To provide further information on the concept, I offer the following explanatory statement from the Commission:

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The Consumer Product Safety Commission today announced a Consumer Deputy Program to enlist the assistance of consumers to police the marketplace for banned products.

The program is underway in 14 cities where the Commission's regional offices are located: Atlanta, Boston, Chicago, Cleveland, Dallas, Denver, Kansas City, Los Angeles, Minneapolis, New Orleans, New York, Philadelphia, San Francisco, and Seattle.

Consumer organizations and individual consumers who volunteer to serve as Consumer Deputies will be trained by Commission staff to canvass stores to insure that products which appear on the CPSC Banned Products List are not being sold.

Initially, the Consumer Deputies will focus on banned toys as part of the Commission's holiday season Toy Safety Campaign. Approximately 1,500 extremely dangerous toys have been banned under the authority of the Federal Hazardous Substances Act as amended by the Child Protection and Toy Safety Act of 1969.

Store surveillance is a normal activity of CPSC field inspectors, but the addition of volunteers, especially during the holiday season, provides a boost to Commission efforts to protect children from toy-related injuries.

After the holidays, the Consumer Deputies will check compliance with other safety regulations in force for products covered by the Flammable Fabrics Act, the Poison Prevention Packaging Act, and the Refrigerator Door Safety Act.

A Consumer Deputy is not an official employee of the Commission. If the Deputy sees a toy or other product for sale which is believed to have been banned, the Deputy will inform the shopkeeper and will ask the retailers to remove the product from sale and to check his supplier to ascertain whether, in fact, the product has been banned. Commission field staff will pick up the case at that point.

In instances where the retailer is uncooperative, the store will be visited by Commission inspectors. If a banned product is still being offered for sale, the retailer could be liable for criminal penalties.

A pilot Consumer Deputy Program was undertaken last year by the Food and Drug Administration. Some 134 volunteers participated in programs in six cities—Atlanta, Chicago, Philadelphia, Minneapolis, San Francisco, and Seattle.

Consumers who would like to volunteer as Consumer Deputies should contact their nearest CPSC area office for further information.

CONSUMER PRODUCT SAFETY COMMISSION: AREA OFFICES

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Minneapolis—Fort Snelling Federal Building, Room 650, Twin Cities, Minnesota 55111, (612) 725–3424.

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San Francisco—50 Fulton Street, Room 516, San Francisco, California 94102, c/o Food and Drug Administration, (415) 556–1819.

Seattle—1131 Federal Office Building, 909 First Avenue, Seattle, Washington 98104, (effective 10/15/73—no phone number available).

Cleveland—5225 Warrensville Center Road, Maple Heights, Ohio 44137, (216) 522–3131, Ext. 6023.

ON PRESIDENTIAL SUCCESSION

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. ANDERSON of Illinois. Mr. Speaker, I recently received a letter from Mayor Kevin H. White, of Boston, in which he proposes an amendment to the 1947 Presidential Succession Act which would provide for a special election in the event the offices of President and Vice President are simultaneously vacated. Mayor White leaves no question about what he has in mind, and that is the circumvention of the procedures specified in the 25th amendment to the Constitution providing for the appointment of a Vice President, subject to congressional confirmation, should that office be vacated.

As I make clear in my response to Mayor White, I consider this proposal a most cynical and partisan proposal under the present circumstances, and feel it would only compound the trauma and disruption which would attend the impeachment and removal of a President. I think the succession process which presently applies under the 1947 act and the 25th amendment is far preferable from the standpoint of national unity and stability. And furthermore, I think this Congress has a clear obligation to honor the spirit and intent of the 25th amendment in proceeding with the expeditious consideration of the nomination of Congressman GERALD R. FORD as Vice President. This is no time to be considering a major alteration in the Presidential succession structure for what is obviously blatantly narrow political purposes.

At this point in the RECORD, Mr. Speaker, I include the exchange of correspondence between Mayor White and myself:

BOSTON, MASS.,
October 29, 1973.

Hon. JOHN B. ANDERSON,
House of Representatives,
Washington, D.C.

MY DEAR MR. ANDERSON: I am enclosing a proposal which should be of great intrest to you because it is, I believe, of potentially great importance to our country.

In the present political and constitutional crisis, we are seemingly confronted with two unattractive alternatives. The first is to acquiesce to the disregard and abuse of constitutional powers by our current elected leadership, and to continuing controversy about the legitimacy of that leadership to govern the nation.

The second is to take steps to bring about the resignation, or impeachment and conviction, of the President. This is an unfamiliar process which will divide the country. It will result in succession to the Presidency of one of two honest and competent Congressmen, neither of whom has previously been thought of in connection with the Presidency, and each of whom, if he did succeed to that Office, would have the liability of being the

first leader in our history lacking a national electoral mandate.

There is, however, a third way. Last week I proposed that through simple legislation, Congress could call for a Special Election in 1974, if both the Office of President and Vice President are simultaneously vacant. This was, indeed, precisely what the framers of the Constitution expected to happen, and it was the law of the land for almost a century.

I believe a return to the intentions of the framers furnishes a possible way out of our current dilemma.

The legislation to accomplish this, which could be a simple Amendment to the Presidential Succession Act of 1947, ought to be promptly passed before the contingency which it is designed to meet should arise. This would help to resolve the confusions and uncertainties which now surround the possible consequences of the Presidency's becoming vacant.

I hope you will join with me in expressing your views to Congressman Rodino and Senator Eastland in urging their Committees to give prompt and favorable consideration to this timely legislation.

Sincerely,

KEVIN H. WHITE,
Mayor.

CONGRESS OF THE UNITED STATES,
Washington, D.C., October 31, 1973.

Hon. KEVIN H. WHITE,
Mayor, City of Boston, City Hall, Boston, Mass.

DEAR MR. MAYOR: Thank you for your letter of Oct. 29 and the attached paper outlining your proposal for an amendment to the 1947 Presidential Succession Act which would provide for a special election in the event that the offices of President and Vice President are vacant simultaneously.

While I can understand your criticism of the present succession procedure which does make possible the elevation of persons to the presidency who have not been popularly elected nationally, I nevertheless feel that the procedures specified by the 25th amendment are preferable for several reasons.

I at least admire your candor in admitting that your proposal is aimed specifically at our present situation, and that what you have in mind is ignoring the requirements of the 25th amendment with respect to the confirmation of Mr. Ford and proceeding with the removal of President Nixon to thus force a special election. I am curious to know if you would be advancing the same proposal if a Democratic Administration were now in the same situation as the Republican Administration is, or, more to the point, whether you advanced this same proposal as an alternative at the time the 25th was under consideration in 1965. And keep in mind that the 25th Amendment was drafted and adopted by a Democratic Congress.

The main defect in your proposal as I see it is that it would have a tremendous disruptive and traumatic impact on our government and the nation, particularly between the time a President is removed and a new one is inaugurated, the interim elevation of the Speaker as Chief Executive notwithstanding. An impeachment proceeding in itself is fraught with enough trauma, but I think the additional requirements of your proposal would only compound that trauma. In addition, I am especially puzzled by your proposal that the new government be permitted to serve a full four-year term. Again, this seems to be more politically motivated than anything else.

I am at least pleased that the Democratic leadership in Congress is in agreement that we must abide by the intent and spirit of the 25th Amendment in expeditiously moving on the Ford nomination and not hold it political hostage pending the outcome of impeachment proceedings. To do otherwise, in my opinion, would be a most cynical and narrow political ploy at odds with the national interest.

With all due respect to the work and thought you have put into this proposal, in the final analysis I think it runs contrary to the expeditious and orderly succession process which I feel is essential in the wake of a traumatic impeachment-conviction-removal upheaval. To prolong this agony by a protracted national election campaign which is bound to be bitter and divisive, especially when the Congress and White House are controlled by opposing parties, could do irreparable harm to our body politic. The 25th Amendment, on the other hand, despite its flaws and shortcomings, at least provides for some semblance of order, continuity and unity at a time when it would be most needed.

With all best wishes, I am,

Very truly yours,

JOHN B. ANDERSON,
Member of Congress.

AMERICAN HUMANIST ASSOCIATION AND THE UNITED NATIONS

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. KOCH. Mr. Speaker, elsewhere in the RECORD today I have commented on the shortcomings of the United Nations. I have been asked by Jesse Gordon, author of an article in support of the United Nations, to place his comments in the RECORD. The article follows:

[From Free Mind, September 1973]

AHA AND THE UNITED NATIONS

(By Jesse Gordon)

When delegates from 50 nations met at San Francisco in the spring of 1945, World War II was not yet over, but a determination to establish an international organization to keep the peace was paramount in the minds of the delegates. After two months of intense negotiations, the language of the Charter of the United Nations was agreed upon.

Twenty-eight years have passed since the nations of the world pledged themselves "to save succeeding generations from the scourge of war."

In judging the political performance of the UN and in making the organization the scapegoat for the difficulties of its members, a number of important considerations are often conveniently forgotten. The first of these is the origin of the UN. The UN was *not* set up by small or medium powers. It was set up by the great powers themselves under the shock and experience of two devastating world wars. Kurt Waldheim, the secretary-general of the UN, states: "The UN was set up by the great powers to avoid in the future the mistakes, weaknesses and misunderstandings which, twice in less than 30 years, had led them into total war. We ignore this historical fact at our peril."

The American Humanist Association is active among the hundreds of non-governmental organizations sponsoring the UN.

The A.H.A. realizes there is an urgent need for greater understanding and support of the United Nations by the millions of citizens who are the constituents of non-governmental organizations. The A.H.A. is represented in the NGO group by Mrs. Henrietta Rogoff with Mr. Jesse Gordon, alternate.

In 1945, the UN came into existence accompanied by the usual flowery speeches. It was seen as "the great hope of humanity," "the hope of the world," and "the last, great hope for peace."

Has the UN fulfilled the "hope" that so many people placed in it as "The last great hope of humanity?" Or, is it just a useless debating society?

First of all, the UN has contended with a world of many revolutions—peaceful and otherwise. The original memberships of the UN was 51; it now numbers 135, with the two Germanys recently joining. The UN has many achievements to its credit. It can count among its successes, in the political area, the negotiated settlement of disputes affecting Indonesia, Kashmir, and West New Guinea, among others. The Middle East "question" has, of course, been before the UN almost continuously since 1947. It can be shown that UN presence in the area has prevented many incidents from developing into a wider war.

One might ask the question: What might have happened in the Congo and neighboring states in 1960 if it had not been for the UN peacekeeping force there? Critics point to Soviet intervention in Hungary and Czechoslovakia and the impotence of the UN to act in those situations.

It all comes down to big power politics and political objectives. The U.S. role in Indochina could similarly be examined for violations of the U.N. charter.

What are the principles of the charter?

The charter is based on seven main principles:

(1) The equality and sovereignty of all member states.

(2) Fulfillment "in good faith" by all members of obligations assumed under the charter.

(3) Peaceful settlements of disputes.

(4) Renunciation of the threat or use of force.

(5) Cooperation with the UN in any action it takes.

(6) Encouragement of non-member states to abide by its principles.

(7) Non-intervention by the UN in the internal affairs of any state.

The Charter also calls for freedom of religion. Many faiths, each with a different conception of God, are represented at the UN. A moment of silence opens and closes each General Assembly session, and there is a Meditation Room at UN headquarters which is open at all times. There is no mention of God in the Charter just as there is none in the U.S. Constitution.

The UN Charter pledges all members to cooperate for the promotion of human rights. Although the authority of the United Nations is limited to debate, study, publicity, and recommendation, it has exerted immeasurable influence on behalf of human rights.

In 1948 the General Assembly adopted the Universal Declaration of Human Rights. Its clauses on the civil, political, economic, and social rights of human beings have influenced the written constitutions of a number of new nations. Its provisions have been incorporated in several important peace treaties.

The General Assembly has also produced draft conventions—treaties—in the human rights field. Some forbid particular offenses such as genocide, forced labor, and slavery. Others set standards in particular areas such as political rights of women. Such conventions must be ratified by the individual UN members in accordance with their constitutional processes. In addition, the Assembly has produced two comprehensive human rights covenants, one on civil and political rights and one on economic and social rights, both ratified by more than 30 governments.

For many years UN experts have offered advisory services to governments on human rights questions. Various UN-sponsored international seminars on human rights have been held. The UN has also served as a central point to which aggrieved groups may complain of specific human rights violations. But there is disagreement as to how the UN should handle such complaints. One proposal would establish a UN office, that of High Commissioner for Human Rights, to receive inquiries and complaints from both governments and private parties and to advise and conciliate at their request. The High Commissioner would have no power to overrule a government, but his views would carry moral authority.

IN MEMORY OF ROBERT KENNAN, JR.

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA
IN THE HOUSE OF REPRESENTATIVES

Kohala, Hawaii, he studied at Pomona College, Calif., under a George R. Baker scholarship, and at Oxford University, England, under a Marshall scholarship. He was also a graduate of the University of Washington School of Law, where he was editor of the Washington Law Review.

Robert Kennan was a man of impeccable character; dedicated to his family, job, and friends. I extend my deepest sympathy to his wife Elizabeth and his son, Alexander. I am sure that they, along with all of us who knew him, will be forever impressed by the memory of such a great man.

his readers that "a good idea is the stuff of which jobs are made."

More than this, the Mason and Shaver idea has demonstrated again, and at a time when the forces of deadening socialism seem to be getting stronger elsewhere, that enterprise and ingenuity, plus good hard work, still are paying off in America. My district is grateful to be the location of Precise Metals & Plastics and the other companies born since World War II by the efforts of ambitious workmen who saw a chance to make good as industrialists and did so.

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and loved ones of men like George Meade.

As a former 23-year veteran of the New York City police force, I felt a sense of personal as well as comradely loss over George Meade's death. As I sat at the funeral, I saw the anguish and pain which Mrs. Meade and family felt, and thought about the hundreds of other wives and families of policemen who have been forced to endure similar losses of their husbands and fathers.

It is a sorry time in this Nation when even one policeman is [illegible] in the line of [illegible] so far [illegible] alone, 107

and is inserted in the RECORD for the information of all Members:

FIFTEEN YEARS OF PORT PROGRESS

The 1973 navigation season is being heralded as a golden anniversary of sort for the Port of Duluth-Superior—a year in which the 50 millionth ton of international cargo moved through harbor terminals. The phrase "of sorts" deserves a bit of qualification since the port has been in existence for more than a century and, handling approximately 40 million tons of domestic cargoes annually, has continually been a major center of Great Lakes commerce.

It was in 1959 that the St. Lawrence Seaway opened to extend North America's fourth

She became intimately involved in the administration of Gardena and was instrumental in establishing the orderly, professional procedures which are a hallmark of the Gardena city government.

After over 17 years of dedicated service to the people of Gardena, Miss Morgan has decided to take a well-earned rest from her duties with the city. However, retirement in her case is not synonymous with idleness.

Rather, this period in her life will give her even more time to devote to the civic and charitable activities with which she grams which were not proposed by the administration. Such legislation may also create additional discretionary funding requirements—now or in the future. For example, in the case of legislation enacted to extend the unbudgeted Economic Development Administration, supplemental funding was subsequently requested by the President involving increased outlays of $25 million.

Some of the major legislation of this type is listed below:

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[1] Funding requested by budget amendment: $205 million in budget authority and additional $25 million in outlays

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CONSUMER PRODUCT SAFETY COMMISSION TO HELP MONITOR MARKETPLACE

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MY DEAR MR. ANDERSON: I am enclosing a proposal which should be of great intrest to you because it is, I believe, of potentially great importance to our country.

In the present political and constitutional crisis, we are seemingly confronted with two unattractive alternatives. The first is to acquiesce to the disregard and abuse of constitutional powers by our current elected leadership, and to continuing controversy about the legitimacy of that leadership to govern the nation.

The second is to take steps to bring about the resignation, or impeachment and conviction, of the President. This is an unfamiliar process which will divide the country. It will result in succession to the Presidency of one of two honest and competent Congressmen, neither of whom has previously been thought of in connection with the Presidency, and each of whom, if he did succeed to that Office, would have the liability of being the

first leader in our history lacking a national electoral mandate.

There is, however, a third way. Last week I proposed that through simple legislation, Congress could call for a Special Election in 1974, if both the Office of President and Vice President are simultaneously vacant. This was, indeed, precisely what the framers of the Constitution expected to happen, and it was the law of the land for almost a century.

I believe a return to the intentions of the framers furnishes a possible way out of our current dilemma.

The legislation to accomplish this, which could be a simple Amendment to the Presidential Succession Act of 1947, ought to be promptly passed before the contingency which it is designed to meet should arise. This would help to resolve the confusions and uncertainties which now surround the possible consequences of the Presidency's becoming vacant.

I hope you will join with me in expressing your views to Congressman Rodino and Senator Eastland in urging their Committees to give prompt and favorable consideration to this timely legislation.

Sincerely,

KEVIN H. WHITE,
Mayor.

CONGRESS OF THE UNITED STATES,
Washington, D.C., October 31, 1973.

Hon. KEVIN H. WHITE,
Mayor, City of Boston, City Hall, Boston, Mass.

DEAR MR. MAYOR: Thank you for your letter of Oct. 29 and the attached paper outlining your proposal for an amendment to the 1947 Presidential Succession Act which would provide for a special election in the event that the offices of President and Vice President are vacant simultaneously.

While I can understand your criticism of the present succession procedure which does make possible the elevation of persons to the presidency who have not been popularly elected nationally, I nevertheless feel that the procedures specified by the 25th amendment are preferable for several reasons.

I at least admire your candor in admitting that your proposal is aimed specifically at our present situation, and that what you have in mind is ignoring the requirements of the 25th amendment with respect to the confirmation of Mr. Ford and proceeding with the removal of President Nixon to thus force a special election. I am curious to know if you would be advancing the same proposal if a Democratic Administration were now in the same situation as the Republican Administration is, or, more to the point, whether you advanced this same proposal as an alternative at the time the 25th was under consideration in 1965. And keep in mind that the 25th Amendment was drafted and adopted by a Democratic Congress.

The main defect in your proposal as I see it is that it would have a tremendous disruptive and traumatic impact on our government and the nation, particularly between the time a President is removed and a new one is inaugurated, the interim elevation of the Speaker as Chief Executive notwithstanding. An impeachment proceeding in itself is fraught with enough trauma, but I think the additional requirements of your proposal would only compound that trauma. In addition, I am especially puzzled by your proposal that the new government be permitted to serve a full four-year term. Again, this seems to be more politically motivated than anything else.

I am at least pleased that the Democratic leadership in Congress is in agreement that we must abide by the intent and spirit of the 25th Amendment in expeditiously moving on the Ford nomination and not hold it political hostage pending the outcome of impeachment proceedings. To do otherwise, in my opinion, would be a most cynical and narrow political ploy at odds with the national interest.

With all due respect to the work and thought you have put into this proposal, in the final analysis I think it runs contrary to the expeditious and orderly succession process which I feel is essential in the wake of a traumatic impeachment-conviction-removal upheaval. To prolong this agony by a protracted national election campaign which is bound to be bitter and divisive, especially when the Congress and White House are controlled by opposing parties, could do irreparable harm to our body politic. The 25th Amendment, on the other hand, despite its flaws and shortcomings, at least provides for some semblance of order, continuity and unity at a time when it would be most needed.

With all best wishes, I am.

Very truly yours,

JOHN B. ANDERSON,
Member of Congress.

AMERICAN HUMANIST ASSOCIATION AND THE UNITED NATIONS

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. KOCH. Mr. Speaker, elsewhere in the RECORD today I have commented on the shortcomings of the United Nations. I have been asked by Jesse Gordon, author of an article in support of the United Nations, to place his comments in the RECORD. The article follows:

[From Free Mind, September 1973]

AHA AND THE UNITED NATIONS

(By Jesse Gordon)

When delegates from 50 nations met at San Francisco in the spring of 1945, World War II was not yet over, but a determination to establish an international organization to keep the peace was paramount in the minds of the delegates. After two months of intense negotiations, the language of the Charter of the United Nations was agreed upon.

Twenty-eight years have passed since the nations of the world pledged themselves "to save succeeding generations from the scourge of war."

In judging the political performance of the UN and in making the organization the scapegoat for the difficulties of its members, a number of important considerations are often conveniently forgotten. The first of these is the origin of the UN. The UN was *not* set up by small or medium powers. It was set up by the great powers themselves under the shock and experience of two devastating world wars. Kurt Waldheim, the secretary-general of the UN, states: "The UN was set up by the great powers to avoid in the future the mistakes, weaknesses and misunderstandings which, twice in less than 30 years, had led them into total war. We ignore this historical fact at our peril."

The American Humanist Association is active among the hundreds of non-governmental organizations sponsoring the UN.

The A.H.A. realizes there is an urgent need for greater understanding and support of the United Nations by the millions of citizens who are the constituents of non-governmental organizations. The A.H.A. is represented in the NGO group by Mrs. Henrietta Rogoff with Mr. Jesse Gordon, alternate.

In 1945, the UN came into existence accompanied by the usual flowery speeches. It was seen as "the great hope of humanity," "the hope of the world," and "the last, great hope for peace."

Has the UN fulfilled the "hope" that so many people placed in it as "The last great hope of humanity?" Or, is it just a useless debating society?

First of all, the UN has contended with a world of many revolutions—peaceful and otherwise. The original memberships of the UN was 51; it now numbers 135, with the two Germanys recently joining. The UN has many achievements to its credit. It can count among its successes, in the political area, the negotiated settlement of disputes affecting Indonesia, Kashmir, and West New Guinea, among others. The Middle East "question" has, of course, been before the UN almost continuously since 1947. It can be shown that UN presence in the area has prevented many incidents from developing into a wider war.

One might ask the question: What might have happened in the Congo and neighboring states in 1960 if it had not been for the UN peacekeeping force there? Critics point to Soviet intervention in Hungary and Czechoslovakia and the impotence of the UN to act in those situations.

It all comes down to big power politics and political objectives. The U.S. role in Indochina could similarly be examined for violations of the U.N. charter.

What are the principles of the charter?

The charter is based on seven main principles:

(1) The equality and sovereignty of all member states.

(2) Fulfillment "in good faith" by all members of obligations assumed under the charter.

(3) Peaceful settlements of disputes.

(4) Renunciation of the threat or use of force.

(5) Cooperation with the UN in any action it takes.

(6) Encouragement of non-member states to abide by its principles.

(7) Non-intervention by the UN in the internal affairs of any state.

The Charter also calls for freedom of religion. Many faiths, each with a different conception of God, are represented at the UN. A moment of silence opens and closes each General Assembly session, and there is a Meditation Room at UN headquarters which is open at all times. There is no mention of God in the Charter just as there is none in the U.S. Constitution.

The UN Charter pledges all members to cooperate for the promotion of human rights. Although the authority of the United Nations is limited to debate, study, publicity, and recommendation, it has exerted immeasurable influence on behalf of human rights.

In 1948 the General Assembly adopted the Universal Declaration of Human Rights. Its clauses on the civil, political, economic, and social rights of human beings have influenced the written constitutions of a number of new nations. Its provisions have been incorporated in several important peace treaties.

The General Assembly has also produced draft conventions—treaties—in the human rights field. Some forbid particular offenses such as genocide, forced labor, and slavery. Others set standards in particular areas such as political rights of women. Such conventions must be ratified by the individual UN members in accordance with their constitutional processes. In addition, the Assembly has produced two comprehensive human rights covenants, one on civil and political rights and one on economic and social rights, both ratified by more than 30 governments.

For many years UN experts have offered advisory services to governments on human rights questions. Various UN-sponsored international seminars on human rights have been held. The UN has also served as a central point to which aggrieved groups may complain of specific human rights violations. But there is disagreement as to how the UN should handle such complaints. One propos-

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al would establish a UN office, that of High Commissioner for Human Rights, to receive inquiries and complaints from both governments and private parties and to advise and conciliate at their request. The High Commissioner would have no power to overrule a government, but his views would carry moral authority.

IN MEMORY OF ROBERT KENNAN, JR.

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. FAUNTROY. Mr. Speaker, the residents of the District of Columbia have lost a very fine friend in the person of Robert Kennan, Jr., the late general counsel to the National Wildlife Federation. It is with a heavy heart that I share this loss with you.

At 35, Bob established himself as one of the leading conservationists in the country. He joined the Wildlife Federation in January 1971 after serving with the law firm of Purcell and Nelson for 6 years. He was a formidable opponent for those who attempted to infect the Nation's environment with unneeded and dangerous undertakings.

Many times, Bob stood up and fought against environmentally harmful and unneeded roads and highways. As general counsel to the federation, he led efforts to keep Federal interstate highways out of the Big Cypress Swamp in Florida and the Sandia Crest Mountains of New Mexico. His sincerity and determination was frequently rewarded as his success in these areas illustrates.

Bob Kennan's position did not keep him away from controversial issues. He was involved in one litigation to open the procedures of the Federal Highway Administration to public view and comment in an effort to bring them into compliance with the National Environmental Policy Act. Efforts like this illustrates the purpose behind the life of Robert Kennan. Using the authority of the courts, he attempted, and succeeded to bring the Nation's environment under this protection.

Robert Kennan's last major case is a prime example of the cause he furthered on behalf of the National Wildlife Federation. In a suit he brought against the Department of Transportation and the Federal Highway Administration, 1,000 highway projects around the country were forced to meet environmental standards set forth by the Environmental Policy Act which Bob maintained as being fair and equitable to everyone it affected.

Locally, this dear friend of mine was a member of the Committee of 100 on the Federal City. He participated in the fight against urban freeways and was personally involved in halting construction of the Three Sisters Bridge, the Potomac Freeway and Interstate 66 by using his personal time and talent in assisting to resolve the legal complexities which were involved in these issues.

Robert Kennan's personal life was, of course, as honorable and distinguished as his public image suggests. Born in Kohala, Hawaii, he studied at Pomona College, Calif., under a George R. Baker scholarship, and at Oxford University, England, under a Marshall scholarship. He was also a graduate of the University of Washington School of Law, where he was editor of the Washington Law Review.

Robert Kennan was a man of impeccable character; dedicated to his family, job, and friends. I extend my deepest sympathy to his wife Elizabeth and his son, Alexander. I am sure that they, along with all of us who knew him, will be forever impressed by the memory of such great a man.

ENTERPRISE STILL PAYS OFF

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. GAYDOS. Mr. Speaker, I am happy to report that the spirit of high adventure and success still prevails in U.S. business and that experiences in my busy western Pennsylvania district underscore the fact.

The district is the home of many small but markedly progressive carbide producing and fabricating firms, each a spin-off from the old Firth Sterling Co. which pioneered in carbide production in this country.

Most of the firms were started by and some still are in the hands of, machinists and toolmakers who first plied their trades at Firth Sterling and then took out on their own. They now make a wide variety of carbide dies and instruments. A few have been sold to large corporations.

Carbide, I point out, is not the only basis of industrial development back where I live. Just the other day, Precise Metals & Plastics, Inc., having outgrown its facilities in the McKeesport area, began construction of a new plant on a 20-acre site in nearby North Versailles Township.

The company today employs 280 workers and this figure is expected to rise when the new $1.3 million plant is opened. Sales are up to the $9 million annual mark and their steady pace of increase shows no signs of abating.

Of special interest to me, and to others who have followed the firm's advancement, is that Precise Metals & Plastics is the result of what once were the dreams of two Westinghouse Airbrake Co. toolmakers, Robert S. Mason and William O. Shaver. They pooled funds and skills and entered what to them seemed to be the promising plastics business. In 1964, they founded their company. Along the way they enlisted Arthur W. Roethlisberger as an associate and acquired other firms related to their operation. Later on they sold out to KDI Corp. of Cincinnati, Ohio, a diversified manufacturer, but retained a free hand for themselves in running the company they created.

According to William H. Wylie, business editor of the Pittsburgh Press, Mr. Mason and Mr. Shaver "had a good idea and perseverance to carry it out." In his story on the ground breaking for the new Precise plant, Mr. Wylies also reminded his readers that "a good idea is the stuff of which jobs are made."

More than this, the Mason and Shaver idea has demonstrated again, and at a time when the forces of deadening socialism seem to be getting stronger elsewhere, that enterprise and ingenuity, plus good hard work, still are paying off in America. My district is grateful to be the location of Precise Metals & Plastics and the other companies born since World War II by the efforts of ambitious workmen who saw a chance to make good as industrialists and did so.

PATROLMAN GEORGE R. MEADE—ANOTHER GALLANT POLICEMAN IS CUT DOWN

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. BIAGGI. Mr. Speaker, it is with a profound sense of sorrow and outrage that I relate to my colleagues still another violent and untimely death of a policeman, Patrolman George R. Meade of the 42d Precinct in the Bronx, N.Y.

At 1:15 a.m. on October 10, Patrolman Meade, off duty, was sitting in an establishment in the Bronx. Suddenly three men entered and announced a robbery. Meade identified himself as a policeman, and attempted to apprehend the criminals. A gunbattle ensued, and when it was over two of the criminals, as well as Meade, lay dead of gunshot wounds. The third man escaped into the night.

Millions of New Yorkers awoke the next morning to read the account of this tragedy. Yet what they could read would not tell them of the extraordinary man and the fine human being who was killed.

George R. Meade was born in the Bronx on January 8, 1939. He served with distinction in the Navy between 1956 and 1959. He joined the New York City Police Department on March 28, 1963. He had an illustrious police career, highlighted by his being awarded two meritorious awards for outstanding police work. Ironically, his last award was earlier this year for successfully preventing another holdup.

Yet despite these significant accomplishments, the death of George Meade signified more than the loss of another great policeman. George Meade was a dedicated family man as well. He is survived by his wife Rosalie, and four children; Yvette, Yvonne, Andrea, and Antony, as well as his parents and countless other relatives and friends, all of whom mourn his death as a particularly tragic loss.

George Meade had a desire for excellence in everything he pursued in life. At the time of his death, he was attending Hostos Community College where he was an A student. As a tribute to this outstanding man, Hostos College has set up a scholarship fund in his honor.

Yet as decent and well-intentioned as memorials and testimonials are, they do not diminish the agony and suffering which must be endured by the families and loved ones of men like George Meade.

As a former 23-year veteran of the New York City police force, I felt a sense of personal as well as comradely loss over George Meade's death. As I sat at the funeral, I saw the anguish and pain which Mrs. Meade and family felt, and thought about the hundreds of other wives and families of policemen who have been forced to endure similar losses of their husbands and fathers.

It is a sorry time in this Nation when even one policeman is killed in the line of duty. Yet so far in 1973 alone, 107 policemen have been cut down in the line of duty by depraved criminals. Yet what will we as a society do? Do we express shock and outrage, and then wait for another one to be killed, or do we act? Inherent to a stable democracy is a strong and efficient law enforcement system. We must demand that the policemen of this Nation are better protected. Not only must we strengthen our system of justice and reduce crime, but we must provide for the widows and children of the men who die in the line of duty. Legislation to that effect is now long pending in the Judiciary Committee.

Mr. Speaker, it has been my profound honor to pay tribute to this fine man George Meade, and I know I speak for thousands of New Yorkers when I express my sincerest condolences to his widow and family. And to my colleagues I say, let us not wait for another policeman to be murdered before we act.

DULUTH—15 YEARS OF PORT PROGRESS

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. FRENZEL. Mr. Speaker, the people of my State, and indeed of the whole north-central region, are proud of the progress of the Port of Duluth—Superior. In the 14 years since the St. Lawrence Seaway opened, the Port of Duluth has handled 50 million tons of international cargo.

Import-export cargo movements have increased annually since the seaway was opened. Commerce through the Port of Duluth provides jobs not only in that city and in the State of Minnesota, but throughout the whole north-central region of this country. The $40 million annually that is contributed to the Duluth community because of the port activity is a tiny fraction of the economic value that this one port gives to our area.

Minnesota has traditionally been heavily involved in international trade. Our cargoes, agricultural and manufactured, have found their ways to international markets through ports of the east, gulf, and west coasts for years. We are particularly proud of our newest port outlet in Duluth, and we congratulate the Seaway Port Authority of Duluth on another important milestone in its growth, its 50 millionth ton of international cargo.

The following article was prepared by the Seaway Port Authority of Duluth and is inserted in the RECORD for the information of all Members:

FIFTEEN YEARS OF PORT PROGRESS

The 1973 navigation season is being heralded as a golden anniversary of sort for the Port of Duluth-Superior—a year in which the 50 millionth ton of international cargo moved through harbor terminals. The phrase "of sorts" deserves a bit of qualification since the port has been in existence for more than a century and, handling approximately 40 million tons of domestic cargoes annually, has continually been a major center of Great Lakes commerce.

It was in 1959 that the St. Lawrence Seaway opened to extend North America's Fourth Seacoast 2,300 miles inland to the head of Lake Superior. And, Duluth-Superior's reputation as a leading bulk port was further enhanced by it becoming an all-service port, a world port. Joining the familiar Great Lakes bulk carriers whose lengths had stretched to 700 feet and more were oceangoing vessels flying the flags of most maritime nations throughout the world. To accommodate these ships, more than $25 million was invested in new grain and general cargo terminals and in modernizing existing facilities.

Duluth-Superior became the principal port for importers and exporters in 10 midwestern states and two Canadian provinces, a hinterland that encompasses highly industrialized big cities, bustling mining communities and vast midwestern plains that produce much of the world's food supply. Since 1959, grain has been shipped to Europe, Russia and the Far East. Powdered milk, flour and other agricultural products have been exported to developing nations at all compass points. Steel, automobiles, table wine, even billiard balls and greenhouse parts, are imported from Europe. From Malaysia comes foodstuffs and crude rubber. In short, the port handles all products made by people for people.

Import-export cargo movements started with a modest 1.9 million tons being handled in 1959 and grew to a record 5.2 million tons in 1972. This business provides employment for more than 2,000 persons along Duluth-Superior's waterfront and has contributed more than $40 million a year directly into the economy of the community. In the State of Minnesota alone, 43,000 persons owe their jobs to international trade at an economic benefit to the state of $140 million a year.

TRIBUTE TO MISS RUTH MORGAN

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. ANDERSON of California. Mr. Speaker, the French philosopher, Jean Jacques Rousseau, once said, "What wisdom can you find that is greater than kindness?"

By this definition, Miss Ruth Morgan, who recently retired as the chief deputy city clerk of Gardena, Calif., is certainly one of the wisest persons in the land.

First coming to Los Angeles during World War II, Miss Morgan settled in Gardena in 1956 and was sworn is as deputy city clerk in 1958.

In this capacity, her pleasant personality and her skill in solving people's problems were rewarded by a promotion to chief deputy clerk in 1964, where her assets could be more effectively utilized.

A devoted public servant, Miss Morgan was always available to offer an empathetic ear and to commit her talents and energies to helping people deal with the city.

She became intimately involved in the administration of Gardena and was instrumental in establishing the orderly, professional procedures which are a hallmark of the Gardena city government.

After over 17 years of dedicated service to the people of Gardena, Miss Morgan has decided to take a well-earned rest from her duties with the city. However, retirement in her case is not synonymous with idleness.

Rather, this period in her life will give her even more time to devote to the civic and charitable activities with which she has become deeply involved.

A member of the American Legion Auxiliary for 25 years, Ruth Morgan served as the president of Auxiliary Post 187 from 1962 through 1963.

In addition, she plans to continue her years of volunteer work with the American Red Cross, in which she served as the safety services chairman for Gardena, a member of the Gardena branch board of directors, an organizer of Red Cross first aid classes in the area, and as a member of the Southern District Board.

Miss Morgan has also been active in the Junior Association for the Blind, the YMCA, YWCA, the Sister City Committee, Friends of the Library, and the Soroptomist.

Her love of people has been coupled with a love of animals, as evidenced by her membership in the National Wildlife Federation and the National Audubon Society.

Mr. Speaker, Ruth Morgan's greatest attribute is that she cares—she cares about people; their problems and concerns, and she has devoted her life to serve her fellow man. She is the type of person that has made our community and our Nation great and her services in City Hall will be missed.

SOVIETS NEED WESTERN TECHNOLOGY

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. ASHBROOK. Mr. Speaker, the following letter by Edward A. Stern, professor of physics at the University of Washington, appeared in the October 7 edition of the Washington Post. Mr. Stern had the opportunity of recently visiting with Soviet Physicist Andrei Sakharov. As Mr. Stern writes—and as I have stated on numerous occasions—the Soviet Union has a desperate need for Western technology, investments, and organization to avert serious economic problems. The West should not extend these needed benefits to the Soviets without obtaining meaningful changes in Soviet society. At this point I include in the RECORD the text of Professor Stern's letter.

CAN THE WEST IGNORE SAKHAROV'S MESSAGE?

I had the honor of visiting the famous Soviet physicist Andrei D. Sakharov for four hours on the evening of Aug. 23 during my recent trip to the Soviet Union to attend a

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scientific conference. Being a physicist myself and knowing some of the Soviet Jewish scientists who have been refused permission to emigrate to Israel, I was able to arrange through these contacts the visit with Sakharov.

At the time of our conversation Sakharov was aware of the impending attack against him by the authorities (which subsequently became public) and detailed to me several instances of pressure exerted against him in a covert fashion through loved ones who are made to suffer so as to hurt him and blackmail him into silence. In spite of all of these covert pressures and in spite of the recent covert pressures Sakharov courageously speaks out because his concern for his country and the world transcends his concern for his personal safety. Can the West afford to ignore Sakharov's message and permit the Soviets to crush such a man, as they surely will do without a strong outcry and use of the leverage made available by the impending detente?

The first priority of the Soviet authorities is to maintain themselves in power. Because they have fallen behind technologically and their economic base is becoming obsolete they desperately need Western technology, investments and organization to avert serious economic and military problems. Otherwise, the present Soviet leaders cannot hope to remain in power.

At the same time the Soviet authorities don't have enough confidence in their control over their society to expose it to Western ideas and influence, to maintain isolation in the face of the inevitable increase Western trade requires intimidating the average Soviet citizen to stay away from these foreigners. The latest publicized dissident trial of Yakir and Krasin and the simultaneous attacks on Solzhenitsyn and Sakharov prominently proclaim the crime of "clandestine meeting with foreigners."

The Soviets want to have detente on their terms where they can receive Western technology, investments and management and still maintain their isolation. As Sakharov points out, the West has a unique opportunity to use the leverage of aid, which the Soviets desperately need, to open Soviet society somewhat and move the Soviet Union toward a lasting world order. The Jackson-Mills-Vanik legislation is the bare minimum.

EDWARD A. STERN,
Professor of Physics,
University of Washington.

SEATTLE.

HENRY ROBIN, OF SAN ANTONIO LIGHT, NAMED TEXAS CARRIER OF THE YEAR

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. FISHER. Mr. Speaker, Henry Robin, a carrier for the San Antonio Light, was recently named Texas Newspaper Carrier of the Year. Contesting with 30,000 carriers, this young man was given this recognition by the Texas Circulation Managers Association and the Texas Daily Newspaper Association.

I extend my own congratulations to this worthy young man. It is an achievement of which he can be justly proud. It bespeaks a quality which is truly outstanding. Equipped as Henry is with character, ambition, and ability, we can be sure his future endeavors will be equally as rewarding.

Under leave to extend my remarks, I include details of the award and its significance:

HENRY ROBIN, CARRIER OF THE YEAR

Henry Robin, a carrier for the San Antonio Light, has been named Texas Carrier of the Year by the Texas Circulation Managers Association and the Texas Daily Newspaper Association.

He was entered in the statewide competition after being named Carrier of the Year for The Light.

In addition to a $2,500 scholarship, which Henry plans to use to study computer technology at Texas A & M University, awards to the state's top newspaper carrier include a trip to the TCMA convention in Houston where he will be introduced to the assembled circulation managers and presented a savings bond, and a trip to Austin where he will be a special luncheon guest of Governor Dolph Briscoe.

The son of Mr. and Mrs. Harry D. Robin of San Antonio, 17-year-old Henry is a senior at Churchill High School, where he has won many honors for both scholarship and extracurricular activities.

Nominees for Texas Carrier of the Year were judged on the basis of scholastic achievement, personal achievement, community service and newspaper route activity.

A Light carrier for two years, Henry has doubled the number of subscribers on his route, changing his route from the smallest in his circulation district to the largest. He has qualified for the Light carriers' Merit Club eight times in a row, been named District Leader five times and has won a trip to LBJ Ranch.

In addition to his Light route, Henry has held a part-time job at which he worked seven days a week for a year. At the same time, he maintained a high B average in school, participated in a number of extracurricular activities and placed well up in University Interscholastic League tournaments in number sense, math analysis and slide rule.

A member of Temple Beth-El, Henry is second vice-president of the Federation of Temple Youth. He was nominated for honors in the field of religion by the Optimists Clubs during Youth Appreciation Week last year.

Henry has been a member of the Churchill ROTC for three years, advancing to first sergeant, and last year was named outstanding first sergeant of the school.

He is also active in bowling leagues and plays chess, golf and bridge. He is a Life Scout, earning 23 merit badges during his four years in Boy Scouts.

A highlight of the past year for Henry was being chosen one of only 33 high school juniors and seniors in the country to attend an eight-week Summer Institute of Mathematics and Computer Programming at the University of Oklahoma. He paid his own expenses from his earnings.

With the money he has saved from his Light route and his job, Henry has bought much of his own wardrobe, books and his senior ring and paid for his school lunches. He also paid for carpeting the upstairs of his family home.

THE 17TH ANNIVERSARY OF THE 1956 HUNGARIAN REVOLUTION

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. SCHERLE. Mr. Speaker, on the 17th anniversary of the Hungarian Revolution of 1956, I had the privilege of addressing a group of participants in that tragic and heroic grasp for freedom. Dr. Andras H. Pogany, president of the World Federation of Hungarian Freedom Fighters, delivered the following remarks at the anniversary celebration and I commend them to your attention. The parallels he draws between the world situation 17 years ago and today cannot be ignored. As Dr. Pogany points out, we should not sweep the hard facts of continued Soviet oppression under the rug simply because we are making an effort toward détente.

The remarks follow:

THE 17TH ANNIVERSARY OF THE 1956 HUNGARIAN REVOLUTION

On the 17th anniversary of the 1956 Hungarian Revolution, we, the officers, members, friends and supporters of the World Federation of Hungarian Freedom Fighters, on three continents, rededicate ourselves to the principles and demands of that historic event in Hungary.

We are speaking and rededicating ourselves on behalf of the oppressed Hungarian people, whose last free voice was heard 17 years ago. This voice demanded freedom for Hungary and freedom for all and everywhere.

In 1956 the Free World was worried about Suez and, consequently, the freedom in Hungary had been let to die. Seventeen years passed by and there is still no peace around Suez; more so, now the freedom of the world is endangered much more than ever before. It is impossible not to remember the old saying: how little wisdom governs the world indeed!

Are we, Hungarian freedom fighter perhaps out-dated today? Should we change or reconsider our goals in the seventies?

We do not believe so, Ladies and Gentlemen. We cannot change, because the Communist totalitarianism did not change at all, as we could realize it quite easily in the events of this new, raging war, fully supplied for and encouraged again by the Soviet Union, supposedly pursuing a policy of happy "detente" toward us. We cannot and we are not willing to recognize a so-called status-quo, because no status-quo is possible with oppression, neo-colonialism and terror. There cannot be a status-quo, if the other side is doing its best to bury us, threatening our very life and existence. Unfortunately, the American public today is being systematically misled and lives in an utopistic state of day-dreaming. Many of us sincerely believe that a safe and peaceful world is just around the corner. Unfortunately, as it is, that such world cannot be called into existence by dramatic announcements, happy handshakings, engaging smiles and by sweeping hard, but unpleasant facts under the rug in the name of a "détente," which simply does not exist. If the Vietnam war did not teach us anything about the Soviet's idea of detente and co-existence, let's hope, that the new Middle East War will, if, hopefully, there is still a spark of reality left in the minds of our modern American apostles of detente.

So far, however, the voices of reality came rather of Moscow than of Washington, D.C. The voices of Sakharov and Solzhenitsyn joined with the unbroken voice of the great living Hungarians, Jozsef Cardinal Mindszenty and all of them told the same: beware . . . May God help us to understand these solemn warnings better, than we did it in the time of the Hungarian Revolution of 1956.

In such circumstances we, Hungarian freedom fighters are not willing to compromise. We repeat, with unswerving faith and loyalty the last message of our revolution: if freedom, human dignity and constitutional rights are oppressed by naked military force anywhere, the freedom of the world is in mortal danger and we have to face the challenge without double talk, made-up excuses or hesitation.

This year, a year of many disappointments and self-delusion for America; in a year when we had the opportunity to watch the Soviet red flag; with its hammer and sickle, unfurl in front of the White House, we turned our attention to our last hope: to the youth of America. You will remember, that since 1960—when then Vice-President Nixon received this Award—through the late Senator Dirksen, Ambassador Portuendo, up to Mr. David Lawrence in 1972, just to mention a few, many important and influential personalities received our Federation's Freedom Award: politicians, diplomats, newsmen, and television personalities, outstanding benefactors, both Americans and foreigners who, in a given year, made the most significant contribution to our uneven efforts for restoration of freedom and human dignity in Hungary.

This year we unanimously selected one of those outstanding groups of Americans whose activities were not shadowed by the present detente-hysteria. We selected the Editorial Board and Staff of a youthful Washington paper, the Rising Tide. I can say, without undue exaggeration, that there was and there is no American publication in presenting the case of the Hungarian people to the American public and reporting the activities of the Hungarian Freedom Fighters Federation, U.S.A. as the Rising Tide did and still doing it. The Rising Tide cannot yet claim a very large circulation, but this distinguished group of young women and men represent for us the unblemished and unspoiled real spirit of America. Their dedication, intellectual honesty as well as their professional skill are impressive indeed. True, these young people and their Rising Tide do not master the American present yet, but we pray, that it may show us an American future based on principles, tradition and on the love of freedom, like the Rising Tide of our days.

For this reason, even in this sorrowful year, we are sincerely glad and even honored to bestow our Freedom Award of 1973 on the Editors and Staff of the Rising Tide and through them to the unblemished faith, reputation and good-will of the youth of America.

BARRY L. BANKS, DELAWARE STUDENT INTERN PROGRAM

HON. PIERRE S. (PETE) du PONT

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. DU PONT. Mr. Speaker, this week I have 11 high school juniors visiting me from Delaware to participate in my student congressional intern program. The students will be meeting Congressmen and Senators, viewing both Houses in action, attending committee meetings, and participating in various other activities in order to gain a greater understanding of the workings of Congress.

I have been impressed with the enthusiasm and interest displayed by the high school students throughout the SCIP program. I would like to take this opportunity to congratulate Barry L. Banks, one of the high school students visiting this week, on his 16th birthday and wish him many happy returns of the day. I hope that Barry, and all the students who participate in this program, will continue their interest in government.

NOT SO SIMPLE

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. UDALL. Mr. Speaker, in many respects the civil rights revolution of the 1960's was a striking success. But in the area of education we have largely had a psychological victory and a practical failure. Many of our southern friends told us that things were not all so simple, and that there would be different reactions when the tough school integration problem came north. We know now how much of what they said was right.

Now we are faced with a nation bitterly divided over the question of busing and the vital, central issue of quality education for all children has been forgotten. If we are to prevent this country from further coming apart, it is necessary that our leaders be willing to lead, that hard truths be faced, that old preconceptions be challenged by all of us.

The plain fact is that a fair share of that desperately needed moral leadership burden has not been assumed by the White House, or by the Congress. Instead, both branches have unloaded on the courts the problem of coping with complex, emotional, and deadly serious social problems.

In this country we tend to overload institutions which work well, sometimes to the point where our returns diminish. Our schools are responsible for much of our success as a nation; and because they have worked so well, we continue to dump on them everything from sex education to driver instruction and, if some had their way, religious training. Because our courts have served us so faithfully in resolving disputes, we are inclined to load them down with such social problems as alcoholism, the failures of marriage and the family, the burden of automobile accidents, and all the rest.

The time has passed for Congress to be second-guessing the courts and harassing them from the sidelines; the time has come to us to provide some sensible guidelines and responsible leadership in the field of education and racial relations

To this end, the distinguished gentleman from North Carolina (Mr. PREYER) and I have introduced the Equal Educational Opportunities Act (H.R. 10991). We believe that Congress rather than the courts should establish a national educational policy, one that addreses itself to the busing controversy without retreating from the great gains already achieved in racial integration. We also believe such a policy should provide a framework for dealing with the allied problems of new methods of school financing and substandard schools. To date Congress has approached these problems piecemeal—through far-reaching, drastic constitutional amendments or blunderbuss "antibusing" amendments to educational legislation. These are largely efforts to modify, restrain, or reverse court action; they do not offer a comprehensive alternative to court ordered educational plans. In effect they say "no busing." They do not go on to say, "Here is a better way than busing to achieve the goals of a desegregated school system."

Our bill, however, offers such an alternative. The heart of the bill is a federally sanctioned State plan, to achieve the objectives of improving and equalizing educational results and alleviating racial isolation.

The bill does not set out any final plan. What it says is "No one knows precisely the best way to achieve equal educational opportunities for minorities. But human ingenuity should be set free to explore innovative educational techniques to this end and not be locked into the sole solution of maximum racial balance." If Congress does not offer some alternative approach, the courts will almost be compelled to order the approach of maximum racial balance—which means massive busing.

John F. Kennedy once said that—

> While we did not all come over on the same ship—we are all in the same boat.

Indeed we are. America's white majority simply cannot and must not turn its back on 25 million fellow citizens. But at the same time, we cannot rely on the courts to provide definitive, publicly acceptable solutions to the problem of busing. It is high time for the Congress to assume its fair share of moral leadership on the subject.

This legislation will not please those who want to go back to 1954, or those who do not understand the deep emotions and fears which many parents rightfully or wrongfully feel. But no single proposal I have heard holds more promise for a workable, permanent accommodation. I am proud to be a cosponsor.

THE NEW CAR REGULATIONS

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. HUNGATE. Mr. Speaker, the following editorial is from one of the many fine papers of Missouri's Ninth Congressional District, the Mexico Ledger. The editorial points out the many hazards to our right of privacy from the Department of Transportation's seat belt interlock system:

THE NEW CAR REGULATIONS

The New cars are better than ever.

Except for what the do-gooders did to them.

Take the seat belts, for example.

Every 1974 car under Federal Regulation now, will not start until the seat belt is fastened. What's more the seat belt is a shoulder strap and seat belt all in one piece. And that's not all, there is a buzzer.

It is no ordinary bumble-bee kind of buzzer.

This buzzer is a sub-human torture instrument no doubt designed by North Vietnam POW camp guards to break the morale, spirit and will of prisoners.

In 1974 cars—in all of them—the buzzer attacks you the minute you insert the key. It buzzes if the door is not closed; it buzzes if the seat belt is not fastened; it buzzes if

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you put your hand on the front seat: it buzzes if you put a package, dog or cat on the front seat and don't fasten the seat belt around it. . . .

. . . But that isn't all.

Don't think by merely stopping the car you can escape the buzzer.

It is poised, crouching, waiting to rip into your peace of mind.

If you stop the car and open the door as you unfasten your seat belt . . . zap—the buzzer. You have to turn the key off first before you unbuckle the belt, before you open the door.

Obviously, the 1974 car buzzer is the bureaucrats' guarantee to end the pursuit of happiness.

It now ranks with scratching finger nails on school room blackboards, with knuckle popping, with the ear-splitting roar of a revved-up two-wheeled chopper.

However, we don't think the American public will resign to the buzzer. We believe they'll fight it from the bridge in Lexington to Iwo Jima.

As one lady told us recently about the buzzer and the seat belt "If I want to get thrown through the windshield that is my American right".

We're for her.

CITIZEN OF THE YEAR AWARD

HON. CLAIR W. BURGENER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. BURGENER. Mr. Speaker, every year the Chamber of Commerce of El Cajon selects one individual whose contribution to his community has been so outstanding as to justify the title "citizen of the year." The citizen of the year for 1972 is a man well known to those of us who have had the pleasure of living and working in San Diego County.

C. Rupert Linley has practiced law in El Cajon for 27 years. These have been eventful years for the city. They have been good years partially because "Rupe" has given of his time, his talents, and his heart in many ways and at many times.

Among the recipients of his efforts have been the Boys' Club and Kiwanis Club of El Cajon, the Downtown Optimists Club, and Goodwill Industries. But, in truth, we all have benefited from his service to his fellow man.

The city of El Cajon is the home of the annual Mother Goose Parade and Ball. This event has attracted national attention, bringing credit on the community while delighting thousands of youngsters every year. C. Rupert Linley has served as president of the Mother Goose Parade Association and was the recipient of the 25th anniversary award of that association.

As a member of the Chamber of Commerce Community Development Committee, Rupe was instrumental in the development and adoption of the El Cajon general plan. In addition, he served as a member of the joint powers authority which constructed the police facility.

Rupe has served the needs of the citizens of his community as a member of the citizens committee for planning and formation of the Grossmont Hospital District and as a member of the Lakeside School District Board of Trustees.

Our community is a better community because C. Rupert Linley has lived and worked here. I am also convinced that our Nation is a better Nation because C. Rupert Linley has given of his time to make one of our communities better.

MR. NIXON SAVES THE CONSTITUTION

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. LEGGETT. Mr. Speaker, like most Americans I have frequently felt amazement and a certain degree of awe as I have listened to the logical processes by which President Nixon has justified his various positions.

With the deftness that characterizes much of his writings, Columnist Arthur Hoppe has hypothesized a response Mr. Nixon might give to the news that the House is taking up impeachment in a serious manner. In this hypothetical television address to the American people, Mr. Nixon says,

> Now, it would be very easy for me to go along with these impeachment proceedings. But I had to think first of the good of every American. Therefore, under the powers granted me by the Constitution to summon an emergency session of Congress, I have tonight declared an emergency adjournment of Congress.
>
> And to safeguard our Constitution, I have ordered Federal troops to seal off Capitol Hill where that Constitution is kept.

There is just one thing that bothers me about Mr. Hoppe's column: I hope he wrote it. I hope it was not a leak from the White House reserve speech file.

I insert the column, "Mr. Nixon Saves the Constitution," from the San Francisco Chronicle of October 23, 1973, into the RECORD:

MR. NIXON SAVES THE CONSTITUTION

(By Arthur Hoppe)

Good evening, my fellow Americans. In this hour of grave Constitutional crisis, I want to talk to you tonight about the steps I have taken to meet that crisis. The decisions have not been easy. But it is my sworn duty, as your President, to uphold that Constitution.

As you know, I have done everything humanly possible to avoid this Constitutional crisis. When former Special Prosecutor Archibald Cox sought to subpoena my private and confidential tape recordings, I, like any other citizen, pleaded my case in court.

When Judge Sirica saw fit to rule against me, I, like any other citizen, took my case to the Court of Appeals. When that court also ruled against me, I saw at once that a Constitutional crisis was in the making.

Now it would have been very easy for me to comply with the rulings of those courts. But you did not elect me to take the easy way out.

To uphold the Constitution, which is my sworn duty, I therefore determined to risk contempt proceedings and withhold these tape recordings—which, by the way, prove me totally innocent of any wrongdoing whatsoever.

Being innocent, I also ordered Mr. Cox to stop investigating me. When he stubbornly refused, I had no choice but to order the Attorney General to fire him. And while I had to keep firing Attorneys General until I found one who would fire Mr. Cox, let me point out to you that my perseverance in upholding the Constitution was finally justified.

Now then, let me turn to the impeachment proceedings pending before the Congress. First, let me say, that, rightly or wrongly, I do not for one moment question Congress' right to institute impeachment proceedings. That right is guaranteed by the Constitution. And I have sworn to safeguard that Constitution.

But let me say this about that. As you know, impeachment proceedings—no matter how innocent, I, your President may be—are a long and drawn out process. They could last for months or even years. And during that time, my capacity to govern as your President would be severely impaired.

We face many problems today at home and abroad. While we have achieved unparalleled prosperity, we must still fight inflation. While we have achieved peace with honor in Vietnam, we must still face difficult and delicate negotiations to achieve a lasting peace in the Middle East.

So I was forced to ask myself, "Can I, your President, continue to resolve these problems and safeguard the Constitution with my capacity to govern impaired?" I think every decent American would agree tonight that I could not.

Now it would be very easy for me to go along with these impeachment proceedings. But I had to think first of the good of every American. Therefore, under the powers granted me by the Constitution to summon an emergency session of Congress, I have tonight declared an emergency adjournment of Congress.

And to safeguard our Constitution, I have ordered Federal troops to seal off Capitol Hill where that Constitution is kept.

I realize that some critics will say I have fired Congress. This is not the case. Once Congress demonstrates its willingness to work with me in building a better America, I am sure it will be able to resume its duties.

At the same time, I am announcing my resignation as your President. Of course, someone must continue to safeguard our Constitution. I have therefore delegated that responsibility to Crown Prince David Eisenhower, who has pledged to safeguard it night and day.

Long live Princess Julie! Long live Princess Trish! Long live Queen Pat! Long live me!

INVESTIGATION MANIA THREATENS FREE GOVERNMENT

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. ZWACH. Mr. Speaker, for almost 200 years, the United States has been a republic deriving its just powers from the consent of the governed.

Today, there is a question whether that phrase still is valid. Today, rather than being a government of the people, by the people, and for the people, some believe we are becoming a government of the investigating committee.

This question was developed in a recent editorial appearing in the Sherburne County Star News of Elk River, in our Minnesota Sixth Congressional District, which I would like to share with my colleagues by inserting it in the CONGRESSIONAL RECORD.

INVESTIGATION MANIA THREATENS FREE GOVERNMENT

Congressional investigations have long been a part of the U.S. political scene. But what columnist William S. White calls the

"Investigation mania," which now besieges the country, poses a threat to self-government. Mr. White holds no brief for the wrongdoing of any politician from Richard Nixon downward, but he warns against the attitude of assuming crime and evil are automatically everywhere in politics. He says, "We are raising a question as to whether government is to be allowed to govern. We are chewing up our public men without waiting for the facts . . ." The world looks on in puzzlement.

As things are going, the question may seriously be asked whether any President, no matter how competent, can serve out a tenure of office and remain clear of the traps implicit in an atmosphere in which all await expectantly for scandal to rear its ugly head. The fact that the nation's last two Presidents—one a Democrat and the other a Republican—have all but been pushed out of office by the emotionalism of raw democracy is far from reassuring.

SOVIET UNION AND POISON GAS

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. HUBER. Mr. Speaker, in recent days the role of the Soviet Union as a troublemaker in the Middle East has again been nakedly revealed. The United States was hard pressed to match the enormous amount of weaponry that the Soviet Union was pouring into Arab states. By now the lack of scruples of the Soviet Union in this regard should be evident to all.

In this connection, an article appeared in the Detroit News on September 4 to the effect that the Soviets have supplied poison gas to Iraq for possible use against Iraq's Kurdish minority. This would be tragic, but it would not be unprecedented. It can be recalled that in 1967, the Soviet Union furnished poison gas to Egypt to use against the Yemeni Royalists. The case was documented by the International Committee of the Red Cross. Therefore, I think this item that follows deserves the closest attention of my colleagues.

IRAQ KURDS FEAR POISON GAS ATTACK

WASHINGTON.—Representatives of the Kurdish minority in Iraq charged yesterday that the Baghdad government had obtained poison gas from the Soviet Union in preparation for an extermination attempt against the Kurds.

Sources said the Baath regime in Baghdad had obtained 50,000 gas masks from the Soviet Union for Iraqi soldiers. The Soviets also have sent eight poison gas experts to train Baghdad's soldiers, said the sources.

The Kurds, who number about 100,000 in Iraq, are a non-Arab tribal people who occupy the mountains of Iraq and have been seeking an autonomous state of their own.

They have fought several civil wars in the past century with various Iraqi governments, the last ending in 1970.

Under terms reached at that time, Baghdad promised the Kurds a semiautonomous region to be established by March 1974. Kurdish representatives now say Iraq is reneging on that agreement and has started military attacks on Kurdish outposts.

The latest such attacks, Kurdish officials here say, took place in mid-August in the Sinjar region of Iraq. The fighting ended with 30 Iraqi soldiers killed and several Kurdish officials wounded.

The sources claim Iraq used artillery and MIG aircraft in the fighting. They said they had hoped the repulse of the Iraqi attack would have ended the Baghdad government's attempts to violate the 1970 agreement.

However, they now say the supply of gas from the Soviet Union indicates Baghdad is attempting a "final solution" similar to Hitler's extermination of Jews.

According to Kurdish spokesmen, the gas is stored at the Taji army camp west of Baghdad and at the headquarters of the 2nd Araqi Division at Kirkuk and the 4th Division headquarters Mosul.

The spokesman said only world opinion could head off the use of poison gas against the Kurds and called upon the public to urge the Soviet Union to withdraw the gas and its advisers.

THE NOT-SO-UGLY AMERICAN

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. SMITH of New York. Mr. Speaker, on June 27, 1973, I inserted in the CONGRESSIONAL RECORD an editorial entitled "Americans," written by Gordon Sinclair, a Canadian. The editorial was aired on June 5, 1973, on Mr. Sinclair's "Let's Be Personal" show over radio station CFRB in Toronto, Ontario.

Since that time, the editorial has been reprinted in newspapers across the country and I have received many letters on the matter, not only from my own district, but from North Carolina, California, Texas, and Illinois.

Apparently, the American people too often have been exposed to the "ugly American" image held by some of our "friends" abroad. They occasionally like to hear that Uncle Sam's efforts and their tax dollars are appreciated. As one of my correspondents said:

> I think this is the kind of thing people need to hear about our wonderful country—just now.

For the benefit of those who might have missed the editorial, I would like to insert it in the RECORD for a second time:

AMERICANS

(By Gordon Sinclair)

The United States' dollar took another pounding on German, French and British exchanges this morning, hitting the lowest point ever known in West Germany.

It has declined there by 41 per cent since 1971 and this Canadian thinks it is time to speak up for the Americans as the most generous and possibly the least appreciated people in all the earth.

As long as sixty years ago, when I first started to read newspapers, I read of floods on the Yellow River and the Yangtze, Who rushed in with men and money to help? The Americans did.

They have helped control floods on the Nile, the Amazon, the Ganges and the Niger.

Today the rich bottomland of the Mississippi is under water and no foreign land has sent a dollar to help.

Germany, Japan, and to a lesser extent Britain and Italy, were lifted out of the debris of war by the Americans who poured in billions of dollars and forgave other billions in debts.

None of those countries is today paying even the interest on its remaining debts to the United States.

When the franc was in danger of collapsing in 1956, it was the Americans who propped it up and their reward was to be insulted and swindled on the streets of Paris.

I was there. I saw it.

When distant cities are hit by earthquake it is the United States that hurries in to help . . . Managua, Nicaragua, is one of the American communities have been flattened most recent examples. So far this Spring, 59 by tornadoes. Nobody has helped.

The Marshall Plan, the Truman Policy all pumped billions upon billions of dollars into discouraged countries. Now newspapers in those countries are writing about the decadent war-mongering Americans.

I'd like to see just one of those countries that is goating over the erosion of the United States dollar build its own airplanes.

Come on, let's hear it.

Does any other country in the world have a plane to equal the Boeing Jumbo Jet, the Lockheed Tristar or the Douglas 10?

If so, why don't they fly them? Why do all international lines except Russia fly American planes?

Why does no other land on earth even consider putting a man or woman on the moon?

You talk about Japanese technocracy and you get radios. You talk about German technocracy and you get automobiles.

You talk about American technocracy and you find men on the moon, not once but several times . . . and safely home again.

You talk about scandals and the Americans put theirs right in the store window for everybody to look at.

Even their draft dodgers are not pursued and hounded. They are here on our streets, most of them . . . unless they are breaking Canadian laws, are getting American dollars from Ma and Pa at home to spend here.

When the Americans get out of this bind . . . as they will . . . who could blame them if they said the Hell with the rest of the world. Let someone *else* buy the Israel bonds. Let someone else build or repair foreign dams or design foreign buildings that won't shake apart in earthquakes.

When the railways of France, Germany and India were breaking down through age, it was the Americans who rebuilt them. When the Pennsylvania Railroad and the New York Central went broke, nobody loaned them an old caboose. Both are *still* broke.

I can name to you 5,000 times when the Americans raced to the help of other people in trouble.

Can you name me even *one time* when someone else raced to the Americans in trouble?

I don't think there was outside help even during the San Francisco earthquake.

Our neighbors have faced it alone and I'm one Canadian who is damned tired of hearing them kicked around. They will come out of this thing with their flag high. And when they do, they are entitled to thumb their nose at the lands that are gloating over their present troubles.

I hope Canada is not one of these.

But there are many smug, self-righteous Canadians.

And finally the American Red Cross was told at its 48th annual meeting in New Orleans this morning that it was broke.

This year's disasters . . . with the year less than half over . . . has taken it all and nobody . . . but nobody has helped.

INLAND WATER TRANSPORTATION'S IMPORTANCE IN THE ENERGY CRISIS

HON. FRANK A. STUBBLEFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. STUBBLEFIELD. Mr. Speaker, the energy crisis is upon us and this Nation is finally beginning to feel the pinch. The

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program of petroleum allocation, announced by the administration several weeks ago, became effective yesterday. Briefly, this program will limit supplies to customers based on their consumption for the calendar year 1972. Certainly this type of program is necessary, for the Nation is faced with a growing shortage. However, I feel it is essential that those administering this program recognize certain vital and absolutely essential needs within our economy. These needs must be given some form of priority within the system. In the forefront of these needs, I place agriculture and essential transportation.

In this spirit, I wish to have inserted at the conclusion of these remarks, a very pertinent letter written by Mr. Gresham Houghland, of Paducah, Ky., president of the Crounse Corp., an inland water carrier. Mr. Houghland's letter dramatically portrays the fuel shortage plight of the inland water transport industry within the country. This industry, which utilizes the all-important inland waterway system, is extremely vital to the production of the Nation's energy. Over 60 percent of all movements on the inland waterway system are directly involved in the production of energy. If inland water carriers, such as the Crounse Corp., cannot obtain adequate fuel supplies to move the raw materials which produce energy, such as coal and oil, this Nation will be truly faced with a crisis of ever-increasing proportions.

The text of Mr. Houghland's letter follows:

CROUNSE CORP.,
Paducah, Ky., October 29, 1793.

Mr. DON HAMMONS,
Regional Director, Office of Oil and Gas, Region IV, Atlanta, Ga.

DEAR MR. HAMMONS: An immediate effect of the fuel oil allocation order will be a drastic reduction in coal deliveries to electric generating plants served by our company. Another effect a short time later will be an equally drastic reduction in the production of electricity by these plants. We are confident that these effects were not anticipated or desired by the government; but they will occur unless we immediately receive an additional allocation of 250,000 gallons of No. 2 diesel fuel a month.

This company is engaged exclusively in the transportation of coal by barge on the Ohio, Kanawha, Green, Cumberland and Tennessee Rivers. Practically all the coal goes to electric power plants. Some are TVA plants, some are owned by public utility companies and two are owned by Big Rivers R.E.C.C. A number of these plants are solely dependent on us for coal transportation. Substitute barge transportation is not available. Substitute rail or truck transportation is not practical because of the location of the coal sources in relation to the plants. Several of the plants have no rail or truck facilities. Even if rail or truck service were practical, it takes more fuel per ton mile for rail or truck transportation than for barge transportation.

We own 350 barges of 1500 tons capacity and 18 diesel towboats and charter seven towboats. The owners of the chartered boats have their own fuel allocations. We do not yet have the details of those allocations, and this letter deals only with the allocation to us for our own boats.

Our own boats are now moving about 1,000,000 tons of coal a month in our own barges to plants in Kentucky, Indiana, Tennessee and Alabama. Our own boats are also towing about 450,000 tons of coal a month on the Green River in barges belonging to other carriers. These carriers then deliver the coal to plants in Florida, Ohio, Iowa, Wisconsin and Minnesota. No alternate source of towing is available on the Green.

We need 675,000 gallons a month to keep the 18 boats running, and this is only slightly more than we used last year. The problem is that Ashland Oil and Refining Company supplied over 95% of our fuel last year. We have been notified that we will get only 70% of our November, 1972, purchases, and that the allocation is 410,885 gallons. Another 250,000 gallons will bring us up to 660,000, and we hope to pick up the balance from the other sources from which we made small purchases.

It is impossible to save fuel on a towboat except by not running it. If we do not get the 250,000 gallons requested by this letter, at least six of our 18 boats will be tied up. Even if the seven chartered towboats can keep running, the coal delivered in our barges and towed on the Green will drop at least 500,000 tons a month.

The 500,000 tons of coal a month will generate approximately 1.1 billion KWH of electricity a month. On a national average basis, this is enough to supply the total electrical requirements of a population of 1,700,000 people.

The 500,000 tons of coal will produce about 320 times as much energy as the 250,000 gallons of diesel fuel we would burn to move it. To prevent such a gain in available energy is not a way to solve the energy crisis.

If we are to maintain deliveries we must have the additional allocation no later than November 8. We have no fuel except in the tanks on the boats and that averages only about a week's supply.

To be of use to us, the fuel must be available for direct loading into the boats' tanks and all or most of it must be from a facility or facilities on the Ohio between the Mouth of the Green and Paducah. The facilities available in this area are:

Mouth of Green River: Ashland.

Mount Vernon, Indiana: Texaco, Indiana Farm Bureau.

Paducah: Standard of Kentucky, Gulf, Shell, Texaco, Ashland.

We could use 35,000 gallons a month from Standard of Kentucky at Louisville with the balance available at one or more of the locations listed in the preceding paragraph.

Very truly yours,
GRESHAM HOUGLAND,
President.

COMMENTS BY MR. NORTON SIMON

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. WALDIE. Mr. Speaker, there are few in this House who would disagree with the fact that we are still a long way from making our railroads a meaningful and productive part of the transportation system.

Recently, I have been privileged to receive some comments on the alternatives for the railroad industry from Mr. Norton Simon, a distinguished Californian, and one of the most astute observers of contemporary American problems.

Mr. Simon quite properly notes that short term steps are expected from the Congress to meet the needs of individual rail carriers who are essential to our full national system. However, his warnings that such actions should not remain on a limited scale are central to the argument over the eventual future direction and viability of rail service in America.

At this point, Mr. Speaker, I would like to share with my colleagues a portion of recent correspondence forwarded to me by Mr. Simon in relation to corporate diversity of railroads:

COMMENTS BY MR. NORTON SIMON

At present, railroad companies are involved in myriad conglomerations of industrial land development, downtown properties, service businesses, utility, natural resource and manufacturing activities. Not only does this divert management's attention away from the railroad, where it is obviously needed, but it also raises serious ethical problems of possible direct or indirect violations of existing laws, such as the Elkins Act, S.E.C. regulations and other laws or regulations involving conflicts of interests through interlocking boards of directors. The cash flow and projected profits generated to the railroad companies by these non-railroad activities often tends to mislead the investing public as well as the company's own management and board members and further obscures the actual financial state of affairs until a collapse is imminent. Penn Central has now become our classic example of this. There is little motivation for management to invest money in proper rail maintenance or in capital rolling stock, for example, when they can improve their near term reported earnings to a greater degree by investing in a realty venture to show a quick profit, real or not. As a consequence, the physical plant of American railroads has deteriorated and is continuing to deteriorate. Lack of full usage of road bed, poor service to the public and costly accidents are the end result. Further, these companies do serious disservice to the nation by the grossly inadequate manner in which they become involved in the business of developing other activities they own, control or deal in.

As an example of what I mean, nearly every major railroad has an "Industrial Development Department" which buys, develops and sells or leases real properties to rail customers. They will claim that they always get the full price for these properties in each transaction and, indeed, their books will show that they usually make more profit on this activity than a comparable real estate company would. The facts, of course, are that they appear to improve their results by failing to apply full overhead costs or to account for the significant diversion of top and middle management talent to these real estate activities. In a very real economic sense these sale or lease terms often constitute a form of rebate to the shipper for the rail business. The idea of a railroad company essentially subsidizing shippers at the same time they are claiming to the public that rates are inadequate is absurd. The requests of railroads asking for subsidies under these circumstances are without credibility. The problem has slowly grown out of hand because it has been perpetuated over the years by railroad boards of directors largely made up of shippers, bankers, investment firms and others who have prospered at the expense of the shareholders and general public. The Federal bureaucracy, and by that I mean the ICC and others in both Republican and Democratic administrations, has consistently ignored this credibility gap in the administration and operations of the so-called railroad business. We have recently seen attempts at closing the credibility gap in politics and government administration. It is certainly time to look at such gaps in some elements of business and with the terrific problems of the railroads, they appear to be likely candidates. Number one on the agenda should be: Railroads should run railroads—period!

REMARKS OF THE HONORABLE JERRY LITTON INTRODUCING A NEWSPAPER ARTICLE HONORING THE SERVICES OF JUDGE RICHARD M. DUNCAN OF THE U.S. DISTRICT COURT

HON. JERRY LITTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. LITTON. Mr. Speaker, I would call to the attention of the House an article appearing recently in the St. Joseph, Mo. News-Press honoring 75 years of public service on the part of our distinguished former colleague Judge Richard M. Duncan of the U.S. District Court.

As a Member of the House of Representatives in the New Deal years, from 1933 to 1943, Judge Duncan had much to do with construction of the social security system, and as a member of the Ways and Means Committee exerted influence of considerable importance on many other measures. He was truly regarded as a full-fledged leader of the House.

Upon his appointment to the Federal bench, Judge Duncan brought to his judicial labors the insights of a legislator at the national level, and in so doing became again a man of extraordinary power and authority respected by all.

The article on Judge Duncan appears below:

[From the St. Joseph News-Press, Oct. 31, 1973]

TIMELY OBSERVATIONS—A 75-YEAR RECORD OF PUBLIC SERVICE BY JUDGE DUNCAN

Black-robed Federal Judge Richard M. Duncan presided once again last week in the quiet dignity of his courtroom here—a most remarkable man who will reach his 84th birthday Nov. 10 and who has no intention of quitting. His is a record of public service stretching back 75 years. That's right, 75 years.

It started when he was nine years old and was appointed a page in the Missouri State Legislature by the representative of his native county of Platte—Walter Farley. Young Duncan gained a reputation there as the quickest and most courteous page in the General Assembly. He was a "venerable" 11-year old when he completed page duty for a second term there, and a few years later, although not a Catholic, he was enrolled in old Christian Brothers College here. He wound up as the first Protestant to be elected president of its alumni association.

Out of that institution of learning that specialized in discipline, Duncan was appointed a deputy circuit clerk by the late Ross C. Cox. He studied law on his own during those courthouse years and—without benefit of attending law school or college—won admission to the bar. He was practicing law in 1926 when Mayor Louis Stigall tapped him to become city counselor of St. Joseph, a post in which he achieved an outstanding record.

His next step was to Congress. He was elected to that body in 1932, the same year he was a delegate to the Democratic National Convention that nominated Franklin D. Roosevelt for a first term as President. He served there for five terms, ten years, was one of the architects of the Social Security Act, and won membership to the powerful Ways and Means Committee of the House. The same year he left the House he was named a federal judge by FDR.

One of the big changes that appointment meant in his life was his divorce from politics. Since boyhood he had been a thundering orator for the Democratic party. He had spoken at hundreds of rallies and often had been sent down into the well of the House in Washington by the majority to orate the views of the administration. But for a federal jurist, political speech making is verboten.

Technically, Richard M. Duncan retired as a federal judge June 30, 1965, but since then has remained as busy trying cases, listening to court arguments, accepting pleas, etc., as any federal judge in the land. Frequently he has been assigned to jurisdictions outside of Missouri in court matters. In California, he presided at the Irvine Trust trial that involved the disposition of $600 million. For the 7th consecutive year, he recently was assigned to Florida duty and will be trying cases in that state from January through April.

In recent years leg trouble has plagued him, but his mind has stayed sharp. He has no intention of quitting the bench as long as he is mentally alert, "even if I have to show up in a wheelchair." His comments in court are sharp and thoughtful and he can be caustic when the situation warrants. Many a young defendant has been given a lecture by Judge Duncan, a lecture which if delivered earlier would have kept him out of trouble and out of court. He has been a strict judge, but a merciful one, particularly for those who didn't have the benefit of early advantages of life.

Along with honesty and integrity, Judge Duncan rates discipline and hard work as the most necessary attributes. He offers a living example himself, and may he long stay with us. We need men like him.

THE SMALL WORLD OF FOOD

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. FRENZEL. Mr. Speaker, last week I inserted into the RECORD an article from the Minneapolis Tribune of October 29 which chronicled some of the factors of the world's food situation. Today, I am inserting the second article of this four-part series by Staff Writer Al McConagha. It covers some of the observations which Secretary of Agriculture Earl Butz has made regarding food supplies, fertilizer shortages, and rising prices. The article, as thought-provoking as the first one, follows:

THE SMALL WORLD OF FOOD: BUTZ' OPINIONS ON FOOD PRICES NOT COMFORTING

(By Al McConagha)

(NOTE.—Food shortages, surpluses, costs and boycotts are in the headlines nearly every day. To find out why food has become a major concern, Staff Correspondent Al McConagha has investigated the relationships of food problems around the world. This is the second of four articles.)

WASHINGTON, D.C.—There goes the Secretary of agriculture, winging all over the country, telling housewives that it is good for the nation to pay higher food prices than it has in the past.

That takes courage and at another time one might joke that Earl L. Butz has the guts of a burglar—or even a plumber. Under the circumstances, however, this might be misunderstood.

So it is enough to report that Butz seems immune to normal fears and goes right on carrying his fell tidings to homemakers whose outrage rises with the price of pot roast.

If the present farm boom appears to have come as quickly as a summer storm, the housewife thinks she is up to her neck in a flash flood of rising costs at the checkout counter.

This is partly a result of bad crops overseas, burgeoning domestic and foreign demand and the U.S. decision to reduce its grain stocks and get into the world market in a big way.

Butz particularly stresses the impact on food prices of general inflation—or the rising cost of everything, including tractor oil, packaging materials and butchers' wages.

To the degree that the price hikes are the result of a changing relationship between demand and supply, they underscore the planet's interdependence for its food.

The world has become so intricately linked that prices in Minneapolis markets can reflect the failure of grain crops in nations thousands of miles away.

At the same time the ability of a Blue Earth County farmer to sell his corn in such distant markets has a bearing on the price paid for gasoline by shoppers in north Minneapolis.

It is widespread lack of recognition of such buy-sell relationships that leads the touring Butz to complain of the "low level of economic intelligence" he finds in the complaints of price-dazed consumers.

"If it has not been for this (export of American farm products) our gasoline would probably cost us 10 or 15 or 20 percent more now if we could get it at all," Butz says.

So he valiantly sallies forth again and again contending "you can't get more for less" and "if there's no profit in agriculture, there won't be any farmers and therefore no food."

BUTZ'S THEME IS UNREGULATED MARKET

But Butz also brings good news. He reports to the farmers that their net income this year will approach $24 billion. This is almost twice the average annual figure for the decade prior to 1969.

Good news or bad, the secretary's prevailing theme is his belief in the unregulated and foreign markets with "some" farm profit.

"You can't convince me a Minnesota livestock dealer walks around a muddy feed lot on a March morning because he likes to associate with the steers. I think he wants a little money out of it."

"Our goal has been for our farmers to get their income in the marketplace and not from the government," the former Purdue University administrator-eductaor added in a recent interview.

He stressed that in the past taxpayers paid nearly $4 billion annually in direct subsidies to farmers and $200 million more each year to store the once seemingly inevitable surplus.

All of that government-stored surplus is now gone—largely because of overseas demand—and Butz predicts that all direct farm subsidies next year will be reduced to $500 million.

Next year, for the first time in 40 years, American farmers will not be paid for not producing a major crop. Some 341 million acres, all the nation's economically productive soil, will be planted.

"This is the first time in 25 years that the government is not in the commodity business," Butz observed, "I don't think it belongs in the commodity business and I want to keep it out."

But adherence to a free market for agricultural production (the new farm law, of course, provides a farm income floor) means rejecting consumer pleas for measures to roll back prices.

"Controls on food were a disaster," Butz tells audiences seeking price ceilings. To those wishing trade embargoes to reduce do-

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mestic prices, he adds, "Controls on exports were a disaster."

In response to consumer demand, a 60-day food price freeze was imposed on July 19. July 27 embargo on foreign sales of soybeans has gradually been lifted with the approach of the harvest.

To Butz (and to many others) America's highly efficient agriculture is its trading strength—the key to the dollar's international value and the means to continue importing.

"The United States used to be a good place to buy steel," Butz said, "It isn't any more. It used to be a good place to buy automobiles. It isn't any more. To buy textiles. It isn't any more.

"It is still a good place to buy farm products. This (export of agricultural commodities) is our best major source of foreign exchange. It should be encouraged, not curtailed.

"The American public has opted to purchase a large number of things abroad. A large share of our small automobiles are made abroad. A large share of our shoes are made abroad.

"We import from a third to a fourth of our total energy and that is going to have to grow. How do we pay for it? Well, last year (Fiscal 1973) we had a net surplus in agricultural balance of trade of $5.5 billion."

FERTILIZER SHORTAGE IS CURRENT CONCERN

The department unofficially predicts farm exports up to $20 billion next year. It thinks good crops overseas will reduce demand the following year but that exports will build back to $18 billion in about three years.

Butz also is quick to observe that exports help the domestic economy, too. The department says up to 5,000 jobs are created to handle each $100 million of grain exports.

Domestically, Butz believes the big food price increase (up 17.8 percent from January through August, according to the consumer price index) is over and he predicts a slight decline for the rest of the year.

"There may be modest increases in prices at retail in 1974 chiefly because distributors will pass through non-food costs that have been going up," the secretary added.

The department's most recent 1973 forecast predicts record harvests of wheat, corn and soybeans. Wheat will be up 12 percent over last year, the second highest harvest in history.

The department foresees material increases in these harvests next year. This is a mathematical projection, however, and assumes adequate supplies despite current concern over a fertilizer shortage.

High food prices are hard on the poor. And critics of Butz and his assault on overseas markets insist that those prices are hardest on the destitute millions of the poorest nations.

Officials in private relief organizations contend that the administration has cut back its humanitarian food programs in an overzealous attempt to reduce the federal budget.

Butz answered, "Some of these people in the relief organizations have gotten to the point where relief becomes the end in itself, where their organization becomes the end in itself.

"We are continuing our humanitarian programs with food. I'm squeezing the water out of it. We are taking a hard look . . . but if they're legitimate (food requests), they're being met.

"It is a question of relative priorities. India, for example, is buying food with her precious foreign exchange reserves. This becomes top priority if you need it. They use it less wastefully and make it go further."

BUTZ: IN LONG RUN, MALTHUS WAS RIGHT

The usual counterargument is that developing countries need capitalization so desperately that using their relatively small cash accumulations for food perpetuates oppressive poverty.

In any case, Butz favors technological foreign aid: "This is one place where the United States can make a contribution; one of the great untapped production reserves is tropical agriculture."

Uncontrolled, profitable, market-oriented agriculture will adequately feed the world for the rest of the century: "We can do it through research," he said. "We can do it through capital."

But the department's well known optimism about food supply, founded largely on having survived many "crises" and years of wrestling with surpluses, is far from open-ended.

"After the year 2,000, population simply must be brought under control," Butz went on. "We can't continue to increase the world population as we are.

"In the long run Malthus was right. There can be no question about it. I think we are approaching the time when many of us are dusting off our copy of Malthus and reviewing what he said."

The Rev. Thomas R. Malthus is the pioneer English economist who predicted that growth of population would some day exceed the supply of food. In 1798, he said:

"Famine seems to the last, the most dreadful resource of nature.

"The power of population is so superior to the power in earth to produce subsistence for man that premature death must in some shape or other visit the human race."

REMARKS ON CURRENT ENERGY CRISIS

HON. DICK SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. SHOUP. Mr. Speaker, I am deeply disturbed by recent events in Washington and their clouding of other vital issues that face our country. I agree that we must encourage thorough investigation of political wrongdoing and let the chips fall where they may. We cannot, however, afford to become so obsessed with these matters that we lose sight of priorities.

We are faced with very serious oil shortages that have been compounded by our position in the Mideast conflict. We can no longer hide our heads in the sand. We must look at this problem and begin now to provide long-term solutions.

The daily consumption of petroleum in the United States is 17,000,000 barrels. This is projected to increase by 7 to 10 percent per year. Oil and gas provide power for 75 percent of our economy and virtually all of our transportation.

I will not quarrel with our actions in the Mideast crisis but must point out the "rewards" we have accrued. Exports to the United States from Saudi Arabia have been cut by 650,000 barrels per day, Libyan oil by 200,000 barrels, Algerian by 165,000 barrels and oil from Abu Dhubi by 40,000 barrels. This totals 1,055,000 barrels daily or 6 percent of our daily consumption.

Repercussions are already being felt. Major airlines have begun to drop flights to save fuel. The administration is reviewing plans for rationing gasoline to motorists. Legislation has been proposed to impose 50 miles per hour speed limits on our hiwhways. Efforts are being made to convert oil and gas burning power-plants to coal. These do not speak well for our petroleum resource situation.

Our increasing dependence on petroleum coupled with decreasing supplies is moving us into an untenable position. Domestic sources now provide us with 75 percent of our petroleum. By 1975 demand will have moved up to 21 million barrels daily nearly half of which we will be importing. There is, of course, no guarantee that foreign suppliers will make this available.

What then are we to do? The Alaska pipeline apparently will become reality. Most optimistic timetables call for a 3-year construction period. At least 600,000 barrels per day will come through that pipeline that first year, about 3 percent of our daily needs and 1,200,000 barrels per day will be pumped for the next 4 years working up to capacity of 2 million barrels after 5 years.

All this is tied to our energy problem and while there are ways in which we can conserve fuels, this is not the answer. We can do a better job of insulating our homes, carpooling, using mass transit and smaller cars but we must also move to alternate sources of energy.

Short term considerations dictate that we move quickly to develop our domestic supplies of natural gas, petroleum and coal. These fossil fuels are in tight supply but we have only touched our offshore potential and are only now dipping into our rich western coal reserves.

When I say short term I do mean exactly that. Oil and gas are very limited and we do have other uses for coal. Coal gasification is getting a good deal of attention and again is probably necessary as a short term measure. There are objections; valid ones. The process converts one type of fuel into another type of fuel at the expense of the ultimate consumer.

More important is the need to conserve gas and coal for the petrochemical industry. Many of the products of this $20 billion a year industry are of vital importance to us. Nitrogen fertilizers are a product of the industry and are already in short supply. We simply cannot afford to expend our fossil fuel reserves on the production of energy alone.

Our energy problems will not solve themselves and there is no magic panacea for these ills. I am convinced, however, that ultimately we must harness both geothermal energy and solar energy or be relegated to second-class status economically and industrially in the community of nations.

Current estimates of geothermal energy percentage of total national electrical power capacity by the year 2000 range from a low of 1 percent to a high of better than 20 percent. The low estimate is predicated on existing technology; that generation equipment now in use in the production of electricity from the heat of the Earth. The high estimates depend on development of closed systems and effective heat exchangers for hot dry rock geothermal areas.

Solar energy can serve to supplement our electrical needs. Dr. Alfred Eggers, assistant director of the National Science Foundation's RANN—Research Applied to National Needs—program appeared before the Interior Committee in June of this year. He told the committee that

work with solar energy space heating systems indicates that they can be less costly than electric heating and competitive with gas and oil in many locations. Goals for the turn of the century are 35 percent of heating and cooling, the energy equivalent of 30 percent of the Nation's gas fuel, 10 percent of the nation's liquid fuel and 20 percent of the nation's electric energy.

All this was predicted in the face of a paltry budget. What could be done with a "put a man on the Moon" budget? Consider that 25 percent of our energy usage goes into the heating and cooling of buildings. Is this not of such significance that we should now be putting forth maximum efforts to harness solar energy for this purpose?

We certainly must pursue the goals of harnessing geothermal and solar energy. Perhaps this Mideast crisis will bring on such an energy crunch that we will all be shaken out of our lethargy and will finally come to the conclusion that there is indeed an energy crisis.

We will only survive as a world leader with adequate energy. The options are now before us. Do we move to utilize clean, infinite energy sources or begin a long trip downhill by sticking with traditional supplies? They have served us well but it is surely time to move in a new direction.

WITH THIS ATTITUDE, WHY A TRIAL?

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. HUNT. Mr. Speaker, the recent report by the National Advisory Commission on Criminal Justice Standards and Goals is an absolute travesty. Early in the year President Nixon laid down some hard ground rules for the direction we should be proceeding in our courts. He vigorously criticized "soft-headed" judges who show their concern for the rights of the convicted rather than those of the victim.

We do not need to travel very far to see leniency on the bench in action. Last week, right in Fairfax County, Va., young Natasha Semler was found murdered. Natasha Semler would probably be alive today if her murderer had not received a clean bill of mental health by psychiatrists, who for the most part are more wrong than right half the time, and an OK by an equally "soft headed" judge. The murderer had already been arrested in the attempted murder of another 14-year-old girl just a couple of years ago, at the same place, the Madeira School in Fairfax County, Va.

I am sick, tired, and outraged every time I have to pick up the paper and read these horror stories. The degree of incompetence shown by the doctors and the judge is truly nonprofessional, in fact, it is repulsive.

If we cannot get these people to abide in a way that is beneficial to the majority of our society, then perhaps we should lay down laws which would incriminate, and hold them responsible for further crimes committed by those whom they have previously sentenced. There is no longer any excuse for any of us to feel remorse for the criminal. He should be locked up and kept locked up, if he has murdered, we can get the death penalty restored.

There is no need any longer to kid ourselves that millions and millions of dollars for rehabilitation programs are going to rid our society of wrongdoers. It is perhaps more appropriate to build more prisons, to accommodate those who are society's misfits.

Mr. Speaker, while our interest and revulsion is still running high over Natasha's violent death, I want to bring the following article, from the Columbus Evening Dispatch to the attention of my colleagues, and pray that each and every one sees it for what it really is. We do not need more tombstones with the names of young persons on them, we need more cell doors, with numbers on them, locked permanently.

The article follows:

EDITORIAL HITS COMMISSION REPORT

It must be startlingly shocking for a crime victim to read of the concern expressed for felons by a National Advisory Commission on Criminal Justice Standards and Goals and then to learn he has been ignored by the $1.75 million report.

The report clashes head-on with recent declaration of President Nixon who is urging a tougher federal criminal code.

Mr. Nixon exclaimed: "The time has come for soft-headed judges and probation officers to show as much concern for the rights of innocent victims of crime as they do for the rights of convicted criminals."

Most criminals should be treated as leniently as possible, asserted the commissioners who apparently never have been victims of a robbery, mugging or theft of valuables.

Prisons, they added, should be reserved for only hard core criminals and many offenders should go free with not more punishment than arrest and trial. We might question: With this attitude, why trial?

If a person works hard, he merits the rewards of his endeavor. Likewise, if he violates the laws governing man, he then merits the punishment demanded by justice.

The permissiveness advocated by the report not only is shocking but dangerous. One of the main reasons for incarceration is to protect society—those who live by the law—from those who respect neither the spirit nor the letter of the law.

We urge the president, the police and judges to continue the pursuit of justice based on the all-important merits. Protection of the potential victims of crime should be tantamount. Criminal reform should not be an unbridled, irresponsible permissiveness.

TRIBUTE TO ABE KOFMAN

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. STARK. Mr. Speaker, on November 8, 1973, I will have the opportunity to pay tribute to one of the most outstanding citizens of California's Eighth Congressional District, Abe Kofman. On that night many of his friends will gather to recognize this man and his good works. Mr. Kofman, a newspaper publisher and loyal Democrat, began his career at age 16 as a publisher's representative in Brockton, Mass. He learned the newspaper business well and in 1939 moved to Alameda, Calif., where he purchased the Times-Star, the newspaper he operates today.

Mr. Kofman has compiled a personal history of accomplishments which command the respect of all who know him. The list is long: California State highway commissioner; past chancellor commander, Knights of Pythias; past president of Oakland Lodge B'nai B'rith; past president, Alameda-Contra Costa Counties, Jewish Welfare Federation; honorary member, Junior Chamber of Commerce of Alameda and San Leandro; recipient of Eagles, National John Peter Zenger Freedom of the Press Award; member of American Bicentennial Commission; recipient of resolution of commendation from the State Assembly for his distinguished public service; member of Elks and Masons.

Winner of distinguished service awards from Japanese-American Citizens League, March of Dimes, Lions Club, Boy Scouts, Girl Scouts, PTA, U.S. Navy, Marines, Coast Guard, United Crusade, U.S. Post Office, Jewish Welfare Federation, Veterans of Foreign Wars, Red Cross, Alameda Boys Club, and Alameda Chamber of Commerce.

He also found time for active participation in citizen politics, and was named alternate delegate to the 1960 Democratic National Convention.

Mr. Kofman and his wife, Sara, have three sons, Morton, Stephen, and Kenneth, and eight grandchildren. Ken and Mort have joined their father in operating the newspaper and Stephen is a successful businessman.

Mr. Kofman takes an active hand in the operation of the Times-Star and has become locally famous for his regular page 1 column, "From My Notebook."

In summary, the description that immediately comes to mind when I think of Abe Kofman is a man of shrewd political wisdom, a tough competitor, a sincere and fair human being. I am proud to call Abe Kofman my friend. I know my colleagues in the House will want to join me in honoring him.

JEAN ERB NAMED WOMAN OF THE YEAR

HON. RON DE LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. de LUGO. Mr. Speaker, in recognition of her exceptional contributions to the St. John's community, Mrs. Jean Erb has been named as Woman of the Year by the Business and Professional Women's Club of St. John, Virgin Islands.

I am pleased to place in the Record an article from the Daily News describing some of Mrs. Erb's many activities which won her this honor. In these times of domestic stress, it is reassuring to learn of the selfless devotion on the part of our citizens such as Mrs. Erb who are contributing so much to our social well-being.

The article follows:

JEAN ERB, ST. JOHN WOMAN OF THE YEAR

The Business & Professional Womens Club of St. John has chosen Mrs. Jean Erb as "Woman Of The Year." Mrs. Erb was selected for this honor in recognition of her personal, voluntary services to the needy, sick, shut-ins, senior citizens and physically-handicapped of the community.

Mrs. Erb was born in Allentown, Pa., and received an education in the field of Social Services, which apparently accounts for her avid interest in social welfare work.

She has been residing at Caneel Bay, St. John, for over seven years, and has been active in making home visits, helping in personal or family crises, helping persons on St. John to get the services offered (Federal & Local) which they need, and to which they are entitled.

She also cooperated with volunteer and other organizations on St. John and government agencies to make their projects successful—such as Glaucoma Drive, Talking Books-Braille, and furnishing transportation to and from the Clinic, etc.

She is associated with the following organizations: Helping Hands, which she organized 3½ years ago; and which has been very helpful to those in need; The League of Women Voters introduced to St. John through her initiative; and the V.I. Conservative Society.

"She has shown interest in all community problems, is always willing to work toward assisting to solve them, and has proven to be very civic-minded.

"In naming Mrs. Erb as "Woman of the Year", the club is expressing to her the community's appreciation for the dedicated public service," a spokesman for the club said.

The club will hold buffet dinner at The Mill at Caneel Bay, on Sunday evening, to honor the "Woman of the Year," and "Woman of Achievement," Mrs. Dolorea Williams.

ON THE ARAB OIL BOYCOTT

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. BINGHAM. Mr. Speaker, as the editorial below eloquently argues, the message of the Arab oil boycott is clear. First it represents a challenge to the United States not to capitulate to blackmail in its support for a beleaguered Israel. Second, and perhaps more telling, the boycott demonstrates the need for this country to become energy independent.

The editorial, which appeared in today's edition of the Wall Street Journal, follows:

TO WHAT END?

The Arab oil boycott is proving to have more immediate impact than many of us expected, as Ray Vicker reports on this page today. The production cutback will mean inconvenience for the United States and quite possibly real suffering for Europe and Japan. Whether it will gain anything for the Arabs, though, is quite another matter.

The Arab world, for all its oil, is a collection of poor and backward states. The United States remains the strongest nation on earth, dependent on the Middle East for just a small fraction of its lush energy consumption. Do the Arabs really believe they can dictate American foreign policy? Do they believe there is any sort of boycott that would force the United States to stand aside as Israel is thrown into the sea, with all the memories of Auschwitz and Buchenwald that would evoke? And if not this, precisely what is the boycott supposed to accomplish?

The good offices of the United States have all along been available, after all, for a compromise settlement to the Arab-Israeli dispute. No doubt the oil weapon gives the Arabs more diplomatic leverage in shaping any compromise, but this works only so far. When Arabs terrorize airliners and shoot up the Olympics it can be dismissed as an act of an irrational fringe, but it is not so easy for the world to excuse the heads of government who gather to decide to punish the citizens of Europe and Japan in the hope of winning concessions from the United States. Unless the Arabs are going to mortgage their souls to the Soviet Union, they need a certain amount of help, cooperation and goodwill from Europe and Japan.

If this showdown had to come, as we said previously, it is just as well it comes now, before the United States is heavily dependent on Middle Eastern oil. We still fail to see any reason the United States cannot weather the crisis, though it has to find the cohesion for planning and the will to suffer inconveniences. But it is worth inconvenience to maintain the ability to resist unreasonable demands in foreign policy.

Perhaps Secretary of State Kissinger will be able to work his negotiator's magic on his current Middle Eastern trip, and the crisis can somehow be resolved. The Arabs are smart enough to recognize the limits to their current policy. We suspect that many of the oil producers would like to return to business as normal, though of course with higher prices. As the latest round of emotionalism subsides, their economic interests will prevail.

But for the longer term, the message of the boycott is clear enough. The United States has to get started with fuel conservation and further energy development, which of necessity will concentrate on the development of its vast coal reserves. If we wish to remain an independent power in the world, dependence on Arab oil is a luxury we cannot afford.

THE LANSCO CORP.

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. MURPHY of New York. Mr. Speaker, one of the major problems facing New York City and other large urban centers in our Nation today is the battle to retain large businesses and leading corporations in those communities.

Indeed, the survival of the cities is dependent in large measure on those corporations staying in those cities. They are the root of the cities' economy; they mean jobs; they mean tax revenues; and they mean stabilization.

In light of this situation, one commercial leasing company, the Lansco Corp., has been making innovative moves to keep corporations in the cities, by striving for harmony between building owners and their corporate tenants.

The Lansco Corp., a New York-based firm, has taken surveys among both owners and tenants to determine exactly the special needs of each group. In negotiating leases, they have used this information to conclude leases that are satisfactory to both.

With the premise in mind that neither owner nor tenant can live happily in the cities without the other, Lansco has pressed in their negotiations to make both sides happy. They have pointed out to their tenant clients that owners are faced with rising expenses that must be taken into consideration by the firms moving into their buildings.

Likewise, they have spelled out to owners that tenants have rights that must be respected and that tenant demands for proper elevator service, air conditioning, and good building maintenance are not exaggerated requests.

They have called upon suburban leaders to recognize that the future of their own communities are dependent on the future of the large cities—that if the cities fail, then so will the economy of the suburbs surrounding those cities.

They have striven in their negotiations to persuade a tenant's attorney and broker to work together, rather than against each other which, too often, has been the case in the past.

They have produced in New York City a give-and-take atmosphere in working to reach agreement in leases.

The leases—both long and short term—that they have negotiated show that their system of compromise has worked. By letting both owners and tenants know there are two sides to every story and every coin, they have made an important contribution to the effort to keep corporations based in New York under happy circumstances—happy to both the building owner and to the corporate tenant who have signed the lease. I think the Lansco Corp. should be commended for its spirit of seeking equity in their business to all parties concerned in their transactions.

MRS. FRANK W. BOYD

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. SEBELIUS. Mr. Speaker, last week my good friend and colleague, the Honorable GARNER E. SHRIVER, placed in the RECORD a tribute to Mrs. Mamie Alexander Boyd. Congressman SHRIVER correctly and eloquently described Mrs. Boyd as the "patron saint" or perhaps the "matriarch" of Kansas and commended to the attention of my colleagues three editorial tributes to her memory.

I should like to join my colleague in paying tribute to "Mamie" with an article written by her son, McDill "Huck" Boyd. Mr. Boyd writes about the life of his mother in a manner that I feel has meaning for all of us. The following article is a modest account of the life of the most widely known and loved woman in Kansas during the past century:

[From the Jewell County Record and the Phillipsburg County Review, October 18, 1973]

MRS. FRANK W. BOYD

After 96 years on this earth, a bright spirit flickered out early Monday morning, Oct. 15, when Mrs. Frank W. "Mamie" Boyd died quietly in her sleep.

She had entered St. Joseph's hospital in Concordia three weeks earlier following a congestive heart attack, and while her strength had gradually ebbed away, she had remained alert. Sunday, she enjoyed visiting

family and friends, and sat up in a chair in her hospital room for a brief period Sunday night. As I said good night long after visiting hours, a soft smile crossed her face. Three hours later she slipped away.

Mamie Alexander Boyd, daughter of Joseph and Hester Alexander, was born on a farm near Humboldt, Kan., Dec. 13, 1876. Most of her girlhood was spent on a farm near Welda, and she worked for her board and room to go to school in Garnett. She soon earned a teacher's certificate; then sold her heifer calf for $17.50, found a job at Manhattan and enrolled at Kansas State Agricultural College.

There she met Frank W. Boyd, who was also working his way through college in the printing office, and they started "keeping company." In caring for a roommate, who died of consumption, Mamie contracted the disease herself, and following graduation in 1902, went to Colorado to recuperate. Mr. Boyd finally convinced her she could get well just as fast in Phillipsburg, where he had entered the newspaper business in 1904, and they were married Aug. 15, 1905.

To this union, two sons were born: McDill and F. W. Boyd, Jr. As they matured in newspaper surroundings, both entered the family partnership, one which has been continued throughout the intervening years. It was first broken in 1947 when F. W. Boyd, Sr., passed away; and again July 15, 1972, upon the death of F. W. Boyd, Jr.

And Mamie Boyd was an active partner. When her first-born was old enough to trundle around in a baby buggy, she was "gathering news"—and throughout her long and active life, "made her rounds", wrote her columns, and won wide acclaim as one of the best-known newspaperwomen of her generation.

Her awards are legion. Her activities are legendary, but I will remember her best for her sincere interest in people and her pride in her family.

Before I was old enough to go to school, she was teaching girls how to cook and to sew in a volunteer class that met in her home after school. She simply felt that every girl should have some homemaking skills, and no such courses were offered in high school at that time. "Wayward girls" on parole, found a "half-way house" in the Boyd home.

As the family grew, the front yard was cluttered with jumping standards and pits. Neighborhood boys were welcome. When the weather was inclement, our front room carpet was available to marble players; and the big couch in the corner was pressed into service for fledgling football players learning to block. The fringe on the carpet and the frame of the couch paid a fearful penalty, but kids had a warm welcome.

When it was basketball tournament time, Mamie "kept" a team, putting pallets on the floor. When it was game time for the Sunday School basketball team, the big old 7-passenger Paige would accommodate them all.

When World War I came along, Mamie organized a Red Cross knitting class, and for many years afterwards, her nimble fingers were seldom still—making garments to give away. When one of the ladies of the community who "took in" washing for a living became ill, I was pressed into service to pump water from the cistern. Mother did the washing for her so she wouldn't lose her customers.

She really cared about people.

She organized one of the first study clubs in Phillipsburg; was president of the first BPW club when it sponsored the first city library and was a member of the Library Board for many years. She was a member of the first State Crippled Children's commission; and a charter member of the first Tuberculosis Association in Kansas.

She did things for people.

In 1927, when I was in college, two Phillipsburg banks "went broke" within a single week. I hitchhiked home to see how much damage had been done to the family fortuntes. Dad said "don't worry about it. We'll get along"; and Mother said: "We want you to stay in school." Pressed for a more definite answer, she admitted that between the two of them, they had $6.30—so I stayed home.

Everything had gone down the drain. It was necessary to let the printers go. There was no money to pay wages. Dad set the ads, I set the type, Mother got the news, and between us, we got the paper out, with an assist from brother Bus, who was still in high school.

Throughout all of this distressing financial period, there was never a word of complaint, of discontent. Mother was just happy to be working and to have the family together. When Bus and I were married, we were fortunate to choose girls who fit into this mold, and they became capable newspaper people in their own right.

In 1939, the newspaper operation expanded and F. W. Boyd, Jr., became editor of the Jewell County Record at Mankato. When he joined the Navy, Mr. and Mrs. Frank Boyd assumed management and Mrs. Boyd was associate editor from 1947 until her death and wrote a widely quoted column, "Mainstreet." She was active in chamber of commerce work, a member of the Modern Minerva club and an honorary member of the junior Clio club, V.F.W. Auxiliary, American Legion Auxiliary, D.A.R. and Daughters of the War of 1812.

Mother's most difficult period of adjustment came following the death of her lifelong companion. "Work and travel were my only salvation" she wrote in her autobiography, published in book form when she was 95. But her philosophy was strengthened and she was able to survive the heartbreak of the death of her younger son 15 months ago with surprising inner strength.

Since that time, Mrs. F. W. Boyd, Jr., has edited the Record. Bob Boyd and Jim Logback edit the Hill City Times, Dick Boyd edits the Norton Daily Telegram.

Mother continued to drive her little car, "Pepper" until February of this year, when concern for her safety was voiced by the highway patrol. She was called upon to take a driver's license examination. Her eyesight was failing, and the examiner, with reluctance, decided that it was time for her to surrender her license. She shrunk back: "That will be the end of me," she said, and he relented: "I'll let you keep your license, but you must have a qualified driver in the seat by you at all times."

She was content. She still had her license. But she was smart, too, and never again sat behind the wheel of her little car. She continued her work at the Jewell County Record office, answering the phone, writing copy, taking subscriptions, up until the final day before her hospitalization when she attended the K-State football game at Manhattan.

An avid, sports fan, she had held an honorary chair in "football surveillance" in the President's box at the K-State stadium for 20 years, and a special seat on the floor of the fieldhouse for basketball games. She had been an inadvertent TV star during sports broadcasts time and time again, as the "little lady" caught the roving eye of a camera.

As awards and recognition came her way, she retained a basic humility. She had walked with the mighty; she had worked with the poor, and "had learned as much from one as from the other." She had always regarded herself an "ugly duckling", a throwback to the days when she was known among schoolmates as "Alexander, the mule skinner." When people heaped praise upon her for accomplishments, she would respond: "I've just lived longer than most."

Along the way, she was president of the Women's Kansas Day Club; president of the Native Daughters of Kansas; president of the Kansas Authors' Club; organizer and first president of the Kansas Press Women; first woman president of the Kansas State Alumni Association; and editor of the "Kansas Presswoman" and "National Presswoman."

She was chosen "Kansan of the Year" in 1959; Boyd Hall, a women's dormitory at K-State was named in her honor in 1960. She was presented the distinguished service award in journalism at K-State in 1957; and won the William Allen White Award for Journalistic Merit in 1967. In 1966, she was the first recipient of the Emma C. McKinney award, given annually to the most outstanding woman journalist among non-metropolitan newspapers by the National Newspaper Association. In 1968, she was named "Woman of Achievement" by the National Presswomen's Association. She was named "Kansas Mother of the Year" in 1965.

At 92, she won first place in column writing (Division 3) in the Kansas Better Newspaper contest; and at 95 she published her book: "Rode A Heifer Calf Through College," an achievement given special recognition with a bronze plaque at the annual meeting of the Kansas Authors' Club held a week before her death.

She was a member of state advisory boards and commissions under five state administrations—Kansas State Park Board; State Textbook Commission; State Advisory Commission on Institutional Management; and Committee on Status of Women.

She was a member of the Phillipsburg Presbyterian church, Cultus, Domestic Science and B.P.W. clubs, organizer and first president of chapter BE of P.E.O.; past president Sixth District Kansas Federation of Women's Clubs; past president of the Northwest Kansas Association of University Women; and one of three winners of gold medallions for 50 years of newspaper service, presented by Theta Sigma Phi, honorary journalism society for women.

The list is virtually endless, carrying out the theme of her life, as best described in the creed of the White Horse Knight, which hangs on the wall of her office:

"I shall pass this way but once. Therefore any good deed that I can do, or any kindness that I can show to any human being, let me do it now, and not defer it for I shall not pass this way again."

Let that be her epitaph. The world was just a little bit better because she was here.

She is survived by her son, McDill and his wife, Marie of Phillipsburg; their two daughters, Mrs. Patricia Hiss of Albuquerque, N. Mex., and Mrs. Marcia Krauss of Grand Junction, Colo., and their families; her daughter-in-law, Mrs. F. W. Boyd, Jr., of Mankato and her family: Robert A. Boyd, Hill City; Richard D. Boyd, Norton; Mrs. Frances Logback, Hill City, and their families and Betty Boyd, Silver Spring, Md., and 12 great grandchildren; two sisters, Mrs. Winifred Smies, Courtland; and Mrs. Howard George, McCune, Kans.

Memorial services will be conducted at the Methodist church in Mankato at 10:30 Thursday morning and at the Presbyterian church in Phillipsburg at 2:30 Thursday afternoon. Interment will be at Fairview Cemetery in the family plot.

THE TALK OF IMPEACHMENT IS UNFORTUNATE

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. WYLIE. Mr. Speaker, the impression is widespread that all segments of the news media are calling for the resignation or impeachment of the President. On October 23, the radio station

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with the largest listening audience in my district—WTVN—aired an editorial which I commend to my colleagues.

THE TALK OF IMPEACHMENT IS UNFORTUNATE

President Nixon's weekend decisions on Archibald Cox and William Ruckelshaus came as another surprise chapter in the endless story begun with the now-infamous Watergate breakin.

Now, talk of impeaching President Nixon has sprung up in Congress, mostly from its liberal members. All of this talk is unfortunate.

Impeachment is considered when Congress suspects the President, as the Constitution puts it, "of high crimes and misdemeanors." We believe at this time that a move toward impeachment proceedings against President Nixon would be a grave mistake. Whether or not you agree with what the President did this past weekend, he had every right to do it.

It is now up to Congress and the courts to proceed with their duties in the Watergate affair in an intelligent manner and with foresight to their responsibilities.

FINAL RESULTS OF THE 1973 BAKER OPINION POLL

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. BAKER. Mr. Speaker, with the help of many volunteers, my staff and I have been able to complete the tabulation of the opinion poll mailed to my constituents earlier this year. I respectfully direct the attention of my colleagues to the position of the residents of the Third District of Tennessee have taken on a wide-ranging selection of major issues including food stamps for strikers, mandatory wage and price controls, aid to North Vietnam, amnesty, the death penalty, impoundment of funds, right to work, increase in taxes, and other issues.

I think that they will find it significant, as I have, that there are overwhelming majorities against food stamps for strikers, aid to North Vietnam, amnesty for draft evaders, and a tax increase to keep Federal programs alive.

Third District voters are just as strong in their views for selectively reinstating the death penalty, for protecting the legal right to work, and for asking newsmen to reveal their sources under certain circumstances.

On the question of return to mandatory wage and price controls, the vote was 56 percent in favor and 44 percent opposed. On whether the Watergate issue is a reflection on the integrity of the President, 55 percent voted "yes" with 45 percent registering "no." The votes were evenly divided on whether a disaster fund should be established by placing a surcharge on casualty insurance premiums—49 percent voted "yes"; 51 percent "no." The vote on the question of fairness in the news media shows that only 33 percent feel that newspapers and TV fairly represent all sides on most news issues.

Mr. Speaker, I am grateful for the response to my 1973 opinion poll questionnaire. These expressions of opinion are not only helpful to me in my consideration of these issues, but they are also helpful to those whose business it is to check the barometers of public opinion. I insert the final results of this poll at this point in the RECORD. The questions and the yes-and-no percentages on each of them follow:

FINAL RESULTS OF LAMAR BAKER OPINION POLL QUESTIONNAIRE FOR 1973

[All in percent]

1. Should strikers be eligible to receive food stamps?

Yes	20
No	80

2. Should we return to mandatory wage and price controls on all goods and services?

Yes	56
No	44

3. Would you favor U.S. assistance in rebuilding North Vietnam?

Yes	10
No	90

4. Would you support establishing some conditions whereby amnesty could be extended to draft evaders?

Yes	18
No	82

5. Should the death penalty be selectively reinstated?

Yes	86
No	14

6. Do you consider the Watergate incident a reflection on the President's integrity?

Yes	55
No	45

7. Would you favor establishing a disaster fund financed by a surcharge on casualty insurance premiums plus a federal contribution?

Yes	49
No	51

8. Should a newsman be required to reveal the sources of his published statements where slander is involved?

Yes	65
No	35

9. Do you consider newspapers and TV as fairly representing all sides of most news issues?

Yes	33
No	67

10. Should a non-union worker have a legal right to work on a job even though a majority of the workers have voted for a closed shop?

Yes	67
No	33

11. President Nixon has withheld funds which might terminate a number of federal social service programs. Do you approve of this action?

Yes	71
No	29

12. Would you be willing to pay more taxes to keep all our federal programs intact without increasing the federal deficit?

Yes	13
No	87

FRANK MENSEL DISCUSSES "PERSONNEL—THE AWAKENING CAMPUS PRIORITY"

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. O'HARA. Mr. Speaker, a well-known spokesman for higher education, R. Frank Mensel, recently has taken on a new challenge. Many of us in Congress came to know him in the 5 years that he ably headed Federal liaison for the 2-year colleges, in his capacity as vice president for governmental affairs of the American Association of Community & Junior Colleges, and in his equally vital role as president of the Committee for Full Funding.

Mr. Mensel now is the executive director of the College & University Personnel Association—CUPA. In a recent address to the annual meeting of CUPA in Knoxville, Tenn., he explained that he has taken on this challenge out of his conviction that personnel decisions and personnel standards will be increasingly vital to the progress of higher education. He voices the concern that personnel development could well be a key to some of the difficulties confronting higher education today. Faculty alone is not the answer to the colleges' leadership needs. By greater emphasis on personnel and management functions, on manpower planning and staff development, the colleges can improve their capacity to deal with new and changing needs. I insert Mr. Mensel's remarks in the RECORD:

A NEWCOMER HOOKS AT CUPA

(By R. Frank Mensel, Executive Director, CUPA)

At this point, barely three months into the job, I am still more an outsider than an insider to CUPA. This convention has been my first opportunity to meet a broad cross-section of the constituency—outside the Board itself. The plunge is proving delightful and enlightening indeed!

I want to get my early impressions on the record for several reasons: for review and comparison later on—after I've gotten much deeper into what I hope will be a long and productive affiliation. A sort of taking of stock—of things as I see them at the point of just having landed in the middle.

I have seen educational enterprise from many sides. From a university public relations unit that was then based right in the President's suite. From a working seat among the performing arts. From Capitol Hill, and most recently, from the lobbyist's role with a great association of colleges.

One of my lasting impressions of the enterprise is that we as educators—like the insiders of most large and rather in-bred vested interests—have a hard time viewing ourselves as outsiders see us. So I want to make a conscious effort to keep a larger perspective, and hopefully to see our work as the grassroots and the public might see us.

Hopefully, these early impressions will also give us some targets. Things we can all be shooting at. And please feel free to take some shots at me. I very much need your help in directing and redirecting our efforts.

I took this job early out of the desire to contribute to a cause I think has massive potential for higher education.

I took this job because I believe the personnel function looms increasingly large to the future and the progress of higher education. And, I am tempted to say—to its survival.

I see two great dimensions to the expansion of your role. The one probably giving you the most pressure right now centers on federal standards. Right? The individual safeguards that were bound one day to flow from constitutional roots.

As you sweat these standards through in your own shops, I hope you can see and grasp the added measure of stature they give your function. Suddenly you emerge—or should emerge—as the resident expert on affirmative action, equal pay, labor relations, human rights, safety and health standards.

The second dimension I see as still larger

. . . the function of adviser and broker (I use the word advisedly) of human resources.

In all the progress, technology and complexity that the campus has helped to generate, the operation itself grows more and more complicated. The college must search harder for identity and mission. It must start with a complete rundown of its own resources. Above all else, that means the human resources I don't mean faculty alone. And I don't mean faculty first, and staff second.

I wish I had time to tell you how much I think higher education has hurt itself historically by such a double standard, or internal caste system. I only think that you—at least some of you—have hurt yourselves by accepting that system. The human resource managers, the personnel leadership, should be the last to accept it. And any who accept it now are, I feel, a party to further institutional crisis and possible decline.

I hope each of us can take a more global view of our work, and develop an understanding of just how much our campus and the community need our human resources leadership.

These are the most troubled days higher education has faced in a long time.

Many of its problems—perhaps nearly all—trace in whole or in part to staffing needs, or management gaps. Some of the problems could be less acute, others might never have arisen, if the institutions had given more attention to staff selection and development, and to organization and management. Challenges and crises crowding our schools today that might have been blunted by better manpower planning and staffing include, to name a few—

Community relations and student tension (image or credibility gaps).

Budget squeezes (the support gaps).

Faculty unrest and unionization.

Compliance pressures on federal standards, including affirmative action, equal pay, safety and health.

My list is hardly inclusive. Each of you could add a score of your own problems. Each of you ought to have such a list, and you ought to ponder very carefully the personnel needed to handle each problem.

It is my conviction that, solicited or unsolicited, you should be running personnel projections on some of these obvious needs for your administration. Perhaps it's the purist instincts of the profession, but I think educators often think they should wait to be asked to do a job that obviously belongs in their hands.

If the personnel administrators would fly in the face of some of the campus drift they see around them, they would win peer rank in the system, and achieve the recognition long overdue for our function, far faster than we ever will by turning out scholarly publications.

One of the ironies I bump into all too often in higher education is that tendency, when thinking of development, to think first of outside resources. Of federal grants. Or contracts with industry. Or alumni gifts. Or foundations.

The first and foremost resource of any college—always has been and always will be—is its own people. The human resources! And I mean the total manpower—staff, faculty, and administration. When the institution builds a development plan, or thinks of new projects, that is the first ingredient it should catalog.

And you, the personnel administrator, should be front and center with that contribution.

A related tendency that often hurts higher education is that of waiting to reshape programs, or offer new services, until new resources are first in hand. You can spot it when someone says, "we could do that, *if* we just had a grant." On most campuses there is not enough concerted effort to spell out and map out the service mission of the institution, then fix goals, priorities, and deadlines.

We wait on outside gifts to start something important. If the priority is high, then we ought to drop lesser priorities, and restructure resources in-house to make it go. Staff development might be such a priority.

Surely you can help build the priority-making and decision-making processes in your institution. As I've already stressed, we can't afford to have our institutions take us for granted. More important, *they* can't afford it.

Please understand I am not unaware of some of the booby-traps in these ideas. There will be those who will resent our filling vacuums—though they would never raise a hand to fill them. And we may bump heads in a few places, or step on a corn now and then.

We can help each other. That's why we're here.

It bothers me that CUPA's membership is as small as it is. Not because I shrink at the building job ahead. But because again it may be symptomatic of self-image—of attitudes.

If only every other institution and its personnel staff belong to the primary national network in the campus personnel field, then at least some personnel leaders must still be asking themselves, "Does the personnel function have—do I have—a place in national affairs?" My answer, and yours, is an emphatic yes.

One target then is more converts. Membership growth, and service growth, can only go hand in hand. A couple of yardsticks come quickly to mind.

With some 1,200 two-year colleges flourishing in the land, why do only 105 belong to CUPA? If there ever was and is an institution where the staffing development, the human resources . . . the personnel function . . . is the very soul of the operation, it is the community college.

If a service like the College Entrance Examination Board, whose leadership and program I incidentally very much admire, yet whose work focuses essentially on student standards and testing functions, can enroll some 1,800 institutional members, then surely the personnel leadership can do at least as well.

My personal goal for 1975–76 is 1,500 members. We're pushing 900 right now as against 833 last year. As we move to 1,500 and on to 2,000, we'll more than double our present staff. Triple it in fact. And we'll then have our own in-house faculty on some of the pressures that pinch us most—labor relations; federal standards; new legislation, etc.

A tiny crew of four in the Washington office can't make the push alone. I think every State ought to have a CUPA chapter. I don't say this idly. To help, I would like to get every State in the span of the next two years. In other words, I will try to respond to every invitation that offers a gathering of your personnel leadership—whether it be the annual meeting of a chapter, a meeting to form a chapter, or simply some annual social, luncheon or dinner that draws our clan together.

I believe it is as much in the interest of your own communications, and professional development, as in the interest of CUPA growth, that you promote such gatherings.

Some of our friends in the Pacific Northwest are pushing the idea of a new CUPA region there, and we will give them all the help we can.

Not only do we want to gear this annual International Conference more heavily to issues, work, and expert people; I want to encourage the same thrust in the regional meetings. I think we can be a resource to you in these programs. Certainly that is one of our functions as a Washington base. We'll track the best talent available, if you simply ask us to help.

I can't tell you entirely where or how far we'll go with our seminar series. I just don't think a tiny staff can quite carry all the pieces (faculty, materials, promotion, etc.) of 24 seminars in one season—but that's the camel we're riding right now. Of course, in some, the registration may not prove sufficient to do them at all. But I'll tell you this—we'll go just as far as your needs demand.

Your board is taking a strong interest in some new directions. We'd like to be more flexible in our seminar programming, and try perhaps some variations like these:

The present three-day format for the intensive, in-depth seminars compressed into two days. Maybe start Sunday night, informally, as we do now, then go hard Monday and Tuesday rather than stretch through Monday, Tuesday and Wednesday.

Intensive, single-issue, one-day seminars, at a much lower fee. Drive-in seminars, so to speak—likely geared chiefly to state or metropolitan groups. Of course, this kind of treatment might also be adaptable to the regional meetings.

I see these largely as custom workshops that in effect *you* design. You call us and tell us what's worrying your group—and we bring you the best experts in the land on that problem.

Incidentally, your responses to our recent membership needs survey clearly show that the one-day shot, the drive-in workshop is something a lot of you would like us to try.

There's another workshop we want to try this year. And your Board has given us the green-light. It will be a national workshop, hopefully next spring—on federal standards and national trends.

It would be a two-day, or two-and-a-half day affair. The panels would run in depth, and would be repeated, so that you as audience can rotate to cover your key concerns. The panels would give you a direct crack at the highest authorities in the land in these critical areas—equal pay, affirmative action, safety and health, unemployment compensation, manpower planning, impending legislation.

We can do it for a modest registration, perhaps $50. And that would include two luncheons. We can do it because we would expect a substantial turnout, and also because many of our experts are right there in the federal agencies. You could bring along some of your top administrators who badly need schooling on these issues.

There are other development possibilities the Board, and the Long-Range Planning Committee, want to look at.

We hope foundation help can be found to help CUPA build a personnel development institute, to tackle the broad staff development challenges we've talked about.

Such an institute potentially could evolve into several centers. One perhaps in Washington, D.C. focusing on the national goals and the national standards impacting institutions. Another geared to the special staffing problems and training needs of senior colleges. Another keyed to the needs of community colleges. They could build intensive one- and two-week courses for renewal and improvement of personnel officers and other professional staff.

The Board likes, too, the idea of a CUPA National Advisory Council, to help the Association develop projects of this kind, and to help bring the management strength of industry and the community to bear on campus problems.

We need to explore thoroughly the Intergovernmental Personnel Act. Campus leaders hardly begin to participate as broadly as they should in the kinds of personnel exchanges that offer management experience in another setting. This great Act is intended to foster just such professional growth.

These are just a few of the prospects and the challenges we want to close ranks with you in pursuing. We can't let personnel play a back-seat role—and still meet the tests that now confront higher education. The possibilities ahead are great. That goes for

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all of us. Give us your ideas. I think you can see that I am excited at the prospects, and happy to be on board.

AN EDUCATOR'S VIEW OF FEDERAL EDUCATIONAL ASSISTANCE

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. HUBER. Mr. Speaker, recently in the mail, I received a pamphlet from the National Advisory Council on Supplementary Centers and Services entitled "Innovative Education Practices." This booklet lists a number of projects that have been developed under the auspices of title III of the Elementary and Secondary Education Act of 1965. Since the House Education and Labor Committee, on which I serve, is presently marking up the bill to extend this program, I thought it would be worthwhile to bring to the attention of my colleagues some of the activities that are being supported by the Federal tax dollar.

After one has seen what some of these projects are, one is inclined to wonder what will be gained by the further Federal financing of elementary and secondary education. Senator GEORGE McGOVERN recently sent me a critique on Federal educational assistance prepared by T. C. Tollefson, director of secondary education, Sioux Falls Independent School District, Sioux Falls, S. Dak. Although Mr. Tollefson believes in Federal funding on a much larger scale—a point with which I disagree—he also believes, as do I, that the thrust of Federal funding must be drastically altered to be effective. Mr. Tollefson, in his study, asks, "Who has benefited from Federal funding; that is, of education—during the past 14 years?" His answers are worth noting. As Mr. Tollefson puts it, those who have gained the most are those who were added to the payrolls of HEW, universities, colleges, and school systems to write, review, and evaluate proposals; teachers who received subsidized education; those who were added to the payrolls of school districts as aides, extra teachers, clerks; those who worked on summer projects generated by Federal funds; science and language laboratory furniture companies and many others who are enumerated in the article that follows.

Mr. Tollefson then presents his ideas on the best solution to ESEA funding. Since the first part of his report, however, raises some excellent points about what has already transpired with Federal funding, I would like to insert it in the RECORD for the serious consideration of my colleagues. This, together with the listing of some various ESEA title III programs certainly must give one pause as to the benefits of extending this legislation:

A CRITIQUE OF 14 YEARS OF FEDERAL FUNDING FOR ELEMENTARY AND SECONDARY SCHOOLS AND A PROPOSAL FOR AN IMPROVED METHOD OF FUNDING

The title of this piece and what follows should not be interpreted as a diatribe against Federal funding. I believe in Federal funding at a much larger scale than is now, or has been, practiced; but I also believe the thrust of Federal funding needs to be altered drastically to be effective.

I wish in no way to detract from the many fine Federally funded projects that have been executed, but it is important to remember that the results of these projects have not entered the educational mainstream.

Since 1959 the Federal government has helped fund elementary and secondary education.

A. Because of certain historic events, legislation was enacted to improve the teaching of science, mathematics, and modern foreign languages.

B. Later legislation was enacted to provide funds for teaching "disadvantaged" children, both those in school and those not yet of traditional school age.

C. Funds were made available to improve libraries and classroom materials and equipment in certain academic areas.

D. More funding was made available for "innovative" projects and to help State Departments of Education hire additional staff to provide more "services" and to help decide which "innovative" proposals to fund.

E. More recently, the Congress has provided funds for such diverse areas as:

1. Guidance.
2. Handicapped.
3. Career education.
4. "Drug" education.
5. Humanities.
6. Etc., etc.

WHAT HAVE THESE FUNDINGS ACCOMPLISHED?

Do research data exist that demonstrate on a large scale:

A. Improved teaching?

B. Improved learning?

C. A more intelligent, humane, and informed citizenry?

D. More interest and higher achievement in science, mathematics, or foreign languages?

E. More "innovative" approaches to teaching and learning throughout the U.S.?

F. More attention to individual differences, especially to very talented, highly motivated and extremely intelligent young people?

G. A shift in teacher orientation from a "teaching" role toward a "management" and/or "facilitator" role.

What improvements have been generated by fourteen years of accelerated Federal funding? What changes are evident? If 1,000 randomly selected teachers in 1959 had been carefully observed for a period of one week and then observed again in 1973, is anyone willing to argue that the 1973 reports would show significant improvements of the 1959 reports?

There have been changes during the past fourteen years that are observable, measureable, and widespread:

A. There is an increase of audio-visual materials and equipment.

B. There are more books in libraries.

C. There are more and updated maps and globes.

D. There is more science equipment and furniture.

E. There are more language laboratories and accompanying soft ware.

F. There are many schools with fewer walls and more carpet.

G. More teachers have Masters degrees and Masters plus 30, especially in science, mathematics, and foreign languages.

H. More university and college professors receive a portion of their salaries from Federal funds, especially those in science, mathematics, and foreign languages.

I. Many new jobs have been generated:

1. In HEW.
2. In regional offices.
3. In State Departments of Education.
4. In universities and colleges.
5. In school districts.

These new jobs usually cluster around three major thrusts:

1. Writing proposals.
2. Reading proposals.
3. Evaluating proposals.

J. There are more paraprofessionals (aides).

K. There are more guidance counselors.

WHO HAS BENEFITTED FROM FEDERAL FUNDING DURING THE PAST 14 YEARS?

A. Science and language laboratory furniture companies.

B. Science equipment compainies.

C. Audio-Visual companies, in both hard and soft ware.

D. Map and globe companies.

E. Book publishers.

F. Teachers who received subsidized education.

G. Those who were added to the payrolls of H.E.W., universities and colleges, and school systems to write, review, and evaluate proposals.

H. Those who were added to payrolls of school districts as aides, extra teachers, clerks, and those who worked on summer projects generated by Federal funds.

I. Even though schools are in existence for one purpose—to educate young people to the limit of their potentials, one is hard pressed (some say it is impossible) to demonstrate any *lasting* benefits to students because of Federal funding of elementary and secondary education.

WHERE DID WE GO WRONG?

A. Nothing has been done to radically change the curriculum! The same basic content is taught in 1973 that was taught in 1959 (or perhaps 1949, or even 1939).

B. The "teaching" process is basically unchanged from 1959?

C. Pre-service teacher education, for the most part, still operates in the isolation of departments of education.

D. A secondary school student still chooses from a "menu" of from between 60–400 courses, depending on the size of his school. His education is fragmented.

E. For the most part the student is forced into a "book" oriented process and an atmosphere of "middle class" values.

F. Foreign language enrollments are dropping.

G. Fewer students choose science electives than in 1959.

I submit we went wrong when the assumption was made that more books, more hardware, more soft ware, and more semester hours for teachers would improve education.

"INNOVATIVE EDUCATION PRACTICES"—A GUIDE TO ESEA TITLE III PROGRAMS

DEVELOPING CURRICULA FOR EDUCATION OF YOUTH IN MEETING MODERN PROBLEMS—THE CONSTRUCTIVE CONTROL OF AGGRESSIVE BEHAVIOR

The basic objective of the project was to prepare curricular materials that would assist students to develop a process for determining social and human values and to develop attitudes involved in the constructive control of aggressive behavior. Meaningful attitudinal and behavioral objectives were developed at each level and the project staff was to prepare a sequence of learning experiences designed to achieve these objectives. The curriculum dealt with the nature of frustrations, procedures for constructively resolving them, and the process of making decisions in terms of effects of various courses of action on human development. As the curriculum was developed, it was tried in the classroom, tested for effectiveness and revised on the basis of the results of the testing. Grade level: 1–12. John R. Rowe, Coordinator; 16600 Hilliard Road, Lakewood, Ohio 44107; (216 579–4267). No. 102

DECISION MAKING THROUGH INQUIRY

This project placed emphasis on teaching students to utilize skills of inquiry in the social studies. Teaching units prepared by the project staff provided vehicles such as role-playing; simulation games; pictorial, site, and artifact analysis; and data gathering for implementing inquiry skills. Pilot

centers for the evaluation of social studies instruction were organized and workshop sessions were conducted to improve effectiveness in the use of procedures and resources. The interest and enthusiasm of outside resource personnel were encouraged to further supplement and enrich the program. Director; Carrcroft Elementary School, Grade level: 1–6. Lucille K. Sherman, Project Mount Pleasant School District, Wilmington, Delaware 19803; (302 762–6110x217). No. 85

A COUNTY TRAINING PROGRAM IN BEHAVIOR MODIFICATION

This project offers training in behavior modification techniques to teachers, other professional staff members, paraprofessionals, and parents. The approach is based on the assumption that behavior is learned as a function of its consequences. If these consequences are restructured, students will change self-defeating behaviors and learn productive ones. Training is carried out through inservice workshops which combine lectures, task group activities, role-playing, and videotape demonstrations. Trainees learn basic reinforcement principles, specific applications, criteria for devising and evaluating interventions, and tools for analyzing their own behavior as well as that of their students. Grade level: K–12, Barbara Pentre and Hilde Weisert, Project Directors; Palisades Park Schools, 249 Leonia Avenue, Bogota, New Jersey 07603; (201 487–2707). No. 5

PARENT-PARTNERS TRAINEESHIP—PPT

Parent-Partners Traineeship (PPT) is an experimental investigation of the premise that parental involvement is a motivating influence on a child's school success. Through a traineeship which includes seminars, a practicum, and an open-education laboratory, parents are included in meaningful participation in classroom programs. Staff configuration focuses on the parent-partner, a volunteer member of the school staff. who is regularly scheduled in the school for one day a week. The parent receives a stipend, which serves both as an incentive and as an indication that such services are valued. The educational climate of the project evolved as a natural spin-off, with the presence of the parent-partner felt in subtle ways. An atmosphere of acceptance and mutual trust is evident in the classrooms. Phyllis Hobson, Project Director; Maude Aiton Elementary School, 533 48th Place, N.E., Washington, D.C. 20019; (202 396–4316/629–6971). No. 14

SOLVE

Project SOLVE was conceived out of a need to investigate how architecturally open facilities could better meet individualization of instruction and to organize varying approaches to staff development utilizing conceptual models of cooperative teaching. Five schools from different districts consolidated and served as a base of investigation for this effort. Based on a mathematics program that was skills-oriented and behavioralized, a systems approach to curriculum development was designed as a document for use by the staff in planning a total school program. An evaluation indicated that the project's innovativeness had a various range of effects on students. Removal of undesirable behavior patterns greatly reduced disciplinary measures. Eliminating the causes of frustration created an atmosphere of relaxation and spread enthusiasm for learning. Grade level: K–12. Glendon C. Belden, Project Director; 37 Pleasant Street, Concord, New Hampshire 03301; (603 224–9461). No. 19

ESEA TITLE III PARENT-CHILD MOBILE CLASSROOMS

The classrooms on wheels are van-type housemobiles which make two stops daily. During the first hour of the morning, 20 three-year-olds and their parents come for instruction. After their departure, 20 four-year-olds and their parents arrive for a one-hour weekly class session. After the lunch hour, the staff drives the bus to another stop within the community where the pattern is repeated. This schedule operates four days a week, with the fifth day reserved for inservice training of all staff members. Each unit has a teacher who serves as leader of the three-member team and works for one hour with each group of children. A classroom aide acquaints the adults with the materials and concepts introduced to the children, as well as the games, puzzles, toys, and construction projects which they are to share with their children during the week. The third member of the team is a community worker who serves as the liaison between the home and the school. She enrolls children and parents, interpreting the program to them; contacts persons who serve as resource speakers at the regular monthly parent meetings; arranges for children's attendance at immunization clinics; and assists parents in making contact with various social service agencies. For each child the basic goal is to acquire those concepts, perceptions, meanings, and feelings which will prepare him for learning how to learn, explore, understand, and manage himself and his environment. For each parent the most important objective is to acquire new understandings, deeper knowledge, and a commitment for guiding the growth of the child. Age level: 3–4. Carrie B. Dawson, Project Director; School City of Gary, 620 East 10th Place, Gary, Indiana 46402; (219 886–3111). No. 64

PARENT READINESS EDUCATION PROJECT

The Parent Readiness Education Project is an effort to ameliorate the deficiencies of high-risk preschool children by training parents to become change agents and enrich their home environments and interactions with their children. The first objective of the program is to identify children with potential learning problems and develop a plan of intervention. All children are tested during the year prior to kindergarten entrance, and preference for admission in selection was give to children with younger siblings. Forty-eight children attend class once a week while their mothers attend a separate class. Classroom activities and prescriptive home activities are selected in Expressive Language, Visual Skills, Auditory Skills, Small Muscle Coordination, Large Muscle Coordination, Enhancing the Self-Concept, and the World Around Us. A second goal is to teach parents how to develop in their children the skills necessary for future academic achievement through specific activities and an enriched environment. Mothers attend classes one morning each week and help with daily home assignments, and both parents attend a series of evening parent group meetings with a social worker. Parents are encouraged to help develop positive self-concepts and a "can do" attitude. The third project goal is to train high school students for their future roles as parents through practical experiences in working with preschool children. Diane K. Bert, Project Director; Redford Union School District, 18499 Beech Daly Road, Detroit, Michigan 48240; (313 535–2000 x 201). No. 67

TRIBUTE TO FRANCIS HOWELL MARCHING VIKINGS

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. HUNGATE. Mr. Speaker, I wish to call to the attention of my colleagues the Francis Howell Marching Vikings of Weldon Springs, in St. Charles County, Mo., which has brought home three first place and four second place trophies within a 3-week period.

The Francis Howell Marching Vikings took first place at the first annual Greater St. Louis Marching Band Festival, which is held in conjunction with the Washington University, University of which is held in conjunction with the Missouri, and the Veiled Prophet Parade in St. Louis. They took second place in the field competition, finishing four points behind the Poplar Bluff High School from Poplar Bluff, Mo.

In the Washington, Mo. marching band competition a week later, the Howell Marching Vikings came away with first place trophy in parade marching and second place in field competition.

For the second consecutive year, the Lead Banner Carriers and their Pom-Pom Corps received the "Outstanding Band Front" trophy at Central Methodist College in Fayette, Mo. The band took second place honors in overall competition.

We Missourians are proud of the good sportsmanship that was displayed and the outstanding pride these young men and women have in their music and presentation.

ELIMINATE BUZZER SYSTEMS

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. COLLINS of Texas. Mr. Speaker, more and more I am hearing from the folks at home who do not want the auto buzzer. Why should we demand that each driver be forced to wear equipment which in certain accidents will be fatal to him. In America we founded our country on freedom of the individual, and not on the idea that the bureaucrats in Washington know how you should live from sunup to sundow.

I want to add another followup on my previous reports on the interlock seat belt harness buzzer system.

A Canadian study shows seat belts and shoulder harnesses could be dangerous. The preceding sentence is the headline in the excellent article which was news release No. 23, by the National Motor Vehicle Safety Foundation, Inc., of Lee, N.H. You will be interested in reading some sections of this factual report:

AUTO BUZZER

Legislation requiring automobile drivers to wear seat belts and shoulder harnesses would be a "waste of time and could be dangerous," says a professor at the University of Toronto in Canada. Patrick Foley, industrial engineering professor, commented on proposed laws now under discussion for adoption requiring that car users "buckle-up" or pay a fine.

Commenting on Professor Foley's stand on the "seat-belt" matter, A. J. White, director of Motor Vehicle Research of New Hampshire said, "It is indeed refreshing to see data backed by actual real-life research in this era of time when so-called consumer advocates and misguided agencies are claiming that the world can be saved if certain unproven actions are made mandatory by law."

White further stated, "Car buyers are besieged with claims that they can save their lives by buying and using "safety devices" which are. in fact, dangerous. It is time that advocators be held strictly accountable when

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such devices are used and the persons who use them suffer injuries or death.

Professor Foley initiated a study of seatbelts and shoulder harness for "wear-ability" using a team of fourth year students who used 3 imported cars and seven North American built cars of various sizes.

The results of this study indicated that many drivers, especially small people, could not easily reach important car controls while wearing shoulder harnesses. The team concluded that some women would not be able to start their cars. The group tested two women, one representing the 5 percent of the female population and the other, the average female. They used a male subject representing the tallest 5 percent of the male population.

The subjects were instructed to manipulate the controls of each car while strapped into standard seat belts in various models.

The investigating group discovered that the problem of reaching controls can be acute for smaller members of the driving population. Unless there are changes in the designs of restraining devices and if the importance of these devices is further emphasized and made mandatory by law to be used, certain people should avoid using them.

Such primary controls as steering wheels, gas and brake pedals, parking brakes, ignition systems and shifting levers were investigated. Also, secondary control systems were studied, which included horns and turn signals. Visibility controls were also studied which included windshield wipers and washers, headlights, high beam switches and rearview mirrors. Controls for heat, air conditioning, window and air vents were investigated.

This study points up that restraint systems might have to be custom tailored for individuals and particular model cars; a task that could be classed as an insurmountable one. One can imagine the confusion that will result if the ignition interlock system becomes mandatory on all vehicles starting with the 1974 models.

The inclusion of the inertia reel system in the 1973 system was brought about in an effort to reduce the problems of "choking" a small motorist whose shoulder strap lays dangerously close to his throat. Rotation of the upper torso of a woman during a crash deceleration could result in radical breast," which is medically referred to as breast removal. Submarining action, during a crash, of a wearer's body could cause serious stress loading of the throat area, resulting in death, as reported in the text book, Passenger Car Safety Dynamics" by Motor Vehicle Research of New Hampshire, after tests of restraint systems using actual vehicles and athropometric & antropomorphic dummies in full scale crashes in Connecticut and New Hampshire, over a several year period of time.

Will car buyers be spending this money to be annoyed by the system, or will he defeat the system? These questions are not totally answered and the future of DOT could be jeopardized if they have made a mistake. The future in time and billions of dollars will supply the answers.

As quoted by A. J. White, director of Motor Vehicle Research of New Hampshire, "The high accident record indicates that highway safety will not yield readily to wholesale solution and may have to be solved by each individual himself," could be sound.

WHAT IS SO SPECIAL ABOUT SPECIAL PROSECUTOR?

HON. GENE SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. SNYDER. Mr. Speaker, much has been said and written about who should be the special prosecutor in the Watergate case. Everyone seems to take for granted that the regular local district court prosecutor should not pursue the case. I really do not understand the reasoning.

Many cases of notoriety have occurred in recent days and years and so far as I know, the regular prosecutor performed well.

In this regard, I ask my colleagues to read an article from the Cincinnati Enquirer written by Bob Brumfield.

WHO NEEDS A SPECIAL PROSECUTOR?

(By Bob Brumfield)

With all due respect to the executive, legislative and judicial branches of government (which is precious little, in my opinion), I wish they would drop this special prosecutor nonsense and get down to the business they are being overpaid to do—running the damned country.

There is no need for any special prosecutors. We've got all the prosecutors we need. If an alleged offense needs prosecuting, there is a qualified, elected prosecutor in whatever county, city or municipality it might have occurred.

If we are to strip the President of all executive privilege and treat him like any other citizen, then he should be prosecuted like any other citizen.

Congress doesn't have the power to appoint a prosecutor under existing law. So some of its members are talking about passing a new law to give them this power. That's the craziest thing I ever heard of. Hell, if they want to nail the President, why not just pass a law making it a criminal offense to be named Nixon, or to have a daughter named Julie? Why not pass a law making it a felony to criticize the news media? They'd have a prima facie case either way that even a boot assistant prosecutor from Boondocksville could get a conviction on.

And what yo-yo dreamed up the cuckoo idea of having a judge appoint a special prosecutor? Can you imagine where that would put a defense attorney in the case?

"Your honor, I object!"

"Shut up, you! The prosecutor I appointed has made a valid point—a point which I warn the jury it had better pay special attention to, incidentally, in reaching its guilty verdict."

No thanks, man. I think I'll just take my chances shooting it out with the police.

It's just as ridiculous to expect President Nixon to appoint a prosecutor he thinks has a good chance of nailing him on something. Would you do it? Not me, brother. I'm clean as far as I know, but if I had to hire somebody for the specific task of digging up something on me, I think I'd choose a real lazy dude.

I don't know if President Nixon was involved in any financial hanky panky or not. If he was, the local authorities can handle it. We trusted them with Charles Manson and that little creepo who wasted Bobby Kennedy. They did a tune on Richard Speck, James Earl Ray, Arthur Bremer and other assorted baddies. They know their business.

If Congress really feels that it really has to get into the judicial functions of our government, maybe they should appoint a special prosecutor to prosecute themselves. I don't know if any money was piddled away at San Clemente or not, but there's plenty of evidence the Treasury Department lost a lot of loot when Congress killed the Boeing SST. It's a documented fact that it cost several million dollars more to cancel the SST contracts than it would have cost to build two flying prototypes. And that's not to mention the big rip-off—a loss of up to $6.5 billion in foreign sales of the SST during the next 10 years.

Make me a special prosecutor, and I'll haul old Sanctimonious Sam Ervin into court and ask him to explain every campaign donation he ever received. Maybe he'd come up with a satisfactory explanation for every dime, but who would ever remember that when it was all over? All they'd ever remember were the news accounts that Sam Ervin was being investigated for alleged irregularities in campaign funding. It's the old "where there's smoke there's fire" syndrome.

No, we don't need any more prosecutors. Matter of fact, we don't need any more lawyers riding the Watergate gravy train on both sides of the fence. I'm up to here with lawyers. Everywhere you look there's another lawyer. Lawyers, reporters, commentators and news analysts. There are just too many of us, and most of us don't know what the hell we're talking about half the time. Sheesh, don't kids study engineering anymore in school?

SCANLON POSTMASTER OF YEAR FOR 1973

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. KEATING. Mr. Speaker, the postmaster of Cincinnati, Joseph J. Scanlon has been named the Postmaster-of-the-Year by the Direct Mail Advertising Association in nationwide competition.

Mr. Scanlon has worked hard in the Cincinnati community for many years and greatly deserves this honor. I would like to include in the RECORD at this time a newspaper article outlining Postmaster Scanlon's achievements:

SCANLON POSTMASTER OF YEAR FOR 1973

CINCINNATI.—Postmaster Joseph J. Scanlon, 690 Cedar Crest Ln., has been named 1973 Postmaster-of-the-Year in an annual contest sponsored by the Direct Mail Advertising Assn. (DMAA). Presentation of the award was made Sept. 17 at the Annual Convention of the National Assn. of Postmasters of the U.S. held in Kemesha Lake, N.Y.

The Postmaster-of-the-Year Award is presented annually by the DMAA to the Nation's outstanding Postmaster. The selection from numerous entries was made by a panel of judges on the basis of four guidelines: 1) His accomplishments as Postmaster; 2) his cooperation with business mailers and customers; 3) the Postmaster's standing as a citizen in his community; and 4) his participation in local affairs.

Postmaster Scanlon was nominated for the DMAA Award by Calvin Ingram, president, American Advertising Service, Cincinnati. In his capacity as Postmaster and District Manager responsible for 177 Post Offices, Scanlon has been commended by postal officials and business mailers for the efficient mail handling systems of the Cincinnati Post Office. His accomplishments in the area of public service has also brought him high praise and numerous awards.

The Direct Mail Advertising Assn., the Association of Direct Marketing, is dedicated to the more effective use of the $3.4 billion direct mail advertising medium, the country's third largest. DMAA's 1600 member firms—users, creators, producers and suppliers of direct mail—are located in 47 states and 30 foreign countries. DMAA is headquartered at 230 Park Ave., New York, N.Y., and maintains a Washington Office at 968 National Press Building.

OIL COMPANY PROFITS

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. ARCHER. Mr. Speaker, a lack of understanding of the basic facts of economics may be a root cause of many of our national problems. I am convinced that it is one of the sources of today's energy supply problems. The conditions that caused these energy shortages were not corrected in time because of a pervading fear that the public would not understand the necessity for actions that might add to the costs of fuel. As a result of these delays and procrastinations, the public may have to pay a much higher price for energy in the years ahead than would have been necessary if effective solutions had been adopted in time.

In this same connection, the Wall Street Journal of October 26, 1973, had a most instructive editorial on the subject of oil company profits. I insert this editoral in the RECORD because of the light it sheds on this badly misunderstood subject of profits and earnings.

If our energy supply problems are to be solved, the points about profits and investment requirements spelled out in this editorial should be made clear to the consuming public.

The editorial follows:

THOSE OIL COMPANY PROFITS

Our heart goes out to the oil industry, now choking with embarrassment over third-quarter profits. At the very moment the Arabs have us in an oil squeeze and the nation is being asked to turn down the thermostats to save fuel, the oil bigs are forced to admit a tidal wave of earnings.

The Exxon Corp., the biggest of all, turned a $638 million profit in the third quarter on revenues of $7.32 billion, a spectacular earnings surge of 80% over the same period of 1972. Mobil's profits are up 64% to $231 million. Gulf Oil jumped 91% to $210 million. Shell is less shamefaced with an earnings jump of only 23%.

The only relief in sight for this embarrassment of riches is the possibility that the Middle East oil squeeze will force the industry to cut back on its capacity, especially in Eastern Hemisphere operations where the greatest surge in profits has come this year. And profit *margins* are bound to be adversely affected by the steep increases in tax and royalty payments dictated by the producing countries. But as long as they can get the crude, the major oil companies can hardly escape tidy profits for quite a while.

What seems quite remarkable to us is the defensive posture that majors have struck in trying to apologize for or explain away as anomalous the profits they are now reaping. Of course, some of the increases reflect a rebound from the diminished profits of 1972. Yes, accounting practices on treatment of inventories when coupled with the inflation of 1973 have produced some temporary profit illusions. And it's true that much of the steep earnings curve can be attributed to foreign, not domestic earnings, which have climbed more nearly in parallel with volume.

Put all these apologies aside, though, and it remains that the oil industry is doing very well indeed, and for a nation beset with energy shortages that is very good news. How else can the United States pull itself out of the energy hole if not through an industry that finds itself able to generate the capital that task will require? Early this year, Chase Manhattan Bank estimated that the world oil industry would require capital investment of $565 billion between 1970 and 1985, and another $35 billion of geological, geophysical and leasing expenses. The industry certainly could not hope to attract that kind of capital if it were stumbling along on the average profits of, say, the railroads.

The reason profits have soared is that the industry has been operating flat out in the production, refining and marketing of oil products. There is no excess capacity in the system and efficiencies are at a peak. The reason there is no excess capacity is that it was not built when it should have been, because the government was both limiting the importation of oil and holding down earnings with price controls.

With corporate coffers now finally filling with cash, the industry is getting in a position where it can afford to add to refinery capacity, to develop synthetic fuels, to explore for and develop new sources of petroleum. In fact, specialists at Chase Manhattan estimate that the industry's income growth, which now averages 8.1% a year over the past decade, has to go to an annual increase of 16% if the industry is to meet the stupendous capital requirements it faces. There's no need for corporate spokesmen to apologize for the third quarter. As long as they don't squander their earnings, the nation will be well served if they do even better in the quarters ahead.

LITTLE BROTHER OF THE WOLF

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. ANDERSON of California. Mr. Speaker, all too often wild animals are portrayed to the public as either Disney-like characters with human characteristics or as savage beasts that kill only for fun. Neither of these views, however, is accurate and, as a result, misconceptions regarding wildlife abound.

The noted naturalist and conservationist Cleveland Amory, in an article entitled "Little Brother of the Wolf," has attempted to set the record straight and present an accurate, realistic picture of the coyote. His article, short and simple, describes the everyday turmoil of the coyote and gives evidence to destroy many of the myths relating to this mysterious, yet clever cousin of the dog.

Most importantly, Mr. Amory presents articulate and persuasive arguments to dispel the notion held by some that coyotes should be eradicated from the face of the Earth. Specifically, he details reasons for the passage of legislation such as H.R. 4759 which would prohibit the use of nonselective poisons, such as Compound 1080. In addition, Mr. Amory makes a compelling argument for the enactment of proposals such as H.R. 8065, a measure I introduced to ban the use of cruel steel leg-hold traps.

For the benefit of my colleagues, I insert this fine article in the CONGRESSIONAL RECORD at this point.

[From the American Way, October 1973]

LITTLE BROTHER OF THE WOLF

(By Cleveland Amory)

Pronounce him "ki-oat" or "ki-o-tee." Either is correct, and he won't care. But mark him well, and do not allow the mystery and marvel of him to be lost in familiarity.

All right, he *is* familiar. He has been located in virtually every state in the Union and he even appears regularly, usually along with the late-late show, in Los Angeles' backyard. And if he is present only in the Western Hemisphere, he is familiar the world over as perhaps the most American of all wild animals. Indeed, many countries regard him as the symbol of the American West.

Highly photogenic, with an eerie, never-to-be forgotten howl—one with which he sings to the sun, to the moon and in heartbreaking relays to his own kind—he is the little brother of the wolf, yet a close cousin of the dog. If, on one hand he is incredibly quick, sharp-witted, cunning and resourceful—no other animal has all *three* senses, sight, smell and hearing, as keen as his—on the other he is loyal, playful, humorous and even philosophical.

Basically monogamous, coyotes mate for long periods, if not for life. And if two unmated males are fighting for the same unmated female, after it is all over, she is likely to choose not the one who won, but the one who lost.

When the pups come, they are taught to hunt at the age of two months, not by the mother but by the father. And discipline is severe. It is not unusual to see a father coyote returning to his den and his pups rushing out to meet him, but no matter how far away the father is, at a certain invisible line—obviously the greatest distance they are allowed to go from the den—the pups will stop short.

"Next to God," goes the Mexican saying, "the coyote is the smartest person on earth." Even if this is exaggerated, the fact remains that the coyote, if not the most intelligent of all animals, is certainly the cleverest. He woud have to be.

Man has made his very name suspect. The second definition for the word "coyote" in the new *American Heritage Dictionary* is "contemptible sneak." For two hundred years, the coyote has faced a steadily increasing campaign to eradicate him from the face of the earth. Many animals have faced such campaigns, but against no other animal has the campaign reached such heights of cruelty.

In the old days, the coyote was hunted for his pelt. When pelts dropped in price, he was hunted because he was supposed to be a cattle killer. When it was proven he wasn't a cattle killer—he lives almost exclusively on mice, moles, rabbits, insects, snakes and even eats fruit for dessert—he was hunted because he was supposed to be a sheep killer. Finally, when it was proven he wasn't a sheep killer, he was hunted because—well, he was supposed to hunt what man wanted to hunt. The coyote is classed, simply, as a "varmint."

As such, there is no season for hunting coyote. For him, it is always open season. He is hunted by land and by air. He has learned that the air can be dangerous; when he hears or sees a plane he takes cover, and, like a trained guerilla fighter, camouflages himself. The coyote is regularly jack-hunted by light at night, something forbidden by law for most animals. "Most hunters," says one hunting magazine, "clamp a powerful light directly to their guns and keep it on at all times."

In the winter, snowmobiles hunt the coyote down, with the hunters signaling to each other by walkie-talkies. In the summer,

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trained hunting dogs run him down in relays. Often, the coyote is chased by dogs riding in automobiles. When he begins to tire, the automobiles are stopped and the dogs are released.

In such situations, the coyote's only hope lies in his cleverness. And stories of coyotes outwitting hunters are legion. Coyotes will work in teams, alternately resting and running to escape dogs set upon them. They have even been known to jump on automobiles and flat cars to escape dogs. And they have also successfully resisted bombing. Lewis Nordyke reports that once when a favorite coyote haunt in Texas became a practice range for bombing, the coyotes left—temporarily. Soon they were back to investigate and found that the bombing kept people out. They decided to stay. Meanwhile, they learned the bombing schedule and avoided the bombs.

Many a coyote has gotten along with its lower jaw shot off. Joe Van Wormer reports a coyote in Idaho whose mouth had been cruelly wired shut. It was able to open it only half an inch, but nonetheless had been able to survive. A coyote in Montana also had her jaw wired shut—she was used by a hunter to "train" his dogs. And a female coyote killed in Tule Lake in northern California was found to have four healthy pups in her den. She had managed to fend for them although she herself had been shot in both eyes with a shotgun and was totally blind.

From some hunts, of course, there is no escape. John Farrar, in his *Autobiography of a Hunter*, writes of an all too typical hunt in the sandhill region of Nebraska. It was, he writes, "a well-planned military maneuver," with a plane overhead to spot the coyotes and, below, hundreds of hunters. "They came in pickups," he says, "armed with shortwave radios, powerful engines, clinging snow tires . . . each nervously fingering a high-powered rifle with telescopic sight."

"At the next section line 12 men awaited [the coyote's] approach. At 100 yards head-on, it began. His faltering speed spared him as bullets churned the snow ahead. As he reached the ditch he sank shoulder deep and floundered desperately. Astonished, ashamed or angry, no one fired. As he struggled across the road and into the next section, he seemed to crawl. As if he were shielded, 30 or more rounds left him untouched. In a weedy draw he could run no further. In cover no more than 12 inches high, he disappeared.

"The plane circled and then the men closed in afoot. Talk of letting this one go passed idly. Twenty-five armed men closed in on one terrified, exhausted animal. The enclosed area dwindled to the size of a football field and less. Still no coyote.

"Then he appeared, staggering, worn, mouth agape. He weaved pitifully up the hill among the hunters, as if defying death, or seeking it.

"Then man, the rational animal, the pinnacle of evolution, the great humanitarian, gunned him down.

"There was little laughing or joking, little back slapping. Just a sickening, nauseating silence. The day ended. With it ended my coyote hunting."

When the coyote is not hunted, he is trapped. For the coyote, there are especially horrible traps—to match his ingenuity. So-called "passion bait" is soaked in a piece of wool and put under a pan. When the coyote investigates, the slightest pressure releases the deadly steel leghold.

Once the coyote is caught, he has been known to chew off his own leg rather than remain in the trap. Literally thousands of coyotes have existed for life on three legs. Also, amazingly, there are thousands of two-legged coyotes. One female coyote in Michigan had only stubs for front legs—she ran like a kangaroo—and yet, when killed, was bearing five unborn pups. A coyote in Colorado existed for more than a year missing two feet—the left front and right hind. In New Mexico, a coyote got along somehow with both feet missing from his right side, and still managed to raise a family. Trapper Art Cooper once caught a coyote in two traps at once. One trap caught him by a front foot, one by a hind. The two-trap set was fastened to an iron drag, and when Cooper and a companion came upon the coyote he was trying to cross a plowed field. Seeing the man, the coyote grabbed the drag in his mouth and took off.

Marguerite Smelser tells an even more remarkable coyote trapping story. Two government trappers spent weeks tracking down and trying to kill a whole coyote family. First the nursing mother was trapped, then released after the trappers had fastened a collar and tire chain to her. By the trail of the dragging chain, the trappers expected to follow her to her den where they could wipe out the pups.

But for two weeks the mother coyote did not betray her family. Her mate brought food to her at night and kept the pups fed. And so, after days of frustration, convinced the mother would never endanger her young, the trappers tracked her down and killed her.

Later, however, they did get a chance at the pups. The trappers came upon them playing at the far side of the dam. At this juncture, however, the father coyote suddenly appeared and, acting as a decoy, managed to divert the trappers' attention until he was shot. His young had safely disappeared into the brush.

I have on my desk something called a "Humane Coyote-Getter," which is advertised as the "Marvel of the 20th Century." Humane? It is literally a whole trap gun. A bait is soaked in urine and covered with a jacket, then placed over a bullet cartridge, the whole being set in the ground. When the coyote ininvestigates, the bullet is set off by a spring and shoots the coyote in the mouth with sodium cyanide. This in turn, on contact with the moisture in the coyote's mouth, or eyes, or wherever it hits him, releases gas and the coyote gases himself to death.

This Coyote-Getter is, by coyote-getting standards, actually humane—at least compared to the more general way of killing coyotes. That is, plainly and simply, by poisoning them. One state, for example, put out in one year 300,000 strychnine tablets—tablets which are slipped into an inch-square of suet made out of sheep fat. But even strychnine is as nothing compared to the dread Compound 1080 or sodium fluoroacetate. This is a poison so lethal that there is no known antidote. It is chain-reacting. Thus, when a meadow mouse eats it and is in turn eaten by a larger animal, who is in turn eaten by a coyote, who is in turn eaten by a mountain lion, 1080 will have poisoned them all.

Perhaps the most horrible thing about Compound 1080 is that it is administered in small doses. Not because it is expensive—unfortunately it isn't, it is cheap. But it is administered in small doses so that the coyote will get as far away from the bait as possible before he dies and thus his body will not be able to warn other possible victims. Coyotes have been known to travel over twenty miles to die—in agony.

The United States government has poisoned more than a million coyotes. The real irony, though, is not that poisoning is done by the government, it is that it is done on public land. After the findings of the Leopold Report, the government's "Predator and Rodent Control Board" had to change its name to "Wildlife Services." But still, the sheep men graze their sheep on public land, which they do for a nominal fee, and then have the government poison coyotes merely on the suspicion that they kill their sheep. And this despite the Leopold Report's warning, "For every person whose sheep may be molested by a coyote, there are perhaps a thousand others who would thrill to hear a coyote chorus in the night."

Texas rancher Arthur Lytton, who for forty years has run a 20,000-acre spread, said, "I would never allow a predator to be killed on my land. They are necessary for the balance of nature. Kill them and you're in for nothing but trouble from rabbits and rodents and everything."

In 1971, the coyote poisoning program cost the public over $8 million. And, of course, the program didn't just poison coyotes. In a typical year, the wildlife "body count" was as follows: 89,853 coyotes, 24,273 foxes, 20,780 bobcats, 19,052 skunks, 10,078 raccoons, 7,615 opossums, 6,941 badgers, 6,685 porcupines, 2,771 red wolves, 1,170 beavers and 842 bears.

Finally, after years of effort by the Defenders of Wildlife, Audubon, the Fund for Animals and other societies, President Nixon issued his now-historic Executive Order 11643, in February, 1972, banning the use of most predator poisons on public lands. The order continues to be opposed by the National Wool Growers Association and others. Coyote hunters, meanwhile, seemed to be redoubling their efforts. One hunt in particular, out of Karval, Colorado, which boasted nine pickup trucks with specially bred "coyote dogs" (mixes of greyhounds with Irish and Russian wolfhounds) penned in quick-release cages in the back, was billed as "The Biggest Coyote Hunt in Colorado History." Scores of hunters and dozens of dogs hunted all day. Their total kill—five coyotes.

Such hunts—this latter hunt even included an official "observer" from the Department of the Interior—have outraged coyote friends. The Fund for Animals announced a reward of $500 for prior information which led to the stopping of any such hunt, and also announced that it would back any group engaged in breaking up such hunts by any means short of actual violence. One such group, The Defenders of the Coyote, already includes more than a hundred college and high school students as well as businessmen and housewives.

In the long run, some coyote friends believe the only answer is to make a pet out of him—and there has been signal success in this regard, the coyote's charm and loyalty overcoming all difficulties. Others believe that the answer is to meet the coyote literally halfway. Have him, in other words, as he is, half pet and half wild. One who believes this is Los Angeles' Gerald Coward, a man who, on a lonely walk up a canyon a few years ago, managed to make a lasting friend of a coyote. Coward, a photographer and writer, gave up his job and from that day on, every day for two and a half years, he walked up his canyon. And every day, for two and a half years, his coyote faithfully met him. All day they played, romped and explored together, learning about each other—and then, at the end of each day, they said goodbye. When the coyote mated, he even brought his companion to Coward at the same rendezvous. It was a remarkable idyll that existed until the terrible Los Angeles fire—when Mr. Coward saw his coyote no more. "The coyote," he said, "is the greatest animal there is."

"OUR TOWN" POLL BACKS IMPEACHMENT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. RANGEL. Mr. Speaker, Our Town, a community newspaper in New York City, has just conducted a poll on the question of impeachment. Some of the 632 Manhattan residents polled live on

the Upper East Side in my congressional district.

The results of the poll are eloquent testimony of the sentiment of Americans who feel that the time has come for impeachment; 92.4 percent of those asked oppose the President's handling of the Watergate tapes; 78.8 percent support impeachment:

NIXON WATERGATE POLL

1. What do you think of President Nixon's actions regarding the Watergate Tapes?

	Number and percentage	
Support	48	7. 60
Against	584	92. 40
Total	632	100. 00

2. Do you believe he should be impeached?

	Number and percentage	
Yes	498	78. 80
No	134	21. 20
Total	632	100. 00

NEW HAMPSHIRE GENERAL COURT PUSHES VOLUNTARY PRAYER IN PUBLIC SCHOOLS

HON. JAMES C. CLEVELAND

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. CLEVELAND. Mr. Speaker, I have long believed that the framers of the Constitution had absolutely no intent to prohibit voluntary prayer in the public schools of the Nation. Indeed, the first amendment says:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

Which appears expressly intended to safeguard this right. In this language I find the basis for clear distinction between officially prescribed—and hence impermissible—prayer and voluntary prayer reflecting individual conviction.

Accordingly, in the last session I supported a constitutional amendment to restore this right, which had been wrongly struck down by the Supreme Court. Unfortunately, it did not receive the two-thirds vote necessary, although a majority did vote for it. In this session I am cosponsoring House Joint Resolution 760 with the same objective.

My position has been strengthened by the knowledge that it enjoys widespread support among the American people and the people of New Hampshire. This support has been reflected in Concurrent Resolution No. 6 of the New Hampshire General Court, adopted May 24, 1973.

The resolution, accompanied by authenticating certification by the secretary of state of New Hampshire, follows:

STATE OF NEW HAMPSHIRE, OFFICE OF SECRETARY OF STATE

I, Robert L. Stark, Secretary of State of the State of New Hampshire, do hereby certify that the following and hereto attached is a true copy of House Concurrent Resolution No. 6 to petition the Congress of the United States of America to call a convention to propose an amendment to the Constitution of the United States permitting voluntary prayer in public schools (Adopted May 24, 1973) as on file in this office and held in my custody as Secretary of State.

In testimony whereof, I hereto set my hand and cause to be affixed the Seal of the State, at Concord, this 28th day of May A.D. 1973.

ROBERT L. STARK,
Secretary of State.

STATE OF NEW HAMPSHIRE HOUSE CONCURRENT RESOLUTION NO. 6

To petition the Congress of the United States of America to call a convention to propose an amendment to the Constitution of the United States permitting voluntary prayer in public schools

Memorial to the Honorable Senate and House of Representatives of the United States Congress Together Assembled,

We, your memorialists, the Senate and House of Representatives of the State of New Hampshire in General Court Assembled, most respectfully present and petition your Honorable Body as follows:

Whereas, Article 1 of the Amendments to the Constitution of the United States which provides "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances," has been construed by the United States Supreme Court to not permit organized prayer in public schools; and

Whereas, the Legislature of the State of New Hampshire believes that voluntary prayer in public schools should be permitted as being consistent with the guarantees the founding fathers of the United States of America intended; and

Whereas, the Legislature of the State of New Hampshire believes that Article 5, Part First, of the Constitution of New Hampshire has recognized every individual's natural and inalienable right to freedom of worship in accordance to the dictates of their own conscience, and this the Legislature of the State of New Hampshire believes to encompass the right of individual students in public schools to voluntarily say prayers of their own choosing on appropriate occasions in accordance with the dictates of their own conscience;

Now therefore be it resolved, by the House of Representatives, the Senate concurring:

I. That the Legislature of the State of New Hampshire, hereby, and pursuant to Article V of the Constitution of the United States, make application to the Congress of the United States, to call a convention for the purpose of proposing an amendment to the Constitution of the United States to the effect that: "Voluntary Prayers Shall Be Permitted in Public Schools at Appropriate Times, Daily."

II. That attested copies of this concurrent resolution be sent to the presiding officers of each House of the Congress and to each member of the New Hampshire delegation in Congress, and that printed copies thereof, showing that said concurrent resolution was adopted by the Legislature of New Hampshire, be sent to each House of each legislature of each state of the United States;

III. That this application hereby made by the legislature of the State of New Hampshire shall constitute a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several States shall have made similar applications pursuant to Article V.

IV. That since this is an exercise by a state of the United States of a power granted to it under the Constitution, the request is hereby made that the official journals and records of both Houses of Congress shall include the resolution or a notice of its receipt by the Congress, together with similar applications from other states, so that the Congress and the various states shall be apprised of the time when the necessary number of states shall have so exercised their power under Article V of the Constitution;

V. That since this method of proposing amendments to the Constitituon has never been completed to the point of calling a convention and no interpretation of the power of the states in the exercise of this right has ever been made by any court or any qualified tribunal, if there be such, and since the exercise of the power is a matter of basic sovereign rights and the interpretation thereof is primarily in the sovereign government making such exercise and since the power to use such right in full also carries the power to use such right in part, the Legislature of the State of New Hampshire interprets Article V to mean that if two-thirds of the states make application for a convention to propose an identical amendment to the Constitution for ratification with a limitation that such amendment be the only matter before it, that such convention would have power only to propose the specified amendment and would be limited to such proposal and would not have power to vary with the text thereof nor would it have power to propose other amendments on the same or different propositions;

VI. That the Legislature of the State of New Hampshire does not, by this exercise of its power under Article V, authorize the Congress to call a convention for any purpose other than the proposing of the specific amendment which is a part hereof, nor does it authorize any representative of the State of New Hampshire who may participate in such convention to consider or to agree to the proposiug of any amendment other than the one made a part hereof;

VII. That by its actions in these premises, the Legislature of the State of New Hampshire does not in any way limit in any other proceeding its right to exercise its power to the full extent;

VIII. That the Congress, in exercising its power of decision as to the method of ratification of the proposed article by the legislatures or by conventions, is hereby requested to require that the ratification be by the legislatures.

JAMES E. O'NEIL,
Speaker of the House of Representatives.
DAVID L. NIXON,
President of the Senate.

Adopted May 24, 1973.

SOME STANDARDS FOR OUR PERPLEXING TIMES

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. KEMP. Mr. Speaker, Randal Cornell Teague received an honorary degree of doctor of laws from Allen University in Columbia, S.C., in August of this year. Allen University is a predominantly black college, fully accredited, principally supported by the African Methodist Episcopal Church, the largest black denomination in America.

Mr. Teague's address at the university's convocation stands in contradistinction to those stylized, stereotypical addresses to which our Nation's college graduates are often subjected each spring and summer. As a succinct exposition of fundamental libertarian principles, it is superb. Mr. Teague received a standing ovation upon the completion of his remarks from the graduates of this predominantly black university. To those concerned about the

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applicability and currency of libertarian principles to the lives of people in the 1970's, Mr. Teague's address and the response thereto are most gratifying.

Excerpts from this commencement address follow:

Commencement Address of Randal Cornell Teague

It is customary for a commencement speaker to dwell at what often appears to be interminable lengths upon the obvious:

That today is a beginning, not an end.

That it is harder to survive "out there" than it ever was in a classroom.

* * * * *

You are already part of a society and a world turned topsy-turvy by the rhetoric of an age in which the maximum degree of a man's or a nation's focus is often upon a minimum of genuinely important concerns. While on the one hand we have seen in our short life time accomplishments which rank easily among the most notable of man's achievements, we have on the other hand seen the apparent degeneration of the spirit and soul which hold men's mind intact and civilizations together. Of what do I speak?

In the name of "peace," men wage war.

In the name of "love," men foment hatred and violence.

In the name of "liberation," one half of the world's people has been subjugated.

In the name of "the quality of life," our courts sanction the destruction of human fetuses.

Why do I bring these points to your attention? Because I hope to show how you must proceed through this course of life now before you. In the jargon of today, we say, "you've gotta keep your eye on the ball," and that really is what it is all about, this terrible responsibility of meaningful human existence thrust upon each of us by conception. Merely to survive in this world, one need only hang on amongst the vast majority. To live meaningfully is to be one of those who really knows what is going on around us. You must train your mind and be ever vigil upon the substance of our times. It is substance—not rhetoric, not procedure—upon which your mind's eye must be focused. It is not an easy task.

And from what perspective and according to what benchmarks are we to view the substance of life? In this permissive time, to merely mention the existence of standards, much less adherence to them, is to be heretical. In no place is this more true than in academia. But I stand before you today not as this era's stereotype commencement speaker. I am not a relativist, nor a collectivist, nor a limousine liberal, nor even a democrat. I am a proponent of the values of institutions, an individualist, a traditionalist, and a republican. While this may make me something of an oddity, it does mean I have to hold no punches with this world in which we live and about which you and I, perhaps from the same perspective but most probably from different ones, are, nonetheless, dismayed.

What then are those guideposts? They are few, but they are strong.

Truth. We "do not deny the existence of undiscovered truths," but we make a critical assumption: That "those truths that have already been apprehended are more important to cultivate than those yet undiscovered ones," seemingly always close to the grasp but never within hand. We make "the tacit acknowledgement that all that is finally important" to the spirit and soul of man "is behind us; that the crucial explorations have been undertaken, and that it is given to man to know what are the great truths that emerged from them. Whatever is to come cannot outweigh the importance to man of what has gone before."

Obedience. We mean to live our lives as obedient men, but obedient to God, "subservient to the wisdom of our ancestors; never to the authority of political truths arrived at yesterday at the voting booth."

War. "War is the second worst activity of mankind, the worst being acquiescence in slavery."

Individualism. "You cannot paint the Mona Lisa by assigning one dab each to a thousand painters."

Peace. "All civilized men want peace . . . [But] all truly civilized men must despise pacifism. Pacifism is a Christian heresy that springs from crucial misunderstandings. Peace on earth is a plea for those conditions on earth—love, charity, temperance—which make peace thinkable. Peace is unthinkable in a community in which plunderers have hold of the city at night. . . . In praying for peace, we pray that grace will settle in the hearts and minds of those bellicose people in the world who are critically situated, and cause them to exercise that restraint which makes peace possible. If peace were the first goal of man, you would not have to pray for it: you would have it."

Economic Freedom. Political freedom "cannot long exist without economic freedom. . . . When government interferes with the work of the market economy, it tends to reduce the moral and physical strength of the nation." When government "takes from one man to bestow on another, it diminishes the incentive of the first, the integrity of the second, and the moral autonomy of both."

Purposes of Government. The purposes of government are to protect our political and economic freedoms "through the preservation of internal order, the provision of national defense, and the administration of justice." "When government ventures beyond these rightful functions, it accumulates power which tends to diminish order and liberty."

Responsibility. That in these times of moral and political crises, it is the responsibility of young people to reaffirm these eternal truths.

These truths come together into a set of inextricably intertwined responsibilities. To meet foursquarely these responsibilities is to nobly achieve a mission in this life. To abandon them, or even to meet them without sureness of thought or action, is to fail in this life.

To what, then, does this add up? This: Call no thing in this life truly your own but your own moral conscience. Call no thing in the next truly your own but your soul. And rest eternally assured of this: That the status of the second derives from the essence of the first.

THE CASE FOR HOUSING ALLOWANCES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. RANGEL. Mr. Speaker, Samuel C. Jackson, the able former Assistant Secretary of the Department of Housing and Urban Development, has written an article for the October 1973 issue of Focus, the monthly magazine of the Joint Center for Political Studies, which deserves the attention of the Members of the House.

In this article, entitled "The Case for Housing Allowances," Mr. Jackson reviews the experience of European nations with housing allowance programs and reports on the experiments with housing allowance programs tried by Model Cities agencies in Wilmington, Del., and Kansas City, Mo.

Mr. Jackson, writing for local minority elected officials, which the Joint Center for Political Studies serves, makes a case for at least the continued study of housing allowance programs, but more significantly, he defines criteria which we all should use in judging the worth of this or any other approach to our Nation's housing crisis: what will be its effect upon the overall supply of housing and the ability of the poor to afford available housing?

The Case for Housing Allowances

(By Samuel C. Jackson)

The moratorium on the construction of new and rehabilitated low income housing is now into its tenth month. It was imposed to permit a search for better ways to administer subsidy programs. As we seek new ways to deliver on the national commitment of a decent home in a suitable living environment for all American citizens, income support programs assume increasing relevance.

One of the most important of these is the housing allowance program. As defined for the purpose of this article, a housing allowance is a series of regular periodic payments made to an individual or family currently unable to afford decent housing in a suitable living environment. Family need in relation to the cost of standard housing units in moderate housing cost neighborhoods determines the amount of the allowance. The individual or family involved must use the allowance to make rental or home ownership payments.

Housing allowances have been used as an instrument of national economic and housing policy in many European nations, which offer a variety of models.

In Sweden, every family which has filed a tax return indicating the presence of a child in the house receives an application for a housing allowance. Because this is the only requirement for eligibility, the administrative costs are low.

Housing allowances were recently introduced in England initially as a component of a policy of disengagement by the national government in the housing market.

In England, unlike Sweden, allowances are only available to individuals who are renting units. British government officials reasoned that homeowners would receive a double allowance if they were allowed to participate, as they were already allowed to deduct real estate taxes and mortgage interest payments for income tax purposes.

The cost of a housing allowance system, in both England and Sweden, is borne by several layers of government. In Sweden, the national government provides matching funds to municipalities on a one-to-one basis in certain clearly delineated situations. On the other hand, in the United Kingdom, the national government shares up to 90 per cent of costs accruing to local housing authorities as a result of required rebates.

The concept of a housing allowance has not been limited to European shores. Forms of housing allowances were discussed in Congress as early as 1949, although no action was taken until 1969 and 1970, when the Department of Housing and Urban Development supported research designed to determine how much a national program would cost and what effect it would have on the rental market.

In late 1970, Model Cities agencies in Kansas City, Missouri, and Wilmington, Delaware, began programs designed to test the feasibility of housing allowances as a means of providing decent housing for low and moderate income families.

Because the design and operations of the Kansas City and Wilmington programs were nearly identical, I shall limit my discussion to the Kansas City program which was administered by the Kansas City Model City's Housing Development Corporation.

While 180 families were participating in this project as of September, 1972, during its peak 222 were enrolled. The project was funded to provide $250,000 a year for allowances over a five-year period and $36,000 a year for administrative costs over the same period. Recipients of allowances were allowed to participate in the program for a period of three years.

Allowances were offered to families or elderly individuals living in the Kansas City Model Neighborhood who would have qualified for participation in the federal rent supplement program (one of the low-income housing subsidies suspended last January). First priority was given to households living in public housing and substandard housing. The large majority of households served by this program were low-income black families. Recipients of assistance were allowed to participate in the program for a three-year period and received approximately $100 a month.

Evaluation of the Kansas City experiment is continuing, but here are some of the preliminary findings:

1. A housing allowance program enables a large number of families to move from substandard to standard housing within a short period of time.

2. Households with extremely low socioeconomic characteristics may be served by a housing allowance program.

3. The housing allowance program may increase the quality of housing which is available for eligible households.

4. Participants in such a program exercise sound judgment in selecting rental housing.

5. A housing allowance program may serve to encourage resegregation of minority groups.

On January 8, 1973, the United States Department of Housing and Urban Development launched an even more extensive evaluation of existing housing programs and their alternatives. Basic questions are being asked about the housing allowance program including:

(1) How will families use their allowances?

(2) How will the housing market respond to allowances—will rental prices rise?

(3) How should an allowance system be administered?

Answers are being sought to these questions in three types of experiments at nine sites throughout the country. Under this program, between 15,000 and 20,000 families will receive allowances.

The first of these is the "demand experiment," which will analyze the use of housing allowances by up to 1,000 families in each of at least two metropolitan areas with populations greater than 500,000. The second study is the "supply experiment" which will analyze any effects on the housing supply that result from offering housing allowances to between 4,000 and 8,000 families in two metropolitan areas with populations of around 250,000.

The third and final experiment is the "administrative agency experiment," designed to determine how to most effectively administer the program. Among the agencies participating in the third experiment are two local housing authorities, two metropolitan area county government agencies, two state community development agencies and two welfare agencies.

Given both the European experience and current experiments in this country, the case for making a housing allowance program an important component of our national housing strategy is quite persuasive. Such a program could reduce both poverty and the number of low-quality dwellings. In addition, it would lower the administrative costs involved in providing our disadvantaged citizens with decent housing. The experience in Sweden cited above is the clearest example of the beneficial effects of such a program.

One major advantage of a housing allowance program is that it can increase a family's ability to select housing in an area which it regards as desirable. Because payments are made to a family and not to housing operators, they will follow a family from one section of a metropolitan area to another, so long as its income is sufficiently low as to require the assistance. This increased mobility can well foster the free movement of black and Spanish-speaking families in the housing market.

On the other hand, such families may choose to live in areas with which they are familiar, choosing to remain near friends and build a viable political base. In both Kansas City and Wilmington, low income participants tended to follow the movement patterns of their racial ethnic groups and showed a proclivity for staying in the Model Neighborhood. Wilmington households which stayed in the Model Neighborhood, however, obtained larger housing at a lower cost while retaining the ability to enjoy Model Neighborhood services, the security of a familiar environment and the support of family and friends.

A second advantage of the housing allowance program is its ability to respond to a broader segment of the families eligible for subsidy because they are less costly per unit. The Office of Management and Budget argues that only a small number of families eligible to participate in the subsidized programs have an opportunity to purchase or rent housing under the Section 235–236 programs each year (these were the programs suspended last January). The housing allowance thus becomes a form of family income maintenance.

Finally, administrative costs should be lower than they are in a production subsidy program because fewer people will be needed to administer the subsidy. Appraisers, mortgage credit specialists, architects, loan officers and management specialists will be unnecessary in a housing allowance program. The role of the federal government would, like social security, be largely limited to determining eligibility and writing checks.

Several arguments have been raised in opposition to a housing allowance program. The most significant of these, from the point of view of black elected officials, is that such a system necessarily relies upon a supply of older existing housing being available for low income families while more costly new construction would be largely limited to families who can afford it without a direct subsidy. Thus, it is argued, low income families might well be limited to older housing requiring high maintenance costs.

Several factors which are ongoing in most communities should serve to avoid this result. Among them are:

1. The upgrading of local building codes,

2. Increased use of programs for housing rehabilitation,

3. Implementation of fair housing laws at all levels of government, and

4. Increasing family incomes for black families which should assure an expanding housing supply.

Thus, a viable housing allowance program would have an administrative requirement that before a family can use an allowance to rent or purchase housing, the owner would be required to produce a certificate that the housing meets local building code requirements for the basic housing systems, e.g., foundation, roof, plumbing, heating and electrical.

Local black elected officials must examine new components in our national housing strategy with a critical eye. Acceptance or rejection of such a housing allowance must be based upon a critical analysis of their effects upon the overall supply of housing available to the minority community and to an adequate family income to afford the units.

What we must not do is allow the richest of all nations to renege on its promise of a decent home for every citizen.

INVESTIGATION CALLS FOR CAMPAIGN REFORM LEGISLATION

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. ESCH. Mr. Speaker, one result of recent investigations of the 1972 election has been a call for campaign reform legislation which would correct the deficiencies in the present law. I believe this call is a necessary and urgent one. If we are to maintain a system of government that is representative of the people then the election process—that vital function that selects those who will represent—must be inherently credible.

While literally hundreds of bills have been introduced by Congressmen and Senators to this end, many with meritorious provisions, there are, I believe, several special "pressure points" that have not as yet been adequately addressed. I have recently introduced legislation that, while patterned after the recently passed Senate bill, makes several strong additions which I hope the House will consider.

FEDERAL ELECTIONS COMMISSION WITH INVESTIGATORY AND ENFORCEMENT PROCEDURES

Like the legislation that has passed the Senate, my bill sets up an independent policing commission that has the power to investigate candidates' records and take violators to court. Additionally, my legislation provides that the procedures and manpower of the Internal Revenue Service will be utilized by the Commission.

LIMITATIONS ON CONTRIBUTIONS AND EXPENDITURES

Again, like the Senate bill, I would place strict limitations on both contributions and expenditures. However, if we are to truly do away with vested interests in campaigns, it is necessary not only to limit the amount individuals can give, but to prohibit all giving by associations and groups. Further, I think it is essential that there is only one campaign committee through which all money is funneled. As Common Cause has continually stressed, accountability is of paramount importance. My provision would eliminate the proliferation of committees we have witnessed in past campaigns, and would make accountability a simple routine rather than the difficult and time-consuming practice it is today.

Along this line, the Elections Commission will be empowered to pay special attention to contributions other than those in dollars—that is, individuals in unions, corporations, and associations who work on campaigns on that group's time.

FOCUSING RESPONSIBILITY ON THE CANDIDATE

In the past each candidate has set up a number of political committees with the chairman or the treasurer of each committee responsible under the law for any violations. I believe that the candidate himself should be held responsible for any violations. Moreover, my bill would provide that the House and Senate must review and take action on any officeholder or their respective bodies who violate the law. This would insure that a candidate for Federal office would devote more attention to the financial details of his campaign, and would be unable to hide behind a facade of ignorance.

EQUALIZING THE GAP BETWEEN THE INCUMBENT AND CHALLENGER

This is one of the most important tasks we face if we are to really reform campaign practices. It is also one which has been sorely neglected by the many pieces of legislation now before us. The incumbent has a number of very important tools that give him or her a built-in edge over the challenger. One of these is the franking privilege. I believe strongly that if we are to have effective government there must be frequent and open communication between a Representative and those he represents, and the frank is an important means of achieving that goal. However, that privilege should not be available to the incumbent 60 days prior to the election. Furthermore, my bill provides both the incumbent and the challenger with the use of one franked mailing as a means of informing the voters of his stand on issues and inviting the voters' financial support.

TAX CREDIT

I believe a necessary goal is to encourage widespread financial participation on the part of the electorate, rather than limited special interest giving. My bill provides for a tax credit of up to $50 for an individual who wishes to contribute either to a party or to an individual candidate.

AFFECTING STATE AND LOCAL ELECTIONS

While Federal legislation will only directly affect campaigns for the House, Senate, and the Presidency, an important feature of my bill provides that the Election Commission shall work with State and local election commissions formed to regulate State and local races. Matching funds are providing for the establishment of such commissions and the services of the Internal Revenue Service is authorized to be made available to State commissions for investigative purposes.

ENERGY CRISIS

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. ASPIN. Mr. Speaker, I am publicly releasing today a recent General Accounting Office report critical of efforts by the General Services Administration to conserve energy in the operation of Federal office buildings.

GAO's criticism is centered on the unwillingness of some GSA personnel to enforce existing regulations requiring energy conservation.

In its report, GAO said:

> Building managers were not always adhering to GSA guidelines for energy conservation.

The GAO said:

> The conclusion reached as a result of our survey and limited review is that substantial improvement can be made in implementing energy conservation practices.

According to the GAO, one of the worst problems is the operation of electrical, hearing, and cooling systems 24 hours a day even though office workers occupy the buildings only 8 hours a day.

GAO said:

> Some buildings were found to be operating on a 24 hour basis even though less than 5% of the building occupants were present during the night time hours . . . yet entire buildings or large building segments were found to be fully illuminated and ventilated and in some cases, air conditioned.

Mr. Speaker, it is clear that a comprehensive energy conservation program can save energy and cut the Federal Government's overall spending for energy.

In August, as my colleagues may know, President Nixon announced that the Federal Government will attempt to cut its energy consumption by 7 percent.

I am hopeful that the General Accounting Office will eventually determine how successful the administration has been in cutting energy consumption. Since the Federal Government is the largest single energy consumer in the Nation, it is crucial that the goal of 7 percent reduction in consumption be achieved.

RODINO'S CHALLENGE

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. DEL CLAWSON. Mr. Speaker, during a trying period in our Nation's history it falls to a House committee and its able chairman to execute responsibility of a particularly taxing nature. The Washington Star-News of November 4 contains an editorial comment on this assignment which I hereby commend to the attention of my colleagues in the House. The editorial follows:

Rodino's Challenge

Upon no other member of Congress—even the redoubtable Sam Ervin—has fallen the weight of responsibility now carried by Representative Peter W. Rodino of New Jersey. Suddenly the House Judiciary Committee which Rodino heads must deal—like it or not—with some of the most controversial and momentous matters ever to arise: resolutions to impeach the President, which no longer can be counted as trivial, and bills calling for a special Watergate prosecutor outside the Nixon administration, to name the hotter ones. It must process legislation to extend the life of the Watergate grand jury. And amid all this, it must hold hearings on Representative Gerald Ford's nomination to be vice president.

The latter is the most urgently pressing task, because the country will rest easier once the vice presidential vacancy is filled. If it is filled without undue delay by a person of the party that won the last presidential election, at least some of the public suspicion about political designs in this city will be relieved. A normal succession to the presidency, in any case, simply has to be provided. Fortunately, there seems little inclination in Congress to hold Ford's nomination hostage, and Rodino's "full steam ahead" assurance on committee action is encouraging. But time is getting away, and we hope he will set the dates this week for early hearings into Ford's qualifications. The Senate, after all, is a good deal ahead of the House on this.

But the Senate, of course, is not having to explore the deadly serious question of impeachment, which House Judiciary moved into last Tuesday with results far from encouraging. An acrimonious committee battle over authority to issue subpoenas (finally vested altogether in Rodino) seemed to presage a bitter polarization along party lines. We hope this will be avoided, for the House's iron power in such an inquiry—which equals its responsibility to find the truth—could spark a debilitating battle. Much will depend on Rodino's judiciousness in wielding power, and the quality of the staff leadership he assembles for this awesome undertaking. Only the best of talent and rectitude will suffice.

LAW OF THE SEA NEGOTIATIONS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. FRASER. Mr. Speaker, three of our colleagues, Mrs. Sullivan, Mr. Downing, Mr. Pritchard, and I recently circulated a letter to all Members of the House reporting on the Geneva meeting this summer of the U.N. Seabeds Committee which we attended as advisers on the U.S. delegation.

The letter gives the current status of the preparatory work for the Law of the Sea Conference which is scheduled to hold its organizational session in New York next month, and then reconvene next spring in Caracas, Venezuela, for substantive negotiations.

The Law of the Sea Conference will be perhaps the most important international lawmaking meeting ever held, and the most important conference held under United Nations auspices. Its task is to conclude a treaty to govern the uses of the oceans and their subsoil for the nations of the world. International law embodied in the treaty can therefore affect every American citizen.

I insert the letter signed by Mrs. Sullivan, Mr. Downing, Mr. Pritchard, and myself in the Record:

Washington, D.C., *October 19, 1973.*

Dear Colleague: During the August recess we attended the meeting of the United Nations Seabeds Committee in Geneva as Congressional advisors on the U.S. delegation. We are taking this opportunity to report to you the current status of the work of the Committee in preparation for the Law of the Sea Conference which is scheduled to hold its opening session in New York later this year.

The main task of the Seabeds Committee is to arrange alternative treaty texts in workable form for the Law of the Sea Conference, reducing the large number of draft articles so that the Conference can address itself to resolution of the major differences among a few relatively well-defined positions. This, we have learned is not easy to accomplish in a forum of 91 nations representing a wide range of interests. But a broad multilateral conference is the only means by which agreement can be reached on universal law for use of the ocean and its resources.

There is widespread support among the members of the Seabeds Committee for a comprehensive agreement including a twelve-mile territorial sea, broad coastal state jurisdiction beyond the territorial sea over living and mineral resouces, and an internatonal regime for deep seabed exploitation beyond coastal state jurisdiction. The Geneva meeting succeeding in completing al-

ternative treaty texts on principles, machinery and structure of the international seabed regime and important aspects of marine environment standards. Resolution of major substantive issues involved in breadth of the territorial sea, transit through international straits, fisheries, economic resource jursdiction and scientific research would be facilitated if means were found to reduce and clarify the main alternatives before substantive negotiations begin. The American delegation has been effective in having the essential points in U.S. policy included among the alternative texts adopted by the Committee and we are hopeful that the Law of the Sea Conference will be successful from the standpoint of our national interests.

We believe the policy of the United States in the law of the sea negotiations is a constructive one which realistically balances national and international interests. Both the House and Senate passed resolution this year supporting the general objectives being pursued. Notable points of contention in the Seabeds Committee, as they presently relate to U.S. policy, are as follows:

1. The international seabed regime—for managing exploitation of deep seabed minerals as "the common heritage of mankind," the U.S. proposal for a regime governed by a strong Council consisting of a limited number of nations which would license private industry to exploit minerals has met opposition from those favoring a regime with its own operating capacity governed by an Assembly of many nations.

2. Economic resource jurisdiction—the U.S. advocates international criteria, and compulsory settlement of disputes, as a check on unlimited coastal state control over resources in the area beyond the territorial sea while others propose virtually unlimited coastal state jurisdiction for 200-miles or more.

3. Marine environment—as in the case of economic resource jurisdiction, the U.S. position for international standards is opposed by countries favoring strong coastal state jurisdiction and discretion.

4. International straits—the position of the U.S. for unhindered "free transit" (including overflight and submerged passage) is opposed by those states bordering straits who prefer the more limited "innocent passage" concept in straits overlapped by territorial waters.

5. Fisheries—the U.S. proposals for coastal state management of coastal and anadromous species (such as salmon) has considerable support, but there is formidable opposition to international management of highly migratory species (such as tuna).

In the event of a substantial delay in the Law of the Sea negotiations as a result of either further postponement of the Conference or polarization of positions, the four of us are not in complete agreement as to appropriate Congressional action. However, some of us would be prepared to give serious consideration to interim national legislation to prevent erosion of national interests and natural resources. All of us look with favor on the U.S. proposal for provisional application of certain treaty articles as soon as possible after the treaty is signed provided Congress has given its approval.

We believe issues on law of the sea are important to all Americans and hope that this information will be useful to you. We would welcome the opportunity to discuss the issues in more detail with you personally.

Sincerely,

Leonor K. Sullivan,
Thomas N. Downing,
Donald M. Fraser,
Joel Pritchard.

"MURDER BY HANDGUN: THE CASE FOR GUN CONTROL"—NO. 41

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. HARRINGTON. Mr. Speaker, 1 month ago Sam Koenig was shot by five youngsters, one of whom is only 15 years old.

The tensions in our society which encourage 15-year-olds to participate in murders are many and will take decades to decrease. But such murders could be reduced tomorrow if Congress would only pass simple gun control legislation.

At this time, I include the article by Arthur Noble and William McFadden from the October 6 New York Daily News. The article follows:

[From The Daily News (N.Y) Oct. 16, 1973]

Nab Three in Murder of Harlem Store Owner

(By Arthur Noble and William McFadden)

Three Harlem teenagers were arrested yesterday as suspects in the execution-style slaying of 125th St. toy storeowner Sam Koenig.

The arrest came a day after Koenig was surprised by five youths in his store at 24 W. 125th St., handcuffed behind his back and shot dead by a single bullet behind his right ear.

All three youths were taken to the E. 119th St. station house. They were placed in a lineup and, police said, seven witnesses identified them as the killers.

ONE NAME WITHHELD

They are Anthony Cooper, 18, of 2496 Eighth Ave., George Borrow, 19, of 2236 Seventh Ave., and a 15-year-old boy whose name was withheld.

Police credited the arrests to "marvelous cooperation from the community," especially to learning from businessmen that the youths had called each other by nicknames during the stickup.

Armed with that, Capt. Timothy Dowd—a former deputy inspector who had been reduced in rank last Wednesday under Police Commissioner Donald Cawley's controversial reevaluation program—put 20 detectives on the case working around the clock.

At 4 p.m. a team of detectives under Detective Richard Marcus closed in on the three youths at a housing development on Eighth Ave. at 140th St.

During the attack on Koenig, the youths stole two minibikes. But neither of those vehicles, nor the murder gun, has been recovered. A spent shell was recovered in Koenig's store, however.

FUNERAL IS HELD

Dowd said the hunt for the two remaining suspects will continue.

The three suspects were captured as private funeral services were being held for Koenig, 52, in the Robert Schoem memorial chapel in Paramus, N.J. Operator of the Harlem store for 30 years, Koenig lived in Fort Lee, N.J.

His murder—the second in six days within a two-block area and the third of a Harlem merchant within five weeks—had stunned the Harlem business community.

In response, police yesterday assigned a force of 31 additional cops to duty along 125th St.

Inspector Hamilton Robinson, commander of the W. 123d St. station, announced that 20 police officers, in radio cars and on foot, five cops on horseback and six plainclothesmen have been assigned exclusively to the street, from Seventh to Lexington Aves.

Theodore Chatoff, 55, owner of the Chatoff Brothers' Store, at 131 E. 125th St., with his brother, Irving, 57, said yesterday:

"In our more than 40 years here on this street, we have never seen crime this bad. It's terrible. We don't know what to do. Our life is in this store and we can't sell and move out."

Irving Chatoff said: "Nearly everybody on the street carries a knife. It's not just the criminals, it's everybody. Decent citizens carry knives because they are afraid."

THREE ROBBERIES IN 6 WEEKS

A few doors away, at Brown's Bargain Store, 121 E. 125th St., store manager Sidney Kaufman said:

"We have been robbed three times within the last six weeks. Nowadays they (the criminal justice system) let young punks get away with everything. There is no respect any more."

Kenneth N. Sherwood, 43, president of the Kenwood Corp., at 148 W. 125th St., and a member of the State Athletic Commission, who owns several businesses in the area, announced that he and a group of other Harlem businessmen will meet Wednesday with Commissioner Cawley over the new crime wave.

"Not since the death of the late Dr. Martin Luther King have I been so filled with anger and bitterness," he said. "These people are not 'brothers,' they are just plain criminals who need to be apprehended and treated accordingly."

Ronnie Holly, 34, owner of Ronnie's Casuals, at 268 W. 125th St., conceded that "crime is bad here," but he added: "It's not all confined to the Harlem area. There is crime in the white suburbs, but they keep it hidden under the rug."

Holly said that the criminals "represent only a small percentage, like one-half per cent, of the community," and that one of the solutions is to employ more black police officers and fewer white ones.

PROPOSED AMENDMENT

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. REUSS. Mr. Speaker, H.R. 11104, the debt ceiling bill, comes to the floor tomorrow under a rule reported out today, House Resolution 687. There will be an attempt to substitute for House Resolution 687, the following language:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11104) to provide for a temporary increase of $13,000,000,000 in the public debt limit and to extend the period to which this temporary limit applies to June 30, 1974, and all points of order against said bill for failure to comply with the provisions of clause 4, rule XXI, are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider, without the intervention of any point of order, one amendment to the bill H.R. 11104 consisting of the texts of the bills H.R. 11155 and H.R. 11158. At the conclusion of the consideration of the bill H.R. 11104 for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

FIFTY-FIFTH ANNIVERSARY OF POLISH INDEPENDENCE

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. ANNUNZIO. Mr. Speaker, 55 years ago the proud and courageous people of Poland, determined to obtain and preserve a free and united Poland, announced their independence. November 11, 1918, will continue to be appropriately honored by Poles and their descendants as "Polish Independence Day."

Prior to 1918, however, the people of Poland were faced with both triumph and disappointment. A successful attempt to establish a constitutional government in the late 1700's demonstrated the Polish desire to become a self-governing nation, and its capability of self-determination. Unfortunately, however, the powerful Russian Army destroyed this form of government following only 1 year of existence, and soon divided this small country with Prussia.

Poland, a nation that took great and justifiable pride in its long and glorious history, disappeared from the map of Europe in the latter part of the 18th century when three partitions by Austria, Prussia, and Russia eventually robbed it of all its territory. It was not to become free again for almost a century and a quarter.

Germany and Austria-Hungary fought against Russia during World War I, which meant that Poles fought on both sides, brother against brother. The collapse of Russia in March 1917, and the final defeat of the central powers a year and a half later gave Polish patriots, who had been busy behind the scenes, their opportunity to reestablish the nation whose people had suffered so much from their oppressors.

Poland declared its independence on November 11, 1918, a declaration that was recognized the following summer by the treaty of Versailles. No longer were Poles to be referred to as Austrian Poles, German Poles, and Russian Poles. They were now Poles, no more and no less, citizens of a free country.

Poland enjoyed the blessings of independence for only 20 years. In 1939 the Nazis and the Communists divided its territory, the fourth partition of Poland. Nazism was destined to be defeated after 5½ years of bitter fighting, but communism remains firmly entrenched today and unhappy Poland is one of the many colonies that make up the farflung Soviet Empire.

Mr. Speaker, although the years of renewed liberation and self-government were short-lived for these courageous people, their struggle to be free continues. It is, therefore, particularly appropriate that we, in the United States, acknowledge this great accomplishment. I proudly join Americans of Polish descent in my own 11th Congressional District of Illinois, which I am proud to represent, the city of Chicago, and all over the Nation as they pay special tribute to "Polish Independence Day."

JOHN RYBAK RETIRES WITH HONORS

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. DULSKI. Mr. Speaker, on November 30 a testimonial dinner will be given in Buffalo for a most remarkable and admirable man, John Peter Rybak, the retiring vocational principal and athletic director at St. Mary's School for the Deaf.

I have known John since our school days, and no one is more deserving of the honors being showered on him. John was a great athlete with even greater promise of achievement and fame when he elected to join the staff at St. Mary's 38 years ago. Although he did not have a career in the national or international sports field, he surely must look back on one of the most fulfilling careers a man could have.

Touching tributes were paid to John Rybak last week, when students and faculty held a surprise party for him. I would like to insert an article written by a distinguished columnist, Bob Curran, and to join the throngs of friends and well-wishers in saying, "Congratulations on a job well done, John." The article follows:

[From the Buffalo Evening News, Nov. 1 1973]

JOHN RYBAK KNOWS "THANK YOUS" COME UNSPOKEN FROM THE HEART

(By Bob Curran)

As I was walking across the parking lot at St. Mary's School for the Deaf Wednesday morning I ran into a character who did a double-take and then said, "What are you doing out so early? Is your brother-in-law back in town?"

My answer was that I was on my way to a surprise retirement party for John Rybak and that I would make such a party no matter what time of day or night it was staged.

John Peter Rybak, vocational principal and athletic director at St. Mary's, will be honored at a large testimonial dinner Nov. 30 that is being thrown by the battalions of people who know what he has done in the 38 years he has been at the school.

Of course I'll be there and I'll be surprised if some time during the night I don't hear someone say, "I wonder why a guy who had so much going for him would do what he did? What does he have to show for it?"

The person or persons who ask that question on Nov. 30 would have had part of the answer if they had been in the school auditorium Wednesday morning when the good sisters, civilian workers and students had their surprise party for John.

I know that if they were there they would never forget, as I won't, the sight of the children from 5 to 18 giving John their best wishes in sign language and with their faces.

The home-made cards that were presented didn't surprise a man who had been exposed to these lovable youngsters a few times before. One said, "Dear John Rybak: John worked here for 38 years. We are sad. We will honor him today." On the front of the card was a loving cup with a star in the middle.

Another showed a U.S.A. athlete standing on the winner's Olympic stand while athletes from two other countries were in the Nos. 2 and 3 places. The message read. "Thank you for helping St. Mary's for the Deaf Athletics." As many of you know, John brought some of the school's athletes to the Deaf Olympics in 1961.

Another carried a message that many of the friends of St. Mary's would re-echo, "I wish you would stay here for the year."

From other sources I had learned after our first meeting 5 years ago that John Rybak was one of the greatest athletes Canisius College ever saw. And so when we sat in his office late Wednesday morning I asked what had brought him to St. Mary's 38 years ago.

"Athletics had a hand in it," he answered, but in a strange way. Sister Rose Gertrude, our retired superintendent, asked Father Francis Dougherty of Canisius to recommend a young graduate who could work with some deaf boys on a farm in Ellicottville. And I was picked.

"But when I went to see Sister Gertrude she told me that the farm project had been abandoned and she apologized because she had no job to offer. I said that I was sorry to hear that and added that I wasn't all that letdown because I had several other prospects.

"She called me the next week and said that she had the feeling that I was interested in helping the youngers at her school and that I should join the staff and 'make my own job.' But se added a warning—and that was that no civilian from the hearing world had ever worked out in their program.

"She was right about my interest and that's where the athletic part came into the picture. As an athlete, I had learned to love challenges and I thought it would be a real challenge to coach these youngsters from the silent world."

What happened after that is a story that can't be done justice to in this space. For 4 years John lived at the school, woke up the boys in the morning, coached the varsity squads and developed an intra-mural program. With the help of the boys and a deaf teacher named Russell Martina, he learned the language of the youngsters he counseled and coached. There are those who were there in the first year who say that there never was a communication gap between John and the boys from the day he started at the school.

In 1940 he helped Msgr. William Martin and Father John Fornes start the Catholic League that among other things gave his boys the chance to play against teams from the hearing world.

From that league came many trophies that could be seen and many victories that were unsung. Those came when men from the hearing world who had played against St. Mary's hired the deaf boys John sent to them and whom they knew as reliable, resourceful performers.

There were so many other quiet victories along the way with his wife Dorothy helping in the background. On Nov. 30 some very articulate people will stand up at John's dinner and talk about them. Some of the men from the silent world who could add so much won't be putting their stories into words.

But none of the speakers on Nov. 30 will say any words that John will remember more than the words that were on the sign on the stage of the auditorium Wednesday morning—words that some day will be appreciated by the tykes who on Wednesday didn't know what the hubbub was all about.

Those words, put on the sign by the older youngsters who know the man who was leaving them, were:

"Thanks, God, for Mr. Rybak."

VETERANS OUTREACH PROGRAM

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. ROYBAL. Mr. Speaker, I would like to bring to the attention of my colleagues the valuable work that the Los Angeles Veterans Outreach Program has done since 1970. This program, which has successfully operated in my district since its inception, has acquainted veterans with educational and job possibility and assisted them in obtaining review of discharges and other veteran related problems.

I. OVERVIEW OF THE VETERANS OUTREACH PROGRAM: PAST AND PRESENT

In 1970, after studying the tremendous influx of Vietnam veterans back into disadvantaged communities, the county of Los Angeles and the U.S. Department of Labor initiated a program in an attempt to bridge the gap between the needs of the young veteran and existing service agencies, particularly those dealing with educational development. Since its beginnings, the Veterans Outreach Program has succeeded in making an impact on a sizeable segment of the veteran population in terms of education, job development, assistance in review of discharges and other veteran-related problems. This success, however, was not easily attained in view of the administrative difficulties which were encountered on the way.

Although the U.S. Department of Labor had funded the program through the county of Los Angeles in 1970, the initial phase of the program was subcontracted to the California Department of Human Resources Development. Such negotiations caused delays in the implementation of proposed activities and in the hiring of staff. A total of 6 months passed before the program could be staffed with its full complement of one supervisor, five student-workers, and one clerk-typist. However, such difficulties did not prevent the program from achieving a high degree of competence and success among the veteran community of East Los Angeles. This was also a time of developing recognition and credibility among the educational and employment institutions of the Los Angeles area who were responding to the needs of the Vietnam veteran.

During the initial phase of the program, the staff and responsibilities were limited, in that the target area was exclusively the East Los Angeles community. In November of 1971, the program received full funding from the U.S. Department of Labor though the county of Los Angeles intended to extend the program's target area to the entire county. In addition to the existing East Los Angeles office, one in the San Fernando-Pacoima area and one in the Venice-Watts area were established. This expansion allowed the concepts and services of the program to benefit the veterans of other communities and to increase the available resources by establishing contact with more agencies and institutions.

At this time, the National League of Cities/U.S. Conference of Mayors, in conjunction with the Greater Los Angeles Urban Coalition, initiated a veterans program in the Los Angeles area. Being aware that the county already had established a successful outreach program, Urban Coalition assigned six part-time workers to the program in order to assist in the outreach effort. These workers and Urban Coalition have been most cooperative with the county program and have contributed to its effectiveness.

The present organization of the veterans outreach program is very different from what it was 2 years ago. Its effectiveness, however, has increased, principally because the program has remained flexible and has resisted those bureaucratic trends which could hinder its development and effectiveness. Recent recognition of the program's impact is represented by the reception of the annual achievement award from the National Association of Counties for a new and creative program involving a county and the Federal Government.

II. PROMINENT PROGRAM ACTIVITIES AND ACCOMPLISHMENTS

During the past year of operation, the program's principal objective has remained the educational development of Vietnam-era veterans. This development has been on all levels of education, from the adult school level on through the college and university level. The staff of the program has worked closely with existing educational projects, such as UCLA's special educational program and the Los Angeles city schools' GED preparation program, and has succeeded in establishing a good working relationship with administrators of these and other institutions. In short, the program has created for itself, with the veteran community it serves and with the educational establishment, a reputation for expertise in the area of educational development.

In addition to working with existing programs, the staff of the veterans outreach program has assisted other agencies and groups in initiating veteran programs, not only in the Los Angeles area, but also in other parts of the country. These agencies became aware of the successes of this program through workshops, conferences, and other personal contacts and approached the program staff for assistance in proposal writing and project planning. We felt that, since the program was a pioneer in the field of veteran outreach, the staff should take the leadership in the development of this expanding area of concern.

In recent months the program has become increasingly involved in employment, particularly through the Emergency Employment Act. In reality, the program has become the veteran recruitment arm of the county's public employment program and that of the county's contract cities and other cities and agencies involved in EEA. Through our recruitment effort, hundreds of veterans in the Los Angeles County area have been employed either on a full-time or part-time basis. Of particular benefit have been the latter which have afforded veterans, enrolled in school, the opportunity to continue their education with a full-time schedule. These jobs have ranged from student-workers in county offices to teacher assistants for the Los Angeles City School District. This type of employment has been the most important, in our view, since it coincides with the educational goals set by the program plan.

The program was also involved in implementing EEA by attempting to solve its many administrative problems, such as the excessive time needed to process a veteran applicant. Through our recruitment and screening efforts, the processing time was reduced in order to assure that no unnecessary economic hardship would be borne by the veteran.

Another area of activity, which was not originally planned, has been the assisting of veterans seeking a review of discharge. Since March of 1972, over 40 review cases have been prepared by two counselors who have specialized in this area. This activity was initiated upon President Nixon's amnesty order for veterans involved in drugs. However, these counselors have worked on all types of discharges, not necessarily drug-related ones. The review procedures and preparations, if they are to be efficacious, had to be done very carefully and with a great deal of research and documentation. As a consequence, each case was extremely time-consuming and for all practical purposes restricted these two counselors to this activity. To date three discharges have been changed to honorable; although this may not appear significant, it reflects the current percentage of reversals. And for these three veterans the effect on their lives is incalculable.

In the future we can expect an increase in these cases because of the changing attitudes concerning these matters. We feel that this activity complements our other services very well and that, since very few other agencies concern themselves with less than honorable discharges, we are obliged to assist the veteran in this regard. During the early part of this year, auditors from the GAO investigated our files and procedures as part of a study recommending changes in the discharge procedures. This study will be presented to Congress for consideration shortly. We have also been contacted by the National Council of Churches which is considering funding a project to train counselors in the area of less-than-honorable discharges.

MILITARY PROCUREMENT: A LOOK AT THE A-10

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. BYRON. Mr. Speaker, Fairchild Industries of Hagerstown, has been a

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counting Office report critical of efforts by the General Services Administration to conserve energy in the operation of Federal office buildings.

GAO's criticism is centered on the unwillingness of some GSA personnel to enforce existing regulations requiring energy conservation.

In its report, GAO said:

> Building managers were not always adhering to GSA guidelines for energy conservation.

The GAO said:

> The conclusion reached as a result of our survey and limited review is that substantial improvement can be made in implementing energy conservation practices.

ings on Representative Gerald Ford's nomination to be vice president

The latter is the most urgently pressing task, because the country will rest easier once the vice presidential vacancy is filled. If it is filled without undue delay by a person of the party that won the last presidential election, at least some of the public suspicion about political designs in this city will be relieved. A normal succession to the presidency, in any case, simply has to be provided. Fortunately, there seems little inclination in [illegible] Ford's nomination hostage, and Rodino's "full steam ahead" assurance on committee action is encouraging. But time is getting away, and we hope he will set the dates this week for early hearings into Ford's qualifications. The Senate, after all, is a good deal ahead of the House on this

reducing the large number of draft articles so that the Conference can address itself to resolution of the major differences among a few relatively well-defined positions. This, we have learned is not easy to accomplish in a forum of 91 nations representing a wide range of interests. But a broad multilateral conference is the only means by which agreement can be reached on universal law for use of the ocean and its resources.

There is widespread support among the members of the Seabeds Committee for a comprehensive agreement including a twelve-mile territorial sea, broad coastal state jurisdiction beyond the territorial sea over living and mineral resouces, and an international regime for deep seabed exploitation beyond coastal state jurisdiction. The Geneva meeting succeeding in completing al-

some of us would be prepared to give serious consideration to interim national legislation to prevent erosion of national interests and natural resources. All of us look with favor on the U.S. proposal for provisional application of certain treaty articles as soon as possible after the treaty is signed provided Congress has given its approval.

We believe issues on law of the sea are important to all Americans and hope that this information will be useful to you. We would welcome the opportunity to discuss the issues in more detail with you personally

Sincerely,

LEONOR K. SULLIVAN
THOMAS N. DOWNING
DONALD M. FRASER.
JOEL PRITCHARD

The three suspects were captured as private funeral services were being held for Koenig, 52, in the Robert Schoem memorial chapel in Paramus, N.J. Operator of the Harlem store for 30 years, Koenig lived in Fort Lee, N.J.

His murder—the second in six days within a two-block area and the third of a Harlem merchant within five weeks—had stunned the Harlem business community.

In response, police yesterday assigned a force of 31 additional cops to duty along 125th St.

Inspector Hamilton Robinson, commander of the W. 123d St. station, announced that 20 police officers, in radio cars and on foot, five cops on horseback and six plainclothesmen have been assigned exclusively to the street, from Seventh to Lexington Aves.

Theodore Chatoff 55 owner of the Chatoff

porary limit applies to June 30, 1974, and all points of order against said bill for failure to comply with the provisions of clause 4, rule XXI, are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider, without the intervention of any point of order, one amendment to the bill H.R. [illegible] consisting of the texts of the bills H.R. 11155 and H.R. 11158. At the conclusion of the consideration of the bill H.R. 11104 for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto

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to final passage without intervening motion except one motion to recommit.

FIFTY-FIFTH ANNIVERSARY OF POLISH INDEPENDENCE

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. ANNUNZIO. Mr. Speaker, 55 years ago the proud and courageous people of Poland, determined to obtain and preserve a free and united Poland, announced their independence. November 11, 1918, will continue to be appropriately honored by Poles and their descendants as "Polish Independence Day."

Prior to 1918, however, the people of Poland were faced with both triumph and disappointment. A successful attempt to establish a constitutional government in the late 1700's demonstrated the Polish desire to become a self-governing nation, and its capability of self-determination. Unfortunately, however, the powerful Russian Army destroyed this form of government following only 1 year of existence, and soon divided this small country with Prussia.

Poland, a nation that took great and justifiable pride in its long and glorious history, disappeared from the map of Europe in the latter part of the 18th century when three partitions by Austria, Prussia, and Russia eventually robbed it of all its territory. It was not to become free again for almost a century and a quarter.

Germany and Austria-Hungary fought against Russia during World War I, which meant that Poles fought on both sides, brother against brother. The collapse of Russia in March 1917, and the final defeat of the central powers a year and a half later gave Polish patriots, who had been busy behind the scenes, their opportunity to reestablish the nation whose people had suffered so much from their oppressors.

Poland declared its independence on November 11, 1918, a declaration that was recognized the following summer by the treaty of Versailles. No longer were Poles to be referred to as Austrian Poles, German Poles, and Russian Poles. They were now Poles, no more and no less, citizens of a free country.

Poland enjoyed the blessings of independence for only 20 years. In 1939 the Nazis and the Communists divided its territory, the fourth partition of Poland. Nazism was destined to be defeated after 5½ years of bitter fighting, but communism remains firmly entrenched today and unhappy Poland is one of the many colonies that make up the farflung Soviet Empire.

Mr. Speaker, although the years of renewed liberation and self-government were short-lived for these courageous people, their struggle to be free continues. It is, therefore, particularly appropriate that we, in the United States, acknowledge this great accomplishment. I proudly join Americans of Polish descent in my own 11th Congressional District of Illinois, which I am proud to represent, the city of Chicago, and all over the Nation as they pay special tribute to "Polish Independence Day."

JOHN RYBAK RETIRES WITH HONORS

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. DULSKI. Mr. Speaker, on November 30 a testimonial dinner will be given in Buffalo for a most remarkable and admirable man, John Peter Rybak, the retiring vocational principal and athletic director at St. Mary's School for the Deaf.

I have known John since our school days, and no one is more deserving of the honors being showered on him. John was a great athlete with even greater promise of achievement and fame when he elected to join the staff at St. Mary's 38 years ago. Although he did not have a career in the national or international sports field, he surely must look back on one of the most fulfilling careers a man could have.

Touching tributes were paid to John Rybak last week, when students and faculty held a surprise party for him. I would like to insert an article written by a distinguished columnist, Bob Curran, and to join the throngs of friends and well-wishers in saying, "Congratulations on a job well done, John." The article follows:

[From the Buffalo Evening News, Nov. 1 1973]

JOHN RYBAK KNOWS "THANK YOUS" COME UNSPOKEN FROM THE HEART

(By Boh Curran)

As I was walking across the parking lot at St. Mary's School for the Deaf Wednesday morning I ran into a character who did a double-take and then said, "What are you doing out so early? Is your brother-in-law back in town?"

My answer was that I was on my way to a surprise retirement party for John Rybak and that I would make such a party no matter what time of day or night it was staged.

John Peter Rybak, vocational principal and athletic director at St. Mary's, will be honored at a large testimonial dinner Nov. 30 that is being thrown by the battalions of people who know what he has done in the 38 years he has been at the school.

Of course I'll be there and I'll be surprised if some time during the night I don't hear someone say, "I wonder why a guy who had so much going for him would do what he did? What does he have to show for it?"

The person or persons who ask that question on Nov. 30 would have had part of the answer if they had been in the school auditorium Wednesday morning when the good sisters, civilian workers and students had their surprise party for John.

I know that if they were there they would never forget, as I won't, the sight of the children from 5 to 18 giving John their best wishes in sign language and with their faces.

The home-made cards that were presented didn't surprise a man who had been exposed to these lovable youngsters a few times before. One said, "Dear John Rybak: John worked here for 38 years. We are sad. We will honor him today." On the front of the card was a loving cup with a star in the middle.

Another showed a U.S.A. athlete standing on the winner's Olympic stand while athletes from two other countries were in the Nos. 2 and 3 places. The message read. "Thank you for helping St. Mary's for the Deaf Athletics." As many of you know, John brought some of the school's athletes to the Deaf Olympics in 1961.

Another carried a message that many of the friends of St. Mary's would re-echo, "I wish you would stay here for the year."

From other sources I had learned after our first meeting 5 years ago that John Rybak was one of the greatest athletes Canisius College ever saw. And so when we sat in his office late Wednesday morning I asked what had brought him to St. Mary's 38 years ago.

"Athletics had a hand in it," he answered, but in a strange way. Sister Rose Gertrude, our retired superintendent, asked Father Francis Dougherty of Canisius to recommend a young graduate who could work with some deaf boys on a farm in Ellicottville. And I was picked.

"But when I went to see Sister Gertrude she told me that the farm project had been abandoned and she apologized because she had no job to offer. I said that I was sorry to hear that and added that I wasn't all that letdown because I had several other prospects.

"She called me the next week and said that she had the feeling that I was interested in helping the youngers at her school and that I should join the staff and 'make my own job.' But se added a warning—and that was that no civilian from the hearing world had ever worked out in their program.

"She was right about my interest and that's where the athletic part came into the picture. As an athlete, I had learned to love challenges and I thought it would be a real challenge to coach these youngsters from the silent world."

What happened after that is a story that can't be done justice to in this space. For 4 years John lived at the school, woke up the boys in the morning, coached the varsity squads and developed an intra-mural program With the help of the boys and a deaf teacher named Russell Martina, he learned the language of the youngsters he counseled and coached. There are those who were there in the first year who say that there never was a communication gap between John and the boys from the day he started at the school.

In 1940 he helped Msgr. William Martin and Father John Fornes start the Catholic League that among other things gave his boys the chance to play against teams from the hearing world.

From that league came many trophies that could be seen and many victories that were unsung. Those came when men from the hearing world who had played against St. Mary's hired the deaf boys John sent to them and whom they knew as reliable, resourceful performers.

There were so many other quiet victories along the way with his wife Dorothy helping in the background. On Nov. 30 some very articulate people will stand up at John's dinner and talk about them. Some of the men from the silent world who could add so much won't be putting their stories into words.

But none of the speakers on Nov. 30 will say any words that John will remember more than the words that were on the sign on the stage of the auditorium Wednesday morning—words that some day will be appreciated by the tykes who on Wednesday didn't know what the hubbub was all about.

Those words, put on the sign by the older youngsters who know the man who was leaving them, were:

"Thanks, God, for Mr. Rybak."

VETERANS OUTREACH PROGRAM

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. ROYBAL. Mr. Speaker, I would like to bring to the attention of my colleagues the valuable work that the Los Angeles Veterans Outreach Program has done since 1970. This program, which has successfully operated in my district since its inception, has acquainted veterans with educational and job possibility and assisted them in obtaining review of discharges and other veteran related problems.

I. OVERVIEW OF THE VETERANS OUTREACH PROGRAM: PAST AND PRESENT

In 1970, after studying the tremendous influx of Vietnam veterans back into disadvantaged communities, the county of Los Angeles and the U.S. Department of Labor initiated a program in an attempt to bridge the gap between the needs of the young veteran and existing service agencies, particularly those dealing with educational development. Since its beginnings, the Veterans Outreach Program has succeeded in making an impact on a sizeable segment of the veteran population in terms of education, job development, assistance in review of discharges and other veteran-related problems. This success, however, was not easily attained in view of the administrative difficulties which were encountered on the way.

Although the U.S. Department of Labor had funded the program through the county of Los Angeles in 1970, the initial phase of the program was subcontracted to the California Department of Human Resources Development. Such negotiations caused delays in the implementation of proposed activities and in the hiring of staff. A total of 6 months passed before the program could be staffed with its full complement of one supervisor, five student-workers, and one clerk-typist. However, such difficulties did not prevent the program from achieving a high degree of competence and success among the veteran community of East Los Angeles. This was also a time of developing recognition and credibility among the educational and employment institutions of the Los Angeles area who were responding to the needs of the Vietnam veteran.

During the initial phase of the program, the staff and responsibilities were limited, in that the target area was exclusively the East Los Angeles community. In November of 1971, the program received full funding from the U.S. Department of Labor though the county of Los Angeles intended to extend the program's target area to the entire county. In addition to the existing East Los Angeles office, one in the San Fernando-Pacoima area and one in the Venice-Watts area were established. This expansion allowed the concepts and services of the program to benefit the veterans of other communities and to increase the available resources by establishing contact with more agencies and institutions.

At this time, the National League of Cities/U.S. Conference of Mayors, in conjunction with the Greater Los Angeles Urban Coalition, initiated a veterans program in the Los Angeles area. Being aware that the county already had established a successful outreach program, Urban Coalition assigned six part-time workers to the program in order to assist in the outreach effort. These workers and Urban Coalition have been most cooperative with the county program and have contributed to its effectiveness.

The present organization of the veterans outreach program is very different from what it was 2 years ago. Its effectiveness, however, has increased, principally because the program has remained flexible and has resisted those bureaucratic trends which could hinder its development and effectiveness. Recent recognition of the program's impact is represented by the reception of the annual achievement award from the National Association of Counties for a new and creative program involving a county and the Federal Government.

II. PROMINENT PROGRAM ACTIVITIES AND ACCOMPLISHMENTS

During the past year of operation, the program's principal objective has remained the educational development of Vietnam-era veterans. This development has been on all levels of education, from the adult school level on through the college and university level. The staff of the program has worked closely with existing educational projects, such as UCLA's special educational program and the Los Angeles city schools' GED preparation program, and has succeeded in establishing a good working relationship with administrators of these and other institutions. In short, the program has created for itself, with the veteran community it serves and with the educational establishment, a reputation for expertise in the area of educational development.

In addition to working with existing programs, the staff of the veterans outreach program has assisted other agencies and groups in initiating veteran programs, not only in the Los Angeles area, but also in other parts of the country. These agencies became aware of the successes of this program through workshops, conferences, and other personal contacts and approached the program staff for assistance in proposal writing and project planning. We felt that, since the program was a pioneer in the field of veteran outreach, the staff should take the leadership in the development of this expanding area of concern.

In recent months the program has become increasingly involved in employment, particularly through the Emergency Employment Act. In reality, the program has become the veteran recruitment arm of the county's public employment program and that of the county's contract cities and other cities and agencies involved in EEA. Through our recruitment effort, hundreds of veterans in the Los Angeles County area have been employed either on a full-time or part-time basis. Of particular benefit have been the latter which have afforded veterans, enrolled in school, the opportunity to continue their education with a full-time schedule. These jobs have ranged from student-workers in county offices to teacher assistants for the Los Angeles City School District. This type of employment has been the most important, in our view, since it coincides with the educational goals set by the program plan.

The program was also involved in implementing EEA by attempting to solve its many administrative problems, such as the excessive time needed to process a veteran applicant. Through our recruitment and screening efforts, the processing time was reduced in order to assure that no unnecessary economic hardship would be borne by the veteran.

Another area of activity, which was not originally planned, has been the assisting of veterans seeking a review of discharge. Since March of 1972, over 40 review cases have been prepared by two counselors who have specialized in this area. This activity was initiated upon President Nixon's amnesty order for veterans involved in drugs. However, these counselors have worked on all types of discharges, not necessarily drug-related ones. The review procedures and preparations, if they are to be efficacious, had to be done very carefully and with a great deal of research and documentation. As a consequence, each case was extremely time-consuming and for all practical purposes restricted these two counselors to this activity. To date three discharges have been changed to honorable; although this may not appear significant, it reflects the current percentage of reversals. And for these three veterans the effect on their lives is incalculable.

In the future we can expect an increase in these cases because of the changing attitudes concerning these matters. We feel that this activity complements our other services very well and that, since very few other agencies concern themselves with less than honorable discharges, we are obliged to assist the veteran in this regard. During the early part of this year, auditors from the GAO investigated our files and procedures as part of a study recommending changes in the discharge procedures. This study will be presented to Congress for consideration shortly. We have also been contacted by the National Council of Churches which is considering funding a project to train counselors in the area of less-than-honorable discharges.

MILITARY PROCUREMENT: A LOOK AT THE A-10

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. BYRON. Mr. Speaker, Fairchild Industries of Hagerstown, has been a

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longtime major employer in the Sixth Congressional District of Maryland, providing our Nation with some of its finest military hardware. It is with this in mind, as well as my interest in our country's national security, that I wish to share the following letter with my colleagues in the House. The letter is from Edward Uhl, president and chief executive officer of Fairchild Industries, and discusses a specific and vital phase of our military procurement program:

FAIRCHILD INDUSTRIES,
Germantown, Md., October 31, 1973.
Hon. GOODLOE E. BYRON,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BYRON: With the outbreak of the Arab-Israeli War, October 6, 1973, a number of new Soviet weapons were introduced into the precarious Middle East military balance. These new weapons affect not only the Israelis, but must be of concern to those who have responsibility for the defense of the United States.

It is apparent that this latest Middle East War was a proving ground for the latest in Soviet military hardware. In the early hours of the conflict, the Israel Air Force suffered heavy losses to Soviet-built air defense systems, especially to the new Soviet SAM-6 surface-to-air-missile. Israeli Major General Mordechai Hod said: "These are the latest and best missiles the Russians have."

Already evident are several lessons which must concern Capitol Hill and the Department of Defense. Present day United States inventory jet aircraft flown by the Israelis have been ineffective in destroying enemy armor. They have not demonstrated a capability to do the job and survive. Instead, they have been shown vulnerable to the newest Soviet surface-to-air-missiles and 23 mm anti-aircraft guns, and further have shown an inability to provide close air support to troops on the ground.

By foresight the United States has developed an aircraft to meet this latest requirement. The aircraft—A-10—has already been flown more than 400 hours and will give this and other nations the following capabilities:

Ability to destroy the latest enemy armor, achieved by an internal 30 mm cannon and sufficient ammunition to allow ten passes.

Ability to take direct hits from 23 mm anti-aircraft fire. The pilot is protected by a "bathtub" of titanium armor. The aircraft has twin engine survivability.

Ability to outmaneuver existing jet fighters and work in closer to the ground armies than any attack aircraft in existence.

Agility to avoid hits from SAM-type threats such as the SA-6 and SA-7 missiles. The A-10 is very agile even with large bomb loads.

Ability to fly substantial combat loads from 1,000-foot long austere air strips.

Ability to be maintained for 9.2 maintenance man hours per flight hours, thus allowing maximum utilization in a conflict.

Ability to loiter over the battlefield for extremely long periods of up to three hours with substantial armament loads.

It is important to note that the lessons learned in the Middle East over the past few weeks also apply to Central Europe where NATO forces face the heaviest concentration of modern weapons. The tank battles experienced in the desert are very similar to those which may be experienced in Central Europe. The Warsaw Pact forces are estimated to have 18,000 tanks facing NATO.

Unfortunately, the A-10 Program, which was conceived to counter this serious threat and which has been progressing remarkably well, was set back on October 11, 1973, by House and Senate conferees' action on the FY 1974 authorization bill for weapons systems procurement. The conferees agreed to $107.4 million for R&D ($5 million less than requested), a reduction from ten to six test aircraft; but, more serious, they eliminated $30 million requested by the Department of Defense for advance procurement funds. These funds were to procure long lead items to enable efficient, economical and orderly production at that point when production go-ahead would be approved in November, 1975.

There is no doubt that unless this nation moves out immediately relative to having at least one aircraft in its inventory that can serve in the attack role in support of the Army, we may find ourselves unable to utilize aircraft in the middle to high intensity combat zone. The Middle East conflict has proven without a doubt that the moment of truth is here. To ignore the fact that 100 fighters with their priceless occupants have been blown out of the sky in a period of days borders on negligence. One of the most difficult things in life is to be flexible enough to understand the problem and react in a timely fashion. The lessons of recent air combat are ample justification for approving the $30 million procurement funds for the A-10 now, without further delay.

Sincerely,

EDWARD G. UHL,
President and Chief Executive Officer.

CAN THE WHALES BE SAVED?

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. KYROS. Mr. Speaker, in yesterday's Washington Post an important editorial appeared which I commend to the attention of my colleagues in both the House and the Senate. Entitled "Can the Whales Be Saved?" This editorial aptly expresses the frustration and alarm shared by many of us, both in and out of Congress, when we hear that Japan and the Soviet Union are refusing to adhere to a hard-won moratorium on the killing of whales, a moratorium which is being respected by 12 other nations. Mr. Speaker, I want to commend and express my own support for our Department of Commerce, and particularly NOAA Administrator Robert M. White, in vigorously protesting this defiance of an international agreement which was years in the making and must not be allowed to collapse.

The editorial follows:

CAN THE WHALES BE SAVED?

Few of the some 900 species of endangered or threatened animals have received as much international attention as a whole. It is among the most majestic and intelligent creatures of the sea, and the blue whale is said to be the largest animal that has ever lived. For decades, however, destruction of whales has been systematic and large; as a result, five of eight species of great whales are currently in danger of extinction.

Although a long time was needed for this message to get across, a number of whaling nations finally agreed to put away the harpoons and end the slaughter. The problem is that not all nations are willing to stop. Japan and the Soviet Union still go to the high seas to kill whales. Their defiance of a moratorium—to which 12 other nations adhere—is such that the U.S. Department of Commerce is now strongly protesting. In continuing to ignore the moratorium on fin whales, for example, Japanese companies cite a demand for whale meat in Japan. But Dr. Robert M. White, administrator of the Commerce Department's National Oceanic and Atmospheric Administration, said that the protein yield from fin whales amounts to an insignificant contribution to the meat requirements of Japan.

In going its own way, Japan and the Soviet Union are flouting the authority of the International Whaling Commission. The commission—which met last June in London—recommended a worldwide ban on killing blue, gray, bowhead, humpback and right whales, and urged strict quotas on several other species. A coalition of conservation and wildlife groups—who correctly see that by eliminating these leviathans the fragile balance of oceanic life may be irrevocably damaged—are now so alarmed that they are calling for a boycott of Japanese products in the U.S. marketplace. The membership of such groups hopes to exert the kind of economic pressure that international political pressure has not yet done.

Killing whales might be understandable if the dead beasts had any serious social uses. But they do not. Such frivolous purposes as dog, cat and mink food, automobile lubricants, cosmetics and food additives all have easily available substitutes. It is exactly the opposite for whales; once they vanish, they will not be back.

THE AEGIS AIR DEFENSE SYSTEM

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. GUBSER. Mr. Speaker, on October 31 I engaged in a colloquy with the chairman of the Armed Services Committee, the Honorable F. EDWARD HÉBERT, in which we both agreed that the Aegis air defense missile system was of utmost importance to the fleet. It was agreed by Chairman HÉBERT that a reprograming request to fund Aegis would receive prompt and sympathetic consideration.

Mr. Speaker, this system is vital to the defense of our fleet. Because of its importance, I submit herewith an article from the Government Executive describing the Aegis system and its importance. The article follows:

[From Government Executive, October 1973]

AEGIS WEAPON SYSTEM SEA TRIALS NEXT

(By Charles D. LaFond)

Aegis, the Navy's future fleet defense weapon system, is now undergoing final shore testing in New Jersey before sea tests begin from the West Coast later this year. Employing the first fully electronic steerable phased-array antenna designed for shipboard use, the system is expected to provide hemispheric radar coverage and missile control against all forms of air- and surface-to-surface missile attack.

Although the technology required for Aegis has been in research and development for roughly a decade, the development program itself was not initiated until late in 1969 with award of the prime contract by the Naval Ordnance Systems Command to RCA's Missile and Surface Radar Division, Moorestown, N.J.

The overall program for the Aegis Weapon System Mark 7 currently is a $450-million effort, of which RCA's portion will be at least $280 million. RCA's manufacturing responsibility, in addition to overseeing integration of all elements of the weapon system, lies with the design and fabrication of all components in the highly sophisticated phased-array radar, the AN/SPY-1; the Command and Control System, MK 130; the Operational Readiness Test System, MK 545; plus all the common computer programs involved in the system.

Assistance with the latter was provided by Computer Sciences Corporation. Another

major subcontractor has been Raytheon, which provided the SPY-1 S-band radar transmitter, both equipment and computer programming for the MK 12 Weapon Direction System and the MK 99 Fire Control System.

Other elements of the Aegis provided directly to the Navy are the MK 26 Missile Launching System by Northern Ordnance and the SM-2 Guided Missile by General Dynamics. The basic computer system around which Aegis was designed is the Navy's third-generation AN/UYK-7, developed and produced by Sperry Rand's Univac Division.

In a recent first demonstration of the system at its Land Based Test Site (LBTS) at Moorestown for invited members of the press, Division Vice President William V. Goodwin emphasized that the Navy's approach to the development of Aegis was based on the requirement to achieve a "fully integrated weapon system providing defense in depth."

The overall design of the system is intended to give the Navy assured tactical control of the sea in the face of the ever growing Soviet naval strength. Goodwin declared that through Aegis, the Navy believes it can provide impunity of its carrier strike capability, maintain its seaborne logistics and, when needed, rapidly establish localized defense.

The threat to the Navy's defensive capability certainly exists. Soviet naval forces, Goodwin pointed out, have shown a strong capability of command and control, for real-time, all-weather air operations and for a thorough grasp of effective electronic countermeasures.

In addition to the observed Soviet strength in manned aircraft and air-to-surface missiles, it reportedly has been steadily strengthening its surface and undersea fleets. Moreover, Aegis will be required to counter the newest naval threat posed by the USSR through its multicapability guided missile cruisers.

For example, the *Nikolayev*, lead ship of the *Kara* class missile cruisers, has a displacement of 9,100 tons and a modern sophisticated armament system designed for all forms of defense and attack—air, surface and undersea. It also is provided with an effective electronic warfare capability.

Therefore, Aegis had to be designed to meet all the known defensive needs of the late 1970s, providing fast reaction time, the ability to survive an attack and still return with killing firepower, environmental (man-made and natural) immunity, long-term availability at sea and assurance of a viable area defense coverage.

The Aegis system, which may be installed modularly, could be deployed on a variety of ships. For example, employed on a nuclear carrier it could provide considerable improvement as a radar system for air traffic control; used on USS *Virginia* class nuclear frigates (DLGN), it would serve to exploit fully the available firepower.

However, the Navy has recently decreed that principal use of the Aegis system will be aboard 6,000-ton fleet escorts to make them essentially anti-air-warfare vessels.

If the massive central data processing system is its brain, then the eyes of Aegis are its computer-controlled, phased-array radars. The complete system requires four separate installations of planar arrays, two paired forward and two aft. In the developmental system, each antenna face measures approximately 12×12 feet and a single array weighs 17,000 lbs. The operational arrays are expected to be reduced in weight to about 15,000 lbs.

With 4,480 radiating elements on each face that shape and direct the transmitted energy, a scanning capability greater than ±60° is provided from the broadside antenna position; elevation coverage is 90°.

The computer provides beam stabilization for the three axes of motion to obviate the ship's motion—within the limits of up to 30° roll and 10° pitch. Moreover, during periods of operation in heavy roll, a target high in the zenith would continue to be tracked by means of repeated handover automatically between the paired phased arrays.

In operation, the SPY-1 can perform long-range search from horizon to horizon. Once a target is detected and acquired it is transitioned into radar track and the information goes into the command and control system for evaluation.

If a target is determined to be a threat, the weapon director system is ordered to develop the fire control solution and missiles are selected and loaded on an appropriate launcher. Meanwhile, the SPY-1 furnishes target-track data to the fire control system and the latter designates the launcher firing position through the weapon direction system. Coincident with the monopluse tracking of the hostile target, long range search continues and new targets may be determined to require tracking for subsequent missile engagement.

Missile firing is initiated by a fire control officer. Following launch, the SPY-1 radar guides the missile through midcourse.

Meanwhile, the Mark 99 fire control system radar, which is slaved to the phased array for its direction, illuminates the target with a separate beam. The reflections of these radar signals from the target provide the terminal homing guidance to a radar receiver in the missile. This provides final control of the aerodynamic fins in the missile up to the point of intercept.

With arrays of this complexity and the amount of power employed (a 125,000-watt output from each of the 32 crossed-field amplifiers that alternatively feed each array face), it is obvious that the saturation level for the system must be very high. As might be expected, this figure along with range and the repetition rates of the radar are highly classified. Nevertheless, one Navy program official did indicate that the system will readily accommodate a minimum of 250 separate targets with the radars operating at only nominal repetition rates. In any event, missile engagement is handled on a priority basis by the computer.

He also noted, to give some degree of comparison, that the SPY-1 represents an order-of-magnitude improvement in performance over the first-generation electronic array employed on the missile cruiser *USS Long Beach*.

ORTS FINDS MALFUNCTIONS

To avoid problems previously experienced by the Navy with the shipboard cooling of electronics, Aegis management and design engineers went to sea to study existing systems under actual operating conditions. Subsequently, they isolated the most frequent maladies; poor component performance, lack of redundancy and piping design that disallows on-line maintenance.

As a result, RCA believes that these traditional problems now have been solved and a cooling system has been integrated within the overall Aegis design to provide "100% availability." For example, to obtain a "never-down" capability, a decision was made to provide a dedicated demineralizer-water-cooler and airconditioning system integral to the SPY-1 radar and the Mark 99 Fire Control System. Although supported by the ship, it is otherwise independent and the cooling system has no demand on it other than the Aegis requirements.

Considerable redundancy has been employed throughout and separate supply and return lines are cross-connected for additional redundancy between those two major Aegis subsystems. This parallelism allows the isolation of either system if one becomes inoperable.

A final element of Aegis but none less critical, is the Mark 545 Operational Readiness Test System. Operating on a real-time basis, ORTS helps assure the continuous availability of each Aegis subsystem by monitoring all aspects of their operation.

Through the more than 10,000 test points in a complete Aegis facility, ORTS is able to detect, isolate and report malfunctions and potential malfunctions (by following apparent performance degradation). ORTS also can provide data for operational reconfiguration to bypass an identified failure if prompt repair must be deferred for operation reasons.

Computer controlled, it offers an additional feature with a capability to provide operator training.

In actual operation, ORTS accumulates test data from the addressable system test points and it can extract performance oriented data by running on-line simulated targets through the system. For the SPY-1 radar alone, 39 simulation tests can be run on-line in just a few minutes.

RCA officials disclosed that all of the computer programs required for ORTS control have been written and successfully tested.

Because of the capability of ORTS, Navy officials believe the level of technical and diagnostic skill of technicians can be significantly reduced as compared with that needed with current shipboard weapons systems. In addition to a lower skill level required, fewer maintenance personnel are needed.

TEST RESULTS SHOW

RCA's Aegis program is milestone oriented. In October 1970, the first was passed with the acceptance of the preliminary Aegis design. Milestone B, a critical design review, was passed in February 1972.

Performance testing of the SPY-1 phased-array antenna pattern was completed in December 1972. Under computer control, according to RCA, more than two million data points were recorded and analyzed for over 11,000 beam positions. Test results showed total tracking error of the array was well within the target tracking requirement by the Navy of 0.04 beamwidth.

AEGIS SUBSYSTEMS

In April of this year, Milestone C (Demonstration No. 1) was completed successfully and additional demonstrations to complete this level of requirements are now under way at the Moorestown Land Based Test Site. The full-scale mockup with its instrumented deckhouse at the LBTS looks into the congested air traffic of the New York terminal area and outward to the Atlantic Ocean. Consoles employed at the site display a 256-mile range.

Upcoming tests will see aircraft from the Naval Air Facility at Warminster, Penna., making high-altitude and low-altitude attack runs within the Aegis control area. Testing will include employment of the full capability of Navy electronic warfare aircraft for jamming and countermeasures.

When these tests are completed, probably in late October, Aegis subsystems will be airlifted aboard a Lockheed C-5A to Long Beach, Calif., and reinstalled aboard the test ship. At-sea trials aboard the USS *Norton Sound* are scheduled to be carried out during the next 12 months.

Shipboard demonstrations will be required to prove out Aegis reaction time, launcher integration, guided-missile coverage and inherent firepower, and environmental immunity. An ongoing portion of the at-sea trials will be a final demonstration of full system availability.

The Aegis program is being managed by the Navy's Ordnance Systems Command. Project Manager is Capt. Paul L. Anderson. Anderson reports to Capt. Wayne Meyer, Surface Missile Systems Project Manager, who is also a former manager of the Aegis program. Meyer reports to Rear Adm. Roger E. Spreen, Commander of the Naval Ordnance Systems Command, part of the Naval Material Command. Aegis is from the Greek, meaning "shield" or "buckler" and is billed hopefully by the Navy as "The Shield of the Fleet."

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Although production of this weapon system is still several years away, RCA officials believe a realistic estimate of a complete Aegis ship installation will be of the order of $45 million.

TARGET PRIORITIES RELATE DIRECTLY TO SATURATION OF SYSTEM ELEMENTS

Aegis, as with any computer/radar-directed weapon system, is subject to some finite saturation level. In other words, a point can be reached where the number of targets exceeds the handling capacity of at least one major subsystem. RCA developers and the Navy, however, believe Aegis has been designed to meet expected peak attack levels, even under adverse environmental conditions that degrade radar signals.

Dr. Walter Weinstock, former Technical Director of the RCA Aegis contractor team and currently involved in the computer control aspects of the Aegis phased-array radar, describes some of the basic principles faced by program designers:

The radar system represents a resource which must be allocated on a priority basis. The resource can be described in many ways. One is to consider the radar power and dwell time associated with the radar hardware, and the processing time and computer memory associated with the radar controller.

The radar resource of time becomes more tied up with long-range targets, while power becomes more tied up with tactical functions. Localized interference may require an increase in power to maintain track data quality. In summary, long range targets in a difficult environmental situation are most demanding of radar resource.

The data processing limitations arise on an entirely different basis. The amount of processing time per target dwell will, in general, be independent of its range. The amount of computer memory needed to support a target is also independent of target range and signal-to-noise ratio. Thus, the way to approach the saturation limit of the computer is to input many data points/units time. This ties up the processor and the memory of the controller.

Yet, this limiting condition may not necessarily tax the radar. For example, if we had to track a large number of short-range (large-signal-return) targets, this would imply modest power and minimal radar time. This represents a relatively undemanding problem for the radar.

From the viewpoint of the computer, it represents a saturation situation—especially if the large number of returns are associated with many targets. Thus, radar system saturation can come about in many ways. It is extremely important that system performance stay at maximum level when saturation occurs—both in the radar and in its controller. This implies some form of priority system which is self-protective.

CONCEPTUALLY DIFFICULT

The reason for our concern about saturation is that one can only design reasonably for likely peak conditions and, when they occur, for averaging out the impact of the extreme demand. In general, this will be done by deferring tasks which are not as time critical.

The problem of memory is basically tied to the number of targets that can be handled. For a given system, a ceiling exists on target capacity, based on a given memory resource.

The problem of processing time management is, conceptually, more difficult. In a real-time system, we must be sure that the highest priority jobs can be accomplished on a timely basis. In general, an extreme peak occurs when a number of high priority targets enter the system in a short period of time. The entry of a number of targets into high-data-rate tracking in short interval, for example, can produce this situation. Likewise, the detection of a number of new targets, which demand time-critical transition-to-track, can produce this peak situation.

The processing concept must allow the various processes to progress in the machine in parallel and, when peak conditions arise, the less critical processes are held in abeyance until the critical ones are done. Thus, if the processing alternates between search-and-detect and track maintenance during a period of moderate load, the machine may switch over to tracking only if a priority loading arises.

Processing must be capable of responding to these transient peak loads in a timely manner, without throwing away the results of partially-completed lower-priority jobs. Furthermore, it must be capable of handling these problems efficiently relative to the amount of processing effected per unit of time. For the case of the saturating load, operation on low priority tasks can be suspended until the peak load has tapered.

To put numbers into a comparison of cases, the requirement to handle a large number of short-range track points can drive processor utilization to 100%, while requiring that search operations be reduced. Yet only 66% of available radar execution time may be needed. In general, this type of situation does not stress the radar unduly on a time or a power basis—since we are dealing with a multiplicity of short-range tracks.

The companion case, involving long-range targets, may force radar utilization to occur at the 96% level, while the processor operate at the 76% point. This case is demanding of radar time and power, while not stressing the processor unduly.

Thus, the mechanism of saturation is sensitive to the target-mix problem imposed on the system.

FEDERAL SPENDING: GIVE WITH ONE HAND, TAKE AWAY WITH THE OTHER

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. MILLER. Mr. Speaker, nothing is easier for a bureaucracy than to spend money. But beyond some point, everything that the Government gives out with one hand, it must take back with the other. The budget is only a proposal of the President's choice of priorities among alternative expenditures. As such, it is subject to alternation to reflect the collective judgment of both the President and the Congress. Although I do not agree with all the administration's proposals, I endorse setting a firm spending ceiling and staying with it. It is necessary to examine the hundreds of Federal programs which have become entrenched sacred cows and determine if their continued existence is justified in light of their performance and other priority considerations.

Congress can either contribute to a fiscally sound budget for fiscal year 1974, or it can bear the economic albatross of inflation.

Mr. Speaker, with this in mind, I would like to bring to the attention of my colleagues in the Congress a thought-provoking editorial appearing in the October 24, 1973, Lancaster, Ohio, Eagle-Gazette. I commend the editors of the Eagle-Gazette for spelling out the dangers of over-zealous Federal spending and for suggesting how we can put our financial house in order.

The editorial follows:

[From the Lancaster Eagle-Gazette, Oct. 24, 1973]

WHAT CONGRESS MUST DO

Congress must tighten controls more on federal spending before the national government is left with only the options of a tax increase or a sizable and crippling economic crisis.

Citizens and taxpayers should make more direct contact with their congressmen and senators to galvanize effective action on this situation at the earliest time possible.

The latest non-profit Tax Foundation, Inc., research study points up the fact that 75 per cent of the current $268.7 billion federal budget was "really uncontrollable" and continuation of programs mandated in prior years in removing the authority of Congress to act independently on budget questions.

We concur with the Tax Foundation's position that the time has now come for Congress to impose and abide by tighter spending ceilings, match spending to income and give the Appropriations Committee full authority to curb "mandatory spending," if there is to be any curb of deficit federal spending.

Concern is widespread that unless some effective mechanisms are developed to control the upward trends in federal spending, this nation will face the need of either new federal tax increases or the prospect of renewed inflation.

The Tax Foundation said "the federal government has already committed taxpayers to financing specified levels of revenue sharing, postal operations, military retirement payments, agricultural price supports, social security interest on the public debt, veterans benefits, welfare and government operations."

Again, Congress must be urged to take the necessary steps that would stem the tide of federal spending, much of it considered wasteful, in order to prevent economic reversals or slumps and additional tax boosts the nation might have to experience.

GILMAN CALLS FOR SPECIAL PROSECUTOR

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. GILMAN. Mr. Speaker, tomorrow I will be introducing a resolution providing for the appointment of a special prosecutor empowered to investigate and prosecute any offense against the United States arising out of unauthorized entry into Democratic National Committee Headquarters at the Watergate and any campaign with respect to the election in 1972 for the office of President.

With so many critical issues confronting our Nation, it is paramount that we restore the faith of the American people in our system of Government by pursuing as thorough and independent an investigation of the Watergate affair as possible, bringing it to a speedy and just resolution.

For this reason, I am introducing this resolution calling for the selection of three nominees for the office of special prosecutor to be submitted to the President by a committee comprised of the Chief Justice of the Supreme Court, the president of the American Bar Association, and the Attorney General of the United States.

In order to encourage a broad participation in the selection process, this resolution calls for reaching out to our Nation's leading bar associations in providing the three-man committee with nominees for the position of special prosecutor.

It is important to note that this bill insulates against the possibility of any arbitrary dismissal of the special prosecutor by limiting removal from office to "gross impropriety, gross misconduct, gross dereliction of duty, or for violation of this act,"

The American people demand and deserve the continuation of a vigorous and independent investigation of the Watergate affair. Shaken faith in our coequal system of government, precipitated by the events of the past few weeks, mandate congressional action providing for an exhaustive, unfettered investigation of any illegal activity, bringing to justice all of the guilty.

In the interests of the Nation's welfare, it is incumbent upon Congress to respond to those we represent, seeking the means for bringing about a just resolution to this corrosive affair which has plagued our country for too many months.

Accordingly, I urge my colleagues to support this resolution providing the legislative authority for the office of special prosecutor.

Mr. Speaker, I respectfully request that the text of the resolution follow my remarks in this portion of the CONGRESSIONAL RECORD:

H.J. RES. ——

To provide for the appointment of a special prosecutor to investigate and prosecute any offense arising out of campaign activities with respect to the election in 1972 for the office of President

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the President shall, with the advice and consent of the Senate, appoint a special prosecutor of the United States (hereinafter in this Act referred to as the "special prosecutor") from a list of not more than three individuals nominated for such appointment by a committee comprised of the Chief Justice of the United States Supreme Court, the President of the American Bar Association, and the Attorney General of the United States of America.

(b) The American Bar Associaion, the American Trial Lawyers Association, the Association of American Law Schools, the National District Attorneys Association and the National Bar Association shall submit a list of not more than three nominees to the committee not later than 15 days after the date of the enactment of this Act.

(c) This committee, upon receiving the lists from those organizations specified in Section 1, subsection (b) of this Act, will select and nominate three individuals for the position of special prosecutor and submit their nominations to the President within twenty-five days following the enactment of this Act.

SEC. 2. (a) The special prosecutor shall have primary authority to prosecute any offense against the United States: (1) arising out of the unauthorized entry into Democratic National Committee Headquarters at the Watergate; (2) arising out of any campaign with respect to the election in 1972 for the office of President.

(b) Upon request of the special prosecutor, the head of any Federal agency shall: (1) detail, on a reimbursable basis, any of the personnel of such agency; and (2) provide any relevant information or materials, to the special prosecutor to assist him in carrying out his duties under this Act.

SEC. 3. All materials, tapes, documents, files, work in process, information and all other property of whatever kind and description relevant to the duties enumerated in Section 2 hereof, tangible or intangible, collected by, developed by, or in the possession of the former Special Prosecutor or his staff established pursuant to regulation by the Attorney General (28 C.F.R O. 37, rescinded October 24, 1973), shall be delivered into possession of the Special Prosecutor appointed under this Act.

SEC. 4. (a) The special prosecutor shall be compensated at the rate provided for level 11 of the Executive Schedule under Section 5313 of Title 5, United States Code.

(b) the special prosecutor may appoint and fix the salaries of such staff as he deems necessary to assist him in performing his duties under this Act.

SEC. 6. The special prosecutor may be removed from office by the Attorney General of the United States for gross impropriety, gross misconduct, gross dereliction of duty, or for violation of this Act, but for no other cause, or by the Congress pursuant to Article 11, section 4 of the Constitution. The Attorney General shall give 30 days notice in writing to the Congress of his intention to remove the special prosecutor, setting forth in detail the grounds for such removal. Upon giving of such notice the Attorney General may suspend the special prosecutor and dismissal shall be finally effective 30 days thereafter.

LEHMAN COLLEGE: A CULTURAL AND CIVIC CREDIT TO THE COMMUNITY

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. BINGHAM. Mr. Speaker, Herbert H. Lehman College in my district is one of the fine institutions that make up the City University of New York—CUNY. Lehman College has embarked on a program to bring lectures, special events, and concerts to the campus for the benefit of the student population and the general public. A special aspect of the Lehman cultural arts program is its involvement of the public with the school's intellectual community-faculty and students.

This program is described in the following article appearing in the Cuny Courier on November 1:

LEHMAN'S CULTURAL PROGRAMS REACH OUT TO COMMUNITY

Take it from Mrs. Fanny Kaplan of the Bronx, there's an intellectual Olympics going on at Herbert H. Lehman College in the form of lectures, special events, and concerts for the benefit of the public as well as registered students.

Mrs. Kaplan, a retired schoolteacher, is one of several hundred citizens from the Lehman environs who stroll onto the campus several days a week to attend what are generally called Lehman's cultural events. They are an enthusiastic and appreciative crowd.

"Let's face it," says Mrs. Kaplan, "We're a little like the GI's who returned to school after World War II—we're highly motivated."

NO CONDESCENSION

The Lehman program, in terms of content, may not be much different from those provided the community by other CUNY units. But it is unique in one important respect: it casually brings neighborhood people, many of the retired, onto the campus to participate with undergraduates and faculty at regularly scheduled intellectual events. In short, this is one community cultural affairs program free of any taint of condescension.

And what are these cultural events? One day it may be an all-Beethoven concert by the Gramercy String Quartet, the college's resident ensemble composed of members of the New York Philharmonic. The next day it may be a talk by scientist-author Rene Dubos, or a discourse on acting by Vivec Lindfors, or a meeting with any one of the scores of visiting lecturers brought onto the campus throughout the academic year by the college's departments.

The program started modestly five years ago, shortly after Lehman separated from Hunter, when the Department of Classical and Oriental Languages introduced its "Classics of the Western World" series featuring noted visiting scholars.

VISITORS LIMITED

The series, offering discussions of the classics of antiquity by such academic all-stars as Bernard M. W. Knox of Harvard, George Luck of Johns Hopkins, and Robert T. Fortna of Vassar, initially permitted a limited number of visitors from neighboring schools and colleges to audit the lectures.

Three years ago, The New York Times sent a reporter to the college to scout the series. The result was a feature story of the "Gosh-Gee-Whiz-Culture-Is-Alive-in-the-Bronx (of all places!) type."

That was the starting whistle for a leisure-citizen stampede of the campus. Calls and letters came from all over the metropolitan area—Junior Leaguers from Greenwich, Conn., grey-haired men and women from the Amalgamated Union's Housing Co-op, Riverdalians, promenaders from the Grand Concourse, and residents of Washington Heights. There was even an elderly Wall Streeter, for a time, who commuted to the college by chauffered limousine.

PATRONS INFORMED

The public's clamor for an opportunity to participate in Lehman's intellectual life led to the compilation of a cultural-events mailing list of nearly 1,000 individuals and organizations who are periodically informed of upcoming campus events.

The popularity and success of the classics series led to a sequel, "From the Renaissance On," with lecturers from Lehman's Departments of English, Germanic and Slavic Languages, and Romance Languages. It, too, is a hit with regular campus visitors. In fact, recently when Dr. Leonard Lief, president of the college and a professor of English, delivered the lecture on Shakespeare's "Henry IV," he spoke to a packed hall of 70 students and almost as many people from the neighborhood. Latecomers were forced to sit in the aisles—and they did.

NOT PASSIVE OR UNCRITICAL

The audiences are not passive. One elderly gentleman predictably pops up at the end of every string quartet concert and shouts, "Bravo." They're not uncritical, either. One woman at the end of each academic year writes a thank-you letter that includes marks for the speaker—"fair," "good," "excellent," and "superb." Another visitor asked that one speaker not get another invitation because "he dragged in too much sex."

But, in general, these members of the audience appreciate what they are getting for free. And no wonder. In the past year they've had a chance to hear novelist Katherine Anne Porter read from her own works, Eubie Blake give his ragtime lecture-concert, Anthony Burgess talk about how Americans

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are killing English (the language, that is), Barbara Ward discuss the plight of the underdeveloped nations, Israeli poet T. Carmi discuss modern Hebrew literature. Others who were heard were lexicographer Clarence L. Barnhart, Spanish novelist Juan Goytisolo, pianist Beveridge Webster, not to mention dozens of other topical or cultural presentations.

GENERATION GAP NARROWED

The relationship between the community visitors and regular Lehman undergraduates can best be described as respectful. Most of the visitors come to the college dressed in tailored suits. Most Lehman students do not. Yet, when speakers call for questions or comments from the floor, students listen attentively to the viewpoints of their elders—and vice versa. When a black Vietnam veteran spoke of his war experiences at a session with CUNY Distinguished Professors Eric Wolf and Hans J. Morgenthau, he was applauded by the senior citizens.

If anything, the members of the community seem to have gained new respect for the students. For instance, one woman discovered she had forgotten her purse in a lecture hall. When she went to the college's lost and found, she was amazed to discover that a student had turned it in—cash, credit cards, and cosmetics intact. Not only did she write of her delight at this proof that today's students are honest, but she donated $100 to the college's scholarship fund.

OFFSETS BAD IMPRESSIONS

But, from the college's point of view, the best dividend has been the goodwill that has been built up in the community. These people appreciate what Lehman College is offering them—and its students. And their praise goes a long way to offset the rumors about today's colleges, students, and standards.

As one woman, a member of the Hunter College class of 1939, put it: "When I went to college there was nothing as stimulating as this going on."

She may be right. But, then again back in '39 she may have been too young to appreciate it.

SUPREME COURT'S ABORTION DECISION

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. HOGAN. Mr. Speaker, I agree with Msgr. McHugh, director of the Family Life Division of the U.S. Catholic Conference, who recently said that a number of recent events have "magnified the tragic error" of the Supreme Court's abortion decision last January.

Urging enactment of a constitutional amendment to reverse the Supreme Court's decision, Msgr. James T. McHugh said:

> The tragic decisions of life and death that are being made by medical technocrats are attributable to and permissable under the absurd reasonings of the Supreme Court of the United States.
>
> It is imperative that the American people understand that the Court's opinions rival in destructiveness our storehouse of weapons and that the philosophic concept of many physicians is a far greater danger than Watergate.

For the information of our colleagues, the following is the text of his statement:

STATEMENT

"Events of recent weeks have magnified the tragic error of the Supreme Court's abortion opinions of January 22, 1973.

"In California, an obstetrician is charged with solicitation to commit murder because he ordered that oxygen be withheld from an infant that survived abortion. The infant is alive today because the nurse refused to obey the doctor's order. In the court, the doctor's lawyer argued that the doctor is not guilty because he complied with the California abortion law which allows abortions up till 22 weeks. However, the child was 32 or 33 weeks along—eight months—when the abortion was performed. The doctor also defends himself by pleading that no one told him the child was born normal.

"The reasons that a doctor can claim legal innocence for destroying a living child can be found in Justice Blackmun's abortion opinion (*Doe v. Bolton*): 'the medical judgment may be exercised in the light of all factors . . . relevant to the well-being of the patient. All these factors may relate to health. This allows the attending physician the room he needs to make his best medical judgment. And it is room that operates for the benefit, not the disadvantage, of the pregnant woman.' Presumably the disadvantage to the child—death—is not a compelling factor for Mr. Blackmun.

"In Buffalo, New York, a physician has been sentenced for the death of a woman on whom he performed an abortion. The doctor's lawyer claims that the abortion was legal, and the death is the result of 'an error in medical judgment.' Yet, in the Supreme Court abortion opinion Mr. Blackmun argues against legal restrictions so that the doctor 'may range farther afield whenever his medical judgment . . . dictates and directs him.'

"In the Yale-New Haven Medical Center, 43 children born with some type of birth defects died because they were deprived of medical treatment. One doctor justified this on the grounds that the children faced lives devoid of 'meaningful humanhood.' This resembles Mr. Blackmun's statement that the state has a legitimate interest in protecting the life of the unborn child only when the child 'has the capability of meaningful life outside the mother's womb.' There are no criteria for 'meaningful humanhood' or 'meaningful life' and thus we certainly ought not to allow the Supreme Court or the medical profession to decide who is to live and who is to die.

"The tragic decisions of life and death that are being made by medical technocrats are attributable to and permissible under the absurd reasonings of the Supreme Court of the United States.

"It is imperative that the American people understand that the Court's opinions rival in destructiveness our storehouse of weapons, and that the philosophic concept of many physicians is a far greater danger than Watergate.

"The passage of a constitutional amendment to reverse the absurd judgments of the Supreme Court and to provide some base for legal protection for children—born and unborn—is an urgent and compelling responsibility facing the American people. Political planning and electoral projections should be strongly influenced by these considerations."

QUESTIONNAIRE SHOWS HOW FUEL SHORTAGE HAS AFFECTED WISCONSIN'S INDEPENDENT DEALERS

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. ASPIN. Mr. Speaker, I recently conducted a survey of independent oil jobbers and distributors in the State of Wisconsin.

A total of 452 of the 800 independent dealers of petroleum products returned a questionnaire from my office. The purpose of the questionnaire was to determine how recent shortages have affected Wisconsin's independent dealers and ultimately consumers.

Ninety-seven percent of Wisconsin's independent petroleum dealers and distributors have been forced to accept allocations of fuel oil, gasoline, and propane from major oil companies.

The fact that 97 percent of the dealers who responded to the questionnaire have been forced to accept allocations demonstrates the seriousness of the current crunch. Allocations below 100 percent result in the reduction of the total amount of petroleum products that a dealer can supply to his customers.

In addition to the high percentage of dealers who have been forced to accept allocations nearly 49 percent have been forced to accept the reduction in supply of 20 percent or more and 84 percent of the dealers answering the questionnaire said they had had "some difficulty" or a "great deal of difficulty" in obtaining gasoline in the past year. Similarly, 91 percent had trouble obtaining fuel oil and 81 percent encountered varying degrees of difficulty in finding propane supplies.

Seventy-six percent of the dealers who answered the inquiry claimed that they needed at least an extra 50,000 gallons of product to satisfy their customers' demand. A total of 25 percent of the dealers said they could have used 100,000 or more gallons of additional product.

The results of the survey demonstrate that the current shortage threatens the existence of independent dealers and distributors. By putting the squeeze on independent dealers through allocations, the major companies are able to expand their share of the market and eventually drive some independents out of business.

PESTICIDE FIGHTER HONORED

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. PICKLE. Mr. Speaker, an old and very dear friend of mine, Mr. David Wintermann, is among 21 Americans receiving this year's Conservation Awards of the American Motors Corp.

On his farm in Eagle Lake, Tex., David Wintermann learned 30 years ago that man can live in harmony with nature without sacrificing his productivity. Today he grows rice and cattle without utilizing pesticides that can linger for years, sometimes destroying an area's delicate ecological balance.

His conservation efforts have helped create a refuge for the many ducks, geese and other migratory birds that spend their winters in the mild climate of the Texas coast.

David and his lovely wife Eula, have been a source of advice and inspiration to me over the years, and I am personally very proud to see him receive this well-deserved reward. I am inserting a Houston Post article on David Wintermann in today's RECORD, and I commend it to my colleagues. It is a clear example of how men and their environment can live together in a peaceful, rewarding symbiosis. The article follows:

[From the Houston Post, Sept. 27, 1973]

PESTICIDE FIGHTER HONORED

(By Harold Scarlett)

EAGLE LAKE.—David Wintermann, who has been growing rice and cattle around Eagle Lake for most of his 62 years, accepts the marvels of modern technology.

The cars and trucks of the Wintermann enterprises—he also runs an irrigation company and an agricultural supply business—are equipped with two-way radios.

Wintermann plants and sells the new fast-maturing strains of seed rice.

He even has a flashy four-seater helicopter for patroling his domain by air. The copter is used for spotting leaks in irrigation dikes and uneven water distribution, for detecting developing problems that would go unnoticed from the ground.

But on one widely accepted modern development, Wintermann is implacably old-fashioned:

He happens to believe that he can grow good rice and good beef without drenching the countryside with powerful pesticides.

Twenty years or so ago, Wintermann and a partner sprayed a rice field with a new pesticide called Dieldrin that had just come on the market.

Dieldrin, like its chemical relative DDT, is potent and long-lasting.

"It killed everything in that field—fish, turtles, snakes, everything," Wintermann recalls. "So, I decided it couldn't do anything good, and I never used it again.

"Moreover, an adjoining field that wasn't sprayed at all produced just as much rice as the field sprayed with Dieldrin."

Wintermann believes pesticides are useful in some circumstances, but he has long banned the use of so-called hard pesticides on his extensive land holdings around Eagle Lake, on the coastal prairies about 60 miles west of Houston.

For this and other contributions to conservation, Wintermann was one of 21 Americans recently chosen to receive the annual Conservation Awards of the American Motors Corp.

A second Texas winner, also from the Houston area, was Glynn A. Riley of Liberty, a Federal wildlife agent and a champion of the vanishing red wolf.

Of Wintermann, the awards judges said: "The sound conservation programs Mr. Wintermann conducts on his ranch serve as examples for crop producers throughout the Southwest."

Wintermann was particularly cited for his aid to the World Wildlife Fund and the Nature Conservancy in creating a preserve near Eagle Lake for the rare and endangered Attwater prairie chicken.

The citation says Wintermann provided 800 acres of his land for the 3,500-acre refuge "on credit and at a fraction of its real value."

Wintermann modestly maintains that he merely sold the land for what was a "reasonable price" at the time.

Eagle Lake proudly bills itself as the "goose-hunting capital of the world," and Wintermann and his wife, Eula, live in a gracious, spacious lakeshore home that is a year-round hospitality house for wildlife.

On a summer afternoon, a dozen or so squirrels scamper around the oak-canopied lawn sloping down to the lake. Cardinals, chickadees and titmice come in for a snack at the bird feeders.

Every year, 700 or 800 teal ducks take up winter residence on the lake by the house. Wintermann feeds them rice meal, and they return year after year.

On down the lake, Wintermann lands are a haven for the state's largest inland colony of wading birds—hundreds of egrets and herons, along with some scarce wood ibises and roseate spoonbills. Since the only access is through a Wintermann plant, the birds are protected.

On his agricultural lands, Wintermann has built and maintains six sanctuary ponds for migratory waterfowl.

Wintermann is a keen fisherman and hunter himself, but hunting on his lands is limited to occasional guests.

"We have enough land so that we can relieve the pressure on the ducks and geese, let them rest and feed in peace and keep them from being shot out," Wintermann says.

He says his interest in conservation stemmed from the hunting and fishing—and from the strong support of his wife.

The Wintermanns have been members of the National Audubon Society for almost 40 years, and he is a regional vice-president of Ducks Unlimited.

Mrs. Wintermann first read Rachel Carson's "Silent Spring," a monumental early indictment of DDT and other pesticides, when it first appeared in serial form in the New Yorker magazine.

She was "terribly disturbed" by it and called it to her husband's attention.

Wintermann believes in the judicious use of pesticides, but not if they damage wildlife, or if natural controls are available.

He believes cattle egrets, the white African import often seen around grazing cattle, are a far better grasshopper control than any chemical.

Wintermann sells seed rice to fellow farmers, but he refuses to sell seeds coated with Aldrin for use in the Eagle Lake area.

He knows the pesticide coating repels scavenging blackbirds. But he also knows it kills waterfowl.

"I don't preach to others what to do," Wintermann says. "What they do on their own property is up to them."

But it pleases Wintermann when a friend realizes there are few useless creatures in nature's scheme of things.

One rice farmer told him of spotting blackbirds apparently breaking down his crop and eating it. But when the farmer got closer, he could see the birds were eating insects.

"Of course, blackbirds eat rice too," Wintermann says. "But they aren't all bad."

The grounds of Wintermann's home are guarded by stout chain-link fences. The fences are to keep neighborhood alligators from eating Wintermann's hunting dogs.

One nine-foot gator has a den in a pond a scant 50 feet from the Wintermann's swimming pool. But he is not molested.

Wintermann obviously feels that since the alligators were there first, they have as much right to be there as he does.

His concern for wildlife may be one reason Eagle Lake can call itself the "goose-hunting capital of the world."

TOM QUINLAN HONORED BY WEST POINTERS

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Ms. GRASSO. Mr. Speaker, my dear friend Tom Quinlan has spent a lifetime in service to his community, working his way into the hearts of countless citizens in Bristol, Conn., and its environs.

Over the years Tom's untiring efforts in behalf of his fellow Bristol area residents have brought him many, well deserved awards. One of his latest treasures was bestowed on him by this year's graduating class at West Point.

For the benefit of my colleagues, I insert the following story from the October 18, 1973, edition of the Bristol Press, telling of Tom's latest achievement in a long and distinguished career:

[From the Bristol Press (Conn.),
Oct. 18, 1973]

TOM QUINLAN HONORED BY WEST POINTERS

Bookends in the form of West Point cadets were recently awarded to Tom Quinlan, of Anderson Avenue in Forestville, by this year's graduating class at the military academy. The gift was in appreciation to Tom for 19 years of faithful service in caring for and beautifying the grounds around the veteran's memorial in Forestville. Tom's dedicated activities were made known to the cadets by Lt. Col. Frederick Manross, a former teacher at West Point and a native of this area.

The bookends were an addition to many gifts and honors extended to Quinlan. The Boy Scouts of America awarded him the Silver Beaver and also Order of the Arrow, its highest honor, as tokens of appreciation for some 30 years service as Cub and Boy Scout leader. He holds the two highest Catholic awards made in scouting and has been cited for his work with the St. Edmundites of Selma, Alabama, in arranging retreats for the boys.

He has been a member of the Explorer's Club, an honorary navy recruiter, named Forestville First Man of the Year and an honorary adult leader of Don Bosco Boys' Club. On several occasions, the well-known Forestvillite was given the title of "Honorary Mayor of Forestville."

SECRET WRITING PLEASES MANY

HON. DALE MILFORD

OF TEXAS

IN THE HOUSE OF REPRESENTATIVIS

Tuesday, November 6, 1973

Mr. MILFORD. Mr. Speaker, often we talk about individual responsibility and the power of what one man can do. Recently, Floyce Korsak, a reporter for the Dallas Times-Herald, painted a verbal portrait of what one man is doing, anonymously.

Despite the newspaper account, the Dallas suburban businessman remains anonymous as he pursues his hobby to lighten the lives of people who strike his fancy. I would like to share this account of the man known as Hardy with my colleagues:

SECRET WRITING PLEASES MANY

(By Floyce Korsak)

The reincarnationist might tell you that Hardy once was a monk—a scribe in a monastery along about the 15th Century transcribing on parchment passages of Scriptures and the doings of saints.

Hardy, himself, is puzzled about his lettering talent since he has never studied the ancient art that flows so rapidly from his hands. He uses his talent freely for the pleasure of others.

Both the famous and the obscure have received anonymous gifts of hand-lettered messages from the will-o'-the-wisp Hardy, messages that are carefully selected to be meaningful to the recipient who is always chosen for a special reason.

"To surprise deserving people is a thrill for me," he smiles. "And it's always a challenge to devise ways to get the gift to them so that they never know who sent it."

The exact style of lettering he uses is impossible to describe. It's his own. A native of Germany, he says his lettering would be considered similar to Gothic in that country.

XUM

"Over here," he says, "you call it Old English. But it's really not that either."

The frames are his own also. Sometimes wood, sometimes metal, but always rich in gold, bright or burnished.

Among well known people who have received messages from Hardy are Erik Jonsson, former mayor of Dallas, President Richard Nixon, Elizabeth Taylor, Bob Hope, Sammy Davis and Conrad Hilton. There are many others.

Senator John Tower presented Hardy's plaque to President Nixon. It was a Winston Churchill: quote: "Courage is the first of human qualities because it is the quality which guarantees all the others."

Hardy made an exception in the case of Mr. Nixon. He let his identity be known. He got a letter of thanks from the President and on his birthday a card came from Mr. Nixon.

"I don't know how in the world he found out my birthday," Hardy says. "I'd like to know."

To a young Arlington matron, Ruth Proulx, a native of China, Hardy lettered an axiom from Confucius, "Freedom and dignity come after you are warm and fed."

Mrs. Proulx's father, a former general in Chiang Kai-shek's air force, has been a Communist prisoner for 22 years. Hardy read the story of her father and sent her the gift.

A local TV weatherman got this message, "One of the most annoying things about the weather forecasts is that they're not wrong all the time either."

And to his own mother-in-law in Germany, upon the death of her husband. Hardy sent a poem by German poet Theodor Storm: "The sadness comes, the happiness is gone. The happiness comes, the sadness will go. The days will never be the same."

There is a poignant story about the way Hardy got started on his hobby. He arrived in this country a number of years ago to take a job that failed to materialize. He decided to stay anyway.

For some reason he does not fathom, he decided to try his hand at lettering, even though he had studied neither calligraphy nor art. His first attempt was The Lord's Prayer. He made four tries, each time misspelling the word "evil." It kept coming out "evel."

"I've always hated the word "evil," he smiles. "I guess I got a mental block and it just wouldn't come out right."

He answered a Times Herald ad for a newspaper layout artist, showing his work with the misspelled word and got the job on the spot. He worked at his newspaper job five years. Today he is a businessman. He and his wife, also a German native, live in an area suburban town. They have one son, age 7.

"I can't tell you how much my hobby means to me," he says. "But I have to be in the mood to sit down and work at it. I cannot force it at all. I have to be inspired by a story or a saying or by somebody."

Hardy was given a scroll himself about two years ago. In recognition of his civic activities, he was made an honorary citizen of Dallas.

"It's my proudest possession," he declares.

THE TIME FOR IMPEACHMENT

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. FRASER. Mr. Speaker, the evening daily newspaper in Minneapolis has called for the impeachment of the President. The editorial, published October 22, 1973, in the Minneapolis Star follows:

THE TIME FOR IMPEACHMENT

President Nixon has left Congress no choice but to move toward his impeachment.

Since the beginning of the Watergate scandal, and the revelations of White House involvement in the affair, The Star has been reluctant to support impeachment proceedings, largely on the grounds they would be divisive and traumatic. We continue to be hesitant, for reasons we will enumerate, but the shattering events that began Friday night have in themselves been so divisive and traumatic that we believe Congress must now begin the impeachment process.

Those weekend events began with the President rejecting the ruling of the U.S. Court of Appeals, which upheld a lower court order that he turn over the disputed Watergate tapes to the court. At the same time, the President decided he would not appeal the appellate court ruling to the U.S. Supreme Court. This is defiance of the courts and brings into sharp focus the appeals court opinion which said, ". . . the President . . . does not embody the nation's sovereignty. He is not above the law's demands."

When Nixon ordered Archibald Cox, the special Watergate prosecutor, to give up his fight to get the tapes as evidence in the Watergate grand jury investigation, Cox refused and was fired. Deputy Atty. Gen. William Ruckelshaus, who refused to carry out Nixon's order to fire Cox, was himself fired. And finally Atty. Gen. Elliot Richardson, who had given his pledge at his confirmation hearing that Cox would have complete independence in the Watergate investigation, had no recourse but to resign in the face of Nixon's order.

Thus three highly respected public servants, who were in the process of restoring credibility to the Justice Department and refused to blindly follow the orders of the President because they felt those orders were wrong, have been forced out of office.

We find it highly ironic that the President said he acted "in the spirit of accommodation that has marked American constitutional history." Equally ironic was his reasoning in rejecting the appeals court ruling: to avoid "the possibility of a constitutional confrontation." He has clearly not acted in the spirit of accommodation, and he has precipitated the worst constitutional crisis that has arisen since the Watergate affair.

Our hesitancy over recommending impeachment stems from the critical problems facing the country. There is, first, no vice-president in office to fill a vacancy should Nixon be impeached. Rep. Gerald Ford, the President's designate for the office, faces a difficult time in being confirmed by Congress, and there are growing doubts about his leadership abilities. There is also the continuing problem in the Middle East, even with the cease-fire, and there are such critical domestic problems as inflation and the oil shortage.

Still, we feel the President has gone too far toward assuming a sovereignty that is above the law. We urge Congress to use the tool that is within the law—impeachment proceedings—to restore the presidency to its rightful place in the American political system.

THAT PRESS CONFERENCE

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. KARTH. Mr. Speaker, one of the more astute commentators on public affairs in this country is the editor of the St. Paul Dispatch-Pioneer Press, William Sumner. I am sure many of our colleagues remember him well from his service in the Ridder Publication's Washington Bureau. While he has moved to St. Paul, I can assure our colleagues that his perspective has increased his ability to focus on the essential issues of complex problems.

In the past I have been tempted to bring Mr. Sumner's commentary to the attention of our colleagues. I have resisted that temptation fairly consistently since Mr. Sumner treats public officeholders in the same nondiscriminatory manner as Vince Lombardi treated his football players. The fact of the matter is that I run the risk of being accused of attempting to flatter the press by bringing Mr. Sumner's commentary to the attention of the House.

The importance, however, of Mr. Sumner's remarks on the President's recent press conference cause me to bring his thoughts to our colleagues' attention. At this time I place in the RECORD William Sumner's column as published in the October 30, 1973, edition of the St. Paul Dispatch, a thought provoking analysis of the President's press conference:

THAT PRESS CONFERENCE: ANGRY? HE JUST DOESN'T HAVE RESPECT

(By William Sumner)

After watching the President's press conference on Friday it seemed necessary to wait a few days before offering comment. It was that distressing.

I am not qualified to make judgments on anybody's health or nervous condition, but it was pathetic when the man told those assembled, and the nation, that he had been forced to learn to be cool while under fire.

Here was a cornered man, giving us a couple of flashes of an ominous trick-or-treat Halloween smile, who was sweating, clearly troubled and intemperate, moving about physically like an awkward middleweight.

". . . I have never heard or seen such outrageous, vicious, distorted reporting in public life. I am not blaming anybody for that . . ."

Aaaaak!

This assumes that the media, particularly the TV folks, were responsible for the Watergate scandal, for the Ellsberg scandal, for the nation having no Attorney General at the moment, for a former Vice President being "former," having had his wrist slapped, and for the rest of the human wreckage.

He was low enough to be self-serving in distorting the truth on one occasion and in offering a disputed version of history on the other to justify his firing of Special Prosecutor Archibald Cox.

Nixon said Richardson went along with the so-called "Stennis Proposal" and refused to fire Cox only because of his personal commitment to Cox before the Senate.

Let us see what Richardson said, in part:

"I regarded the proposal to rely on Senator Stennis for a verified record for the sake of brevity . . . as reasonable, but I do not think it should be tied to the foreclosure of the right of the Special Prosecutor to invoke judicial process in future situations."

And,

". . . I, given my role in guaranteeing the independence of the Special Prosecutor, as well as my beliefs in the public interest embodied in that role, felt . . . clear that I could not discharge him, so I resigned.

"At stake in the final analysis is the very integrity of the governmental processes I came to the Department of Justice to help restore. My own single most important commitment to this objective was my commitment to the independence of the special prosecutor."

Nixon's disputed version of history concerns Thomas Jefferson who, he said, prepared a "compromise" summary of subpoenaed material for Chief Justice John Marshall.

There is one obvious difference. The potential defendant then was Aaron Burr. The potential defendant now is Richard Nixon. In any case, Nixon's version of history collides with that which holds that President Jefferson did indeed turn over the subpoenaed material itself, not a summary.

Other than that, it was standard Nixon fare of being persecuted, but not blaming anyone for it, but then it got embarrassing or scary, depending on how one viewed this coiling, sweating, grinning man.

You only get angry with those you respect. An embarrassment. Sort of like "sticks and stones . . ." and so forth. Or, the same you four times over. All of this now in third person . . . "The President" rather than "I."

Asked about the effect Watergate may have had on the thinking of Soviet officials during the Mideast mini-confrontation, he said, "I think Mr. Brezhnev probably can't quite understand how the President of the United States wouldn't be able to handle the Watergate problems. He'd be able to handle it all right, if he had them."

This seemed to get the only genuine laugh, not of derision, but I thought at the time that it was misplaced laughter.

There was nothing funny about the remark. It may have displayed a longing.

On Sunday we find the glib Mr. Patrick Buchanan, on TV, advocating legislation to break up the "excessive power" of broadcast networks.

It would be awful if this group had a docile majority at this point in time. It doesn't, for which we may give thanks.

QUESTIONS RAISED BY INCIDENT AT NATIONAL PRESS CLUB

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. FISHER. Mr. Speaker, a letter written by Mr. O. R. Strackbein and sent to Mr. Donald R. Larrabee, president of the National Press Club, should be of some interest to Members of Congress and to others. The letter, which is self-explanatory, follows:

OSCAR ROBERT STRACKBEIN,
October 27, 1973.

Mr. DONALD R. LARRABEE,
President, the National Press Club,
Washington, D.C.

DEAR MR. LARRABEE: The purpose of this letter is to acquaint you with an incident that occurred last evening at the National Press Club. I shall relate the facts as best I remember them. Several witnesses were present but they may not have been within range to hear all the words that passed.

To begin with I was with a small party, five in all, including myself. We were guests of a member, and sat in the small waiting lounge having cocktails, awaiting the President's speeech, when we went into the main lounge where the televised speech came on.

While we were in the smaller lounge I heard in a conversation within our group about some posters that represented the President and the former Vice President in prisoners' garb, with the usual stripes, and a series of concentric circles after the manner of a rifleman's target surrounding the heads of these officials. Since there is sometimes cross-conversation in such situations I did not receive all the details, and thought no more of it.

After the President's speech was finished someone suggested that we look at the main hall that had been decorated for Halloween. We went in and only a short distance to the right in what seemed to be a stall or cove, my attention was called to some posters on the wall. It was then that I recalled the earlier conservation. As I went forward to inspect the posters I was appalled at seeing the President's likeness as previously described and also that of the former Vice President.

What I had not fully visualized before struck me now with the force of a shock when I saw the President's head encircled by a series of concentric circles centering on his forehead, approximately between his eyes. The image so greatly disturbed me, reflecting, as I did, that here was a virtual invitation to shoot the President.

The Halloween party was to be attended by youngsters and I thought of the lesson in citizenship they would receive from such a debasing and suggestive representation of the President.

Without further ado I tore down the posters and threw them on the floor. Immediately I was approached by a man, quite large of size, who told me that what I had done was a violation of the rules of the club and that he would have to ask me to leave. I said "Go ahead, ask me" or some similar response.

He asked me if I were a member. I said "no". He repeated that he must ask me to leave. I asked him who he was. He replied that he was the chairman of the Club's Board. I said I had been a member of the Club for some twenty years and was now here as a guest. He asked whose guest I was. I said I did not wish to involve him. He repeated that I must leave.

I responded that I would not leave and that if he wanted me out he would have to call a guard. By this time our host who had been some ten to fifteen feet away, as I judge it, came forward and said I was *his* guest. I then left the two and joined my group. In a matter of moments we were rejoined by our host who then took us into the dining room where we had dinner.

After the dinner was over our host, a former president of the Club, went back into the big hall and said that the posters had been put back on the wall. We shortly left the Club and did not attend the Halloween party. Therefore I do not know what actual use was made of the posters later. One member of our party said a hand type of gun was lying on the table, presumably a dart gun to be fired at the President's head. I have not verified this as a fact. The stall was indeed in the form of a shooting gallery.

It is, of course, not a question of whether the posters were to be used for this or some other purpose. It is also not merely a question of taste. My outrage, which was not premeditated, was instantaneous.

We have had several most unfortunate assassinations in this country in recent years. I am sure that these assassinations are a blot on our society, to be profoundly regretted. Yet if we insist on propagating hatred on a partisan plane against the heads of our government, those who do so may be regarded, not as reducing the likelihood of repetitions of unregenerate acts of violence, but as the sowers of seeds that can beget the most deplorable consequences.

I bring this complaint not as a former member of the National Press Club, but as a citizen who was so deeply shocked that he gave himself in his outrage to an act of a kind that is in no sense characteristic of him.

Any action that you may wish to take is, of course, in your discretion. I did believe that you should be apprised of the incident, its cause and the degree of provocation. I feel that the roots of anarchistic violence or the violence of persons mentally or emotionally deranged will be found in incitations of the kind that the posters represented, and embodied as a most reprehensible example.

You will appreciate that I greatly regret being the bearer of such an unpleasant message; but I see no alternative.

Sincerely,

O. R. STRACKBEIN.

DEDICATION OF THE NEW RESEARCH AND EDUCATION BUILDING

HON. GENE TAYLOR

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. TAYLOR of Missouri. Mr. Speaker, on November 2 of this year, the Honorable Donald E. Johnson, Administrator of Veterans' Affairs, was the guest of honor at the dedication of the new research and education building of the Veterans' Administration hospital in Kansas City, Mo.

All too often, the accomplishments of the Veterans' Administration are taken for granted and do not receive the space in the news media that they deserve.

So that my colleagues may share in the enlightening remarks delivered by Mr. Johnson, I offer them now for their perusal:

REMARKS BY DONALD E. JOHNSON

It is always a privilege and a pleasure for me to participate in the dedication of an addition to the Veterans Administration's hospital system—the Nation's finest as well as largest hospital system, I am proud to say.

But I especially appreciate this morning's ceremony because it focuses needed and deserved attention on VA medical research and VA medical training which, with patient care, give us VA health care's three-fold mission of care, research, and education.

Mr. Webster tells us that "dedication" means devotion to some work or cause.

No work is more important, and no cause more unselfish than quality health care—including medical research and education which contribute so importantly to such care, for ill and disabled and aging veterans.

It is to this work and this cause that we dedicate not only this magnificent addition to our Kansas City VA Hospital but also ourselves today.

In doing so, we are accepting the challenge to be worthy of the trust which the American people have placed in the Veterans Administration.

Our fellow citizens have said to us, to you and me, to the 165,000 skilled, dedicated men and women who are the VA's Department of Medicine and Surgery, indeed, to all who share our responsibility and privilege of serving those who served:

"We want our veterans to have the best care in the world . . . and we are confident that VA medicine can provide such care."

This confidence is justified—never more so than today.

Do not misunderstand.

There has never been—and never will be—a time when the most visible of all VA benefits and services, our hospital and medical care program, could not be improved. But I think that the following facts—comparisons, if you will—evidence the growth and progress and accomplishments of VA medicine during the past four years. They also warrant my very strong personal conviction that VA medicine will know an even more dynamic, rewarding, and exciting future.

I cite the past four years because of my official responsibility for, as well as my personal familiarity with the state of VA medicine during this period.

1. This year the VA health care system will provide inpatient care for a record 1.1 million veterans, compared with 776,000 four years ago. More than 9,000 of these patients will be cared for here at our Kansas City Hospital.

2. This year VA will handle 12 million outpatient visits—an all-time high—compared with 7.1 million four years ago.

More than 84,000 of these visits will be here at this hospital.

3. This year VA will spend a record $78 million for medical and prosthetics research (compared with $58 million four years ago), including more than $1.5 million at our Kansas City Hospital.

4. This year VA will train 67,000 doctors, dentists, nurses, and other health care personnel in VA's hospitals—over 700 of these at our Kansas City Hospital—compared with 49,000 four years ago.

5. This year VA will spend 12 times the amount budgeted for hospital constructions four years ago.

6. This year VA's Department of Medicine and Surgery will be staffed by 25,000 more full-time employees than were on duty four years ago.

7. And this year VA will have a record high budget of $2.7 billion for its health care system to accomplish the above essential goals, compared with $1.4 billion four years ago.

This very day some form of VA patient care or support will be provided to upwards of 167,000 veterans.

We can agree, I think, that VA health care today is in the mainstream of modern medicine. More importantly we can be confident that VA health care will keep abreast of future medical progress, and the changing needs of the millions of veteran patients in the years ahead. Indeed the VA will help lead this medical progress through its research and education programs.

I would direct your attention to the $5.2 million addition to our Kansas City VA Hospital which we are dedicating this morning, and suggest that its existence emphasizes far more effectively than any words of mine a fact which we should always keep in mind.

The VA hospital and medical care program is structured on the foundation of *research* and *education* as well as *patient care*. Patient care has always been, and will always be, the primary purpose—priority mission, if you will—of VA medicine.

But a moment ago I noted that VA will spend more than $78 million this year for medical and prosthetics research. This translates into the involvement of VA medical investigators in nearly 6,000 research projects.

You are familiar with many of VA's medical research accomplishments and shared triumphs such as the virtual elimination of tuberculosis as a killer disease; the perfection of kidney transplants; development of the laser cane for the blind; portable hemodialysis units for home use; motorized wheelchairs for quadraplegics operated through nudge control or voice control or even breath control; and the heart pacemaker—the implanting of the first atomic powered pacemakers in the Western Hemisphere; and clinical proof that the early treatment of hypertension will lessen the incidence of death or crippling strokes from vascular disease.

And you know that the results of VA medical research are quickly made available to all of our citizens.

The point I want to emphasize is VA's unique capability for conducting wide-scale cooperative research projects in clinical settings; our ability to conduct simultaneously the same research effort in many hospitals.

I submit that this research technique proves that the VA hospital system offers great potential for reducing the time required to test new medical treatments or theories.

Further, my VA associates and I believe that we can apply the same approach successfully in establishing, and demonstrating, new models or patterns of health care delivery—particularly with the appropriate utilization of allied medical personnel, such as the Physician's Assistant and the Clinical Nurse Practitioner.

To illustrate the national importance of VA's medical education and training, which cover some 60 professional and technical categories and which will be given ever greater emphasis and more effective support with this addition to our Kansas City Hospital, permit me to point out the following facts:

Nearly one-third of all physicians now practicing in the United States, and approximately one-half of those entering practice each year, have received a portion of their medical training in VA hospitals.

In addition, VA contributes directly to the education each year of over 1,000 dental students, over 20,000 basic nursing students, nearly one-fourth of all social work graduates, one-third of all dietetic interns, one-fifth of all Ph. D. candidates in clinical psychology, and one-fourth of all pharmacy interns and residents.

In light of these facts, I think it can be fairly said that the VA health care system has greatly assisted in increasing America's vital medical resources. It will continue to do so.

Now, let's take a close look at this Research and Education building addition to our Kansas City VA hospital.

This look should reveal two important truths.

First, this addition is not a separate entity that exists—and will operate independent of the hospital. On the contrary, it is a vital, integral part of the hospital.

Second, our Kansas City Veterans Administration Hospital, including the new Research-Education addition, is more than a single hospital, and more than just one of 170 hospitals in our total hospital system.

It is part—a vital part, to be sure—of the VA's nationwide health care system.

And when I say "system", I mean exactly that.

In addition to its hospitals, the VA health care system consists of domiciliary homes, restoration centers, nursing care units, and outpatient clinics operated directly by VA.

Furthermore, the VA health care system utilizes—and will continue to do so—non-VA facilities, such as other Federal, state and private hospitals, community and state nursing homes, state domiciliaries for veterans, and a variety of other extended care arrangements.

And, as many members of the Show Me State's medical community know from personal experience, VA's health care system also relies heavily on "home town"—or fee-basis physicians and dentists.

But to return to the Research and Education addition, each of you is cordially invited to take a studied, personal look at this facility. I sincerely hope that you will be able to make this tour so that you can see for yourselves how the VA carries out your wish—a nationwide wish—that veterans receive the fullest and finest VA health care possible, including medical research and education.

By way of a preliminary tour guide, let me mention some of the specialized programs and equipment that may not be apparent.

Our Kansas City VA Hospital is headquarters for the National Cooperative Urology Research group which is studying carcinoma of the prostate. This program, which involves 28 other participating VA hospitals, has made substantial progress in evaluating and comparing treatment of cancer of the prostate.

Our Kansas City Hospital—and by now I am sure you realize that I consider the hospital and this new addition one and indistinguishable—has also been named the headquarters hospital and center laboratory site for the National VA Cooperative Study on Aspirin Therapy and Unstable Angina. This program will test whether aspirin can prevent serious complications in heart attacks.

Researchers at this hospital will have some of the most modern, sophisticated equipment for studies in cell processes and cell biochemistry.

In terms of specialized equipment, I would cite three examples:

To aid in this hospital's Clinical Pharmacology program, there is a highly sophisticated instrument that can identify even complex chemical compounds which will soon be purchased and installed.

In the hospital's Calcium Research Laboratory, the role of peptides from the parathyroid gland is being studied with regard to body calcium controls. Unique items of equipment permit researchers to build such biologically active peptides. Since loss of bone substance affects everyone over the age of forty, with no known way to reverse the process, great importance is attached to this type of investigation.

In another area, the use of computers will permit data equivalent to a full day's work to be collected and analyzed in a few thousandths of one second.

I am sure that you will leave here today properly impressed by the design and construction of this Research and Education addition, and by its furnishings and equipment.

But I know that you will also leave here fully aware of the fact that this facility and our Kansas City Veterans Administration Hospital, above all, means people. *It means:*

The 9,000 patients who will be cared for at this hospital this year—and, of course, their families.

The tens of thousands of veterans who will be the beneficiaries of 84,000 outpatient examinations and treatments this year.

The 1,000 skilled and dedicated men and women who staff this hospital, including its new research and education addition.

The hundreds of unselfish volunteers who are so concerned enough about the welfare of our patients that they give thousands of hours each year to provide the companionship, comfort and care which no amount of money can buy.

The officers, faculty and students of the Kansas University Medical Center and the University of Missouri Dental School with which our VA hospital is privileged and proud to be affiliated

And, of course, the officials and you good citizens of Kansas City whom my VA associates here are fortunate enough to be able to look to for friendship, neighborliness, professional, business and commercial services, fire and police protection, and other necessities and comforts of community life.

In just three more years, this Kansas City Veterans Administration Hospital will celebrate its Silver Anniversary. That observance, coinciding as it will with our Nation's bicentennial, will be a memorable one I am sure.

But I would also point out that this hospital's 25th Anniversary observance will also find World War I to be 58 years in the past, the average World War II veteran to have been out of uniform 30 years, and Korean Conflict veterans to have been back in civilian life nearly a quarter-of-a-century.

The few remaining Spanish-American War veterans will have celebrated, or getting ready to celebrate, their centennial birthdays; while the youngest of our Vietnam war veterans will be in their early or mid-twenties.

But all of these veterans will have one thing in common.

A present or future need for VA hospital and medical care.

I can assure you today that the Veterans Administration health care system, including its Medical Research and Education programs, will be around, ready and able to provide that care.

Thank you again for joining my VA associates and me in this dedication ceremony.

SECRETARY OF THE ARMY CALLAWAY SPEAKS BEFORE ASSOCIATION OF THE U.S. ARMY

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. CARTER. Mr. Speaker, in 1965 and 1966, I served in the House of Representatives with the Honorable HOWARD H. CALLAWAY, of Georgia. "Bo" is a West Point graduate and a lawyer. He is a man of unquestioned honor and unusual ability. The United States of America is indeed fortunate to have a man of his training and devotion to duty as Secretary of the Army. I submit for the record his speech of October 15, 1973, before the Association of the U.S. Army:

KEYNOTE ADDRESS BY THE HONORABLE HOWARD H. CALLAWAY, SECRETARY OF THE ARMY, BEFORE THE ASSOCIATION OF THE U.S. ARMY

Ladies and Gentlemen, distinguished guests:

I'm delighted to have this opportunity to be with you this afternoon. We in the Army are aware of your long-standing support for a strong National defense and we feel that the Nation owes you a debt of gratitude.

It is an exciting time for me to be Secretary of the Army. We are entering a historic time, a time of basic change, as we try to do what has never been done before. The Army has set out to provide security for this great country, to keep our global commitments, to stand ready to face an aggressor on a moment's notice—and to do all this with an Army of volunteers. No nation in history has tried to meet such massive and complex commitments without compelling people to serve, through one form of conscription or another. It is a challenge—a great challenge, one which I assure you we are doing our utmost to meet. Today I want to address this question with you—this question of meeting the need for an Army with a volunteer force.

Unfortunately, discussions of the volunteer Army are usually accompanied by emotional considerations about the value of the draft or of Universal Military Training. There are many, both in the military and out, who genuinely feel that the maintenance of a draft is important to our country, and so the debate continues. But the debate is on the wrong subject.

Those who continue to hold out the false hope that the Army can or ought to simply dodge the problems of the volunteer environment by quick return to the draft are not facing up to today's realities. The country doesn't want a draft today. The Congress doesn't want a draft today. The alternative then is a successful volunteer Army or failure for the Army. The US Army has never failed this country. It has always turned the hard challenges of history into success. So today, the challenge for all of us who support the Army is clear. We must set our minds to making the volunteer Army work.

And the volunteer Army is working! It is working because there are still young men and women in America who want to serve their country—this is "an idea whose time remains" for all Americans, young and old, of every race, color, and creed. And it is working because the Army offers to young men and women a satisfying life and solid benefits in conjunction with their service. There are those who feel we are trying to buy an Army. This is not the case. We are giving young men and women who serve in the Army a standard of living that is roughly comparable to the standard of living they might get in the civilian community for doing a similar job. This means higher pay; paid annual leave; complete, superb medical and dental care; life in much improved barracks, and more.

All of these measures are necessary. I support them wholeheartedly. But let me emphasize that we are not trying to buy an Army! We will get the Army that the Nation needs only by appeal to sacrifice and service.

And this brings me to the second most important way that we are making the volunteer Army work, by insuring that service to the country is a meaningful part of the young man or woman's life. We are making Army service a step forward in their lives, not an interruption. And to do this we are putting a great emphasis on education and training, and on insuring that our soldiers' jobs are important and useful.

We are doing this by making each soldier's job relate to the Army's mission, because this makes Army service mean something. Our young people want value from their lives. They want a job that matters and we've got that job. We are also working to eliminate unnecessary irritants. We think this will make the Army more attractive, and our surveys have borne this out.

We have developed a very attractive package of education and training. To the high school dropout who has the ability and motivation, we offer work toward a high school diploma, as an adjunct to training. To the high school graduate, an opportunity for college training, part of which may be as an adjunct to training. To junior college and college students, the possibility of further training, and even this may be as an adjunct to training. And to all of them, the Army offers vocational training that will be useful when the soldier returns to civilian life.

With a meaningful job, a decent standard of living, and real opportunities for continued education and training, young men and women can look upon a period of service to the country as a genuine step forward in their lives. And when they leave the Service, they will realize other very important advantages. For one thing, under the GI Bill, they are entitled to more education, provided by the government to its veterans. And they're more mature. The Army has trained them, given them each a mission, and then held them responsible for professional results. This responsibility develops maturity. Thus, both the education and experience of military service prepare them for better jobs when they leave the Army for civilian careers.

All of these benefits are pointed toward the first term volunteer. For those who choose to reenlist for the volunteer Army, however, more opportunities for education, maturity, and service accrue.

We have, today, the finest noncommissioned officer leadership training we have ever had, with progressive career steps going from the recruit right on through our top command sergeant major. Our men and women enjoy the benefits of our new Noncommissioned Officer Education System, a system which offers to the noncommissioned officer a progressive, professional military education roughly comparable to the superb system of schooling we have always offered to our officers. The system trains, educates, and motivates our NCO leaders for the progressive challenges of an Army career.

Some of our strongest supporters don't fully understand today's Army. They think the Army lost something important when we initiated, for example, the idea of hiring civilian help—KPs—to work in the kitchens and dining rooms. They think that eliminating such irritants as KP has made the Army soft. But the Army's mission is not to peel potatoes; its mission is to fight. Peeling potatoes does not improve discipline or combat efficiency. So changes to some things held traditional in the past are in the wind, but if you look at them, you will see that each turns harder than ever on mission. We are not retreating from the Army's real business. The volunteer Army is ready to fight.

We do not have and we shall not have a permissive Army. We have and we shall have a disciplined Army, responsive to authority, and able to perform its mission in the service of the country. You expect it; the country deserves it; and I'm going to do my level best to see that it happens!

In brief, that's the program we have undertaken to attract young people, to encourage them to enter the Army. And once they're in, I know that many of them will choose to stay beyond their initial commitment, because they will see that the Army has a very fine career progression system.

I believe Americans will agree, then, that we have a package that is appealing to today's young people, appealing not only in terms of benefits, but in the opportunity for service to country. And the beauty of this is that it appeals to everyone in America. Service to country appeals equally to rich and poor, Northerner and Southerner, educated and uneducated. Pride in America and willingness to sacrifice for her is an ideal which knows no cultural or economic boundaries. In this fact lies the very strength of the Nation. I count on this appeal to give us an Army which mirrors America. It's not going to be a mercenary Army, it's going to be an all-American Army.

This then is our plan. It is not only our plan for the future, it is also a description of today's Army. For practical purposes, the draft ended for us on December 29, 1972, when the last draftee entered the Army. (Although a few deferred draftees entered later.) So we have had about 10 months' experience now in a volunteer environment, and I think it is appropriate that we review some of the results.

Because each month we openly discuss our goals and quotas, many have a distorted picture of our progress. They feel we are hopelessly short of recruiting goals, trying to make up the gap by lowering quality, and as a consequence, ending up with nothing worthwhile whatever. It is true that we have missed our goals during the past 10 months. But it is important to remember that our goals are akin to the salesman's goals—realistic, but difficult to meet.

What are the facts? During these past months, we have recruited into the volunteer Army some 124,000 young men and women; further, over 34,000 men and women have reenlisted during this period. In fact we have been running about 84 percent of our recruiting objective ever since December 29, 1972, when we abandoned the draft. And those who have come into the Army are of high quality. We have had a higher percentage of high school graduates entering the Army since the draft ended—about 10 percent higher—than we had in the 6 months before the end of the draft. As a result, we now have an Active Army of over 794,000 and this is 97 percent of our programed strength. Total accessions, then, have fallen somewhat short of our goals, but we are still filled far above any level of concern, and quality is high.

And we have many encouraging signs. Last

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year we decided to reactivate the 9th Infantry Division at Fort Lewis, Washington, but the manpower was not at hand. So we told the commander, General Fulton, that if he wanted a division, to take his cadre, the Division colors, and go out and recruit a division. General Fulton and his recruiters did just that. They began a vigorous recruiting campaign and today that Division stands at 102 percent strength, essentially filled with enlisted volunteer soldiers. Now, this is a real success story, a living example which illustrates concretely that the volunteer Army program is not an impossible dream, but a workable idea, and it is typical of many other units with similar successes.

We do not minimize our recruiting problems: we spend our time and energy working on them. We are trying many new approaches to recruiting, which stress quality together with quantity—such as increasing the number of recruiters, expanding our unit-of-choice and station-of-choice options, screening out poor soldiers in our reenlistments, administering new entrance tests, and even weeding out misfits in basic training. These efforts will continue.

Some also have expressed concern that the volunteer Army was doomed to failure because it would bring a decline in discipline. That has not been the case. If we compare discipline trends for FY 72 with FY 73, a period which includes both draft and volunteer Army experience, we find that rates for AWOL, desertion, crimes of violence, crimes against property, courts-martial, and separations under less than honorable conditions, are down.

Virtually every major indicator of discipline except drug offenses has, in fact, remained or turned positive in the volunteer Army. Whatever factors contribute to this picture, it is clear that today's volunteer soldier is not causing an increase in disciplinary problems.

Many also had expected the volunteer Army to herald the demise of our National Guard and Army Reserve as viable outfits. No such demise is in sight, although we do face problems here. We have seen modest reductions in the strengths of both our Reserve Components from the December 1972 levels, a trend in fact dating from mid-1971. But current indications give us some encouragement that we may be able to restrain this decline. We have in the past several months, for example, been successful in recruiting trained, experienced, prior-service personnel into our Reserve Components to offset some of our shortfall. As you know, Reserve Component strength remains critically important, so we are very much concerned that it continue to receive close attention. Under the total force policy any future emergency buildup will have to rely upon the National Guard and Reserve rather than a draft for initial and primary augumentation of our Active forces. I expect the improving image of the volunteer Army to have the positive effect on the health of our Reserve Component recruitment that is needed.

Finally, combat readiness, which is the heart of our business, has shown significant improvement. When the draft ended, we had 13 divisions on the books, but only 10 fully formed. Of the 13 divisions, only 4 met the Army's stringent readiness standards and were considered ready for combat. By contrast, we now have 13 divisions fully operational and 10 ready for combat. Thus, our divisions today, judged by the stringent standards reported to the Joint Chiefs of Staff, much more nearly meet their goals in terms of authorized strength, personnel job qualification, unit training, equipment on hand, and equipment serviceability than they did at the end of the draft. Six months to a year from now, I believe our readiness posture will be even better.

These simple facts and figures point to one conclusion—The Army is better today than it was at the end of the draft. But the figures are not nearly so meaningful as the subjective feel of those in the Army. I certainly don't pretent to be an expert on this, but by the end of this month I will have visited all 13 of the Army's active divisions, as well as many other posts and stations. During every visit I have talked with new soldiers, with senior noncommissioned officers, with junior officers, with senior officers and commanders. I can tell you that without any question, today's Army is a far better Army, far more prepared for combat than it was at the end of the draft. I can just feel it everywhere I go. It's in the air. Discipline is better, morale is better, training is better, and equipment is better. The Army's future is indeed now.

And, what is more important, all of our vital trends, with the possible exception of drug abuse (and we are working hard and effectively on that one), are in the right direction today. Let me emphasize—your Army is good now, ready to fight, and getting better with the passage of time. I foresee no doom ahead. Six months from today we will be better, and after that, better still.

This picture that I give you of today's Army is enthusiastic and optimistic, and purposely so. I am extremely proud of today's Army and what has been done to make it work in the volunteer atmosphere. But I recognize our challenges. Benjamin Franklin once said, "the man who expects nothing . . . shall never be disappointed." I believe he would share my belief that men who do expect something worthwhile and are willing to work hard for it, are apt to achieve it, even if the task is difficult and unfamiliar.

We are daily working on new, innovative, and exciting ideas to insure that we get the right number of qualified men and women to man our Army. It will not be easy. It will perhaps be the toughest job that the U.S. Army has ever been called upon to do, but I am certain that today's Army will be equal to the challenge.

We in the Army have always needed the active support of the American people. Today, we need it even more than ever before. Even our strongest critics have recognized that the one vital element necessary for the success of the volunteer Army lies beyond the Army itself. I'm talking about public support. We need your help as we plow new ground, as we steer an uncharted course to give the country the best Army it has ever had. Without your help, we cannot succeed; with it, we cannot fail. Together, we can meet the challenges and prove worthy of the Nation's trust.

Thank you.

A LEGAL COUP D'ETAT?

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. YOUNG of Florida. Mr. Speaker, the Congress continues to be inundated with communications and suggestions concerning the future of this great Nation, and the actions that we, as Members, should be taking. It is especially important that we should retain our perspective, and our long-range vision of what we feel will be good for the Nation as a whole. In aid of this balance, I want to offer for my colleagues' information an editorial from the Sarasota (Fla.) Herald-Tribune:

[From the Sarasota Herald-Tribune, Oct. 23, 1973]

A LEGAL COUP D'ETAT?

The orchestration and choreography have been impeccable. The greedy motivation, disguised by skillful media manipulation, could not be faulted by Machiavelli. The stakes are the highest—nothing less than control of the Government of the United States.

"Across the nation calls for impeachment mingled with cries of amazement in an emotional outpouring reaction from America." So read the AP's lead story on Monday afternoon after an extraordinary weekend during which, on the home front, President Nixon forced out of his administration three high-ranking members of the Justice Department, while, on the world diplomatic front, he and his Secretary of State negotiated with Russia an end to the Middle East war and a consequent withdrawal of humanity from the nuclear brink.

Impeach the man who ended the disastrous Vietnam war—the fourth war in this century initiated under the leadership of the Democratic Party? Impeach the man who has achieved the impossible in bringing the real hope of peace between the Arabs and the Jews? The very idea will be viewed by history as grotesque!

But it has now become clear that nothing less than capturing control of our government is and has been the objective of those who cynically have exploited the scandal called "Watergate" to arouse the American people and in this process, incidentally, have shaken the confidence of our foreign allies in the American system, contributed to devaluing the dollar in world trade and endangering the detente achieved by President Nixon with the two Communist superpowers.

A coup d'etat has never been carried out in American history. But skillful manipulation of the constitutional process has now brought us perilously close to a coup—not through violence and military overthrow but through devious political manipulation of the unhappy events of the last year.

The resignation of Vice President Agnew has set House Speaker Carl Albert, a Democrat, in line for succession if President Nixon should die, be assassinated or removed by impeachment. His elevation to the Presidency would not mean merely a change in the man holding that office, but a complete change of the party in control, and of the Cabinet, and of all the apparatus of the Executive Department.

Senator Ted Kennedy's call for holding up senatorial consent to the appointment of Representative Gerald Ford as Vice President was the keynote speech in the campaign to obtain for the left wing Democrats what was denied them by the overwhelming vote of the people in the 1972 election.

Regardless of the rights or wrongs of the Watergate scandals, regardless of the legalistic question of whether or not privacy of presidential papers extends to presidential tapes, regardless of the multitude of petty controversies that befog the scene, the hard fact remains that the American people are entitled to a Vice President appointed and confirmed promptly under the provisions of the 25th Amendment of the Constitution.

Many sincere Democrats and Republicans have been stampeded into losing sight of what it would mean in division of our nation, turmoil in our government, temptations to rashness by our enemies, and peril to the foundations of our 200-year-old Republic should the President be hounded out of office. But the Ted Kennedys, the Tip O'Neils, the George Meanys and the Bella Abzugs who lead the pack baying for Nixon's blood know exactly what they are doing.

The basic tenet of this newspaper has always been that the American people, given all the facts and time to analyze them, will ultimately come to the right decision. We

have not lost that faith. We believe that unless fate or events move so rapidly that discussion and analysis are stifled, the judgment of the American people will be to reject and condemn the insidious campaign to steal the presidency from the man and the philosophy on whom it was bestowed one year ago by the majesty of the elective process.

BALTIMORE CITY HOSPITALS' BICENTENNIAL

HON. PAUL S. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. SARBANES. Mr. Speaker, for the Government and the people of the United States, these are troubled times. As we Americans approach the Bicentennial of our Nation, we have an opportunity and obligation to look back upon the struggles and accomplishments of our forefathers, and upon the spirit of determination which guided their actions. Looking back in time we can find sources of a renewal of determination, faith in our future and accord among our citizens that we so desperately need.

This month marks the 200th anniversary of a venerable medical institution, Baltimore City Hospitals. The occasion reminds us that we have always been a society that helps those who cannot help themselves. We have come to the aid of the victims of misfortune through our churches, through philanthropy large and small, and through the donation of our time as volunteers. But we have also done so through our institutions of government.

In November 1773, the Maryland Legislature appropriated funds to purchase land for the purpose of establishing an alms house in Baltimore. That was very much an act of charity by the body politic, for in those days, before the modern era of medicine, hospitals were chiefly for the poor and destitute.

The Alms House quickly outgrew its original role as a shelter for the infirm and aged and soon was playing an important part in the development of medical services and education in Baltimore. Medical students began clinical instruction at the Alms House as early as 1812. In 1840, under the direction of the distinguished Baltimore physician, Dr. William Power, the institution began the modern scientific practice of keeping accurate medical histories and progress reports. The system of medical instruction and consultation was greatly expanded toward the end of the last century in cooperation with the existing Baltimore medical schools, helping to develop the brilliant medical tradition that has so distiguished Baltimore.

Today Baltimore City Hospitals, descendant of the old Alms House, carries on that fine tradition and has greatly expanded its capacity to serve the Baltimore community. It has grown to a modern complex of medical facilities on a 240-acre site overlooking Chesapeake Bay. It provides every kind of health treatment, with services ranging from dentistry to psychiatry, surgery to chronic care. Last year Baltimore City Hospitals cared for nearly 55,000 emergency cases, delivered more than 3,000 babies and treated more than 90,000 outpatients.

This 200-year tradition of service and innovation are clearly evident in City Hospitals' present-day treatment programs, many of which are unique in Maryland and the object of national interest and acclaim. The Highlandtown Kiwanis Burn Unit provides specialized intensive care to burn victims, employing the most advanced techniques to ensure physical and psychological recovery. The Coronary Care Center, recognizing that the majority of deaths from heart attack occur before the victim reaches the hospital, has developed with fire department cooperation a program for radioing cardiograms to the hospital from rescue ambulances. Rapid, accurate diagnosis enables trained ambulance crews to begin treatment while the patient is still en route to the emergency room.

Baltimore City Hospitals also play a central role in Maryland's statewide effort to care for critically ill infants. Newborn babies are brought in by State police helicopters for treatment of lung disease, respiratory tract deformities, and heart defects. Once at the hospital the child is assured of treatment by a specially trained expert staff utilizing the most modern facilities.

In addition to medical care and instruction, nationally important research programs are an integral and essential part of the activities carried on at Baltimore City Hospitals. Specialists there are engaged in a challenging approach to the treatment of cancer through the use of chemotherapy. The U.S. Gernotology Research Center was established at Baltimore City Hospitals in 1940 by the National Institute of Health. It carries on enormously significant studies in the physiological, biological, psychological, and social factors of aging and recently opened a new $11 million facility.

As it embarks upon its third century of service, Baltimore City Hospitals continues to expand and improve its programs for the community. Not only are its door open to the critically ill in need of specialized personnel and facilities, but it has undertaken to establish and maintain special care and treatment centers in adjacent neighborhoods. These Affiliated Community Health Centers will offer outpatient and preventive medicine programs, often to persons who now have little access to quality medical care.

This newest effort, reflecting an important trend in our thinking on the goals and means of health care delivery, is yet further testimony to Baltimore City Hospitals' tradition of community service and medical achievement. It is also proof of what the cooperation of a skilled and dedicated staff, concerned government officials, and private groups and individuals can achieve. On the occasion of its bicentennial I am pleased to join in this tribute to one of the Nation's outstanding medical institutions. Baltimore City Hospitals can be proud of its continuing tradition of community service, and Baltimore's citizens can be proud of the great medical institution their support has helped to build.

A BETTER ARMY

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. STEIGER of Wisconsin. Mr. Speaker, the heart of the volunteer Army program has been an effort to strengthen the Army as an institution—to make it a better Army. Increased professionalism has been seen as the best way to strengthen the Army. And reducing the sources of dissatisfaction was recognized as key to the goal of improving Army life.

Much has been done toward furthering these goals in this transitional period to a volunteer Army. Efforts have been made to improve recruiting, barracks life, family living, post care, military pay, and health care for the soldier and his or her dependents.

An article in the August issue of Soldier magazine discussed what has been and is being done to make the Army a better institution. The first half of that article follows:

A BETTER ARMY

July 1973 has passed.

How did the Army tackle its problems?

What progress has it made toward becoming an all-volunteer force? How's it working so far?

For starters, planners had to ask certain basic questions:

What type of Army was wanted?

What type of volunteer should it actively seek?

What changes would the Army have to make to attract and retain enough volunteers?

How could a changed public image of an all-volunteer force be projected?

Drawing on the resources of research agencies, special boards and experts eminent in behavioral science, sociology and psychology the Army began to get answers. Patterns and profiles emerged.

The All-Volunteer Army would have to be a better Army with strengthened professionalism providing positive incentives to military service—with Army life improved by eliminating or reducing most of the sources of dissatisfaction.

To reach the prototype volunteer—an 18-year-old high school graduate or holder of the GED Equivalency Certificate who could meet the quality mental, physical and moral standards for military service—a modernized recruiting and entrance system would have to be established.

As a first step toward these goals, the Modern Volunteer Army (MVA) Program was born in January 1971 with Project VOLAR.

VOLAR served as a test-bed for experimenting, evaluating and refining a number of new approaches under conditions of limited application before they were adopted Army-wide. Initially it was conducted at four stateside installations—Fort Ord, CA, Fort Benning, GA, Fort Carson, CO, and Fort Bragg, NC—and at two U.S. Army Europe installations.

By the time VOLAR ended in June 1972 it had been expanded to nine additional CONUS installations, Alaska and Hawaii, at an approximate cost of $10 million.

Reaching the Recruit. As changes were

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made within the Army to attract qualified volunteers the recruiting force was changing, too.

Project VOLAR worked on the image from within. The recruiting force carried the message to the prospective volunteer on the outside.

The heart of the MVA/Project VOLAR Program was an effort to strengthen the Army as an institution—to make it a better Army.

Professionalism was seen as the best way to strengthen the Army while reducing the sources of dissatisfaction would improve Army life.

Emphasis was placed on improving professional competence plus building a strong sense of accomplishment and achievement among Army men and women of all ranks. This meant:

Getting back to the basics of soldiering. Where possible, the soldier is freed from non-military chores such as KP, guard duty, grass-cutting and other housekeeping chores. This concept recognizes that what soldiers do on their military jobs is the critical element. Within VOLAR's budgetary limitations, civilians were hired to perform KP and other housekeeping chores. Additional labor-saving devices such as power mowers and other equipment were purchased to increase efficiency in those tasks.

Providing exciting, meaningful training. Under decentralized training procedures the unit commander is made responsible for planning, managing and executing training programs which challenge the individual soldier to demonstrate his ability against high standards and measure his accomplishments by testing actual performance. "Hands-On" training gets the soldier working on his weapon or equipment early. Adventure training offers an added attraction. The soldier is placed in an environment requiring him to employ initiative in accomplishing given tasks. Men in small units develop self-reliance moral and physical courage and mutual confidence by participating in mountain climbing, boating, survival and endurance feats and exploring.

Encouraging educational development. Under MVA/VOLAR vocational and general education opportunities were expanded through accredited civilian contract schools. The program is aimed at standardization of curriculum offerings, admission and residency requirements through a worldwide association of civilian contract schools.

Another significant goal of the program provides careerists with the opportunity to advance their skills training and general education level during normal duty hours. Each Soldier who has not graduated from high school can receive on-duty professional instruction while earning a high school diploma. Soldiers who completed high school can pursue vocational training and baccalaureate education during normal duty hours. The program permits a logical educational progression during the soldier's entire career.

Fostering professional leadership. This program is designed to develop outstanding leaders, officers and NCO's, and allow them to properly exercise that leadership. Action was taken on several levels: Establishment of an NCO Educational System (NCOES); stabilized tours for commanders; and an improved Officer Personnel Management System (OP MS) and an Enlisted Qualitative Management Program (QMP).

The NCO Education System (NCOES) involves a three-level program of professional training and educational development for career NCOs. Careerists return to school periodically for training in individual career fields. The program consists of three progressive levels: Basic, Advanced and Senior. In Basic level courses selected E–4s and E–5s are prepared for duty and increased responsibilities as E–6s and E–7s. Advanced level courses prepare selected E–6s and E–7s for duties as E–8s and E–9s. Senior level courses for selected E–8s are offered at the Sergeants Major Academy at Fort Bliss, Tex.

Stabilized Tours for Commanders—an impossibility during the Vietnam war—would be established. Under the MVA/VOLAR concept brigade and battalion command tours were established at 18 months minimum and company command tours at 12 months minimum.

Setting Up a New Officer Professional Management System provides officers with proper skills to meet basic Army requirements. The program's four basic objectives are: improve professionalism; put the most qualified commanders in command of troops; increase specialization; and improve officer motivation and career satisfaction. Under OPMS the promotion system was revised and officers are now required to develop dual skills.

The Enlisted Qualitative Management Program (QMP) was initiated in February 1971. Under QMP, reenlistment is denied to persons who are not promoted or recommended for promotion within designated periods of time. Through qualitative screening reenlistment is also denied to persons who are considered to have low potential for advancement to higher grades.

Improving Army life means removing, where possible, the irritants and inadequacies which detract from the environment in which the military man and his family live. This means improving the soldier's total environment: barracks life, family housing, post services and pay.

Barracks Life. Lack of privacy was found to be one of the most widely voiced complaints. Some progress had been made prior to the Vietnam build-up but the twin pressures of wide-ranging commitments and budgetary limitations made the going slow. Progress increased noticeably under MVA/VOLAR.

MVA funds were made available in late 1971 to determine what effect barracks privacy would have on service attractiveness. Large platoon bays were partitioned into two- and four-man living spaces, each furnished with a rug, desk, chair and lamp. Soldiers were permitted to individualize their quarters. Congress appropriated $55.5 million to expand the barracks privacy program in Fiscal Year 1972, with funds going mostly for modernization of permanent barracks. The Fiscal Year 1973 budget contained $238 million for construction of new barracks including some $16,000 new spaces, plus modernization of $53,000 existing barracks spaces.

To further upgrade the soldier's environment contracts totaling $63 million were recently awarded for construction of newly designed barracks at Fort Hood, TX, Fort Carson, CO, and Fort Sill, OK. The new buildings will offer increased privacy in three-man living areas.

Improving Family Living has generally meant building more units and extending family housing eligibility to all married personnel except trainees.

Improving Post Services includes construction and modernization of chapels, schools, commissaries and recreational facilities. Commissary and Post Exchange operating hours can be extended and a larger selection of merchandise provided for the soldier and his family.

Central In-Out processing centers are being established at all posts, with special emphasis given to providing friendly, courteous service.

The long-established policy of providing sponsors for families on Permanent Change of Station to overseas commands has been extended stateside, with the gaining units required to appoint a sponsor for the soldier and his family on CONUS PCS.

Health Care for the Soldier and his Dependents is also being improved. Quality of service is being upgraded with clinical operations expanded to provide a full range of services during hours convenient to the patients.

Improving the Soldier's Pay has long been goal of Army planners. The gains made during the 1960s benefited career soldiers but were of litlte assistance to the first-term soldier.

MVA/VOLAR studies showed that if the Army was to become all-volunteer and still meet its overall manpower requirements, it would have to achieve and maintain a rate of pay comparable to civilians of equivalent ages, skills and education.

Recognizing that the first term soldier suffered the most severe pay inadequacies the military pay boost approved by the Congress effective November 1971 provided for roughly doubling the pay of a private. An E–2 received a base pay of $85.80 in 1964. By mid-1973 his base pay totalled $342.30.

Smaller increases went to those in higher grades and with longer time in service. An increase in basic quarters allowance was enacted.

Recruiting Retooled. As these people-oriented changes came in rapid succession, the U.S. Army Recruiting Command began getting the word out to the public.

"We had to learn to communicate with today's youth in a manner they understand," said Major General John Q. Henion, Commander of the Recruiting Command.

"We could no longer sit in the recruiting stations and wait for the volunteer to come to us. But at the same time we had to remember that with the reduction in the size of the Army it would become increasingly important that the volunteer we enlisted would meet the high standards that had been established.

"For example, judges and probation officers used to offer young offenders an alternative—join the Army or go to jail or on probation. We have spent a lot of time and energy getting this policy quashed across the country. Recruiters know this is strictly forbidden and judges are getting the message.

"We have also found that men and women who score poorly on the Armed Forces Qualification Test are less likely to succeed. We have a ceiling on the number who can be accepted in that category (IV). You can always find exceptions but the percentages are against them.

"From the numbers standpoint, you measure a recruiter's performance by how well he meets his assigned objective. But this isn't always the whole thing. We know he has to make himself known and respected in the community in which he works. This requires that a considerable amount of time be spent on public and community relations projects. He has to make and keep a variety of contacts because today's contacts mean tomorrow's enlistments. He has a full-time job and it certainly isn't an easy one.

"Once we began to get the quality volunteer's attention with our advertising we had to offer something he was interested in. Enlistment is just the first step in building an All-Volunteer Army. We had to look beyond basic training and AIT and offer the new soldier a meaningful, worthwhile job in his unit.

"Our enlistment options were expanded to include train and travel, unit of choice enlistments, station of choice and guaranteed school options.

"A Delayed Entry Program which permitted young men to enlist in the reserves and come on active duty up to 6 months later was established and proved quite successful. This enabled the young man to complete high school or tie up any loose ends prior to his entry on active duty. We later extended the program to Women's Army Corps enlistees."

To reach the quality volunteer, an additional $10.6 million was funded for advertising in FY 1971. "Today's Army Wants to Join You" was the theme of a 3-month test on radio and TV. Commercials were keyed to the people-oriented changes. Young men and women were invited to call a toll-free number indicating which enlistment option they were interested in and a recruiter would be in touch within 24 hours.

How successful was the paid advertising? Recruiting Command officials considered it highly successful. In the Los Angeles recruiting main station alone, an average of 50 additional calls were received each day during the test period.

By the end of Fiscal Year 1972 the number of true volunteers (those not motivated by the draft) increased by 41 percent over FY 71—from 76,000 to 107,000. Draft calls decreased from 152,000 to 25,000 during that period.

WETIP PROGRAM SERVING COMMUNITIES WITHOUT CHARGE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. BROWN of California. Mr. Speaker, on October 3, I sent the following letter, along with a copy of H.R. 10602, to Mr. Thomas M. Jones, president of radio station KBON in San Bernardino, Calif.:

DEAR TOM: Congressman John Conyers (whose district includes much of the area served by your former Detroit sister station) and a handful of other Members of Congress, including myself, have just introduced a bill which might interest you. Entitled the "Community Anticrime Assistance Act of 1973," this legislation would benefit such programs as the WETIP program you have promoted so extensively.

Keep in mind that legislation such as this generally takes quite a while to pass, if it passes at all; I wouldn't want you to get your hopes up too high. But I thought you would want to know that I am thinking of you.

Best regards,

GEORGE E. BROWN, Jr.,
Member of Congress.

On October 17, I received a reply from Mr. Jones, thanking me for my letter and adding that the bill "certainly has many merits" and hoping that it will be passed by the Congress. Then Mr. Jones continued:

The WETIP program, however, is a "grass roots organization" (pardon the pun) that is strictly volunteer except for several paid members. Under no circumstances does WETIP want any grants or aides (sic) from government whether they be local, state or federal. Our experiences find that any time government gets involved, we have problems.

And 12 days later I received the following letter from Mr. Bill Brownell, the State director of the WETIP program:

DEAR CONGRESSMAN BROWN: This date I received a copy of your letter to Tom Jones of Radio Station KBON, and his reply to you which I also would like the liberty of answering, because of the reference to We T.I.P. Inc.

The drug and resulting crime problem is a matter which gravely concerns every thinking american, and must be combatted on a wide front.

We T.I.P. Inc. is composed of service and fraternal organizations which wish to fill an obvious gap between law enforcement agencies, and rehabilitation programs.

The bill which you introduced has obvious merit, but the spirit found among We T.I.P. Inc. volunteers is now, and has always been quite firm in a policy of "GRASS ROOTS EFFORTS" upon which we were founded.

This program has spread statewide on a very simple premise of citizen involvement or doing work for a common good on a free enterprise system. Thanks to such organizations as the Kiwanis, Rotary, Lions, Elks, Optimists, Jr. Womans clubs and Womans clubs the spirit of service to man kind is alive and well.

We T.I.P. is willing and able to serve the State of California in the battle against the drug menace *without one cent cost to the tax payer* and we have hopes of spreading nation-wide.

Should We T.I.P. be called upon by congress to reveal the success pattern now established, and operating in California we shall do so with pride, but we must also respectfully decline federal and state funding as in the past.

I shall be delighted to receive word on any bills intended to reduce crime in the streets, keep up the fight.

Very sincerely yours,

BILL BAOWNELL.

Mr. Speaker, it certainly is a rare and pleasant surprise to have people engaged in such work tell us that they not only are not seeking Government financial assistance, but actually would decline such assistance if it were offered. I am sure that our colleagues will also be interested in such a remarkable program, and I will, therefore, insert in the RECORD at this point an article on the subject which appeared in the September 1973 issue of Reader's Digest:

JOIN THE WAR AGAINST CRIME AND DRUG PUSHERS

(By Trevor Armbrister)

Community-action programs that encourage citizens to help police have proved remarkably successful. Here's how they work, and how *you* can get involved

A husky young man was watching television at the Randavco Lounge in Amarillo, Texas, on October 26, 1971. Suddenly, he grabbed a leaded pool cue and crashed it over the head of waitress Dora Ward. Then, pulling out a gun, he fired a warning shot, scooped up the money in the cash register and fled into the street.

Waitress Ward told police that she had never seen her assailant before, and no one else had been in the lounge at the time. Fingerprints were too smudged to be of use. The case seemed headed for the list of unsolved crimes.

However, Jim Pratt, news director of Amarillo's television station KVII, remembered having read an article about a Detroit *News* feature called "Secret Witness,"* which offered rewards for information leading to arrests and convictions in cases that baffled police. In four years, Secret Witness had helped to solve 17 murders and numerous other crimes in the Detroit area. Maybe, Pratt thought, KVII–TV could follow suit.

Amarillo police officials responded enthusiastically, and listed eight unsolved cases for Pratt to feature, one per evening, in a 90-second spot on the 10 p.m. news. Kicking off his Secret Witness program on January 18, 1972, Pratt described the Randavoo robbery, offered a $500 reward, and asked potential informants to call a special number. That very evening, he received a call naming Joe Walter Neves as the culprit. Neves' photograph was slipped into a collection and shown to waitress Ward. She identified Neves as her assailant, and he was soon tried and sentenced to a five-year prison term. (An appeal is pending.)

For the past several years, radio station WEBA in Buffalo, N.Y., has maintained a special "Crime Line" to solicit information about criminals. Early in 1972, station president Bill McKibben heard about a Tampa, Fla., program called "TIP" (Turn-In-a-Pusher),** which encouraged residents to identify anyone they suspected of selling drugs. The effort had been quite successful, and on May 3 WEBA instituted its on TIP line.

Less than two weeks later, an anonymous informant told WEBR *that* Paul J. Smith was peddling narcotics from his home on Buffalo's Grant Street. The information was relayed to the Erie County sheriff's office, and on May 22 an undercover agent purchased 427 grams of heroin from Smith, who was arrested and convicted for sale and possession of drugs.

The number of such community-action programs is rising dramatically. At least a dozen newspapers and radio or TV stations have now initiated a Secret Witness feature, and TIP is functioning in 79 communities. Says John E. Ingersoll, former director of the Federal Bureau of Narcotics and Dangerous Drugs, "People are just itching to take action against criminals and pushers in the streets." The efforts vary in sponsorship, scope and success. Some are the creation of newspapers, chambers of commerce or local service organizations such as Lions, Kiwanis and Elks. Some restrict their focus to hard drugs, while others encompass marijuana and miscellaneous crimes, even purse-snatching. Most guarantee the anonymity of the informant and pay rewards, usually after a conviction has been obtained.

No one claims, of course, that such supplements to traditional police activity will or can stop crime completely or put drug pushers out of business. Yet they have contributed to hundreds of arrests, and resulted in a significant number of convictions. Even more important they have proved that there *is* something citizens can do to help combat the nation's skyrocketing crime rate—up 187 percent in the last decade.

As Philadelphia *Daily News* managing editor David Lawrence, Jr., says of that paper's Secret Witness. "The cases that we get are the toughest ones, those the police can't solve." He tells of March 20, 1971, when six Philadelphia youths set out to visit friends in another part of the city. En route, one of them attempted to steal a car in a gas station. When station operator William Pastrana, armed with a tire iron, tried to thwart the theft, he was fatally shot by one of the youths.

Police had no clues. The case seemed tailor-made for Secret Witness, and the *Daily News* offered a $4000 reward for information. In February 1972, a Secret Witness tip led to the arrest of 19-year-old Robert Lee Jones, who subsequently confessed to the shooting.

On December 26, 1970, two men held up a sporting-goods store in Long Beach, Calif., stole $1000 and approximately 20 guns, then executed the father-son proprietors, Cyril and James Ball. Robbery Detectives Don Murray and Y. D. Carter interviewed scores of area residents and spent between 700 and 1000 hours searching for leads. "We didn't have a thing to go on," Carter recalls. In desperation, police appealed for help to the Long Beach *Independent Press-Telegram* Secret Witness feature, and last October 27 an anonymous caller identified two ex-convicts who were back in a Louisiana state prison for armed robbery. They have since been arraigned and charged with the murders.

Secret Witness programs are achieving equally encouraging results elsewhere. Since its inception in July 1970, the Houston *Post* "Public Protector" series has helped police solve eight homicides and three armed robberies. Thus far, the newspaper has paid rewards totaling $22,500. In the past 18 months, the Sacramento *Bee's* Secret Witness feature has contributed to the solution of 93 crimes. In Pontiac, Mich., the North Oakland Chamber of Commerce "Silent Ob-

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*See "'Secret Witness'—New Weapon Against Crime," The Reader's Digest, November, '71.

**See "TIP" Is Turning In Pushers," The Reader's Digest, October '72.

XUM

server" program has led police to four murderers and has helped to prevent a planned assassination.

TIP programs are proving equally effective. In Ontario, Calif., for example, 39-year-old Bill Brownell, a former deputy sheriff of Los Angeles County, discovered that drugs were being sold at his son's junior high school. "They were backing up station wagons in front of the local junior high schools and selling the stuff openly," he says. When Brownell read about Tampa's TIP success, he sought and got help from local service clubs—Lions, Kiwanis, Elks, Junior Women's Club—and on January 5, 1972, incorporated We TIP as a nonprofit organization. He designed a long form to screen out crank calls, hired a TIP operator and worked with the local postmaster to set up a "drop" location system for the payment of rewards.

In its first year of operation, We TIP received 1859 calls—leading to 117 arrests and 21 convictions to date. Among them: a 12-man heroin ring in Pomona; a LaHabra couple with a pound of heroin, 8000 phenobarbital pills and 4500 amphetamines in their possession; a high-school student peddling amphetamines to his classmates; and a San Diego man smuggling in cocaine from Mexico. We TIP has grown into a statewide network; one toll-free call can now relay information to local authorities in 65 California communities.

"In the past," Brownell explains, "a citizen might call police and say that 'Joe Jones' was selling heroin. He'd have to go to court to testify. Joe would receive a light sentence, and the citizen would live in fear of reprisal."

Now, before beginning operations in a new city, Brownell promotes "we tip Week." The script is always the same. The mayor issues a proclamation, and we tip bumper stickers appear on police cars. Next day, service-club members place posters on each merchant's door. Other service-club members address high-school students and teachers alike, and the media carry announcements. "By the end of that week," Brownell says, "the city knows the program. Its citizens act as one, and there's no recrimination. The pusher can't intimidate everyone."

The New York *Daily News* launched "Program Pusher" last February, offering no rewards but stressing that the anonymity of informants would be maintained. In the first four months of operation, more than 3900 tips poured in, enabling police to make 102 drug arrests.

These programs offer a solution to the growing need for more citizen involvement in the fight against crime. In the belief that more and more Americans will want to take part in them, The Reader's Digest has produced a special booklet entitled "How You Can Join the War Against Crime and Drug Pushers." It cites instances where Secret Witness and tip have helped police nab criminals, then lists specific instructions as to how to set up similar programs in your community. *Individual copies are available free to any reader*. Chambers of commerce, service clubs, civic groups and law-enforcement officials who wish to distribute the booklet may obtain large quantities if they will describe their specific needs. Address requests to Reprint Editor, The Reader's Digest, Pleasantville, N.Y. 10570.

Mr. Speaker, I want to express my appreciation to Bill Brownell, Tom Jones, and the many other public-spirited citizens who are working so hard to do something about one of America's most critical and difficult problems. There are many things that the Federal, State and local governments can do—and should be doing—to reduce crime, but in the long run we must all fail without the help of concerned, committed private citizens who are willing to do more than their share for the benefit of us all.

OIL COMPANIES PROSPER DURING THE "OIL SHORTAGE"

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. HARRINGTON. Mr. Speaker, the third quarter figures for net income by the major oil companies were published by U.S. Oil Week in its issue of October 29, 1973. As the publication expressed it, "Predictions of a leveling off in the oil companies' profits went out the window" as initial earnings reports came in. Every company made significant gains, and, among the majors, Gulf, Exxon, and Mobil reported gains of 91 percent, 80 percent, and 64.1 percent respectively.

We have listened for years to the complaints and warnings of the major oil companies that profits must go higher or the industry would not have enough incentive and capital to explore for and develop new reserves. Recently, the "oil shortage" has been invoked by the major oil companies as the rationale for a massive advertising campaign extolling their civic virtue, urging the deregulation of natural gas, contending that environmental safeguards have made the development of additional energy reserves unworkably expensive, and otherwise painting a picture of inadequate profitability for the industry. These income figures, however, tell a different story.

What is to be done? The Nation faces a national energy crisis, one which threatens the quality of life at home and the integrity of our policies overseas. Price controls have been imposed, but they are notably lenient for the oil industry, containing as they do "production incentives" for the major companies. It is an appalling situation; a crisis is at hand, but oil companies are making record profits, under price controls.

The truth is that the major oil companies have amassed so much power and influence that they can prosper at the expense of the American public and the American economy. While the small independents in the petroleum field have been going out of business, the majors have been growing fat. They have a virtual monopoly on the most vital energy resources of the country and, like the trusts of the late 19th century, they will continue to hold their monopoly until they are required to surrender it.

It seems to me that in this critical area, where social, political, and economic factors come uniquely together, it is essential that there be a greater degree of public accountability. It may be time for Congress to consider the creation of a U.S. Fuels Corporation, similar to the Tennessee Valley Authority, to develop our domestic energy resources.

It is certainly time, in my view, to break up the major oil companies through antitrust action into smaller, more competitive units. Besides reducing pressure on prices by bringing profits within reasonable limits, this antitrust action would reduce the concentrated power now in the major oil companies' hands. Free market conditions could be restored to the industry, with benefit to the entire country.

The profits of the major oil companies for the first 9 months of 1973 are as follows:

OIL PROFITS STAY SKY HIGH

Predictions of a leveling off in oil company profits during the third quarter of 1973 went out the window last week as initial earnings reports came in. Every company reported significant gains, topped by Occidental's 7,153% increase over 1972. Among the majors, Gulf, Exxon and Mobil reported gains of 91%, 80% and 64.1% respectively during the third quarter. Ten major oil companies showed average per-company earnings up 52.1%. Major-company market experts who blew the third quarter predictions are crying doom again, now saying uncertainties in the Middle East will result in lower earnings during the fourth quarter.

	Net income 3d quarter (in millions)	Percent gain	Net ncome first 9 months (in millions)	Percent gain
Amerada Petrofina	$9.200		$20.222	58.0
Ashland [1]	24.400	17.0	85.200	25.0
Citgo	23.600	61.0	104.800	24.8
Clark	9.154	284.0	22.413	349.6
Commonwealth	9.200	3,965.0		
Continental	54.200	38.0	153.400	24.1
Exxon	638.000	80.0	1,660.000	59.0
Getty	33.700	57.5	90.100	22.9
Gulf	210.000	91.0	570.000	60.0
Imperial			111.000	39.6
Marathon	30.700	36.0	82.500	49.0
Mobil	231.200	64.1	571.200	38.4
Occidental			55.400	7,153.0
Phillips	53.850	43.0	143.700	30.0
Shell	83.600	23.0	253.300	41.0
Skelly			27.200	9.5
Sohio	18.000	14.0	62.500	55.0
Standard of Ind.	147.300	37.0	389.800	32.0
Tenneco	53.300	20.0	149.300	12.9
Union	50.700	61.0	129.100	44.0

[1] 4th fiscal quarter.

IMPEACHMENT MAIL

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 1973

Mr. RIEGLE. Mr. Speaker, I have received over 1,200 telegrams and letters from both constituents and individuals throughout the country calling for either the resignation or impeachment of the President. I would like to insert a sampling of some of the letters I have received for the interest of those who read the RECORD:

MT. MORRIS, MICH., *October 24, 1973.*

DEAR MR. RIEGLE: Please add our voices to those that are demanding that President Nixon be impeached.

We feel he has gone too far, too often in ignoring the laws of our land. If the President himself sets such a shameful example, who then can the American people look to?

Sincerely yours,

MARY LOU EARNS,
STANLEY A. EARNS.

FLINT, MICH., *October 23, 1973.*

DEAR REPRESENTATIVE RIEGLE: As your constituent, I want to register my request for you to take every action you can to secure the impeachment and removal from office of President Richard M. Nixon.

Over a number of months my concern has grown as to whether he really believed in the U.S. Constitution or whether he was fit to hold the office of President. He has surrounded himself with people like Ehrlichman,

Haldeman, Mitchell, Stans, Dean, Colson, Krogh, Agnew, Chotiner, Rebozo and Abplanalp and others who, though not all convicted criminals, have lent the suspicion of corruption to this administration.

His recent actions have indicated increasing isolation from the American people and from democratic principles.

His decision to abolish the office of Special Prosecutor, held by Archibald Cox, seems to me to represent a certain step toward totalitarian rule, and I believe that no time can be lost in removing Pres. Nixon from office before we have absolute dictatorship.

Although tonight's radio news reports that he has agreed to make the "White House Tapes" available, I feel that this no longer resolves America's concerns about a possibly paranoid and dictatorial ruler who ignores solemn oaths, commitments and responsibilities to the legislative and judicial branches of our government and to the American people.

I therefore ask you to accept this as my request that you work for immediate impeachment and removal from office of President Richard M. Nixon.

Thank you.

Sincerely,

WILLIAM D. CHASE.

FLINT, MICH., *October 22, 1973.*

Representative DONALD RIEGLE,
Cannon House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE RIEGLE: "Prudence, indeed, will dictate that governments long-established, should not be changed for light and transient causes; and, accordingly, all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But, when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government and to provide new guards for their future security."

How poignant recent events have made Thomas Jefferson's eloquent words, for it is doubtful if our nation's founders ever conceived that the American people would again someday have their rights and liberties endangered by their own government. Fortunately, though, they did consider the improbable and embodied in the Constitution a means of removing a tyrant from office short of revolution. Richard M. Nixon has shown himself to be in contempt not only of the courts, but of the American people. He has demonstrated his bad faith by doing everything in his power to obstruct justice in regard to Watergate. How grievous it is to say, but the only recourse of the American people, through their representatives, is impeachment. Hopefully you too have had the courage to admit this.

Yours truly,

LOIS LIVESAY.

BAY CITY, MICH., *October 25, 1973.*

DEAR CONGRESSMAN RIEGLE: I hope you are still one Congressman with the interest of our country in mind. The chain of events that has taken place since the firing of Mr. Cox is staggering. I shouldn't say just since the firing of Mr. Cox, because any half-wit who reads the paper; listens to the news; or reads any news magazine, could have seen this tragic misconduct of handling our government and its policies. I truly believe Mr. Nixon to be man trying to cover all his misdeeds and mistakes, but who can run that fast?

Please back any proposal that will have the firing of Cox investigated, and what leads he had uncovered before he was fired. Nixon cannot judge himself, any more than I would be allowed to if I were thought guilty of a crime.

I surely hope you are aware some of us do not think it would be better to let the President continue in office even if some of these allegations are true. We cannot tell our children how to be good citizens; loyal Americans; and honest, when the President can do anything, and not be held accountable for it. Man I wouldn't get to first base if I were to try breaking the law in so many ways.

Sincerely,

MRS. PAULINE RIVARD.

ORTONVILLE, MICH., *October 22, 1973.*

Representative DONALD W. RIEGLE, JR.,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE RIEGLE: I'm writing out of my concern for the unfortunate and incredible circumstances of the Watergate investigations. Although I've never been a supporter of the President's, up until the past few weeks I've wanted to believe he wasn't involved in the Watergate scandal. But now, that position cannot withstand the President's recent actions: refusal to release the White House tapes; dismissal of special prosecutor Archibald Cox and dissolvement of that office; the subsequent resignation of Attorney General Richardson; and the dismissal of Deputy Attorney General Ruckelshaus.

When the most powerful public office in this country is held by an individual who by all indications believes himself to be above the law, then I think impeachment proceedings should be initiated. I fear that the longer we let the present scandal-ridden Administration govern, the greater the irreparable damage that will be done to the faith we Americans have in our public servants and perhaps more tragically, in this country itself.

I have confidence that Congress will meet this challenge by taking action in the form of impeachment proceedings and that you will support such a measure in an effort to restore government to the people.

Sincerely,

GEORGIA GROVESTEEN.

SENATE—*Wednesday, November 7, 1973*

The Senate met at 12 o'clock meridian and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God of this day and of all history, be with us in this place that we fail Thee not. Impart to us the humble spirit which is taught by Thee. Give us discerning minds to know Thy will and obedient hearts to do it. Work with us and through us for this Nation and the world. In times of turbulence, fraught with anxiety and surprises without end, grant us here the strength and courage of those whose minds are stayed on Thee. When men are unsure about so much, keep us sure of Thee and of Thy purposes. Guide this Nation through the perils and perplexities of this era to a new age of goodness and grace in the fulfillment of a divine destiny. When our work is done grant us Thy peace.

Through Him who is the way, the truth, and the life. Amen.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Heiting, one of his secretaries, and he announced that on November 3, 1973, the President had approved and signed the act (S. 2016) to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes.

DISCONTINUANCE OF NEGOTIATIONS FOR A FEDERAL-INTERSTATE COMPACT—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States, which, with the accompanying report, was referred to the Committee on Interior and Insular Affairs. The message is as follows:

To the Congress of the United States:

In accordance with section 3 of Public Law 89–605, as amended by Public Law 91–242, I am transmitting a report by the Secretary of the Interior. This report recommends discontinuance of negotiations for a Federal-Interstate Compact and suggests repeal by Congress of Public Law 89–605 as amended by Public Law 91–242, the Hudson River Basin Compact Act.

The report includes a letter of agreement signed by the Secretary of the Interior and the Governors of New Jersey and New York. This letter documents the agreement reached and explains the facts leading to the agreement.

I concur in the recommendations of the Secretary of the Interior. A draft bill repealing Public Law 89–605 as amended by Public Law 91–242 is enclosed for your consideration.

RICHARD NIXON.

The WHITE HOUSE, *November 6, 1973.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations and withdrawing the nomination of Joseph S. Farland, of West Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to New Zealand, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Fiji, to Western Samoa, and to the Kingdom of Tonga, which nominating messages were referred to the Committee on Commerce.

(The nominations received today are printed at the end of the Senate proceedings.)

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MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed the following bills and joint resolution in which it requests the concurrence of the Senate:

H.R. 2542. An act for the relief of Jose Ramon Santa Maria;

H.R. 3490. An act to amend section 4b of the Bankruptcy Act (11 U.S.C. 68 (b)) to remove the restriction on change of salary of full-time referees;

H.R. 5759. An act for the relief of Morena Stolsmark;

H.R. 6116. An act for the relief of Gloria Go;

H.R. 6624. An act for the relief of Alvin V. Burt, Jr., Eileen Wallace Kennedy Pope, and David Douglas Kennedy, a minor;

H.R. 7363. An act for the relief of Rito E. Judilla;

H.R. 7364. An act for the relief of Virna J. Pasicaran;

H.R. 10937. An act to extend the life of the June 5, 1972, grand jury of the U.S. District Court for the District of Columbia;

H.R. 5874. An act to establish a Federal Financing Bank, to provide for coordinated and more efficient financing of Federal and federally assisted borrowings from the public, and for other purposes;

H.R. 8219. An act to amend the International Organizations Immunities Act to authorize the President to extend certain privileges and immunities to the Organization of African Unity;

H.R. 9075. An act to authorize the disposition of certain office equipment and furnishings, and for other purposes;

H.R. 9295. An act to provide for the conveyance of certain lands of the United States to the State of Louisiana for the use of Louisiana State University;

H.R. 10366. An act to amend title 10, United States Code, to remove the 4-year limitation on additional active duty that a nonregular officer of the Army or Air Force may be required to perform on completion of training at an educational institution;

H.R. 10367. An act to amend section 269 (d) of title 10, United States Code, to authorize the voluntary assignment of certain Reserve members who are entitled to retired or retainer pay to the Ready Reserve, and for other purposes;

H.R. 10369. An act to amend title 37, United States Code, to provide entitlement to round trip transportation to the home port for a member of the uniformed services on permanent duty aboard a ship being inactivated away from home port whose dependents are residing at the home port;

H.R. 10840. An act to amend the act of August 4, 1950 (64 Stat. 411), to provide salary increases for members of the police force of the Library of Congress; and

H.J. Res. 735. A joint resolution authorizing the Secretary of the Navy to receive for instruction at the U.S. Naval Academy two citizens and subjects of the Empire of Iran.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 9286) to authorize appropriations during the fiscal year 1974 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and the military training student loads, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following House bills and joint resolution were severally read twice by their titles and referred as indicated:

H.R. 2542. An act for the relief of Jose Ramon Santa Maria;

HR. 3490. An act to amend section 4b of the Bankruptcy Act (11 U.S.C. 6(b)) to remove the restriction on change of salary of full-time referees;

H.R. 5759. An act for the relief of Morena Stolsmark;

H.R. 6116. An act for the relief of Gloria Go;

H.R. 6624. An act for the relief of Alvin V. Burt, Jr., Eileen Wallace Kennedy Pope, and David Douglas Kennedy, a minor;

H.R. 7363. An act for the relief of Rito E. Judilla;

H.R. 7364. An act for the relief of Virna J. Pasicaran; and

H.R. 10937. An act to extend the life of the June 5, 1972, grand jury of the U.S. District Court for the District of Columbia; to the Committee on the Judiciary.

H.R. 8219 An act to amend the International Organizations Immunities Act to authorize the President to extend certain privileges and immunities to the Organization of African Unity; to the Committee on Foreign Relations.

H.R. 9075. An act to authorize the disposition of certain office equipment and furnishings, and for other purposes; to the Committee on Government Operations.

H.R. 10366. An act to amend title 10, United States Code, to remove the 4-year-limitation on additional active duty that a non-Regular officer of the Army or Air Force may be required to perform on completion of training at an educational institution;

H.R. 10367. An act to amend section 269 (d) of title 10, United States Code, to authorize the voluntary assignment of certain Reserve members who are entitled to retired or retainer pay to the Ready Reserve, and for other purposes; and

H.R. 10369. An act to amend title 37, United States Code, to provide entitlement to round trip transportation to the home port for a member of the uniformed services on permanent duty aboard a ship being inactivated away from home port whose dependents are residing at the home port; to the Committee on Armed Services.

H.J. Res. 735. A joint resolution authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy two citizens and subjects of the Empire of Iran; to the Committee on Armed Services.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, November 5, 1973, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORITY FOR COMMITTEE ON LABOR AND PUBLIC WELFARE TO HAVE UNTIL NOVEMBER 30, 1973, TO FILE A REPORT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare have until November 30, 1973, to file its report on S. 2373, a bill to regulate commerce and protect consumers from adulterated food by requiring the establishment of surveillance regulations for the detection and prevention of adulterated food, and for other purposes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 459, 460, 461, and 462.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORIZING ACTION FOR THE PRINTING OF THE REPORT OF THE PROCEEDINGS OF THE 46TH BIENNIAL MEETING OF THE CONVENTION OF AMERICAN INSTRUCTORS OF THE DEAF AS A SENATE DOCUMENT

The concurrent resolution (S. Con. Res. 55), authorizing the printing of the report of the proceedings of the 46th biennial meeting of the Convention of the American Instructors of the Deaf as a Senate document, was agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the report of the proceedings of the forty-sixth biennial meeting of the Convention of American Instructors of the Deaf, held in Indianapolis, Indiana, from June 24, 1973, through June 29, 1973, be printed with illustrations as a Senate document. Five thousand five hundred additional copies of such document shall be printed for the use of the Joint Committee on Printing.

EXPENDITURE OF CERTAIN EXISTING FUNDS OF THE COMMITTEE ON RULES AND ADMINISTRATION FOR AN INQUIRY AND INVESTIGATION RELATING TO THE NOMINATION OF GERALD R. FORD AS VICE PRESIDENT

The resolution (S. Res. 195), authorizing the expenditure of certain existing funds of the Committee on Rules and Administration for an inquiry and investigation relating to the nomination of GERALD R. FORD as Vice President, was considered and agreed to, as follows:

Resolved, That S. Res. 53, Ninety-third Congress, agreed to February 1, 1973, is amended as follows:

(1) Sections 5 and 6 are redesignated as sections 6 and 7, respectively.

(2) Insert after section 4 the following new section:

"SEC. 5. From October 13, 1973, through February 28, 1974, the amounts made available under sections 3 and 4 of this resolution shall also be available for a study or investigation, including the procurement of individual consultants or organizations thereof, relating to the nomination of Gerald R. Ford, of Michigan, to be Vice President of the United States.".

MARY H. BRICK

The resolution (S. Res. 196), to pay a gratuity to Mary H. Brick, was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Mary H. Brick, widow of John Brick, an employee of the Senate at the time of his death, a sum equal to nine and one-half months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

RAYMOND H. MILLER

The resolution (S. Res. 197), to pay a gratuity to Raymond H. Miller, was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Raymond H. Miller, widower of Anne C. Miller, an employee of the Senate at the time of her death, a sum equal to six months' compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

ORDER OF BUSINESS

Mr. STAFFORD. Mr. President, I ask unanimous consent that the time for the special order assigned to the distinguished Senator from Michigan (Mr. GRIFFIN) be assigned instead to the distinguished Senator from Vermont (Mr. AIKEN).

The PRESIDENT pro tempore. Without objection, it is so ordered.

WATERGATE AND THE PRESIDENCY

Mr. AIKEN. Mr. President, ever since last March when the series of events, real and imagined, wrapped up in the word "Watergate" began to dominate our public life, I have issued no prepared statements on this subject.

I have not spoken out because, in company with millions of others, I have not discovered an easy way of escaping our present predicament.

I do not want to contribute in any way to the destruction of the third Presidency in a row.

At the same time, the White House has handled its domestic troubles with such relentless incompetence that those of us who would like to help have been like swimmers searching for a way out of the water only to run into one smooth and slippery rock after another.

Under our Constitution, the duties and responsibilities of each of the three branches of our Government are set forth.

Congress tasks are to legislate and to hold the President and the executive branch accountable for administering the laws.

These are highly technical tasks, demanding above all else cool heads and a strict adherence to established procedures.

Submission to the politics of righteous indignation makes it impossible for Congress to do its job.

It tends to make us look foolish and incompetent.

I am speaking out now because the developing hue and cry for the President's resignation suggests to me a veritable epidemic of emotionalism.

It suggests that many prominent Americans, who ought to know better, find the task of holding the President accountable as just too difficult.

It suggests that the procedures laid down in the Constitution are just too complicated.

It suggests that most of the American people cannot be trusted to keep their cool because some of them cannot keep theirs.

Those who call for the President's resignation on the ground that he has lost their confidence risk poisoning the wells of politics for years to come.

Within less than 10 years we have seen one Presidency destroyed by an assassin's bullet; another by a bitter and devisive war.

To destroy the third in a row through the politics of righteous indignation cannot possibly restore confidence either at home or abroad.

It can only sow the seeds of suspicion and cynicism in our land in our relations with other lands, inviting a harvest of whirlwinds such as mankind has never seen.

The men who wrote our Constitution were fully aware how waves of emotionalism, if given an easy electoral outlet, could reduce any political system to anarchy.

That is why in a nation governed by its laws they provided that Presidents should rule for 4 years.

They laid down that that period of rule could be interrupted only after Congress had framed a charge of high crimes and misdemeanors and had conducted a trial itself based on those charges.

To ask the President now to resign and thus relieve the Congress of its clear congressional duty amounts to a declaration of incompetence on the part of the Congress.

If I read correctly the signals sent out by the judicial branch of Government, they are also saying that Congress is the place where this crisis must be resolved.

The President hoped to get from the Supreme Court a "definitive" ruling on executive privilege, but the judicial system is telling us that much time and evidence must pass before any such ruling will be forthcoming.

That is how I read the decision of the court of appeals over the question of taped evidence.

The court clearly directed all parties to seek compromise before coming back.

It follows as night does day that the Supreme Court was and is not ready to accept this case now.

I wish Archibald Cox had enlightened us a little on this situation in his press conference.

He gave us a masterful lecture on the rules of evidence and on how, if he could not get the evidence he seeks, persons who had violated the law might not get a just punishment.

But above and beyond the punishment of individuals lies the question of the President's fitness to serve.

Only the Congress can judge that—the Congress and the voters at duly scheduled elections.

The desperate search for a special prosecutor, with the virtues of Caesar's wife and the unfettered authority of her husband, only represents another effort to escape responsibility.

It makes no sense to me to ask the President to prosecute himself, yet any special prosecutor in the Justice Department will find himself in that ridiculous position.

I was not at all surprised that Archibald Cox was fired; I was more surprised that such an intelligent and experienced man did not quit first, or turn down the job in the first place.

Nor does it make sense to me for the Congress to ask the judicial branch to create a special prosecutor.

Aside from the fact that it will take a lot of time and litigation to establish the constitutionality of such an act, the result is not likely to change matters one whit.

So long as the judicial branch does not want to render a "definitive" decision on executive privilege, ways will be found to avoid such a decision.

And the longer the process, the more obvious it will become that it is the Congress and only the Congress that has the duty to act.

Of course, if the President resigns, we will be relieved of our duty.

But I fail to see any great act of patriotism in such a drama.

On the contrary it is the President's duty to his country not to resign.

That which the American voter has done, let no man undo except through due process.

That should be the President's guiding commandment.

It has been suggested that the President appear as a witness before the Senate select committee or, perhaps, some other.

This would appear to be another desperate search for a means of evading congressional responsibility.

The President's public explanations of the Watergate mess have been astonishingly inept.

But this is not of itself an impeachable offense, nor does it suggest that the President be scolded, publicly, in the presence of a congressional committee.

If Harry Truman were alive today, I know what he would say to the Congress.

He would say the buck stops right here, on Capitol Hill.

It is the clear duty of the House,

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through whatever procedures it chooses, to frame a charge of impeachment and to set itself a deadline for the task.

If no agreement can be reached by that deadline, the leaders of the House should tell the American people that no agreed charge could be found.

That is the way to begin to restore confidence.

If a charge is framed and voted, the Senate's clear duty is to proceed to a trial with all deliberate speed.

Since I would be a juror in such a trial, I intend to say nothing in advance about any possible indictment or any possible verdict.

I am not going to call for the President's resignation.

Quite the contrary, I urge the President to do his duty, and that is inconsistent with resigning.

Nor am I going to try to fool my constituents into believing that any special prosecutor outside of Congress itself can determine the President's ability or worthiness to govern.

Only the Congress can do that now.

I was reminded recently of the short story Mark Twain wrote called "The Man Who Corrupted Hadleyburg."

Mark Twain hated self-righteousness, and in this story he told of how a very self-righteous New England town was brought to grief by a clever outsider who set the town's leading citizens to exposing the frailties and venalities of one another.

Politicians I have known are no greater or lesser sinners than the average person listed in the telephone book.

Nor do I have any reason to believe that the level of sin in our public life is higher than elsewhere.

What bothers me much more are those who now would have us believe that President Nixon and his associates alone are the ones who corrupted America.

It is a truly subversive idea, for what would happen if a clever outsider did to us what Mark Twain's hero did to Hadleyburg?

Again I come back to the vital importance of following prescribed procedures.

If the politics of righteous indignation succeeds in persuading the President to resign and relieving the Congress of its clear duty, how long will it be before our politics is corrupted by competitive self-righteousness?

Will it become the accepted fashion to run for public office on the skeletons in your opponent's closet?

Will we after all be corrupted not by real crimes, but by our own incompetence when faced with large issues of justice and morality?

And what will the rest of the world do if we get ourselves in such a state?

Will the word of the U.S. Government be trusted still?

Or will all other powers try to get something at our expense in every forum they can?

I have spoken before of the grave dangers of moral aggression in foreign policy.

That danger is clear and present now that the feuding families of the Middle East are at war again.

It is a great tragedy, because both sides have a legitimate cause.

Israel is fighting for its existence, accepting the sacrifice of another generation of soldiers, against the day when her neighbors will have enough confidence to accept her claim to nationhood.

The Arabs are fighting for that most elemental of all contemporary social needs, the confidence to see themselves as nations, rather than a primitive babble of tribes.

Only a fool would preach the politics of righteous indignation in the face of this grave tragedy.

And that kind of fool is perhaps the greatest threat to the peace of the Middle East today.

Painfully, delicately, against great odds, the community of nations, led by the United States and, hopefully still, the Soviet Union, are trying to establish procedures that will keep those feuding families from engulfing us all in a third world war.

There being no solution, there only being a hope for a progressive chain of settlements, the procedures become literally a matter of life and death.

Congress task in following the impeachment procedures set down in the Constitution should be far easier.

The procedures exist.

They do not have to be invented.

But moral aggression here at home is hardly less dangerous than moral aggression in the Middle East.

It threatens to make an epidemic out of the incompetence that the word "Watergate" has come to stand for.

I hope the leaders of the House of Representatives will rise to their duty.

I hope they will set a deadline, of weeks or months, in which to come up with an impeachment charge.

If the deadline passes without an agreed charge, voted by a simple majority of the House, I expect that the leaders will then tell the American people that no agreed impeachment charge can be found.

If a charge is framed and passed, it is the clear duty of the Senate to initiate a trial with all deliberate speed.

If the President is convicted, so be it.

If not, there will be no legitimate reason for calling for the President's resignation or questioning his right to serve out his term.

As a potential juror in such a trial, I will not have anything to say about guilt or innocence.

None of us was elected to be a megaphone for the loudest voices in our constituencies.

We were elected to legislate and to hold the President and his administration accountable for their actions.

We cannot afford at this critical time to practice the politics of outraged emotions in carrying out these vital tasks. Confidence will never be restored that way. It will only be restored by a determination on our part to follow procedures laid down in the Constitution.

May I now pass on to this Congress advice which I received recently from a fellow Vermonter—

> Either impeach him or get off his back.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial on resignation which appeared in the Wall Street Journal this morning.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

On Resignation

We note that demanding President Nixon's resignation is the latest sport among our newspaper colleagues and even a few responsible politicians. Without denying that Mr. Nixon has maneuvered the Republic into quite a fix, the demands for resignation strike us as hasty and indeed a bit unserious.

Whether or not a President ought to resign, and under what conditions, is something that needs to be thought through carefully. Mr. Nixon is only our 37th President, after all. A single precedent would be no trifling matter for the future development of our political institutions. It is foolish to assume that if Mr. Nixon resigned his replacement could pick up the presidency as if nothing had happened. Before demanding such a step, serious men ought to stop to speculate about its future institutional consequences.

Yet we find little or nothing of this in the typical demand for resignation. Among the grounds for its demand, The New York Times included the bombing of Laos, the impoundment of funds, and the President living "beyond his means by borrowing heavily from two millionaire friends." But the Times managed to ignore the question of whether Mr. Nixon's resignation should await the confirmation of his vice-presidential choice, surely a matter of no small moment and indeed of no small bearing on the advisability of resignation itself.

Even when the resignation demand is couched in terms that recognize its gravity, as in Time magazine's craftsmanlike editorial, the grounds turn out to be amorphous and ambiguous. The President hired a lot of people who are under indictment. He probably knew of the cover-up, Time concludes, but the fact of the matter is immaterial because those perpetrating it were his appointees. He authorized and then rescinded a plan including illegal acts in the name of national security. He fired Archibald Cox. The effect of all this was "to subvert the constitutional system itself."

A President who subverted the Constitution, we should think, ought to be impeached. We would be quite surprised, though, if the editors of Time believe that plausible grounds for impeachment currently exist, or that the President's knowledge of the cover-up would be immaterial to such a step. For our part, we still very much want to learn what is on the Oval Office tapes; even with the two of them suspiciously absent there ought to be plenty to test the key point of John Dean's credibility. If Mr. Dean is credible the President is guilty; if he is not credible the President has no accuser.

We would need to know such facts to remove a President by impeachment. Is a public fervor culminating in his resignation a less grave and serious step? The resignation demands arise because impeachment would be a long and wearing process. A major reason it would be a long and wearing process is that it requires evidence and due process. The appeal of resignation is precisely that it requires no charge, no evidence, no investigation, no due process, no specific grounds. Is that the kind of constitutional precedent we want to set?

Now, we would not say there are no circumstances under which a President ought to consider resignation. We would hope that a President faced with solid grounds for impeachment would not insist on formalities. We can even envision arguments to the effect that resignation might help protect the presidency. As we suggested in the editorial to which readers respond today, Mr. Nixon is without legal or political defenses against a fishing expedition through his whole administration, itself a sorry precedent for the presidency. If he concluded that this attack would eventually make it impossible to serve out his term, he might want to use the opportunity of the vice presidential vacancy to name a successor chosen to defend the prerogatives of the office.

We suppose, too, that there comes a point at which a President is so discredited he cannot function. But we see no evidence that any such point has been reached. Mr. Nixon has dealt with the Middle East crisis. His vetoes are being sustained in Congress. No doubt some will say he is only trying to distract the nation from Watergate if he goes on television to plead for energy conservation. But such a plea is so clearly appropriate the public would probably respond to the substance of his message.

Thus, we are mostly auspicious of the demand that the President resign because he has lost the confidence of the people. The very words smell of the French Fourth Republic rather than the American Constitution. Especially since we are moving ever deeper into a world where rapid change and instant communication are likely to afflict any national leader with crisis after crisis, we doubt that our institutions ought to evolve toward changing Presidents with every change in the public mood.

The House of Representatives ought to proceed with its impeachment investigation, and indeed make it a more serious investigation than it currently promises to be. If grounds for impeachment are found, so be it. But we are auspicious indeed of having a President forced from office in some extra-legal, extra-constitutional manner. The important thing is not whether Mr. Nixon stays in office or leaves. The important thing is that whatever is done is done in a grave and responsible way.

THE PRESIDENCY

Mr. **MANSFIELD**. Mr. President, I have, as always, listened with attention to what the distinguished Senator from Vermont (Mr. AIKEN) has had to say this morning.

Insofar as the question of impeachment is concerned, that is a matter for the House only to decide in the first instance.

Insofar as the question of the President's resignation is concerned, that is a question on which the President, and the President only, can arrive at a decision.

I note that during the course of the distinguished Senator's speech he stated:

> The President hoped to get from the Supreme Court a "definitive" ruling on Executive Privilege, but the Judicial system is telling us that much time and evidence must pass before any such ruling will be forthcoming.

That, I think, is a matter of opinion open to question because, based on the issue of the tapes and the rulings handed down by Judge Sirica in the district court, and by five to seven judges sitting on the Court of Appeals for the District of Columbia, it appeared to me that the courts were deciding the question of executive privilege, even though the tapes may have had an indirect bearing on it.

Furthermore, I would disagree with the President of the United States when he said that in his opinion he felt that his position would have been upheld by the Supreme Court. I think that, too, is merely an opinion and that the Supreme Court could have gone either way.

The distinguished Senator also refers to Mr. Archibald Cox, a man he has known for years and in whom he has a great deal of confidence, as do I. The Senator states:

> I was not at all surprised that Archibald Cox was fired; I was more surprised that such an intelligent and experienced man did not quit first, or turn down the job in the first place.

May I say that I was pleasantly surprised when Mr. Cox took on the job of special prosecutor, under certain conditions laid down before the Committee on the Judiciary in connection with the nomination of Mr. Elliot Richardson to be Attorney General. I was disappointed, terribly disappointed, and still am, that Mr. Cox was fired summarily from a job which he was undertaking on the basis of obligations, commitments, and policies made to the Committee on the Judiciary, which represented the Senate as a whole; and I think that this man of such great dedication, quiet dignity, and great patriotism was done a great disservice.

However, I think that he, Mr. Richardson, and Mr. Ruckelshaus, because of their decency, integrity, and their honor, are bigger men now than they were before they were discharged or resigned.

As far as the question of the President appearing as a witness before the Senate Select Committee is concerned, I would concur with the remarks of the distinguished Senator from Vermont. I do not think that any President should be subjected to such a procedure.

The distinguished Senator stated:

> If Harry Truman were alive today, I know what he'd say to the Congress.
>
> He'd say the buck stops right here, on Capitol Hill.

Well, some of the buck stops here as far as various constitutional procedures are concerned, but not all. I recall to my distinguished friend that when Harry Truman was President of the United States he had on his desk in the oval room in the White House a placard which proclaimed, "The buck stops here." So it not only stops here, but also it stops down at the White House.

As far as a special prosecutor is concerned, I frankly feel that a special independent prosecutor not beholden to either the executive or the legislative branches should be chosen. I think he should be a man of complete independence, not a man who can be fired by a President of the United States, and not a man whom we have to take on the basis of promises made, either implied or express, because this man must not be fired. This man must have independence, and this man must represent, as an appointee of the court, the people of the United States.

After all, it is the people of the United States who happen to be the Government of the United States. I hope we will never lose sight of that fact. The President is a transient just passing through, but the institution of the Presidency is something permanent and all enduring. We Senators are just transients passing through, but the institution of the Senate and the Congress is all-enduring. When you get right down to it, it is not a matter of personalities, it is not a matter of legislative branch, the executive branch, or the judicial branch; it is a matter of the people and their concerns.

Like the distinguished Senator from Vermont, I want to see the people given the attention which they deserve because they are the ones who are most concerned, they are the ones who will make the decisions eventually, and that is as it should be and that is as it must be. "The people" is not an empty term. "The people" means something in this country; and "the people" will make the decision on the basis of the evidence laid before them by the so-called Ervin Select Committee of the Senate and by the findings of the grand juries and by the actions of the special prosecutor, and that will be done in due time, because regardless of the travail, the malaise, the difficulties which confront this country today, this Republic is going to survive, and out of the purgatory which this Nation and its people are undergoing today will come a better, cleaner, and more upright Nation. So while we are going through this period let us keep in mind that we are paying a price for mistakes which can be attributed to all of us, that in paying that price, in undergoing this confession, in going through this purgatory, we will in the end reach the promised land.

Several Senators addressed the Chair.

Mr. **MANSFIELD**. I yield to the Senator from Vermont.

Mr. **AIKEN**. Mr. President, I would like to add to what the majority leader has said that what is going on today comprises a powerful argument for the constitutional amendment which he and I have been proposing for some years and which has received very little, if any, consideration either by Congress or the public up to this time.

That amendment would provide for a single 6-year term for the President.

In view of the fact that the President carries a bigger load every year, I am not sure but what a single 5-year term, such as is in vogue in a great many of the other leading countries of the world, would be more appropriate. If we had a single 5-year term for the President at this time, I very much doubt that a good deal of the emotionalism which we are going through today would be existing. There would be emotionalism, because folks have to have something to be emotional about at all times, but it would probably apply to a different subject, particularly as to what would happen to the next President. In closing, let me say I do not envy the next President, whoever he may be.

Mr. **MANSFIELD**. Mr. President, if the Senator will yield, let me say that, once again, I am in wholehearted accord with what the Senator has just said. I do not envy the President because whoever occupies the Office of the Presidency, the burdens and the pressures are too great for any one man to undertake for

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any lengthy period of time. I would be most delighted to join the distinguished senior Senator from Vermont in the introduction of a modified constitutional amendment which would make the term for a President 5 years instead of 6. That is long enough.

Mr. AIKEN. I do not think any President could stand that job successfully for more than 5 years. I have never known a perfect President. I have never known one who was what we might call without sin. But I have never known anyone to merit that characterization or appellation.

Mr. MANSFIELD. As the Senator implies, we all have motes in our eyes.

Mr. AIKEN. We all have, as far as I know. I understand they have been trying to organize a Stone Casters Association in this country for some time. So far they have not been able to find one to qualify to serve as the president of this group.

Mr. MANSFIELD. If they do, I hope our glass houses will not be all broken up.

Mr. HUMPHREY. Mr. President, I wanted to say publicly what I have said privately many times—that in this body we are fortunate to have voices of reason, voices of commonsense, and also men and women who are gifted with a sense of justice.

Today the message of the Senator from Vermont and the remarks of the distinguished Senator from Montana, the majority leader, I would classify as voices of reason and voices of justice and expressions of decency and commonsense.

I want to commend my majority leader for the message he has given. I listened intently to his remarks, and I would suggest that every Member of this body, and indeed the entire American public, would be well advised to study most carefully what he has had to say.

You know, Mr. President, when we get in trouble in this country, we tend to forget that we need to return to basic truths. As I listened to the majority leader speak with great feeling about the people, and as he underscored "the people" as being not just a phrase but a fact, I could not help but be reminded of the renewed interest we are finding amongst many of our young people today in our schools in the Constitution of the United States. I was told by the secretary in my office in the Federal Courts Building in Minneapolis that we have had requests for literally thousands of copies of the Constitution of the United States from schoolchildren throughout our State. I understand that this is happening throughout the Nation.

But I would take this moment just to implement or underscore what the majority leader has said. The opening words of the Constitution have been forgotten all too often.

Those opening words are not "We the Senate" or "We the courts" or "We the Executive Office." The first three words of the Constitution are the very basis of this Government—"We the people." This has been forgotten. It seems too simplistic.

Those who like to discuss government, philosophize about ideology, forget that the premise of American Government is the concept of popular sovereignty—we the people—and the 10th amendment to the Constitution, which establishes the great Federal system of our governmental system, points out that all power herein not granted in this Constitution in the Federal Government remains with the States and the people thereof—the concept of popular sovereignty, government by the consent of the governed. The Preamble of our Constitution states the entire case and purpose of this society.

Sometimes I feel that, as we search for more learning and more information, we forget the very basic principles that are so obvious and are so readily at hand. Those words in the Preamble are simple and direct and tell us exactly what we are all about:

> We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

And it is all there, Mr. President—the struggle for a more perfect union, recognizing our fallibility, recognizing our inadequacies, but stating the constant challenge of a free people, the commitment to assure domestic tranquility, peace at home, peace in our communities, peace and justice and harmony in our society. The phrase which embodies the commitment to establish justice, which means that no man is above the law, was taken from the experience of the American people in those early days when kings thought they were above the law, and so stated, and were not subject to the law. That doctrine has been erased from the principles of law in the American society.

And to provide for the common defense and to promote the general welfare are two of the great objectives of this Congress as an institution and of the Government of the United States.

Now, Mr. President, what the Constitution says is important, but what it does not say is also important. Or should I put it this way? What the Constitution does not permit is important, just as what it does permit. And there is not one phrase in the Constitution designed to protect the Government from the people. There is not one single word in the Constitution to protect the Government from the people, but there is section after section and sentence after sentence designed to protect the people from the abuse of power of government or from those who would abuse the powers of government. And when we speak of those who would abuse the powers of government, we are not merely referring to the executive branch; we are referring to all branches.

So, Mr. President, I rise in the moments I have here today to commend the majority leader. I happen to be one who believes that, as we insist that the President of the United States abide by the law, those of us who are in the political scene do not get into such a frenzy or passion that we go out on a political lynching party.

I am not one that wants to have written in my biography that we were out to get somebody. What I am out to do is to seek justice. And I know that there are procedures of law and the Constitution that must be pursued no matter how long it takes and no matter what difficulties are encountered.

Just as we have been critical of those who have abused power, I want to say that we need to be critical of those who will abuse rhetoric. There is a way to get at the truth, and that way has been outlined by the distinguished majority leader—the investigative processes of a duly established committee of Congress, a grand jury, and the independent office of a prosecutor. And as was stated here, the Senate of the United States does not initiate proceedings of impeachment. Those proceedings must be initiated in the House of Representatives. As a Senator I will sit as judge and a juror. And I do not believe that it is right for me as a judge and juror to have already a preconceived position as to guilt or nonguilt.

One must wait for the process to work its will. Pursuant to the words of the Constitution, "due process of law," we have the same vital duty in the situation we find ourselves in as they do in any court of law in a suit involving any individual or company.

So, Mr. President, I want to again salute the majority leader and the distinguished senior Senator from Vermont. Thank God for men of such character. They do honor to this body as they do honor to themselves.

Mr. McGOVERN. Mr. President, I had not intended to say anything today about the matter now under discussion. I had asked for time for another purpose. However, in view of the statements that have been made on the floor this afternoon, I would like to make a couple of observations.

I quite agree with the distinguished Senator from Vermont that all of us have to be careful in practicing politics of self-righteousness. However, we also ought to be willing to call a spade a spade.

Two things, I think, need to be said on this first anniversary of the election of 1972 which was held on November 7 exactly 1 year ago.

The first observation I would like to make is that the revelations that have come out more clearly since the election with reference to the misbehavior of the administration is unprecedented in American politics. It would be a great disservice to the American people and to their faith in our political system if we were to leave the implication that what is now being revealed about the misbehavior of the present administration is typical of the politics of this country.

That simply is not true. It is not typical of the conduct of the Republican Party, and it is not typical of the conduct of the Democratic Party. If even half of what seems to have been the misbehavior of this administration is verified, then this is indeed an unprecedented series of political scandals in the history of this country.

No other administration, Republican or Democrat, can approach the record of wrongdoing that has been revealed

so far on the part of the present administration.

Mr. President, I say that not out of any particular vindictiveness, but simply because I do not want the people of this country, young or old, to assume that what we are now witnessing is the manner in which American politics is traditionally conducted. If I thought that were true, I would leave politics this afternoon. It is not true. It is not the way in which our politics are conducted. And we ought to understand that.

Mr. President, I think that we ought to understand that politics has been conducted in recent months on a higher level.

I want to say to the some 30 million people who supported the Democratic candidate in 1972 that we have now come through a year of painstaking investigation by numerous agencies in an effort to try to find some evidence of wrongdoing in our campaign.

Obviously, Mr. President, we made mistakes. We made blunders. We did things that subjected us to legitimate criticism. But as I look back on that effort, I would also like to say that it was a campaign that was conducted honorably. We did not break any laws. We respected the Constitution. We respected the fairness and the decency of the American people.

Our books have been audited time after time after time in a determined effort to find some evidence that we mishandled the millions of dollars contributed to that campaign or that we violated some Federal statute in some way.

Mr. President, I think it ought to be a cause for great pride to those who went down in defeat in 1972 that no evidence of wrongdoing has been uncovered.

There is a fundamental difference in doing some things wrong and in committing deliberate wrongdoing and deliberately violating the law and then covering it up.

We can get some consolation from defeat by knowing that we conducted ourselves in honor and essential decency.

I would hope that all the people in America who may have been disappointed about the results a year ago on this past anniversary will experience whatever consolation and pride comes from that knowledge.

Mr. ERVIN. Mr. President, if the distinguished Senator from South Dakota would yield, I would like to say that I have been much involved, as the Senator knows, in the investigation of the tragic events that have come to be known as the Watergate case. Like the Senator from South Dakota, I have taken the position that any persons guilty of any involvement in those unfortunate affairs have betrayed the Republican Party as well as the Democratic Party, and all Americans in effect.

I would like to say that the testimony we took on yesterday showed that on one occasion it was proposed by some person interested in the campaign of the Senator from South Dakota in 1972 that an infiltration into the opposing political party be conducted. And the witness testified by deposition that that proposal was not carried out because the distinguished Senator from South Dakota said that he would not approve of any such action as that.

Mr. President, there has been no testimony before any committee that would show that the Senator from South Dakota had countenanced anything during the course of his campaign which was not entirely honorable. I think that fairness to the Senator from South Dakota truth requires me to so state.

Mr. President, I would also say that so far as the committee has been able to determine by its investigation, the same thing is true of all of those candidates who were seeking the Democratic nomination for President in 1972.

Mr. McGOVERN. Mr. President, I treasure those words by the Senator from North Carolina. When we consider the high regard in which he is held, not only because of the way he has conducted this difficult investigation, but because of the kind of man he is and the integrity that he represents, it is a matter of great pride to me that he has said what he has on the Senate floor today about our campaign.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senator from South Dakota (Mr. McGOVERN) is recognized for not to exceed 15 minutes.

THE NATIONAL CATHOLIC RURAL LIFE CONFERENCE: ITS FIRST 50 YEARS

Mr. McGOVERN. Mr. President, it is my pleasure today to salute an organization which has performed half a century of outstanding service to the people of this land.

I speak of the National Catholic Rural Life Conference, which observed its golden jubilee last night with a banquet at Des Moines, Iowa.

Throughout rural America, the members, officers, and diocesan directors of NCRLC have demonstrated how the Judeo-Christian ethic may be applied to our economic and social life. They have stood for stewardship of the land and all its resources.

It has been the teaching of Catholic Rural Life that men and women must shepherd the land and the water as well as values and institutions, and must pass them on, hopefully in a better state than they were received, to succeeding generations.

When he testified before the Senate Committee on Agriculture and Forestry on March 13th on behalf of extension of the farm program, the Most Rev. Ignatius J. Strecker, chairman of Catholic Rural Life, said:

> . . . I remind myself that there are more important values in life than market price and efficiency of production. There is a sacred relationship between the life-giving productivity of the land and with man. The land is man's most precious resource. . . . Of all the obligations man bears to protect our God-given natural resources, none is more serious than his obligation to protect the land and its capacity to produce the food needed for life.

Archbishop Strecker's statement is stirring both because it is different from the daily concerns of earning an adequate living, and because it is so profoundly simple, so obviously basic.

It behooves us all to think of values beyond the economic when we set public policy. We would do well to listen to the voice of Catholic Rural Life.

One of the values most firmly held and most articulately taught by Catholic Rural Life is family ownership and operation of America's farms and ranches.

In their writings and publications, Catholic Rural Life spokesmen make a compelling case for the widest possible distribution of land ownership. Their belief proceeds from a principle all of us hold dear: that the right to own property is a basic human right, one which should be made available to the largest possible number of people.

In another point in his testimony before our committee, Archbishop Strecker said:

> Until recent years, our national farm programs have been built on a policy of widely dispersed ownership of land. The family farm has been the cornerstone of our farm production system. More than that, it has been the cornerstone of life in rural America. In itself, the family farm is a valuable socio-economic institution, affecting the welfare of the family, society, and the agricultural economy. Family farming nurtures wholesome family life. Working together strengthens the bonds among members of the family. The children learn diligence and responsibility by performing tasks in keeping with their age and ability.
>
> A combination of family farms and independent businessmen results in a stable community life. In such a community there are few class distinctions. The economic and social stratification resulting from employer-employee relationships is avoided. Families who operate their own farms have a stake in the community and usually show an interest in churches, schools, medical facilities, farmer cooperatives and other community institutions.
>
> In recent years, however, we have observed movement away from a family farm-based agriculture. The growth in farm size, the decline in number of farms, the intrusion into agriculture of nonfarm conglomerates all are indications that this is a rapid and continuing trend. The most commonly heard explanation for this trend is the development of new agricultural technologies which add to the economies of large-scale farming. We do not question this fact, but we do question that technological advancement must necessarily result in the displacement of thousands of farm families from the land.

It has been my pleasure since I came to the Congress in 1957 to have been associated in many ventures with Catholic Rural Life. For all those years, I have admired many of their leaders—Msgr. Luigi Ligutti, their representative at the Vatican; Bishop Edward O'Rourke, for many years their executive director, Msgr. John George Weber, their present codirector; Father James L. Vizzard, S.J., for several years their Washington representative; and the late Msgr. Louis J. Miller of South Dakota, whose vision and understanding were for so many years a beacon to countless rural people of my State.

Many organizations effectively represent economic and political viewpoints. Many others bring talent and ability to

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represent religious values. Few organizations so admirably bring together a religious tradition and the contemporary world as does Catholic Rural Life.

So it is with a great deal of appreciation that I take this opportunity to congratulate the National Catholic Rural Life Conference on its 50th anniversary, and to extend my best wishes for another half century of service to mankind.

Mr. President, I ask unanimous consent that the text of a special message by the Catholic Bishops of the United States, entitled, "Where Shall the People Live?" be printed in the RECORD at this point.

There being no objection, the message was ordered to be printed in the RECORD, as follows:

[From the Bishop's Bulletin, October 1973]

WHERE SHALL THE PEOPLE LIVE?

The problems which today confront rural America are in many ways inseparably linked to those of urban America. Either the problems of America's rural areas and America's cities will be solved together or they will not be solved at all.

This statement is amply documented by the fact of contemporary rural and urban life. Rural poverty and urban poverty are closely related. Poverty experienced in farm communities drives many people into cities, where their presence notably contributes to urban ills. Today over 70 percent of the people in America live on less than two percent of the land. The result: air and water pollution, transportation congestion, increasing urban crime, housing shortages. Yet at the same time the movement of people from the countryside is continuing, often under the pressure of forces which make neither social nor economic sense.

Each census finds fewer farmers and weaker communities. Nearly two-thirds of all the ill-housed in our nation are in rural America. Education, health benefits, and other services in rural America lag behind those available in urban America. Many communities in the country are dying due to declining population; the people left behind find it increasingly difficult to sustain already inadequate standards of living. At the same time agricultural conglomerates are expanding, raising the possibility of their taking over virtually all farming in the United States. Few Americans seem aware of this development, and fewer still are concerned with the fundamental question of its desirability.

In 1973 the National Catholic Rural Life Conference, which in 1968 became part of the United States Catholic Conference as its Division of Rural Life, marks its 50th anniversary. As a result of the vision of its founder, Archbishop Edwin O'Hara, and the hard work of leaders such as Monsignor Luigi Ligutti, it has played an important role in the history of the Catholic Church in the United States. However, many of the problems which brought this agency into existence not only continue to exist today, but if anything, are more acute than they were 50 years ago. The United States faces pressing challenges concerning population distribution, economic opportunity, and the conservation of natural resources. These are issues with significant moral and spiritual implications, which demand the serious attention of all Americans and, in particular, the nation's churches. In view of this, we wish on this 50th anniversary of the National Catholic Rural Life Conference to address ourselves to some of the central questions which today confront rural America—and all America—in the belief that the future of our nation's cities and suburbs, as well as its rural communities, will be determined in large measure by the answers which Americans give to them.

THE PROBLEM

Rooted in the pioneering efforts of rural leadership of the Church, the work of the National Catholic Rural Life Conference throughout its 50-year history has been directed to spiritual, social and economic betterment of rural people. This commitment has been founded not only on the belief that rural Americans are entitled to the same material and cultural advantages as other Americans, but also on the conviction that the best interests of the entire nation are served when the needs and aspirations of rural America are met.

Today, however, the issue is not simply the well-being of farm people, but their very existence as a people. In recent years hundreds of thousands of farm families have been forced off the land by low prices, soaring costs and high taxes. There are fewer than three million farms in the United States today—a decrease of more than 25 percent in a decade. It has been predicted that, if present trends continue, within 15 years about half of America's farmers, efficient though small, will quit the land leaving production largely in the bands of big farms and corporations.

Some claim that the alleged efficiency of the large farm conglomerates—an efficiency which has never been proven—permits them to drive farm people from the land to the cities. In honesty those who advance such claims should include in their cost accounting the vastly increased expenditures required to meet the needs of these new urban poor. They should include social and human costs resulting from the needless shift of population from vacated farm homes to overcrowded cities and suburbs. They should include the ecological damage to soil, water and food produced by attitudes and practises that treat agriculture as an industrial venture rather than a biological enterprise.

Such trends in American agriculture, and the huge social costs that accompany them, should not be written off simply as inevitable consequences of technological progress. Technology is a factor in the situation, but it need not have these results. At its heart this is a question of social policy to be weighed and decided by the American people. Agricultural technology could be used to produce more socially beneficial developments than those we have witnessed to date. It could, for example, be employed to strengthen the commercial family farm of moderate size which, up to now, has provided Americans with an abundance of food and fiber at very low cost without disruption of the God-given ecological balance in nature. It could provide farm families with a host of sorely needed social advantages without driving them off the land, it could foster the growth of rural industry and rural area development. It could bring increased cultural opportunities and expanded health facilities to the countryside.

The general failure of these benefits to materialize in rural America up to now is not the result of technological or social necessity, but of mistaken policy and practice. Laissez-faire and adaptive approaches to farm problems must now be repudiated and rejected. The laissez-faire approach allows harsh forces of uncontrolled competition to drive less prosperous farmers out of agriculture. The adaptive approach goes so far as to employ that powerful influence of government and educational institutions, including land grant universities, to accelerate the migration of farm families from the land. This should not be permitted to happen.

THE SOLUTION

In the face of such powerful influences and interests, the individual farmer is helpless. His "solitary voice" as Pope John XXIII said, "speaks to the winds." (Mater et Magistra, 146). It is essential for farmers to unite and cooperate, as the Pope emphasized in his great encyclical. In the light of this there is critical need for the great farm organizations—the Farm Bureau, the Farmers' Union, the National Farmers Organization, the Grange, as well as commodity groups and farm workers, to set aside their differences and join in an effective united effort based on the positive contribution that each can make to rural America. Without such unity the efforts of farmers to secure fair prices and beneficial farm legislation are likely not to succeed in time to check the movement of people from the countryside to crowded cities. Unless they stand together, their voices will go unheard in the halls of government where decisions affecting their future are made.

Other forms of cooperation among farmers are also needed. "It is necessary that farmers form among themselves mutual aid societies; that they establish professional associations." (Mater et Magistra, 143). Many such organizations, of which cooperatives are a notable example, now exist. But they should exhibit a stronger Christian commitment to support the smaller producer and businessman. This is the view of Pope John, and has been the view of the National Catholic Rural Life Conference for five decades.

There is need, too, for farmers to join hands with other members of the rural community to work for common goals. Farm workers, for so long the forgotten laboring men in America, are now seeking allies in their efforts to achieve decent standards of living for themselves and their families. Rural small businessmen are dependent on the maintenance of a rural population base for their livelihood. All these, the people of rural America, must acknowledge their interdependence and join in efforts on behalf of the common good.

In recent years government has shown increased sensitivity to the needs of rural people, and greater willingness to address those needs. In particular, Congress deserves commendation for the recent steps it has taken in this regard. At the same time, however, legislators and government officials must continue to examine the social and economic trends in rural America and evaluate their consequences for the nation. Our laws still embody many injustices which discriminate against family farmers, farm workers and the rural poor. For example, our tax laws still permit "write-off" advantages for those who invest in farming merely to offset profits from other sources and our labor relations and labor standards laws still exclude or extend only limited protections to farm workers. These, and all such injustices, should be remedied as soon as possible.

Prompt legislative action is required to assist family farmers and inhibit the further expansion of giant farm corporations. This should include prohibiting laws, effective limits; limits on federal payments for land retirement and crop reduction, and even graduated land taxes. Although such legislation may be regarded as controversial by some, it is surely preferable to inaction, whose consequence would be to create in the United States the situation which today exists in some countries, where ownership of the land has fallen into the hands of a few, leading to discontent among the landless and to angry demands for land reform. The current trend in land ownership is a serious issue that demands the urgent attention of all Americans.

Appropriate legislative action to keep the land in the hands of those who work it will, however, be only a first step, albeit an essential one. It must be accompanied by continuing efforts on the part of public and private agencies and rural people themselves to ensure an adequate economic base for rural communities. Lacking such a base, the socially important objectives of widely diffused ownership of the land will not be realized. We feel that the wide ownership of land is vital to the future of America. In the words of Pope John: "Today more than ever the wider distribution of private ownership ought to be forcefully championed." (Mater et Magistra, 115)

Equitable prices for agricultural products are of first importance in creating and maintaining this base. Also needed are efforts to foster rural industry and develop common services in rural communities for preserving, processing and transporting farm products. The rural economy could be further strengthened by other small industries, tourism, and the development of recreational facilities. Accomplishing these objectives will require the creation of closer, cooperative relationships among the rural communities.

Today, fortunately, more and more Americans are coming to realize that our nation, blessed with an abundance of land, must yet make better use of its green space so that migration from countryside to city will be greatly reduced, for the sake of both. The further congestion of urban areas can only complicate their problems while the problems of the countryside grow simultaneously more acute. The needs of rural Americans must be met—and met in rural America—by providing them with more opportunity for the management of their own economic affairs. Such opportunity can be guaranteed through increased ownership of property and through mutual self-help organizations such as cooperatives.

The Church can play a unique leadership role in promoting these changes in rural America. In spite of the decreasing population base, it must maintain and strengthen its ministry to farm and rural people and articulate the redeeming message of Christ in terms of spiritual values inherent in their way of life. Through pastoral training in our seminaries and through programs of continuing education, it must educate priests to the socio-economic realities of rural America, and prepare them to exercise a role of rural community leadership.

For half a century the national Catholic Rural Life Conference has sought to make its policies operative through diverse programs. It has long been an educator in rural values through workshops, lectures and literature. It has fostered the development of liturgy oriented to rural concerns. It has advocated government programs and policies which better meet the needs of rural people. Through diocesan rural life directors, it has sponsored many local-level programs and observances. In the South and Southwest, in Appalachia and overseas, it has cooperated in countless projects to encourage self-help efforts among the poor.

As the National Catholic Rural Life Conference marks its 50th anniversary we extend our congratulations and thanks to its Board, staff and members for their efforts over the years. Problems of urbanization, farm production, and rural poverty continue to oppress people in our nation and abroad, and we shall continue to look to the Rural Life Conference for leadership in carrying out the mission of the Church in these areas. The ministry of the Church is a shared one, and it is through agencies such as the National Catholic Rural Life Conference that the People of God can most effectively participate in this shared responsibility.

As we unite our intentions with those of the Rural Life Conference on this anniversary we invite all people of good will to join with us in efforts to ensure that renewed commitment today will lead to a better, more just, more Christian World tomorrow.

Mr. McGOVERN. Mr. President, I ask unanimous consent that remarks on the subject of the National Catholic Rural Life anniversary by the Senator from Wisconsin (Mr. NELSON), the Senator from Nebraska (Mr. CURTIS), and the Senator from Minnesota (Mr. MONDALE) be printed in the RECORD at this point.

The PRESIDENT pro tempore. Without objection, it is so ordered.

STATEMENT BY SENATOR NELSON

Anyone who has been a Governor knows the impressive work of the National Catholic Rural Life Conference. It has five offices in Wisconsin broadly concerned about the welfare of our State's rural residents. As chairman of the Subcommittee on Employment, Poverty, and Migratory Labor, I am particularly well acquainted with some special work of the conference. This fine organization should be recognized for its exceptional effort at the national level giving thoughtful, compassionate and effective representation to a much neglected minority, the migrant farm laborers of America. Without a doubt, it was the effort of the National Catholic Rural Life Conference that made possible the end of the infamous "Bracero" program by the Congress in 1964.

Today the National Catholic Rural Life Conference continues its significant work in behalf of the migrant workers in the United States.

It is a pleasure to join my colleagues in saluting this great and selfless organization on the occasion of its 50th anniversary.

STATEMENT BY SENATOR CURTIS

I am delighted to join my colleague from South Dakota today in saluting the golden anniversary of the National Catholic Rural Life Conference.

The growth and endurance of the Conference is an indication of the viability of cooperation between the Catholic Church, the government, and the agrarian sector of our economy.

And I think it's time the entire country comes to terms with the ideals embodied in the National Catholic Rural Life movement. The land is man's most precious natural resource. The five percent of the nation's population who live on the farms and provide food for the other 95 percent are inseparably related to the lives of the millions of Americans who populate our teeming cities.

Agriculture is the No. 1 industry in America. Without it, nothing else could move or function.

The story of food in America is truly a miracle—of growing something from the soil, or transforming it from a raw product and delivering it to millions of dinner tables. The story of agriculture is a story of many farmers and ranchers and truck drivers and factory workers, all pulling together to do a tremendous job.

Since World War II, we have made American agriculture the envy of all the rest of the world. In more than a quarter of a century since the war ended we have increased our yield per acre by well over 100 percent.

Besides meeting our own nation's needs for food and clothing, we devote one third or more of our production acreage to exports. If every American industry did as well, our country would not have a balance-of-payments problem. We would have a dollar surplus instead of a dollar drain. We would not only have full employment, but we would have a labor shortage.

On the golden anniversary of the National Catholic Rural Life Conference, let's recommit ourselves to the continued revitalization of rural America, to the ideals and goals of the family farm, to the preservation of a healthful environment, and to the conviction that the best interests of the entire nation are served when the needs and aspirations of rural America are met.

STATEMENT BY SENATOR MONDALE

I am proud to join with Senator McGOVERN and others in expressing my congratulations upon the golden anniversary of the National Catholic Rural Life Conference.

Since it was founded on November 11, 1923, the N.C.R.L.C. has brought national recognition to the spiritual and social strengths of rural communities, has helped us to appreciate the fundamental dignity of rural life and has assisted in developing solutions to many of the most pressing problems of the countryside.

Communicating the rural life philosophy has been a prime focus of the N.C.R.L.C. from its inception. The people of Minnesota are proud that the first Rural Life School established by the Conference was located at St. John's University in Collegeville, Minnesota in 1939.

I believe a good part of the success of the Conference can be attributed to the great foresight this organization has shown. Long before the problems of poverty, overcrowding, urban blight, and centralization of farming operations had captured the attention of public officials, the N.C.R.L.C. was working to encourage family farming, to secure protection for the rural environment, and to establish decent minimum wage rates and social security for farm workers.

For example, a resolution adopted by the N.C.R.L.C. at its 26th annual convention in La Crosse, Wisconsin in 1948 called for the creation of a National Land Policy, declaring:

"Preservation and development of the family-type farm should be a prime objective of such a policy. It must aim to protect the family-type farm and to make it productive of the greatest possible spiritual and temporal good for the family, the community and the world."

Twenty-five years later the goal of preserving family farms is equally as pressing. Effective action is also desperately needed to combat rural poverty, to provide needed jobs and to preserve the quality of the rural environment.

Our ability to address these problems successfully in turn depends upon the hard work of groups like the N.C.R.L.C.

Upon this occasion I should like to express my deep personal gratitude to the leaders and members of the National Catholic Rural Life Conference for their enormous achievements in increasing our awareness of the importance of spiritual values, of close family relationships, of nearness to the soil and of strong rural communities. The success of this effort is crucial to our ability to meet the complex problems we face as we enter the final quarter of the twentieth century.

Mr. YOUNG. Mr. President, I am pleased to join with my colleagues in expressing tributes to the National Catholic Rural Life Conference on the occasion of its 50th anniversary.

It has been my privilege to work closely with leaders of the conference on a number of problems and issues over the years. On a more personal note, I was a very close and good friend of the late Rev. Joseph Hylden, past first vice president and board member of the conference, who passed away just last spring. Father Hylden was a dynamic, effective, and very personable man, and one who had a unique way of getting other people to help get things done. In addition to all his duties and responsibilities as a priest, including many years at the Edgeley, N. Dak., parish, in my home county,

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he devoted much time and work to this fine organization we are saluting today.

Mr. President, the National Catholic Rural Life Conference is one organization that has always been a champion of and a friend to agriculture. Its leaders have been on what I consider to be the "right" side of most of the major issues confronting agriculture for the past several decades. I extend my most sincere congratulations to this organization and wish it many more years of effective accomplishment on behalf of agriculture.

Mr. BURDICK. Mr. President, I wish to join with my Senate colleagues in observance of the 50th anniversary of the establishment of the National Catholic Rural Life Conference.

The accomplishments of the dedicated priests, sisters, and laymen during the past half century of working with and for rural people through the conference are many and meritorious. The conference has strengthened the family farms and rural communities of this country, bringing religious and moral strengths to the changing agricultural scene. The conference has long supported and worked for legislation for the betterment of farm families. Rural Life Sunday services for years have emphasized the relationship of mankind to the good Earth, bringing a greater understanding of the basic role of agricultural producers in building the good life.

I particularly want to mention my good friend, the Reverend Father Joseph Hylden, a distinguished leader of the National Catholic Rural Life Conference and former diocesan director of Fargo, N. Dak. Father Hylden's untimely death last year was a deep loss to North Dakotans, Catholic and Protestant alike, who had the great privilege of knowing and working with him. His zeal and faith can serve as a model for those who came after him in the service of the National Catholic Rural Life Conference.

Mr. ABOUREZK. Mr. President, I would like to associate myself with the remarks of the senior Senator from South Dakota (Mr. McGovern) and to thank him for arranging this colloquy marking the golden anniversary of the National Catholic Rural Life Conference.

Throughout its 50-year history, the work of the NCRLC has been directed to the betterment of the spiritual, social, and economic condition of rural America. During this time, NCRLC has been far-sightd in identifying the problems of rural areas and in offering constructive solutions to these problems.

For example, 25 years ago at their annual convention, the board of directors adopted a resolution on land policy which urged the establishment of a national land policy which would assure Christian charity and justice in the matter of access to natural resources. It now appears that Congress is on the verge of passing a National Land Use Planning Act.

I might add that that same resolution of 25 years ago stated that "preservation and development of the family-type farm should be a prime objective of such policy." I fully concur.

The National Catholic Rural Life Conference has been a major voice in warning of the threat posed to rural America by the growth of large farm conglomerates. The NCRLC has pointed out that agricultural technology could be used to produce more socially beneficial results than have occurred to date. They also suggest that such trends as the growth of conglomerates and the huge social costs that accompany them need not be written off as the inevitable consequences of technological progress.

Again, I concur. The National Catholic Rural Life Conference has been making a good deal of sense for 50 years. It is a voice well worth listening to and I hope that NCRLC will be around for a good many years, to provide their help in meeting the needs of rural America.

I might add one thing, Mr. President: My colleague from South Dakota has made some remarks, along with the Senator from North Carolina, the Senator from Vermont, and the Senator from Minnesota, concerning Watergate and all of its ramifications. But one thing that has been left out of the colloquy on that subject is the attitudes of the senior Senator from South Dakota (Mr. McGovern), who was the Democratic Presidential candidate last year, and who, along with the American people, was victimized, and probably he was victimized to a greater extent than anyone else by what took place last year.

I just want to point out, as the junior Senator from South Dakota and as a close personal friend of Senator McGovern, that I have not heard nor seen him show one bit of evidence of any rancor or vindictiveness with regard to the Presidential election of last year. To the contrary, he has spoken to America and to the people of my State of South Dakota only in the most objective and positive terms, and I think all of us ought to recognize, and I believe his colleagues here in the Senate do recognize, that it is that kind of attitude that keeps this country going in spite of all the adversity we face today.

So I just think we ought to pay some kind of tribute to Senator McGovern for the splendid attitude he has taken throughout this whole affair.

THE NATIONAL CATHOLIC RURAL LIFE CONFERENCE: CONCERN AND ACTION FOR BETTER RURAL LIFE

Mr. DOLE. Mr. President, it is with pleasure that I join with several of my colleagues today to mark the 50th anniversary of the National Catholic Rural Life Conference.

CONFERENCE RELEVANT TO RURAL LIFE

In light of the growing importance of U.S. agriculture to the world, there is a similarly growing need for us to focus our attention on the problems and requirements of our farmers and of rural people in general. From its inception the National Catholic Rural Life Conference has helped to meet that need.

Through the years it has consistently addressed itself to problems that were relevant to the business of providing adequate food and fiber for citizens of this country and others. It has concerned itself with the protection and development of the family farm and the future of rural America.

INTERNATIONAL EFFORTS

In its international efforts, it has helped to bring men and women with rural interests and rural backgrounds together to discuss common problems and shared concerns.

And the conference has sought to share with the people of less fortunate nations the agricultural breakthroughs and productivity miracles that farm science and research have made possible. Whether this involves the actual delivery of hybrid seed grains to post-war Europe 25 years ago or the more recent introduction of new strains of rice to war ravaged Southeast Asia, the concern—and the determination to act on these concerns—has been an enduring trait of the conference.

CHANGES TO MEET PRESENT AND FUTURE NEEDS

Here at home, the conference has recognized the fact that the future rests on the cooperation of individuals and communities striving together to deal effectively with the changing aspects of agriculture. While recognizing these new aspects, the conference has taken the rational view that industry is an essential addition to rural communities, not a threat to it.

The conference has kept up with new challenges and changing times by reorganizing and modifying its own structure and the structure of its educational instruments. Education of new recruits and leaders in the rural life philosophy is now being accomplished on a larger than ever scale through workshops, seminars, and rural-life days. It has always been rural people themselves with a concern for the comprehensive education of themselves and their young people, who have designed and influenced these programs. This, of course, remains one of the conference's greatest strengths.

STRESS SPIRITUAL ASPECTS OF SOCIETY

I heartily support the conference in its efforts to stress the spiritual aspects of the economic, social, and political values of our society, especially as they relate to rural issues.

As the American Bishops noted in their recognition of this 50th anniversary celebration, "Many of the problems which brought this agency into existence not only continue to exist today but if anything are more acute than they were 50 years ago." With this in mind, we must all join together in our efforts toward a better understanding of rural life and continue in the problem-solving effort in which this conference has always played so vital a role.

Mr. HUMPHREY. Mr. President, I take this opportunity to join with the Senator from South Dakota and others in extending warm congratulations to the National Catholic Rural Life Conference on the occasions of its golden jubilee celebration. It has been my privilege to have known and worked with the distinguished and beloved Monsignor Ligutti, who headed the Catholic Rural Life Conference and gave such remarkable leadership to this program. I have also had the opportunity of working with Father Vizzard of the National Catholic Rural Life Conference. These are distinguished spiritual leaders who are held in great admiration and respect by all those who have had the opportunity and privilege to know them.

The National Catholic Rural Life Conference has particular significance for Minnesota. Its first permanent, independent, national office was established in

1934 in St. Paul, under the direction of Father James Byrnes. And two presidents of the conference—the Most Reverend P. W. Bartholome and the Most Reverend George H. Speltz—came from the Diocese of St. Cloud. The 1968 convention of the conference, held in St. Cloud, looked to the future of rural America, where a structure of new, interrelated rural communities was projected, and dedicated to the development of new attitudes, jobs, income, education, and community services.

This mention of the theme of the 1968 convention is only one example of the outstanding capability of the National Catholic Rural Life Conference to provide our Nation with the invaluable counsel that comes from a determination to advance to the cutting edge of national and international issues of major significance. Such a focus on the crucial importance of farms and rural areas is to be particularly commended when it is recognized that Catholicism in America has been highly urban.

Only now has Congress begun to focus on legislation on land use policies. But in 1948, the board of directors of the National Catholic Rural Life Conference adopted a resolution calling for the development of a national land policy, guided by agricultural science, social advancement, and Christian charity, toward assuring the access of all our people to natural resources.

One year later, in 1949, the conference grappled with the concrete demands of social justice for our rural population, speaking to the need for parity income for farmers, and help for displaced persons in agriculture—an early recognition of the implications of the migration from the farm to the city, which has become one of the largest movements of people in history, having a direct relationship with the critical problems of our cities. And far in advance of governmental action, the 1949 convention called for minimum wage rates for agricultural workers, and social security for farmworkers.

Two other examples of advanced thinking directed toward the future requirements of a self-sustained rural America, deserve mention. A 1960 NCRLC policy statement called for the development of rural industry as an essential addition to agriculture. And in 1964, speakers at the 40th anniversary convention urged a federation of existing farm organizations, cooperatives, and credit associations.

However, the conference has not limited its concern to problems of rural America. It has been a dynamic force in calling attention to world food needs, guided by the counsel of Pope Paul VI in 1964 to act on behalf of "suffering people who lack what is considered necessary for survival," and the commendation of Pope Pius XII 17 years earlier for the generous response of the conference "to the call of Christian charity to provide resettlement possibilities for multitudes of uprooted displaced persons and destitute refugees." This agenda of international concern is also reflected in the NCLRC's reorganization in 1968 as the division for rural life of the department of social development and world peace.

Simultaneously with the enactment of the food-for-peace program by Congress in 1954, and which I regard as one of the most important accomplishments in my career of public service, the directors of the conference called for a new perspective on food production in America, where the priority national policy would now be an effective program of distribution to serve the needs of hungry people throughout the world. Reflecting the constant, firm support given by the Roman Catholic Church to the United Nations, the NCLRC director, Monsignor Ligutti, served for many years as official observer, appointed by the Holy See, to the Food and Agriculture Organization. And the 1966 conference convention theme, "Bread for the Tables of the World," addressed the alarming increase in world hunger and malnutrition with a call for the intensive application of technology for the efficient use of human and natural resources in meeting the production requirements of developing nations.

The conference has sponsored six international congresses on rural affairs, problems, and relations, which have included a focus upon the requirements for land reform in Latin America and of food production in Southeast Asia. It has maintained programs of rural development and agricultural assistance throughout the world, which have most recently been directly linked with mission programs through the establishment of a new agency called "Agrimissio."

The conference has continued its important programs of education of rural youth and of various publications over the years. In addition to its national office in Des Moines, Iowa, it has operated a Washington office on a permanent basis since 1957 to maintain liaison and rapport with Congress and Federal agencies.

Under its motto, "Christ to the Country—the Country to Christ," the National Catholic Rural Life Conference has been a decisive force for good in our Nation and the world. I applaud its accomplishments and urge the conference to sustain its efforts and programs in this time of urgent problems in rural America and of national debate on essential new directions to be taken to assure adequate food supplies at home and abroad.

Mr. President, we are all of us in Congress indeed fortunate to have had the opportunity of being associated either directly or indirectly with the National Catholic Rural Life Conference. In my State of Minnesota, where I am privileged to live, this is one of the great moving forces for rural development for the good of the communities in the rural areas. I applaud its accomplishments.

Mr. CLARK. Mr. President, as chairman of the Rural Development Committee in the U.S. Senate, it is a pleasure to be able to take this opportunity to pay tribute to the oustanding contribution the National Catholic Rural Life Conference has made toward creating a better life for the people of rural America. Iowa has the good fortune to serve as the headquarters for this energetic group, which has been an active force not only in our State, but across the Nation. In their first 50 years, which they celebrated yesterday, they have established a proud record.

At this moment in history, I can think of no more fitting mission than the mission of the conference—to bring back into the mainstream of society one element that has been isolated by neglect and indfference—the American countryside.

In my travels across Iowa and in Washington, D.C., I constantly hear of the growing desire to eliminate the artificial gap between Americans, between city and countryside. To strengthen faith and confidence and establish unity in a common purpose, people want what John Gardner has called a "shared vision." He maintains, "that is what gives a nation its tone, its fiber, its integrity, its moral style, its capacity to endure."

Where do we look to recapture a shared vision for America?

We can look back to the rural and agrarian roots that have lent the strongest measure of stability to our society in its formative years. We can look back to the individual American farmer who has worked hard to make his land productive and to increase the efficiency of agriculture to feed and clothe a growing population. The indispensible ingredient of the farm family's efficiency is not technical knowledge. It is a deep and abiding love for the land—and a respect for it. Today, farmers continue to work at a way of life which fosters the most enduring of American values.

No one understands the significance of the farmer more than the National Catholic Rural Life Conference.

But the flight from the American countryside to the city has been costly. The lure of the urban job markets has drawn millions of bright, energetic young people off the farms. There can be no doubt much of the discontent we see today in America stems from the rootlessness of so many people. People need to belong—to belong to a time and a place. In order to restore the sense of community that we all seek, we must first halt the exodus from the countryside.

It can be done.

And, it will take the kind of people that belong to the conference—people who understand the relationship between a man and his land as well as that between man and his fellow man, people who have the capacity to lead and to stimulate the community sentiment so that opportunity can be created where opportunity is needed.

Years ago, Thomas Paine paraphrased the counsel of the Old Testament:

> I believe in one God and no more, and I hope for happiness beyond this life. I believe in the equality of man, and I believe that religious duties consist in doing justice, loving mercy, and endeavoring to make our fellow creatures happy.

The National Catholic Rural Conference is dedicated to fulfilling these duties, and it is doing the job well.

Mr. PEARSON. Mr. President, I welcome the opportunity to join with my colleagues in recognizing the 50th anniversary of the National Catholic Rural Life Conference. This organization has worked effectively to strengthen the spiritual life of rural American and this is

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extremely important. But the conference has also done a great deal to remind us all of the precious nature of our land resources and the wisdom of careful stewardship.

Also the National Catholic Rural Life Conference has been one of the most effective and eloquent spokesmen on behalf of the family farm. Catholic rural life spokesmen have always recognized that the family farm is not simply an economic unit but an extremely valuable social institution. With this conviction they are effective in articulating why the national interest is well served by policies aimed at strengthening and preserving the family farm structure of American agriculture.

Therefore, Mr. President, I congratulate the National Catholic Rural Life Conference for its work over past 50 years, a record which I know the conference will equal and surpass during the next 50 years.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 5 minutes.

FIREWOOD AND THE FUEL SHORTAGE

Mr. HUMPHREY. Mr. President, I noticed in this morning's Washington Post an article which attracted my attention, entitled "Fuel Shortage Threat Creates Shortage of Firewood, Stoves."

Mr. President, may I suggest to those who live in the District of Columbia and nearby areas that if there seems to be a shortage of wood for fireplaces or stoves, there is plenty of firewood lying on the ground in Rock Creek Park and other wooded areas and should be picked up. All that is required is for someone to go out there and pick it up, saw it, and cut it into pieces suitable for fireplaces or stoves.

Quite frankly, the park needs a good cleaning now, anyway. If the Park Service would but open it for the purpose of picking up the deadwood, it would serve two useful purposes: first, to clean up the park and, second, to provide much needed fuel.

This is how things are done out in the Midwest. When people need wood for their fireplaces or stoves, they go out and get it. There is no need to put an article in the newspaper waiting for someone to go out and get it. I have the feeling that the same procedure would work very well in the urbanized East, particularly in our Nation's Capital. All that is needed is a little sensible cooperation between the Government and the people—just a little get up and go.

However, that seems to be an almost insurmountable obstacle in these days of rules and regulations and bureaucracy, combined with the apparent unwillingness of many of our people to do something for themselves.

Mr. President, I ask unanimous consent that the article written by Mr. Paul Hodge be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Fuel Shortage Threat Creates Shortage of Firewood, Stoves

(By Paul Hodge)

Many Washington-area residents are meeting the threat of a winter oil and gas shortages by turning to one of man's more ancient heating methods, the wood fire.

Homeowners with fireplaces have been stockpiling so much firewood, especially in the past two weeks, that many local wood dealers report they are running out of seasoned firewood.

"It's like the bomb scare when people built bomb shelters and the recent so-called meat shortage when people stocked up on meat," said Mrs. Charles Beaty, whose family owna B & W Tree Experta of Fairfax County. "There's no real shortage of firewood, but people are fighting for it, hoarding it, and now they're creating a shortage." B & W already has sold out most of the 1,000 cords of seasoned firewood it had set aside for this winter.

Some firewood dealers already are sold out, such as the F. L. Watkins Co. of Seat Pleasant, Md., which has been handling firewood here for almost 60 years. "We were sold out weeks ago and now I can't get any," said owner Fred Watkins.

"There's no real shortage . . . but everybody's been scared to death by stories about a fuel shortage . . . in fact they've not only bought up all my wood but bought every stove in the store and almost all the bags of coal," Watkins said.

One of the area's largest stove dealers, Acme Stove Co., said yesterday it has sold virtually every wood stove it has, "Franklin stoves, pot-bellied stoves, wood stoves, wood heaters, you name it" and that the foundries that make them are now three months to more than year oversold.

Many of the stove sales came before threats of a fuel crisis, Acme says, and are due largely to the increase in rural second homes where primitive cast iron fireplaces and stoves are in demand.

The impact here of a winter shortage of home heating oil and gas expected nationwide is unclear and will depend largely upon the weather, according to oil companies and the Washington Gas Light Co.

Most Washington-area homes are heated by gas, the rest by oil and electricity. Local appliance stores and department stores such as Hecht's said yesterday there has been a noticeable increase in sales of small electric space and baseboard heaters in the past month, but no stores reported shortages.

Most of the two dozen firewood companies listed in the yellow pages of the telephone book said they are turning down orders for wood, are simply out of it, or have wood but predict delays of several weeks in deliveries. White Oak Tree Service of Silver Spring tells callers it cannot make deliveries until January.

Most wood dealers say the problem is that it takes several months to a year to season—dry out—wood so that it will burn well, and dealers did not anticipate a run on firewood this fall.

While there is an apparent shortage of seasoned firewood, there is still green wood available at many wood dealers.

Many firms are now recommending mixing green and seasoned wood, partly perhaps because stocks of seasoned wood are running low.

Under both Virginia and Maryland law (but not in the District), firewood must be sold by the cord or an exact portion of a cord, and use of woods like "face cord" is illegal. A cord is a stack of two-foot logs four feet high and 16 feet long, totaling 128 cubic feet of wood.

LET US CLEAN UP THE STREETS OF THE DISTRICT OF COLUMBIA

Mr. HUMPHREY. Mr. President, may I suggest that the District of Columbia get busy and clean up its streets around here. The Nation's Capital looks like a garbage heap. It is time someone did something about it. This is a great Nation's Capital. As a former mayor of a great city I know that the streets can be kept clean and that we do not have to leave trash piled up in the streets.

It is about time that someone spoke up in the Senate about this matter. We appropriate the money for the District of Columbia here in Congress. I am a taxpayer. All the people of America are taxpayers for the District of Columbia. It is about time that this city was made to look like it should; namely, a shining example of modern urban America. Instead, it is being permitted to deteriorate.

Mr. President, I am going to keep talking about this subject until someone gets on the ball. There is no reason whatsoever to have the streets of this city look like a garbage dump for the entire eastern coastline.

It is time to get busy, go to work, and get the job done.

If the District of Columbia does not have the funds to do it, then they should come up here to us and ask for it and see if we can give them some help.

When I go down M Street, or South Capitol or North Capitol Streets and see the littered streets, it tells me that someone is not doing his job.

I hope that someone in the District of Columbia will read what I have said today. I am sending them a letter, anyway. As a matter of fact, I write to them quite often but I am not sure they get the mail. But I shall continue to write and I shall continue to speak out, because when people come to this great city they should see something else besides expensive Government buildings. They should be looking at a community which is proud of itself.

I shall ask the press to do what they do elsewhere, to get the people of a community to do something to make their city the beautiful city it should be.

SENATE RESOLUTION 194, RELATING TO SENATE RESOLUTION 60—CERTAIN SUITS INSTITUTED BY THE SELECT COMMITTEE ON PRESIDENTIAL CAMPAIGN ACTIVITIES

Mr. ERVIN. Mr. President, with the consent of the majority leadership, and without objection on the part of the minority leadership. I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 454, Senate Resolution 194, and that it be called up for immediate consideration.

The PRESIDING OFFICER (Mr. McGovern). The resolution will be stated by title.

The legislative clerk read as follows:

S. Res. 194, relating to S. Res. 60.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. ERVIN. Mr. President, this is a simple Senate resolution which, in effect, states that the Senate Select Committee on Presidential Campaign Activities in the issuance of subpenas for certain documents was acting within the scope of the provisions as authorized by Senate Resolution 60 and ratified the action given in issuing the subpenas and also in bringing suit in district court for the enforcement of subpenas.

Mr. President, the resolution before the Senate is intended to aid in resolving certain questions that have been raised concerning the select committee's actions.

It states that it is the sense of the Senate that the committee, under Senate Resolution 60, had and has authority to subpena the President, who is an "officer" of the United States amenable to subpena under section 3(a)(5) of Senate Resolution 60, to obtain certain information relating to possible improper, illegal, or unethical conduct in connection with his candidacy for the Presidency in 1972. It further states that the Senate approves and ratifies the committee's action in regard to its subpenas.

It states it is the sense of the Senate that the committee and its members were and are fully empowered by applicable custom and law, including Senate Resolution 262, 70th Congress, first session (1928), to sue to enforce the committee's subpenas and that the Senate approves and ratifies the initiation and prosecution of this litigation.

Finally, it states that it is the sense of the Senate that the committee and its members, in subpenaing and bring a civil action to enforce its subpenas, were and are acting in furtherance of valid legislative purposes—a determination of the need for and scope of corrective legislation relating to Presidential campaigns and, in that regard, the revelation to the public of the extent of corruption in the 1972 Presidential campaign and election. It also states that it is the sense of the Senate that the information sought is vital to the performance of the committee's functions.

The members of the committee are fully confident that they have complete authority to pursue the activities referred to in this resolution, and are acting in this request with valid legislative purposes. The resolution, however, removes all doubts.

The resolution was agreed to, as follows:

S. Res. 194

Resolution relating to S. Res. 60

Resolved, That—

Section 1. By S. Res. 60, Ninety-third Congress, first session (1973), section 3(a)(5), the Select Committee on Presidential Campaign Activities was and is empowered to issue subpenas for documents, tapes and other materials to any officer of the executive branch of the United States Government. In view of the fact that the President of the United States is, as recognized by S. Res. 60, an officer of the United States, and was a candidate for the office of President in 1972 and is therefore a person whose activities the select committee is authorized by S. Res. 60 to investigate, it is the sense of the Senate that the select committee's issuance on July 23, 1973, of two subpenas duces tecum to the President for the production of tapes and other materials was and is fully authorized by S. Res. 60. Moreover, the Senate hereby approves and ratifies the committee's issuance of these subpenas.

Sec. 2. On August 9, 1973, the select committee and its members instituted suit against the President of the United States in the United States District Court for the District of Columbia to achieve compliance with the two subpenas referenced in section 1 above, and since that time, in both the district court and the United States Court of Appeals for the District of Columbia Circuit, have actively pursued this litigation. It is the sense of the Senate that the initiation and pursuit of this litigation by the select committee and its membera was and is fully authorized by applicable custom and law, including the provisions of S. Res. 262, Seventieth Congress, first session (1928). In view of the entirely discretionary provisions of section 3(a)(6) of S. Res. 60, it is further the sense of the Senate that the initiation of this lawsuit did not require the prior approval of the Senate. Moreover, the Senate hereby approves and ratifies the actions of the select committee in instituting and pursuing the aforesaid litigation.

Sec. 3. The select committee and its members, by issuing subpenas to the President and instituting and pursuing litigation to achieve compliance with those subpenas, were and are acting to determine the extent of possible illegal, improper, or unethical conduct in connection with the Presidential campaign and election of 1972 by officers or employees of the executive branch of the United States Government or other persons. It is the sense of the Senate that, in so doing, the select committee and its members were and are engaged in the furtherance of valid legislative purposes, to wit, a determination of the need for and scope of corrective legislation to safeguard the processes by which the President of the United States is elected and, in that connection, the informing of the public of the extent of illegal, improper, or unethical activities that occurred in connection with the Presidential campaign and election of 1972 and the involvement of officers or employees of the executive branch or others therein. It is further the sense of the Senate that the materials sought by the committee's subpenas are of vital importance in determining the extent of such involvement and in determining the need for and scope of corrective legislation.

Mr. ERVIN. Mr. President, I move that the vote by which the resolution was agreed to be reconsidered.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ERVIN. Mr. President, I want to thank the majority and minority leaderships for permitting me to bring up this resolution at this time.

The PRESIDING OFFICER (Mr. McGovern). What is the pleasure of the Senate?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ONE HUNDRED AND FIFTIETH ANNIVERSARY OF THE VIRGINIA THEOLOGICAL SEMINARY

Mr. HARRY F. BYRD, JR. Mr. President, today I invite the attention of the Senate of the United States to an important event which took place in Alexandria, Va., the evening of Thursday, November 1, 1973.

The occasion was the 150th anniversary of the Virginia Theological Seminary. Legally known as the Protestant Episcopal Theological Seminary in Virginia, the seminary was founded and opened its doors in Alexandria in October of 1823.

But at that time it was not Alexandria, Va.; it was Alexandria, District of Columbia.

Alexandria lay within a portion of the State of Virginia, which from 1796 to 1846, was allocated to the Federal Government for the Capital of the Nation.

The first class at the Virginia Seminary consisted of one student, George A. Smith, but by 1826 the student body had increased twentyfold.

Today the Virginia Seminary is the largest of the Episcopal seminaries.

Indeed, it is now educating 20 percent of all the young people studying for the Episcopal ministry throughout the country. It has a student body of approximately 200 persons, from 50 dioceses. More than two-thirds are married; more than half have seen military service. Ten percent are women.

I met and talked with many of them. They impressed me well.

On the evening of November 1, 1973, All Saints Day, a commemorative ceremony was held at the Virginia Seminary—a service and communion and then a dinner.

Present were many Members of the Congress.

Presiding at the dinner was the Honorable Armistead Boothe, of Alexandria. Mr. Boothe has had a distinguished career as a lawyer and as a member of the Virginia Legislature. He is now devoting his time and talents to the development of the Virginia Seminary.

The sermon at the Congress night service, held in the Virginia Seminary chapel was delivered by the Right Reverend Robert F. Gibson, Jr., of Virginia.

Bishop Gibson pointed out that Seminary Hill and the Capitol of the United States across the river, long have lived in each other's shadow. He mentioned, too, that the parish had as its members both George Washington and Robert E. Lee.

The senior Senator from Virginia had the privilege of being present last week at the commemorative service and the dinner which followed.

I was much impressed with Bishop Gibson's sermon. I feel it should be shared with my colleagues in the Congress.

I ask unanimous consent that this sermon by Bishop Gibson, delivered on the historic occasion of the 150th anniversary of the Virginia Seminary, be printed at this point in the Record.

There being no objection, the sermon was ordered to be printed in the Record, as follows:

All Saints Day—Seminary Sesqui-Centennial

It is my privilege to welcome and recognize, with respect and gladness, our distinguished guests from the Congress present for this special occasion.

And I cannot refrain from mentioning one in particular, the Vice President-designate, Gerald Ford. For this place of worship is also the parish church to which he belongs. So our ties are close.

I might also add that this geographical parish had as its members both George Washington and Robert E. Lee. Indeed, in the communion of the saints, we might say still has them as members, which is an interesting juxtaposition of past, present and future.

This Holy Hill, as we call it, and the Capitol across the river, have long lived in each other's shadow, and the relations of Seminary and Congress have often been close. With full respect for the proper separation of Church and State, I would pray that our goals be mutual and that our ties be strengthened in common purpose in the days ahead.

Long ago, when the Virginia Seminary opened its doors of learning in 1823, James Monroe was President, John Adams and Thomas Jefferson were still alive, and, it seems worth noting, had reached peace and friendship after years of philosophical differences and political enmity.

The Seminary from its founding had a vision and purpose of mission. Its graduates went out to all parts of this country, and also to the uttermost parts of the world. Since long before Congress had the dreadful responsibility of governing a world power, it has been true that the sun has never set on the work of the Virginia Seminary.

All this seems worth recalling when we are gathered together on All Saints Day as a fitting part of the Sesqui-Centennial of the Seminary. We celebrate 150 years of service to our Church and country and world.

All Saints Day, I think, is especially appropriate, not because of its date, but because of its message, a double-edged word of significance in these days of crisis at home and abroad. All Saints Day always bids us to look backward into history in grateful remembrance so that we may be strengthened to look forward to our purpose and goal as Christians—and, indeed, as Americans, if we are faithful to our heritage.

Listen to the Church's message (Proper Preface): "We give thanks to thee, O Lord . . . who, in the multitude of thy Saints, has compassed us about with so great a cloud of witnesses that we, rejoicing in their fellowship, may run with patience the race that is set before us."

This is to say, remember your forefathers—certainly including the faithful, the saints, of this Seminary and of the United States Congress—remember them, that in their fellowship, their witness, we may be strengthened and guided to go forward today.

Or, again, in that apocalyptic vision just read to us as the Epistle: "After this I beheld . . . a great multitude, which no man could number, of all nations, and kindreds, and people, and tongues. . . . What are these . . . and whence came they? . . . These are they which came out of great tribulation, and have washed their robes and made them white in the blood of the Lamb. . . . They shall hunger no more, neither thirst any more. . . . For the Lamb which is in the midst of the throne shall feed them, and shall lead them to living fountains of waters: and God shall wipe away all tears from their eyes."

Remember and hope and, by the grace of the Lord, serve your day. That is the All Saints Day message.

We need it. We need it precisely because neither history nor apocalyptic are popular among us today. And without them service can be, and often is, misguided, empty and unfulfilled. Remember and hope in order to serve.

We need it because the lack of observance of such a day as this is itself a commentary on our inadequate use of history and scripture as faithful Christians. This country knew that yesterday was Halloween, a day which somewhat symbolizes our confusion and the presence of wild spirits among us.

But how many of us gave a second thought to All Saints Day and its symbol? I doubt that many of us, laity or clergy, would be attending church services tonight except for this special occasion and invitation. Somehow in our supposedly "relevant" lives our "holidays" are no longer "holy days" of faithful remembrance and hope.

Perhaps we cannot, or even should not, restore the "holy days" which developed in a more consciously Christian culture, and in a time less pressed by the perplexities and dangers of our life. But all days are holy days to those who know and would serve the Lord. And in serving we need, perhaps today more than ever, the guidance and the power which comes from Him. We need remembrance and we need hope to lead us through a day of confusion and uncertainty.

It is trite even to remind ourselves that what happens in Washington is witnessed and heard today in the uttermost part of the earth, or that what happens in the Middle East gravely affects our lives and that of our children's children. But we need to be reminded that this has always been the Christian message, for mankind is one and his hope is one, or there is no hope at all. The apocalyptic vision was for "All nations, and kindreds, and peoples, and tongues."

We here tonight—thank God—share a common faith and hope. Despite our human perplexities and differences, let us remember that. No one of us, be he priest, prophet or politician can have all of the right answers. But every Christian can make his decisions in remembrance and hope in Jesus Christ.

When we serve that hope, however apocalyptic or distant, we shall serve a suffering and endangered world. And some thirst and some hunger and tears can be wiped away by God through us.

I shall close by reading a prayer composed and used by George Washington. We need not bow our heads or kneel, but rather listen. Surely he prays across the years to us as well as to the Lord.

"Almighty God, we make our earnest prayer that Thou wilt keep the United States in Thy holy protection, that Thou wilt incline the hearts of the citizens to cultivate obedience to government; to entertain a brotherly affection and love for one another and for their fellow citizens of the United States at large. And finally that Thou wilt most graciously be pleased to dispose us all to do justice, to love mercy and to demean ourselves with that charity, humility and pacific temper of mind which were the characteristics of the divine author of our blessed religion, and without an humble imitation of whose example in these things we can never hope to be a happy nation. Grant our supplication, we beseech Thee, through Jesus Christ, our Lord. Amen."

DÉTENTE: WORDS OR DEEDS?

Mr. HARRY F. BYRD, JR. Mr. President, the Northern Virginia Daily, published at Strasburg, Va., published an editorial this morning captioned "Détente: Words or Deeds?" The editor of the Northern Virginia Daily is James J. Crawford. He is an excellent editorial writer, one of the best in the State.

The editorial discusses the question of détente. One paragraph reads as follows:

> This brings up the question, what happened to the détente? The answer, we think, is that in substance a détente such as the United States had hoped for never really existed.

Another paragraph reads:

> The rapid sequence of events in the Mideast, in which the Soviets made no pretense of letting the détente stand in the way of what they considered their national interest, has shown once again that strength—not cocktail diplomacy—is the only effective means for U.S. negotiations with the Soviet Union.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

Détente: Words or Deeds?

Though Soviet Russia stopped short of forcing a military confrontation in the Mideast and, after a show of U.S. force, agreed to the U.N. Security Council's resolution for a peacekeeping force sans U.S.-Soviet troops, there are many Americans who are reappraising what the U.S.-Soviet détente means.

Or, perhaps it would be more accurate to say they are looking at what détente apparently doesn't mean. The dangerous situation which developed when the U.S. rejected the Russian proposal that a joint U.S.-Soviet force take over policing the war zone, and the Kremlin threatened to send in Soviet troops unilaterally, made one thing perfectly clear.

The new atmosphere of détente would not have stopped the Soviets. What did stop them was President Nixon's decisive, resolute reply which saw an immediate worldwide alert of American military forces.

This brings up the question—what happened to the détente? The answer, we think, is that in substance a détente such as the U.S. had hoped for never really existed. The relaxation of tensions which Secretary of State Kissinger had envisioned in relations between Moscow and Washington was totally nonexistent.

The rapid sequence of events in the Mideast, in which the Soviets made no pretense of letting the détente stand in the way of what they considered their national interest, has shown once again that strength—not cocktail party diplomacy—is the only effective means for U.S. negotiations with the Soviet Union.

While the Mideast crisis may be temporarily resolved, the Administration and Congress are faced with some hard decisions imposed by the apparent frailty of the accord.

The Administration is stuck with a series of Kissinger-negotiated deals with the Soviets, agreements and contracts based on the mistaken belief that détente meant the same thing in Moscow as it meant in Washington.

For instance, the Administration has already given permission to several U.S. companies to build the world's largest truck producing facility in the Soviet Union. This permission was granted on the assumption that the trucks would be used for "peaceful purposes." Now it is found that they may be used for aggression in the Mideast and elsewhere in the world.

The recent wheat deal, on which we are still making deliveries and which the American taxpayers subsidized, is another example of U.S. naivete in assuming that the Soviets think like we do. Still another is the "détente"-inspired disarmament pact with the Kremlin which has us frozen into a position of quantitative inferiority in the deployment of strategic weapons.

But, perhaps most embarrassing of all to the Administration, now that the Soviet Union has demonstrated how it regards détente, is the Administration's insistence that Congress approve a "most favored nation" trade status for the Soviet Union.

To put it bluntly, in view of the Soviet's conduct in recent weeks in the Mideast, congressional approval of a "most favored nation" status for the Soviets would be preposterous. Consideration of their proposal should, by all means, be postponed indefinitely, at least until we can be certain that the agreements to which this country has already been committed have not jeopardized our national security and interest.

THE PRESIDENT — THE IMPORTANCE OF PROCEEDING BY ORDERLY PROCESSES

Mr. BELLMON. Mr. President, my office, like the offices of other Senators, is currently being deluged with communications from concerned citizens regarding whether or not President Nixon should continue in office. Some express the view that Congress should impeach the President; others take the position that the President should resign and thus spare the country the trauma of a lengthy impeachment procedure; still others feel that the President should remain in office and continue to discharge the duties he was overwhelmingly chosen to perform in the elections of last November.

Clearly there is some justification for each of these points of view. Final judgment should be reserved until all the facts are in. However, in light of what we now know, I take the following position:

First. The impeachment language in section 4, article 2, of the Constitution provides:

> The President, Vice President, and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

To me this says that Congress has the responsibility of deciding when high officials of the Government should be removed from office.

Second. To date none of the critics of the President have succeeded in presenting evidence which conclusively proves his implication in or guilt of any of the crimes mentioned in the Constitution.

Third. Should facts which would indicate an impeachable offense be brought forth, the President, in my opinion, should remain in office until and unless he is impeached by the House and removed from office by the Senate.

Fourth. Should the President be forced from office by shifting public opinion instead of by the impeachment process, I believe the question would quickly arise as to whether or not his successor could govern effectively over the next 3 years.

Fifth. There is great danger that if this President should resign he would in effect be allowing himself to be driven from office by public outcry. This would set a precedent for future resignations under pressure. Succeeding Presidents could expect immense pressures to resign when a vocal group disagreed with administration policy or conduct. The resulting destabilizing effect would critically and perhaps irreparably weaken this Government and this Nation for the indefinite future.

Mr. President, our officials are chosen through popular elections. Ours is not a parliamentary system. The Constitution provides a workable and lawful means for removal of officials in case two-thirds of the Members of Congress vote for impeachment. Should we allow a vocal minority or even a vocal majority to overturn the outcome of our elections by preempting the responsibility of Congress, we will have set the stage for a long series of governmental disorders. Our situation would then be similar to that which has plagued weaker nations of the world but from which our own country has thankfully been spared.

Much of the economic and social progress we have made as well as our position as a world leader can be traced directly to the stability of our Government. As a Member of the Senate, I shall refuse to participate in and resist efforts to cast away the legal and proven processes of the past in the face of demands of a currently inflamed citizenry. I have written President Nixon urging him to resist the temptation to yield to present pressures and to continue to do the job he was chosen to perform until and unless he is lawfully removed from office by the Congress.

QUORUM CALL

Mr. BELLMON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STAFFORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Final Determination of Claim of Saginaw Chippewa Indian Tribe of Michigan

A letter from the Chairman of the Indian Claims Commission transmitting, pursuant to law, a report of its final determination of the claim of the Saginaw Chippewa Indian Tribe of Michigan, et al. *v.* the United States of America (with accompanying papers). Referred to the Committee on Appropriations.

Report of the Defense Civil Preparedness Agency

A letter from the Director of the Defense Civil Preparedness Agency transmitting, pursuant to law, the report of Federal Contributions Program Equipment and Facilities for the quarter ending September 30, 1973 (with accompanying report). Referred to the Committee on Armed Services.

Proposed Legislation by the Central Intelligence Agency

A letter from the Director of the Central Intelligence Agency transmitting a draft of proposed legislation to amend the Central Intelligence Agency Retirement Act of 1964, for certain employees, as amended (with accompanying papers). Referred to the Committee on Armed Services.

Report of the Secretary of Transportation

A letter from the Secretary of Transportation transmitting, pursuant to law, a report on the reliability of automobile odometers (with an accompanying report). Referred to the Committee on Commerce.

Report of the Secretary of Transportation

A letter from the Secretary of Transportation transmitting, pursuant to law, a report of activities pursuant to the Emergency Rail Facilities Restoration Act (with an accompanying report). Referred to the Committee on Commerce.

Assistance-Related Funds Obligated for Cambodia

A letter from the Assistant Secretary of State for Congressional Relations transmitting, pursuant to law, a report showing the assistance-related funds obligated for Cambodia during the first quarter of fiscal year 1974 (with an accompanying report). Referred to the Committee on Foreign Relations.

Proposed U.S. Information Agency Appropriations Authorizations Act of 1973

A letter from the Director of the United States Information Agency transmitting a draft of proposed legislation to authorize appropriations for the United States Information Agency (with accompanying papers). Referred to the Committee on Foreign Relations.

Proposed Legislation of the Foreign Claims Settlement Commission

A letter from the Chairman of the Foreign Claims Settlement Commission transmitting a draft of proposed legislation to provide for the timely determination of certain claims by American nationals settled by the United States-Hungarian Claims Agreement of March 6, 1973, and for other purposes (with accompanying papers). Referred to the Committee on Foreign Relations.

International Agreements Other Than Treaties

A letter from the Assistant Legal Adviser for Treaty Affairs of the Department of State transmitting, pursuant to law, copies of international agreements other than treaties entered into by the United States within the past 60 days (with accompanying papers). Referred to the Committee on Foreign Relations.

Report of the Comptroller General

A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Consumer Protection Would Be Increased by Improving the Administration of Intrastate Meat Plant Inspection Programs" (with an accompanying report). Referred to the Committee on Government Operations.

Orders of the Immigration and Naturalization Service

A letter from the Acting Commissioner of the Immigration and Naturalization Service transmitting, pursuant to law, copies of orders entered in the cases of certain aliens (with accompanying papers). Referred to the Committee on the Judiciary.

Orders of the Immigration and Naturalization Service

A letter from the Acting Commissioner of the Immigration and Naturalization Service transmitting, pursuant to law, copies of orders entered in the cases of certain aliens who have been found admissible to the United States (with accompanying papers). Referred to the Committee on the Judiciary.

Building Project Survey by the General Services Administration

A letter from the Administrator of the General Services Administration transmitting, pursuant to law, a report of building projects survey for Palmer, Alaska (with an accompanying report). Referred to the Committee on Public Works.

Proposed Legislation by the Atomic Energy Commission

A letter from the Chairman of the Atomic Energy Commission transmitting a draft of proposed legislation to increase the authorization for appropriations for Operating Expenses and Plant and Capital Equipment (with accompanying papers). Referred to the Joint Committee on Atomic Energy.

REPORT ENTITLED "CHINA REPORT"

Mr. MAGNUSON. Mr. President, in July of this year I was fortunate to lead a delegation of distinguished Members of the Senate and House on an official visit to the People's Republic of China. We are now prepared to report on that journey. Therefore, on behalf of the distinguished chairman of the House Foreign Affairs Committee, Representative MORGAN, and other members of our delegation, I ask unanimous consent that our report be printed as a Senate document and that it be entitled "China Report."

The PRESIDENT pro tempore. Without objection, it is so ordered.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PASTORE, from the Joint Committee on Atomic Energy, without amendment:

S. 2645. A bill to amend Public Law 93-60 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1950, as amended, and for other purposes (Rept. No. 93-487).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. JACKSON, from the Committee on Interior and Insular Affairs:

Russell W. Peterson, of Delaware, to be a member of the Council on Environmental Quality.

The above nomination was reported with the recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

By Mr. MAGNUSON, from the Committee on Commerce:

Less R. West, of Oklahoma, to be a member of the Civil Aeronautics Board; and

Richard Joseph O'Melia, of Maryland, to be a member of the Civil Aeronautics Board.

The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. FULBRIGHT (by request):

S. 2662. A bill to authorize appropriations for United States participation in the International Ocean Exposition '75. Referred to the Committee on Foreign Relations.

By Mr. BUCKLEY:

S. 2663. A bill to create a special committee to supervise the activities of certain Federal prosecutors. Referred to the Committee on the Judiciary.

By Mr. DOMENICI:

S. 2664. A bill to designate the Miners' Hospital in Raton, N. Mex., a Public Health Service Hospital to be known as the "Miners' Rehabilitation and Medical Hospital." Referred to the Commitee on Labor and Public Welfare.

By Mr. FULBRIGHT (by request):

S. 2665. A bill to provide for increased participation by the United States in the International Development Association; and

S. 2666. A bill to provide for increased United States contributions to the Special Funds of the Asian Development Bank. Referred to the Committee on Foreign Relations.

By Mr. BEALL:

S. 2667. A bill for the relief of Miss Lisa Maria Potter (also known as Lisa Maria Verest, Mary Alice Verest, and Mary Alice Epiphanio. Referred to the Committee on the Judiciary.

By Mr. HELMS:

S. 2668. A bill to modify the project for the Falls Dam and Reservoir, Neuse River, N.C. Referred to the Committee on Public Works.

By Mr. TUNNEY:

S. 2669. A bill to authorize the Secretary of the Navy to conduct programs of exploration for oil and gas on Naval Petroleum Reserve Numbered 4, in the State of Alaska, and Naval Petroleum Reserve Numbered 1 (Elk Hill, Calif.). Referred to the Committee on Armed Services.

By Mr. MONDALE:

S. 2670. A bill for the relief of Ulrich Berner. Referred to the Committee on the Judiciary.

By Mr. HOLLINGS:

S. 2671. A bill to require that nontrust fund expenditures not exceed nontrust fund revenues for any fiscal year, and to establish a procedure for the Senate Committee on Appropriations to fix ceilings on the total amount of new budget authority to be provided for each fiscal year in bills reported by it, and to establish the calendar year as the fiscal year. Referred to the Committee on Government Operations.

By Mr. CHILES:

S. 2672. A bill to create a Marine Resources Conservation and Development Fund; to provide for the distribution of revenues from outer Continental Shelf lands; and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. AIKEN:

S.J. Res. 168. A joint resolution to authorize the period from February 10, 1974, through February 16, 1974, as "National Nurse Week." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FULBRIGHT (by request):

S. 2662. A bill to authorize appropriations for U.S. participation in the International Ocean Exposition '75. Referred to the Committee on Foreign Relations.

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference a bill to authorize appropriations for U.S. participation in the International Ocean Exposition '75.

The bill has been requested by the Director of the U.S. Information Agency and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the Director of USIA to the President Pro Tempore of the Senate dated October 12, 1973, the letter from the Secretary of State in support of the bill, and the section-by-section analysis.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 2662

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "International Ocean Exposition Appropriations Authorization Act of 1973."

SEC. 2. There is authorized to be appropriated for the United States Information Agency for "Special International Exhibitions", for United States participation in the International Ocean Exposition to be held in Okinawa, Japan, in 1975, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 *et seq.*), $5,600,000, to remain available until expended: *Provided,* That not less than $2,500,000 of the amount authorized to be appropriated herein shall be paid in Japanese yen accrued under the Settlement on Post War Economic Assistance between the United States and Japan, dated January 9, 1962: *Provided further,* That the amount authorized to be appropriated herein shall be available without regard to 5 U.S.C. 3108.

U.S. INFORMATION AGENCY,
Washington, D.C., October 12, 1973.

Hon. JAMES O. EASTLAND,
President Pro Tempore of the Senate.

DEAR MR. PRESIDENT: I have the honor to transmit to the Senate for its consideration copies of a proposed bill "to authorize appropriations for United States participation in the International Ocean Exposition", and an explanation therefor.

Congressional authorization is required for United States participation in the International Ocean Exposition as well as for appropriation of money for the project. The budget necessary to carry out this plan is estimated at $5.6 million, $2.5 million of which has been identified as costs which could be paid from GARIOA funds (Japanese yen accrued under the Settlement on Post War Economic Assistance).

On April 9, 1973, Secretary of State Rogers asked the United States Information Agency to take the lead role in surveying, programming and executing this project. He stated that, "given the extent of our military and political interests in Japan and specifically in Okinawa, my colleagues and I believe that a signficant American presence at Expo '75 would contribute to the achievement of major policy goals." Secretary Kissinger has reiterated the importance of official participation in his letter accompanying the attached report. I share the Secretary's belief that major United States national interests will be served by meaningful representation at the exposition. Those interests are amplified in the report which also includes the background of the U.S. Information Agency's operational plan for the project.

The U.S. Information Agency and the Department of State join in urging that official United States participation in the International Ocean Exposition be authorized and the funds necessary to carry out the project be appropriated at the earliest possible date. The Office of Management and Budget advises that enactment of the proposed legislation would be in accord with the President's program.

Sincerely,

JAMES KEOGH,
Director.

THE SECRETARY OF STATE,
Washington, D.C., October 7, 1973.

Hon. SPIRO T. AGNEW,
President of the Senate.

DEAR MR. PRESIDENT: I am writing to voice my strong support for the bill introduced by USIA to authorize participation by the United States in the International Ocean Exposition to be held on Okinawa from March to August of 1975. For a variety of reasons, I believe that important national interests require that we be well represented at this event.

In the broader sense, our participation should be regarded in terms of its contribution to our major policy goal of strengthening ties with Japan on a basis of reciprocity and partnership. The Japanese Government is deeply committed to this project, both in terms of prestige and financial outlays, and feels that participation by the United States will make a positive contribution to our mutual policy goals and materially enhance the chances for success of the Exposition itself. The Japanese people, highly sensitive to foreign reactions to their efforts to achieve international recognition, will interpret the extent of participation in this Exposition by other major nations as a measure of the esteem in which they and their country are held abroad. I believe that the Japanese Government's desire for our participation merits a favorable response and that the contribution our participation could make toward preserving the predominantly favorable public attitude in Japan toward the United States would be well worth the outlay involved.

Our failure to participate would stand in contrast to the large exhibitions to be mounted by governments who hold a critical view of our relationship with Japan, resulting in profound disappointment and embarrassment to our friends in Japan.

The site chosen for EXPO 75 and its underlying purpose are also of particular relevance to our participation. You will recall that the basic premise for the reversion of Okinawa to Japan, which the Foreign Relations Committee and the Senate as a whole so forthrightly approved two years ago, was that the maintenance of sound relations with Japan, particularly our security relationship, was more important to our long range interests than the temporary advantages we might derive from continuing our administration of Okinawa. The Japanese Government intends EXPO 75 to be both a commemoration of the reversion of Okinawa to Japan and a tangible demonstration of its commitment to economic development of the area. The Japanese Government also regards this effort as important to its goal of enhancing Okinawan support for its national policies, including the maintenance of the Security Treaty and the presence of U.S. forces on the island. While we are developing plans with the Japanese Government to consolidate and reduce the scale of our military presence on Okinawa as rapidly as possible, our installations there are substantial and their ability to function effectively requires the cooperation of the local population. If we fail to participate in EXPO 75, it will appear to many Japanese in Okinawa and the main islands as well that our interests in Okinawa are narrowly military in nature. This would have obviously adverse effects on public attitudes toward our presence and be an unfortunate distortion of the aims of our policy toward Japan.

There are, of course, other reasons of more direct benefit to the United States for a meaningful exhibition at EXPO 75. Not the least of these is the opportunity to present our point of view on problems relating to oceanography to a significant Japanese and international audience, and a chance for private interests to demonstrate American technology in the first major international exposition to be devoted to a field which holds great promise for us in the future.

Favorable action by the Congress on this proposal would be greatly appreciated. An early decision is essential to enable us to obtain a favorable site and to design, assemble and construct our exhibit. The Japanese hope that an announcement soon of our intention to participate will encourage other friendly governments to do likewise, and that our participation will make the international aspects of this Exposition a success. I believe they are urging us to do something which is very much in line with our own interests.

Sincerely yours,

HENRY A. KISSINGER.

SECTION-BY-SECTION ANALYSIS

Section 1.—Provides that the Act may be cited as the "International Ocean Exposition Appropriations Authorization Act of 1973."

Section 2—Authorizes appropriations to be made for United States participation in the International Ocean Exposition, to be held in Okinawa, Japan in 1975. Of the total requested amount of $5,600,000, to remain available until expended, at least $2,500,000 would be paid in Japanese yen accrued under the settlement on Post War Economic Assistance between the United States and Japan, dated January 9, 1962. Guard services would be authorized.

By Mr. BUCKLEY:

S. 2663. A bill to create a special committee to supervise the activities of certain Federal prosecutors. Referred to the Committee on the Judiciary.

INVESTIGATION SUPERVISORY COMMITTEE ACT

Mr. BUCKLEY. Mr. President, the momentous events of recent days have brought this Nation and its institutions of Government to the point where the term "constitutional crisis" has acquired the status of a cliche. This crisis is rightly characterized as involving a head-on confrontation between the respective branches of Government of such gravity as almost to preclude a just and reasonable solution. Talk of possible Presidential impeachment or resignation is everywhere in the air; public confidence in Government is badly shaken and threatens to reach an all-time low.

But unless I am mistaken, it is not only the stewardship of Richard Nixon that is now on trial in the court of public opinion, and it is not only the misfeasance or malfeasance of certain officers relating to Watergate that is being questioned by the people. We in Congress will also be held accountable, no less than the President, for our actions in this hour of crisis. As bad as things may now appear, they can be made worse—indeed, will be made worse unless the counsel of moderation prevails over the temptation to hasty action, unless we in Congress make a special effort to recognize the existence of legitimate executive interests, and unless we fully understand the constitutional implications of the actions we prepare to take.

This will require self-restraint, prudence, a willingness to compromise, and the ability to recognize that the preservation of our constitutional system, and particularly of the delicate balance of powers among the various branches, is of paramount importance, it will, in short, require statesmanship of the highest order, both in Congress and in the White House.

As far as Congress is concerned, I believe that the great danger at present is that they may be tempted to take advantage of the weakened condition of President Nixon and inflict a mortal wound upon the institution of the Presidency itself. The temptation is great at the moment to embrace a hasty solution, one that rides the wave of public indignation, that at first glance seems to satisfy all relevant concerns, but that upon reflection may create a problem worse than the one it attempts to solve. The question is not one of good intentions, but of likely consequences and long-run impact.

As to one matter there is now a clear consensus. The Watergate investigation must be conducted by a special prosecutor and that prosecutor must be given the necessary independence to investigate and prosecute to the full satisfaction of the public. The President and Congress appear to be on a collision course, however, on the questions of who should appoint the special prosecutor, and to whom he will be immediately responsible. On the one hand, a majority of the Senate has now endorsed the proposal that Judge Sirica be directed to appoint a successor to Archibald Cox who would be responsible directly to the court.

On the other hand, pursuant to the President's directive, the Acting Attorney General has appointed a special prosecutor who, as an executive officer, will be ultimately responsible to the President. From a constitutional standpoint, this is perfectly appropriate, and under normal circumstances would be politically acceptable as well. The Acting Attorney General, Mr. Bork—a gentleman of unquestioned integrity and great courage—testified on Monday before the House Judiciary Committee that the new special prosecutor will have the power to use judicial process to obtain evidence from the White House if that should prove necessary. Mr. Bork also testified that the President would not exercise his constitutional power to discharge the special prosecutor without first consulting the joint leadership of both Houses of Congress.

I believe that the White House has, so to speak, learned a hard lesson, and I believe that the President is sincere in making this proposal. The American people in great numbers however, remain skeptical, and it is that skepticism which gives great strength to the Bayh-Hart proposal for a court-appointed prosecutor. Congress and the people must be satisfied that the prosecutor will be truly independent, that he will have the power required to conduct an effective and responsible investigation, and that he will not be engaged in a whitewash. But by the same token, the integrity of the Presidential office required that any investigation conducted by a special prosecutor will remain within its mandate, and that any problems involving executive privilege will be resolved fairly with a full understanding of the constitutional implications.

However highly one regards Judge Sirica, the fact is that the proposal introduced by Senator BAYH and cosigned by 55 Senators suffers from the disability that in these most sensitive areas, the judge would be required to rule on the actions and decisions of a man he himself appointed; and the prosecutor would find himself in the position of determining whether or not to contest rulings issued by a court to whom he is directly responsible for the manner in which he conducts the investigation.

I have discussed these matters with distinguished members of the bar and with members of my staff. These discussions have produced a proposal that, I believe, can meet the test of constitutional principle while accommodating the conflicting, though legitimate, interests to which I have alluded. My bill would create a special committee of distinguished jurists charged with the duty of overseeing the activities of the special prosecutor appointed to continue the investigation of the Watergate matter and with resolving the claims of Executive privilege which the President may feel it necessary to assert for the protection of the Presidency itself. The committee would be appointed by the Chief Justice of the United States and would consist of three presently retired judges of the Federal Circuit Courts of Appeal, who during their active service served as chief judges of their respective circuits. They would serve for the duration of the investigation by the special prosecutor or until such time as they reach the age of 75, whichever first occurs. They would be empowered to resolve various questions relating to the nature and scope of the prosecutor's authority and to pass on the delicate questions of confidentiality and privilege which will necessarily arise during the course of the investigation.

The creation of such a supervisory committee, to whom the special prosecutor would be responsible irrespective of by whom he is appointed, would accomplish the following important objectives:

First. It would provide assurance that the special prosecutor operated within his mandate. This would allay fears of "fishing expeditions" by overzealous staff members.

Second. It would provide the executive with assurance that any move to secure evidence in the nature of Presidential papers will represent the consensus of more than one man both as to need, propriety, and relevance to alleged criminal activities. It would also provide an assurance that reasonable accomodations satisfying the needs of justice while recognizing the principle of confidentiality can in fact be negotiated.

Third. It would provide the Congress and the public with full assurance that the investigation of the Watergate matter and any resulting prosecutions will in fact be pursued with the fullest vigor, by a truly independent prosecutor.

Fourth. It would insulate the courts against the possible adverse consequences which might arise from having to resolve constitutional issues that are essentially political in character.

There are a number of details in my proposal that are still being ironed out, but I did want to put the idea forward in general terms at this time for consideration by the Judiciary Committee. Mr. President, I send my proposal to the desk and ask unanimous consent that it be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2663

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section (1) A Federal Prosecutor or duly authorized officer of a Federal Court who undertakes an investigation into violations of law in the Presidential Campaign of 1972, or violations of law either during or after said campaign, including investigations into the conduct of the President or members of his staff, shall notify the Chief Justice of the United States. The Chief Justice shall promptly appoint a committee to supervise the activities of such officer or members of his staff.

Sec. (2) The Committee shall consist of three United States Circuit Judges who during their active service served as Chief Judges of the United States Court of Appeals but have since retired from active service. Each member shall serve until termination of the investigation or until he reaches the age of 75 years whichever sooner occurs. The Chief Justice shall fill any vacancy arising in said Committee from whatever cause. The members of the Committee shall retain their offices as, but during their service on the Committee shall not exercises judicial functions as, Circuit Judges. They shall not receive by reason of their service on the Committee any compensation over and above their compensation as Circuit Judges.

Sec. (3) The Committee shall supervise the investigation into the violations of law described in Section (1), including the conduct of the President or of members of his staff, and any steps to obtain evidence from the President or from members of his staff which may be the subject of the claim of executive privilege. The officer in charge of the investigation shall report regularly to the Committee and shall take no action in respect of his investigation or of his efforts to obtain such evidence without the approval of the Committee. The decision of the majority of the members of the Committee shall be final In the event that the Prosecutor or other officer of a Federal Court should take action in disregard of the Committee's decision, the Committee shall so report to the President.

By Mr. DOMENICI:

S. 2664. A bill to designate the Miners' Hospital in Raton, N. Mex., a Public Health Service hospital to be known as the "Miners' Rehabilitation and Medical Hospital." Referred to the Committee on Labor and Public Welfare.

Mr. DOMENICI. Mr. President, today, I introduced a bill, S. 2664, to designate the Miners' Hospital in Raton, N. Mex., as a Public Health Service hospital for all miners in the country. I wish to comment on this legislation to clarify the intent of the bill and to clarify my position in that regard.

In the late 1800's and the early 1900's, the Federal Government gave in trust 100,000 acres of land located throughout the State of New Mexico for the purpose of supporting the operation of a miners' hospital. In fact, this land was given for that expressed purpose as a condition of statehood. At that same time, a private corporation, the Maxwell Land Grant Co., gave the State 10 acres upon which the actual hospital could be built. This property was located in the picturesque town of Raton in the northeast corner of the State. A miners' hospital was built and used for several years on that site. These events were certainly desirable for the State's miners as they benefited enormously from having this special facility relatively close to their homes, a place to receive the necessary treatment for diseases, and other disabilities incurred as a result of their hazardous profession.

During the past few years, however, the hospital has lost its accreditation due to alleged actions by the State and/or the hospital which seem to indicate a "breech of trust" to many parties. This hospital is now only a nursing home for miners rather than supplying the services originally specified in the early part of this century. I do not believe this present situation lives up to the original intent of those contracts.

With the introduction of this bill I do not want to take advantage of troubled waters. I do not know the possible outcome of several lawsuits now pending against the State. I only introduce this measure as a possible alternative in the event an alternative is desirable or feasible.

This bill clearly states that its provision would not go into effect until the State of New Mexico agrees that this is a solution to their problems—and agrees that this proposal would truly make possible the original intent of the land gifts. I, and the cosponsors of this measure, want to be part of a plan to restore this institution to what it was originally intended expanding those services to all miners.

A fact which should not be overlooked in this matter is the lost health services to miners, miners in New Mexico as well as throughout the country. The AFL–CIO group in our State has not lost sight of that fact. Nick Halamandaras has not lost sight of that fact. Nick Halamandaras, president of the State United Mine Workers, has personally requested that this legislation be introduced, and I would like to say at this time I am pleased to have his support.

There are many diseases contracted by miners in the course of their work, but I have been informed by medical personnel working with miners that accidents are primarily responsible for mining disabilities and death. At the same time, there is not now a facility to which miners can be referred for specialized treatment, for vocational rehabilition. I believe the provisions of this bill would help alleviate that situation.

The hospital in Raton, should this measure pass, would be called the Miners' Rehabilitation and Medical Hospital. Research in back ailments and treatment alternatives would be conducted at the hospital as well as treatment for other disabilities and diseases. Miners and former miners would be admitted from throughout the country on a first-priority basis. Travel costs would also be covered at no expense to the miners. I understand that treatment for most disabilities, such as the loss of an arm or leg usually takes only a few weeks or months. Surely miners, faced with the prospects of little or no rehabilitation opportunities in their communities would be willing to spend those few weeks at a facility specifically designed to treat them. Surely, miners would prefer to

receive expert treatment rather than limited or no treatment at all.

I have been assured by medical doctors that the climate in Raton is most desirable for those miners convalescing from injuries or diseases. The air is clean, free from pollution, and it is dry. The town of Raton is small and friendly.

The mining industry shows a great growth potential in the face of the energy crisis our Nation faces. This occupation has been traditionally hazardous. During the next few years Congress will address itself more directly to mine safety. At the same time I feel we must address ourselves to sufficient medical treatment.

I believe the miners of New Mexico and, indeed, the entire country would benefit if this hospital facility were available for these comprehensive services. It seems that this plan would compliment the original trust to which the land and facilities were designated in the first place and I would hope the bill, with any necessary changes, will be supported by all my colleagues in this body.

By Mr. FULBRIGHT (by request):

S. 2665. A bill to provide for increased participation by the United States in the International Development Association; and

S. 2666. A bill to provide for increased United States contributions to the special funds of the Asian Development Bank. Referred to the Committee on Foreign Relations.

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference two bills: First, to provide for increased participation by the United States in the International Development Association; and second, to provide for increased U.S. contributions to the special funds of the Asian Development Bank.

The bills have been requested by the Secretary of the Treasury and I am introducing them in order that there may be specific bills to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose these bills, as well as any suggested amendments to them, when they are considered by the Committee on Foreign Relations.

I ask unanimous consent that the bills be printed in the Record at this point, together with the letters from the Secretary of the Treasury to the President pro tempore of the Senate dated October 17 and October 31, 1973, respectively.

Tentatively, arrangements have been made for a public hearing with Secretary Schulz on these two bills and on S. 2193 also related to the Asian Development Bank, for Monday, November 19, at 10 a.m.

There being no objection, the bills and letters were ordered to be printed in the Record, as follows:

S. 2665

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the International Development Association Act (22 U.S.C. 284 *et seq.*) is amended by adding at the end thereof the following new section:

"Sec. 14. (a) The United States Governor is hereby authorized to agree on behalf of the United States to pay to the Association $1.5 billion as the United States contribution to the Fourth Replenishment of the Resources of the Association.

(b) In order to pay for the United States contribution, there is hereby authorized to be appropriated without fiscal year limitation $1.5 billion for payment by the Secretary of the Treasury."

S. 2666

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Asian Development Bank Act, as amended (22 U.S.C. 285–285p), is further amended by adding at the end thereof the following new section:

"Sec. 21. (a) The United States Governor of the Bank is hereby authorized to agree to contribute on behalf of the United States $50 million to the Special Funds of the Bank. This contribution shall be made available to the Bank pursuant to the provisions of Article 19 of the Articles of Agreement of the Bank.

(b) In order to pay for the United States contribution to the Special Funds, there is hereby authorized to be appropriated without fiscal year limitation $50 million for payment by the Secretary of the Treasury."

Hon. James O. Eastland,
President Pro Tempore,
U.S. Senate, Washington, D.C.

The Secretary of the Treasury,
Washington, D.C., October 17, 1930.

Dear Sir: In accordance with President Nixon's mesage on United States participation in increases in resources of the International Development Association, transmitted to the Congress today, I am enclosing a draft bill, "To provide for increased participation by the United States in the International Development Association." A Special Report of the National Advisory Council on International Monetary and Financial Policies on the Fourth Replenishment of the Association will be sent separately to you and to the Speaker of the House of Representatives.

I would appreciate it if you would lay the proposed bill before the Senate. A similar bill has been transmitted to the Speaker of the House of Representatives.

Sincerely yours,

George P. Shultz.

By Mr. HELMS:

S. 2668. A bill to modify the project for the Falls Dam and Reservoir, Neuse River, N.C. Referred to the Committee on Public Works.

FALLS OF THE NEUSE PROJECT

Mr. HELMS. Mr. President, I send to the desk for appropriate reference a bill to modify the project for the Falls Dam and Reservoir on the Neuse River in North Carolina, a project authorized by the Flood Control Act of 1965.

The purpose of this bill, Mr. President, is spelled out in a letter I have today written to my distinguished colleague from Alaska (Mr. Gravel), chairman of the Water Resources Subcommittee of the Senate Committee on Public Works.

I ask unanimous consent, Mr. President, that my letter to Senator Gravel be printed in the Record at the conclusion of my remarks. I also ask unanimous consent that a letter from Secretary of the Army Callaway, bearing date of October 31, 1973, be printed in the Record; and that the text of the bill which I am introducing be likewise printed in the Record at the conclusion of my remarks.

There being no objection the two letters and the text of the bill were ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., November 7, 1973.

Hon. Mike Gravel,
Chairman, Water Resources Subcommittee, Senate Committee on Public Works, Washington, D.C.

Dear Senator: I am today introducing a bill to modify the project for the Falls Dam and Reservoir on the Neuse River in North Carolina, a project authorized by the Flood Control Act of 1965 (79 Stat. 1073).

The purpose of this bill is straightforward: It would remove from the project the so-called "separable recreational lands," that is, the lands used solely for recreational development, as distinguished from joint-purpose lands which are used for water supply, flood control, and so forth. The U.S. Army Corps of Engineers estimates that this would diminish the size of the land requirements by approximately 4,450 acres.

In this period of fiscal crisis, I feel that I must apply the same standards of economy to projects which principally affect my state as I do to those which affect the nation as a whole. Although recreation is permitted in the calculation of benefits, I do not feel that areas solely dedicated to recreation can have the same priority in today's circumstances as may have been given to them in 1965 when the project was authorized. Moreover, it is my understanding that the Office of Management and Budget looks more favorably on funding projects which do not have such a high recreation quotient. Since one of the most urgent concerns involved in the project is the provision of an adequate water supply for Raleigh, it is my judgment that the removal of lower priority factors from the project will speed up the funding for the project, as well as lowering the over-all cost.

In taking this initiative to reduce the burdens on the taxpayers, I am hoping that the Corps of Engineers will also review their policy of acquiring lands according to the land acquisition policies in effect when the project was authorized. It is my understanding that these policies were changed in 1971 under guidelines which require taking much less land in fee simple. Adopting the 1971 land acquisition policies for the Falls Project would save millions of dollars additionally, and would require no legislative change.

The bill which I am introducing was drafted in consultation with the Secretary of the Army and the Corps of Engineers, as indicated in the attached letter from the Secretary. I am sure that they will be glad to furnish their official views if the Committee requires, and I hope that the bill will be given early and favorable consideration.

Sincerely,

Jesse Helms.

Secretary of the Army,
Washington, D.C., October 31, 1973.

Hon. Jesse A. Helms,
U.S. Senate,
Washington, D.C.

Dear Senator Helms: Based on recent discussions with you pertaining to possibilities for reducing lands required for the Falls Dam and Reservoir project and in accordance with your views expressed at those times, I am advising the Corps to proceed with land acquisition and other work at the project with a view towards acquiring, as a first order of priority, the lands on the Beaverdam Creek arm. These lands would be utilized by the City of Raleigh to construct a temporary water supply facility to meet their urgent short term water supply needs.

You also indicated your intent to introduce legislation which would preclude acquisition of those lands exclusively set aside for recreation and fish and wildlife enhancement. In accordance with that proposal, no lands will be acquired in areas devoted exclusively for those purposes until after this matter has been considered by the Congress in connection with the proposed Omnibus legislation for 1973. In accordance with your request, there is inclosed a draft of legislation which would effect the reduction you seek. Specifically, the draft would modify the Corps of Engineers project for the Falls Dam and Reservoir, Neuse River, North Carolina, to restrict the Corps from acquiring any interest in land to be devoted exclusively to recreational development and fish and wildlife enhancement, and to minimize the effect that enactment of this restriction might otherwise have on orderly planning and construction of this project.

Please understand that the draft of legislation which is inclosed is furnished as a drafting service only, and does not represent the official position of this Department. Under established policies, views of the Department of the Army on proposed legislation are furnished only in response to a request from the Committee to which the legislation has been referred for consideration and after coordination with the Office of Management and Budget.

Sincerely,

HOWARD H. CALLAWAY.

S. 2668

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, (a) That the project for the Falls Dam and Reservoir, Neuse River, North Carolina, authorized by the Flood Control Act of 1965 (79 Stat. 1073), is hereby modified to provide that the Secretary of the Army, acting through the Chief of Engineers, shall not acquire any Federal interest in land to be devoted exclusively to recreational development and fish and wildlife enhancement at the project: *Provided,* That nothing contained herein shall preclude the Secretary from acquiring interests in land determined by the Chief of Engineers to be necessary for the Falls Reservoir project and to be used jointly for authorized project purposes, including recreational development and fish and wildlife enhancement and from acquiring necessary lands for access to the recreational development.

(b) The Secretary is authorized to renegotiate and amend or modify any existing agreements between non-Federal interests and the United States concerning cost sharing and other items of cooperation for recreational development, municipal and industrial water supply storage, and other authorized purposes of the Falls Reservoir project to accomplish any changes in such agreements which are necessitated by the provisions of this Act. Advanced engineering and design, land acquisition, and construction may be implemented concurrently with the renegotiations authorized in this subsection.

(c) The discount rate used or to be used in the computation of benefits and costs for the Falls Reservoir project under existing law and policy and applicable to the project prior to the enactment of this Act, shall not be affected by the enactment of this Act or changed as a result of the enactment of this Act.

By Mr. TUNNEY:

S. 2669. A bill to authorize the Secretary of the Navy to conduct programs of exploration for oil and gas on Naval Petroleum Reserve No. 4, in the State of Alaska, and Naval Petroleum Reserve No. 1 (Elk Hill, Calif.). Referred to the Committee on Armed Services.

Mr. TUNNEY. Mr. President, today, in an effort to rseolve some of the short- and long-term elements of the energy crisis, I am introducing legislation to authorize the Secretary of the Navy to conduct a program of exploration for oil and gas on Naval Petroleum Reserve No. 4, in the State of Alaska, and Naval Petroleum Reserve No. 1, in Elk Hills, Calif.

Comprehensive exploration programs such as these are of vital importance in developing a national energy policy. We must know what, where and how much we have in order to define a substantial foundation toward a policy of self-sufficiency. Estimated reserves in petroleum reserve No. 4 range from 10 to 33 billion barrels of sweet crude. Based on recent discoveries at Prudhoe Bay, the latter estimate probably reflects more accurately its true potential, which would be three times greater than North Slope reserve. The projected potential for Elk Hills exceeds the 2 billion barrel mark making it the largest reserve in California.

The bill I am introducing today would authorize expenditures of $150 million for a period of not more than 10 years for petroleum reserve No. 4 and $25 million for a period of not more than 5 years for Elk Hills. An exploration program of this nature involves geophysical and geological testing and exploratory drilling.

Included in this bill is a measure requiring the Secretary of the Navy to submit to Congress annual reports regarding progress, results, and findings, of the exploration programs authorized by this act. The Secretary of the Navy would be required to include in these reports, his views and recommendations with respect to the best means of transporting such oil and gas consistent with environmental protection.

Urgently needed is feasibility study to determine the practicality of constructing supplementary and/or parallel pipeline to the proposed trans-Alaskan pipeline. This study would be conducted in direct cooperation with the appropriate executive agencies: the environmental protection agency, for example.

For instance running a pipeline in the same corridor as the trans-Alaskan pipeline would eliminate any chance of increased environmental damage. Costs could be substantially reduced by running two lines within the same corridor at the same time.

Development must be preceded by extensive and comprehensive exploration. Hopefully, these measures will be the groundwork for both our short and long term goals.

Mr. President, I ask unanimous consent that the legislation be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2669

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Navy is authorized and directed, during the ten year period following the date of the enactment of this Act, to conduct a program of exploration for oil and gas on Naval Petroleum Reserve Numbered 4, in the State of Alaska, in order to determine the oil and gas resources therein which might be producible to assist in meeting the energy needs of the United States, including the development of additional geophysical and geological data, and the drilling of deep test wells.

(b) The Secretary of the Navy is authorized and directed, during the five year period following the date of the enactment of this Act, to conduct a program of exploration for oil and gas on Naval Petroleum Reserve Numbered 1 (Elk Hill, California), in order to determine the oil and gas resources therein which might be producible to assist in meeting the energy needs of the United States, including the development of additional geophysical and geological data, and the drilling of deep test wells.

(c) Prior to any final selection of testing sites under any such program, the Secretary of the Navy shall study and evaluate fully the potential effect of such program on the total environment. In establishing such programs, the Secretary of the Navy shall establish procedures sufficient to assure that, if environmentally unacceptable conditions develop during any stage of the exploratory project, operations under such program shall be immediately halted and shall not thereafter again commence unless the Secretary of the Navy has first determined that adequate corrective measures have been taken.

(d)(1) The Secretary of the Navy shall make annual reports to the Congress regarding the progress, results, and findings of the exploration programs authorized by this Act, including any recommendations with respect thereto.

(2) On or before the expiration of the ten year period following the date of the enactment of this Act, the Secretary of the Navy shall submit a comprehensive final report to the Congress containing the findings and results of the exploration program carried out pursuant to subsection (a) of this section. With respect to the program carried out pursuant to subsection (b) of this section, the Secretary of the Navy, on or before the expiration of the five-year period following such date of enactment, shall submit a comprehensive final report to the Congress containing the findings and results of the exploration program carried out thereunder. Such reports shall contain the recommendations of the Secretary of the Navy, including his views and recommendations with respect to the best means of transporting such oil and gas consistent with the protection of the environment.

SEC. 2. Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized to furnish the Secretary of the Navy such data, reports, information, and other resources as he may deem necessary to carry out his functions under this Act.

SEC. 3. The Secretary of the Navy is authorized to enter into such contracts or other agreements as he may determine necessary to carry out his functions under this Act.

SEC. 4. For the purpose of carrying out the provisions of subsection (a) of the first section of this Act, there are authorized to be appropriated such sums, not to exceed $150,000,000, as may be necessary. For the purpose of carrying out the provisions of subsection (b) of the first section of this Act, there are authorized to be appropriated such sums, not to exceed $25,000,000, as may be necessary.

By Mr. HOLLINGS:

S. 2671. A bill to require that non-trust fund expenditures not exceed non-trust fund revenues for any fiscal year, and to establish a procedure for the Senate Committee on Appropriations to fix ceilings on the total amount of new budget authority to be provided for each fiscal year in bills reported by it, and to establish the calendar year as the fiscal year. Referred to the Committee on Government Operations.

FISCAL RESPONSIBILITY ACT OF 1973

Mr. HOLLINGS. Mr. President, I am today introducing for the consideration of the Senate the Fiscal Responsibility Act of 1973. The importance of this measure is that it goes to the heart of our present economic difficulties.

The simple and inescapable fact is that unbalanced Federal spending is the biggest contributor to the inflation which infects our economy like a cancer. The hundreds of billions of dollars which flow so freely from the Nation's capital inevitably have a direct and immediate effect on the price stability of the Nation. The Federal budget approaches 25 percent of the Nation's Gross National Product. In a trillion dollar-plus economy, that level of spending is nothing short of staggering.

What it adds up to is a share of the national debt for every man, woman, and child in the United States of nearly $2,600. And to service that debt, the American taxpayer is paying out in excess of $20 billion a year in interest alone.

With this kind of irresponsibility, is it any wonder that the Consumer Price Index soars higher and higher? Is it any wonder that in the past 5 years, that index has shot up from a base of 100 to over 125? Is it any wonder, in short, that the American consumer is trapped in a vicious spiral of rising prices?

Yet we continue right on down the same road. In the past 4 years alone, we have increased the national debt by over $100 billion. In doing so, we have further stoked the fires of inflation. More importantly, we have further burdened the American people in an unconscionable manner.

Mr. President, it is time for us to take some strong medicine. It is time for some self-discipline—some prudent judgment—some good old-fashioned commonsense.

It is time to balance the Federal budget. Not as a matter of temporary policy—but of permanent law. Not as a means of getting us out of one rough spot—but as a means of avoiding such financial debacles in the future.

It is therefore the intent of the legislation I am introducing today to require the President to submit—and the Congress to enact—a budget in which non-trust-fund expenditures do not exceed non-trust-fund receipts.

The only exception to this legislatively-imposed discipline would be the outbreak of war or the occurring of a grave national emergency requiring an immediate and massive response for the sake of the country's survival. In such a contingency, the limitations imposed by this measure would be suspended until such time as the emergency had passed.

My bill would also affect the way this Chamber goes about the process of appropriating Federal moneys.

It would alter the rules of the Senate in such a way that coordination would replace chaos. The various committees would know at the outset the general level of that part of the budget with which they are concerned. They would have a picture of how their work fitted into the larger scheme of things, and they would know the limitations and discipline under which they would have to operate. They would be able, in short, to plan rationally and intelligently for the expenditure of the public moneys.

My plan would work as follows: As soon as possible after the President transmits the budget to the Congress, the chairman of each subcommittee of the Senate Committee on Appropriations would—after the appropriate processes of consultation within his subcommittee—report to the chairman of the full committee the total amount of new budget authority which he anticipates will be provided in the regular appropriation bill to be reported by his subcommittee for that fiscal year.

After receiving the reports of each of the subcommittee chairmen, the chairman of the full committee would inform the Senate of the amount of new budget authority reported to him by the subcommittee chairmen. This would be the total figure and it would represent the committee ceiling. If the amount of any new budget authority provided in any appropriation bill reported to the Senate exceeds the subcommittee ceiling for such bill, the chairman of the Appropriations Committee would convene a meeting of the chairmen of the subcommittees. At that meeting, the ceiling for appropriations bill not yet reported to the Senate would be reduced by such amount as may be necessary so that appropriations do not exceed the committee ceiling.

The last segment of the measure would provide a reform which we have spent too much time talking about. It is time to act so that the fiscal year begins in January, just as the calendar year does. This would provide the Congress with crucial extra time in which to go about the business of appropriations.

It would effectively end the spectacle of haste and hurry that we observe each year once the budget is presented in spring and we are given only a few short months to carry through the entire financial business of the country.

Mr. President, no business is more important than the business of the budget. Unless we equip ourselves with the best and most up-to-date tools to work with, we are cheating the country and defrauding the taxpayer. The way the Congress in past years has dealt with the situation leaves much to be desired. The reforms we have practiced this year demonstrate how much more effectively things can be made to work, and now is the time to legislate these and other reforms so that they become the established way of doing business.

We must face the facts and realize the impact of the mammoth Federal budget. Those $285 billion hit the economy like a cannonball. They send shock waves into the homes and pocketbooks of every American. They decide the value of the consumer dollar. They decide the burden of each year's taxes. They affect every facet of our national and international life, from a family's budget to the Nation's balance of payments. Indeed, they affect the very confidence of the people, their sense of hope for the future, their sense of being able to master their own destiny.

We do not need any esoteric or obscure theory to get us past the hurdles. We are not forced to await the writings of some new economic savior. What we require is a return to the principles of prudence and thrift which originally took America to its greatness. I am talking about self-discipline—the willingness to live within our means. If we fail, we condemn ourselves, and certainly our children, to a world of economic chaos that will make anything else in our history look pale by comparison.

Mr. President, I introduce this legislation with the hope that Congress will see the need for prompt enactment. This is no time for delay. We cannot proceed much further down this road of economic irresponsibility without visiting untold harm upon our Nation. In this spirit, I respectfully request my colleagues to study the matter and to take resolute action by passing the Fiscal Responsibility Act of 1973.

By Mr. CHILES:

S. 2672. A bill to create a Marine Resources Conservation and Development Fund; to provide for the distribution of revenues from outer Continental Shelf lands; and for other purposes. Referred to the Committee on Interior and Insular Affairs.

MARINE RESOURCES CONSERVATION AND DEVELOPMENT ACT

Mr. CHILES. Mr. President, I am introducing today the Marine Resources Conservation and Development Act.

All of our States share responsibility for the energy crisis. All of our States share responsibility to help alleviate it by energy conservation and the orderly development of new energy sources.

However, the demands caused by the present energy crisis are a particular burden on coastal States in the Atlantic and Pacific Oceans and the Gulf of Mexico. These States are now faced with tremendous pressure from many diverse directions to begin rapidly oil exploration in our two oceans and the gulf.

Aside from pressures to extract oil from under our waters to help alleviate any shortage and to ease our dependence on foreign imports, there are others being brought to bear. One of the strongest of these pressures is the fact that the Federal Government, through the Office of Management and Budget, stands to realize billions of dollars in bonuses, royalties, rents and other receipts from sale of drilling tracts to oil companies.

In fact, I call these revenues "free money" because no new tax increase is required to get them, because no present programs have to be cut to get them. It is simply "free money" to be put in the miscellaneous receipt column at OMB.

This legislation recognizes the need to develop a crash program of research and technological development to replace our dependence on fossil fuels. Our times de-

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mand that we go after the development of this technology with the same intensity and drive as in our program to put a man on the Moon, and this bill would channel a major portion of the bonus money into this use.

I know in the State of Florida there is real concern about the over-consumption and the dwindling supply of energy sources. However, there is another equally important concern—the disproportionate environmental risks Florida and other coastal States take when there are proposed lease sales for offshore oil drilling.

Our coastal States would have to chance the danger of severe, and perhaps permanent, damage to our States' waters, coastlines, beaches and marine life in the event of oil spills, tanker and pipeline spillage and other environmental problems caused by the new refining capacity.

Because the economy of Florida is greatly dependent on tourism and because our greatest assets are our beautiful beaches and coastal waters, there is naturally great concern on the part of Floridians on the dangers we face from offshore oil drilling and resultant operations.

In the panhandle of my State there is great concern that the proposed oil leases will conflict with the defense missions of four major installations which are the largest payroll in west Florida.

These pressures—the need for energy versus adequate protection of the environment and economy—should be weighed in an unbiased tribunal free from any prejudice or predilection in an attempt to make the fairest decision. Today that is not true.

So in this legislation, I attempt to remove the joker from the deck and allow the Government to weigh all factors involved in offshore drilling without the temptation to push for unwise drilling without proper safeguards or study because of the lure of "free money."

These concerns have led me to introduce the Marine Resources Conservation and Development Act. The purpose of this legislation is twofold.

First, if we are going to take our energy sources from our marine environment, the financial rewards to the Government should be directed toward marine resources conservation and toward the search for new sources of energy.

These programs should include freshwater and saltwater aquaculture; prevention of beach and shoreline erosion; protection from hurricane, flood, and other natural disaster damages; aid to sea-grant colleges; freshwater and saltwater fisheries development; development and maintenance of waterfront recreation facilities; and oceanographic research and development.

The fund established under this legislation would mandate the Secretary of Interior to carry out these objectives. I am proposing that 70 percent of the oil revenues due the Government be paid into this fund.

Second, this legislation will permit the adjoining coastal States, who bear such disproportionate risks, to share in revenues generated by the drilling. Equally important, these affected States would be mandated to use the revenues for conservation purposes, including the prevention and abatement of marine and freshwater pollution in coastal areas.

At the same time, my bill protects existing revenue guarantees now present for the land and water conservation fund.

Considering the possible environmental hazards, I strongly feel that not only should the proceeds from drilling be shared with the coastal States, but that the money should be channeled into marine conservation and into an all-out effort to find alternative energy sources.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTION

S. 522

At the request of Mr. Moss, the Senator from Alaska (Mr. Gravel) was added as a cosponsor of S. 522, to provide protection for the fish resources of the United States including the freshwater and marine fish cultural industries against the introduction and dissemination of diseases of fish and shellfish, and for other purposes.

S. 796

At the request of Mr. Pell, the Senator from Pennsylvania (Mr. Hugh Scott) was added as a cosponsor of S. 796, a bill to improve museum services.

S. 1260

At the request of Mr. Pell, the Senator from Wisconsin (Mr. Nelson) was added as a cosponsor of S. 1260, to provide that daylight saving time shall be observed on a year-round basis.

S. 1688

At the request of Mr. Ervin, the Senator from Massachusetts (Mr. Kennedy) was added as cosponsor of S. 1688, a bill to protect the civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy.

S. 2052

At the request of Mr. Church, the Senator from West Virginia (Mr. Randolph) was added as a cosponsor of S. 2052, a bill to amend the Public Health Service Act to provide for training programs which will train nurse practitioners to serve as physicians' assistants in extended care facilities.

S. 2327

At the request of Mr. Church, the Senator from Utah (Mr. Bennett), the Senator from Nevada (Mr. Bible), the Senator from South Carolina (Mr. Hollings), the Senator from Minnesota (Mr. Humphrey), the Senator from Hawaii (Mr. Inouye), the Senator from Maryland (Mr. Mathias), the Senator from Minnesota (Mr. Mondale), the Senator from Ohio (Mr. Taft), and the Senator from North Dakota (Mr. Young) were added as cosponsors of S. 2327, a bill to impose a Federal penalty for the robbery or attempted robbery of narcotics from a pharmacy.

S. 2505

At the request of Mr. Metcalf, the Senator from Minnesota (Mr. Humphrey) and the Senator from Utah (Mr. Moss) were added as cosponsors of S. 2505, a bill to provide for additional Federal financial participation in expenses incurred in providing benefits to Indians, Aleuts, native Hawaiians and other aboriginal persons, under certain State public assistance programs established pursuant to the Social Security Act.

S. 2528

At the request of Mr. Mondale, the Senator from Rhode Island (Mr. Pell) was added as a cosponsor of S. 2528, the Social Services Amendments of 1973.

S. 2578

At the request of Mr. McGovern, the Senator from New Hampshire (Mr. McIntyre) and the Senator from South Dakota (Mr. Abourezk) were added as cosponsors of S. 2578, a bill to strengthen the regulation of commodity exchanges.

S. 2581

At the request of Mr. Randolph, the Senator from Wyoming (Mr. Hansen), the Senator from New Mexico (Mr. Domenici), the Senator from New Hampshire (Mr. McIntyre), the Senator from Wisconsin (Mr. Nelson), the Sentor from Montana (Mr. Metcalf), and the Senator from North Dakota (Mr. Burdick) were added as cosponsors of S. 2581, a bill to amend the Randolph-Sheppard Act for the Blind to provide for a strengthening of the program authorized thereunder, and for other purposes.

S. 2589

At the request of Mr. Jackson, the Senator from Arkansas (Mr. McClellan), the Senator from Illinois (Mr. Stevenson), the Senator from Nevada (Mr. Cannon), the Senator from Utah (Mr. Moss), the Senator from Minnesota (Mr. Humphrey), and the Senator from Florida (Mr. Gurney) were added as cosponsors of S. 2589, the National Emergency Petroleum Act.

S. 2599

At the request of Mr. Hatfield, the Senator from Colorado (Mr. Dominick) was added as a cosponsor of S. 2599, to repeal the Economic Stabilization Act.

S. 2617

At the request of Mr. Hatfield, the Senator from Montana (Mr. Mansfield) and the Senator from South Dakota (Mr. Abourezk) were added as cosponsors of S. 2617, a bill to prohibit United States combat forces in the Middle East.

S. 2641

At the request of Mr. Ervin, the Senator from Utah (Mr. Moss), the Senator from Texas (Mr. Bentsen), the Senator from Alabama (Mr. Sparkman), the Senator from New Jersey (Mr. Williams), and the Senator from Indiana (Mr. Hartke) were added as cosponsors of S. 2641, a bill to confer jurisdiction upon the district courts of the United States over certain civil actions brought by the Congress, and for other purposes.

SENATE JOINT RESOLUTION 166

At the request of Mr. Stafford (for Mr. Griffin), the Senator from Hawaii (Mr. Inouye) was added as a cosponsor of Senate Joint Resolution 166, proposing an amendment to the Constitution of the United States relating to the selection of the Vice President of the United States.

SENATE CONCURRENT RESOLUTION 57—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO HOUSING ASSISTANCE AND COMMUNITY DEVELOPMENT PROGRAMS

(Referred to the Committee on Banking, Housing and Urban Affairs.)

Mr. BROOKE (for himself, Mr. Brock, Mr. McIntyre, Mr. Packwood, Mr. Stevenson, Mr. Weicker, Mr. Case, Mr. Gravel, Mr. Percy, Mr. Kennedy, Mr. Stevens, Mr. Young, Mr. Montoya, and Mr. Mathias) submitted the following concurrent resolution:

S. Con. Res. 57

Whereas the Congress has found and declared that the general welfare and security of the nation require the realization as soon as feasible of the goal of a decent home and suitable living environment for every American family;

Whereas the Congress has authorized and appropriated funds for housing, housing assistance, and community development programs to promote the attainment of the national goal;

Whereas proposals for new and experimental housing and community development programs have been submitted to the Congress by the President and others, and the Congress is at the present time reviewing these proposals;

Whereas the need to continue housing, housing assistance, and community development programs authorized by the Congress will not abate during consideration of new legislative proposals; and

Whereas the Congress has not suspended or terminated any of the housing, housing assistance, or community development programs which were authorized as of December 31, 1972: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that funds authorized and appropriated for the purpose of carrying out the housing, housing assistance, and community development programs administered by the Secretary of Housing and Urban Development and the housing and housing assistance programs administered by the Secretary of Agriculture should be obligated or expended (to the extent current appropriations or other obligational authority permit) at rates which are not less than the rates at which funds were obligated or expended for such programs during calendar year 1972, until such time as these programs are terminated by the Congress or new housing and community development programs are enacted by the Congress.

Sec. 2. The Secretary of the Senate shall transmit a copy of this resolution to the Secretary of Housing and Urban Development and a copy to the Secretary of Agriculture.

Mr. BROOKE. Mr. President, for the past 10 months our housing and community development programs have been in limbo. New commitments for housing assistance to low- and moderate-income families were suspended in January, and in September it was announced that processing would be resumed on a limited basis only. New grants to cities and towns for urban renewal, water and sewer, and other community development activities have also been suspended.

From March to September the Department of Housing and Urban Development conducted a comprehensive review of our housing programs, and in early October the President sent us a bill containing his housing proposals. The President proposed some new, experimental housing programs. I believe some of his proposals have merit; others need further explanation, and the Housing Subcommittee staff is reviewing these points with the Department of Housing and Urban Development.

The Committee on Banking, Housing and Urban Affairs has been working hard to prepare a housing bill. However, there is a possibility that a bill will not be reported to the floor during this session of Congress. Also, we are informed that the House is not likely to act on housing legislation before next spring.

Meanwhile, the need for housing and community development is growing. Housing starts in September fell to an annual rate of 1.7 million, a 3-year low. Many cities are faced with the necessity of laying off their community development staffs for lack of funds.

While Congress has appropriated funds to continue housing, housing assistance, and community development programs, spending on these programs has been cut back at a time when this scarcely can be afforded. Even before these cuts, we were moving too slowly toward our 24-year old goal of a decent home and suitable living environment for every American family.

The Congress cannot administer housing and community development programs; that is left to the President and the agency heads. We can, however, make clear to the President and the country that it is the intent of Congress that these programs continue until they are terminated or replaced by the Congress.

Therefore, I am introducing for myself and 13 other Senators a concurrent resolution expressing the sense of the Congress that housing, housing assistance and community development programs be carried out at levels at least equal to the levels prevailing in calendar year 1972 until such time as funds appropriated for these programs are exhausted or Congress enacts legislation terminating or replacing them.

SENATE RESOLUTION 198—SUBMISSION OF A RESOLUTION RELATING TO THE U.S. SENATE YOUTH PROGRAM

SUPPORTIVE SERVICES FOR THE U.S. SENATE YOUTH PROGRAM

(Referred to the Committee on Armed Services.)

Mr. HUMPHREY. Mr. President, I am introducing today a Senate resolution calling upon the Secretary of Defense to continue to provide certain supportive services to the U.S. Senate youth program, without additional expense to the Federal Government, during a 1 week period in the annual operation of this program in Washington, D.C.

Mr. President, the substance of this resolution was originally introduced as an amendment to the military procurement authorization bill, H.R. 9286, and it was accepted by the members of the Senate Committee on Armed Services managing the bill on the Senate floor—specifically, Senator Tower and Senator Thurmond—and was agreed to by the Senate. Regretfully, the amendment was not retained in the Conference Report on this bill.

Therefore, because of the importance of this matter in assuring the effective operation of the U.S. Senate youth program in Washington, D.C., in February 1974 and thereafter, I am requesting that the Senate take action on this resolution at the earliest possible convenience.

The Senate youth program, operated under the auspices of the William Randolph Hearst Foundation over the past 11 years, will provide an outstanding week-long educational experience for 102 high school delegates, from every State in the Nation, early next year, as well as a $1,000 college scholarship to each participant. These delegates are selected by the chief State school officer from nominations of youth holding student body elective office, which are submitted by the offices of high school principals across each State.

Throughout the operation of this program, the Department of Defense has traditionally been requested to designate personnel as escort officers for these young people, and to provide for a departmental briefing as well as separate meetings with departmental officials. In addition, the Department has been asked to arrange for program presentations by the several musical organizations of the armed services, and for ceremonies for the presentation and retirement of the colors.

The Department, through the Office of the Assistant Secretary of Defense for Public Affairs, has cooperated fully in meeting these requests, recognizing the status of this program as approved and supported by the Senate, as well as the importance of enabling youth to gain further insights into our national security policies.

However, increasing demands have been made on the Department of Defense in recent years in meeting requests by other groups for similar services. Such requests are entirely appropriate, but it is now necessary and advisable to provide the Department with explicit authorization to meet such requests for the U.S. Senate youth program.

I believe the continued provision of these services is of great importance in maintaining the high standards of the Senate youth program for the safety and conduct of high school delegates and in enabling young people to have a deep appreciation for our national traditions.

Mr. President, I ask unanimous consent that the text of the Senate resolution be printed at this point in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

S. Res. 198

Resolved, That in accordance with the provisions of Senate Resolution 324 (87th Congress, 2nd Session), expressing the willingness of the Senate to cooperate in a nationwide competitive high school Senate youth program and directing the Senate Committee on Rules and Administration to make the necessary arrangements to establish the program, the Senate hereby calls upon the Sec-

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retary of Defense to continue to provide such escort, briefing, musical organization and color guard, and other supportive services and courtesies as may be requested and appropriate, and without additional expense to the Federal Government, during a one week period in the annual operation of this program in Washington, D.C.

FOREST AND RANGELAND ENVIRONMENTAL MANAGEMENT ACT OF 1973—AMENDMENT

AMENDMENT NO. 841

(Ordered to be printed and referred to the Committee on Agriculture and Forestry.)

Mr. HUMPHREY (for himself, Mr. AIKEN, Mr. ALLEN, Mr. ABOUREZK, Mr. CLARK, Mr. DOMENICI, Mr. EASTLAND, Mr. GRAVEL, Mr. HATFIELD, Mr. HOLLINGS, Mr. JACKSON, Mr. HUDDLESTON, Mr. MAGNUSON, Mr. MANSFIELD, Mr. MCGEE, Mr. MCGOVERN, Mr. MCINTYRE, Mr. METCALF, Mr. MONDALE, Mr. MOSS, Mr. NELSON, Mr. PACKWOOD, Mr. STENNIS, Mr. STEVENSON, and Mr. TALMADGE) submitted an amendment intended to be proposed by them jointly to the bill (S. 2296) to provide for the protection, development, and enhancement of the National Forest System, its lands, and resources; and for other purposes.

Mr. HUMPHREY. Mr. President, I am submitting an amendment in the nature of a substitute to S. 2296, a bill to provide for the protection and enhancement of the National Forest System, its lands and resources; and for other purposes.

When I first introduced this legislation on July 31, 1973, I indicated that I did not consider the original draft proposal as an end-all for providing our forest, rangeland, and renewable resource needs. At that time, I asked all of those who are concerned with these matters to counsel with me and my staff to seek the best possible bill.

We have moved forward to a point where that goal has been, I believe, substantially accomplished. The language in this substitute, which I offer today, is the result of a considerable amount of constructive work by representatives of conservation organizations, industry, county governments, and the staff of the Senate Committee on Agriculture and Forestry to reconcile differences and develop the kind of legislation that we must have to provide for balanced and orderly management of our forest lands.

I cannot tell you, Mr. President, how gratifying it was to me to see these busy people with divergent interests sitting around a table working out these problems together in a spirit of cooperation. In many respects the substitute which I offer today is a tribute to their efforts.

The need for this legislation has become increasingly obvious, as the April 1973 Report of the President's Advisory Panel on Timber and the Environment, and the Forest Service report on the outlook for timber in the United States have made evident. They typify the polarization that produces a dangerous shoot first—aim later approach.

Both of these documents have proved to be highly controversial. It would be a serious error if we were to dismiss either of these reports out of hand or to endorse them in their entirety.

At this point, I ask unanimous consent that the major recommendations of the President's Advisory Panel on Timber and the Enivronment be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

PART 1(A): MAJOR RECOMMENDATIONS [1]

The Advisory Panel on Timber and the Environment recommends to the President that:

1. The President issue a statement or proclamation to the Nation, emphasizing the unique renewability of the timber resource, and the opportunities to improve substantially the productivity and the value of the Nation's forest resources to meet the multiple demands now being made and likely to be made in the future on these forests; and emphasizing that forest resources are to be cherished, nurtured, and used.

2. The President require the Federal agencies concerned with forests to prepare a comprehensive nationwide program of forest development and timber supply covering the periods 1973–85, 1986–2000, and 2001–20, which will convert into specific programmatic terms the general proposals of this report. Such comprehensive programs should include: Expansion of recreation and wilderness areas where appropriate; protection of water supplies; protection of fragile soils and erodable steep slopes by their withdrawal from timber harvest; protection of wildlife including rare and endangered species of plants, animals, and birds; improved utilization of wood fiber for all its varied uses; assistance to owners of private forest lands in the management of their forests for increased output; and harvesting of timber from the national forests on a schedule commensurate with their productive capacity and sufficient to make their proportionate contribution to national timber needs. This comprehensive program should be carefully monitored by the Forest Policy Board, proposed later.

3. The Federal land-administering agencies and the Congress accelerate their efforts to complete the National Wilderness Preservation System as rapidly as possible. The Federal land-managing agencies and the Congress should develop a system of quasi-wilderness areas in the Eastern United States, in which low-intensity outdoor recreation will be possible under natural forest conditions.

4. The commercial forest lands not withdrawn for wilderness or other specific uses should be designated for commercial timber production and other compatible uses and be managed in accordance with appropriate national policies.

5. The Federal agencies continue to reserve from timber cutting all lands under their jurisdictions where sites cannot now be logged without causing unacceptable environmental damage; such reservation to continue unles the means of timber management and harvest have improved so that such lands can be safely harvested.

6. The Forest Service, the Bureau of Land Management, and all other pertinent Federal agencies, improve the environment on forest lands under their jurisdictions by establishing road building standards and logging practices that minimize site disturbances, while at the same time retaining all proven and efficient methods of timber harvest, including clearcutting, under appropriate conditions. These agencies should skillfully apply the best silvicultural and conservation measures in forest management, particularly in timber harvest and forest regeneration. The need to economically and intensively manage the new forest crop as well as manage the existing timber crop, shall receive due consideration.

7. In order to help dampen short-term fluctuations in softwood lumber and plywood supply, interested public agencies and private industry representatives should make periodic (perhaps monthly) reviews or analyses of the prospective demand and supply situation for the various wood products in order to discover possible imbalances and warn against them. Such reviews would be similar to those now made in the Department of Agriculture, for agricultural commodities, but should involve both suppliers and users of wood products to a major degree for the knowledge such groups can contribute and also as a means of making the projections more widely known and more effectively used.

8. The annual harvest on lands available for commercial timber production on western national forests can be increased substantially. Analyses based upon nationwide forest inventory data indicate possibilities for increasing the old growth cutting rate in the range of 50 to 100 percent. The Panel's consultant believes that on four forests analyzed in his report, the annual harvest rate should average 39 percent more, than is now proposed in recently prepared Forest Service plans. The Panel recommends that the Forest Service promptly review and revise policies for allowable cut determinations including rotation period determination, stocking objectives, and old growth management policies for the western national forests. The precise revised level of harvest must be worked out for appropriate geographical areas and must consider, for each area, condition of existing timber stands, road accessibility, market demands impact on non-Federal forests, and future timber supplies and do so within the limits of sustained yield. The Panel recognizes that an accelerated harvest of old growth timber in national forest should be undertaken only provided that adequate provision is made for financing whatever intensified timber management is needed to support the new level of harvest. If harvest on national forests during the 1970's is accelerated, it will tend to reduce pressure for harvest of timber from private forests, thereby tending to increase their growth of timber in this and later decades.

9. The Forest Service carry out an accelerated program of timber growing, stressing immediate regeneration, on national forests, in accordance with the foregoing recommendations and with the funds proposed in later recommendations. The objective of this accelerated program is to increase the growth of wood on national forests for harvest in later decades.

10. The Federal Government maintain incentive programs to encourage private landowners to follow forest management programs which protect the environment and to increase future timber supplies from their forests. Such programs should maintain Federal income tax incentives; should include advice and services to forest owners and their associations; and should include cost-sharing for intensive forest management practices, including provision of seedlings. New programs should be developed on a trial basis by providing financial assistance to lessees of land whose forests are combined by lessors of appropriate types into efficient forest management units.

11. Government and industry should conduct and support research to promote technological innovation in forest management and in wood utilization and help develop less destructive logging equipment. Particular attention should be given to methods of timber harvest on fragile sites and to commercial thinnings.

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[1] Fuller statements of these recommendations and of reasons for them are found throughout the Panel report, as are other recommendations on a number of pertinent subjects.

12. The President require all the Federal agencies having responsibility for management of wilderness areas to develop, in cooperation with wilderness users, democratic and equitable systems of managing use of wilderness areas within their carrying capacities, considering the nature of the wilderness experience as well as the wilderness ecosystem.

13. The President require Federal land managing agencies, especially the Forest Service, to undertake management practices to direct and control all nontimber uses made of the lands; to recognize that the day of unlimited public use of Federal recreation areas is over, and that recreation and other nontimber uses will have to be controlled and managed just as management has been applied over many years to timber growing and harvest and to grazing use.

14. The President require the Federal agencies concerned with the administration of outdoor recreation on Federal lands to devise and apply systems of charges or fees for recreation activity which are administratively feasible, equitable to users, reflect the value of the recreation opportunity, and reflect the costs of providing the recreation area and its facilities.

15. The United States continue to import and export forest products of all kinds when it is in the best long-term interests of the Nation to do so; but that, until some of the recommendations herein for increasing timber supplies can be implemented, the executive branch negotiate with Japan to reduce the disruptive log buying activities in the Northwest.

16. The President consider, as one solution, the creation of a permanent national board or council on forest policy to report to the President or other appropriate offices in the White House, with a small group of citizen (no Federal employee) members appointed by the President. The council should examine all aspects of forest policy, on lands of all ownerships, and annually or more frequently recommend action to the President, the Congress and the Nation, as appropriate.

17. A better method of more adequate and more timely financing of forest management programs of all Federal forest lands is essential. Such a method must recognize the long-term nature of forestry and be based upon sound economic concepts of intensive forest management; programed expenditures and investments must be related to anticipated returns. It is recommended that the President direct the Office of Management and Budget, with solicited help of the General Accounting Office and independent consultants, to devise a management and financial plan that will best meet the special needs of good resource management and at the same time conform to the established requirements of good government.

18. An amendment to the fiscal year 1974 budget be processed to provide sufficient funds for the offering of the full allowable cut on every national forest where there is that volume of market demand.

19. The President propose an increased annual Federal expenditure for forest development of the general order of $200 million. This is desirable and necessary inasmuch as implementation of the preceding recommendations will, at best, take some time and the forestry programs, especially the accelerated harvest of mature timber from national forests, proposed by the Panel merit such critical support. The President should make it clear that this is an investment, not merely an outlay, which should return to the Treasury more than it costs; and he should find ways of establishing an investment account for public forestry programs.

20. Finally, the President provide a suitable forum or means of enlisting review and discussion of this report, especially the policy recommendations, by responsible and informed persons inside and outside of government. The Panel members are prepared to participate.

Mr. HUMPHREY. Mr. President, I do not subscribe to all of the recommendations set forth in this report, but the legislation which I introduce today is consistent with recommendation No. 2 which calls for a comprehensive nationwide program of forest development and timber supply.

This bill is much broader because all resources and uses are considered—not one—not a few, but all.

It is highly supportive of recommendation No. 9 which calls for an accelerated program of timber growing. Again this bill treats all resources—not one.

The Congress has seized upon the leadership provided by the Senator from Mississippi (Mr. STENNIS) and has enacted into law this year, a forestry incentives measure similar to recommendation No. 10.

And finally, this bill would accomplish in full the intention of recommendation No. 17, which calls for a better method of more adequate and more timely financing of forest management programs on all of our forest lands. This bill provides a vehicle, not just an exhortation.

At the same time, public use of our forests for recreation is increasing at a tremendous rate, and demands for still more wilderness are increasing.

Mr. President, the sap is coming to a boil on our forest lands. We are finding that our national needs for timber are exceeding what can be reasonably cut, and as a result, lumber prices are higher than they need to be. But the timber resource and wood use is not the sole problem.

Water quality, wildlife habitat—you name them, Mr. President—these are problems that need to be addressed and are in this legislation.

There are 187 million of acres in our national forests, and I believe that we can better meet all of the requirements demanded of them. In very large measure the controversies which have arisen in recent years over the use of the forests are the result of the fact that neither the Congress nor the Executive has provided the Forest Service with the resources to do the job that must be done.

In a way it is like the farmer who told his county agent that he would not go to a meeting on better agricultural practices, because, as the farmer said, "I ain't farming half as good as I know right now."

We have 5 million acres of our forests that must be reforested. There are another 13 million acres that need stand improvement. There is not a forester in this country who does not know that timber yields could be increased substantially on our National Forests through better management, and if this were done I believe that we could increase recreational and wilderness uses, while still increasing the amount of timber that can be harvested.

As an example I cite the general observations in the recently issued Forest Service "Outlook for Timber in the United States" and ask unanimous consent that the "highlights" of the report be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

HIGHLIGHTS

This study relates primarily to the long-run outlook for timber supplies and demands in the United States under changing economic and environmental conditions. Timber availability will have a direct bearing on the economic development of the Nation as well as availability of forest lands for nontimber and environmental purposes.

1. Demands for industrial timber products in the United States have been increasing steadily, with a 65-percent rise in use of these products during the past three decades.

Consumption of industrial wood products—such as lumber, woodpulp, plywood, etc. increased 65 percent between 1942 and 1972 to an annual total of 125 million tons. In this period consumption of industrial roundwood (that is, all roundwood products except fuelwood) required to produce these wood products increased about 56 percent to 13.7 billion cubic feet in 1972. The difference in these trends for roundwood and industrial wood products consumption reflected more complete use of the timber harvested, with a resulting reduction of unused wood residues.

In the 1942–72 period, lumber consumption rose 27 percent. Use of round pulpwood climbed 157 percent, and consumption of veneer and plywood over 438 percent. On the other hand, use of fuelwood and minor products such as poles and posts declined.

2. Further substantial increases in future demands for timber are expected.

Projections of potential future demands for timber vary widely with such factors as economic growth and relative prices of timber products. A "medium" production of possible future demand was based on the assumptions: (1) that the population of the United States will increase nearly 40 percent between 1970 and 2000 to 281 million people; (2) that real gross national product will grow at an average of 4.0 percent annually, or about 240 percent by 2000; and (3) that recent trends in technology and institutional factors will continue.

With prices of timber products relative to other materials at 1970 levels, this medium projection of U.S. demand for roundwood rises from a 1970 level of 12.7 billion cubic feet to nearly 23 billion cubic feet by the year 2000. Potential demand for softwoods rises from 9.7 billion cubic feet in 1970 to 15.8 billion cubic feet by 2000. Demand for hardwoods is projected to rise from 3.0 billion cubic feet in 1970 to 7.0 billion cubic feet in 2000.

With higher relative prices of timber products in the future which timber demand-supply comparisons indicate can be expected—projected demands for roundwood are correspondingly lower. Thus, with rising relative prices of 1.5 percent per year above the 1970 trend level of lumber and somewhat smaller price increases for plywood, woodpulp, and other items, projected total timber demand by the year 2000 approximates 19 billion cubic feet. This latter projection includes increases in demand of 5 percent for saw logs between 1970 and 2000, 58 percent for veneer logs, and 130 percent for round pulpwood.

In terms of softwood sawtimber—of primary importance for lumber and plywood used in housing and many other markets—projected demand at 1970 prices rises from 47.6 billion board feet in 1970 to 73 billion board feet by 2000. With the specified rising prices, however, projected demand reached 55 billion board feet in 2000—a rise of 16 percent.

Projected demand for hardwood sawtimber

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with rising prices increases from 12.3 billion board feet in 1970 to 19 billion board feet in 2000—a rise of 55 percent.

3. Timber growth in the United States has been increasing as a result of recent forestry programs.

The condition of timberlands in the United States has improved materially in recent decades, primarily because of expanding fire protection and some increase in tree planting and other forestry activities. As a result, net growth of both softwoods and hardwoods increased about one-third between 1952 and 1970 to a total of 10.7 billion cubic feet of softwoods and 7.9 billion cubic feet of hardwoods.

Roughly 60 percent of this total net growth of softwoods in 1970, or about 40 billion board feet, consisted of softwood sawtimber suitable for lumber and plywood. Hardwood sawtimber growth totaled 20 billion board feet in 1970.

Removals of softwood sawtimber as a result of timber harvesting and other factors exceeded net growth in 1970 by 18 percent. In the East removals were less than net growth but this was more than offset by an excess of removals over net growth in the West. Removals of hardwood sawtimber in 1970, on the other hand, were 24 percent less than net growth.

4. Projected supplies of softwood sawtimber products potentially available from U.S. forests show limited increases with 1970 levels of management.

Potential supplies of softwood timber from the Nation's forests—assuming 1970 levels of management, timber cutting practices and policies similar to those in recent years and only minor reductions in areas of commercial timberland—are estimated to increase about 31 percent by 2000, from 8.8 billion cubic feet in 1970 to about 11.5 billion cubic feet. This is a technical potential which may not be fully realized, however, because of factors of operability and owners' willingness to sell timber.

Thus in the case of softwood sawtimber—of particular importance for lumber, plywood and various other products—projections of economically available future supplies show limited changes from the 1970 level of output. Assuming relative prices of timber products remained at 1970 levels, for example, estimates of economically available supplies of softwood sawtimber are only slightly above the actual harvest of about 46.9 billion board feet in 1970. With increased prices of softwood lumber and plywood averaging 50 percent above 1970, projected supplies increase to over 53 billion board feet over the next decade, but then decline below the 1970 level.

5. Supplies of hardwood timber are increasing although industrial use is limited by problems of quality and availability.

The outlook for hardwoods is somewhat mixed in spite of the fact that removals of all sizes and species of hardwood timber in 1970 was some 25 percent less than total net growth.

Projections of available supplies of hardwood sawtimber over the next few decades—assuming 1970 levels of forest management and specified cutting rates—increase 66-percent, from an actual harvest of 12.3 billion board feet by 2000. This approximates the projection of demand associated with 1970 prices.

Projected supplies of hardwood products, in cubic feet, under these same assumptions materially exceed potential demands at 1970 prices.

While these projections imply little or no increase in hardwood prices, there are practical limitations on amounts of timber available for sale and industrial use at any given time. To many owners of hardwood timberland use of the forest for recreation or other nontimber objectives is of primary importance. Problems of quality also are of special significance. Much of the growth and available supply of hardwoods are in small tree sizes or species for which markets are limited; whereas the larger sizes of preferred species are in short supply in most areas. Other factors that could produce a tighter supply situation and higher prices include possible substitution of hardwoods for softwoods in production of woodpulp and certain other timber items.

6. The outlook for timber supplies differs widely by ownerships and by regions.

Nationwide, private holdings account for the major part of the commercial timberlands, including 14 percent in forest industry and 59 percent in farm and miscellaneous private holdings. National Forests include about 18 percent of the total commercial timberlands and other public holdings 9 percent.

Timber harvests in 1970 reflected this pattern of ownership, with 48 percent of the 12.2 billion cubic feet of total roundwood harvested from U.S. forests coming from farm and miscellaneous private holdings. Forests industry lands supplied 28 percent of the total, National Forests 17 percent, and other public lands 7 percent. In the projections of supply the major changes in these proportions include a drop for forest industries and a corresponding increase for farm and miscellaneous private owners.

Southern forests provided about 45 percent of the Nation's timber harvests in 1970, compared with 32 percent for the Pacific Coast, and 23 percent for other sections of the United States.

In the South progress in fire control and other forestry activities has improved the timber situation to the point where it appears that with 1970 levels of management, softwood timber harvests could be increased gradually on both National Forests and other lands by roughly 50 percent over the next few decades.

On the Pacific Coast, on the other hand, a marked decline in softwood sawtimber supplies of about 18 percent is projected in the 1970–2000 period as a result of reduced availability of timber from forest industry lands.

Sustained harvests of timber from western National Forests and other public lands at levels close to 1970 estimates of allowable harvests appear possible for some decades, although only with timber prices significantly in excess of 1970 levels. Also, allowable harvests on National Forests can be expected to drop shortly after the projection period, if not before, unless forest management and utilization of timber on these lands is intensified.

7. Substantial increases in softwood timber prices appear necessary to balance potential timber demands with available timber supplies.

With forest management continuing at 1970 levels, projected supplies of softwood sawtimber might balance the medium projection of timber demand with relative prices of softwood lumber and plywood in 1980 possibly 20 to 25 percent above the 1970 level, and possibly 50 to 60 percent higher in the year 2000. Related equilibrium prices for paper and board by 2000 are estimated to average roughly 15 to 20 percent above 1970.

Stumpage prices associated with these increases in prices of timber products, according to historical relationships, by 2000 could be expected to average more than double the level of prices in 1970.

Such prospective increases in prices for softwood lumber would be consistent with an average rise of 1.7 percent annually in lumber prices relative to the general price level over the past century. Relative prices of lumber leveled off in the period 1950–67—years marked by rapid improvements in productivity in logging and processing and by development of new sources of timber in western National Forests and in British Columbia.

Relative prices of softwood plywood declined dramatically during this recent period with adoption of new technology and equipment. Relative prices of pulp, paper, and board were quite stable. Nevertheless, the timber supply outlook with 1970 levels of management and utilization indicates new supply problems and shifts to higher price levels for all timber products.

8. Supply and price problems appear most critical for softwood lumber and plywood, but all forest industries will be affected.

Comparisons of projected timber demands and supplies indicate that problems of timber availability are likely to be most critical for softwood sawtimber used for lumber and plywood in housing, other construction, and various other markets.

The outlook for the pulp and paper industry is better than for lumber and plywood, largely because of the wide variety of species and qualities of timber that can be used for pulpwood. However, the tightening supply-demand situation for softwoods, and new developments such as installation of chipping headrigs, are leading to increased competition for available wood supplies and higher wood costs for all industries.

Producers of hardwood lumber and plywood who depend on the higher qualities and sizes of preferred species, such as white oak, walnut, maple, birch, and gum, also face serious supply problems and prospective increases in timber prices. On the other hand, substantial supplies of timber are prospectively available for industries producing hardwood products such as pallets, construction timber, railroad ties, or hardwood pulps.

9. Demands for nontimber products and services and for environmental protection are of growing importance in the timber situation.

Use of forest land for timber production is being increasingly affected by public desires for recreation and other nontimber uses. Sizable areas of public forest lands have been withdrawn from timber use for wilderness and scenic areas, although many of these are of relatively low site productivity for timber. Extensive areas of both private and public forest lands have been shifted to nontimber uses such as reservoirs, highways, airports, urban expansion, and recreational developments. Still other areas, particularly fertile bottomlands capable of producing quality hardwoods, have been cleared for crops and pasture.

Until recently, reversion of abandoned agricultural lands to forests more than offset such losses. Between 1962 and 1970, however, areas classified as commercial timberland declined about 8.5 million acres to a total of 500 million acres. Some continuing net losses of commercial timberland, averaging possibly 5 million acres per decade, have been assumed in this analysis.

Lands remaining in the commercial timberland category also are increasingly called on to supply nontimber goods and services as well as timber harvests. These demands, as well as new concern over protection of the natural environment, are leading to numerous modifications in timber harvesting and other forestry practices, particularly on public lands. It seems clear that management of forests for combinations of products and uses, especially those in public ownership, will be increasingly essential.

Such constraints on land use and management on public lands and to some extent on private forests, together with unforeseen transfers of forest lands to nontimber uses, could reduce timber harvests below the projections developed in this report. Impacts on timber prices and supplies of wood products would be correspondingly intensified.

It is also possible that raw material shortages could in time seriously constrain growth of the Nation's economy or interfere with the achievement of social goals such as improvement of housing. In such case forest recreation and other nontimber uses could also suffer as a result of efforts to alleviate materials shortages. Thus, success in supplying nontimber values and products may be influenced deeply by the effectiveness with which industrial raw material needs can be met. For such reasons, essentially all users of forest land have an interest in the timber outlook.

10. *A partial alternative in meeting prospective timber supply problems is to increase timber imports from Canada and other wood surplus countries. Rising exports of timber products, however, have been offsetting a substantial part of the increase in timber imports.*

About half a century ago the United States ceased to be self-sufficient in timber products and since then has depended increasingly on net imports from other countries. Imports of timber products reached a total of 2.9 billion cubic feet, roundwood equivalent, in 1972. This represented 19 percent of the total U.S. domestic and export demand for timber products.

Timber imports obtained largely from Canada made up about 19 percent of total U.S. supplies of lumber and 25 percent of total U.S. pulp and paper supplies in 1972. More than 60 percent of the hardwood plywood and veneer consumed in the United States was obtained from Southeast Asia and other tropical areas.

With rising prices of timber, imports from Canada and from tropical areas have been assumed to increase substantially over the next three decades, mainly in the form of softwood lumber, pulp and paper, and hardwood veneer and plywood. In time, however, rising world demands for timber and a general tightening of the world timber supply situation seem likely to limit such import potentials.

Exports of forest products also have increased substantially in recent years, in large part as a result of large Japanese purchases of logs and pulp chips, expanding world markets for kraft pulp and liner board, and continued exports of lumber. In 1972, about 9 percent of the total U.S. supply of timber products, or 1.3 billion cubic feet round-wood equivalent, was exported to various parts of the world. Along with prospective increases in timber imports in future years, some further increases in exports from the United States have been assumed.

Net imports in 1972 of 1.6 billion cubic feet made up nearly 11 percent of the total consumption of timber products in the United States. Net imports have been estimated to increase to around 2.8 billion cubic feet, roundwood equivalent, by 2000, with prices of lumber, for example, rising 1.5 percent per year. But such dependence on other countries, while important, appears to offer only a partial means of meeting the growing demands for timber products in the United States.

11. Greater use of nonwood materials is a possible alternative, although this appears to have undesirable environmental and economic impacts.

The relative importance of timber products in the U.S. economy has changed greatly over time as other raw materials such as steel, concrete, and aluminum have replaced or supplemented wood in various uses. With increased prices and insufficient supplies of timber, such continuing substitution can be expected.

While there are no immediate threats of shortages of wood substitutes, continued geometric growth in materials use, such as experienced in the past and in prospect in coming decades, will require enormous quantities of materials and entail serious environmental problems. Most competing products such as steel, aluminum, and plastics are derived from depletable resources—in contrast to timber which is renewable. Thus it is possible that the historical stability in relative prices of competing materials may be replaced by rising real costs of these materials.

Timber products can be produced with relatively low energy requirements for processing and low pollution impacts compared with most alternatives. Energy requirements for processing steel for framing exterior walls of houses, for example, amount to more than three times the energy required for processing lumber for the same use.

Production of competitive materials also ordinarily results in more serious air, water, or land pollution problems than in the case of wood products—both directly and indirectly through the generation of energy required for processing different materials. Wood products that are not recycled also have an important characteristic of being biodegradable.

If prices of timber products rise relative to prices of substitute materials, substitutes will, of course, be used. But in view of accelerating world use of raw materials, increased need for foreign exchange to finance imports of such materials, and higher energy requirements and pollution impacts than with use of timber products, greater dependence on substitutes for timber may not be a desirable alternative.

For such reasons long-run demands for wood, and related justifications of forestry programs, could increase considerably more than indicated by projections in this study.

12. Better utilization of available supplies is a partial answer to problems of timber supply.

Major progress has been made in recent years in the use of slabs, edgings, veneer cores, and other similar material from lumber and plywood operations for pulp, particleboard, and other products. In 1970, nearly three-fourths of all such material produced at sawmills and other primary processing plants, plus some additional material from secondary manufacturing plants, was utilized in this way. Such byproducts comprised 35 percent of the 72 million cords of pulpwood used by U.S. pulpmills in 1972.

Despite the progress made, unused plant residues still represent a sizable resource. In 1970, unused chippable material at primary manufacturing plants amounted to 0.4 billion cubic feet and all residues about 1 billion cubic feet (12.4 million cords). With prospective trends in timber prices and utilization practices, it has been assumed that most chippable residues and much of the fines will be utilized for pulp or particleboard within the next decade or so.

Large additional quantities of wood fiber, largely suitable for pulping, also are left in the woods each year as logging residues because of high costs of recovery and problems such as bark removal on limbs and fragmented material. In 1970, these residues included some 1.6 billion cubic feet of material from sound trees, plus at least this much material from other sources such as limbs, rough and rotten trees, and dead trees (a total of roughly 40 million cords). Environmental requirements and rising timber values can be expected to lead to better clean up and utilization of timber on harvested areas. But accelerated efforts to improve utilization on logging areas—along with expanded efforts to grow more timber—appear essential if rising pulpwood demands in future decades are to be met.

More of the timber killed by insects, fire, and other destructive agents, although widely scattered for the most part, also might be salvaged with higher prices and improved forest access. Such losses in 1970 included 11 billion board feet of softwood sawtimber.

Improving efficiency of wood utilization in manufacturing plants also would help extend timber supplies. It has been assumed on the basis of past trends that modernization of sawmills, for example, through better production methods and installation of newly available equipment such as high-strain, thin-kerf saws will result in increased lumber recovery from available logs of possibly 2 to 4 percent per decade. But much larger increases in recovery rates should be possible with rising timber values and faster application of improved technology.

Better sorting of logs to help insure use for the most valuable end product—lumber, plywood, or pulp—similarly could stretch available supplies of sawtimber for lumber and plywood.

Development and use of improved structural particleboards and some substitution of hardwoods for softwoods could further extend softwood sawtimber supplies. Wood products could also be used more efficiently in construction by better design and construction methods.

13. Intensified forest management offers an important means of increasing timber supplies in the long run, while maintaining an acceptable forest environment.

Sizable increases in timber growth and future harvests could be achieved in U.S. forests by increased investments to expand tree planting, stand improvement, protection, and other forestry practices. Most forest areas are not fully stocked with desirable timber and are growing at a much lower rate than is possible under intensified management. Fire insects, and other destructive agents also cause losses that in effect nullify about one-fifth of total timber growth.

Opportunities for increasing future timber supplies by intensified management exist in all sections of the country and all classes of ownership. In the South, for example, timber growth currently averages about 45 cubic feet per acre annually, including only 104 board feet of sawtimber sized material. Large areas of plantations are yielding more than double this amount of growth. And there are millions of other acres where conversion from poor hardwood stands to pine stands, especially with use of genetically improved planting stock, would in time greatly increase available supplies of timber.

Similarly on the West Coast and other parts of the country there are large additional areas in Federal, State, industrial, and other private ownerships where timber supplies could be greatly increased by reforestation and by other practices such as precommercial thinnings and intermediate cutting in older age classes.

On nonindustrial private ownerships held by farmers and a wide variety of miscellaneous owners, timber growing efforts other than fire protection have been limited. Yet several million of these owners hold 59 percent of the timberlands in the United States that are considered suitable and available for timber production. Most of these owners are unwilling to invest in timber growing and many are reluctant to sell timber because of conflicts with other purposes.

Capturing a larger part of the very large potential for timber growing on these numerous holdings is technically sound and economically feasible, but will require substantial investments. On many ownerships public cost sharing and technical assistance appear necessary to achieve the increased growth that is estimated to be economically feasible to produce.

An initial analysis to illustrate management opportunities on National Forests and farm and miscellaneous private holdings indicated that increased investments of about $69 million annually could increase annual harvests of softwood sawtimber about 1.6 billion board feet by 1980 and as much as 13 billion board feet by 2020. This analysis used as a criterion a minimum rate of re-

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turn of 5 percent on additional investments, with prices of lumber and plywood assumed to average 30 percent above 1970 levels.

Additional promising opportunities for increased timber production also undoubtedly exist on other public and industrial ownerships, and in the use of genetically improved planting stock, fertilization, or other new technology.

Environmental management to assure balanced production of nontimber uses and protection of the environment as well as timber crops will be essential, particularly on public forest lands and to an increasing degree on private lands as well.

14. A combination of efforts could help supply growing demands for timber products while simultaneously providing for nontimber uses and protection of the environment.

In summary, if increased supplies of timber for a growing Nation are desired, a number of things could be done to increase and extend timber supplies, including:

More complete utilization of logging residues, plant residues, and trees lost by mortality, and greater use of recycled fibers.

Greater use of available equipment and manufacturing processes to increase output of lumber and other products from available log supplies.

Better allocation of available timber to assure use for optimum end products.

Some increase in dependence on imports of timber products.

More intensive management of all classes of forestlands suitable for timber management, by road construction, commercial thinning and salvage, reforestation with genetically improved planting stock, timber stand improvement, use of fertilizers, and better protection against fire, insects and other destructive agents—while simultaneously managing lands to assure a balance with other uses and environmental protection.

Continued development and application of new technology in timber growing, in processing of timber products, and in consumer use of wood products.

Substantial public and private investments will be necessary for such measures to increase timber supplies significantly and to improve utilization of available timber supplies. Such measures are both technically and economically feasible. They can be carried out while maintaining a balance with environmental uses of the forest.

Mr. HUMPHREY. I would point out that in terms of timber production the timber industry lands—14 percent of the 500-million acres of "commercial" forest land, have a net annual growth potential of 83 cubic feet of wood per acre per year and an actual growth of 52 cubic feet per acres per year. They rank first in potential and in performance, but the gap is wide. Other private lands, mainly in the hands of small owners account for the major acreage—59 percent of our commercial forest land. They could grow 72 cubic foot of wood per acre per year but actually are growing only 36 cubic foot per acre per year. Their unplanned and uncoordinated effort leaves them a poor No. 2 in performance. The national forests account for 18 percent of the commercial forest land and they have the potential to grow 73 cubic foot per year. They rank a poor third with growth at only 30 cubic foot per acre per year.

Currently, as well as historically, the cut on industrial lands has exceeded growth. It is now on the order of net annual softwood growth of 2.6 million cubic foot per year and the cut at 3.1 million cubic foot per year. On the other private land the softwood growth actually exceeds the cut; 5.1 million cubic foot per year versus 3.7 million cubic foot per year. The national forest commercial acreage is 18 percent of the Nation's total. Its growing stock situation shows a cut at about 2.0 million cubic foot per year and growth at about 2.1 million cubic foot per year. Nationwide there is scant comfort available in the overall figure that softwood removals are 9.6 million cubic foot per year and growth is 10.7 million cubic foot per year. For within these overall figures are many hidden factors that support the view in the timber outlook that the long term picture presents a difficult national challenge. There are some who point to the fact that the national forests contain 51 percent of our standing softwood sawtimber, on a board foot basis, or 46 percent of our softwoods, on a cubic foot basis, and proceed from there to say the quick answer is to increase the allowable cut on the national forests. The quick response is to agree. However, on a little reflection one wonders about the poor condition of the 59 percent of privately owned forest that is poorly stocked and lightly managed, about the heavier cutting on industry lands that so far exceeds the growth rate, and the low level of management on the national forests that ranks them last in achieving growth at potential levels.

Even more our national situation is compounded by the fact that we do not have a national assessment of renewable resources for multiple use and sustained yield management of our national forests, let alone the basic correlated information for water, range, wildlife, recreation, and other vital and important resources and activities.

Each effort has looked at a long-term problem through a short-focus lens. We are compounding the adverse long-time effects of delay and past actions when we should be charting goals for today that improve tomorrow.

We see short-term budget balancing overriding long-term resource balancing, time after time, in administration after administration. This bill is designed to stimulate better individual decisions, by starting us out with the same set of facts—a national assessment of the lands and their renewable resources. It is designed to improve the Federal effort in two ways—as a catalyst for setting national goals and as a program operator through its responsibility in cooperative programs, research and leadership in the management of the national forest system.

This bill seeks to equip us to work with the natural forces—the air, water, soil, plants, and animals that comprise the total ecological resource base. This bill seeks to help man apply his intelligence and reason to accommodating the diverse and often conflicting demands he has to use of these lands and resources. This bill seeks to reform the processes of Government in this area in which the Forest Service is a principal agent of and for all of our people.

This bill seeks to assure that the Congress will be the arbiter and provide the forum where national goals will be publicly set.

It is my hope that hearings on this measure can be held this month, and that we can shortly thereafter get it on the Senate Calendar. It is my understanding that similar legislation is being introduced today in the House, and I see no reason why this bill cannot be adopted by the Congress in an expeditious manner.

Although the language of this substitute reflects a number of organizational changes from the bill as originally introduced, the purpose of the bill remains essentially the same as it was when I first introduced it. Most of the alterations are minor in substance. As a result, a major explanation of the differences between the two proposals would only complicate understanding. The current section-by-section analysis sets forth the purposes clearly.

For those who are concerned about the specific differences in the two bills, I recommend that they return to the RECORD of July 31, for a copy of the original bill, and to the RECORD of August 1, for a section-by-section analysis of that bill.

Mr. President, I ask unanimous consent that a section-by-section analysis of this amendment to S. 2296 in the form of a substitute be included in the RECORD at this point.

This bill is one designed to reform the way decisions are made. It will help to get good public input. It will enable the public to have the facts. It will set long-range goals—goals set by Congress that will have continuity. It will provide for budgets for the future not temporizing short-term policies. It will provide targets and goals that will enable the future to be met and the present to be assisting in that goal. It is a multiple use—sustained yield action bill linking short term and long term objectives.

Mr. President, this proposal represents a constructive program of the reorganization of our forest services and will provide us with a long-term, comprehensive program of management of our great forests and our grassland resources.

I ask unanimous consent to have a section-by-section analysis of the amendment printed in the RECORD.

There being no objection, the section-by-section analysis was ordered to be printed in the RECORD, as follows:

FOREST AND RANGELAND ENVIRONMENTAL MANAGEMENT ACT OF 1973—SECTION-BY-SECTION ANALYSIS

AMENDMENT TO S. 2296 IN THE FORM OF A SUBSTITUTE

SEC. 1. Titles the Act, "The Forest and Rangeland Environmental Management Act of 1973.

SEC. 2. Findings.

Thirteen findings are made which demonstrate the need to enact the legislation. The air, soil, water, plants and animals are finite, renewable resources and the minerals are nonrenewable resources. An ecologically healthy, economically functioning conservation of the environment is needed. The National Forests are a vital national asset. Forest and forage covered land and other associated lands are capable of producing multiple renewable resources. Maintenance and wise management of these lands and resources are vital. The Forest Service provides vital programs of research aid to private and state forest land owners and programs of National Forest System management on defined lands which must be maintained on integrated basis. Comprehensive inventories and planning are vitally needed to secure the greatest net public benefit from Forest Service programs. Proper levels of funding are essential to achieving optimum potential resource benefits. The Forest Service is national in scope, operating major resource programs, thus it must be a cohesive integrated agency. The variation in the diversity of the lands in the National Forest System and the differing relations of these lands in various national regions must be recognized. The National Forest System is established and maintained to insure the goals outlined in the 1960 Multiple Use and Sustained Yield Act. An essential element of organization is service built from the ground up, articulated to meet local, regional and national goals. The modernization of the law relating to the National Forests will aid in attaining national goals.

In the face of growing demands upon the National Forests to supply resources and services to a growing, more mobile and more urban population, the level of funding and employment on the National Forest System has been declining. On a constant dollar basis the funds available have declined. Employment levels have dropped by about ⅛ in the past four years, yet all measures of demand have risen. Long range resource plans developed in the Eisenhower Administration and updated in two subsequent administrations have not been kept up. The National Environmental Policy Act has placed new and substantial requirements on resources managers. Public interest and concern, manifested in many ways, from litigation to confrontation, have added to the complexity of resource management. National Land Use Planning legislation is receiving serious concern. All of these, and other factors, make it desirable to provide the Forest Service with the full kit of authorities needed to meet these legitimate and burgeoning demands.

SEC. 3. Renewable Resource Situation Assessment.

Subsection (a) recognizes the vital importance of the forest, range, and other associated lands to the Nation's social and economic well-being and the need for a long term perspective in planning and implementing renewable resource programs. To meet this need, an Assessment is called for by 1975, which shall then be updated not less than 5 years or more than 10 years thereafter. The basic content of the Assessment is outlined citing examples which must include at least a discussion of uses, demand and supply, a trends analysis, a general inventory, recitation of how to improve the yield of tangible and intangible goods and services, a description of Forest Service programs and relationships to each other and those of others, and a discussion of policy and related issues.

Resource Planning and Program has suffered from lack of a National Assessment that is coordinated, comprehensive and kept current. In 1934 there was a National Forestry Plan and in 1936 a study entitled the "Western Range". There have been other planning efforts, the most recent being the 1959 "Program for the National Forests" which dwelt heavily on "forestry", little on research, not at all on State and private cooperation, and did not persent a total national renewable resource approach. The resource surveys have usually been for one major resource with others viewed as "related" rather than on a multiple resource basis.

The "Assessment" called for in this legislation will for the first time pull together in one place in government an opportunity to assess certain natural resources on a comprehensive and integrated basis. The nation contains the following broad land categories:

	Million
Total acres in United States	2,310
Inland water acreage	50
Land acreage (which consists of the following land)	2,260
Native natural grasslands	650
Native natural forest	750
Agricultural cropland	320
Other land, such as swamp, tundra, and so forth	410
Improved pasture	100
Urban, transportation, and so forth	30

This legislation is concerned with 3 categories of land; native, natural tree bearing land (forest), and native, natural land covered with grasses, grasslike plants, and forbs (range) and other lands such as swamp, muskeg, tundra and barren sandy or rocky land intermingled with or associated with the first two categories. In addition, some of the land is a mixture of the first two cover types and is known as a "forest-range" type.

The Assessment called for will embrace approximately 1,400,000,000 "forest" and "range" acres plus *some* of the 410,000,000 acres of "other" land when associated with the two main cover types. The "Assessment" will be designed to cover the natural renewable resources such as trees, grassy plants, natural animals and livestock, fish and insects, soil, water and air associated with these lands. It will cover their condition, their supply, their demand, their use, present and projected, appropriated inventories and opportunities for the tangible and intangible goods and services they can yield.

Subsection (b) is a technical amendment to the McSweeny-McNary Act (16 U.S.C., 581h) which directs that such a comprehensive survey be made and provides authority for such sums as may be needed to carry out this section.

SEC. 4. Renewable Resource Program.

This provides that, based on the Assessment there shall be prepared a total Forest Service Program, national in scope, embracing the administration of the National Forest System research and cooperative State and private programs. It is to be kept current and in appropriate detail for each of the next 5 decades. It shall be in accordance with applicable legislation and shall embrace at least (1) an inventory of the full range of specific needs and opportunities, differentiating between capital and operating activities, and (2) a discussion of priorities. The concept of the program is that it will be in good detail for the decade ahead so that it will be an action document upon which budgets can be formulated and accomplishments measured. As to future decades it will be more general, indicating the trends and directions that activities will take and the relation to the longer term goals so that there will be a clear understanding of the opportunities to meet future needs and the penalties that may be incurred if they are compromised. Because this will be a total "Forest Service" program, embracing all major lines of agency activities, it will afford a significant opportunity for other land managers, private and public, to appreciate their opportunities and obligations to help meet future needs. Since the program will be subject to regular revision, at least each decade, there will be ample opportunity to correct as new targeta and goals are formulated. A major purpose of this section is to turn policy and budget toward the future so that the emphasis is placed on where the Nation is heading, not where it has been, in the stewardship of its renewable natural resources. The programs of the Forest Service will also be displayed in relation to their role and lead to more informed and rational decision making and less exigency action on budget and program either planned or underway.

SEC. 5. The National Forest System Resource Inventories.

This section would require the maintenance on a continuing basis of an inventory of all National Forest System lands, and their tangible and intangible resources. While the Forest Service has maintained inventories these have not always been current and they have not always been comprehensive enough to meet the growing and changing needs. This would be to assure that the highest level of knowledge would be available to Federal policy makers so that National Forest System programs would meet their stated goals.

SEC. 6. National Forest System Resource Planning.

Subsection (a) requires the use of "public" participation to develop, maintain and revise land use plans and sets forth that coordination must be observed in the process. Subsection (b) requires a systematic interdisciplinary approach.

Sec. 7. Cooperation in Resource Planning.

This section authorizes cooperation with others to assist them in their planning efforts by making widely available factual information which will aid this process.

SEC. 8. National Participation.

An important element of the legislation is the bringing in of the "publics" on an orderly basis when facts are being gathered, plans and programs are being developed and other significant national actions are being formulated.

Subsection (a) requires the Secretary to set forth, as he deems appropriate and has provided for by regulation, the public participation systems that he will utilize for the development of the Assessment, program, resource inventories and planning provided for in the Act. In this manner the public will know exactly when and how it can make its contributions to each phase and thus each activity will benefit by an orderly public input.

Subsection (b) requires that commencing in 1975 and at not less than 10-year intervals thereafter, the President shall transmit to the Congress the Assessment and the program called for in section 4 along with his recommendations for each of the 5 decades ahead.

Subsection (c) requires that the Congress hold public hearings on the Assessment and Program and within one year shall, by resolution, establish a statement of policy which shall be a guide to framing budgets for the Forest Service and related agencies in the decade ahead.

Subsection (d) provides the means in each Congress for reviewing the statement of policy to determine if any changes are needed and to make such modifications as are desirable.

Subsection (e) defines the budgetary procedure. Commencing with the budget for the fiscal year ending 1976, the President in his budget submission shall set forth the relation between the budget request and the goals and policies established under subsections (b) and (c). If the President does not request funds sufficient to meet the established goals and policies, he is required to set forth the reasons for requesting the Congress to approve a lesser sum. Finally, the President's power to impound funds is circumscribed. So long as the Congress stays within the prescribed level as previously established, the President may impound funds only if a condition subsequent shows conclusively that the expenditure would fail to achieve a lawful program goal. For example, at the time the budget is prepared the goal for reforestation might be at a certain level for the forthcoming year. A combination of bad weather conditions might render the

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planting of tree seedlings impossible because the plantings would suffer a high mortality. The impoundment of these funds would be clearly desirable to avoid wasting both money and young seedlings that could readily be left in the nursery another year. The language is designed to encourage fiscal responsibility by making it clear that appropriations beyond the approved program are subject to appropriate controls.

Subsections (f) thru (i) are designed to produce greater accountability for expenditures and activities by requiring timely annual reports which reach the Congress no later than the date on which the budget for the next year is presented. These progress reports would be related to the Assessment and described activities in qualitative and quantitative ways. Appropriate measurement of pertinent costs and benefits will be required. The instruction requires that a broad context be used to consider benefits along with an assessment of the balance between economic factors and environmental quality. The report shall also indicate needed improvements and corrective actions.

Sec. 9. National Forest System Program.

The 187,000,000 acres that embrace the Federal estate are a vital national asset. There has been a wide ranging debate as to whether these lands are managed as effectively as possible, and, if not, how to achieve improved management. This legislation is more concerned with providing the machinery for improved operations then seeking to cast into detailed legislative language precise operating instructions. This section deals with the broad guides that are to be used on these lands.

Subsection (a) requires the Secretary to determine an optimum level of management for each authorized use of the national forest. He is also required to determine the annual or periodic harvest or use levels for each projected harvest or use levels for each of the next 5 years and for periods into the future consistent with conditions pertinent to each resource. This will provide soundly based current projections into the more readily forseeable future with more general estimates into the less ascertainable future. In a use such as timber production the normal detailed planning period now used is the decade. The general planning period used is a rotation period which is in the neighborhood of a century and even longer when viewed against longer term requirements needed to secure a distribution of age classes in managed stands which enhance the regular uninterrupted flow of forest products to market at optimum levels. For timber production purposes the rotation period represents a time period more closely related to economic maturity than to biological maturity for the timber stand. In any event, the longer term planning period for each authorized use will be that indicated for it and also will be integrated with the need to have it consistent with environmental requirements and multiple use, sustained yield constraints.

Subsection (b) deals with the problem created by the substantial backlog of needed work on the National Forests to correct for past failures to secure the highest levels of management. There are a number of resoures that are well below their optimum condition and this situation inhibits the Nation from realizing the full potential benefit from its National Forest System. Reforestation and timber stand improvement, watershed improvement, recreational facility installation and wildlife habitat treatment are but a few of the major categories where significant backlogs are known to exist. The bill sets the year 2000 as the target year all of the renewable resources of the System shall be in an operating posture where backlogs of needed treatment are reduced to a current basis.

The year 2000 was selected as the target year with the realization that some activities might require an earlier date and for other activities a later date might be more realistic. The year 2000 affords an opportunity for initial expression as to whether it is a good starting goal year. Actually if a somewhat higher level activity is started than is ultimately required, it will be possible under the flexible provisions in the bill, which permit goals to be revised, to make appropriate adjustments later. The bill requires that the budget for each year contain requests for an orderly program to eliminate such backlogs. Three criteria are established which permit the level of work to be reduced. In some situations the technology makes it doubtful that an area will truly benefit from treatment—in other words, all the areas that presently are viewed as likely to benefit have been treated. These remaining areas need not be treated. A second type of area is one where the technology is adequate but the cost of treatment exceeds the economic and environmental benefits that will be secured. Such areas can be "Banked" and excluded from the backlog inventory of lands presently eligible for treatment. However, wherever there are overriding considerations of resource protection, the Secretary would have the authority to treat them. The third situation that would reduce the need for treatment is a finding that the total supplies of the renewable resource of the United States is adequate to meet the future needs of the American people. This makes it clear that there is no intent to create a significant surplus of a resource.

The language also provides that the National Forest System shall be in an operating posture whereby the major portion of planned intensive management procedures shall be installed and operating on an environmentally sound basis by the year 2000. There is substantial evidence that measurable benefits can be secured from the National Forest System through intensive management. This language sets as a floor the goal that the major portion of these management systems will be installed by the year 2000.

The floor set here is actually very modest and the concept has been noted here in order to add emphasis to the need to proceed soundly and expeditiously to install intensive management procedures.

Subsection (c) declares that the installation of a proper transportation system in time to meet anticipated needs on an economically and environmentally sound basis will aid in the proper attainment of goals. This system covers all roads and trails in the National Forest System. There has been considerable public concern over a wide number of issues advance planning for the road system, road location, road standards, road design and road use. A well understood long term plan will be of measurable help in advancing authorized programs, and in abating fears that roads will be built where they should not be to standards different than are really required.

The second part of the declaration points out that the choice of the method of financing construction and maintenance of the transportation system can enhance local, regional and national benefits. There are two methods whereby the construction and maintenance of roads can be secured. Funds are appropriated and the roads built under competitive contracts by firms engaged in the building of roads, or the appraised price of timber is reduced by the estimated cost of the needed road and the timber purchaser constructs, or arranges to construct there the needed road. When the "appropriated" fund method is used not only is there a clearly separate competitively let contract, but also the road is completed well in advance of the timber sale offering thus affording the prospective purchaser instant access and greater economic flexibility during the life of the contract. Also, the purchaser does not need to advance large sums before conversion of the timber to finance the construction of the road. In addition, under the economics of timber pricing, the asking price for the timber is higher and thus the payments to the counties are based on the price exclusive of the cost of the road.

When the timber price reduction method is used the Federal budgetary impact is not visible. Since the timber is payed for as cut, the purchaser must not only advance the cost to construct the road before harvesting the timber but the income impact is felt in future years. There is no "budgetary control" thus the agency has a substantial amount of freedom on the extent to which it reduces revenue to secure road construction and maintenance. This in turn not only affects Federal revenues but also, since the counties share in 25% of the revenue, each dollar of timber income lost takes 25 cents away from the payments to the county affected.

In connection with Fiscal year 1974, the Administration's budget request for Roads and Trails was reduced by approximately $70 million and the Forest Service was instructed to increase the use of the "revenue reduction" device to secure needed roads. The fiscal savings were thus non-existent and totally illusory. This subsection would require that the full authorization for appropriated fund road construction be requested in the budget. A penalty provision is included that would restrict the back door financing of roads via revenue reductions when the budget request is less than the authorized level, or the apportionment of budgeted funds or contract authority is subsequently reduced. In recent years when the authorization under the Highway Act stood at $170 million the Forest Service appropriated fund structure provided for using less substantially than the total authorization. Currently there is almost $300 million dollars in unused authorization. In 1972 the Road construction-reconstruction effort by the Forest Service secured 713 miles at a cost of $123 million. The "timber revenue reduction" method secured 6,500 miles of road from a $100 million reduction in revenues. In FY 1974 it was estimated that the appropriated funds for construction-reconstruction would drop to $75 million while the bite into timber revenue for purchaser road construction would climb to over $142 million. The adoption of this proviso would not limit the reduction of timber revenue to secure needed road construction so long as the full authorization was utilized. However, if an administration sought to reduce the use of appropriated funds as was done here under the theory that money was being saved then this provision would enforce a program of real savings rather than one of cancelling bookkeeping entries.

The second proviso would correct another inequity that severely disrupts payments to counties. Not only do National Forest timber values vary widely, but also the cost of extraction and roads varies significantly. On the average the impact of timber purchaser road construction reduced the payments for timber by about $10.00 per thousand board feet, and thus payment to counties by $2.50 per thousand board feet of timber. A number of factors cause the total revenue from timber and other resources to fluctuate and thus the payments to counties to vary. In particular counties there may be wide fluctuations accentuated by the extent to which the revenue reduction method of securing timber access roads is applied instead of appropriated fund construction. This proviso requires avoiding actions which concentrate timber purchaser construction in certain areas which adversely affect payments to counties.

Sec. 10. Organization.

This provides that field offices, such as District Rangers and Forest Supervisors, and Regional offices shall be so situated as to provide the optimum level of convenient, useful service to the public, with first priority to the maintenance and location of facilities in rural areas and towns within the adjacent to the National Forests being supervised. The standards of Sec. 901(b) of the Act of November 30, 1970 (84 Stat. 1383) as mended are set as the guide. This will permit the Forest Service to make orderly adjustments in the assignment of lands to a particular management unit such as a Ranger District and to adjust local field offices when these improve the service. It also would set a standard that would have to be observed in possible realignments of Regional Offices.

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the Record the text of my amendment.

There being no objection the amendment was ordered to be printed in the Record, as follows:

Amendment No. 641

Strike out all after the enacting clause and insert in lieu thereof the following:

'That this Act may be cited as the "Forest and Rangeland Environmental Management Act of 1973."

Sec. 2. Findings.—The Congress hereby finds and declares that—

(a) the air, soil, water, plants, and animals are resources that are finite and renewable,

(b) the minerals are not a renewable resource,

(c) the conservation of the environment is essential to achieving an ecologically healthy and economically functioning resource base,

(d) the United States is richly endowed with land bearing, or capable of bearing, forest trees as its principal vegetal cover, land bearing, or capable of bearing forage as its principal vegetal cover and other associated lands, some of which contain both types of cover, which by their very nature produce, or are capable of producing multiple renewable resources and uses,

(e) maintenance and wise management of these lands and their renewable resources are vital to the Nation's vigor,

(f) the Forest Service, in the Department of Agriculture, is responsible for essential programs and services which must be maintained on an integrated basis, including programs to aid private and State forest land managers through cooperative efforts to achieve resource management goals, programs of research which produce knowledge that can be disseminated to improve achievements, and through the management of the National Forest System which is comprised of national forest lands, national grasslands, and other lands administered by the Forest Service under title III of the Bankhead-Jones Farm Tenant Act of July 22, 1937 (50 Stat. 525), as amended, and other lands administered by the Forest Service,

(g) comprehensive inventories and planning are needed to secure the greatest net public benefit from Forest Service cooperative programs, research, and National Forest System management,

(h) proper levels of funding for investment in management the various activities and programs of the Forest Service is essential to achieving optimum potential resource benefits on a balanced and timely basis,

(i) the Forest Service, Department of Agriculture, is national in scope, operating major resource programs that require a high degree of coordination and which, to be effectively delivered to the American people, require a cohesive and integrated agency,

(j) the National Forest System is made up of diverse lands, in different geographic regions, with many ecological associations which vary in their relation to the lands and people in each region,

(k) the National Forest System is established and maintained for the purpose of insuring a continuing yield of benefits and resources for the enjoyment and well-being of the citizens of the United States; that the citizens of the United States expect, and are entitled to receive, the full yield of benefits and resources as set forth in the Multiple Use-Sustained Yield Act of 1960 (16 U.S.C. 528–531); and that there will be a continuing demand for the benefits and resources available from the National Forest System.

(l) it is essential that the organization of service to be provided to the people of the United States by the Forest Service, Department of Agriculture, from the ground up shall be designed and maintained to meet local, regional, and national needs,

(m) the Forest Service, Department of Agriculture, plays a central role both in the management of the lands assigned to its jurisdiction and in conducting research and cooperative programs designed to enhance the values of forest lands, rangelands, and other associated lands and the renewable resources and uses these lands naturally produce.

Sec. 3. Reviewable Resource Situation Assessment.—(a) In recognition of the vital importance of America's renewable resources of the forest, range, and other associated lands to the Nation's social and economic well-being, and of the necessity for a long term perspective in planning and undertaking national renewable resource programs, the Secretary of Agriculture, through the Forest Service, shall prepare a National Renewable Resource Situation Assessment (hereinafter called the "Assessment"). The Assessment shall be updated by the Secretary of Agriculture not less than five years or more than every ten years thereafter and shall include but not be limited to—

(1) a detailed discussion of present and anticipated uses, demand for, and supply of these renewable resources, with consideration of the international resource situation, and an analysis of pertinent supply and demand trends;

(2) a general inventory of these present and potential renewable resources and opportunities for improving the yield of tangible and intangible goods and services;

(3) a description of Forest Service programs and responsibilities in research, cooperative programs, and management of the National Forest System, their interrelationships, and the relationship of these programs and responsibilities to public and private activities; and

(4) a discussion of important policy considerations, laws, regulations, and other factors expected to significantly influence and affect the use and management of these lands.

(b) To assure the availability of adequate data and scientific information needed for development of the Assessment, section 9 of the McSweeney-McNary Act of May 22, 1928 (45 Stat. 702, as amended, 16 U.S.C. 581h), is hereby amended to read as follows:

"The Secretary of Agriculture is hereby authorized and directed to make and keep current a comprehensive survey and analysis of the present and prospective conditions of and requirements for the renewable resources of the United States, its territories and possessions, and of the supplies of such renewable resources, including a determination of the present and potential productivity of the land, and of such other facts as may be necessary and useful in the determination of ways and means needed to balance the demand for and supply of these renewable resources, benefits and uses in meeting the needs of the people of the United States. The Secretary shall carry out the survey and analysis under such plans as he may determine to be fair and equitable, and cooperate with appropriate officials of each State, territory, or possession of the United States, and either through them or directly with private or other agencies. There is authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.".

Sec. 4. Renewable Resource Program.—In order to provide for consideration and periodic review of programs for management and administration of the National Forest System, for research, for cooperative State and private programs, and for conduct of other Forest Service activities in relation to the findings of the Assessment, the Secretary of Agriculture shall prepare and keep current a program set forth in appropriate detail, for each of the next five decades, for protection, management, and development of the National Forest System, including forest development roads and trails, for cooperative programs on non-Federal lands, and for research. The program shall be developed in accordance with principles set forth in the Multiple Use-Sustained Yield Act of June 12, 1960 (74 Stat. 215; 16 U.S.C. 528–31), the National Environmental Policy Act of 1969 (86 Stat. 852; 42 U.S.C. 4321–47), and other applicable legislation. The program shall include, but not be limited to—

(1) an inventory of a full range of specific needs and opportunities for program investments. The inventory shall differentiate between activities which are of a capital nature and those which are of an operational nature.

(2) a discussion of priorities for accomplishment of inventoried program needs.

Sec. 5. National Forests System Resource Inventories.—As a part of the Assessment the Secretary of Agriculture shall develop and maintain on a continuing basis a comprehensive and detailed inventory of all National Forest System lands and renewable resources. This inventory shall be kept current so as to reflect changes in conditions and identify new and emerging resources and values.

Sec. 6. National Forest System Resource Planning.—(a) As a part of the program provided for by section 4, the Secretary shall develop, maintain, and, as appropriate, revise land and resource use plans for units of the National Forest System, coordinated with the land use planning processes of State and local governments and other Federal agencies.

(b) In the development and maintenance of land use plans, the Secretary shall use a systematic interdisciplinary approach to achieve integrated consideration of physical, biological, and social sciences.

Sec. 7. Cooperation in Resource Planning.—The Secretary shall utilize the Assessment, resource surveys, and programs prepared pursuant to this Act to assist States and other organizations in planning the protection, use, and management of renewable resources on non-Federal land.

Sec. 8. National Participation.—(a) In order that the optimum benefits will be better assured to each generation of citizens the Secretary of Agriculture shall utilize such participation, including public hearings, meetings, and advisory groups, as he deems appropriate and has provided for by regulation for the development of the Assessment, program, resource inventories, and planning provided for in this Act.

(b) On the date Congress first convenes in 1975 and thereafter at not less than ten-year intervals the President shall transmit to the Congress, when it convenes, the Assessment as set forth in section 3 of this Act and the program set forth in section 4 of this Act with recommendations for each of the five decades ahead.

(c) The Congress shall hold public hearings on said assessment and program, and, within one year after submission to the Congress, the Congress shall by resolution establish a statement of policy which shall be a guide to the President in framing fiscal budgets for Forest Service and related agencies' activities for the decade ahead.

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(d) Within ninety days after convening, each Congress shall publicly review the statement of policy developed pursuant to subsection (c) and determine whether changes in that policy are advisable for the biennium, in which event it shall make such modifications as are deemed desirable.

(e) Commencing with the fiscal budget for the year ending June 30, 1976, requests presented by the President to the Congress covering Forest Service and related agencies' activities shall express in qualitative and quantitative terms the extent to which the programs and policies projected under that budget meet the goals and policies established by the Congress in accordance with subsections (c) and (d) of this section. In any case in which such budget so presented recommends a course which fails to meet the goals or policies so established, the President shall specifically set forth the reason or reasons for so recommending and shall state his reason or reasons for requesting the Congress to approve the lesser programs or policies presented: *Provided*, That any amount appropriated by the Congress and signed into law by the President up to the amount projected by the estimate of the Congress of the funds needed to achieve lawfully created program goals shall be expended for such programs and may only be impounded when the President finds a condition subsequent which shows conclusively that such expenditure would fail to assist in achieving such a lawful program goal.

(f) For the purpose of providing information that will aid Congress in its oversight responsibilities and improve the accountability of agency expenditures and activities, the Secretary shall present to the Congress an annual report on the evaluation of the programs authorized under this Act. This report shall be furnished to the Congress at the time of submission of the annual fiscal budget commencing with the second fiscal year after the enactment of this Act.

(g) These annual evaluation reports shall set forth progress in implementing the programs authorized by this legislation together with accomplishments of these programs as they relate to the objectives of the Assessment. Objectives should be set forth in qualitative and quantitative terms and accomplishments should be reported accordingly. The reports shall contain appropriate measurements of pertinent costs and benefits. Program benefits shall be considered in a broad context and shall include, but not be limited to, environmental quality factors such as esthetics, recreational use, public access, and wildlife habitat, and economic factors such as the value of foregone benefits and the rate of return on renewable resources. The evaluation shall assess the balance between economic factors and environmental quality.

(h) The reports shall indicate plans for implementing corrective action and recommendations for new legislation where warranted.

(i) The reports shall be structured for Congress in concise summary form with necessary detailed data in appendices.

SEC. 9. NATIONAL FOREST SYSTEM PROGRAM.—(a) The Secretary shall determine an optimum management level for fish and wildlife, grazing, recreation, soil, timber, water, and other authorized uses of each national forest management unit and shall determine annual or periodic projected harvest or use levels for each of the next five years and for periods into the future consistent with conditions pertinent to each resource.

(b) The Congress hereby sets the year 2000 as the target year when the renewable resources of the National Forest System shall be in an operating posture whereby all backlogs of needed treatment for their restoration shall be reduced to a current basis and the major portion of planned intensive management procedures shall be installed and operating on an environmentally sound basis. The annual budget shall contain requests for funds for an orderly program to eliminate such backlogs: *Provided*, That when the Secretary finds that (1) the backlog of areas that will benefit by such treatment has been eliminated, (2) the cost of treating the remainder of such area exceeds the economic and environmental benefits to be secured from their treatment, or (3) the total supplies of the renewable resource of the United States is adequate to meet the future needs of the American people, the budget request for these elements of restoration may be adjusted accordingly.

(c) The Congress declares that the installation of a proper system of transportation to service the National Forest System in time to meet anticipated needs on an economical and environmentally sound basis will aid the proper attainment of goals, and, further, the choice of methods of financing the construction and maintenance of the transportation system can enhance local, regional, and national benefits. The annual budget of the Forest Service shall contain a request for the amount available under the fourteenth paragraph under the heading "Forest Service" of the Act of March 4, 1913 (16 U.S.C. 501), and the amount authorized for the fiscal year under section 205 of title 23, United States Code, and such additional sums as the Secretary deems necessary to accomplish (A) the construction or reconstruction of roads, trails, and bridges to provide a forest development road and trail system, (B) the regular annual maintenance of the system of roads and trails, and (C) cooperative financing with other public agencies and private agencies or persons to obtain construction or reconstruction of roads and trails which promote development of an environmentally sound transportation system. *Provided*, That if in any budget year the request is for less than the sum of the two laws listed above or the appropriation enacted is apportioned or scheduled for apportionment in any lesser amount than is appropriated, the Secretary shall also reduce by an equivalent sum the utilization of the authority granted to secure the construction of roads in whole or in part by timber purchasers in return for a reduction of the appraised price of timber sold by the estimated cost of roads as provided in the Act of October 13, 1964 (16 U.S.C. 535): *Provided further*, That in applying the authority granted by the Act of October 13, 1964 (16 U.S.C. 532–538), the Secretary shall give due consideration to avoiding actions which may unduly impair revenues received and thus affect adversely payments to counties within the National Forest System made under the sixth paragraph under the heading "Forest Service" of the Act of March 4, 1913 (16 U.S.C. 500), or under section 33 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1012).

SEC. 10. ORGANIZATION.—The on-the-ground field offices, district rangers and forest supervisors, and the field supervisory offices, regional offices, shall be so situated as to provide the optimum level of convenient, useful services to the public, giving first priority to the maintenance and location of facilities in rural areas and towns within and adjacent to the national forest and Forest Service programs being supervised in accordance with the standards in section 901(b) of the Act of November 30, 1970 (84 Stat. 1383), as amended.

Amend the title so as to read: "A bill to provide for the Forest Service, Department of Agriculture, to protect, develop, and enhance the environment of certain of the Nation's lands and resources; and for other purposes."

COAL CONVERSION ACT OF 1973—AMENDMENT

AMENDMENT NO. 642

(Ordered to be printed and referred to the Committee on Interior and Insular Affairs.)

Mr. RANDOLPH. Mr. President, today I am submitting an amendment to S. 2652, the Coal Conversion Act of 1973.

It was my privilege to join the able Senator from Washington (Mr. JACKSON) as a cosponsor of S. 2652, which would require the use of coal, insofar as possible, in all powerplants and by other high volume industrial users of oil and gas and to require the development of a capability in such plants to burn all major fossil fuels. During our work on this measure, it was evident that there would be substantial costs which would be attributed to the conversion of powerplants and industrial facilities for the burning of coal and, at my suggestion, a provision is included in S. 2652 which would provide for automatic increases in allowable prices of coal to offset increases in the cost of producing coal due to the requirements of this bill.

However, there exists another very critical problem in the implementation of a coal conversion program in that both the coal industry and the users of coal who must convert their plants are currently confronting extreme difficulties in securing needed materials and equipment to continue their operations. If a coal conversion program is enacted into law and vigorously pursued, it must include added authority for the President to insure that the producers of coal, and the plants which utilize this product, have the necessary materials, including energy supplies, and equipment to move forward with the conversion program.

The amendment I introduced, today, would give the President this authority and would be added to his authority in S. 2652 to require powerplants and industrial users to convert to coal.

I am gratified that the Senator from Washington (Mr. JACKSON) is joining me as a cosponsor of this amendment. Mr. President, I ask unanimous consent that S. 2652 and my amendment be printed in the RECORD.

There being no objection, the bill and amendment were ordered to be printed in the RECORD, as follows:

S. 2652

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—FINDINGS AND PURPOSES

SEC. 101. FINDINGS.—The Congress finds that—

(1) the demand in the United States for petroleum has continued to exceed domestic production, making necessary imports which in 1972 accounted for approximately one-third of our petroleum consumption;

(2) increasing reliance on imported petroleum is not inevitable, but is rather subject to significant reduction by wise choices in policy;

(3) United States consumption of natural gas has greatly exceeded additions to domestic reserves in recent years, so that currently available supplies are less than demand;

(4) both petroleum and natural gas can be considered premium fuels with unique advantages for particular end uses other than as boiler fuel;

(5) domestic coal reserves are enormous, yet their relative contribution to United States energy supplies has declined;

(6) wise use of premium fuels can be maximized by converting electric powerplants and other stationary, high-volume industrial facilities which burn petroleum and natural gas to environmentally responsible use of domestic coal.

SEC. 102. PURPOSES.—The purposes of this Act are to preserve national security and to protect public health, safety, and welfare by—

(a) conserving scarce petroleum and natural gas resources;

(b) reducing reliance on insecure foreign imports of petroleum and natural gas;

(c) stimulating and requiring the substitution of domestic coal for these fuels, or the capability for such substitution in electric power generating plants and other industrial facilities;

(d) preserving national primary ambient air quality standards and emission standards established to achieve such;

(e) authorizing the President to require the conversion of such facilities to burn domestic coal, and to grant temporary and limited variances to air quality emissions standards, if necessary, to permit such conversion.

TITLE II—CONVERSION OF FACILITIES TO THE USE OF DOMESTIC COAL

SEC. 201. IMMEDIATE CONVERSION OF EXISTING PLANTS.—(a) The President is authorized to require that existing baseload powerplants and industrial facilities which burn petroleum or natural gas as a boiler fuel, and which are determined by the Federal Power Commission to have the capability to burn coal, shall convert to the use of domestic coal as their primary fuel. Industrial facilities subject to this Act are those having boilers with a capacity of one hundred million British thermal units per hours or more, and which burn fossil fuel as boiler fuel for the generation of process steam, to heat industrial furnaces, smelters, and so forth.

(b) Such conversions shall be carried out within one year of the date of enactment of this Act, contingent upon the availability of suitable coal, and the maintenance of reliability of service in a given service area.

SEC. 202. CONVERSION OF PLANTS IN THE PLANNING OR CONSTRUCTION STAGE.—The President is further authorized to require that plants subject to this Act in the planning process or in the construction stage on the date of enactment of this Act—

(a) shall be designed and constructed so as to have the capability of rapid conversion to burn all three major fossil fuels (coal, oil, and gas) as boiler fuel; and

(b) maximize the use of domestic coal as their primary fuel;

(c) shall comply with new source performance standards promulgated under the Clean Air Act, as amended.

SEC. 203. FUTURE CAPABILITY FOR FUEL CONVERSION.—The President is authorized to require that, within five years, all plants subject to this Act develop a capability to burn all three major fossil fuels and use, insofar as possible, domestic coal as their primary fuel: *Provided*, That plants which have a projected remaining useful life of ten years or less after the date of enactment of this Act shall not be required to convert their facilities.

SEC. 204. VARIANCES FROM ESTABLISHED AIR QUALITY EMISSIONS STANDARDS.—(a) For the purposes of this Act, at the direction of the President, the Administrator of the Environmental Protection Agency (EPA) is hereby authorized to permit, for existing stationary sources, on an individual plant basis, temporary variances from applicable emissions standards for air pollutants established pursuant to Federal or State statutes. Such variances shall be granted only for those existing facilities where the only available coal supplies, when burned, will result in emissions in excess of applicable emissions standards: *Provided*, That no such variance may be granted when the Administrator finds that granting the variance would result in violation of any national primary ambient air quality standard.

(b) To obtain a variance pursuant to this section, the owner or operator of such a plant must submit to the Administrator of EPA an application for a variance pursuant to this Act explaining why the variance is needed, accompanied by a detailed plan and schedule for the installation of appropriate air pollution control systems that will achieve compliance with applicable emissions standards, and by evidence, including supplementary control systems, to assure that applicable national primary ambient air quality standards will not be violated. The progress of such installations shall be reviewed by the Administrator every ninety days. If he determines there is significant deviation that is within the control of the owner or operator from the proposed plan and schedule filed with the application for the variance, which deviation will result in delaying compliance with applicable emissions standards, he shall revoke such variance.

(c) In granting or revoking variances pursuant to this section, the Administrator of EPA shall give appropriate notice of his action to the Governor of the State in which the affected plant is located.

(d) Within ninety days of enactment of this Act, the Administrator of EPA shall promulgate regulations to carry out the purposes of this section.

TITLE III—ADMINISTRATION

SEC. 301. REPORTS.—(a) The Administrator of EPA shall maintain a publicly available list of the variances granted, and shall report annually to the President and the Congress on the impact on air quality of implementing this Act. Such report shall also include the number of variances in effect and the progress being made to install air pollution control systems in converted plants.

(b) The Federal Power Commission shall maintain a publicly available list of converted powerplants, and shall submit to the President and the Congress an annual report on the effect of these conversions and of the implementation of this Act, on power generation and reliability and on the cost of electric power.

(c) The Secretary of Commerce shall submit to the President and the Congress an annual report on the impacts of the implementation of this Act on the affected industries and on commerce in the areas where conversion to coal has taken place pursuant to this Act. The report shall also include recommendations for changes in legislation or administrative action to facilitate implementation of this Act.

(d) One year after the date of enactment of this Act, the Interstate Commerce Commission and the Department of Transportation shall submit to the President and the Congress, a report on the adequacy of existing transport facilities and regulations to carry out the purposes of this Act. The report shall also include recommendations for changes in existing legislation or regulations to facilitate implementation of this Act.

SEC. 302. AUTOMATIC INCREASES IN ALLOWABLE PRICE OF COAL.—Notwithstanding any provision of the Economic Stabilization Act of 1970, as amended, the Cost of Living Council or other appropriate delegate of the President shall grant automatic increases in the allowable price of coal which may be charged to users of coal, which shall reflect on a dollar for dollar basis any increases in the cost of producing coal due in whole or in part to the requirements of this Act.

SEC. 303. AUTHORIZATION.—There are hereby authorized to be appropriated such amounts as are necessary to carry out the purposes of this Act.

SEC. 304. SEPARABILITY.—If any provision of this Act or the applicability thereof is held invalid, the remainder of this Act shall not be affected thereby.

AMENDMENT No. 642

On page 7, line 10 after the word "Coal", insert the following: "and Assurance of Adequate Materials and Equipment.—(a)", and after line 26, insert the following: "(b) For the purposes of this Act, the President is authorized to take such action as may be necessary to assure adequate supplies of materials, including energy supplies, and equipment necessary to maintain and increase the production of coal and to allow the conversion of power plants and industrial facilities to the burning of coal."

OIL AND GAS REGULATORY REFORM ACT OF 1973—AMENDMENT

AMENDMENT NO. 643

(Ordered to be printed and referred to the Committee on Commerce.)

Mr. STEVENSON (for himself, Mr. ABOUREZK, Mr. HART, Mr. KENNEDY, Mr. MCGOVERN, Mr. MCINTYRE, Mr. METCALF, Mr. MONDALE, and Mr. MOSS) submitted an amendment intended to be proposed by them jointly to the bill (S. 2506) to amend the Natural Gas Act to secure adequate and reliable supplies of natural gas and oil at the lowest reasonable cost to the consumer, and for other purposes.

FEDERAL OIL AND GAS CORPORATION

Mr. STEVENSON. Mr. President, I introduce for appropriate reference legislation to create a Federal Oil and Gas Corporation. The primary task of this Corporation is to explore for, develop, and produce the large deposits of oil and natural gas on lands owned by the Federal Government.

The condition of our prospective supplies of energy is ominous. Even with an average winter and flowing supplies from the Mideast, the Nation would face a 3-percent energy supply shortfall this winter.

The embargo on oil imports to the United States from the oil-producing Arab States has worsened the shortage. The Arab embargo now applies to exports to the United States, and also to exports to our suppliers in Europe, the Caribbean, and Canada. European countries faced with their own shortages will embargo exports of refined products. Canada last week announced an increased tax on its exports—from 40 cents per barrel to $1.90 per barrel, effective December 1, a move which could also affect our imports.

About 18 million barrels of oil a day is consumed in the United States under ordinary circumstances. Under the present circumstances, that consumption might have to be reduced by as much as 15 percent. Adverse weather in Europe or the United States could further aggravate the shortage.

Natural gas curtailments this winter

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could be substantially higher than last year, or about 629 billion cubic feet. In the past those under curtailment could turn to fuel oil or propane; this year such substitutions will almost certainly be precluded.

The Nation must begin to act, thoughtfully and forcefully, to master its fate. Adequate supplies of energy are essential to the welfare of every home, every public service, every farm, and industry in the Nation.

We must develop a coordinated and far-sighted national energy policy, and that policy must be concerned with the short-term, the near-term, and the long-term.

Energy must be conserved. For this winter this is about all we can do. Supplies cannot be significantly increased. Demand must be decreased. To that end, I have introduced S. 2602, which would place the Nation on daylight saving time this winter. That one action could serve as a centerpiece for personal energy conservation efforts on a national scale.

For the long term, the Nation must acquire a new energy ethic and end its extravagant consumption. Alternative sources of energy—coal, solar, and nuclear fusion principally—must be developed. But coal gasification and liquefaction and such other energy substitutes as solar energy and nuclear fusion will not have their greatest effect until the 1980's and beyond. Today oil and natural gas account for nearly 80 percent of the energy we use, and whether we like it or not that consumption pattern will be with us for at least the next 10 to 12 years.

For some time, the increased demand for oil in the United States has not been met with increased domestic production. Imported oil, primarily from the Middle East, Canada, and Venezuela, has taken up the slack.

While the demand for natural gas has skyrocketed, in the last 5 years the ratio of proven natural gas reserves to production has been declining.

The causes of this state of affairs have been widely debated—the delay in constructing the Alaskan pipeline, the regulatory structure of the Federal Power Commission, and the anticompetitive nature of the large private major oil companies, to name a few.

But one matter is not at issue—that there remains in the United States adequate domestic resources of oil and natural gas to meet our intermediate term needs, and furthermore, that the people of the United States own most of this oil and natural gas.

The U.S. Geological Survey has estimated that there are almost 500 billion barrels of oil in proven, indicated additional and undiscovered reserves, and almost 2,400 trillion cubic feet of proven and undiscovered natural gas reserves yet to be found both onshore and offshore in the United States. To put this into perspective it must be remembered that we presently consume about 6.5 billion barrels of oil and 22 trillion cubic feet of natural gas per year. Estimates of how much of these resources are under Federal lands range from 50 to 75 percent.

In other words, the bulk of our vast domestic oil and gas resources are public resources. They are owned by the people. They should be developed for the people.

Yet, only about 2 percent of the Federal lands under which oil and gas may be found have been leased for exploratory and developmental purposes to private oil and gas companies. Moreover, recent testimony before a Senate subcommittee indicates that wells on over 10 percent of the leased acreage—838,000 acres—have been classified by the U.S. Geological Survey as "producing shut-in." In other words, these are wells capable of commercial production but temporarily "shut-in" and held back from production.

Vital public resources are simply not being developed.

The Federal Oil and Gas Corporation Act would assure that the public which owns these enormous resources benefits from them—and as soon as possible.

There are four essential purposes to be achieved by the establishment of a Federal Oil and Gas Corporation:

First, the Corporation would develop publicly owned oil and gas resources on Federal lands in order to satisfy national energy needs rather than to maximize private sector profits.

Second, the Corporation would stimulate competition in the petroleum business.

Third, the Corporation would provide the public with knowledge of the actual cost of producing oil and gas so that public policy can be geared to the Nation's interest. It would give the Nation a "yardstick" against which to judge the performance of the private oil companies.

Fourth, the Corporation would contribute additional fuel supplies which the Federal Government could effectively allocate to essential public needs, including national defense.

The Corporation would have access to publicly owned gas and oil rights on Federal lands, as well as the power to acquire similar rights on private lands. It could enter into the full range of activities necessary for the exploration, development, refining, transportation and marketing of the petroleum and gas products. However, it would be able to enter into activities outside exploration, development and production only if it were unable to sell its crude oil and natural gas to companies which would promote competition in the industry.

The Corporation would have the authority to issue bonds to cover its indebtedness, and Federal appropriations in the amount of $50 million per year would be authorized for the first 10 years.

The Corporation would be required to make public disclosure of its proprietary information to assure data on actual production costs in the petroleum industry. It would also make available to the public its patents and inventions, and its corporate profits would inure to the Federal Treasury for the benefit of all citizens.

In the past—in times of energy surpluses when the production of oil and natural gas came primarily from private lands—the need for such a Corporation was not evident. But now that need is evident.

The development of public resources by a public corporation is not new. Here in the United States the record of the Tennessee Valley Authority speaks for itself.

Other nations have long recognized that the assured production of oil and natural gas at reasonable cost is essential to the public interest. Countries with national oil companies today are more nearly the rule than the exception. In 1914 the British Government, at the urging of First Lord of the Admirality Winston Churchill, bought controlling interest in British Petroleum—BP. Churchill argued that the British Navy needed a secure source of oil under British control, that if the Navy had its own supply of oil it would no longer have to rely on a world market dominated by gigantic corporations, and that long-term energy requirements in war and in peace would be assured at reasonable prices. Churchill's arguments might well be made in another time and place—today in the United States.

The British Gas Council, a governmental agency, has authority to develop gas on offshore public lands, primarily in the North Sea. Its existence has increased natural gas production and reduced natural gas prices.

There are numerous other examples—the Compagnie Fancaise des Petroles—CFP in France, the Ente Nazionale Idrocarburi—ENI—in Italy; Pemex in Mexico; Petrobras in Brazil, and YPF in Argentina; Oil India; and many others. These companies may vary in structure and in degree of governmental control, but in each the idea—the development of vital resources in the public interest—is the same.

One recent entry into the national energy company field is the Norwegian State Oil Co. A recent study of national oil companies by the Canadian Government notes that:

> With the discovery of oil in the Norwegian sector of the North Sea the Norwegian Government took aggressive action to ensure that oil developments would be under terms and conditions which maximized the benefits to the nation.

The purpose of the Federal Oil and Gas Corporation I propose would be to take aggressive action to insure that oil and natural gas deposits—primarily under public lands—are developed and on terms and conditions which maximize the benefits to the Nation.

It is not the purpose of this legislation to provide a forerunner for nationalizing the American petroleum industry. The purpose is to develop public resources—and preserve the free enterprise system in the petroleum industry. But private oil companies need a spur, a yardstick, an incentive and competition. This Corporation would provide that yardstick. It would also develop vast public resources for the benefit of the public. And it could do so quickly—as compared with the development of other sources of energy.

Mr. President, I ask unanimous consent that the text of the amendment be inserted in the RECORD at this point.

There beng no objection, the amendment was ordered to be printed in the RECORD:

AMENDMENT No. 643

On page 33, line 11, and after amendments to S. 2506 insert the following new title:

TITLE VI—FEDERATION OIL AND GAS CORPORATION

SEC. 601. This title may be cited as the "Federal Oil and Gas Corporation Act".

SEC. 602. The Natural Gas Act (15 U.S.C. 717 et seq.), as amended by this Act, is amended by adding at the end thereof the following new section:

"SEC. 34. (a) The Congress finds and declares that—

"(1) the Federal Government must become directly involved in securing and developing sources of natural gas and oil to assure adequate supplies of these fuels to American consumers at reasonable and competitive prices;

"(2) the Nation's need for energy supplies is so great that there is an urgent need to stimulate new competition in the production and sale in commerce of natural gas and oil and products refined and derived therefrom;

"(3) the people of the United States through the Federal Government own substantial lands which could be developed for the production of natural gas and oil;

"(4) American consumers would benefit if the forces of competition operated to a greater extent than at present in the world oil and gas market;

"(5) publicly available data on the cost of natural gas and oil production and reserves is needed to assure competition and fair regulation in the public interest; and

"(6) a corporation owned by the Federal Government, engaged in the development and sale of natural gas and oil, could provide competition in the energy industry and, through research and development, assure adequate supplies of these fuels without harm to the environment.

"(b) The Commission is directed to establish, in accordance with the provisions of this section, a corporation to be known as the Federal Oil and Gas Corporation (hereinafter referred to as the 'Corporation').

"(c)(1) The Corporation shall be administered by a Board of Directors (hereinafter referred to as the 'Board'). The individuals appointed as members of the first Board shall be deemed the incorporators of the Corporation. The date of incorporation shall be held to be the date of the first meeting of the first Board at which a quorum is present.

"(2) The Board shall consist of five qualified individuals who shall be selected by the President, by and with the advice and consent of the Senate. The President shall designate the Chairman. All members of the Board shall be individuals who believe and profess a belief in the feasibility and wisdom of this Act, and who believe and profess a demonstrable belief in environmental protection and the purposes of the antitrust and consumer protection laws of the United States. Appropriate weight in the selection of Board members shall be given to such factors as race, age, and sex.

"(3) The terms of office of the members of the Board first taking office shall expire as designated by the President at the time of selection, one at the end of the first year, one at the end of the second year, one at the end of the third year, one at the end of the fourth year, and one at the end of the fifth year following the date of incorporation. A successor to a member of the Board shall be appointed in the same manner as the original members and shall have a term of office expiring five years from the date of expiration of the term for which his predecessor was appointed. Any member of the Board appointed to fill a vacancy in the Board occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

"(4) Three members of the Board shall constitute a quorum for the purpose of conducting the business of the Corporation.

"(5) The Chairman of the Board shall be compensated at the rate provided for level II of the Executive Schedule pay rates (5 U.S.C. 5313); the other members of the Board shall be compensated at the rate provided for level IV of the Executive Schedule pay ratea (5 U.S.C. 5315), to be paid by the Corporation as current expenses. Members of the Board shall be reimbursed by the Corporation for actual expenses incurred by them in the performance of the duties vested in the Board by this section.

"(6) No member of the Board shall, during his term in office, be engaged in any other business, nor may he have any financial interest in any business entity which is engaged in the exploration, development, production, transportation, or sale of natural gas or oil.

"(7) All members of the Board shall avoid all contacts with any person which may tend to create an actual or apparent conflict of interest with the Board member's duties and responsibilities under this Act. Each Board member shall refrain from any action which may actually or apparently impugn his stated belief in the purposes of this Act. To further assure the independence of Board members, their compensation shall be continued for a period of one year at a level equal to three-quarters of their compensation at the end of their term.

"(8) Any member of the Board may be removed from office at any time by a concurrent resolution of the Senate or the House of Representatives.

"(d)(1) The Board shall, without regard to the provisions of civil service laws applicable to officers and employees of the United States, appoint such officers, managers, employees, attorneys, and other personnel as are necessary for the transaction of its business (including personnel to perform temporary and intermittent services), fix their compensation, define their duties, require bonds of such of them as the Board may designate, and provide a system of organization to fix responsibility and promote efficiency. Any appointee of the Board may be removed at the discretion of the Board.

"(2) All contracts to which the Corporation is a party and which require the employment of laborers and mechanics in the construction, alteration, maintenance, or repair of facilities authorized under this title shall contain a provision that not less than the prevailing rate of wages for work of a similar nature in the vicinity shall be paid to such laborers or mechanics as determined by the Secretary of Labor in accordance with the Davis-Bacon Act (40 U.S.C. 276a). In the determination of such prevailing rate or rates due regard shall be given to those rates which have been secured through collective agreement by representatives of employers and employees. The Board shall not enter into any such contract without first obtaining assurance that required labor standards will be maintained on the construction work. Health and safety standards promulgated by the Secretary of Labor pursuant to section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) shall be applicable to all construction work performed under such contracts. Where such work as described in this paragraph is done directly by the Corporation the prevailing rate or rates of wages shall be paid in the same manner as though such work had been let by contract.

"(c) Except as otherwise specifically provided in this section, the Corporation—

"(1) shall have succession in its corporate name;

"(2) may sue and be sued in its corporate name;

"(3) may adopt and use a corporate seal, which shall be judicially noticed;

"(4) may make contracts, as herein authorized;

"(5) may adopt, amend, and repeal bylaws;

"(6) may purchase or lease and hold such real and personal property as it deems necessary or convenient in the transaction of its business, and may dispose of any such personal or real property held by it;

"(7) shall have such powers as may be necessary or appropriate for the exercise of the powers herein specifically conferred upon the Corporation;

"(8) shall have the power to explore for natural gas and oil on Federal, State, foreign, or private lands: *Provided*, That exploration on State lands shall be in accord with leasing or other State land disposition or utilization programs.

"(9) shall have the power to develop and sell natural gas or oil discovered by exploration, or otherwise obtained by sale, lease, purchase, exchange, or contract, and to build and operate all those facilities necessary for the development or sales of such resources, as herein authorized;

"(10) shall have the power to explore, develop, acquire, or sell natural gas and oil alone or on a joint or cooperative basis with any private or other public entity or entities: *Provided*, That no joint or cooperative basis is authorized if there is any likelihood that exploration, development, acquisition, or sale jointly or cooperatively with another entity or entities may adversely affect competition, restrain trade, further monopolization, or violate the spirit or content of any Federal statute respecting trade or commerce.

"(11) shall have the power to engage in research directed toward the development or utilization of abundant and nonpolluting supplies of energy, from whatever source, and may build, own and operate research, testing or demonstration facilities, alone or on a joint or cooperative basis with private or other public entities; and

"(12) shall have the power to build, lease, purchase, or otherwise obtain and operate facilities necessary for the sale, purchase, transportation or delivery of natural gas or oil: *Provided*, That no facility may be constructed or operated unless such facility meets and complies with all of the requirements of any Federal statute relating to environmental quality, or any regulation issued under such statute. As used herein, 'environmental quality' means those aspects of life and those objectives which are delineated in section 101(b) of the National Environmental Policy Act of 1969 (42 U.S.C. 4331(b)) and which it is the purpose of such Act to protect.

"(f)(1) The Corporation is empowered to incur debt for capital purposes. Such debt may be incurred in the form of bonds, debentures, equipment trust certificates, conditional sale agreements, or any other form of securities, agreements, or obligations (hereinafter collectively referred to as 'obligations').

"(2) Payment of principal and interest on obligations issued by the Corporation under this subsection is guaranteed by the United States. Such guarantee shall be expressed on the face of the obligation. The corporation may also incur debt not guaranteed by the United States. Proceeds realized by tht Corporation from issuance of its obligations and the expenditure of such proceeds shall not be subject to apportionment under the provisions of section 3679 of the Revised Statutes (31 U.S.C. 665).

"(3) Obligations issued by the Corporation

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under this subsection may be redeemable at the option of the Corporation before maturity in such manner as may be stipulated therein and shall be in such forms and denominations, have such maturities, and be subject to such terms and conditions as shall be determined by the Board.

"(4) At least thirty days before selling any issue of obligations other than obligations having a maturity of less than one year, the Board shall so advise the Secretary of the Treasury in the greatest possible detail, including the amount, proposed date of sale, maturities, terms and conditions of and the expected rate of interest on such issue. If the Secretary of the Treasury so requests, representatives of the Corporation shall consult with him or his designee with respect to the proposed issue: *Provided*, That the issuance and sale of obligations of the Corporation is not subject to approval by the Secretary of the Treasury. If the Corporation determines that a proposed issue of obligations cannot be sold on reasonable terms, it may issue interim obligations to the Secretary of the Treasury, which such Secretary is authorized to purchase. Such interim obligations of the Corporation issued to the Secretary of the Treasury shall mature on or before one year from the date of issuance. Such obligations shall bear interest at a rate or yield no less than the current average yield on outstanding marketable securities or obligations of the United States of comparable maturity, as determined by the Secretary of the Treasury. For the purpose of any purchase of obligations of the Corporation, and to enable him to carry out the responsibility relating to guarantees of obligations made pursuant to this subsection, the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as now or hereafter in force, and the purposes for which securities may be issued under the Second Liberty Bond Act, as now or hereafter in force, are extended to include any purchases of the obligations of the Corporation under this section. The Secretary of the Treasury may at any time sell, upon such terms and conditions and at such price or prices as he shall determine, any of the obligations of the Corporation acquired by him. All redemptions, purchases, and sales by the Secretary of the Treasury of the obligations of the Corporation shall be treated as public debt transactions of the United States.

"(5) The Board may—

"(A) sell its obligations by negotiation or on the basis of competitive bids, subject to the right, if reserved, to reject all bids;

"(B) designate trustees, registrars, and paying agents in connection with obligations of the Corporation and the issuance thereof;

"(C) arrange for audits of its accounts and for reports concerning its financial condition and operations by certified public accounting firms in addition to audits and reports required by the Government Corporation Control Act;

"(D) invest, subject to any covenants contained in any obligation contract, the proceeds of any obligations and other funds under its control in any securities approved for investment of national bank funds and deposit said proceeds and other funds, subject to withdrawal by check or otherwise, in any Federal Reserve bank or bank having membership in the Federal Reserve System; and

"(E) perform such other acts not prohibited by law as it deems necessary or desirable to accomplish the purposes of this section.

"(6) Obligations of the Corporation issued under this subsection shall contain a recital to that effect which shall be conclusive evidence that the underlying obligation is in compliance with the provisions of this title and valid. Obligations of the Corporation issued under this subsection shall be lawful investments and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority or control of any officer or agency of the United States and shall be exempt securities within the meaning of laws administered by the Securities and Exchange Commission. The limitations and restrictions as to a National or State band dealing in, underwriting, or purchasing investment securities for its own account, as provided in section 5136 of the Revised Statutes, as amended (12 U.S.C. 24), and section 5(c) of the Act of June 16, 1933 (12 U.S.C. 335), shall not apply to obligations guaranteed under this subsection.

"(7) There are authorized to be appropriated to the Secretary of the Treasury such sums as may be necessary to pay the principal and interest on notes or obligations issued by him as a consequence of any guarantee under this subsection.

"(8) In the event of any default on any guaranteed obligation, and payment in accordance with a guarantee by the United States, the Attorney General shall take appropriate action to recover the amount of such payments, with interest, from the Corporation or other persons liable therefor.

"(g) (1) The Corporation may request the right to develop natural gas or oil which is or may be located on any Federal lands, including offshore rights, to the extent necessary to carry out its authorized activities: *Provided*, That the Corporation shall not request nor be granted more than 20 per centum of such rights as are offered at that time for sale or lease to other qualified persons.

"(2) Except as provided in paragraph (3) of this subsection, any Federal agency or department having authority to lease, sell, or otherwise dispose of Federal lands or rights to natural gas or oil which is or may be located on Federal lands, including offshore rights, shall, upon the receipt of a request of the Corporation under paragraph (1) of this subsection, grant the Corporation such right to develop without payment within 90 days after the receipt of such request. Rights to develop under this paragraph shall not be subject to any other Federal statute or regulation governing the lease, sale, or other disposition of any such lands or rights by any Federal agency or department.

"(3) Notwithstanding the provisions of section 644 of title 10, United States Code, the Secretary of Defense, acting for the Secretary of the Navy, shall transfer possession of certain properties inside the naval petroleum and oil shale reserves, which are subject to such Secretary's jurisdiction and control, to the Corporation in accordance with this paragraph. Within one year after the date of incorporation of the Corporation, the Secretary of Defense shall prepare and submit to the President a report which specifies the petroleum and oil shale reserves which he finds are necessary for retention to accomplish the purposes of such section 644. Within six months after receiving such report, the President shall designate those petroleum and oil shale reserves which are necessary for retention under such section. Such properties may not be transferred to the Corporation, except on such terms and conditions as may be set by the President.

"(4) The provisions of this subsection shall not apply to any Federal lands or rights within any national park, wilderness, seashore, or wildlife refuge area, or to any lands held by the United States in trust for any Indian or Indian tribe.

"(5) All rights granted and properties transferred to the Corporation shall be explored, developed, and produced in the most rapid manner practicable without excessive risk of losses in recovery in accordance with the purposes of this title and subject to the authorized powers and limitations of the Corporation under subsection (c) of this section.

"(h) (1) The Corporation shall build, lease, or purchase refining facilities for the crude oil it produces or otherwise obtains only if it is unable to make sales of such oil in a manner which will promote competition among suppliers of crude oil.

"(2) The Corporation shall build, lease, or purchase transportation facilities for the natural gas or oil it produces or otherwise obtains only if it is unable to arrange for delivery of such natural gas or oil in a manner which will promote competition among suppliers of natural gas or oil.

"(i) (1) Sales of natural gas or oil by the Corporation shall be made at fair and reasonable prices designed to promote competition among suppliers of these energy resources.

"(2) Sales and transportation of natural gas or oil by the Corporation shall be subject to the jurisdiction of the Commission to the same extent and subject to the same requirements as sales and transportation of these energy resources by other supplies.

"(3) In selling natural gas or oil, the Corporation shall give price, supply or delivery preference to States, political subdivisions of States, cooperatives, and independent refiners.

"(j) Whenever the Corporation owns land, facilities, equipment, or other items, which would normally be subject to taxation by a State or political subdivision thereof, the Corporation shall pay an amount to such entity in lieu of such taxes on the same basis and in like amount as would be paid in the form of taxes by a private owner.

"(k) (1) The Corporation shall make available, by license or otherwise, on a nonexclusive basis, upon payment of a reasonable royalty, and without territorial limitation, the use of any patent, trade secret, and copyrighted or other information obtained or developed by the Corporation in the performance of any of its activities under this section. In appropriate cases, where the purposes of this title would be served, the Band may waive the payment of royalties.

(2) Copies of any written or oral communication, document, intelligence, report, or other information received, prepared, or sent by the Corporation or any of its personnel and, in the case of oral communications, reduced to writing in whole or in summary, shall be made available to any interested person upon receipt of a specific and identifiable request in writing and payment of costs including the approximate compensation value of personnel time expended in responding to such request, except that nothing in this paragraph shall be deemed to require the release of any information required by law to be kept secret in the interest of the national defense or foreign policy; personnel and medical files and similar files the disclosure of which would constitute an unwarranted invasion of personal privacy; or information pertinent to a pending negotiation or transaction until the completion thereof.

"(l) Except for compliance with Federal statutes which may be administered by the States, the Corporation shall be exempt from State and local statutes or controls which would impede affect its ability to perform the activities authorized by this title: Provided, That the Corporation shall submit a prior report, together with reasons therefor, to the Commission and the Congress with respect to each incident of noncompliance with any State or local statute or control.

"(m) The Corporation shall transmit to the President and the Congress, annually, commencing one year from the date of incorporation, and thereafter on February 1st of each year, and at such other times as it deems desirable, a comprehensive and detailed report of its operations, activities, and accomplishments under this section, including a statement of receipts and expenditures for the previous year. Copies of such reports shall be sent to the chairmen of the Senate and House Committees on Appropriations and Commerce, and the reports also shall—

"(1) contain the Corporation's statement of specific and detailed objectives and relate these objectives to those in this title;

"(2) include statements of the Board's conclusions as to the effectiveness of the Corporation in meeting the stated objectives, measured through the end of the preceding fiscal year;

"(3) make recommendations with respect to any changes or additional legislative action deemed necessary or desirable;

"(4) contain a listing identifying the principal analyses and studies supporting the major conclusions and recommendations; and

"(5) contain the Corporation's annual evaluation plan or plans for its activity through the next fiscal year and the following five years.

At the time of such annual report, the Corporation shall submit a statement of the amount of financial assistance needed, if any, for its operations and for capital improvements, the manner and form in which the amount of such assistance should be computed, and the sources from which such assistance should be derived. The Corporation shall make this annual report readily available to the public.

"(n) Each department, agency, and instrumentality of the executive branch of the Federal Government, including independent agencies, is authorized and directed to furnish to the Corporation, upon its request, any information or other data which the Corporation deems necessary to carry out its duties under this section.

"(o) There are hereby authorized to be appropriated to the Corporation for the fiscal year ending June 30, 1974, and for each of the next ten succeeding fiscal years $50,000,000 for the Corporation to carry out its activities under this section. All funds appropriated pursuant to this section shall remain available until expended.

"(p) When the annual revenues of the Corporation exceed the amounts necessary to satisfy, in accordance with customary business practices, the obligations and expenses incurred by the Corporation and to maintain the financial reserves necessary for Corporation activities, the Corporation shall pay its remaining funds to the United States."

SEC. 603. Section 101 of the Government Corporation Control Act (31 U.S.C. 846) is amended by (a) striking out "and" in the last clause thereof; and (b) striking out "." at the end thereof and inserting in lieu thereof the following new clause: "and Federal Oil and Gas Corporation."

SOCIAL SECURITY AMENDMENTS OF 1973—AMENDMENTS

AMENDMENT NO. 644

(Ordered to be printed and referred to the Committee on Finance.)

Mr. CRANSTON (for himself, Mr. Gurney, Mr. Hathaway, Mr. Hart, Mr. Hollings, Mr. Hughes, Mr. McGee, Mr. McGovern, Mr. Mondale, Mr. Moss, Mr. Pell, Mr. Randolph, and Mr. Stevenson) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 3153) to amend the Social Security Act to make certain technical and conforming changes.

AMENDMENT NO. 645

(Ordered to be printed and referred to the Committee on Finance.)

Mr. CRANSTON (for himself and Mr. Hathaway) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 3153), supra.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 575

At the request of Mr. Montoya, the Senator from Utah (Mr. Moss) was added as a cosponsor of amendment No. 575, intended to be proposed to S. 1029, a bill to provide in cooperation with the States, benefits to individuals who are totally disabled due to employment-related respiratory disease and to the surviving dependents of individuals whose death was due to such disease or who were totally disabled by such disease at the time of their deaths.

NOTICE OF HEARING ON FORESTS FOR THE FUTURE

Mr. EASTLAND. Mr. President, as the chairman of the Subcommittee on Environment, Soil Conservation and Forestry of the Committee on Agriculture and Forestry, I am announcing a hearing today on S. 2296, as amended November 7, 1973, by Senator Humphrey and many others, to provide for the protection and enhancement of the national forest system, its lands and resources, and for other purposes.

The hearing will be held at 9:30 a.m. November 20 in room 324 of the Russell Senate Office Building.

In addition to departmental witnesses, we are inviting the public to testify. Oral testimony of public witnesses will be limited to 10 minutes, but witnesses may submit such supporting testimony as they deem necessary, and it will become part of the official record.

NOTICE OF HEARINGS ON THE NATIONAL SECURITIES MARKET SYSTEM ACT OF 1973

Mr. WILLIAMS. Mr. President, I should like to announce that the Subcommittee on Securities of the Committee on Banking, Housing and Urban Affairs will hold 3 days of hearings on S. 2519, the National Securities Market System Act of 1973. This bill, which I introduced with Senators Biden and Brooke, amends the Securities Exchange Act of 1934 to facilitate the development of a national market system, to provide for regulation of securities information processors, to remove unnecessary burdens on competition, to strengthen and improve the Securities and Exchange Commission's oversight of self-regulatory organizations, and for other purposes.

The hearings will be held November 12, 13, and 14 at 2 p.m. in room 5302, Dirksen Office Building.

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Charles H. Anderson, of Tennessee, to be U.S. attorney for the middle district of Tennessee for the term of 4 years, reappointment.

Rex K. Bumgardner, of West Virginia, to be U.S. marshal for the northern district of West Virginia for the term of 4 years, reappointment.

Leon T. Campbell, of Tennessee, to be U.S. marshal for the middle district of Tennessee for the term of 4 years, reappointment.

R. Jackson B. Smith, Jr., of Georgia, to be U.S. attorney for the southern district of Georgia for the term of 4 years, reappointment.

Leon B. Sutton, Jr., of Tennessee, to be U.S. marshal for the eastern district of Tennessee for the term of 4 years, reappointment.

George R. Tallent, of Tennessee, to be U.S. marshal for the western district of Tennessee for the term of 4 years, reappointment.

James E. Williams, of South Carolina, to be U.S. marshal for the district of South Carolina for the term of 4 years, reappointment.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on on before Wednesday, November 14, 1973, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

ADDITIONAL STATEMENTS

INADEQUATE SENTENCING

Mr. McCLELLAN. Mr. President, as chairman of the Subcommittee on Criminal Laws and Procedures, I have long taken a keen interest in the inadequate sentencing often given to professional criminals—particularly those who are well-known figures in organized crimes.[1]

Criminal penalties provided by statutes are designed to serve as a deterrent and to provide just punishment for the injury inflicted upon society and the victim. But such penalties cannot deter unless a just sentence is meted out which is appropriate to the magnitude and seriousness of the crime committed.

Mr. President, I ask unanimous consent to have printed in the Record, at the conclusion of these remarks, an article from the New York Times of November 2, 1973, reporting an outrageous case disclosed by the New York State Committee on Crime in which eight defendants free on 5 years' probation for conviction of possession of $100,000 in stolen property continued, with the knowledge of the sentencing judge, criminal careers in theft, burglary, and bribery involving some 17 arrests; also an editorial from the New York Daily-News of November 3, 1973.

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[1] See Congressional Record, vol. 115, pt. 17, p. 23434; Congressional Record, vol. 115, pt. 25, p. 34390; and Hearings, Reform of the Federal Criminal Laws, Subcommittee on Criminal Laws and Procedures, Committee on the Judiciary, U.S. Senate, part V, 93d Cong., 1st sess. (1973), pp. 5261–63.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McCLELLAN. Mr. President, this committee's study further disclosed that over 99 percent of those arrested for possession of stolen property in New York State are turned loose without any prison sentence. With such practices by the courts in the administration of justice, it is no wonder that we had, for example, estimated losses in the United States through cargo theft alone in 1970 amounting to over $1.5 billion.

The New York study, I believe, strongly reinforces persistent argument for some sort of appellate review of sentences which would include provisions for permitting the Government to petition an appellate court to review and increase inadequate sentences.

Mr. President, I might also note that the Criminal Laws Subcommittee has processed and the Senate has passed on several occasions (S. 13, now pending in the House) a measure to provide civil remedies in the way of treble damages to victims of racketeering activity and theft. Perhaps if we cannot deter the criminal, we can at least provide some measure of compensation to the victims of crime.

Exhibit 1

Sentences Scored in Hijacking Case

(By David Burnham)

A case study in which a State Supreme Court justice in Queen was found to have permitted eight defendants to continue their criminal careers while serving five years probation for the possession of $100,000 worth of stolen women's clothing was disclosed yesterday by the State Committee on Crime.

The case study of the eight defendants was part of a broader committee investigation that found that fewer than one-half of 1 per cent of the people arrested for criminal possession of stolen property in New York State receive jail sentences.

"This committee is becoming increasingly frustrated over the ability of organized crime to escape any penalty," said State Senator Ralph J. Marino, chairman of the committee, in a statement.

HIJACKINGS DECLINE

Noting earlier studies by the committee of the sentences received by organized-crime figures involved in narcotics, gambling and extortion. Mr. Marino said the investigation of hijacking cases "again reveals a pattern of especially meaningless dispositions."

The committee also heard testimony that though more than $50-million worth of merchandise was stolen while in transit in the New York area during the last three years, actual truck hijackings had declined.

According to Martin Butler, a detective with the Safe, Loft and Truck Squad of the New York Police Department, the number of hijackings here had dropped to 189 in 1972 from 378 in 1971, with 105 so far in 1973. The decline was attributed to better police and industry efforts to combat hijackings.

But the committee said that according to the latest available statewide statistics for hijacking crimes, at least "99.5 per cent of arrests result in dismissed charges, fines or probation." During 1970, there were 6,400 arrests for criminal possession of stolen property, 904 indictments, 225 convictions and 30 state-prison convictions, according to the committee.

SENTENCES ARE NOTED

In the case study selected for special examination by the committee, the eight defendants were arrested in November, 1968, for criminal possession of more than $100,000 worth of stolen women's clothing. One year later, in November, 1969, State Supreme Court Justice Albert H. Bosch put each defendant on probation and fined him $2,500.

During the next five years, the committee investigators found, the eight men were arrested 17 additional times on a variety of charges, including hijacking, auto theft, possession of weapons, bribery and burglary.

"Not one of these fellows, however, was taken off probation and sentenced to state prison," said Mr. Marino, adding that the ultimate authority for this decision rested with Justice Bosch and that the probation records indicated he had been informed of the subsequent arrests.

The committee chairman indicated that Justice Bosch and high probation officials in Queens would be permitted to offer their explanations for the handling of the case. Justice Bosch could not be reached late yesterday afternoon for comment.

The eight defendants were subpoenaed to testify before the committee yesterday, but because none of them had lawyers, they were excused with the understanding that they would be recalled at a later hearing.

The defendants were Vincent Alberti, 1622 East 91st Street: Anthony Cusamano, 1466 East 51st Street; Joseph Cusamano, 1006 Autumn Avenue; Vincent Minore, 5532 Avenue D; Daniel Rizzo, 147 Louisiana Avenue and Anthony Suppa, 436 Jamaica Avenue, all in Brooklyn, Phillip Tinneny, 133-12 Cross Bay Boulevard, and John Collins, 3316 Francis Lewis Boulevard, both of Queens.

It Pays To Steal

The State Committee on Crime has revealed that Queens Supreme Court Justice Albert H. Bosch let loose eight men convicted of possessing $100,000 worth of stolen clothing. The wrist-slap sentence was a $2,500 fine and five year's probation.

Since sentencing, all eight have been arrested 17 times for hijacking, car stealing, carrying weapons, bribery and burglary.

The committee found that 99.5% of those arrested for criminal possession of stolen property serve no time. More than $50 million worth of goods was stolen in transit in New York City during the last three years.

With bleeding-heart judges and inept parole officials turning crooks loose, organized crime thrives.

SOLVING THE GAS SHORTAGE

Mr. HANSEN. Mr. President, the greatest service that Congress could do for the American people today is to act immediately to help relieve the dangerous energy shortage. I say "dangerous" because our entire industrial output, national defense, and national economic well-being virtually depend upon an adequate and secure source of energy. Without it we are lost, and it is ridiculous to pretend otherwise.

Yet, incredible as it is, some of our Senate leaders are wasting precious time with a proposal that would actually cause a greater shortage than already exists. Instead of adding to our supply of clean-burning natural gas, the gap would widen.

According to Dr. Paul W. MacAvoy, a leading economist and member of the faculty of Massachusetts Institute of Technology, a bill proposed by Senator STEVENSON, of Illinois, would "result in substantial increases in demand along with far less than substantial increases in supply—of natural gas."

Testifying recently before the Senate Commerce Committee, Professor MacAvoy told acting committee Chairman STEVENSON and other members of the committee that rationing would result from the STEVENSON proposal, and most of the effects of rationing "will be felt in the upper Midwest" which happens to be in Senator STEVENSON's own backyard.

Professor MacAvoy was referred to S. 2506; authored by Senator STEVENSON, which calls for radical extension of Federal regulation of natural gas prices at the wellhead and for creation of a national oil and gas producing company.

Not only Professor MacAvoy, but impartial experts in many fields have said time and time again that Federal regulation of the gas exploration and producing industry is responsible for killing the incentive to look for new supplies. And, of course, with gas being used up faster than it is found, such regulation is a principal contributing factor to the energy shortage.

Through the use of computers and with the support of the National Science Foundation, Professor MacAvoy and a group of economists at MIT have constructed an econometric model for evaluating policy alternatives in gas price regulations—so as to reach more scientific conclusions about the energy shortage.

The MIT studies show that "the solution to the natural gas shortage does not appear to be in the reach of the Federal Power Commission."

Under the Stevenson proposal for greater FPC controls, the MIT study forecasts that by 1980, the production supply would amount to 28-trillion-cubic-feet per year, but the production demand would amount to nearly 37-trillion cubic feet.

Professor MacAvoy testified that under the present degree of Federal regulation, the shortage will increase to 5.3 trillion cubic feet out of 35.5 trillion cubic feet of demand by 1980.

Professor MacAvoy, who is a senior fellow at Brookings Institute and also was a member of Senator McGOVERN's Council of Economic Advisers, went on to say—

> These results indicate that, no matter how serious the FPC is about solving the natural gas shortage, they cannot do so with the continuation of present policies.

The MIT team of economists also analyzed the administration's proposal (S. 2048), which calls for deregulation of newly discovered gas, and which he pointed out "is motivated by the view that price increases will induce additional supplies while curtailing demands."

He said:

> One way to ameliorate the natural gas shortage, is through limited deregulation of new contract prices.
>
> The Administration proposal by 1980 results in a forecast of—32 trillion cubic feet of additional production supply. At the same time demands are held within bounds to a level of 32 trillion cubic feet per year so that excess demand by 1980 has been eliminated.

Professor MacAvoy also testified that there is no evidence of artificial withholding of reserves in the supply behavior of the 1960's.

> The model's equations track a quite plausible price-quantity relationship—Supply has tended to decline as the relative profit incentives of gas versus oil drilling abroad have drawn resources out of domestic U.S.

Under stringent regulation, not only would rationing be likely, but there would be strong feedbacks to other markets for fuels and energy, Professor MacAvoy pointed out.

> The markets most affected would be in the north and in the Midwest, since this is where the shortages will occur . . .

Professor MacAvoy continued:

> The gas shortage would likely have an effect of shifting approximately 9 trillion cubic feet of excess demand in 1980 to fuel oil as the best alternative choice, where this fuel oil sells for approximately twice as much.

DEATH OF CAPITOL POLICE SGT. ARTHUR W. HUSTED

Mr. EASTLAND. Mr. President, all of us in the Senate were certainly saddened by the death of an outstanding officer in the U.S. Capitol Police, Sgt. Arthur W. Husted.

Sergeant Husted was striken while on duty at a hearing before the Judiciary Committee on October 29, 1973.

I request unanimous consent to print in the RECORD an article from the Washington Star-News together with the remarks that I made before the Senate Judiciary Committee.

There being no objection, the article and remarks were ordered to be printed in the RECORD, as follows:

Hill Drama Ends in Officer's Death

(By Michael Kiernan)

Efforts inside a Senate hearing room to save the life of a U.S. Capitol policeman stricken with a heart attack failed yesterday after doctors labored for an hour to keep the man's heart beating.

A young heart specialist from Scotland, visiting the Capitol for the day, was among the eleven rescue workers who were able briefly to revive Sgt. Arthur W. Husted, of 6613 Holford Lane, Springfield, Va.

But the guard died a short time later at Rogers Memorial Hospital.

Sgt. Husted, 43, was stricken in the second-floor hallway of the new Senate Office Building at 9:55 a.m. shortly before the Senate Judiciary Committee was scheduled to begin its investigation into the firing of Special Watergate prosecutor Archibald Cox.

Police immediately cleared the hearing room of newsmen and then placed Husted on a press table where rescuers attempted to keep him alive with mouth-to-mouth resuscitation and electric shocks to the heart.

The Senate committee postponed Cox's appearance until the afternoon.

Two doctors and a nurse from the Capitol physician's office as well as seven D.C. Fire and Rescue personnel responded to calls for help after Husted was stricken.

But it was Dr. William E. Walker, 29, a heart specialist from Scotland now doing research at Johns Hopkins Hospital in Baltimore, who helped direct the emergency treatment, police said.

"If I ever get a heart attack, I'd want Dr. Walker there. He was fantastic," said Husted's supervisor, Capt. James O. Blackston, who saw Husted collapse and immediately sought medical help among spectators waiting to attend the hearing.

"I've seen these rescue efforts before," Blackston said, "and Sgt. Husted couldn't have been in better hands."

Later Dr. Walker said he had considerable experience managing people in cardiac surgery. "The rescue people all knew what they were doing. I was glad to be of some help. We all worked together," he said.

Dr. Walker said Sgt. Husted was still alive "but in very poor condition" when he was taken from the hearing room to the hospital.

Dr. Walker was attending the hearings with his wife, the former Mary Cooley, who is the daughter of the well-known heart transplant surgeon, Dr. Denton a. Cooley of Houston, Tex. Mrs. Walker also is the goddaughter of Senator Charles McC. Mathias, R-Md., a member of the Judiciary Committee.

Sgt. Husted, an Army veteran who retired as a Sergeant Major in May 1968, had served on the U.S. Capitol Police Force the last five years.

Until mid-summer a regular guard at the Senate Watergate hearings, he was stricken with his first heart attack in July and for three months was on leave of absence.

Two weeks ago he returned to the force. "He was the kind of guy who loved his job too much," Blackston said.

Blackston said Husted had been scheduled for a checkup with his private physician yesterday afternoon.

Sgt. Husted leaves his wife, Ann, and his son, Floyd, 20.

Statement by Senator Eastland

The fatal illness which struck our friend—Sergeant A. W. Husted—in this room today, serves as a sad reminder to all of us that we owe a great debt of gratitude to our police personnel here—and to law enforcement officers across America.

Too often, the presence of these dedicated officers is taken for granted—and the contributions they make—everyday—to the operation of the Congress—and to the orderly functioning of government at every level—from the rural section to the urban center—are made as expected parts of our lives.

I hope that each of us will reflect on the direct relationship between the performance of the policeman—and the security of our society.

The men and women who protect our loved ones—and our system of government—have earned and deserve our consideration and our support.

I know that everyone present joins this committee in extending our deepest sympathy to Sergeant Husted's family.

PEACE CORPS VOLUNTEER

Mr. AIKEN. Mr. President, Ellwyn Miller has long been a farmer-neighbor of mine in Vermont and I am very pleased and proud to have a report from ACTION News on his successes as a member of our Peace Corps forces in Africa.

I ask unanimous consent to have this report printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

At Age 63: Peace Corps Volunteer From Vermont Manages Vast AG Complex in Botswana

SEBELE, BOTSWANA.—For thirty years, Ellwyn E. Miller owned and operated dairy farms in Vernon and Putney, Vt. and Northfield, Mass. Later, he managed the state of Vermont's institutional farms and served as an agricultural marketing inspector.

Now, at the age of 63, Miller is putting his years of farming experience and know-how to use as a Peace Corps volunteer in this developing southern African republic.

Miller has been serving for the past year as a volunteer farm manager in Botswana, a Texas-sized nation of 630,000 persons which celebrated its seventh anniversary of independence this September.

Until June, Miller was the farm manager for the research division of the Content Farm, a large government agriculture complex about eight miles from the capital, Gaborone, near the village of Sebele. Then, in June, Botswana agricultural officials indicated what they thought of Miller's work and effectiveness by promoting him to manager of the entire 4,000-acre complex.

Run by the ministry of agriculture, the complex which Miller manages is made up of three major divisions. One is the research division, which conducts dry land farming experiments and seed tests. The others are the Botswana Agricultural College and a rural training center for farmers.

In his new volunteer assignment as manager of the entire complex, Miller is responsible for the farmlands, livestock and crop production of all three divisions as well as the maintenance of all roads, buildings and equipment.

"My job is to consolidate this whole thing under one management," said Miller. Assisting him are local maintenance, crop and livestock supervisors as well as a local university graduate whom Miller is training in farm management.

Farming is a difficult occupation in Botswana. Deserts and swamps cover vast areas of the country, leaving only limited areas suitable for grazing and crop production. Although livestock is an important industry in Botswana, inadequate rainfall, sandy soil and antiquated farming methods generally restrict crop production to subsistence level.

The Botswana government hopes to increase farm productivity through agricultural research, extension services, and the training of skilled farm practitioners through its agricultural college and rural training centers. By managing Content Farm, the hub of these activities, Miller is playing a vital role in the country's agricultural development.

Miller's first year of volunteer service as farm manager for the research division involved "anything I saw that I thought ought to be done," he said. Besides setting up trial projects and raising crops, he took on a variety of jobs from cleaning wells to maintenance of farm equipment.

"I just irritated people so they would do things," he joked. "It's taken a full year to get things organized."

Miller lives at the complex in a modern-style house provided by the ministry of agriculture. His wife, Beverley, and their youngest son, Mark, 16, a former student at Brattleboro High School, came to Botswana this summer to join him for a year.

The Millers' five older children, all Vermont residents, are Mrs. Martha Strickland, of Brattleboro; Richard, of Westminister; Reed, of Putney; David, of Vernon, and John, a freshman at the University of Vermont. Miller's mother, Mrs. Ethel Maynard Miller, resides in Vernon.

A native of West Brattleboro, Miller graduated in 1930 from the Mount Hermon School in Mount Hermon, Mass. He studied agriculture at the University of Vermont in Burlington, where he was president of the Aggie Club. He received his bachelor's degree in 1934.

After graduation, Miller worked as an extension agent for the Vermont Extension Service until 1940, when he bought his own farm in Vernon. Miller farmed in Vernon, in Northfield, and, from 1955 on, in Putney. After he sold his Putney farm in 1971, Miller worked as coordinator of state institutional farms for the Vermont agriculture department for a year. Immediately before joining the Peace Corps he was a marketing and

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quality control inspector for the state agriculture department.

Long active in civil and farm organizations, Miller represented Putney in the Vermont Legislature, where he was vice chairman of the agriculture committee. In 1967 the legislature named him to a six-year term as a trustee of the University of Vermont.

Miller also has been county president and state director of the Vermont Farm Bureau, county and state president of the Dairy Herd Improvement Assn., and planning board chairman and school director for the town of Putney. He is a member of the Grange and the Holstein Friesian Assn.

Miller is one of about 85 Peace Corps volunteers serving in Botswana in a wide variety of agriculture, education, technical training, public health, economic planning and other programs. Around the world, about 7,600 Americans are serving as Peace Corps volunteers in 61 developing nations.

The Peace Corps is part of ACTION, the voluntary service agency established by President Nixon on July 1, 1971 to administer federal volunteer programs at home and overseas. Mike Balzano is the director of ACTION.

ACTION's domestic programs are Volunteers in Service to America (VISTA), Foster Grandparent Program, Service Corps of Retired Executives (SCORE), Active Corps of Executives (ACE), Retired Senior Volunteer Program (RSVP) and University Year for ACTION.

BAPTIST COMMITTEE EMPHASIZES RELEVANCE OF RELIGIOUS PRINCIPLES TO PUBLIC AFFAIRS

Mr. ERVIN. Mr. President, I was pleased to receive a copy of "A Statement of Concern" recently adopted by the Baptist Joint Committee on Public Affairs expressing the concern of this committee about moral and ethical principles in public life. The statement correctly points out that the great constitutional principle of separation of church and state does not divorce "religion's basic moral and ethical principles from the conduct of public affairs."

Mr. President, I ask unanimous consent that this statement and an explanatory letter from Mr. James E. Wood, Jr., executive director of the Baptist Joint Committee on Public Affairs, be printed in the RECORD.

There being no objection, the letter and statement were ordered to be printed in the RECORD, as follows:

BAPTIST JOINT COMMITTEE
ON PUBLIC AFFAIRS,
Washington, D.C., October 15, 1973.

Hon. SAM J. ERVIN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ERVIN: You will be interested to know the concern of Baptist leaders about moral and ethical principles in public life and the abuse of political power in American life.

"A Statement of Concern," which is enclosed, was unanimously adopted by the Baptist Joint Committee on Public Affairs in its semiannual meeting on October 3, 1973. This "Statement" is being given wide distribution in the nation's religious press and is available to the churches for their study.

The Baptist Joint Committee on Public Affairs is a denominational agency in the nation's capital maintained by eight national Baptist bodies in the United States. The names of these denominations are listed at the top of this letterhead.

Baptists believe in the fundamental principles of democracy and we are alarmed when we become aware of the misuse of power and the erosion of public morality in government. We are confident that you share with us that same concern.

Yours truly,

JAMES E. WOOD, Jr.

A STATEMENT OF CONCERN

Believing that separation of church and state does not mean separation of religion from government or politics, nor should it imply the divorce of religion's basic moral and ethical principles from the conduct of public affairs, we voice our concern over some recent developments in public life and reaffirm our commitment to the fundamental principles of democracy.

At a time when there is widespread distrust of government resulting from the abuse of political power, we need to be reminded of the premises upon which our government was constituted. We are gratified that there is today a widespread reaction against this abuse. Indeed, we view this reaction as evidence of the intrinsic strength of our American tradition.

The times call for an affirmation of trust in the basic principles of the American system of democracy. These include: (1) government's powers are derived from the consent of the governed; (2) the harmful potential in any concentration of governmental power makes necessary the distribution of powers among those who make, execute, and interpret law; (3) government is to protect the rights and liberties, and to promote the well-being of all people; and (4) all public officials must be subject to law in both public and private conduct.

In affirming these principles, we express our faith in the ultimate triumph of the right and of the truth in a nation whose citizens are dedicated to justice and righteousness in every aspect of life. In this confidence, we urge our people to exemplify and to require character and integrity in both public and private life, and to discharge responsibly their duties as citizens. Moreover, we encourage our Christian young people to seek for themselves a vocation through which they may make their contribution to government and to society in general.

STRIKES AT MEDICAL HOSPITALS AND NURSING HOMES IN NEW YORK CITY

Mr. TAFT. Mr. President, I read an article on the front page of yesterday's New York Times with some degree of concern. The article entitled "Strike Curtails Medical Services at Hospitals Here—Outpatient Clinics Closed, Surgical Cases Limited, and Admissions Cut," outlines the situation at 48 struck voluntary hospitals and nursing homes in the New York City metropolitan area. The effect of the strike by 30,000 members of Local 1199 of the Drug and Hospital Workers Union, in defiance of a court order, has forced struck medical institutions to close outpatient clinics, reduce admissions, limit surgery, and redeploy professional staffs to housekeeping and practical nursing duties. Picket lines were established and at a number of hospitals union drivers refused to make deliveries of milk, bread, and other perishables. At the Lenox Hill Hospital, the story quotes a nursing supervisor as saying it will be extremely difficult to clean and sterilize operating rooms due to the shortage of personnel—she states:

> There will be no way to keep those rooms going on schedule.

At the struck nursing homes for the aged the situation seemed to be equally, if not more acute, as elderly sick patients cannot be released. Mr. Mitchell Waife, director of the Jewish Home and Hospital for the Aged in New York City, stated the patients at the home seemed bewildered by the chanting picketing outside and suffered most from a lack of practical nursing care. Mr. Waife states:

> Bedridden old people develop bed sores unless they are moved from their beds, and that's going to be a problem.

The reason I bring this situation to the attention of the Senate is that many of the activities outlined in the article have been the subject of discussion recently in hearings before the Senate Labor Subcommittee to extend the National Labor Relations Act to nonprofit hospitals. Officials of labor organizations representing hospital employees, including Local 1199, have testified this year before the subcommittee that Federal statutory guidelines are not necessary to insure safety of patient care and only a straight extension of the NLRA is necessary. In testimony before the Labor Subcommittee on S. 2292 and S. 794—CRANSTON—August 1, 1937, Mr. Elliott Godoff, executive vice president of Local 1199, Drug and Hospital Workers Union stated:

> People are talking about strikes and we know from our own experience that hospital workers are dedicated to patients. The way they are being talked about is "that they are enemies of the people. They are never 'strike happy', and they are very reluctant to strike."

I questioned this premise at the time and cited a number of examples of unfortunate incidents that have occurred as a result of labor disputes at health care institutions. The experience of this dispute further reinforces my concern for the effects of such disputes.

Further, it should be emphasized that the dispute referred to in the article is an economic dispute and not a recognition strike. This point is important, because one of the principal arguments advanced by proponents of a straight extension of the NLRA to nonprofit hospitals is that recognition disputes are really the only type of disputes existent in the health care field and such disputes will be curtailed, if not stopped altogether, by availability of the election machinery under the act. This dispute, and others that have been cited in the hearings would seem to place this argument in question.

I do think, however, the Congress should enact legislation to extend the NLRA to nonprofit hospitals as the election machinery and safeguards provided by the act can be quite helpful to prevent and solve labor relations problems that currently arise between nonprofit hospitals and labor organizations. The question remains, however, how to protect patients and provide for continued health care to the public when a dispute cannot be quickly resolved under the current provisions of the act. In an attempt to resolve this question I introduced legislation earlier this year, S. 2292, to extend the NLRA to nonprofit hospitals and provide protections for patient care. My proposal, which has the backing of every major hospital association in the country and has been introduced in the House by Congressmen ERLENBORN and YOUNG, provides an impasse procedure whereby 90 days of bargaining would be required in economic bargaining impasse situations with a 10-day notification period required before an impasse strike could commence. Other provisions include:

> A prohibition on strikes other than impasse strikes with loss of bargaining status—the penalty for any labor organization that failed to adhere to the restrictions;
>
> Expedited relief for health care institutions by permitting temporary injunctive relief to be obtained in Federal court pending final board determination of a dispute; and,
>
> Civil remedies for individuals, health care institutions, or labor organizations for any damage arising out of a strike or lock-out.

This legislation may not be the ultimate answer or solution to this issue, but it can provide a basis to begin a responsible discussion of the direction in which the Congress should proceed—especially in view of the situation in New York. It should be reported without delay by the Labor and Public Welfare Committee.

I ask unanimous consent that the articles I mentioned previously from the New York Times, dated November 6 and 7, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Nov. 6, 1973]

(By Michael T. Kaufman)

STRIKE CURTAILS MEDICAL SERVICES AT HOSPITALS HERE; OUTPATIENT CLINICS CLOSED, SURGICAL CASES LIMITED, AND ADMISSIONS CUT; FEDERAL ACTION URGED; WORKERS VOTE TO STAY OUT TILL PAY PANEL APPROVES 7.5 PERCENT WAGE INCREASE

The most extensive hospital strike in the city's history began yesterday, forcing the curtailment of medical and custodial care at 48 voluntary hospitals and nursing homes in the metropolitan area.

With 30,000 members of Local 1199 of the Drug and Hospital Workers off the job in defiance of a court order, the struck medical institutions responded by closing outpatient clinics, reducing admissions, limiting surgery and redeploying professional staffs to housekeeping and practical-nursing duties.

And while pickets chanted and patients made do with meals of frozen food and with paper towels instead of linen, both strikers and employers looked to the Cost of Living Council in Washington for approval of a 7.5 per cent pay increase awarded the union by a state arbitrator last July.

COUNCIL HOLDS KEY

The council—not the union or employers—appeared to hold the key to a settlement. The union yesterday voted to continue the strike until approval of the arbitration award came from Washington.

The employer group, the League of Voluntary Hospitals, appealed in telegrams to the council for an immediate meeting with its director and union representatives. But no meetings were scheduled.

Last night, the league reported that Donald Irwin, the council's administrator for pay matters, had called to say that no decision should be expected until after a 12-member special advisory group met to discuss the question on Nov. 30.

STRIKE'S IMPACT INCREASING

In Federal Court here, meantime, Judge Robert L. Carter extended last week's temporary restraining order against the strike and said he regarded the violation of the order as "very serious." But he deferred until Thursday any action on the league's request that the union be held in contempt.

With no quick action in prospect by either the court or the Cost of Living Council, it appeared that the strike would continue, its impact increasing with each passing hour.

"There is no question that our people will be back on the picket lines tomorrow morning," said Moe Foner, spokesman for the union.

Speaking of the general citywide effects of the strike, Dr. Andrew Portelli, president of the league, said that while all 48 hospitals had curtailed services, all were "under control."

"But as the strike lengthens, matters will become more critical," he added. At a number of hospitals, union drivers refused to make deliveries of milk, bread and other perishables, he said, adding that most of the institutions had stockpiled such items in anticipation of the strike.

"So far, we're doing amazingly well," said Dr. S. David Primrose of Mount Sinai Medical Center, where 2,500 of the hospital's 5,000 employees were on strike.

"There's an enormous sense of morale and everybody's pitching in," said the director, who had delivered 50 trays to patients at breakfast.

"We have supplies adequate for the next two or three days," Dr. Pomrinse said, "and I'm concerned about how long we can keep it up before we poop out."

STRIKE'S IMPACT VARIES

Dr. Portelli said he believed that if the strike continued for three more days, the hospitals would have to discharge half their patients in order to keep going.

The struck hospitals and homes contain a total of 23,000 beds, or slightly more than half of all hospital beds available in the area. Since each of the 48 institutions has different proportions of unionized help, the degree of impact has varied.

But most, like St. Luke's, which closed down its 58 clinics, curbed their out-patient services to concentrate on the care of the bedridden.

Some, such as St. John's Hospital in Elmhurst, Queens, lost their ambulance service. And nearly all canceled admissions for non-emergency surgery.

At Lenox Hill Hospital, a nursing supervisor said that perhaps the most critical effect of the strike was the shortage of personnel to clean and sterilize operating rooms between operations. "There will be no way to keep those rooms going on schedule," she declared.

At the Jewish Home and Hospital for the Aged on West 106th Street, the director, Mitchell M. Waife, said the homes were in an even more precarious position than the hospitals. "At least in the hospitals they can discharge patients if things get worse," he declared, and then asked "What can we do?"

Mr. Waife said that the patients at the home, many of whom seemed bewildered by the chanting pickets outside, suffered most from a lick of practical nursing care.

"Bedridden old people develop bed sores unless they are moved from their beds, and that's going to be a problem," he declared.

On the picket line, the morale of the strikers seemed as good as that of the professionals whose duties and work hours had been expanded.

"No money, no work," chanted the cordon of pickets, most of them black, marching with placards that said, "President Nixon, we can't live on promises, we need our money."

Many of the strikers at the home, like those who massed at the other hospitals, indicated sympathy for the patients.

"The last thing we want to do is hurt the people we take care of," said Mrs. Linda Harper, a practical nurse.

"But things have gotten ridiculous," she added. "We haven't seen our money since July."

PICKETS ARE ORDERLY

The settlement under review by the pay board calls for a raise of 7.5 per cent, or $12 a week, whichever is greater. The minimum pay for the workers, who include service, maintenance, social work and laboratory personnel, is $142 a week.

Most of the picket lines were loud and boisterous, but orderly. There were reports, however, of tires being slashed at New York Hospital, cars being pounded on at Mount Sinai and a bomb threat phoned in to St. Luke's.

Mr. Foner, the union's spokesman, said that, while the wage panel was the main obstacle to a settlement, he felt that the league, by not mounting sufficient pressure on the Washington group and its advisory panel, had been acting in bad faith.

But, the league, through its executive director, William J. Abelow, insisted it had recommended approval of the wage terms to the council.

"This is a strike against the Cost of Living Council in which our patients are being held hostage by the union," Mr. Abelow said.

During the court appearance yesterday, Leonard Boudin, one of the union's lawyers, challenged the constitutionality of the Economic Stabilization Law, declaring that prior review of wage settlements for the small and low-paying health industry was invidious discrimination. Judge Carter said he would hear further arguments on this point on Thursday.

A spokesman for the large municipal hospitals that were not struck said that as of yesterday there had been no sudden increase in cases. "But," he added, "if this thing goes on much longer, I'm sure we'll be getting transfers and overflow."

ORDERLIES' JOBS ASSUMED BY HOSPITALS' EXECUTIVES

(By Paul L. Montgomery)

While the pickets marched and chanted outside on 77th Street yesterday, Edward Erskine slipped into a rumpled set of orderly's fatigues on the operating floor of Lenox Hill Hospital and began a day-long struggle with autoclaves and sterile pads.

Mr. Erskine, the controller of the hospital, had never worked in an operating room before. Down the hall, surgery was going on in two of the rooms very much as usual, since the medical people were not striking. The controller and a band of colleagues had been mobilized to do the work of the absent orderlies and laborers.

Mr. Erskine had volunteered for mopping floors between operations, but that job was given to John Radigan, the hospital's budget director. "I guess they don't trust me yet," the controller said.

SUPERVISING NURSE WATCHES

He was assigned to folding pads and gowns in the supply room and then to the autoclave, a big oven-like implement used for sterilizing. Anita Edwards, the nurse supervising the supply room, watched nervously as Mr. Erskine completed his first batch and opened the autoclave door.

"Now let's see if the big dummy can do this without hurting himself," the controller said

XUM

as he slipped a tray of hot implements onto a cart. The operation was a success.

"The volunteers are doing just a splendid job," Miss Edwards said. "Everybody's being very neat and cooperative. Even the doctors have stopped making unreasonable demands."

At the sprawling Mount Sinai Hospital complex at 98th Street and Fifth Avenue, a wide variety of administrative personnel researchers, supervisors and volunteers filled in for the 2,500 striking workers.

Dr. S. David Pomrinse, the director of the hospital, started work at 5 A.M. and spent part of the time carrying breakfast trays to some of the hospital's 1,027 patients. He was too tired to remember how many. "Who counts?" he said.

Stuart Wilks, ordinarily an audiologist, wheeled patients to the operating room. Barbara Carter, a secretary, acted as a courier from the blood bank. Goldie Kleiner, one of the hospital's fund raisers, ran an elevator. "I'm enjoying it," she said. "You meet all tha public."

While there were crowds in the lobbies and long lines in the cafeteria, the floors with patients were quiet and apparently much as usual. On the second floor of the Klingenstein Clinical Center, the patients in semiprivate rooms cheerfully ate lunch, assisted by relatives, volunteers and those of their fellow patients who were ambulatory.

A group of volunteers collected the trays—Mrs. Sophie Levy, a secretary at the hospital, and two women from the community, Mrs. Diane Soroka, a housewife, and Miss Rita Godfleisch, a retired librarian.

Their strong right arm in the stacking operation was George Mohre, who is 74 years old. He was visiting his wife, a patient, and agreed to pitch in. "As long as it's helping people, I don't mind," he said.

Gerald Apollon, a biology student at Long Island University, who also works in Mount Sinai's microbiology laboratory, filled in as doorman, pushing wheel chairs, carrying bags and helping discharged patients find taxis.

"I want to be a doctor, so when it's needed I guess it's good to know a little bit about everything in the hospital," he said. "But I wouldn't want to be a doorman as a profession."

[From the New York Times, Nov. 7, 1973]

Violence Erupts and Garbage Piles Up in Second Day of Hospital Strike; 11 Seized as Harassment Is Reported—Lindsay Assails Cost Council

(By Michael T. Kaufman)

Incidents of violence flared yesterday at struck hospitals in the metropolitan area, where growing heaps of uncollected contaminated refuse added to the problems caused by the two-day-old strike of 30,000 nonmedical employes.

There were at least 11 arrests and numerous reports of intimidation, harassment and vandalism by pickets striking in defiance of a Federal restraining order.

And while hospital administrators told of generally deteriorating conditions, Mayor Lindsay scolded the Federal Cost of Living Council for what he called its callous insensitivity in delaying consideration of the issues that led to the walkout by members of Local 1199, Drug and Hospital Union.

RETRENCHMENT CITED

However, in Washington, a spokesman for the council said there were no meetings planned by his agency to review a 7.5 per cent arbitrated wage increase for the union. It was the delay of this raise, due since July, that led to the strike by service, maintenance and laboratory workers at 48 voluntary hospitals and nursing homes in the area. The institutions have a total of 23,000 beds.

"All of our members have stopped all but emergency admissions," said Thomas Helfrich, associate director of the League of Voluntary Hospitals and Homes, which represents management. He added:

"We are now drying up as a source of medical care. We cannot maintain our regular burden of responsibilities. We are retrenching."

ATTACKS REPORTED

Because of the understaffing and supply shortages that have resulted from truckers' refusing to cross picket lines, many of the hospitals have drastically stepped up discharges.

At Mount Sinai, teams of physicians spent the day going through the rooms and wards on what was described as "triage duty." Triage is a military term for the process by which battlefield doctors determine which casualties have first priority for treatment.

As a result of these efforts, 300 patients, many of them convalescing after surgery, were scheduled to be released today. A spokesman at the hospital said that on a normal day there are fewer than 100 discharges.

Similar procedures were followed at other hospitals in the hope of concentrating resources on the core of patients considered to be in greatest need.

Nearly all the affected hospitals and homes have ceased all outpatient services, and some, such as St. John's Hospital in Queens, have closed even their emergency rooms.

According to the hospital and home administrators, many pickets became overtly hostile yesterday.

"There have been attacks and drunkenness and knives," said William Abelow, the director of the league. "We can probably operate the hospitals for the rest of the day, but I can't make any predictions for tomorrow."

Among the disruptions reported by the hospitals and confirmed by the police was an attempt by 200 pickets to block traffic near Mount Sinai, at Madison Avenue and 98th Street. Four people were arrested in a melee there and charged with resisting arrest and inciting to riot.

Four more people were arrested for allegdly attacking policemen outside the New York University Medical Center. In Edgemere, Queens, a supervisor at Peninsula Hospital Center was reportedly followed by two carloads of strikers and beaten. In another incident there four pickets were arrested after bottles were thrown and windows smashed.

At the Jewish Hospital and Medical Center of Brooklyn, strikers refused to clear the way for an undertaker who had come to claim the body of a patient who had died, according to the hosptial administrator, Philip Abrams.

And practically every hospital administrator complained that vital deliveries were being stopped by the pickets. "We have developed serious food, linen and medication shortages," a spokesman for Lenox Hill Hospital said.

At Knickerbocker Hospital, Jesus Pena, an administrator, said, "We will be out of fresh meats, fresh vegetables and bread by tomorrow morning."

The administrators said that accumulation of refuse, including used bandages, syringes and operating-room waste posed a problem as serious as the mounting shortages.

CITY TRUCKS USED

An emergency panel of sanitary inspectors established by the city's Health Services Administration toured the struck hospitals yesterday seeking to effect the removal of the refuse by Sanitation Department trucks.

In some cases the trucks, escorted by policemen, were able to make the pickups. In others, such as Beth Israel and St. John's, the truck drivers were either turned away or decided on their own not to cross picket lines.

Moe Foner, a spokesman for the 61,000-member striking union, said he knew of no instances where strikers prevented garbage removal. As to the other incidents, he said, "It is not union policy to prevent deliveries of such vital material as oxygen, plasma and baby formula." On other materials, he said that was a matter for the consciences of individual drivers.

Asked about movement in resolving the strike, Mr. Foner said he was aware of none.

However, there appeared to be increasing pressure being brought on the Cost of Living Council to act speedily on a state-arbitrated 7.5 per cent increase awarded to the union. The strikers voted on Monday to remain away from their jobs until the council approved that increase.

Yesterday morning Mayor Lindsay spoke by phone with Donald Irwin, the deputy administrator of the Cost of Living Council, and, in the words of his aides, he "talked tough and angrily."

"It is callous and inexcusable that the Federal Government would permit the lives of thousands of innocent people to be endangered because of bureaucratic foot dragging, yet that is precisely what is happening," declared the Mayor.

He urged that the President, Attorney General and the wage board immediately schedule a session to deal with the issues of the strike and send representatives to New York to monitor the situation.

Late yesterday Senator Jacob K. Javits sent a telegram to Dr. John T. Dunlop, the council director, calling on him to immediately approve the wage package that resulted from arbitration under state law.

"The danger to the life and health of thousands of Americans in the New York area requires immediate action by the Cost of Living Council," Senator Javits wrote.

At the same time, the Senator sent a telegram to Leon J. Davis, the president of the striking union, appealing to him to end the strike, "pending the promise of a quick decision by the council."

NO MEETINGS PLANNED

In Washington, Erick Kanter, a spokesman for the Cost of Living Council, said that no meetings of an advisory panel now considering the package were planned for the next few days.

For a while yesterday hopes of some kind of settlement were heightened when Federal Judge Robert L. Carter called lawyers for both the union and the league to his chambers.

However, it turned out that the judge, who last week signed a temporary restraining order against a strike by the union, merely wanted to inform both sides that he had once been a member of a law firm that represented a number of the hospitals being struck.

He asked whether there were any objections to his continuing in the case. There were none.

During this meeting lawyers for the league asked the judge to move up scheduled hearings on a permanent injunction now set for tomorrow. The judge refused to do so.

At Two Emergency Rooms In Bronx, Surprising Tranquillity Reigns

(By Judith Cummings)

At two strike-burdened hospitals in the central Bronx, the emergency rooms, normally among the most frenetic areas of a hospital, were running smoothly yesterday as fewer patients than usual turned up.

Montefiore Hospital, in the Norwood section, and Bronx-Lebanon Hospital Center's Concourse facility, in Morris Heights, both served neighborhoods that include a large number of lower-income residents. These residents must look to their local hospitals for the routine medical services that private practitioners provide in more affluent areas.

Yet, despite the shutdown or curtailment

of regular outpatient services, professional and supervisory staff manning the emergency rooms of these hospitals noted a drop in the number of patients. The relative calm, according to one hospital official, may itself be cause for concern.

GOING UNTREATED

"Say a child has what looks like the sniffles, and his mother doesn't bring him in because she's heard about the strike problems," Abraham Freedman, assistant vice president for industrial relations of Bronx-Lebanon's Concourse division, at Grand Concourse and East Mount Eden Avenue, was in fact occupied mostly by mothers and small children at midday, and there were fewer of them than usual.

"The people are staying away, I think because they know about the strike and mostly because they don't want to cross the picket lines," said Peter Spiegel, an administrative assistant in the outpatient department.

One person who did not stay away was Sharon McNeill, who decided to come in for X-rays of her arm which she hurt last week.

"I didn't really know about the strike," she said while waiting for the doctor's verdict. "My arm started bothering me, so I just came in."

QUICK ATTENTION

Mr. Freedman said the hospital had kept its outpatient clinics open until shortly before noon, when a decision was made to consolidate the available staff into the emergency room. Most of the other struck hospitals closed their clinics Monday, when the strike began.

That was true at Montefiore Hospital, where the emergency room was treating some people who normally would have been clinic patients.

"If they had a clinic appointment such as to have sutures removed, we tell them to come in here because that's something that can't be put off," Eileen Rafferty, head nurse in the emergency room, said.

But instead of being too busy, "we're underloaded," she said. The service treated only 35 patients from midnight to noon compared to a normal 50, the nurse said.

The reason for the drop, she believed, is that people know about the strike and that city ambulances are passing up Montefiore, which is on East 210 Street near Bainbridge Avenue, in favor of other hospitals that are not affected.

PATIENT CALLED BACK

Esther Shaw, waiting while her 71-year-old mother was looked after for a possible arm fracture, said she was surprised to discover that Montefiore was one of the struck hospitals. An emergency room doctor who treated her mother last Friday had taken the time to call her back in for a reexamination, she noted.

"They don't seem rushed at all," Mrs. Shaw commented. "It's really very quiet here."

It was this same kind of quietness that had Mr. Freedman, the Bronx-Lebanon official, worried.

Walkout Affects Two Long Island Hospitals; Facilities Limit Services in New Hyde Park—Pickets Try To Block Deliveries

(By George Vecsey)

New Hyde Park, L.I., November 6.—"Better bring somebody out with you."

"She's an R.N.—she's O.K."

"Don't let him in; make him walk."

These were the varied verdicts of the picketing members of Local 1199 today as they tried to block cars from approaching the only two institutions in Nassau and Suffolk Counties affected by the two-day-old hospital strike—the Jewish Institute for Geriatric Care and Long Island Jewish-Hillside Medical Center.

As with most of the voluntary hospitals in New York City, services were reduced further today as supplies dwindled, while visitors found it harder to get inside the buildings and pickets became a little more daring about stopping deliveries.

"Let's face it, the second day is tougher," a young woman said after a visit to a relative at Jewish-Hillside. "Somebody is making the meals; somebody is cleaning things up. But the patients' mood is definitely down."

This was the feeling at both the Jewish Institute and Jewish-Hillside, which share common grounds on the border between Queens and Nassau, connected by a tunnel but not under the same corporation.

The institute, which provides care for elderly patients but is not a long-range nursing home, was trying to send patients elsewhere. And Jewish-Hillside, which was admitting only emergency patients, canceled all non-emergency operations as of tomorrow.

NO CRUSH OF ADMITTANCES

The largest hospitals near here reported no crush of admittances as a result of the strike in New York City. North Shore Hospital in Manhasset accepted a few of the geriatrics patients from the Jewish Institute, but reported there was not likely to be room for more.

Normally, the Jewish Medical Center fills almost all its 458 beds along with the capacity of 203 psychiatric patients at Hillside and 223 at its South Shore Division in the Rockaways. But according to Henry Light, the deputy director, the figures were down to around 300 for Jewish and 180 for Hillside and around 200 at South Shore.

Although there are usually around 45 operations each day at Jewish-Hillside, the figure was 29 yesterday and 22 today and none was scheduled tomorrow, according to Mr. Light.

Mr. Light said his supply of medicine was adequate and garbage was being controlled for the time being. But he said the supply food and linen might last only a few more days. He said his staff was still able to meet emergencies, but added:

"After two or three days, people might be falling off their feet. We've got staff members exercising parts of our body they haven't exercised in years."

POLICEMAN SON HELPS

Nevertheless, work was going on. One woman, waiting to become a grandmother, said her daughter had never hesitated about coming to Jewish-Hillside when her time came.

"Her doctor is here—she was going to get in here one way or another. My son is a policeman. He got us through the picket lines."

The picket lines formed at the entrance at Lakeville Road, guarded by the Lake Success Village police and backed up by county policemen, and at the 76th Avenue entrance, guarded by policemen of the 111th precinct of New York City. No arrests were recorded this afternoon. The pickets blocked the entrances, but allowed picket leaders to interview the driver of each arriving car.

Doctors, nurses and other familiar staff personnel were allowed to drive into the parking lots. One doctor said his car had been scratched. Others were urged by pickets: "Don't work too hard, take a lot of breaks."

Visitors and volunteers were not allowed in. Some said they had been cursed or jeered as they walked past the line. But anybody picking up a patient was allowed to drive up to the hospital.

"Yeah, I knew your mother—better let me see her when you leave," one striker warned a woman driving up the institute.

All supply trucks were turned back except those containing blood, oxygen and baby food.

At the sparkling young institute, staff members worked on the telephone all day seeking spaces with families or other institutions. More than 80 of its 527 patients left yesterday and more were waiting for relatives to claim them.

SALARY INCREASE FOR OFFICERS AND EMPLOYEES OF THE U.S. SENATE

Mr. EASTLAND. Mr. President, on October 3, 1973, the President of the United States issued Executive Order 11739 pursuant to provisions contained in the Federal Pay Comparability Act of 1970 which authorized a 4.77-percent salary increase for the Federal pay systems under his jurisdiction.

In discharging my responsibility as President pro tempore of the Senate under authority vested in me by section 4 of the Federal Pay Comparability Act of 1970, I issued an order on October 4, 1973, authorizing the same 4.77-percent salary increase for officers and employees of the U.S. Senate. I ask unanimous consent that this order be printed in the Record.

There being no objection, the order was ordered to be printed in the Record, as follows:

Order—U.S. Senate—Office of the President Pro Tempore

By virtue of the authority vested in me by section of the Federal Pay Comparability Act of 1970, it is hereby—

CONVERSION TO NEW MULTIPLE

Section 1. (a) Except as otherwise specified in this Order or unless an annual rate of compensation of an employee whose compensation is disbursed by the Secretary of the Senate is adjusted in accordance with the provisions of this Order, the annual rate of compensation of each employee whose compensation is disbursed by the Secretary of the Senate is adjusted to the lowest multiple of $285 which is not lower than the rate such employee was receiving immediately prior to October 1, 1973.

(b) For purposes of this Order—

(1) "employee" includes an officer other than a Senator; and

(2) "annual rate of compensation" shall not include longevity compensation authorized by section 106 of the Legislative Branch Appropriation Act, 1963, as amended.

RATE INCREASES FOR SPECIFIED POSITIONS

Sec. 2 (a) The annual rates of compensation of the Secretary of the Senate, the Sergeant at Arms, and the Legislative Counsel (as such rates were increased by prior orders of the President pro tempore) are further increased by 4.77 percent, and as so increased, adjusted to the nearest multiple of $285. Notwithstanding the provisions of this subsection, an individual occupying a position whose annual rate of compensation is determined under this subsection shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate of compensation in excess of either of the following: (1) the annual rate of basic pay, which is now or may hereafter be in effect, for positions in level V of the Executive Schedule under section 5316 of title 5, United States Code, or (2) an annual rate of pay which is $1,000 less than the annual rate of pay, which is now or may hereafter be in effect, for Members of Congress.

(b) The annual rates of compensation of the Secretary for the Majority (other than the present incumbent), the Secretary for the Minority, and the four Senior Counsel in the Office of the Legislative Counsel (as such rates were increased by prior orders of the President pro tempore) are further increased by 4.77 percent, and as so increased, adjusted to the nearest multiple of $285. Notwithstanding the provisions of this subsection, an individual occupying a position whose annual rate of compensation is determined under this subsection shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate of compensation in excess of either of the following: (1) the annual rate of basic pay, which is now or may hereafter be in effect, for positions in such level V, except that until the annual rate for such level V is increased to $42,000 or more, any such individual shall not be paid at an annual rate exceeding $40,755, or (2) an annual rate of pay which is that multiple of $285 which is nearest to, but not less than, $1,140 less than the annual rate of pay, which is now or may hereafter be in effect, for Members of Congress.

(c) The maximum annual rates of compensation of the Secretary for the Majority (as long as that position is occupied by the present incumbent, the Assistant Secretary of the Senate, the Parliamentarian, the Financial Clerk, and the Chief Reporter of Debates (as such rates were increased by prior orders of the President pro tempore) are further increased by 4.77 percent, and as so increased, adjusted to the nearest multiple of $285. Notwithstanding the provisions of this subsection, an individual occupying a position whose compensation is determined under this subsection shall not have his compensation fixed at any time, by reason of the promulgation of this Order, at an annual rate of compensation in excess of either of the following: (1) the annual rate of basic pay, which is now or may hereafter be in effect, for positions in such level V, except that until the annual rate for such level V is increased to $42,000 or more, the annual rate of compensation of any such individual shall not be fixed at an annual rate exceeding $40,755, or (2) an annual rate of pay which is that multiple of $285 which is nearest to, but less than $1,140 less than the annual rate of pay, which is now or may hereafter be in effect, for Members of Congress.

(d)(1) The maximum annual rates of compensation of the Administrative Assistant in the Office of the Majority Leader, the Administrative Assistant in the Office of the Majority Whip, the Administrative Assistant in the Office of the Minority Leader, the Administrative Assistant in the Office of the Minority Whip, the seven Reporters of Debates in the Office of the Secretary, the Assistant Secretary for the Majority, the Assistant Secretary for the Minority, the Assistant to the Majority and the Assistant to the Minority in the Office of the Secretary, the Legislative Assistant in the Office of the Majority Leader, the Legislative Assistant in the Office of the Minority Leader, the Assistant Parliamentarian, the Legislative Clerk, the Journal Clerk, the Assistant Legislative Clerk, the Administrative Assistant to the Sergeant at Arms, and the Deputy Sergeant at Arms (as such rates were increased by prior orders of the President pro tempore) are further increased by 4.77 percent, and as so increased, adjusted to the nearest multiple of $285.

(2) Notwithstanding the provisions of paragraph (1) of this subsection, as long as the annual rate of basic pay for positions in such level V is less than $39,000, an individual occupying a position whose annual rate of compensation is determined under this subsection shall not have his compensation fixed at any time, by reason of the promulgation of this Order, at an annual rate in excess of $35,910, except that (A) any individual occupying the position of Administrative Assistant in the Office of the Majority Whip or Minority Whip shall not have his compensation fixed, by reason of the promulgation of this Order, at an annual rate in excess of $34,770, (B) any individual occupying the position of Assistant to the Majority or Assistant to the Minority in the Office of the Secretary, Legislative Assistant in the Office of the Majority Leader, or Legislative Assistant in the Office of the Minority Leader, shall not have his compensation fixed, by reason of the promulgation of this Order, at an annual rate in excess of $34,485, (C) any individual occupying the position of Assistant Parliamentarian, Legislative Clerk, or Journal Clerk shall not have his compensation fixed, by reason of the promulgation of this Order, at an annual rate in excess of $33,915, and (D) any individual occupying the position of Assistant Legislative Clerk, Administrative Assistant to the Sergeant at Arms, or the Deputy Sergeant at Arms shall not have his compensation fixed, by reason of the promulgation of this Order, at an annual rate in excess of $32,775.

(3) Notwithstanding the provisions of paragraph (1) of this subsection, if the annual rate for such level V is increased to $39,000 or more but less than $42,000, an individual occupying the position of (A) Administrative Assistant in the Office of the Majority Leader, Administrative Assistant in the Office of the Minority Leader, a Reporter of Debates, Assistant Secretary for the Majority, or Assistant Secretary for the Minority shall not have his compensation fixed, by reason of the promulgation of this Order, at an annual rate in excess of $38,760, (B) Administrative Assistant in the Office of the Majority Whip or the Administrative Assistant in the Office of the Minority Whip shall not have his compensation fixed, by reason of the promulgation of this Order, at an annual rate of compensation in excess of $37,620, and (C) Assistant to the Majority in the Office of the Secretary, Assistant to the Minority in the Office of the Secretary, Legislative Assistant in the Office of the Majority Leader, or Legislative Assistant in the Office of the Minority Leader, shall not have his compensation fixed, by reason of the promulgation of this Order, at an annual rate in excess of $36,480, until the rate for such level V is increased to $42,000 or more.

CHAPLAIN'S OFFICE

SEC. 3. The annual rate of compensation of the Chaplain and the maximum annual rate of compensation for the position of secretary to the Chaplain (as in effect immediately prior to October 1, 1973) are increased by 4.77 percent, and as so increased, adjusted to the nearest multiple of $285.

OFFICES OF THE SENATE

SEC. 4. (a) Any specific rate of compensation established by law, as such rate has been increased by or pursuant to law, for any position under the jurisdiction of the Sergeant at Arms shall be considered as the maximum annual rate of compensation for that position. Each such maximum annual rate is increased by 4.77 percent, and as so increased, adjusted to the nearest multiple of $285.

(b) The maximum annual rates of compensation for positions or classes of positions (other than those positions referred to in section 2 (c) and (d) of this Order) under the jurisdiction of the Majority and Minority Leaders, the Majority and Minority Whips, the Secretary of the Senate, the Secretary for the Majority, and the Secretary for the Minority are increased by 4.77 percent, and as so increased, adjusted to the nearest multiple of $285.

(c) The following individuals are authorized to increase the annual rates of compensation of the employees specified by 4.77 percent, and as so increased, adjusted to the nearest multiple of $285:

(1) the Vice President, for any employee under his jurisdiction;

(2) the Majority Leader, the Minority Leader, the Majority Whip, and the Minority Whip, for any employee under the jurisdiction of that Leader or Whip (subject to the provisions of section 2(d) of this Order);

(3) the Majority Leader, for the Secretary for the Majority so long as the position is occupied by the present incumbent (subject to the provisions of section 2(c) of this Order);

(4) the Secretary of the Senate, for any employee under his jurisdiction (subject to the provisions of section 2 (c) and (d) of this Order);

(5) the Sergeant at Arms, for any employee under his jurisdiction (subject to the provisions of section 2(d) of this Order);

(6) the Chaplain, for his secretary;

(7) the Legislative Counsel, subject to the approval of the President pro tempore, for any employee in that Office (other than the four Senior Counsel);

(8) the Secretary for the Majority and the Secretary for the Minority, for any employee under the jurisdiction of that Secretary (subject to the provisions of section 2(d) of this Order); and

(9) the Capitol Guide Board, for the Chief Guide, the Assistant Chief Guide, and the Guides of the Capitol Guide Service.

(d) The figure "$816", appearing in the first sentence of section 106(b) of the Legislative Branch Appropriation Act, 1963, as amended (as provided in section 4(d) of the Order of the President pro tempore of December 16, 1972), shall be deemed to refer to the figure "$855".

(e) The limitation on the rate per hour per person provided by applicable law immediately prior to October 1, 1973, with respect to the folding of speeches and pamphlets for the Senate, is increased by 4.77 percent. The amount of such increase shall be computed to the nearest cent, counting one-half cent and over as a whole cent.

COMMITTEE STAFFS

SEC. 5. (a) Subject to the provision of section 105 of the Legislative Branch Appropriation Act, 1968, as amended (as modified by this Order), and the other provisions of this Order, the chairman of any standing, special, or select committee of the Senate (including the majority and minority policy committees and the conference majority and conference minority of the Senate), and the chairman of any joint committee of the Congress whose funds are disbursed by the Secretary of the Senate are each authorized to increase the annual rate of compensation of any employee of the committee, or subcommittee thereof, of which he is chairman, by 4.77 percent, and as so increased, adjusted to the nearest multiple of $285.

(b)(1) The figures "$8,160", "$16,048", "$14,144", "$18,496", "$23,664", and "$20,400" appearing in section 105(e) of the Legislative Branch Appropriation Act, 1968, as amended (as provided in section 5(b)(1) of the Order of the President pro tempore of December 16, 1972), shall be deemed to refer to the figures "$8,265", "$16,815", "$14,250", "$18,525", "$24,795", and "$18,240", respectively.

(2) The maximum annual rates of "$38,352", "$39,984", and "$41,616" appearing in such section 105(e) (as provided in section 5(b)(2) of such Order of December 16, 1972) are each further increased by 4.77 percent, and as so increased, adjusted to the nearest multiple of $285, and shall be deemed to refer to the figures "$40,185", "$41,895", and "$43,890", respectively. Notwithstanding the provisions of this paragraph, any individual occupying a position to which any such rate applies (A) shall not have his compensation fixed at a rate exceeding $33,060, $34,770, or $35,910 per annum, respectively, as long as the annual rate of basic pay for positions at level V of the Executive Schedule under section 5316 of title 5, United States Code, is less than $39,000, and (B) if the annual rate for such level V is increased to $39,000 or more but less than $42,000, shall not have his compensation fixed at an annual rate exceeding the lesser of (i) a rate that is a multiple of $285 which is nearest to, but less than, the annual rate for such level V or (ii) $36,765, $38,475, or $40,185, respectively. If the annual rate for such level V is increased to $42,000 or more, an individual occupying a position for which either of the rates "$41,895" or "$43,890" applies, shall not have his compensation fixed at an annual rate that exceeds a multiple of $285 which is nearest to but less than the annual rate for such level V, and, until such time as pay for Members of Congress is increased to $45,000 or more, shall not have his compensation fixed at an annual rate in excess of $40,755 or $41,325, respectively.

SENATORS' OFFICES

SEC. 6. (a) Subject to the provisions of section 105 of the Legislative Branch Appropriation Act, 1968, as amended (as modified by this Order), and the other provisions of this Order, each Senator is authorized to increase the annual rate of compensation of any employee in his office by 4.77 percent, and as so increased, adjusted to the nearest multiple of $285.

(b) The table contained in section 105 (d) (1) of such Act shall be deemed to read as follows:

"$369,075 if the population of his State is less than 2,000,000;

"$380,190 if such population is 2,000,000 but less than 3,000,000;

"$406,980 if such population is 3,000,000 but less than 4,000,000;

"$441,465 if such population is 4,000,000 but less than 5,000,000;

"$469,680 if such population is 5,000,000 but less than 7,000,000;

"$499,320 if such population is 7,000,000 but less than 9,000,000;

"$531,525 if such population is 9,000,000 but less than 10,000,000;

"$556,320 if such population is 10,000,000 but less than 11,000,000;

"$588,810 if such population is 11,000,000 but less than 12,000,000;

"$613,605 if such population is 12,000,000 but less than 13,000,000;

"$645,240 if such population is 13,000,000 but less than 15,000,000;

"$676,875 if such population is 15,000,000 but less than 17,000,000;

"$708,510 if such population is 17,000,000 or more."

(c)(1) The second sentence of section 105 (d)(2) of such Act is modified to read as follows: "The salary of an employee in a Senator's office shall not be fixed under this paragraph at a rate less than $1,140 per annum or in excess of $22,800 per annum except that (i) the salaries of five employees may be fixed at rates of not more than $39,045 per annum, and (ii) the salary of one employee may be fixed at $40,755 per annum."

(2) Notwithstanding the modification made by paragraph (1) of this subsection, any individual occupying a position to which a rate referred to in clause (i) or (ii) of such modification applies shall not have his compensation fixed at an annual rate exceeding $34,770 or $35,910, respectively, as long as the annual rate of basic pay for positions at level V of the Executive Schedule under section 5316 of title 5, United States Code, is less than $39,000. If the annual rate for such level V is increased to $39,000 or more but less than $42,000, an individual occupying a position to which the rates referred to in such clauses (i) and (ii) apply shall not have compensation fixed, until the annual rate for such level V is increased to $42,000 or more, at an annual rate exceeding (A) in the case of an individual to whom the rate under such clause (i) applies, $37,620, and (B) in the case of an individual to whom the rate under clause (ii) applies, the lesser of a rate that is a multiple of $285 which is nearest to, but less than, the annual rate for such level V or $39,330.

GENERAL LIMITATION

SEC. 7. (a) The figure "$1,088" appearing in section 105(f) of the Legislative Branch Appropriation Act, 1968, as amended (as provided in section 7(a) of the Order of the President pro tempore of December 16, 1972) shall be deemed to refer to the figure "$1,140".

(b) The maximum annual rate of compensation of $41,616 appearing in such section (as provided in section 7(b) of such Order of December 16, 1972) is further increased by 4.77 percent, and as so increased, adjusted to the nearest multiple of $285, and shall be deemed to refer to the figure $43,890." Notwithstanding the provisions of this subsection, any individual occupying a position to which such rate applies (1) shall not have his compensation fixed at a rate exceeding $35,910 per annum as long as the annual rate of basic pay for positions at level V of the Executive Schedule under section 5316 of title 5, United States Code, is less than $39,000, and (2) if the annual rate for such level V is increased to $39,000 or more but less than $42,000, shall not have his compensation fixed at an annual rate exceeding the lesser of (A) a rate that is a multiple of $285 which is nearest to, but less than, the annual rate for such level V or (B) $40,185. If the annual rate for such level V is increased to $42,000 or more, an individual occupying a position to which such rate applies shall not have his compensation fixed at an annual rate that exceeds a multiple of $285 which is nearest to, but less than, the annual rate for such level V, and until such time as pay for Members of Congress are increased to $45,000 or more, shall not have his compensation fixed at an annual rate in excess of $41,325.

NOTIFYING DISBURSING OFFICE OF INCREASES

SEC. 8. In order for an employee to be paid an increase in the annual rate of his compensation as the result of an increase in the maximum annual rate of compensation for his position authorized under this Order, the individual designated by section 4, 5, or 6 to authorize an increased rate of compensation for that employee shall notify the disbursing office of the Senate in writing that he authorizes an increase in such rate for that employee and the date on which that increase is to be effective.

EFFECTIVE DATE

SEC. 9. Sections 1–8 of this Order are effective October 1, 1973.

JAMES O. EASTLAND,
President pro tempore.

OCTOBER 4, 1973.

AGRICULTURAL EXPORTS

Mr. PACKWOOD. Mr. President, of late we have been told on a number of occasions that one of the sure-fire ways to remedy our domestic inflationary problems is to institute selective controls on the export of various agricultural commodities.

We are being told at the same time that we must be ever more vigorous in the marketing of our agricultural products overseas if we are ever to overcome once and for all our recently disastrous balance-of-trade problems.

I am increasingly concerned that we are not perceiving the inherent illogic in this economic doubletalk. We simply cannot encourage others to buy our goods on a regular basis if, at the same time, we continue to talk as some have about the need to institute export controls from time-to-time in order to overcome momentary domestic difficulties. In short, we must face reality and accept the fact that we are not going to able to have it both ways.

Either we continue as we have to encourage the export of agricultural products as one way to right our balance of trade. Or, alternatively, we must face the facts and tell the world that we are going to treat them in a haphazard manner, at best, and supply them only when it suits our national economic fancy.

I, for one, do not intend to stand idly by while the markets for our agricultural products are whittled away at by those who seem panicked by the crises of the moment. Our position as the leading agricultural producer of the world is one of which we are rightly proud as a nation, and it is one which we should zealously promote not take lightly. Our international position bestows upon us a responsibility to act in a consistent, rational, and responsible manner.

During the months ahead, each of us will be faced with the need to decide between these two conflicting needs. It is a decision which will certainly require a good understanding of the consequences of our choice.

To aid in developing this understanding, I commend for the consideration of my colleagues an article recently published in Nation's Business. The author of "Dilemmas of Export Control," Dr. Stanley Nehmer, pointedly describes the tradeoffs involved in the problem I have discussed briefly as we have witnessed its development over the last several months.

I ask unanimous consent that the text of this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Nation's Business, November 1973]

DILEMMAS OF EXPORT CONTROL

(By Dr. Stanley Nehmer)

A little used authority—export controls on commodities in short supply—has surfaced as a policy instrument in the Nixon Administration's economic stabilization efforts.

In the space of eight days, from June 27 to July 5, 41 agricultural products and 10 types of ferrous scrap were placed under export control by the Secretary of Commerce under authority of the Export Administration Act of 1969. Four days later, 10 types of raw cotton were made subject to a reporting requirement on export orders, the step that preceded placing export controls on the other commodities.

The importance of export controls as a tool in the Administration's economic stabilization efforts was underlined by President Nixon in his June 13 address announcing a price freeze. He pointed out that one major reason for the rise in food prices was the unprecedented demand abroad for American agricultural products. He announced a basic policy decision: "In allocating the products of America's farms between markets abroad and those in the United States, we must put the American consumer first."

Export controls on soybeans were established when it was determined that soybean and soybean meal prices in mid-June were more than 200 per cent and 300 percent, respectively, higher than a year earlier. Exports during the 1973–74 marketing year

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were anticipated to be 350 per cent higher than the previous year for soybeans and 100 per cent higher for soybean meal. When controls were instituted on ferrous scrap, data showed that 1973 exports were anticipated to be two-thirds higher than last year.

The export control actions in June and July were taken pursuant to legislation which requires that before such actions are taken there exists a domestic short supply of a particular commodity, and that it is caused by abnormal foreign demand, with resulting inflationary pressures.

In the case of agricultural commodities, there is the additional requirement that the Secretary of Agriculture must approve the action, and that he shall not give his approval if he determines the total supply is in excess of domestic requirements (unless the export controls a needed for foreign policy or national security reasons).

The use of export controls as a tool to slow down price increases and assure an adequate supply of goods for domestic consumption has presented several dilemmas to the Administration.

It has been suggested that these controls are inconsistent with the national effort to expand exports to offset the trade deficit, which reached an all-time high of $6.3 billion in 1972. Agricultural exports have been in surplus for some time as a result of a conscious effort by farm groups and the government to cultivate export markets.

Estimates place the loss in export earnings from controls on agricultural exports in 1973 at $300 million to $500 million. There is concern over the long-range effects on American agricultural exports since importing countries will probably seek other suppliers.

Concern has also been expressed that the export controls will make it more difficult for the U.S. to achieve its objectives at the forthcoming multilateral trade negotiations.

The U.S. has been endeavoring for some time to persuade Japan to phase out its import quotas on agricultural commodities, and the European Community to modify its common agricultural policy—a policy which has had the effect of restricting agricultural imports from this country. Before export controls were imposed on agricultural products, various economists were estimating that elimination of barriers on American agricultural exports in Western Europe and Japan could lead to an expansion of $3 billion to $5 billion annually in these exports.

It has also been pointed out that the export controls will hamper the efforts of the U.S. to nurture good relations abroad.

Henry Kissinger, in his historic speech last April on the Year of Europe, spoke of a new Atlantic Charter establishing a new relationship of harmony and cooperation between the U.S., Canada, Western Europe and Japan.

France's reaction to the controls on soybean exports, according to press reports, has been to call the action "American aggression."

In fairness to the Administration, however, it should be noted that many countries have used export controls as a traditional policy instrument to assure adequate domestic supplies. The European Community does not permit ferrous scrap exports. Canada has placed controls on petroleum exports to the U.S. to guarantee adequate supplies for Canadian consumers. Argentina's export controls on cattle hides, which have caused substantial price increases in the U.S., are part of that country's program of assistance to its developing shoe industry.

The Nixon Administration views its use of export controls as "temporary" and acknowledges that they are "undesirable." But with inflation as a major domestic crisis, there is little question that export controls will continue to be used as often as may be deemed necessary, as one of the few tools available to help solve this national problem.

AN OVERLOOKED LESSON OF WATERGATE

Mr. MOSS. Mr. President, Robert H. Hinckley is one of the best known and most respected citizens of my State of Utah. He is also well known on the national scene. Besides his service in my home State, he also has served as Chairman of the Civil Aeronautics Authority, Assistant Secretary of Commerce for Air, and Director of the Office of Contract Settlement in the Roosevelt administration. He was one of the organizers and served for many years as vice president of the American Broadcasting Co.

In the Washington Post of Thursday, November 1, there appears a letter written by Robert Hinckley concerning the overlooked lesson of Watergate. What he says is of such importance that I think it should be made part of the record, and I therefore ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AN OVERLOOKED LESSON OF WATERGATE

(By Robert Hinckley)

The recent pause in the Watergate hearings provided some time for reflection. In spite of the many thousands of words of spoken and written commentary, there is one major point that has not come to my attention which deserves to be made. Hence this comment.

Whatever else Watergate reveals about the shortcomings of our national character and political system, it discloses the woeful failure of our system of education, and particularly higher education, to teach our young people the necessity for the ethical conduct of politics in a democratic system of government.

We have witnessed the deplorable and pathetic testimony of the loyal, the expeditious, the well-dressed and well-fed, coming from respectable families, and from some of our best colleges and universities. We have heard their weak rationalizations of why they did what they did.

Politicians are already in bad repute. And Watergate will hardly raise their stature in the eyes of the public.

Where our educational institutions, and particularly our institutions of higher learning, have failed, is to teach: First, the place of politics in our system of self-government; second, some rules of ethics in practical politics; and third, the need for every citizen at some stage in his or her life to participate in some form of the political process. This is equally important whether it is ringing doorbells for a candidate, serving part-time on an elective or appointive body, such as a board of education, or working for some unit of the federal, state, or local government.

This is every citizen's responsibility. If we as citizens are unwilling to assume such a responsibility, if we merely sit it out on the sidelines apathetically, then we have no right to criticize what happens in government. The end result will be that we'll get what we deserve.

It should also be noted that in other democracies, Great Britain for one, politics is considered a necessary and honorable profession. Calling someone a "politician" is, in England, not a term of contempt as it is so often here. British politicians are not the whipping boys for what's wrong with society. There they are recognized as worthy of esteem as highly essential harmonizers of conflicting viewpoints. Without politicians, no system of self-government can function adequately.

But here our colleges and universities in both undergraduate and graduate courses devote much time and effort to training our young people for the professions: Law, medicine, engineering, and others; but with a few exceptions, they completely fail in educating the young on the necessity of their participating in practical politics.

That is where we are in default. That is certainly one of the lessons, and a very important one, of Watergate. There is an urgent need to take action so that the successors to the "loyal but unethical," the "teamplayers," will have a better realization of the need for participation in politics and government on a higher moral and ethical plane.

CAPTIVES OF OUR OWN OPINIONS

Mr. DOMENICI. Mr. President, we have heard a great deal, in recent weeks and months, about how our Government is in chaos; of how various individuals are panicked, frantic, or hysterical; of how we are no longer able to govern or administer the law of the land. I have long felt that there has been too much overreacting to events by too many people. I do not, for 1 minute, believe any of those things. But I do believe that the entire Nation could benefit by a little calming down, by a little sober reflection on the entire situation, and by a little more trust in our system and institutions to bear up and perform their assigned functions.

Thus I was delighted to read, a week or so ago, an editorial that appeared in the Portales, N. Mex., News-Tribune entitled "Captives of Our Own Opinions." It was written by Gordon Greaves, one of New Mexico's most distinguished journalists for nearly four decades. Gordon has won, to the best of my knowledge, virtually every journalism award in New Mexico.

My pleasure was derived, however, not because its author was such a distinguished journalist, although he is; and not because of its literary excellence, although it is excellent; and not because it conforms with my own beliefs, although it does. What pleased me was its tone, its quiet, calm, analytical approach and its unhysterical, unpanicked, unfrantic conclusions. It is neither a defense of the President nor an apology for what has happened. It is simply a stern refusal to take leave of one's senses.

Mr. President, I commend this editorial to all of my colleagues in this distinguished body and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Portales (N. Mex.) News-Tribune, Oct. 28, 1973]

CAPTIVES OF OUR OWN OPINION

President Nixon has again gone to the American people to make his position clear.

This time, before assembled members of the news media, he characterized as "frantic, hysterical reporting" much of what has been written or said about him during the past several tumultuous months.

The reaction is now coming in, and some dent used.

What has happened to our highly-touted ability to listen and to discuss public issues?

No one could be expected to remain patient and unruffled under what President

Nixon has endured the past year. But we wonder if he too isn't afflicted with the common human tendency to take a strong position at the outset, then receive through a polarized filter all information that comes, accepting only that which supports that strong position.

Certainly much of the reporting and commentary about Watergate has been neither "frantic" nor "hysterical."

Let us say once again that we are on the President's side still. We concur with him that he has remained an effective national leader during a world crisis in which a miscalculation could have plunged us all into a cataclysm of war. We are not out from under this danger yet but we are breathing easier because of a cease-fire, however touchy it may be. The President is entitled to credit for laying the ground for that cease-fire through the long and painstaking building of bridges of communication to Russia and China.

Whatever the President's limitations and faults, the United States stands today as a mighty bulwark for peace and freedom in face of formidable danger. We have at last recognized that we cannot alone enforce their peace or freedom, but must have a certain understanding, with Russia, who could easily destroy both peace and freedom.

But the President is no superman, and he can be expected to react sometimes out of what must be a mountain of frustrations in his effort to get across to the American people the tedious and complicated choices that he must make.

"The tougher it gets, the cooler I get" is an apt interpretation of the President's responsibility. He must not cave in before pressure and criticism, and must not be steamrollered into a resignation before the threat of impeachment.

And his scathing words to the news media in his press conference seemed to us to be justified, in several instances, after his dismissal of Archibald Cox.

It is apparent now that the Department of Justice as well as the President were "locked in" by their previous statements, and that their freedom to judge and modify their inclinations was impaired.

The President had pledged the full support of the Executive branch to the Watergate investigation, and had pledged not to retreat behind "executive privilege." Similarly, Elliot Richardson had made a solemn commitment to Congress at the time he was being questioned before confirmation, to not let any influence from the White House distract him from his duty.

Archibald Cox, a highly respected law professor, was bound by neither loyalty nor precedent in attacking the task of special prosecutor as avidly as a newly-elected district attorney.

Certainly the President had the right to fire Cox when Cox alone refused to concur in the compromise worked out between the President and the chief Senate Watergate committee members and the Attorney General about the use of the presidential tapes. Although there is a widespread public reaction that in firing Cox, the President is "trying to cover up" and is backtracking on his pledge of full Executive Department cooperation with the prosecution, the President's point is well made that he has the responsibility to maintain executive confidentiality, even to the point of resisting a court order. Far from setting himself up as "beyond the law," the President is well within his responsibilities, even though he may have miscalculated or have misjudged the weight of two mutually antagonistic duties. It is to his credit that he has now agreed to let Judge Sirica hear the tapes.

The President mentioned the outcry about the amount of money spent on his Western White House home at San Clemente. He is correct in declaring that the news media failed to report with equal vigor the fact that the full investigation by an independent agency found there had been no misuse of campaign funds, and that public funds spent on the Western White House were expended under the careful eye of those federal agencies responsible for the President's safety. The Wall Street Journal had pointed out this omission on the part of major news media several weeks ago.

The President made what seemed to us a plausible explanation of the $100,000 cash contribution by that shadowy figure Howard Hughes, to the President's close friend Bebe Rebozo. Although it is strange that Rebozo kept the $100,000 in a safe deposit box for three years, before returning it to Hughes, the President's explanation is credible. Certainly any presidential candidate is going to have some offers of contributions from sources which may be embarrassing.

The tone of President Nixon's press conference was confident. There was reassurance to the world that the Presidency of the United States is not coming apart at the seams because of the Watergate scandal.

We have said before that we find it difficult to understand how so many scandalous acts could have been committed by the Committee to Re-elect the President without the President knowing about it.

The President's explanation—whether accepted or not—is that he withdrew himself from fund raising and other campaign activities, and instructed his supporters that he was not to be told of these matters until after the election. The President felt that this was his best safeguard against being liable to accusations of political favors. It is possible that a President, in a campaign for re-election, cannot escape these accusations, and even actualities.

We acknowledge that the President has yet to explain the more recent charge that the huge national milk cooperatives contributed heavily to his campaign after urging and receiving raises in the support price of milk, and favorable import restrictions.

We make no defense of the sleasy and dishonest acts performed in behalf of President Nixon during the election campaign. These are deplorable, and their exposure by the news media was badly needed. These acts cannot be excused by the most often repeated "every campaign is like this" or that "all politicians are dishonest." Out of these exposures has come a recognition of an urgent need for better election methods. Voter apathy, and disinterest in the sometimes complicated and difficult decisions are a part of the reason for the "frantic, hysterical" reporting.

The effort to make everything simple, when the facts are far from simple, is a part of the national syndrome of our "becoming captives of our own notions." We need to understand that our hastily reached conclusions about politics are often faulty, and that we must become more patient with involved and difficult explanations, and not expect everything to be made clear during the evening 15-minute news broadcast.

For that matter, even at his persuasive best the President rarely can make everything "perfectly clear."

PRODUCTION OF PULPWOOD AND LUMBER BY ALABAMA AND OTHER SOUTHERN STATES

Mr. SPARKMAN. Mr. President, I should like to call attention to the part that Alabama and other southern States play in the production of pulpwood and lumber production generally. A very brief article dealing with this recently was printed in the Birmingham News. I ask unanimous consent that it be printed as a part of my remarks in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOUTH PRODUCED MORE THAN $1 BILLION WORTH OF PULPWOOD

(By Irving Belman)

For the third consecutive year, the South's forests produced more than $1 billion worth of pulpwood.

The Southern Forest Institute reported the value of pulpwood harvested and brought to the South's 112 pulp and paper mills in 1972 was $1,106,987,000. This represented 44,279,500 cords of pulpwood, which was an increase of six percent over 1971 production, and represented 67 percent of the nation's total pulpwood supply.

During the same year, Southern forests yielded 30 percent of America's plywood output, and 34 percent of its finished lumber production.

It is estimated that by the year 2000, the South's forests will be producing 55 percent of the nation's annual wood needs.

For the 25th straight year, Georgia led the other 11 Southern states in value of pulpwood harvested during 1972—$189,127,500. Alabama was second with $174,795,000, and Mississippi was third with $114,610,000.

A HEARING RECORD ON OIL AND GAS TAX INCENTIVES

Mr. HANSEN. Mr. President, generations of Americans have fallen into the habit of taking ample energy supplies as much for granted as the rising of the morning sun. No matter how high or how rapidly energy demand levels might rise, Americans have always expected the supply to be there. Fuel in lavish quantities for every need has come to be considered a part of our national heritage.

Yet recently we are hearing reports of an impending energy crisis—a shortfall of domestic oil and gas supplies in relation to consumer demand. Thus far the reaction to these reports appears to be a mixture of confusion and apathy. We have a national energy problem. I think everyone agrees on that. But we cannot solve this or any other problem unless we understand it. And there is much about our energy supply difficulties that is not fully understood. In fact, one of the most serious aspects of this problem is the amount of misinformation circulating about it.

That is why I was so much impressed by the quantity of factual data on the energy supply problem, its causes, and its solution, brought out at tax policy hearings held by the Ways and Means Committee on March 19 and 20 and at the committee's hearings on trade policy and the taxation of foreign source income on June 11. This information is particularly pertinent in the light of recent Mideast events.

Mr. President, it is appropriate that the Members of the Senate be aware of this testimony because of the possibility that we may soon be asked to vote on legislative proposals affecting the tax treatment of energy resources. I refer to a variety of tax amendments that may be offered to the debt ceiling legislation. We have not had Senate hearings on these various tax proposals. Hence, this summary of the Ways and Means Com-

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mittee hearings is offered for the consideration of my colleagues.

Some might tend to discount much of this testimony on the grounds that it must be biased. It is true that the majority of the witnesses were members of the petroleum industry. But I think it would make more sense, under present conditions, to heed the testimony of men who are working experts on energy supply and energy problems. We need not agree with everything they say. Still, we would be foolish, indeed, not to be keenly interested in their observations and opinions. For if we are to get safely out of the present energy predicament, we will have to rely on experts like these to help lead the way.

To encourage a close study of this authoritative testimony, I have put together a selection of excerpts from both the oral and the filed statements. Much important information had to be omitted to keep the size of this digest within bounds, but at least I have tried to select what I consider to be the highlights of these presentations. Greater detail regarding these presentations before the Committee on Ways and Means can be found in the hearing records of testimony before that committee on the subjects of tax revision and trade reform.

For example, claims are made about the Nation's future petroleum outlook being serious—even grim. But what are the facts about this situation? Let me quote the words of Bob R. Dorsey, chairman of the board of directors, Gulf Oil Corp., when he testified before the Ways and Means Committee on March 19:

> Domestic energy production is now growing at a rate of less than two percent per year. As a result, today we are importing petroleum at a rate of six million barrels daily. Unless extensive domestic energy programs are promptly initiated, by 1985 we could be importing 19 million barrels a day of oil—a volume comparable to the entire crude oil production in the Middle East in 1972. Imports at such levels would result in critical balance-of-payments problems. . . .
>
> Equally serious would be the security implications of depending on a limited number of foreign sources for such a high proportion of our energy needs.

Mr. Dorsey touched on the bargaining power of the major foreign producing countries in these thought-provoking and prophetic words:

> And since 1969 it has become apparent that the members of OPEC (Organization of Petroleum Exporting Countries) are prepared to forego immediate oil revenues to enforce long-range economic demands. Only careful negotiations have avoided a serious supply disruption over this issue. Since the currency reserve levels of these countries cover ordinary import expenditure levels ranging from five to fifty or more months, the countries could readily accommodate extensive disruption of oil export revenues.

One question that troubles many who are earnestly trying to understand this problem is: Are we—or are we not—actually running out of domestic oil and gas? Because if we are running out of domestic reserves, then we have no choice but to depend on foreign sources regardless of all the risks and insecurity this entails.

An answer to that question was provided in the oral testimony of H. A. True, Jr., an independent operator of Casper, Wyo., who told the Ways and Means Committee on March 19:

> Geologists estimate that the potential reserves of oil and gas still to be found in this country exceed those that have been discovered to date. But we have skimmed the cream off our petroleum resources. From now on the search will be costlier, the size of discoveries in familiar areas will be smaller, and the hunt will have to press on into hostile environments—like Alaska and the Continental Shelf.

Then, it might be asked, what is the problem? If there is so much oil and gas around, why is it not being searched for, discovered, and put into the pipelines? Mr. True gave the explanation in these words:

> Exploratory drilling is the most critical step in the search for oil and gas. It is subject to considerable risk. Data reported by the American Association of Petroleum Geologists show that only one out of every sixty new-field wildcats finds a significant field (one million barrels or more). Furthermore, even a significant discovery can be a financial loss or only marginally profitable, due to high exploration and development costs.
>
> In the short run, exploratory activity may not come to a stop because of inadequate incentives, but it will definitely decline. Moreover, adequate incentives are required in the long run to attract capital to the exploration activity. In the last sixteen years new-field wildcat drilling fell by 42 percent—from 8,742 wells in the record year 1956 to 5,086 in 1972. Development drilling (measured in terms of wells completed) has fallen by 52 percent since 1956.

Mr. True went on to make this point in his oral presentation:

> In ventures as risky as oil exploration, investors should have a higher rate of return than is expected from most business ventures. Yet, oil and gas fields discovered in recent years appear to promise very low rates of return. A study has been made of recent petroleum exploration ventures in three major producing areas—the Gulf of Mexico, onshore South Louisiana, and the remainder of the continental United States. Estimated discounted cash flow returns on these ventures range from a low of 3.2 percent to a high of 6.6 percent. In all cases, these returns are submarginal.

Congressman Bill Archer of Texas asked Mr. True how he had been able to survive as an independent producer in the face of the rising costs and reduced profits described in his testimony. Mr. True replied:

> Basically, to be in the oil business you have to be an optimist, and I am indeed an optimist. I believe as the energy message gets through to the people and as committees such as this hold hearings and deliberations, the lot of the independent producer will be better.
>
> Also, I have been in business long enough to have been living off of and paying my bills with production that I found years ago when costs were lower. I suppose, too, I would have to confess that I have been luckier than most independents. I like to think that I worked harder than most.
>
> But possibly the important question here is not why am I still in business, but could I or a counterpart of mine start today from scratch as I did 25 years ago and do what I have done and remain in business for 25 years?
>
> Under present costs and prices and the present incentive pattern, I would have to say to you, Mr. Archer, "no, he could not or I could not."

It is self-evident that nobody invests money in a commercial venture without adequate incentive—the hope of a satisfying return. Some critics of present tax policies seem to feel that tax incentives for petroleum ventures are overgenerous. But if this is true, why has drilling declined? Why do we have a shortage of petroleum? Let me quote another independent oil producer on this subject—Tom B. Medders, Jr., who testified on March 19 in his capacity as president of the Independent Petroleum Association of America. Mr. Medders called for:

> An increase in percentage depletion for domestic oil and gas production to more nearly reflect the market value of recoverable reserves in the ground. The present maximum depletion rate of 22 percent, if applied to the average crude oil price of $3.40 per barrel, provides only 75 cents per barrel to replace reserves being produced. This provision of 75 cents per barrel is approximately half of today's market value of crude oil reserves in the ground. To fully reflect market value, therefore, the depletion rate would have to be doubled. This demonstrates the gross inadequacy of the current rate and the need for a meaningful increase.

On March 20, Ronald S. Tucker, an attorney from Newport Beach, Calif., told the Ways and Means Committee:

> In other words, the success of any oil venture can only be measured by the reserves discovered and, by the nature of the industry, there is no way to predict the results to be realized, based upon the investment made. Therefore, there is no similarity between the investment process involved with the oil industry and other non-extractive businesses. The manufacturer of shoes, for a given cost, can build a plant of predictable size and capacity, and with good planning he can create an economic value for his business which has a close relationship to his investment, but not in the oil industry.
>
> To believe that the oil business is not a high risk business is to fail to understand what risk is, and to think and express the opinion that the expected return for an investment in oil or gas should not be greater than more secure investments is naive and clearly indicates such a person has never been an investor.

The history of the Federal income tax shows that Congress was alert from the beginning to the distinctive problems of petroleum and other mineral producers. Robert G. Dunlop, chairman of the board of directors of Sun Oil Co., gave this historical background when he testified before the Ways and Means Committee on March 19:

> Since the inception of the Federal income tax in 1913, the law has contained provisions to encourage the discovery and development of petroleum supplies. Until 1926, depletion was based on the value of the mineral at the time of discovery. This method proved difficult to administer because of disagreements about values of minerals in the ground, and in 1926 percentage depletion was adopted as a substitute to simplify the administrative problems. The depletion rate for oil and gas was set at 27½ percent of the value of the oil and gas at the time of production. This rate was designed to yield deductions comparable to, but somewhat lower than, deductions under the discovery value provisions. The rate for oil and gas remained unchanged until it was reduced to 22 percent by the Tax Reform Act of 1969.
>
> A rate of 22 percent is inadequate to recover and maintain the stock of national capital represented by discovered and developed petroleum deposits as those deposits are produced. Further . . . the industry's effect depletion rate, after the 1969 Act, is

> not 22 percent but approximately 18 percent.

Mr. Dunlop explained that this deeper cut in the effective rate of percentage depletion, down to approximately 18 percent, came about primarily because this tax provision was one of the items made subject to the tax on tax preferences. He said that the 1969 tax legislation increased petroleum industry taxes "by about $500 million per year by reducing percentage depletion to 22 percent and subjecting it to the preference tax."

This witness also stressed the importance of preserving the right to expense intangible drilling costs—IDC—in its present form as a means of encouraging the search for oil and gas. He gave a detailed analysis of the basic fallacy of proposals to require that producers "earn" depletion deductions by plowing back the funds into new projects. Anyone who thinks the "plowback" proposal could make a positive contribution to alleviating the energy supply problem should read the section on this topic in the statement that Mr. Dunlop presented. He gave clear and cogent reasons why a plowback rule would hinder, rather than help, in attaining the required level of petroleum investment. In this connection, he pointed out that the petroleum industry already spends annually on oil and gas exploration and development an amount equal to twice its total percentage depletion deduction.

The full text of this part of Mr. Dunlop's statement must be read for an understanding of the defects in the plowback plan. However, these two sentences from his oral testimony sum up the effect of such a requirement from the investor's viewpoint:

> Plowing back should have nothing to do with earning the present statutory percentage depletion deduction. In effect, a plowback proposal applied to existing properties would be a repeal of percentage depletion, coupled with the prospect of getting some or all of the deduction back if the investor is willing to enter into new projects.

This approach is hardly consistent with the national need to make petroleum exploration and development more attractive to investors. Here is what Mr. Dunlop had to say about that need:

> Tremendous amounts of capital—more than $100 billion during the 1970's—will be required to find and develop the new petroleum reserves required to halt this country's slide toward dangerously heavy dependence on foreign oil. And the present depletion rate of 22 percent—which existing limitations reduce to an effective rate of about 18 percent—is simply too low to play its essential role in helping to make that capital available.

His testimony concluded with this recommendation:

> What set of tax rules will best contribute to giving the country the secure energy supplies it needs? Certainly, tax incentives alone will not do the job, for an effective national energy policy encompasses many elements. But I am convinced that supportive tax policies are not of the essential elements. The energy job cannot be done without new capital investment on an unprecedented scale. And proven incentives such as percentage depletion and the IDC deduction have demonstrated their ability to attract capital and spur the desired activity without resulting in above-average profits for the oil industry.
>
> It is not too late to turn aside from the action taken in 1969. Restoration of percentage depletion to 27½ percent and removing it from the list of items singled out for the 10 percent preference tax would be a clear signal to the public that the Congress is determined to do its part in meeting the country's energy needs.

Testifying on March 19, William I. Spencer, president of the First National City Bank, New York, discussed the financial situation of the petroleum industry as it relates to the energy supply problem. Mr. Spencer commented:

> Analyzing the financial results of a large group of United States oil companies, we find that their reliance on external funds rose from 14 percent of their capital outlays at the beginning of the Sixties to 23 percent at the beginning of the Seventies. The energy industries cannot, however, continue indefinitely to increase their reliance on external funds. In order to lessen equity dilution, most of the companies have been borrowing heavily, both through long-term debt issues and through bank financing. Particularly in the tight money markets of recent years, this is proving an expensive expedient. Moreover, bond buyers and equity underwriters begin to look askance at a company that makes too many trips to the public fountain. Their disapproval is most marked where the outlays are especially large and the risks especially high.
>
> In the long run, internal financing must bear a large share of the expansion needs of the petroleum industry. But this will be feasible only if there is an improvement in total earnings and rates of return. We find that experience of the Sixties gives little ground for rejoicing in the Seventies.

Newspaper readers and television viewers frequently hear about the alleged fantastic profits of the petroleum industry. But Mr. Spencer, a banker concerned with facts and not with captivating an audience, discussed this same subject at the hearing in these words:

> It is true that Citibank's analysis of approximately 100 oil companies saw their rate of return go up from 10.2 percent in 1960 to almost 13 percent in the later Sixties. But the rate has since declined to an estimated 10.9 percent last year. The rate earned by electric and gas utilities appears to have settled at 11 percent. It can be seen that, in 9 of the last 13 years, petroleum company earnings lagged behind business as a whole.
>
> Last year's performance was particularly disappointing. At a time when the energy shortage was causing threats and occasional cut-offs in essential fuel supplies, petroleum profitability declined by 0.3 percentage points, in contrast with an increase of 1.3 percentage points in the profitability of manufacturing as a whole.

One of the most disturbing aspects of the energy supply situation is the potential it holds for aggravating the balance-of-payments problem. I have already quoted a reference to this matter by Mr. Dorsey. Mr. Spencer gave his view of the outlook in these words:

> In its starkest form, the balance-of-payments problem can be summed up by the statement that, unless we do something decisive about it, our delivered oil import bill will increase to perhaps $20 billion by 1980. A $12 billion increase from 1973 to 1980 would equal our total 1972 deficit (on current account and long-term capital).
>
> I submit that this represents such a sharp change in our trading position that it will necessitate a drastic reappraisal of our entire international payments prospect, as well as of our energy production outlook."

Right at this point, it is important to get our bearings. There are indications by a belief in some quarters that an easy way to encourage domestic petroleum development would be the adoption of policies deliberately designed to discourage investment in foreign oil production. This is a mistake. Let me quote from the March 19 testimony of Emilio G. Collado, a director and executive vice president of the Exxon Corp.:

> Making foreign operations by U.S. companies more difficult would not, itself, mean that the companies would increase domestic exploration. Domestic exploration rises when—and only when—domestic economic incentives improve. That improvement cannot be achieved by raising taxes on foreign exploration.

Mr. Collado gave this explanation, which suggests some of the complexities that must be taken into account in dealing with the energy problem:

> U.S. taxation of foreign-source income of American petroleum companies must be evaluated in the light of the importance of their activities to the national interest of the United States. As has been indicated in earlier testimony, the United States will require large volumes of petroleum imports during the next 10 to 15 years and thereafter, even if efforts to increase domestic production of oil and gas are substantially successful. In addition to domestic economic requirements, foreign-source oil is of significant strategic importance.

This witness then brought out the following points that deserve recognition in any consideration of energy policies for the United States:

> The participation of U.S. companies in the world oil industry has decided positive implications for the U.S. balance of payments. In 1971, income remitted from U.S. petroleum investments abroad was almost half of total remittance by all United States foreign investors. Remitted earnings exceeded new outlays by about $1.5 billion. In addition, U.S. foreign petroleum investments result in receipts of fees and royalties and in substantial U.S. exports for use in U.S.-owned facilities abroad.
>
> U.S. taxation of foreign-source petroleum income must not be amended to leave U.S.-owned companies at a competitive disadvantage relative to foreign-owned petroleum companies. Companies owned by producing country governments have an obvious advantage in access to supplies, while companies owned by the governments or private citizens of the principal consuming countries of Europe and Japan generally receive special tax and non-tax incentives for foreign oil exploration ventures. The combined incentives provided by other major countries are generally at least as valuable as the tax treatment provided by the United States. Many foreign competitors of U.S. oil companies have unique advantages, e.g., direct or indirect government financing in whole or part by France, Italy, Japan, the United Kingdom, and West Germany. U.S. tax policy should not impose competitive constraints on American companies by adversely changing U.S. tax treatment of foreign petroleum operations.
>
> The primary tax requirement for continued competitiveness of U.S. oil operations abroad is that the United States continue its traditional policy of avoiding double taxation of foreign-source income by allowing a credit for foreign income taxes paid.

XUM

Mr. Collado elaborated on this subject when he testified at the hearing on trade policy and taxation of foreign-source income on June 11. On that occasion he said:

> Putting our growing energy import requirements in perspective, my company has forecast that the U.S. energy import bill (virtually all petroleum) by 1976 will be more than triple last year's $5 billion level. By 1980, we expect annual U.S. energy imports to be roughly in the $25 billion range. Of course, I should caution that the underlying price and volume projections are highly tentative, reflecting, among other things, the uncertain extent to which U.S. demands can be met from domestic energy sources. In addition, there will be some related balance-of-payments offsets to these imports, in the form of U.S. oil company profit remittances, energy exports (primarily coal), shipping earnings, and the like. However, the bulk of energy imports will need to be paid for by other means—such as greater exports of U.S. goods and services, increased income from U.S. investments abroad, and increased foreign investment inflows into the United States. We have made projections of such sources of balance-of-payments receipts with respect to the OPEC oil-producing countries only (although we recognize that OPEC expenditures in third countries will, to some extent, indirectly result in greater U.S. exports and increased investment inflows). That is, based on reasonable assumptions with respect to oil revenues, the size of government economic development budgets, import propensities, and investment preferences of the OPEC governments, we have made rough calculations of future U.S. exports of goods and services to the OPEC countries and their long-term investments in the United States. Of course, we emphasize that such projections are highly conjectural. They are based on historical trade and investment patterns which, on the trade side at least, should be altered in our favor as a result of recent international currency realignments. I should note also that, within the general projections, there are vast differences among the OPEC countries with respect to their ability to absorb investment capital into economic development plans and in the amount of surplus capital funds which would be available for long-term investments abroad.
>
> My company's rough calculations suggest that, after taking into account the projected trade and investment flows with the OPEC countries only, we will have a net "energy deficit" in our balance of payments in the $5–8 billion range by 1980. This compares to a small net surplus of $0.5 billion last year. The prospect of this potential source of balance-of-payments pressure underscores the need for the United States to improve its economic performance vis-a-vis Western Europe and Japan in the areas of prices and productivity. In this way, our overall international trade performance (apart from energy) could be expected to improve, particularly if barriers to our exports are reduced. However, these substantial energy import costs also suggest the need to encourage other major sources of receipts in our balance of payments—such as income from foreign direct investments.
>
> After U.S. merchandise exports, the income remitted from U.S. direct investments abroad is the largest single item in U.S. current receipts in our Nation's balance of payments.

Testifying at this same June 11 hearing, John E. Swearingen, chairman of the board of directors, Standard Oil Co., (Indiana), made this observation on the global outlook:

> While any such forecasts are admittedly hazardous, the best estimates of the National Petroleum Council indicate that the new reserves that may be discovered throughout the non-Communist world between 1972 and 1985 could total another 450 billion barrels. This could be an optimistic estimate. To maintain such a discovery rate would mean the discovery of new oil reserves roughly equal to the present total reserve inventory in the entire United States during each year through 1985.
>
> Even if such a discovery rate could be maintained, we would still arrive at 1985 with a sharply reduced reserve inventory in relation to consumption. The non-Communist world ratio of reserves to annual production in 1972 was 36, meaning that we had a 36 year proved supply at 1972 demand levels. Yet, by 1985, even if the 450 billion barrels of new reserves are indeed found, the ratio of reserves to production in 1985 would drop to only 17, and many observers think that 17 is unrealistically high. With demand continuing to rise, such a margin would be inadequate in any case.
>
> This is not a very rosy forecast, and it emphasizes the critical importance of increasing the investment incentives necessary to bring forth new oil reserves on the scale needed. It is particularly important that no actions are taken which will impair the ability of U.S. companies to compete on equal terms overseas in the race to gain a share of the new foreign reserves needed to meet demand here at home.

In his March 19 testimony, Mr. Collado cleared up a point that has been the source of much misunderstanding, namely, the difference between the foreign income tax and royalty payments of oil companies operating overseas. The witness said:

> A foreign government deals with the oil industry in two capacities: (1) as the owner of natural resources in place; and (2) as a sovereign taxing power. The foreign government collects a royalty as the owner of the natural resources; and it levies an income tax on the profits in its capacity as the taxing sovereign. A U.S. tax deduction is allowed for the royalty; and a U.S. tax credit is allowed for the income tax. A tax credit is *not* allowed for oil royalties paid to foreign governments.
>
> This system of payments parallels payments to the U.S. government on its own oil lands. It collects a royalty as the landowner and levies an income tax on the profits as the taxing sovereign. There is no reason to treat payments to foreign governments differently.

In his June 11 testimony, Mr. Callado brought out these further points about the foreign tax credit:

> Proposals which would drastically change U.S. tax policy by eliminating the foreign tax credit altogether would quickly shut off the flow of American investment abroad. By only allowing foreign income taxes to be deducted from foreign-source income subject to U.S. taxes (instead of providing for a credit against U.S. tax liability), foreign income would effectively bear the burden of two taxes, the U.S. and the foreign tax. This would not only make potential new investments unattractive, but also the burden of two taxes on existing investments would be too great for U.S. companies to remain viable competitors with foreign companies. Thus, they would be forced to withdraw from foreign operations, and foreign companies would take their places.

The criticism of tax incentives applicable to oil and gas discoveries receives much of its impetus from claims that the petroleum industry does not pay its fair share of taxes. Here again the facts are at great variance with the accusation. Let me quote from Mr. True's oral testimony:

> It's a fact that the petroleum industry's Federal income tax bill is, proportionately, below the average. But a tax dollar is a tax dollar wherever it is paid. And when the total domestic tax bill is considered—Federal, State, and local, the petroleum industry actually bears a greater burden—in relation to gross revenue—than the average for all business corporations even if excise taxes on petroleum products are not included.

Mr. Tucker's testimony contained this statement on the same subject—I quote:

> The critics of the petroleum industry, by excluding all taxes, as if they did not exist, have the Federal income tax, claim that the oil industry is not paying its fair share of taxes. The state severance, production, and property taxes, and excise taxes are discarded as of no consequence, because they, the critics, are establishing their own rules for playing the game, and laying their own groundwork to manipulate the truth of their statement.

Mr. Swearingen also had some observations about the extreme positions taken by the petroleum industry's opponents and critics when he testified on June 11. He said:

> Over five years after the discovery of huge oil and gas reserves on the Alaskan North Slope, approval of a pipeline to bring these badly needed supplies to market has still not been given, but we are sharply increasing our imports of oil from overseas. Regulated gas prices, set artificially low to keep consumer prices down, have succeeded in discouraging the search for new gas as well as the development of more expensive synthetic substitutes. Simultaneously, proposals to import liquefied natural gas from overseas at prices up to four or five times that of domestic gas have been given Federal blessing.
>
> Many citizens and their political representatives continue to demand low cost energy, while steadfastly opposing offshore drilling, deepwater tanker ports, or new refining facilities in their area. The multiple impacts of environmental concerns on energy supply and demand have already been noted. Delays in opening Federal acreage to petroleum exploration through accelerated lease sales to private bidders willing to pay the government tremendous sums for exploratory rights are accompanied by Congressional proposals to set up a rival government-run and tax-financed oil and gas TVA. With our trade balances already in serious deficit, attempts are still being made to enact restrictive legislation hampering the freedom of U.S. firms to compete abroad.
>
> This list does not begin to cover all the contradictions inherent in the dangerously haphazard approach we have taken to the energy situation. It is enough, however, to suggest that there is an urgent need to bring some order out of all this chaos, and there are encouraging signs that the government is finally about to come to grips with the problem.

Besides bringing out facts and policy questions that are essential to an understanding of today's energy supply problems and the future outlook, the testimony at these hearings included a number of positive recommendations. I was particularly impressed with, and would like to wind up by quoting, the following points from the conclusion of Mr. Dorsey's statement on March 19:

> The Nation *can* still largely control its own destiny. Whether we do depends in substantial measure on the decisions you make. If we continue on a path of indecisiveness, with ever-changing tax and regulatory practices, it is almost certain that our imports will rise to unacceptable levels and we will be forced to allocate energy supplies. But, if the government takes positive steps to create a consistent and constructive energy policy, then we can hope to increase our available indigenous energy supply, diversify our overseas resources, and remain strong and secure.
>
> These steps include:
>
> 1. Provide a stable tax regime, including the incentives necessary to develop each aspect of the 1985 domestic energy supply;
> 2. Continue those tax provisions which support the exploration for and production of foreign petroleum resources, so that availability of imports from diverse areas is insured;
> 3. Establish the economic climate needed to attract the huge investments required. This will involve free market prices for all basic fuels, including orderly deregulation of current gas prices;
> 4. Develop leasing policies which will make the attractive Federal lands available for exploration and for development of energy resources;
> 5. Adopt procedures for promptly resolving questions relating to the siting of energy facilities;
> 6. Expand the energy research effort; and
> 7. Provide programs to encourage more efficient energy use.

Mr. President, clearly the thoughtful testimony to which I have referred in these brief remarks requires the careful consideration of every Government official who has responsibility for dealing with our Nation's energy problems.

WEATHER SATELLITES

Mr. MOSS. Mr. President, in recent days, disturbing information has come to my attention from what the press might call "usually reliable sources outside the government." This information relates to matters of such critical long-term national importance that I feel it should be brought to the attention of the Senate and the public.

In bringing these matters to the attention of my colleagues, I should say that I would normally hesitate to voice my concerns on general information rather than confirmed facts. But as every Senator knows, we are in the midst of that annual ceremony known to Washingtonians as "budget season," when the executive branch agencies are working through their proposed budgets for the coming fiscal year with the Office of Management and Budget. Congress is excluded from these deliberations by design, and, therefore, everyone in Washington knows what Congress is going to be called upon to do except the Congress. Thus, congressional inquiries about future agency plans during the fall of each year are met with blank stares or noncommittal grunts in most instances.

I am told that there is under serious consideration for possibly early decision in the executive branch a proposal that all U.S. weather satellites be operated by the Department of Defense. At first blush, this might not seem to be so significant a decision, but I believe that serious reflection will show that three major policies are at stake in such a decision:

First. The policy, carefully laid down 15 years ago and painstakingly followed since, that the peaceful activities in space be conducted by civilian agencies of the U.S. Government. This policy is the touchstone of the National Aeronautics and Space Act of 1958.

Second. The policy, long espoused and now bearing real fruit, that international cooperation in space science and applications be fostered to the maximum extent feasible. On such a policy depend such international endeavors as the Global Atmospheric Research Program and activities of the World Meteorological Organization.

Third. The policy, especially crucial today, that our necessarily large defense budget and limited defense manpower not be burdened with operations principally serving civil needs.

And lest some think that only one limited family of satellites is involved in such a decision, I would add that all Earth observation programs are potentially of interest to, and could conceivably become the province of, the Department of Defense.

Weather satellites were the first tangible and direct benefit of our space program. Data from these satellites have now become a routine and critical part of weather prediction and storm warnings in this country. These satellites are operated by the National Oceanic and Atmospheric Administration—NOAA—an agency of the Department of Commerce. NOAA buys the satellites and launch services from the National Aeronautics and Space Administration. NASA and NOAA conduct cooperative research programs on improved weather satellites. These highly productive activities have led to a rapid succession of new generations of weather satellites and to such features as automatic picture transmission, making cloud cover photography available throughout the world at minimum cost.

Some time ago, the Department of Defense determined that a need existed for defense meteorological satellites and an appropriate system for those purposes was put into place.

Certainly if there is any unnecessary duplication or overlap between the civilian and military systems, it should be promptly eliminated, and certainly no one would object to careful reviews by the executive branch and by the appropriate congressional committees to determine if there is room for savings.

If such reviews should show that only one system is indeed necessary, then I believe a careful and considered policy position should be arrived at as to whether that system should be primarily civilian or primarily military in character and operation. Congress should have a voice in the formulation of that policy beforehand, not after the fact. At the very minimum, the chairmen and ranking minority members of the concerned committees should be consulted.

I hope that as "budget season" progresses, precipitious decisions of the kind that I understand may be in the offing for weather satellites, will not be made.

THE OIL WEAPON

Mr. FANNIN. Mr. President, there are many of us in the Senate who for a long time have opposed the Government's price control policies on crude oil supplies, and advocate instead prices based on a free market mechanism. For the sake of conservation and the encouragement of exploration and production, petroleum prices must be allowed to rise as the costs of exploration and production have already done. I think the following article from the Wall Street Journal of October 19, 1973, is a very good commentary on the present oil situation with particular respect for the Arab embargoes. I insert these comments for the interest of my colleagues, hoping we shall soon see a wiser oil policy implemented by the Federal Government. At this point, Mr. President, I ask unanimous consent that the article entitled "The Oil Weapon" be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Oil Weapon

The "oil weapon" trotted out of the Arab petroleum ministers' conference at Kuwait isn't exactly the most devastating threat in the history of economic warfare. The squeeze will take place in monthly installments, each step cutting back production or exports—it isn't yet clear which—by about 5 percent. This not only will give the West time to adjust but will give the Arabs time to reflect on whether the whole exercise is worth the trouble.

Arab lands supply only 10 percent of U.S. oil consumption, by maximum estimates including both direct and indirect shipments. A Cabinet study of oil imports in 1970 calculated that through "tolerable" gasoline rationing alone we could absorb a cutback of 10 percent of consumption without serious economic disruption. The tentative nature of the Arab cutbacks, of course, means they will fall far short of totally cutting off this oil. One White House aide estimates the initial impact will amount to one-half of a percent of consumption, in itself a scarcely noticeable amount.

That does not mean there will be no shortages of oil products this winter, because the government's price control policies have already created more in the way of American shortages than any Arab conclave could dream of. By holding down domestic prices in the face of the rising world price of crude oil, the Cost of Living Council has not only encouraged uneconomic consumption but kept wholesale buyers of foreign products from competing effectively. Thus, as winter approaches, fuel terminal operators on the East Coast have their storage tanks only two-fifths full, before the least impact from an Arab boycott. The chief result of the Kuwait meeting will be to give Washington a scapegoat for shortages it has created itself.

The cautious approach taken in the Arab cutbacks suggests that they have more doubts about the usefulness of the oil weapons than many worriers in the West have allowed. Since they supply so small a percentage of U.S. needs, they cannot design a boycott that would hurt the U.S. without also hurting Europe and Japan, who have already made diplomatic adjustments toward the Arab line on Israel. The far greater dependence of the Europeans and Japanese on Arab oil means that they will be hurt worse than the U.S. if the cutbacks do mount month after month. This will be splendid testimony to the gains to be made by capitulating to the Arab foreign-policy demands.

A selective embargo against the U.S. will be very hard to make stick, especially considering the small quantities involved. Attempts to single out the United States will inevitably be frustrated as long as oil exports are moved in a free market by middle men. The market cushions selective embargoes by switching customers and suppliers, and it rations overall shortages by the price mechanism.

If supplies are scarce, prices rise, but the highest bidder still gets what he wants. The U.S., which has consistently paid well over world prices for domestic oil, could easily dominate this market if it set out to and the Cost of Living Council allowed the prices to be passed on to consumers. A deliberate policy of trying to outbid the world would be ill-advised, of course, but the U.S. will not suffer any disaster if markets are allowed to take their normal course.

Whether or not the oil weapon has a large impact, it clearly is time to take fuel conservation measures both in the short run and the long run. For this winter, coal-burning utilities that have switched to oil because of clean-air rules could be allowed to switch back to coal. For the longer run, perhaps national policies can do something to promote more efficient transportation, better insulation and the like, though it's hard to do such things through edicts from Washington.

The way Washington can promote such efficiencies, and the most important conservation measure of all, is to let prices of petroleum products find their own levels. You will be amazed at the increase in insulation sales if the price of fuel oil doubles. Higher prices, too, will encourage production and allow importers to compete in world markets in ways that will undermine a selective boycott.

The best defense against the oil weapon, and the cure for the even more serious shortages caused in Washington rather than Kuwait, is to stop daydreaming about holding down prices without suffering shortages, and turn the oil problem over to the efficiencies of a free market.

PRIVACY THREAT—COMPUTER LAWS ARE NEEDED

Mr. ERVIN. Mr. President, on Friday, October 5, an editorial appeared in the Charlotte Observer regarding the threat of computerized technology on individual freedom. The editorial stresses the need for laws to protect the individual's right to privacy, referring in particular, to the NCIC—National Crime Information Center—a computerized information system operated by the Department of Justice. The purpose of the NCIC is to collect criminal history information and to disseminate the information to participating State systems. Though the idea behind the NCIC is a good one, it is not infallible and is open to misuse. To my mind statutory safeguards are a necessity in order to insure the effectiveness of such a system. The State of Massachusetts has refused to join the NCIC because of its lack of safeguards to protect the rights of the individual. I believe other States should examine closely the system and its possible effects on its citizens. At this time, I ask unanimous consent to have this editorial printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PRIVACY THREAT—COMPUTER LAWS ARE NEEDED

(NOTE.—The great danger is that we could become 'information-bound' because each step in the development of an information tyranny appeared to be constructive and useful . . . 1984 could come to pass unnoted as we plot our technological achievements.—Jerome Wiesner, President, Massachusetts Institute of Technology.)

Nothing illustrates Dr. Wiesner's concern about burgeoning technology and its threat to the rights of individuals better than the virtually unregulated growth of the National Crime Information Center.

The NCIC idea is a good one—to make law enforcement more proficient by enabling states to quickly share information about crime and criminals through a computerized network. But it can do great harm unless there are adequate safeguards to keep the names of innocent people out of the system, to insure that information in it is correct and to see that it is used properly.

In most states—including North Carolina—these adequate statutory safeguards are lacking. Since the NCIC is primarily a clearinghouse, few safeguards exist at the national level.

Now Massachusetts has refused to join the NCIC network because of this lack of protection; its governor, Francis W. Sargent, has filed suit to force the NCIC to set up safeguards at least as strong as those enacted by the Massachusetts Legislature.

When Massachusetts set up its statewide criminal data bank, its legislature insured the rights and privacy of the citizens by writing three safeguards into a law that could be a model for other states.

First, it restricted what goes into the computer; the only names reported are those of persons convicted of major crimes. Persons merely arrested, or those convicted of minor crimes, are not reported.

Second, it restricted use of the information to law enforcement organizations and other agencies specifically authorized by Congress or the state legislature.

Third, it guaranteed each citizen the opportunity to protect himself against incorrect information by permitting him to examine his file and have incorrect information removed or misleading information clarified.

After establishing those safeguards, Massachusetts balked at joining a network that provided less protection. "We don't allow credit agencies to use our system," said an aide to Gov. Sargent. "Apparently other states do. We have means of insuring that our information is current and correct, but we have no assurance that other states will keep it that way. We want to retain control over our information and protect our citizens."

Two federal agencies reacted with chagrin and applied pressure. The Small Business Administration, which had been checking police files on applicants for loans, threatened to hold up $30 million in loans. The Defense Information Service had been using the files to check applicants for civilian government jobs; it froze 2,400 applications in Massachusetts. Both agencies filed suit to compel Massachusetts to open its files to them. Gov. Sargent refused.

This week the Justice Department abandoned the suit. Massachusetts had won. In an earlier response, Attorney General Elliot Richardson assured Gov. Sargent that the Justice Department would ask Congress to enact safeguards similar to those of Massachusetts. That is a welcome assurance, and we hope Congress will listen.

When most states were plugging into the system without regard to the consequences, Gov. Sargent wisely held back. While the other states were rushing toward 1984, Massachusetts stood up for 1776.

IN PLACE OF EUPHORIA

Mr. BROCK. Mr. President, it has become very evident to most observers that the Soviet Union considers détente as a one-way street. They simply work détente to their own advantage, leaving nothing to truth and humanity. Recently, Harry Schwartz, a member of the editorial board of the New York Times, took Soviet-American relations a step further, to the economic arena. His point is simple; at some point we have to draw a line, even on business, on what type of trade is mutually advantageous, and what is again the Soviet favorite one-way street. I ask unanimous consent that Mr. Schwartz' article be printed in the RECORD, and certainly his point must be pondered.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IN PLACE OF EUPHORIA

(By Harry Schwartz)

SAN FRANCISCO.—A useful by-product of the recent sharp deterioration in Soviet-American relations would be another hard look at the developing pattern of Moscow-Washington economic relations. The high costs of last year's massive grain sale to the Soviet Union are felt daily by every housewife who goes shopping. There could be even higher costs in the long run from today's lemming-like anxiety of some American businessmen to make massive transfers of United States technology and capital to the Soviet Union.

Many Americans, for example, must have felt uneasy when they learned of the recent agreement between Control Data Corporation and the Soviet Government. That accord calls for cooperation in the joint development of advanced computer technology. If its implementation is to mean anything at all, this agreement will transfer to the Soviet Union a knowledge of computer techniques that it does not now possess. But will that be in this country's interest?

One reason for disquiet is the technical virtuosity of some of the Soviet weapons which have been in the spotlight the past few weeks. The SAM–6 surface to air missile, for example, changed Western preconceptions about how the struggle in the Middle East would go by its extraordinary effectiveness—an effectiveness which for a time denied Israel air supremacy in the Suez Canal zone. This country has no comparable weapon, nor does the United States Air Force now have any reliable means to counter this missile should American planes have to fight in a war with a country having SAM–6 mobile missile launchers. Impressive too is the new Soviet antitank missile, a weapon directed by infrared rays, and the three-ton Frog 7, the Soviet missile that sent 1,100-pound warheads crashing down on villages in the central Galilee.

The impression is inevitable that the Soviet Union has concentrated its substantial resources of scientific and technological talent overwhelmingly on military needs—including the military-related space program—while neglecting civilian technology. What Moscow seems to be asking now is that the United States play a major role in repairing the backwardness caused by this concentration, particularly, but not exclusively, in the computor field.

The Middle East war has shown what severe limitations there are on the Soviet concept of détente. It was not until Israel had changed the whole military perspective of the struggle by moving substantial forces across the Suez Canal that Moscow suddenly

became interested in a cease-fire. It seems a fair guess that if Egypt and Syria had continued to enjoy the military upperhand which their surprise initial attack gave them, Moscow would still be uninterested in any cease-fire proposals.

In these circumstances, is it not wise to take another hard look at how much and what kind of technological assistance this country is ready to give the Soviet Union? And in taking that second look, account ought to be taken too of the recent dismaying reports about the "spectacular" rise in Soviet tank strength in Central Europe as well as the 50 per cent increase reported in Soviet tactical air power in that area.

Similar consideration is due the gigantic Siberian natural gas deals that Moscow is seeking to conclude with some American companies. The energy crisis is real enough, but is dependence upon Soviet oil or gas the way out of the nation's problems?

A negative answer seems indicated. This is particularly true at this time when the Arab nations have put an oil and natural gas embargo on the United States. That move ought to teach the United States that political use of economic levers is likely to be a major and increasing feature of the world scene from now on. The Arabs want to punish this country for its support of Israel. The motives for a possible future Soviet cut-off of energy shipments to this country could arise from any of the numerous areas of potential confrontation between Washington and Moscow. More than ever, therefore, the question now arises why the United States should put this potential energy weapon in Moscow's hands, and pay billions of dollars in capital investments for the privilege of doing so. President Nixon's recent suggestion that this country become self-sufficient in energy seems to point toward a much wiser geographic focus of future American energy investment.

The Nixon Administration must shoulder much of the responsibility for encouraging excessive euphoria in the business community about the political and economic prospects for Soviet-American trade. The Middle East crisis and then the frightening Soviet-American confrontation last Thursday should help put sober calculation in place of euphoria. By all means let us trade with the Soviet Union, but American Government and business executives must study the question of what trade is really mutually advantageous as carefully as that issue is studied by their sophisticated negotiating partners in Moscow.

THE TUSSOCK MOTH

Mr. CHURCH. Mr. President, the Tussock moth, which has caused severe damage to the timberlands in Oregon and Washington, has also invaded more than 125,000 acres of timber in northern Idaho. Thus far, the only proven, effective control of this insect is DDT. The general use of DDT was banned by the Environmental Protection Agency in December 1972. Earlier this year the EPA denied applications by the U.S. Department of Agriculture and the States of Oregon and Washington to use DDT on Douglas firs in the Blue Mountains of the two States.

Part of the reason for the EPA denial was because the past history of the Tussock moth indicated that a major buildup and outbreak of the insect occurs over a period of years, the outbreak usually lasting 3 years, then collapsing. The third year of the current outbreak in Washington and Oregon was 1973, the year in which normally the infestation would collapse. However, the EPA has now admitted that the collapse did not occur. It appears that the naturally occurring virus which, in the past, has been a major cause for killing off the moths did not materialize in sufficient proportions to cause a major elimination of the insect. Furthermore, the infestation in Idaho has not yet reached its third year. Judging from past history of the insect, Idaho forests may be plagued by the Tussock moth for several more years unless a control agent is used.

We are also told that no alternative controls are ready for registration or wide-spread use against the Tussock moth in 1974. The Forest Service intends to further test the effectiveness of various control agents, but nothing except DDT presently exists to control the moth. A letter from the EPA confirms this point and I ask unanimous consent that the letter be printed at the end of my comments.

An editorial by Alice Moore in the Lewiston Tribune calls for the use of effective methods of control before it is too late. I have expressed that same sentiment in various communications with Russell Train, Administrator of the EPA. The Lewiston Tribune is a staunch supporter of conservation measures which will preserve the beauty of our State and protect its wildlife. The Tribune's timely comments calling for the use of DDT in controlling the Tussock moth should be considered by everyone who must weigh the difficult alternatives of containing the use of a long-lasting insecticide versus saving thousands of acres of Idaho timber. I ask unanimous consent that the Lewiston Tribune editorial appear at this point in the RECORD.

There being no objection, the letter and editorial were ordered to be printed in the RECORD, as follows:

U.S. ENVIRONMENTAL
PROTECTION AGENCY,
Washington, D.C., November 5, 1973.

Hon. FRANK CHURCH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CHURCH: This is in response to your telegram of October 5, 1973, regarding the tussock moth infestation in the Northwest.

Since you are familiar with the reasons we did not feel use of DDT was appropriate for control in 1973, I will not reiterate these points at this time. However, as you will remember, our decision to deny all requests for DDT use was partly based on the fact that the Forest Service believed that the incidence of a naturally occurring virus would bring about a population collapse by the end of the summer. Because the virus did not take the toll expected, we are evaluating the situation as it now stands and the implications regarding the necessity of future control measures. As you know, we sent representatives from our Office of Pesticide Programs in Washington and our Regional Office in Seattle to meet in Portland, Oregon, the week of September 17 with representatives of the U.S. Forest Service and the States of Oregon and Washington to receive all the latest information on the infestation. From this information, we intend to evaluate the amount and severity of defoliation, the effectiveness of various control measures, new egg mass count data, and other population trends which may indicate the necessity for and means of controlling the tussock moth in 1974.

Our primary findings thus far are:

1. The Forest Service indicates that there are approximately 560,000 acres in Oregon and Washington and 125,000 acres in Idaho which are primarily affected by the tussock moth at this time.

2. Most of the accessible timber killed during 1972 has been salvage logged on both private and Federal lands. It is estimated that 505 million board feet of accessible timber lost to the tussock moth in 1973 will be salvaged.

3. Four chemical alternatives to DDT were tested during 1973: Zectran, Dylox, Sevin–4–Oil, and Bioethanomethrin.

All these chemicals killed considerable numbers of larvae, but did not reduce the population sufficiently to prevent severe defoliation and tree mortality. Promising tests were conducted in Idaho with Sevin-4-Oil where the moth population is not as dense as experienced in Washington and Oregon.

While all four chemicals are sufficiently promising to warrant further field and laboratory testing to explore their full potential, we do not anticipate that any will be ready for registration or operational use in 1974.

4. Two microbial agents were also tested in 1973, a nuclear polyhedrosis virus and the bacterium *Bacillus thuringiensis*. Both demonstrated good potential control; foliage loss was greatly reduced in sprayed plots. Further testing is necessary before operational use can be made of these agents. Of pragmatic concern is the development of means to produce these agents in large quantities and to achieve a formulation which can be used through conventional spray systems.

5. The U.S. Forest Service has indicated that it will not be in a position to request specific control measures until detailed biological evaluations of the moth population are made this fall and winter. If the egg mass survey indicates a need for chemical control, specifically for DDT control, an application would probably be made to this Agency around mid-December.

I may add that we are planning to sponsor a technical seminar in Seattle on November 16 to gain further information on the tussock moth situation which may help guide us in future decisions. The seminar will begin at 8:30 a.m. in the Washington Plaza Hotel, and will be open to the public. A copy of our press release which provides further details is enclosed.

I hope this information will be of value to you. Please be assured that we will continue to collect information on the tussock moth infestation as it becomes available, and will work closely with the Forest Service and the States involved in reaching a determination regarding necessary control measures in 1974.

Sincerely yours,

CHARLES J. ELKINS,
Acting Assistant Administrator for Hazardous Materials Control.

SAVING THE FORESTS

It was a beautiful weekend in the Wallowas. The aspens were a brilliant yellow, and an arrogant deer or two defied the threat of hunting season to graze on the high meadows. The only thing marring the perfection of the autumnal picture was the deathly brown of the fir trees that have been infested by the tussock moth. And the spread of the brown is frightening.

For nearly a year now Idahoans have quietly stood by and watched the people of Washington and Oregon fight for the weapon with which to effectively battle the moth: DDT. It was not Idaho's fight, because the infestations were in the Umatilla and Wallow-Whitman national forests and not in Idaho. Hence a petition asking the Environmental Protection Agency to allow the use of DDT in moth-eaten areas attracted little attention at the Nez Perce County fair. And even Clarkston, although it is in Washington, has experienced little stir over the problem because of its physical removal from the deadly brown.

But the days for apathy are over. The moth is moving, and our way. Moscow Mountain is infected, and foresters see nothing but gloom for much of the rest of northern Idaho. There is little hope that the virus which is the natural control for the moth is going to be of much help in this epidemic; even though the three-year cycle of infection is nearly completed in some areas of Washington, and the virus is gaining on the moths, the cycle is just beginning on Moscow Mountain, and thousands more acres of timber will be devastated before the virus comes into play there. And in the meantime the moth larvae will be scattered yet farther.

DDT is now the only way out, and that's unfortunate, because we can be fairly certain that, although the spray will save the fir trees, it will damage the wildlife populations—the birds in particular. But the uncontrolled moth will also end up harming the wildlife, because when the prime fir trees are gone the moths will start chewing on the other plant life, including the underbush. Thus the birds still lose, since there's neither much food nor cover in a dead forest; and even less if the decimated area is hit by a forest fire.

The time to use DDT is now, before the moth spreads any more so that an even larger area has to be sprayed. But if the EPA grants usage of the stuff it should be on a one-time basis, with the understanding that researchers are to go on looking for another control for the moth, either a natural one or a chemical with less persistent and less severe side effects. The EPA has proclaimed DDT a thing of the past, and rightfully so. In another decade when the tussock moth strikes again, the foresters will have to be ready to keep this year's debacle from happening again—and the weapon will have to be newer and better than the old cure-all.—A.S.M.

COX INVITED FIRING

Mr. THURMOND. Mr. President, on October 23, the Columbia Record, one of South Carolina's most prestigious and influential newspapers, published an editorial dealing with President Nixon's recent dismissal of Mr. Archibald Cox as special prosecutor. In my opinion, this editorial epitomizes the thinking of a vast majority of South Carolinians and other citizens throughout our country.

Accordingly, Mr. President, I ask unanimous consent that it be published in the Record, and I urge all of my colleagues to pay it particular heed.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Cox Invited Firing

Let no one contend, henceforth, that Richard Milhous Nixon is not a strong, decisive Chief Executive—firmly determined to protect the rights and powers of the Presidency regardless of his own personal welfare. He proved his mettle by discharging special prosecutor Archibald Cox and accepting the resignation of Attorney General Elliot Richardson.

He discharged Cox because the prosecutor willfully and openly disobeyed a direct order of the President. Moreover, Cox thumbed his nose at the President and said he would go before Federal Judge John J. Sirica and seek an order holding Mr. Nixon in contempt of court.

Why has Mr. Nixon acted with such vigor and dispatch? Because he has been adamant about not surrendering rights and privileges of the Presidency to confidential communications between and among upper echelon members of the White House staff.

Recall, laying passion aside, that both Cox and Senator Ervin's special committee tried to obtain the White House tapes relating to Watergate through the judicial process. Ervin was turned down cold. Cox was told, only, that Judge Sirica could listen to the tapes to determine their usefulness.

An appeals court, sustaining Sirica's very limited access, said that a compromise should be sought.

Rather than appeal to the Supreme Court, this President decided to compromise. He agreed to turn over abstracts and transcripts of Watergate tapes to the Ervin Committee, and Judge Sirica, with Senator John Stennis serving as an uninhibited auditor of the tapes and their pertinent content.

No one, not even the Supreme Court, could have forced this President (or any President) to release the tapes. Certainly, the President could have created a constitutional crisis by defying a definitive Supreme Court order.

Instead, Mr. Nixon tried the compromise route, which was unacceptable to Cox, a Nixon appointee. The President had a right to fire Cox and he exercised that right because of what he considered to be Cox's "extraordinary impropriety."

The President said, "Clearly the government of the United States cannot function if employees of the executive branch are free to ignore in this fashion the instructions of the President."

Clearly, also, there can be only one supreme adjudicator in this land: the Supreme Court. Contesting the assertion of "executive privilege" was guaranteed Cox before Congress. However, the White House tapes hadn't even surfaced at that time and the test of Executive right to confidentiality of conversation was not an issue.

Responsible leaders of two branches of our government, the Congress and the Presidency, had agreed to a compromise on the tapes controversy. Prosecutor Cox should have weighed the historic consequences of his decision to seek a contempt citation before he rejected the sensible, reasonable idea.

Cox invited firing. He got it.

U.S. MILITARY INVOLVEMENT IN THE MIDDLE EAST

Mr. FULBRIGHT. Mr. President, my office was recently visited by a group of active-duty military personnel and civilians who are very strongly opposed to any U.S. military involvement in the Middle East.

I received petitions from this group bearing more than 3,000 signatures and I understand that a number of additional persons have signed such petitions. Most of the military personnel who signed the petitions are stationed in the areas of Norfolk, Va., Charleston, S.C., and Fayetteville, N.C. A number of hospital workers in the Baltimore area also signed petitions.

The petitions, which are addressed to me, read as follows:

> We the undersigned citizens, soldiers, sailors and marines urge you to immediately introduce legislation forbidding the introduction of U.S. forces into the current Mid-East hostilities. We do not want this to become another senseless Vietnam.

In addition to these petitions I have received a large volume of mail from persons expressing similar views.

I remain steadfastly opposed to any U.S. military involvement in the Middle East and I hope that will continue to be the administration's policy.

STATEMENT BY SENATOR HUGH SCOTT BEFORE REPUBLICAN PARTY OF THE COMMONWEALTH OF PENNSYLVANIA

Mr. TOWER. Mr. President, recently Senator Hugh Scott, the distinguished minority leader of the Senate, was honored by the Republican Party of his State. He was recognized as the "Distinguished Republican of Pennsylvania." I feel that it is an honor he most richly deserved.

At that time, Senator Hugh Scott recited his version of the famous series of visits with the President that culminated in the nomination of Representative Gerald R. Ford for the Vice Presidency. He also gave an excellent summary of the often overlooked outstanding accomplishments of the Nixon administration.

Mr. President, I ask unanimous consent that the text of Senator Hugh Scott's remarks be printed in the Record so that they may be available to the Members of the Senate.

There being no objection, the text was ordered to be printed in the Record, as follows:

A Report by U.S. Senator Hugh Scott

I hope that all three newspapers will please copy for the morgue which I hope they won't have to use for quite awhile. I'm glad that Marian's here. She's a part of everything I have done. She is the most important part of my life. I'm glad she had a chance to hear Jerry Ford. I said to him on the plane coming up when I learned of some of the things that he was going to say, that I know that none of our mutual colleagues will believe a word of it. I'm down for six minutes. That's what Drew Lewis, Bill Cashel and the rest really think of me.

In those six minutes, I want to tell you my version of those famous visits with the President. I was there at 10:30 that morning. Jerry was slated to go in at 11. The President told both of us substantially the same thing and that was that he couldn't spare me in the Senate and he couldn't spare Jerry in the House. When I came out and before Jerry went in, I said, 'Let's have some fun with the Press. Let me march by the Press, looking as if I've got it. Then you come out and march by the Press, looking as if you've got it. And we'll each have a half hour of glory!'

But as Jerry testified, and by the way, his testimony earned him even greater respect and appreciation, his testimony is finished. His character witnesses are appearing today and Wednesday. The hearings will be over in a day or two and he will be confirmed in the very near future by the Senate and after that, by the House.

But the truth is, that I wanted Jerry for Vice President and Jerry, as he testified on Monday, told the President that he wanted me, and Jerry lost!

I have my own version of what happened because as you recall, Jerry told you that he went home and had a swim in his pool. Well, I don't have a pool and it's obvious that the President chose the cleaner man!

I deeply appreciate what Jerry has said. It is something to have to sit quietly through these kind words but I am most grateful. I am particularly grateful that you are here and that it's a paid audience and that you're all helping the Republican Party. Jerry and I made full disclosure today in the Rules Committee that we'd be here and neither he nor I were engaged in a campaign which would directly benefit from what you're doing. We thought we'd better do that for fear tomorrow's papers would report that we had

sneaked surreptitiously out of the Rules Committee room to appear at a gathering of unrespectable people.

We're glad to be here. Someone said to me tonight, "What is the Republican Party doing?" That's the question you get on the phone.

Well, let me just say some of the things the Republican Party is doing. For one thing, we have sustained eight consecutive vetoes of the President of the United States after we were told he lost his power in the Congress. No other Presidential network could make that statement.

We have the strongest economy in peacetime that this nation has ever enjoyed, warts and all.

We have the lowest unemployment rate in peacetime in 18 years and the lowest rate in four years currently. We've had no draft for the first time in 25 years and no war for the first time in a decade. We have an economy which is unparalleled anywhere in the world, with the highest percentage of people working than in any country in the world. It isn't a slave state. So we're strong economically. We live in a safer world. We have a stronger nation and I think we ought to ask ourselves, doesn't the man who made this possible under his Administration, deserve better treatment than he's getting?

When Harry Truman's Commissioner of Internal Revenue was indicted and went to jail, when his Personal Secretary was indicted and went to jail, when his Postmaster General was indicted, do you think the papers or the people were talking like they are now? When Lyndon Johnson wouldn't let me have the Bobby Baker papers or the FBI records or the Internal Revenue records, were the papers talking as they are now?!

Let me finish just with these plain, simple, incontestable statements: At this time that I speak, the President of the United States has complied with the edict of every court. He has broken no law. He has committed no impeachable offense. He is being tried without a trial and convicted without evidence. Let us at least ask, for the President of the United States, the same treatment that the least of all Americans would require of himself and that we would demand of him as his civil right, the right to be presumed innocent unless and until proven otherwise!

Neither Jerry Ford nor I hesitate to differ or to be critical when we think it's necessary. Even within our own Party. But I'm not running under fire and neither are you!

REVERSING THE RUSH TO 1984

Mr. ERVIN. Mr. President, on Thursday, October 11 an article written by Ms. Geri Joseph appeared in the Washington Post which should be of interest to all citizens. The article concerns the threat to individual privacy which is posed by the computer, when used both by the Government and by private industry. Ms. Joseph's article brings to mind a fact of life—that information pertaining to millions of Americans is collected and stored everyday without their knowledge. This is simply another aspect of the case of the individual versus the Government, a case in which we are all involved, presenting a problem which we must confront and deal with responsibly.

Ms. Joseph describes an incident in which an election judge, in checking a voter's registration records, requested that voter's social security number as well as his telephone number. These private numbers, once collected, can be computerized and used by various organizations to suit their own special purposes without the knowledge or consent of the individual who is subject of the information. Many of the records are inaccurate. But the citizen is unaware of their collection, and, if not unaware, he is still unable to gain access to the records. The Treasury Department can obtain our bank records, due to the Bank Secrecy Act of 1970, and make these records available to other Government agencies. The FBI holds computerized lists of demonstrators and the Civil Service has at least a million suspects of subversive activities.

Ms. Joseph mentions, quite appropriately, the work of John Shattuck, ACLU national counsel and authority on such matters. Mr. Shattuck has turned the tables on the Government agencies and private industries which are collecting data on the individual and is keeping check on the records they are collecting. Mr. Shattuck is creating an offensive weapon to be used by the individual subject in this game of data collection, and in doing so is helping to reverse the rush to Orwell's 1984. Mr. President, I ask unanimous consent that this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Reversing the Rush to 1984

(By Geri Joseph)

Privacy—yours and mine—is in jeopardy. On all sides, we are numbered, registered, recorded and collected. Information on millions of Americans is stored in data banks in government and private agencies, usually without their knowledge.

Our defenses against this assault on the right to be left alone are uncomfortably few. Complain a lot, maybe, to whoever will listen. And worry that George Orwell's 1984 world is arriving a little early.

People did complain a lot about one recent instance. In a polling place in Minneapolis, an election judge checked a voter's registration record. That was routine. Then he requested the voter's Social Security number. That was new. Why? the voter inquired with some hostility. The election judge did not know.

A call to a city official revealed that a 1973 state law asks voters for both Social Security and telephone numbers. It is not mandatory to provide the information, although the election judge did not say so.

What use will be made of those personal numbers? The Social Security data is expected to be computerized, making it easier to keep track of registered voters and prevent fraud. The list will be available for a fee. State law limits the list's use to purposes of elections, politics and law enforcement. But enforcing that law is not the easiest task, and the penalties for violation are inconsequential. As for the telephone numbers, they will be made available to political parties.

Is there any harm in this? Maybe not. But in such ways—and often to suit someone else's convenience—privacy diminishes. A bit here, a bit there, until, as so many things we take for granted, it is unexpectedly gone.

In a disturbing article, John Shattuck, national staff counsel for the American Civil Liberties Union (ACLU), talks about the threats of our "dossier society." We are besieged on all sides, he claims, with governmental and private activity to counter perceived threats of crime and subversion. Keeping records on people has become a "growth industry."

There are, for example, about 2,500 credit bureaus with records on more than 131 million persons. Those records are regularly sold and widely disseminated. The Fair Credit Protection Act of 1970 gives an individual the right to know he is being investigated, but no right to see the reports or know who provided the information.

Bank records, which most of us assume are private, are available to the Secretary of the Treasury under the oddly named Bank Secrecy Act of 1970. The secretary can ask for records of all checking transactions, and he, in turn, can make them available to other government agencies.

In the area of political surveillance (and yes, it does happen here), the Defense Department and the FBI have a computerized index of more than 25 million names of participants in civil rights or antiwar activities between 1968 and 1972. The federal Civil Service Commission has files on more than a million persons suspected of "subversive activities" and therefore blacklisted for employment.

Shattuck, an authority on government secrecy and surveillance litigation, tells of one ACLU client, a former post office employee, who was forced to resign while under investigation for mailing obscene letters. He was cleared of the charge, but the post office would not rehire him. It agreed, however, to note in his Civil Service file that he was exonerated. Several years later, the man was disqualified for state employment because a routine file check turned up evidence of prior "immoral conduct." Apparently his clearance never had been computerized with the rest of his record.

His case, unfortunately, is not unique. There are thousands of men and women caught in a "record prison" from which they are unable to escape. Of more than 7.5 million arrests each year, 3.5 million do not end in convictions. But they continue to be duly filed and widely circulated for a variety of purposes, including employment screening.

So concerned has the ACLU become with all the record-gathering that it has begun a surveillance project of its own. In Washington, the ACLU staff is assigned to bird-dog federal agencies that keep records on individuals. It has to be a more than eight-hour-a-day job.

Shattuck's list of what needs to be done is a long one. It includes a flat prohibition against gathering and storing information about an individual's lawful political activity. Legislation outlawing the storage and sharing of hearsay or anonymous defamatory information also is required. In addition, there should be procedures that permit a person to get a "discharge" from his tabulated past. And finally, every person should have the right to see information compiled about him and to check its accuracy and propriety.

Is it too late to reverse the rush to 1984? Not yet. But if we value our privacy, many more of us must be prepared to make a concerted outcry that will be heard in political offices all the way to the White House.

IMPEACHMENT HYSTERIA

Mr. FANNIN. Mr. President, hysteria is not conducive to rational action whether an individual or a nation is involved.

We have had enough impeachment hysteria in recent days. Now we should give some thought to restoring an atmosphere where we can conduct national affairs rationally.

A reasonable assessment of the current situation will reveal these two points:

First, President Nixon has not done anything which would justify the harsh action of impeachment.

Second, the consequences of impeach-

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ment would be catastrophic to the Nation and perhaps to the world.

Some people disagree strongly with actions taken by the President, but everyone should consider the effects that impeachment or resignation under fire would bring.

Mr. President, I also would point out that most Americans realize this, although they have not been getting the headlines and the television coverage. I have here a telegram from the Pima County Republican Women's Organization which I would like to read for the benefit of my colleagues in the Congress:

> Honored Members of the Senate: By resolution adopted at a general meeting of Arizona's Pima County Republican Women's organization, I urge you, on behalf of 336 members, to use your influence to prevent the passage of any motions of impeachment against the president of the United States.
>
> As Republicans, our great and overriding concern is the stability of the Nation and the welfare of its people. In a world rife with crises, and with future crises looming at home and abroad, the traumatic divisiveness of a drawn-out Presidential impeachment proceeding might well destroy the country we all wish desperately to preserve and undermine the good America has accomplished domestically and internationally. Under America's aegis, and President Nixon's brilliant and determined efforts, tremendous gains have been made toward peaceful solutions of complex problems previously thought to have been insoluble. We cannot allow internal problems, serious as they appear at the moment, nor the petty hatreds of self-servers, to obscure the horrifying potential for disaster which lies ahead. If the collision course toward impeachment is pursued. Gentlemen, the price is too high.
>
> ELSA P. MULHERN.
>
> *President, Pima County Republican Women.*

MAYOR TePASKE RETIRES

Mr. CLARK. Mr. President, it is a pleasure for me today to pay tribute to Mayor Maurice TePaske of Sioux Center, Iowa, a man well-known not only to Sioux County residents but to nearly everyone in northwest Iowa.

Maurie has made a name for himself. When he was elected to office 34 years ago, he was the youngest mayor in Iowa. Now he is leaving that office after serving in it longer than any other mayor in Iowa history.

The people of Sioux Center, true to their heritage, are known for their hard work and dedication, and Maurie TePaske is the perfect representative of those ideals. His dedication, his belief in his city, and his perseverance have brought great rewards to this town of 3,500.

Anyone who has ever been to Sioux Center cannot help but be impressed by its appearance, by the large number of businesses and industries that have located there, and the efficiency and completeness of the municipal services. Anyone who has ever visited Sioux Center knows why the residents find it such a pleasant place to live.

So much of what is Sioux Center is also Maurie TePaske.

When he first ran for mayor in 1940, he said he wanted to make Sioux Center "the best possible place to live." Throughout these 34 years, he has provided the leadership and the spark, the Sioux Center residents have provided the backbone, and Maurie just may have achieved his dream.

We know Maurie's retirement won't mean that he is leaving public life entirely. We hope he will continue to lend his energy and his leadership whenever possible.

But we know that no matter what he does, Maurie TePaske will have left a legacy for Sioux Center and northwest Iowa. That legacy will be evident for many, many years to come and it will serve as a model for future generations.

I want to join in wishing Maurie well in his future endeavors and in expressing a public thank you for his great and selfless contributions.

SOVIET IDEOLOGICAL COEXISTENCE IMPOSSIBLE

Mr. BROCK. Mr. President, the following article by Mr. Theodore Shabad in the New York Times is worthy of note, particularly when "détente" seems such a romantic and appealing addition to our political lexicon. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOVIET LECTURERS PUSH PARTY LINE—100,000 PROPAGANDISTS TOLD TO BATTLE WESTERN IDEAS

(By Theodore Shabad)

MOSCOW, September 30.—Moscow's small army of party propagandists, 100,000 strong, fanned out through the Soviet capital today to wage "aggressive, uncompromising" battle against Western ideas at a time of international détente.

As the city's political indoctrination courses open their 1973–74 school year tomorrow, lecturers were given detailed guidelines to be on the lookout for three interrelated subversive trends among the Soviet populace.

A party directive described these trends as a tendency to take a "general human" rather than a narrowly Communist view of world events, a technocratic approach that threatened to erase East-West differences in this era of rapid scientific progress, and apparent confusion about the differences between the cold war, now supposedly ended, and the continuing war of ideas, which is more alive than ever.

INDOCTRINATION COURSES

The instructions, addressed to political lecturers who spread the party line in a wide system of indoctrination courses, were contained in the Moscow city party newspaper, Moskovskaya Pravda. The author was Vladimir N. Yagodkin, city party secretary for ideology and propaganda. He was reported earlier this year to have defended the Kremlin's new policy toward the West on the ground that there was nothing wrong about signing a pact with the devil "if you are certain you can cheat the devil."

The party's political and economic lectures are offered after working hours at places of employment, in workers clubs and community centers, and in the so-called "red corners." or social rooms, of housing projects.

Mr. Yagodkin said 3.3 million Muscovites, or 45 per cent of the city's population, took such courses during the year. Similar, indoctrination lectures are offered throughout the Soviet Union.

The particular stress at this year, aimed at combating political misconceptions, appears to be the domestic counterpart of a Soviet propaganda effort directed at the West. The Government-controlled information media have made it plain that the Soviet Union will not give in to Western pressure to allow a freer flow of information and ideas. Western ideas are viewed as designed to undermine the Soviet system.

AN IDEOLOGICAL CONFUSION

Mr. Yagodkin's instructions to political lecturers seemed to focus on a certain ideological confusion that many have arisen among ordinary citizens as the Kremlin avows a desire for an easing of tension in the military spheres while remaining adamant in the realm of ideas.

The Moscow ideologist indicated that more and more Soviet citizens might be taking the view that everyone on earth was part of one world and there was no longer any need for an ideological confrontation.

"We are increasingly confronted with active attempts by bourgeois propaganda to suggest that the class-oriented [Communist] approach to social phenomena is one-sided and should be supplemented or replaced by an abstract 'general human' approach," Mr. Yagodkin said.

He rebutted this notion by quoting Lenin as having said that anyone who advocated such an outlandish nonpolitical approach deserved to be "put in a cage and to be exhibited as if he were some sort of Australian kangaroo."

The indoctrination guidelines also pointed up the political perils of growing scientific and technical progress, as machine-oriented engineers and technicians, playing an increasingly important role in society, lose sight of ideological aspects.

SCIENCE VERSUS POLITICS

"In this connection," Mr. Yagodkin said. "attention needs to be given to the threat of a technocratic approach to the solution of socio-economic problems."

He said the scientific and technical revolution required greater stress on the natural sciences and engineering and therefore posed the danger of detracting from political considerations.

The thorniest problem for political lecturers appeared to be a tendency among Soviet citizens to become ideologically lax now that the cold war was supposedly over.

"Propaganda workers must demonstrate, through reasoned argument, that there is no basis for equating ideological warfare with the cold war," Mr. Yagodkin said.

He said that the continuing ideological war was a "struggle of ideas between opposing social systems" while the cold war, which he said had been started by the West, sought to extend the war of ideas to relations between governments and to the areas of politics, economics and military affairs.

Mr. Yagodkin did not explain why the contest of ideas ruled out a confrontation between Western ideas and Communist ideas within the Soviet Union. Party ideologists in the past have conceded that it would be an uneven struggle and that the influx of Western ideas would in effect "disarm" the Soviet Union ideologically.

ENERGY R. & D. ADVISORY COUNCIL MEETS NOVEMBER 14

Mr. METCALF. Mr. President, I call attention to the second meeting of the Energy Research and Development Advisory Council, to be held Wednesday, November 14, in room 540 of the National Science Foundation, 1800 G Street NW.

This is the advisory committee which held its first meeting on 1 day's notice, made it difficult for members of the public to attend, then excluded the public from the committee's discussion of the

President's proposed long-range, $10 billion energy R. & D. program. On October 18—CONGRESSIONAL RECORD, page 34626—I discussed the irregular procedures of this advisory committee, the dominance of fossil fuel and uranium interests among its members, and the interest of some of its members in weakening antitrust and patent law and enforcement.

I ask unanimous consent to insert at this point in the RECORD the notice of the forthcoming meeting of this advisory committee.

Mr. President, I also ask unanimous consent to print in the RECORD the editorial in the November 7 Washington Post, "Advice in the Open," which deals with this energy research and development advisory council and other aspects of the Federal Advisory Committee Act.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ENERGY RESEARCH AND DEVELOPMENT ADVISORY COUNCIL

NOTICE OF MEETING

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770), the Energy Policy Office announces the following public advisory committee meeting.

The Energy Research and Development Advisory Council will hold its second meeting on November 14, 1973 at the Headquarters of the National Science Foundation, Room 540, 1800 G Street NW., Washington, D.C. The meeting will commence at 9 a.m. local time and last until 4:30 p.m., except for a one-hour break for lunch at 12:30 p.m.

The portion of the meeting from 9 a.m. to 10 a.m. will not be open to the public under authority of section 10(d) of Public Law 92–463. The information to be discussed falls within exemption (1) of 5 U.S.C. 552 (b).

The portion of the meeting from 10:00 a.m. to 12:30 p.m. will consist of several meetings of subgroups of the Council and will address the following subjects:

(1) Nuclear Fission R&D Strategy.

(2) Role of Industry in Energy R&D.

(3) Problems Related to Technical Manpower & Research Training.

(4) Laser Fusion R&D.

(5) Environmental Control and the Effects of Pollutants.

(6) Coal R&D Strategy.

(7) Conservation R&D.

The portion of the meeting from 1:30 p.m. until 4:30 p.m. will be primarily devoted to discussing the status and the preliminary results of the AEC study concerning the President's proposed 5-year, $10 billion energy R&D program.

Practical considerations may dictate alterations in the above agenda or schedule.

The Council meeting will be for the purpose of discussing matters related to energy research and development policy and programs. A detailed agenda will be available the day of the meeting.

The Advisory Council was established by the President on June 29, 1973 and announced in his Energy Statement of the same date. The objective of the Council is to help ensure the development of comprehensive technological programs to meet the Nation's energy needs. It would do this by providing independent advice to the Energy Policy Office on matters relating to energy R&D.

Members of the public will be admitted on a first-come, first-serve basis up to the limits of the capacity of the meeting room. Members of the public who plan to attend the meeting are requested to so inform Dr. William T. McCormick, Executive Secretary of the Advisory Council no later than 5:00 p.m., November 13, 1973. Dr. McCormick can be contacted in Room 472, Old Executive Office Building, Washington, D.C. or on (202) 456–6575.

Persons wishing to submit written statements on those agenda items may do so by mailing 20 copies thereof, postmarked no later than November 10, to the Executive Secretary of the Energy Research and Development Advisory Council.

WILLIAM T. MCCORMICK, Jr.,
Executive Secretary, Energy Research and Development Advisory Council.

OCTOBER 31, 1973.

[FR Doc. 73–23468 Filed 11–2–73; 8:45 a.m.]

ADVICE IN THE OPEN

The Federal Advisory Committee Act was a year old last month. The law, a useful part of the effort to shed more light on the processes of government, requires, among other things, that almost all of the meetings of federal advisory panels must be public. Many committees have opened their doors quite willingly, with substantial gains in public understanding of whatever work they do. But some have resisted reforms, forcing the advocates of openness to engage in a series of skirmishes with those who keep trying to function in the old secretive style.

Various panels have tried several moves to sabotage the law. One favorite trick is to publish the notice of the meeting in the Federal Register at the last minute, rather than 10 days ahead as the law requires. Another gambit is to hold the meeting in an obscure or inaccessible place. A third technique is to proclaim that the meeting may be closed, under the law, because it deals with "inter-agency" or "intra-agency" matters which, if written down, would be exempt from disclosure under the Freedom of Information Act.

As one example, there is the new Energy Research and Development Advisory Council, a group which Sen. Lee Metcalf (D-Mont.) described as dominated by "the fossil fuel-uranium complex." The council held its first meeting on Oct. 11, with one-day public notice, in the Old Executive Office Building, which is virtually inaccessible to the public. Two Senate staff men representing Senator Metcalf were admitted to part of the session only after strenuous arguments. And then there is the National Advisory Committee on Oceans and Atmosphere, which finally held an open meeting last month—but only after Rep. David R. Obey (D-Wis.) and representatives of the publication Science Trends had protested the secrecy of earlier sessions of the group.

Then there is DACOWITS (Defense Advisory Committee on Women in the Services). The closed-door policy of DACOWITS was challenged in the first court test of the advisory committee law, a suit brought by the Institute for Public Interest Representation. On Oct. 10 the public won when U.S. District Judge Aubrey E. Robinson Jr. issued a preliminary injunction ordering DACOWITS to open its doors. In reaching this decision, Judge Robinson rejected the argument that the Freedom of Information Act may be used to keep advisory committees' operations under wraps. Such committees, he found, are outside bodies and not parts of agencies at all, so the shield for "inter-agency" and "intra-agency" communications is "inapplicable." In general, the judge continued, private meetings of such panels are also "irreconcilable" with the basic purpose of the advisory committee law. "Congress established openness to public scrutiny as the key stone" of its reforms, Judge Robinson wrote, and "the public interest will be best served by requiring strict compliance with the letter and spirit" of the law.

This ruling, although preliminary, is a sound and solid affirmation of the principle that the public business ought to be conducted in the public's view. Unfortunately, the performance of the energy advisory group suggests that more hammering may be required to make all such panels open their doors. But the penchant for privacy should be overcome. It only serves to discredit the groups involved and make the public wonder what they have to hide.

PRISONERS OF WAR IN THE MIDDLE EAST

Mr. HATFIELD. Mr. President, the present, tenuous cease-fire in the Middle East is said to provide the best opportunity for a lasting peace in that region since the birth of Israel some 25 years ago. The public statements of both Arab and Israeli leaders seem to indicate that both sides appreciate the devastating toll taken by their latest conflict and know that the world must not endure a continuation of hostilities in that region. The present flurry of diplomatic activity appears to relate to a comprehensive effort by both sides to begin substantive negotiations for a just peace.

But any optimism for a Middle East settlement must be tempered, not only by the realities of hatred and mistrust which have divided Arab and Jew, but also by the present inability of the combatants to come to terms over an exchange of prisoners of war.

The attitude and posture of the Israeli Government with respect to this question has thus far been commendable. Not only has Israel permitted life-sustaining supplies to be shipped through their lines to beleaguered Egyptian forces, Israeli plasma is being used to treat the Arab wounded on the Sinai front. Moreover, Israeli officials have permitted representatives of the International Red Cross to visit Arab prisoners, and the Israelis appear ready to effect an immediate release of detained Arab personnel.

That prisoner release, and indeed the long range prospects for peace could founder because of Arab recalcitrance in permitting the release of captured Israelis, in permitting Red Cross representatives to visit Israeli prisoners, or even in supplying Israel with a complete list of her soldiers now in Arab hands.

We Americans know all too well how the explosive issue of prisoners-of-war can hinder efforts to bring about a negotiated peace. An opportunity for peace in the Middle East cannot and must not be lost because this first, elementary step in building the peace—a prisoner exchange—was not taken. All possible diplomatic influence must now be brought to bear upon Egypt and Syria to effect a prisoner exchange at once. Such an action is fundamental to any framework of mutual trust between the parties, and such a framework to any genuine peace in the area.

U.S. ENFORCEMENT OF SANCTIONS AGAINST RHODESIA

Mr. HUMPHREY. Mr. President, according to the November 2 Wall Street Journal, a Federal grand jury has indicted a subsidiary of Reynolds Metals Co. on a charge of violating sanctions against Rhodesia.

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This action demonstrates the seriousness of the U.S. commitment to this international effort to bring about a peaceful settlement of the Rhodesian problem.

Yet this commitment is tarnished and our ability to make the sanctions program truly effective is undermined by our violation of sanctions in importing chrome, ferrochrome and nickel from Rhodesia.

The efforts of the Department of State to assure full U.S. compliance with sanctions are indeed commendable. The State Department has cooperated with the British Government in tracking down all reports of the import of Rhodesian goods into the United States. As a result, the United States had—until legislation was passed requiring violation of the sanctions one of the most effective sanctions programs in the world.

We have wanted to make sanctions effective because it is in our national interest to do so. The United States has long supported the guarantee of basic human rights to all the people of the world. We have supported the replacement of colonial rule with self-determination. And we have supported racial equality.

We have a vested interest in the peaceful resolution of conflicts through international cooperation. And we have an equally strong interest in the rule of law in international relations and in the credibility of international treaties.

These commitments and these interests require that the United States make every effort to make the first international sanctions ever imposed by the United Nations as effective as possible.

Yet in passing a law requiring that sanctions be violated, Congress has seriously undermined the effectiveness of our still strong commitment to sanctions.

Other nations cannot very easily persuade their business communities to comply with sanctions so long as the United States is openly violating them. And the United States cannot credibly argue that other governments should be more rigorous in their enforcement of sanctions while we join South Africa and Portugal in formal violation of them.

The Department of State and the Department of Justice are to be commended for their conscientious enforcement of sanctions even after Congress has opened a big hole in the sanctions program. I again urge that Congress pass S. 1868, restoring full U.S. support for this international policy and giving State Department the credibility it needs to convince other nations that this is a realistic alternative to the growing violence in Rhodesia.

Mr. President, I ask unanimous consent that the November 2 Wall Street Journal article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Reynolds Metals Unit Indicted as Violator of Rhodesia Sanctions

Washington.—A federal grand jury indicted a Reynolds Metals Co. subsidiary on a charge of violating government import sanctions against Rhodesia.

The indictment, returned in federal district court in New Orleans, charges that Reynolds International Inc. last July 16 imported from South Africa 197 tons of petalite ore that originated in Rhodesia.

The ore, which is used in making aluminum, was falsely described on customs documents as feldspar of South African origin, the indictment charges.

If convicted of the charge, the company would be subjected to a fine of up to $10,000, according to the Justice Department. Also, the ore, which is valued at $18,000 and which has been seized by the Customs Bureau, could be forfeited, officials said.

The government sanctions stem from executive orders issued by former President Johnson. The orders, which have the force of law, were issued to support sanctions voted by the United Nations in 1966 and 1969 after Rhodesia's white-ruled government unilaterally declared its independence from Britain without giving its 95% black majority an important role in government.

In Richmond, Va., a Reynolds spokesman said, "We deeply regret that this constitutes a violation of the law, and have taken steps to prevent such mistakes in the future."

He said the material imported was "a sample quantity of petalite ore for research purposes." He added, "It has always been the company's policy to support government policy and we intend to respect the government sanctions against trading with Rhodesia."

PRISON REFORM AND JUSTICE

Mr. BROCK. Mr. President, recently, an editorial in the Wall Street Journal brought home a very important matter to me, one that has been sidestepped, but one that needs immediate attention. That is the plight of our prisons. Are they dungeons or centers for rehabilitation? I ask unanimous consent that this editorial be printed in the Record so that we might not forget that prison reform is still one of the major problems with which we have to deal.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Prison Reform and Justice

Uprisings at Attica and elsewhere helped call attention to prison conditions in the U.S., and the picture that was revealed wasn't very pretty. Nonviolent offenders are thrown in with psychpaths and murderers, rehabilitaitation programs are inadequate and incarceration seems sometimes to be motivated by vengeance rather than justice. No wonder discussions about reforming the criminal justice system now revolve as much around prison reform as around modernizing courts, upgrading law enforcement agencies, and improving social conditions that sometimes spawn crime.

The National Advisory Commission on Criminal Justice Standards and Goals recently recommended releasing many criminals from prison and developing alternatives to incarceration for others. "These changes must not be made out of sympathy for the criminal or disregard of the threat of crime to society," the commission report noted. "They must be made precisely because that threat is too serious to be countered by ineffective methods."

That would seem to be a point well worth making, in our view, since other discussions of prisons and sentencing sometimes give the impression of having the prisoners' comfort uppermost in mind. For example, one widely publicized new book suggests that prisons be abolished entirely, without any apparent regard for society's right to be safe from violent individuals. The National Advisory Commission knows better, but several of its recommendations, as well as other recent suggestions in this area, raise questions that deserve wider discussion.

The first has to do with the criminal himself. There may be people walking around free who should be in prison, as critics of the present system never failed to point out, but few inmates in state and federal penitentiaries are mere misfits or victims of circumstance. In most cases they are there because of a history of criminal acts. Prison was not their first stop, but merely the culmination of repeated efforts by judges and probation officers to get them to obey the law. This also helps explain why recidivism rates are so high—not so much because prisons have failed prisoners, but because many prisoners are uninterested in reform or rehabilitation.

We are not suggesting the existence of a "criminal mind." Such a belief may relieve any responsibility for worrying about the treatment of prisoners, but it lacks any real evidence. However, some individuals do have a propensity for crime and violence. And if prison does not reform or rehabilitate them at least it isolates them—and in the case of violent criminals, that is not an unimportant consideration.

Violent criminals are said to represent only a small portion of the prison population, and that is why we incline towards the suggestion of Whitney North Seymour, former president of the American Bar Association. In a recent book he recommends wider use of systems where some prisons provide a custodial service for hard core convicts, while other prisons undertake to rehabilitate those who can be taught to function properly in society.

There is probably no such thing as perfect justice, and it may well be that our criminal justice system will always lag behind the times. After all, it isn't all that strange that prison reform would have a rather low priority among the electorate. Nevertheless, it's well to keep in mind the national commission's observation that reform is important not so much for the sake of the criminal, but for the sake of society itself.

MONTHLY LIST OF GAO REPORTS

Mr. METCALF. Mr. President, one of the provisions of the Legislative Reorganization Act of 1970 requires the General Accounting Office to periodically furnish the Congress a list of all reports made by the Comptroller General to the Congress, its committees and Members, and to the Federal agencies. The list began as a typewritten form and has evolved into an easily read offset print giving not only the title, but a short description of the contents of each report.

The reports are available to everyone. Accordingly, I request that the October list of reports be printed in the Record.

There being no objection, the list was ordered to be printed in the Record, as follows:

Monthly List of GAO Reports

AGRICULTURE AND RURAL DEVELOPMENT

Improvements Needed in the Department of Agriculture's Commodity Distribution Program. (To the Secretary of Agriculture.) B-114824 of September 18.

GAO wanted to know if 2.5 billion pounds of commodities donated by Agriculture to State and local agencies in 1971 were distributed in the most economical manner.

The Department, the report shows, had not taken full advantage of savings in transportation costs and other benefits available by shipping larger volumes because State distributing agency representatives made key decisions on time and place of delivery.

The State representatives were not provided adequate guidelines, did not know transportation costs involved, and sometimes were faced with conflicting interests.

Preliminary Report on the Special Supplemental Food Program. Department of Agriculture, Food and Nutrition Service. B-176994 of September 28.

Public Law 92-433 amended the Child Nutrition Act of 1966 by establishing a program of cash grants to the States, to be carried out during fiscal years 1973 and 1974, to provide supplemental foods through State and local agencies to pregnant or lactating women and to infants and children up to 4 years of age determined to be nutritional risks because of inadequate nutrition and income.

The law states that the Secretary of Agriculture shall use $20 million in each of fiscal years 1973 and 1974 to carry out the program.

GAO (1) reviewed the program's authorizing legislation, legislative history, and pertinent agency records (2) held discussions with Food and Nutrition Service officials responsible for planning the program's operation and evaluation, and (3) discussed FNS's plans with FNS's medical consultants, with physicians and others.

COMMERCE AND TRANSPORTATION

Need for Improvements in Management Activities of the Immigration and Naturalization Service. Department of Justice. B-125051 of August 14, released September 19 by the Chairman, Subcommittee on Legal and Monetary Affairs, House Committee on Government Operations.

This is the second report in response to the Chairman's request that GAO examine certain aspects of operations of the Immigration and Naturalization Service. Its first report to the Congress stated that more needs to be done to reduce the number and adverse impact of illegal aliens in the United States (B-125051, July 31, 1973).

This report discusses the need for improvements in the—

Record system for identifying nonimmigrants who overstay their permitted time,

Controls over Mexican border crossing cards,

Procedures and practices for obtaining fingerprint searches on illegal aliens,

Procedures for requesting Mexican aliens to pay their own transportation costs within the INS Southwest Region and,

Procedures used in the alien address report program.

The Service has taken actions to correct some of these problems.

COMMUNITY DEVELOPMENT AND HOUSING

Reviews of the Office of Economic Opportunity's Use of Experts and Consultants, B-130515 of September 6.

At the request of Senator James Abourezk, GAO reviewed the manner in which OEO used its 84 experts and consultants.

OEO appeared to have used some of these improperly because they were in regular full-time positions. There seemed to be a question also concerning payments to some involved in activities which might be considered in violation of a Federal court order.

Administration of the Rehabilitation Loan and Grant Programs in Atlanta, Georgia. Department of Housing and Urban Development. B-171500 of July 25, released September 21 by Representative Ben B. Blackburn.

Congressman Blackburn asked GAO to review the administration of HUD's rehabilitation loan and grant programs in Atlanta, Georgia.

GAO did not find evidence of collusion between Atlanta Housing Authority personnel and contractors or evidence of favoritism shown to certain contractors by the Atlanta Housing Authority Model Cities. However, contracts were let in such a manner that they were awarded to a limited number of contractors.

Various weaknesses were found in the contracting procedures and practices of the two project offices.

In some cases Atlanta Housing Authority inspectors overlooked work deficiencies during their inspections; in others, they certified work as complete without making the required final inspections.

GENERAL GOVERNMENT

Examination of Financial Statements of the National Credit Union Administration for the Periods Ended June 30, 1971 and 1972 Limited by Restriction of Access to Credit Union Examination Records. B-164031(4) of September 18.

In GAO's opinion, the statements of the operating fund present fairly the financial position of the National Credit Union Administration's operating fund at June 30, 1971 and 1972.

However, GAO was unable to fully audit the share insurance fund because the Administration restricted access to examination reports and related data on the credit unions it insures.

Therefore, in GAO's opinion, the statements do not present fairly the financial position of the share insurance fund at June 30, 1971 and 1972.

Status, Progress, and Problems in Federal Agency Accounting During 18 Months Ended June 30, 1973. B-115398 of September 19.

This is GAO's fourth report summarizing progress made by Federal agencies in developing and improving their accounting systems.

GAO approved principles and standards covering 171 systems and 19 system designs during the 18 months ended June 30, 1973.

As of June, principles and standards had been approved for 292, or 93 percent, of the 315 accounting systems subject to approval. Designs had been approved for 113, or 36 percent, of the systems.

During this period, principles and standards were approved and promulgated for the entire Army, Navy, and Air Force. The Joint Uniform Military Pay System (JUMPS) is an example of a significant design effort nearing completion. It is expected to provide timely and more accurate payment of military personnel.

Progress of Executive Branch Action on Recommendations of the Commission on Government Procurement. B-160725 of September 19.

This second GAO quarterly report—

Updates the executive branch plan for acting on Commission recommendations,

Shows the new management structure for Government-wide procurement policy,

Describes congressional activity on the recommendations,

Identifies matters needing agency or congressional consideration.

HEALTH

Supervision over Investigational Use of Selected Drugs. *Food and Drug Administration, Department of Health, Education, and Welfare. B-164031(2) of July 23, released September 19 by the Chairman, Subcommittee on Reorganization, Research and International Organizations, Senate Committee on Government Operations.*

GAO was asked to examine the Food and Drug Administration's supervision over use of drugs in tests on human beings.

In 10 of 13 cases reviewed, FDA raised questions concerning the safety of testing drugs in humans because of indications that there were possibilities of major drug-related adverse effects in humans or preclinical or early clinical tests were inadequate.

The report contains recommendations by GAO for correcting these and related matters in which HEW concurred and comments from the sponsors of drugs discussed.

Slow Progress Likely in Development of Standards for Toxic Substances and Harmful Physical Agents Found in Workplaces. *Department of Health, Education, and Welfare; Department of Labor. B-163375 of September 28.*

This is the second of a series of GAO reports reviewing activities carried out under the Occupational Safety and Health Act of 1970 by the Occupational Safety and Health Administration, Labor; and the National Institute for Occupational Safety and Health, HEW.

This report concerns the problems and progress of the Institute in developing health and safety standards for toxic substances and harmful physical agents in occupational environments.

Because of the Institute's slow progress, GAO recommended that the Secretary of HEW consider the adequacy of the Institute's resources to effectively carry out its responsibilities.

It also recommended that the Senate Committee on Labor and Public Welfare consider asking the Congress to amend the act to allow the Secretary of Labor more than the six months now specified in the act to promulgate a permanent standard after issuing an emergency temporary standard.

INTERNATIONAL AFFAIRS AND FINANCE

U.S. Grant Support of International Planned Parenthood Federation Needs Better Oversight. *Agency for International Development. B-173240 of September 14.*

GAO reviewed the system of management controls surrounding the grant of about $10 million annually by AID out of $19 million used for family planning activities carried out by the Federation.

AID evaluates the Federation's performance on the basis of its annual reports, audits at the Federation's central office, and other internal information.

To help improve evaluation of the Federation's use of AID funds, GAO recommended that AID assist the Federation in working out a specific, phased plan for more effective and timely implementation of management controls.

NATIONAL DEFENSE

Ways for the Department of Defense to Reduce its Administrative Costs of Awarding Negotiated Contracts. *B-168450 of September 17.*

DoD can reduce the administrative costs of its negotiated procurements without sacrificing adequate competition, reasonable prices, or goals of the Congress, GAO found.

Millions of dollars in administrative costs could be saved annually. DoD can make some needed improvements, but others will require congressional action. DoD spent $35 *billion* under negotiated contracts in fiscal year 1972 for millions of different goods and services.

GAO inquired also into how business firms bought parts and components similar to those DoD bought.

NATURAL RESOURCES AND ENVIRONMENT

Federal and State Efforts to Control Water Pollution Caused by Acid Drainage from Mines. *B-177011 of August 14, released September 9 by the Chairman, Subcommittee on Conservation and Natural Resources, House Committee on Government Operations.*

The Federal Water Pollution Control Act Amendments of 1972 established, as a national goal, the elimination of the discharge of pollutants into navigable waters by 1985.

Interior's 1969 annual report on the cost to clean up water pollution stated that it would cost about $6.6 *billion* to reduce acid drainage from mines by 95 percent.

Until significantly more Federal and State funds are made available for the development of additional technology and for an action program to identify and control acid drainage from abandoned mines systematically, only limited progress can be made toward reducing pollution caused by discharges of acid into the Nation's streams, rivers, lakes, and ponds.

Circumstances Surrounding the Transfer of the Division of Ecological Research from Research Triangle Park, North Carolina, to Corvallis, Oregon. *Environmental Protection Agency B-177222 of January 5, released September 26 by Representative Nick Galifianakis.*

As this title suggests, GAO—at the request of Representative Galifianakis—reviewed such aspects of this matter as—

Justifying and planning the transfer;

Program improvement;

Program disruptions; and

Costs associated with the transfer.

As requested by Rep. Galifianakis' office, GAO did not obtain the formal comments of EPA on the matters discussed in this report. Those matters, however, were discussed with EPA officials during GAO's review.

LETTER REPORTS

To the Chairman, Legal and Monetary Affairs Subcommittee, House Committee on Government Operations, discussing comments by the Department of Justice on GAO's report on the nationwide criminal data exchange system. *B–171019 of September 6, released September 28.*

To Senator Stuart Symington, on the extent of actual and potential cost increases on Army contract awarded for construction of Safeguard facilities at Grand Forks, North Dakota. *B–164025 of September 7, released September 10.*

To Senator Birch Bayh, concerning military and educational problems at the Air Force Academy. B–159219 of September 10, released September 17.

To the Chairman, House Committee on Appropriations, comparing two cost studies of the F–15 aircraft program. B–168664 of September 14, released September 21.

To Representative Bill Chappell, on the Navy's bombing practices at the Pinecastle Electronic Warfare Range, Ocala National Forest, Florida. B–178547 of August 30, released September 5.

To Senator Harry F. Byrd, Jr., concerning the accuracy of the balance of payments offset related to U.S. participation in NATO for fiscal years 1972 and 1973. B–156489 of August 8, released September 6.

To Representative John M. Murphy, on the purpose and cost of Postal Service promotional and advertising programs. B–114874 of June 12, released September 10.

To the Chairman, House Committee on Banking and Currency, reviewing the Model Cities program in Newark, New Jersey. B–171500 of May 7, released September 12.

To the Secretary of Defense, concerning procedures of the military services for issuing common handtools to civilian and military personnel. B–146856 of September 12.

To the Administrator, General Services Administration, discussing the effectiveness of energy conservation practices in Federal buildings. B–178205 of September 12.

To the Administrator, Veterans Administration, on the use of closed circuit television systems in VA hospitals to assist in patient care. B–164497(3) of September 14.

To the Secretary of Defense, concerning the adequacy of the cost accounting system of the Ladish Corporation, Cudahy, Wisconsin, for developing cost of pricing data. B–178821 of September 17.

To the Secretary of Defense, on problems of small contractors related to payments for independent research and development costs. B–167034 of September 17.

To the Board of Directors, Export-Import Bank of the United States, on GAO's examination of the financial statements of the Ex-Im Bank. B–114823 of August 31.

OFFICE OF FEDERAL ELECTIONS REPORT

Three apparent violations of the Federal Election Campaign Act and one of 18 U.S.C. 610 by the Shirley Chisholm for President Committee were referred to the Attorney General by the Comptroller General on September 7.

LEGISLATIVE RECOMMENDATIONS—FISCAL YEAR 1974

GAO recommends that the Congress consider the following:

Joint funding legislation to permit State employment security agencies to obligate administrative expenses against a single allocation of funds. B–115349 of July 23.

H.R. 982 to prohibit the employment of illegal aliens. B–125051 of July 31.

Whether it is appropriate for the Government to continue funding the cost of transportation procured specifically for armed forces exchange goods. B–169972 of August 6.

Legislation providing for approval by the Congress of long-term leasing of such assets as shops. B–174839 of August 15.

Clarifying the Webb-Pomerene Export Trade Act of 1918 so that it will be more effective in inducing companies to form associations to compete in foreign markets. B–172255 of August 22.

HOW TO OBTAIN GAO AUDIT REPORTS

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Copies are provided without charge to Members of Congress, congressional committee staff members, Government officials, members of the press, college libraries, faculty members, and students. The price to the general public is $1.00 a copy, except as noted. There is no charge for copies of letter reports.

When ordering a GAO report, please use the B-number, date and title to expedite filling the order. Orders should be accompanied by check or money order. Please *do not* send cash.

Copies of decisions are available from the U.S. General Accounting Office, Room 7510. 441 G Street, NW., Washington, D.C. 20548. Phone (202) 386–3924. There is no charge for copies of decisions.

Copies of Office of Federal Elections reports are available from the U.S. General Accounting Office, Room 6510, 441 G Street, NW., Washington, D.C. 20548. Phone (202) 386–6411. Copies are free, except as noted.

NEED FOR IMPROVED TEACHING SKILLS IN AREA OF READING

Mr. DOMENICI. Mr. President, I wish to speak again today regarding a matter of great importance to me—and to many Americans. I have mentioned before statistics clearly indicating the need for improved teaching skills in the area of reading as today over 18 million adults are considered functional illiterates. This figure is compounded by another startling fact that 7 million elementary and secondary schoolchildren are in the need of special reading assistance.

A few months go I became a cosponsor of S. 1318, the Elementary School Reading Emphasis Act of 1973, a measure sponsored by Senator Beall and Senator Dominick. I applaud the efforts of my two colleagues to open the doors for our many schoolchildren who will face a life with less meaning and certainly fewer privileges because they are unable to read.

As we know, to become proficient in almost any occupation in this country, an individual must know how to read. Filling job applicant forms, passing driving tests, and reading for enjoyment requires a certain base level of reading competence which all too many individuals do not have, but would be able to master if proper techniques are used by a skilled teaching staff in the early years of school instruction.

This fact is all the more relevant in my own State of New Mexico where, as I have mentioned before in this Chamber, 59 percent of all 8th graders are reading below grade level. This particular figure is most alarming when further study reveals that 78 percent of the Spanish children read below grade level, 92 percent of the Indian children, and 83 percent of the black children. It is obvious to me that proper teaching techniques including bilingual and cultural instruction must be incorporated in our elementary schools before this appalling situation is corrected.

The Senate Subcommittee on Education recently held hearings on S. 1318 and other reading measures pending Senate action. I submitted testimony before the subcommittee and, if there is no objection, I would like to print those comments in the Record following these remarks. I urged the subcommittee to act quickly in view of the present problem which I believe will not go away without national dedication and concern. I also requested that the provisions of S. 1318 be the basis of the final bill reported out of the subcommittee inasmuch as the moneys expended would be directed to assist schoolchildren in their most formative years. The bill also would provide for additional skilled teachers through more comprehensive teacher training courses at our Nation's universities.

At the time I cosponsored S. 1318 I asked many principals in New Mexico to comment on the provisions of S. 1318. I wanted to know if the contents of the bill seemed appropropriate to attack the problem which we all knew would need new approaches. More than 100 educators responded to my inquiry; many wrote of their own concerns over specific areas of elementary education related to reading. The primary problem mentioned in letter after letter was the lack of funds for resource personnel and enough adequately trained instructors. I feel that the passage of S. 1318 would make available those necessary moneys for the additional skilled instructors. In fact, that is the primary concern of the bill.

An appropriate reading readiness bill is absolute necessary and I again urge my colleagues' immedate attention and action to this matter.

There being no objection, the comments were ordered to be printed in the Record, as follows:

Mr. Domenici. Mr. Chairman, thank you for this opportunity to give my views and experiences concerning this most important legislative issue. I would like to give my formal statement after relaying to the Committee a few thoughts from fellow New Mexicans on this matter.

On September 14, I sent a letter to every school principal in the State of New Mexico asking their opinion with regard to the provisions of S. 1318, the only reading measure offered at that time. In my letter, I outlined the bill's primary thrusts designed to help alleviate reading failures in our schools.

The response received in my office was extremely supportive of this legislation. In the October 18th Congressional Record I inserted only a few responses from these fine, conscientious people.

Many principals and teachers wrote to express their concern over the reading difficulties they observed in young students—difficulties which could be overcome with sufficient funds and additional trained teachers. Test results from last year showed that the main weakness in the schools in New Mexico was in vocabulary skills—the key to the mastering of reading proficiency. This skill is the basis of a person's success in school and in subsequent adult life.

These concerned educators mentioned again and again the obvious need for action as well as their own helplesness in the face of inadequate funds for additional resource teachers for individualized instruction. However, these same professionals did not give this, or any other, reading measure a blanket acceptance. Many commented on the need for periodic analysis of the programs to spot weaknesses. In other words, these people are not willing to just spend Federal money. They want results. So do I.

Because of my genuine concern for the basics of education and with the facts that I have just described. I could not let the Committee begin to consider its final disposition without hearing from me.

Mr. Domenici. I would like to speak today in support of S. 1318, the Elementary School Reading Emphasis Act of 1973. I am a cosponsor of this bill which was introduced by Senator Beall and Senator Dominick in March of last year. I cannot emphasize enough how important I think it is. In the field of education it seems to me there is no greater priority than teaching our children to read. In order to teach them, it is essential to train people as reading specialists, to insure that elementary schools begin to see reading as a top priority, and to conduct research into the best, most effective means of reading instruction. S. 1316 will go a long way toward accomplishing these goals.

When one considers the statistics it is clear that our schools are not doing an adequate job teaching reading. To begin with, it appears that there are at least 7 million elementary and secondary school children in need of special reading assistance. In our urban areas, 40 to 50% of our children are reading below grade level; in the poorest of these schools, these figures go as high as 70 to 80%. Such reading deficiencies among children do not bode well for the future of our country.

Given the realities of our age, it is close to impossible to survive in this country without being able to read. I'm not talking now about being able to read complicated works of literature. Certainly this is not a requirement for all people. But it is necessary for every citizen to be able to read and comprehend such things as government forms, like social security and medicare applications. It is essential to be able to read and understand the questions and instructions on the exam for a driver's license and to be able to properly fill out the forms to open a bank account. In 1970 Louis Harris and Associates conducted a Nationwide survey to determine the extent of "functional illiteracy" in this country. They found that as many as 18.5 million Americans 16 years and older lack the reading ability they need to survive in our society, in other words these people cannot read or comprehend even the most basic forms or applications.

From my point of view, figures of this sort are devastating. The immediacy of the need is all too clear. The bill we have proposed, while not a panacea for all our reading problems, will concentrate tremendous efforts to overcome reading deficiency at what I consider to be the most important age. Programs funded under this bill will be directed to the remediation of elementary school reading problems. It is our intent to get to the problems either before they have begun, or when they are still new enough to be completely eliminated.

S. 1318 would appropriate $176 million over a three year period for a variety of programs directed at the elementary school child. First, it would provide that children in the first and second grades receive 40 minutes daily of reading instruction by specialists. For children in the third grade and above who are having reading difficulties, it would provide further special instruction. It provides for intensive reading programs during the summer for children who have fallen behind in reading. S. 1318 would also establish a "reading corps" program which would both train reading specialists and encourage them to teach in schools where there is a high concentration of children with reading problems.

Instructional television programs are also included. These would be developed for use with teachers, to train them to become specialists in the field of reading. S. 1316 would also make available grants to develop programs that would improve the professional competency of teachers of reading and principals. By including school principals, this bill insures that reading programs will gain the acceptance of the entire school. If the school leader supports the program and is knowledgable about it, it is far more likely to be successful than if it were just a small isolated program restricted to a few teachers. Finally our bill would create a Center for Reading Improvement, and provide for a Presidential award for reading achievement.

It is my purpose to speak today in support of the bill I have cosponsored, but I would like to take a few minutes to talk about S. 2069, a bill introduced in June of this last year by Senator Eagleton which is entitled the "National Reading Improvement Act of 1973". While I am not completely in favor of all the proposals of this bill, I think it is important and that Senator Eagleton has made an important contribution to the effort to improve reading.

My biggest problem with this bill is the suspicion that its proposals are spread too thin. It not only intends to reach elementary and secondary school children, but it proposes to confront the problems of the adult illiterate. I am of course in favor of such a comprehensive attack on the reading problems that plague all levels of our society. At the same time I am pragmatic enough to know that the kind of money that is necessary to do such a job will never be appropriated. At least not any time in the near future. We have witnessed cutbacks in Federal spending for education and a number of presidential vetoes of education appropriations which were "inflationary." I simply don't think a measure which is as vast and as ambitious as S. 2069 stands a chance, given the realities of a realistic national budget.

So I have opted to support a bill that I think stands a good chance of passage and ultimately a good chance of achieving success. It would concentrate on the reading difficulties of elementary school children, helping to overcome deficiencies before they become too acute. We must begin somewhere. And it seems to me that our greatest chances of success at this time are with younger children. Perhaps in later years, as the program has proven successful, and as there are many more qualified reading specialists available, we can expand into the high schools. For now, let's work toward genuine improvement with our younger children.

PROCESS FOR RESOLVING OUR CONSTITUTIONAL CRISIS

Mr. HART. Mr. President, the events of recent days have focused sharply for most Americans the constitutional crisis that faces us: Whether the President can retain the confidence of the American people and the ability to govern, or whether he has violated his trust of office and must be removed.

My distinguished colleague from Maine, Senator Edmund S. Muskie, recently delivered a speech containing a thorough and thoughtful analysis of this question. Senator Muskie concluded that the President's recent actions—including not only his failure at that time to have obeyed a final court order, but his dismissal of Special Prosecutor Cox—have thrust upon the American people a constitutional crisis which demands resolution. And impeachment, Senator Muskie explained, is the only process in the Constitution for resolving this crisis.

The escalating crisis in world affairs, and the developments in the Watergate case since Senator Muskie spoke, have not resolved the fundamental questions raised in Senator Muskie's speech or restored the credibility of the President. The continuing importance of those questions, and the gravity of the constitutional crisis that faces us, have been described in several thoughtful recent comments—editorials of the Washington Post and the New York Times, and a column by James Reston.

I commend Senator Muskie's speech to my colleagues and ask unanimous consent that it be printed in the Record, together with the editorials and column to which I have referred.

There being no objection, the material was ordered to be printed in the Record, as follows:

SPEECH BY SENATOR EDMUND S. MUSKIE, UNIVERSITY OF TOLEDO, OCTOBER 23, 1973

Last Saturday night I made the following statement: I believe that these events are of such gravity and consequence to our form of government that the House of Representatives should consider holding hearings on the impeachment of the President. What the President has done threatens to destroy our system of laws. Unless Congress responds in the only way provided in the Constitution for resisting such a usurpation of authority, we endanger our country's future.

I want to expand today upon that statement.

The events of last week force us to consider seriously a course of action from which we instinctively shrink. As an officer elected by all the people to govern, the President commands a respect and carries a responsibility with which no one would lightly or maliciously interfere.

But, as the executor of the laws that cement our society, the President remains ultimately subject to the law and to the procedures for its enforcement. As the Court of Appeals observed ten days ago, "Though the President is elected by nationwide ballot, and is often said to represent all the people, he does not embody the nation's sovereignty. He is not above the law's commands."

A crisis the President himself has set in motion now requires us to determine what those commands are and whether or not the President has set himself above the law. To make that determination about the President's behavior in the conduct of the Watergate investigation, I believe we must now begin the hearings in the House of Representatives which are the first step toward the presentation of formal impeachment charges.

It is possible that before that process ever culminates in a Senate trial, we might find other means of resolving our crisis. But while we search for those avenues of accommodation, we should use the instruments the Constitution provides to set limits on the conduct of the President.

I

When ordinary standards of behavior governing the relationship of citizen to citizen

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or of citizens to the state are violated, the offenses are investigated and, if proved, are punished. So when action by the President seems to offend our basic Constitutional standards, the other representatives of the people are obligated to examine that action, to weigh official conduct in a given case against accepted rules of conduct, and to pronounce a final judgment.

I view impeachment, then, as a means, not an end, and I speak today of the process, not of any foreordained outcome. We cannot, obviously, be commited to a verdict before knowing the charges. But we have come to a moment, in my judgment, when the mechanism of impeachment is the surest way in which we can examine the charges and determine their resolution.

The Constitution gives us but one process to enforce on a President the principle that the law is supreme. When the Executive ignores the commands of the courts and abuses the trust of the people, the impeachment process offers us the surest remedy.

By beginning that process now, the House of Representatives will have the opportunity to determine directly and openly whether there should be a trial on removing the President from office for violating the order of the courts, for dismissing the special prosecutor, or for other actions which James Madison defined as "contradiction of justice." If the House determines that a trial should be held, the Senate, with the Chief Justice of the United States presiding, undertakes to pass final judgment on the President's case.

II

In his study of the Presidency, Clinton Rossiter speaks of the political limits on the office. "The President," he wrote, "draws immense authority from the support of the American people, but only if he uses it in ways that they understand and approve, which generally means ways that are fair, dignified, traditional and familiar. . . . If he knows anything of history or politics or administration, he knows that he can do great things only within 'the common range of expectation,' that is to say, in ways that honor or at least do not outrage the accepted dictates of Constitutionalism, democracy, personal liberty and . . . morality."

In the dismissal of Archibald Cox as Special Watergate Prosecutor and the threatened abandonment of the independent investigation of the Watergate scandals, the President betrayed the expectations of many Americans and outraged those standards.

Those expectations were bolstered by the President's promise early in May that he would not claim executive privilege to prohibit testimony by White House officials concerning possible criminal conduct in the Watergate affair and the alleged cover-up. They were increased by his statement calling for a full resolution of the issues of wrongdoing *in the courts*, the corollary to his attack on the Senate Watergate hearings. And those expectations finally centered on the hope that the independent special prosecutor the President appointed, at the insistence of the Senate, would be free to pursue justice to final judgments of guilt or innocence and would, through that pursuit, allow us all to make a judgment on the President's conduct.

Now—in removing the special prosecutor—the President has undercut those hopes and the achievement of that objective.

III

No one denies the Chief Authority to fire any insubordinate official in the Executive Branch. But the role Mr. Cox filled was an exceptional one. By eliminating that role—not just the man who undertook it—the President has broken his word and his contract to Mr. Cox, to the Congress and to the country.

The office of special prosecutor represented concrete proof of a proposition that had been and is now again in doubt—the ability of the Executive Branch to investigate itself and punish its own officials. Ever since former White House officials were charged with the burglary of the Democratic Party headquarters, the country has wondered how those charges—and all the others that have grown from them—could be fully and fairly prosecuted by close personal and political associates of the suspects themselves.

The old maxim that no man can be a judge in his own case required some outside, independent investigation and prosecution of the multiplying suspicions that the highest officers in the government had engaged in the lowest political practices. Finally, this spring, when Elliot Richardson was nominated Attorney General, the Senate made the confirmation of a new Attorney General conditional on the appointment of a special prosecutor with independent authority.

In the charter creating that office Elliot Richardson, the President's nominee for Attorney General, committed himself and the President to give Mr. Cox complete freedom of action. "In particular," the order of the Attorney General declared, "the special prosecutor shall have full authority . . . for . . . determining whether or not to contest the assertion of 'executive privilege' or any other testimonial privilege. . . . the Attorney General will not countermand or interfere with the special prosecutor's decisions or actions. . . . the special prosecutor will not be removed from his duties except for extraordinary improprieties on his part." And the President himself promised, on May 9th, that "the special prosecutor . . . will have the total cooperation of the executive branch of this government."

Last Friday, the President, in effect, revoked that charter which gave the special prosecutor *independent* status, and undertook to direct him, as an ordinary employee of the executive branch, "to make *no further attempts by judicial process* to obtain tapes, notes, or memoranda of presidential conversations."

The special prosecutor rejected that direction, and the President's substitute of a personal summary of the tapes, to be reviewed by Senator Stennis, for the following reasons:

"The instructions are in violation of the promises . . . made to the Senate . . . and my pledge to invoke *judicial* process to challenge exaggerated claims of executive privilege."

"Acceptance . . . would defeat the fair administration of justice."

"It would deprive prosecutors of admissible evidence in prosecuting wrongdoers who abused high governmental office."

"It would also enable defendants to go free, by withholding material a judge ruled necessary to a fair trial."

IV

By changing the rules in the middle of the contest, the President revoked his pledge to the Senate. And he thus cancelled the commitment he had made to the whole country that the Watergate investigation would be conducted without any further political interference.

By that act he has raised the basic issue of presidential power to restrict an investigation of paramount importance to the public. Let me just remind you what the public interest in this inquiry is.

We are not confronted by questions of petty criminality.

We are faced, instead, with charges—many of them already substantiated in convincing part—of an unparalleled conspiracy to defraud the people of their right to an honest election and of a further conspiracy to defraud the courts of their power to administer justice.

Charges that spies and saboteurs were paid to disrupt a political campaign.

Charges that officially authorized burglaries were committed against a private doctor's office and a political party's headquarters.

Charges that suspects and key witnesses were offered bribes to keep them silent or promises to encourage them to lie.

Charges that journalists and government officials illegally lost their privacy to official wiretappers, acting without court warrant.

Charges that independent government agencies were pressured to abandon their impartial responsibilities in order to harass and intimidate critics of the Administration and to show favoritism to friends.

Charges that the head of the F.B.I. was ordered to destroy evidence.

Charges that top officials of the C.I.A. were ordered to violate their agency's charter against interference in internal affairs.

Charges that a Federal judge was offered promotion while presiding over a crucial and controversial case.

And charges that a secret police agency was established in the White House *with authority to break the law* in order, supposedly, to protect national security.

Some of these acts allegedly involved the direct participation and decisions of the President. Most of them involved men in the White House acting with what they took to be presidential authority and approval. Much of their behavior appears grossly improper and some of it, in the preliminary judgment of grand juries, was illegal.

V

But the overriding concern about all these actual and suspected breaches of law is the degree to which they were proper or improper exercises of presidential authority. A clearly important if not crucial means of deciding that question depended on the impartial examination of evidence in the President's custody.

VI

The President now says he will not make all of that evidence available to outside scrutiny and those portions of it which he will release will appear only in a statement prepared by him personally and authenticated by Senator Stennis. In making that decision he relies on his claim to *absolute discretion* over what information in his possession will be disclosed to the Congress, the courts and the people. That claimed discretion—only since 1958 has it been called executive privilege—is the heart of the political question we face.

For the present, the October 13 ruling of the U.S. Court of Appeals on that claim is the binding legal standard. Based on that standard, the judges ordered the delivery of the tapes to Judge Sirica and said: "The President's privilege cannot . . . be deemed absolute. . . . [A]pplication of executive privilege depends upon a weighing of the public interest protected by the privilege against the public interests that would be served by disclosure in a particular case."

The central question of the limits of presidential discretion—including executive privilege—has become acute. And the impeachment process, as I suggested, appears now the best forum in which to seek an answer to that fundamental question.

VII

The primary concern of the men who wrote our Constitution was their fear of tyranny—by a monarch or by a mob. That fear explains the unique safeguards they built against abuse of power.

Their fundamental invention was the division of power among three separate branches of government under the rule of law. That structure gave each branch enough authority to carry out its own responsibilities, but it also denied any single branch the concentrated power to evade the control of the other two or, ultimately, the control of the people.

In practice, that ingenious and delicate balance has withstood severe tests. It has given us a government responsive both to the ordinary demands of overseeing the welfare of a continental nation and to the extraordinary demands of domestic and international crisis.

But as Justice Brandeis once observed, "The doctrine of the separation of powers was adopted by the Convention of 1787, not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was not to avoid friction, but, by means of the inevitable friction incident to the distribution of governmental power among three departments, to save the people from autocracy."

VIII

In the Watergate affair, the President has laid claim to uncontrolled power. Some may challenge the claim from fear that it is made to block an inquiry that might deeply embarrass the President. But, more importantly, we must challenge the power behind the claim, because such authority—uncontested—could undo the whole balance of power that has made the American experiment with democracy uniquely successful.

Centralized power, the Framers knew, was ultimately irresponsible. Power over information—over the knowledge which is synonymous with power—is the ultimate authority. For, as President Nixon himself said in 1972, "[W]hen information which properly belongs to the public is systematically withheld by those in power, the people soon become ignorant of their own affairs, distrustful of those who manage them, and—eventually—incapable of determining their own destinies."

More than twenty-five years ago, when President Truman refused to give Congress information it sought about alleged Communist subversion in his Administration, a California Congressman named Richard Nixon said this on the floor of the House Representatives:

"The point has been made that the President of the United States has issued an order that none of this information can be released to the Congress and that therefore the Congress has no right to question the judgment of the President in making that decision.

"I say that proposition cannot stand from a constitutional standpoint or on the basis of the merits for this very good reason; that would mean that the President could have arbitrarily issued an executive order in . . . the Teapot Dome case, or any other case denying the Congress of the United States information it needed to conduct an investigation of the executive department, and the Congress would have no right to question his decision."

I would use that judgment of Congressman Nixon to judge last Friday's actions by President Nixon.

IX

That process of judgment was going forward in the courts. Indeed, the courts may still find that the President is not in compliance with their orders. Such a finding would constitute a formal determination that the President is in contempt of court.

But that is a legal issue. Its outcome will weigh heavily on any action Congress might take as it proceeds to explore the grounds for impeachment. Congress, however, is charged with the political judgment of whether or not the President has acted in contempt of the Constitution and the people's will.

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There are intermediate steps toward making that determination. For instance, Congress could by statute create another independent special prosecutor, an arm of the legislative branch, and not a subordinate of the President. And such a prosecutor could carry the argument Mr. Cox was forced to drop part way through another round of judicial contest.

Such a procedure would help preserve the integrity of the ongoing criminal investigation of those involved in Watergate and associated wrongdoing. But I have little confidence that such a course can advance a final resolution of the conflict between the President and the rule of law. So while I would favor all efforts to accommodate the dispute, I think we must prepare for a final judgment in the President's case. Impeachment is just that—no more and no less than a process for measuring his claims of authority against the limits our laws and our tradition impose on the conduct of the President.

The law, ultimately, is what the courts pronounce. The Congress, in an impeachment proceeding, is a court, and for questions of the President's fitness for office, it is the final court.

Since his actions in the Watergate affair have raised those questions of fitness to the highest level of public concern, those questions must now be resolved. I do not welcome the coming conflict. I would prefer to see it avoided by the President's voluntary reversal of his recent decision.

But with little expectation of that development, I urge now that we set in motion the Constitutional process for putting the Presidency under law.

It is not, ultimately, the men in office whom the people trust. It is the institutions of our democracy—the restraints of the law on those whom we put in authority—that inspire public confidence. To restore that confidence, we must now revive those institutions, which have become rusty through disuse.

The prospect of impeachment is awesome. But the prospect of government lawlessness is worse.

When only one sure remedy remains against intolerable abuse of the people's liberty, we must use that remedy or renounce our claim to the history of freedom and the legal order that protected it and us.

The process of impeachment offers us such a remedy. We must now initiate the process and, through its workings, seek a resolution of our crisis.

[From the New York Times, Oct. 24, 1973]

MR. NIXON'S DECEPTIVE COMPROMISE

(By James Reston)

The one thing you have to say for Richard Nixon is that he knows when he is licked. Almost everything he always said he would never do—compromise with Moscow, recognize Peking, accept deficit financing, or be unfaithful to his promises—he has done. And he has done it again by releasing the Watergate tapes, which he said he would never release.

It was a clever move. He has retreated from one mess to another, but he has gained time. It will take weeks to get the tapes down on paper and to get a new team to take over the prosecution at the Justice Department, but meanwhile, he has got rid of Archibald Cox, the "independent" prosecutor, which was probably his objective, and he has postponed—though he has not avoided—a critical battle with both the courts and the Congress.

The President was in terrible trouble before he switched and agreed to let the tapes go to the courts. He judged Archibald Cox well enough. He gave Mr. Cox a dishonorable order he knew Cox wouldn't accept, and he was right. So Mr. Cox, for the moment, is going home.

But the President misjudged Attorney General Richardson and Deputy Attorney General Ruckelshaus. He appealed to Mr. Richardson to concentrate on the Middle East crisis and stay on even if Mr. Cox disappeared. He even had Richardson's old friend Henry Kissinger appeal to Richardson to stress the foreign crisis and avoid a resignation, but Mr. Richardson didn't agree.

The White House didn't even give Mr. Richardson time to respond to the President's order to fire Special Prosecutor Cox. Gen. Alexander Haig called Richardson at 7 o'clock last Saturday night and told him the President was sending him a message, which seemed to call for an answer from Richardson, but while the Attorney General was trying to draft a reply, the White House put out its announcement that Mr. Cox was fired.

Then the White House turned to Mr. Ruckelshaus to fire Mr. Cox, and General Haig not only told him this was an order from "the Commander in Chief" but appealed to him on patriotic grounds to carry out the order. Mr. Ruckelshaus, according to his associates, replied that patriotism was not the same as obedience, that in his mind it was sometimes the opposite, and that he would not comply. So he was fired.

Meanwhile, Mr. Richardson appealed to the President's aides and lawyers to consider what the reaction would be in Congress and in the country if they fired Mr. Cox for carrying out the independent prosecution he was promised by the President and the Attorney General; but his appeal was rejected, even after he implied that he would have to resign if they insisted.

It is interesting and significant that during those critical five days when Mr. Richardson was negotiating with the White House staff, and warning them not to fire Mr. Cox or force his own resignation, the President never discussed the problem personally with his own Attorney General, until the very end when it was clear that the President was determined to get rid of Mr. Cox. Only then, when Richardson said he would resign if Cox was fired, did the President agree to see him, and even then, he let him go and later ordered him to dismiss Mr. Cox.

It was a typical bold and desperate Nixon play, but this time it didn't work. Public reaction went against the President. Messrs. Cox, Richardson and Ruckelshaus went on television and stated their arguments; all of them, and particularly Mr. Richardson, with devastating effect.

Accordingly, the President was confronted with precisely the power struggle he had sought to avoid. The Congress was proceeding toward impeachment proceedings in the House. The unions were demanding his dismissal from the Presidency. More important, the old Republican Establishment, led by the leaders of the bar, were denouncing the dismissal of Mr. Cox and the resignation of Mr. Richardson, and indications were that Judge Sirica was going to hold the President in contempt of court.

Facing all this, and the prospect that the controversy would go back into the streets if he defied the courts and the Congress, the President agreed to hand over the tapes. This will avoid the clash for a time but not for long.

For once he has admitted the tapes into evidence in the courts, it will be hard for him to exclude other relevant documents, or to argue against another special prosecutor. He has got rid of Mr. Cox for the moment, but not of prosecution. He has saved his skin but not his honor.

Ironically, he chose to challenge in this latest of his political crises three men—Cox, Richardson and Ruckelshaus—who had become the most attractive and articulate symbols of objectivity and probity in his Administration. And in the process, he lost all three.

This has shocked Washington more than anything since the Watergate burglary, and while he now has time to try to sort things out, he has affronted his own most loyal supporters and even his own Cabinet, and raised

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the most serious questions about his moral authority to govern over the next three years.

[From the New York Times, Oct. 24, 1973]

Mr. Nixon Retreats

President Nixon has capitulated to the explosion of public and Congressional outrage over his effort to evade Federal court orders to turn over to United States District Judge John J. Sirica the subpoenaed taped conversations touching on the Watergate affair. In announcing the dramatic reversal, Presidential lawyer Charles Alan Wright left no room for doubt that Mr. Nixon's move was in response to the refusal of the American people to allow the President to continue to place himself above and beyond the rule of law.

Mr. Nixon's aborted game plan seems clear. After floating the "compromise" proposal to make available an "authenticated" version of the tapes, the President issued orders to Special Prosecutor Archibald Cox to desist both from all future attempts to obtain the tapes themselves and from any further pursuit of other White House documents.

The President could have hardly expected Mr. Cox to obey such an order. The special prosecutor's inevitable defiance provided Mr. Nixon with the pretext to fire Mr. Cox and abolish his office. Had the maneuver succeeded, it would have given Mr. Nixon the double victory of an end-run around the courts and of getting rid of the special prosecutor. Regrettably, he has already managed to achieve half that goal; it is now up to Congress to repair the damage by re-establishing the post formerly held by Mr. Cox.

Referring to the President's effort to end, the constitutional crisis, Mr. Wright conceded yesterday that "events over the weekend made it apparent it did not." The game plan failed because, as honorable men, former Attorney General Richardson and his deputy, William D. Ruckelshaus, chose to resign rather than to lend legitimacy to the White House coup. Their courageous rejection of the White House effort to destroy the independence of Mr. Cox did much to persuade the American people and Congress that the President had so far overstepped the bounds of his lawful powers that he now would have to be stopped by any constitutional means necessary.

With his cool and correct presentation at yesterday's news conference, entirely within the framework of loyalty to the Administration he had served so long, Mr. Richardson torpedoed efforts of the White House entourage—what is left of it—to discredit Mr. Cox as a partisan agent intent on "getting" the President. In unequivocal terms, Mr. Richardson said that had he been in Mr. Cox's position, "I would have done what he has done." Even more crucial to the future course of the investigation, Mr. Richardson made it clear that, while he had supported the compromise on the tapes, he had never accepted the White House proviso that Mr. Cox be barred from pursuing with court action other tapes and documents if they were to become essential to the case.

Mr. Nixon's retreat came amid ominous signs that he had embarked on a disastrous course. The House of Representatives had taken steps to determine whether the President's action warranted impeachment proceedings. The bar was in open revolt. Judge Sirica had told the two Watergate grand juries to continue their work and that he was prepared to appoint a special counsel to carry on the prosecutor's task.

The pending investigations, necessarily suspended by Mr. Cox's departure, should certainly be continued by a new and independent prosecutor, aided by Mr. Cox's former staff. It is clear that independence—and assurance that the job will be completed even in the face of Presidential displeasure—is unattainable so long as the prosecutor remains under the jurisdiction of the executive branch.

The first order of business is creation of a new special prosecutor through Congressional action, to function under the authority either of Congress or the grand jury. Now that the will of an aroused people has compelled Mr. Nixon to withdraw from his defiant position on the narrow matter of the tapes, the democratic process that has been set in motion must resume the long-term task of investigating Watergate in all its aspects, including the degree of responsibility—if any—of the President of the United States. What is at stake is nothing less than a return to government under law.

[From the Washington Post, Oct. 24, 1973]

The Tapes: What Has—And Has Not—Been Resolved

Well, the President of the United States has finally let it be known that in one particular matter affecting an inquiry into allegations of criminal behavior in his government, he is prepared to respect a command of the federal courts. But look at what it took to bring about the President's compliance in this instance: the resignations, in protest, of the two top officials of the Department of Justice; the firing of the Watergate Special Prosecutor and the abolition of his office; the breaking of a solemn compact with the United States Senate; a call for the President's removal from office on the part of his erstwhile supporters in organized labor, including leaders of AFL–CIO unions representing 13.6 million workers; a virtual breakdown of the machinery of Western Union under the weight of an avalanche of telegrams to Congress calling for presidential impeachment; the formal beginnings of an impeachment process in the House; an outpouring of critical editorial opinion from around the country; and a raw warning from his own party's congressional leaders that they could not save him unless he changed course. When you add to all this upheaval the anguish, controversy, uncertainty and general demoralization and debilitation of both the government and the country over the last three months, you have to temper somewhat your applause for the ultimate and obvious rightness of yesterday's decision.

This is all the more so when you consider the relative importance of the tapes in the crisis of government that has grown out of the Watergate, and the criminal prosecutions themselves. For just as the public furor had its evident impact on Mr. Nixon's final decision, so the President's own prolonged intransigence concerning the release of the tapes, and the fierce attention he focused on the tapes alone, have given the public a distorted impression of their importance. The distortion is twofold. First, the contents of this relative handful of recordings have come to be seen as decisive in determining the President's own role in Watergate events, one way or the other. But the President himself has said that the tapes "would not finally settle the central issues" of the Watergate investigations, and Mr. Cox made no larger claims for their significance.

In addition to the probable inconclusiveness of these nine tapes by themselves, it should be remembered that they are only a fragment of a large body of potential evidence which Mr. Cox was seeking to obtain and related to only a single episode—the Watergate cover-up—in the great catalogue of crimes and improprieties which go under the name of Watergate. It is thus nonsense to claim, as the President did in his statement on Friday night, that their release would resolve "any lingering thought that the President himself might have been involved in a Watergate cover-up," and still more so to suppose that their release can, in any sense, close the larger Watergate case.

This leads us to a second distortion, which has to do not with the contents of the tapes but with the President's willingness or unwillingness to make them available pursuant to a court order. Indeed, the whole question of Mr. Nixon's suitability to continue in office had come to rest a short time ago on whether he would or would not defy the federal courts. Defiance or nondefiance of the courts had become, in other words, for many people the exclusive test of the President's conduct of his office so far as the whole morass of Watergate and related matters is concerned. But to think this way is to fall into the same trap as to conclude that a President who is not found guilty of a criminal offense has thereby demonstrated his fitness for office, or to argue that the President was justified in his performance last weekend by reason of his technical authority to fire Archibald Cox.

In fact, the long, tawdry history of the White House tapes issue makes it clear that these other tests offer only minimal and inadequate standards by which to judge a President's fitness and capacity to govern. Surely, the people require more of their President than the knowledge that under the most severe political duress he is prepared to obey a federal court order.

Surely we are obliged to examine the history of the President's handling of the tapes issue and to count the costs incurred along the way. That history isn't all that ancient, either. As recently as Friday night, judging from Elliot Richardson's account of his own role in the so-called bargaining with Mr. Cox, the President was grossly misleading the American people as to the sponsorship of and support for the arrangements he attempted to force upon the Special Prosecutor. He was suggesting that partisan exploitation of Watergate in general, and the tapes issue in particular, was—would you believe?—somehow responsible for the aggressive Soviet mood of the moment in the Mideast. And he was still wreaking an enormous amount of needless damage, wantonly inflicted in the name of a principle on which, within three days, he was to yield.

We have no doubt that as a consequence of so yielding Mr. Nixon will have managed to diminish the intensity of the highly emotional drive to oust him from office that was getting under way. And should he go further and take such vital steps as reconstituting the office of Special Prosecutor and reinvigorating and cooperating with the investigations themselves, he would certainly lower the temperature even further. That is just as well. For the events of the past many months that have been and remain so profoundly troubling can not be appraised and dealt with in the kind of turmoil that Mr. Nixon's most recent actions had created. That they remain to be dealt with is, in our view, not open to question. The President said last Friday night that he wished to "bring the issue of Watergate tapes to an end to assure our full attention to more pressing business affecting the very security of the nation." We share that aim. But we think there is no more "pressing business affecting the security of the United States" than the business of deciding whether Richard Nixon, by his performance across the whole range of Watergate-related matters, has not proved himself incapable of governing. And that issue, we would argue, has scarcely begun to be resolved by yesterday's decision to surrender the Watergate tapes to the court.

SOLAR HEATING AND COOLING DEMONSTRATION ACT OF 1973

Mr. WEICKER. Mr. President, at a time when America is anguishing over a threatened shortage of conventional energy production, this Nation must

take advantage of the vast potential of our space program to contribute to alternative energy resource development.

One important alternative energy resource that is attracting increasing attention from scientists and policymakers alike is solar power, the harnessing of man's true source of life, the sun. It has been asserted that solar energy can be not only environmentally safe but also economically competitive with other power sources.

Along with Senator Moss, the distinguished chairman of the Senate Committee on Aeronautical and Space Sciences, I have introduced S. 2658, the Solar Heating and Cooling Demonstration Act of 1973. This legislation focuses the in-house capabilities, expertise, and experience of NASA on the development of long range answers to the impending energy crisis.

The measure will authorize the commercial demonstration of solar heating and cooling technologies under practical conditions. Up to 2,000 solar heating units and 2,000 heating and cooling units would be mass produced and installed in public and private facilities for onsite testing and evaluation. NASA will direct this program, working with various Federal departments and agencies to develop appropriate technologies and demonstration criteria.

The Moss-Weicker bill is similar to H.R. 10952, introduced in the House by Congressman McCormack. With the prospect of emergency energy controls looming in our immediate future, it is imperative that both Houses of Congress afford these farsighted bills expedited consideration. Solar energy is no longer in the realm of science fiction, rather it is an irrepressible and important science fact that must not be ignored.

EDWARD J. GALLAGHER—LACONIA'S COMPLETE CITIZEN

Mr. McINTYRE. Mr. President, the November issue of New Hampshire Profiles features an article by Kathleen McCarthy about a leading citizen of New Hampshire, a venerable journalist, and a very good friend of mine—all one and the same man, Edward J. Gallagher of Laconia.

The first paragraph of the article reads:

> A New Hampshire newspaper editor for more than 60 years, Edward J. Gallagher of Laconia has left his mark on central New Hampshire: as a newsman, an author, a banker, and as the demon Democrat in a Republican town.

Now there may be those who would link my friendship with Ed Gallagher to the last phrase of that description, because the truth is that Laconia is my home town and for a long, long time there were not many Democrats in that town besides Ed Gallagher and me.

But anyone who reads the article will learn that Ed Gallagher left his partisan pen behind when he moved to Laconia and started publishing the Laconia Evening Citizen. From that day on he checked his politics at the door to the newspaper and concentrated on serving the community instead of partisan interests.

Indeed, as the article points out, Ed said he selected the name "Citizen" for his newspaper "because it implied public rather than political interest."

As a long-time, and continuing, reader of the Laconia Evening Citizen I can attest that Ed Gallagher has honored that commitment. But I would not want anyone to get the mistaken impression that the departure from partisan journalism implied any blandness in the Gallagher character.

Anyone reading this account of a man who started his professional writing career at 15, sold an article to Harper's Weekly when he was 18, bought his first newspaper at 19, competed vigorously in the days of the partisan press, and went on to make his mark as publisher, banker, adviser to Governors, and biographer of subjects as diverse as Stilson Hutchins, the founder of the Washington Post, and Mark Shinburn, Robber Baron, simply could not be bland.

Indeed, Ed Gallagher wrote the biography of bank robber Shinburn while he was the president of the Laconia Federal Savings & Loan Association.

Asked why the president of a bank should go to the trouble of making a bank burglar the central character in a book, Ed replied:

> In this instance I wear only the reporter's hat.

Mr. President, I would like to share Kathleen McCarthy's fascinating account of Ed Gallagher's career and at the same time express my appreciation for his character and his friendship by asking unanimous consent to have the text of the New Hampshire Profile's article printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Edward J. Gallagher—Laconia's Complete Citizen

(By Kathleen McCarthy)

A New Hampshire newspaper editor for more than sixty years, Edward J. Gallagher of Laconia has left his mark on central New Hampshire: as a newsman, an author, a banker, and as the demon Democrat in a Republican town.

At the age of 82, Ed Gallagher is still working and writing, as the Editor-Publisher of the *Laconia Evening Citizen*, that city's only daily newspaper. With characteristic energy he maintains a full round of civic and business activities.

Over the years his contributions to his city and state have been fully recognized. He has been awarded three honorary college degrees, named Man of the Year by the Laconia Hospital Association, served as the Mayor of Laconia, selected as a delegate at large to the Democratic National Convention, elected to two Constitutional Conventions.

Gallagher personally chose to call his Laconia newspaper the *Citizen* and has set an example of the active citizen that is rarely matched.

Gallagher's writing career began in 1905, at the age of 15. Following a long childhood illness he composed a brief article which his nurse forwarded to the *Pictorial Review*. His pleasure at seeing it printed was only equaled by the Doctor's, who thought a typewriter would do him more good than further bed rest.

His political career began only three years later when he became the publicity man for the New Hampshire Taft Association in the 1908 campaign. His success was measured by the occasional barb sent out by the opposition.

Believing himself ready to take an editor's job on a newspaper, Gallagher approached the *Concord Patriot* in April 1909. His enthusiasm must have exceeded his credentials for he was turned down for a staff opening. He was told, "Come back when you have a reputation." In August of that year, the 18-year old Gallagher published an article on New Hampshire Prohibition in prestigious *Harper's Weekly*. The story was praised by the *Patriot* and other N.H. newspapers and soon after, the youthful writer was offered the job he had applied for some months earlier.

Gallagher enjoyed his early days as a newsman. Concord supported two papers, the Democratic *Patriot* and a Republican rival. The politics were bitterly partisan and each paper attacked the other with relish. In 1910, the *Patriot* was offered for sale and 19-year-old Gallagher bought it.

During the 1912 political campaign Gallagher was old enough to vote and that year he was elected as the youngest member of the Constitutional Convention, representing Ward 9 of Concord. Following the lead of Raymond B. Stevens, "leader of the Valiant minority," Gallagher voted with Stevens on everything. "The only time I was on the winning side was when there was a motion to adjourn at the end of three weeks."

The politics of Gallagher's youth preserve a period flavor. His article for *Harper's Weekly* was on prohibition in the Granite State, a hot issue for the next two decades. Following a 1912 vote for woman suffrage in the Constitutional Convention Gallagher was approached by a Superior Court judge. "The judge entered my office, pointed a stern finger at me and said, 'Young man, anyone who votes for woman suffrage insults his mother if living, and sullies her memory if dead.' "

For the next decade, Gallagher edited and managed the *Concord Patriot* maintaining its staunch Democratic stand. The paper had been founded in 1809 and some families had been subscribers for more than five generations. "They would have been disappointed if we didn't have bitter editorials."

During these years, he also became part owner of the weekly *Newport Champion*. One of the other partners in the paper was Francis Murphy, later to be Governor of New Hampshire. The relationship was to prove helpful years later during the Depression when Gallagher was Mayor of Laconia. Governor Murphy was always ready to help when the Mayor needed state participation for a local WPA project. Murphy later appointed him to the New Hampshire Planning and Development Commission (now DRED) where he served until 1951 when Governor Sherman Adams appointed him chairman of a commission to study the state's public utility laws.

On April 20, 1920, Gallagher bought the White's Opera House in which the *Patriot* was a tenant. Seven months later, the five-story building was destroyed in a fire. Undeterred by the disaster, Gallagher constructed a new *Patriot* building on the site in 1921, leasing the upper two floors for state offices. Eventually, in 1923, he was forced to sell out to John G. Winant to pay off his financial obligations.

Rather than seek a new career, Gallagher began canvassing the state for a likely city to start another newspaper. Berlin, with its booming lumbering industry and 23,000 population was investigated but rentable space was scarce.

Driving back to Concord, he stopped at the Laconia Chamber of Commerce, to see what it might have to offer. Gallagher was greeted with totally unexpected warmth, and

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asked if he would pose for a photograph. His royal welcome was not due to his fame (which had not yet reached Laconia), but instead the Chamber of Commerce needed a photograph immediately to illustrate a magazine article. Afterwards, they helped him locate rentable space in the Salvation Army Building on Hanover Street, and on Oct. 12, 1925, Gallagher was back in the newspaper business.

Beginning a small paper in Laconia marked a major change in Gallagher's career. At the *Patriot*, vehement partisan politics were not only acceptable, but almost required. To support a newspaper in Laconia required a considerably different attitude. The city was not large enough to support two separate, partisan papers.

"When I started as (*Patriot*) publisher in 1910, I was carrying on a one-hundred-year-old tradition. We were *the* Democratic paper. Editorially we held, that if he was a Democrat, he was wonderful; if he was a Republican, he was someone you could detest."

Now freed from a century old tradition, Gallagher determined his own editorial policy for his paper. "We selected the name 'Citizen' because it implied public rather than political interest." The *Citizen* and Gallagher carried out that policy, as a backer of the Laconia Hospital, a supporter of industrial development in the city, as an advisor to the White Mountain National Forest, and as a firm supporter of the Belknap Recreation Area. For many years Gallagher was a trustee of the Gale Library, and director and past president of the New Hampshire Tuberculosis Association.

The *Citizen* was enlarged in 1933, when it absorbed the *Laconia Weekly Democrat*, but the policy of the paper remained unchanged. In the last decade, the *Citizen* moved during Urban Renewal of the downtown, to a brand new facility on Fair Street. There in his large paneled office, Gallagher produces his editorials for the paper. The *Citizen* has become a family project, with the management of the paper handled by his daughter Alma and her husband, Laurence J. Smith. The virulent politics of his youth have given way to a more pragmatic attitude in his long maturity. "The *Citizen* tries to avoid getting into a field of great misunderstanding, as a champion or as an antagonist. That isn't my nature. Other newspapers cry out disaster every day, but it's a mistake to have a paper that keeps a town all riled up."

Although the *Citizen* avoids politics, Gallagher himself has had a busy political life. Recently he was cited by the New Hampshire State Senate for his more than sixty years as an active and respected participant in the political progress. Over the years, he has served several New Hampshire governors as a member of various commissions, boards and study committees.

Gallagher's publishing history is so extensive that a telephone caller told him she had found a letter in the 1909 *New York Sun*, by a man named Edward J. Gallagher. She wondered if the striking similarity of name indicated it might have been from his grandfather. In fact, the letter had been written by Gallagher himself as a boy of 19.

Luther Roby, Robber Baron and *Stilson Hutchins, Founder of the Washington Post*, are subjects of biographies Gallagher wrote recalling figures that influenced his early years. *Luther Roby* is a tribute to the father of his childhood guardian. Roby was an early printer in Concord, and his two daughters cared for Gallagher following the death of his own parents. During his years at the *Patriot*, Gallagher heard countless stories of Stilson Hutchins, a native of Whitefield, N.H., the most dashing of newsmen who had left a mark even on the *Patriot*.

Fascinated by the stories, they eventually became the stimulus for a biography of a man he had never met. Gallagher stirred a minor controversy when, while president of the Laconia Federal Savings & Loan Association, he wrote *Mark Shinburn, Robber Baron*. The New Hampshire escapades of the infamous bank robber were told, with little apology. "I have been asked why I, the president of a bank should go to the trouble of making a bank burglar the central character in a book . . . in this instance I wear only the reporter's hat."

The Shinburn book was the result of his hearing stories of the thief's escape from the Concord state prison in 1866. One of Gallagher's guardians had been on the way to church when she saw the escape take place—and it remained a favorite story. During his freedom Shinburn had purchased a castle and the title of Count in Europe. As a young reporter, Gallagher met the aging crook in 1908 while he was being interviewed by George Vernon Hill, on release from state prison at Concord.

Two of the biographies were printed on Gallagher's own presses. "I felt I had more freedom if I published them myself. I was able to tell more about local events and people than would have suited another publisher."

Active as an editor, publisher, banker, and community leader, Ed Gallagher's reputation has stemmed from his wide participation in state and local affairs. Some projects have remained particular favorites. The *Evening Citizen* Authors' Tea was one such favorite bringing the great and near great to Laconia. For many years he was a motivating force in a Model Homes project to encourage city development. He is a trustee of the New Hampton School, a former member of the Board of Governors of the University of New Hampshire student newspaper, a state political figure and served as permanent chairman of the Democratic State Convention when it was held at The Weirs.

Ed Gallagher's ideas on citizenship don't include resting on past laurels. He is still actively producing editorials for the *Citizen*, serving as Chairman of the Board of the Laconia Federal Savings & Loan Association, and supporting community activities. He is busy being a citizen.

NASA BUDGET

Mr. MOSS. Mr. President, there is a tiny village in India isolated by the lack of an all weather road and held in the grip of ignorance by a poor school system and the lack of funds necessary for better education. Within a few years this tiny village hopes to have the finest teachers available anywhere. As a result, it will raise itself from the cycle of poverty and ignorance. India expects this to happen not only to one but, in fact, to many thousands of similar villages. Where are all these teachers going to come from? India plans in 1975 to begin tests of the use of the ATS–F satellite developed by NASA research to beam educational programs into television sets located in the schools.

Mineral shortages in the years ahead will be less severe as a direct result of both the Earth Resources Satellite and the Skylab programs. Food production will be greater, and pollution will be reduced as a direct result of current NASA programs. Weather prediction resulting from NASA-developed technology will avoid damage, save lives, aid transportation, and provide many other direct benefits.

The programs I have cited are but a few examples of NASA contributions to national and international economic well being. Their economic benefits, both direct and indirect, far exceed their costs. Few people would condemn these programs now. However, when the research and technology programs that led to these benefits were started we could only guess where they would lead. Proof of results was impossible. Discovery and inventions funded years ago provided achievements far beyond our expectations.

These examples and many others were provided to the Aeronautical and Space Sciences Committee on September 26 and 27 during hearings on the state of the aerospace industry and its continued ability to support the objectives of the National Aeronautics and Space Science Act of 1958.

The eight witnesses who appeared before the committee were leaders in the aerospace industry. All expressed dismay at the broad retreat from NASA aerospace technology which provided this country with such great economic benefits. This retreat from NASA aerospace technology has been caused by a declining budget.

Mr. Thomas G. Pownall, president, Martin Marietta Aerospace, expressed the sentiment of other witnesses when he said:

> It seems paradoxical to me that NASA and its continuing and growing efforts to expand and apply technology should have been restricted in its efforts just at the moment of its greatest successes to date.

The testimony of the witnesses brought into perspective the fact that American technological progress, of which NASA has been such a major element, has been the source of much economic wealth which we are bringing to bear on our social deficiencies. Dr. Wernher von Braun, vice president, Engineering and Development, Fairchild Industries, cited NASA programs as examples of wealth producing programs which help support our badly needed social programs. He pointed out:

> World leadership and technological leadership are inseparable. A third rate technological nation is a third rate power politically, economically and social.

It is clear that technological progress enables our capital and labor to accomplish more while consuming less of our resources.

The degree to which our country can satisfy the future needs of our citizens is dependent on our ability to pay the bill. It is through technological progress that the productivity of our labor and capital can be increased. I repeat—technology is a means of producing more while consuming less of our resources.

The current national policy toward aerospace technological leadership and the efficient use of human technological resources does not show up as a written statement but instead as approved items in the yearly budget. The NASA fiscal year 1974 budget submitted to Congress by the Administration may be viewed as a temporary departure from sound national policy, or it may represent a continuing permanent trend toward discarding national opportunities and wasting human technological resources.

Mr. Sanford McDonnell submitted data during his testimony showing that NASA has expended an average of $3.8 billion per year over the past 10 years. His data shows that this expenditure directly employed 251,222 Americans. He further indicated that, applying the aerospace family expenditure patterns to the space payroll, an initial space expenditure of $3.8 billion, has a secondary effect of $15.4 billion on the national economy and creates 1.2 million jobs. The Government tax netted directly and indirectly from the $3.8 billion was $4.4 billion.

Mr. McDonnell further pointed out that the current budget level to which NASA is held discourages viable long-range planning. In response to a question on the level that the NASA budget should be he said:

> Three and a half to four billion is about the span that we feel it should be held to if we are going to have stability and balance and continued growth and expansion in this field, which has such a tremendous potential for a fantastic payoff in the future that it is just very disappointing to see the way we have fallen back to this lower level of effort.

Mr. Karl G. Harr, president of the Aerospace Industries Association, indicated the need for a 3½ billion dollar level—another half billion dollars—in the NASA budget to allow more efficient utilization of our NASA technological asset. He said:

> We as a nation have over the past two decades or so, at great expenditure of fiscal and human resources, created a national asset that has been the principal support of our ability to remain prosperous, secure and possessed of independence of choice. That asset, of which the aerospace industry is a central part, is our national overall technological superiority as compared to the rest of the world. If we lose or seriously erode that superiority we will be faced with a very different situation from the ones we have enjoyed since World War II.
>
> We will have lost our principal trading advantages in the international marketplace.
>
> We will have lost the principal source of our domestic productivity.
>
> We will have lost to a commensurate degree our independence of choice as to how we address the whole range of our other national needs.

Mr. William B. Bergen, president, North American Aerospace Group, observed the decline in our technological, wealth-producing capability brought about by the declining budget. He commented on the discouragement this gives our youth. Mr. Bergen said:

> It takes time to create effective groups. Once disbanded, the capability tends to disappear from the industry as individuals seek other pursuits. On an overall basis, attrition of this nature has been increasing over the past few years. Moreover, college enrollment in technical disciplines has been on the decline. If our nation's technological base shrinks appreciably further, the talent necessary to meet unforeseen emergencies could be unavailable.
>
> It appears wise that we should maintain the NASA activity at a level that helps to stabilize this resource and optimizes its capabilities. And we need to recapture the interest of our youth in scientific and engineering careers.

Thus, Mr. President, the witnesses provided this message vital to the future of our country.

First. The technology development programs of NASA have produced national and international wealth which is now accruing to a broad spectrum of the population.

Second. Wealth-producing technology programs such as those of NASA should receive increased priority to assure national capability to pay for needed social programs in the future.

Third. The current level of NASA funding results in a squandering of human technological wealth-producing capability.

Fourth. An increase in NASA's budget of about a half billion dollars would stop the erosion of our hard-won areospace technlogical capability.

SENATOR RANDOLPH CONTINUES EFFORT TO INSURE AVAILABILITY OF TRANSPORTATION FOR THE HANDICAPPED

Mr. RANDOLPH. Mr. President, as chairman of the Senate Subcommittee on the Handicapped, I have often stated my personal commitment and that of our subcommittee to the right of handicapped citizens to live as other citizens live, in the "real world." The recent trends in and goals of special education, vocational rehabilitation, plus the various programs and services for the handicapped are designed to bring into the mainstream this segment of our population, rather than segregate them from the rest of our society. We are working today to remove barriers, whether they be mental—such as uninformed attitudes—or physical—such as architectural or transportation barriers.

Twice in the past few months I have made statements in the Senate to urge that our Federal agencies and the nation's air lines develop uniform and comprehensive standards for the carriage of the handicapped on commercial flights. Due to inadequacies in the present criteria, many injustices have occurred: for instance, an individual may be carried by one airline, but refused transportation by another because of his disability. As Judge Nathaniel Sorkin of the civil court of New York City pointed out:

> Discrimination against any group on an irrational and unjust basis is an affront to any civilized people.

It was gratifying, then, when the Federal Aviation Administration announced hearings across the country which are intended to produce possible amendments to present FAA regulations on the air transportation of handicapped persons. Unfortunately, I was unable to attend the hearing here in Washington on October 18 because of my commitment as a member of the United States Delegation to the North Atlantic Assembly in Ankara, Turkey. However, I did submit a statement, and I ask unanimous consent that my remarks, along with the statements of the Paralyzed Veterans of America and the National Association of the Physically Handicapped, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR RANDOLPH ON AIR TRANSPORTATION OF HANDICAPPED PERSONS

Mr. Chairman, it is a privilege to testify on a subject that has long been of great concern to me—the mobility of handicapped citizens. These hearings on air transportaton of physically disabled persons are one more sign of a progressively enlightened attitude toward the handicapped, and I hope they signify improved leadership by the Federal Government in this vital area.

As Chairman of the Senate Subcommittee on the Handicapped, I have labored to encourage improved facilities for the disabled in our air transportation system. In June and September of this year I made speeches on the floor of the Senate on this subject and I request that they be made a part of today's record.

At the outset, I express my gratification that this issue is being met head on and that a resolution of the problem is forthcoming. I have genuine admiration for the Federal Aviation Administration, and I fully appreciate the actions the Administrator has and is undertaking to insure the right of handicapped citizens to travel while at the same time maintaining air transportation safety standards.

THE RIGHT OF HANDICAPPED CITIZENS TO AIR TRANSPORTATION

President Kennedy once observed that a nation may be judged by the way in which it treats its weakest citizens. I agree with that statement. Many Americans are becoming more enlightened in their attitudes toward handicapped persons, as well as more knowledgeable and sensitive in their response to special problems resulting from physical and mental disabilities, whether the problems are those of education, rehabilitation, employment or mobility.

The late Senator Bob Bartlett of Alaska said: "The physically handicapped of this country are citizens of this country—just as others of us are; they pay taxes and contribute to the economy of the country—just as others of us do; and they deserve access to their public buildings on an equal basis with the rest of us. . . ." Senator Bartlett was speaking on the Architectural Barriers Act of 1968, a law which requires that public buildings financed in part or wholly with Federal funds be designed, constructed and remodeled so they are accessible to the physically handicapped. It was my privilege to cosponsor this measure, which applies to Federally assisted airport facilities; and it would be ironic, to say the least, to make airports barrer free and then prevent handicapped travelers from flying because of their physical disabilities.

I strongly believe that any transportation system which by its design, construction or practices bars the handicapped from its use discriminates against a population which has an equal right to all services offered all other citizens. Law, common sense, and the Federal Aviation Act demand that we afford these individuals the right to travel the freedom to travel, and the barrier-free means of traveling.

I have been involved in aviation programs for many years, including twelve years as an airlines official. Presently, it is my responsibility to chair the United States Senate's Subcommittee on the Handicapped. With this experience, I believe I know the problems in serving this population. These problems are, however, easily surmountable if we have the desire—and they are very, very minor when compared to the benefits which will accrue to a deserving segment of our society.

PROBLEMS IN THE TRANSPORTATION OF THE HANDICAPPED

As we all know, passenger air travel has increased tremendously during the past twenty-five years. The high rate of growth is due to several factors: air transportation is fast, safe, comfortable and convenient. Moreover, the airlines have worked constantly to give travelers as much comfort and service as possible. They have succeeded, for many Americans have flown at one time or another in their lives. However, there is still that vast reservoir of passengers who might take advantage of common carrier transportation, fill empty seats and increase carrier revenues if not discouraged or prevented by discriminatory policies and regulations.

In May of 1961 Aerospace Medicine (which is the official publication of the Aerospace Medical Association) published an article entitled "Medical Criteria for Passenger Flying" in which the Committee on Medical Criteria tried to establish and clarify medical standards for air travel. The article was oriented more toward the passenger who might suffer from serious cardiovascular or bronchopulmonary disease than toward the paraplegic, deaf or blind passenger.

Over a year later, Dr. Ludwig Lederer, Chairman of the U.S. Scheduled Airlines Medical Committee, reported the adoption of standardized criteria for the carriage of the physically handicapped based upon the medical criteria for passenger flying. The hope at that time was that, although "there can never be any hard, fast and inflexible rule where medical matters are concerned," the airlines could minimize confusion, conflict and personal embarrassment.

Unfortunately, this hope was not translated into affirmative action. Some airlines still refused to allow a person confined to a wheelchair to enplane unless accompanied by an attendant, in spite of the fact that the individual might be fully able to travel by himself. Rules which stated that "Persons who have malodorous conditions, gross disfiguration, or other unpleasant characteristics so unusual as to offend fellow passengers should not be transported by any Member" often led to conflict and embarrassment. A guideline which read "Persons who have contagious diseases shall not be carried by any Member" was not completely enforceable; it was also difficult to decide which passengers were "Passengers whose behavior might be hazardous to other passengers . . ." In short, the standardized criteria for carrying the physically handicapped just has not worked.

It is true that there are problems presented by air travel of handicapped individuals; after all, there may easily be problems involving any passenger who is not in excellent mental or physical health. It seems to me that these problems of travel by disabled individuals involve:

Special fares (reduced fares for handicapped individuals and for attendants who might be required to travel with a disabled person);

Special services (attendants or lifts to enplane and deplane a person confined to a wheelchair);

The distinction between the handicapped person able to travel independently and a person unable to do so;

The number of disabled passengers who should travel on any given flight;

An individual's ability to move about the plane unassisted, especially on a long flight;

Emergency evacuation procedures and the time required for aircraft evacuation;

The most appropriate portion of the aircraft for seating disabled passengers;

Special equipment which might be used in the event of an emergency; and

The issue of whether or not identification cards are needed to describe a person's condition (or perhaps stamping the handicapped person's ticket to signify deaf, blind, etc.).

It is gratifying to note that the Federal Aviation Administration's questions in its Notice of Public Hearing include many of these issues. There was one, however, which was not mentioned—special fares—and I would like to address this problem now. It does not have a direct bearing on the problem of air safety standards for transportation of the disabled, but it is important if an attendant should be required to accompany some travelers.

This past spring it was my privilege to testify before the Subcommittee on Aviation of the Senate Commerce Committee on S. 1705, a bill which would authorize—not require—air carriers to establish reduced rates for passengers who are handicapped. In my statement I also urged reduced fares for attendants who must accompany handicapped individuals. It must be frankly stated that handicapped individuals are not generally associated with higher brackets of income; some eke out only a marginal living. It is my hope that the airlines would file such reduced fare tariffs with the Civil Aeronautics Board immediately if S. 1705 is enacted. This would be meaningful for our handicapped population and would encourage increased utilization of air travel. I further urge that if assistance is needed for a handicapped person to enplane and deplane, that assistance should be provided free of charge by the airline.

RESPONSE TO FAA QUESTIONS

The Federal Aviation Administration's questions are thorough, but I believe they are based in part upon an erroneous assumption, i.e. that handicapped persons will cause most, if not all, of the difficulties in an emergency evacuation of an airliner. This is not necessarily the case. Passengers without identifiable disabilities may be killed, injured, suffer heart attacks, or experience severe panic—all of which would cause serious problems in an evacuation procedure. In addition, small children could conceivably cause congestion problems. What I am saying is that disabling conditions in an emergency are not limited to those passengers who happen to be motor-impaired, blind or deaf.

Further, while I understand, sympathize and agree with the desires of the Federal Aviation Administration to maintain a high level of safety in air carrier and air taxi operations, I think we must frankly admit to the possibility of accident or even death every time we board an aircraft. Our airlines have a superb safety record and make every possible effort to preserve that record. However, just as I freely and knowingly assume a possible risk when on an airplane, so does a handicapped person. Nor do I consider myself negligent when I take this risk: it is one which is shared by everyone aboard that aircraft, and the degree of risk rests on such variables as pilot competence, air controller competence, weather and mechanical function as well as on my physicial condition and alertness.

With regard to the specific questions, I should like to respond as follows:

(1) What types of physicial/functional disabilities or limitations should be allowed consistent with present evacuation criteria?

There should be a standarized evacuation procedure which includes the three present evacuation criteria (30% must be female, 5% must be over 60, 5 to 10% must be children under 12), but which adds one more category: from 5 to 10% should be people with some type of handicapping condition.

I doubt that an aircraft having some mobility-impaired or blind persons as passengers could be evacuated within the 90-second time limit which was suggested by one air carrier. In its July 16, 1973, statement on this subject, the Air Line Pilots Association testified that the rules for a 90-second evacuation specifically provide that all passengers for a demonstration be in good health. It further states that "when everyone knows that there is no real danger, when fear and panic are not present, realism is minimal at least." I agree. Again, I emphasize the fact that when injury, panic, death, and illness are thrown into an emergency situation, a passenger with a previously identifiable disability is not the only factor which would make a 90-second evacuation limit unrealistic.

(2) What types of handicapped persons or physical disabilities should be allowed if a special attendant or assistance is provided to accomplish an emergency evacuation from an aircraft?

Generally, the majority of handicapped travelers do not need assistance except to board and deplane. A young paralyzed veteran may function more independently in an emergency than a non-paralyzed person or young child without obvious disability.

This question also assumes that a special attendant (should one be needed) will not be killed, injured, sick or frightened. With any of these conditions present, the handicapped traveler may still require other assistance if he is to be evacuated.

(3) Should a regulation be adopted which would permit (or limit) the carriage of a number and type of handicapped persons without the accommodation of the number and type in the criteria established for emergency evacuation demonstrations?

It might be feasible to limit the number of handicapped persons to two per emergency exit.

(4) How many unassisted handicapped persons may be accepted as passengers on an aircraft without requiring the use of a special attendant or ablebodied helper? Should this limit be a fixed number or should it be a number which is a percentage of the full passenger seating capacity?

Again, perhaps the number of unassisted handicapped persons should be limited to two per emergency exit, and thus be based on the configuration of the aircraft.

(5) For large groups of handicapped passengers, what means of emergency evacuation might be employed to provide acceptable levels of safety?

The same criteria which is used for a chartered flight for any disabled group should be used.

(6) Should the length of the planned flight be a consideration in determining the number and/or type of handicapped person to be accepted as a passenger?

I do not believe so, because the length of the flight relates more directly to the comfort of the passenger than to his safety. While a problem may arise on a long flight with regard to personal needs, I doubt that a disabled traveler would attempt a long flight if there were a probability of social embarrassment.

(7) Would an identification card which certified the ability of a handicapped person to perform certain physical tasks be useful in eliminating uncertainties regarding his acceptance as an unnaccompanied passenger? If so, who should issue the card?

Many passengers will have health problems which are not obvious to airline personnel; therefore, such a requirement might be controversial. However, if the airlines prefer an identification card, the Paralyzed Veterans of America have suggested that a license to operate a motor vehicle might constitute prima facie evidence as to the independence of a disabled person. Other possibilities might be a doctor's certificate or a medical identification card such as those issued by a group like Medic-Alert.

The Federal Aviation Administration set forth additional questions in its Notice of Public Hearing, most of which I have already answered in this statement. However, additional suggestions I have relating to these questions are:

(1) Ticket agents and stewardesses should be trained to render appropriate services to handicapped persons so that if they are alerted in advance, they can accommodate these passengers;

(2) Handicapped persons should be seated in the rows just ahead of the emergency exits. Thus, they will not be trampled if they cannot move swiftly, but will still be able to evacuate with a minimum of assistance;

(3) Special boots designed to cover leg braces and casts might be carried on each aircraft to minimize the danger caused by these appliances coming into contact with emergency chutes.

Mr. Chairman, at this point I would like to emphasize my strong support of the recommendations which have been made by the Paralyzed Veterans of America, particularly that there should be a committee of doctors and handicapped persons to improve evacuation methods. It would be beneficial to all travelers if the Federal Aviation Administration and organizations serving and representing the handicapped can work closely to make both airports and aircraft easily accessible to all citizens.

CONCLUSION

Because of circumstances of birth, accident, illness or war, approximately 12 to 15 percent of our total population is handicapped. These people are the most discriminated against minority in this nation. Those who are physically disabled are de facto barred from many, if not all, mass transportation systems and public buildings. To exclude any member of this group from air travel because of his disability is unjust, indeed unconstitutional.

Judge Nathaniel Sorkin of the civil court of New York City has said: "Our Constitution guarantees that neither the Nation nor the States shall discriminate against any group . . . Equal access is important, not because the law may require it, but because fairness and logic, the touchstones of the law, compel it."

It has been a privilege to speak today on behalf of equal access to air transportation for the handicapped. I have, as I said, worked long and hard to eliminate all kinds of barriers which we have unwittingly raised between the non-handicapped and the handicapped. It is gratifying to see one more of these barriers being lowered so that the physically disabled may enjoy air transportation—with dignity.

I thank you.

STATEMENT OF PETER ARBALLO, ADMINISTRATIVE ASSISTANT OF THE PARALYZED VETERANS OF AMERICA, TO THE DESIGNATED REPRESENTATIVES OF THE ADMINISTRATION FROM THE DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION PRESENTED ON OCTOBER 18, 1973

Gentlemen,

It gives me great pleasure to appear before you to submit comments and recommendations from the Paralyzed Veterans of America. To be added to the statement in which we answered all questions asked by FAA, which I presented to Mr. Crawford on September 19, 1973.

At this time, I would like to thank the Administrator and this Committee for giving us, the Paralyzed Veterans of America, a chance to give our views, and as you put it in your Notice of Public Hearing (as published in the Federal Register [38 F.R. 23352] on August 29, 1973) "Comments and recommendations of the public in regard to possible amendments to the FAReg to permit, to the maximum extent possible, air transportation of physically handicapped person while maintaining an acceptable level of safety in an air carrier and air taxi operations.

First let me remind the Committee that the PVA can only speak for its members, and similar disabilities involving traumatic injury or disease to the spinal cord.

It has come to my attention that Mr. Swinney from the Airlines Pilots Association has submitted comments and recommendations that would make the average person think he was back in the dark ages.

The following comments were said at the FAA hearing in Rochester, Minnesota, October 2, 1973.

1. All people of limited mobility are handicapped. They must be accompanied by a qualified attendant or companion.

2. Only one handicapped may be boarded for each fifty available seats.

3. Every flight carrying a handicapped person must be met by rescue, fire and ambulance equipment on the runway as standby in the event of emergency.

4. A Red Cross should be painted on the side of the plane at the place where the handicapped are to be evacuated.

It seems that the pilots do not want to be responsible for any handicapped person while on their flights, but yet they (the pilots) are willing to let someone else be responsible for that handicapped person. That someone else can only be an attendant whose fare is paid by the disabled person.

I do not know if the ALPA knows how many elderly and handicapped persons there are in the United States. But in the July 1973 issue of Executive Summary, U.S. Department of Transportation Urban Transit Advisory Council titled "The Handicapped and Elderly Market for Urban Mass Transit," on page 8, it gives the breakdown of the handicapped classification. Total handicapped is 13,390,000. The breakdown is as follows:

Handicap class	Elderly	Non-elderly	Total
Visually impaired	1,430,000	540,000	1,970,000
Hearing impaired	160,000	190,000	350,000
Uses wheelchair	230,000	200,000	430,000
Uses walkers	350,000	60,000	410,000
Uses other special aids	2,280,000	3,210,000	5,490,000
Other mobility limitations	1,510,000	1,800,000	3,310,000
Acute conditions	100,000	370,000	470,000
Institutionalized	930,000	30,000	960,000
Total	6,990,000	6,400,000	13,390,000

If we were to say that about 10% of all handicapped persons used air transportation, and each spent about an average of $200 for a fare, we are talking about $27 million. Now if FAA would cooperate with the ALPA in their recommendations then I would venture to say that at least ¾ of that $27 million the airlines would not receive from the handicapped.

I wonder if the Airlines Pilots Association received the "Department of Transportation News?" If not, I would like to read the June 5, 1973 issue: A statement by the FAA Administrator, Alexander P. Butterfield, "The physically handicapped are one of our most neglected minorities, as the victims of a great deal of indifferences, as well as a certain amount of prejudice, their special needs have been ignored far too long by society as a whole. I think all of us have a responsibility to do everything in our power to correct this situation."

Rep. Benjamin S. Rosenthal (D–NY) is trying to help. He introduced a bill in the House on July 1, 1973, to amend the Federal Aviation Act and other laws to permit easier and cheaper travel for the elderly and handicapped, titled the "Elderly and Handicapped Americans Transportation Services Act." The stewards' and stewardess' union local 550, with its headquarters in Chicago is doing their best to cope with the situation since FAA has not come up with regulations, procedures, and equipment for emergency evacuation for the physically handicapped. In fact there has not been a change since June 7, 1965.

Now let me demonstrate, with these pictures, which were taken in the simulator aircraft in Oklahoma City, the different ways a handicapped person can evacuate in case of an emergency.

1. When a severely disabled person cannot transfer, he/she is put on a blanket and pulled to the exit. This was done at the evacuation demonstration in Oklahoma City. A handicapped person weighing 185 lbs. was pulled by an ablebodied person who was 53 years old and weighs 163 lbs. and 5'6" tall. No time was taken. American Airlines personnel are trained to get the handicapped person on the floor, then grab their feet and pull them out of the aircraft.

2 When a handicapped person can use his arms, the steward/stewardess can pull all seats back, in the first row, forward. FAA rules says that all seatbacks must break to the forward position, thus making a flat aisle for handicapped persons to either pull himself or crawl over seatbacks. (At this stage exercises were clocked. From aisle seat to exit, 4.25 seconds, also titled 8x8x8, 6 seconds, and from 8 rows from exit, 31 seconds backward pull and 26 seconds crawling frontward.)

3. When a handicapped person can stand, he/she can use the armrest or seatbacks for support.

Mr. J. D. Garner, Protection and Survival Lab with Flight Standards Technical Division, conducted the testing. His comments were "the testing was helpful, quite favorable and we are now more aware of the situation." His report will be submitted to flight standards in Washington, D.C., the last week of October.

Gentlemen, PVA suggests the following be adopted for future procedures by FAA:

1. Create a committee with doctors and handicapped persons, to improve ways to evacuate, headed by Doctors Dilly and Snow from Civil Acromedical Institute.

2. FAA should have a list of all handicapped organizations and work closely with PVA, in order to have a list of handicapped volunteers to be available for evacuation demonstrations.

3. Have all airlines go through an emergency evacuation demonstration with appropriate handicapped persons.

4. If aircraft is a simulator, then all simulator planes must be designed the same as the actual aircraft in operation.

5. Have all equipment the same, such as, armrest (removable), table trays, seatbelts.

6. If there is going to be special seating for the handicapped then there should be special seatbelts, that is, shoulder straps.

7. FAA should look into other ways to improve the slide evacuation system.

In closing, in our modern era we, and I mean all of us who believe in the Constitution that all men are created equal, should not stop at any point until all types of transportation is accessible to the most minority group of all, the physically disabled.

STATEMENT OF THE NATIONAL ASSOCIATION OF THE PHYSICALLY HANDICAPPED

Thank you for the opportunity to present additional physically handicapped's views and apprehension at this Hearing. I am Barney F. Stanton, Jr., National Legislative Chairman of two self-help physically handicapped organizations, the National Association of the Physically Handicapped, Inc. (NAPH) and the National Congress of Organizations of the Physically Handicapped (COPH). NAPH is composed of individual members; COPH is made up of both national organizations and local one-unit clubs of the physically handicapped, uniting in common causes, while maintaining their separate identities. All are self-help organizations of the physically handicapped, NOT service groups *for* the disabled. These two self-help organizations speak for a large segment of the physically handicapped population.

I must state that, it is the feeling of many handicapped persons, that the purpose of the 16 questions (Reference Notice 73–16, FAA Docket No. 12881) is not just concern about safety and evacuation factors as it is to justify denying the handicapped passage on the airlines. Many of us answered the Civil Aeronautics Board's questions in 1971 which we thought were designed to help the airlines provide us with better service. We understand that those answers were turned over to the Federal Aviation Administration some time ago.

In answering the CAB's questions, we pointed out that physically handicapped persons should *not* be confused with ill or injured individuals, that while we have a mobility problem, we are not "sick." We know that the FAA has incorporated our answers to the CAB with the FAA Docket on Air Transportation of Handicapped Passengers, No. 12881.

We recently heard from physically handicapped persons who presented testimony at these hearings around the country. They expressed the feeling that, rather than make the transportation of physically handicapped persons uniform from airline to airline—to our benefit—that, if *some* of the views and suggestions presented by the airline personnel were adopted, fewer of us who have been traveling for many years and traveling alone would be permitted on planes.

The relatively inexpensive bus and train as a means of transportation has almost disappeared in parts of this country and the airlines seemingly helped contribute to their demise. As a "common carrier" the commercial airlines are to provide service to the public. The disabled are tax paying consumers and we have a right to fly, too. Flying is the best and most convenient and comfortable method of traveling any extended distance for the physically handicapped and the physically handicapped are as entitled to this mode of public transportation as any other person.

In yesterday's (October 17, 1973) Washington Post there was an article on airlines—saying that many of them now fly at 50% load capacity—so there *is* room for us on the planes.

We feel there should be no limit to the number of handicapped passengers on any plane. (If a great number of handicapped passengers are flying the same plane, it is probably chartered for a handicapped tour, with attendants, etc. We feel there should be no quota, because it would be unusual for a great number of disabled passengers to fly the same plane, unless they were going to a national convention of the handicapped, or to the President's Committee on Employment of the Handicapped's Annual Meeting, etc.) Any physically handicapped person who is able to care for himself or has an attendant should be permitted to fly.

We feel the lay criteria approved by the Civil Aeronautics Board in 1962 to bar carriage—in particular circumstances—of several classes of physically handicapped persons has lead and might further lead to complete discrimination against some disabled based on subjective judgements, which vary from person to person, in the airline industry. We feel the term "gross disfigurement" is particularly subject to various interpretations, and what might be considered "offensive" allows room for a wide variance of opinion. To some people, anything *they* are not familiar with, anything that is new or different or unusual, is unacceptable.

We feel this has nothing to do with safety and/or evacuation factors. We know there are many paraplegics and quadriplegics who need only to be helped *into* their seats who will require no further attention from the flight attendants, until they deplane.

The Civil Aeronautics Board, the Federal Aviation Administration, Congress and the general public have all heard and/or read of some handicapped persons being refused passage by one particular airline, even though they have flown for many years on other airlines. We don't think an identification card which certifies the ability of a handicapped person to fly, unaccompanied, is necessary—but, if one is issued—based on a doctor's examination—it should be accepted by *all* airlines. We should not have to get one for each and every airline we wish to fly. Even then it should not be mandatory!

Many handicapped passengers do not require the use of the restroom (for their personal needs) because they limit their liquid intake to carry them through the flight. It might help if that narrow "transport seat," the armless one with straps, were left on all aircraft for emergencies; or a small wheeled chair. However, larger restrooms, wider aisles, more leg room would make flying more comfortable to the general public as well as the handicapped individual. We know there is concern as to which handicapped individuals should be required to travel with an attendant, and who this attendant should be, and how much he should do for the passenger.

In case of a crash (provided the plane was not at a 90 degree angle), many handicapped persons could crawl or "scoot" along the floor to evacuation. The handicapped are used to being the last ones off the plane as a matter of course. The airlines already carry blankets which could be wrapped around the handicapped person so as to keep his legs and arms from being injured. This same precaution would keep leg braces from damaging the fiber emergency evacuation chute.

It has been suggested (by Fran Halbeisen Lowder, see letter in Docket No. 12881) that stewardesses' training for practice evacuation include handicapped persons, or that some large agency for the handicapped such as the Easter Seal Society, the President's Committee on Employment of the Handicapped, the United Cerebral Palsy Association, the National Rehabilitation Association, have a demonstration with a mock-up exit and chute (with an aisle and some debris in it) at one of their national conventions—using the handicapped in one of the workshops. Many handicapped persons have asked to be seated near the exit with them evacuating either 1-first, 2-in order, or 3-last.

We understand that the practice evacuation demonstration can *not* be accomplished in the stated 90 seconds, and that in a recent commercial "real" evacuation it took the passengers all of six (6) minutes to evacuate the plane which had landed intact,—right side up with no fire.

We are more concerned with our right to fly and have cited in our letter of December 20, 1971 to the CAB the various laws which pertain to this right of the handicapped to public transportation. We do not wish to take time here today to repeat the points in our letter again although some of the other witnesses here may bring them up.

Again we would like to stress the fact that the vast majority of the physically handicapped do not need or want an attendant, and with or without an attendant, are entitled to "fly the friendly and fast skies." Thank you.

(Postscript: There was time permitted for rebuttal at this last FAA Public Hearing, the airline personnel lead off with comments to the effect that if the handicapped got the seating consideration they were requesting, then the airlines would "have to provide facilities for the elderly, nurseries for infants, stretchers for the injuried, small chairs for midgets . . . etc." The handicapped to a man had comments and questions and suggestions in answer to the foregoing, both publicly and privately. The FAA Hearing Officers were very helpful and agreed with us privately that there should be some way to transport batteries for motorized wheelchairs. Buzzard's Point Building was completely accessible to the handicapped witnesses: entrance, elevators, cafeteria, restrooms, auditorium. We appreciate FAA's consideration.)

COSPONSORSHIP OF AMENDMENT TO FREEZE PART A MEDICARE DEDUCTIBLE AT $72 FOR 1974

Mr. CHURCH. Mr. President, it is with a sense of urgency that I cosponsored the Muskie amendment to freeze the medicare part A deductible for hospital insurance at $72 for 1974.

Under present law, the deductible for hospitalization is scheduled to rise from $72 to $84, representing a 17-percent jump at a time when millions of older Americans are scrimping on limited, fixed incomes. If this increase should go unchecked, this means that the part A deductible will have more than doubled in nearly 5 years. In December 1968 the deductible was pegged at a $40 level. Since then, it will have risen by a staggering 110 percent.

This inordinate increase—coupled with the runaway inflation during the past year—can have the effect of financially crippling many of our senior citizens.

To my way of thinking, the elderly have already been victimized to a far greater degree by the colossal mismanagement of our economy than any other age group in our society.

The 20-percent rise in food prices during the past year has forced many older Americans to cut back on their food consumption. And in some cases, they have found it necessary to switch to dog or cat food.

If the $84 deductible is allowed, I fear that large numbers of aged persons will simply delay seeking necessary hospitalization—or perhaps will wait until treatment is no longer effective.

We must also remember that an $84 deductible would have ripple effects—resulting in increased coinsurance charges for nursing home care and lengthy stays in the hospital. For example, the coinsurance charge for qualifying skilled nursing care would be boosted from $9 to $10.50 per day for patients who are in long-term care facilities from 21 to 100 days. Aged individuals who are hospitalized from 61 to 90 days would also have their daily coinsurance charge raised from $18 to $21. And patients who must draw upon their 60-day lifetime reserve would have their coinsurance charge boosted from $36 to $42 per day.

Approximately 5.5 million aged and disabled medicare beneficiaries are expected to be hospitalized during 1974. These individuals would, of course, bear a major portion of the added costs because of the scheduled increase in the deductible and other coinsurance charges under part A.

Older Americans now account for about 27 percent of all medical expenditures, although they represent only 10 percent of our entire population. In fact, average health care costs for persons 65 or older amounted to $981 in fiscal year 1972, almost seven times the amount for individuals under 19 and nearly three

times as great for Americans in the 19 to 65 age category.

The harsh reality is that the elderly now pay more in out-of-pocket payments for medical care than the year before medicare became law. In fiscal 1972 their per capita direct payments amounted to $276, or $42 more than in fiscal 1966. These out-of-pocket payments, moreover, do not include the part B premium, which now amounts to $75.60 per year for an individual.

Quite clearly, true security in retirement can never be a reality until our Nation overcomes the mounting health care costs which still pose a serious threat to the economic well-being of the elderly.

For these reasons, I strongly urge the adoption of this amendment to freeze the part A deductible at $72 for 1974.

REFORMING CIVIL SERVICE LEAVE

Mr. MOSS. Mr. President, this morning the Senate Post Office and Civil Service Committee unanimously reported out H.R. 1284, a bill that would be an important step in reforming the leave system for our Federal employees. It makes no changes in the manner by which Federal employees accrue annual leave but it does make several important changes in the administration and application of the leave system.

In the past we have, in effect, penalized persons who lost annual leave through clerical error. There have also been occasions when employees have taken annual leave in excess of their allotted amounts and the Federal Government has had no recourse. This bill provides a mechanism by which both inequities would be corrected.

Another problem that would be alleviated by this bill is the occurrence of illness during a scheduled annual leave. Surely employees should not be penalized when illness occurs during their leave, but should have that leave available for use at a later date. Another section of this bill would provide that civilian employees or their survivors who are missing or held captive would still be able to receive remuneration for leave which they, quite obviously, are unable to utilize. Certainly we can find it within ourselves to award remuneration to these people who have suffered both mentally and physically in the course of their duties as employees of the Federal Government.

In my view, one of the most significant provisions of this bill is one that would apply to a large number of NASA employees. As chairman of the Aeronautical and Space Sciences Committee, it has come to my attention that, in these days of extended space flights, many employees are unable to take leave because they simply cannot be spared. Under present provisions of law, annual leave is lost if the employees is unable to take it because of the press of business. So we are faced then with a situation wherein we penalize our employees for their dedication and success in the establishment of America as the preeminent nation in space. It is time that this situation be amended. This bill provides for the solution—the leave which cannot be taken because of the exigencies of business would not be canceled.

The Federal Government should be the most progressive employer in the Nation, and should set an example for the private sector of our economy. It behooves for us to correct the inequities in our present civil service leave system through the passage of this bill. I hope that the Senate will act promptly on H.R. 1284, and that it will be signed into law before the end of this session.

WILKES COLLEGE HONORS SENATOR SAM J. ERVIN, JR.

Mr. ROBERT C. BYRD. Mr. President, at its commencement in June 1973, Wilkes College of Wilkes-Barre, Pa., honored our colleague, Senator SAM J. ERVIN, JR., of North Carolina, by conferring upon him the honorary degree of doctor of humane letters. The citation accompanying the award of the degree read as follows:

> In recognition of his years of distinguished service as a lawyer, judge, and United States Senator, of the years of quiet dedication to difficult assignments that made him an eminent authority on the Constitution of the United States, and of his steadfast support of that Constitution, and of his unheralded service that gained him the unprecedented bipartisan respect of his colleagues.

APPOINTMENT OF A SPECIAL PROSECUTOR

Mr. MONDALE. Mr. President, much discussion has taken place in the past several days as to the power of the Congress to vest the appointment of a special prosecutor in a Federal court. The discussion has arisen as a result of the discharge of Archibald Cox as Special Prosecutor on October 20, 1973, and the introduction of several bills which would establish a new Special Prosecutor to be appointed by the judiciary.

I have received a memorandum prepared by Prof. Lee C. Bollinger, Jr., of the University of Michigan Law School. Professor Bollinger is a constitutional scholar and a former Supreme Court law clerk. I believe that my colleagues will find Professor Bollinger's views on the power of the Congress most informative.

I ask unanimous consent that Professor Bollinger's memorandum be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

CAN CONGRESS VEST THE APPOINTMENT OF A SPECIAL PROSECUTOR IN A FEDERAL COURT?

OCTOBER 29, 1973.

In the wake of President Nixon's decision to order the Attorney General to discharge Mr. Cox as the Watergate Special Prosecutor, many individuals and groups have called for legislation creating a new independent prosecutor who would be immune from presidential removal. Early last week, for example, the deans of 17 law schools signed a petition urging Congress to vest the power to appoint a special prosecutor in a federal court. The deans, along with many others of like mind, asserted that Congress was empowered to enact such a law by virtue of Article II, Section 2, of the Constitution. That Section reads in relevant part:

"[The President] shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: *but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Court of Law, or in the Heads of Departments.*" (emphasis added.)

The purpose of this short memorandum is to discuss whether the language, history and judicial interpretation of Article II, Section 2, support the position that Congress can, if it chooses to do so, vest the power to appoint a special prosecutor in a federal court.

I

Looking first at the language of Article II, Section 2, one is immediately struck by its clarity. Unlike the rather general phrasing found throughout much of the Constitution, this clause speaks with precision, without qualification or caveat. It says in plain terms that the Congress may, "as they think proper," vest the appointment of "Inferior Officers" in "the President alone, in the Courts of Law, or in the Heads of Departments." By all appearances the individuals who penned this language intended to leave the delegation of the appointment power of lesser federal officials to the unfettered discretion of the legislative branch. If there be any limitation on this discretion, it must be implied, for it surely is not explicit.

We all recognize, of course, that language is an imperfect medium. What may appear clear on the surface, often becomes murky upon further study. Any inquiry into meaning, therefore, must wherever possible go beyond the literal text to an examination of the circumstances under which the words were written or spoken. In instances like this, that means looking at the available records of the Constitutional debates.

When the relevent debates are examined, one finds nothing to suggest that the framers intended to say anything different than they did. The clause was proposed without discussion by Governor Morris. James Madison raised the only recorded objection. His criticism, however, was not that the clause would vest too much power in Congress, but that it did "not go far enough if it be necessary at all." Documents of the Formation of the Union of the American States, House Doc. No. 398, 69th Cong., 1st Sess., (1927). Madison thought that "Superior officers below Heads of Departments ought in some cases to have the appointment of the lesser offices." Id. Governor Morris responded: "There is no necessity. Blank commissions can be sent." Id. After this brief exchange, the amendment was agreed to on the second vote.

When we next turn to the judicial decisions interpreting the pertinent clause in Article II, Section 2, we again find nothing to make us doubt Congress' authority to empower a federal court to appoint a special prosecutor. On the contrary, the one relevent Supreme Court decision strongly supports such an interpretation of congressional power. See *Ex parte Siebold*, 100 U.S. 371 (1879). At issue in *Siebold* was a congressional statute authorizing the judges of federal Circuit Courts to appoint supervisors of congressional elections and marshalls to assist those supervisors. Writing for the Court, Justice Bradley rejected the argument that "no power can be conferred upon the courts of the United States to appoint officers whose duties are not connected with the judicial department of the government." Id. at 397. Citing Article II, Section 2, the Court held that the "selection of the appointment power, as between the functionaries named, is a matter resting in the discretion of Congress."

Id. at 397–98. This result seemed to make eminent good sense to the Court:

"And, looking at the subject in a practical light, it is perhaps better that it should rest there, than that the country should be harassed by the endless controversies to which a more specific direction on this subject might have given rise." Id. at 398.

The Court in *Siebold* was also unpersuaded by another line of constitutional argument: that the statute was inconsistent with Article III in that it delegated powers to the courts that were nonjudicial in nature. This is not a case, the Court said, where Congress had sought to impose duties on the judicial branch that were not authorized by the Constitution; on the contrary, here "the duty to appoint inferior officers, when required thereto by law, is a constitutional duty of the courts" by virtue of Article II, Section 2. Id. at 398.

The *Siebold* decision is not the only precedent on Article II, Section 2, though it certainly is the most authoritative. For example, Congress long ago enacted a provision now contained in 28 U.S.C. § 546, which provides:

"The district court for a district in which the office of United States attorney is vacant, may appoint a United States attorney to serve until the vacancy is filled. The order of appointment by the court shall be filed with the clerk of the court."

This statute was upheld as constitutional in *United States v. Solomon*, 216 F. Supp. 835 (S.D.N.Y. 1963). The district court there relied on Article II, Section 2, in rejecting an argument that the provision violated the Doctrine of Separation of Powers.

Similarly, a three judge court relied on Article II, Section 2, in upholding a congressional statute under which judges of the United States District Court for the District of Columbia were authorized to appoint members of the District of Columbia Board of Education. See *Hobson v. Hansen*, 265 F. Supp. 902, 911–16 (D.C. 1967).

II

The foregoing review of the relevant legal authorities would seem to indicate that there is strong support for the proposition that Congress could under Article II, Section 2, place the power of appointment of a special prosecutor in the federal courts. Before accepting that conclusion as sound, however, we must consider the one major argument which can be anticipated in rebuttal: that it would be an impermissible usurpation of executive powers for Congress to delegate the appointment of executive officials to the judicial branch. Surely, it might be argued, the last clause of Article II, Section 2, should not be interpreted to mean that Congress may authorize a federal court to appoint the Under Secretary of State. Such a construction would give rise to a serious breach in the wall of separation of powers. And, if that is so, then a line must be drawn somewhere between "excutive inferior officers" and other inferior officers. A special prosecutor, the argument would conclude, falls into the formed category; his role would be to see that the laws are enforced, historically an executive function.

While this line of argument cannot be lightly dismissed, it contains several flaws which make it ultimately unpersuasive. First, insofar as the argument suggests that Congress may never vest courts with the power to appoint any official who will perform a nonjudicial, or an "executive," function, it is squarely refuted by the Supreme Court's decision in *Siebold*, as well as by the other lower federal court decisions mentioned previously. Congress itself, moreover, has rejected the suggestion; as we have seen, 28 U.S.C. § 546 provides for the interim appointment of United States attorneys by federal district courts. Second, even if it is conceded that a court could not appoint an inferior officer whose duties would be *exclusively* executive in nature, that concession would not necessarily preclude judicial appointment of a special prosecutor. It has long been recognized that a prosecutor is intimately involved in the judicial, as well as executive, functions of the government. As an officer of the court, subject to the supervisory power of the federal courts, the U.S. attorney performs a dual function within the overall scheme of government. He is, in short, markedly different for these purposes than the Under Secretary of State.

In order to sustain the power of Congress to provide for judicial appointment of a new Watergate special prosecutor, however, one need not go so far as to assert that judicial appointment of all United States attorneys would be proper. For the situation now facing the country is unique and clearly calls for extraordinary solutions. The highest officials in the executive branch are the subjects of criminal investigations. That hard fact means that if the executive branch is to control the investigation of alleged wrongdoing by its own members, the very integrity of the government will be called into question. It would seem entirely unreasonable in this instance, therefore, to give a crabbed interpretation of Congress' constitutional powers, especially when the constitutional language is so explicit and the judicial decisions so favorable to a broad reading of congressional authority.

I therefore conclude that it would be constitutionally permissible for Congress to designate a court of law to appoint a special prosecutor, having limited powers of investigation and prosecution and holding office only for a limited period of time.

LEE C. BOLLINGER, Jr.,
Assistant Professor of Law, University of Michigan Law School.

GRAVITY ASSISTS SPACE EFFORT

Mr. MOSS. Mr. President, the mysteries of the universe that are locked in the neighboring planets of our solar system have long puzzled mankind. Investigation of these secrets has been restricted by the expense involved in exploration and the limited operating parameters of present-day rockets.

Fortunately, research at NASA's Jet Propulsion Laboratory has provided a method for overcoming these restrictions and limitations.

The idea is to use the gravitational field of one planet to change the flight path of a spacecraft so that it may journey to another planet—without any additional use of rocket power. Thus, by applying this "gravity assist," it is possible for a single rocket to fly by several planets.

Application of this concept is one of the goals of Mariner 10, which is presently streaking toward Venus. After investigating that planet, the craft will change trajectory by "gravity assist" and hurtle toward Mercury for an additional assignment.

The promises held for future space exploration by utilization of this technique are limitless. NASA, and those responsible for development of the "gravity assist" concept, are to be commended for their efforts.

I call to the attention of the Senate, an article in the November 4 edition of the New York Times, which describes in detail the development and operation of this system and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CRAFT SPEEDS TOWARD MERCURY ON THE WINGS OF STUDENT'S IDEA

(By John Noble Wilford)

CAPE CANAVERAL, FLA., November 3.—Spacecraft used to get where they were going by brute rocket force alone. Now, a spacecraft, Mariner 10, is speeding toward Venus and eventually Mercury to demonstrate that the gravity of one planet can provide a free ride to a more distant planet.

It is an idea that should greatly expand man's thrust out into the solar system without any appreciable advance in rocket power. It is an idea, once practiced and proved, that should enable another Mariner, embarking in 1977, to bounce off the gravitational field of Jupiter and reach out for the first reconnaissance of Saturn.

If budget cuts had not intervened, it would have been the basis for a "grand tour" of all the outer planets, from Jupiter out to Pluto, starting in the late nineteen-seventies and extending for more than a decade.

The idea is to use the gravitational field of one planet—Venus, in the case of Mariner 10—to change the speed and flight path of a spacecraft so that it can, without any additional major use of rocket power, reach a more distant planet—Mercury, in this case. In this way, it is possible to fly by several planets in the solar system on the strength of present-day rockets.

MISSION IS DESCRIBED

Some call the concept a "gravity-assist" trajectory and describe it as a "bank shot" in interplanetary billiards.

The first trial got under way here early today with the successful launching of Mariner 10, an unmanned camera-bearing spacecraft. Its mission is to return scientific data and the first television pictures of Venus and Mercury.

Flight controllers reported some difficulty late today in attempting to switch on heaters for the spacecraft's television cameras. A mission spokesman said that the problem was not viewed as serious at this time. All other systems on the 1,100-pound spacecraft appeared to be functioning normally.

Mariner 10 is scheduled to fly within 3,300 miles of Venus in February and within 621 miles of Mercury in late March, traveling closer toward the sun than any previous man-made object.

The evolution of gravity-assist spaceflight as a practical concept began in 1961 when a graduate student at the University of California at Los Angeles took a summer job at the Jet Propulsion Laboratory at Pasadena, Calif.

The student, Michael A. Minovitch, was 24 years old at the time, an intense and imaginative young mathematician. He had already taken all the graduate mathematics and physics courses U.C.L.A. offered. But he couldn't bring himself to complete his Ph.D. requirements and leave school. He was, as his associates recall, "a professional student."

A SUMMER TASK

At the Jet Propulsion Laboratory, which directs most planetary explorations for the National Aeronautics and Space Administration, Mr. Minovitch was handed the summer task of developing multiplanet trajectories for spacecraft. Theoreticians had earlier suggested such missions but had not done the detailed mathematics.

And in all their theories, the theoreticians had "consistently overlooked" the gravity-assist possibilities, according to a study of the evolution of the concept prepared by Dr. Norris S. Hetherington of the University of Kansas, for the NASA historical office.

Victor C. Clarke, Jr., a trajectory analyst at the laboratory and Mr. Minovitch's supervisor, recalled in an interview:

"Mike plunged into the assignment with the idea he was going to invent something, and he did."

First, Mr. Minovitch decided that it was essential to develop better formulas for computing trajectories. At the time, it was not possible to determine the velocities of orbiting bodies with any great precision.

In an interview recently, Mr. Minovitch said:

"My new method was a neat formulation for describing velocity vectors of one body in orbit with respect to another body. With this we were able to calculate trajectories with a precision necessary for gravity-thrust trajectories. Then we began proposing missions and defining trajectories."

BORROWED COMPUTER TIME

Mr. Minovitch continued the work during the Christmas vacation, checking and rechecking his formulas. He borrowed time on the U.C.L.A. computer at night and shuttled the stacks of print-outs between the campus and Pasadena.

Thousands of proposed trajectories involving flight combinations to all the planets were analyzed. Occasionally Mr. Minovitch let his imagination take wing.

In a report on his work in 1963, he suggested the feasibility of constructing a huge spaceship several miles wide and placing it on a sort of "perpetual motion" trajectory around the solar system.

"Each time it flew close to a planet," Mr. Minovitch said, "vehicles like taxicabs could shuttle to and from the big vehicle to transport passengers and supplies."

On a more modest scale, Mr. Minovitch studied thousands of trajectories from earth to Venus and from Venus to Mercury until he found the one that is the basis for the Mariner 10 mission

A MAZE OF MATHEMATICS

The following emerges from the maze of mathematics as the essential procedures for the first multiplanet mission.

An Atlas-Centaur rocket launched Mariner 10 at 12:45 A.M. today. Lift-off was set by determining the optimum time for arrival at Venus and Mercury and calculating backward. After coasting in earth orbit about 25 minutes, moving from night to day, Mariner 10 was given its final rocket boost toward Venus, escaping the earth's gravity at an initial speed of 7.3 miles a second.

The spacecraft left the vicinity of earth in a direction opposite the motion of the earth around the sun. In effect, the spacecraft fell away from the earth orbit and is falling in toward the sun now, gathering speed from the pull of solar gravity.

To go to the outer planets, the spacecraft would have to be launched out of earth orbit in the direction of the earth's movement. Earth's own orbital velocity of 66,000 miles an hour would thus impart a directional velocity for the spacecraft, which would be struggling to climb away from the sun.

As planned, Mariner 10 is on a course that should take it through a selected point above Venus at a precise time and a precise velocity on Feb. 5. Two midcourse maneuvers, using the spacecraft's small thruster jets, are planned to fine-tune the trajectory.

The idea is to approach Venus at a speed of 22.9 miles a second (relative to the sun). If the aim is good, this would take the spacecraft past Venus at an altitude of 3,300 miles, bend Mariner's trajectory 34 degrees and slow it down to an initial post-Venus velocity of 20 miles a second.

THE HONORABLE WILLIAM O. DOUGLAS

Mr. CHURCH. Mr. President, the Honorable William O. Douglas, Justice of the U.S. Supreme Court, paid Idaho a tribute several weeks back by visiting in Boise and speaking out on several issues of great importance to the people of my State. Anyone who has followed the distinguished career of this man, as I have, knows of his tremendous affection for the outdoors. He expressed his love of nature in his Boise address.

On October 30, Mr. Justice Douglas surpassed all his predecessors in length of service as a justice of the Supreme Court. Having already served 34 years, 197 days as a member of the U.S. Supreme Court, I wish Mr. Justice Douglas continued good health and many more years of brilliant service as a Justice of the Supreme Court.

The Idaho Statesman commented upon the very fine remarks made by the Justice during his Idaho visit. I ask unanimous consent that the text of that article appear at this point in the RECORD:

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Idaho Statesman, Sept. 29, 1973]

JUSTICE DOUGLAS

"Put your arms around this beautiful land of yours. Keep it and protect it as an inheritance for your grandchildren."—Justice William O. Douglas, of the U.S. Supreme Court, speaking in Boise.

Justice Douglas is one of the nation's foremost defenders of the natural environment. On the Supreme Court he has also been a great defender of individual liberty.

Those themes came through in his Idaho appearance Thursday night. Save the rivers, save the land. Save the individual from the government. Let the people control the government, rather than big corporations.

Justice Douglas said Idaho appears to be near a crossroads in its decisions on its land and rivers.

He's right. Right now timber and mining interests are mounting a big campaign to open the Idaho and Salmon River Breaks Primitive Areas to the bulldozers. This magnificent area has been managed as wilderness under Primitive Area classification for 40 years. Now a massive campaign is underway to take away that protection—and subject the finest salmon and steelhead spawning waters in the West to damage and siltation from timber roads and timber cutting.

This is an issue that pits people in Idaho who want to protect a quality environment against big corporate interests. The people can win, but the corporate interests have plenty of money and power to throw into the battle.

Douglas is a man who loves rivers, who feels pain when they are channelized into sterile chutes, who hurts when the life-giving estuaries of the sea are dredged so a subdivider can make a few bucks.

He is concerned about radioactive wastes from nuclear power plants. A debate is growing among scientists over the relative safety of nuclear plants. Whether the worst fears are correct or not, it is a question that needs more public attention.

On constitutional issues, Justice Douglas believes that the first 10 amendments were designed to keep government off the backs of the people. Since the constitution says the press will be free, he sees no reason to grant exceptions.

Justice Douglas said that the late Idaho Sen. William E. Borah tipped the scales on his appointment to the court (in 1939). Borah assured President Franklin Roosevelt that Douglas would be acceptable in the West.

Douglas at 74 remains an inspiring figure. Physically he looks his age, but his mind is sharp. He says a lot in a few words. He spoke Thursday to a large and receptive audience. At a time when the natural environment needs friends, and the individual at times seems helpless in the face of the power arrayed against him, it's good to have a man like Douglas on the Supreme Court.

SPECIAL MILK PROGRAM RESTORED TO FULL FUNDING

Mr. BIDEN. Mr. President, the U.S. Department of Agriculture has just announced its updated regulations concerning the special milk program. Included is the full $97 million as passed by the Senate and retained in conference with the House of Representatives. Earlier this year the administration attempted to cut this widely accepted program by almost three-quarters, trying to deny it to any school which provided a "regular" food service, even to the extent of considering vending machines sufficient to exclude participation. I commend my colleagues for restoring the needed funding for this worthwhile program, permitting the same level of spending as last year. I ask unanimous consent that this article printed in the New York Times citing these new regulations be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Nov. 1, 1973]

UNITED STATES TO RESTORE FUNDING OF MILK SNACK

WASHINGTON, October 31.—The Agriculture Department announced today that it would restore full funding of the special milk program to provide snack time milk for school children.

The department also said that a new Federal regulation that went into effect last August allowed school cafeterias to serve nonfat dry milk if the product was reconstituted into liquid form at dairy processing plants.

Funding for the special milk program will be restored to the full level provided in the department's appropriations legislation for fiscal year 1973–74.

Last July, the department said it would hold special milk spending this school year to $25-million. But Congress insisted that $97.1-million be used to provide children milk at snack periods in addition to servings at regular meals.

Administration officials had wanted to limit special milk servings to schools not having regular meal service.

EARLY RATES RESTORED

In bowing to Congress, the department said it would reimburse schools participating in the National School Lunch Program at a rate of four cents per one-half pint of special milk served.

"For other schools and for child care institutions which sell milk to children at a separate charge, the maximum rate of reimbursement is set at three cents per half pint," the department said.

Those are the reimbursement rates that applied previously before the Agriculture Department announced last summer the cutback in special milk spending, officials said.

The practice of serving reconstituted nonfat dry milk is not believed to be widespread at this time, a spokesman for the Food and Nutrition Service said, and savings to schools that use dry milk as a food source will be limited.

Milk rules affecting school lunches and other child nutrition programs were changed

XUM

Aug. 13 to permit the use of low fat, skim milk and cultured buttermilk in addition to regular whole milk.

The spokesman said the rule had also been interpreted to allow the use of reconstituted powdered milk as long as the practice complied with state and local laws.

That means that schools and other institutions can collect Federal reimbursement for serving the alternate milk products.

In the case of school lunch programs, the Federal Government reimburses schools at the rate of eight cents per half pint served.

A new bill that revamps Federal child nutrition assistance provides a 10 cent reimbursement. The bill is awaiting approval by President Nixon.

Officials said the requirement that schools must have nonfat dry milk reconstituted by dairy plants was stipulated for sanitary reasons since most cafeterias are not equipped to do the job within health requirements.

GUNS KILL FRIENDS

Mr. HART. Mr. President, a study carried out by officials of the coroner's office of Cuyahoga County, Ohio, reached this conclusion:

> A gun purchased to protect a family against an intruder is six times more likely to be used to kill a family member or a friend.

The results of the study were reported in Monday's edition of the New York Times. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Nov. 5, 1973]

GUN MISHAP TOLL UP FOR CIVILIANS

(By Nancy Hicks)

SAN FRANCISCO, November 4.—A gun purchased to protect a family against an intruder is six times more likely to be used to kill a family member or a friend, according to a study disclosed here today.

The study, the latest part of a continuing examination of the effect of civilian-owned guns in the Cleveland area, showed that the death rates from accidents involving guns had increased fivefold for urban populations and had doubled for suburban populations during the 14 years since the study began in 1958.

Of a total of 131 accidental deaths from firearms in Cleveland and its suburbs during this period, 110 resulted from "mishaps with guns," the report said. Only 17 intruders were killed by armed civilians during the same period.

Three-quarters of the fatalities occurred in the home, with almost an equal number caused by someone handling or playing with a gun, the report said.

HEALTH GROUP MEETING

These figures on accidental deaths from civilian ownership of guns were reported at the 101st annual meeting of the American Public Health Association, which opened today. The figures were compiled by Dr. Charles S. Hirsh and Dr. Lester Adelson, both of the Cuyahoga County coroner's office, and by Dr. Norman Rushforth, chairman of the department of biology at Case Western Reserve University, and Dr. Amasa B. Ford of the department of community medicine at the university's medical school. The group is looking at 13 other cities, including New York and Boston, for their experience.

"Firearm deaths are smaller than those for vehicular, industrial, home and other accidents," the researchers wrote. "However, deaths from firearms have increased more than those from any other type of accident, climbing threefold, while deaths from vehicular accidents increased 50 per cent over the 15-year period and other accidental deaths rose only slightly."

Last year, the group reported a similar rise in the number of homicides caused by hand guns in Cleveland. The group's study used homicide as an index of social stress in people's lives, Dr. Ford said in an interview.

"The possession of firearms by civilians appears to be a dangerous and ineffective means of self-protection," the group wrote. Only a Federal statute, not the current state-by-state approach to control, will solve the problem, Dr. Ford said.

FUTURE DIRECTIONS FOR THE SOCIAL SECURITY ADMINISTRATION

Mr. CHURCH. Mr. President, low income in retirement continues to be the No. 1 problem facing older Americans.

As inflationary pressures gain new momentum, the retirement income crisis now experienced by millions of elderly has intensified.

Consequently, the need for increased social security is a matter of utmost urgency. In fact, it is the priority concern for the Nation's aged.

But, we must also look beyond the present crisis and consider other crucial action to insure the orderly growth and improvement of the social security program. It is absolutely essential that our Nation not become complacent because of the advances made in recent years, including:

Cost-of-living adjustments to help protect older Americans from the impact of inflation;

Increased benefits for nearly 3 million elderly widows;

Liberalization of the retirement test; and

Creation of a new Supplemental Security Income program which will, for the first time in our history, establish a Federal floor under the incomes of older Americans.

Instead, we must continue to build upon these solid achievements. This is a major reason that the Senate Committee on Aging, of which I am chairman, has launched a comprehensive inquiry into "Future Directions in Social Security."

All Americans have a vital stake in insuring that the integrity of the social security system is maintained. Today social security—in one form or another—touches the lives of almost every American family. In fact, social security is practically a universal system. Approximately 91 percent of the elderly now receive or are eligible to receive payments when they or their spouses stop working. More than 9 out of every 10 persons in paid employment and self-employment are covered or are eligible for coverage. Nearly 4 out of 5 persons aged 21 to 64 have disability protection. And 95 percent of the children under 18 and their mothers are covered if the wage earner should die.

Throughout its history the social security system has been a model of excellence—in large part because it has been nonpolitical, superbly administered, and free of scandals. These qualities, which have helped to make the social security system such an enormous success, must be given permanence through further organization safeguards.

At the Committee on Aging's recent hearings on "Future Directions in Social Security," one proposal urged with repeated frequency was the establishment of an independent, nonpolitical board to administer the social security program. It was also suggested that elected officials should be prohibited from announcing benefit increases by enclosing notices with social security checks.

Leading witnesses gave many compelling reasons for the creation of some type of independent authority, including:

An independent board would provide continuity of policy and operation.

It would provide further protection against subverting the social security system for narrow, partisan advantage.

It could provide a means for removing the social security trust funds expenditures from the consolidated budget. As a result social security expenditures could be assessed on their own merits, rather than in terms of their immediate impact upon the overall Federal budget.

The National Retired Teachers Association and the American Association of Retired Persons—in testimony delivered by Cyril Brickfield—gave this assessment:

> The social security field is certainly large, important, and distinct enough to justify separate organizational status. Even more so would this be true if other, closely related income maintenance programs, such as unemployment compensation and railroad retirement be added to it. However, we believe that a Board could operate effectively within a larger organization if necessary just as it did within the Federal Security Agency and as some other boards and commissions do at the present time.

Mr. Nelson Cruikshank, president of the National Council of Senior Citizens, had this to say:

> An independent, non-political agency could assure continuity in both the review of the system's effectiveness and in its day-to-day administration—a continuity that cannot possibly be achieved under the present system when the administering officials are subject to change every few years and the program is reviewed only intermittently by an advisory council or by the Congress.

Former Secretary of HEW Wilbur Cohen—and now the dean of the school of education at the University of Michigan—called for the establishment of a three-member board appointed by the President with the consent of the Senate. He said:

> Social Security is so complex and I have been so concerned with the possibility of political involvement of the executive branch that I have been thinking more and more that the Congress ought to reestablish an independent board to administer the whole program so as to be sure that no political involvement becomes a factor in the social security system.

To my way of thinking, the proposed independent social security authority is worthy of very close and special attention. And, I wish to announce today that this recommendation will receive intensive scrutiny at future hearings conducted by the committee, as well as in staff studies and inquiries.

Mr. President, the written commentary presented on this subject by NRTA-AARP, National Council of Senior Citizens, and the honorable Wilbur Cohen—it seems to me—would be very informative for the Members of the Senate.

For this reason, I ask unanimous consent that appropriate excerpts from these presentations be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

NATIONAL COUNCIL OF
SENIOR CITIZENS, INC.,
Washington, D.C., August 21, 1973.

Hon. FRANK CHURCH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CHURCH: Thank you for giving me an opportunity to comment on proposals—made at your recent hearings on New Directions in Social Security—for establishing an independent, non-political board to administer the Social Security system.

At this time, I am expressing my personal views, rather than the official position of the National Council of Senior Citizens. Bill Hutton and I consider this matter so important and timely that we are placing it on the agenda of our September Board meeting. Since I am sure that you too will wish to explore the whole subject most thoroughly, there will undoubtedly be future opportunity for presenting the NCSC's official positions.

Every man, woman and child in this country has a vital stake in the social security programs of OASDI, HI, SMT, and SSI, and has a right to be assured that the trust fund will be administered with integrity and objectivity, and that there is continuous review of the system's effectiveness and fiscal soundness. Accordingly, I wholeheartedly favor the principle of administering these programs through an independent, non-political agency, be it called a "Board," a "Commission," an "Authority," or whatever.

Such an independent agency would underscore in the public mind the essential difference between these social insurance programs and other operations of the government. It would also provide greater visibility and prestige as well as optimum responsiveness to the constituents—and again I point out that the constituency encompasses all our people, regardless of age.

An important specific charge to this agency should be to develop and carry out an aggressive informational program. Our observation of social insurance programs in other countries indicates that this informational responsibility is an important part of the right to know on the part of beneficiaries, and of the effective administration of the program.

An independent, non-political agency could assure continuity in both the review of the system's effectiveness and in its day-to-day administration—a continuity that cannot possibly be achieved under the present system when the administering officials are subject to change every few years and the program is reviewed only intermittently by an advisory council or by the Congress.

Another advantage is that it would be made clear that the agency has its own source of funding through the trust funds it administers. Indeed, our Social Security system now has, but this is a fact not commonly recognized by the general public who are surprised to learn that their Social Security system owns its own buildings and equipment and finances its own operations.

An important essential would, of course, be removal of the Social Security Trust Fund expenditures from the consolidated budget. Thus, Social Security expenditures could be assessed on their own merits and in relation to sound actuarial principles rather than primarily through their immediate impact on the annual Federal budget. Furthermore, the other programs now under DHEW would be relieved of the need to absorb more than their reasonable share of Department-wide budget cuts when they are imposed—cuts that are heavily weighted by the sheer size of the Social Security program and its irreducible obligations.

One question you will wish to explore is the possibility that the agency could be truly independent with respect to both policy and operations but—for purposes of conforming to so-called "sound principles of public administration"—would be placed under the umbrella of DHEW, in somewhat the same manner as such federally-aided corporations as Howard University and Gallaudet College.

I would suggest that the Committee also study the Tennessee Valley Authority as a possible model.

You may be interested in my initial thoughts as to some of the specific provisions to be included in any legislative proposal. The "Board of Directors" should be small since these directors will be serving full-time; five might be a reasonable number to assure continuity through staggered terms as well as representation of both parties. Employees should continue to be under Civil Service. There will be need for writing in certain controls on the agency, such as the requirement that the major legislative proposals would be cleared through the President and that the appropriation process be much the same as now. The Board of Trustees (the Secretaries of the Treasury, Labor, and HEW) would continue as managers of the funds, with the Chairman of the agency's board of directors acting as secretary.

The statutory Social Security Advisory Council, the Health Insurance Benefits Advisory Council, and other special-purpose advisory councils would still be needed, but their membership would be appointed by the board of directors rather than by the Secretary of HEW—thereby enhancing the non-political character of the system.

Again thank you for giving me an opportunity to comment. As your committee pursues this important improvement in Social Security, NCSC stands ready to help you in any way.

Sincerely and respectfully yours,
NELSON H. CRUIKSHANK, *President.*

PREPARED STATEMENT OF THE NATIONAL RETIRED TEACHERS ASSOCIATION AND THE NATIONAL ASSOCIATION OF RETIRED PERSONS ON "FUTURE DIRECTIONS IN SOCIAL SECURITY": SUBMITTED TO THE SENATE SPECIAL COMMITTEE ON AGING, JULY 26, 1973

BIPARTISAN SOCIAL SECURITY BOARD

The elderly have a special interest in the quality and economic and social soundness of the OASDHI system and in the integrity and objectivity of its administration. The system has grown rapidly and the dependence that millions of the elderly have placed upon it for their financial security and health protection has increased proportionately. The Associations believe that the time has arrived to take steps to assure the continuity of the type of supervision, direction and development of the system which the country has enjoyed in the past. We think that one important step in the furtherance of this objective would be to return to the three-member bi-partisan board type of administration which, in our judgment, contributed so importantly to the success of our program in the United States and to the confidence which the public has in its administration.

The scope and technical character of our testimony is only one evidence of the diversity and of the social economic significance of the programs which make up the American social security system. Social Security legislation has been expanded and improved in the risks covered, in its coverage and the protection provided many times since its original enactment in 1935. Even since 1946 when the present Social Security Administration succeeded the bi-partisan Social Security Board the scope of responsibilities has been extended to include social insurance protection against the costs of hospitalization and medical care for the elderly as well as for the newly federalized public assistance program of Supplementary Security Income.

These programs when added to the earlier ones which provided social insurance income protection for the aged, for the survivors of workers who die and for the permanently disabled, present as formidable and as challenging a responsibility as exists in government.

These programs touch, very personally and intimately, the lives of practically every individual in the United States. They contribute in direct and important ways currently to the security, well-being and happiness of many millions of people of all ages and to the elderly in particular.

In view of considerations such as these and in the interest of providing the type of organization which could best assure integrity, competence and impartiality in the administration and development of the original Social Security Act of 1935, the Congress and the President agreed upon the three-member bi-partisan Board as the most likely organizational device for accomplishing these objectives. Moreover, as a further protection against undue political intervention and to foster a career service for competent personnel, a staff was required to qualify under Civil Service.

From the enactment of the original social security legislation in August 1935 until 1939 the Social Security Board functioned as an independent agency reporting directly to the President. In 1942 the Board together with the Public Health Service and the Office of Education (Reorganization Plan No. 1 of 1939) were placed within the Administrative jurisdiction of the Federal Security Agency. The Board, however, on essentially policy matters, was directed by the President to report directly to him. In 1946 the Board was abolished (Reorganization Plan 2 of 1946) and was succeeded by a single-headed "Administration" without change in function except that the Children's Bureau was transferred to it from the Department of Labor. There was no break in the continuity of policy or direction since Arthur J. Altmeyer, the Chairman of the abolished Board became the Commissioner of the Social Security Administration.

To complete the sequence of organizational changes the Social Security Administration in 1962 was divested of its responsibility for the Federal-State program of public assistance but carried on with what was formerly the Bureau of Old Age and Survivors Insurance to which hospitalization and medicare has been added.

Convincing evidence of the success of the Board in the development of sound policy, in the creation of an efficient organizational structure, in the recruitment of an extraordinarily capable, well-trained and dedicated staff and in establishing a reputation for integrity and competence, is so generally accepted that success is no longer debatable.

There is little question but that these early beginnings laid the general ground work for the reputation which the Social Security Administration still enjoys.

It should be added that the circumstances which resulted in the abolition of the Board-type of administration, according to those on the scene at the time, had nothing whatever to do with the internal operations, policy, or management of the Board. Rather the change was the result of an attempt to rationalize the organization of government as

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a whole and to reduce the number of agencies reporting to the President.

This is not the occasion to go into detail regarding a Board and its functioning other than to stress the desirability of capitalizing on the successful experience of the past. We recommend a three-member bi-partisan Board, two of the three being of the majority party, and all to be named by the President with the advice and consent of the Senate. The President would select the Chairman and all members would serve at his pleasure. The Board would be concerned primarily with policy formulation but would operate through an Executive Director. The Executive Director would have to qualify under Civil Service rules but would serve at the pleasure of the Board.

The Associations are aware of other and broader organizational questions incident to the formulation of a Board such as, whether it would become an "independent" agency reporting directly to the President or would take its place as a constituent of an existing executive department.

The social security field is certainly large, important, and distinctive enough to justify separate organizational status. Even more so would this be true if other, closely related income maintenance programs, such as unemployment compensation and railroad retirement be added to it. However, we believe that a Board could operate effectively within a larger organization if necessary just as it did within the Federal Security Agency and as some other boards and commissions do at the present time. In this case it would be well to spell out, in the law, the full scope of the Board's authority.

The Board should be constituted as to enable it to provide continuity of policy and operations, to protect it against purely partisan political intervention and to make it promptly responsive to the interests of its constituency. Being bi-partisan and thus largely non-partisan the Board's objectivity might be less a matter of concern to some members of Congress than is the case with a single appointive Commissioner.

The Associations are aware of the importance of this recommendation and realize that it will need considerable study. We will be happy to render any assistance in this respect that we can.

TESTIMONY BY HON. WILBUR J. COHEN

Mr. COHEN. The key aspect of the social security and Medicare system has been its incremental improvement which has permitted the changes to be successfully inaugurated with careful planning, widespread acceptance by individuals affected, participatory involvement of groups with special concerns, and gradual adaptation of costs by the economy.

If consideration is to be given to any administrative changes in the program, by either the executive branch or the legislative branch or any review, then I would like to suggest that one possibility would be to reestablish something like the original Social Security Board to administer the program.

This board would consist of three persons, that is illustrative of what the original board was, three persons nominated by the President with the advice and consent of the Senate for 6 years, staggered terms, with no more than two members from any one political party.

Social Security is getting so big and so involved and so complex and I have been so concerned with the possibility of political involvement of the executive branch that I have been thinking more and more that the Congress ought to reestablish an independent board to administer the whole program so as to be sure that no political involvement becomes a factor in the Social Security system.

I am not implying that any such politics have been undertaken so far.

Senator CHURCH. I think that in the last aspect, perhaps, now in the actual administration of the program, but in one aspect, certainly political advantage has been taken. That has been the custom of sending out notices of increases in Social Security that bear the signature of the President. This has happened not only under the present incumbent, Mr. Nixon, but under previous Presidents. It was all the more glaring this time because the 20 percent increase the Congress passed was strenuously opposed by Mr. Nixon, whereas previous Presidents who took the credit had recommended the increase and at least to that extent were entitled.

This has led me to introduce a bill in the Congress that would prohibit any President or any other elected officer from giving notice in such form as to secure an obvious political benefit from it.

Mr. COHEN. I support that legislation wholeheartedly, Senator. I believe it is definitely unwise to do that. I have consistently, when I was in office, opposed that, I would support your bill.

There are other such illustrations that have come to my attention and I think the one way to do that would be to insulate the whole Social Security system by some kind of nonpolitical board that would not be completely beholden to whatever administration was in power.

Senator CHURCH. Yes, a board of that kind could send out the notices so people would understand why there has been an adjustment in their benefit. That would take the political flavor out of it.

Mr. COHEN. If one traces the history of the Social Security Board with regard to political problems that took place between 1935 and 1949, one will see the courage and independence of the Social Security Board in handling very complex political situations.

Senator CHURCH. Why was the board abandoned?

Mr. COHEN. The board was abandoned because the public administration experts decided that it didn't look nice on an organization chart to have a board responsible to the Federal Security Administrator. It didn't follow what you learn in public administration course 607 in the university about a board not being responsible to a single administrator.

I can reconcile that in my mind if one wanted to follow that by saying that the board would still be with HEW and the Secretary would merely have the right to approve or disapprove regulations, so that there would still be some overall control. But individual decisions would be made by the board.

But at that particular moment it just didn't appeal to the chartmakers so it was abolished, and I think that was a very, very wrong decision.

SENATE PUBLIC WORKS COMMITTEE HEARINGS FOCUS ON AUTOMOTIVE POLLUTION AND ENERGY PROBLEMS

Mr. RANDOLPH. Mr. President, the Committee on Public Works yesterday concluded 2 days of hearings on the implementation of automobile emission standards established by the Clean Air Act of 1970 and their relationship to the critical fuel shortage.

These hearings were scheduled as a forum for the detailed discussion of the issues relating to the next step in meeting the statutorily established emission standards. The committee heard from witnesses representing a wide variety of interests. On the first day we discussed these important questions with top executives of the three largest American automobile manufacturers and with representatives of Mobil Research and Development Corp. Yesterday the witnesses included spokesmen for Esso Research and Engineering Co., the National Resources Defense Council, Sierra Club, and Public Interest Research Group as well as Environmental Protection Agency Administrator Russell E. Train.

The principal question is whether we should proceed to require achievement of 1975 emission standards as scheduled or whether existing standards should be maintained.

Any action taken by the committee must come soon because of the time required to incorporate new technology in 1975 model automobiles. At this time the committee does not have all of the information relating to the various pollution control technologies and the impact of their use or nonuse.

Under these circumstances, the committee will make its judgments on the information presently available to it. Extensive hearings were held last May on implementation of the Clean Air Act. We have studied reports of the Environmental Protection Agency; there have been extensive staff investigations; and there have been a number of meetings with concerned Government agencies and industrial representatives. This concerted effort culminated in the hearings conducted this week.

During our hearings this week, 13 of the 14 committee members were in attendance. This morning the committee met in executive session to discuss the hearings and the issues they raised. Today's meeting, Mr. President, was attended by 13 members of the committee. The seriousness with which members of this committee view the emissions question is indicated by their attendance and their participation in our hearings and meetings this week.

The decisions we must face are difficult. They involve more than simply the reduction of air pollution from motor vehicles. They are intimately related to our response to the severe energy shortage in this country. The committee will meet again on this issue on November 15. Following that meeting we expect to report positive recommendations to the Senate.

Mr. President, I discussed the questions at issue in my opening statement at Monday's hearing. I ask unanimous consent that that statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SEVERE FUEL SHORTAGE IS FACTOR IN POLLUTION CONTROL PROGRAMS

Three years ago the Clean Air Act became law, establishing ambitious, but attainable, goals for the reduction of air pollution. The Act provides for controls over all pollutants from all sources which increasingly contaminate the air we breathe.

In developing this far-reaching statute, the Congress took heed of the substantial contribution of automobile emissions to the pollution problem. With motor vehicles providing the largest single source of air pollution, it was essential that they receive major attention if the total effort held any hope of success.

It was then, and still is, obvious that we cannot have clean air so long as more than 101 million cars continue to pour pollutants into the atmosphere.

It is unnecessary to discuss in detail the provisions of the Clean Air Act relating to vehicle emission reductions. Suffice it to say that this part of the law has attracted wide public attention and extended debate since the day it was enacted. The requirements are stringent because the situation is serious. As in other areas, pollution from the internal combustion engine was ignored for so long that a massive effort was needed to bring it under control.

The way in which the automobile emissions question is resolved could set the tone for the entire air pollution abatement program. Timidity or vacillation on this central issue could undermine public confidence in our collective determination to bring order to a changing environmental situation. At the same time, the impossible must not be sought.

Considerable experience has been gained since 1970 as various provisions of the Clean Air Act implemented. In any new program with the scope of this one there are bound to be uncertainties, confusion and differences of opinion about its execution. In general, though, I am pleased with the results produced under the provisions of this Act. There is evidence that we are making a good start at reducing the levels of air pollution that for years threatened the health of our citizens.

The Act established maximum limits for various automobile pollutants together with a schedule for phased compliance. The Administrator of the Environmental Protection Agency was given limited authority to modify this schedule. He exercised this authority by postponing compliance with the statutory emissions standards for 1975. Instead, he promulgated interim standards leading toward full compliance in later model years.

The hearings we begin today are intended to review progress in meeting the automobile emission standards mandated in the 1970 Act. The Members of the Committee are aware of concern in the automotive industry and elsewhere about the technology required to meet the 1975 interim standards. Over the past several months there have been extensive discussions among representatives of the automotive industry, other concerned groups, the Members of this Committee and staff. It is our intention, in the next three days, to bring together the various points of view on this issue for a full and thorough public discussion.

There are *not* hearings on any proposal to delay or otherwise alter the present schedule for achieving automobile emission standards or to revise the standards themselves.

A number of developments since 1970 contribute to the atmosphere in which these hearings are held. Foremost among these is the realization that the United States faces a severe fuel shortage. I repeat: A severe fuel shortage. We are now using 115 billion gallons of motor fuels every year. This consumption has grown at a steady rate, making conservation measures essential in the face of inadequate supplies. In any evaluation of emission controls, the effect of the technology on fuel consumption must be kept in mind.

Another factor is the evidence from some quarters that catalytic converters themselves may produce harmful pollutants in concentrated quantities. In addition, we must remember that other provisions of the Clean Air Act may require sharp restrictions on the movement of traffic in some urban areas.

So what was a complex situation in 1970 is more complex today. The Members of this Committee approach these hearings with no preconceived ideas. We are aware that the effort required to meet the standards of the Act will be substantial. This effort could cause hardship or inconvenience in some segments of our economy. It is already forcing a revision of assumptions that in the past were considered almost immutable.

I call attention to the seriousness with which Members of the Committee view the present situation. When it became apparent last summer that there were serious questions concerning efforts to reduce motor vehicle pollution, we decided to seek detailed information from scientific authorities. Two contracts with the National Academy of Sciences have been executed. This body is working to update our knowledge of the health effects of automotive pollutants and is analyzing the monetary costs and benefits of achieving established emission standards. These studies will require some months to complete but are essential to our full understanding of the problem.

Last Wednesday the Committee received from the Academy a preliminary report on the health effects study. This report is based on the symposium in early October and was provided in compliance with the contract which called for a 90-day review of existing data on pollution health effects. The summary of the symposium contains no unexpected findings or recommendations. The Academy believes that, based on the information submitted at the symposium, additional study will be required to provide more definitive findings on the health effects of pollutants. The summary contains the statement that on the basis of present knowledge there is "no compelling basis" to either raise or lower existing air quality standards.

This first report of the Academy's work is an important beginning to meeting responsibilities faced by the Committee. This week we must make further progress in understanding the dimensions of the automotive emissions problem and the alternatives to its solution.

U.S. AIRLIFT CAPABILITY

Mr. TALMADGE. Mr. President, in less than 18 months, the world has witnessed convincing demonstrations in two different parts of the world of the necessity and the effectiveness of a quick-reacting U.S. airlift capability.

In both of these real-life demonstrations, initiated to provide large quantities of military support to nations threatened by Communist forces, the U.S. Air Force C–5 Galaxy performed well under pressure. A product of the Lockheed-Georgia Co. whose officers and employees were compelled in recent years to defend the airplane against much undue and unwarranted criticism, the C–5 and the C–5 alone was able to fly the M–60 main battle tank, which weighs more than 100,000 pounds, and other heavy tracked vehicles from the continental United States to overseas destinations almost adjacent to fighting zones.

The most recent example of why we need a strong fleet of airlifters came in late October, when Soviet-supplied antitank missiles inflicted heavy losses on Israeli armor. Press reports indicate that rocket grenades and Russian missiles destroyed or disabled hundreds of Israeli tanks. It became readily apparent that unless replacement armor and ammunition could be delivered to the defenders in a short time, Israel very probably would find itself in an intenable military position. As history will show, however, America acted swiftly.

Low-priority materiel began to move out of our Atlantic ports. But surface transportation would have been too slow for the items of most urgent need. I am pleased with the manner in which our military airlift command responded to the decision to fly critical materiel directly to Tel Aviv. I am pleased with the reports I hear and read of the performance of the C–5 and the smaller C–141 StarLifter, which were largely responsible for reducing delivery times to a matter of hours and obviating the necessity of surface transport that perhaps would have been too late. And I am pleased that the technical skills of fellow Georgians contributed to development and production of these airplanes.

Operating very nearly around the clock, the military airlift command completed about 20 flights a day into Israel. I understand that by October 31 the C–5 and the C–141 had carried many millions of pounds of armor, munitions, clothing, and medical supplies to that embattled nation. Although the American airlift trailed by 4 days a similar resupply mission by Russia, the capacity and reliability of our aircraft were such that, despite the 4-day disadvantage, we were able to about match total tonnage flown, and over a much longer distance.

I think it may be pertinent here to repeat a summation of what the airlift meant to international politics as Newsweek magazine suggested in its November 5, 1973, issue. Under the heading, "Airlift Capability Is Critical," Newsweek said:

> As Pentagon officials saw it, the West Europeans had little cause for alarm. Not only was the U.S. prepared to send as much sophisticated weaponry to NATO as necessary but, in the Pentagon view, the massive American airlift to Israel proved that the U.S. was both willing and able to live up to its defense commitments. Indeed, some officials even contended that the airlift—centered around the controversial C–5A transport—should convince Europeans that a mutual reduction of U.S. and Soviet manpower on the Continent would not be dangerous.

I would only add, after considering the way our C–5 fleet performed in behalf of Israel, and in 1972 in speeding to Southeast Asia M–60 and M–41 tanks that are credited with helping blunt the Communist spring offensive, the successful advocates of reduced C–5 procurement may wish to reassess, their earlier judgments. Further, I can foresee additional circumstances in which we all may wish we had more of these responsive, productive aircraft.

SOCIAL SECURITY HIKE NEEDED NOW

Mr. McINTYRE. Mr. President, many senior citizens in New Hampshire have written to me of their concern about living on fixed incomes during this period of spiraling inflation. With the coming winter months, these people fear they will not be able to afford heating oil, warm clothing, medicine, nourishing food, and other living necessities. Because of my

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deep concern and commitments to New Hampshire's senior citizens. Mr. President, I cosponsored Senator Church's bill to increase social security benefits by 7 percent in January 1974. The senior citizens across the country need this increase now—not in July.

I was gratified to read that the Senate Finance Committee has adopted the thrust of the Church bill. It is my hope this legislation will receive speedy enactment and that the President will see fit to sign it into law.

I want to share with you some excerpts of letters I received from New Hampshire senior citizens. A gentleman from Lisbon, N.H., wrote:

> I am writing you about the problems of the people on Social Security. The way prices have gone up in the stores and rents to say nothing about oil, we are not getting enough money to go around. I don't believe I could get on to Welfare if I wanted to, but if I can get work I had rather have it.

A lady living in Portsmouth, N.H., wrote:

> I am a widow, over seventy and relying almost entirely on my Social Security income. With the recent frightening increase in the cost of food and other necessities, I believe the Congress should help meet this crisis by moving forward the date of the next Social Security increase from July, 1974 to January 1974. Time is running out on us, and so are our funds.

From Claremont, N.H., a lady wrote

> I am a widow. I draw on my husband's social security and don't get enough to get by with as the high cost of living today. I hope you can see into this. And I need a hearing aid very bad. This one I got is too old so it is no good any more. And I can't afford one and I would like to get a raise in my security so I could get things once in a while besides eating. Please help us get a raise in January.

A gentleman from Concord wrote:

> Why not January and not July for raise on R.R. and S.S. pension? One-third of us will be dead before July.

This is just a sampling of how people from all over my State are thinking. I made a pledge that everyone over 65 should have three square meals a day, a decent place to live, medical care, and a little pin money. If they cannot afford it, we owe it to them. It is as simple as that. I want our senior citizens to live lives of dignity and to have freedom from economic dependency.

I urge my colleagues to vote for the 7-percent cost-of-living increase in social security benefits when it comes up on the Senate floor.

NASA PROGRAM BENEFITS EMPLOYEES

Mr. MOSS. Mr. President, I believe my colleagues will be interested in a program instituted by NASA and the Council for Scientific and Industrial Research in South Africa. This program is designed to improve the living conditions and opportunities of black employees at the South Africa tracking station.

I ask unanimous consent that a brief report on this program be printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

Report of Program Instituted by NASA and the Council for Scientific and Industrial Research—CSIR—For Improving the Working and Living Conditions and Opportunities for Black South African Employees at the NASA Station near Johannesburg

BACKGROUND

In early 1972, NASA and the Council for Scientific and Industrial Research (CSIR), the South Africa government agency responsible for manning, operation, and maintenance of the station, agreed upon a program to improve the working and living conditions, and opportunities for black employees at the NASA station, within the authority available to both NASA and CSIR.

At that time, the improvement program was structured on NASA's continued operation of both the Deep Space Network (DSN) and the Spaceflight Tracking and Data Network (STDN) facilities at that location; that is the planned improvements were sized to benefit approximately 60 black employees and their families.

Early in June of this year, it became apparent from a review of the planetary workload for FY 1975 and beyond that support from the DSN facilities at Johannesburg would not be required, and accordingly NASA announced plans to close the DSN portion in June 1974. Further, the announcement noted that it appeared possible also to close the STDN facilities in the fall of 1975; however, further study of the future workload of earth orbital missions was required before a final decision on closure of the station could be made. It is expected that this decision will be made in early 1974.

In the event all the NASA facilities at Johannesburg are closed, the CSIR will continue operations at the site at a reduced level in support of radio science investigations. This totally funded and sponsored CSIR activity would employ some 20 black employees.

Based on the foregoing, NASA and CSIR have agreed to complete the improvement program (which is well underway) as well as to provide some additional benefits to the black employees displaced by the NASA station closure. No substantive changes are planned for the original improvements, however, the scope has been reduced in concert with the projected personnel reduction.

The current status of the implementation of the improvement program is summarized below:

1. *Provision of Improved Housing for Black South African Employees.* In an effort to provide improved housing for the black employees and their families who live at the station, construction was begun in July, 1972, on additional units of new housing. The houses, which are of all brick construction, are furnished by CSIR rent free to the black employees.

Four of the new units are now complete and occupied, and a minimum of four more will be constructed. Construction of additional units are contingent upon the decision to close the STDN facility. However, the eight new units, together with ten existing homes, will provide sufficient housing for CSIR's preliminary estimate of the post-NASA black African staff requirements.

2. *Improvement of Facilities for Primary Education by Construction of Schooling Facilities On-Site.* Construction has begun on the school building and it is scheduled for completion in early 1974, in time for the start of the new school term. Basically, the school will consist of four classrooms, library, and cafeteria. The cafeteria is designed for use by both students and the black employees, and the classroom areas can be easily converted to larger areas for evening use by the black employees for community affairs.

3. *Provision of On-Site Medical Services.* An existing building at the station has been renovated and converted into a medical facility to provide services which do not require hospital or specialist medical attention. The latter types of care are provided at the Provincial Hospital, some 20 miles away, to which transportation is available at all times.

The on-site facility is staffed by a visiting nurse who is on duty three days a week and a doctor who is in attendance one day a week. In addition to providing medical attention for the employees, the facility is also available to and being used by the black South African families resident at the station.

4. *Assistance for Advanced Schooling.* In order to provide the maximum opportunity for children of the black South African station staff to obtain secondary schooling and thereby prepare themselves as fully as possible for advanced employment opportunities, NASA and CSIR have instituted a plan for payment of board and transportation for secondary schooling for children of the black South African station staff; tuition and books are free. Two students are presently taking advantage of this educational opportunity. In the event that the review of the future workload, noted earlier, does not warrant continued NASA operation, arrangements have been made for the completion of studies for any students enrolled at the time of the STDN station closure.

5. *Improvement of Salaries of Black Employees.* CSIR has taken measures to increase the salary structure for black employees. A special pay revision resulting in a 20% average increase in wages for the black employees at the station went into effect on June 1, 1972. An additional increase of 17% was effective on April 1, 1973, making a total increase of some 37%. During the same time period, cost of living increases received by the white employees have amounted to 15%.

6. *Other Employee Related Benefits.* Severance benefits will be paid to the black employees whose employment will be terminated as a result of the reduced level of operations. CSIR is currently investigating the feasibility of purchasing annuity policies for the employees with these funds in lieu of a lump sum payment.

CSIR has agreed that the black employees whose jobs will be terminated may continue to occupy the houses on-site and receive their salaries until they can secure other employment. Also in this regard, CSIR is considering establishing an outplacement program and re-employment counseling for the affected black employees

SPEECH BY SENATOR CARL CURTIS, NOVEMBER 3, 1973, BEFORE NORTH CAROLINA REPUBLICAN STATE CONVENTION

Mr. THURMOND. Mr. President, my attention has been called to an excellent speech given by my good friend and distinguished colleague from Nebraska, Senator Carl Curtis. Reading his thoughtful and provocative words was like breathing a breath of fresh air and I would urge those inundated with the foul air around Washington today to read it for themselves and clear out their lungs.

His remarks deal with President Nixon and the Republican Party. It is a strong endorsement of the Nixon administration accomplishments. It is a reasoned defense of President Nixon and, from my standpoint, his views are shared by a majority of the American people.

President Nixon, the Republican Party and the country are indeed fortunate to have a courageous and effective leader in the person of Senator Curtis.

Accordingly, Mr. President, I ask unanimous consent that Senator Curtis' speech to the North Carolina Republican Party, Raleigh, N.C., November 3, 1973, be printed in the Record at the conclusion of my remarks.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Speech of Senator Carl T. Curtis

Mr. Chairman, distinguished Republican officials, my fellow Republicans and friends all.

It is always a delight to make a speech at a Republican convention. Today I have a very special honor bestowed upon me. It is my opportunity to speak to the Republicans of North Carolina and I regard North Carolina as the foremost Republican state in our union. I say this fully aware that there are many offices that you do not control, but I say it on the basis that the Republican Party has made greater strides here in a shorter time than any place else. After all, it is growth that counts. We cannot dwell on what has been.

The whole country has taken note of the fact that here in North Carolina, you have a Republican Governor, a Republican United States Senator for the first time in this century and four Republican Congressmen. There is something else that the whole country is taking note of and that is all of these men are capable, dedicated, effective and honest public officials who are establishing records with which all of us can be proud.

It has been my privilege to become better acquainted with your United States Senator Jesse Helms than I have with these other distinguished men. I am so glad that North Carolina sent Jesse Helms to the Senate of of the United States. The Senate is a better body because he is there. I serve with him on the Committee on Agriculture and Forestry; I visit with him on the floor of the Senate and he and I attend another meeting that meets once a week. I have heard him speak in the Senate and I have watched the way he votes. I wish we had more like him. He is a patriot; he is courageous and he is one of the finest Christian gentlemen that I know. Mildred and I are delighted that we can count Dorothy and Jesse Helms as our friends.

The distinguished Governor, the Honorable James E. Holshouser, is a man of distinction and ability. A Republican administration in your State House is a very wholesome thing from the standpoint of good government. There has been a great deal of talk about a two-party system. You Republicans of North Carolina have made it a reality. I congratulate you upon having elected the Honorable James Holshouser as your Governor, and thus advanced the cause of good government.

Your four Republican Congressmen are a credit to your state. They are entitled to all the praise that time would permit me to utter. You know in Nebraska, football isn't just a sport or a sideline, it is a way of life. We take it very seriously out there. Consequently, this has caused us to be interested in all branches of athletics. Your Congressman Earl B. Ruth is well known as an educator and especially as a coach. I hope you can keep him in Congress a long time but if he wants to go back to coaching, I want him to come out to Nebraska and look the situation over. He is an able man and served with distinction in the Navy and in local government.

Your Congressman Vinegar Bend Mizell, the great baseball pitcher Mr. Strike Out King, is just as good a Congressman as he was a baseball pitcher and he was tops in that. Because of his spectacular career, he has added influence in the Congress. He is a distinguished soldier and a distinguished citizen.

Your Congressman James G. Martin is one of the youngest men in the United States House of Representatives. He is a wise and capable legislator. He comes to the Congress well prepared. He is well grounded in local government. His service on the County Board of Commissioners was such that he was made President of your State Association.

Congressman James Broyhill is another distinguished solid Congressman who serves his state and nation well. He, too, has a spendid background. Many honors have been bestowed upon him including the title of "Young Man of the Year." He comes from a distinguished family. We are proud of all of these Republican officials from North Carolina.

I want to say something about the men and women who have made this Republican Party of North Carolina a real vital force. I salute all who have given of their time and talents to make the Republican Party in North Carolina a success. I have always believed that the Republican Party has a mission to perform for our great Republic which is essential to its survival and a mission which cannot be performed by any other party. I still believe it to be true.

We are living in rough times. Powerful forces have been mounted against the Republican Party and particularly against our Republican Administration in Washington. I am convinced that the time is coming for all Republicans to stand up and fight—if we do not there is danger that our party will disappear from the political scene in America. I voted for President Richard M. Nixon and I would vote for him again and I am not going to desert my President because a massive conspiracy to destroy him has been in operation for the last ten or eleven months.

In these days of charges and accusations, of innuendos or hearsay which are blended with falsehoods, it is not only the time for us to keep cool and think clearly but it is time for us to think and talk about the good things that President Nixon has brought about since he has become President. Let us "think on these things."

At a time when military spending and activities are being reduced the nation is enjoying its highest prosperity. More men and women are employed at good wages than at any time in our history and we have adequate farm prices for the first time in many decades.

One of the great tragedies of this year of turmoil in Washington is that the Congress has sidetracked so many of the things that we should be doing in response to the real concerns of the American people.

I am aware, of course, of your hopes to restore to education its single most important purpose and goal—the goal of achieving maximum quality and efficiency in educating your children. But you still suffer the frustration of the compulsory busing of your children across cities and counties in order simply to achieve a so-called "racial balance" to satisfy some bureaucrat in Washington, or some Federal judge.

Well, let me remind you that you have a President committed to the proposition that school children should *not* be needlessly hauled to and fro, miles from their home, past a school in their own neighborhoods, to attend distant schools assigned to them under the gun of Federal controls.

I know of Richard Nixon's position on this question. He emphasized it to your Senator Jesse Helms one night several weeks ago when a group of us met with the President at the White House. And I trust you are aware that Senator Helms now has pending in the Senate a bill which would effectively put an end to unwarranted and endless Federal jurisdiction over your schools. But the Helms bill, like so many other pieces of badly-needed and worthy legislation, is languishing in committee because the Senate has been obsessed with investigations and politics which are holding up things that need to be done.

Regardless of what anyone thinks about Watergate, or any of the other disputes which threaten to paralyze the Republic, the American people need to be reminded that they have a President who wants to get on with the business of strengthening the country. He wants to put an end to forced busing of your children. He wants to restore financial sanity to the Federal Government. He wants to curb inflation. And these things, I submit, are vital to the very survival of our nation. We will fail to do them at our peril.

The people of the entire free world look upon President Nixon as their leader. They do so with good cause. President Nixon is the world's foremost and most successful peacemaker.

I cannot forget that when Mr. Nixon was sworn in as President our casualties in Vietnam were running as high as 300 a week. They were gradually reduced and finally brought to zero. Our combat troops have been removed from Vietnam, prisoners of war have been brought home, and young men are no longer drafted into the Army.

Neither can I forget the cruel criticism, the unfounded charges, the shameful accusations that were heaped on President Nixon throughout the months that he was doing so much for our country to end the war which he didn't start. There were marches upon Washington and his critics missed no opportunity to hinder and thwart his actions.

The situation in the Middle East changes often. It appears, however, that under the leadership of President Nixon and those he has appointed, and who he directs, that a settlement is being worked out. American troops are not committed to the Middle East, an agreement has been obtained that keeps all of the nuclear powers out of the Middle East thus avoiding an accidential triggering of a holocaust. Progress appears to be made in reference to getting both sides to the negotiating table, not merely for a cease fire but for a settlement.

I want to read to you what one of the nation's leading journalists has had to say about this. I refer to a recent column written by W. R. Hearst in which Mr. Hearst said:

"They (the Soviets) proposed that they and we should send troops into the war zone to insure the cease-fire. But that proposal was promptly-and correctly-rejected by Kissinger and President Nixon.

"At the same time, Washington began noticing strange military activities in the Soviet Union, indicating that the Russians might be planning to send troops in unilaterally to save the Egyptians.

"That is when President Nixon declared a worldwide military alert of American forces. Given the perilous situation, there can be no doubt that our President made the right move and it disgusted me that some overly cynical newsmen and politicians suggested that it was all a smoke screen to cover up the furor over the Watergate tapes.

"I realize that a lot of people have lost confidence in the President as a result of recent homefront scandals. But he has done a tremendous job in foreign affairs and is not about to fabricate a military confrontation with the Soviets simply to deflect domestic political fire.

"On Friday night millions of us watched President Nixon answer questions about the Middle East and the Watergate affair in one of the most wild and wooly press conferences of recent memory.

"Although the President let his feelings show through on occasion and had some

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sarcastic remarks about radio and television, I thought he did a good job of keeping his cool and of replying directly and candidly to all questions. He performed well under fire."

There were times in discharging his duties in reference to Vietnam and the Middle East that President Nixon had to exercise the utmost courage. He, and he alone, had to make vital decisions. He rose to the occasion and all of us are the beneficiaries of his wise decisions and actions. It seems to me that time and again I see the evidence of a Quaker heart in our President. I am convinced that when he talks of striving for a "generation of peace" that he means just that, that his works are backed up by a lifetime of study and total dedication to bring peace to the world. In this important task he understands the importance of military strength and how to use the armed might of our country to prevent war.

I have served in Congress throughout World War II, the Korean War, and the Vietnam War, and I am not going to turn my back on Richard Nixon, the peacemaker.

It is entirely possible that President Nixon's all-absorbing interest in ending a war and preventing other wars and in conducting America's affairs in the world has been so time-consuming that it has been physically impossible for him to devote personal attention to many things on our domestic front which ordinarily he would be well able to handle.

Few people can appreciate the burdens on the President of the United States. Every Congressman and every Senator must delegate matters to his staff that he would like to do himself. Our responsibilities and the size of our constituencies are such a small fraction of those of the President. There are always tremendous burdens falling on the President in reference to domestic matters.

1972 was a momentous year in President Nixon's accomplishments in world affairs. The Vietnam War was being wound down, leading to its total halt. This called for courageous and soul-searching decisions as to bombing and other actions. The President's visits to Mainland China and to the Soviet Union were handled by him with great expertise.

His last campaign had to be managed by others. I am convinced that President Nixon not only was not involved but never condoned any wrongdoing and that the real facts were withheld from him far too long.

A few weeks ago I appeared with a panel on the public radio network. The subject of discussion was the Watergate scandals. I asserted that there had been no evidence whatever involving the President of the the United States with these wrongdoings. I would like to quote to you what was said by Mr. Edmisten, the assistant counsel to the Ervin committee. Incidentally, Mr. Edmisten has been employed by Senator Ervin for 10 years. He is in a position to know. Here is what Mr. Edmisten said:

"I agree with Senator Curtis entirely that there's not been any evidence whatsoever to link the President with any of these doings. It's not credible evidence, and, as a lawyer, I agree, too, that no court in the land would admit an iota of it."

Let us think a little about inflation, or the high cost of living. Not everything has been done that ought to have been done in combatting inflation but let us not downgrade our country unjustly. Of all the industrial nations in the world the United States is second in holding down inflation. In most of the countries of the world inflation has been greater than it has been in the United States.

One of the important causes of inflation is excessive spending by our Federal Government. Federal deficits and the increasing of the national debt are strong forces in lessening the value of the dollar. In the battle to hold down government spending President Nixon hasn't had much help from a Democratic-controlled Congress. Nevertheless, he has tackled the job in a courageous way. He has been highly criticized. His critics charge that he unlawfully impounds funds and cuts off expenditures that the Congress has voted. Quite frankly, there may not be anything wrong with the idea that a President doesn't have to spend all the money that Congress appropriates. President Nixon has done a magnificent job in slowing down spending. He has ordered less spending, has placed some funds in reserve, or as the critics say, he has impounded funds. All of these efforts have slowed up spending this last year by at least twelve billion dollars. This is no small accomplishment. How much is twelve billion dollars? It equals the total cost of running the Federal Government under Franklin D. Roosevelt for any year prior to the starting of World War II.

In the 93rd Congress alone the President has vetoed ten bills which have been passed on by the Congress. The more laws and the more programs we have, the more money is spent. Four of these vetoes involved bills that have a very decided budget impact. The immediate savings of these four vetoes runs about $600,000,000. But the savings over the years that lie ahead run at billions and billions of dollars. When the Congress inaugurates a new program the first few years' costs are usually small. These government programs grow and grow. I have in mind a proposal adopted by the Senate Committee on Finance which was supposed to cost a few hundred million dollars. Two or three years later the costs were running close to three billion with an expected expenditure of five billion dollars. I know of another program enacted by Congress where the experts said that the cost would be something like 300 million dollars and today the program calls for nearly 10 billion dollars. When President Nixon vetoed these bills he was striking a blow for manageable government for all the years that lie ahead. I am grateful for President Nixon's efforts to cut back on excessive spending. I believe that the "Nixon haters" who are today filling the air and the columns with charges, innuendos, hearsay and rumor impugning the integrity of the President of the United States have as one of their purposes the removing from the public mind the good things that the Nixon administration has accomplished. Let us talk about the Watergate investigation a little. First, let me say that I am not here to defend any law violator. I hope that everyone who is guilty in connection with the Watergate burglary and all those who have violated other laws are punished. I want all individuals on the President's staff and all individuals on the Committee to Re-Elect the President who are proven to be guilty of illegal acts to be punished to the limit. My regret is that they cannot be punished for what they failed to do. They failed to stay on top of things and prevent wrongdoing from taking place, and they failed to protect the President and the Republican Party from actions that have embarrassed and damaged them. I do not contend for one moment that wrong and unlawful things were not done nor do I defend the guilty parties. I am convinced, however, that the President of the United States had no part in these wrongdoings. I think he is the victim of the actions and not the perpetrator.

In the efforts to "get Nixon", various people have departed from orderly procedures and the rules of law. I have been critical of the Senate's Special Committee to investigate the Watergate scandal from the very beginning. In my opinion, some of the Committee's Members are guilty of several bad practices. I would include:

1. They have allowed the Committee to be used for the spreading of hearsay and unproven charges over nationwide television.

2. They have failed to follow the rules of evidence and have done so before the nationwide television audience.

3. They have permitted innuendos and speculations to be disseminated as facts before a nationwide audience.

4. They have misused the immunity statute which was enacted as a weapon to be used against organized crime. The Committee, by their actions, appeared to have said to witnesses who were guilty of violating the law, "we will let you go scot-free if you will involve somebody else," particularly the President of the United States.

5. The Committee, by its announced decisions, appears to have put a higher priority on its television shows than on cooperating with the courts of the land.

6. The real purpose of a Congressional investigation is to secure information for the purpose of legislating. In this, the Committee has failed. Since the Committee was created, the Senate has passed an Election Reform Bill and the Watergate Committee neither made any recommendations in regard to that legislation nor did it make a request that the legislation be held up until the Committee could make some recommendations. Apparently, some of the Committee Members have been so involved with their political objectives that they haven't thought much about legislation.

I am just old fashioned enough to believe in the words that are inscribed on the Nebraska State Flag. These words are, "Equality Before the Law". I think that the law should be applied to Republicans and Democrats alike. I want to give you a little story. I served as the ranking Member on the Committee that investigated the case of Bobby Baker. Bobby Baker came to the Senate as a page boy. He advanced in his position and ended up as the right hand to the Democratic leader of the Senate. He was quite an operator. The first financial statement that he filed placed his net worth as $11,000, which included the equity in his home. In his last financial statement, he claimed a net worth of over a million dollars. He accumulated great sums operating under the dome of the Capitol. The Bobby Baker story involves a long list of irregularities and self-enrichment. I could make a long speech about it.

In connection with the transactions of Bobby Baker, the name of a White House staffer under President Johnson frequently came up. His name was Walter Jenkins. The Committee needed the testimony of Walter Jenkins. Do you think we ever got it? We battled for months and never did get the testimony of Walter Jenkins. There were six Democrats and three Republicans on the Committee. Time and again our efforts to get the testimony of Walter Jenkins were thwarted by a straight party vote of 6 to 3.

On a couple of occasions, I took our fight to the Senate floor. I offered proposals whereby the Senate as a whole would instruct the Committee to honor the request of the minority to call witnesses. We never got that authority. On one occasion, I offered an amendment whereby the Senate would require the Committee to subpoena a witness if three Senators made such a request. It was voted down. Who do you suppose opposed this effort? Who do you suppose was aligned with the coverup and concealing of evidence?

Who do you suppose took the position that a Senate Committee couldn't even question one White House employee if he was a Democrat? Well, there were a lot of people opposing our efforts but included in that group were the guiding lights on the Democratic side of the present Senate Committee investigating the Watergate scandal. My, how times have changed.

Walter Jenkins, the White House staffer under Johnson that I mentioned, was arrested by the Metropolitan police in Washington. Do you know what the Democrats did to cover that up? They did a lot. Among other things, Mr. Clark Clifford, a well-known Democrat fixer who at one time served as Bobby Baker's lawyer, and Mr. Abe Fortas,

another Democrat fixer who later went to the Supreme Court and who also at one time was Bobby Baker's lawyer, went to the Washington Post, the Washington Star and the Washington News and pressured them to suppress the story of Walter Jenkins. The story was suppressed for a time until the Republicans forced it out. Incidentally, the book at the police station containing the record of the arrest of Walter Jenkins had disappeared. But I will let you in on a secret, some of the men with whom I was working took a photograph of that particular police blotter before the book disappeared.

The situation has been much different with the Nixon Administration. A long list of the witnesses from the White House have given their testimony.

There has been no effort among the Republicans to block and prevent the taking of testimony. The Watergate Committee, the press, and Archibald Cox's crew have gone far to the other extreme. Not satisfied with cooperation, they have demanded material which competent authorities contend should not be turned over to them. Where were these purists of the TV networks when Clark Clifford and Abe Fortas were conducting a cover up? Why were they so silent then?

Suppose the President were to proceed to investigate the Congress and that he undertook to subpoena the Member's staff, interoffice memos, telephone records, dictaphone tapes, and background material on speeches that were never delivered. We would then hear plenty about the separation of power, and confidential and privileged communications.

Investigating committees, special prosecutors, broadcasters and newspapermen and women have a responsibility in pursuing their jobs to do justice. They have no obligation or right to malign and spread rumors and unproven charges. They do have a responsibility to be just. The Prophet Micah said it so well—"O man, what is good; and what doth the Lord require of thee, but to do justly, and to love mercy, and to walk humbly with thy God?"

I believe that Mr. Cox made a serious error in not going along with the arrangement for Senator John Stennis of Mississippi to listen to the tapes. This arrangement called for Senator Stennis to have access to the total tapes—not summaries nor excerpts. Senator Stennis, the chairman of the Senate Committee on Standards and Conduct, stands as the foremost man of integrity in public life today.

Mr. Cox received an executive appointment. Legally his status was that of an assistant to a cabinet officer. The right of the President to remove him raises no legal or constitutional problem. Impeachment talk may be, in the minds of some, good smear talk, but there are no legal grounds for impeachment.

It seems to me that Mr. Cox ought to have respected the agreement entered into by Senator Sam Ervin, Senator Howard Baker, and President Nixon and made an attempt to see what would develop following Senator John Stennis' report.

I think I am quite charitable when I point out that Archibald Cox is no superman, neither is he noted for being a nonpartisan and objective participant in these matters. Let us look at a few of the facts.

When Mr. Cox was given his assignment, according to Assistant Attorney General Petersen, the Watergate case had been 90 percent broken. The seven principals had already been sentenced.

The record is very clear that Cox desired not to have the tapes delivered to Judge Sirica but Mr. Cox wanted the tapes himself.

Mr. Cox was given his assignment on May 18. Since that time, three individuals have pled guilty, each to one count of an indictment, as have three corporations in reference to their campaigning contributions and there has been one indictment of another individual. This is not a very impressive record for the Cox bureau of 81 lawyers for whom the Senate voted a recent appropriation of $2.8 million.

Neither Mr. Cox nor his staff had any part in the handling of the case against Maurice Stans and John Mitchell.

It is regrettable that Mr. Cox didn't cooperate because everyone has such great confidence in Senator Stennis. In retrospect, it appears clear that the appointment of Archibald Cox as special prosecutor was a mistake. During the 1960 Presidential campaign, Mr. Cox was described as the "informal dean of the Kennedy Brain Trust." in 1973 he proceeded to assemble a prosecutor's staff without any political balance whatever. His Deputy was Henry S. Ruth, who served under Robert Kennedy when he was Attorney General. One of his assistants, James Vorenberg, served on the McGovern staff when McGovern was running for President. He was a frequent critic of President Nixon's law and order pronouncements and had served under Attorney General Robert Kennedy.

Philip B. Heymann, who was on Cox's staff, was an assistant to the solicitor general during the Kennedy and Johnson Administrations. James Neal, another Cox associate, was special assistant to Bobby Kennedy in the Justice Department, as was Thomas F. McBride. William H. Merrill was Chairman of the Michigan Citizens for Robert Kennedy in 1968. He was on Cox's staff. Another member of Cox's staff was George T. Frampton, Jr., a researcher and speech writer for the Kennedy in-law, Sargent Shriver, McGovern's running mate. Another member of Cox's staff was Roger M. Witten who worked for Robert Kennedy in the Oregon primary campaign. Time will not permit me to discuss some of the others.

Many people might well feel that Archibald Cox is not interested in the enforcement of the law as they understand it. Back a few years ago, there was a riot at Columbia University by student revolutionaries during which no classes or final examinations were held the last seven weeks. The Chicago Daily Tribune on October 13, 1968, had this to say about the incident at Columbia University:

"The acting president expressed his 'indebtedness' to a five-man panel of "liberal' professors and lawyers who reported a week ago that no one was particularly at fault except for the university administration and trustees, whose' attitude of authoritarianism . . . invited mistrust.' The chief author of this singular statement was the commission's chairman, Archibald Cox, a Harvard law professor and solicitor general of the United States during the administration of John F. Kennedy."

Mr. Cox has admitted turning privileged grand jury material over to Senators Kennedy and Hart and to their staffs.

Many thoughtful people in al parts of the United States are alarmed at the treatment that has been accorded the President of the United States. Abuses have been heaped upon him. This is not only unfair to a man who has served with distinction and honor as a Congressman, Senator, Vice President and President but it is unfair to our country. It is tearing our country apart. It is damaging the relations of the United States with the rest of the world. It is creating confusion in the business world and it is diverting attention away from many pressing problems. It is preventing the United States from taking major leadership in world affairs that can mean so much to the peace of the world in the decades ahead.

We are a government of law and all citizens are entitled to equality before the law. The common criminal is accorded a presumption of innocence. Should this be denied to individuals in the public service?

It is time to call a halt. It is time to turn to our established court system to deal with the offenders. It is time to bring an end to the assassination of high public officials by hearsay, innuendo, unproven charges and trial by the press. Lynching hasn't stopped in the United States, it is just that different people are doing it.

There is a task upon the Republican Party which falls heavily upon every party official, every state chairman, the national chairman, the members or the national committee, every county chairman and every precinct worker. The task at hand is to prevent this drive by irresponsible forces from destroying our country. This great mission of the Republican Party is to preserve our country. I am confident that the Republicans of North Carolina wil rise to the occasion and do their part.

THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, there are those who maintain that the ratification of the Genocide Convention will be of little use; that this treaty does not significantly help men in their struggle for liberty and freedom.

I do not argue that the ratification of this convention will lead to instant justice. But neither do I think that the convention is meaningless. Indeed, it is the nature of man to set his goals high and then struggle to attain them.

The best example of this would be our own Declaration of Independence and Constiution. I think that most reasonable men would have to admit that we have not yet achieved the goals envisioned in these documents for all of our citizens. There is much that remains to be done. However, these documents have provided the guideposts for all of our actions and have prodded us never to become complacent in our efforts to achieve dignity for all.

It is my belief that the Genocide Convention will serve this catalytic function. It will further the development of international law in this crucial area. Mr. President, it is time for us to join with our allies in ratifying this important human rights treaty.

NATIONAL EMERGENCY PETROLEUM ACT OF 1973, COMMITTEE PRINT NO. 1

Mr. JACKSON. Mr. President, today we are facing unprecedented shortages in energy supply. Even before the outbreak of hostilities in the Middle East, the Department of the Interior was projecting shortages of distillates for this winter of 100,000 to 270,000 barrels a day, including a shortfall of 50,000 to 100,000 barrels per day of home heating oil. This assumed no supply interruptions.

Now, supply losses from the Mideast alone are expected to cut off more than 2 million barrels per day of crude and products.

Anticipated shortages of crude oil resulting directly and indirectly from Mideast cutoffs are, conservatively, expected to be about 1.5 million barrels per day. This is more than one-third of our crude imports, and about 12 percent of total consumption. Because domestic production cannot be increased rapidly enough to compensate for the shortfall of imports, refineries will be run at less than full capacity. Already, Sun Oil has run

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out of crude for some of its refineries. Guam Oil, totally dependent on Arabian crude, is experiencing a total cutoff of supplies. Thus, we can expect, at the least, gasoline, heating oil, and residual fuel oil shortages for the next year, and perhaps longer.

In addition, imports of products to fill these gaps are also falling off. We have lost all our product imports from the Mideast. Other countries, such as Spain and Italy, have cut off product exports to the United States in order to care for their own needs first in the face of a tight world supply. It is likely that Canada also may soon be forced to limit exports to the United States if Mideast exports to Canada are curtailed.

Product shortages expected because of recent events are now estimated to be of serious proportions. A shortfall of more than 300,000 barrels per day of distillates, including home heating oil, is predicted for this winter, assuming normal temperatures. This is about one-half of our distillate imports—about 7 percent of total consumption. However, if, as the National Oceanic and Atmospheric Administration has just predicted, we have an exceptionally cold winter, the gap between requirements and supply will be much greater and could be as high as 450,000 barrels per day.

Gasoline, jet fuel, and motor fuel supplies are expected to fall short through next spring—before the peak summer season for gasoline begins—by some 375,000 barrels per day. A shortfall of some 15 million gallons of gasoline per day could result. In addition, we have had communications from the New England Power Exchange System, Consolidated Edison in New York, Southern California Edison, and a number of other utilities, stating that they cannot obtain adequate residual fuel oil for power generation.

In New England, about 70 percent of electric power is generated in oil-fired units. Even before the Mid-east crisis, utilities had commitments for only about half of their requirements of No. 2 oil for the winter, and expected a shortfall of 5 percent for residual fuel oil. In addition, they have been notified that some supply contracts, many of which expire in January, will not be renewed. And since then, further supply reductions of 10 percent have been announced.

Consolidated Edison in New York faces the loss of 35 percent of its fuel supply as a result of the Mideast cutoff. Unless variances from air pollution control regulations are granted, severe blackouts can be expected.

Public Service Electric & Gas in New Jersey converted from a coal system in 1967 to oil. They now have been forced to revert to coal in most plants, since the bulk of their oil was low-sulfur Mideast oil.

Also, the Defense Department, which depends on imported oil for about 37 percent of its requirements, is already experiencing shortages of about 10 percent of daily fuel needs for ships and planes. In a time of international tension, such shortages add an unacceptable risk to our defense capability.

In the face of such shortages, there has been much talk of possible rationing and other emergency measures. Oregon has already announced schools will be closed for 1 month this winter for lack of heating oil. We hear many comparisons between such present conditions and the supply problems of World War II, but, in fact, our energy supply situation today is far more critical than in the 1940's. At that time we were an exporter of energy. We produced in excess of our own requirements and rationing permitted us to supply our Allies with fuel. Today, we are net importers and consume more fuel than we produce. With 6 percent of the world's population, we consume one-third of the world's energy.

It has been all too easy to satisfy our burgeoning demand for energy by a growing dependence on foreign sources of oil. The dangers of such dependence were not always clear, as long as these imports were relatively inexpensive and relatively assured. However, the drawbacks of such a dependence have been emphasized by recent events.

Clearly, we face an emergency situation. Serious shortages in oil and in electric power will occur, and could have dire consequences, unles we act now to preclude them. We must insure the continuation of vital public services throughout such emergency shortages.

On October 18, I introduced S. 2589 the National Emergency Petroleum Act of 1973, as an emergency measure to deal with impending fuel shortages. Since then, the Senate Committees on Interior, Commerce, and Public Works have been working together with members of the administration, to improve and expedite the bill.

We are in complete agreement as to our goals. We do differ at this time on certain aspects of the mechanism to be employed to achieve these goals.

We have amended S. 2589 as introduced to reflect the concerns of the parties involved in the bipartisan effort. Mr. President, I ask unanimous consent that this amended version of the bill, committee print No. 1, be printed in the Record, to share with the Senate the progress we have made. we will be holding hearings on the bill tomorrow, and have scheduled a joint markup session of the three committees on Friday. We hope that by next week we can bring a bill to the Senate floor for action.

There being no objection, the committee print was ordered to be printed in the Record, as follows:

S. 2589

A bill to declare by congressional action a national energy emergency: to authorize the President to immediately undertake specific actions to conserve scarce fuels and increase supply; to initiate the development of local, State, National, and international contingency plans; to assure the continuation of vital public services; and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Emergency Petroleum Act of 1973".

TITLE I—STATEMENT OF FINDINGS AND PURPOSES

Sec. 101. Findings.—The Congress hereby determines that—

(a) shortages of crude oil, residual fuel oil, and refined petroleum products caused by inadequate domestic production, environmental constraints, and the unavailability of imports sufficient to satisfy domestic demand, now exist;

(b) such shortages have created or will create severe economic dislocations and hardships, including loss of jobs, closing of factories and businesses, reduction of crop plantings and harvesting, and curtailment of vital public services, including the transportation of food and other essential goods;

(c) such shortages and dislocations jeopardize the normal flow of commerce and constitute a national energy emergency which is a threat to the public health, safety, and welfare and can be averted or minimized most efficiently and effectively through prompt action by the executive branch of Government;

(d) disruptions in the availability of imported energy supplies, particularly crude oil and petroleum products, pose a serious risk to national security, economic well-being, and the health and welfare of the American people;

(e) interruptions of energy supplies, both in the near term and in the future, will require emergency measures to reduce energy consumption, increase domestic production of energy resources, and provide for equitable distribution of available supplies to all Americans;

(f) the development of a comprehensive energy policy to serve all of the people of the United States necessitates the regulation of intrastate delivery and use of energy resources in order to insure the effective regulation of interstate and foreign commerce in energy;

(g) because of the diversity of conditions, climate, and available fuel mix in different areas of the Nation, a primary governmental responsibility for developing and enforcing emergency fuel shortage contingency plans lies with the States and with the local governments of major metropolitan areas acting in accord with the provisions of this Act.

Sec. 102. Purposes.—The purpose of this Act is to—

(a) declare by Act of Congress an energy emergency;

(b) grant to the President of the United States, and direct him to exercise, specific temporary authority to deal with shortages of crude oil, residual fuel oil, and refined petroleum products, and other fuels, or dislocations in their national distribution system;

(c) provide a national program to conserve scarce energy resources, through mandatory and voluntary rationing and conservation measures, implemented by Federal, State, and local governments;

(d) protect the public health, safety, and welfare and the national security, and to assure the continuation of vital public services and maximum employment in the face of critical energy shortages;

(e) minimize the adverse effects of such shortages or dislocations on the economy and industrial capacity of the Nation;

(f) direct the President and State and local governments to develop contingency plans which shall have the practical capability for reducing energy consumption by no less than 10 per centum within ten days and by no less than 25 per centum within four weeks of any interruption of normal supply.

TITLE II—EMERGENCY FUEL SHORTAGE CONTINGENCY PROGRAMS

Sec. 201. Declaration of Emergency.—The Congress hereby declares that current and imminent fuel shortages have created an energy emergency.

Sec. 202. Presidential Authorization.—(a) The President is hereby authorized to implement emergency fuel shortage contingency programs as provided for in this title.

(b) For the duration of the energy emergency, the President is further authorized to enter into appropriate understandings, arrangements, or agreements with concerned domestic interests, foreign states, or foreign nationals, or international organizations, to adjust and allocate imports of fossil fuels, or take such other action as he deems necessary, with respect to trade in fossil fuels, in order to achieve the purposes of this Act.

(c) The declared emergency fuel shortage and the authority granted by this Act shall terminate one year after the date of enactment of this Act.

Sec. 203. Emergency Fuel Shortage Contingency Plans.—(a) Not later than fifteen days after the date of enactment of this Act, the President shall promulgate and implement a national emergency energy rationing and conservation program. Such program shall assure that all vital services will be maintained and that unnecessary energy consumption will be curtailed.

(b) The rationing and conservation program provided for in subsection (a) shall include the following:

(1) an established priority system and a plan for rationing of scarce fuels quantitatively and qualitatively among distributors and consumers during periods of critical shortages, and

(2) measures capable of reducing energy consumption in the affected area by no less than 10 per centum within ten days, and by no less than 25 per centum within four weeks after implementation. Such measures shall include, but are not limited to: transportation control plans; restrictions against the use of fuel or energy for nonessential uses such as outdoor advertising and recreational activities; a ban on all advertising encouraging increased energy consumption; limitations on operating hours of commercial establishments and public services, such as schools; temperature restrictions in office and public buildings, including wholesale and retail business establishments; and reductions in speed limits.

(c) Within two weeks of the date of enactment of this Act, the President shall also promulgate requirements for emergency energy conservation and contingency programs to be developed by each State and major metropolitan government, to implement the Federal program described in subsection (a) above. Such programs, which must be developed and implemented within eight weeks after the date of enactment of this Act, shall include at a minimum the provisions set forth in subsection (b) above.

(d) In the event that a State or major metropolitan area fails to design and implement a contingency program as provided for in subsection (c), the Federal program implemented pursuant to subsection (a) above, shall remain in effect for such State or metropolitan area.

Sec. 204. Mandatory Federal Action for Fuel Conservation.—Notwithstanding any action taken on the part of State or local governments pursuant to section 203, the President shall—

(a) require that existing electric generating plants which now burn petroleum or natural gas and which have the ready capability and necessary plant equipment to burn coal shall convert to burning coal as their primary energy source.

(b) authorize the Interstate Commerce Commission, the Civil Aeronautics Board, and the Federal Maritime Commission for the duration of the energy emergency, in addition to their existing powers, on their own motion or by motion of any interested party, to review and adjust a carrier's operating authority in order to conserve fuel while providing for the public convenience and necessity. This authority includes but is not limited to adjusting the level of operations, altering points served, shortening distance traveled, and reviewing or adjusting rate schedules accordingly. Actions taken pursuant to this paragraph may be taken, notwithstanding any other provision of law, after hearings in accordance with section 553 of title 5 of the United States Code. Any person adversely affected by an action shall be entitled to a judicial review of such action in accordance with chapter 7 of title 5 of the United States Code except that such action shall only be sustained if supported by a preponderance of the evidence. Consistent with the purposes of this Act, the Interstate Commerce Commission may enlarge, modify, or remove the various categories of exempt carriage under the Interstate Commerce Act.

(c) develop and implement federally sponsored incentives for the use of public transportation, including priority rationing of fuel for mass transit systems, and Federal subsidies for reduced fares and additional expenses incurred because of increased service, for the duration of the energy emergency. For the purposes of this section, paragraph (3) of subsection (e) of section 142 of title 23, United States Code, is amended as follows: strike the period at the end of the paragraph and add the following: "except that, with respect to the purchase of buses and rolling stock for fixed rail, the Federal share shall be 80 per centum."

Sec. 205. Air Quality Requirements.—(a) For the purposes of section 204(a) at the direction of the President. the Administrator of the Environmental Protection Agency (EPA) is hereby authorized to waive specific requirements of State implementation plans to grant, for existing stationary sources, on an individual plant basis, temporary variances from applicable emissions standards for air pollutants established pursuant to Federal or State statutes. Such variances shall be granted only for those existing facilities whose allocated or only available fuel supplies, when burned, will result in emissions in excess of applicable emissions standards: *Provided,* That no such variance may be granted if the Administrator finds that granting the variance would result in violation of any national primary ambient air quality standard or would have any adverse impact on public health, safety, or well-being.

(b) To obtain a variance pursuant to this section, the owner or operator of such a plant must submit to the Administrator of EPA an application for a variance pursuant to this Act explaining why the variance is needed, and actions he has taken to secure adequate supplies of fuels which comply with the State implementation plan, and shall be accompanied by a detailed plan and schedule for the installation of appropriate air pollution control systems that will achieve compliance with applicable emissions standards and by evidence that supplementary control systems will be employed to assure that national primary ambient air quality standards are not violated.

(c) In granting variances pursuant to this section, the Administrator of EPA is authorized to reduce to ten days the time limits required for hearing procedures. In all instances, he shall give appropriate notice of his action to the Governor of the State in which the affected plant is located.

Sec. 206. Environmental Impact Statements.—No major action taken under this Act which action will be in effect for less than six months shall be deemed a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (83 Stat. 856). However, prior to taking any such major action that has a significant impact on the environment, if practicable, or in any event within sixty days of taking such action, an environmental evaluation, with analysis equivalent to that required under section 102(2)(C) of the National Environmental Policy Act shall be prepared and circulated to appropriate Federal, State, and local government agencies and to the public for a thirty-day comment period after which a public hearing shall be held upon request to review outstanding environmental issues. Such an evaluation shall not be required where the action in question has been preceded by compliance with the National Environmental Policy Act by the appropriate Federal agency. Any action taken under this Act which will be in effect for more than a six-month period, or any action to extend an action taken under this Act to a total period of more than six months shall be subject to the full provisions of the National Environmental Policy Act notwithstanding any other provision of this Act.

Sec. 207. Mandatory Federal Actions To Increase Available Domestic Petroleum Supplies.—The President shall also initiate the following measures to supplement domestic energy supplies for the duration of the emergency:

(a) Require production of certain designated existing domestic oilfields at rates in excess of their currently assigned maximum efficient rates (MER). Fields to be so designated, by the appropriate State governments or by the Department of the Interior, shall be those where the types and quality of reservoirs are such as to permit production at rates in excess of the currently assigned sustainable MER for periods of ninety days or more without excessive risk of losses in recovery.

(b) Require the adjustment of processing operations of domestic refineries to produce refined products in proportions commensurate with national needs and consistent with the priorities established in accordance with section 203.

(c)(1) Require production of oil and gas from the currently developed resources of the naval petroleum reserves whenever the availability of petroleum products to the Armed Forces of the United States necessitates that the Department of Defense be accorded special priority for the purchase of petroleum products from United States suppliers under the terms of the Defense Production Act of 1950.

(2) Expedite the full exploration and development of the naval petroleum reserves.

TITLE III—ADMINISTRATION AND AUTHORIZATIONS

Sec. 301. Congressional Approval.—Within two weeks after the date of enactment of this Act, the President shall submit to Congress his proposals for the emergency fuel shortage contingency programs provided for in title II of this Act, and proposals for implementing such programs. These proposals will be approved by Congress unless, within fifteen days of such submission, seven of which must have been in legislative session, the Congress by majority vote specifically disapproves of all or part of the requirements and proposals, and concurrently offers specific alternative provisions for those items disapproved.

Sec. 302. Economic Incentives.—The Secretary of the Treasury is hereby authorized and directed to study and recommend to the Congress specific incentives to increase energy supply, reduce demand, and to encourage private industry and individual persons to subscribe to the goals of this Act and to comply with the requirements of programs developed and implemented pursuant to this Act.

Sec. 303. State Laws.—No State law or program in effect on the date of enactment of this Act, or which may become effective thereafter, shall be superseded by any provision of this Act or any program issued pursuant thereto except insofar as such State law or program is inconsistent with the provisions of this Act.

Sec. 304. Sanctions.—Any person who—

(a) Willfully violates any order or regulation issued pursuant to this Act shall be fined not more than $5,000 for each violation.

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(b) Violates any order or regulation issued pursuant to this Act shall be subject to a civil penalty of not more than $2,500 for each day he is in violation of this Act, for each violation.

SEC. 305. GRANTS TO STATES.—The President is hereby authorized to make grants to any State or major metropolitan government, for the purpose of assisting such State or local government in developing, administering, and enforcing emergency fuel shortage contingency plans under this Act.

SEC. 306. AUTHORIZATIONS.—There are hereby authorized to be appropriated such funds as are necessary for the purposes of this Act.

SEC. 307. SEPARABILITY.—If any provision of this Act or the applicability thereof is held invalid, the remainder of this Act shall not be affected thereby.

INFORMATIONAL EXCHANGE OF ENERGY AND ENERGY-RELATED TECHNOLOGIES BETWEEN THE UNITED STATES AND FOREIGN COUNTRIES

Mr. TUNNEY. Mr. President, yesterday I sent to the Senate Committee on Interior and Insular Affairs an amendment to S. 1283 which would provide for an informational exchange of energy and energy-related technologies between the United States and foreign countries.

Developments have already taken place in the international community whereby different nations may profit from the technological research which other energy-conscious nations have conducted.

One noteworthy achievement was the resolution adopted in 1970 by members of the NATO alliance to encourage cooperation by all nations in preventing oil spills at sea. This encouraged talks now underway in London to find controls for oil spills through the Intergovernmental Maritime Consultation Organization, a United Nations agency specializing in shipping.

Other joint studies have lead to suggestions for lessening other environmental hazards which are commonly shared by many nations. I think these efforts are of vital importance, and the increased activities of organizations such as NATO and the United Nations are a welcome sign of a new partnership for environmental progress among nations.

In an article in the New York Times on October 28, Paul Kemezis explored this issue and I ask unanimous consent that it be printed in its entirety in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NATO ADVANCING ON ENVIRONMENT—UNITED STATES ASKS STUDIES OF SOLAR AND GEOTHERMAL ENERGY

(By Paul Kemezis)

BRUSSELS, Oct. 27.—The North Atlantic Treaty Organization moved this week to expand its efforts to protect the environment by agreeing to study the practical applications of solar and geothermal energy.

The proposals for the studies were made by the United States at a two-day meeting. Russell E. Train, administrator of the Environmental Protection Agency, who presented the plans, said that the United States would offer further projects on energy conservation and on the clean use of coal next year.

NATO's efforts in environmental problems began in 1969 with the formation, at the suggestion of President Nixon, of the Committee on the Challenges of Modern Society, which was given projects such as the studies of air and water pollution.

SEEN AS PUBLICITY GIMMICK

Critics viewed it as a public relations gimmick to put the military alliance on the environmental bandwagon, and some United States Government officials questioned whether NATO was the right international forum for tackling pollution problems.

But the program has gained increasing support from alliance members, including the often reluctant French. And France has one of the most active participants, along with the United States, Britain, West Germany and Canada.

A notable early achievement was a resolution adopted in 1970 to intensify each nation's attempts to prevent oil spills at sea. This contributed strongly to talks now under way in London to control oil spills through the Intergovernmental Maritime Consultation Organization, a United Nation's agency specializing in shipping.

OTHER ACCORDS REACHED

Extensive joint studies on air pollution have produced a NATO accord on the degree of carbon monoxide and other substances in the air posing a health hazard.

As with the resolution on oil spills, this accord is not legally binding, but is expected to serve as a basis for future national laws.

The NATO environmental effort has also proved its worth as a means of exchange of information, filling in the gaps in national research programs. The country with the most advanced program usually runs pilot projects, and the others cooperate in varying degrees, according to their interest.

In the solar-energy studies, for example, the United States has started a $5.6-million program aimed mainly at using the heat of the sun to cool houses in the summer, thereby cutting down the use of airconditioners.

EUROPEAN HEAT TECHNOLOGY

The Europeans, especially in the Mediterranean, are expected to develop technology for heating houses in winter, which is their greatest need.

In some areas, such as the disposal of chemical wastes, where West Germany has done the most work, and geothermal energy, where Italy and Iceland have the most commercial experience, the United States will gain more knowledge than it offers.

According to American officials, the geothermal project will study the use of steam from the earth to generate electricity and will also examine methods of "mine" energy from hot rock beds close to the surface of the earth.

EMPHASIS ON THE PRACTICAL

Nimet Ozdaz, a Turkish physicist who now heads the NATO environmental program, concedes that such exchanges of information could take place through normal academic channels. But the committee, he said, "improves the quality and specificity of the information by focusing it on practical problems."

Mr. Train, who says he was skeptical when he first heard of the idea setting up the Committee on the Challenges of Modern Society believes it has worked because it has sought to "catalyze practical actions among governments."

He says it is unusual among international organizations since it shuns doing its own research or building a large bureaucracy and avoids projects that an abstract or will not bring quick results. A project on the motivation of factory workers, for example, became too academic and was shifted to the Paris-based Organization for Economic Cooperation and Development.

According to Mr. Train, "other international organizations have learned to respect us because we can move ahead and get national decisions quickly."

He thinks the main constraint on the program, which so far has taken on 13 projects, is the resources of the members. The United States has the ability to get into a lot of areas, he says, "but many others don't have enough people to spare."

PEACE

Mr. MONTOYA. Mr. President, my colleagues may wish to note a valuable clarification made before a recent meeting of the council of the Organization of American States by our Ambassador to that body, the Honorable Joseph John Jova. Ambassador Jova points out in his remarks that the word "peace" is gradually being substituted by the phrase, "peaceful coexistence."

Ambassador Jova points out that there is an important difference in the two phrases and that between the two, simple, unadorned peace is the superior. Certainly, it is what we should all be working for. I think this clarification is very useful at this time of international trouble.

I ask unanimous consent that a copy of Ambassador Jova's remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF AMBASSADOR JOSEPH JOHN JOVA

The Representative of the United States (Ambassador Joseph John Jova): Thank you, Mr. Chairman. I, too, feel the need to be able to see, visually, the presentation made by my dear friend, Ambassador Llosa, because, as in many cases, the depth of his thinking, his philosophic approach, the various shadings and *matices* that he has given us does require a careful study, and in my case because perhaps I am a little *subdesarrollado*. I need a visual study as well as an oral one.

But I wish to raise only one little, prior, danger signal or red flag that worries me in the presentation. In Lima, I made a defense of the ideal, mind you, not of the requirement, but at least an ideal of the concept of representative democracy that seemed to find an echo. Now, I see another word, perhaps too poetic, perhaps old-fashioned, also being discarded on the rubbish heap of history, and replaced by something that to me is much less poetic, much less significant and much less meaningful, and I refer to what seems to me—and I haven't seen it in writing yet—is the discarding of that noble word "peace" and its substitution with something called "peaceful co-existence."

I think the "peaceful co-existence," particularly as described by Ambassador Llosa is something very worthwhile, and is certainly something that increasingly one is coming to accept as a concept—although I'm not sure, with the shades of meaning with which he has attempted to invest it—but I don't think that "peaceful co-existence" and plain "peace" are mutually exclusive.

And I had hoped that the word "peace" which has been a comfort to mankind through many, many generations won't be suddenly, thrown away and discarded. I think that we must maintain a little bit of the poetry, not only in our daily life, but in our Charter also. I think of the attempts that have been made to reform the church, the various translations and polishings of the Old Testament, of the New Testament, of the Epistles and of the Gospels, that little by little they have given us something so anodyne, so sanitized that I wonder if it makes mankind tremble with and vibrate with the emotion that for 1973 years—or, much longer if we go back to the origins of the Old Testament—have been the motivating force of mankind.

How dull it would have been if Our Savior

had said, "Peaceful co-existence I give you; peaceful co-existence I leave you. Look not upon my sins, but upon the faith of the church." I think it would have been very, very clumsy, very lacking. Or, if it had been said originally, it might have set the stage quite differently; but certainly, now, the attempt to substitute "peaceful co-existence" for "peace," per se, I think would be something that I, in any case, would attempt to object to, and would attempt to reinforce. As I said earlier, the two concepts are not mutually exclusive. Perhaps both words could be included in any of the changes proposed.

I think also that we have to keep in mind that words and phrases and terminologies frequently reflect states of mind, and while, perhaps to Ambassador Llosa a "peaceful co-existence" as he has defined it may mean something, I know that to the ordinary reader of the Charter, and certainly to the American public, it would not mean that. "Peaceful co-existence" to us, to the ordinary American man-on-the street—and even to somebody else relatively educated, as myself—"peaceful co-existence" is something much more grudging than peace, because I don't accept the fact that peace is merely the absence of warfare or the absence of conflict, I think peace, inner peace, also is a peace that is something much deeper and more significant than that. Therefore, while "peaceful co-existence," in our opinion, is in fact a somewhat grudging acceptance of living side by side in disparity and without the convergence of interests that I would hope that, as a result of these meetings, we would be able to strengthen while recognizing the diversity and individuality of each of the members that forms this body.

As I say, I have not had the possibility of reading the presentation that Ambassador Llosa has given us, but I merely wish to raise this one little flag, because I consider peace as something dear to myself, and just as I defend and represent a democracy, I am prepared to defend peace.

A FITTING TRIBUTE TO SENATOR MAGNUSON

Mr. CRANSTON. Mr. President, the Senate should be very proud that for the first time, one of its Members has been recognized for his substantial contributions to creating an environment that will encourage the growth and vitality of the Nation's health resources.

This recognition has justifiably gone to our distinguished colleague from Washington (Mr. MAGNUSON). He has been chosen as the recipient of the Albert Lasker Public Service Award in Health—an award which traditionally has gone only to those at the highest level of achievement in biomedical science. Among previous recipients are 24 Nobel Prize winners. WARREN MAGNUSON fits in very well with these most distinguished previous recipients in view of the scope of his contribution to building our Nation's medical strength.

WARREN MAGNUSON has been a leader, and a spokesman for the interests of the people, in the field of health since he came to Congress as a Member of Congress in 1937, and I can think of no one who deserves this award more than he. The Nation's international leadership in the field of biomedical research can be attributed to the actions of WARREN MAGNUSON when as a young Congressman he was the author of legislation creating a National Cancer Institute. This Institute was the model for subsequent institutes which together now form the National Institutes of Health. His guidance was strongly felt in the development of these subsequent institutes and NIH itself.

He has also long been a fighter for getting the results of biomedical research to the people. He has authored legislation which improves methods of providing care to those outside the mainstream of care, for instance, through the National Health Service Corps, an imaginative concept resulting from legislation he introduced in 1970. This is but one of a long series of his legislative initiatives resulting in improved health care for the Nation.

As chairman of the Appropriations Subcommittee having jursidiction over the HEW budget, he has been a wise, compassionate, and forceful leader in guaranteeing that our Federal funds are wisely allocated to those programs of greatest priority and potential, while maintaining a balanced approach in view of the need for fiscal responsibility.

Prior to Senator MAGNUSON's chairmanship of this Appropriations Subcommittee, he was chairman of the subcommittee considering appropriations for the Veterans' Administration. In that position, he was one of the first to recognize the potential of the Veterans' Administration hospital system to conduct basic and clinical medical research on a major scale. He sought out the advice of experts in the field, became convinced of the validity of the approach, and fought hard to make biomedical research a major part of the VA hospital program. The beginning of the expansion of the medical research program grew from his initiatives—to the great benefit of patient care in the VA hospitals.

Mr. President, it is certainly fitting that WARREN MAGNUSON was chosen for this honor. More than any other man in Congress, he has shaped the future of health care in the United States and in the world. We in the Senate are fortunate to have him as a colleague and the Nation is fortunate to have him as a leader.

I am delighted that Senator MAGNUSON has been given this prestigious recognition by the Albert Lasker Foundation.

THE MIDDLE EAST CRISIS AND THE ATLANTIC RELATIONSHIP

Mr. BROOKE. Mr. President, I am deeply concerned that one of the many negative effects of the Middle East crisis will be a further erosion of trust in the Atlantic relationship arising out of the divergent interests of the allies in the situation. In this regard, I wish to call the attention of my colleagues to a sober analysis of the effect of the crisis on the United States-European relationship entitled "The Day of the Ostriches," published in the Economist, the prestigious British weekly on world affairs.

This article points out several important facts that are unclear to many people in the United States and elsewhere. First, it was impossible for the United States to consult closely with its European allies before instituting the grade three military alert in reply to a possible deployment of Soviet troops in the Middle East. As the Economist points out, given the time constraints:

> There was plainly no time for the United States to ask its friends for their comments before it acted . . .

The article goes on to state that:

> The only legitimate complaint [on the European side] is that it should have been possible to shave an hour or two off the time it took to get out the formal notification of the alert.

The article also points out that contrary to some speculation, some form of clear and unambiguous action was necessary by the Americans.

> The facts seem to be that some American action was necessary to persuade the Russians not to move into Egypt, because that really would have produced a confrontation; that the action taken, which was no more than vigorous fingerwagging, worked; and that it never involved much real danger, because it was remarkably unlikely that the Russians would risk a nuclear war with the United States for the sake of the fairly small benefits they might have won from sending their soldiers to Egypt.

Finally, the article criticizes the Europeans for being unwilling to help "the United States to do for someone else what they want it to do for them." It is clear that Western Europe has no other alternative counterweight to the Soviet Union than the United States. Moreover, Eastern Europe "cannot hope for any alleviation from the weight of Soviet dominance" unless the United States continues to serve as a source of pressure for moderation on Moscow. Thus, as the article states:

> From the moment the superpowers began their rival airlifts, it became a question of the comparative dependability of Russia and America. And that matters very much to Europe.

This is a fact that both the Europeans and Americans must keep in mind.

Mr. President, I ask unanimous consent that the entire article in the Economist be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE DAY OF THE OSTRICHES

For a moment last week Europe went neutral. It has often been a matter for speculation what sort of place western Europe would be if it tried to slide out of the unending argument between Russia and the United States, between the centres of communist and non-communist power: if it cut the connection with America, and denied that there was any such thing as an Atlantic community. The Europeans gave a demonstration of how such a neutral Europe would behave, or a great many of them did, when the Russians and the Americans had their brief and never very dangerous battle of nerves over the Middle East war. The demonstration showed Europe trying to shut its eyes to what was at issue, and then running round in frightened circles because the problem would not go away. It managed to combine the behaviour of the ostrich and the hen.

There are two separate parts to the story, and between them they explain why by the end of last week the men in the State Department who had to deal with the Arab-Israeli war were no longer referring to the European members of Nato as "the allies", which is their usual way of putting it, but just "the Europeans". Mr. Kissinger, who generally keeps his cool, shared his colleagues' feelings on this occasion, as he

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showed when he met a group of European members of parliament on Monday. The first of the two episodes was the American decision, a third of the way through the war, to fly a fresh supply of weapons into Israel, and the European reaction to that decision.

THE ONES WHO WASHED THEIR HANDS

By October 14th, a week into the 18-day war, the Americans had come to the conclusion that Israel was running dangerously short of certain kinds of military equipment. They knew what it possessed at the start of the fighting, and they had made their count of what they reckoned it had lost; it is possible that the Israelis exaggerated some of their losses in their reports to Washington, but the Americans had allowed for that, and they nevertheless believed that if nothing was done Israel might be defeated because it would just run out of the means of fighting. The obvious losses were those of aircraft and tanks, destroyed by the Sam anti-aircraft missiles and the Sagger and Snapper anti-tank missiles which the Soviet Union had supplied to Egypt and Syria. But the Israelis seemed to have an even bigger problem in their shortage of various kinds of ammunition, ranging from the missiles their aircraft fire to humdrum artillery shells. The Arab armies had lost a lot too, but they had started with more: Israel was lower down the ladder, and the bottom of the ladder was in sight. By the second week of the war it was becoming a distinct possibility that, if Israel were disarmed into defeat, the Egyptians and Syrians would not stop when they reached the old 1967 frontiers. The sort of peace settlement outlined below (see page 15) would then have become entirely academic.

So the Americans took their decision to fly new supplies into Israel, and began to ask their European allies if they would help. The answer was yes from the Portuguese, who let the American transport planes land in the Azores, and a sort of yes from the Germans, who for 10 days turned a blind eye on American aircraft flying large amounts of American equipment out of air bases in Germany, until an Israeli ship loading supplies and flying a tactless Israeli flag at Bremerhaven made them think they had better put in a protest on October 25th; but by then the ceasefire had taken hold on the battlefronts anyway. Most of the other European governments, however, including Britain's, made it clear that they were unwilling to help in any way. The Americans say that Britain actually asked them to promise not to land transport aircraft at airfields in Britain. The British deny this, but they agree that they sent a message to Washington asking the Americans whether they intended to use air bases in Britain, and in fact this amounted to the same thing: the British embargo on arms supplies to the combatants, which had hit Israel harder than it hit the Arabs, had already showed what Britain intended that message to mean.

The result was that the American judgment that Israel had to be helped, if it was not to be beaten, found no support from most of western Europe's governments. This European attitude might have been justified if the Europeans had done their own sums about Israel's need for arms and ammunition, and concluded the Americans were wrong about it, or if they had decided that an Israeli defeat caused by lack of weapons could still lead on to the sort of peace settlement the Europeans would consider fair and reasonable. But in fact they seem to have done neither of these things.

There is no evidence that any European government had made any real calculations about the seriousness of Israel's losses; certainly the Foreign Office knows of no such attempt in Britain. So the European opters-out were apparently left clinging to the hope that the possible Israeli defeat they were unwilling to prevent would be all right, because it would remain a limited defeat. But by then even that proposition was in doubt. President Assad of Syria had made a speech on October 15th which seemed to say that a reoccupation of the Golan Heights was only the preliminary to a "war of total liberation". President Sadat of Egypt was emphasizing that a settlement for the Palestinians was as much a part of his war aims as a return to the 1967 frontiers; he thereby raised the prospect, if the Israelis had not got those extra arms, that an armed and successful Egypt and Syria might soon be facing a partly-disarmed Israel in a negotiation about the whole basis of Israel's existence since 1948. For the Europeans to have acted as they did amounted, in these circumstances, to a washing of hands about the Middle East.

THEY DIDN'T BELIEVE IT

The Americans did get their arms through to Israel in the end, because Portugal helped and Germany did not hinder much, and the Israelis used them well enough to turn a possible defeat into a half-victory. But the unhelpfulness of the other Europeans was then followed by the other episode in the story of a paralysed alliance, the affair of the mildly pugnacious grade-three American alert on Thursday, October 25th.

The evening before, Mr. Dobrynin, the Soviet ambassador in Washington, had brought Mr. Kissinger a message from Moscow. Whether this message included a Soviet threat to destroy Israel, as one report says it did, is not clear. What it certainly included was the statement that if the United States would not agree to put a joint Russian-American force into the Suez canal area the Russians would send one of their own there anyway. This, together with reports that Soviet airborne forces were getting ready to move, produced a meeting of the National Security Council at midnight Washington time, and the American alert was in full operation by about 3 am. That was breakfast time in Europe; the Ministry of Defence in London got news of the alert at once, and the formal notice to all the NATO governments was going out by Europe's lunch time.

It is necessary to get these times clear, because of the complaints that Europe was neither consulted nor informed. There was plainly no time for the United States to ask its friends for their comments before it acted, as Mr. Kennedy asked Mr. Macmillan for his advice during the slower-moving Cuba crisis of 1962. The only legitimate complaint is that it should have been possible to shave an hour or two off the time it took to get out the formal notification of the alert. Nevertheless, although Sir Alec Douglas-Home knew why the Americans had acted when he spoke to the House of Commons on the Thursday afternoon, he gave some of his listeners the impression that he was not convinced the alert was necessary. Some of the European representatives at NATO headquarters said plainly that they thought it was not.

This helped to produce a flurry of newspaper articles and cartoons suggesting that Mr. Nixon had either lost his head or cooked the whole thing up for his own Watergate purposes. That is a terrible comment on what Watergate has done to him (see page 16), but it happens not to be true. The facts seem to be that some American action was necessary to persuade the Russians not to move into Egypt, because that really would have produced a confrontation; that the action taken, which was no more than vigorous finger-waving, worked; and that it never involved much real danger, because it was remarkably unlikely that the Russians would risk a nuclear war with the United States for the sake of the fairly small benefits they might have won from sending their soldiers to Egypt. They tried the idea on, and withdrew it again when it didn't work. There was no need for all that clucking around Europe.

THE PRINCIPLE AT ISSUE

It is true that there is nothing in the NATO treaty which requires the European members to work in concert with the United States about the Middle East. And the reason why most of them refused to do so this time is obvious enough. It had little to do with the rights and wrongs of the Middle East: they were frightened for their oil. But, although Mr. Heath sounds optimistic, they may not gain very much on the oil front by their flinchings and contortions of the past month (see page 87). If that is indeed how it turns out, the Europeans might have reflected that something much more important for them has been at stake in this war than the slender margin of difference their behaviour will have made in the effect the oil weapon has on them.

The fourth Arab-Israeli war became more than a Middle Eastern issue when its outcome seemed to depend on which side's protector would make sure it had the means to stay in the field. From the moment the super-powers began their rival airlifts, it became a question of the comparative dependability of Russia and America. And that matters very much to Europe. The west Europeans cannot hope to protect themselves against the Soviet Union, and the east Europeans cannot hope for any alleviation from the weight of Soviet dominance, unless the United States is prepared to go on providing the counterweight Europe needs against Soviet power. And yet the majority of west Europeans could not see the connection between that and what was happening across the Mediterranean. They were unwilling to lift a finger to make that same counterweight available to Israel. They would not help the United States to do for someone else what they want it to do for them. It is Europe's ability to see where its own interest lies, as much as anything else, that failed last week.

VOCATIONAL REHABILITATION FUNDING: A LEGALLY ENFORCEABLE ENTITLEMENT

Mr. CRANSTON. Mr. President, on September 26, 1973, the President signed into law, as Public Law 93–112, the Rehabilitation Act of 1973, which I was privileged to manage through committee, Senate floor, and conference committee consideration. The provisions in that act—in section 110—for funding the basic vocational rehabilitation State grant programs are essentially the same as those in section 2 of the Vocational Rehabilitation Act, which the new law superseded.

Mr. President, in the course of the meeting of the conferees on this legislation during September of this year, there was considerable discussion with respect to the legal effect of the statutory language to govern the allotment of funds to each State under the basic program, both in terms of the language in the applicable provisions in the House-passed version and in compromise language proposed as a substitute for that language by Senate conferees.

In order to attempt to resolve these questions, the conferees directed that committee staff submit to the Congressional Research Service of the Library of Congress the following two questions:

First. What is the extent of the entitlement vested in the states to an allotment of funds for vocational rehabilitation services, both under existing law and under proposed amendments to the law?

Second. To what extent would the states be entitled to funding under the law, either if the Secretary of Labor refused to execute the program to the full extent authorized by Congress, or if Congress failed to appropriate for expenditure the full amount authorized to be allotted?

Mr. President, these questions were addressed in a very interesting and thorough manner by the American Law Division of Congressional Research Service in a September 21, 1973, memorandum prepared in response to our request. That memo concluded on page 3 as follows:

> These provisions indicate that the Vocational Rehabilitation Act contemplates a two-stage appropriations process: first, allotment, on which states base their program plans; and second, approval of plans, giving rise to an obligation on the part of the United States to pay the federal share.

The memorandum goes on, Mr. President, to state on page 9:

> Summarizing, with respect to the allotment provisions, it may be stated that the existing Vocational Rehabilitation Act demonstrates the clear intent of Congress that the full amount authorized be allotted among the states. Based upon the still incomplete line of "impoundment" cases, the language of the Act has adequately translated that intent into a binding legal mandate that the funds be allotted. The proposed compromise amendment, although raising several questions, would also appear to provide for the full allotment if a court construing it can determine a clear congressional intent to that effect. It should be pointed out that the proposed compromise was eventually rejected in favor of single, precise authorization figures agreeable to both the House and Senate, so that the bill finally enacted closely resembled the provisions in the existing Act. If signed into law, the new Rehabilitation Act of 1973 also appears to provide for a legal mandate for full allocation.

And on pages 12 and 13, the memorandum further states:

> The statutory scheme established by the Vocational Rehabilitation Act, and subsequent amendmeents, provides for approval of plans submitted by states, which approval is apparently intended to give rise to an obligation on the part of the United States. If it does, then litigation would arguably be authorized to require the United States to meet that obligation.
>
> The crucial questions, then, are whether approval of state plans under the Vocational Rehabilitation Act actually does give rise to a contractual obligation on the part of the United States, and whether the Secretary is granted "complete and unrestricted" authority to enter such a contract.
>
> Regarding the first question, it is suggested that pursuant to 31 U.S.C. sec. 200(a)(5) (see *supra*), approval of a state plan under the Vocational Rehabilitation Act gives rise to a contractual obligation on the part of the Government.
>
> It may then be argued that the Secretary not only has complete and unrestricted authority to enter a contractual obligation on the part of the United States, he is virtually mandated to do so by the terms of the Vocational Rehabilitation Act. He *shall* approve eligible state plans, and he *shall* pay. Therefore, it would follow that a state, having received approval for its submitted plans, would gain an enforceable right to funding under the Vocational Rehabilitation Act even if Congress declined to appropriate the full amount allotted or authorized.

Mr. President, I should note that the substance of this memorandum was communicated to the conference committee on September 10, 1973, in connection with our deliberations on this legislation and our resolution of the major question of the provisions regarding allotment of funds, by Legislative Attorney Stuart E. Glass of the American Law Division. Thus, the conferees were very well aware of the interpretation set forth in Mr. Glass' memorandum.

Mr. President, I want to thank Mr. Glass and the American Law Division for their care and thoroughness in preparing this memorandum, and I ask unanimous consent that the full text of the September 21, 1973, memorandum, be set forth in the RECORD at this point.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

THE LIBRARY OF CONGRESS,
CONGRESSIONAL RESEARCH SERVICE,
Washington, D.C., September 21, 1973.

To: Honorable Alan M. Cranston.
Attention: Mr. Jon Steinberg.
From: American Law Division.
Subject: Legal Effect of Entitlement Provisions Regarding Allotment of Vocational Rehabilitation Funds to States.

On September 10, 1973, pursuant to your request of September 7, I appeared before the House and Senate Conference Committee on H.R. 8070, the Rehabilitation Act of 1973, to discuss the legal effect of certain provisions of that bill, and in the existing law, the Vocational Rehabilitation Act, codified at 29 U.S.C. secs. 31–42b (1970). The questions presented were, basically, two: first: what is the extent of the entitlement vested in the states to an allotment of funds for vocational rehabilitation services, both under existing law and under proposed amendments to the law?; and second, to what extent would the states be entitled to funding under the law, either if the Secretary of H.E.W. refused to execute the program to the full extent authorized by Congress, or if Congress failed to appropriate for expenditure the full amount authorized to be allotted?

To answer either question requires a background understanding of the appropriations process envisioned by the Vocational Rehabilitation Act. The process is a relatively new one, designed to limit the appropriations prerogatives of Congress by authorizing an administrative official to enter the United States into financial obligations, which Congress is pressed to cover by appropriating funds. Briefly stated, the appropriations scheme operates as follows: Funds are authorized to be allotted among the states, according to a statutorily specified formula. The allotment to each state constitutes a figure on which that state bases its plans for the statutory program, be it vocational rehabilitation, federal-aid highways, or water pollution control. Final approval of these plans by the executive official authorized by statute to administer the program is meant to signify that the states may begin effectuating their plans, and to bind the United States contractually for its proportional share of the costs. Only after these costs come due does any necessity arise for Congress to appropriate funds to make payment, but by this time, the moral obligation to appropriate exerts the highest pressure.

In recent court decisions on the so-called "impoundment" issue, regarding whether an administrative officer is required by statute to allot or expend congressionally appropriated funds, courts have acknowledged that where a two-stage appropriations process is found to exist, allotment itself does not give rise to an obligation on the part of the United States to spend money. (See, *e.g.*, *City of New York* v. *Ruckelshaus, infra.*)

The existing Vocational Rehabilitation Act, Sec. 2(a) [29 U.S.C. sec. 32(a) (1970)], provides that, "for each fiscal year each State shall be entitled to an allotment of an amount bearing the same ratio to the amount authorized to be appropriated. . . ." Sec. 2(b) of the Act further provides that "For each fiscal year the Secretary [of H.E.W.] *shall pay* to each State an amount equal to the Federal share . . . of the cost of vocational rehabilitation services under the plan of such State approved under section 5. . . ." [29 U.S.C. sec. 32(b) (1970)] [Emphasis added]. Criteria for approval of state plans are contained in Sec. 5(a) of the Act [29 U.S.C. sec. 35(a) (1970)], and Sec. 5(b) [29 U.S.C. sec. 35(b) (1970)], provides that, "The Secretary *shall approve* any plan which the Secretary finds fulfills the conditions specified in subsection (a) of this section." [Emphasis added.] The amount authorized to be appropriated, upon which the allotments to the states are based, appears in Sec. 1(b)(1) [29 U.S.C. sec. 31(b)(1) (1970)].

These provisions indicate that the Vocational Rehabilitation Act contemplates a two-stage appropriations process; first, allotment, on which states base their program plans; and second, approval of plans, giving rise to an obligation on the part of the United States to pay the federal share.

Several cases in the United States District Courts have dealt with the issue of whether such a two-stage appropriations process imposes a statutory requirement upon the administrative official designated to execute the program to allocate the full amount of the authorized allotment. These cases concern the allocation provisions of the Water Pollution Control Act Amendments of 1972 [86 Stat. 816], sec. 207, which authorizes the appropriation of sums "not to exceed" $5 billion in fiscal year 1973, $6 billion in fiscal 1974, and $7 billion in fiscal 1975, to be made available to the states for obligation for sewage treatment works construction approved by the Administrator of the Environmental Protection Agency. In the case of *City of New York* v. *Ruckelshaus* [C.A. No. 2466–72 (D.D.C., May 8, 1973)], it was held that the language of the Act, providing that "Sums authorized to be appropriated . . . *shall be allotted* by the Administrator not later than the January 1st immediately preceding the beginning of the fiscal year for which authorized . . ." mandated the allotment of the full amount authorized to be appropriated because of the use of the word "shall" instead of "may." [Emphasis added.]

The Administrator argued that the words "not to exceed" permitted him to decrease, upon the construction of the President, the amount of the allotment by $6 billion for fiscal years 1973 and 1974 [37 Fed. Reg. 26282, sec. 35.910–1(2) (1972)]. Judge Gasch ruled, however, that whatever discretion the Administrator had to refuse to spend water pollution control funds came at the obligation stage, rather than the allotment stage, of the appropriations process. Although the legislative history of the Act reveals that the words "not to exceed" were added by amendment, and another amendment deleted the word "all" from the phrase "Sums authorized to be appropriated . . . ," the court instead relied upon colloquy on the floor of the House between the manager of the bill, Rep. William Harsha [R-Ohio] and others, as demonstrating that the express purpose of the amendments was to grant the Administrator discretion only in obligating and expending funds.

The holding in this case was echoed in *Minnesota* v. *Fri*, [No. 4–73 Civ. 133 (D. Minn., June 26, 1973)]; and *Martin-Trigona*

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v. *Ruckelshaus*, [No. 18–73–R (E.D. Va., June 5, 1973)].

Judge Merhige, in *Campaign Clean Water, Inc.* v. *Ruckelshaus*, [No. 18–73–R (E.D. Va., June 5, 1973)], regarding the same Act, could not agree with Judge Gasch's interpretation. He found Judge Gasch, the plaintiff, and the defendant in agreement that the legislative history was ". . . in the main, unclear, politically charged, and in the Court's view, to some degree based upon suspect constitutional interpretation of the powers of the President." Consequently he concluded that ". . . Congress did intend for the executive branch to exercise some discretion with respect to allotments . . ." but agreed with the plaintiff's contention that ". . . the Congress could not have intended to give the Administrator the discretion to gut the Act." Judge Merhige thus declared that the announced policy of the Administrator to refuse to allot $6 billion of the designated $11 billion under sec. 205 of the Federal Water Pollution Control Act Amendments of 1972 constituted an abuse of discretion under the authority and powers conferred by the Act, and accordingly, were null and void. It is not clear whether Judge Merhige would have reached the same conclusion had the President withheld part of the funds, but substantially less than $6 billion.

These holdings indicate a sentiment in favor of allotment when the act specifies that ". . . the Secretary shall allot . . .," because such language shows an apparent congressional intent that the statutory program be fully executed. The Vocational Rehabilitation Act might be said to reveal an even stronger congressional intent in favor of full allotment, because it creates an entitlement: ". . . each state shall be entitled to an allotment . . .," instead of authorizing or directing an executive officer to allot. It might be argued that the Secretary of H.E.W. has discretion to withhold allotment, because, whereas the Act directs him to approve state plans meeting statutory criteria, it nowhere directs him to allot. On the other hand, it can be argued equally strongly that the Secretary has no such discretion: because the Act creates an entitlement, the allotment process self-executes when the Act goes into effect, and no executive officer has either the responsibility or the discretion to allot. This precise language has not been litigated in any of the numerous United States District Court decisions regarding the presidential policy of impounding congressional appropriated funds.

Questions have been raised concerning the effect upon the allotment provisions of the Act, which might be brought about by a proposed compromise between the House and Senate versions of the Rehabilitation Act of 1973, amending and superseding parts of the Rehabilitation Act of 1973, amending and superseding parts of the Vocational Rehabilitation Act. Before the proposed compromise, both the House version [H.R. 8070, Title I—Vocational Rehabilitation Services] and the Senate Amendments thereto, retained language to the effect that ". . . each state shall be entitled to an allotment. . . ." But there the similarities end, in numerous important respects. The House version, in pertinent part, [sec. 110(a)] bases the allotment formula upon the amount *authorized to be appropriated*, and further authorizes the appropriation, [sec. 100(b)(1)], for fiscal 1974 and 1975, respectively of $660 million and $690 million. The Senate amendments thereto relate the allotment formula to the amount *appropriated*, and authorize the appropriation of $610 million and $640 million for fiscal 1974 and 1975, respectively, ". . . and there is further authorized to be appropriated for each such year such additional sums as the Congress may determine to be necessary."

In an effort to retain the House allotment formula based upon the amount authorized to be appropriated, and also retain the language and lower dollar figures in the Senate version for the authorization, the proposed compromise added a new subsection (d) to section 110, wherein it was specified that for the purposes of allotment, the term "amount authorized to be appropriated" would mean $660 million and $690 million for fiscal years 1974 and 1975, respectively, " . . . or such higher amount as the Congress may appropriate for that year.

The authorization language in the Senate version originally created an open-ended authorization on which to base the allotment formula. Acknowledging that it would be meaningless to base allotment upon an open-ended figure, the Senate designed the compromise not only to establish a specified minimum figure upon which to base allotments, but also retain a figure which the House would accept. In addition, the compromise would, for the purpose of authorizing appropriation, establish a lower figure more to the Senate's liking.

It might be possible to question the use of two definitions for "amount authorized to be appropriated" in a single statute, but it is reasonably clear from the language of the compromise that one definition is to be used exclusively for the purposes of allotment under the Act. A court would have no alternative but to give effect to the express terms of the Act in this instance.

A more serious question concerns whether the amount authorized to be appropriated for the purpose of allotment does not still create an open-ended figure on which it is meaningless to try to base an allotment ratio. Under the compromise, for the purpose of appropriation the authorization will be a precise figure, ". . . and there is further authorized to be appropriated for each such year such additional sums as the Congress may determine to be necessary." For the purpose of allotment, there will be a precise figure, ". . . or such higher amount as the Congress may appropriate for that year." It could be argued that although the terms are different in each, both actually create open-ended authorizations. Nevertheless, the compromise expressly establishes a minimum amount on which to base the allotment formula, to be raised only if Congress appropriates more. Courts will look at the intent of Congress to resolve apparent ambiguities, if such intent can be ascertained. [See, e.g., *State Highway Comm. of Missouri* v. *Volpe*, No. 72–1512 (8th Cir., April 2, 1972); *City of New York* v. *Ruckelshaus*, *supra*; *Commonwealth of Pennsylvania* v. *Lynn*, No. 990–73 (D.D.C., July 23, 1973)]. The intent of Senators Stafford and Cranston, who offered the compromise, is adequately expressed in their explanation accompanying the proposed compromise:

> In order for the Senate to accept the House allotment basis and retain the dollar-amount-plus-such-sums authorization formula (which in effect is an open-ended authorization), it is necessary to fix for FY 1974 and FY 1975 a dollar figure on the basis of which to allot, because the House bill reference to "the amount authorized to be appropriated" has no meaning for those years in the event of such an open-ended ("such sums") authorization.
>
> The compromise would have exactly the same State-by-State allotment effect as the House bill, as long as the authorization amounts permit an appropriation up to $660 million for FY 1974 and $690 million for FY 1975, as *both* the House bill and the Senate amendment presently do.
>
> The net effect of the proposal would be a blend on the two points—with more funds authorized to be appropriated, in fact and law, than under the House bill. [Emphasis in original].

Summarizing, with respect to the allotment provisions, it may be stated that the existing Vocational Rehabilitation Act demonstrates the clear intent of Congress that the full amount authorized be allotted among the states. Based upon the still incomplete line of "impoundment" cases, the language of the Act has adequately translated that intent into a binding legal mandate that the funds be allotted. The proposed compromise amendment, although raising several questions, would also appear to provide for the full allotment if a court construing it can determine a clear congressional intent to that effect. It should be pointed out that the proposed compromise was eventually rejected in favor of single, precise authorization figures agreeable to both the House and Senate, so that the bill finally enacted closely resembled the provisions in the existing Act. If signed into law, the new Rehabilitation Act of 1973 also appears to provide for a legal mandate for full allocation.

Assuming full allotment under whatever provisions finally become law, the questions arise whether the Vocational Rehabilitation Act funds would have to be spent if either the Secretary declined to obligate the full amount authorized, or Congress failed to appropriate the full amount allotted to the states.

Regarding the first question, the preponderant weight of authority in the still unsettled "impoundment" issue holds that congressional enactments establishing grant programs impose a statutory duty upon the executive branch to execute the programs fully, including accepting and processing grant applications, and paying authorized funds to applicants meeting statutory criteria. [See, e.g., *Berends* v. *Butz*, 357 F. Supp 143 (D. Minn. 1973); *Local 2677, A.F.G.E.* v. *Phillips*, 358 F. Supp. 60 (D.D.C. 1973); *Commonwealth of Pennsylvania* v. *Lynn*, *supra*; but see, *Local 2816, A.F.G.E.* v. *Phillips*, No. 73–C–500 (N.E. Ill., May 21, 1973)]. Following the trend in the above-cited cases, the language in the Vocational Rehabilitation Act: "The Secretary shall approve any plan which the Secretary finds fulfills the conditions specified . . ." [29 U.S.C. sec. 35(b) (1970)]; "For each fiscal year the Secretary shall pay to each State an amount equal to the Federal share . . . under the plan for such State approved . . ." [29 U.S.C. sec. 32(b) (1970)], and the language in H.R. 8070: "The Commissioner shall approve any plan which he finds fulfills the conditions specified . . . , and he shall disapprove any plan which does not fulfill such conditions . . ." [Sec. 101(b)]; "From each State's allotment under this part for any fiscal year . . . , the Commissioner shall pay to each State an amount equal to the Federal share . . . under the plan for such State approved . . ." [Sec. 111(a)], is of a sufficiently mandatory nature as to require the designated officer to carry forward with the program and pay grants to eligible applicants.

Where an applicant has fulfilled every statutory criterion for eligibility under a federal grant program, it has been held that the designated office may not prevent payment by withholding final approval for reasons not contained within the statute. [*State Highway Comm. of Missouri* v. *Volpe*, 479 F. 2d 1099 (8th Cir. 1973)]. In that case, the Missouri State Highway Commission had met every criterion for receipt of highway construction funds under the Federal-Aid Highway Act [23 U.S.C. secs. 101 et seq. (1970)], and had received tentative approval from the Secretary of Transportation on several occasions. However, the Secretary withheld final approval for reasons based, not upon the statutory requirements, but upon status of the national economy and the need to control inflation. The court found that he had no

statutory authority to do so, and ordered him to release the funds.

Under the existing Vocational Rehabilitation Act, the Secretary has the discretion to withhold funding for certain specified reasons, largely dealing with adherence of state plans to statutory criteria. Moreover, the Secretary may cease payments for approved plans if he finds, after the due hearing, that:

> (1) the plan has been so changed that it no longer complies with the requirements of subsection (a) of this section; or
>
> (2) in the administration of the plan there is a failure to comply substantially with any such provisions; [29 U.S.C. sec. 35(c) (1970)]

These provisions give the Secretary adequate discretion to control the rate of spending for reasons pertaining to the efficient management of the vocational rehabilitation program, and present judicial authority would limit the Secretary to the amount of discretion expressly in the statute.

One major distinction between the situation surrounding the Federal-Aid Highway Act and the Vocational Rehabilitation Act is that when final approval comes due for state vocational rehabilitation plans, funds may not yet have been appropriated, whereas funds for approved state highway plans come from the fulsome Highway Trust Fund established by that Act. Where the United States is obligated to spend unappropriated funds, serious questions arise, and there is scant litigation to shed light on a possible solution.

One major provision in the United States Code would seem to permit the obligation of funds, even before appropriation:

> No amount shall be recorded as an obligation of the Government of the United States unless it is supported by documentary evidence of—
>
> (5) a grant or subsidy payable (i) from appropriations made for payment of or contributions toward, sums required to be paid in specific amounts fixed by law, or (ii) pursuant to agreement authorized by, or plans approved in accord with and authorized by, law; or
>
> (6) a liability which may result from pending litigation brought under authority of law; . . . [31 U.S.C. sec. 200 (1970)].

The statutory scheme established by the Vocational Rehabilitation Act, and subsequent amendments, provides for approval of plans submitted by states, which approval is apparently intended to give rise to an obligation on the part of the United States. If it does, then litigation would arguably be authorized to require the United States to meet that obligation.

Moreover, federal law provides that "No contract or purchase on behalf of the United States shall be made, unless the same is authorized by law or is under an appropriation adequate to its fulfillment, . . ." [41 U.S.C. sec. 11 (1970)]. It has been held that this act is applied in the alternative so that where authority to make contracts is complete and unrestricted, a liability arising thereunder is not avoided by omission of Congress to provide the money to discharge it. But where an alleged liability rests wholly upon authority of an appropriation, they must stand or fall together [*Shipman* v. *United States*, 18 Ct. Clms. 138, cf. 19 Op. Atty. Gen. 650; 37 Comp. Gen. 199, 201].

The crucial questions, then, are whether approval of state plans under the Vocational Rehabilitation Act actually does give rise to a contractual obligation on the part of the United States, and whether the Secretary is granted "complete and unrestricted" authority to enter such a contract.

Regarding the first question, it is suggested that pursuant to 31 U.S.C. sec 200(a)(5) (See *supra*), approval of a state plan under the Vocational Rehabilitation Act gives rise to a contractual obligation on the part of the Government.

It may then be argued that the Secretary not only has complete and unrestricted authority to enter a contractual obligation on the part of the United States, he is virtually mandated to do so by the terms of the Vocational Rehabilitation Act. He *shall* approve eligible state plans, and he *shall* pay. Therefore, it would follow that a state, having received approval for its submitted plans, would gain an enforceable right to funding under the Vocational Rehabilitation Act even if Congress declined to appropriate the full amount allotted or authorized.

STUART E. GLASS,
Legislative Attorney.

TIME TO FREEZE COSTS FOR ELDERLY

Mr. CLARK. Mr. President, recently the administration announced that copayments and the deductible under medicare hospital insurance would have to be increased by 17 percent in 1974 due to rising costs in hospital care. In order to prevent this substantial increase in the cost of health care for older Americans, Senator MUSKIE has offered an amendment to freeze medicare copayments and the deductible at current levels. I want to add my strong support for this important measure and commend Senator MUSKIE for his leadership in introducing it.

If this measure is not enacted, the deductible—the amount a hospital patient must pay before medicare takes over—would increase from $72 to $84 in 1974. Also, the coinsurance charges—the portion of costs that patients must pay for hospital stays longer than 60 days and for nursing home care after 20 days—would likewise be increased by 17 percent in 1974.

What this means is that medicare beneficiaries will have to pay $21 a day instead of the present $18 a day for the 61st through the 90th day in the hospital. For a post-hospital stay in a nursing home of more than 20 days, the coinsurance would be $10.50 a day compared to the current cost of $9 per day, as this table indicates:

IMPACT OF MUSKIE AMENDMENT ON MEDICARE COSTS

	Levels for 1974	Proposed levels under Muskie amendment
1st day of hospital deductible	$84.00	$72.00
61st to 90th day hospital copayment	21.00	18.00
Nursing home copayment after 20 days	10.50	9.00

Almost one out of every four aged and disabled medicare beneficiaries is expected to be hospitalized next year, a total of over 5½ million people. We can be sure that the scheduled increase would fall hardest upon the aged and infirm—those individuals who already have been the hardest pressed to bear the burden of inflation. Moreover, these are the same people who are paying more money for their medicare supplementary medical insurance program. The premium increased from $5.80 to $6.30 per month earlier this year.

Because of inflation, many elderly people are being forced to eliminate even those items essential to a minimum standard of living. If we allow the medicare deductible and copayments to rise, we will increase their suffering.

To avoid that prospect, we must act favorably and expeditiously on this vitally important measure.

This legislation will not cost the taxpayer more money. Neither the wage base nor the payroll tax under social security would have to be increased. The unusually large assets of the hospital trust fund could cover the estimated cost of $103 million for 1974 without impairing the long-term soundness of the program.

It also should be pointed out that the deductibles and coinsurance costs under medicare have risen tremendously over the last 5 years. At the end of 1968, for example, the hospital deductible was $40. Currently it is $72, an increase of 80 percent. If we allow the cost to go up to $84 in 1974, the rate will have risen well over 100 percent.

Especially now, this would be intolerable for all too many of our older citizens. I urge the approval of this amendment.

SENATOR RANDOLPH ASSURED LOWER SPEED LIMIT WILL REDUCE AUTOMOBILE FUEL CONSUMPTION BY 45 MILLION BARRELS ANNUALLY

Mr. RANDOLPH. Mr. President, it is widely accepted that slower driving is an effective mechanism for conserving gasoline. Last summer I proposed and the Senate adopted a resolution urging the reduction of speed limits as a fuel conservation measure. I believe this to be an economy move that can be quickly instituted with immediate results.

On Monday and Tuesday of this week the Senate Committee on Public Works conducted hearings on progress in achieving automobile emission standards required by the Clean Air Act of 1970. During those hearings I discussed with witnesses the advantages of lowering speed limits. I requested of Edward N. Cole, president of General Motors Corp., information developed by his firm on this subject.

Mr. President, that information was provided to me late today and it shows conclusively that substantial savings in fuel can be ours if we act to slow the speed at which vehicles are driven on our highways. The General Motors study shows that by the reduction of all speed limits to 50 miles per hour we can reduce our fuel consumption by 45 million barrels annually.

Because of the urgent necessity to save as much fuel as possible, I ask unanimous consent that the text of Mr. Cole's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

GENERAL MOTORS CORP.,
Detroit, Mich., November 7, 1973.

Hon. JENNINGS RANDOLPH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR RANDOLPH: In response to our discussion at the Senate Air and Water Pollution Subcommittee hearing Monday, we

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have reviewed the data on possible fuel savings related to lower speed limits.

On the basis of this review, we estimate total national automobile fuel savings of approximately 3%, or about 45 million barrels annually, if a national speed limit of 50 miles per hour is imposed. I will detail how we arrived at this conclusion.

You will recall that I said in response to your question about reducing speed limits that we estimate there would be about a 20% savings in fuel when speed is reduced from 70 mph to 50 mph. A fuel savings of this order would apply only if all cars were operating at 70 mph and then all cars dropped down to 50 mph.

However, most cars already operate at less than 50 mph because of local speed limits and traffic conditions within city and suburban limits. This includes approximately 58% of the vehicle miles driven, based on data from the Department of Transportation and the Department of Commerce. Approximately 42% of the total vehicle miles, on the basis of this data, are driven above 50 mph. About one-half of the miles are between 50 and 60 mph and the other half between 60 and 70 mph.

As illustrated in the attached chart and data sheet, the car miles driven between 50 and 60 mph result in a fuel loss of 2.5%, while those between 60 and 70 mph have a fuel loss of about 12%. Thus, the average loss in fuel economy at vehicle speeds above 50 mph is 7.25%.

This indicates that a 7.25% gain in fuel economy could be obtained by slowing passenger cars to 50 mph during the vehicle miles driven at speeds up to 70 mph. However, this fuel economy improvement would apply to only 52% of the vehicle miles driven nationally. Thus, the total fuel savings that could be obtained by reducing the national speed limit to 50 mph would be approximately 3%. This represents approximately 45 million barrels of gasoline, based on annual consumption data.

The above conclusions were based on data from DOT and Commerce, as well as fuel economy data General Motors has obtained from its own test programs. Also, we assumed in the calculations that there is reasonable compliance with existing posted speed limits, and there would be a comparable order of compliance with a 50 mph limit.

I trust that this information is responsive to your inquiry. If you have any further question on this subject, I will be pleased to respond.

Sincerely,

E. N. COLE.

ENERGY CONSERVATION PROGRAMS—LOWER SPEED LIMITS TO SAVE GASOLINE

Suggestion: Lower national speed limit to 50 MPH on roads with posted speed of 50 to 70 MPH.

POSSIBLE FUEL SAVINGS

Approximately 42% of total vehicle miles are driven above 50 MPH with about ½ between 50–60, and ½ between 60–70 MPH.

50–60 MPH = Approximately 2.5% Loss.
60–70 MPH = Approximately 12% Loss.
Average Loss = 7.25%.

	Percent
Fuel economy gained by slowing passenger cars to 50 MPH	7. 25
Miles driven above 50 MPH	X 42
Total fuel savings by reducing national speed limit to 50 MPH approximately	3

ANOTHER ADVISORY COMMITTEE FLOUTS LAW—TWICE

Mr. METCALF. Mr. President, I call attention again to violations of the Federal Advisory Committee Act by responsible officials of the executive branch.

Last week I called to the attention of Governor Love and Assistant Secretary of Interior Wakefield the illegal composition of the Emergency Petroleum Supply Committee. That committee, which met on short notice in Washington last week regarding the Mideast oil crisis, is composed exclusively of representatives of large oil companies, along with two officials of the Department of Interior. The governing statute regarding broad membership on this advisory committee is the Defense Production Act of 1950. Here is the pertinent section (50 U.S.C. section 215(b)), which I ask unanimous consent to have printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

(b) Information; advisory committees; exemptions; administration.

In order to carry out this policy—

(i) the President shall provide small-business enterprises with full information concerning the provisions of this Act [sections 2061, 2062, 2071, to 2073, 2091 to 2094, 2151 to 2163 and 2164 to 2168 of this appendix] relating to, or of benefit to, such enterprises and concerning the activities of the various departments and agencies under this Act [said sections];

(ii) such business advisory committees shall be appointed as shall be appropriate for purposes of consultation in the formulation of rules, regulations, or orders, or amendments thereof issued under authority of this Act [said sections], and in their formation there shall be fair representation for independent small, for medium, and for large business enterprises, for different geographical areas, for trade association members and nonmembers, and for different segments of the industry;

(iii) in administering this Act [said sections], such exemptions shall be provided for small-business enterprises as may be feasible without impeding the accomplishment of the objectives of this Act [said sections]; and

(iv) in administering this Act [said sections], special provision shall be made for the expeditious handling of all requests, applications, or appeals from small-business enterprises.

Mr. METCALF. Mr. President, Mr. Wakefield promised to broaden the membership of the committee, now. I am hopeful that he has acted by now to comply with the statute.

However, today's Federal Register raises another issue regarding the same committee. The notice says that it will hold another meeting—tomorrow. That is hardly sufficient notice, although possibly an exception to the notice provisions of the Federal Advisory Committee Act (Public Law 92–463) and its guidelines could be justified, because of the fuel situation. However, tomorrow's meeting is scheduled to be closed, and for reasons that definitely are not covered by the Freedom of Information Act exceptions provided in Public Law 92–463.

There is no case for closing a discussion of organization and plans for developing and analyzing data. Since the committee is still—unless changes have been made overnight—composed exclusively of representatives of large oil companies, there is all the more reason for these meetings to be open to observation of those companies with holdings so great that their decisions will greatly affect the public interest and public policy. Nor is there lawful reason for the EPSC subcommittee, scheduled to meet on Thursday, to close out the public from its proceedings. The agenda for the subcommittee meeting, according to the Federal Register notice, will include "discussions of administrative arrangements, establishment of a task force and procedural ground rules." Even before Judge Robinson's decision—October 16, 1973, CONGRESSIONAL RECORD, page 34444—on openness of advisory committee meetings, such an agenda would not have been grounds for excluding the public.

Mr. President, Congress has by statute required that certain committees be broadly representative. Congress has by statute set ground rules for notice and openness of meetings. Those statutes are being disregarded.

The Secretary of the Interior and the Director of the Office of Management and Budget must comply with the statutes. If they do not, they will be required to do so, and their time and attention diverted from other pressing duties.

Mr. President, I ask unanimous consent to insert at this point in the RECORD the notice in today's Federal Register regarding tomorrow's meeting of the Emergency Petroleum Supply Committee, the membership of the committee and subcommittee, as printed in the President's first annual report on Federal Advisory Committees and articles in the October 30 and 31 issues of the Wall Street Journal concerning the Emergency Petroleum Supply Committee.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF OIL AND GAS—EMERGENCY PETROLEUM SUPPLY COMMITTEE AND THE SUPPLY AND DISTRIBUTION COMMITTEE

NOTICE OF MEETINGS

Pursuant to Pub. L. 92–463, notice is hereby given of the following meetings:

The Emergency Petroleum Supply Committee will meet at 10:30 a.m. on November 8, 1973, in Room 5160 at the Department of the Interior in Washington, D.C. The agenda will include discussions of organization and plans for developing and analyzing data. The Supply and Distribution Subcommittee of the EPSC will meet at 2:00 p.m. on November 8, 1973, in Room 5160 at the Department of the Interior in Washington, D.C. The agenda will include discussions of administrative arrangements, establishment of a task force and procedural ground rules.

The purpose of the Emergency Petroleum Supply Committee is to assist the U.S. Government in coping with problems resulting from disruptions of foreign petroleum supply.

These meetings will not be open to the public because the discussions will deal with matters listed in section 552(b) of title 5, United States Code. Specifically, these matters are related to matters that are specifically required by Executive Order to be kept secret in the interest of national defense or foreign policy. The short notice is due to emergency developments.

Dated: November 5, 1973.

DUKE R. LIGON,
Director.

[U.S. Department of the Interior]

ANNUAL REPORT OF AGENCY ADVISORY COMMITTEE

Report Period (Calendar Year): 1972.

A. Exact name of advisory committee: Emergency Petroleum Supply Committee.

B. Committee type: Ad Hoc.

C. Establishment date or date of continuation: Established: June 30, 1967.

D. Specific establishment authority: 50 U.S.C. Appendix, Section 2061 et seq. (Defense Production Act of 1950, as amd).

E. Establishment authority code: C.

F. Termination or report date: December 31, 1974.

G. Brief statement of function: The functions of the Emergency Petroleum Supply Committee are specified in an emergency "Plan of Action Under Voluntary Agreement Relating to Foreign Petroleum Supply," approved by the Department of the Interior, the Department of Justice and the Office of Emergency Preparedness on June 27, 1967. It is an *ad hoc* industry committee which was established by the 1967 emergency Plan of Action to assist the U.S. Government in coping with oil supply problems generated by the 1967 Middle East oil crisis. It is maintained in an inactive status to be available in accordance with the terms of the Plan of Action described above.

H. Title(s) and date(s) of report(s) submitted, if any: None.

I. Actual dates of all meetings: None.

Total number of times met: None.

J. Names, occupation, and addresses of current members: (Attached separately).

K. Estimated total annual cost to the U.S. to fund, service, supply and maintain the committee: $1,000.00.

L. Estimated annual man-years of staff support for the committee: 0.06.

M. Name, address, and telephone number of the agency representative to provide additional information: Ben Tafoya, Office of Oil and Gas, U.S. Department of the Interior, Washington, D.C. 20240. Phone: 202–343–4164.

EMERGENCY PETROLEUM SUPPLY COMMITTEE

MEMBERSHIP LIST

Company member, representative, and alternate

American Independent, 50 Rockefeller Plaza, New York, New York 10020, (212) 586–1515, J. B. Sunderland, and Howard L. Clark.

Arabian American Oil Co., 1345 Avenue of the Americas, New York, New York 10019, (212) 765–6650, J. J. Johnston, and Samuel C. Harper.

Atlantic Richfield Company, 515 South Flower St., Los Angeles, California 90071, (213) 486–3511, B. E. Milner, and Norton M. Smirlock.

Caltex Oil Products Company, 380 Madison Avenue, New York, New York 10017, (212) OX 7–2000, J. M. Voss, and W. E. Tucker.

Cities Service Company, Inc., 60 Wall Tower, New York, New York 10005, (212) HA 2–1600, M. F. Wirges, and R. H. Chitwood, Cities Serv. Oil Co., Box 300, Tulsa, OK. 74102, (918) 560–3030.

Continental Oil Company, 30 Rockefeller Plaza, New York, New York 10020, (212) JU 6–2510, John L. Kelly, Continental Oil Co., Western Hemisphere Pet., Box 2197, Houston, Texas 77001, and J. B. Cecil, Eastern Hem. Pet. Div., Continental Oil Co., 1290 Sixth Avenue, New York, N.Y. 10019.

Exxon Corporation, 1251 Avenue of the Americas, New York, New York 10020, (212) 874–3000, D. M. Cox, and James F. Dean.

Getty Oil Company, 3810 Wilshire Boulevard, Los Angeles, Calif. 90010, (213) 381–7151, B. E. Williams, and W. C. Godfrey.

Gulf Oil Corporation, Gulf Building, Pittsburgh, Pa. 15230, (412) 391–2400, Zane Q. Johnson, and Richard A. Anderson.

Marathon Oil Company, 539 South Main Street, Findlay, Ohio 45840, (419) 422–2121, N. G. Dumbros, and R. M. Churchwell.

Mobil Oil Corporation, 150 East 42nd Street, New York, N.Y. 10017, (212) 883–4242, Herman J. Schmidt, (212) 883–2618, and Walter A. Bork, (212) 833–3595.

Murphy Oil Corporation, 200 Jefferson Avenue, El Dorado, Arkansas 71730, (501) UN 2–6411, Charles E. Cowger, and Paul C. Bilger.

Phillips Petroleum Company, 344 Phillips Bldg. Annex, Bartlesville, Oklahoma 74004, (918) 336–6600, John E. Harris, Jr., and C. M. McCormick.

Signal Oil & Gas Co., Golden Gate Center I, 2800 North Loop West, Houston, Texas 77018, (713) 686–9261, Frank D. Lortscher, and William B. Townsend, The Signal Co.'s Inc., Suite 401—Chanin Bldg., 816 Conn. Ave. N.W., Wash., D.C. 20008, (202) 298–7730.

Standard Oil Co. of Calif., 225 Bush Street, San Francisco, Calif. 94120, (415) 894–7700, George T. Ballou, (415) 894–3232, and W. Jones McQuinn.

Standard Oil Co. (Indiana), 910 South Michigan Avenue, Chicago, Illinois 60680, (312) 856–5111, George V. Myers, (312) 856–6320, and W. A. Kirkpatrick, (312) 856–6580.

Standard Oil Company (Ohio), Midland Building, Cleveland, Ohio 44115, (216) 575–4141, Frank E. Mosier, and S. S. Myer.

Sun Oil Company, 1608 Walnut Street, Philadelphia, Pa. 19103, (215) 985–1600, Warren E. Burch, and J. Van Dyck Fear.

Texaco Inc., 135 East 42nd Street, New York, N.Y. 10017, (212) 953–6000, J. W. Kinnear, and L. W. Folmar.

Union Oil Co. of Calif., Union Oil Center, Los Angeles, Calif. 90017, (213) HU 2–7600, M. S. Thomson, and Howard K. Said.

Total Participating Companies—20.

Observer company, representative, and alternate

Asiatic Petroleum Corp., One Rockefeller Plaza, New York, New York 10020, (212) 262–2244, J. D. Ritchie, (President), (212) 262–7962, and M. J. Paulli, One Rockefeller Plaza, New York, N.Y. 10020, (212) 262–7800.

BP North America, Inc., 620 Fifth Avenue, New York, N.Y. 10020, (212) 541–8700, P. G. Cazalet, and P. J. Gillam.

Industry Counsel, Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue, N.W., Washington, D.C. 20036, (202) 223–2121, Fowler Hamilton, John K. Mallory, Jr., Michael Duncan, William Fenwick (N.Y.).

Government Chairman—Vacant, Office of Oil and Gas, U.S. Department of the Interior, Washington, D.C. 20240.

Secretary—Ben Tafoya, Office of Oil and Gas, U.S. Department of the Interior, Washington, D.C. 20240, (202) 343–4164.

[U.S. Department of the Interior]

ANNUAL REPORT OF AGENCY ADVISORY COMMITTEE

Report Period (Calendar Year): 1971.

A. Exact name of advisory committee: Petroleum Security Subcommittee of the Foreign Petroleum Supply Committee.

B. Committee type: Continuing.

C. Establishment date or date of continuation: Established: February 19, 1962.

D. Specific establishment authority: 50 U.S.C. Appendix, Section 2061 et seq. (Defense Production Act of 1950, as amd).

E. Establishment authority code: A.

F. Termination of report date: December 31, 1974.

G. Brief statement of function: The Petroleum Security Subcommittee of the Foreign Petroleum Supply Committee is a special subcommittee established in 1962 to assist the Department of the Interior in meeting the continuing need of U.S. Defense agencies (the Department of Defense and the Offices of Emergency Preparedness) for information on petroleum supply and requirement potentials of specific national security programs of the U.S. and for technical assistance in evaluating the petroleum resources available to support such plans and programs in possible future emergencies. It is composed of technical experts selected on the basis of individual competence from the staffs of member companies of the Foreign Petroleum Supply Committee.

H. Title(s) and date(s) of report(s) submitted, if any: None.

I. Actual dates of all meetings: None.

Total number of times met: None.

J. Names, occupations, and addresses of current members: (Attached separately).

K. Estimated total annual cost to the U.S. to fund, service, supply and maintain the committee: $2,000.00.

L. Estimated annual man-years of staff support for the committee: 0.12.

M. Name, address, and telephone number of the agency representative to provide additional information: Ben Tafoya, Office of Oil and Gas, U.S. Department of the Interior, Washington, D.C. 20240. Phone: 202–343–4164.

PETROLEUM SECURITY SUBCOMMITTEE OF THE FOREIGN PETROLEUM SUPPLY COMMITTEE

MEMBERSHIP LIST

Industry Member

Ballou, George T., Standard Oil Co. of California, 225 Bush Street, San Francisco, CA 94120, (415) 894–3232.

Baugh E. G., Exxon Corporation, 1251 Avenue of the Americas, New York, New York 10020, (212) 974–3000.

[*] Brill, F., Mobil Oil Corporation, 150 East 42nd Street, New York 10017, (212) 883–4242.

Chase, Robert R., Texaco Inc., 135 East 42nd Street, New York, New York 10017, (212) 953–6000.

Churchwell, Robert M., Marathon Oil Company, 539 South Main Street, Findlay, Ohio 45840, (419) 422–2121.

Dillsaver, Robert D., Cities Service Company, 60 Wall Tower, New York, New York 10005, (212) HA 2–1600.

Dominey, Frederick R., Cities Service Oil Co., P.O. Box 300, Tulsa, Oklahoma 74102, (918) LU 2–1531, Ext. 430.

Dumbros, N. G., Marathon Oil Company 539 South Main Street, Findlay, Ohio 45840, (419) 422–2121.

Eisenhardt, William, Mobil Oil Corporation, 150 East 42nd Street, New York, N.Y. 10017, (212) 883–4242.

Ernst, E. D., Amoco International Oil Co., 500 N. Michigan Avenue, Chicago, Illinois 60611. (312) 856–4825.

[*] Falkingham, D. H., Amoco International Oil Co., P.O. Box 8368, Chicago, Illinois 60680, (312) 856–4675.

Gibbs, O. J., Gulf Oil Corporation, Gulf Building, Pittsburgh, Pa. 15230, (412) EX 1–2400.

Harriger, C. M., Caltex Oil Products Co., 380 Madison Avenue, New York New York 10017, (212) OX 1–2000.

Hawkins, J. W., Sun Oil Company, Five Penn Center Plaza, Philadelphia, Pa. 19105, (215) 985–1600, Ext. 2378.

Heaney, C. R., Gulf Refining Company, P.O. Box 2100, Houston, Texas 77001.

Heydinger, E. R., Marathon Oil Company, 539 South Main Street, Findlay, Ohio 45840 (419) 422–2121.

Howe, Robert E., Atlantic Richfield Co., 600 Fifth Avenue, New York, New York 10020, (212) 246–3600, Ext. 677.

Johnson, Eugene R., Arabian American Oil Company, 1345 Avenue of the Americas, New York, New York 10019, (212) 765–6650.

Lortscher, Frank D., Signal Oil & Gas Company, Golden Center I, 2800 North Loop West, Houston, Texas 77018, (713) 686–9261.

Macht, Paul E., Sun Oil Company, 1608 Walnut Street, Philadelphia, Pa. 19103, (215) 985–1600.

Malott, J. P., Continuental Oil Company, Walnut Street, Philadelphia, Pa. 19103, (215) CA 5–1511.

Manning, K. S., Gulf Oil Corporation, P.O. Box 1166, Pittsburgh, Pa. 15230, (412) 391–2400.

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[*] In Process.

McNeil, E. W., Jr., Exxon Company U.S.A., P.O. Box 2180, Houston, Texas 77001, (713) 221-4535.

*Nelson, Ener H., Mobil Oil Corporation, 150 East 42nd Street, New York, New York 10017, (212) 883-4242.

O'Neill, Haylett, Jr., Exxon Company U.S.A., P.O. Box 2812, Houston, Texas 77001, (713) 221-4933.

Palmer, R. B., Texaco Inc., 135 East 42nd Street, New York, New York 10017, (212) OX 7-8000.

Peake, Thomas A., Standard Oil Co. of California, 225 Bush Street, San Francisco, Calif. 94120, (415) 894-5161.

Quinn, D. T., Mobil Oil Corporation, 150 East 42nd Street, New York, New York 10017, (212) 883-4242.

Reiter, T. A., Exxon Corporation, 1251 Avenue of the Americas, New York, New York 10020, (212) 974-2000.

Sears, Robert N., Phillips Petroleum Company, Suite 3700, 80 Broadway, New York, New York 10005, (212) DI 4-3480.

Slovenko, S. R., American Oil Company, 910 South Michigan Avenue, Chicago, Illinois 60680, (312) 856-5988.

Todd, William F., Arabian American Oil Co., 1345 Avenue of the Americas, New York, New York 10019, (212) 765-6650.

Total Industry Members—32.

Government member

Chairman: ——— ———, Director, Office of Oil and Gas, U.S. Department of the Interior, Washington, D.C. 20240.

Secretary: Ben Tafoya, Office of Oil and Gas, U.S. Department of the Interior, Washington, D.C. 20240, (202) 343-4164.

Robert L. Presley, Chairman—Program Group, Office of Oil and Gas, U.S. Department of the Interior, Washington, D.C. 20240, (202) 343-3353.

Douglas H. Harnish, Jr., Chairman—Production Group, Office of Oil and Gas, U.S. Department of the Interior, Washington, D.C. 20240, (202) 343 4722.

Eugene L. Peer, Chairman—Refining Group, Office of Oil and Gas, U.S. Department of the Interior, Washington, D.C. 20240, (202) 343-4165.

Earl G. Ellerbrake, Chairman—Supply & Transportation Group, Office of Oil and Gas, U.S. Department of the Interior, Washington, D.C. 20240, (202) 343-5064.

Vacant, Chairman—Manpower Group, Office of Oil and Gas, U.S. Department of the Interior, Washington, D.C. 20240.

Vacant, Chairman—Materials Group, Office of Oil and Gas, U.S. Department of the Interior, Washington, D.C. 20240.

Industry members, 32.

Government members, 4.

Subcommittee membership, 36.

[From the Wall Street Journal, October 30, 1973]

INTERIOR UNIT SLATES INDUSTRY TALKS TODAY ON ARAB OIL BLOCKADE

WASHINGTON.—After delaying for some 10 days, the Nixon administration is taking its first step toward mobilizing the U.S. oil industry to deal with the Arab oil blockade.

In a terse announcement, the Interior Department said its Office of Oil and Gas called the Foreign Petroleum Supply Committee to a 2 p.m. meeting in Washington today. Members of the committee are executives representing 21 American oil companies engaged in foreign petroleum operations and its chairman is Duke Ligon, director of the oil and gas office.

The Interior announcement merely stated that the committee "will examine problems created by the current oil supply situation." But one administration source amplified this by saying the committee "will focus on" joint government-industry actions that might be taken to remedy oil supply disruptions that have occurred since the start of Middle East hostilities.

Since the beginning of the current Arab oil embargo to the U.S., Interior Department officials believed that it posed a supply threat to this country serious enough to warrant immediate convocation of the Foreign Petroleum Supply Committee. However, the White House Energy Policy Office, at the request of the State Department, put off such a move on the ground that "delicate" negotiations with the oil states—presumably including Saudi Arabia, this country's biggest source of Middle Eastern crude—were in progress and that a strong U.S. crisis reaction might appear antagonistic to the Arabs.

It's understood that the State Department would have preferred that the supply committee meet in secret. But since public notice is required by law, the Interior Department was told to play down the meeting to the maximum extent possible.

[From the Wall Street Journal, Oct. 31, 1973]

OIL FIRMS' PANEL SAYS ARAB BOYCOTT WARRANTS SOME EMERGENCY MOVES

WASHINGTON.—Members of an industry advisory committee gave the Interior Department varying estimates on the petroleum shortage that will result from the Arab embargo on oil shipments to the U.S., but all agreed the shortage will hurt.

The Foreign Petroleum Supply Committee, representing 21 U.S. companies with foreign oil interests, was unanimous in its belief that the situation is serious enough to warrant emergency action. Specifically, the panel said the Interior Department should activate another industry-manned body, known as the Emergency Petroleum Supply Committee, to act as a clearing house for oil companies seeking to coordinate tanker movements and swap supplies of foreign oil.

Actually, the Interior Department has been urging the activation of the emergency committee for some two weeks. Whether its suggestion is adopted depends on approval by the State Department, which has vetoed emergency oil moves in the past. The State Department has argued that it's involved in "delicate" discussions with Arab nations and it doesn't want the U.S. to appear antagonistic.

Before the emergency committee could operate, the Justice Department also would have to exempt its activities from antitrust laws.

Although the petroleum company representatives on the foreign oil advisory panel didn't agree on precise shortages of home-heating oil and other products this winter, they generally confirmed the government's estimate of a petroleum shortfall totaling some two million barrels daily. That would compare with overall petroleum consumption currently running more than 17 million barrels daily.

Members of the advisory committee have been requested by the Office of Oil and Gas to analyze the outlook from the perspective of their individual companies and prepare a more complete appraisal of the supply situation.

RECESS UNTIL 2 P.M.

Mr. STAFFORD. Mr. President, I move that the Senate stand in recess until 2 p.m. today.

The motion was agreed to; and at 1:20 p.m. the Senate took a recess until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. BARTLETT).

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. BARTLETT). The time for routine morning business has now expired.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceed to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE OF VOTE TO OCCUR ON VETO OF WAR POWERS RESOLUTION

Mr. MANSFIELD. Mr. President, for the information of the Senate, I wish to announce that a vote will occur on the veto by the President of House Joint Resolution 542, a joint resolution concerning the war powers of Congress and the President.

Debate on it, if it meets with the approval of the distinguished acting minority leader, will begin at 3 p.m. and the vote will occur at 4 p.m.

The PRESIDING OFFICER. The Chair would ask, is that on this day?

Mr. MANSFIELD. Today.

Mr. STAFFORD. Mr. President, will the majority leader object if I suggested the absence of a quorum for a minute?

Mr. MANSFIELD. Not at all.

Mr. STAFFORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I make the unanimous-consent request.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, under this request, debate on the veto message will start at 3 p.m. The time will be equally divided between the minority and the majority leaders or whomever they may designate. The vote will occur at the hour of 4 o'clock. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. MANSFIELD. Mr. President, for the information of the Senate, it is not necessary at this time to ask unanimous consent that there be a rollcall vote because the yeas and nays are mandatory under the Constitution.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER ON CONSIDERATION OF VETO MESSAGE ON WAR POWERS RESOLUTION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the veto message, when received, be considered as having been read and that it be printed in full in the RECORD and spread in full upon the Journal and that the Senate proceed to its immediate consideration at the hour of 3 o'clock.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. JAVITS. Mr. President, may we know what the unanimous-consent request is?

Mr. MANSFIELD. Just to have the veto message printed in the Journal nad RECORD. We already have agreed to start debate at 3 o'clock and that the time be equally divided between the two leaders or whomever they may desginate, with the vote to occur at 4 o'clock.

Mr. JAVITS. This is on the war powers resolution?

Mr. MANSFIELD. Yes, sir.

Mr. JAVITS. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, it will be my intention to yield the time allocated to the majority leader to the distinguished Senator from Mississippi (Mr. STENNIS).

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I ask unanimous consent that Peter Lakeland and Charles Warren of my office may have the privilege of the floor during the debate on the war powers measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR BILLS TO BE HELD AT THE DESK

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the following bills be held at the desk:

H.R. 5874. An act to establish a Federal Financing Bank, to provide for coordinated and more efficient financing of Federal and federally assisted borrowings from the public, and for other purposes;

H.R. 9295. An act to provide for the conveyance of certain lands of the United States to the State of Louisiana for the use of Louisiana State University; and

H.R. 10840. An act to amend the Act of August 4, 1950 (64 Stat. 411) to provide salary increases for members of the police force of the Library of Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 2:55 P.M.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until 2:55 p.m. today.

The motion was agreed to; and at 2:18 p.m. the Senate took a recess until 2:55 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. BARTLETT).

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that, on reconsideration, the joint resolution (H.J. Res. 542) concerning the war powers of Congress and the President, returned by the President of the United States with his objections to the House of Representatives, in which it originated, was passed, two-thirds of the House of Representatives agreeing to pass same.

ORDER FOR ADJOURNMENT UNTIL TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BARTLETT). Without objection, it is so ordered.

WAR POWERS OF CONGRESS AND THE PRESIDENT—VETO

The PRESIDING OFFICER (Mr. BARTLETT), pursuant to the previous order, laid before the Senate a message from the House of Representatives, which was read, as follows:

HOUSE OF REPRESENTATIVES,
November 7, 1973.

The House of Representatives having proceeded to reconsider the joint resolution (H.J. Res. 542) entitled "Joint resolution concerning the war powers of Congress and the President", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was

Resolved, that the said joint resolution pass, two-thirds of the House of Representatives agreeing to pass the same.

W. PAT JENNINGS, *Clerk*.

The PRESIDING OFFICER laid before the Senate a message from the President of the United States to the House of Representatives, which reads as follows:

To the House of Representatives:

I hereby return without my approval House Joint Resolution 542—the War Powers Resolution. While I am in accord with the desire of the Congress to assert its proper role in the conduct of our foreign affairs, the restrictions which this resolution would impose upon the authority of the President are both unconstitutional and dangerous to the best interests of our Nation.

The proper roles of the Congress and the Executive in the conduct of foreign affairs have been debated since the founding of our country. Only recently, however, has there been a serious challenge to the wisdom of the Founding Fathers in choosing not to draw a precise and detailed line of demarcation between the foreign policy powers of the two branches.

The Founding Fathers understood the impossibility of foreseeing every contingency that might arise in this complex area. They acknowledged the need for flexibility in responding to changing circumstances. They recognized that foreign policy decisions must be made through close cooperation between the two branches and not through rigidly codified procedures.

These principles remain as valid today as they were when our Constitution was written. Yet House Joint Resolution 542 would violate those principles by defining the President's powers in ways which would strictly limit his constitutional authority.

CLEARLY UNCONSTITUTIONAL

House Joint Resolution 542 would attempt to take away, by a mere legislative act, authorities which the President has properly exercised under the Constitution for almost 200 years. One of its provisions would automatically cut off certain authorities after sixty days unless the Congress extended them. Another would allow the Congress to eliminate certain authorities merely by the passage of a concurrent resolution—an action which does not normally have the force of law, since it denies the President his constitutional role in approving legislation.

I believe that both these provisions are unconstitutional. The only way in which the constitutional powers of a branch of the Government can be altered is by amending the Constitution—and any attempt to make such alterations by legislation alone is clearly without force.

UNDERMINING OUR FOREIGN POLICY

While I firmly believe that a veto of House Joint Resolution 542 is warranted solely on constitutional grounds. I am also deeply disturbed by the practical consequences of this resolution. For it would seriously undermine this Nation's ability to act decisively and convincingly in times of international crisis. As a result, the confidence of our allies in our ability to assist them could be diminished and the respect of our adversaries for our deterrent posture could decline. A permanent and substantial element of unpredictability would be injected into the world's assessment of American behavior, further increasing the likelihood of miscalculation and war.

If this resolution had been in operation, America's effective response to a variety of challenges in recent years would have been vastly complicated or even made impossible. We may well have been unable to respond in the way we did during the Berlin crisis of 1961, the Cuban missile crisis of 1962, the Congo rescue operation in 1964, and the Jordanian crisis of 1970—to mention just a few examples. In addition, our recent actions to bring about a peaceful settlement of the hostilities in the Middle East would have been seriously impaired if this resolution had been in force.

While all the specific consequences of House Joint Resolution 542 cannot yet be predicted, it is clear that it would undercut the ability of the United States to act as an effective influence for peace. For example, the provision automatically cutting off certain authorities after 60 days unless they are extended by the Congress could work to prolong or intensify a crisis. Until the Congress suspended the deadline, there would be at least a chance of United States withdrawal and an adversary would be tempted therefore to postpone serious negotiations until the 60 days were up. Only after the Congress acted would there be a strong incentive for an adversary to negotiate. In addition, the very existence of a deadline could lead to an escalation of hostilities in order to achieve certain objectives before the 60 days expired.

The measure would jeopardize our role as a force for peace in other ways as well. It would, for example, strike from the President's hand a wide range of important peace-keeping tools by eliminating his ability to exercise quiet diplomacy backed by subtle shifts in our military deployments. It would also cast into doubt authorities which Presidents have used to undertake certain humanitarian relief missions in conflict areas, to protect fishing boats from seizure, to deal with ship or aircraft hijackings, and to respond to threats of attack. Not the least of the adverse consequences of this resolution would be the prohibition contained in section 8 against fulfilling our obligations under the NATO treaty as ratified by the Senate. Finally, since the bill is somewhat vague as to when the 60-day rule would apply, it could lead to extreme confusion and dangerous disagreements concerning the prerogatives of the two branches, seriously damaging our ability to respond to international crises.

FAILURE TO REQUIRE POSITIVE CONGRESSIONAL ACTION

I am particularly disturbed by the fact that certain of the President's constitutional powers as Commander in Chief of the Armed Forces would terminate automatically under this resolution 60 days after they were invoked. No overt Congressional action would be required to cut off these powers—they would disappear automatically unless the Congress extended them. In effect, the Congress is here attempting to increase its policy-making role through a provision which requires it to take absolutely no action at all.

In my view, the proper way for the Congress to make known its will on such foreign policy questions is through a positive action, with full debate on the merits of the issue and with each member taking the responsibility of casting a yes or no vote after considering those merits. The authorization and appropriations process represents one of the ways in which such influence can be exercised. I do not, however, believe that the Congress can responsibly contribute its considered, collective judgment on such grave questions without full debate and without a yes or no vote. Yet this is precisely what the joint resolution would allow. It would give every future Congress the ability to handcuff every future President merely by doing nothing and sitting still. In my view, one cannot become a responsible partner unless one is prepared to take responsible action.

STRENGTHENING COOPERATION BETWEEN THE CONGRESS AND THE EXECUTIVE BRANCHES

The responsible and effective exercise of the war powers requires the fullest cooperation between the Congress and the Executive and the prudent fulfillment by each branch of its constitutional responsibilities. House Joint Resolution 542 includes certain constructive measures which would foster this process by enhancing the flow of information from the executive branch to the Congress. Section 3, for example, calls for consultations with the Congress before and during the involvement of the United States forces in hostilities abroad. This provision is consistent with the desire of this Administration for regularized consultations with the Congress in an even wider range of circumstances.

I believe that full and cooperative participation in foreign policy matters by both the executive and the legislative branches could be enhanced by a careful and dispassionate study of their constitutional roles. Helpful proposals for such a study have already been made in the Congress. I would welcome the establishment of a non-partisan commission on the constitutional roles of the Congress and the President in the conduct of foreign affairs. This commission could make a thorough review of the principal constitutional issues in Executive-Congressional relations, including the war powers, the international agreement powers, and the question of Executive privilege, and then submit its recommendations to the President and the Congress. The members of such a commission could be drawn from both parties—and could represent many perspectives including those of the Congress, the executive branch, the legal profession, and the academic community.

This Administration is dedicated to strengthening cooperation between the Congress and the President in the conduct of foreign affairs and to preserving the constitutional prerogatives of both branches of our Government. I know that the Congress shares that goal. A commission on the constitutional roles of the Congress and the President would provide a useful opportunity for both branches to work together toward that common objective.

RICHARD NIXON.

THE WHITE HOUSE, *October 24, 1973.*

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to reconsider the joint resolution. The question is, Shall the joint resolution pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. STENNIS. Mr. President, will the Senator from Texas yield to me?

Mr. TOWER. I do not have the floor.

The PRESIDING OFFICER. The Senator from Mississippi is in charge of the time on the majority leader's side, and the minority leader or his designee on the minority side.

Mr. TOWER. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum without the time consumed being charged to either side.

Mr. ROBERT C. BYRD. Mr. President, would the Senator suggest the absence of a quorum and let the time be charged equally to both sides because we have a vote at 4 o'clock in any event.

Mr. TOWER. That is under the unanimous-consent agreement?

Mr. ROBERT C. BYRD. Yes, sir.

Mr. TOWER. And the time to vote is fixed at 4 o'clock?

Mr. ROBERT C. BYRD. Yes.

Mr. TOWER. Mr. President, I accede to the request of the Senator from West Virginia (Mr. ROBERT C. BYRD) and ask unanimous consent that I may suggest the absence of a quorum with the time being charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the vote on the override of the President's veto occur at 5:15 p.m. today, with the time to be equally divided between Mr. STENNIS and Mr. TOWER.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. TOWER. Mr. President, I yield such time as he may require to the Senator from Missouri.

Mr. EAGLETON. I thank the Senator from Texas for yielding.

Mr. President, I rise to speak in support of the President's veto of the so-called war powers bill, and therefore in opposition to the attempt to override it.

The term "war powers" is a generic term dealing with the authority of the

President and Congress to commit American Armed Forces into hostilities or into a theater of the world where there is the imminent threat of hostilities. The proposed legislation has had a long and tortuous and, at times, intriguing road. It was 3 years ago or more when the first war powers bills were introduced, initially by Senator JAVITS, then one by me, and then one by the distinguished Senator from Mississippi (Mr. STENNIS).

The Senate Committee on Foreign Relations held extensive hearings, and a bill was fashioned that defined the parameters of responsibility of the President and Congress.

In essence, the Senate bill said the following: The decision to go to war, under our Constitution, is a decision for Congress to make. That is what Hamilton and Madison, who worked on that section of the Constitution, intended. Fresh from the control of King George, they no longer wanted one man, however decent, however benign, to make the troublesome and difficult decision to commit the United States to war.

They wanted this to be a collective judgment, made by the Congress of the United States, and therefore they reposed in Congress the authority to declare war.

The Senate bill is premised on that sound constitutional precept. And no valid bill can be premised on any other precept and be constitutional. The Senate bill then went on, as it properly had to because of court decisions, and historical precedent to delineate three emergency situations that would permit the President to act on his own without prior authority.

The general premise is that Congress is to declare war, Congress is to decide. But there are three exceptions to that premise recognized in law, and those exceptions were ratified in the Senate bill.

First, an attack on the continental limits of the United States. If we are attacked, the President can respond—obviously so.

Second, an attack on U.S. forces legally deployed abroad—for example, NATO. In the case of an attack on our forces in Germany, the President could respond to maintain their self-defense.

Third, the most obscure one, but one that is blessed by previous court decisions—the right to rescue American citizens. The President would have the authority to rescue American nationals abroad in time of danger, but only under carefully circumscribed conditions.

Those were the three limited exceptions in which the President could act under the Senate bill; and even with those limited exceptions, he could act for only a brief period of time—30 days. If Congress did not ratify the action beyond that time, it would terminate within 30 days. This parameter recognized that the act of repelling attacks is finite and that the defensive action is transformed to an offensive action requiring congressional sanction.

That was the basic thrust of the Senate bill. That was the form it was in when it went to that mysterious conclave called the conference committee. The Senate bill disappeared in conference. What came out is a total, complete distortion of the war powers concept, because what came out has nothing to do with emergency authority of the President. It has nothing to do with the central point of contention over war powers.

There are some precatory words about emergency authority in the conference version, but it is just that, meaningless. It is pious, nonoperative, nonbinding, nonenforceable language. What the conference bill now says is this, and the country had better know it. The country does not know it yet, because the media coverage of the bill still says that this limits the President's war powers. It does not. The bill gives the President of the United States unilateral authority to commit American troops anywhere in the world, under any conditons he decides, for 60 to 90 days. He gets a free 60 days and a self-executing option for an additional 30 days, making 90.

Mr. President, the express train already has left to make this bill law. We had to beg another hour to debate the most important question a free society can face—war. And we are going to debate it for 2 hours. If we are going to debate a pay raise for Senators we debate it for a week, but just 2 hours on war.

What this bill says is that the President can send us to war wherever and whenever he wants to. Troops could be deployed tomorrow to the Mideast under this bill without our prior authority. All the President has to do is to make a telephone call to Senator MANSFIELD and Senator SCOTT and say, "The boys are on the way. I think you should know." Consultation. There they are; 60 to 90 days. Once those troops are committed the history of this country is replete with examples; that once committed they remain.

How sharp can memories be? My God, we just got out of a nightmare that lasted 9 years in Southeast Asia in what at the outset was going to be a sort of mop-up action. At the time of the Gulf of Tonkin incident most thought that in 60 to 90 days we would have that one resolved. Once those troops were committed in August 1964, at the time of the Gulf of Tonkin incident, they remained for 9 years. They left 9 years later, 50,000 dead later, over 350,000 wounded later, and with the expenditure of so many billions of dollars I cannot add it up; lots of blood, lots of sweat, and lots of tears. Yet we attempt to engrain in this bill the unilateral presidential decisionmaking authority to commit more troops anywhere in the world. The Mideast is the most obvious example in current affairs.

Under this bill the President can commit troops without any ratification by Congress; he can send American troops into Egypt, Syria, Israel, or anywhere else. All he has to do is make the telephone call to Senator MANSFIELD and to Senator SCOTT.

He could commit troops to Chile. Suppose a few weeks ago, at the time of the assassination of President Allende, he had decided that there were vital American interests involved in Chile, and he thinks it is in our interest to have a military presence in Chile. Under this bill the troops could be sent there with no declaration of war by Congress.

This bill attempts by legislation to leave out of the Constitution that provision that says Congress shall declare war. One does not have to be a Harvard lawyer, one does not have to be a Philadelphia lawyer, or a law school graduate; all one needs is to have basic commonsense to know that by legislation the Constitution of the United States cannot be amended, but that is what this bill attempts to do.

There is no doubt about what I am saying. It will be refuted by the Senator from New York or some other Senators. The Senator from New York and the Senator from Maine (Mr. MUSKIE) sent around a "Dear Colleague" letter. On page 3 they state:

> Nothing in the war powers resolution could have hampered the Preisdent in his handling of the recent Middle East crisis. The bill would have allowed the President to put our armed forces on alert, to order movements of our fleets and to resupply the Israelis with military equipment. The bill would have required the President only to report to the Congress within 48 hours with respect to the deployment of U.S. Armed Forces in foreign territory, airspace and waters.

Hear that again:

> The bill would have required the President only to report to the Congress within 48 hours in writing with respect to the deployment of U.S. Armed Forces in foreign territory, airspace, and waters.

That is what this bill is all about. It is not mysterious; it is very clear. Despite what has been written and said about it, it does not limit the power of the President of the United States to wage war by himself.

Quite to the contrary. It attempts to emblazon into law, that unilateral decisionmaking process.

I am dumbfounded, because for 5 years I sat here during the whole evolution of McGovern-Hatfield resolutions, Goodell resolutions, Church-Case resolutions, and Cooper-Church resolutions; through hundreds of hours of debate, in which Senator after Senator decried the fact that a President had got us involved in a nightmare, and that we should not get involved in such a nightmare again; and that no one man could ever get us involved in a nightmare again; and was not it awful? We debated that question during the 5 years that I have been here—and the war lasted a total of nine.

With that memory so fresh, how can it be that we would now turn around and sanction the very thing that we castigated for all those years of debate since the original Gulf of Tonkin resolution in August 1964? Were this debate to take place 10 years from now, perhaps I might understand. Memories do grow dim with time. We all get a bit forgetful as the rush of events fades from our memory. But how can we forget so quickly? We just cannot forget in the same calendar year in which American troops were withdrawn from Southeast Asia; now, in the same year, within a matter of weeks, how can we give unbridled, unlimited total authority to the President to commit us to war?

In one of the early days after I had come to the Senate, I was seated, having

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lunch, in the little dining room where Senators sometimes dine. I was so new that I sat at the head of the table by mistake. I sat in the chair that, by custom, was traditionally reserved for the late Senator Richard Russell, of Georgia. No one told me to the contrary. Senator Russell came in to eat. He took another chair, he being the very fine gentleman that he was. Finally, somebody winked at me and told me I was in the wrong place. So I traded chairs, but I sat next to Senator Russell.

Somewhere in the conversation, the discussion turned to war, how we get into it, and how hard it is to get out of it. It perhaps is not very well known, but Senator Russell had personal misgivings in the sense of why we were there and what national security interests were being served by our massive presence there.

But he said:

> Whatever misgivings I had about that war—and I counseled with President Eisenhower about it in the early days; I counseled with President Kennedy about it; and I counseled with President Johnson about it—whatever misgivings I had, whatever doubts I had, so long as our flag is committed and our troops have been sent, I have got to support those troops and I have to support the flag when the decision is made.

That was what Senator Russell told me. He was a very wise man, one of the wisest ever to serve in this body. Those words of his are better than any that I could summon. Once the commitment has been sent, the die is cast.

And the die may be cast for 60 days, 90 days, 60 months, 90 months, or 9 years. And if the troops are sent by the President to Egypt, they are there, and more troops will follow, Mr. President, and more planes, and more bombs. If the troops are sent to Chile, more troops will follow. Or if they are sent wherever the President wants them to be sent, because that is what this bill permits him to do, to send them wherever he wants, for whatever reason.

I think this is the most dangerous piece of legislation that I have seen in my brief 5 years in the Senate. The bill has the name "war powers." It has a nice title. It was nobly conceived, I think, in its inception, but it has been horribly bastardized to the point of being a menace. But we will go ahead, in about an hour and 45 minutes, and we will override the President's veto.

Some of my colleagues will celebrate. The President has beaten us 8 to 0 so far in the veto league, so some of us are eager for our first victory. And so there will be some handshakes and some jubilation. But what a mistake we are about to make.

If we want to defeat Richard Nixon by overriding this veto, we are going to give him more authority, and legalize it, than perhaps he ever dreamed he had. Not only President Nixon, but every President of the United States, will have at least the color of legal authority, the advance blessing of Congress, given on an open, blank check basis, to take us to war. It is a horrible mistake, Mr. President.

Mistakes are made by mortal men. We all in this body are that, and we have no divine attributes; but most of the mistakes that we make; first, we can live with or; second, can be rectified at a later date. But this kind of mistake will haunt us the rest of our lives.

It will haunt us every time in the future that an American boy dies somewhere in the world in a Presidentially initiated war. The blood of those young men will be ours because we are giving away the authority that sends them to die, and we are giving up the greatest responsibility that the Constitution gives to the Congress—the power to declare war.

Former Under Secretary of State Katzenbach, at the time of his testimony before the Foreign Relations Committee, indicated that that provision of the Constitution was outmoded in this atomic, nuclear, space age; that these subtle niceties about Congress' declaring war were a little antiquated. That may well be. I do not think so, but Mr. Katzenbach did: and if they are, there is a way to change that. Amend the Constitution if we want to say that—if we want to say that in this day and age, only the President has the omniscience to know when and why we go to war. So be it. I would oppose such a method, but that is the way to accomplish it. But this bill is not the method, Mr. President.

Nevertheless, we shall go ahead. But I hope every Member of the Senate who votes on this measure realizes what he is doing. I hope that he is not voting to override simply because this is a way of making the score 8 to 1.

I hope Senators are not voting to override because they really think they have captured some of the decisionmaking process insofar as war-making is concerned.

If they think they are doing that, Mr. President, they are very, very wrong. I am sure those who vote to override will do it sincerely and with a full and decent heart. Mistakes, as I say, can be made by decent men. Mistakes can be made by men of good will, but still the same, it is a mistake, and that is what this bill in its present form is—a mistake, a serious mistake, a nightmarish mistake.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, as I understand, the Senator from Mississippi has been designated as the one to control the time.

The PRESIDING OFFICER. The Senator is correct.

Mr. STENNIS. I thank the Chair.

Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. STENNIS. Mr. President, going back many, many months—years now—since the bills on this subject were first introduced—and I was one of those who introduced one of the early ones, after the bill by the Senator from New York—many times since then I have said on this floor that out of the chaos and confusion of the present law, the conflict in decisions of the courts, after almost 200 years since our Constitution was written, I think we ought to have some language on the books that recognized the fact that it was still the responsibility of the Congress to declare war.

That was the conviction on my part. I have been here now when two wars were started that proved to be what I call major wars, and Congress did not take a vote on either one of them. I blame myself more than anyone else. So I am certainly not trying to lay blame at someone else's door.

This measure in its present form is not as strong a bill, as I see it, as the one that we approved here not many weeks ago, but it had to go to conference. Reconciliations in language and viewpoints had to be made. I am here today not to speak at length but to reiterate my faith in the judgment of this body, to reiterate my profound belief and knowledge of a need that there be some new expression put on the books—within the Constitution, of course—which freshly recognizes the congressional responsibility in making war. I think any President, any man who is President, will oppose a bill of this nature. It would be in the nature of things for him to do so. He is espousing the cause of the executive branch. Such Presidents act in good faith. So we will never reach the time, I do not think, when a President would be in favor of a matter that might restrict his power. I do not know that I want a President who would want to be distributing his power in this field. I am as concerned about it as anyone else, and all of us have an equal concern about the protection of this country.

I do not want to restrict him or to restrain him. This language is big enough and broad enough to give him the power to protect this Nation, our citizens, our soldiers, our Army, our Armed Forces wherever they may be.

This language recognizes a need for the constructive judgment of both the President and the Congress. And we are not going to go into a war without the President taking a leading position with reference to advocating that Congress meet its responsibility also by a declaration of war.

So we are not taking any chances in that field. And I would be quite hesitant to vote for a declaration of war in which the President of the United States was not willing to take a position and say that war ought to be declared.

So, when this measure is passed—and I believe that it will be passed—it will be a moderate declaration of the responsibilities of the Congress.

The PRESIDING OFFICER (Mr. BARTLETT). Who yields time?

Mr. TOWER. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. TOWER. Mr. President, this is a bill designed to proscribe the powers of the President in the area of the formulation and implementation of foreign policy. What should be understood is that the power to wage war is simply an extension of the power of the President to conduct diplomacy. The use of the Armed Forces is a tool of diplomacy, and the President of the United States must be allowed maximum flexibility in this age of fast changes to use that tool as he sees fit.

There are already proscriptions on the war making powers of the President.

There has been a great deal of complaint about the fact that the President has waged a war in Vietnam without a declaration of war. Troops have been deployed in various situations. They have been deployed in Lebanon and in the Dominican Republic and in other situations without the consent of Congress. But the Congress acquiesced by virtue of its failure or refusal to proscribe the President in these actions through denying him appropriations to allow him to do so.

We already have adequate restraint. What we do in the war powers bill is to say to the President: "We are going to place you at a calculated disadvantage in your negotiations with the other great superpower of this world." Mr. Brezhnev does not have to seek the consent of the presidium of the Supreme Soviet Union or anyone else if he wants to deploy troops and commit them to combat.

What we are saying is that we have only to force the President of the United States to enter into negotiations not from a position of strength, but we are also going to say to him that he cannot have the flexibility he needs but must rely on the consent of the Congress to make any kind of move of a short period of time that is calculated to assert the will and determination of the United States.

This is unprecedented. We have griped around here for a long time about reasserting ourselves and reestablishing the constitutional powers of the legislative branch with those of the executive branch.

We have only ourselves to blame. We should be saying "Mea culpa." We are guilty of having delegated away our power and responsibility and authority to the President of the United States and to the executive branch over which he presides.

However, this has been largely in the domestic field over which the Congress should establish policy.

We have got arrogant bureaucrats downtown who take congressional legislation and act under its purported authority to make rules and regulations and impose their will on the general citizenry and harass business and labor and commerce. We do not do anything about that.

However, when we get to the historic field where everyone who is a scholar of the American system of Government realizes that the constitutional processes and recognizes custom and usage and recognizes that this is a field in which the executive branch should be preeminent.

It is this field in which we choose to proscribe the President of the United States at a very harrowing time in the history of this world in which the President should have maximum flexibility in dealing with the various contingencies that arise without notice in the international field.

This is manifest foolishness at this particular time when we are in the process of trying to work within the context of détente to arrive in concert with the Soviets at some sort of an arrangement by which we may negotiate a peace in the Middle East, God help us. God help Israel, if the President had been powerless to act at a time when, in her hour of travail, Israel was confronted by the fact that the Soviets were rearming the Arabs, and were alerting their troops in readiness to monitor a cease-fire on a unilateral basis.

So the context of the times should dictate to us that this is no time to proscribe the power of the President.

Now, repairing to historical and constitutional tradition, let us examine carefully the words of Justice Sutherland in the case of the *Curtiss-Wright Export Corp.* v. *the United States* (299 U.S. 304), a 1936 case. Justice Sutherland said:

> "It will contribute to the elucidation of the question if we first consider the differences between the powers of the federal government in respect of foreign or external affairs and those in respect of domestic or internal affairs. That there was differences between them, and that these differences are fundamental, may not be doubted.
>
> "The two classes of powers are different, both in respect of their origin and their nature. The broad statement that the federal government can exercise no powers except those specifically enumerated in the Constitution, and such implied powers as are necessary and proper to carry into effect the enumerated powers, is categorically true only in respect of our internal affairs. . . . The powers to declare and wage war, to conclude peace, to make treaties, to maintain diplomatic relations with other sovereignties, if they had never been mentioned in the Constitution, would have vested in the federal government as necessary concomitants of nationality. Neither the Constitution nor the laws passed in pursuance of it have any force in foreign territory unless in respect of our own citizens (see American Banana Co. v. United Fruit Co., 213 U.S. 347, 356); and operations of the nation in such territory must be governed by treaties, international understandings and compacts, and the principles of international law. . . .
>
> "Not only, as we have shown, is the federal power over external affairs in original and essential character different from that over internal affairs, but participation in the exercise of the power is significantly limited. In this vast external realm, with its important, complicated, delicate and manifold problems, the President alone has the power to speak or listen as a representative of the nation. He *makes* treaties with the advice and consent of the Senate; but he alone negotiates. Into the field of negotiation the Senate cannot intrude; and Congress itself is powerless to invade it. As Marshall said in his great argument of March 7, 1800, in the House of Representatives, 'The President is the sole organ of the nation in its external relations, and its sole representative with foreign nations.' Annals, 6th Cong., col. 613. . . . It is quite apparent that if, in the maintenance of our international relations, embarrassment—perhaps serious embarrassment—is to be avoided and success for our aims achieved, congressional legislation which is to be made effective through negotiation and inquiry within the international field must often accord to the President a degree of discretion and freedom from statutory restriction which would not be admissible were domestic affairs alone involved.

Mr. President, we have all grown weary of war. We have been taken into every war we have participated in in this century, actually in matter of fact been taken into it, without prior consent of Congress initially. We have entered each one of these wars reluctant and ill-prepared, but because some external force dictated that we must go into them.

Mr. President, at this time, I would say specifically at a time of détente, it is even more essential that our President have flexibility to operate as he sees fit, and to use military force or the threat of military force as a precision instrument of diplomacy.

I realize this is a time when everyone can with impunity kick the President, because he is at a low ebb in popularity now, and many people are calling for impeachment or resignation. But let us think in terms of what we are doing. We are saddling future Presidents with this kind of proscription. I hope that we are not so caught up in the hysteria of Watergate and a desire to punish what we consider to be wrongdoings of this President that we make the power of the President to effectively formulate and implement foreign policy a victim of our emotions on Watergate.

This is a sorry time in which to be legislating on this important matter. I hope the Senate will view this matter with all of the objectivity that it can muster, and will sustain the President on this critical issue. This is the most dangerous piece of legislation that, in this perilous time, we could accede to, and I plead and pray to the Senate that they will sustain the veto so wisely imposed on this measure by the President of the United States.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement and article on this subject by the distinguished Senator from Arizona (Mr. GOLDWATER).

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR GOLLWATER

I am concerned that Congress and the American people, not unlike the awakening that occurred in the early 1940's, will regret the decision which is about to be made today by a Congress bent upon tearing away at the powers and responsibilities of the Office of the President. We entered the calamity of World War II unprepared and we are about to lay the makings for our unpreparedness in some future crisis where certainty about the nation's credible strength and will is required.

In my opinion, the war powers resolution is one of the most dangerous pieces of legislation in our nation's history. It will undermine the nation's defense posture at a time when we must be able to demonstrate that we can and are prepared to defend ourselves and uphold our commitments.

My concern arises out of the fundamental objection that Congress should not be legislating hard and fast rules in this field. The great weight of scholarly writings supports the postion that the Founding Fathers never intended to defined the war powers when they were drafting the Constitution and they most certainly never meant for Congress to do what they themselves did not feel wise enough to do.

Though the war powers resolution does give an apparent reach to the President's authorities within the first 60 or 90 days of any crisis, I am gravely concerned that it also provides for an automatic cut-off on his actions after that time unless Congress specifically passes new authorizing legislation. I am convinced the Constitution never gave Congress the power to restrict the President to a particular time period of defense of the nation's freedom, as this resolution proposes.

The resolution also allows that Congress may halt any action the President has started

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one day after he begins, if Congress should pass a concurrent resolution to that effect. Concurrent resolutions are a vehicle for policy statements or in-house matters of Congress and no more. It is clearly unconstitutional to use a concurrent resolution, which by nature is not signed by the President and is not subject to veto, as a device to govern the activities of another coequal branch of the Government.

I think it is long past the time when it should be understood that this country is engaged in a worldwide struggle to determine whether freedom will prevail any place on earth or whether the advocates of slavery by the varying hues of communism will prevail. Whether we like it or not, the only way in this tough world to preserve peace and freedom is by keeping America strong and being able and ready to defend it. I believe the war powers resolution would destroy America's credible strength by which we assure our friends and deter our enemies and I ask my colleagues to sustain the President's veto of war powers limitations. If the Senate should choose to join the House of Representatives in overriding the President's veto of this resolution, I urge the President to explore every possible means for testing its unconstitutionality in the courts.

Mr. President, I add to my remarks the text of a law review article which I published recently on the subject of the President's constitutional primacy in matters of foreign relations and national defense

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THE PRESIDENT'S CONSTITUTIONAL PRIMACY IN FOREIGN RELATIONS AND NATIONAL DEFENSE

(By BARRY M. GOLDWATER*)

The Office of the Presidency has come under the most vigorous attack of any period during its history. Many in Congress, prodded by self-proclaimed experts in the news media, have undertaken a monumental effort to restore powers of responsibility which they feel are held by Congress and have been usurped by the Chief Executive. To them, he acts more as an elected Monarch than he does the elected leader of a democratic Republic.

Nowhere has the issue been pressed more vocally and persistently than in the field of national security matters involving the relations of the United States with the outside world. I have written elsewhere of the legislative struggles which opened the 1970's on a note of challenge by Congress against every military action taken by President Nixon in the Indochina theater.[1] In particular, I have focused on the attempt by some Members of Congress to gather all the fundamental war powers in the Legislative Branch so that the Executive cannot engage in military hostilities outside the nation without a specific mandate from Congress to do so.

My previous paper attempts to explain why this legislation, referred to as the War Powers Act,[2] would, if adhered to by the President, prevent the United States from undertaking even emergency actions in most situations and would, in any event, unconstitutionally interfere with the President's plenary power to use military force whenever he believes this is necessary to the defense of the United States and its 210 million citizens.[3]

The present article will discuss areas not treated in my earlier paper, but which are directly related to the overall arrangement of national security powers under the Constitution, such as the Executive authority to enter into international agreements other than by the treaty process; the Presidential power to initiate major foreign policy changes through personal advisers around him rather than by reliance upon the Department of State; the use of Executive privilege in refusing to expose certain top staff aides and information to the probings of Congress; and the right of the Executive to classify information in the military and foreign policy fields the exposure of which could become dangerous to the United States or our allies.

These specialized questions are part of the larger issue of whether the President has too much power in the foreign affairs realm. This basic question will be considered from the standpoint of political history. It is in this area where I believe the most intemperate attacks have been made against the Presidency and where the distrust of Executive authority appears to be particularly lacking in any sound historical basis.

I. CURRENT ATTACKS ON PRESIDENTIAL PREROGATIVES

Indicative of the current, incessant attacks on Presidential prerogatives in the conduct of foreign affairs are the statements by critics of the President which I compiled over the last year and released in a Vietnam White Paper three days after the January 23 announcement of a Vietnam ceasefire agreement.[4] The achievement of this agreement [5] by the President after being under the systematic harassment, day and night, by influential television commentators, news writers and Congressmen stands as one of the greatest vindications possible of the concept of Executive guidance over foreign affairs. Through a barrage of pessimistic newspaper and television reports, often accompanied by hundreds of feet of enemy photographs and film, the Office of the President was able to steer the most delicate of negotiations. This skill and steadfastness of purpose succeeded in attaining the American goal of peace with honor and without surrender.

Lest the character of the thrust against the Presidency be forgotten with the lapse of time, I believe it is in order to cite a minimal sampling of the opinions which daily criticized the President of the United States. For example, the *Washington Post* in an editorial published on January 7, only 16 days before the announcement of the peace, stated:

> "He has conducted a bombing policy . . . so ruthless and so difficult to fathom politically as to cause millions of Americans to cringe in shame and to wonder at their President's very sanity.[6]

On May 15, 1972, *Newsweek* magazine informed its readers "a blockade of Haiphong . . . would almost certainly bring an immediate cancellation of the Nixon visit (to Russia)." [7] History will record that President Nixon was politely received in the Soviet Union a few days thereafter.

Two more responses to Presidential decisions during the American involvement in Indochina include Congressional criticism of the President's decision to mine the major harbors of North Vietnam. The 1968 candidate of the Democratic Party, Senator Hubert H. Humphrey, concluded, "It is fraught with danger and will not contribute to the settlement of the War." [8] The 1972 Democratic candidate, Senator George McGovern, flatly predicted, "If we continue under the Nixon policy, we're not going to see our POW's again." [9]

Without belaboring recent history, it is striking that in nearly every situation the President made the right decisions while receiving the harshest judgment from the media and political pundits. In these circumstances, the successful conclusion of the Vietnam War with the return of American POW's and the movement toward enormous policy changes during the Nixon Administration increase a growing feeling I have about the Founding Father's concept of the foreign affairs discretion of the President.

II. HISTORICAL OVERVIEW OF PRESIDENTIAL POWER

A. Founding Fathers

The Framers of the Constitution invested the Chief Executive with the foreign policymaking powers because of a realization that a single individual with these powers would not be disturbed by politics of the moment. He would look to the long course of history and use his powers more wisely than a Congress which is constantly looking toward the political results. It is my thought that the Founding Fathers understood that a Congress divided amongst different minority interests might in some crucial moment of history be loath to give proper direction to a single necessary American course. Thus they found it proper to place the power of external affairs in a single person where the probability of minority weight would be much less likely to have this effect.

The emphasis of the Framers upon planning a government which would be guided by a leader who would act on behalf of a single people with a single purpose appears both in the writings of the Federalist Papers [10] and the debates of the first Congress. For example, in the course of deliberations by the House of Representatives on June 17, 1789, on legislation creating the Department of Foreign Affairs, James Madison referred to the great principle of unity and responsibility in the executive department.[11]

Though the debate centered on the Executive power to remove officers who would be appointed with the consent of the Senate, the concept which prevailed in the debates and votes that day [12] is the same concept which supports the unrestricted authority of the Executive to take the initial role in setting America's course in world matters. A little remembered fact, which was quite apparent then, is that the Senate at that time was considered the chamber of representatives of the state legislatures and very unequal even in that representation. On the other hand, members of the first Congress conceived of the President as "the representative of the entire people . . . guardian of his country." [13] As Representative Scott pointed out, the President "is elected by the voice of the people of the whole Union; the Senate are the Representatives of the State sovereignties. . . ." [14]

Readings from these formative days of our Constitution would be educational, I believe, for many Members of the Senate who today suggest that the Senate or the Congress should take over from the Executive the decision making power of handling world security matters. If these critics, who believe that the President of the United States cannot handle the powers entrusted to him by the Constitution and that the cumbersome procedures of Congressional decision making are to be preferred, wish to confront the issue squarely, then their only legal alternative is to start the machinery for changing the Constitution.

B. Military actions

Moreover, I agree with those who assert that the great shift in power between Congress and the Presidency in foreign policy is a myth.[15] For example, as is documented in a study done at my request, there have been at least 199 foreign military actions in which this country participated without a declaration of war, many of which involved extended campaigns and most of which took place outside the Western Hemisphere.[16] The pattern of constitutional usage in the exercise of this war power did not change from the first Administration of President Washington to the 37th Administration of Richard Nixon.

Even President Buchanan, widely quoted [17] as believing that the President had to ask for Congressional authority to employ land and naval forces, acted without any authority from Congress when he ordered a naval force into Cuban waters with directions "to protect all vessels of the United States on

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the high seas from search or detention by the vessels of war of any other nation." [18] A conflict with Great Britain was avoided only by its abandonment of its claim to the right to visit and search in time of peace.[19]

III. EXECUTIVE AGREEMENTS

A. Ninety-nine percent have congressional collaboration

The pattern of making international executive agreements follows the same historic course. During the first fifty years of government under the Constitution, the President is believed to have entered into at least 27 international agreements without obtaining the consent of the Senate under the treaty process. The figure increased to 238 executive agreements in the second half century after the Constitution came into force.[20] During the third fifty year period, 917 executive agreements were concluded [21] and more recently in the period from 1946 to April of 1972, 5,589 international agreements other than treaties were made by the President.[22] More executive agreements have been made than treaties in every period of our history except the first fifty years.[23]

It is significant that the first known use of executive agreement occurred as early as the second Congress. It recognized the existence of international agreements other than the treaty by legislating that the Postmaster General may make agreements with the Postmasters in any foreign country for the development of international communication through the postal service.[24]

This early agreement is typical of the vast bulk of non-treaty agreements which have been reached in recent years. Contrary to the emotional rhetoric of Presidential critics, 99 percent of executive agreements in force for the United States as of April, 1972, were either previously or subsequently authorized by statute.[25] Over 1,000 of the present executive agreements deal with the subject or surplus agricultural commodities, pursuant to Federal statute.[26] The Department of Agriculture has also participated in several agreements with foreign countries for the control and eradication of foot-and-mouth disease of animals and for the sale of certain foods for use in school lunch programs of other countries.[27]

The Federal Communications Commission, acting pursuant to a 1964 law which I authored,[28] has participated in the conclusion of 45 executive agreements between the United States and other countries. These relate to the reciprocal granting of authorizations to permit licensed amateur radio operators of either country to operate their ham radio stations in the other country.[29] Another group of at least 38 executive agreements were concluded for the establishment of satellite tracking and data stations in foreign countries under authority resting in the National Aeronautics and Space Act of 1958.[30]

The list of executive agreements also includes customs conventions,[31] agreements for the avoidance of double-taxation,[32] private investment guarantee agreements,[33] and cooperative weather programs,[34] among a great many normal subjects of daily contact between modern day peoples and nations.[35]

Even the overwhelming percentage of agreements participated in by the much maligned Department of Defense involve programs expressly authorized by Congress. Pursuant to the Foreign Assistance Act of 1961 [36] and the Foreign Military Sales Act,[37] bilateral executive agreements have been entered into with over 40 countries setting forth in general terms the conditions under which military assistance will be provided.[38] In the implementation of these basic agreements, thousands of individual executive agreements have been concluded pursuant to the same general grants of authority by the Congress. Foreign military sales contracts alone total some 3,300 annually.[39]

According to Fred Buzhardt, General Counsel of the Department of Defense, at least 60 percent of the executive agreements of interest to his department are in implementation of foreign aid legislation.[40] The next largest categories are those concerning United Sttaes rights to construct, operate and maintain military facilities and installations overseas. These, in the main part, may properly be considered to have been specifically provided for in the annual Military Construction Authorization and Appropriation Acts.[41]

There is no justification for the cries of horror from Congress about the alleged arrogance of a President run wild with the powers allotted to the Senate or Congress. Of the 5,590 executive agreements in effect on April 1, 1972, only 64, a minute fraction can be classified as having been concluded by the President on the basis of his constitutional authority alone.[42] Congress has put its legislative stamp of approval on 5,526 of these agreements, the Senate itself having thereby concurred in the principle that a two-thirds vote by the Senate is not required to enter into entanglements with foreign countries.

B. Troop deployments and political commitments

In reality, the current challenge from the legislature does not stem out of a basic constitutional difference with the Executive for Congress has conceded this issue through its own legislative delegations of authority. The concern is rather about the policy of a Chief Executive who appears to be moving American military men and material around the globe in ways that run the risk of an attack on our troops stationed in another country or that convey a commitment to a foreign country that the United States will come to its defense if it is attacked.[43]

Here, the Department of State protests vigorously that no such executive agreements exist.[44] The very small number of mutual defense agreements with foreign nations that are in a form other than a treaty include language that takes away from the bindingness of any obligation.[45] These three agreements, which involve Turkey, Iran, and Pakistan, state that the United States, in accordance with the Constitution, will take such action "as may be mutually agreed upon." [46] This is construed by our Government to mean that the undertaking is merely to consult the other government when requested to do so on appropriate action which the United States might be prepared to take in accordance with the Constitution. This in turn is construed by our Government to allow at the time consideration of what we are going to do. It does not promise to come to the defense of another country.[47]

The Department of State apparently concedes the constitutional principle that "agreements which involve a basic political commitment, such as an undertaking to come to the defense of another country if it is attacked, should be cast in the form of a treaty in the constitutional sense.[48] John R. Stevenson, Legal Adviser to the Department of State, admitted as much before Senator Ervin's Subcommittee on Separation of Powers in May of 1972. He added:

> "Such agreements establish basic foreign policy commitments to which our overall defense and security strategies are keyed, and I believe that the framers of the Constitution clearly intended that such fundamental agreements should be subject to the special safeguards of the treaty clause." [49]

The basic disagreements between the Department of State and some Members of Congress occurs over the question of whether or not the mere deployment abroad of United States forces is a major foreign policy action which affects the country's destiny and thereby is the kind of a commitment which involves the treaty powers of the Senate. There is a growing feeling in Congress, reflected by the advocates of war powers legislation as well as critics of executive agreements, that the deployment of forces itself, particularly in areas of actual or potential hostilities, should be carried out only through the treaty process.[50]

The Department of State responds by arguing that there are no agreements with foreign governments that do necessarily create commitments by the United States.[51] Agreements permitting the United States to use facilities abroad are considered in this view to secure for the United States an "option" to use the facilities.[52]

My own position on the constitutional issue is in disagreement with both viewpoints. I disagree with those in Congress who contend a treaty is required in order to station United States troops on foreign soil, but I also believe the Executive spokesmen have conceded too much in their attempts to draw a narrow technical line between formal commitments and "options." When American forces are sent into waters or lands where they cannot avoid coming under attack should the host country be invaded or attacked, our forces have little option left but to protect themselves whatever our policy may be toward the country suffering the attack. It is my view that we go into these situations with our eyes open and that Presidents possess full authority to do what they have been doing so long as a President believes the action is required for the national defense and he has the consent of the foreign country involved.[53]

For example, on August 7, 1946, the Soviet Government demanded that Turkey allow it to participate in the defense of the Straits, which meant the occupation of Turkey. On August 15, President Truman obtained counsel from Secretary of State Acheson, Secretary of Navy Forrestal, Under Secretary of War Royall, and the Chiefs of Staff. When a recommendation was laid before the President urging that a powerful naval force, including the newly commissioned supercarrier *Franklin D. Roosevelt*, be sent to Istanbul, General Eisenhower, then Chief of Staff of the Army, asked whether it was sufficiently clear that the course recommended could lead to war. Secretary Acheson reports that at this moment the President took from the drawer of his desk a large map of the Middle East and Eastern Mediterranean and asked the group to gather around behind him. The President then gave a brief lecture on the strategic importance of the area and the extent to which the United States must be prepared to risk to keep it free from Soviet domination. When he finished, writes Mr. Acheson, none doubted the President understood fully all the implications of the recommendations for the defense of the Straits.[54]

In his brief manuscript which he dictated in the fall of 1967 on the basis of personal diaries and recollections, Robert Kennedy related the top level deliberations of the Kennedy Administration in those thirteen days of October, 1962, when the decisionmaking of President John Kennedy "brought the world to the abyss of nuclear destruction and the end of mankind." [55] With missiles being placed in Cuba having an atomic warhead potential of one-half the ICBM capacity of the Soviet Union and with indications that these missiles were being directed at American cities where 80 million Americans would be dead within a few minutes of their being fired upon, President Kennedy felt compelled to take defensive action without consulting Congress.[56] Before the President met with any Members of Congress and informed them for the first time of the crisis, he had made his decision in favor of the blockade of waters around Cuba; and, without any specific legislative action or consultation, he put six Army divisions on alert, deployed 180 ships into the Caribbean, and disbursed the Stra-

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tegic Air Command to civilian landing fields around the country in order to lessen its vulnerability in case of attack. At the same time the B–52 bomber force was ordered into the air fully loaded with atomic weapons.[57]

The result of such decisive action was the October 27, 1962 agreement by the Soviet Chairman, Mr. Khrushchev, to dismantle and withdraw the missiles from Cuba.[58] The United States apparently closed the book on the Cuban crisis about December 6 of that year, by which date the United States had counted at least 42 medium-range missiles and verified as well that 42 Soviet jet bomb-being removed from Cuba on Soviet ships ers were being transported home from Cuba.[59]

C. The President's constitutional independence

These are the kinds of situations in which I believe the Founding Fathers have empowered the President to mobilize, deploy, and even direct into action, the military forces which Congress has provided for this country by its various authorization and appropriation statutes. In other words, I believe the survival of this nation is a concern of the Executive which he can pursue by using whatever forces Congress has supplied, in whatever ways, outside the territory of the United States, that he believes is necessary in the defense of America and its freedoms.

His power to do this is vested in him as Commander-in-Chief, as the Executive power of a sovereign nation, as the executor of the laws, treaties, and Constitution of the United States, and as the organ of this nation in its foreign affairs. The many authorities which support my view of Presidential power are cited elsewhere by me and I shall incorporate these by reference for purposes of this article.[60]

In my opinion, the Constitution grants Congress considerable powers of influence over the course of foreign relations,[61] but it does not allow Congress to legislate in advance, even by general appropriation riders, policy directives which would restrict the President from entering into agreements by his own authority for the location of American troops outside the country.[62] Congress can reduce the size of the armed forces and, after reviewing the world situation, can appropriate a reduced defense budget in line with its own view of what the risks to America are and what our commitments should be. If the American public supports the movement of foreign policy towards a new direction, I have a faith that our political system will function effectively and enable such a change in direction to occur.

To me, Vietnam stands as a visible example of how the Constitutional arrangement of powers worked to bring about an end to the cycle of escalation in the deployment of more and more manpower to Indochina and even to achieve the complete termination of the American fighting role there. When Congress and the majority of the American people stopped backing the conduct of a major land war in Southeast Asia, with its tight rules against air activities, it was ended.

My own position, as a layman, is similar to the generalized *dicta* expressed by Justice Stewart, joined by Justice White, concurring in the "Pentagon Papers Case":

"In the governmental structure created by our Constitution, the Executive is endowed with enormous power in the two related areas of national defense and international relations. . . . For better or for worse, the simple fact is that a President of the United States possesses vastly greater constitutional independence in these two vital areas of power than does, say, a prime minister of a country with a parliamentary form of government."[63]

D. The Bricker amendment revisited

If my position today appears to conflict with my vote[64] in favor of the Bricker Amendment of the 1950's,[65] I would merely state that Senator Bricker's proposal was in the form of a Constitutional Amendment and that it involved certain crucial State's rights questions absent from the contemporary debate. The Bricker Amendment fully recognized the need for changing the Constitution in order to touch this matter and it in no way supports the position of present day Members of Congress who wish to alter foreign affairs powers through simple legislation.

It should also be remembered that the Bricker Amendment contained an important provision which would have provided that no executive agreement or *treaty* should be made "respecting the rights and freedoms of citizens of the United States recognized in this Constitution, the character and form of government prescribed by the Constitution and laws of the United States, matters which involve no substantial mutuality of interest as between the United States and other sovereign states, or any other matters essentially within the domestic jurisdiction of the United States."[66]

These grave questions of local, domestic affairs which were a focal-point of the Bricker Amendment debates have been removed from consideration today by virtue of a Supreme Court decision which was later handed down. It is now firmly established by the High Court that specific rights and guarantees secured by other provisions of the Constitution cannot be altered under the guise of the treaty power.[67]

IV. PRESIDENTIAL RELIANCE ON NATIONAL SECURITY ADVISORS

The principle of responsibility in a single officer of the Government for the conduct of foreign affairs, which is necessary to the effective safeguarding of the national security, is also a basis of Presidential authority to choose and rely upon top staff advisors around him. This principle is buttressed by the separation of powers, which is natural from the arrangement of government into distinct branches. Unless it is believed Congress can redefine powers alloted by the Constitution, the President, as head of an independent department of Government, must be able to act in the external realm with the advice and participation of whomever he believes is compatible with his own temperament and can best provide the help he wants.

Again, in this area, there is a sensitivity in Congress, almost the expression of an inferiority complex, that the practice of assistance from special Presidential advisers on foreign affairs excludes Congress from the policy-making process. Many tears are shed about the alleged decline and prestige of the Secretary and Department of State, but the main objection is to a whole new super-bureau allegedly separate from and superior to the regular Cabinet departments and shielded from Congress and the people behind a barricade of executive privilege.[68]

What this reflects is not merely the wish of Congress to play a role in the eventual course of foreign affairs but a longing for control over the formulation of policy at its inception. The challengers in Congress are not simply asking to be consulted before any foreign policy moves are made; they want to have a veto over the trends of foreign affairs in its smallest details. This plainly was not the design of the Founding Fathers when they divided the powers of Government among three distinct departments. There is no Supreme Court decision saying that Congress has the dominant role in the making and conduct of foreign affairs, but there are 186 years of experience under the Constitution,[69] and earlier traditions known to the framers of the kinds of powers usually vested in the heads-of-states,[70] which support Presidential discretion in this field.[71]

The truth is that neither the Constitution, nor any law which Congress may pass, can bind the President "to monogamous cohabitation with the Secretary and Department of State in the conduct of foreign affairs."[72] President Wilson relied on his unofficial ambassador-at-large, Colonel Edward M. House, in the management of foreign affairs, and President Franklin D. Roosevelt controlled his foreign policy with the help of Harry Hopkins at his side.[73] Reliance on the relatively new organization of the National Security Council[74] has its origins in the role of the Council and its Operations Coordinating Board under President Eisenhower. The influence exercised by the Council's Chairman can be traced to the successive appointments of McGeorge Bundy, Walt Rostow and Henry Kissinger as the Special Assistants for National Security Affairs to the three most current Presidents. The system came into being long before President Nixon.[75]

It is true Mr. Kissinger has a staff of some 54 substantive officers,[76] but there is nothing sinister or improper in this. There have been enormous policy changes in movement during the Nixon Administration and the need has grown more than ever for a President to have competent top advisors on whom he can count for aid in implementing these basic changes. I believe a small group of people, working closely with the President, is a necessity in helping any Administration develop and implement such new departures as have occurred in this one. The transformation of United States relations with its allies to one in which our country will carry less of the burden, the openings to Communist China and the shift to a less barren relationship with the Soviet Union have all come about with such a system.

In my opinion the Constitution allows the President to put the advisory function wherever he wants and believes it would be carried out most faithfully, loyally, and effectively. If his close advisors will not jump on a string and appear before every Congressional Committee which seeks to probe the inner-most workings and discussions of the President's councils, so be it.

The President will come before the people every four years and if in their judgment, he has misguided the nation, he can be replaced. In the meantime, he must get along well enough with Congress at least to obtain the money he needs to administer the programs, domestic and foreign, which he advocates. If he attempts to take any really disastrous course, he can be impeached.[77]

The principle of responsibility in the Chief Executive for the officers appointed under him was resolved in favor of the President by the first Congress in two votes taken during the debates on creation of the Department of Foreign Affairs, which upheld the President's power of removal as an inference of the Constitution.[78] The thrust of the winning side in the debate was that the Constitution has separated the powers of government and it would be improper for Congress to combine and mingle them together by allowing Congress to continue in office an individual in the high ranks of the Executive Department who was not wanted by the President.[79]

The basic concept of independent responsibility in the President was later upheld by the Supreme Court. In *Myers v. United States,*[80] the High Court held that the President has the exclusive power of removing executive officers of the United States whom he has appointed by and with the advice and consent of the Senate and that Congress may not condition the President's removal power on the concurrence of the Senate. I believe this same independence in relation to his important officers extends to a total discretion of the President in choosing which officer he shall have as his primary foreign policy advisor.

V. ASSERTION OF EXECUTIVE PRIVILEGE

Senatorial rhetoric notwithstanding, the Executive generally operates in a spirit of

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cooperation with Congress whereby most documents and testimony sought are forthcoming from the President. Even a leading critic of executive privilege, Professor Raoul Berger, who has written an exhaustive two-part study of the subject, admits that "over the years the vast bulk of Congressional requests for information have met with compliance. . . ."[81]

Akin to the executive agreement experience, when the inquiry into the use of executive privilege is limited to instances of asserted Executive authority, it turns out that there are not many examples to show. For example, a recent Library of Congress study reveals that between 1961 and 1972, President Kennedy invoked the executive privilege 13 times and President Johnson 3 times, while President Nixon, the alleged all-time usurper, invoked it on only 11 occasions.[82] Actually President Nixon has invoked executive privilege but three times in response to a Congressional request for information, as distinguished from requests for Congressional appearances by officers of the Executive Branch and members of his personal staff.[83]

One example when the privilege was invoked in writting was the effort by the Senate Foreign Relations Committee to obtain access to the five year spending plan for military assistance. In a memorandum dated August 30, 1971, President Nixon invoked executive privilege not to make available the basic planning data and various internal staff papers requested by the Committee on the ground that this "would impair the orderly function of the Executive Branch of the Government."[84] The President explained that these papers, insofar as they deal with future years, do not reflect any approved program of his Administration but reflect only tentative intermediate staff level thinking. He expressed his concern "that unless privacy of preliminary exchange of views between personnel of the Executive Branch can be maintained, the full frank and healthy expression of opinion which is essential for the successful administration of Government would be muted."[85] Surely there is wisdom in what the President writes, and surely under our Constitution he may exercise the privilege of protecting this type of internal working data.[86]

An example of the informal use of the privilege is when Secretary Rogers and Presidential Assistant Kissinger declined to appear before the Senate Foreign Relations Committee on January 2, 1973, to discuss Indochina events.[87] These officials did not appear because it would have been disruptive to the Administration's delicate, ongoing negotiations with the North Vietnamese to end the war, and, in light of recent history, it appears they were fully justified in using this reasoning. The claims to the contrary by some in Congress made absolutely no sense whatsoever unless these people assumed that the President and Dr. Kissinger were deliberately seeking a prolongation of the war. These criticisms likely served no other result than to interfere with this country's chances of arranging a settlement sooner by encouraging the enemy to think he might receive from Congress on a silver platter what he could not win at the negotiating table.

What is more important in the long course of history, the successful conclusion of an important foreign policy goal of all the people or the technical submission of an Executive Department official to the formal questioning of a small group of Members of Congress? This is not to say that officers of the Executive Branch should never appear before Congress because there were four times in 1972 when Secretary of State Rogers went before the Senate Committee;[88] and it is not to say that Mr. Kissinger never meets with Senate Committee Members because he has met several times with them in private homes or offices.

Dr. Kissinger meets with the Chairman of the Senate Foreign Relations and the full Committee on an average of every other month when Congress is in session. He has met with them in Senator Fulbright's home and in Senator Fulbright's Senate office as well. He will answer any questions on a classified basis. Though no transcript may be kept of these meetings, Senators are allowed to take notes. In addition, Dr. Kissinger has met individually with every Member of the Senate Committee and he keeps open a standing offer inviting every Member of the Senate to be briefed fully on a classified basis. This would appear to more than meet the suggestion of critics, such as Professor Berger, who concede that the underlying purpose of access, which is to obtain information, would be satisfied by transmitting information of great gravity to a select few designated by the legislature.[89]

Notwithstanding the very limited usage of executive privilege, the Senate Democratic Policy Committee voted almost unanimously on January 18, 1973, to resolve that all proposed Executive Branch witnesses must appear before Senate Committees and must answer all questions propounded by the Committees. Even when the President pleads in writing that he has requested the witness to refuse to answer specific questions dealing with a specific matter, the Senate Democrats resolved that it shall be a question for the Committee to decide as to whether or not the plea of executive privilege is well taken. If the Committee rejects the President's reasons, it can cite the witness for contempt.[90]

In other actions against the use of executive privilege, bills have been introduced in the Senate to limit the assertion of the privilege.[91] It is said the precedent for this legislation dates back to the Treasury Act of 1789,[92] which is argued to be a practical construction of the legislative power by the first Congress.[93] This statute included a provision stating that it shall be the duty of the Secretary of the Treasury to "give information to either branch of the legislature in person or in writing (as he may be required) . . . ."[94]

The debate on this measure, however, makes it quite clear the provision was not hoisted on the Executive by Congress but rather was drafted by Alexander Hamilton himself who hoped that he could thereby provide advice almost at will to Congress.[95] The debates therefore centered over the objections of many in Congress that this provision might allow the Secretary to "have an undue influence in the House."[96] The bill was certainly not conceived as imposing a requirement of Congress on the Secretary, but rather as one which might make it a matter of right for the Secretary to intrude his advice on Congress. It would certainly be a false reading of history to cite a provision, which was considered at the time as an interference of an Executive officer in the business of legislation, as a precedent for limiting the Executive.[97]

It is my belief that the Executive has a constitutional right to withhold information from the public and even from Members of Congress in certain hard-core situations, including instances where he believes the national security is at stake, where the confidentiality of internal deliberative processes must be preserved, where the enforcement of the criminal laws is involved, or where an individual's privacy must be protected against the release of confidential security files.[98] Executive privilege has no place, however, in cases where the personal wrongdoing on the part of an executive official or staffer is the subject, and I am for the full and open disclosure of all pertinent facts in these situations, allowing only for protection of sensitive national defense type information which has nothing to do with the charge of wrongdoing.

President Nixon issued a special statement on executive privilege on March 12, 1973, in which he declared that without the protection of this doctrine "our military security, our relations with other countries, our law enforcement procedures and many other aspects of the national interest could be significantly damaged and the decisionmaking process of the executive branch could be impaired."[99] While reasserting his general policy of providing information to the Congress to the fullest extent possible, President Nixon asked Congress to recognize that requests for executive branch testimony by members of his staff present a different situation and raise different considerations. What is at stake here is "the integrity of the decision-making process at the very highest levels of our Government."[100]

One point that any honest observer will admit is that the question of whether or not the President or any person delegated by him may withhold information from Congress has not been squarely adjudicated by the Supreme Court.[101] A very few cases may exist concerning the production of evidence to private parties in judicial proceedings to which the Government is a party, but in this kind of litigation the Government is never absolutely required to make disclosure. It can avoid that result by dropping the prosecution or suit or settling the plaintiff's claim. These were the conclusions of the Library of Congress in a legal memorandum prepared for a recent Senate hearing on executive privilege and I believe they are widely shared by commenators in the field.[102]

Accordingly, I believe Congress lacks any authoritative decision supporting the position of the Democratic Policy Committee in its threat to compel by the contempt power the production of documents or testimony on the part of officials of the Executive Branch, and, in my opinion, such a threat is a reckless action, the nature of which could freeze the government's operations by creating a divisive Constitutional confrontation between the President and Congress. On the basis of what I believe to be logical interpretations of the Constitution, and relying on historical precedents,[103] I am persuaded that the exercise of executive privilege in matters of national security and foreign policy, confidential conversations and papers by persons who are in direct relationship with the President, personal security files, and court litigation preparation are firmy rooted on sound constitutional ground.[104]

VI. PRESIDENTIAL CLASSIFICATION OF INFORMATION

The field of executive privilege is a logical introduction to the closely related field of the President's authority to keep secret information which in his judgment is necessary to protect the national defense or to advance foreign policy. I firmly believe and always have that there are areas within the operations of government, particularly in the sphere of foreign and military policy, that must be classified so that the information does not become public at times that would be dangerous to the United States. At the same time I believe that these items should be declassified as rapidly as possible, perhaps using a system of automatic declassification in a period as short as 12 years. Furthermore, I disagree on the ability of almost anyone in the State Department, the White House or the Pentagon to stamp top secret. This should be decided by someone close to the Joint Chief of Staff or to the President himself.

President Nixon moved in this direction in 1972 when he signed an Executive Order[105] cutting the number of persons with authority to classify national security information by 63 percent.[106] In signing the order, which became effective June 1, 1972, the President said, "We have reversed the burden of proof. For the first time, we are placing that burden—and even the threat of administrative sanction—upon those who wish to preserve

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the secrecy of documents rather than upon those who wish to declassify them after a reasonable time."[107]

Under the new order, "top secret" papers can become public after ten years and generally will within 30 years. The only exception at ten years will be information furnished in confidence by a foreign government on the understanding it would be kept in confidence, information covered by law, such as codes and intelligence operations, information on a matter "the continuing protection of which is essential to the national security," and information whose disclosure would place a person in immediate jeopardy.[108] But anyone may, after a document is ten years old, ask for a review of the reasons why it is still kept a secret.[109]

All information shall become automatically declassified after thirty years except for a matter which is specifically identified by the head of the Department involved and determined by him personally to require continued protection on the ground it "is essential to the national security" or its "disclosure would place a person in immediate jeopardy."[110]

The new order also created the Interagency Classification Review Committee, which is the first White House level group with overall responsibility for the government's security classification program. According to the initial report of this group, the new order slashed the number of government workers who have the power to place a "top secret" classification to 1,056 officials against 3,634 before the order took effect. In all, 17,883 personnel will be authorized to put a top secret, secret or confidential label on government information compared to 48,814 before.[111]

The President's order also eliminated classification authority for several Federal agencies, reducing the number of agencies who can classify papers from 37 to 25.[112] Also, a complete list has been compiled for the first time of the names of all persons with classification authority. In this way, the President said, "Each official is to be held personally responsible for the propriety of the classification attributed to him."[113]

In a related development, the National Security Council issued directives implementing President Nixon's order by telling each agency to begin reporting by July 1, 1973 all major classified documents on file after December 31, 1972, their subject headings, and when they should become available to the public. This information will be fed into a computerized Data Index System which is expected to give an updated accounting on all new secrecy items stamped after December 31, 1972.[114]

Having expressed my own policy and discussed the latest reforms of the Executive Branch, I turn to the basic constitutional question of the Presidential authority to classify any information at all. As regards the Executive's right to restrict information which he determines must be kept secret from the public to protect the national defense or advance foreign policy, the Supreme Court announced early in 1973 that Congress had by law decreed total Executive discretion over such classification.[115] This case, which did not involve any question of a Congressional demand for information, presented no constitutional claims either in respect to the relationship of the President with Congress or with regard to the First Amendment rights of a free press.[116]

On the latter point, the Pentagon Papers case [117] appeared to leave open the possibility that the publication of information may in some situations be enjoined [118] and hinted broadly that the Government can succeed by criminal prosecution where it cannot by injunction.[119] Congress has provided many penal sanctions, the object of which is the communication or retention of documents or information relating to the national defense.[120] Ironically, the granting of a mistrial and dismissal of the government's charges against Ellsberg and Russo because of the extraordinary and stupid conduct on the part of certain government agencies which threatened the defendants' opportunity for a fair trial, prevented these laws from being directly tested in a modern setting.[121]

As to the need for secrecy from Congress itself in the categories of foreign relations and military affairs, I believe the Constitution admits of a Presidential discretion in the withholding from Congress of a narrow range of information which the President determines is necessary to conduct successfully the nation's foreign relations and national defense.[122] While there is not a Supreme Court decision clearly on point to my knowledge, I believe if it were put to the test, a majority of the present Court would so apply the principle laid down by Justice Stewart and Justice White in the Pentagon Papers case, where they conclude "it is the constitutional duty of the Executive—as a matter of sovereign prerogative and not as a matter of law as the courts know law—through the promulgation and enforcement of executive regulations, to protect the confidentiality necessary to carry out its responsibilities in the fields of international relations and national defense."[123] The rationale of the Justices was that "it is elementary that the successful conduct of international diplomacy and the maintenance of an effective national defense require both confidentiality and secrecy."[124]

VII. SUMMARY

Given the precedent of *Myers v. United States, supra*, I am strongly convinced that those members of Congress who contend that Congress is empowered under the "necessary and proper clause" to define the President's powers over the conduct of military hostilities,[125] the conclusion of international agreements,[126] and the use of executive privilege [127] are dead wrong. It is significant that although the Court was dealing in *Myers* with an express authorization under the Constitution for Congress to establish offices of the United States, it nevertheless held that Congress could not restrict what was an independent power of the President. In the words of Chief Justice Taft, writing for the Court, "the plan of government desired by the framers of the Constitution . . . could never have been intended to leave to Congress unlimited discretion to vary fundamentally the operation of the great independent executive branch of government and thus most seriously to weaken it. It would be a delegation by the Convention to Congress of the function of defining the primary boundaries of another of the three great divisions of government."[128]

The argument that the Congress can act under the "necessary and proper clause" to restrict the President in his discretion over foreign affairs clearly begs the question of where the framers have deposited these functions. Congress can aid the President in the exercise of his functions, but it cannot interfere with or limit his discretion in carrying out his separate powers.[129]

That there does and must exist some ultimate area of unshared, independent power of the President in the conduct of foreign affairs and preservation of our national security is the cornerstone on which the survival of our nation rests. I realize there does exist a "virus of disbelief in danger and recoil from meeting it"[130] which seems to lead some intelligent people into a wishful belief that our country can safely cripple its military arm and unilaterally induce a world peace into being. Oddly, it takes a citizen from a totalitarian society to expose the fruits of this kind of policy. Alexander Solzhenitsyn, the Soviet writer who was awarded the 1970 Nobel Prize for literature, included the following remarks in his acceptance speech which was published in the Nobel Foundation's yearbook of 1972:

"The spirit of Munich has by no means retreated into the past: It was not merely a brief episode. I even venture to say that the spirit of Munich prevails in the 20th Century. The timid civilized world has found nothing with which to oppose the onslaught of a sudden revival of barefaced barbarity, other than concessions and smiles. The spirit of Munich is a sickness of the will of successful people; it is the daily condition of those who have given themselves up to the thirst after prosperity at any price, to material well-being as the chief goal of earthly existence. Such people—and there are many in today's world—elect passivity and retreat, just so as their accustomed life might drag on a bit longer, just so as not to step over the threshold of hardship today—and tomorrow you'll see it, it will be all right. (But it will never be all right. The price of cowardice will only be evil. . . .)"[131]

In place of "the spirit of Munich," referred to by Solzhenitsyn, we might substitute "the death wish of dreamers" who think we have no problems in this world and no need for a commitment to our national security. Such an attitude, if it should ever prevail in this nation, could only bring about the degradation of our traditional reputation and contempt abroad, followed by a disaster such as we encountered with the outbreak of World War II.

I can think of no more fitting words with which to conclude this article than the reflections made by John Quincy Adams in 1836 when he described the duty of a President to strive for peace but always to remember the nature of mankind:

"If there be a duty, binding in chains more adamantine than all the rest the conscience of a Chief Magistrate of this Union, it is that of preserving peace with all mankind—peace with the other nations of the earth—peace among the several States of this Union—peace in the hearts and temper of our own people. Yet must a President of the the United States never cease to feel that his charge is to maintain the rights, the interests and the honor no less than the peace of his country—nor will he be permitted to forget that peace must be the offspring of two concurring wills. That to seek peace is not always to ensure it . . . the peace of every nation must depend not alone upon its own will, but upon that concurrently with the will of all others."[132]

FOOTNOTES

[*] United States Senator from Arizona.

[1] Goldwater, *The President's Ability to Protect America's Freedoms—the Warmaking Power*, 1971 LAW AND THE SOCIAL ORDER 423–425, 429–433. In the period from 1969 through 1972, Congress took 95 recorded votes on measures designed to curtail U.S. activities in the Indochina War and at least 45 additional non-record votes on similar proposals. 31 CONG. Q. WEEKLY REP. 119–120 (1973).

[2] S. 731, S. 2956, S.J. Res. 18, S.J. Res. 59, 92d Cong., 1st Sess. (1971); reintroduced as S. 440, 93d Cong., 1st Sess. (1973).

[3] For a discussion of the Constitutional points, see Goldwater, *supra* note 1, at 433–443. For a treatment of the practical issues, see *id.* at notes 79, 165; and my testimony in *Hearings on S. 731, S.J. Res. 18 and S.J. Res. 59, Before the Senate Comm. on Foreign Relations, 92d Cong., 1st Sess.; War Powers Legislation*, at 347–400 (1971).

[4] See text of President Nixon's announcement of the Vietnam peace agreement, 31 CONG. Q. WEEKLY REP. 121 (1973).

[5] See text of Vietnam Ceasefire Agreement and Protocols, as made available January 24, 1973, by the White House, 31 CONG. Q. WEEKLY REP. 151–164 (1973).

[6] The Wash. Post, Jan. 7, 1973, at B6, col. 1.

[7] NEWSWEEK, May 15, 1972, at 22.

[8] 30 CONG. Q. WEEKLY REP. 1057 (1972).

[9] Buffalo Evening News, June 14, 1972, at § 3, p. 34, col. 1. Contrast this prediction with the concise history headlined by the Star-News of March 29, 1973: "Last 67 POWs Free, Troops Go." The Evening Star-News, Mar. 29, 1973, at 1, cols. 1–8.

[10] THE FEDERALIST no. 73, at 409 (rev. ed. 1901) (with special introduction by Goldwin Smith).

[11] 1 ANNALS OF CONGRESS 499 (1789–1790).

[12] See generally, *id.* at 456–585.

[13] See remarks of Mr. Hartley, *id.* at 581.

[14] *Id.* at 533.

[15] Remarks of Eugene V. Rostow, YALE LAW REPORT, Fall and Winter of 1971–1972, reprinted at 118 CONGRESSIONAL RECORD, vol. 118, pt. 9, p. 11129.

[16] See generally Emerson, *War Powers Legislation*, 74 W. VA. L. REV. 53 (1972), Appendix A, as reprinted with supplementary data in *War Powers Hearings Before th Subcommittee on National Security Policy and Scientific Development of the House Comm. on Foreign Affairs* 93d Cong., 1st Sess. at 328 (1973). There have only been five declared wars, the War of 1812, the War with Mexico the Spanish-American War, and World Wars I and II.

[17] *E.g.*, Appendix A to statement of Leon Friedman, special counsel, A.C.L.U., *War Powers Legislation, supra* note 3, at 806–807.

[18] C. BERDAHL, WAR POWERS OF THE EXECUTIVE IN THE UNITED STATES 51 (1921).

[19] *Id.*

[20] W. MCCLURE, INTERNATIONAL EXECUTIVE AGREEMENTS 4 (1941).

[21] *Id.*

[22] Compilation of numbers of treaties and international agreements other than treaties concluded by the United States during the period Jan. 1, 1946, to April 1, 1972, by U.S. Dept. of State, in *Hearing on S. 3475 Before the Subcomm. on Separation of Powers of the Senate Comm. on the Judiciary*, 92d Cong., 2d Sess. at 416 (1972), (hereinafter *Hearing on S. 3475*).

[23] *Id.*; MCCLURE, *supra* note 20, at 4.

[24] 1 Stat. 232, 239 (Act of Feb. 20, 1792).

[25] U.S. Dept. of State compilation, *Hearings on S. 3475, supra* note 22, at 416.

[26] Testimony of John R. Stevenson, Legal Adviser, U.S. Dept. of State, *Hearing on S. 3475, id.* at 249.

[27] "List of executive agreements with foreign states, since World War II, in which the Department of Agriculture has participated," *id.* at 555.

[28] Communications Act of 1934, §§ 303(1), 310(a); 47 U.S.C. §§ 303(1), 310(a) (1934).

[29] Part (b) of list of communications agreements entered into between the United States and other countries, *Hearing on S. 3475, supra* note 22, at 573–575.

[30] List of Intergovernmental Executive Agreements in which NASA has participated, *id.* at 594, 595.

[31] List of executive agreements in which the U.S. Dept. of Treasury has participated in since World War II, Customs, *id.*, at 617.

[32] *Id.*, Tax, at 620–622.

[33] Chronological list of investment guaranty agreements and Amendments, 1948 to 1972, Overseas Private Investment Corp., *id.*, at 601–604.

[34] List of executive agreements in which the National Oceanic and Atmospheric Administration, U.S. Dept. of Commerce, has participated since World War II, part "B. Cooperative Weather Programs," *id.*, at 565, 566.

[35] *See generally* replies of U.S. Government Agencies to letter of Senator Sam Ervin, Jr., Chairman, Subcommittee on Separation of Powers, soliciting information on the number of executive agreements entered into, *id.*, at 652–627.

[36] 22 U.S.C. §§ 2151 et seq. (1961).

[37] 22 U.S.C. §§ 2751 et seq. (1968).

[38] Testimony of J. Fred Buzhardt, General Counsel, U.S. Dept. of Defense, *Hearings on S. 3475, supra* note 22, at 331.

[39] *Id.*

[40] *Id*, at 332.

[41] *Id.*

[42] U.S. Dept. of State compilation, *Hearing on S. 3475, supra* note 22, at 416.

[43] *E.g.*, testimony of Senator J. W. Fulbright, *Hearing on S. 3475, supra* note 22, at 54; testimony of Senator Clifford P. Case, *id.*, at 109.

[44] Colloquy between John R. Stevenson, Legal Adviser, U.S. Dept. of State, and Professor Philip B. Kurland, Chief Consultant, Senate Subcommittee on Separation of Powers, *Hearing on S. 3475, supra* note 22, at 280, 281.

[45] *Id.*, at 280.

[46] *Id.*

[47] *Id.*

[48] Stevenson, *Hearing on S. 3475, supra* note 22, at 256.

[49] *Id.*

[50] *E.g.*, remarks by Senator Ervin relative to stationing U.S. troops in other countries, *Hearing on S. 3475, supra* note 22, at 267.

[51] The State Department Legal Adviser asserts that "even where agreements are involved, they do not necessarily create commitments by the United States." Stevenson, *Hearing on S. 3475, supra* note 22, at 257.

[52] "Agreements permitting the United States to use facilities abroad do not in any sense require deployment of U.S. forces. . . . The agreements simply constitute action by the President to secure for the United States an 'option' to use facilities." Stevenson, *id.*

This interpretation is also accepted by the Department of Defense, whose General Counsel testified that agreements concerning our rights to construct, operate and maintain military facilities and installations overseas "provide only an option to the U.S. Government, and the exercise of the option is dependent upon both authorizations and appropriations from the Congress." Buzhardt, *id.*, at 333.

[53] The legal arguments in support of the President's power to make executive agreements in every consequential respect equivalent to a treaty are set forth in a general constitutional discussion by Assistant Attorney General Erickson, *Hearing on S. 3475, supra* note 22, at 307–313, and in a voluminous study by Professor Myres McDougal and Asher Lans, written twenty-eight years ago but still eminently useful. McDougal-Lans, *Treaties and Congressional-Executive or Presidential Agreements: Interchangeable Instruments of National Policy* (pts. 1–2), 54 YALE L.J. 181, 534 (1945). A recent article which concludes the Constitution provides ample authority for the executive agreement is Hopson, *The Executive Agreement in United States Practice*, 12 AIR FORCE JAGL. REV. 252 (1970).

Professor McDougal retains his earlier position. He writes:

It seems to me that our usage during the past twenty-five years strongly confirms that the President's independent powers over foreign affairs include a competence to make important agreements of substantial duration. Certainly, our experience as a nation in an increasingly dangerous world indicates that it is indispensable that he have such a competence.

Letter from Myers McDougal to Barry Goldwater, Jan. 12, 1973 (unpublished letter in author's personal files).

An early treatise by John Bassett Moore setting forth numerous examples of purely executive agreements, on a wide range of topics, having far-reaching importance, is of continued significance. This paper was cited approvingly by the Supreme Court as portraying "the historic conception of the powers and responsibilities of the President in the conduct of foreign affairs." Moore, *Treaties and Executive Agreements*, 20 POL. SCI. A. 385 (1905); cited in United States v. Pink, 315 U.S. 203 (1942), at 230.

[54] D. ACHESON, PRESENT AT THE CREATION 195, 196 (1969).

[55] R. KENNEDY, THIRTEEN DAYS 23 (1969).

[56] *Id.*, at 35, 36.

[57] *Id.*, at 52. President Kennedy did meet with Congressional leaders, but only after he had taken these actions and decided upon the naval blockade. Many in Congress advised more forceful action than he was prepared to take. *Id.*, at 53, 54.

[58] *Id.*, at 110.

[59] Library of Congress, Legislative Reference Service, *A Selected Chronology on Cuba, October 23, 1962–January 1, 1963*, at 1–13.

[60] Goldwater, *supra* note 1, at 435–443, also see Emerson, *War Powers: An Invasion of Presidential Prerogative*, 58 A.B.A.J. 809 (August 1972).

[61] Goldwater, *id.*, at 445–447.

[62] On March 15, 1973, the Senate Democratic Policy Committee voted without dissent that U.S. troops stationed overseas be reduced by two-thirds. 119 CONG. REC. p. 8080 (daily ed. March 15, 1973), p. 8351 (daily ed. March 19, 1973).

This is exactly the kind of policy directives which I believe Congress cannot legislate. Acting as Commander-in-Chief, which confers upon him supreme command and direction over the Armed Forces, the President possesses full constitutional authority to direct the movement of the forces. He can send them anywhere, with the consent of the host countries, necessary to U.S. foreign policy objectives and U.S. defense. J. POMEROY, AN INTRODUCTION TO THE CONSTITUTIONAL LAW OF THE UNITED STATES 472 (1879).

Moreover, the Framers never meant for Congress to have authority to lay down automatic restrictions governing the Executive's troop deployment decisions in advance of the actual setting in which the President might feel compelled to act. This is not the way they planned the Constitution to function. As Hamilton wrote in the Federalist No. 23, "The circumstances that endanger the safety of nations are infinite; and for this reason no constitutional shackles can wisely be imposed on the power to which the care of it is committed."

[63] New York Times Co. v. United States, 403 U.S. 713, 727, 728 (1971).

[64] 100 CONG. REC. 2374 (February 26, 1954).

[65] S.J. Res. 1, 83d Cong., 1st Sess. (1953).

[66] *Id.*, § 3.

[67] Reid v. Covert, 854 U.S. 1 (1957).

[68] *E.g.*, testimony of Senator J. William Fulbright *Hearing on S. 1125 before the Subcommittee on Separation of Powers of the Senate Comm. on the Judiciary*, 92d Cong., 1st Sess., *Executive Privilege: The Withholding of Information by the Executive*, at 21 (1971).

[69] As to the use of the Armed Forces in the national defense, I have mentioned above that the United States has engaged in at least 204 foreign military hostilities in its history and only five have been declared wars. See text accompanying note 16 to note 19, *supra*.

I have also cited above the prevalence of executive agreements over treaties in every period of our history but the first fifty years. See text accompanying note 20 to note 23, *supra*.

The historical precedents of executive privilege have been well summarized and analyzed by William H. Rehnquist, then Assistant Attorney General, in his appearance before the Senate Subcommittee on Separation of Powers on August 4, 1971. *Hearings on S. 1125, supra* note 68, at 420–438. An exhaustive study covering a concentrated period of time is made in Kramer and Marcuse, *Executive Privilege—A Study of the Period 1953–1960* (pts. 1–2), 29 GEO. WASH. L. REV. 623, 827 (1961).

The principle of usage has been recognized by the Supreme Court as a determining factor in constitutional interpretation. In United States v. Midwest Oil Co., 236 U.S. 459 (1915), the Court approved the validity of a

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long continued practice of the President to withdraw public land from private acquisition even though this conflicted with a statute by Congress which made such lands free and open to occupation and purchase. Using practice to fix the construction, the Court explained, "is not reasoning in a circle but the basis of a wise and quieting rule that in determining the meaning of a statute or the existence of a power, weight shall be given to the usage itself—even when the validity of the practice is the subject of investigation." *Id.*, 473.

A decade later the Court again looked to usage as a ground in rejecting Congressional control of a Presidential action. In holding that Congress could not shift gears after 73 years of practice and suddenly legislate conditions on the removal by the President of executive officers, even though such practice had often been the subject of bitter controversy, the Court argued:

> Nor can we concur . . . that when Congress, after full consideration and with the aquiescence and long practice of all the branches of the Government, has established the construction of the Constitution, it may by its mere subsequent legislation reverse such construction. It is not given power by itself thus to amend the Constitution. Myers v. United States, 272 U.S. 52, 152 (1926).

[70] In centralizing the national defense powers in the President, the Framers were influenced by precedents in the practice of European nations, in former plans of union for the colonies, and in the then recently established State constitutions. Berdahl, *supra* note 18, at 115; McClure, *supra* note 20, at 251–258.

The members of the Constitutional Convention were equally familiar with the writings of Locke, Montesquieu, and Blackstone, all of whom saw the making of defensive war and the conduct of foreign relations as being properly the function of the Executive. Locke. TWO TREATISES ON CIVIL GOVERNMENT (Gough, ed.) Bk. II, §§ 145–148, 159, 160 (1966); Montesquieu, SPIRIT OF THE LAWS, Bk. XI, Ch. 6 (1805); Blackstone, 1 COMMENTARIES, 252–54.

[71] The Constitutional "primacy" of the President in the field of foreign affairs is apparently recognized by at least six Justices of the present Supreme Court. Justice Stewart, joined by Justice White, has implicitly stated that the Constitution endows the President with "a large degree of unshared power in the conduct of foreign affairs and the maintenance of our national defense. . . ." New York Times Co. v. United States, *supra* note 63, at 729.

Justice Blackmun has written:

> Article II of the great document vests in the Executive Branch primary power over the conduct of foreign affairs and places in that branch the responsibility for the Nation's safety. *Id.*, at 761.

Justice Marshall has added that "it is beyond cavil that the President has broad powers by virtue of his primary responsibility for the conduct of our foreign affairs and his position as Commander-in-Chief." *Id.*, at 741.

Chief Justice Burger, joining Justice Harlan and Justice Blackmun, has openly described the scope of executive power as one of "Constitutional primacy in the field of foreign affairs. . . ." *Id.*, at 756.

Justice Rehnquist joined by the Chief Justice and Justice White, grounded their opinion in a recent "act of state doctrine" case on the underlying basis of "The primacy of the Executive in the conduct of foreign relations" and "the lead role of the Executive in foreign policy." First National City Bank v. Banco Nacional De Cuba, 406 U.S. 759, 767 (1972).

[72] Acheson, *The Eclipse of the State Department*, 49 FOREIGN AFFAIRS 593, 595 (July 1971).

[73] *Id.*, at 598, 601.

[74] The Council was established by the National Security Act of 1947, approved July 26, 1947, 50 U.S.C. § 402.

[75] Concise, authoritative descriptions of the history and role of the National Security Council are in *Hearings Before the Subcomm. on National Policy Machinery of the Senate Comm. on Government Operations*, 86th Cong., 2d Sess. (1960) and S. FALK—T. BAUER, NATIONAL SECURITY MANAGEMENT—THE NATIONAL SECURITY STRUCTURE. Chapter III (revised ed. 1972). The former was prepared by two top members of the NSC staff and the latter is a volume furnished for instructional purposes at the Industrial College of the Armed Forces.

[76] Fulbright, *supra* note 68, at 21.

[77] During debates in the first Congress, James Madison contended that wanton acts of "mal-administration" would subject the President to impeachment and removal. 1 ANNALS OF CONGRESS 498 (1789–1790). Madison even avowed, "I am not afraid to place my confidence in him (the President), especially when I know he is . . . liable to be displaced if his conduct shall have given umbrage during the time he has been in office." *Id.*, at 462.

[78] 1 ANNALS OF CONGRESS 585, (1789–1790).

[79] *E.g.*, see remarks by James Madison, 1 ANNALS OF CONGRESS 463, 498, (1789–1790).

[80] Myers v. United States, 272 U.S. 52, 176 (1926).

[81] Berger, *Executive Privilege v. Congressional Inquiry* (pts. 1–2), 12 UCLA L. REV. 1044, 1288, 1320 (1965).

[82] CONGRESSIONAL RECORD, vol. 118, pt. 17, pp. 21514, 21515. 31 CONG. Q. WEEKLY REP. 294 (1973).

[83] See text of President Nixon's March 12, 1973, policy statement on executive privilege. 31 CONG. Q. WEEKLY REP. 608 (1973).

[84] Memorandum of Richard Nixon (August 30, 1971), *Hearing on S. 1125, supra* note 68, at 45 46.

[85] *Id.*, at 46.

[86] The legal bases in support of the Executive's position are set out by Assistant Attorney General Rehnquist, *id.*, at 420–442; Kramer and Marcuse, *supra* note 69, at 698–909.

[87] 31 CONG. Q. WEEKLY REP. 294, 295 (1973).

[88] *Id.*, at 295. From 1969 to 1973, Secretary of Defense Laird made 86 appearances before Congressional Committees, encompassing over 327 hours of testimony. See White House Executive Privilege Text, *supra* note 83.

[89] Berger, *supra* note 81, at 1323.

[90] See text of Resolution of Senate Democratic Policy Committee—Re: Executive Privilege, 119 CONG. REC. (daily ed. Jan 18, 1973), at p. 1322.

[91] S. 1125, Am. No. 343, 92d Cong., 1st Sess. (1971); S. 858, 93d Cong., 1st Sess. (1973).

[92] 1 Stat. 65, approved Jun 25, 1789.

[93] *E.g.*, Berger *supra* note 81, at 1060; Fulbright, *supra* note 68, at 24.

[94] 1 Stat. 66.

[95] 1 ANNALS OF CONGRESS 592–615 (1789–1790).

[96] 1 ANNALS OF CONGRESS (1789–1790).

[97] Professor Berger, who himself has suggested that the Treasury Act might be an early precedent, nevertheless testified before the Senate Hearing on Executive privilege that:

> "Hamilton really wanted to be in a position to intrude, to offer his advice. He wanted to have a pipeline into the Congress, so he could come in and advise the Congress about financial matters. . . . With the Treasury Department, they (the first Congress) were more concerned with warding off Hamilton's officiousness. The provision for a call for information was merely designed to bar Hamilton's unsought intrusions," Berger, *Hearings on S. 1125, supra* note 68, at 296, 207.

To which, I might add that Hamilton is quoted by Jefferson as construing the Act creating the Treasury Department as not making him "subject as to be obliged to produce all papers [Congress] might call for." P. Ford, I THE WRITINGS OF THOMAS JEFFERSON 190 (1892).

Under a well-settled rule of legislative interpretation, Federal courts are compelled to resort to the legislative history of a statute to determine whether, in light of the articulated purposes of the legislation, Congress intended that the statute apply to the particular cases in question. Allen v. Board of Elections, 393 U.S. 544, 570 (1969). From the mass of the legislative history articulating the purposes of the Treasury Act of 1789, as so well explained by Professor Berger himself, it is clear the Members of the first Congress gave no thought to the statute as being applicable to information which the Executive might determine could not be safely communicated, but had in mind only information of a kind which the Executive would furnish voluntarily or indeed might thrust upon them.

Similarly, a 1928 Act of Congress pertaining to the furnishing by Executive Departments of any information requested by the Senate and House Committees on Government Operations (45 Stat. 996) was intended by Congress to include only information of types which the Executive had previously furnished to Congress voluntarily. Wolkinson, *Demands of Congressional Committees for Executive Papers*, 10 FED. B. J. 103, 322, 323 (1949).

Should Congress pass a statute plainly requiring the Executive to provide all kinds of information without any room for Executive discretion, I believe the statute would be unconstitutional to the extent it invades the President's independent prerogative to withhold information in the areas of foreign relations, national defense, pending law enforcement matters, internal discussions, or confidential investigative reports. See text at notes 98 to 104.

[98] Senator Ervin, who chaired Senate hearings on executive privilege, appears to agree on these limited areas of independent Presidential power. Ervin, *id.* at 252, 253.

[99] White House Executive Privilege Text, *supra* note 83.

[100] *Id.*, at 609.

His announcement does not indicate that President Nixon has thrown a blanket immunity over his private staff. The President declared, both at his press conference of January 31, 1973, and in his formal paper of March 12, 1973, that "the question of whether circumstances warrant the exercise of executive privilege should be determined on a case-by-case basis." *Id.*, at 609.

Applying this rule to the merits of the Watergate affair, where wrongdoing has been charged, the President announced that all members of the White House staff will appear voluntarily, when requested, before the Senate select committee (known as the Ervin committee) which is investigating this case. The President said any of his staff so invited will tesify under oath and will answer fully all proper questions. Executive privilege is expressly reserved only as to specific questions which may develop in the course of the sessions. Text of President Nixon's announcement concerning the Watergate matter, The Wash. Post, April 18, 1973, at A 24, cols. 1–3.

White House staff members also were directed to testify before a Federal grand jury investigating Watergate if called. The Wash. Post, Mar. 31, 1973, at A 1, col. 7, A 11, col. 1.

[101] "No case has authoritatively determined the extent to which Congress may compel the production of testimony or documents from the executive branch of government. . . ." Borman, *Policy the Executive Privilege*, 5 U. OF MICH. J. OF LAW REFORM 568 (Spring 1972), at 569.

[102] *E.g.*, Am. Law Div., Lib. of Cong., Memorandum of June 7, 1971, *Hearings on S. 1125, supra* note 68, at 543–551.

[103] *See* note 69, *supra*.

[104] The Supreme Court has remarked that the scope of the Congressional power of inquiry "is not without limitations." More specifically, the Court said Congress "cannot inquire into matters which are within the exclusive province of one of the other branches of the Government. . . . Neither can it supplant the Executive in what exclusively belongs to the Executive." Barenblatt v. United States, 360 U.S. 109, 111, 112 (1959).

[105] Ex. Order 11652 of March 8, 1972, WEEKLY COMP. OF PRES. DOC., March 13, 1972, at 545.

[106] Federal Times, Aug. 23, 1972, at 4.

[107] N.Y. Times, March 9, 1972, at 12, col. 4.

[108] Ex. Order 11652, supra note 105, § 5(B).

[109] *Id.*, § 5(C).

[110] *Id.*,§ 5(E).

[111] Federal Times, Aug. 23, 1972, at 4. *See also*, Interagency Classification Review Comm., Progress Report (Mar. 31, 1973).

[112] N.Y. Times, *supra* note 107; Ex. Order 11652, *supra* note 105, § 2.

[113] N.Y. Times, *id.* at col. 5.

[114] 37 Fed. Reg. 10053 (May 19, 1972); Wash. Post, Dec. 14, 1972, at H 4, cols. 4–5.

[115] Environmental Protection Agency v. Mink, 409 U.S. 73 (1973), interpreting the Freedom of Information Act of 1966.

[116] *Id.*, concurring opinion of Stewart, J., at 736.

[117] N.Y. Times Co. v. United States, *supra* note 63.

[118] *See* concurring opinions respectively of Stewart, White, and Marshall, J. J., and dissenting opinions of Chief Justice Burger, Harlan, J., and Blackmun, J., *Id.*

[119] *See* concurring opinions of White, J., *id.*, at 733; Marshall, J., *id.*, at 745; dissenting opinion of Burger, C. J., *id.*, at 752.

[120] 18 U.S.C. 793, which prohibits the "communication" of national defense information to a person not entitled to it; 18 U.S.C. 794 (b), (1948) which prohibits the "communication" or "publication" of the disposition of the armed forces in time of war; 18 U.S.C. 797, (1948) which prohibits the transfer or "publication" of photos of defense installations, and 18 U.S.C. 798, (1948), which prohibits the transfer of "publication" of cryptography or communication of intelligence information.

Other limited provisions are found in other titles of the U.S. Code, *e.g.*, 50 U.S.C. 783(b) (1950). See generally the concurring opinion of White, J., in New York Times v. United States, *id.*, at 736–739.

[121] *See* the Government's charges against Daniel Ellsberg and Anthony J. Russo, Jr., accused of espionage, conspiracy, and unauthorized use of government information for releasing the Pentagon Papers. United States v. Anthony Joseph Russo, Jr. and Daniel Ellsberg, no. 9373-Cd-WMB, (C.D. Cal.); see the courts granting of defendant's motion for dismissal, Wash. Post, May 12, 1973, at A-14, cols. 4–6.

[122] *See* Barenblatt v. United States, *supra*, note 104.

[123] New York Times v. United States, *supra* note 63, at 729, 730.

[124] *Id.*, at 728.

[125] *E.g.*, see declaration of purpose set forth in text of S. 440, 92d Cong., 1st Sess. (1973), § 2.

[126] *E.g.*, see, the 1973 report of the Senate Subcommittee on Separation of Powers which boldly lays claim to "congressional supremacy" in this and all other areas of public policy on the basis of the "necessary and proper clause." *Report of Subcomm. on Separation of Powers of the Senate Comm. on the Judiciary*, 93d Cong., 1st Sess., *Congressional Oversight of Executive Agreements*, at 5, 6, 9 (1973).

[127] *E.g.*, see question of Senator Ervin, *Hearing on S. 1125, supra* note 68, at 211, 212; declaration of Congressional authority expressed in Amendment no. 343, by Senator Fulbright, to S. 1125, 92d Con., 1st Sess. (1971), § 307(a).

[128] Myers v. United States, *supra* note 80, at 127.

[129] Pomeroy, *supra* note 62, at 289; Stevenson, *Hearing on S. 3475, supra* note 22, at 267, 268; J. Moore, letter of May 15, 1972, *id.*, at 629–632; Mathews, *The Constitutional Power of the President to Conclude International Agreements*, 64 YALE L.J. 345 (1955), at 387, 388.

[130] D. ACHESON, FRAGMENTS OF MY FLEECE 196 (1971).

[131] Solzhenitsyn, *The Truth of Art*, reprinted in the Wash. Post, Outlook Bl., at B4, cols. 2, 3 (Aug. 27, 1972).

[132] J. Q. Adams, *An Eulogy on the Life and Character of James Madison, September 27, 1836*, 72, 73 (1836).

Mr. STENNIS. Mr. President, I yield the Senator from New York such time as he may require.

Mr. JAVITS. Mr. President, I would like to be notified when I have consumed 10 minutes.

The PRESIDING OFFICER. The Senator from New York will be notified after 10 minutes.

Mr. JAVITS. Mr. President, I thank my colleague from Mississippi for the time. I also thank him for his unparalleled patriotism which induced him, as the chairman of the Senate Armed Services Committee, to espouse this measure. I know of no single influence which has had more to do with convincing the Senate and the House of the rightness of this course than his espousal of it. There is nothing in the world that is more conclusive to a lawyer than what the lawyers call admissions "against interest", and in a sense that is exactly what has happened in the case of Senator Stennis, for the Armed Services Committee is looked upon as a citadel of "hawkishness", although all of us in the Senate know the irreproachable judiciousness of Senator STENNIS is his capacity as Armed Services Chairman, as in his other capacities.

Mr. President, I have heard with the deepest feeling the views of my colleague from Missouri, and of my colleague from Texas. I assure them, as allegedly the basic author of this measure, that there will be no shallow sense of jubilation tonight. There will be no handshaking, there will be no congratulations, there will be no champagne as in a partisan or common occurrence political victory. This is not that kind of an occasion. This is the most somber and historic business before the American people, and with the war powers resolution's passage, after 200 years, at least something will have been done about codifying the implementation of the most awesome power in the possession of any sovereignty and giving the broad representation of the people in the Congress a voice in it. This is critically important, for we have just learned the hard lesson that wars cannot be successfully fought except with the consent of the people and with their support. That is the essence of our society.

The Vietnam war literally brought this country to its knees because, without going into the technicalities of what Congress might or might not have done to assert its authority, the fact is that on the record it was essentially a Presidential war—as was so viewed around the world. The United States was saved miraculously from disgrace and defeat because the people and the Congress, even though they thoroughly disapproved, still exercised the patience to see it liquidated without terribly undue damage. We still do not know what that damage was or may prove to be in history.

All of us who advocated this measure before the Senate, and it has had 3 years of consideration, with a most tremendous volume of expert testimony given by constitutional authorities and experts of all sorts, extended debate on two occasions in the Senate and then again on the conference report, on all of the very arguments which we hear now made, and which were made then and yet the Senate voted to affirm the conference report 75 to 20. The Senate acted then 75 to 20 in the teeth of the President's threat to veto.

That is what he then told the minority leader of the House of Representatives. Notwithstanding this, the House of Representatives passed it by a vote of almost 2 to 1 and the Senate passed it by a margin of over 3 to 1.

Now why, Mr. President? Why?

Congress passed it because its Members considered it, as I believe we must consider it today, in the light of its terms.

We have had a lot of conversation today, which is interesting and highly rhetorical, but does not go to the terms of the bill. At long last, Congress is determined to recapture for ourselves, the representatives of the people at the State level in the Senate and as the House did on the local level, the awesome power to make war.

The first point I should like to make is, let us not confuse this with foreign policy.

Foreign policy does not mean war and war does not mean foreign policy, unless there is a breakdown or failure of foreign policy.

No one is impairing the President's authority to carry on the foreign policy of the country. But we are affecting materially his authority, in the name of foreign policy, to take the Nation into war. When we judge, by this measure, that an incident would become a war, then we, and we alone, have the right to decide that it shall go on into war or that it shall stop. For, the Constitution lays upon the Congress, unmistakably, the responsibility of deciding whether or not the state of our Nation should be changed from peace to war.

We accomplish that in this bill by depriving the President of authority to make that decision himself at the given time when, according to the dictates of experience and history, an incident becomes a war.

The President cannot under the Constitution control us as to war, by his power of veto. In that case, Congress would not have any real say, because he would only need one-third plus one of either House to exercise his will against the majority of Congress and the people it represents.

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In this bill, we have embodied a methodology—the very word I have used, and the very word that Senator EAGLETON, Senator STENNIS, Senator TAFT, and many other Senators have used—a methodology by which Congress could, if it wished, insert upon its concurrence in the awesome decision of war.

If we analyze the arguments against this measure, they are, that to assure the President the flexibility to carry on the foreign policy of the country, according to the arguments of those who are in Senator TOWER's school, we must also give him the power to make war on his own.

We say "No."

That is what this is all about.

We say "No."

We say there is a world of difference, a chasm, between carrying on the foreign policy and plunging the Nation into war.

If Mr. Brezhnev has the authority to do that, we disapprove of it. We disapprove of the system under which Mr. Brezhnev operates. Indeed, if that system can have anything said about it, that is exactly what is threatening the world and what is threatening the détente.

We reject that. The House has rejected it and we should reject it.

That is what is at stake here.

Senator EAGLETON's arguments confound me and sadden me. They sadden me because he had a big hand in this bill and was really one of its most eloquent advocates.

Specifically, those significant provisions remaining in this bill are essentially his contribution.

The imperfection which is seen in the bill by him and, as I say it saddens me and confounds me, is that we give the President powers he does not have.

On the contrary, we have made crystal clear in section 8(d) that we do not alter the constitutional authority of the Congress or the President. We say it in just so many words.

Beyond that, Mr. President, I must say that the President, after all, is the fellow whose ox is being gored. He is the one who is seeking to protect what he considers to be his prerogatives in respect of the war power.

With respect to this bill, the President of the United States says in his veto message:

> . . . it would seriously undermine this Nation's ability to act decisively and convincingly in times of international crisis.

By this he means his power is very reduced, and drastically so.

So, the man whose ox is gored and whose power is being affected sees the situation exactly 180 degrees opposite from the way my colleague from Missouri does. It seems to me that that is the best evidence as to whether we are granted additional authority to him.

The President is left with his true, preexisting constitutional authority as Commander in Chief to deploy the forces of the United States, assuming he can get the Congress to raise the forces and to finance them. We do impose a reporting requirement in the case of significant peacetime deployments. It is not just a little piece of paper that we require. It requires that the President shall submit to the Speaker of the House and the President pro tempore of the Senate a report in writing, within 48 hours of any unusual, significant, peacetime deployment, spelling out the circumstances.

The PRESIDING OFFICER (Mr. BARTLETT). The 10 minutes of the Senator from New York have expired.

Mr. JAVITS. Mr. President, may I be notified when I have used 5 more minutes?

The PRESIDING OFFICER. Certainly.

Mr. JAVITS. Mr. President, he is required to state "the constitutional and legislative authority under which such introduction took place."

That leaves him all the necessary flexibility.

Mr. President, this brings me to the part of our letter—Senator MUSKIE's and mine—to which Senator EAGLETON referred. He did not read far enough.

We said that nothing in the war powers resolution could have hampered the President in his handling of the recent Middle East crisis. He placed our forces on alert as he thought desirable and advisable. But, Mr. President, if we read on in that paragraph it says as follows:

> It is important to note that during the recent crisis at no point were United States Armed Forces engaged in hostilities or in situations where imminent involvement in hostilities was clearly indicated by the circumstances. The actions taken by the President related solely to the state of readiness of U.S. Armed Forces and did not involve the provisions of this bill.

Of course, Mr. President, if he had introduced our forces further than he did, in terms of the imminent danger of hostilities or in terms of the actual involvement in hostilities, the bill would have and should have become operative. That is exactly the purpose and intention of the bill and exactly the way it reads.

Mr. EAGLETON. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. EAGLETON. I thank the Senator for yielding.

I have reread the paragraph mentioned. May I ask a question of the Senator from New York?

Once this bill becomes law—perhaps within an hour—would the President tonight have authority to deploy American military personnel to either Egypt, Syria, or Israel for 60 days?

Mr. JAVITS. In the event that the situation remains as is in Egypt, Syria, and Israel, I would say that he would then be putting them into imminent danger of hostilities or into hostilities and that the bill would apply. If he had some different interpretation, it would be up to us to decide whether we agreed with him or not, because the time, the 60-day limitation, begins to run when he introduces the forces, not when he says they are in imminent danger of hostilities. Short of that—that is, to do what he did, which is to move around the 6th Fleet or whatever else in the way of alert—that would not come within the 60-day provision of the bill.

One other point, so long as we are dealing with the factual situation. The 60 days can be curtailed by concurrent resolution of the House and the Senate. That, in my judgment, will stand up constitutionally, for this reason: It is an element of the grant of authority which this bill gives. I believe that the scheme of the bill, the methodology of the bill, hangs together expertly on that score.

Mr. EAGLETON. Let me more narrowly pose my question.

I am not talking about the alert or the movement of the 6th Fleet in the Mediterranean or the enhancement of the 6th Fleet by additional aircraft carriers. Under this bill, the way it is presently written, the President would have the predated authority to commit American ground forces and air forces to the territory of Egypt, Syria, or Israel, or all three, for up to 60 days, with a requirement that he send written notification thereof within 48 hours.

Mr. JAVITS. The answer to that is "No," and I will tell the Senator why I say the answer to that is "No."

Whatever may be the President's constitutional authority, he has it, whatever it may be. We give him no new grant of constitutional authority. Hence, in terms of the constitutional authority to put our forces into war, I adhere to the construction of the Constitution which says he may only do that where our territory or our forces are in danger.

As a matter of fact, the writers of the Constitution said in the event of "sudden attack." That is quite a separate question, in my judgment, and it has nothing to do with this bill, which neither makes nor unmakes that situation. That is the important point about reading the bill. In my judgment, before the President put forces into those areas, he should come to Congress for its authority, by resolution.

Mr. EAGLETON. Where does it say that in the bill?

Mr. JAVITS. It does not have to. It says so by virtue of the fact that the constitutional authority of the President and of Congress remain completely unimpaired. And also by virtue of the fact that that has been the historical practice during times when the President worked closely and successfully with the Congress in this area.

We have taken the precaution of reciting in section 2(c), which was hotly debated in conference, what we consider to be a declaration. We could not go the distance that the Senate bill went. If we had tried to do that, we would not be here today; we probably would have no bill. It is far more important in terms of the future of our Nation than to be sticklers on that point.

In section 2(c) we have declared what we understand to be the constitutional authority of the Commander in Chief, and it means in this respect putting our forces in imminent danger of hostilities or in the hostilities, only exercised pursuant, to a declaration of war, specific statutory authorization, or a national emergency created by attack upon the United States, its territories, its possessions, or its Armed Forces.

One of the closely considered questions before the conference was over the omission of the rescue of individual American

citizens. Our decision was that we felt that the recital of it was undesirable and unnecessary, in that it was so much a question of degree as to when an incident such as that could be converted into a conflagration that we would rather not state it. If a President felt, under given circumstances, that that was his constitutional authority under the terms of this bill, we could contest it or not in the particular circumstance. Other than that, we did declare our finding. It is not as strong in this respect as the Senate bill, which actually specified those as the President's emergency powers and no more.

The PRESIDING OFFICER. The 5 minutes of the Senator have expired.

Mr. JAVITS. Mr. President, will the Senator from Mississippi yield me 2 additional minutes?

Mr. STENNIS. I yield the Senator 5 additional minutes.

Mr. JAVITS. It seemed to us in the conference—not just to me, but to all the Senate conferees—that that was not giving away the essence of the Senate bill. Therefore we compromised with the House on this question. I think that our judgment now has been vindicated.

Mr. EAGLETON. Mr. President, will the Senator yield? If necessary, I will ask the Senator from Texas to yield me some time.

Mr. JAVITS. We have 5 minutes.

Mr. EAGLETON. The Senator from New York referred to section 2(c), and he quoted from it, and he quoted accurately. That section is called "Purpose and Policy." In legislation, the interpretation of the purpose and policy section is nonoperative. These are the so-called precatory words. Not only do we have to rely on the general precept of legislative interpretation, but also, in the managers' report on the bill, I point out to the Senator from New York that they went to great pains to point out that the language of section 2(c) was non-binding. It is merely pious chit-chat. On page 8 of the managers' report, they say:

> Subsequent sections of the joint resolution are not dependent upon the language of this subsection, as was the case with a similar provision of the Senate bill.

I pointedly ask the Senator from New York if that is not the most telling sentence in this whole legislative history.

The Senate bill set up those three exceptions to the normal rule that Congress declares war: attack on the United States, attack on forces legally deployed abroad and rescue. In the conference report, they departed from that procedure, gave open-ended authority to the President, and made the section 2(c) language non-binding on the rest of the bill. Is that not the case?

Mr. JAVITS. I do not quite agree with the Senator that that is the case, because section 2(c) is not a whereas clause. It is the essential element of the bill, that particular recital and that finding of fact.

But I will say this to the Senator: We certainly did not get the provisions of the Senate bill on this subject. I differ deeply, decidedly, and as profoundly as any human being can with the Senator from Missouri that this historic recapture by Congress of its powers is worth running down the drain simply because we have been unable to get that particular statutory definition which the Senator, in my judgment, has permitted to completely obscure what should be our judgment.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. One more minute.

In this total matter, so much is being accomplished that to run this bill down the drain because of that definition would have been, it seems to me, a colossal historic mistake, one which the House in its vote today did not make, notwithstanding all predictions to the contrary, and which I hope the Senate will not make.

Mr. EAGLETON. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. TOWER. I yield 1 minute.

The PRESIDING OFFICER. The Senator is recognized for 1 additional minute.

Mr. EAGLETON. May I have 2 minutes? It will take 1 minute to propound the question.

Mr. TOWER. I yield.

Mr. EAGLETON. I wish to say parenthetically that I do not view this as a historic recapture; on the contrary I view it as a historic surrender.

I ask the Senator from New York this question. I address the Senator's attention to page 3 of his "Dear Colleague" letter, signed by Senators JAVITS and MUSKIE, in the middle of page 3, referring to the Middle East situation:

> The bill would have required the President only to report to the Congress within 48 hours in writing with respect to the deployment of U.S. Armed Forces in foreign territory, air space and waters.

Now, I am an average reader of the English language, and I take that to mean that under this bill the President would have 48 hours to notify Congress in writing when he deployed Armed Forces to Egypt, Syria, and Israel. Is that correct?

Mr. JAVITS. The Senator is 100 percent wrong.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. TOWER. I yield 2 additional minutes.

Mr. JAVITS. I make this statement to the Senate as one of the reasons for overriding the President. The Senator is 100 percent wrong for this reason. In section 4(a) (3) the bill provides:

> In the absence of a declaration of war, in any case in which the United States Armed Forces are introduced—
>
> * * * * *
>
> (3) in numbers which substantially enlarge United States Armed Forces equipped for combat already located in a foreign nation;
>
> the President shall submit within 48 hours in writing.

That is all we said in our letter that he was required to do.

But if that deployment becomes a deployment under section 4(a) (1), to wit: "into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances" according to the finding of Congress, then the 60-day prohibition, or shorter period, applies. What the Senator interprets it to mean is wrong.

Mr. EAGLETON. Mr. President, will the Senator yield further?

Mr. TOWER. I yield.

Mr. EAGLETON. I have read the sentence, which I think is a clear sentence. I commend the Senator for his clarity in this joint letter.

The PRESIDING OFFICER. The Senator's additional time has expired.

Mr. EAGLETON. Mr. President, will the Senator yield to me for 2 minutes?

Mr. TOWER. I yield.

Mr. EAGLETON. I will try to propound the question this way. When this bill becomes law, and assume that there is some aggressive action with respect to the Egyptian Third Army on the east side of the canal in which they try to break out of their encirclement, and there is resistance to that maneuver by the Israelis, and the Israelis say they would very much like to have American ground forces to assist them, what would the President have to do before he could send American ground forces?

Mr. JAVITS. In my opinion he is obliged to come to Congress for a specific resolution.

Mr. EAGLETON. But what does this law require him to do?

Mr. JAVITS. As far as this law is concerned, the President will make his calculations and take his chances that the 60-day period applies. We have the finding as to whether the terms of this bill are being met, and that is as it should be.

Mr. EAGLETON. The Senator said that the President has to take his chances. Does the Senator think this is a game with the President?

Mr. JAVITS. I think no such thing. But the Senator from Missouri does, and I will tell him why. Right now, if the Senate fails to override this veto, we will leave him the very illimitably claimed power we are trying to curb. So, by the idealism the Senator thinks he is obeying, he is running the one chance down the drain by which we do something to negate that claim to imperial power.

Mr. EAGLETON. If this becomes law we have given a predated declaration of war to the President and any other President of the United States, courtesy of the U.S. Congress.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. EAGLETON. Mr. President, will the Senator from Texas yield to me for 5 minutes?

Mr. TOWER. I yield 3 minutes to the Senator. We have other speakers and I am running out of time.

Mr. EAGLETON. I thank the Senator.

Mr. President, this is not a question of the President taking his chances. The chances he will be taking are our chances, our country's chances, chances with life and death.

What the President should do, in the mind of the Senator from New York, is to come to Congress. What does the bill provide? I served at one time in the Missouri Legislature. We had a member of

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the house there at one time get up and say, "I see what the bill say, but what do it do?" What does this bill do?

Section 2(c) is nonoperative and nonenforceable, not only by its policy section but by the very interpretation in the managers' report which was signed by the chief sponsors of the legislation, the Senator from Maine (Mr. MUSKIE) and the Senator from New York (Mr. JAVITS). They said in that report very clearly what section 2(c) did not do. It is here on page 8 of the manager's report.

The chance the Senator from New York is willing to have the President take is the chance to deploy our forces to a hostile area. And the President, under this measure, could deploy those troops in Israel, Syria, Egypt, Chile, Bangladesh, or wherever he wanted, tomorrow. There is a 60-day period but the troops are there. They are deployed, being shot at, dying, and the flag is committed—ex post facto.

That is not what the Constitution of the United States envisaged when we were given the authority to declare war. We were to decide ab initio, at the outset, and not post facto.

That is the key difference in the Senate bill as it went to conference. It would not have permitted Richard Nixon to deploy troops at his whim. The measure that came out of committee does permit it.

This is no historic moment of circumscribing the President of the United States insofar as warmaking is concerned. This is an historic tragedy. It gives to the President and all of his successors in futuro, a predated 60-day unilateral warmaking authority. All the words spoken here today, circuitous or not, cannot change what this law does, and what it does is wrong.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, will the Senator yield to me for 5 minutes?

Mr. TOWER. I yield 5 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in support of the veto of the President of the United States of House Joint Resolution 542.

First, I would like to say that in my opinion this resolution is unconstitutional. It would automatically cut off the constitutional authority of the President after 60 days unless Congress extended it. For 200 years the President has properly exercised these authorities under the Constitution.

In the second place, it eliminates certain authorities merely by the passage of a concurrent resolution. Now, what is a concurrent resolution? A concurrent resolution is one that merely takes the sense of the bodies. How can a concurrent resolution have the force and effect of law? How could the President of the United States be denied the right to veto a resolution that would carry such tremendous power as this concurrent resolution would apparently do?

A joint resolution does have the force and effect of law, and the President has the chance to veto it, but for the Congress, through a concurrent resolution, to act in a matter on such a vast scale as this, affecting the Constitution of the United States, there is no parallel in history for such a procedure. There is no precedent in the history of this Government for such a procedure.

Mr. President, furthermore, from a practical standpoint, I do not think this is a wise resolution. It disturbs me. Would it not seriously undermine this Nation's ability to act decisively and convincingly in times of international crisis? The President is going to feel handicapped at every turn as to what he can do and what he cannot do, whether he can respond or cannot respond.

We are now living in an age of intercontinental ballistic missiles which can be sent to the nations that are the chief adversaries in the world, to the Soviet Union, in 30 minutes, and they can send them here in the same time. We are now living in an age of supersonic planes that fly several times the speed of sound.

The President of the United States today needs flexibility. When he needs to act, he needs to act, and he must act quickly, or this Nation may not survive.

Mr. President, I just want to say that if this resolution had been in effect, many actions in the past that have been very worthwhile would have been hampered or hindered altogether. The Berlin crisis of 1961, the Cuban missile crisis of 1962, the Congo rescue operation of 1964, the Jordanian crisis of 1970 are a few of those; and there are others that could be mentioned.

Would not this resolution undercut the ability of the United States to act as an effective influence for peace? We know that our country is the only country in the world today that really is standing for world peace and has the ability to maintain it.

The very existence of a deadline can lead to an escalation of hostilities in order to achieve certain objectives before the 60 days expire. Suppose, for instance, Guam, a territory of the United States, were attacked and the President sent forces there, and the forces were fighting to defend that area. And suppose he asked for 30 days more and got them and he was about to wind up the hostilities, but needed 3 days more. Under this resolution he would have to stop, and stop cold, when those 30 days were up.

He might have gotten the 30-day extension, but if he did, he would have to stop cold without the vote of a single Member of the Congress. That is a weakness in the bill. Why is the Congress not required to take a stand? The President has to take a stand. If they say the President has to act in 60 days or 90 days, then why does this resolution not require Congress to take a position?

The most serious action a President can take is to commit troops. The Congress says it desires to share that responsibility and yet Congress, under this measure, is not willing to and does not require its Members to take a public stand. Many might do it, but they are not required to do it under the bill; the whole matter expires after a certain time. Could one Member of Congress, for instance, force a vote before the 60 days are up? If not, could the leadership?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. TOWER. Mr. President, I yield the Senator 2 minutes.

Mr. THURMOND. If not, could a handful of people—the leadership—decide whether Congress would be recorded? Why was Congress not required to take this positive stand? In my judgment, this is a serious defect in the bill.

I think the bill is unconstitutional; I think it is impractical; I think, furthermore, it is bad psychologically at this time in history, because right now we are taking a series of steps in the Middle East that could affect the entire world. Is Congress at this time going to put a limitation on the President of the United States that might be construed by the nations of the world as handicapping him, not showing faith in him, and not having confidence in him, so as to weaken his hand in carrying out his constitutional duties in foreign affairs?

Mr. HUMPHREY. Mr. President, will the distinguished Senator from Mississippi yield time to me?

Mr. STENNIS. Mr. President, I yield 5 minutes to the distinguished Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I simply wish to say a word about the final comments of the distinguished Senator from South Carolina (Mr. THURMOND). One of the reasons why I support the War Powers Act, one of the reasons why I shall vote to override the President's veto, is not that I think the bill will cripple the President in his role as Commander in Chief and in his role as chief spokesman of the Nation in matters of foreign policy, but because I believe that the act will send a signal to the Soviet Union and to anyone else that we in the Congress of the United States are prepared, as the duly elected representatives of the American people from the sovereign States of the Union, to share in the responsibility for national security decisions.

It is my intention to introduce later in the Senate a resolution that will indicate unmistakably that we are prepared to cooperate with the President of the United States in matters of national security in times of domestic crises such as we face now. I spoke up on that subject in the Democratic Caucus.

I am not partisan as to national security. I have never been and never will be. But this particular piece of legislation simply says that we are prepared to share our part of the burden. Have we not learned something throughout the years? This bill is not directed at President Nixon. I will say for President Nixon that he got us out of the war; he has not put us into one. The bill is directed at what I consider to be a long-term formulation and a long-term increase of Presidential warmaking powers that has come upon us, almost step by step, without our even knowing it was happening.

Yet there is within this War Powers Act some of the very sensible logic of Dwight Eisenhower. I remind Senators that I was a Member of this body when President Eisenhower sent a message or a resolution to Congress. He said.

> I may have to commit troops to the Middle East, and I want Congress to share in the responsibility.

There was a President before Dwight Eisenhower by the name of Harry Truman, whom I loved. He committed troops, and 6 months later his popularity, believe it or not, was lower than that of the present occupant of the White House is now.

This piece of legislation is a signal to the world that Congress and the President will work together to insure our national security. It is not designed to tie the President's hands. It is designed, if you please, to strengthen the national security and resolve of the Nation.

There are, of course, some limitations we have put in the bill simply to make the burden of sharing real. There is in the legislaton the power, if Congress wishes to, to terminate hostilities. We have always, in a sense, had that power if we wanted to use the appropriations process; but that was slow and uncertain. I am not an expert in constiutional law, but I served on the National Security Council. No other Member of this body has. I took that assignment seriously. There is not a man who ever served as President who, when the chips were down, did not need Congress.

Let me tell the Senate that the world needs to know that the duly elected representatives of the American people are capable of making tough decisions and will not leave it up to one man.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield 1 additional minute to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 1 additional minute.

Mr. HUMPHREY. Mr. President, I am prepared to work with the President on matters relating to the security of this Nation and on other matters. However, I am also prepared to say that this is not an empire. This is not a kingdom. We do not have an imperial domain. We have a republic. And the way to preserve a republic is to make it possible for the representatives of this republic to act responsibly. And the way to do that is to put the responsibility right here.

Let us shape up like men and women when the chips are down and not say that we are going to leave it to the President.

When the President does something we do not like, we say that he is acting without our consent or that he did not tell us the truth.

This resolution informs the Congress, informs the country, and informs the world that the Congress and the President will share the responsibility.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, to be fair, I think that I should yield 3 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for 3 minutes.

Mr. TOWER. Mr. President, I would simply say in response to my friend, the distinguished Senator from Minnesota, that this is a very novel idea he has of serving notice to the Soviets that Congress is sending them a signal that we intend to share in the responsibility of the President.

I am sure that the people of the Soviet Union must be rejoicing in the streets of Moscow if they feel that Congress is going to insist on sharing the responsibility with the President for the formulation and implementation of foreign policy.

Such action can only result in ultimate paralysis, inflexibility, and a complete disadvantage vis-a-vis the Soviets in terms of the conduct of diplomacy.

I would suggest that that is hardly a firm signal to the Soviets, because they understand the history of our past few months and years in terms of our participation in the formulation and implementation of foreign policy very well indeed.

Mr. President, on my own time, I yield 5 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. BUCKLEY. Mr. President, I thank the Senator from Texas for yielding.

Mr. President, I share with every Member of this body a deep concern over a proper definition of the circumstances under which a President of the United States may commit American forces to hostilities or to situations which might give rise to hostilities. I do not believe that the war process resolution is the answer nor, I hasten to add, do I have an alternative proposal to make.

My own study of our own historical experience, and discussions with historians, suggests that it may be impossible to legislate a net formulation that can anticipate all the situations that could rise in the future when the legitimate security interests of the American people may require a show of strength. Furthermore, I fear that any legislation to delineate the President's power to deploy our military forces that is less than perfect may, in some future crisis, prove dangerously inhibiting.

Any President will be most reluctant to commit U.S. forces to combat without knowing that his actions will have the support of a substantial majority of the Congress and of the American people. If a President were to act without such support, he would be subject to immediate congressional reprisals that could take the form either of impeachment or of a termination of funding to support the operations. These are weapons that have always been at the disposal of the Congress. These congressional powers have not been invoked before this year because past Presidents have in fact had the support of the country when they have involved our forces in hostilities without a formal declaration of war. This year the Congress did close down or direct military involvement in Indochina by shutting down the flow of funds that would conduct these operations.

It should be noted that the existence of war powers legislation would not have precluded our involvement in Vietnam. The Tonkin joint resolution in fact sanctioned that involvement. Moreover, although the war ultimately proved highly controversial and unpopular, during the first few years it had the overwhelming support of both Houses of Congress and of a great majority of the American public. On the other hand, the very existence of the kind of legislation the President has vetoed could encourage Presidential adventurism by seeming to sanctify any Presidential commitment of forces during the 60-day period before congressional action is required to sanction their continued deployment. Thus the resolution's practical effect could be to destroy the political institutions that in the past has been our greatest guarantee of the prudent use of Presidential powers.

Finally, I am persuaded by the carefully documented arguments made in earlier debate by the Senator from Arizona (Mr. GOLDWATER) that the President has inherent constitutional authority as Commander in Chief that is far broader than that described in the War Powers Resolution. Section 2(c) of the resolution states that the President may:

> Introduce United States Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances . . . . only pursuant to (1) a declaration of war, (2) specific statutory authorization, or, (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces."

This incredibly narrow definition belies commonsense and more than 180 years of experience under our Constitution. Its literal application would have precluded any number of deployments of forces which in the past have helped prevent a crisis from being escalated into broad scale hostilities. We could not have reacted to the invasion of South Korea as we did, nor mobilized our 6th Fleet in the eastern Mediterranean at the time of the 6-day war in 1967, nor landed our troops in Lebanon in the early 1960's, nor taken any of a number of other actions that had the effect of securing American lives, property, and interest in areas far beyond our territorial waters and possessions.

The fact that the war powers resolution finds it necessary to fill this alleged constitutional shortcoming by legislating standby authority to involve American forces in hostilities anywhere in the globe merely accentuates the error of construction on which the resolution is based; and in the process, it has made it possible for future Presidents to act less responsibly than they have in the past when committing Americans to battle or to conditions where they might become engaged in battle.

The effect of the resolution is to insulate the President from the kind of political restraints and concerns and to say that no American soldier, sailor, or airman will become committed under conditions that may become provocative.

Mr. President, under the circumstances I urge my colleagues to join me in voting to sustain the President's veto.

Mr. STENNIS. Mr. President, I yield 4 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 4 minutes.

Mr. McGEE. Mr. President, I want to announce at this time, with very severe

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reservations and reluctance, that I am going to support the override of the President's veto. When I say reluctance, I mean I have reservations that run more deeply than 4 minutes will permit me to explain.

I simply think that with this resolution as we have debated and debated the question of what our decisionmaking structure really ought to be in a time of crisis, we have still ducked the gut issue. And the gut issue is what do we have to do with our Constitution to update it to now, 1973, to meet the real crisis of tomorrow, not yesterday.

Let us face the facts. Our Founding Fathers confronted a simple world at a time when nations could risk a war as an instrument of national policy.

I would think we would be best advised if we were to select, as I am proposing, a high level, prestigious committee, commission, or whatever you want to call it, that would start with the Constitution—that is sacrosanct, I know, in the minds of many, but this is where the trouble began in the war declaration process. The Founding Fathers did not envisage a day when you would fight wars without declaring them, and probably would have to, because of the potential for a nuclear holocaust that would confront a nation making such a decision.

Likewise, we have to be mindful of the structure of this body. It is cumbersome. It was not geared for split-second decisionmaking, for crisis decisionmaking, for coping with a world of monolithic governments, or with our own democratic processes that slow us down and encumber the clarity of the decisionmaking process at all times.

I do not know what the answer to that is going to be, but I have come through these 2½ years of debate on this issue convinced that we are still trying to prevent another war in Vietnam, just as we spent all of my early days in the Thirties trying to prevent another war with Bill and Kaiser back in 1917. We always try to correct a system that somehow we blame for what we did, instead of looking ahead and trying to avoid the pitfalls that we may have to face in the future.

So, Mr. President, I shall cast my vote in support of overturning the veto decision of the President, but I do that with the utmost of reluctance, because I believe we are still ducking the real question here. I am confident, however, with the decision made on the House side and with the overwhelming decision in this body, it is still better that we move a little bit in the right direction, and I think that the resolution of the Senator from New York does honestly strive to move in that direction. I am just afraid we are going to let slip away from us the shock value of our present situation in the world, which ought to require us to take a far more decisive step, and make a far more fundamental decision in our constitutional structure. I think we ought to restructure the amending process to bring us up to the world of 1973, 1983, and 1993, instead of waiting for another debacle to remind us that we have not caught up. And I hasten to add, I think that process is going to somehow have to include increasing areas of responsibility in the executive branch. I do not see any reasonable alternatives to that hard fact of life.

But, knowing what we know now, we surely have enough wisdom to insure and surround that increasing power in the executive branch, to protect the popular input of the legislative responsibility, in that process.

I wish I had a ready answer. I do not know. But surely we have the capacity to find out what those answers may be and what they ought to include. So this, to me, is a stopgap effort here today—purely stopgap. I hope we have the wisdom to proceed from here, to act in a far more enduring way than I am afraid this legislation in itself will achieve.

As I say, Mr. President, although I will vote to support the override of the President's veto of the War Powers Act, I do so reluctantly.

Although, as I have noted in the past, I believe this proposal comes closer to anything else we have done in the Foreign Relations Committee to come to grips with one facet of governmental decisionmaking realistically and constructively, it still does not go far enough.

In sounding this warning again, I want to emphasize that I will be introducing legislation which would call upon the President and the Congress to commission a high-level panel comprised of our best minds of diverse background and philosophy to undertake an intensive and in-depth study of the decisionmaking processes of our Government as they relate to the formulation of foreign policy, national commitments, and the war powers.

My proposal would not limit the scope of the proposed Commission's study to just the war-powers issue. The study would also encompass the decisionmaking processes involved in the formulation of our foreign policy and national commitments. This is what I feel we should really be addressing ourselves to right now—the updating of all our mechanisms for responsible policymaking in our system of representative government. We should do this armed with all of the wisest judgments this country can command.

During the debate on this bill, much was said regarding the intent of our Founding Fathers as they sat down to draft the Constitution in Philadelphia in 1787—their intent in framing a workable relationship between the executive and legislative branches of Government in the area of war powers.

However, the world our Founding Fathers confronted as they drafted the Constitution was not the world that Members of this body are compelled to face in 1973 and succeeding years.

The Founding Fathers provided a specific mechanism for declaring war—article 1, section 8—leaving the initiatives of the events which preceded war clearly to the President. They provided that only the Congress finally could declare war. This procedure was framed in a period when nations dared to, and could afford to, consider declared wars as an instrument of national policy. Yet today, many students of government feel that we have long since passed the time when we can afford to declare war without running the risk of nuclear holocaust. Therefore, one of the issues raised centers around the phenomena of undeclared wars and the question regarding the role of the executive and legislative branches of Government in this critical area of policy responsibility. I do not believe we have yet found a solution to that problem, although we are heading in that direction with the War Powers Act.

Hopefully, with the legislation I intend to introduce, we can arrive at the answer to the question of what a nation like the United States, with all its responsibilities, should have in its mechanisms for policymaking that would be realistic in the world as it is today, and as it will be in the future.

Rather than attempting to patch up our current procedures, we really should be inquiring into what the Constitution should say in 1973. Our present attempt at remedying a constitutional structure put together nearly 200 years ago is not enough. Indeed, it could be costly by delaying a long-overdue reexamination of our policymaking mechanisms.

We have put off far too long the process of updating our Constitution and updating the mechanisms of a representative republic in the field of foreign policy. I am not saying that I have the answers to these questions. I do not. Yet, it may well be that a commission would conclude that the present mechanisms are satisfactory and do not need to be changed or altered in any way. I would be the first to accept that conclusion. On the other hand, if there is even the slightest possibility that we need to refine or change our decisionmaking processes in order to enable us to function more effectively in the world as it is today, we owe it to ourselves and the Nation to pursue an in-depth study utilizing the best minds we have in the country for such an endeavor.

My proposal would provide that a high-level panel be commissioned to make the kind of searching inquiry, hopefully, as to what a great nation conceived in 1973—not 1787—should do with the awesome power and responsibility it has in the world today, and what kind of mechanism may be written into a theoretical constitution for that kind of new republic. It would require a difficult undertaking, for what I am suggesting is that this panel operate in nearly a total vacuum, completely ignoring what we did 200 years ago and the evolution of our traditions throughout the course of our history as a nation.

Once a conclusion was reached by the panel, it would then be up to Congress to accept or reject its findings, or to implement or supplement them. If the findings were accepted, and if they recommend constitutional changes, then it would be up to the Congress to measure the recommendations and determine how they could best be fitted into our Constitution and our tradition.

I am sure my proposal will promulgate cries of outrage that somehow I am being un-American for even suggesting such a process. However, I believe the Founding

Fathers would be the last to say what they did in Philadelphia nearly 200 years ago was sacrosanct. Times have changed the relevance of that event. We have not yet honestly assessed if the times have changed to the degree that we might also need to amend, in relevant ways, our Constitution. There is really no way of answering that question. However, no one is really measuring the role of the various branches of Government and sorting out the respective roles in light of the new events and new responsibilities that we did not seek, but nevertheless have, in trying to make it possible for our system to survive the impact of change and demands of the modern world.

We have continually put this modernizing process off again and again, apparently in the hope that we will come to grips with it once more when we have another crisis. But our experience with this indulgence should compel us to take positive action in establishing a mechanism that would prevent future crises, or at least confront them in a more effective manner, rather than addressing ourselves to crises of the past.

I believe these questions have to be answered. I will support the override of the veto, but I warn that much more has to be done if we are ever to come to grips with this issue effectively.

Mr. HUMPHREY. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. CURTIS). The Senator's time has expired.

Mr. McGEE. My time has expired, so I do not have any time to yield.

Mr. STENNIS. I yield the Senator 1 more minute.

Mr. McGEE. I yield that to the Sen. ator from Minnesota.

Mr. HUMPHREY. Mr. President, I just want to say to the Senator from Wyoming that indeed what he has said poses the whole problem in all its dimensions. If this legislation does nothing else than put a stop, look, and listen sign up for the kind of wise counsel the Senator is suggesting, then it will have served its useful purpose.

But I do not think it is fair to say that it strips the President and limits him. I do not think it is fair to say that, because we are also talking about treaties, which are the supreme law of the land, and the treaty power includes this great assembly known as the U.S. Senate.

May I say quickly to my friend from Texas that when he said he thought there would be rejoicing in the streets of Moscow, I am not sure whether there will be any rejoicing in the streets of Moscow, but soon there will be a better sense of security and there will be a sense of relief in the homes of America; and I am a whole lot more interested in how the American people feel than how they rejoice in the streets of Moscow. They have not had anything to rejoice about over there for a long time, anyway.

The most important thing is how we feel here at home, because the security of this country, Mr. President, is not merely in the cutting edge of our military. It is not merely in the dictates of the President. It is in the confidence and the trust of the people of this country in their Government, and that is where our security is being eroded today.

There is no security unless the people and their Government understand each other and respect each other. We are the elected representatives of the American people in the House of Representatives and the Senate, and they have a right to look to us for the ability to make decisions. If we cannot make decisions, we ought to get out of here and save the taxpayers some money.

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Illinois.

Mr. PERCY. Mr. President, first I should like once again to extend the gratitude of this body and of this Senator to the distinguished chairman of our Armed Services Committee (Mr. STENNIS) and the distinguished senior Senator from New York (Mr. JAVITS), who have provided, in a bipartisan, nonideological sense, tremendous leadership in the authorship of this amendment with which so many of us in the Senate have been very proud to associate ourselves as cosponsors.

Second, I would like to indicate my feeling that we have had a test, now, through a pro forma emergency condition in the Mideast—an area vital to the security of this country—where, if the bill had been law, had been on the books, there would not have been one string attached to the executive branch of the Government in carrying forth the alert, in carrying forth their negotiations, and in carrying forth every step they are taking to bring peace and stability to that area.

In no sense would any Member of this body wish to take away the prerogative of the Commander in Chief from the standpoint of protecting the best interests of this country. But certainly the provisions have been thought through carefully and well, and we can conceive of no emergency that could not be dealt with by the executive branch and Congress under the provisions of this law, that we have been able to perceive.

Third, there is going to be, obviously, a question in the minds of the American people. Is this vote today just a reflection of the attitude of Congress on Watergate? Is the President losing his clout with Congress because of that?

I think it would demean this bill and the work that has been done for months for any such implications to be made. After all, the President has had his vetoes sustained throughout Watergate on many different issues. But when the House of Representatives today took their forthright stand, and when we, at 5:15 p.m. today stand up and declare that we feel the prerogatives of the warmaking powers of this country should be left and reserved to Congress, as was intended, let there be no implication that any Member of the House or the Senate was motivated in his vote through some reaction to Watergate. There is no single issue I know of that more Members of Congress feel more deeply about than this. After all, this is the whole question of war and peace. This is the whole question of, are we going to make another tragic mistake such as we made in Vietnam, are we going to stumble into something, to be sucked into a situation where unilaterally, one man, whether Democrat or Republican, can take this Nation into war without the advice and consent of Congress and, thereby, the American people?

So that I feel there is no question that every Member of Congress is prompted to vote on this particular issue by no other motive than to vote his conscience and his best judgment.

I respect and honor those who feel differently, but I think those of us who are supporting this bill feel very strongly about the fact that it is in the best interests of the United States.

I feel also, Mr. President, that the action of the House of Representatives in overriding the veto of the war powers resolution leaves the Senate now with a dramatic and historic opportunity to establish, in law, new definitions of Presidential and congressional responsibility for warmaking.

This opportunity must be grasped, and it will be grasped by the Senate at 5:15 this afternoon. Let this hour of debate culminate in a decision that there shall be no future undeclared wars initiated by Presidents and prosecuted without broad congressional and public support. Let this hour of debate culminate in a vote to reassert congressional responsibility in the life and death decisions involved in the warmaking powers.

Let the people know by our actions today that the U.S. Senate acted forthrightly and responsibly to deter ill-considered actions which can involve the Nation in undesirable wars of no direct consequence to our national security.

This is a duty we owe to the American people. It was discharged by the House of Representatives today and it will be, I am confident, discharged in a few moments now by the Senate.

Mr. President, there has been adequate communication with the executive branch on this issue. Many of us, over a period not just of months but of several years now, have strongly counseled the administration to cooperate with the Congress in this respect, to have no feeling that we are trying to take away power, or that we are trying to take away the security of this Nation. We want the protection of this country just as much as anyone else does. But here was the opportunity—and I am sorry that it has now been missed—for the executive branch to cooperate with the congressional branch in a measure that overwhelmingly and resoundingly now, by two-thirds of our vote, we have spoken with a loud and clear voice.

I believe that we are reflecting, as we never have on a vote before, a feeling deeply felt by the American people. We have justified the existence of the legislative branch of the Government, the separation of powers, and the provisions that permitted the overriding of the Presidential veto, as we never have before.

Mr. President, there is no question that the framers of the Constitution meant to give Congress the power to initiate hostilities. They made only one exception, empowering the President, as Commander

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in Chief, to repel sudden attacks. However, the Constitution does not specify whether, under what circumstances, or by whose decision the Armed Forces can be sent into battle when Congress has not declared war and there has been no sudden attack on the Nation.

Many examples have been cited from our history attesting to Congress primary responsibility in the initiation of military actions. At the same time, many examples have also been given where in practice the Executive has ignored Congress role. Particularly since the turn of the century, Presidents have used military force more freely, moving troops in support of foreign policy decisions and in reply to particular situations. More recently, questions about the division of powers and Congress prerogatives have been raised most strongly in connection with the sending of U.S. troops into the Dominican Republic and Vietnam.

The question of congressional responsibility in warmaking has become a major issue in the country and—as we in Congress well know—the American people are determined that there shall be no future undeclared wars initiated by Presidents and prosecuted without wide public support. Since a President cannot effectively prosecute a war without congressional support and popular approval, adherence to the provisions of the War Powers Act could save Presidents from undertaking military adventures contrary to the wishes and interests of the American people. Moreover, legislation of this type can be a deterrent to ill-considered actions which may involve the Nation in undesirable wars of no direct consequence to our national security.

This legislation is in no way a reflection on President Nixon, who inherited a major American war and has consistently reduced American involvement in that war. Had this legislation been enacted in 1960, President Nixon might never have had the conduct of the Vietnam war thrust upon him, because the United States might not have committed troops to combat in that war.

I should also like to reaffirm that this bill is a bipartisan, nonideological attempt by many Members of this body to delineate the executive-legislative relationship. It is not a liberal initiative, and it is not a conservative initative. The distinguished senior Senator from New York has correctly characterized the bill as landmark legislation.

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Florida.

The PRESIDING OFFICER (Mr. Stevenson). The Senator from Florida is recognized for 2 minutes.

Mr. CHILES. Mr. President, this vote on war powers is the most important vote that I have made and the most important issue that the Congress has acted on in the 3 years I have been here. No longer will Congress be able to shirk its constitutional duty to be the branch of Government that declares war and makes the decision when we shall take our people into war.

I think we take a giant step to make the statement that Jefferson made in a letter to Madison in 1789:

> We have already given in example one effectual check to the dog of war by transferring the power of letting him loose from the executive to the legislative body, from those who are to spend to those who are to pay.

Thus, we remove ourselves from the era of Presidential wars where Congress never expresses itself and where there is never a national debate or national commitment, and where we consign American young to fight and die with no expression of why they fight or what we consider to be the goal.

With the war powers bill, we put the dog of war back on the people's leash, where it can only be turned loose through the people's representatives.

Mr. STENNIS. Mr. President, I yield 7 minutes to the distinguished Senator from Maine (Mr. Muskie).

The PRESIDING OFFICER. The Chair would advise the Senator from Mississippi that he has 6 minutes remaining.

Mr. STENNIS. Then I yield the 6 minutes to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized for 6 minutes.

Mr. MUSKIE. Mr. President, the Senate has an historic opportunity this afternoon to achieve a result that, in my judgment, the great majority of the American people have been seeking for at least 10 years

As I reflect back on the past 10 years, the present difficulties which beset our country, the growing lack of confidence among our people in their institutions, their leadership, and the political process, it seems to me that if any single development led to our present situation, it was the expansion of the Presidential role with respect to the making of war.

I do not have time to spell out the case that I have just asserted. But this legislation is an important step, a significant step, a step that will be visible to the American people, reflecting on the determination of Congress to begin to restore the balance between the legislative and executive branches with respect to the warmaking powers.

I understand, of course, that such dedicated and able Senators as the distinguished Senator from Missouri disagree as to the meaning of the legislation which the President has vetoed. I do not have time this afternoon to make the case which, hopefully, might reassure him. Indeed, I do not have the confidence that I could reassure him.

But let me make this point:

The President vetoed this bill because he said it took power away from him that it was essential the President have in the national interest.

The Senator from Missouri argues that the legislation which the President vetoed gives the President more power than he should have with respect to the making of war, and that that is against the national interest.

Mr. President, writing legislation in this field is a difficult proposition. It is clear that the President of the United States—and I refer not just to this President—and the Congress, and I mean a substantial majority of Congress, disagree as to what the respective roles of Congress and the President are concerning the making of war.

We could not hope, conceivably, to resolve that difference of opinion in any piece of legislation, either that which passed the Senate in the first instance or this bill which has been vetoed by the President. We simply cannot rewrite the Constitution in a way which can get the concurrence of the President and the Congress on this point.

So this bill does not undertake to do that. The bill does not undertake to impose on the President a modification of his constitutional powers. It does not undertake to assert a restatement of Congress' view as to the President's role with respect to the warmaking power.

What it undertakes to do is to establish a procedure for comity as to different views in the future, so that Congress can be brought in from the periphery of the warmaking power to its center in order to exercise its proper role.

With respect to the comments that the Senator from Missouri (Mr. Eagleton) has made, let me make this simple point:

In section 2 of the bill, we find this language to which the Senator has already referred:

> The constitutional powers of President as commander in chief to introduce the United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, are exercised only pursuant, one, to a declaration of war and, two, to specific statutory authorization or, three, a national emergency created by an attack on the United States, its territories, or possessions, or its Armed Forces.

It is true, as the Senator from Missouri has pointed out, that this language is not operative language.

Why was it put into the bill?

It was put into the bill as an indication that, in enacting a bill, Congress did not intend to surrender any of its constitutional powers with respect to the making of war.

The remainder of the bill is a procedural bill, undertaken to insure consultation by the President with Congress and undertaking to put in the hands of Congress the procedure for terminating any hostilities into which the President may have plunged us, whether or not his action in so doing conformed with our view as to what his constitution powers might be.

So I urge my colleagues to take this opportunity to begin the process of reasserting and reestablishing the role of Congress in the warmaking powers. It is a historic opportunity, and I hope we do not let it pass us by.

The PRESIDING OFFICER. The Senator from Texas has 5 minutes remaining.

Mr. TOWER. Mr. President, the distinguished Senator from New York (Mr. Javits), in a recent survey, was voted the brightest Member of the Senate. I concur with that conclusion. As a matter of fact, I once said that if I ever were indicted for a felony, I would like him to defend me, and he responded by saying, very generously, that he would do it without fee.

That is why I am amazed to hear him

say that there is no relationship between the power to wage war and the power to conduct diplomatic relations. I am sure that Tallyrand and Metternich and Castlereagh, at the Congress of Vienna, would have split their sides on that thought. I am sure that Clemenceau and Lloyd George and even Wilson, as naive as he was, would have thought that to be incredible. I wonder what would have happened if we had suggested that to Stalin and Churchill and Truman at Potsdam.

Mr. President, historically, it has been proved that the relationship between war and peace is a very close one, indeed, and that one cannot engage in the kind of negotiations that result in peace if one has not the power to wage war.

Therefore, I suggest that what we are doing here is undermining the historic and constitutional role of the President of the United States as the principal spokesman and negotiator for our Nation in the field of diplomatic relations, a power that would reside in the national government, according to the Supreme Court of the United States, even in the absence of any specific constitutional authority in that connection, because it is a necessary concomitant of nationality and must necessarily reside in the President of the United States.

We are baring ourselves naked in the eyes of the only great power in this world but ourselves, the Soviet Union, if we deny the President the flexibility of the use of military power as a precision instrument of diplomacy.

Mr. President, I yield the remainder of my time to the distinguished Senator from North Carolina.

Mr. ERVIN. Mr. President, on prior occasions, I have stated at some length my position that this bill and previous bills of like nature are contrary to the Constitution of the United States.

Section 2, article II, says:

> Section 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States.

Section 4 of article IV says:

> Section 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion;

It is the constitutional power and the constitutional duty of the President, without any declaration of war and without any action by Congress, to defend this country against invasion. This bill, in effect, says that the President cannot exercise his constitutional power and cannot perform his constitutional duty for more than 60 days without the consent of Congress. It says that the President cannot be the Commander in Chief of the Army and the Navy when the United States is attacked for more than 60 days and that at the end of 60 days, Congress assumes that role.

I think that this bill, despite the good motives behind it, is on a parity with the Neutrality Act which we passed after the First World War, and which caused the Second World War, in large part. This bill is not only unconstitutional but also unwise, despite the good motives of those who sponsor it and support it.

I cannot, with clear conscience, vote to override the veto of this bill, because I think the veto was sound.

I thank the Senator from Texas for giving me an opportunity to speak very briefly against this bill on the ground that it is unconstitutional and unwise.

Mr. BELLMON. Mr. President, along with a vast majority of other Americans, I deplore the settlement of differences between nations by the use of armed force. Also I recognize that in recent years this Nation has allowed itself to become drawn into military conflicts which have cost heavily both in human suffering and a waste of resources. These experiences have generated great opposition in the country to future military activities and have caused both Houses of Congress to reexamine the role of the Congress in the warmaking process. I share the concern that this Nation has stumbled into military conflicts without carefully analyzing the costs and gauging whether or not the objective was worth the high price we might be called upon to pay.

Mr. President, at the same time the hard realities of the current world situation are such that among nations of the free world only the United States possesses the will and the strength to preserve the peace. Reality also dictates that the President of this country must have great flexibility and a minimum of interference in his conduct of our complex foreign policy.

To restrict the scope of his actions and to limit his ability to respond effectively to fast-developing international situations is to render ineffectual his efforts to avert the necessity for committing our troops and our resources to all-out war.

The intent of House Joint Resolution 542 is commendable. However, there is no need for this resolution. Anytime the Congress genuinely wishes to force the withdrawal of American forces from any area of the world or from any combat situation we can do so by withholding appropriations as we did in the Cambodian bombing situation earlier this year.

It is both inaccurate and dishonest for Members of Congress to say we are powerless under present law to prevent military involvements of which the Congress does not approve. The record shows that we can act if we have the will.

Mr. President, on that basis House Joint Resolution 542 can only be looked upon as an unnecessary handicap upon the Chief Executive in his efforts to conduct a wise and successful foreign policy aimed at keeping us out of war. I believe that, contrary to the expressed intent of the authors of this measure, it is more likely to produce than to prevent military hostilities. For this reason I believe President Nixon was wise in rejecting it and I will vote to support his veto.

Mr. MONDALE. Mr. President, this afternoon the Senate is engaged in possibly its most historic vote in decades. In light of the House's vote this morning overriding the President's veto of the war powers bill, the responsibility for insuring that American soldiers are never again introduced for extended combat without the consent of the Congress rests squarely with the Senate.

I am confident that we will meet this challenge, and complete the final step in a long and arduous process. In this process, the distinguished Senator from New York (Mr. Javits), the distinguished Senator from Mississippi (Mr. Stennis) and many others deserve special praise. Years of conscientious discussion, extended committee hearings, and lengthy congressional debate on the subject of war powers have been expended in an effort to ensure that we enact the wisest possible legislation. I believe we have met this test.

This legislation, as before, has attracted wide support among members of both parties. It is a bipartisan, nonideological attempt to restore the constitutional balance of power between Congress and the President, not to alter it. It is appropriate that the war powers bill has such consensus, for warmaking decisions involve both political parties in the most profound kind of bipartisanship.

The widespread showing of support for the President during the recent Middle East crisis is ample evidence of this bipartisan spirit whenever our country is threatened.

And the Middle East crisis is also testimony to the fact that the approach which the bill before us undertakes is eminently wise and workable. The President was able to respond in time of crisis, and would have been so able to respond under the provisions of this bill.

Under this legislation, however, the Congress—and through us, the American people—are brought back into the decisionmaking process in those decisions which most vitally affect our future as a nation.

During this debate, there is one theme which stands out in my own mind—that there is something very wrong with the way Presidents have committed American military forces over the past 25 years. Presidents have usurped congressional power, but only because Congress has placed too much confidence in the Executive. Congress has acquiesced and accepted various Presidential rationalizations and, therefore, must share part of the blame for our involvement in the Dominican Republic, Vietnam, Cambodia, and Laos. But the lack of prior consultation with the Congress in all of these commitments, as well as the recently revealed series of secret military activity in Cambodia cloaked in the name of "national security," makes it imperative that Congress assert its legitimate constitutional authority. For there is no longer any doubt that a constitutional crisis over warmaking powers now exists.

If we fail to override this Presidential veto now, in the aftermath of the most graphic example of the excesses of individual warmaking, we may be sanctioning future Cambodias.

XUM

As Alexander M. Bickel of Yale University, one of the country's great constitutional authorities, testified before the Foreign Relations Committee on July 26, 1971 with regard to the Vietnam war:

> The decisions of 1965 may have differed only in degree from earlier stages in this process of growth. But there comes a point when a difference of degree achieves the magnitude of a difference of kind. The decisions of 1965 amounted to all but explicit transfer of power to declare war from Congress, where the Constitution lodged it, to the President, on whom the framers explicitly refused to confer it.

The war powers bill corrects the basic flow of the post-World War II practice toward Presidential wars by reestablishing the balance outlined in the Constitution so that Congress will decide whether and when this Nation goes to war.

Yet the bill in no way impairs the President's authority as Commander in Chief to repel attacks upon the United States or its Armed Forces, while it assures that Congress maintains its warmaking authority over the unchecked, unilateral decisions of the President. As the Committee on Foreign Relations stated in the report on the war powers bill:

> In brief, the Constitution gave Congress the authority to take the nation into war, whether by formal declaration of war or by other legislative means, and the President the authority to conduct it.

At the Constitutional Convention, the Founding Fathers, sensitive to the warmaking powers of the British kings, were explicit in their desire that the power to declare war and to raise armies be left to the legislature, with the President acting as Commander in Chief after the onset of hostilities. They intended that no single man, no matter how benevolent, could take this Nation to war.

As Jefferson stated in his famous letter to Madison in 1789:

> We have already given in example one effectual check to the dog of war by transferring the power of letting him loose from the Executive to the Legislative body, from those who are to spend to those who are to pay.

In the early years of the Republic, Presidents acknowledged and carefully respected the war power of Congress. President Madison said that the question of "opposing force to force" was one "which the Constitution wisely confided to the legislative department of the Government."

Daniel Webster, while serving as Secretary of State, said:

> The war making power in this Government rests entirely in Congress; . . . the President can authorize belligerent operations only in the cases expressly provided for in the Constitution and the laws.

Abraham Lincoln expressed his viewpoint on the matter in his protest over the Mexican War while he was a Member of Congress:

> The provision of the Constitution giving the warmaking power to Congress, was dictated, as I understand it, by the following reasons. Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This, our Convention understood to be the most oppressive of all Kingly oppressions, and they resolved to so frame the Constitution that no one man should hold the power of bringing this oppression upon us.

The deception, secrecy, ambiguity of the Indochina experience have made the American people determined that there shall be no future undeclared wars initiated by Presidents and prosecuted without clear-cut national support.

During hearings on the war powers in 1971, Prof. Henry Steele Commager made the following statement:

Now after 20 years marked by repeated, and almost routine, invasions by the executive of the warmaking powers assigned by the Constitution to Congress, we can see that more is at stake even than the constitutional principle of the separation of powers. At stake is the fate of the age-long effort of men to fix effective limits on government; at stake is the reconciliation of the claims of freedom and of security; at stake is the fateful issue of peace or war, an issue fateful not for the American people alone, nor alone for the stricken peoples of Southeast Asia, but for the whole of mankind.

Mr. President, the issues at stake in our vote this afternoon are fully as important as Professor Commager describes. They are historic both for our history as a Nation, and for our ability as a Congress to check the ever-greater tendency to unfettered executive authority.

This bill will do much to restore the faith of the American people in both the Congress and the executive that war policies are not being conducted in clandestine remoteness, but openly, and within the spirit of our Nation's Constitution.

Mr. BAKER. Mr. President, I intend to vote in favor of the motion of override the President's veto of the war powers bill presently pending before the Senate. I shall do so not because of any desire to encroach upon the prerogatives of the President as Commander in Chief of the Armed Forces, but rather in an effort to properly divide the awesome responsibility for committing U.S. combat forces abroad for a prolonged period of time.

Although I had serious reservations about the constitutionality of the original Senate bill, reservations which prompted me to oppose final passage of the measure last summer, those reservations were dispelled by the portions of the House bill agreed to in conference.

I was then inclined to support the new measure in the form of the conference report because of my strong belief that the Congress must reassert its authority in this vital area as perceived and intended by the drafters of the Constitution. However, at the time that the conference report was considered on the floor, the United States and the Soviet Union were drawing perilously close to a dangerous confrontation in the Middle East, a confrontation which was probably contributed to by our continued domestic troubles. Moreover, I was alarmed by the possibility that the Soviets might misinterpret our resolve to counter any unilateral Soviet aggression in that part of the world; and I, therefore, voted against final passage of the conference report.

Now, however, the likelihood of another United States-Soviet confrontation has diminished; and I think it is clear to all interested parties that the United States will not stand by idly while any nation attempts to unfairly tip the balance of power sharply in favor of either side. For this reason, I shall now vote in favor of the motion to override the President's veto.

Mr. President, in recent weeks and months, I have come to have an enhanced reverence for this Nation's Constitution and the distinguished men who drafted it almost 200 years ago; and just as I shall fight to protect the prerogatives of the legislative branch of our Government, so shall I fight equally hard to protect the prerogatives of the executive branch. However, in this instance, I am convinced that the drafters of the Constitution intended for the responsibility for warmaking to be shared by Congress and the President; and I am further convinced that the measure presently pending before the Senate is a responsible, and indeed, effective attempt to do just that. I urge my colleagues to vote to override the President's veto.

Mr. HATFIELD. Mr. President, among scars left from the Vietnam war is the realization by the American people that future U.S. military actions around the world cannot be implemented and carried out solely by the President. A partnership with Congress in forming warmaking policies lies at the heart of our Constitution. Today's vote recognizes the American people want a restoration of that policy.

I would admit that this bill, as it has come from the conference, is not totally satisfactory to me. It can be argued that there is still a wide degree of Executive discretion and latitude that many find questionable. Yet it is abundantly clear to me that this measure represents an initiative toward control of Executive power in warmaking.

Mr. President, the distribution of powers between the Congress and the Executive, which has been amply and extensively discussed with regard to the powers to declare war, is best summarized by this quotation from Justice Brandeis:

> Separation of power was adopted by the convention of 1787 not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was not to avoid friction, but by means of inevitable friction incident to the distribution of governmental powers among three departments, to save the people from autocracy.

Today, the need to reinstitute the proper and constitutional division of powers has been made clear to all Americans. The present crisis we are encountering has been produced by the exercise of arbitrary power by the executive branch. Saving our Nation from autocracy demands, at the minimum, that Congress begin the process of becoming again a truly coequal branch of Government. Passage of this war powers resolution today is one step toward that end.

Mr. DOLE. Mr. President, today marks a significant occasion for the Congress, for our system of government and for the future of the United States.

By action of the Congress a bill will become law and establish a basic partnership between the legislative and executive branches of Government in the exercise of the power to make war.

The War Powers Act has received long and intense study. It has been debated in the House and Senate. It has been passed by both bodies. The President, however, has opposed the bill, and he has returned it to Congress with his veto.

Earlier today, by greater than the constitutionally required two-thirds margin, the House voted to override the veto. In a short time the Senate, too, will vote, and if the earlier record is any indication a two-thirds vote will be provided to make the bill law.

I view this action as one of the most important, constructive and beneficial taken by Congress in recent years.

UNCLEAR AREA

The language of the Constitution makes it very difficult to determine the lines between the power of Congress to declare war and the duty of the President to act as Chief Executive and Commander in Chief. This difficulty has led to a great deal of uncertainty, concern and dispute over the proper roles of Congress and the President in exercising what has come to be the awesome and sobering power of committing this Nation's Armed Forces to war. By bringing some clarity and basic guidelines to play in this field I believe this bill will contribute in a major way to the better functioning of our Government.

A STEP TOWARD BETTER GOVERNMENT

First, it will settle a point of serious dispute between the two branches of Government.

Second, it assigns Congress in an active role in the warmaking process and thereby should serve to increase both the foreign and defense policy authority of the legislative branch and the flow of comunications between it and the executive. In large part it is felt that poor communications and a lack of congressional grounding in the facts and circumstances of the Southeast Asian conflict produced too rapid and poorly considered action on the Gulf of Tonkin resolution.

Third, enactment of this law and establishment of its procedures to safeguard the warmaking power should increase the people's confidence that their Government will pursue the Nation's defense on the broadest possible basis of consultation and cooperation among its leaders.

The bill insures the President the freedom and capacity to take quick action against any threat to our national security. But it also assures that the commitment of our forces to prolonged and lengthy engagement will not be undertaken without the approval of Congress.

I believe this approach is fully consistent with our Constitution, and it is responsive to the requirement that our Government always be one of law not of men.

Mr. KENNEDY. Mr. President, I strongly urge the Senate to match the action taken in the House of Representatives today, and override the President's veto of the war powers resolution.

No other single action can do more to reestablish the proper relationship between the branches of the Federal Government in this most critical area of war and peace.

In its entirety, the war powers resolution is a thoughtful and, indeed, conservative course of action. It seeks to preserve the basic institutional framework of decision on these critical matters that was established in the Constitution nearly 200 years ago. It restates with new force the separation of powers inscribed in the Constitution, by reasserting the role and responsibility of the Congress in deciding whether to commit the Nation to war.

We must not forget that the Constitutional Convention divided the war powers between the executive and the legislature. The President was to be Commander in Chief. But the rest of the war powers were entrusted to the Congress.

Article I, section 8 of the Constitution clearly states that power rests with Congress:

> To provide for the common Defense . . . To define and punish . . . Offenses against the Law of Nations; To declare war, To raise and support Armies . . . To provide and maintain a Navy, To make Rules for the Government and Regulation of land and naval forces; to provide for calling forth the Militia to execute the Laws of the Union . . . and repel Invasions; To provide for organizing, arming and disciplining the Militia and for governng such part of them as may be employed in the Service of the United State. . . .

The words of the Constitution and the intent of its framers are clear. But over the past decades, the power to choose war or peace has steadily accumulated in the hands of the President ultimately bringing us Vietnam as the most painful and tragic reminder of the wisdom of the Nation's Founders. To return to the Constitution, as this legislation does, is not merely desirable but also crucial if we are to learn from history the need to maintain a proper division of responsibility for waging war and making peace.

The need for this legislation has been magnified by the disclosures of forged bombing reports, by disclosures of the misuses of the intelligence gathering arms of the Government, by the massive bombing carried out in Cambodia earlier this year—all pointing to the need for legislation to repeat and reinforce the limits placed on the President by the Constitution.

Equally important, events of the past several years demonstrate the ease with which a system of shared powers can be eroded if one partner is unwilling to exercise its powers and the other is more than willing to take up the slack. Since the Korean war, the essential act of committing the Nation's might to hostilities, unlimited by time or distance, has been made by the executive branch.

The reassertion of congressional responsibility finally took shape this year with the passage of legislation to halt the bombing in Indochina and to require a clear and final end to U.S. military activity there.

This resolution provides the essential second step in that process—a step to designate beforehand the limits on Presidential action and to establish the means for Congress to obtain the information it needs for intelligent action.

By overriding the President's veto, we can reaffirm the constitutional responsibility of the Congress to decide whether the Nation shall go to war. But, without this action, we would by our silence invite repetition of the Vietnam tragedy, a repetition that we cannot afford.

Santayana wrote that—

> He who does not remember the past is doomed to repeat it.

Let us heed those words; let us learn from history; let us vote to override the President's veto of the war powers bill.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. What is the pending order of business?

The PRESIDING OFFICER. All time has expired. The question is——

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

[No. 477 Leg.]

Abourezk
Aiken
Allen
Baker
Bartlett
Beall
Bellmon
Bennett
Bentsen
Bible
Biden
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cook
Cranston
Curtis
Dole
Domenici
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Fulbright
Gravel
Griffin
Gurney
Hansen
Hart
Haskell
Hatfield
Hathaway
Helms
Hollings
Hruska
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott, William L.
Sparkman
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Thurmond
Tower
Tunney
Weicker
Young

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Indiana (Mr. HARTKE), the Senator from Georgia (Mr. TALMADGE), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Pennsylvania (Mr. HUGH SCOTT) are necessarily absent.

The PRESIDING OFFICER. A quorum is present.

Mr. MANSFIELD. Now, it is automatic.

The PRESIDING OFFICER. The question is, Shall joint resolution pass, the objections of the President of the United States to the contrary notwithstanding? The yeas and nays are mandatory under the Constitution.

Mr. STENNIS. Mr. President, may we have order?

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. To vote "aye" is to override?

The PRESIDING OFFICER. To vote "aye" is to override.

The clerk will call the roll.

The legislative clerk called to roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Indiana (Mr. HARTKE), the Senator from Georgia (Mr. TALMADGE), and the Senator from New Jersey (Mr. WILLIAMS), are necessarily absent.

On this vote, the Senator from New Jersey (Mr. WILLIAMS) and the Senator from Pennsylvania (Mr. HUGH SCOTT) are paired with the Senator from Arizona (Mr. GOLDWATER).

If present and voting, the Senators from New Jersey and Pennsylvania would vote "yea" and the Senator from Arizona would vote "nay."

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH) and the Senator from Georgia (Mr. TALMADGE), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Pennsylvania (Mr. HUGH SCOTT) are necessarily absent.

On this vote the Senator from Pennsylvania (Mr. HUGH SCOTT) and the Senator from New Jersey (Mr. WILLIAMS) are paired with the Senator from Arizona (Mr. GOLDWATER).

If present and voting, the Senator from Pennsylvania and the Senator from New Jersey would each vote "yea," and the Senator from Arizona would vote "nay."

The yeas and nays resulted—yeas 75, nays 18, as follows:

[No. 478 Leg.]

YEAS—75

Aiken
Allen
Baker
Bartlett
Beall
Bentsen
Bible
Biden
Brock
Brooke
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cook
Cranston
Dole
Domenici
Eastland
Fong
Fulbright
Gravel
Hart
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, William L.
Sparkman
Stafford
Stennis
Stevenson
Symington
Taft
Tunney
Weicker
Young

NAYS—18

Abourezk
Bellmon
Bennett
Buckley
Curtis
Dominick
Eagleton
Ervin
Fannin
Griffin
Gurney
Hansen
Helms
Hruska
Saxbe
Stevens
Thurmond
Tower

NOT VOTING—7

Bayh
Cotton
Goldwater
Hartke
Scott, Hugh
Talmadge
Williams

The PRESIDING OFFICER. On this vote the yeas are 75, and the nays 18. Two-thirds of the Senators present and voting having voted in the affirmative, the joint resolution, on reconsideration, is passed, the objections of the President of the United States to the contrary notwithstanding.

[Applause in the gallerics.]

Mr. TOWER. Mr. President, order.

The PRESIDING OFFICER. Order in the galleries.

Mr. ROBERT C. BYRD. Mr. President, what is the Senate rule with respect to demonstrations in the galleries?

The PRESIDING OFFICER. The occupants in the galleries are guests of the Senate. If they do not conduct themselves properly, they will be asked to leave by the Sergeant at Arms.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

Mr. TOWER. Mr. President, will the Senator withhold that?

Mr. MANSFIELD. Briefly.

Mr. TOWER. Mr. President——

The PRESIDING OFFICER. The Senator from Texas.

Mr. TOWER. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. There will be order in the Senate.

Mr. TOWER. Mr. President, I just want to express the hope that the constitutionality——

Mr. ROBERT C. BYRD. Mr. President, we cannot hear the Senator.

The PRESIDING OFFICER. The Senate will be in order.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the galleries?

The PRESIDING OFFICER. The galleries will be in order. Senators will take their seats and conversations will cease in the galleries and on the floor.

Mr. TOWER. Mr. President, I simply want to express the hope that the constitutionality of the measure just sustained by the Senate over the President's veto will be challenged at the earliest possible opportunity.

I think that we have sent a very dangerous signal to Moscow, indeed. And I hope that at the very earliest possible legal opportunity the constitutionality of this measure will be challenged and the unconstitutionality of it will be made apparent.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

Mr. JAVITS. Mr. President, would the Senator withhold that request?

Mr. MANSFIELD. Briefly.

Mr. JAVITS. Mr. President, I do not think that it will do our country any good to send out warnings like those just uttered by the Senator from Texas.

I doubt very much that any court would have decided this before or would decide it now. It is almost a classic example of what the courts have considered a "political question." That was the reason that we had to settle it through legislation, including a veto override. No one is being arrogant about this. We are talking about war. This involves human lives in the millions.

I express the deep hope, almost a prayer, that after this long effort and after the most searching inquiry this will be found to be a salutary procedure in which the President will fully cooperate, respecting us especially in a time of trial as much as we respect him as the incumbent of the Presidency with the awesome responsibilities he carries.

I hope that all of us, the people of the country and all men and women in Congress, will approach this matter with the solemnity and sobriety it deserves and make it an essential element of strength for our country.

FEDERAL FINANCING BANK ACT OF 1973

Mr. SPARKMAN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 5874.

THE PRESIDING OFFICER (Mr. BARTLETT) laid before the Senate H.R. 5874, a bill to establish a Federal Financing Bank, to provide for coordinated and more efficient financing of Federal and federally assisted borrowings from the public, and for other purposes, which was read twice by its title.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that all after the enacting clause of H.R. 5874 be stricken and that the language of S. 925 as passed on June 22, 1973, be inserted in lieu thereof.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of S. 925 reads as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Financing Bank Act of 1973".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. The Congress finds that demands for funds through Federal and federally assisted borrowing programs are increasing faster than the total supply of credit and that such borrowings are not adequately coordinated with overall Federal fiscal and debt management policies. The purpose of this Act is to assure coordination of these programs with the overall economic and fiscal policies of the Government, to reduce the costs of Federal and federally assisted borrowings from the public, and to assure that such borrowings are financed in a manner least disruptive of private financial markets and institutions.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(1) The term "Federal agency" means an executive department, an independent Federal establishment, or a corporation or other entity established by the Congress which is owned in whole or in part by the United States.

(2) The term "obligation" means any note, bond, debenture, or other evidence of indebtedness, but does not include Federal Reserve notes or stock evidencing an ownership interest in the issuing Federal agency.

(3) The term "guarantee" means any guarantee, insurance, or other pledge with respect to the payment of all or part of the principal or interest on any obligation, but does not include the insurance of deposits, shares, or other withdrawable accounts in financial institutions, or any guarantee or pledge arising out of a statutory obligation to insure such deposits, shares, or other withdrawable accounts.

(4) The term "Bank" means the Federal Financing Bank established by section 4 of this Act.

CREATION OF BANK

SEC. 4. There is hereby created a body corporate to be known as the Federal Financing Bank, which shall have succession until dissolved by an Act of Congress. The Bank shall be subject to the general supervision and direction of the Secretary of the Treasury. The Bank shall be an instrumentality of the United States Government and shall maintain such offices as may be necessary or appropriate in the conduct of its business.

BOARD OF DIRECTORS

SEC. 5. (a) The Bank shall have a Board of Directors consisting of five persons, one of whom shall be the Secretary of the Treasury as Chairman of the Board, and four of whom shall be appointed by the President from among the officers or employees of the Bank or of any Federal agency. The Chairman and each other member of the Board may designate some other officer or employee of the Government to serve in his place.

(b) The Board of Directors shall meet at the call of its Chairman. The Board shall determine the general policies which shall govern the operations of the Bank. The Chairman of the Board shall select and effect the appointment of qualified persons to fill such offices as may be provided for in the bylaws, and such persons shall be the executive officers of the Bank and shall discharge such executive functions, powers, and duties as may be provided for in the bylaws or by the Board of Directors. The members of the Board and their designees shall not receive compensation for their services on the Board.

FUNCTIONS

SEC. 6. (a) The Bank is authorized to make commitments to purchase and sell, and to purchase and sell on terms and conditions determined by the Bank, any obligation which is issued, sold, or guaranteed by a Federal agency. Any Federal agency which is authorized to issue, sell, or guarantee any obligation is authorized to issue or sell such obligations directly to the Bank.

(b) Any purchase by the Bank shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration (1) the current average yield on outstanding marketable obligations of the United States of comparable maturity, or (2) whenever the Bank's own obligations outstanding are sufficient, the current average yield on outstanding obligations of the Bank of comparable maturity.

(c) The Bank is authorized to charge fees for its commitments and other services adequate to cover all expenses and to provide for the accumulation of reasonable contingency reserves.

TREASURY APPROVAL

SEC. 7. (a) To insure the orderly and coordinated marketing of Treasury and Federal agency obligations and appropriate financing planning with respect thereto, and to facilitate the effective financing of programs authorized by law subject to the applicable provisions of such law, the prior approval of the Secretary of the Treasury shall be required with respect to—

(1) the method of financing,

(2) the source of financing,

(3) the timing of financing in relation to market conditions and financing by other Federal agencies, and

(4) the financing terms and conditions, including rates of interest and maturities,

of obligations issued, sold, or guaranteed by any Federal agency, except that the approval of the Secretary of the Treasury shall not be required with respect to (1) obligations issued or sold pursuant to an Act of Congress which expressly prohibits any guarantee of such obligations by the United States, (2) obligations guaranteed in connection with programs involving the guarantee of large numbers of individual obligations that are originated and serviced by local lending institutions and that are not ordinarily bought and sold in the same markets as bonds and other similar types of investment securities, or (3) obligations issued or sold by the Farmers Home Administration.

(b) Upon receipt of a request from a Federal agency for his approval under subsection (a) of this section, the Secretary of the Treasury shall act promptly either to grant his approval or to advise the agency of the reasons for withholding his approval. In no case shall the Secretary of the Treasury withhold such approval for a period longer than sixty days unless, prior to the end of such period, he submits to the Congress a detailed explanation of his reasons for so doing. In no case shall the Secretary withhold such approval for a period longer than one hundred and twenty days. To the maximum extent practicable, withholdings of approval shall be made in a manner which is not disproportionately detrimental to the functioning of any particular type of Federal program. Expedited treatment shall be accorded in any case in which the Federal agency advises the Secretary of the Treasury that unusual circumstances require such treatment.

(c) Federal agencies subject to this section shall submit financing plans to the Secretary of the Treasury at such times and in such forms as he shall prescribe.

INITIAL CAPITAL

SEC. 8. The Secretary of the Treasury is authorized to advance the funds necessary to provide initial capital to the Bank. Each such advance shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury, taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturity. Interest payments on such advances may be deferred, at the discretion of the Secretary, but any such deferred payments shall themselves bear interest at the rate specified in this section. There is authorized to be appropriated not to exceed $100,000,000, which shall be available for the purposes of this section without fiscal year limitation.

OBLIGATIONS OF THE BANK

SEC. 9. (a) The Bank is authorized, with the approval of the Secretary of the Treasury, to issue publicly and have outstanding at any one time not in excess of $15,000,000,000, or such additional amounts as may be authorized in appropriations Acts, of obligations having such maturities and bearing such rate or rates of interest as may be determined by the Bank. Such obligations may be redeemable at the option of the Bank before maturity in such manner as may be stipulated therein. So far as is feasible, the debt structure of the Bank shall be commensurate with its asset structure.

(b) The Bank is also authorized to issue its obligations to the Secretary of the Treasury and the Secretary of the Treasury may in his discretion purchase or agree to purchase any such obligations, and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds of the sale of any securities hereafter issued under the Second Liberty Bond Act, and the purposes for which securities may be issued under the Second Liberty Bond Act are extended to include such purchases. Each purchase of obligations by the Secretary of the Treasury under this subsection shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury, taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturity. The Secretary of the Treasury may sell, upon such terms and conditions and at such price or prices as he shall determine, any of the obligations acquired by him under this subsection. All purchases and sales by the Secretary of the Treasury of such obligations under this subsection shall be treated as public debt transactions of the United States.

(c) The Bank may require the Secretary of the Treasury to purchase obligations of the Bank issued pursuant to subsection (b) in such amounts as will not cause the holding by the Secretary of the Treasury resulting from such required purchases to exceed $5,000,000,000 at any one time. This subsection shall not be construed as limiting the authority of the Secretary to purchase obligations of the Bank in excess of such amount.

(d) Obligations of the Bank issued pursuant to this section shall be lawful investments, and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority or control of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States, or any agency or instrumentality of any of the foregoing, or any officer or officers thereof.

GENERAL POWERS

SEC. 10. The Bank shall have power—

(1) to sue and be sued, complain, and defend, in its corporate name;

(2) to adopt, alter, and use a corporate seal, which shall be judicially noticed;

(3) to adopt, amend, and repeal bylaws, rules, and regulations as may be necessary for the conduct of its business;

(4) to conduct its business, carry on its operations, and have offices and exercise the powers granted by this Act in any State without regard to any qualification or similar statute in any State;

(5) to lease, purchase, or otherwise acquire, own, hold, improve, use, or otherwise deal in and with any property, real, personal, or mixed, or any interest therein, wherever situated;

(6) to accept gifts or donations of services, or of property, real, personal, or mixed, tangible or intangible, in aid of any of the purposes of the Bank;

(7) to sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of its property and assets;

(8) to appoint such officers, attorneys, employees, and agents as may be required, to define their duties, to fix and to pay such compensation for their services as may be determined, subject to the civil service and classification laws, to require bonds for them and pay the premium thereof;

(9) to enter into contracts, to execute instruments to incur liabilities, and to do all things as are necessary or incidental to the proper management of its affairs and the proper conduct of its business;

(10) to act through any corporate or other agency or instrumentality of the United States, and to utilize the services thereof on a reimbursable basis, and any such agency or instrumentality is authorized to provide services as requested by the Bank; and

(11) to determine the character of and the necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid, subject to

provisions of law specifically applicable to Government corporations.

EXEMPTIONS

SEC. 11. (a) The Bank, its property, it franchise, capital, reserves, surplus, security holdings, and other funds, and its income shall be exempt from all taxation now or hereafter imposed by the United States or by any State or local taxing authority; except that (1) any real property and any tangible personal property of the Bank shall be subject to Federal, State, and local taxation to the same extent according to its value as other such property is taxed, and (2) any obligations issued by the Bank shall be subject to Federal taxation to the same extent as the obligations of private corporations are taxed.

(b) All obligations issued by the Bank pursuant to this Act shall be deemed to be exempted securities within the meaning of section 3(a)(2) of the Securities Act of 1933 (15 U.S.C. 77c(a)(2)), of section 3(a)(12) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(12)), and of section 304(a)(4) of the Trust Indenture Act of 1939 (15 U.S.C. 77ddd(a)(4)).

(c) Nothing herein shall affect the budget status of the Federal agencies selling obligations to the Bank under section 6(a) of this Act, or the method of budget accounting for their transactions. The receipts and disbursements of the Bank in the discharge of its functions shall not be included in the totals of the budget of the United States Government and shall be exempt from any general limitation imposed by statute on expenditures and net lending (budget outlays) of the United States.

PREPARATION OF OBLIGATIONS

SEC. 12. In order to furnish obligations for delivery by the Bank, the Secretary of the Treasury is authorized to prepare such obligations in such form as the Bank may approve, such obligations when prepared to be held in the Treasury subject to delivery upon order by the Bank. The engraved plates, dies, bed pieces, and other material executed in connection therewith, shall remain in the custody of the Secretary of the Treasury. The Bank shall reimburse the Secretary of the Treasury for any expenditures made in preparation, custody, and delivery of such obligations.

ANNUAL REPORT

SEC. 13. The Bank shall, as soon as practicable after the end of each fiscal year, transmit to the President and the Congress an annual report of its operations and activities.

OBLIGATIONS ELIGIBLE FOR PURCHASE BY NATIONAL BANKS

SEC. 14. The sixth sentence of the seventh paragraph of section 5136 of the Revised Statutes as amended (12 U.S.C. 24), is amended by inserting "or obligations of the Federal Financing Bank" immediately after "or obligations, participations, or other instruments of or issued by the Federal National Mortgage Association or the Government National Mortgage Association,".

GOVERNMENT CORPORATION CONTROL ACT

SEC. 15. The budget and audit provisions of the Government Corporation Control Act (31 U.S.C. 841 et seq.) shall be applicable to the Federal Financing Bank in the same manner as they are applied to the wholly owned Government corporations named in section 101 of such Act (31 U.S.C. 846).

PAYMENTS ON BEHALF OF PUBLIC BODIES

SEC. 16. (a) Nothwithstanding any other provision of this Act, the purchase by the Bank of the obligations of any local public body or agency within the United States shall be made upon such terms and conditions as may be necessary to avoid an increase in borrowing costs to such local public body or agency as a result of the purchase by the Bank of its obligations. The head of the Federal agency guaranteeing such obligations, in consultation with the Secretary of the Treasury, shall estimate the borrowing costs that would be incurred by the local public body or agency if its obligations were not sold to the Bank.

(b) The Federal agency guaranteeing obligations purchased by the Bank may contract to make periodic payments to the Bank which shall be sufficient to offset the costs to the Bank of purchasing obligations of local public bodies or agencies upon terms and conditions as prescribed in this section rather than as prescribed by section 6. Such contracts may be made in advance of appropriations therefor, and appropriations for making payments under such contracts are hereby authorized.

NO IMPAIRMENT

SEC. 17. Nothing in this Act shall be construed as impairing any authority or responsibility of the President or the Secretary of the Treasury under any other provision of law, nor shall anything in this Act affect in any manner any provision of law concerning the right of any Federal agency to sell obligations to the Secretary of the Treasury or the authority or responsibility of the Secretary of the Treasury to purchase such obligations.

SEPARABILITY

SEC. 18. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the Act, and the application of such provisions to other persons or circumstances, shall not be affected.

EFFECTIVE DATE

SEC. 19. This Act becomes effective upon the date of its enactment, except that section 7 becomes effective upon the expiration of thirty days after such date.

DOMESTIC SALE OF GOLD

SEC. 20. It is the sense of the Congress that the United States should take the necessary measures, including appropriate international measures, to enable it to sell gold from its gold stocks to licensed domestic users, at such times and under such conditions as may be desirable, taking into account international circumstances, to stabilize domestic gold markets and improve our balance of payments.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read the third time.

The bill (H.R. 5874) was read the third time and passed.

Mr. SPARKMAN. Mr. President, I move that the Senate insist on its amendment and request a conference with the House, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. BARTLETT) appointed Mr. SPARKMAN, Mr. PROXMIRE, Mr. WILLIAMS, Mr. MCINTYRE, Mr. TOWER, Mr. BENNETT, and Mr. BROCK conferees on the part of the Senate.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the Speaker had appointed Mr. HOSMER as a manager on the part of the House in the conference on the disagreeing votes of the two Houses on the bill (S. 1081) to authorize the Secretary of the Interior to grant rights-of-way across Federal lands where the use of such rights-of-way is in the public interest and the applicant for the right-of-way demonstrates the financial and technical capability to use the right-of-way in a manner which will protect the environment, vice Mr. Saylor, deceased.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PRO FORMA SESSION ON FRIDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 12 o'clock noon on Friday, and that the session on Friday be a session pro forma only, with no speeches and no business with the exception of a motion to adjourn either over to the following Monday or to Tuesday, at the discretion of the distinguished majority leader or his designee.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

(This order was subsequently vacated.)

ORDER FOR THE SENATE TO MEET AT 10 A.M. ON THE DAY OF ITS NEXT REGULAR SESSION NEXT WEEK

Mr. ROBERT C. BYRD. Mr. President. I ask unanimous consent that when the Senate meets on either Monday or Tuesday of next week, whichever is determined on Friday to be the case, the Senate meet at 10 o'clock a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS TAFT, DOMINICK, WEICKER, HUMPHREY, FULBRIGHT, GRIFFIN, ROBERT C. BYRD, MANSFIELD, AND BENTSEN ON MONDAY OR TUESDAY NEXT, AS THE CASE MAY BE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the leaders or their designees have been recognized under the standing order on Monday, if the Senate meets on Monday of next week, and in the alternative, if the Senate does not meet on Monday, then on Tuesday of next week, the following Senators be recognized, each

for not to exceed 15 minutes, and in the order stated: Mr. TAFT, Mr. DOMINICK, Mr. WEICKER, Mr. HUMPHREY, Mr. FULBRIGHT, Mr. GRIFFIN, Mr. ROBERT C. BYRD, Mr. MANSFIELD, and Mr. BENTSEN.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY OR TUESDAY NEXT, AS THE CASE MAY BE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, following the recognition of Senators under the aforementioned order on next Monday or, in the alternative, next Tuesday, there be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. STEVENSON). Without objection, it is so ordered.

VACATING OF ORDER FOR PRO FORMA SESSION ON FRIDAY NEXT AND ORDER FOR ADJOURNMENT TO FRIDAY, NOVEMBER 9, AT 11 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the previous order, providing for a pro forma session on Friday next, be vacated and that the Senate, when it completes its business today, stand in adjournment until Friday next at 11 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS ON FRIDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the list of speakers previously entered for Monday or Tuesday of next week be recognized on Friday next, immediately after the two leaders or their designees have been recognized under the standing order.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON FRIDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Friday next, after the orders for the recognition of Senators have been completed, there be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene on Friday, November 9, 1973, at 11 a.m. After the two leaders or their designees have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes and in the order stated: Senators TAFT, DOMINICK, WEICKER, HUMPHREY, FULBRIGHT, GRIFFIN, ROBERT C. BYRD, MANSFIELD, and BENTSEN; after which there will be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes.

Mr. President, I know of no business that will be transacted on Friday other than unanimous-consent measures which may have been cleared for action, with the possible exception of any conference reports which may at that time be ready to be called up.

In that regard, it may very well be that the conference report on the District of Columbia home rule bill will be ready for Senate action in the event the House, which is required to act first on that conference report, has acted by that time.

Other than that, the Senate will be awaiting action on other conference reports, one of which it had been anticipated would be acted on by the House today and then, subsequent thereto, by the Senate, that being the Alaska pipeline conference report. It is the leadership's understanding now that that conference report will not be acted on by the House before Monday next.

Also, it is the leadership's understanding, after having entered into discussions with the leadership in the House, that the conference reports on the State-Justice appropriation bill and the HEW appropriation bill will likely be acted on early next week in the House. The House will have to act first. This would mean, then, that both of those conference reports could subsequently be taken up in the Senate and acted on early next week, and rollcalls would probably occur on one or both.

If the District of Columbia home rule conference report is acted on on Friday, I am in no position to say that there would be no yea-and-nay vote on that conference report, but I would hope not. I suppose we shall have to wait and see.

ADJOURNMENT TO FRIDAY AT 11 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 a.m. on Friday next.

The motion was agreed to, and at 6:08 p.m., the Senate adjourned until Friday, November 9, 1973, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate November 7, 1973:

INTERSTATE COMMERCE COMMISSION

Charles L. Clapp, of Massachusetts to be an Interstate Commerce Commissioner for the remainder of the term expiring December 31, 1973, vice Chester M. Wiggin, Jr., deceased.

Charles L. Clapp, of Massachusetts, to be an Interstate Commerce Commissioner for the term of 7 years expiring December 31, 1980. (Reappointment)

IN THE NAVY

Vice Adm. Means Johnston, Jr., U.S. Navy, having been designated for commands and other duties of great importance and responsibility commensurate with the grade of admiral within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of admiral while so serving.

WITHDRAWAL

Executive nomination withdrawn from the Senate November 7, 1973:

DIPLOMATIC AND FOREIGN SERVICE

Joseph S. Farland, of West Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to New Zealand, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Fiji, to Western Samoa, and to the Kingdom of Tonga, which was sent to the Senate on October 11, 1973.

HOUSE OF REPRESENTATIVES—*Wednesday, November 7, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

This is the word of the Lord—Not by might, nor by power, but by my spirit, saith the Lord of hosts.—Zechariah 4: 6.

Father of Mercies, in whose presence our restless souls find peace and by whose spirit we are led in right ways, in the tumult of a troubled world we turn to Thee that we may face our demanding duties with strong spirits, wise minds, and quiet hearts.

In this dear land we love and for which we pray, may we close our national ranks in a new unity of spirit and with a true greatness of heart, forgiving when we ought to forgive, being gracious when we ought to be gracious, and through it all ever be loyal to the royal within ourselves.

To this end keep us faithful to our tasks, true to Thee, and friendly to all.

In the spirit of Him who is the Light of the World, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

XUM

Without objection, the Journal stands approved.

There was no objection.

CALL OF THE HOUSE

Mr. ARENDS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 562]

Annunzio
Badillo
Bell
Biaggi
Blatnik
Burke, Calif.
Chisholm
Clark
Clay
Conyers
Coughlin
Daniels, Dominick V.
Davis, Wis.
Dellums
Diggs
Edwards, Ala.
Ford, William D.
Hébert
Hollfield
Jones, Tenn.
Lott
Mahon
Mills, Ark.
Moss
Murphy, Ill.
Nichols
O'Hara
Patman
Reid
Ruppe
Sandman
Sebelius
Sikes
Skubitz
St Germain
Stanton, James V.
Steiger, Wis.
Teague, Tex.
Wilson, Charles H., Calif.
Wilson, Charles, Tex.

The SPEAKER. On this rollcall 393 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

WAR POWERS RESOLUTION—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER. The unfinished business is the further consideration of the veto message of the President on House Joint Resolution 542, an act concerning the war powers of Congress and the President.

The question is: Will the House, on reconsideration, pass the joint resolution, the objections of the President to the contrary notwithstanding?

The Chair recognizes the gentleman from Wisconsin (Mr. Zablocki) for 1 hour.

Mr. ZABLOCKI. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. Rodino).

(By unanimous consent, Mr. Rodino was allowed to speak out of order.)

HEARING ON THE NOMINATION OF GERALD R. FORD

Mr. RODINO. Mr. Speaker, I am pleased to announce that at 10 a.m. on Thursday, November 15, the Committee on the Judiciary will begin public hearings on the nomination of Gerald R. Ford to be Vice President. Mr. Ford is scheduled to appear before the committee as its first witness on November 15 and November 16 and on November 19, if necessary.

The provisions of the 25th amendment charge the Congress with the high responsibility of confirming the President's nominee to fill this critical vacancy. In order to proceed expeditiously with the exercise of this responsibility, the committee intends to sit while the full House is in recess for the Thanksgiving holiday. It is my understanding that that recess will commence at the close of business on the 15th. The committee, however, will hear Mr. Gerald R. Ford for the full balance of that week and into the following week if necessary. The hearings will continue on Monday, November 19, Tuesday, November 20, and Wednesday, November 21, with the committee prepared to meet in evening session if circumstances dictate.

It is important for the committee to move forward with this matter and it intends to do so. We will move with dispatch, but only to the extent consistent with the thorough inquiry that the Constitution demands. To that end we will continue to give judicious consideration of Mr. Ford's qualifications and fitness to hold high office.

Any parties wishing to present testimony to the committee or to file a written statement with regard to the nomination should contact the Committee on the Judiciary at 2137 Rayburn House Office Building.

All hearings will be before the full committee in room 2141, Rayburn House Office Building.

Mr. ZABLOCKI. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, the House of Representatives has the historic opportunity to reassert its constitutionally mandated obligation in the area of war powers.

The question whether to override the President's veto of the war powers resolution, House Joint Resolution 542, is a decision that requires thoughtful and soul-searching consideration by each Member.

The President's veto of this measure is disappointing. Particularly since the President recently called for "national leadership that recognizes that we must maintain in this country a balance of power between the legislative and the judicial and the executive branches of the Government."

If the President truly believed in such balance he would not have vetoed this resolution. Above all, he would not have offered the many unfounded assertions as he did in his veto message.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Illinois.

Mr. FINDLEY. Several Members have asked me if this resolution would have altered the authority of the President to act in the recent crisis in the Middle East. Let me illustrate their concern.

At one point, the Soviet Union was reported on the verge of sending troops into the area of hostilities. Some observers forecast that this might cause the President to send U.S. troops. This, of course, was a prospect that alarmed many citizens.

Would any part of this resolution give the President any authority whatever to send troops in such circumstances?

Mr. ZABLOCKI. The answer is an unequivocal "No."

The resolution does not directly or by implication authorize the President to employ, commit, or introduce U.S. Armed Forces into areas of hostilities. Section 8(d)(2) is clear in this matter. It is important to note, however, that by its provisions the resolution recognizes the President's power to respond to an emergency—to permit the President to deal with a crisis—as Commander in Chief to defend and act when our Nation's safety and security are endangered.

Specifically, during the recent Middle East crisis the President used his authority as Commander in Chief to order the Armed Forces to a higher level of alert than normal. The enlargement of the 6th Fleet in the Mediterranean and the relocation of some ships were intended to improve general readiness. All these actions on the part of the President would not be denied him under the resolution. Indeed only if the President had made the ultimate decision to introduce U.S. Armed Forces into hostilities in the Middle East would the termination provisions—within 60 days—of the resolution apply.

Mr. Speaker, it is not my intention at this time to again refute the misleading and specious assertions. That effort of setting the record straight was made by Chairman Morgan and myself in a detailed reply sent to all Members on November 1, and inserted in the Congressional Record on November 2.

Further, and as you also know, Mr. Speaker, since the veto message numerous articles, editorials, and various statements have appeared in the Record and the media. Of particular significance, for example, was the November 2 Senate floor statement of the respected and distinguished senior Senator from Mississippi, the Honorable John Stennis, chairman of the Senate Armed Services Committee.

While urging a decisive override vote, Senator Stennis made emphatically clear that the war powers resolution would not have hindered or impaired the President's flexibility to act decisively and convincingly in the current Mideast crisis.

In view of the discussions, debate, and comment on the war powers legislation there is no need for belaboring the issue at this time with lengthy speeches or further explanations.

The war powers resolution is purely and simply a legitimate effort by Congress to restore its rightful and responsible role under the Constitution. It is an honest and sincere expression of Congress desire to insure that the collective judgment of the Congress and the President will prevail in the awesome decision of sending Americans to war.

The issue is clear.

Do we in Congress believe in the Constitution?

Do we believe in the balance of powers intended by the Founding Fathers?

Do we in Congress believe in ourselves and in our oath of office?

Do we believe in the urgent necessity of restoring public confidence in government?

If our answers to these questions is the resounding "yes," it should and must be, then this House will vote overwhelmingly to override and thereby send to the White House a clear and unmistakable message that we are partners in the question of peace and war.

Mr. BROOMFIELD. Mr. Speaker, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Michigan.

Mr. BROOMFIELD. Mr. Speaker, I urge the House to vote to override the President's veto of the war powers bill.

This historic legislation will, if enacted into law, reestablish once and for all the traditional warmaking responsibilities which the framers of the Constitution assigned to Congress 200 years ago.

I am deeply disappointed that the President saw fit to reject this measure. As a cosponsor of the war powers bill and as a member of the conference committee which hammered out a compromise between our version and the Senate's, I can assure you that this bill not only is constitutional, it is fair and practical as well.

The President claims that this bill would tie his hands in times of international crisis. He points to the Berlin crisis of 1961, the Cuban missile crisis of 1962, the Jordanian crisis of 1970 and the still-smoldering Mideast problem as instances where swift and determined Presidential action would have been prevented by this measure.

Those arguments do an injustice to even the most cursory reading of the bill. The fact is the President would be allowed as he is today to respond to emergency situations, including the commitment of troops.

What is new is that he would have to report to Congress within 48 hours to explain the extent of the crisis and why he had to act without first consulting Congress.

In other words, if this bill were law during the flare-up in the Middle East last month, the President could have taken exactly the same course that he followed with such success.

I would think that any President of the United States would feel obligated to report to Congress in the event that he had to send our troops into combat. What, then is wrong with stipulating that this be done, not simply as a courtesy, but as a matter of law?

Ever since the dawn of the atomic age, it has been popular to suggest that Congress is outmoded and too disorganized to respond swiftly in times of national emergency.

Even Congress began to believe its critics and gradually abdicated its warmaking powers to the sole judgment of one individual, the President.

Then we professed to wash our hands of our constitutional duties.

In tampering with our time-proven system of shared warmaking responsibilities, we got off the tract and short-circuited the entire system.

Much of the polarization, the dissension and the downright frustration that this country suffered during the Vietnam conflict can be attributed to the fact that Congress was ignored by a series of Presidents and refused to assert itself.

The people looked to their elected Representatives to take a stand or to assist in the formulation of our foreign policy and they found that Congress was either unwilling or incapable of doing so.

This bill, if we vote to override today, will put an end to that nonsense once and for all.

Critics of the bill charge that it will shackle the President, or destroy his mobility and independence in times of national emergency.

That, Mr. Speaker, is not true.

In fact, this bill brings us back to the Constitution, it brings us back to the basic principles of joint warmaking powers that have stood us in good stead for 200 years.

This joint partnership between the President and the Congress in times of war traditionally has been our greatest strength. It was that unique partnership which cemented our national unity in times of war. It was the bankruptcy of this shared responsibility which cast the first doubts during the Vietnam conflict and generated the domestic division which still plagues us.

That is why it is so vitally important that any long-term military engagement, in this case in excess of 60 days, must receive the approval of Congress to continue.

Mr. Speaker, in the second half of the 20th century Congress cannot afford to continue to default its constitutional duties to the Executive. It is time to turn the tide, to balance the scales of responsibilities. Commonsense and the American people demand it.

Giving Congress an equal voice in the forging and direction of American warmaking policies is not just another newfangled idea. It is an idea that has worked in the past but has been ignored in the present. We have a chance to dust it off and put it back into use by overriding the President's veto.

Mr. Speaker, the war powers bill, if enacted, will define more clearly than at any time since the signing of the Constitution the obligations and duties of Congress and the President in times of war.

I hope the House will not let this historic opportunity slip through its fingers. I urge my colleagues to vote to override.

Mr. ZABLOCKI. Mr. Speaker, I yield 30 minutes' time, for the purpose of debate only, to the gentleman from California (Mr. Mailliard).

Mr. MAILLIARD. Mr. Speaker, my remarks today will be brief. We have all heard the arguments, pro and con, offered with regard to this war powers resolution.

But I would be remiss if I did not emphasize in the strongest terms possible that the resolution as modified in conference, still includes the section that would permit the Congress—through its failure to act—to force the President to halt the use of our Armed Forces. I do not believe we as elected Members of the Congress can meet our responsibility on the issue of war and peace unless we are willing to insist that this legislation provide for the Congress to either approve or disapprove the President's action.

I am also concerned over the apparent ambiguity of this legislation. The point has been made in the debate that this resolution would, in fact, give the President statutory authority—that he does not now have—to take the country to war for at least 60 days without congressional approval. If this is correct, then the legislation is a definite expansion of the President's warmaking authority. Yet, others have emphasized the restriction the resolution would place upon the President. Obviously, the legislation is inconsistent and ambiguous. Who knows what it really means?

In my opinion the principal objectives of this resolution can be accomplished only through a constitutional amendment. The war powers resolution itself should be limited to the reporting and consulting provisions.

I believe we should sustain the veto of House Joint Resolution 542, and then move forward with the constitutional amendment needed to create a more reasonable balance between the Congress and the President in the exercise of the war powers.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio (Mr. Whalen).

Mr. WHALEN. Mr. Speaker, I rise in support of overriding the President's veto of House Joint Resolution 542.

In presenting my views concerning this legislation, I would like to comment on two points.

First, you may recall that when this measure was originally considered on the House floor, I offered an amendment to require a "yes" or "no" vote when the President commits troops to hostile action. Despite the defeat of this amendment, I supported House Joint Resolution 542 on final passage and voted affirmatively for the conference report. I did so because I am convinced that this measure, as written, practically guarantees that a vote will be taken. Since time precludes my putting my reasons for this conclusion, I incorporated them in a colleague letter which you received this morning.

Second, I am disturbed by the reasoning which states that this resolution grants the President certain rights which he does not now possess. This is a fiction. This resolution extends to the President no powers which he has not already assumed. I repeat—this resolution extends to the President no powers which he has already assumed. In no instance in our Nation's history has assumption of war powers by the President been declared unconstitutional. What House Joint Resolution 542 does is to establish procedures to be followed both by the executive and legislative branches in instances when troops, without a declaration of war, are committed to hostile action.

I hope that my colleagues will join me in voting to override the President's veto of House Joint Resolution 542.

Mr. ZABLOCKI. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Florida (Mr. Fascell).

Mr. FASCELL. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. Zablocki) for yielding this time to me.

Mr. Speaker, this is the fourth year in which we have discussed and debated this very important issue. We have reached a point where both Houses have, by an overwhelming majority, approved this bill.

We have known all along, in terms of the Executive, that in all probability, no matter who the Executive was, we would have a difficult time in obtaining Executive agreement to this type of legislation. So we are today faced with a veto by the President.

First, let me say to those who argue

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that this bill gives the President power he does not now have, that from a pragmatic view, I doubt that the Executive would have vetoed a measure—and I am speaking of any Executive—which would have in any way added to his claim for constitutional authority to act. Be that as it may, I do think it is extremely vital that we write into the law of this country a consensus arrived at by representatives of the people on institutionalizing those matters which are in this bill. All of which seeks to reestablish, reassert, and reaffirm the necessity for the Congress to act in the vital decisions that would affect our country as to peace or war.

Mr. Speaker, I do not want to rehash all the legal arguments. I will restate only one fundamental principle, namely, that we cannot in any way, even though some say it might be desirable to do so, in which we can by law or legislation amend the Constitution.

There has been a great deal of serious thought and effort given to this whole issue. We have had ample discussion in depth on the matter. What it boils down to really is whether we are going to lay down the guidelines for the future of this country at this point and declare firmly that the Congress of the United States insists on being involved directly at the beginning and even ahead of time, if that is at all possible, in those vital decisions which no one man should make by himself, even if he is President of the United States.

Mr. ZABLOCKI. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. Green).

Mr. GREEN of Pennsylvania. Mr. Speaker, I have twice voted against House Joint Resolution 542, the so-called war powers bill recently vetoed by President Nixon. Since this resolution has popularly been interpreted as limiting the President's power to engage our troops in a war, and because of my consistent record in opposition to such unilateral Presidential action, I wish to explain my votes. I believe a careful reading of the bill indicates that, despite Presidential and some press interpretations, it is actually an expansion of Presidential warmaking power, rather than a limitation.

In its important specifics, the bill interprets the Constitution as permitting the President to engage troops when there is an attack upon the United States, its territories or possessions, or its Armed Forces. Second, it permits a commitment of U.S. forces into hostilities for 60 days, unless the Congress directs earlier termination by concurrent resolution. Indeed, it is only after, not before, such a commitment that the President is required to report his actions to the Congress. The 60-day period may be extended for an additional 30 days upon Presidential certification that unavoidable military necessity so requires. Finally, the resolution clearly states that nothing in the bill is intended to alter the constitutional authority of the Congress or the President.

It should be noted, first, that the Congress, in the language of its definition of the President's powers, is interpreting the Constitution. Of course, the Executive could interpret the Constitution differently. Indeed, the bill's expressed intent not to alter constitutional authorities could be read to invite a broader Presidential interpretation of his war making power. Thus, the net result could be absolutely no legislative constraint on the Presdent's claims to constitutional warmaking authority.

Furthermore, as a practical matter, authorization of Presidential action in cases of attack on the United States, its territories or Armed Forces is both too broad and too narrow. It is too broad, because it would justify the Gulf of Tonkin reprisal raids and all they led to, without advance congressional participation in the decision. It is too narrow, because it would not extend to imminent or potentially imminent attacks on U.S. cities. Therefore, response in emergency situations, such as the Cuban missile crisis, would apparently not be permitted.

Furthermore, the bill employs a concurrent resolution as the device enabling Congress to unilaterally terminate any Presidential action taken prior to the 60-day limit. It does so because a concurrent resolution is not subject to a Presidential veto. Legally, this mechanism can only be used to veto Presidential action taken pursuant to a congressional delegation of power. Congress, in effect, takes back part of that which it delegated. In all other cases, the President must have the opportunity to veto congressional legislation. Thus, it is my contention that the Congress, by employing this mechanism, is enabling the President for 60 days to make use not of his own power to make war, but the Congress. I believe it is most unwise for Congress to delegate its war power in this manner.

This bill then would put a 60 to 90 day congressional "stamp of approval" on such questionable Presidential military actions as the 1970 Cambodia invasion. I believe that such unilateral Presidential action should not be so lightly authorized. The war powers granted the President are not conditioned upon an emergency that precludes prior congressional approval, or even the allegation that such an emergency exists. It merely authorizes the President to initiate a war, provided he reports to Congress within 48 hours. The report may even be unverified. The Congress would, no doubt, be under the pressure of the public's sincere patriotic passions, aroused by the President's announcement of his military action and the "dastardly deeds" justifying it. This is the Gulf of Tonkin and Cambodia revisited—and legitimatized. I am opposed to that.

Unfortunately, many have portrayed the upcoming vote on the President's veto as one part of the ongoing power struggle between the Congress and the President over war powers. In the heat of this confrontation, the merits of the war powers bill have been overshadowed. It has been too easily presumed that, because the intentions were good, the conclusions reached were wise. I believe Congress must seek solutions that do justice to good motivations, and this bill fails that test.

I want to emphasize that my vote to sustain the President's veto will not be an endorsement of his veto message, which I believe has simply added to the confusion.

If the Congress cannot define the President's constitutional war powers, and it cannot; and if it is unwise to grant congressional warmaking power to the President, and it is, then what can Congress do? First, it can defeat Gulf of Tonkin resolutions. Second, it can muster the courage to cut all funding for military action taken by the President with which it disagrees. Third, it can impeach a President who usurps congressional warmaking power.

Mr. MAILLIARD. Mr. Speaker, I yield 3 minutes to the distinguished minority leader, the gentleman from Michigan (Mr. Gerald R. Ford).

Mr. GERALD R. FORD. Mr. Speaker, everybody, whether they are on one side of this issue or the other, wants to maintain the peace now and in the future, but whether we can or cannot may depend upon whether we sustain this veto or not.

In these last 10 days or 2 weeks we have had a very serious crisis in the Middle East, probably more serious than what has appeared in the news media, but the President, without this kind of legislation, was able to avoid a military conflict. He was able to work out with the parties directly concerned and the Soviet Union, that had an interest, a way so that instead of the fighting that we had had for a period of time, we now have a very tenuous cease-fire. That was accomplished and achieved without this legislation.

We are not out of the woods yet. We may be a long ways from being out of the woods. I am very, very concerned that the approval of this legislation over the President's veto could affect the President's capability to move forward from the cease-fire and to achieve a permanent peace, and his credibility to work with the Arabs on the one hand, and the Israeli on the other, and also with the Soviet Union. This legislation has a potential of disaster for us at this juncture to take away from the President in any way the backing of the Congress as he works day and night with the Secretary of State to move forward down the road of permanent peace in the Middle East.

One other point, Mr. Speaker: The President indicated in a telegram to me several months ago when we were discussing this bill in the first instance, that although he could not accept the kind of legislation that is before us, that he does want to work with the Congress in the designing and approval of a constructive war powers bill, one where there is a closer working relationship and a partnership between the President, the Commander in Chief, on the one hand, and the Congress on the other.

We cannot deny that this bill does not really fashion a partnership. It makes us, the Congress, a partner by inaction. If the Congress wants to assume a role that is essential for that partnership, we have to redesign this legislation.

Mr. Speaker, I urge that we sustain the President's veto.

Mr. ZABLOCKI. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. Long).

Mr. LONG of Maryland. Mr. Speaker,

I should like to ask two questions of the distinguished minority leader, the gentleman from Michigan. First, could not the President do exactly what he did, in calling the alert in the Middle East crisis, even if this war powers legislation were on the books?

Second, assuming that the President felt he had to order combat troops into the Middle East, would the minority leader want the President to be allowed to keep our combat troops in the Middle East against the will of the American people as reflected by the wishes of the Congress of the United States?

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. LONG of Maryland. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. In the first place, it is crystal clear that the President had no intention of sending American troops there, and he has no intention today.

Mr. LONG of Maryland. Then why object to this?

Mr. GERALD R. FORD. The point I was trying to make is that we achieved a cease-fire in a very difficult time without being handicapped by this kind of legislation, so why change the power and authority of the President when the other procedure worked?

Mr. LONG of Maryland. Because this bill is aimed at all kinds of problems beyond this particular case.

The SPEAKER. The time of the gentleman has expired.

Mr. ZABLOCKI. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. Hanley).

Mr. HANLEY. Mr. Speaker, today's vote on the war powers veto could conceivably prove the most important vote in the entire 93d Congress. In my judgment it is unfortunate that the President vetoed the bill, thus making today's action necessary.

Motivation for the bill stems from the controversial Vietnam war which unfortunately divided the American people, which in turn and justifiably so produced overwhelming public demand that the Congress reassert itself in the all-important matter of war and peace.

I must remind that Presidential personality is not at all involved in this consideration, regardless of who the President might be. It is not even a part of the issue.

In the event of emergency, the President is not restricted from taking the initiative. What possibly could be wrong with the requirement that within 60 days be provided the Congress, as representatives of the people, with the rationale for his action, which in turn would consider its merit. I strongly urge the Congress to fulfill its responsibility to the people and vote to override this veto.

Mr. MAILLIARD. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. Shuster).

Mr. SHUSTER. Mr. Speaker, few in this Chamber have a higher record of support for the President than I, and if this were a vote of confidence of President Nixon's handling of international affairs, I would vote to sustain this veto. If I could be sure that in our lifetime the White House would be occupied by a man who, like President Nixon, has demonstrated his ability to get us out of war rather than into it, perhaps I could vote to sustain this veto. Whatever else the history books may say, President Nixon shall be known as a great peacemaker.

Unfortunately, he will not be President after 1976. Unfortunately, history tells us that most rulers, whether they be called Presidents, kings, or princes, are better warmakers than peacemakers. It is the people who bleed and die, and what affects the lives of the people should be decided by representatives of the people.

I consider this the single most important vote I have faced in this Chamber.

I shall vote to override this veto as a matter of conscience and only wish that this bill were even stronger in protecting the American people from future wars.

Mr. MARTIN of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from North Carolina.

Mr. MARTIN of North Carolina. Mr. Speaker, I rise in support of House Joint Resolution 542, the War Powers Act of 1973, and urge that it be passed, notwithstanding the objections of the President.

Mr. Speaker, I also want to express those sentiments that the gentleman has just expressed, and I think that more of us should make clear that our support for this bill is based entirely on the issues of the bill itself and has nothing whatsoever to do with extraneous matters before the public at the present time.

I voted for this legislation when it first was acted upon by the House and also voted for the conference report. This position is absolutely consistent with the position I took in the last election campaign, during which I stated my support for legislation of this very sort. Thus it is clear that my support of the war powers bill has nothing whatsoever to do with the current difficulties of the President.

My support of this resolution arose rather out of the urgent need that I see to clear up a vague area of constitutional law—the hazy distinctions between the role of the President as Commander in Chief and the role of the Congress in raising the Armed Forces and declaring war. This resolution sets the ground rules. It allows quick, unencumbered Presidential response to crisis situations, but mandates congressional concurrence within a reasonable period of time.

Frankly, I would have preferred a resolution requiring the Congress to have to act affirmatively to terminate a Presidentially ordered military commitment. To permit that termination to occur in the event of congressional inaction on the matter does tempt parliamentary obstructionism. Yet, in spite of all the criticism aimed at the Congress—justified, allowing itself to act by inaction.

I urge my colleagues to support the war powers resolution, not in a reaction to the tumult of today, but as a method of dealing with situations that may arise 5, 10, or 50 years down the road.

Mr. ZABLOCKI. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. Stratton).

Mr. STRATTON. Mr. Speaker, this is probably the most difficult time for us to debate a measure of this significance, because what is involved here is not what we may happen to think of Richard Nixon or the Watergate or the special prosecutor, or what took place in the events of a week or so ago. We are passing legislation here that is going to have an effect on future Presidents of the United States and on future problems that may confront us around the world. So we ought to be thinking about them and not about the immediate occupant of the White House.

Mr. Speaker, I think we ought to vote to sustain this veto because this legislation shows how foolish it is to try to write into legislation words that will anticipate every conceivable situation that might occur in the future. The fact of the matter is that this legislation, had it been on the books, would really have had no bearing whatsoever on the developments that took place in the Middle East just a few days ago. I fully supported the President's efforts, and I have in fact been pushing for a long time for aid to Israel. But there are people who have written to me, as I am sure to other Members, and said: "Don't send any weapons over there; we do not want to get mixed up in another Vietnam."

American planes have been flying into Israel and American war materiel has been landed there and American technicians are on the ground unloading that materiel, and yet this bill would not have prevented that situation any more than it would prevent the President of the United States from pushing the nuclear button any time he might want to push it.

Yet it is also true that the wording of this language could seriously hamper some future President of the United States in a very difficult situation. It could destroy the credibility of the President of the United States. For example, it would have impaired President Kennedy when he threatened to invade Cuba unless Khrushchev would pull back his missiles from Cuba. And it would surely have prevented Franklin Roosevelt from sending out destroyers like the *Greer* into the North Atlantic before this country was actually at war in order to back up our Atlantic allies in their struggle against the Nazi tyranny.

These are the kinds of limiting, damaging restrictions we might well be placing on some new President, yes on even some Democratic President, and I think we ought not to enact ill-thought-out limitation of this sort on the ability of our country to defend itself successfully, as it has done so for almost 200 years.

Mr. MAILLIARD. Mr. Speaker, I yield 2 minutes to the gentleman from Delaware (Mr. du Pont).

Mr. du PONT. Mr. Speaker, I urge that we override this veto today for one reason only, and that is that it is the right thing to do. It is the right thing to do on the merits because under article I, section 8 of the Constitution Congress has the war power and not the Executive. It is the right thing to do philosophically because if there was ever a time in Government when we needed to broaden the basis of consultation, and to broaden the number of people involved in important decisions, it is right now.

Make no mistake about it, in terms of strengthening the Congress this is the

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one vote that is going to be remembered of the 93d Congress. If Members have come out in favor of a stronger Congress and of increasing our responsibility, this is the vote on which they are going to be judged.

There is no question that this bill does not tie the hands of the President. It does not try to limit the defense of the United States. It does not prevent the President from acting in an emergency.

What it does do is two things. One, it requires the President to keep us informed, and how can we be against that? Second, it requires that the Congress be a participant in a decision to send America to war. We already supply the men. We vote the money. We supply the equipment. Why in logic should we not also have a voice in deciding whether we go to war or not?

Do we overreach in asking to be informed? Do we overreach in asking to have a voice? I do not think we do.

I think if we do not override this veto today, if we do not insist on the provisions of this joint resolution, that we will not only be failing the spirit of the Constitution but also a great many of the people in the United States of America who believe that the Congress ought to have a greater role in Government.

Mr. ZABLOCKI. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. Pepper)

Mr. PEPPER. Mr. Speaker, I rise in support of this joint resolution, the veto of the President notwithstanding.

After the trauma of two wars in less than 25 years in which this country sustained casualties of several hundred thousands and spent several hundreds of billions of dollars and suffered a dangerous division of the country without a declaration of war by the Congress, at long last, after more than 3 years of consultation and dedicated effort, the Congress in this resolution has set forth in formal declaration two things.

First, it has declared its opinion of the prerogative of the President, without the concurrence of the Congress, in committing the Armed Forces of the United States to hostilities abroad. I say "our opinion." What is unconstitutional about that?

We have also given public notice to the President—all Presidents—and to the country, as to what the attitude of Congress in future instances where the President commits our Armed Forces abroad without the concurrence of the Congress shall be.

We say to the President, "Mr. President, do not depend upon us doing what we did in the Korean war, in the South Vietnam war, in going along, stumbling along, sliding into concurrence. We are telling you, Mr. President, we are telling our fellow citizens, that if we do have to enter into the agony of war, we will do it not indirectly, but after solemn and prayerful decision by the Congress fully aware of what the terrible consequences of such action may be to the American people."

So we say first, "Mr. President, if you commit our Armed Forces to hostilities abroad without a declaration of war, we inform you now that at any time after you notify us that you have done so, we may by concurrent resolution, simply by formal notice, advise you that we are not going to concur. Therefore, you cannot either constitutionally or effectively proceed.

"Second, we say to the President if we do not give you by 60 days, or at the outside 90 days, an affirmative commitment of concurrence, we will never thereafter give it to you, sir.

"Therefore, you cannot, in our opinion, either constitutionally or practically continue to carry on such hostilities."

Is there anything wrong about our telling the President in advance that that is what we would do under such circumstances if we so elected at the time?

Mr. Speaker, we all know the agony we went through in the South Vietnam war. When we talked about cutting off money, which we had the power to do, they said we would be letting our troops down; that we would not be carrying our part of the burden. It was made to appear that to do that would embarrass us before the country. It would seem that we were running away from our responsibility.

Senator Stennis rightly, in my opinion, calls this measure a declaration of responsibility on the part of the Congress of the United States. We do not want the Vietnam trauma again. We want to let everybody understand that if the President undertakes engagement in hostilities abroad without a declaration of war he does so at his own peril constitutionally and at the risk of our exercising the authority that we say in this resolution we reserve the right of exercising of saying, "Mr. President, we will not go along with that."

Mr. MAILLIARD. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. Findley).

Mr. FINDLEY. Mr. Speaker, I once heard our esteemed colleague, Richard Bolling of Missouri, observe that fundamental legislation should never be enacted in quick reaction to a particular event or personality.

The process which brings this final House step on war powers before us today has been deliberate, thoughtful, and protracted. The bill deserves to be considered on its own merit—separated from the emotionalism surrounding a particular event or a particular personality.

I hope this separation of issues can be achieved today. The vote should not be viewed by us, or anyone, as a test of popularity of the President, or of the popularity of the man who has been nominated to be Vice President and whom we all respect and admire so much.

Votes for the motion to override, certainly my own, should not be taken as votes of no confidence in either the President or the man we trust will soon be installed as Vice President.

Nor is this bill a reaction to a particular event. It has nothing to do with Watergate. Its genesis came during the Vietnam war, but it was actually brought into being by events stretching back through history—and it seeks to influence events that will stretch far into the future. Crises in the Dominican Republic, Cuba, and Korea had as much to do with this measure as Vietnam.

Nor is this bill a vote of no confidence in the Presidency. Some observers fear the effect of Watergate may be to lay low the institution of the Presidency itself. This bill will not contribute to that effect. Rather than expressing a lack of confidence in the Presidency, it asserts confidence in the ability of the Congress to discharge its constitutional responsibility in the realm of war powers.

One of my close friends in this Chamber sees my support for this bill as adding new burdens to an already beleaguered President. It is nothing of the kind. Indeed the procedures set forth in this bill will increase the effectiveness of the President in the conduct of foreign policy. It will not tie his hands. Had this resolution been law, the President could have followed exactly the same course he undertook in the Middle East recently. It would have made his position stronger, as other parties would know he came to those acts only after taking into account the important role the resolution prescribes for the Congress in the decisionmaking process.

If the veto is overridden, as I hope will be the case, the action will not be a defeat for the President, it will be a victory for the American people in the prudent management of war powers.

Does this resolution contain language which a President can seize upon as justification for the use of Armed Forces abroad which, in the absence of this resolution, he could not justify?

The only language in the resolution which describes Presidential war powers appears in section 2(c) as follows:

> The constitutional powers of the President as Commander in Chief to introduce United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, are exercised only pursuant to (1) a declaration of war, (2) specific statutory authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions or its armed forces.

This language was carefully drafted so it could not conceivably be interpreted by a President as congressional sanction for the introduction of Armed Forces into hostilities abroad. Of course, Presidents have made such introductions in the past, and Presidents in the future may do the same. But no future President can cite this language as the authority for such action.

In the absence of a declaration of war or other specific authority by Congress, only one use of Armed Forces in conflict abroad is recognized. That lone exception is a national emergency created by an attack on our Armed Forces or upon our own territory.

Is there other language a President can cite as authority?

Someone stated the other day that the 60-day cutoff provision amounted to a blank check to the President during the 60-day period. Read the language. It gives no sanction, direct or implied. It says only that after 60 days—

> The President shall terminate any use of United States armed forces. . . .

It does not say the authority of the President shall terminate.

The best answer to this contention, of course, is the President's veto message. He sees in this bill no enlargement of his authority. Quite the contrary.

Not one syllable in this resolution can be cited as conveying warmaking authority to the President.

Is this bill a copout for the Congress? Again, read the bill.

Does the Congress cop out when it gives any Member the privilege to force an up-or-down vote within 60 days on a President's use of Armed Forces abroad?

Is it a copout when the Congress provides that a majority of both Houses can at any time order a President to withdraw forces from conflicts abroad?

This is a reasonable, practical bill which over the long reach of history will, I fervently believe, reduce the frequency and duration of Presidential wars without restricting the ability of a President to react properly to any emergency.

Mr. MAILLIARD. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. Thomson).

Mr. THOMSON of Wisconsin. Mr. Speaker, contrary to the views of many of its proponents, in its present form House Joint Resolution 542 is likely to enhance the war powers of the President and to encourage their freer use, rather than to reassert the exercise of collective judgment of the Congress and the executive branch as intended by the drafters of our Constitution.

Article I of the U.S. Constitution gives Congress alone the power to declare war. If that power is not to be considered meaningless, it surely must require congressional consent before the American people can be committed to bear the burdens and risk the dangers of war. However, House Joint Resolution 542 would for the first time codify what can only be considered as a congressional grant of authority to the President at any time in the future to involve the country in armed hostilities for up to 60 and in some cases 90 days without another word from Congress. In one sense House Joint Resolution 542 could be viewed as a standing if conditional declaration of war to be used by the President in whatever instances and against whatever party he sees fit.

For example, when read in conjunction with section 4(a), section 5(b) would clearly authorize the President for a period of 60 days and without further congressional action.

First, to introduce our Armed Forces into hostilities or situations where they appear likely;

Second, to introduce combat ready troops into the territory, airspace, or waters of a foreign nation; and

Third, to enlarge substantially the number of U.S. troops equipped for combat already stationed in a foreign country.

This resolution clearly implies that these actions are authorized so long as the President simply reports them to the Congress within 48 hours. Because under certain conditions any of these actions might commit the United States irrevocably to war, House Joint Resolution 542 can be read either as congressional abdication of its power to declare war, or as an open ended exercise of that power to be used whenever and wherever the President may choose.

The President certainly was not given such authority by the Constitution, and it is with some irony that he may be given such authority as a result of a legislative effort to strike a more proper balance of the exercise of the war powers.

This joint resolution will be interpreted primarily on the basis of the clear meaning of the words and phrases used in it, not primarily on the basis of explanatory comments by its supporters about what they hoped it would mean. The clear meaning of the words certainly points to a diminution rather than an enhancement of the role of Congress in the critical decisions whether the country will or will not go to war.

I also find it appalling that the Congress can duck such a critical issue as war and peace. House Joint Resolution 542 allows the Congress to negate an Executive initiative through failure to consider. Proponents argue that some vote will undoubtedly be taken on related questions, so failure to consider really is not failure to consider at all. But why should proponents be afraid to vote directly on war and peace? Why should the Congress not be forced to stand up and be counted? Where are those who for years bitterly complained there was never a direct vote on Vietnam?

Mr. Buchanan and Mr. Whalen offered an amendment during the House debate to provide a direct vote. Yet it was defeated. While I normally can understand the logic behind views differing from my own, I fail to see any reason whatever for the lack of a direct vote.

This House Joint Resolution 542 allows the Congress to avoid its responsibilities on two counts. It gives the Executive unprecedented power to enter into hostilities, then permits the Congress to cower in a corner causing action through inaction. This is legislative abdication at its worst and I urge the veto of House Joint Resolution 542 be sustained.

Mr. ZABLOCKI. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. Drinan).

Mr. DRINAN. Mr. Speaker, I voted originally against House Joint Resolution 542.

I felt that it eroded the powers of this House. I felt so strongly that I voted against the conference report.

However, today, in view of the message sent by the President, I shall vote to override.

Today we are confronted by incredible claims to powers by the President, powers that belong to the Congress and not to the White House. It is absolutely erroneous to assert, as the President does in his message, that—

> Our recent actions to bring about a peaceful settlement of the hostilities in the Middle East would have been seriously impaired if this resolution had been in force.

The President's commendable actions in the Middle East were mandated by legislation of this Congress and would not have been interfered with if this resolution had been the law.

This resolution will prevent any Tonkin Gulf resolution; it will prevent any de facto declaration of a war by the funding of a war.

The entire peace community has come to the conclusion that, despite imperfections in this bill, it is better that the Congress assert its power now. Americans for Democratic Action, Common Cause, SANE, and other groups have said that this is constitutional and it should be enacted.

Prof. Raoul Berger, the eminent constitutional authority, phoned me, indicating that his judgment is that this resolution does not yield any powers to the President.

Mr. Speaker, it is an imperfect bill—I voted twice against it already on that basis—but it is a bill that can be improved in the days and months to come. It is a better solution than to have a situation in which Presidents to come will continue to claim powers which under the Constitution belong to this Congress and not to the President.

Mr. MAILLIARD. Mr. Speaker, I yield 1 minute to the gentleman from New Hampshire (Mr. Wyman).

Mr. WYMAN. Mr. Speaker, I rise in support of overriding the veto of this war powers legislation. I believe that Congress should have the power of limitation which is provided in this bill. I wish we would get off the "kick" that in some way this is a diminution of the powers of the President or an insult to the administration that happens to be in control of the country at this time.

It is not. Nor is a vote to override an anti-Nixon vote. The principle of required congressional approval applies to any President.

The fact that Congress does not have to vote affirmatively is not a fatal objection, because every Member of this House can record himself under the circumstances that exist at that time.

The cutoff is automatic after a period of 60 days and it should be.

There is no offense to the President intended by this legislation, nor is there any offense intended to our beloved minority leader, who wishes us to sustain this veto.

The people of this country want this limitation, after the bitter experience of Vietnam. It should be clearly understood that the American people do not want any President, whatever his political party, to be able to involve the United States in another war without a declaration of war from the Congress of the United States.

In short, Mr. Speaker, to involve us in protracted war overseas a Commander in Chief should be required to obtain the approval of the people's representatives in the Congress. This is right and proper.

Mr. MAILLIARD. Mr. Speaker, I yield 3 minutes to the gentleman from Alabama (Mr. Dickinson).

Mr. DICKINSON. Mr. Speaker, no Member in this House is more reluctant to vote to override the veto of the President than the one in the well at this moment.

No Member can doubt my support of the President in times past when we have been asked and have, in fact, bitten the bullet. I have voted this year to sustain all eight vetoes.

To enhance the argument to support the veto, some have made the spurious assertion that this is in some way a vote of loyalty for the President and this administration. This is just not the fact.

The genesis of this legislation was in an administration prior to this one, and

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its effect will be felt in succeeding administrations and, hopefully, not in this present administration.

As a matter of fact, I would say to my colleagues on my side of the aisle, that if you would be introspective and honestly examine your own feelings, you would find that if there were a Democrat in the White House, you would be voting to override today instead of the other way.

It has been said today that this bill would inhibit the President in some way. If, by passing this bill today, we can inhibit any President from taking us into armed combat on foreign soil, then I pray to God that it is so; I want it to inhibit him. No one man should ever have the power to commit us to another Vietnam. This is not the best bill possible.

I would prefer something else. I voted previously for the amendment that required the affirmative act of the Congress in 60 days, but it did not pass, so we do not have that choice. The choice before us today is do we have this bill with an automatic cut-off in 60 days or nothing. Well, I prefer this to nothing.

The point is, Mr. Speaker, that we can be, without our participation in any degree, committed to combat in some foreign country under certain circumstances. This bill says that even though we have no part in the decisionmaking, once committed that action is automatically terminated if the President cannot come back to this body and convince you and me that what has happened is right and is in the best interests of this country. The President, whoever he may be, must also convince this body that the situation is so serious and so dangerous and such a threat to this country that it should be continued. If whoever occupies the White House cannot convince you and me of these things, then the order committing troops should be terminated.

Mr. FLOWERS. Will the gentleman yield to me?

Mr. DICKINSON. I am glad to yield to the gentleman.

Mr. FLOWERS. Mr. Speaker, I appreciate my distinguished colleague from Alabama yielding to me, and I want to endorse his position on this matter.

Our Constitution says in article 1, section 8 that "the Congress shall have power to declare war" among other powers such as "raise and support armies." But in recent years, we have seen this provision eroded, partly by circumstances and necessity and partly by abdication of legislative responsibility.

This action by the House may be interpreted by some as a slap at this particular administration by a Congress controlled by the other party. Let me say emphatically that this was not the case. Along with many others who supported the measure, I have fairly consistently supported the President's policy of withdrawal from our involvement in Southeast Asia.

I believe that we as a Nation should have learned some valuable lessons from our long and terrible experience in Vietnam. And it is of the greatest importance that we prepare now the legislative framework to guard against any future "Vietnams." Otherwise, the passage of time will dim our vivid picture now of the gradual involvement and escalation that brought us to that point in 1968 and 1969 when over 500,000 Americans were serving, fighting, and dying in that far corner of the world at an annual cost of about $21.5 billion to the U.S. taxpayer.

The main thing about this particular legislation is the requirement of conscious action on the part of the people's representatives before American involvement could become anywhere near permanent. The support of the people is essential and would be more or less assured under the bill. Another essential as far as I am concerned is that we do not ever again go to war unless we intend to gain a military victory.

Mr. Speaker, I have supported this bill from the beginning and shall vote to override the veto today.

Mr. ZABLOCKI. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. Eckhardt).

Mr. ECKHARDT. Mr. Speaker, this is a bill which I have agonized a great deal over.

I must say when I read the President's veto message it moved me far toward the Zablocki position. The same I think was true of the statement by Mr. Stratton.

I do not agree with either statement. I feel, as I have said in the well before, that by formalizing Presidential engagement of U.S. troops in hostilities for up to 90 days the Congress provides the color of authority to the President to exercise a warmaking power which I find the Constitution has exclusively assigned to the Congress.

So when the gentleman from Illinois (Mr. Findley) made his statement he rather reinforced my position, which is that this bill will not restrict in any material way the exercise of the President's unwarranted authority.

This bill, it seems to me, would encourage adventurism in international affairs.

Mr. ZABLOCKI. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Hawaii (Mr. Matsunaga).

Mr. MATSUNAGA. Mr. Speaker, when we raised our hands here in this Chamber on the opening day of this session we swore, each and every one of us, that we would uphold the Constitution of the United States. Here is the opportunity to prove that we meant what we said when we took that pledge.

The pending legislation takes nothing away from the President, nothing which is rightfully his. It merely enunciates a procedure by which we in the Congress may assert that sole power vested in the Congress, the power to declare war. Here, my friends, is that opportunity to prove to the American people that we in the House, regardless of party affiliation, firmly believe that the Congress is an independent branch of our Government, coequal to the Executive.

There are those who will say—and it has been said on the floor today—that the hands of the President will be tied by this legislation. There is no truth to that allegation.

The President may exercise, as he may rightfully exercise under the Constitution, that power which he is granted as Commander in Chief of our Armed Forces. In urging an "aye" vote to override the President's veto in this instance, we are merely asking the Members of the Congress to reassert their power, that power to declare war which is granted solely to the Congress by the Constitution of the United States. I strongly urge an "aye" vote to override the veto.

Mr. ZABLOCKI. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. Bingham).

Mr. BINGHAM. Mr. Speaker, President Nixon does not want a majority of both Houses of the Congress to be able to stop him from making war on his own. He insists that he must be free to act so long as one-third plus one of either House agrees with him. Such is the essence of Mr. Nixon's veto message rejecting the war powers bill, a bill which was agreed to by large majorities in both Houses after months of labor.

Most of the Members who will vote today to sustain the President's veto are Republicans or conservative Democrats who agree with Mr. Nixon's position that the bill represents a dangerous and improper interference with the President's authority. Ironically, however, if the veto is sustained, the margin of his victory may be supplied by a few liberal Democrats who are convinced that the bill somehow gives a kind of theoretical sanction to Presidential warmaking.

President Nixon's position is easy to explain. Although he says he would have no objection to a bill calling for increased consultation, essentially he wants to preserve the status quo so far as the President's war powers are concerned. And the status quo is that, although the Constitution gave the power to declare war to the Congress, our Presidents have over the years committed American forces to combat without congressional approval on more than a hundred occasions.

Those who defend this status quo argue that a President cannot make war on his own if a majority of the Congress is opposed because the Congress can refuse to appropriate the necessary funds. But this "power of the purse" is a clumsy instrument and normally cannot be used speedily. The Armed Forces typically can operate for months on prior appropriations. While the Congress can pass a law prohibiting previously appropriated funds from being used for a specified purpose, such a law can usually be vetoed by the President. The exception is when such a provision is tacked on to a bill which the President needs to have enacted and therefore cannot veto. This was the case last July 1 when the President was forced to accept a congressional cutoff of funds for the war in Indochina effective August 15. But such a legislative vehicle is not often immediately available, so that normally the President cannot be stopped by the Congress from carrying on a war unless the antiwar forces can command two-thirds of the votes in both Houses.

It was to correct this situation that bills were developed in the Senate and in the House providing the Congress with new tools for effectively exercising its constitutional responsibility with respect to wars. In the Foreign Affairs Subcommittee on National Security, where the House bill was drafted, members with initially differing points of view arrived at agreement after days of constructive discussion; as a member of this subcommittee, I found these meetings a heartening example of the democratic legislative process at its best, and I know other Members felt the same way.

Probably the most important provision of the House bill, not found in the Senate version, was to the effect that the Congress could at any time stop a Presidential war by "concurrent resolution"; that is, a resolution which is adopted by majority vote in each House and does not have to go to the President for approval and hence is not subject to veto. This provision was accepted by the Senate conferees and remained in the bill as finally passed.

The final bill also contained a second or back-up method of congressional control over Presidential wars: It provided that, unless the Congress gives explicit approval to the war within 60 days—or in a specified case 90 days—the President must automatically bring the operation to an end. In his veto message the President complained that under this procedure the Congress might be able to avoid voting on the issue, but this would be so only if the President could not find a single member of either House to introduce a resolution supporting his action. For the bill contains elaborate filibuster-proof provisions so that, once a resolution is introduced by any Member, it must be brought to a vote within the required time.

The President also complained in his veto message that the bill would weaken his position in negotiations and in international crises. But this would be so only if he feared that a majority of the Congress would be opposed to a war. Which brings us back to the essence of Mr. Nixon's position: He wants to be free to operate—to threaten war and, if need be, to engage in war—so long as he is not opposed by two-thirds of both Houses.

It has been argued here this afternoon that President Nixon could not have taken the actions he did with respect to the recent Middle East war if the war powers bill had been in effect. This is totally untrue. There is nothing in House Joint Resolution 542 that would have hampered the President in any way.

In view of the strong feelings of the President and of many Members of Congress that the bill unduly restricts the President's warmaking authority, how is it that a group of liberal Democrats have voted against it on an opposite ground? The essence of their objection seems to be that the 60-day—90-day—provision implies that the President has authority to make war during this period, even though the bill expressly states that it shall not be so construed; the bill specifies that it is not intended to alter the President's constitutional authority in any way and that it does not grant the President any authority with respect to the use of the Armed Forces that he does not already have.

The view that the bill somehow gives respectability to the Presidential capacity to make war seems to me to reflect a mistaken misunderstanding of the objective of this legislation. The objective is not to delimit the Presidential power to make war or to reduce—or expand—the possible excuses that a President may make for engaging in hostilities on his own—Presidents have never lacked for such excuses—rather, recognizing that Presidential wars have occurred in the past and no doubt will again, the objective is to provide the Congress with effective ways of calling a halt by majority vote.

The vetoed bill is not perfect. Moreover, if enacted into law, it will be of no use unless future congressional majorities have the will to say no to Presidential military adventures. But it does represent an unprecedented and historic congressional effort to close a loophole in the Constitution, the loophole of the undeclared war. And it would be a pity if the effort should fail because the bill may be criticized on subtle and sophisticated theoretical grounds.

Mr. MAILLIARD. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. Dennis).

Mr. DENNIS. Mr. Speaker, I am sympathetic to the idea of war power legislation, but I submit there are at least two fatal defects in the vetoed bill. The first is the attempt to bypass the normal constitutional legislative process by the use of a concurrent resolution, an effort which I predict will never be sustained. The second, and the most important, is that whereas we should have specific statutory authority, which we do not now have, to call off military action, we ought not to be given the authority to do that by simple congressional inaction, as this bill does.

I would say to the Members of the House that we live in a real world, and as a practical proposition it is my judgment that a great power cannot really work and operate if both the President of the United States and the heads of foreign governments know that vital national policy can be changed at any moment, not be an act of Congress, but by a failure of the Congress to act.

For these reasons the veto ought to be sustained.

Mr. ZABLOCKI. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. Carey).

Mr. CAREY of New York. Mr. Speaker, I voted for this legislation in its original form, and I am going to vote to override the veto because I believe this will resolve a great many confusions and difficulties that have developed because of the lack of understanding of the congressional powers in the Constitution.

We are simply restating and making more explicit what is our constitutional function with regard to peace-keeping, and with regard to the powers to make war. Decisions have been handed down in the courts that are most confusing because it was implied that our failure to act has been giving indorsement to the President's decision to use war powers and enter into war at his own option.

Further, it will resolve those difficulties we face where many bills coming to the floor, almost without exception such as—the debt limit, appropriations bill, even health and welfare bills—a variety of bills have been used—without effect I might add—to spell out what we now seek to do in this resolution.

As a percentage of the world population we Americans are becoming a smaller minority. We have fewer men and women to send to foreign conflicts now and we can ill afford to consider ourselves any longer as the world police force to enter combat.

The Constitution is a living document to protect the lives of living Americans in each generation. As such this resolution will tend to keep more of America's young people alive to work for peace rather than being called upon to die for the failure of our leaders to plan for peace.

The SPEAKER. The time of the gentleman has expired.

Mr. MAILLIARD. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. Frelinghuysen).

Mr. FRELINGHUYSEN. Mr. Speaker, much of the debate today is somewhat repetitious of previous discussions on this bill. I should like to begin by saying that everything that has been said today underlines my own conviction that the bill is unwise. It is almost surely unconstitutional in part. It is, in fact, unnecessary in a major part, and quite possibility it could be dangerous to our national interests.

Mr. Speaker, I should like to state that in my opinion this resolution is not what some proponents have asserted. It is not simply a reassertion of congressional authority and a reiteration of what is already in the Constitution; nor does it leave untouched presidential responsibilities.

As an example, without any question in my mind, section 5(c), which attempts by a concurrent resolution to take away what the resolution itself describes in section 2(c) as the constitutional powers of the President as Commander in Chief is an unconstitutional act.

Senator Stennis, who is an acknowledged authority on the Constitution, said in hearings in the other body, and I quote:

> . . . regardless of whether you called it a concurrent resolution or a joint resolution—no resolution of the two Houses can be given any legislative effect if it has not been approved by the President or passed by the required majority over his veto.

Mr. Speaker, let me say that there is no need to underline the fact that we in Congress want to play a role. There is broad agreement on that point. Quite obviously, Congress has a role to play. However, this resolution does not represent simply an effort to declare that Congress can declare a war. This is our inescapable duty under the Constitution.

This resolution seems to admit that the President has certain authority—but we try arbitrarily to limit his powers to a 60-day period. I should think there would be Members who would continue to have honest reservations about whether this does not constitute a blank check, in statutory form, of powers which the President has assumed under the Constitution.

I should feel less sensitive about the

arbitrary cutting off of a President's powers if within the 60-day period there were some compulsion on Congress to take affirmative action. What is provided, however, is a change in national policy even if Congress takes no action either in support or in opposition to the President's position. This does not strike me as a reasonable way for Congress to assert, or reassert, its warmaking authority.

Mr. KEMP. Mr. Speaker, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from New York.

Mr. KEMP. I appreciate the gentleman's yielding.

Mr. Speaker, I should like to agree with the gentleman's assessment of this legislation and say that not only is it unconstitutional but it would be extremely dangerous in this still dangerous world. Just as Soviet Russia was tempted to test the United States under President Kennedy during the Cuban missile crisis, again today in the Middle East the United States under President Nixon is being tested. I think this legislation would only serve to tempt the Soviet Union even further to probe and pry to test the flexibility of this legislation.

Mr. Speaker, the events of the past few weeks have added graphically new timeliness and significance to this debate.

In the current Arab-Israeli conflict and the attempts now being made to contain and resolve it, we see new evidence of the importance of preserving the Chief Executive's ability to respond quickly and flexibly to international crises in the interest of peace and stability.

In order to insure such response, the President must have not only the explicit authority to take immediate action, but enough implicit authority to convince foreign powers that actions taken today will not be reversed or rendered meaningless tomorrow. If this ever happens, then future Presidents—of either party—will be crippled in their dealings with other nations, especially in those high-pressure, "eyeball-to-eyeball," situations when credibility alone is the strongest deterrent to foreign aggression. Shorn of the power to act decisively, the Presidency and the foreign policy he constitutionally directs would be incapable of playing their crucial, stabilizing roles in the world—roles which have achieved so much for peace over the years.

Consider, for a moment, some of the specific impacts that the war powers resolution would have made on the Middle East situation—as an example—in recent days if it had, in fact, become law. First, in deciding how far it could go in backing the Arab attack on Israel, the Soviets had to assess America's ability to respond.

The more limited America's range and flexibility and response, the greater the temptation for the Soviets to go all the way—to throw restraint to the winds and take advantage of the United States new-found paralysis. Instead of representing a forceful, credible gesture, the President's troop alert would have been taken as an empty feint and, as such, ignored. Second, even the actual commitment of troops might not have acted as a restraint on the Soviets since they could count on the 60-day rule to make any effective, sustained American role impossible. Third, under the terms of the war powers resolution, resupplying of American forces if they were committed, would present a legal problem.

In other words, in the case of any confrontation, the other side would be strongly tempted to overplay its hand and the United States would have a hard time responding promptly with an acceptable measure of credibility. The result would be an unstable world situation—one in which the risk of an uncontrolled flareup could push us all over the brink into a third world war.

I do not believe for a moment that this is an acceptable price for the Congress to pay in return for a short-term legislative victory over the executive branch. I am confident that most thinking Americans would agree.

There are, additionally, a number of constitutional arguments to be made against the war powers resolution. For 200 years the war powers curtailed by the resolution have been an accepted part of government, and they have never been adjudged unconstitutional. In fact, it seems clear to me that the Founding Fathers made their intent obvious by implicitly allotting to the Presidency the foreign policy leeway that has been a part of that office since its creation.

By forcing an automatic cutoff of certain Presidential authorities after 60 days in the absence of a special congressional extension, and by allowing the Congress to eliminate other Presidential authorities by simple passage of a concurrent resolution, this measure places itself beyond the pale of constitutionality. Changes this drastic—changes which destroy certain constitutional prerogatives of the executive branch—cannot legitimately be made by resolution. They must take the form of constitutional amendments.

But of far more immediate concern—and of much greater long-range interest not only to the American people but to people everywhere who want to see the specter of war banished forever—is the practical impact of the war powers resolution. Even if it were perfectly constitutional, which it is not, it would be wrong. Worse than that, it would be dangerous.

Far from discouraging American adventurism abroad, it would be a green light to aggressive acts on the part of foreign powers—aggressive acts that the President could not respond to with flexibility or credibility. That would mean a world in greater, not lesser, danger of conflagration; that would mean a global tinderbox constantly in danger of bursting into flames.

For some time now, we in the Congress have been lecturing the executive branch about the need for self-restraint—often with considerable justification. The time has come, in the consideration of this matter, to exercise similar restraint. This point was recently underscored by an editorial in the Buffalo Courier-Express of October 28, 1973, when it stated.

> Whichever way Congress moves, we hope it won't be in haste but with cool deliberation and a long view of our history.

It is, here, our branch, not the executive, which appears to be toying with the idea of an unconstitutional power grab.

I urge my colleagues not to yield to the temptation. I urge them to place the cause of peace and a sound foreign policy higher than the desire to inflict a defeat on the Nixon administration. I urge them to vote to sustain the veto of the war powers resolution.

The SPEAKER. The time of the gentleman has expired.

Mr. YOUNG of Florida. Mr. Speaker, I rise in support of the President's veto of House Joint Resolution 542, the war powers bill. This legislation does not, as its supporters claim, limit the warmaking powers of the President. Instead, House Joint Resolution 542 allows the President unlimited warmaking powers for up to 60 days in the absence of a congressional declaration of war. Despite arguments to the contrary, when studied closely, the language of House Joint Resolution 542 actually is the implied consent of Congress for the conduct of Presidential wars so long as their duration is limited.

Clearly this is an even greater delegational of congressional responsibilities to the Executive than ever before in our history. How can the Congress meet its responsibility on the issue of war and peace through sheer inaction?

At the time the House considered House Joint Resolution 542, I offered a substitute bill to protect the President's constitutional authority as Commander in Chief, but also prohibit any future commitment of U.S. troops to hostilities not so authorized without prior congressional approval. My bill, the war powers resolution of 1973, specifically defined the President's constitutional authority to commit U.S. troops in case of an attack or threatened attack on the United States or any of its possessions or territories. It also provided a means for expeditious congressional action on troops committed pursuant to a treaty obligation. Finally, it specifically prohibited any other type of troop commitment without the prior consent of Congress.

My war powers resolution was intended to rectify two critical failures of House Joint Resolution 542, the restrictions on the President's power as Commander in Chief, and the ability to commit troops for up to 60 days without congressional approval. My bill protected the President's constitutional mandate to protect this country and its territories from attack. It would have prevented, however, any commitment of U.S. troops to either direct attacks upon another nation or to "third-party" hostilities without a specific prior authorization by the U.S. Congress.

As now constituted, House Joint Resolution 542 would not prevent another Vietnam from getting started. Once a President commits troops, even in a small "brush fire" war, the conflagration has been started and could burn without check until everything in its path has been consumed. The lessons of history have taught us that we cannot commit troops to a conflict and then arbitrarily and abruptly withdraw them without damaging our national interest and jeopardizing the safety of the troops themselves. Once the commitment is

made, the tendency is to continue on the deadly course of conflict.

The constitutional mandates are clear. The President must have the power to protect the United States and to honor our treaty obligations. Beyond that, the Congress must be invested with a mechanism for prior approval of "third-party" involvements of U.S. troops, and a clear requirement for positive approval of treaty requirements. House Joint Resolution 542 does not meet these imperative criteria, and while my reasons may be different from those of the President, I urge my colleagues to support his veto of the bill.

Mr. ZABLOCKI. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. Reid).

Mr. REID. Mr. Speaker, the subject of the Near East has entered this debate, and I find nothing in this resolution, this war powers bill, that in any way would have inhibited the actions of the President in the recent crisis in the Near East. Indeed, Senator Stennis has pointed out he could have done everything he did, plus taken additional actions.

Second, it is clear that a President can take whatever steps that he normally could take under the Constitution as Commander in Chief. Section 8(d) of the bill, in fact, states that:

> Nothing in this joint resolution is intended to alter the Constitional authority of the Congress, or of the President . . ." and nothing "shall be construed as granting any authority to the President . . . which he would not have had in the absence of this joint resolution.

Third, I do not believe the President is correct when he says that this legislation would in some way affect his diplomatic opportunities for quiet diplomacy. This is not, in my judgment, true.

Moreover I think, to the extent that at some point under this legislation we would have the power to act under a concurrent resolution, not subject to a Presidential veto, we could force withdrawal of U.S. troops in 18 days or less.

Finally, I believe that the joint decision mandated by this bill of both the President and the Congress, backed by the American people, will carry more weight overseas than a unilateral act of a President which is not necessarily supported by the people or than the act of an isolated President. I have had some contact with the Soviets in the field of diplomacy, and they are a very good judge of power; they are fully sensitive, for instance, to the distinction between a broad national mandate and a decision that does not imply broad support.

Hence, the consultation, reporting, and other requirements in the bill would tend to strengthen our foreign policy and respect for it, rather than the reverse.

I strongly urge the Members to vote to override the President's veto of House Joint Resolution 542, the War Powers Act.

The SPEAKER. The time of the gentleman has expired.

Mr. ZABLOCKI. Mr. Speaker, I yield 1 minute to the gentleman from Missouri (Mr. Symington).

Mr. SYMINGTON. Mr. Speaker, some argue the bill extends a 60-day warmaking authority to the President which under the Constitution he does not have. Others, including the President himself, and the minority leader, his nominee for Vice President, strenously assert it dangerously impairs the President's capacity to act in emergencies. It does neither.

First, the President has written us that had this bill been in force it would have seriously impaired our "recent actions" to bring about a peaceful settlement of hostilities in the Middle East.

What actions that we know about could this bill possibly have impaired? Certainly not the alert, and certainly not the standdown of the alert, the arms assistance to Israel, or the discussions with the Soviets.

What is suggested is that the President might not have been sure of the steel of the Congress or of the resolve of the Congress had his action taken us closer to a brink history required us to approach. Well, it seems to me that the Congress can meet its responsibility in this regard, and the President, no President, must think of himself as the sole repository of America's honor or America's understanding of what ougth to be done in time of stress and danger.

No, by this bill we neither impair constitutional action nor confer unconstitutional power. There is nothing in the bill which confers upon the President powers not specifically provided in the Constitution. Presidents have always had the "power" to make a full explanation of a military adventure within 48 hours, or to cease such adventure in the absence of congressional approval in 2 months. All this bill does is to make such obvious "powers" duties! And these duties are over and above those which the Constitution already requires namely, that a President secure congressional approval either before or very quickly after action of this kind. The bill does not remove that duty. It does not water it down. It merely reminds any President, should circumstances make it inconvenient to meet that duty in a timely fashion, he will have to account for that neglect or oversight.

The horses of war should not be released from the stall without the turning of a congressional key. Yet history is replete with executive slidings of the latch, followed by whatever appeals to conscience and honor, or sleight of hand, or happenstance, or patriotic impulse, or chauvinist persuasion has proven necessary to impose and maintain congressional concurrence. Such concurrence has generally come in the form of ratification by silence. Under this bill such silence works to the disadvantage of a war-minded President rather than to his advantage. Yet there is nothing in it to prevent very loud and instantaneous congressional assertions of approval or disapproval should Members be so moved. In fact, it is more likely that such assertions would settle the matter before the time ran out.

Under this bill, then, the horses of war, if unleashed, are on a tether. And knowing that, Presidents will be more inclined to ponder the wisdom of unleashing them; to consider and meet the original constitutional mandate, before testing the mood, resolve, and patience of the Congress in ways that could prove awkward, and properly so. For what can there be in the argument that suggests the President is the sole repository of the national honor, or the national safety? Nothing is in that argument except an unwise and unwarranted distrust in Congress itself. And what is this other than a reflection of distrust in the people whose votes established it. It is the people who provide the blood and treasure for the Nation's wars. And the decision to do so should be theirs as well.

It was this fundamental truth that inspired the relevant sections of the Constitution itself. But simple, observable experience has shown that Presidents, for reasons defensible or not, initiate military actions without congressional consultation, and that Congresses for a variety of reasons have allowed them to do so. All this bill really does is to hold both branches of Government to their respective responsibilities in ways the Constitution, itself, standing alone, has lacked the power to do. The Constitution is not a self-executing instrument. It sets forth in broad terms the respective duties of the several branches it established. The Congress makes the laws. And the life of the law, being not logic, but experience. as Holmes reminded us, we are called upon from time to time to translate experience into law, not to avoid, but to meet the requirements of the Constitution. This is such a time, and I urge the House to override this veto.

Mr. ZABLOCKI. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania, the distinguished chairman of the House Foreign Affairs Committee (Mr. Morgan).

Mr. MORGAN. Mr. Speaker, I shall not try to prolong this debate. It has lasted long enough—nearly 200 years.

This is the first time in our history that the Congress stands on the threshold of requiring the President to follow the Constitution—and bring in the Congress as a full partner on issues of peace and war.

The House has spoken twice on this issue in recent months—on both occasions, sustaining the war powers resolution by overwhelming majorities: 244 to 170, and 238 to 123.

It is time for us to speak again.

It is time for us to override the veto.

Mr. MAILLIARD. Mr. Speaker, I yield the remaining time on this side, 3 minutes, to the gentleman from Arizona (Mr. Rhodes).

Mr. BUCHANAN. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Alabama.

Mr. BUCHANAN. Mr. Speaker, I rise in support of sustaining the veto of the President on House Joint Resolution 542.

In my judgment, it is wrong to provide for legislation through inaction, particularly on a subject of major importance to the Nation. The Constitution mandates the Congress to act and the people have a right to expect it on issues of this magnitude.

Further, if the war powers of Congress and of the President are to be more clearly spelled out, this can only with certainity be done through the passage of a constitutional amendment.

I, for one, would not challenge the fact that President Truman in Korea and President Johnson in Vietnam went beyond the powers envisioned by our Founding Fathers in committing massive American forces to direct military action without a declaration of war by the Congress.

I share the conviction that Congress itself must act to endorse or forbid such involvement.

This can, however, be done without the passage of House Joint Resolution 542 as was illustrated in the vote of the Congress through the appropriations process to cut off the bombing in Cambodia by August 15, 1973, which did, in fact, accomplish this result.

The constitutionality of spelling out war powers by a simple resolution can and will be challenged. Hence, overriding the veto will add only to the confusion of the situation, not solve the problem of the war powers of the President or of Congress.

In all candor, I am also concerned about the effect on the ability of the President to meet such crises as the present Middle East situation.

In my judgment, the President's hand would have been considerably weakened in his recent dealings with the Soviet Union over the unilateral introduction of troops into the Middle East had this legislation been in effect at that time. While it may have had no effect on his ability to act in this situation, it may well have had a substantial effect on the Soviet Union's response to his action.

Mr. Speaker, in a time of crisis, the Congress should act rather than evade action. I consequently urge a negative vote on the motion to override the veto.

Mr. BROWN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Michigan.

Mr. BROWN of Michigan. Mr. Speaker, I thank the gentleman from Arizona for yielding.

Mr. Speaker, I find myself in an almost impossible position and my voting record on this legislation reflects the same. I wholeheartedly concur in the concept of an effective and workable recitation and limitation of the authority and prerogatives of the President and the Congress concerning the exercise of "war power" or, as I believe better stated, the authority to involve this country in military hostilities or commit its military forces.

At the same time, I have serious concern about certain of the provisions of this legislation, feeling that in its present form it does not do that which I conceptually believe should be done. This is not a late-blooming concern and dilemma. The record will show that I originally voted against this legislation when it passed the House of Representatives, yet supported the conference report when it was before the House for a vote immediately prior to its transmittal to the President for his signature or veto.

I intend to vote to sustain the President's veto not because of any extraneous influence, but rather I will vote to sustain the veto having reached the conclusion that the defects in the legislation outweigh my support of the concept embodied in the legislation.

Mr. Speaker, although there may be much merit in many of the constitutional and other arguments which have been made in opposition to this legislation, my decision to sustain the President's veto is based upon my sincere concern over two aspects of the resolution which have not been thoroughly debated or considered, I believe, they are:

First. Just as this legislation is supported by those who fear for the action of a President contrary to congressional intent and desire, I fear the possibility that a President, faced with the 90-day cutoff date and feeling in his own mind that the national purpose would be best served by whatever action he contemplates, would excessively commit our military forces and weaponry so as to accomplish that national purpose whatever it might, in his opinion, require prior to being faced with such cutoff date; thereby possibly subjecting this Nation to military reaction by other nations observing this excessive commitment which would not have resulted had a more limited, albeit longer in timeframe, military commitment been made.

Second. Although the resolution attempts to deal with the procedural problem of inaction by either or both Houses of the Congress through the requiring of a vote in either House within 3 days of the offering of a resolution extending the President's authority to commit our military forces, I am not satisfied that the language of the resolution which permits either House to delay such a vote would not result in the anomaly of the will of a substantial majority in each of the bodies being stymied by a minority of dissidents. To explain, I am not satisfied the resolution precludes the operation of the rules of the other body which require a two-thirds vote for cloture, and in the event the resolution is defective in this regard, one-third of the Members of the other body could not only subvert the will of even a unanimous House, but also the will of just less than two-thirds of the Members of the other body.

So long as it is not clear that this resolution would not prompt or permit either of the foregoing concerns I have expressed, and when such concerns are viewed in the context of the other arguments which have been made against it, I am unable to give it my support.

Congressional participation connotes, in my mind, affirmative action. This resolution, upon the further examination I have now been able to give it, contemplates, even suggests, participation through no action at all even though affirmative action might be the will of all but a small minority.

Mr. CEDERBERG. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Michigan (Mr. CEDERBERG).

Mr. CEDERBERG. Mr. Speaker, I shall vote to sustain the President's veto.

In my opinion war powers legislation probably should be adopted by the Congress of the United States, but this is a bad bill. All it does is remove the flexibility from the Congress to act at a time when it should act to either allow the use of American troops or not to allow such use. I think Congress should retain that flexibility. This is really a continuing Gulf of Tonkin resolution, giving the President power to commit troops legally—a power he does not now have.

Imagine this scenario. Assume that this bill had been law at the time of our supplying the Israelis, at the time of the Middle East crisis. In my opinion, it would have beeen necessary for the President of the United States, before any C–5A's could land in Israel, to notify the Congress, because it was a situation in which the planes could have been shot at. At that time of course every other interested nation, including Soviet Russia, would have to react to the situation and we could actually be in a position of causing an international conflagration instead of stopping it.

In international diplomacy you can quite often get by without confrontation if you do not make an issue of what you are doing.

Also I would like to give the Members this little scenario. Assume that a President of the United States in the future had committed American troops and that 90 days later those troops were still committed and the Congress was debating a resolution. I understand that you have tried to make it necessary to bring a resolution on this subject up in either body within 3 calendar days. But I submit to each of the Members that this Congress cannot bind a future Congress insofar as matters like this are concerned. So it is entirely possible in the future that we would find a situation in which a President had committed troops and at the end of 90 days he could not militarily get them out safely, and the Congress had not acted, one way or the other. What a pretty mess that would be.

Furthermore, Mr. Speaker, let me point out the fact that in this troubled world sometimes the important thing is not what the law says but what the rest of the world thinks it might say. I say to the Members at this time of crisis this is no time for the Congress of the United States to give the least appearance of not standing behind the President who by his actions which were both bold and imaginative has been able to stave off a real crisis in the Middle East.

I hope the Congress will vote to sustain the President's veto.

Mr. ZABLOCKI. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Massachusetts, (Mr. O'NEILL), the majority leader.

Mr. O'NEILL. Mr. Speaker, earlier I listened to the eloquent statement of the minority leader. There is nothing in this resolution before us which in any way reduces or damages the President's ability to act in a constitutional manner in the meeting of the Middle East crisis.

The war powers resolution has nothing to do with the Middle East. It neither takes away nor increases the President's constitutional authority to deal with overseas crises. It simply provides that when the President acts, he must consult with the Congress and seek its concurrence before committing our country to war. That is the basic fact of this legislation.

The gentleman from Michigan knows well that when we were at the White House the other day discussing the Middle East crisis with the President and Dr. Kissinger—the House leaders of both sides of the aisle and the leadership of the Senate were there as well—the President said—

> Gentlemen, you appreciate the crisis we have and let me say this, before I take any further action of any type I will call back the leadership of the Congress.

Now, that is what the President said that night. I think that he should not only call back the leadership, I believe he should come to the Congress of the United States. That is what, in my opinion, the Constitution originally meant. And that is what I believe the President should do today.

If the President can deal with the Arabs, and if he can deal with the Israelis, and if he can deal with the Soviets, then he ought to be able and willing to deal with the U.S. Congress. That is all we ask of him. I hope we override his veto.

Mr. FROEHLICH. Mr. Speaker, today the House of Representatives is being called upon to consider the President's veto of legislation to define Presidential and congressional war powers. The decision, of course, is whether to override or to sustain this veto. In my view, the sound position, the sensible position, and, in fact the only rational position is to vote to override the veto.

The war powers resolution cleared by both Houses of Congress last month provides a historical opportunity for the Congress to renew and reassert its powers and prerogatives in this area and to delineate the authority of the separate but equal branches of Government in declaring and conducting a war. We have here an opportunity to turn the nightmare of our past into a clearly defined set of ground rules for the future, an opportunity to assure that Congress will be able to carry out its duties with respect to war powers, and an opportunity to let the people of this great democracy be justly heard and represented, in the decisionmaking process.

Under the Constitution the Congress is given the authority not only to declare war, but to provide for the common defense, to raise and support armies, to provide and maintain a navy, to make rules for the Government in regulating land and naval forces, to provide for the calling forth of the Militia to execute the laws of the Union, to suppress insurrections and repel invasions, and to provide for organizing, arming, and disciplining the Militia. In addition to these enumerated war powers, the Congress is granted the authority by the Constitution to—

> make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any Department or office thereof.

The legislation before us today is designed to carry these powers into execution. It is an attempt to clarify and codify the roles of the Congress and the Commander in Chief.

Mr. Speaker, if our future foreign commitments are to be credible ones, they must have the active and continuing support of the Congress and the American people. The legislation before us today is an attempt to achieve this consensus, cooperation, and mutual reinforcement. As such, it makes an inestimable contribution to the cause of unity. As such, it deserves our full support.

Mr. PODELL. Mr. Speaker, the House today has the opportunity to reaffirm the Constitution as the law of the land. The war powers resolution is an eminently practical measure, which gives the President the ability to act in emergency situation, while acknowledging the constitutionally mandated duty of the Congress to declare war.

This country suffered through more than a decade of involvement in Vietnam. We lost more than 55,000 American men to an undeclared war. The total number of Vietnamese casualties may never be known. The United States went through a terrible period of dissension, with riots and bombings, and a further loss of life among our own civilians.

The key to our constitutional system is its separation of powers. The duties and responsibilities of each branch of Government are clearly delineated, so that our Government officials know what they can and cannot do. The entire Indochina situation was a prime example of lawlessness by the Executive, and acquiescence by the Congress. We must never allow this to happen again.

This resolution is very generously drawn. It expands the President's constitutional power to commit our troops without congressional approval, thereby providing the Executive with the necessary latitude to act in an emergency. However, it restores the restraints envisioned by the framers of the Constitution to prevent unilateral warmaking on the part of the President.

The events of this century have shown this legislation to be tragically necessary. We must never again allow ourselves by default to become involved in an unwanted, unnecessary, and unwise war.

Congress has determined to act in this matter, to restore the power given to it by the Constitution and co-opted by the President. If we fail to override this veto, we may be viewed as granting the Executive an unlimited license to wage undeclared war. This would be a total abrogation of our responsibilities, and we will have failed our people by default. Mr. Speaker, we must override this veto, or we will be one step further down the road to one-man rule.

Mr. HUDNUT. Mr. Speaker, while I am in accord with the desire to assure Congress its proper role in national decisions of war and peace, it is my view that House Joint Resolution 542 will impede, rather than help, achieve this objective. Therefore, I shall vote to sustain the veto.

The underlying philosophy of support for this measure is a belief that it would reduce the chances of future wars. In my view it would not. On the contrary, the existence of the resolution's limitations on the President's use of the Armed Forces might well tempt some future aggressor to embark on a military collision course on a belief that the United States would be paralyzed and unable to respond. The provision automatically cutting off certain authorities after 60 days unless they are extended by the Congress could work to prolong or intensify a crisis.

Until the Congress suspended the deadline, there would be at least a chance of U.S. withdrawal and an adversary would be tempted, therefore, to postpone serious negotiations until the 60 days were up. Only after the Congress acted would there be a strong incentive for an adversary to negotiate. In addition, the very existence of a deadline could lead to an escalation of hostilities in order to achieve certain objectives before the 60 days expired.

Furthermore, this effort to limit the President's power by the failure of Congress to take affirmative action seems highly dangerous and inappropriate. For example, suppose the President were to commit troops in Europe in order to defend our own country? That he has such power as Commander in Chief is not challenged, but the limitation of 60 or 90 days might make it necessary for him to withdraw troops fully committed to combat. Proponents might argue that if the situation justified such action Congress would recognize the necessity of declaring war or of specifically authorizing the use of troops. As a practical matter, however, Congress does not always move quickly and a legislative deadlock might develop. Moreover, in my opinion, it is highly undesirable for Congress, through its own inaction, to be able to determine whether a course of Presidential action should be continued.

The Kremlin is not limited by the Soviet legislative assembly on how it may throw its strategic weight around. Russia does not make these decisions in committee. Russia can move quickly when she wishes. Knowing that, why should we deliberately throw away the ability to respond immediately?

British journalists are fond of saying that it is "not only important that justice be done, but also that justice appear to be done." Let us paraphrase that to fit this situation in this way, "It is not only important that America be strong, but also that America appear to be strong. Otherwise, who will listen when America speaks?"

Mr. McCLORY. Mr. Speaker, in voting today to sustain the President's veto of House Joint Resolution 542 concerning the respective war powers of the Congress and the President, I am doing so on the basis of the President's veto message which expresses his support and commitment to the appropriate role of the Congress in connection with the use of our Armed Forces in military conflict.

Mr. Speaker, the President has stated quite forthrightly that in order for the Congress to be a true partner in the constitutional authority respecting the use of our Armed Forces we should be willing to take "positive action" by calling for a withdrawal of or for the continued use of our Armed Forces where deemed essential by the President as Commander in Chief.

The Congress as well as the President are bound by the treaty commitments and obligations of our Nation. It is not possible for us to repudiate such obligations through a House joint resolution. The President has cited a number of examples where the use of Armed Forces have contributed to world peace—and where our ability for effective military action may be employed in the best interests of our national security.

Mr. Speaker, I am confident that a very small change in the language of House Joint Resolution 542—to require positive action by the House and Senate in connection with any commitment or use of American Armed Forces—would receive the prompt approval of the President. It would seem to me important in connection with our responsible exercise of legislative authority that we should be willing to act positively and deliberately on a subject of such vital significance as the use of American Armed Forces abroad. To restrict the President's action by mere silence or inaction appears to me to be quite inconsistent with a responsible legislative role.

Mr. Speaker, in voting today to sustain the President's veto I am hopeful that a modified measure may be brought promptly to the floor of this House for the kind of overwhelming support which a measure of this character deserves.

Mr. BAUMAN. Mr. Speaker, I wish to state that I, for one, will vote to sustain the veto of this measure. I do not vote to sustain because I oppose limitations on the President's warmaking powers—on the contrary, I believe that the Congress must limit the abuse of Presidential war powers, and do so in much the same fashion as is provided in parts of this bill.

But this measure, as I see it, has one major flaw: It does not require the Congress to pass judgment, one way or the other, on any military initiatives in which the President may involve U.S. Armed Forces. To be sure, a tacit veto of the President's involvement is provided, for if Congress does not act within 60 days of the military action in question, the President must call it to a halt. But such a scheme is inadequate, and provides more than ample opportunity for abuse by any President.

If this bill becomes law, a congressional committee which merely decides to take its time, a filibuster in the other body, a recalcitrant committee chairman who declines to bring the measure up for action, in short, any of a series of delaying tactics, could easily countermand the intent of a war powers limitation: The need to involve the Congress in the decision to commit American troops to battle.

This bill does not require the Congress to participate in that decision, except in a backhanded way, a way in which it may not be the Congress doing the deciding at all, but merely a few key Members of Congress. This is avoidance of congressional responsibility at its worst. I believe that every Member of Congress should be required to stand up and be counted on the issue of war and peace and this bill creates a convenient loophole for those who wish to avoid that recorded decision.

One other possibility could arise: that the majority party whichever it may happen to be at the time, could in caucus decide not to bring the issue of military commitment by the President to a vote. Thus, the responsibility of Congress to go on record, as individuals, by a recorded vote, would be conveniently and politically ignored. A major, perhaps crucial, decision would be made simply by inaction on the part of Congress.

I do not believe that this is a sensible way to limit the warmaking powers of the President. Abrogation of congressional responsibility is not the way to go about limiting the responsibilities of the executive.

I would vote for this measure and to override a Presidential veto of it, if it is redrafted to include a provision requiring a yes-or-no vote by the Congress on any Executive commitment of American Armed Forces. If such a provision were included, we would once again have the opportunity to consider a true war powers bill. There is a need for such legislation. But we must not pass any such bill if it allows the Congress to avoid its responsibility. In my judgment, that, unfortunately, is what this bill does, and I must therefore vote to sustain the veto.

Mr. HARRINGTON. Mr. Speaker, I rise to urge the House to override the President's veto of the war powers resolution.

President Nixon's veto of House Joint Resolution 542 is the latest step in the erosion of congressional authority with regard to issues of war and peace. For the last 10 years, the American people have witnessed the unilateral commitment of American military forces to hostilities abroad by the President without prior consultation with, or authorization by, the Congress. This expansion of Presidential warmaking power has markedly increased in recent years and is reaching dangerous heights, threatening to undermine the system of checks and balances essential to our constitutional system of government. The time has come for the Congress to reassert its prerogatives and responsibilities to restore the intended balance provided for by the Constitution.

I am alarmed at the growing number of assertions of Presidential authority, both in foreign and domestic affairs. The magnitude of the coverups of illicit military activities in Laos and Cambodia, cloaked and spuriously justified in the name of national security, should impel Congress to assert its legitimate constitutional authority.

It seems to me that some clarification of the implied powers of the President must be made in the area of warmaking powers. The Founding Fathers were keenly aware of the warmaking powers of the British monarchs and the abuses which stemmed from them. They were explicit in their intent that the power to declare war and to raise armies be left to the legislature; the President would act only as Commander in Chief after hostilities began. The commitment of American forces—except in the most critical situations which directly threaten national survival—should be taken only after full congressional and public discussion. Only through such debate can the national unity necessary to support such commitments be attained.

Mr. Speaker, the war powers resolution would do three things. First, it directs the President to consult with the Congress before and during commitment of American forces to hostilities or to situations in which hostilities may arise, and requires submission of a formal report to Congress when such actions are taken without a declaration of war. Second, the resolution denies the President authority to commit forces for more than 60 days without specific congressional approval, and permits the Congress to order the President to disengage from combat actions any time in the initial 60-day period. Legislation relating to such actions would be entitled to priority congressional consideration. Third, the resolution makes clear that it is not intended to alter the constitutional authority of either the Congress or the President, or to alter existing treaties. The reporting requirements of the resolution would take effect at the time of enactment.

Contrary to the President's position as enunciated in his veto message, I believe that this resolution is constitutional. Rather than taking away from the President's authority which is alleged to be his alone, Congress would be reasserting its intended share of its authority over the warmaking powers of the National Government. Under the Constitution, both the collective judgment of the Congress and that of the President apply to the introduction of American Armed Forces into hostilities, or into situations where there is a clear indication of imminent involvement. As stated in the preamble of the resolution:

> The constitutional powers of the President as Commander-in-Chief to introduce United States Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, are exercised only pursuant to (1) a declaration of war, (2) specific statutory authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces.

Neither do I believe the resolution would undermine the foreign policy of the United States. The executive branch does not have a monopoly on wisdom in matters affecting national security, and the accumulated experience of Members of Congress should be brought directly to bear on decisions affecting war and peace. By restraining irresponsible executive action, House Joint Resolution 542 is entirely consistent with the Nixon doctrine, which would help foreign nations defend themselves with supporting military aid, but reserve the commitment of American forces only when our national interests are genuinely threatened. The resolution provides the necessary flexibility for Presidential action in the advent of unforeseen circumstances, while assuring that Congress maintains its warmaking authority over the unchecked, unilateral decision of the executive branch.

Each of us has taken an oath to uphold the Constitution. Overriding this veto would help restore the lawful authority of Congress in the process of committing our Nation to war, and in that sense, uphold this oath which we have all taken. As many of our citizens continue to lose faith in our governmental institutions, we in the House must prove ourselves worthy of the trust placed in us by the

people. That will require that we assume our responsibilities. For this reason, I urge each of my colleagues to join me in voting to override the President's veto.

Mr. LEGGETT. Mr. Speaker, I have in my hand President Nixon's veto message on the war powers resolution. It is an astounding document. You can find the words "Constitution," "constitutional," and "unconstitutional" cited a full 13 times in the course of its 3 pages, but there are zero direct quotes from the Constitution, and only 1 specific indirect reference, which I will discuss shortly.

This is reminiscent of the pseudo-constitutional arguments we have been hearing from the President's lawyers on the subject of executive privilege, where everything the President favors is automatically judged "constitutional" and everything he opposes is "unconstitutional." It has been years since we have heard the White House call for "strict construction" of the Constitution. I suspect that at some point somebody over there actually sat down and read the thing, discovering to his horror that it established a Republic rather than a monarchy. From that point on, they decided that the looser the construction of the Constitution, the better; certainly that is the principle on which Mr. Buzhart seems to operate.

I am only half joking. Consider the lone reference in this message to a specific section of the Constitution. Mr. Nixon says,

> I am particularly disturbed by the fact that certain of the President's constitutional powers as Commander in Chief of the Armed Forces would automatically terminate under this resolution 60 days after they were invoked.

To what "powers" does he refer? He must be saying that article II, section 2, "The President shall be Commander in Chief of the Army and Navy of the United States," somehow gives him the power to commit troops to combat without congressional authorization. He must be saying that as Commander in Chief he has the authority to treat the Armed Forces as his own private palace guard, to do with what he will.

Hogwash. The Armed Forces belong to the people of America, and exist only to serve the people. Article I, section 8 of the Constitution gives the people, acting through their elected Congress the power—

> To declare war . . . to raise and support armies . . . to provide and maintain a navy . . . to make rules for the government and regulation of the land and naval forces

As Commander in Chief, the President is superior to all generals and admirals, but he is absolutely subject to the direction of Congress. In recognition of our own unwieldiness and of the fast-moving nature of international crisis, we delegate to the President the power to act in the short term without explicit congressional direction. But his every act as Commander in Chief is based on implicit congressional approval; if we deny him this approval by any means we choose—including the passive means prescribed in the war powers resolution—he has no authority to act. If the opponents of this resolution can cite any specific constitutional authority for unauthorized military action by the President, I will be happy to reconsider my position.

In addition to his pseudo-constitutional argument, Mr. Nixon makes a pragmatic argument. He says:

> If this resolution had been in operation, America's effective response to a variety of challenges in recent years would have been vastly complicated or even made impossible. We may well have been unable to respond in the way we did during the Berlin crisis of 1961, the Cuban missile crisis of 1962, the Congo rescue operation in 1964, and the Jordanian crisis of 1970—to mention just a few examples. In addition, our recent actions to bring about a peaceful settlement of the hostilities in the Middle East would have been seriously impaired if this resolution had been in force.

How this impairment would have occurred, since all of these incidents were completed in well under 60 days, is not explained.

He then goes on to hypothesize various situations in which the war powers resolution would "undercut the ability of the United States to act as an effective influence for peace." All these situations have one thing in common: They involve the President committing American troops despite the disapproval of Congress, since the bill will have no effect when Congress and the President are in agreement.

The committing of troops to combat is not something to be done as lightly as redecorating the Presidential aircraft. It involves subjecting American citizens to possible injury and death. It must never be done without the full support of the American people, and congressional disapproval is incontrovertible proof of the lack of such support. We cannot wait, as Mr. Nixon somewhat patronizingly suggests, for the next annual authorization or appropriations bill before expressing our disapproval. By that time our casualties could be in five figures.

We must have a vehicle whereby we can promptly express our approval or disapproval. The war powers resolution is such a vehicle, and for this among many other reasons I hope the House will override this veto.

Mr. HORTON. Mr. Speaker, I rise in support of overriding the President's veto of the war powers resolution, House Joint Resolution 542.

Having sponsored one of the strongest war powers bills introduced in this Congress and in the last Congress, and having testified in favor of these measures on three occasions, my support of this legislation is unequivocal. I regret that Congress must seek to fulfill our determined objective in what has become a test of will.

The carefully drawn provisions of House Joint Resolution 542 have been discussed at length. Their purpose is clear: No President can wage war without the concurrence of Congress. The Constitution assigns to Congress alone power to declare war. The President serves as Commander in Chief to execute those hostilities to which Congress commits the Nation.

It is important to emphasize that this measure would not restrict the legitimate authority of the President to respond to crises. The recent handling of the Middle East crisis is a case in point. Had this measure been law, it would not have hindered the President from following the precise course he pursued. It merely provides that if the President commits our Armed Forces to hostilities, he may do so for a maximum of 60 days and must have congressional approval to extend the commitment beyond that period.

Mr. Speaker, hour upon hour of debate in this Chamber has centered on the erosion of congressional power to the executive branch. Today, we address the most critical of those concerns—our role in war and peace. If we succeed in restoring balance to war powers, we will give the American people new faith in Government and, most assuredly, new confidence in the Congress.

Mr. MARAZITI. Mr. Speaker, I previously voted against the war powers bill, House Joint Resolution 542, mainly on the ground that the bill did not require Congress to effectively act and take a position either for or against continued hostilities.

I felt that if Congress wished to assert its right "to declare war" or "not to declare war" then it should have the intestinal fortitude to speak up and pass legislation either declaring war or requiring the cessation of hostilities.

The war powers bill in its present form does not require this action by Congress. It merely permits this action and states that if Congress does not act within 60 days of the report by the President, the hostilities shall cease.

There are other technical defects to the bill.

However, notwithstanding this lack of required action and notwithstanding other defects, the bill does provide some mechanism for Congress to immediately assert itself if it so desires, which apparently does not currently exist.

Recent events have concerned me to such an extent that I have reason to believe that the executive branch of Government could draw us into a war including the two major nuclear powers.

I am impelled to support legislation as imperfect as it may be, that would give Congress the mechanism to immediately stop that confrontation and bring an end to a holocaust that would destroy mankind.

It is hoped that in the months that lie ahead we can further amend this bill to correct the imperfections.

Therefore, I have decided to vote to override the President's veto of House Joint Resolution 542.

Mr. GROVER. Mr. Speaker, I am voting today to sustain the President's veto of House Joint Resolution 542, commonly known as the war powers bill, just as I voted against the bill several weeks ago.

My vote, however, should not be misconstrued. While I find laudable the effort to clarify the constitutional authority of Congress to be heard in matters involving the commitment of U.S. military forces in combat, my objection is not that the legislation unduly hampers the President, but rather that it gives him too much power.

The so-called war powers bill, in permitting a 2-month troop commitment to combat before congressional action or

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inaction to support or reject it, is a permanent Gulf of Tonkin resolution, a blank check for future Presidents to involve us in future Vietnams and Koreas.

I will support a war powers bill which fully restores to the Congress the authority of an equal partner as intended by the framers of our Constitution.

If the President can call the National Security Council to Washington on a few hours' notice, he can comply with a strict war powers bill which requires him to go immediately to the Congress for permission to commit troops. House Joint Resolution 542 does not require that, but rather gives a dangerous carte blanche to the Chief Executive. Should it become law I am sure it will prove an unsatisfactory effort to restore to the Congress powers arrogated by and to the Presidency over the years.

Mr. PRICE of Illinois. Mr. Speaker, I strongly urge my colleagues to override President Nixon's veto of the war powers resolution which restores balance to the partnership between the Congress and the Executive in national security affairs.

Events through the Viet Nam war period make it clear that Congress should exercise its constitutional power when it comes to a decision committing U.S. forces to combat.

This resolution provides clearcut guidelines consistent with the Constitution that prescribe executive and legislative authority in this crucial policy area.

Congress must meet its responsibility to the American people. They are weary of the crises-ridden nature of the present administration. They are looking for integrity and a return to the rule of law. By overriding the President's veto, we can help restore public confidence in Government.

Mr. SEBELIUS. Mr. Speaker, I appreciate this opportunity to discuss House Joint Resolution 542, the war powers resolution.

Out in Kansas in my congressional district, most folks want to see Congress take some appropriate action so that we will not again become involved in another limited, political conflict similar to Korea and Vietnam. After our tragic and long involvement in Southeast Asia, I have said repeatedly I would not support any proposed action that would send American forces overseas unless they had the full support of the Congress and the American people.

The frustration that has followed our involvement both in Korea and Southeast Asia is understandable and we must find the means to keep from repeating our past mistakes.

In short, I am saying the citizens of my congressional district want Congress to meet its responsibility on the issue of war and peace.

However, the question in my mind is whether or not this bill does the job. I do not consider myself an expert on constitutional law nor do I consider myself having great expertise in the field of foreign relations. I would like to think, however, that I do know something about commonsense and commonsense tells me we are trying to say more about the conduct of our foreign policy but we may be saying the wrong thing and at the wrong time.

Back in the 1930's, Congress passed a number of neutrality acts all designed to keep us out of foreign involvement and war. The net result was that we simply encouraged our enemies to become more aggressive. I cannot help but think that if we pass this resolution we will be sending a signal of indecision to our potential foes and allies alike.

In addition, my personal feeling is that we have a lot of folks who would like to have more of a say in our foreign policy but very few who seem to want to take on the responsibility of making a decision.

If I understand this resolution correctly, it would permit the Congress through inaction to force the President to terminate the use of U.S. Armed Forces. In other words, if Congress fails to act, our Armed Forces must be withdrawn. In my opinion, this simply amounts to passing the buck. We cannot meet our responsibility on the issue of war and peace without taking positive action to approve or disapprove the President's action.

Another objection that I feel merits consideration is that by enacting this resolution, we may be giving statutory approval to unilateral warmaking powers that the President does not now have. It seems to me this is precisely the thing we are trying to avoid.

I would like to reiterate that I feel Congress should exercise a greater voice in the conduct of our foreign policy and the use of our military forces overseas. However, this bill reminds me of a youngster who keeps getting his nose bloodied by getting involved with his older brother's trouble. Sooner or later that young man will have to make a decision on his own. That is what I think we in the Congress should do and why I will vote to sustain the President's veto.

Mr. BENNETT. Mr. Speaker, I will vote in opposition to this legislation today, as I have in the past, because I think it gives a power to the President to start a war without previous action by the Congress. Our forefathers wisely provided in the Constitution that only Congress can start a war. Yet, in the measure before us, its provisions will give Presidents in the future a standing power to be used at any time to start a war. The benefits listed for the legislation in requiring reports by the President and then disapproval power by the Congress, are benefits that can be achieved without the passage of this measure. But, even if that were not so, the delegation of such power as given by this measure to the President should not be approved.

Mr. EDWARDS of California. Mr. Speaker, I feel that it is of the utmost importance that the House vote today to override the President's veto of war powers legislation.

For years, a succession of Presidents carried on a full-scale conflict in Southeast Asia, committing thousands of American troops and billions of U.S. dollars to a struggle that never became a "declared war." The results of this tragedy are deep and long lasting. Thousands of young men lost their lives, and countless others their faith in the American system. Members of Congress struggled with their consciences while the country as a whole experienced bitter divisiveness and polarization. Student unrest grew increasingly desperate and turned violent, causing the senseless, needless deaths of youths at Kent and Jackson State Universities. A President's dream of a "Great Society" that reached out to the poor, minorities, older Americans, was compromised and clouded and finally pushed aside. The economy pulled and stretched, leaving the Nation after the war with ever higher prices and rampant inflation. Years from now we will still be bearing the scars and feeling the repercussions of the Vietnam war.

The legislation we are considering today could have prevented the protracted involvement of the Vietnam war, forcing the President to seek formal authority from Congress for continued U.S. military actions and allowing Congress to put a halt at any time to American commitment by a concurrent resolution. In addition, it would require the Chief Executive/Commander in Chief to report to Congress what his plans and objectives were for authorized involvement. It would not prevent the President from acting expeditiously in emergency situations, allowing him 60 days, with the possibility of extension to 90 days, to act without congressional approval. At the same time, it insures against broadening of constitutional Presidential warmaking powers by specifically stipulating that it is not to be construed to grant any authority to the President he would not otherwise have.

The events of the past few weeks seem to underline the need to override the President's veto of this legislation. To restore the confidence of the electorate in the power of Congress to act and serve as their representatives, a veto override would indicate our resolve to restore the balance between legislative and executive powers. It would also reassure the American people that, regardless of the demands of the oil industry and pressures of diplomatic "brinkmanship," the United States will not become involved in the Middle East or anywhere else without requiring specific congressional approval of military commitments.

The Nation cannot afford another Vietnam. We cannot afford another presidential refusal to recognize congressional and public will. Therefore, I strongly urge my colleagues to vote to override the veto of the war powers resolution.

Mr. ANDERSON of Illinois. Mr. Speaker, I rise to urge my colleagues to vote to override the veto of the President of House Joint Resolution 542, "The War Powers Resolution." I do so because I think the time has clearly come for the Congress to squarely confront the question of "whose power is the war power" and recognize the central role the Founding Fathers intended for the Congress to play in this vital area. We are all of differing views as to the wisdom of war powers legislation and the form this should take. Like many of my colleagues, I had introduced my own war powers bill; and like many of my colleagues, I supported certain amendments to the resolution which originally passed this body. But I voted for that resolution on final passage, despite the rejection of those

amendments, and I voted for the conference report which I felt was an excellent compromise between the two bodies.

I regret that the President did veto this resolution and that he cited constitutional grounds for doing so. I welcome the President's support for those portions of the resolution which would require prior consultation with the Congress in emergency situations and regular reporting to the Congress once American troops are committed. But this alone, in my opinion, is not enough, and I think the procedures and requirements of the resolution for the termination or extension of a unilateral Presidential commitment of troops in certain circumstances are both necessary and constitutional if we in the Congress are to fulfill our responsibilities under the Constitution.

There can be no question that the Constitution clearly provides that the Congress and only the Congress shall have the power to declare war, to provide for the common defense, raise and support armies, provide and maintain a navy, and make rules for the regulation of our land and naval forces. And there can be no question that the Congress is given the authority under the Constitution to make all laws which shall be necessary and proper for carrying into execution these powers.

The Constitution provides, on the other hand, that the President shall be the Commander in Chief of the Army and Navy of the United States, "when called into the actual service of the United States."

The resolution which is before us today under a veto is clearly on all fours with those constitutional authorities and requirements. The President, in his veto message, objects to this resolution on the grounds that the 60-day automatic termination provision is unconstitutional. This would seem to indicate that the President thinks the Congress is constitutionally obliged to take action to halt a Presidentially declared war. My reading of the Constitution, on the other hand, is that the Congress must take affirmative action to initiate a prolonged war, and is under no obligation to have to act each time a war is initiated by a President. This resolution does recognize that it is sometimes necessary for the President to act swiftly in emergency situations, without the prior consent of the Congress. It does permit him the flexibility needed to react swiftly and decisively in these rare situations.

Contrary to the contentions of the President's veto message I do not think the President would have been precluded from acting as past Presidents have in such emergencies as the Berlin crisis, the Cuban missile crisis and more recently, the Middle East crisis.

I think this resolution clearly recognizes that in these modern times, the war powers must clearly be shared powers between the President and the Congress. But it is designed to insure that we will never again be involved in a situation like the Vietnam War in which a President alone can conduct a protracted conflict without a specific authorization from the Congress. We in the Congress must, for constitutional and political reasons, play a much greater role in involving our Nation in any such war in the future.

While prior consultation and continued reporting to the Congress are essential elements in such a shared power arrangement, they do not alone constitute real shared powers. The Congress is rightfully demanding in this resolution a restoration of our war powers under the Constitution and a clear decisionmaking role in involving this Nation in a long-term commitment to hostilities.

The American people expect us to play such an active role, and the Constitution requires that we do. I strongly urge that this veto be overridden.

Mr. FRENZEL. Mr. Speaker, the 93d Congress has labored in some very difficult times. Almost from the day we convened, our country has been in a crisis of confidence in its political leaders and its political institutions.

Most of us know well our constituents' desires to rebuild the people's confidence in its Government. We have had plenty of opportunities this year to do so.

We have cried about election tactics, but we have failed to respond with legislation.

We have complained about the principle of executive privilege, but we have been unwilling to consider legislation to define it.

We have wailed over executive impoundment, but our reaction was a bill to encourage overspending.

We have preached about overspending but the Rules Committee has contained a bill that might help us to control our own excesses.

In each of these cases, despite our talk, the Congress has not met the test. We have failed in impoundment; failed in executive privilege; failed in election reform: failed to control our own spending.

But today we have a chance to make up for some of those failures by voting to override the veto of the War Powers Act. The act is good policy that fairly defines constitutional powers of both the Congress and the President. It gives us our first chance to show that we have learned something from our experience in Southeast Asia.

The War Powers Act is our own creation. We invented it. We improved it. We compromised it. And we made it a pretty good bill. It may not be perfect, but it is our own, and represents our first real effort to redefine powers and authorities we have allowed to slip away.

I have supported most of the President's vetoes, both this year and in the past because I thought most of them were worth supporting. But, this one is worth overriding, because in addition to being good policy, the act is a vote of confidence in ourselves. And I hope it will be an encouragement to the Congress in the future to build its legislation in the same, constructive way.

This may be one of the most important votes we have this year—or maybe in any year. We have here an opportunity to compensate for some other great failures. I hope the veto will be overridden.

Mrs. HOLT. Mr. Speaker, I would like to express my vigorous opposition to the legislation currently before us. The passage of House Joint Resolution 542, the war powers resolution is in my opinion, both unwise and potentially dangerous.

The purpose of this resolution is to clearly define Presidential authority and congressional responsibility for the commitment of U.S. troops in combat situations. Though I fully support legislative efforts to define such authority and responsibility, I strongly feel that the war powers resolution does not achieve its stated objectives.

The Constitution in article I, section 8, directly places the power to declare war with the legislative branch of Government. If we are sincerely interested in restraining the warmaking power of the executive branch then it would seem to me that we should insist on a strict interpretation rather than the unneeded congressional definition of the Constitution.

Mr. Speaker, I have no doubt that in the long run, the implementation of House Joint Resolution 542 will result in an expansion rather than limitation of executive power. In addition to the inconsistency of this legislation, I also object to it on the grounds that it permits major policy decisions to be affected by congressional inaction. During this session, we have continually discussed the need for a reassertion of congressional authority and responsibility. I support such a reassertion, but it will only be accomplished by congressional action. The adoption of this resolution will further relegate us to a passive role in the development and implementation of foreign policy.

I urge my colleagues to join me in sustaining the veto of House Joint Resolution 542.

Mr. BIAGGI. Mr. Speaker, I rise to strongly urge my colleagues to override the President's veto of House Joint Resolution 542. The sustaining of this irresponsible action could have a profoundly negative effect on the future foreign policy decisions of the United States.

The time is long overdue for the Congress to reassert itself in the formation and execution of major foreign policy decisions. The Constitution clearly spells out the fact that the Congress was to be the premier body in the determination of foreign policy, particularly in matters of war and the committing of troops. Yet during the last 20 years we have seen a major usurpation of this power by the Executive, with disastrous consequences. Yet the President maintains that House Joint Resolution 542 is unconstitutional. However, a more accurate observation would show that this legislation does not propose to affect the President's legitimate constitutional authority in matters of foreign policy, rather it seeks to establish more effective procedures for its legitimate exercise.

Inherent in the thinking of our Founding Fathers as eloquently expressed in the Constitution was the belief that an effective system of checks and balances between the three major branches of the Federal Government was crucial for a stable democracy. This legislation seeks to address itself to this goal by providing means for increased cooperation between the legislative and executive branches in matters of foreign policy.

Yet as important a goal as increased

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cooperation is, the debacle of Vietnam was to be considered a reason for this legislation. This conflict represented the most flagrant abuse of Presidential power ever experienced in the long history of the United States. By virtue of the Presidential disregard for Congress, this great body was rendered virtually useless while three Presidents, citing their constitutional authority under the Commander in Chief clause, committed over 500,000 American troops without a declaration of war.

House Joint Resolution 542 would prevent any reoccurrence of a Vietnam-type war by virtue of the following provisions: First, the President would be required to submit a report to the Congress within 48 hours after committing U.S. Armed Forces to a conflict anywhere in the world. This report would have to be comprehensive and fully explain all reasons for the action. Further, House Joint Resolution 542 would insure that the committing of troops could not be for a period of more than 60 days without express congressional approval of an extension. Finally the resolution could require the President to disengage any troops through the passage of a concurrent resolution.

Contrary to the President's contention to the contrary, this legislation will enhance the U.S. ability to act firmly and decisively in times of international crisis. In fact, nothing in this legislation would have prevented the President from acting as he did in the recent Middle East crisis. The goal of this legislation is to simply provide a system of joint participation and decisionmaking between the Congress and the President in matters of war and peace, so as to prevent any tragic miscalculations which might lead us into an unnecessary war.

Mr. Speaker, this vote today could be one of the most important ones in the Congress for many years. This vote should not be viewed as a partisan issue, rather it should be an issue we vote on as concerned Americans, concerned and dedicated to the goal of providing a more effective method of promoting peace in the world. House Joint Resolution 542 will help achieve this enviable goal.

Mr. BOLAND. Mr. Speaker, today we must decide whether we should override the President's veto of House Joint Resolution 542, the war powers resolution.

In our examination we ought to concentrate particularly on our own constitutional obligations.

Only Congress has the power—and the obligation—to declare war.

The President, as Commander in Chief, has the responsibility to recommend a course of action to the Congress.

He is also responsible for the conduct of any hostilities.

We, the Members of Congress, have our own responsibility, that of deciding if a commitment of U.S. Armed Forces to a certain theater of conflict best serves the interest of the American people.

House Joint Resolution 542 reaffirms that responsibility.

It does not, as the President has contended in his veto message, impinge upon the flexibility or constitutional prerogatives of the President.

Rather it reasserts the constitutional warmaking power of the Congress.

It insures that congressional disapproval of Presidential initiatives involving our Armed Forces will prevent their continued involvement beyond a reasonable period of time.

Yet it offers no threat to Presidential direction of foreign policy since it provides for constant and close cooperation of both executive and legislative branches in the arrival at basic foreign policy objectives.

At the same time, the war powers resolution does not alter any of our existing treaties and security arrangements, including NATO.

Mr. Speaker, the power of determining war or peace rests with the Congress of the United States.

Previous Congresses—as this one—have allowed American Presidents to conduct wars and commit troops for long periods without congressional determination that such activities ought to continue.

The President now claims—again in his veto message—that House Joint Resolution 542 is unconstitutional, because it abrogates "authorities which the President has properly exercised under the Constitution for almost 200 years."

In a sense it is understandable that the President now in the White House could feel this way, since his experience as President would only reinforce the view that a President can make any disposition of troops or military forces as long as he does not call it "war."

I believe that we have the obligation to reassert—and firmly reassert—our constitutional, historical right to be the decisiontakers when it is contemplated that our Armed Forces shall be committed for long periods of time in any war.

House Joint Resolution 542 would place the warmaking hat squarely on the head of this body, where it has belonged and will continue to belong until our Constitution is changed.

I, therefore, urge all my colleagues in the House to vote to override the President's veto of this crucial legislation.

Mr. CLEVELAND. Mr. Speaker, I rise in support of House Joint Resolution 542 in the interests of reassertion of fundamental congressional warmaking powers under the Constitution. I voted for the original resolution as passed by this body and the conference version. Moreover, I have voted for war powers legislation in previous sessions and have been a cosponsor of such legislation.

Members who have followed the debate and other discussion in the RECORD know that I supported this particular bill with some reservations. My comments on this House joint resolution as it has evolved are covered by statements in the RECORD of March 29, at page 10558; May 24, at page 16884 and October 12, at page 33874.

Partly, these reservations concern the efficacy of mechanisms in the resolution to provide for affirmative congressional action, a vote up or down, in case a President initiates an action and is faced with a 60-day cutoff. And partly they concern the ambiguity in the enumeration of circumstances under which a President may initiate such action. I find it disturbing that the legislative history as reflected in the debate in both Houses suggests that the President's latitude is unduly restricted—reflecting the position of the veto message—and that the measure represents a 60-day blank check. The debate today has done little to resolve these uncertainties.

But the fundamental need for the Congress to resume its constitutional role transcends these reservations.

Indeed, much of what we do here today will not have effect unless and until this country and its will are tested. In that sense, our action today means nothing standing alone, in isolation. Whether it will represent the great step forward as sought by those of us who have long called for this aspect of congressional reform must await new challenges. In another sense, however, if this move to override prevails and is followed by similar action in the other body, the Congress will be a very different place indeed. Having seized the initiative, we will have committed ourselves to a degree of responsibility for which this body has not distinguished itself notably in recent years. This is particularly true in view of the war-weariness and the trend toward isolationism which I have discerned in the country.

This will place new demands on independence of judgment and a willingness to exercise leadership in the formulation of informed public opinion as to the true needs of our security during the remainder of this century. It was in recognition of this that I originally cosponsored similar legislation, and it is in the conviction that this body will respond constructively that I support this vote.

A concluding note: In the past, I have taken some care to state my position on vetoes, particularly when they have involved programs which I have supported as individual measures on their merits. Those in this session have largely involved domestic programs. In those cases I have taken the position that a veto by the President on grounds of economic impact, absent the ability of Congress to set our own priorities, injects a new element. In exercising fiscal restraint, the President has in effect been doing our job for us.

An exception was the matter of Senate confirmation of the Director of the Office of Management and Budget. Again, in the interests of congressional prerogatives, I had been inclined to vote to override in that instance, but was dissuaded by the degree to which the issue was cast by my friends on the Democratic side as a vote for or against the President, a referendum on Watergate, and the merits of the question were submerged.

Similarly, I would not be surprised to find some Watergate votes cast today, with the outcome interpreted domestically and perhaps abroad as a reflection on support for the President and his capacity to govern, particularly in the area of foreign affairs. I wish to make clear that my vote is not one of them, and cite as evidence my long-term advocacy of congressional reform and legislation

similar to this. In fact, a primary motivation for my support for this measure is the conviction that Congress must share in the consequences of decisions affecting military policy. For too long, the Chief Executive has borne the brunt of responsibility for the exercise of war powers. Thus it will be of benefit to the Congress, the Presidency and the country that henceforth, after a tough decision by the President, this body will have to do more than make Monday morning speeches and make cheap shots from a privileged sanctuary.

Mr. ROBISON of New York. Mr. Speaker, much has happened during the short space of time since our last debate on House Joint Resolution 542. The inflammation of the "Watergate crisis" and the swirling national debate over Presidential impeachment threaten to add new, and irrevelant, connotations to previously stated arguments in support of votes for and against this war powers legislation. Specifically, today's vote to override the President's veto of this measure could easily be interpreted outside of Congress to mean more than is intended by it.

What has happened in recent days in no way alters my own longstanding conviction that there is something very wrong with the way our Government has gone about committing U.S. troops during the last 25 years. This is a matter of concern which has caused me to spend several years studying, drafting, and revising war powers legislation; and it is from arguments based on decades of history—not weeks—that I am convinced we must try to write the provisions of this bill into the law of the land.

When we debated House Joint Resolution 542 last July, I stated to my colleagues that the pending war powers legislation was preeminently a check on human judgment in both the executive and legislative branches of the Federal Government, and that the war powers bill was the best discernible approach to set the standards for a truly careful and conscientious judgment before the President and Congress would consider sending this Nation's young men to war.

Given the evolution of executive war powers during this century, and given the strong contention of many Presidents that these powers must remain wholly with the executive branch, I have long assumed that my espousal of war powers legislation might culminate in the vote we must cast today. It has been my intention to see this issue through to the end, since that day months ago when I joined my colleague from New York (Mr. HORTON) in introducing one of the first war powers bills in the House.

Since that time, I have been asked on a number of occasions if I would support a veto override on the war powers bill, if it ever came to that. I have consistently said I would, for reasons stated to this body in several prior instances and, Mr. Speaker, thus I will do so today. I do so, because I find myself in basic agreement with the thrust of this bill, and because I think it imperative that, through House Joint Resolution 542, Congress move to right the checks and balances between the legislative and executive branches in this area of concern.

We will do this by assuring that both the President and the Congress have available the best and fullest possible information before a decision is made to commit American troops. We will further contribute, through the mechanisms of House Joint Resolution 542, to nationwide support for such a decision so that, when this country must deploy its military forces, it is clear to all other powers that both the Government and the people stand behind that deployment.

It is illustrative of this intent that the bill before us is primarily concerned with the steps Congress must take to carry out its constitutional responsibilities to declare war and to raise and support armies. By directing the procedures for committee action and floor consideration and by specifying the time frames for these actions, the war powers bill requires that Congress now put its own house in order, so that it can properly carry out the exercise of its constitutional war powers.

Since we must vote today to override the President's rejection of this bill, there is obviously still less than universal agreement on the respective constitutional duties of the President and the Congress in committing U.S. troops. That is an issue for debate over which responsible men will continue to have differences. For instance, I had hoped that Congress would have been forced, under this legislation, to approve or disapprove by its own vote, any emergency troop commitments made by the President.

Yet, in the aftermath of decades of congressional acquiescence, I think it important that Congress now seek to define its own constitutional war powers, and seek to do so in a manner which does not inhibit the President's ability to respond quickly whenever our national security is threatened. From my point of view, this bill does accomplish this objective..

The President's recently demonstrated ability to act quickly and convincingly in response to a threatened escalation of the Arab-Israeli war would not have been affected in any way by the provisions of this bill. However, had the President moved to deploy U.S. troops to the battlefield, he would have been required under House Joint Resolution 542 to notify Congress of the conditions which occasioned that action, and the procedures thereafter spelled out would become applicable.

We can be thankful that, in this instance, the President's skillful diplomacy quickly reduced the necessity for U.S. military intervention. Yet, in no small measure, the support evidenced for this legislation in the Congress has resulted from the public reaction to a prolonged undeclared war in Indochina. The message carried by this legislation is clear—no more Vietnams.

It should also be clear that a nation still reeling from the doubts and divisiveness of the Indochinese war would have demanded the broadest possible consensus before consenting to armed involvement in the Arab-Israeli war.

The anticipation of such a situation continues to convince me that we must have the working mechanisms of House Joint Resolution 542 to assure that the President has the full support of the Nation when he must engage the military. That is why I will vote to override the President's veto, and that is why I urge my colleagues to do the same.

Mr. RARICK. Mr. Speaker, Members are being told in debate here on the floor that we have only two alternatives: By voting to sustain the veto, we are supporting the President's interpretation that by implication he has unlimited war powers; or, by voting to override, we are supporting the argument that this legislation is necessary to limit the President's "war powers" by establishing a specific time limitation on his "powers." Thus, in effect, this legislation grants the President warmaking powers.

We must not be misled by this. There is another alternative. A Member can vote to sustain the President's veto and in so doing uphold the Constitution, which gives to the Congress—and only to the Congress—the power to declare war. The President has no war powers, express or implied, which are not ratified or sanctioned by an act of Congress.

Article I, section 8, clause 11, clearly gives the power to wage war to the Congress. It reads:

> The Congress shall have Power . . . To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water.

There is no mention whatsoever in the Constitution of the United States about any "war powers" of the President.

If there were only two alternatives, as is being suggested by debate, the President would gain powers regardless of the outcome. Regardless of the way this vote goes, if these are the only two alternatives, he will be granted "war powers."

Mr. Speaker, I do not believe that the Constitution of the United States can be amended by legislative action such as that proposed here, nor do I believe that this Congress should attempt by legislative action to, in effect, justify our past involvement in Korea or Vietnam. The notion that the President has war powers is erroneous; the Constitution is clear on this.

I took an oath to "bear true faith and allegiance" to the Constitution. I cannot, therefore, support this legislation and will cast my people's vote to sustain the President's veto.

Mr. ASHBROOK. Mr. Speaker, I have long had an intense interest in the issue of war powers of Congress and the President. Five years ago I introduced a constitutional amendment to limit the power of a President to dispatch troops and wage war. At that time I stated "few issues concern the American people any more than this whole matter of brushfire wars, escalation, and commitment of troops to virtually every struggle throughout the world."

Again—in May of this year—I introduced the Bricker amendment. This constitutional amendment would help restore a proper congressional role in foreign affairs and prevent treaty wars such as occurred in Southeast Asia.

The issue is not whether you are a Republican or a Democrat or a hawk or a dove. The issue is whether Congress will act to repair the damage done to our Constitution during the past 20 years and stop unnecessary and costly involvement in every brushfire war in the world. The time is long overdue for Congress to restore proper constitutional processes in the formulation and execution of our Nation's foreign policy.

Although I do not agree with every provision in this bill, I do believe that it offers a responsible, affirmative answer to a recurring dilemma. There may be some Republicans who are reluctant to override the President's veto in light of his current difficulties. However, the need to get our Nation on a right course and to restore basic constitutional principles is far more important than our personal sympathies. Therefore I will vote to override the President's veto of House Joint Resolution 542, the war powers resolution, and I urge my colleagues to do the same.

Mr. MIZELL. Mr. Speaker, the House today is faced with one of the most critical issues it has faced all year, an issue that could possibly have the same kind of consequences that flowed from the Neutrality Acts passed by the Congress of two generations ago.

The war powers resolution, which President Nixon vetoed and which we are about to vote on again, may well have a similar effect on international events that the Neutrality Acts had.

The resolution is as poorly written as it was unwisely conceived. The major section of the resolution permits the Congress, through sheer inaction, to force the President to terminate the use of American Armed Forces within 60 days unless Congress declares war, extends the deadline, or is physically unable to meet, because of an armed attack in the meantime.

If the Congress fails to act, regardless of the reason, our Armed Forces must be withdrawn.

I believe the issue of war and peace is much too important to be decided by a failure to act. I believe our responsibility lies in a positive action to either endorse or disagree with a President's initiative in an emergency situation.

I have often spoken in the past of several so-called end-of-war amendments that would have tied the President's hands if they had passed. The resolution we are considering today puts the President in a virtual straitjacket that could leave this Nation in great peril one day.

We need look no further than the Middle East situation as it exists today to see that a crisis of dangerous proportions could arise at any time, requiring bold and immediate action by the President acting as Commander in Chief.

I am convinced that the President must have a degree of flexibility and latitude to meet any military crisis that might arise. And I believe that to the degree that flexibility is impaired, the hope for stability is impaired as well.

There is no question that the Congress has a constitutional role in the making of foreign policy and in the waging of war when necessary. But this legislative attempt to define the role of the legislative branch has served instead to overly confine the role of the Executive.

I hope with every other American that peace will someday reign throughout the world, but the strongest hope for peace in the world still remains with a strong United States of America and a strong and decisive Commander in Chief.

Ms. HOLTZMAN. Mr. Speaker, I intend to support the attempt to override President Nixon's veto of the war powers bill.

As I have stated before on the floor of this House and elsewhere, I have had enormous reservations about the propriety and even the constitutionality of the war powers bill. In particular, I was concerned that the bill, instead of limiting a President's powers to commit U.S. military forces to hostilities in the absence of congressional approval, would permit him to commit troops for 60 days without congressional approval.

The events that have occurred since my first analysis of the bill have, however, caused me at this time to support it against President Nixon's veto. I have done so for the following reasons:

First, in vetoing the bill, President Nixon stated that it was unconstitutional, claiming essentially that he has unlimited power to commence a war. The President's analysis of his constitutional powers is completely and categorically inaccurate. By sustaining the veto we would be lending credence to his position.

Second, this is a time during which our country is undergoing an extraordinary crisis of confidence in our Government. It is clear that Presidential abuse of powers must be corrected and limited if we are to restore the people's faith in our democratic system.

Third, because of the objection that I previously raised that the bill improperly adds to Presidential powers, sufficient legislative history has now been created in answer to those arguments to satisfy my constitutional qualms. It is perfectly clear from those who support the legislation that this bill in no way adds to the limited war powers that the President has under the Constitution. I think the legislative history, at least, makes it perfectly plain that the bill is not designed to allow the President to place troops abroad for 60 days if Congress does not so approve it. I am pleased that because of the position that I took the legislative history of the bill has now been clarified.

The major feature of the bill is its requirement that the President withdraw any troops from hostility in the event that Congress has not approved their use within 60 days. This provision is extremely important. The automatic cutoff will require a President to think out very carefully his willingness to commit American troops because he knows that unless his action has the support of the American people he will have to remove the troops in 60 days.

The automatic 60-day troop withdrawal provision is also important because there is no other institutional mechanism for stopping an illegal war once it has begun. We cannot rely on the courts for an expeditious decision striking down the constitutionality of illegal Presidential warmaking powers. My experience in challenging the Cambodia bombing in the courts demonstrated that principle sadly but conclusively. Nor can we turn to the congressional procedures for cutting off appropriations or impeachment as speedy alternative means to check an illegal war. History has shown that impeachment is often impossible and cutting off appropriations lengthy, time-consuming and subject to a veto. Thus, the automatic 60-day cutoff in this bill gives all of us at least a guarantee that an illegal Presidential war cannot be perpetrated forever.

I would be less than frank if I did not say that I am still disturbed by this bill. It is not the best bill we could have had and it does not really address the problem of restoring congressional control over the decision to commit American lives and tax dollars to a war. Nonetheless, it is clear that this is the only bill that we could have at this time and for that reason and because I still believe that the bill can be significantly improved, I will support it and will reject the President's arugments that he has unlimited power to commence and continue a war without congressional approval.

Mr. DELLUMS. Mr. Speaker, I opposed this bill when it first came before the House and also when the Senate-House conference version was voted upon. I still oppose it today, although this will be the first time I have ever voted to sustain a Presidential veto. The bill has not changed any, and I see no reason to change my mind just because Mr. Nixon, for his own reasons, also opposes the bill.

I believe those liberal Congressmen who are switching their vote today are a victim of symbolic politics, where a symbol of accomplishment is preferred to the reality. Richard Nixon is not going to be President forever. Although many people will regard this as a victory against the incumbent President, because of his opposition, I am convinced it will actually strengthen the position of future Presidents.

These President-Congress confrontations are not always what they seem. I call my colleagues' attention to wage-price controls and also revenue sharing, which were regarded at the time as liberal victories, but were used by the President for his own purposes. I believe many Congressmen will live to see the mistake they made in allowing any President a free hand for 60 days to commit troops anywhere in the world for any reason, with the same opportunity to put pressure on Congress that we saw during the Indochina war. The pious statement of intention in the preamble changes nothing. This is a very high price to pay for the pleasure of shaking our fist at the President. Mr. Speaker, I urge that this bill be defeated.

Mr. CULVER. Mr. Speaker, I am today again voting against the war powers conference bill, not because I disagree with its objectives, but because the means employed actually work against those objectives. The measure—an unsatisfactory bargained compromise between two clashing bills—would in my judgment

weaken rather than strengthen congressional participation in the momentous decisions of war or peace. It would do so by giving the President a blank check to wage war anywhere in the world for any reason of his choosing for a period of 60 to 90 days. This is an abdication of the responsibility squarely placed on the Congress by the Constitution.

No one believes more strongly than I do in the critical necessity to redress constitutional imbalances in the allocation of power as between the Executive and the Congress. President Nixon has grievously abused his constitutional authority in numerous fields, prominently including war powers. I believe the strong majorities in support of the war powers legislation have clearly "sent him a message" which I strongly join: Do not presume upon congressional acquiescence.

But the President's abuse of the Constitution should not be taken as an invitation for us to do likewise. We are legislating not just for today, but for the indefinite future.

We should exercise great care if we attempt to chart with statutory precision in areas of shared constitutional authority and responsibility.

This is all the more true when we recognize that what we are presumably legislating against derives in good part from a failure of Congress to exercise vigilantly the existing powers and remedies which it clearly possesses.

I deeply respect the time and devotion which so many members of both bodies have given to this complex issue. But I believe with equal force that we are not fulfilling our fundamental obligations by passing legislation which, however, worthy its goal, only introduces new ambiguities into our constitutional system and into the proper conduct of foreign policy.

Ms. ABZUG. Mr. Speaker, today's vote in the House is a vote of no confidence in the President's use of power.

I have criticized this bill in the past and voted against it, because it gives the President power that he does not now have under the Constitution. It gives him 90 days in which to commit our forces anywhere in the world, only requiring that he report to the Congress within 48 hours on what he has done.

On the other hand, the President claims that the bill does not give him enough power. I only hope that it will prove to be, in fact, limiting.

Until today, Congress has not been able to override any Presidential veto in this session. But today's vote comes at a time of revulsion of the people against the crimes and corruption in this administration. The lack of confidence among the people is reflected in this House, which finally has mustered the strength to override this ninth Presidential veto.

This could be a turning point in the struggle to control an administration that has run amuck. It could accelerate the demand for the impeachment of the President. On that basis, I will vote to override the veto.

Mr. BROYHILL of North Carolina. Mr. Speaker, I rise in support of House Joint Resolution 542, the war powers legislation. I have supported this legislation with certain reservations since it was first discussed on the floor of the House some months ago. I say certain reservations because I wanted to be sure that any war powers legislation guaranteed as a matter of law that any U.S. troop commitments abroad would be voted on by the whole membership of Congress. I did not want, and would not support, any legislation which would make it possible for Congress to "take a walk" and fail to exercise its proper leadership position in such decisions.

The war powers bill that emerged from conference incorporates the necessary procedural safeguards to insure a congressional vote on issues involving U.S. troop commitments abroad. Consequently, I can wholeheartedly endorse this bill.

The history of the past decade illustrates that present congressional mechanisms in respect to U.S. military involvement abroad are clearly inadequate. Short of declaring war, there is little Congress can do to deal with situations like Vietnam or the Middle East. A clear-cut and well-defined congressional procedure, such as that outlined in this legislation, can prevent U.S. involvement in future, no-win conflicts by an early statement of the intentions and will of Congress and the American people.

I would like to end my remarks with a brief but stern warning to those in the press and the Democratic party who have tried to make this vote a pro-President or anti-President vote. It is not.

My decision and the decision of many of my Republican colleagues to vote to override the Presidential veto of this legislation is in no way a criticism of the President or of his handling of the Middle East crisis. Let it be clear that we support the President on his handling of foreign affairs from Vietnam to the Middle East. But the recent international crisis has served to highlight the need for a more effective and positive congressional response to situations involving U.S. troop commitments abroad.

The SPEAKER. The question is, Will the House, on reconsideration, pass the joint resolution, the objections of the President to the contrary notwithstanding?

Under the Constitution, this vote must be determined by the yeas and nays.

The question was taken by electronic device and there were—yeas 284, nays 135, not voting 14, as follows:

[Roll No. 563]

YEAS—284

Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Armstrong
Ashbrook
Ashley
Aspin
Badillo
Bafalis
Barrett
Bergland
Bevill
Biaggi
Biester
Bingham
Boggs
Boland
Bowen
Brademas
Brasco
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Broyhill, N.C.
Burke, Mass.
Burlison, Mo.
Burton
Byron
Carey, N.Y.
Carney, Ohio
Carter
Chamberlain
Chappell
Chisholm
Clark
Clausen, Don H.
Clay
Cleveland
Cochran
Cohen
Collins, Ill.
Conlan
Conte
Corman
Cotter
Coughlin
Crane
Cronin
Daniel, Dan
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellenback
Dent
Dickinson
Digga
Dingell
Donohue
Downing
Drinan
Dulski
Duncan
du Pont
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flood
Flowers
Flynt
Foley
Forsythe
Fountain
Fraser
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydoa
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Grasso
Gray
Green, Oreg.
Griffiths
Gross
Gude
Gunter
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Holifield
Holtzman
Horton
Howard
Hungate
Ichord
Johnson, Calif.
Johnson, Colo.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jordan
Karth
Kastenmeier
Kazen
Kluczynski
Koch
Kyros
Landrum
Lehman
Leggett
Litton
Long, Md.
Lott
McCloskey
McCormack
McDade
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Mallary
Mann
Maraziti
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Milford
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Moakley
Mollohan
Montgomery
Moorhead, Pa.
Morgan
Mosher
Murphy, N.Y.
Natcher
Nix
Obey
O'Hara
O'Neill
Owena
Patten
Pepper
Perkins
Pettla
Peyser
Pickle
Pike
Podell
Preyer
Price, Ill.
Pritchard
Quie
Railsback
Randall
Rangel
Rees
Regula
Reid
Reuss
Riegle
Rinaldo
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Rooney, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Runnels
Ruppe
Ryan
Sandman
Sarasin
Sarbanea
Schroeder
Seiberling
Shipley
Shuster
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Staggers
Stanton, J. William
Stark
Steele
Steelman
Steiger, Wis.
Stephens
Stokea
Stubblefield
Studds
Sullivan
Symington
Taylor, N.C.
Teague, Calif.
Thompson, N.J.
Thone
Thornton
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Veysey
Vigorito
Waldie
Whalen
White
Whitten
Widnall
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wyman
Yates
Yatron
Young, Ga.
Young, Ill.
Zablocki
Zwach

NAYS—135

Abdnor
Arends
Baker
Bauman
Beard
Bennett
Blackburn
Bolling
Bray
Breaux
Breckinridge
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Camp
Casey, Tex.
Cederberg
Clancy
Clawson, Del
Collier
Collins, Tex.
Conable
Conyers
Culver
Daniel, Robert W., Jr.
Dellums
Denholm
Dennis
Derwinski
Devine
Dorn
Eckhardt
Eshleman
Fisher
Ford, Gerald R.
Frelinghuysen
Gettys
Goldwater
Goodling
Green, Pa.
Grover
Gubser
Guyer
Hansen, Idaho
Hillis
Hinshaw
Hogan
Holt
Hosmer
Huber
Hudnut
Hunt
Hutchinson
Jarman
Johnson, Pa.
Keating
Kemp
Ketchum
King
Kuykendall
Landgrebe
Latta
Lent
Long, La.
Lujan
McClory
McCollister
McEwen
Madigan
Mailliard
Martin, Nebr.
Michel
Miller
Mitchell, N.Y.
Mizell

XUM

Moorhead, Calif.
Myers
Nedzi
Nelsen
Nichols
O'Brien
Parris
Passman
Poage
Powell, Ohio
Rhodes
Roberts
Roncallo, N.Y.
Roybal
Price, Tex.
Schneebeli
Robinson, Va.
Rarick
Ruth
Satterfield
Scherle
Quillen
Sebelius
Shoup
Shriver
Sikes
Skubitz
Spence
Steed
Steiger, Ariz.
Stratton
Stuckey
Symms
Talcott
Taylor, Mo.
Teague, Tex.
Thomson, Wis.
Towell, Nev.
Treen
Vander Jagt
Waggonner
Walsh
Wampler
Ware
Whitehurst
Wiggins
Williams
Wilson, Bob
Wydler
Wylie
Young, Alaska
Young, Fla.
Young, S.C.
Young, Tex.
Zion

NOT VOTING—14

Bell
Blatnik
Burke, Calif.
Davis, Wis.
Ford, William D.
Hébert
Jones, Tenn.
Mahon
Mills, Ark.
Moss
Murphy, Ill.
Patman
St Germain
Stanton, James V.

So, two-thirds having voted in favor thereof, the joint resolution was passed, the objections of the President to the contrary notwithstanding.

The clerk announced the following pairs:

Mrs. Burke of California with Mr. William D. Ford.
Mr. Hébert with Mr. Jones of Tennessee.
Mr. Blatnik with Mr. Davis of Wisconsin.
Mr. James V. Stanton with Mr. Moss.
Mr. St Germain with Mr. Bell.
Mr. Murphy of Illinois with Mr. Mahon.
Mr. Mills of Arkansas with Mr. Patman.

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will notify the Senate of the action of the House.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to state that the Chair will recognize Members under the 1-minute rule, and for other unanimous-consent requests at this time.

THE CASE OF ALEXANDER LERNER

(Ms. ABZUG asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Ms. ABZUG. Mr. Speaker, as an American who is deeply committed to the attainment of human rights for all people, I feel compelled to emphasize that emigration from the Soviet Union is restrictive and far from free.

Alexander Lerner, a leading Soviet scientist in the field of cybernetics, and a former member of the Communist Party, believed that Jews would assimilate into Soviet society. But the Soviet requirement to have a nationality listed on one's identity papers, the rise of discrimination against Jews in the academic field, and the assertion of Jewish national consciousnes displayed by defendants in the Leningrad trials changed his mind.

In September 1971 Lerner applied for an emigration permit to Israel. One month later, he was dismissed from his position at the Institute of Control Problems in Moscow. He was also expelled from the Communist Party.

Alexander Lerner has been waiting for an exit visa for 2 years. The reason given for the delay is that he needs security clearance. This rationale is rejected by Lerner who asserts that the classified work he did 15 years is no longer secret. Nor is Alexander Lerner intimidated by authorities who say he will not get permission to leave because he is a very valuable scientist. His answer is:

> But I am a free man. I am not a slave.

All the members of Alexander Lerner's family hope to emigrate from the Soviet Union soon. These are: His wife, their son Vladimir, their son-in-law Boris Levin, both engineers and both now employed at unskilled work at a doll factory—and finally Boris' wife, the former Sonya Lerner, a brilliant mathematician. She is an expectant mother and the family hopes that the first Lerner grandchild will be born in Israel.

Mr. Speaker, it is urgent that this session of Congress demonstrate our sincere commitment to the human right of free emigration for all people.

PROPOSED CONCURRENT RESOLUTION EXPRESSING THE SENSE OF CONGRESS THAT RICHARD M. NIXON SHOULD RESIGN AS PRESIDENT

(Mr. LONG of Maryland asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous material.)

Mr. LONG of Maryland. Mr. Speaker, I am herewith today submitting the following concurrent resolution:

H. CON. RES. 376

Concurrent resolution expressing the sense of Congress that Richard M. Nixon should resign from the Office of President of the United States.

Whereas numerous resolutions of impeachment and censure against Richard M. Nixon, President of the United States, are now being considered by the Congress; and

Whereas the process of impeachment and trial would necessarily be protracted over a period of months, if not years; and

Whereas during this extended period the defense against these charges must inevitably occupy most of the thoughts of the President and the energies of his advisers to the exclusion of the proper considerations of governing this nation; and

Whereas this country is now facing certain severe domestic and international crises requiring a President who can be free to devote his entire time and energies to solving them: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that for the good of our beloved Nation Richard M. Nixon should resign from the Office of President of the United States.

PERSONAL STATEMENT

Mr. WIDNALL. Mr. Speaker, on November 6, 1973, on rollcall No. 561, on H.R. 10937, I was unavoidably absent and, therefore, unrecorded.

If present, I would have voted "yea."

ELECTION REFORM

Mr. FRENZEL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FRENZEL. Mr. Speaker, for nearly a year this Congress has been sharply critical of the campaign tactics of 1972, particularly those of the Committee to Re-elect the President. On one hand the Senate has backed up its talk with action by passing S. 372, an election reform bill. On the other hand, this House has as yet failed to show that it has any more than a "talk interest" in this matter.

Election reform is the single most important way, and perhaps the only way, we can show the people that our concern for clean elections is more than talk.

Since we are all certified experts on elections, we may all cheerfully disagree on both the elements of election reform and the priority of those elements, but I believe that most of us agree that reform is needed, and needed right now. We cannot afford to let this year slip by or we will have lost the chance to affect the elections of 1974.

The eyes of the public are on us. If we do not pass an election reform bill this year, we will have failed the test of leadership.

THE EXPEDITIOUS CONFIRMATION OF GERALD R. FORD AS VICE PRESIDENT

(Mr. SISK asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. SISK. Mr. Speaker, I simply desire to take this time to commend our colleague, the distinguished chairman of the Committee on the Judiciary, the gentleman from New Jersey (Mr. RODINO) for his announcement in connection with proceeding expeditiously with the confirmation of GERALD R. FORD to be Vice President of the United States. I think certainly that the country is desirous that this matter be settled and be settled quickly.

I, for one, have pledged my support for the confirmation of GERALD R. FORD, assuming that the investigation proves satisfactory, as certainly I would expect it to do.

I want to commend and urge the committee to push forward with this action as rapidly as possible.

RECOMMITTAL FOR TECHNICAL CORRECTIONS OF CONFERENCE REPORT ON S. 1081, AN ACT TO GRANT RIGHTS-OF-WAY ACROSS FEDERAL LANDS

Mr. MELCHER. Mr. Speaker, I ask unanimous consent that the conference report on S. 1081, to authorize the Secretary of the Interior to grant rights-of-way across Federal lands where the use of such rights-of-way is in the public interest and the applicant for the right-of-way demonstrates the financial and technical capability to use the right-of-way in a manner which will protect the environment, be recommitted to the committee of conference for the purpose of directing the committee to make technical corrections.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

APPOINTMENT OF CONFEREE ON S. 1081, GRANTING RIGHTS-OF-WAY ACROSS FEDERAL LANDS

The SPEAKER. The Chair appoints as a conferee on the bill S. 1081, granting

rights-of-way across Federal lands, the gentleman from California, Mr. HOSMER, to fill the existing vacancy.

ELECTRONIC SYSTEM NOT INFALLIBLE

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GONZALEZ. Mr. Speaker, recently the Congressional Quarterly sent a card asking me to report how I would have voted if I had voted on rollcall 497, on October 3, 1973, on the Big Cypress National Preserve. I was puzzled because I knew that I had been present and voted every single time since the recess, and that on this particular issue I had been congratulated for my vote. I had voted aye, had known and remember to have known that I inserted my card twice as I had been advised that this was the way to double check the registration of my vote electronically.

I then checked the record and the Clerk and discovered that indeed I was shown absent. The record shows I was present that day for everything else, so I knew a mistake had been made. I was told that a chance of a malfunction was improbable; that maybe an error in the printing shop could account for it. Apparently, this was not the case. In any event, I am told there is no recourse from an electronically recorded vote. The machine is infallible. I know now this is a big mistake and that we, the Members, are precluded from correcting errors. I am therefore voting by card. I trust and pray the cards are kept and not destroyed, at least during the duration of the session.

PROVIDING FOR CONSIDERATION OF H.R. 11104, INCREASE OF TEMPORARY LIMIT ON PUBLIC DEBT

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 687 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 687

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11104) to provide for a temporary increase of $13,000,000,000 in the public debt limit and to extend the period to which this temporary limit applies to June 30, 1974, and all points of order against said bill for failure to comply with the provisions of clause 4, rule XXI are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Missouri (Mr. BOLLING) is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

Mr. Speaker, the Members might be interested in hearing the explanation of this rule. Last week the Committee on Rules reported out of the Committee on Rules a very unusual rule dealing with the consideration of the debt limit.

It was a rule which would have provided for the consideration of the debt limit under an open rule and for the consideration without the intervention of any point of order of one amendment which would have included the texts of two bills, H.R. 11155 which dealt with minimum tax and H.R. 11158 which dealt with a social security increase.

The debt limit at the time was scheduled to be considered by the House of Representatives on the next day. The Committee on Ways and Means, which of course has jurisdiction over the debt limit, convened the next day and decided not to bring up the debt limit under those circumstances and announced that it intended to proceed with considerable speed on the matter of social security, which was one of the matters which would have been made in order, and it has done so, today I believe reporting out a social security proposal which I will ask to be explained later when I yield 10 minutes to the chairman of the Committee on Ways and Means for that purpose. I hope that at the same time he will also convey to the House whatever plans the Committee on Ways and Means may or may not have with respect to the question of tax reform.

The reason for the rather unusual rule was that a great many Members of the Congress were concerned that there be consideration given promptly to both these matters, the matter of an increase in social security, a prompt increase, and the matter of prompt consideration of the extraordinarily difficult problem of tax reform.

There had been a rather strange record, which perhaps was the result of the illness of the chairman and of the enormous burden on the committee, on the subject of the consideration of tax reforms this year.

In any event there were a great many people who would have liked to have had an opportunity and who would still like to have an opportunity to vote on the question of tax reform and also on the question of social security. The Rules Committee action was in the nature of an indication to the Committee on Ways and Means that there were more ways to skin a cat than to start at the tail.

It is perfectly possible for the House of Representatives acting through its committees to achieve consideration of matters other than through the normal, usual, and ordinarily wiser committee process. The Rules Committee in the past has exercised that option on a variety of matters. The Rules Committee has on occasion even brought up bills that had never been introduced.

The Rules Committee made that decision last week, and a great many things happened, and now it is this week. Yesterday the Rules Committee reconsidered that rule. It was before the House by then and theoretically I could have called it up today if I had chosen if recognized for that purpose. I did not choose to do so because enough had happened to justify in my judgment the passage of the rule originally requested by the Committee on Ways and Means.

I am well aware that some of those who supported the original rule, who supported the original proposition, who are the authors of the two bills made in order by the first rule, violently disagree with the position that I am taking now, so in order to be fair I propose to yield 10 minutes to the chairman of the Committee on Ways and Means to dispose of as he pleases, for debate of course, and 10 minutes to one of the authors of the legislation made in order by the first rule, so that the authors will have an opportunity to express their views on what should be done now.

For myself I have come to the conclusion that at least at this time, as a member of the Committee on Rules, I intend in this particular rule to support the rule that I called up and to support the ordering of the previous question on that rule. I believe that is the way in which in the long run in this particular case we will accomplish the most. I reserve the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the distinguished gentleman from Missouri (Mr. BOLLING), has correctly described the situation dealing with this resolution.

Mr. Speaker, House Resolution 687 provides for the consideration of H.R. 11104, to increase the temporary limit on public debt. This is an open rule with 2 hours of general debate, and in addition, waives points of order for failure to comply with clause 4, rule XXI, dealing with appropriations on a legislative bill.

The primary purpose of H.R. 11104 is to increase the overall public debt limit from the present $465,000,000,000 to $478,000,000,000.

Existing law provides for a permanent debt limit of $400,000,000,000. Effective through November 30, 1973, existing law also provides a temporary additional limit of $65,000,000,000. This bill provides for an increase in the temporary additional limit to $78,000,000,000. It also extends the temporary additional limit from November 30, 1973, to June 30, 1974.

The administration has requested an increase in the overall debt limit to $480,000,000,000 through June 30, 1974.

The committee report also makes it clear that the Committee on Ways and Means intends that existing law be interpreted to allow the interest rate on U.S. savings bonds to be 6 percent instead of 5½ percent.

The Committee on Ways and Means estimates that there will be no additional cost to the Government, as a result of this bill.

Mr. Speaker, I urge the adoption of this rule in order that the House may begin debate on this important legislation.

Mr. BOLLING. Mr. Speaker, I yield 10

minutes to the gentleman from Wisconsin (Mr. Reuss).

Mr. REUSS. Mr. Speaker, I thank the gentleman from Missouri for his fairness.

In a sense, I rise in support of the House Commitee on Rules—at least the House Committee on Rules that had its moment of greatness and truth a week ago, when it decided we were all over 21 years old and that we were quite well equipped here in the plenary session of the House to determine whether something fair might not be done for the old folks, and whether it would not be a good idea to inject a little fiscal responsibility into the tax deliberations of the Nation.

The amendment which the then great Committee on Rules promulgated a week ago, and from which it has now unhappily retrogressed, would have made in order the amendment which I propose to offer, if we can just get a little cooperation in voting down the previous question.

It would give senior citizens a much needed 7-percent social security increase starting in January. It would pay for it by tightening the minimum tax on loophole income, rather than by further piling it on the moderate-income wage-earner.

Right after that superb rule was handed down last week, things began to happen. Just as in a Japanese Noh play, the Ways and Means Committee recalled the bill from the floor. Lobbyists for every major tax loophole descended on the Capitol. Finally, we saw the Committee on Rules reverse itself and tell us that here on the floor we cannot have the opportunity to do right by the old folks in the next half of this fiscal year, and to close loopholes in a responsible manner.

Fortunately, we do have the opportunity to back up today the original Rules Committee rule. We can do that by voting down the previous question on the restrictive rule now before us, then voting in favor of the amended rule, making in order social security cum tax reform, and then finally voting to attach that amendment to the debt ceiling bill.

If we want to comfort the old folks and afflict the tax avoiders, rather than the other way around, the only way to do it is by voting down the previous question today.

Yesterday the Ways and Means Committee by a 13-to-12 vote barred an increase in social security, not only for the first 3 months of 1974 but for the entire first 6 months, and proposes to pay for the increase in social security after that date not by tax reform, but by loading it onto the average $13,000 a year truck-driver or steelworker or autoworker, who is going to have his social security tax raised 22 percent next July 1 under the proposal.

Here is the reason given by the Committee on Ways and Means for its failure to do the right thing by the old folks, to do the right thing by fiscal responsibility. That is impossible, says the committee, because Mr. Nixon will not allow it. He is going to veto such a bill.

It is about time that we cease living in fear and trembling of the White House, and undertake steps here on the floor of the House so that the will of this body may be properly reflected in finished legislation.

The only way we are going to get social security help in the fiscal year 1974, at least in the first 3 months of it, because I understand the Committee on Ways and Means has now done something about the second 3 months, the only way we are going to get started on tax reform, is by attaching it to the veto-proof debt ceiling bill before us.

It matters not how many worthwhile bills with sensible social security provisions we bring up next week that the President is going to veto on the ground that they are fiscally irresponsible. They simply are never going to see the light of day, because despite this afternoon's earlier superlative effort on the war powers bill, the general record of this House has been to sustain the President's veto.

Therefore, let us vote the previous question down, so that we can strike a blow for the old folks and for fiscal responsibility at one and the same time.

Mr. VANIK. Mr. Speaker, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from Ohio.

Mr. VANIK. Mr. Speaker, I support the effort of the gentleman from Wisconsin to open up this bill to tax reform and social security amendments. It certainly seems to me that it is a legitimate function of the debt management to consider the need for revenue raising tax reform. If we had a little more revenue, the need for new debt legislation would disappear. It is also appropriate that this opportunity to provide a meaningful and immediate social security increase be taken.

Frankly, we can be sure that the President will veto almost any tax reform legislation. When the Secretary of the Treasury was asked in the Ways and Means Committee whether the President would veto the weak minimum tax amendments he proposed this spring, the Secretary could not answer with immediate and definite certainty. We saw last year how the President threatened to veto the social security increase unless it was scaled down—but later he took credit for that same increase. Now that he cannot stand for election, I believe that he will veto any kind of social security increase which occurs prior to July 1, 1974, the next fiscal year.

It is clear that if we really want tax reform and adequate social security, we must attach those provisions to a veto-proof bill such as this public debt ceiling bill.

During the past week, I understand that many Members have been deluged with complaints from the oil industry about the effect of this legislation on their industry. It is time that we look at the record of the oil industry. If an industry is facing shortages, Government investigations, and possible antitrust suits one would think that its profits would go down. However, the reverse is true with the oil industry. For the third quarter of 1973, at the same time that the petroleum industry was begging for price increases from the Cost of Living Council, the major oil companies were posting profit increases of 59 to 91 percent over the same quarter a year ago. This is not a one-time phenomenon. Following is a table showing the second quarter profits of the Nation's 10 largest oil companies compared with their profits in 1972:

EO QUARTER PROFITS OF THE NATION'S 10 LARGEST OIL COMPANIES

[Dollar amounts in millions]

Company[1]	Sales	Profits	Percent change from 1972
2xxon	$5,830.0	$510.0	+54
Mobil[2]	2,880.0	184.2	+41
Texaco[3]	2,727.0	267.5	+44
Gulf[3]	2,397.0	195.0	+82
Standard (California)	1,817.2	181.7	+42
Standard (Indiana)[2]	1,527.2	121.3	+37
Shell[3]	1,211.9	89.5	+54
Atlantic Richfield[4]	1,069.8	68.4	+50
Continental[2]	1,029.9	51.7	+24
Occidental	810.3	26.9	+566

[1] Ranking based on 2d quarter sales in dollars.
[2] Sales include excise taxes and other income.
[3] Sales include other income.
[4] Sales include excise taxes.

Source: Business Week; Aug. 11, 1973, p. 79.

The profit situation is obviously good. One large oil magnate recently chartered the *Queen Elizabeth II* to take over 1,000 of his guests to the dedication of a new refinery in Maritime Canada. Presumably this sea cruise, complete with caviar and free bars, will be claimed as a tax deduction by the oil company.

While the oil company profits are soaring and they are living higher on the hog than ever before, they are keeping their taxes as low as ever. Yes, the minimum tax we are proposing would result in higher taxes for the oil industry—and because they will have to pay a more responsible share, they are squealing like stuck pigs.

My analysis of the forms filed with the SEC by the 18 largest oil companies illustrates that the industry's effective Federal corporate tax rate in 1972 has been reduced to 8.3 percent.

The following is a breakdown by company of the effective tax rate paid last year:

OIL COMPANIES, 1972

	Adjusted net income before Federal income tax (thousands)	Approximate current Federal income tax (thousands)	Effective rate (percent)
1. Exxon	(1)		
2. Mobil Oil	$589,413	$17,300	2.9
3. Texaco Inc	869,711	23,600	2.7
4. Gulf Oil	233,000	12,000	5.2
5. Standard Oil (California)	$334,207	$19,400	5.8
6. Standard Oil (Indiana)	390,096	74,682	19.1
7. Shell Oil	(1)		
8. Atlantic Richfield	211,381	16,141	7.6
9. Continental Oil	$207,445	$12,371	6.0
10. Tenneco	247,753	34,287	13.9
11. Phillips Petroleum	164,650	39,221	23.8
12. Occidental Petroleum			0
13. Sun Oil Co	182,291	9,044	5.0
14. Union Oil	152,166	9,800	6.4
15. Cities Service	$126,254	$32,662	25.9
16. Ashland Oil	(1)		
17. Standard Oil of Ohio	(1)		
18. Getty Oil	129,525	18,367	14.2
Total	3,837,412	318,875	8.3

[1] The minority interest and/or the income or loss reported under the equity method was not separately disclosed. Data for this company, therefore, has been omitted.

According to economists James Cox and Arthur Wright, the most significant factors leading to the industry's deflated tax burden is the operation of the foreign tax credit and the percentage depletion deduction. By their calculations, the foreign tax credit accounts for a 15-percent deduction. The intangible drilling expense deflates the effective tax rate by about 2.1 percent. Other provisions of the tax code operate to further reduce the Federal tax burden by 8.3 percent. Depletion reduces the total burden by about 14.5 percent.

The amendment which we are offering has the impact of reducing the depletion allowance rate to 11 percent—half the present rate. In general, this means that the total effective tax rate of the major oil companies might actually go from about 8 percent to about 15 percent.

Some would argue that this is a bad time to reduce the amount of after tax profits of the oil companies. Let me just say that they always had high after tax profits and have often avoided paying taxes or paid almost no taxes—but that did not prevent the energy crisis.

I would rather have the extra tax money so that this Nation could begin a true "Manhattan-type" crash energy research and development project. We could institute a government corporation, a sort of TVA, to help develop the 3 trillion barrels of oil locked in the Nation's western oil shale lands.

The oil industry has not been able to prevent the energy crisis; it will not be able to solve the energy crisis.

It is time that the American Government and the American people were freed from the power of this industry.

Mr. REUSS. Mr. Speaker, I thank the gentleman.

I would point out that a veto for meaningful tax reform is almost assured.

In April 1972, at the then Treasury Secretary John Connally's ranch to which the great tax avoiders of the Nation were invited, the President solemnly—and I am speaking from the White House's own tapes on this—promised them that the only thing wrong with the oil depletion allowance and the rapid depreciation loophole was that they were not big enough. With a White House attitude like that, the Members can see a veto surely attending any serious efforts by this body.

So, the way to achieve tax reform, and the way to begin to plug loopholes, is by voting down the previous question today, and thus sending to the White House in veto-proof shape a debt ceiling bill with the responsible addition thereon of tax reform, which is truly related to the debt ceiling, because the more we can make tax avoiders pay at least a pittance to the treasury, the less it is necessary to stand still for these additional endless increases in the national debt.

Therefore, I would urge Members who are genuinely concerned with tax reform to give us a break, and go along with us on the motion on the previous question.

Mr. CORMAN. Mr. Speaker, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from California.

Mr. CORMAN. Mr. Speaker, I would like to know what the gentleman's amendment does with respect to supplemental security income under social security provisions.

Mr. REUSS. Mr. Speaker, I am delighted to say to the gentleman that they are not quite as generous to the recipients in supplemental social security income as what I have been told the Ways and Means Committee did this afternoon. Thus, I will enthusiastically participate with the gentleman next week when that comes to the floor in tearing it down to a measure just containing the social security income improvements, so that we can see if we can get that one past the President. He will have my unstinting help.

Mr. CORMAN. Mr. Speaker. I still would like to know, what does the gentleman's amendment do as far as social security income reforms are concerned. I find nothing in the report as to that.

Mr. REUSS. That is right. It does nothing. It does nothing about social security income reforms, which is why the gentleman will find this Member at his side, not only for social security income, but for the other fine and glorious things which are unrelated to tax reform and which the gentleman is interested in.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. Collier).

Mr. COLLIER. Mr. Speaker, very briefly, the fact of the matter is that the amendment was proposed in a totally disorderly manner before the Committee on Rules. Although the Committee on Rules originally adopted it, the committee has now taken a different position, and it did absolutely nothing for that segment of the American people that admittedly were in need of the greatest help.

It just seems to me that this points up very clearly that when we attempt to legislate this type of situation, we can fire all the shotguns we want and we fail to address ourselves to the problems in a rightful manner, a manner that good legislation demands.

Mr. REUSS. Mr. Speaker, will the gentleman yield?

Mr. COLLIER. I will be glad to yield to the gentleman from Wisconsin.

Mr. REUSS. Mr. Speaker, I will ask the distinguished gentleman from Illinois whether, if I give him the opportunity, after we vote down the previous question, to amend my rule so as to permit him, the gentleman from California (Mr. Corman) and others to do those fine things for the disabled that he has in mind, he will take advantage of it.

I am all for him. I want to cooperate with him.

Mr. COLLIER. I certainly will, because—we met as a task force in a thoughtful manner—and I underline the word, "thoughtful" and recognized the gross inadequacy of the proposal and, come up with a proposal in the committee that addresses itself to the real problem.

Mr. REUSS. Mr. Speaker, I will be delighted to accommodate the gentleman from Illinois if he chooses to make a superb bill—that is, my bill—even more excellent.

Mr. COLLIER. Mr. Speaker, I do not think we are ever going to get a superb bill, any more than we got a superb proposal for tax reform, but I will say it is a vast improvement over what we were faced with.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio (Mr. Latta).

Mr. LATTA. Mr. Speaker, I support this rule, and I hope that the House will have better judgment than the Committee on Rules did when it first considered this piece of legislation.

The Committee on Rules listened with interest to the gentleman from Wisconsin and the gentleman from Ohio on their proposals and then voted to give them the privilege of offering them the debt ceiling bill. It soon became apparent to the majority of the Rules Committee that all of the proposed tax changes were not adequately and completely explained by the sponsors when they testified in support of them.

I might say that it did not take too long thereafter for members of the Rules Committee to become familiar with what was being attempted. A reconsideration of the vote soon followed.

Now, I would hope that the House would not act in haste as the Committee on Rules did and would require full and complete hearings on these matters before taking action.

Everybody is for getting rid of tax inequities through tax reform and everybody is for an increase in social security benefits. We are all for these two proposals, but we are not all for doing it in the dark on the spur of the moment in order to grasp a few headlines.

The gentleman from Wisconsin is asking us to vote down the previous question on this rule so that he can propose what he calls tax reform legislation without the benefit of committee hearings. Such an action by this House would be completely irresponsible.

I hope that we will have the good judgment to go along with the thinking of the Committee on Rules and the Committee on Ways and Means and permit these measures to come to the floor in proper form after proper hearings have been held.

The SPEAKER. The time of the gentleman has expired.

Mr. QUILLEN. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. LATTA. Mr. Speaker, I know the Committee on Rules has been wrong in the past, but in this instance I think its action is correct and I support the committee.

Mr. REUSS. Will the gentleman yield?

Mr. LATTA. I am happy to yield to the gentleman from Wisconsin.

Mr. REUSS. Let me say to the gentleman from Ohio I explained fully to the Committee on Rules, as I have been explaining to everybody in the Congressional Record and in other forums for a long time, precisely what the tightening of the Minimum Tax Act of 1969 involved. Of course, that involved a tightening of the oil depletion allowance. I simply cannot believe that those who suddenly changed their minds on the committee were unaware of the fact that since 1969 we have had a minimum tax on the oil depletion allowance, and therefore increasing the rate of that tax would simply mean those who took advantage of oil depletion would have to pay a little more.

Mr. LATTA. In reply to the gentleman from Wisconsin, let me say when he says he explained it "fully" to the Committee on Rules there appears to be a great difference between what "fully" means to him and what it means to the members of the Committee on Rules.

I yield back the balance of my time.

Mr. QUILLEN. Mr. Speaker, I urge my colleagues to vote for the previous question. This is no time to open up a bag of worms.

I have no further requests for time but reserve the balance of my time.

Mr. BOLLING. Mr. Speaker, I yield such time as he may use to the gentleman from New Jersey (Mr. Thompson).

Mr. THOMPSON of New Jersey. Mr. Speaker, I rise in opposition to the rule, House Resolution 687. I urge my colleagues to substitute for it the rule granted last week by this same Rules Committee, House Resolution 672, which makes in order the tax reform/social security amendment of which I am a sponsor. The Rules Committee recognized last week the importance of a floor vote on the amendment, it is just as important to Congress and to the country this week. I think that everyone knows, at least everyone who reads the newspapers knows, what happened to turn that rule around.

Our amendment does two things. First, it raises the social security benefits by 7 percent, effective January 1, 1974. The Social Security Administration has told us that the checks with this increase cannot be mailed out until March, at which time the increase, retroactive to the first of the year, will appear. This will cost about $1.6 billion in fiscal year 1974, and will benefit 29 million people. Second, our amendment raises money to pay for this increase and for other things. We would tighten the minimum tax on preference income, which Congress enacted in 1969 at 10 percent but which is working out at only 4 percent. This would raise taxes on rich people and on large corporations — among them oil companies—who have large amounts of preference income. The tax reform would raise $3 billion a year and affect only 300,000 tax returns, of whom 100,000 are already covered.

That is not a bad tradeoff: $3 billion from a few hundred thousand taxpayers of great wealth to benefit 29 million retired workers.

There is another side to this amendment: The fact that if we put it on the debt ceiling, it is less likely to be vetoed than if we passed it as a separate bill, or two separate bills. We all know that Mr. Nixon is not enthusiastic about tax reform. And only this week, his spokesmen have told the Ways and Means Committee that he would veto any social security increase during the current fiscal year, despite the violent increase in the Consumer Price Index. So if we want to pass these measures, we are going to have to use the best tool available to us constitutionally: a virtually veto-proof bill.

Is there any question that we do want to vote for tax reform and for a social security increase? There is certainly none in my mind. Many of us, if not most, on both sides of the aisle ran for election last November on promises of some kind of tax reform. All of us have social security recipients in our districts unable to get along on benefits, now that the cost of essentials like food have gone up so sharply. And all of us are to blame when this Congress is called a do-nothing Congress, too passive and timid to to get even mildly controversial social legislation to the White House. If we fail to attach this amendment to the debt ceiling bill, even if we act later on separate social security or tax reform bills and set up a Presidential veto, we are going to have a lot of explaining to do in our districts this Christmas.

I urge my colleagues to vote down the previous question on the rule, vote for a substitute rule making in order our tax reform social security amendment, and then to vote for the amendment to the debt ceiling bill.

Mr. BOLLING. Mr. Speaker, I yield 10 minutes to the distinguished acting chairman of the Committee on Ways and Means, the gentleman from Oregon (Mr. Ullman).

Mr. ULLMAN. Mr. Speaker, first I want to express my appreciation to the now great Committee on Rules for bringing us this rule which I was asked to request from that committee by the Committee on Ways and Means when we originally appeared before them.

Let me say to the membership that when I appeared before the Rules Committee I made it very clear in my statement—and I think they understood what I was saying—that it was my intention as the acting chairman of the Ways and Means Committee expeditiously to bring before the House a social security measure that would take care of the problem of cost-of-living increases in an equitable way and also to bring before the Committee on Ways and Means a tax reform bill that would pick up some revenue and close some loopholes.

Because of the time frame I did not give them any assurances that this would be an extensive tax reform package, but I did say that it would be a responsible one which would pick up at least $1.5 billion in revenue. That is my present hope and intention.

Previously in open sessions in the Committee on Ways and Means, I had announced essentially the same information; namely, that it was my intention to bring to the committee for consideration before adjournment both the social security package and the tax reform package.

I want to reaffirm again to the membership of the House my intention to seek action on these two measures. We did vote out this morning, and we did adopt, by a rather overwhelming majority a social security package that I am going to, in a few minutes, ask the gentleman from California (Mr. Corman) to explain to the Members.

One of the things that we try to do in the Committee on Ways and Means is be responsible in these most difficult areas. The members of the Committee on Ways and Means have difficult areas of jurisdiction that was given us by the Members of the House and by the rules of the House. We try to protect the membership to the maximum of our ability in these very difficult and controversial areas.

In the field of tax reform I think it is extremely important that we look carefully at the matter of equity, that we look carefully at the impact upon the economy, and that we look carefully at the impact on one segment of the economy as against the impact on another segment of the economy. These are among the many considerations that we have to take into account when we look at tax reform.

I am disappointed, as I know all of the members of the Committee on Ways and Means are, that we have not proceeded further with the basic tax reform package that we had talked to the House about earlier this year. We held extensive hearings during 2½ months last spring, and they were probably the most thoroughgoing hearings on tax reform that have ever been held. The staff since then has been working on an initial tax package for the committee to consider this year, and early next year it will proceed expeditiously with the development of a broad-based tax reform package. We are going to try to be responsible both in the initial package and in the ultimate package.

Mr. Speaker, just one more word before I yield to my friend, the gentleman from California (Mr. Corman), and that is to say that I hope the Members will not seriously consider voting against the previous question. The Reuss proposal, well-intentioned as it might be, has not had

the opportunity for the thoroughgoing analysis and evaluation that we try to give measures of this kind. For instance, just as a mere beginning, and I would point out that the staff had made an analysis here of the Reuss-Vanik proposal, but just, as an example, it would increase taxes on mutual savings banks by 37.9 percent, increase taxes on savings and loans associations by 45.1 percent, increase maximum capital gains tax rate for individuals from 36.5 percent to 52.5 percent, and decrease the depletion rate to 11 percent. These are basic matters that involve fundamental national policy and national priorities: How do they dovetail with the fuel crisis and our need to expand our production of petroleum at this critical time? How do they dovetail with our problem on getting credit and capital into our society in view of a probable turndown next year in the economy? These are the matters that we need to take up.

I assure the Members that as we go forward on this subject that the Committee on Ways and Means will attempt to be responsible in these matters and to bring the Members real tax reform, tax reform that is wisely considered and responsible and equitable, and will plug the loopholes and spread the tax base as widely as is possible and is in the interest of the people of our country.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I would ask the gentleman from Oregon how much additional revenue was expected to be raised by the tax bill that was prepared to be attached to this debt ceiling bill?

Mr. ULLMAN. Somewhere in the neighborhood of $2.5 billion, of which I think $1.6 billion would affect individual tax liabilities and the rest would be raised in the corporate sector.

Mr. GROSS. Was it provided that $2.5 billion would be used to reduce the Federal debt?

Mr. ULLMAN. No, there was no such provision, according to my understanding.

Mr. GROSS. In other words, this would be more money to be spent around at home, and particularly abroad?

Mr. ULLMAN. It could very well be.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. Corman) to explain the social security provision that we have adopted.

Mr. QUILLEN. Mr. Speaker, I yield 3 additional minutes to the gentleman from California.

Mr. CORMAN. Mr. Speaker, I may say all I know in 2 minutes, but I appreciate the gentleman's yielding time.

The effort of the committee was to get dollars as quickly as possible to the poorest people among us. They are the people who suffer most from inflation, the people who spend all of their budget for food, and for rent. Those are the costs that have gone up most rapidly. This package provides an increase in the SSI or public assistance portion of social security by $10 for an individual and $15 for a couple, commencing January 1, with an additional increase of $6 and $9 commencing in July.

There are some 6 million people in this Nation who draw less social security than the minimum public assistance payment and those 6 million people are the ones to whom we address ourselves in that portion of this package.

Second, we asked the administration how long it would take to make adjustments within the social security checks themselves. We can provide for a flat percentage increase for the March payment that would be paid in April and we can provide what is called a refined payment, in July. We decided to give during the next calendar year an 11-percent increase since that is the amount that it is anticipated will be the increase in the cost of living by January 1975. That moves up by some 6 months the first of what would have been an automatic cost-of-living increase.

We provided further that cost-of-living increases in the future would be given in July instead of the following January, so that those increases would come more nearly to the time the cost of living goes up.

No one pretends that people who live on public assistance or people who live only on social security live very well in this country. It is difficult for them to get by, but we do have restraints on our assistance. First of all, we have consistently said that the social security system itself must be actuarially sound. That does not mean that we pay the public assistance portion out of the social security trust funds. That is paid from general funds. But insofar as the social security benefits themselves are concerned, they have always been actuarially sound, and they are in the committee's proposal.

We further wanted to avoid a social security tax rate increase, because admittedly social security taxes are regressive. They fall heaviest on those people who are in the lower income brackets. So rather than adjust the tax rate, we adjusted the tax base to $13,200. This will give an 11-percent social security increase during calendar year 1974 and provide for a cost-of-living increase starting in July of 1975 and for every year thereafter without jeopardizing the soundness of the fund. From general funds it will provide an additional $16 and $24 per month for the poorest individuals and poorest couples during that calendar year.

That is as fast as the adjustments can be made. It keeps within actuarial soundness without having to change the tax rate, and I believe it is a defensible package.

Mr. QUILLEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. Latta).

(Mr. LATTA asked and was given permission to revise and extend his remarks and include extraneous matter.)

(By unanimous consent, Mr. Latta was permitted to speak out of order.)

WHERE IS WATERGATE IN TERMS OF GLOBAL WAR?

Mr. LATTA. Mr. Speaker, I wish to share an editorial given by WSPD–TV, Toledo, Ohio, on November 6, 1973, with my colleagues. It seems to put Watergate in proper perspective. The editorial follows:

We Think It Boils Down to This: Bad as Watergate May Be, Where Is It in Terms of Avoiding Global War?

WSPD hopes President Nixon does not resign. In saying this, we are not ignoring the long and torturous trail of events which have prompted calls for resignation or impeachment. We share fully in the concern reflected in those calls.

But, even allowing for the very worst of suspicion surrounding Watergate and its constantly unfolding aftermath, in our opinion they pale to relative insignificance beside the nightmarish realities of the Middle East and its potential for war between the super-powers . . . which could mean the last war for all of humanity.

In this brutal context, we believe the avoidance to date of a direct confrontation between the Soviet Union and the United States is largely traceable to President Nixon's diplomatic spadework.

Had it not been for the Russian thaw he initiated last year, we're only left to shudder over what might have happened within the past couple of weeks. Again, we're not minimizing the domestic traumas, but we do wonder, with unabashed fear, over what might transpire on the literal life or death issue of war or peace if the man and his team who materialized the detente with the Communist powers were suddenly replaced by quantities unknown to those powers.

To WSPD, this is the priority fact . . . the reality which impels us to hope that Mr. Nixon, in this his final term in office, will continue to hold down the prospects of an international Armageddon. His resignation would pose a gamble we don't think the world is prepared to take.

Mr. BIAGGI. Mr. Speaker, I rise in strong opposition to the rule for consideration of the bill H.R. 11104, the debt ceiling increase. Adoption of this rule will represent an inexcusable disregard by the Congress of the needs of millions of elderly and poor Americans.

Adoption of this rule will preclude any introduction of a comprehensive social security and tax reform amendment.

If this rule is passed, an urgently needed 7-percent social security increase for our elderly Americans will be postponed from January 1, 1974, until at least July of 1974. This postponement will serve to perpetuate the tragic economic plight of our elderly citizens, who are forced to rely exclusively on social security for their economic well-being. Based on the steady bombardment of unfavorable economic statistics issued monthly by the Cost of Living Council, by the time July 1974 rolls around, the cost of living will rise by more than 10 percent. Yet, for 29 million older Americans they will face the prospects of keeping pace with this increase without the benefit of a rise in their social security payments. Simple mathematics would show that their economic survival would be in definite jeopardy. Moreover, these Americans spend most of their funds on food, clothing and shelter, sectors of the economy that have risen at a higher than average rate.

However, if this rule is defeated, and this amendment adopted, these same Americans would see an increase of between $12 and $30 in their monthly social security checks as early as January of 1974.

Ironically, the House has seen to it to provide other groups in this country with assistance in their efforts to combat the high cost of living. An example are the Federal retirees who received a 6-percent

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increase in pension payments automatically last July, and will receive another increase in excess of that in January. If social security recipients had this program in operation for them, the increases we seek today would have been automatically provided for.

These older Americans on social security are not looking for handouts. They have worked many long hours and have contributed faithfully to insure that their elderly years would be comfortable. Yet now, many of these same individuals are at the brink of poverty, and look to Congress for assistance. Yet, what is our answer, wait another 8 months?

Adoption of this rule will also prevent consideration of an amendment to tighten the minimum income tax. There is no doubt that congressional action on tax reform is long overdue.

I have long been an advocate of tax reform. Again as in the social security issue, the cost-of-living increase gives rise to the need for effective tax reform. Some examples of the inherent inadequacies of our present tax system can be seen in the fact that in 1973 alone, 276 people with incomes over $100,000 paid no tax at all. Tax reform such as we propose today would raise up to 3 billion dollars in annual revenue, more than enough to budgetarily balance off the aforementioned social security increase as well as maintain overall fiscal responsibility.

Some of the provisions of the tax reform amendment include the replacement of the $30,000 exemption with a $10,000 exemption; removing deductions for other Federal taxes paid on nonpreference incomes, and the replacing of the flat 10-percent rate to one-half the normal tax schedules.

Most importantly under this amendment over 90 percent of the minimum tax yield would come from individuals with incomes in excess of $50,000, yet those with incomes of less than $10,000 would not be required to file minimum tax forms.

Yet all these worthwhile and desperately needed improvements stand to be shelved by the adoption of this rule. The poor and elderly in America today are tired of postponements and idle promises, they want and deserve action. We in the Congress today have the opportunity to answer this urgent plea. We can provide our beleaguered poor and elderly with immediate relief, we can assure them of their economic survival, and we can show them that no longer will they have to shoulder the tax burden in this country. But above all, we will demonstrate to them that their welfare is indeed our concern. I urge the defeat of this rule, and the adoption of a rule that will permit consideration of the social security increase and tax reform amendment I and others are supporting.

Mr. QUILLEN. Mr. Speaker, if the gentleman from Missouri has no further request for time, I have no further request for time.

Mr. BOLLING. Mr. Speaker, I would merely like to congratulate the Committee on Ways and Means on its prompt and humanitarian action with regard to social security.

Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. REUSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 274, nays 135, not voting 24, as follows:

[Roll No. 564]

YEAS—274

Abdnor
Alexander
Anderson, Ill.
Andrews, N. Dak.
Archer
Arends
Armstrong
Ashbrook
Baker
Barrett
Bauman
Beard
Boggs
Boland
Bolling
Bowen
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Byron
Camp
Carey, N.Y.
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cochran
Collier
Collins, Tex.
Conable
Conlan
Conte
Corman
Coughlin
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Danielson
Davis, Ga.
de la Garza
Delaney
Dellenback
Dennis
Devine
Dickinson
Dorn
Downing
Dulski
Duncan
Edwards, Ala.
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fish
Fisher
Flood
Flowers
Flynt
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Gettys
Giaimo
Gibbons
Gonzalez
Goodling
Griffiths
Gross
Grover
Gubser
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Heinz
Henderson
Hillis
Hinshaw
Hogan
Holifield
Holt
Hosmer
Huber
Hudnut
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Karth
Kazen
Keating
Kemp
Ketchum
King
Kuykendall
Landgrebe
Landrum
Latta
Lent
Litton
Long, La.
Lott
Lujan
McClory
McCloskey
McCollister
McDade
McEwen
McFall
McKay
McKinney
McSpadden
Macdonald
Madigan
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Mayne
Michel
Milford
Minshall, Ohio
Mitchell, N.Y.
Mizell
Mollohan
Montgomery
Moorhead, Calif.
Morgan
Mosher
Murphy, N.Y.
Myers
Natcher
Nichols
Nix
O'Brien
O'Neill
Parris
Passman
Pepper
Perkins
Pettis
Peyser
Pickle
Poage
Powell, Ohio
Preyer
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Rarick
Regula
Rhodes
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rostenkowski
Rousselot
Roy
Runnels
Ruth
Ruppe
Ryan
Sarasin
Satterfield
Scherle
Schneebeli
Sebelius
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, N.Y.
Spence
Staggers
Stanton, J. William
Steed
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stubblefield
Stuckey
Sullivan
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Thomson, Wis.
Thornton
Tiernan
Towell, Nev.
Treen
Ullman
Van Deerlin
Vander Jagt
Veysey
Waggonner
Waldie
Walsh
Wampler
Ware
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles, Tex.
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Young, Alaska
Young, Ill.
Young, Tex.
Zion
Zwach

NAYS—135

Abzug
Adams
Addabbo
Anderson, Calif.
Andrews, N.C.
Annunzio
Ashley
Aspin
Badillo
Bafalis
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Brademas
Brasco
Brown, Calif.
Burke, Mass.
Burlison, Mo.
Burton
Carney, Ohio
Chisholm
Clay
Cleveland
Cohen
Collins, Ill.
Conyers
Cotter
Cronin
Culver
Daniels, Dominick V.
Davis, S.C.
Dellums
Denholm
Dent
Derwinski
Dingell
Donohue
Drinan
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Fascell
Findley
Foley
Fraser
Froehlich
Gaydos
Gilman
Ginn
Grasso
Gray
Green, Pa.
Gude
Gunter
Hanna
Harrington
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Horton
Howard
Hungate
Jordan
Kastenmeier
Kluczynski
Koch
Kyros
Leggett
Lehman
Long, Md.
McCormack
Madden
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Miller
Minish
Mink
Mitchell, Md.
Moakley
Moorhead, Pa.
Nedzi
Obey
Owens
Patten
Pike
Podell
Price, Ill.
Randall
Rangel
Rees
Reid
Reuss
Riegle
Rodino
Roe
Rogers
Roncalio, Wyo.
Rosenthal
Roush
Roybal
Sarbanes
Schroeder
Seiberling
Smith, Iowa
Snyder
Stark
Steel
Stokes
Stratton
Studds
Thompson, N.J.
Thone
Udall
Vanik
Vigorito
Whalen
Wilson, Charles H., Calif.
Wolff
Yates
Yatron
Young, Fla.
Young, Ga.
Young, S.C.
Zablocki

NOT VOTING—24

Bell
Blackburn
Blatnik
Burke, Calif.
Davis, Wis.
Diggs
Ford, William D.
Goldwater
Green, Oreg.
Hébert
Holtzman
Jones, Tenn.
Mahon
Mills, Ark.
Moss
Murphy, Ill.
Nelsen
O'Hara
Patman
Rooney, N.Y.
St Germain
Sandman
Stanton, James V.
Teague, Tex.

So the previous question was ordered.

The Clerk announced the following pairs:

Mr. Mills of Arkansas with Ms. Holtzman.

Mr. Teague of Texas with Mr. O'Hara.

Mr. James V. Stanton with Mr. Diggs.

Mr. Blatnik with Mr. Davis of Wisconsin.

Mrs. Burke of California with Mr. William D. Ford.

Mr. Jones of Tennessee with Mr. Blackburn.

Mr. Hébert with Mr. Mahon.

Mrs. Green of Oregon with Mr. Bell.

Mr. Moss with Mr. Nelsen.

Mr. Murphy of Illinois with Mr. Sandman.

Mr. Rooney of New York with Mr. Goldwater.

Mr. St Germain with Mr. Patman.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

LAYING OF HOUSE RESOLUTION 672 ON THE TABLE

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that House Resolution 672, temporary increase in debt limit through June 30, 1974, be laid on the table.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PROVIDING INFORMATION ON THE NORTHEAST RAIL TRANSPORTATION ACT

(Mr. HILLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILLIS. Mr. Speaker, on Thursday of this week, the House is scheduled to consider H.R. 9142, the Northeast Rail Transportation Act. With this fact in mind, I am today placing in the RECORD, under the extension of remarks, information which shows how truly vital the passage of this legislation is to the survival of the railroad industrial in this Nation. It is my hope that my distinguished colleagues will take a moment out of their busy schedules to review this material prior to casting their votes on this legislation.

INCREASE OF TEMPORARY LIMIT ON PUBLIC DEBT

Mr. ULLMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11104) to provide for a temporary increase of $13,000,000,000 in the public debt limit and to extend the period to which this temporary limit applies to June 30, 1974.

The SPEAKER. The question is on the motion offered by the gentleman from Oregon.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 11104, with Mr. NATCHER in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Oregon (Mr. ULLMAN) will be recognized for 1 hour, and the gentleman from Illinois (Mr. COLLIER) will be recognized for 1 hour.

The Chair recognizes the gentleman from Oregon (Mr. ULLMAN).

Mr. ULLMAN. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, this bill would increase the debt limit to $478 billion through June 30, 1974. I think you all know the permanent debt ceiling is $400 billion and the temporary debt ceiling that we are now operating under is $65 billion additional, or a combined ceiling of $465 billion. This will be raised in this bill to $478 billion and extended through June 30 of next year.

The administration appeared before our committee and asked for a level of $480 billion, but in looking at all of the material that they gave us and in our examination of the witnesses, it became clear that the highest amount of debt in this period that they estimate under the assumptions that they brought to us, including $3 billion for contingencies and $6 billion as an operating cash balance—the highest amount they would reach in this period of time was $478 billion. So we feel we have fully complied with the request of the administration.

The assumption on which the estimate is based is that of a unified balanced budget of $270 billion in fiscal year 1974. This assumes expenditures do not exceed the $270 billion of estimated receipts, which is not completely certain at this time. The increased expenditures because of the Middle East problems will in large part be deferred until the next fiscal year. The Treasury receipts estimates for the remainder of the year conform largely to those estimates that we can get from the private sector forecasters.

The experts on the staff of the Joint Committee on Internal Revenue Taxation, under the direction of Larry Woodworth—who, in the past, traditionally have been more right than whatever administration was in power—believe that these estimates are a bit high.

The Treasury forecast for the first half of 1974 is a bit more optimistic than I feel is warranted, and I think that the joint committee staff feels is warranted, but we do have ample time next year from the time we convene through June 30, to reevaluate the situation and come back to the House with an additional debt ceiling increase if that might be required. We are extremely hopeful that it will not be.

Let me talk to the Members for just a minute or two about the need for these kinds of debt ceiling operations. Traditionally, this is the only way we have to control spending. It is not a good device for budgetary control. I think we all recognize that. All we are doing here is agreeing to pay the bills that we have already incurred. It has been my judgment and I think the judgment of the committee and of the Congress, however, that bad as it is it is better than no control at all, because at least there is a periodic look at the expenditure and revenue prospects, and the economy. It allows us to get the administration to defend its actions and to give us its estimates, and I think to that extent exercises some discipline. But I have felt for a long time, and I think most Members of the House have felt also, that we need a much better discipline within our own structure here in Congress if we are really to get a firm control over national expenditures. That is why we have been working very hard in the Joint Study Committee on Budget Control, the gentleman from Mississippi, Mr. JAMIE WHITTEN, and I, and all of the others who have served on that committee, to develop a program for budgetary control. I want to congratulate the Committee on Rules that has this under their jurisdiction, for the long hours that they have spent in developing what I believe is a sound budget control program.

I have worked very closely with the members of the Rules Committee, and there have been some knotty problems and some controversy, but in every instance of vital importance so far I believe we have obtained a legislative budgetary procedure that is meaningful and will do the job. I think the Committee on Rules has come through with an alternative that will work. I am most hopeful that within the next several days the Committee on Rules will report out a bill that will in effect set up the procedures in the House within our parliamentary structure that will allow us to cope with this most difficult problem of budget control, and that will give us for the first time a meaningful debate on economic policy, and that will allow us to target in on revenues and expenditures in conformity with the economic circumstances that we find.

Then I think even more importantly it will allow us to debate and decide on budget priorities, something that we long ago handed over to the executive branch of the Government.

I think these procedures are basic. And then we can develop procedures whereby a concurrent resolution will be brought to the Congress early in the year that will establish these limitations, through good congressional debate, and procedures that will apply to the consideration of the appropriation process in a meaningful way, so that we will actually lock in the priorities prior to the beginning of the new fiscal year.

I think this is going to be a tremendously significant development. Again I want to congratulate the Committee on Rules. They have followed the general format of the proposal that we presented. They modified it in some ways, but they have been most courteous in asking for the advice of the gentleman from Mississippi (Mr. WHITTEN) and my advice. I am pleased to say that as of now they have developed a complete, responsible program that I am hopeful the Congress will enact.

Let me look now very briefly at another item that the administration raised when they came before the committee. They recommended that we take off the interest rate limitation on savings bonds altogether. The committee, however, feels that at the present time the Treasury has the authority under present law to increase these rates by one-half of 1 percent, an authority granted to them within the last 2 years. The interest ceiling now is 5½ percent. The Treasury has told us that they certainly would not intend to go above 6 percent.

In our report we have made it clear that they do have the existing authority to raise this limit to 6 percent. With that understanding, the Treasury and the administration were satisfied with this language and this procedure.

Let me just talk very briefly about this business of keeping a clean debt ceiling bill. I think that we make a grave mistake here in Congress when we attempt to use a device like this as a mechanism for getting something else done. If the orderly processes of the Congress are wrong, then we should change them, but I think it is an extremely unwise procedure to use a bill such as a debt ceiling bill to add on a lot of nongermane matters.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ULLMAN. Mr. Chairman, I yield myself 5 additional minutes.

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Mr. Chairman, that is why I think it was extremely wise of the Committee on Rules to go back and reconsider their action which would have allowed both the tax and the social security amendments on the floor, and instead bring this bill to the floor clean. This is the sound way to legislate. I had, as I indicated in the debate on the rule, gone to the Committee on Rules and very thoroughly explained to them the purposes and objectives of the Committee on Ways and Means in bringing forth in a responsible way social security amendments as well as tax reform amendments this year.

I want to say here before this body that it is my full intention as the acting chairman—and I think I can speak for most of the members of the committee—to follow through with that procedure. This morning we voted out a social security bill for drafting purposes which hopefully we can get introduced this afternoon that accomplishes the real basic objective of bringing us up to date on cost-of-living increases in the social security system.

Mr. Corman explained that procedure and that bill to the Members in our debate on the rule, but let me very briefly run through the main provisions. The committee agreed first to the SSI increase in payments of $10 for individuals and $15 for a married couple as of January 1 next year. This is the new program, remember, that is just going into effect whereby we establish direct Federal payments to the adult assistance category under our general social security program.

It is going to be a good and meaningful program, but this increase, I think, will go to the people who need it more than anyone else. This will go to some 4 million people who are the poor people of this country who do need additional help because they have no other means of sustenance.

Beyond that, the committee agreed to an 11 percent increase in social security benefit payments for 1974. This would be a 7-percent increase in March, which benefits are paid in April, and another 4-percent increase in June, with benefits paid in early July. In order to finance this kind of a program, after examining carefully the actuarial soundness of the fund, it became obvious that it was going to be necessary to increase the wage base from $12,600 to $13,200 effective January 1, 1974, but there will be no increase in rates needed in the system at this time.

The timing of the first automatic cost of living adjustment on a permanent basis was changed to July 1. As Members know, the first cost-of-living increase was to go into effect on January 1. This has been changed to July 1. So the first regular cost-of-living increase following the increase we are setting forth in that bill will be as of July 1, 1975, and continue from then on on that basis.

We think this is a sound answer to the problem. Now for the first time we have really phased in these interim increases into the long-range program of cost-of living increases. It is our intention and our hope that from here on we can go into the automatic phase of the cost-of-living adjustment program without further action by the Congress.

Very briefly, again turning to the matter of taxes, it is my intention to bring, hopefully tomorrow and certainly by early next week, to the committee recommendations put together by Dr. Woodworth and his staff to provide an interim tax reform package that hopefully will pick up from $1 to $1½ billion and possibly $2 billion worth of revenue.

Again I want to say that I fully expect and hope that we will be able to agree on this kind of package and that we will be able to get it to the floor within the next couple of weeks and that we will be able to get it passed.

From there the committee will go on early next year to the complete tax reform package on which we held thorough hearings, as all Members know, earlier this year. The staff is doing a great deal of work in all the complex areas of taxation. The tax system does need overhauling. We had an extensive and complicated tax reform package in 1969. It is time now to move on and take care of the inequities that have developed since then or which we could not then deal with. It is our intention early next year to bring that to the Congress.

Mr. SMITH of New York. Mr. Chairman, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from New York.

Mr. SMITH of New York. Mr. Chairman, I want to compliment the gentleman and the committee for proceeding down this road in an orderly fashion.

Also I hope the gentleman and the gentleman from Mississippi are making progress on this budget legislation that hopefully is going to change the method of our doing business.

Mr. ULLMAN. Mr. Chairman, I appreciate the remarks made by the gentleman from New York.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. Collier).

Mr. COLLIER. Mr. Chairman, I rise in support of H.R. 11104 which provides for a $13 billion increase in the temporary public debt ceiling and extends the period to which this limit applies to June 30, 1974.

In addition, as the distinguished gentleman from Oregon who just preceded me pointed out, the Committee on Ways and Means sought to clarify certain ambiguities relative to the legislative intent in the Second Liberty Bond Act to allow the Secretary of the Treasury with approval of the President to increase the rate of interest paid on U.S. bonds by one-half of 1 percent, to a level of 6 percent.

While there may be some misunderstanding that a vote against increasing the debt ceiling is a vote for economy, nothing could be farther from fact. To promote this misunderstanding for political reason at this particular time does a great disservice to the process of orderly debt management and the country in general.

Every knowledgeable Member of this body knows that we are faced with meeting the good faith obligations of the U.S. Government—obligations incurred solely by the Congress through the authorization of appropriation process.

Failure to provide the borrowing authority sought in this bill would result in mandatory impoundment on a mammoth scale or outright default of Treasury commitments which holds frightening if not catastrophic ramifications.

The present permanent statutory debt ceiling is $400 billion. This permanent ceiling is supplemented by temporary borrowing authority which, under existing law through November 30 of this year, amounts to $65 billion. The combined permanent and temporary public debt limitation has been at $465 billion since October 27, 1972. The committee bill would increase the temporary ceiling by $13 billion until the end of this fiscal year but makes no change in the permanent ceiling of $400 billion. The debt subject to limitation as of October 31 is estimated to be right at the existing limit of $465 billion and by November 30 is estimated to be over that limit by $2 billion. Therefore, it is imperative that we act now to increase the combined permanent and temporary limitation to avoid difficulty at the end of this month as well as to insure that the ceiling does not revert to the $400 billion level at that time. As the Members are aware, should the latter occur, it would then become impossible for the Government to issue any new debt, roll over existing debt and meet its bills as they occur.

It should be noted that the committee's bill imposes a very tight debt limitation on the Treasury during the rest of the fiscal year. As is shown in the following table, it is estimated that with a $6 billion operating cash balance and the normal $3 billion contingency, the debt subject to limitation will be $478 billion on May 31, and often the month-end indebtedness is exceeded within the month. This means that the Treasury will have to exercise extreme caution in the management of the public debt during the entire period for which the committee has increased the temporary limitation.

PUBLIC DEBT SUBJECT TO LIMITATION, FISCAL YEAR 1974 (ESTIMATED)

[Based on estimated budget outlays of $270,000,000,000 and receipts of $270,000,000,000]

[In billions]

	Operating cash balance	Public debt subject to limitation	With $3,000,000,000 margin for contingencies
1973:			
Oct. 31	$6	$465	
Nov. 30	6	467	
Dec. 31	6	467	
1974:			
Jan. 31	6	467	$470
Feb. 28	6	471	474
Mar. 31	6	473	476
Apr. 30	6	468	471
May 31	6	475	478
June 30	6	468	471

Source: Office of the Fiscal Assistant Secretary, Oct. 15, 1973

Congress last acted on this subject during the summer and on July 1, 1973, the existing $465 billion limitation through November 30 became law. At that time, the committee recommended and Congress agreed that only a 5-month

extension of the then existing debt limitation should be approved despite the administration's request that the temporary ceiling be increased by $20 billion—to $485 billion—through the end of fiscal year 1974. In June, it was apparent that the American economy had been subject to unusual and rapid changes in a short span of time and in addition, up to that point Congress had not yet passed any appropriation bills. It was generally felt that the best course was to merely extend the existing limitation for a few months and then give the question serious consideration again when additional revenue and expenditure estimates would be available. This course has, I believe, proven to be sound,

The administration in January forecast a deficit of $24.8 billion on a unified basis for fiscal 1973 and $34.1 billion on a Federal funds basis. The actual deficit for fiscal 1973 on a unified basis was $14.4 billion and the Federal funds deficit for that same period was $25 billion. Similarly, the January projections of a fiscal 1974 deficit of $12.7 billion on a unified basis and $27.8 billion on a Federal funds basis, have been changed and the administration now estimates that the unified budget will be in balance at the end of the fiscal year and the Federal funds deficit will be at the level of $15.1 billion. On a unified basis, this is a $9.4 billion improvement for fiscal 1973 and a $12.7 billion projected improvement for fiscal 1974.

These welcome changes in the budget picture are attributable to increased revenues which have resulted from continuing economic growth. While the prospects of a balanced budget for fiscal 1974 are encouraging, the achievement of this objective is by no means assured and, in large measure, will be determined by a tight control on expenditures in the remaining months of the fiscal year. This, in turn, will depend upon Congressional actions on spending bills presently pending and anticipated down the road. As Director of the Office of Management and Budget Ash indicated before our committee, several bills currently being considered by the Congress together with inaction on certain savings proposed by the President could add $5 billion to 1974 spending. Thus, whether we do achieve a balanced budget in fiscal year 1974 lies here in the Congress.

The committee's action to increase the temporary debt ceiling by $13 billion through the end of fiscal year 1974 and its belief that the total of $478 billion will be sufficient for that period is predicated on the assumption that expenditures will stay within the budgeted limits. Should there be any significant increases in spending, without an attendant jump in revenues, the $478 billion level will require similar increases.

I believe such a course would be ill-advised and hope that Congress will hold the line on spending this year. It would be unfortunate if we had to review the debt limitation before June as a result of extravagant spending programs.

All of this merely highlights the deficiencies in existing congressional structures for dealing with budgetary control. What we need are procedures for focusing our attention on the Federal budget as a whole so that when we look at the component parts of the budget, we will have some guiding criteria enabling us to establish priorities in accordance with a responsible fiscal policy that serves all of our people. Such procedures are at the very core of the recommendations of the Joint Study Committee on Budget Control and is embodied in H.R. 7130 which I am delighted to say is presently under the active consideration of the Rules Committee.

We need the institutional structures that legislation will establish and we need them as soon as possible so that Congress will have something other than the public debt limit legislation to use as a tool for controlling Federal spending. When we use the public debt to attempt to control Federal spending we are really only ameliorating the symptoms rather than attacking the cause of Federal fiscal problems. The inadequacy of such an approach is proven by the simple fact that we have had to resort to it 3 times within the last 12 months.

Once effective congressional budgetary control procedures are established and operative, the reason for debt ceiling legislation should be lessened. In addition, it will mean that Congress will be in a position to deal with the Federal fiscal problems in a meaningful and regular fashion rather than via the piecemeal approach afforded by the debt ceiling legislation.

In addition to requesting an increase in the temporary debt ceiling, the administration also urged the committee to remove the existing ceiling on savings bond rates in order that those rates could be adjusted to insure that they would remain competitive with other marketable securities. The Secretary of the Treasury pointed out that tens of millions of Americans are enrolled in savings bond programs and that because it has been a cornerstone of the Government's debt management policy, the interest rates payable under it must continue to be attractive to investors. The increases in interest rates payable for other securities in the recent past have made it clear that an increase in the existing 5½ percent payable on savings bonds is required.

In 1970, Congress raised the maximum interest rate allowable on savings bonds. At that time, we provided that the interest rate on the issue price of savings bonds and certificates was not to afford a yield in excess of 5½ percent per year. In that legislation, however, we also provided that the Secretary of the Treasury, with the approval of the President, could increase the interest rates and investment yields on savings bonds by one-half of 1 percent of any accrual period on or after June 1, 1970. In this case, the interest was to be paid as a bonus either on redemption or maturity. The Treasury Department interpreted the legislative intent of this provision in a way which precluded its utilizing it to provide for a general increase in savings bond rates. The committee report accompanying H.R. 11104 makes clear that it was the intent of Congress to allow for such a general rate increase of one-half of 1 percent. Treasury Secretary Shultz indicated that the Treasury Department would not, at this time, raise the allowable rate above 6 percent even if it were granted the flexible authority requested. As a result, the committee concluded there was no need to provide for a legislative increase in the savings bond rates. An increase to 6 percent can and should be effected under present law.

Mr. Chairman, the bill before us contains a needed increase in the present debt limit which should allow the Government to meet its obligations until the end of the current fiscal year. Its necessity serves to highlight again the urgency of congressional action on budgetary control procedures. Certainly there is no more important nor worthy objective and it is my hope that we can move on the budgetary control legislation in the near future.

Mr. LANDGREBE. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. I yield to the gentleman from Indiana (Mr. Landgrebe).

Mr. LANDGREBE. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, just about a year ago we sat in this Chamber and approved a $15 billion increase in the public debt under the guise of fancy rhetoric on how we, the Congress, were going to reform our budgetary procedures to curb this reckless deficit spending. Today's legislation to increase the public debt by another $13 billion illustrates the failure of Congress to address itself to the question of fiscal responsibility. By neglecting this question, we have failed the American people, the taxpayers, who must ultimately pay for our looseness and disregard through the erosion of their buying power.

Before considering to approve this legislation to raise the public debt to $478 billion for the remainder of fiscal year 1974, I ask you to weigh its economic impact on our entire economy. First, a $13 billion increase would further stimulate inflation creating the impetus for even higher prices that reverberates throughout every sector of our economy. How can we with one hand initiate inflation and then with the other hand try to curtail inflation under the auspices of wage and price controls? This sort of policymaking not only makes little sense but creates havoc with our Nation's finances and finally produces friction in the marketplace. We are in reality adding to inflationary pressures, while at the same time disrupting the economy with unnecessary shortages caused by these unfair and rigid price controls.

Second, continued inflation only makes American goods and products less competitive on the international market. Do we wish to create another balance-of-payments deficit when we are experiencing for the first time in years a surplus in foreign trade payments? If you remember, we devalued the dollar twice in 1 year to obtain this surplus, and in doing so, we asked the American consumer to pay higher prices here at home and overseas.

Lastly, if we want to exert ourselves to fiscal responsibility and economic order in this country, we must either dramatically cut Federal spending or raise additional revenues. Are you willing to return home and ask your constituents and all American taxpayers to pay for your vote today to increase the national debt and finance over $29 billion a year on its interest? Why cannot we stop deceiving the American public and honestly tell them that we can no longer continue to subsidize all our special interests? We must put our personal biases and preferences aside and set some budgetary priorities for ourselves and the country, like responsible human beings.

There are many bills already pending in committees which call for a balanced budget and a ban on deficit appropriating. I have cosponsored two such measures. Yet we somehow find it more important and in the immediate national interest to lift the TV blackout on pro football games so we may watch the Redcoats—I mean the Blueskins—oh, the Redskins every Sunday afternoon, than we do in putting our financial house in order.

For the first time in over a decade we have a nonwartime economy with full employment and record prosperity.

Is not this a perfect set of circumstances under which to reflect patriotic zeal by taking the tough but necessary actions to bring our Federal budget into balance?

Mr. SCHNEEBELI. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise to urge support for H.R. 11104, a bill to provide for a temporary increase in the public debt limit through June 30, 1974.

This legislation is essential to permit the Treasury to conduct the finances of the Government in an efficient manner. Without this legislation, the Treasury will lack the authority to discharge its obligations and to pay the bills for the spending programs voted by the Congress. The present temporary debt limit of $465 billion will expire on November 30 of this year, and the actual debt is expected to exceed this limit sometime late in November if the Treasury is to be permitted to maintain a normal operating cash balance. Moreover, if the present temporary limit is permitted to expire, the debt limit will revert to its permanent level of $400 billion on December 1.

The $478 billion temporary debt limit proposed in this bill, while $2 billion less than the amount requested by the Secretary of the Treasury, should be adequate to permit the Treasury to operate efficiently throughout the remainder of this fiscal year based on present estimates of budget receipts and outlays.

In presenting his request for an increase in the temporary debt limit, the Secretary of the Treasury also proposed removal of the statutory interest ceiling on U.S. savings bonds so as to permit the Treasury to pay a fair competitive rate to the holders of these bonds. The Treasury is concerned that an interpretation of present law would appear to limit the interest rate on savings bonds to 5½ percent. Yet, the Ways and Means Committee has made clear in reporting the debt limit bill that the Treasury may under present law pay a rate as high as 6 percent. Thus, the Treasury may now increase the savings bond rate from 5½ percent to 6 percent, which should be adequate under present circumstances, and a statutory amendment is not necessary at this time.

Mr. Chairman, I want to express my views about the necessity of allowing this legislation to proceed through the legislative process unencumbered by nongermane amendments. The Ways and Means Committee voted overwhelmingly to recommend passage of this legislation in its present form. We have long taken the position that the debt ceiling legislation should be considered on its own merits as should other legislation. It is not a device for obtaining approval by the President of other items—however important—which may or may not be acceptable to either the Congress or the President on their own merits.

I am delighted that the Committee on Rules ultimately saw the wisdom of this position. I am confident that the final action on this legislation and that which the Committee on Ways and Means will recommend to the House in the other areas of concern to all Members will serve to validate the position taken by that committee. In short, I believe we should keep the debt ceiling legislation clean and I hope the other body will understand and appreciate our intention to do so. There are other times and other bills for the consideration of other items. This necessary debt ceiling legislation should not be held hostage for them.

Finally, Mr. Chairman, I want to say a word about the need for permanent congressional budget control procedures. We must, in my opinion, bring order to the existing chaotic system we have for dealing with Federal fiscal problems. The Rules Committee has under consideration the legislation which would establish tools we need to accomplish this. As a member of the Joint Study Committee on Budget Control as well as a sponsor of H.R. 7130, which incorporates the recommendations of the Joint Study Committee, I can assure my colleagues that after studying the problems involved, we became convinced that action was required immediately to establish these procedures. As a result, I strongly urge my colleagues on the Rules Committee to act on this legislation as soon as possible.

I hope that this periodic exercise of an ineffective approach to Federal spending control through debt ceiling legislation will no longer be needed after the Congress legislates in the field of budgetary control. Our present method of gaging the effects of spending after all appropriations have been approved is clearly inadequate and after the fact. This review after excessive spending has been approved only results in our continuing deficits and mounting debt. No clearer evidence is needed than to review the gloomy and deteriorating picture of interest on our public debt. For the current fiscal year this interest is calculated to be $29 billion; last year it was $23 billion—better than a 26-percent increase in just 1 year. And what was our interest just 5 and 10 years ago? In 1960 our interest was $16.6 billion and in 1964 it was $10.7 billion.

The need for quick action on congressional budgetary control has no better stimulus than a review of these despairing figures—our debt interest increase from $10.7 billion to $29 billion in just 10 years. Over 170-percent increase. How imprudent can we be?

Mr. ULLMAN. Will the gentleman yield?

Mr. SCHNEEBELI. I am glad to yield to the gentleman.

Mr. ULLMAN. I want to commend the gentleman from Pennsylvania for the important part he has played as a member of the Joint Study Committee on Budget Control and for his continuing interest in that matter.

I certainly could not agree with him more that this would be the most significant and positive aspect, if we could enact a budget control bill, that has occurred in this or any other Congress.

Mr. SCHNEEBELI. I thank the gentleman. I am glad the gentleman from Oregon and the gentleman on our side, Mr. Collier, both emphasize the need for budget control and the quick adoption of legislation similar to this measure we are talking about.

Mr. SYMMS. Will the gentleman yield?

Mr. SCHNEEBELI. I am glad to yield to the gentleman.

Mr. SYMMS. My question of the distinguished ranking minority member is this: We do not have a budgetary control measure now before us because it is not law.

Mr. SCHNEEBELI. It is in the Committee on Rules.

Mr. SYMMS. Yes, but it has been there a month or so, I believe. Is there any way in which we can project to the Members of this body and the administration that we would like to know why it would not be possible to have them come out with a tighter figure in advance so that possibly we could cut a couple or $3 billion out of this measure? We would be able to do that, perhaps, if we could know 6 months in advance.

Mr. SCHNEEBELI. I am glad the gentleman brought up the subject. Last June when the Treasury Department came before our committee to ask for that ceiling increase they asked for $485 billion. Our committee saw fit to continue it at the then existing level of $465 billion through the month of November. At that time our revenue increase was greater than our expenditure increase, and that situation has continued with the result that we were able to keep the increase at a more modest level than we previously anticipated.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COLLIER. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. SCHNEEBELI. I thank the gentleman.

Our income since June has expanded about $4 billion more than anticipated at that time, and our expenditures figure has gone up about $1.2 billion. So the trend appears to be going in the right direction. I anticipate the Committee on Rules will come out with some form of budgetary control before the 1975 appropriations bills are acted on.

Mr. COLLIER. Will the gentleman yield?

Mr. SCHNEEBELI. Of course I yield to the gentleman.

Mr. COLLIER. There is one other reason for it, namely, we all tried to provide a tight limit on borrowing authority.

On the other hand, when you get it too tight, this is what can happen: If you reach the point where the obligations have to be met and you do not have adequate funds to meet them you immediately have to go to the market, sell Government bonds on an almost emergency basis, and when you do this—and I think this happened, as I recall, in the spring of 1958 when Anderson was Secretary of the Treasury—he tried to work too close to the line—and what then happened, you have either the pressure of defaulting on the good faith and obligations of the Federal Government, or you get it with emergency borrowing. And whenever this has happened in the past, the Treasury must go out and float short-term, high-interest bonds, and this becomes costly.

So you do not always save anything by going too close to the line as long as in the process you leave some reasonable elbow room for borrowing. This is merely the authority to be used only when the Government finds itself in a position not to be able to meet the obligations in which the House of Representatives and the Senate have concurred.

Mr. SYMMS. Mr. Chairman, I appreciate the gentleman yielding, and the answer given. The gentleman pointed out that the revenue of the Government increased so we did not have to ask for as much money, but the spending has continued to increase also.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. COLLIER. Mr. Chairman, I yield 2 additional minutes to the gentleman from Pennsylvania (Mr. Schneebeli).

Mr. SYMMS. If the gentleman will yield further, as I said, the spending has continued to increase, and what I am trying to get at is you have to try to use some kind of a lever.

Mr. SCHNEEBELI. The best lever to use is budgetary control. The debt ceiling is after the fact. It is a rather futile gesture. I think we are spending too much money, and I am glad that it is about to be replaced by something a little more acceptable and practical.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. SCHNEEBELI. I yield to the gentleman from Iowa.

Mr. GROSS. Does the setting of this increase in the debt ceiling include in any way, shape, form, or manner the $2.2 billion on top of other budgeted funds that the President is asking Congress to appropriate?

Mr. SCHNEEBELI. It does not.

Mr. GROSS. As a result of his unilateral intervention in the Middle East?

Mr. SCHNEEBELI. It does not.

I might also remind the gentleman that neither the House nor the other body have voted for this increase either; $2.2 billion is the request. That may be revised, and I hope downward.

Mr. GROSS. Knowing something about the operation of the House of Representatives and, by some distance, the other body, I am not too sure that the gentleman can take very much consolation from the fact that the request has been made, or the hope that it will be a less amount downward.

In this money that has accrued to the Government, is any of that attributable to the recent devaluation of the dollar, and the increase in the value of despicable gold?

Mr. SCHNEEBELI. The gentleman means the increase in the Federal income?

Mr. GROSS. That is correct.

Mr. SCHNEEBELI. It is due largely to corporate profits which are higher than were anticipated. There are also more people on the payroll who are paying more taxes and making more money. It is due to the increase in the incomes of the individuals as well as corporations.

Mr. GROSS. Did not the Government pick up $100 billion, at least that much, by virtue of the devaluation of the dollar, and the increase in the price of gold?

The CHAIRMAN. The time of the gentleman has again expired.

Mr. COLLIER. Mr. Chairman, I yield 4 minutes to the gentleman from Vermont (Mr. Mallary).

Mr. MALLARY. Mr. Chairman, I just take this time, briefly, to advise the Members that I am going to be offering an amendment when we get into the 5-minute rule. I am not discussing the level of the debt, nor do I intend to discuss any new legislative initiatives or addition to the debt level; the only issue is whether we have a permanent or temporary debt ceiling. The amendment that I plan to offer will make the debt limit as recommended by the Committee on Ways and Means, $478 billion, permanent rather than $400 billion permanent, and $78 billion of temporary debt.

I certainly have no particular constituent pressure back home to vote for a debt increase because nobody likes any increase in the debt at all.

If we analyze recent history, we find that since the level of the temporary debt reached $50 billion in 1972, we have had a pattern of nongermane Senate amendments being added to the debt ceiling bill. In 1972, June, we had a 20-percent social security increase; in October 1972, we had a spending ceiling, the Joint Committee on Budget Control, legislation with regard to information on impoundments, and amendments relative to the unemployment compensation laws.

In June 1973, the Members will recall that we also dealt with the 5.9-percent increase in social security and the social security tax increase, and I am not discussing the amendments that have been stripped from it in conference.

I was pleased to hear the gentleman from Oregon just recently say that he thought it was unwise to add to a debt ceiling bill a lot of nongermane matter. I think that it is good advice for us here in the House. We passed the rule on that basis, and I think it is good advice for us not to send over to the other body a sitting duck for nongermane amendments.

I have been unhappy with the House being held hostage as we have been in the past 2 years for nongermane amendments coming over on this bill, and although making the debt ceiling permanent is not anything that any of us are enthused about, and although it will not help us this fall, I can assure the Members that if we adopt this amendment, next June 30 we will have an opportunity to consider a good many more amendments on a deliberative and orderly basis than we have been able to up to now.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. MALLARY. I yield to the gentleman from Indiana.

Mr. DENNIS. I thank the gentleman for yielding. What the gentleman is saying, although I am not versed in this field, makes very good sense. Certainly if we do anything about nongermane amendments, it will be desirable. I am very tired of them not only on this bill, but on a number of other measures which are coming before us.

Would the gentleman mind explaining just a little bit more how his proposed amendment will help that situation?

Mr. MALLARY. I will be very happy to. At the present time with a $400 billion permanent debt limit and a $65 billion temporary limit, at any time that the temporary limit expires—and it is going to expire November 30 of this year—we would face fiscal chaos and perhaps the fiscal collapse of the Federal Government, because we could not refund bonds and we could not pay checks. Therefore, we are under the gun every time to renew the temporary debt limit, and if nongermane amendments come back on the bill at the last minute from the other body, we do not have the option of taking the time for considering them deliberatively, or raising points of order, or denying them, because we are under the pressure that the Federal Government fiscally will collapse if we do not pass the bill by the fixed deadline. It is that which most concerns me.

Mr. DENNIS. If the gentleman will yield further, I think his point is that we would both have to come back a little less often, if we made this permanent at $478 billion, and also when we did come back, we would not be in as vulnerable a situation, because a breakdown would not be so imminent and we would have a little more leeway.

Mr. MALLARY. I would hope we would not come back so often, but the primary concern I would have is that the Government would not break down if we declined to pass an additional increase.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BROYHILL of Virginia. Mr. Chairman, I rise to recommend passage of H.R. 11104, a bill to provide for a temporary increase in the amount of public debt subject to statutory limitation. This bill would increase the temporary debt ceiling to $478 billion through June 30, 1974.

The present temporary debt limit of $465 billion will expire on November 30 of this year, and without further action by the Congress, the debt limit reverts to its permanent level of $400 billion on December 1. Yet the actual debt is expected to exceed $465 billion late in November. Thus an increase in the temporary debt ceiling is required before the final week of November if the Treas-

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ury is to be permitted to maintain an operating cash balance in the amount normally required for efficient financial management.

The $478 billion debt limit recommended in the bill by the Ways and Means Committee is $2 billion less than the amount requested by the Secretary of the Treasury in his testimony before the committee. While this will undoubtedly make the Treasury's cash management task more difficult at times, I believe that the Treasury should be able to operate efficiently within this limit barring major unforeseen circumstances, and I believe that the Congress should provide a reasonable but not excessive margin for contingencies.

A vote for increasing the amount of the debt limit is not, of course, a vote for increasing Federal spending or deficits. The level of Federal spending, and thus the deficit, is otherwise determined by the Congress in the appropriations process. Having thus voted for the spending programs that require increased Government debt, the Congress must now face up to its responsibility to permit the Treasury to borrow the money necessary to discharge its obligations.

It should also be made clear that there is no inconsistency between increasing the debt limit and balancing the budget in the fiscal year 1974. Even with a balance in the unified budget, the Treasury is required to increase its debt substantially because of the large amounts of Treasury securities issued to the Federal trust funds. Thus, while the Treasury estimates a balanced budget in fiscal year 1974, the trust funds are estimated to have a surplus of $15 billion which will be invested in Treasury securities and will thus cause an increase in the public debt despite the balance in the unified budget.

It is also important to note that as a result of language the committee voted to include in the committee report regarding the legislative intent of the Second Liberty Bond Act, it will be possible for the Treasury to increase the rate paid on U.S. savings bonds to 6 percent. Such a hike in this rate is needed so that the millions of Americans holding these bonds will be able to get a return on them commensurate with the return being paid by other investments. I believe this increase is long overdue.

Mr. Chairman, we must act responsibly to increase the public debt limit and the legislation recommended by the Ways and Means Committee does just this. It should be supported in its recommended form without extraneous matters tied to it. Those other legislative items can be dealt with separately on their own merits. Let this bill either pass or fail on the same basis.

Mr. HARRINGTON. Mr. Chairman, earlier today I joined with many of my colleagues in opposing the rule providing for the consideration of H.R. 11104, the debt ceiling bill. This rule has prevented the House of Representatives from considering a very important amendment that would have been offered by Congressmen Reuss and Vanik. This amendment was designed to make major improvements in our social security system, and would have made important and long overdue reforms in our loophole-ridden tax system. The Reuss-Vanik proposal would have increased social security benefits immediately by 7 percent, and a further 5.9-percent increase in benefits would have become effective on July 1, 1974.

The proposal also would have tightened the minimum tax on so-called preference income and tightened loopholes. Unfortunately, the House Rules Committee, reversing an earlier decision, acted to frustrate consideration of the Reuss-Vanik proposal. Subsequently, an effort to allow for the consideration of the Reuss-Vanik amendment has, lamentably, failed.

The Ways and Means Committee has failed to take the necessary action to provide the 26 million elderly Americans with a social security increase they desperately need now—not months from now. Instead, the committee accepted, by one vote, an administration proposal that will increase social security benefits by 10 percent, but this increase will not become effective until July 1 of 1974. This proposal fails to meet the immediate needs of millions of elderly Americans, who have too long borne the brunt of today's punishing inflation. A responsible Congress should act now to provide needed relief for the millions of elderly Americans who are on fixed incomes and thus unable to cope with rising prices. Granted, the Ways and Means Committee will soon report to the House legislation that will increase benefits by 10 percent next July, but we must ask ourselves, how can we expect social security recipients to adequately survive in the interim?

For these reasons, I opposed the rule granted for the debt ceiling and I strongly supported the substitute rule and the Reuss-Vanik amendment. This amendment would have provided an immediate 7 percent social security benefit increase, with an additional 5.9 percent cost-of-living increase next July. It would have also implemented major reform of key inequities in our tax system, providing enough revenue, $3 billion, in the process to completely finance the social security increase—without further increases in the already heavy payroll tax, as is called for in the Ways and Means Committee proposal.

The Reuss-Vanik proposal, had it been considered, would have significantly expanded the revenue gained through the minimum tax, as well as bringing a measure of equity to our tax system. Currently some kinds of unearned income are taxed at far lower rates than "ordinary" earned income. This amendment would have lumped together important kinds of preference income and taxed this income at one-half the ordinary tax rate. This provision would have increased taxes on capital gains, as well as reduced the tax-avoidance features of the accelerated depreciation allowance for real estate and the notorious oil-depletion allowance. The current exemption of $30,000 of preference income would have been lowered to $10,000. The deduction allowed for taxes paid on nonpreference income contained in existing law would have been ended. And, the tax rate on preference income would have been increased from the current 10 percent flat rate, to one-half the rate from ordinary tax tables.

This is not as far-reaching a proposal as I would favor, but it would have been an important step forward. This proposal would have made a few wealthy taxpayers, now getting unfair breaks, pay their fair share, as more than 90 percent of the estimated yield from these changes in the tax laws would have come from taxpayers with adjusted gross incomes in excess of $50,000.

Congress has made an error in not passing this amendment that would have meant so much to our elderly and been so important for the fairness of our tax system. The senior citizens of our country, faced with daily jumps in prices, need our help now. They need an immediate 7-percent increase in social security. But the House, by refusing to consider this amendment, has turned its back on them.

Mr. ANDERSON of California. Mr. Chairman, I rise in opposition to this proposal which would increase the public debt from the present level of $465 billion to $475.7 billion, and thus place our shaky economic situation in even more jeopardy.

At the end of 1968, our public debt was $350.7 billion, and now, 5 years later, it is up to $462.7 billion—an astonishing 32 percent or $112.7 billion increase in only 5 years.

This year in fact, we are paying $26 billion—a full 7 percent of the total Federal budget—merely to pay off the interest on the money borrowed over the last several years.

But, even more shocking is the fact that our public debt represents almost 40 percent of gross national product.

Mr. Chairman, we cannot continue to operate in this manner; we cannot continue to fund programs with borrowed money.

Let me recite a little recent history to remind my colleagues of the spending spree that the Government has been on:

In 1970, the Federal Government spent $196.6 billion—$2.8 billion more than it collected in taxes.

In 1971, it spent $211.4 billion—$23 billion more than the amount collected in taxes.

In 1972, $231.9 billion was spent by the Federal Government—$23.2 billion more than it collected in taxes.

In 1973, $249.8 billion was spent to fund Federal programs—taxes collected fell $24.8 billion short of meeting that figure.

And, finally, 1974, the Federal Government will spend an estimated $268.7 billion, but tax revenues will fail to meet that level by $12.7 billion.

A balanced budget, it seems to me, is not impossible and can only be restored by fiscal restraint and fiscal responsibility.

The place to start is by cutting unnecessary programs and by placing the administration on notice that spending now to be repaid in the future will not be tolerated.

The time has passed for the Congress to take the initiative and stop burdening future generations with even higher taxes. The time has passed for the Congress to cut Federal spending and thus help control the inflation that continues to eat into the dollar.

Mr. VANIK. Mr. Chairman, in the near future—certainly during our next consideration of the public debt ceiling legislation—it would be my hope that the Congress could act to place the activities of the Export-Import Bank back under the public debt ceiling.

The Export-Import Bank was removed from the national debt by a provision in the Export Expansion Finance Act of 1971. When that bill was on the floor of the House, I offered an amendment to keep the Bank and the sums it borrowed from the Treasury inside the debt. That effort lost by a vote of 112 to 249.

Since then, many of the arguments used in opposition to my amendment have become invalid.

For example, it was argued that the Bank was not like other federally backed lending institutions kept in the debt. It was said that "other" banks made "low" rate loans of 2 or 3 percent over long periods. The Export-Import Bank, however, was said to make only "hard" loans: high, 6-percent loans, with quick repayment.

Now we find that the Bank is asking for an additional $10 billion in commitment authority so that it can make 6-percent loans into the Soviet Union and Eastern European countries, repayable to the Bank generally over 6 to 12 years. There is no way that such loans can be called "hard or safe" loans under today's interest rate conditions and in light of the lack of financial information we have about many of these Eastern European countries.

Another argument against keeping the Export-Import Bank in the national debt was that it made a profit; it returned more money to the Treasury than it took out.

First, if the Bank is such a sure thing, if it is so profitable, why does the Federal Government have anything to do with it? Why cannot private institutions take it over and run it without Government backing? Apparently, those who are selling their goods and jumbo jets in these foreign countries are fearful of defaults and nationalizations. They want Uncle Sam to back them up and protect them—to save them from heavy losses.

In addition, if the Bank is so profitable, why does it not pay back the Treasury for the capital provided by the taxpayers? Instead, while returning $50 million in dividends to the Treasury in fiscal year 1973, the Bank had an operating income of $152.2 million in fiscal year 1973 but expenses of $223.7 million. Net borrowings from the Treasury were $144.2 million in fiscal year 1973. Borrowings will undoubtedly be higher in fiscal 1974 due to the high interest rates and the Bank's request for $10 billion in commitment authority.

The argument that the Exim is self-supporting and does not require any taxpayer-supported Federal subsidy does not hold water. The subsidies, although not cases of out-and-out financial support, usually come in the form of back-door subsidies. The nature of the subsidies was well described at hearings on Exim before the Senate Subcommittee on International Affairs of the Senate Banking Committee in March of 1971.

Basically, the subsidies to Exim fall in several areas:

First. The diversion of capital from domestic needs and business. For example, if $10 million is loaned to a foreign country for purchase of some American export product, that $10 million must be borrowed by Exim from the Treasury or from the private market, thus precluding domestic use and circulation of that capital. The cost of such a capital withdrawal from the domestic money pool is difficult, if not impossible, to figure—how can we calculate the effect of the unavailability of capital in American business? How can we know when the diverted money could have instead, for example, gone to scientific research, to create new products and to increase domestic productivity?

This problem area is compounded when Exim makes loans in order to allow purchase of American products that have very little or no foreign competition. This is the case with many American aircraft sales abroad—and in fiscal year 1973 nearly one-third of the banking loans, $710 million, were for jumbo jets and 707's.

In all probability, those foreign buyers would have "bought American" regardless of the availability of Exim loans, because of the proven superiority of these American planes. It would make far more sense for Exim to instead guarantee loans from other sources, and thus decrease the amount of committed capital—thus reducing the level of subsidies required for the sale of noncompetition products.

Second. In addition to the diversion of capital from domestic areas and the subsidies that situation creates, money borrowed from the Treasury by Exim is money that could have ordinarily been used to stabilize the national debt, and since that is not occurring, more money must be borrowed—from the private market—at a high interest rate. This, of course, is another hidden subsidy that eventually reaches into the pockets of the American taxpayer.

Third. The other area of Federal subsidy to the Exim Bank is the privilege allowed Exim of borrowing money from the Treasury at interest rates lower than the rates the Treasury must pay to obtain the money. While the Exim loan rate to foreign businesses was only 6 percent, the Treasury Department had to pay the market rate of almost 9 percent to get that money for Exim to loan. The difference between the two rates is another subsidy. Taking just the fiscal year of 1970 as an example, it has been estimated that this interest rate differential subsidy amounted to $16.8 million.

The interest subsidy in fiscal year 1973–74 will undoubtedly be even higher due to the unprecedented high interest rates.

In conclusion, Senator Proxmire estimated in the subcommittee hearing, the total subsidy to Exim in fiscal year 1970 was $68.8 million.

Mr. Chairman, whenever a federally backed agency—in or out of the debt ceiling—borrows in the private money markets, it creates a cost in higher interest rates for all borrowers. The Federal financing of that cost is a subsidy which should be examined and controlled by the Congress.

The effect of placing the Bank outside of the debt is to remove the Bank from annual expenditure and net lending limitations imposed by the budget. The Commission on Budget Concepts, appointed in 1966, and composed of former Secretary of the Treasury, Kennedy; the Comptroller General; Chairman Mahon; and our late colleague, the Honorable Frank Bow, unanimously recommended that all programs operated by entities in which the capital stock is owned by the Government or which have recourse to Federal funds should be included in the budget on a net lending basis.

In other words, this distinguished Commission recommended that the budget totals should include the difference between loan outlays or disbursements on the one hand and loan repayments on the other hand. In short, the Export-Import Bank should be in the debt total.

The Comptroller General, Mr. Staats, testified before the House Banking and Currency Committee in the spring of 1973 in opposition to excluding the Bank from the debt ceiling. As he said in his testimony:

> In our view, excluding the Export-Import Bank's receipts and disbursements from the budget totals would establish a highly undesirable precedent since the exclusion could, with equal logic and justification be applied to other loan programs.
>
> In my opinion, it is impossible to differentiate between this program and other loan programs in the budget. It would open the door to excluding other programs, a weakening of the budgetary process, and reduce the ability of the Congress to establish budgetary priorities.

At this time of new directions for the Bank, and the need for greater congressional control over expenditures, I would hope that the Congress would consider favorable efforts to return the Bank to coverage within the debt ceiling.

Ms. ABZUG. Mr. Chairman, today I shall vote to oppose another increase in the temporary limit on public debt. This is a perennial issue Congress faces. The arguments I have raised in the past remain true today. By adding to the public debt, we raise the tax burden, especially that of the middle- and lower-income citizens. In addition we abdicate our constitutional responsibility to determine how much the Government should spend. If, as some say, we are spending too much, it is our duty to determine what should be cut. We are not legally permitted to surrender such responsibilities to the President or the Office of Management and Budget. Finally, by submitting to a higher debt limit we are in effect sanctioning the terribly misshapen priorities of this administration and condoning its fiscal irresponsibility.

As I have argued before, I am not opposed to additional spending. I believe that we must be prepared to spend massive amounts for such programs as housing, child care, public service employment, mass transit, and pollution abatement. We have for too long neglected these vital domestic needs in favor of wasteful military adventures, and if money alone is the price we eventually pay for that neglect, we will be fortunate indeed.

The problem is that raising money by borrowing it merely adds an additional

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burden—that of the debt service—to the existing inequitable tax structure. This sort of device merely adds to the lion's share of the burden already borne by our low- and middle-income citizens, and we then add insult to injury by spending the money on weapons instead of houses, schools, and child care centers.

There are many better ways to raise money. Tax reform has been talked about and promised for several years. We are still waiting for the major reform proposal promised by the President in August 1971. We will wait a long time more judging by today's events. And we certainly provide no incentive whatsoever for him to act on tax reform if we persist in granting each of his revenue requests. Indeed our failure to pass one modest reform as an addition to this bill is a clear message to the President that he and the special interests he serves are still in control of the pursestrings. I cannot explain or justify this situation to my constituents. Is it so unreasonable to suppose that if we failed to provide Mr. Nixon with a fiscal cushion for his next series of deficit expenditures, he might be forced to face both tax reform and fiscal responsibility? Are not such ends entirely consistent with the public interest?

If we pass this bill, we are in effect approving the unjust tax system, the additional billions for defense, including whatever is needed to insure more war in Southeast Asia, and the starvation of human priorities at home.

Mr. EDWARDS of California. Mr. Chairman, I am compelled to vote against H.R. 11104 which seeks to raise the temporary public debt limit from $465 to $478 billion. I feel that limitation of the public debt is a totally unsatisfactory way of controlling budgetary expenditures and revenues. It is also another convenient way of giving the President what he wants without a direct confrontation on the issues and without invoking another Presidential veto.

This Congress, under pressure from the administration and despite the end of the war in Vietnam, has appropriated funds for an increased defense budget. Without rigorous and careful examination of the need for this excessive spending, we have funded more money than ever before for the military complex. At the same time, we have put up with the refusal of the Ways and Means Committee to begin work on meaningful tax reform. With a new and equitable tax system, we can close tax loopholes, insuring that large corporations, people in the high income brackets, and others who presently contribute little if anything to the Federal coffers are assessed a fair share of their income, and thereby greatly expand our spending ability.

Cutting the fat defense budget and increasing tax revenues through tax reform would easily eliminate the need to raise the debt ceiling. They would also put into effect the proper congressional mechanisms for legislative control of fiscal matters. It is high time that Congress reasserted its directive power in this critical area, rather than allowing the executive branch to set policy and then accepting executive demands that such policy be implemented as they see fit. It seems to me highly irresponsible as well as inequitable for us to saddle future generations with a huge public debt because we failed to take effective steps to control Government spending and increase Federal revenues.

Mr. ULLMAN. Mr. Chairman, I have no further requests for time.

Mr. COLLIER. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That during the period beginning on the date of the enactment of this Act and ending on June 30, 1974, the public debt limit set forth in the first sentence of section 21 of the Second Liberty Bond Act (31 U.S.C. 757b) shall be temporarily increased by $78,000,000,000.

AMENDMENT OFFERED BY MR. SYMMS

Mr. SYMMS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Symms: On page 1, line 7, strike the figure "$78,000,000,000" and insert the figure "75,700,000,000".

Mr. SYMMS. Mr. Chairman, I offer this amendment today, even after the debate that we had and the colloquy with the ranking members of the minority on the Committee on Ways and Means and on the majority side, because I feel that the increasing of the national debt is the only way that we ever discuss how it is that we are organizing the debt of this country into our currency and debasing the currency that the people use in the exchange for their goods and services. In our specialized society the total debasement of our currency will be much more devastating to our country and our people than it has been in any other society before us because of the specialization that we now live in.

I think that healthy discussion about increasing the national debt, even if it has to come up a month or two earlier, is a very healthy thing, and bear in mind it does not have to come up if we tighten our belt.

My amendment very simply lowers the national debt from $478 billion down to $475.7 billion.

This is a $2.3 billion cut. It in no way will put the Government in a position where it will not be able to meet its obligations and pay its bills. It will bring a little more light into the subject of looking into waste we have in the Federal Government.

We have given the President authority this year and the power to ask the private sector of our economy not to raise prices and not to have wage raises but somehow we never seem to want to give that message back to the appropriation level of the Federal Government. I certainly am in sympathy with the gentleman from Pennsylvania (Mr. Schneebeli) on his position that budgetary control is the proper way to do this, but as I see it this is the only way we can vote to send a message to the Appropriations Committee that we would like to appropriate less money and send a message to the administration and the House leadership of both our parties that we do not want to keep coming up with schemes for spending more of the taxpayers' money, such as the recent suggestion to spend $2.2 billion on the intervention in this or that war.

I think this is a responsible amendment. I urge support of this amendment to this legislation.

Mr. SCHNEEBELI. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, as was stated in previous debate, the original request for this debt ceiling increase last June was $485 billion. It has been scaled down to $478 billion. The Treasury officials assure us and show us that sometime between April 30 and May 31 the debt ceiling will be at $475 billion or over.

We have been constantly reminded that we cannot put the Secretary of the Treasury in a box so that he is not allowed to sign checks for a period of 3 or 4 days. This happened in the Eisenhower administration in 1958. The Treasury was embarrassed. There was a financial fiasco that ensued as a result of this too tight debt ceiling.

A $3 billion contingency fund has always been authorized by the House. This $478 billion we feel is a very strict debt ceiling. It was reduced from $485 billion that was requested in June.

We are very much opposed to this further limitation and reduction.

Mr. ULLMAN. Mr. Chairman, will the gentleman yield?

Mr. SCHNEEBELI. I yield to the gentleman from Oregon.

Mr. ULLMAN. Mr. Chairman, I associate myself as do others over here with the remarks made by the gentleman from Pennsylvania. In view of the world situation and the critical problems we have ahead of us and the uncertainties about the economy, we think it would be wise to stay with the $478 billion. We think we have cut the administration enough. They could live within this budget, but it would in our judgment avert any national crisis.

Mr. BURKE of Massachusetts. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Idaho.

Mr. Chairman, this is a very reasonable amendment. In fact, I would like to cut it another $100 million.

Mr. GROSS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Sixty-one Members are present, not a quorum. The call will be taken by electronic device.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 565]

Anderson, Ill.
Ashley
Bell
Blackburn
Blatnik
Bolling
Buchanan
Burke, Calif.
Burton
Carey, N.Y.
Clark
Coughlin
Davis, Wis.
Diggs
Dingell
Edwards, Calif.
Foley
Fraser
Gray
Green, Oreg.
Gubser
Hansen, Wash.
Hébert
Jarman
Jones, Tenn.
Kastenmeier
Lehman
Mahon
Mayne
Metcalfe
Mills, Ark.
Mitchell, Md.
Moss
Murphy, Ill.
O'Hara
Patman
Reid
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Ryan
St Germain
Sandman
Stanton, James V.
Tiernan
Young, Ga.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Natcher, Chairman of the Committee of the Whole House on the State of the Union, reported that that committee having had under consideration the bill (H.R. 11104) and finding itself without a quorum, he had directed the Members to record their presence by electronic device, when 387 Members recorded their presence, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The committee resumed its sitting.

The CHAIRMAN. The gentleman from Massachusetts (Mr. Burke) is recognized for 5 minutes.

(Mr. BURKE of Massachusetts asked and was given permission to revise and extend his remarks.)

Mr. BURKE of Massachusetts. Mr. Chairman, if we have ever been concerned about Federal spending, we had better be concerned about it this afternoon, because this might be our last opportunity to do something about recklessness and extravagance in Government.

I am supporting the distinguished acting chairman of the Committee on Ways and Means (Mr. Ullman) in his attempt to put through the budget control bill, but that is still in the far off future and it is highly conjectural whether anything will be done about that or not before we get through this session of Congress.

I am supporting him in that attempt, but I want to point out the figures presented to us in the House Committee on Ways and Means show that the public debt subject to limitation for 1974 as of January 1 would be $467 billion; on February 28 it is projected at $471 billion; on March 31, $473 billion; on April 30, $468 billion; on May 31, $475 billion; and on June 30, $468 billion.

All this is with an operating cash balance of $6 billion on top of that, plus a $3 billion margin for contingencies, over and above that. The amendment offered by the gentleman from Idaho (Mr. Symms) is for $475.7 billion, for an increase of $700 million. Thus it means that the administration will have a $6.7 billion cushion in there to play with.

For goodness sakes, let us have a little bit of commonsense around here. Let us stop this extravagant, wild and reckless spending, and this is the vehicle to do it with. At the moment it is the only vehicle for Congress to influence the budget.

Now, some of the Members of the House who are chuckling now should look over my voting record for this year. I have compiled my voting record, and I find out that I have voted for billions of dollars in cuts. So I am seriously concerned about this.

The gentleman from Idaho (Mr. Symms) is being very reasonable, and I cannot understand why they need this $478 billion when the administration's own figures here show that they do not have to go any higher than $475 billion.

So I hope that the gentleman from Idaho (Mr. Symms) is successful in his amendment, and that his amendment is adopted, and we can get on with the business of the Government.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment. It is a modest reduction of $2.3 billion in the debt ceiling.

Mr. BURKE of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes, I yield to the gentleman from Massachusetts.

Mr. BURKE of Massachusetts. Mr. Chairman, I want to correct my statement. The $3 billion in the contingency fund would have given them a $6.7 billion cushion to play with.

Mr. GROSS. Mr. Chairman, there are apparently ways and means by which the administration can take care of this modest reduction.

Last February there was the sudden announcement from the White House of a 10 percent devaluation of the dollar. By that financial legerdemain Uncle Houdini said the price of gold still held by the U.S. Government was being raised to $42.22 an ounce, an increase of $4.22 per ounce.

In October, 8 months later, Congress finally got around to ratifying by law what had been done by fiat in February, and on October 25, Uncle Houdini thrice waived his magic wand, thrice muttered the magic words, "Presto-Chango," and lo and behold, what happened?

First. The dollar value of the Government held gold was increased $1.1 billion.

Second. The U.S. Treasury started its printing presses, and presented the Federal Reserve system with certificates representing the allegedly increased value. In turn, the Federal Reserve credited the U.S. Treasury's checking account with the $1.1 billion devaluation bonus.

Third. It is estimated that by early November the Treasury had issued kited checks to the tune of some $3 billion on the basis of the "windfall" from the gold price increase.

How nice it is on this occasion of a proposed $13 billion increase in the debt ceiling to know that we have an Uncle Houdini in our midst, waiting in the wings at the White House, to wave his magic wand and, if necessary, make three blades of grass grow where one grew before, or $3 where one appeared before

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Ohio.

Mr. HAYS. I do not know who this Uncle Houdini is, but if we just raised the price of gold that we hold to the market price on the gold exchange, we could probably do without this bill altogether.

Mr. GROSS. But that would be too simple. Better to wave the magic wand, say "presto change-o" once or twice.

Mr. HAYS. Or, better still, sell the gold. Maybe that is what we ought to do.

Mr. GROSS. The countries of the Old World have tried devaluation and revaluation innumerable times and their citizens wound up with bushel baskets to carry the paper money necessary to buy the family groceries. Apparently Congress is going to keep raising the debt ceiling to accommodate more inflation, more spending, more borrowed money, and more fiscal insanity.

Mr. HAYS. Will the gentleman yield further?

Mr. GROSS. I yield to the gentleman from Ohio.

Mr. HAYS. It will bring it closer to the bushel basket, if we look at the market prices now.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Illinois.

Mr. COLLIER. Is the gentleman recommending, since we are not now selling gold, that we sell what we have got at Fort Knox? Is that what the gentleman is recommending?

Mr. GROSS. On the basis of the devaluation of the dollar, and some fast footwork the Government picked up $1,100,000,000, credited it to the Department of the Treasury, and it has written $3 billion worth of checks.

Mr. COLLIER. But it was not picked up in the budget is what I am saying. I am saying it is not being sold. We are not selling gold. Is the gentleman recommending that we do, because it is not in the budget? The gentleman knows it is not in the budget.

Mr. GROSS. All I am saying is that by fiat, by fiscal legerdemain the Government picked up $1,100,000,000, and on the basis of that the Treasury has written checks for $3 billion.

Mr. COLLIER. The point is that we cannot convert it into a Treasury asset at this point.

Mr. GROSS. That is exactly what has been done, if they are writing checks on it. Mr. Chairman, I urge support for this amendment. It ought to be an even greater reduction in the debt ceiling.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CONABLE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I shall not use my entire 5 minutes.

Mr. Chairman, if the debt ceiling reduction by this amendment would reduce spending in fact, I would be in favor of it. It is another one of these lock-the-barn-after-the-horse-has-escaped type of amendments. The net effect would be simply to speed up the time frame in which we would consider the debt ceiling increases again.

I believe that the practice since 1968 of holding the whole Government hostage to amendments of the sort that have been proposed for this debt ceiling and that inevitably will be added in the other body is a dangerous practice. We will be far better off to accept the debt ceiling as the Committee on Ways and Means has prepared it, and to make serious efforts with respect to the other processes available to us, not only to improve the budgeting procedure but also to express in our daily votes here on the floor concern for sound fiscal policy. If the report of Mr. Ullman's committee budget study were to be adopted, we would need no debt ceiling procedure at all. As it is, at best it has proved an ineffective instrument of fiscal policy.

With this in mind, I urge the defeat of this amendment. I urge the support of the committee bill as it has been brought forth, and I urge prayerful consideration in the future of our responsibilities with respect to the fiscal policy when such consideration can be effective, rather than after the fact.

Mr. ULLMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the committee did not arrive at this figure by accident. We looked very carefully at this matter and cross-examined the witnesses, including the Director of the Budget and the Sec-

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retary of the Treasury. In our judgment we pared this amount down as much as we could and still act with responsibility.

Let me just read to the Members the debt limit that will be required assuming a $6 billion cash balance, which is a reasonable figure, and a $3 billion contingency allowance, which considering the magnitude of the debt is a minimum figure. Let me say the Treasury estimates that they will need $475 billion on March 8. But starting back in January 6 the figure is $472 billion; then on the 31st it is $470 billion; on February 15, $469 billion; on February 28, $474 billion; on March 8, $475 billion; and then on March 31, $476 billion. Then on April 10 the figure goes to $478 billion; on April 30, to $471 billion; on May 15, to $472 billion; on May 31 to $478 billion; on June 11, to $480 billion, and on June 30, to $471 billion.

Even our figure of $478 billion crimps the Treasury's cash balance by $2 billion on June 11.

I would say if we adopt this amendment it will mean we will have to come back long before the end of the fiscal year with another debt ceiling bill. We have gone that route before and I think it would be unwise to do it at this time.

Mr. SYMMS. Mr. Chairman, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from Idaho.

Mr. SYMMS. Mr. Chairman, I thank the gentleman for yielding.

I would like to say for the benefit of the chairman and of the committee that this amendment was not offered in any way in a spirit of criticizing the ability of the Ways and Means Committee to decide where that figure should be, but I think it has been brought out in the debate that there is a cushion in the figure the committee has asked for, and it is my intent to telegraph to the White House and to the Appropriations Committee the message that we ought to balance the budget or at least stop continuing in this direction of overspending.

Mr. ULLMAN. I could not agree with the gentleman more that we ought to telegraph that message, but I think there are better ways of doing it. I think if we get a congressional budget that would be the real way of doing it.

Mr. SYMMS. If the gentleman will yield further, I would like the gentleman to know that I support his legislation but we do not have that legislation before us now, but this is a way we can take to let them know they are going to have to live with less money and I think we can tighten our belt by this small percentage.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Mr. Chairman, I thank the gentleman for yielding.

The distinguished gentleman from Oregon has pointed out that when mid-March comes the anticipated Federal debt will equal the level of debt provided if this amendment is passed. He has said that the alternative at that time will be to come back to the House of Representatives and Congress as a whole for another increase if this amendment passes, that is, for another increase in the debt ceiling.

I would point out to the Members that there is another alternative, and that is one that this Congress has expressed so much distaste for throughout this year, this 1st session of the 93d Congress, and that is the mechanism of impoundment. The administration can impound funds and stay within this ceiling. So we have to choose which of the processes we want them to employ, whether we want them to impound and stay within the ceiling or whether we want to come back and go through another vote to raise the debt ceiling within a few months.

Mr. ULLMAN. Mr. Chairman, I urge the defeat of this amendment.

Mr. SCHNEEBELI. Mr. Chairman, I stated previously my objection to this amendment. Last June the Treasury asked for a debt ceiling of $485 billion. That was last June. We scaled this down to $478 billion.

I would like to suggest to the House that we have done a pretty good job and we ask for your support.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho (Mr. SYMMS).

The question was taken; and on a division (demanded by Mr. SYMMS) there were ayes 89, noes 74.

RECORDED VOTE

Mr. SCHNEEBELI. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 263, noes 147, not voting 23, as follows:

[Roll No. 566]

AYES—263

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Armstrong
Ashbrook
Ashley
Aspin
Badillo
Bafalis
Baker
Bauman
Beard
Bennett
Bergland
Bevill
Biaggi
Boland
Bowen
Brademas
Brasco
Brinkley
Broomfield
Brown, Calif.
Broyhill, N.C.
Buchanan
Burgener
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton
Butler
Byron
Camp
Carney, Ohio
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Collins, Ill.
Collins, Tex.
Conlan
Conyers
Cotter
Crane
Cronin
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Davis, S.C.
de la Garza
Delaney
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Downing
Drinan
Duncan
du Pont
Edwards, Calif.
Esch
Findley
Fish
Flowers
Foley
Ford, William D.
Fountain
Fraser
Frey
Froehlich
Gaydos
Giaimo
Gilman
Ginn
Goldwater
Goodling
Grasso
Gross
Grover
Gunter
Guyer
Haley
Hanley
Hanna
Hanrahan
Hansen, Wash.
Harrington
Harsha
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hillis
Hinshaw
Hogan
Holt
Holtzman
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Kastenmeier
Kazen
Kemp
Ketchum
King
Kluczynski
Koch
Kyros
Landgrebe
Leggett
Lent
Litton
Long, Md.
Lott
Lujan
McCloskey
McCormack
McKinney
McSpadden
Macdonald
Madden
Mann
Maraziti
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mazzoli
Melcher
Metcalfe
Mezvinsky
Milford
Miller
Minish
Mink
Minshall, Ohio
Mitchell, N.Y.
Mizell
Moakley
Montgomery
Moorhead, Calif.
Morgan
Myers
Nichols
Obey
O'Neill
Owens
Parris
Patten
Perkins
Peyser
Pike
Powell, Ohio
Preyer
Price, Tex.
Pritchard
Quie
Randall
Rangel
Rarick
Reid
Reuss
Rinaldo
Robinson, Va.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rose
Rosenthal
Roush
Rousselot
Roy
Roybal
Runnels
Ruth
Ryan
Sarasin
Sarbanes
Satterfield
Scherle
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shuster
Sikes
Skubitz
Smith, Iowa
Snyder
Spence
Staggers
Stark
Steele
Steelman
Steiger, Ariz.
Stokes
Stuckey
Studds
Sullivan
Symington
Symms
Taylor, Mo.
Taylor, N.C.
Teague, Tex.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waldie
Walsh
Wampler
Whitehurst
Whitten
Williams
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, S.C.
Zablocki
Zion
Zwach

NOES—147

Arends
Barrett
Biester
Bingham
Boggs
Bolling
Bray
Breaux
Breckinridge
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Burleson, Tex.
Carey, N.Y.
Carter
Casey, Tex.
Cederberg
Chamberlain
Cohen
Collier
Conable
Conte
Corman
Culver
Danielson
Davis, Ga.
Dellenback
Diggs
Dulski
Eckhardt
Edwards, Ala.
Eilberg
Erlenborn
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Fisher
Flood
Flynt
Ford, Gerald R.
Forsythe
Frelinghuysen
Frenzel
Fulton
Fuqua
Gettys
Gibbons
Gonzalez
Green, Pa.
Griffiths
Gubser
Gude
Hamilton
Hammerschmidt
Hansen, Idaho
Harvey
Hastings
Heinz
Hicks
Holifield
Horton
Hosmer
Howard
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jordan
Karth
Keating
Kuykendall
Landrum
Latta
Lehman
Long, La.
McClory
McCollister
McDade
McEwen
McFall
McKay
Madigan
Mailliard
Mallary
Martin, Nebr.
Mayne
Meeds
Michel
Mollohan
Moorhead, Pa.
Mosher
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nix
O'Brien
Passman
Pepper
Pettis
Pickle
Poage
Podell
Price, Ill.
Quillen
Railsback
Rees
Regula
Rhodes
Riegle
Roberts
Robison, N.Y.
Rooney, Pa.
Rostenkowski
Ruppe
Schneebeli
Shriver
Sisk
Slack
Smith, N.Y.
Stanton, J. William
Steed
Steiger, Wis.
Stephens
Stratton
Stubblefield
Talcott
Teague, Calif.
Thomson, Wis.
Ullman
Waggonner
Ware
Whalen
White
Widnall
Wiggins
Wilson, Bob
Wright
Wyatt
Wydler
Wyman
Young, Ga.
Young, Ill.
Young, Tex.

NOT VOTING—23

Anderson, Ill.
Bell
Blackburn
Blatnik
Burke, Calif.
Coughlin
Davis, Wis.
Gray
Green, Oreg.
Hébert
Jones, Tenn.
Mahon
Mills, Ark.
Mitchell, Md.
Moss
Murphy, Ill.
O'Hara
Patman
Rooney, N.Y.
St Germain
Sandman
Stanton, James V.
Thompson, N.J.

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MALLARY

Mr. MALLARY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MALLARY: On Page 1, strike lines 3 through 7 and insert in lieu thereof the following:

"That the first sentence of section 21 of the Second Liberty Bond Act (31 U.S.C. 757b) is amended by striking out '$400,000,000,000,' and inserting in lieu thereof "$475,700,000,000."

Mr. MALLARY. Mr. Chairman, this amendment does not affect the level of the debt ceiling, and it is offered at the level just adopted by the Committee. It deals only with the question of whether the debt ceiling will be permanent or whether it will be temporary.

I do this not because of any constituent pressure, because obviously we all know that the constituents are not particularly happy with the increase in the debt. I do it only because of the perverse and the unintended effect we have had recently with the temporary debt ceiling rising as rapidly as it has.

In the last 4 years the temporary debt has gone from $7 billion to $65 billion, and in this bill, it would go up to $75.7 billion. And during that period of time we have become aware that the word "temporary" is obviously fictitious.

We have had a pattern since June 1972, of nongermane Senate amendments being added to the debt ceiling each time it has come up.

In June 1972, you will remember that we passed a 20 percent social security increase on the debt limitation bill.

In October 1972, on the debt limit bill we dealt with spending ceiling; we dealt with the Joint Committee on Budget Control; we dealt with an amendment relating to information on impoundments; and we dealt with amendments to the unemployment compensation laws.

In June 1973, we dealt, on the debt limit bill, with a 5.9-percent increase in social security, and the social security tax increase. In the last three times that we have handled the temporary debt ceiling the House has been held hostage each time to non-germane Senate amendments. The gentleman from Oregon (Mr. ULLMAN), the distinguished acting chairman of the Committee on Ways and Means, said in the general debate, that as far as the House is concerned, he felt it was unwise to add to the debt ceiling bill a lot of nongermane matters. I fully agree with the gentleman. But this bill, as we pass it, becomes a sitting duck for nongermane matters to be added in the other body.

I have been very unhappy with this procedure of having the House held hostage and I have heard on several occasions in the House the anguished cries of Members from both sides of the aisle when the amendments were added by the other body, and we were forced to accept them on the grounds that the Federal Government would fall into fiscal chaos if the temporary debt ceiling expired, because we must refund our bonds and pay our bills.

This amendment to make the debt ceiling permanent would not help us this fall, but it would help on June 30, next year, when this bill's temporary limit would expire.

I would say a vote for this amendment is not a vote for anything to do with the debt ceiling, but is a vote to sustain the prerogatives of the House, and is a vote for orderly procedures under the rules of the House.

I urge a vote in favor of the amendment.

Mr. GIBBONS. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Vermont (Mr. MALLARY).

Mr. Chairman, I know that the gentleman who has presented this amendment feels that he is moving toward orderly procedure, and I want to explain to the Members of the House why the gentleman is moving toward disorderly procedure.

True enough, the provision of having a temporary ceiling versus a permanent ceiling is designed to bring the debt ceiling legislation back to the House, but it is not the only way we have of bringing it back to the House; it is just one of the ways.

It is just one of the most orderly ways of bringing it back, because it brings it back at a time certain rather than at a time unexpected. If we look at the size of this debt, and we know what we are dealing with, we realize that the margin of error allowed for is very, very small. Even the finest guessers in this whole economy cannot guess when this debt ceiling is going to run out.

If we do as the gentleman has suggested, we are making it impossible to tell when the debt ceiling will run out; it may run out during the middle of the House recess, or it may run out during the time when the House is involved in other important legislation.

There is another method of bringing the debt ceiling legislation back, and that is to cut the margin of error so close that it just has to come back very soon. The Committee on Ways and Means chose not to do that because every Secretary of the Treasury I have heard in the 11 years that I have been here has said, "If you cut us too close, you make us go into the money market unexpectedly, and we have to borrow money at a time when we either disturb the market very badly and hurt the other borrowers there, or the Federal Government gets stuck with a higher interest rate."

None of us in this room wants to do that. So the Committee on Ways and Means has hit upon this system of having a permanent debt ceiling and a temporary debt ceiling. By having that kind of arrangement, we can predict a time certain in which the House must consider this matter.

If we adopt the proposal that the gentleman has just offered, all that we would be doing is just making it uncertain as to the time when we are going to consider this debt ceiling legislation again. We may force the Treasury into borrowing money at the wrong time, running up the interest rate, and running up the interest rate not only for the Federal Government but for everybody else.

Mr. MILFORD. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from Texas.

Mr. MILFORD. I thank the gentleman for yielding.

The question I am very much concerned about is that many of us in legislating a debt ceiling want it to stop there, and by making it a permanent debt ceiling and insisting that it stop there, perhaps we can get some of our spending under reasonable control.

Mr. GIBBONS. That still does not have to do with the issue here. He is trying to knock out the temporary ceiling, and the temporary ceiling has nothing to do with the issue the gentleman just raised. He is trying to put a permanent ceiling on. There is no way to put a permanent ceiling on which does not change except by the conviction of the Members here never to borrow any more money, or never to vote for appropriations that exceed budget receipts. The gentleman has an intelligent position. He is just speaking on the wrong subject right now because the effect of the gentleman's amendment is to make it uncertain as to the time we have to consider this again. We will get caught in the middle of a recess; we will get caught in the middle of other legislative processes and then have this debt ceiling thing to do again.

If we use the temporary debt method and the permanent debt method, we can tell within a month or so as to the time this is going to run out. If we put it all on a permanent ceiling, then we cannot tell when it is going to run out. If we just cut the ceiling too close, the Treasury would go into the money market at the wrong time. It would run up the cost of Government; it would run up the cost of everybody else's borrowing, and the amendment is not going to be effective at all. The gentleman's argument goes to an entirely different point.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from Illinois.

Mr. COLLIER. I thank the gentleman for yielding. My friend, the gentleman from Florida, is one of the most astute members of the committee, and having said that, and said it very sincerely, let me ask him, Does he think a $400 billion ceiling in the light of the obligations that exist is a practical ceiling? It is totally impractical; is it not?

Mr. GIBBONS. The answer is "No." The gentleman knows, I know, and I think everybody else in the room who understands what we are doing here knows, that it is just a device to get us to consider this thing again at a certain time rather than at some uncertain time.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. MILFORD, and by unanimous consent, Mr. GIBBONS was allowed to proceed for 1 additional minute.)

Mr. MILFORD. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from Texas.

Mr. MILFORD. There is still one point here that I do not think has been discussed, and that is that not only does the

Senate hold us up on these temporary things, but the House also holds us up, in that we must pass or increase these debt limits or we are told the whole U.S. Government will shut down. If we made this a permanent debt limit, then we would be in a better position to back up and attack this ceiling.

Mr. GIBBONS. We have a permanent debt limit. There are two limits in this bill. One is a temporary limit; the other is a permanent limit. The gentleman who has presented the amendment has not attempted to change the overall limit. That was set in the last vote. He is attempting to remove the temporary limit and make the whole limitation a permanent one. But it really cannot be permanent. As a result the only effect will be to require action on the limitation in the House of Representatives at a time uncertain, perhaps when we may be involved in some other legislation which will have a great deal more significance than this has.

Mr. CAREY of New York. Mr. Chairman, I move to strike the requisite number of words.

This is a complex situation and this committee has worked earnestly to resolve this in such a way that we can have debt management on a responsible fiscal basis. The last thing I think the author of the amendment would want to do at this stage would be to contribute to inflation or to the notion that the country is going to embark on another inflationary cycle. The world is in trouble on inflation. We have been told by those who invest in America both at home and abroad that they do not want to go on buying up big American deficits.

We are trying to control deficits. The congressional budget limitation is the proper way to do it and we are working on that. The most inflationary thing we can do at this moment would be to raise the temporary debt limit to a permanent debt limit from $400 billion to $475 billion because that would provide a new floor to which further increases in the limit would be added.

By increasing the permanent limit to $475 billion we would be telling the public that we are going to a new plateau and from here on we are going upward. We are trying to convince the public and we are trying to convince investors around the world and at home that we mean to get the deficit under control and we want to get the national debt under control, and therefore everything that tends to escalate that limit temporarily or permanently contributes to the notion that we are going to embark upon another inflationary cycle.

Therefore I suggest that the pending amendment is in the nature of an agreement that we are going to continue to go the inflationary route.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. CAREY of New York. I yield to the gentleman from Arizona.

Mr. RHODES. I thank the gentleman for yielding.

I asked the gentleman to yield so that I might ask him a question concerning the content of the debt. Is it not a fact that as long as we have included in the debt structure the proceeds from the social security trust fund and other trust funds that the debt is obviously going to go up?

Mr. CAREY of New York. Yes.

Mr. RHODES. And would it be more realistic if we were to take trust funds like that out from under the debt?

Mr. CAREY of New York. The debt is a contract with the American people. We know who owns it. We own it ourselves. The trust funds are involved in borrowing in the same way. The more irresponsibly we handle the debt and the more we play politics with it the more irresponsible we appear in the minds of the American people. If we say we are cutting the debt limit $2.5 billion and we are really not cutting spending, those who know something about it know we are just gerrymandering the debt. We should not do that.

Mr. RHODES. If the gentleman will yield further, I agree with the gentleman and I agree we ought to have in the debt what we spend over and above what we take in.

Mr. CAREY of New York. Precisely. As soon as we agree on what the debt is and meet that head on, the better chance we will have of decreasing the spending we do not need to make.

Mr. SCHNEEBELI. Mr. Chairman, will the gentleman yield?

Mr. CAREY of New York. I yield to the gentleman from Pennsylvania.

Mr. SCHNEEBELI. Mr. Chairman, I agree with my colleague, the gentleman from New York. If we raise the debt ceiling permanently we will lock ourselves in and eliminate our annual review, and that is the main tool we have in management of the debt, our annual review. If we eliminate that we remove Congress from the possibility of the management of the debt responsibly. Apparently many seem to be interested in that at this point and I agree we should act responsibly.

Mr. CAREY of New York. Mr. Chairman, the economy vote in the long run is to vote this motion down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. MALLARY).

The question was taken; and on a division—demanded by Mr. MALLARY—there were—yeas 34, noes 120.

So the amendment was rejected.

The CHAIRMAN. Are there further amendments to section 1? If not, the Clerk will read.

The Clerk read as follows:

> SEC. 2. Effective on the date of the enactment of this Act, section 101 of the Act of October 27, 1972, providing for a temporary increase in the public debt limit for the fiscal year ending June 30, 1973 (Public Law 92–599), as amended by the first section of Public Law 93–53, is hereby repealed.

AMENDMENT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. GROSS: On page 2 line 3, after the period, insert the following: *Provided further,* that the expenditures of the Government during each fiscal year, including reduction of the public debt in accordance with the provisions of section 3, shall not exceed its revenues for such year except—
>
> (1) in time of war declared by the Congress; or
>
> (2) during a period of grave national emergency declared by the Congress by a concurrent resolution which has passed each House by the affirmative vote of at least two-thirds of the authorized membership of that House.
>
> SEC. 3. Section 21 of the Second Liberty Bond Act, as amended (31 U.S.C. 757b), is amended by inserting "(a)" after "SEC. 21.", and by adding at the end thereof the following:
>
> "(b) The public debt limit set forth in subsection (a) is hereby reduced as follows:
>
> "(1) Effective on July 1, 1974, by an amount equal to 2 percent of the net revenue of the United States for the fiscal year ending June 30, 1973;
>
> "(2) Effective on July 1, 1975, by an amount equal to 3 percent of the net revenue of the United States for the fiscal year ending June 30, 1974;
>
> "(3) Effective on July 1, 1976, by an amount equal to 4 percent of the net revenue of the United States for the fiscal year ending June 30, 1975;
>
> "(4) Effective on July 1, 1977, and July 1 of each year thereafter, by an amount equal to 5 percent of the net revenue of the United States for the fiscal year ending on June 30, of the preceding year."
>
> SEC. 4. (a) The Budget submitted annually by the President pursuant to section 201 of the Budget and Accounting Act, 1921, as amended, shall be prepared, on the basis of the best estimates then available, in such a manner as to insure compliance with the first section of this Act.
>
> (b) Notwithstanding any obligational authority granted or appropriations made except such with respect to the legislative and judicial branches of the Government, the President shall from time to time during each fiscal year take such action as may be necessary (by placing funds in reserve, by apportionment of funds, or otherwise) to insure compliance with the first section of this Act.
>
> SEC. 5. The Congress shall not pass appropriations measures which will result in expenditures by the Government during any fiscal year in excess of its estimated revenues for such year (as revenues have been estimated in the budget submitted by the President), except—
>
> (1) to the extent of any additional revenues of the Government for such fiscal year resulting from tax legislation enacted after the submission of the budget for such fiscal year; or
>
> (2) in time of war declared by the Congress; or
>
> (3) during a period of grave national emergency declared in accordance with the first section of this Act; but, subject to paragraph (1) of this section, appropriations measures which will so result in expenditures in excess of estimated revenues may be passed by the Congress only during such a period of grave national emergency.
>
> SEC. 6. This Act shall apply only in respect of fiscal years beginning after June 30, 1974.

POINT OF ORDER

Mr. ULLMAN. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. ULLMAN. Mr. Chairman, the bill before us provides for a temporary change in the debt ceiling in conformity with the Second Liberty Bond Act. The amendment offered by the gentleman from Iowa makes a permanent change in the Second Liberty Bond Act, and therefore is not germane to this bill.

The CHAIRMAN. Does the gentleman from Iowa desire to be heard on the point of order?

Mr. GROSS. I do, Mr. Chairman, very briefly.

Mr. Chairman, this ought to be a lesson to every Member not to offer a long amendment. Then, perhaps, debate might be started before a point of order is made.

Mr. Chairman, the entire thrust of the bill before us is the national debt and the ceiling of that debt. The main thrust of this amendment is to control the Federal debt and reduce the ceiling.

Mr. Chairman, I believe the amendment is in order.

The CHAIRMAN (Mr. NATCHER). The Chair is ready to rule on the point of order.

The bill presently before the House provides for a temporary change in the debt limit for this fiscal year, and the amendment constitutes a permanent change in the law.

In addition, the amendment also goes to the preparation of the budget under the Budget and Accounting Act which is under the jurisdiction of another committee. Volume 8 of the precedents of the House provides under section 2914 the following:

> To a section proposing legislation for the current year, an amendment rendering such legislation permanent was held to be not germane.

The Chair sustains the point of order.

Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 11104) to provide for a temporary increase of $13,000,000,000 in the public debt limit and to extend the period to which this temporary limit applies to June 30, 1974 pursuant to House Resolution 687, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the Rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. ULLMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 253, nays 153, not voting 27, as follows:

[Roll No. 567]

YEAS—253

Adams
Addabbo
Alexander
Andrews, N. Dak.
Annunzio
Ashley
Aspin
Badillo
Barrett
Bergland
Biester
Bingham
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breaux
Breckinridge
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burton
Butler
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Clark
Clausen, Don H.
Clay
Cohen
Collins, Ill.
Conable
Conte
Corman
Cotter
Culver
Daniels, Dominick V.
Danielson
Davis, Ga.
Delaney
Dellenback
Diggs
Dingell
Donohue
Dorn
Downing
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flood
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frenzel
Fulton
Fuqua
Gettys
Giaimo
Gibbons
Gonzalez
Grasso
Gray
Green, Pa.
Griffiths
Grover
Gubser
Gude
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Wash.
Harvey
Hastings
Hawkins
Hays
Heinz
Helstoski
Hicks
Hillis
Hogan
Holifield
Holtzman
Horton
Hosmer
Hungate
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, Okla.
Jordan
Karth
Kazen
Keating
Kluczynski
Koch
Kyros
Landrum
Lehman
Lent
Litton
Long, La.
Long, Md.
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKinney
Macdonald
Madigan
Mailliard
Mallary
Martin, Nebr.
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Milford
Minish
Mink
Minshall, Ohio
Mollohan
Moorhead, Pa.
Morgan
Mosher
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nix
O'Brien
O'Neill
Owens
Passman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Preyer
Price, Ill.
Pritchard
Railsback
Rangel
Rees
Regula
Reid
Reuss
Rhodes
Rinaldo
Robison, N.Y.
Rodino
Roe
Roncallo, N.Y.
Rooney, Pa.
Rostenkowski
Roush
Ruppe
Ryan
Sarasin
Sarbanes
Schneebeli
Sebelius
Seiberling
Shipley
Shriver
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Staggers
Stanton, J. William
Stark
Steed
Steele
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Symington
Talcott
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thornton
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Walsh
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Wilson, Bob
Wright
Wyatt
Wydler
Yates
Young, Alaska
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki

NAYS—153

Abdnor
Abzug
Anderson, Calif.
Andrews, N.C.
Archer
Armstrong
Ashbrook
Bafalis
Baker
Bauman
Beard
Bennett
Bevill
Biaggi
Brinkley
Brown, Calif.
Broyhill, N.C.
Burke, Fla.
Burlison, Mo.
Byron
Camp
Chappell
Chisholm
Clancy
Clawson, Del
Cleveland
Cochran
Collins, Tex.
Conlan
Crane
Cronin
Daniel, Dan
Daniel, Robert W., Jr.
Davis, S.C.
de la Garza
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Drinan
Edwards, Calif.
Fisher
Flowers
Flynt
Fountain
Frey
Froehlich
Gaydos
Gilman
Ginn
Goldwater
Goodling
Gross
Gunter
Guyer
Haley
Hanrahan
Hansen, Idaho
Harrington
Harsha
Hechler, W. Va.
Heckler, Mass.
Henderson
Hinshaw
Holt
Huber
Hudnut
Hunt
Hutchinson
Ichord
Johnson, Colo.
Jones, N.C.
Kastenmeier
Kemp
Ketchum
King
Landgrebe
Latta
Leggett
Lott
Lujan
McSpadden
Madden
Mann
Maraziti
Martin, N.C.
Mathis, Ga.
Michel
Miller
Mitchell, N.Y.
Mizell
Moakley
Montgomery
Moorhead, Calif.
Myers
Nichols
Obey
Parris
Powell, Ohio
Price, Tex.
Quie
Quillen
Randall
Rarick
Riegle
Roberts
Robinson, Va.
Rogers
Roncalio, Wyo.
Rose
Rosenthal
Rousselot
Roy
Roybal
Runnels
Ruth
Satterfield
Scherle
Schroeder
Shoup
Shuster
Sikes
Skubitz
Snyder
Spence
Steelman
Steiger, Ariz.
Studds
Sullivan
Symms
Taylor, Mo.
Taylor, N.C.
Thone
Towell, Nev.
Treen
Veysey
Waldie
Wampler
Williams
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wylie
Wyman
Yatron
Young, Fla.
Young, S.C.
Zion
Zwach

NOT VOTING—27

Anderson, Ill.
Arends
Bell
Blackburn
Blatnik
Burgener
Burke, Calif.
Collier
Conyers
Coughlin
Davis, Wis.
Green, Oreg.
Hébert
Howard
Jones, Tenn.
Kuykendall
Mahon
Mills, Ark.
Mitchell, Md.
Moss
Murphy, Ill.
O'Hara
Patman
Rooney, N.Y.
St Germain
Sandman
Stanton, James V.

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Arends.
Mrs. Green of Oregon with Mr. Mahon.
Mr. Blatnik with Mr. Collier.
Mr. Moss with Mr. Blackburn.
Mr. Mitchell of Maryland with Mr. Patman.
Mr. O'Hara with Mr. Burke of Florida.
Mr. Howard with Mr. Conyers.
Mr. Rooney of New York with Mr. Coughlin.
Mr. James V. Stanton with Mr. Anderson of Illinois.
Mr. Jones of Tennessee with Mr. Davis of Wisconsin.
Mr. Mills of Arkansas with Mr. Kuykendall.
Mr. St Germain with Mr. Bell.
Mr. Murphy of Illinois with Mr. Sandman.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to provide for a temporary increase of $10,700,000,000 in the public debt limit and to extend the period to which this temporary limit applies to June 30, 1974."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed, and that I be permitted to include extraneous matter in my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

CONFERENCE REPORT ON S. 1081, TO GRANT RIGHTS-OF-WAY ACROSS FEDERAL LANDS

Mr. MELCHER submitted the following conference report and statement on the Senate bill (S. 1081) to authorize the Secretary of the Interior to grant rights-of-way across Federal lands where the use of such rights-of-way is in the public interest and the applicant for the right-of-way demonstrates the financial and technical capability to use the right-of-way in a manner which will protect the environment:

CONFERENCE REPORT (H. REPT. No. 93–624)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1081) to authorize the Secretary of the Interior to grant rights-of-way across Federal lands where the use of such rights-of-way is in the public interest and the applicant for the right-of-way demonstrates the financial and technical capability to use the right-of-way in a manner which will protect the environment, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

TITLE I

SECTION 101. Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), is further amended to read as follows:

"Grant of Authority

"SEC. 28. (a) Rights-of-way through any Federal lands may be granted by the Secretary of the Interior or appropriate agency head for pipeline purposes for the transportation of oil, natural gas, synthetic liquid or gaseous fuels, or any refined product produced therefrom to any applicant possessing the qualifications provided in section 1 of this Act, as amended, in accordance with the provisions of this section.

"Definitions

"(b)(1) For the purposes of this section 'Federal lands' means all lands owned by the United States except lands in the National Park System, lands held in trust for an Indian or Indian tribe, and lands on the Outer Continental Shelf. A right-of-way through a Federal reservation shall not be granted if the Secretary or agency head determines that it would be inconsistent with the purposes of the reservation.

"(2) 'Secretary' means the Secretary of the Interior.

"(3) 'Agency head' means the head of any Federal department or independent Federal office or agency, other than the Secretary of the Interior, which has jurisdiction over Federal lands.

"Inter-Agency Coordination

"(c)(1) Where the surface of all of the Federal lands involved in a proposed right-of-way or permit is under the jurisdiction of one Federal agency, the agency head, rather than the Secretary, is authorized to grant or renew the right-of-way or permit for the purposes set forth in this section.

"(2) Where the surface of the Federal lands involved is administered by the Secretary or by two or more Federal agencies, the Secretary is authorized, after consultation with the agencies involved, to grant or renew rights-of-way or permits through the Federal lands involved. The Secretary may enter into interagency agreements with all other Federal agencies having jurisdiction over Federal lands for the purpose of avoiding duplication, assigning responsibility, expediting review of rights-of-way or permit applications, issuing joint regulations, and assuring a decision based upon a comprehensive review of all factors involved in any right-of-way or permit application. Each agency head shall administer and enforce the provisions of this section, appropriate regulations, and the terms and conditions of rights-of-way or permits insofar as they involve Federal lands under the agency head's jurisdiction.

"Width Limitations

"(d) The width of a right-of-way shall not exceed fifty feet plus the ground occupied by the pipeline (that is, the pipe and its related facilities) unless the Secretary or agency head finds, and records the reasons for his finding, that in his judgment a wider right-of-way is necessary for operation and maintenance after construction, or to protect the environment or public safety. Related facilities include but are not limited to valves, pump stations, supporting structures, bridges, monitoring and communication devices, surge and storage tanks, terminals, roads, airstrips, and campsites, and they need not necessarily be connected or contiguous to the pipe and may be the subjects of separate rights-of-way.

"Temporary Permits

"(e) A right-of-way may be supplemented by such temporary permits for the use of Federal lands in the vicinity of the pipeline as the Secretary or agency head finds are necessary in connection with construction, operation, maintenance, or termination of the pipeline, or to protect the natural environment or public safety.

"Regulatory Authority

"(f) Rights-of-way or permits granted or renewed pursuant to this section shall be subject to regulations promulgated in accord with the provisions of this section and shall be subject to such terms and conditions as the Secretary or agency head may prescribe regarding extent, duration, survey, location, construction, operation, maintenance, use, and termination.

"Pipeline Safety

"(g) The Secretary or agency head shall impose requirements for the operation of the pipeline and related facilities in a manner that will protect the safety of workers and protect the public from sudden ruptures and slow degradation of the pipeline.

"Environmental Protection

"(h)(1) Nothing in this section shall be construed to amend, repeal, modify, or change in any way the requirements of section 102(2)(C) or any other provision of the National Environmental Policy Act of 1969 (Public Law 91–190, 83 Stat. 852).

"(2) The Secretary or agency head, prior to granting a right-of-way or permit pursuant to this section for a new project which may have a significant impact on the environment, shall require the applicant to submit a plan of construction, operation, and rehabilitation for such right-of-way or permit which shall comply with this section. The Secretary or agency head shall issue regulations or impose stipulations which shall include, but shall not be limited to: (A) requirements for restoration, revegetation, and curtailment of erosion of the surface of the land; (B) requirements to insure that activities in connection with the right-of-way or permit will not violate applicable air and water quality standards nor related facility siting standards established by or pursuant to law; (C) requirements designed to control or prevent (i) damage to the environment (including damage to fish and wildlife habitat), (ii) damage to public or private property, and (iii) hazards to public health and safety; and (D) requirements to protect the interests of individuals living in the general area of the right-of-way or permit who rely on the fish, wildlife, and biotic resources of the area for subsistence purposes. Such regulations shall be applicable to every right-of-way or permit granted pursuant to this section, and may be made applicable by the Secretary or agency head to existing rights-of-way or permits, or rights-of-way or permits to be renewed pursuant to this section.

"Disclosure

"(i) If the applicant is a partnership, corporation, association, or other business entity, the Secretary or agency head shall require the applicant to disclose the identity of the participants in the entity. Such disclosure shall include where applicable (1) the name and address of each partner, (2) the name and address of each shareholder owning 3 per centum or more of the shares, together with the number and percentage of any class of voting shares of the entity which such shareholder is authorized to vote, and (3) the name and address of each affiliate of the entity together with, in the case of an affiliate controlled by the entity, the number of shares and the percentage of any class of voting stock of that affiliate owned, directly or indirectly, by that entity, and, in the case of an affiliate which controls that entity, the number of shares and the percentage of any class of voting stock of that entity owned, directly or indirectly, by the affiliate.

"Technical and Financial Capability

"(j) The Secretary or agency head shall grant or renew a right-of-way or permit under this section only when he is satisfied that the applicant has the technical and financial capability to construct, operate, maintain, and terminate the project for which the right-of-way or permit is requested in accordance with the requirements of this section.

"Public Hearings

"(k) The Secretary or agency head by regulation shall establish procedures, including public hearings where appropriate, to give Federal, State, and local government agencies and the public adequate notice and an opportunity to comment upon right-of-way applications filed after the date of enactment of this subsection.

"Reimbursement of Costs

"(l) The applicant for a right-of-way or permit shall reimburse the United States for administrative and other costs incurred in processing the application, and the holder of a right-of-way or permit shall reimburse the United States for the costs incurred in monitoring the construction, operation, maintenance, and termination of any pipeline and related facilities on such right-of-way or permit area and shall pay annually in advance the fair market rental value of the right-of-way or permit, as determined by the Secretary or agency head.

"Bonding

"(m) Where he deems it appropriate the Secretary or agency head may require a holder of a right-of-way or permit to furnish a bond, or other security, satisfactory to the Secretary or agency head to secure all or any of the obligations imposed by the terms and conditions of the right-of-way or permit or by any rule or regulation of the Secretary or agency head.

"Duration of grant

"(n) Each right-of-way or permit granted or renewed pursuant to this section shall be limited to a reasonable term in light of all circumstances concerning the project, but in no event more than thirty years. In determining the duration of a right-of-way the Secretary or agency head shall, among other things, take into consideration the cost of the facility, its useful life, and any public purpose it serves. The Secretary or agency head shall renew any right-of-way, in accordance with the provisions of this section, so long as the project is in commercial operation and is operated and maintained in accordance with all of the provisions of this section.

"Suspension or Termination of Right-of-Way

"(o)(1) Abandonment of a right-of-way or noncompliance with any provision of this section may be grounds for suspension or

termination of the right-of-way if (A) after due notice to the holder of the right-of-way, (B) a reasonable opportunity to comply with this section, and (C) an appropriate administrative proceedings pursuant to title 5, United States Code, section 554, the Secretary or agency head determines that any such ground exists and that suspension or termination is justified. No administrative proceeding shall be required where the right-of-way by its terms provides that it terminates on the occurrence of a fixed or agreed upon condition, event, or time.

"(2) If the Secretary or agency head determines that an immediate temporary suspension of activities within a right-of-way or permit area is necessary to protect public health or safety or the environment, he may abate such activities prior to an administrative proceeding.

"(3) Deliberate failure of the holder to use the right-of-way for the purpose for which it was granted or renewed for any continuous two-year period shall constitute a rebuttable presumption of abandonment of the right-of-way, *Provided*, That where the failure to use the right-of-way is due to circumstances not within the holder's control the Secretary or agency head is not required to commence proceedings to suspend or terminate the right-of-way.

"Joint Use of Rights-of-Way

"(p) In order to minimize adverse environmental impacts and the proliferation of separate rights-of-way across Federal lands, the utilization of rights-of-way in common shall be required to the extent practical, and each right-of-way or permit shall reserve to the Secretary or agency head the right to grant additional rights-of-way or permits for compatible uses on or adjacent to rights-of-way or permit area granted pursuant to this section.

"Statutes

"(q) No rights-of-way for the purposes provided for in this section shall be granted or renewed across Federal lands except under and subject to the provisions, limitations, and conditions of this section. Any application for a right-of-way filed under any other law prior to the effective date of this provision may, at the applicant's option, be considered as an application under this section. The Secretary or agency head may require the applicant to submit any additional information he deems necessary to comply with the requirements of this section.

"Common Carriers

"(r)(1) Pipelines and related facilities authorized under this section shall be constructed, operated, and maintained as common carriers.

"(2)(A) The owners or operators of pipelines subject to this section shall accept, convey, transport, or purchase without discrimination all oil or gas delivered to the pipeline without regard to whether such oil or gas was produced on Federal or non-Federal lands.

"(B) In the case of oil or gas produced from Federal lands or from the resources on the Federal lands in the vicinity of the pipeline, the Secretary may, after a full hearing with due notice thereof to the interested parties and a proper finding of facts, determine the proportionate amounts to be accepted, conveyed, transported or purchased.

"(3)(A) The common carrier provisions of this section shall not apply to any natural gas pipeline operated by any person subject to regulation under the Natural Gas Act or by any public utility subject to regulation by a State or municipal regulatory agency having jurisdiction to regulate the rates and charges for the sale of natural gas to consumers within the State or municipality.

"(B) Where natural gas not subject to State regulatory or conservation laws governing its purchase by pipelines is offered for sale, each such pipeline shall purchase, without discrimination, any such natural gas produced in the vicinity of the pipeline.

"(4) The Government shall in express terms reserve and shall provide in every lease of oil lands under this Act that the lessee, assignee, or beneficiary, if owner or operator of a controlling interest in any pipeline or of any company operating the pipeline which may be operated accessible to the oil derived from lands under such lease, shall at reasonable rates and without discrimination accept and convey the oil of the Government or of any citizen or company not the owner of any pipeline operating a lease or purchasing gas or oil under the provisions of this Act.

"(5) Whenever the Secretary has reason to believe that any owner or operator subject to this section is not operating any oil or gas pipeline in complete accord with its obligations as a common carrier hereunder, he may request the Attorney General to prosecute an appropriate proceeding before the Interstate Commerce Commission or Federal Power Commission or any appropriate State agency or the United States district court for the district in which the pipeline or any part thereof is located, to enforce such obligation or to impose any penalty provided therefor, or the Secretary may, by proceeding as provided in this section, suspend or terminate the said grant of right-of-way for noncompliance with the provisions of this section.

"(6) The Secretary or agency head shall require, prior to granting or renewing a right-of-way, that the applicant submit and disclose all plans, contracts, agreements, or other information or material which he deems necessary to determine whether a right-of-way shall be granted or renewed and the terms and conditions which should be included in the right-of-way. Such information may include, but is not limited to: (A) conditions for, and agreements among owners or operators, regarding the addition of pumping facilities, looping, or otherwise increasing the pipeline or terminal's throughput capacity in response to actual or anticipated increases in demand; (B) conditions for adding or abandoning intake, offtake, or storage points or facilities; and (C) minimum shipment or purchase tenders.

"Right-of-Way Corridors

"(s) In order to minimize adverse environmental impacts and to prevent the proliferation of separate rights-of-way across Federal lands, the Secretary shall, in consultation with other Federal and State agencies, review the need for a national system of transportation and utility corridors across Federal lands and submit a report of his findings and recommendations to the Congress and the President by July 1, 1975.

"Existing Rights-of-Way

"(t) The Secretary or agency head may ratify and confirm any right-of-way or permit for an oil or gas pipeline or related facility that was granted under any provision of law before the effective date of this subsection, if it is modified by mutual agreement to comply to the extent practical with the provisions of this section. Any action taken by the Secretary or agency head pursuant to this subsection shall not be considered a major Federal action requiring a detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1970 (Public Law 90–190; 42 U.S.C. 4321).

"Limitations on export

"(u) Any domestically produced crude oil transported by pipeline over rights-of-way granted pursuant to section 28 of the Mineral Leasing Act of 1920, except such crude oil which is either exchanged in similar quantity for convenience or increased efficiency of transportation with persons or the government of an adjacent foreign state, or which is temporarily exported for convenience or increased efficiency of transportation across parts of an adjacent foreign state and reenters the United States, shall be subject to all of the limitations and licensing requirements of the Export Administration Act of 1969 (Act of December 30, 1969; 83 Stat. 841) and, in addition, before any crude oil subject to this section may be exported under the limitations and licensing requirements and penalty and enforcement provisions of the Export Administration Act of 1969 the President must make and publish an express finding that such exports will not diminish the total quantity or quality of petroleum available to the United States, and are in the national interest and are in accord with the provisions of the Export Administration Act of 1969: *Provided*, That the President shall submit reports to the Congress containing findings made under this section, and after the date of receipt of such report Congress shall have a period of sixty calendar days, thirty days of which Congress must have been in session, to consider whether exports under the terms of this section are in the national interest. If the Congress within this time period passes a concurrent resolution of disapproval stating disagreement with the President's finding concerning the national interest, further exports made pursuant to the aforementioned Presidential findings shall cease.

"State Standards

"(v) The Secretary or agency head shall take into consideration and to the extent practical comply with State standards for right-of-way construction, operation, and maintenance.

"Reports

"(w)(1) The Secretary and other appropriate agency heads shall report to the House and Senate Committees on Interior and Insular Affairs annually on the administration of this section and on the safety and environmental requirements imposed pursuant thereto.

"(2) The Secretary or agency head shall notify the House and Senate Committees on Interior and Insular Affairs promptly upon receipt of an application for a right-of-way for a pipeline twenty-four inches or more in diameter, and no right-of-way for such a pipeline shall be granted until sixty days (not counting days on which the House of Representatives or the Senate has adjourned for more than three days) after a notice of intention to grant the right-of-way, together with the Secretary's or agency head's detailed findings as to terms and conditions he proposes to impose, has been submitted to such committees, unless each committee by resolution waives the waiting period.

"(3) Periodically, but at least once a year, the Secretary of the Department of Transportation shall cause the examination of all pipelines and associated facilities on Federal lands and shall cause the prompt reporting of any potential leaks or safety problems.

"(4) The Secretary of the Department of Transportation shall report annually to the President, the Congress, the Secretary of the Interior, and the Interstate Commerce Commission any potential dangers of or actual explosions, or potential or actual spillage on Federal lands and shall include in such report a statement of corrective action taken to prevent such explosion or spillage.

"Liability

"(x)(1) The Secretary or agency head shall promulgate regulations and may impose stipulations specifying the extent to which holders of rights-of-way and permits under this Act shall be liable to the United States for damage or injury incurred by the United States in connection with the right-of-way or permit. Where the right-of-way or permit involves lands which are under the exclusive jurisdiction of the Federal Government, the Secretary or agency head shall promulgate regulations specifying the extent to which holders shall be liable to third parties for injuries incurred in connection with the right-of-way or permit.

"(2) The Secretary or agency head may, by regulation or stipulation, impose a standard of strict liability to govern activities taking place on a right-of-way or permit area which the Secretary or agency head determines, in his discretion, to present a foreseeable hazard or risk of danger to the United States.

"(3) Regulations and stipulations pursuant to this subsection shall not impose strict liability for damage or injury resulting from (A) an act of war, or (B) negligence of the United States.

"(4) Any regulation or stipulation imposing liability without fault shall include a maximum limitation on damages commensurate with the foreseeable risks or hazards presented. Any liability for damage or injury in excess of this amount shall be determined by ordinary rules of negligence.

"(5) The regulations and stipulations shall also specify the extent to which such holders shall indemnify or hold harmless the United States for liability, damage, or claims arising in connection with the right-of-way or permit.

"(6) Any regulation or stipulation promulgated or imposed pursuant to this section shall provide that all owners of any interest in and all affiliates or subsidiaries of any holder of, a right-of-way or permit shall be liable to the United States in the event that a claim for damage or injury cannot be collected from the holder.

"(7) In any case where liability without fault is imposed pursuant to this subsection and the damages involved were caused by the negligence of a third party, the rules of subrogation shall apply in accordance with the law of the jurisdiction where the damage occurred.

"Antitrust Laws

"(y) The grant of a right-of-way or permit pursuant to this section shall grant no immunity from the operation of the Federal antitrust laws."

TITLE II

SHORT TITLE

SEC. 201. This title may be cited as the "Trans-Alaska Pipeline Authorization Act".

CONGRESSIONAL FINDINGS

SEC. 202. The Congress finds and declares that:

(a) The early development and delivery of oil and gas from Alaska's North Slope to domestic markets is in the national interest because of growing domestic shortages and increasing dependence upon insecure foreign sources.

(b) The Department of the Interior and other Federal agencies, have, over a long period of time, conducted extensive studies of the technical aspects and of the environmental, social, and economic impacts of the proposed trans-Alaska oil pipeline, including consideration of a trans-Canada pipeline.

(c) The earliest possible construction of a trans-Alaska oil pipeline from the North Slope of Alaska to Port Valdez in that State will make the extensive proven and potential reserves of low-sulfur oil available for domestic uses and will best serve the national interest.

(d) A supplemental pipeline to connect the North Slope with a trans-Canada pipeline may be needed later and it should be studied now, but it should not be regarded as an alternative for a trans-Alaska pipeline that does not traverse a foreign country.

CONGRESSIONAL AUTHORIZATION

SEC. 203. (a) The purpose of this title is to insure that, because of the extensive governmental studies already made of this project and the national interest in early delivery of North Slope oil to domestic markets, the trans-Alaska oil pipeline be constructed promptly without further administrative or judicial delay or impediment. To accomplish this purpose it is the intent of the Congress to exercise its constitutional powers to the fullest extent in the authorizations and directions herein made and in limiting judicial review of the actions taken pursuant thereto.

(b) The Congress hereby authorizes and directs the Secretary of the Interior and other appropriate Federal officers and agencies to issue and take all necessary action to administer and enforce rights-of-way, permits, leases, and other authorizations that are necessary for or related to the construction, operation, and maintenance of the trans-Alaska oil pipeline system, including roads and airstrips, as that system is generally described in the Final Environmental Impact Statement issued by the Department of the Interior on March 20, 1972. The route of the pipeline may be modified by the Secretary to provide during construction greater environmental protection.

(c) Rights-of-way, permits, leases, and other authorizations issued pursuant to this title by the Secretary shall be subject to the provisions of section 28 of the Mineral Leasing Act of 1920, as amended by title I of this Act (except the provisions of subsections (h)(1), (k), (q), (w)(2), and (x)); all authorizations issued by the Secretary and other Federal officers and agencies pursuant to this title shall include the terms and conditions required, and may include the terms and conditions permitted, by the provisions of law that would otherwise be applicable if this title had not been enacted and they may waive any procedural requirements of law or regulation which they deem desirable to waive in order to accomplish the purposes of this title. The direction contained in section 203(b) shall supersede the provisions of any law or regulation relating to an administrative determination as to whether the authorizations for construction of the trans-Alaska oil pipeline shall be issued.

(d) The actions taken pursuant to this title which relate to the construction and completion of the pipeline system, and to the applications filed in connection therewith necessary to the pipeline's operation at full capacity, as described in the Final Environmental Impact Statement of the Department of the Interior, shall be taken without further action under the National Environmental Policy Act of 1969; and the actions of the Federal officers concerning the issuance of the necessary rights-of-way, permits, leases, and other authorizations for construction and initial operation at full capacity of said pipeline system shall not be subject to judicial review under any law except that claims alleging the invalidity of this section may be brought within sixty days following its enactment, and claims alleging that an action will deny rights under the Constitution of the United States, or that the action is beyond the scope of authority conferred by this title, may be brought within sixty days following the date of such action. A claim shall be barred unless a complaint is filed within the time specified. Any such complaint shall be filed in a United States district court, and such court shall have exclusive jurisdiction to determine such proceeding in accordance with the procedures hereinafter provided, and no other court of the United States, of any State, territory, or possession of the United States, or of the District of Columbia, shall have jurisdiction of any such claim whether in a proceeding instituted prior to or on or after the date of the enactment of this Act. Any such proceeding shall be assigned for hearing at the earliest possible date, shall take precedence over all other matters pending on the docket of the district court at that time, and shall be expedited in every way by such court. Such court shall not have jurisdiction to grant any injunctive relief against the issuance of any right-of-way, permit, lease, or other authorization pursuant to this section except in conjunction with a final judgment entered in a case involving a claim filed pursuant to this section. Any review of an interlocutory or final judgment, decree, or order of such district court may be had only upon direct appeal to the Supreme Court of the United States.

(e) The Secretary of the Interior and the other Federal officers and agencies are authorized at any time when necessary to protect the public interest, pursuant to the authority of this section and in accordance with its provisions, to amend or modify any right-of-way, permit, lease, or other authorization issued under this title.

LIABILITY

SEC. 204. (a)(1) Except when the holder of the pipeline right-of-way granted pursuant to this title can prove that damages in connection with or resulting from activities along or in the vicinity of the proposed trans-Alaskan pipeline right-of-way were caused by an act of war or negligence of the United States, other government entity, or the damaged party, such holder shall be strictly liable to all damaged parties, public or private, without regard to fault for such damages, and without regard to ownership of any affected lands, structures, fish, wildlife, or biotic or other natural resources relied upon by Alaska Natives, Native organizations, or others for subsistence or economic purposes. Claims for such injury or damages may be determined by arbitration or judicial proceedings.

(2) Liability under paragraph (1) of this subsection shall be limited to $50,000,000 for any one incident, and the holders of the right-of-way or permit shall be liable for any claim allowed in proportion to their ownership interest in the right-of-way or permit. Liability of such holders for damages in excess of $50,000,000 shall be in accord with ordinary rules of negligence.

(3) In any case where liability without fault is imposed pursuant to this subsection and the damages involved were caused by the negligence of a third party, the rules of subrogation shall apply in accordance with the law of the jurisdiction where the damage occured.

(4) Upon order of the Secretary, the holder of a right-of-way or permit shall provide emergency subsistence and other aid to an affected Alaska Native, Native organization, or other person pending expeditious filing of, and determination of, a claim under this subsection.

(5) Where the State of Alaska is the holder of a right-of-way or permit under this title, the State shall not be subject to the provisions of subsection 204(a), but the holder of the permit or right-of-way for the trans-Alaska pipeline shall be subject to that subsection with respect to facilities constructed or activities conducted under rights-of-way or permits issued to the State to the extent that such holder engages in the construction, operation, maintenance, and termination of facilities, or in other activities under rights-of-way or permits issued to the State.

(b) If any area within or without the right-of-way or permit area granted under this title is polluted by any activities conducted by or on behalf of the holder to whom such right-of-way or permit was granted, and such pollution damages or threatens to damage aquatic life, wildlife, or public or private property, the control and total removal of the pollutant shall be at the expense of such holder, including any administrative and other costs incurred by the Secretary or any other Federal officer or agency. Upon failure of such holder to adequately control and remove such pollutant, the Secretary, in cooperation with other Federal, State, or local agencies, or in cooperation with such holder, or both, shall have the right to accomplish the control and removal at the expense of such holder.

(c)(1) Notwithstanding the provisions of any other law, if oil that has been transported through the trans-Alaska pipeline is loaded on a vessel at the terminal facilities of the pipeline, the owner and operator of the vessel (jointly and severally) and the Trans-Alaska Pipeline Liability Fund established by this subsection, shall be strictly liable without regard to fault in accordance with the provisions of this subsection for all damages, including clean-up costs, sustained by any person or entity, public or private, including residents of Canada, as the result of discharges of oil from such vessel.

(2) Strict liability shall not be imposed under this subsection if the owner or operator of the vessel, or the Fund, can prove that the damages were caused by an act of war or by the negligence of the United States or other governmental agency. Strict liability shall not be imposed under this subsection with respect to the claim of a damaged party if the owner or operator of the vessel, or the Fund, can prove that the damage was caused by the negligence of such party.

(3) Strict liability for all claims arising out of any one incident shall not exceed $100,000,000. The owner and operator of the vessel shall be jointly and severally liable for the first $14,000,000 of such claims that are allowed. Financial responsibility for $14,000,000 shall be demonstrated in accordance with the provisions of section 311(p) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1321(p)) before the oil is loaded. The Fund shall be liable for the balance of the claims that are allowed up to $100,000,000. If the total claims allowed exceed $100,000,000, they shall be reduced proportionately. The unpaid portion of any claim may be asserted and adjudicated under other applicable Federal or state law.

(4) The Trans-Alaska Pipeline Liability Fund is hereby established as a non-profit corporate entity that may sue and be sued in its own name. The Fund shall be administered by the holders of the trans-Alaska pipeline right-of-way under regulations prescribed by the Secretary. The Fund shall be subject to an annual audit by the Comptroller General, and a copy of the audit shall be submitted to the Congress.

(5) The operator of the pipeline shall collect from the owner of the oil at the time it is loaded on the vessel a fee of five cents per barrel. The collection shall cease when $100,000,000 has been accumulated in the Fund, and it shall be resumed when the accumulation in the Fund falls below $100,000,000.

(6) The collections under paragraph (5) shall be delivered to the Fund. Costs of administration shall be paid from the money paid to the Fund, and all sums not needed for administration and the satisfaction of claims shall be invested prudently in income-producing securities approved by the Secretary. Income from such securities shall be added to the principal of the Fund.

(7) The provisions of this subsection shall apply only to vessels engaged in transportation between the terminal facilities of the pipeline and ports under the jurisdiction of the United States. Strict liability under this subsection shall cease when the oil has first been brought ashore at a port under the jurisdiction of the United States.

(8) In any case where liability without regard to fault is imposed pursuant to this subsection and the damages involved were caused by the unseaworthiness of the vessel or by negligence, the owner and operator of the vessel, and the Fund, as the case may be, shall be subrogated under applicable State and Federal laws to the rights under said laws of any person entitled to recovery hereunder. If any subrogee brings an action based on unseaworthiness of the vessel or negligence of its owner or operator, it may recover from any affiliate of the owner or operator, if the respective owner or operator fails to satisfy any claim by the subrogee allowed under this paragraph.

(9) This subsection shall not be interpreted to preempt the field of strict liability or to preclude any State from imposing additional requirements.

(10) If the Fund is unable to satisfy a claim asserted and finally determined under this subsection, the Fund may borrow the money needed to satisfy the claim from any commercial credit source, at the lowest available rate of interest, subject to approval of the Secretary.

(11) For purposes of this subsection only, the term "affiliate" includes—

(A) Any person owned or effectively controlled by the vessel owner or operator; or

(B) Any person that effectively controls or has the power effectively to control the vessel owner or operator by—

(i) stock interest, or

(ii) representation on a board of directors or similar body, or

(iii) contract or other agreement with other stockholders, or

(iv) otherwise; or

(C) Any person which is under common ownership or control with the vessel owner or operator.

(12) The term "person" means an individual, a corporation, a partnership, an association, a joint-stock company, a business trust, or an unincorporated organizaton.

ANTITRUST LAWS

SEC. 205. The grant of a right-of-way, permit, lease, or other authorization pursuant to this title shall grant no immunity from the operation of the Federal anti-trust laws.

ROADS AND AIRPORTS

SEC. 206. A right-of-way, permit, lease, or other authorization granted under section 203(b) for a road or airstrip as a related facility of the trans-Alaska pipeline may provide for the construction of a public road or airstrip.

TITLE III—NEGOTIATIONS WITH CANADA

SEC. 301. The President of the United States is authorized and requested to enter into negotiations with the Government of Canada to determine—

(a) the willingness of the Government of Canada to permit the construction of pipelines or other transportation systems across Canadian territory for the transport of natural gas and oil from Alaska's North Slope to markets in the United States, including the use of tankers by way of the Northwest Passage;

(b) the need for intergovernmental understandings, agreements, or treaties to protect the interests of the Governments of Canada and the United States and any party or parties involved with the construction, operation, and maintenance of pipelines or other transportation systems for the transport of such natural gas or oil;

(c) the terms and conditions under which pipelines or other transportation systems could be constructed across Canadian territory;

(d) the desirability of undertaking joint studies and investigations designed to insure protection of the environment, reduce legal and regulatory uncertainty, and insure that the respective energy requirements of the people of Canada and of the United States are adequately met;

(e) the quantity of such oil and natural gas from the North Slope of Alaska for which the Government of Canada would guarantee transit; and

(f) the feasibility, consistent with the needs of other sections of the United States, of acquiring additional energy from other sources that would make unnecessary the shipment of oil from the Alaska pipeline by tanker into the Puget Sound area.

The President shall report to the House and Senate Committees on Interior and Insular Affairs the actions taken, the progress achieved, the areas of disagreement, and the matters about which more information is needed, together with his recommendations for further action.

SEC. 302. (a) The Secretary of the Interior is authorized and directed to investigate the feasibility of one or more oil or gas pipelines from the North Slope of Alaska to connect with a pipeline through Canada that will deliver oil or gas to United States markets.

(b) All costs associated with making the investigations authorized by subsection (a) shall be charged to any future applicant who is granted a right-of-way for one of the routes studied. The Secretary shall submit to the House and Senate Committees on Interior and Insular Affairs periodic reports of his investigation, and the final report of the Secretary shall be submitted within two years from the date of this Act.

SEC. 303. Nothing in this title shall limit the authority of the Secretary of the Interior or any other Federal official to grant a gas or oil pipeline right-of-way or permit which he is otherwise authorized by law to grant.

TITLE IV—MISCELLANEOUS

VESSEL CONSTRUCTION STANDARDS

SEC. 401. Section 4417a of the Revised Statutes of the United States (46 U.S.C. 391a), as amended by the Ports and Waterways Safety Act of 1972 (86 Stat. 424, Public Law 92–340), is hereby amended as follows:

"(C) Rules and regulations published pursuant to subsection (7)(A) shall be effective not earlier than January 1, 1974, with respect to foreign vessels and United States-flag vessels operating in the foreign trade, unless the Secretary shall earlier establish rules and regulations consonant with international treaty, convention, or agreement, which generally address the regulation of similar topics for the protection of the marine environment. In absence of the promulgation of such rules and regulations consonant with international treaty, convention, or agreement, the Secretary shall establish an effective date not later than January 1, 1976, with respect to foreign vessels and United States-flag vessels operating in the foreign trade, for rules and regulations previously published pursuant to this subsection (7) which he then deems appropriate. Rules and regulations published pursuant to subsection (7)(A) shall be effective not later than June 30, 1974, with respect to United States-flag vessels engaged in the coastwise trade.".

VESSEL TRAFFIC CONTROL

SEC. 402. The Secretary of the Department in which the Coast Guard is operating is hereby directed to establish a vessel traffic control system for Prince William Sound and Valdez, Alaska, pursuant to authority contained in title I of the Ports and Waterways Safety Act of 1972 (86 Stat. 424, Public Law 92–340).

CIVIL RIGHTS

SEC. 403. The Secretary of the Interior shall take such affirmative action as he deems necessary to assure that no person shall, on the grounds of race, creed, color, national origin, or sex, be excluded from receiving, or participating in any activity conducted under, any permit, right-of-way, public land order, or other Federal authorization granted or issued under title II. The Secretary of the Interior shall promulgate such rules as he deems necessary to carry out the purposes of this subsection and may enforce this subsection, and any rules promulgated under

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this subsection, through agency and department provisions and rules which shall be similar to those established and in effect under title VI of the Civil Rights Act of 1964.

CONFIRMATION OF THE DIRECTOR OF THE ENERGY POLICY OFFICE

SEC. 404. The Director of the Energy Policy Office in the Executive Office of the President shall be appointed by the President, by and with the advice and consent of the Senate: *Provided*, That if any individual who is serving in this office on the date of enactment of this Act is nominated for such position, he may continue to act unless and until such nomination shall be disapproved by the Senate.

CONFIRMATION OF THE HEAD OF THE MINING ENFORCEMENT AND SAFETY ADMINISTRATION

SEC. 405. The head of the Mining Enforcement and Safety Administration established pursuant to Order Numbered 2953 of the Secretary of the Interior issued in accordance with the authority provided by section 2 of Reorganization Plan Numbered 3 of 1950 (64 Stat. 1262) shall be appointed by the President, by and with the advice and consent of the Senate: *Provided*, That if any individual who is serving in this office on the date of enactment of this Act is nominated for such position, he may continue to act unless and until such nomination shall be disapproved by the Senate.

EXEMPTION OF FIRST SALE OF CRUDE OIL AND NATURAL GAS OF CERTAIN LEASES FROM PRICE RESTRAINTS AND ALLOCATION PROGRAMS

SEC. 406. (a) The first sale of crude oil and natural gas liquids produced from any lease whose average daily production of such substances for the preceding calendar month does not exceed ten barrels per well shall not be subject to price restraints established pursuant to the Economic Stabilization Act of 1970, as amended, or to any allocation program for fuels or petroleum established pursuant to that Act or to any Federal law for the allocation of fuels or petroleum.

(b) To qualify for the exemption under this section, a lease must be operating at the maximum feasible rate of production and in accord with recognized conservation practices.

(c) The agency designated by the President or by law to implement any such fuels or petroleum allocation program is authorized to conduct inspections to insure compliance with this section and shall promulgate and cause to be published regulations implementing the provisions of this section.

ADVANCE PAYMENTS TO ALASKA NATIVES

SEC. 407. (a) In view of the delay in construction of a pipeline to transport North Slope crude oil, the sum of $5,000,000 is authorized to be appropriated from the United States Treasury into the Alaska Native Fund every six months of each fiscal year beginning with the fiscal year ending June 30, 1976, as advance payments chargeable against the revenues to be paid under section 9 of the Alaska Native Claims Settlement Act, until such time as the delivery of North Slope crude oil to a pipeline is commenced.

(b) Section 9 of the Alaskan Native Claims Settlement Act is amended by striking the language in subsection (g) thereof and substituting the following language: "The payments required by this section shall continue only until a sum of $500,000,000 has been paid into the Alaska Native Fund less the total of advance payments paid into the Alaska Native Fund pursuant to section 407 of the Trans-Alaska Pipeline Authorization Act. Thereafter, payments which would otherwise go into the Alaska Native Fund will be made to the United States Treasury as reimbursement for the advance payments authorized by section 407 of the Trans-Alaskan Pipeline Authorization Act. The provisions of this section shall no longer apply, and the reservation required in patents under this section shall be of no further force and effect, after a total sum of $500,000,000 has been paid to the Alaska Native Fund and to the United States Treasury pursuant to this subsection.".

FEDERAL TRADE COMMISSION AUTHORITY

SEC. 408. (a)(1) The Congress hereby finds that the investigative and law enforcement responsibilities of the Federal Trade Commission have been restricted and hampered because of inadequate legal authority to enforce subpenas and to seek preliminary injunctive relief to avoid unfair competitive practices.

(2) The Congress further finds that as a direct result of this inadequate legal authority significant delays have occurred in a major investigation into the legality of the structure, conduct, and activities of the petroleum industry, as well as in other major investigations designed to protect the public interest.

(b) It is the purpose of this Act to grant the Federal Trade Commission the requisite authority to insure prompt enforcement of the laws the Commission administers by granting statutory authority to directly enforce subpenas issued by the Commission and to seek preliminary injunctive relief to avoid unfair competitive practices.

(c) Section 5(l) of the Federal Trade Commission Act (15 U.S.C. 45(l)) is amended by striking subsection (l) and inserting in lieu thereof:

"(l) Any person, partnership, or corporation who violates an order of the Commission after it has become final, and while such order is in effect, shall forfeit and pay to the United States a civil penalty of not more than $10,000 for each violation, which shall accrue to the United States and may be recovered in a civil action brought by the Attorney General of the United States. Each separate violation of such an order shall be a separate offense, except that in the case of a violation through continuing failure to obey or neglect to obey a final order of the Commission, each day of continuance of such failure or neglect shall be deemed a separate offense. In such actions, the United States district courts are empowered to grant mandatory injunctions and such other and further equitable relief as they deem appropriate in the enforcement of such final orders of the Commission."

(d) Section 5 of the Federal Trade Commission Act (15 U.S.C. 45) is amended by adding at the end thereof the following new subsection:

"(m) Whenever in any civil proceeding involving this Act the Commission is authorized or required to appear in a court of the United States, or to be represented therein by the Attorney General of the United States, the Commission may elect to appear in its own name by any of its attorneys designated by it for such purpose, after formally notifying and consulting with and giving the Attorney General 10 days to take the action proposed by the Commission."

(e) Section 6 of the Federal Trade Commission Act (15 U.S.C. 46), is amended by adding at the end thereof the following proviso: "*Provided*, That the exception of 'banks and common carriers subject to the Act to regulate commerce' from the Commission's powers defined in clauses (a) and (b) of this section, shall not be construed to limit the Commission's authority to gather and compile information, to investigate, or to require reports or answers from, any such corporation to the extent that such action is necessary to the investigation of any corporation, group of corporations, or industry which is not engaged or is engaged only incidentally in banking or in business as a common carrier subject to the Act to regulate commerce."

(f) Section 13 of the Federal Trade Commission Act (15 U.S.C. 53) is amended by redesignating "(b)" as "(c)" and inserting the following new subsection:

"(b) Whenever the Commission has reason to believe—

"(1) that any person, partnership, or corporation is violating, or is about to violate, any provision of law enforced by the Federal Trade Commission, and

"(2) that the enjoining thereof pending the issuance of a complaint by the Commission and until such complaint is dismissed by the Commission or set aside by the court on review, or until the order of the Commission made thereon has become final, would be in the interest of the public—

the Commission by any of its attorneys designated by it for such purpose may bring suit in a district court of the United States to enjoin any such act or practice. Upon a proper showing that, weighing the equities and considering the Commission's likelihood of ultimate success, such action would be in the public interest, and after notice to the defendant, a temporary restraining order or a preliminary injunction may be granted without bond: *Provided, however*, That if a complaint is not filed within such period (not exceeding 20 days) as may be specified by the court after issuance of the temporary restraining order or preliminary injunction, the order or injunction shall be dissolved by the court and be of no further force and effect: *Provided further*, That in proper cases the Commission may seek, and after proper proof, the court may issue, a permanent injunction. Any such suit shall be brought in the district in which such person, partnership, or corporation resides or transacts business."

(g) Section 16 of the Federal Trade Commission Act (15 U.S.C. 56) is amended to read as follows:

"SEC. 16. Whenever the Federal Trade Commission has reason to believe that any person, partnership, or corporation is liable to a penalty under section 14 or under subsection (l) of section 5 of this Act, it shall—

"(a) certify the facts to the Attorney General, whose duty it shall be to cause appropriate proceedings to be brought for the enforcement of the provisions of such section or subsection; or

"(b) after compliance with the requirements with Section 5(m), itself cause such appropriate proceedings to be brought."

GENERAL ACCOUNTING OFFICE AUTHORITY

SEC. 409. (a) Section 3502 of title 44, United States Code is amended by inserting in the first paragraph defining "Federal agency" after the words "the General Accounting Office" and before the words "nor the governments" the words "independent Federal regulatory agencies,".

(b) Chapter 35 of title 44, United States Code, is amended by adding after section 3511 the following new section:

"§ 3512. Information for independent regulatory agencies

"(a) The Comptroller General of the United States shall review the collection of information required by independent Federal regulatory agencies described in section 3502 of this chapter to assure that information required by such agencies is obtained with a minumum burden upon business enterprises, especially small business enterprises, and other persons required to furnish the information. Unnecessary duplication of efforts in obtaining information already filed with other Federal agencies or departments through the use of reports, questionnaires, and other methods shall be eliminated as rapidly as practicable. Information collected and tabulated by an independent regulatory agency shall, as far as is expedient, be tabulated in a manner to maximize the usefulness of the information to other Federal agencies and the public.

"(b) In carrying out the policy of this section, the Comptroller General shall review all existing information gathering practices of independent regulatory agencies as well as requests for additional information with a view toward—

"(1) avoiding duplication of effort by independent regulatory agencies, and

"(2) minimizing the compliance burden on business enterprises and other persons.

"(c) In complying with this section, an independent regulatory agency shall not conduct or sponsor the collection of information upon an identical item from ten or more persons, other than Federal employees, unless, in adavnce of adoption or revision of any plans or forms to be used in the collection—

"(1) the agency submitted to the Comptroller General the plans or forms, together with the copies of pertinent regulations and of other related materials as the Comptroller General has specified; and

"(2) the Comptroller General has advised that the information is not presently available to the independent agency from another source within the Federal Government and has determined that the proposed plans or forms are consistent with the provision of this section. The Comptroller General shall maintain facilities for carrying out the purposes of this section and shall render such advice to the requestive independent regulatory agency within forty-five days.

"(d) While the Comptroller General shall determine the availability from other Federal sources of the information sought and the appropriateness of the forms for the collection of such information, the independent regulatory agency shall make the final determination as to the necessity of the information in carrying out its statutory responsibilities and whether to collect such information. If no advice is received from the Comptroller General within forty-five days, the independent regulatory agency may immediately proceed to obtain such information.

"(e) Section 3508(a) of this chapter dealing with unlawful disclosure of information shall apply to the use of information by independent regulatory agencies.

"(f) The Comptroller General may promulgate rules and regulations necessary to carry out this chapter."

EQUITABLE ALLOCATION OF NORTH SLOPE CRUDE OIL

SEC. 410. The Congress declares that the crude oil on the North Slope of Alaska is an important part of the Nation's oil resources, and that the benefits of such crude oil should be equitably shared, directly or indirectly, by all regions of the country. The President shall use any authority he may have to insure an equitable allocation of available North Slope and other crude oil resources and petroleum products among all regions and all of the several States.

SEPARABILITY

SEC. 411. If any provision of this Act or the applicability thereof is held invalid the remainder of this Act shall not be affected thereby.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the amendment of the House to the title of the bill insert the following:

"To amend section 28 of the Mineral Leasing Act of 1920, and to authorize a trans-Alaska oil pipeline, and for other purposes".

And the House agree to the same.

JAMES A. HALEY,
HAROLD T. JOHNSON,
MORRIS K. UDALL,
JOHN MELCHER,
SAM STEIGER,
DON YOUNG,
CRAIG HOSMER,
Managers on the Part of the House.

HENRY M. JACKSON,
ALAN BIBLE,
J. BENNETT JOHNSTON,
FLOYD K. HASKELL,
PAUL J. FANNIN,
CLIFFORD P. HANSEN,
MARK O. HATFIELD,
Managers on the Part of the Senate.

JOINT STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1081) to authorize the Secretary of the Interior to grant rights-of-way across Federal lands where the use of such rights-of-way is in the public interest and the applicant for the right-of-way demonstrates the financial and technical capability to use the right-of-way in a manner which will protect the environment, submit this joint statement in explanation of the effect of the language agreed upon by the managers and recommended in the accompanying conference report.

I. MAJOR PROVISIONS

The language agreed upon by the Conference Committee differs from the bill enacted by the Senate and the amendment enacted by the House in the following respects:

1. The Senate bill enacted a completely new system for granting rights-of-way across Federal lands. It applied to rights-of-way for many different purposes.

The House amendment applied only to rights-of-way for oil and gas pipelines. It took the form of an amendment to section 28 of the Mineral Leasing Act of 1920, which is the principal authority for granting oil and gas pipeline rights-of-way across public lands.

The Conferees adopted the House approach, but expanded it to include pipelines for oil, gas, synthetic liquid or gaseous fuels and refined products therefrom in anticipation of developments in coal gasification and liquification, oil shale, and tar sands. It is the understanding of the Conferees, however, that the House will consider broader right-of-way legislation in connection with other bills that are presently pending.

2. The Senate bill applied to all lands owned by the United States except five specified categories. The House amendment retained the present language of the Mineral Leasing Act of 1920, which applies to "public lands, including forest reserves." The meaning of this phrase is not completely clear, but it clearly does not apply to lands acquired by the United States, as distinguished from the public domain.

The Conferees adopted the Senate approach, but excluded three categories rather than five categories of land. The three categories excluded are the National Park System, the Outer Continental Shelf, and Indian lands. The two categories of land that were not excluded are the National Wildlife Refuge System and the National Wilderness Preservation System, both of which are presently subject to the Mineral Leasing Act. The Conferences provided, however, that rights-of-way through reserved areas may not be granted if they would be inconsistent with the purposes of the reservation.

3. The Conferees combined and adopted the guidelines governing the grant of rights-of-way that were contained in the Senate bill and in the House amendment. The two sets of guidelines while different in some respects, are compatible, and both are intended to spell out in greater statutory detail policies that were formerly left to administrative determination. None of the House guidelines was omitted.

4. Both the Senate bill and the House amendment provided for the immediate grant of a Trans-Alaska oil pipeline right-of-way without further proceedings under the National Environmental Protection Act and with only a limited right of judicial review. The Conferees merged the provisions of the two Houses without making major substantive changes.

5. Both the Senate bill and the House amendment provided for further study and negotiations with respect to possible additional oil and gas pipelines from the North Slope of Alaska, through Canada, to the Midwest. The Conferees merged the provisions of the two Houses without making substantial changes. The results of the negotiations and investigations are intended to serve as comparative information in the evaluation of the best possible methods for future transportation of North Slope energy resources to United States markets, and the bill is not intended to confer any special status on a trans-Canada route in the selection process for future pipelines.

6. The Senate bill had a number of miscellaneous provisions that were not directly related to oil pipeline rights-of-way. The House amendment had no comparable provisions. The Conferees' action was as follows:

(a) The Senate provision amending the Ports and Waterways Safety Act of 1972 with respect to vessel construction standards, and the provision directing the Coast Guard to exercise its present authority to establish a vessel traffic control system for the Valdez area, were adopted.

(b) The provisions requiring Senate confirmation of the Director of the Energy Policy Office in the Executive Office of the President, and the head of the Mining Enforcement and Safety Administration, were adopted.

(c) The provision exempting the first sale of oil and gas from stripper wells from the price restraints of the Economic Stabilization Act of 1970, and from any allocation program, was adopted. A stripper well is defined as a well with an average daily production during the preceding month of not more than ten barrels. In order to qualify for the exemption the lease must be operating at a maximum feasible rate of production and in accord with recognized conservation practices.

(d) The provision amending the Alaska Native Claims Settlement Act and providing for advance payments to Natives was adopted, after reducing the amount of the advance payments from $7,500,000 each six months to $5,000,000, after delaying the starting time for the payments from the beginning of fiscal year 1975 to the beginning of fiscal year 1976, and after deleting the provision making the advance payments a gift if transportation of oil through the pipeline does not commence by December 31, 1976.

(e) The provision amending the Federal Trade Commission Act was adopted, with amendments. It increased the civil penalty for violating a final order of the Commission, gave the Commission broader authority to initiate injunction actions and enforce subpoenas, and gave the Commission authority to represent itself in court if the Attorney General failed to do so after ten days notice.

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(f) The provision amending the Federal Reports Act was adopted. It substituted the Comptroller General for the Office of Management and Budget in reviewing questionnaires proposed to be issued by independent Federal regulatory agencies. The regulatory agency will determine whether it needs the information, but it may not send its questionnaire if the Comptroller General determines that the information is already available from another source within the Federal Government.

(g) The provision giving the President broad authority to take any action necessary to insure an equitable allocation of crude oil and petroleum products among the various regions and States was adopted after it was amended to require the President to use his existing authority to accomplish that objective.

7. The House amendment contained (a) a provision prohibiting any form of discrimination in connection with any activity on the trans-Alaska pipeline, (b) a provision limiting the employment of foreign nationals for work on the trans-Alaska pipeline, and (c) a "buy-American" provision for the construction, operation, and maintenance of the trans-Alaska pipeline. The Senate bill had no comparable provisions. The Conferees adopted the first provision and dropped the second and third.

8. The Senate bill and the House amendment had different provisions regarding the liability of the owner or operator of an oil pipeline for damages resulting from its construction and operation. The Senate bill had one provision which related to pipelines on rights-of-way granted under the general law, and which applied only to damages incurred by the United States. The Senate had another provision which related to damages incurred by Alaska Natives in connection with the trans-Alaska pipeline. The House amendment had three provisions which related only to the trans-Alaska oil pipeline. One related to damages to anyone that were caused by the activities of the pipeline owner along the route of the pipeline. A second provision related to damages to anyone from discharges of oil from vessels owned or controlled by the pipeline owner in violation of the Federal Water Pollution Control Act. A third provision related to damages sustained by Alaska Natives.

The Conferees adopted modified versions of all of these provisions. One provision is of general application and appears in section 28(x). It requires the Secretary or agency head to specify the extent to which the holder of a right-of-way or permit shall be liable to the United States for damage or injury incurred in connection with the right-of-way. Joint regulations by the agencies involved, as authorized in section 28(c), are contemplated by the Conferees. Strict liability without regard to fault may be imposed, but a maximum dollar limitation must be stated, and liability in excess of this amount may be determined under ordinary rules of negligence.

The second provision is in section 204. It relates only to the trans-Alaska pipeline, and is in three parts. Subsection (a) imposes on the holder of the right-of-way or permit strict liability without regard to fault, and without regard to ownership of the land or resource involved if the land or resource is relied upon for subsistence or economic purposes, for damages or injury in connection with or resulting from activities along or in the vicinity of the pipeline right-of-way. Strict liability is limited to $50,000,000 for any one incident, and liability for damages in excess of that amount will be determined in accordance with ordinary rules of negligence.

Subsection (b) imposes on the holder of a right-of-way or permit liability for the full cost of control and removal of the pollutant of any area that is polluted by operations of the holder.

Subsection (c) imposes on the owner or operator of a vessel that is loaded with any oil from the trans-Alaska pipeline strict liability without regard to fault for damages sustained by any person as the result of discharges of oil from such vessel. Strict liability is limited to $100,000,000 for any one incident. The owner or operator is liable for the first $14,000,000. A Trans-Alaska Pipeline Liability Fund, which is created by the bill, is liable for the balance of the allowed claims up to $100,000,000. The portion of any valid claim not payable by the Fund may be asserted and adjudicated under other applicable Federal or State law.

The Fund will accumulate and maintain not less than $100,000,000 derived from the collection of a fee of five cents per barrel at the time the oil is loaded on the vessel, from income from invested funds, and from borrowed money if needed.

Strict liability under subsection (c) will cease when the oil is first brought ashore at a port under the jurisdiction of the United States, and the subsection applies only to vessels engaged in coastwise transportation, including transportation to and beyond deepwater ports.

9. Both the Senate bill and the House amendment contained provisions limiting the export of crude oil and making such exports subject to congressional oversight. The Senate bill applied only to oil from the North Slope of Alaska. The House amendment applied to all oil transported over rights-of-way through Federal lands. The Conferees adopted the House language.

The Senate bill provided for disapproval of proposed exports by joint resolution of the Congress. The House amendment prohibited proposed exports unless affirmatively authorized by a concurrent resolution of the Congress. The Conferees adopted the Senate language after changing "joint resolution" to "concurrent resolution."

The Conferees also adopted an exception intended to take care of oil exchanges and transportation involving Canada and Mexico.

II. COMMENTS REGARDING SPECIFIC PROVISIONS

1. Section 28(e), which authorizes the grant of temporary permits for the use of Federal lands "in the vicinity of the pipeline" is not intended to restrict unnecessarily the placement of temporary construction or maintenance facilities such as construction camps, storage areas, communications sites and soil disposal areas, but to permit them to be placed wherever convenient to construction activities.

The term "temporary" relates to duration and imposes no limitation on the type of facility or activity which may be allowed. Thus, slope cuts and fills, berm construction, access facilities and other permanent changes in terrain are permissible. The Secretary or agency head may require, as a condition of such temporary permits, removal of structures and rehabilitation of the area.

. This section will overcome an interpretation of the United States Court of Appeals for the District of Columbia in the case of *Wilderness Society* v. *Morton* (Feb. 9, 1973).

2. Section 28(f) contemplates that general regulations governing the grant of rights-of-way or permits will be issued by the Secretary or agency head. This does not preclude the grant of rights-of-way or permits in advance of the issuance of the regulations and the inclusion of appropriate conditions and stipulations to carry out the purposes of the Act.

3. Section 28(g), relating to pipeline safety, is not intended to require the Secretary or agency head to impose safety requirements that would duplicate requirements of the Secretary of Labor or the Secretary of Transportation under other law.

4. Section 28(h), relating to environmental protection, does not require the plan for construction, operation, and rehabilitation of the right-of-way or permit area to be a final one, since all details and conditions cannot be known at the time of application. However, the plan should be a description in as much detail as the state of the planning for the particular project will permit and must be adequate enough for the Secretary or agency head to make an informed judgment on the application and on the need for imposing any special terms and conditions which the public interest may require. Information called for pursuant to this section which is already on file with respect to applications pending on the date of enactment need not be refiled.

5. Section 28(k) does not require public hearings that would duplicate the public participation procedures required by the National Environmental Policy Act. It also permits a public hearing to cover all aspects of a pipeline proposal, regardless of whether one or more rights-of-way or permits, or whether one or more agencies, are involved.

6. Section 28(l) requires reimbursement of costs incurred in processing an application. These costs include the cost of preparing an environmental impact statement. It also requires payment annually in advance of the fair market rental value of the right-of-way or permit. This value can be based on any combination of factors that might reasonably be considered by a landowner in a free market, when determining the price to be asked for the right to use or cross his land.

7. Section 28(m) authorizes the Secretary or agency head to require a right-of-way or permit holder to furnish a bond or other satisfactory security. The term "security" is not used in a technical sense but may include any undertaking which gives adequate assurance that all obligations of the grantee will be met. Such flexibility is needed because some grantees may not be legally able to post such security, and in other cases a requirement of technical security may be impossible or unnecessary to comply with. Flexibility also permits the Secretary or agency head to require more than one type of security.

8. Section 28(p), relating to joint uses of a right-of-way, gives the Secretary or agency head sufficient control to prevent any hazardous or technologically inoperable placement of various facilities.

9. Section 28(t) permits the Secretary or agency head to ratify and confirm the validity of existing rights-of-way for oil or gas regardless of the statutory authority under which they were granted. It is needed because of the possible application of the decision of the United States Court of Appeals in *The Wilderness Society, et al.* v. *Morton, et al.*

The conferees expect that previously granted rights-of-way should be confirmed only after careful study and the fullest possible compliance with the provisions of Section 28 as amended by this Act.

10. Section 28(v), relating to State standards, is included because rights-of-way frequently cross from State or private land into Federal land and back into State or private land. Different construction, operation, and maintenance standards may apply. This section is intended to assure that the Secretary or agency head will carefully consider State standards and comply with them in the interest of uniform practice throughout the State where such compliance is practical in the judgment of the Secretary or agency head. The section is not intended to require that those standards be followed in every case.

11. Section 203(b) provides new and independent statutory authorization and direction for the issuance, administration and enforcement of all rights-of-way, permits, leases and other authorizations necessary for or related to construction, operation and maintenance of the trans-Alaska pipeline system as generally described in the Final Environmental Impact Statement of the Department of the Interior dated March 20, 1972. It is a plenary grant of authority to the appropriate Federal agencies. All grants of rights-of-way, leases, permits, and other authorizations for the use of Federal lands shall be made under the authority of this subsection, rather than under other provisions of law.

After years of delay and protracted litigation on this matter, Congress has determined that the national interest requires a clear-cut and unequivocal policy decision on the pipeline. Congress has decided that an oil pipeline is necessary to move North Slope oil to domestic markets in the lower forty-eight States. This title implements that national policy decision.

In adopting this title, Congress intends to exercise its constitutional powers to the fullest extent necessary to achieve the objective of this title and to make this policy binding upon the Executive Branch and on the Federal courts.

Congress has decided, as a matter of national policy, that the appropriate Federal authorizations shall be issued. The Secretary and other Federal officials have no discretion in this matter. Congress does, however, require that applicable standards of substantive law be followed in connection with these authorizations, and vesta liberal discretion in the Executive Branch to determine the conditions and stipulations to be incorporated into the necessary authorizations and the specific facilities to be authorized.

This subsection also identifies the "trans-Alaska oil pipeline system" as that system is generally described in the Secretary of the Interior's Final Environmental Impact Statement of March 20, 1972. The subject of that statement was a 48-inch-diameter pipeline system with an ultimate capacity of 2 million barrels a day throughput for which a right-of-way and other permit applications were filed by a number of oil companies which had purchased leases on the North Slope of Alaska. This provision is intended to generally specify the facilities to be authorized and their general location. This provision is not, however, to be narrowly construed. If environmental conditions or new technological developments warrant, new facilities or changes in route or in location of proposed facilities are authorized so long as they are required or appropriate for the construction and operation at full capacity of the trans-Alaska pipeline system as generally described in the impact statement.

The route of the trans-Alaska pipeline will cross lands under the jurisdiction of more than one Federal agency. The Congress intends in Title II that the Secretary of the Interior will issue the right-of-way over all such Federal lands.

12. Section 203(c) provides that, if under any other statute a Federal agency could have issued an authorization relating to the construction of the trans-Alaska pipeline system, the agency shall still issue such authorization, but it shall act under the authority of subsection 203(b) of this Title and not under the authority of the other statute. Authorizations issued under subsection 203 (b) shall contain all those provisions that the supplanted statute would have required, and may include any provisions which were authorized but not required by the supplanted statute.

Authorizations issued by the Secretary of the Interior shall follow the applicable provisions of Section 28 of the Mineral Leasing Act, as it is amended by Title I of this Act, except as provided in subsection 203(c). Not all of the Section 28 provisions will be applicable. The determination of applicability is left to the Secretary's judgment.

13. Section 203(d) provides for construction and completion of the pipeline system without further proceedings under National Environmental Policy Act of 1969. Section 202(d) of the House amendment and section 502(d) of the Senate bill contained a declaration that the actions of the Secretary of Interior heretofore taken with respect to the proposed trans-Alaska pipeline shall be regarded as satisfactory compliance with the provisions of the National Environmental Policy Act of 1969. Section 502(d) of the Senate bill also applied to the actions of other Federal agencies and officers, and referred not only to the National Environmental Policy Act of 1969, but also to "all other applicable laws." The Conferees did not adopt this declaration because they considered it as unnecessary and subject to misinterpretation. Inasmuch as section 203(d) of the Conference Report directs that the actions necessary for construction and completion of the trans-Alaska pipeline system shall be taken without further action under the National Environmental Policy Act, a declaration with respect to the effect to be accorded prior actions was not regarded as necessary or material.

Section 203(d) also limits the grounds for judicial review of Federal actions relating to issuance and implementation of all rights-of-way, permits, leases and other authorizations necessary or appropriate for completion of construction of the trans-Alaska pipeline, and its initial operation at full capacity of 2,000,000 barrels throughput per day (i.e., actions under 203(b) and 203(e)).

The permissible grounds for judicial review are limited to constitutional questions and questions of federal actions beyond the scope of authority conferred by Title II. Congress intended such grounds to be construed very narrowly, in keeping with the purpose stated in 203(a). This purpose also underlies the jurisdictional and procedural provisions in Section 203(d), which are designed to assure the most prompt possible resolution of any case involving the trans-Alaska pipeline, and to assure that issuance of the rights-of-way, permits, leases or other authorizations cannot be enjoined except pursuant to a final judgment.

14. Section 204(c) provides, for vessels that transport North Slope oil in the coastal trade, liability standards that are much stricter than those that apply to vessels that transport other oil in the coastal or foreign trade.

It is expected that tankers as large as 250,000 deadweight tons will transport North Slope crude to ports on the West Coast of the United States and elsewhere. Oil discharges from vessels of this size could result in extremely high damages to property and natural resources, including fisheries and amenities, especially if the mishap occurred close to a populated shoreline area.

Under the Limitation of Liability Act of 1851 (46 U.S.C. 183), the owner of a vessel is entitled to limit his liability for property damage caused by the vessel to the value of the vessel and its cargo. The value determination is made *after* the incident causing the damage. It is therefore quite possible for injured parties to go uncompensated if a vessel and its cargo are totally lost.

In the Water Quality Improvement Act of 1970 (33 U.S.C. 1161 et seq.), Congress expanded the liability of a vessel carrying oil to cover Federal government cleanup costs up to the lesser of $100 per ton or $14 million. Under that Act, damages are imposed without regard to the fault of the owner or operator, thereby creating a strict liability to United States Government for cleanup costs. However, State governments and private parties are still obliged to proceed under maritime law, subject to the limits of liability contained in that body of law.

The Conferees concluded that existing maritime law would not provide adequate compensation to all victims, including residents of Canada, in the event of the kind of catastrophe which might occur. Consequently, the Conferees established a rule of strict liability for damages from discharges of the oil transported through the trans-Alaska Pipeline up to $100,000,000.

Strict liability is primarily a question of insurance. The fundamental reason for the limits placed on liability in the Federal Water Quality Improvement Act stemmed from the availability, or nonavailability, of marine insurance. Without a readily available commercial source of insurance, liability without a dollar limitation would be meaningless and many independent owners could not operate their vessels. Since the world-wide maritime insurance industry claimed $14 million was the limit of the risk they would assume, this was the limit provided for in the Federal Water Quality Improvement Act. There has been no indication that this level has since increased.

Accordingly, the Conferees adopted a liability plan which would make the owner or operator strictly liable for all claims (for both clean-up costs and damages to public and private parties) up to $14 million. This limit would provide an incentive to the owner or operator to operate the vessel with due care and would not create too heavy an insurance burden for independent vessel owners lacking the means to self-insure.

Financial responsibility up to this limit would have to be demonstrated before the vessel could be loaded with oil. Since the Federal Water Quality Improvement Act has an existing mechanism for establishing proof of financial responsibility, reference was made to the appropriate provision (13 U.S.C. 1321(p)). Such provision would be used to the extent it is consistent with the purposes of this Act; for example, references to tonnage limitations would not apply. Claims for clean-up costs would take precedence over other claims thereby preserving the provisions of the Federal Water Quality Improvement Act.

All claims over $14 million up to the $100 million ceiling would be asserted against the Trans-Alaska Pipeline Liability Fund established by the bill.

The owners of oil loaded onto tankers at Valdez will pay the Fund five cents per barrel until there is $100 million in the Fund. Payments would resume at any time the Fund fell below $100 million. (The Fund is described in more detail under Major Provisions.) Thus, the owners of the oil would have an incentive to select carefully vessels to carry their oil. Moreover, such owners would then share the risk associated with transporting the oil on water.

The Fund is not precluded from proceeding against the owner or operator of the vessel or other third parties, if either or both were negligent or caused the discharge.

The States are expressly not precluded from setting higher limits or from legislating in any manner not inconsistent with the provisions of this Act.

The Conferees hope that the appropriate committees of the House and Senate which are considering the more general subject of marine liability will harmonize the liability provisions of the Trans-Alaska Pipeline Authorization Act and the liability provisions of any general legislation that may be developed.

15. Section 406, relating to stripper oil wells, was a Senate floor amendment to S. 1081. The Conferees have adopted the general concept of the floor amendment, but have added new provisions to insure that the exemption is narrowly defined and prudently administered, and to insure that the incentive being granted is properly limited in accord with congressional intent.

The purpose of exempting small stripper wells—wells whose average daily production does not exceed ten barrels per well—from the price restraints of the Economic Stabilization Act (now in Phase IV) and from

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any system of mandatory fuel allocation is to insure that direct or indirect price ceilings do not have the effect of resulting in any loss of domestic crude oil production from the premature shutdown of stripper wells for economic reasons.

As of January 1, 1973, there were 350,000 stripper wells producing ten barrels a day or less. Stripper wells account for 71 percent of all of the oil wells in this country, but produce an average of only 3.6 barrels per day, or only 13 percent of total U.S. domestic crude production.

Many stripper wells are of only marginal economic value. When the costs of their operation exceed the value of their production, they are shut in, and a known and developed crude oil reserve is lost to U.S. production. Removing Phase IV price restraints from these marginal stripper wells has the effect of increasing the value of the crude oil they produce by about $1.30 per barrel (the difference between $4.02, the current per-barrel ceiling average under Phase IV, and $5.32, the per-barrel average price for "new" domestic crude oil production which is not subject to Phase IV). This price incentive will encourage owners and operators of stripper wells to maintain production and to keep these wells in operation for longer periods of time than would be possible if the value of their crude oil production were determined under Phase IV price ceilings. This increased incentive will, it is anticipated, permit stripper well operators to make new investments in the eligible wells and improve the gathering and other facilities for moving this oil to market.

The words "first sale" in Section 406(a) refer to the initial sale from the producer to a refiner, oil broker or other party. Thereafter, the exemption expires and any applicable provision of the Economic Stabilization Act or any mandatory allocation program may apply.

The exemption also runs only to "crude oil and natural gas liquids." It does not run to natural gas produced by these wells. Natural gas production and pricing continue to be regulated by the Federal or State agency having jurisdiction over the particular wells involved.

The Congress intends that the provisions of this section will be strictly enforced and regulated by the administering agency to insure that the limited exemption of this class of wells for the express purposes described above is not in any way broadened. To achieve this, Congress authorizes on-site inspections to insure compliance. Congress also directs that the administering agency shall promulgate regulations to implement the provisions of this section before it becomes operative. The Conferees expect the administering agency to utilize State data regarding production volumes, and to provide by regulation safeguards against the manipulation of gerrymandering of lease units in a manner that evades the price control and allocation programs.

These regulations shall be so designed as to provide safeguards against any abuse, over-reaching or altering of normal patterns of operations to achieve a benefit under this section which would not otherwise be available. Congress specifically intends that the regulations shall, among other things, prevent any "gerrymandering" of leases to average down high production wells with a number of low production stripper wells to remove the high production wells from price ceilings. The *sole* purpose and objective of this Section 406 is to keep stripper wells—those producing less than ten barrels per day—in production and to insure that the crude oil they produce continues to be available for U.S. refineries and U.S. consumers. It is not intended to confer any benefit on the owners and operators of wells producing in excess of ten barrels per day.

The Congress also intends that the regulations provide appropriate limitations and provisions in the definition of "lease" to insure that an administratively workable system is established which does not permit abuse.

16. Section 408(f) relates to the standard of proof to be met by the Federal Trade Commission for the issuance of a temporary restraining order or a preliminary injunction. It is not intended in any way to impose a totally new standard of proof different from that which is now required of the Commission. The intent is to maintain the statutory or "public interest" standard which is now applicable, and *not* to impose the traditional "equity" standard of irreparable damage, probability of success on the merits, and that the balance of equities favors the petitioner. This latter standard derives from common law and is appropriate for litigation between private parties. It is not, however, appropriate for the implementation of a Federal statute by an independent regulatory agency where the standards of the public interest measure the propriety and the need for injunctive relief.

The inclusion of this new language is to define the duty of the courts to exercise independent judgment on the propriety of issuance of a temporary restraining order or a preliminary injunction. This new language is intended to codify the decisional law of *Federal Trade Commission* v. *National Health Aids*, 108 F. Supp. 340, and *Federal Trade Commission* v. *Sterling Drug, Inc.*, 317 F.2d 669, and similar cases which have defined the judicial role to include the exercise of such independent judgment. The conferees did not intend, nor do they consider it appropriate, to burden the Commission with the requirements imposed by the traditional equity standard which the common law applies to private litigants.

17. Section 409(a) exempts "independent Federal regulatory agencies" from the provisions of the Federal Reporting Services Act. In general, the Reporting Services Act provides that Federal agencies may not collect information from ten or more persons without having first obtained the advance approval and clearance of the Office of Management and Budget. The term "Federal agencies" has been construed to include the independent Federal regulatory agencies for the purposes of the Reporting Services Act.

The purpose of Section 409(a) is to preserve the independence of the regulatory agencies to carry out the quasi-judicial functions which have been entrusted to them by the Congress. The intent of this section is not to encourage a proliferation of detailed questionnaires to industry, small business or other persons which could result in unnecessary and unreasonable expense. Any legitimate need for information in carrying out the statutory responsibilities of these agencies would, however, be carried out even though responses may entail some expense and inconvenience.

The purpose of this section is to insure that the existing clearance procedure for questionnaires or requests for data does not become, inadvertently or otherwise, a device for delaying or obstructing the investigations and data collection necessary to carry out the important regulatory functions assigned to the independent agencies by the Congress.

The Congress intends the term "independent Federal regulatory agencies" as used in Section 409(a) to include, but not necessarily be limited to, the following agencies:

Civil Aeronautics Board,

Federal Communications Commission,

Atomic Energy Commission (insofar as its regulatory and adjudicative functions are concerned),

Federal Trade Commission,

Interstate Commerce Commission,

Securities and Exchange Commission, and

Federal Power Commission.

Subsection 409(b) provides a procedure for advance review which is designed to insure that information required by independent Federal regulatory agencies is obtained with a minimum burden upon business enterprises, especially small businesses, and other persons required to furnish such information.

The Comptroller General of the General Accounting Office is charged with the review responsibility. Since this will be a new function for the General Accounting Office, the Comptroller General has informed the Congress that he will need until July 1, 1974 to enable him to obtain the staff which will be required to carry out the full responsibilities provided for in Section 409(b). This is satisfactory to the Congress so long as appropriate interim arrangements are made to carry out the Section 409(b) review of the Federal agencies which should not or cannot be delayed until July 1, 1974.

James A. Haley,
Harold T. Johnson,
Morris K. Udall,
John Melcher,
Sam Steiger,
Don Young,
Craig Hosmer,
Managers on the Part of the House.

Henry M. Jackson,
Alan Bible,
J. Bennett Johnston,
Floyd K. Haskell,
Paul J. Fannin,
Clifford P. Hansen,
Mark O. Hatfield,
Managers on the Part of the Senate.

Mr. MELCHER. Mr. Speaker, the pipeline conference report was scheduled for today. Under the rule there would be 1 hour allowed. There is not much request for time. It would take about 30 minutes, and since there are no amendments and only a motion to recommit, I ask the indulgence of the House to go along with it tonight.

Mr. Speaker, I ask unanimous consent for the consideration of the conference report on the Senate bill, S. 1081, the trans-Alaskan oil and gas pipeline.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

Mr. HOSMER. Mr. Speaker, reserving the right to object, and I will not object, I reserve the right in order to state that the conference report is identical to the way it came here to begin with except for the technical error. It still contains the nongermane matter. If we take it up this afternoon—and I hope and trust that we do—I shall make a motion to have that matter deleted or the conference report, I should say, sent back with the recommendation that it be taken out. However, I do believe that now is the time to hear this. There will be nothing gained by a delay and, therefore, I hope that no objection will be interposed.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

Mr. MARTIN of Nebraska. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

Mr. MELCHER. Mr. Speaker, I ask unanimous consent that the conference report on S. 1081 be brought up for tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

Mr. MARTIN of Nebraska. Mr. Speaker, I object. This violates the 3-day rule.

The SPEAKER. Objection is heard.

HEARINGS ON H.R. 6531 AND H.R. 10306, ON BRIBERY, GRAFT, AND CONFLICTS OF INTEREST

(Mr. FISH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FISH. Mr. Speaker, as ranking minority member on the Subcommittee on Crime of the Committee on the Judiciary, I wish to announce that the subcommittee will hold hearings on H.R. 6531 and H.R. 10306, each proposing an amendment to a section of title 18, United States Code, chapter 11, Bribery, Graft, and Conflicts of Interest.

Mr. Speaker, I make this announcement subject to ratification by the subcommittee chairman. He and I have agreed we will hold hearings on these measures but I cannot reach him to clear this matter at this particular time. I do wish to notify the House about it this afternoon.

Hearings will commence at 10 a.m. on Wednesday, November 14, 1973, room 2141, Rayburn House Office Building. Persons and organizations wishing to make their views known to the subcommittee should contact the counsel of the Subcommittee on Crime, House Committee on the Judiciary, room B-351-C, Rayburn House Office Building, Washington, D.C. 20515—telephone number 202—225-5025.

ALBERT T. DePILLA

(Mr. PEPPER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PEPPER. Mr. Speaker, "a thing of beauty is a joy forever." One of the men who has brought much beauty and joy to Washington is Albert T. DePilla, manager of the U.S. Botanic Gardens, who on October 10 was awarded a certificate for 50 years of service with the U.S. Government, all in the legislative branch, by the Architect of the Capitol. Mr. DePilla, who has long been an institution as well as a personality on Capitol Hill, was born across the street from where the present conservatory is located. He started work when 16 years of age as a laborer. Fortunately, he came under the influence and tutelage of the late assistant director of the conservatory, Mr. Wilbur Pagel, from whose wise counsel and able instruction Mr. DePilla became expert in botany. One of his first tasks was to assist in the transfer of landscaping of the tropical plant material from the old conservatory to the beautiful new conservatory which we have today. His training and his love of botany raised Mr. DePilla to the position of manager of the conservatory. As manager he supervised all shows there on festival occasions such as Christmas and Easter. He also supervised the annual shows for various flowers such as chrysanthemums and azaleas which attracted thousands of visitors from all over the country. Mr. DePilla was always experimenting with flowers, improving them wherever he could, developing new types and kinds of beauty. His flowers were his children as it were and he loved and cared tenderly for each one, watching it grow into its glory and beauty with special pride like a parent seeing his child come to noble and beautiful maturity. Under Mr. DePilla the conservatory has been a vast and lovely display of plants and flowers to which he has always encouraged children to come so they could appreciate and learn from the charm and beauty they found there. It was his ambition to develop a love of plants and flowers in everybody so they would understand what flowers meant to our life and to the world.

Mr. DePilla has for many years been the one to whom the Joint Committee on the Inauguration of the President would turn for the decoration of the old Supreme Court Chamber in the Capitol where the inauguration luncheons are held. To Mr. DePilla the Congress turned for the decoration and arrangement of all floral displays of such tender beauty provided for presidential funeral services held in the Capitol rotunda for every President from President Harding to President Johnson.

Numerous Members of Congress and their wives have been proud of their friendship with Mr. DePilla. They saw in him not only a great lover of nature but a great man, deeply dedicated to all that was lovely and fine and heartwarming. Mr. DePilla has made our lives on Capitol Hill brighter and better. We are proud of him. We congratulate him upon this distinguished 50 years of service award from the architect of the Capitol and we hope that he will be with us creating more beauty, providing more happiness, making our environment ever lovelier as the days go by.

STATEMENT OF REPRESENTATIVE BARBER B. CONABLE OF NEW YORK CONCERNING DELAY OF TRADE BILL

(Mr. CONABLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONABLE. Mr. Speaker, I wish to disagree with the announced White House decision to ask for indefinite postponement of consideration of the trade bill. I do not know the intricacies of our relationship with the Russians, including projection of that relationship into the unstable Middle East, but I do know that any step this House takes with respect to the controversial title IV of the bill is reversible as circumstances change. Apart from this issue, delay cannot serve the constructive forces behind this bill. I do not want our relations with Russia to appear to be dictating our relations with Europe and Japan, and I am afraid our major allies and trading partners may draw this conclusion from too long a delay of floor action at the administration request. I cannot speak for my Republican colleagues on the Ways and Means Committee with respect to this matter, but I want to express myself at this time as disquieted by the delay.

ST. LUCY'S CENTENNIAL, 1873–1973, SYRACUSE, N.Y.

(Mr. HANLEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HANLEY. Mr. Speaker:

> "I thank my God for you all everytime I think of you; and everytime I pray for you, I pray with joy, because of the way you have helped me in the work of the Gospel, from the very first day until now. And so I am sure of this: That God, who began this good work in you will carry it on until it is finished in the Day of Christ Jesus." (Phil. 1: 3-6)
>
> A Parish is "people", and the sentiments of the Apostle Paul, expressed above, speak well the profound gratitude I feel after experiencing the goodness of so many Lucians the seven years I've been here. Whenever our people gather—in small groups or in large—our lives become more deeply entwined with each word spoken and each kiss of peace. Be it Eucharistic Worship or coffee together . . . in the street, meeting room, or your homes . . . at the carefree parish picnic or solemn bingo hall . . . through a bag of groceries in need or a camp-fire sing-a-long . . . in school corridor or cafeteria . . . a painful hospital room or tearful wake. . . . He is there, and we are there, striving to become one in Him.
>
> It often strikes me that not one of us can adequately thank God for the gift of life, in ourselves and in others. We all have been enriched so deeply by each person who touches or comes in contact and communication with us. That is because each one of you is a reflection of God's beauty and goodness, each in his or her own way. Then it happens that God's providence brings many particular persons together who have a common cause, a common hope, a common thirst, a common love—which adds a deeper joy to our life—and that unifying center is Christ and His Good News, and that unifying exemplar is St. Lucy, whose Christ-like spirit urges us to be one in Him. Thank you for being a bright light!
>
> People speak of a spirit at St. Lucy's, but no one can define it. Could it be you? And the person next to you? It is the old and the young, men and women, mothers, fathers, a long line of beautiful sisters and priests . . . what a rich heritage is ours! I wish I could thank each for your very generous, very warm heart! It is good to be a member of this Lucian family of God.

The words above are the opening statement of a young pastor made in commemoration of his parish's 100th anniversary this past month. In my view there is a special grace about them, an indefinable spirit that comes through and speaks almost individually to the reader.

The church is St. Lucy's in Syracuse, N.Y.

The pastor is Father Theodore Sizing.

We know that even Father Sizing was amazed at the rekindled spirit of enthusiasm and cooperation which the centennial celebration sparked. Hundreds of people who had graduated from St. Lucy's before he was born, returned to mark the 100th birthday of the school and church which formed so much a part of their "growing up."

In the fall of 1872 a request by Catholics in the fifth ward that a new parish be formed in Syracuse west of Onondaga Creek was answered affirmatively by Bishop Conroy of Albany. The Rev. John J. Kennedy, a young assistant from St. Mary's in Albany was appointed the first pastor. Father Kennedy was a man initially rejected for the priesthood because of near blindness. He vowed that if he recovered his sight he would dedicate a shrine or parish to St. Lucy. He regained his sight and fulfilled his vow. The cornerstone of St. Lucy's was laid on June 21, 1873. The Syracuse Courier of June 22 noted that it took place "with all the pomp and ceremony usual with the Catholic Church" and that Father Walsh stated that St. Lucy's was to be "a home of knowledge and comfort in time of difficulties."

The first Mass was celebrated in the basement of the church on the Feast of All Saints, November 1, 1873. On Christmas Day, 1874, Mass was celebrated for the first time in the church proper. In 1900 the floor of the church was lowered, an entrance vestibule constructed and the sanctuary and sacristies enlarged. In the words of Bishop Ludden, "St. Lucy's congregation now has the handsomest church in the city." In 1904 the church property was freed of debt. On December 18 of that same year three marble altars were emplaced and consecrated.

The early success of the parish was due in large part to the man who was its first pastor. For 34 years St. Lucy's was blessed with the inspired leadership of Father John Kennedy. Bishop Ludden appointed him the second Vicar-General of the Diocese. The Holy Father elevated him to the dignity of Domestic Prelate. Monsignor Kennedy's life ended quietly on Good Friday, April 13, 1906. By his integrity and intense devotion to duty this beloved priest left St. Lucy's as a pattern for Christians everywhere.

A vacuum prevailed throughout the centennial program resultant from the absence of one of St. Lucy's truly illustrious sons, Father John Harrison, the only brother of His Excellency Bishop Frank Harrison, whom God saw fit to call home to his heavenly reward during October. We missed him very much but gained solace in that he was certainly with us in spirit and further that our lives were indeed enriched by his friendship.

Today St. Lucy's Church on the western edge of downtown Syracuse, where old residential meets new commercial is typical of central urban parishes in the northeastern United States. It is an amalgam of older citizens minorities, the poor and the disadvantaged. It is in a real sense—"richer than ever." It is everything a parish should be, "a home of knowledge and comfort in time of difficulties." This is the way the cochairmen of the centennial committee, Mr. Thomas Murphy and Miss Margaret Harrison expressed it:

> We are filled with optimism despite decreasing numbers of parishioners and revenue. Our confidence flows from the faith we have in God and in each other. He will add to our number and supply each need, one day at a time. Changes will continue to come, but whoever expected things to stay the same!

As a proud alumnus of St. Lucy's, may I add simply—Amen.

ABSOLUTE DEVOTION OF COMMUNIST PARTY, U.S.A., TO DICTATES OF KREMLIN IN MOSCOW

(Mr. ICHORD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ICHORD. Mr. Speaker, if anyone in this House ever had any doubts about the absolute devotion of the Communist Party, U.S.A., to the dictates of the Kremlin in Moscow. I hope they take note of CPUSA leader Gus Hall's latest utterance as general secretary of the party in the United States.

Hall has joined the Soviet Communist Party Central Committee and the KGB secret police in an all-out denunciation of the cries for liberty and freedom issued by those two brave Russian intellectuals—nuclear physicist Andrei Sakharov and Nobel-winning novelist Alexander Solzhenitsyn.

Hall alleges that Sakharov and Solzhenitsyn are "destroyers"—not "dissenters," He is particularly upset with Sakharov whom he characterizes as "a political and ideological swindler" because Sakharov has dared to suggest quite publicly that democracy as practiced in the West is considerably to be preferred over tyranny as practiced in Communist society.

Hall's eight installment diatribe against Soviet intellectuals now rebelling against oppression by their Communist masters was not only printed in the official Communist Party newspapers in the United States but in a leading Moscow propaganda journal as well.

He charged that both Sakharov and Solzhenitsyn are conducting a campaign of criticism of communism in the Soviet Union "behind a curtain of deceit called intellectual freedom and liberty." It is quite obvious that such terms are anathema to Gus Hall who says it is "a mandate of history" that there be a total revolution to remove capitalism from the world scene.

Hall castigates Sakharov for suggesting that Israel deserves sympathy and support because the Soviet Union is arming the Arabs and thus prevents the achievement of a peaceful solution of Middle East problems.

Hall condemns America and our system of government and private enterprise, our beliefs in freedom of the press, religion and public assembly, and our rights to vote and speak as free citizens in this manner—as "a smelly, putrid, dying stream, polluted with exploitation, oppression and racism."

In the fifth of the installments comprising the Hall "manifesto" against Soviet intellectuals and against the United States, Hall attacks Solzhenitsyn for his defense of the West as the last, best hope for freedom on Earth in the face of the Communist menace. Hall says, confidently, that:

> The West is doomed to lose because, as a system, it is on the rails of extinction. The laws of social development have condemned it to the ash can of history and the Sakharovs and the Solzhenitsyns of the world are not going to save it.

I do not choose to dignify the rhetoric of the leader of the Communist Party, U.S.A., by asking that his lengthy polemic be published in the Congressional Record. However, I do want to alert this House to the fact that everything Hall says is exactly what the Kremlin has said all along and I am certain Moscow is grateful that this massive written assault on the proud but lonely voices of dissent within the totalitarian and utterly oppressive Soviet Union today has been conducted by an American Communist—not a Russian one.

EPA'S QUESTIONABLE RULES

(Mr. CASEY of Texas asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CASEY of Texas. Mr. Speaker, the Environmental Protection Agency has now issued regulations for the State of Texas, and in particular, transportation control measures for seven major control areas in Texas. Their proposed regulations, which they contend the Congress mandated, are indeed interesting to say the least.

I want my colleagues, who have not yet experienced EPA's muscle, to have a glimpse of how we, in Texas, are reacting to these regulations. I enclose an editorial which appeared in the Houston Chronicle on November 4, which points out some of the regulations and their dubious worth. I commend it to my colleagues so they too might be prepared for the future.

EPA's Questionable Rules

The Environmental Protection Agency moves ahead with automobile controls for the Houston metropolitan area which are of questionable legality, questionable authority and questionable necessity.

The EPA has now set out the economic sanctions it plans to take against the people to try to force them into car pools and buses as part of its miguided strategy to control air pollution. We have seldom seen a mere Rube Goldberg approach.

By next July 1, the EPA mandates, those firms which have 1000 or more employes in one facility and 700 company parking spaces there exclusively for employes, whether free or not, must start a plan to encourage use of car pools and buses.

"Encourage" is euphemistic language which hides the EPA's intent to penalize people to make them do as it wishes. Exactly what the EPA has in mind is shown by the regulations such a company must enforce if it does not develop an "encouragement" plan satisfactory to the EPA.

Employes driving to work alone must pay a $1 per day fine plus a fee which is the average of what the three nearest commercial parking lots would charge for the day. The fine goes up to $2 per day in 1975 and $2.50 in 1976.

A car pool with two passengers would pay only half this complicated fee-and-fine system. Three passengers or more in the pool an parking is free. The fine and the fee money can be used by the company to reimburse employes who ride the buses for that fare, up to $200 a year.

The legality of this is highly dubious is our opinion. How can the EPA impose a penalty on one class of people—those who work for employers who have 1000 or more at one facility and 700 company parking spaces—and not on other people? This would not appear to be equal protection under the law.

We also question whether it is the congressionally intended authority of the EPA to be imposing this type of monetary penalties, fines, taxes, surcharges, encouragements—whatever you want to call them—on the populace of the country. Such decisions should be made by elected representatives and we do not think Congress intended to delegate such power to the EPA.

Finally we would like to bring up once again what is the most Alice-in-wonderland aspect of the whole situation—and note some new information on the subject. The subject being that no one knows for sure if all this is necessary or not.

It develops the EPA has been doing some more sampling of Houston's air recently and what it has found won't support its position that there must be auto controls despite lack of scientific proof and the state's contention they're not needed.

A state official says nine samples collected on a rainy, cloudy Sept. 11 revealed that a significant amount of the key pollutants did not come from auto exhausts.

We trust the EPA has a good explanation for things like this ready for those Houstonians it plans to start penalizing for driving their cars.

THE CASE OF ALEKSANDER POLOTZK

(Mr. HUDNUT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HUDNUT. Mr. Speaker, as a cosponsor of the Mills-Vanik amendment, I am pleased to take part in the continuing vigil in support of this vital legislation. The cases of individuals described in the various speeches given by my colleagues bear vivid testimony to the fact that emigration from the Soviet Union is highly restrictive and often exposes the applicant for emigration to hardship, trial, and punishment.

Here is another example: The ordeal of Aleksander Polotzk, a secondary school student from Moscow, began on February 23, 1973, when his school director, N. A. Panteleeva, learned that the Polotzk family were planning to emigrate to Israel.

In the Soviet Union there is a close organizational tie between the secondary school and the Komsomal—Young Communist League. Therefore, prior to a meeting of the Komsomal, Panteleeva informed Aleksander's classmates and their parents of the decision of the Polotzk family to emigrate. Ten days later Aleksander was expelled from the Komsomal.

During the entire month of March, Aleksander's classmates caused him to endure insults and threats both at school and at his parents' apartment. His teachers no longer considered him to be a student and ignored him.

Aleksander's father complained to the appropriate authorities about the school situation. But despite their admonishment, a mathematics period was cancelled and a meeting of the Komsomal was held at which his classmates accused him of treason. When Aleksander tried to explain that emigration was legal under Soviet law, the students threatened to throw him out of the window. The officials who were present did not remonstrate, but gave "silent consent."

Finally, on April 4, Aleksander was beaten up by his classmates in a school lavatory and sustained a fracture of the nasal bones.

In September 1973, OVIR—the passport office—rejected the Polotzk's emigration application.

Mr. Speaker, it is incumbent upon a free people to be concerned about these flagrant violations of a basic human right. Congress must act before it is too late. The Mills-Vanik amendment must be passed during this session of Congress.

THE TERMINATION OF FINANCIAL AID TO MEDICAL STUDENTS

(Mr. ROGERS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ROGERS. Mr. Speaker, I was somewhat taken aback by the comments made by the Assistant Secretary for Health of Health, Education, and Welfare this week when he said that the administration was considering ending financial aid to students of medicine.

Dr. Charles Edwards apparently feels that Americans now have ready access to physicians and I strongly question this premise. I would back this up with three points.

First, there are more than 130 counties in the United States that are totally without physicians. Second, we have seen the emergency rooms of hospitals sag under the load of citizens who come in not because they necessarily need emergency treatment, but because they cannot find physicians for primary care. The emergency room is replacing the classic family physician. And third, I would like to ask Dr. Edwards why, if there is no shortage of physicians, will more than half of all physicians licensed in this country this year be foreign trained. The answer is because we are not training enough young American physicians to answer the needs of the American public.

And I do not agree with the Secretary of Health, Education, and Welfare's concept that if a young man wants to earn a degree in medicine, he should pay the entire cost, that the taxpayer should not help.

A recent survey has shown that it costs between $16,000 and $26,000 a year to educate a medical student. I do not know how many parents could afford tuition of $16,000 to $26,000 a year, but I venture that figure would be very low.

The Congress has addressed the problem of producing more doctors for this Nation in several pieces of legislation. We have amended this legislation according to the needs and demands of the American public. For we see the health of the American public as a national asset and a national resource.

I think the Congress will consider the legislation which is designed to answer these needs in the coming session and again amend it to the needs of the American public.

However, I think it is unrealistic and shortsighted for Dr. Edwards to propose a total elimination of a program which is designed to insure that the American people have proper medical care.

MANDATORY ALLOCATION OF FUEL DAMAGES AGRICULTURE AND SHRIMP FISHING

(Mr. de la GARZA asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. de la GARZA. Mr. Speaker, the two most important industries in the 15th Congressional District of Texas stand to be severely damaged by the new mandatory allocation program on diesel, kerosene, and other designated middle distillate fuels.

I refer to agriculture and shrimp fishing. Both play a leading role in the economy of south Texas.

Since this new program went into effect on November 1, replacing a voluntary allocation program, I have heard from farmers in my district who find themselves unable to obtain diesel fuel for their tractors and other machinery. Operators of shrimp boats also report that their suppliers have run out of fuel or are likely to do so in the near future.

Generally speaking, the new program, set up by the Energy Policy Office in the White House and administered by the Office of Oil and Gas in the Department of the Interior, provides that users of these fuels are to receive allocations this month based on the amount of fuel they used in November of last year.

This basis of allocation is wholly unrealistic. Farm use in particular peaks at different times in different years, depending on weather conditions. Heavy rainfall in many areas of my own State caused farmers to use much less fuel for their machinery in November of 1972 than they will need this month.

Probably 50 percent of the Texas cotton crop is yet to be harvested. A large part of next year's wheat crop has yet to be planted in the State. Obviously, every day of delay will be reflected in smaller yields.

Mr. Speaker, there is wisdom in the statement of the Honorable Bob Poage, chairman of the Committee on Agriculture, on which I serve, that the new mandatory program shows hasty consideration and urgently needs revision.

Said Chairman Poage:

> Since there is no system of priorities, the suppliers all along the line can and likely will fill the orders of their old customers. This could even mean fuel going to power a merry-go-round in an amusement park while a tractor stood idle in the middle of a farm 10 miles away because it ran out of diesel.

And I speak also for the operator of a shrimp boat that may have to remain tied up at the dock because of lack of fuel.

I hope a second look, a searching look, will be taken at this mandatory fuel allocation program. As it stands, it will work hardship on agriculture and commercial fishing in my district and will, of course, penalize consumers of their products.

XUM

THE YOUNG REPUBLICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho (Mr. SYMMS) is recognized for 60 minutes.

Mr. SYMMS. Mr. Speaker, last summer over 1,100 young men and women met in Atlanta for the biennial convention of the Young Republican National Federation.

These young Americans adopted a platform which called unequivocally for a strong nation and a firm commitment to the rights of the individual. Many of my colleagues are greatly encouraged, as I am, to know that the future leaders of the Republican Party believe that principles make good politics. I am especially pleased to see that the Young Republicans have the courage to stand by the traditional principles of our party, especially in these times when it has become fashionable to flaunt and ignore these sound principles.

These young people are not simply interested in changing one palace guard to replace it with another, or in substituting one set of officeholders for another set. They are interested in cutting down on the number of pigs at the public trough, not just in changing them around. They are interested in actually reducing the size, power, and cost of the Government; they believe that the American people are far more capable of making their own decisions at the local level rather than having decisions made for them by a bunch of bureaucratic socio-economic planners in Washington, D.C.; and, Mr. Speaker, they believe that we must restore the policy of strategic nuclear superiority for the United States while at the same time eliminate wasteful spending by the Pentagon. It is unfortunate that these ideals, which were once a basis of Republican Party policy, have been so ruthlessly abandoned in recent years by some elements of our party.

The recent questionnaire which I sent to my constituents in Idaho revealed that 65 percent of those replying believed that our present two-party system does not offer the voters honestly different alternatives. Many of my colleagues, I know, have had the same experience. This is why, Mr. Speaker, it is so refreshing to many of us to know that the people who will be leading our party in the near future do believe strongly in a genuine two-party system, one which offers the voters a real choice.

In reading this year's Young Republican platform I was particularly pleased to see that most of their positions agree with the views of the majority of my constituents.

For instance, the Young Republicans believe, as I do, that the Federal Government should not spend more money than it receives each year. Ninety-four percent of those responding to my questionnaire agree with this.

The Young Republicans also believe, as I do, that the U.S. Government should not subsidize and extend credits to Communist countries for the purchase of commodities and American technology, 96 percent of my voters responding agree with this.

The Young Republicans believe, as do 84 percent of my voters, that OSHA and other regulatory agencies are strangling American business and should therefore be eliminated.

I think it is clear, Mr. Speaker, that the members of the Young Republican National Federation reflect the ideas of the American mainstream and, most certainly, of the great majority of grassroots Republicans. I would like to congratulate these fine young men and women on their forthright and constructive platform. I am especially proud of their newly elected officers: Dick Smith of Florida, chairman; Phyllis McGrath of Colorado, cochairman; Clyda McLean of Oregon, secretary; Drew Stasio of Texas, treasurer; Mike Carrington of California, auditor; Lynda Durfee of Rhode Island, assistant secretary; and Shad Hanna of Ohio, vice chairman-at-large.

Mr. Speaker, I should like to introduce into the RECORD at this time the first portion of the 1973 platform of the Young Republican National Federation:

1973 YOUNG REPUBLICAN NATIONAL CONVENTION PLATFORM ADOPTED IN CONVENTION JULY 12, 1973, ATLANTA, GA.

PREAMBLE

We, the Young Republicans of the National Federation, reaffirm our commitment to the values upon which our country and our party were founded.

We believe the genius of the American system is its pervasive emphasis on the liberty of the person, and its careful effort to distribute political power so that no single man or group can ride roughshod over the freedoms of the rest.

We believe this genius is expressed most clearly in the inspired and enduring work of the American founders who created our Federal Constitution with its limitation on the reach of central government, its division of powers and its insistence on States Rights insuring that government had sufficient authority to preserve the peace but insufficient power to destroy individual liberty.

We deplore the numerous threats to this system which have arisen over a 40 year period of liberal domination, creating a massive central government and an enormous bureaucracy which seek to regulate every aspect of our lives at home and defaulting repeatedly before the worldwide challenge of militant communism abroad.

We assert that American freedoms must be rescued from this double challenge by a concerted effort to hold back misguided interventions in our economy and re-establish our national defenses on a realistic assessment of the communist danger and a firm commitment to America's legitimate national interests.

We further assert that the just ends of government include the maintenance of civil order against the forces of anarchy and sedition, and believe that this challenge too must be met by responsible action of the American nation.

In all these matters and many others, the ultimate resource of the American people is the priceless legacy of principle inherited from our founders and the countless centuries of Western experience. In embracing this legacy we reject the mistaken counsels of "pragmatism" which set us adrift in the political seas without a compass, and repeat once more our firm conviction that principle makes good politics.

In furtherance of these beliefs, we hereby adopt the following platform:

DEFENSE AND FOREIGN POLICY STATEMENT

The YRNF believes that the United States must remain the leader in international affairs. And we recognize that the gravest threat to world peace is for the United States to abdicate its leadership role because it became second-rate in the nuclear age.

We wholeheartedly support the premise of President Nixon's Blue Ribbon Defense Panel that "the road to peace has never been through appeasement, unilateral disarmament or negotiation from weakness." The entire recorded history of mankind is precisely to the contrary. Among the great nations, only the strong survive.

Doctrine of strategic nuclear superiority

We believe that the strongest policy to insure world peace is that the United States must maintain unmistakable strategic superiority.

We support the continued advancement and strengthening of our TRIAD of strategic weapon systems as recommended by President Nixon:

1. United States Bomber Force—We call for the funding to complete and implement the new B–1 bomber as rapidly as possible to replace the aging B–52 force.

2. United States Sub-launch Ballistic Missiles (SLBM)—We call for the continued development and deployment of the undersea long-range missiles (ULMS) and the new Trident submarine.

3. United States land-based International Ballistic Missile Systems (ICBM)—We endorse increasing the MIRV capabilities of these missiles and believe in the necessity to immediately improve their targeting accuracy and targeting flexibility. The U.S. should immediately proceed to increase the yield of our nuclear warheads. Further, we call for the development of land-mobile long-range and intercontinental ballistic missiles.

We urge a total modernization of United States naval forces.

We support a Civil Defense program that will protect to an absolute maximum the citizens of our country and governmental command, thereby releasing our population from the threat of being held hostage in the event of nuclear blackmail.

Increased Research and Development

The United States' vital national interest can only be protected by a priority increase in efforts which must result in the restoration of United States superiority in Research and Development.

1. High-Energy Laser Weapons—We urge maximum usage of laser technology in the development of advanced weapon systems.

2. Military Space Systems—We support the research and development that will provide the U.S. the capability of utilizing our space technology for military application and we specifically support the development of a fractional-orbital bombardment system (FOBS) and defensive Anti-Satellite System.

3. Warning Systems—We support high priority status to the development of advanced warning systems.

4. Submarine Communications—We call for the continuing development and improvement of the communication systems for Polaris and Poseidon submarines.

5. Anti-Submarine Warfare—We acknowledge that ASW is the key to the viability of any Sub-launched ballistic missile force, present or future and call for full cooperation for continued research and development, to the maximum extent possible, in order to counter the overwhelmingly superior Soviet submarine forces.

6. Control Systems—We support development of improved secure control systems for our airborne command post.

Arms Limitation and other Disarmament Negotiations

Under SALT I the ABM Treaty limits our defenses to our Nation's Capital and one

Minuteman missile site which is militarily insignificant. The Interim Agreement on Strategic Offensive Arms gives the USSR an intolerable advantage in offensive nuclear weapons which allows the Soviets to maintain a first strike capability that could be effectively used to blackmail the U.S. should the efforts to create a real détente prove unsuccessful.

Therefore, we find that our national security policy requires the efforts to immediately regain and retain the necessary strategic power to achieve the objectives of a genuine and just peace.

1. There should be no hesitance in achieving maximum allowable technological advancements to improve the quality of our strategic forces, which are not subject to the Agreement.

2. We further assert that under no circumstances should the U.S. accept any conditions in future negotiations that would not guarantee a minimum of comparable levels in offensive weapons and delivery systems.

3. That any and all agreements must be conditioned to on-site inspection.

4. The United States must not rely solely on the so-called "Counter-City Strategy" of balance of terror or the "Mutual Assured Destruction Doctrine." We support the President's statement that "our forces must also be capable of flexible application."

5. The Arms Control and Disarmament Agency must be abolished.

6. We oppose United States government credits or guaranteed loans to Communist-bloc countries for sales of commodities to be used by those countries to supplement their economic deficiencies while employing their own resources for further military expansion.

Volunteer Army

We support the all-Volunteer Army concept that the Republican administration has advanced.

Amnesty

We wholeheartedly support President Nixon's position of no amnesty for deserters and urge that all draft resisters and deserters pay a criminal penalty for fleeting the Vietnam war effort.

Reparations

We unalterably oppose any and all reparations to Communist North Vietnam.

No-win Wars

The policy of the United States should be to never again engage in armed conflicts without the expressed intention and national determination to defeat any enemies. And any such further involvement in armed conflicts shall be subject to the approval by Congress.

Latin America

The YRNF supports a new and positive policy in Inter-American Affairs.

Recognizing that the United States is losing in Latin America while the Soviet Union, Communist China, Communist Cuba and the countries in the Soviet-Bloc are making rapid headway, the YRNF calls for:

1. A concrete policy in inter-American affairs to be put forward by the President to reassure those Latin American countries still siding with the United States and to convince others drifting away, that the U.S. will adopt a policy of genuine firmness and cooperation on the side of friendly nations.

2. Organization of American States—We need an unequivocal declaration aimed at preserving the OAS without non-hemispheric influence.

3. Cuba—We need a clear declaration of United States policy aimed at the reestablishment of human rights and freedom for the people of Communist Cuba.

4. Trade—We support strong concerted efforts to protect U.S.-Latin American trade, which represents more than $10 billion a year from outside competitors arising unfair tactics to dislodge U.S. exporters and importers in Latin America.

5. Panama Canal—The YRNF reasserts that the administration has the highest regard for the sovereignty of the Republic of Panama. We recognize that the Inter-Oceanic Connection across the Isthmus of Panama by the present canal, or any other to be built, is essential to the defense and trade in our hemisphere and more specifically so to the United States and that this should be remembered and protected in any future new treaty negotiations with the Republic of Panama.

Middle East

We wish to encourage a lasting peace in the Middle East. We firmly believe in the territorial integrity of all nations and their right to defend that territory when threatened or attacked.

We feel the sale of American arms should only be limited to a nation's ability to pay for those arms and only to those countries who demonstrate their friendship to the United States.

We also wish to insure the security and identity of the many Arab Nations who have not resorted to a hostile foreign policy, but have been heavily involved in power politics beyond their control.

We condemn all terrorist groups and the Nations that willingly harbor them. We strongly urge economic and political sanctions against any Nation engaging in international piracy.

NATO and the Atlantic Community

We call for strengthening of the North Atlantic Alliance under the principles of the Nixon Doctrine.

1. The YRNF affirms that a strong NATO defense posture, backed up by a continuing U.S. military presence in Europe, remains vital to the defense of Western Europe against the Soviet Doctrine of "Peaceful Co-Existence."

This doctrine gives the Soviet Union and its allies broad latitude for extending Communist control and influence, including the use of armed force and that this doctrine is intended primarily to inhibit the use of force by those opposed to Communist expansion.

Consequently, to the extent that there is any lessening of either the capability or the apparent will of NATO to resist Communist attack, the ability of their influence throughout Western Europe by subversive methods, short of armed force, will be enhanced.

2. With a view toward world peace, we recognize that a mutual and balanced reduction of military forces in Europe is desirable. However, great caution must be exercised in any negotiations between NATO countries and Warsaw Pact nations to insure that countries in the Warsaw Pact, including Hungary, shall not be excluded from any force reductions.

Indo-China War

We applaud the efforts of the Nixon administration in successfully terminating U.S. participation in the Vietnam War. We support the efforts of the President to force compliance with the cease fire agreement and encourage the use of whatever military means necessary to reach this end. Under no circumstances should we further acquiesce to the terms of the agreement. We further demand the immediate and complete accounting of all those missing in action and otherwise unaccounted for.

China

Present and future American policies concerning the People's Republic of China must always keep in mind our treaty obligations to Nationalist China and our guarantee of that nation's territorial integrity and sovereignty.

Rhodesia

We believe that consistent with traditional American Policy of de facto recognition and acting in our national self-interest, we call for immediate diplomatic recognition of the Republic of Rhodesia and an end to any further embargo against Rhodesian goods.

Foreign Aid

As Americans, we believe that private enterprise is the best and most efficient way to achieve economic development. Aid payments given directly by our government to other governments have often resulted in mammoth waste, high inefficiency and the continuation in power of corrupt dictators.

It is time to limit foreign aid to only those countries who have demonstrated an ability and willingness to help themselves and extend and reciprocate to the U.S. goodwill and friendship.

American Business Interests Abroad

We strongly recommend American protection of American business interests abroad, including economic, political and military sanctions whenever necessary.

Individual Human Rights

The YRNF believes in the dignity of the individual. We deplore oppression and persecution which are the inevitable hallmarks of despotic systems. We will continue to work for the right of individual self-determination and encourage the political freedom of subjugated peoples, including the right of all persons to emigrate from any country.

OUR NATION TODAY

Individual freedom

We believe that freedom for all Americans is best insured through a strong system of free enterprise. This country was founded and has prospered on a system which permits maximum freedom of the individual from governmental control. We must constantly be aware that government is to be accountable to the people, and not the reverse. As we strive to serve all of our citizens through government, we must constantly be aware that a free enterprise system is in fact the foundation of freedom.

Responsibility in government

There are some basic statements of principle to which all public servants should adhere.

1. The American electorate is to be respected and trusted—not treated with contempt by political functionaries.

2. The responsibility of maintaining internal security is grave and one which is not easily monitored by the public. The trust granted to those who carry that burden should always be preserved and honored.

3. Those entrusted with the responsibility of enforcement must be always the first to place themselves in compliance with our laws.

4. By assumption of public service, we must be aware of the propensity of power to corrupt, and always maintain our defenses against it.

New federalism

The YRNF strongly supports the concept of "New Federalism" as defined to make more effective local forms of government and to place more power of governing in the hands of the people.

We endorse President Nixon's position that it is necessary to reverse the flow of power and funds to the Federal Government and to return power and funds to the state and local governments where the individual citizen can determine in what areas and for what purpose his tax dolar is spent. This concept is not the absolute solution but only a means to the end of having a less centralized federal government and a stronger local government.

Post card voter registration

Any suggestion of post card voter registration is irresponsible and is opposed by the YRNF. Local election boards should continue to have the responsibility to know those persons registering in their districts.

Environment

While we approve of the concept of the Environmental Protection Agency, we offer caution in suggesting that hysteria of the moment not be permitted to rise over reason in the implementation of its program.

Energy crisis

The YRNF, believing that the nation is in the midst of an energy crisis, supports the following ecologically sound measures to meet our energy needs:

1. research into clean solar and geothermal energy and development of those energy sources;
2. construction of deep water ports—for example, Puget Sound, Washington and Portland, Maine—that can handle supertankers;
3. development of Alaska oil; and
4. research and development of coal liquefication.

Alaskan pipeline

The YRNF strongly supports the immediate construction of a Trans-Alaskan Pipeline.

Educational professionalism

The YRNF believes that educators must be committed to their profession and provide the tools and motivations necessary for the young people of today to discover more objectively their responsible roles as citizens of tomorrow.

In recent years, the attitudes and actions of some teachers in advancing their own selfish goals have eroded the confidence of the public in our system of education. Americans are concerned about the end result of the educational system they are financing at a constantly increasing cost in public funds.

If we are to perserve our free society we must not accept as inevitable the continuing erosion of public confidence in our schools or the alienation of our teachers from the public whose schools are run by the teaching profession. The public must again have reason to respect and to support our system of education. We, as Young Republicans, want our educational system to transmit to the next generation the great ideals and values of our culture.

Vocational education

The YRNF strongly endorses the utilization of vocational training programs as a form of supplemental education after high school.

Educational voucher system

Establishment of a voucher system to aid the parents of students in private schools appears to be the most equitable means of providing freedom of choice in education and is endorsed by YRFN.

Busing

The YRNF is unalterably opposed to the use of forced busing for the purpose of achieving racial balance in public schools.

Health education

In order to provide true quality of life to all citizens, a high priority must be given to the establishment and implementation of comprehensive programs of health education. Our present health curriculums at all levels of public education must be upgraded and given a more significant role in the total system.

This will permit an awareness and understanding of the physical, social, and psychological forces constantly surrounding us, thereby permitting the individual to more effectively fulfill his role in society.

Health insurance

It is our belief that the Federal Government has no role to play in providing health care beyond assurance that comprehensive coverage be made available at a reasonable cost to all Americans through private health insurance.

Welfare reform

The YRNF reaffirms the need of the American public to provide assistance to the truly needy who have nowhere else to turn to meet their basic needs. At the same time, we believe that our present welfare system threatens to bankrupt our nation unless major changes in priorities are made.

We further feel that welfare programs should be funded and administered at no higher than the state level.

Work incentive programs have been established to enable individuals in some states to remove themselves from the welfare roles through private employment. We applaud these recent reforms as paving the way to a workable solution. They have been able to shift emphasis towards determining need and work potential of each of the applicants. Special note should be taken that the major emphasis is work, be it private or on public projects, and not a system of doles.

Mr. ASHBROOK. Mr. Speaker, from 1957 to 1959 I had the honor of serving as chairman of the Young Republican National Federation. For this reason I am especially pleased to be able to commend today the 1973 platform of the future leaders of my party.

While not necessarily agreeing with every point in the YRNF platform, I seriously recommend to all of my colleagues the views of this 500,000-member organization on the foreign policy of our Nation. Of particular interest are the following sections relating to no-win wars, the Indochina war, NATO and the Atlantic community, China, Rhodesia, and foreign aid:

Sections of 1973 Platform of the Young Republican National Federation

NO-WIN WARS

The policy of the United States should be to never again engage in armed conflicts without the expressed intention and national determination to defeat any enemies. And any such further involvement in armed conflicts shall be subject to the approval by Congress.

INDO-CHINA WAR

We applaud the efforts of the Nixon administration in successfully terminating U.S. participation in the Vietnam War. We support the efforts of the President to force compliance with the cease fire agreement and encourage the use of whatever military means necessary to reach this end. Under no circumstances should we further acquiesce to the terms of the agreement. We further demand the immediate and complete accounting of all those missing in action and otherwise unaccounted for.

NATO AND THE ATLANTIC COMMUNITY

We call for strengthening of the North Atlantic Alliance under the principles of the Nixon Doctrine.

1. The YRNF affirms that a strong NATO defense posture, backed up by a continuing U.S. military presence in Europe, remains vital to the defense of Western Europe against the Soviet Doctrine of "Peaceful Co-Existence."

This doctrine gives the Soviet Union and its allies broad latitude for extending Communist control and influence, including the use of armed force and that this doctrine is intended primarily to inhibit the use of force by those opposed to Communist expansion.

Consequently, to the extent that there is any lessening of either the capability or the apparent will of NATO to resist communist attack, the ability of their influence throughout Western Europe by subversive methods, short of armed force, will be enhanced.

2. With a view toward world peace, we recognize that a mutual and balanced reduction of military forces in Europe is desirable. However, great caution must be exercised in any negotiations between NATO countries and Warsaw Pact nations to insure that countries in the Warsaw Pact, including Hungary, shall not be excluded from any force reductions.

CHINA

Present and future American policies concerning the People's Republic of China must always keep in mind our treaty obligations to Nationalist China and our guarantee of that nation's territorial integrity and sovereignty.

RHODESIA

We believe that consistent with traditional American Policy of de facto recognition and acting in our national self-interest, we call for immediate diplomatic recognition of the Republic of Rhodesia and an end to any further embargo against Rhodesian goods.

FOREIGN AID

As Americans, we believe that private enterprise is the best and most efficient way to achieve economic development. Aid payments given directly by our government to other governments have often resulted in mammoth waste, huge inefficiency and the continuation in power of corrupt dictators.

It is time to limit foreign aid to only those countries who have demonstrated an ability and willingness to help themselves and extend and reciprocate to the U.S. goodwill and friendship.

Mr. Speaker, I include the following conclusion of the platform:

1973 Platform of the Young Republican National Federation

OLDER AMERICANS

The YRNF commits itself to helping older Americans achieve greater self-reliance and greater opportunities for direct participation in the activities of our society.

Social security programs should be made voluntary as a means of guaranteeing individual freedom of choice and destiny. Current social security laws that do not permit citizens receiving benefits to supplement their income by gainful employment or pursuit of a new career should be abolished.

An expanding economy not only makes it feasible for this action, but the present labor supply makes it mandatory for the older American to play a strong role in our lives.

COURT REFORM

The court system of our nation has become overburdened and slow to respond. Therefore, the YRNF supports to reform our court system so as to speed the resolution of cases.

URBAN DEVELOPMENT

The problem of conserving and rebuilding our urban areas can best be met through accepting a plan which permits local determinations of priorities.

We have seen that many programs to resolve these ills have not been doing an adequate job. The control, planning and funding should be placed in the hands of the local community. The ineffectiveness of programs and the wasting of money must be stopped.

VETERANS

We recognize our national obligation to the Vietnam Era Veterans to see that they are eligible for benefits comparable to those received by World War II and Korean War Veterans.

We further maintain that retirement benefits for military personnel be equalized for all such personnel.

MINORITY INTERESTS

The YRNF reaffirms the basic Republican principle of treating members of minority groups as individuals and not simply as voters.

THE AMERICAN ECONOMY

Economic prosperity

We believe in a healthy expansion of our economy without inflation.

We will be able to reduce inflation only if we hold the line on federal spending.

We believe that all government-imposed wage and price controls should be abandoned as "solutions" to the problem of inflation, and that the free market system for regulating wages and prices should be allowed to function. Recent experience has demonstrated that "temporary" wage and price controls, designed to check inflation, turn out to be sporadically permanent and are ineffective in controlling inflation

We believe that the free market system, which has built the United States into the world's strongest economic power, is far superior to any system of government fiat and regulations, which serve only to hamper production, promote inefficiency and restrict freedom.

Budget procedures

If we are to enjoy economic prosperity and an end to inflation, it is imperative that we achieve a "Balanced Budget" with actual receipts equalling actual expenditures.

Delay in Congressional consideration of the budget is a major problem. Each year Congress has failed to enact major portions of it before the next budget was prepared. Congress has resorted to the device of continuing resolutions to carry on the activities for which it has not made appropriations. Such delay needlessly compounds the complexities of budget preparation and frustrates the potential of the budget as an effective management and fiscal tool.

The fragmented nature of congressional action results in a still more serious problem. Rarely does the Congress concern itself with the budget totals or with the effect of its individual actions on those totals. Appropriations are enacted in at least 15 separate bills. In addition, "backdoor financing" in other bills provides permanent appropriations, authority to borrow and spend without an appropriation, and program authorizations that require mandatory spending whether or not it is desirable in the light of current priorities.

We believe that the manner in which Congress reviews and modifies the budget should be changed to include the following:

1. adoption of a rigid spending ceiling to create restraint on the total at the beginning of each annual review;
2. avoidance of new "backdoor financing" and review of existing legislation of this type; and
3. prompt enactment of all necessary appropriation bills before the beginning of the fiscal year

The Congress must accept responsibility for the budget totals and must develop a systematic procedure for maintaining fiscal discipline. To do otherwise in the light of the budget outlook is to accept the responsibility for increased taxes, higher interest rates, higher inflation, or all three.

We believe that there should be no increase in the national debt and that such debt should be repaid during the next 100 years. The note of repayment shall be such that one-tenth of such debt shall be repaid during each 10-year interval.

Finally, we emphasize the major issue, beyond deficit financing and the public debt, is simply the level of aggregate governmental spending. The federal government is simply spending too much money. The almost exponential growth in special interest legislation and spending must be brought under control. The abandonment of all deficit financing will make possible better control of federal expenditures, in addition to being the most effective tool for stopping inflation. Therefore, problems associated with deficit financing and run-away federal spending are inter-related.

Business and Labor

We believe in maximizing free competition in our society.

We support the transfer of services now provided by government, wherever possible, into the private sector so that they will be subject to the beneficial effects of competition. In addition, we oppose the issuing of government grants of monopoly privilege which are designed to protect individuals or companies from competition.

We endorse the legitimate role of labor unions in attemping to gain better and safer working conditions for their members, but suggest the elimination of those special legal priviliges which allow unions to gain restrictionist wage rates, higher than the free market rate. Such wage rates lead to unemployment or lower wages in other sectors of the economy, and reduce the general level of prosperity.

We encourage employers to treat their employees as people rather than cogs in a machine, with the recognition that better personnel relations and more flexibility and independence for workers leads to greater productivity, which benefits all segments of the economy.

We recognize the role of small and new businesses in increasing competition and innovation in the economy, and encourage the elimination of arbitrary government standards in safety, product reliability, and accounting procedures, as well as taxation policies, which tend to benefit large established firms at the expense of smaller, younger ones. We further encourage the use of tax credits to compensate firms for expenses incurred in doing bookkeeping for Social Security, withholding taxes and other government programs.

International business

We encourage the abolition of all artificial trade barriers between countries.

Only by allowing unrestricted trade between countries will the world ever be able to achieve the highest efficiency possible in production, thus helping to solve problems of hunger and poverty throughout the globe. Perhaps even more important, economic ties between countries will help strengthen diplomatic ties and ensure peace in the world.

Agriculture

We believe that the federal government should eliminate the following controls or programs:

1. Farm Subsidies
2. Acreage Allotments
3. Land Use Planning
4. All USDA involvement in non-agricultural areas.

The elimination of these programs will result in greater production and allow farm products to seek their true market price. With greater productivity we will guarantee a better supply of food to prevent hunger in the world.

Ownership of gold

We believe that any citizen of the United States should be allowed to own gold.

AMERICA OF THE FUTURE

The YRNF believes that our country's future is threatened by an energy crisis concerning both its *human* and *natural* resources.

Petroleum

The U.S. demand for oil by the year 1980 will range between 20–25 million barrels per day.

We believe that our nation must avoid becoming heavily dependent on oil from politically unstable countries. The Soviet Union could succeed in controlling the flow of Middle Eastern oil to the United States by playing on Arab economic, diplomatic and military dependence on the U.S.S.R. Therefore, we believe it to be in our best national interests to avoid future delays and uncertainties in planning the development of the Alaskan North Slope oil reserves.

We believe that the price of economic growth need not be the deterioration of the quality of our lives and our surroundings. Indeed, in the future, as history has verified, economic growth and an increase in the quality of life must go hand in hand.

Gasoline taxes

We feel that taxes from the sale of gasoline should be used only for the planning, building and maintaining of roads, streets and highways.

It is not only impractical, but improper for the government to be in the business of transporting people in our urban areas, at the expense of the people in other parts of the country. Future transportation needs must be met and can be met most efficiently by following the principles of the Republican Party, the principles of Free Enterprise.

Private industrial commitment

Last year private sector spending for pollution and environmental control jumped by 50 percent.

Thus, we have every reason to believe that private industry *will* handle its own problems in this area. Concurrently, each individual must take the responsibility for looking after his own home and workplace. Your backyard is not the domain of the Federal Government. We must look to the energy of the individual and of private industry to solve "future needs" of America. We must convert the so-called crisis of the environment into an opportunity for unprecedented progress and resurgence of individual responsibility.

Future resources

It is our belief that we should work for the creation of a laissez-faire, free market economy. The following steps should be taken:

1. The fiat money of today should be replaced by an inflation-free dollar backed by gold.
2. Taxes should be reduced through the abolition of the practice of withholding taxes.
3. The personal graduated income tax should be abolished.
4. We must move toward reduction of our National debt. A first step should be the selling of those government-owned businesses that are unconstitutionally run in direct competition with other free enterprise businesses. In itself this would net our government $65 billion dollars and means a 14% decrease in that debt.

Human resources

The human resource—the individual—when allowed to solve his own problems and develop his own potential, is a limitless source of energy. Human energy, the skill, industry, and productivity of the American people, is the driving force of our economy.

When initiative is taken from the individual and replaced by Federal action of a public dole system the individual loses his vital energy and productivity in society.

The original Americans

On future needs in the area of Indian Affairs, it is our belief that we should guarantee those individual freedoms, that because of bureaucratic mismanagement, have been taken from our Original Americans. Towards this end, we support the abolition of the Bureau of Indian Affairs whose policies of "Cradle to Grave" socialism have kept the American Indian a second-class citizen.

Self-protection

We believe that the basic constitutional right of all citizens to keep and bear arms should not be restricted.

XUM

> Present and proposed state and federal laws which abridge this basic right are unconstitutional and ineffective in keeping firearms out of the hands of criminals or reducing the number of gun-related crimes.
>
> *Future Stability*
>
> We urge the YRNF to redouble its efforts in recruiting candidates with the courage, ability and love of country of our great leaders of the past.
>
> *Women's rights*
>
> We strongly reaffirm the constitutional rights that provide for the equality of the sexes.
>
> *Drugs*
>
> Drug abuse remains as one of the most vicious and corrosive forces attacking the foundations of the American society, especially its youth. It is a major cause of crime and a merciless destroyer of human lives. The Young Republican National Federation encourages and endorses actions to fight this contagion of disease and crime with all of the resources at our command.
>
> We realize that the problem of drug abuse cannot be quickly solved, but the massive efforts that have been launched by the Nixon administration must be continued through:
>
> 1. Increasing American support for international efforts to control narcotic traffic;
> 2. Expanding programs of education. We believe the best hope of saving other young people from drug addiction is through education. An effective health education program dealing with personal growth and development, which includes teaching a respect for drugs, will aid the student in fulfilling his role in society. A strong and secure self-concept is the most practical prevention of drug abuse. One of the primary causes of drug addiction is the search for instant gratification from doubts, fears and uncertainties;
> 3. Expanding programs of rehabilitation, training and treatment. We believe the casual first time user or possessor of drugs must be kept away from jails and prisons and given the opportunity to participate in treatment programs designed to keep them from becoming addicts. For those persons already addicted to drugs, we support the concept of community based treatment programs;
> 4. Endorsing legislation to make drugs less accessible;
> 5. Opposing legalization of marijuana. We intend to solve problems, not create bigger ones by legalizing drugs of unknown physical and psychological impact;
> 6. Endorsing tougher criminal penalties for the heavy trafficker of heroin and other major drugs. We feel the death penalty is justified for heavy drug pushers; and
> 7. Endorsing stricter law enforcement as a deterrent to drive pushers of dangerous drugs from the streets, schools and neighborhoods of America.
>
> *Government controls*
>
> In order to continue the country's economic growth in the future, the government must be removed from the area of general economic controls and the influence of government on technical design, rate regulation, transportation, and communication must be minimized.
>
> *Government by the people*
>
> Our country's course must be charted so as to protect our freedom from abridgement by the bureaucratic manipulation of any government entities. Our present situation verifies that when the government grows beyond the control of the people, only government benefits. We pledge our future energies to drastically reducing the size of all phases of government so as to return our country to government by the people. Eternal vigilance is the price of liberty.

Mr. LANDGREBE. Mr. Speaker, in July of this year the Young Republican National Convention adopted a truly amazing platform—it shines like a beacon, cutting through the dismal fog of today's pragmatic, unprincipled politics. It is indeed refreshing to see our national organization of Young Republicans reassert in clear-cut, no-nonsense terms, the principles of individual liberty in politics and free enterprise in economics.

With these principles as a firm base, let us consider the platform position on one crucial issue: Welfare reform.

Although unpublicized by most of the news media, welfare is truly a national scandal. In July 1963, there were some 7,292,000 persons receiving welfare payments totaling approximately $301 million. Projected over a full year, the total in 1963 was approximately $3.6 billion. If medical payments to welfare recipients are included, the figure climbs to about $4.7 billion.

By July 1973, only 10 years later, the number of persons on welfare had more than doubled to a figure of 14,700,000, while total payments more than tripled to a figure of $927 million per month, or about $11.2 billion per year. When medical payments are added, the yearly total is $20 billion.

It is obvious that if such growth continues, it will bankrupt our Nation. But what will stop its growth? As is made explicit by so-called "welfare rights" organizations, the whole welfare program is based on the premise that those who cannot or will not work have a right to the income of those who do. Thus if you earn your own living, you are penalized; if you do not provide for yourself, you are rewarded.

How long can a nation survive when productivity is penalized and indolence rewarded? Is it any wonder why the welfare roles keep multiplying?

The Young Republicans, unlike today's liberal establishment who simply ignore the crisis they have created, take the only position that can break the welfare spiral: They emphasize work incentives, and not a system of doles. This, coupled with their position that welfare should be funded and administered by the States, and not the central government, would go a long way toward cleaning up our welfare mess and would of course return fiscal stability to our Federal Government.

I congratulate the Young Republicans on their strong stand on the principles of individual liberty, and their rejection of pragmatism. I only hope that the "party regulars" both Democrat and Republican take note.

Mrs. HOLT. Mr. Speaker, the Young Republican National Federation represents many thousands of young people who are moving, at various stages in their young lives, into the political arena. Some of them are fresh from the high school and college campuses of this great country, infused with a thirst to put their educations and their ideals to work. Others are already in the business and professional world—young doctors, lawyers, engineers, writers, scientists. The two things they share are the hope and confidence of the young, on the one hand, and a fresh perspective, on the other.

I was delighted recently to see the platform adopted by these young people at their national convention. I would like to share a part of it with my colleagues. Because I would not impose on the time of the Congress to read into the RECORD the entire platform, I would like to select one particular section—the section on health care—as reflective of the idealism and the new perspectives embodied by these many newcomers to political life. The convention urged a new emphasis on improved health education, at all levels, and then adopted this statement:

> It is our belief that the federal government has no role to play in providing health care beyond assurance that comprehensive coverage be made available to all Americans at a reasonable cost through private insurance.

What is so interesting—and so enlightening—to me, Mr. Speaker, is that a group of young Americans widely acclaimed as the most politically aware, best educated generation of our history, has looked with compassion and concern at the health needs of the American people and has recognized that it is in the best interests of the people to keep the Federal Government out of the health care business.

These young people have not been burdened with the task of working too close to the forest to see the trees; they do not see problems—and solutions—in terms of the 1930's and 1940's. They look with fresh eyes at the medical needs of the people, and look with objectivity and calm at the many health care programs that have been instituted by this Government and by other governments. They hold no pride of authorship in those programs and are able to evaluate them in real terms of good done, restrictions imposed, moneys spent. Their conclusion—like the conclusion of an increasing number of experts in the health care field—is that the American people have received a high level of care, at reasonable cost, under the private health care system, and the Federal programs have invariably endangered the quality of care and increased costs.

Mr. Speaker, it is refreshing to find so many young people recognizing that the answers to our problems must come from private enterprise; recognizing that the result of our past actions, well-intentioned though they might have been, has too often been the precise opposite of what the Congress had hoped.

We are all aware of the immense cost overruns in the medicare and medicaid programs, and persons knowledgeable in the health care field are aware, also, that regulations imposed by the health bureaucracy have resulted in increased cost at the doctor's office and at the hospital and nursing home. Doctors are aware that the congressional imperative to oversee what it spends has often resulted in strong pressures upon the medical professional to comply with artificial national "norms" rather than treat each patient, individually, in accordance with the doctor's knowledge of that patient and consistent with the best, on-the-scene medical judgment.

Many of my colleagues see these problems, and they recognize, as well as any, the failures of the Federal Government

in providing health care through medicare and medicaid. They are aware of the recent expose in Reader's Digest of the low quality of care in VA hospitals; of the loud and angry complaints by our Indian citizens who receive care through Federal agencies; of the skyrocketing medicaid costs which have driven State governments to the brink of bankruptcy.

Our trouble in the Congress, Mr. Speaker, is that many in this House and in the Senate helped to author the legislation that created these programs. They saw problems and believed the way to solve them was to spend the taxpayers' money on artificial national solutions. Now they feel a commitment to that approach and to those Federal programs. It is difficult to break the habits of a half century.

That, Mr. Speaker, is where we owe our thanks to our young people. These new voices in the Young Republican National Federation speak with a candor and freshness which we cannot have in the Congress. I commend this health care recommendation to all of my colleagues and suggest that it is advice worth following.

Mr. FREY. Mr. Speaker, I would like to join with the gentleman from Idaho (Mr. SYMMS) in praising the Young Republican organizations, both nationwide and throughout the States. As a former State chairman of the Florida Young Republicans, I can truthfully say that the experience gained through it has been most important in my service in the Congress. The Young Republican organization affords not only training grounds for those interested in the political system, but gives them practical experience in the very real world of politics. If this country is going to continue to grow in greatness, the young people must be involved. One of the Senators when asked about the Watergate hearing and politics, in essence told young people to "turn off." I think this is just plain wrong. I think young people should become more involved. The challenge of Watergate is not the challenge of less involvement, but the challenge of more involvement. The Young Republican organization has afforded this opportunity to many young people, including many Republican Members of Congress.

I would certainly be remiss if I did not say a few words about the present national chairman, Dick Smith of Florida. Dick and I have worked together in the Young Republicans since the 1960's. Dick worked his way up through the Young Republican ranks and has always done an outstanding job. There is no question of his ability, his sincerity or his dedication. I am convinced that the national federation of Young Republicans is going to build upon its outstanding record under his leadership and be even more important in the future. Congratulations to the chairman, Dick Smith, and to all members of the Young Republicans. We know you will keep up your good work and that you will redouble your efforts in these trying times. I cannot end these remarks without thanking especially the many, many Young Republicans in Florida who were instrumental in my election and who have been instrumental in keeping me in the Congress. They know of my feelings as I have expressed them many times publicly. Without them, I would never be here. I only hope that we never let them down.

Mr. YOUNG of Florida. Mr. Speaker, as a former State chairman of the Florida Young Republicans, it gives me great pleasure to join my colleagues in congratulating the Young Republican National Federation on their thoughtful and responsible platform, adopted at their convention in Atlanta this summer.

It is a source of special pride to me that the new national chairman of the Federation, Dick Smith, hails from my home State of Florida. This fine young man has long been active in Young Republican activities, and served as national treasurer of the Federation for the past 2 years.

No one who has ever attended a meeting or convention of Young Republicans has failed to be impressed by the awareness and concern of these young men and women over the future of this country. Moreover, this growing organization of over half a million young Americans speaks out for what is best in America. The Federation's 1973 platform opens with an affirmation of their commitment to the values upon which their country and party were founded.

The platform states:

> We believe that the genius of the American system is in its pervasive emphasis on the liberty of the person, and its careful effort to distribute political power so that no single man or group can ride roughshod over the freedoms of the rest.

I would like to commend this platform, Mr. Speaker, to all of my colleagues for their thoughtful consideration. I believe that they will then agree with me that our future is in good hands. The members of the Federation of Young Republicans are committed to working for this Nation—in their home communities, in the States, and at the national level.

Mr. BLACKBURN. Mr. Speaker, in July of this year, I had the pleasure of speaking before the Young Republican's National Convention in Atlanta. The Young Republican National Federation adoption a platform at this convention which I would like to commend to the attention of my colleagues.

I believe that these concerned young men and women are to be congratulated for their informed and forthright commentary on America's place in the world.

It seems to me, Mr. Speaker, that while I might not agree with every specific proposal in their national defense platform, the ideas of these fine young people deserve the most serious consideration by all of us.

The Young Republicans have reminded us very cogently, I believe, that—

> The gravest threat to world peace is for the United States to abdicate its leadership role because it became second-rate in the nuclear age . . . among the great nations, only the strong survive.

The Young Republicans went on to point out that—

> The strongest policy of deterrence against war and for world peace is that the United States must maintain unmistakable strategic superiority.

They believe this can best be done by restoring U.S. supremacy in military research and development.

The Young Republicans are rightly concerned in my view that under SALT I the ABM Treaty limits our defenses to militarily insignificant levels. In addition, the Interim Agreement on Strategic Offensive Arms gives the U.S.S.R. an intolerable advantage in offensive nuclear weapons. The Young Republicans conclude and I agree that—

> We find this number-two position as a world military power to be totally unacceptable and our national strategy policy of minimal deterrence should be altered immediately to regain and retain strategic superiority.

There is no more important area of concern for the future of our Nation, Mr. Speaker, than our national defense. I am happy to be able to congratulate the Young Republican National Federation for the serious contribution they have made to our informed discussion of these problems.

GENERAL LEAVE

Mr. SYMMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the subject of my special order and to include extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Idaho?

There was no objection.

LAND USE BILL—AN ALTERNATIVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. STEIGER) is recognized for 10 minutes.

Mr. STEIGER of Arizona. Mr. Speaker, today, I am introducing legislation that will serve as an alternative to H.R. 10294, the land use bill currently before the House Interior and Insular Affairs Committee.

I am offering this bill in an attempt to bring the provisions and the effects of this legislation back into line with its stated intent. The intent of H.R. 10294 is to encourage and assist the State to plan for the wise and balanced use of its land resources. A reading of what the bill actually says immediately reveals that H.R. 10294 goes much further than encouraging and assisting. Presently, there is a wide disparity between intent and effect; my legislation seeks to close that gap.

The proponents of H.R. 10294 are constantly reassuring us that the States will have almost total control in developing their land use plans and that the Federal Government's role will be limited to overseeing their activities, but once more I submit that a study of the actual wording points out the unlikeliness of a passive Federal role.

H.R. 10294, as it stands now before the Interior and Insular Affairs Committee, contains line after line of requirements, criteria, instructions, and suggestions that the States must consider or comply with before the Secretary of the Interior will decide if a State is eligible to receive a grant.

If the Secretary rules that a State has not followed these Federal requirements in developing its land use policy, not only can he withhold these grants, but he may also impose sanctions on unrelated Federal funds. Under H.R. 10294, these sanctions would be imposed, in amounts up to 21 percent, in three areas of Federal funding: First, airport and airway developments; second, Federal highways; and third, land and water conservation. The injustice of forcing States into compliance with this act by using this type of threat must not and should not be tolerated.

I believe that if we are to have land use planning legislation, that it should do only what it professes to do and no more. We must not allow legislation of this type to become a tool by which the Federal Government intervenes in still another area of essentially State and local responsibility.

Federal legislation in this area of State and local responsibility must be written with a minimum of Federal controls. State and local governments must be free to carry out their constitutional duties and to decide for themselves how their needs can best be met. It is not for us sitting here in Washington to decide what kind of land use controls a State needs, but it is instead up to the people closest to the situation who understand the needs of their people best.

The legislation that I am introducing restores the proper balance between the original intent and the effects of this legislation. I am attaching a section-by-section analysis of my bill at the conclusion of these remarks, but I would like to point out some of the major differences between this bill and H.R. 10294.

Both bills authorize the Secretary of the Interior to make grants to the States to assist them in setting up their land use plans, but instead of requiring States to follow numerous and restrictive requirements in developing their plans—as H.R. 10294 calls for—my bill allows the States to decide for themselves the range and content of their plans. Under my bill, the content of a State's land use plan will not be dictated from Washington, but will be formulated by State and local officials—as it should be.

The sanction provisions which still remain intact in H.R. 12094 are not present in my legislation. The Federal Government should not be given this coercive, economic "stick" to force the States into compliance if they choose not to participate in the program.

I have included language in my bill that will insure that private property rights will remain unchanged. Under my bill, not only must nothing in the act diminish the rights of owners of property as provided for by the Constitution of the United States—as H.R. 10294 states—but neither shall anything in the act diminish the rights of owners of property as provided for by the Constitution and laws of the State in which the property is located. Our citizens are guaranteed better protection of their property rights under State constitutions and laws than under the U.S. Constitution. This language insures that the States will follow their existing laws in implementing this act, and not be tempted, as they would be under H.R. 10294, to use the provisions of the act to circumvent these laws.

H.R. 10294 requires the Secretary of the Interior to tell the States which lands within each State he considers to be areas of critical environmental concern of more than local significance, while my bill allows the States to determine what they consider to be critical areas.

I have eliminated the bureaucratic and useless Interagency Land Use Policy and Planning Board from my legislation in an attempt to make the administering of this act more efficient.

Also, I have reduced the extremely high and wasteful funding levels by 60 percent—from $100 million per year to $40 million—and cut the number of years for funding from 8 to 5.

These are some of the major differences between H.R. 10294 and the bill I am introducing today—for more detail as to what my bill calls for, I am enclosing a section-by-section analysis.

I urge my colleagues to look at this alternative carefully. I believe that it is both a reasonable and balanced approach to solving the controversies and problems involved in land use planning:

SECTION-BY-SECTION ANALYSIS OF THE STEIGER LAND USE BILL

TITLE I—ASSISTANCE TO STATES

Part A—Findings, policy, and provision for grants

Section 101—Findings

Finds an urgent need for land use planning to promote general welfare, secure a wise and balanced allocation of resources, and provide for social, economic, and environmental well-being and long-term needs of Nation.

Section 102—Declaration of Policy

Declares it the policy of the federal government in cooperation with the several states and their subdivisions and other organizations to: 1) assure lands are used in ways contributing to man and nature living in productive harmony and under which requirements of present and future generations can be met, and 2) encourage and support States to establish effective land use planning and decision-making processes.

Section 103—State Land Use Planning Grants

Authorizes the Secretary of Interior to make annual grants to eligible states, defines an eligible State land use planning agency as one having primary authority for development and administration of a land use planning process, describes the form and functions of a state-local intergovernmental advisory council on land use planning.

Part B—Land use planning process

Section 104—State Planning Process

Describes an eligible state land use planning process as one which considers all land and natural resources in the State and which provides for:

An adequate data base.

Technical assistance and training for State and local personnel.

Public involvement and participation by State and local officials in planning process.

Methods for coordinating the land use activities of State and local governments, the activities of areawide agencies.

Methods to coordinate activities of land use interstate agencies, those of local governments, those of Indian tribes, and those pursuant to the Coastal Zone Management Act and those of federal land management agencies.

Resolution of conflicts arising between State land use plans and the plans of Indian tribes by a three member board.

Methods to consider and evaluate factors influencing land use—agriculture, forestry industry, transport, energy, open space, rural development, public services, education, esthetic, ecological, geological factors, recreational needs, unique characteristics of areas having national significance, impacts of the land use program on the local property tax base and state revenues, requirements of the State, region, and nation for adequate energy supplies.

The definition, identification, designation, and regulation of areas of critical state concern, large-scale development, land use of regional benefit, and areas suitable for or which may be impacted by key facilities.

Section 105—Implementation

Encourages states to utilize general purpose local governments in the implementation process and for planning, review, and coordination purposes as to the regional implication of local plans and implementation. This Section also states that nothing in this Title should be deemed to: 1) permit a federal agency to intercede in a State's land use management, 2) enlarge or decrease a State's authority to control the use of Federal land, 3) diminish the rights of property owners as provided by the constitutions and laws of the Federal and state governments.

Section 106—Interstate Cooperation

Encourages states to coordinate their land use plans on an interstate basis through compacts subject to Congressional approval.

Part C—Federal action

Section 107—Determination of Eligibility

Requires the Secretary to consult with other Departments before making a grant under section 103, requires the Secretary to determine a State's eligibility for a grant no later than three months following application, requires the Secretary to be satisfied that the grant will be used to develop and implement a land use planning process, requires periodic reports from the States on work completed and scheduled.

Section 108—Appeal Procedure

Provides for an appeals procedure for States ruled ineligible for grants by the Secretary.

Section 109—Consistency and Coordination of Federal Actions

Requires Federal projects and activities affecting land use including permits and licenses, grant, loan or guarantee programs, such as mortgage and rent subsidy programs and water and sewer construction, but excluding revenue sharing be consistent with the State's land use planning process, except in cases of overriding national interest. Requires applicants for a required Federal permit, or license or assistance for an activity affecting land use to transmit the views of the relevant local government and areawise planning agency a statement as to the consistency of the proposed action with the land use planning process. *Requires* that Federal activities conducted in an area not subject to the land use planning process be conducted so as to minimize adverse impact upon the environmental. *Requires* all Federal land management agencies to consider the State land use programs, and State, local and private needs and to coordinate their land use activities on the Federal lands with the State, local land use activities on or for adjacent non-Federal lands to the extent such coordination is not inconsistent with existing law.

TITLE II—ASSISTANCE TO INDIANS

Section 201—Indian Land Use Planning Grants

Authorizes the Secretary to make land use planning grants to any Indian tribe to assist in developing a land use planning process for Indian reservation and other tribal land of that tribe.

Outlines what the process must provide for (i.e., identifying areas of critical concern, areas of key facilities, and areas for potential large-scale development, coordinating with states which contain these tribal lands, and resolution of conflicts between state land use plans and the plans of Indian tribes by a three member board.)

Section 202—Eligibility

Secretary must be satisfied that the tribe intends to expend funds for the development of a land use process for the reservation or other tribal lands, before making any grants.

After three years the Secretary must be satisfied that the tribe has developed a planning process and is making good faith efforts to put it into operation before grants are made.

Section 203—Tribal Reporting Requirements

Any tribe receiving a grant must report to the Secretary each year on its activities.

TITLE III—ADMINISTRATION

Section 301—Office of Land Use Policy and Planning Administration

Establishes this office in the Department of the Interior to administer the Act. The Director is to be appointed by the President (with consent of the Senate). Among other duties, the Secretary through this office will administer the grant in aid programs, analyze the land resources of the U.S. and the results from this Act, and consult and consider the views of other Departments in the issuance of guidelines, rules and regulations.

Section 302—Guidelines, Rules, and Regulations

Provides that guidelines will be issued to Federal agencies and the States by the Secretary no later than six months after the effective date of enactment. Before any guidelines, rules or regulations can take effect, they must be submitted to the Congress. They become effective if within 60 days the Congress does not pass a disapproving resolution.

Section 303—Recommendation as to National Policy

Authorizes the Secretary to study the need and substance of national land use policies, and to make his report within three years after enactment. In this study the Secretary must consider the need for policies which:

Insure that all demands upon the land, including economic, social and environmental demands, are fully considered in land use planning;

Consider the long-term interest of the Nation and insure public involvement as a means to ascertain such interests;

Insure the timely siting of facilities and development necessary to meet national or regional requirements;

Encourage the conservation and diversity of the natural environment and the preservation of unique areas of national significance.

Section 304—Biennial Report

Requires the Secretary to report biennially to the President and Congress on matters concerning land use programs and problems.

Section 305—Utilization of Personnel

Authorizes the head of any Federal department or agency to furnish the Secretary with information or appropriate personnel that he requests to carry out his functions.

Section 306—Technical Assistance

Allows the Secretary to provide technical assistance to any state or Indian tribe eligible for grants in the performance of its functions.

Section 307—Hearing and Record

Authorizes the Secretary to hold hearings and to take testimony in carrying out the provisions of this Act.

Section 308—Appropriation Authorization

Authorizes (1) $40,000,000 for each of five fiscal years in grants to the states; (2) $3,000,000 for each of five fiscal years for grants to Indian tribes; and (3) $8,000,000 for each of three fiscal years for administration of the Act.

Section 309—Allotments

Grants to any state during any fiscal year must not exceed 75 percent of the estimated cost of the program. Grants to Indian tribes may be made in amounts of 100 percent of the estimated cost.

Section 310—Financial Records

The recipients of grants must keep and report the information concerning their programs that the Secretary requires.

Section 311—Effect on Existing Laws

This section sets out specific laws which are not to be affected by this Act (i.e., this Act must not supersede, repeal, or conflict with the Coastal Zone Management Act of 1972).

Section 312—Definitions

Defines key terms such as: "areas of critical State concern", "Indisn reservation and other tribal lands", "key facilities", "large-scale development", etc.

HEARINGS ON THE VICE PRESIDENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. Blackburn) is recognized for 5 minutes.

Mr. BLACKBURN. Mr. Speaker, I understand that the FBI and the Internal Revenue Service have begun investigations in preparation for hearings on the nomination of our distinguished minority leader to be Vice President. These investigations are quite proper and I want to congratulate the nominee for offering his full cooperation in these matters. He has consented to politically and financially disrobe in order for the Senate Rules and Administration Committee, the House Judiciary Committee, the Congress, and in fact, the entire Nation to examine every scar and blemish.

A valid question could be asked as to how many Members of this body would enjoy the thought of having every detail of their personal finances examined in public? I strongly suspect that each of us would like to feel that there are some areas of privacy left even for those of us in public office.

I do not recall any instances in American history when a man chosen for the occupancy of the office of Vice President has been subjected, or has agreed to be subjected to, such public scrutiny. I am confident that Gerald Ford will emerge with high marks from even the most partisan of our colleagues. The question yet remains, however, as to how valid are our demands upon Gerald Ford when we ourselves would consider such demands upon ourselves onerous and unnecessary.

DIFFICULT VOTE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. Hogan) is recognized for 60 minutes.

Mr. HOGAN. Mr. Speaker, today the House voted to override the President's veto of House Joint Resolution 542, the war powers legislation. This was one of the most difficult votes I have cast since coming to Congress.

I firmly believe that there is a need for Congress to reassert its constitutional powers to declare war. The Korean and Vietnam wars were waged at great sacrifice of our men and treasure without war ever having been officially declared. This troubles me. I would favor some means to restrict Presidents from waging undeclared wars.

The framers of the Constitution were explicit in their desire that the power to declare war and raise armies be left to the legislature with the President having the power to act as Commander in Chief after war is declared. The "sudden attack" doctrine has been recognized as an exception to this rule. To my mind it is essential that the President have the flexibility to respond instantly to a national or international crisis. To deny the President this power is potentially to paralyze the country. I am not sure whether House Joint Resolution 452 would allow the President this needed flexibility to respond.

House Joint Resolution 542 provides that the President shall "in every possible instance" consult with congressional leadership before and during commitment of U.S. Armed Forces to hostilities or situations where hostilities may be imminent if Congress has not declared war. Specifically, the President must submit a report within 48 hours after he commits U.S. Armed Forces to hostilities outside U.S. territory, its possessions and territories; commits U.S. Armed Forces to territory, airspace, or waters of a foreign nation, except for supply, replacement, repair or training of existing forces; or substantially enlarges U.S. Armed Forces equipped for combat and located abroad.

The report must include a description of the circumstances necessitating the action, the constitutional and legislative provisions giving authority for the action, the estimated scope of activities, their estimated cost, and any other information which the President may consider useful.

The President's report must be submitted to the Speaker of the House and the President pro tempore of the Senate and referred to the House Foreign Affairs Committee and the Senate Foreign Relations Committee. If Congress is not in session, the Speaker and the President pro tempore may request the President to convene Congress to consider the report.

Unless Congress enacts a declaration of war or a specific authorization for the use of U.S. forces within 60 days after the report is submitted, the President must terminate all activities. The President must also terminate hostilities if Congress so directs by concurrent resolution—not subject to Presidential veto.

The recent outbreak of hostilities in the Middle East, and the continuing danger of a confrontation between the United States and the U.S.S.R. because of that conflict, made me wonder whether or not passage of House Joint Resolution 542 over the President's veto would be well advised, or whether it would be potentially dangerous. While I support the general objective of it, I do not think House Joint Resolution 542 is sound legislation. It seeks to reconcile irreconcilable points of view. It seeks to impose

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limitations on Presidential authority which may be unconstitutional. At the same time, it attempts to develop a statutory definition of the President's powers which some may feel is too much of "a blank check."

If House Joint Resolution 542 were now on the books, section 2 would delineate the President's "constitutional powers" regarding the commitment of troops. In the light of the present threatening situation in the Middle East, Congress at this moment could well want to have a direct say on any commitment of our forces. That crisis, furthermore, should lead Congress to weigh carefully the consequences of restricting the Commander in Chief's ability to respond.

The resolution provides that the President must immediately withdraw troops from all hostilities if Congress mandates such a course through the use of a concurrent resolution. This is a major flaw in the bill. Concurrent resolutions normally do not have the force of law, and certainly do not have that effect where they do not purport to be simply a withdrawal of authority previously granted by Congress. The proponents of House Joint Resolution 542 want to eliminate the constitutional responsibility of the President to approve legislation. This, to my view, is unconstitutional.

I am troubled by the language of section 5(b), which would enable the Congress, through its own inaction, to limit the President's authority to defend the United States. Under that section, the Congress—through a failure to act—would prohibit the President from continuing an emergency action. Should we legitimize a situation where constitutionally appropriate actions of the President can be thwarted by an unwillingness of the House or the Senate to take a stand? This would make possible a "cop out" of historic dimensions.

Through inaction the Congress could force the President to terminate use of U.S. Armed Forces. Within 60 calendar days the President would have to terminate the use of the Armed Forces in situations covered by the resolution, unless the Congress has: First, declared war or specifically approved the President's action; second, extended the 60-day period; or third, is physically unable to meet because of an armed attack upon the United States. If Congress fails to act, our Armed Forces must be withdrawn. In my opinion, Congress shirks its responsibility on the issue of war and peace unless it takes positive action to approve or disapprove the President's action.

Some have expressed another objection that in attempting to accommodate the Senate's position in conference and define the President's powers as Commander in Chief, the resulting compromise gives statutory sanction to certain unilateral warmaking powers that the President has not previously possessed. They believe that this legislation would actually increase the President's authority to wage war, not restrict it as claimed by proponents of the war powers resolution. While I do not see this proposal in that light, it is an argument worthy of note.

Our colleague from Virginia (Mr. Whitehurst), who taught history for 18 years before coming to Congress, reminds us that nearly 40 years ago, the United States experienced a time of disillusionment with foreign involvement that has some strong parallels today. The frustrations that followed our participation in World War I lingered into the 1930's, and with the rise of the dictatorships, we searched for the means to avoid another foreign war. It is generally conceded now that America followed a false path then, but follow it we did. Congress passed a series of laws known as the Neutrality Acts, all designed to keep us out of a war that had been fought nearly 20 years before. Far from guaranteeing our neutrality, the Neutrality Acts actually emboldened the aggressors to act more recklessly; the record shows that they pointed to the Neutrality Acts as proof that the United States would stand by while the aggressors had their way.

Today the House faced an issue fraught with the same kind of consequences that flowed from the Neutrality Acts of nearly two generations ago.

Mr. Speaker, I agonized over this vote perhaps more than over any other vote. I finally decided to vote to sustain the President's veto. Since this point of view did not prevail, I hope efforts will be made in the next Congress to correct some of the flaws in the legislation we approved today.

WARMAKING POWERS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. Heckler) is recognized for 5 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, today the House of Representatives is being given a historic opportunity to reassert its powers and prerogatives under the Constitution in the area of warmaking.

I believe that Congress has defaulted to the Executive in carrying out warmaking powers for too long. The American people and the best interests of our country demand that Congress assume its constitutional responsibilities in questions of war and peace.

The Constitution specifically delegates the President as the "Commander in Chief" of our Armed Forces and allocates the authority to "declare war" to the Congress. This division of warmaking powers between the legislative and executive branches of Government is intended to facilitate a working partnership in dealing with decisions relating to the commitment of our Armed Forces overseas.

Our painful experience in Vietnam serves to remind all Members of Congress that the American public is demanding a direct voice in all future warmaking decisions. As the Representatives of those people who would be called upon to serve in combat during an involvement in another military conflict, we must restore our rightful role as participants in these vital decisions.

The war powers resolution is not designed as an attack or criticism of any President or past Presidential actions but rather as an effort by Congress to insure that it is permitted to exercise its full constitutional responsibilities in warmaking questions.

The desire to reestablish the right of Congress to correct the imbalance of power between Congress and the President in regard to war powers is interpreted by critics of the war powers resolution as an attempt to weaken the Presidency by reducing the flexibility of the President in national security matters.

Our Founding Fathers decreed that while the President would serve as Commander in Chief of our Armed Forces, only the Congress could commit the Nation to war. During recent decades our Presidents have allocated themselves increasing authority in warmaking based on our cult of gaging Presidential strength on the basis of military decisions made without consultation with Congress.

The war powers resolution is designed to reaffirm the traditional role of congressional partnership with the President in decisions which would affect the lives of the millions of people we represent.

We have been negligent in guarding our authority in dealing with questions of war and peace. It is time that we reinstate a viable system of checks and balances between the legislative and executive branches of Government in the area of warmaking powers. I urge my colleagues to vote to override the President's veto of House Resolution 542.

LACK OF BUDGET REFORM IS INFLATING OUR NATIONAL DEBT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Kemp) is recognized for 10 minutes.

Mr. KEMP. Mr. Speaker, in the nearly 3 years in which I have served in this body, the Congress has increased the total national debt ceiling no less than five times. Today, this House voted for a sixth increase in only 29 months.

SHARP INCREASES IN NATIONAL DEBT CEILING UNPARALLELED IN RECENT TIMES

When I first voted on legislation to increase the debt ceiling, the total ceiling stood at $377 billion. We were asked today to increase the total ceiling, through June 30, 1974, to $478 billion. If signed into law that will be a 29.4-percent increase in the total debt ceiling within 29 months. If one works backwards from the June 1971 vote—my first on this issue—one is struck by the inescapable fact that it had taken 168 months—back to 1957, the first year of President Eisenhower's second term—for the national debt ceiling to have been increased by the same percentage. In summary, the total national debt ceiling is being now increased at a rate 5.8 times the rate for the period from 1957 to 1971. That figure and its implications for our fiscal integrity and economic stability are resounding.

PREVIOUS SUPPORT OF DEBT CEILING INCREASES RECALLED

Why do Members of Congress who are fiscally responsible sometime vote for extensions in the public debt ceiling?

In my own instance, I have voted for such increases in the past because—

To attack the problem of Government spending at the point where the credit of the United States was apparently at stake;

At the point at which obligations had already been made;

At the point at which parties ostensibly had relied on the word of the Government to meet its obligations; and

In summary, at the point of considering a debt ceiling increase is to attack a result—not a cause—of the fiscal crisis within which our Government finds itself today.

The places at which the Congress, in its exercise of its constitutional role with respect to the purse, should attack the problem of Government spending is, first, at the authorization level, and, second, at the appropriation level. We too often forget that the Government can only indebt itself in the pursuance of programs specifically authorized and funded by the Congress.

It is, for one who desires to hold down the national debt ceiling, a logical action to vote against an increase in that ceiling only when one has consistently voted against the authorizations and appropriations which constitute, collectively, the need for an increase in the ceiling.

There are many Members who, in the exercise of both their own conscious and the electoral mandates of their constituencies, vote consistently against excessive authorizations and appropriations for activities which they believe to fall outside the proper roles of Government. When taken jointly, their votes would have curtailed expenditures in excess of, or at least equal to, the proposed increases in the national debt ceilings. I trust that I am perceived to be in concert with these Members.

I have voted, heretofore, for extensions of the public debt ceilings, because I felt the "nay" votes to be directed at the results, not causes, of our fiscal crisis.

VOTED AGAINST THIS INCREASE TODAY

I believe the time has passed when we can afford that judgment. In full consistency with my votes against excessive authorizations and appropriations, I voted today against an increase in the public debt limit.

I believe there is an obligation paramount to others which must be raised on this issue—an obligation to fiscal responsibility which can best be served by sending a message to all Members of these two bodies, as well as to the administration, that excessive Federal spending must be stopped now. This Congress can no longer afford a ritualistic provision for huge increases in the debt limit; that time has passed.

The question which was before us today—whether or not to increase the public debt limit—raised serious concerns which go beyond the pages of that bill.

These concerns must not be allowed to go unmentioned, for only when the Congress comes to grips with them will we move once again to the economic stability and viability which have been the hallmarks of our free market economy and the free society within which it functions with its inherent ability to resolve adequately any real or perceived maladjustments.

CONGRESS DEEDS MUST MATCH ITS WORDS

In an address to this body as recently as October 31, I stressed the need for Congress to match its deeds with its words:

> When one examines the spiraling rate of increase in the public debt ceiling—and when one further examines the volume of expenditures being authorized by the Congress, which collectively constitute the need for continuing debt-ceiling increases—the need is apparent for this assemblage to come to grips—immediately and effectively—with the causes of our concerns.
>
> If there is any single issue on which the actions of the Congress must be brought into line with its words, it is this subject of virtually uncontrolled Government expenditures in practically every field of human endeavor—sapping the vitality of the free enterprise system, interfering with the mechanisms of the free market economy, and jeopardizing the political freedoms which cannot exist without economic freedom.
>
> We cannot stand in the well of this chamber and urge an end to excessive total Federal spending, yet vote for increases—general or selective—in the levels of authorization or appropriation over and above the capabilities of Federal revenues to meet those levels.
>
> We cannot stand in the well of this Chamber and urge an end to excessive inflation, yet vote for increases in Government expenditures which can be met only through additional borrowing or through additional printing of money—either and both of which add to the causes of inflation.
>
> We cannot stand in the well of this Chamber and urge particular demands of various "fiscal constituencies" be met, yet ignore the conclusion that collectively the meeting of those special constituency demands will result in unlimited Federal spending.
>
> We cannot stand in the well of this Chamber and urge the private and independent—volunteer—sectors of the economy meet their fair share of the burden of helping eradicate social and economic ills, yet enact revenue-raising legislation which takes from them their capabilities of bearing the financial burdens of such assumptions of responsibility.
>
> We cannot stand in the well of this Chamber and urge States, municipalities, and counties assume their full share of governmental responsibility, yet take from them available tax bases from which must come the funds for assuming those full shares of responsibility.
>
> We cannot stand in the well of this Chamber and urge remedial action on this urgent problem without first realizing that its ultimate resolution lies not only in the will of the Congress, as the first branch of Government, to assume its proper and full constitutional roles with respect to the purse, but also in the issue being joined head on through a comprehensive, fully interrelated program effort. Piecemeal effort to first attack the problem here, then again there, will not resolve this matter. Only through a unified and unidirected effort will we be able to adequately meet this problem and resolve it. It will require a great degree of personal courage of convictions among the Members of this branch. But we need keep only one thing in mind to inspire us to rise to meet this challenge: If we fail in it, we invite the collapse of our monetary and economic systems and, ultimately, of the ability of Government to discharge its responsibilities.
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> * * * * *
>
> Government spending—and the raising of revenue requisite to that spending—must have a ceiling beyond which it invites either or both the collapse of the economic strength of the Nation or freedom. Because Government works with numbers which are beyond normal human comprehension—who can adequately contemplate the size of 1 billion of anything—because it sees a broad scope of issues, because it has not yet reached the breaking point, the Congress finds it hard to impose self-restraints on the levels of its own authorizations and appropriations. Yet everyone, even the most casual observers, knows that Government has a voracious appetite for the people's earnings.
>
> The statistics prove the tendencies of Government to siphon off ever greater shares of the people's income for itself, yet that casual observer to whom I have referred knows that all—I repeat, all—income of Government must ultimately come from the people themselves through personal income taxes, through corporate income taxes passed on to the consumers in the form of higher costs, through excise taxes and user charges, et cetera.
>
> Government must realize that it cannot indefinitely tax the people at constantly increasing levels without destroying the people's ability to support themselves and their families. In the end they will wind up defenseless, at the mercy of a vast special-interest-oriented Government bureaucracy they unwittingly helped to create, a bureaucracy which perpetuates itself through the consumption of the people's livelihood.
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> * * * * *
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> The Congress has not done its fair share of the job of maintaining a growing economy, halting inflation, keeping the budget under control, establishing national priorities in a consistent pattern. Why? It could very well be, and I believe that it is, that the Congress does not now have the machinery with which to deal with these problems. Of what do I speak?
>
> Of the four identifiable phases in the budget process, three are presently in need of conscious overhaul—budget execution and control, review and audit, and authorization and appropriation. The Congress has abdicated—and I use that word advisedly—its authority because it has lacked the technical machinery with which to use its constitutional powers of the purse.
>
> The top priority of the Congress, therefore, ought to be to develop the vehicle itself—the vehicle which will allow us to get a handle on the budget, to view it as a totality, to establish a ceiling—which can also be done through a mechanism.
>
> No matter how hard this body must "bite the bullet" in determining that the present level of Federal spending must be the maximum at which we must stop, we simply must arrive at agreement on an absolute standard against which priorities for Federal expenditures can be established by this first branch of Government. As long as we adhere to the ever-flexible, no-ceiling way in which the Congress authorizes and appropriates moneys today, we will continue to feed, at the expense of the people, the insatiable appetite of Government for dollars. Theory? Philosophy of Government? Speculation? No. Fact. Federal internal revenue collections have risen in 32 years from $5.34 billion in 1940 to $209.8 billion in 1972—a staggering 3,858-percent increase.
>
> The mechanism which has made the most sense to me, and to the eminent economists with whom I consult on these important matters, is the revenue control and tax reduction program first proposed on a State level by Governor Reagan in California. That program's aim is to control the size of Government spending and the tax rates necessary to raise revenues by placing a progressively lower ceiling on tax collections over a fixed period. The program would impose a constitutional limitation on the percentage of total personal income which the State will be permitted to take from the people in the years ahead, gradually reducing the percent-

age which taxation bears to income by 0.1 percent per annum over the next 15 years. As an illustration of the importance of adopting such an absolute standard, if present trends continued in California during the next 15 years, the rate would rise from its present 8.75 to 12.27 percent—nearly a 33-percent jump. Yet the plan still more than adequately provides for the State's revenue needs, for even while the tax rate is being reduced, gross revenues in the State will climb nearly three times. The plan also provides for emergencies upon a declaration by the State legislature by a two-thirds vote. In summary, the plan is a method not only to control taxes but to control the amount of money the State can spend as well.

This concept represents an idea whose time has come. It can be, with appropriate amendments to conform it to the Federal process, made applicable to the Federal Government. In close association with noted economists and tax experts I am now working on the preparation of both an amendment to the Constitution and an enabling statute which would carry a closely similar plan into operation on a Federal level. Such a measure will have many advantages.

First, it will mean the recognition, at last, that there is a limit on the level of income which Government can take from the people.

Second, it will mean a recognition by this body that it must assert positive and conscious fiscal leadership for the Nation.

Third, it will enable the Congress to determine how much money can be expended by the Federal Government within a fiscal year, thereby establishing according to meaningful criteria, the priorities among the myriad of spending proposals.

Fourth, it will enable the Congress to exercise more fully its power over the purse.

Fifth, it will enable Congress to exercise that power of the purse in a manner which will require the executive to come openly to the Congress for the funds for any emergency, particularly in the area of foreign or military policy.

Mr. Speaker, I believe firmly that if this body is ever to come squarely to grips with the issues of spending, deficits, and inflation encouraged thereby that it will be only through the use of mechanisms which deal with the process of authorization, appropriation, and priority setting. Parkinson's law—that, spending rises to meet income—and the more recently formulated corollary—that spending rises to slightly exceed income, in expectation of increased income—shows clearly that we will never adequately tackle this problem by simply attacking the level of spending. We will tackle it only through the development of congressional mechanisms for establishing priorities and spending levels among them and through the establishment and adhesion to a revenue and spending standard which cannot exceed a fixed percentage of the total national income.

REMARKS OF PRESIDENT SANGOULE LAMIZANA

The SPEAKER pro tempore. Under a previous order of the Hounse, the gentleman from Michigan (Mr. Diggs) is recognized for 5 minutes.

Mr. DIGGS. Mr. Speaker I would like to insert for the thoughtful attention of my colleagues the remarks of President Sangoule Lamizana of Upper Volta during the reception on his behalf by Chairman Morgan of the House Committee on Foreign Affairs on October 16, 1973. President Lamizana, who was here on a drought relief mission on behalf of the Sahelian states of West Africa afflicted by the drought, was accompanied by his Foreign Minister and Ambassador, the Ministers of the other five States of Mali, Mauritania, Niger, Chad, and Senegal and by the Ambassadors of these five States.

He concluded his remarks by saying:

Greatness entails obligations. You represent a great people. Because of the feelings that motivate you, you can help to arouse American public opinions to assist us in winning the difficult battle we are waging against hunger, thirst, and poverty in order to give the people of the Sahel renewed reason to live and to hope.

The text is as follows:

REMARKS OF PRESIDENT SANGOULE LAMIZANA

First of all, I should like to thank you, through you, the American people whom you are privileged to represent and who have generously expressed their solidarity with the peoples of the Sahel, sorely tried by a drought lasting for several years.

I should also like to emphasize how much we appreciate this meeting, which is a further expression of your great interest in our problems.

We would like to see in that interest evidence that we have excellent advocates with the American people. An advocate obviously needs to be perfectly familiar with his client's case in order to be prepared to defend him with a maximum chance of success. That is why it seems appropriate for me to describe briefly to you the current situation in the Sahelian countries and the steps that should be taken to ensure the survival of our people.

It was during the 1972–73 crop year that the drought which had prevailed for five years assumed dramatic proportions. Throughout the Sahelian region the rains began late, were irregular and badly distributed, and ended too soon. The efforts of five months of hard work were reduced to nought. The grain heads were formed, but were empty. There was no hope of harvest. The farmer could then foresee the suffering that would come to his household, his wife, his children, his neighbors, the entire village.

The over-all shortage throughout the region was estimated at 850,000 tons of grain. Reserves had been greatly reduced by the shortages of the preceding years.

In order to attend to the most pressing needs, the local governments mobilized the feeble means at their disposal and appealed for national solidarity. The response has been affirmative but incapable of meeting the needs that must be met.

As early as September 4, 1972, President Senghor called the attention of the world to the difficulties and shortages threatening the Sahelian peoples. At the beginning of October 1972 requests were submitted by our governments to friendly countries and organizations for the foodstuffs necessary to meet the food needs of our people. Again, the response was affirmative but somewhat tardy. The tragedy of the Sahel was beginning. Imagine the torment of a father who begins the day wondering what he can give his children to eat; imagine entire herds of cattle dying for lack of water and pasture; imagine population movements—resembling the Exodus in the Bible—in pursuit of a meager portion of food scarcely capable of supporting life; imagine all that and you will have a barely accurate idea of the tragedy of the Sahel.

At the beginning of last month, we still had hope of a sufficient harvest for this farm year. Unfortunately, the rains needed to support that optimism did not fall and it is now certain that the situation will be worse in some countries of the Sahel.

It is therefore advisable to begin now to take the necessary steps to provide our people with the required foodstuffs as soon as the needs arise. We must stress the need to deliver aid promptly so that the distribution centers may be appropriately stocked before the roads become impassable. Indeed, we must not forget the unhappy experience of last year when we expended large sums to cover the high costs of air transport.

However, although we attach great importance to emergency assistance operations, we must not forget that the primary concern should be the struggle against the drought itself. Indeed, we must take all necessary steps to protect our people from similar disasters.

Our experts, our cabinet ministers, and then the Chiefs of State of the six countries met at Ouagadougou last month to consider the entire range of measures to be taken. At the conclusion of their work, they unanimously adopted an action program divided into three parts:

Emergency measures to meet the food needs of men and animals by establishing emergency reserves for the years ahead;

National programs; and

Action falling under the heading of regional cooperation.

The comprehensive effect of those programs emphasizes regional cooperation designed to meet, in order of priority:

The needs of men, animals, and plants for water to increase agricultural and animal production;

The need to rebuild the herds decimated by the drought;

The urgent need to rebuild and protect soil through reforestation;

The repair and improvement of our roads;

Research for development of a subregional seed plan to solve the Sahel's agricultural and animal husbandry problems and to provide better knowledge of the drought phenomenon in order to combat it more effectively.

We have not of course forgotten the campaigns against human endemic diseases and for health protection of cattle.

That program may seem ambitious but it is the absolute minimum in order to begin rehabilitation of the Sahel. It will require a total investment of about a billion dollars for our six countries over a period of five to ten years.

Alone, we can never realize from our own resources the financial means necessary for execution of that program. That is why, in view of the scope and seriousness of the problems created by the drought, the Chiefs of State of the Sahelian zone have entrusted to me the mission of coming to put before the United Nations General Assembly and the American people the poignant drama taking place in that region of Africa so that the international community may be mobilized to save the Sudano-Sahelian peoples.

The American people have made sacrifices a thousand times greater in other situations. We hope that their contribution will be in proportion to their greatness. History drew us together under sad circumstances, and then estranged us. It now brings us together once again in a world which is becoming increasingly smaller. It is, perhaps, first of all, a question of saving our people from famine, but it is above all a question of helping them to rebuild their producing capital so that they may in future be worthy social, cultural, and economic partners of the American people.

History decreed that Africa, and especially Sahelian Africa, should provide its men and its blood to build the developed countries.

Is it not fair that those countries should lend their support today to rebuild Sahelian Africa?

There has been an unquestionable expression of interest here in the problems of the Sahel, and I should like to take this opportunity to thank all the private organizations that have been created to mobilize funds and good will for the purpose of helping our people.

This meeting is further evidence of your understanding and of the concern of the people whom you represent.

You know our problems and our needs. From the bottom of our hearts we hope that you will consent to remain our most ardent supporters among your colleagues in the Senate and House of Representatives. It is a work of human brotherhood which every man worthy of the name should endorse and support.

Greatness entails obligations. You represent a great people. Because of the feelings that motivate you, you can help to arouse American public opinion to assist us in winning the difficult battle we are waging against hunger, thirst, and poverty in order to give the people of the Sahel renewed reason to live and to hope.

APPOINTMENT OF SPECIAL WATERGATE PROSECUTOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. Culver) is recognized for 5 minutes.

Mr. CULVER. Mr. Speaker, today I am reintroducing, with the cosponsorship of Mr. White, Mr. Hanna, and Mr. Steele, the joint resolution for judicial appointment of a special Watergate prosecutor. I would like to note that Mr. White and Mr. Hanna should have been listed as cosponsors last week, but their names were inadvertently omitted from the copy of the bill given to the Clerk of the House.

PUBLIC SAFETY OFFICERS' BENEFITS ACT OF 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. Rodino) is recognized for 10 minutes.

Mr. RODINO. Mr. Speaker, I am pleased to report that a number of members of the Committee on the Judiciary join me today in the introduction of a clean bill, the "Public Safety Officers' Benefits Act of 1973." This important bill, providing a $50,000 gratuity to the survivors of law enforcement officers and firemen, represents the culmination of extensive hearings and exhaustive markup sessions by the members of the Immigration, Citizenship, and International Law Subcommittee, of which my colleague, the Honorable Joshua Eilberg serves as chairman. This bill has already been favorably reported by the subcommittee and will be considered by the full committee in the very near future.

Members of the House will recall that on October 11, 1972, this body unanimously approved legislation to compensate survivors of law enforcement officers who die in the performance of certain hazardous duties as well as firemen killed while protecting life and property from fire. Last year the Senate also acted favorably upon this legislation. The difference between the House and Senate-passed versions were resolved and a conference report was filed on October 17, 1972. However, because of the adjournment of the 92d Congress, I regret action could not be taken on this critical legislation.

In the 93d Congress, numerous public safety officers bills have been introduced by the Members, including one introduced at the request of the administration. The Senate has again passed a death benefit bill substantially in the form agreed upon by the conference committee in the 92d Congress.

The bill I am introducing today is similar to the conference version and is the product of additional hearings at which time the members of the subcommittee received additional new data on this subject. Through the diligent efforts of subcommittee Chairman Eilberg, the Members have reported an improved bill.

This bill is designed to meet the immediate financial needs of the dependents of public safety officers who die while in the performance of specified duties or while engaged in other hazardous duties which are determined by LEAA to be potentially dangerous. The intent of this scope of coverage was to compensate those law enforcement officers who attempt to protect the public, but often die because of the numerous risks associated with the public safety profession. It was felt that the major risk of death confronting law enforcement officers often results from their exposure to criminals. Consequently, this legislation expressly covers law enforcement officers when they are engaged in: apprehending a suspect or a material witness; protecting or guarding a person held in connection with a crime, or preventing crime. It also covers volunteer and professional firefighters who die while actually and directly engaged in fighting fires.

The bill contains a specific definition of the term "law enforcement officers"; so that activities of corrections, probations, and parole authorities and programs relating to the prevention, control or reduction of juvenile delinquency or narcotic addiction are expressly covered as well as police efforts to prevent, control or reduce crime. I am especially pleased to report that this bill specifically includes within its coverage volunteer firemen and other eligible public safety officers serving a public agency in an official capacity without compensation; thereby including reserve and volunteer law enforcement officers.

This bill differs from the bill passed by the House in the 92d Congress in providing that interim emergency benefit payments not exceeding $3,000 may be paid upon a showing of need prior to the final determination when it is found that a public safety officer's death is one with respect to which a benefit will probably be paid. It was believed that an interim payment provision was important because many times the families of slain law enforcement officers are in immediate need of finances to help them through this difficult and trying time.

Finally, this bill provides coverage for deaths resulting from injuries sustained on or after October 11, 1972, rather than becoming effective upon date of passage. Since the House overwhelmingly approved gratuity benefits for survivors of public safety officers last year on October 11, 1972, after the Senate had already passed similar legislation, it appears only fair and equitable to provide benefits for the survivors of these unfortunate officers killed subsequent to the time the legislative intent was indeed made clear.

Mr. Speaker, the public support for this legislation has been made evident to all Members. The bill is premised on the conclusion that law enforcement and firefighting are inherently dangerous activities and that it is in the national interest to upgrade and improve employment opportunities in the public safety field. Passage of this legislation will substantially improve the morale of public safety officers, enhance recruitment efforts and provide a guarantee of some measure of security to the dependent survivors of those who give their lives in safeguarding our society. I am confident this worthwhile and urgently needed legislation will be speedily enacted into law.

The following members of the Judiciary Committee have joined me today in introducing this vital measure: Messrs. Donohue, Kastenmeier, Eilberg, Flowers, Seiberling, Danielson, Drinan, Rangel, Thornton, Owens, McClory, Smith, Railsback, Fish, Mayne, Hogan, Cohen, Lott, Froehlich, Moorhead, and Maraziti.

ROY SCHMIDT: A YOUNG AMERICAN LOST TO US ALL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Wolff) is recognized for 5 minutes.

Mr. WOLFF. Mr. Speaker, this Saturday it will be my sad duty to attend memorial services for a young man who grew up in Carle Place, Long Island, part of my congressional district. Marine Capt. Walter Roy Schmidt, Jr., originally listed as a prisoner held by the North Vietnamese, died in a remote village in Indochina.

Roy Schmidt was the pilot of an A-4E aircraft, shot down on June 9, 1968, over North Vietnam and shortly thereafter he was listed by the United States as a prisoner of war. For 4½ years, his family lived with hope, awaiting his return. But, when our POWs were released last January, the United States was informed that Roy was not to be included, and the North Vietnamese held no record of his capture or imprisonment. Subsequently, the Navy Department listed Roy as missing in action. Now, after hopeless months of waiting for any indication he is alive, Roy's family has been notified he has been officially declared dead.

I never knew Roy, not as a youngster in Carle Place, nor as a young man who left for Vietnam. I have, however, come to know his family well, and through them, to gather some impressions of this young man. It is sad to know he is gone, for his loss is more than the personal one which Lila and Wally Schmidt and their daughter Helen must bear. Roy's death denies this country the value of a human who would have made his unique contribution to the greatness that is the United States. His tragedy is ours.

Roy was one of those young men who enlisted in the Marines, knowing full well he risked duty in Vietnam, but caring only that this Nation had a stake there he felt it was necessary to defend. In less than 3 months he flew over 100 missions. Concerned about the deaths of his friends, awed by the skill of his superior officers, and aware of the folly of war, at the same time he felt certain it was right to join American forces and fight for the United States in that unhappy corner of the world.

And so, for more than 5½ years, the Schmidts have suffered with the burden of uncertainty about Roy's fate. When they finally believed there was no hope left, they requested the Navy to declare him legally dead, allowing release from the limbo in which they lived and letting Roy rest in the peace he so richly deserves.

We cannot lift the burden of grief from the hearts and minds of the Schmidts, but we can offer our prayers for them and their son, Roy, a young man of promise with great faith in this Nation and its future.

At the conclusion of my remarks, I want to include in the RECORD a news story written by Chapin Day of Newsday at the time the Schmidts were informed that the determination of death had been made. Chapin has developed a good and close friendship with the Schmidts during their ordeal and has written his story with the compassion and understanding evoked by this fine family.

Because in his short life Roy was fortunate enough to work at something he truly loved—flying—we may take some small comfort that his life was not wasted. My sympathies and heartfelt wishes go to the Schmidts as they go through this difficult time. They were blessed with a fine son who brought them and this Nation honor, a young American now lost to us all.

AGONIZING WAIT ENDS FOR FAMILY

(By Chapin A. Day)

CARLE PLACE.—The Marine Corps captain in dress blues came to the Schmidt family's door at 9 yesterday morning. He was expected.

He brought the family members a message that for more than five years they had devoutly believed they would never have to receive—but a message that, in the end, they had requested. The secretary of the Navy, the captain said, had declared Capt. Walter Roy Schmidt Jr. killed in action. Schmidt, listed as a prisoner of war since 1968, had become the 533rd Long Islander to die in the Vietnam war. Eight others from Long Island still are missing.

For the dead man's parents, Walter and Lila, and his 20-year-old sister, Helen, the message evoked both a sense of loss and a sense of relief. It represented official confirmation of something they had reluctantly come to accept since last January when they learned that Schmidt, a Marine Corps pilot, was not among the POWs released in Southeast Asia. The message also meant an end to years of dealing with Pentagon bureaucracy that has left them embittered. "This ends the fighting," Helen said.

Yesterday, in the living room of their home at 40 Tenth Ave., the Schmidts reminisced about some of the happy times with "Roy." A large oil color portrait of him smiled down over the fireplace. But there were serious moments as well. "Had he been fighting for a different cause," Mrs. Schmidt said, "we would have felt more justification for his loss."

Because of a court injunction obtained by some families of men still missing in Southeast Asia, the Defense Department has been barred from changing the status of missing men unless a family requests a change. The Schmidts had made such a request June 22 after the Pentagon had been unable to provide them with any further information about Roy's fate. A reporter asked Mrs. Schmidt if she now regrets making that request. "No, I think Roy would want us to do this and I don't regret it," she answered.

The Navy secretary's decision lists Schmidt's death as occurring on June 9, 1968, the day his plane was shot down while on a bombing mission in the A Shau Valley, South Vietnam. He was 23. Born in Queens, Schmidt had moved to Carle Place with his family in 1947. He graduated from Carle Place High School in 1963 and attended Nassau Community College for a year and a half before enlisting in the Marines. A memorial service will be held at 11 a.m. Nov. 10 at the Cathedral of the Incarnation, Garden City.

The service will bring at least a symbolic end to five and a half years that Mrs. Schmidt said yesterday have been "a totally agonizing experience. But if you're looking for some consolation," she added, "he was doing what he wanted to do and some people live their whole lives without doing what they want to do. He loved to fly."

MR. JOE BEIRNE DISCUSSES LABOR'S ROLE IN POLITICS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. FULTON) is recognized for 5 minutes.

Mr. FULTON. Mr. Speaker, the urgency of campaign spending and fund-raising reform remains pressing although it, like other important issues facing the Nation today, have tended unfortunately to be submerged from public view by Watergate and its attendant scandals.

Recently, in an article which appeared in the Washington Post on October 15, the president of the Communications Workers of America spoke out very forcefully on the demonstrated need of this reform.

The Communications Workers of America, as many know, is one of the most active organizations within the American labor movement, in grassroots politics. Its members are well known for their contributions of time, energy, and talents to a variety of local level programs all designed to foster better government by bringing people closer to their government at every level.

Of course Mr. Beirne's personal observations are his own which may or may not be shared by others. However, his pointed arguments in support of reform are basic and solid.

Mr. Speaker, I include Mr. Beirne's article in the RECORD at this point and commend it to the attention of my colleagues:

THE ROLE OF LABOR IN POLITICS

(By Joseph A. Beirne)

If there is one positive contribution to the American way of life that the current administration has made, it has been to focus our attention on money in politics with crystal clarity.

Never before have we been treated to such a blatant exhibition of governmental favoritism to those who came up with the money at the right time. Corporate antitrust problems can apparently be solved by doling out a little cash. The only problem is that the assessments are being made by political parties in the form of contributions and not by courts in the form of fines. Ambassadorships also have taken a more dominant position in the marketplace. The most disgusting aspect of this practice is that in the eyes of the world we reduce our highest ranking diplomatic envoys to little more than a pack of rich kids. They may not know much about world affairs, but rest assured that they won't be caught eating steak with their salad fork at state dinners.

So, in the light of Watergate and related money-oriented scandals, Congress is beginning to discuss some type of reform of our campaign and election practices. The natural goal of any such reform would be to end the concept of "politicians for rent to the highest contributor," as AFL–CIO Legislative Director Andrew Biemiller put it in recent testimony before the Senate Privileges and Elections Subcommittee. To do this, we must commit ourselves to a system of publicly financed elections. Anything else would continue to perpetuate the election of wealthy candidates at the expense of truly representative legislative bodies.

Reform must go beyond giving a reasonable opportunity to all who wish to run for public office. The amount of money spent on political campaigns is virtually out of control In 1972, the amount spent by candidates seeking office is estimated in the neighborhood of $400 million. There is little hope to bring this spending under control through our current system. CWA Secretary-Treasurer, Glenn E. Watts, said out in testimony before the aforementioned Subcommittee that "at the current rate of inflation and with the built-in increases in campaign costs, campaign spending by the year 1984 could reach an estimated $1 billion." If $400 million can get us Watergate, $1 billion should be sufficient to guarantee the repeal of the Bill of Rights. In the midst of all reform talk there are healthy doses of finger pointing and hand washing. Just as I think the primary villains have been the corporate campaign financiers, others cite labor's political contributions. If you are expecting me to say that we don't contribute, forget it. We most definitely contribute voluntary dollars to candidates who support the views of millions of working men and women. There is an important difference here and it involves people.

Labor unions are about the only major organizations that represent large numbers of working people and are in a position to speak out on their behalf. Whether it be in regard to legislation or political contributions, labor must view itself as a spokesman for these workers and as an alternative sounding board to corporate interest and their trade associations. In the contribution of political funds, the AFL–CIO has long depended on the Committee on Political Education (COPE). The money that COPE dispenses goes to candidates of labor's choosing, who are supportive of the views of working people. There are no "bag men" for COPE money, and there are no Mexican laundromats necessary. Our contributions are above board, and they are made with the consent of our membership.

Within CWA, we have taken steps to insure full membership participation in dispensing of political contributions. Advice from lower echelon officials is sought before contributions are made which would affect the political status in their districts or states. Only if we operate in a democratic manner internally can we hope that our efforts will insure the democratic process externally.

The participation of our membership in political matters is crucial. Recent legislative

failures have demonstrated that. If our political contributions are so effective, why couldn't labor muster enough support to guarantee a new minimum wage bill? Why couldn't we swing enough support to disaster relief and health care? Our answer lies in increasing membership activity in politics. Quite simply, we are committed to the inclusion of people in politics—not only dollars. These initiatives are paying off. In the recent Democratic Telethon II, a request for volunteers brought over 10,000 CWA members to answer telephones throughout the country. And I don't believe that will be their final effort.

In the future, when reform does come to campaigning, I for one will be happy to see labor conform to all money control regulations. But labor's members, the people, will never abandon participation in the political process. They will always be active and their voice will always be heard. Failure to keep people involved would result in turning campaigns back over to money barons and thus leave our democratic system twisting slowly . . . slowly in the wind.

MEDICARE AMENDMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut (Mrs. GRASSO) is recognized for 5 minutes.

Mrs. GRASSO. Mr. Speaker, today my colleague from Minnesota (Mr. FRASER) and I are introducing a bill to freeze through 1974 the medicare part A hospital deductible at its present level of $72.

This action was initiated because HEW announced on October 11 that, in compliance with a provision of the social security law, the deductible would be raised from $72 to $84 effective January 1. Secretary Weinberger noted that this increase was not inconsistent with the Cost of Living Council's policies and reflected certain interpretative changes in the Council's regulatory policy.

In an effort to have this massive 16.6-percent increase reconsidered, I asked Mr. Dunlop of the Council for an explanation of the Council's decision. The Council's response indicated that it has no intention of reviewing and modifying its approval of this burdensome increase.

Mr. Speaker, some 290,000 Connecticut residents are eligible for medicare benefits. It is estimated that around 69,000 of our State's citizens will be hospitalized next year. They will face increased medical costs at a time when they must pay higher prices for food, rent, and other basic necessities.

We know that the 5.9-percent increase in social security benefits, scheduled to take place in July 1974, will not balance these high prices, and that added expenses for health care will be an intolerable burden for many of our older citizens. Therefore, we must take action immediately to prevent this 16.6-percent increase in the part A medicare deductible.

The bill I am introducing today, identical to legislation introduced November 5 in the other body with 31 sponsors, makes two changes in the present medicare law. First, it freezes through 1974 the part A deductible cost at $72. Second, it amends the formula contained in the law by changing the base year for computing cost increases from 1966 to 1972. This will insure more reasonable annual increases in the deductible in future years.

Earlier this year, 53 of my colleagues joined me in cosponsoring a resolution opposing increases proposed by the administration in both parts A and B of medicare. I am hopeful that this effort to keep medicare costs to older Americans from skyrocketing will generate comparable support in the House.

COPPER EXPORT INSANITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. TIERNAN) is recognized for 5 minutes.

Mr. TIERNAN. Mr. Speaker, in September of this year the United States imported 10,209 short tons of refined copper at a price of nearly 90 cents per pound. In the same month we exported 16,041 short tons of copper.

The domestic price of copper has been frozen at 60 cents per pound. This has resulted in the ridiculous practice of exporting copper which would sell at 60 cents per pound in the United States and buying copper which costs 90 cents per pound.

This insanity cost the American consumer over $6 million in September.

Under the terms of the price control regulations an importer of copper may pass on the increased cost to the consumer. Thus it cost the companies nothing to switch to imported copper. At the same time the copper producers make a 47-percent price freeze "bonus profit" on the copper which they export.

I have repeatedly written to the Secretary of Commerce asking him to impose export controls as long as the price freeze is in effect. I am told that the Secretary of Commerce is monitoring exports and will limit them when it becomes necessary.

Mr. Speaker, it seems to me that when the export of copper costs the consumer of this country $6 million per month it is time to limit exports of copper.

On October 3 I introduced H.R. 10733. This bill would limit the exports of copper during the price freeze or when sales are made from our national stockpile. This legislation is sorely needed in order to prompt the Secretary of Commerce to correct the practice of exporting our raw materials and importing someone else's raw materials at a higher cost.

A similar situation affects the prices that Americans are paying for aluminum, steel, and various plastics. The Secretary of Commerce waits while the companies make higher profits and the American consumer pays and pays and pays.

CPA AT THE POSTAL RATE COMMISSION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 5 minutes.

Mr. FUQUA. Mr. Speaker, the Postal Rate Commission is one of the agencies that has been mentioned as a target of the Consumer Protection Agency's advocacy under the three bills pending before a subcommittee on which I serve. The Postal Rate Commission, however, has asked to be excluded from CPA jurisdiction, an unlikely possibility, I would judge.

The bills are H.R. 14 by Congressman ROSENTHAL, H.R. 21 by Congressmen HOLIFIELD and HORTON, and H.R. 564 by Congressman BROWN of Ohio and myself.

The major difference among the bills is that H.R. 14 and H.R. 21 would allow the CPA to appeal to the courts the final decisions of all other agencies, including decisions not to act as requested. The Fuqua-Brown bill would not grant such an extraordinary power to the nonregulatory CPA.

The Postal Rate Commission was among several selected which were asked by me to list their 1972 proceedings and activities that would be subject to CPA advocacy under the bills.

I have been sharing these responses with the Members in order to avoid a repeat of the confusion we experienced last Congress when debating a CPA bill.

I now place in the RECORD the Postal Rate Commission's listing of its proceedings and informal activities which would be subject to CPA advocacy under all of the bills and CPA-initiated court appeal under all except the Fuqua-Brown bill. I should note, Mr. Speaker, that the Commission's request for exclusion from CPA advocacy is found in its covering letter to me, which I also place in the RECORD:

POSTAL RATE COMMISSION,
Washington, D.C., September 26, 1973.
Hon. DON FUQUA,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FUQUA: This is in response to your letter of September 7, 1973, requesting certain information concerning operations of this Commission that might be within the advocacy jurisdiction of an independent Consumer Protection Agency, creation of which is now under consideration by Congress.

Detailed answers to your specific questions are attached hereto. By way of supplemental information, we think it may be useful to briefly sketch several unusual features of the Postal Reorganization Act which distinguish the regulatory functions of this Commission from those of other federal agencies. *See* 39 U.S.C. §§ 101, *et seq.* Our authority extends over the Postal Service and is related primarily to those aspects of its operations which affect rates, classes, and services, as set forth in Chapter 36 of the Act.

Under the Act this Commission conducts formal proceedings to determine the reasonableness of postal rates and fees (39 U.S.C. § 3622) and mail classifications (39 U.S.C. § 3623). The Commission may also hold hearings on proposals by the Postal Service for changes "in the nature of postal services which will generally affect service on a * * * substantially nationwide basis" (39 U.S.C. § 3661); and it has jurisdiction to consider complaints that postal rates and services do not conform to the policies of the Act (39 U.S.C. § 3662).

The Postal Service is an independent establishment of the executive branch of the Government (39 U.S.C. § 201). The Governers of the Service are appointed by the President, with the advice and consent of the Senate, and are "chosen to represent the public interest generally" (39 U.S.C. § 202). The members of the Postal Rate Commission are also appointed by the President and are selected "on the basis of their professional qualifications" (39 U.S.C. § 3601) to carry out the policies of the Act. In addition, the

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Act contains a unique statutory provision under which "an officer of the Commission, who shall be required to represent the interest of the general public," participates in all hearings on rate and classification matters (39 U.S.C. § 3624). In performance of this function, he and his staff present testimony and exhibits through witnesses on his staff, cross-examine the witnesses of other participants, present pleadings and legal briefs, and, upon conclusion of the proceedings, this Commission officer presents oral argument to the Commission.

Thus, Congress has established a comprehensive scheme under which the interests of the public are expressly represented at three separate levels: (1) through the governing body of the regulated entity; (2) through the members of the regulatory agency; and (3) through an agency staff official. Moreover, in Postal Rate Commission proceedings, unlike those of other regulatory agencies, the regulated entity itself is a governmental body, functioning in the public interest.

In addition to these special statutory provisions for protection of the public interest in Commission proceedings, the Commission took further steps this year to promote representation of the public interest in Commission proceedings. By rulemaking effective February 6, 1973 (39 Fed. Reg. 3510) the Commission initiated and adopted a new regulation authorizing limited participation in Commission proceedings. This rule was adopted in recognition of the fact that full participation in Commission proceedings can be expensive, in view of the complexities of the evidentiary and legal issues involved, and in view of the procedural requirements imposed by the Administrative Procedure Act. The new rule permits interested persons to present the Commission with evidence and recommendations on the issues, without incurring the burdens of full participation.

In view of the special statutory and regulatory plan governing the Commission, we do not believe that, as to postal rates, classes and services, the objectives of H.R. 14, H.R. 21, and H.R. 564 would be furthered by superimposing on the present regulatory scheme a provision for participation, on behalf of the public, of still another agency of the Federal Government. We urge, therefore, that if legislation is enacted, Congress make clear that it is not intended to apply to the Postal Rate Commission. (As an analogy your attention is invited to 39 U.S.C. § 410, which exempts the Commission from many laws applicable to other agencies, such as most laws dealing with federal contracts and employment.)

We hope that these comments and the responses which follow will prove helpful to you. We will be happy to provide any additional information you may require.

In responding to your inquiries, we have preceded each of our answers with the related question for your convenient reference. The Commission has no further comments or recommendations concerning the proposed bills at this time.

Very truly yours,

JOHN L. RYAN,
Chairman, Postal Rate Commission.

Question 1. What regulations, rules, rates or policy interpretations subject to 5 U.S.C. 553 [the Administrative Procedure Act (APA) notice and comment rulemaking provisions] were proposed by your agency during calendar year 1972?

Answer. 1. Amendments to the Commission's regulations on evidentiary and filing requirements in rate and classification cases. The purpose was to require the Postal Service and intervenors to provide more comprehensive and detailed data for evidentiary records developed before the Commission in formal postal rate and classification proceedings. *See* 37 F.R. 14243 (July 18, 1972).

2. Amendments to the Commission's general rules of practice and procedure, including an amendment allowing limited participation in Commission proceedings to mitigate the financial burden of full-scale intervention. See 37 F.R. 16554 (Aug. 16, 1972).

Question 2. What regulations, rules, rates, or policy interpretations subject to 5 U.S.C. 556 and 557 (that is, APA rulemaking on the record) were proposed or initiated by your agency during calendar year 1972?

Answer. With respect to rates, see the Answer to Question 3, below.

Question 3. Excluding proceedings in which your agency sought primarily to impose directly (without court action) a fine, penalty or forfeiture, what administrative adjudications (including licensing proceedings) subject to 5 U.S.C. 556 and 557 were proposed or initiated by your agency during calendar year 1972?

Answer. On June 5 1972, the Commission issued its Recommended Decision in the first postal rate case, Docket No. R71-1. The rates recommended by the Commission after approval by the Governors of the Postal Service, were initiated in July 1972.

Docket No. R71-1, a case of first impression under the Postal Reorganization Act which was characterized by unusual complexity of issues, multiplicity of parties, and an extensive evidentiary record, began in February 1971, when the Postal Service filed a request for a change in rates.

Question 4. What adjudications under any provision of 5 U.S.C. chapter 5 seeking primarily to impose directly (without court action) a fine, penalty or forfeiture were proposed or initiated by your agency during calendar year 1972?

Answer. None.

Question 5. Excluding proceedings subject to 5 U.S.C. 554, 556 and 557, what proceedings on the record after an opportunity for hearing did your agency propose or initiate during calendar year 1972?

Answer. None.

Question 6. Will you please furnish me with a list of representative public and nonpublic activities proposed or initiated by your agency during calendar year 1972?

Answer. 1. Interpretative letters in response to requests from Members of Congress.

2. Interpretative answers to letters from members of the public.

3. Informational methodological presentations to Commission and staff members by large mail users and by enterprises in competition with the Postal Service. These presentations were generally open to the public, and the subject of notices in the Federal Register.

4. Informational tours of Postal Service facilities by Commission and staff members. As in (3) above these tours were generally open to the public.

5. Testimony before the House and Senate Post Office and Civil Service Committees.

6. Preparation of an affirmative action plan for equal employment opportunity within the Commission.

Question 7. Excluding actions designed primarily to impose a fine, penalty or forfeiture, what final actions taken by your agency in calendar year 1972 could have been appealed to the courts for review by anyone under a statutory provision or judicial interpretation?

Answer. Under sections 3625 and 3628 of the Act, the Board of Governors of the Postal Service could have allowed the Commission's Recommended Decision in Docket No. R71-1 to take effect under protest and appealed it to a U. S. Court of Appeals. There was no such appeal.

In addition, the Governor's decision to approve the Commission's Recommended Decision in Docket No. R71-1 was subject to appeal to a U. S. Court of Appeals by any aggrieved party to the case, pursuant to section 3628 of the Postal Reorganization Act. The decision was appealed by several intervenors, and was upheld by the court.[1]

ISRAELI CASUALTIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. PODELL) is recognized for 10 minutes.

Mr. PODELL. Mr. Speaker, Israel has revealed her casualties in the present war, 1,854 soldiers killed. In proportional terms this is said to be equivalent to 140,000 dead in a country the size of America. We who live in a country with 200 million people and are daily bombarded with the stories of tragedy springing from a world population of over 3 billion quickly become inured to statistics.

Hundreds of thousands have died in recent months from natural disasters in Bangladesh, Ethiopia, and West Africa. The Israelis themselves have vivid memories of the death of 6 million just one generation ago. What impact can the death of 1,854 men have?

Yet, according to Jewish tradition, when even a single man is killed it is as though an entire world has been destroyed. We must think of Israel as a single community to appreciate their feelings today.

For weeks they have waited to hear how many of their young men died in the war and still there is no relief for they must continue to wait for the final blow; 1,854 died but the names of these men are not yet public. Hundreds have died almost overnight with no one knowing whether the dead include relatives, neighbors, or close friends. But there is another dread that Israel must feel now; perhaps these 1,854 were only the first to die in this year's war. Any day the fighting may begin anew. The troops have not been welcomed home to join their families and mourn their fallen comrades. They remain on the lines facing a rebuilt Egyptian army. The region and the entire world waits for Secretary Kissinger to perform a miracle and create an agreement between two sides who neither believe nor trust the promises of the other. Our role can only be that which the administration has chosen simultaneously to arm Israel in case fighting is renewed and to push all parties to the dispute toward negotiations and peace.

In remembering the dead we turn to God and hope for the peace that has yet to come. In closing I would like to include the prayer recited by Jewish mourners, the Kadish.

May His great name be magnified and sanctified in the world which he has created according to His will.

May He establish His kingdom during your life and days and during the life of all the House of Israel, speedily and soon. And let us say: Amen.

Let His great name be blessed for all eternity.

Blessed, praised and glorified, exalted, extolled, and honored, magnified and lauded be the name of the Holy One, blessed be He; though He is above all the blessings and hymns, praises and consolations which are uttered in the world. And let us say: Amen.

May there be abundant peace from heaven and life for us and for all Israel. And let us say: Amen.

May He who causes peace to reign in the Heavens make peace for us and for all Israel. And let us say: Amen.

JEWS IN CHILE SAY THEY ARE OK

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 5 minutes.

Ms. ABZUG. Mr. Speaker, on October 15 I inserted in the RECORD an editorial that indicated there was an anti-Semitic tone to the recent military coup in Chile. The editorial, which appeared in the Daily Texan, a student publication of the University of Texas, quoted anti-Semitic remarks that appeared in a letter to the editor to a Chilean newspaper and in an editorial that appeared in another Chilean paper. It also cited reports from political refugees that leaflets were being dropped from military helicopters in residential areas of Chile urging Chileans to turn in anyone whose name indicated they might be Jewish. The Texan editorial was sent to me by a former constituent, who requested that I call attention to it.

Because of the history of anti-Semitic actions by other Fascist regimes, I was disturbed by the Texas report and looked into the matter further. After talks with Latin American authorities, I was assured that there is no evidence of overt anti-Jewish activities by the Chilean junta.

I have also since received a flat denial of the University of Texas newspaper charges by the Comite Representativo de la Colectividad Israelita de Chile, the official voice of the Jewish community. Their cabled statement of October 26 signed by Gil Sinay, president, and Robert Levy, secretary, says:

> We emphatically deny these statements as absolutely false. No leaflets inciting anti-Semitic persecution have been issued. No anti-Jewish publications have appeared under present regime. To the contrary from the first moment present government authorities have explicitly assured rejection of all racial and religious discrimination. Nobody has been persecuted as a Jew and Jewish institutions continue activities with absolute normalcy. Publications referred to were made in August under previous regime and did not have the exaggerated importance intentionally attributed to same.

I am, of course, pleased to set the record straight and reassured that there have been no attacks on Jews per se by the military junta.

I remain appalled by and opposed to the ruthless, antidemocratic actions of the present military-dominated Chilean Government, which has destroyed freedom of the press, suppressed political opposition and unions, engaged in bookburning and, in its unlawful seizure of power, slaughtered thousands of Chileans as well as several American citizens who happened to be working in Chile at the time of the coup and who were shot down by agents of the military regime.

WATERGATE AND IMPEACHMENT

(Mr. ASHBROOK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ASHBROOK. Mr. Speaker, Watergate, the tapes, Agnew's resignation, talk of impeachment, resignations and firings. Mideast wars, energy crisis—the list goes on and on. These are most hectic times to be serving in the Congress.

I am probably in a better position than most to objectively look at the cloud surrounding the President. My voice protested administration policies as early as March 1969. At that time, most of my objections were directed at failing to carry out campaign promises and advocating policies in direct refutation of 1968 promises and platforms. Between 1969 and 1972 I continued to question the policies that the Nixon administration was advocating. I publicly challenged these policies in several 1972 Presidential primaries. As a Republican I have fought within my party for even higher standards than I apply to the Democratic Party. My record clearly shows that I publicly have applied the same principles to Republican and Democrat Presidents. My allegiance is first to principles, not to leaders.

Without being partisan or political, I can honestly say that the same standard my Democratic colleagues want to apply to Richard Nixon was not applied to Lyndon Johnson when the Bobby Baker and Billy Sol Estes scandal was raging. The hope for partisan advantage can sometimes replace the need for impartiality. This does not diminish the culpability of the Nixon administration but it tells a little about those who are yelling the loudest for the President's hide.

The Watergate mess was an arrogant and stupid abuse of power by a handful of self-seeking men. The Nixon responsibility, although not direct I believe, was clearly there. One of his greatest errors has been to foster an almost irrational sense of personal loyalty. Not to the Constitution, not to the country, not to the principles of his own party but personal loyalty to him and the office of the Presidency. There is a heady feeling of power in the White House even in the most favorable circumstances and the loyalty cult breeds problems of the Watergate arrogance and coverup type.

In the atmosphere of loyalty to the man rather than to the country and the Constitution, men soon believe that the end justifies the means. Those who felt that way committed crimes and should be punished. In the case of Mr. Agnew, it is very trying for me because he was and is a close personal friend. He must be judged, however, by the same standards he so ably applied to everyone else. Those standards he so eloquently explicated in the famous law and order speeches were supported wholeheartedly by most Americans, including myself.

The President's mistake in naming a partisan, Archibald Cox, to the position of special prosecutor was compounded by his mistake in firing him. There is no way he could have the public with him on that issue. The release of the tapes probably eased the pressure on the President and will help remove some of the public doubts surrounding Watergate, but it was on again, off again once more. The administration's statements about existence and nonexistence of certain Watergate tapes were further examples of bungling. Presidential errors have been frequent but these are not grounds for impeachment. If we impeached Presidents for mistakes of judgment and even foolishness, we probably would not have had a President keep his office in this century.

No mistake Mr. Nixon has made is any worse than the covert Bay of Pigs disaster in President Kennedy's term, for example. Disappointment in a President and frustration are not constitutional grounds for impeachment. Grounds for impeachment are, as the Constitution says:

> Treason, Bribery, or other high Crimes and Misdemeanors.

The President is right, in my opinion, in pressing for spending limitations and endeavoring to cut down Federal deficits which fuel the fires of inflation. He is wrong in pressing aid to our Communist enemies in the Soviet Union. He is right in pressing for governmental reforms in education and agriculture programs. He was wrong in vetoing the war powers bill and I will vote to override that veto. The people do not want secret diplomatic deals culminating in presidential wars where the President dispatches troops to Vietnam, the Middle East or the Dominican Republic without a vote of the Congress.

The Watergate scandal was, in large part, the result of actions by people who have never held elective office. Few of them were really Republicans but the Republican Party is taking the rap for the wrongdoings of the Nixon appointees. The Republican Party has not caused Mr. Nixon any problems, it is exactly vice versa. In fact, had he relied more on the advice of Republican congressional and party leaders, he would not now be in the deep quagmire in which he finds himself. Opportunism seemed to be the guiding light of the White House coterie which perpetrated the Watergate fiasco. There is a lesson to be learned from the Watergate scandal—that is, that principles must give direction to political parties and officeholders and loyalties must be to principles rather than to men. A politics divorced from principle is a politics in which Watergates and future Watergates are possible. I state now as I did in February 1972:

> That the major reason why most Americans distrust politics and parties in general

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[1] *AAP v. Governors of the United States Postal Service,*——F.2d——, Nos. 72-1641, et al., (D.C. Circuit, decided June 26, 1973).

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is the fact that, on both sides, there seems to be a demand for partisan advantage rather than advocacy of principle.

The Republican Party must once again remember the words of the late Senator Robert A. Taft, Sr.:

> A party kills itself and removes any excuse for its existence when it adopts the principles of its opponents.

The Watergate aftermath makes necessary the Republican Party's reaffirmation of basic principles. The Republican Party must work for such goals as limited government, controls on excessive Government spending, and a strong national defense.

I am not now in favor of the impeachment of Richard Nixon. I am in favor of impartiality and justice in any current or future investigations into wrongdoing of any administration—Democrat or Republican.

As in the past, I will continue to speak for the best interests of our Nation as I see them and to support or criticize Presidents and legislation without regard to party or political consequence.

A BALANCE IN THE MIDDLE EAST

(Mr. ASHBROOK asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ASHBROOK. Mr. Speaker, many Americans are rightly concerned with the conflict in the Middle East. In recent days the Egyptians have been reported to be ready to reengage in war with the Israelis. I think our Government must have a realistic approach to this important area. First, let me state that I am opposed to the introduction of any American ground troops in this area. Second, I am in favor of the United States resupplying the Israelis with weapons. The United States' resupply of Israel is necessary to maintain a military balance in the Middle East. I do not think that the United States should do more than resupply.

We must remember in that part of the world there are more than just two sides—the Arabs and the Israelis. On the Arab side there are the completely anti-Western regimes like those in Egypt, Syria, and Iraq, which are also heavily influenced by the Soviet Union. Additionally, there are a number of more moderate states. Such states as Saudi Arabia, Kuwait, and Jordan can and should be friends of the United States. I urge those states that I have named, as well as the other moderate states in that region, to disassociate themselves with the radical ones.

Also, we must remember that this present war probably would not be taking place if the Soviet Union had not been supplying both Egypt and Syria with all types of advanced weapons. Reports show that the Soviets were involved in a massive buildup in Egypt just prior to the present conflict. This action on the part of the Soviet Union continues. Growing evidence shows that the Soviet Union apparently knew of the current hostilities before they took place. It seems that the Soviets think that they can use détente to further their own ends and will use it whenever possible.

We must be aware of the continuing Soviet efforts to gain predominance in the whole Mediterranean area. American foreign policy must be cognizant of Soviet moves in this part of the world.

Also, we must not lose sight of the following factors: First, Israel's consideration of the conflicts in the Middle East as determining its very existence; second, Soviet efforts to unify the Arabs against the United States and to create problems in NATO; third, Arab efforts to use oil as a weapon against the United States, Western Europe and Japan; and fourth, an unfortunate unity between Arab radicals and moderates. The Middle East conflict is not one prone to easy solution. The Arabs must assure the Israelis that they have given up their efforts to throw the Israelis into the sea while the Israelis must be willing to give assurances to the Arabs that they, the Israelis, are willing to enter into serious negotiations regarding the conquered lands.

After the 1968 war, I wrote the following regarding the Israeli-Arab conflict. It is appropriate for today and I include it with these remarks:

WASHINGTON REPORT

(By John M. Ashbrook)

FRIEND AND FOE

It seems now that everyone has a prescribed course of action for Israel to follow in that tiny nation's postwar problems of what to do with occupied territory. The most notorious "occupiers" seem to be the most sanctimonious in their denunciations of the Israeli and they should, of course, be suspect in their demands. I personally believe that Israel should never give up Jerusalem, and should divest itself of occupied territory only when other conditions precedent have been accomplished. When India, the most sanctimonious of the lot, gives up the tiny nation of Goa which it gobbled up a few years ago and the U.S.S.R. releases its hold on satellite countries—or at least has free and open elections—then I would advocate that Israel cough up.

We tend to overlook one salient fact in this fickle and materialistic world—the right of national existence independent of what the big powers, the UN or so-called world opinion might think at that particular moment. I believe that Israel clearly has a right to exist. Its existence was threatened by Nasser's threat of extinction. In a rapid war which captured the imagination of most people in the world, Israel proved its determination and fighting spirit. It was a David and Goliath situation of biblical parallel. Israel still exists and it also has the self-evident right to determine the means to continue that existence.

Why is Israel considered in a different context from other nations of the world? Russia, the Congo, India, Nigeria, Vietnam, Germany or even the U.S. to name a few—have a different set of rules applied to them. The inherent weakness of the UN was shown in the withdrawal of troops when Nasser planned his attack. Now the UN wants to intervene and chart the course which Israel must follow. The same UN which was silent when India stabbed Goa and when the communists erected the Berlin Wall now abounds with talk of sanctions and censure.

As I have noted before, our foreign policy is very foggy when it comes to understanding communism. It is built around the fallible assumption that the U.S.S.R. has changed and has no aggressive plans. It is built on maintaining the status quo and "stabilizing" the situation everywhere no matter how bad it is and how impossible a continuation of that status quo might be. There was no status quo in the Near East but our policy experts plaintively announced otherwise. There is no status quo now. The Arab world will rise to wipe out Israel just as surely as the sun comes up tomorrow and yet our policy is dictated towards the belief that this will not happen. Little wonder that Israel, seeing things more clearly, wants to direct her own independent course. I not only don't blame her for this but freely support her in this stand.

The communist world is leading the chorus of demands that Israel give up the Arab sector of Jerusalem and its vantage points now acquired at the Gulf of Aqaba and the Suez Canal. The communists were busily working to change the status quo in the Near East all of the time our government's leaders were saying this was not happening. Worse, Soviet military might is even now being deployed to ready the Arab assault against the free world nation of Israel.

I have asked the Administration for an explanation of the folly it pursues in providing military weaponry and training to Arab countries which are clearly in the communist camp, and which will be used against the friendly nation of Israel. Our taxpayers have provided F–104 jet-fighters, M–48 tanks and other classified equipment to Jordan. Soviet Air Force technicians are using them and experimenting with them.

We can only hope that the Israeli destroyed enough of our own equipment that our communist enemy cannot use them and copy them. These are the same weapons we use in Vietnam and you can figure that out. How many U.S. Army technical and training manuals have been delivered to the Arabs and therefore available to the Russians? Some of the artillery and mortars that Jordanians fired into Jerusalem were from our military assistance programs. The answer our State Department gives when we raise the question of the advisability of training countries is preposterous. The traditional justification is that it helps maintain American influence. This is pure baloney.

Our basic problems cannot always be reduced to simple generalities, but one generality which is abundantly clear, however, is the tendency of this Administration to treat everybody as a friend and not make a distinction between friend and foe. There is clearly a cold war and there are clear, visible sides in this cold war. We should stop treating our enemies like they are friends. Take Syria, for example. They are so militantly pro-communist that not even a fool could miss their line. The Syrian government denounced the U.S. as an aggressor in Vietnam, welcomed a Viet Cong delegation to Damascus, permitted Communist China to provide weapons and guidance to Syrian-based terrorists who raided Israel and proclaimed Syria a spearhead of the struggle against what they denounced as U.S. imperialism. While they are doing all of this the State Department was channeling aid to Syria and we were training Syrian military officers. This is only a portion of their anti-American and pro-Soviet record. Yet, our blind policy counts them in the "doubtful" category so we keep trying.

Jordanian King Hussein left President Johnson to embrace Nasser on his return. Egypt now has welcomed a Soviet naval task force, including missile cruisers to Port Said and Alexandria. There is little doubt regarding their intentions. Why so much doubt, then, in our policy?

I will support amendments to our Foreign Aid bill to stop all aid to countries who have broken diplomatic relations with us. A roll call of our aid in the Near East is most illuminating. Iran: $1.75 Billion; Iraq: $102 Million; Jordan: $573 Million; Saudi Arabia: $209 Million; Syria: $73 Million; Egypt, $1.1 Billion; Yemen: $42 Million. Of all of the Mideast nations, Lebanon and Jordan seem to be the least anti-American.

One should not need to ask the simple question: If the Arabs had won the war, what would have been the result? Would they have carried out their repeated threats to exterminate Israel? Don't forget that it was Nasser and the Arab bloc which threatened annihilation—not the Israeli. Yet, we now hear the Communist bloc calling Israel the aggressor. It isn't hard to understand them because they act and react in the manner you expect. It is quite another story when it comes to understanding our own State Department.

It is time to stop aiding those who are a part of the Soviet Union's aggressive plans in the Mideast and recognize the distinction between friend and foe. Israel is our friend. They are a free nation. They believe in democratic ideals. We should be glad to be on their side. However, they can well wonder about their friends. President Johnson indicates we can't recognize the unification of Jerusalem and British Foreign Secretary Brown says Israel must pull back 100%. By the way, who won that war.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Mahon (at the request of Mr. Poage), for today, on account of illness of wife.

Mr. Bell (at the request of Mr. Gerald R. Ford), for week of November 5, on account of official business.

Mr. Davis of Wisconsin (at the request of Mr. Gerald R. Ford), from November 5 through November 19, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. McCollister) and to revise and extend their remarks and include extraneous matter:)

Mr. Steiger of Arizona, for 10 minutes, today.

Mr. Blackburn, for 5 minutes, today.

Mr. Hogan, for 60 minutes, today.

Mrs. Heckler of Massachusetts, for 5 minutes, today.

Mr. Kemp, for 10 minutes, today.

(The following Members (at the request of Mr. Ryan) and to revise and extend their remarks and include extraneous matter:)

Mr. Diggs, for 5 minutes, today.

Mr. Culver, for 5 minutes, today.

Mr. Gonzalez, for 5 minutes, today.

Mr. Rodino, for 10 minutes, today.

Mr. Wolff, for 5 minutes, today.

Mr. Fulton, for 5 minutes, today.

Mrs. Grasso, for 5 minutes, today.

Mr. Tiernan, for 5 minutes, today.

Mr. Fuqua, for 5 minutes, today.

Mr. Podell, for 10 minutes, today.

Ms. Abzug, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Young of Florida, to revise and extend his remarks immediately following those of Mr. Frelinghuysen during debate on the veto of the war powers bill.

Mr. Bolling, and to include extraneous material.

Mr. Biaggi, to revise and extend his remarks prior to the vote on House Joint Resolution 542, the war powers of Congress and the President.

Mr. Biaggi, to revise and extend his remarks prior to the vote on the rule on H.R. 11104, the public debt limit.

(The following Members (at the request of Mr. McCollister) and to include extraneous matter:)

Mr. Hillis in two instances.

Mr. McCloskey.

Mr. Quie.

Mr. Landgrebe in 10 instances.

Mr. Roncallo of New York in three instances.

Mr. Derwinski in two instances.

Mr. Gubser.

Mr. Hosmer in three instances.

Mr. Wyman in two instances.

Mr. Harvey in two instances.

Mr. Maraziti.

Mr. Archer in two instances.

Mr. Carter in three instances.

Mr. Steiger of Wisconsin in two instances.

Mr. Duncan.

Mr. Gilman.

Mr. Wylie.

Mr. Frenzel.

Mr. Goodling.

Mr. Abdnor.

Mr. Huber in three instances.

Mr. McClory.

Mr. Hogan.

Mr. Goldwater.

Mr. Lujan in two instances.

Mr. Erlenborn.

Mr. Minshall of Ohio.

Mr. Rinaldo.

Mr. Broyhill of Virginia.

Mr. Horton.

Mr. Hanrahan.

(The following Members (at the request of Mr. Ryan) and to include extraneous matter):

Mr. Charles H. Wilson of California in 10 instances.

Mr. Tiernan in 10 instances.

Mr. Gonzalez in three instances.

Mr. Rarick in three instances.

Mr. Dingell.

Mr. Evins of Tennesssee.

Mr. Wolff in seven instances.

Mr. Rodino in three instances.

Mr. Charles Wilson of Texas in four instances.

Mr. Roybal in 10 instances.

Mr. Culver.

Mr. Bingham in 10 instances.

Mr. Clay in six instances.

Mr. Alexander.

Mr. Edwards of California in four instances.

Mr. Obey in six instances.

Mr. Harrington in five instances.

Mr. Kyros.

Mr. Dulski in six instances.

Mr. Koch.

Mr. Yatron.

Mr. Fascell in three instances.

Mr. Preyer in two instances.

Mr. Anderson of California in two instances.

Mr. Studds.

Mr. Rosenthal in five instances.

Mr. McCormack.

Mr. Riegle.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 34 minutes p.m.), the House adjourned until tomorrow, Thursday, November 8, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1529. A letter from the Assistant Secretary of Agriculture, transmitting a report on the rural environmental assistance program for fiscal year 1972, pursuant to 50 Stat. 329; to the Committee on Agriculture.

1530. A letter from the Chairman, National Advisory Council on International Monetary and Financial Policies, transmitting a special report of the Council on the proposed replenishment of the resources of the International Development Association (H. Doc. No. 93–181); to the Committee on Banking and Currency and ordered to be printed.

1531. A letter from the Chairman, National Advisory Council on International Monetary and Financial Policies, transmitting a special report of the Council on a proposed contribution and subscription of resources to the Asian Development Bank (H. Doc. No. 93–182); to the Committee on Banking and Currency and ordered to be printed.

1532. A letter from the Administrator of General Services, transmitting a prospectus proposing an amendment to the extension project authorized for the Post Office and Courthouse Building at Tyler, Tex., pursuant to the Public Buildings Act of 1959, as amended; to the Committee on Public Works.

1533. A letter from the Administrator of General Services, transmitting a prospectus proposing alterations to buildings 12 and 22, Military Ocean Terminal, Bayonne, N.J., for occupancy by the New York Federal Archives and Records Center, pursuant to the Public Buildings Act of 1959, as amended; to the Committee on Public Works.

1534. A letter from the Administrator of General Services, transmitting a revised prospectus for proposed alterations to the new Post Office Building in Washington, D.C., pursuant to the Public Buildings Act of 1959, as amended; to the Committee on Public Works.

RECEIVED FROM THE COMPTROLLER GENERAL

1535. A letter from the Comptroller General of the United States, transmitting a report that improvements are needed in the Atomic Energy Commission's program for the protection of special nuclear material; to the Committee on Government Operations.

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REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MELCHER: Committee of Conference. Conference report on S. 1081 (Rept. No. 93–624). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CLARK:

H.R. 11304. A bill to require educational institutions engaged in interscholastic athletic competition to employ certified athletic trainers; to the Committee on Education and Labor.

By Mr. COCHRAN:

H.R. 11305. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. COHEN:

H.R. 11306. A bill to provide for the appointment of a Special Prosecutor and for other purposes; to the Committee on the Judiciary.

By Mr. DOMINICK V. DANIELS:

H.R. 11307. A bill to amend the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. FRASER (for himself and Mrs. Grasso):

H.R. 11308. A bill to limit the medicare inpatient hospital deductible; to the Committee on Ways and Means.

By Mr. GILMAN:

H.R. 11309. A bill to amend title II of the Social Security Act to increase to $7,500 the amount of outside earnings which (subject to further increases under the automatic adjustment provisions) is permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. GINN:

H.R. 11310. A bill to designate certain lands in the Blackbeard Island National Wildlife Refuge, McIntosh County, Ga., as wilderness; to the Committee on Interior and Insular Affairs.

H.R. 11311. A bill to name the Federal building, U.S. Post Office, U.S. Courthouse, in Brunswick, Ga., as the "Frank M. Scarlett Federal Building"; to the Committee on Public Works.

By Mr. HASTINGS (for himself, Mr. Collins of Texas, Mr. Lent, Mr. McDade, and Mr. Metcalfe):

H.R. 11312. A bill to amend the Federal Trade Commission Act to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. McFALL:

H.R. 11313. A bill to amend the Shipping Act, 1916, in order to prohibit the practice of port equalization; to the Committee on Merchant Marine and Fisheries.

By Mr. NICHOLS:

H.R. 11314. A bill to provide that daylight saving time shall be observed on a year-round basis; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER:

H.R. 11315. A bill to provide emergency security assistance authorizations for Israel and Cambodia; to the Committee on Foreign Affairs.

By Mr. PEYSER (for himself, Mr. Koch, Mr. Biaggi, Mr. Murphy of New York, Mr. Wolff, Mr. Rangel, Ms. Abzug, Ms. Chisholm, Mr. Brasco, Mr. Rosenthal, Mr. Lent, Mr. Addabbo, Mr. Bingham, Ms. Holtzman, and Mr. Badillo):

H.R. 11316. A bill to provide that the Secretary of State shall make certain compensatory payments to States and political subdivisions with respect to United Nations property tax exemptions to the Committee on Foreign Affairs.

By Mr. PICKLE (for himself, Mr. Thone, Mr. Alexander, Mr. Yatron, Mr. Fuqua, and Mr. Steelman):

H.R. 11317. A bill to assure an adequate supply of freight cars for the movement of the Nation's goods, to encourage the production and acquisition of freight cars and to facilitate the efficient use of rolling stock, to provide that the Secretary of Transportation certify his approval or disapproval of plans submitted to him by grain exporters regarding their proposed use of freight cars, and amending the Interstate Commerce Act; to the Committee on Interstate and Foreign Commerce.

By Mr. POWELL of Ohio (for himself, Mr. Cleveland, Mr. Davis of South Carolina, Mr. Guyer, Mr. Huber, Mr. Robinson of Virginia, Mrs. Schroeder, Mr. Ryan, and Mr. Leggett):

H.R. 11318. A bill to amend title 10 of the United States Code to provide that educational institutions receive a reimbursement for each student commissioned through the Reserve Officer Training Corps (ROTC) program at the institutions; to the Committee on Armed Services.

By Mr. RAILSBACK:

H.R. 11319. A bill to establish an Office of Rural Health within the Department of Health, Education, and Welfare, and to assist in the development and demonstration of rural health care delivery models and components; to the Committee on Interstate and Foreign Commerce.

By Mr. RARICK (for himself, Mrs. Hansen of Washington, Mr. Sikes, Mr. Evans of Colorado, Mr. Gunter, Mr. Bergland, Mr. Wyatt, Mr. Baker, Mr. Thone, Mr. Symms, Mr. Sisk, and Mr. Hicks):

H.R. 11320. A bill to provide for the Forest Service, Department of Agriculture, to protect, develop, and enhance the environment of certain of the Nation's lands and resources; and for other purposes; to the Committee on Agriculture.

By Mr. RODINO (for himself, Mr. Donohue, Mr. Kastenmeier, Mr. Eilberg, Mr. Flowers, Mr. Seiberling, Mr. Danielson, Mr. Drinan, Mr. Rangel, Mr. Thornton, Mr. Owens, Mr. McClory, Mr. Smith of New York, Mr. Railsback, Mr. Fish, Mr. Mayne, Mr. Hogan, Mr. Cohen, Mr. Lott, Mr. Froehlich, Mr. Moorhead of California, and Mr. Mazzoli):

H.R. 11321. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of certain public safety officers who die in the performance of duty; to the Committee on the Judiciary.

By Mr. SCHERLE:

H.R. 11322. A bill to amend the Internal Revenue Code of 1954 to provide that the tax on the amounts paid for communication services shall not apply to the amount of the State and local taxes paid for such services; to the Committee on Ways and Means.

By Mr. SMITH of Iowa (for himself, Mr. Adams, Mr. Addabbo, Mr. Alexander, Mr. Andrews of North Dakota, Mr. Brown of California, Mr. Burlison of Missouri, Mr. Conte, Mr. Cotter, Mr. Duncan, Mr. Evins of Tennessee, Mr. Fascell, Mr. Forsythe, Mrs. Grasso, Mr. Hamilton, Mr. Ichord, Mr. Leggett, Mr. Lehman, Mr. Mezvinsky, Mr. Murphy of New York, Mr. Obey, Mr. Perkins, Mr. Preyer, and Mr. Rees):

H.R. 11323. A bill to amend the Commodity Exchange Act to strengthen the regulation of futures trading, to require public disclosure of certain information relating to sales of commodities, to bring all agricultural and other commodities traded on exchanges under regulation, and for other purposes; to the Committee on Agriculture.

By Mr. STAGGERS (for himself, Mr. Moss, and Mr. Hosmer):

H.R. 11324. A bill to provide for daylight saving time on a year-round basis for a 2-year trial period; to the Committee on Interstate and Foreign Commerce.

By Mr. STEIGER of Arizona (for himself, Mr. Blackburn, Mr. Derwinski, Mr. Dickinson, Mr. Hosmer, Mr. Parris, Mr. Young of Alaska, Mr. Baker, and Mr. Don H. Clausen):

H.R. 11325. A bill to authorize the Secretary of the Interior to make grants to assist the States and Indian Tribes to develop and implement land use planning processes; to coordinate Federal programs and policies which have land use impact; and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. TEAGUE of California:

H.R. 11326. A bill to provide that daylight saving time shall be observed on a year-round basis; to the Committee on Interstate and Foreign Commerce.

By Mr. THOMSON of Wisconsin:

H.R. 11327. A bill to provide that daylight saving time shall be observed on a year-round basis; to the Committee on Interstate and Foreign Commerce.

By Mr. BIAGGI (for himself, Mr. Hosmer, Mr. Nix, Mr. Harrington, Mr. Lehman, Mrs. Grasso, Mr. Hawkins, Mr. Mitchell of New York, Mr. Rangel, Mr. Podell, Mr. Corman, Mr. Brown of California, Mr. Conyers, Mr. Meeds, Mr. Mollohan, Mr. Edwards of California, Mr. Charles H. Wilson of California, Mr. Mitchell of Maryland, Mr. Rosenthal, Mr. Pepper, Mr. Yatron, Mr. Winn, Mr. Kyros, and Mr. Widnall):

H.R. 11328. A bill to provide for the establishment within the Department of Health, Education, and Welfare of a National Center on Child Abuse and Neglect; to provide a program of grants to States for the development of child abuse and neglect prevention and treatment programs; and to provide financial assistance for research, training, and demonstration programs in the area of prevention, identification, and treatment of child abuse and neglect; to the Committee on Education and Labor.

By Mr. BYRON:

H.R. 11329. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FISH:

H.R. 11330. A bill to establish an independent Special Prosecution Office, as an independent agency of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. FRASER:

H.R. 11331. A bill to terminate the Airlines Mutual Aid Agreement; to the Committee on Interstate and Foreign Commerce.

By Mr. HASTINGS:

H.R. 11332. A bill to repeal the act of January 5, 1927, relating to jurisdiction over the taking of fish and game within certain Indian reservations; to the Committee on Interior and Insular Affairs.

By Mr. ULLMAN:

H.R. 11333. A bill to provide a 7-percent increase in social security benefits beginning with March 1974 and an additional 4-percent increase beginning with June 1974, to provide increases in supplemental security income benefits, and for other purposes; to the Committee on Ways and Means.

By Mr. LUJAN:

H.R. 11334. A bill to provide for the establishment of an American Folk Life Center in the Library of Congress, and for other purposes; to the Committee on House Administration.

H.R. 11335. A bill to amend the Securities Exchange Act of 1934 to restrict persons who are not citizens of the United States from acquiring more than 35 percentum of the nonvoting securities or more than 5 percentum of the voting securities of any issuer whose securities are registered under such act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 11336. A bill to prohibit without congressional approval expenditures of appropriated funds with respect to private property used as residences by individuals whom the Secret Service is authorized to protect; to the Committee on Public Works.

By Mr. PREYER (for himself, Ms. Abzug, Mr. Alexander, Mr. Brown of California, Mrs. Collins of Illinois, Mr. Fascell, Mr. Forsythe, Mr. Fountain, Mr. Harrington, Mr. Kyros, Mr. McCormack, Mr. Mann, Mr. Moakley, Mr. Mollohan, Mr. Moss, Mr. Murphy of New York, Mr. O'Hara, Mr. Pepper, Mr. Rees, Mr. Roy, Mrs. Schroeder, Mr. Taylor of North Carolina, Mr. Tiernan, and Mr. Waldie):

H.R. 11337. A bill to confer jurisdiction upon the district courts of the United States over certain civil actions brought by the Congress, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH of Iowa (for himself, Mr. Andrews of North Carolina, Mr. Culver, Mr. Danielson, Mr. Nix, Mr. Pepper, Mr. Pickle, Mr. Robinson of Virginia, Mr. Rodino, Mr. Roe, Mr. Rosenthal, Mr. Roy, Mr. Seiberling, Mr. Sikes, Mr. Slack, Mrs. Sullivan, Mr. Thompson of New Jersey, Mr. Tiernan, Mr. Udall, Mr. Ullman, and Mr. Waldie):

H.R. 11338. A bill to amend the Commodity Exchange Act to strengthen the regulation of futures trading, to require public disclosure of certain information relating to sales of commodities, to bring all agricultural and other commodities traded on exchanges under regulation, and for other purposes; to the Committee on Agriculture.

By Mr. SYMINGTON:

H.R. 11339. A bill to amend the Federal Food, Drug, and Cosmetic Act to require that patients may not be treated with investigational new drugs without their consent, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ARCHER (for himself, Mr. Armstrong, Mr. Burke of Florida, Mr. Edwards of California, Mr. Frey, Mr. Hastings, Mr. Heinz, Mr. Hudnut, Mr. Ketchum, Mr. Lent, Mr. Lott, Mr. Lujan, Mr. McCollister, Mr. McDade, Mr. McKinney, Mr. Martin of North Carolina, Mr. Minshall of Ohio, Mr. Mollohan, Mr. Peyser, Mr. Regula, Mr. Robinson of Virginia, Mr. Rodino, Mr. Shoup, Mr. Yatron, and Mr. Young of South Carolina):

H.J. Res. 813. Joint resolution to express the sense of Congress that a White House Conference on the Handicapped be called by the President of the United States; to the Committee on Education and Labor.

By Mr. CULVER (for himself, Mr. White, Mr. Steele, and Mr. Hanna):

H.J. Res. 814. Joint resolution to provide for the appointment of a special prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. GILMAN:

H.J. Res. 815. Joint resolution to provide for the appointment of a Special Prosecutor to investigate and prosecute any offense arising out of campaign activities with respect to the election in 1972 for the Office of the President; to the Committee on the Judiciary.

By Mr. KEMP:

H.J. Res. 816. Joint resolution proposing an amendment to the Constitution of the United States to provide a limit, established in relation to national income, on Federal revenue and expenditures, and for other purposes; to the Committee on the Judiciary.

By Mr. LONG of Maryland:

H.J. Res. 817. Joint resolution to provide for the appointment of a Special Prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. LONG of Maryland (for himself, Mr. Harrington, Mr. Rees, Mr. Fraser, Mr. Udall, Mr. Brown of California, and Mr. Helstoski):

H. Con. Res. 376. Concurrent resolution expressing the sense of Congress that Richard M. Nixon should resign from the Office of President of the United States; to the Committee on the Judiciary.

By Mr. BYRON:

H. Res. 689. Resolution to seek peace in the Middle East and to continue to support Israeli's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL of Virginia:

H.R. 11340. A bill for the relief of Mrs. Maritza Busch; to the Committee on the Judiciary.

By Mr. BURTON:

H.R. 11341. A bill for the relief of James R. Oom, Jr.; to the Committee on the Judiciary.

By Mr. DRINAN:

H.R. 11342. A bill for the relief of Benjamin R. Lucardie; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

350. By the SPEAKER: Petition of Yisrael Yeshayahu, Speaker of the Knesset, Tel Aviv, Israel, relative to treatment of prisoners of war by Egypt and Syria; to the Committee on Foreign Affairs.

351. Also, petition of James L. Dillard, St. Albans, N.Y., relative to redress of grievances; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

GENERAL ACCOUNTING OFFICE REPORTS ON BLIND VENDORS ON FEDERAL PROPERTY—RICHARD STARNES' ARTICLE HIGHLIGHTS ISSUES

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, November 7, 1973

Mr. RANDOLPH. Mr. President, on Tuesday, October 30, the Washington Star-News published an article by Richard Starnes, of the Scripps-Howard News Service, entitled "GAO: Blind Get No Breaks." The article briefly reviews the recent report prepared by the Comptroller General of the United States on sources and uses of vending machine income on Federal property, which was authorized by the Subcommittee on the Handicapped.

Mr. Starnes' article also mentions S. 2581, the Randolph-Sheppard Act Amendments of 1973, which I introduced on October 13, and which thus far enjoys the cosponsorship of 28 Senators.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

GAO: Blind Get No Breaks

(By Richard Starnes)

A sharply worded report by the General Accounting Office accuses the Defense Department and the U.S. Postal Service of depriving blind concession stand operators of hundreds of jobs and possibly millions of dollars in income.

The GAO investigation was ordered by Sen. Jennings Randolph, D-W. Va., coauthor of a 37-year-old law intended to give sightless persons preference in operating concession stands in government buildings.

In spite of the law, Randolph said, "blind vendors have met with obstacles every torturous step of the way." He estimated that the 3,500 licensed blind vendors now operating stands could be doubled in five years "if the onerous restraints of undue competition are lifted."

"They (blind operators) find competition from federal employe welfare and recreation associations which operate their own vending machines. They find military post commanders who are unwilling to consider blind vendor sites at their installations. They even find . . . that an employe association at a major federal space installation demanded that blind vendors give 10 percent of their profits to the employe association."

The GAO report made it clear that the principal abuses in the blind vendor program took place in Postal Service and Defense Department installations.

From responses to questionnaires sent to 291 postal installations, GAO found there were 68 vending stands operated by the blind, and one vending stand and 2,873 vending machines controlled by employe associations.

"Employe associations had gross receipts of $2.8 million . . . and a net income of $1.6 million," GAO reported.

"About $86,800 of the net income was assigned to blind vendors under income-sharing arrangements; the remainder went for employe benefits such as recreation programs, scholarships, and gifts."

Six of 10 blind Postal Service vendors questioned at random by GAO reported net income of under $3,000, the report said.

GAO noted that a Postal Service audit had found abuses in the handling of income from vending operations and that there had been insufficient supervision "to insure compliance with federal policies and regulations."

Expanding the blind vendor program in postal installations, the report added, "will depend on postal officials' attitudes" and

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upon more vigorous action by state welfare agencies "in dealing with Postal Service officials on these matters."

In Defense Department installations, GAO charged, regulations "support and encourage" vending operations that benefit recreation and welfare associations of employes, but give "little consideration to the blind."

Military officials "have not been receptive" to efforts to establish additional blind concession stands, GAO investigators found. At six military installations in the Washington area, including the Pentagon, GAO investigators found 56 vending stands, only four of which were operated by the blind. Blind operators had gross receipts of $230,600 and total net income of $38,000 last year, the report said, while 6,000 vending machines and other vendors had gross sales of $12.6 million and net income of $2.5 million.

"Vending machine operations at military installations are, for the most part . . . activities which contribute to welfare and morale programs," the report said. "Military officials said blind vendors could reduce money available for these programs. It was difficult to determine how (military) installations used net vending income."

Blind vendors now operating stands in federal buildings earned an average of $6,996 last year, GAO reported, on gross sales of $109.8 million.

Sen. Randolph, who has introduced legislation to strengthen the blind vendor program, noted a Vocational Rehabilitation Administration estimate that there were at least 40,000 blind persons who could be trained to operate vending stands. There are, he said, "some 6,000 young blind people in high schools who will be graduating in the next three years," plus "at least 500 Vietnam veterans who were blinded during their service in the armed forces."

Hearings on the proposed amendments to the blind vendor law will be held in mid-November by the subcommittee on the handicapped of the Senate Committee on Labor and Public Welfare.

SUPPORT FOR FOOD SUPPLEMENT BILL

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. YOUNG of Florida. Mr. Speaker, I have joined with more than 140 of my colleagues in the 93d Congress in sponsoring the food supplement bill, guaranteeing the right of Americans to supplement their diets with noninjurious vitamin and mineral supplements. Last week the House Interstate and Foreign Commerce Committee's Subcommittee on Public Health and the Environment opened hearings on this legislation, and I was pleased to be able to submit testimony supporting it.

The January 1, 1974, deadline for implementation of the FDA regulations limiting the sale of vitamin and mineral supplements is fast approaching. I urge those of my colleagues who are not aware of the substantial opposition to those regulations and support for the food supplement bill to investigate this situation because the need for House action is now imperative. I include testimony on the bill at this point:

Testimony by Hon. C. W. Bill Young, of Florida, in Support of H.R. 1295, Food Supplements

Mr. Chairman, please allow me first to express my pleasure that the Subcommittee is holding hearings on this vital Food Supplement legislation. As the January 1, 1974 deadline for implementation of the Food and Drug Administration regulations on dietary supplements is fast approaching, it is incumbent upon the Congress to act quickly to protect the right of Americans to choose their own diets.

I have been concerned over the arbitrary actions of the FDA with regard to food supplements ever since my election to Congress. On January 22, 1971, I introduced H.R. 1201, to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements and to prevent the Secretary of Health, Education, and Welfare from limiting the sale of such supplements unless they were intrinsically injurious to health in the recommended dosage. On January 3, 1973 I reintroduced this legislation, also known as the "Hosmer Bill," in the 93rd Congress as H.R. 1295.

Let me say first of all, Mr. Chairman, that I support requirements for the labelling of vitamins and food supplements so as to accurately reflect the contents of such products. The legislation before you today would not affect those requirements, but it would prohibit the FDA from their continued attempts to ban sales of truthfully labeled vitamin and mineral food supplements for reasons other than safety and fraud.

The role of vitamins and nutrients in human health has long been the subject of controversy and differing opinions by leading medical specialists. Only in a very few sharply defined instances have experts been able to identify toxic effects from large doses of vitamins, and I support the FDA efforts to limit the sales of these products. The FDA currently has this authority under its Act, and my bill would not restrict this authority to prohibit sales of potentially dangerous products in any way.

However, the FDA has chosen to expand upon this authority in a way that might affect the health and well-being of millions of Americans by proceeding to define its own limits for "safe dosages" of important vitamins and minerals. While medical and nutrition experts do *not* agree as to safe dosage levels for these food supplements, there is considerable agreement that a majority of Americans do not obtain the necessary nutritional components from their everyday diets. Thus, millions of Americans rely upon vitamin and mineral supplements in dosages of their own choosing to make up dietary deficiencies.

If the FDA regulations are allowed to take effect, any amount over the FDA-recommended limits will require a doctor's prescription—and thereby impose a substantial additional financial burden upon precisely those Americans who can least afford it, most especially our less well-off senior citizens. There is no logical reason for requiring a person to have a doctor's prescription for an item which is not proven to be injurious to health and which an individual may deem necessary for his nutritional balance and personal health needs.

Mr. Chairman, the FDA has been trying to implement similar regulations for the past decade. In 1964, a U.S. District Court judge ruled against the FDA seizure of a sugar containing minerals and B vitamins, and at that time Judge Emmett C. Choate stated:

"The provisions of the Federal Food, Drug, and Cosmetic Act did not vest in the Food and Drug Administration or any other Federal agency power to determine what foods should be included in the American diet. This is the function of the marketplace. . . . Plainly, only Congress can or should regulate the use of vitamins, and then only to prevent public injury."

My constituents agree strongly with Judge Choate—I have received hundreds of letters in support of the Food Supplement legislation. The FDA, on the other hand, has received more than 55,000 letters in opposition to their vitamin regulations. The Food Supplement Bill does not damage in any way the FDA responsibility to protect the American public against misleading labeling or injurious products. But it does gauarantee the American people the right to supplement their diets according to their own nutritional beliefs and at a reasonable cost.

I urge the Subcommittee to act expeditiously on this legislation so that it can be considered by the House in the near future. If the Congress is not to accede to the FDA's arrogant power grab in this area, we must go on record immediately.

ATLANTA'S McDONALD AND LITTLE ADVERTISING AGENCY

HON. SAM NUNN

OF GEORGIA

IN THE SENATE OF THE UNITED STATES

Wednesday, November 7, 1973

Mr. NUNN. Mr. President, I am pleased to draw the attention of my colleagues to an excellent article which appeared in the fall issue of Dixie Business magazine recognizing the outstanding growth record of Atlanta's McDonald & Little Advertising Agency.

The success of Mike McDonald and Tom Little is well known in advertising circles throughout the South. Their phenomenal record of achievement is particularly noteworthy when one considers the fact that they built their thriving agency from a back-porch operation to the third largest Atlanta-owned agency in a little over 6 years.

I ask unanimous consent that the entire article on the success of McDonald & Little be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

From a Zero Start to $6.5 Million in 4 Years is the Story of Atlanta's McDonald & Little

(By Jack Majora)

Take two men who don't know each other, and put them together as partners in an ad agency. Add to the mixture that neither has an account in his back pocket, and stir in the fact that for economy reasons the first office is the screened porch of one of the partners.

Blend in as their first client a politico whose only previous effort had been a try for the state legislature, and had lost every precinct. Give this candidate a speech defect, as a result of cerebral palsy, and aim him for a seat on the Atlanta Board of Education.

Not a promising recipe for success, but it's the beginning of McDonald & Little Advertising now completing its fourth year in business with over $6,500,000 in billings. Housed in the Life of Georgia building in Atlanta the agency has 45 employees, and is said to be the third largest Atlanta-owned agency operating without branches.

The principals . . . Mike McDonald and Tom Little . . . met through Garland Porter, editor emeritus of Southern Advertising/Markets. At the time McDonald was director of the Atlanta office of the Marschalk Corporation and a senior vp of the firm. Little had been creative director of Burton-Campbell, Atlanta. Mike McDonald wanted to get into his own agency operation for the simple reason he wanted to stay in Atlanta. Tom Little just wanted to see his name on a door.

Each confided his ambition to Garland, who decided the two would make a good combination and invited them to have lunch together. They reacted well to each other and the ultimate result was a partnership agreement.

Their political candidate was a result of a recommendation by Charles Weltner, a former Atlanta Congressman who gave up his seat in 1966 rather than run on the same slate with Lester Maddox.

Both Little and McDonald were impressed with the candidate's courage and determination not to let a physical disability thwart his ambitions. The result was a slogan, "Now put a guy with guts on the school board." This struck a responsive chord with the voters, and the result was a victory for Howard Klein.

The campaign stamped the agency as a winner and soon the account list began fleshing out. And, one of the first actions taken was to bring in Tim Tully, a vp at Marschalk where he was responsible for Allied Brands, Coca-Cola, USA, media planning.

This move was representative of the basic philosophy of the two, expressed by Little as "all the damn business is in people." Since then, McDonald reports they have kept moving vans busy. The two feel it is necessary to keep making investments in bringing new talent into the agency, and into the market.

McDonald seconds Little's "people business."

One of the most talked about campaigns in recent Atlanta advertising, was the one put together for Peachtree Federal Savings & Loan. The firm started as number 13 among the S&L's in the metro area, and was operating from a single office in the Buckhead section . . . completely surrounded by branches of the major banks and other S&L's.

The campaign featured a radio spot series. Featured was a non-announcer type voice discussing the difference between the interest paid by Peachtree Federal and the banks. The non-announcer also wrote the spots . . . it was Tom Little. The spots finished with: "If you're losing interest in banks," an invitation to visit Peachtree Federal.

The campaign aroused immediate attention and comment . . . both good and bad . . . but most important it resulted in a surge of growth by the account that jumped in the standings from 13th to either 5th or 6th among the Atlanta S&L's. Today the association has three offices, a fact handled by making the announcer seem puzzled as to how he would tag his announcements in the future.

The agency also has done special work for Coca-Cola, USA. One assignment being a 4th of July national cold drink promotion, "Go 4th with Coke." McDonald & Little also created the theme of the recent national Coca-Cola memorabilia promotion, "We've brought back the good old trays." A later assignment was the creation of a video cassette production to be used in a training program for new employees.

The agency developed the videotape tracing the history and growth of the company and centered it around a theme of "A decent thing honestly made" a line penned by William A. White in a paean to Coca-Cola.

The completed product was made a part of a "can't fail" training program.

Another success chalked up by McDonald & Little is with Ellman's of Atlanta, a catalog showroom operation. The client, Bob Weinstein, in discussing his company's growth from $11 to $16 million in volume says, "I credit the advertising and marketing approach as being a major factor in our growth."

Among more recent accounts is the Six Flags Over Georgia, the giant amusement center outside Atlanta. For Six Flags the agency developed a "sneak-a-peak" promotion in conjunction with the McDonald's Systems of Atlanta (also a McDonald & Little account) that resulted in over 60,000 people visiting Six Flags before its official opening. The promotion started as a one-weekend shot, but crowd reaction was such that it spread over to the following weekend.

McDonald's wanted to expand their breakfast business with Egg McMuffin in the Atlanta area. The agency recognized that to achieve growth of the product that the Atlanta consumers would have to be persuaded to try and continue to purchase a "hard" muffin rather than the "soft" biscuits they were used to . . . English muffins being somewhat foreign.

Lately one of the biggest additions to the Atlanta scene has been the building of a new Atlanta coliseum by the group who owned the Atlanta Hawks basketball team, and the awarding of an ice hockey franchise by the National Hockey League to the group.

McDonald & Little was picked as the advertising agency.

One of the first items to be handled was the name of the new facility. The agency recommended the name "The Omni", and the owners went along . . . however the city officials balked, and opted instead for Atlanta/Fulton County Coliseum. Reaction of the public was such that the board later met and approved "The Omni". This gave the building a character and distinctiveness.

Today, The Omni is one of the hottest coliseums in the country. In its first year, over 2,000,000 people attended attractions there and new attendance records were set by Ringling Brothers circus and the Icecapades as well. Top attractions like Elvis Presley and Sonny & Cher also gave performances at The Omni.

The Omni campaigns were instrumental in the Omni Group winning recognition as "marketing group of the year for Atlanta" by the Atlanta chapter of the American Marketing Association, and a similar award, "the marketing communication program of the year" from the Marketing Communications Executives International, Atlanta chapter.

In 1972 the agency once again found itself involved in a political campaign. This time it was a relatively unknown state legislator seeking the U.S. Senate seat held by Dave Gambrell. When the campaign was completed, Sam Nunn had unseated Gambrell in the Democratic primary, as well as defeating 11 other aspirants for the nomination. Nunn then went on to win the senate seat against a well financed Republican.

The agency also has a real estate client . . . Security Management, developers of projects including a condominium near Atlanta at Vinings. The client had originally decided to name the project Glen Oaks. The agency suggested Vinings Ferry . . . thus positioning the project promotionally with the geographical location . . . and the client went along. The advertising broke with headlines such as "things haven't moved so fast in Vinings since the brakes failed on a truckload of antiques".

McDonald & Little is a member of the American Association of Advertising Agencies, having applied for membership as soon as is allowed by the 4A's, and was accepted in the minimum time. Both McDonald and Little feel this has been money well spent.

Recent expansion at the agency has involved setting up its own public relations division under the leadership of Ted Simmons. Simmons is a veteran p.r. professional who had been with Ball/Cohn & Weyman before moving to McDonald & Little. Operative since May, the p.r. division has already picked up accounts like Cohn Communities, Electromagnetic Sciences, Shaw Industries (Dalton), Muscular Dystrophy Assn. of America (Atlanta chapter), and the Hilton Head Co. (Hilton Head, SC).

Heavily research oriented, McDonald & Little has announced an agreement has been signed with Kenneth Hollander & Associates to serve as agency research consultant. Hollander with a national reputation gained from work for Procter & Gamble, Hallmark Cards, Young & Rubicam in Chicago, and for the Interpublic Group (for Coca-Cola), has now established an office in Atlanta's Colony Square.

Marketing director is Tom Allison who came from Coca-Cola USA. Among recent accomplishments has been the design of a computerized system for Six-Flags that in a matter of hours from the time admission tickets are sold provides information about who the customers are and where they are from. This gives an almost instant view of what is happening, where the business is coming from; and provides a method of determining projections and share of market to be used in preparation of marketing plans.

Mike McDonald in summing up the year since the agency was formed in 1969 said he has "probably learned more about marketing and advertising in the past 3½-years than in all my previous experience". Tom Little added "I've never had as much inform clients as we get here.

A NEW APPROACH

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. FASCELL. Mr. Speaker, the Dade County Public Safety Department, which serves the Greater Miami Metropolitan Area, has an innovative inservice training program which employs the use of professional quality video tape instructions made at the department. The program is a reflection of the department's philosophy that training must continue throughout a police officer's career if law enforcement agencies are to effectively utilize new technology and maintain the highest possible level of professionalism.

The November issue of the FBI Law

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Enforcement Bulletin features an article on this excellent program entitled "A New Approach to Inservice Training," which follows:

A NEW APPROACH TO INSERVICE TRAINING

(By Ms. Joyce M. Siemon and Maj. Charles C. Black)

DADE COUNTY PUBLIC
SAFETY DEPARTMENT,
Miami, Fla.

At the Dade County Public Safety Department, Miami, Fla., inservice training means more than just a periodic review of the recruit curriculum. It provides inservice training as a preliminary step in many assignment changes. It is Director E. Wilson Purdy's philosophy that training should be a layered program, going from the general to the specific and lasting throughout the officer's career. "The various functions performed by law enforcers require specialized instruction," states Director Purdy. "The training academy prepares the officer for generalized patrol duty. Those officers who are transferred to general investigation require additional training in the techniques and laws which apply to investigations. And, with each successive specific investigative assignment, such as homicide or robbery, another training overlay is needed." This philosophy extends to all specialized law enforcement functions from the organized crime bureau to the community service section.

The administration of the inservice training program requires the cooperation of the entire public safety department, but is initiated by the division most directly involved. The investigative training school, which is the first of its kind in the southeastern part of the United States, was planned and conceptualized by the chief of the police division, Walter J. Lougheed. Some special considerations influenced the development of the school. For one thing, there were only two precedents from which to draw guidelines. Maj. Charles C. Black, then chief of the detectives bureau, traveled to both the city of Los Angeles Police Department and the London Metropolitan Police Department to study their curricula. His research helped in determining what should be taught, but the problems of how, to whom, where, when, and funding had to be solved without the benefit of models.

Since assignments are not always made in convenient blocks, the investigative training school had to be designed for the single student as well as for the class. Another consideration was the Dade County Public Safety Department's commitment to regional training. Many smaller departments in Dade County, and the neighboring Palm Beach, Broward, and Monroe Counties, did not have the facilities or the funds for extensive training. It was, therefore, incumbent upon the public safety department to plan a school which would serve the entire region with indepth training on a decentralized basis.

TRAINING METHOD

Three training alternatives were considered. The first was traditional, expensive, and limited in scope. It involved bringing the students to the training facilities for lectures and classes where scheduling and time would present a problem; and both teachers and students would be handicapped. The second training alternative was to make use of technology and bring the training to the students. It was Chief Lougheed's idea to make use of video-tape equipment and a closed-circuit television system for this purpose. The third alternative was to combine the classroom approach with the technological methods.

Consequently, a curriculum was devised which included video-tape presentations, discussion groups, and behavioral science techniques. The course's content was of such depth and quality that the over 200 officers who completed it received five college credits. A series of five 2-week courses was scheduled by the department's training bureau at a local college. All present Dade County Public Safety Department investigators participated in the program, which was coordinated by an investigator with more than 15 years of police experience. The library of video tapes, as well as the facilities of the television laboratory, are shared with the other four counties in the region for their inservice training. Subsequent to the five sessions involving public safety department personnel, the same formal 2-week course was offered to appropriate police personnel from the more than 25 municipal police agencies in Dade County.

The syllabus for the investigative training school (which will be repeated at appropriate intervals) includes specific investigative techniques, general human behavior characteristics, and information retrieval processes (both interrogatory and resource techniques).

The first hour of training, which included opening remarks by various staff members of the public safety department, gives an overview of the detective bureau organization and states the goals of the course. The other units of training are scheduled in a flexible pattern (possible through the use of video-tape equipment) according to the availability of instructors and the needs of the particular class. As new members join the investigative units, they, too, will be provided with training via private showings of the instructional tapes until a class can be filled for the entire curriculum to be presented. Regularly scheduled refresher courses are planned to update and expand upon the investigative training school. Pertinent portions of these presentations will also be recorded on video tape. (For a synopsis of the curriculum taught during the 2 weeks, see inservice curriculum.)

VIDEO TAPE

Using video-tape equipment to record lessons and dramatize techniques allows for program flexibility. Scheduling does not have to be dependent on instructor availability; more time can be devoted to the preparation of the presentation and to lesson-planning; and departments can train individuals or small classes on a continuing basis, or at their own locations.

The video-tape training project was funded by a regional grant from the Law Enforcement Assistance Administration (LEAA). The video-tape equipment, personnel, and studio are housed by the Dade County Public Safety Department and are available to each of the other sheriffs in the regions either for the purpose of making training films or for showing them.

Utilization of video tapes for police training must be considered a new and fresh approach to the overall effort to improve police services. In order to be successful, however, the tapes must measure up to professional standards.

Television and movies have produced a sophisticated audience which would soon lose interest in a flickering, passive presentation. The regional video project director has defined the basic technical controls and facilities necessary to produce quality results.

A minimum of two cameras is necessary. The cameras must be integrally connected for synchronized switching. Many secondary benefits occur when using a multicamera system. All necessary video and a.c. power is carried through one multiconductor cable, thus, eliminating the need for several separate cables from each camera to the control panel. Also, incorporated in the cable is wiring for intercom facilities for communications between camera operators and the production director. Tally lights which indicate presentations are also a feature of multicamera operation. Separate remote camera controls located at the recorder positions insure proper levels for equal picture quality between camera changes.

It is also necessary to have a system so that various bits of information can be combined for distribution to various agencies for playback. Since the inception of electronic editing, it is no longer necessary to record a complete presentation from the beginning to the end all in one session without stopping. Selected segments or scenes can be assembled into one complete recording. If mistakes are made or certain changes required, they can be done without rerecording the entire tape.

Any presentation viewed by means of a screen is subconsciously compared to what has been seen in theaters and on commercial television. This is not to say that, to convey a training message via video tape, elaborate studios and engineers must be used; however, the production must be handled in such a way as to hold the attention of the viewers.

For examlpe, the presentation of a person standing in front of one camera talking for 10 minutes without changing positions or angles to emphasize points would soon become a bore. Obviously, such a lesson could just as well be presented by voice or a written handout.

Video-tape equipment offers the opportunity to use imagination and drama in police training. Educators have long maintained that the lecture is the most ineffective teaching method. For too long, the law enforcement profession has had to rely on lectures though, because instructors have had neither the time, training, nor facilities to prepare diverse lessons.

The investigative training school, which used video tapes, took advantage of the medium's wide possibilities. Mock homicide scenes were taped, for example, which dramatized the techniques of scene preservation and investigation. Such scenes are interrupted by class discussions in which the students are asked to identify possible evidence or suggest procedures. The tape is then resumed showing the ideal approaches. At the end of the tape, the class can argue for or against the tape's presentation with a qualified instructor. In addition to the mock scenes, video tapes of factual reenactments are shown to the classes. In the tapes, actual subjects reenact the crimes they have confessed to committing, offering the students insight into the psychology of motivation and modus operandi. The detectives accompanying the subject emphasize the interrogatory techniques used in obtaining confessions and, also, demonstrate the practical applications of the *Miranda* v. *Arizona*, 384 U.S. 436 (1966), and related decisions. Two benefits result from this kind of lesson. The first is that students understand and remember the instructions better than if they had been just passive recipients of information. The second benefit is that the students, who have been trained and experienced as law enforcers, can improve the procedure with their original suggestions.

Another way in which the video tapes are used in the investigative training school is to ease the tensions which could result between news media, investigators, and the community when a major crime has occurred. Tapes of discussions between journalists are shown and commented upon by the class. Often the remarks of the journalists will trigger the investigators into discussing their feelings about the news media. The tape and the class discussion contribute to an understanding of the news problems and suggest means of solving, or avoiding, them.

OTHER TEACHING TECHNIQUES

Not all of the lessons in the investigative training school depend on video-tape presentations. It would be a mistake to use technical aids to the exclusion of all other methods, however valuable they are. In the classes dealing with psychology, for example, behavioral science techniques are used. The students are involved in structured discussions aimed at revealing the workings of their own personalities. The self-understanding resulting from these discussions is transferred to understanding the general emotional factors of motivation. Investigators must be aware of human behavior patterns if they are to be successful in obtaining the help of witnesses or interrogating subjects.

Specific kinds of investigations such as frauds, sex offenses, or forgeries are taught by experienced members of the appropriate units. The lessons are planned to present variations and techniques used by perpetrators and means of apprehension. The instructors use written handouts, reference readings, lectures, and discussions to cover these subjects.

Other classes in the school depend on representatives from agencies such as the State attorney's office and the youth services division for instruction. Whenever possible the teaching staff is drawn from direct, authoritative sources.

CONCLUSION

We feel that the investigative training school is a vital and innovative step in the direction of professionalization. Too often it is expected that the good patrol officer will automatically be good in all police functions. Although we agree that investigators should first be successful officers, we disagree that the transition can be accomplished without added training. To accomplish our goals of complete service to the community of Dade County, the public safety department has emphasized effective training at all levels. The investigative training school is representative of our philosophy that training must combine the most advanced teaching methods with the most advanced personnel in a pragmatic approach toward excellence.

INSERVICE CURRICULUM

Course, Duration, and Topic Development

Sources of information—3 hours—Indepth discussion which illustrates sources of information for detectives; where information is located and how it can be retrieved; formal and informal methods for retrieval of information; records keeping public agencies, local, State, and Federal; and private agencies, as sources of information.

Computer systems—1 hour—Available message systems, local, State, and national; Dade County, Fla., Crime Information Center, National Crime Information Center.

Data processing—1 hour—Utilization of current data processing techniques.

Record bureau—2 hours—Discussion of what information is available from records bureau and how to obtain it.

Special equipment—4 hours—Review of all available special equipment for use by detectives; discussion of its purpose; practical demonstration and familiarization.

Other agencies—2 hours—Detectives' association with other enforcement agencies. (Federal Bureau of Investigation, Strike Force, Secret Service, Post Office, Internal Review, Drug Enforcement Administration.)

Uniform crime reports—2 hours—Basic requirement of uniform crime reports.

Communication (messages and be on the lookout notices)—1 hour—Issuing broadcasts, form, context, and cancellation.

Detective sections—2 hours—30-minute discussion by detective sections outlining their functions. (Homicide, robbery, auto theft, general investigative unit.)

Case assignments—1 hour—Discussion regarding the assignment of cases to individual detectives; establishing by detectives of work priorities; recognizing workable cases.

Juvenile—2 hours—Responsibilities under Florida State statutes—juvenile court, youth hall, etc.

Narcotics—3 hours—Description of narcotics traffic in Dade County and familiarization with common items with which investigators will come in contact.

Arson—1 hour—Investigation of arson and the utilization of arson in relationship to other crimes.

Sex offenses—1 hour—Investigation and identification of sex offenders.

Airport and seaport activities—2 hours—Discussion of specific problems of the airport and seaport and how they relate to the investigators.

Frauds—2 hours—Individual and commercial frauds.

Burglary—4 hours—Residential, apartment, motel-hotel, industrial (safe).

Forgery—1 hour—Questioned documents and investigative techniques.

Interrogatories—2 hours—Interrogation of suspects; interviews.

Stakeouts and surveillances—2 hours—Techniques and methodology for conducting stakeouts and surveillances; fixed and moving surveillance; foot, automotive, and aerial methods.

Search warrants—2 hours—Recognizing the need for search warrants; obtaining search warrants.

Informants—2 hours—Development and use; protecting the informant.

Lineup and mug shots—2 hours—Value; use of mug shots to identify suspects; techniques of display, mock lineup.

Stolen property—2 hours—Pawn shops and fences.

Evidence and property—2 hours—Handling, identification, and control of evidence and property; receipts and records; chain of evidence; disposal.

Crime scene—8 hours—General rules for preserving crime scene; conducting investigation of scenes; note taking; evidence. (Mock homicide scene, mock robbery scene, and mock breaking and entering.)

Search and seizure—2 hours—Legal aspects of search and seizure without a warrant.

Physical evidence—2 hours—Recognition and security of potential physical evidence.

Polygraph—1 hour—Explanation of the operation and use of the polygraph.

Identi-kit and composite drawing—1 hour—Review of the purpose, procedure, and value of these identification procedures.

Psychology of personality—3 hours—Basic concepts of personality.

Ethnic groups—2 hours—Composition of ethnic groups and individual characteristics.

Organized crime bureau—1 hour—An overview of the organized crime bureau and its relationship with the investigator.

Air and water operations—1 hour—Utilization by the investigator of helicopter, fixed wing aircraft, and marine patrol.

Criminal law—2 hours—Review of recent decisions affecting law enforcement and their relationship to detective functions.

Case preparation—2 hours—Organization of cases, preparation of evidence, and review of witnesses' participation; making the case ready for presentation to the State attorney.

State attorney—1 hour—Functions of the State attorney's office; complaint filing procedure; improving State attorney/detective relationship.

Preliminaries and trials—2 hours—Purpose and procedures of the preliminary hearings; bond hearings, motions, et cetera. Participation of the detective in preliminary hearings and the trial; assisting the State attorney and courtroom demeanor.

Judicial view—1 hour—Judge's view of the detectives' participation in courtroom activity.

Community relations—½ hour—Review of departmental policy regarding community relations; discussion of current programs.

Press relations—½ hour—Review of departmental policy regarding press relations; detectives' role.

JOBS, TRAINING, AND EDUCATION PROGRAMS FOR VETERANS

HON. ABRAHAM A. RIBICOFF

OF CONNECTICUT

IN THE SENATE OF THE UNITED STATES

Wednesday, November 7, 1973

Mr. RIBICOFF. Mr. President, today, almost 1 year after the United States withdrew its forces from Vietnam, over 275,000 Vietnam era veterans remain jobless. Many of these men and women are unemployed as a result of hard luck and a lack of opportunities. Many are unfamiliar with the agencies and programs that can offer them occupational and educational assistance.

Jobs for Veterans, a national organization dedicated to linking veterans with a vast selection of occupational and educational opportunities, has published "A Digest of Veteran-Related Programs for Jobs, Training, and Education." This digest catalogs the responsibilities, services, and addresses of the many agencies and programs set up to aid veterans, including financial assistance plans.

Jobs for Veterans should be commended for its efforts in compiling the educational and occupational information contained in the digest.

I ask unanimous consent that excerpts from "A Digest of Veteran-Related Programs for Jobs, Training, and Education" be printed in the RECORD.

There being no objection, the digest was ordered to be printed in the RECORD, as follows:

MAJOR JOB-RELATED PROGRAMS

AFL-CIO VETERANS' ASSISTANCE PROGRAM

Administered by: AFL–CIO Human Resources Development Institute (HRDI).

Purpose: To help veterans find jobs or training opportunities in their home towns through union channels. Servicemen being processed for discharged at several West Coast separation centers are briefed by HRDI staff, at the center, on the national job situation. This is followed by individual interviews with those veterans who request it. Information on their job skills and preferences or training needs is forwarded to the HRDI (or AFL–CIO central labor council) office in their home towns. HRDI staff and the AFL–CIO central labor council are prepared to use their knowledge of the local job market and their union contacts to place veterans in jobs or training.

Source of more information: Veterans are urged to contact the AFL–CIO central labor council in their community as soon as possible after being separated or Veterans' Assistance Program, AFL–CIO Human Resources Development Institute, 815 16th Street, N. W., Washington, D. C. 20006.

APPRENTICESHIP OUTREACH PROGRAM

Administered by: Department of Labor.

Purpose: To conduct pre-apprenticeship training through contracts with industry, labor and other organizations. The program helps young men pass the examinations for entrance into apprenticeships.

Source of more information: Bureau of Apprenticeship and Training, Department of Labor, Washington, D. C. 20210, or Regional Offices of Manpower Administration.

APPRENTICESHIP TRAINING PROGRAM

Administered by: Department of Labor, in cooperation with industry and labor.

Purpose: To enable a trainee to work as a full-time employee, receiving apprenticeship training as he earns a salary. Apprenticeships can be arranged in a wide range of occupations.

Source of more information: Bureau of Apprenticeship and Training, Department of Labor, Washington, D. C. 20210.

CAREER OPPORTUNITIES PROGRAM—COP

Administered by: U. S. Office of Education.

Source of more information: Your state education agency (for a list of COP), or Bureau of Educational Personnel Development, U. S. Office of Education, Washington, D. C. 20202.

FEDERAL CIVIL SERVICE PREFERENCE

Administered by: U. S. Civil Service Commission.

Purpose: To give preference in federal employment throughout the country to qualifying veterans in areas such as the following:

1. Competitive Civil Service Commission exams (10 point preference to veterans with a service connected disability, 5 point preference to other veterans).

2. Waiver of age, height, and weight requirements in most instances.

3. Restriction of examination for jobs as guard, elevator operator, messenger, and custodian to veterans as long as veteran applicants are available.

4. Re-employment rights and crediting of time spent in active military service toward experience required for eligibility in position of kind held before service (or on the basis of actual experience gained in the Armed Forces).

5. Precedence on Civil Service registers (list of eligible applicants).

6. Review by Civil Service Commission of agency's reason for passing over veterans and selecting nonveteran.

Source of more information: Most large post offices, Federal Job Information Centers, Regional Offices of the CSC, United States Veterans Assistance Centers, or United States Civil Service Commission, Washington, D. C. 20415.

JOB PLACEMENT SERVICES—STATE EMPLOYMENT SERVICE

Administered by: State Employment Service in cooperation with U.S. Department of Labor.

Purpose: To provide job referral and counseling services, with priority given to veterans and preferential treatment to disabled veterans.

Source of more information: Your local State Employment Service Office.

VETERANS PROGRAM (OMBE)

Administered by: Office of Minority Business Enterprise.

Purpose: The OMBE mission is to provide centralized leadership for a national program to enhance minority ownership of business. It coordinates existing federal, state, local and private sector programs and resources. It develops new business opportunities, new initiatives in existing programs, and new institutions when necessary. OMBE identities sources of capital, expertise and information, and makes them available to minority businessmen. And it acts as the repository and disseminator of all information useful in stimulating minority business development.

Source of more information: Director, Office of Minority Business Enterprise, U.S. Department of Commerce, Washington, D.C. 20230.

MANPOWER DEVELOPMENT AND TRAINING ACT—MDTA

Administered by: U.S. Department of Labor and U.S. Office of Education.

Purpose: This program provides training for unemployed or underemployed persons who cannot reasonably obtain full-time employment without training. Training includes, but is not limited to, basic education, communication skills, employability skills and occupational training, including on-the-job training. Eligible veterans are granted priority in selection.

Workers given priority for training include: (1) veterans; (2) the unemployed; (3) persons working below their skill capacity or substantially less than full time.

Source of more information: Schools and other non-public agencies interested in institutional training should contact either their state education agency or the U.S. Office of Education (Division of Manpower Development and Training), Washington, D.C. 20202. All others should contact either their local or state employment service office, or the Manpower Administration, U.S. Department of Labor, Wahsington, D.C. 20210.

MEDIHC—MILITARY EXPERIENCE DIRECTED INTO HEALTH CAREERS—PROGRAM

Administered by: Department of Defense and Department of Health, Education and Welfare.

Purpose: To assist servicemen and women, including those trained in medical skills while in the service, in finding a career in the health field upon return to civilian life. The serviceman is contacted 3–6 months prior to separation through Department of Defense's Transition Program, and efforts are made to counsel and place him in an appropriate health career, by referring him to a state MEDIHC agency for follow-up counseling.

Source of more information: Director, Training Program, ATTN: DOD MEDIHC Coordinator, Office of the Assistant Secretary of Defense (M&RA) Room 2C252, Washington, D.C. 20301.

NEW CAREERS

Administered by: Department of Labor.

Source of more information: Manpower Administration, U.S. Department of Labor, Washington, D.C. 20210, or Regional Offices of the Manpower Administration.

ON-THE-JOB AND APPRENTICESHIP TRAINING ASSISTANCE—GI BILL

Administered by: Veterans Administration.

Purpose: To provide veterans enrolled in approved programs of on-the-job or apprentice ship training with a monthly allowance to supplement their starting wages. The allowance is paid directly to the veteran and can continue as long as two years for approved on-the-job training, and longer for apprenticeship training.

Source of more information: Your local VA office or Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420.

POLICE MANPOWER

Administered by: International Association of Chiefs of Police and the Department of Defense (through Transition Program). Funds are provided by the Manpower Development and Training Act.

Purpose: To assist state and local law enforcement agencies in meeting critical personnel shortages throughout the U.S. The program operates on the premise that the returning servicemen with his relative maturity and disciplined background offers a prime manpower source for the law enforcement profession.

Source of more information: Director, Training Programs, Office of the Assistant Secretary of Defense (M&RA), The Pentagon Room 2C252, Washington, D.C. 20301.

REEMPLOYMENT RIGHTS FOR VETERANS

Administered by: Department of Labor (or U.S. Civil Service Commission, for Federal employment)

Purpose: To enable an honorably discharged veteran to return to the position he would have attained (or another position of comparable seniority, status and pay) had he not served on military duty. His entitlement includes all benefits he would have received had he not been absent, such as pay increases. He must be qualified to do the job to which he returns; if disabled in service, the veteran is entitled to another job of comparable seniority, status and pay. The job the veteran left must have been nontemporary, and he may not have served more than 5 years (all service over 4 years at the request of the Government). He generally must apply to his employer within 90 days after separation from active duty or release from hospitalization. Reservists and National Guardsmen returning from initial active duty for training of 3 or more months have 31 days in which to apply; otherwise they must report back for the next regularly scheduled work period after their return home. Veterans returning from active duty have protection against discharge without cause for one year.

Source of more information: Veterans Reemployment Rights representative at your Department of Labor Regional Office or office of Veterans Reemployment Rights, U.S. Department of Labor, Washington, D.C. 20210.

SMALL BUSINESS LOANS AND ASSISTANCE

Purpose: Several programs are available to provide loans, loan guarantees, lease guarantees, and management and technical assistance to persons needing this assistance for the purchase, construction, expansion operation, etc., of small business. Disadvantaged (include Vietnam Era veterans), and minority applicants are given special consideration under certain programs.

Source of more information: Small Business Administration, 1441 L Street, Northwest, Washington 20416.

TRANSITION PROGRAM

Administered by: Department of Defense.

Purpose: To provide maximum in-service training or educational opportunities to servicemen during their last 6 months of duty in order to prepare them for re-entry into a productive civilian life. Emphasis is placed on four basic items: counseling, skill training, education and placement.

Source of more information: Your nearest military installation or Director, Training Programs, Office of the Assistant Secretary of Defense (M&R), The Pentagon Room 2C252, Washington, D.C. 20301.

UNEMPLOYMENT COMPENSATION FOR EX-SERVICEMEN—UCX

Administered by: Department of Labor in cooperation with the State Unemployment Insurance (UI) service.

Source of more information: Local State Employment Service or Bureau of Unemployment Insurance, Manpower Administration, U.S. Department of Labor, Washington, D.C. 20210.

VETERANS JOBS—JOB OPPORTUNITIES IN BUSINESS SECTOR—PROGRAM

Administered by: National Alliance of Businessmen (N.A.B.) in cooperation with the Department of Labor.

Purpose: To find employment in the private sector for Vietnam era veterans through the well-known JOBS program. In the Veterans JOBS/program, businessmen are asked to set aside "For Veterans Only" a share of the positions an employer would normally fill during a year. Special increased emphasis will be given to hiring handicapped veterans, disadvantaged veterans and those who are members of minority groups or under 25 years of age. Pledges for jobs are generally referred to the State Employment Service, which locates veterans to fill the jobs.

Sources of more information: The N.A.B. Metro Chairman in your city or Vice President, Veterans Affairs Office, National Alliance of Businessmen, 1730 K Street, N.W., Washington, D.C. 20006.

VETERANS' READJUSTMENT APPOINTMENTS

Administered by: U.S. Civil Service Commission.

Purpose: To provide special federal civilian jobs to returning veterans with no more than 2 years of education beyond high school who agree to participate in a training or educational program. These positions are at grades GS–1 to 5, or the equivalent; eligibility extends for one year after separation for honorably discharged veterans with at least 180 days of active duty, or less if there is a service-connected disability.

Source of more information: Area or regional Civil Service Commission Offices, U.S. Civil Service Commission, Washington, D.C. 20415.

EDUCATION PROGRAMS

COLLEGE WORK-STUDY PROGRAM

Administered by: U.S. Office of Education (Department of Health, Education and Welfare).

Purpose: To furnish federal funds to subsidize work programs providing jobs for needy undergraduate and graduate students. Federal funds amount to 80%; the remaining 20% is provided by the participating college or business. Students work an average of up to 15 hours a week while attending classes full-time and up to 40 hours a week during summer or other vacations. Jobs may be on or off-campus with a public or other non-profit agency. Veterans may draw VA education benefits while participating in the program, but participation of any individual is based upon need as determined by the college financial assistance officer.

Source of more information: Financial aid officer at the appropriate college or Division of Student Assistance, Bureau of Higher Education, Office of Education, Washington, D.C. 20202.

"GI BILL" EDUCATION ASSISTANCE

Administered by: Veterans Administration.

Purpose: To provide a substantial allowance for veterans enrolled in an approved course of education or training, usually for a period of up to 36 months. Payments are made directly to the veteran to help offset the costs of tuition and other expenses, according to the number of his dependents and the type of training, which can include the following:

1. Institutional (full or part-time); pre-high school, high school, trade school, college or university.
2. On-the-job or apprenticeship training.
3. Farm cooperative training.
4. Correspondence courses.
5. Flight school.
6. Remedial or tutorial services.
7. Predischarge education program leading to high school diploma (PREP).
8. Other institutional programs for active duty servicemen.

Source of more information: Local VA Office or Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420.

VOCATIONAL EDUCATION

Administered by: U.S. Office of Education (Department of Health, Education and Welfare) through grants to state school systems.

Purpose: To provide comprehensive occupational training, primarily in a classroom setting (full or part-time), for youths or adults. Training can be conducted in or out of regular public schools; new emphasis has been placed on the poor and disadvantaged. Generally, one dollar of Federal Funds is provided for every dollar of state funds.

Source of more information: Division of Vocational and Technical Education, Office of Education, Washington, D.C. 20202.

LOANS, SCHOLARSHIPS AND OTHER FINANCIAL ASSISTANCE

A number of loans, grants, fellowships, and scholarships are available to students in any field of study through the U.S. Office of Education. Two of these are listed below.

NATIONAL DIRECT STUDENT LOANS

Administered by: U.S. Office of Education (Department of Health, Education and Welfare).

Purpose: To establish loan funds at accredited higher education institutions to permit needy undergraduate and graduate students who are enrolled at least halftime to complete their education. A student may borrow up to $10,000 at the graduate or professional level; for students who have successfully completed two years of a program leading to a bachelor's degree, up to $5,000; and for other students, up to $2,500. No interest will be paid until payment of the loan begins, and the rate is only 3%. Partial or total loan cancellation is provided for students who enter certain fields of teaching or specified military duty after receipt of the loan.

Source of more information: Financial aid officer at the appropriate school or Division of Student Assistance, Bureau of Higher Education, Office of Education, Washington, D.C. 20202.

HIGHER EDUCATION ACT INSURED LOANS—GUARANTEED STUDENT LOAN PROGRAM

Administered by: U.S. Office of Education (Department of Health, Education and Welfare).

Purpose: To authorize loans from private lenders to be federally guaranteed and insured for undergraduate and graduate students at accredited institutions (including vocational and technical). Payment of the loan may be deferred during years while the student is attending school and during this period interest charges up to 7% will be paid by the Federal Government.

Source of more information: A local private lender or Division of Insured Loans, Bureau of Higher Education, Office of Education, Washington, D.C. 20202.

GEORGE WOODARD'S CONTRIBUTIONS TO BAY AREA INDIANS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. EDWARDS of California. Mr. Speaker, on November 16, 1973, the Heritage Section of the Citizen's Advisory Committee for the City of Santa Clara will honor Mr. George Woodard, president of the American Indian Council of Santa Clara County. I would like to take this opportunity to cite Mr. Woodard's many contributions to the community which have led to this honor.

Born on the Crow Creek Reservation near Fort Thompson, S. Dak., George rose from rather humble beginnings. Denied the educational opportunities most of us enjoy, he received only a minimum of formal education in Government and public schools. However, through a series of special courses, he has made himself a well-educated man.

George's early life was spent as a cowboy, rodeo performer, logger, surveyor, trader, artist, government employee, deputy sheriff, foreman and executive superintendent. With this variety of experience and his self-taught education, he went on to become a successful businessman, owning three businesses in California and Arizona. Having proved that he could do well at anything he tried, he sold his businesses and began to devote himself, on a full time basis, to working for and with people. Knowing firsthand the needs and handicaps of the Indian community, George began to improve the quality of opportunity for Indian people and, in turn, for those of every race and ethnic background.

To this end, he helped organize the American Indian Council of Santa Clara Valley. He was elected president in 1962 and has remained in that office. He also helped organize the Sioux Club, a social and language organization; the American Indian Foundation, which he serves as treasurer; and the Urban Indian Health Council, of which he is a board member. He was appointed to the American Indian Education Council by the State superintendent of education and has encouraged Indian educators to rewrite Indian history to give teachers more realistic reference to Indian culture and tradition. In addition, he served as a member of the two-man negotiating team between the Indian group occupying Alcatraz Island and the Federal Government. In fact, these are but a few of the many Indian and community organizations and associations that have received the benefits of his time, energy and efforts.

For the future, George continues to look toward broadening and improving services and programs for Indians. He is presently working on projects such as a free Indian medical/dental clinic in Santa Clara Valley, the establishment of an Indian village, the creation of an intake and referral system to update and upgrade services for the needy of Santa Clara County, the organization of an Indian cultural facility, and the feasibility of an all-Indian college.

In sum, George Woodard has contributed to the community not only his vast resources of energy and creativity, but also his perception and understanding of problems. His personal warmth, basic decency and firm commitment to change have touched and improved the lives of many citizens of the Santa Clara Valley. His life and work are an inspiration to us all, showing how the efforts of one exceptional individual can enable many people to fulfill their potential and become valuable contributors themselves to our diverse society.

AMERICAN VIEWPOINT WITH 50 YEARS OF SERVICE AS AN ESTABLISHED AMERICAN INSTITUTION, TO BEGIN NEW PROGRAM STRESSING HIGHER ETHICAL STANDARDS

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, November 7, 1973

Mr. RANDOLPH. Mr. President, since 1922, we have had in this country a purposeful and useful organization, American Viewpoint, Inc., which is nonprofit, nonpolitical, nonpartisan, and nonsectarian.

The forerunner of the incorporated group was the American Viewpoint Society, organized by a group of prominent people in American education concerned with the problem of maintaining the American ideals and principles in citizenship which were basic to the founding and growth of the United States.

At the beginning of its existence it undertook two major tasks—both important to education. The first was the publication of the American Viewpoint series of textbooks for junior high schools, then a new unit in the school system. The second task set—and accomplished—was the publication of health and safety education books. Parallel with these two initial publishing ventures, the activities included pioneer efforts in developing naturalization courses for prospective citizens under private auspices and later in the public schools. During World War II, American Viewpoint produced a series of morale booklets. For the next two-dozen years, beginning in 1949, American Viewpoint had as its president and leader, Dr. Herbert C. Mayer, an educator with broad experiences.

Dr. Mayer's tenure was marked by the publication of books on the "American Idea," and magazine articles on American Viewpoint's work and program, which, by 1950, included a cooperative effort with the Association of American Colleges. This was followed in 1953 by a study of the means of prevention of juvenile delinquency in the United States. Then American Viewpoint established a program to teach ethical and moral values in the elementary schools.

With the recent election of a new president, Ivan B. Hill of Chapel Hill, N.C., and with the retirement of Dr. Mayer, a new program stressing honesty, integrity, and responsibility had been outlined and will be organized and implemented. Mr. Hill comes out of retirement to lead American Viewpoint. He has been one of the organization's directors for a number of years. Himself a former management consultant and advertising executive, Mr. Hill, has announced that, although retiring as an officer, Dr. Mayer, 80, will serve as a consultant to the officers of American Viewpoint.

Mr. President, I received a November 5, 1973 letter from Mr. Hill recapping American Viewpoint's plans for extending economic and political freedom in America by promoting higher ethical standards. I request unanimous consent to have printed in the RECORD the text of his communication on behalf of American Viewpoint, Inc.

There being no objection, the letter was ordered printed as follows:

AMERICAN VIEWPOINT INC.,
New York, N.Y., November 5, 1973.

SENATOR JENNINGS RANDOLPH,
U.S. Senate
Washington, D.C.

DEAR SENATOR RANDOLPH: In our recent discussions on the need for extending economic and political freedom in America by promoting better ethics, I mentioned to you the new program of American Viewpoint, Inc., one of America's oldest non-partisan, non-sectarian, non-profit educational organizations, which has been designed to achieve this goal.

For the past 50 years, American Viewpoint has been concerned with the problem of maintaining American ideals and principles in citizenship which were basic to the founding and growth of the nation.

Over the years, this educational organization pioneered in publishing a series of textbooks for junior high schools (then a new unit in the school system), health and safety education books and an adult education series. Prominent Americans such as Albert Bushell Hart, professor of American history at Harvard University; Angelo Patri, the beloved School Master of New York; General Douglas MacArthur; Walter Lippman and many others were contributing authors.

American Viewpoint also was an early participant in the development of naturalization courses for prospective citizens, instituted a successful college lecture series and engaged in research and writing in the field of prevention of juvenile delinquency. The latter led to the development of helpful materials for teaching moral and ethical values in elementary schools.

Now this organization, that so long ago committed itself to education for good citizenship, has been aroused to tackle that job with increased vigor and with three significant new approaches.

The singular and specific first task for American Viewpoint is to promulgate the need for honesty and individual responsibility in our American society in order to maintain our economic and political freedom. Through expanded use of the mass communications media and the updating and broader dissemination of American Viewpoint education materials we wish to stimulate a move to restigmatize dishonesty in American culture. We wish to make it socially and economically "all right" and "smart" for the individual to work and be honest rather than "goof off" and lie or steal. Further, we believe that it is absolutely necessary that as citizens we must increase our faith in one another if we expect to justifiably increase faith in our local, state and national government. It has been well stated that honesty is a basic working social principle—not just a moral guideline.

Second, we shall promulgate the need to avoid conflicts of interest wherever one holds a public job and spends taxpayer's money or a corporate job and spends shareholder's money. To increase an individual's responsibility to be honest in a bureaucracy, to relate such responsibility to his own welfare and that of his family and friends, would have a major impact on all bureaucracies whether government or corporate, in labor or educational institutions. We must all realize that however much we sometimes carelessly condemn bureaucrats, no complex, interdependent industrial society can function without the great foundation structures of bureaucracies, corporate and government, so our task is to change the duress of "team play" for personal gains to cooperation for total corporate and social goals.

Our third approach is to continue American Viewpoint's original commitment to promulgate the teaching of ethics in the elementary schools and encourage the establishment of ethics seminars, using case study methods, in secondary, college and graduate schools. To effectively carry out this program, we should encourage textbook publishers and school program suppliers to prepare ethical teaching materials. We must stimulate our educators to recognize that in America, whether one looks through the liberal or through the conservative glass, one sees that freedom is based on individual discipline, individual responsibility and a shared concern for the rights of others.

Three new divisions have been established to implement the expanded program:

Government and corporate: To collect, analyse and publicize all local, state and federal statutes and regulations relating to conflicts of interest and recommend new statutes.

Professional and trade associations: To collect, analyze and publicize codes of ethics from groups such as the American Bar Association, the American Medical Association, National Real Estate Boards, labor unions, etc. Develop and recommend means for each group to implement its own code.

Educational: To collect, analyze and publicize what schools are doing in ethical education. Develop and encourage publishers preparation of teaching materials. Bring together a comprehensive central Ethical Library for widespread teaching source use. Initiate and sponsor specific, but limited, research programs relating to materials and methods of teaching ethics, particularly in elementary schools.

American Viewpoint's ethical approach is based on the cooperation and sharing concept inherent in the Golden Rule, a principle common to all major religions. Most people agree on most things that are right or wrong, otherwise we would have no order. But the specific ethical definition that is most applicable is one given by Dr. Albert Schweitzer: "In a general sense," Dr. Schweitzer said, "ethics is the name we give to our concern for good behavior. We feel an obligation to consider not only our own personal well-being, but also that of others and of human society as a whole."

American Viewpoint does not believe that it would be productive to get into the maelstrom of philosophical, linguistic or situational ethics. It does not intend to set up a system, "scientific" or otherwise, to validate any moral codes.

In all its 50 years of existence, American Viewpoint has never attempted to be a mouthpiece for any one collection of views as to arbitrary standards of morality. The thrust of its program is to challenge young and old, rich and poor, average and elite to understand that the common denominator that makes a free society possible is man's faith in his fellow man and cooperation in the efforts to survive. It believes that if America is to remain free, we must greatly and immediately improve our honesty and our ethics, that it's the selfish thing for each American to do—to be honest.

The new American Viewpoint program has been discussed in depth with many educators, lawyers, politicians, business leaders and others. All have agreed on the high desirability of the goals. One noted that the political and economic benefits that would accrue to America from a 20% to 30% increase in integrity aren't as important (desirable as this would be) as what might happen to our economic and political freedoms—given the current level of so little faith in business and government—if our national integrity should decline even further.

It has appeared most urgent that someone, some organization, in America should undertake a program such as I have outlined here. The directors of American Viewpoint, Inc., an organization with a 50-year heritage in good citizenship education, have accepted the challenge.

They have approved this new program in its entirety and elected me the new president. Dr. Herbert Mayer, American Viewpoint president since 1949, celebrates his 80th year by continuing as a director and consultant. The American Viewpoint office has been moved from New York City to University Square, Chapel Hill, North Carolina, an area of great universities including the University of North Carolina, North Carolina State University and Duke University.

Here, from this dynamic environment, we hope to contribute significantly toward extending economic and political freedom throughout America.

Sincerely,

IVAN B. HILL.

VOTING RECORD OF CONGRESSMAN JOEL PRITCHARD, 93D CONGRESS, ROLLCALLS 1 THROUGH 520

HON. JOEL PRITCHARD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. PRITCHARD. Mr. Speaker, at the request of a number of constituents who have asked for copies of my voting record, that record for the 93d Congress through October 12, 1973, is included here.

My voting record shows that there has been a total of 520 rollcalls and quorum votes and that I have an attendance figure of 94 percent. The voting record is as follows:

Rollcall	Date	Description	Member's response
1	Jan. 3, 1973	Call of the House	Present.
2	do	Election of the Speaker	Ford.
3	do	H. Res. 6 (on passage)	Nay.
4	Jan. 15, 1973	Call of the House	Absent.
5	Jan. 25, 1973	do	Do.
6	Jan. 29, 1973	do	Present.
7	Jan. 31, 1973	do	Do.
8	do	H. Res. 172 (on agreement to)	Nay.
9	do	H. Res. 176 (on agreement to)	Yea.
10	do	H. Res. 132 (on agreement to)	Yea.
11	Feb. 5, 1973	H. Res. 123 (on agreement to)	Yea.
12	Feb. 6, 1973	Call of the House	Present.
13	Feb. 7, 1973	do	Do.
14	do	H. Res. 188 (on agreement to)	Nay.
15	do	H.R. 2107 (on amendment to)	Yea.
16	do	do	Yea.
17	do	H.R. 2107 (on passage)	Nay.
18	Feb. 20, 1973	Call of the House	Present.
19	do	H.R. 3694 (on passage)	Nay.
20	Feb. 21, 1973	H.J. Res. 345 (on passage)	Yea.
21	Feb. 22, 1973	H.R. 1975 (on amendment to)	Not voting.
22	Feb. 23, 1973	H.R. 1975 (on passage)	Nay.
23	Feb. 27, 1973	Call of the House	Present.
24	do	H.R. 3577 (on passage)	Yea.
25	Feb. 28, 1973	Call of the House	Present.
26	do	H. Res. 256 (on agreement to)	Yea.
27	do	H. Res. 18 (on agreement to)	Nay.
28	do	H. Res. 257 (on agreement to)	Nay.
29	Mar. 1, 1973	Call of the House	Present.
30	do	H.R. 3298 (on passage)	Yea.
31	Mar. 5, 1973	Call of the House	Present.
32	do	H.R. 4278 (on amendment to)	Yea.
33	do	H.J. Res. 393 (on agreement to)	Yea.
34	Mar. 6, 1973	Call of the House	Present.
35	Mar. 7, 1973	do	Do.
36	do	H. Res. 272 (on amendment to)	Nay.
37	do	H. Res. 259 (on amendment to)	No.
38	do	H. Res. 259 (on passage)	Yea.
39	Mar. 8, 1973	Call of the House	Present.
40	do	do	Do.
41	do	H.R. 17 (on amendment to)	Nay.
42	do	H.R. 17 (on passage)	Yea.
43	Mar. 13, 1973	Call of the House	Present.
44	do	H.R. 4318 (on amendment)	Nay.
45	do	H.R. 71 (on passage)	Yea.
46	Mar. 14, 1973	Call of the House	Present.
47	do	do	Do.
48	do	S. 583 (on passage)	Yea.
49	Mar. 15, 1973	Call of the House	Present.
50	do	H.R. 2246 (on passage)	Yea.
51	Mar. 20, 1973	Call of the House	Present.
52	Mar. 20, 1973	H. Res. 285 (on passage)	Yea.
53	Mar. 21, 1973	Call of the House	Present.
54	do	H.R. 5446 (on passage)	Yea.
55	Mar. 22, 1973	Call of the House	Present.
56	do	H. Res. 308 (on passage)	Nay.
57	do	H.R. 5445 (on passage)	Yea.
58	Mar. 27, 1973	Call of the House	Present.
59	Mar. 28, 1973	do	Do.
60	Mar. 29, 1973	do	Do.
61	do	H.R. 5293 (motion to recommit)	Nay.
62	do	H.R. 5293 (on passage)	Yea.
63	Apr. 2, 1973	H.R. 3153 (on amendment to)	Yea.
64	do	H. Res. 330 (on passage)	Yea.
65	Apr. 3, 1973	Call of the House	Present.
66	do	do	Do.
67	do	do	Do.
68	do	do	Do.
69	Apr. 4, 1973	do	Do.
70	do	H.R. 3577 (agree to conf. rept.)	Not voting.
71	Apr. 4, 1973	H. Res. 337 (on passage)	Nay.
72	do	Call of the House	Present.
73	do	do	Do.
74	do	H.R. 5683 (on amendment to)	Yea.
75	do	H.R. 5683 (on passage)	Nay.
76	Apr. 5, 1973	Call of the House	Present.
77	do	H. Res. 340 (on agreement to)	Yea.
78	Apr. 9, 1973	Call of the House	Absent.
79	do	H.R. 4586 (on passage)	Not voting.
80	do	H.R. 342 (on passage)	Do.
81	Apr. 10, 1973	Call of the House	Present.
82	do	H.R. 3298 (veto override)	Nay.
83	do	H. Res. 348 (on agreement to)	Nay.
84	Apr. 11, 1973	H. Res. 349 (on agreement to)	Yea.
85	do	H.R. 3180 (on passage)	Nay.
86	Apr. 12, 1973	H.J. Res. 496 (on passage)	Yea.
87	Apr. 16, 1973	Call of the House	Present.
88	do	H. Res. 357 (on agreement to)	Nay.
89	do	Call of the House	Present.
90	do	H.R. 6168 (on amendment to)	Aye.
91	do	do	Yea.
92	do	do	Nay
93	do	do	Aye.
94	do	do	Nay.
95	do	do	Aye.
96	do	H.R. 6168 (motion to recommit)	Nay.
97	do	H.R. 6168 (on passage)	Yea.
98	Apr. 17, 1973	Call of the House	Present.
99	do	do	Do.
100	do	H.R. 6691 (on amendment to)	Aye.
101	Apr. 18, 1973	Call of the House	Present.
102	do	H.R. 6169 (motion to recommit)	Yea.
103	do	Call of the House	Present.
104	do	Procedural Motions	Yea.
105	do	do	Nay.
106	do	Call of the House	Present.
107	do	H. Res. 360 (on agreement to)	Nay.
108	do	S. 50 (on amendment to)	Yea.
109	Apr. 19, 1973	do	Present.
110	do	S. 502 (on amendment to)	Yea.
111	do	do	No.
112	Apr. 30, 1973	Call of the House	Absent.
113	do	do	Do.
114	do	S. 398 (agree to conference report)	Not voting
115	May 1, 1973	H. Res. 351 (on agreement to)	Yea.
116	do	H.R. 3932 (on amendment to)	Yea
117	do	H.R. 3932 (on passage)	Nay
118	May 2, 1973	H. Res. 370 (on agreement to)	Yea.
119	do	H.R. 6388 (on passage)	Yea.
120	May 3, 1973	Call of the House	Present.
121	do	H.R. 392 (on amendment)	Nay.
122	do	H.R. 392 (on passage)	Yea
123	May 7, 1973	Call of the House	Present.
124	do	H.R. 4967 (on passage)	Yea.
125	do	H.R. 6574 (on passage)	Yea.
126	do	H.R. 2828 (on passage)	Yea.
127	do	H.R. 29 (on amendment)	Yea.
128	May 8, 1973	H.R. 5452 (on passage)	Yea.
129	do	H.R. 5451 (on passage)	Yea.
130	May 9, 1973	Call of the House	Present.
131	do	H.R. 7445 (on passage)	Yea.
132	do	H.R. 6370 (on amendment)	No.
133	do	H.R. 6370 (on passage)	Yea.
134	May 10, 1973	S. 394 (agree to conference report)	Yea.
135	do	H. Res. 389 (on agreement to)	Yea.
136	do	H.R. 7447 (on amendment to)	Yea.
137	do	H.R. 7447 (on amendment to)	Nay.
138	do	do	Yea.
139	do	do	Yea.
140	do	do	Yea.

Rollcall	Date	Description	Member's response
141	May 10, 1973	H.R. 7447 (on passage)	Yea.
142	May 15, 1973	Call of the House	Present.
143	do	H.R. 6768 (on amendment to)	Nay.
144	do	do	Nay.
145	do	H.R. 6878 (motion to recommit)	Nay.
146	do	H.R. 6768 (on passage)	Yea.
147	May 16, 1973	Call of the House	Present.
148	do	H.R. 5777 (on passage)	Yea.
149	May 21, 1973	H.J Res. 512 (on passage)	Not voting.
150	do	H.R. 6330 (on passage)	Yea.
151	May 22, 1973	Call of the House	Absent.
152	do	H.R. 6717 (on passage)	Yea.
153	do	H.R. 7200 (motion to recommit)	Nay.
154	do	H.R. 7200 (on passage)	Yea.
155	May 23, 1973	Call of the House	Present.
156	do	S. 516 (veto override)	Nay.
157	do	Call of the House	Present.
158	do	H.R. 7528 (on amendment to)	No.
159	do	H.R. 7528 (on passage)	Yea.
160	May 29, 1973	H. Res. 408 (on agreement to)	Yea.
161	do	H.R. 6912 (on amendment to)	Aye.
162	do	do	Nay.
163	do	H.R. 6912 (on passage)	Yea.
164	May 30, 1973	Call of the House	Present.
165	do	do	Present.
166	do	H.R. 5857 (on passage)	Yea.
167	do	H.R. 5858 (on passage)	Yea.
168	May 31, 1973	Call of the House	Present.
169	do	H.R. 7806 (on passage)	Yea.
170	do	H.R. 7724 (on amendment to)	Yea.
171	do	H.R. 7724 (on passage)	Yea.
172	do	H.R. 6458 (on passage)	Yea.
173	June 4, 1973	Call of the House	Absent.
174	do	H. Res. 398 (on agreement to)	Not voting.
175	June 5, 1973	Call of the House	Present.
176	do	H.R. 8070 (on passage)	Yea.
177	do	Call of the House	Present.
178	June 6, 1973	do	Present.
179	do	H.R. 7935 (on amendment to)	No.
180	do	do	No.
181	do	do	Aye.
182	do	do	Aye.
183	do	do	Nay.
184	do	do	Yea.
185	do	do	No.
186	do	do	No.
187	do	do	Yea.
188	do	do	Yea.
189	do	do	Yea.
190	do	H.R. 7935 (on passage)	Yea.
191	do	Call of the House	Present.
192	do	Motion to adjourn	Nay.
193	June 7, 1973	Call of the House	Present.
194	do	H. Res. 382 (on agreement to)	Nay.
195	do	H. Res. 7645 (on passage)	Nay.
196	do	H.R. 7670 (on passage)	Yea.
197	June 8, 1973	H.R. 2246 (agree to conference report)	Yea.
198	do	H. Res. 426 (on agreement to)	Yea.
199	do	H.R. 7670 (on passage)	Yea.
200	June 11, 1973	Call of the House	Present.
201	do	do	Do.
202	do	Procedural motion	Yea.
203	do	H.R. 4083 (on passage)	Yea.
204	do	H.R. 6713 (on passage)	Yea.
205	do	H.R. 8250 (on passage)	Yea.
206	do	H.R. 4771 (on passage)	Yea.
207	June 12, 1973	H.R. 5293 (agree to conference report)	Yea.
208	do	H.Res. 423 (on agreement to)	Yea.
209	do	H.R. 77 (on amendment to)	Yea.
210	do	do	No.
211	do	do	Yea.
212	do	H.R. 77 (on passage)	Yea.
213	June 13, 1973	Call of the House	Present.
214	do	H. Res. 392 (on agreement to)	Nay.
215	do	H.R. 8410 (on amendment to)	Yea.
216	do	do	Yea.
217	do	H. Res. 437 (on agreement to)	Yea.
218	do	Call of the House	Present.
219	do	H.R. 8410 (on passage)	Yea.
220	June 14, 1973	Call of the House	Present.
221	do	do	Do.
222	do	H.R. 3926 (on amendment)	Nay.
223	do	do	Nay.
224	do	H.R. 3926 (on passage)	Yea.
225	do	Call of the House	Absent.
226	June 16, 1973	do	Do.
227	do	do	Do.
228	do	H.R. 8619 (on amendment to)	Not voting.
229	do	do	Do.
230	do	H.R. 8619 (on passage)	Do.
231	June 18, 1973	Call of the House	Present.
232	do	do	Do.
233	do	H.R. 8658 (on passage)	Yea.
234	do	Call of the House	Present.
235	do	H.R. 8152 (on amendment to)	Yea.
236	do	do	Nay.
237	do	H.R. 8152 (on passage)	Yea.
238	June 19, 1973	H.R. 629 (on passage)	Yea.
239	do	H.R. 6129 (on passage)	Yea.
240	do	H.R. 7127 (on passage)	Yea.
241	do	H. Res. 434 (on agreement to)	Yea.
242	do	H.R. 5464 (on amendment to)	Nay.
243	do	H.R. 5464 (on passage)	Yea.
244	do	H.R. 5094 (on passage)	Nay.
245	June 20, 1973	Call of the House	Absent.
246	do	H.R. 8760 (on amendment to)	Nay.
247	do	do	Aye.
248	do	do	Yes.
249	do	H. Res. 448 (on agreement to)	Nay.
250	do	H.R. 8760 (on passage)	Yea.
251	do	H. Res. 435 (on agreement to)	Yea.
252	June 21, 1973	Call of the House	Present.
253	do	do	Do.
254	do	H.R. 7824 (motion to recommit)	Nay.
255	do	H.R. 7824 (on amendment to)	Nay.
256	do	do	Nay.
257	do	do	Nay.
258	do	do	Nay.
259	do	do	Aye.
260	do	H.R. 7824 (procedural motion)	Nay.
261	do	H.R. 7824 (on amendment to)	No.
262	do	do	Aye.
263	do	H.R. 7824 (on passage)	Yea.
264	June 22, 1973	Call of the House	Present.
265	do	H.R. 8510 (on amendment to)	No.
267	do	do	Yea.
268	do	Call of the House	Present.
269	do	H.R. 8825 (on amendment to)	Aye.
270	do	do	No.
271	do	H.R. 8825 (on passage)	Yea.
272	June 25, 1973	Call of the House	Present.
273	do	H.R. 7447 (procedural motion)	Yea.
274	do	do	Nay.
275	do	H. Res. 454 (on agreement to)	Yea.
276	do	Call of the House	Present.
277	do	H.R. 8662 (on amendment to)	No.
278	do	H.R. 8662 (on passage)	Yea.
279	do	Call of the House	Present.
280	do	do	Do.
281	June 26, 1973	do	Do.
282	do	H.J. Res. 636 (limit debate)	Aye.
283	do	H.J. Res. 636 (to amend)	Yea.
284	do	do	Yea.
285	do	do	Yea.
286	do	H.J. Res. 636 (on passage)	Yea.
287	do	H. Res. 455 (on agreement to)	Yea.
288	do	Call of the House	Present.
289	do	do	Do.
290	do	H.R. 8877 (on amendment to)	Nay.
291	do	do	Yea.
292	do	do	Nay.
293	do	do	Yea.
294	do	H.R. 8877 (motion to recommit)	Yea.
295	do	H.R. 8877 (on passage)	Yea.
296	June 27, 1973	Call of the House	Absent.
297	do	H.R. 8215 (on passage)	Yea.
298	do	H.R. 4200 (on passage)	Present.
299	do	H. Res. 470 (on agreement to)	Yea.
300	do	H.R. 7447 (override veto)	Yea.
301	do	Call of the House	Present.
302	do	do	Do.
303	do	do	Do.
304	do	H.R. 8917 (on passage)	Yea.
305	June 28, 1973	Call of the House	Present.
306	do	H.R. 8537 (on amendment to)	Yea.
307	do	Call of the House	Present.
308	do	H.R. 8947 (on amendment to)	No.
309	do	do	No.
310	do	do	Yea.
311	do	H.R. 8947 (on passage)	Yea.
312	June 29, 1973	Call of the House	Present.
313	do	H.R. 9055 (on amendment to)	Nay.
314	do	do	Aye.
315	do	H.R. 9055 (on passage)	Nay.
316	do	Call of the House	Present.
317	do	H.R. 8916 (on amendment to)	Yea.
318	do	H.R. 8916 (on passage)	Yea.
319	do	H.R. 8410 (procedural motion)	Nay.
320	June 30, 1973	Call of the House	Present.
321	do	H.R. 8860 (motion to concur)	Yea.
322	do	H.J. Res. 636 (agree to conference report)	Nay.
323	do	H.R. 7445 (motion to concur)	Yea.
324	July 10, 1973	Call of the House	Present.
325	do	H.R. 8860 (on amendment to)	Aye.
326	do	do	Aye.
327	do	do	No.
328	July 11, 1973	Call of the House	Present.
329	do	H.R. 8860 (amendment to)	Aye.
330	do	do	Aye.
331	do	do	No.
332	do	do	Aye.
333	do	Call of the House	Present.
334	do	H.R. 8860 (procedural motion)	Aye.
335	do	H.R. 8606 (on amendment to)	Aye.
336	do	do	Yea.
337	July 16, 1973	Call of the House	Present.
338	do	H.R. 8860 (on amendment to)	Nay.
339	do	Call of the House	Present.
340	do	H.R. 8860 (on amendment to)	Yea.
341	July 17, 1973	Call of the House	Present.
342	do	S. 504 (agree to conference report)	Yea.
343	do	H.R. 6078 (on passage)	Yea.
344	do	H.R. 8949 (on passage)	Yea.
345	do	H.R. 9048 (on passage)	Yea.
346	do	S. 2120 (on passage)	Yea.
347	do	S. 1752 (on passage)	Nay.
348	July 18, 1973	Call of the House	Absent.
349	do	H.J. Res. 542 (on amendment to)	Absent.
350	do	do	Absent.
351	do	do	Absent.
352	do	H.J. Res. 542 (on passage)	Yea.
353	July 19, 1973	Call of the House	Present.
354	do	H.R. 8860 (on amendment to)	Yea.
355	do	do	Yea.
356	do	do	Yea.
357	do	do	Nay.
358	do	do	Yea.
359	do	do	Yea.

Rollcall	Date	Description	Member's response
360	July 19, 1973	H.R. 8860 (procedural motion)	Nay.
361	do	H.R. 8860 (motion to recommit)	No.
362	do	H.R. 8860 (procedural motion)	Yea.
363	do	H.R. 8860 (on passage)	No.
364	July 20, 1973	Call of the House	Present.
365	do	H.R. 8538 (on amendment to)	Yea
366	do	H.R. 8538 (on passage)	Yea.
367	July 23, 1973	H. Res. 493 (on agreement to)	Yea.
368	do	H.R. 5356 (on amendment to)	Yea.
369	do	do	No.
370	do	do	Yea.
371	do	H.R. 5356 (on passage)	Yea.
372	do	Call of the House	Present
373	do	Procedural motion	Nay.
374	July 24, 1973	S. 1888 (motion to recommit)	Yea.
375	do	S. 1888 (procedural motion)	Yea.
376	do	Call of the House	Present
377	do	H.R. 8480 (on amendment to)	Yea.
378	do	do	Yea.
379	July 25, 1973	Call of the House	Present.
380	do	S. 1423 (agree to conference report)	Yea.
381	do	Call in committee	Present.
382	do	H.R. 8480 (on amendment to)	No.
383	do	do	No.
384	do	do	Aye.
385	do	H.R. 8480 (motion to recommit)	Aye.
386	do	H.R. 8480 (on passage)	Yea.
387	July 26, 1973	Call of the House	Present.
388	do	do	Do.
389	do	do	Do.
390	do	do	Do.
391	do	H.R. 9360 (on amendment to)	Nay.
392	do	do	No.
393	do	do	Nay.
394	do	Call of the House	Present.
395	do	H.R. 9360 (on amendment to)	No.
396	do	do	Nay.
397	dc	H.R. 9360 (motion to recommit)	No.
398	do	H.R. 9360 (on passage)	Yea.
399	do	H.R. 8947 (agree to conference report)	Yea.
400	do	H. Res. 512 (on agreement to)	Nay.
401	do	S. Con. Res. 42 (on agreement)	Yea.
402	do	H.R. 9474 (on passage)	Yea.
403	do	Call of the House	Present.
404	July 31, 1973	do	Do.
405	do	H.R. 9286 (on amendment to)	No.
406	do	do	Yea.
407	do	do	Nay.
408	do	do	Nay.
409	do	do	Nay.
410	do	do	Yea.
411	do	H.R. 9286 (on passage)	Yea.
412	Aug. 1, 1973	H.R. 8825 (agree to conference report)	Yea.
413	do	H.R. 8825 (procedural motion)	Nay.
414	do	Call of the House	Present.
415	do	H.R. 8825 (on amendment to)	Nay.
416	do	do	Nay.
417	Aug. 2, 1973	Call of the House	Present.
418	do	H. Res. 515 (on agreement to)	Yea.
419	do	H.R. 9130 (on amendment to)	Yea.
420	do	do	Yea.
421	do	do	No.
422	do	do	Aye.
423	do	do	Not voting
424	do	H.R. 9130 (on passage)	Yea.
425	Aug. 3, 1973	S. 1636 (agree to conference report)	Yea.
426	do	H. Res. 518 (on agreement to)	Yea.
427	do	S. 502 (agree to conference report)	Yea.
428	do	H.R. 7935 (on amendment to)	Yea.
429	do	S. 1888 (motion to concur)	Yea.
430	do	S. 1888 (procedural motion)	Nay.
431	do	H.R. 8658 (agree to conference report)	Yea.
432	do	H.R. 8760 (agree to conference report)	Yea.
433	Sept. 5, 1973	Call of the House	Present.
434	do	H. Res. 512 (on agreement)	Yea.
435	do	H. Res. 504 (on agreement)	Yea.
436	do	H.R. 8920 (on passage)	Yea.
437	Sept. 6, 1973	H.R. 6912 (agree on conference report)	Yea.
438	do	H.R. 8351 (on paassge)	Yea.
439	do	H. Res. 484 (on agreement to)	Yea.
440	do	H.R. 8547 (on amendment to)	Nay.
441	do	H.R. 8547 (on passage)	Yea.
442	Sept. 10, 1973	H. Res. 536 (on agreement to)	Yea.
443	do	H.R. 7482 (on passage)	Yea.
444	Sept. 11, 1973	Call of the House	Present.
445	do	H.R. 7645 (agree to conference report)	Yea.
446	do	H.R. 2096 (on passage)	Nay.
447	do	H. Res. 511 (on agreement to)	Nay.
448	Sept. 12, 1973	Call of the House	Present.
449	do	S. 504 (veto ovrride)	Yea.
450	do	H.R. 7974 (on passage)	Yea.
451	do	H.R. 8789 (on passage)	Yea.
452	Sept. 13, 1973	H R. 8619 (motion to instruct conferees)	Yea.
453	do	H.R. 6576 (on passage)	Nay.
454	do	Call of the House	Present.
455	do	H.R. 9639 (on amendment to)	Yea.
456	do	H.R. 9639 (on passage)	Yea.
457	do	H.R. 9553 (on passage)	Nay.
458	Sept. 17, 1973	H.R. 7265 (on passage)	Yea.
459	Sept. 18, 1973	H.R. 8070 (agree to conference report)	Yea.
460	do	H.R. 7730 (on passage)	Nay.
461	do	H.R. 37 (on passage)	Yea.
462	do	Call of the House	Present.
463	do	H. Res. 420 (on agreement to)	Yea.
464	Sept. 19, 1973	Call of the House	Present.
465	do	H.R. 7935 (veto override)	Yea.
466	do	H.R. 9715 (on amendment to)	Nay.
467	do	H.R. 9715 (on passage)	Yea.
468	do	H.R. 9256 (on passage)	Not voting.
469	Sept. 20, 1973	Call of the House	Present.
470	do	H.R. 8917 (agree to conference report)	Yea.
471	do	H.R. 8917 (procedural motion)	Yea.
472	do	H.R. 9281 (motion to recommit)	Nay.
473	do	H.R. 9281 (on passage)	Yea.
474	do	H.R. 9256 (on passage)	Yea.
475	Sept. 25, 1973	H.R. 8619 (agreed to conference report)	Yea.
476	do	H.J. Res. 727 (on amendment to)	Nay.
477	do	do	Yea.
478	do	do	Yea.
479	do	H.J. Res. 727 (on passage)	Yea.
480	Sept. 26, 1973	Call of the House	Present.
481	do	H.R. 981 (on amendment to)	Aye.
482	do	do	No.
483	do	H.R. 981 (passage)	Yea.
484	Oct. 1, 1973	Call of the House	Present.
485	do	H.R. 8029 (on passage)	Yea.
486	do	S. 2419 (on passage)	Nay.
487	do	H.R. 10397 (on passage)	Yea.
488	Oct. 2, 1973	S. 795 (agree to conference report)	Yea.
489	do	S. 1914 (on passage)	Yea.
490	Oct. 3, 1973	Call of the House	Present.
491	do	H. Res. 372 (on agreement)	Aye.
492	do	Call of the House	Present.
493	do	H.R. 6452 (on amendment to)	No.
494	do	do	No.
495	do	do	Nay.
496	do	H.R. 6452 (on passage)	Yea.
497		H.R. 10088 (on passage)	Yea.
498	Oct. 4, 1973	Call of the House	Absent.
499	do	H.J. Res. 748 (on amendment to)	No.
500	do	H.J. Res. 748 (on passage)	Aye.
501	Oct. 9, 1973	Call of the House	Present.
502	do	H. Res. 581 (on agreement to)	Yea.
503	do	Call in Committee	Present.
504	Oct. 10, 1973	Call of the House	Do.
505	do	H.R. 9682 (on amendment to)	Aye.
506	do	do	No.
507	do	do	No.
508	do	do	No.
509	do	Call in Committee	Present.
510	do	H.R. 9682 (on amendment to)	Not voting.
511	do	do	No.
512	do	H.R. 9682 (on passage)	Yea.
513	Oct. 11, 1973	Call of the House	Present.
514	do	do	Do.
515	do	H.J. Res 727 (on motion)	No.
516	do	H.J. Res 727 (agree to conference report)	Aye.
517	do	Call of the House	Present.
518	do	H.R. 10614 (on passage)	Yea.
519	Oct. 12, 1973	Call of the House	Present.
520	do	H.J. Res. 542 (agree to conference report)	Yea.

THE COST OF BUSING

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. HUBER. Mr. Speaker, in spite of the massive accumulation of evidence to the contrary, the few remaining proponents of forced busing still try to maintain that the costs of forced busing are not significant either in material or human terms. In a letter from the Prince Georges County executive in Maryland to District Court Judge Frank A. Kaufman, the tragedy of forced busing is made starkly clear. This letter recites facts, not theories, from the U.S. Commission on Civil Rights. I commend it to the attention of all my colleagues:

OCTOBER 8, 1973.

HON. FRANK A. KAUFMAN,
U.S. District Court,
Baltimore, Md.

DEAR JUDGE KAUFMAN: I feel compelled as the chief elected officer of Prince Georges County to call to your attention the damage being done by your decision to require massive busing of our school children for the purposes of achieving a uniform racial quota for each school in our system. I firmly support the concept of an open society where everyone is given an equal educational opportunity regardless of their race, creed or national origin. But being opposed to a legally segregated school system does not mean one has to favor the establishment of an arbitrary racial quota for each school in order to guarantee everyone the benefits of a quality education. I urge you to give careful consideration to the adverse effects already apparent from the previous decision before issuing any new rulings following your review of our latest pupil statistics this December. Any further large scale pupil reasalignments would only worsen tensions and cost the citizens and their children needless anguish and scarce tax dollars.

As a result of the implementation of the court ordered plan on January 29, 1973 there has been a decisive increase in disciplinary problems in the schools, and an additional expense to the taxpayers of $1.2 million in this year's budget for additional buses and drivers, plus $114,000 to create 13 more positions to augment the security staff of our school board. But most distressing of all has been the emotional torment suffered by so many of our children and their parents as the kids were uprooted from their neighborhoods and family friends in order to be transported miles away to another school that needed a few more children of their particular race in order to achieve an idealized standard. This concern has become even more heightened following several tragic traffic accidents involving children who never would have been there to be injured or killed if they had not been trensferred by the court ordered plan.

The money, the emotional energy, and the time invested could all achieve much more if they were focused on the main ingredients necessary to provide an excellent education; such as, lower pupil-teacher ratios, enriched curriculum and better equipped facilities. Even with vigorous enforcement of open housing ordinances racial percentages will naturally change from time to time in various neighborhoods. I hope as these changes occur in the future we will not be compelled to continuously restructure our school attendance boundaries accordingly. The cost is too great and the results indicate that the children who are supposed to benefit the most often suffer the greatest.

Very truly yours,

WILLIAM W. GULLETT.

COUNTRY NEEDS RAILROAD SYSTEM

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. HILLIS. Mr. Speaker, tomorrow the Members of the House will take H.R. 9142, the Northeast Rail Transportation Act, under consideration. The purpose of this bill is to restructure the six bankrupt railroads in the Northeast into a viable and and economically sound railroad system. I believe that H.R. 9142 addresses itself to solving the problems of our Northeast rail transport system in an acceptable manner. I support the concept of a for-profit railroad system—a system whose continuation is of dire importance to the continued operation of many of our country's industries. As a case in point, I am submitting to the record statistics which underline the dependency of the General Motors Corp. on the Northeast railroads. As one can see by glancing over these figures, any disruption of this rail service has an adverse impact on the entire corporation—an impact which directly affects the numerous workers, managers, stockholders, and customers of General Motors. It is my hope that these figures will serve as a means of aiding my colleagues in determining the effects of the discontinuation of these services on the industries of our country.

The statistics follow:

GM FACILITIES SERVED EXCLUSIVELY BY PENN CENTRAL [1]

State and division	Plant city	Number of carloads per week			Average number of employees
		In	Out	Total	
Connecticut: New Departure-Hyatt.	Bristol	3	4	7	3, 013
Illinois: Central foundry	Danville	238	66	304	2, 382
Indiana:					
Chevrolet	Muncie	39	41	80	2, 234
Delco electronics	Kokomo	2	17	19	11, 067
Delco Remy	Anderson	35	58	93	15, 991
Do	Muncie	30	6	36	1, 244
Detroit Diesel-Allison	Indianapolis	1	4	5	11, 550
Fisher body	Marion	121	541	662	3, 581
GM parts	Indianapolis	5	0	5	52
Guide Lamp	Anderson	18	91	109	5, 262
Massachusetts:					
GM assembly	Framingham	363	26	389	3, 835
GM parts	Boston	17	0	17	278
Michigan:					
Cadillac	Detroit	164	118	282	10, 726
Chevrolet	Warren	84	166	250	3, 506
Fisher body	Grand Rapids No. 1	96	444	540	2, 737
Do	Grand Rapids No. 2	15	62	77	2, 248
Do	Lansing	336	0	336	4, 881
GM assembly	Willow Run	313	219	532	4, 967
GMC truck warehouse	do	1	0	1	644
Hydra-Matic	Ypsilanti	78	85	163	6, 628
Oldsmobile	Lansing [2]	214	322	536	17, 075
New Jersey:					
Delco Remy	New Brunswick	10	6	16	673
GM assembly	Linden	402	91	493	4, 548
United Delco	New Brunswick	0	0	0	111
New York:					
Chevrolet	Massena	42	31	73	976
Do	Tonawanda	453	232	685	10, 092
Fisher body	Syracuse	7	176	183	1, 511
GM assembly	Tarrytown	396	0	396	3, 917
GM parts	Buffalo	6	0	6	68
Harrison Radiator	Lockport	3	327	330	8, 323
Ohio:					
Delco Moraine	Dayton	14	11	25	5, 499
Delco Products	do	5	39	44	5, 726
Fisher body	Cleveland	11	161	172	2, 931
Do	Columbus	1	51	52	3, 744
Do	Elyria	21	192	213	2, 562
Do	Lordstown	8	64	72	2, 768
Frigidaire	Moraine	28	319	347	15, 781
GM assembly	Lordstown	184	242	426	8, 203
Do	Norwood [3]	0	200	200	4, 459
GM parts	Cincinnati	13	0	13	267
Do	Toledo	20	41	61	12
Terex	Hudson	0	6	6	3, 112
Total: 42 plants		3, 797	4, 459	8, 256	199, 184

[1] Rail service totally by Penn Central.

[2] Rail service in and out by Penn Central, also in and out by Grand Trunk Western. Vehicles out totally by Grand Trunk Western.

[3] Rail service totally by Baltimore & Ohio, except outbound vehicles totally.

GM FACILITIES SERVED EXCLUSIVELY BY ERIE LACKAWANNA RAILRAOD

State and division	Plant city	Number of carloads per week			Average number of employees
		In	Out	Total	
New Jersey:					
GM parts	Bloomfield	40	0	40	134
Do	Englewood	25	0	25	598
New York:					
Chevrolet	Buffalo	25	70	95	3, 242
Harrison radiator	do	1	75	76	893
Ohio:					
Fisher body	Mansfield	140	330	470	2, 979
Packard electric	Warren	16	40	56	13, 322
Total: 6 plants		247	515	762	21, 168

GM FACILITIES SERVED EXCLUSIVELY BY READING RAILWAY SYSTEM

State and division	Plant city	Number of carloads per week			Average number of employees
		In	Out	Total	
New Jersey: Fisher body	Trenton	3	40	43	3, 294

GM FACILITIES SERVED JOINTLY BY PENN CENTRAL

State and division	Plant city	Number of carloads per week handled by Penn Central			Average number of employees
		In	Out	Total	
Maryland: GM assembly	Baltimore [1]	217	175	392	6, 248
Michigan:					
Chevrolet	Bay City [2]	0	6	6	3, 784
Do	Detroit [3] [4]	16	27	43	8, 173
Fisher body	Kalamazoo [4]	26	170	196	3, 082
New York: Rochester products	Rochester [5]	18	26	44	4, 898
Ohio: Chevrolet	Cleveland [6]	12	109	121	7, 225
Total, 6 plants		289	513	802	33, 410

[1] Plant served by Canton RR. switchline to Baltimore & Ohio and Penn Central.

[2] Plant served jointly by both Chesapeake & Ohio and Penn Central.

[3] Gear and axle and forge.

[4] Plant served jointly by both Grand Trunk Western and Penn Central.

[5] Plant served by Rochester Subway RR. switchline to Baltimore & Ohio and Penn Central.

[6] Plant served jointly by both Baltimore & Ohio and Penn Central.

GM FACILITIES SERVED EXCLUSIVELY BY LEHIGH VALLEY RAILROAD

State and division	Plant city	Number of carloads per week			Average number of employees
		In	Out	Total	
New Jersey: New Departure-Hyatt.	Clark	0	19	19	2, 653

GM FACILITIES SERVED EXCLUSIVELY BY PENN CENTRAL AFFILIATED RAILROADS

State and division	Plant city	Number of carloads per week			Average number of employees
		In	Out	Total	
Indiana Chevrolet	Indianapolis [1]	93	537	630	5, 146
Michigan:					
Fisher Fleetwood	Detroit [2]	93	0	91	5, 006
Fisher-Fort Street	Detroit [3]	0	12	12	3, 228
Fisher body	Tecumseh [3]	4	18	22	975
GM parts	Detroit [3]	0	10	10	[4] 19
United Delco	do	0	0	0	35
Ohio Chevrolet	Toledo [3]	26	94	120	3, 897
Pennsylvania Fisher body	Pittsburgh [5]	40	240	280	1, 956
Total: 8 plants		254	911	1, 165	20, 262

[1] Indianapolis Union Ry.

[2] Union Belt Railway of Detroit.

[3] Detroit, Toledo and Ironton RR.

[4] Supplemental location serviced by No. 2 railway.

[5] Union Railroad Co. (Pittsburgh).

A TRIBUTE TO THE LATE LEONARD CARMICHAEL BY S. DILLON RIPLEY

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent to insert in the RECORD, the tribute paid by Dr. S. Dillon Ripley, Secretary of the Smithsonian Institution, to the late Dr. Leonard Carmichael, who served for 11 years as Secretary of the Smithsonian Institution and during which period he made extraordinary contributions to the Capital City and to our country.

The text of Dr. Ripley's remarks, contained in his monthly column, "The View From the Castle," published in the Smithsonian on November 1973, follows:

SECRETARY RIPLEY'S COMMENTS: THE VIEW FROM THE CASTLE—THE DEATH OF THE SEVENTH SECRETARY COMES AS A PERSONAL AS WELL AS A PROFESSIONAL LOSS FOR THE SMITHSONIAN

Few people could rival the wit or charm of Leonard Carmichael. When his eyes twinkled and his eyelids fluttered and his mouth pursed, you knew that he was about to utter something loud, positive and usually anecdotal and entertaining. I alwaya found him endlessly cheery, keenly interested and willing to listen, a good teacher without being repetitive. He was a man of dry wit, always ready with a hearty laugh.

Everyone seemed to love him during his long career as teacher and administrator at four universities—Princeton, Brown, Rochester, and Tufts. Here, where he served as secretary from 1953 to 1964, it would be hard to overestimate the sense of personal as well as professional loss that the entire Smithsonian family felt on his death September 16.

Dr. Carmichael brought impressive credentials as well as personal charm to the Castle. He was renowned in his field of psychology, particularly for his work on the relation between the sense organs and behavior. He and a colleague demonstrated that the brain emits faint electrical impulses which can be recorded and analyzed; they published what is believed to be the first paper on the use on humans of the electroencephalograph. During World War II he directed the mobilization of scientists and engineers for such projects as radar and atomic energy.

Latterly I had known him as a predecessor at the Smithsonian, one of my "team down at the store" (SMITHSONIAN, July 1973). It seemed inconceivable to me that anything could happen to my predecessors, so secure did they make me feel in following old and honorable traditions of the Institution and so helpful were they in thinking of new ways to look at old things. I was prepared to go on this way forever. Perhaps it was selfish. I had no inkling that Dr. Carmichael's life and continuing career with our friends at the National Geographic Society and the American Philosophical Society would be cut short by the onset of cancer, or that the chain would thus be broken.

His career at the Smithsonian was made notable by three events. During his 11 years as secretary, he pushed forward and succeeded in realizing the concept of a great new institution, the National Museum of History and Technology, now the most frequently visited museum in the world.

In the 1950s he approached Harvard University and together with President Nathan Pusey helped create a pioneer consortium in Cambridge between Harvard College Observatory and the Smithsonian Astrophysical Observatory—one of the finest centers of its kind.

During that same decade he joined with the Commission of Fine Arts to save one of Washington's largest, finest and most historic buildings, the U.S. Patent Office, from the wrecker and the sordid asphalt, beloved of the parking lot millionaries. The epitome of American 19th-century aspirations, a makeshift hospital during the Civil War, this building has become a haven of beauty and inspiration for downtown commercial Washington, a promise and a centerpiece for the future of urban renovation, the home of the National Portrait Gallery and the National Collection of Fine Arts.

Truly, Leonard Carmichael created splendid works and left his mark on Washington.

A LOOK AT ENLISTMENTS

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. STEIGER of Wisconsin. Mr. Speaker, over 389,000 young men and women enlisted in the military services in fiscal year 1973. The best quarter for enlistment, of course, was the first, which follows graduation from high school. Fully 140,000 enlisted in the July–September period. The enlistment figures, both overall and by State, are interesting and useful to all of us, I believe. I therefore commend them to your attention:

CHARGEABLE ENLISTMENTS BY QUARTER, SERVICE, AND STATE, FISCAL YEAR 1973

	Army					Navy					Marine Corps				
	1st	2d	3d	4th	Total	1st	2d	3d	4th	Total	1st	2d	3d	4th	Total
Alabama	1, 444	1, 200	941	777	4, 362	485	222	162	288	1, 157	154	110	92	113	469
Arizona	540	445	305	312	1, 602	459	232	165	240	1, 096	204	135	130	155	624
Arkansas	653	535	527	342	2, 057	584	284	200	259	1, 327	263	189	177	169	798
California	5, 373	4, 371	3, 674	2, 248	15, 666	4, 251	2, 267	1, 491	1, 596	9, 605	1, 430	1, 087	1, 215	1, 101	4. 833
Colorado	677	544	387	280	1, 888	656	380	263	340	1, 639	176	128	143	146	593
Connecticut	448	318	198	104	1, 068	360	204	141	123	828	196	97	94	83	470
Delaware	44	8	40	26	118	63	32	14	4	113	47	31	26	27	131
Florida	2, 344	1, 880	1, 520	1, 122	6, 866	1, 173	574	415	537	2, 699	389	237	245	244	1, 115
Georgia	1, 744	1, 499	1, 225	924	5, 392	832	382	249	324	1, 787	350	227	211	227	1, 015
Idaho	203	236	160	146	745	245	132	75	98	550	72	54	65	63	254
Illinois	2, 550	1, 970	1, 290	831	6, 641	1, 570	917	622	635	3. 744	870	528	612	623	2, 633
Indiana	1, 535	1, 076	692	603	3, 906	1, 166	603	447	559	2. 775	378	256	368	379	1, 381
Iowa	921	648	500	449	2, 518	679	353	269	264	1 555	249	202	179	213	843
Kansas	623	470	333	280	1, 706	536	226	158	159	1. 079	199	116	137	159	611
Kentucky	1, 386	1, 010	832	486	3, 714	633	313	224	295	1. 465	269	172	157	188	786
Louisiana	1, 134	929	714	535	3, 312	550	250	193	194	1, 187	166	200	209	205	780

CHARGEABLE ENLISTMENTS BY QUARTER, SERVICE, AND STATE, FISCAL YEAR 1973—Continued

	Army					Navy					Marine Corps				
	1st	2d	3d	4th	Total	1st	2d	3d	4th	Total	1st	2d	3d	4th	Total
Maine	332	224	143	138	837	283	188	120	111	702	97	62	60	67	286
Maryland	1,004	828	469	312	2,613	792	415	297	251	1,755	447	296	253	227	1,223
Massachusetts	1,136	840	554	335	2,865	849	491	327	350	2,017	310	173	192	246	921
Michigan	2,126	1,585	1,195	712	5,618	1,700	982	672	790	4,144	951	569	535	455	2,510
Minnesota	1,131	970	711	454	3,266	864	507	283	281	1,935	390	233	234	251	1,108
Mississippi	737	637	543	467	2,384	336	150	104	179	769	196	107	91	103	497
Missouri	1,537	1,129	756	502	3,924	1,087	517	327	356	2,287	494	319	327	351	1,491
Montana	210	210	169	115	704	216	128	91	63	498	52	33	35	43	163
Nebraska	392	327	254	189	1,162	379	175	147	140	841	128	84	115	97	424
Nevada	133	109	86	67	395	105	43	25	40	213	34	35	32	19	120
New Hampshire	163	129	81	73	446	155	66	53	45	319	60	19	31	27	137
New Jersey	1,393	1,080	807	382	3,662	1,055	564	373	480	2,472	388	275	276	346	1,285
New Mexico	351	290	212	236	1,089	384	162	90	130	766	101	78	81	89	349
New York	3,432	2,579	1,911	1,024	8,946	2,502	1,386	987	1,020	5,895	989	718	765	664	3,136
North Carolina	1,867	1,712	1,607	1,495	6,681	657	339	245	316	1,557	397	277	335	356	1,365
North Dakota	258	215	133	138	744	137	120	91	88	436	82	50	55	36	223
Ohio	2,965	2,250	1,295	934	7,464	2,372	1,131	856	860	5,219	1,010	730	790	712	3,242
Oklahoma	919	640	459	355	2,373	630	289	217	281	1,417	221	108	147	185	661
Oregon	756	646	518	376	2,296	679	320	245	254	1,498	151	129	126	117	523
Pennsylvania	2,683	1,946	1,230	848	6,707	2,100	1,088	741	735	4,664	1,098	678	588	590	2,954
Rhode Island	227	160	96	54	537	208	119	83	82	492	48	38	54	52	192
South Carolina	1,027	756	697	658	3,138	525	242	174	224	1,165	158	112	115	95	480
South Dakota	213	135	109	107	564	79	59	36	30	204	19	19	19	6	63
Tennessee	1,370	1,112	764	537	3,783	831	385	262	389	1,867	324	219	227	240	1,010
Texas	3,727	2,981	2,210	1,816	10,734	2,394	1,319	817	1,175	5,705	1,083	677	725	752	3,237
Utah	305	260	214	157	936	188	119	88	82	477	85	57	58	34	234
Vermont	113	85	67	49	314	65	39	35	48	187	40	21	31	26	118
Virginia	1,564	1,366	993	682	4,605	598	317	224	256	1,395	301	202	215	206	924
Washington	1,344	1,114	778	524	3,760	936	497	345	346	2,114	236	165	165	177	743
West Virginia	697	551	408	316	1,972	386	166	112	132	796	192	117	95	144	548
Wisconsin	1,312	1,016	620	457	3,405	958	486	300	480	2,224	415	251	273	289	1,228
Wyoming	81	76	61	34	252	98	64	34	61	257	18	20	12	16	66
District of Columbia	175	143	94	49	461	65	36	26	19	146	73	53	44	23	193
Alaska	91	76	58	35	260	41	28	29	32	130	9	8	14	9	39
Hawaii	178	187	190	186	741	84	74	51	105	314	20	12	15	17	64
Puerto Rico	795	668	557	462	2,483	27	27	9	19	82	0	0	0	0	0
Guam	22	26	19	17	84	3	2	2	0	7	9	1	2	4	16
Virgin Islands	18	18	8	14	58	1	3	0	1	5	0	0	0	0	0
Worldwide	58,424	46,215	34,414	24,771	163,824	39,011	20,404	14,006	16,166	89,587	16,037	10,714	11,192	11,166	49,101

	Air Force					All services total				
	1st	2d	3d	4th	Total	1st	2d	3d	4th	Total
Alabama	312	230	223	257	1,022	2,395	1,762	1,418	1,435	7,010
Arizona	249	224	198	207	878	1,452	1,036	798	914	4,200
Arkansas	368	319	268	224	1,179	1,868	1,327	1,172	994	5,361
California	2,413	2,017	2,102	2,077	8,609	13,467	9,742	8,482	7,022	38,713
Colorado	316	255	259	266	1,096	1,825	1,307	1,052	1,032	5,216
Connecticut	338	279	266	233	1,116	1,342	898	699	543	3,482
Delaware	39	35	40	38	152	193	106	120	95	514
Florida	1,087	927	806	783	3,603	4,993	3,618	2,986	2,686	14,283
Georgia	701	582	546	506	2,335	3,627	2,690	2,231	1,981	10,529
Idaho	121	121	126	130	498	641	543	426	437	2,047
Illinois	742	689	573	538	2,542	5,732	4,104	3,097	2,627	15,560
Indiana	772	565	553	504	2,394	3,851	2,500	2,060	2,045	10,456
Iowa	439	327	318	284	1,368	2,288	1,530	1,266	1,210	6,294
Kansas	295	257	213	212	977	1,653	1,069	841	810	4,373
Kentucky	507	388	411	366	1,672	2,795	1,883	1,624	1,335	7,637
Louisiana	794	564	538	504	2,400	2,644	1,943	1,654	1,438	7,679
Maine	196	178	166	209	749	908	652	489	525	2,574
Maryland	465	419	394	316	1,594	2,708	1,958	1,413	1,106	7,185
Massachusetts	561	502	408	419	1,890	2,856	2,006	1,481	1,350	7,693
Michigan	889	674	701	634	2,898	5,666	3,810	3,103	2,591	15,170
Minnesota	502	414	359	389	1,664	2,887	2,124	1,587	1,375	7,973
Mississippi	340	271	265	307	1,183	1,609	1,165	1,003	1,056	4,833
Missouri	770	669	577	597	2,613	3,888	2,634	1,987	1,806	10,315
Montana	117	89	99	74	379	595	460	394	295	1,744
Nebraska	215	131	140	137	623	1,114	717	656	563	3,050
Nevada	52	48	50	40	190	324	235	193	166	918
New Hampshire	112	73	80	61	326	490	287	245	206	1,228
New Jersey	572	425	394	382	1,773	3,408	2,344	1,850	1,590	9,192
New Mexico	204	123	133	126	586	1,040	653	516	581	2,790
New York	1,795	1,413	1,376	1,074	5,658	8,718	6,096	5,039	3,782	23,635
North Carolina	746	615	550	548	2,459	3,667	2,943	2,737	2,715	12,062
North Dakota	55	38	44	38	175	532	423	323	300	1,578
Ohio	1,444	1,107	1,170	1,039	4,760	7,811	5,218	4,111	3,545	20,685
Oklahoma	406	305	302	291	1,304	2,176	1,342	1,125	1,112	5,755
Oregon	320	242	298	285	1,145	1,906	1,337	1,187	1,032	5,462
Pennsylvania	1,515	1,175	902	907	4,499	7,396	4,887	3,461	3,080	18,824
Rhode Island	170	163	143	114	590	653	480	376	302	1,811
South Carolina	347	261	249	270	1,127	2,057	1,371	1,235	1,247	5,910
South Dakota	96	99	79	86	360	407	312	243	229	1,191
Tennessee	653	453	493	476	2,075	3,178	2,169	1,746	1,642	8,735
Texas	2,414	1,702	1,500	1,434	7,050	9,618	6,679	5,252	5,177	26,726
Utah	154	101	124	96	475	732	537	484	369	2,122
Vermont	76	49	48	61	234	294	194	181	184	853
Virginia	475	352	321	365	1,513	2,938	2,237	1,753	1,509	8,437
Washington	463	442	405	381	1,691	2,979	2,208	1,693	1,428	8,308
West Virginia	266	199	151	204	820	1,541	1,033	766	796	4,136
Wisconsin	576	386	326	341	1,629	3,261	2,139	1,519	1,567	8,486
Wyoming	37	33	25	28	123	234	193	132	139	698
District of Columbia	64	71	45	26	206	377	303	209	117	1,006
Alaska	19	12	20	9	60	159	124	121	85	489
Hawaii	116	82	86	76	360	398	355	342	384	1,479
Puerto Rico	0	0	0	0	0	823	695	566	481	2,565
Guam	0	0	0	0	0	34	29	23	21	107
Virgin Island	0	0	0	0	0	19	21	8	15	63
Worldwide	26,695	21,095	19,863	18,969	86,622	140,167	98,428	79,475	71,072	389,142

A BAD WAR POWERS RESOLUTION

HON. ANGELO D. RONCALLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. RONCALLO of New York. Mr. Speaker, I am most dismayed that neither House of Congress saw fit to sustain the President's veto of House Joint Resolution 542, the war powers resolution. I am dismayed, not because we are not in need of good war powers legislation, but because this law does more harm than good. It is ambiguous and could be interpreted as giving a President more power than he currently has. It also permits Congress, by its own inaction, to vitally affect U.S. foreign policy.

The Senate bill, as originally passed by that body was far superior to the conference report which has now been enacted into law. The other body very wisely forbade all use of U.S. troops in combat except under three specific circumstances: To repel or forestall an armed attack upon this country, its territories or possessions; to repel or forestall an armed attack upon our armed forces overseas; and to protect, subject to specific guidelines, U.S. citizens and nationals abroad during their evacuation.

The conference report contained a similar provision, although it did not allow for protection during an evacuation. The problem is that in the law, as enacted, makes this merely the sense of Congress. It has no force of law. The explanatory statement of the conferees clearly states that—

> Subsequent sections of the joint resolution are not dependent upon the language of this subsection, as was the case with the Senate bill (section 3).

And what are these "subsequent sections"? They are procedures to be implemented when U.S. troops are introduced into combat in the absence of prior congressional authorization! There are no restrictions, just Presidential reports to Congress. The only real restrictions in this very ambiguous law, if I can make an attempt at divining its meaning, come into play after a 60-day period, unless Congress insists on earlier termination of hostilities by concurrent resolution. The way I see it, the President could ignore the "sense of Congress" and do what he pleases as long as he files a report.

Although the conference report does provide for expeditious handling of a resolution to authorize continued U.S. involvement in hostilities in excess of the 60-day period, I believe that an adroit parliamentary expert could find a way to prevent definitive action by the Congress. Every Congressman should have the intestinal fortitude to stand up and be counted on an issue as important as the commitment in combat of our boys in uniform. This law does not even require that Congress be called back into session if hostilities are started during an adjournment. A better approach in a war powers resolution would have been to require reconvening of Congress and to require the automatic introduction and floor consideration of an appropriate resolution to either continue or end the use of U.S. troops, if no such resolution has been acted upon within 15 days of the end of the permitted period of hostilities. To allow Congress, by its inaction, to change the course of our Nation's history, is to abdicate our sworn duties under the Constitution.

Mr. Speaker, I hope the time never comes when over two-thirds of my colleagues will have cause to regret the action they have taken today. With a little luck and a lot of understanding, perhaps mankind will turn away from the use of force as a means to resolve international differences. If not, this law might tragically come back to haunt us and our Nation, as did the Gulf of Tonkin resolution. I pray for peace.

LEST WE FORGET

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. PICKLE. Mr. Speaker, at a time when our Nation is facing crises through Watergate, ITT, and related matters, it must also be a time of thoughtful consideration for our citizens. We must insist that the facts and truth be known, but we also must be careful that we are not emotionally swept away by feelings of frustration or superjudgment.

My long-time friend, The Rev. Charles A. Sumners recently delivered a sermon in the historic St. David's Episcopal Church of Austin. It is one of the oldest churches in Texas and occupies an imposing height in the very heart of our city. For over a 100 years, it has been a vital and moving force for all Austin citizens, and it is led today by my personal friend Charles Sumners who has distinguished himself as a leading minister and is today the dean of ministers in our State.

While we are judging and casting stones, let us remember that we, too, have to be judged. Reverend Sumners' remarks are timely and poignant. I insert his remarks in the RECORD at this point:

REMARKS OF REV. CHARLES A. SUMNERS

Our nation has experienced the trauma that comes when a strong leader has been shown to have feet of clay. The resignation of Spiro Agnew was a shock of major proportions to all of us.

Our lament recalls the words recorded in II Samuel when David was told of the death of the great Saul and his son, Jonathan:

The beauty of Israel is slain upon thy high places
How are the mighty fallen.

Much more pertinent are the words put upon the lips of Cardinal Woolsey in Shakespeare's King Henry VIII, in Act III, Scene 2. The Cardinal has been discovered in his nefarious scheming. His death was eminent. He says to Cromwell:

"Farewell!, a long farewell to any my greatness."

The tragedy of this event is seen first in the life of Mr. Agnew himself. When he was first chosen as Mr. Nixon's running mate, he observed that the name Agnew was not exactly a household word. The observation was correct. This changed radically, and not alone because of the office he held. He himself came forth as a strong, eloquent, articulate spokesman for ideas that needed expression. He seemed almost youthful in his vitality and maturity. He captured the imagination of a nation. A fresh new leader had appeared. He seemed to have the basic integrity that all of us want in those men who hold high office. Apparently our hopes have been shown to be without foundation. We cry inwardly for him and for his family. Cardinal Woolsey spoke for him:

"Farewell, a long farewell to all my greatness."

The tragedy we face is not Mr. Agnew's alone. Our nation's position in the world is marked by a dark spot. I have been, am now, proud of being an American. I must confess my pride has received a grievous found, and, somehow I stand a little less tall.

Part of the tragedy is that the events in the life of this prominent politician inevitably reflect upon all men in public life. This is unfair, but a truth. Many men and women in public office have withstood the pressures put upon them before and after election. One in particular comes to mind—Dewitt Greer, Chairman of the Texas Highway Commission. Dewitt Greer served as State Highway Engineer before he became Chairman of the Commission, and at no time has there ever been any indication of any sort of graft or taking of bribes. A man of honor and ability, Dewitt Greer is a distinguished public servant. There are others, in Texas and elsewhere but the fact remains that Mr. Agnew's fall becomes a burden upon every man and woman who serves in public office. This is, indeed, tragic in a democracy.

Doubtless there is some good that may come from this tragedy.

We do learn from tragedies—costly lessons, indeed. We know now that serious thought must be given to the designing of a system that will make it unnecessary for a man to be dependent upon gifts from the wealthy or from corporations. Such a system is not easy to define, for any man with a faulty character will find a way to defeat the system. We must find a system that will be more costly to defeat than it will be to abide by.

A vital lesson to be learned is to look more carefully, to scrutinize more closely, the men who are chosen as candidates. The present system of selecting a Vice President seems most inadequate. Seven or eight times in the history of our nation, the Vice President of the death of the President, has become the Chief Executive of this land. Fortunately or these United States, elements of greatness have been revealed in some of these men; but recent events strongly suggest that more attention be paid to the selection of a running mate for the President than is now evident.

One more observation should be expressed. What has happened in the nation reminds us that we must be greatly concerned about the candidates we support in state and city elections. Our great State of Texas has also been rocked by the failures of some of our leaders. We must be far more concerned in local elections, where the opportunity for personal involvement is far more possible.

The words "personal involvement" go to the heart of what I feel is most important to be said. Somehow Mr. Agnew's frailty stabs my heart with the recognition of my own responsibilities and my weaknesses. I must believe that there is no more reason for integrity on the part of the Vice-President of the United States than there is for integrity on the part of the Rector of Saint David's Church, Austin, Texas, or the husband of my wife or the father of my sons. Furthermore, my own integrity is no more important than is the integrity of every man and woman in this congregation.

Let me ask: Are you, each and every one of you, are you not deeply grateful that your life, the thoughts of your heart, your thoughtlessness, your selfishness, your subtle scheming in achieving objectives—are you not grateful that all of this cannot be made visible and audible in this very hour? The great cry in this day: Tell it like it is—God forbid! I have no right to judge another, but as for me, I want no man to hear or see the inside of me . . . What of you?

My plea to God is not for justice. That I do not want. Far from it. What I need is mercy, the gracious mercy of an all-loving, Redeeming God, the mercy God revealed in Jesus Christ.

As I serve myself, I recall other words of Cardinal Woolsey. I am not sure of his exact words as I quote from memory, but the heart of his lament is in my heart:

O Cromwell, Cromwell! Had I but served my God with half the zeal
I served my king, he would not in mine age
Have left me naked to my enemies.

There may be some question about the great Cardinal's theology, but I know what he means. If I had served my God as I have served myself, certainly I would be a stronger man.

There are some words I would like to say to Mr. Agnew, and to each of you, for in them I find great solace. And not only solace. Indeed, I find the power to lift up my head and walk again as a man.

The words are: Thanks be to God for His redeeming, strengthening grace in Jesus Christ our Lord. God forgives—as Christ forgave.

We have spoken of tragedy. Perhaps the greatest tragedy in our own lives is that we do not receive what God has visibly offered in Jesus Christ. One of the primary reasons for attending worship in a Church is to hear again and again: God forgives!! Admittedly if I expect mercy and forgiveness from God, I am therefore compelled to offer mercy and forgiveness to my fellow man. I cannot merely see in Mr. Agnew a man who at one time failed to do what he should have done. I must see him as a man God loves enough to die on the cross for him. I dare not proudly assert that all politicians lack integrity, for I, too, am a politician in a very real sense in all my earthly relationships. If I have any integrity whatever, I must see myself as one who walks with Mr. Agnew, a sinner walking the pathways of life with another sinner. I look to God for His redeeming, strengthening grace. My pride gives way to an humble and contrite heart.

Kipling voices the rightful prayer:

The tumult and the shouting dies;
The Captains and the Kings depart;
Still stands thine ancient sacrifice
An humble and a contrite heart.

Lord God of Hosts, be with us yet
Lest we forget—lest we forget!

BOY SCOUT LEADER RETIRES

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. GOLDWATER. Mr. Speaker, on October 24, 1973, an outstanding American, Mr. Hratch Charles "Rex" Mugar, retired from his 43-year career of service with the Boy Scouts of America.

Through all these years, he has guided thousands of boys and men in the attributes of duty to God, love of country, and good citizenship.

He has, through dynamic leadership and personal example, guided the development of boys in the principles of the Scout oath and law in Alaska, Arizona, California, Hawaii, Idaho, Oregon, and Washington.

It is with great pride and pleasure that I commend Rex to you and our colleagues, for his singular contribution to the youth of our Nation.

THE GREAT PROTEIN ROBBERY: NO. 12

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. STUDDS. Mr. Speaker, the depletion of the marine resources in the waters off the U.S. coast by foreign fishing fleets continues day after day. The massive foreign fishing effort is devastating the fish stocks and threatens to destroy for all time the potentially renewable fish resources that are so important to all mankind as an invaluable source of protein. We must assert U.S. jurisdiction over our coastal and anadromous fish species and regulate the fishing effort on those species so that they will be able to regenerate to previous levels, thus assuring a continued supply of protein.

The Studds-Magnuson bill, H.R. 8665, will allow us to assert the necessary jurisdiction and control over these marine resources, and stop the "Great Protein Robbery" occurring right now off our shores. A number of groups and organizations across the country have endorsed and expressed support for our bill, which would extend U.S. fisheries jurisdiction over anadromous species and over coastal species out to 200 miles pending a resolution of this matter at the Law of the Sea Conference. One of the most eloquent statements of endorsement appeared in the September–October 1973 edition of the Marine Angler, the publication of the International Game Fish Association, based in Fort Lauderdale, Fla. The article follows:

IGFA SUPPORTS EXTENSION OF U.S. COASTAL MARINE FISHERIES JURISDICTION

For the past decade IGFA has received a constant series of reports from throughout the world concerning the depletion of game fish and commercial species due to exploitation of local fisheries stock by foreign fishing fleets. These reports are consistently increasing as the problem continues to grow to alarming proportions.

Very few countries or states that depend on fishing for their livelihood are free from this problem, but probably nowhere in the world is there a better example of the situation that exists than off the eastern coast—particularly the northeastern coast—of the United States.

Since the mid sixties there has been a rapid escalation of fishery efforts being exerted on U.S. Atlantic coast marine fisheries by foreign commercial fleets. Statistics produced by the U.S. Senate show that in 1972, as many as 776 foreign fishing trawlers, seiners, and long liners per month plied the waters of the continental shelf adjacent to the eastern coast of the U.S.

Commercial species such as flounder, perch and herring have been dangerously depleted, while haddock, the lifeblood of Boston, Massachusetts fishermen, have been all but wiped out by foreign fleets. Game fish species such as shark and mackerel are also being ravaged: in 1971, foreign ships took 99.3 percent of the total mackerel catch from U.S. Atlantic waters as well as 99.1 percent of the sharks.

Long-existing multi-national machinery, designed to provide for rational international management of the fisheries has proven itself incapable of dealing with the mounting problema through effective regulatory action. Though the number of foreign vessels fishing off U.S. coastal waters is stabilizing, the ships themselves are becoming larger and more sophisticated, resulting in a higher degree of efficiency in their catch. Also, areas of operation are continuously expanding due to increasing demands in the world need for protein, so that the ocean is literally being vacuumed clean of species in certain areas.

The need for international agreements in regulating fisheries in the ocean waters has increased sharply over the past two years. Species such as tuna that migrate over great distances can only be preserved through joint action by the international community.

The United Nations has initiated machinery to deal with the law of the sea problems. A conference is scheduled to be held in Santiago, Chile in 1974, which will deal with all of the problems relating to the oceans of the world and their contents, including rights to the ocean floor. This Law of the Sea Conference should be a vital tool for the establishment of international fishery regulations. However, a few people expect dramatic results in solving the offshore fishery dilemma in the immediate future. There are some who feel that it will take many years to arrive at an acceptable solution.

In the meantime, there is overwhelming evidence that present regulations by all governments, agencies and commissions are woefully inadequate and incapable for forestalling irreparable devastation of eastern U.S. coastal fisheries.

In light of the substantiated evidence available, IGFA supports the immediate extension of the U.S. coastal marine fisheries jurisdiction to the 200 mile limit, with such extension to remain in effect only until an international agreement can be reached through the LOS conferences.

Among the many bills now before the U.S. Congress which call for reforms in offshore fisheries jurisdiction, two come closest to meeting the required needs. One is Senate Bill 1988, which was introduced by Warren G. Magnuson (Washington). The other is an identical bill, number 9137, before the House of Representatives, which was introduced by Gerry E. Studds (Massachusetts). Both bills have received substantial support, but they need additional votes for passage.

Among the many important provisions included in these bills are: extended jurisdiction over anadromous fish (except to the extent that it infringes on the territorial waters or fishery zone of another country); controls over rational utilization and conservation of fishery resources (which includes seeking treaties with foreign countries which will make possible development of the maximum yields of coastal fish common both to U.S. jurisdictional waters and to waters over which such foreign countries have jurisdiction); the implementation of needed research through government programs and funding to private and public agencies and individuals; and most important—a proviso for the immediate termination of this legislation when the international Law of the Sea treaties regarding fisheries jurisdiction and conservation shall enter into force.

IGFA has no alternative but to urge the support of this legislation. It is the only stop-gap measure that will offer a reasonable degree of hope for the salvation and restoration of the offshore fisheries. It is the only immediately effective way to halt the rapid decline of specie populations vital to the survival of other fish populations. And it is the only real hope not only for the future of sport fishing in U.S. coastal waters but for the domestic fishing fleet which must be expanded to meet the domestic needs.

Certain of the U.S. commercial interests that fish in distant waters can be expected to oppose these measures. However, we believe that the trend toward 200 mile limits has already been strongly established by other countries, and that the regulations may not complicate commercial fishing efforts to the degree that has been suggested by various groups. In any event, the combined domestic commercial and sport fisheries are more valuable collectively to the American economy, and this fact should be weighed carefully. Salt water game fishermen alone spend close to one and one-half billion dollars each year. These 10 million salt water anglers and their sport must be duly recognized.

IGFA is equally dedicated to representing pelagic game fishermen from all parts of the world in future LOS conferences in order that the sport fisherman is not the forgotten one when decisions are made affecting the game fish populations of the world.

PRESIDENTIAL SUCCESSION: A TIME FOR QUESTIONS

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Ms. ABZUG. Mr. Speaker, in the New York Post of yesterday columnist James Wechsler raised serious questions about the confirmation of GERALD FORD during this unprecedented period of doubt about the continuation of office of the President. Mr. Wechsler at the conclusion of his column states that the "healthiest" solution to the current problem would be the adoption of a bill calling for a new special election. I commend the whole column to the attention of my colleagues:

THE FORD CASE

(By James A. Wechsler)

Gerald Ford may be Richard Nixon's last secret weapon or his ultimate revenge against his disaffected countrymen.

For as the Senate Rules Committee completed the first—and possibly final—phase of its examination of Ford yesterday, large numbers of onlookers must have felt a new unease about the prospective substitution of Ford for Nixon in the highest office of an emotionally battered nation.

Yet there appeared little disposition among the Democratic Senate interrogators to offer any spirited challenge to Ford's credentials for the Vice Presidency. Even when potentially explosive questions were raised involving, for example, widely-published reports of Ford's early role in blocking a House investigation of Watergate, the questioners were almost apologetic in tone.

Perhaps the atmosphere will change if testimony to be taken in executive session confounds some of Ford's protestations of fiscal and general virtue. But for the moment both Democrats and progressive Republicans act like men entrapped.

Ford has been an amiable, rather well-rehearsed witness with no trace of arrogance. Indeed, there were intervals when his demeanor invited remembrance of Winston Churchill's celebrated remark about Clement Attlee—"a modest little man, plenty to be modest about." Ford's larger size is not to be confused with stature.

Such reflections could not have eluded Mr. Nixon when he tapped Ford for the Vice Presidency. Even as Ford tried with plaintive earnestness to describe his grasp of world affairs—some of his best friends, he indicated, are very important international personages—and his gifts for domestic leadership, his pedestrian if frequently unexceptionable responses seemed to enlarge Richard Nixon's dimensions.

The truth is that at no point during his 25 years of plodding, faithfully partisan service in the House had Ford been a serious contender for his party's Vice Presidential nomination. He was a congenial member of the Congressional club with a mighty consistent record of reactionary votes on home-front issues and unswerving allegiance to the Pentagon's wisdom in foreign affairs.

It may be said that in many respects his domestic positions were a carbon copy of Richard Nixon's, and that he dutifully followed Nixon when the latter reversed himself and began his Moscow-Peking initiatives. Defenders of the Ford appointment argue that Mr. Nixon was wholly justified in honoring so faithful a servant, and that critics of the Ford choice are really trying to upset the 1972 "mandate" by blocking the appointment, impeaching Mr. Nixon (or forcing his resignation) and thereby capturing the Presidency for Democratic Speaker Carl Albert.

A sensitivity to these charges no doubt explains why so many Congressional Democrats have been echoing Republican demands for swift confirmation of Ford. Many may be more heavily influenced by the belief that there is no chance of Mr. Nixon resigning until Ford is safely installed.

That may well be the case—at least pending new, shattering episodes such as the saga of the missing tapes.

Conceivably Ford's elevation will reveal hitherto hidden assets—of leadership—in the man. But the discernibly growing pressure among right-wing Republicans for Mr. Nixon's departure, presumably in the immediate aftermath of Ford's confirmation, raises a more ominous possibility.

It is that Ford is envisaged by the Republican Right as "our own man"—and one who will be an utterly pliant captive of the GOP's Goldwater-Buckley-Dominick faction.

Long before the disclosure of tainted concessions to special interests and other scandals that have brought Mr. Nixon to the edge of political ruin, he had become an ideologically suspicious character to many of his former companions. His Moscow-Peking journeys and his identification—short-lived—with the Moynihan Family Assistance Plan were heresies not easily forgiven by his old disciples.

It is not hard to imagine the GOP rightists projecting Ford as the manipulable man who will give them new dominance within the Administration and a firm base for operations in 1976. The coup would be bloodless.

That scenario should restrain thoughtless elation among those who believe (as I do) that Mr. Nixon faces ultimately irresistible pressure for resignation and are prepared (as I am not) to embrace Ford's confirmation to hasten that day.

The President's problems multiply hourly; there is no miracle formula for his survival on the horizon. But I am still convinced that the healthiest solution for the national crisis is to convince Mr. Nixon that his support for a statute mandating a new national election upon his resignation would offer him the most dramatic and honorable way out.

Perhaps too many "practical men" in both parties are reluctant to give the nation a chance to begin anew, under fresh command—whether Republican or Democratic. But the idea may gain new ground if the prospect of a Ford Presidency is contemplated long enough. It may even finally begin to acquire appeal in the increasingly stormy view from the White House and Key Biscayne.

In the same newspaper the day before yesterday, November 5, the New York Post ran an editorial that also raised the issue of Presidential succession that would be solved by the adoption of the special election formula. I also commend this to your attention:

FORD'S NOMINATION: A TIME FOR QUESTIONS

As defection spreads among many who were once his strongest supporters, the possibility that President Nixon may feel compelled to resign his office can no longer be dismissed as partisan fantasy.

Indeed events are moving so swiftly that the real question may be whether the United States must unquestioningly resign itself to the advent of Rep. Gerald Ford (R-Mich.) as his successor.

The issue deserves serious reflection by those who are convinced that Mr. Nixon must eventually step down.

We have said on a series of occasions—most recently after two of the most crucial tapes in the Watergate affair were pronounced "non-existent"—that the President's loss of credibility is so total that his capacity to govern has been fatally impaired.

That judgment is now being expressed by newspapers that warmly advocated his election a year ago. It is being echoed in discussions among many Republican political figures and Sen. Brooke (R-Mass.) advanced it on ABC's Issues and Answers yesterday.

Unfortunately, however, the growing pressure for Mr. Nixon's early abdication has been accompanied by suggestions in too many places that Congress confirm his designation of Congressman Ford without any real deliberation.

We believe it would be a serious misfortune if the country and the Congress were stampeded into mindless approval of the Ford designation in order to hasten Mr. Nixon's departure.

It is admittedly unlikely, barring some shattering new revelation containing the immediate threat of a successful impeachment move, that Mr. Nixon will resign during an interim when the Presidency would be inherited by Democratic House Speaker Carl Albert.

But surely the country will gain little—and may even suffer new turmoil—if Rep. Ford is in effect catapulted into the Vice Presidency without intense scrutiny merely because that seemed likely to speed Mr. Nixon's exit.

Plainly there are grave questions—beyond his ultra-conservative voting record—about Congressman Ford's qualifications for the Presidency, despite the personal popularity he enjoys among members of the Congressional club. The same must be said of Mr. Albert.

It must be noted in behalf of both men that they have indicated some humility about their limitations. "I really would not like to be President . . . I wasn't even expecting to be the Vice Presidential nominee," Ford said the other day. And Mr. Albert has said: "I want to stay on as Speaker. I've geared my whole life to the Speakership."

Perhaps such disclaimers were traditional political rhetoric. They may also involve a measure of realistic self-appraisal.

The immediate issue at hand is Ford's confirmation. Profound as Mr. Nixon's predicament has become, it is conceivable that other options will emerge if there is no rush to get Ford in as a lever for getting Nixon out.

If the inquiry into Ford creates deeper con-

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cern about his capabilities or renders him vulnerable on other grounds, Mr. Nixon could still turn to someone of larger stature as a replacement.

Or he could pledge to resign if the Congress adopted a statute calling for a new national election next year—a procedure that would answer the argument that the Democrats are seeking to "reverse" the 1972 result without a test of public sentiment.

Those dramatic alternatives may seem remote at this moment. But how many Americans imagined a year ago, after the overwhelming Nixon-Agnew election triumph, that Spiro Agnew would be in oblivion by now and that Mr. Nixon's resignation would be a subject of serious national speculation?

THE SMALL WORLD OF FOOD

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. FRENZEL. Mr. Speaker, today I am inserting the third of four articles from the Minneapolis Tribune series on the world's food supply. This article focuses on the great need for increased supplies and productivity in less-developed nations, and the prospects of accomplishing this as seen by some of the world food experts, including people from the United Nations' Food and Agriculture Organization, the World Bank, and the agricultural research community.

The article follows:

THE SMALL WORLD OF FOOD: POSSIBLE SCARCITY OF FOOD HAUNTS POOR OF AFRICA, ASIA, AND LATIN AMERICA

(NOTE.—Food shortages, surpluses, costs and boycotts are in the headlines nearly every day. To find out why food has become a major concern, Staff Correspondent Al McConagha has investigated the relationships of food problems around the world. This is the third of four articles.)

(By Al McConagha)

WASHINGTON, D.C.—The crowded poor are never far from the shadow of hunger.

With recent harvest failures underscoring fears of fundamental deterioration in the world food supply, this shadow lengthens ominously over the destitute of Asia, Africa and Latin America.

To those for whom food is a daily struggle, the present anxiety over scarcity spawns a dread that transcends the annoyance of consumers in richer nations at the rising cost of brisket.

The future of these residents of the Third World haunts any discussion of global food supply. And even here it is apparent that all peoples, rich and poor, are affected by shortage.

The higher cost of eggs in Minneapolis' Great Northern Market, by the way of illustration, may directly reveal the nutritional prospect of a street urchin in Calcutta.

Egg prices reflect rising costs of soybean meal for chickens. This higher soybean price means that the fixed funds of international relief groups will buy less protein-rich edible soy oils for India.

"All of us in the world live out of the same food basket," declares Maurice J. Williams, acting head of the U.S. Agency for International Development.

He might have added that when the contents of that basket diminish, everyone is affected in times of scarcity and high prices and the poor are affected most of all.

The present concern over food supply follows a period of relative stability. During the 20 years prior to 1972, global food production increased at a slightly higher rate than the population.

Nations with food deficits bought grain at reasonable and relatively constant prices from the exporting countries—mainly the United States, Canada, Australia and Argentina.

Hungry nations without ready money relied on concessional sales or grants from the United States, which was seeking to reduce the cost of storing surplus grain created by its price-support programs.

In general this system worked adequately. For the most part people ate marginally better than they ever had, and there were no major, unrelieved famines—perhaps the best such record in history.

This, nevertheless, was thin gruel for many. The extent of malnutrition is a matter of debate. But hundreds of millions of people received less than the recommended minimum of calories.

Alan Berg, World Bank deputy director for nutrition, estimates that some 75 million children born today in developing countries will die before their fifth birthday from malnutrition or related illness.

"There can be no serious doubt that there is a relationship between severe malnutrition in infancy and mental retardation," says Robert McNamara, World Bank president.

NEW SEEDS AID RICH MORE THAN POOR

With the advent of the "Green Revolution" in the late 1960s, there was considerable optimism that the new strains of wheat and rice were about to introduce an era of plenty.

There were, in fact, extraordinary advances in food production. But it now appears that the Green Revolution, in the analogy of one expert, skimmed the cream off the top of the technology.

The Green Revolution requires the capital-intensive skills of modern Western agriculture. And the techniques of fertilizer, irrigation and pesticides still require troublesome introduction.

Lester Brown of the Overseas Development Council also points out that where larger farmera have greater access to credit and advisory help, the new seeds aid the rich more than the poor.

Besides emphasizing the differences between rich and poor in some countries (experta argue that the equivalent of a U.S. extension service would help solve this) the new rice and wheat has a higher susceptibility to disease.

In any case Norman Borlaug, whose contribution to the Green Revolution was recognized with the 1970 Nobel Peace Prize, contends his work "only bought us some time"—perhaps 20 or 30 years.

At the moment science seems to have no immediate further breakthroughs in food production in sight although some developments appear promising for the middle distance.

Purdue University scientists recently announced they have developed a means of upgrading the protein content of sorghum, a principal crop in some arid African and Asian regions.

Although the new supersorghum seeds are not expected to be generally available for at least five years, they will help ease the supply-demand pressures of the 1980s.

A complicated process that produces something called single-cell protein from petroleum is now believed to be a commercially viable source of livestock feed in France.

Nevin Scrimshaw, professor at Massachusetts Institute of Technology, head of the United Nations protein advisory group, says it is "a potentially significant" addition to soy and fish meals.

Also highly regarded is the effort, now thought to be two or three years away, to make commercially available seeds of a corn variety (Opaque 2) with a greatly improved protein value.

A wheat-rye hybrid called Triticale is now grown commercially in a small area and there are hopes that this nutritionally souped-up grain may eventually make a major contribution.

SOME POOR NATIONS NEGLECT AGRICULTURE

But it is the present that desperately concerns some nations. Rising prices and freight rates shot their food bills up 40 percent, a drain of cash reserves that could retard their economic growth.

Moreover, these nations quickly discovered also that U.S. laws discourage giving food away when it can be sold and that the U.S. government was determined to sell where it could.

Since last year the PL480 program of concessional food sales and grants to food-short nations was reduced by 40 to 50 percent in commodity volume, according to government sources.

In the key area of wheat, activity halved. This year 2 million tons were distributed. Last year 4 million tons were provided and 4.5 million tons were available in 1971.

Critics charge the administration with allowing its passion for budget reduction to blind it to the needs of the poorest nations, an assertion officials rigorously deny.

William Paddock, Washington consultant and author, argues, however, that traditional U.S. food handouts encouraged developing nations to neglect population control and agricultural development.

Certainly, some of these nations have shown a preference for armaments and national airlines and have deferred construction of such essential agricultural facilities as fertilizer plants.

U.S. HARVEST CLAIM IS IN DISPUTE

It can be said of U.S. policy that it kept most of its markets open, despite the increasing costs to American consumers, to respond to the four years of unprecedented demand by foreign buyers.

The International Wheat Council, a group made up of representatives of exporting governments, however estimates demand of importing nations will exceed export supplies by as much as 6 million tons in calendar 1973.

In August A. H. Boerma, director-general of the United Nations' Food and Agriculture Organization (FAO), scheduled a meeting because he was "seriously alarmed" at "deteriorating" cereal supplies.

But the United States assured delegates at that session in September that while supplies were tight, there was no crisis and this year's harvest would be able to satisfy demand at prevailing prices.

That position is in dispute. Countries like Bangladesh and Pakistan unsuccessfully are seeking for U.S. aid. Private relief agency officials say food is needed in several areas.

But the administration claims that—except for some starvation among West African nomads that has since been largely alleviated—minimal global food requirements will be met this year.

North America, which has become the world's granary, is expected to have a record harvest this year and next year's fence-to-fence planting in the United States is likely to be even bigger.

The Agriculture Department predicts a record crop in the Soviet Union this year. India's fall harvest is expected to recover from last year's drought. A better wheat crop is seen in Australia.

Long-term official projections on global food supply are not very satisfying. The department estimates that supply will meet demand through 1980, but this reflects purchasing power—the ability to buy—and not need.

The FAO also has a forecast to 1980. Basically it says there will be an oversupply of cereals and insatiable demand for livestock products and feed grains.

This does not allay all fears. World grain reserves are at a 20-year low. The United States ends payments to keep land out of

production next year, removing another hedge against shortage.

DEVELOPING NATIONS DEPEND ON U.S. CROPS

"In the last few years we have not only consumed all the food produced in the world but eaten all the reserves," said Reid Bryson of the University of Wisconsin's Environmental Institute.

In the FAO's annual report, Boerma stated that "the world food situation in 1973 is more difficult than at any time since the years immediately following the devastation of the second world war."

Borlaug observed recently that it was a global food production drop of less than 4 percent, largely due to weather, that provoked the present sense of crisis and soaring food costs.

"This year the ice was so thin that only good monsoon rainfalls in India prevented a famine in which 40 to 50 million people would have perished," he said.

What if the United States' crop partially failed next year because of weather or scarcity of essential farm supplies such as fertilizer? he was asked.

"The developing nations would be ruined," he replied. "100 million people could die like this"—he snapped his fingers—"and we couldn't do anything about it.

"We are closer to one world than most people realize."

WHAT I CAN DO TO HELP SOLVE THE ENERGY CRISIS

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. HILLIS. Mr. Speaker, this week I was privileged to have in Washington three young ladies from my Fifth Congressional District of Indiana. They were the winners of a contest I sponsored urging students to write essays on how they could help to conserve energy.

Everyone must begin now to think seriously about the energy crisis and I can think of no better place to start than with our young people. We are facing a very serious crisis in this Nation and the three winning essays present some excellent ideas on how individuals can help to conserve our precious energy.

Over 70 young people in my district entered the contest and I would like at this point to share the three chosen by the judges to be most outstanding:

WHAT I CAN DO TO HELP SOLVE THE ENERGY CRISIS

(By Ruth Harris, Eastern High School, Greentown, Ind.)

Anybody actively concerned with the energy crisis should have collected a list of little energy-saving hints. In this essay, I will include those most easily done on the individual basis.

One of these hints is walking. Walking, along with bike-riding, is probably one of the best fuel-saving devices around. It not only saves energy, but it saves money and conditions your body at the same time. To the Washington Redskins, walking and running are a definite part of their daily workout, but to many it is a time to collect their thoughts, cool off after an argument, meditate, or to wake up in the morning air. Walking can be all this and still be a mode of transportation.

Some other methods of preserving against excessive fuel consumption would concern automobiles. The reason I wish to stress energy preservation with automobiles is the fact they use a larger amount of fuel than industry does, even a larger amount than anything in the nation today.

There are several ways of conserving gasoline in the car. If one drives five to ten miles slower than the speed limit and eliminates jack rabbit starting, he will still be able to reach his final destination safer and with more gas in the tank.

Also, people should turn off their engines while waiting for trains or for pick-ups. They should keep all automotive vehicles in good running condition, too.

Even though automobiles are responsible for a very large portion of the energy shortage, they are not entirely to blame. Every day in our own homes, wastes are made of our precious energy supply. Each and every day or hour someone unintentionally leaves a stove on, uses an electric can opener when opening by hand would be just as convenient, or uses both garbage disposal and trash compacters.

Heating and cooling power can be conserved with easy tasks. In the summer months, pulled shades on windows facing the sun unburdens a portion of the heavy load on an air conditioner. Storm windows and insulation protect against the wasting of energy.

Other methods of cutting down on individual fuel consumption. Thermostats on furnaces should be turned down while asleep or while on a vacation or on a trip. Refrigerators and freezers can also be turned down during the owner's or owners' absence.

For safety and previous energy conservation, I would check all electric wires and fuel pipes in and around my home. Short circuits probably do not use that much extra money, but that is definitely no excuse for not repairing them.

Recycling old waste materials is now being steadily stressed as an energy consumption conservation practice along with being an ecological precaution. Recycling trash and garbage such as paper, glass, aluminum and scrap metal uses approximately one-fifth of the energy quota used originally in the manufacturing. Recycling proves that energy minded industrialists and nature minded ecologists can work together for all mankind in unison.

One other good thing about recycling waste materials is the individual basis on which it can be carried out. Saving empty jars, cans and newspapers can give a person a warm patriotic pride, as they help keep America beautiful as they keep it going.

Every single precaution helps stretch the nation's energy supply. Even if it saves only enough energy to last two minutes. If two hundred million people save two minutes each, in one day's time they would have saved over 6,666,666 hours, 277,777 days, or in other terms, 788 years. Those figures are for one day only!

The situation, however, would be quite difficult to achieve, because not everyone would help in the energy preservation. In fact, many people would unfortunately waste the nation's precious motion potion. The figures can go as drastically the extreme and as quickly in opposite direction. For every three thousand people who buy an extra luxury appliance and use it for only one hour, an entire year is wasted. Twenty thousand miles are wasted when only ten thousand people drive two extra, unnecessary miles.

Figures like these only require a pen and a little brain energy. This is the only form of energy that increases and develops with use. No matter how costly the other energies become, none, however, will be as priceless as the mind. For the mind is the first and final resort in solving our problems—including the energy crisis.

There are several outlets at which brain power can be put to use. Things like running an ad with energy-saving tips in the local daily or weekly newspapers; placing an original bumper sticker advocating energy conservation; and the good old stand-by, word of mouth. Small but constant to those I associate with daily style plant themselves in their subconsciences and wait a chance to appear again in the form of a slightly guilty sensation.

I could also put my questionable amount of intellect to use by keeping a ledger. When the electric and/or gas bill arrives I would enter it in the book. Gasoline money would also be accounted for in the ledger. The sum of these figures would represent the total I or my household spent on energy during that period. Before the next fuel bill would come due, rigid restrictions on squandering of energy would be applied. The next time the bills arrive the numbers will not hurt as much. Next I would compute my savings and communicate the results with others.

One other important tool I have forgotten is writing our Washington representatives. They are there to help us keep aware of all happenings in the Congress and to represent their area in those happenings.

A suggestion I might write to my congressman (if it hasn't already been suggested) would be to set aside an Energy Day. This day would be devoted to observation of energy preservation. If the figures I mentioned before are correct, the nation would benefit greatly from Earth Day. Perhaps I am carrying this to an extreme, but it is better to take it to an extreme now, before it becomes an unpleasant surprise, before suggested tips become mandatory, before it is beyond all hope, before it is too late.

WHAT I CAN DO TO HELP SOLVE THE ENERGY CRISIS

(By Desma Conrad, Anderson High School, Anderson, Ind.)

With the realization that any change involving the conservation of energy will be a gradual one, each individual can participate in the drive to lift the burden. The American standard of living is so high that luxuries of the past have become necessities today. Many sacrifices should be made in the home to decrease the amount of energy required every day.

As one person, I can be responsible for turning off sources of excess power. The current is frequently running through a light bulb when nobody occupies the room. The amount of electricity can be cut down on a multiple circuit if some light bulbs are unscrewed or if I use the daylight to my advantage. Other electrical appliances such as a radio, television, or phonograph should be switched off when not in use. My censored use of the television will lower the consumption of energy considerably over a duration of time. The "instant on" features of some televisions can be disconnected to stop the flow of electrical current.

Major appliances are in demand daily; it would be wise to operate them only every twenty-four hours. A dishwasher could be utilized more sparingly. In decent weather a clothesline can serve the purpose of a vent dryer. By minimizing the amount of hot water tapped, extra water doesn't have to be pumped and heated. A lowered temperature of the water heater may account for less fuel. Correcting leaky faucets can end the wasting of much water.

The pilot light of a gas stove requires half the total gas that a stove consumes. By extinguishing the pilot light of an appliance lying idle for a long duration of time, I could conserve energy.

The cleaning device of a self-cleaning oven is just added extravagance when the air conditioner is pulling on the source of electricity. I could avoid taxing extra energy by purchasing a standard model refrigerator

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rather than a frost-free model. Unnecessary or lengthy openings of the refrigerator door could be avoided. Allowing food to thaw thoroughly before cooking can save fuel in preparation of the meal to be set on the table.

There are several means by which the energy necessary to heat and cool a house can be reduced. The providing of adequate insulation and weather stripping, besides installing storm doors and windows and double-pane glass, can aid in the conservation of energy. In exceptionally large houses where certain rooms are not occupied, closed doors would block the necessary heat or cool air required to keep that room at a balanced temperature. Setting the thermostat a few degrees lower will drop the percentage of fuel consumption. The need for heat is not as great when moisture supplements the air through the means of a humidifier. Clean filters in a furnace and air conditioner are essential as there is less pull on the motor. I can close the fireplace damper in summer and protect the windows from direct sunlight. Windows can be exposed to take advantage of solar heat in winter. It is also beneficial to maintain proper attic ventilation. The air conditioner should not be abused; for example, if someone is on vacation or absent from the house for an intermediate length of time, it should not be kept running. Fans can be utilized in remote parts of the house in the cooling-off season.

The elimination of unnecessary driving and the formation of car pools can greatly affect the amount of gas saved weekly. If many errands are to be run, gas can be saved by myself or anyone who plans to do them without backtracking and perhaps makes a list before starting out on his errand. For short trips the possibilities of walking, boarding public transportation vehicles or riding bicycles are available.

The engine should be, by all means, shut off when the cars of a train appear endless. Being religious about frequent engine tune-ups, regularly checking proper inflation of tires, and warming the motor before driving will assure that no unnecessary amount of gas is consumed. Usage of a multi-grade motor oil could insure a smoother running system. Reduction of speed on highways saves gasoline. For instance, when the speed of a vehicle on an interstate is lowered from seventy miles per hour to fifty miles per hour, the amount of fuel reduction can add up to twenty-five percent. Driving at a consistent speed and refraining from excessive braking decreases the pull on the engine. Large car models are not maintained very economically in the event of an energy crisis. Even though heavy cars aid you to some extent while driving on ice in winter, the powerful engines, automatic transmission, and air conditioning require less fuel in lighter and smaller models. The drag on the engine when towing a trailer or camper is reduced if you slow down. Bottled gas lines should be checked for leaks. Since I am capable of driving, I am more aware of the significance of the aforementioned suggestions as an aid in conserving gasoline.

As a consumer I have the opportunity to purchase materials which may be recycled. Even though aluminum and plastic containers require more energy to produce than steel and glass containers, some energy may be saved in the long run because they can be more easily recycled.

Increasing my familiarity with the possibilities of conservation by compiling all the facts has brought to my realization the need for nationwide cooperation. As a citizen it is my duty to instill this awareness into my neighbors' thoughts. Those in my community may listen if they understand that I am a concerned citizen, but my major influence will lie with those upon whom I have already made an impression. Any conservation of energy is a start. Conducting drives to gather glass bottles, carefully planning errands, making use of daylight time, and wisely selecting enjoyable television programs are small beginnings. Change must first be gradual; however, with everyone's contributing efforts, the results can be astounding.

WHAT I CAN DO TO HELP SOLVE THE ENERGY CRISIS

(By Deborah Lynne Thompson, Maconaquah High School, Bunker Hill, Ind.)

In recent months there has been increasingly more coverage of the energy crisis. The newspapers and magazines have at least one article in each publication about the crisis. Today more young people are concerned about their country and its welfare. It is very important to me that this problem be discussed and solved. In our world of quick changes, a solution must be found to the energy shortage.

While trying to give my personal views on how to solve this problem, I decided to discuss my hometown. I live in a small town named Bunker Hill. The population is approximately one thousand and fifty people. We are located in the center of a triangle formed by Kokomo, Grissom Air Force Base, and Peru. We have an excellent location situated close to U.S. 31, State Road 218, and a new system of school buildings from kindergarten on up. Since I live in this area, I felt it would be beneficial to discuss how to conserve energy in Bunker Hill. I have done research in three different areas and come up with some very interesting facts.

First, I looked at the housing in Bunker Hill. In all, there are roughly one hundred and twenty-five two-story houses. Most of these houses are at least seventy-five years old and well-insulated. The average amount of heat used in one month during bad weather costs thirty-five dollars. However, I found that the age of the occupants makes a big difference. Many of the people in these houses are elderly. These homes are kept much warmer than the homes of younger occupants. Also involved in the use of energy is the material used to build the house and how well it is insulated. From my point of view, everyone should be able to cut down on the amount of fuel used in heating the home. There are several ways this can be done. One is to do everything possible to cut down on drafts. It has been estimated that from fifteen to thirty percent of your heat is lost in this way.

Here are some of my suggestions: 1) caulk around windows and doors; 2) install storm windows or insulating glass; 3) set your thermostat around seventy during the day and five or ten degrees lower at night; 4) replace all dirty filters; 5) seal off attics and unused rooms; 6) close your fireplace damper; 7) don't block radiators or registers; 8) close the drapes at night to keep heat in and open them during the day, and 9) always close doors quickly when entering or leaving.

Another area of research was that of the school buses of Maconaquah School Corporation. There are thirty-one buses which transport students each day, three spare buses, and one minibus. Each of these buses carries approximately sixty-six students. However, some buses carry as many as three loads of students each morning and night. The sum accumulation of miles in one day is one thousand five hundred and fifty miles. The buses are high horsepower and get four or five miles per gallon. This would mean that each day the school buses use three hundred and ten gallons of gasoline. At the present time, the school has one ten-thousand gallon tank with separate keys for each bus. A computor keeps a record of the amount used by each bus and a record of the total amount used. Every two weeks a written statement is sent to the Administration Building. The School Board has looked into the future and seen the need for a storage area for gasoline. A recent vote passed the Board to buy another ten-thousand gallon tank to be used for storage. In my mind, this shows concern and foresight on the part of my School Board and I am very pleased.

The last area which I researched was that of students driving cars to school. Three hundred and thirty cars are registered at the High School. Of these, some are repeats since some families have more than one car. No one has a definite idea of the number of occupants each of these cars have. It is estimated that nearly six hundred students use cars for transportation. Of these, only half need cars because of jobs during or right after school. This tells me several ways to conserve energy.

Some of these are: (1) those who do not have to drive to school should ride the bus; (2) those who live in the same area should form car pools, and (3) all the ones who do drive should learn some of the simple ways to get greater gas mileage. Some of these are: (1) don't stop or start quickly; (2) use the fuel that matches your car engine; (3) make sure the car is in good order; (4) inflate your tires correctly for the weight of the car; (5) obey the speed limit, and (6) drive using only needed extras, that is, turn off your air conditioner and roll down your windows.

Of course, these are only a few specific areas. There are many ways the townspeople of Bunker Hill could conserve energy. One very good way would be to walk to the grocery store, hardware store, Post Office, and other shops in town. It would conserve energy and also be good exercise if housewives would buy a two-wheel cart to carry their groceries and packages home in.

Another easy way to save gasoline primarily would be to use bicycles for short-distance travel. Just in this past year more bicycles were sold than in the previous three years together. This must show that some people are interested in cycling. To me it is a way to save gas and lose weight at the same time.

Even when you discuss the use of electricity, there are several ways to save it. Some of them are: (1) limit the time you watch your television set; (2) use your air conditioner only on the extremely hot days and not at all at night; (3) do not use a great many large appliances at the same time (such as television, stereo, air conditioner, and stove); (4) use only the lights that are needed; (5) unplug appliances when not in use, and (6) during the summer don't use lights until they are necessary.

All in all, these are my thoughts and ideas on how to help solve the energy crisis. As a concerned future leader, I want my world and the world of my children to be the best possible.

H.R. 9142—REGIONAL RAIL REORGANIZATION ACT OF 1973

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. HARVEY. Mr. Speaker, I intend to support H.R. 9142, but I do so with great reluctance and with the hope that certain necessary improvements will be made in the bill during its consideration. My reservations are predicated upon my belief that the cost of this legislation will far exceed what is presently authorized by the bill.

H.R. 9142 provides for approximately $1.4 billion to be devoted to the reorganization of the railroads in the Northeast part of the country, with $1 billion of the total being in the form of Government guaranteed loans and the remaining $400 million coming from direct Federal expenditure. There are at least

three areas in the bill that have convinced me that $1.4 billion will be nowhere near enough.

First, the manner in which the new corporation will acquire properties of the bankrupt estates is of such a nature that a higher price than the $200 million currently contemplated will probably ultimately be needed. This is due to the fact that valuation takes place subsequent to conveyance and opens up opportunities for the large insurance companies, banks, and other elements of the Wall Street establishment that are the creditors of the bankrupt railroads to engage in extensive litigation to increase the price that will have to be paid for the properties. In committee we moved toward reaching a compromise whereby conveyance would be in the context of a section 77 bankruptcy proceeding. The intent of the compromise was to allow the court to make a determination as to the disposition of the bankruptcy proceeding before it, thereby limiting the claims that the creditors can make in subsequent legal proceedings. Our intent will not be realized, however, unless several further amendments to H.R. 9142 are successful, and I urge my colleagues' support of these amendments.

My second area of concern is the extensive benefits which are provided in the labor protection provisions. Virtually all members of the committee, myself included, agree that protecting the well-being of the workingman should be a social cost payable by the Federal Government rather than a burden on the new corporation. I am greatly concerned, however, that title VIII goes far beyond what is necessary to provide adequate labor protection.

The language that the full committee adopted was the product of a bargaining session involving representatives of labor and of some railroad management, neither of whom will have to bear the costs of the provisions that they agreed upon. The result of their agreement will be to place the railroad employee in a far better position than his colleagues in other industries. For example, an employee with more than 5 years' service can receive a monthly displacement allowance for the rest of his working life. Such displacement allowances are figured on a unique compensation formula which permits an employee to inflate the benefits to which he is eligible far beyond that to which he is realistically entitled. As a result of provisions such as these, the $250 million presently authorized for labor protection by the bill will be inadequate to cover the costs that the Federal Government will incur. Again, several amendments will be offered to correct these shortcomings, and I urge my colleagues to support them.

Finally, the bill provides for extensive Federal subsidization for the purchase of nonprofitable lines that should be abandoned pursuant to the system plan. Again, the $50 million provided for these purposes is insufficient, and we can rest assured that unless these provisions are modified, we will be called on in the near future to provide much more money. While I recognize that localities, States, and interested private parties should have the right to some Federal assistance to continue to operate a branch line which they might consider essential even though it is a money loser, I do not think that the taxpayers as a whole should be called upon to subsidize purchases of such lines. Corrective amendments which would eliminate the mandatory application of Federal funds to the purchase of these branch lines will be offered, and I strongly urge their support.

H.R. 9142 is the result of extensive deliberations and compromise by both the members of the Committee on Interstate and Foreign Commerce and its Transportation and Aeronautics Subcommittee. I realize the severity of the crisis with which this bill attempts to deal, and I am convinced that in many respects it is the best solution to the problems of the Northeast roads. I am equally convinced, however, that the changes I have mentioned must be made if a disastrous financial impact on the American taxpayer is to be avoided.

CONFIRMATION OF VICE-PRESIDENT-DESIGNATE GERALD R. FORD

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. RIEGLE. Mr. Speaker, I am today inserting in the RECORD a copy of the statement I made before the Senate Rules Committee supporting the confirmation of Vice-President-designate GERALD R. FORD. I am hopeful these observations may be of some help to colleagues:

STATEMENT BY THE HONORABLE DONALD W. RIEGLE, JR., CONCERNING THE CONFIRMATION PROCEEDINGS OF VICE-PRESIDENT-DESIGNATE GERALD R. FORD

Mr. Chairman, and Members of the Committee, I asked to appear before your Committee only after long and careful thought. I have come in the hope that my observations may be of some help to you—and to the American people—in assessing the man, Gerald Ford.

I appear today as a Democrat Member of the Congress serving my fourth term in the House. In February of this year I formally changed my party affiliation from Republican to Democrat. I cite this background to indicate that I have been able to know and observe Jerry Ford from the perspective of a member who has been privileged to serve on both sides of the aisle.

I am here to declare my support for Mr. Ford's confirmation, and I do so with full knowledge that, if confirmed, he may well ascend to the Presidency within a short time.

In candor, he was not my first choice for this job. We have had many fundamental differences on key issues. Nevertheless, I believe he has the personal integrity and the basic competence to function effectively as President. And while the full investigative process must be properly completed, I feel it is essential that we bring his confirmation to a vote at the earliest moment.

While Jerry Ford is a friend, I do not appear here today as a matter of friendship; I come to add my own insight and personal judgment on a matter that is of critical importance to our country.

It seems to me that four key questions have arisen with respect to Gerald Ford's suitability to serve as President. They are issues that might best be labeled, (1) integrity, (2) competence, (3) independence of mind, and (4) partisanship.

Let me begin by addressing the matter of integrity.

On the basis of a seven year working relationship as colleagues—and as friends—I have never had occasion to doubt the integrity of Jerry Ford. In all our dealings I have found him to be honorable, respectful of differences, and a man of his word. Despite frequent and sharp disagreements on issues, I have found him to be truthful, decent, and trustworthy.

While the public has heard many charges suggesting financial improprieties by Mr. Ford, I, personally, do not believe these charges.

On the matter of competence.

I have found Gerald Ford to be a thoughtful, rational, and able decision maker. From contact with him I believe he is keenly aware of the limitations any one person faces when required to assume the burdens of the Presidency. As President he would need—as every President does—a broad spectrum of skilled advisors to assist him. I am convinced he would assemble skilled specialists reflecting a diversity of viewpoints. I believe he would be open and fair in re-establishing a co-equal working relationship with the Congress.

By his actions and words he has demonstrated to me his awareness of the profound responsibilities and complexities of the office of the Presidency—I believe he would bring patient sustained effort and even-handed rationality to the decision making process. Most importantly, I believe he would do so in a spirit of mutual respect and good will. For these reasons I believe he has the capacity to be an able and effective President.

As to independence of mind.

Many people have written to me to express their concern that Jerry Ford may be a "Nixon rubber stamp"—or a "mindless yes-man". His partisan role as House minority leader has given many citizens this impression.

As President I believe Jerry Ford would be his own man, I believe he understands that the office of the Presidency belongs to the people of America, and not to any temporary incumbent President. I believe he feels that a President is a steward of a special—almost sacred—public trust, and that as President he must take inside himself the hopes and concerns of every citizen across our land. I believe he would see himself as an instrument for the public's work, knowing that only by being his own man, could he then fully and freely be the public's man, a President of the people.

I believe he has the inner strength and decency to serve us all equally.

Finally to partisanship.

Jerry Ford has often played the role of partisan battering ram—and many properly wonder if he can rise above narrow partisanship. I believe he can and will—but clearly it will require him to reverse personal behavior patterns long established. I think he realizes that the skilled discharge of the public's business is not, and should never be, a partisan matter. Perhaps the greatest test of his capacity to lead will be his ability to resist the partisan reflex.

Partisanship has a proper role, but it is a lesser one, and particularly so at a time when the entire fabric of the body politic so badly needs repair. I believe Mr. Ford would strive to establish more bi-partisanship in the formulation of our national policy—and certainly it is badly needed.

These then, gentlemen, are my perceptions and judgments. And my best hopes—along with yours—will go with Gerald Ford if he is confirmed. Our good faith and willingness to work with him are strengths he must deserve—and have—if he is to serve America well.

Thank you for the opportunity to appear before your Committee.

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REMARKS OF DEREK BOK, PRESIDENT OF HARVARD UNIVERSITY

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. BRADEMAS. Mr. Speaker, I insert at this point in the RECORD the text of the remarks of the distinguished president of Harvard University, Derek Bok, at morning prayers in Appleton Chapel on October 29, 1973.

The remarks of President Bok on this occasion are, I think, of particular significance in view of the extraordinary events through which our country is now passing.

Mr. Bok's remarks follow:

PRESIDENT BOK DELIVERS MORNING PRAYERS

"Thou shalt not follow a multitude to do evil."

How clear this passage from Exodus remains. How incontestably correct its message. And how deceptively simple its challenge on first reading: When the occasion demands, can we summon the courage to stand alone and refuse to do what we know is wrong?

But life rarely allows the challenge to be put in such a simple form, and this is particularly true in public life.

What, after all, is wrong? Very seldom is a conscientious public servant asked to pursue a course of action that has no possible redeeming justification. In this practical age, where urgent crises are ever present in our domestic and international life, reasons of state can all too easily be advanced to excuse almost every questionable act, and few principles remain that have not become familiar subjects for pragmatic compromise.

In these tangled circumstances, can we safely trust our own judgment when others seem prepared to take the opposite course? Can we be sure that we are not excessively stubborn or, worse yet, the victim of some latent desire for martyred notoriety or some hidden animus toward the very officials whose policies we disapprove?

And is it really wise to resist even to the point of leaving one's post in protest? If we are genuinely concerned, is it not the better course to remain in office and continue to use our influence for the objectives we hold dear? Should we depart and risk replacement by weaker men less principled and determined than ourselves?

For those of us who merely observe the ebb and flow of public life, these issues may seem easily resolved. For those who actually bear responsibility for the consequences of their decisions, the burdens of choice can be very heavy.

Surely these burdens must have been great for our colleague, Archibald Cox, for I have never known a man who took his responsibilities more seriously or struggled harder to be true to his principles. In the end, he perceived a principle that could not be compromised even to placate the uncertain demands of international security and domestic harmony. It was a principle worth defending, even by refusing to obey a Presidential order, in order to press its importance vividly on the mind of the nation. As he put the issue at the very end of his term of office: "Whether ours shall continue to be a government of laws and not of men is now for Congress and ultimately the American people to decide."

His actions, like those of Mr. Richardson and Mr. Ruckelshaus, take on an added significance within the University community from whence he came, for the University must be sensitive to everything that bears upon the moral education of its members. In part, this responsibility can be discharged within the classroom—and there is more to be accomplished here than we have achieved thus far. In part, the responsibility implies a willingness by the University itself to grapple seriously and openly with the moral questions that inhere in the institutional decisions that it makes.

It is ironic that in our conversation on the morning before he decided to accept his Washington post, one of Archie's chief concerns was whether his decision would set a bad example for his younger colleagues by suggesting that important government service was automatically to be preferred to the professor's chief responsibility as a teacher. In retrospect, it appears that he has taught us more in government service than he could have hoped to achieve in those Harvard classrooms where we welcome him back with admiration.

But beyond these efforts lies the truth embedded in Aristotle's *Ethics*: If you would understand virtue, observe the conduct of virtuous men.

Over the past twenty years, I have watched Archie Cox fulfill this role in many different circumstances.

When I was a law student, I saw him resign his government post when a political settlement by the President compromised the integrity of his office.

While I served as Dean, I watched him meet his obligations to his University through countless hours of grinding effort to keep civility and order on the campus.

Just after I left the Deanship, I saw him face an angry, jeering crowd in Sanders Theatre to plead for the free speech he considered so fundamental to the University's existence.

And now he has again stood firmly and wisely on principle under conditions of extraordinary stress.

Few of us will face similar challenges in such dramatic form. But all of us will surely encounter situations, however private and unheralded, that offer a similar moral challenge. By his example, he has encouraged us all to recognize these challenges more clearly and face them with greater strength.

CONSIDERATION OF A GOVERNMENT-PUBLIC OIL SHALE CORPORATION

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. VANIK. Mr. Speaker, for several years now, the Nation's attention has been drawn to the Alaskan North Slope oil discoveries and the Environmental Impact Statements which have been developed to justify the construction of the trans-Alaskan pipeline.

Unfortunately, there has been another Environmental Impact Statement and a pending oil decision which has received almost no attention—but which is probably much more significant for the long-range energy supply and environmental quality of the Nation. Released August 30, the Final EIS for the prototype Oil Shale Leasing program is now being reviewed for probable approval by Interior Secretary Rogers Morton. The consequences of an eventual commercial development of the Wyoming, Utah, and Colorado oil shales are staggering—both in a positive and a negative sense.

WHAT IS OIL SHALE?

Eight trillion barrels of oil lie locked in the rocks of the "Green River Formation" of the three corners area of Wyoming, Utah, and Colorado—enough to meet our Nation's needs for hundreds of years at today's consumption rates.

Formed by the same forces that made liquid oil millions of years ago, shale oil was laid down in rock strata in many parts of the world, including the U.S.S.R., Brazil, Manchuria, and Scotland. The oil is in a solid form called kerogen, and is rendered collectable only after more than 900 degrees of heat is applied in a process known as "retorting."

The kerogen bearing rock is first crushed to fist-sized pieces to speed heating, and then retorted to yield the relatively high-sulfur content oil. The resulting crude oil is treated with hydrogen to remove excess sulfur and is also treated to decrease its viscosity so it can be pumped easily through oil pipelines.

PUBLIC POLICY QUESTIONS IN OIL SHALE DEVELOPMENT

But along with the potential of at least a partial easing of our national energy crisis, oil shale development present us with huge problems in two main areas:

First, the relationship of private business with the public interest, and

Second, the environment.

Both stand to be raked over the coals in our frantic quest for more petroleum energy resources.

The entity that stands to gain the most in commercial development of shale oil is not the American public, but big oil—already the most sheltered business in—and out of—our country, and the closest thing to a Government sanctioned monopoly that we know. Because over 70 percent of the high-yield western slope oil shale lands are publicly owned, some looming questions confront us: since the oil and its associated minerals are a gift of nature and on public land, can we justify allowing a private monopolistic entity to profit by sales of the public's property? Is it fair for big oil to sell the public's property to the public?

Furthermore, is it fair for American taxpayers to subsidize Big Oil's shale oil development through the unique tax breaks that particular industry receives, when Big Oil will in turn sell the products of that subsidized development back to the public at what will undoubtedly be set, profitable prices? Can we be assured that retail petroleum prices are fair—genuinely a product of competitive free enterprise and not industry self-protection and collusion? Can we develop an oil shale industry that does not serve to reinforce the stranglehold of controlled supply that helps create the Big Oil monopoly?

Mr. Speaker, just as the Federal Government has initiated and directed broad scale efforts of social welfare, and in the same manner undertaken advocacy of military weapons systems in the pursuit of national security, the Federal Government must now take wholesale action in the crucial area of national energy resources. It must be more than just verbiage and press releases; it must yield solid action. The nature of the oil monopoly and the energy crisis demands a new course toward a solution of these problems.

THE NEED FOR A FEDERALLY SPONSORED PROGRAM OF COMMERCIAL SHALE OIL DEVELOPMENT

Mr. Speaker, I believe the concept of a federally sponsored program of commerical shale oil development has much to offer. Probably most important in such a consideration is the competitive influence that a non-industry element could have on Big Oil. For perhaps the first time in history, Big Oil would be confronted with real competition—an entity created by the Congress to sell products which would bear some relationship to the costs of production.

PUBLIC CORPORATION WILL INSURE QUICK DEVELOPMENT

The Tennessee Valley Authority is an example of what such a nonindustry corporation might be like. "A corporation clothed with the power of government, but possessed with the flexibility and initiative of private enterprise," said Franklin D. Roosevelt.

TVA is an example of how new administrative concepts must be created for national resource development at a Federal level. In addition, it provided a "yardstick" of production costs and profit levels that the country could use to gauge other, similar, utilities.

Another important advantage to Government sponsored and supported oil shale development would be a guarantee to the American public that the oil shale reserves would be developed as soon as possible. All too often oil land leases have been given to oil companies—and then the oil companies move only as fast as they have to in order to maintain the current high price of oil.

The evidence available indicates that the industry has very definitely seen the potential of oil shale, but has deliberately limited their commercial involvement to ongoing studies and research that allows them to "keep track of the trends" in the industry while waiting for prices to reach the profit levels they want.

But the oil industry is talking out of both sides of its mouth: although on one hand claiming relative disinterest and economic infeasibility, the country's largest oil companies have been buying up every piece of oil shale land on private lands that they can get their hands on. As long ago as April of 1967, 13 companies, including the 7 largest, owned or held option to over 65 percent of our Nation's known private oil shale lands.

ENVIRONMENTAL QUESTIONS

The other area of major controversy, Mr. Speaker, is the environmental consequence of commercial development of oil shale lands. The cheapest and most practical method of oil shale mining is "surface mining," a polite and innocuous term for strip mining. The western slope of the Rocky Mountains stands to suffer the same wrath from stripping that the Appalachians have in the East. The same physical effects: permanent landscape scars, polluted rivers and streams, buried topsoils, and a desolation that most of us cannot even imagine. And this strip mining will have the same social effects: displaced families, confused migrations of people, sale and destruction of local cultures, and short term employment can all be bred of oil shale mining.

Mr. Speaker, it appears that eventually these beautiful oil shale lands must be developed. Our fanatical dependence on hydrocarbon energy seems to realize no bounds, and our efforts to conserve it are pitiful in the face of the demand.

So in any commercial oil shale venture, Mr. Speaker, we must work to guarantee an absolute dedication to a true restoration and rehabilitation of the lands whose bounty we reap. We must learn from the horror of coal stripping—and if error is made, we must make it in the favor of nature that yields its fruits to the people.

For these reasons, Mr. Speaker, I am working on legislation that I hope might help provide some answers and solutions to the economic, environmental, and public policy questions involved in oil shale development. Consideration of a public-Government oil shale corporation has revealed several points worth attention:

An initial Federal commitment must be made for the corporation to foster development of a truly competitive shale oil indusry.

How much should such a venture be financed? Is the public stock sale scheme used by COMSAT feasible and applicable in this similar concept? Would public ownership serve as a means of lowering costs to the Government while also giving people a stake and an interest in the future of petroleum energy?

Provisions requiring shale oil crude product to be sold at the lowest possible rate consistent with a return of investment, with interest, and a reasonable rate of return to any stockholders.

A provision allowing only domestic sales of shale oil produced by the corporation to prevent the depletion of the petroleum resources we are attempting to conserve.

Provision for common carrier transport from the mining or retorting site of all crude oil or its byproducts.

Complete public access to the corporation's data and records, except for patents and inventions, which shall be sold at the profit of the corporation.

A provision urging development of processes whereby the associated minerals and ores are removed in a one-step, retort-harvest system. As of this date, each intermingled mineral contained in oil shale must be removed in its own exclusive process. If these operations could be combined into a single step along with the oil retorting, both operating costs and yields would probably benefit.

A provision prohibiting oil industry participation on the board of directors of the formed corporation, or as stockholders or financial participants.

Encouragement of a small business consortium approach to mining-crushing-retorting-transportation segments of a commercial shale oil industry. A commercial oil shale operation is a huge undertaking, until now conducted usually by well financed companies only. But a group of smaller companies could coordinate their separate expertise to accomplish the same operations.

Should the corporation make use of Federal lands under the jurisdiction of the Secretary of the Interior—except parks, preserves, and so forth—or should the commercial facility be operated on loaned private lands? If Federal lands are used, lease rates and royalties must be paid in the same manner as foreseen under the Interior's private commercial oil shale operation to insure a real equity in competition.

Mr. Speaker, it is time that our energy policy be more adequately directed in the national interest. Consideration of public development and management of our Nation's oil shale treasure could open up vast new possibilities in relatively low cost, energy reserves developed with a maximum consideration for the environment.

WORLD FOOD BANK—A SENATOR'S VISION 20 YEARS AGO

HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. PREYER. Mr. Speaker, last month a group of economists from North America, Europe, and Japan proposed creating an international food bank from which food could be withdrawn to meet serious shortages.

Participants in the conference which resulted in this proposal reported that the alternative is to do nothing and to accumulate agricultural problems even more dangerous than those experienced in the past 20 years.

It has occurred to us in North Carolina that this event offers an example of the vision of a man who served as commissioner of agriculture and then Governor of our State before coming to the U.S. Senate where he served from 1954 until his death in 1957. The man was Kerr Scott who almost 20 years ago made a similar proposal in legislation to establish a world food bank. Following is a speech which Senator Scott delivered in 1954 in support of such an idea:

[From the CONGRESSIONAL RECORD, Mar. 30, 1955]

SPEECH BY HON. W. KERR SCOTT, OF NORTH CAROLINA, AT SHELBY, N.C., TUESDAY, MAY 4, 1954.

Friends, history has a strange way of repeating itself.

Some 3,500 years ago, in far away Egypt, the government warehouses were bulging at the seams with corn and other supplies of surplus crops.

Seven years earlier Joseph had warned Pharaoh that a time of famine and scarcity was in the making, and urged him to buy up all surplus food crops against that emergency.

Pharaoh, the King of Egypt, heeded the advice of Joseph, and his government—for 7 years—bought up the annual 20 percent surplus production of the land.

That, my friends, is what the Bible tells us about the agricultural and economic problems of that ancient day and age.

Later events proved the wisdom of Joseph's advice and the action taken by the government of Pharaoh.

Today, in America, our Government warehouses, like those of Egypt, in the days of long ago, are bulging with surplus stocks of agricultural products.

What we are going to do about those surpluses is one of the prime questions of the hour.

Let's go back to the Bible again, and find out what was done with the surpluses of 35 centuries ago.

The Bible tells us that these surplus food stocks were used to feed the people of Egypt, during the lean years that followed the gathering of the surplus, and that which was not required for Egypt, was divided up and sold to the peoples of foreign lands in their hour of scarcity and need.

That's the way they did things back in the days of long ago, when, according to the Bible, God was directing—through His prophets and servants—the hand and actions of men.

And, I am convinced that God still stands ready to direct the hand of man in solving the problems that face us today. All that we need to do is to get in tune, as a Nation, with His plans and purpose.

And, now let's do a bit of reviewing of more recent history—of that period following immediately after the Hoover depression—and stake out the reasons why we have surplus stocks of food in Government warehouses.

As a part of the overall plan to set the almost wrecked economy of America back on the track, President Franklin Delano Roosevelt initiated three major reforms or programs, all of which won immediate and almost universal approval.

First, there was the Bank Deposit Insurance Act that gave stability, to our financial institutions, which at that time were failing at a rate of about three banks a day.

Second, the Reconstruction Finance Corporation was armed with billions of dollars to pump life into a staggering and near prostrate national industrial life.

Third, farm price support program was set in motion, and this program ended an era of widespread loss, under the hammer of the auctioneer, of farm homes and holdings, city and town homes, and small businesses.

It was just as effective in halting such losses as was the Bank Deposit Insurance Act in halting bank failures, and as was the Reconstruction Finance Corporation in halting big business and industrial failures.

The word "bankruptcy" started slipping off the front pages of the newspapers, and crawling back between the covers of the dictionary.

Soon millions of unemployed men and women proudly had their names taken from welfare relief rolls as they were added, in increasing numbers, to revived and expanded industrial payrolls.

The first farm price support legislation was later declared unconstitutional, and a new beginning was made. The 90 percent parity program and act, with amendments, which finally emerged, was born of national economic necessity, and was nurtured by the hands of men with experience in the fields of agriculture, economics, and government.

Now, the term price-support program can mean any one of several things to the uninformed and newcomers to the idea, and it usually does, to their confusion. But, those of us who have been in the thick of the fight to establish and maintain a workable 90-percent parity-price support program over a period of years, welcome all true converts to the cause. Their assistance and support, even if it comes late, is needed.

President Roosevelt did not pull the 90-percent parity-price support program out of thin air like a magician lifts a rabbit out of a hat. He built it carefully, in consultation and cooperation with the 48-State Commissioners of Agriculture and other leaders, and, at that time, I was one of those commissioners.

This, however, was not the first time that I had the privilege of working with President Roosevelt. On Thanksgiving Day of 1932, after he was elected but prior to the time he took the oath of office as President, I, as master of the North Carolina State Grange, was one of a group of farm leaders from all over the United States who met with him at Warm Springs. The President-elect had called this conference for a discussion of the farm problem and to obtain suggestions as how best to solve it.

I recall as vividly as if it had happened yesterday, one of the things Mr. Roosevelt said that day. With no trace of a smile—things were too grim back in those days for much smiling—he told us, "I am going to have you farm folks locked up in a room and keep you there until you are able to come out with a program that will solve the farm problem and get the economy of this Nation back on its feet."

And, incidentally, I was the only southerner who was invited to attend that Warm Springs conference when President-elect Roosevelt started building the foundation of the Nation's farm program.

As an administrator of the Federal land bank, covering 11 Southern States, I saw, with my own eyes, the misery and heartbreak, that lay like a funeral pall over every farm community in the wake of the depression—misery and heartbreak we were able to alleviate, in thousands of cases, through Federal land bank loans.

Private bank loans for agriculture had completely broken down, as they had for almost everything else. Agriculture was sick, sick almost unto death, and as a result, industry's smokestacks stood stark and naked against the sky, and the wheels, shuttles, looms, saws, and joiners were silent.

In that day and hour it was engraved on my heart and brain that the economy of this Nation can be kept healthy and thriving, year in and year out, the wheels of industry kept turning, and employment at a high level, only if proper measures are maintained to assure the farmer-producer receiving his fair share of the national income—that is, a price level of at least 90 percent of parity.

The price-support program we fought for and set in motion through the 1936 amendments to the Agricultural Act, together with allied measures, was designed, and has operated successfully, as a means of stabilizing the overall economy of the Nation.

It is true, as has been charged by the self-styled economy bloc of Congress, that our farm program, in the absence of acreage limitations, has resulted in the accumulation of surpluses in certain commodities. But, let me point out in this connection, that farmers have always, when called upon to do so, voted upon themselves the necessary acreage limitations.

An outstanding example of this is found in the flue-cured tobacco program which has operated so successfully.

The important question of acreage limitations and the further accumulation of surplus stocks, are matters, however, that lie in the future, and are subject, until the law is changed, in a large measure to the whims and fancies of an unsympathetic Secretary of Agriculture.

Just as important, we are faced with the problem of Government warehouses already bulging with surplus food and other agricultural products. And, incidentally, had it not been for such surplus stocks on hand when World War II broke out, the United States and our allies would have been in a pretty bad fix.

In seeking the answer to the question of what should be done with these surpluses, common sense dictates that we examine our relationships with the other nations of the world, particularly in respect to those nations we count as allies in the battle against communistic aggression.

As a Nation we have seen and recognized the benefits that flow, back and forth, from cooperative effort. We are a full-fledged partner, in fact, the largest single contributing partner, in NATO, and are pouring our resources of all kinds into the pooled effort to hold communism in check, and we must and shall continue to do so.

Many of our allies in this united determination to keep the flame of freedom and liberty burning are faced with serious food shortages on their home fronts. Even in Great Britain—the strongest of our allies—the rationing of some food items still goes on.

Why would it not be the part of common sense to make it possible for our allies to spend more of their money, at home, for military arms to implement NATO, and for us to make more of our NATO contribution in the form of our surplus food stocks, food that is needed by our allies?

Only American makers of the instruments of war—these who manufacture and sell guns and tanks, ammunition, and warplanes, and the like—could be expected to object, and I seriously doubt that they would.

Now the British are not the only ally we have that is faced with food shortage, and to whom we are furnishing a part of their requirements in munitions of war to present a strong front against the threats of communism. Some of our other allies are faced with even more acute shortages. In some instances almost faminelike conditions prevail.

Adoption of such a plan would bring about immediate reductions in our piled up surpluses of food stocks, and, at the same time, would relieve some of the financial burden the American taxpayer is having to carry.

This, however, would be only a partial solution to the bulging food warehouse problem, but successful experience in another field points the way toward total solution.

I am talking now about establishment of a World Food Bank, to be administered by the United Nations or by a special agency made up of the United States and our allies in the fight against communism.

For several years the United States has been a participating partner in the International Bank for Reconstruction and Development, a world bank organization to which we have pledged, in stock subscription, more than $3 billion to help bolster the economy of financially weak nations.

Each member nation's contribution or subscription to the bank's capital stock or operating capital is based upon its estimated individual capacity to cooperate in assisting less fortunate nations in times of emergency and stress.

Altogether, 54 nations are stock subscribers to this International Bank, and a total of 78 separate loans, ranging in size from a few million to $250 million, have been made in 29 member nations.

The World Bank, of which the United States is by far the largest single stockholder, came into existence on December 27, 1945, and as of June 30, 1953, its operation had resulted in a net profit in excess of $76 million.

This International Bank operates just like any other bank. That is, it makes no contributions or grants, but rather lends its money, at interest, with eventual repayment required.

A World Food Bank might well be established along similar lines, with those member nations which draw upon its resource being required to repay their withdrawals, to the bank, either in kind, when they have good crop years, or in equivalent cash.

We—that is, the United States—would not be alone in contributing food stocks to such a World Food Bank, for there are other nations that also have surplus problems, involving various crops, from time to time, and each could contribute or pledge to the common pool of food stocks in accordance with its excess production in one or more crops.

Food-short member nations should be permitted to withdraw from the World Food Bank under a formula which gives weight to both reserve stocks on hand or in sight, and probable total world need in the immediate foreseeable future.

Here, in this land of plenty in which we live, it is hard to realize that approximately 1 billion people of the total world population of 2,400,000,000, go to bed every night with their hunger only partially satisfied.

Through operation of such a World Food Bank plan as I am suggesting, severe food scarcities in many, many instances would be largely eliminated, and the hunger stricken and threatened people of lukewarm, allied nations would be made stronger—both physically and in will—to defend themselves against communistic assaults and cold war threats.

Many of those nations that yearn for themselves the freedoms and blessings of a democratic way of life, need bread and butter just as sorely as they need guns and tanks to preserve their independence. Let's make it easy for them to buy our surplus bread and butter stocks so that they will be better able to make their own guns and tanks to preserve or win the freedom for which they yearn.

And, in this connecton, it would be well to remember that a man can, and usually will, fight a lot better on a full stomach than on an empty one.

To our enemies, let's present armed might and resolute unity as a deterrent to war; to our friends and allies, in lands of food scarcity, let's present the ability to enjoy three square meals a day as proof that democracy does pay off, not only in freedom, but also in a better standard of living.

Communism breeds and thrives on hunger, and no greater contribution could be made to world peace and tranquility by us or any other nation, than the filling up of empty places in hungry human stomachs.

Just as actions speak louder than words, food sometimes speaks louder than guns.

Such a World Food Bank would serve a manifold purpose, including: First, the promotion of true friendship among untold millions of people the world over, second, progress on the highway leading toward peace among all nations; and third, the wiping out of piled up surpluses which are costing the American taxpayer more than half a million dollars a day in warehouse fees alone.

It is a goal worth striving for, and one toward which I pledge my efforts.

GROWING FEELING THAT AMERICAN EDUCATION IS NOT DOING ITS JOB

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. DERWINSKI. Mr. Speaker, last week during "American Education Week," Chicago's WBBM Radio 78 broadcast an editorial on the subject of American education. This editorial concerns various reorganizational corrections in the educational system, including the advantage of the "voucher system" concept.

I believe it to be a very timely penetrating commentary and I commend it to the attention of all Members:

A GOOD ALTERNATIVE

American education is going through a period of agonizing reappraisal. There is a growing feeling that somehow the schools—with their fancy equipment and scores of specialists—have failed to do the job. This week—parents, teachers and the state education office are discussing just how and what the schools are doing or not doing. In observance of American Education Week, these groups are leading discussions designed to take a look at fundamental education priorities, goals and concepts.

One concept they might consider during their meetings is the "Voucher System." As we've said before, there are various models of the plan but basically it works like this: parents pay their school taxes. Their local Board of Education in turn gives them a voucher. The parents then pick the school where they want their kids enrolled. That school may be public, private or parochial. The voucher pays for part or all of the tuition.

The advantages of this kind of a system over the present system are many. First of all, it gives parents a freedom of choice between schools. Second, it forces the schools to diversify and improve their programs in order to attract students.

Also—according to University of Chicago Professor Milton Friedman—"it permits gradual change. The existing schools would remain so long as they satisfied the demands of parents."

It is apparent, however, that parents are not satisfied. That's one reason they're "getting involved" in American Education Week. And that's one reason we urge them to think long and hard about the "Voucher System."

DICK LEWIS RECIPIENT OF THE NASSAU COUNTY PRESS ASSOCIATION'S GOOD NEIGHBOR AWARD

HON. ANGELO D. RONCALLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. RONCALLO of New York. Mr. Speaker, on Friday, October 26 a dear friend and neighbor of mine, Mr. Dick Lewis, was awarded the Nassau County Press Association's Good Neighbor Award. As a salute and tribute to Dick, the following article from the Massapequan Observer is inserted in the RECORD.

DICK LEWIS NAMED FOR GOOD NEIGHBOR AWARD

There are in each community people who give unselfishly of their own time, energy and more often than not also money to serve their fellow men. They may be businessmen promoting their community, they may be members of service clubs, of civic organizations or governmental bodies such as school boards, they may be people involved in youth activities, they may be volunteers working for causes benefiting all of us.

Good neighbors are worthy of praise and recognition. And this is exactly what will happen on the evening of Friday, October 26, at the Lido Beach Golf Club, when the Nassau County Press Association, the organization of the county's weekly newspapers, presents its Good Neighbor Awards.

Each member newspaper selected one Good Neighbor from its community, who will be the newspaper's guest at this affair, which is also the Press Association's annual dinner-dance and installation of officers.

The Massapequan Observer's Good Neighbor is Richard J. Lewis, the original Big Chief who more than any one individual helped to put the Massapequas on the map.

Born in Canarsie May 16, 1899, Land of the Great Canarsie Indian Tribe, the schooling of Richard James Lewis, Sr., came to an abrupt ending by a serious accident when he was 13. Constantly in pain, his only great hope was God. At 18 he gratefully accepted a watchman's job on 6 two family homes then under construction in City Line. With great patience and enthusiasm he finally sold the corner property and was paid a commission of 2½ per cent; $750. He now launched into the real estate business in earnest when his father set up a small corner for him in his mother's front porch. At 22 he rented a 15x15 store at 9605 Glenwood Rd., Canarsie and with a rolltop desk, two chairs, a telephone and an old Standard car he was established as the youngest real estate broker in town. Many came to wish him success and to cheer on this crippled, stout hearted boy and thus he became called "Big Chief Lewis". He married at 26 on New Years Eve, had five children, is grandfather to 17 and is about to become a great grandfather. He worked long and hard and became well known as Big Chief Lewis throughout Brooklyn by his sincere, positive attitude. The war and depression almost ended a brilliant career but undaunted he kept his real estate office open and entered many other fields of endeavor. At one time he was president of eleven corporations. A flourishing coal and coke business was wiped out overnight by the oncoming unions, an automobile agency was a complete failure.

Flying became the rage of the nation and Dick began taking lessons at the old Curtis Field. After receiving a waiver from Washington because of his condition, he received his license, bought a plane and began to sell farms, top soil, sand and gravel through the country. Never idle, he assembled the parcel of land which was to become the Brooklyn Terminal Market and sold it to the City of New York.

For several years he had seven offices located in New York, Brooklyn and Long Island. Often a visitor to his Grandfather's farmhouse in Seaford, now the site of the 7th Pct. he decided to settle in Massapequa, the name and town fascinating him. He located at 2 Central Avenue and finally expanded to 4250 Sunrise Highway. Dick Lewis was the broker who advertised Massapequa as the Garden Spot of Long Island, the Miracle Mile of Long Island, and who had the nerve to set the price of $1000. per foot for Sunrise Highway property. Everyone but Mr. Bill Martin of South Shore Fed. S & L thought he had taken leave of his senses. He spent much time, effort and money to put Massapequa in the spotlight of Long Island where it rightfully belongs. He became one of the most community-minded citizens and his donations to all good causes, charities and the needy are well known. As a handsome landmark for Massapequa, the 20 foot Indian Chief and 70 foot pole has become well known throughout the world as visitors from other lands come daily to photograph this unique grouping. Various schools bring youngsters by buses to view and admire this familiar scene. Massapequa has been very good to Dick Lewis but in return Dick Lewis has done his best to keep Massapequa in the forefront of Long Island and the world.

"PETE" WALKER—A MAN OF SPIRIT

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. CARTER. Mr. Speaker, R. R. "Pete" Walker of Columbia, Ky., was a wonderful man of many talents. Although he and I were members of different political parties, we were personal friends; and our fathers before us were friends. He was an excellent newspaperman, and a most congenial soul. His son, John Walker, is an assistant in my congressional office. It is with sadness and a deep sense of loss that I include for the RECORD an account of his passing:

[From the Adair County (Ky.) News, Oct. 2, 1973]

A FRIEND HAS DIED: "PETE" WALKER WAS A MAN OF SPIRIT

(By Gordon Crump)

A friend has died. Pete Walker never aspired to be called anything more grand than Pete. He played down his own triumphs, and had no need of superficial fame or recognition.

For the better part of the past year we spent many hours a day together. Other Adair Countians may have known him longer, but the man I knew did not change from the first day we met, until we shared lunch two days before his death.

I marveled at this man's natural inclination to be jovial and kind, though he was intelligent enough and basically tough enough to deal with people in any way he wished to do. He chose kindness, and good humor.

He was a man of spirit and enormous energy. Many who knew him as a boy around his father's store at Gradyville saw him as a kind of all-American youth—fun-loving, sometimes a practical joker, but sure of himself and able to hold his own in any situation.

The man that grew from this boy was bright, studious, imaginative, practical, determined, self-sacrificing when the need arose, courteous, even-tempered, energetic, and a feeler, as well as a thinker.

The whole range of human events played against his consciousness. The foibles of man were not insulting to him, but rather humorous and deserving of the great understanding he was capable of displaying.

I admired his skill with words, and I think he saw some merit in my best work. Many times we collaborated on stories, he filling in the background while I did the more current points.

He knew instinctively the kinds of stories readers wanted. He had great insight into national and international politics because of his own political career, but he rarely wrote anything about these, preferring instead those folksy stories on someone who had done something superlative by growing the biggest pumpkin, or catching the largest fish. He believed the news of everyday people outweighed the sometimes-overestimated importance of "big news."

When a few months ago he began a regular program of exercise, he invited me to jog around the fairgrounds track with him. We talked politics, stopped to admire the giant oaks there and he told me stories of monumental horse races run on the track. I seldom noticed that we had jogged around the track three or four times, because I was in company of a man who enjoyed life—all of it from the folksy stories and events to the most complex theoretical discussions.

. A few weeks ago we went to Gradyville and to the place where he was born. He knew all the stories—the old swinging bridge, the robbery of the bank next to his father's store—the building of the church and the way the road once ran. As we talked and looked, I thought I detected some sadness at his seeing these things again, and I wrote it off as the sadness which always comes upon one seeing changes in one's home community.

The absolute respect and admiration he showed toward his partner, Ed Waggener, was returned in full measure because somewhere, perhaps long ago, the two men had become attuned to each other and the relationship grew into a silent agreement never to be petty or estranged in their relationship.

I admired his relationship with his family. Once when I stepped into his office to discuss some business matter, he was talking on the phone with someone, thoroughly enjoying every word and grinning that infectious grin. I realized he was talking with his wife, Edith, and that he was paying her high compliments on a dish she had made for his lunch.

Always in a hurry and trying to do many things at once, it was not uncommon for him to interrupt his work in mid-morning and with an expectant look on his face, pick up the phone and call one of his children. The conversations were good-natured, loving and respectful. He never failed to say something intended to cheer them or reassure them that he thought of them.

No one who saw them together could doubt his great love for his wife. He believed in the work she does, and gave her great credit for her role in the family. If she stopped by the office during the day, it was an event for him and the keen eyes danced and his face softened to a smile. This much we saw. He thoroughly admired his mother-in-law, Mrs. Horace Cundiff.

He was devoted to the newspaper business perhaps even more than to the chess-game of politics. He was good at what he did, and gave thousands of persons pleasure through the reading of what he wrote.

He was always accessible, to friend and stranger alike. The door to his office was rarely closed except upon the discussion of the most confidential aspecta of the business.

He was comfortable with men, because he was sure of his own masculinity. He enjoyed arising early and was a member of the Early Coffee Club. Here, he engaged many local thinkers on a wide range of subjects, from the best way to cure cushaws to the lasting effects of Watergate. His opinions were always listened to and many times passed along to others.

And now he is gone.

One does not overnight replace a Pete Walker. He was an unique man, who charted his own path and played it by the most humane rules. He admired efficiency and brilliance, qualities he possessed to a high degree. He never sought recognition for the many things he did to help Adair Countians, from aiding a child to get into college to his major efforts, that never became public knoweldge, in matters of roads, schools and health facilities.

He sought little for himself, but much for the Adair Countians he loved.

It will take a little more effort from the rest of ua even to begin to fill the void left by his departure.

May God bless this fine human being.

WOLVES IN SHEEP'S CLOTHING, OR KILLERS OF THE DREAM?

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. LANDGREBE. Mr. Speaker, in the letter which follows a gentleman from El Paso, Tex., recapitulates in his local newspaper, the El Paso Herald, a dream which he had after watching the President's recent news conference. Mr. Stewart, the author of this letter, speculates that the moose which was so viciously attacked by wolves in his dream may well be symbolical of events surrounding the President, that is the moose is the President of the United States and the wolves are symbols of the antagonism and viciousness of the news media. I wonder, though, whether this dream may just as well symbolically depict what is happening to our Republic as a consequence of ill-founded and irrational attacks.

The letter follows:

After the President's News Conference Friday Evening, I retired with mixed emotions, Saddened by the events of recent months.

At 4 am Saturday morning I was awakened by a horrible dream. I found myself with a Canadian wild life conservation officer in the "Bush" of British Columbia. We were observing the fall migration of some of the birds of that area. He called my attention to a very large bull Moose that had been wounded by Trophy hunters—Timber Wolves had smelled the blood and were closing in. What followed was so very vivid and real that I awoke—my heart pounding with excitement—what happened seemed so very cruel—the wolves would dart in and out snapping and biting the wounded moose. My friend called my attention to the leader of the pack as he darted from behind, hamstrung, all the pack then moved in for the kill.

The dream was so very real that I decided to get up and write it down.

I can't say for sure that the Wounded Moose represents the President or the wolves represent the news media.

I don't put much stock in dreams and I don't dream very often but I just could not let this go untold.

R. JACK STEWART.

FOURTH ANUNAL GOOD SAMARITAN AWARD AT ST. ROSE HOSPITAL

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. EDWARDS of California. Mr. Speaker, on Sunday, October 21, 1973, I had the pleasure of attending the fourth annual Good Samaritan Award presentation at St. Rose Hospital in Hayward, Calif. It was delightful to be present with the many people attending to honor all the nominees who had, by their concern for their fellow man, committed such unselfish and charitable acts.

The winner of this year's award is Mrs. Amparo Galindo, of Union City, who was nominated by Mr. Ben Torres, of the Tiburcio Vasquez Medical Clinic. Mrs. Galindo holds a full-time position as health counselor with the New Haven Headstart program. Yet she also assists many non-English-speaking people by translating for them at clinics and hospitals so they might receive proper medical attention. She has, on many occasions, used her own financial resources to purchase food and clothing for needy families in cases of emergency. She has also become familiar with the rules and regulations of the U.S. Immigration and Naturalization Service in order to assist individuals in obtaining their U.S. citizenship. Mrs. Galindo is truly an example of the Good Samaritan.

Other nominees for this year's award were: Annie Fong, who serves as a tutor at El Rancho Verde School and is involved in activities supporting the Chinese-American Scholarship Fund; the Edwin Gowan family, who, together, have assisted families and individuals in times of bereavement or illness by cooking meals, babysitting, and generally easing the burdens of others; Charles R. "Dick" Sadler, who has given shelter to troubled boys and who has been instrumental in developing boys clubs in southern Alameda County; Pam Gerace and Carla Weaver, two young girls, whose swift action in assisting a heart attack victim to the hospital saved his life; Judge Thomas L. Foley, who has for years volunteered his time to many community projects, including the March of Dimes and the Hayward Boys Club; and Lorraine Souza, who has generously volunteered her time in a number of convalescent homes and has organized carolers to cheer hospital patients during the Christmas season.

It was particularly fitting that these people were honored at this time, and I hope their acts of charity will serve as a model for others who might feel that our world, faced with so many problems, cannot be changed by the act of just one individual. These individuals represent an inspiration and an example that we all should attempt to emulate.

"ST. ALBANS HOSPITAL SHOULD BE FOR HUMANS, NOT ANIMALS"—AN EDITORIAL BY WABC RADIO, NEW YORK

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. WOLFF. Mr. Speaker, over the past few months Congressman JOSEPH ADDABBO and I have worked closely with Queens veterans groups to persuade the Defense Department not to simply shut down St. Albans Naval Hospital, but to convert it to a nursing care facility for veterans to fulfill the pressing needs faced by these worthy men and women.

We have encountered some foolish arguments about why Defense does not want to convert the hospital, and from time to time these bureaucratic bubbleheads come up with another harebrained idea. Their latest proposal was to allow the Department of Agriculture use of the hospital for an animal quarantine center.

Defense has been confronted with stiff opposition to this idea, and WABC radio recently broadcast an editorial opposing this suggestion, and I insert their sound comments at this point in the RECORD:

ST. ALBANS HOSPITAL SHOULD BE FOR HUMANS, NOT ANIMALS

When the closing of St. Albans Hospital was announced, everyone started talking about vets. But the word vets meant different things to different people. The Agriculture Department in Washington wants to turn the former naval hospital into an animal quarantine center and bring in veterinarians.

But the people of St. Albans, Queens, along with the Mayor and the City planning Commission want a Veterans Hospital. Not enough has been done for the returning Vietnam Veterans in the New York metropolitan area. And one of the reasons very little has been done is that there hasn't been enough space. We hope the government sees the light and gives St. Albans, Queens, the much needed Veterans Hospital.

"MURDER BY HANDGUN: THE CASE FOR GUN CONTROL"—NO. 42

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. HARRINGTON. Mr. Speaker, the person who recently said, "Outlawing handguns would make our job an awful lot easier," was not, as some people might think, a so-called "radical advocate" of gun control. His name is William Taylor, and he is the superintendent-in-chief of the Boston Police Department.

William Taylor's job is to find the killer after the murder has been committed. Members of Congress can make his job easier by passing strong gun control legislation. Every day we delay means the death of 12 more handgun victims.

Included below is a June 10 Boston Globe article by Nathan Cobb, quoting Chief Taylor, and the story of another murder from the October 28 New York Times.

[From the New York Times, Oct. 28, 1973]

GROCER KILLS A CUSTOMER IN AN ALTERCATION OVER BILL

A 29-year-old Bronx grocer was arrested yesterday in the fatal shooting of a customer during an argument over a bill and in the unintentional wounding of a passenger in a bus passing by.

The police said the grocer, Elias Galarsa of 1465 Boston Road, became involved in an argument with Miguel Negron, 38, of 1010 East 178th Street, over a $51 grocery bill. Mr. Negron reportedly struck Mr. Galarsa on the head with his fist, rupturing one of the grocer's ear drums.

Mr. Galarsa then allegedly drew a pistol and fired five shots, three of them striking Mr. Negron and two going wild, hitting a northbound No. 7 Transit Authority bus. One of the wild bullets passed through a bus window and through the hat of Thomas Montgomery, 30, of 2114 Belmont Avenue, cutting his scalp.

The grocer surrendered at the 48th Precinct station house and was charged with murder and illegal possession of a gun.

[From the Boston Globe, June 10, 1973]

HANDGUNS IN AMERICA—DESIGNED FOR DEATH

(By Nathan Cobb)

Every 13 seconds—about the time it takes to light a cigarette—someone in the United States buys a handgun.

And every 58 minutes, a handgun is used to kill a human being in this country.

Chances are very good that before you've finished reading this Sunday paper another man, woman or child will be dead or dying, shot by a handgun.

The Great American Handgun Boom, flourishing despite five-year-old Federal laws supposedly designed to curtail the nation's privately owned small arms arsenal, is being matched by startling increases in handgun crime.

An in-depth Globe study, which revealed that 50 percent more handguns are being produced in the US since passage of the 1968 Federal Gun Control Act, has also discovered a corresponding leap in violent handgun use.

In comparing national violent crime statistics compiled three years before and three years after the passage of ostensibly stronger gun laws, these facts stand out:

Handgun murders jumped 87 percent between 1966 and 1971, while murders with other types of weapons rose at less than half that rate. In 1971, the last year for which the FBI makes such figures available, 8991 Americans were murdered with handguns—more than with all other types of weapons combined.

During the same period, 1966–1971, handgun murders of police officers more than doubled. In the decade from 1962 to 1971, records show, 530 of 722 murdered policemen—73 percent—were killed with handguns.

Aggravated assaults with firearms—of which the handgun is the most popular type—also doubled from 1966 to 1971. Meanwhile, aggravated assaults with all other types of weapons rose at less than half the gun rate.

Robberies by firearm nearly tripled between 1966 and 1971. The FBI estimates that roughly two out of three armed robberies are now committed with guns, and local law enforcement authorities confirm the handgun is the most popular robbery weapon.

The country's private cache of handguns stands at 30 to 40 million, with 2.5 million more being manufactured or imported this year alone. Four of 10 guns now being made in the US are handguns, and there is one handgun for every 1.5 American families.

In Boston, the capital of a state with one of the nation's strictest gun laws, 43 percent of the 377 murders committed since January 1970, have involved handguns. Last year, nine times as many people were murdered with handguns than with rifles and shotguns combined. Further, aggravated assault with a firearm in Boston has risen almost 50 percent since state laws regarding gun purchase were toughened in 1968, while armed robbery has more than tripled.

According to William J. Taylor, superintendent-in-chief of the Boston Police Dept., the handgun is far and away the most prevalent weapon used in all types of armed crime. "One of the major factors driving up the crime rate is the availability of handguns," Taylor said recently. "Outlawing handguns would make our job an awful lot easier."

That Boston's handgun murder rate is slightly lower than the national average may well be attributable to the fact that handguns are more difficult to acquire legally in Massachusetts than in most states. In any case, the FBI reports that there is a significant correlation between gun ownership and gun crime—the South, where gun ownership is highest, has the highest gun murder rate and the highest rate for aggravated assaults with firearms of any region in the country; the Northeast, with lowest gun ownership, has the lowest rates for such gun crimes.

Since 1967 at least three presidential crime commissions have linked violent crime to the stockpile of handguns in America, recommending solutions ranging from stiffer laws to an outright ban. The most famous the National Commission on the Causes and Prevention of Violence, reported in 1969 that "Firearms, particularly handguns, facilitate the commission and increase the danger of most violent crimes—murder, robbery and assault.

"We believe," the commission, chaired by Dr. Milton S. Eisenhower, continued, "on the basis of all the evidence before us, that reduc-

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ing the availability of the handgun will reduce firearms violence."

Who kills with a handgun? According to Lt. Det. Jerome P. McCallum, acting head of the Homicide Bureau of the Boston Police Dept., the scenario for murder in the Hub goes like this: "Someone is drinking . . . there's an argument . . . a handgun is somewhere nearby . . . someone reaches for it . . . and a killing occurs."

Indeed, the FBI's 1971 Uniform Crime Report points out that "The significant fact emerges that most murders are committed by relatives of the victim or persons acquainted with the victim."

Adds McCallum a 15-year veteran of murder investigations "It's the availability of the blasted handgun, that's all."

At 1010 Commonwealth av., row upon row of handguns lines the walls behind the locked steel cage protecting the Firearms Identification Bureau of the Massachusetts Department of Public Safety. More are found inside several large metal drawers, and all have been involved in some type of firearms violation. Last year, the bureau investigated 708 cases, a 43 percent jump over two years ago. Ninety-four of the cases were fatal shootings.

Handgun murders in the United States

1966	4, 805
1967	5, 803
1968	6, 825
1969	7, 441
1970	8, 221
1971	8, 991

"I'd have to say that roughly three-quarters of the guns we see are handguns," Lt. Carl M. Majesky, head of the bureau, said last week. "We work on any crime involving firearms outside Boston, primarily identifying weapons, and we feel handguns are used so often in crime because they're concealable and convenient."

Across town, deep beneath the John F. Kennedy Federal Building, a similar scene is found in the storage room of the Boston district office of the Alcohol, Tobacco and Firearms Bureau (ATF) of the U.S. Treasury Dept. There, handguns by the dozens normally hang from the walls, most of them seized in undercover operations carried out against people selling guns illegally.

"The majority of guns we see and buy—in other words, most of the guns being dealt illegally—are handguns," admitted Arthur A. Montuori, special agent in charge. "But even though we make arrests, we don't get all the guns. They're still out there some place, on the illegal market." ATF, in fact, seized fewer than three weapons for every criminal case it initiated last year.

Some law enforcement officials claim that black market sales of handguns may equal legal transactions in number. In Boston, as in any American city, it is easy to get a gun if you want one: in bars, on the street, in well-known apartments.

But there is a striking fact about handguns used in crimes. While most are not owned legally, virtually all were at one time legal guns which were legitimately manufactured, probably in New England. Somewhere along the line, however, they were stolen from the manufacturer, the retailer or, most likely, in a housebreak. Many also came from neighboring states such as Vermont, New Hampshire and Maine, where laws regarding purchase are weak.

In Boston last year, only one of 43 handgun murders was alleged to have been committed by a legally registered owner.

"Guns used in crime almost always come through the black market," said McCallum, "and the black market originates in housebreaks and other types of robberies of legal owners. So, in the end, the source for illegal guns is legal owners."

Despite the overwhelming statistics which link handgun ownership to violent crime, the handgun trade seldom meets trouble in the form of genuinely restrictive legislation. The business is locked firmly to the National Rifle Association (NRA), which claims 1 million devout members and warned in the February issue of "The American Rifleman," its monthly magazine, that "Communist leaders and their henchmen or unwitting tools continue to demand that U.S. citizens give up their guns. . ."

"Henchmen" and "tools" notwithstanding, the more than 60 bills that have been filed this year in both branches of Congress to amend the 1968 Federal Gun Control Act or add further restrictions to firearms pose little real threat to the handgun market.

Some are so innocuous they are backed by the gun lobby itself. Those with teeth are given little chance of passage.

Sen. Edward M. Kennedy's Personal Safety Firearms Act of 1973, which would ban the domestic output of all hand-held firearms not designed for "sporting uses," is currently resting quietly in the Senate Judiciary Committee, where a similar bill died during the last Congress. There is little hope within the senator's office that it will be approved in its present form, and he is searching for a more popular bill with which to couple some of his currently proposed measures in amendment form.

An even stronger bill, filed by Sen. Philip A. Hart (D-Mich.) and proposing to ban all private ownership of handguns, is currently pending before the Senate Subcommittee on Juvenile Delinquency. But it is essentially a carbon copy of a measure defeated 87–7 last year on the Senate floor.

The closest shave the handgun business has had recently came in the form of a bill filed last year by Sen. Birch E. Bayh (D-Ind.) which proposed to ban the sale, importation and manufacture of certain small handguns. Aimed primarily at the new domestic manufacturers of so-called "Saturday Night Specials," those cheap handguns made with foreign parts, it passed the Senate by 68–25 on June 27, 1972, but died in the House without reaching a vote.

In Massachusetts, which passed the first gun control law in North America in 1962, attempts to toughen laws continue to go down to ignominious defeat. A 1973 bill prohibiting the sale and possession of handguns, except for or by members of the armed forces and law enforcement officials was reported unfavorably this year by a unanimous vote of the Joint Public Safety Committee.

This hardy perennial, sponsored by Sen. Jack H. Backman (D-Brookline) drew a vociferous and protesting group of 1000 gun owners to a public hearing Feb. 15. Another bill, sponsored by Rep. Peter F. Harrington (D-Newton), would have required the registration of handguns with a barrel length of less than six inches or an overall length of less than 18 inches. It was defeated in the House by a 151–70 margin.

What finally did pass were six bills, backed by gun owners, which increased penalties for violating various sections of the state's current gun laws.

"The opponents of strong gun laws are very well-organized," Sen. Backman explained recently. "But, the proponents who far outnumber the gun lobbyists, don't ban together. They just don't get excited."

National polls, in fact, have consistently shown the public solidly backs, stiffer gun laws. But the number of handguns—and the violent crimes in which they're used—continues to mount.

VICE-PRESIDENT-DESIGNATE FORD DISPLAYS FITNESS FOR LEADERSHIP

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. McCLORY. Mr. Speaker, the conduct of our colleague Gerald R. Ford during the Senate Committee hearings relating to his confirmation as Vice President of the United States—pursuant to the provisions of the 25th amendment to the U.S. Constitution—should bring pride to all of the Members of this House.

In addition, speaking in behalf of my Republican colleagues, I cannot help but observe that Gerald Ford provides the kind of fresh, open, and straight-forward impression which should and basically does characterize the public leaders elected from my party.

Washington Columnist David S. Broder has written a most complimentary article in behalf of Gerald Ford, which I call to the attention of my colleagues and particularly those from my side of the aisle.

Mr. Broder sets forth in eloquent literary style the outstanding attributes of Gerald Ford which qualify him for the future role of Vice President and for executive leadership of our Nation.

The article follows:

GERALD FORD: TRADITION AND CIVILITY

In this season of troubles in Washington, welcome reassurance is coming from the personality and performance of that comfortingly familiar figure—Gerald R. Ford.

As the Vice President-designate and heir apparent to a severely beleaguered President, the gentleman from Grand Rapids is the man on the spot. He is the key figure in an unprecedented experiment, testing whether a government of divided partisanship can make an untried provision of the Constitution operate in a climate of pervasive public distrust.

His conscientious preparation, his evident cooperativeness and his candor are making his confirmation hearings an occasion in which the country can not only learn something of the character of its new Vice President but relearn the value of one of its oldest traditions—the tradition of civility.

Ford's second sentence to the Senate Rules Committee was: "I feel that I am among friends." That is a rather remarkable thing for the Republican leader of the House to say to a committee of the Democratic Congress, which is not only sitting in judgment on him but is taking preliminary steps to remove from office the Republican President who appointed him.

But it is a statement that springs naturally to Ford, who operates, under any circumstance, in a tradition of civility, of mutual accommodation, of respect for persons and institutions.

This unwritten tradition underlies the written Constitution, but it has been badly battered in these recent years, as one President lashed out at opponents of his war policies and his successor compiled an "enemies list."

Whatever his shortcomings, in intellect, oratory, or wit, Gerry Ford is one of the most decent human beings in Washington. He is not a hater, nor is he under a constant compulsion to prove his own worth by dominating and downgrading others.

The qualities he has displayed in his confirmation hearings—and in 25 years in Congress—may be just what the doctor ordered for this badly battered Republic. A congressman's wife who watched his testimony on television remarked that he reminded her of Eisenhower. He lacks the personality and the smile that made it so easy to "like Ike," but that flat Midwestern voice and that open face encourage trust.

When he says, as he did, that "my platform, gentlemen, is always to support truth and intelligent compromise," you know that is the authentic Ford credo—and not a line some public relations adviser furnished.

A House colleague, enlisting support for his confirmation among Democrats, says he has been surprised to learn how many members of the opposition "really do consider Gerry a personal friend." Such friendships are rare among congressmen of opposite parties, and particularly among those whose leadership roles require them to operate, as Ford has, in a highly partisan fashion.

But Ford does not let partisanship carry to the point of personal enmity. It is inconceivable that his office would compile an "enemies list." As remarked previously here, his style of leadership in the House has been genuinely open and consultative. As Vice President or President, he testified, he would continue to make himself accessible to members of Congress and the press.

Even in the stress of this current situation, he has deliberately reached outside his own circle for guidance. In advance of the hearings, he sought out a group of certified "eggheads" and told them he was concerned that his reputation as a non-intellectual not be taken by them as a sign that he was anti-intellectual. He seemed genuinely relieved at being told that the very fact that he had sought such a meeting went a long way toward establishing the point he wanted to make.

A colleague in the Republican leadership says, "We learned very quickly that Gerry does not like to make decisions alone." A Ford administration would be an exercise in collective leadership.

Those members of Congress who know him best are unanimous in their belief that should Ford become President, he would seek to continue the main lines of the Nixon foreign and domestic policy—détente abroad and decentralization at home.

He would try to keep Henry Kissinger and Melvin Laird as chief foreign and domestic policy lieutenants knowing full well that both men are more guileful and sophisticated than he is himself.

What Ford would bring to such a government is the simplicity and honesty and openness and benignity that have been missing so long from the White House.

As the awareness of those qualities in him has sunk in, the hunger for their restoration in national leadership has grown. "The sooner the better" doctrine now applies, not just to Ford's confirmation for the vice presidency, but to the step beyond.

LOUIS WARD STANGER: A RETIRED BAPTIST MINISTER

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. CARTER. Mr. Speaker, I recently received a letter from a retired Baptist minister. In it he enclosed a poem, the content of which I think is noteworthy and poignant. Our country today needs more dedicated ministers such as Louis Ward Stanger:

TO DR. TIM LEE CARTER: IN APPRECIATION

The letter you wrote and dated the third,
Of July, I acknowledge, altho I am late;
The time has flown by like a high, flying bird,
And I am ashamed as I look at the date.

But, believe me, altho these words may belie
My good intentions I hoping that you
Will realize Mrs. Stanger and I
In this very brief note are saying "thank you."

Sixty years! It's hard for us to believe it.
But, believe it or not, each year we can trace;
Wouldn't it be wonderful if we could retrieve it,
And live it again with much greater grace?

That we know, of course, is impossible; still
The thot, tho it's fanciful, wont go away;
But this we can do, God helping us, fill
With honor and dignity what's left today.

AN INDEPENDENT SPECIAL PROSECUTOR

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. CULVER. Mr. Speaker, I would like to draw my colleagues' attention to an article that appeared in this morning's New York Times. It is written by Raoul Berger, the eminent constitutional scholar at Harvard, and it succinctly rebuts doubts about the constitutionality of a court-appointed special prosecutor. Mr. Berger points out that the executive branch cannot be expected to investigate itself, and that court appointment is expressly provided for in article II, section 2 of the Constitution. He further points out that any other construction would produce an absurd vacuum, and reminds us that the Constitution should never be construed in that fashion.

At a time when the Judiciary Committee is giving careful consideration to the legislation that I and 113 cosponsors have introduced to authorize court appointment of a special prosecutor, I believe Mr. Berger's commonsense reasoning should commend itself to all of us in the Congress. I, therefore insert his article at this point in the Record:

THE PROSECUTOR

(By Raoul Berger)

CONCORD, MASS.—It is generally agreed that the appointment of a special prosecutor to carry on the task begun by Archibald Cox is indispensable to restoration of confidence in the administration of justice. The nation cannot tolerate the spectacle of a potential defendant in the Presidency dictating to a prosecutor how far investigation may go. Acting Attorney General Bork's protestation that he means to be utterly independent in pursuing the Watergate and related investigations furnishes even less security than was furnished by the express charter of independence given to Mr. Cox by Attorney General Richardson.

As the Supreme Court stated in *Humphrey's Executor* v. *United States*, "one who holds his office only during the pleasure of another, cannot be depended upon to maintain an attitude of independence against the latter's will."

With good reason, therefore, has public sentiment crystalized in favor of a statute that would establish a special prosecutor as an agency completely independent of the President, to be appointed by a court. The power of Congress to establish independent agencies is indisputable; power to vest appointments in the courts is expressly conferred by Article II, Section 2(2) of the Constitution: "Congress may by law vest the appointment of such inferior officers as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments."

Prof. Alexander Bickel argues that "the prosecutorial function belong[s] solely to the executive branch and 'judicial power is not compatible with the exercise of hiring, firing and, for all I know, of supervising of prosecutors.'" It is a mistake to regard the prosecutorial function as immovably embedded in the executive branch. In *Ex parte Seibold* (1879), the Supreme Court said that a marshal, for instance, an "executive officer" ordinarily appointed by the President, is yet "preeminently an officer of the courts," whose appointment could be vested in the courts. As a lawyer, a special prosecutor is no less an officer of the court, who closely shares in its administration of justice. It was objected in *Seibold* that "the Act of Congress imposes upon the Circuit Court duties not judicial, in requiring them to appoint supervisors of election, whose duties, it is alleged, are entirely executive in character."

Commenting on Article II, Section 2(2), the Court stated. "It is no doubt usual and proper to vest the appointment of inferior officers in that department of the government, executive or judicial, or in that particular executive department to which the duties of such officers appertain. But there is no absolute requirement to this effect in the Constitution. . . ."

Had the framers considered that appointments and functions fell into ironclad compartments, they would have lodged all "executive" appointments in the President. Instead they gave him quite limited powers of appointment and left the bulk of the appointment power in the discretion of the Congress. They left Congress free, in the present extraordinary circumstances, to place a prosecutorial function outside the executive department when quite plainly it could not be trusted to investigate and prosecute itself.

Those who have been ready enough to argue for an illimitable power of removal—a power nowhere mentioned in the Constitution, which was the subject of protracted controversy in the first Congress, and which argument is discredited by Madison's statement in that debate that the President would be impeachable "for the wanton removal of meritorious officers"—should not be too quick to place limits upon the express and unqualified Congressional power to vest appointments in the courts.

Particularly is this true when the result of an illiberal interpretation is to insulate the close aides of the President and the President himself—70 per cent of the American people believe that he was implicated in the Watergate cover-up conspiracy—from full and independent investigation. For centuries it has been a canon of interpretation that even express terms must give way when a given application produces absurd or unreasonable results. Implied powers stand no higher.

To insist that the President must investigate and prosecute himself, for that is what the argument for executive control of prosecution boils down to, is plainly unreasonable. The power of appointment and the separation of powers were not designed to obstruct justice.

Let our guide be the utterance of Congressman Bland in the first Congress. Faced with the fact that the Constitution made no provision for removal, he said, "it was essentially necessary that such a power should be lodged somewhere, or it would be impossible to carry the Government into execution."

Somewhere there must exist power to provide for an independent special prosecutor to carry forward an untrammeled investigation of White House participation in a criminal conspiracy. Without straining, it can be found in Article II, Section 2(2). It follows that a statute authorizing a court to appoint a special prosecutor would be constitutional.

NATIONAL RIVER ACADEMY APPOINTS 27 TO THIRD CLASS

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. ALEXANDER. Mr. Speaker, the National River Academy is training the rivermen of America to man the inland waterways of the United States, and to move the commerce that is vital to the Nation.

On October 25, 1973, the New Orleans Times-Picayune reported the activities of the NRA. I commend the directors, officers, personnel, and supporters of the academy for an outstanding service that they perform for a great and dynamic Nation which depends on our rivers for transporting the needs of our people.

The article follows:

NATIONAL RIVER ACADEMY APPOINTS 27 TO THIRD CLASS—SEVEN NEW CADETS FROM LOUISIANA, MISSISSIPPI

(By Capt. Thomas L. Lewis)

The National River Academy, Helena, Ark., has announced the appointment of 27 men to its third river cadet class, which will commence training on Oct. 28. This class makes a total of 51 participants in the cadet training program.

"Making up the largest class in the academy's history, the new cadets represent ten states bordering the inland river system, from Louisiana to New York. Almost half have previously worked as river deck hands, and more than one-third have completed some college work," it was stated.

BILOXI MEETING

The Rivers and Harbors Association of Mississippi says a record number of leaders from the state interested in water resources and in the development of waterways and conservation will attend the 16th annual meeting. The meeting is scheduled for Nov. 1–2 at the Sheraton Hotel in Biloxi.

President Thompson Pound said the program committee of the convention requests advance reservations be made directly with the Sheraton. Donald Colmer of Jackson, Miss., who is chairman of the board, is serving as the program chairman.

For their exceptional work during the 1973 flood the Corps of Engineers, along with the Mississippi River Commission, is being honored.

The featured speaker at the luncheon on Friday, Nov. 2, will be Maj. Gen. Charles Noble, president of the Mississippi River Commission.

To be honored at the luncheon also will be Gen. Carroll LeTellier, South Atlantic Division Engineer of the Corps in Atlanta, and Gen. Harry Griffith, Southwest Division Engineer of the Corps in Dallas, Tex.

EPA SPEAKER

Another outstanding speaker at the convention will be Jack Ravan, head of the Environmental Protection Agency in Atlanta. He will bring the attendance up to date on the latest regulations by the agency relating to water resources and waterways.

Registration begins on Thursday, Nov. 1, in the afternoon. The board of directors will meet at 4 p.m. that date. A reception and seafood jamboree will conclude that day's activities.

After a welcoming address by Biloxi's Mayor Jerry O'Keefe on Friday morning, a slate of speakers will report on progress in their areas. Included in the group are: Col. Drake Wilson, District Engineer, Corps of Engineers, Mobile; Col. Marvin Rees, District Engineer, Corps of Engineers, Vicksburg; Capt. Paul Peak, Eighth Coast Guard District, New Orleans; Jim Carraway, Air and Water Pollution Commission, Jackson, and W. L. Heard, State Conservationist, Jackson.

Of the 27 men, seven of them are from Louisiana and Mississippi: Christopher D. Cusimano, Joseph T. Davisson and Terry S. Wilkes, all from New Orleans; Kevin V. Glusenkamp from Columbus, Miss., Alan B. Kaiser, Natchez, Miss., Leonard Lepicier, Aberdeen, Miss., and Steven M. Eley, Cleveland, Miss. The others are from Arkansas, Iowa, Tennessee, Ohio, Kentucky, Missouri, New York and Oklahoma.

The academy says the increased enrollment marks a growing interest in the NRA's programs, and a new awareness of the opportunities offered in the inland waterways industry.

SHIP AND SHORE

The cadets during their 22-month training program, will alternate every two months between classroom training at the academy and actual work experience aboard a towboat.

On graduation, they will be qualified to undertake the examinations for a towboat operator's license and tankerman certification, in addition to a radar endorsement and FCC certificate. The cadet graduate will also receive an associate of applied science degree and an engineer's certificate recognized by the river industry.

CONGRESSMAN WOLFF POLLS HIS CONSTITUENTS

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. WOLFF. Mr. Speaker, I want to insert in the RECORD the text of a questionnaire I am sending to every resident of my congressional district asking their opinion on the current Judiciary Committee inquiry into the legal grounds for impeachment proceedings.

I believe it is extremely important that we be aware of how our constituents think about this most serious matter.

Dear Friend and Constituent,

The most pressing issue facing this nation today is the question whether or not the President should be impeached.

As a result of the rising tide of American public opinion and at the request of numerous members of the House of Representatives, the Judiciary Committee has begun an examination of the grounds for possible impeachment.

As your representative in Congress, I believe it is my responsibility to ascertain your opinion on this grave matter. Therefore, I would appreciate your responding to the question below. Your prompt reply is requested and you need not indicate your name and address if you prefer.

Sincerely,

LESTER L. WOLFF.

DO YOU FAVOR THE IMPEACHMENT OF THE PRESIDENT OF THE UNITED STATES?

Yes, ——; No, ——; No opinion, ——.

Name ------------------------------------

Address ------------------------------------

Thank you very much for taking the time to participate. I am grateful for having your opinion which I will transmit to the House Judiciary Committee.

CHANCELLOR DEAN E. McHENRY TO RETIRE AFTER NEARLY FOUR DECADES OF PUBLIC SERVICE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. ANDERSON of California. Mr. Speaker, California has long been recognized as a leader in the field of higher education—a reputation earned through the combined efforts of many individuals.

Foremost among those who have dedicated their lives to providing California students with a system of learning, second to none is a man who is about to retire after nearly four decades of service to Californians in the field of higher education—Dean McHenry, the chancellor of the University of California at Santa Cruz.

Dean E. McHenry has devoted his life to building the future of California by improving, refining, and strengthening the quality of higher education in California. For 37 years he has contributed his visions, hard work, and leadership to nearly all facets of education.

He first joined the University of California system as a faculty member at UCLA in 1939. Later he served as dean of social studies and chairman of the Political Science Department at that campus.

It is, however, in his role as the first and only chancellor at Santa Cruz that he will be most remembered. After serving a 3-year term as dean of academic planning for the UC system, he was appointed chancellor of UC Santa Cruz in 1961. As the president of the University of California system, Charles J. Hitch, recently stated,

> It is hard for me to think of the Santa Cruz campus without Dean McHenry.

I would echo and amplify these words for the chancellor has been planning and organizing the campus from its very conception.

For those of you who have been there, I am sure that you will agree that this campus, which overlooks the Monterey Bay, is one of the most beautiful in our Nation. In addition to the esthetic beauty of this area, the university has earned a reputation for academic excellence. As one of the founders of the Adlai E. Stevenson College, I am proud of my personal association with this campus and Chancellor McHenry.

I support the view of the chairman of the University of California Regents, Dean A. Watkins, that the university and the people of California owe Chancellor McHenry a tremendous debt. We are indeed grateful for his outstanding contribution, and are fortunate that a man of his caliber has dedicated his life for the benefit of his fellow citizens.

I am certain that his wife, Jane, who has worked along with him during these many years of public service and their four children, are looking forward to his well-deserved retirement at the end of this school year in order that he might spend more time with their six grandchildren.

Although we will all miss him at UC Santa Cruz, his mark impressed upon our education system will long be remembered.

OLD NORTH REFORMED CHURCH

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. HELSTOSKI. Mr. Speaker, this year, the Old North Reformed Church, in Dumont, N.J., is celebrating its 250th anniversary. This occasion, I believe, once again underscores the indomitable spirit that sustained our forbears during their darkest days in the new world. Today, Old North Reformed stands as a solemn tribute to our heritage of faith.

Located at the intersection of Madison and Washington Avenues, Old North Reformed is a familiar Bergen County landmark. Originally, the church was a small octagonal sturcture, located near its present site. Members of the first congregation were mostly Dutch farmers.

The present structure was built in 1801. The steeple and interior are considered to be outstanding examples of Dutch-Colonial architecture. In 1926, when the steeple was struck by lightning, the entire community turned out to help rebuild it.

The people of Dumont and the entire State are proud of Old North Reformed; the church is a tribute to the principles of perseverance and pride.

Mr. Speaker, I would like to insert into the RECORD excerpts from an article dealing with this historic church. The article, which appeared in the New York Times October 28, provides additional insight into the story of Old North Reformed. The excerpts follow:

Old North was founded in 1724, but it has already begun a year-long 250th birthday party.

The Dumont church, a county landmark at the intersection of Washington and Madison Avenues and the "mother" of Reformed churches in Westwood, Oradell, Cresskill and Bergenfield, began its life in a little octagonal sandstone edifice not far from its present location.

The Dutch settlers, practically all of them farmers, brought their own chairs. Their children and slaves occupied benches around four of the church's eight sides.

The present building was constructed in 1801 under the supervision of Peter Durie, for a time a resident of Teaneck. Its slender, graceful steeple and oak-beamed interior are said to represent the finest type of Dutch-Colonial architecture in America.

Worship was in Dutch, slaves were relegated to benches in the balcony and, because there was no heat, parishioners brought their own foot warmers. Not until 1836 were stoves installed in the four corners of the building.

The original pews and their knee-high doors, which helped keep out the cold, are still used. So are the slave benches.

Families bought the best pews—in the center of the sanctuary—at auction. Less-desirable locations were rented.

In 1859, Old North was enlarged by extending its altar and choir loft into a cemetery in the rear of the church. The new choir stalls were built over the graves.

The chipped and broken gravestones in the little churchyard reflect the country's early Dutch influence, for there are names such as Blauvelt, Westervelt, Brinkerhoff, Van Delinda and Demarest.

Col. Isaac Nicholl and Peter Lozier, revered as Revolutionary War heroes, are both buried in the back of the Dumont church.

When the church steeple was hit by lightning in 1926, the whole town, including Protestants, Roman Catholics and Jews, turned out to help rebuild it.

The Rev. Dr. Albert H. Van Dyke has served as pastor of Old North for the last 15 years.

OFFICE OF WATERGATE SPECIAL PROSECUTOR FORCE

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. WYLIE. Mr. Speaker, I would suppose that many of you have received communications regarding the appointment of Mr. Leon Jaworski as special prosecutor and, more specifically, the scope of his special functions, duties, and responsibilities, and how he may be removed from office.

The Executive order in this regard is printed in today's Federal Register, volume 838, No. 214. I insert herewith the Federal Register notification with respect to the establishment of the Office of Watergate Special Prosecution Force for the information of all concerned:

[Title 28—Judicial Administration, Chapter I—Department of Justice, Order 551–73; Part O—Organization of the Department of Justice]

Establishing the Office of Watergate Special Prosecution Force

By virtue of the authority vested in me by 28 U.S.C. 509, 510 and 5 U.S.C. 301, there is hereby established in the Department of Justice, the Office of Watergate Special Prosecution Force, to be headed by a Director. Accordingly, Part O of Chapter I of Title 28, Code of Federal Regulations, is amended as follows:

1. Section 0.1(a) which lists the organization units of the Department, is amended by adding "Office of Watergate Special Prosecution Force" immediately after "Office of Criminal Justice."

2. A new Subpart G–1 is added immediately after Subpart G, to read as follows:

SUBPART G–1—OFFICE OF WATERGATE SPECIAL PROSECUTION FORCE

Sec.
0.37 General functions
0.38 Special functions.

Authority: 28 U.S.C. 509, 510, and 5 U.S.C. 301.

SUBPART G–1—OFFICE OF WATERGATE SPECIAL PROSECUTION FORCE

§ 0.37 General functions.

The Office of Watergate Special Prosecution Force shall be under the direction of a Director who shall be the Special Prosecutor appointed by the Attorney General. The duties and responsibilities of the Special Prosecutor are set forth in the attached appendix below which is incorporated and made a part hereof.

§ 0.38 Specific functions.

The Special Prosecutor is assigned and delegated the following specific functions with respect to matters specified in this subpart:

(a) Pursuant to 28 U.S.C. 515(a), to conduct any kind of legal proceeding, civil or criminal, including grand jury proceedings, which United States attorneys are authorized by law to conduct, and to designate attorneys to conduct such legal proceedings.

(b) To approve or disapprove the production or disclosures of information or files relating to matters within his cognizance in response to a subpoena, order, or other demand of a court or other authority. (See Part 16(B) of this chapter.)

(c) To apply for and to exercise the authority vested in the Attorney General under 18 U.S.C. 6005 relating to immunity of witnesses in Congressional proceedings.

The listing of these specific functions is for the purpose of illustrating the authority entrusted to the Special Prosecutor and is not intended to limit in any manner his authority to carry out his functions and responsibilities.

Dated: November 2, 1973.

ROBERT H. BORK,
Acting Attorney General.

APPENDIX—DUTIES AND RESPONSIBILITIES OF THE SPECIAL PROSECUTOR

The Special Prosecutor. There is appointed by the Attorney General, within the Department of Justice, a Special Prosecutor to whom the Attorney General shall delegate the authorities and provide the staff and other resources described below.

The Special Prosecutor shall have full authority for investigating and prosecuting offenses against the United States arising out of the unauthorized entry into Democratic National Committee Headquarters at the Watergate, all offenses arising out of the 1972 Presidential Election for which the Special Prosecutor deems it necessary and appropriate to assume responsibility, allegations involving the President, members of the White House staff, or Presidential appointees, and any other matters which he consents to have assigned to him by the Attorney General.

In particular, the Special Prosecutor shall have full authority with respect to the above matters for:

Conducting proceedings before grand juries and any other investigations he deems necessary;

Reviewing all documentary evidence available from any source, as to which he shall have full access;

Determining whether or not to contest the assertion of "Executive Privilege" or any other testimonial privilege;

Determining whether or not application should be made to any Federal court for a grant of immunity to any witness, consistently with applicable statutory requirements, or for warrants, subpoenas, or other court orders;

Deciding whether or not to prosecute any individual, firm, corporation or group of individuals;

Initiating and conducting prosecutions, framing indictments, filing informations, and handling all aspects of any cases within his jurisdiction (whether initiated before or after his assumption of duties), including any appeals;

Coordinating and directing the activities

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of all Department of Justice personnel, including United States Attorneys;

Dealing with and appearing before Congressional committees having jurisdiction over any aspect of the above matters and determining what documents, information, and assistance shall be provided to such committees.

In exercising this authority, the Special Prosecutor will have the greatest degree of independence that is consistent with the Attorney General's statutory accountability for all matters falling within the jurisdiction of the Department of Justice. The Attorney General will not countermand or interfere with the Special Prosecutor's decisions or actions. The Special Prosecutor will determine whether and to what extent he will inform or consult with the Attorney General about the conduct of his duties and responsibilities. In accordance with assurances given by the President to the Attorney General that the President will not exercise his Constitutional powers to effect the discharge of the Special Prosecutor or to limit the independence that he is hereby given, the Special Prosecutor will not be removed from his duties except for extraordinary improprieties on his part and without the President's first consulting the Majority and the Minority Leaders and Chairmen and ranking Minority Members of the Judiciary Committees of the Senate and House of Representatives and ascertaining that their consensus is in accord with his proposed action.

STAFF AND RESOURCE SUPPORT

1. *Selection of Staff.* The Special Prosecutor shall have full authority to organize, select, and hire his own staff of attorneys, investigators, and supporting personnel, on a full or part-time basis, in such numbers and with such qualifications as he may reasonably require. He may request the Assistant Attorneys General and other officers of the Department of Justice to assign such personnel and to provide such other assistance as he may reasonably require. All personnel in the Department of Justice, including United States Attorneys, shall cooperate to the fullest extent possible with the Special Prosecutor.

2. *Budget.* The Special Prosecutor will be provided with such funds and facilities to carry out his responsibilities as he may reasonably require. He shall have the right to submit budget requests for funds, positions, and other assistance, and such requests shall receive the highest priority.

3. *Designation and responsibility.* The personnel acting as the staff and assistants of the Special Prosecutor shall be known as the Watergate Special Prosecution Force and shall be responsible only to the Special Prosecutor.

Continued responsibilities of Assistant Attorney General, Criminal Division. Except for the specific investigative and prosecutorial duties assigned to the Special Prosecutor, the Assistant Attorney General in charge of the Criminal Division will continue to exercise all of the duties currently assigned to him.

Applicable departmental policies. Except as otherwise herein specified or as mutually agreed between the Special Prosecutor and the Attorney General, the Watergate Special Prosecution Force will be subject to the administrative regulations and policies of the Department of Justice.

Public reports. The Special Prosecutor may from time to time make public such statements or reports as he deems appropriate and shall upon completion of his assignment submit a final report to the appropriate persons or entities of the Congress.

Duration of assignment. The Special Prosecutor will carry out these responsibilities, with the full support of the Department of Justice, until such time as, in his judgment, he has completed them or until a date mutually agreed upon between the Attorney General and himself.

[FR Doc. 73-23693 Filed 11-6-73; 8:45 am]

WE MUST HAVE AN INDEPENDENT SPECIAL PROSECUTOR

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. SEIBERLING. Mr. Speaker, the House Judiciary Committee has completed its hearings on the bills to create a special statutory prosecutor to continue the work begun under Mr. Archibald Cox. If there is any one thing that is clear in the confusing situation we find ourselves in, it is that a truly independent prosecutor is absolutely essential if public confidence in our legislative system is to be restored.

The promises of the White House, to the effect that the new special prosecutor, Mr. Leon Jaworski, will not be dismissed without the approval of congressional leaders of both parties, mean little following the President's breach of similar promises regarding the independence of Special Prosecutor Cox. As the Akron Beacon Journal said in a recent editorial:

> Too many people followed orders without question in the Nixon Administration.

Moreover, Mr. Nixon has announced that he in no way is yielding the legal right to dismiss any employee of the executive branch.

Recently, a member of my staff, Mrs. Melanie Fein, on her own initiative, located a statement by President Nixon himself in his famous "Checkers" speech of 1952, which makes a persuasive case that no Presidential appointee can be trusted to clear up the "mess" that Mr. Nixon's administration has made. Mrs. Fein included the statement in a letter to the editor which appeared in the Washington Post of November 6.

Mr. Speaker, I offer the Akron Beacon Journal editorial of October 30 and Mrs. Fein's letter to the Post for inclusion in the RECORD immediately following these remarks:

[From the Akron (Ohio) Beacon Journal, Oct. 30, 1973]

ONLY A SPECIAL PROSECUTOR WITH NO CHAINS WILL DO

If President Nixon didn't get the message from Cox, Richardson and Ruckelshaus, maybe acting Atty. Gen. Robert H. Bork can get through to him.

If not, Congress, bolstered by support from an angry American public, stands ready to deliver it loud and clear. The message: Nothing less than a truly independent special Watergate prosecutor will suffice.

Bork is making it known he has no intention of playing any part in a White House plan to name a new special prosecutor—wrapped in the same old chains which had bound Archibald Cox.

That seems precisely what President Nixon had in mind. Friday he said Bork would name a new prosecutor who would get "total cooperation" from the White House.

But it soon became clear that Nixon is ready to climb back into the trenches. "We will not provide presidential documents to a special prosecutor," he said.

We salute Bork for refusing to jettison his principles despite what must be enormous White House pressure. Clearly, a new face in the same old White House straitjacket can't be nearly good enough for the public or Congress. People want the truth, not more cover-ups.

Alexander Haig, President Nixon's aide, defends the White House plan for a new prosecutor as fair. But we expect nothing else from a military man who got where he is by following orders.

Too many people followed orders without question in the Nixon administration. That's how Watergate was allowed to happen.

If the President is serious about demanding the power to control the Watergate investigation, the cease-fire he achieved by surrendering his controversial White House tapes will be short-lived.

It was because Cox did not have the independence he was promised that Nixon was faced with one of his gravest crises. Cox's firing by Nixon for balking at White House orders to rein in his investigation touched off America's first serious talk of impeachment in a century.

The Mideast crisis may have temporarily taken some public notice away from the issue, but the people are still angry about the Cox incident. A repeat could boil the controversy over.

Congress—and the public, we think—isn't about to buy the idea of another chained-up prosecutor, one the White House will "cooperate" with—and also command. Surely the President, a wise politician, must see that.

The last thing Richard Nixon needs is another slugfest with the courts or Congress, because the public is no longer in his corner on this issue. Nixon desperately needs to build confidence. He can't do it by stringing up another puppet prosecutor and dangling him in front of the American people, telling them he is "independent."

If the President is unwilling to follow the advice of Republican Congressional leaders and name an independent prosecutor, Congress or the courts will have to do it instead.

[From the Washington Post, Nov. 6, 1973]

MR. NIXON'S ADVICE

The case for a special, independent prosecutor to investigate Watergate was persuasively stated by President Nixon himself in his famous "Checkers" speech in 1952. Contending that Presidential candidate Adlai Stevenson could not be trusted to clean up the corruption growing out of the Truman administration, the then Senator Nixon stated:

Take the problem of corruption. You have read about the mess in Washington. Mr. Stevenson can't clean it up because he was picked by the man, Truman, under whose administration the mess was made.

You wouldn't trust the man who made the mess to clean it up. That is Truman. And, by the same token you can't trust the man who was picked by the man who made the mess to clean it up, and that is Stevenson. And so I say, Eisenhower, who owes nothing to Truman, nothing to the big-city bosses—he is the man who can clean up the mess in Washington.

Likewise, neither President Nixon nor any presidential appointee can be trusted to clean up the Watergate "mess" that his own administration has made.

MELANIE FEIN.

Washington.

RESOLUTION TO SUPPORT ISRAEL

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. EILBERG. Mr. Speaker, during this most merciless war between the

Arab nations and Israel, the United States has readily provided Israel with the weapons she needs to defend herself.

Many of Philadelphia's private organizations and public figures alike have announced their support of Israel, and I am pleased to state that the Grand Lodge of Pennsylvania, Order Sons of Italy has unanimously adopted a resolution in support of the United States continuing policy of supplying the Israelis with assistance.

At this time I enter into the RECORD a copy of this resolution which was sent to the President:

ORDER SONS OF ITALY IN AMERICA,
GRAND LODGE OF PENNSYLVANIA,
Philadelphia, Pa., October 25, 1973.

Hon. RICHARD NIXON,
President of the United States,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: On behalf of the Grand Lodge of Pennsylvania, Order Sons of Italy in America, I am pleased to advise you that the Grand Council of the Grand Lodge unanimously adopted and promulgated the following Resolution on Friday, October 19th, 1973:

"Whereas, Egypt and Syria committed an unprovoked and premeditated attack against Israel on Yom Kippur, the most solemn and holy day of the Jewish year; and

"Whereas, this diabolical attack, aided and abetted by the U.S.S.R. violated not only international law but every common ethical standard of humanity; and

"Whereas, the State of Israel is a bastion of democracy and a beacon for oppressed peoples in the Middle East; and

"Whereas, it is in the interest of the United States of America to protect the integrity of Israel and to maintain Israel's deterrent strength by insuring the balance of power in the Middle East; and

"Whereas a true and lasting peace is now, as it has been in the past, the only sensible goal for United States policy in the Middle East;

"Therefore, be it resolved that the Grand Council of the Grand Lodge of Pennsylvania, Order Sons of Italy in America, representing over 100,000 Americans of Italian descent, vigorously supports the present policy of the Government of the United States to provide Israel with whatever assistance is required to defend herself; and

"Resolved, further, that the aforesaid Grand Council urges the United States to continue its efforts to achieve a firm ceasefire and to seek immediate direct negotiations between Israel and the Arab States which will hopefully lead to a just and durable peace and which will provide for Israel secure, recognized and defensible borders."

We sincerely trust and pray that the purposes and goals of this Resolution are given serious consideration by your Administration.

Respectfully submitted,

FRANK J. MONTEMURO, Jr.,
Grand Venerable.

TITLE II OF THE SOCIAL SECURITY ACT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. GILMAN. Mr. Speaker, I am introducing today legislation amending title II of the Social Security Act increasing to $7,500 the amount of allowable outside earnings.

Under present law, a social security recipient's benefits are reduced if earnings exceed $200 per month.

In these days of rapidly rising costs, we all recognize that social security income in and of itself is often inadequate to meet the basic necessities of our older citizens. Our social security laws are outmoded when they result in penalizing retirees after working so many long hard years and contributing so much to achieve social security status.

By imposing a low income ceiling, our older people are discouraged from seeking part-time employment enabling them to supplement their incomes in order to maintain a decent standard of living. Moreover, such archaic restrictions result in cutting off a vital labor force in our society. By forcing them out of the work force, our senior citizens are deprived of the opportunity of making further contributions to society.

Accordingly, I invite my colleagues to join me in sponsoring this measure to enable our older Americans, who have contributed so much to our Nation, to enjoy their retirement with dignity.

TRIBUTE TO SHERIFF JOHN HOYT AND DEPUTY RICHARD DAVIS

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. CHARLES WILSON of Texas. Mr. Speaker, on October 26, I was privileged to add my praises to those of the citizens of San Augustine County, Texas, at ceremonies held to honor Sheriff John Hoyt and Deputy Richard Davis. Those men each suffered loss of one eye during a a shootout last July which left one woman dead and five persons wounded.

Although San Augustine is not a part of the Second Congressional District of Texas which I represent here in Congress, I served its citizens for 6 years in the Texas State Senate, and I know that the courage, dedication to duty, and personal sacrifice that so clearly mark Mr. Hoyt and Mr. Davis are not atypical of the character of the people of East Texas.

At this time, I would like to insert the text of my speech before the citizens of San Augustine as a way of introducing Sheriff Hoyt and Deputy Davis to my colleagues in the House, and also to remind us all that honesty, courage, and sacrifice are still very much a part of the American people.

SPEECH OF HON. CHARLES WILSON

You know, politicians in Washington always make a grand show of coming back to their districts to talk with their constituents, to listen to what they have to say. It's called "taking the pulse of the country," as if we were all Congressional surgeons or something who then could rush back to Washington and prescribe whatever miracle medicine the country needed.

This is all well and good, I guess, at least in theory. But in the past few weeks I suspect many of you have thought of going to Washington to take our pulse up there before the condition gets much worse. Perhaps a tourniquet around the nation's capitol before the infection spreads or something.

That's why it's so wonderful to come back to San Augustine where you don't just feel the pulse of the country, but you can touch instead the very life's blood of democracy. Here in the gentle piney woods, in the cradle of Texas liberty and heritage, in the oldest town in Texas, you can learn that America's heart is still beating strong.

It was from here, from all these pleasant country towns around San Augustine, that Gen. Sam Houston's First Army of the Republic of Texas found the men who marched on San Jacinto. It was from here, with that proud victorious army, that a tradition, a legacy, of courage and sacrifice was first established.

We are here today to honor and give witness to the fact that that tradition still lives in the piney woods. Sheriff John Hoyt and Deputy Richard Davis, in the humble act of carrying out their public trust, have provided an example of bravery and sacrifice that would have made Sam Houston proud.

It was the kind of act, on their part, that restore the confidence of all of us in our forms of government. And I wish I could have carried with me all of my fellow Congressmen to meet with you, because their own faith needs strengthening.

A few years ago, the supreme law enforcement officer in the nation told the American public to "watch what we do, not what we say." In the years since—years that have seen many grand pronouncements on law and order—we have finally come to learn just what it was they were doing all that time. The very man who made that statement is now under indictment for what he was *doing* while he was *saying* he supported law and order.

In view of this background, it is heartening to return from Washington, where rhetoric often has the force of reality, to a place where there is no conflict between doing and saying, where one doesn't need to search beneath the rhetoric to find the substance, to a place where law enforcement is practiced instead of merely preached.

It takes no great courage to give a speech for law and order. You take no risks in doing so, and you can always count on loud applause. Likewise, there is no danger involved in passing harsh laws or in denouncing criminals. There is always another man, a braver man, who must enforce those laws and apprehend those criminals. It's easy to be a general in the war against crime: it's the men in the front lines, men like John Hoyt and Richard Davis and, yes, men like Sam Houston, who will always win our wars for us, who will always heed that call to duty.

As our country passes through one of its most trying times, one of its great crises, it is good that we can look out and still see men like this, men who hold a public trust to be greater than private gain. In Washington, a week ago today, an Attorney General of the United States, and his deputy, resigned their high offices rather than betray their public trust and break a solemn oath. Here, today, we honor a sheriff and his deputy who ran greater risks and paid equal prices in order to uphold their public trust.

It is here, in the beautiful piney forests of East Texas, where one can find true law enforcement. John Hoyt and Richard Davis do not hold press conferences or give speeches on national television. They do not say one thing while doing another, do not mislead the people who put them in office with a barrage of rhetoric. They simply and humbly do what you elected them to do: they enforce the law, even when they do so at great cost to themselves.

You should be proud of them, and proud of yourselves as well, because it is in places like this, and with men like this, that the

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integrity of our country can survive. And it is, of course, that same honor and integrity that is the foundation of true law and order.

When I go back to Washington next week to do the job you elected me to do, I will have done a great deal more than just felt the pulse of my constituents. Because I have found that here, in the heart of America, we are strong and healthy, and we still respect our public trusts. That is a powerful medicine for the nation's ills, and that is what I take back to Washington.

TRUCK POLLUTION: AN OMISSION

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. KOCH. Mr. Speaker, on October 25 of this year, I spoke about an article in the New York Times which alleged that the trucking industry had managed to avoid necessary stringent antipollution regulations by the Environmental Protection Agency. My remarks may be found on page 35027 of October 25, 1973, in the CONGRESSIONAL RECORD. The article itself was supposed to have been in the Extensions of the RECORD but was inadvertently omitted. The article follows:

[From the New York Times, Oct. 13, 1973]

TRUCKS ESCAPE STRINGENT POLLUTION CURBS

WASHINGTON, October 12—Many a pedestrian, engulfed in fumes, smoke and soot from a passing truck or bus, has wondered if anyone is trying to stop the noxious belching.

In fact, very little is being done. The nation's 23 million trucks, which are driven almost constantly, have escaped stringent antipollution regulation by the Government.

The trucking industry's success at avoiding tough regulation has been called the "most effective coup that industry has pulled off on the Environmental Protection Agency," according to a trucking representative quoted in a staff memorandum circulating through the agency.

The representative—an official of the Cummins Engine Company, Inc., one of the largest truck engine makers indicated, according to the memo, that the company was cutting back its efforts to curb pollution "due to speculation that E.P.A. had no intention of instituting" rigorous antipollution rules on trucks for several years.

Emission standards for trucks and buses have been set, but rules covering some pollutants are eight or nine times more stringent for cars than they are for heavy-duty trucks. The environmental agency has delayed issuing tougher regulations on heavy trucks until a "substantive" new test procedure can be developed.

According to the Cummins representative, as noted in the memo—the environmental agency is committed to a long project to find a new test procedure, which is bound to result in additional delays and could postpone instituting controls for heavy-duty engines for years.

Eric Stork, a deputy assistant administrator of the environmental agency, predicted that new regulations for trucks would be in effect by 1977 or 1978, but apparently the industry is counting on a later date. Some officials of the agency do not expect the new standards until 1979 or 1980.

Mr. Stork explained that it was much more complicated to set pollution standards for trucks than for automobiles. Cars have relatively standard equipment, he said, but there is an "incredible diversity with trucks."

Most trucks are tailormade, he said. There are only about a half-dozen truck engine manufacturers, Mr. Stork said, but trucks have a wide variety of carburetors, transmissions, wheels, exhaust systems and other equipment.

Another factor is that the amount of weight a truck carries varies widely, he said.

NOT PRACTICAL

"We have to prove the emissions' effects on air quality" from all these different trucks, before new standards are set, Mr. Stork said. "We have an enormous amount of work to do to figure out how to control trucks," he maintained, because "it isn't practical to control emissions on trucks as we do with cars."

Heavy-duty trucks have been regulated by the environmental agency since 1970; light-duty trucks since 1968.

Light-duty trucks—campers, pickups, four-wheel drive vehicles or any trucks under 6,000 pounds—undergo the same tests as automobiles. The exhaust standards that light trucks will have to meet by 1975 are more lenient than standards for cars in 1975, even though many of these trucks have the same engines as passenger cars.

As a result, light-duty truck manufacturers will not have to install an expensive antipollution device called a catalytic converter, an item car manufacturers will be adopting.

The regulations that heavy-duty trucks will have to meet by 1974 developed from a test procedure devised by the trucking industry in California.

"The controls now are based on unsatisfactory testing," Mr. Stork acknowledged.

An example of the difference between the regulations for cars and trucks is the amount of carbon monoxide they are allowed to emit.

A heavy-duty truck with a gasoline engine meeting E.P.A. standards would be emitting about 130 grams per mile of carbon monoxide while an automobile would be limited to a maximum of 15 grams per mile, under the 1975 standards.

Diesel-powered trucks could emit about 34 grams per mile of nitrogen oxides, according to an estimate by the E.P.A., while cars could emit only 2 grams per mile.

Department of Transportation figures show there are 23 million trucks and 100 million cars on the road.

HOW CAN WE HOUSE OUR POOR?

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. KYROS. Mr. Speaker, a few weeks ago the executive director of the Portland, Maine, Housing Authority, John S. Dexter, Jr., addressed the members of the Portland Women's Rotary Club on the subject of the Federal Government's role in housing our Nation's low- and moderate-income citizens. In his thoughtful and cogent remarks, Mr. Dexter argues convincingly against the current administration's housing allowance system as a simple substitute for the sections 235 and 236 housing programs under the Department of Housing and Urban Development. Rather, he urges, in a carefully considered response to the question "How Can We House Our Poor?" that the 235 and 236 programs be retained, but in significantly modified forms. Mr. Dexter's suggestions are worthy of careful consideration. I have already sent a copy of his address to the chairman of the Housing Subcommittee, our distinguished colleague, WILLIAM A. BARRETT, and I commend it to the attention of all of my colleagues at this time:

HOW CAN WE HOUSE OUR POOR?

For years, many Americans have pondered the question: 'How can we House our Poor?" Since the late 1930's, however, we have, while we have pondered, also been doing something to house our Nation's disadvantaged. The Public Housing program is responsible for 1114 units of Public Housing in Portland, and the Federally subsidized 235 and 236 moderate income program is responsible for several hundred more units in Portland and vicinity. None of the programs which provided for this development were perfect, but all contributed in their way to alleviate the critical housing shortage for many families and senior citizens.

Since January of this year, however, the Federal Government has stopped all programs to provide housing for poor and moderate income Americans. In January, the President called for a moritorium on all subsidized housing programs terming them expensive, inefficient and unsuccessful. After 10 months of "study", he proposed that all three of these subsidized housing programs, i.e., public housing, the 235 purchase program which subsidized the mortgages of lower income families down to one per cent thus allowing them to purchase a home of their own, and the 236 program which subsidized developers' mortgages down to one per cent in exchange for a promise that their units rent for low rental amounts, be done away with.

As an alternative, the President proposed that he would at some time in the future send to Congress a Housing Allowance system under which cash would be given directly to low and moderate income families so that they could purchase their own housing on the private market. This legislation, would not, he said, be forthcoming until 1974 or 1975, and could not be enacted until 1976.

After enactment, the program would begin as an experiment in a few cities with a selected Senior Citizen target population, and if it worked, it would be expanded to include increasing numbers of people until all needy Americans were covered by the system. For those of us involved in housing the nation's poor, the President's announcement was received with skepticism and very mixed emotions. Let me elaborate.

First, there was no need for an 18 month moritorium. With minor modifications, and a tightening up on abuses in the programs in a few large cities, the existing programs could have been continued, until a new program had proven itself. Stopping the existing programs until a better system could be developed makes no more sense than not eating *anything* because *steak* is too expensive. In the latter case you would starve; in the former you live in a condemned house.

Even if there was no break in the continuity of our housing programs, the housing allowance is not the answer. Giving subsidies to low and moderate income families to allow them to purchase housing on the private market would work well if there was enough housing on the market to go around. Unfortunately there are not enough housing units. In Portland, the vacancy ratio is only four units out of every hundred. At least twice that many would be needed for even a moderately successful housing allowance program. And even with the higher vacancy ratio, families and senior citizens of limited means will suddenly be able to compete for more choice housing with those of higher incomes driving already expensive housing costs even higher.

Your housing costs and mine will go up, and the subsidy needed by low income families attempting to compete in the same market will of necessity have to increase. New housing constructed to meet the new

demand will be financed with mortgages in excess of 9% as is currently the case again driving the cost of housing even higher. And each year, in an inflationary economy, the size of the housing subsidy must grow placing a bigger and bigger burden on the Federal Government, and indirectly, the taxpayer.

In summary, then, the housing allowance program, proposed by the Administration, rather than alleviating the plight of the poor, will instead raise the price of all our housing while taking an ever increasing bite from our pocket books through ever increasing taxes.

Despite a price tag which I believe is unacceptable, the housing allowance does have strong advantages from a social point of view which I believe are essential for a successful housing program. By allowing low and moderate income families to live anywhere they can find suitable housing, it would, if used on a large scale, eliminate large concentrations of low income, often hard core families. Further, it would tend to mix socio-economic groups thus reducing tensions and social conflicts between income strata. The old nemesis of public and subsidized moderate income housing, the crowding of large low income families together into a small space so that their bad habits can re-enforce each other, would be eliminated.

Before I give you my personal answers to the question: "How can we House our Poor?", it is essential that I briefly answer the President's charges that Public Housing is wasteful and inefficient, and that it does not solve the problem. The current average per unit operating cost of a Portland Housing Authority Unit is $62.00 per month.

Forty per cent of that cost is for utilities. I do not believe that that is a wasteful or inefficient expenditure. In addition to this figure, we must, with Federal Government help, retire the mortgages on our buildings. As of yesterday, the interest rate on these mortgages was under 5½% due to their tax exempt status. This is 4% below the current market rate which a private developer would secure and thus our amortization costs are lower.

To make the picture look even rosier, our tenants pay us on the average $51.00 per month in rent. Thus our net subsidy, exclusive of mortgage retirement, is only $11.00 per unit each month. And, to counter the charge that public housing construction costs are exorbitant, I would point out that our last two projects cost us $20,000 per unit and $15,000 per unit respectively, including streets, sidewalks, sewers, and community building space.

Now, "How can we house our poor?" If you can accept my contention that the construction of public housing and moderate income 235 and 236 housing is cheaper in the long run than a housing allowance, and yet feel, as the Housing Authority and I do that large concentrations of low income families do a dis-service to the families and the Community, then I believe you will agree with my conclusions.

First, the Federal Government must continue to develop housing. This is the only way to expand our housing stock at reasonable cost.

Second, we must stop building large concentrations of low income housing, and start building single units or small clusters of 10 units or less, or, as a further alternative, we must mix income groups in all Federally assisted housing including FHA insured.

Third, when there is an expanding housing market with Government help to allow enough slack, we should add to our arsenal of weapons the housing allowance on a limited basis, it would be especially useful for families who are almost, but not quite able to afford private market housing on their own.

Fourth, and most importantly, we must stop building housing as we have for the last 200 years. The only way to truly lower housing costs, is to lower the cost of the housing itself. To do this, we must develop a mass produceable, factory manufactured dwelling unit constructed from the latest plastics, fiberglas, and metals. We must then adopt a nationwide building code which will make such a home acceptable to local code enforcement officials. I believe that a nation that can put a man on the moon and spend millions on an SST that never got beyond the mock up stage can use those same now vacant plants and skilled technicians to build the universal, reasonably priced housing unit.

That, I believe, is "How we can House our Poor."

ALASKA MARINE MAMMALS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. DINGELL. Mr. Speaker, the Marine Mammal Protection Act of 1972 has occasioned a great deal of comment, some of it favorable, and some of it critical. During the August recess, I and several members of my subcommittee went into the field to look into the question.

One of the hearings that we held was in Anchorage, Alaska, and a principal issue of concern in the course of those hearings was the question of the proper control of native taking. It is clear that Alaskan Natives depend to a great extent upon the taking of marine mammals for subsistence. It was not the purpose of the act to inhibit this activity, but it was the purpose of the act to prevent wasteful and poor management practices.

The Department of the Interior has recently prepared a document highlighting the act as it applies to Alaska Natives, and answering several of the questions that have been raised. The summary is useful and the answers to the questions are helpful and imaginative responses in areas of ambiguity in the act. I commend the Department for its actions in this regard:

NATIVE EXEMPTION HIGHLIGHTS OF THE MARINE MAMMAL PROTECTION ACT OF 1972 AND REGULATIONS

Date of enactment: October 21, 1972.

Effective date: December 21, 1972 (on this date the moratorium takes effect).

Jurisdiction: Department of Interior: Walrus, sea otters, polar bear, and manatee.

Department of Commerce: Seals, whales, sea lions, and porpoises.

Moratorium: On December 21, 1972, except as otherwise specified, there will be an indefinite complete cessation of the taking of marine mammals and a complete ban on the importation into the United States of marine mammals and marine mammal products.

Native exemption to moratorium: The provisions of this Act shall not apply with respect to the taking of any marine mammal by any Indian, Aleut, or Eskimo who dwells on the coast of the North Pacific Ocean or the Arctic Ocean if such taking—

(1) is for subsistence purposes by Alaskan aNtives who reside in Alaska, or

(Subsistence means the use by Alaskan Native of marine mammals taken by Alaskan Natives for food, clothing, shelter, heating, transportation, and other uses necessary to maintain the life of the taker or for those who depend upon the taker to provide them with such subsistence.)

(2) is done for purposes of creating and selling authentic native articles of handicrafts and clothing,

(Authentic native articles of handicrafts and clothing means items made by an Indian, Aleut, or Eskimo which (a) were commonly produced on or before December 21, 1972, and (b) are composed wholly or in some significant respect of natural materials, and (c) are significantly altered from their natural form and which are produced, decorated, or fashioned in the exercise of traditional native handicrafts without the use of pantographs, multiple carvers, or similar mass copying devices. Improved methods of production utilizing modern implements such as sewing machines or modern techniques at a tannery registered pursuant to 18.23(c) may be used so long as no large scale mass production industry results. Traditional native handicrafts include, but are not limited to, weaving, carving, stitching, sewing, lacing, beading, drawing, and painting. The formation of traditional native groups, such as cooperatives, is permitted so long as no large scale mass production results.)

(3) in each case, is not accomplished in a wasteful manner.

(Wasteful manner means any taking or method of taking which is likely to result in the killing or injuring of marine mammals beyond those needed for subsistence purposes or for the making of authentic native articles of handicrafts and clothing or which results in the waste of a substantial portion of the marine mammal and includes without limitation the employment of a method of taking which is not likely to assure the capture or killing of a marine mammal, or which is not immediately followed by a reasonable effort to retrieve the marine mammal.)

Definitions: 1. *Alaskan Native* means a person defined in the Alaska Native Claims Settlement Act (43 U.S.C. Sec. 1603(b) (85 Stat. 588) as a citizen of the United States who is of one-fourth degree or more Alaska Indian (including Tsimshian Indians enrolled or not enrolled in the Metlaktla Indian Community), Eskimo, or Aleut blood, or combination thereof. The term includes any Native, as so defined, either or both of whose adoptive parents are not Natives. It also includes, in the absence of proof of a minimum blood quantum, any citizen of the United States who is regarded as an Alaska Native by the Native village or town of which he claims to be a member and whose father or mother is (or, if deceased, was) regarded as Native by any Native village or Native town. Any such citizen enrolled by the Secretary pursuant to Section 5 of the Alaska Native Claims Settlement Act shall be conclusively presumed to be an Alaskan Native for purposes of this part.

2. *Native village or towns* means any tribe, band, clan, group, village, community.

3. *Take* means to harass, hunt, capture, collect, or kill, or attempt to harass, hunt, capture, collect, or kill any marine mammal, including, without limitation, any of the following: The collection of dead animals or parts thereof; the restraint or detention of a marine mammal, no matter how temporary; tagging a marine mammal; or the negligent or intentional operation of an aircraft or vessel, or the doing of any other negligent or intentional act which results in the disturbing or molesting of a marine mammal.

Restrictions: (1) No marine mammal taken for subsistence may be sold or otherwise transferred to any person other than an Alaskan Native or delivered, carried, transported, or shipped in interstate or foreign commerce, unless;

It is being sent by an Alaskan Native directly or through a registered agent or registered tannery for the purpose of processing, and will be returned directly or through a registered agent to the Alaskan Native; or

It is an edible portion and it is sold in a native village or town in Alaska.

No marine mammal taken for purposes of creating and selling authentic native articles of handicraft and clothing may be sold or otherwise transferred to any person other than an Indian, Aleut or Eskimo, or delivered, carried, transported or shipped in interstate or foreign commerce, unless:

It is being sent by an Indian, Aleut or Eskimo directly or through a registered agent to a registered tannery for the purpose of processing, and will be returned directly or through a registered agent to the Indian, Aleut or Eskimo; or

It has been first transformed into an authentic native article of handicraft or clothing; or

It is an edible portion and it is sold (A) in an Alaskan native village or town or (B) to an Alaskan Native for his consumption.

(2) No person shall use any aircraft to take any marine mammal in violation of 16 U.S.C. 742j–1, 85 Stat. 480, Pub. L. 92–159.

Notwithstanding the preceding provisions of this section, whenever, under the Act, the Secretary determines any species or stock of marine mammals to be depleted, he may prescribe regulations pursuant to Section 103 of the Act upon the taking of such marine mammals by any Indian, Aleut or Eskimo and, during the existence of such regulations, all takings of such marine mammals by such persons shall conform to such regulations.

Summary: In brief this means Congress has made special provisions for Alaska Natives to continue taking marine mammals for their way of life; however, they require the people to use all of the animals they kill.

Every effort must be made to bring in the meat of all walrus taken and does not allow the killing of animals for just the tusks. It allows the sale or barter of ivory between Natives but does not provide for non-natives to buy, acquire, or possess ivory or any other parts of marine mammals until they have been transformed into authentic native articles of handicraft or clothing. This includes polar bear hides.

COMMON QUESTIONS

1. Can Natives now kill sea otter?

Sea otters have been protected since 1911 and were not commonly used for subsistence or articles of handicrafts or clothing on December 21, 1972. Apparently, Congress did not intend to allow the Natives to create any new industries, but rather to maintain a true subsistence type of life style, if they so chose. Therefore, the answer would have to be no.

2. Is it legal for a native to ship marine mammal skins for the purpose of tanning and then subsequently return the skins to Alaska for use in manufacturing traditional items?

Yes. Provided, if they are sent directly to a registered tannery or agent within the United States which may possess and process marine mammal products for Indians, Aleuts or Eskimos.

3. Is it legal for a native to give, barter, or sell raw ivory, or polar bear hides to a non-native?

No. In order to give, barter, or sell marine mammals to non-natives, the raw material must be changed into an authentic native article of arts or crafts. This applies only to animals taken after December 21, 1972.

4. Is it legal for a native to give, barter, or sell seal hides, ivory, or polar bear hides to another native?

Yes.

5. Is it legal to use aircraft to take and transport polar bear?

Aircraft cannot be used in the taking; however, they can be used for transportation.

6. Is it legal for a native living in the Interior to go to the coast, set up a tent and hunt?

Yes. This is legal. A tent or wherever he is staying is considered his dwelling place. The question arises because the Act states that only coastal dwelling Indians, Eskimos, and Aleuts can take marine mammals.

7. Are State regulations requiring sealing of polar bear hides still in force?

Yes. The State will continue to seal polar bear hides as they have done in the past.

8. Do the regulations covering "take" apply to beach dead animals?

Only Natives can take beach dead animals. Walrus tusks, whale bones, etc., can only be sold after they have been turned into authentic native arts or crafts.

9. Can a non-Native who is married to a Native woman take marine mammals for subsistence for his family?

No. The Act is very specific on this issue and makes provisions for only Indians, Aleuts, and Eskimos to take marine mammals.

10. Can Natives hunt walrus on or around Walrus Islands (Togiak Area)?

The State of Alaska has set aside the Walrus Islands and adjacent waters as a State Game Sanctuary and prohibits the killing of walrus there. The Marine Mammal Act does replace State Hunting Regulations and allows Natives to take marine mammals at any time for subsistence purposes. However, since the State owns the Islands and adjacent waters, it can prohibit trespassing and thus not allow anyone in that area.

11. Who enforces the Marine Mammal regulations?

Federal Agents of both National Marine Fisheries Service (Department of Commerce) and the U.S. Fish and Wildlife Service (Department of Interior). In addition State Fish and Wildlife Protection officers have been deputized authorizing them to enforce the provisions of both Commerce and Interior regulations. Violations will be handled in Federal Courts.

TESTIMONY ON NOMINATION OF GERALD R. FORD

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. McCLOSKEY. Mr. Speaker, it was my privilege Monday to testify before the Senate Rules Committee with respect to our colleague and friend, GERALD R. FORD. I thought perhaps others may wish to enlarge or comment on that testimony which follows:

Testimony on Nomination of Gerald R. Ford To Be Vice President of the United States

Mr. CHAIRMAN: I testify before you today from perhaps a different standpoint than the other friends and colleageus of Jerry Ford who have appeared before the Committee.

First, in the nearly six years I have been privileged to serve in the Congress, I have found myself quite often in disagreement with the positions and views Congressman Ford has expressed. This has been true particularly during the past three years, when Jerry, as Minority Leader, in view of his own concept of the responsibilities of a Minority Leader, has been required to advance the President's cause in a substantial number of cases where the check-and-balance responsibilities of the Congress have been in direct conflict with White House positions.

We have had vigorous disagreement and debate on issues as fundamental as the Vietnam War, the ABM, the SST, and criteria for impeachment, both of Justice Douglas and the President, and of congressional responsibility to ascertain the truth from the executive branch.

It is precisely *because* of Jerry Ford's conduct in these disagreements, however, that I feel he is perhaps as qualified as any individual I know to be Vice President of the United States. Should fate or the constitutional process of impeachment so require, I believe Jerry Ford would be an able President of the United States, and perhaps the best kind of President we could have at this stage in our history.

In this connection, I would like to suggest that the key criteria of leadership essential to the nation today are integrity, calm judgment, humility and the ability to draw people together without rancor despite their differing views. This last quality is a unique aspect of Jerry Ford, one which I have never seen excelled by any of the able leaders I have observed, whether in business, in political life or in combat.

There is a basic trust which Jerry Ford inspires in those who work with him, a trust which is rare in an individual who is in constant confrontation with shifting political coalitions and with individuals of deeply-held views on serious issues.

I have puzzled over just exactly what it is in Congressman Ford which has occasioned my own faith and trust in his leadership. With some hesitancy, I would like to suggest the thought that it stems from an absolute and almost painful honesty on his part, an honesty which goes to the very best of our tradition and roots in the history of the American midwest.

You as Senators, and I as a Member of the House, are trained to be skeptical of the fluent phrase and the well-articulated argument. We know how easy it is to be less than precise—to seek to be politic and satisfy all viewpoints with a comment which displeases no one yet says nothing of substance. Time and again, in difficult floor debates, or in personal conversations with colleagues, I have seen Jerry resist the soothing, less-than-exact words which might have won the battle of the hour, but left resentment in retrospect on the part of those he has asked to follow his leadership.

An example of Jerry's service in this regard occurred in the historic House debate on June 29 of this year when the House voted to end the Vietnam War by a vote of 204 to 204.

In the debate on the floor, appears the following question and answer:

Mr. McCLOSKEY. "Mr. Chairman, do I understand correctly that under this bill which would authorize bombing to be continued up to August 15 the White House is committed when this bill is enacted and signed into law that all bombing would cease on August 15, that all military activity in and over Laos, Cambodia, and North and South Vietnam would cease unless the President came back to the Congress and asked for and obtained authority to commence military activity?"

Mr. GERALD R. FORD. "That is my understanding."

A lawyer will immediately perceive the lack of clarity or commitment in the phrase "That is my understanding."

Later in the debate, just prior to the vote, Jerry spoke again:

"Mr. Chairman, I just finished talking with the President himself for approximately 10 minutes, and he assured me personally that everything I said on the floor of the House is a commitment by him."

This precision of language and legislative history of course represents a major contribution to the law of the land, since "an understanding" has been replaced by a clear and exact commitment, one of immense importance at this hour of uncertainty in Southeast Asia.

I have seen him fight hard fights, with the ultimate decision resting on a handful of votes of those of us who, in Jerry's mind, were standing in the way of a crucial victory on a major issue. Never once have I seen him threaten, offer promise of reward, or in any way act in less than the manner all of us would hope a great statesman would act in the best of our national traditions.

This is a real leadership in its own right, a leadership which could perhaps do more to restore the faith of our people in these difficult times than any brilliance, political skill or charisma which might be the attributes of other able leaders who might be nominated for the Office of Vice President.

A further quality I would like to mention is the inherent humility of Jerry Ford, his capacity to admit mistakes and to accept blame.

For too long, I think, have we sought to defy our national leaders. A President is a man, not a god. His task is to see that the laws are faithfully executed, not to rule as some sort of emperor with divine guidance. A little humility in the White House could be a refreshing thing.

I would like to comment on one other matter of which I have had personal experience, the comments of Robert Winter-Berger in his book, *The Washington Pay-off*.

In April, 1971, I came back from a trip to Vietnam and Laos, dedicated to challenging the Administration's Vietnam policy in the Republican primaries in the event no better qualified Republican came forward to do so. I felt strongly about our Vietnam policy and was likewise concerned by what seemed to me an increasing pattern of untruthfulness and corruption on the part of the Nixon Administration.

At the San Francisco Airport, I happened to buy one of the first copies of Mr. Winter-Berger's book detailing a series of experiences Mr. Winter-Berger had had while serving as a Washington lobbyist. I was particularly interested in the specific examples Mr. Winter-Berger described relating to Republican practices, practices in which Congressman Ford's office was prominently mentioned.

I called Mr. Winter-Berger and he met for more than an hour in my office in the Longworth Building. We went over, in some detail, his experiences with Jerry Ford, with my attention and questions seeking to probe for any conduct on Ford's part which would justify citation as examples of political corruption of the type I was claiming as typical of Richard Nixon's past political history, items such as the 1956 Hughes loan, the 1962 California gubernatorial campaign misrepresentation and the like.

At the conclusion of the interview, I had reached the opinion that even accepting the *facts* Mr. Winter-Berger related as being true, I could not conclude from those facts that there was a single instance of wrongdoing on Jerry Ford's part. I had no reason to disbelieve any of Mr. Winter-Berger's allegations and placed reliance on what he said; nevertheless, I did not feel his conclusions from those facts could be construed as supportive of any allegation of misconduct.

In conclusion, I have said before that I have puzzled sometimes over exactly what it is about Jerry Ford that causes me to like him so well and respect him so much. Whatever his qualities are, they have inspired my own complete trust, faith and respect.

I believe those qualities will possibly also go a long way in restoring the public's faith in our system of government, a faith which, in my judgment, is our most priceless asset as a nation. Thank you.

EPA AND THE ENERGY CRUNCH

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. LANDGREBE. Mr. Speaker, the Environmental Protection Agency recently conducted hearings involving two Indiana power companies, Public Service Indiana and Northern Indiana Public Service Co. On the day prior to the commencement of the hearings, October 17, 1973, the president of Public Service Indiana, Mr. Walter J. Matthews, released a statement, the text of which I wish to include in the RECORD. Since the citation of Public Service Indiana for violation of air pollution guidelines, Mr. Matthews has been under threat of imprisonment and heavy fines. Yet the demands made by the EPA are not possible to meet. As an example of the threat EPA poses to the well-being of the American people, I present Mr. Matthews' statement on clean air:

Statement by Walter J. Matthews, President, Public Service Indiana

Everybody's for clean air.

The electric utility industry included. Matter of fact, few industries have done more or invested more heavily in air quality improvement. We all want clean air but we in the energy business don't think regulatory tangle and strangle is the way to achieve it.

Here's the problem as it relates to two electric power plants in Indiana—plants that help provide energy to nearly 900,000 customers: Northern Indiana Public Service Company's Bailly Station near Chesterton . . . and Public Service Indiana's Wabash River Station north of Terre Haute.

The Environmental Protection Agency has cited both utilities for allegedly failing to comply with the 1970 Clean Air Act at these two plants. EPA says the plants are in violation of the state's Air Pollution Control Regulation 13 governing sulfur dioxide emissions. It threatens top officers with imprisonment and stiff fines. EPA claims neither utility has complied with the implementation plan of the Clean Air Act. APC 13 sets a January 1975 deadline for installation of effective sulfur dioxide removal equipment on all stationary sources.

We challenge this action by EPA on both a legal and common sense basis.

Public Service Indiana sought and has been granted a variance from sulfur dioxide regulations at its Wabash River Station by the Vigo County Air Pollution Control Board. This variance was approved by the State Air Pollution Control Board, which previously had granted similar variances at four other coal-fired plants of the company and at the coal-fired plants of Northern Indiana Public Service.

These variances recognized the fact that sulfur dioxide removal equipment is not commercially available and will not be available to meet the January 1, 1975, installation deadline.

At the time of the EPA citation, legal challenges of APC 13 and EPA's arbitrary approval of the state's implementation plan were pending in both federal and state courts. The EPA citation ignores these pending actions that question the very constitutionality of the regulations.

That's the legal basis for our position. Now let's turn to the common sense side of the issue.

First, it is essential to realize that there is no evidence that public health hazards are presented by the operation of these power stations. Indeed, there is no indication that emissions from these plants violate applicable state regulations. Monitoring data provided by the Vigo County Health Department indicate that the quality of ambient air—that is, the air people breathe—in the Terre Haute region is well above acceptable standards.

Hear what Mark Sutton, director of the Vigo County Air Pollution Control Board, says in granting a variance for Wabash River Station: "A continuing factor in allowing this variance is that all ambient air sampling for sulfur dioxide which has been done in the past two years indicates that we are not exceeding the primary or secondary ambient air standards for sulfur dioxide."

Indeed the quality of air in Terre Haute today is dramatically better than it was only a few years ago when coal was the primary fuel heating homes and offices throughout the area.

The Clean Air Act sets nationwide emission standards and gives little recognition to wide variations in geography and economic development from area to area. What makes sense in New York City or Los Angeles doesn't automatically make sense in Terre Haute or in Michigan City.

EPA's inflexible approach to air quality standards imposes tremendous cost burdens on energy users without corresponding benefits. To require heavy investment to protect the corn fields of Vigo County to the same degree that you would protect the densely populated urban areas doesn't make much sense.

We simply cannot see or measure any adverse effect on vegetation or wildlife around any of our generating stations. Agricutural productivity in Vigo County has increased over the years, not declined.

One of Indiana's largest livestock operations is located some five miles from Public Service Indiana's largest generating station. There has been no observable impact on this operation from the nearby power plant.

EPA emission standards, in our opinion, were not set with any real scientific precision or based on defensible documentation. They are arbitrary and they virtually assure unnecessarily high corrective costs in relation to any benefits.

APC 13 requires that sulfur dioxide removal equipment be installed and in operation by January 1975. Let's assume for the moment that we were to charge full speed ahead toward this goal. And let's assume that commercially proven sulfur dioxide removal systems were available—systems that have demonstrated through extended full-service performance that they would do all they were designed to do. (While vendors claim such equipment is available today, we have found none who will guarantee their performance claims and back them up with meaningful warranties.) Let's assume, too, that such equipment were already ordered, designed, fabricated and delivered to Wabash River Station . . . at the site ready to be installed.

Even *this* would not permit us to meet the deadline.

Installation of such equipment would of necessity be scheduled unit by unit so that the station could continue to supply essential energy to meet customer power needs. Installation of sulfur dioxide removal systems on all six generating units at this plant would require an estimated 60 months to complete. Testing and final adjustment would further extend the timetable.

I would now like to touch upon the *economic* impact of this regulation. It is estimated that the cost of installing sulfur dioxide removal equipment at present state-of-the-art efficiencies would amount to some $60 million at Wabash River Station alone. Extending similar equipment across the board to all Public Service Indiana plants would result in tremendous cost that would affect every customer we serve. Our customers'

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electric bills would be increased by approximately 25%.

Now if this vast outlay of money would produce real and corresponding benefits to the public, utilities such as Public Service Indiana and NIPSCO would certainly move forward to get the job done. But we hate to see the forced installation of untried and unproven systems which, with further development, could be upgraded in efficiency and reduced in cost.

Capital costs stay imbedded for a long time. Customers will be helping us pay for this equipment long after more enlightened environmental approaches may say there's no need for it—or obsolescence forces its abandonment.

Now lest what I have said so far suggests that we are dragging our feet and only reluctantly working toward practical solutions to sulfur dioxide removal, may I offer a brief rundown of what we have been doing.

In June 1972 NIPSCO joined with EPA to build a $10 million sulfur dioxide removal demonstration unit at its Mitchell Station in Gary. It also has been test-burning low sulfur Western coal.

Since 1966 Public Service Indiana has been participating in research in sulfur dioxide removal. Wheelabrator Corporation installed a demonstration system at one of our stations; worked for 2½ years before concluding that the process was not commercially adaptable.

Since 1969 our company has been a part of the Babcock & Wilcox/Esso effort to control sulfur dioxide and nitrogen oxide emissions with a dry sorbent process.

Beginning in 1971 our company supported research by Combustion Engineering that led to installation of a demonstration unit at a plant of Louisville Gas & Electric. While this process looks very promising it remains in preliminary test stage and requires much more time and study to demonstrate its efficiency and reliability.

Two years ago Public Service Indiana with the support of NIPSCO and eleven other utilities became a partner with Westinghouse, AMAX Coal, Peabody Coal Company and the Bechtel Corporation in a coal gasification project aimed at finding a practical way to remove pollutants from coal through gasification prior to fueling electric generating units. We're optimistic about this process and expect it to lead to a full size demonstration unit being built at our station south of Terre Haute.

And finally, even with our serious reservations about the present state of the art of sulfur dioxide removal, we have made a commitment to install a scrubber module at our new Gibson Station slated for operation in 1975. To begin with, one-ninth of the total gas flow from this unit will be directed through the scrubber and if it performs satisfactorily the system might be extended to the entire plant.

Utilities aren't perfect. We don't know all the answers. But we have demonstrated a real desire to help do our full part in cleaning up the air and water around us. Our two companies alone have spent $190 million on environmental quality and have budgeted even more in the years immediately ahead.

But utilities do have the responsibility to the public to provide dependable electric service at reasonable cost. We can't meet that obligation in the face of unreasonable pressures to spend awesome amounts for nonproductive programs with dubious benefits.

Where does this leave us and many other utilities: The choices are not pleasant. We can shut down stations and run into serious impairment of service—including the probability of widespread outages. We can ignore the EPA restrictions and subject our officers and companies to severe criminal action. Or we can work toward reason in regulation. We can try to convince members of Congress that the Clean Air Act poses grave energy and economic problems . . . and work toward modifications that would *first* document the actual health hazards of sulfur dioxide and establish corresponding ambient air standards; *second*, recognize engineering realities and present state-of-the-art technology; *third*, provide for cost-benefit analysis; and *fourth*, set realistic timetables that permit programmed installation of equipment compatible with continued operation of power stations.

We think this will do much to assure the American people of what they really deserve: A sound and reasonable approach to environmental goals that leads to meaningful benefits at a price we can afford.

Yes, we want clean air and clean water. But let's put these high goals in proper perspective. The job calls for reason and logic, not blind zeal.

UNIVERSITY OF SANTA CLARA HONORS THREE WITH DEGREES

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. EDWARDS of California. Mr. Speaker, I bring to the attention of my colleagues a recent event at the University of Santa Clara in my congressional district. Three individuals who have given their time, financial support and boundless energy to the cause of higher education, and specifically higher education at the University of Santa Clara, were honored with the conferral of honorary degrees.

Fr. Charles S. Casassa received an honorary doctorate of humane letters. Father Cassassa has long been recognized as an outstanding educational administrator and as a civic leader. He was president of Loyola Marymount University in Los Angeles from 1949 to 1969 and was named chancellor of the university in 1969. He also serves on the board of trustees of Gonzaga University and the University of San Francisco. Indeed, this fine man has dedicated most of his life to service to his fellow man through education.

Thomas J. Bannan received an honorary doctorate of science. Named to the University of Santa Clara Board of Regents in 1970, he and his fine family have a history of generous support to the university. Indeed, on October 19 the university celebrated the dedication of Berchman A. Bannan Hall, named in memory of Thomas' late brother. This lovely building is only the latest of many generous contributions to the university from the Bannan family. It would be difficult for the University of Santa Clara to provide the quality education now being offered were it not for the concern and interest of the Bannan family.

I was especially pleased that my close personal friend, Albert J. Ruffo, was awarded an honorary doctorate of laws. A prominent San Jose attorney, Mr. Ruffo served for 8 years as a member of the board of trustees for the California State colleges and is currently a member of the advisory board for San Jose State University. He also has served as a city councilman and mayor for the city of San Jose and has been a member of the board of governors for the State bar of California. A senior partner for Ruffo, Ferrari, and McNeil, he nevertheless takes the time and energy from his already busy life to serve on the board of regents of the University of Santa Clara. He has performed a valuable service to the university in this capacity.

I am pleased that these three fine men have been honored by the University of Santa Clara, and I would like to add my own words of praise for their generous and productive efforts in behalf of the university. It is a fine institution which, because their dynamic interest, is assured of future growth and progress.

FLOOD PREVENTION DAMS DEDICATED IN NORTH CAROLINA

HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. PREYER. Mr. Speaker, recently I participated in a ceremony dedicating five flood prevention and sediment control dams in a watershed in my district. A number of governmental agencies have cooperated in this project along with the Boy Scouts of America.

Among the speakers at the dedication was State conservationist Jesse Hicks and I want to share with my colleagues the timely remarks which he made. The remarks follow:

> U.S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE
>
> Forty years or more ago, farm youngsters often used to go swimming in creeks. If they could find a deep pool in the creek, where the swimming would be better or where they could jump off a bank while holding their nose, so much the better.
>
> We think of the creeks back in those days as running clear and clean, with a minimum amount of pollution. A youngster could catch a crawfish, a tadpole, or perhaps bring home a nice string of fish after "wetting his line" for an afternoon.
>
> It may be true that there was less chemical pollution in the streams in those days, but they were a long way from being pure. In fact: there was about three times as much mud or sediment coming off farmland in those "good old days" as there is now. Soil conservation has really paid off on farmland in North Carolina and across the Nation.
>
> It was in those days, back in the 1930's, the conservation movement got started, with Hugh Hammond Bennett of North Carolina as the leader. He was concerned about soil erosion. He was grieved by the "dust bowl" conditions that devastated Oklahoma and other Great Plains States in the thirties.
>
> And so it was right here in North Carolina, down in Anson County, that the Brown Creek Soil and Water Conservation District was organized as the first Soil and Water Conservation District in the Nation, and now there are over 3,000 such districts in every State across the country. Dr. Bennett, or Chief Bennett as many of us in the Soil Conservation Service know him, was the moving force behind this. He was a determined man.
>
> He would go anywhere—from a small dirt farm to the halls of Congress—to talk about his dream of conservation. So concerned was he about erosion that the Soil Conservation Service was first called the Soil Erosion Service, and it was a very appropriate name. Chief Bennett fought erosion like Billy Sunday fought the devil, and used some of the same publicity devices as that famous Evangelist. I believe both of them won partial victories—Billy Sunday never quite got rid of Satan and we've never quite brought erosion under complete control, but I think each one set the enemy back pretty well.
>
> North Carolina can be very proud of Hugh Hammond Bennett. He was a great North Carolinean. Were he alive, he would be very proud of this project that is being dedicated here today. Because it is the young citizens who are the principal beneficiaries—the present and future Boy Scouts—and they owe a debt to this conservation work through the years.
>
> The five flood prevention and sediment control dams in this watershed, of course, are the most visible part of the project. They will provide eloquent testimony to the effectiveness of such conservation measures. We have a miniature watershed project which will provide effective sediment control as well as flood protection. Lake Brooks is one of the best protected watersheds I believe you will find anywhere.
>
> But there is more. In this watershed, which covers more than a thousand acres—actually 1,065—we have a blend of woodland, cropland and grassland, as well as areas for housing, roads and recreational facilities.
>
> More than 180 acres of woodland have been improved. Wildlife habitat has been developed, and trees planted on 37 acres where they were needed. A time-honored erosion control measure—terraces and other conservation measures, such as grassed waterways and field border plantings, have been installed as part of the land use program. Conservation cropping systems and pasture planting have also been important measures.
>
> All of this conservation work will constitute a virtual classroom to teach our Boy Scouts about watershed development, flood prevention, and conservation measures applied to the land.
>
> This is an excellent example of people working together—teamwork—to accomplish a shared objective. The North Central Piedmont Resource Conservation and Development project, and particularly the Guilford County RC & D Water Resources Committee deserve much of the credit. The General Greene Council, Boy Scouts of America, and Ben Ussery, Scout executive have done a great job. The Guilford Soil and Water Conservation District has of course made an important contribution, and I am glad that we in the Soil Conservation Service could provide technical and engineering assistance to help with this fine effort.
>
> When we give a natural watershed area like this one a new lease on life—and that is no exaggeration—I firmly believe that we have made a major contribution to the quality of the environment and the quality of life in America.
>
> We can all be proud of what has been done.

NECESSARY AMENDMENTS TO THE TRANS-ALASKAN PIPELINE CONFERENCE BILL, S. 1081

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. HORTON. Mr. Speaker, the trans-Alaskan pipeline conference bill contains several nongermane Senate amendments; two of which are unconstitutional, and another which would destroy the controls we have over governmental requests for information from the public. These poorly thought-out amendments have never been considered in the House, nor were they the subject of any hearings in the Senate. The House must insist that these provisions be either appropriately amended or deleted from the bill.

Section 404 of the bill as reported by the conference would require Senate confirmation of the Director of the Energy Policy Office. Section 405 would require Senate confirmation of the head of the Mining Enforcement and Safety Administration. Whether appointments to these two offices should be subject to Senate confirmation is not the issue here, for the language does more than just require Senate confirmation. First, the incumbents are removed from their offices upon enactment of this bill. This happens, because the incumbents would not qualify for their offices once Senate confirmation of their appointments is required. Second, if an incumbent is nominated to fill his present office, he could be removed at any time by a majority vote of the Senate.

Mr. Speaker, this conference bill must be viewed as exceeding the constitutional bounds of congressional power. Under our Constitution, only the President has the power to remove purely executive officers. There have been previous attempts by the Congress to force the removal of officers in the executive branch, but they have never been successful. On several occasions, the Supreme Court itself has struck down congressional attempts, saying that the President has the exclusive right to remove executive officers. The Congress recently has avoided overstepping its constitutional bounds. In 1965, the House refused to pass a bill which would have removed Sargent Shriver from one of the two appointments he then held. In 1968, legislation to make the FBI Director subject to Senate confirmation was consciously worded so as to take effect only after the termination of the service of the incumbent.

An important principle is at stake here—whether the Congress may at any time and by means other than are to be found in the Constitution, act so as to remove an executive officer. In 1965, Attorney General Katzenbach wrote an opinion for President Johnson which clearly makes this point.

> Congress may impose reasonable qualifications, applicable prospectively, upon those who would hold executive posts it has created. But if Congress could impose qualifications retroactively, thereby ousting the incumbent, it could remove any officer whose performance, however satisfactory to the President, was unsatisfactory to it. The Constitution is certainly not susceptible to any such interpretation.

I think members from both parties should carefully consider the advisability of establishing a precedent whereby Congress is able to remove executive officers by means other than those provided in the Constitution.

These two provisions could have been worded to apply only to future appointments to these offices. That is the constitutional way of adding the qualification of Senate confirmation to an appointment. I hope if the conference committee feels strongly that these two officers should be subject to Senate confirmation, that they will recommit, amend this language so that we can stay within our constitutional bounds.

At this very difficult hour in American history, we in the Congress must show that the Government can function within the rule of law. It would be most unbecoming and damaging to our system of government for the Congress to strike out beyond the Constitution. These provisions amount to the unconstitutional removal of legally appointed officeholders.

Section 409 of this bill would allow the regulatory agencies to collect whatever information they desired from businesses or individuals. I think this provision would be most unwise, and should be deleted from this conference bill.

This provision, another of the nongermane Senate amendments, was never considered by the House. I doubt any of the conferees of the Interior Committees have ever studied this issue, since the Federal Reports Act which is being amended is within the jurisdiction of the Government Operations Committees. I am familiar enough with the issues involved to say to my colleagues that you would be opening Pandora's box by allowing this provision to go through.

The Federal Reports Act of 1942 sets up a system whereby agencies wishing to collect information from the public are required to justify their requests to an outside agency, the Office of Management and Budget. This review was required, because we found the agencies often were collecting not only duplicative, but also unecessary information. Since this review system has been established, my committee has been called upon to amend the law on several occasions. But we have always been called upon to further limit the number of information requests made by the Federal Government.

I can say to my colleagues that I have never been told that the present system allows too few requests for information. If Members have seen problems in the reports control system, they have always been that too many requests are permitted. Business, in particular, is going bankrupt trying to respond to all the requests for information being submitted by the Federal Government. Section 409 would only increase the burden imposed on business.

I read the debate in the other House as reported in the CONGRESSIONAL RECORD on pages 23883–23887 and 24083–24086. The burden of the remarks on those pages is that OMB is holding up the work of the regulatory agencies, in particular that of FTC, by its review of the Commission's proposed data collections. Now this would be a legitimate problem; but then I looked at the RECORD a little more closely. Here is what I found:

There are 46 reports used by the Federal Trade Commission. Forty-two of these were approved by OMB in 15 days or less. Only two of them took more than 30 days to clear. These were revisions to existing reports, so there was no interruption to the data collection process. That does not look as though OMB is interferring with FTC's conduct of its own business.

But there is one report that OMB did hold up; let me tell you about the FTC line of business report which has attracted so much attention. It has been before OMB for almost 3 years. But is it because of OMB delay?

The record shows that after a public meeting in January 1971, at which the proposed report was severely criticized, FTC agreed that it had to reivse its pro-

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posal. It agreed to have it ready for OMB review by the fall of 1971; but no proposal was officially received by OMB until August 1973. Throughout the period from January 1971 to August 1973, OMB was urging FTC to get a proposal ready for clearance. OMB even went so far as to include $400,000 in FTC's 1973 budget for a line of business survey. Was OMB hindering FTC? Or is FTC using OMB as a convenient scapegoat when explanations are hard to make and even more difficult to believe?

I do not mind criticizing OMB when is deserves it, but the evidence just does not support the charge that OMB is using the Federal Reports Act to stifle the regulatory agencies. If Members feel this is the case, I would be the first to insist that hearings be held on OMB's stewardship of this reports control function.

If OMB is no longer adequately performing this function, we should consider fundamental changes in the system. Certainly, though, I doubt very much my committee would recommend developing two duplicative bureaucracies to perform the function of determining whether reports would be duplicative. Nor do I believe my committee would recommend that this executive function be given to the General Accounting Office, which is an arm of the Congress. I understand the Comptroller General realizes the folly of this and recommended this provision not be adopted. I have attached a letter from the Comptroller General arguing against this provision. Changes may be necessary in the reports control function, but not the changes made by this conference bill.

The Federal Reports Act was intended to control the paperwork burden laid on the public by Federal agencies. The regulatory agencies want to be free to do as they wish, ask what they wish, of whom they wish, in any way they wish. If we allow them to do so, we will be creating a huge loophole in the reports control system. Soon we will have other agencies asking for exemptions.

Mr. Speaker, this provision amounts to pulling down the barriers to a paperwork avalanche.

The letter follows:

Comptroller General of the United States,
Washington, D.C. September 18, 1973.

Hon. Harold T. Johnson,
House of Representatives.

Dear Bizz: I have followed with much interest the floor debate on the amendment to the trans-Alaska Pipeline legislation which would place in the General Accounting Office the responsibility for reviewing questionnaires and other information requests by the regulatory agencies, a responsibility now placed in the Office of Management and Budget.

I am frankly disturbed about the provision because it would establish an executive function in the General Accounting Office. In the past the Congress has avoided placing operating responsibilities of this type in the GAO because of our responsibility for advising the Congress as to how the executive agencies carry out their responsibilities. We cannot carry out an operating function and, at the same time, provide the Congress with an evaluation of it which would be considered as objective and unbiased. I believe that is the situation we face in connection with this amendment.

I have two suggestions which may be useful and which would avoid the problem which I foresee.

First, we would be happy to undertake, either at the request of the Congress or on our own initiative, a review of how the OMB has carried out its responsibilities under the Federal Reports Act with respect to regulatory agencies. I am aware of the criticisms which have been voiced on the subject and I believe that we could develop specific recommendations as a result of such an audit.

Second, it occurs to me that the central purpose of the amendment would be accomplished if the Federal Reports Act of 1942 were to be amended to make the OMB review advisory in nature. The OMB has the experts in this field. It has had long experience. However, the essential point is that whether the responsibility is continued in the OMB or placed in the GAO, the amendment makes the review advisory only and I should think that an advisory type of review for the regulatory agencies could be as well performed in the executive branch as it could in the legislative branch.

If the Congress, however, should decide to leave the responsibility with the GAO, I would urge most strongly that the provision become effective at a future date to enable us to obtain the staff which would be required to carry out the responsibility. We do not have the staff capability to carry on this function at the present time and it would be necessary for us to recruit additional people for this purpose.

Our views on this subject are set forth in greater detail in testimony presented last week before the Senate Government Operations Commitee on S. 1812, a bill to improve the coordination of Federal reporting services. This statement is attached.

Sincerely,

Elmer B. Staats.

VOLUNTEER ARMY—CAREER VIEW

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. STEIGER of Wisconsin. Mr. Speaker, yesterday I inserted into the Record the first half of a recent Soldier magazine article on Volunteer Army improvements. The second half of that article dealt with career attitudes toward the Volunteer Army.

Many within the Army have claimed that the military is less effective because of changes that have been made. One who disagrees with this is Brig. Gen. Edward Greer, Deputy Commanding General of Fort Leonard Wood, Mo. He believes commanders who claim the people-oriented changes have caused disciplinary problems are making excuses for their own failures.

General Greer has said the All-Volunteer Army will work—

> If we don't blow it. We raised the standards. We're now getting a better cross section of American youth. But we can blow it by being antiquated in our thinking, training, and facilities.

If more military officers and enlisted men share this feeling and this awareness, the Volunteer Army will succeed. The views of General Greer and others are included in the following piece:

Volunteer Army—Career View

As the advertising began to pay off with more enlistments and Project VOLAR programs were implemented on post ~~after post~~, how did career members already in service react?

Many saw the changes as a "permissiveness kick" which would increase disciplinary problems a hundred-fold. They saw the elimination of the pass form, a sign-in and sign-out sheet and reveille formation as a loss of control. With the placing of beer machines in the barracks they were convinced the Army had pulled out all the stops.

Disciplinary problems did increase but not all of them resulted from MVA/VOLAR programs.

The Vietnam War was winding down and thousands of Vietnam returnees wanted only to shed their Green Suits after pulling time in 'Nam. Some didn't adjust to garrison life and courts-martial and board actions increased significantly.

With rapid reduction in Army strength hundreds of Vietnam-related MOSs became surplus. Many soldiers were unhappy when they were reclassified.

The Early Release Program in 1971 aggravated the problems by causing extreme shortages in some skills.

Many career members blamed these problems on MVA/VOLAR. A particular target of their criticism was the paid radio and television advertising primarily aimed at getting young volunteers. Careerists didn't understand why large sums were being spent on advertising for recruits while Army strength was being reduced by officer RIFs, early releases and denying reenlistment to NCOs under the Qualitative Management Program.

MVA/VOLAR did generate its share of problems. Many volunteers listened to only part of the advertising message: The travel, adventure and changes in life-styles. They were not prepared for the realities of basic training. When the going got tough they went AWOL.

"The high school drop-out generally proved to be emotionally immature," MG Henion said. "He dropped out of high school and when the going got rough he dropped out of the Army. He went AWOL.

"We don't exclude non-high school graduates but our recruiters are now only given credit for three non-grads in every ten persons enlisted."

Sergeant First Class Lemuel Morris, a senior drill instructor at Fort Leonard Wood, MO, puts it another way: "There's really no excuse for a man not getting a high school diploma today. I consider the dropout to be a quitter."

Colonel George W. Orton, commander of the 3d Basic Combat Training Brigade at Fort Leonard Wood, has noticed a reduction in the number of disciplinary problems since restrictions were placed on the number of non-high school graduates allowed to enlist. "I'm beginning to feel much better about that situation. Non-graduates among the MVA enlistees we received in 1971–72 did cause disciplinary problems but I see a definite improvement with each cycle we put through."

Command Sergeant Major Dillon Harlow of the Fort Leonard Wood Reception Station feels that some of the changes have adversely affected discipline. "I personally feel discipline was much better when we had reveille formations every morning. It was a matter of control.

"Now the first sergeant has to depend on the section chief to tell who's present for duty. And with no pass form and no requirement for a man to sign in or out it's impossible to control the men, especially since no one checks him at the gate anymore."

POINTS OF VIEW

Sergeant William J. Kelley, another Fort Leonard Wood drill instructor, believes there are good and bad points in the changes. "Getting rid of harassment was good but we shouldn't try to give the volunteer everything on a silver platter. We have to make sure he knows his job and its importance.

"Many of these youngsters have some pretty good ideas and we've got to let them know we're interested in those ideas."

Private First Class Richard R. Kupp, a

draftee with 11 months service, most of them as company clerk of Company E, 4th Battalion, 3d Basic Training Brigade, is happy to see the passing of "Micky Mouse" practices. "I don't think the length of my hair has anything to do with my ability as a soldier. I like the way we're allowed to fix up our barracks and I don't need a reveille formation to get me to work on time."

Kupp concedes that some of the initial MVA enlistees did cause problems. "I saw some of those enlistees. Many of them were disillusioned. They heard about the good life and relaxed rules but weren't prepared for the rigors of basic training. When they couldn't take it they bugged out.

"I'm not hung up on a high school diploma as an end in itself. I just think a man who drops out of high school today shows he lacks maturity and the will to stick to a task until he completes it."

First Sergeant Otis Walker, also of E–4–3, thinks elimination of Saturday morning work in TOE units is one of the smarter changes. "We really didn't get that much accomplished in a half-day," he recalls.

Another attempt to eliminate irritants from Army life was letting company commanders decide whether or not to conduct formal baracks inspections. "When we let up on our own barracks inspections," said First Sergeant John O. Kramer, Fort Leonard Wood Reception Station, "cleanliness and maintenance took a nosedive. So we walk through every morning and if one man's area is not up to standard we go after that man. If an entire barracks doesn't measure up we hold an inspection for the entire barracks."

Other commanders and NCOs agree with 1SG Kramer. "We had the same problem in Europe," 1SG Walker says. "Instead of re-inspecting the entire unit we leaned on the barracks that didn't measure up.

"That's the way we're going to build a disciplined All-Volunteer Army. We have to treat the soldier as an individual, then come down hard on him—as an individual—when he fails to do what's required of him."

PFC Kupp agrees. "I want an officer or NCO who knows his job and demands that I know and perform mine. I like to see a leader, officer or NCO who says 'I'm in charge here'. I want them to let me know what to expect when I break the rules. Don't misunderstand me. I don't mean a leader should growl at you or hassle you all the time but I do respect him when he lets me know who's in charge."

DISCIPLINE

SFC Morris believes application of discipline and punishment isn't consistent enough. "When two soldiers, given the same set of circumstances, commit the same offense they should receive the same punishment.

"I see too many instances where a soldier from one company messes up and gets the book thrown at him while his buddy in the next company does the same thing and gets his wrist slapped. "I'm not talking about a case where one soldier had been on the carpet for the same thing before, I'm talking about all circumstances being equal.

"When soldiers see inconsistencies it confuses and angers them."

Specialist 5 Robert Fletcher, recent reenlistee at the General Leonard Wood Army Hospital, believes discipline is necessary as long as it's applied fairly and firmly. "Any intelligent person wants to know what's expected of him on his job. I want to be required to know my job and perform it well.

"Our generation doesn't want someone looking over our shoulders. We want to be trained, given a job and left to do it. We want someone around when we have a problem but otherwise let us do our jobs. When we goof up, come down on us."

QUALITY AND STABILITY

Specialist 4 David D. Bessell of General Leonard Wood Army Hospital recently reenlisted for microwave radio repair school. "The Army has improved in a lot of ways. On my first hitch I saw a lot of officers and NCOs who didn't know their job and tried to fake their way through.

"We have some pretty good officers now. They know what they're doing and let you get your hands on the equipment. They take care of you better than before and if you need something or some advice they try to help.

"The quality of NCOs has also improved since the Qualitative Management Program (QMP) started eliminating the foot-draggers. I thought this QMP thing was just a lot of talk at first but now that it's being used it's going to improve the NCO Corps a lot."

Bessell also wants more job stability. "I want to be given a job and left on that job. I see too many people who have their jobs changed too often."

Specialist 4 Mark Kirk, a medical corpsman at the General Leonard Wood Army Hospital, sees it this way: "I think most of the changes were for the good but some of them came too fast. I was a Specialist 5 when discharged. I decided to come back in and my recruiting sergeant said I had plenty of time to tie up the loose ends. Well, I quit my job and went down to reenlist and the recruiter said they had changed the regulation the day before and I had to come back in as a Specialist 4.

"Other than that, the Army is generally a pretty good deal. I do think recruiters should tell the young guy about the job challenges rather than all the glamor stuff."

Brigadier General Edward Greer, Deputy Commanding General of Fort Leonard Wood, believes commanders who claim the people-oriented changes have caused disciplinary problems are making excuses for their own failures.

"Show me a commander who says he's lost control and I'll show you a commander who hasn't been able to come up with an imaginative, stimulating program. The commander still has the tools of command."

Talk to members of the 902d Float Bridge Company, 11th Combat Engineer Battalion at Fort Belvoir, VA, and you get similar answers.

Says Specialist 5 George Floyd, a heavy equipment mechanic on his second hitch. "I like the changes but we need more trained supervisors. I want to learn my job and see every other man skillfully trained in his.

"As far as discipline goes, the Army seemed better off a couple of years ago. The NCOs knew their jobs better and when they told you to do something you did it because they knew what they were talking about. They can't tell me what to do if they don't know it themselves."

Specialist 5 Herbert L. Edwards is a senior crane operator in the 902d. "It's good they got rid of reveille and some of the other 'Mickey Mouse' stuff but I see a difference between that and good discipline. When I came in the Army 5 years ago it wasn't 'brown shoe' but it was a lot better because when you told a guy to do something he did it.

"The 8-hour-day and 5-day-week are good but I often put in more hours than that—and I don't complain as long as I know the job is important enough.

"The All-Volunteer Army will eventually work but you've got to put a man on a job and let him learn that job. We have too many people assigned out of their primary jobs right now."

Specialist 4 Larry Leeper is a heavy equipment operator. "I was drafted and enlisted for 3 years to get into the heavy equipment field. Although I don't plan to make the Army a career it has been a good deal for me.

"I do the best job I can and have really enjoyed it working with the guys in this company. My only complaint is that there are too many guys assigned out of the jobs for which they were trained."

Private First Class John Howell is a heavy equipment operator with 1 year of service. "I was about to be drafted so I enlisted to get into this field. My recruiting sergeant went right down the line with me and I got what I asked for. I've been thinking about making the Army a career and expect to eventually make sergeant.

"I'll learn my job and help the other people in my section learn theirs. My method will be to treat them like men when they do their jobs and sock it to them when they don't."

Specialist 5 Jimmy Jones also enlisted after receiving his draft notice. "The changes are good and the All-Volunteer Army can work.

"We already can see some improvements in the 902d. When I first came to this company you couldn't communicate with anyone unless he was your grade or maybe one grade higher. The officers and NCOs seem to take an interest in you now and we can communicate with any of them.

"If I say in the Army I want to be the best trained person in my field. I want to fully prepare myself and go as high as possible."

Second Lieutenant Jim White is a platoon leader in the 902d. "I really don't see how we are going to get the manpower for an All-Volunteer Army. If we do get that manpower, though, we're going to have to work on the individual soldier and make his job more attractive. We have to give him more responsibility and listen to his ideas. The Army is becoming more people oriented—that's good. We also have to become professionals all along the line."

ALL-VOL PROS

How professional will the All-Volunteer Army be?

Colonel Alexander M. Weyand, Chief of the Volunteer Army Office, DA, puts it this way: "When we say 'professional' we mean it. All of us have had to reinforce our thinking in that direction. The recruiting force is now being finely tuned to get the quality enlistee we want.

"Once we get him it's up to the career people to lead, train and motivate him. It can only be done with a professionally competent career force. Enlistee quality, careerist quality; that's what our Rercuiting and Qualitative Management Programs are all about.

"A man entering the Army 20 years ago could automatically assume he had the right to remain for 20 years. That day has passed."

Colonel William E. Weber, Chief, Enlisted Division, Directorate of Military Management, puts it another way: "A person can no longer assume the right to spend 20 years in the Army without producing. We're going to make sure that a careerist wearing the uniform is a true professional. Our Qualitative Management Program is helping us to do that.

"Officers have had such a program for years. It was up or out. The NCOs have reached the same point. Look, we're talking about bringing a young man or woman into the Army and saying 'Make a career of it. You can go to the top if you can hack it'. But there has to be room at the top and so we have to constantly weed out the non-producers—the deadwood.

"We've denied reenlistment to a relatively few people but we haven't been through the complete system yet."

QMP VIEWS

It's a key feature and energizer of the All-Volunteer Army, so how does the career soldier—the man most directly affected—view the Qualitative Management Program?

CSM Harlow feels it has some good and bad features. "It's done one good thing—it's made some NCOs get out and do something about their formal education.

"I know some senior NCOs you couldn't drag down to the education center before GMP started but after a few were denied re-

XUM

enlistment the word got around. It also makes an NCO keep abreast in his career, too, but there are some problems there. The screening boards are held without ever seeing the man. They look at a Sergeant First Class and say, 'You haven't made master sergeant within 27 years so you're out.' Well, the man might not have worked in his MOS in 10 years through no fault of his own. There are a lot of NCOs in that situation."

"We consider all these things," COL Weber said. "From a man's records we try to create a picture of the whole man. We look at his MOS test scores, his commander's evaluation, his military and civilian education and his achievements. We look at the whole man.

"If he's performed satisfactorily in any assignment, his records will reflect that. So he's out of his field: Has he taken an extension course to stay abreast of the changes in that field?

"We don't want an NCO who knows how to do only one job. While we look at his past record, we are also looking at his future potential. He got paid for the jobs he's done in the past and we're not going to keep him around if he can't grow.

"Of the 40,000 E–7s, 8s and 9s screened in a 2-year period, we only denied reenlistment to 1,200. On top of that about another 2,800 were separated or retired under the years-of-service-in-grade provision.

"It's the same way with promotions. We don't promote as a reward for having done a good job. We promote because the individual has demonstrated he can handle a bigger job. His records should indicate that. Here again, we look at the whole man—his physical condition, military and civilian education, conduct—the entire thing.

"But you can be sure that we're not going to promote or retain a man who doesn't measure up."

"He knows," COL Weber explains, "because he receives a copy of his evaluation and his MOS test scores. There's no excuse for him not being able to come up with a fair assessment of his own performance.

"We've had those standards for officers for years. NCOs are going to have to measure up, too."

LOOKING AHEAD

Will the All-Volunteer Army work?

"It will if we don't blow it," says BG Greer. "We raised the standards. We're now getting a better cross section of American youth. But we can blow it by being antiquated in our thinking, training and facilities.

"We have to make training interesting and challenging. We're headed in that direction with our 'hands-on' and adventure training. Once a man gets on the job, he has to be given responsibility and a sense of participation. We have to take his life-style into account and also make his off-duty life better. We're improving his living conditions, recreational and educational facilities and his career chances.

"We've made gains in providing him with a reasonable salary. But we have to demand that he lives up to his end of the bargain."

COL Weber concedes that the system is not infallible. "We've had to develop a lot of new programs in a relatively short time. We made some mistakes. But more of our time is spent on problems of the individual soldier than one would imagine.

"True, we do have people working out of their MOSs. But requirements change, jobs within career fields change. That's why we now require every career soldier to be qualified in at least two jobs. The young man or woman coming into the Army today can be assured of making it to the top if he or she measures up. But no one is going to have a free ride."

What does the young soldier say?

"Tell it to me straight.

"Give me a job and require me to master that job.

"Make me toe the mark but don't hassle me.

"Give me leaders who know what they're doing and who trust me—and I'll hack it."

RARICK REPORTS TO HIS PEOPLE: THE THREAT OF LAND USE CONTROL

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. RARICK. Mr. Speaker, the Council on Environmental Quality has called land use control legislation "the quiet revolution." Land use has also been referred to as "the most dangerous and destructive piece of legislation ever to pass the Senate."

This past June, the Senate of the United States passed one of the most far-reaching and potentially destructive pieces of legislation in the history of the United States. It received little attention in the national press, yet this legislation could prove to be the most damaging blow ever dealt to our traditional concept of the rights of private ownership of land. I am referring to the Federal Land Use Policy and Planning Assistance Act, which swept through the Senate by an overwhelming 64-to-21 vote. The House version of the bill possesses the same destructive provisions found in the Senate version.

Regulations limiting the uses that owners can make of their land are nothing new. In fact, zoning laws go back to the days of early Rome, and most people see that there is a definite need to properly zone and restrict land use within our cities. In the early days of the American colonies, and later the new nation, zoning restrictions were put into force by the local governments. It should be noted that the power over zoning was vested in the local government—not the State or the Federal Governments. The fact is that our Founding Fathers were so concerned over the possibility of a powerful Federal Government gaining control over the private lands that they adopted the fifth amendment of the Bill of Rights to the Constitution. This amendment specifically prohibits the taking of private property by the Government without just compensation.

But this, in essence, is what is done by the current land use control regulations being considered by Congress, and those recommended by the President. They severely restrict an individual's use of his private property without compensating him for the loss—the damage or impairment.

Clearly, if private property is seized—expropriated—by Government, then the property owner must be paid for the loss.

However, restrictions placed on the use of property, by government bodies, also reduces property in value. A critical issue here is how far the use of property can be restricted without compensating the owner for the diminished value. A provision in this bill which has already passed the Senate specifically prohibits States from expending any grant money to compensate owners for the loss of property value.

The supporters of the measure, however, do not care to publicize these restrictions. These provisions are carefully tucked away in the massive 55-page, 10,000-word bill. As a result, a surprising number of the Members of Congress who may normally be expected to oppose extending government restrictions over our citizens are in favor of this bill.

The supporters of land-use legislation maintain that the bill is merely a "voluntary" grant-in-aid program intended to encourage States to develop comprehensive plans within the States for use of the land. They would have us believe that the plan is not an attempt to force a standardized program on the entire Nation. States are promised millions of dollars in Federal aid if they set up their own land-use programs which must be approved by Washington. If State officials agree to this, they can soon expect to be acting as agents of the Federal Government, rather than carrying out their own zoning plans.

The price tag attached to the scheme is high—more than one billion dollars. If we look at what the taxpayer can expect to get for the dubious distinction of turning over his right to determine how local land will be used, the price is indeed high.

Some $10 million per year will be used to set up and operate a couple of new Federal agencies to make sure that the planned society crowd's dictates are carried out. This sum is for the administrative costs only. An additional $106 million dollars a year will go to the States to set up a State bureaucratic power pyramid. These funds can only be used to pay salaries, expenses and to fund various studies. Other administrative costs will run the tab up to more than $1 billion over the first 8 years of the act. It must be pointed out that none of this money is to be used in any productive manner or to contribute to our economy. It merely goes to pay the cost of expensive "planning specialists," who are supposed to know more about what is best for the people of a local community than they themselves or their elected officials.

In addition, the taxpayers would be forced to shell out even more money in the form of 25 percent matching funds. Then too, the bill would reduce local revenue by lowering the market value of local property. As one Member of Congress pointed out the other day:

> Not only do we tax away the value of a citizen's property, but we tax him to death at all three levels of government.

This is the same old "big-carrot-big-stick" approach that the Federal Government has used so many times in the past to entice local and State governments into accepting Federal edicts, despite local needs or wishes. The "big carrot" is millions of dollars in promised grants that States badly need. They needed the money because local money has been taken away from them by the Federal Government through excessive Federal taxes. The Federal Government cannot give States anything without first taking something away. The "big stick" in this case is the political threat of withholding funds from those States who do not play ball with the social planners.

Under the current proposal, States would be promised Federal grants-in-aid to develop and implement comprehensive land-use programs acceptable to the

Washington establishment. A State which fails to develop acceptable proposals for the Washington bureaucrats will find the "big stick" waiting near by. Up to 21 percent of a State's Federal grant funds for highways, airports, and conservation could be withheld from those States. This money that States are entitled to under other arrangement with the Federal Government—and never made dependent upon compromising private land rights.

As we have already experienced in the case of schools, business-industry, and all programs where the Federal Government offers the State money on a so-called voluntary basis, strings on the use of that money lead into other controls, sometimes in unrelated areas. Those States which hold self-determination—fear of the citizens—in higher regard than they do the demands of unelected Government employees and political appointees stand to lose a sizable portion of their money for airports, highways, and land and water conservation.

That the land use bill is obviously expensive and completely unnecessary are about the only good things that can be said in its behalf.

There is vastly more to this piece of legislation than appears on the surface. Let us look at some of the provisions for land use in the bill.

Each State's planning process is to be reviewed by Federal agencies to be sure that they conform with Federal guidelines. Machinery is set up to demand that each State have a State planning agency with authority to carry out the will of the Federal Government as outlined in the bill. In order to conform to Federal regulations, and thus get the money, States must adopt a program to regulate private land sales and development projects. The real clincher, and the one that is being used to drum up blind support from various special interest groups, involves environmental considerations. The Secretary of the Interior is given a blackjack to use to insure that States restrict the use of all "areas of critical environmental concern which are of more than statewide significance."

The courts have long held that the Federal Government has jurisdiction over matters that cross State boundaries, and thus are said to become of national interest. Regulation of commerce between the States, navigable waterways and interstate commerce are at least mentioned in the U.S. Constitution.

But the definition, spelled out in this land use bill is "areas of critical environmental control." The areas of control by the Secretary of Interior are any geographical areas whose development might substantially impair the historic, cultural, scientific, or esthetic values or natural systems or process within fragile or historic lands. This is so widely drawn that almost any land could be considered subject to federally dictated zoning restrictions. The decision to be made by Washington bureaucrats.

No thinking American wants to see the land desecrated. Certainly we must take every reasonable precaution to see that the vast lands we inherited from our forefathers is passed on to our children as unspoiled as possible. However, we must not allow overreaction for the environment to overshadow our concern for human rights and basic freedoms including the right of private ownership and control of property. This is precisely what this collectivist concept of Federal land control seeks to do.

This land use concept is being pushed by some of the most powerful people in this country including the President of the United States. The President, in his September 17 message to Congress said:

> . . . I am also convinced that Federal legislation is needed now both to stimulate and to support the range of controls that states must institute.

Administration officials realize that it will be no easy task to shove this concept of land control down the American people's throat, if all the facts are known.

The Secretary of Interior recently noted that opposition to the Federal guidelines covering land use is so intense in many State legislatures that many States may forgo the Federal funds in order to not be entangled in the Federal land takeover. This is the reason that these dangerous measures are being promoted at the national level through Congress. The people must be forced into the new American revolution of socialized land reform whether they want it—whether needed and whether legal or not.

Decisions involving any land use and zoning must remain the responsibility of local governments. These bodies are closer to the needs and wishes of the people whose land is directly affected. They know better than some bureaucrat at the State capitals or in some Federal agency in Washington what is best for their community. And this is the way it must remain. This is what America is all about. This is why the American system has been successful. It is our birthright.

REPORTER DICK STROUT HAS SEEN PRESIDENTS, SCANDALS COME AND GO

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. BOLLING. Mr. Speaker, there follows a fine article on a great reporter:

WITNESS TO HISTORY: REPORTER DICK STROUT HAS SEEN PRESIDENTS, SCANDALS COME AND GO

(By Ronald G. Shafer)

WASHINGTON.—Reporter Dick Strout doesn't have to dig through the history books for parallels between the Senate Watergate hearings and those into the old Teapot Dome scandal. He was there—50 years ago this fall—sitting in the same Senate caucus room and writing as he does today, for The Christian Science Monitor.

Obviously, some things have changed, Mr. Strout notes. For one thing, the subject is campaign dirty tricks instead of oil leases and bribes. And there's the conspicuous presence of that newfangled medium called television.

But "except for the hot lights, you would almost think you were back in 1923," reminisces the 75-year-old newsman.

Thanks to Watergate, Richard Lee Strout's ringside perceptions of history are in fresh demand. But his reputation is built on far more than longevity. He has covered more major news events than any other reporter in the Monitor's 65-year history. And for 30 years now, he has also been probably the most influential anonymous columnist in the business—for Richard Strout is the author of the column called "TRB From Washington" in The New Republic magazine.

As a result, Dick Strout's reputation "is very high indeed, because he's got a combination of qualities that very few people have," says James Reston of The New York Times. "First of all, the guy is a beautiful writer. And he must have an extra gland because he still runs around like a kid."

Admirers agree that Dick Strout has a rare ability to explain complex issues with clarity, insight and homespun humor. He writes with the descriptive style of a novelist. People in Strout stories come alive with "owlish" faces, "fierce" mustaches, "carbuncle" noses and "spidery" frames.

About two decades ago he wrote a critical column about a man with a creased-leather face and an ego as big as the Washington Monument. The man's name was Lyndon B. Johnson, and he promptly hauled Mr. Strout into his ornate Capitol Hill office to complain. The Senate majority leader was seated behind "the biggest desk in the world, with pushbuttons like an organ," Mr. Strout remembers, "and every time he pushed a button, someone would appear."

AN IMAGINARY BABY

For an hour, TRB received the full LBJ treatment. At one point Johnson complained that he was being treated "like a motherless child," and suddenly, the columnist recalls, "he jumped out of his chair and strode up and down the room, rocking an imaginary baby in his arms." Mr. Strout left unconvinced that he was strong but amazed that a powerful politician "would waste an hour of his time trying to convert me."

As the episode indicates, Dick Strout is a tough-minded but unassuming newsman. He is—as he might put it—a tall, lean and lively man with fierce bushy eyebrows, an unfierce gray mustache and a weathered bald head. He speaks with a gruffness in his voice, but there is a twinkle in his eye. "Beneath that crustry exterior is a real softie," confides a friend, "but we'd never tell *him* that."

Mr. Strout was born in Cohoes, N.Y. After graduating from Harvard, he worked for a while on newspapers in England, then began his American journalism career with the old Boston Post in 1921. After two days, he switched over to the Boston home office of the Monitor. And about two years later—having by now picked up a Harvard M.A. in economics—he was driving his Model T Ford down to Monitor's Washington bureau.

"All of a sudden, there I was over there in that big house," Mr. Strout says with a wave of his hand at the White House as he sits dining on his daily liverwurst sandwich and milk shake on a park bench across the street. And there was President Harding, dressed in knickers and telling reporters assembled for a press conference: "Take it easy on me, boys. I want to get out and play some golf."

BACK IN THE CAUCUS ROOM

Since then, reporter Strout's career reads like an on-the-job history course. He has attended the press conferences of nine Presidents. He was on one of the first cross-country airplane flights. He reported from Normandy Beach during the D-Day invasion. He accompanied Russian Premier Nikita Khrushchev when he toured the U.S. in 1959. And he wrote the Monitor's front-page story when Spiro Agnew resigned as Vice President.

But the U.S. Senate, and particularly its historic hearings in the cavernous caucus room, have provided some of Mr. Strout's biggest stories. Teapot Dome, the Kefauver hearings into organized crime, the Army-McCarthy hearings, the Bobby Baker inquiry—he has witnessed them all. Now it's Watergate, and Mr. Strout is back in the caucus room again.

He sees similarities to Teapot Dome: "Letters to the editor in 1924 charged that the press was carrying things too far," and "readers shrugged and said both parties were alike and it was all just politics." But he is outraged by what perceives as a crucial difference.

Watergate "is more disturbing and dangerous" because it "is a special kind of corruption without greed," he wrote in a TRB column. "No sex, no dollars. Just power. It doesn't strike at oil leases, it strikes at democracy."

The weekly column provides Mr. Strout—who, as one press scholar puts it, "shows no hint of his own leanings" in news stories—an outlet for his personal views. He took it over in 1943 from Kenneth Crawford, who later became a Newsweek columnist. "He told me it would be easy," Mr. Strout says. "All you have to do is get mad at somebody once a week and spit in their eye."

Mr. Strout inherited the column signature, TRB. It was dreamed up by a New Republic editor who simply reversed the initials of the subway line that then carried copy to a Brooklyn printer—the Brooklyn Rapid Transit (BRT). But Mr. Strout still refers to TRB as "The Rover Boys" because the column sometimes was—and on occasional weeks still is—written by more than one man. The New Republic pays him $175 a column.

Even today many New Republic readers don't know the identity of the man behind the initials. In September TRB received a letter from a reader who, assuming the current writer took over only about five years ago, wrote reassuringly to say "how much better your prose is" than at first, and how "it has been especially in the last year that your writing has seemed to solidify."

Under Mr. Strout, "TRB from Washington" has become The New Republic's most-read feature, and now it also is syndicated in 35 newspapers. The column reflects Mr. Strout's generally liberal views, though he steers an independent course. In 1968 when the magazine refused to endorse Hubert Humphrey for President because of his ties to Johnson administration war policies, TRB—an early war critic—backed HHH anyway.

"In the past 10 years or so, I've let myself go more about using the first-person singular," says Mr. Strout. And he often uses personal recollections to make points, as in this TRB column of a few years ago:

"When I was a child at my grandfather's farm, they used to kill pigs in the fall. They tied them up by their hind legs shrieking and squealing before they slit their throats. Once we children bitterly protested, but the hired man was reassuring.

" 'They like it,' he said firmly.

"Today he's in Congress, voting against the poverty program."

Such views spark strong reactions from conservatives. A few write nasty letters like: "You sewer rat, may you be cursed with all plagues." But most are more respectful.

"I disagree with most" of TRB's columns, says conservative columnist James J. Kilpatrick. "But I follow his stuff regularly. There's a good deal of wisdom there. He always puts it pleasantly, with just enough lemon juice."

So far, nobody is being groomed as Mr. Strout's successor. "He's unmatchable, I don't think we'll ever find anybody quite like him," says Gilbert Harrison, The New Republic's editor-in-chief. "But I'm not concerned about it. I think he'll live forever. If anything, his writing is livelier than it ever was."

Whether as TRB or as a Monitor reporter, Mr. Strout has been an eyeball-to-eyeball observer of Presidents for more than 50 years. Each, he says, had his own style.

Calvin Coolidge, for example, answered only written questions. So one time Mr. Strout and 11 other reporters tried to pin down the President by craftily submitting identical questions: Would he be a candidate in 1928? "Coolidge looked at the first question and put it aside," recalls Mr. Strout. "He went from the second to the 11th. At the 12th, he paused, read it (silently) and went on dryly—'I have a question on the condition of the children in Poland.' " The President answered the nonexistent question and, with that, concluded the press conference.

Mr. Strout has his private presidential evaluations. "I rate Roosevelt first without a doubt," he says, and President Truman "was as brave as they come," Lyndon Johnson "in many ways was a ———, but he had a compassionate heart." The latter is evaluation favorably colored by Mr. Strout's lasting admiration for LBJ's "We Shall Overcome" voting-rights speech to Congress in 1965.

A WILLINGNESS TO AGGRANDIZE

Mr. Strout is reluctant to evaluate President Nixon yet. But his writings make it clear he's no fan of the man he has called "the most aloof President in history."

He worries that "presidential power has grown enormously"—largely because Congress has been "too lazy" and Presidents only too willing to aggrandize their office. "There's a feeling that once you sleep in Lincoln's bed, you become deified," he says, "It's a dangerous thing."

Mr. Strout, who is not a Christian Scientist but a Unitarian, works out of a small office in the modern, fortress-like Monitor headquarters here. Despite the modern decor, he continues to use a wooden roll-top desk he inherited from a former Monitor Washington bureau chief. The task has an indented pearl button on its right-hand side. "When you push it," he explains, "nothing happens."

He continues to put in a full workweek at the Monitor, with the understanding that he is free to write his TRB column there on Wednesdays. Nowadays, he specializes in "color," or feature, stories for the Monitor itself, and maintains that he's still there only because "I've become sort of a holy cow." He suggests that this article merely report: "The old reporter says modestly that all he has been is a good competent hack."

His co-workers disagree with that assessment. "He's still here because he pulls his weight as well, or better, than anyone in this office," asserts Godfrey Sperling, the Monitor's Washington bureau chief. "He can move fast on a story. Boom."

"He can on occasion be grumpy, too," says an ex-Monitor staffer with a chuckle. "If he thinks somebody is putting forth 'utter claptrap,' he'll get up and leave."

SHUNNING THE SOCIAL CIRCUIT

Instead of personal contacts, Mr. Strout relies on reading everything he can get his eyes on, then attends congressional hearings and makes "first-hand observations" for additional material. He shuns the Washington social circuit; for relaxation he attends plays or reads aloud to his wife, Ernestine.

Mr. Stroud used to drive to work in his Model T, which he parked on the ellipse behind the White House. Nowadays he commutes by bus from his four-bedroom home in Northwest Washington. The house was purchased over 30 years ago with proceeds from his 1939 best-selling book, "Maud," based on his mother-in-law's diary.

The house seems somewhat empty now since the five Strout children have grown and scattered around the world. They include a son and two daughters by Mr. Strout's first wife, Edith, who died in 1932. He married Ernestine in 1939, and they had two more daughters. None of the children have gone into journalism, but they have "enough degrees to start a university," he says proudly.

Journalism isn't a career that Mr. Strout recommends lightly. He advises young people to "stay clear of it unless they have a passion and dedication. The pay is not very good, and the excitement is apt to pall after a while. The sustaining element is the commitment, the feeling that you are doing some good in the world."

After more than a half-century on the job, friends say Dick Strout has lost none of his passion and that he still gets as excited as a cub reporter over big news events. At a 50-year anniversary celebration two years ago, when the Monitor presented Mr. Strout with a round-the-world airplane ticket, Godfrey Sperling summed up his colleague this way: "He is the Monitor's oldest reporter; he is also the youngest."

THE HOUSING CRISIS

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. HARRINGTON. Mr. Speaker, as I am sure each of my colleagues knows, there is a serious housing crisis developing in this country.

Housing starts are down 30 percent from January; mortgage interest rates are at an all-time high. The result has been that millions of Americans have been unable to fulfill their dreams or their plans. An article in the October 22, 1973, issue of Time magazine on housing, "Inflation Nightmare," provides a clear and concise explanation of the causes of and rationale for this crisis. The article follows:

HOUSING—INFLATION NIGHTMARE

Willie Roberts, a 38-year-old chef who owns a small house on Chicago's West Side, recently decided to buy a bigger home for his wife and four children. He applied to a savings and loan association for a new mortgage—but in the three weeks he waited for the deal to be closed, the down payment jumped from 10% to 25% and the closing costs from 4.5% to 11%. Roberts could not meet those terms, so his family is still living in cramped quarters.

For millions of Americans from Maine to California, the cherished dream of buying a home of their own has become an inflationary nightmare. In most states, mortgages now carry towering interest rates of between 9% and 9½%—up from a national average of 7¾% in the first half of 1973. Down payments have at least doubled in the past few months; 40% is now common in some parts of the country. Worst of all, at some S and Ls and savings banks, the prime sources of residential mortgage money, new loans are unavailable on any terms whatever. Laments Boston Realtor Jack Conway: "This is the granddaddy of all mortgage droughts."

The cause of most of the shortage can be traced to the Federal Reserve Board's effort to combat inflation by severely tightening the money supply and letting interest rates soar. That policy was designed to discourage borrowing but has also dragged up mortgage fees. More important, it has started an unintended flood of money out of S and Ls and savings banks; depositors are pulling cash out of passbook accounts that pay only 5¼%

annual interest and buying Treasury bills, bank certificates of deposit (CDs) and other investments that sometimes yield more than 9%. Through early 1973, S and Ls were taking in savings at an average net rate of more than $1 billion a month, but they suffered a net outflow in July; in August a staggering $1.2 billion was withdrawn, the third largest monthly loss on record. Since then, the situation has improved little, if any.

By no coincidence, the outflow began when Washington granted financial institutions permission to sell so-called "wild card" CDs. The wild cards, sold to savers who will keep at least $1,000 on deposit for at least four years, yield interest at whatever rate the issuer chooses to pay; Manhattan's First National City Bank last week was offering CDs yielding 9.59% for this quarter. S and Ls can and do sell wild cards, but their ability to do so is severely limited by a rule specifying that the total amount of wild cards an institution offers cannot equal more than 5% of its reserves. Commercial banks, which have much larger reserves than S and Ls, are offering the rich-yielding CDs in far greater amounts. Mortgage lenders charge that the commercial banks are thus draining huge sums out of the housing market. In Washington, the mortgage lenders are lobbying hard to have the wild cards discontinued.

Closing the Window. Meanwhile, some S and Ls, strapped for funds, have stopped making new mortgage loans altogether. They include Sun Federal in Portland, Maine's largest, and First Federal in Chicago, the biggest in Illinois. Others are keeping their mortgage windows open a mere crack by granting loans only to long-time depositors, and in some cases actually demanding that a home buyer maintain a savings-account balance equal to the size of the mortgage loan he seeks. The market is tightest in states like New York, and Illinois, where usury laws keep mortgage-interest rates below 9%, making loan officers reluctant to accommodate any but the best-heeled home buyers.

Builders and real estate brokers, scratching for business, are resorting to some far-out tactics to keep on selling houses. Realtors in the Jean Burgdorff firm in Summit, N.J., have taken out personal loans, pledging their own assets as collateral, and then re-lent the money on short terms to would-be house buyers who could not get mortgage financing elsewhere. Witkin Homes in Denver guarantees buyers who balk at today's high interest rates that they can refinance their mortgage once within the next three years if rates drop. Homewood Corp. of Columbus will give a buyer free paint for his new house, then deduct from the down payment the labor cost of spreading it on the walls.

Even so, builders and real estate men are taking a painful hammering. Altanta Developer Lindsey Freeman reports his condominium sales down 50% in the past two months alone. Nationwide, the pace of housing starts dropped from a record 2.4 million in 1972 to an annual rate of 2,000,000 in August, and that by no means measures the full extent of the trouble; permits for new construction have dropped 29% during the same period. Some analysts expect next year's housing starts to plunge to a three-year low of 1.5 million or so.

Mortgage men hold out a bit more hope for 1974 if the Federal Reserve loosens up on the money supply and loan demand diminishes. Joseph T. Benedict, president of the Worcester, Mass., First Federal Savings and Loan Association, predicts that mortgage rates could come down as low as 8% by mid-year. Even if he is right, though, many would-be house buyers have to write off the rest of 1973 and mutter "Wait until next year." Meanwhile, they have to live somewhere, and that necessity provides the only bright spot in an otherwise dreary housing picture. The once sluggish rate of apartment rentals, from Manhattan to Los Angeles, is picking up briskly.

THE BRICKER AMENDMENT: BACKGROUND AND NEED

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. ARCHER. Mr. Speaker, there has been renewed interest in the Bricker amendment, the proposed constitutional amendment of the 1950's which would subject treaties and executive agreements to the limitations of the U.S. Constitution. The amendment has been introduced in this session of Congress by a number of Members. I would like to bring to your attention an interesting article on the Bricker amendment and its background by M. Stanton Evans, entitled "Back to the Bricker Amendment," which appeared in the publication Human Events in the November 3, 1973, issue:

BACK TO THE BRICKER AMENDMENT

(By M. Stanton Evans)

Congressmen and senators concerned about the expansion of presidential power in the realm of foreign policy have a ready answer available to them—if they will use it.

The answer has been lying around for 20 years, disparaged and bitterly opposed by the very liberal spokesmen who nowadays are so vociferous in demanding that the power of the presidency be curtailed. It is encapsulated in the so-called "Bricker Amendment," named for former Sen. John W. Bricker of Ohio and first introduced in 1952 as a method of curbing the dominant power of the presidency in the conduct of the nation's foreign affairs.

Sen. Bricker's concern and that of the numerous conservative organizations which supported his initiative was twofold: The possibility that American domestic institutions might be altered in obedience to treaty commitments, and the growing tendency of American foreign and defense policies to be shaped by executive agreements arrived at by the President, without consultation in or approval by Congress. Both apprehensions were grounded in fact and fully justified by the course of events since the era of Franklin Roosevelt.

The dangers of "treaty law" stem from a 1920 Supreme Court decision written by Justice Oliver Wendell Holmes, asserting that treaty commitments were not required to follow the dictates of the Constitution and that domestic constitutional arrangements could be up-ended in obedience to a treaty. As Holmes put it, "acts of Congress are the supreme law of the land only when made in pursuance of the Constitution, while treaties are declared to be so when made under the authority of the United States."

Carried to extremes, this interpretation of the relevant constitutional language would permit state laws, the division of government powers, and individual guarantees of rights and privileges to be overridden by the terms of a treaty, irrespective of what is stated elsewhere in our fundamental law. Similar interpretations have been applied to executive agreements, made without concurrence of Congress, which in 1942 were declared by Justice William O. Douglas to be "final and conclusive on the courts."

Conduct of foreign policy through executive agreements has been a major feature of modern liberal statecraft.

As revisionist historians have pointed out, President Roosevelt successfully maneuvered to involve the United States in World War II despite neutrality legislation by Congress—using executive agreements as one of his principal weapons. His efforts in this respect have been much applauded by liberals as a necessary challenge to congressional isolationism, and set the pattern for liberal foreign policy approaches ever since.

The record fully justifies the assertion of the Legislative Reference Service of the Library of Congress, that the "executive agreement attained its fullest development as an instrument of foreign policy under President Franklin D. Roosevelt, even at times threatening to replace the treaty-making power, if not formally yet actually, as a determinative element in the field of foreign policy."

At the time of Bricker's original motion, it was estimated some 1,500 executive agreements had been put into effect. In the intervening two decades, the growth rate has been truly exponential. As of Jan. 1, 1973, there were 4,589 such agreements on the books, compared to 910 treaties. Some 846 of these executive agreements had been put into effect by President Nixon, compared to 65 treaties—a ratio of 13 to 1.

In his effort to preserve the rights of Congress from continued erosion, Sen. Bricker at one point mustered 60 votes in its behalf on the floor of the Senate—one less than the two-thirds majority required to send it on its way to ratification. Conservatives generally backed the amendment, while liberals strenuously opposed it in keeping with their general view that the power of the presidency should be made supreme in foreign policy.

Now that the liberal intelligensia is reassessing its attitudes on presidential power, and promoting limitations on the President's war-making authority, it has occurred to a number of conservative lawmakers that the time is right to revive the Bricker Amendment and put the liberals to the test. A new version of the amendment has been dropped into the hopper by Rep. Steve Symms of Idaho (H.J. Res. 704), Rep. Bill Archer of Texas (H.J. Res. 778) and another by Rep. John Ashbrook of Ohio (H.J. Res. 765) the latter with 16 co-sponsors, including Rep. John Rhodes of Arizona. Text of the amendment reads as follows:

"Section 1. A provision of a treaty which denies or abridges any right enumerated in this Constitution shall not be of any force or effect.

"Section 2. No treaty shall authorize or permit any foreign power or any international organization to supervise, control, or adjudicate the rights of citizens of the United States within the United States enumerated in this Constitution or any other matter essentially within the domestic jurisdiction of the United States.

"Section 3. A treaty shall become effective as internal law in the United States only through the enactment of appropriate legislation by the Congress.

"Section 4. All executive or other agreements, between the President or any international organization, foreign power, or official thereof shall be made only in the manner and to the extent to be prescribed by law. Such agreements shall be subject to the limitations imposed on treaties, or the making of treaties, by this article.

"Section 5. The Congress shall have power to enforce this article by appropriate legislation."

Reaction to this proposal by liberal spokesmen should be interesting in view of their new-found enthusiasm for limitation of presidential powers. The "war powers" bill vetoed last week by President Nixon—places

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a 60-day time limit on the deployment of U.S. forces in global trouble spots, but does nothing to alter the executive diplomacy which usually precedes such action and often presents the Congress with a fait accompli—as in World War II, Korea and Vietnam. The Bricker Amendment would go after these preliminary and frequently decisive involvements.

Equally to the point, the wideranging powers of the executive are involved in a great many things besides explicit warmaking, most notably a series of compromises, concessions, trade deals and other initiatives advanced in the asserted cause of "peace" which are potentially injurious to American security. Secret arrangements of this type urgently need to be dragged out into the light.

When the Bricker Amendment was originally proposed, it was massively attacked by most of the liberal organizations in America, including Americans for Democratic Action, the American Civil Liberties Union, the United World Federalists, the CIO, and so on. Sen. J. William Fulbright, now such an ardent foe of executive power, described supporters of the amendment as "liars," "boors" and "louts." The liberal pitch in those days and until fairly recent times was all power to the President—and woe to such as Sen. Bricker who tried to curtail that power.

So intense was the liberals' opposition that they demanded—and got—the scalp of Dean Clarence Manion, who served under President Eisenhower as chairman of the Commission on Intergovernmental Relations. Manion was a principal spokesman for the Bricker Amendment, and his official status was galling to the ADA, the New York *Times*, the Washington *Post* and other outposts of liberal opinion. Eisenhower yielded to the hue and cry and in February 1954 dismissed Dean Manion from his position.

These events suggest a convenient test for liberals currently lamenting the excessive power of the presidency: They can prove their bona fides by coming out four-square for the Bricker Amendment—and staging a testimonial dinner for Dean Manion.

THE FILTH PUBLISHERS ARE FIGHTING BACK

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. GAYDOS. Mr. Speaker, it is important to note that the Association of American Publishers—AAP—is calling for repeal of all laws, Federal, State and local, which prohibit the sale, exhibition or distribution of "sexually explicit" printed materials to adults.

In other words, the members of this association want to get their filthy business back. They boast that they publish 85 percent of the books in the United States and thus, as a group, they have been, the largest purveyors of the pornographic materials which flooded our society before the Supreme Court ruled against them last June 21.

This court decision obviously has them in a passion as marked as were some of the subjects dealt with in their books. They claim, in their association statements, that the Supreme Court was wrong in its findings, that Chief Justice Burger provided "absolutely no proof whatsoever" when he held sexually explicit materials were dangerous, and that our rights of free speech have been infringed.

All this, of course, had been the proporno position through the years when confusion over the matter allowed these publishers to reap their profits. But the court's decision has clarified things. Local anti-obscenity laws have been upheld and, I am glad to say, are being enforced in case after case across the country.

It is interesting to me as a Congressman, who had long been concerned about this, to see that the porno profiteers, the companies which publish and sell the salacious materials, are heading up the fight against the court ruling. They are telling us, perhaps, more than they might have intended.

They talk, in their press releases, in terms of the first amendment and, in the past, have excused their dirty books on the grounds that they did have some artistic or literary merit. But who are these defenders of our freedoms and what really is their motive? They are the people who have made the money out of pornography. They are the venal corrupters who, in words of Chief Justice Burger, were turning out stuff as perilous to the Nation as "unregulated access to heroin."

It is a height of absurdity that these people should expect the American public to heed them now in their high-flying arguments. Who are they to sit in judgment on the Supreme Court? If there actually were a threat to our freedoms in curbing them, then the issue should be raised by true libertarians, and not by an association of publishers whose members have cashed in on the filth and demands the opportunity to do so again.

Also, we need not be fooled by their careful pointing out that the licentiousness they want restored is for "adults only" and not for the Nation's youth. The association's statements insist that its members have nothing against and would not oppose any "carefully drawn" legislation which would ban distribution or display of sexual materials to young people. But the publishers certainly know, and their cash books can tell them, that widely circulated filth cannot be kept out of the hands of youngsters. Their stated willingness to forego the youth market is as phony as their hand wringing over our supposed freedoms.

DO WE REALLY NEED A GRAIN RESERVE?

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. QUIE. Mr. Speaker, U.S. Secretary of Agriculture Earl Butz will address the opening of the Food and Agriculture Organization of the United Nations in Rome November 10–29. Officials will be meeting to discuss the possibilities and problems connected with working toward the creation of a world grain reserve program. Mr. Butz has stated, and I fully concur, that American farmers must remain free to respond to the demands of domestic and export buyers for increased farm production.

A hard-hitting editorial in the November issue of the Farm Journal points to the shortcomings of such a proposal. I wholeheartedly agree that if such a program were established, Americans would be called upon to fund it. In addition to this request, the United States would be trading away its most precious resource and bargaining tool—food.

I commend this very excellent editorial for the information of my colleagues:

Do We Really Need a Grain Reserve?

Three months ago in this space, we predicted a renewed effort to set up a strategic reserve of grain—this time by people worried about a food shortage.

Well, a proposal has now been made. In his maiden speech before the United Nations, Secretary of State Henry Kissinger proposed a World Food Congress, its main purpose to create a world food reserve. Senator Hubert H. Humphrey (D, Minn.), made the same suggestion before the International Agribusiness Forum in Atlanta, Ga., last month.

It's an idea we in agriculture should oppose with every resource at our command. As Clarence Palmby, former Assistant Secretary of Agriculture, said from the same Atlanta podium, "A world food bank is unworkable because the United States would be called upon both to fund it and to fill it. We would be negotiating away our greatest resource."

Increasingly dependent as you are on exports, you have a more immediate reason for opposing it: Such reserves could and would be used to beat down prices abroad, just as they have been in this country. Farm Journal asked the Atlanta panel: "Does anyone have any idea how we could set up a reserve so it couldn't affect prices?" The answer: a unanimous "No!"

Why do they feel we need a reserve? Is it because they fear a natural disaster in the U.S.? We recall all during the 1950s and 60s how our national leaders talked about our stored surpluses as "disaster insurance." The only disaster was what those surpluses did to farmers by depressing grain prices.

A natural disaster is possible, we suppose. But the United States is a big country with an excellent transport system. Drouth or floods strike somewhere every year, but we now have a highly developed system of providing disaster relief with a variety of programs.

Besides, as every farmer knows, modern practices have taken much of the risk out of farming. A lot of what we used to call "drouth damage" was really nitrogen deficiency. Pesticides save entire crops once lost to grasshoppers or root worms. Dams protect millions of acres that used to flood. Irrigation guarantees top yields from once chronic drouth areas.

Is it because they fear foreign countries can't anticipate their needs? Nonsense. If Japan and Western Europe are so concerned about a dependable supply of soybeans and feed grains, let them contract for that supply a year ahead, rather than waiting and hoping they can buy on the cheap market during a harvest glut. Many of the countries we've been helping for 30 years are big kids now. Let them anticipate their needs and tell us in time so we can produce it.

Grain keeps overseas as well as it does here. If the Russians expect to lose one crop

out of five, let them put more rubles into grain and less into armaments.

If we feel our Food for Peace program is not adequate to take care of the world's needy, let's expand it on a continuing basis. Surely we've had enough experience with famine in India, wars in Biafra and floods in Bangladesh to have amassed some sort of track record. We have had enough of fuzzy-minded appeals to produce more just in case somebody may need it.

Or do they want a reserve because they fear the uncertainties of a free market? We don't wonder that our foreign customers would like to see our market controlled like that in every other country. Naturally they prefer a mound of surpluses they can count on.

We suspect that some of our own U.S. businessmen feel the same way. In spite of their self-proclaimed love of competition, some don't relish the idea of getting out, beating the bushes and bidding up for the grain they need. They've spent too many years in the comfortable warmth of Uncle Sam's stockpile.

No doubt there are even farmers who would prefer the certainty of $1.10 corn and a government check to the uncertainties of $2.50 corn.

All of us have a lot of learning to do, a lot of responsibilities to fulfill to keep our market free. But also we have in our memories some powerful incentives to make a free market work.

AMSTERDAM NEWS BACKS IMPEACHMENT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. RANGEL. Mr. Speaker, I am pleased to announce that the Amsterdam News, the leading newspaper in my community of Harlem, has endorsed the drive to impeach the President if Mr. Nixon fails to resign.

There has been a groundswell of support for impeachment, based on the President's diverse and repeated illegal activities while in office. Thousands of letters have poured into my office calling for impeachment. The American people have had enough of White House deception, flim-flam, coverup, and unlawfulness.

The investigation being conducted by the House Judiciary Committee will thoroughly cover all charges of malfeasance, misfeasance, and criminal conduct made against the President. The support of our constituents for such an investigation will be a constant reminder to the committee of its awesome responsibility to the people and to the Nation to guarantee that no stone is left unturned in our probe.

The Amsterdam News editorial follows:

Crisis of Credibility

Labor leader George Meany said it all a few days ago when he said that the lack of confidence of the American people in President Nixon has made it impossible for him to continue as a viable leader of this nation.

What else is there to say.

The White House, which should represent the pinnacle of truth and honesty to the American people, has been caught in so many lies that even the most patriotic American can no longer believe what is said by anyone connected with it.

To put it another way, we have a crisis of credibility at the verry top of our government which makes it impossible for that government to govern.

And the person most directly responsible for that crisis is Richard Milhouse Nixon.

Nothing more needs to be said at this time. It's time to act.

And if there is any love or patriotism in Richard Nixon for his country and the American people, he should be the first one to act.

And he should act by resigning from the office he holds as a first step toward putting an end to the crisis he has created.

Finally, if Richard Nixon does not have the patriotism for his country to act in this crisis, the only remedy left is for the Congress to act.

Thus, if Nixon won't resign, the Congress should impeach him.

A PITIFUL HELPLESS GIANT

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. GOODLING. Mr. Speaker, a popular song of yesterday counsels us in its lyrics to "Accent the positive and eliminate the negative."

This is good advice under any circumstance; however, it is particularly suitable today when too much of the negative is being accented and too much of the positive eliminated.

Just recently I received a copy of a letter that was sent to the editor of the Wall Street Journal by Mr. F. E. Masland, Jr. Mr. Masland is a resident and prominent citizen of Carlisle, Pa., my congressional district.

Because this letter makes some timely and meaningful observations, I insert it into the Record and recommend it to the attention of my colleagues:

Carlisle, Pa.,
November 1, 1973.

Editor,
Wall Street Journal,
New York, N.Y.

Dear Sir: I just finished reading your editorial "A Pitiful, Helpless Giant."

Don't you think there is a place in the present order of things for "Good News"?

Don't you think it is about time that responsible news media began to emphasize the positive?

While it is true that the nation is demoralized, I do not believe polls. In our company's office we have upwards of a hundred employees—a vast majority support Nixon. I live in a farming community. I have yet to find a farmer who does not support Nixon and Butz. In a group the other day one of them said "We have the best President and Secretary of Agriculture we have ever had" and all agreed.

I believe a substantial segment of the populace supports Nixon and would welcome editorial comment of a constructive nature. I believe that the country as a whole vitally needs the substance that could be drawn from constructive comment.

It is to be expected that the cynical, deliberately destructive television broadcasters would create a demoralized nation. The situation is analagous to that in Germany under Hitler when news media were controlled. When our Founding Fathers guaranteed Free Speech and a Fress Press they had no idea that television would appear on the scene.

In spite of Watergate, this nation, has more to be thankful for than any other on the face of the earth and included is the fact we have Mr. Nixon in the White House.

Unfortunately, it is human nature for people to forget the positive and remember the negative. Under the constant barrage of negative propaganda the public fails to recall that Mr. Nixon got us out of Viet Nam, that he has attempted to clear up the welfare mess and made some progress and that to a major degree it is the fault of a spendthrift Congress that we still have inflation with us, that the President's policies have improved the balance of payments situation, that during the past five years we have enjoyed unparalleled prosperity ranging through the whole spectrum, including blacks and whites and that Mr. Nixon played a major role in bringing about a cease fire in the Middle East. Certainly in recent history no President has exercised greater influence in the international arena.

There was no cry for impeachment when Franklin Roosevelt deliberately catapulted the United States into World War II, or when John Kennedy involved us in the most unwise, disastrous war in our history or when the Johnson Administration was rocked by the Bobby Baker scandal or when Harry Truman fired his Attorney General for the way he handled a scandal in his Administration.

The public has a short memory. Television broadcasters are taking advantage of that fact.

There is much of a positive, helpful nature that can be emphasized in an effort to counteract the effect of broadcasters and to avoid the total demoralization which may otherwise result.

We cannot afford a weak government at a time when militarily we are in a weak position vis-a-vis Russia. Mr. Nixon has demonstrated that even when all the forces of the opposition are arrayed against him he is capable of exhibiting that determination which alone Russia respects.

At this moment in history responsible news media are confronted with an almost unparalleled responsibility. There is little likelihood that the airwave will pursue constructive measures. It is up to responsible publishers to decide whether or not they will pursue a policy that will enable our nation to avoid results so disastrous that their impact may be permanent.

Lenin contended that the U.S. would destroy itself from within, and "fall like a ripe apple". News media will play a major role in proving him a true or false prophet.

Very truly yours,

Frank Masland.

GERALD R. FORD: TRADITION AND CIVILITY

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. MINSHALL of Ohio. Mr. Speaker, this morning's Washington Post carries

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an excellent appraisal of our great friend and colleague, Vice-President-designate GERALD R. FORD.

Columnist David S. Broder extols JERRY FORD for his leadership, his character, his outstanding reputation as a statesman of integrity, humanity, and humility. These Ford characteristics have long been recognized on both sides of the aisle in the House. Five times we Republicans have unhesitatingly entrusted him with the highest honor we can bestow on a colleague, the minority leadership.

Our country is crying for the strong, steady virtues of a JERRY FORD. Wherever these tumultuous, unpredictable times may take him, even to the highest office in the Nation, Americans can depend on GERALD R. FORD. He will never let his country down.

The column follows:

GERALD FORD: TRADITION AND CIVILITY

(By David S. Broder)

In this season of troubles in Washington, welcome reassurance is coming from the personality and performance of that comfortingly familiar figure—Gerald R. Ford.

As the Vice President-designate and heir apparent to a severely beleaguered President, the gentleman from Grand Rapids is the man on the spot. He is the key figure in an unprecedented experiment, testing whether a government of divided partisanship can make an untried provision of the Constitution operate in a climate of pervasive public distrust.

His conscientious preparation, his evident cooperativeness and his candor are making his confirmation hearings an occasion in which the country can not only learn something of the character of its new Vice President but relearn the value of one of its oldest traditions—the tradition of civility.

Ford's second sentence to the Senate Rules Committee was: "I feel that I am among friends." That is a rather remarkable thing for the Republican leader of the House to say to a committee of the Democratic Congress, which is not only sitting in judgment on him but is taking preliminary steps to remove from office the Republican President who appointed him.

But it is a statement that springs naturally to Ford, who operates, under any circumstance, in a tradition of civility, of mutual accommodation, of respect for persons and institutions.

This unwritten tradition underlies the written Constitution, but it has been badly battered in these recent years, as one President lashed out at opponents of his war policies and his successor compiled an "enemies list."

Whatever his shortcomings, in intellect, oratory, or wit, Jerry Ford is one of the most decent human beings in Washington. He is not a hater, nor is he under a constant compulsion to prove his own worth by dominating and downgrading others.

The qualities he has displayed in his confirmation hearings—and in 25 years in Congress—may be just what the doctor ordered for this badly battered Republic. A congressman's wife who watched his testimony on television remarked that he reminded her of Eisenhower. He lacks the personality and the smile that made it so easy to "like Ike," but that flat Midwestern voice and that open face encourage trust.

When he says, as he did, that "my platform, gentlemen, is always to support truth and intelligent compromise," you know that is the authentic Ford credo—and not a line some public relations adviser furnished.

A House colleague, enlisting support for his confirmation among Democrats, says he has been surprised to learn how many members of the opposition "really do consider Jerry a personal friend." Such friendships are rare among congressmen of opposite parties, and particularly among those whose leadership roles require them to operate, as Ford has, in a highly partisan fashion.

But Ford does not let partisanship carry to the point of personal enmity. It is inconceivable that his office would compile an "enemies list." As remarked previously here, his style of leadership in the House has been genuinely open and consultative. As Vice President or President, he testified, he would continue to make himself accessible to members of Congress and the press.

Even in the stress of this current situation, he has deliberately reached outside his own circle for guidance. In advance of the hearings, he sought out a group of certified "eggheads" and told them he was concerned that his reputation as a non-intellectual not be taken by them as a sign that he was anti-intellectual. He seemed genuinely relieved at being told that the very fact that he had sought such a meeting went a long way toward establishing the point he wanted to make.

A colleague in the Republican leadership says, "We learned very quickly that Jerry does not like to make decisions alone." A Ford administration would be an exercise in collective leadership.

Those members of Congress who know him best are unanimous in their belief that, should Ford become President, he would seek to continue the main lines of the Nixon foreign and domestic policy—detente abroad and decentralization at home.

He would try to keep Henry Kissinger and Melvin Laird as his chief foreign and domestic policy lieutenants, knowing full well that both men are more guileful and sophisticated than he is himself.

What Ford would bring to such a government is the simplicity and honesty and openness and benignity that have been missing so long from the White House.

As the awareness of those qualities in him has sunk in, the hunger for their restoration in national leadership has grown. "The sooner the better" doctrine now applies, not just to Ford's confirmation for the vice presidency, but to the step beyond.

PROPOSED LEGISLATION OF PRESIDENT AND VICE PRESIDENT RESIDENCES

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. LUJAN. Mr. Speaker, over the past several months some sad and unfortunate things have happened within our Government. It is not my intention to point an accusing finger nor to defend anyone or anything.

Indeed, it is a foolish man who does not try to learn a lesson from mistakes—his own and others. It is in this spirit that I make these comments for my colleagues' consideration.

While the examples I cite today are current, this problem and practice has existed for many years and through many administrations.

Mr. Speaker, I would be the last man on this Earth to quibble over the necessity of providing tax dollars to provide security and efficiency of Government for the top two political offices in our system. Certainly, we cannot emotionally nor politically afford a repetition of the fate of the Kennedy brothers or our neighbor from Alabama. If it takes money to prevent such tragedies then we must provide that money.

But, Mr. Speaker, I would suggest to this Congress that our sense of responsibility, direction of purpose, and pragmatic equilibrium has become muddled and distorted.

I am referring to the national responsibility of providing appropriate living accommodations and security for our President and Vice President.

Recently, it was revealed that more than $10 million has been spent "securing" Presidential residences in California and Florida. Within the past 6 months more than $140,000 was spent on the home of a former Vice President and within a few months the taxpayers are going to have to cough up a similar or possibly a greater amount on another Vice-Presidential residence. No one but the President and the Vice President and perhaps the subsequent buyer of his home benefits from this tax money. I do not think this is prudent spending even though I do believe the security of the President and the Vice President is a top responsibility of the citizens of this country.

The taxpayers of this country have provided a Presidential retreat at Camp David. I have been told that there is presently nothing that can be added to that facility in the way of safety and comfort for the President, his family and staff that is not already there. Several weeks ago the late Marjorie Merriweather Post willed an estate to the Government for a Presidential retreat in Florida.

I submit, Mr. Speaker, that two Presidential retreats—one a mountain resort and the other a seaside resort—should be more than adequate to serve a man and his family for any 4- or 8-year period.

Some years ago Congress passed a bill authorizing the construction of a Vice-Presidential residence on the grounds of the Naval Observatory. As my colleague from Texas pointed out several weeks ago, we are still without an official residence for the Vice President.

I would hastily remind my colleagues that my prime concern over this is one of economy of tax money. I wonder just how many millions of tax dollars have been spent over the years on the different Vice Presidential homes.

I would, Mr. Speaker, urge that this body take immediate steps to produce proper legislation restricting any President's personal property being converted at taxpayer's expense to a retreat or satellite White House.

I would also urge this body to take immediate steps to carry out the act passed some years ago and provide suitable living facilities for the Vice President at a location readily accessible to the center of Government and where he can be adequately protected without the reoccurring expenses of the past.

Also, Mr. Speaker, I would suggest that this Congress, as a condition of releasing appropriate funds for the Florida property for the President's retreat and a Vice Presidential residence, sit as a watch dog to see that accommodations appropriate to the position be provided, but that they be provided within prudent spending guidelines. Congress must take a firm stand and stop spending by overzealous protectors of the President and Vice President in matters of health, safety, and comfort.

It would be in the best interest of the country and the taxpayer if we make a final "one-time" expenditure for this purpose and not have to spend fantastic sums of money every 4 or 8 years to adequately secure homes for our President and Vice President.

ABUSE OF COMMUNICATIONS SYSTEMS

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. BROYHILL of Virginia. Mr. Speaker, a friend and constituent of mine, Mr. Gene S. Feves, is a former journalist with great experience in the news media field.

He recently called my attention to a letter he has submitted to the editor of several newspapers, with the expression that he doubted it would be printed. As I would like my colleagues to have the benefit of Mr. Feves' views, I insert the text of his letter at this point in the RECORD:

ARLINGTON, VA., *October 27, 1973.*

To: Gentlemen and Ladies of the Third Estate.

From: Gene S. Feves, Former Journalist Who won a National Award for Outstanding Work in the Field.

Subject: The Use and Abuse of Media and/or Communications Systems.

One doesn't hear the term Third Estate very often in these 1970s and while I'm wondering why not, I answer my own question. It is no longer a grouping of individuals dedicated to objectively reporting the news. It is now a grouping of individuals acting as physiologists, dramatists, analysts, and robbers of individual thoughts and reactions (otherwise called brainwashers). The communications specialists now dedicate themselves to criticizing American leaders. They are bold enough to analyze the motivations, words, and thoughts of the President of the United States, who knows what he wanted to do for the country and is doing it, but the critics impose their subjective reactions only upon the public. A public which is tired of hearing them misquote the President.

These individuals create discord by shocking the American public with their own thoughts and motivation and then say it is the President who is sending out shocks—the man the public elected as its leader. A man, who, being a normal individual, exercises his right to talk back—which hurts the sensitive (sic) feelings of the analysts, etc. who figuratively cry, via television, on the shoulders of the American people.

These discord artists, etc., are motivated in the spirit of competition—financial gain—as good employees for the competitive media—newspapers, television, and, to a slight degree, radio. Each television newscaster tries to outdo other newscasters in order to gain his own ends—become popular and hold down a job. Newspapers have aligned themselves with political parties and divorced themselves from the public and its interests as well as needs.

Who do you think is to blame for shocking the American people; for their loss of self-confidence; feeling of assurance and spirit of unity?

To date it is the Gentlemen of the Third Estate and not the Ladies of this former class as each man raising questions at press conferences with the President appears to be in competition with the President. They don't even give the ladies a chance to speak up. This is a time for less competition and more cooperation between the American People and the electronic-delivered visitors who charge into their homes and lives repeatedly, day and night in and out. Too many Americans are being forced to forego a vehicle that should be enlightening instead of vicious—and turn off tv sets content with a trusty radio.

GENE SEMENOV FEVES.

NOAA SEEKS CONSERVATION OF ENDANGERED SPECIES OF WHALES

HON. JOEL PRITCHARD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. PRITCHARD. Mr. Speaker, I am sure you are aware that the Marine Mammal Protection Act of 1972, with certain exceptions, places an immediate moratorium on the taking and importation of all marine mammals and marine mammal products. This act makes the Secretary of Commerce responsible for protecting whales and other marine mammals. On November 30, 1972, the Secretary of Commerce delegated authority for the functions prescribed by the act to Dr. Robert M. White, who is the Administrator of the National Oceanic and Atmospheric Administration—NOAA.

Since that time, Dr. White and NOAA have aggressively sought international cooperation in the conservation of endangered species of whales. A recent editorial in the Washington Post highlights the efforts of Dr. White who leads the U.S. delegation to the International Whaling Commission, to gain international compliance with the Commission's recommendations to ban the killing of seven species of whales which are severely depleted.

In addition, Dr. White has sought compliance by Japan and the Soviet Union with the current moratorium on the killing of fin whales. The fin whale is estimated to have a population of only 70,000—well below the optimal level of 200,000 to 250,000 in order to assure its survival.

Mr. Speaker, I insert the Washington Post editorial in the RECORD at this point:

CAN THE WHALES BE SAVED?

Few of the some 900 species of endangered or threatened animals have received as much international attention as the whale. It is among the most majestic and intelligent creatures of the sea, and the blue whale is said to be the largest animal that has ever lived. For decades, however, destruction of whales has been systematic and large; as a result, five of eight species of great whales are currently in danger of extinction.

Although a long time was needed for this message to get across, a number of whaling nations finally agreed to put away the harpoons and end the slaughter. The problem is that not all nations are willing to stop. Japan and the Soviet Union still go to the high seas to kill whales. Their defiance of a moratorium—to which 12 other nations adhere—is such that the U.S. Department of Commerce is now strongly protesting. In continuing to ignore the moratorium on fin whales, for example, Japanese companies cite a demand for whale meat in Japan. But Dr. Robert M. White, administrator of the Commerce Department's National Oceanic and Atmospheric Administration, said that the protein yield from fin whales amounts to an insignificant contribution to the meat requirement of Japan.

In going its own way, Japan and the Soviet Union are flouting the authority of the International Whaling Commission. The commission—which met last June in London—recommended a worldwide ban on killing blue, gray, bowhead, humpback and right whales, and urged strict quotas on several other species. A coalition of conservation and wildlife groups—who correctly see that by eliminating these leviathans the fragile balance of oceanic life may be irrevocably damaged—are now so alarmed that they are calling for a boycott of Japanese products in the U.S. marketplace. The membership of such groups hopes to exert the kind of economic pressure that international political pressure has not yet done.

Killing whales might be understandable if the dead beasts had any serious social uses. But they do not. Such frivolous purposes as dog, cat and mink food, automobile lubricants, cosmetics and food additives all have easily available substitutes. It is exactly the opposite for whales; once they vanish, they will not be back.

VOLUNTEER ARMY

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. TEAGUE of Texas. Mr. Speaker, the Honorable Howard H. Callaway, Secretary of the Army, addressed the Association of the U.S. Army a few weeks ago on a subject of interest to everyone in this Nation. He brought out several important aspects of the new "volunteer Army."

The Secretary's remarks should be of interest to Members of Congress and the general public. I recommend them to you.

The speech follows:

KEYNOTE ADDRESS BY THE HONORABLE HOWARD H. CALLAWAY, SECRETARY OF THE ARMY

Ladies and Gentlemen, distinguished guests:

I'm delighted to have this opportunity to be with you this afternoon. We in the Army are aware of your long-standing support for

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a strong National defense and we feel that the Nation owes you a debt of gratitude.

It is an exciting time for me to be Secretary of the Army. We are entering a historic time, a time of basic change, as we try to do what has never been done before. The Army has set out to provide security for this great country, to keep our global commitments, to stand ready to face an aggressor on a moment's notice—and to do all this with an Army of volunteers. No nation in history has tried to meet such massive and complex commitments without compelling people to serve, through one form of conscription or another. It is a challenge—a great challenge, one which I assure you we are doing our utmost to meet. Today I want to address this question with you—this question of meeting the need for an Army with a volunteer force.

Unfortunately, discussions of the volunteer Army are usually accompanied by emotional considerations about the value of the draft or of Universal Military Training. There are many, both in the military and out, who genuinely feel that the maintenance of a draft is important to our country, and so the debate continues. But the debate is on the wrong subject.

Those who continue to hold out the false hope that the Army can or ought to simply dodge the problems of the volunteer environment by quick return to the draft are not facing up to today's realities. The country doesn't want a draft today. The Congress doesn't want a draft today. The alternative then is a successful volunteer Army or failure for the Army. The US Army has never failed this country. It has always turned the hard challenges of history into success. So today, the challenge for all of us who support the Army is clear. We must set our minds to making the volunteer Army work.

And the volunteer Army is working! It is working because there are still young men and women in America who want to serve their country—this is "an idea whose time remains" for all Americans, young and old, of every race, color, and creed. And it is working because the Army offers to young men and women a satisfying life and solid benefits in conjunction with their service. There are those who feel we are trying to buy an Army. This is not the case. We are giving young men and women who serve in the Army a standard of living that is roughly comparable to the standard of living they might get in the civilian community for doing a similar job. This means higher pay; paid annual leave; complete, superb medical and dental care; life in much improved barracks, and more.

All of these measures are necessary. I support them wholeheartedly. But let me emphasize that we are not trying to buy an Army! We will get the Army that the Nation needs only by appeal to sacrifice and service.

And this brings me to the second, most important way that we are making the volunteer Army work, by insuring that service to the country is a meaningful part of the young man or woman's life. We are making Army service a step forward in their lives, not an interruption. And to do this we are putting a great emphasis on education and training, and on insuring that our soldiers' jobs are important and useful.

We are doing this by making each soldier's job relate to the Army's mission, because this makes Army service mean something. Our young people want value from their lives. They want a job that matters and we've got that job. We are also working to eliminate unnecessary irritants. We think this will make the Army more attractive, and our surveys have borne this out.

We have developed a very attractive package of education and training. To the high school dropout who has the ability and motivation, we offer work toward a high school diploma, as an adjunct to training. To the high school graduate, an opportunity for college training, part of which may be as an adjunct to training. To junior college and college students, the possibility of further training, and even this may be as an adjunct to training. And to all of them, the Army offers vocational training that will be useful when the soldier returns to civilian life.

With a meaningful job, a decent standard of living, and real opportunities for continued education and training, young men and women can look upon a period of service to the country as a genuine step forward in their lives. And when they leave the Service, they will realize other very important advantages. For one thing, under the GI Bill, they are entitled to more education, provided by the government to its veterans. And they're more mature. The Army has trained them, given them each a mission, and then hold them responsible for professional results. This responsibility develops maturity. Thus, both the education and experience of military service prepare them for better jobs when they leave the Army for civilian careers.

All of these benefits are pointed toward the first term volunteer. For those who choose to reenlist for the volunteer Army, however, more opportunities for education, maturity, and service accrue.

We have, today, the finest noncommissioned officer leadership training we have ever had, with progressive career steps going from the recruit right on through our top command sergeant major. Our men and women enjoy the benefits of our new Noncommissioned Officer Education System, a system which offers to the noncommissioned officer a progressive, professional military education roughly comparable to the superb system of schooling we have always offered to our officers. The system trains, educates, and motivates our NCO leaders for the progressive challenges of an Army career.

Some of our strongest supporters don't fully understand today's Army. They think the Army lost something important when we initiated, for example, the idea of hiring civilian help—KPs—to work in the kitchens and dining rooms. They think that eliminating such irritants as KP has made the Army soft. But the Army's mission is not to peel potatoes; its mission is to fight. Peeling potatoes does not improve discipline or combat efficiency. So changes to some things held traditional in the past are in the wind, but if you look at them, you will see that each turns harder than ever on mission. We are not retreating from the Army's real business. The volunteer Army is ready to fight.

We do not have and we shall not have a permissive Army. We have and we shall have a disciplined Army, responsive to authority, and able to perform its mission in the service of the country. You expect it; the country deserves it; and I'm going to do my level best to see that it happens!

In brief, that's the program we have undertaken to attract young people, to encourage them to enter the Army. And once they're in, I know that many of them will choose to stay beyond their initial commitment, because they will see that the Army has a very fine career progression system.

I believe Americans will agree, then, that we have a package that is appealing to today's young people, appealing not only in terms of benefits, but in the opportunity for service to country. And the beauty of this is that it appeals to everyone in America. Service to country appeals equally to rich and poor, Northerner and Southerner, educated and uneducated. Pride in America and willingness to sacrifice for her is an ideal which knows no cultural or economic boundaries. In this fact lies the very strength of the Nation. I count on this appeal to give us an Army which mirrors America. It's not going to be a mercenary Army, it's going to be an all-American Army.

This then is our plan. It is not only our plan for the future, it is also a description of today's Army. For practical purposes, the draft ended for us on December 29, 1972, when the last draftee entered the Army. (Although a few deferred draftees entered later.) So we have had about 10 months' experience now in a volunteer environment, and I think it is appropriate that we review some of the results.

Because each month we openly discuss our goals and quotas, many have a distorted picture of our progress. They feel we are hopelessly short of recruiting goals, trying to make up the gap by lowering quality, and as a consequence, ending up with nothing worthwhile whatever. It is true that we have missed our goals during the past 10 months. But it is important to remember that our goals are akin to the salesman's goals—realistic, but difficult to meet.

What are the facts? During these past months, we have recruited into the volunteer Army some 124,000 young men and women; further, over 34,000 men and women have reenlisted during this period. In fact we have been running about 84 percent of our recruiting objective ever since December 29, 1972, when we abandoned the draft. And those who have come into the Army are of high quality. We have had a higher percentage of high school graduates entering the Army since the draft ended—about 10 percent higher—than we had in the 6 months before the end of the draft. As a result, we now have an Active Army of over 794,000 and this is 97 percent of our programed strength. Total accessions, then, have fallen somewhat short of our goals, but, we are still filled far above any level of concern, and quality is high.

And we have many encouraging signs. Last year we decided to reactivate the 9th Infantry Division at Fort Lewis, Washington, but the manpower was not at hand. So we told the commander, General Fulton, that if he wanted a division, to take his cadre, the Division colors, and go out and recruit a division. General Fulton and his recruiters did just that. They began a vigorous recruiting campaign and today that Division stands at 102 percent strength, essentially filled with enlisted volunteer soldiers. Now, this is a real success story, a living example which illustrates concretely that the volunteer Army program is not an impossible dream, but a workable idea, and it is typical of many other units with similar successes.

We do not minimize our recruiting problems; we spend our time and energy working on them. We are trying many new approaches to recruiting, which stress quality together with quantity—such as increasing the number of recruiters, expanding our unit-of-choice and station-of-choice options, screening out poor soldiers in our reenlistments, administering new entrance tests, and even weeding out misfits in basic training. These efforts will continue.

Some also have expressed concern that the volunteer Army was doomed to failure because it would bring a decline in discipline. That has not been the case. If we compare discipline trends for FY 72 with FY 73, a period which includes both draft and volunteer Army experience, we find that rates for AWOL, desertion, crimes of violence, crimes against property, courts-martial, and separations under less than honorable conditions, are down.

Virtually every major indicator of discipline except drug offenses has, in fact, remained or turned positive in the volunteer Army. Whatever factors contribute to this picture, it is clear that today's volunteer soldier is not causing an increase in disciplinary problems.

Many also had expected the volunteer Army to herald the demise of our National Guard and Army Reserve as viable outfits. No such demise is in sight, although we do face problems here. We have seen modest reductions in the strengths of both our Reserve Components from the December 1972 levels, a trend in fact dating from mid-1971. But current indications give us some encouragement that we may be able to restrain this decline. We have in the past several months, for example, been successful in recruiting trained, experienced, prior-service personnel into our Reserve Components to offset some of our shortfall. As you know, Reserve Component strength remains critically important, so we are very much concerned that it continue to receive close attention. Under the total force policy any future emergency buildup will have to rely upon the National Guard and Reserve rather than a draft for initial and primary augmentation of our Active forces. I expect the improving image of the volunteer Army to have the positive effect on the health of our Reserve Component recruitment that is needed.

Finally, combat readiness, which is the heart of our business, has shown significant improvement. When the draft ended, we had 13 divisions on the books, but only 10 fully formed. Of the 13 divisions, only 4 met the Army's stringent readiness standards and were considered ready for combat. By contrast, we now have all 13 divisions fully operational and 10 ready for combat. Thus, our divisions today, judged by the stringent standards reported to the Joint Chiefs of Staff, much more nearly meet their goals in terms of authorized strength, personnel job qualification, unit training, equipment on hand, and equipment serviceability than they did at the end of the draft. Six months to a year from now, I believe our readiness posture will be even better.

These simple facts and figures point to one conclusion—The Army is better today than it was at the end of the draft. But the figures are not nearly so meaningful as the subjective feel of those in the Army. I certainly don't pretend to be an expert on this, but by the end of this month I will have visited all 13 of the Army's active divisions, as well as many other posts and stations. During every visit I have talked with new soldiers, with senior noncommissioned officers, with junior officers, with senior officers and commanders. I can tell you that without any question, today's Army is a far better Army, far more prepared for combat than it was at the end of the draft. I can just feel it everywhere I go. It's in the air. Discipline is better, morale is better, training is better, and equipment is better. The Army's future is indeed now.

And, what is more important, all of our vital trends, with the possible exception of drug abuse (and we are working hard and effectively on that one), are in the right direction today. Let me emphasize—your Army is good now, ready to fight, and getting better with the passage of time. I foresee no doom ahead. Six months from today we will be better, and after that, better still.

This picture that I give you of today's Army is enthusiastic and optimistic, and purposely so, I am extremely proud of today's Army and what has been done to make it work in the volunteer atmosphere. But I recognize our challenges. Benjamin Franklin once said that, "the man who expects nothing . . . shall never be disappointed." I believe he would share my belief that men who do expect something worthwhile and are willing to work hard for it, are apt to achieve it, even if the task is difficult and unfamiliar.

We are daily working on new, innovative, and exciting ideas to insure that we get the right number of qualified men and women to man our Army. It will not be easy. It will perhaps be the toughest job that the U.S. Army has ever been called upon to do, but I am certain that today's Army will be equal to the challenge.

We in the Army have always needed the active support of the American people. Today, we need it even more than ever before. Even our strongest critics have recognized that the one vital element necessary for the success of the volunteer Army lies beyond the Army itself. I'm talking about public support. We need your help as we plow new ground, as we steer an uncharted course to give the country the best Army it has ever had. Without your help, we cannot succeed; with it, we cannot fail. Together, we can meet the challenges and prove worthy of the Nation's trust.

Thank you.

WHY THE LEVITT CLINIC?

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. WOLFF. Mr. Speaker, on October 28, noted members of the Long Island community joined with State and Federal officials to dedicate the Levitt Clinic of the North Shore University Hospital. The occasion marked not only a great improvement in the care available to the community, but also a new, money-saving and effective method of care and treatment of ambulatory patients. The clinic, in its new handsome five-story building, has the most modern equipment in the 130 examination and treatment rooms. The clinic is named for Hospital Trustee William J. Levitt, well-known builder and philanthropist whose financial assistance made it possible. I would like to insert the following remarks about this important facility from the dedication program at this point in the RECORD:

WHY THE LEVITT CLINIC?

North Shore University Hospital was founded in 1945 with one basic aim—to bring the best possible medical and health care to the people it serves and to do so with warmth, compassion and understanding. We always are aware that the patient is a person whose own dignity, sense of worth and desire for privacy demand respect. We seek to treat not only the *illness* that a patient happens to have, but also the *person* who happens to have an illness. Above all, we seek not only to *make* people well, but to *keep* them well.

The Levitt Clinic opens its doors to provide the Hospital with a strong new arm in fulfilling that purpose. It is dedicated to providing comprehensive ambulatory, diagnostic and preventive health care of the highest quality for the residents of Long Island.

In the Clinic's five-story, 80,000 square-foot building, containing 130 treatment and consultation rooms, there is centered a full range of expert staff supported by the most modern and sophisticated facilities and equipment available to medical science. The Clinic thus makes service both more efficient and more convenient for the patient; further, it was planned so that the Hospital can easily add new services and facilities as the need for them arises. The Clinic is highly unusual, perhaps unique, in that comparable facilities are rarely found in suburban areas, tending rather to be parts of major medical centers located in large cities.

The Levitt Clinic's doors are open to all. The sole requirement for service is the need for medical attention. All patients are treated with one standard of care: they are seen by appointment and receive the same courtesy, attention and respect they would be accorded in the private office of the most considerate physician. The Clinic is open to the father with his little son who has had an accident and to the old person who has no family doctor, but who needs help with his arthritis.

And to all of Long Island, the Clinic is a highly sophisticated referral center. The family doctor takes care of about 90 percent of our medical problems in his office and most often he sends us away happier and feeling better. But sometimes he finds problems that require elaborate tests and highly specialized skills and equipment. In such instances, he now has a resource in The Levitt Clinic; he can refer his patient to the Clinic for diagnosis, and for consultation if he wishes.

Early diagnosis can head off much disease. Many ailments can be cured easily in early stages, but present much more difficulty later on. The principal theme of The Levitt Clinic is to keep the patient on his feet and out of a hospital bed. It costs less but, even more important, it is better medicine.

The doctor who refers a patient with a diagnostic problem will receive a full report promptly, usually within 24 hours of his patient's visit. If hospitalization is indicated, the patient and his physician will select the hospital. If they choose North Shore University Hospital, the patient's own doctor will have access to his hospitalized patient, through the cooperation of the hospital staff's physicians, whether or not the referring doctor is formally affiliated with the Hospital.

Behind The Levitt Clinic stand the full resources of North Shore University Hospital—more than 500 physicians and surgeons, some 600 nurses, nearly 1,500 employees, more than 1,000 volunteers, and our Trustees and Associate Trustees. In addition, numerous community agencies help us to reach out into the communities we serve.

And behind the Clinic and the Hospital stand the full resources—both medical and scientific—of Cornell University Medical College, of which we are a teaching center.

WILLIAM J. "BILL" HUNT

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. CHARLES H. WILSON of California. Mr. Speaker, on Thursday, November 29, 1973, the citizens of the city of Gardena, Calif, will honor Bill Hunt, the copublisher of the Gardena Valley News, by presenting him with the coveted "outstanding citizen award." It is my privilege today to join with the city of Gardena in paying tribute to this veteran newsman and truly distinguished citizen.

From a beginning as a newspaper delivery boy in Santa Monica at the age of 10, Bill Hunt has devoted his life to achieving the highest ideals of his profession. He has worked on newspapers from the Alaskan frontier to the heartlands of southern California, always combining his love for journalism with an overwhelming and abiding respect for the foundations and the enforcement of the law.

His interest in narcotics control and rehabilitation dates from days when few people paid much attention to this growing problem, and his efforts in this area have brought him deserved nationwide recognition. He was the first chairman of the Los Angeles County Narcotics and Dangerous Drugs Commission and to this day remains a member of that important organization. A delegate to President

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John F. Kennedy's White House Conference on Narcotics, he also continues as a member of the President's Commission for the Suppression of Illicit Drugs and Narcotics.

Bill Hunt recently won what he terms "the greatest battle of my life," a 10-year fight to wipe out many peculiarly drawn and overlapping jurisdictional boundaries in Los Angeles County. Because of the confusion of these boundaries, accident victims have often been left bleeding and helpless in the street just 6 inches the other side of the Gardena City boundary and inside the limits of the city of Los Angeles' "shoestring strip."

Typical of Bill Hunt's concern for his fellow man, he began a battle which many said he could never win. He was the spearhead behind "Operation Humanity," asking simply that, regardless of boundary lines, all local accident victims be taken as quickly as possible to the nearest medical facility.

Often discouraged at the slow progress of this campaign, he nevertheless would not give up and on May 9 saw his efforts rewarded. From now on, because Bill Hunt fought many city halls, suffering accident victims will be treated immediately, regardless of where in the Gardena area they were hurt.

Also illustrative of this man's humility and concern for his fellow man was his remark upon learning of his victory:

> From here on out, we won't have to worry about those six inches.

All of the citizens of Los Angeles have this newsman to thank for the triumph of "Operation Humanity."

Again, it is my privilege to join with the citizens of the city of Gardena in saluting Bill Hunt, a truly fine human being.

IMPEACHMENT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. HAMILTON. Mr. Speaker, under leave to revise and extend my remarks, I include the following:

Congressman Lee Hamilton's Washington Report

Impeachment

For the first time in 105 years a serious effort is underway to impeach a President of the United States. Most Americans, who dimly associate impeachment with the only U.S. President ever to be impeached, Andrew Johnson, have cringed from it, tried hard to avoid it, but the events of recent weeks have forced consideration of it upon the people and the Congress.

These events (like the dismissal of Special Prosecutor Cox and the White House plan to burglarize and wiretap dissenters from the President's policies) have stirred and angered the people and prompted the talk of impeachment. Even so, the latest Gallup Poll finds only 28 percent of the people favor impeachment, 55 percent oppose impeachment and 17 percent have no opinion.

The seriousness with which these charges are brought, together with the impeachment resolutions now pending in the Congress, should prompt all of us to review the impeachment process.

What is impeachment? The founding fathers drew upon their experience with English monarchs and four hundred years of English history of impeachment when they provided for impeachment in the Constitution, as a means of controlling the excesses of Presidents, Vice Presidents and other high federal officials and protecting the people from executive power. Congress, as the representative of the people, was given the power and responsibility to impeach and remove high public office holders from their positions, upon conviction, for public misconduct and violation of the public trust.

What is an impeachable offense? An impeachable offense is one that subverts the political principles on which a system of government is based. In wording the grounds for impeachment, the framers of the Constitution were deliberately brief, choosing flexibility over narrowness. The impeachable offenses they named were treason, bribery, and "High Crimes and Misdemeanors," a technical English term relating to abuses of public trust and not limited to ordinary criminal acts. The Constitution leaves it up to the Congress to decide if a public official's misconduct falls within the scope of the offenses which would undermine the Constitutional system, but injury to the nation was the essential part of the offense.

Has any President been impeached? Yes. The only impeachment of a President, Andrew Johnson, was over a century ago in 1868 in the aftermath of the Civil War. Johnson, who had become President upon Lincoln's assassination in 1865, was accused of attempting to remove the Secretary of War in violation of a hastily passed law. Johnson's claim that he had the right to discharge his subordinates prompted the House to impeach him. The Senate subsequently acquitted him by a narrow margin of one vote.

Is impeachment a criminal process? No. Although Congress can remove public officials from office for criminal acts (treason and bribery are just two statutory crimes mentioned in the Constitution), impeachment does not carry any criminal punishment. The penalty for impeachment is limited to removal and disqualification from office. Most Constitutional experts agree that violation of the public trust, not a crime in the normal sense, and including a President's failure to oversee and control the conduct of his subordinates, are impeachable.

What is the procedure for an impeachment? Charges initiating the impeachment process, which must originate in the House of Representatives, can be made by Representatives, by transmittal from the President, by state legislatures, by grand juries, or on the basis of committee investigations in the House. In an impeachment proceeding, the House, functioning like a Grand Jury, hears evidence of alleged public misconduct by a federal official and can "impeach" him or her (much like returning an indictment) by adopting so-called "articles of impeachment," which specify the grounds of accusation.

Once an official has been "impeached," the case moves to the Senate which considers the charges of alleged misconduct prosecuted by Members of the House known as "managers." When the President is on trial, the Chief Justice of the Supreme Court presides, and the President may appear personally or by counsel. The proceedings are similar to, but more flexible than, those in a court trial. Both sides may present witnesses and the accused has the right of cross examination. At the conclusion of the trial the members of the Senate vote to acquit or convict the accused. Only the House can impeach, but only the Senate can convict. A two-thirds vote of the Senators present is required for a conviction, which removes the official from office.

TRIBUTE TO DALE STAFFORD

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. HARVEY. Mr. Speaker, over 13 years ago, as I launched my congressional career, one of the first individuals that I wanted to meet with was the publisher and editor of a small but outstanding daily newspaper, Dale Stafford. From that initial meeting early in 1960, I have been proud to count him as a good friend.

It was with great sadness and shock that I learned last night of his passing. Dale Stafford was more than just a tremendous newspaperman, he was an outstanding individual—a man involved in his community—a man who cared—and a man of great integrity.

For nearly 50 years, Dale Stafford was a practicing journalist. As I think of his great newspaper career in Michigan, I am reminded of the famous comment that Thomas Jefferson once made before he became President. Mr. Jefferson was quoted as saying:

> Were it left to me to decide whether we should have government without newspapers, or newspapers without government, I should not hesitate for a moment to prefer the latter.

The Dale Staffords of the newspaper industry give great credence and substance to Mr. Jefferson's comments.

I relied greatly on Dale Stafford's judgment and counsel. He had the traits of all great newspapermen—to listen, ask prodding questions, and brush aside irrelevant points to get to the heart of the matter—quickly, concisely, and firmly.

Since the congressional redistricting in Michigan in 1964, I have not represented Montcalm County and Greenville, Dale's home since 1951 when he left the post of managing editor of the Detroit Free Press to become editor and publisher of the Greenville Daily News. That separation did not affect our friendship nor my reliance on his wise counsel.

Dale Stafford and his Greenville Daily News won many State and National honors, but I believe Dale cherished most of all the title of newspaperman.

To his wife, Vivian, and son, John, my wife, June, and I convey our deepest sympathy. We are very grateful and privileged to have known him and to have counted him as a good friend.

I am inserting at this point an article which appeared in the November 5, 1973, edition of the Detroit News, Detroit, Mich., on his passing. It reads as follows:

Newsman Dale Stafford Dies

Dale Stafford, longtime publisher and editor of the Greenville (Mich.) Daily News, and former managing editor of the Detroit Free Press, is dead at 65. He died yesterday in Blodgett Memorial Hospital in East Grand Rapids.

Services were scheduled for today in the Brown-Teaman Funeral Home, Greenville. Burial is in Forest Home Cemetery, Greenville.

Born in St. Louis, Mich., Mr. Stafford beban his newspaper career as a correspondent for the Lansing State Journal while still a high school student.

During his years at Michigan State University, he was a sports writer and became the school's first athletic publicity director. Mr. Stafford, along with George Alderton, then sports editor of the State Journal, has been credited with dubbing Michigan State teams as "Spartans."

A sports writer and editor for the Pontiac Press, Mr. Stafford joined the Detroit office of the Associated Press in 1937 as a rewrite man and was considered an expert on sit-down strikes. He became sports editor for the Free Press in 1941 and four years later was appointed managing editor of the newspaper.

In 1951, he left the Free Press to become editor and publisher of the Greenville Daily News.

A former president of the Michigan Associated Press and of the Inland Daily Press Association, Mr. Stafford was a charter trustee of Grand Valley State College, and national president of the Michigan State University alumni organization.

He is survived by his wife, Vivian; his son, John, currently publisher of the Greenville Daily News, and three grandchildren.

COOPERATION BETTER THAN FORCE

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. ABDNOR. Mr. Speaker, the full impact of the Occupational Safety and Health Act upon the small business community throughout our Nation is yet to be measured. There is no doubt, however, that a visit from the OSHA inspector is awaited with fear and dread by most of them. They are all aware of what the consequences of such a visit can bring; they are at a loss to begin to comprehend, much less comply with the myriad of standards they are faced with. Editor Harold Jones of the Redfield, S. Dak., Press discussed this recently in an editorial which I believe merits the thoughtful consideration of my colleagues.

The article follows:

Cooperation Better Than Force

If there ever was a time when business-industry and government should cooperate in making a new law work for the benefit of employees and the general public, the time is here and now.

In 1970, Congress passed the Occupational Health and Safety Act with the praiseworthy purpose of reducing job-related accidents and sickness. It has taken since then to organize the bureaucracy, and employers are just now beginning to feel the full crunch of governmental enforcement. The trouble is that the law is many, many pages long and it has generated complicated rules and regulations that, it is said, would fill a 17-foot bookshelf.

Large companies with legal staffs and safety experts have been busy trying to interpret what they have to do to live up to the regulations. Small and medium sized companies depend on the general advice of their trade associations and wait in trepidation for the O.S.H.A. inspectors to show up for a surprise visit.

The inspectors have the power to levy stiff fines on the spot and even close down plants found in violation—needless to say a traumatic experience for employer and employee alike which benefits no one.

There is a sensible proposal introduced in Congress for amending the law so that employers can consult with O.S.H.A. inspectors in advance about violations which need to be corrected. This would give firms a chance to know specifically what they are expected to do and to make the necessary changes before the O.S.H.A.-man starts levying fines and stopping work.

GEOTHERMAL ENERGY

HON. MIKE McCORMACK

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. McCORMACK. Mr. Speaker, last week I introduced H.R. 11212, the Geothermal Energy Research, Development, and Commercial Act of 1973. Joining me as cosponsors were Mr. Olin Teague, chairman of the Science and Astronautics Committee, Mr. Mosher, Mr. Goldwater, and 21 other members of the Science and Astronautics Committee. This bill is designed to develop the necessary technology to make presently unconventional geothermal energy resources available for commercial use within 6 years. It establishes a combined National Science Foundation and NASA research, development and demonstration program to produce commercially competitive electricity from new types of geothermal energy.

H.R. 11212 is intended as a companion measure to the Solar Heating and Cooling Demonstration Act of 1973—H.R. 10952. These two bills are designed to provide the optimum realistic development of these two new energy sources, solar and geothermal, on an economically competitive basis, while providing full environmental protection. It is our belief that this can be accomplished before the end of this decade.

Geothermal energy is not new. We have all been aware of geysers and underground deposits of steam and hot water. In the United States, as well as in several foreign countries such as Iceland, New Zealand, and Italy, steam and hot water are being used for the production of electricity and for heating.

However, H.R. 11212, the Geothermal Energy, Research, Development, and Commercial Act of 1973, which we are now sponsoring, deals with demonstrating two new sources of geothermal energy which have not yet been exploited; and which, in fact, have scarcely been explored at all. These two are hot dry rock and geopressured zones, either of which may provide far greater quantities of commercially competitive electrical energy than any source of geothermal energy that has been developed to date. There is every reason to believe that development of these resources can have a significant impact on the energy picture of this country by the early 1980's if an aggressive program to develop them is initiated at once.

We do not know for certain what the research and development programs for these new sources will tell us, but it is important that we find out without further delay. This is the purpose of our bill.

"Hot dry rock" is a term for the heated bedrock lying beneath the surface of the Earth at depths of 12,000 to 20,000 feet. It is believed that electric power can be generated from steam produced by injecting water through holes drilled into these hot rock formations.

The research and development program to explore such a potential source of energy is, in concept, simplicity itself. Several holes similar to those drilled for oil wells would be drilled into suspected hot rock formations. Attempts would be made to fracture the rock in the vicinity of the holes, using several known pressurizing techniques. Water of any quality could then be pumped into this hot rock and, hopefully, dry steam would be blown to the surface through another hole. The steam should be clean and available for driving turbines, and thus electric generators. This is "quick and dirty research." We know what needs to be done; we know what we are looking for; it does not take a great deal of finesse or a long time. It does require a mission-oriented program and adequate financing. This will be provided by H.R. 11212.

Hot dry rock at temperatures greater than 250° C—or 2½ times the boiling point of water—underlies about 17 percent of the area in the Western States, and also occurs at somewhat lower temperatures in eastern areas. Our research programs should develop efficient methods for transforming this heat into electrical energy, whether it is from the lower temperature granite underlying the Eastern States or the higher temperature rock formations of the West. H.R. 11212 includes provisions for this research.

The second unconventional source of geothermal energy—large geopressured zones—are presently known to exist at great depths on the gulf coast and may exist in certain other areas. They have been encountered during deep exploratory drillings for oil and gas along the Louisiana and Texas coast where very high pressures and temperatures were encountered. The dangers associated with these high pressures and temperatures made oil or gas wells unusable, but what was once considered a failure may prove to be the source of new energy in the near future.

The Resource Appraisal Panel of the National Science Foundation Conference on Geothermal Energy estimated in September 1972 that geopressured zones may contain nearly 2,700 trillion cubic feet of natural gas—an amount equal to three times our known reserves of natural gas—dissolved in the heated water. I prefer to treat this as an optimistic estimate, but if it is only approximately true, and if this natural gas can be recovered, it will have a most significant and favorable impact on our energy resource base during the 1980's. The water in these geopressured zones is trapped and not circulating, and much of it may be potable, and thus valuable for domestic or agricultural purposes. In addition, since the trapped water is held under extremely high pressures, it may be utilized directly to drive turbines to produce cheap electricity. Thus, we may have three sources of energy from this one geothermal phenomenon—the heat and the pressure from the water, and the natural gas.

The application of technology to'the problems of hot dry rock and geopressured zones can make them viable commercial sources for electric power generation, sources whose potential is great enough to have a significant impact in meeting our national energy needs from the 1980's onward.

H.R. 11212 will provide the necessary research and development of pilot plants to demonstrate technical feasibility, and, after review of the progress, provide for the construction of a small, commercially competitive demonstration plant exploiting each source.

Concurrent with this objective will be the necessary development of new techniques to extract energy more usefully from the existing sources of geothermal steam such as those being developed in California. However, this work, and the development of the hot water resources of California, will, we believe, be accomplished by the utility industries of that area under the land leasing provisions of existing law.

The proposed legislation would authorize an $80 million, 6-year research, development and demonstration program by the National Science Foundation and NASA, designed to demonstrate the feasibility of producing electric energy from geothermal heat and pressurized water, with the possible added benefit of exploiting much needed additional gas resources.

Mr. Speaker, although the original bill has already been submitted, we have invited, and are now inviting, other Members of the House to join us in cosponsoring identical versions of this measure. I believe it is important that the Congress of the United States demonstrate that it has the courage, the sense of responsibility and the perspective to initiate constructive programs which will help solve our energy crisis in a timely manner and which will help us move toward energy self-sufficiency at the earliest possible date. I believe that the solar energy bill which we sponsored 2 weeks ago, and the geothermal bill which we are now sponsoring are two such measures; legislation of which we may be proud, and which the people of the United States will recognize as responsible.

We intend to hold hearings on the Geothermal Energy Research, Development, and Commercial Demonstration Act of 1973 as soon as markup is completed on the solar energy bill. If Congress remains in session during the month of December it is our intention to report this bill out of committee before the end of the year.

The bill follows:

H.R. 11212

A bill to further the conduct of research, development, and commercial demonstrations in geothermal energy technologies, to direct the National Science Foundation to fund basic and applied research relating to geothermal energy, and to direct the National Aeronautics and Space Administration to carry out a program of demonstrations in technologies for commercial utilization of geothermal resources including hot dry rock and geopressured fields

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Geothermal Energy Research, Development, and Commercial Demonstration Act of 1973".

FINDINGS

SEC. 2. The Congress hereby finds that—

(1) the Nation is currently suffering a critical shortage of environmentally acceptable forms of energy;

(2) the inadequate organizational structures and levels of funding for energy research have limited the Nation's current and future options for meeting energy needs;

(3) electrical energy is a clean and convenient form of energy at the location of its use and is the only practicable form of energy in some modern applications, but the demand for electric energy in every region of the United States is taxing all of the alternative energy sources presently available and is projected to increase; some of the sources available for electric power generation are already in short supply, and the development and use of other sources presently involves undesirable environmental impacts;

(4) the Nation's critical energy problems can be solved only if a national commitment is made to dedicate the necessary financial resources, and enlist the cooperation of the private and public sectors, in developing geothermal resources and other nonconventional sources of energy;

(5) the conventional geothermal resources which are presently being used have limited total potential; but geothermal resources which are different from those presently being used, and which have extremely large energy content, are known to exist;

(6) some geothermal resources contain energy other than heat; examples are methane and extremely high pressures available upon release as kinetic energy;

(7) some geothermal resources contain valuable byproducts such as potable water and mineral compounds which should be processed and recovered as national resources;

(8) technologies are not presently available for the development of most of these geothermal resources, but technologies for the generation of electric energy from geothermal resources are potentially economical and environmentally desirable, and the development of geothermal resources offers possibilities of process energy and other nonelectric applications;

(9) much of the known geothermal resources exist on the public lands; and

(10) Federal financial assistance is necessary to encourage the extensive exploration, research, and development in geothermal resources which will bring these technologies to the point of commercial application.

FUNDING OF GEOTHERMAL ENERGY RESEARCH BY NATIONAL SCIENCE FOUNDATION

SEC. 3. (a) Section 3 of the National Science Foundation Act of 1950 (42 U.S.C. 1862) is amended by redesignating subsections (e) and (f) as subsections (f) and (g), respectively, and by inserting after subsection (d) the following new subsection:

"(e) The Director shall initiate and support basic and applied research relating to geothermal energy development, as provided in section 3(b) of the Geothermal Energy Research, Development, and Commercial Demonstration Act of 1973.".

(b) The Director of the National Science Foundation is authorized and directed to initiate, support, and fund basic and applied research activities related to geothermal energy in support of the objectives of this Act. These research activities shall, insofar as practicable, support the new geothermal energy technologies demonstrated or to be demonstrated by the National Aeronautics and Space Administration pursuant to section 4 of this Act. For these purposes the Director of the National Science Foundation is authorized to utilize funds appropriated to the Foundation pursuant to law or transferred to it from the National Aeronautics and Space Administration or other Federal agencies.

COMMERCIAL GEOTHERMAL ENERGY DEMONSTRATIONS BY NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SEC. 4. (a) Section 203 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473) is amended by redesignating subsection (b) as subsection (c), and by inserting immediately after subsection (a) the following new subsection:

"(b) The Administration shall initiate and carry out commercial demonstrations and conduct related activities (including research and development) in geothermal energy technology, as provided in section 4(b) of the Geothermal Energy Research, Development, and Commercial Demonstration Act of 1973.".

(b)(1) The National Aeronautics and Space Administration (hereinafter in this section referred to as the "Administration") is authorized and directed to undertake and carry out a program, as provided in this subsection, for the development and demonstration of the commercial use of geothermal resources for the production of energy in support of the objectives of this Act.

(2) The program under this subsection shall encompass research, development, commercial demonstrations, and related activities involving geothermal resource bases such as hot dry rock and geopressured zones.

(3)(A) In carrying out the program under this subsection, the Administration is authorized to establish with respect to each geothermal resource base involved a separate demonstration project, which shall include, as appropriate, all of the exploration, siting, drilling, pilot plant construction and operation, commercial demonstration plant construction and operation, and other facilities and activities which may be necessary for the generation of electric energy and the utilization of geothermal resource byproducts.

(B) Plants and other real property utilized or involved in any such project may be purchased, leased, constructed, or otherwise established or obtained by the Administration either directly, through its own facilities and personnel, or under appropriate contracts or arrangements with other public or private persons or agencies.

(C) Basic and applied research needed for or in connection with any demonstration project under this paragraph, and related research and development activities, shall be conducted or performed by the Administration but shall be coordinated to the maximum extent possible with related activiites of the National Science Foundation (particularly those provided for in section 3(b) of this Act), the Department of the Interior, the Atomic Energy Commission, and other appropriate public agencies and private entities.

(4)(A) During the conduct of any demonstration project under paragraph (3) the Administration shall take such steps as may be necessary to dispose of all the electric energy and other geothermal resource by products of such project, in such manner and on such terms and conditions as the Administration may determine to be feasible and in support of the objectives of this Act.

(B) To the maximum extent possible the disposition of byproducts under subparagraph (A) shall be accomplished through

the sale of such byproducts for commercial utilization, on such terms and conditions and in accordance with such plans as the Administration may prescribe or develop.

(5) At the conclusion of the program under this subsection or as soon thereafter as may be practicable, the Administration shall, by sale, lease, or otherwise, dispose of all projects undertaken pursuant to paragraph (3) (including mineral rights therein) on such terms and conditions as it determines to be reasonable, or, if the disposition of any such project or any part thereof on reasonable terms and conditions is not possible or feasible, shall under appropriate contracts or other arrangements provide for the disposition of all of the electric energy and other geothermal resource byproducts of such project or part thereof.

(6) In the conduct of its activities under this subsection, the Administration shall place particular emphasis upon the objective of assuring that the environment is effectively protected and that such activities do not threaten the safety of persons or property; and the program under this subsection shall include such special research and development as may be necessary for the achievement of that objective.

(7)(A) The Administration shall submit to the President and the Congress at least every six months during the period of the program under this section a full and complete report of its activities under this section, including such projections and estimates as may be necessary to evaluate the progress of the program under this section and to provide the basis for as accurate a judgment as is possible concerning the extent to which the objectives of this Act will have been achieved by the close of such period.

(B) No later than one year after the close of the period of the program under this section, the Administration shall submit to the President and the Congress a final report on its activities under this section, including its recommendations with respect to any further legislative, administrative, and other actions which should be taken in support of the objectives of this Act.

(c) There are authorized to be appropriated to the Administration, for the first six fiscal years beginning after the date of the enactment of this Act, such sums, not exceeding $80,000,000 in the aggregate, as may be necessary to carry out this section.

WE NEED A NEW MINIMUM WAGE BILL

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. ERLENBORN. Mr. Speaker, representatives of several labor organizations have taken pen in hand of late to chastise those of us who voted to sustain the veto of the minimum wage bill. The vetoed bill, according to them, was 100-percent perfect. They find it incomprehensible that 164 Members of Congress could have found a single fault with it.

Our objections have been enumerated time and time again. There is room for compromise, which, after all, is the wellspring of good legislation.

Those on the other side, however, have been adamant all along. They fought compromise last year, and now they spend their time and energies writing letters of protest, instead of encouraging our General Labor Subcommitee Chairman, Mr. DENT, to negotiate and to compromise.

The message they convey is that they still prefer a political issue, not a realistic bill. If these leaders of big labor are sincere, if they truly want wage increases for the unskilled, they will put an end to the rhetoric and join me in urging the prompt reporting of a sensible, workable minimum wage bill. That may not provide the sense of satisfaction howling apparently does, but we could get a good minimum wage bill. That is what the legislative process is all about.

THE INFLATION FED

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. HUBER. Mr. Speaker, the problem of inflation continues to bedevil us all. My strong view is that controls will not solve the problem, and the experience we have had to date appears to confirm my view. Deficit spending by the Federal Government is a major culprit. Recently, Milton Friedman discussed the role the Federal Reserve System is playing in trying to right our economy and found it wanting. It seems that controls and direction of the economy by the Government has accomplished little in overcoming inflation. Mr. Milton Friedman's article that appeared in Newsweek of August 27, 1973, follows:

THE INFLATIONARY FED

(By Milton Friedman)

"Seldom has promise diverged so widely from performance as it has in recent monetary policy . . .

"Listen to the words that emanate from the Federal Reserve System and you will conclude that the Fed is a bastion of defense against inflation . . .

"Look at the Fed's actions, and you will reach precisely the opposite conclusion . . .

"The plain fact is that inflation is made in Washington, in that stately and impressive Grecian temple . . . that houses the Board of Governors of the Federal Reserve System."

Tragically, these words are no less relevant today than when they first appeared in this space in 1969.

I then attributed the divergence of promise from performance to misunderstanding. The men who run the Fed, I wrote, have "taken the behavior of interest rates rather than the quantity of money as their guide—and this mistake has led them far astray from their intended path."

BETTER UNDERSTANDING

That explanation is not valid today. In January 1970, the Fed gave primacy in its policy directive to "monetary aggregates" rather than interest rates. In February 1971, chairman Burns testified to Congress: "We know . . . that while a high rate of growth of narrowly defined money may well be appropriate for brief periods, rates of increase above the 5 or 6 per cent range—if continued for a long period of time—have typically intensified inflationary pressures." He went on to "reaffirm the assurance that I gave this committee and the nation a year ago—namely that the Federal Reserve will not become the architect of a new wave of inflation."

The rates of monetary growth specified by chairman Burns are too high. Yet, even so, actual monetary growth has been substantially higher.

The standards

In not a single one of the 216 months from January 1948 to January 1966 did the year-to-year growth in the narrowly defined money supply (M_1) exceed 6 per cent. These eighteen years included the Korean inflation, yet M_1 rose at the average rate of only 2.4 per cent per year; consumer prices, of 1.7 per cent; wholesale prices, of 1.2 per cent.

The two years 1966 and 1967 set the stage for the subsequent burst of inflation. Yet the year-to-year growth in M_1 exceeded 6 percent in only four out of 24 months. M_1 rose at the average rate of 4.3 percent; consumer prices, of 3.4 percent; wholesale prices, of 1.3 percent.

The evidence therefore supports a "3 or 4 percent range" rather better than Burn's "5 or 6 percent range."

Performance

In the three and a half years since January 1970, the year-to-year growth in M_1 has exceeded 6 percent in 25 out of 42 months, and has averaged 6.7 percent. Moreover, monetary growth has been speeding up, averaging 7.3 percent since January 1971, 7.8 percent since January 1972. Consumer prices rose at an average rate of 4.6 percent, wholesale prices, of 6.7 percent.

Over short periods, many factors other than monetary growth affect the rate of inflation. But, as chairman Burns implied, over long periods, monetary growth is dominant.

It takes several years for monetary growth to exert its full influence on prices. As a result, we have so far experienced only the early effects of the nearly 8 percent rate of growth of the past year and a half. That rate of monetary growth, probably even now, and certainly if long continued, implies that inflation in consumer prices will reach something like 7 percent per year after full adjustment.*

When the Fed changed its directive in January 1970, those of us who had long been urging such a change confidently expected steady monetary growth at a noninflationary rate—especially after chairman Burns stated in a May 1970 talk, "In recent years, growth rates of major monetary aggregates have been permitted to vary over an extremely wide range . . . There has been much loose talk of 'fine tuning' when the state of knowledge permits us to predict only within a fairly broad level the course of economic development and the results of policy actions."

WORSE POLICY

Our hopes have been shattered. Monetary growth has been both higher and more variable in the past three and a half years than in any other postwar period of equal length.

What now explains the divergence between the Fed's promises and its performance? Why does the Fed remain an engine of inflation? I confess that I am baffled.

H.R. 10937

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. RODINO. Mr. Speaker, H.R. 10937, which I introduced on October 16, 1973, deals with a matter of great national im-

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* See my "How Much Monetary Growth?," Morgan Guaranty Survey, February 1973.

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portance and utmost urgency. The June 5, 1972, grand jury of the District Court of the District of Columbia, the so-called Watergate grand jury, will expire on December 4, 1973, unless the Congress acts to extend its term.

The Watergate grand jury has been sitting for 16 months, receiving evidence and testimony related to the Watergate break-in and coverup. It has worked hard and compiled many pages of transcript. The grand jury is acquainted in detail with the many facets of the matters it has had under consideration. It would be extremely unfortunate if this grand jury were to expire and the country to lose its services.

The alternative to extending the Watergate grand jury is to let it go out of existence and to let another grand jury take up the Watergate break-in and coverup. This alternative course of action will result in a waste of time and resources. If the prosecutors do nct recall the witnesses who previously testified, they will have to read or extensively summarize the transcripts of the witnesses' testimony. Considering the scope of the grand jury's work to date, either course of action will be needlessly time-consuming, costly, and inefficient.

H. R. 10937 will by statute extend the term of the Watergate grand jury until June 4, 1974, a period of 6 months. The District Court for the District of Columbia is empowered to extend the term for an additional 6 months if it finds that the grand jury will not have completed its business by June 4, 1973. Should the district court fail to extend the term, the grand jury is authorized to apply to the chief judge of the U.S. Court of Appeals for the District of Columbia Circuit for the extension. However, H.R. 10937 provides that in no event shall the term of the grand jury extend beyond December 4, 1974. The Committee on the Judiciary has been assured by the Justice Department prosecutors in charge of the Watergate matters that they will be able to complete all of their work by December 4, 1974.

H.R. 10937 will promote the just and efficient administration of justice. The legislation will permit a highly knowledgeable grand jury to continue to hear testimony and receive evidence. This will protect the interests of possible defendants, and interests of the prosecutors, and the interests of the public, for it will insure that people who are intimately acquainted with all the facts will be deciding whether to return indictments, and, if necessary, against whom to return them. This will, in turn, help restore public confidence in the efficacy and integrity of our judicial system. I urge the House to pass this legislation.

PERSONAL EXPLANATION

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. RINALDO. Mr. Speaker, in connection with the vote today on the previous question on the rule for the bill, H.R. 11104, the debt limit bill, I should like the RECORD to show that I intended to vote "nay." Because of trouble with the electronic voting machine, my vote was inadvertently recorded as "aye," and under the 15-minute rule there was unfortunately no time available to me in which to change my vote.

DEFICIT SPENDING

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. LUJAN. Mr. Speaker, once again I would like to address my colleagues about one of my pet peeves—the deficit spending practices of our Government.

The word "inflation" is on the tip of the tongue of every person in this country. Volumes have been written and spoken about the inflation problem but little, if anything, has been done to stop it.

I think it is long past due that the Congress be honest with itself and put the blame where it belongs—on the Congress and its apparent approval of the Government's deficit spending. The inflation is the direct result of more than 30 years of deficit spending.

The only way to begin an earnest battle against inflation is not more Government spending at the expense of increased taxes but less taxation and less Government spending.

It is a fact of life, Mr. Speaker, that there is no such thing as a free lunch either in Government or the private sector.

Our Government—with the approval of the Congress—is and has been spending $1 out of every $5 circulated in this country. That practice is not economically healthy. In fact, it is deadly.

It is not the individual earnings or the so-called tax structure causing our financial problems. The full blame must be put on the Government's policy of deficit spending. The present inflation is the price this Nation is paying for more than 30 years of unbalanced budgets. There are many Government economists who have elaborate explanations of its causes, but the explanation is very simple—for too long we have continued deficit spending, of never balancing the budget.

Yes, we can expect deficit spending during years of emergency, but our annual deficits are now greater than during wartime.

If a family or business spends more than it takes in, it soon goes broke, but the bureaucrats are trying to find a whipping boy to blame for the economic trouble—the taxpayer. I maintain that it will not work.

It is very simple to figure out that if Congress will stop deficit spending, the economy will right itself. But Congress must take the initiative.

We are obligated to every citizen and taxpayer of this country to do so. We can no longer afford, financially or morally, to continue this way. I urge every Member of the Congress to give serious thought to this problem and give it top priority in all decisionmaking. We must begin to mend our ways now—we cannot afford to wait.

HOUSE OF REPRESENTATIVES—*Thursday, November 8, 1973*

The House met at 12 o'clock noon.

The Reverend Monsignor Louis W. Albert, pastor of St. John the Evangelist Church, Silver Spring, Md., offered the following prayer:

FOR THIS DAY

Eternal God, we praise and thank You for your presence with us here and now.

From our preoccupation with fear, prejudice, and pain, we turn to You, everlasting God.

You give us life.

And beyond food to eat, water to drink, and air to breathe, You give us faith to bring us to the truth, hope to keep us going, and love to make it all worthwhile.

Create in us again this day and this hour the quality of life which is eternal, through Jesus Christ, our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate having proceeded to reconsider the joint resolution (H.J. Res. 542) entitled "Joint resolution concerning the war powers of Congress and the President," returned by the President of the United States with his objections to the House of Representatives, in which it originated, and that the said joint resolution pass, two-thirds of the Senators present having voted in the affirmative.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

> H.R. 5874. An act to establish a Federal Financing Bank, to provide for coordinated and more efficient financing of Federal and federally assisted borrowings from the public, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 5874) entitled "An act to establish a Federal Financing Bank, to provide for coordinated and more efficient financing of Federal and federally assisted borrowings from the public, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SPARKMAN, Mr. PROXMIRE, Mr. WILLIAMS, Mr. MCINTYRE, Mr. TOWER, Mr. BENNETT, and Mr. BROCK to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

> S. Con. Res. 55. Concurrent resolution authorizing the printing of the report of the proceedings of the 46th biennial meeting of the Convention of American Instructors of the Deaf as a Senate document.

THE REVEREND MONSIGNOR LOUIS W. ALBERT

(Mr. GUDE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUDE. Mr. Speaker, it is my pleasure to welcome Monsignor Albert, pastor of St. John the Evangelist Church in Silver Spring, Md.

Before coming to St. John's 3 years ago, Monsignor Albert was the pastor of St. Mark's Church in Hyattsville, which he founded 17 years ago.

He was ordained in 1934 and was designated a monsignor by Pope Paul VI 2 years ago.

Monsignor Albert is a member of the diocesan board of consultors, and the priest's senate.

REQUEST FOR PERMISSION TO FILE CONFERENCE REPORT ON H.R. 8877, DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES, APPROPRIATIONS, 1974

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill (H.R. 8877) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1974, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

CONFERENCE REPORT (H. REPT. No. 93–626)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8877) "making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies for the fiscal year ending June 30, 1974, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 3, 8, 33, 34, 35, 38, 45, 55, 76, 77 and 78.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 5, 6, 9, 13, 14, 22, 23, 36, 44, 49, 52, 53, 54, 56, 59, 60, 61, 64, 66, 69, 70, 71, 74 and 82, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$70,408,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$815,975,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$853,280,000"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$134,565,000"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$12,000,000"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$551,191,500"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$302,915,000"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$45,565,500"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$159,447,000"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$176,778,000"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$130,254,000"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$41,631,000"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$133,472,000"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$710,795,000"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "($41,500,000)"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "($30,000,000)"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,121,893,000"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$152,404,000"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "($32,625,000)"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "($8,262,000)"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "($66,300,000)"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$614,903,000"; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,889,414,000"; and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$500,000,000"; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$488,500,000"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "($95,000,000)"; and the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amend-

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ment insert "$16,500,000"; and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$50,000,000"; and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$298,917,000"; and the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$72,200,000"; and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$434,600,000"; and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$415,788,000"; and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$346,300,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 11, 16, 18, 32, 48, 51, 57, 62, 68, 75, 79 and 81.

DANIEL J. FLOOD,
WILLIAM H. NATCHER,
NEAL SMITH,
BOB CASEY,
EDWARD J. PATTEN,
DAVID R. OBEY,
GEORGE MAHON,
GARNER E. SHRIVER,
SILVIO O. CONTE
(except amendments
No. 32 and No. 61),
Managers on the Part of the House.

WARREN G. MAGNUSON,
JOHN L. MCCLELLAN,
ALAN BIBLE,
ROBERT C. BYRD,
WILLIAM PROXMIRE,
JOSEPH M. MONTOYA,
ERNEST F. HOLLINGS,
THOMAS F. EAGLETON,
NORRIS COTTON,
MILTON R. YOUNG,
CLIFFORD P. CASE,
HIRAM L. FONG,
EDWARD W. BROOKE,
TED STEVENS,
RICHARD S. SCHWEIKER,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8877) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies for the fiscal year ending June 30, 1974, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

Amendment No. 1: The following provision in the opening paragraph of the Senate bill, "and shall be made available for expenditure except as specifically provided by law" was not agreed to by the conferees because it was deemed to be an unnecessary restatement of existing provisions of law. It was therefore deleted without prejudice.

The conferees draw attention to the comments on pages 5 and 6 of the Senate Committee report concerning the provisions of 31 U.S. Code 701(a)(2) and P.L. 93–52.

TITLE I—DEPARTMENT OF LABOR

Manpower Administration

Amendment No. 2: Deletes appropriation of $41,032,000 for "Salaries and expenses", proposed by the House.

Amendment No. 3: Deletes appropriation of $40,000,000 for "Manpower training services" proposed by the Senate.

The conferees are agreed that funds for carrying out Title IX of the Older Americans Act and for salaries and expenses of the Manpower Administration will be considered at a later date in connection with appropriations for the manpower training programs.

Occupational Safety and Health Administration

Amendment No. 4: Appropriates $70,408,000 for "Salaries and expenses" instead of $69,318,000 as proposed by the House and $73,400,000 as proposed by the Senate. This amount provides for support of a total of 800 positions for compliance inspection, instead of 691 provided by the House and 1,100 provided by the Senate.

Departmental Management

Amendments Nos. 5 and 6: Appropriate $23,322,000 for "Salaries and expenses" as proposed by the Senate instead of $23,225,000 as proposed by the House and provide that $941,000 shall be available for the President's Committee on Employment of the Handicapped, as proposed by the Senate instead of $844,000 as proposed by the House.

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services and Mental Health Administration

Amendments Nos. 7 and 8: Appropriate $815,975,000 for "Mental health" instead of $795,475,000 as proposed by the House and $845,475,000 as proposed by the Senate and provide that $15,000,000 shall remain available until June 30, 1975, for grants pursuant to Part A of the Community Mental Health Centers Act as proposed by the House, instead of $20,000,000 as proposed by the Senate.

The conferees are agreed that the amount in excess of the House bill is for alcoholism programs and includes $2,500,000 for training, $10,000,000 for project grants, and $8,000,000 for grants to States .

Amendment No. 9: Adjusts legal citation pertaining to "Health services planning and development" as proposed by the Senate.

Amendment No. 10: Appropriates $853,280,000 for "Health services delivery" instead of $832,030,000 as proposed by the House and $875,380,000 as proposed by the Senate. The conferees are agreed that the total appropriation includes $92,273,000 for project grants and $125,678,000 for grants to States for maternal and child health under Title V of the Social Security Act. The House bill included no funds for project grants and $217,951,000 for grants to States, and the Senate bill included $94,273,000 for project grants and $125,678,000 for grants to States. The amount in excess of the House bill includes $1,250,000 for migrant health grants, $2,000,000 for the National Health Service Corps, $3,000,000 for operation of the Public Health Service hospitals and clinics, and $15,000,000 for modernization of the hospitals. The conferees agreed to delete the $2,000,000 added by the Senate for pediatric pulmonary centers with the understanding that these centers will be funded at this level within the amount provided in the bill for the regional medical programs.

Amendment No. 11: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment which will provide that $15,000,000 of the amounts appropriated for the Public Health Service hospitals shall remain available until expended, instead of $25,000,000 as proposed by the Senate. The managers on the part of the Senate will move to agree to the amendment of the House to the amendment of the Senate. The conferees are agreed that no funds are to be used for the purpose of closing the Public Health Service hospitals.

Amendment No. 12: Appropriates $134,565,000 for "Preventive health services" instead of $127,080,000 as proposed by the House and $141,780,000 as proposed by the Senate. The conferees are agreed that the amount in excess of the House bill includes $585,000 for vaccination assistance, $200,000 for laboratory improvement, $900,000 for rodent control, $800,000 for the Arctic Health Research Center, and $5,000,000 for the construction, purchase and operation of fixed sites and mobile clinical facilities for the analysis, examination, and treatment of respiratory and pulmonary impairments in active and inactive coal miners.

Amendment No. 13: Appropriates $19,335,000 for "National health statistics" as proposed by the Senate instead of $22,821,000 as proposed by the House.

Amendment No. 14: Adjusts appropriation language for "Retirement pay and medical benefits for commissioned officers" as proposed by the Senate.

Amendment No. 15: Appropriates $12,000,000 for "Office of the Administrator" instead of $14,304,000 as proposed by the House and $7,304,000 as proposed by the Senate.

National Institutes of Health

The bill includes a total of $1,813,900,000 for the research institutes and divisions of the National Institutes of Health. These appropriations are covered by Amendments Nos. 16 through 27. This compares with the 1973 appropriation of $1,721,841,000, the 1973 operating level of $1,486,731,000, the budget estimate for 1974 of $1,531,776,000, the House bill of $1,741,271,000, and the Senate bill of $1,882,031,000. The conferees are agreed that, in general, the earmarkings included in the Senate Committee report should be used as a guideline in allocating the increases over the amounts proposed by the House, except in those instances where more specific instructions are contained in this statement.

Amendment No. 16: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment which will provide that $25,000,000 of the appropriation for "National Cancer Institute" shall remain available until June 30, 1975, instead of $50,000,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 17: Appropriates $551,191,500 for "National Cancer Institute" instead of $522,383,000 as proposed by the House and $580,000,000 as proposed by the Senate.

Amendment No. 18: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate, which earmarks $4,500,000 of the amount appropriated for "National Cancer Institute" for the Norris Cotton Cancer Center.

Amendment No. 19: Appropriates $302,915,000 for "National Heart and Lung Institute" instead of $281,415,000 as proposed by the House and $320,000,000 as proposed by the Senate. The conferees are agreed that the increase over the amount proposed by the House includes $10 million for demonstrations of emergency medical care and that special emphasis should be given to high blood pressure and hypertension control programs in the allocation of the remainder of the increase.

Amendment No. 20: Appropriates $45,565,500 for "National Institute of Dental Research" instead of $44,131,000 as proposed by the House and $47,000,000 as proposed by the Senate.

Amendment No. 21: Appropriates $159,447,000 for "National Institute of Arthritis, Metabolism and Digestive Diseases" instead of $155,894,000 as proposed by the House and $163,000,000 as proposed by the Senate.

The conferees are aware that diabetes is a prime example of a disease which affects the work of many of the Institutes. It may afflict the eyes, heart, brain, and muscular structure. The conferees urge the NIH to establish mechanisms to assure a coordinated program of research by the Institutes concerned with the various aspects of diabetes.

Amendment No. 22: Appropriates $125,000,000 for "National Institute of Neurological Diseases and Stroke" as proposed by the Senate instead of $120,073,000 as proposed by the House.

Amendment No. 23: Appropriates $114,000,000 for "National Institute of Allergy and Infectious Diseases" as proposed by the Senate instead of $112,744,000 as proposed by the House.

Amendment No. 24: Appropriates $176,778,000 for "National Institute of General Medical Sciences" instead of $175,778,000 as proposed by the House and $183,500,000 as proposed by the Senate. The conferees are agreed that the increase over the amount proposed by the House shall be used for biomedical engineering and pathology centers. The conferees are also agreed that the MARC (Minority Access to Research Careers) program should be continued and expanded.

Amendment No. 25: Appropriates $130,254,000 for "National Institute of Child Health and Human Development" instead of $125,254,000 as proposed by the House and $135,254,000 as proposed by the Senate.

Amendment No. 26: Appropriates $41,631,000 for "National Eye Institute" instead of $36,631,000 as proposed by the House and $46,631,000 as proposed by the Senate. The conferees are agreed that in the allocation of the increase over the amount proposed by the House, special attention should be given to diabetic retinopathy and macular degeneration including central serous retinopathy.

Amendment No. 27: Appropriates $133,472,000 for "Research resources" instead of $133,322,000 as proposed by the House and $134,000,000 as proposed by the Senate. The conferees are agreed that the increase over the amount proposed by the House is to be used for the support of the primate colony at Holloman Air Force Base.

Amendment No. 28: Appropriates $710,795,000 for "Health manpower" instead of $706,841,000 as proposed by the House and $731,916,000 as proposed by the Senate. The conferees are agreed that the increase over the amount proposed by the House includes $500,000 for special project support of the Dartmouth Medical School, $2,000,000 for physician shortage area scholarships, $680,000 for family practice of medicine programs to provide a total of $10,000,000 for these programs, $2,350,000 for capitation grants for schools of nursing, $1,000,000 for nursing scholarships, and $2,200,000 for nurse traineeships. The conferees have also agreed to the Senate reduction of $4,776,000 in the amount proposed by the House for program direction.

Office of Education

Amendments Nos. 29, 30, and 31: Appropriate $2,121,893,000 for "Elementary and secondary education" instead of $2,105,393,000 as proposed by the House and $2,139,893,000 as proposed by the Senate; provide that $41,500,000 shall be for carrying out Title V, parts A and C of the Elementary and Secondary Education Act, instead of $38,000,000 as proposed by the House and $45,000,000 as proposed by the Senate; and provide that $30,000,000 shall be for carrying out Title III–A of the National Defense Education Act of 1958, instead of $25,000,000 as proposed by the House and $42,500,000 as proposed by the Senate. The conferees are agreed that the increase over the amount proposed by the House includes $8,000,000 for bilingual education programs, $5,000,000 for school equipment, and $3,500,000 for strengthening State departments of education.

Amendment No. 32: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment which will provide that the aggregate amounts made available to each State under Title I–A of the Elementary and Secondary Education Act for grants to local educational agencies within that State shall not be less than 90 per centum of such amounts as were made available for that purpose for fiscal year 1972, and the amount made available to each local educational agency under said Title I–A shall not be less than 90 per centum nor more than 115 per centum of the amount made available for that purpose for fiscal year 1973.

The House bill provided that the aggregate amounts made available to each State under Title I–A for grants to local education agencies within that State shall not be less than such amounts as were made available for that purpose for fiscal year 1972, and the Senate bill provided that the amounts made available to each State and local education agency under Title I–A for grants to local education agencies within that State shall not be less than 90 per centum nor more than 110 per centum of such amounts as were made available for that purpose for fiscal year 1972. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees agree that this should only be looked upon as an interim solution to a very complex problem. Deficiencies in the present formula under which eligibility is determined must be corrected. The managers are aware that new legislation is currently being developed in the authorizing committees, and urge early appropriate action.

Amendments Nos. 33, 34, 35 and 36: Appropriate $610,000,000 for "School assistance in federally affected areas" as proposed by the House instead of $633,800,000 as proposed by the Senate; provide that $591,000,000 shall be for maintenance and operation of schools, as proposed by the House, instead of $614,800,000 as proposed by the Senate; that payments pursuant to Section 3(b) shall not exceed 68% of entitlement as proposed by the House instead of 73% as proposed by the Senate; and that not more than 50% of the amounts provided for school facilities shall be used for Section 5 of the Act, as proposed by the Senate, instead of 65% as proposed by the House.

Amendment No. 37: Appropriates $152,404,000 for "Education for the handicapped" instead of $143,609,000 as proposed by the House and $159,069,000 as proposed by the Senate.

The increase over the amount proposed by the House includes $4,795,000 for centers for deaf-blind children, and $4,000,000 for the training of teachers for the handicapped.

Amendments Nos. 38, 39, 40, 41, and 42: Appropriate $614,903,000 for "Occupational, Vocational, and Adult Education" instead of $600,641,000 as proposed by the House and $651,558,000 as proposed by the Senate, including $444,682,000 for parts B and C of the Vocational Education Act of 1963, as proposed by the House instead of $468,000,000 as proposed by the Senate; $32,625,000 for consumer and homemaking programs under part F, instead of $25,625,000 as proposed by the House and $40,000,000 as proposed by the Senate; $8,262,000 for work-study programs under part H, instead of $6,000,000 as proposed by the House and $10,524,000 as proposed by the Senate; and $66,300,000 for the Adult Education Act of 1966, instead of $61,300,000 as proposed by the House and $70,000,000 as proposed by the Senate.

Amendments Nos. 43, 44, 45, 46, and 47: Appropriate $1,889,414,000 for "Higher education" instead of $1,806,914,000 as proposed by the House and $2,025,914,000 as proposed by the Senate; provide that $210,300,000 for supplemental education opportunity grants shall remain available through June 30, 1975, as proposed by the Senate; earmark $25,000,000 for veterans cost-of-instruction payments as proposed by the House, instead of $50,000,000 as proposed by the Senate; and earmark $500,000,000 for basic opportunity grants instead of $440,500,000 as proposed by the House and $600,000,000 as proposed by the Senate, of which $488,500,000 shall remain available through June 30, 1976, instead of $429,000,000 as proposed by the House and $588,500,000 as proposed by the Senate. The conferees are agreed that the increase over the amount proposed by the House includes $59,500,000 for basic opportunity grants, $20,000,000 for State student incentive grants, and $1,000,000 for foreign language and area studies.

Amendment No. 48: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the Senate amendment, which provides that amounts for basic opportunity grants shall be available only for full-time students at institutions of higher education who were not enrolled as regular students at such institutions prior to April 1, 1973.

Amendment No. 49: Deletes citation of Title II of the Library Services and Construction Act, as proposed by the Senate.

Amendment No. 50: Earmarks $95,000,000 of the amount appropriated for "Library resources" for Title II of the Elementary and Secondary Education Act instead of $90,000,000 as proposed by the House and $100,000,000 as proposed by the Senate.

Amendment No. 51: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the amendment of the Senate with an amendment which will appropriate $171,709,000 for "Library resources" instead of $176,209,000 as proposed by the House and $176,709,000 as proposed by the Senate, and delete language proposed by the House, which would have provided $9,500,000 for public library construction, to remain available through June 30, 1975. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendments Nos. 52, 53, 54, 55, and 56: Insert citation of Title IX of the Elementary and Secondary Education Act, as proposed by the Senate, and earmark $48,660,000 of the appropriation for "Educational development" for part D of the Education Professions Development Act, as proposed by the Senate, instead of $53,660,000 as proposed by the House, $2,100,000 for part E as proposed by the House instead of $5,100,000 as proposed by the Senate, and $11,860,000 for part F, as proposed by the Senate, instead of $6,900,000 as proposed by the House.

Amendment No. 57: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the Senate amendment with an amendment which will appropriate $157,170,000 for "Educational development" instead of $161,110,000 as proposed by the House, and $163,670,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The following table sets forth the conference agreement and other pertinent statistics:

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EDUCATIONAL DEVELOPMENT

[Dollars in thousands]

Activity	1973 appropriation	1973 operating level	1974 budget request	1974 House allowance	1974 Senate allowance	1974 conference agreement
Education professions development:						
(a) Teacher corps	$37,500	$37,500	$37,500	$37,500	$37,500	$37,500
(b) Long-term training	5,930	5,930				
(c) Elementary and secondary development	54,660	54,660	30,875	53,660	48,660	48,660
(d) Vocational education	11,860	11,860		6,900	11,860	11,860
(e) New careers in education	500	500		300	300	300
(f) Higher education	8,000	8,000	2,100	2,100	5,100	2,100
Subtotal	118,450	118,450	70,475	100,460	103,420	100,420
National priority programs:						
(a) Educational technology demonstrations:						
(1) Educational broadcasting facilities	13,000	13,000	13,000	13,000	20,000	16,500
(2) Sesame Street-Electric Company	7,000	6,000	3,000	3,000	5,000	3,000
(b) Drug abuse education	12,400	12,400	3,000	12,400	3,000	6,000
(c) Right to read	12,000	12,000	12,000	12,000	12,000	12,000
(d) Environmental education	4,000	3,180		4,000	2,000	2,000
(e) Nutrition and health	2,500	2,000		2,000	2,000	2,000
(f) Dropout prevention	10,000	8,500	4,000	4,000	4,000	4,000
(g) Ethnic heritage studies					5,000	2,500
Subtotal	60,900	57,080	35,000	50,400	53 000	48,000
Data systems improvement:						
(a) Educational statistics:						
(1) Surveys and special studies	$6,900	$4,250	$7,400	$4,250	$4,250	$4,250
(2) Common core of data			500			
Subtotal	6,900	4,250	7,900	4,250	4,250	4,250
(b) National achievement study	7,000	6,000	7,000	6,000	3,000	4,500
Total	193,250	185,780	120,375	161,110	163,670	157,170

Amendment No. 58: Provides that $16,500,000 of the appropriation for "Educational development" shall be for educational broadcasting facilities instead of $13,000,000 as proposed by the House and $20,000,000 as proposed by the Senate.

Amendment No. 59: Appropriates $1,000,000 for "Educational activities overseas (special foreign currency program)" as proposed by the Senate instead of $2,000,000 as proposed by the House.

Amendment No. 60: Appropriates $86,747,000 for "Salaries and expenses" as proposed by the Senate instead of $83,118,000 as proposed by the House.

National Institute of Education

Amendment No. 61: Appropriates $75,000,000 for "National Institute of Education" as proposed by the Senate instead of $142,671,000 as proposed by the House.

Social and Rehabilitation Service

Amendment No. 62: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment which will appropriate $12,853,279,000 for "Grants to States for Public Assistance" instead of $12,891,048,000 as proposed by the House and $12,864,279,000 as proposed by the Senate. The managera on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The conferees are agreed that the change from the amount proposed by the House includes a reduction of $41,769,000 for maintenance assistance and an increase of $4,000,000 for child welfare services.

Amendment No. 63: Earmarks $50,000,000 for child welfare services instead of $46,000,000 as proposed by the House and $61,000,000 as proposed by the Senate.

Amendment No. 64: Appropriates $340,443,000 for "Work incentives" as proposed by the Senate instead of $384,434,000 as proposed by the House.

Amendment No. 65: Appropriates $298,917,000 for "Social and rehabilitation services" instead of $291,717,000 as proposed by the House and $307,217,000 as proposed by the Senate. The conferees are agreed that the increase over the amount proposed by the House includes $5,200,000 for nutrition programs for the elderly, and $2,000,000 for training programs in the field of aging.

Amendment No. 66: Deletes appropriation of $2,000,000 proposed by the House for "Research and training activities overseas (special foreign currency program)".

Amendment No. 67: Appropriates $72,200,000 for "Salaries and expenses" instead of $78,800,000 as proposed by the House and $70,000,000 as proposed by the Senate. The conferees are agreed that the increase of $2,200,000 over the amount proposed by the Senate may be used to support up to 200 of the 725 additional positions proposed in the budget and the House bill.

Social Security Administration

Amendment No. 68: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment, which permits an agreement between the United States and the United Kingdom relating to the administration of the social insurance programs of the two countries.

Special Institutions

Amendment No. 69: Appropriates $3,975,000 for "Model Secondary School for the Deaf" as proposed by the Senate instead of $3,962,000 as proposed by the House.

Amendment No. 70: Appropriates $10,599,000 for "Gallaudet College" as proposed by the Senate instead of $10,492,000 as proposed by the House.

Amendment No. 71: Appropriates $58,784,000 for "Howard University" as proposed by the Senate instead of $57,873,000 as proposed by the House.

Office of Child Development

Amendments Nos. 72 and 73: Appropriate $434,600,000 for "Child development" instead of $419,100,000 as proposed by the House and $450,100,000 as proposed by the Senate, and earmark $415,788,000 for Head Start instead of $400,288,000 as proposed by the House and $431,288,000 as proposed by the Senate.

Office of the Secretary

Amendment No. 74: Appropriates $107,898,000 for "Departmental management" as proposed by the Senate, instead of $120,198,000 as proposed by the House.

Amendment No. 75: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment, which provides that not to exceed $10,000,000 may be transferred to the appropriation for "Departmental management" as reimbursement for reductions in funds for public affairs activities. The conferees will expect that the Department will consult with appropriate congressional committees prior to discontinuing any publications.

General Provisions

Amendment No. 76: Deletes Section 210 proposed by the Senate which would have provided for a contract with the District of Columbia to continue the Upward Mobility College. The General Accounting Office originally ruled that exiating law prohibits contracts between the Federal Government and the D.C. Government; however, it later made an exception to permit the Upward Mobility program to continue for one more year, with the expectation that a change in the D.C. law would be sought. The problem addressed by the Senate language no longer exists for fiscal year 1974 and, therefore, the Senate language has been deleted without prejudice.

Amendment No. 77: Deletes Section 211 proposed by the Senate which would have prohibited the use of funds for appropriations other than the appropriation for "Departmental management" to support the activities of "Departmental management" and would have provided that no funds contained in the appropriation for "Departmental management" may be used to support Federal positions in excess of the aggregate number of such positions authorized in the bill.

Amendment No. 78: Deletes Section 212 proposed by the Senate which would have prohibited the use of funds to pay compensation of persons in any of the Department's regional offices for carrying out duties of the Office of Education carried out in Washington, D.C. prior to June 1, 1973, unless prior approval is obtained from Congressional committees. The Senate amendment reflected concern about the Office of Education's actions in "regionalizing" the administration of education programs and restricted the payment of salaries to persons employed in carrying out regionalization plans. The conferees have determined that, at this time, barring the payment of such salaries is not an appropriate mechanism for countering massive regionalization and reorganizations which have not been discussed in advance with Congress. However, the Office of Education should take note of these concerns and refrain from regionalizing or reorganizing the administration of education programs without prior consultation with both the authorization and appropriation committees of both houses of Congress.

TITLE III—RELATED AGENCIES

Corporation for Public Broadcasting

Amendment No. 79: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment which will appropriate $50,000,000 for "Payment to the Corporation for Public Broadcasting" instead of $55,000,000 proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Office of Economic Opportunity

Amendment No. 80: Appropriates $346,300,000 for "Economic opportunity program" instead of $333,800,000 as proposed by the House and $358,800,000 as proposed by the Senate.

Given the role of OEO as an experimental and demonstration agency for developing innovative approaches to solving the problems of poverty and recognizing that no Sec. 232 R&D monies are appropriated, the conference would call the Director's attention to his flexibility under Sec. 616 for these purposes.

TITLE IV—GENERAL PROVISIONS

Amendment No. 81: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which inserts Section 409 providing that funds for payment of consultants shall not exceed the fiscal year 1973 level and requires a semiannual report on payments to consultants in excess of $25,000.

Amendment No. 82: Inserts Section 410 proposed by the Senate to prohibit the use of funds for publicity or propaganda to influence legislation pending before Congress except in presentation to Congress itself.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1974 recommended by the Committee of Conference, with comparisons to the fiscal year 1973 amount, the 1974 budget estimate, and the House and Senate bills follows:

New budget (obligational) authority, fiscal year 1973	$33,639,371,260
Budget estimates of new (obligational) authority, fiscal year 1974	31,549,953,000
House bill, fiscal year 1974	32,816,467,000
Senate bill, fiscal year 1974	33,396,379,000
Conference agreement	32,926,796,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1973	−712,575,260
Budget estimates of new (obligational) authority, fiscal year 1974	+1,376,843,000
House bill, fiscal year 1974	+110,329,000
Senate bill, fiscal year 1974	−469,583,000

Daniel J. Flood,
William H. Natcher,
Neal Smith,
Bob Casey,
Edward J. Patten,
David R. Obey,
George Mahon,
Garner E. Shriver,
Silvio O. Conte
(except amendments No. 32 and No. 61),
Managers on the Part of the House.

Warren G. Magnuson,
John L. McClellan,
Alan Bible,
Robert C. Byrd,
William Proxmire,
Joseph M. Montoya,
Ernest F. Hollings,
Thomas F. Eagleton,
Norris Cotton,
Milton R. Young,
Clifford P. Case,
Hiram L. Fong,
Edward W. Brooke,
Ted Stevens,
Richard S. Schweiker,
Managers on the Part of the Senate.

REQUEST FOR PERMISSION TO FILE CONFERENCE REPORT ON H.R. 8916, DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES, APPROPRIATIONS, 1974

Mr. SLACK. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report on the bill (H.R. 8916) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary and related agencies for the fiscal year ending June 30, 1974.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

CONFERENCE REPORT (H. REPT. 93–625)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8916) "making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1974, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 7, 14, 15, 19, 20, 21, 38, 47, and 49.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 4, 6, 12, 13, 16, 17, 18, 22, 23, 25, 28, 29, 31, 32, 33, 34, 35, 43, and 54, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,200,000"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$200,000,000"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,700,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$49,800,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows: "of which not less than $2,000,000 shall be used for payment in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$6,700,000"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$341,642,000"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$83,450,000"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$16,500,000"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert "$1,000,000"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$7,735,000"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$5,700,000"; and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$43,000,000"; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$7,100,000"; and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$196,000,000"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$6,000,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 24, 26, 27, 30, 37, 39, 46, and 50.

John J. Rooney,
John M. Slack,
Neal Smith,
John J. Flynt, Jr.
(except as to Nos. 5, 45, and 48),
Robert L. F. Sikes
(except as to Nos. 5, 45, and 48),
George Mahon,
E. A. Cederberg,
Mark Andrews,
Wendell Wyatt,
Managers on the Part of the House.

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John O. Pastore,
John L. McClellan,
Mike Mansfield,
Ernest F. Hollings,
Warren G. Magnuson,
Thomas F. Eagleton,
J. W. Fulbright,
Roman L. Hruska,
Hiram L. Fong,
Edward W. Brooke,
Norris Cotton,
Milton R. Young,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the Bill (H.R. 8916) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1974, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

Amendment No. 1: The following provision in the opening paragraph of the Senate bill, "and shall be made available for expenditure except as specifically provided by law" was not agreed to by the conferees because it was deemed to be an unnecessary restatement of existing provisions of law. It was therefore deleted without prejudice.

TITLE I—DEPARTMENT OF STATE

Administration of Foreign Affairs

Salaries and Expenses

Amendment No. 2: Appropriates $302,800,000 as proposed by the Senate instead of $282,500,000 as proposed by the House.

Representation Allowances

Amendment No. 3: Appropriates $1,200,000 instead of $1,125,000 as proposed by the House and $1,263,000 as proposed by the Senate.

Acquisition, Operation, and Maintenance of Buildings Abroad

(Special Foreign Currency Program)

Amendment No. 4: Appropriates $5,138,000 as proposed by the Senate instead of $5,038,000 as proposed by the House.

International Organizations and Conferences

Contributions to International Organizations

Amendment No. 5: Appropriates $200,000,000 instead of $202,287,000 as proposed by the House and $185,357,750 as proposed by the Senate. The reduction of $2,287,000 from the budget request shall be applied to the contribution to the International Labor Organization.

Missions to International Organizations

Amendment No. 6: Appropriates $5,725,000 as proposed by the Senate instead of $5,525,000 as proposed by the House.

International Conferences and Contingencies

Amendment No. 7: Appropriates $4,500,000 as proposed by the House instead of $4,800,000 as proposed by the Senate.

International Trade Negotiations

Amendment No. 8: Appropriates $1,700,000 instead of $1,500,000 as proposed by the House and $1,743,000 as proposed by the Senate.

Educational Exchange

Mutual Educational and Cultural Exchange Activities

Amendment No. 9: Appropriates $49,800,000 instead of $47,800,000 as proposed by the House and $51,800,000 as proposed by the Senate.

Amendment No. 10: Provides that not less than $2,000,000 shall be used for payments in excess foreign currencies instead of $2,500,000 as proposed by the House.

Center for Cultural and Technical Interchange Between East and West

Amendment No. 11: Appropriates $6,700,000 instead of $6,500,000 as proposed by the House and $6,860,000 as proposed by the Senate.

Other

Payment to International Center, Washington, District of Columbia

Amendment No. 12: Appropriates $2,200,000 as proposed by the Senate.

Payment to the Republic of Panama

Amendment No. 13: Deletes provision in the bill as passed the House making availability of funds contingent upon enactment of authorizing legislation.

General provisions—Department of State

Amendment No. 14: Deletes Senate provision making availability of funds in title I contingent upon the enactment of authorizing legislation.

Amendment No. 15: The language of the Senate was deleted without prejudice.

TITLE II—DEPARTMENT OF JUSTICE

Legal Activities and General Administration

Salaries and expenses, General Administration

Amendment No. 16: Appropriates $15,834,000 as proposed by the Senate instead of $19,100,000 as proposed by the House.

Amendment No. 17: Provides $2,800,000 for the Watergate Special Prosecution Force as proposed by the Senate.

Salaries and Expenses, General Legal Activities

Amendment No. 18: Appropriates $50,111,000 as proposed by the Senate instead of $47,200,000 as proposed by the House.

Salaries and Expenses, Antitrust Division

Amendment No. 19: Appropriates $13,019,000 as proposed by the House instead of $14,019,000 as proposed by the Senate.

Salaries and Expenses, Community Relations Service

Amendment No. 20: Appropriates $2,818,000 as proposed by the House instead of $3,818,000 as proposed by the Senate.

Federal Bureau of Investigation

Salaries and Expenses

Amendment No. 21: Deletes Senate provision relating to exchange of identification records inasmuch as the language contained in Public Law 92–544 is still in effect. The Conferees understand that this matter is before the Judiciary Committees of the House and the Senate and urge expeditious consideration thereof.

Immigration and Naturalization Service

Salaries and expenses

Amendment No. 22: Deletes language in the bill as passed the House relating to detention of alien enemies.

Law Enforcement Assistance Administration

Salaries and Expenses

Amendment No. 23: Appropriates $870,675,000 as proposed by the Senate instead of $866,000,000 as proposed by the House.

Drug Enforcement Administration

Salaries and Expenses

Amendment No. 24: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate appropriating $107,230,000.

Bureau of Narcotics and Dangerous Drugs

Salaries and Expenses

Amendment No. 25: Deletes entire paragraph as proposed by Senate due to reorganization plan.

General Provisions—Department of Justice

Amendment No. 26: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which places a dollar ceiling on reimbursement by the District of Columbia to the United States of expenditures for the offices of the U.S. attorney and the U.S. marshal for the District of Columbia.

TITLE III—DEPARTMENT OF COMMERCE

General Administration

Administration of Economic Development Assistance Programs

Amendment No. 27: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate appropriating $19,000,000.

Social and Economic Statistics Administration

Periodic Censuses and Programs

Amendment No. 28: Appropriates $17,800,000 as proposed by the Senate instead of $14,800,000 as proposed by the House.

Consideration should be given by the Office of Management and Budget to placing future requests for appropriations for special information and censuses in the budget of the Department or Agency requesting the information such as the Department of the Treasury and the Department of Agriculture.

Economic Development Administration

Amendment No. 29: Inserts heading.

Development Facilities

Amendment No. 30: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $159,000,000 and deleting the following proviso: "*Provided further*, That none of the above amounts shall be subject to the restrictions of the last sentence of section 105 of the Public Works and Economic Development Act of 1965, as amended".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Industrial Development Loans and Guarantees

Amendment No. 31: Appropriates $5,000,000 as proposed by the Senate.

Planning, Technical Assistance, and Research

Amendment No. 32: Appropriates $20,000,000 as proposed by the Senate.

Regional Action Planning Commissions

Regional Development Programs

Amendment No. 33: Appropriates $42,000,000 as proposed by the Senate.

Domestic and International Business Administration

Salaries and Expenses

Amendment No. 34: Appropriates $49,000,000 as proposed by the Senate instead of $48,500,000 as proposed by the House.

Amendment No. 35: Provides that $15,212,000 shall remain available for international business activities until June 30, 1975 as proposed by the Senate instead of $15,033,000 as proposed by the House.

National Oceanic and Atmospheric Administration

Operations, Research, and Facilities

Amendment No. 36: Appropriates $341,642,000 instead of $340,368,000 as proposed by the House and $342,916,000 as proposed by the Senate.

Coastal Zone Management

Amendment No. 37: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $12,000,000 instead of $15,000,000 as proposed by the Senate.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Science and Technology

Scientific and Technical Research and Services

Amendment No. 38: Deletes language as proposed by the Senate placing a limitation on the funds available for direct support of the Office of Telecommunications Policy. The conferees are agreed that all the funds for that Office should be budgeted in one item.

TITLE IV—THE JUDICIARY

Supreme Court of the United States

Care of the Building and Grounds

Amendment No. 39: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate providing that not to exceed $75,000 of fiscal year 1973 funds continue available until June 30, 1974.

Courts of Appeals, District Courts, and Other Judicial Services

Salaries of Supporting Personnel

Amendment No. 40: Appropriates $83,450,000 instead of $83,372,000 as proposed by the House and $83,522,000 as proposed by the Senate.

Representation by Court-Appointed Counsel and Operation of Defender Organizations

Amendment No. 41: Appropriates $16,500,000 instead of $15,500,000 as proposed by the House and $17,500,000 as proposed by the Senate.

Amendment No. 42: Provides that not to exceed $1,000,000 of the funds contained in this title shall be available for compensation and reimbursement of expenses of attorneys appointed by judges of the District of Columbia Court of Appeals or by judges of the Superior Court of the District of Columbia instead of $2,000,000 as proposed by the Senate. The conferees are agreed that any subsequent funding for this purpose shall be by the District of Columbia.

TITLE V—RELATED AGENCIES

American Battle Monuments Commission

Salaries and Expenses

Amendment No. 43: Corrects printing error.

Arms Control and Disarmament Agency

Arms Control and Disarmament Activities

Amendment No. 44: Appropriates $7,735,000 instead of $6,935,000 as proposed by the House and $7,935,000 as proposed by the Senate.

Commission on Civil Rights

Salaries and Expenses

Amendment No. 45: Appropriates $5,700,000 instead of $5,566,000 as proposed by the House and $5,614,000 as proposed by the Senate.

Commission on the Organization of the Government for the Conduct of Foreign Policy

Salaries and Expenses

Amendment No. 46: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $1,050,000 instead of $1,100,000 as proposed by the Senate. The House amendment will also delete language of the Senate providing not to exceed $6,000 for official reception and representation expenses.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Equal Employment Opportunity Commission

Salaries and Expenses

Amendment No. 47: Provides not to exceed $1,700,000 for payments to State and local agencies as proposed by the House instead of $4,600,000 as proposed by the Senate.

Amendment No. 48: Appropriates $43,000,000 instead of $40,000,000 as proposed by the House and $46,934,000 as proposed by the Senate.

Marine Mammal Commission

Salaries and Expenses

Amendment No. 49: Appropriates $412,000 as proposed by the House instead of $625,000 as proposed by the Senate.

Amendment No. 50: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate providing that not to exceed $1,725 shall be available for expenses incurred in fiscal year 1973.

Tariff Commission

Salaries and Expenses

Amendment No. 51: Appropriates $7,100,000 instead of $7,000,000 as proposed by the House and $7,300,000 as proposed by the Senate.

United States Information Agency

Salaries and expenses

Amendment No. 52: Appropriates $196,000,000 instead of $202,000,000 as proposed by the House and $190,077,500 as proposed by the Senate.

Salaries and expenses (special foreign currency program)

Amendment No. 53: Appropriates $6,000,000 instead of $7,008,000 as proposed by the House and $5,208,000 as proposed by the Senate.

Acquisition and construction of radio facilities

Amendment No. 54: Appropriates $1,000,000 as proposed by the Senate instead of $6,000,000 as proposed by the House.

Conference total—with comparisons

The total new budget (obligational) authority for the fiscal year 1974 recommended by the Committee of Conference with comparisons to the fiscal year 1973 amount, the 1974 budget estimate, and the House and Senate bills for 1974 follows:

New budget (obligational) authority, fiscal year 1973	$6,779,093,850
Budget estimates of new (obligational) authority, fiscal year 1974	[1] 4,522,901,000
House bill, fiscal year 1974	4,152,946,000
Senate bill, fiscal year 1974	4,459,478,250
Conference agreement	4,466,012,000
Conference agreement compared with—	
New budget (obligational) authority, fiscal year 1973	−2,313,081,850
Budget estimates of new (obligational) authority, fiscal year 1974	−56,889,000
House bill, fiscal year 1974	+313,066,000
Senate bill, fiscal year 1974	+6,533,750

[1] Includes $267,821,000 in budget amendments not considered by the House.

John J. Rooney,
John M. Slack,
Neal Smith,
John J. Flynt, Jr.
(except as to Nos.
5, 45, and 48),
Robert L. F. Sikes
(except as to Nos.
5, 45, and 48),
George Mahon,
E. A. Cederberg,
Mark Andrews,
Wendell Wyatt,
Managers on the Part of the House.

John O. Pastore,
John L. McClellan,
Mike Mansfield,
Ernest F. Hollings,
Warren G. Magnuson,
Thomas F. Eagleton,
J. W. Fulbright,
Roman L. Hruska,
Hiram L. Fong,
Edward W. Brooke,
Norris Cotton,
Milton R. Young,
Managers on the Part of the Senate.

FOREST AND RANGELAND ENVIRONMENTAL MANAGEMENT ACT OF 1973

(Mr. RARICK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. RARICK. Mr. Speaker, yesterday I introduced H.R. 11320 the "Forest and Rangeland Environmental Management Act of 1973."

Joining with me in introducing this legislation were our colleagues Mrs. Hansen, Mr. Sikes, Mr. Evans of Colorado, Mr. Gunter, Mr. Bergland, Mr. Wyatt, Mr. Baker, Mr. Thone, Mr. Symms, Mr. Sisk, and Mr. Hicks.

The distinguished Senator from Minnesota Hubert Humphrey introduced similar legislation as an amendment in nature of a substitute to S. 2291.

As you know, Mr. Speaker, the President's Advisory Panel on Timber and the Environment has made numerous recommendations concerning management of our forests and rangelands. Among the most publicized of these recommedations are a call for increased timber harvests on our Nation's forest lands and a better program of forest management that recognizes "the long-term nature of forestry" which is "based upon sound economic concepts of intensive forest management."

This legislation is designed to give the Forest Service of the Department of Agriculture the tools and means of accomplishing the announced goals set forth by the President's Panel on Timber and the Environment. The thrust of the legislation is toward the establishment of a comprehensive system of long-range planning which will place "the renewable resources of the National Forest System in an operating posture whereby all backlogs of needed treatment for their restoration shall be reduced to a current basis and the major portion of planned intensive management procedures shall be installed and operating on an environmentally sound basis" by the year 2000.

Mr. Speaker, our Nation's forest system is, as you know, extremely important to our well-being, both economically and as a source of recreation and inspiration. We do, in fact, need to achieve maximum timber production; however, we must not allow this to occur without taking the necessary steps to protect our environment and preserve our heritage.

This legislation will be a major step toward this goal of maximum timber production while protecting our forests and rangeland environment as a source of recreation.

I urge our colleagues to join with us in support of this worthwhile legislation.

THE MILITARY ALL-VOLUNTEER CONCEPT—NINTH SEGMENT

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, to

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continue my 1 minute on the Reserve Forces and the volunteer concept, it would seem to me that the Committees on Armed Services in both Houses and the Pentagon should send a representative group to study the Reserve and National Guard programs of Israel, Egypt, Jordan, and Syria.

I am more familiar with the Reserve Forces of Israel. In 3 days Israel went from a standing army of 11,500 to calling up 275,000 reservists, which in effect, turned the tide of the battle.

I know that there are studies which are being made in the Pentagon to reorganize the Reserve Forces, and we, of course, need to update our military forces on a continuous basis.

Mr. Speaker, it makes sense to me that it is necessary to go where the action is and to find out the latest use of the citizen soldier.

MEETING THE GOALS MADE NECESSARY BY THE FUEL CRISIS

(Mr. WRIGHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WRIGHT. Mr. Speaker, the President is to be congratulated upon recognizing the serious import of the energy shortage. I am sure that Congress will do all those things which are necessary to make possible the realization of the broad goals enunciated in his broadcast last night.

In fact, Congress already is well along in the enactment of remedial legislation.

Last April we enacted legislation authorizing the President to exercise mandatory allocation of fuels. He now is acting under that authority.

Both Houses have passed the Alaska pipeline bill. That legislation will be on the President's desk in a matter of days.

Both Houses have passed legislation authorizing public mass transportation on facilities to receive operating subsidies, and it is hoped that the President will sign that bill.

In the highway bill we provided $3 billion in matching funds for capital investments in mass transportation.

In that bill we also provided encouragement for the States to reduce speed limits, for purposes of energy conservation as well as safety.

The Committee on Public Works for several years has been working on legislative authorizations for deep-water ports in the Gulf of Mexico to permit supertankers to off-load oil from friendly countries for domestic refineries.

As our colleague, the gentleman from California (Mr. HOLIFIELD), chairman of the Committee on Government Operations, will explain, that committee is busily engaged right now in drafting legislation that will create a special agency to give coordinated emphasis to energy needs.

In these and other ways, Congress has been active in promoting legislation to meet the Nation's energy requirements.

MEETING THE ENERGY CRISIS

(Mr. HOLIFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLIFIELD. Mr. Speaker, yesterday the President had a meeting of the leadership of both Houses, and several additional Members were invited. I was privileged to attend this meeting.

The meeting lasted for 2 hours, and it had to do with the energy crisis. I remember the President said that what was considered a problem a few months ago has now turned into a crisis, and he gave the reasons for that.

He also covered several topics in his speech last night—and I listened to his speech very carefully; it covered a wide latitude of subjects in the energy field—and among those were the following words:

> Because of the urgent need for an organization that would provide focused leadership for this effort, I am asking Congress to consider my proposal for an energy research and development administration separately from any other organizational matters.

Such a bill has been before the Committee on Government Operations since June 29, 1973. We have been holding hearings on this subject, and in view of the increased urgency, advocated by the President yesterday. I want to pledge my intention to proceed with the consideration of this legislation on a priority basis.

The gentleman from Illinois (Mr. PRICE), the chairman of the Joint Committee on Atomic Energy, has also expressed to me an interest in moving ahead with this legislation, in view of the fact that it has a major impact on the present functions of the Atomic Energy Commission and the Joint Committee on Atomic Energy.

There will be complete coordination between the House Committee on Government Operations of the Joint Committee on Atomic Energy and other pertinent committees.

TRANS-ALASKAN PIPELINE LEGISLATION

(Mr. MELCHER asked and was given permission to address the House for 1 minute and to revise and and extend his remarks.)

Mr. MELCHER. Mr. Speaker, much of the time that was consumed in the meetings on and getting the Alaskan pipeline bill through the House Committee on Interior and Insular Affairs was in order to give consideration to the positions of the Department of the Interior and the Department of State. We gave them the courtesy of the added time because they came up with different ideas and different points at different times.

They were admittedly, by their own admission, responsible for much of our delay. I am not criticizing them for that because it seemed to be necessary as they did their own work, but after the conference committee had completed its meetings a couple of weeks ago objections were raised by several administration officials to several points in the bill. Again we attempted to accommodate where we could. That also took some consideration and time from the conference committee's work.

Yesterday the Senate wanted the bill to pass, and it was in session for that very purpose. However, because of the prerogative of the House of having the right to have a motion to recommit offered on the minority side, the House conferees resisted and refused the Senate request.

When we asked for unanimous consent to consider the bill on yesterday we did not get it, nor did we get unanimous consent to consider the bill today.

I think the President's criticism of the Congress last night on nationwide television concerning the trans-Alaskan pipeline bill was unwarranted. I think it would be better before he makes a blanket criticism of that nature, which, after all, reaches into all of the congressional districts of this country, whether they be Republican or Democrat, it would behoove the President and his White House staff to communicate his strong desires to all of the Members of the House and in particular to those on his own side, the Republican Members of the House.

CONFIRMATION OF GERALD FORD CALLED FOR AS SOON AS POSSIBLE

(Mr. SISK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SISK. Mr. Speaker, maybe I was just a bit premature yesterday in commending the Committee on the Judiciary—and I do not mean to be critical now—but I was urging then expeditious action in connection with the confirmation of the nominee for Vice President.

Again today I want to urge expeditious action on this matter. I do not mean that he should not be properly investigated and handled in an orderly manner, but it seems to me this is a matter that should be handled this month.

I was quite concerned to understand that there was some discussion about a delay until December. I do not see the necessity of that. It seems to me in view of the actions of the other body this is a matter that we should handle this month, and I certainly hope before we go home for a Thanksgiving Day recess.

PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO HAVE UNTIL MIDNIGHT FRIDAY TO FILE REPORT ON H.R. 11333, SOCIAL SECURITY BENEFITS

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means may have until midnight Friday, November 9, 1973, to file a report on the bill, H.R. 11333, to provide a 7-percent increase in social security benefits beginning with March 1974 and an additional 4-percent increase beginning with June 1974, to provide increases in supplemental security income benefits, and for other purposes, along with any separate and/or minority views.

CONGRESSIONAL RECESS

(Mr. PEYSER asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. PEYSER. Mr. Speaker, I understand a recess is being proposed for the Thanksgiving holiday. As much as I should like to be back in my own district, I feel, for a number of reasons that will be stated today, that we should not recess at this time. One of the reasons is the fact that the Elementary and Secondary Education Act is still in our committee, and we are now working daily to get this vital bill to the floor. This bill will affect the future education of young people in our country for years to come, and we should not leave until we have concluded this and other important legislation. I hope that we will not have a prolonged recess at this time and that we can continue the work of the House.

CONGRESSIONAL RECESS

(Mr. LUJAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. LUJAN. Mr. Speaker, the leadership of the House has proposed a 10-day recess for the Thanksgiving holiday. I think that such a proposal is completely out of order when there is still so much important work to be done.

Last night, President Nixon addressed the country on the energy crisis facing us. If you will recall, the President forewarned us here in Congress of this problem last April 19 and we have been personally aware of it too.

The President has asked Congress to act on a number of legislative proposals that he has submitted, which are desperately needed if we are to improve our long-term energy situation.

To date, what have we done? Very little. Yet, there is consideration given to a 10-day recess.

Mr. Speaker, I cannot raise my voice loud enough to say that we do indeed have a serious energy crisis at hand and that we must act now on some of these important legislative matters.

The Alaskan pipeline, Natural Gas Supply Act, deepwater port facilities, and the funding of R. & D. money are what we—here in the House—should be considering, instead of a 10-day recess.

Mr. Speaker, every day that goes by, every day that passes without congressional decision in regards to the energy crisis, only brings us closer to more troubled times. If we are ever going to show this country that we have its best interest at heart—we must act now.

I do believe the energy crisis can be solved but only when this body takes the leadership of acting on the proposals that are now before us.

Mr. Speaker, I will oppose a motion to adjourn for 10 days.

CONGRESSIONAL RECESS

(Mr. HASTINGS asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. HASTINGS. Mr. Speaker, I join with my two colleagues who have previously addressed the House in relation to the proposed or rumored recess. I should like to take this opportunity to commend the gentleman from West Virginia (Mr. STAGGERS), who has, in response to the President's energy message of last evening, scheduled full committee hearings of the Committee on Interstate and Foreign Commerce for next week, Tuesday, for consideration of the proposal to provide for daylight saving time on a 2-year trial basis, on Wednesday for the consideration of emergency fuel shortage legislation—that will be considered next week at hearings—and a markup is scheduled for Thursday.

With this in mind, I find that a 10-day recess the following week, with the Committee on Interstate and Foreign Commerce commendably having taken such action, is completely unacceptable. If that motion to recess is made, I will join with many others to oppose a recess for 10 days with this important legislation pending.

CONGRESSIONAL RECESS

(Mr. FREY asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. FREY. Mr. Speaker, I join with many of my colleagues in their concern over the press of business. I know that Members on both sides of the aisle are deeply concerned about the important unfinished business. As a matter of fact, I think we are so deeply concerned about this that we would rather stay here and tend to the business at hand than be at home over a recess.

For instance, we are moving rapidly on the social security legislation. I think this is great. But to put this off any longer would be a disservice to the many senior citizens around our Nation. I, of course, have a great many of these people in Florida. I do not want to go home and tell these senior citizens that we took 10 days off to relax and enjoy ourselves and let their legislation sit. If any such recess proposal is made, I intend to oppose it, and I hope that many of my colleagues on both sides of the aisle will join in this effort. It is time we put the Nation's needs in front of our convenience.

ENERGY CRISIS DESERVES IMMEDIATE CONSIDERATION

(Mr. McCOLLISTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. McCOLLISTER. Mr. Speaker, those of us who have been demanding direction from the administration on the energy crisis for many months were grateful for the President's message last night. He has spelled out specific steps which Congress can take to implement a nationwide conservation program.

It is urgent that we keep the Thanksgiving recess short so we may act on the following proposals without waiting for bad weather to paralyze some section of the country.

He has asked for—

Reinstatement of daylight saving time;

The authority to ration gasoline and fuel oil;

A national highway speed limit of 50 miles per hour;

Limiting of outdoor electrical advertising and ornamental lighting such as Christmas displays;

Imposition of energy conservation fees or taxes on those who use more than a stipulated amount of natural gas or electricity;

Reduction of commercial operating hours;

Authority to increase oil production from reserves in California; and

Authorization through the Environmental Protection Agency to exempt factories and other stationary sources of pollution from Federal and State air and water quality laws.

All of these suggestions deserve our immediate consideration without a lengthy vacation period delay.

AMERICAN PEOPLE DEMAND CONGRESSIONAL ACTION

(Mr. HEINZ asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. HEINZ. Mr. Speaker, we have all heard that the House leadership will propose a 10-day recess over the Thanksgiving holidays. Rumors of such a recess continue despite the fact that Congress has been inundated by constituent outcries that we get busy and do something to relieve the present crisis of confidence in Government. A 10-day recess is an incredible affront to the American people's demand for congressional action on the confirmation of a Vice President, establishment of an independent prosecutor, and extension of the life of the Watergate grand jury, the energy crisis, budget reform, and pension reform.

Pension reform is just one example of pressing public business that cannot be delayed just for convenience of Congress. For too long tens of millions of American workers have been victimized by pension programs that have been financially unsound, miserly in their coverage and grossly unfair in their application. In 1972 alone, 20,000 workers saw their pension plans abruptly ended.

Today I learned that the Ways and Means Committee has set aside pension reform to take up other legislation. While no one disputes the importance of other matters, equitable pension reform must be enacted without delay if we are to relieve the public's crisis of confidence in the effectiveness of Government.

Now is certainly not the time to shove the interests of the American people to the back burner and relax the overdue drive to overhaul pension programs and protect America's workers.

Mr. Speaker, these troubled times and necessary public business such as pension reform and other matters demand more from us than a 10-day vacation with pay at the taxpayers' expense.

CRISIS OF NONCONFIDENCE MUST BE RELIEVED

(Mr. FRENZEL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FRENZEL. Mr. Speaker, I understand that the House today may consider either a unanimous-consent request or a motion to adjourn for an extended Thanksgiving vacation.

This Congress has been deluged with constituent outcries to "do something" to relieve the crisis of nonconfidence. Is not a 10-day, or a 9-day, or a 7-day recess a pretty casual response to a crisis?

Watergate-related legislation, energy bills, appropriation bills and the Vice Presidential confirmation lie incomplete in our committees. I do not believe this vital public business should have to wait while we rest.

Among the legislation on the must list prepared by the Speaker and the Senate majority leader is election reform. It is on my must list, too, as the principal congressional response to the problems of Watergate. A subcommittee of this House is now working on several election bills. It has already had attendance problems with Member witnesses. I believe an extended Thanksgiving recess will almost assure that we cannot pass an election reform bill this year.

In these times of multiple domestic and international crises, the country expects more from Congress than an extended recess. A recess now is worse than unseemly. It is almost insulting to the people. I shall oppose any move for a long recess.

THE COUNTRY DESERVES A VICE PRESIDENT

(Mr. KEATING asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KEATING. Mr. Speaker, the American people have been most upset by the events of the last few months. For Congress to take a 10-day recess for Thanksgiving holidays when so much vital work demands to be done can only leave further ill feeling.

Our distinguished minority leader was named the Vice-Presidential-designee 4 weeks ago tomorrow. The pace we have been following in reviewing such nomination can best be described as extremely cautious.

The other body has already conducted hearings and I was informed that this morning their committee will conclude its deliberation on the nomination by the end of next week.

By contrast, the Judiciary Committee of this body has just scheduled hearings to begin next Thursday, November 15. Having had the benefit of the other body's hearings, our committee should be able to report the nomination to the full House prior to Thanksgiving.

We should be in session to consider the nomination immediately.

The country deserves a Vice President. We should fulfill our duty on the Vice-Presidential nomination.

Let us forgo the 10-day holiday until we have acted on this most important matter.

STOP FORCED BUSING AND HELP EASE ENERGY SHORTAGE

(Mr. HUBER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBER. Mr. Speaker, last evening the President of the United States made a very eloquent address to the people of the United States on the subject of the energy emergency. He called for various voluntary steps on the part of each American to help tide us over this trying period.

It occurred to me as I listened that one immediate step would save thousands of gallons of gasoline and millions of dollars for various school districts nationwide. By this I mean let us put a stop to forced school busing, which a recent poll shows that 95 percent of the American people oppose. Certainly the people in Prince Georges County, Md., Denver, Colo., Memphis, and Nashville, Tenn., Alexandria, Richmond, and Norfolk, Va., Indianapolis, Ind., and other places across the Nation where forced busing is taking place would rejoice. Those localities threatened with forced busing such as Ferndale, Mich., in my district would certainly heave a sigh of relief.

Logic would then dictate some action in this regard. Just as the President has asked the Congress for authority to relax some of our air pollution regulations in the interest of saving fuel, I feel the Congress and the President should explore the avenues of suspending existing and pending court action providing for school busing in order to save precious gasoline.

THANKSGIVING RECESS

(Mr. DERWINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERWINSKI. Mr. Speaker, I must take exception to the demands from a number of Members that we work over Thanksgiving. Let me point out, we were given notice approximately 3 weeks ago of a Thanksgiving recess. Many of us in good faith made appointments in our districts that we feel we should be keeping. For example, I have scheduled meetings with students, unions, chambers of commerce, and individual citizens in my district. I will be putting in longer days back home than I would be here in Washington.

I think that there is a positive development to have the Members go home to their districts for a working week and to have them get a good grasp of current public opinion. I can think of nothing more refreshing and stimulating than to get away from the artificial atmosphere of Washington. When we go back home for a week to find out what our constituents really think, it is much more informative for us than listening to the news in this "madhouse" called Washington, D.C.

I think the best thing in the world for the country would be a week's recess for Congress, so we could come back with our minds clear and, rearmed with an understanding of the views of our constituents, get the job done in a much more effective fashion than has been the case in this Congress.

THANKSGIVING RECESS

(Mr. ARMSTRONG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMSTRONG. Mr. Speaker, like the gentleman just before me, I also have plans to go home over the recess. Yet I think the Members who suggest we take a 1-day recess instead of 10 long days are right. It is unseemly for Congress to be in recess for 10 days at a time of national emergency. There are many serious matters we could take up at this time. One such issue was brought to our attention by a group of concerned citizens yesterday in the Washington Post under the headline, "What is Washington Waiting For?" These citizens pointed out that 10 months ago we announced plans for budget reform. So far nothing has been accomplished.

These citizens are asking why we put it off another year. I think we should ask ourselves the same question and address ourselves to this and other matters during what would be otherwise an unproductive recess.

THANKSGIVING RECESS

(Mr. McCLORY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCLORY. Mr. Speaker, I just hate to disappoint my colleague from Illinois (Mr. DERWINSKI), with regard to his vacation plans for the proposed 10-day Thanksgiving recess. On the other hand, there is not going to be any recess for the Members of the House Judiciary Committee, no matter what this House decides to do. We have already scheduled sessions of the Judiciary Committee on the subject of the confirmation of the Vice President designate GERALD R. FORD for the 19th, 20th, and 21st of the month following next week's sessions on Thursday and Friday.

It would seem to me very disappointing to the American people as well as a source of great embarrassment to the Members of this House if we were to conclude our hearings and present for House consideration a recommendation with respect to the confirmation of Congressman GERALD R. FORD as Vice President only to find that Members are all at home and not here in Washington. What would the attitude of the American people be then?

It seems to me what they want us to do is to remain here on the job attending to our business and acting to confirm a new Vice President.

Mr. ADDABBO. Mr. Speaker, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from New York.

Mr. ADDABBO. If the hearings the gentleman mentioned are concluded on the 21st, is it conceivable a report can be made to the Congress by Thanksgiving or that Thursday? The committee could not

possibly report it the following day. It would take another week to file a report.

Mr. McCLORY. I thank the gentleman for his remarks. I would hope we could conclude the hearings before the 21st. The fact that the Senate has already held extensive hearings should enable our Committee to conclude before the 21st and I would hope that we could bring the subject to the floor of this House before then; but if we are gone, it will be a reflection on the Members of this House, it seems to me.

Mr. ADDABBO. If the gentleman will yield further, all are talking about 10 days. We have two weekends in there; to take 4 days off for Thanksgiving means a total of 5 days. We have not worked on any Fridays. That is two Fridays out. We had suspensions on election day. That takes care of the suspension Monday, November 19, and all we are getting is 2 days extra which can be profitably spent in our districts especially since we will be here till Christmas.

Mr. McCLORY. I thank the gentleman for his additional comments, but I believe the fact we have these hearings scheduled makes it important that the House be in session to insure attendance by the members of the House Judiciary Committee for these important hearings. Should we conclude these hearings it would seem most important for the House to be in session for the confirmation of the new Vice President.

THANKSGIVING RECESS

(Mr. FLOWERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLOWERS. Mr. Speaker, I would think that this is a unique opportunity we have. The Judiciary Committee will be working during Thanksgiving week, and, as a member of that committee, I would like to invite our colleagues, the gentleman from Florida, the gentleman from New Mexico, and other gentlemen who want so diligently to avoid a recess and work during that week, to join us. To work here or not to work, if that is the question, then these gentlemen will have a choice. We on the committee have our decision made for us.

We will be glad to have them here with us if they so choose and will be delighted to see them.

THANKSGIVING RECESS

(Mr. HANNA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANNA. Mr. Speaker, I take this opportunity to congratulate the leadership for putting before the House the subject of this recess for what it has elicited here today.

Mr. Speaker, I did not realize that there was so much support for reforms of the various types that have been before this House over such a long period of time. It is refreshing to find how eager the Republican Members are to get on with the work that has been before us for so long. Curiously, in the very few times in which the Members have had an opportunity to express themselves on these matters, I was not aware that so many Republicans were so enthusiastic in their support for these measures.

Therefore, I believe that this has done one good and healthy thing for the House. I now see that there are greater friends for these measures than ever has before been established.

Mr. Speaker, I hope one other thing that we have established is an opportunity for those who were fearful about the election coming up, that they can say, "Well, we were not one of those do-nothing Congressmen," I am sure someone is going to generate a story of this type. Therefore, this allows them to get off the hook. Blessings on them.

Finally, Mr. Speaker, it is distressing to me to hear cynical comment to the effect that many of these Members flagellating the House over the proposed recess would prefer the hospitality of Washington, D.C. to the hostility of their constituency. I do not consider it kind to subscribe such rationale to the constructive political demagoguery we are hearing today.

THANKSGIVING RECESS

(Mr. DELLENBACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELLENBACK. Mr. Speaker, I was particularly interested in hearing the remarks of the gentleman from California a few moments ago. Just in case it has failed to come to his attention, meetings of committees within this body are scheduled by the majority party. There has been an effort made by a series of Members of this House from our side of the aisle in the last few minutes this morning to make mention, not just of one isolated issue, but of a series of issues on which action by this body is long overdue. It is gravely wrong for us to recess for an extended period of time when so much that so badly needs to be done remains undone.

Let every Member of this body, and every reader of the CONGRESSIONAL RECORD, recall that it is the majority party that has the responsibility of calling and the power to call committee meetings and to schedule committee and floor action on bills. If it will expedite action on the above mentioned issues, we from this side of the aisle will be at the committee meetings and on the floor to vote. We hope the majority party will act at this time when otherwise a recess would be scheduled.

I join in opposition to such a proposed recess. I hope the leadership of the House will reconsider and keep the Congress in session through the week of November 19 on every day but Thanksgiving Day itself.

THANKSGIVING RECESS

(Mr. GROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, I hope the gentleman from Illinois (Mr. DERWINSKI) who says he wants to go home to his district during the proposed week of Thanksgiving did not misspeak himself.

He goes to the trouble of sending me about every other week a "wish you were here" postal card from some distant country.

Mr. Speaker, what I really rose to speak of is the origin here today of a movement to do some needed reforming in the House. On the basis of what I have heard this morning from the younger Members of the House, and I compliment them, I will give consideration to the introduction of a resolution to abolish the T. and T. Club—the out on Thursday, back on Tuesday club, in an effort to expedite business.

Mr. DERWINSKI. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Yes; I am glad to yield to my friend, who has been so thoughtful in sending me so many cards.

Mr. DERWINSKI. Mr. Speaker, during this recess, which I think is going to be in the public interest, if the gentleman would go back to Waterloo, Iowa, and since I will be in Chicago, I will send him a card if the post office can find Waterloo.

Mr. GROSS. Mr. Speaker, I will say to the gentleman that, if I am not in Waterloo, Iowa, I will not be in Jamaica or some such place lapping up the sunshine and warmth.

UNDERSTANDING THE REPUBLICAN POSITION ON THE RECESS

(Mr. STARK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STARK. Mr. Speaker, I would urge my colleagues on this side of the aisle to sympathize with the plight of our Republican friends and colleagues across the aisle. If we were Republicans, we too would be afraid to go home during the Thanksgiving recess.

THE ISSUE OF RESIGNATION

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, Members of the House are quite well aware that we do not have a parliamentary system in this country where prime ministers rise and fall depending upon their popularity, the positions they espouse at any given time, or the number of call girls operating among their cabinet members.

Just because our Vice President saw fit to resign because of his problems, there is no good reason for our President to pursue that course of action, for the cases are not comparable. All of this talk of the President's resigning is ridiculous, and it is only serving to disrupt and confuse.

Our Constitution provides specifically for the removal of a President by way of impeachment, and the Committee on the Judiciary is currently in the process of considering the several impeachment resolutions which have been introduced.

I suspect that if an impeachment resolution were brought to a vote in this House today, it would be soundly defeated, which makes all of this talk with respect to resignation purely academic.

Mr. Speaker, yesterday's editorial entitled "Resignation" in the Washington Star-News, it seems to me, is very appropriate for the times, as is the article by Dick Wilson appearing in the same edition and entitled, "The Case Against Nixon's Resigning."

PERSONAL EXPLANATION

Mr. HUNT. Mr. Speaker, on October 31, 1973, I missed the vote on roll No. 556, which rejected a motion to delete section 817, Public Health Service hospitals, from the military procurement authorization. Had I not been detained in the doctor's office for treatment of a bad case of shingles, I would have voted nay.

LET'S GET ON WITH OUR WORK

(Mr. KEMP asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KEMP. Mr. Speaker, in these troubled times, it is incumbent upon Congress to do much more than business as usual and to exert every possible effort to help restore faith and respect in the responsiveness of the American political system.

It would be the height of hypocrisy for the House of Representatives to approve a motion for a 10-day Thanksgiving recess at a time when there is urgent, critical legislative action pending for the American people.

At a minimum the current national situation requires that Congress continue its work and act on emergency and other critical energy legislation, social security cost-of-living increases, campaign spending and election reforms, the Elementary and Secondary Education Act extension, budget reform, confirmation of Vice-Presidential nominee GERALD R. FORD, sound minimum wage legislation, vital pension reform, and urgent appropriations bills, including that for the Department of Health, Education, and Welfare, as well as independent prosecutor legislation. The fiscal year is half gone and our schools in western New York and throughout the country are hampered by the failure to complete work on funding bills.

We adjourned the 92d Congress without enacting minimum wage legislation, and as we near the end of another year marked by sharp increases in the cost of living, we would be failing in our responsibility to the many thousands of marginal workers whose earning power has been seriously eroded by the wave of inflation over the past several years, if we were to recess without acting on a minimum wage increase. We must put political and personal considerations aside and act to provide this urgently needed relief.

Mr. Speaker, the nature of the times and our duty to the American people should impel us to defeat a motion for a lengthy recess which we can clearly ill afford.

AUTHORIZING THE DISTRICT OF COLUMBIA COUNCIL TO REGULATE AND STABILIZE RENTS

Mr. DIGGS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4771) to authorize the District of Columbia Council to regulate and stabilize rents in the District of Columbia, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments as follows:

Page 3, line 16, after "Act" insert: ", except that any such rules so adopted to stabilize and regulate the amount of rent or benefits which a landlord is entitled to receive for the use or occupancy by any tenant of any residence shall provide means whereby increased costs incurred by such landlord and directly related to such residence shall be taken into consideration in determining the amount of such rents or benefits which such landlord is entitled to receive in connection with such use or occupancy under such rules".

Page 3, line 17, after "be" insert: "modified or".

Page 4, line 12, strike out all after "Council" down to and including "Columbia." in line 17 and insert: ", of whom four members shall be representative of solely the interests of landlords in the District of Columbia and four shall be representatives of solely the interests of tenants of the District of Columbia."

Page 4, line 20, strike out ", or for one year, whichever is shorter".

Page 6, after line 4, insert:

"(e) (1) Subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power to hold such hearings, sit and act at such times and places within the District of Columbia, administer such oaths, and require by subpena or otherwise the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission may deem advisable in carrying out its functions under this Act.

"(2) In the case of contumacy or refusal to obey a subpena issued under this subsection by any person who resides, is found, or transacts business within the District of Columbia, the Superior Court of the District of Columbia, at the request of the Chairman of the Commission, shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission, there to produce evidence if so ordered, or there to give testimony touching the matter under inquiry. Any failure of any such person to obey any such order of the court may be punished by the court as a contempt thereof.

"(f) There is authorized to be appropriated such sum, not to exceed $85,000, as may be necessary to carry out the provisions of this section."

"Page 7, line 14, after "8" insert: "(a)".

Page 7, lines 16 and 17, strike out "date of enactment of this Act," and insert: "date that rules adopted by the Council pursuant to section (a) of this Act to regulate and stabilize rents in the District of Columbia become effective or, if no such rules are in effect on the date of expiration of the one-year period following the date of the enactment of this Act, such provisions, orders, and requirements shall terminate on the date of expiration of the one-year period following the date of the enactment of this Act,".

Page 7, line 18, strike out "expiration" and insert: "termination".

Page 7, after line 22, insert:

"(b) With respect to any such rules adopted pursuant to such section 3(a) to regulate and stabilize rents in the District of Columbia, the Council shall, on the expiration of six-month period following the effective date of such rules, conduct a hearing with a view to determining whether such rules should be modified or terminated by reason of a change in the situation which existed in the District at the time of the adoption of such rules and which was the basis for such rules. The provisions of the first sentence of section 3(b) of this Act shall be applicable with respect to such hearing held pursuant to this subsection.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. GROSS. Mr. Speaker, reserving the right to object, I wish to ask the gentleman from Michigan just one question. Are all amendments to the bill germane?

Mr. DIGGS. I yield to the gentleman from Kentucky for a response.

Mr. MAZZOLI. I thank the gentleman from Michigan for yielding.

These are germane amendments, to answer the question of the gentleman from Iowa.

Mr. GROSS. I thank the gentleman and withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

REGIONAL RAIL REORGANIZATION ACT OF 1973

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 688 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 688

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9142) to restore, support, and maintain modern, efficient rail service in the northeast region of the United States, to designate a system of essential rail lines in the northeast region, to provide financial assistance to rail carriers in the northeast region, to improve competitive equity among surface transportation modes, to improve the process of Government regulation, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce now printed in the bill as an original bill for purpose of amendment under the five-minute rule, said substitute shall be read for amendment by titles instead of by sections, and all points of order against sections 911 and 912 of said substitute for failure to comply with the provisions of clause 7, rule XVI are hereby waived. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment

adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Florida is recognized for 1 hour.

Mr. PEPPER. Mr. Speaker, I yield 30 minutes to the able gentleman from California (Mr. DEL CLAWSON) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 688 provides for an open rule with 2 hours of general debate on H.R. 9142, a bill to restore, support and maintain modern and efficient rail service in the Northeast region of the United States.

House Resolution 688 provides that it shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce now printed in the bill as an original bill for the purpose of amendment and the substitute shall be read for amendment by titles instead of by sections.

House Resolution 688 also provides that all points of order against sections 911 and 912 of the substitute for failure to comply with the provisions of clause 7, rule XVI of the Rules of the House of Representatives—the germaneness provision—are waived.

H.R. 9142 would create a new agency, the Federal National Railway Association, to act as the principal planner and financing vehicle for the reorganization, rehabilitation, and modernization of six bankrupt railroads into a new for-profit carrier.

Mr. Speaker, the six bankrupt carriers covered by this bill employed more than a quarter of all the rail employees in the United States. This bill is the most acceptable alternative for a solution to the railroad crises in the Northeast. I urge adoption of House Resolution 688 in order that we may discuss and debate H.R. 9142.

Mr. DEL CLAWSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 688 provides for the consideration of H.R. 9142, Regional Rail Reorganization Act of 1973, under an open rule with 2 hours of general debate. In addition, the rule has several other provisions. It makes the committee substitute in order as an original bill for the purpose of amendment, provides that the bill be read by titles instead of by section, and waives points of order against sections 911 and 912 for failure to comply with clause 7 of rule XVI, which is the germaneness rule.

The bill establishes a Federal National Railway Association—FNRA—for planning and financing the new system. After studies are conducted, final determinations on the quantity and quality of rail service to be provided by the carriers will take form in a final system plan. The plan is to designate which properties of a bankrupt railroad are to be acquired on a mandatory basis by the new for-profit corporation, and which properties are to be acquired on a consensual basis by other railroads in the region, and which properties should be abandoned.

The planning process will take approximately 16 months, during which time $85 million will be available as interim assistance to the railroads in reorganization.

The bill creates a Federal Rail Corporation—FRC—to acquire, rehabilitate, and operate rail properties of the bankrupt railroads.

This bill also provides for the continuance of labor protection for employees of railroads going out of business, with displacement allowances or lump sum severance payment available to those employees not used by the new system.

Departmental letters were filed by the Department of Transportation, the ICC, the Comptroller General, the Department of Labor, and the SEC, objecting to numerous provisions. For example, the Department of Transportation, among other things, objects to the potentially high cost of the labor protection provisions.

Supplemental and additional views were filed by Members DEVINE, HARVEY, COLLINS of Texas, and HEINZ, indicating that they have serious reservations, but will not oppose the bill. For example they object that H.R. 9142 leaves the final decision as to the value of transferred railroad properties, to be made subsequent to the conveyance. They object that this will result in very high property costs for the new corporation. One estimate places the value on these properties as high as $10 billion to $14 billion. These Members also doubt that $250 million authorized will be sufficient to cover the cost of the labor protection provisions.

The Committee on Interstate and Foreign Commerce reported the bill by a voice vote.

In a November 7, 1973, statement by Secretary of Transportation Claude S. Brinegar, attention is called to what he considers serious flaws in the bill. He states that it is unnecessarily expensive and, I quote:

> The Nation's taxpayers should not be expected to shoulder such a heavy burden to protect what must eventually be looked upon as a private sector responsibility.

The Department has recommended, I understand, some fairly simple but corrective amendments that they believe are essential to avoid the risk of these unnecessary extra taxpayer costs.

The total amounts authorized in this bill are as follows:

$250,000,000 for labor protection costs. $10,000,000 for organizing a corporation. $26,000,000 for an association and its expenses. $500,000 for ICC planning. $85,000,000 for interim operating expenses. $50,000,000 per year for subsidizing losing lines. $1,000,000,000 in government guaranteed loan authority.

Mr. Speaker, I recommend adoption of the rule allowing the House to proceed with debate on H.R. 9142.

Mr. Speaker, I have no requests for time and I reserve the balance of my time.

Mr. PEPPER. Mr. Speaker, I have no requests for time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MONTGOMERY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 393, nays 2, not voting 38, as follows:

[Roll No. 568]

YEAS—393

Abdnor
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashbrook
Aspin
Badillo
Bafalis
Baker
Barrett
Bauman
Beard
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Camp
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Collins, Tex.
Conable
Conlan
Conte
Corman
Cotter
Coughlin
Crane
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Grasso
Green, Oreg.
Green, Pa.
Griffiths
Gross
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hanley
Hanna
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Hastings
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Hosmer
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kemp
Ketchum
King
Kluczynski
Koch
Kuykendall
Kyros
Landrum
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKinney
McSpadden
Macdonald

Madden
Madigan
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, N.Y.
Myers
Natcher
Nichols
Nix
Obey
O'Brien
O'Neill
Owens
Parris
Passman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Regula
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncallo, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Satterfield
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waldie
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—2

Landgrebe
Latta

NOT VOTING—38

Abzug
Ashley
Bell
Blackburn
Blatnik
Brown, Ohio
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Clark
Conyers
Davis, Wis.
de la Garza
Diggs
Esch
Ford, William D.
Fuqua
Gray
Hammerschmidt
Harvey
Hébert
Hillis
Howard
Jones, Tenn.
Mahon
Mills, Ark.
Minshall, Ohio
Murphy, Ill.
Nedzi
Nelsen
O'Hara
Patman
Rees
Reid
Rooney, N.Y.
Waggonner
Walsh

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Murphy of Illinois.
Mr. Hébert with Mr. Reid.
Mr. Mahon with Mr. Davis of Wisconsin.
Mrs. Burke of California with Mr. Esch.
Mr. Howard with Mr. Conyers.
Mr. Blatnik with Mr. Hammerschmidt.
Mr. Ashley with Mr. Blackburn.
Mr. Diggs with Ms. Abzug.
Mr. O'Hara with Mr. Bell.
Mr. Rees with Mr. Buchanan.
Mr. Waggonner with Mr. Brown of Ohio.
Mr. Clark with Mr. Harvey.
Mr. Mills of Arkansas with Mr. Burke of Florida.
Mr. Fuqua with Mr. Hillis.
Mr. William D. Ford with Mr. Minshall of Ohio.
Mr. Gray with Mr. Nedzi.
Mr. Jones of Tennessee with Mr. Nelsen.
Mr. de la Garza with Mr. Walsh.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9142) to restore, support, and maintain modern, efficient rail service in the northeast region of the United States, to designate a system of essential rail lines in the northeast region, to provide financial assistance to rail carriers in the northeast region, to improve competitive equity among surface transportation modes, to improve the process of Government regulation, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia (Mr. STAGGERS).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 9142, with Mr. LANDRUM in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. STAGGERS) will be recognized for 1 hour, and the gentleman from Tennessee (Mr. KUYKENDALL) will be recognized for 1 hour.

The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may use.

Mr. Chairman, our committee accounts for almost a quarter of the bills considered by the House each session. Today, I speak on behalf of the committee's bill, H.R. 9142, which I believe is one of the most important pieces of legislation we have considered in many years—and it certainly will be one of the most important bills this Congress will act on this year.

Few bills have received such extensive and thorough review in committee as this one. Our Transportation Subcommittee started public hearings back in early April.

The subcommittee held 21 sessions in public hearings and executive session before reporting the bill in late September. Our full committee met in executive session during the entire month of October, and we reported it out after 10 sessions. I think I heard only one or two dissenting votes.

It is a lengthy bill—covering 10 titles. It is as complex as any I have seen, since it deals with everything from bankruptcy laws, corporate restructuring and finance, to railway labor law.

I think it is a good—a historic bill—and I am proud of my committee in responding to the urgency of this crisis with a far-reaching but sound and considered approach.

Essentially, the bill is a reorganization plan for the six bankrupt railroads in the Northeast. It supplements section 77 of the Bankruptcy Act—which deals exclusively with railroad bankruptcy.

If the judges having jurisdiction over the bankrupt carriers want to use this act as a means of reorganization, they can do so. They are not forced to—but we feel sure that they will do so.

Briefly, the bill contains these provisions:

TEN POINT SUMMARY OF H.R. 9142

The Federal National Railway Association is created to be the principal planner and financing agency for the reorganization and modernization of the railroads.

A for-profit Federal Rail Corporation is created. It will exchange its common stock for properties of six bankrupt railroads and will operate pursuant to a master rail plan for the Northeast region.

The FNRA, Department of Transportation ICC and the public will devise, with congressional approval, the master plan for rail operations in the region, and designate which carrier will operate where, and what lines will be discontinued and abandoned.

Transfer of properties of bankrupt carriers to the new Corporation is mandatory so that essential service will not be interrupted. Provisions are in the bill to protect creditors' rights.

For uneconomical but essential lines which the planners decide not to include in the final plan, a yearly $50 million Federal fund is set up to cover the continued operation or purchase of those lines; provided States, localities, or regional authorities put up 30 percent of the losses.

The bill authorizes up to $250 million for labor protection costs associated with reductions and dislocations of the 120,000 Northeast rail work force.

The Federal Government is authorized to spend up to $36.5 million to organize and meet expenses of the association, the Corporation, and a new special office within the ICC, which will be a part of the planning.

There is a provision authorizing the Secretary of Transportation to grant up to $85 million to bankrupt carriers to meet operating expenses between the time this bill passes and the transfer of their properties to the new Corporation. This will be a period of about 20 months and is necessary to continue service, if the bankrupt carriers run out of cash.

The Federal Government will guarantee up to $1 billion in loans for the association to modernize the affected railroads, as well as to help pay for the properties to be conveyed to the Corporation.

The bill removes some exemptions for rail carriers from the Security Exchange Act, and adds language as to safety regulations concerning the transportation of explosives by rail.

Mr. STEPHENS. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Georgia.

Mr. STEPHENS. Mr. Chairman, I would like to ask one or two questions since the gentleman has indicated that

at this point he is not going to take a great deal of time.

Mr. Chairman, as I understand section 911 of the bill, it would transfer to the Securities and Exchange Commission certain responsibilities which have traditionally and historically been responsibilities of the Committee on Interstate and Foreign Commerce.

Mr. STAGGERS. That is correct.

Mr. STEPHENS. Mr. Chairman, as I also understand, the ICC has had jurisdiction over railroads since about 1920 and over truck lines from about 1934.

Mr. STAGGERS. That is correct.

Mr. STEPHENS. Now, am I correct in my understanding that this bill attempts to transfer jurisdiction of railroads from under the ICC, but not transfer the same jurisdiction for truck lines or barge lines?

Mr. STAGGERS. It does not transfer the jurisdiction from the ICC. It makes it a joint jurisdiction with the SEC. These will still be under ICC, but SEC will be able to take a look at them. The reason for this is that if the SEC would have been looking at the securities of the Penn Central, I do not believe we would have been surprised by the collapse of the Penn Central, the New Haven and other railroads.

Mr. STEPHENS. Why is the jurisdiction transferred, this exemption eliminated in the case of railroad transportation companies, but not in the case of others? As I understand it, they would still be under ICC without being under FTC.

Mr. STAGGERS. The basic reason is that we are only dealing with railroads in this bill and we have not extended it to any other form of transportation in any way. This is one basic reason, and the other surface modes do have a little different situation than the railroad situation.

Mr. STEPHENS. If the gentleman will yield for another question, I wondered if he had had any hearings in the committee on this particular matter so far as railroads and other transportation companies are concerned so that they can express their views in the record?

Mr. STAGGERS. Mr. Chairman, I might say that the Subcommittee on Investigations has studied this particular subject for a period of 3 years and has come up with recommendations in the form of a bill, and that bill was incorporated into this bill by the subcommittee, by the motion of one member of the subcommittee.

Mr. STEPHENS. But in this particular bill here the gentleman does not have that before him?

Mr. STAGGERS. It is an appendix really by the full committee. They have been studying the project, and they did draft a bill, which the chairman dropped in the hopper, and a member of the subcommittee took that bill and incorporated it into this bill.

Mr. STEPHENS. Mr. Chairman, I understood that the gentleman had also introduced a bill dealing with this subject, and that is pending before his committee. That is a bill dealing with this subject alone?

Mr. STAGGERS. Mr. Chairman, this is the same bill that is incorporated here, essentially the same bill, and that is one reason why the truckers were knocked out. That was in my bill, but it was knocked out because this is a railroad bill, and we are probably going to have to take up the situation as it relates to truckers.

Mr. STEPHENS. Mr. Chairman, I thank the gentleman. I had hoped perhaps that we might consider it, although I will have no amendments to this. We should not have a delay of this matter because of its importance, and I wish we could have sufficient hearings on this matter so that the railroad companies and others could come in to testify.

Mr. STAGGERS. Mr. Chairman, I thank the gentleman for his comments.

Mr. KUYKENDALL. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. DEVINE).

Mr. DEVINE. Mr. Chairman, we are in a rather peculiar position today because of the content of H.R. 9142 having to do with the Northeast Railroad crisis.

The reason I say that we find ourselves in a difficult position is because there are a number of very objectionable features to the bill as it is now constituted. If the bill remains in this status, I am frank to say that I intend to vote against it.

It can be sanitized, it can be cured, because the gentleman from Tennessee has several very important amendments to offer which I think would make the bill ultimately acceptable. However, in its present form, I find that it is objectionable for reasons I will set forth in a moment.

Mr. Chairman, the problem is this: If we do not adopt legislation in this field, we are going to be in serious trouble, since we can hardly leave the Nation in a situation where the bankrupt railroads will be liquidated and wiped out and nobody remains in business.

I hope that these improvements will be made. I will ask all of the Members that when the gentleman from Tennessee offers his amendments they pay strict attention to them.

Mr. Chairman, this bill provides for approximately $1.4 billion to be devoted to the reorganization of the railroads in the Northeast part of the country, with $1 billion of the total being in the form of Government-guaranteed loans and the remaining $400 million coming from direct Federal expenditure. There are at least three areas in the bill that have convinced me that $1.4 billion will be nowhere near enough.

First, the manner in which the new corporation will acquire properties of the bankrupt estates is of such a nature that a higher price than the $200 million currently contemplated will probably ultimately be needed. This is due to the fact that valuation takes place after conveyance and opens up opportunities for the large insurance companies, banks and other elements of Wall Street that are the creditors of the bankrupt railroads to engage in extensive litigation to increase the price that will have to be paid for the properties. In committee we moved toward a compromise whereby conveyance would be in the context of a section 77 bankruptcy proceeding. The intent of the compromise was to allow the court to make a determination as to the disposition of the bankruptcy proceeding, limiting the claims that the creditors can make in subsequent legal proceedings. Our intent will not be realized, however, unless several amendments are adopted.

Another area of concern is the extensive benefits which are provided in the labor protection provisions. Virtually all members of the committee agree that protecting the well-being of the working man, that is, primarily the railroad employees, should be considered as a social cost payable by the Government rather than a burden on the new corporation. However, title VIII goes far beyond what is necessary to provide adequate labor protection.

The full Committee on Interstate and Foreign Commerce adopted language which was the product of a bargaining session involving representatives of railroad labor and some railroad management groups which is called a sweetheart deal where neither of them will have to pay for it but you, the taxpayers, will because it will be paid for with Government money.

The result of their agreement places the railroad employee in a far better position than his colleagues in other industries. For example, an employee with more than 5 years service can receive a monthly displacement allowance for the rest of his working life, which, in effect, amounts to a guaranteed annual income.

I think there is a general revulsion to that type of theory included in some legislation a few years back.

Such displacement allowances are figured on a unique compensation formula which permits an employee to inflate the benefits to which he is eligible far beyond that to which he is realistically entitled. As a result, the $250 million presently authorized for labor protection by the bill will be wholly inadequate to cover the costs that the Federal Government will incur. Again, amendments will be offered to correct these shortcomings, and I urge all of you to listen closely to them and adopt them.

Finally, the bill provides for extensive Federal subsidization for the purchase of nonprofitable lines that should be abandoned pursuant to the system plan. Again, the $50 million provided for these purposes is insufficient. Unless these provisions are modified, we will be called on in the near future to provide much more money. Perhaps some Federal assistance should be available to continue to operate a branch line which might be considered essential even though it is a money loser, I do not think that the taxpayers as a whole should be called upon to subsidize purchases of such lines. Corrective amendments to eliminate the mandatory application of Federal funds for the purchase of these branch lines will be offered, and I strongly urge their serious consideration and adoption.

H.R. 9142 is the result of extensive deliberations and compromise by both the members of the committee on Inter-

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state and Foreign Commerce and particularly specifically the members of its Transportation and Aeronautics Subcommittee.

I would say to the Committee that one of the Members who joins me in the remarks that I am currently making is the gentleman from Michigan (Mr. HARVEY) who unfortunately found it impossible to be on the floor today. But I wanted to commend the gentleman from Michigan for the intensive work that he has put in on this bill, as well as the other members of the subcommittee, which include the gentleman from Tennessee (Mr. KUYKENDALL), the gentleman from Kansas (Mr. SKUBITZ), and the coauthor of the bill, the gentleman from Montana (Mr. SHOUP).

Mr. Chairman, we all realize the severity of the crisis. However, the changes I have mentioned must be made, in my opinion, if a disastrous financial impact on the American taxpayer is to be avoided.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I rise in support of the statement made by the gentleman from Ohio (Mr. DEVINE).

Mr. Chairman, I rise in support of this measure. In considering this emergency rail proposal, providing for the reorganization and revitalization of the Northeast rail corridor, we should be mindful of a number of important factors.

Foremost in our minds should be the critical need for a total overhaul of rail operations servicing the most densely populated, industrialized section of our Nation. Without immediate Federal assistance to overcome the steady deterioration of Northeast rail operations, our Nation will be faced with severe economic, commercial, and environmental imbalances. The rash of bankrupt filings by Northeast railroads in recent years threatens to halt all of our rail service.

In supporting this rail legislation now before us—legislation which is the product of extensive hearings, debate, and deliberation, we will be adopting a proposal responding to our Nation's critical transportation needs.

H.R. 9142 applies immediate first aid assistance to those bankrupt railroads which, without this operating capital, would otherwise be required to terminate services. Of course, this is merely a band-aid solution—an interim remedy intended to assist the railroads in maintaining services while the major plan for reorganization is implemented.

The core system plan proposed by this bill and prepared by the Department of Transportation, the Interstate Commerce Commission and the Federal National Railway Association will require public hearings and will be subject to congressional approval. With the inclusion of these two provisions, the eventual core system has an excellent opportunity of responding to our needs for more adquate rail passenger and freight service. We must not merely create a skeleton system linking only major cities, but we must form a fully responsive system servicing all of those areas of the Northeast now dependent upon continuing rail operations.

A further important consideration which the committee wisely saw fit to include in this measure, provides for employment protection for our railmen. Although there is considerable controversy concerning the provisions of this section, no one can deny the need to afford our workers the opportunity for the financial security they are entitled to if their jobs are terminated as a result of the implementation of a plan for reorganization.

I am personally hopeful that rail employees will not be idled by any implementation of a core plan, but will, instead, thrive with the revitalization of a growing new system.

Faith in the future of rail services, an efficient form of transportation from the standpoint of natural resources and energy conservation, encourages optimism for improved rail operation resulting in growth; development and increased employment.

Accordingly, Mr. Speaker, I urge my colleagues, in the interest of improving our Nation's rail systems, to vote in support of H.R. 9142, the Regional Rail Reorganization Act of 1973.

Mr. STAGGERS. Mr. Chairman, before I yield to the gentleman from Washington (Mr. ADAMS) I just want to pay a special compliment to the gentleman from Washington (Mr. ADAMS) and to the gentleman from Montana (Mr. SHOUP) who are really the originators of the bill.

Mr. Chairman, I now yield 1 minute to the gentleman from Washington (Mr. ADAMS).

Mr. ADAMS. Mr. Chairman, this bill represents a compromise of many proposals as to how to deal with the Northeast railroad crisis caused by the bankruptcy of the six major railroads in the area. The bankruptcies now threaten the shutdown of rail service and the liquidation of major segments of the railroad net.

The six bankrupt railroads are presently in reorganization, under section 77 of the Bankruptcy Act. The judge in the major case involving the Penn Central Transportation Co., has stated that he would be required to close down this system unless some Federal solution was forthcoming because the railroad was operating at a continuing loss and the erosion of the assets of creditors would amount to a taking of property without due process under the fifth amendment. A number of the major creditors in that case have filed a motion to dismiss the section 77 proceedings and liquidate the railroad.

The trustees of that railroad have stated in their reports to the court that they cannot reorganize the railroad on an income basis as required by section 77 of the Bankruptcy Act. With this situation in mind the committee has spent many months trying to create a solution that would continue rail service in the area and at the same time meet the requirements of the Constitution that property cannot be taken without due process.

We have tried to forge a solution between the original position of the Department of Transportation which relied solely on an open-ended and voluntary negotiation between the DOT and the bankrupt estates for the railroad properties which might be profitable and the original position of many public officials and Members of Congress that the entire system should be nationalized. We rejected the DOT position because this would have meant an enormous disruption of service and massive unemployment possibly leading to a nationwide depression. We have also rejected nationalization through condemnation since the fair market value of the properties involved has been estimated to be $15 billion with more than $200 million losses per year. Thus nationalization would mean that the taxpayers would not only be bailing out the creditors and stockholders would also be buying a losing proposition.

The committee therefore moved to a plan to create a section 77 type reorganization using a new federally backed but private corporation. Based on the most recent decision of the Supreme Court in the New Haven Inclusion matter (399 U.S. 392 (1970)) we have created a provision which would in effect require the judges in each of six bankruptcy proceedings to promptly determine whether or not each railroad can be reorganized on an income basis and if it cannot be so reorganized—as is indicated by 5 of the 6 judges in these bankruptcy cases—the judge can either accept the statutory scheme of merger and reorganization as provided in this act or can liquidate the railroad. This provides a clear option for the judge and the creditors and we have provided an expeditious appeal proceeding of this determination. We thus wholly comply with the due process requirement of the fifth amendment. The proposed reorganization is patterned on the typical use of section 77 to "cram down" new securities for old when it is necessary to reorganize a property by having a new corporation formed and stock and other securities—if necessary—exchanged for railroad properties. This is a constitutional reorganization proceeding and is not a condemnation. The statutory reorganization system used in this bill follows that adopted by the Supreme Court in the New Haven Inclusion cases (399 U.S. 392 (1970)). First, the trustees and court have an option of whether to transfer properties in exchange for stock and securities of a new corporation. If this is decided then such bankrupt estates would have the proceedings for valuing the property consolidated in one court. This is necessary so that all of those who have rights in the railroad property that are necessary for public service in the Northeast, can be handled in one court. The remaining assets of the bankrupt estates remain in the original section 77 proceedings.

Other portions of this debate will outline in detail the system to be used for transfer of stock and securities for the property. The committee has always intended that the new-for-profit corporation which is formed will give stock for

the rail property selected as necessary for public service. The committee, however, has left available up to $200 million in loan guarantees in the FNRA originally or the consolidated court in its valuation proceedings in all cases to compensate those who have secured claims on the railroad properties to be transferred. We assume that the valuation proceedings will take many years as occurred in the New Haven Inclusion cases (ibid.) and, therefore, we have proposed in the bill that upon transfer of stock and such other securities that the Government, through a planning and financial corporation, FNRA, determines to be proper compensation to the consolidated court, then the properties will be transferred and service will be able to continue. Thereafter, hearings will be held on valuation in the regular course as in the New Haven Inclusion cases (ibid.). This was the type of system that was followed in that the merger took place and at one time the properties were transferred and thereafter the courts determined whether the valuation and compensation was fair and sufficient under the Constitution. That case also determined that liquidation value was all that was to be required to be paid to the creditors and we have done everything possible in the legislative history surrounding this bill to make certain that no more than the constitutional minimum for liquidation as defined by the Supreme Court will be paid by the new corporation for the properties obtained from the bankrupt estates. In addition, we have limited the amount of Government loan guarantees that can be used for acquisition so that taxpayers are protected both by legislative history guided by the determination of the Court and by an absolute limit on the amount of Government guaranteed loans that can be used.

I have taken this time to be certain that it is clearly understood that this bill merely utilizes the principles of existing merger and bankruptcy law through the creation of a new corporation to continue rail service in the Northeast.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Indiana.

Mr. DENNIS. Mr. Chairman, I am asking for information, and I would ask the gentleman from Washington whether I understand correctly that under the labor protection provision——

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAGGERS. Mr. Chairman, I yield 2 additional minutes to the gentleman from Washington (Mr. ADAMS).

Mr. DENNIS. Mr. Chairman, if the gentleman will continue to yield, I am asking the distinguished gentleman from Washington (Mr. ADAMS), if I am correct that under the labor protection provisions of this measure that if I went to work for the Pennsylvania Railroad at 20 years of age, and this bill were passed, and the consolidation and reorganization went through, and I was laid off at the age of 25, that as long as I stayed on the extra board and was available I could draw these displacement benefits for the next 40 years?

Mr. ADAMS. No. What happens on this is that you are offered a job by the new company, and if you refuse to take it then you do not draw benefits. If, on the other hand, you are not offered a job, and you go out and work for another company, or in another system, then whatever you get is deducted from the protective allowance. There is a formula as to how much you get. The breaking point, as the gentleman states, is correct, it is 5 years. And this is paid through the Railroad Retirement System so that we have a profile on each man.

But it is not contemplated that a man can simply sit on the extra board and be paid, and it is not required that he do that. In fact, what this provides for the first time—and it has been a breakthrough in labor-management relations—is that since we have 6 railroads and people on these various properties, this is the first time that a man can be taken from one property, placed on another property, and shifted to a different location, so that the man will be absorbed. This is the system, and it is not contemplated that there will be, as the gentleman said, an extra board member who just sits at home and draws his money.

Mr. DENNIS. But as long as one is available and takes the job when he is called, he gets the difference made up; does he not?

Mr. ADAMS. Yes, if the management decides that they are going to keep this kind of board. We are certainly hopeful that the whole thrust of this is that the management is not going to keep that kind of practice, and they do not have to under this bill, because the regular labor agreements do not require that, and the second part is that they will negotiate new ones.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAGGERS. Mr. Speaker, I yield 2 additional minutes to the gentleman from Washington.

Mr. SKUBITZ. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Kansas.

Mr. SKUBITZ. Mr. Chairman, I rise to ask the gentleman a question. Is the gentleman telling this Committee that all of the employees that are now employed will continue to be employed? That there will not be any displacements?

Mr. ADAMS. No; there will be displacement.

Mr. SKUBITZ. My colleague admits that there are going to be certain employees with 5 years of service who will be displaced.

Mr. ADAMS. There certainly can be some. What I am stating to the gentleman is that, since he mentioned the extra board and the management just keeping somebody in there and paying him for doing nothing, that is not part of this.

Mr. SKUBITZ. What then happens to the protected employee who loses his job under this plan and who is not offered any job? Does he not receive his monthly wage so long as he is on furlough?

Mr. ADAMS. That can happen. I am just saying we are not going to start with the 5-year employees first. Management has to have some say-so.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KUYKENDALL. Mr. Chairman, I yield to the gentleman from Indiana [Mr. HUDNUT] such time as he may consume.

Mr. HUDNUT. Mr. Chairman, the bill we are considering today, H.R. 9142, may very well be the most important one of this session. The entire U.S. economy is faced with a potential crisis because of the threatened liquidation of the Penn Central and five other carriers operating in the Northeastern part of the United States.

This legislation has been the subject of extensive deliberations for a period of 6 months before the full Interstate and Foreign Commerce Committe and the Transportation Subcommittee. While the deliberations have been enveloped in a significant amount of controversy, all of us on the Committee recognize the complexity of the issues involved and the severity and immediacy of a need for a solution to an evergrowing crisis.

Basically H.R. 9142 would—

- Set up a nonprofit federally owned Federal National Railway Association whose leadership would carve out of the present rail system a core that would be turned into a profit-making railroad. The association would also provide financing to acquire and upgrade the new rail system. It would have authority to guarantee up to $1 billion in private loans to finance the arrangements.
- Create a for-profit Northeast Rail Corp., which would own and operate the new railroad system. At the start, 100 percent of the corporation's stock would be owned by the creditors of the present bankrupt northeastern railroads. This would be the payment for acquisition of tracks and equipment from the bankrupt companies. Additional payment could be up to $500 million in loan guarantees.

Workers who are displaced from their jobs and not rehired by the new railroad would be given financial protection.

While I share the concern expressed in the supplemental and additional views of the committee report with reference to the potential costs—and hope that we may be able to adopt some effective amendments in regard to this aspect during floor debate as suggested by the Secretary of Transportation—on the whole I feel the bill brought out by the Committee embodies a realistic and practical approach for resolving the Northeast railroad problem and that it merits support.

The entire U.S. economy would suffer drastically if these northeast railroads were liquidated; and the impact on my own state of Indiana would be immediate and staggering, creating widespread industrial layoffs and disruption of essential transportation services.

One particular example involves a GM Chevrolet-Division plant in Indianapolis. This plant receives 34 loaded cars each day and sends out 85 loaded cars per day. The service provided by the Penn Central is crucial to the operation of this plant as well as others operated by General Motors throughout the country. Any disruption in service, however temporary, will have a domino impact on the entire corporation and would result in complete cessation of all GM operations within a week. This would include even those in locations not served by the northeast system, whether in Georgia, Texas, California, or elsewhere.

In addition to the economic impact there would be other serious consequences involving the population in other ways. For instance, the president of the Indianapolis Water Co., Mr. Thomas W. Moses, has written me as follows:

> Our White River water purification plant is served at the present time by the Penn Central Railroad. This plant provides approximately two-thirds of the public water supply for the metropolitan Indianapolis area. With a plant of this size, it is expedient and economical to utilize bulk rail or truck transport of chemicals. Unfortunately chlorine, which is essential in providing a bacteriologically safe water quality to the consumer, is only available by rail delivery. While our receipt of chlorine shipments is only at approximately monthly intervals, prompt delivery is critical.
>
> We realize we are but one of many industries within the area which would be vitally affected by such railroad action. However, we felt you should be aware of the influence our situation would present to many of your constituents.

While I am under no illusion that this immediate legislation, as embodied in H.R. 9142, will be a complete solution to the problems experienced by the railroad industry in the United States, it will maintain essential services in an important region of the Nation. It is in the public interest that this bill be adopted to meet the urgent needs which prompted its consideration.

However, in my opinion, we must not feel our job has been completed with the passage of H.R. 9142. Rather, the Congress and the executive branch must fashion long range programs, including a viable national transportation plan. One essential step is to have a program for upgrading track and roadbed conditions much as we have done in the interstate highway program.

As I have pointed out previously, I feel we must have a balanced transportation system, with railroads playing an important part, if our economy is to continue to grow and prosper, and if we are to address ourselves to the energy crisis in a constructive way.

Mr. KUYKENDALL. Mr. Chairman, I yield myself such time as I may consume.

First, I also want to join with Mr. Staggers and Mr. Devine in congratulating Mr. Shoup and Mr. Adams, Mr. Jarman, and Mr. Harvey, and the other members of the subcommittee, and the counsels, too, by the way—whom we give a hard time—for the unbelievable amount of work that has gone into this piece of legislation.

I am going to surprise some of the Members just a bit by spending the first couple of minutes talking about the strong points of this piece of legislation. The first of these strong elements of putting together a piece of legislation that will create a railroad that can survive as a free enterprise entity is the creation of the Federal National Railroad Association, which is the lending organization, to be sure that the new railroad has an adequate amount of money for modernization. This organization is created at the same time that the framework for the new railroad corporation is created. The Members will notice that I say "framework" because in the beginning that is all it is.

The second item—and this is very, very important, and this is important for the survival of the new railroad and important for the value of the stock in the new company—is that we are allowed what is called a selective taking, meaning that the new corporation is going to be given only those railroad lines which are probably going to be profitable. So the railroad itself is picking up the very best parts of the entire eastern railroad system comprised of part of seven present railroads.

Third, it is intended—and here is a place where there is a difference of opinion in the Committee as to whether the vehicle will work properly—that the bankrupt estates be given only stock, as the gentleman from Washington stated. One hundred percent of the stock in the corporation is to be given to the estates of the seven bankrupt railroads for 100 percent of the property in the corporation—for stock 100 percent; for ownership, 100 percent.

I shall introduce a minor amendment to correct what I believe is an error in the bill, which would allow a part of the $200 million allowed for acquisition to go to profitable railroads that are involved in the system in a very minor way.

Lastly, as far as the strong points of the bill are concerned, this corporation will go into being without any debt at all, except a maximum of $200 million for acquisition purposes.

Immediately it can acquire from FNRA $300 million approximately—this is not in the legislation—for operating capital and a minimum figure of a half billion which must be kept in reserve by FNRA if needed for modernization of the new railroad.

This is the key to the whole future success of this railroad, the fact that it will be modernized.

Let me speak, if I may, to three amendments which I consider essential for the long-range success of this whole operation and primarily, however, for protection of the taxpayer. In the past we in the Transportation and Aeronautics Subcommittee and in the Committee on Interstate and Foreign Commerce have said any time that management and labor will bring in an agreement that they themselves have arrived at, we will look upon it in a favorable way. In these negotiations, however, this is a three-way negotiation with the taxpayer involved in a very large way, and the taxpayer was not in these negotiations. So I do not believe we can accept this as a normal labor-management agreement. The labor people were in it 100 percent properly. They were represented by the same people who will represent them in the new railroad, taking care of them under the same circumstances that they will be taken care of under the new railroad. But management was not represented by the people who will be running the new railroad. The taxpayer was not represented at all.

I had intended, and it is in my separate views, that I would introduce an amendment against the expansion of the scope of FNRA to include connecting railroads. I shall not introduce that amendment because I have learned from the gentleman from Iowa (Mr. Gross) about the conditions of the Rock Island. He has convinced me that this was brought about by the dalliance of the ICC and the delay of the merger proceedings. So I shall not introduce that even though I do object to FNRA broadening its scope this early in the game.

May I have the attention of the Members and I shall try to make the strongest point I can concerning one of the amendments. I shall direct no amendment at anyone who is left unemployed by this legislation. Every single employee of the railroads that are going out of business will have one of three things happen to him. He will either be severed with severance pay or retired. That is the first thing that will happen. A great many of them who will be near retirement will be offered early retirement. Those with less than 5 years of service will be given severance pay. The people the railroad does not have a job for but who have more than 5 years, service will be given furloughs. Thirdly, there are the people who are working regularly.

Neither of my amendments is directed, and in fact they carefully avoid it, at any contact with the people who are on furlough or the people who are being severed. My amendments only direct themselves to the people who are working for the new railroad. They will be working for the new railroad.

A major departure from the previous labor practice of determining what a year's pay is was arrived at in this agreement and is in the bill. Previously a year's pay—and this is what was in the Amtrak legislation and this is what was in the Pennsylvania-New York Central merger—has previously been going back to the last 12 months in which a man worked at all. If he did not work at all they skipped that month and went back to the 13th month.

There is a new formula here which goes back and picks up the last 12 months in which the man works more than half the time. It does not take into consideration a month which had a great deal of overtime. It may go back 13 or 14 or 15 months. In some cases we may have an annual pay here arrived at in the bill which is 20 to 30 percent more than the collective bargaining salary that the man working for the railroad will obtain.

My amendment will limit the taxpayer paid bonus.

Now, remember, the difference between this artificially arrived at salary and the salary arrived at by collective bargaining, that bonus which could be $2,000 a year in some cases will be paid for out of the taxpayers' pocket until age 65. In some cases it could be 30 years.

My amendment will limit that bonus to the workingman, not the unemployed,

the man who is working. My amendment will limit that bonus to 6 years.

This is a relocation allowance. He is moving. He has some inconvenience and, therefore, 6 years is deserved and is adequate. That is the amendment that I shall offer on the 6 years. This is the reason why.

To answer the gentleman from Indiana (Mr. Dennis) on the question of the man who is on furlough, who is sitting there doing nothing, and say he is 30 years old. The way the system works is this. On a seniority rotation basis, the next job up in his classification bracket must be offered to him. If he refuses that job, regardless of the transfer, he is severed immediately. He does not get a continuing pay any longer.

Now, in the UTU Union, the operating unions, they are not long on employees. The operating unions are not long on employees. One of the unions, the Clerks Union, does have a lot of employees, so the social cost of picking up these younger people as they come up in the seniority, even though it is terribly expensive, is something that we necessarily have to face up to.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. KUYKENDALL. I yield to the gentleman.

Mr. DENNIS. As I read the bill and understand it, anyone who qualified as a protected employee is entitled to a monthly displacement allowance, anyone who is a protected employee and has been deprived of employment or adversely affected in compensation is entitled to a monthly displacement allowance equal to the difference between his monthly earnings, if any, following the conveyance pursuant to the chapter and the former compensation is equal to that until he is 65 years old.

Mr. KUYKENDALL. He can only draw that until the time that his name turns up in the seniority circle and he must by the terms of this bill be offered employment. He could be transferred from Bethesda, Md., to Bangor, Maine, but he has to be accepted.

Mr. DENNIS. If he is fortunate enough not to be offered that employment, he is still eligible?

Mr. KUYKENDALL. Well, I will join with the gentleman from Washington on this. I think it is almost impossible to assume that seniority turnover will not get to those people, all of them, in a reasonable period of time, 5 to 6 years.

I know that the retirement alone on the other end will take care of the majority of those where they will definitely be off, but by law they have to be offered the next job.

Mr. DENNIS. Mr. Chairman, will the gentleman yield further?

Mr. KUYKENDALL. I yield.

Mr. DENNIS. If he is offered some employment after a few years, that it is not equal to what he had previously, does he still draw the difference?

Mr. KUYKENDALL. My amendment would limit an employee drawing it until he is 60 years old.

Mr. DENNIS. Under the bill he would draw the difference?

Mr. KUYKENDALL. In the bill he would draw the difference for his working life. This is what I am objecting to, because I cannot imagine anybody in the eastern region of this country wanting some C. & O. employee in their city working under exactly the same collective bargaining agreement drawing 15, 20, 25 percent more to do the same work. The C. & O. employee would be drawing that much less than the urban employee and the bonus would be paid out of the taxpayers' pocket. This is what my amendment strikes at.

It is only for the people that are now working. I do not want to get into the matter, as I mentioned in the beginning, of the person who is not employed. The person who is employed and drawing a bonus out of the taxpayers' pocket above his regular salary is about the most serious defect of this bill.

Mr. DENNIS. He can still draw that bonus up to what his previous salary was, the difference between what he is getting and what he was getting before. The taxpayer still picks that up until he is 65?

Mr. KUYKENDALL. In this bill, all severance pay or pay of furloughed employees, and this bonus of regular employees is paid by the taxpayer.

Mr. DENNIS. I am not arguing about a transfer, but it just seems to me a long time. They can run this thing maybe 40 years.

Mr. KUYKENDALL. I am saying that if the gentleman wishes to offer an amendment on that, he may. I think maybe the gentleman from Iowa may.

Mr. DENNIS. Mr. Chairman, I have one more question while I am on my feet, and then I will desist. This applies to people who are defined as protected employees?

Mr. KUYKENDALL. Yes.

Mr. DENNIS. I gather the protected employee belongs to the Brotherhood and is protected up to $30,000 a year. If he is unorganized, it is only $20,000. What is the reason?

Mr. KUYKENDALL. It is not true.

Mr. DENNIS. All right, then it is not true.

Mr. KUYKENDALL. May I explain, please?

Mr. DENNIS. Yes.

Mr. KUYKENDALL. The gentleman is talking about my amendment. The cutting back from 30 down to 20 is to prevent executive featherbedding. Only management and executive people are cut down. Non-organized people are covered exactly the same as organized people in this legislation, just exactly.

However, I worked as a manager for 16 years and I never had more than 30 days tenure in my life, but to give management and executive personnel guarantees to $30,000 a year I think is absolutely ridiculous.

Mr. DENNIS. What the gentleman is telling me is that if I am a track worker or something else, but I do not belong to the union——

Mr. KUYKENDALL. This has nothing to do with the union, but whether or not a person is a manager or executive.

Mr. DENNIS. If I am not a manager or executive but I am an unorganized worker, I can get $30,000?

Mr. KUYKENDALL. Right.

Mr. KETCHUM. Mr. Chairman, will the gentleman yield?

Mr. KUYKENDALL. I yield to the gentleman from California.

Mr. KETCHUM. Mr. Chairman, so that I have this clear, the gentleman's amendment will reduce this back to 6 years?

Mr. KUYKENDALL. That is right.

Mr. KETCHUM And only for those who are working?

Mr. KUYKENDALL. I leave it so long as they are employed.

Mr. KETCHUM. Would that not mean that if an individual were working and making $15,000, he could actually be making $15,000 more, or $7,500 more?

Mr. KUYKENDALL. The gentleman is talking about if he is not working for the railroad. Let me try to explain what I think is his misunderstanding. If a person has been drawing $15,000 a year, and is furloughed—and by the way, there are not going to be any $15,000 a year men furloughed because that means a lot of seniority and we will find that they are at lower pay than $15,000, so I do not think we will find hardly any $15,000 people furloughed. However, if they were, and this man could get a job making another $15,000 over and above his furlough pay, he would lose half of it, so the $15,000 a year man is probably on the formula if he goes to work on a union negotiated pay for $15,000 and will probably be paid a bonus of another $2,500 or $3,000 from the taxpayer. That is what I object to in the 6 years.

Mr. KETCHUM. Mr. Chairman, one further question. If this bill were not passed at all and we throw the railroads back to the wolves, so to speak, what happens to those employees?

Mr. KUYKENDALL. Well, the railroads are not going to be shut down. If there were such a thing, what I think we are fixing to ask here and one of the reasons I wanted to cut out executives and managers and limit those to 6 years, was that Ford Motor Co., when they shut down in Memphis, Tenn., there was not any such thing as all of this. These people happen to be working for essential transportation and turmoil caused in the Northeastern part of the United States by the shippers and all the politics in the world, would end up in nationalization. It would be a cost to the taxpayers of $10 billion.

This is what we would end up with, because they would not be shut down. The transportation worker by his very nature has an advantage over everybody because he is a part of an essential transportation industry.

However, I do not think we need to go that far. I think the fact is that a man who is working, who is employed, should not get this extra bonus for more than 6 years.

Mr. RUPPE. Mr. Chairman, will the gentleman yield?

Mr. KUYKENDALL. I yield to the gentleman from Michigan.

Mr. RUPPE. Mr. Chairman, am I correct in understanding that considering the categories of one who is either furloughed and cannot get a job and one who is furloughed and gets a job elsewhere, both of these categories of individuals will make more money in so doing, by getting laid off and getting a job elsewhere, than they would get working for the railroad?

Mr. KUYKENDALL. Theoretically, the man who is not working will make more money than the man who is, because he will not be required to pay into the Railroad Retirement Fund, he will not have to pay for hospitalization insurance or any of those things, so in that way he will be getting more money. The original amount of the pay check will be the same.

Mr. RUPPE. He will be getting more money than he, himself, got before he was laid off, so he is in effect better off under this system, God help the taxpayer. If he were laid off or no matter what would happen, if he were not laid off and went to work elsewhere, he would receive better real wages than he had heretofore?

Mr. KUYKENDALL. I will make this clear.

Mr. Chairman, I have complete faith in the mechanism which will get practically all of these people off furlough in a very short number of years, because the law says that they have to be taken in order and taken off furlough just as soon as a position is open anywhere in the system.

Mr. RUPPE. Mr. Chairman, will the gentleman yield on another point?

Mr. KUYKENDALL. Yes, I yield to the gentleman from Michigan.

Mr. RUPPE. Mr. Chairman, when they are taken back, are they taken back across the board or are they taken back by various trades and crafts?

I ask this question, because, as I understand it, some trades are in short supply and some trades or crafts are in very long supply or are in surplus, and it could very well be, from my understanding, that some will find themselves in a pool that was not contemplated, and it could be a very great number of years before they are recalled.

Mr. KUYKENDALL. It is my understanding—I do wish to ask the gentleman from Washington this question later—it is my understanding that we do not cross craft lines.

If the gentleman wishes to volunteer that information, he may.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. KUYKENDALL. I yield to the gentleman from Washington.

Mr. ADAMS. Mr. Chairman, the gentleman is correct. We do not cross craft lines, but this would not change the situation in the respect the gentleman is discussing.

Mr. RUPPE. Mr. Chairman, will the gentleman yield?

Mr. KUYKENDALL. Yes, I yield.

Mr. RUPPE. Mr. Chairman, the employee would have no reason to go back to work, because if he went back to work he would lose money from his income. Under this situation, if he worked elsewhere or, in fact, did not work, he would do better than if he worked; he would be "hogtied on the finish line," so to speak, and if he were to take a job if he was not compelled, why should he do so?

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. KUYKENDALL. I yield to the gentleman from Washington.

Mr. ADAMS. Mr. Chairman, as I have previously stated, we have to rely on the fact that management is going to offer people jobs in the organization and we will organize this system so that people will work within it. If they all do work, as the gentleman pointed out, and are allowed to be called under the extraboard system and they do rotate on seniority in these various crafts, I am hopeful that we are going to have a good organization in this industry. If they do not, the system will not work, as the gentleman pointed out.

Mr. SHOUP. Mr. Chairman, will the gentleman yield?

Mr. KUYKENDALL. I yield to the gentleman from Montana.

Mr. SHOUP. Mr. Chairman, am I correct that although in the subcommittee there was a great deal of difference in the particulars on the employee protection discussion and on this particular title, title A, there was unanimity among all of us that whatever went in, it would not be job protection, but, rather, employee protection?

Mr. KUYKENDALL. Mr. Chairman, the gentleman is correct.

This is aimed at the employee, and I will not deny for 1 second that the pay to the people who are unemployed is high. I will not deny for one single instant that it is expensive to the taxpayer.

The first amendment I will offer—and I will discuss it last—has to do with something which I will cover very quickly.

Everyone is concerned about what a court may order later on to be paid by the corporation in what might be declared to be a deficiency judgment. As long as you are dealing through the courts anything that you deal with may be appealable and ultimately go to the Supreme Court. So the only thing that is absolutely certain is the auction block. That is the only way you can be sure it will not be thrown back into your lap by the Supreme Court later on.

However, early in the bill there is a provision that requires the court to make a total decision as to whether, first, the railroads are truly hopelessly bankrupt or whether or not the railroads can be reorganized under the provisions of bankruptcy law or, third, whether to go forward under this bill.

This bill gives that court only 60 days to make that determination, which is no choice at all, really. We are afraid that if he is forced to make the choice between liquidation and accepting the offer under this bill, later on it will weaken our case in court on deficiency judgments.

So my amendment will require—and this particular copy has not gotten to the gentleman from Washington, and I am very sorry on that—that the judgment as to whether or not the railroads are truly bankrupt, which has already been made on six of the seven of them, is made in the initial 60 days.

The 300 days means that the court will get, along with the board, a copy of the first version of the plan itself. Then the court can look intelligently at the plan and get an idea as to whether this stock we are offering will be viable or not.

For instance, if the plan has a bunch of fat in it and has built-in losses in it because of excessive trackage, then the court knows full well that the stock will not be worth anything in the future. If the plan looks viable and profitable by having short trackage, the court knows that the stock will be worth something in the future. So within 60 days after that 300 days they will have had time to study the plan. At that time the court will decide whether to accept the bill, in other words, the shares of stock, or to liquidate. By doing that they can prevent condemnation and prevent a mandatory taking, and later on when the court tries the deficiency judgment that Department of Transportation and the railroads will have a great deal better chance to prove that the judge who accepted the offer had a true choice and time to study it.

The vehicle projected by the gentleman from Montana and the gentleman from Washington of requiring the court to make the decision, in my opinion, is a sound one. The only thing I am disagreeing on is the final decision between accepting the stock or liquidation should be made after the court has had 60 days to study the plan.

So acknowledgement of bankruptcy with the same 60 days that is in the bill and the determination as to whether to go the route of this bill, H.R. 9142, or to go by way of liquidation is made in 60 days.

Mr. SKUBITZ. Will the gentleman yield?

Mr. KUYKENDALL. I yield to the gentleman from Kansas.

Mr. SKUBITZ. The gentleman has pointed out that there is a proviso in this measure to take care of the Rock Island Railroad which finds itself in desperate straits.

Mr. KUYKENDALL. That is correct.

Mr. SKUBITZ. I am not opposed to the proviso, but what troubles me is the language of the proviso. Let me read it. In section 202(a) of the bill the proviso says:

> Provide assistance in the form of loans to any railroad which (A) connects with a railroad in reorganization, and (B) is in need of financial assistance to avoid reorganization proceedings under section 77 of the Bankruptcy Act.

Nowhere do we define the word "connect." I have made an inquiry about the MKT Railroad that goes through my State. The MKT is a joint owner of the same facilities with the Pennsylvania Railroad in St. Louis. I am sure there is an interchange of freight.

If there is joint ownership of the terminal and an interchange of freight and the railroad is in danger of becoming bankrupt, would the gentleman say that the railroad would be eligible for loans under the proviso.

Mr. KUYKENDALL. They would fall under the other definition, yes, they would.

Mr. SKUBITZ. I thank the gentleman.

Mr. KUYKENDALL. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. Williams).

Mr. WILLIAMS. Mr. Chairman, I would like to compliment the Committee on Interstate and Foreign Commerce for reporting out a basically good bill.

It does have some defects, and I must

say that I am sure that some of the blame for the defects in the bill which, as I say, is a basically good bill, falls on me. I have some knowledge about railroading, and I told the gentleman from West Virginia (Mr. Staggers) that I would give the gentleman a report of what I thought should be done, but I never did get the report to the gentleman. So I cannot be critical of the gentleman.

Mr. Chairman, I have been utterly amazed at some of the questions and statements that were made here on the floor today. My distinguished colleague, the gentleman from Ohio (Mr. Sam Devine) talks about how unwise it would be to spend $1.4 billion. That is a totally incorrect statement, because we have been spending billions upon billions of dollars in subsidizing other forms of transportation.

Also I cannot understand my distinguished colleague, the gentleman from Michigan (Mr. Ruppe), who made quite a point about the pay of these employees who would be laid off because, as the gentleman from Tennessee (Mr. Kuykendall) has already explained, the gentleman is going to offer an amendment that would basically take care of that.

Mr. KUYKENDALL. Mr. Chairman, would the gentleman yield for just a moment?

Mr. WILLIAMS. I yield to the distinguished gentleman from Tennessee (Mr. Kuykendall).

Mr. KUYKENDALL. Mr. Chairman, I would like to correct one little misunderstanding, and that is that the gentleman from Ohio (Mr. Devine) did not object to the $1.4 billion; the gentleman regretted that it might not be enough. So the gentleman did not object to that.

Mr. RUPPE. Mr. Chairman, if the gentleman will yield, I think the gentleman from Pennsylvania is referring to my point that the employees who get laid off in this instance will make more money than they would have made if they had stayed on the job.

The other point I was trying to make is that there are dozens and hundreds of my people, located in my district in Michigan who, when they get laid off each day they go down to the unemployment office to take care of their problems whereas in this particular situation we are giving a group of people tremendously federally financed benefits, the like of which we have never seen in any negotiated or legislative settlement in labor-management negotiations in a long time.

Mr. WILLIAMS. Apparently the gentleman from Michigan has missed my major point, and that is that the gentleman from Tennessee (Mr. Kuykendall) has already stated that he is going to offer an amendment which will take care of that to a very great extent.

Mr. Chairman, I do not see why it should be any surprise to anyone today for us to be talking about saving the railroads, because for many, many years we have been doing our best to put the railroads out of business. We have spent a fabulous number of billions of dollars in building the Interstate Highway System. I go home to my district almost every weekend, and in driving on Interstate 95 from just beyond Baltimore to Philadelphia, I pass, going both ways, the equivalent of about five huge freight trains of trucks carrying business that normally would go to the railroads.

They are riding on the interstate system which has been built and which is being maintained by tax money. Also every year we spend hundreds of millions of dollars in making grants to municipalities for airports. Every commercial plane that we have today that is being produced in any volume at all is a direct outgrowth of a military-type aircraft for which the military paid billions of dollars for the research and development, design, and then building the prototype.

The 707, as an example, a commercial airliner that is in use all over the world today, is an adaptation from the Air Force tanker plane. Then from the 707 we got the 727, the 737, and ultimately the 747. But it was the Federal Government through the Department of Defense that spent billions of dollars, that the airlines would never have been able to afford, to develop these airplanes.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KUYKENDALL. I yield the gentleman from Pennsylvania 2 additional minutes.

Mr. STAGGERS. I yield the gentleman 2 additional minutes.

Mr. WILLIAMS. I thank the gentlemen for yielding additional time.

Mr. Chairman, the point I am making is that this Congress has been taking action to put the railroads down the drain. A lot of this, of course, has been due to some rather stupid management on the part of the railroads.

After the merger of the Pennsylvania with the New York Central, the president, Mr. Saunders, started to build up a conglomerate. One of the best railroadmen in the country, Mr. Pearlman, the vice president, was not even consulted. Mr. Saunders did not even speak to him. I had a chance to hear Mr. Saunders testify before the gentleman's committee, and his testimony was pathetic.

However, we must remember this, that when the Penn Central was permitted to go into bankruptcy—and it never should have been permitted to go into bankruptcy—Judge Fullam of the eastern district of Pennsylvania, appointed four trustees: Jervis Langdon, an attorney who had been president of the Baltimore and Ohio Railroad, which railroad escaped bankruptcy by merging with the C. & O. Then Jervis Langdon went with the Rock Island, which is in very, very bad shape today. The second trustee was a Harvard professor named Baker who never had 5 minutes of actual experience in railroad work. The third man was Richard Bond, whose family owns the Wanamaker's Stores. Richard Bond is regarded as a Philadelphia socialite. They also made one good appointment, Willard Wirtz, who knew, at least, how to deal with labor.

Willard Wirtz walked off of the job over a year ago when the recommendations made by the trustees were totally ignored. If the ICC got a petition for a raise or a decrease in rates, it took them a year or a year and a half to respond to it. If a line was operating at a loss, and perhaps the corporations had moved away that were manufacturing the goods which the railroad was carrying, the railroad was ordered to continue that service until the ICC reached a conclusion, and sometimes it took a year to a year and a half. At no time did anybody consider putting in a real management team of people expert in the operation of railroads.

Make no mistake about it, the railroads can be operated at a profit. Before the merger of the Pennsylvania Railroad and the New York Central, the Pennsylvania Railroad was a profitmaking corporation and had been for many, many years. However, in addition to Congress subsidizing other forms of transportation, and in addition to some rather stupid management on the part of the railroad executives, they had labor to deal with, and railroad labor has adopted the most asinine set of working rules one can imagine.

Let us just take the example of a freight train crew that was supposed to pick up a freight train at a terminal at a certain hour, and the train was 4 hours late. For 4 hours they were sleeping in the terminal or perhaps playing cards. Then they took over the railroad train, and all those 4 hours counted toward the 12 hours that they could work maximum. Eight hours later, regardless of where that freight train is, it is stopped. It is up to the railroad company to get another crew out there.

A railroad man who works a split shift, such as on a commuter service in a major metropolitan area, works 4 hours in the morning and for that he receives a full day's pay. When he comes back for 4 hours work in the afternoon he gets paid at a rate of time and half time.

A railroad crew gets a day's pay for taking a freight train 100 miles or a passenger train 150 miles. With today's equipment if he does twice that distance he gets paid 2 days' pay.

So what we have here is a situation which we have helped to create and which the railroad employees have helped to aggravate, and we cannot afford to let the railroads go out of business.

When we are talking about $1.4 billion, or $4 billion, I can tell the Members that once these railroads are put back in operating condition they can be profitmaking. In just the first 3 months of this year the Penn Central lost $27 million, because of an insufficiency of freight cars. Once we make the equipment available to them, they can be profitmaking.

What we have got to do is correct our own mistakes, and we are the major culprits, the Congress of the United States. At the same time we have to correct the mistakes of railroad management and railroad labor.

Under no circumstances can we afford to let the railroads go out of business.

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It is my intention to vote for the amendments to be offered by the gentleman from Tennessee (Mr. KUYKENDALL) and to vote for this bill.

Again I do commend the Committee on Interstate and Foreign Commerce for the fine job they have done.

Mr. STAGGERS. Mr. Chairman, I yield to the gentleman from Pennsylvania, Mr. FLOOD) such time as he may consume.

Mr. FLOOD. Mr. Chairman, simply stated the bill now before this body is absolutely crucial to the future economic survival of the Northeast United States, and especially northeast Pennsylvania. I will not herein review the litany of delay and confusion which has accompanied all attempts to come to grips with the sad condition of the railroads in the Northeast—they are all too well known by all of us. What I wish to briefly point out is that this legislation is a first step that must be taken; a step which the Congress has carefully examined and found to be necessary.

All eyes are now on the Congress. The railroads have attempted to solve their own problems and now look to the Congress. The rail labor unions are in a precarious position and now look to the Congress. The Interstate Commerce Commission has attempted to come up with a solution and now looks to the Congress. The U.S. Department of Transportation is deeply concerned with this situation and now looks to the Congress. The Federal courts have before them numerous litigation to rescue some of the parties in the crisis and now look to the Congress. But first, and foremost, the people have their eyes on the Congress. They know that the rail system is as crucial to their economic survival as is their own circulation system to their physical well being. Without the benefit of rail service—and believe me if this bill does not pass intact there will be a serious question as to whether or not they will have service—without that service, the people of the Northeast will suffer a serious slowdown of the delivery of vitally needed goods and services. The potential impact of the closing of the so-called branch lines is even more devastating, for with such closures will come—and I absolutely assure each and every one of you that this is so—with the closure of the branch line will come the shutting down of scores of plants, industries, and other businesses.

Eliminate the branch lines and you eliminate the economic means of transporting crucially and vitally needed materials which are used in the plants and businesses throughout the Northeast. Now I ask you—if we make no provision for maintenance of the branch lines, if we forsake our responsibility to deal fairly with the very people whose economic survival is at stake here—will we have solved the problem? Or will we have instead forsaken these people to go it on their own. I maintain that if the Federal Government is to become involved in the running of the railroads in the Northeast—and that we are doing here today—that the very minimum concern must be complete equity for those people who will be affected by our actions. It is patently unjust to even consider the withdrawal of support at this time for the branch lines.

For these reasons, I wish to commend the House Interstate and Foreign Commerce Committee, ably and brilliantly led by its chairman, the gentleman from West Virginia (Mr. STAGGERS). The bill which that committee has reported out to this body, a bill bearings the concerted expertise of the gentleman from Montana (Mr. SHOUP), the gentleman from Washington (Mr. ADAMS), and scores of others, has been carefully and judiciously written to provide the maximum amount of equity to all who will feel the impact of the bill.

These gentlemen have spent countless hours studying and investigating and drafting and redrafting this bill until they came up with what most consider a good program. No one is prepared to say that this bill is the be-all and cure-all and end-all of the difficulties we collectively face in the Northeast; but those of us who have strived to seek a solution after careful reflection feel that this is the best solution at this time.

Former Governor of Pennsylvania William Scranton, a man all here present will acknowledge as possessing the qualities of leadership and high intellect for which he has been long admired, has lent his time to organize and represent many of the concerned citizens in the northeastern region of Pennsylvania who are closely affected by this legislation. By volunteering his time and energies, Governor Scranton has assisted in the creation of a plan which will not forsake the people of the Northeast—and such a plan is H.R. 9142, the bill before us today.

Countless groups and organizations have spent and invested their time to this proposal so as to guarantee that the Northeast will economically survive the rail crisis. The can-do group in Hazleton, Pa.; the Economic Development Council of Northeastern Pennsylvania; and scores of other interested parties in my congressional district have lent me their expertise in coming up with a solution which meets their needs while at the same time is not contrary to the needs of the Nation as a whole. That solution is H.R. 9142 as it stands now before us.

That this bill is far-reaching is true. But the problem calls for a far-reaching solution. By organizing the bankrupt Northeastern railroads into one self-sustaining corporation to provide public service while preserving competitive private railroads is the answer. The protection of the railway labor unions, whose members may suffer severe dislocations otherwise, is the answer. The establishment of a Federal National Railway Association and the for-profit Federal Rail Corp., is the answer. Mr. Chairman, the answer to our problem is here in this bill before us today—the courts, and the unions, and the ICC and the Department of Transportation, and the States, and the municipalities, and the businessmen, and the consumers need seek no further.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Speaker, I rise today in support of H.R. 9142, the Regional Rail Reorganization Act of 1973.

I would like to commend the prodigious efforts of the gentleman from Washington (Mr. ADAMS) and the gentleman from Montana (Mr. SHOUP) in drafting this legislation and working so hard for its passage.

I also wish to commend the distinguished gentleman from West Virginia, the chairman of the Interstate and Foreign Commerce Committee, Mr. STAGGERS, for his help in bringing this truly crucial legislation to the floor with all deliberate speed.

H.R. 9142 offers the only realistic approach to the problems of six bankrupt railroads that serve the Northeastern United States.

The bill would create a Federal Rail Corporation which would operate the reorganized railroads as one system on a profit-making basis.

A Federal National Railway Association similar to the highly successful Federal National Mortgage Association would finance the corporation with an up-to-$1 billion guaranteed loan authority.

The bill contemplates the development of a final system plan for the Northeast, which would delineate the services to be offered and the lines to be used in the new rail system.

While this process is going on, Federal funds will be made available in the form of operating subsidies to keep the bankrupt lines in operation.

Thus, when the final system plan is eventually approved by the Congress, it can be implemented without a shutdown of the lines involved.

Further, protection will be extended to both the creditors of the railroads and to railway employees. The investments of the former will not be jeopardized in the event of mandatory transfer of rail assets. Employees of the six railroads who may not be offered jobs under the new system will receive benefits to compensate for the loss of their jobs.

The great advantage of H.R. 9142 over other means of railroad assistance is that it treats the problems of these bankrupt lines comprehensively.

Factors, such as the community impact, and employment levels are considered, along with the economic profitability of various sections of track to the whole system.

The plan that results from this exhaustive study should reflect all of the realities of the railroad situation in the Northeast today.

The end result, if there has been competent planning and sufficient investment on the part of Government, should be a self-sustaining, profitable corporation that can provide public service and preserve competitive private enterprise in the rail industry.

Mr. Chairman, the six bankrupt railroads in the Northeast are part of the economic bloodstream of New England.

If they fail—as it seems they must without massive assistance such as is offered by H.R. 9142—New England will be indeed hard hit.

New England is particularly dependent on two bankrupt railroads, the Penn Central and the Boston and Maine for rail service.

Many heavy commodities produced in or imported into the region could not be transferred to other types of transportation if these railroads were to fail.

Even if shifts could be made, costs would skyrocket.

Moreover, a recently published study of the Boston and Maine shows that the demise of this railroad alone would result in loss of up to 50,000 jobs in New England.

Let me emphasize, however, how important the Northeast railroads are to the rest of the United States.

A New England rail disaster would be a national rail disaster as well.

Statements made before the Senate Commerce Committee at its hearings of the Penn Central problem stressed that it is a mistake to think that only New England or the Northeast would be affected by a curtailment of rail service that would result if the Penn Central or other Northeast railroads were to go under.

Information presented at those hearings indicated that economic activity in the Northeast would drop 5.2 percent by the eighth week of a shutdown, and by 4 percent in the entire Nation.

This statistical data suggests that the "instant recession" which a shutdown of major railroads would cause in the Northeast would "roll through" the rest of the country almost immediately, as factories closed for lack of parts, raw materials, and markets, and farms found themselves cut off from a large portion of the eastern market.

Mr. Chairman, I do not think that more compelling reasons exist for the passage of H.R. 9142 than the continued economic prosperity of our Nation.

I urge all of my colleagues to support this legislation. As an indicator of the impact that failure to pass this bill will mean to the country, I am appending several tables to my remarks which give a picture of the rail shipments to and from the Northeastern States.

I invite each of my fellow Members of the House to consider the tonnage involved in shipments to and from his home State in making a decision on his vote today.

TABLE 1.—RAIL SHIPMENTS FROM NON-NORTHEASTERN STATES TO THE NORTHEAST

State	Annual tons	Cars per day
Alabama	4,967,900	300.2
Arizona	884,300	76.6
Arkansas	2,447,900	154.1
California	7,941,700	641.3
Colorado	1,047,000	84.8
Florida	5,177,100	377.8
Georgia	5,449,700	368.3
Idaho	1,633,900	123.4
Kansas	2,506,900	183.3
Louisiana	5,780,900	310.5
Minnesota	46,047,100	520.8
Mississippi	2,017,900	155.5
Montana	1,316,400	78.5
Nebraska	1,327,800	145.6
North Carolina	4,792,000	324.5
North Dakota	650,100	37.6
New Mexico	1,003,300	46.1
Nevada	261,800	11.0
Oklahoma	1,114,700	72.9
Oregon	3,801,700	245.6
South Carolina	2,171,700	153.0
South Dakota	327,100	32.7
Tennessee	3,926,000	285.2
Texas	8,077,600	429.2
Utah	409,100	22.3
Washington	3,019,400	210.5
Wisconsin	6,927,600	535.9
Wyoming	NA	NA

A listing of the 4 largest commodities received by the Northeastern states, shipped by rail from non-Northeastern states (only states shipping over one million tons annually to the Northeast are listed):

STATE AND COMMODITIES

Alabama: Metallic ores, Pulp-paper and allied products, lumber and wood products (except furniture), Primary metal products.

Arkansas: Metallic ores, Primary metal products, Paper-pulp and allied products, Stone-clay and glass products, Lumber-Wood products (except furniture).

Colorado: Metallic ores, Non-metallic minerals (except fuels), Primary metal products, Food and kindred products.

California: Farm products, Lumber and wood products (except furniture), Chemical and allied products, Food and kindred products.

Florida: Farm products, Food and kindred products, Chemical and allied products, Pulp-paper and allied products.

Georgia: Stone-clay and glass products, Pulp-paper and allied products, Lumber-wood products (except furniture), Non-metallic minerals (except fuels).

Idaho: Farms products, Food and kindred products, Lumber-wood products (except furniture), Pulp-paper products, Primary metal products.

Kansas: Farm products, Food and kindred products, Stone-clay and glass products, Petroleum and coal products.

Louisiana: Food and kindred products, Pulp-paper and allied products, Chemicals and allied products, Petroleum and coal products.

Minnesota: Farm products, Food and kindred products, Pulp-paper and allied products, Metallic ores.

Montana: Food and kindred products, Lumber-wood products (except furniture), Pulp-paper and allied products, primary metal products.

Nebraska: Farm products, Food and kindred products, Primary metal products.

New Mexico: Farm products, Food and kindred products, Chemicals and allied products, Non-metallic minerals (except fuels).

North Carolina: Pulp-paper and allied products, Lumber-wood products (except furniture), Stone-clay and glass products, Non-metallic minerals (except fuels).

Oklahoma: Food and kindred products, Stone-clay and glass products, Chemicals and allied products, Petroleum and coal products.

Oregon: Farm products, Food and kindred products, Lumber-wood products (except furniture), Pulp-paper and allied products, Chemicals and allied products.

South Carolina: Pulp-paper and allied products, Lumber-wood products (except furniture), Stone-clay and glass products, Chemicals and allied products

Tennessee: Pulp-paper and allied products, Stone-clay and glass products, Chemicals and allied products, Primary metal products.

Texas: Farm products, Pulp-paper and allied products, Chemicals and allied products, Petroleum and coal products, Primary metal products.

Washington: Farm products, Pulp-paper and allied products, Lumber-wood products (except furniture), Primary metal products.

Wisconsin: Food and kindred products, Pulp-paper and allied products, Stone-clay and glass products, Non-metallic minerals (except fuels)

Mississippi: Food and kindred products, Lumber and wood products (except furniture), Pulp-paper and allied products, Stone-clay and glass products.

TABLE 2.—RAIL SHIPMENTS FROM THE NORTHEAST TO THE FOLLOWING NON-NORTHEASTERN STATES

State	Annual tons	Cars per day
Alabama	4,352,300	246.5
Arizona	759,300	61.2
Arkansas	293,800	30.7
California	7,530,100	810.2
Colorado	1,341,300	144.0
Florida	2,849,700	275.7
Georgia	5,182,600	421.4
Idaho	214,500	14.7
Kansas	1,715,700	163.6
Louisiana	3,048,100	204.6
Minnesota	3,779,300	294.7
Mississippi	1,602,600	108.4
Montana	234,900	18.0
Nebraska	1,165,000	97.3
North Carolina	11,333,100	567.2
North Dakota	196,700	21.8
New Mexico	136,600	15.0
Nevada	88,900	9.2
Oklahoma	1,061,100	101.6
Oregon	768,600	83.6
South Carolina	1,393,100	91.4
South Dakota	121,800	12.9
Tennessee	10,522,300	562.5
Texas	7,309,100	679.0
Utah	607,700	86.8
Washington	1,284,600	197.3
Wisconsin	7,223,300	453.8
Wyoming	87,100	6.0

A listing of the major commodities received by each non-Northeastern state, shipped by rail from the Northeast (only states receiving over one million tons annually are listed.)

STATE AND COMMODITIES

Alabama: Farm products, Food and kindred products, Coal, Primary metal products, transportation equipment.

California: Food and kindred products, Chemicals and allied products, Primary metal products, Transportation equipment.

Colorado: Food and kindred products, Chemicals and allied products, Primary metal products, Transportation equipment.

Florida: Food and kindred products, Chemicals and allied products, Primary metal products, Transportation equipment.

Georgia: Food and kindred products, Chemicals and allied products, Primary metal products, Transportation equipment.

Kansas: Food and kindred products, Chemicals and allied products, Stone-clay and glass products, Primary metal products, Transportation equipment.

Louisiana: Farm products, Food and kindred products, Chemicals and allied products, Primary metal products, Transportation equipment.

Minnesota: Food and kindred products, Chemicals and allied products, Stone-clay and glass products, Primary metal products, Transportation equipment.

Mississippi: Farm products, Food and kindred products, Stone-clay and glass products, Primary metal products, Transportation equipment.

North Carolina: Farm products, Food and kindred products, Chemicals and allied products, Primary metal products, Transportation equipment.

Nebraska: Food and kindred products, Chemicals and allied products, Primary metal products, Fabricated metal products (except ordnance machinery and transportation), Transportation equipment.

Oklahoma: Food and kindred products, Pulp-paper and allied products, Chemicals and allied products, Primary metal products, Fabricated metal products (except ordnance machinery and transportation), Transportation equipment.

Tennessee: Farm products, Food and kindred products, coal, Chemicals and allied products, Primary metal products, Transportation equipment.

Texas: Food and kindred products, Pulp-paper and allied products, Chemicals and allied products, Primary metal products, Transportation equipment.

Washington: Food and kindred products, Primary metal products, Ordnance, Fabricated metal products (except ordnance machinery and transportation), Transportation equipment.

Wisconsin: Coal, Chemicals and allied products, Stone-clay and glass products, Primary metal products, Transportation equipment.

TABLE 3.—RAIL FREIGHT TONNAGES ORIGINATING AND TERMINATING IN THE NORTHEASTERN STATES

State	Tons per day	Cars per day
Connecticut	19, 501	481. 9
District of Columbia	9, 684	182. 5
Delaware	17, 859	401. 4
Iowa	5, 628	127. 4
Illinois	589, 904	9, 963. 8
Indiana	231, 727	4, 144. 9
Kentucky [1]	51, 178	989. 3
Maine	37, 551	872. 1
Maryland	83, 729	1, 572. 1
Massachusetts	48, 195	1, 292. 1
Michigan	169, 115	4, 340. 8
Missouri	43, 332	1, 161. 4
New Jersey	109, 441	2, 795. 3
New Hampshire	11, 686	236. 7
New York	221, 992	4, 856. 4
Ohio	944, 856	10, 255. 1
Pennsylvania	574, 372	9, 948. 8
Rhode Island	4, 438	134. 2
Vermont	3, 365	97. 8
Virginia	346, 155	5, 093. 2
West Virginia	328, 004	4, 423. 0
Total	3, 851, 701	63, 370. 1

[1] Only partial data available.

Mr. STAGGERS. Mr. Chairman, I yield to the gentleman from Oklahoma (Mr. JARMAN), the chairman of the subcommittee, such time as he may consume.

Mr. JARMAN. Mr. Chairman, this legislation is perhaps one of the most important bills this House will consider this year. It has great importance to the economy of the entire Nation, and to the defense needs of this country.

First, I want to commend the Subcommittee on Transportation and Aeronautics, and the committee staff for their excellent work on this problem. As chairman of the subcommittee, I can say without reservation that these gentlemen worked exceedingly hard in an effort to reach the most equitable solution they could find for this very complex situation. We began hearings back in April of this year, and met more than 20 times before reporting the final product to the full committee in September.

These members had to grapple with such complexities as bankruptcy laws, creditors rights, grave constitutional issues, corporate finance, securities laws, regulatory practices and the host of issues which are interwoven into this one bill.

The full committee devoted an entire month to this bill. Every conceivable issue was raised, discussed and debated in an attempt to find the best solutions available. With such sharp divisions and sharp differences of opinions on many issues, I can report with great satisfaction that this committee handled its task in a most harmonious spirit, which I am confident helped to expedite the proceedings.

Mr. Chairman, I want to remind my colleagues of the urgency of this legislation. The courts have threatened cessation of services of the six rail carriers in bankruptcy in the Northeast. If these railroads were to close only temporarily, tens of thousands of persons would have to utilize other means of transportation. The cost to our economy in inflation and in shutdowns of our giant northern industries has been estimated to result in a 5-percent decrease in the gross national product. More than 100,000 persons would be thrown out of work. More than 50 defense installations would have to adopt alternative modes of transportation of strategic materials to and from their bases. The Penn Central—only one of the six railroads in the region—is alone the largest single carrier of U.S. mail in this Nation, and the disruption to the mail services throughout the eastern United States would be enormous.

H.R. 9142 is a historic piece of legislation. It attempts to find private enterprise answers to these complex problems, with a minimum of Federal intervention. The six courts involved in the bankruptcy cases now precipitating this crisis are unable to reorganize the entire rail system in the Northeast and, therefore, Congress must assist in that task. The alternative to this legislation is either liquidation of the carriers involved—which would mean immediate cessation of services—or nationalization. Nationalization would cost the taxpayers more than $10 billion. Not one country in the world which has nationalized its railroads is making a profit, nor even breaking even. Nationalization or anything closely resembling such a move would not only be expensive, but it would radically change the entire transportation picture of this Nation. We cannot allow such a thing to happen.

I personally have reservations about some of the provisions of this bill. However, in its larger context, it is a good piece of legislation, one which I am proud to have been a participant in developing, and I commend it to my colleagues and urge passage.

Mr. KUYKENDALL. Mr. Chairman, I yield to the gentleman from Kansas (Mr. SKUBITZ) such time as he may consume.

Mr. SKUBITZ. Mr. Chairman, no one will deny that rail transportation in the Northeast must be maintained. However, I would be derelict in my responsibility as a commmittee member who has been concerned with this issue for more than a year—and directly involved for at least 6 months in an attempt to hammer out a suitable bill—if I did not add cautionary comments.

It is important for the Congress and the American taxpayer to understand what is being proposed—to remedy a critical rail transportation situation in the most industrialized area of the United States.

First, the committee and the Congress has been required to act with a gun at its head; namely, the breakdown of rail transportation in this vital geographic area, coupled with a court threat to shut down operations entirely.

Under such conditions, a balanced view, a fair and equitable consideration of all issues, and the achievement of a result that does not assault the public purse and the public interest becomes a near impossibility.

The committee has been besieged, beleaguered, and persuaded by a combination of powerful interests, each looking to its own self:

The institutional creditors of the Pennsylvania Railroad and other bankrupt roads in the Northeast who now seek to be made whole or as nearly whole as a generous Federal Government will allow.

The management of and lawyers for other railroads, some of which sought a preferred position to feed on the carcasses of bankrupt roads, and others of which made sure the reorganization legislation would be tailored as they cut the cloth.

Government agencies, whose jealousy of each other's status has denied the committee the expertise, the knowledge, and the informed and combined legislative advice that the committee sorely required. Indeed, at least some of the circumstances that brought about this fiasco of the Northeast railroads might be laid at the door of one agency that by law has direct responsibility over the Nation's rail transportation.

Mr. Chairman, the administration opposes this bill in its present form because of the mandatory transfer provisions in this act—and the labor protection title.

The administration argues that a mandatory taking constitutes a taking by eminent domain. Hence the question of fair market value cannot be determined by the Congress as this bill provides but is a matter for the courts to finally determine.

Our committee ignored the argument of the administration and resorted to a constitutionally questionable legal vehicle by which the properties of bankrupt roads, to-be-bankrupt roads, and roads in reorganization, are to be molded into the new quasi-public Railroad Corporation, which the Congress would saddle upon the American taxpayer at costs that no one can fairly assess.

In one circumstance, these properties may be held to be worth upward of $12 to $14 billion, in another circumstance it may be much less. No one knows; no one can be sure.

But whether $1 billion or $14 billion, the ultimate drain on the public purse will be great.

The committee was assured that the new railroad corporation will be an economic success and its common stock a fiscal bonanza.

But no financial expert testified that such stock was marketable and no institution offered to float it to the public.

Indeed, the committee was warned that Government-guaranteed debentures would have to be offered to "sweeten" the package.

What the Congress has been compelled to consider, in the case of the Pennsylvania Railroad, is a property that was stripped clean by incompetent management whose actions and inactions may border on gross malfeasance.

These actions, directly or indirectly, brought other railroads into bankruptcy and reorganization. Involved here also are institutional creditors whose actions differed only in degree from those that marked the railroad debacle of the 1930's, a situation brought on by the public peddling of securities far in excess of the real value of the rail properties.

Considered in that light, it may be argued that the committee achieved a miracle that it brought forth any plan at all—that might continue rail transportation in the Northeast.

With respect to legislation relating to labor protection—the administration recommended that this should be a matter of collective bargaining between the new corporation and labor.

The committee, fearful that such action could lead to strikes, bought a labor protection package, the like of which has never before been legally mandated.

Those provisions were the end result of conferences and discussions between rail labor representatives and the presidents of railroads not involved in, concerned with, or having any responsibility for the Northeast situation or its railroads.

These officials accepted in behalf of the new Government corporation separation costs, retirement benefits, and working conditions that do not exist on their own railroads nor are ever likely to, so long as they remain privately owned railroads.

The committee's official estimate of the cost of this labor package is $250 million—another authority puts the cost far higher.

The fact is that no one knows for certain what it will cost, but that is a small matter since the American taxpayer will foot the bill.

The Congress has, of course, in the past, laid down conditions that would protect displaced employees in the cases of other mandated mergers—such as that of the Western Union-Postal Telegraph merger. It is an appropriate and even necessary step.

Men who have given a lifetime to their craft, men who have been entrusted with the lives of passengers and the movement of the Nation's goods, men who now have little chance of becoming gainfully employed in other fields of endeavor—such men should not be thrown on the unemployment scrap heap nor made the object of welfare consideration.

But to freeze into law conditions that would burden the new corporation with hundreds of millions of dollars of unnecessary costs far into the future—to insure that white-collar executives, some of whom helped manage the carriers into bankruptcy, shall continue to receive up to $20,000 annually—to draft and recommend such provisions is to renege on congressional responsibility.

It might be well at this point to consider the origin of the idea that brought on the labor protective clause in this bill.

In the early 1950's the railroad experts came forth with the merger concept in dealing with railroads that were in difficulty.

It was argued that by combining two or more weak roads into one single road—more efficiency would result, costs would be reduced and the problems would be solved.

Apparently the experts did not take into consideration the pressures that would be brought to bear by shippers whose plants were located on lines that were to be abandoned, communities whose very lifeblood depended upon the employment provided by these industries—and by labor to protect, and rightly so, their membership through labor protection clauses gained through collective bargaining and considered a fringe benefit.

In 1968 the Pennsylvania-New York Central merger was completed—it provided a labor protection agreement similar to the one proposed here—a guaranteed salary for life for those who were furloughed.

Let me make one point crystal clear—I have no objection to a viable railroad accepting this sort of a protective clause but here we deal with six bankrupt lines that are to be funded with taxpayer's funds. The question is—how far should we go at the taxpayer's expense.

I do not recall a single railroad president who testified before our committee who did not express or imply that under no circumstance could a viable railroad be created without relieving the road of the costs of such labor protective agreements.

I shall offer an amendment which will give displaced employees the protection they deserve. It will limit the years that a protected worker will receive an unearned salary—but will maintain his rights to a pension under the railroad retirement act—the benefit he bargained for and is entitled to.

It will stop the new organization from playing games with a furloughed worker by resorting to transfers which if not accepted can result in a loss of job rights and benefits.

Another section of the bill provided that after the final system is devised, after other railroads have fed upon the carcass of the remains—subsidy payments in perpetuity are possible to maintain trackage that is not economically viable—the taxpayer to pay up to 70 percent of the losses on such lines.

The Senate took a different approach to the Northeast rail problem. It passed two interim measures that would keep the railroads going and provide a longer range study of the problem.

Thus, as is too often the case, the Congress now finds itself in a situation that whatever it does will be wrong.

The exigencies in the Northeast compel a legislative remedy—the remedy, in my judgment, is a hodge-podge that will please and serve only a number of special interests.

One might ask the question—if the taxpayer is to pick up the chip for furloughed employees—if other nonbankrupt roads are to pick up trackage at bargain prices—if subsidy payments are available to carry on the rest of the uneconomic lines—why this bill?

Why not let the lines in difficulty reduce the work force with the taxpayers picking up the chip—continue the uneconomic lines and let Uncle Sam subsidize them to the extent of 70 percent of their losses and scrap this idea of the Government going into business?

The bill—if enacted—is, I believe, a first and long step toward nationalization of the Nation's railroads.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. METCALFE), a member of the committee.

Mr. METCALFE. Mr. Chairman, I rise in support of H.R. 9142, the Regional Rail Reorganization Act of 1973.

The Transportation and Aeronautics Subcommittee, of which I am a member, held 10 days of public hearings on the Northeast railroad crisis. The subcommittee, further, held 11 executive sessions before reporting the bill to the full committee.

I use the word crisis to describe the atmosphere in which the subcommittee was working. There was the distinct possibility that the Penn Central would be ordered to shut down to meet the demands of its creditors and to prevent further erosion of the assets of the creditors. Further, there are six other bankrupt railroads in the Northeast section. These railroads operate some 30,000 miles of freight and passenger service and their shutdown would have catastrophic ramifications for the economy of the country.

The subcommittee was confronted with the philosophical question of Government versus nongovernmental involvement. The first alternative was to pursue a course which would attempt to effect a solution to the problem with a minimum amount of Government involvement with a strong emphasis on accountability for private use of Government money. The other alternative was to have nongovernment involvement and hope that the private sector would be able to respond to the railroad crisis in the Northeast. This hope was analogous to prayer—because the crisis stemmed from the private sector's inability to respond to the crisis in the first place. While I am a strong believer in prayer, I thought more was demanded at this time. The subcommittee and the full Interstate and Foreign Commerce Committee opted for the positive, creative response to this problem. Their response took the form of the bill which is before us today, H.R. 9142. The administration, however, opted for prayer.

That the railroads are essential to the economy is beyond question. I do not intend to belabor this point. Nor do I intend to belabor the point that the private sector has been unable to respond to the problem. And the expenditure of money, Federal money, is essential, if the railroads are to continue to run.

Because of some of the effects which will necessarily stem from establishing a core plan, the Federal Government will have to allocate Federal funds to meet what the committee report refers to as "social costs"—

> It—the Committee—recognized the need for small areas, to be able to continue essential service which is not economical for the carrier. This was recognized as a social cost to be borne by the government. Likewise, the cost of displacement of thousands of employees of the affected carriers is also a social cost to be borne by the government.

Further, I think that those who look upon this as a "billion dollar bonanza" are using terms which are misleading to the American people. Title VI of the bill is concerned with financial arrangements and obligations of the association. Under this section the Federal Government will guarantee obligations of the association up to $1 billion. This will not be at any cost to the Federal Government. Under this title the Federal Government is guaranteeing loans, not granting subsidies.

Mr. Chairman, it is imperative that we pass this legislation now. I urge my colleagues to vote for H.R. 9142.

Mr. STAGGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. Eckhardt), a member of the committee.

Mr. ECKHARDT. Mr. Chairman, I shall utilize my time to ask a few questions concerning the bill, with the hope of clarifying a few of its provisions.

I direct the first question to the distinguished chairman of the committee, who has served so well in bringing about this piece of legislation, which is one of great complexity, although it is, I think, a piece of legislation which is most desirable.

Mr. Chairman, on page 44 of the report, there is a reference to "profitable railroads" as those operating substantially within the States listed in section 102(9)(A). I think it would be correct to say, though, that the term "profitable railroads" includes both those listed in section 102(9)(A) and those listed in section 102(9)(B). Would that be correct?

Mr. STAGGERS. The gentleman is correct. "Profitable railroads" includes both those listed in section 102(9)(A) and those listed in section 102(9)(B). However, and this is an important point, only those railroads operating substantially in those States as defined in section 102(9)(A) of the definition can be considered profitable under the act as to those particular States. Therefore, it is possible that a railroad operating substantially within the area listed in section 102(9)(A) can acquire properties of other railroads throughout the entire region, since they operate substantially in area (A) and merely operate in area (B). But for those railroads which only operate in either area, without a substantial portion of their business being in such areas, then they can only be considered "profitable" under this definition in the 102(9)(B) area. The effect is that they cannot be exempt from the provisions of the Interstate Commerce Act in regard to acquisition of property in area 102(9)(A).

Mr. ECKHARDT. Yes; but now all railroads must have the approval of both the FNRA and the Interstate Commerce Commission.

Mr. STAGGERS. Yes; I would like to say further all railroads must have the approval of FNRA and the ICC before they can acquire rail properties under this act—and we intend an expedited review and determination by the ICC which will not delay nor impede the implementation of the final system plan.

Mr. ECKHARDT. Thank you very much, Mr. Chairman. Will the gentleman from Montana the coauthor of this bill clarify this point for me: As I read section 303(j) profitable railroads desiring to acquire properties under the system plan must apply to FNRA and ICC for permission to acquire such properties and will be allowed to do so if both these agencies determine that such acquisition will not materially impair the profitability of any other profitable railroad or the corporation. Will this delay the establishment of the final system plan?

Mr. SHOUP. No; that is the reason that section 303(j) provides that such determination will be made on an expedited basis.

Mr. ECKHARDT. Will the coauthor of the bill, the distinguished gentleman from Washington, respond as to whether or not he has the same view?

Mr. ADAMS. Yes. I agree entirely with Mr. Shoup's answer.

Mr. ECKHARDT. There is another point in the report that I think needs clarification. On page 44 it is said that the railroads listed in subsection (A) of the definition for "profitable railroads" are exempt from the provisions of the Interstate Commerce Act under section 901 of this act.

Thus, when they acquire properties under the system plan, as I understand it, the type of administrative and judicial proceedings normally associated with a section 5 proceeding would not be contemplated. Now, as I understand it, this is not true only of "profitable railroads" defined in subsection (A) of the definition but also of "profitable railroads" under subsection (B) of the provision insofar as they are entitled to acquire properties under the system plan. Is this true?

Mr. ADAMS. Yes, "profitable railroads" include both those listed in (A) of the definition and (B) of the definition and hence both are exempt from the provisions of the Interstate Commerce Act under section 901 of this act. Of course, both would be required, before making acquisitions, to get both FNRA and ICC approval, but the latter would be the expedited procedure referred to in section 901.

Mr. ECKHARDT. Well then, if the carriers are required to apply to both FNRA and ICC for permission to acquire such properties, will this cause delay in the establishment of the final system plan?

Mr. ADAMS. No, in order to avoid having the ICC determination delay the whole time table for establishment of the final system plan, the statute contemplates that the ICC review and determination would be made as part of the administrative process leading to the establishment of a final system plan under section 309. It should be noted that the entire thrust of the act is to complete hearings and establish the system on an expedited timetable. For instance, the Office of the Commission at the ICC must under section 308 hold hearings on the preliminary system plan and, within 60 days after receipt of the preliminary system plan, the Director of the Office must submit to the executive committee of the association a summary of the recommendations of those who contributed comments.

Mr. STAGGERS. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. Podell), a member of the subcommittee that marked up the bill.

Mr. PODELL. Mr. Chairman, I rise in support of H.R. 9142, the Regional Rail Reorganization Act of 1973. I was privileged to be a member of the Subcommittee on Transportation and Aeronautics, which has considered this crucial matter over the past 7 months. Exhaustive public hearings were held last spring and many hours were spent in executive session in an attempt to report a comprehensive and coherent bill which would have bipartisan support. I believe that we have been successful in this endeavor.

Under H.R. 9142, a nonprofit Federal National Railway Association would restructure a new northeast system from the remnants of the six bankrupt carriers, and would provide financial aid for the purchase and upgrading of rail facilities. A privately-held Federal Rail Corporation would operate the new system.

This legislation represents a middle ground between a completely private reorganization and Government operation of these lines. During the hearings, it became clear that any restructuring based solely on the profit motive would necessitate the abandonment of most of the service in the northeast.

The legislation further provides that the preservation of vital short-line railroads will be a major goal of the restructured system.

While the input for the final bill came from many sources, the House owes a special debt of gratitude to two members of the subcommittee—the gentleman from Washington (Mr. Adams) and the gentleman from Montana (Mr. Shoup). Through their diligent work these members provided a bipartisan stewardship for this legislation, with the result that the bill has been endorsed by both rail management and rail labor, as well as by the overwhelming majority of the members of the Committee on Interstate and Foreign Commerce.

Last night the President addressed the Nation on the grave energy crisis which we are facing. The imminent shutdown of the bankrupt railroads poses the threat that millions of tons of railroad freight would be diverted to gasoline-powered trucks. From the standpoint of the energy crisis, from the standpoint of the environment, from the standpoint of the countless shippers and passengers who rely on this essential service, H.R. 9142 must be enacted. I urge my colleagues to give prompt approval to this urgently needed legislation.

Mr. KUYKENDALL. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. Ruppe) and I understand that the gentleman from West Virginia (Mr. Staggers) is yielding the gentleman an additional minute.

Mr. STAGGERS. That is correct.

Mr. RUPPE. Mr. Chairman, I appreciate the importance of the legislation, and recognize that the Penn-Central affects Michigan and my own district, and I therefore understand the vital concern of the membership for this particular bill.

However, I have had a number of inquiries addressed to me with regard to the legislation, and I hope it will be possible to get answers to several of them.

Frankly, the first one is this: It has been asked of me whether or not Mr. Frank Barrett, who is the chairman of the Union Pacific Railroad, might have had a hand in or influence on this legislation, and if he did I would be very curious as to why he would have had such influence in view of the fact that his is a western railroad, and we are here dealing essentially with an eastern problem?

Mr. KUYKENDALL. I shall be happy to respond to it. I think Mr. Shoup can also respond. The Association of American Railroads has a committee made up presently of three or more railroads whose job it is to continually negotiate with labor. Mr. Barnett was one of the members of this committee. Mr. Claytor of the Southern Railroad was another member of this committee.

Mr. RUPPE. The reason I am concerned is that I voted for the Lockheed proposition and received a certain number of complaints later on from my constituency. I would have to point out, if I voted for this, that Mr. Barnett is a director of the First National City Corp., which is the holding company for the First National City Bank in New York. That bank, I believe, is creditor in the amount of $120 million to Penn Central and is the lending bank for about $300 million in mortgage loans to the same railroad system or series of systems.

I am very happy to have the gentleman's explanation on the record. That concerns me, and, frankly, another thing that concerns me is that the creditors and the stockholders will not necessarily get just the amount of the money that will flow to the new corporation in stock. If I read page 27 of the legislation correctly, they are to get the fair and equitable value of the railroad properties involved. It is my understanding that this will lead, very likely, to a three-man judicial tribunal and a jury trial as to what fair and equitable value is. It may not be the ongoing value of the properties, as operating properties, but certainly is going to be, in my view, a great deal more than the liquidated value. For that reason I think the taxpayers of this country are going to take a terrible beating when the final determination of values is made. It will likely run into billions of dollars.

There is no indication in the bill or report as to what the exact amount of money is that will be involved, because fair and equitable value is anything that a jury can finally determine.

Mr. KUYKENDALL. Mr. Chairman, will the gentleman yield?

Mr. RUPPE. I yield to the gentleman from Tennessee.

Mr. KUYKENDALL. I thank the gentleman for yielding. The last sentence of this section says in comprehensive language that it shall be no more than the constitutional minimum. I want to offer an amendment that will strike only one sentence in that section, which I think will make it a little clearer, if the other side will accept it. I will offer an amendment taking out one sentence that might not be clear, but the fact that the section does say "no more than the constitutional minimum" means liquidation value.

Mr. RUPPE. I read page 27, line 19:

> If a district court or a jury determines that the value of those securities is less than such fair and equitable value, the association shall make such adjustments to the regional plan, as will cause the corporation's securities to have a value which is not less than the fair and equitable value of the rail properties conveyed to the corporation . . . .

The CHAIRMAN. The time of the gentleman has expired.

Mr. KUYKENDALL. Would the Chairman yield 1 additional minute to the gentleman.

Mr. STAGGERS. Mr. Chairman, I yield 1 minute additionally to the gentleman from Michigan.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. RUPPE. I yield to the gentleman from Washington.

Mr. ADAMS. There is a specific limitation in the final bill which says no more than $200 million of Government loan guarantees can be used for acquisition in any event, so if the court in 5 to 10 years should come in with a higher value, the only judgment would be against this new corporation that is there.

Under the New Haven case the court was placed in this kind of position that if it loads up that new corporation with a debt structure by requiring it to issue additional bonds, it lowers the value of the common stock, which is what it is being paid for in terms of these assets.

Mr. RUPPE. Does it not have to deliver more stock? It seems to me from reading the language that we have to cause the corporation securities issued in payment of the properties to have a value which is a fair and equitable value as determined by the court.

Mr. ADAMS. That is correct, but that is this corporation's and not the taxpayers of the United States money.

Mr. RUPPE. We are going to have to bail out the new corporation if it does not not have the money or otherwise the new corporation will have to assume what well may be an intolerable debt load.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KUYKENDALL. Mr. Chairman, I yield 1 minute to the gentleman from Montana (Mr. Shoup).

Mr. SHOUP. I thank the gentleman for yielding.

Mr. Chairman, would the gentleman from Wisconsin check his bill? I find in the bill as presently distributed that there is no page 27. I am wondering if the gentleman has the right copy of the bill.

Mr. RUPPE. I will have to check that out to be sure I am accurate. I will read and confirm the language in question.

Mr. SHOUP. I thank the gentleman.

Mr. Chairman, I very proudly say my name is on the bill. I am, therefore, very thankful for having 1 minute to speak on it. However, I should like to thank everyone else here for interpreting the bill. I think they have done a very good job. I do take exception to some of the critique.

I would like to thank the chairman and the ranking minority member and the gentleman from Tennessee for the very kind words they have had for this bill, for the gentleman from Washington (Mr. Adams) and me.

I think, so we do not miss the point of their words, I should point out this is a truly bipartisan effort. In addition to that I would like to point out that as presented today in the copies that are now ready on the floor, in no way does this bill resemble any one of the original bills that was offered. Although it does carry the title H.R. 9142, it does not resemble too closely the original act.

My point is that not only is this a bipartisan effort but also it has been a period of compromise. I would be the first to admit, that I think a very rational assessment of the bill would have to admit it is not perfect. But, Mr. Chairman, if we would look at the alternatives I think this is the best we can come up with at the present time.

As the very able gentleman from Oklahoma, the chairman of the subcommitee, has said, this is a very complicated bill.

In my colloquy with the gentleman from the State of Washington (Mr. Adams), the gentleman had stated that the deficiency judgment provided for in section 502 of the bill would be limited to $200 million because the bill provides that FNRA may not issue obligations in an amount greater than $200 million for the purpose of acquiring rail assets. However, as the court would not be able to permit a bankrupt railroad to be paid any less than the fair and equitable value of the rail assets with which they parted, it would have to either issue deficiency judgment against the corporation itself or require that the assets be returned to the bankrupt railroad. Because a large deficiency judgment against the new corporation might place such a heavy burden upon it as to prevent it from becoming viable, the Congress could be called upon to authorize FNRA to issue obligations beyond the limitation set in this bill in whatever amount would be required to make up that deficiency judgment. Therefore the $200 million limitation on the issuance of obligations by FNRA is not an absolute limitation on the amount of money the taxpayers may be called upon to finance this venture.

Mr. STAGGERS. Mr. Chairman, I yield to the gentleman from Massachusetts (Mr. BURKE) such time as he may consume.

Mr. BURKE of Massachusetts. Mr. Chairman, we have here today one of the most important pieces of legislation that has come before us this year, H.R. 9142, the Northeast rail transportation bill. I say important because failure to pass this legislation today will result in untold hardship for the 100 million people living in the Northeast and would have brutal repercussions for the entire economy. The economy of the Northeast as well as the Nation as a whole is intricately tied to the continued operation and reorganization of the six bankrupt railroads of the Northeast in question today.

The Northeast railroads handle approximately 45.5 million tons of originating and terminating freight each year. About 70 percent of this amount is carried by two major bankrupt railroads, the Boston & Maine and the Penn Central. The Boston & Maine has somewhere between 2,675 and 3,000 active shippers and the Penn Central is believed to handle somewhat beyond this amount for a total of at least 6,000 shippers. Thousands of shippers in the Northeast are dependent on these railroads. Once it is realized the great dependence that exists on the Northeast railroads in the 17-State Northeast region the impact of a shutdown becomes clearer.

Approximately three-fourths of all lumber and wood products are transported by rail. Large amounts of agricultural commodities and vast quantities of fuel for the entire region are carried by rail. What does this mean for the Northeast? Higher housing costs, higher food costs, fuel shortages in an area already fraught with critically short fuel supplies. A 1969 Department of Transportation survey showed that railroads carried 3.8 million tons of freight per day in the Northeast including such vital products as coal, iron ore, heavy machinery, automobiles and parts, wood pulp and building materials. It is expected that just a shutdown of the Penn Central alone would affect the entire national rail system, glut the highways, and push waterways and air carriers beyond their capabilities.

In fact, the Northeast rail crisis is not a regional problem but goes well beyond, affecting the entire economy. Senator HARTKE in his statement in the CONGRESSIONAL RECORD of June 25 points out—

> If one of the bankrupt railroads in the Northeast ceased operations, the consequences could be disastrous to the more than 100 million people living in the region and the Nation as a whole. For example, a study has disclosed that if the Penn Central were to curtail activity for a period of 8 weeks economical activity in the Northeast would decline at a rate of 5.7%. Economic activity in the entire Nation would decline by a rate of 4% and the gross national product would decline by 2.7 percent.

In more human terms, thousands would be thrown out of jobs, widespread food shortages would occur and the health and safety of over 10 million threatened. And what about the farmer down South who ships his products North. Certain economic disaster would follow if he suddenly found that his market had disappeared.

It is incumbent upon the Government to maintain an active role in providing adequate rail service and I think the Shoup-Adams bill offers this opportunity in a highly sensible and constructive manner. The bill, in short, mandates consolidation of the bankrupt railroads, maintains Government expenditures at a minimum and vests control of the new system in a private corporation.

The Northeast and the Nation is heavily dependent on continued rail service in the Northeast. It is urgent that the House act at once on legislation that will keep the railroads going. I think that the Shoup-Adams bill, H.R. 9142, represents a comprehensive and balanced approach to the Northeast rail crisis and we in this body should waste no more time in passing this urgent legislation.

I think it is important to mention at this time provisions in the bill pertaining to the Northeast passenger corridor. The passenger corridor basically comprises the Metroliner route from Washington to New York and the Turbotrain link between New York and Boston. The improved passenger service is needed for several reasons. Passenger travel along the corridor is forecast to increase by a minimum of 3 percent per year. Air routes, as well as highways are reaching saturation point along the corridor and expected outlays for these two transportation modes far surpass the estimated cost of a high-speed passenger rail project. It is my firm conviction that action by this Congress to improve the Northeast passenger corridor will prove beneficial in terms of cost, safety, energy consumption, noise and pollution control and in view of our present energy crisis we can hardly afford to do otherwise.

In conclusion, I feel we owe a special debt of gratitude to the two Members of this body who have done the most to fashion this excellent legislation and guide it through Congress, Representatives BROCK ADAMS and DICK SHOUP. They have given unstintingly of themselves over the months, both in terms of time and a great deal of expertise in this area, and we, particularly in the Northeast, are very grateful for their efforts.

Mr. STAGGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. ROONEY).

Mr. ROONEY of Pennsylvania. Mr. Chairman, I appreciate the distinguished chairman of the committee yielding to me.

We, in Pennsylvania, are deeply concerned. As Members are well aware, Governor Shapp of our State was here yesterday and we had a meeting with him in which he expressed his concerns about the intent of the measure before us.

Mr. Chairman, I take this opportunity to congratulate the chairman of the full committee and the chairman of the subcommittee, the gentleman from Oklahoma (Mr. JARMAN), and especially my good friend on the other side (Mr. SHOUP), as well as Mr. ADAMS and our staff. We do not have a majority or minority staff on our committee. It is just our staff. They have been very helpful to me and I really appreciate it, because of the 17 States and the District of Columbia, which are involved in this bill, I know of no one State that is more involved in this than is the Commonwealth of Pennsylvania. I am sure that is one of the reasons why Governor Shapp made that hurried visit to our Nation's Capital yesterday.

Mr. Chairman, the Governor had asked me to relay to the Members some of the questions that he has regarding this bill and I might say I am going to support this bill this afternoon.

In the 10 years I have served on this committee, I know of no one bill that has received as much consideration and deliberation as this bill has had in the subcommittee and the full committee during the months in which we have had it under consideration. The committee has done an outstanding job. I want to ask some questions which I hope will clarify some of the Governor's objections.

First, does the review of the final system plan by the Congress include specific directions to Fannie Rae concerning the contents of the final plan as part of any rejection of the final plan by either House?

Mr. STAGGERS. Mr. Chairman, in response to that, either House of Congress can reject it, but I say if it comes to our committee, which it would, and we reject it, we would bring it to the House and we would say why we would do that and we would make recommendations as to what should be done.

Mr. ROONEY of Pennsylvania. Is it the intent of this legislation that all unprofitable branch lines shall be abandoned unless operated by a State or other public authority? Or is it the intent of this legislation that the criteria for the completed system shall be a line that operates overall in the black although some parts may not be profitable?

We can understand how one line may not be profitable when we take into consideration the overall line itself.

Mr. STAGGERS. I might respond to the gentleman in this way, that in section 303 of the bill there are eight criteria and one of them is unprofitability, so the others would be taken into consideration, too.

Mr. KUYKENDALL. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of Pennsylvania. I yield to the gentleman.

Mr. KUYKENDALL. On this question the gentleman just asked, I think he will find that it mandates that such lines of the overall system be profitable and not that any particular line be profitable. This is certainly our intent.

Mr. ROONEY of Pennsylvania. What kind of help can we expect if we find an abandoned line must be restored to save jobs? How long can we expect the help?

Mr. STAGGERS. Section 701 takes care

of that. We have a subsidy agreement that will allow them to operate these lines and these agreements are renewable after 2 years.

Mr. ROONEY of Pennsylvania. We are deeply concerned that this measure will lead to less service, since this was the case with Amtrak. What kind of assurance do we have that this will not be the case with this consolidation of the bankrupt railroads?

Mr. STAGGERS. We have quite a lot of experience with Amtrak. Certainly this is quite a different bill. We expect there will be better service completely by this renovated system and we will be taking a continuing look at it. Today there are 6,000 miles of track that service cannot be maintained over ten miles an hour. We say that the association will be able to make available $500 million to renovate those tracks, equipment, and physical plant so we are getting to the heart of this thing at the very start. These are some of the things wrong with the railroads now.

Mr. ROONEY of Pennsylvania. In Pennsylvania, Mr. Chairman, we have numerous shippers, especially among smaller manufacturers. What can a manufacturer with 250 workers do for transportation if his plant is left without branch service?

Mr. STAGGERS. The first thing he can do is convince his locality, his State or regional authority, to apply for a subsidy agreement under section 701 of this title to keep that running. It is taken care of in the bill.

Mr. ROONEY of Pennsylvania. I have one final question. Who pays the costs of upgrading an abandoned line that a local authority, municipal government or State must operate to prevent loss of jobs and plants?

Mr. STAGGERS. The cost of upgrading these lines must be prorated over the life of the subsidy contract.

Mr. TIERNAN. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of Pennsylvania. I yield to the gentleman from Rhode Island.

Mr. TIERNAN. I thank the gentleman for yielding.

Mr. Chairman, I want to say to the gentleman from Pennsylvania that in the report from the committee on page 48 it spells out that the planners must also consider the need and cost of rehabilitation and improvement of physical facilities and such items as cost of labor protection, employment impact studies, marketing studies, traffic evaluation, and financial studies.

The committee has been very, very concerned about the impact. I want to congratulate the chairman and the members of the subcommittee, the gentleman from Montana and the gentleman from Washington, for an outstanding job in putting this legislation together.

Mr. BAUMAN. Mr. Chairman, the bill now before the House represents the culmination of a century of efforts by the Federal Government to regulate the Nation's railroads. We have reaped a grim harvest. But at this stage, there is little that Congress can do except pass the bill, for the alternative is drastic reduction in rail service to the northeastern portion of the country, and severe economic dislocation.

Maryland's Eastern Shore would be hard hit if rail service were not continued there. Thousands of farmers, food processors, grain dealers, and manufacturers depend upon rail service for shipment of their products and receipt of their supplies. Railroads represent the only mode of transportation which can economically transport vast bulk commodities. The elimination of rail service to the Eastern Shore would have inevitable and disastrous consequences for the entire economy there.

We in Maryland had a brief and bitter taste of what it would be like to be without rail service earlier this year, when a ship struck the only rail bridge crossing the Chesapeake and Delaware Canal at Summit, Del., and put it out of commission. The disruption of rail service to the entire Delmarva Peninsula caused considerable hardship, and could have brought many businesses to the edge of financial collapse.

Local businessmen considered rail service so critical to their continued operation that last year when Hurricane Agnes wiped out a portion of track in Kent and Queen Annes Counties on the Eastern Shore, they got together and put up the money to repair the track when Penn Central refused to do so.

Among the areas dependent on rail service for their livelihood is the small shore community of Queenstown, Md. The major industry there, the S.E.W. Friel Co., is the largest employer in Queen Anne's County, with an annual payroll of almost $800,000. The Friel Co. is dependent on the rail service it receives from the Penn Central, and had to fight tooth and nail last year to keep that service when the railroad petitioned the ICC to discontinue service.

The Delmarva Power Co., which provides electrical power to a substantial portion of the Eastern Shore, relies entirely on rail transportation to bring in fuel supplies needed for power production. The Shore would face a serious power shortage problem, on top of the problems we already expect this winter, without rail service.

It is important to note through all of this that other forms of transportation simply cannot adequately replace the railroads. Barge transportation is slower, more costly, and inefficient. Trucks can pick up some of the slack over short routes, but for large bulk commodities, such as grain or other agricultural products, they are inadequate and too expensive over the long haul.

In short, Maryland, and in particular the Eastern Shore, will suffer serious economic hardship if rail service does not continue. That rail service will end if Congress does not act, because the courts will order liquidation of the Penn Central and other bankrupt railroads within a few months. I must therefore lend my support to this bill, although I regard it far from an ideal solution.

My examination of the provisions of the bill which deal with the possibility of discontinuing rail service leads me to the conclusion that there are adequate safeguards for the trackage located in Maryland. In essence the bill would require the organization of a system of railways which would be created only after a series of consultations and hearings in which local and State interests could be heard and protected. This process might consume a period of nearly 2 years only after which could any discontinuance of service occur.

This interval should give adequate time for local and State government, as well as private interests, to contemplate whether they wish to subsidize various parts of the railway system should discontinuance be ultimately proposed. In addition, any such subsidies could then be reimbursed by Federal funds to the maximum extent of 70 percent of the subsidy.

This hopefully provides an administrative mechanism which will afford protection to all interested parties and assure the continuation of rail service to those areas which have such great economic dependence upon Penn Central.

I am also pleased to note that the bill contains provisions which will allow funds to be used by the railroads in order to upgrade their track and equipment to meet the safety standards already imposed by the Federal Government. Only recently the Penn Central used these safety standards as a crass excuse to cut off service in many areas, including my district, for a 24-hour period before the Government allowed them a 1-month waiver of the standards. I believe that this display of mock compliance was a shame and excuse to close rail lines which Penn Central has been unable to abandon through the normal channels of the ICC. This is especially so because the Penn Central had received notice of these requirements 2 years before and had done nothing to comply with these safety requirements. Perhaps this safety funding provision of the bill will at least remove this excuse from Penn Central's arsenal of deception.

Mr. Chairman, it would be well for us to recall just how the Northeastern railroads were driven into bankruptcy, and to give serious consideration now to measures which would avert the need for the kind of desperation legislation presently before us for the rest of the Nation's railroads, at some future date.

America's railroads have been brought to the brink—or tossed over the brink—of financial disaster principally due to the absurd and irrational regulations promulgated by the Interstate Commerce Commission. Established when railroads were in their infancy, and cutthroat competition and/or price fixing were rampant, the ICC grew, as do all Federal agencies, into a bureaucratic monster which now regulates every facet of rail operation. The ICC, by holding rates at lower-than-market levels, by requiring railroads to continue operating unprofitable lines, and by generally prohibiting the railroads from making enough profit to allow upkeep, repair, and modernization, has driven dozens of railroads out of business, or to bankruptcy. Labor has done its share to destroy the rail industry, by demanding "featherbedding" in the form of larger traincrews than are necessary, costing railroads hundreds of millions of dollars each year. But the ICC must still take most of the credit.

The legislation before us today is truly a desperation measure. With the courts ready to order liquidation of the Penn Central within a matter of months, something has to be done to allow continued rail service to Penn Central customers as well as those from other bankrupt lines. The creation of yet another Federal agency, the Federal Rail Corporation, if not outright nationalization, comes far too close to it for comfort.

Mr. Chairman, I do not want to see the rest of the Nation's railroads sent down the same dead-end track. We must decide now what the causes of the decline of the rail industry have been, and begin immediately to eliminate those causes. Chief among them, as I said earlier, are the regulatory policies of the ICC, and we should be looking for ways to change those policies in a major way, or even consider the possibility that heavy Government regulation of the rail industry ought to be reduced or eliminated. If the present direction of Government regulation is doing more damage than good, then we ought to send it into the roundhouse and turn the direction of Government involvement around.

The real, long-range answer to the rail industry's woes is not more Government regulation, or Government takeover. That will only cost the taxpayer more and more heavily as the years go by. The answer is the creation of an atmosphere in which railroads can operate as freely of Government constraints and regulation as is practicable, and in which they can respond to the needs of the market economy as efficiently as possible.

We cannot afford to wait any longer. For the Penn Central, and a number of other Northeastern railroads, it is already too late.

Mrs. GRASSO. Mr. Chairman, the Penn Central and other bankrupt railroads in the Northeast are essential to the continued economic stability and growth of 17 States and to the welfare of more than 100 million people in this country. Unless the Congress takes positive and effective action to save these railroads from liquidation, our Nation faces potential economic catastrophe.

The bill before us today—H.R. 9142, the Regional Rail Reorganization Act of 1973—is a comprehensive and balanced attempt to reorganize Northeast railroads within an acceptable framework.

By now we are all aware of the basic facts which necessitate the passage of H.R. 9142. The Penn Central, which alone accounts for 70 percent of the Nation's passenger service and 20 percent of its freight service, has been plagued with financial difficulties since its merger in 1968. The situation has eroded to such an extent that liquidation might be required to protect the constitutional rights of the railroad's creditors.

The Penn Central is essential to the economic health of Connecticut and the entire northeast region, and its liquidation would cause economic hardship throughout the Nation. A cessation of operations by the Penn Central would lead to an estimated 3-percent decline in national productivity and a 60-percent increase in the unemployment rate.

Alternative modes of transportation, primarily trucks, would be required to move the tons of freight daily carried by the railroads. During this energy crisis, the increased fuel consumption would prove counterproductive to our efforts to conserve our dwindling petroleum supplies.

In Connecticut, a shutdown of the Penn Central would be felt by every segment of the State's population. Many industries depend on the railroad to bring them raw materials and transport their finished products nationwide. Trains bring foodstuffs, grain to our dairy and poultry industries, and virtually all the necessities of life. Commuters within the State make 18 million trips each year.

Without the railroads, Connecticut's highways would become more congested, more precious gasoline would be needlessly wasted, many businesses would be forced to close, unemployment would rise, and the tax burden on our cities and towns would increase.

Multiply these consequences in a single State by all the States serviced by the bankrupt Northeast railroads and the need for immediate positive action to save and reorganize the Northeast railroad system becomes clear.

Mr. Chairman, the only alternative to the Regional Rail Reorganization Act is the shutdown of the Penn Central. Such action is unacceptable, for economic disaster would surely result.

I will support H.R. 9142, and urge my colleagues to approve this important legislation.

Mr. CONTE. Mr. Chairman, I rise in support of H.R. 9142. Railroads are vital to the economic health of my district in western Massachusetts. My support, however, goes far beyond parochial interests. I support the legislation because it is vital to the economic health of the entire Nation.

This is not a Massachusetts bill, a New England bill, or, even really, a Northeast bill. This is legislation that will keep the entire Nation's circulatory system flowing, legislation that will enable those for us in the Northeast quadrant of the Nation to continue to be customers and suppliers for the rest of the Nation.

Let me dispel any idea that this is legislation designed to "save" the Penn Central. It does not "save" the Penn Central Transportation Co. It disposes of it—properly. It will have the effect of doing the same thing to the Boston and Maine, the Erie-Lackawanna, the Lehigh Valley, the Central of New Jersey, the Reading Co., and the Ann Arbor Railroad up in Michigan. These are the corporations that, due to a multitude of circumstances, have to go. But the services they provide have to stay.

Are we to do this by simply nationalizing rail systems that are proven losers? Nationalization has not been proven to be a cure-all, you know. We look with envy at European railroads, their passenger service in particular, but we do not look very often at their freight rates or service. Freight rates in Europe are about double what they are here, and service is roughly twice as good here as it is there, despite our bankruptcies. What this bill is aimed at is the salvation of vital freight service that this Nation must have if it is to continue to prosper.

If open nationalization is not feasible at the moment, you might ask why we do not simply lend money to these struggling railroads so they can continue operations on an ad hoc basis. I can promise you, if we did that they would default on the loans and the Government would end up owning the property anyway. This is what is popularly termed "back-door nationalization." The railroads in the Northeast cannot operate as money-making ventures. They do not make money for private enterprise, and they will not break even for public operation.

This legislation leads to a workable solution of the problem. It takes the best of something bad and turns it into something good. There is, indeed, a potentially very healthy rail system attempting to crawl out of the wreck of the Penn Central and the other bankrupt properties. And H.R. 9142 will put that system together.

I am aware that the resultant system will probably be considerably shorter, in terms of track miles, than the present spiderweb of rusty rails that laces the Northeast. I accept the fact that in my district some of the lightly used branch lines might well not be included as part of the so-called core system. But this bill answers that problem, providing Government backing for the uneconomic lines, with both State and Federal Governments participating in the support. If those lightly used branch lines are, on the one hand, vital, I suspect there is a way to make them break even or perhaps show a little profit. And on the other hand, where there is no chance for them to be operated economically, then we should look to alternative modes of transportation.

I would hope that my colleagues study very carefully some of the arguments that are occasionally used in defense of the uneconomic rail lines. We read more and more every day that a diesel locomotive, on the average, produces many more units of transportation per gallon of fuel than a diesel truck. And in these times of increasingly severe fuel shortages, that is a good point to keep in mind. At the same time, however—and I count myself as a staunch environmentalist—I would much prefer to see one man with a 20-horsepower truck drive to the end of a branch line each week than see a 2,000-horsepower locomotive with a four-man crew go out and back each week to pick up one boxcar. Trains are efficient. They are one of the most efficient and ecologically acceptable modes of transportation we have. But locomotives, in and of themselves, consume more fuel sitting on the track idling than one truck does carrying a load of freight 10 miles.

My point is this—the legislation before us creates a new railroad, one that will work, one that will not lose money, one that will not lean on Congress for operating funds any more than do the Santa Fe, the Southern Pacific, the Union Pacific, the Southern Railway or any of the other solvent lines. Railroads have had their hands in the Federal till less than any other mode of transportation over the past 50 years.

Second, the legislation allows for a rationalization of transportation. We will have railroads where we need them, and we can get rid of them where we do not need them.

Third, it does this within the private sector. It calls for no great and continuing influx of Federal funds. It pays for the initial costs that will be incurred during the transition from financial chaos to fiscal stability.

And most of all, it gets us started now. There is no question that this is the 11th hour. It is too important; the time is too late.

I urge my colleagues to support H.R. 9142 and fend off the chaos that is sure to result if nothing is done.

Mr. ANDERSON of California. Mr. Chairman, if the Penn Central Railroad were forced to close, it would take an additional 20,000 trucks to move the same goods daily—an impossible situation.

And the resulting effect on our national economy, our energy situation, and the environment would be disastrous.

First, since railroads carry an amount of freight exceeding that carried by truck, air, and barge combined, our economy—even on the west coast—would be severely affected. A shutdown of the rail carriers that would be reorganized under the proposal would result in a 5.2-percent decrease in the rate of economic activity in the Northeast and a 4-percent decrease for the rest of the Nation. After only 2 months, the gross national product would decrease by 2.7 percent and the national unemployment rate would rise by 3 percent.

Our largest industries on the west coast—aerospace and agriculture—are dependent on the rail systems in the Northeast to move these articles to the markets and a shutdown would cause delays and increase costs.

And let me give an example of the comparative costs of moving freight in the various fields of transportation: To move a ton of freight by air costs almost 22 cents a mile; by truck, the cost is over 7 cents a mile; but by train the transportation costs are only a little over a penny a mile.

Second, the energy situation, already critical, would be strained to the breaking point. For example, the coal which fires many of our hydroelectric plants moves almost exclusively by rail.

But specifically in the Northeast, if the rails were forced to close and the 20,000 additional trucks were needed to move freight, we would have an increase in fuel consumption by up to 24 million additional gallons per day of diesel fuel. This, in turn, would require a 20-percent increase in U.S. imports of oil.

Third, railrads are a relatively "clean" method of transportation—emitting only 600,000 tons of air pollution annually out of a total of 144 million tons emitted from all sources of transportation each year. If the Northeast rails were shut down, our national air pollution level would be increased by 0.2 percent, due to the increase in truck usage and the resulting emissions.

Mr. Chairman, our Founding Fathers united a confederation of States for the common good. They knew that separately we could not survive, but as a union we could meet any crisis.

Today the Northeast faces a serious crisis in transportation—a situation that would have national ramifications. It is our duty as Members of Congress to consider, of course, our local needs, but it is also our duty to rise above provincial interests for the national interest.

For these reasons, Mr. Chairman, I support this proposal. I urge my colleagues who may feel that their particular area may not be affected by a closure of Northeast railroads to also join with me in adopting this measure to reorganize the rails and permit them to stay in business.

Mr. BIAGGI. Mr. Chairman, I rise in strong support of this bill, H.R. 9142, the Regional Rail Reorganization Act of 1973, one of the most constructive pieces of legislation in the 93d Congress.

Today the major rail systems in the Northeastern United States are in dire straits. The largest transportation carrier in the entire United States, the Penn Central Railroad, has been flirting with economic disaster for years, and finally on June 21, 1970, succumbed to acute financial stress and announced plans to terminate service. In addition 5 smaller, but important rail lines encompassing 16 States, have also gone bankrupt.

In essence this legislation calls for a long overdue governmental reorganization of the bankrupt Northeastern railroads into one self-sustaining corporation that would continue to provide public service and preserve competitive private railroads.

The achieving of this new rail system will take place largely from the creation of the Federal National Railway Association. The FNRA will serve as the primary planning and financing vehicle for this restructured and reorganized rail system. Included in their plans will be the devising of a final system plan for the Northeast. This plan will designate and identify those carriers which will continue to operate, based on an ability to remain financially solvent. For those systems which are determined not to be financially healthy, the FNRA will have the additional responsibility to consolidate them into a new Federal Rail Corporation, who in turn will be responsible for the operation of the newly organized system.

However this bill does not only concern itself with long range solutions to the railroad crisis in the Northeast, but provides immediate relief to these beleaguered rail systems. H.R. 9142 specifically authorizes $85 million for interim relief of cash shortages for the bankrupt railroads.

I am particularly pleased with those sections of the bill which deal with protection of the railroad employee who might be displaced by the formation of the new system. According to the provisions of this legislation $250 million will go toward paying the costs of employee dislocation. Benefits would range between $1,600 to $2,500 a month depending on the seniority of the employee.

Finally, an additional provision of the bill, which I strongly support, is the establishment of a Federal subsidy program which will provide up to $50 million a year to assist States or other local agencies who wish to purchase abandoned rail properties.

I feel this bill provides a comprehensive and logical approach to this problem. With over half of the population of the United States living in the Northeast quadrant, the termination of major railroad service would have tragic consequences for these millions of Americans.

I feel it is the only method of assuring adequate freight and passenger rail service in the United States.

The long and illustrious history of the railroad in the United States cannot be overlooked in our consideration of this legislation. Even with the advent of the airplane, many businesses and industries, as well as millions of urban and rural commuters, still rely of the railroad to get them or their products to their proper destinations.

In addition, in light of the potentially grave energy crisis, it seems prudent that we strengthen our rail systems since the railroad remains one of the least energy-consuming methods of mass transportation available today. This bill has further significance and urgency in light of the President's call for the cutback, and even curtailment of airline flights because of a shortage of fuel. This action would serve to create a further transportation shortage in the Northeast.

This excellent bill represents an effective compromise worked out between the owners of the railroad and the unions which operate them. Not only do these groups stand to benefit from H.R. 9142, but more importantly it is the user of the railroad who stands to gain the most from the passage of this bill. I commend the committee and its distinguished chairman, Mr. STAGGERS, for reporting out this bill, and I urge its overwhelming approval by my colleagues.

Mr. KYROS. Mr. Chairman, I rise today in strong support of H.R. 9142, the Regional Rail Reorganization Act of 1973. As a member of the Interstate and Foreign Commerce Committee vitally interested in our Nation's transportation systems, I consider this bill to be unquestionably the most important transportation measure considered thus far by the 93d Congress—not only to my own State of Maine or to the Northeast, but to the entire Nation as well.

Mr. Chairman, none of us can doubt that the Northeast railroads are in desperate financial shape, nor can we deny that for too long they have been the stepchildren of our transportation systems. Action is needed now to protect this vital transportation mode—not only for the economic health of the Northeast but for the entire Nation. We have heard a great deal about the Penn Central and about the very real possibilities of its being shut down. But we must realize that a shutdown of the Penn Central would affect all contiguous lines, sending shockwaves throughout the Nation and the national economy. The Penn Central must be kept running because the rest of the Nation's railroads must be kept running.

H.R. 9142 will keep the Penn Central operational. But even more important than that, it provides us with a needed, comprehensive blueprint for a reorganization of all the bankrupt lines in the Northeast so that they might once again become profitmaking ventures. Only in this way will we avoid nationalization, which very few of us really want.

Mr. Chairman, in Maine we have only about 50 miles of B. & M. track. Our other railroads, thank heaven, are solvent at this time. But a shutdown of the Penn Central alone would probably force a shutdown of those other lines within a few days. At least one-third of our State economy would be crippled. At the risk of becoming intolerably repetitious, I must stress once again that the currently bankrupt Northeast railroads must be revitalized or the entire Nation is to suffer.

Mr. Chairman, H.R. 9142 is the first necessary step toward revitalization of our Nation's railroads. It is not just another stop-gap emergency giveaway. It is a comprehensive piece of legislation hammered out over months of intensive consideration at the subcommittee and committee level. It satisfies both rail labor and rail management. And it is desperately needed.

Mr. Chairman, I earnestly solicit my colleagues' support for H.R. 9142.

Mr. DORN. Mr. Chairman, I support the Regional Rail Reorganization Act of 1973. May I commend Chairman STAGGERS and the members of his great Committee on Interstate and Foreign Commerce for their diligent work in reporting to the House a bill of this importance and complexity. This landmark bill would authorize the Government to reorganize bankrupt railroads of the Northeast into one self-sustaining corporation. This is a step forward toward a more stable financial basis for a basic transportation system in our Nation's most densely populated section. This bill has important national effect, since all sections of the Nation depend on reliable rail transportation to carry goods to and from the Northeastern United States. The bill is fair to the taxpayer, to employees and to management. It is essential to a healthy national economy that the Penn Central and the other rail lines of the area continue to operate. I support passage of the Regional Rail Organization Act of 1973 and urge its adoption by the Congress.

Mr. ROBISON of New York. Mr. Chairman, dependable railroad service is essential to the welfare and economic health of my congressional district, so I have taken some care to monitor the content and progress of all those proposals that have been introduced to Congress which attempt to stem the economic and physical deterioration of railroad service in the Northeast. When evaluating these proposals, I established several criteria which I felt were necessary to address the immediate concerns and long-term interests of the communities in the 27th District of New York.

First, recognizing that total nationalization of the railroads was not the answer, I felt that Federal intervention should be kept at a minimum. This bill creates a nine-member corporation, composed of presidentially appointed representatives of the railroad industry and individuals recommended by the National Governors Conference, the National League of Cities, and the AFL–CIO. In so doing, the bill removes the Federal Government from any direct participation in the day-to-day activities of the railroad industry, and provides for a cross section of the interests affected by reorganization in determining the direction of the new rail system.

Second, it is essential that Federal financial assistance be kept to a reasonable minimum. A long-term solution is required to provide for and safeguard the viability of the rails in the Northeast. To meet both the immediate and distant needs of the industry, a system of loan guarantees is provided for through the creation of a "Fannie Rae" corporation. The level of loan guarantees has been reduced from $2 to $1 billion. The House Interstate and Foreign Commerce Committee has established a sufficient number of controls to see that Federal funds are wisely allocated. Extensive Federal oversight and regulatory authorities are created to see that the money is properly disbursed and collected.

Third, in order to insure the continued viability of profitable railroads in my congressional district, the abandonment provisions of H.R. 9142 had to be strong enough to make cessation not only difficult, but totally avoidable. The discontinuation of marginal railroad lines could mean severe social and economic disruption for individuals, industries, and communities throughout the Northeast. Abandonment cannot be accomplished without adequate notice to Governors, State transportation agencies, shippers, local communities, and the Secretary of Transportation. In addition, both shippers and local authorities may block abandonment by offering to pay operating subsidies. However, the provisions of sections 202 and 203 should be strengthened—by Senate action if need be—so that profitable railroads in the Northeast are not threatened by the abandonment of the feeder lines on which they depend. It is my intention to see that the solvency and continued competitive posture of the small, but vital, railroads is guaranteed by this bill.

Fourth, to prepare the railroads to carry the projected loads of the future more efficiently and safely, it is essential that the present roadbeds and track be restored and rehabilitated. The Regional Rail Reorganization Act directs the Secretary of Transportation to see that the tracks and facilities are restored prior to service to a condition which permits trains to travel at a speed at least of 25 miles per hour. Track and roadbed improvements have been neglected in the past, resulting in greater wear on and damage to rolling stock, more accidents, and less efficient, slower service for the customers.

Fifth, so that protection be given to those workers who lose their jobs during the reorganization, I felt it mandatory that legislation insure that the necessary relief be provided. This bill more than adequately provides for the financial needs of displaced employees of abandoned railroads. H.R. 9142 creates the necessary funds and mechanisms to see that rail employees are either rehired under the new corporation or sufficiently compensated for the losses. This provision has the support of both labor and management, as a just and equitable program to address the potential hardships that the rail employees may face through restructuring.

Sixth, regulatory reform is an integral part of any proposal if it is to be effective. To reach the goals of updating and streamlining the railroad industry, the administrative ground rules which have greatly contributed to the present difficulties, must be made more responsive to the modern and growing needs of the industry. The proposed Federal Railroad Corporation and Federal National Railway Association are given the authorities necessary to develop a dynamic and effective framework to carry out the dictates of H.R. 9142.

Seventh, to enable the railroads to trim their expenditures, the industry should be exempt from State and local taxes on their rights-of-way. Section 905 of this bill calls for the elimination of any Federal, State, or local taxes on the railroads except for their real property values. This provision will save the industry an estimated $300 million, annually, making it easier for the railroads to cut costs and expend their income in more sorely needed areas.

The Regional Rail Reorganization Act of 1973 gives the industry hope for the future. Congress had the difficult task of developing an effective program in a relatively short period of time. This bill is a major step in enabling the railroad industry to help itself, thus solving the myriad of complex and conflicting problems contributing to the present crisis.

The railroads have served the country well throughout history, playing an important role in our expansion and development. I am in accord with H.R. 9142's basic aims and provisions. This act will enable the railroads to put present problems behind them and begin building a framework of operations which will make the industry profitable once again, and enable it to continue to be an essential element of our economic life.

Mrs. HOLT. Mr. Chairman, the continued operation of the Northeast rail system is of vital importance to the Nation both economically and environmentally. This transportation network must be preserved and strengthened in a manner that benefits railroad creditors, rail employees, and the American public.

The bill before us today, H.R. 9142, is designed to achieve these objectives. It is the product of comprehensive hearings, careful review, and meaningful compromise by the Interstate and Foreign Commerce Committee. It is highly unlikely that any piece of legislation of this complexity and magnitude can be

totally satisfactory to everyone, but on the whole, I feel that this bill is sound legislation.

Much concern has been voiced in this Chamber over the labor protection features contained in the bill as reported from committee. I would like, at this time, to express my strong support for these provisions and urge that they be retained intact.

The collapse of the Northeast rail system cannot be attributed to any one party. The responsibility for the financial failure of this system must be shared by management, regulatory commissions, and uncontrollable economic conditions as well as by organized labor. To remove the labor protection features from this bill would be tantamount to placing the entire burden for the collapse of the system on the shoulders of the railway employees.

It must also be remembered that these protective clauses are neither new nor revolutionary. The principle of employee protection has been customarily contained in mergers and consolidations in the railroad industry.

Mr. Chairman, the labor protection features are equitable to the railroad employee and are necessary to the successful reorganization of the Northeast system and its restoration as a profitmaking private enterprise.

I strongly urge my colleagues to support the passage of H.R. 9142 without debilitating amendments.

Mr. DRINAN. Mr. Chairman, I am gratified to have the opportunity today to rise in support of one of the most important pieces of legislation to come before the 93d Congress. The passage of H.R. 9142, the Regional Rail Reorganization Act of 1973, is absolutely essential for the economy of New England and the entire Nation. Without this bill, we would run the grave risk that within a matter of weeks the six bankrupt railroads in the Northeast would be forced to severely limit service, with disastrous economic results, not only in the Northeast, but in the entire Nation as well.

In recent months I have spoken on many occasions on the Northeast rail crisis, and on the need for legislation to comprehensively restructure the threatened Northeast railroads into a self-sustaining, efficient rail network, competently serving the public interest. I have supported throughout, the bill before us today. This legislation proposes a responsible and workable mechanism to solve the Northeast rail crisis. I would like to take this opportunity again to express my congratulations and commendations to the two principal authors of this legislation, my colleagues DICK SHOUP and BROCK ADAMS, and I would also like to commend as well, the members of the Interstate and Foreign Commerce Committee, who have made such diligent and constructive efforts, the fruit of which is in this bill.

I believe that passage of this legislation would prevent an economic disaster that would be caused by termination of rail service in New England. In surveys of cities and towns in the Fourth Congressional District of Massachusetts, which I represent, I have found that thousands of jobs and hundreds of millions of dollars in economic activity are at stake in the continued operation of railroads serving the Northeast. While the Northeast rail system that will result from enactment of H.R. 9142 will have the result of limiting rail service in some ways, it will spare New England from severe economic trauma that would have occurred without such a workable and balanced bill as this.

I am particularly pleased that the bill before us today contains provisions that recognize the great economic importance of branch lines to local communities, and will allow for the continued operation of branch lines that would otherwise be abandoned as part of the railroad reorganization through the assistance of the Federal Government in a 70/30 Federal/State-local operating subsidy cost-sharing program. I hope that my colleagues will spurn all attempts offered to this bill which would weaken the Federal National Railroad Association and the Federal Rail Corporation, and I further hope that the Senate will promptly enact this bill, and that the President will recognize its merit and sign it into law.

Congress cannot delay any longer in providing a solution to the Northeast rail crisis. H.R. 9142, I believe, is the best hope for a workable solution and it deserves the wholehearted endorsement of the House of Representatives.

Mr. RIEGLE. Mr. Chairman, I would like to add my support to the Regional Rail Reorganization Act, H.R. 9142, now being debated before the House.

As you know, the bill would authorize the consolidation of parts of six bankrupt Northeast railroads into a for-profit nongovernmental corporation. A new agency, the Federal National Railway Association—FNRA—would act to plan and finance the reorganization of the rail system. Final responsibility for the operation of the railroads would be that of the Federal Rail Corporation established by this bill.

Many are hesitant to provide Federal funds to rehabilitate a railroad system which has such a serious history of failure and above all, graft and mismanagement. However, defeating this legislation would produce a devastating impact on the economy not only of the Northeast, but of the entire country. According to a study done by the Department of Transportation at the time of the Emergency Rail Services Act of 1970, a complete and abrupt shutdown of Northeast rail carriers would result in a 5.2-percent decrease in the rate of economic activity in the Northeast, a 4-percent decrease for the rest of the Nation, and a 2.7-percent decrease in the Gross National Product after only 2 months.

The impact that discontinuing the services of the Northeast railways would have on the economy of Michigan is staggering. For example, General Motors which depends heavily on rail transportation for necessary raw materials and shipment of automobiles would be seriously threatened. Nearly 78,000 employees of General Motors would be in danger of losing their jobs.

The problems of the Northeast railroads go far beyond mismanagement—there is no guarantee that liquidation of the bankrupt carriers under the proposed corporation would provide a lasting solution. However I feel very strongly that Congress cannot abandon efforts to reorganize and revitalize the railroads. In view of the serious socioeconomic consequences faced by the Northeast and the Nation if this legislation is not passed, I urge my colleagues to join me in supporting the Regional Rail Reorganization Act.

Mr. HARRINGTON. Mr. Chairman, I rise in support of H.R. 9142, the Regional Rail Reorganization Act of 1973. This bill is crucial to the continued economic well-being of New England and the rest of our Nation. Without such legislation, Massachusetts stands to lose more than 38,000 jobs which depend on continued rail service, and an economic collapse would undoubtedly occur in my area of the country in the very near future.

Six Northeast railroads are bankrupt and undergoing reorganization in the bankruptcy courts. Two of these railroads, the Penn Central and the Boston & Maine, are especially important to Massachusetts. The railroads are in such weak financial condition, in fact, that it will be impossible to reorganize them into profitable companies without substantial Government assistance. The deteriorating cash-flow position of Penn Central makes it doubtful that this rail line will be able to continue operations for more than a few more months, if that long, for lack of funds to meet its day-to-day obligations. In addition, since initiation of bankruptcy proceedings, the value of the estate of Penn Central creditors has, according to bankruptcy Judge Fullam, declined by at least $500 million. This "erosion of the estate" raises the risk that Judge Fullam may attempt to order the railroads into liquidation, so as to avoid unconstitutional erosion of the creditors' estate, since the fifth amendment prohibits deprivation of property without adequate compensation and due process of law.

The problems of the Northeast railroads are compounded by the overbuilt rail system some of which is, frankly, no longer necessary in a time when the growth of light industry in the Northeast, and the development of the nationwide highway system, has contributed to shrinkage in rail utilization. Nonetheless, for many industries, firms and communities, railroads are necessary for financial health. The termination of rail service, which very likely will result from the current financial crisis if Government assistance is not forthcoming, would have damaging results not only for New England and the Northeast, but for the entire Nation.

It seems to me that the Government is, to a large degree, responsible for the present plight of the railroads; that railroads serve a vital public interest, and that the Government is fully justified in now assisting in the reorganization of the Northeast rail system. For years the railroads have been the victims of what could be termed "benign neglect" on the part of Federal, State, and local government. Railroads have been victimized by discriminatory taxation, by excessive regulatory procedures—seriously limiting the ability of the railroads to keep pace with changing economic conditions—and especially by a scarcity of Government financial help. While all levels of Government spend approximately $21 billion annually supporting other modes of transportation—air, highway, and maritime—traditionally the railroads have received little if any assistance.

My sense of the rail situation is that a substantial Federal commitment to aid the Northeast railroads is not only necessary but desirable. The railroads cannot cure themselves without Government help, and the great national importance of continued rail service in the Northeast makes it imperative that Congress act to provide for a comprehensive restructuring of the Northeast railroads, with sufficient assistance to enhance the chances for long-run success of the new rail system, and to make the railroads self-sustaining.

The importance of continued rail service to the Northeast has been documented in a recently released, comprehensive study of the Boston & Maine Railroad, conducted by the Harbridge House consulting firm for the Massachusetts Department of Transportation. The study showed that at least 51,250 jobs in the six New England States depend directly on continued operations of the B. & M. alone, and that a shutdown of B. & M. service could endanger as many as 150,000 jobs in the region. In Massachusetts as a whole, the study estimates that at least 38,842 jobs depend on the B. & M., and that termination of B. & M. operations could cause a loss of more than $568 million to the Massachusetts economy.

In the three northern congressional districts of Massachusetts alone—fifth, sixth, and seventh—the Harbridge House study shows that more than 15,000 jobs depend on the continued operation of the Boston & Maine Railroad. In the Sixth Congressional District, which I represent, the study indicates that more than 22,500 jobs are to varying degrees significantly dependent on continued rail service, and that a total of 5,309 jobs would be lost without B. & M. freight service. Worse, B. & M. termination would deprive the Sixth Congressional District of more than $132 million in economic production.

Northern Massachusetts cannot stand an economic blow of the proportions that would be caused by a cessation of rail service in a region where recovery from the 1970 recession is still laggardly at best. The unemployment rate in the Sixth Congressional District continues to be extremely high—about 9 percent—and some communities have unemployment over 15 percent. The situation in my congressional district is by no means unique. It is duplicated in cities and towns throughout Massachusetts and the Northeast.

The Harbridge House study also shows that cessation of B. & M. service would increase the cost of many major consumption items by anywhere from 1 to 5 percent. This cannot be tolerated by any of us when the country is still suffering from persistent inflation.

The Northeast rail crisis has very profound implications for environmental decay and the already severe energy crisis as well. Railroads are the most efficient of all transportation modes in terms of energy use. Termination of rail service would dramatically increase the use of trucking as an alternate transportation mode, with a corresponding jump in the requirement for gasoline and diesel oil. President Nixon has estimated a nationwide energy shortfall this winter of approximately 15 percent. Yet, the Harbridge House study estimates that if B. & M. freight service were to end, an additional 26.1 million gallons of fuel oil—enough to supply the annual electricity requirements of more than 40,000 households—would be required for truck transportation. Clearly the difficult energy situation demands that our Government encourage energy-efficient modes of transportation, a need that makes H.R. 9142 especially necessary.

The Harbridge House study is very significant with regard to its analysis of branch lines and the question of abandonment. It has been argued by some that the primary cause of the financial difficulties of the railroads is the vast network of branch lines which, allegedly, constitute a continuing and massive drain on railroad finances. Thus, according to these arguments, the way to cure the railroads is to allow for wholesale abandonment of these branch lines. The Harbridge House study, however, seriously disputes such claims. It shows that if the B. & M. were to abandon 370 miles of branch lines, it would save $1.6 million annually. At the same time, this abandonment would cost the B. & M. more than $2.1 annually in lost revenues—a net loss to the railroad of $500,000. These branch lines are the originating source of a major portion of main line traffic, traffic that would not continue if the branch lines were abandoned. In other words, abandonment of branch lines may be more financially harmful to the railroads than beneficial. In addition, branch lines are often of critical economic importance to local communities, and there are many firms in Massachusetts which have stated that abandonment of certain branch lines would cause them either to cease operation or relocate. Clearly a reorganization of the Northeast railroads must take into account the local economic importance of branch lines as well as accurate judgments of the real costs and benefits of continuing branch line service.

In this connection, I am pleased that title III of H.R. 9142 contains a provision that resulted from a proposal which Congressman TIERNAN, Democrat, of Rhode Island, and I originated, and which was later advocated by the New England Congressional Caucus and my Massachusetts colleague Congressman MACDONALD. Section 303 of title III, which establishes the criteria upon which the Federal National Railway Association shall develop the final system plan for the restructured Northeast rail system, requires that a key goal in the rail plan be:

> (8) the minimization of job losses and associated increases in unemployment and community benefit costs in areas presently served.

Two other provisions of H.R. 9142 are especially important to the question of branch lines and abandonment. While without doubt there will—and should—be substantial reductions in the total amount of track mileage operated, there are safeguards for local communities in the bill. It provides that before any line can be abandoned as part of the reorganization process, shippers, States, and local or regional authorities must be given an opportunity to continue operations of the line by making up the difference between the determined costs of maintaining service and the revenues generated by the line. Another provision authorizes $50 million for the Federal share of 70/30 Federal/State-local cost-sharing subsidies that will be used to keep open lines that would otherwise be abandoned. In addition, the $50 million can be used to provide assistance in financing outright purchase of branch lines by appropriate local agencies.

Title VIII of H.R. 9142, the labor-protection provision, is also essential to the success of any railroad reorganization. It has been estimated that 5,000 jobs will be terminated as part of the restructuring of the Northeast rail system. Insofar as this restructuring will be the result of Government action, the Government has a responsibility to bear the social costs for providing for the continued welfare of rail employees who will be laid off. Title VIII is the result of negotiations between rail management and labor unions. Any alteration of the provisions of this title might result in a breakdown of the agreements reached, and thus seriously jeopardize the success of Northeast rail reorganization. I urge my colleagues to reject all amendments to this title.

The basic goal of H.R. 9142 is sound. There is a demonstrable need for comprehensive restructuring of the Northeast rail system. H.R. 9142 provides that the Federal National Railway Association—FNRA—the planning and financing agency created by the bill, will be authorized to issue up to $1 billion in Government-guaranteed bonds. At least $500 million of the funds raised through these bonds will be used to upgrade and modernize rail facilities so that service can be improved, and hopefully so that the declining trend in rail traffic can be reversed. The intent of the bill, by separating the planning and financing agency, the FNRA, from the private, for-profit operating entity, the Federal Rail Corporation—FRC—is to free the FRC from the burden of debt service that has plagued the now-bankrupt railroads.

So as to keep the rail lines in operation while the overall reorganization plan is being formulated, the bill provides $85 million for direct emergency assistance. These funds will be used to meet the cash-flow needs of the bankrupt railroads, as necessary. As to the need to prevent further erosion of the creditors' estate, the bill provides that the creditors' rail assets to be included in the Federal Rail Corporation system shall receive common stock issued by the FRC for the value of their assets. If it is determined by the courts that FRC common stock alone is not sufficient compensation, up to $200 million in federally guaranteed FNRA bonds could be used as "sweeteners" to compensation agreements. The bill also contains provisions mandating the conveyance of all rail assets to the FRC, so that the primary goal of continued rail service can be reached.

The bill promises to give the new FRC a clean start with access to critically needed capital assured in the form of FNRA bonds. This proposal, far short of the billions of dollars that would be required for nationalization, shows great promise of achieving the goal of a self-sufficient, if not profitable, Northeast rail system that serves the public interest.

I commend the members of the Interstate and Foreign Commerce Committee for their diligent work on this legislation, and I especially congratulate my colleagues Congressmen BROCK ADAMS and DICK SHOUP for their leadership in the rail issue. Our country needs this legislation urgently. Massachusetts and the rest of the Northeast can be spared economic chaos if H.R. 9142 is enacted. I urge my colleagues to give this bill their wholehearted support.

Mr. DONOHUE. Mr. Chairman, I earnestly urge and hope that this pending bill, H.R. 9142, the Regional Rail Reorganization Act of 1973, will be overwhelmingly approved by the House this afternoon.

Basically this measure is designed to prudently, efficiently, effectively, and equitably revive and strengthen, in accord with our private enterprise traditions, several of the faltering financial railroad enterprises in the Northeast, whose continued operation is absolutely essential to the health, safety, and economic well-being of a vitally important section of this country.

Mr. Chairman, the need for this bill is unquestioned and the urgency of action now, in view of an imminent court ruling affecting the further operation of the Penn Central Railroad, is obvious.

The fundamental provisions of this measure, to consolidate parts of the six presently bankrupt Northeast rail carriers into a new for-profit nongovernmental Federal Rail Corporation and to establish a new agency, the Federal National Railroad Association, to act as the principal planner and financing instrument for the reorganization and rehabilitation of the rail system, together with other provisions requiring Federal agency cooperation, reasonable railroad employee protection, matching funds for operating subsidies to State, municipal, and regional units to maintain certain essential railroad branch services that would otherwise be discontinued and congressional approval of a final system plan, may not comprise the absolutely perfect solution to an extraordinarily complex problem, but I believe they do represent the best and most sincere and studied legislative effort that has yet been offered in effective response to a unique regional emergency.

Mr. Chairman, the technical meanings and applications of the various sections of this measure have been patiently and thoroughly explained here by the very able and dedicated managers of the committee bill; the appropriations recommended are entirely within reason, especially in view of the tremendous public service involved; and the threatened human and economic disasters that will be sensibly contained by this measure vitally affect the whole national interest. Therefore, I again urge the House to resoundingly adopt this bill without extended delay.

Mr. HOGAN. Mr. Chairman, the illness of our railroads, the problem we face today, is a matter which does not do credit to our Nation. Railroads have been "regulated" longer than other utilities, in fact since 1887. Railroading, as a most important means of transportation, has representation in the President's Cabinet.

Many people do not realize that the regulatory commissions whether over communications, power, trade or transportation are in effect or extensions of the legislative branch of Government. Regulatory commissions were devised to provide rulemaking by experts who supposedly were better equipped to deal with highly technical matters than the lawmakers who created them.

I am concerned that the regulatory experts have not resolved this problem before reaching the crisis stage. We have seen the long haul railroad passenger traffic virtually disappear, taking with it much of the commuter traffic. Yet the airline industry, which now has most of this passenger business is not well financially. Nor is the need for short-haul transportation of people being met during these days of air pollution and shortages of gasoline and highways.

In short, our regulation—our extension of law making—has failed. It seems inconceivable that regulation would not have acted more effectively on the problems we face today. It makes one wonder whether the Federal Communications Commission or the Federal Power Commission or some other commission could lead us down another primrose path.

The railroads were the most financially successful segment of business in the last century. The street car and the bus companies were also highly successful institutions at the beginning of the century. Today the telephone and the power companies are financial successes. Their revenue dollars, that you and I pay, return in direct taxes from a fifth to a third. These revenues from utilities have been a great source of taxes to our Government. But let the financial failure of the railroads be a lesson to the regulatory commissions, the regulators, and the public. Let us have regulation that is forward looking by experts who are truly expert.

Unquestionably, we must salvage our railroads without nationalization and establish a requirement of efficiency. We must do it promptly.

My district is a small one geographically. It is 25 miles one way and 50 another. It is, however, a part of the Northeast corridor. It contains the insolvent Penn Central and the yet solvent B. & O.-C. & O. A large percentage of the goods destined for Washington is unloaded in my district. Efficient rail service is very important to my district's economy.

Also of considerable concern to me, is commuter travel for my constituents. Unfortunately, H.R. 9142 says virtually nothing about commuter services. It does deal briefly with Amtrak and the Boston-Washington corridor, but Amtrak is not concerned with commuters.

Commuter service has been left to local governments. In the instance of our Nation's Capital this means fragmented responsibility. However, my State of Maryland has been attempting to aid the Maryland commuter. It "expects" funding by the Urban Mass Transportation Administration on an 80/20 basis.

Already the State is scrounging for surplus Army railroad cars. It is also negotiating with the B. & O. and the Penn Central. But it is having difficulty. Where? With the insolvent Penn Central. In a very recent letter Maryland's Secretary of Transportation wrote:

> The committee has also held initial discussions with the Penn Central regarding its commuter service. However, little progress has been made to date for two reasons:
>
> (1) We do not feel the Penn Central's terms are reasonable (full costs plus 7½ percent rate of return) and
>
> (2) the financial condition of the railroad and pending Federal legislation lead us to question the advisability of a contractual arrangement until these matters are resolved.

So passage of H.R. 9142 may mean that we in Maryland can move ahead. That is, provided the new FNRA will be receptive to the needs of the public and will move rapidly.

Another problem of commuter service in and out of Washington is the excessive charge made by the Washington Terminal Co. for movement of railroad cars in and out of Union Station. The Washington Terminal Co. is owned jointly by the Penn Central and the B. & O. railroads. The Penn Central ownership is divided between two subsidiaries. I certainly hope ownership under H.R. 9142 or similar legislation will permit negotiation with commuter train operators so that these exorbitant charges can be eliminated. My recollection is that the charge is $40 per railroad car in and out of the station. This makes it virtually impossible to provide reasonable commuter rates.

I should point out that the most comprehensive study of rail commuter service in the Washington area, the so-called "Englund" study, indicates the future of Baltimore-Washington services lies with "an improved Penn Central." Track capacity problems of the B. & O. inhibit the possibilities of expansion of B. & O. service. This is another reason for acting on H.R. 9142 promptly.

In addition to my support of State activities I have supported or cosponsored commuter-oriented legislation. I introduced H.R. 10975 which would permit the Washington Metropolitan Area Transit Authority to include commuter service in the mass transit plan.

I also sponsored H.R. 9479, a bill which would study the feasibility of high speed

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tracked vehicle operation from Washington to Annapolis. Also, I cosponsored H.R. 4742 for a study of the extension of Metro to Friendship and Dulles airports. While these bills do not directly tie in with H.R. 9142, they are related. There is the possibility of use of the Penn Central tracks to Friendship. The TACV could terminate at the Metroliner-Metro facility at New Carrollton.

H.R. 9142 should be passed so that passenger rail traffic planning can have a firm basis. Now is the time to expand the Penn Central commuter business. The 1,700 persons, who ride in the morning and the 1,600 who ride at night, can be increased by a substantial number at a time when because of our fuel shortage there is great need to reduce highway traffic.

I urge an "aye" vote.

Mr. HILLIS. Mr. Chairman, the time for decisive action on the Northeast railroad crisis is upon us—a Federal court is about to authorize a plan to liquidate the Penn Central, unless Congress takes action immediately. Such a liquidation would involve closing down more than 20,000 miles of rail lines, and cause an estimated loss in national economic activity of some 4 percent within 8 weeks of the shutdown.

Today we have before us a plan which represents decisive action and which could go a long way toward providing both short-term economic assistance and long-range reorganization assistance to the beleaguered Northeast rail system.

The reorganization plan is based on an administration suggestion that a Government-established corporation oversee the reorganization, with a large part of the operation remaining in private hands. The bill incorporates this thinking through the creation of a Federal National Railway Association to implement a final reorganization plan and distribute guaranteed loans to transfer and modernize northeast rail properties.

Further, the bill creates a Federal Railroad Corporation which is to operate as a for-profit railroad company, responsible for assuming control over lines deemed essential to the Northeast rail core. As DOT suggested, this company will sell stock and hopefully could become a profitable company in its own right, just like a new Penn Central system, having been allowed to free itself from many of the regulatory, financial, and labor burdens plaguing the Penn Central which led to its demise.

The bill further provides $85 million for assistance to bankrupt railroads while the final reorganization plan is being implemented. It also establishes strong labor protection procedures, including generous displacement allowances, transfer expenses, and separation pay—following the general principle that no regular railroad employee should be adversely affected by the Northeast rail reorganization.

Further, this legislation authorizes Federal subsidies of up to 70 percent to any local government which pays to maintain a railroad line through its community which has been scheduled to be discontinued under the reorganization plan. In this way, communities which would be severely harmed by loss of Penn Central core service could take action to keep trains running through their area by choosing to subsidize crucial lines with the Federal Government's help.

What I like most about this proposal is that it provides for a full measure of economic assistance for reorganizing the Northeast railroads, with the least amount of Government interference possible. I think all of us would prefer to see a reorganization plan devised which would not require any Government interference or assistance, but this is not realistic. The railroads have been trying to bail themselves out of this labor, administrative, and regulatory quagmire for many years now, but the problems just seem to multiply. What is needed is a fresh start, with new rules and fewer encumbrances. I think that such a new approach is embodied in H.R. 9142, before us today.

Certainly this is a great improvement over the Senate-passed railroad legislation which merely provides some $210 million for loans to troubled railroads. We do not need to throw any more good money after bad—we need to provide some solutions to problems and get these railroads back on a moneymaking basis.

There is no doubt in my mind that this country needs the services provided by the Northeast railroads—and for that matter, the services of railroads all over the country, because that is the larger issue we are really addressing here. I recall the urgent telegrams and phone calls I received from farmers and businessmen last February when Penn Central was threatened by a strike—and all these people insisted they would be severely affected by any shutdown in service.

Certainly, there are other modes of transportation available today, and our policy of assistance and development of these other modes of transportation recognizes this—but the railway system remains the best form of transportation for many commodities and businesses—and the cheapest in most instances.

A national study has predicted that within 8 weeks of a Penn Central shutdown, 31 percent of the chemical produce, 13 percent of retail trade, 10 percent of iron and steel manufacturing, and 7 percent of auto manufacturing nationwide would screech to a halt.

Just yesterday I submitted for the RECORD facts and figures which show that General Motors cannot run 48 hours without being severely affected by a Penn Central liquidation—in fact, the company estimates that such a cutoff in service would force critical plant closings, eventually leading to the shutdown of the whole corporation. As an example, the company began closing down several plants throughout the country just after the first day of the February strike.

Further, a shutdown of rail service would be an economic disaster for many small communities now dependent on rail service—either for ready shipment of raw products or finished goods. The current shortage of freight cars for carrying grain will look minor if Penn Central folds this fall, due to lack of remedial action on our part.

The Wall Street Journal has estimated that termination of the Penn Central would increase U.S. unemployment by some 60 percent and decrease the national production level by 3 percent. Further, this would inevitably cause another increase in consumer prices. Considering these facts, it seems that the $2 billion authorization requested here is not a high price to pay in order to put this industry back on a healthy basis—particularly since only one-fourth of that sum involves direct grants for operating costs while the railroad is in reorganization—the remainder consists of loan guarantees, which do not involve a direct loss of funds to the Government.

I am not suggesting this piece of legislation is the perfect answer—I am sure many amendments will be offered on the floor to improve various provisions in the bill—but I wholeheartedly endorse the overall program it would establish.

I am optimistic that the Federal National Railway Association and Federal Railroad Corporation can be successful in reorganizing the Northeast lines into a workable system—saving the best and most necessary and eliminating redtape and encumbrances which have in the past spelled economic disaster to the Northeast railroads.

I would like to see control pass full back into private hands once the reorganization and upgrading of lines has been completed—this is certainly what this legislation is aimed at achieving ultimately, consistent with the American system of free enterprise.

I would urge that my colleagues lend their full support to this legislation when we vote on it today.

Mr. RANDALL. Mr. Chairman, I support H.R. 9142, the Regional Rail Reorganization Act of 1973, perhaps not with the enthusiasm of a matter of such importance but with a sense of necessity after consideration of the alternatives if some reorganization plan is not approved.

The bill is complex. There are many controversial provisions about which there are serious objections. The cost of $1.4 billion seems almost unacceptable until it is recognized that there is about $400 million in what could be said to be real money and the remaining $1 billion becomes involved as guarantees only if the reorganization plan is workable.

Mr. Chairman, I opposed the Penn-Central Emergency Rail Service Act a few years ago because that was pumping money into a status of which there was no opportunity to improve. Today, on the other hand we are making a valiant attempt to restructure the northeastern railroad in a turnaround from the neglect of the last 30 years to where it may be possible to have the kind of equipment which will improve the operating efficiency of these railroads.

No one, at this point, can say how much mileage will be eliminated but certainly some substantial reduction will be accomplished and that in itself should make the remaining structure more self-supporting.

One question which could most appropriately be asked is, Why should a Member of Congress from west central Missouri have any interest in the railroads of the Northeast? Well, the answer is, If these railroads cease to operate, it will affect not only the so-called Northeast Corridor but the entire eastern seaboard, all of the Middle West and indirectly the Far West. It should not be forgotten that not only the Penn Central Railroad but such important railroads as the Baltimore & Ohio, Chesapeake & Ohio, and other regional carriers have their western terminus at St. Louis, Mo.

How could Missouri and mid-America be affected? Well, if the eastern railroads were to cease operation, our farmers productivity would be suddenly reduced because of no fertilizer. The shelves of our stores would all have smaller stocks. Our own plants in the Middle West would be without rail outlets to the East Coast.

If the eastern railroads shut down, 38 percent of the nonferrous metals manufacturers would cease to have means to move their product, and 31 percent of our chemical production, 10 percent of iron and steel manufacturing, and about 10 percent of the automobile production would come to a complete halt.

In my judgment, there are two overriding reasons why we must make an attempt to save the Northeast railroads. First, because of the energy crisis or fuel shortage. The shortage in this country of gasoline, heating oil, diesel fuel, or natural gas is no longer a Halloween scare but a reality. I cannot readily or precisely supply the statistics but a long freight train with the reduced friction of steel on steel will use only 40 percent or as little as one-third or even one-fourth as much fuel as would take to haul the same tonnage over the highways. Some kind of statistical study should be undertaken to see the extent of a saving of fuel that can be accomplished by greater use of our railroads.

But, Mr. Chairman, the inarticulate, unexpressed silent but major premise back of this entire regional rail reorganization act is the matter of national defense. We are a nation where our two coasts are connected by an interstate rail system. Who can forget that it was our railroads most of all that helped us win World War II. Where would we have been without them at that time? Where would we be without them today in a new emergency? In a word, our railroads are indispensable to national defense.

Mr. Chairman, if any additional reason is needed to support this plan, there is the fact that before long, with the shortage of fuel we may be forced to park cars and depend on mass transportation. Those suburbs surrounding our big cities of the East know that they have driven bumper to bumper with one person in a car for a long while. If we can revitalize our commuter trains we could eliminate some of these traffic jams. We hear a lot about mass transit. If we save our eastern railroads we have made a step in the right direction. If we save our commuter system we take a giant step forward to solve not only the congestion in our cities but also a great stride to ease the stress and strain of the fuel crisis that we all must face in the years that lie immediately ahead.

Mr. STAGGERS. Mr. Chairman, I have no further requests for time on this side.

The CHAIRMAN. Pursuant to the rule, the Clerk will read by titles the committee amendment in the nature of a substitute printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

H.R. 9142

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Regional Rail Reorganization Act of 1973".

TITLE I—GENERAL PROVISIONS

SEC. 101. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.—The Congress hereby finds that certain essential rail services in the region, as defined in section 102 (7) of this Act, are provided by railroads undergoing reorganization under the Bankruptcy Act and that such services are threatened with cessation; that the public convenience and necessity require continuation and improvement of such services to the end of meeting the commerce needs in the United States, particularly in such region, preserving national rail transportation service and promoting the national defense; that modern, efficient rail service in such region is a necessary part of a national rail transportation system; that a plan of reorganization is necessary for the restructure, rehabilitation, and modernization of railroads in such region which are undergoing reorganization into an economically viable rail system; that rail service offers economic environmental advantages in terms of land use, air pollution, noise levels, and energy conservation; and that creation of the Federal National Railway Association, with the powers provided under section 202 of this Act, creation of the Federal Rail Corporation, with the powers provided under section 402 of this Act, and provision for Federal financial assistance are necessary to facilitate the reorganization of such railroads and to assure continuation of adequate rail service in the United States, particularly in such region.

SEC. 102. DEFINITIONS.—For the purpose of this Act—

(1) The term "association" means the Federal National Railway Association created under section 201 of this Act.

(2) The term "bankrupt railroad" means a railroad in reorganization which, pursuant to section 301 of this Act, is determined by a court not to have a reasonable likelihood of being reorganized successfully on an income basis under section 77 of the Bankruptcy Act (11 U.S.C. 205).

(3) The term "Commission" means the Interstate Commerce Commission.

(4) The term "corporation" means the Federal Rail Corporation created under section 401 of this Act.

(5) The term "fair and equitable value" means, with reference to the rail properties of a railroad in reorganization which are to be acquired by the corporation, by a nonbankrupt railroad, or by a profitable railroad and operated in accordance with the final system plan, either the fair liquidation value or going concern value thereof as of September 30, 1973, as provided in the final system plan, except that in no event shall such rail properties be valued at more than the constitutional minimum required for their acquisition, taking into consideration the public interest character of such properties. For the purposes of this paragraph, fair liquidation value is the best price that the then existing market could fairly be expected to provide for the sale of such rail properties over a reasonable period of time less the economic costs and expenses incident to holding and maintaining such properties over such time and to their disposition and less a reasonable discount for delay in receipt of proceeds over such time; and going concern value is the capitalized value of the earning power of such properties projected over a reasonable period of time, giving due consideration to the effect and cost of implementation of the final system plan.

(6) The term "nonbankrupt railroad" means any railroad in reorganization which, pursuant to section 301 of this Act, is determined or presumed to have a reasonable likelihood of being reorganized on an income basis under section 77 of the Bankruptcy Act (11 U.S.C. 205).

(7) The term "region" means the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, Indiana, Michigan, and Illinois, the District of Columbia, and those portions of contiguous States in which are located facilities owned or operated by railroads doing business primarily in the aforementioned jurisdictions (as determined by the Commission by order).

(8) The term "office" means the Regional Rail Services Planning Office created under section 305 of this Act.

(9) The term "profitable railroad" means—

(A) with respect to the area consisting of the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, and Maryland, and the District of Columbia, any railroad operating substantially in such area, which railroad is not undergoing reorganization under section 77 of the Bankruptcy Act (11 U.S.C. 205); and

(B) with respect to the States of Virginia, West Virginia, Ohio, Indiana, Michigan, and Illinois, and those portions of contiguous States in which are located facilities owned or operated by railroads doing business in such States, any railroad operating in the State, which railroad is not undergoing reorganization under section 77 of the Bankruptcy Act (11 U.S.C. 205).

(10) The term "rail properties" means all of the assets and business owned, leased, or otherwise controlled by a railroad which are used or useful in rail transportation service.

(11) The term "railroad" means any common carrier by railroad as defined in section 1(3) of part I of the Interstate Commerce Act (49 U.S.C. 1(3)).

(12) The term "railroad in reorganization" means a railroad operating principally in the region, which railroad is undergoing reorganization in a proceeding under section 77 of the Bankruptcy Act (11 U.S.C. 205).

(13) The term "final system plan" means the plan of reorganization for the restructure, rehabilitation, and modernization of railroads in reorganization prepared pursuant to section 309 of this Act.

(14) The term "Secretary" means the Secretary of Transportation or his delegate unless the context indicates otherwise.

TITLE II—FEDERAL NATIONAL RAILWAY ASSOCIATION

SEC. 201. ESTABLISHMENT OF THE ASSOCIATION.—There is hereby created a body corporate to be known as the "Federal National Railway Association". The association shall be a nonprofit corporation. The association shall have succession until dissolved by Act of Congress. It shall maintain its principal office in the District of Columbia and shall be deeemd, for purposes of venue in civil actions, to be a resident thereof.

SEC. 202. GENERAL POWERS.—(a) The association, in order to achieve the objectives and to carry out the purposes of this Act, is authorized to—

(1) assist in the preparation and implementation of the final system plan;

(2) provide assistance in the form of loans for the purchase, rehabilitation, and modernization of rail properties of railroads in reorganization;

(3) provide assistance in the form of loans

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to any railroad which (A) connects with a railroad in reorganization, and (B) is in need of financial assistance to avoid reorganization proceedings under section 77 of the Bankruptcy Act; and

(4) provide assistance to the National Railroad Passenger Corporation in the form of loans for the improvement of those rail properties generally described as the Northeast Corridor between Boston, Massachusetts, and the District of Columbia.

(b) To carry out its purposes, the association shall have the usual powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act.

SEC. 203. DIRECTORS AND OFFICERS.—(a) The association shall have a board of nine directors consisting of individuals who are citizens of the United States. There will be four ex officio members of the board, as follows: The chairman of the association, the Secretary, the Chairman of the Commission, and the Chairman of the Federal Reserve Board. Each ex officio member may designate a subordinate official to perform any function vested in him under this Act, but such designation shall not relieve him of his responsibility in office for the acts of the subordinate official so designated and such designation shall be revocable at any time. Five members of the board shall be appointed by the President, by and with the advice and consent of the Senate, for terms of three years and until their successors have been appointed and qualified. Any appointive seat which becomes vacant shall be filled by appointees of the President, but only for the unexpired term of the director he succeeds. Members of the board of directors appointed by the President shall be selected as follows:

(1) One shall be selected from among representatives of shippers by rail.

(2) One shall be selected from among representatives of railroads not undergoing reorganization under the Bankruptcy Act.

(3) One shall be selected from among not less than two individuals recommended by the National Governors' Conference.

(4) One shall be selected from among not less than two individuals recommended by the National League of Cities and Conference of Mayors.

(5) One shall be selected from among not less than two individuals recommended by the American Federation of Labor and Congress of Industrial Organizations.

Except for the members of the board representing railway labor organizations and railroads, no director may have any direct or indirect employment or financial relationship with any railroad during the time he serves on the board. Each of the directors not employed by the Federal Government shall receive compensation at the rate of $150 for each meeting of the board he attends. In addition, each director shall be reimbursed for necessary travel and subsistence expenses incurred in attending meetings of the board.

(b) The board of directors of the association shall have an executive committee consisting of the chairman of the association, the Secretary, and the Chairman of the Commission.

(c) The board of directors is empowered to adopt and amend bylaws governing the operation of association.

(d) The association shall have a chairman who shall be appointed by the President, by and with the advice and consent of the Senate, within thirty days after the date of enactment of this Act. The association shall have such other officers as may be appointed by the board. The rates of compensation of all officers shall be fixed by the board. No individual other than a citizen of the United States may be an officer of the association. No officer of the association may have any direct or indirect employment or financial relationship with any railroad during the time of his employment by the association or may have had at any time any such relationship with any railroad in reorganization.

TITLE III—REGIONAL RAIL SYSTEM

SEC. 301. DETERMINATION OF STATUS OF RAILROADS IN REORGANIZATION.—Within sixty days after the date of enactment of this Act, each United States district court having jurisdiction over a railroad in reorganization shall make a finding as to whether or not, based on the financial condition of and prospects for such railroad, it can be reorganized on an income basis under section 77 of the Bankruptcy Act. With respect to a railroad which is found not to be reorganizable on an income basis under section 77 of the Bankruptcy Act, the court shall enter an order to the effect that such railroad shall be reorganized in accordance with the provisions of this Act and those provisions of such section 77 not inconsistent with this Act, or the court may entertain a motion to dismiss the section 77 proceedings. In any case in which a United States district court does not make the finding referred to in the first sentence of this section with respect to any railroad in reorganization within the sixty-day period referred to in such sentence, such railroad shall be presumed to be a railroad with respect to which there is a reasonable likelihood that it can be reorganized on an income basis under section 77 of the Bankruptcy Act. In the event that a railroad is found not to be reorganizable on an income basis under section 77 of the Bankruptcy Act, the court shall advise the association with respect to its findings under this section. The finding of each district court under the first sentence of this section, or the presumption created under the third sentence of this section, as the case may be, shall be subject to appeal as in the case of an order granting or denying a preliminary injunction pursuant to rule 52 of the Federal Rules of Civil Procedure and section 1292 of title 28 of the United States Code and any such appeal proceedings shall be concluded on an expedited basis.

SEC. 302. ACCESS TO INFORMATION.—Each railroad (including profitable, nonbankrupt, and bankrupt railroads) operating in the region shall provide such information as may be requested by the chairman or executive committee of the association or by the Secretary in connection with the performance of their respective functions under any provision of this Act. The chairman or executive committee of the association or the Secretary may, during the period beginning on the date of enactment of this Act and ending on the effective date of the final system plan, obtain any such information by subpena. In case of contumacy by or a refusal to obey a subpena served upon a railroad under this section, the district courts of the United States, upon application by the Attorney General upon request of the chairman or executive committee of the association or the Secretary shall have jurisdiction to issue an order requiring the railroad to produce the information, and any failure to obey such order of the court may be punished by the court as a contempt thereof. Nothing in this section shall authorize the withholding of information by the chairman or executive committee of the association, by the Secretary, or by any railroad operating in the region from the duly authorized committees of the Congress.

SEC. 303. CRITERIA FOR THE FORMULATION OF THE FINAL SYSTEM PLAN.—(a) The final system plan shall be formulated in the light of the following goals—

(1) the objective of creating, through a process of reorganization, a financially self-sustaining rail service system;

(2) the need for continued or improved rail service by the persons, communities, geographic zones, and cities presently served;

(3) the preservation, to the maximum extent practicable, of existing patterns of service by railroads (including short-line and terminal railroads) and alternative modes of transportation;

(4) the availability, cost, and effect upon the human environment of alternative modes of transportation and the ability of those modes to replace rail service;

(5) the requirements of commuter and intercity rail passenger service and the extent to which there should be coordination with the National Rail Passenger Corporation and similar entities; and the identification of all short-to-medium distance corridors in densely populated areas in which the major upgrading of rail lines for high-speed passenger operation would return substantial public benefits;

(6) the preservation of rail service competition;

(7) the environmental impact of alternative choices of action, particularly with regard to the effects on attainment and maintenance of any national ambient air quality standard established by the Clean Air Act Amendments of 1970; and

(8) the minimization of job losses and associated increases in unemployment and community benefit costs in areas presently served.

The final system plan shall be based upon due consideration of all relevant factors, including the need for and cost of rehabilitation and improvement of physical facilities, alternative means to achieve system rationalization, the cost of labor protection, employment impact studies, marketing studies, traffic evaluations, and financial studies.

(b) The final system plan shall designate those rail properties of the bankrupt railroads to be operated by the corporation and shall provide that such rail properties be conveyed to and acquired by the corporation. Rail properties of bankrupt railroads not conveyed to the corporation or to a nonbankrupt or to a profitable railroad pursuant to the final system plan shall be abandoned in accordance with the provisions of this Act.

(c) The final system plan shall also designate:

(1) which rail properties of the bankrupt railroads shall be offered for sale to nonbankrupt railroads or to profitable railroads and, if purchased, be operated by such railroads;

(2) which rail properties of the nonbankrupt railroads should—

(A) be offered for sale to another nonbankrupt railroad or to a profitable railroad and, if so offered and purchased, shall be operated by such railroad,

(B) be offered for sale to the corporation and, if so offered, shall be acquired and operated by it, and

(C) be abandoned in accordance with the provisions of this Act;

(3) what additions to or changes in the designation of rail properties to be acquired and operated by the corporation shall be made—

(A) if any nonbankrupt railroad or profitable railroad fails to purchase rail properties of a bankrupt railroad offered to it as provided in paragraph (1) above, or

(B) if any nonbankrupt railroad declines to offer rail properties for sale as provided in paragraph (2) above or, if so offered, the offeree (other than the corporation) declines to purchase said properties;

(4) which rail properties, located in the area generally described as the Northeast Corridor between Boston, Massachusetts, and the District of Columbia, shall be acquired by the corporation for lease to the National Railroad Passenger Corporation for the purpose of providing railroad passenger service in that corridor; and

(5) those rail properties (particularly rights-of-way) not to be operated by the corporation or by any other railroad which are suitable for use for other public purposes, including but not limited to, roads or highways, other forms of mass transportation, conservation, and recreation.

In carrying out the provisions of paragraph (5) of this subsection, the executive committee of the association shall solicit the views and recommendations of interested agencies of the Federal Government (including specifically the Secretary of Transportation and the Secretary of the Interior) and of State and local governments. The Secretary of Transportation and the Secretary of the Interior shall, at the request of such executive committee, submit such recommendations as they may deem appropriate to carry out the provisions of paragraph (5) of this subsection.

(d) All authorizations to convey or conveyances contemplated under subsections (b) and (c) of this section shall be made in accordance with and subject to the following terms and conditions:

(1) All rail properties to be conveyed by a bankrupt railroad to the corporation as provided in subsection (b) of this section shall be conveyed in exchange for all of the initially issued common stock and, if necessary, for other securities of the corporation (which may include obligations of the association), having a value equal to the fair and equitable value of such rail properties.

(2) All rail properties to be conveyed by a railroad in reorganization (except those conveyed by a bankrupt railroad to the corporation) to a nonbankrupt railroad, to a profitable railroad, or to the corporation as provided in subsections (c)(1) and (c)(2) of this section shall be conveyed in exchange for obligations having a value equal to the fair and equitable value of such rail properties.

(3) Any nonbankrupt railroad which may offer to sell rail properties to another nonbankrupt railroad, to a profitable railroad, or to the corporation, must make an irrevocable offer, which has been approved by the bankruptcy court having jurisdiction over its reorganization proceeding, to sell such properties to the nonbankrupt railroad, to the profitable railroad, or to the corporation within sixty days following the effective date of the final system plan. If such offer is not made within the designated time, authorization for the nonbankrupt railroad to offer such rail properties to another nonbankrupt railroad, to a profitable railroad, or to the corporation shall lapse and be of no further force or effect. Such offer must be accepted by the nonbankrupt railroad, such acceptance having been approved by the bankruptcy court having jurisdiction over its bankruptcy proceeding, or by the profitable railroad within seventy-five days following the effective date of the final system plan. If such acceptance is not made within the designated time, authorization for the nonbankrupt railroad or the profitable railroad to accept such offer shall lapse and be of no further force or effect.

(4) Within seventy-five days following the effective date of the final system plan, nonbankrupt railroads and profitable railroads shall have entered into purchase agreements with the bankrupt railroads directed to offer rail properties to nonbankrupt railroads or profitable railroads, as provided in subsection (c)(1) and, if such agreements are not concluded within the designated time, the authorization to offer such rail properties for sale shall lapse and be of no further force and effect.

(e) The final system plan shall set forth (1) pro forma earnings for the corporation, as reasonably projected and considering the additions or changes in the designation of rail properties to be operated by the corporation which may be made in accordance with subsection (c)(3) of this section, and (2) the capital structure of the corporation which shall be based on its earnings as reasonably projected and which shall include such debt capitalization as shall be reasonably deemed to conform to the requirements of the public interest respecting railroad debt securities, including the adequacy of coverage of fixed charges.

(f) The final system plan shall further designate the fair and equitable value of all rail properties to be conveyed or which may be conveyed under the final system plan, the amount, terms, and value of the securities of the corporation (which may include obligations of the association) to be exchanged as provided in subsection (d)(1) of this section for those rail properties to be conveyed to the corporation in accordance with the final system plan, and the amount, terms, and value of the obligations to be exchanged as provided in subsection (d)(2) of this section for those rail properties to be conveyed to nonbankrupt railroads, to profitable railroads, or to the corporation in accordance with the final system plan.

(g) The final system plan may also recommend transfers of rail properties from profitable railroads to the corporation, to nonbankrupt railroads, or to other profitable railroads, or may recommend arrangements for joint use, ownership, or operation of rail properties among profitable railroads, nonbankrupt railroads, and the corporation, subject to such terms and conditions as may be specified in the final system plan.

(h) The final system plan shall set forth the maximum amount of obligations issued by the association under section 601 which should be outstanding at any one time to enable it to carry out its purposes under this Act.

(i) The pendency of appeal proceedings referred to in section 301 of this Act shall not defer execution of the obligations imposed under this section.

(j) Notwithstanding any other provision of this Act no acquisition under this Act by any profitable railroad shall be made without a determination, with respect to each such acquisition, by the association and by the Commission that such acquisition will not materially impair the profitability of any other profitable railroad or of the corporation. Each determination referred to in the preceding sentence shall be made on an expedited basis.

SEC. 304. PRELIMINARY REPORT ON CORE RAIL SERVICE.—(a) Within thirty days after the date of enactment of this Act, the Secretary shall prepare a preliminary report containing his recommendations for the identification of geographic zones in the region within and between which rail freight service shall be provided. The Secretary may use as a basis for the establishment of the zones standard metropolitan statistical areas used in the last United States census, groups of those areas, counties, or groups of counties having similar economic characteristics, such as mining, manufacturing, and agricultural activities.

(b) Upon completion of the preliminary report required by subsection (a) of this section, the Secretary shall submit the report to the Office of the Commission, make the report available to interested parties, the States and their public utility commissions, local governments, and consumer interest groups, and publish the report in the Federal Register.

SEC. 305. REVIEW BY THE REGIONAL RAIL SERVICES PLANNING OFFICE.—(a) There is hereby established a new Office in the Commission to be known as the Fegional Rail Services Planning Office. This Office shall function pursuant to the provisions of this section and section 308 and shall cease to exist on the effective date of the final system plan. The Office of the Commission shall be administered by a Director who shall be appointed by the Chairman of the Commission with the concurrence of at least five members of the Commission.

(b) Within thirty days after the Secretary completes the preliminary report on core rail service required by section 304 of this Act, the Director of the Office shall solicit from all interested parties (including, but not limited to, the Department of Transportation, the association, the public, and the users of rail services) comments, data, and arguments on the report. In addition, the Director shall hold public hearings on the report, in accordance with section 553 of title 5 of the United States Code, in at least twelve different locations in the region.

(c) Within ninety days after the date of enactment of this Act, the Director of the Office shall, after affording due consideration to the relevant matter submitted in writing or presented at the public hearings, submit to the Commission and to the association his recommendations for the preparation of a final report on core rail service together with a summary of the recommendations of those who contributed comments on the preliminary report and his reasons for not adopting such recommendations.

SEC. 306. FINAL REPORT ON CORE RAIL SERVICE.—(a) Within one hundred and twenty days after the date of enactment of this Act, the Commission shall issue a final report on core rail service.

(b) The final report on core rail service shall be submitted to the board of directors of the association. Within thirty days after receipt of the report the board of directors of the association shall by a majority vote of all its members approve a final report on core rail service which is consistent with the standards set forth in subsection (a) of section 303 of this Act relating to the formulation of the final system plan.

SEC. 307. PREPARATION OF PRELIMINARY SYSTEM PLAN.—(a) Within three hundred days after the date of enactment of this Act, the executive committee of the association shall prepare and submit to the Office of the Commission a preliminary system plan.

(b) Upon completion of the preliminary system plan required by subsection (a) of this section, the executive committee shall make the preliminary system plan available to interested parties, the States in the region and their public utility commissions, local governments, and consumer groups, and publish the preliminary system plan in the Federal Register.

SEC. 308. HEARINGS BY THE OFFICE OF THE COMMISSION.—Upon receipt of the preliminary system plan prepared under section 307 of this Act, the Office of the Commission shall hold public hearings on the preliminary system plan in accordance with section 553 of title 5 of the United States Code, in at least twelve different locations in the region, and afford interested persons an opportunity to submit written comments thereon. Within sixty days after receipt of the preliminary system plan, the Director of the Office of the Commission shall submit to the executive committee of the association a summary of the recommendations of those who contributed comments on the preliminary system plan.

SEC. 309. FINAL SYSTEM PLAN.—Within sixty days after receipt of the summary of recommendations from the Office of the Commission, the executive committee of the association shall prepare and submit for approval to the board of directors of the association a final system plan. Within thirty days after receipt of the final system plan, the board of directors of the association shall by a majority vote of all its members approve a final system plan which is consistent with section 303 of this Act and includes substantially all the rail service envisioned in the final report issued under section 306 of this Act.

SEC. 310. REVIEW BY THE CONGRESS.—(a) The board of directors of the association shall deliver the final system plan adopted

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by it to both Houses of the Congress on the same day and to each House while it is in session on the date it is so adopted or, if either House is not in session on such date, on the first day thereafter that both Houses are in session. The final system plan shall become effective at the end of the first period of sixty calendar days of continuous session of Congress after the date on which the final system plan it transmitted to it unless, between the date of transmittal and the end of the sixty-day period, either House passes a resolution stating in substance that that House does not favor the final system plan.

(b) For the purpose of subsection (a) of this section—

(1) continuity of session is broken only by an adjournment of Congress sine die; and

(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the sixty-day period.

(c) In any case in which either House passes a resolution referred to in subsection (a) of this section, the board of directors of the association shall deliver a revised final system plan to the Congress in the same manner as in the case of the original final system plan and such revised final system plan shall be subject to review in the same manner as in the case of the original final system plan. The revised final system plan shall become effective in the same manner as provided in the case of the original final system plan. The final system plan which becomes effective under this section shall not be reviewable by any court or body, except as provided under section 501 of this Act.

TITLE IV—FEDERAL RAIL CORPORATION

Sec. 401. Establishment of the Corporation.—There is authorized and directed to be created a body corporate to be known as the "Federal Rail Corporation". The corporation shall be a for-profit corporation. The principal office of the corporation shall be located in Philadelphia, Pennsylvania. The corporation shall be established under the laws of a State (including the District of Columbia) and shall not be an agency or establishment of the United States Government. It shall be subject to the provisions of this Act, and to the extent consistent with this Act, to applicable State laws. The Secreary, the chairman of the association, and the Chairman of the Commission shall be the incorporators of the corporation and shall also serve as its initial board of directors until the shares of common stock of the corporation are issued to the estates of the bankrupt railroads in accordance with section 502 of this Act. So long as more than one-half of the outstanding indebtedness of the corporation is represented by securities, obligations, or loans issued by the association under this Act, or is guaranteed by the Secretary under this Act, no individual shall be eligible to serve as a member of the board of directors of the corporation (other than the initial board of directors) until he has been approved by the board of directors of the association. The incorporators and initial directors shall take whatever actions are necessary to establish the corporation, including the filing of articles of incorporation and the adoption of bylaws. The corporation shall be deemed a common carrier by railroad within the meaning of section 1(3) of the Interstate Commerce Act (49 U.S.C. 1(3)), effective as of the date on which the corporation commences rail service after purchase of rail properties of railroads in reorganization pursuant to section 502 of this Act.

Sec. 402. General Powers.—The purpose of the corporation shall be to acquire the rail properties of railroads in reorganization in accordance with title V of this Act, to operate, rehabilitate, and modernize the rail properties so acquired which are included in the corporation's rail system under the final system plan, and to contract for the operation of rail lines which are not in the corporation's rail system under the final system plan. To carry out their functions and purposes under this Act, the corporation and any corporation it creates under this Act shall have, in addition to the powers vested in the corporation under this Act, the powers conferred upon them under the laws of the State or States in which they are incorporated and the usual powers of a railroad under the laws of any State in which they operate.

Sec. 403. Initial Capitalization of Corporation.—In order to carry out the final system plan the corporation is authorized to issue stock and other securities. Common stock shall be issued initially to the estates of the bankrupt railroads in exchange for rail properties conveyed to the corporation pursuant to the final system plan.

TITLE V—IMPLEMENTATION OF THE FINAL SYSTEM PLAN

Sec. 501. Review; Consolidation of Proceedings; Certification to District Court.—(a) The final system plan shall not be reviewable by any court except as to matters concerning the value of the rail properties to be conveyed thereunder and the value of the consideration to be received therefor. Within fifteen days after the public release of the preliminary system plan, the association shall make an application to the judicial panel on multidistrict litigation authorized by section 1407 of title 28, United States Code, for the consolidation in a single, three-judge district court of all proceedings of any kind which arise or may arise concerning the final system plan or implementation thereof. Within thirty days after the date of such application, the panel shall make the consolidation in a United States district court (the "consolidated district court") which the panel determines is convenient to the parties and will promote a just and efficient conclusion to the proceedings. The consolidated proceedings shall be conducted by the consolidated district court composed of three judges selected by the panel, who are not assigned to any proceeding under section 77 of the Bankruptcy Act involving any of the railroads in reorganization. The judges to whom the proceedings are assigned may exercise the powers of a district judge in any district for the purpose of conducting the consolidated proceedings. No proceedings for review of any order of the panel under this subsection may be permitted. The panel may prescribe rules for the conduct of its functions under this subsection.

(b) Within ninety days but not earlier than seventy-five days after the effective date of the final system plan, the association shall deliver a copy of the final system plan and certify to the consolidated district court—

(1) which rail properties of the respective bankrupt railroads are to be conveyed to the corporation in accordance with the final system plan;

(2) which rail properties of the respective non-bankrupt railroads are to be conveyed to the corporation in accordance with the final system plan;

(3) which rail properties of the respective bankrupt railroads are to be conveyed to nonbankrupt railroads or to profitable railroads in accordance with the final system plan;

(4) which rail properties of the respective nonbankrupt railroads are to be conveyed to other non-bankrupt railroads or to profitable railroads in accordance with the final system plan;

(5) the fair and equitable value of all rail properties to be conveyed as indicated in paragraphs (1)–(4) of this subsection;

(6) the amount, terms, and value of the securities of the corporation (including any obligations of the association) to be exchanged for those rail properties of bankrupt railroads to be conveyed to the corporation pursuant to the final system plan and as indicated in paragraph (1) of this subsection;

(7) the amount, terms, and value of obligations to be received by the railroads in reorganization in exchange for those rail properties to be conveyed to nonbankrupt railroads, to profitable railroads, or to the corporation pursuant to the final system plan and as indicated in paragraphs (2), (3), and (4) of this subsection;

(8) that the securities of the corporation (including any obligations of the association) to be received by the respective bankrupt railroads will have a value equal to the fair and equitable value of the rail properties to be conveyed to the corporation in exchange therefor; and

(9) that the obligations to be received by the respective railroads in reorganization in exchange for the rail properties to be conveyed to the respective nonbankrupt railroads, to the respective profitable railroads, or to the corporation (excluding those rail properties to be conveyed by a bankrupt railroad to the corporation) have a value equal to the fair and equitable value of the respective rail properties to be so conveyed.

(c) Within ninety days but not earlier than seventy-five days after the effective date of the final system plan, the association shall deliver a copy of the final system plan and certify to each United States district court having jurisdiction over a railroad in reorganization—

(1) which rail properties of that railroad in reorganization are to be conveyed to the corporation under the final system plan; and

(2) which rail properties of that railroad in reorganization are to be conveyed to nonbankrupt railroads or to profitable railroads under the final system plan.

Sec. 502. Valuation and Conveyance of Rail Properties.—(a) Within ten days after the certifications referred to in sections 501 (b) and (c) are made, (1) the corporation, in exchange for the rail properties of the railroads in reorganization to be conveyed to the corporation, shall deposit with the consolidated district court all of the common stock of the corporation initially issued under this Act and other securities of the corporation initially issued under this Act and other securities of the corporation and obligations of the association with a value equal to the fair and equitable value of such rail properties as provided in the final system plan, and (2) each nonbankrupt railroad or profitable railroad purchasing rail properties from a railroad in reorganization under authorization of the final system plan shall deposit with the district court obligations with a value equal to the fair and equitable value of the rail properties to be conveyed in exchange therefor as provided in the final system plan.

(b) Each district court having jurisdiction over a railroad in reorganization shall (1) within ten days after deposit of the securities of the corporation and obligations of the association with the consolidated district court as provided in subsection (a)(1) of this section, order the trustee or trustees of such railroad to convey forthwith to the corporation all right, title, and interest in the rail properties of the railroad that are to be conveyed to the corporation under the final system plan as certified to the respective district courts under subsection (c)(1) of section 501 of this Act, and (2) within ten days after deposit of obligations with the consolidated district court as provided in subsection (a)(2) of this section, order the trustee or trustees of such railroad to convey forthwith to the respective nonbankrupt railroads or to the respective profitable railroads

all right, title, and interest in the rail properties of that railroad which are to be conveyed in accordance with the final system plan as certified to the respective district courts under subsection (c)(2) of section 501 of this Act.

(c) Following conveyance of the rail properties to the corporation, to nonbankrupt railroads, and to profitable railroads as provided in subsection (b) of this section, the consolidated district court shall—

(1) make a finding as to whether or not the securities of the corporation (including any obligations of the association) deposited with the consolidated district court in exchange for rail properties of bankrupt railroads have a value which is equal to the fair and equitable value of the rail properties conveyed to the corporation in exchange therefor, such finding to give due consideration to the findings contained in the final system plan;

(2) determine the fair and equitable value of—

(A) all of the rail properties conveyed to the corporation by all bankrupt railroads, and

(B) the rail properties conveyed to the corporation by each bankrupt railroad,

such determinations to give due consideration to the findings contained in the final system plan; and

(3) determine the fair and equitable value of the rail properties conveyed by each respective railroad in reorganization to a nonbankrupt railroad, to a profitable railroad, or to the corporation and the value of the obligations deposited by each nonbankrupt railroad, by each profitable railroad, or by the corporation, such findings to give due consideration to the findings contained in the final system plan.

(d) Upon making the findings and determinations referred to in paragraphs (1), (2), and (3) of subsection (c) of this section, the consolidated district court shall order distribution, to the estate of each railroad in reorganization which conveyed rail properties to a nonbankrupt railroad or to a profitable railroad, of obligations deposited with the consolidated court by the nonbankrupt railroad or the profitable railroad, as the case may be, with a value as of the date of the conveyance of the rail properties to any such railroad equal to the fair and equitable value of the rail properties so conveyed and, in the case of any such conveyance to the corporation, the consolidated district court shall order distribution of the securities of the corporation (including any obligations of the association), deposited with the court by the corporation with a value as of the date of the conveyance of the rail properties to the corporation equal to the fair and equitable value of the rail properties so conveyed. Any excess obligations shall be returned to the nonbankrupt railroad, to the profitable railroad, or to the corporation, as the case may be, and, if the consolidated district court finds that the obligations deposited by the nonbankrupt railroad or by the profitable railroad, or that the securities deposited by the corporation (including any obligations of the association), have a value as of the date of conveyance which is less than the fair and equitable value of the rail properties so conveyed to the nonbankrupt railroad, to the profitable railroad, or to the corporation, the district court shall enter a judgment against the nonbankrupt railroad or the profitable railroad for the amount of the deficiency to be paid in additional obligations, or against the corporation for the amount of the deficiency to be paid in securities of the corporation (which may include obligations of the association), in such amount and with such terms as the district court shall prescribe as necessary to equal the fair and equitable value of the rail properties conveyed.

(e) After distribution of such portion of the consideration as may be properly allocated to a railroad in reorganization to the estate thereof, thereafter the distribution or other disposition of such consideration shall be governed by the procedures of section 77 of the Bankruptcy Act with respect to each of the reorganization proceedings.

(f) All rail properties conveyed to a nonbankrupt railroad, to a profitable railroad, or to the corporation pursuant to this section shall be conveyed free and clear of any liens or encumbrances. Such conveyances shall not be deferred by reason of any controversy concerning the value of the rail properties to be conveyed or the value or amount of the obligations or of the securities of the corporation (including any obligations of the association) to be exchanged for said properties, and shall not be restrained or enjoined by any court on account of any such controversy.

(g) Each order entered pursuant to subsection (c) of this section shall be appealable forthwith unless the court within seven days of the entry of such an order shall determine in writing that such an appeal would not be in the interest of an expeditious conclusion of the proceedings. Appeals from such orders shall be taken directly to the Supreme Court of the United States in the same manner as injunction order pursuant to section 1253 of title 28, United States Code. A determination denying appeal pursuant to this section may be vacated at any time on the motion of the court or any party, and the order shall then become appealable on the date such determination is vacated. Any review or appeal of orders entered pursuant to subsection (c) of this section and of findings of a court pursuant to this subsection shall be concluded on an expedited basis.

Sec. 503. Discontinuance of Service; Abandonments; Changes in Rail System.—(a) Except as limited by subsection (c) of this section, rail service on rail properties of a railroad in reorganization beyond that operated pursuant to the final system plan may be discontinued upon ninety days' notice in writing to the Governor and State transportation agencies of each State, and to the government of each community, in which such rail properties are located, and to each shipper who has utilized such facilities during the previous twelve-month period.

(b)(1) Rail properties over which service has been discontinued pursuant to subsection (a) of this section may not be abandoned during the six-month period following the effective date of the final system plan. Thereafter, except as limited by subsection (c) of this section, such rail properties may be abandoned upon thirty days' notice to the Governor and State transportation agencies of each State in which rail properties are located, affected shippers and local communities, and the Secretary.

(2) In any case in which rail properties proposed to be abandoned under this section are designated by the final system plan as rail properties which are suitable for use for other public purposes (including but not limited to, roads or highways(other forms of mass transportation, conservation, and recreation), such rail properties shall not be sold, leased, exchanged, or otherwise disposed of during the six-month period beginning on the date of notice of proposed abandonment under this section unless such rail properties have first been offered, upon reasonable terms, for acquisition for public purposes by the State or local community in which they are located and such State or local community has refused such offer.

(c) Discontinuance of service and abandonment of rail properties may be effected under subsections (a) and (b) notwithstanding the provisions of the Interstate Commerce Act or the laws or constitution of any State or the decision or order of or the pendency of any proceeding before any Federal or State court, agency, or authority: *Provided, however,* That no rail service may be discontinued or rail properties abandoned pursuant to the provisions of this section (1) after two years from the effective date of the final system plan (not considering in the calculation of such two-year period, however, that period during which rail properties are operated under an operating subsidy as hereinafter provided), or (2) if a shipper, a State, or a local or regional authority, or other responsible person offers an operating subsidy that covers the difference between the revenue attributable to such rail properties and the fully distributed costs of handling traffic on such rail properties plus a reasonable return on the fair liquidation value of such rail properties or offers to purchase such rail properties or related facilities for their fair liquidation value. In the event that an operating subsidy is offered, the corporation, the railroad in reorganization (or the railroad leased, controlled, or operated by it) and the person offering the subsidy shall enter into an operating agreement under which the corporation will operate such rail properties and shall receive the difference between the revenue attributable to such rail properties and the fully distributed costs of handling traffic on such rail properties, and the railroad in reorganization (or the railroad leased, operated, or controlled by it) shall receive the reasonable rate of return on the liquidation value of such rail properties. Within six months after the date of enactment of this Act, the Commission shall, after affording an opportunity for public hearings in accordance with section 553 of title 5 of the United States Code, determine and publish standards for determining the "revenue attributable to the rail properties", and "fully distributed costs of handling traffic" and a "reasonable return on fair liquidation value" as those terms are used in this subsection.

(d) If an offer to purchase is made under this section such offer shall be accompanied by an offer of an operating subsidy in accordance with subsection (c) of this section, which operating subsidy shall continue until consummation of the purchase unless, by order or authorization of the Commission, a railroad assumes operations over such properties for its own account. When a railroad in reorganization gives notice of intent to discontinue service pursuant to the provisions of subsection (a) of this section, such railroad shall, upon request by anyone qualified to make a purchase offer pursuant to the provisions of subsection (c) of this section, promptly make available its most recent reports on the physical condition of such properties, and access to such traffic and revenue data as would be required under subpart B of part 1121 of chapter X of title 49 of the Code of Federal Regulations.

(e) If, after the rail system to be operated by the corporation under the final system plan shall have been in operation for two years, the Commission determines that service over any rail properties in such system is not required by the public convenience and necessity, the Commission may authorize the corporation to abandon any such rail properties. The Commission may determine at any time after the final system plan is effective either to authorize the abandonment of any rail properties not within the rail system of the corporation and not contemplated for abandonment under the final system plan or to authorize additional rail service in the region. Determinations made by the Commission under this section shall be made only in accordance with the applicable provisions of the Interstate Commerce Act.

Sec. 504. Disposition of Assets; Creditors' Rights.—On and after the date that a railroad in reorganization is determined to be a bankrupt railroad under section 301, such bankrupt railroad may not, without author-

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ization of the association, sell, lease, exchange, or otherwise dispose of its rail properties except in the ordinary course of business, and creditors of the bankrupt railroad shall have no continuing interest in, or rights against, the rail properties of the bankrupt railroad which are conveyed to the corporation but shall look only to the consideration distributed by the consolidated district court to the estate of such railroad in reorganization pursuant to this title.

TITLE VI—FINANCIAL ARRANGEMENTS

SEC. 601. OBLIGATIONS OF THE ASSOCIATION.—(a) To carry out the purposes of this Act, the association is authorized to issue and have outstanding at any one time obligations, having such maturities and bearing such rate or rates of interest as may be determined by the association, with the approval of the Secretary, to be redeemable at the option of the association before maturity in such manner as may be stipulated in such obligations; but the aggregate amount of obligations of the association outstanding at any one time shall not exceed $1,000,000,000. Of the aggregate amount of obligations issued by the association under this section, not less than $500,000,000 shall be available solely for the rehabilitation and modernization of rail properties acquired by the corporation under this Act, and not more than $200,000,000 shall be available for acquisition by the corporation under this Act of rail properties of railroads in reorganization. The association is authorized to purchase in the open market any of its obligations outstanding under this subsection at a price which the association finds to be reasonable.

(b) The Secretary shall guerantee any lender against loss of principal and interest on securities, obligations, or loans (including extensions or refinancings thereof) issued by the association under subsection (a) of this section.

(c) All guarantees entered into by the Secretary under this section shall constitute general obligations of the United States of America backed by the full faith and credit of the Government of the United States of America.

(d) Any guarantee made by the Secretary under this section shall not be terminated, canceled, or otherwise revoked; shall be conclusive evidence that such guarantee complies fully with the provisions of this title and of the approval and legality of the principal amount, interest rate, and all other terms of the securities, obligations, or loans, and of the guarantee; and shall be valid and incontestable in the hands of a holder of a guaranteed security obligation, or loan, except for fraud or material misrepresentation on the part of such holder.

(e) There are authorized to be appropriated to the Secretary such amounts, to remain available until expended, as are necessary to discharge all his responsibilities under this section.

(f) If at any time the moneys available to the Secretary are insufficient to enable him to discharge his responsibilities under guarantees issued by him under subsection (b) of this section, he shall issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities and subject to such terms and conditions, as may be prescribed by the Secretary of the Treasury. Redemption of such notes or obligations shall be made by the Secretary from appropriations available under subsection (c) of this section. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of such notes or other obligations. The Secretary of the Treasury shall purchase any notes or other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under that Act, as amended, are extended to include any purchase of such notes or obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States.

SEC. 602. FINANCIAL ASSISTANCE.—(a) For the purpose of providing financial assistance in accordance with section 202 of this Act, the association is authorized and directed to make loans on such terms and conditions as it may prescribe.

(b) Before making a loan under this section, the association shall find, in writing, that—

(1) the loan is necessary to carry out the final system plan or the purposes of this Act; and

(2) there is reasonable assurance that the business affairs of the loan recipient will be conducted in a prudent manner; and

(3) the loan recipient has pledged such security as the association deems necessary for the protection of the interest of the United States in guaranteeing obligations of the association.

(c) It is the intent of the Congress that loans made under this section shall be made on terms which furnish reasonable assurance that the loan recipient will be able to repay the loan within the time fixed and afford reasonable assurance that the goals of the final system plan or the purposes of this Act will be achieved.

SEC. 603. AUDIT OF ACCOUNTS OF ANY LOAN RECIPIENT.—The association is authorized to, and shall as necessary, inspect and copy all accounts, books, records, memorandums, correspondence, and other documents of any loan recipient which has outstanding any obligation to repay a loan received under this Act, concerning any matter which may bear upon (1) the ability of the loan recipient to repay the loan within the time fixed therefor, (2) the use of the proceeds of the loan, and (3) the carrying out of the purposes of this Act.

SEC. 604. INTERIM OPERATING ARRANGEMENTS.—There is authorized to be appropriated to the Secretary not to exceed $85,000,000 for payment to trustees of bankrupt railroads of such sums as are necessary to insure the continued operation of transportation services by such railroads pending the acquisition of their rail properties pursuant to section 502 of this Act. Such payments shall be made through agreements between the Secretary and the trustees which shall provide that every reasonable effort shall be made to maintain and operate the railroad at its current level of service.

SEC. 605. AUTHORIZATION.—(a) There is authorized to be appropriated to the Secretary $10,000,000 for the purpose of meeting the necessary expenses incurred in organizing the corporation and meeting necessary planning and administrative expenses incurred in carrying out his functions under this Act.

(b) There is authorized to be appropriated to the association not to exceed $26,000,000 in fiscal 1974, to remain available until expended, for the purpose of meeting expenses of the association in carrying out its functions under this Act.

(c) There is authorized to be appropriated to the Commission not to exceed $500,000 for the purpose of meeting the expenses of the office of the Commission in carrying out its functions under this Act.

TITLE VII—FEDERAL ASSISTANCE FOR OPERATING SUBSIDIES AND PURCHASES

SEC. 701. SUBSIDY.—(a) The Secretary shall reimburse a State, or local or regional authority, for 70 per centum of the amount paid by such State, or by such local or regional authority, as operating subsidy (calculated as provided in section 503(c) of this Act) to continue service for a minimum of one year on rail properties where service would otherwise have been discontinued or abandoned pursuant to section 503 of this Act (except as provided in section 503(c) of this Act). Where a State, or local or regional authority, has made an offer to purchase the property of a railroad in reorganization pursuant to section 503(c) of this Act, the Secretary shall make available to the State, or local or regional authority, either a loan, or the guarantee of a loan, equal to 70 per centum of the amount paid by such State or local or regional authority as the purchase price (calculated and approved as provided in subsections(c) and (d) of section 503 of this Act) and equal to 70 per centum of such additional moneys paid by the purchaser as the Secretary may agree are necessary to restore or repair such rail properties to such condition as will enable railroad operations thereover at a speed of twenty-five miles per hour. Any such loan made or guaranteed by the Secretary shall have such maturity and bear such rate or rates of interest as shall be approved by the Secretary and may, at the discretion of the Secretary, be required to be secured by a first lien in favor of the United States upon the properties so purchased, restored, or repaired. In the event the Secretary determines to guarantee a loan pursuant to the provisions of this section, said guarantee shall be subject to the same requirements as set forth in subsections (b), (c), and (d) of section 601 of this Act. No loan, or guarantee of a loan, shall be made or continued in effect with respect to any State, or any local or regional authority, at the same time such State, or such local or regional authority, is receiving an operating subsidy under this section.

(b) Within three months after the date of enactment of this Act, the Secretary shall prescribe regulations governing the procedure for application by a State, or a local or regional authority, for reimbursement of operating subsidies, criteria to be used in deciding upon such applications, and terms and conditions required of all contracts or other arrangements for operating subsidy.

(c) If the Secretary finds that an operating subsidy contract or other arrangement as submitted fails to comply with his regulations, he shall advise the State, or the local or regional authority, and afford it a period of not to exceed fifteen days within which to bring such contract into conformity with such regulations.

(d) An operating subsidy contract between a State, or a local or regional authority, and the corporation or a railroad may not exceed a term of two years. At the end of such term a State, or a local or regional authority, may apply to the Secretary for continued reimbursement under the terms of a new contract. If a contract expires and a new contract is not made, the corporation or the railroad may abandon the line in accordance with section 503 of this Act.

(e) The Secretary shall not reimburse a State, or a local or regional authority, for operating subsidy paid to the corporation or a railroad unless requisite legislation has been adopted extending authority to the Governor or other appropriate State, local, or regional official or agency to perform its obligations in accordance with the terms of this Act and regulations issued by the Secretary.

(f) Upon approval of an operating subsidy contract or other arrangement by the Secretary, the United States shall become

obligated to pay out of sums not otherwise obligated in the general fund of the Treasury, an amount equal to 70 per centum of moneys paid to the corporation or a railroad pursuant to such contract or arrangement upon the receipt of proof satisfactory to him that the payment for which reimbursement is sought has been made by the State or a local or regional authority. Such payments shall be made to the States, or local or regional authorities, by the Secretary pursuant to regulations prescribed by him. The Secretary shall not be authorized under this section to obligate the United States for amounts in excess of $50,000,000 in any fiscal year.

SEC. 702. CAPITAL IMPROVEMENTS.—The initial costs of restoring or upgrading rail properties to such condition as is necessary for the provision of service may not be included in an operating subsidy contract or other arrangement. Such capital costs may be prorated over the life of such line or facilities and such prorated cost may be included as part of the cost of an operating subsidy contract or other arrangement.

TITLE VIII—EMPLOYEE PROTECTION

SEC. 801. DEFINITIONS.—For the purposes of this title—

(1) The term "acquiring railroad" means a railroad, except the corporation, which seeks to acquire or has acquired, pursuant to the provisions of this Act, all or a part of the rail properties of one or more of the railroads in reorganization, the corporation, or a profitable railroad.

(2) The term "employee of a railroad in reorganization" means a person who, on the effective date of a conveyance of rail properties of a railroad in reorganization to the corporation or to an acquiring railroad, has an employment relationship with either said railroad in reorganization or any carrier (as defined in parts I and II of the Interstate Commerce Act) which is leased, controlled, or operated by the railroad in reorganization except a president, vice president, treasurer, secretary, comptroller, and any other person who performs functions corresponding to those performed by the foregoing officers.

(3) The term "protected employee" means any employee of an acquiring railroad adversely affected by a transaction and any employees of a railroad in reorganization who on the effective date of this Act have not reached age sixty-five.

(4) The term "class or craft of employees" means a group of employees, recognized and treated as a unit for purposes of collective bargaining, which is represented by a labor organization that has been duly authorized or recognized pursuant to the Railway Labor Act as its representatives for purposes of collective bargaining.

(5) The term "representative of a class or craft of employees" means a labor organization which has been duly authorized or recognized as the collective bargaining representative of a class or craft of employees pursuant to the Railway Labor Act.

(6) The term "deprived of employment" means the inability of a protected employee to obtain a position by the normal exercise of his seniority rights with the corporation after properly electing to accept employment therewith or, the subsequent loss of a position and inability, by the normal exercise of his seniority rights under the applicable collective bargaining agreements, to obtain another position with the corporation: *Provided, however*, That provisions in existing collective bargaining agreements of a railroad in reorganization, which do not require a protected employee, in the normal exercise of seniority rights, to make a change in residence, in order to maintain his protection, will be preserved and will also be extended and be applicable to all other protected employees of that same craft or class. It shall not, however, include any deprivation of employment by reason of death, retirement, resignation, dismissal or disciplinary suspension for cause, failure to work due to illness or disability, nor any severance of employment covered by subsections (d) and (e) of section 805 of this title.

(7) The term "employee adversely affected with respect to his compensation" means a protected employee who suffers a reduction in compensation.

(8) The term "transaction" means actions taken pursuant to the provisions of this Act or the results thereof.

(9) The term "change in residence" means transfer to a work location which is located either (1) outside a radius of thirty miles of the employee's former work location and farther from his residence than was his former work location or (2) is located more than thirty normal highway route miles from his residence.

SEC. 802. EMPLOYMENT OFFERS.—(a) The corporation and the association shall be subject to the provisions of the Railway Labor Act and shall be considered employers for purposes of the Railroad Retirement Act, Railroad Retirement Tax Act, and the Railroad Unemployment Insurance Act. The corporation, in addition, shall, except as otherwise specifically provided by this Act, be subject to all Federal and State laws and regulations applicable to carriers by railroad.

(b) The corporation shall offer employment to be effective as of the date of a conveyance or discontinuance of service under the provisions of this Act, to each employee of a railroad in reorganization who has not already accepted an offer of employment by the association or an acquiring railroad. Such offers of employment to employees represented by labor organizations will be confined to their same craft or class. The corporation shall apply to said employees the protective provisions of this title.

(c) The association shall offer employment to employees of a railroad in reorganization and shall apply to said employees the provisions of this title.

SEC. 803. ASSIGNMENT OF WORK.—The corporation shall have the right to assign, allocate, reassign, reallocate, and consolidate work formerly performed on the rail properties acquired pursuant to the provisions of this Act from a railroad in reorganization to any location, facility, or position on its system provided it does not remove said work from coverage of a collective-bargaining agreement and does not infringe upon the existing classification of work rights of any craft or class of employees at the location or facility to which said work is assigned, allocated, reassigned, reallocated, or consolidated and shall have the right to transfer to an acquiring railroad the work incident to the rail properties or facilities acquired by said acquiring railroad pursuant to this Act, subject however, to the provisions of section 806 of this title.

SEC. 804. COLLECTIVE-BARGAINING AGREEMENTS.—(a) Until completion of the agreements provided for under subsection (d) of this section, the corporation shall, as though an original party thereto, assume and apply on the particular lines, properties, or facilities acquired all obligations under existing collective-bargaining agreements covering all crafts and classes employed thereon, except that the Agreement of May, 1936, Washington, D.C. and provisions in other existing job stabilization agreements shall not be applicable to transactions effected pursuant to this Act with respect to which the provisions of section 805 shall be superseding and controlling. During this period, employees of a railroad in reorganization who have seniority on the lines, properties, or facilities acquired by the corporation pursuant to this Act shall have prior seniority roster rights on such acquired lines, properties, or facilities.

(b) On or before the date of the adoption of the final system plan by the board of directors of the association as provided in title III of this Act, the representatives of the various classes or crafts of the employees of a railroad in reorganization involved in a conveyance pursuant to this Act and representatives of the corporation shall commence negotiation of a single implementing agreement for each class and craft of employees affected providing (1) the identification of the specific employees of the railroad in reorganization to whom the corporation offers employment; (2) the procedure by which those employees of the railroad in reorganization may elect to accept employment with the corporation; (3) the procedure for acceptance of such employees into the corporation's employment and their assignment to positions on the corporation's system; (4) the procedure for determining the seniority of such employees in their respectve crafts or classes on the corporation's system which shall, to the extent possible, preserve their prior seniority rights; and (5) the procedure for determining equitable adjustment in rates of comparable positions. If no agreement with respect to the matters referred to in this subsection is reached by the end of thirty days after the commencement of negotiations, the parties shall within an additional ten days select a neutral referee and, in the event they are unable to agree upon the selection of such referee, then the National Mediation Board shall immediately appoint a referee. After a referee has been designated, a hearing on the dispute shall commence as soon as practicable. Not less than ten days prior to the effective date of any conveyance pursuant to the provisions of this Act, the referee shall resolve and decide all matters in dispute with respect to the negotiation of said implementing agreement or agreements and shall render a decision which shall be final and binding and shall constitute the implementing agreement or agreements between the parties with respect to the transaction involved. The salary and expenses of the referee shall be paid pursuant to the provisions of the Railway Labor Act.

(c) Notwithstanding failure for any reason to complete implementing agreements provided for in subsection (b) of this section, the corporation may proceed with a conveyance of properties, facilities, and equipment pursuant to the provisions of this Act and effectuate said transaction: *Provided*, That all protected employees shall be entitled to all of the provisions of such agreements, as finally determined, from the time they are adversely affected as a result of any such conveyance.

(d) No later than sixty days after the effective date of any conveyance pursuant to the provisions of this Act, the representatives of the various classes or crafts of the employees of a railroad in reorganization involved in a conveyance and representatives of the corporation shall commence negotiations of new collective bargaining agreements for each class and craft of employees covering the rates of pay, rules, and working conditions of employees who are employees of the corporation, which collective bargaining agreements shall include appropriate provisions concerning rates of pay, rules, and working conditions but shall not include any provisions for job stabilization resulting from any transaction effected pursuant to this Act which may exceed or conflict with those established or prescribed herein.

SEC. 805. EMPLOYEE PROTECTION.—(a) A protected employee whose employment is governed by a collective bargaining agreement will not, except as explicitly provided in this title, during the period in which he is entitled to protection, be placed in a worse position with respect to compensation, fringe benefits, rules, working conditions, and rights and privileges pertaining thereto.

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(b) A protected employee, who has been deprived of employment or adversely affected with respect to his compensation shall be entitled to a monthly displacement allowance computed as follows:

(1) Said allowance shall be determined by computing the total compensation received by the employee, including vacation allowances and monthly compensation guarantees, and his total time paid for during the last twelve months immediately prior to his being adversely affected in which he performed compensated service more than 50 per centum of each of such months, based upon his normal work schedule, and by dividing separately the total compensation and the total time paid for by twelve, thereby producing the average monthly compensation and average monthly time paid for; and, if an employee's compensation in his current position is less in any month in which he performs work than the aforesaid average compensation, he shall be paid the difference, less any time lost on account of voluntary absences other than vacations, but said protected employee shall be compensated in addition thereto at the rate of the position filled for any time worked in excess of his average monthly time: *Provided, however,* That—

(A) in determining compensation in his current employment the protected employee shall be treated as occupying the position, producing the highest rate of pay to which his qualifications and seniority entitles him under the applicable collective bargaining agreement and which does not require a change in residence;

(B) the said monthly displacement allowance shall be reduced by the full amount of any unemployment compensation benefits received by the protected employee and shall be reduced by an amount equivalent to any earnings of said protected employee in any employment subject to the Railroad Retirement Act and 50 per centum of any earnings in any employment not subject to the Railroad Retirement Act;

(C) a protected employee's average monthly compensation shall be adjusted from time to time thereafter to reflect subsequent general wage increases;

(D) should a protected employee's service total less than twelve months in which he performs more than 50 per centum compensated service based upon his normal work schedule in each of said months, his average monthly compensation shall be determined by dividing separately the total compensation received by the employee and the total time for which he was paid by the number of months in which he performed more than 50 per centum compensated service based upon his normal work schedule; and

(E) the monthly displacement allowance provided by this section shall in no event exceed the sum of $2,500 in any month except that such amount shall be adjusted to reflect subsequent general wage increases: *Provided,* That, notwithstanding any other provision of this section, no managerial or executive employee of the corporation shall be paid any displacement allowance in excess of $1,660 per month.

(2) A protected employee's average monthly compensation under this section shall be based upon the rate of pay applicable to his employment and shall include increases in rates of pay not in fact paid but which were provided for in national railroad labor agreements generally applicable during the period involved.

(3) If a protected employee who is entitled to a monthly displacement allowance served as an agent of a representative of a craft or class of employees on either a full or part-time basis in the twelve months immediately preceding his being adversely affected, his monthly displacement allowance shall be computed by taking the average of the average monthly compensation and average monthly time paid for of the protected employees immediately above and below him on the same seniority roster or his own monthly displacement allowance, whichever is greater.

(4) An employee and his representative shall be furnished with a protected employee's average monthly compensation and average monthly time paid for, computed in accordance with the terms of this subsection, together with the date upon which such computations are based, within thirty days after the protected employee notifies the corporation in writing that he has been deprived of employment or adversely affected with respect to his compensation.

(c) The monthly displacement allowance provided for in subsection (b) of this section shall continue until the attainment of age sixty-five by a protected employee with five or more years of service on the effective date of this Act and, in the case of a protected employee who has less than five years service on such date, shall continue for a period equal to his total prior years of service: *Provided,* That such monthly displacement allowance shall terminate upon the protected employee's death, retirement, resignation, or dismissal for cause; and shall be suspended for the period of disciplinary suspension for cause, failure to work due to illness or disability, voluntary furlough, or failure to retain or obtain a position available to him by the exercise of his seniority rights in accordance with the provisions of this section.

(d) (1) A protected employee who had been deprived of employment may be required by the corporation, in inverse seniority order and upon reasonable notice, to transfer to any bona fide vacancy for which he is qualified in his same craft or class on any part of the corporation's system and shall then be governed by the collective bargaining agreement applicable on the seniority district to which transferred. If such transfer requires a change in residence, any such protected employee may choose (A) to voluntarily furlough himself at his home location and have his monthly displacement allowance suspended during the period of voluntary furlough, or (B) to be severed from employment upon payment to him of a separation allowance computed as provided in subsections (e) and (f) of this section, which separation allowance shall be in lieu of all other benefits providing by this title.

(2) Such protected employee shall not be required to transfer to a location requiring a change in residence unless there is a bona fide need for his services at such location. Such bona fide need for services contemplates that the transfer be to a position which has not and cannot be filled by employees who are not required to make a change in residence in the seniority district involved and which, in the absence of this section, would have required the employment of a new employee.

(3) Such protected employee who, at the request of the corporation, has once accepted and made a transfer to a location requiring a change in residence, shall not be required again to so transfer for a period of three years.

(4) Transfers to vacancies requiring a change in residence shall be subject to the following:

(A) The vacancy shall be first offered to the junior qualified protected employee deprived of employment in the seniority district where the vacancy exists, and each such employee shall have twenty days to elect one of the options set forth in paragraph (1) of this subsection. If that employee elects not to accept the transfer, it will then be offered in inverse seniority order to the remaining qualified, protected employees deprived of employment on the seniority district, who will each have twenty days to elect one of the options set forth in paragraph (1) of this subsection.

(B) If the vacancy is not filled by the procedure in paragraph (4) (A) of this subsection, the vacancy will then be offered in the inverse order of seniority to the qualified, protected employees deprived of employment on the system and each of such employees will be afforded thirty days to elect one of the options set forth in paragraph (1) of this subsection.

(C) The provisions of this paragraph (4) shall not prevent the adoption of other procedures pursuant to an agreement made by the corporation and representative of the class or craft of employees involved.

(e) A protected employee who is tendered and accepts an offer by the corporation to resign and sever his employment relationship in consideration of payment to him of a separation allowance, and any protected employee whose employment relationship is severed in accordance with subsection (d) of this section, shall be entitled to receive a lump-sum separation allowance not to exceed $20,000 in lieu of all other benefits provided by this title. Said lump-sum separation allowance, in the case of a protected employee who had not less than three nor more than five years of service as of the date of this Act, shall amount to two hundred and seventy days' pay at the rate of the position last held and, in the case of a protected employee having had five or more years' service, shall amount to the number of day's pay indicated below at the rate of the position last held dependent upon the age of the protected employee at the time of such termination of employment:

60 or under	360 days' pay
61	300 days' pay
62	240 days' pay
63	180 days' pay
64	120 days' pay

(f) The corporation may terminate the employment of an employee of a railroad in reorganization, who has less than three years' service as of the effective date of this Act: Provided, however, That in such event the terminated employee shall be entitled to receive a lump sum separation allowance in an amount determined as follows:

2 to 3 years' service—180 days' pay at the rate of the position last held.

1 to 2 years' service—90 days' pay at the rate of the position last held.

Less than 1 year's service—5 days' pay at the rate of the position last held for each month of service.

(g) Any protected employee who is required to make a change of residence as the result of a transaction shall be entitled to the following benefits:

(1) Reimbursement for all expenses of moving his household and other personal effects, for the traveling expense of himself and members of his family, including living expenses for himself and his family, and for his own actual wage loss, not to exceed ten working days: Provided, That the corporation or acquiring railroad shall, to the same extent provided above, assume said expenses for any employee furloughed within three years after changing his point of employment as a result of a transaction, who elects to move his place of residence back to his original point of employment. No claim for reimbursement shall be paid under the provisions of this section unless such claim is presented to the corporation or acquiring railroad within ninety days after the date on which the expenses were incurred.

(2) (A) (i) If the protected employee owns, or is under a contract to purchase, his own home in the locality from which he is required to move and elects to sell said home, he shall be reimbursed for any loss suffered in the sale of his home for less than its fair market value. In each case the fair market value of the home in question shall be determined as of a date sufficiently prior to the date of the transaction so as to be unaffected thereby. The corporation shall in each instance be afforded an opportunity to purchase the home at such fair market value before it is sold by the employee to any other person.

(ii) A protected employee may elect to waive the provisions of paragraph (2) (A) (i) above, and receive, in lieu thereof, an amount equal to his closing costs which are ordinarily paid for and assumed by a seller of real estate in the jurisdiction in which the residence is located. Such costs shall include a real estate commission paid to a licensed realtor (not to exceed $3,000 or 6 per centum of sale price, whichever is less), and any prepayment penalty required by the institution holding the mortgage; such costs shall not include the payment of any "points" by the seller.

(B) If the protected employee holds an unexpired lease on a dwelling occupied by him as his home, he shall be protected from all loss and cost in securing the cancellation of said lease.

(C) No claim for costs or loss shall be paid under the provisions of this paragraph (2) unless such claim is presented to the corporation within ninety days after such costs or loss are incurred.

(D) Should a controversy arise with respect to the value of the home, the costs or loss sustained in its sale, the costs or loss under a contract for purchase, loss or cost in securing termination of a lease, or any other question in connection with these matters, it shall be decided through joint conference between the employee, or his representative, and the corporation. In the event they are unable to agree, the dispute or controversy may be referred by either party to a board of competent real estate appraisers, elected in the following manner: One to be selected by the employee or his representative and one by the corporation, and these two, if unable to agree upon a valuation within thirty days, shall endeavor by agreement within ten days thereafter to select a third appraiser, or to agree to a method by which a third appraiser shall be selected, and, failing such agreement, either party may request the National Mediation Board to designate within ten days a third qualified real estate appraiser whose designation will be binding upon the parties. A decision of a majority of the appraisers shall be required and said decision shall be final and conclusive. The salary and expenses of the third or neutral appraiser, including the expenses of the appraisal board, shall be borne equally by the parties to the proceedings. All other expenses shall be paid by the party incurring them, including the compensation of the appraiser selected by such party.

(h) Should a railroad rearrange or adjust its forces in anticipation of a transaction with the purpose or effect of depriving a protected employee of benefits to which he otherwise would have become entitled under this title, the provisions of this title will apply to such employee.

Sec. 806. Contracting Out.—All work in connection with the operation or services provided by the corporation on the rail lines, properties, equipment, or facilities acquired pursuant to the provisions of this Act and the maintenance, repair, rehabilitation, or modernization of such lines, properties, equipment, or facilities which has been performed by practice or agreement in accordance with provisions of the existing contracts in effect with the representatives of the class or craft involved shall continue to be performed by said corporation's employees, including employees on furlough. Should the corporation lack a sufficient number of employees, including employees on furlough, and is unable to hire additional employees, to perform the work required, it shall be permitted to subcontract that part of such work which cannot be performed by its employees including those on furlough, except where agreement by the representatives of the employees of the class or craft involved is required by applicable collective bargaining agreements. The term "unable to hire additional employees" as used in this section contemplates establishment and maintenance by the corporation of an apprenticeship, training, or recruitment program to provide an adequate number of skilled employees to perform the work.

Sec. 807. Arbitration.—Any dispute or controversy with respect to the interpretation, application, or enforcement of the provisions of this title, except section 804(d) and those disputes or controversies provided for in subsection (g) (2) (D) of section 805 and subsection (b) of section 804 which have not been resolved within ninety days, may be submitted by either party to an Adjustment Board for a final and binding decision thereon as provided in section 3. Second, of the Railway Labor Act, in which event the burden of proof on all issues so presented shall be upon the corporation or association.

Sec. 808. Acquiring Railroads.—An acquiring railroad shall offer such employment and afford such employment protection to employees of a railroad from which it acquires properties or facilities pursuant to this Act, and shall further protect its own employees who are adversely affected by such acquisition, as shall be agreed upon between the said acquiring railroad and the representatives of such employees prior to said acquisition: *Provided, however,* That the protection and benefits provided for protected employees in such agreements shall be the same as those specified in section 805 of this title: *And provided further, however,* That unless and until such agreements are reached, the acquiring railroad shall not enter into purchase agreements pursuant to section 303 of this Act.

Sec. 809. Payment of Benefits.—The corporation, association, and acquiring railroads, as the case may be, shall be responsible for the actual payment of all allowances, expenses, and costs, provided protected employees pursuant to the provisions of this title. The corporation, association, and acquiring railroads shall then be reimbursed for such actual amounts paid protected employees pursuant to the provisons of this title by the Railroad Retirement Board upon certification to said Board by the corporation, associaton, and acquiring railroads of the amounts paid such employees. Such reimbursement shall be made from a separate account maintained in the Treasury of the United States to be known as the Regional Rail Transportation Protective Account. There is hereby authorized to be appropriated to such protective account annually such sums as may be required to meet the obligations payable hereunder, not to exceed in the aggregate, however, the sum of $250,000,000. There is further authorized to be appropriated to the Railroad Retirement Board annually such sums as may be necessary to provide for additional administrative expenses to be incurred by the Board in the performance of its functions under this section.

TITLE IX—MISCELLANEOUS PROVISIONS

Sec. 901. Application of Laws.—In formulating and implementing the final system plan, the association, the corporation, and any railroad affected thereby shall be relieved of all prohibitions under the antitrust laws of the United States or of any State or subdivision thereof. The Interstate Commerce Act and the Bankruptcy Act, to the extent necessary to carry out this Act, and the National Environmental Policy Act of 1969 shall not apply to any transaction under this Act.

Sec. 902. Effect on Pending Proceedings.—Upon enactment of this Act, no railroad in reorganization may discontinue any rail service or abandon any rail line other than in accordance with the provisions of this Act, notwithstanding the provision of any other Act, the law or constitution of any State, or the decision or order of, or the pendency of any proceeding before, any Federal or State court, agency, or authority.

Sec. 903. Records and Audit of the Association, the Corporation and Certain Railroads.—(a) (1) The accounts of the association and of the corporation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audit shall be conducted at the place or places where the accounts of the association or the corporation are normally kept. All books, accounts, financial records, reports, files, and other papers, things, or property belonging to or in use by the association or the corporation and necessary to facilitate the audit shall be made available to the person conducting the audit; and full facilities for verifying transactions with the balances or securities held by depositories, financial agents, and custodians shall be afforded to such person.

(2) The report of each such independent audit shall be included in the annual report required by subsection (a) of section 904. The audit report shall set forth the scope of the audit and include such statements as are necessary to present fairly the assets and liabilities and surplus or deficit of the association or the corporation, with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the income and expenses of the association or the corporation during the year, and a statement of the sources and application of funds, together with the independent auditor's opinion of those statements.

(b) (1) The financial transactions of the association may be audited by the Comptroller General of the United States under such rules and regulations as he may prescribe. The financial transactions of the corporation for any fiscal year during which Federal financial assistance is used to finance any portion of its operations, and the financial transactions of any railroad which has outstanding any obligation to repay a loan received under this Act, may be audited by the Comptroller General of the United States in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General. Any such audit shall be conducted at the place or places where accounts of the association, the corporation, or the railroad are normally kept. The representative of the Comptroller General shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by the association, the corporation, or the railroad pertaining to its financial transactions and necessary to facilitate the audit, and shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of the association, the corporation, or the railroad shall remain in possession and custody of the association, the corporation, or the railroad.

(2) A report of each such audit shall be made by the Comptroller General to the Congress. The report to the Congress shall contain such comments and information as the Comptroller General may deem necessary to inform Congress of the financial operations and condition of the association, the corporation, or the railroad, together with such recommendations with respect thereto as he may deem advisable. The report shall also show specifically any program, expenditure, or other financial transaction or undertaking observed in the course of the audit, which, in the opinion of the Comptroller General, has been carried on or

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made without authority of law. A copy of each report shall be furnished to the President, to the Secretary, and to the association or the corporation, and to the railroad, at the time submitted to the Congress.

SEC. 904. REPORTS.—(a) The association and the corporation each shall transmit to the President and Congress, within ninety days after the end of its fiscal year, a comprehensive and detailed report of its activities and attainments during the preceding fiscal year.

(b) The Secretary shall transmit to Congress in March of each year a comprehensive report on the effectiveness of the association and the corporation in implementing the purposes of this Act, together with any recommendations for additional legislation or other action. In carrying out the provisions of this subsection, the Secretary may use available services and facilities of other departments, agencies, and instrumentalities of the Federal Government with their consent and on a reimbursable basis.

SEC. 905. EXEMPTION FROM TAXATION.—The association, including its franchise, capital reserves, surplus, security holdings, and income shall be exempt from all taxation now or hereafter imposed by the United States, by any territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority, except that any real property of the association shall be subject to State, territorial, county, municipal, or local taxation to the same extent according to its value as other real property is taxed.

SEC. 906. PROHIBITION AGAINST USE OF NAME.—No individual, association, partnership, or corporation, except the association created under this Act, shall hereafter use the words "Federal National Railway Association" as the name under which he or it shall do business. Violations of the foregoing may be enjoined by any court of general jurisdiction at the suit of the association. In any suit, the association may recover any actual damages flowing from such violation, and, in addition, shall be entitled to punitive damages (regardless of the existence or nonexistence of actual damage) of not exceeding $100 for each day during which such violation was committed.

SEC. 907. INVESTMENT OF FUNDS.—Uncommitted moneys of the association shall be kept in cash on hand or on deposit, or invested in obligations of the United States or guaranteed thereby, or in obligations, participations, or other investments which are lawful investments for fiduciary, trust, or public funds.

SEC. 908. SEPARABILITY OF PROVISIONS.—If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application of such provisions to other persons or circumstances shall not be affected thereby.

SEC. 909. RULES AND REGULATIONS.—The association shall issue such rules and regulations as are necessary to carry out the authority granted by this Act.

SEC. 910. OBLIGATIONS OR OTHER INSTRUMENTS AS LAWFUL INVESTMENTS; ACCEPTANCE AS SECURITY; EXEMPT SECURITIES.—All obligations or other instruments issued by the association shall be lawful investments, and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority and control of the United States or any officer or officers hereof. All obligations, securities, or other instruments issued pursuant to this Act (other than those issued by the corporation) shall be exempt securities within the meaning of laws administered by the Securities and Exchange Commission.

SEC. 911. AMENDMENTS TO SECURITIES ACTS.—(a)(1) Section 3(a)(6) of the Securities Act of 1933 is amended to read as follows:

"(6) Any security issued by a motor carrier the issuance of which is subject to the provisions of section 214 of the Interstate Commerce Act;".

(2) The second sentence of section 19(a) of such Act is amended by striking out "; but insofar as they relate to any common carrier subject to the provisions of section 20 of the Interstate Commerce Act, as amended, the rules and regulations of the Commission with respect to accounts shall not be inconsistent with the requirements imposed by the Interstate Commerce Commission under authority of such section 20".

(3) The second sentence of section 214 of the Interstate Commerce Act is amended by striking out the first proviso.

(b) Section 13(b) of the Securities Exchange Act of 1934 is amended by striking out ", and, in the case of carriers subject to the provisions of section 20 of the Interstate Commerce Act" and all that follows in such subsection, and inserting in lieu thereof "(except that such rules and regulations of the Commission may be inconsistent with such requirements to the extent that the Commission determines that the public interest or the protection of investors so requires).".

(c) Section 3(c)(7) of the Investment Company Act of 1940, as amended, is amended to read as follows:

"(7) Any company (A) which is subject to regulation under section 214 of the Interstate Commerce Act: *Provided*, That this exception shall not apply to a company which the Commission finds and by order declares to be primarily engaged, directly or indirectly, in the business of investing, reinvesting, owning, holding, or trading in securities; or (B) whose entire outstanding stock is owned or controlled by a company excepted under clause (A) hereof: *Provided*, That the assets of the controlled company consist substantially of securities issued by companies which are subject to regulation under section 214 of the Interstate Commerce Act.".

(d)(1) The amendments made by subsection (a) of this section shall take effect on the sixtieth day after the date of enactment of this Act, but shall not apply with respect to any security which was bona fide, offered to the public by the issuer or by or through an underwriter before such sixtieth day.

(2) The amendment made by subsection (c) of this section shall not apply to any report by any person respecting a fiscal year of such person which began before the date of enactment of this Act

(3) The amendment made by subsection (c) of this section shall take effect on the sixtieth day after the date of enactment of this Act.

SEC. 912. RAIL TRANSPORTATION OF EXPLOSIVES.—In the exercise of his authority to regulate the transportation of explosives and other dangerous articles under chapter 39 of title 18, United States Code, the Secretary of Transportation shall, as soon as practicable after the date of enactment of this Act, issue regulations governing the rail transportation of explosives requiring—

(1) the use of railroad cars with roller bearings and with either composition brake shoes or spark shields;

(2) the placement of at least one spacer car not containing materials regulated under chapter 39 of such title 18 between cars containing explosives en route between origin and destination in rail transportation service; and

(3) inspection of railroad car selection, and of the loading of each such car, to be used in the rail transportation of explosives and the periodic inspection of each such car en route between origin and destination in rail transportation service.

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the Committee amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

AMENDMENT OFFERED BY MR. KUYKENDALL

Mr. KUYKENDALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KUYKENDALL: Page 55, strike out lines 5 through 25 and insert in lieu thereof the following:

(5) The term "fair and equitable value" means, with reference to the rail properties of a railroad in reorganization which are to be acquired by the corporation, by a nonbankrupt railroad, or by a profitable railroad and operated in accordance with the final system plan, either the fair liquidation value or going concern value thereof as of September 30, 1973, as provided in the final system plan, except that in no event shall such rail properties be valued at more than the constitutional minimum required for their acquisition. For the purposes of this paragraph, fair liquidation value is the best price that the then existing market could fairly be expected to provide for the sale of such rail properties over a reasonable period of time less the economic costs and expenses incident to holding and maintaining such properties over such time and to their disposition and less a reasonable discount for delay in receipt of proceeds over such time; and going concern value is the capitalized value of the earning power of such properties projected over a reasonable period of time, giving due consideration to the effect and cost of implementation of the final system plan.

Mr. KUYKENDALL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read, and printed in the RECORD, because I am only changing one sentence on page 55 of the bill, lines 14 and 15.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. KUYKENDALL. Mr. Chairman, on lines 14 and 15 I wish to strike, "Taking into consideration the public interest character of such properties."

I wish to strike that language only.

Mr. GROSS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. The call will be taken by electronic device.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 569]

Anderson, Ill.
Andrews, N.C.
Bell
Biester
Blackburn
Blatnik
Breckinridge
Brown, Ohio
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Clark
Clay
Cochran
Conyers
Davis, Wis.
de la Garza
Diggs
Drinan
Dulski
Evins, Tenn.
Fraser
Gray
Green, Oreg.
Hammerschmidt
Hansen, Wash.
Harsha
Harvey
Hébert
Hillis
Holifield
Ichord
Jones, Tenn.
Landgrebe
Mahon
Mathis, Ga.
Meeds
Melcher
Mills, Ark.
Minshall, Ohio
Mitchell, Md.
Murphy, Ill.
Nedzi
Nelsen
O'Hara
Patman
Rees
Reid
Robison, N.Y.
Rooney, N.Y.
Rose
Roush
Runnels
Ruppe
Sandman
Seiberling
Steed
Steele
Teague, Tex.
Vanik
Wright

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. LANDRUM, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 9142, and finding itself without a quorum, he had directed the Members to record their presence by electronic device, whereupon 371 Members recorded their presence, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The committee resumed its sitting.

The CHAIRMAN. When the Committee suspended for the quorum call the gentleman from Tennessee (Mr. KUYKENDALL) had requested that the amendment he had offered be considered as read and printed in the RECORD, and the gentleman had been recognized in support of his amendment.

The Chair now recognizes the gentleman from Tennessee (Mr. KUYKENDALL).

Mr. KUYKENDALL. Mr. Chairman, it will be recalled that when I offered my amendment I said that I was only changing one sentence on page 55 of the bill, striking lines 14 and 15. I would like the Chairman of the full Committee, the gentleman from West Virginia (Mr. STAGGERS) to comment on my amendment.

Mr. STAGGERS. Mr. Chairman, if the gentleman will yield, I will say that we on this side have no objection to the amendment offered by the gentleman from Tennessee (Mr. KUYKENDALL).

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee (Mr. KUYKENDALL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SKUBITZ

Mr. SKUBITZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SKUBITZ: Page 107, line 24, After "thereto." "No payments or allowances under this Title shall continue for any protected employee beyond six years from the date of conveyance of rail properties under Section 502 of this Act; provided that not withstanding the provisions of the Railroad Retirement Act or any other provision of law a protected employee shall, if placed in furloughed status following the expiration of the protective payments or allowances under this Title, have his contributions to the Railroad Retirement Account and the matching employer's contributions to the Account continued during the period in which he is furloughed, at the same rate of contribution as that of the preceding twelve months, such contributions to be made by the Corporation or other acquiring railroad with whom the employee has an employment relationship; and, provided further, that Railroad Retirement benefits thus accrued shall be paid such protected employee, and/or his designated beneficiaries, in the same manner and under the same conditions as paid all with vested rights under the Railroad Retirement Act.

Mr. SKUBITZ. Mr. Chairman, this measure provides that any person who is furloughed by the railroads, and has 5 years of service, is considered a protected worker. If that worker is not given another job on the railroad, then he is guaranteed a wage, his regular wage based on a 12-month period for the rest of his life. Now the Members have been told that we are going to take care of more of the employees. Then ask the question: If this is true, why have we placed a proviso in this bill of $250 million to take care of such displacement?

My amendment provides that after 6 years the unearned salary will be discontinued. Why 6 years?

Because that is the period we used in the legislation creating Amtrak. We agreed to pay employees who were placed on furlough for 6 years. At the end of the 6-year period, the corporation is required to continue payments into the retirement fund so that at retirement such employees are protected. They are entitled to that. Their pension is something that they have bargained for. It is a fringe benefit.

So under this act what we would do is simply say that at the end of 6 years these unearned salary payments are cut off, and the corporation at that time will pick up only the retirement payments, and notwithstanding any other proviso of the act, these men will receive their retirement pay.

I stated in my opening remarks, that I too feel that men who have given a lifetime to their craft—men who have been entrusted with the lives of passengers and the movement of freight should not be thrown on the unemployment scrap heap.

Certainly if a viable road entered into a merger and agreed to pay a lifetime wage I have no objection. But here we are dealing with five bankrupt railroads. The Government is to pick up the chip? To write into law conditions providing for lifetime unearned salaries is to renege on congressional responsibility. We establish a dangerous precedent. If we are willing to do this for railroad labor, Can we do less for a Federal employee who loses his job?

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. SKUBITZ. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, does this amendment cover both blue collar workers and management that may be furloughed?

Mr. SKUBITZ. My amendment takes care of them for up to 6 years.

Mr. GROSS. Does this cover management or track walkers or what?

Mr. SKUBITZ. It covers only the protected employees, that is the workers themselves.

Mr. GROSS. Then is provision made in the bill for executives?

Mr. SKUBITZ. There is a proviso in there that the executives will get up to $20,000 a year. I presume someone else will be offering an amendment on that.

Mr. GROSS. I would hope so.

Mr. STAGGERS. Mr. Chairman, I rise in opposition to the amendment.

First I would like to say that this arrangement—and I have been before this House many times on railroad matters—was worked out by a committee of the railroad associations and labor and they have worked out three or four or five others recently which without those arrangements could have caused a strike. There was almost a strike on the Penn Central even in their current bankruptcy which would have caused this Nation to suffer billions of dollars in losses.

I would like to read briefly a letter from the president of the Association of Railroads and this is to Claude Brinnager, Secretary of Transportation:

> In response to your telegram which we received on October 6 the labor protective provisions proposed in title VIII of the bill H.R. 9142 were submitted to our board of directors for their information on September 28. Since then I have heard from 14 railroad presidents. I conclude that these provisions are in line with the provisions that appear in recent merger agreements and are as satisfactory from the management point of view as could be hoped for.

Under the Washington agreements of 1936 when the mergers were made they took care of every employee. This is a fact which should be taken into consideration now. These are a little different arrangements now than were made then. This only protects the ones who are employed now. Any other new employees have to be taken care of under other arrangements. The bill arranges for labor negotiations between the corporation and labor in a period of 60 days after date of enactment. I do not know what the time limit is, but they are going into negotiations to implement these agreements.

There are few railroad workers outside of management that I know of in America who makes $20,000 or $25,000 a year. There may be a few but they must be very few. Those men are reaching near the age of 65. There are 14,000 men who will be laid off very soon after this goes into operation through the natural attrition in the Northeast railroads. Any man who comes on afterwards will be offered a job but he will not be under this protection but under another plan.

I think this is necessary. This is an arrangement freely negotiated between labor and management. I think it is fair. I say to you if we do not do this—and I do not believe it will cost anywhere near the amount of money we have authorized—we would endanger the railroad management and the labor contract as they have it. We could have a strike which would cost billions of dollars and not just $100 million or $250 million. I say we have got railroad management and labor working together now for once in history and they have worked out several recent agreements that have been good. They have worked out the railroad pension plan which I know we could not have worked out on this floor. They have worked out several of the plans in which they gave additional help to labor after several years of employment.

I say to tinker with this at all would be to endanger the whole bill. I say those who would be benefited by the change are so few it would be inconsequential and this amendment ought to be defeated.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, the gentleman is not suggesting or threatening the House with a railroad strike if an amendment curing a bad situation is adopted, is he?

Mr. STAGGERS. No, this gentleman would not do that and I do not know and the gentleman does not know about a strike, but I think we ought to look ahead a little bit. We have been trying to patch things up and the time has come to look ahead in this Congress and in this Nation. We need leaders that will not wait for a crisis to happen. Let us take care of the problems before they occur.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman spoke of a meeting of the American Association of Railroads.

Mr. STAGGERS. That is right.

Mr. GROSS. And I suppose there were representatives of the brotherhoods, is that correct?

Mr. STAGGERS. Yes, that is correct.

Mr. GROSS. All right. Was the third party, the huge third party in interest, represented in these negotiations; the taxpayers who will pay the bill for this?

Mr. STAGGERS. Let me say to the gentleman, our committee of 43 members listened to every bit of it and went over it and I think they represent the people of America. That is a tenth of the Members of this House that are on this committee.

Mr. GROSS. But you are not a representative of the Association of American Railroads or of the Brotherhoods?

Mr. STAGGERS. No; of course, I am not.

Mr. ADAMS. Mr. Chairman, I rise in opposition to the amendment.

I want to say that the committee put limitations on the amount of taxpayer involvement. This was a figure that was indicated as acceptable to the administration. They indicated these were social costs that should be paid. There are no executive officers, such as a president or a vice president covered under the bill.

I hope that the amendment will be defeated.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I yield to the gentleman from Kansas.

Mr. SKUBITZ. Mr. Chairman, I would like to ask the chairman of the committee a few questions. Did the committee at any time hold hearings on the labor agreement?

Mr. STAGGERS. There were no public hearings at all before they were placed before the committee. There were copies available and every man had an opportunity to read it over. The committee did not have time to be pertinent with all of it.

Mr. SKUBITZ. There were no hearings on it?

Mr. STAGGERS. We could not have hearings.

Mr. SKUBITZ. We could very well have many meetings to discuss the title at length.

Mr. STAGGERS. I will agree with the gentleman. I think the gentleman from Kansas wants to be fair with labor, as I do, and with every other segment of society. This is an agreement between management and labor and as the gentleman knows, they have been holding these meetings continuously in the last few years and it was done because our committee asked them to do it. Since they have been doing it, we have not had the labor troubles we had before.

Mr. SKUBITZ. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. SKUBITZ. May I say to my chairman, it is very easy for two groups to get together and make an agreement so long as someone else must foot the bill. In this case, Mr. Taxpayer, the point Mr. Gross made.

If the costs of this title of the bill are minimal, why did the committee authorize $250 million in the bill? What I am trying to do is to save the taxpayers some money and give to the furloughed workers the same benefits as are given to furloughed workers under the Amtrak bill. To guarantee the employee his rights under the Railroad Retirement Act. What could be fairer than that.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes, I yield to the gentleman.

Mr. STAGGERS. You are comparing this with Amtrak and it is entirely erroneous. You are making a comparison that you did not mean to make. They are hired completely under a different arrangement.

I would like to say in setting the amount of money, the administration agreed that the $250 million would take care of the situation and we put that in. I think it is way outside the limit. I do not think all of the amount of that money would be touched.

Mr. SKUBITZ. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Kansas.

Mr. SKUBITZ. My colleague has stated the period of payment of unearned salary was different on the Amtrak question, I would like to read from the report of the National Railway Passenger Company, Amtrak, covering the period from October 30, 1970, to October 29, 1971, on page 2:

> Protecting period means that period of time during which a displaced or dismissed employee is to be provided protection either under and extending from the date on which an employee is displaced or dismissed to the expiration of six years therefrom.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I would like to say that I think the gentleman understands that these men lose their jobs. They have no one to talk to.

Mr. GROSS. Mr. Chairman, where do those who lose their jobs go in other corporations?

Mr. STAGGERS. They go to their corporation and to the different groups that they have to go to, but these men are left out in the cold.

Mr. GROSS. They look for another job, don't they?

Mr. STAGGERS. That is right, but if they are 55 or 58 years old, they cannot find another job.

Mr. GROSS. That is true of those who lose their jobs in other corporations. They are not assured as are furloughed employees under this bill of annual incomes of $20,000 to $30,000 a year.

Mr. Chairman. I find the compensation provisions of this bill utterly unbelievable in view of the fact that the taxpayers will be footing the bills.

Mr. SKUBITZ. Mr. Chairman, will the gentleman yield further?

Mr. GROSS. Yes, I yield to the gentleman from Kansas.

Mr. SKUBITZ. Mr. Chairman, my colleague from West Virginia is leaving the impression that the furlough worker will be out in the cold. That is not correct. This amendment gives such employees protection; it gives them their unearned salary for 6 years. It takes care of their retirement program. That is what the amendment does.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas (Mr. Skubitz).

The question was taken; and on a division (demanded by Mr. Skubitz) there were—ayes 52; noes 113.

RECORDED VOTE

Mr. STAGGERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 148, noes 245, not voting 40, as follows:

[Roll No. 570]

AYES—148

Abdnor
Andrews, N.C.
Archer
Arends
Armstrong
Ashbrook
Bafalis
Baker
Beard
Bennett
Bowen
Brinkley
Broomfield
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Burleson, Tex.
Burlison, Mo.
Butler
Camp
Carter
Cederberg
Chamberlain
Chappell
Clancy
Clawson, Del
Cochran
Collins, Tex.
Conable
Conlan
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Dellenback
Dennis
Derwinski
Devine
Dickinson
Downing
Duncan
Edwards, Ala.
Erlenborn
Esch
Eshleman
Findley
Fisher
Flowers
Flynt
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frey
Froehlich
Fuqua
Gettys
Ginn
Goodling
Gross
Gunter
Hanrahan
Hinshaw
Hogan
Hosmer
Huber
Hudnut
Hunt
Hutchinson
Ichord
Jarman
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Jones, Okla.
Ketchum
King
Landgrebe
Latta
Litton
Lott
Lujan
McEwen
McSpadden
Mallary
Mann
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Mayne
Michel
Milford
Mizell
Montgomery
Moorhead, Calif.
Nelsen
Nichols
Parris
Powell, Ohio
Price, Tex.
Pritchard
Quie
Rarick
Rhodes
Robinson, Va.
Robison, N.Y.
Roncalio, Wyo.
Rousselot
Runnels
Ruppe
Ruth
Sandman
Satterfield
Scherle
Schneebeli
Sebelius
Shriver
Skubitz
Spence
Stanton, J. William
Steiger, Ariz.
Stephens
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Thomson, Wis.
Treen
Ullman
Vander Jagt
Veysey
Waggonner
Wampler
Ware
White
Whitehurst
Whitten
Wiggins
Winn
Wydler
Wylie
Young, Alaska
Young, Fla.
Young, Ill.
Young, S.C.
Zion
Zwach

NOES—245

Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
Badillo
Barrett
Bauman
Bergland
Bevill
Biaggi
Bingham
Boggs
Boland
Bolling
Brademas
Brasco
Bray
Breaux
Breckinridge
Brooks
Brotzman
Brown, Calif.
Burke, Mass.
Burton
Byron
Carey, N.Y.
Carney, Ohio
Casey, Tex.
Chisholm
Clark
Clausen, Don H.
Clay
Cleveland
Cohen
Collier
Collins, Ill.
Conte
Corman
Cotter
Coughlin
Cronin
Culver
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
Delaney
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Drinan
Dulski
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Evans, Colo.
Evins, Tenn.
Fascell
Fish
Flood
Foley
Ford, William D.
Fraser
Frenzel
Fulton
Gaydos
Giaimo
Gibbons
Gilman
Goldwater
Gonzalez
Grasso
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Gude
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Hastings
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Holifield
Holt
Holtzman
Horton
Howard
Hungate
Johnson, Calif.
Jones, Ala.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kemp
Kluczynski
Koch
Kuykendall
Kyros
Landrum
Leggett
Lehman
Lent
Long, La.
Long, Md.
McClory
McCloskey
McCollister
McCormack
McDade
McFall
McKay
McKinney
Macdonald
Madden
Madigan
Mailliard
Maraziti
Matsunaga
Mazzoli
Metcalfe
Mezvinsky
Miller
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, N.Y.
Natcher
Nix
Obey
O'Brien
O'Neill
Owens
Passman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Preyer
Price, Ill.
Quillen
Randall
Rangel
Rees
Regula
Reid
Reuss
Riegle
Rinaldo
Roberts
Rodino
Roe
Rogers
Roncallo, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roy
Roybal
Ryan
St Germain
Sarasin
Sarbanes
Schroeder
Seiberling
Shipley
Shoup
Shuster
Sikes
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Staggers
Stanton, James V.
Stark
Steed
Steele
Steelman
Steiger, Wis.
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Thompson, N.J.
Thone
Thornton
Tiernan
Towell, Nev.
Van Deerlin
Vanik
Vigorito
Waldie
Walsh
Whalen
Widnall
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wolff
Wyatt
Wyman
Yates
Yatron
Young, Ga.
Zablocki

NOT VOTING—40

Bell
Biester
Blackburn
Blatnik
Brown, Ohio
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Conyers
Davis, Wis.
de la Garza
Dorn
Gray
Guyer
Haley
Hammerschmidt
Harvey
Hawkins
Hébert
Hillis
Jones, Tenn.
Mahon
Meeds
Melcher
Mills, Ark.
Minshall, Ohio
Murphy, Ill.
Myers
Nedzi
O'Hara
Patman
Railsback
Rooney, N.Y.
Rose
Roush
Teague, Tex.
Udall
Wright
Young, Tex.

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Dingell: Page 121, beginning in line 16, strike out "and the National Environmental Policy Act of 1969".
>
> Page 121, line 18, immediately after the period insert the following:
>
> The provisions of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) shall not apply with respect to any action taken under authority of this Act before the effective date of the final system plan.

Mr. DINGELL. Mr. Chairman, the proposed amendment would change a broad, vague exemption into a tight and specific exemption covering a precise situation in which it is agreed that corrective action is necessary.

As approved by the committee, section 901 of the bill would exempt all transactions under the act from the provisions of the National Environmental Policy Act of 1969. That language, I believe, is far too broad, and the exemption is broader than the circumstances warrant.

What I believe the subcommittee and the draftsmen were concerned with was a narrower issue: the possibility of a lawsuit preventing the submission of the final system plan, and the abandonment of certain rail facilities in accordance with that final system plan. The amendment which I have proposed is addressed precisely to those issues.

The section of the National Environmental Policy Act which has occasioned virtually all of the litigation has been section 102(2)(C) of the statute. This is the section which requires the submission of environmental impact statements, and that such statements be prepared with regard to any proposed major Federal action which will have a significant effect upon the quality of the human environment.

I can readily see that an inadequate impact statement describing the implications of the adoption of a final system plan might create a significant delay. It is for this reason that I have offered the amendment which has been cleared by both my friend, the gentleman from Montana (Mr. Shoup) and my friend, the gentleman from Washington (Mr. Adams). It is also likely that this type of action would require the filing of an environmental impact statement.

In the extraordinary circumstances which demand the legislation now before the House, that sort of delay cannot be tolerated. For this reason I have drawn an amendment which makes it clear that the action of Federal agencies, including the Federal National Railroad Association, will not be subject to the requirements of the Environmental Policy Act, section 102(2)(C) relating to the filing of environmental impact statements, up to and including the point at which the final system plan has been submitted and has gone into effect.

Mr. KUYKENDALL. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to my friend, the gentleman from Tennessee.

Mr. KUYKENDALL. Mr. Chairman, I am having some trouble with semantics and if I can get some clarification I will be happy to vote for the amendment.

Mr. DINGELL. I thank my friend.

Mr. KUYKENDALL. If the gentleman's meaning is that this suspension carries through the adoption of the plan by the Congress and cuts off right there, I would be happy to accept the amendment myself.

Mr. DINGELL. The gentleman is correct. That is the interpretation of the language.

Mr. KUYKENDALL. I would accept the amendment.

Mr. DINGELL. I thank my friend, the gentleman from Tennessee.

Mr. Chairman, I also want to make it plain as part of the legislative history that it has also been suggested that the same exemption should apply to abandonment proceedings under the act, but after careful review, I have concluded, and I have checked my conclusions with the manager of the legislation, that these abandonments would not be considered to be Federal actions, and so would in no case be subject to NEPA compliance requirements under section 102.

I will confess that I do not like, and usually strongly resist, proposed incursions upon the National Environmental Policy Act. I am convinced, however, that what I propose today is far less damaging than the language in the bill as approved by the committee, and that the purposes of both the bill and the NEPA will be served if the proposed amendment is approved.

As in the colloquy with my friend, the gentleman from Tennessee, I would like to make it clear that the purposes are to carry it clear through adoption and the effective date of the system plan.

Mr. KUYKENDALL. I would be happy to support the amendment.

Mr. DINGELL. And my friend, the gentleman from Washington, has agreed it would be acceptable to him. I see the gentleman sitting there and I observe he nods "Yes."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. Dingell).

The amendment was agreed to.

Mr. MACDONALD. Mr. Chairman, as the ranking member of the Interstate and Foreign Commerce Committee, I rise in support of H.R. 9142, the Northeast Regional Rail Reorganization Act. This bill directs the Government to reorganize bankrupt Northeast railroads into one self-sustaining corporation that will provide public service and preserve competitive private railroads.

This is good legislation which I am proud to have had a part in developing. Moreover, several carefully worked out compromises in the bill make H.R. 9142 the only hope for maintaining economically vital rail service in the Northeast, short of nationalization.

The crippling of the New England rail system could lead to a 4-percent slowdown in the Nation's overall economic

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activity. A New England rail disaster would be a national disaster as well, and the need for this bill should be clear to Members from all regions of the country.

Mr. Chairman, as you know, I had a number of suggestions for improvements in this legislation which were adopted by the committee. I wanted the bill to provide that adequate "economic impact studies" be undertaken during the preparation of the final rail plan.

We are dealing not just with a rail issue, but with the economy of the whole region, with men's jobs, and with the economic well-being of dozens of communities. I wanted to make sure that the bill required those preparing the final rail plan to present to Congress clear studies of the impact of their proposals on jobs, workers, and communities. I am pleased that the committee accepted the amendment which I offered to section 303 of the bill. The bill now clearly states that "the minimization of job losses" and "unemployment" is a goal which must be taken into account in preparing the plan.

Mr. Chairman, there is one problem which I have—not with the bill but with the report—which I hope we can take care of quickly here. You will remember that on the last day of the committee's consideration of the bill, I asked that report language spell out in detail the kind of studies which we want Congress to have available so that it can judge the final system's plan.

Under this bill Congress has final responsibility for approving or disapproving the rail plan and we must know the basis on which decisions have been reached in that plan. I provided suggested report language to the committee, spelling out the kind of studies which should be available to the Congress so that it can meet its responsibilities.

The committee accepted my suggestion, but the language which I gave to the committee staff was inadvertently left out of the report at the bottom of page 48. I hope that we can have unanimous consent to amend the report as the committee agreed.

The full text of the report language approved by the committee is as follows:

In preparing the final system plan, employment impact, marketing, traffic, and financial studies shall be conducted which shall include but not necessarily be limited to the following:

(1) For each railroad in the northeast, an analysis of basic data, such as number of car loads, weight of shipments, miles traveled, commodities carried, origin and destination of each shipment, routing, rates, and equipment, utilizing information made available under Sec. 302 of this Subchapter.

(2) The development of a freight-flow model for the entire regional railroad system based on (a) freight routing data; (b) cost estimating relationships based on geography, car movements, car miles or train miles according to the various accounting categories of railroad expenses; and (c) a revenue and cost allocating relationship which spreads the revenue and appropriate costs over each freight-carrying trip.

(3) For each community in the affected service area, an analysis of the industries served, number of car loads shipped and received by each firm, the commodities handled, the number of jobs related to these commodities, the value added related to these commodities, the availability to these firms of other acceptable modes of transportation, a determination of the number of jobs that might be lost in the event of a cessation of rail service, and the economic impacts of such job losses on the community and various levels of government.

Once again, Mr. Chairman, I want to say what a wonderful job I think you have done in developing this vital legislation. It is the product of much work and much compromise. I support it because I think it is the best chance and perhaps the only chance we have of saving rail transportation in our region, which is vital to our whole national economy.

AMENDMENT OFFERED BY MR. KUYKENDALL

Mr. KUYKENDALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KUYKENDALL: Page 111, strike out lines 12 through 18 and insert in lieu thereof the following:

(c) Except as otherwise provided in this subsection the monthly displacement allowance provided for in subsection (b) of this section shall continue—

(1) until the attainment of age 65 in the case of a protected employee with at least five years of service on the effective date of this Act who is deprived of employment;

(2) for a period of six years or the attainment of age 65, whichever first occurs, in the case of a protected employee with at least five years of service on such effective date who is adversely affected with regard to his compensation; and

(3) for a period equal to his total prior years of service in the case of a protected employee who has less than five years on such date of enactment.

Page 111, line 19, strike out "such" and insert in lieu thereof "Such".

Mr. KUYKENDALL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. KUYKENDALL. Mr. Chairman, this is the amendment I spoke of in the general debate. This is the amendment that refers displacement allowance to employees only, displaced people only who are working for the corporation. A great many of these employees under the formula will be given bonuses. They could be from zero up to 35 percent or 40 percent of their pay until age 65, over and above the regular collective bargaining salary.

I pledged to the people in organized labor and I pledged to my colleagues on the committee that I would not disturb the benefits for people who were left unemployed. That is the reason I voted "No" on a previous amendment.

This amendment would limit the pay over and above the amount of money earned under collective bargaining agreements to 6 years. Remember, that money between the salary earned under collective bargaining and the salary earned by the formula arrived at under the agreement by the very rich presidents of the very rich railroads who were spending the taxpayers' money was arrived at after a considerable length of time.

Incidentally, I cannot resist making one remark here. When I see the way these railroad presidents are willing to give away taxpayers' money, it is no wonder the railroads are in such trouble so much of the time.

I would like to urge the adoption of this amendment. It is the same amendment. It gives a person who is transferred from any one of the seven bankrupt railroads to the new railroad 6 years with a bonus and at the end of the 6 years they draw their regular salary the remainder of their working life.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. KUYKENDALL. I yield to the gentleman from Texas.

Mr. PICKLE. This does not disturb those people who are unemployed?

Mr. KUYKENDALL. This in no way disturbs anyone on furlough or drawing money because he has not had a job offer from the corporation. It would affect only those who are fully employed.

Mr. PICKLE. It would not affect the unemployed?

Mr. KUYKENDALL. It would not be expected to in any way.

Mr. STAGGERS. Mr. Chairman, I say this reluctantly, but I would like to know something more about the amendment. I have not read the amendment until just now. It sounds very much like the previous amendment in some aspects.

Now, the ones who are employed—if the gentleman would yield further.

Mr. KUYKENDALL. Yes, I believe it is the time of the gentleman from West Virginia.

Mr. STAGGERS. I will recognize the gentleman for 5 minutes.

The gentleman is cutting the displacement allowance off at 6 years?

Mr. KUYKENDALL. I am cutting off only the difference between their collective bargaining salary and the salary that has been determined in this formula. That additional amount is for 6 years only. It is called a displacement allowance.

In other words, Mr. Chairman, this would not apply particularly to the Clerks Union, because they work pretty steadily, but there are certain crafts where the formula for determining the pay is considerably higher than that I have on here. That is what they are under the 6 years, because it goes back, even under seasonal employees, it goes back 12 months, where they work over 50 percent of the time. It is different from the Penn Central merger. It is different than Amtrak. It is a brand new formula. This formula would mean that a great many employees would get a bonus out of the taxpayers from now until age 65.

Mr. STAGGERS. Let me ask this question. You are only talking about employees?

Mr. KUYKENDALL. That is correct, employees only.

Mr. STAGGERS. The new employees have to negotiate within 60 days, I believe, when they hire in as new employees.

Mr. KUYKENDALL. Mr. Chairman—I am talking to Chairman STAGGERS—any collective bargaining agreement that comes to less than the formula earns a salary, the difference between that collective bargaining agreement and that arrived at salary under this formula is paid by the taxpayers. If the collective bargaining agreement—this is the least understood part of this bill and the most dangerous, this is where the big money is out of the taxpayers' pocket—because if we go back, say a man works 3 months with heavy overtime, does not work for 2, that is, works less than 50 percent of the time, he will go back 16 months to get his 12 months. In some crafts this could be 30 or 35 percent more than the actual collective bargaining salary he could earn.

I say let him have that difference for 6 years, but do not let him have that difference for his working life.

Mr. STAGGERS. The gentleman is talking about life. That is no different than what has come up in the Chamber today. It is to age 65 and most of the ones that are affected will be the elderly ones.

Mr. KUYKENDALL. Sir, everyone is affected on this, everyone over 5 years is affected.

Mr. STAGGERS. I say in reality it is going to be only the older ones that are going to be affected.

Mr. KUYKENDALL. Mr. Chairman, I really disagree because practically every employee in the crafts and even a great many of the clerical employees will be affected here because this formula can never be lower—can never be lower than the collective bargaining salary, and in most cases will be higher, and the taxpayer makes up the difference.

My amendment says, let them make it up for 6 years, give them time to adjust to the fact that they have moved even though my allowance is paid by this money which comes out of the taxpayers' pocket.

It would simply mean this, that a C. & O. employee of one of the crafts, let us say, would be making that much less than the NYCR employee to do the same job in the same town, and the Government would be paying the difference.

Mr. STAGGERS. Mr. Chairman, would the gentleman say now that a man who had reached the age of 58, had dependents, and he has been off for 6 years, what would the gentleman do with him?

Mr. KUYKENDALL. At age 58? For 6 years he will receive his regular salary plus perhaps 25 percent, and that seventh year he will receive just his full salary, that is all. At age 65, I guess he retires. The gentleman asked me what will happen. The man will earn for the first 6 years his salary, plus.

Mr. STAGGERS. So the fact is, we made it that all railroad employees and retirees——

Mr. KUYKENDALL. That is right. This is one of the advantageous things in here for the new railroad, but in no way does that cut off anyone for anything except the bonus over and above his full salary.

Mr. GROSS. Mr. Chairman, I move to strike the next to the last word.

Mr. Chairman, let me ask either the gentleman from Tennessee or the gentleman from West Virginia, if it is true that 10 of the largest corporations in this country went together and employed one of the top lobbying firms in this country, headed by a former Deputy Secretary of the Treasury, to lobby for the provisions of this bill? Is that true?

Mr. KUYKENDALL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Tennessee.

Mr. KUYKENDALL. Mr. Chairman, there was a group of them; there is or was a group of shippers that did employ the gentleman to lobby.

Mr. GROSS. General Motors, and Ford Motor Co., a total of 10 of the largest corporations in this country?

Mr. KUYKENDALL. In their defense, let me say that of course I know they did not lobby in the labor session.

Mr. GROSS. Mr. Chairman, let me ask this question: That being true, did they write the ticket for the payment of the employees in this bill? Those who may lose their jobs?

Mr. KUYKENDALL. There is no question whatsoever that this agreement reached between noninvolved railroad presidents and labor, which was probably involved; there is no question that this agreement is to an extent a sweetheart agreement which allows the new corporation—which allows the new corporation to prosper at taxpayers' expense.

Mr. GROSS. Mr. Chairman, let me ask the gentleman this question, if he can answer it: What do those corporations do when their employees are furloughed or laid off for some reason or other? What do they do?

Mr. KUYKENDALL. They do only what their collective bargaining agreements say they must do, and I do not know what those agreements say, but they do no more than, I am sure, what they say they do.

Mr. GROSS. And it would not begin to measure up to what is provided for in this bill, is that not true?

Mr. KUYKENDALL. As I said earlier, the gentleman from Iowa knows our committee—I think this is an awfully free giveaway for the taxpayers by railroad presidents who are honestly not involved in it at all. This is the reason I am urging my amendment.

Mr. GROSS. Mr. Chairman, I support the gentleman's amendment because it apparently is the lesser of the evils, and only because that I conceive it to be the lesser of the evils.

However, this is a very bad bill from the standpoint of the taxpayers of this country. And the House is setting a precedent here which it cannot live with in the future with respect to labor across this country.

I suggest you put that in your pipe and smoke it but good.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee (Mr. KUYKENDALL).

The amendment was agreed to.

AMENDMENTS OFFERED BY MR. KUYKENDALL

Mr. KUYKENDALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KUYKENDALL: Page 62, line 2, insert the following after the word "court": ", within 60 days after submission of the preliminary system plan pursuant to section 307; and".

Mr. KUYKENDALL. Mr. Chairman, I ask unanimous consent that the amendment on page 62, line 2, which was first read, and the amendment on page 74, line 8, which has not yet been read be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The CHAIRMAN. The Clerk will report the other amendment.

The Clerk read as follows:

Amendment offered by Mr. KUYKENDALL: Page 74, line 8, insert before the word "a" the following: "and to each United States district court having jurisdiction over a railroad in reorganization".

Mr. KUYKENDALL. Mr. Chairman, I will not take the full 5 minutes allotted to me on these amendments.

These are the amendments which, in my opinion, will make this bill vetoproof. This is what the amendments provide: In the bill itself the judge is required to make a full decision as to whether or not to accept the stock in the transaction subject to further review before the formation of the system, to declare that the seven railroads are in full bankruptcy, or if he wishes, to turn down the whole deal and liquidate them.

It is the feeling of those of us on this side who are supporting these amendments that there is a danger here, that we are rushing the judge into a decision which will cause us trouble in court later on deficiency judgments.

My amendments require that under section 301 the court within 60 days declare whether the railroads are in bankruptcy or not. But it delays the other determination until they have a chance to study the system plan for 60 days, meaning that that decision will be made in 360 days, when the court has had a chance to look at the plan.

There is absolutely no way that this judge could know whether we are going to have a system that is overloaded, with poor trackage, or whether we are going to have a system that is stripped down to being a profitmaking railroad; there is no way by which this judge can determine whether that stock is any good or not in 60 days.

We are afraid that if we force this judge to make a decision without the evidence in front of him to support his decision, when we go to court later—and we are going to court later; everyone on all sides agrees that we are going to court to obtain a deficiency judgment—we will pull the rug out from under the judge, because he did not have a basis for making his decision, and, therefore, it can be called a poor situation.

Mr. SHOUP. Mr. Chairman, will the gentleman yield?

Mr. KUYKENDALL. I yield to the gentleman from Montana.

Mr. SHOUP. Mr. Chairman, does the gentleman have knowledge concerning the six railroads that have been in reorganization, as to how long they have been in reorganization?

Mr. KUYKENDALL. There are different times involved. I believe the oldest one is 1957.

Mr. SHOUP. Well, I do not believe there is any railroad that has been under reorganization for less than 2 years.

Mr. KUYKENDALL. One of the railroads is not yet in reorganization.

Mr. SHOUP. Which one is that?

Mr. KUYKENDALL. If the gentleman will bear with me, I will tell him in a moment.

Mr. SHOUP. Mr. Chairman, let me withdraw that question.

If I may make my point, the gentleman is worrying about the judge making his decision in 60 days. Let us consider the case of the Penn Central. He has had it for how many years? For how many years has he been studying this problem?

I can assure you that the judge, Judge Fullam, knows more about Penn Central and the problems they have and whether or not like today they can be reorganized than anyone in this room.

Mr. KUYKENDALL. I would like to answer the gentleman's question if he will permit me. I am fully agreeing with the gentleman from Montana, and he is not disagreeing with me.

Sure Judge Fullam knows whether they are in bankruptcy or not and is fully qualified to make the decision, but how can he make a decision on a system plan which no one will see for 300 days?

Mr. SHOUP. Will the gentleman yield further?

Mr. KUYKENDALL. I yield.

Mr. SHOUP. At the present time I think Judge Fullam has under consideration a petition by the trustees immediately to liquidate this system up there. You are asking the judge in some way or another to violate the constitutional rights that the creditors have regarding the erosion of their rights and of their values for another 360 days, maybe.

Mr. KUYKENDALL. You know full well that whatever the judge says is the law and whatever Congress says is the law in this case is the law because there is no precedent here. If you ask that judge to make a decision on value and say yes on something on which he has no basis upon which to determine the value, it will not hold up in court later on.

Mr. SHOUP. The only decision that the judge must make—and that is specified very clearly in the bill—is one of three things as to what his decision will be. By making that decision he will make a decision as to how his railroad will be considered under the bill. The decision he makes is this: No. 1, can this railroad be continued to be reorganized under section 77 of the Bankruptcy Act.

Mr. KUYKENDALL. And he has already made that decision.

Mr. SHOUP. That is No. 1. No. 2 is no; that decision is no, and the court has decided to liquidate. The third decision is the judge says "I will use H.R. 9142 as a vehicle to reorganize this railroad rather than liquidating it."

Mr. ADAMS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, as I pointed out in general debate, we tried to pattern this bill on what happened in the New Haven inclusion cases.

I want to point out to the gentleman from Tennessee that the reason why we set the figure at 60 days is that the judge at that point does not have to make a decision as to whether or not the stock being obtained is worth a certain amount of money. He does not even have to make a decision as to whether or not certain of his lines are going to be given to the corporation. The decision he makes at that point is whether or not he wants to accept the statutory system of merger and reorganization that we have provided here. Then we provide at a later point where the consolidated court comes into existence for a determination as to whether the value is appropriate.

It is very important that we have this decision made early as to whether or not a particular railroad will be included in this system because of the six bankrupt railroads—and I know the gentleman will agree with me—we know the courts have stated in five cases already that they will either be liquidated or have to go into some kind of plan that we create because there is no way for them to come out of section 77 on an income basis. The sixth, which happens to be the Erie-Lackawanna—there has to be a determination as to whether it will come in. There has to be a determination made on that so the planners can work on the system.

That is why we said 60 days, because they know what they are dealing with. Most of the judges, as pointed out by the gentleman from Montana, have had these cases for a long period of time. During that period they have had considerable opportunity to determine whether they should accept a merger or not. That kind of information is before the court now. Although you might say that there should be a slightly longer period—and I would be willing to negotiate with the Department of Transportation and others when this bill comes up for conference with the Senate for a later potential date—you cannot go out 360 days on this because the planners and the corporation and the whole operation being worked on would have to work on two different systems. Under "The New Haven Inclusion" cases we can provide for that decision and the court can make such a decision early and with an expedited appeal provision we will know what to do with this system before you get to the valuation question.

Mr. KUYKENDALL. Will the gentleman agree first that my amendment does not change the judgment at 60 days as to whether or not the railroads are going under?

That is the same in both the bill and my amendment.

Mr. ADAMS. It is in effect a meaningless decision at that point if we do not have the fact that they are going to go under the plan, because they have already, with the exception of the Erie Lackawanna, stated that in effect. And if we do not make the decision as we have it in the bill a final one, they do not know whether to get in or get out of this merger system.

Mr. KUYKENDALL. If the gentleman will yield further, in the bill there is the date of September 30, 1973, for valuation. That is true regardless of when the determination is.

Is it not true, I would ask the gentleman from Washington (Mr. Adams), that under the bill that until the deficiency judgment, after the railroad is already formed, that between the 60 days the gentleman is talking about and that time of the deficiency judgment there is no judgment made by the court as to the value of the system?

Mr. ADAMS. Yes, that is correct. The valuation of the system—and here again we go back to the New Haven inclusion case, because there we had this type of a decision first, then a transfer of stock basically for assets and then litigation on value. That litigation on valuation lasted for years, and the New Haven case was much smaller in size than this one. We foresee a valuation case that could be litigated for maybe 10 or 15 years, not only on the amount but also which of these six bankrupt estates gets which amount of stock, so we are trying to make the system workable before this decision is made.

Mr. KUYKENDALL. If the gentleman will yield further, so you are going into court with a decision of the court as your only base that never saw the plan.

What I am saying is that the difference in the position of the gentleman from Washington (Mr. Adams) and mine, is that I think we have a better position in court if we let that judge see that plan for 60 days, than if we go into court and after the railroads are operating based on a decision where the judge never saw the plan.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAGGERS. Mr. Chairman, I rise in opposition to the amendments, and I move to strike the requisite number of words.

Mr. Chairman, I oppose the amendment because I believe it just delays the plan, the reorganization plan, beyond what is necessary. We are trying to get something done as quickly as we can.

Mr. BAKER. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I will be happy to yield to the gentleman from Tennessee.

Mr. BAKER. Mr. Chairman, I do not claim to have any less or more knowledge than a good many people who are in the

Chamber at the moment as to the consequences of this amendment as it relates to all other matters, and I have to rely on other means of making a decision rather than personal knowledge. But I would like to ask a question going back to the rights of the employees under this bill, if the gentleman could answer it, and that is: Would the employees of the Southern Railroad, which is making a profit, have the same advantages at the taxpayers' expense as the employees are going to have who happen to be working for a bankrupt railroad?

Mr. STAGGERS. In reply to the inquiry of the gentleman from Tennessee, let me say that these labor provisions apply only to the employees of the bankrupt railroads covered under this bill, and that is because we are starting a new corporation, and we will be putting these men out in the cold unless we take care of them. It will be starting with all new employees, and unless we take care of them under the reorganization plan they would be left in the cold.

Mr. BAKER. So I gather that there has developed some precedent here of a stigma against making a profit in our free enterprise system so far as the rights and the opportunities of general employees are concerned. I believe that is bad.

Mr. SHOUP. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment offered by the gentleman from Tennessee (Mr. Kuykendall).

Basically this amendment presented by the gentleman from Tennessee would completely gut and negate the entire plan we have before us.

Actually what it does is it allows the expenditure of some $36 million to build a beautiful plan to solve the problems in the Northeast, and then at the whim of some judge, after this money has been expended, he says: "I do not want to play your game. I am going to say no, so go back to the drawing board and draw a brand new plan."

The entire bill is based on defining which railroads are bankrupt, which ones are going to be liquidated, which ones are in reorganization, and which ones are profitable. We must have an identification of all Northeast railroads or the rest of the plan will be inoperable.

Mr. KUYKENDALL. Mr. Chairman, will the gentleman yield?

Mr. SHOUP. I yield to the gentleman from Tennessee.

Mr. KUYKENDALL. Was this particular mechanism not part of an amendment that the gentleman and others put together to hopefully accommodate the Department of Transportation? The gentleman spoke of a good intent to compromise. Is this not one of them—the language that is in the bill now, the business of making the judge make those other two decisions at the end of 60 days?

Mr. SHOUP. The 60 days, and with the wording in there, with that particular amendment, and making the decision at the front end was the compromise reached on by Mr. Adams and myself with the Department of Transportation that that would remove the stigma of condemnation.

Mr. KUYKENDALL. All right, so I really wish the gentleman would consider his language when he says the bill is a complete bust without this language. Until the very last day of consideration, this language was not in the bill at all.

Mr. SHOUP. Apparently I misinterpret what the gentleman said.

Mr. KUYKENDALL. The gentleman said that this bill was gutted.

Mr. SHOUP. If the decision were left to the judge at the end rather than at the first, it would be. The decision must be made at the start of the process, not later on. The compromise was that language would be put in to eliminate the stigma of condemnation. I say if the judge wants to play, and take advantage of Government money, of tax money, of tax assistance, then he is going to make that decision before he gets into the game and not afterwards.

Mr. KUYKENDALL. The gentleman is forcing this judge to make a decision without ever having seen for what the stock is to be given?

Mr. SHOUP. Yes.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Tennessee (Mr. Kuykendall).

The question was taken; and on a division (demanded by Mr. Kuykendall) there were—ayes 22, noes 53.

So the amendments were rejected.

AMENDMENT OFFERED BY MR. HASTINGS

Mr. HASTINGS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Hastings: Page 97, line 21, strike out "shall" and insert in lieu thereof "may."

Mr. HASTINGS. Mr. Chairman, I will be brief; it should not take 5 minutes.

Section 701 refers to operating subsidies, and loans and loan guarantees for purchase by local, regional or State authorities of railroads that are scheduled for abandonment.

The present language says that the Secretary shall grant such loans or loan guarantees. My amendment makes this a permissive act on the part of the Secretary by changing the language to "The Secretary may grant such loans or loan guarantees."

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS. I yield to the gentleman from West Virginia.

Mr. STAGGERS. I would agree with the amendment and I think the other Members on this side would accept it too. Mr. Chairman, I accept the amendment.

Mr. KUYKENDALL. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS. I yield to the gentleman from Tennessee.

Mr. KUYKENDALL. Mr. Chairman, I discussed this language in a conference with the gentleman yesterday. If the language is what we discussed, giving discretion to the Secretary in determining that ultimately a loan may be made available, if that is true I would accept it.

Mr. HASTINGS. I would assure the gentleman that I have investigated this matter with the department, this matter the gentleman is concerned with, and his concern would be part of the decision of the Secretary to approve or disapprove any application for a loan or loan guarantee.

Mr. KUYKENDALL. The gentleman has checked this with the Secretary of Transportation?

Mr. HASTINGS. Yes.

Mr. KUYKENDALL. I accept the amendment.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I applaud the amendment. I think it is a good amendment.

Mr. HASTINGS. I thank the gentleman from Michigan.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. Hastings).

The amendment was agreed to.

Mr. DINGELL. Mr. Chairman, everyone was surprised by the Penn Central bankruptcy, including 150,000 stockholders and several Government agencies. In fact, one ICC Commissioner testified the bankruptcy came as a complete surprise to him. One of the prime causes for the surprise was the lack of public information available. The insiders had this information and they bailed out of Penn Central stock before the collapse. The general public, on the other hand, did not have the information. Section 911 of the bill would transfer to the Securities and Exchange Commission the responsibility for insuring adequate public disclosure of material information about railroad securities. The legislation will not prevent a railroad from losing money or going bankrupt but, hopefully, it will let us know which railroad is in trouble sooner so we can prevent another Penn Central collapse.

People who buy stock expect the same legal protections whether they buy stock in Penn Central or General Motors. Right now, they do not have those protections because of loopholes in the Federal securities laws. Studies by the Investigations Subcommittee of the House Commerce Committee and by the SEC showed how the Penn Central Railroad was able to exploit those loopholes. In this era of concern for consumer protection, it is no longer defensible or desirable that the 100,000 stockholders who each owned less than 100 shares of Penn Central stock should be deprived of those protections and safeguards which Congress has long deemed essential.

The remedy to the second-class treatment accorded to investors in railroads is simple: the elimination of each and every exemption from the Federal securities laws for carriers regulated by the ICC. Section 911 will put railroads on an equal footing with other major industries.

The impact of the Penn Central bankruptcy upon investors was enormous. Penn Central suspended indefinitely payment of its regular dividend beginning with the fourth quarter of 1969. The common stock of the Penn Central Co. plummeted from $35 per share in January of 1970 to $6.50 per share on June 22, 1970. This shrinkage in the market value of Penn Central's securities and the elimination of the dividend resulted in incalculable losses to untold numbers of small stockholders who had been led to regard Penn Central as a sound, blue chip investment for their old age. Even the financial reporting services failed to forecast on a timely basis the railroad's economic ill health.

The investigation which followed the first bankruptcy of the New Haven Railroad showed that the railroad's earnings had been overburdened with excessive interest and dividend charges. Like most other railroads at the time, its securities were badly watered and the public lost while insiders benefited. To remedy this abuse, the Interstate Commerce Commission was made responsible in 1920 for overseeing railroad securities. This ICC oversight, however, is aimed at protecting railroads from themselves, not at protecting the investing public.

Forty years ago, Congress set forth in schedule A to the Securities Act of 1933 certain minimal informational requirements it determined were essential for inclusion in a prospectus to enable investors to make an informed investment decision. Until September of this year, the ICC did not bother to put a single one of these requirements in writing. While American industry as a whole had to make full disclosure of such things as management compensation, stock options and insider transactions, railroads were able to withhold this information because of section 3(a)(6) of the Securities Act.

To insure further public disclosure, the Securities Exchange Act of 1934 imposed upon companies with substantial public investor participation the requirement to make periodic reports on a continuing basis. These reports were intended to keep investors informed about the financial, managerial and economic condition of their companies. Again, rail carriers have been able to avoid full disclosure by virtue of section 13(b) of the Securities Exchange Act which exempts them from filing periodic reports on a basis consistent with and comparable to other public companies.

The Trust Indenture Act of 1939 incorporated specific statutory provisions assuring investors in bonds and debentures important protections against dishonest or irresponsible indenture trustees and corporate managements. Rail carriers issuing securities pursuant to an indenture are exempt from the act. Although the ICC, by its rule-making authority, could have established the same protections for investors in bonds and debentures of such carriers, to date it has not done so.

On April 29, 1970, the Pennsylvania Co., as part of its filing with the ICC for approval to issue $100 million of sinking fund debentures due 1995, included a preliminary indenture. Analysis of the indenture revealed that it would have permitted virtually all of the abuses the Trust Indenture Act was intended to prevent.

The indenture failed to prohibit the possession or acquisition by the trustee of interests materially in conflict with that of the debenture holders. In fact, the trustee did have such a materially conflicting interest. The indenture failed to include any restriction on the rights of the trustee to improve its position as a creditor to the detriment of the debenture holders. In fact, the trustee was one of 10 banks which appropriated the deposit accounts of the Pennsylvania Co. and was a member of the group of 48 banks involved in the petition filed by First National City Bank attempting to foreclose on the Pennsylvania Co. stock pledged as collateral on a $300 million debt. The indenture omitted any provision for periodic reports by the trustee to the debenture holders. Other objectionable provisions, which would have been proscribed by the Trust Indenture Act, were also permitted in the indenture.

The most glaring lack of investor protections in securities of railroads subject to ICC regulation lies in the area of investment companies. The Investment Company Act of 1940, which is essentially a Federal law of trust applied to the investment company industry, regulates the activities of companies engaged primarily in the business of investing and trading in securities.

The act, among other things, strictly limits the legal ability of investment companies to engage in transactions with affiliates—especially transfers of assets—improper allocation of expenses, loans to a parent company, guarantees of financial obligations of a parent company and the creation of an oppressive debt structure. Penn Central's investment company subsidiary, the Pennsylvania Co., however, was able to evade all these prohibitions because section 3(c)(7) of the Investment Company Act exempts any company subject to regulation under the Interstate Commerce Act. This exemption denied to investors in Penn Central Co. and its publicly held subsidiaries the substantial protections accorded to investors in investment companies subject to the regulation of the SEC.

An investment company can avoid the regulation Congress determined was necessary to protect the public against abuse, not by a policy of self-restraint, but rather by expansion into an area which may detract from sound economic conditions in transportation. This is possible because of the gap in Federal regulation that arises from the juxtaposition of the 1940 act and the Interstate Commerce Act.

The SEC has on a number of occasions in past years pointed out that section 3(c)(7) permits a corporation which largely may be engaged in the business of investing and trading in securities to avoid regulation under the Investment Company Act simply by acquiring, with a small fraction of its assets, a common carrier, or to some minor extent being directly engaged in the business of an interstate carrier.

Conglomerates which might otherwise be subject to SEC regulation have found this exemption useful. Section 911(c) will limit not only railroad investment companies but also limit motor carrier investment companies. It will not interfere with legitimate and limited investment activity by bona fide rail and motor carriers.

The ICC has responsibility for the economic regulation of carriers subject to its jurisdiction and in that capacity passes upon the fitness of the carrier to issue securities. It will continue to exercise this very important function. The SEC, on the other hand, has responsibility "to provide full and fair disclosure of the character of securities sold in interstate and foreign commerce and through the mails, and to prevent frauds in the sale thereof."

In adopting section 911, the House Commerce Committee has noted the experience of public utilities subject to the jurisdiction of the Federal Power Commission. The economic regulation by that agency has not been impeded by the concurrent jurisdiction of the SEC over the securities of those utilities. Rather, more effective protections to consumers and to investors have been achieved.

The provisions of section 911, by putting rail carriers on an equal footing with other issuers, should enhance the opportunities of those carriers to raise capital in the public money markets. Comparability in the financial and other disclosure requirements which would now be extended to railroads will enable investors to evaluate the merits of rail securities on a more meaningful basis. It is hoped that it may also mitigate the effects of any future major rail bankruptcy similar to the Penn Central fiasco since two independent agencies will have the responsibility for monitoring the reports of those carriers.

AMENDMENT OFFERED BY MR. PEYSER

Mr. PEYSER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Peyser: Page 64, line 14, immediately after "requirements" insert "(including safety requirements)".

Mr. PEYSER. Mr. Chairman, this is a very brief amendment and I think we can move right on it. One of the goals of this new system should be that adequate safety requirements are in being for all commuter trains.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, we would accept the amendment because I think it is worthwhile and really helps the bill. I hope all Members on this side will too.

Mr. KUYKENDALL. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from Tennessee.

Mr. KUYKENDALL. Mr. Chairman, I will be very happy to accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. Peyser).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HEINZ

Mr. HEINZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Heinz: Page 87, line 22 after "discontinued" insert "after hearings by the Commission and".

Mr. HEINZ. Mr. Chairman, this is an amendment to section 503 of the bill. It provides for public hearings and concomitant notification to the public of hearings to be conducted by the Interstate Commerce Commission at such locations as may be deemed appropriate before or after, but preferably before the 90 days written notice to shippers and Government agencies currently required by section 503. The reason for amending the bill to include hearings is that as the bill stands now it only provides for notification to Governors, State agencies, local government and shippers, but it does not provide for the public to be made aware and for opportunity for comment by the public.

I submit that this is important to do, because the public should have an awareness of and a voice in State and local government plans to utilize title VII of this bill, which provides for 70 percent Federal sharing for operational subsidies and purchases for rail lines that would not be operated by the new rail corporation. We do not want any hidden "sweetheart" agreements between shippers and Government officials since these might well be contrary to the public interest. We do want a full understanding by the public of what may be proposed to serve the public at large.

In conclustion, I want to make clear that this amendment does not do certain things. It does not slow down or impede designation of the final system plan. Nor does it slow or impede the pace at which action will or should be taken under any section of title V beyond what is already in the bill.

Mr. Chairman, I urge the adoption of the amendment.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. HEINZ. I yield to the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I have looked at the amendment and I can accept this amendment and I hope other Members on this side will too.

Mr. HEINZ. I thank the chairman sincerely.

Mr. KUYKENDALL. Mr. Chairman, will the gentleman yield?

Mr. HEINZ. I yield to the gentleman from Tennessee.

Mr. KUYKENDALL. I will be happy to accept the amendment.

Mr. HEINZ. I thank the gentleman and take this opportunity to express my appreciation to the gentlemen from West Virginia, Tennessee, Washington, and Montana for the outstanding leadership they have demonstrated in bringing before this body a badly needed, complex, difficult, and good faith, compromise on the many issues that H.R. 9142, the Regional Rail Reorganization Act of 1973 on balance successfully resolves. Although the bill is not perfect and I do have certain reservations that I have made clear in committee, I intend to support passage of the bill and so urge my colleagues.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. Heinz).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KUYKENDALL

Mr. KUYKENDALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Kuykendall: Page 79, line 24, immediately after "assigned" insert "shall have all the powers of a reorganization court in proceedings under section 77 of the Bankuptcy Act and".

Mr. KUYKENDALL. Mr. Chairman, this is an amendment, I believe, that the gentleman from Washington had agreed to in the committee if we found it was needed.

May I have the gentleman's attention? I believe the gentleman would find this amendment agreeable. I would hope so.

Mr. STAGGERS. Mr. Chairman, I agree with the gentleman. I would be in favor of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee (Mr. Kuykendall).

The amendment was agreed to.

Mr. KUYKENDALL. Mr. Chairman, I have one final amendment.

AMENDMENT OFFERED BY MR. KUYKENDALL

Mr. KUYKENDALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Kuykendall: Page 92, beginning in line 21, strike out all after the word "properties" through the end of the sentence.

Mr. KUYKENDALL. Mr. Chairman, I am inclined to believe this is a drastic oversight in the bill, because we have placed in the bill a maximum amount of $200 million that can be spent by the corporation for acquisition of FNRA loans. The language that is now in the bill would require that all that money be spent in the bankrupt estates and none could be spent for acquiring the nonbankrupt estates, or profitable railroads. There are scores of small 10 miles or 15 miles of track here and there that belong to profitable estates, leases, and this type of thing.

It was my understanding of the bill that the purpose of this $200 million in cash was to be at least partially used for the acquisition of properties on the nonbankrupt and profitable railroads, because there is going to be some of that done.

My amendment allows either the use of this money with the bankrupt properties in case of a deficiency judgment, Mr. Adams, the bankrupt, or the profitable properties in case they are forced to pay cash for nonbankrupt properties.

Mr. SHOUP. Mr. Chairman, will the gentleman yield?

Mr. KUYKENDALL. I yield to the gentleman.

Mr. SHOUP. I believe the gentleman's comment about the $200 million was well put, in that it lists only $200 million that may be given or guaranteed in loans.

Mr. KUYKENDALL. That is correct.

Mr. SHOUP. To the bankrupt and others in the reorganization.

Mr. KUYKENDALL. It was my amendment, but that was not in the amendment.

Mr. SHOUP. It says that it shall be available solely for the rehabilitation and modernization of rail properties acquired by the corporation under this act. This only limits how much guaranteed loans will be available to the corporation of $200 million, not where they can use it, but $200 million available for the corporation.

Mr. KUYKENDALL. As a matter of record, may I have a colloquy with both the gentleman from Montana and the gentleman from Washington?

The way I read this language, Mr. Adams, they cannot buy 20 miles of track from a nonbankrupt railroad that might be needed in that system with this money.

Mr. ADAMS. I cannot agree with the gentleman. Turn to page 57 of the bill. You will see that it says the term "rail properties" means all of the assets and business owned, leased, or otherwise controlled by a railroad which are used or useful in rail transportation service.

So it was our interpretation that the language presently in the bill would allow this money to be used for railroads within the system, such as the Penn Central system, which has 47 separate entities within it.

The reason I have to oppose the amendment of the gentleman is that in reading it, it would allow $200 million to the limit to be used up for profitable properties and then there would not be the money if it were necessary in a deficiency judgment where a court would say in reorganization that it has to pay either cash or securities for this 100-mile segment.

Is there any part of the system where a small amount of cash has to be used, that this money cannot be used?

Mr. ADAMS. Mr. Chairman, I am having a little trouble with the gentleman's semantics. I think, in answer to his question, the answer is yes. The bill, as it is written, contemplates that, if the gentleman says that a particular segment has to be paid for in cash or securities, that they can use this $200 million for that, whether that particular segment within the system happens to be profitable or nonprofitable.

Mr. KUYKENDALL. Mr. Chairman, let me ask it a different way, then. If a nonbankrupt subsidiary of Penn Central owns 50 miles of track, I want to know if the money on this $200 million may be used for acquiring from a nonbankrupt subsidiary of Penn Central.

Mr. ADAMS. Mr. Chairman, my answer is yes, based on section 10, page 57, the section we are presently discussing.

Mr. KUYKENDALL. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Chairman. Is there objection to

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the request of the gentleman from Tennessee?

There was no objection.

The CHAIRMAN. Are there additional amendments?

If not, the question is on the Committee amendment in the nature of a substitute, as amended.

The Committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose, and the Speaker having resumed the chair, Mr. LANDRUM, Chairman of the Committee of the Whole House on the State of the Union, reported that that committee having had under consideration the bill (H.R. 9142) to restore, support, and maintain modern, efficient rail service in the northeast region of the United States, to designate a system of essential rail lines in the northeast region, to provide financial assistance to rail carriers in the northeast region, to improve competitive equity among surface transportation modes, to improve the process of Government regulation, and for other purposes pursuant to House Resolution 688, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment adopted in the Committee of the Whole?

Mr. STAGGERS. Mr. Speaker, I demand a separate vote on the amendment offered by the gentleman from Tennessee (Mr. KUYKENDALL), on page 111.

The SPEAKER. The Clerk will report the amendment on which a separate vote is demanded.

The Clerk read as follows:

Amendment: Page 111, strike out lines 12 through 18 and insert in lieu thereof the following:

(c) Except as otherwise provided in this subsection the monthly displacement allowance provided for in subsection (b) of this section shall continue—

(1) until the attainment of age 65 in the case of a protected employee with at least five years of service on the effective date of this Act who is deprived of employment;

(2) for a period of six years or the attainment of age 65, whichever first occurs, in the case of a protected employee with at least five years of service on such effective date who is adversely affected with regard to his compensation; and

(3) for a period equal to his total prior years of service in the case of a protected employee who has less than five years service on such date of enactment.

Page 111, line 19, strike out "such" and insert in lieu thereof "Such".

The SPEAKER. The question is on the amendment to the committee amendment offered by the gentleman from Tennessee (Mr. KUYKENDALL).

The question was taken and the Speaker announced that the ayes appeared to have it.

Mr. STAGGERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

Mr. STAGGERS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 187, nays 198, not voting 48, as follows:

[Roll No. 571]

YEAS—187

Abdnor
Andrews, N.C.
Archer
Arends
Armstrong
Ashbrook
Bafalis
Baker
Beard
Bennett
Bowen
Bray
Breaux
Brinkley
Broomfield
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Burlison, Mo.
Butler
Camp
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Collier
Collins, Tex.
Conable
Conlan
Conte
Coughlin
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Ga.
Dellenback
Dennis
Derwinski
Devine
Dickinson
Downing
Duncan
du Pont
Edwards, Ala.
Erlenborn
Eshleman
Findley
Fish
Fisher
Flynt
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Froehlich
Goldwater
Goodling
Green, Oreg.
Gross
Grover
Gubser
Gunter
Haley
Hanrahan
Harsha
Heinz
Henderson
Hicks
Hinshaw
Hogan
Huber
Hudnut
Hunt
Hutchinson
Ichord
Jarman
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Jones, Okla.
Keating
Kemp
Ketchum
King
Kuykendall
Landgrebe
Landrum
Latta
Litton
Long, La.
Lott
Lujan
McClory
McCloskey
McCollister
McSpadden
Mailliard
Mallary
Mann
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Mayne
Mazzoli
Michel
Milford
Miller
Mitchell, N.Y.
Mizell
Montgomery
Moorhead, Calif.
Nichols
O'Brien
Parris
Pickle
Poage
Powell, Ohio
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Rarick
Regula
Rhodes
Robinson, Va.
Robison, N.Y.
Rogers
Roncallo, N.Y.
Rousselot
Ruppe
Ruth
Sandman
Sarasin
Satterfield
Scherle
Schneebeli
Sebelius
Shriver
Shuster
Sikes
Skubitz
Smith, N.Y.
Stanton, J. William
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Thomson, Wis.
Thornton
Towell, Nev.
Treen
Vander Jagt
Veysey
Waggonner
Wampler
Ware
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Winn
Wyatt
Wydler
Wylie
Wyman
Young, Alaska
Young, Fla.
Young, Ill.
Young, S.C.
Zion
Zwach

NAYS—198

Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
Badillo
Barrett
Bauman
Bergland
Bevill
Biaggi
Bingham
Boggs
Boland
Bolling
Brademas
Brasco
Breckinridge
Brooks
Brown, Calif.
Burke, Mass.
Burton
Byron
Carey, N.Y.
Carney, Ohio
Carter
Chisholm
Clark
Clay
Cohen
Collins, Ill.
Cotter
Cronin
Culver
Daniels, Dominick V.
Danielson
Davis, S.C.
Delaney
Denholm
Dent
Diggs
Dingell
Donohue
Drinan
Dulski
Eckhardt
Edwards, Calif.
Eilberg
Evans, Colo.
Evins, Tenn.
Fascell
Flood
Flowers
Foley
Ford, William D.
Fraser
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Grasso
Gray
Green, Pa.
Griffiths
Gude
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Hastings
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Holifield
Holt
Holtzman
Horton
Howard
Hungate
Johnson, Calif.
Jones, Ala.
Jordan
Karth
Kastenmeier
Kazen
Kluczynski
Koch
Kyros
Lehman
Long, Md.
McCormack
McDade
McFall
McKay
McKinney
Macdonald
Madden
Madigan
Maraziti
Matsunaga
Meeds
Metcalfe
Mezvinsky
Minish
Mink
Moakley
Mollohan
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, N.Y.
Natcher
Nelsen
Nix
Obey
O'Neill
Owens
Passman
Patten
Pepper
Perkins
Pettis
Peyser
Pike
Podell
Preyer
Price, Ill.
Randall
Rangel
Rees
Reid
Reuss
Riegle
Rinaldo
Rodino
Roe
Roncalio, Wyo.
Rooney, Pa.
Rosenthal
Rostenkowski
Roy
Roybal
Ryan
St Germain
Sarbanes
Schroeder
Seiberling
Shipley
Shoup
Sisk
Slack
Smith, Iowa
Snyder
Spence
Staggers
Stanton, James V.
Stark
Steed
Steele
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Thompson, N.J.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Walsh
Whalen
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wolff
Wright
Yates
Yatron
Young, Ga.
Young, Tex.
Zablocki

NOT VOTING—48

Alexander
Bell
Biester
Blackburn
Blatnik
Brown, Ohio
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burleson, Tex.
Conyers
Corman
Crane
Davis, Wis.
de la Garza
Dellums
Dorn
Esch
Guyer
Hammerschmidt
Harvey
Hawkins
Hébert
Hillis
Hosmer
Jones, Tenn.
Leggett
Lent
McEwen
Mahon
Melcher
Mills, Ark.
Minshall, Ohio
Mitchell, Md.
Murphy, Ill.
Myers
Nedzi
O'Hara
Patman
Roberts
Rooney, N.Y.
Rose
Roush
Runnels
Teague, Tex.
Waldie
Wiggins

So the amendment to the committee amendment was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Teague of Texas for, with Mr. Rooney of New York against.

Mr. Hébert for, with Mr. Waldie against.

Mr. Mahon for, with Mr. Hawkins against.

Mr. Dorn for, with Mr. Dellums against.

Mr. Burleson of Texas for, with Mr. Blatnik against.

Mr. Patman for, with Mrs. Burke of California against.

Mr. Guyer for, with Mr. O'Hara against.

Mr. Wiggins for, with Mr. Murphy of Illinois against.

Mr. Crane for, with Mr. Nedzi against.

Until further notice:

Mr. Alexander with Mr. Hammerschmidt.
Mr. Corman with Mr. Brown of Ohio.
Mr. Conyers with Mr. Davis of Wisconsin.
Mr. Jones of Tennessee with Mr. Bell.
Mr. Leggett with Mr. Esch.
Mr. Mills of Arkansas with Mr. Biester.
Mr. Roberts with Mr. Burke of Florida.
Mr. Roush with Mr. Blackburn.
Mr. Runnels with Mr. Buchanan.
Mr. Rose with Mr. Lent.
Mr. McEwen with Mr. Hillis.
Mr. Harvey with Mr. Minshall of Ohio.
Mr. Meyers with Mr. Hosmer.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. BAKER

Mr. BAKER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. BAKER. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BAKER moves to recommit the bill H.R. 9142 to the Committee on Interstate and Foreign Commerce.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 306, nays 82, not voting 45, as follows:

[Roll No. 572]

YEAS—306

Abdnor
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
Badillo
Barrett
Bauman
Bergland
Biaggi
Bingham
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breaux
Breckinridge
Brinkley
Brooks
Brotzman
Brown, Calif.
Broyhill, Va.
Burke, Mass.
Burton
Butler
Byron
Camp
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Chamberlain
Chappell
Chisholm
Clark
Clausen, Don H.
Clay
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Conable
Conte
Cotter
Coughlin
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
Delaney
Dellums
Dent
Diggs
Dingell
Donohue
Downing
Drinan
Dulski
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Fish
Fisher
Flood
Flowers
Foley
Ford, William D.
Forsythe
Fountain
Fraser
Frenzel
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gilman
Ginn
Goldwater
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Grover
Gubser
Gude
Haley
Hamilton
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Hastings
Hays
Heckler, Mass.
Heinz
Helstoski
Henderson
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Howard
Hudnut
Hungate
Hunt
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jordan
Karth
Kazen
Keating
Kemp
Ketchum
King
Kluczynski
Koch
Kyros
Landrum
Leggett
Lehman
Lent
Litton
Long, La.
Lott
McClory
McCloskey
McCollister
McCormack
McDade
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Madigan
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Metcalfe
Mezvinsky
Michel
Milford
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, N.Y.
Natcher
Nelsen
Nix
O'Brien
O'Hara
O'Neill
Owens
Parris
Passman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Podell
Preyer
Price, Ill.
Quillen
Railsback
Randall
Rangel
Rees
Regula
Reid
Reuss
Rhodes
Riegle
Rinaldo
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roy
Roybal
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Satterfield
Scherle
Schneebeli
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, James V.
Steed
Steele
Steelman
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, N.C.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Udall
Ullman
Van Deerlin
Vanik
Veysey
Vigorito
Waggonner
Walsh
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki
Zion

NAYS—82

Alexander
Archer
Arends
Armstrong
Ashbrook
Bafalis
Baker
Beard
Bennett
Bevill
Broomfield
Brown, Mich.
Broyhill, N.C.
Burlison, Mo.
Cederberg
Clancy
Clawson, Del
Collins, Tex.
Conlan
Dellenback
Denholm
Dennis
Derwinski
Devine
Dickinson
Duncan
Edwards, Ala.
Findley
Flynt
Ford, Gerald R.
Frelinghuysen
Frey
Froehlich
Gibbons
Goodling
Gross
Gunter
Hanrahan
Hechler, W. Va.
Hicks
Huber
Hutchinson
Johnson, Colo.
Kastenmeier
Kuykendall
Landgrebe
Latta
Long, Md.
Lujan
Martin, N.C.
Mathis, Ga.
Miller
Mizell
Moorhead, Calif.
Nichols
Obey
Poage
Powell, Ohio
Price, Tex.
Pritchard
Quie
Rarick
Rousselot
Ruppe
Ruth
Schroeder
Sikes
Stanton, J. William
Stark
Steiger, Ariz.
Steiger, Wis.
Symms
Taylor, Mo.
Teague, Calif.
Treen
Vander Jagt
Wampler
Wilson, Bob
Young, Alaska
Young, Fla.
Young, S.C.
Zwach

NOT VOTING—45

Bell
Biester
Blackburn
Blatnik
Brown, Ohio
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burleson, Tex.
Conyers
Corman
Crane
Davis, Wis.
de la Garza
Dorn
Esch
Griffiths
Guyer
Hammerschmidt
Hanna
Harvey
Hawkins
Hébert
Hillis
Hosmer
Ichord
Jones, Tenn.
McEwen
Mahon
Melcher
Mills, Ark.
Minshall, Ohio
Murphy, Ill.
Myers
Nedzi
Patman
Roberts
Rooney, N.Y.
Rose
Roush
Runnels
Teague, Tex.
Waldie
Wiggins

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Melcher against.
Mr. Biester for, with Mr. Wiggins against.
Mr. Esch for, with Mr. Guyer against.
Mr. Myers for, with Mr. Crane against.

Until further notice:

Mr. Teague of Texas with Mr. Runnels
Mr. Rooney of New York with Mr. Roberts.
Mr Burleson of Texas with Mr. Rose.
Mr. Conyers with Mr. Waldie.
Mr. Corman with Mr. Davis of Wisconsin.
Mr. Mahon with Mr. Hosmer.
Mr. Nedzi with Mr. Bell.
Mr. Mills of Arkansas with Mr. McEwen.
Mrs. Griffiths with Mr. Blackburn.
Mr. Dorn with Mr. Hammerschmidt.
Mr. Blatnik with Mr. Hillis.
Mr. Hanna with Mr. Minshall of Ohio.
Mr. Ichord with Mr. Brown of Ohio.
Mr. Jones of Tennessee with Mr. Patman
Mr. Murphy of Illinois with Mr. Buchanan.
Mrs. Burke of California with Mr. Harvey.
Mr. de la Garza with Mr. Burke of Florida.
Mr. Hawkins with Mr. Roush.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to restore, support, and maintain modern, efficient rail service in the northeast region of the United States; to designate a system of essential rail lines in the northeast region; to provide financial assistance to certain rail carriers; and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO FILE CONFERENCE REPORT ON H.R. 1570

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce have until midnight Saturday night to file a conference report on the bill H.R. 1570.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. ARENDS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to proceed for 1 minute in order to ask the distinguished majority leader if he will inform the House of the program until next week.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the distinguished majority leader.

Mr. O'NEILL. Mr. Speaker, in response to the question of the distinguished minority whip, there is no further legislative business for today. Upon the announcement of the program for next week, I will ask unanimous consent to go over until Monday.

The program of the House of Representatives for the week of November 12, 1973, is as follows:

Monday is District Day. There are no bills. S. 1081, the trans-Alaskan pipeline authorization conference report.

On Tuesday we will consider H.R. 8916, State, Justice, Commerce, and judiciary appropriations, for the fiscal year 1974, a conference report; and H.R. 8877, Labor and HEW appropriations for the fiscal year 1974, a conference report.

On Wednesday we will consider S. 1435, District of Columbia self-government, a conference report; H.R. 11216, AEC supplemental authorization, subject to a rule being granted; and House Resolution 128, Members convicted of certain crimes, subject to a rule being granted.

On Thursday, we will consider the Social Security Act amendments, subject to a rule being granted. We will also consider two bills reported unanimously by the Committee on Ways and Means, as follows: H.R. 7780, duties on certain yarns of silk; and H.R. 6642, duties on certain bicycle parts. We will also consider military construction appropriations, subject to a rule being granted.

Conference reports may be brought up at any time, and any further program will be announced later.

The House will be in recess for Thanksgiving, from the close of business on Thursday, November 15, 1973, until noon Monday, November 26, 1973. We plan to bring up on that day, November 26, the very important manpower bill, and all Members should take note of that at this time.

Mr. Speaker, if the gentleman will yield further, I will continue with my remarks.

I would like to state further that during Thanksgiving week, the Committee on the Judiciary will continue to meet and work on the very important matters before it concerning the Special Prosecutor legislation and the nomination of the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD.)

This work will be expedited by the fact that the House will not be meeting, and committee sessions will not be interrupted by quorum calls and rollcalls. The committee will meet morning, noon, and night, as well as afternoons. When we return on November 26, we intend to take up major legislation, including the manpower bill, the special prosecutor bill, defense appropriations, supplemental appropriations, and possibly the foreign aid appropriations bill, all subject to being ready from the committees.

We will consider the Ford nomination on the floor on or before December 8. In addition, we should have the pension reform bill on that week and the budget reform bill.

Mr. Speaker, this list is not meant to be complete, but only to give the Members an idea that while we are taking 3 days off during Thanksgiving, during time that we would not normally work, there will be a considerable amount of work being done by committees.

Mr. ARENDS. Mr. Speaker, will the gentleman advise us concerning when the leadership will call up the recess resolution?

Mr. O'NEILL. Mr. Speaker, we hope to call up the recess resolution some day next week. It has already been agreed to by the leadership on the Senate side.

Mr. RHODES. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Arizona.

Mr. RHODES. Mr. Speaker, I have asked for this time in order to confirm an understanding which I had had with the chairman of the Committee on the Judiciary as to the reporting of the name of the distinguished minority leader for confirmation as Vice President of the United States.

It is my understanding that the rule will be reported to the House on or before December 6.

Does that mean that we will be extending the time, as reported by the majority leader?

Mr. O'NEILL. Mr. Speaker, we have that scheduled for the week of December 3, I believe. When I say, "we" I mean the leadership on our side.

Consequently we should be out of here that week before December 6, and it is my understanding that the gentleman has an agreement that has been made between himself and the majority whip and the chairman of the Committee on the Judiciary that this matter would be up before December 6.

ADJOURNMENT OVER TO MONDAY, NOVEMBER 12, 1973

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

MAJORITY LEADER THOMAS P. O'NEILL, JR., SAYS CONGRESS HAS DONE MORE ABOUT ENERGY THAN THE ADMINISTRATION

(Mr. O'NEILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'NEILL. Mr. Speaker, President Nixon's television address on energy last night had two distinct sides to it.

First, he called for a lot of commonsense measures to conserve energy, things that everybody can understand and cooperate with—lowering room temperatures, reducing driving speeds, going to all-year daylight saving, using urban mass transportation. To the extent that the President needs legislation to accomplish these kinds of objectives, the Congress will give it to him.

But the other side of the President's address was the attempt to divert public attention from his personal problems. He blamed Congress for failing to act on energy. But, if anything, this Congress has done more about energy than the administration.

Last April, we gave the President standby authority to make mandatory fuel allocations. Only this month has he begun to use it. A bill requiring him to allocate fuels is now out of conference, and we intend to pass that as soon as we can.

The bill has taken so long to pass because the administration deliberately stalled it—asked us repeatedly through the summer and fall to hold up until the President's emergency energy plan was ready. No such plan was ever sent to Congress.

That is the way it has been with most of his energy messages—and he has sent us four this year on that one subject. But the legislation he promises us always lags far behind. Congress has been working as expeditiously as possible on his energy proposals, considering their complexity and far-reaching consequences. In each instance, we have to take into account the effects upon consumer and environmental interests.

Congress has given the President authority to regulate oil exports. We expect to take final action on the Alaska pipeline conference next week, and at the same time surface mining regulations will go into final mark-up. One other important energy measure is already in conference—operating subsidies for urban mass transit so we can get the cars off the roads. There are reports that the President would veto that bill. I certainly hope not, because we intend to get it up for final passage as soon as possible and get it to the President to help him with this fight to conserve energy.

MANDATORY PETROLEUM ALLOCATION PROGRAM

(Mr. FASCELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FASCELL. Mr. Speaker, several problems regarding the mandatory petroleum allocation program have come to my attention this week which give me considerable concern. I would like to discuss them briefly.

The program for mandatory allocation of middle distillate fuels—kerosene, jet fuel, home heating oil, diesel fuel, and

range, stove, and gas oil—became effective last Thursday, November 1.

Under the program, suppliers are required to supply their customers at the same volume they were supplied during 1972. If a supplier had no contract with a particular company during 1972, it is under no obligation to make any fuel available to that customer in 1973.

As a result, some businesses have been notified by their October 1973 suppliers that as of November 1—the effective date of the program—they would no longer be able to service them.

This was the case with a marine construction firm in Florida. They received notification on October 22 that as of November 1, Standard Oil who had been supplying them in recent months, would no longer be able to do so. The firm's 1972 supplier has gone out of business, however, and the company therefore had no access to any supplier.

A telegram was sent to the Office of Oil and Gas on October 26 by the construction firm, requesting that they be assigned a supplier. My office contacted the regional Office of Oil and Gas that day. Although the office was working under a substantial backlog, one of the officials there agreed to contact the Florida firm. Since the initial contact, however, no further action has been taken, and the Florida firm is still without a supplier.

Repeated attempts to reach the regional office to inquire about the case have met with no success. Telephones are busy or ring unanswered. The regional office is seriously understaffed. I understand they have a staff of about six people and a backlog of cases they cannot possibly handle. I am certainly sympathetic to their problem, but fail to understand how this could be allowed to happen.

Failing to reach Atlanta, the Office of Oil and Gas in Washington was contacted and officials there advised that the most expeditious way to handle shortage problems was for the subject firm to write to Atlanta for the necessary Government forms. Washington explained that the completed forms were necessary for the regional office to take action in assigning a new supplier.

Regrettably, the forms are not yet available. I understand that GPO is working on them and hopes to have them ready by the end of this week for distribution to the various regional offices.

Meanwhile, one wonders what has happened to the October 26 telegram which the Florida firm sent to the Office of Oil and Gas.

The frustrations of this particular incident are significant for one very important reason. It points to the near total lack of preparedness for moving into the mandatory allocation program. Even though the administration operated its own voluntary allocation program for some 6 months, it appears that no thought was given during that time to contingency plans in the event a mandatory program became necessary. The staff is inadequate; the procedures are not operative; and companies needing assistance are at an impasse.

Suppliers refuse to supply customers they are not required to unless they are directed to do so by the Office of Oil and Gas. And the Office of Oil and Gas cannot act until it has the requisite forms. And the customer cannot fill out the forms because they are not available. It is unbelievable.

The mandatory petroleum allocation program promises to be a bigger disaster than the economic stabilization program. I pale at the thought of moving into a rationing program, in the event such action becomes necessary.

It is my most sincere hope that Governor Love's office—or Admiral Reich's office—or the Office of Oil and Gas—or the Interior Department—or someone somewhere, is planning in detail, contingency steps for rationing should it become necessary.

I have written to each of these officials expressing that hope and asking that they advise me of the steps that are being taken.

In the meantime, my office will continue its attempt to raise officials in the regional office by telephone.

Mr. VANIK. Mr. Speaker, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Ohio.

Mr. VANIK. Mr. Speaker, I just want to join in with the comments made by the gentleman from Florida, and say that yesterday my office tried to reach the Chicago office which covers our area, and it took 25 calls to get a call answered.

Mr. FASCELL. I am sympathetic to the problem they have, but the fact is that they just have not prepared for it. They do not have the people, and here we are in the winter season undertaking a mandatory program with obviously insufficient funds.

HERSH GUTMAN: ANOTHER VICTIM OF SOVIET OPPRESSION

(Mr. BIAGGI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BIAGGI. Mr. Speaker, not long ago, I journeyed to the Soviet Union at my own expense to present the case for freedom of emigration for all Soviet citizens, but most particularly for the Soviet Jews. At that time, I met with Andrey Verein, Director of the Office of Visas and Registration. I was the first Member of the House of Representatives who was admitted to see him to discuss the matter of Soviet emigration rights.

As a result of my specific intercession subsequent to that, I was able to obtain an exit visa for Matvei Weig, who is now a resident of Israel. Publicity over his case has brought to my attention the case of Hersh Gutman, who is still trapped within the Soviet Union.

Mrs. Faina Gutman, his mother, wrote to me from Israel saying that their whole family, including Hersh, were granted permission to emigrate in 1972. However, at the last minute Hersh's permission was denied. His family left, hoping that he would soon join them. Sadly, he has not done so as yet. He remains another victim of the inhuman Soviet emigration policy.

Recently, I and 20 of my colleagues sent a letter to Premier Kosygin urging him to grant Hersh an exit visa. No reply has been forthcoming.

At a time when we are considering establishing special trade relations with the Soviet Union, we must ask ourselves if we can do this in good conscience, knowing that the basic civil and humanitarian rights of individuals are daily being denied by the Soviet regime.

No trade concession, no special treatment, no most-favored-nation status should be granted the Soviet Union as long as they maintain the severe restrictions on emigration for their people. We must use our economic power to force a change in this policy which denies basic rights that are afforded every other citizen of the world. I urge my colleagues to oppose any trade bill that does not have the provisions of the Mills-Vanik bill in it. These provisions would make a force emigration policy a prerequisite, in order for the trade bill to become operative.

THE 198TH BIRTHDAY OF U.S. MARINE CORPS

(Mr. ROBERT W. DANIEL, JR., asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. ROBERT W. DANIEL, JR. Mr. Speaker, on November 10, 1973, the U.S. Marine Corps will celebrate its 198th birthday. As the Nation turns to peace this elite fighting force has added roles and missions in keeping the peace for our country and its people. I think the Navy Times editorial of November 7, 1973, states very well how our marines are meeting the challenges of today and are prepared to meet any challenge of tomorrow.

The editorial follows:

No Hardened Arteries

As they prepared for their 198th anniversary, the U.S. Marines were standing by for—but unlikely to enter this time—yet another crisis. A brigade and its helicopters were poised in the Mediterranean, ready to evacuate Amercian civilians from any of the countries involved in the latest Arab-Israeli war or to perform other services as needed.

It'a not a new role for the Marines. They and their Navy amphibious mates have been plugging the dikes of American diplomacy since the days of the Barbary pirates.

But with such crisis arising at this time—not yet a year since the last combat in Vietnam—drama is added to the Corps' drive to return to the literal meaning of force-in-readiness.

Gen. Robert E. Cushman Jr. has called this year a period of transition. That can be interpreted two ways: The physical transition from protracted, land-locked combat to a mobile strike force cruising worldwide. And an intellectual transition from the urgencies of war to the innovations possible in peacetime.

In the past, the Marines have taken such readjustments in their stride.

They emerged from a lengthy ground war in Korea, too, but were able to respond amphibiously to flare-ups in the Mediterranean and Caribbean not long after.

And they've always used the between-war years wisely. It was, after all, the Marines

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between World Wars I and II who perfected the amphibious tactics that won so many battles in the Pacific.

And it was those peacetime Marines between World War II and Korea who pioneered the integration of helicopters and troops.

The forthcoming era of peace can be "an exciting time to be a Marine," the Commandant says in his anniversary message. And, indeed, there are many questions to titillate the imaginative:

How can the energies of the laser beam be harnessed for battlefield use?

Will tanks be effective in the future, or merely be monstrous victims of one man with one shoulder-fired missile?

Can the Harrier VStol capabilities be enlarged to heavy transport?

Can the multi-million dollar computer banks be used even more effectively for the betterment of individual Marines?

This past year, Headquarters provided some emphatic answers to the latter question. The Corps was the first service to fully use the new computerized pay system. And efforts began to provide individuals with print-outs that forecasts the futures of their occupational fields, a vitally important planning document for potential careerists.

Of course, the past year had a full quota of challenges and we think the Corps responded well.

Even before Congress began pinging on "grade creep," Headquarters was gradually evening out its rank structure. When the promotion freeze came, it impacted on Marines less than it did on other servicemen.

When it became evident that PCS costs were becoming prohibitive, the Corps was quick to reduce the amount of nice-to-have transfers and follow that with more liberal overseas extensions.

When studies showed that surging desertion and unauthorized absence incidences were linked with substandard enlistments, Headquarters decided to drive for quality even if there were temporary recruiting shortfalls.

And progressiveness was evident in adoption of a new liberal arts college program for enlisteds, in the ability to slim down its Headquarters and in the beginnings of a new clubs and messes system.

Still the Corps displayed its unique tendency to progress technically while keeping its emotional roots deeply imbedded in tradition.

It's fighting doggedly—and some think futilely—a judicial trend to allow Reservists long hair because it thinks Marines—Regular or Reserve—are supposed to be distinctive and unified in appearance as well as spirit.

Also traditional this past year have been a call for a return to formalized discharge and retirement ceremonies.

SPEECH INTRODUCING THE NATIONAL COMPREHENSIVE HEALTH BENEFITS ACT OF 1973

(Mr. STAGGERS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. STAGGERS. Mr. Speaker, today I am submitting to the Congress legislation, entitled the National Comprehensive Health Benefits Act of 1973, designed to create a better health-care system and program of health insurance for the people of this country.

While you are all familiar with the need for legislation of this kind, I would like to review briefly several principal arguments for its enactment. Medical care has become too costly for many of our citizens to obtain without the benefit of a strong program of national health insurance. In recent years the proportion of our gross national product devoted to medical care has reached 7 percent, the highest in the world. Inflation in medical care costs has occurred at a rate of over 10 percent per year for almost a decade, well in excess of the rate for other parts of the economy. Catastrophic illnesses have faced many families with medical care costs in excess of $25,000, often completely destroying these families and driving them into indigency.

At the same time, medical services are often unavailable. Physicians and other providers of such services are not distributed in a rational manner, and our existing Federal programs for the improvement of health care are charged with being fragmented and inadequate.

Despite the expenditure of large amounts of money, and our various efforts to date, this Nation is not a world leader in the health of its people. The people of many countries experience longer average life span, fewer infant and maternal deaths, lower incidences of tuberculoses and other infectious diseases, and superior records in the treatment of some chronic illnesses.

I am convinced that part of the solution to these well-known problems lies in the creation of effective, universal national health insurance. For this reason I am introducing today the National Comprehensive Health Benefits Act. This legislation is based on several principals which are incorporated into its provisions.

It recognizes that universal access to comprehensive health care is an inherent right of each of our citizens. Further, it recognizes that the assurance of this right is in the national interest, since only through effective comprehensive health care can we achieve a healthy population capable of effective participation in the work force, learning in our schools, and enjoyment of family life.

The legislation provides that the same comprehensive health care benefits should be available to all of our citizens and that each citizen should bear the costs of the benefits to which he is entitled in proportion to his financial means, with the Federal Government making up the differences between the costs of such benefits and the reasonable contribution of our poor and near-poor citizens.

All citizens should be protected from the costs of catastrophic illnesses in such a manner as to assure that no one shall be rendered destitute by the misfortune of his own illness or the illness of a member of his family.

People should have the right and opportunity to choose, from a pluralistic health care system, their source of health care and their source of health insurance.

Citizens must recognize and undertake a responsibility for the preservation of their own health so as to prevent unnecessary disease and medical care costs.

Each of these principals is incorporated into the legislation which I am proposing. In addition, the legislation has several important features:

It would build on existing health insurance and health care programs rather than replacing or reorganizing them unnecessarily.

It incorporates a fundamental and strong role for our State governments in the development and administration of the program so as to assure that it will be responsive to the various needs of our great country rather than being a single, monolithic Federal program.

It will use the existing private health insurance industry for much of the actual administration of its health insurance provisions, in hopes of obtaining their years of expertise in the creation of an effective and efficient program.

It provides for a 6-year period of transition from our present system to the one envisioned in the legislation, in order to assure that the enactment of the legislation will not be unreasonably disruptive or costly.

It contains incentives for the creation and use of health maintenance organizations—already considered by the Committee on Interstate and Foreign Commerce, and passed by the House of Representatives—because the development of health maintenance organizations will aid in controlling rising costs under the program, encourage the maintenance of individual's health, and create new alternatives to existing sources of care for people to choose if they so desire.

It contains strong provisions for controlling the cost and quality of care provided under the program and for limiting the profits which can be made from the program.

The House Committee on Interstate and Foreign Commerce and its Subcommittee on Public Health and Environment, to which this legislation has been referred, will begin background and exploratory hearings on the subject of national health insurance next week. These hearings are designed to provide the Members with an overview of the issues involved in the enactment of national health insurance. It is my hope that after the completion of these hearings it will be possible to proceed to legislative hearings on this and any similar proposals. In view of the urgency of the problems to which this legislation is responsive, I shall make every effort to complete this hearing process within the next year.

This legislation is similar in some regards to the National Health Care Services Reorganization and Financing Act, H.R. 1, sponsored by the Honorable Al Ullman of Oregon which has been referred to the Committee on Ways and Means. It is my profound hope that our committee can consult with Mr. Ullman and the Committee on Ways and Means in the development and final enactment of this legislative proposal.

The legislation introduced today is a long and complex proposal and I recognize that the work which has gone into its preparation is only a beginning. It is my intention in the coming months to seek the comments and advice of affected professional organizations, agencies, and consumers on the provisions of this bill. I would like to assure the Members of the House that these comments will be

heard and incorporated into the legislation so that whatever legislation is finally brought to the House will be generally recognized as a complete and careful proposal worthy of your consideration.

I am including in the Record with these remarks a complete summary of the legislation. A more detailed, section-by-section analysis of the bill will be available early next week:

The National Comprehensive Health Benefits Act of 1973

DESCRIPTION

A. *General approach*—The bill would establish a program of comprehensive health care benefits for all U.S. residents, phased in over a six-year period. Financing would be primarily through employer (75 percent) and employee (25 percent) contributions to the costs of purchasing private health insurance providing the defined benefits, and secondarily through Federal general revenues to meet the costs of coverage for the aged, poor, unemployed and near poor.

Newly created State Health Commissions (SHCs) would be responsible for the actual administration of much of the program, including standard setting and quality control, assisting in the development of Health Maintenance Organizations (HMOs), and administration of some of the insurance provisions. Existing private health insurance carriers would be used to underwrite most of the legislation's insurance benefits. The development and use of HMOs (defined as they are defined in HMO developmental legislation recently passed by the House of Representatives) would be encouraged through additional direct developmental assistance and through a ten percent Federal subsidy of HMO premiums.

B. *People covered*—Within two years of enactment all aged, low income and unemployed individuals and families would be provided coverage for basic health services. Within four years of enactment all individuals and families would be provided coverage for basic health services and the cost of catastrophic illness. Within seven years of enactment all individuals and families would be provided coverage for comprehensive health care benefits and the costs of catastrophic illness.

C. *Scope of benefits*—Basic Health services are similar to those which HMOs would be required to provide under HMO developmental legislation. They include (as specified by the Secretary of HEW in regulations):

A. Physician services.

B. Hospital services.

C. Laboratory and radiologic services.

D. Limited, acute mental health services.

E. Home health services, and

F. Preventive health services.

Comprehensive health care benefits include:

I. Periodic health evaluations

a. Screening tests and exams.

b. All immunizations.

c. Well-baby care to age 5, with number of covered visits decreasing with age of child.

d. Dental services for children to age 12.

1. One free routine exam per year.

2. Extractions, fillings, etc.—20 percent copayment.

e. Vision services for children to age 15.

1. One free routine exam per year.

2. Prescription eyeglasses—20 percent copayment.

II. Physicians' services and ancillary health care.

a. Services on an ambulatory basis in any appropriate setting (including the home) by physician or allied personnel under his supervision—50 visits per year with $3 copay per visit.

b. Ambulatory diagnostic procedures—20 percent copay.

c. Hospital or ambulatory center services.

d. Supplies, materials, use of facilities and equipment, including drugs used or administered in connection with outpatient services.

e. Ambulance services—20 percent copay.

f. Voluntary family planning and infertility services.

III. Other ambulatory services

a. Ambulatory institutional care program for mental illness, alcoholism, drug abuse—$2 copay per day, limited to 120 visits per coverage year.

b. Drugs, prosthetic devices, and equipment—$1 copay per prescription, 20 percent copay for devices and equipment.

c. Home health services—100 visits with $20 copay per visit.

IV. Inpatient services.

a. Hospital care—60 days per 90 day benefit period, except for mental illness, alcoholism, drug abuse where limit is 45 days. Copay $5 per day.

b. Extended care services—30 days per benefit period with $2.50 copay per day.

c. Nursing home care—60 days per benefit period with $2.50 per day copay.

d. Physicians' services to inpatients—$3 copay per visit of attending physician only.

Catastrophic expense benefits would provide that, once an expenditure limit in any given year was reached, all copayments for services, limits on the number of services covered, and other restrictions and limits no longer applied and that coverage was complete. These benefits would become effective immediately for low-income persons (individuals with annual income below $2,500; a family of 4 with income under $6,500). For all others the benefits would become effective when medical expenses reached a Special Expenditure Limit graduated according to income. For example, a family of 4 with income of $10,500 would be required to incur $1,000 in out-of-pocket expenses before the benefits took effect.

D. *Administration*—The Federal Government would administer the insurance program for the aged and low-income and would contract directly with carriers or HMOs to provide covered benefits. Employer-employee plans would be administered through approved carriers or HMOs. New independent State Health Commissions (SHCs) would be established in each State to authorize incorporation of HMOs, enforce regulations pertaining to providers, control premium rates charged by carriers, HMOs, and other providers, approve expansion of health facilities and services, etc. The Department of HEW would assume functions of a State Health Commission in any State which failed to establish one. Private insurance carriers would issue qualified insurance policies, collect premiums, administer claims, and reimburse providers in accordance with Federal and State guidelines.

E. *Financing*—The Federal insurance program for the aged, poor, and near poor would be financed through general revenues with cost-sharing for services and premium contributions scaled according to financial means. Employers would be required to pay at least 75 percent of the premium cost for employee plans, with employees responsible for the remaining 25 percent. Federal general revenues would also be used to cover the cost of a 10 percent premium subsidy for anyone enrolled with an HMO.

F. *Payments to, and standards for providers of services*—State Health Commissions would be responsible for determining premium rates to be use by private insurors and/or HMO's for mandated Comprehensive Health Care Benefit packages. SHC's would also approve on a prospective basis all charges for services provided by HMO's and all other Health care providers. State Health Commissions would review the activities and performance of HMO's and other health care providers to assure that providers were meeting their obligations under the bill. Federal regulations would prescribe methods to be used in determining reasonable operating costs and sufficient capital payments for HMO's and health service institutions; and reasonable fees, salaries, or other compensation for individual providers or groups of providers. The Department of HEW would also prescribe standards for providers relating to quality, safety, personnel, etc.; as a minimum, providers would be expected to meet existing Medicare requirements.

Non-HMO providers would be reimbursed by private carriers underwriting the Comprehensive Health Care Benefits plan. HMO's would be paid directly by enrollees or by carriers contracting with them on any appropriate prospective or prior-budgeted basis (including capitation or itemized charges for specific services). After the first five years of operation, an HMO would be required to provide a complete prepayment option to enrollees.

G. *Effect on other government programs*—No other government program would be immediately or directly affected. Both Medicare and Medicaid would continue in effect. However, since the proposed program would, when fully operational, provide all people with benefits broader than are currently available under these and other programs, they would eventually need modification to assure that they supplement the proposed program. Provision for this is included in the case of Medicaid.

H. *Other major provisions*—The legislation contains a variety of other new and important provisions designed to assure that it will result in an open, flexible program which will serve the needs of both consumers and providers. These include:

1. Creation of a new National Health Services Advisory Council whose responsibilities include review and comment upon proposed new or revised regulations under the bill prior to their publication in the *Federal Register*.

2. A strong emphasis, appearing in several places, upon health education and an individual's responsibility for both the maintenance of his own health and proper utilization of available health services.

3. A requirement that the Advisory Council conduct a study of methods for providing health care institutions with appropriate capital funding (particularly in needy areas).

4. Provision that persons who are defined as low-income or medically indigent and are covered under an employer plan for Comprehensive Health Care Benefits, would be entitled to a premium contribution refund, if the amount of their contribution under the employer plan exceeded the amount they would contribute under the Federally financed plan for such persons.

5. Authority for the Secretary to regulate the retention of premium income in excess of payments as benefits by private carriers so that the retention rates would be reasonable and not permit profiteering from the program.

6. Strict provisions to both protect the confidentiality of all information gathered under the program concerning individuals and assure public access to all fiscal and other information concerning the program's operation.

7. Requiring all carriers offering plans under the program to make full disclosure to covered individuals, upon request, of available benefits, exclusions from coverage, premium rates, terms and conditions of available options for enrolling in HMOs, and the percentage of premiums paid out as benefits.

8. Requiring states to make possible citizen actions to compel either SHCs or carriers to comply with the requirements of the program.

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9. Requiring carriers, HMOs, and other providers of health care to make information available to individuals concerning their charges, hours of operation, and licensure.

10. Requiring SHC's to regulate the retention rates and promotion of all health insurance offered for purposes of complementing or supplementing insurance providing Comprehensive Health Care Benefits.

INVESTIGATION OF PRESIDENTIAL ASPIRANT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. Hunt) is recognized for 5 minutes.

Mr. HUNT. Mr. Speaker, today I am introducing legislation which would require a thorough investigation by the Attorney General of any person designated as next in line to act as President in the case of a vacancy in the office of Vice President, whenever a vacancy exists.

This legislation is vitally important to this country, Mr. Speaker, if we are to continue to be a country of law, and a country of integrity of the highest caliber.

During the last few weeks there has been a great deal of conjecture as to how the Congress should go about interpreting the intent of the 25th amendment. In order to be completely thorough it was decided that a full-scale investigation of Congressman Jerry Ford should be conducted, leaving no stone unturned, no bank account, expense account, or personal indiscretion hidden from view. I cannot say I question this approach as we, indeed, need men of the highest standards to fill Government's highest positions. I did, however, question the need for some 350 FBI agents in some 33 bureaus to assist in this data-gathering process.

At the present time Mr. Ford is still serving as the minority leader of the House of Representatives. He is, until confirmed, merely the Vice President-elect.

What does concern me more than anything else in this matter is the fact that in this time of turmoil in Government, with the Vice Presidency now vacated, the Speaker is next in line of succession. There is absolutely no guarantee that Mr. Nixon will remain in office until Mr. Ford is confirmed. I do not say that because I feel he will resign, nor do I say that because I feel he will be impeached. I merely mention it because health and death are always factors to be considered.

There has been a great deal of talk that Gerald Ford will be confirmed, and will be confirmed shortly. That is all well and good. But what of other times? There is no guarantee that this will, indeed, be the case.

My legislation is being introduced to smooth the way for the future. It will go a long way in dispensing of doubt and what procedures shall be followed in years to come. Granted it goes into effect immediately, but then again, there is no absolute guarantee, for reasons I do not feel necessary to mention, that Mr. Ford will succeed to the Vice Presidency. Again stalling tactics, health, and possibly death could all play a part in this.

With the precedent already set by the Ford confirmation process, there should be little to argue about with this legislation. It should not be looked upon as partisan legislation. Rather it should be taken as another step in the bipartisan effort to reform our Government and simplify our succession process as spelled out in title 3, section 19, United States Code. This is the section of the code which deals with the vacancy in offices of both the President and Vice President and other officers eligible to act.

FUEL SHORTAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. Edwards) is recognized for 5 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, intensified by the Arab nations' drastic cutback of oil shipments to the United States, a serious shortage of fuel and energy is faced by our Nation this winter, as President Nixon pointed out in his address to the Nation last evening.

The impact and the duration of the shortage hinges primarily on two unknowns: How long the Arab nations persist and how bitter the weather is in the winter months which are fast approaching.

As a first step toward meeting the problem, the Federal Government November 1 launched an emergency fuel oil allocation plan. Its goal is to distribute as evenly as possible the petroleum products that are vital to keeping American homes warm, generating the Nation's electricity and turning the wheels of business and industry.

The White House has also sent to Congress an emergency fuel bill. Included in its provisions is authority which would allow imposition of a nationwide speed limit of 50 miles per hour, would cut basic supplies of fuel to nonessential users and would allow implementation of a year-around daylight saving time—provided such measures are warranted.

Congress has already taken several steps to increase the supply of energy in the future. Additional funds have been appropriated for energy research and development in almost every field of study. Special legislation for solar energy demonstration and geothermal energy research and development will soon be considered, and legislation which would authorize construction of the Alaskan pipeline is about completed.

However, legislation to develop new sources of energy or to increase the supply of petroleum and natural gas will not have an impact for several years. Therefore, for the immediate future we must concentrate on conserving energy.

One-third of all the energy consumed in the United States is used directly by individual citizens in their homes and automobiles. Thus, if each of us minimizes our own wasteful energy practices, we cannot only save money, but we can help alleviate fuel shortages.

Surely we all can learn to turn out unnecessary lights automatically in our home and walk around the corner to buy a carton of milk instead of driving to get it. If we do not, the energy to supply those lights and to propel that car will become harder and more expensive to obtain.

Most people fail to realize the seriousness of the situation. The current facts do not mean that our lights are going to go out tomorrow from a massive power shortage or that no one will be able to buy gasoline, but we must take some action to slow down our energy consumption. The rate at which we are consuming energy continues to climb. The total energy consumed in the United States in mid-1973 is 223 percent of the amount used in 1950, well over twice as much.

You know, we have had it pretty good over the years, but as the fuel problems become more severe, I think we are going to have to change our lifestyle.

In our homes during daylight hours, we can open the draperies of those windows which let sunshine in. Even when it is cold outside, sunshine brings warmth into the house. We can close the draperies in the evening to keep warmth inside. We can keep our thermostats set at the lowest comfortable temperature during the day. For most homes, each degree the thermostat is lowered reduces heating costs and fuel consumption by 2 to 3 percent.

Jackrabbit starts, poorly tuned engines, improperly inflated tires, unsteady driving speeds and idling all use large amounts of gas. The experts recommend driving slowly for one-quarter of a mile on cold mornings rather than idling for 10 to 15 minutes. I am told that radial tires, although they cost more, save gas and are ultimately a better buy.

Mr. Speaker, President Nixon outlined the energy problem in clear terms last night, and he articulated in plain terms the challenge facing America in the months ahead. I urge the Congress to act promptly on President Nixon's energy proposals, and I urge every citizen, including, of course, the Members of this body, to practice energy conservation conscientiously in our daily activities. The problem is a serious one, but our Nation has encountered and solved serious problems on many occasions in our history. With prompt action and informed leadership by the Congress and by State and local officials, and with the conservation efforts of every American, I am confident we can weather the shortages immediately ahead and eventually attain energy self-sufficiency in the United States.

SMALL COMMUNITY DEVELOPMENT ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. Culver) is recognized for 10 minutes.

Mr. CULVER. Mr. Speaker, today I am reintroducing legislation which will assist small communities in the construction or rehabilitation of multipurpose community centers, and in the renovation of small community business districts. This bill, entitled the "Small

Community Development Act," was originally introduced early in 1971.

The needs of small communities and nonmetropolitan areas have been neglected for too long a time in our country. While there are some Federal programs existing which provide aid, directly or indirectly, to help small towns in rural areas, there is no clear and consistent national growth policy, with definite goals, to encourage revitalization and development of small communities.

Outmigration continues to be a very serious problem for the Nation's rural areas. The migration of small town and rural residents to large cities and metropolitan areas increases the problems these areas are having meeting the needs of their growing populations. There is clear evidence, however, that this trend can be reversed. The key is a program to revitalize small towns so as to preserve their own identity.

This means helping these communities to provide their citizens with basic services: Police and fire protection, library, town meeting hall, health facilities, recreational facilities for use by both the older and younger members of the community. In many cases, however, small towns lack the financial resources to provide an adequate building for these activities, even though quite often these operations can be economically and conveniently housed in a single structure. Under the legislation I am introducing, these small towns would be eligible for Federal assistance for building these community facilities.

Equally important to the future of small communities is the condition of their downtown business district. Too often old buildings, basically sound and unique architectually, have been allowed to deterioate, presenting a drab exterior. The level of economic activity and the general vitality of the community declines, and the town slides slowly out of the mainstream of American life.

The Subcommittee on Housing of the Committee on Banking and Currency is now considering several bills proposing various Federal housing and community development programs. I fervently hope that any bill reported by this committee will include provisions for adequate assistance for the development of small communities.

Mr. Speaker, an analysis of the bill follows:

ANALYSIS OF THE SMALL COMMUNITY DEVELOPMENT ACT OF 1973

TITLE I—CONSTRUCTION OR REHABILITATION OF MULTIPURPOSE COMMUNITY CENTERS

Authorize the Secretary of Housing and Urban Development to make grants, pay interest rate subsidies and undertake guarantees to small communities (towns under 15,000 and not part of a metropolitan area) and regional units (any grouping of governmental units which want to consolidate their public service functions) to assist in the construction or rehabilitation of multi-purpose community facilities for health, recreation, library, public safety, and local government use.

(1) A facility combining local government uses with public safety uses will be eligible for (a) a federal guarantee of the sums borrowed; and (b) an annual grant in the full amount of the interest due on the sums borrowed, e.g. a facility which houses local government offices and the central police and fire stations.

(2) a facility combining health, recreational, or library uses with local government uses or with local government and public safety uses will be eligible for (a) a federal guarantee of the sums borrowed; (b) an annual grant in the full amount of the interest due on the sums borrowed, and (c) a grant equal to ⅔ of the cost of the health, recreational and library accommodations, e.g. a facility which includes a library, health clinic, and recreational area which can be used by both the elderly and young members of the community.

TITLE II—BUSINESS DISTRICT RENEWAL

Authorize the Secretary of Housing and Urban Development to make loans and grants to local non-profit development companies in order to assist them in the exterior rehabilitation, restoration, and beautification of small community business districts.

(1) A local non-profit development company will be eligible for a federal grant to help finance the planning and design of the exterior rehabilitation, restoration and beautification of the community business district.

(2) A local non-profit development company will be eligible for a loan equal to ⅔ the cost of rehabilitating, restoring and beautifying the facade of the business district.

(3) A local non-profit development company will be eligible for a grant equal to ⅔ the cost of rehabilitating, restoring and beautifying the public areas of the business district, provided the plan has the approval of the community's governing unit.

NIXON TRADE BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Dent) is recognized for 10 minutes.

Mr. DENT. Mr. Speaker, apparently, in an effort to pass the Nixon trade bill, nothing is being left undone. Our Ways and Means Committee, by a substantial majority, is already committed to its passage and has decided to pass it without measures that would serve to protect at least one American industry or any American jobs.

For many years, those of us who have noted the serious threats to American employment as a result of our trade policies have been opposed in our position by every phase of American business, Government, media, and labor. The labor segment has finally realized the serious damage already inflicted on the Nation evident in the country's inability to provide jobs to Americans on the growing unemployment lists. The forceful and articulate position of American labor should be read by every Member of this Body who feels that the current trade bill would solve the problems currently posed by inadequate trade policies. For that reason, I insert the resolution adopted by the AFL–CIO at their recent convention, as it relates to the trade bill:

RESOLUTION ON INTERNATIONAL TRADE AND INVESTMENT ADOPTED BY AFL–CIO CONVENTION, OCTOBER 19, 1973

INTERNATIONAL TRADE AND INVESTMENT

The Administration, Congress and other nations now recognize the new problems of the United States in the world economy of the 1970s. As the U.S. position has continued to decline, dollar devaluations and piecemeal trade actions have added to distortions at home and abroad. No prospects for a realistic improvement in the trade balance, the value of the dollar, or the health of the U.S. in the world economy are in sight, unless government remedies are adopted. The American standard of living and the jobs of American workers in all types of industries are threatened. The industrial base of the nation is being undermined. The need for action and comprehensive new policies cannot wait.

Emphasis on changing monetary relationships and machinery and misplaced reliance on agricultural exports cannot possibly solve America's problems or the world's needs. Nor can the patch-work of trade, tax and other proposals offered to the Congress as the Trade Reform Act of 1973. Solutions and requests for power are not the same. They cannot substitute for a comprehensive policy that demonstrates recognition of new realities.

America's traditional prowess in world trade had been based on high wages and high productivity, on technology and efficiency of operations, manpower skills, large volume of output and a highly educated population—as well as the availability of raw materials and sources of energy.

New factors, like the internationalization of technology, multinational corporations and banks, managed national economies with subsidies for exports and barriers to imports have changed the trade relationships of labor rates and unit costs in recent years. Foreign trade has been increasingly affected by these changes. The problems will probably get worse if the forecast of shortages of energy and raw materials come to pass, unless there is a basic change in policy.

Amidst these new factors the choice is no longer the cliches of free trade vs. protectionism. Instead, the United States must base its policy on its strength—the American people, its free institutions, its schools and skills, its standard of living, its research and development, as well as its varied resources at home.

The world is still a world of nation-states. The U.S. government and the Congress can adopt policies only for this government and the American people. Such policies may then be used to work with other nations to achieve a mutually improving world. To seek world goals and ignore national needs is to destroy the objectives of a prosperous United States in a prosperous world economy.

The Foreign Trade and Investment Act of 1973, the Burke-Hartke bill, is an effort to provide a framework for dealing, specifically, with the causes of America's deteriorating position in international economic relationships.

The Burke-Hartke bill would provide government regulation and restraint of the export of American technology and capital—regulation not elimination. It would remove the tax subsidies and other incentives that encourage U.S. companies to establish foreign subsidiary operations.

It would also set up a "sliding-door" limitation on most imports, except on those goods that are not produced here or that are in short supply—a "sliding-door" limitation, not a high wall to block out imports. Quotas would be related to the level of American production. In fact, imports would be guaranteed a share of the American market and would be permitted to increase as American production increases. But imports would not be permitted to flood American markets and quickly wipe out American industries.

Until the framework of Burke-Hartke is part of U.S. law, the government should enforce laws that now exist. The Administration can now direct agencies to stop the brokering of low-wage labor markets abroad by U.S. government officials, to stop encouraging destructive imports, to control exports of agricultural products and raw materials in short supply, to help injured industries when U.S. production and jobs have been lost, to discourage easy export of American tech-

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nology, to check the outflow of U.S. capital and insist on the accurate and detailed reporting of trade flows, to require labelling of foreign-made products, to enforce already enacted consumer laws for safety, health and labelling.

Congress should retain its constitutional power to regulate interstate and foreign commerce, to levy taxes and other powers by insisting that each individual non-tariff barrier, whether product standards, tax changes or tariff classification, be carefully examined by Congress in public hearings before any international agreement is reached and that all international agreements to change non-tariff barriers be on an ad referendum basis.

Congress should reject the Administration's trade package of October 1, 1972 which would provide most-favored-nation status for Soviet exports to the U.S. and the extension of large-scale credits for Russian purchase of American goods and technological know-how.

Congress should deny the granting of preferential entry (duty-free or special tariff status) either partially or wholly from any country which subsidizes exports, grant tax subsidies to foreign investors or requires production or investment within its country.

A healthy diversified industrial U.S. economy is essential for the sound expansion of trade of other nations, both developed and developing. U.S. market shares can be available for others only if both their own markets and U.S. markets are expanding. The United States must therefore gear its own policies to putting its house in order. Other parts of the world economic structure will not be aided by further disruptions of the U.S. economic productive strength.

The national interest of the United States within its borders is the primary responsibility of the United States government—with full recognition that this nation can join with other nations to pursue the advance of the world economy. The employment and labor standards impact of the new changes in world economic relationships must be carefully identified in detail so that working people are not compelled to bear most of the burden of such changes.

The trade bill reported out by the House Ways and Means Committee grants excessive power to the President. It provides no specific machinery to regulate the flood of imports. It does not deal with the export of U.S. technology and capital to other parts of the world where multinational corporations can maximize profits and minimize costs at the expense of U.S. production and jobs. It does nothing to close the lucrative tax loopholes for American-based multinational corporations which make it more profitable for them to locate and produce abroad. It does not repeal items 806.30 and 807 of the tariff code, which encourage foreign assembly and production of goods for sale in the U.S. Moreover, the bill permits continued extension of low-interest loans by U.S. Government agencies to the Soviet Union.

This bill, known as the Trade Reform Act of 1973, H.R. 10710, is worse than no bill at all. The AFL-CIO urges defeat of this bill and asks for comprehensive new policies to restore America's social and economic strength in international relationships.

ACTIVITIES OF THE SUBCOMMITTEE ON INTERNATIONAL FINANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Gonzalez) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, the Subcommittee on International Finance will shortly be considering several important items, and I want to take this brief time to inform the House of these activities, so that any Member having an interest in these matters can be informed.

First, we will conduct another hearing in our series on progress toward international monetary reform. This hearing will be held jointly with a subcommittee of the Joint Economics Committee which also has a keen interest in the subject. This joint hearing will be on Tuesday, November 13, and the principal witness will be Under Secretary of the Treasury Paul Volcker. We will also seek the advice of a very prominent banker and economist, Freeman Huntington, of the First National City Bank of New York.

Even though the dollar has been showing renewed signs of strength lately, I think it would be foolish for anyone to conclude that the world's monetary problems are at an end; they most certainly are not. Renewed crises are possible, and renewed problems for the dollar are also possible. Monetary reform has not been accomplished, and progress toward that objective seems inordinately slow. I believe that we need to anticipate our problems, to make progress, and be prepared to deal with monetary problems before they arise. I hope that this hearing will serve as a means of bringing us up to date on progress, and the prospects for early monetary reform.

Second, the subcommittee will take up soon, legislation to authorize additional U.S. participation in the International Development Association, which was agreed to at the World Bank annual meeting in Nairobi last September. The President sent legislation to the House on October 31, pursuant to this agreement, calling for an additional $1.5 billion in U.S. contribitions to IDA. This contribution represents a smaller share of the total IDA commitment than in the past, and in terms of actual buying power, will provide about the same level of support we have given in past years.

The President has also requested an additional $50 million in soft loan resources for the Asian Development Bank, and we will take this up at the same time as the IDA request.

Hearings on these new multilateral lending commitments will begin on Wednesday, November 14, with Secretary of the Treasury Shultz. I expect to continue hearings on December 6 with David Rockefeller, chairman of the Chase Manhattan Bank, and Fred Bergsten, a fellow of the Brookings Institution. I hope also that Eugene Black, the distinguished past President of the World Bank, can also appear. Hopefully, subcommittee markups on these bills can be accomplished by December 8.

I have adopted this program in accordance with a commitment I made to the President to promptly consider his requests for IDA and Asian Bank participation. The President attaches considerable importance to these matters and is anxious for Congress to begin consideration of them. I intend to cooperate with him, and give these requests early action.

Mr. Speaker, the House has heard the President's message of October 31 on these bills. I take the liberty of including in the RECORD an additional communication I have received from him concerning these matters:

THE WHITE HOUSE,
Washington, D.C., October 30, 1973.

Hon. HENRY B. GONZALEZ,
House of Representatives,
Washington D.C.

DEAR MR. GONZALEZ: Thank you for your letter of October 1 concerning the multilateral development institutions, and in particular, the replenishment of the International Development Association (IDA).

You are correct that at the recent World Bank meeting in Nairobi, Secretary Shultz made it clear that United States participation in further replenishment of the Association depended upon the approval of Congress. I am sure you understand that the care he took in emphasizing the essential role and prerogatives of the Congress in no way implies that the replenishment is not regarded as important by the Administration. We do so regard it. However, I am also convinced that effective participation in these institutions must rest on a cooperative partnership of the Executive and the Congress in which both carefully appraise and support the value and wisdom of the expenditure. I feel confident that after full consultations and deliberation, the judgment of the Congress will coincide with my own that the IDA replenishment deserves our full support.

I am encouraged by and appreciate the spirit of bipartisan statesmanship reflected in the offer in your letter to cooperate with the Administration in handling legislation for the multilateral institutions. We will be working with you closely.

I recognize that there are competing needs for the resources we have available, and that international programs must hold their own within a framework of priorities. In my judgment, replenishment of IDA is solidly justified in terms of the totality of competing demands on our budget, and Secretary Shultz has successfully negotiated terms and conditions for the replenishment that met our essential objectives, including a reduced share of the funding by the United States. I will shortly be transmitting proposed legislation, which I hope your Subcommittee will consider promptly. I will work with members on both sides of the aisle towards passage of that legislation, and am asking White House and Treasury people to do likewise.

With your continued personal interest and support, I am confident that together we can achieve a legislative result consistent both with the responsibilities and the capabilities of the United States.

Sincerely,

RICHARD NIXON.

FUEL OIL EXPORTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. Aspin), is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, I am releasing today the results of an investigation of petroleum exports by the Cost of Living Council in which the Cost of Living Council predicts 53.3 million gallons of fuel oil will be exported from the United States during 1973.

This 53.3 million gallons represents a 284 percent increase in fuel oil exports in the past year.

I originally sought an inquiry from the Cost of Living Council after I learned from trade press reports that large amounts of fuel oil were being exported to Europe despite the fuel oil shortage at home. The Cost of Living Council confirms these charges that fuel oil exports were occurring and notes that 8.4 million gallons were being exported during August at a price of $6.73 per barrel. The oil was exported to Denmark and Panama.

The price of $6.73 represents a 145-percent increase in the average price per barrel last year.

Apparently, the lure of big profits is persuading major oil companies to export desperately needed fuel oil despite the shortage. It is nothing less than a total disregard for the welfare of the American consumer that leads to these tremendous exports of fuel oil during the shortage.

It should be noted Mr. Speaker, that many apologists from the oil industry that the amount of fuel oil is insignificant. However, during a shortage it is absolutely necessary to use all the fuel oil which is available to U.S. consumers. I would much prefer to see a factory or school stay open in some small midwestern town for the entire winter rather than export fuel oil overseas.

Mr. Speaker, on June 20 I offered legislation to immediately clamp down on exports of propane, gasoline, and fuel oil exports. I am now offering this legislation for cosponsorship and hope that in view of the seriousnesss of the crisis we face, that my colleagues will join me in forcing a halt of exports during the shortage.

The Cost of Living Council report follows:

HEATING OIL EXPORTS

SUMMARY

(1) This report is based upon research of Industry Associations and available U.S. Statistics.

The statistics compiled for this report do not specifically identify No. 2 heating oil exports since none of the available statistics segregate that item. The available statistics also do not segregate exports which return to the U.S. after foreign processing. Additionally, Federal Regulations do not allow the U.S. Census Bureau to divulge the identity of firms involved in transactions. For the purposes of this report, the available statistics are a combination relative to No. 2 heating oil, No. 4 heating oil and light diesel fuel, all of which are categorized together in the U.S. Government Schedule "B" of classifications. This Report consists of a comparative analysis of total domestic distillate production, volume of distillate exports, sales value of exports, the average price per bbl of the exports, and the port of export and destination of substantial 1973 exports.

(2) An analysis of the available data reveals that although the export figures indicate that 1973 totals will drastically surpass 1972, comparison of these figures with the totals for 1969, 1970, and 1971 reveals that in volume of bbls, 1972 was depressed year, and the rise in 1973 appears to be a return to a historical export level. In terms of percentages the 1973 projected volume of bbls is only 69% of the 1969 total. In contrast, the total value of the 1973 projection is 113% of the 1969 total value, while the average price per bbl in 1973 is 164% of the 1969 average price per bbl. The monthly export figures for the period January–August 1973 do not indicate any consistent pattern in regard to volume. It is also considered significant from an impact point of view that when compared with total distillates produced the export volume ranges from .04% to .2%. This is given further significance when it is realized that distillates account for only slightly over 22% of refinery production. Additional research developed that the majority of exports originated from Galveston and Port Arthur, Texas, with one shipment originating at Seattle, Washington. The destinations of the majority of the 1973 volume were Mexico, Netherlands Antilles, Denmark and Japan.

(3) This portion of the report concerns the volume of exports and dollar value of sales for 1969, 1970, 1971, 1972, and the first eight months of 1973; and a projection of total exports for the full year 1973.

Year	Volume, barrels	Total value	Dollar average, per barrel
1969	1,859,825	$6,567,645	$3.53
1970	1,444,525	4,329,902	3.00
1971	1,858,471	7,909,468	4.25
1972	448,433	1,797,960	4.01
January-August, 1973	850,067	4,934,185	5.80
Projection, 1973	1,275,101	7,401,278	5.80

When the 1973 projections are compared on a percentage basis to the actual figures for 1969, 1970, 1971 and 1972, the result is the following tabulation which depicts the percentage relationship of the 1973 projection to the indicated year:

[In percent]

Year	volume barrels	Total value	Dollar average
1973/1969	69	113	164
1973/1970	88	171	193
1973/1971	69	94	136
1973/1972	284	412	145

(4) This portion of the report is a monthly tabulation of exports for January-August 1973 depicting volume and average price per bbl.

Month	Volume, barrels	Average price, barrel
January	256,618	$5.01
February	22,495	6.66
March	4,429	3.95
April	123,012	6.05
May	5,586	4.43
June	196,928	5.80
July	40,926	5.44
August	200,073	6.73

(5) This portion depicts the export figures for 1971, 1972, and the first six months of 1973 in comparison to both the total domestic distillates produced and the average percentage breakdown for total distillates of total U.S. refinery production per bbl.

Year	Export volume, barrels	Percent of total distillates produced	Average percent refiners produced
1971	1,858,471	0.2	22.05
1972	448,433	.04	22.21
January-June 1973	609,068	.1	22.30

(6) This portion of the report depicts the destination, volume, and port of shipment for the majority of shipments during the months of January, April, June and August 1973:

Month	Destination—port	Volume, barrels
January	Mexico—Galveston, Tex	60,346
	Netherlands-Antilles—Galveston, Tex.	195,812
April	Mexico—Galveston, Tex	113,647
	Denmark—Port Arthur, Tex	
June	Mexico—Galveston, Tex	128,695
	Japan—Seattle, Wash	60,000
August	Panama—Port Arthur, Tex	49,228
	Denmark—Port Arthur, Tex	148,221

LET US WORK TOGETHER TO CONSERVE FUEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Vanik) is recognized for 5 minutes.

Mr. VANIK. Mr. Speaker, the energy squeeze is on. For months, national attention has focused on long-range ways to increase our supply of oil. Now with the severe reduction of imports, we find ourselves in a real emergency.

The only way we are going to avoid serious trouble this winter is to cut back drastically on our consumption of energy. It is not time to cast blame for past mistakes; we must all cooperate in a serious program of energy conservation. This is the time for all of us to work together to save fuel.

VAST POTENTIAL FOR ENERGY CONSERVATION

The goal can be met. Experts tell us that as a nation, we waste up to a third of the energy we consume. They tell us that much of this waste can be avoided without jeopardizing our standard of living. Such a national effort will not be easy. It will require the conscientious dedication of every citizen. We are all energy consumers, and we are all responsible for the well-being of our country. Beginning today, right now, each one of us must become conscious of our own energy consumption. We can do this in two ways:

First, in our purchase of appliances, automobiles, and houses we should select the most energy efficient products which meet our needs; and

Second, we must begin to cut back on our day-to-day consumption of energy by taking a number of small, easy, shortcuts to energy efficiency.

To encourage the steps that we all must take, I would like to include a listing of helpful suggestions to use energy more efficiently.

TRANSPORTATION

Transportation consumes 25 percent of our national energy. In the past we have paid little attention to the efficiency of various ways of travel. For example, we have spent billions of dollars constructing highways while mass transit and railroads have deteriorated. As the table below illustrates, there are huge differences in the efficiency of various transportation methods. In the years ahead, we will have to keep these differences more clearly in mind in planning our transportation system:

TABLE 1.—ENERGY CONSUMPTION FOR TRANSPORTATION MODES

	Btu per passenger mile		Btu per ton mile intercity freight
	Urban passenger	Intercity passenger	
Bicycles	180		
Walking	300		
Buses	1,240	1,090	
Automobiles	5,060	4 250	
Railroads		1,700	680
Airplanes		9,700	37,000
Trucks			2,340
Pipeline			450
Waterway			540

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SAVE GASOLINE

First. Avoid using your automobile unnecessarily. Over 54 percent of all car trips are less than 5 miles. Consolidating your trips will cut down on your auto use. In addition, for years doctors have been telling us that walking is healthy. We should all learn to walk more. More of us should also consider using a bicycle—it is the most efficient way of getting around town.

Second. Take public transportation, where possible. Although schedules and routing are often inconvenient, the first step to improvements is an interested ridership.

Third. Develop a car pool for commuting. Next time you are on the freeway, count the number of cars with only one rider. Better yet, count the number of cars with more than one rider. Car pooling is not only energy efficient, it is also economical and a good answer to the problems of freeway congestion and auto pollution.

EFFICIENT AUTOMOBILES

Gasoline for our automobiles accounts for over 14 percent of our national energy budget. In recent years car efficiency has declined by over 20 percent—and only part of this reduction can be attributed to pollution controls. American automobiles have become heavier, more powerful, and loaded with optional equipment—and this all cuts down on mileage.

First. When buying an automobile, do not overestimate your auto needs. Excessive weight, optional equipment, and large engines all contribute to low gas mileage. The table below illustrates the annual gasoline costs of an inefficient automobile.

COST OF DRIVING A CAR FOR 1 YEAR (ASSUME 10,000 MILES)

	Miles per gallon													
Price per gallon	32	30	28	26	24	22	20	18	16	14	12	10	8	6
$0.37	115.62	123.32	132.13	142.30	154.18	168.17	185	205.57	231.25	264.37	308.32	370	462.50	616.68
$0.38	118.75	126.65	135.70	146.15	158.35	172.71	190	211.13	237.50	271.43	316.65	380	475.00	633.35
$0.39	121.88	129.99	139.27	149.99	162.51	177.26	195	216.68	243.75	278.58	324.99	390	487.50	650.01
$0.40	125.00	132.32	142.84	153.84	166.68	181.80	200	222.24	250.00	285.72	333.32	400	500.00	666.63
$0.41	128.13	136.65	146.41	157.67	170.85	186.35	205	227.80	256.25	292.86	341.65	410	512.50	683.35
$0.42	131.25	139.99	149.98	161.53	175.01	190.89	210	233.35	262.50	300.01	349.99	420	525.00	706.01
$0.43	134.38	143.32	153.55	165.30	179.18	195.44	215	238.71	268.75	307.15	358.32	430	537.50	710.62
$0.44	137.50	146.65	157.12	169.22	183.35	199.98	220	244.46	275.00	314.29	366.65	440	550.00	733.35
$0.45	140.63	149.99	160.70	173.07	187.52	204.53	225	250.02	281.25	321.44	374.99	450	562.50	750.02
$0.46	143.75	153.32	164.27	176.92	191.68	209.07	230	255.58	287.50	328.58	383.32	460	575.00	766.68
$0.50	156.25	166.65	178.55	192.30	208.35	227.25	250	277.80	312.50	357.15	416.65	500	625.00	833.35
$0.60	187.50	199.98	214.26	230.76	250.02	272.70	300	333.36	375.00	428.58	499.98	600	750.00	1,000.02

Second. When you drive, keep your car tuned and your tires inflated. When you replace your tires, think about radial tires. They generally improve gas mileage by as much as 10 percent.

Third. After starting your engine, warm it up while moving. An idling car is getting zero miles per gallon. In addition, shut off your car if you are stopped for over a minute or so.

Fourth. Do not become overly dependent on your air-conditioner. Under extreme conditions, air-conditioning can waste up to 20 percent of your gasoline. Use it only when you really need it. Also think about setting the thermostat a little higher than normal.

IN THE HOME

First. Proper insulation will not only save you money in winter; it will also make your home easier to keep cool in the summer. The exact amount of insulation depends on the climate. But a good rule of thumb can be found in this table:

SOURCE OF HEAT

[In inches]

	Gas or oil	Electric
Wall insulation thickness	3½	3½
Ceiling insulation thickness	3½-6	6-9

In checking the insulation of your home, pay particular attention to uninsulated attic floors. Here insulation can be installed easily in most cases.

Second. A recent study by the Department of Housing and Urban Development revealed that the greatest loss of heat from a house comes ordinarily through the infiltration of outside air. To cut down on this heat loss, install storm windows and doors where possible. A less expensive way to insulate windows is to seal them with clear plastic sheeting. Plastic sheeting will also help in attic insulation. Heat leaks can also be prevented by using caulking and weatherstripping around windows and unused doors.

Third. Close drapes and shades in unoccupied rooms and during exceptionally cold periods. This will minimize heat loss through windows—but even on the coldest day, the sun shining through a window can help heat the room.

Fourth. A properly serviced heating system is more efficient and saves fuel.

Fifth. Set your thermostat lower in the winter. A one degree reduction can reduce fuel consumption from 3 to 4 percent. Reducing the setting by 5 degrees—say from 75 to 70 degrees—will save you 15 to 20 percent.

Sixth. Lower the thermostat at night.

Seventh. Close the damper of your fireplace if you are not using it.

Eighth. When buying a home try to remember these facts: An additional investment in energy efficiency will be more than paid back in lower fuel costs over the life of the house. Make sure your new home is properly insulated and is equipped with efficient heating and cooling systems.

Shortly, solar heating will be able to provide reliable, economical, and pollution-free energy. In buying a house, consider the adaptability of the roof and grounds to this coming new technology.

SAVINGS ON APPLIANCES

First. Check the efficiency of the appliances you buy. The Commerce Department is requesting that manufacturers voluntarily list the efficiency of their products. One way to insure that this program is successful is through consumer pressure for full disclosure of the energy costs of operating an appliance.

Second. A recent survey of air conditioners shows how important efficiency can be. Appliance manufacturers, in an effort to cut initial costs, often build inefficient products. For example, today there are over 1,400 models of air conditioners on the market sold under 52 different brand names. The least efficient unit consumes 2.6 times more electricity per unit of cooling than the most efficient.

A convenient way to check the efficiency of the model you plan to buy is to divide the number of watts listed on the label into the Btu's per hour rating. The answer will vary ordinarily between 3 and 11. The higher the number, the more efflient the unit. A number around 7 is considered good.

Third. Defrost your refrigerator when the ice on the wall becomes one-fourth inch thick. A thick ice coating cuts down on the efficiency of the cooling coils of the freezer. When buying a new refrigerator, keep in mind that a self-defrosting model consumes 50 percent more energy than a standard model.

In addition, every time you open the refrigerator door, up to 80 percent of the cold air is lost.

Fourth. In selecting a freezer or refrigerator/freezer combination you should know that upright models are less efficient by as much as 45 percent.

COOKING

First. When cooking, use pots and pans that completely cover the heating element. Heat that is not directly under the pan is wasted. Also, remember that every time you open the over door 20 percent of the heat spills out.

WASHING

First. When washing clothes, always wash a full load; you save on the total number of washings that way. When drying your clothes, avoid overdrying—it uses fuel and tends to wrinkle your clothes.

Second. Try to cut down on your use of hot water. The thermostat on your water heater should be set between 110–140 degrees. Second, in washing dishes, wash them by hand in warm water, when possible. If you use a dishwasher, make sure you use a full load. Third, clothes can be

cleaned in cold water with a cold water cleaner. Finally, when you bathe, a shower uses generally less water than a bath.

LIGHTING

First. Take care of your eyes—but, most of us use more light than we really need to. It pays to turn off unnecessary lights and use natural light when possible. There is another interesting fact to remember: A fluorescent bulb uses one-sixth the energy of a conventional standard incandescent light bulb.

These procedures together with energy research to develop new forms of clean energy will move our country through this crisis. It is totally American to be provident and self-sufficient.

THE HEALTH RIPOFF WORSENS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BRASCO) is recognized for 5 minutes.

Mr. BRASCO. Mr. Speaker, while the average American watches the front pages and evening news reports with growing alarm and apprehension, quietly and ominously, another situation, already serious, has grown still more out of hand. In the area of health care and costs, recent months have been marked by one increase after another. Cumulatively, the caveat reading "Don't Get Sick In America" is truer than ever before. It will cost you more and you will receive less. No worse personal tragedy can be envisioned for the overwhelming majority of American citizens. Worse still, it is being accelerated by a series of Government actions.

The national health insurance plan has been scrapped after all the early fanfare. The drive announced in 1972 to increase the number of doctors, dentists, and paramedics has foundered on an ocean of budget cuts insofar as Federal aid to medical and dental schools is concerned. The National Institutes of Health have been harmed down the line, with two exceptions, as a result of budget cutbacks. Bookkeeping legerdemain has substituted for actual dollars in the actual amounts being committed by the Government to these crucial areas.

Even the national commitment to HMO's, or health maintenance organizations, has been watered down after many promises to move ahead on such a comprehensive potential solution. Through it all, the dead hand of the American Medical Association has clutched at the sleeve of government attempting to prevent vigorous experimentation on behalf of the people.

The head of the President's war on cancer, Dr. Frank Rauscher, has publicly warned that the existing cancer budget will not allow the research work required to pursue leads which might result in the saving of untold numbers of lives. A number of promising programs are endangered by governmental parsimoniousness in these areas. Among these programs are some which are concerned with moving the latest improvements in the cancer area to the bedside of patients as swiftly as possible.

Impoundment has been used by the Government as yet another weapon in what incredibly emerges as a deliberate attempt to harm the total health care delivery system in the Nation. National defense education funds have been impounded and repeated attempts have been made by the Government to close down the eight Public Health Service hospitals, including one in the New York area. At a time like this, closing down any viable hospital care facility seems the negation of what we are trying to accomplish.

Even Government specialists in this area have publicly admitted that increases in medicare costs for the aged and termination of key programs are not realistic. As a result, projected savings of $1.8 billion are not going to be realized, while much needless suffering is inflicted on many innocent Americans.

Most reprehensible of all are the attempts by Government to completely wipe out a series of essential and effective programs, such as community mental health centers, Hill-Burton hospital construction funds, and regional medical programs, all of which have scored resounding successes in delivering vital care and services to those requiring them.

When the Congress attempted to reverse this tide of negativism, it was rebuffed. For example, why in the name of all that is sensible was a $185 million program, designed to improve emergency medical service across the Nation vetoed? The Government had listed this program as one of its priorities. Now it has been vetoed, and the veto has not been overriden. Here we have a vital, successful endeavor, which has saved uncounted lives, and could save many, many more.

Yet in recent weeks, the pace of negativism by Government in the health field has increased appreciably. One warning given was that all Government aid to health manpower education will be coming to an end as soon as possible. Yet we have an acknowledged and much bemoaned shortage of all kinds of trained health manpower. This is true of doctors, dentists, nurses and all other related fields. As a matter of sad fact, more than half of all doctors licensed to practice medicine in this country last year were foreign-born and trained. Foreign physicians, seeking high incomes, are abandoning practices in foreign lands and coming here. Yet we will not turn to and increase levels of assistance to increase our own supply of trained medical and related personnel. Recently, an HEW official of the highest rank publicly stated before the Association of American Medical Colleges that such aid was very much in jeopardy.

Last month the announcement was made that the Nation's 25 million elderly will have to pay $84 toward their hospitalization commencing January 21, instead of the current $72. This is more than double the $40 paid by beneficiaries when the program began in 1966. The Cost of Living Council, humorously termed the watchdog of consumer interests, approved the move, which was announced by HEW.

Because of the change in the hospital deductible, the law also requires changes in amounts a beneficiary pays toward hospitalization care of more than 60 days or after hospital care in a skilled nursing home for more than 20 days.

What are the elderly people of the land going to do? Most of them live on fixed incomes, ravaged by growing inflation. Price hikes like this make a mockery of the increases in social security pushed through by the Congress. They eat away all the benefits we try to extend to them, making life even more frustrating and cruel to them. The few dollars for millions of them are the difference between a decent diet and hunger or malnutrition.

To compound the situation, the Cost of Living Council has now just approved proposed new price regulations for the health industry, which will allow hospital bills to rise another 9 percent annually. Although public comment is invited, no one seriously doubts that the proposals will drastically change between now and final January promulgation.

What we have now, then, is a cumulative series of setbacks for the public in the health areas. Fewer crucial segments of research will be pursued. Fewer special medical services beneficial to the public will be provided. And on all sides, while receiving less and less, the cost to the average user of health services will escalate, escalate and escalate again, with the older American bearing the brunt of all this.

Here is a syndrome which inevitably affects all of us eventually and inevitably. None can escape. It is for the Congress to have the courage to override the next veto of health care services and to insure that all such cuts and impoundments are prevented.

Impoundment is an artificial, unconstitutional method used by those who would arrogate unto themselves power not specificially granted to them by the law. Vetoes can and should be overridden when they harm the well being of the Nation. In both areas, all that is required is that Congress do its basic, essential job; protect the public interest. No one can tell me that allowing such services to be cut is responsible or in the public interest.

ISRAELI PRISONERS OF WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, sick and wounded Israeli prisoners of war remain in the hands of Egypt and Syria. They are being used and abused as political bargaining chips. This is an unconscionable situation. The Israelis have offered to conform to the Geneva Convention and exchange the sick and wounded prisoners they hold. Egypt and Syria refuse. The Israelis have permitted the International Red Cross to visit their prisoners. Egypt and Syria have not. Indeed, they have not yet, to my knowledge, released a complete list of Israeli prisoners they hold. Instead they have issued a series of public and private assurances which are so far little more than rhetoric. Rhetoric is no comfort to the men waiting in misery behind enemy lines or to their families waiting at home in the awful agony of not knowing.

On October 29 I wrote to Secretary of State Kissinger to urge that he raise these issues with the Arab nations. He has since assured me, as has Assistant Secretary of State Joseph Sisco, that the U.S. Government has and will continue to press for the humane treatment and speedy release of prisoners in conformance with the Geneva Convention. Congress has the responsibility to add its voice and the weight of its influence to the sum of world opinion that these negotiations progress swiftly, that Egypt and Syria forthwith live up to their legal and moral obligations as set forth by the Geneva Convention, and that the exchange of sick and wounded prisoners begin at once.

Today I am introducing a resolution calling for Egypt and Syria to heed the terms of the Geneva Convention of August 1, 1949, with regard to prisoners of war, and for Egypt and Syria to accede to Israeli's offer of an immediate exchange of prisoners among the countries. I urge my colleagues to join me in this humanitarian appeal.

The text of the resolution follows:

Whereas the International Red Cross has not been given permission to visit Israeli prisoners of war in Egypt and Syria; and

Whereas the governments of Egypt and Syria have not provided the International Red Cross with requested information about the names and condition of the prisoners they hold; and

Whereas the governments of Egypt and Syria have refused to release seriously sick Israeli prisoners of war; and

Whereas the above actions by the governments of Egypt and Syria are in violation of international legal obligations provided for in the Geneva Convention of August 12, 1949; and

Whereas the government of Israel has complied with the Geneva Convention of August 12, 1949 by allowing the International Red Cross to visit Egyptian and Syrian prisoners of war; by supplying the International Red Cross with lists of the prisoners it holds; and by offering the immediate release of seriously sick Egyptian and Syrian prisoners of war in exchange for the immediate release of seriously sick Israeli prisoners of war; and

Whereas the government of Israel has offered to comply with any reasonable plan for mutual exchange of prisoners between Israel, Egypt, and Syria; and

Whereas the American people are shocked and disturbed by reports of maltreatment of Israeli prisoners of war: Now, therefore, be it

Resolved, That it is the sense of Congress that the Executive branch of the American Government continue its efforts to ensure that the International Red Cross be allowed to visit Israeli prisoners of war in Egypt and Syria as required by the Geneva Convention of August 12, 1949; and that the governments of Egypt and Syria provide the International Red Cross with information required by the Geneva Convention of August 12, 1949; and that the governments of Egypt and Syria immediately release all seriously sick prisoners of war in exchange for Israeli release of all seriously sick prisoners of war as required under the Geneva Convention of August 12, 1949; and that an immediate exchange of prisoners between Israel, Egypt and Syria be negotiated.

SLOVAK DAY, 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ROONEY) is recognized for 5 minutes.

Mr. ROONEY of Pennsylvania. Mr. Speaker, it is with great pleasure that I call to the attention of my colleagues an address given recently by Dr. Michael Novak at the Slovak Day celebration at Roduljub Park in Johnstown, Pa. Dr. Novak is currently a consultant for the humanities at the Rockefeller Foundation in New York and has demonstrated through his speaking and writing his belief in the need for a political and educational revolution in the United States.

While he inspired Americans of Slovak descent to greater efforts to obtain positions of responsibility and influence in this address, Dr. Novak also focused on some general comments on government which should be of interest to all of us.

In the light of the current uncertainty in our Government his words are especially timely:

> It is wrong in a democracy, merely to trust the government. Governments must be watched. Governments are not made to be trusted, but to be made accountable.

Mr. Speaker, Dr. Novak's speech in its entirety follows, a stirring reminder of the responsibility of each citizen for the path his country takes.

SLOVAK DAY, 1973

Just one hundred years ago began one of the greatest mass movements of human history. Over thirty million Europeans exited from the doors of their homes and fled toward America. There were then over two million Slovaks in that beautiful land of Central Europe, around the lakes in the Tatra Mountains, in sight of ancient castles, in the mountains and rolling hills beyond Bratislava. Over two million Slovaks—of whom more than one-third felt obliged to leave their homes. After a thousand years of endurance, from the time of the first King of Central Europe, the Slovak, Svatopluk, in 893; after a thousand years of assassination and murder and plunder at the hands of Attila, Genghis Khan, the Turks, and in every century others; after a thousand years of bravery, family love, and a longing for independence and peace—one out of every three Slovaks bade good-bye to the mountains they loved, the parents who had nourished them, brothers and sisters, friends—and they fled for Argentina, for Canada, and for America.

The great industrialists of America wanted Slav laborers. They respected them as hard workers, tougher than others perhaps, more reliable, more docile, and better able to make do with less. They wanted Slav labor in order to bring wages down and to keep the workers of America divided. Remember, for example, that the black people of America were first freed from slavery not long after many of our ancestors were freed from serfdom—in 1863. One hundred years ago, many of those blacks who fled north were just beginning to find jobs. The white American workers were just beginning to rebel against the great industrialists—the first great labor union strikes were just beginning. This was the jungle into which our grandparents were brought. It was part of a policy of "Divide and Conquer." Put national group against national group. The wealthy got wealthier. Think of the families that own the mines and mills and the lands of America. How staggeringly rich many are. All across America, in valley after valley, place after place, there are one or two families of predominant power and wealth. The American system is more like the system of Europe than we realize—we have our barons, dukes, and lords—the owners of television stations, newspapers, and the owners of the politicians, too.

Remember, too, the lives our people led in America. For working twelve hours in a mine, six or seven days a week, a man might take 20 cents a day, and find himself at the end of the month owing more to the company store than he had earned. Boys of 8 or 9, sometimes beaten with whips, stood at the colliery sorting slag from the coal. Six or eight persons slept in a room. At Latimer Mines, near Hazleton, in 1897, sheriff's deputies fired into a crowd of peacefully marching Slovak miners, with an American flag at their head. They were on strike. No one heard an order to disband. Many could not have understood an order in English in any case. When the seventy deputies—none of them Slavic—finished firing, twenty Slovaks and Poles lay dead, most shot in the back, and another thirty wounded. The Hungarian government protested; huge protests were held in New York and Chicago. Naturally, the deputies were acquitted.

In Connellsville, in Uniontown, and in Pittsburgh, Slovaks were shot down in strikes. In 1891, at Morewood, seven were shot. Two weeks later, in Fayette county, one Slovak man and one Slovak woman were shot, as workers were being evicted from company houses. In Adelaide the same day, two Slovak women were shot.

Why do I bring these sad events to mind? Because I do not wish to forget. Today we enjoy a happy picnic. Today, more and more in our generation are highly educated. Today, more and more among us are prosperous—not many rich, not many millionaires, not many among the powerful: on boards of directors, or high in government, or the military, or the corporate world. We are not among the powerful in America. But we have very much to be thanful for. And, if the truth be told, after so many years of disaster, perhaps we are happy not to be placed too high, so that sudden tragedy cannot make our fall too steep. Slovak people are known for a sort of modesty—content to live on little, if only they be free.

There is, the books say, a certain peaceabliness about the Slovak character A certain quiet, long-range optimism, borne of the knowledge that our people have seen worse than this—that, no matter how bad things get, we are familiar with disaster. Tragedy is our nation's brother. The Slovak people stood for over a thousand years under the attacks of invaders—always the invasions would recede, and the Slovak farms and towns and families would remain. Western Europe owes much of the peace and space it has enjoyed to the defenders of the Tatra mountains and the Danube, on which almost century after century new invaders from the East or South or North have spent themselves.

Today I want to remember all the suffering that brought us this place. Perhaps all of you have sharper memories than I. You remember the men going to the mines, and coming back. You remember the conditions in the mills. You remember the explosions. You remember the mangled fingers, the shattered knees. You remember the outbreaks of influenza. You remember the infants that used to die.

Above all, perhaps, you remember the prejudices there used to be against the Slavs. Even on the Statue of Liberty, the words that greeted the immigrants were: "Welcome—ye wretched refuse of the earth." In other words, ye garbage. I've always been

grateful my grandparents couldn't read English when they sailed into Ellis Island, the water lapping against the sides of those wooden or plated ships. And they were called other names: Huns, hunkies, etc. They were pictured in the newspaper cartoons as rats and apes. They were called scum, and it was said they were dirty and strange, and their women wore black babuskas, and none of them were ready for democracy, and they would lower the quality of the nation's blood.

We shall never forget, I believe, that this nation welcomed our grandparents and gave them a chance. We should never forget what they met when they got here, and what they did for us. . . .

But I don't only want to think about the past. My own thoughts are toward the present and the future. Why, in Pennsylvania and elsewhere, are Slavs so poorly represented among those of power and money and influence? Why have we still so few writers and artists and television personalities? Why don't we cut a greater mark than we do, politically?

Do not misunderstand. I say these things gently, not in blame. Remembering where we were, we have come very far. And it takes time, even in a nation like this, to penetrate the places of power. And I do not mean for power's sake. It is not obvious that power makes people happy—or good—or admirable.

What I mean is that the nation needs some of the things our hearts tell us, some of the things our history has taught us. We are a people of enormous spiritual wealth, which our new nation needs.

What is our wealth? Above all, it is a sense of family, and home, and neighborhood. The Slovaks understand picnics like this—family picnics. Why is it, then, that the policies of our government and our corporations penalize families so much, rather than helping them? The great industries of this nation do not think first about the welfare of families. They do not design their factories, or their schedules, or their openings or their closings down with the good of families in mind. The government does not supervise medical costs or medical practices with the needs of families in mind. Almost everything in American life is distinctive of families. Keeping a good, healthy family is a full-time job—much harder than making money. America makes it easier for our people to make money than to keep healthy families.

America is a great danger for the Slovak public. It gives us money and wealth. Slovaks are not the richest Americans, by far. But when you look at the automobiles owned by every family here, they are better than the coaches Janosik used to rob—the coaches of the barons or dukes, in order to give to the poor.

In one more generation, the Slovak spirit may be dead in America. Soon, most of those who speak Slovak will be dead. Fewer and fewer of our young people know the history of Slovakia. I never learned about Slovakia in public schools or in college. . . . What about in the high schools of Johnstown, Uniontown, Pittsburgh, and Cleveland—what are our young people learning? What is becoming of them?

The Slovak people are so enormously trusting. They trust the government. They trust the universities. The schools. They obey the law. They pay their taxes. And they trust. After a thousand years of distrusting governments, in this country they began to trust. America has been good to our people. But we should not be deceived.

For over a thousand years, one thing held the Slovak people together—their love for their language. The Slovak language was the center of the life of the people. The Magyar tried to drive that language out of existence. Some 500 Slovaks were arrested in the 1870's, and put in jail, for speaking Slovak in public.

Now in America, in less than three generations, the language is disappearing. Knowledge of Slovak history is not taught. What the Magyar could not do with vinegar, America has done with sugar.

In the big cities, too, the leaders of government and industry abandoned the Slovak neighborhoods and churches. Visit these parishes today—isolated—alone—surrounded by factories or expressways or slums. People did not move out of these neighborhoods by accident. The policies of our government and industry drove them out—policies forcing people into the suburbs, making neighborhood life less attractive.

My purpose is not to lay blame. It is only to urge all to act with open eyes. It is wrong, in a democracy, merely to trust the government. Governments must be watched. Governments are not made to be trusted, but to be made accountable. In my opinion, the Slovak people in America have not been well served by the government.

When I look over the faces of this crowd, I wonder about all the stories your lives represent. Think of the history of your family over the last 100 years. What stories there are! What disaster, what war, what illnesses and accidents, what moments of luck and achievement.

Many of these stories will perish if we do not care for them. The world will never learn of them. We must try to get the historical societies and the universities and the high schools and the television stations and the newspapers to collect this material and to mind it. If you have old letters in your house, old newspapers, old books—do not destroy them. The Archives of Pennsylvania and universities need them. Please save things. Please get grandparents to tell or tape what they remember.

Secondly, we must put pressure on the schools. How many historians have told the story of the Slovak people (and other Slavs) in America? How many social scientists? How many literature courses teach Slovak children the novels of Thomas Bell (Belejcak)? The universities belong to us. They should keep our traditions alive.

Thirdly, in politics, I beg you to think carefully. It does not seem to me that we Slovaks have yet made our mark in politics. We have not been as smart as we ought to be. We have been taken advantage of. Above all, we have not organized and shown really great political skills. We have to do better in the future. I'm not sure how. But let's at least keep our eyes open for young talent—push it—help it.

Leads me to young people—great to see so many young faces—long hair—short skirts—the things of youth and love and rebellion and song are very Slovak. Think of Janosik—he was visiting his girl friend when he was caught. . . .

Young people are different. Each generation is different. Immigration is a hundred-year story. We haven't even begun to make our contribution yet.

THE NASHVILLE BANNER'S "YOU DECIDE" IMPEACHMENT POLL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. FULTON) is recognized for 5 minutes.

Mr. FULTON. Mr. Speaker, over recent days there have been many measures of public sentiment on the subject of support for or against the President. My own mail and phone calls have run heavily against President Nixon. The latest count total as of this afternoon of letters and telegrams show 1,585 against and 125 for.

These figures are in no way a scientific sampling of the sentiment in my district. They do, however, reflect the views of those who felt strongly enough about the issue to write or call their Congressman.

Conversely, the Nashville Banner over recent days has been conducting a ballot poll on the same question and its findings run sharply contrary to my mail.

The Banner, also, makes no claim of scientific sampling and its publisher, Mr. Wayne Sargent, goes to very objective lengths to point this out.

Thus while neither the Banner's poll nor my mail may necessarily reflect true public sentiment on this issue—who is to say—both are of interest.

I feel the Banner poll findings to be quite interesting as well as the comments and story reporting them. Therefore I ask unanimous consent to place this material in the RECORD at this point and commend it to the consideration of my colleagues.

71 PERCENT IN "YOU DECIDE" POLL SAY "DON'T IMPEACH"

(By Larry Brinton)

President Nixon should not be impeached. That's the opinion of 71 per cent of the 5,434 readers of The Nashville Banner voting in this newspaper's new You Decide feature.

The question was "Should the President be impeached?" The vote was 3,878 against, 1,545 in favor and 11 undecided who mailed ballots anyway.

The President scored heavily on his domestic and foreign policies and his Vietnam War successes, according to ballot comments. However, many of those voting against impeachment were not nearly as concerned with the issue as they were in vehemently castagating those whom the voters felt responsible for Nixon's problems—mainly a blasted news media and Sen. Ted Kennedy (D-Mass.).

CAN NO LONGER BE TRUSTED

The 1,545 persons voting for the President's impeachment in You Decide charged in their comments that the Chief Executive can no longer be trusted and has lost his ability to govern.

Told of the numerous detrimental comments made by the voters against Sen. Kennedy and asked for a comment, the Massachusetts Democrat's press secretary, Dick Drayne, in Washington, said:

"What did Sen. Kennedy have to do with the attempted subversion of the Department of Justice, CIA, FBI, Secret Service, Department of State and the U.S. Constitution? If you find Sen. Kennedy guilty of those sins, I'll be surprised. Those are Nixon Administration devices and he'll be judged on that basis."

There were some interesting facets about the You Decide balloting:

—The vote on the impeachment question closely paralleled the 69.5 per cent vote Nixon garnered statewide in the 1972 presidential election.

—Sixty-six per cent of the 5,314 ballot envelopes received by The Banner were mailed in Nashville. Votes were submitted from 50 Tennessee counties. There were some from Kentucky and one from Missouri.

—In November 1972, Davidson County voted 63 per cent for Nixon. The You Decide ballot showed 71 per cent against impeachment, with the majority of votes cast by Nashvillians. While the issue of electing a president and voting for impeachment are not the same, the distribution of votes indicates a probability that the President has increased rather than decreased his voter strength in Davidson County.

"We do not offer the results as a statistically perfect sample of voter opinion," explained Wayne Sargent, president and pub-

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lisher of The Banner. "The Banner is conservative politically and has generally supported the President. We recognize the logic that readers of similar views tend to read The Banner and thus had greater opportunity to participate in the poll."

Sargent said, "But we are gratified with the tremendous response and recognize also that the larger the vote, the better statistical probability that it represents the true feelings of all the voters of the area.

"By contrast, Congressman Richard Fulton has been quoted in the media as saying the people he talks to in his district favor impeachment by as much as five to one. We believe You Decide results come much closer to the true voter sentiments. The parallel between our ballot and the results of last November's Presidential vote also indicate the people of this area have not reversed their position."

Ballots and envelopes showing mailing origin will be retained by this newspaper for six months. Access to the material will be made available to students, historical or political groups having legitimate interest and who wish to appraise or audit the results.

Newspapers across the country have conducted polls in recent weeks on the impeachment question. Some polls were conducted by mail, others by telephone and others by personal interviews. They have had varied results.

OTHERS TEST OPINIONS

For instance, a recent telephone survey of 267 persons by the Atlanta Constitution showed 59.6 per cent were against impeachment and only 28.4 per cent were in favor of impeachment proceedings against Nixon.

Nine days ago the Gallup Poll announced 55 per cent of 623 persons interviewed responded that Nixon should not be compelled to leave the presidency. A week earlier the Oliver Quayle organization said 44 per cent of 1,000 Americans favored impeaching the President, while 43 per cent were against the move and 13 per cent were undecided

Newspaper polls in Cocoa, Fla., and Binghamton, N.Y., indicated a majority for impeachment. The Rochester (N.Y.) Times-Union reported their poll showed 48.5 per cent didn't believe Nixon should be impeached, 36.6 per cent were in favor of the proceedings and 14.9 had no opinion. Fifty per cent of the 303 persons interviewed said they felt Nixon should resign.

In The Banner's You Decide vote, there were a number of persons who believed that Nixon should resign, but that impeachment was not the solution. Some who voted for impeachment said they had rather see him resign.

FEATURE OF OP-ED PAGE

The You Decide feature printed its first poll ballot on Oct. 30 and the ballots appeared on the Op-Ed page for the next three days.

It was only two days after the first ballot was published that Nixon's lawyers admitted in federal court that two of the highly-publicized nine Watergate tapes never existed.

Oddly, this startling development had no effect on the day-to-day voting results.

The first batch of about 500 ballots received by this newspaper indicated 71 per cent of the readers were against impeachment. Ironically, this initial reading turned out to be the final vote percentage. The second day's mail of 600 ballots was 70.7 per cent against impeachment, the third day's mail of 1,600 ballots was 69.2 per cent against the President being impeached, etc.

The conclusion from this is that the announcement of the missing tapes didn't mean that much to the voters and the tapes were mentioned only sparingly in ballot comments.

A MAN GENUINELY CONCERNED

For the President, his voters found him to be a man genuinely concerned with the duties of running this country, or at least, the best statesman available. Two of the better 'against impeachment' comments which seemed to best sum up the consensus of those voters were these:

—It is the presidency, not the President, that is under assault. Destroy the President and you destroy Richard Nixon. Destroy the Presidency and you destroy the nation.

—Current hysteria by a wild-eyed, biased news media and opportunistic opposition party members is in no way a condemnation of the President. He is a great President conducting the work of his office in a calm, dignified way, despite vicious attacks.

Despite the many setbacks of the Nixon Administration, Nixon, himself, has kept his image at a high level in the eyes of many, as evidenced by the comments. "God Bless President Nixon," said one. "History will reveal the greatness of Nixon," said another. And still another said, "He should have received the Nobel Peace Prize."

PEACEFUL EFFORT HAILED

Some of the pro-Nixon voters were not so much concerned with what he has been accused of doing in the Watergate Affair and other investigations, but the good he has done in the past. "His accomplishments toward world peace far outweigh the charges made without proof by his opponents," read a ballot. "We re-elected him for four years. Let's keep him!!!"

Declared another, "Absurd. What has he done that has placed the country in peril or danger? Nothing . . . Watergate? . . . Phooey."

A voter asks, "What crime has the President committed? Name one politican who has not taken large contributions to be elected and promised something in return."

CONSIDER THE CONSEQUENCES

Three of the voters said the same things, only using different words, in reflecting their feelings. "In spite of his faults, we need him"—"Consider the consequences"—"We have no assurance that any replacement would do better."

The You Decide poll shows there are still plenty of people proud of President Nixon and would vote for him again, if given the chance. "I'm 68 years old and I think Richard Nixon is the best President during my time. I've voted for him three times and would be glad to vote for him again."

'Those in favor of impeachment picture the President as a tyrant, dictator, thief, irresponsible, untrustworthy, God, immoral, irrational and a disgrace. Whether he actually committed a crime himself didn't concern a voter.

"Guilty or not he was responsible for the government. Birds of a feather flock together," the comment read. But, there also were comments from people who had seriously considered the situation. "To impeach is merely to charge before a proper tribunal," wrote one person. "It is a logical constitutional means to determine guilt or innocence. It is the best and most direct procedure to resolve the whole Watergate matter and to restore faith in our country."

GOD SAVE THE REPUBLIC

Along the same lines, another said, "At the very least we must have the House sit as grand jury to explore and investigate as provided by the Constitution. God Save the Republic!"

The voters who cast ballots for impeachment seemed to do so just as conscientiously as their opponents. "I am a mother and I try to teach my children right from wrong and how to be good citizens," wrote a woman. "I am fighting a losing battle when we have President Nixon."

The "for" comments go on, and on, and on. Examples are:

There is no reason to think that Nixon could answer the charges pending in criminal, civil or tax courts aside from his executive clemency.

I don't know if irresponsible judgment is enough reason to impeach a President, but it was enough reason for getting rid of a vice president.

Unless impeachment is pursued in this flagrant breach of trust, no future president will ever consider impeachment as a serious limitation.

Some of the voters used vulgarity in describing the President. It was also used to describe his opponents, many of them in Washington.

BIGGEST KENNEDY BASH YET

Sen. Kennedy drew the most. "Biggest Kennedy bash yet," was the way one voter explained the impeachment turmoil. "Since Mr. Cox was so anxious to tell Mr. Kennedy of his being fired, I only wish he had gone there to investigate Mr. Kennedy's past," said another. Here's another. "If anything needs investigating it was the 'Chappaquidic Affair'." And, another: "To hell with Ervin, Baker, Kennedy, Gore." Many were too libelous to publish.

KENNEDY DRAWS IRE

The media fared little better than the Massachusetts senator:

The credibility of the press is at its lowest ebb.

The news media should be censored. Should this country fall, the major cause would be the undermining by the news media.

The television networks should be controlled if they can't report news objectively. Get rid of John Chancellor and Walter Cronkite.

I am in favor of impeaching some news people. They should be held responsible for lies. I hate those three words—'from reliable sources.'

And what single quotation did the voters find solace the most in their support of Nixon? It was right in the Bible, John 8:7: "Let him without sin cast the first stone." They also found other verses to support the President, but John 8:7 was used scores of times.

The For Impeachment voters, likewise, were united in coining an expression. "He is not above the law," they commented frequently.

MIXED REACTION

The ballot comments brought mixed reaction. Some people voiced strong resentment that a newspaper would even take such a poll, as evidenced in the following quotes:

There are no grounds (for impeachment). By your even taking this poll you are joining the rest of the Kennedy-Cox lynch mob.

It saddens me that The Nashville Banner would dignify such an outrageous proposal by asking this question.

I think it's a shame and disgrace that the editor of this paper should allow such a "poll" to be taken.

Do you think that a poll such as this could be at all representative when you're soliciting replies from the basic conservative element?

THE ENTIRE ISSUE SEEMS SO PARTISAN

How much part did partisan politics play in the vote results? Probably a great deal. Those against impeachment of their President were most vocal about the Democrats. "The entire issue seems so partisan," said one person. "The Democrats are working hard to regain their popularity lost in the last presidential election. It's so sad to see these partisans stopping at nothing to fool the American public."

"Repeating what I said when Nixon was elected. He is the biggest mistake ever made in American history," was the way another described it.

How's about this one? "The Democrats are a sorry bunch. I have one at my house. They are stubborn, contrary and hateful most of the time." It was signed, "A 75-year-old youth."

Said another, "If President Nixon had beat me as bad as he beat the Democrats this last time, I would try to get rid of him, too." Here's one: "These narrow minded greedy Democrats will destroy our country." Oddly, the comment was made by a Democrat who added, "I love my country. The thought (of impeachment) is the epitome of stupidity."

Retorts a Republican: "I voted for him, so I feel partly guilty for the country's mess."

SHADOW OF DOUBT ON MANY

The present situation has cast a shadow of doubt on many, many politicians, according to the voter comments:

The only difference between what Nixon did and other politicians is he violated the Eleventh Commandment—thou shall not be caught.

Too much time, energy and money is being spent attempting to prove the Republicans are bigger liars than the Democrats. They're all a bunch of crooks.

He is no worse than his accusers. There is no such thing as an honest lawyer or politician. The only fault with Mr. Nixon is just being caught. All politicians are owned by the unions.

Maybe he is a crook, but then, what politician isn't? Even an honest man would wither under the onslaught of the press.

Most of the 11 voters who failed to be either "for" or "against" impeachment, either thought Nixon should resign or accidentally forgot to mark their ballot.

ON THE PRESIDENT'S ENERGY MESSAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. HARRINGTON) is recognized for 5 minutes.

Mr. HARRINGTON. Mr. Speaker, last night, President Nixon delivered another energy message to the American people. In it, he outlined a number of belt-tightening steps to conserve energy this winter. Among them were lowering the thermostats in homes, schools, and businesses; reduction of speed limits; limitations on air travel, adjustment of work schedules and shopping hours; and relaxation of environmental standards. He also spoke of the possibility of outright rationing and heavy taxes on fuel use. According to Senator JACKSON, our leading expert in the Congress, fuel rationing is more a probability than a possibility.

I cannot quarrel with these measures. Given the present situation, they are necessary. In the long run, they may even have some positive effects, especially those measures designed to prevent some of the more blatantly-wasteful abuses of our energy resources.

But I cannot help feeling that the message was incomplete. The President only told half the story, and provided half the solution. The energy crisis was not created by suddenly gluttonous energy consumers. The growth of our energy demand has been remarkably consistent over the last 15 years—at about 3.6 percent a year. Nor was it caused by the recent events in the Middle East. As the President pointed out, he perceived our energy difficulties as early as 1971.

Rather, the energy crisis is the result of the combined mismanagement and miscalculation of the energy industry and the Federal Government. On this subject, the President was silent.

The fact that we discovered, just this week, that we are twice as dependent on Arab crude oil as we thought we were offers striking evidence of the inability of American policymakers to collect even the most rudimentary data necessary to base decisions on.

Unfortunately, this was not the first time we have been caught by surprise with unexpected shortages. Just last winter, and again this summer, optimistic forecasts were withdrawn at the last minute, shortages appeared, and prices went up. Not once, throughout the entire message, did the President refer to the weaknesses in the energy industry and in Government policy that have directly caused our present difficulties.

While Mr. Nixon had a long list of sacrifices for consumers to make, he did not ask the energy industry to undertake any sacrifice of its own; nor did he recommend any changes in Government policy that could help ease the energy crisis without consumer sacrifice, higher prices, and relaxation of environmental restrictions.

Among the steps that can be taken, but were not recommended, are the following:

First, adoption of a strong mandatory allocation system to assure that all consumers share in the shortage equally. The President remains opposed to congressional legislation designed to meet this end.

Second, ask the major oil companies not to channel the billions of dollars in windfall profits they are reaping from the shortage into dividends for their stockholders. So far this year, Exxon has made over $1½ billion in after-tax profits—up around 80 percent since last year. At the very least, he could ask revision of the tax laws to require them to pay fair taxes on this money, rather than 8 percent they presently pay.

Third, act to increase supply by increasing competition in the oil industry. The Federal Trade Commission reported the major cause of the shortage is the monopolization of the industry by eight or nine huge firms. The Justice Department has not challenged an oil company since the early 1950's.

Fourth, require oil companies to utilize all their refinery capacity and develop all of their available oil and gas. Federal Power Commission experts have testified that major oil companies are simply sitting on fields which could be producing oil and gas today.

Fifth, revise the tax laws to encourage recycling and energy efficiency. Our present tax laws reward depletion and waste.

Sixth, have the U.S. Government assume a more creative role in international oil negotiations. If the State Department had not abdicated its responsibilities and permitted private American oil companies to represent the United States in oil negotiations, companies which have become tax-collecting agents for the Arabs, the present oil boycott could not have have happened.

At the present time, American corporations, with facilities in Canada and Europe, as well as the Middle East, are refusing to sell oil to their fellow American citizens. Instead, we are being forced to buy domestic crude from these same companies at prices which are skyrocketing. I find this situation hard to accept.

To conclude, President Nixon has recommended several necessary steps to deal with our present shortage—steps necessary only because of the failure of both the industry and the Government to act responsibly.

Unfortunately, energy conservation is the only way to get through the winter. But while conservation, and the sacrifices needed to make it work, may ease the shortage, it will not solve the problem.

The energy crisis will not be solved until we change the Government policies and industry structures that created it.

THE ENERGY CRISIS—WASTE NOT—WANT NOT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANIELSON) is recognized for 30 minutes.

Mr. DANIELSON. Mr. Speaker, I have today introduced legislation, H.R. 11351, to impose a graduated excise tax upon passenger automobiles which consume wasteful amounts of gasoline.

The petroleum shortage, which has reached critical proportions, is the result of unlimited demand accompanied by a limited supply. The best, the quickest and the easiest way to increase our supply of petroleum, and to increase it permanently, is to quit wasting it; to encourage more efficient use of our limited supplies and place sanctions on wasteful practices.

Much has been done, or suggested, to increase the supply of petroleum, or at least to spread the shortage around equitably, but nothing has been done to decrease the demand. One of the most obvious reasons for the demand problem is the inefficient use of gasoline by our passenger automobiles.

Unbelievably, the administration has skirted around the problem of wasteful automobile fuel consumption as though it were some kind of sacred cow if animal metaphors are appropriate, our automobiles are more like dinosaurs than cows—their voracious appetites have greatly exceeded the capacity of the good Earth to satisfy them. The time has come to replace these wasteful monsters with automobiles that are more efficient.

Petroleum is important as a source of energy, for the generation of power and transportation, as an industrial fuel, and for other purposes. Everyone is familiar with petroleum when used as motor fuel or heating oil, but few people outside of the petroleum industry realize that petroleum is vitally important in other areas as well. It is the raw material from which nitrogen fertilizer is manufactured to provide us and the world with the abundance of food and fiber we so desperately need. It is used for the manufacture of many synthetic materials from which we make fabrics, the double-

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knit suits we wear, plastic products, synthetic rubber, phonograph records, pharmaceuticals, and vinyl. Even the ink on a page of newsprint was probably manufactured from carbon black, a petroleum product.

So the petroleum shortage is not just a matter of gasoline for our automobiles, heating oil for our homes and schools, and fuel for our electrical generating plants and industries. The list of necessary petroleum products is practically endless—and they all come out of the same barrel of crude oil.

Shortages of gasoline this summer, the present shortage of fuel for our buses and trucks and aircraft, the imminent shortage of heating oil this winter, are only the tip of the iceberg. The great abundance of natural resources which America has enjoyed for centuries, which has made America the richest country on Earth, is rapidly coming to an end. The current shortage of petroleum is impairing our capacity to provide some of the most essential ingredients of what we have proudly called "the American standard of living:" unlimited and low-cost fuel, food, and fiber.

Increasing the supply of petroleum cannot be the entire answer. On our planet, there is only a certain amount of petroleum, and much of it is located in foreign lands and may not always be available to us. By pulling out the stops on production from our own reserves, we will be using up those critical reserves and hastening the day when all of our petroleum will be gone, and we are risking severe environmental and economic consequences as well.

It is essential that petroleum, which is the raw material for so many vital products, be used as efficiently and wisely as is possible. Our supplies are fixed, and limited; when they are gone they will be gone for all time. There will be no second crop.

Mr. Speaker, the tax contemplated by the bill which I have introduced today is designed to provide a severe sanction, an economic disincentive, against the manufacture and sale of automobiles which burn, and waste, an unacceptable amount of gasoline. It would be an incentive to develop and market smaller, more efficient automobiles; more efficient in their consumption of gasoline and more efficient in their consumption of other precious natural resources.

This legislation would add a new subsection to section 4061 of the Internal Revenue Code of 1954, imposing, on the sale of gasoline-powered passenger automobiles, an excise tax that increases as the vehicle's efficiency in miles-per-gallon of gasoline decreases. This tax would be imposed upon every car manufactured, produced, or imported after June 30, 1975, and it would be phased in over three time periods, until 1984, when the tax would be in full force. The reason for this gradual phasein is to prevent economic dislocation in the automobile industry which has become accustomed to manufacturing and promoting big cars. Another reason is to give industry leadtime for the research and development of cars and engines which will use fuel more efficiently, or perhaps even consume something other than gasoline. A most important collateral benefit would be the reduction in the wasting of other precious resources, such as iron.

Under my proposal, the gasoline consumption rates of automobiles, upon which the tax would be based, would be determined by the Secretary of Transportation in accordance with rules and regulations promulgated pursuant to the provisions of the Administrative Procedure Act. The gas mileage of the car and the tax imposed would be required to be posted on each car sold after the effective date of the tax.

To demonstrate how this tax would work, I will use the Nation's most voracious gas-guzzler, the Oldsmobile Toronado, as an example. The gas mileage of this car, as determined by the Environmental Protection Agency, is about 6.8 miles to the gallon. Under my bill, after June 30, 1975, a car in that category would be subject to a 20-percent tax. If we assume a before-tax selling price of $8,000 for that car, after June 30, 1975, the price would be increased by an excise tax of $1,600, bringing the retail price to $9,600.

The rate of the tax would increase thereafter by stages in 1978, 1981, and 1984, so that after August 31, 1984, it would be practically prohibitive to manufacture and sell an automobile which could not travel at least 16 miles per gallon of gasoline.

Would you pay $33,600 for a gas guzzler? This is what an $8,000 car getting only 6.8 miles to the gallon would sell for after 1984 under my proposal. You might be more inclined to buy a Ford Pinto or a Dodge Colt which sells for $2,000 to $3,000 and gets 22.8 miles to the gallon, or a Chevrolet Vega, in the same price range, which gets 24.6 miles to the gallon. None of these would be subject to the excise tax under my proposal.

There is no car sold in this country for use on public streets which gets less than 6 miles to the gallon, but just in case anybody got the urge to manufacture one, the tax on such a car after August 31, 1984, would be 640 percent. On the other hand, cars getting better than 16 miles per gallon after 1984, would be subject to a tax of only 10 percent. Cars getting better than 18 miles per gallon would be subject to an excise of only 5 percent, which is less than the excise tax we imposed on all cars before the repeal of the tax in 1971. Cars getting between 20 and 22 miles to the gallon would not be subject to the excise tax until 1984, and at that time it would be only 2.5 percent.

It has been suggested that people should be able to buy big gas-guzzling cars if that is what they want. If we had unlimited supplies of petroleum as well as iron ore, this would be true. But we do not have unlimited supplies, and once a gallon of gasoline is burned, it cannot be unburned, it cannot be replaced.

Under these existing circumstances, there is no reason why one person should be permitted to use two or even three times more gasoline than is necessary to move himself from one place to another, particularly when such wasteful consumption might very well prevent somebody else from getting anywhere at all.

Nor should this proposal be regarded as an attempt by Government to create impossible goals for industry, which is a criticism that is being leveled at the clean air requirements. Today, it is entirely possible, and well within the state of the art, for automobile manufacturers to build cars that get 20 or 25 miles to the gallon. There would be no new technology or crash research projects required, although certainly our technology in this area can be improved.

The tax I am proposing would make the worst gas guzzlers—those cars which get less than 10 miles per gallon—prohibitively expensive within a very few years. Those which get between 10 and 16 miles per gallon would be increased in price to the extent that a potential purchaser would think at least twice before buying one. Those getting more than 16 miles per gallon would be within the budget of most people, and those getting 22 or more miles to the gallon would be free of the excise tax.

The text of my bill is as follows:

H.R. 11351

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) Congress finds and declares that—

(1) petroleum is an essential and major raw material and source of energy used in the production of goods and services vital to the common defense, the economy, and the general welfare of the United States;

(2) petroleum is an essential and major source of energy needed for the transport of goods and persons in commerce among the several States, commerce with foreign nations, and for the maintenance and operation of the Armed Forces of the United States;

(3) petroleum is an essential and major natural resource used in the petro-chemical industry to manufacture other substances vital to the production of food, fiber and industrial products necessary to the economy and general welfare of the Nation;

(4) there are not sufficient known reserves of petroleum in or available to the United States to meet current and foreseeable needs, and that a shortage of petroleum is contrary to the best interests of the United States, and will impair commerce among the several States, and with foreign nations;

(5) there is a direct relationship between weight, engine size, and accessory equipment of passenger automobiles and the efficiency with which such automobiles consume fuel and other limited natural resources; and

(6) because of excessive weight, engine size, and accessory equipment, substantial numbers of passenger automobiles manufactured, distributed, sold and operated in interstate commerce needlessly consume and deplete limited petroleum and other natural resources in or available to the United States.

(b) It is the purpose of this Act to encourage the design, production, manufacture and sale of passenger automobiles which are more efficient in the consumption of petroleum and other natural resources through the imposition of an excise tax upon the sale of automobiles, which tax shall increase as automobile fuel economy decreases.

SEC. 2. Section 4061 of the Internal Revenue Code of 1954 (relating to motor vehicle excise taxes) is amended by adding at the end thereof the following new subsection:

"(c) **Passenger automobiles.**—

"(1) **Tax imposed.**—There is hereby imposed upon every gasoline-powered passenger automobile manufactured, produced, or imported after June 30, 1975, a tax upon the price for which such automobile is sold by the manufacturer, producer, or importer thereof, based upon the rate at which such automobile consumes fuel, according to the percent specified in the following tables:

"(A) for the period beginning July 1, 1975, and ending August 31, 1978:

"Tax—in percent

"If the rate of consumption (in miles per gallon) is:

Over 18	0
Over 15, but not over 18	2.5
Over 12, but not over 15	5
Over 9, but not over 12	10
Over 6, but not over 9	20
Not over 6	40

"(B) for the period beginning September 1, 1978, and ending August 31, 1981:

"Tax—in percent

"If the rate of consumption (in miles per gallon) is:

Over 18	0
Over 16, but not over 18	2.5
Over 14, but not over 16	5
Over 12, but not over 14	10
Over 10, but not over 12	20
Over 8, but not over 10	40
Over 6, but not over 8	80
Not over 6	160

"(C) for the period beginning September 1, 1981, and ending August 31, 1984:

"Tax—in percent

"If the rate of consumption (in miles per gallon) is:

Over 20	0
Over 18, but not over 20	2.5
Over 16, but not over 18	5
Over 14, but not over 16	10
Over 12, but not over 14	20
Over 10, but not over 12	40
Over 8, but not over 10	80
Over 6, but not over 8	160
Not over 6	320

"(D) after August 31, 1984:

Tax—in percent

"If the rate of consumption (in miles per gallon) is:

Over 22	0
Over 20, but not over 22	2.5
Over 18, but not over 20	5
Over 16, but not over 18	10
Over 14, but not over 16	20
Over 12, but not over 14	40
Over 10, but not over 12	80
Over 8, but not over 10	160
Over 6, but not over 8	320
Not over 6	640

"(2) Determination of fuel consumption rate.—The rate of fuel consumption of automobiles taxable under paragraph (1) shall be determined solely on the basis of the Automobile Fuel Consumption Schedule prepared by the Secretary of Transportation.

"(3) Liability for payment.—The tax imposed by this subsection shall be paid by the manufacturer, producer or importer of an automobile taxable under paragraph (1) at such time and in such manner as the Secretary shall prescribe."

SEC. 3. (a) The Secretary of Transportation is authorized and directed to prepare and transmit to the Secretary of the Treasury, annually and at such other times as circumstances may require, an Automobile Fuel Consumption Schedule setting forth, for each make and model of automobile which is or may be subject to the tax imposed by section 4061(c) of the Internal Revenue Code of 1954, as amended, the rate at which such automobile consumes fuel, according to—

(1) each type of engine, including each type of carburetion or other variation which affects the rate at which such automobile consumes fuel, which is available for such automobile; and

(2) each item or combination of items available for such automobile as optional accessory equipment which affects the rate at which such automobile consumes fuel.

(b) In preparing the Automobile Fuel Consumption Schedule provided for under subsection (a), the Secretary of Transportation is authorized and directed to make any and all tests necessarry to determine the fuel consumption rates of automobiles under driving conditions most representative of the uses to which an average automobile owner puts his automobile under normal driving speeds and circumstances, and with the fuel recommended by the manufacturer for use in the automobile being tested.

(c) The methods and types of testing to be employed for purposes of subsections (a) and (b) shall be established by rules and regulations to be promulgated by the Secretary of Transportation in accordance with the Administrative Procedure Act: *Provided,* That notwithstanding any other provision of law, the rate of fuel consumption specified in the Automobile Fuel Consumption Schedule for any automobile shall be binding and conclusive upon the Secretary of the Treasury for purposes of assessing the tax imposed by section 4061(c) of the Internal Revenue Code of 1954, as amended, unless and until a different rate is established by a superseding Automobile Fuel Consumption Schedule or by an administrative or judicial decision which is final and not subject to any further appeal or review.

SEC. 4. (a) In the case of any automobile distributed in commerce after June 30, 1975, on the sale of which by the manufacturer, producer, or importer tax was imposed by section 4061(c) of the Internal Revenue Code of 1954, as amended, any person required by section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232) to affix a label to such automobile shall include in such label a clear, distinct, and legible endorsement stating—

(1) that Federal excise tax was imposed and paid on such sale;

(2) the percentage rate at which such tax was imposed; and

(3) the rate at which such automobile consumes fuel, as determined by the Secretary of Transportation.

(b) Any person required by subsection (a) of this section to endorse any label who willfully fails to endorse clearly, distinctly, and legibly such label as required by subsection (a), or who makes a false endorsement of such label, shall be fined not more than $1,000. Such failure or false endorsement with respect to each automobile shall constitute a separate offense.

PHASE 4 ENERGY MESSAGE—WRONG AGAIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. UDALL) is recognized for 5 minutes.

Mr. UDALL. Mr. Speaker, at a time when the country faces serious problems both home and abroad, and when those problems are caused, in large part, by a flagging national belief in its leaders and institutions, it gives this Member no great pleasure to take the floor in order to criticize the President of the United States.

Delivering no less than the fourth energy message in a single year, necessitated by the failure of each of its predecessors to correctly assess the dimensions of the problem, Mr. Nixon once again slipped into the pattern of inadequate measures and bland reassurances that are responsible in no small part for bringing us to the brink of this stark energy crisis. It was the kind of speech that reflects an administration policy that has allowed us to stumble into a virtually insoluble energy dilemma that could close factories and schools and leave millions of homes unheated this winter. For despite Mr. Nixon's protestations about the Congress, this ostrich administration had pretended for 2 years that the energy crisis was not serious. Their defaults have put us in such a vulnerable posture that the Arab's "oil weapon" will inevitably have a devastating impact on our lives and our economy in the months immediately ahead.

And now that we teeter on the brink, here is in summary what Mr. Nixon said:

> We will have a shortfall of oil temporarily running in the neighborhood of 2 to 3 million barrels per day.

Wrong. The shortfall we now face, as I will detail later, will likely in the first quarter rise to more like 6 million barrels each day, running between 20 and 30 percent of total demand.

> A combination of modest cutbacks in personal and industrial consumption can save us in the short term.

False. The hard fact is that, at this late date, the actions he called for, though desirable and necessary, could be inconsequential. They are either too slow, that is, the conversion of industry to coal or an accelerated nuclear power program, or they are far too modest, that is, temporary speed limits—which will save us only 6 percent of our predicted shortfall—and airline flight cutbacks which would save even less.

> Legislation in the Congress will alleviate the problem.

Untrue. If construction began today on the Alaska pipeline, the first drop of oil could not possibly emerge before sometime in 1978. The energy research and development program he belatedly seeks holds promise for the next decade and the next century, but none for next year. It must be pointed out that such a program has been stymied by Nixon administration opposition as late as June of this year.

Moreover, in his speech there was the hint of two egregious policy errors.

First, was the underlying suggestion that technology will bail us out, somehow, just before disaster. We risk catastrophe if a blind confidence in technology lulls us into procrastinating on painful decisions. We are foolish to believe any longer that technological tricks can relieve us of our need to husband nonrenewable resources. No Manhattan project or Project Independence, no amount of cheerleading, will provide an instant solution.

Second, to retreat completely from our commitment to clean water and air, to go ahead damming wild rivers and desecrating wilderness and national parks would be an irreparable mistake. Some short-term tradeoffs may be required, but when the tough decisions come, it would be folly to abandon environmental reforms. We must have a sensible policy that balances our resource budget while remaining respectful of nature's laws.

In a speech 3 days ago, I charted the

deteriorating and serious energy picture for this winter. The hard facts are these:

Before the Mideast embargo, the Interior Department was estimating shortages of 100,000 to 300,000 barrels per day.

On October 12, White House Aide Charles DiBona predicted possible shortages of not more than 8 percent or about 1.2 million barrels per day.

On October 20, this estimate was raised to 1.6 million barrels per day to cover indirect Arab supplies in the form of products imported from third countries which import Arab crude directly, refine it, and reexport the refined products to us.

On October 24, the Treasury Department's Office of Oil and Gas raised this estimate to 2 million barrels per day.

Duke Ligon, OOG's Director, on October 30 gave newsmen an estimate of 2 to 2.5 million barrels per day.

Now Dr. Kissinger has supplied the Senate and House Foreign Relations Committee with a new estimate from the Defense Department of a total shortfall of 3 million barrels per day. This includes Arab supplies of 0.5 million barrels per day formerly available from the Caribbean, and 0.4 million barrels per day from the European refineries. Also included are Defense Department purchases of one-third million barrels per day which it formerly obtained overseas.

But I believe that even this figure is too low.

One. Domestic needs for imports were anticipated by the Interior Department to rise from the present 6.5 million barrels per day to 8.4 million barrels per day in the first quarter of 1974. Most of this increase would have had to come from direct or indirect Arab sources, since no other crude producer can materially increase production. If this is true, then the Defense Department estimate, which assumed a necessary level of winter imports at 7 million barrels per day, underestimates our shortage by over 1 million barrels per day.

Two. Further, if we do nothing to curb demand during November-December—and it appears unlikely that drastic cutbacks will be achieved so soon—inventories will be reduced by the lack of imports—expected to begin about the middle of November—of 3 million barrels per day or about 135 million barrels. This reduction of inventories means that much less will be available to draw from during the winter quarter, which will cause an additional shortfall of 1.5 million barrels per day.

Thus, during the peak of the winter demand period we face a potential shortage of not 100,000 to 300,000 barrels per day, not 1.2, 1.6, or even 3 million barrels per day, but possibly 6 million barrels per day and, of course, the maximum shortage will be even greater than the average shortage.

What can we do? We cannot look to economic incentives to persuade the Arabs to increase production. They have actually increased total revenues by raising prices more than they cut production. Our options include:

First. The beginning of every solution is a thorough understanding of the problem. The President did little in his speech last night to educate the country on the seriousness of the current situation. We must tell the country the whole truth; only then will we be able to build a sense of teamwork and broad citizen cooperation.

Second. Begin to take extraordinary steps now. If we wait until the gas pumps are empty and the pipes are frozen, it will be too late for rational response.

Third. With all the potential inequities these measures suggest, we must immediately take steps to limit gas consumption by either imposing high gas taxes or rationing. These are bitter pills to swallow, but we may have no alternative.

Fourth. Immediately investigate the possibility of requiring a limit on commercial hours, car pooling, a temporary surcharge on excessive energy consumption, an elimination of unnecessary lighting including an absolute ban on neon advertising.

Fifth. The Government must undertake a crash energy education program for individuals and industry, utilizing all media, and providing a steady flow of information to every household in the country on an energy savings program.

Mr. Speaker, we face hard times, and the country deserves to know it. The President proposes halfhearted measures and more delay; I call on the Congress to take urgent action. The price of procrastination is unacceptable.

THE CONVERSION OF COAL TO GAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. SMITH) is recognized for 10 minutes.

Mr. SMITH of Iowa. Mr. Speaker, the President's energy message represented an almost complete turnaround within the administration compared to a year ago. A subcommittee which I am privileged to chair has been investigating, holding hearings and warning for several years that an energy crisis has been developing in the United States. As late as a year ago, the official response by the administration was that there was really no energy problem. The evidence cited was that they had asked the big oil companies and had been told this was the case. The first step toward solving any problem is to realize there is a problem and the second step is to realize the dimensions of the problem. Last winter, the administration was rudely awakened and became convinced there was a problem but only this week have they become convinced how big the problem really is. They now have taken the first two steps.

But to go from realizing the problem to proposing solutions is quite another thing. Based upon what we have heard during the past 2 or 3 years in our subcommittee, I think most of the President's recommendations, and indeed most of those I have been hearing from my colleagues as well, have been nonsolutions for our particular problem. For example, both the President and some of my colleagues talk in glowing terms about the amount of fuel which can be saved by placing a 50-mile-per-hour speed limit on the highways. The President indicated 10 percent of our shortfall could be saved that way. I challenge them to find any rational statistics proving such huge savings.

The best engineers in the business say that the speed at which an automobile will use the least fuel depends upon a large number of factors including the weight of the automobile compared to the size of the engine, the surface of the highway on the particular day in question, the amount of traffic to be carried on that highway at that time, and even the temperature. In many cases slowing traffic to 50 miles per hour can actually increase gas consumption. While under some conditions operating automobiles at a slower speed may save gasoline, depending upon this type of action to yield 10 percent of the energy savings needed would be a drastic mistake.

The unquestioned fact is that we have huge resources of coal in this country and that until the breeder reactor is available on a widespread basis in about 1985, the United States cannot hope to be self-sufficient in noncoal energy supplies, according to present preferences for those sources of energy. If we are to bridge this 12-year gap and to depend less upon imports of oil, it is necessary to concentrate on a national policy of using coal for more of our energy needs. The question is how to accomplish substituting more coal for oil and gas.

We have had many research projects underway for many, many years for the conversion of coal to gas. Contracts for this research have been given to oil companies. Claims have been made that oil companies did not care enough about finding solutions to a problem which would create more competition for oil. Whether that is the reason for the slow progress or whether there is some other reason is not clear, but it is clear that this research has not proceeded as rapidly as it should have. Without any changes in any laws, emergency can be given to these projects.

Although converting coal to gas results in a great loss of British thermal units, the fact is we have large reserves of coal and we do not have enough of other forms of fuel. Therefore, in spite of the loss, it needs to be done. It would be too difficult for homes to convert from gas and oil to coal but electric powerplants could convert from other fuels to coal where necessary and a large share of them already have the capacity to use coal. Coal with the required pollution control equipment is a more expensive source of energy than gas and in some cases oil has been and using coal would require some readjustments of rates but in looking at total energy supply, it seems crystal clear to me that we need to have a national policy of encouraging the use of coal for the next 12 years and that one of the easiest places to make a huge dent in the problem is converting electric powerplants from gas to coal.

Allocating existing fuels on an historical basis will not permit the adjustments that are absolutely imperative to avoid high unemployment and great shortages in our society. For example, gas is used as a derivative for fertilizer and without increased supplies of fertilizer, there will not be enough of the kind of food supplies which are being programed. Allocating the same amount used in prior years is simply not enough. Making nitrogen from coal would be much more inefficient than converting gas to nitrogen and then using coal in more heating plants instead of gas. This demonstrates how we must look at total energy supplies and the shifting of energy sources rather than simply allocating fuel supplies according to some historical base.

Although many British thermal units are lost in converting coal to electricity for use in homes compared to using gas, huge coal resources can be converted to a usable form in this way and more homes can use electric appliances. Also if more new homes were all electric, then the suppliers of electricity could be the ones in the future to convert back and forth between fuels so as to use the most plentiful fuel that is available at that particular time. Those electric plants using coal during this interim period could switch over to another fuel if and when the other form becomes more plentiful or cheaper per British thermal unit.

There are also some large industrial users of fuel who have been using gas because it was so cheap. Many of them could use coal and tremendously relieve the drawdown on gas which is needed for homes and small users where distribution of fuel by surface methods is a major problem. This may mean a need to revise tax statutes to provide an incentive to use coal instead of other energy resources.

Another problem connected with the increased use of coal is the lack of transportation facilities for delivery of the coal. Much of the coal in the United States contains a huge sulphur content. I think antipollution devices can and soon will be developed which will permit greater use at a reasonable cost of this kind of fuel without polluting the atmosphere. There are also large reserves of coal which are low in sulphur content. Whichever kinds of coal are used, a tremendous increase in transportation facilities will be necessary. I am sorry that the President did not even mention the word "transportation" in his speech because that is one of the very keys to solving this problem.

There are a number of other things which can be done, such as importing more oil from the Western Hemisphere, letting more contracts for explorations in the Gulf of Mexico and other areas on the Outer Continental Shelf, and entering into outright barter agreements with countries with supplies of LPG and crude which would be stored or derived from places where they are just as dependent on our food products as we are dependent upon their energy resources. All of these kinds of things need to be looked at but each one is small in importance by comparison to zeroing in on a huge domestic increase in the mining and distribution of coal as the major source of energy needed to fill the gap.

Weatherstripping around the front door and cleaning the furnace filters are all-right things to do but it is a mistake to think that these kinds of things will be enough to fill the energy gap to the extent needed to prevent unemployment and shortages of food and other consumer goods. It is time to think in terms of increasing total available domestic supplies of energy instead of concentrating almost exclusively upon allocating particular kinds of fuel on an historical basis.

I strongly urge my colleagues and those who are working on energy problems to focus on the central major solutions which will overcome the total energy gap instead of spending so much time on proposals which will be insignificant by comparison and turn out to be disappointing in the end.

ARKANSAS LAW SCHOOL RESPONDS TO GOVERNMENT ACTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 5 minutes.

Mr. ALEXANDER. Mr. Speaker, recently I received a report from Paul Riviere, president of the Student Bar Association of the University of Arkansas School of Law at Little Rock. Mr. Riviere advised that of the 180 students enrolled at the Little Rock Division of the University of Arkansas School of Law that approximately one-half participated in a questionnaire which was circulated among the students. The poll is clear and convincing evidence of the failure of the institutions of government to inspire the confidence of the Arkansas Law School student body and is cumulative proof of the crisis of confidence that many students have expressed during the past several years.

It may be appropriate to note that the U.S. House of Representatives is in the process of responding to the need for change as evidenced by the Legislative Reform Act which was passed in 1971. Remembering, the report by Chief Justice Warren E. Berger on the state of the Federal judiciary in September of 1971 would likewise fall into the category of a call for reform. The executive branch is in constant, almost daily need for improvement that is fitting to serve the needs of a dynamic society.

I commend the poll to my colleagues for their consideration.

RESULTS OF POLL

Questions I, II, Better than 80% disapproved President Nixon's actions.

Question III, 73 of 88 said Congress should consider impeachment.

Question IV, 82 of 89 indicated they felt that members of Congress had not adequately fulfilled their obligation as representatives of the people in the past 10–15 years.

Question V—Comments: 1. The results of the poll should be sent to each member of the Arkansas Congressional delegation in Washington, D.C.

2. Consider impeachment, but on what substantial grounds?

3. They (Congress) have acted like lambs during his administration . . .

4. I considered the appointment of a Special Prosecutor as a promise that the President made to the country . . . his interference was inexcusable. . . .

5. The firing of Cox was the straw that broke it. After having staunchly supported Mr. Nixon and voted for him, I find it very embarrassing to admit that fact in intelligent company.

6. Actions of President Nixon have hurt the country and the Republican Party.

7. Congress has abdicated too much responsibility to the President.

8. It is long past time for the Congress to assert its constitutional authority, regain its posture by impeaching the President and thereby, replace in all America a feeling of confidence in our government.

9. All aspects of impeachment should be fully considered.

10. The Executive has for some time sought to increase its power beyond constitutional limits, but Nixon has gone too far. . . .

11. Congress should re-appoint Cox as Special Prosecutor.

12. During the past 20 years our country has had more of the powers of the people delegated to the Federal Government . . . The power of the President has increased and the power of Congress has decreased . . . Our leaders are shown to be incompetent . . . New leaders must be found, leaders that can become aware of our problems and work actively to solve them. . . .

OPINION POLL

I. What are your feelings or beliefs concerning the firing of Special Prosecutor Archibald Cox? (Circle the appropriate letter.)

(A) I approve President Nixon's actions.

(B) I disapprove of President Nixon's tions.

(C) No opinion.

II. What are your feelings or beliefs concerning the resignation of Attorney General Elliot Richardson and the firing of Assistant Attorney General William D. Ruckelshaus? (Circle the appropriate letter.)

(A) I approve President Nixon's actions.

(B) I disapprove of President Nixon's actions.

(C) No opinion.

III. In light of what has happened this weekend when coupled with the events of the past year, I believe that: (circle the appropriate letter).

(A) The Congress should agree to the "compromise" proposed by the President and *not consider* impeachment.

(B) The Congress should agree to the "compromise" proposed by the President *and* consider impeachment.

(C) The Congress *should consider* immediate impeachment.

(D) No opinion.

IV. Do you believe that the Congress of the United States has adequately fulfilled its obligation "as representative" of the people in the last 10–15 years? (Circle one.)

Yes. No.

V. Comments:

ON OIL EXPLORATION IN THE GULF

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, I am very pleased that the entire Florida House Delegation in the Congress has joined with me today in introducing a bill which is designed to prevent wholesale oil exploration and drilling without concern for essential military test ranges or facilities in the Gulf of Mexico off the Florida coast. The bill provides that no test ranges or facilities which are required for defense programs of the military services of the United States may be released by the Department of Defense for purposes of oil drilling or exploration until a determination has been made by the Secretary of Defense that there is not a military requirement for the test range or facility involved and until full and complete environmental studies have been made by the Environmental Protection Agency and such studies have been approved by the Appropriations and Armed Services Committees of the Congress; or unless such leasing is directed by the President as essential to the national interests.

We recognize the need for providing additional oil resources in the Western Hemisphere. We know that the Department of the Interior is under pressure to find oil for America's needs. We know the Government wants the revenue which will come from oil leases. Nevertheless, the most optimistic predictions indicate the oil reserves which might be discovered in the gulf would provide only a minor part of America's growing requirements, or approximately 1 million barrels per day against present requirements of 18 million barrels and projected future requirements of 25 million barrels. These limited resources would materialize 3 to 4 years hence and not immediately when additional oil is needed. It is conceivable that the achievement of permanent peace in the Middle East would meet all of America's additional oil requirements, possibly within months.

Drilling off the Florida coast brings the risk of weakening America's defense. I do not think we can afford this. Modern weapons require long and careful testing to insure efficient operation. Today's sophisticated weapons require test ranges which can only be obtained over water. The cost of the Government's investment in defense installations in the Mississippi, Aabama, and Florida areas of the Gulf of Mexico is more than $1.5 billion, and the estimated replacement value of these facilities is $3.4 billion. The normal activities of these installations include hazardous activities such as the testing of live armament over water ranges. Such tests are essential to the maintenance of the combat readiness of the military services. The construction of permanent installations, such as oil rigs, in test areas could result in the creation of dangerous conditions both for military personnel and for those involved in oil exploration and production. Ranges in the Gulf of Mexico are essential to testing and training for the Naval Air Station at Pensacola, Eglin Air Force Base, Tyndall Air Force Base, the Naval Coastal Systems Laboratory at Panama City, and MacDill Air Force Base at Tampa. Moving their functions would not insure adequate test ranges elsewhere. There simply are very few, if any, areas anywhere in the Western Hemisphere where ranges comparable to the present Gulf test ranges are available.

We know that we face a threat of constantly improving Soviet weapons. They are pacing us step by step in progress and surpassing us in numbers of modern weapons. We could lose the next war before a shot is fired if the Soviets know we do not have the weapons to stand up to theirs. This can become a case for America's survival, and America's survival is far more important than the possibility of oil revenues from the Gulf.

A strong case can also be made on economics and tax revenues. The bases named pour $500 million per year into Florida's economy. This is reflected in a very substantial tax return to the Government. Revenues from oil leases would fall far, far short of this figure. Oil spills, which are a constant threat where there is oil drilling, would play havoc with the rich and growing potential of Florida's unmatched beaches. The specter of oil rigs sitting offshore and the always ominous threat of oil spills would certainly place a damper on beach development and, again, on tax returns to the Federal Treasury. Other States have already experienced this problem and know that it is real.

The administration has shown a disappointing lack of concern of the possible serious consequences of drilling in the gulf. We share the concern which is felt on the need to provide additional oil supplies, but we feel that alternative sources and procedures are much more to be desired. Apparently it is necessary that Congress take this matter into its own hands to insure that there will be no disruption of the testing of equipment vital to the Armed Forces, to avoid the unnecessary and very heavy expenditures which would be required to relocate activities which might be compromised by oil activities, and to prevent possible irreparable damage to our beaches and to the development of our State from oil spills.

THE NATIONAL COMMANDER OF THE AMERICAN LEGION SPEAKS BEFORE THE NATIONAL GUARD ASSOCIATION

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, someone has just brought to my attention the address of the National Commander of the American Legion given before the National Guard Association at its recent meeting in Oklahoma City on October 11, 1973. The present National Commander of the American Legion is a retired Air Force major general and is the first career military officer ever to be elected National Commander of the American Legion. For some 17 years, while serving on active duty in the Air Force, he maintained his legal residence in my district and his wife is from Belleville, Ill. We, in my district in Illinois, commend the American Legion in their selection of Major General Eaton as National Commander.

In his address to the National Guard Association, National Commander Eaton expressed the American Legion's apprehension in regard to the future pattern of our defense structure. The American Legion, and all of us, regard the zero draft armed services as a commendable goal but in order for it to have any chance of success the pay of military personnel must be set at a high level and this raises the personnel cost of the defense establishment astronomically.

In approaching the solution to this, the American Legion feels that we must be aware of the danger of parochialism in the Defense Department in arriving at their solutions. In the utilization of reserve forces, to use the words of the national commander:

> If the ceiling is dollars, more defense can be produced under the dollar ceiling. If the ceiling is force structure required, the force structure can be produced at a lower cost. These economies are possible because it is demonstrably cheaper to fund reserve forces both from the standpoint of personnel cost and maintenance and operation cost, than it is to fund the active force.

The American Legion has a resolution on this subject and I place in the CONGRESSIONAL RECORD the remarks of the national commander as well as the American Legion resolution passed at its recent convention in Hawaii in the hopes that my colleagues will find both interesting.

AN ADDRESS BY ROBERT E. L. EATON

Thank you very much.

Mr. Chairman, distinguished guests, I am honored by your kind invitation to be with you today.

Throughout our 55 year history, The American Legion has favored a strong national defense. Indeed, one of the principal reasons for founding our organization was the concern of far-sighted World War I veterans who saw the folly of inadequate military preparedness.

It follows that we have enjoyed an equally long, and equally supportive relationship with the reserve components. My purpose today is to discuss with you the Legion's current position on the national defense, and the contribution we believe the reserve components must make to national defense.

Almost as a matter of course, it seems, prevailing American public sentiment urges the dismantling of the military forces following a long period of conflict. This was true following World War I and it is true again today following the long cold war years and the Vietnam Conflict. General George Marshall called attention to the dangers inherent in this type of let-down when, after World War II, he said:

"We finish each bloody war with a feeling of acute revulsion against this savage form of human behavior. Yet, on each occasion, we confuse military preparedness with the cause of war and drift almost deliberately into another catastrophe. The first thing we must remember with the end of war is that to avoid war we must remain militarily strong."

The existing atmosphere of detente with our cold war adversaries has also had an impact on public opinion concerning our defense posture. The doves, who are always with us, are doing their share of hand-wringing, and attempting to bring about disarmament even if it must be on a unilateral basis. Their prime target is the defense budget which they would reduce to a completely unreasonable degree under the guise of "reordering priorities."

We tend to overlook the fact that in the 3400 years of recorded history there have been only 268 years when a major war has not been in progress. The conflict which seems to be developing into major proportions in the Middle East at this moment appears to bear out the lessons of history in this regard.

The rationale for maintaining a strong defense as a national priority was set forth eloquently some years ago by British Air Chief Marshal Slessor, who observed:

"It is customary in Democratic countries to deplore expenditures on armaments as conflicting with the requirements of the social services. There is a tendency to forget that the most important social service that a government can do for its people is to keep them alive and free."

While there are hopeful signs of a desire for improved conditions on the part of the Soviets and the Communist Chinese, we of the Legion do not believe the climate is such that we can afford universal or unilateral disarmament. We will require a defense establishment strong enough to provide absolute deterrence. We remain unconvinced that our potential enemies had given up long term goals of military superiority and ultimate aggression in one form or another.

The obvious question here is "how much is enough defense to deal with the threat posed by our adversaries?"

First consideration, in our view, is the maintenance of an adequate nuclear posture for defense. We give our total support to our TRIAD forces and the measures necessary to insure that these forces are kept in fighting readiness.

If we are to provide a counter force with the effectiveness to combat the Soviet threat, we must have a replacement for the now obsolete B-52. We therefore consider the early development and deployment of the B-1 bomber a must.

Additionally we now have evidence of a Soviet submerged missile system with a 4000 mile range, making imperative the deployment of an operational TRIDENT Submarine force at the earliest possible time to replace our aging Polaris System.

Thirdly, we are committed to the rapid updating of the land missile element—our Minuteman system. Our mandate calls for immediate action to improve the survivability and effectiveness of the Minuteman force. This includes replacement of older missiles with Minuteman III, and continuation of research and development action on advanced missiles.

While attaching priority to updating strategic forces, we believe we must act now to improve our general purpose forces. We are committed to continued development and procurement of the F-14 and F-15 air superiority fighters; a return to a position of naval superiority through the continued improvement of our surface and submarine fleet and a modernized air defense system.

While we regard the zero-draft, all volunteer armed services as a commendable goal, we do not believe that it will work. We will give the program our support as long as it is policy. Zero draft has pushed up our personnel costs enormously, and thus the costs of the armed services have skyrocketed for this reason alone.

Now the costs of updating weapons systems plus the zero draft have made defense tremendously more costly, and we deplore the conditions which force the need for it. In spite of the fact that current spending for defense is lower today on the basis of a percentage of gross national product—or measured against the dollar value of a decade ago—the dollar figure is higher. Increasing inflation can be expected to push it even higher in the future. The continuing need for a strong defense must be explained to the American public, sold if you will, and organizations such as yours and mine can be expected to do our best in doing this selling job.

In the face of these skyrocketing costs—the costs for personnel and new weapons systems—it seems to us that the Defense Department itself should be innovative and should try new methods to bring down the cost of defense. We believe that one of the ways the cost of defense can be brought down is a more intelligent and a more aggressive approach to the use of the reserve components. It will be necessary for the Defense Department itself to get away from parochialism in order to take full advantage of the reserve forces and insure proper utilization of these components. There needs to be a radical change in thinking concerning the role of the reserve forces. In past history, the reserve forces have been considered a mobilization force, operating under a requirement that months, and even years of equipping, manning and training elapse in order to bring them to combat effectiveness. Regardless of what has been said on this score, unfortunately our reserve forces are still constituted to a major degree on this basis. We regard this as an unacceptable posture in view of world conditions and our defense requirements. We can't buy a reserve concept that is tied to the idea we have all the time in the world to prepare for war.

Former Defense Secretary Laird, in a rare moment of statesmanship, adopted the obvious solution for utilization of the reserve force in embracing the Total Force Policy—the complete integration of the reserve forces into the nation's combat ready force in being. We need look no further than the example provided by the quick and effective reaction of the Israeli reserves in today's ongoing action to prove that it can be made to work, but sadly we must report that despite a display of lip service, we fail to see vigorous moves toward implementation of this idea by the Congress or the Department of Defense.

As a matter of fact, and more importantly, even now we hear rumors of action planned and papers circulated indicating that the first element of the Defense structure to undergo reduction in force structure will be the Air National Guard and the Army National Guard. It is obvious that if money is to be saved these elements should be the last to undergo cutbacks.

We believe that developing and using the reserve forces in accordance with the Total Force Policy will not only provide an effective defense, it is without question, the most dollar effective approach. If the ceiling is dollars, more defense forces can be produced under the dollar ceiling. If the ceiling is force structure required, the force can be produced at a lower cost. These economies are possible because it is demonstrably cheaper to fund reserve forces, both from the standpoint of personnel costs and maintenance and operations costs, than it is to fund the active force.

In order for the Total Force Policy to be a viable, living thing we must have a commitment to man the force—to equip the force and to train the force. And this is where we should be fighting today—you and I—The American Legion and the National Guard Association. We of the Legion are committed to this policy by the strong mandate of our recent National Convention and I know the depth of your commitment.

Let me say in conclusion that you have the salute of The American Legion and our pledge of complete support. We are, in the words of our theme program for the year, willing to stand up and be counted again in the interests of a national defense structure powerful enough to keep America strong and great. That much defense, ladies and gentlemen—no less—is what we of the Legion consider "enough" defense.

RESOLUTION NO. 276

Committee: National Security.

Subject: Total force concept of providing modern aircraft to regular and reserve forces.

Whereas, The Secretary of Defense on 21 August 1970, in anticipation of major curtailments of the force levels within the Defense Establishment of the United States due to rising manpower costs, directed implementation of the Total Force Concept; and

Whereas, The Total Force Concept would provide a greater degree of national defense capability and potential through reliance upon both active and reserve elements of the Defense Establishment; and

Whereas, This increase in capability would be attained and maintained at less expense to the United States; and

Whereas, The Total Force Concept dictates equipping both the regular and reserve forces with modern first line equipment; and

Whereas, The Air National Guard Tactical Fighter Force of the Reserve Forces are equipped with obsolete tactical equipment such as the aged and ineffective F-100 tactical fighter aircraft whose current and projected maintenance and safety modification costs alone exceed production costs of first line tactical aircraft; now, therefore, be it

Resolved, By The American Legion in National Convention assembled in Honolulu, Hawaii, August 21, 22, 23, 1973, that we urge the Congress and the Secretary of Defense to implement the Total Force Concept without delay and equip the Reserve Forces with modern first line aircraft from production as well as Regular Force assets, at the earliest possible date.

LATIN AMERICA: THREE TRENDS TO WATCH

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, recently one of America's most distinguished newsmen, Lee Hills, chairman of the board and chief executive officer of the Knight Newspapers, and publisher of the Miami Herald, addressed the annual meeting of the Inter-American Press Association in Boston. In his address Mr. Hills, a former IAPA president, perceptively analyzed the principal trends in the hemisphere today. I know that all those in the Congress who are vitally concerned with Latin America will want to read this excellent speech and I, therefore, include it at this point in the RECORD:

[From the Miami Herald, Oct. 21, 1973]

LATIN AMERICA: THREE TRENDS TO WATCH

(By Lee Hills)

I would like to address myself to what appears to be an unhappy hallmark of relations between the two halves of our hemisphere: A lack of understanding on both the government level and at the press and private level.

The American press is accused of only being interested in Latin America when there is an earthquake or revolution. It is equally fair to say that the Latin American press can be as fickle in covering events in North America, highlighting our "spectaculars" like Watergate or Agnew, or a racial riot but seldom really exploring the underlying issues and attitudes.

Today let me attempt to outline some of the things beyond the revolutions and the earthquakes that I think are important to a changing Latin America.

We in the Knight Newspapers believe that Latin America is an important and vital part of the world and we cover it as though it were, on a day-to-day basis.

So, to our Latin American members, let me

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ask whether, in what I am about to say, we are perceiving correctly some of the underlying changes on which you have embarked in your societies. And to our North American members, let me point out by implication some of the kinds of things that Knight Newspapers are reporting about Latin America.

Generalizations about Latin America, of course, are dangerous and often misleading. This is an enormous, diffuse area. It defies any neat description. Each of the 24 separate nations has its own unique set of problems and prospects. What's true in one country may be false in another. What held in the late 1960s may be reversed in the '70s. Indeed, the only constant I can detect is flux and change.

The rules of the game keep changing dramatically for investors. U.S. capital isn't as prized as it once was, and neither is the concept of private enterprise among some of the governments. More of them favor joint venture, and want local control either by private capital or the state itself.

And American capital, which once had Latin America pretty much to itself, now finds stiff competition both from West Europe and Japan.

Nevertheless, it strikes me there are at least three significant trends occurring in Latin America that apply, in varying degrees, pretty much across the board:

1. Latin America, as a whole, is experiencing an economic boom. It began about five years ago—partly as a result of sizable increases in both public and private investment—and it shows no sign of abating. The Latin economy, again as a whole, is expanding at a higher rate than either the already developed areas and the other under-developed regions of the world.

Overall, the combined gross domestic product of Latin countries—what we call our GNP in the United States—has been rising at a rate of about six per cent every year since 1968. That's real growth, in constant dollars, with the inflation taken out.

Even so, this growth is spotty.

In Brazil, the economic showcase of Latin America, the growth rate has been running over 10 per cent for the past five years.

In Argentina, it's barely four per cent.

And Uruguay shows a negative economic growth rate of minus two per cent.

And in most countries, the new wealth is still concentrated in the top 30 to 40 per cent of the population. A good deal "trickles down" eventually, but sudden riches may actually increase economic envy and social tensions. As President Medici of Brazil put it recently: "Brazil is doing well, but the people are not."

But the Latin economic growth is offset by a three per cent yearly birth rate rivaled only in southern Asia. There are now 65 million more Latin Americans than there were when President Kennedy declared the Alliance for Progress. And there will be another 80 million mouths to feed in 1980.

Nevertheless, the growth is so fast that per capita income is rising at three to 3½ per cent a year. There is a lot more money around for Latins to buy things with.

2. My second generalization has to do with nationalism and expropriation. Every nation wants the right to settle its own destiny in its own way.

Riffling through back copies of The Miami Herald, which devotes at least four to five columns daily on a special page to Latin American news, is like a classroom in nationalism.

They tell, for example, of Latin American foreign ministers planning to meet in Bogota next month to prepare a common list of grievances and desires for presentation to the new U.S. Secretary of State Henry Kissinger.

Or of the Law of the Sea Conference scheduled for Santiago in 1974 with Latin nations sure to loudly reiterate their claim to sovereignty over 200 miles of ocean off their shores; of Latin America's increasing Third World leadership role; of Panama's assertion that the Panama Canal is a natural resource which it should control; of Brazil angrily rejecting suggestions from abroad that perhaps it should control its population and place a greater emphasis on the environment in its phenomenal development. The list goes on and on.

Miami Herald Latin American Editor Don Bohning likens the continuing manifestations of nationalism to an outbreak of measles. He regards it as the single most significant trend to emerge in Latin America in recent years and perhaps in recent decades.

Its impact is felt not only on U.S.-Latin American political relationships but by the business community that is so active in Latin America.

Latins are most sensitive about foreign involvement in what they regard as their national patrimony—their land and its crops, the minerals under the soil, the fish in their coastal waters, basic communications, transportation and power networks.

These are the areas that got ITT, International Petroleum and the copper companies into difficulties. This is where the political pressure for nationalization is strongest, and where private foreign investment is regarded with the greatest suspicion.

Unfortunately, most U.S. companies operating in Latin America tend to be lumped together with all the multinational corporations, which have been described by Progreso, the Latin American magazine of business and economic development, as the hottest controversial subject in Latin America.

On the other hand, Latin Americans generally welcome foreign investment in commerce and manufacturing. They may be touchy, sometimes, about repatriation of profits and about the extent of foreign ownership and management. But on the whole, they are glad to see new plants that spell a better life for people with the manufacture of autos, trucks, radios, appliances and consumer goods of all kinds.

Despite the troubles and turmoils of recent years, American investors continue to pour money into Latin America.

The most recent figures from the Department of Commerce show $750 million in net U.S. private investment in 1971, almost 10 per cent above the year before. Over half of these investments went into the manufacturing sector—trailed, way back at about 16 per cent, by petroleum. The book value of U.S. investments in Latin America passed the $16 billion mark last year.

The point is this—expropriation of oil and copper companies may get the headlines, but there are a lot of solid, relatively non-controversial investment opportunities in Latin America that benefit both parties. They create jobs and needed products for Latins—and reasonable earning opportunities for Americans.

Some Latin countries now make a distinction between acceptable and unacceptable forms of foreign investment. The United States may have to do so, too.

3. The third significant trend of recent years—although it makes a lot of us uncomfortable—is the prevalence of military rule. Approximately 70 per cent of the Latin American population lives under some form of military regime that came to power by force. Chile is only the latest example of this trend.

Says William Montalbano, The Miami Herald's prize-winning Latin American correspondent: "It used to be that you could immediately assume that any general in Latin America kept a good seat in the saddle. Today it's a safe bet that any given general is as comfortable with a slide rule as he is with a horse.

"It used to be that the Latin American military intervened in political affairs as an arbiter to preserve the status quo on behalf of the elite. Today all bets are off.

"The Peruvian generals, as an example, care more about water supply to the slums around Lima than they do about the health of the local oligarchs."

As free Americans, we find it difficult to accept governments that are not freely and democratically elected.

Personally, I find it hard to swallow because for 20 years I saw human freedom grow in those countries along with the standard of living. A courageous free press with the same ideals as ours in North America helped lead to the downfall of such old-style military dictators as Peron in Argentina, Trujillo in the Dominican Republic, Perez Jimenez in Venezuela, and others. The Inter-American Press Association was the catalyst.

As recently as 1968, when I addressed the Annual Assembly of the IAPA in Buenos Aires as your president, I was able to say that Latin America enjoyed one of the highest degrees of press freedom of the world. This is no longer the case. Even while we were meeting in Buenos Aires, we received the news about the military coups in Peru and Panama.

In the early years of the Alliance for Progress, the U.S. government also used to raise hell about military takeovers, and intervened actively to promote democratic forms of government. Since the Dominican revolution in 1965, however, Washington's ardor for sermons against military intervention has cooled.

And President Nixon has deliberately sought to maintain a "low profile"—on the premise that the United States ought to accept governments as they are and not as we think they ought to be.

A new kind of military rule is a fact of life these days in most of Latin America. And there are a couple of things that can be said about what this means:

Just as the Catholic Church has switched from being a virtual arm of the upper classes, as it was in previous centuries, to becoming a vigorous engine of social justice, so the Latin military is no longer what it used to be. The officer corps, by and large, no longer represents the feudal aristocracy of the old Spanish and Portuguese colonizers. Most officers now come from the middle and lower classes.

Chile's military revolted on behalf of the wounded middle class. The soldiers, then, rather than being reactionary guardians of the status quo, tend to be pragmatic, progress-oriented bureaucrats in military garb.

Furthermore, in many under-developed countries, the military establishment may be the only disciplined, well-organized, effective institution on the scene. Political leadership may simply lack the managerial and organizational capacity to get the country on its feet and keep it there.

Certainly there are plenty of examples from recent history to support the argument that under-developed countries may be doomed to go through an undemocratic, dictatorial phase, perhaps under military rule, in order to build the economic and social base for a modern society.

If we have learned one thing from our experience in Southeast Asia, it is that Uncle Sam can no longer call the shots in the world. This is also true in Latin America.

Most Latin Americans would like to have in their relations with us the kind of balance between independence and friendship that Mexico has been able to establish. But their cry is that when they try to redress the social and economic structure by democratic means, it doesn't work. So, they have turned in large numbers to undemocratic regimes.

Now, let me outline some major trends

that are developing in key countries and what I see as the outlook in these areas:

Brazil—Purely from the standpoint of economics, Brazil is one of the most exciting countries in the hemisphere with explosive growth and a people gripped by the spirit of nation-building. Inflation is way down. Exports have tripled to $4 billion. The policies of the military government have inspired a high level of international confidence. The business picture is encouraging.

It appears to me that military rule is likely to be around for quite a while, and that probably means continued press restrictions.

In Chile, which went from one extreme to the other in the Sept. 11 coup against the last Marxist President Salvador Allende, the new military junta could be in trouble if it can't hold the country together without terrible repression. If that is necessary, our correspondents believe a sapping civil war of the Northern Ireland variety is a possibility.

In Argentina, economic stagnation and political frustration helped bring Peron back. He is regarded by many as the last best hope for Argentina. Even so, the short term outlook is unfavorable, the midterm at best uncertain and the long-term unpredictable.

In Peru, a "new" military continues to exert its independence from both the Communist and Capitalist blocs and experiment with social and economic programs patterned after, if not imported from Yugoslavia. Again, the generals appear destined for a long run and the direction which they are taking the country could be continued for some time.

In Venezuela, political democracy as it is most commonly practiced gets another test in December with presidential elections. It will be the fourth free election since Perez Jimenez was overthrown and there is nothing to suggest that constitutional government will be interrupted.

Panama, for its size, continues to be one of the most perplexing and potentially explosive political problems for the United States in Latin America. It's important, and the importance of reaching an amicable agreement on the Panama Canal was demonstrated recently by President Nixon's appointment of Ellsworth Bunker as the chief U.S. diplomat in the ongoing negotiations. Even so, no resolution to the canal problem is in sight.

On a broader and less tangible scale, some of the things that bear watching are efforts to reform the Organization of American States; the Law of the Sea conference in Chile next year; Venezuela's extension of its influence into the English-speaking Caribbean; and the increasing weariness of Brazil by some of its neighbors who see the country becoming the hemisphere's newest imperial power.

Now, let me conclude with a few observations about the future of U.S. relations with Latin America, and of IAPA itself.

It was before the IAPA four years ago that President Nixon outlined his "low profile" approach to Latin America and stated U.S. willingness to accept governments as they are in the area.

Rightly or wrongly, that policy has been greeted ambivalently by Latin Americans. While they appreciate the non-interference in their affairs, they also have regarded it as a form of benign neglect.

There is some evidence that this may change. The appointment of Henry Kissinger as U.S. Secretary of State and his recent pronouncements on Latin America have been hailed as a good omen, especially when he said that we must pursue a "policy of partnership in the Western Hemisphere . . . a spirit of compromise produced by a sense of common destiny."

IAPA itself has had a fairly low profile, but not because of neglect or any lack of faith in our principles. And we certainly do have a sense of common destiny.

One reason for the change is that the press is confronted with a whole new ball game in Latin America. Most military rulers fear a free, independent press as a threat to their control. And it is the old story of the people themselves being willing to give up some freedom in exchange for stability and the promise of a better life.

A second and vital factor at this critical time for IAPA is what is happening in the United States.

If your particular country to the south sometimes feels neglected, remember that we in the north are increasingly preoccupied by massive problems of our own—such as inflation and strains on the economy, the scandals of Watergate and Agnew, the war in the Mideast, the energy crisis, food and fuel shortages, federal controls, etc., etc.

Many of us remember the early struggles and the many successes of IAPA. We always took for granted freedom of the press in the U.S. We have enjoyed that freedom for nearly 200 years without serious threat even in war time. This is no longer the case.

The press here is under serious challenge on many fronts:

Illegal wiretaps and undercover investigations of newsmen; the first attempt in our history to invoke prior restraint to prevent publication of material the government doesn't want printed; a rash of subpenas of reporters' notes; a widespread propaganda campaign to discredit and intimidate the press, and especially the government-licensed electronic news media; attacks on newsmen's rights to protect their sources. An even greater danger, I believe, is the growing collision between the press and the judiciary. A current example is The Miami Herald case on right of reply.

The U.C. press has fought back. It has refused to be intimidated. Newsmen have gone to jail to protect sources. The press has played a major role in uncovering scandals that have rocked the administration. The adversary relationship between a free press and the government has proved again to be crucial to the democratic system. Nevertheless, the fight has left its scars in a growing public skepticism of the press.

Thus, we have our problems, north and south. We in IAPA must not give up the fight in some countries simply out of frustration or because previous tactics no longer seem to work. Public opinion is still the most powerful force in the hemisphere.

THE ISSUE OF RESIGNATION

(Mr. MICHEL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MICHEL. Mr. Speaker, Members of this House are quite well aware that we do not have a parliamentary system in this country where prime ministers rise and fall depending upon their popularity, the positions they espouse at any given time, or the number of call girls operating among their cabinet members.

Just because our Vice President saw fit to resign because of his problems there is no good reason for our President to pursue that course of action, for the cases are not comparable.

All this talk of the prospects of the President resigning is ridiculous and only serves to disrupt and confuse.

Our Constitution specifically provides for the removal of a President by way of impeachment and the House Judiciary Committee is currently in the process of considering the several impeachment resolutions that have been introduced. I suspect that if an impeachment resolution were brought to a vote in this House today it would be soundly defeated, which makes all this talk with respect to resignation purely academic.

Mr. Speaker, yesterday's editorial entitled "Resignation" in the Washington Star-News, it seems to me, is very appropriate for the times, as is the article by Richard Wilson appearing in the same edition and entitled "The Case Against Nixon's Resigning." I include the text of both to be reprinted at this point in the RECORD:

RESIGNATION

Some of President Nixon's erstwhile supporters have joined with many of his ancient foes in clamoring for his resignation. We have no intention of adding our voice to that chorus, which is unseemly, unfair and unwise, from the point of view not only of Mr. Nixon but of the nation.

Which is not to say that we are convinced of the pristine purity of the President. Far from it: We have the gravest doubts as to Mr. Nixon's fitness to occupy the highest office in the land.

The point is that resignation would resolve none of those doubts. Indeed, such an act would obscure, perhaps forever, the vital question of Mr. Nixon's innocence or guilt in the Watergate affair and its attendant scandals. There would be no catharsis in this. Indeed, resignation would leave a legacy of bitterness and suspicion in at least that 27 percent of the electorate which, by some mind-boggling leap of faith, continues to believe that Mr. Nixon is doing a good job as President and is innocent of complicity in Watergate.

Some of those who are asking Mr. Nixon to step down are doing so on the grounds that he has lost his capacity to govern, that he is politically "crippled." It is true that Mr. Nixon's power and prestige have been impaired and, given what we now know about Watergate, that is not altogether a bad thing. But "crippled"? That must come as news to the President's opponents on the Hill, who have been unable to override one of his eight vetoes (the most recent on October 30) this year. It must also come as news to both sides in the Mideast crisis.

When a tide of emotion is running high, it is easy to get swept away. So perhaps it is worth recalling that Mr. Nixon's popularity has not yet fallen to the 1951 level of a president now widely regarded as one of our near-great leaders—Harry S. Truman.

In any event, ours is not a parliamentary system under which a president is accountable to sudden gusts in the fickle wind of public opinion. No charges of criminality have been lodged against him and the President cannot be compelled to resign an office to which he was lawfully elected.

If he is to be required to step down, Mr. Nixon is first entitled to his day in court. If he has been guilty of "high crimes and misdemeanors," if he has violated his oath to see to it that the laws are justly enforced, then he—and the American people—are entitled to a bill of particulars.

There are those who draw back in fear from the trauma of impeachment proceedings. We have a greater faith in the toughness of the American people, the resiliency of our institutions and the genius of our Constitution.

In our view, the first order of business ought to be the confirmation by the Senate of Vice President-designate Gerald Ford. For if Mr. Nixon is to be swept aside, it is essential that the people's mandate of 1972 be assured. It is to the credit of House Majority Leader Carl Albert, at present the next in line for the presidency, that he realizes that a democratic succession would destroy the legitimacy of the government.

Once Ford has been confirmed, the House

Judiciary Committee ought to move with all deliberate speed in its investigation to establish whether a case for the impeachment of the President exists. Should it so find, it will be up to the House to act upon the committee's recommendation, either rejecting it or sending it forward to the Senate.

The national weal requires a speedy and definitive end to the Watergate scandal. But that end must be fair to the President and to the country, and it must be seen to be fair.

Article II of the Constitution provides for the removal of a president from office. It would be the final irony if a president charged by his opponents with abusing the Constitution were hounded from office by a constitutional short-cut which might poison the well of American politics for generations to come.

A forced resignation would leave an intolerable question mark on the political horizon and create more stresses than it would relieve. It ought not to be contemplated.

THE CASE AGAINST NIXON'S RESIGNING

(By Richard Wilson)

A president skulking from office in tacit admission of horrendously described crimes against the people is not to be compared to the Agnew incident. The event would be of an entirely different magnitude.

The consequences which would flow from it would be unpredictable, and this must be a factor which President Nixon has taken into consideration in standing firm against resigning.

The case which is publicly made by the advocates of resignation can be summed up in one long and flaming paragraph. Nixon's moral and political authority has disintegrated for these reasons:

Illegal acts against domestic radicals. Guilty knowledge of the Watergate coverup. Corrupt political financing on a multi-million dollar scale by seekers of favorable government action. Erratic and tricky moves in blocking full inquiry of corruption. Avoidance of income taxes through legally dubious deductions. Offense to public sensibilities by major government expenditures on two private homes beyond his means purchased through the financing of friends. He can no longer govern.

Every charge and implication in the foregoing flaming paragraph is categorically refuted by a president who, if he resigned under fire, would be held as guilty as Agnew. It would be little comfort to him that his final act as president was for the good of the nation. His name would be disgraced for all time.

This unfolding is scarcely in the design of a man who has dominated the political scene for the past 25 years. Nixon has been with us for a quarter of a century in varying degrees of controversy and it should be no surprise to anyone that after periods of agony and doubt he always decides to fight.

He is not in the position of former Vice President Agnew, faced with documented testimony of four prosecution witnesses, and bargaining to escape jail. The case against Nixon has not yet been made on a legal basis.

The very extremity of the statements being made against him renders it virtually obligatory that he fight to clear his name of any tinge of criminality.

There are other consequences. The alternative to Nixon is not an inviting one. He would be followed by an untested successor whose first act would be to pick another new vice president. The country would enter a new period of doubt and uncertainty at a critical time in world affairs.

Impeachment, with a fair and impartial judgment, might be better for the health of the country than the festering doubt that he had been fairly treated.

As for capability to govern, the President is governing. He is preparing a new budget to be submitted to Congress in January. He is proceeding with a settlement in the Middle East after successful coordination with the Soviet Union under ominous circumstances produced an Arab-Israeli cease-fire.

Certain circumstances can be imagined in which the President might find it impossible to continue. If the Republican leadership demanded his resignation, of which there is no sign, he would be hard pressed.

But the demand for his resignation from hostile partisan sources and from publications he does not respect—and in the ferocious terms which have been used—merely serves to bring home to him that resignation would be equal to acknowledgment of a guilt which he denies.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. MAHON (at the request of Mr. POAGE), for today, on account of illness of his wife.

Mr. DE LA GARZA (at the request of Mr. O'NEILL), for today, on account of official business.

Mr. GUYER (at the request of Mr. ARENDS), from 3 p.m. for the remainder of the day, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SYMMS) and to revise and extend their remarks and include extraneous matter:)

Mr. HUNT, for 5 minutes today.

Mr. EDWARDS of Alabama, for 5 minutes, today.

The following Members (at the request of Mrs. COLLINS of Illinois), to revise and extend their remarks, and to include extraneous matter:)

Mr. CULVER, for 10 minutes, today.

Mr. DENT, for 10 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. ASPIN, for 5 minutes, today.

Mr. VANIK, for 5 minutes, today.

Mr. BRASCO, for 5 minutes, today.

Ms. ABZUG, for 10 minutes, today.

Mr. ROONEY of Pennsylvania, for 5 minutes, today.

Mr. FULTON, for 5 minutes, today.

Mr. HARRINGTON, for 5 minutes, today.

Mr. DANIELSON, for 30 minutes, today.

Mr. UDALL, for 5 minutes, today.

Mr. SMITH of Iowa, for 10 minutes, today.

Mr. ALEXANDER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. LANDRUM, and to include extraneous matter.

(The following Members (at the request of Mr. SYMMS) and to include extraneous matter:)

Mr. SCHERLE in 10 instances.

Mr. FINDLEY in five instances.

Mr. DEL CLAWSON.

Mr. QUIE in two instances.

Mr. ERLENBORN.

Mr. VANDER JAGT.

Mr. ARCHER.

Mr. BROYHILL of Virginia.

Mr. HUNT.

Mr. BAKER.

Mr. FRENZEL.

Mr. POWELL of Ohio in two instances.

Mr. GILMAN.

Mr. ARMSTRONG in two instances.

Mr. KETCHUM.

Mr. HUBER in two instances.

Mr. STEIGER of Wisconsin.

Mr. FROEHLICH.

Mr. DERWINSKI in three instances.

Mr. RAILSBACK.

Mr. WYMAN in two instances.

Mr. SPENCE.

Mr. SNYDER.

(The following Members (at the request of Mrs. COLLINS of Illinois), and to include extraneous matter:)

Mr. ROYBAL in 10 instances.

Mr. RODINO in two instances.

Mr. KYROS.

Mr. GONZALEZ in three instances.

Mr. RARICK in three instances.

Mr. BADILLO.

Mr. VANIK in two instances.

Mr. DORN in three instances.

Mr. ICHORD.

Mr. RIEGLE.

Mr. REUSS in seven instances.

Mr. MAZZOLI.

Mr. PATTEN.

Mr. HARRINGTON in four instances.

Mr. JOHNSON of California.

Mr. CAREY of New York in two instances.

Mr. BRASCO in six instances.

Mr. LONG of Maryland in 10 instances.

Mr. DOWNING.

Mr. DRINAN in five instances.

Mr. ANDERSON of California in two instances.

Mr. BOLAND in two instances.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 55. Concurrent resolution authorizing the printing of the report of the proceedings of the 46th biennial meeting of the Convention of American Instructors of the Deaf as a Senate document; to the Committee on House Administration.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on November 7, 1973, present to the President, for his approval a bill of the House of the following title:

H.R. 9286. An act to authorize appropriations during the fiscal year 1974 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each reserve component of the Armed Forces, and the military training student loads, and for other purposes.

ADJOURNMENT

Mr. DANIELSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until Monday, November 12, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1536. A letter from the President of the United States, transmitting a letter from the Acting Secretary of the Navy recommending increased production of petroleum from the Elk Hills Naval Petroleum Reserve for national defense purposes (H. Doc. No. 93–183); to the Committee on Armed Services and ordered to be printed.

1537 A letter from the Secretary of Transportation, transmitting a report on Department of Transportation contracts for experimental, developmental, or research work negotiated under 10 U.S.C. 2304(a) (11) and (16) during the 6 months ended September 30, 1973, pursuant to 10 U.S.C. 2304(e); to the Committee on Armed Services.

1538. A letter from the chairman, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, transmitting the annual report of the Committee for fiscal year 1973, pursuant to section 1(i) of Public Law 92–28; to the Committee on Government Operations.

1539. A letter from the Secretary of the Interior, transmitting a report recommending the addition of the Little Miami River, Ohio, to the National Wild and Scenic Rivers System, pursuant to Public Law 90–542 (H. Doc. No. 93–184); to the Committee on Interior and Insular Affairs and ordered to be printed with illustrations.

RECEIVED FROM THE COMPTROLLER GENERAL

1540. A letter from the Comptroller General of the United States, transmitting a report on the limited success of federally financed minority businesses in three cities; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROONEY of New York: Committee of conference. Conference report to accompany H.R. 8916 (Rept. No. 93–625). Ordered to be printed.

Mr. FLOOD: Committee of conference. Conference report to accompany H.R. 8877 (Rept. No. 93–626). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. UDALL (for himself, Ms. BURKE of California, Mr. DELLENBACK, Mr. HOSMER, Mr. OWENS, Mr. RUNNELS, and Mr. WON PAT):

H.R. 11343. A bill to provide for a national fuels and energy conservation policy, to establish an Office of Energy Conservation in the Department of the Interior, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr BROYHILL of Virginia:

H.R. 11344. A bill to extend daylight saving time to the entire calendar year; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS:

H.R. 11345. A bill to amend the Public Health Service Act to establish a comprehensive program of health care benefits (including catastrophic coverage) to be available to all individuals and families in the United States at a cost related to their income; to the Committee on Interstate and Foreign Commerce.

By Mr. BROTZMAN:

H.R. 11346. A bill to provide a 7-percent increase in social security benefits beginning with March 1974 and an additional 4-percent increase beginning with June 1974, to provide increases in supplemental security income benefits, and for other purposes; to the Committee on Ways and Means.

By Mr. CLANCY:

H.R. 11347. A bill to provide a 7-percent increase in social security benefits beginning with March 1974 and an additional 4-percent increase beginning with June 1974, to provide increases in supplemental security income benefits, and for other purposes; to the Committee on Ways and Means.

By Mr. COHEN (for himself, Mr. HEINZ, and Mr. PRITCHARD):

H.R. 11348. A bill to provide income tax incentives for the modification of certain facilities so as to remove architectural and transportational barriers to the handicapped and elderly; to the Committee on Ways and Means.

By Mr. CORMAN (for himself, Mr. ST GERMAIN, Mrs. HECKLER of Massachusetts, and Mr. MEZVINSKY):

H.R. 11349. A bill to amend the Social Security Act to provide the States with maximum flexibility in their programs of social services under the public assistance titles of the act; to the Committee on Ways and Means.

By Mr. CULVER:

H.R. 11350. A bill to assist in community development, with particular reference to small communities; to the Committee on Banking and Currency.

By Mr. DANIELSON:

H.R. 11351. A bill to provide for the conservation of petroleum and other natural resources by imposing an excise tax on the sale of certain gasoline powered automobiles according to the rate at which such automobiles consume fuel, and for other purposes; to the Committee on Ways and Means.

By Mr. DULSKI:

H.R. 11352. A bill to amend the Community Mental Health Centers Act to provide for the extension thereof, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DUNCAN:

H.R. 11353. A bill to provide a 7-percent increase in social security benefits beginning with March 1974 and an additional 4-percent increase beginning with June 1974, to provide increases in supplemental security income benefits, and for other purposes; to the Committee on Ways and Means.

By Mr. GONZALEZ:

H.R. 11354. A bill to provide for increased participation by the United States in the International Development Association; to the Committee on Banking and Currency.

H.R. 11355. A bill to provide for increased U.S. contributions to the Special Funds of the Asian Development Bank; to the Committee on Banking and Currency.

By Mr. MILFORD:

H.R. 11356. A bill to amend the Social Security Act to make certain technical and conforming changes; to the Committee on Ways and Means.

By Mr. PETTIS:

H.R. 11357. A bill to provide a 7-percent increase in social security benefits beginning with March 1974 and an additional 4-percent increase beginning with June 1974, to provide increases in supplemental security income benefits, and for other purposes; to the Committee on Ways and Means.

By Mr. ROY:

H.R. 11358. A bill to direct the President to halt all exports of gasoline, No. 2 fuel oil, and propane gas until he determines that no shortage of such fuel exists in the United States; to the Committee on Banking and Currency.

By Mr. SIKES (for himself, Mr. HALEY, Mr. BENNETT, Mr. PEPPER, Mr. FUQUA, Mr. ROGERS, Mr. FASCELL, Mr. GIBBONS, Mr. BURKE of Florida, Mr. FREY, Mr. YOUNG of Florida, Mr. CHAPPELL, Mr. GUNTER, Mr. BAFALIS, and Mr. LEHMAN):

H.R. 11359. A bill requiring studies to be made prior to leasing military facilities for oil drilling or exploration, and for other purposes; to the Committee on Armed Services.

By Mr. THONE:

H.R. 11360. A bill to provide the authorization for fiscal year 1974 and succeeding fiscal year for the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, and for other purposes; to the Committee on Government Operations.

H.R. 11361. A bill to provide for the appointment of a Special Prosecutor, and for other purposes; to the Committee on the Judiciary.

H.R. 11362. A bill to define the powers and duties and to place restrictions upon the grounds for removal of the Special Prosecutor appointed by the Acting Attorney General of the United States on November 5, 1973, and for other purposes; to the Committee on the Judiciary.

By Mr. YOUNG of South Carolina (for himself, Mr. ROSE, Mr. YOUNG of Texas, Mr. CASEY of Texas, Mr. BREAUX, Mr. HUBER, Mr. SYMMS, and Mr. DAVIS of South Carolina):

H.R. 11363. A bill to provide for the control of imported fire ants by permitting the judicious use of Mirex in coastal counties; to the Committee on Agriculture.

By Mr. ANDERSON of Illinois (for himself and Mr. CONTE):

H.R 11364. A bill to amend section 1951, title 18, United States Code, act of July 3, 1946; to the Committee on the Judiciary.

By Mr. ANDERSON of Illinois (for himself, Mr. HORTON, Mr. BELL, Mr. FINDLEY, Mr. GUDE, Mr. HARRINGTON, Mr. JOHNSON of Pennsylvania, Mr. MILFORD, Mr. ROBISON of New York, Mr. PODELL, Mr. J. WILLIAM STANTON, Mr. WARE, and Mr. WHITE):

H.R. 11365. A bill to reorganize and consolidate certain functions of several Federal agencies and departments in a new Criminal Justice Services Administration in the Department of Justice to promote more effective operations and management of the Federal systems of criminal justice; to the Committee on the Judiciary.

By Mr. CARTER:

H.R. 11366. A bill to provide a 7-percent increase in social security benefits beginning with March 1974 and an additional 4-percent increase beginning with June 1974, to provide increases in supplemental security income benefits, and for other purposes; to the Committee on Ways and Means.

By Mr. CLANCY:

H.R. 11367. A bill to amend titles II and XVIII of the Social Security Act to provide for payment of wife's and husband's insurance benefits at age 50 in cases of disability, and to provide medicare coverage at age 50 for disabled wives and husbands, on the same basis as is presently provided for disabled widows and widowers; to the Committee on Ways and Means.

By Mr. CONLAN:

H.R. 11368. A bill to amend the Social Security Act to prohibit the disclosure of an individual's social security number or related records for any purpose without his con-

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sent unless specifically required by law, and to provide that (unless so required) no individual may be compelled to disclose or furnish his social security number for any purpose not directly related to the operation of the old-age, survivors, and disability insurance program; to the Committee on Ways and Means.

By Mr. DENNIS (for himself, Mr. Smith of New York, Mr. Mayne, Mr. Hogan, Mr. Cohen, and Mr. Butler):

H.R. 11369. A bill to define the powers and duties and to place restrictions upon the grounds for removal of the Special Prosecutor appointed by the Acting Attorney General of the United States on November 5, 1973, and for other purposes; to the Committee on the Judiciary.

By Mr. GILMAN:

H.R. 11370. A bill to provide a 7-percent increase in social security benefits beginning with March 1974 and an additional 4-percent increase beginning with June 1974, to provide increases in supplemental security income benefits, and for other purposes; to the Committee on Ways and Means.

By Mr. HORTON:

H.R. 11371. A bill to establish an independent Special Prosecution Office, as an independent agency of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. HOWARD (for himself, Mr. Cleveland, and Mr. Snyder):

H.R. 11372. A bill to conserve energy on the National System of Interstate and Defense Highways; to the Committee on Public Works.

By Mr. HUNT (for himself, Mr. Symms, Mr. King, Mr. Roncallo of New York, Mr. Bauman, Mr. Baker, Mr. Guyer, Mr. Lott, Mr. Crane, Ms. Holt, Mr. Snyder, Mr. Huber, and Mr. Froehlich):

H.R. 11373. A bill to require an investigation conducted by the Attorney General of any person designated as next in line to act as President in the case of a vacancy in the Office of Vice President, whenever such vacancy exists, to the Committee on the Judiciary.

By Mr. McSPADDEN:

H.R. 11374. A bill to return to the Congress those things which shall reflect the intent of Congress without bureaucratic misinterpretation; to the Committee on Rules.

By Mr. MARAZITI:

H.R. 11375. A bill to amend title 5 of the United States Code with respect to the observance of Veterans Day; to the Committee on the Judiciary.

By Mr MATHIAS of California (for himself, Mr. Young of Alaska, Mr. Hinshaw, Mr. Michel, Mr. Mayne, Mr. Roybal, Mr. Won Pat, Mr. Rees, Mr. Forsythe, Mr. Charles H. Wilson of California, Mr. Derwinski, Mr. Collins of Texas, Mr. Charles Wilson of Texas, Mr. Zwach, Mr. Burgener, Mr. Nichols, Mrs. Heckler of Massachusetts, Mr. Ware, and Mr. Hastings):

H.R. 11376. A bill to amend the act which created the United States Olympic Committee to require such committee to hold public proceedings before it may alter its constitution, to require arbitration of certain amateur athletic disputes, and for other purposes; to the Committee on the Judiciary.

By Mr. MOAKLEY (for himself, Mr. Yatron, and Mr. Hamilton):

H.R. 11377. A bill to amend title 3 of the United States Code to provide for the order of succession in the case of a vacancy both in the Office of President and Office of the Vice President, to provide for a special election procedure in the case of such vacancy, and for other purposes: to the Committee on the Judiciary.

By Mr. OWENS:

H.R. 11378. A bill to authorize the Atomic Energy Commission to enter into a cooperative agreement with the State of Utah to contain and render harmless uranium mill tailings, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. OWENS (for himself and Mr. Jones of Oklahoma):

H.R. 11379. A bill to provide for testing of the fuel consumption per mile of all motor vehicles sold or manufactured in the United States, and to limit vehicle purchases by the Federal Government to motor vehicles which have relatively low fuel consumption; to the Committee on Interstate and Foreign Commerce.

By Mr. PATTEN:

H.R. 11380. A bill to provide Federal assistance to cities, combinations of cities, public agencies, and nonprofit private organizations for the purpose of improving police-community relations, encouraging citizen involvement in crime prevention programs, volunteer service programs, and in other cooperative efforts in the criminal justice system; to the Committee on the Judiciary.

By Mr. PATTEN:

H.R. 11381. A bill to reorganize and consolidate certain functions of several Federal agencies and departments in a new Criminal Justice Services Administration in the Department of Justice to promote more effective operations and management of the Federal system of criminal justice; to the Committee on the Judiciary.

By Mr. PREYER (for himself, Mr. Culver, and Mr. Stokes):

H.R. 11382. A bill to confer jurisdiction upon the district courts of the United States over certain civil actions brought by the Congress, and for other purposes; to the Committee on the Judiciary.

By Mr. RAILSBACK:

H.R. 11383. A bill to establish a Federal Elections Commission, to reform the conduct of campaigns for Federal office, and for other purposes; to the Committee on House Administration.

By Mr. ROE:

H.R. 11384. A bill to amend title II of the Social Security Act to reduce from 60 to 50 the age after which a widow or widower may remarry and still receive at least a reduced widow's or widower's insurance benefit, retroactive to 1970; to the Committee on Ways and Means.

By Mr. ROGERS (for himself, Mr. Kyros, Mr. Preyer, Mr. Symington, Mr. Roy, Mr. Nelsen, Mr. Carter, Mr. Hastings, Mr. Heinz, and Mr. Hudnut):

H.R. 11385. A bill to amend the Public Health Service Act to revise the programs of health services research and to extend the program of assistance for medical libraries; to the Committee on Interstate and Foreign Commerce.

By Mr. ROGERS (for himself, Mr. Satterfield, Mr. Kyros, Mr. Preyer, Mr. Symington, Mr. Roy, Mr. Nelsen, Mr. Carter, Mr. Hastings, Mr. Heinz, and Mr. Hudnut):

H.R. 11386. A bill to amend the Public Health Service Act to provide Federal assistance for information and education programs respecting sudden infant death syndrome and for projects respecting its cause; to the Committee on Interstate and Foreign Commerce.

H.R. 11387. A bill to amend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 and other related acts to concentrate the resources of the Nation against the problem of alcohol abuse and alcoholism; to coordinate the National Institute of Mental Health, the National Institute on Alcoholism and Alcohol Abuse, and the National Institute on Drug Abuse; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SHRIVER (for himself, Mr. Hudnut, Mr. Wyman, Mr. Anderson of Illinois, Mr. Bauman, Mr. Butler, Mr. Frenzel, Mr. Fulton, Mr. Harrington, Ms. Holtzman, Mr. Rees, Mr. Reid, Mr. Roe, and Mr. Towell Nevada):

H.R. 11388. A bill to amend the Community Mental Health Centers Act to provide for the extension thereof, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SPENCE:

H.R. 11389. A bill to authorize financial assistance for opportunities industrialization centers; to the Committee on Education and Labor.

By Mr. TAYLOR of North Carolina:

H.R. 11390. A bill to amend title 23, United States Code, to insure that no State will be apportioned less than 80 percentum of its tax contribution to the Highway Trust Fund; to the Committee on Public Works.

By Mr. WRIGHT:

H.R. 11391. A bill to amend the Federal Property and Administrative Services Act of 1949 and other pertinent statutes of the United States Code in order to establish Federal policy concerning the selection of firms and individuals to perform accounting services for the Federal Government, and for other purposes; to the Committee on the Judiciary.

By Mr. ANDERSON of Illinois:

H.J. Res. 818. Joint resolution to amend title 5, United States Code, in order to designate November 11 of each year as Veterans Day, to the Committee on the Judiciary.

By Mr. MILLER:

H.J. Res. 819. Joint resolution proposing an amendment to the Constitution of the United States with respect to the attendance of Senators and Representatives at sessions of the Congress; to the Committee on the Judiciary.

By Mr. RHODES (for himself, Mr. Badillo, Mr. Brown of California, Mr. Burgener, Mr. Collins of Texas, Mr. Gude, Mr. Moakley, Mr. Murphy of New York, Mr. Rangel, Mr. Schneebeli, Mr. Teague of California, Mr. Towell of Nevada, Mr. Charles H. Wilson of California, and Mr. Young of Alaska):

H.J. Res. 820. Joint resolution to express the sense of Congress that a White House Conference on the Handicapped be called by the President of the United States; to the Committee on Education and Labor.

By Mr. TIERNAN:

H.J. Res. 821. Joint resolution to express the sense of Congress that a White House Conference on the Handicapped be called by the President of the United States; to the Committee on Education and Labor.

By Ms. ABZUG:

H. Res. 690. Resolution calling for the immediate exchange of prisoners of war between Israel, Egypt, and Syria and for other purposes; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of rule XXII, private bills and resolutions were introduced and, severally referred as follows:

Mr. WINN introduced a bill (H.R. 11392) for the relief of Raymond Monroe, which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

HERITAGE OF HISTORIC AND FAMED CUMBERLAND COLLEGE OF TENNESSEE—SERVANT OF THE NATION

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. EVINS of Tennessee. Mr. Speaker, more than 130 years ago—in 1842—historic, famed, and beloved Cumberland University was created in Lebanon, Tenn., and since that time thousands of the graduates of this great institution have gone forth to provide spiritual and secular leadership in all walks of life throughout America.

Mr. G. Frank Burns, author and talented journalist of Lebanon, Tenn., where Cumberland College is located, in the district which I am honored to represent in the Congress, has recently prepared a current history of this great institution in which he describes Cumberland College as "truly the servant of the Nation."

Fourteen thousand students have graduated from Cumberland and some 5,000 graduates are living today. Graduates have included more than 100 Members of the U.S. House of Representatives, two Justices of the U.S. Supreme Court, a great Secretary of State—Cordell Hull—and a score of Senators, Governors, Federal, district, and State judges, leaders of the bar, education and other professions—in addition to many other State and National leaders.

The ideals and high principles that are a part of the Cumberland heritage have provided this Nation and many of its States with outstanding leadership through the years.

Indeed Cumberland College can properly be called a servant of the Nation because of the vital and important contributions of many of its graduates in the national interest.

Colleagues who were graduated from Cumberland and who are currently serving in the Congress include Representative Wright Patman, Democrat of Texas, dean of the Congress and chairman of the House Committee on Banking and Currency; Representative Omar Burleson, Democrat of Texas, former chairman of the Commitee on House Administration and member of the Committee on Ways and Means; Representative Abraham Kazen, Democrat of Texas, a member of two important committees of the House, Foreign Affairs and Interior and Insular Affairs; and myself.

At one time in recent years there were some six chairmen of committees or subcommittees in the Congress who were Cumberland graduates. Mr. Burns points out in his excellent treatise on Cumberland that only Harvard University has had a higher percentage of its graduates in Who's Who in America.

At the turn of the century, in 1906, the Presbyterian Church became the sponsor of the university—from 1946 to 1951 the Tennessee Baptist Convention sponsored Cumberland.

In the spring of 1951 the operation of Cumberland was restored to its own independent board of trustees. Today Cumberland is nondenominational but strongly Christian in its interests and emphasis.

Since 1962 when the law school was moved to the campus of now Samford University, Birmingham, Ala., Cumberland College at Lebanon, Tenn., has entered a new and most rewarding phase of its development, with interest on liberal arts—and recently Cumberland College reached the highest enrollment figures in its history.

I want to commend Dr. Ernest K. Stockton, president of Cumberland College of Tennessee, for his outstanding work in planning and moving forward with a program of progress—and I want to commend Mr. David K. Wilson, chairman of the board of trustees, and other fellow members of the board of directors of Cumberland College for their fine work and dedication to the growth and progress of this grand old school and Tennessee institution.

Today Cumberland College continues a noble tradition at Lebanon, Tenn., as does the law department under the name Cumberland at Birmingham, Ala.

Because of the interest of my colleagues and the American people in leading centers of learning throughout the Nation, I place in the Record herewith the excellent review and history of Cumberland College prepared by Mr. Burns—and I commend his beautifully written article concerning an institution that has served our Nation so well for so many years to the attention of my colleagues, alumni and friends.

Mr. Burns' review and history follow:

THE HERITAGE OF CUMBERLAND COLLEGE, SERVANT OF THE NATION

(By G. Frank Burns)

In 1842 a college was born in Lebanon, Tennessee. Its name was Cumberland University. Its godfather was the Cumberland Presbyterian Church. Its lineage included two earlier schools—Cumberland College of Nashville and Cumberland College of Princeton, Kentucky. Its parents were the people of Lebanon, who gave the money necessary to establish the new institution of higher education. And it was to have children—thousands of children—who, coming to Middle Tennessee from all fifty states of the Union and many foreign countries, have gone out to serve in vocations both public and private.

Over this period of one hundred thirty-one years, some fourteen thousand students have graduated from Cumberland. About five thousand are living today. They are in positions of trust throughout the land, serving in religion, in law, in education, in the armed services, in business, in the halls of the Congress. Here Cumberland has proven itself to be truly the servant of the nation.

The town of Lebanon, founded in 1802 and named for its cedars, had been a cultural, religious, and political center of Middle Tennessee from the beginning. The desirability of education was apparent to the group of prominent citizens who supported Cumberland University in 1842—to Robert L. Caruthers, lawyer, soldier, jurist, member of Congress, and president of Cumberland's board of trustees for forty years; to James Chamberlain Jones, governor and United States senator; to Jordan Stokes, speaker of the State House of Representatives; and to Josiah Scott McClain, Zachariah Tolliver, Thompson Anderson, Nathan Cartmell, Colonel M. A. Price, Dr. Miles McCorkle, Andrew Allison, William L. Martin, Dr. Benjamin Owen, and Thomas J. Munford.

The first classes were held that fall in a little brick church building, but within its walls the seedling flourished. Only two years later, backed by these men of wealth and culture who made their homes in Lebanon, Cumberland occupied the finest new college building in the South. Within five years, it had started to train young lawyers; within ten, young ministers, in new colleges of the university, professional schools of law, theology, and medicine enlarging the original liberal arts and college preparatory curricula.

The first graduates made their mark on the expanding nation before twenty years had passed. There were Cumberland men in the Congress, in the state houses, on the bench, in pulpits from New York to Oregon before 1861.

The American Civil War slashed across the story of Cumberland like a sabre stroke. From civil life the college's sons went onto the battlefield, some to earn a general's stars, others only a shallow grave. When the war was over, the magnificent building lay in ashes. On a fragment of Corinthian column, after the cannon were quiet, a graduate of Cumberland scrawled in charcoal—"Resurgam."

"I shall arise," W. E. Ward wrote, and arise Cumberland did, by sheer determination. The School of Law, re-opening around the nucleus of the Green family, a family whose members made a contribution to jurisprudence spanning the one hundred ten years from 1831 when Nathan Green Sr. was named to the Supreme Court of Tennessee to 1947 when Chief Justice Grafton Green died, developed the hard-as-nails discipline of instruction which paid off for graduates.

The real gift of the Cumberland University School of Law, looking back over the century and a quarter, was not its graduates who have won fame and renown but rather the spirit of faith in the lasting tenets of democracy, passed on, like an unfailing torch to five generations of young men and women.

In 1871, the School of Law reduced its course of study from fifteen months to two semesters. The one-year course, with concentrated study of textbooks, augmented by lectures and moot court practice, was adopted to meet the impoverished economic state of the South and Southwest after the Civil War. The intense study required to complete the prescribed work within the brief period proved precisely the ingredient necessary to produce competent trial lawyers. The number of Cumberland graduates who attained success on the bench, in government, and in business is almost incredible. Only Harvard University has had a higher percentage of its graduates in Who's Who in America.

Dedicated teachers remaining at their posts for a lifetime—Nathan Green Jr. for 63 years, Andrew Bennett Martin for 42, William Richard Chambers for 14, Albert Bramlett Neil for 13, Samuel Burnham Gilreath for 30—produced a rich harvest from their labors in the vineyard.

From these Reconstruction years on, a

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great if poorly paid faculty was teaching a student body in the College of Arts and Sciences, the Theological School, and the School of Law whose members would reach the highest levels of their vocations. The average length of service of a Cumberland teacher in this era was 43 years. From scattered, impoverished buildings in the small town of Lebanon, Cumberland gradually acquired new homes for its classes, survived three great wars, surmounted economic depressions, and focused single-mindedly on its chosen mission—to teach sound principles of life.

Women students were admitted to Cumberland University after 1897. Co-education had been seen as inevitable for several years before; the expedient of a contractual alliance with Lebanon College for Young Ladies had preceded the official acceptance of the new policy.

In 1906, the Presbyterian Church in the United States of America became the sponsor of the university. This relationship continued until 1944. From 1946 until 1951, Cumberland was sponsored by the Tennessee Baptist Convention. In the spring of 1951 the operation of Cumberland was restored to its own independent board of trustees. Today Cumberland is non-denominational but Christian in its emphasis.

Changing conditions in higher education have modified the program of the college. The school deliberately began to concentrate its efforts into a sphere in which it could excel. In September, 1956, after a five-year interim during which only the School of Law was operated, the Cumberland College of Arts and Sciences was reopened as a two-year liberal arts college. It is a member of the Southern Association of Colleges and Schools, the Tennessee College Association, and the American Association of Junior Colleges, with full accreditation. Cumberland has been the coordinating institution for the AAJC program with developing institutions in the Central South. Enrollment steadily increased, and by 1970 reached the highest figure in the institution's history.

Cumberland began in 1962, when the School of Law moved to the campus of Howard College (now Samford University) in Birmingham, Alabama, a development program formulated by the board of trustees. Two phases are complete; the completion of Phase III is anticipated. It includes the construction of a new library and fine arts building and a new health and physical education building.

Under the leadership of David K. Wilson, chairman of the board, and President Ernest L. Stockton, Cumberland's mission has been formulated; reasonable and attainable goals have been established. As a teaching institution Cumberland today places emphasis on the individual student, in an atmosphere where the classroom provides the setting and the opportunity for the student and the teacher to know each other, to seek knowledge and truth together, and to share a mutual concern for learning.

Cordell Hull, father of the United Nations and the Good Neighbor Policy, winner of the Nobel Price for Peace, and Secretary of State for longer than any other man, graduated from Cumberland in 1891. Shortly before his death he said:

"This school was created at a vital stage of our history to meet crying educational needs. Let me here assert with all emphasis, however, that urgent and important as those needs were at that juncture, the necessity for the educational services of Cumberland is immeasurably more important and imperative today."

DIRECT POPULAR ELECTION OF THE PRESIDENT: ONE OF MANY ANSWERS

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. YATRON. Mr. Speaker, through election reform legislation which I have sponsored, I hope to see the establishment of a meaningful and responsible method of electing the President and Vice President: The direct popular vote.

I have long endorsed the concept of "one man, one vote" and I believe that the implementation of this system would represent a major improvement in the elective process.

An excellent narrative on this subject has been written by my friend and constituent, Mr. Henry Wolfe, of Reading, Pa. In his paper, Mr. Wolfe raises a number of salient points which I feel merit the consideration of my colleagues.

I am, therefore, pleased to offer these ideas, which follow:

THE DIRECT POPULAR ELECTION OF THE PRESIDENT

(By Henry Wolfe)

With some philosophic overlay beyond a pragmatic view that an external change, perhaps a scaffold realignment, may be a better way to put it, when, from time to time, it becomes necessary to adjust the calendar clock of our political house to withstand ephemeral-induration, or technical accelerations-within-accelerations, that pressure the Congress to respond—sometimes unwisely, q.v., Eighteenth Amendment.

Moreover, coterminous with misguided moral merchants come the parasitic ideologists, domestic and foreign, to infect the blood stream of our American political process; indeed, as this admixture of phony morality and designed evil spills over into political campaigns, that, by innuendo, directly or indirectly besmirch Presidential candidates, stigmatize honorable Americans, or to fragment the nation into ethnic, religious, or racial vote potentials . . . clearly, this induced internal gut rot invites communistic vultures who salivate, ever alert, to pick clean the bones of America's body politic.

With this background, my remarks are addressed to a method felt to be within Constitutional guidelines with a timeless safeguard that each State and every American may share in the meaningful words: "The President of the United States.

Indeed, the Congress, and the people at large, know this awesome High Office represents much more than a geographic 50-State Union: That the President serves the Congress, the Congress in turn, serves the President and the people via the Senate which guarantees 50-State territorial concern, while the House of Representatives touchstone of the people, serves the Congress. Clearly, both the physical, and the people, blend into a single Congress whose bifurcated root stock pinnacles at full bloom with the Presidency.

Out of this magnificent gesture of representative government, Constitutionally established, the selection of our President by direct popular vote must not violate the fundamental context in which the President serves; indeed, the President (like the Congress), embraces a twofold function concerned with our 50-State Union, and the people, in whatever State they may reside.

The one man one vote as proposed by Congress to elect our President by direct vote overshadows the more fundamental rights of the people in the several States, notwithstanding, no citizen would be denied the right to cast his ballot as advanced by H. J. Res. 318/681; but, in one State, the representative value of his vote may be attenuated to a negligible voice, while in another, a vote may well add unearned increment to a bloc of States that, by population concentration, create a problem less desirable than the electoral college the direct vote would replace; or if one wills, consider such provisions: "40% of majority lacking, run-off election, selection by Congress from two highest votes, etc.", as a cumbersome, inherent, weakness, which may invite gerrymander abuse on a grand scale.

Political guidelines must change from the old way of selecting, then electing, our President; indeed, a direct popular vote is long overdue — cumulative abuse mandates change—but, to assure every citizen in the nation that his vote will be a fair share product of his desire whether cast in New York, California, Pennsylvania, large population States, or in Alaska, Vermont, Wyoming, small population States, to cite an example.

Logically, if State and Federal Congressional Districts form a base for equal representation, then, without value adjustment a direct vote for President cannot be contained within this premise for a number of reasons, chiefly: Without a percentage adjustment to population, less populated States would be denied a fair voice in choosing their President: A gerrymander concept of an Eastern Seaboard-Northern Tier, or a West Coast-Southern Tier (or any other possible population shift), under a direct popular vote for the President—literally would invite manipulative campaigning.

At any rate, a vote for the President cast in Alaska would have approximately 66 less vote power than a vote cast in California, that is, on a one man one vote base. Therefore, to sharpen a valid point, the largest and the smallest population States show a percentage voter gap between two (of the 50) political subdivisions in a direct popular vote. And, without Congressional action to narrow this disparity gap to an acceptable tolerance, then, every American's vested interest in his President, via the ballot (nationwide) will be self-evident—unrequited or overstated.

The Watergate Hearings produced hindsight, to be sure, but with a measure of foresight the American people, whether they live in Wyoming—332,416, or Pennsylvania—11,793,000, or Vermont—444,330, or New York—18,236,000, or a like comparison in any of the 50 States, can see an imbalance that can, should be, corrected merely by adjusting State whole vote values to national percentages, say, by multiples of quarter vote factors. What could be more fair, an equal voice in choosing our President—with a built-in self-adjustment with every 10-year census count?

Every American worth his salt should be proud to percentage-wise share his President with all fellow Americans, and, to express his faith in the American political process (other than a tie) that a simple majority is enough to elect.

In deference to the Congress, certainly, but it is felt that encumbrances under H.J. Res. 318/681 should be reconsidered.

STALIN'S MACABRE "RELOCATION" PLAN

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. DERWINSKI. Mr. Speaker, evidentally, the House leadership has finally decided to permit consideration on the Trade Reform Act of 1973, next Tuesday. I believe it is necessary for all of us to recognize the foreign policy complications as they relate to sections of the bill which apply to the Soviet Union.

Since there is so much misunderstanding over the word "détente" and many may have innocently misconstrued the ideas that may have developed concerning the continuing purpose of the Soviet foreign policy. I insert into the RECORD an article by John Boland, carried in the October 6 issue of Human Events, which is a timely reminder of the policies consistently followed by the Soviet dictatorship:

LAKE BAIKAL EXAMPLE—STALIN'S MACABRE "RELOCATION" PLAN

(By John Boland)

The brutality of Soviet-style communism was dramatically underlined in 1943 when a mass grave containing some 4,143 bodies was discovered in the Russian Katyn Forest. It had been proven beyond a doubt that the bodies were those of Polish military officers being held in one of three Soviet prisoner-of-war camps near Smolensk. Over 10,000 additional prisoners occupying the other two camps have never been accounted for; some believe the Reds packed the men into old barges and scuttled them in the White Sea—a less detectable mode of mass liquidation.

Now there is evidence that thousands of Soviet Jews were similarly "eliminated" on orders from Stalin. The exact number cannot be ascertained, however, because the victims were allegedly loaded in boxcars and rolled over a cliff into Russia's huge Siberian freshwater lake—Lake Baikal—currently attracting the attention of world ecologists and even the White House's Council on Environmental Quality director, Russell E. Train.

Last September, Train traveled to the USSR to personally inspect Lake Baikal, which the ecologists say is becoming increasingly polluted by Soviet factories dumping raw waste, alkalines and other matter into it. No one is apparently concerned about possible past use of the lake as a Stalinist graveyard of the thousands of frightened, helpless human beings packed like sardines in wooden crates and drowned like so many unwanted kittens.

With the spirit of *détente* in the air, official Washington would probably think it impolite, if not in bad taste, to bring the matter up with the Soviets at all. While it's perfectly "relevant" to speak of past injustices of our government to, say, the original Indian victims of Wounded Knee, the same critical yardstick cannot be held up to crimes committed by the current Kremlin leadership's predecessors.

The ghastly story of Lake Baikal was related last February to members of a subcommittee of the U.S. Senate's Committee on the Judiciary. It was included in the official record and subsequently released by the Superintendent of Documents under the title "USSR Labor Camps." Yet neither the New York *Times* nor the Washington *Post*—the two most powerful and most read newspapers around the Capital—gave it a nod. The national television networks were likewise silent about the revelation, absorbed as they were with the latest anti-war proclamations and the antics of Daniel Ellsberg, the Brothers Berrigan and such.

Testifying before the Senate subcommittee was Avraham Shifrin, a Russian-born former legal adviser to the Soviet Defense Ministry who, after spending 10 years in various Russian slave labor camps, defected to the West. Political prisoners in the Soviet Union, Shifrin testified, are kept constantly on the move, rarely remaining in any one camp for more than six months or a year. The reason for this, he said, is strategic: to prevent the formation of an *esprit de corps* and reduce the possibility of organized opposition, revolt and escape.

It was in one of these prison complexes in Tayshet that Shifrin said he first heard of a bizarre story about Stalin's plan to liquidate Soviet Jews. From other prisoners who had been there, he learned that in 1952—a time which coincides with the peak of the Stalinist anti-Jewish terror—they had been sent to the Lake Baikel area to help construct a railroad spur running from the main line of the Trans-Siberian Railroad for a distance of two or three kilometers to the shore of the lake. Actually, the line ended on the edge of a vertical cliff several hundred feet high that overlooked Baikal.

The prisoners worked overtime every day, seven days a week, on the project. As a bonus for their special efforts they were given 10 days' credit for each day's work, meaning that in three months each prisoner was given credit for 30 months off their sentence.

Some of the men were curious, however, wondering what possible use a railroad that ended at the edge of a cliff would have. The officers in charge explained to them that Stalin wanted the railroad completed in a hurry because he planned to announce the forcible deportation of all Soviet Jews to the "Jewish Soviet Republic" of Birobidjan.

Under Stalin's plan, the Jews would never get as far as Birobidjan, Shifrin said. Loaded in boxcars, they would be switched off the Trans-Siberian line to the newly constructed spur that ended at the edge of the cliff overlooking Lake Baikal. The railway spur to the cliff was clearly being constructed so that the Jews could be liquidated without the trouble of building crematoria as Hitler did in Germany to solve *his* "Jewish problem."

Shifrin told the Senate subcommittee that he was skeptical about the story he had heard at Tayshet prison. But, in the course of his travels around the Soviet Union in 1966–67 after being released from prison, he made a point of visiting the Lake Baikal area to search for the railroad tracks. To his surprise—just as his fellow prisoners had said—he found the tracks terminating on the top of a cliff several hundred feet high. Everything was as had been described, except that the roadbed was overgrown with weeds and the rails badly rusted.

He peered over the cliff. Below was the deepest lake in the world; containing more water than in all the U.S. Great Lakes. Who knows how many innocent victims gasped their last breath in the darkness of the now-polluted Soviet Lake Baikal?

PERSONAL ANNOUNCEMENT

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. MAZZOLI. Mr. Speaker, I wish to announce my necessary absence from the House on Tuesday, November 6, due to elections held on that day in my home district in Louisville, Ky.

If I had been present, I would have voted "yes" on roll No. 558; "yes" on roll No. 559; "yes" on roll No. 560; and "yes" on No. 561.

THIS IS NO TIME TO DECREASE OIL EXPLORATION INCENTIVES

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. ARCHER. Mr. Speaker, there is pending before the two Houses of Congress a proposed tax provision that would sharply increase the minimum tax for tax preferences by raising the rate from 10 percent to one-half the regular income tax rate and by denying the taxpayer any credit for regular income taxes paid. Moreover, the House version of the proposal would reduce the $30,000 exclusion to $10,000 and the Senate version would repeal the exclusion outright. These proposals are H.R. 11155 and S. 2520.

Under the proposals, the statutory depletion rate for the energy industries would, in effect, be cut in half. This proposed tax increase would have a major negative impact on this Nation's efforts to become self-sufficient in energy in order to eliminate its rapidly increasing political and economic subservience to the oil-producing nations. I should like us to think together for a few moments on just how serious our problem of oil import dependency has become.

Recently, just over 15 percent of our normal oil supply has been coming from Eastern Hemisphere countries, either directly as crude oil or indirectly as refined products processed in refineries in the Caribbean, Canada, and Europe. Of the 15 percent, about 10 percent originates in Arab countries. Western Hemisphere imports account for about another 20 percent of total supply—making us 35-percent dependent on imports from all sources.

With 15 percent Eastern Hemisphere imports, we have already exceeded the peril point specified in 1970 by the President's Cabinet Task Force on Oil Import Control, which stated that imports from the Eastern Hemisphere should not exceed "an absolute maximum" of 10 percent of domestic demand. Venezuela is producing at capacity; Canada has imposed a ceiling on its exports to the United States; and U.S. production is declining.

Consequently, virtually all of the increase in our oil supply required to meet growing demand must come from the Eastern Hemisphere. Even with much more careful use of energy by our people, oil demand could easily increase by 15 percent in 3 or 4 years—it was up half that much in 1972 alone. That means a total of more than 30 percent in Eastern Hemisphere imports in several years—15 percent now plus a 15-percent growth in demand, plus whatever is needed to offset declining U.S. production; and 30 percent is far above the Cabinet Task Force peril point. If the Alaskan pipeline is

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finally opened, there will be more domestic oil, but enough for only 2 year's growth in consumption

In view of the demonstrated unreliability of imports from many Eastern Hemisphere countries, the Cabinet Task Force 10 percent peril point was certainly well taken. Testimony presented by petroleum industry spokesmen at hearings before the Committee on Ways and Means last March listed 11 interruptions of the flow of world oil supplies during the past quarter century. Today, I should like to include that list of interruptions in the RECORD at this point and then resume my remarks to bring the list up to date. The list from the testimony before the Ways and Means Committee is as follows:

> There have been, since World War II, 11 interruptions of international petroleum movements.
>
> 1. At the start of the 1948 Arab-Israeli War, Iraq shut down a pipeline to the Mediterranean at considerable financial loss to itself. It also prohibited the completion of other lines (which are still unfinished).
>
> 2. In 1951 Iran seized the properties of the Anglo-Iranian Oil Company; and production was shut down for three years.
>
> 3. During the 1956–57 Arab-Israeli War, the Suez Canal was closed. The pipeline from Iraq to the Mediterranean was sabotaged.
>
> 4. In 1961, Iraq seized a giant undeveloped oil field. Iraq proceeded to develop and produce the field with Russian help.
>
> 5. In 1966, Syria—seeking higher transit fees—shut down the Iraq Petroleum Company pipelines which cross Syrian territory. This was a case where a country's vital need for its oil production revenues did not prevent an interdiction. It was Iraqi oil that was shut in, not Syrian.
>
> 6. Nigerian oil production was sharply reduced during much of the 1967–1970 civil war.
>
> 7. At the start of the 1967 Arab-Israeli War, production was temporarily stopped by Arab producers. The Trans Arabian Pipe Line was shut down; shipments were embargoed to three countries; and the Suez Canal was closed and remains closed.
>
> 8. On several occasions during 1969, the Trans Arabian Pipe Line was sabotaged by Arab guerillas. The economic cost to the guerillas was nil, since it was Saudi Arabian oil which was shut in. The guerilla organization was reported to have called this action the beginning of a confrontation with American interests in the area.
>
> 9. The Trans Arabian Pipe Line was shut down in the spring of 1970 because—despite the protests of Saudi Arabia—the government of Syria refused to permit repairs of an accidental break in the line. Early in 1971, a new government in Syria negotiated a reopening of the line. Acts of sabotage occurred again in September, 1971.
>
> 10. In mid-1970, the government of Libya ordered oil production cut back substantially and interdicted shipments of liquefied natural gas. Some restrictions on oil production are still in effect. After imposing these restrictions, and with the Suez Canal and the Trans Arabian Pipe Line closed, Libya was able to force the companies to increase their tax payments by about 15 percent.
>
> 11. Late in 1971, Libya seized the Libyan properties of British Petroleum because of the British Government's failure to prevent Iran from occupying strategic islands in the Persian Gulf (2000 miles from Libya) one day before the British were scheduled to withdraw from the Gulf.

Mr. Speaker, I would now like to bring that list of 11 supply interruptions up to date as follows:

> 12. In 1972, Kuwait placed a ceiling on its production and exports in order to conserve its oil for future sale.
>
> 13. In the spring of 1973, Canada placed a ceiling on its rapidly growing exports to the United States in order to make sure that it could provide for its own internal requirements in the future. There have also been repeated references by Canadian officials to the possible movement of Western Canadian crude to Eastern Canada, that would divert some of the oil now coming to the United States.
>
> 14. In the fall of 1973, Libya nationalized 51 percent of the properties of the larger oil companies operating there, thereby diverting some of the Libyan exports to East Bloc countries.
>
> 15. In the fall of 1973, the latest Arab-Israeli war led to the following series of events in the Middle East:
>
> (a) The pipelines from Iraq and Saudi Arabia to the Mediterranean were virtually shut off as the result of military action (one terminal was attacked and tanker insurance rates rose sharply).
>
> (b) Iraq nationalized the American and Dutch holdings in the one foreign-owned company still operating in that country; the rationale was American and Dutch support of Israel.
>
> (c) All Arab exporting countries agreed to cut production by at least 5 percent initially and 5 percent per month thereafter until Israel withdraws its forces to its pre-1967 boundaries and "the legitimate rights of the Palestinian people are restored".
>
> (d) All Arab exporting countries totally embargoed petroleum shipments to the United States because of this country's support of Israel. Several also embargoed shipments to other countries, e.g., the Netherlands. The combined result of the cutbacks and U.S. embargo in Saudi Arabia, the largest exporting country, is a 29 percent reduction in exports below the planned November level. Exports from all Arab countries are reportedly down by about 20 percent.
>
> 16. Late in 1973, a number of European countries embargoed refined product exports to the United States, which needed the heating oil for the coming winter. Italy embargoed before the Arab-Israeli conflict, Britain and others after.

Mr. Speaker, this somber series of events demonstrates beyond question the dangers of undue reliance on imported oil—even oil imported from friendly countries. How can we validly criticize the Canadians for making sure that they can satisfy their own requirements? Would that this country had pursued energy policies which would have us, today, in a position where we need not worry about the security of our oil supplies if our foreign policy is not acceptable to a particular group of other nations.

Imported oil is not only subject to interruption. It is also no longer the bargain it once was. Middle East governments have more than tripled taxes and royalties in the space of 3 years; the latest increase was 70 percent. Venezuela has increased its tax take on 10 different occasions in 1973; with Arab production cut back, the latest increase was 56 percent. North African governments have raised the price of government-owned oil sharply; Algeria was seeking $7 per barrel, exclusive of freight charges, before the Arab-Israeli war, and Libya doubled its tax take after the war began. Canada levied an export tax of 40 cents per barrel before the Arab-Israeli war. That tax is now $1.90 per barrel. And so it goes around the world—except in the United States, where the price of oil from existing fields is frozen at an average of about $4 per barrel.

Thus, the United States is now spending some $10 billion annually for imported oil of doubtful reliability, with the bill rising continually. More correctly, the country would be spending $10 billion if its supplies from Arab countries were not shut off. And dependence on imports continues to increase.

These conditions cannot be tolerated. We must begin at once to take significant steps to increase domestic production of all energy sources. This is going to take time because of the long leadtimes needed to develop new productive facilities. Consequently, we must have an immediate crash national effort to develop offshore oil, shale oil, coal—to be burned directly, gasified, and liquefied—and nuclear power.

But, Mr. Speaker, even as we find the country in the midst of an acute oil supply crisis, the advocates of this so-called minimum tax proposal would increase taxes on the domestic energy industries by cutting in half the statutory percentage depletion allowances for the minerals industries—including all of the key energy sources: oil, gas, coal, uranium, and shale. I can think of no more counterproductive and dangerous action against the national interest. Approval of this proposal to increase the minimum tax on energy fuels would be a national disaster. To even propose it is irresponsible because of its discouraging psychological effect on potential investors in oil and gas exploration ventures.

NATIONAL VETERANS DAY CEREMONIES AT ARLINGTON CEMETERY A RESOUNDING SUCCESS

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. McCLORY. Mr. Speaker, it is with a great deal of pleasure that I can inform the Congress that National Veterans Day Ceremonies held this year at Arlington National Cemetery on Monday, October 22, were a resounding success in all respects. Crowds of people took advantage of the Monday holiday, and the beautiful fall day in Washington, D.C., to pack the Arlington National Cemetery Amphitheater, to listen to the speeches, band music, and to take part in this inspiring and patriotic exercise.

Hosts for the National celebrations were the Disabled American Veterans. Support troops were provided by 1st battalion—REINF—3rd Infantry—The Old Guard—of the Army, commanded by Col. H. H. Perritt, Jr., USA. Music was supplied by the U.S. Marine Band conducted by Maj. Jack Kline.

The President's Veterans Day National Committee coordinated ceremonies at Arlington and elsewhere in the Nation. Chaired by the Administrator of Veterans' Affairs—the group has an executive committee which includes representatives

of the 10 national veterans organizations chartered by Congress. The Governor of each State appoints a Veterans Day chairman who works in cooperation with the national committee in planning and projecting suitable ceremonies within his State. Regional ceremony sites, and hosts were as follows: Alameda County—San Leandro—Calif., Military Order of the Purple Heart; Albany, Oreg., Congressional Medal of Honor Society; Birmingham, Ala., Veterans of Foreign Wars; Indianapolis, Ind., the American Legion; and Milwaukee, Wis., the American Veterans of World War II.

At 11 o'clock, the Honorable Donald E. Johnson, Administrator of Veterans' Affairs, as personal representative of the President of the United States, placed the Presidential wreath on the Tomb of the Unknown Soldier. A combined color guard representing all military services, presented arms at the Tomb of the Unknown Soldier, while a bugler sounded "taps." The remainder of the ceremony, which included a brief address by Mr. Johnson, took place in the amphitheater.

At the Arlington ceremonies, an ex-marine, Mike Johnson, 25, of Provo, Utah, who is the outstanding Disabled American Veteran of the Year, led the 2,500 persons who filled the amphitheater in reciting the Pledge of Allegiance. In 1968, while serving in Vietnam, about 20 miles southeast of Danang, Mike stepped on a land mine. He lost both of his legs and most of his fingers. Now married and the father of a 17-month-old child, Mike gets about in a wheelchair. He said that he averages 30 points a game in wheelchair basketball. He is employed as an engineering draftsman.

In his introductory remarks, VA Administrator Donald E. Johnson elaborated upon the theme of the 1973 celebrations, "Peace With Honor," which was enunciated by the Greek historian Polybius more than 2,000 years ago when he wrote:

> For peace, with justice and honor, is the fairest and most profitable of possessions.

The National Committee, in selecting this theme, noted that:

> Every war that we have ever participated in was fought with the highest ideals and terminated with an honorable peace. This theme will serve as a reminder of part of our history.

Administrator Johnson noted that:

> Veterans Day, distinguished from Memorial Day, is a national observance in which we honor the living veteran. But, certainly, it is fitting that we do so in the memory of those who gave their lives.

Originally Veterans Day was called Armistice Day, and was celebrated on the 11th hour of the 11th day of the 11th month to commemorate the end of World War I. Later, the name of this national holiday was changed to Veterans Day in honor of the veterans of all wars. In the 90th Congress, the national observance of Veterans Day was changed to the fourth Monday in October, as a part of the comprehensive Monday holiday legislation. However, each State has jurisdiction over the holidays which it wishes to observe.

The main speaker for the national ceremonies this year was Mr. John T. Soave, national commander, Disabled American Veterans, who in his moving talk pointed out that, "despite sincere efforts by this administration, the disabled Vietnam veteran is having a harder time fitting himself back into our civilian culture than any veteran generation that preceded him," and that veteran organizations find this to be a very disconcerting situation. He said:

> Slowly these men are being assimilated back into our society, but for them, "Peace with Honor" will not truly be here until they are fully contributing members of the civilian world around them. We must all pledge ourselves to see that this day comes soon.

Mr. Speaker, based upon what I have heard and what my staff has reported to me, the observances this year were successful beyond earlier expectations. The fact that all Federal employees and many other persons were enjoying a weekend holiday resulted in far greater participation than woud have been possible if the celebrations were conducted in accordance with the earlier practice of observing the World War I armistice with relatively brief and solemn ceremonies at the 11th hour of the 11th day of the 11th month.

Mr. Speaker, it is somewhat ironic that those who have clamored for a return of Veterans Day to the calendar date of November 11, will not, indeed, observe that date this year. Instead, since November 11 falls on a Sunday, they will observe their own Monday holiday on Monday, November 12.

There are many reasons for retaining Veterans Day as the fourth Monday of October, and I am hoping that an increasing number of veterans, on deep reflection and without undue emotion, will decide to retain the many advantages inherent in the Monday holiday concept. By observing Veterans Day as a Monday holiday, many Americans are able to visit historic shrines which we associate with the sacrifice of our veterans; more important is the realization that hospitalized veterans are better able to be with family and friends when Veterans Day falls on Monday. Indeed, they are the special beneficiaries of this legislation.

EAGLE SCOUTS

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. DUNCAN. Mr. Speaker, I would like to take this opportunity to recognize before my colleagues two fine young men from Knox County in Tennessee who recently achieved the rank of Eagle Scout. In reaching the highest goal of the scouting program, these young people displayed the courage and leadership which will prepare them to take on the responsibility of guiding our great Nation in the future. My own sons were in scouting, and I personally know of the great value of this organization to young men. I have listed their names below.

Charles Julian Siler, Knoxville, Tenn.
John Chapman Duffy, Knoxville, Tenn.

HOW RESPONSIVE IS PUBLIC TELEVISION TO MINORITES?

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. CLAY. Mr. Speaker, the Advisory Panel on Minorities and Public Television recently issued its findings as to how effective noncommercial broadcasting has been to minority groups.

The Ford Foundation which has been a major supporter of public television reviews those programs to which it has given assistance. The Foundation's Office of Public Broadcasting, therefore, asked Mr. Robert C. Maynard, associate editor and ombudsman of the Washington Post, to carry out a review and analysis of the portrayal of minorities on public television. Mr. Maynard suggested the setting up of an independent panel to implement a study.

The panel concentrated its attention on the programs broadcast on the public channels of New York, Boston, Washington, and Los Angeles—and specifically those programs involving and addressing themselves to blacks. In its findings the panel found criticism with the present form and content of noncommercial television which it stated "must be reevaluated and restructured, if it is to realize its potential."

Their findings, conclusions, and recommendations should be of interest to all Members of Congress and hopefully the panel's suggestions will be used as a basis for improving those areas of public television which have to date been ineffective.

"Minorities and Public Television: An Appraisal by the Advisory Panel on Minorities and Public Television" follows:

MINORITIES AND PUBLIC TELEVISION: AN APPRAISAL

(By the Advisory Panel on Minorities and Public Television, October 1973)

PANEL MEMBERS

Dr. Andrew Billingsley—Vice President for Academic Affairs, Howard University.

Emma Bowen—Executive Secretary, New York City Department of Mental Health and Mental Retardation Services.

Dr. Robert Butler—Research Psychiatrist and Gerontologist, George Washington School of Psychiatry.

Dr. Phyllis A. Harrison—Pediatrician and Child Psychiatrist, Director of Community Mental Health Center, Metropolitan Hospital.

Roger Holguin—Free-lance television producer, Assistant to President, East Los Angeles College.

Robert C. Maynard—Associate Editor and Ombudsman, The Washington Post.

Kellis E. Parker—Associate Professor.

Marquita J. Pool—Producer, "Like It Is," WABC–TV News.

Eugenia Ramos—former school teacher, mother and wife.

Jack E. White, Jr.—Contributing Editor, Time Magazine.

(Organizational affiliations are listed here for purposes of identification only.)

INTRODUCTION

We begin with the general proposition that the role of television has become critical to intergroup relations in the United States. How Americans determine their attitudes about each other is deeply affected by the images portrayed by television.

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Because public television relies for its resources on contributions from institutions and individuals in all sectors of our society, the panel believes it is imperative that this medium accurately reflects the variety of the American experience.

During the fall of 1972, the members of this panel carefully observed the programs broadcast on the public channels of New York, Boston, Washington, and Los Angeles. Our intention was to learn how extensively, and by what means, the interests and images of minority groups were being portrayed on the screen.

In doing so, we concentrated on programs involving or addressing themselves to blacks, since this group has at least a discernible place on public television. Other groups in our society were served too irregularly and rarely to provide material for productive observation. However, we are acutely aware of these wider needs. Therefore, for the purposes of this report, the definition of minority is meant to include those groups this panel found to be in the minority on public television. Under this broadened definition, we include ethnic minorities, women, the elderly, adolescents, and the physically handicapped and mentally retarded. These are important elements in American society whose interests depend on a public system of presentation to achieve an understanding of their particular problems.

I. PROGRAM OBSERVATIONS

The following are a number of observations of public television programs made by the panel from October 8 through October 30, 1972. They serve to illustrate unevenness in the quality of minority images to be found on public television. Some programs earned commendation from the panel; others were found wanting.

"Behind the lines" is as guilty as any other program of ignoring the opportunity to use black spokesmen, even when they are the most effective advocates of a particular position. For example, it was found that during a program on the accuracy and propriety of political polls, not one question was asked regarding the polls' notorious inaccuracy in black and other minority communities. In addition, no questions were asked as to whether special efforts were made to include representative minority group members in polls taken in crime-ridden ghetto areas, where interviewers are often reluctant to venture and residents tend to be afraid to open their doors.

"Behind the Lines" provided an example of a phenomenon we found throughout public broadcasting. It confines the use of minority group members to subjects that are of special concern only to minorities, and ignores minority group members, despite their expertise, at times when the subject does not directly affect them, even when their contributions might well be significant. On one evening when the panel was observing public television, "Behind the Lines" had as its subject the problem of confidential sources of reporters. All the participants on both sides of the discussion were white. Yet, one of the principal cases decided on this issue by the Supreme Court involved Earl Caldwell, a black correspondent of *The New York Times*. None of the many black journalists who have spoken eloquently on this subject in other settings appeared on the program. We found it to be generally true that if the issue under discussion concerns "civil rights" or poverty, the minority presence is deemed obligatory. In discussions of any number of other subjects of general interest, the tube tends to be all white. It is important that public television, especially, assist in the destruction of the stereotyped notion that blacks and other minorities—disadvantaged women and the elderly included—know of nothing else but those things that uniquely concern them.

"The 51st State" has provided some excellent local coverage, such as the dispute over a public housing project in Forest Hills, N.Y., and the integration of 31 public housing children in the Canarsie schools. On the whole, "The 51st State" did the best job of including the viewpoints and concerns of minority groups of any show observed. Moreover, it did not create its own issues; its stories seemed to derive from the actual fabric of the news, and thus did not have as patronizing an effect as do some other PBS programs.

"Soul!" and "Black Journal" are the only two nationally televised programs on public television which are cast in the role of providing a forum solely for blacks to display their talent and their expertise on matters of interest to the black community. Each has a responsibility and a task rendered more difficult by the fact that together they total only an hour and a half a week. The merits of the two programs aside, "Soul!" and "Black Journal" cannot realistically be expected to do the entire job of presenting the black perspective. Attempting to make them the sole voice of the black minority distorts the real world.

"Black Journal," the lone Public Broadcasting Service vehicle for reporting on public affairs in the black community, should be improved in several important areas. There must be increased use of timely filmed reports. A broad spectrum of viewpoints should be presented by involving a variety of voices in the production, presentation, and selection of program materials. A substantial increase in high quality investigative reporting should replace some of the studio-bound discussions that now are the program's mainstay. These changes are not likely to be achieved in the context of the program's present 30-minute, once-a-week format. At the very least, the time allotted to "Black Journal" should be doubled.

"Soul!" does not give equal time to all of the performing arts. The most frequent guests on the show are rhythm and blues singers, jazz musicians, and poets. This kind of program has wide audience appeal because many persons like to see performers promoting their latest hit records. Occasionally the program does adopt a public affairs orientation. In these instances, it attempts to comment upon issues that affect the black community through the art forms it presents. The range of this program is limited, but successful as far as it goes.

One interpretation of black culture cannot be expected to satisfy an entire community of black people with diverse interests and backgrounds. However, because programs like "Masterpiece Theatre" and "International Performance" do not present the works of black playwrights and black performing artists as part of their regular programming, one becomes dependent upon "Soul!" to do so. This places a responsibility on "Soul!" that other cultural programs should share.

It is unfair to expect "Soul!" to be all things to all black art forms, and it is unfair to judge its effectiveness by standards that do not apply to all other cultural programs on public television. However, a greater variety of artists should be scheduled to appear on "Soul!"

"Book Beat" is a very good and appropriate format for the discussion of books by and about minority groups. However, like other PBS programs, it misses a number of opportunities to consistently portray minorities in an accurate light. One exception was the discussion of Senator Edward Kennedy's book on health care, a topic which is relevant to nonwhite people, who are likely to be ill more often, die younger and suffer more serious economic deprivation as a result of sickness than other Americans.

II. FINDINGS

The panel found:

That public television has taken a leadership role in communications and has innovated in areas heretofore alien to the television industry. Its emphasis on local issues has resulted in an increased interest on the part of minorities, the elderly, the poor, children, etc. And the increased appetite on the part of these views has certainly been whetted by public television's programming policies. Nevertheless, the present form and content of non-commercial television must be reevaluated and restructured, if it is to realize its potential.

Beyond the internal problems that public television must surmount—funding and a variety of political and group pressures, among others—the medium must address itself to a fundamental issue in communications in America: to enrich the *quality* of minority involvement. This issue deserves particularly high priority on the agenda of a publicly supported medium.

That the act of determining what and who is going to be on television gives some values a higher priority in the minds of the viewing audience. In as diverse a society as ours, program content can only be planned fairly by establishing multi-ethnic group panels to make such judgments.

That public television is a public service institution, supported principally by government funds; therefore, its obligations are similar to those of such other public institutions as universities and public schools. The obligation of public television is to help extend equal educational opportunities to all segments of the public. Indeed, the profound impact of television gives this medium a greater opportunity to bring education and intellectual stimulation to segments of the population that have long suffered from educational neglect.

That insensitive programming has the potential of subtly reinforcing negative attitudes that are all too frequently found in this society. Furthermore, it could force whole segments of minority populations to turn off—to become non-viewers—by failing to respond to their interests.

That public television fails to provide adolescents with the sort of information that is most important to their immediate personal concerns.

III. CONCLUSIONS

We hope this report will serve as a healthy first step toward a full appraisal of the public television system' performance as a medium that should reflect the realities and the aspirations of the entire American community. We recognize that as a difficult challenge to the public system, one that cannot be achieved instantly. We also recognize this report as one of many enterprises aimed at assisting the public system in pursuit of this goal of excellence and comprehensiveness.

This is not intended to be the last word on the problems of minorities and the public system. It is, instead, the collective observations of one group of concerned citizens who believe in the principle of a public system, and who believe the system is obligated to strive to reflect the diversity of American life and culture.

More should be done to examine other aspects of the problem. We confined ourselves to our assigned task of reporting on what we saw on the screen. We have made no attempt to go behind it, to examine the employment practices of the various outlets or to raise with the various funding sources the question of what criteria they have set in granting funds to stations and programs.

We trust others, with a broader mandate and greater resources, will follow us in examining some of the issues raised by this study. The panel is convinced that the system, to judge from what it has accomplished to date, will need much encouragement if it is to achieve the goals implicit in these findings.

The panel concluded:

That while public televsion provides more consistent attention to minority concerns

than does its commercial counterpart, it leaves much to be desired in the quality and quantity of material provided.

Furthermore, the panel has concluded that public television only partially fulfills its obligation to important groups in America.

That programs attempting to embrace the experience of the nonwhite, the young, the old, and women, frequently suffered from the infirmity of estrangement from their subjects, or were vastly underfunded by comparision to those programs dealing with more conventional subjects.

Naturally, we noticed exceptions to this general observation but they were sufficiently rare to lead us to the conclusion that public television, nationally and locally, must correct these imbalances if it is to reflect America.

That public television has a moral obligation to correct these imbalances. A necessary first step is the inclusion of more minority group members representative of women, young people, the elderly, and residents from outside the Northeast in public television decision-making at the national and local levels. This broadening of the membership of the policy-making bodies of public television should occur within the existing organizational framework. If it is necessary to expand the number of persons serving on policy-making bodies if only to make certain that an adequate proportion of them are from those elements of the society which are now excluded, then we urge such expansion.

That the shape of the programming can only reflect the images and interests of these groups if they are regular participants in all phases of the process by which public television is produced. With this in mind, we believe that public television must expand the horizons of its program content by encompassing a coherent presentation of issues which are of concern to those who are not in America's dominant groupings.

That the public medium is the natural place for providing people with information on how to survive and advance in the American mainstream. We recognize that just as blacks have concerns that stem from their heritage and their current political and social status, so the aged have a special set of concerns that relate to poverty, health, and death.

To this end, we believe public television should be performing two fundamental functions, which we found largely lacking:

First, public television should provide information of basic interest to those outside the American mainstream, including regular programming on issues of health, finance, politics, the law and human rights. It should, in that respect, fulfill the function of a university without walls.

Second, to do this job it should make use of people belonging to those groups who need these services most: the non-white, women, adolescents, the elderly, and the handicapped. By involving such persons in programming, the public medium would also provide a forum where the images of these groups before a mass audience become more natural and realistic than is the case in much of present-day television, which presents America to itself in a fragmented or distorted form.

IV. RECOMMENDATIONS

The panel believes that on the basis of the foregoing observations, findings and conclusions, a series of initiatives should be taken in both policy and programming of public television, and submits the following recommendations:

A. Policy

That the interests of cultural minority groups, women, elderly people, adolescents and the handicapped should be represented on all boards of directors and policy-making bodies which have fiscal and/or programming responsibilities at both the station and network levels. Persons who represent these minority interests should be afforded the full status and authority given to other members of these bodies. They should have clear substantive responsibilities and should not be placed in auxiliary positions. If necessary, the size of the existing bodies should be enlarged to include these individuals.

That an interim committee of minority group members should be appointed to assure that the interests of minority groups are adequately represented during the period in which more permanent arrangements for their participation are being formalized. The responsibilities of this group should cover the whole range of policy and programming issues which form the body of this report. In addition, the responsibility for identifying candidates who could serve on public policy making boards should be lodged in the interim committee.

That the interests of minority groups should be an integral part of each station's general programming. A comprehensive program approach will go a long way toward introducing people to the ethnic variety and particular concerns of minority groups, and could well provide a basis for a growing understanding of ethnic diversity.

That older people should be more involved in all aspects of public television programming. Not only do older people represent a sizable proportion of public television's viewing audience, but they can make significant contributions to program content and orientation. Adolescents should be directly involved in all aspects of those programs which directly address their interests and problems.

That the cultural variety in the makeup of the American population should be reflected in its entirety.

Cultural programming, rotating its attention from minority group to minority group, regularly portraying each group's historical, social and cultural contributions through discussion, drama, and film reports on artistic activities, should be one approach to this wide range of ethnic diversity.

B. Programming

The panel recommends:

That an adaptation to a series format of stories that would portray minority families (blacks, Chicanos, Indians, some underrepresented ethnic groups) in realistic terms should be attempted as part of the programming of family structures. Members of these communities, of all ages and backgrounds, would benefit from a program that portrayed health and weakness, beauty and frailty, times of happiness and times of sadness, living and dying, in the content of the dynamics of the minority family.

That a minority-oriented national public affairs program should be created. Such a program should have a budget that would make possible the use of film and the complete coverage of stories at the level of production available to those programs that come under the National Public Affairs Center for Television's budget.

That a program discussing food preparation and nutrition should be created to meet the needs of households with a limited food budget. It should reflect the cultural and economic diversity of the public television viewing audience. It should also provide tasteful and nutritional ideas for preparing foods common to minority group cultures, and should make use of the staples regularly available to the poor. This program ought to provide information about the nutritional value of specific foods and should stress the need for good dietary habits.

That another program should address common health problems. It should stress the need for preventive medical care for the entire family and should provide information on public facilities available for health care and of public assistance programs that finance medical care.

That clear and explicit information on birth control, venereal disease, and abortion should be incorporated into a program for public television. Such a program should also address itself to defusing all sexual stereotypes.

That the various dimensions of mental health as they relate to both children and adults, should be explored. This program could explain the types of mental illness and the facilities and methods which are currently available for treatment. It should also discuss the forms of public assistance that are available to finance medical care for the mentally ill.

That programs addressing themselves to the specific concerns of the physically and mentally handicapped should be created. They should cover various approaches to problems of education, employment, housing, and recreation for such persons. They should also provide information as to possible sources of financial, medical, and social aid for handicapped individuals. The aim of these programs should be to assist the handicapped to become active, functioning members of society.

That all types of public assistance, from welfare to social security and veterans benefits, should be treated in a specific program format. Such a program could be of particular interest to elderly people, disabled veterans, and others who might not be aware of the benefits they should be receiving.

In addition, such a program could discuss private insurance programs and union health plans, in order to give a more complete view of the types of assistance available to the public.

That there should be a specific program focusing on the particular health concerns of older people.

That a distinguished lecture series, which features lectures by retired or elderly persons who are recognized as scholars and/or experts in particular fields, should be instituted. Such a series could range from lectures on the arts, politics and education to the social sciences and international affairs and provide a rare opportunity to view outstanding authorities.

That several programs should be created to deal with the special problems of adolescents: education, health concerns, social and family problems, employment impediments, and the like.

That the Spanish-speaking community should be surveyed to determine exactly what their needs and interests are, and the results of the poll should be used to determine what types of programming would be most beneficial and most popularly received by the Spanish-speaking community. A cooking and nutrition program for Spanish-speaking people should be created. Such a program should emphasize Spanish and Latin American cuisine. Special programs for bilingual and Spanish-speaking children that are of the scope and caliber of "Sesame Street" should be created. In addition, Spanish-speaking children should be regularly represented on all educational programs for children, such as "Zoom" and "Sesame Street."

THE CREATIVE WORDING OF ADVISORY COMMITTEE RULES

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. OBEY. Mr. Speaker, in drafting proposed rules to cover the operation of its advisory committees, the Federal Mediation and Conciliation Service appears to have rewritten both the Freedom of Information Act and the Federal

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Advisory Committee Act in creating a brand new exempt-from-public-disclosure category of information to be known as the "intracommittee" memorandum.

The proposed rules FMCS published in the Federal Register November 3 contain the following innovative section:

> It is the intention of the Federal Advisory Committee Act that advisory committees be treated essentially as agencies, for the purposes of the Freedom of Information Act (5 U.S.C. 552) and that they be permitted to withhold from the public the same types of information that an agency may withhold. It is necessary, therefore, to read the specific language of the Freedom of Information Act in light of these purposes. For example, the exemption for "intra-agency" memoranda in 5 U.S.C. 552(b) shall be read, under the Federal Advisory Committee Act, to mean "intra-committee" memoranda.

With this bit of FMCS wizardry as a preface, it is interesting to re-read the memorandum issued by U.S. District Judge Aubrey E. Robinson, Jr., on October 10 when he ordered the Defense Advisory Committee on Women in the Services to open its doors to the public. Judge Robinson wrote in part:

> The Court has several difficulties with Defendants' position. First of all, the question arises whether exemption 5 of the Freedom of Information Act is available for matters discussed by or before an advisory committee. The exemption applies only to *inter-agency* or *intra-agency* letters or memoranda. Essential to Defendants' case, then, is a finding either that the Advisory Committee is itself an "agency" or that it is within an "agency" of the Defense Department for purposes of the Federal Advisory Committee Act and the Freedom of Information Act. The Court cannot make such a finding. Indeed, its present conclusion is to the contrary.
>
> The Federal Advisory Committee Act utilizes the definition of agency contained in the Administrative Procedure Act, 5 U.S.C. § 551(1), which is applicable also to the Freedom of Information Act. It is significant that the Federal Advisory Commitee Act contains a separate and distinct definition of an "advisory committee", thus supporting the proposition that an advisory committee is not an "agency". Further support for this proposition is found in *Soucie* v. *David*, 448 F. 2d 1067, 1073 (D.C. Cir. 1971), a Freedom of Information Act case wherein the Court of Appeals said:
>
> "(T)he Administrative Procedure Act apparently confers agency status on any administrative unit with substantial independent authority in the exercise of specific functions."
>
> It is clear on the present record that the role of DACOWITS in the Department of Defense is advisory only and that it possesses no "substantial independent authority." The Court concludes that DACOWITS is not an "agency" and that matters before it are, therefore, not "inter-agency" affairs within the meaning of the applicable statutes.

The FMCS proposed rules can be changed. It invites interested persons to submit comments, data or arguments until November 23, and I propose to do so.

In the meantime, the form of the FMCS proposal shows how an agency can defeat a law simply by rewriting it.

THE ARAB OIL BOYCOTT AND AMERICA'S REACTION

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. BRASCO. Mr. Speaker, announcement of the Arab oil boycott of the United States sent some political and financial circles into a tizzy, particularly oil companies, who lose profits extracted from the domestic market for cheap Arab oil. Arabists used it to orchestrate a home front symphony designed to make consumers believe that no Persian Gulf crude means frozen families, chilly homes, and an end to Sunday drives. A few political figures deftly slid the boycott in between arguments on behalf of the morality of the plight of Palestinian refugees. A few newspaper columnists, ever eager to portray Israel as a liability, painted lurid pictures of an America crippled for lack of Arab oil. Nothing could be further from the truth.

Total U.S. imports from Arab lands are now running about 1.6 million barrels daily in direct shipments of crude oil and indirect shipments of petroleum products refined from Arab oil in third countries. This is about one-fourth of our total import of 6.3 million barrels per day, but only one-tenth of our total consumption of 17 million barrels daily. Total loss of such supplies would simply return our imports and consumption potential to last year's level. Even if the boycott is immediately 100-percent effective, we would be deprived of only a small percentage of our needs. Nevertheless, loss of supply on the eve of winter is significant.

Some harm will come from cutoffs emanating from European nations, which define Arab oil and ship finished products to the United States. Because Europe receives some 70 percent of its oil from the Mideast, it is most vulnerable to Arab oil blackmail. As a result, temporary shortages of emergency shipments of finished products to the U.S. east coast may cause inconvenience.

For the United States, however, the Arab oil boycott will turn out to be a blessing in disguise. Had this situation arisen 5 years hence, it would have had devastating effects. While the United States is not now dependent in significant measure on Arab oil, our levels of imports from these nations had been taking quantum jumps in recent years. At such rates of growth, our dependency shortly would have been ominously high.

Such boycotts in the past have not been effective. There is widespread doubt as to how long present unity among Arab oil producers will last. A number of the more conservative nations, especially Saudi Arabia, were extremely reluctant to take the step, and are hoping somehow they can extricate themselves from the corner they now occupy.

A number of nations have been quietly preparing for just such a boycott. Storage levels for oil are fairly high in a number of consuming nations. Western Europe has 75 days' consumption in inventory, while Japan's stocks are at the 50-day level. According to the most recent State Department data available, American inventories now stand at 1 billion barrels, or about a 2-month supply, even at today's high consumption rates. Combining this with shipments of oil already en route, as testimony before the Senate Interior Committee on October 24 indicated, there is no reason to expect immediate damaging impact on our economy from the OAPEC boycott.

Another result of the premature Arab move will have profound effects on the United States in the long run. Unilaterally, Arab oil states, taking cynical advantage of the war, have raised the price of their oil. The new average free-on-board price of $3.65, arbitrarily and preemptorily laid down by Persian Gulf producers, hikes prices of oil most world consumers depend on. Developing nations, for example, dependent upon such oil supplies, and with minimal budgets, will be seriously harmed. A number of them are nations which have recently unilaterally broken diplomatic relations with Israel.

Here in America, the oil price rise will add $3 billion to our current oil import bill of $6 billion annually. Repatriated company profits will help diminish the overall balance of payments effect of increased import bills, but the public will not directly benefit. Herein, however, lies the key for the United States and friends of Israel in terms of the Arab oil equation.

The U.S. response will have to be on two levels: alternate sources of extra energy and a national energy policy involving controlled growth of energy use and conservation measures of a meaningful, acceptable type. In the process, Americans will have to part company with patterns of energy waste which have done so much to make us vulnerable, even minimally, to Arab oil blackmail.

America, according to Government and private source figures, has a 500-year supply of coal, even at present consumption rates. Ninety percent of that coal is capable of being exploited by deep mining. Ten percent of it is strippable. We are in the process of mounting an overdue "Manhattan Project For Energy."

Under Senator JACKSON's prodding, President Nixon has begun to pour research and development money into this alternative, and while results will not be immediate, possibilities are promising. While there will undoubtedly be a carefully orchestrated outcry by oil companies, who own all major coal companies, for immediate relaxation of all pressures to curb strip mining, this will only be a ploy on their part to obtain maximum easy profits from artificially induced hysteria. Ads will no doubt soon appear threatening us with all manner of discomforts if we do not immediately allow unlimited strip mining and relaxation of all antipollution standards.

Major resources of both oil and gas lie on the Outer Continental Shelf, many portions of which are already under Government lease to large oil companies. These organizations have deliberately held back production to profit from artifically induced shortages. Where a lease block could support 100 wells, only 2 or 3 are producing or have even been drilled. Heavy pressure will have to be put on oil companies holding such Government leases to produce according to the Nation's needs.

Alaska alone is now known to be at least a minor Persian Gulf, and perhaps the equal of that area in terms of oil reserves. Geological structures exist there which would make the United States self-sufficient in oil. Naval Oil Reserve No. 4, on the North Slope and the size of Indiana, is at a minimum estimated to hold some 40 billion barrels of oil. It has not yet even been fully explored. In hearings held in late October before the House Armed Services Committee, it was noted that Alaska is perhaps our richest oil resource, far larger than has been reported.

The Arabs have made a crucial mistake in allowing greed to take precedence while the latest war raged. As Mideast crude oil skyrockets in price, alternate oil sources, previously uneconomical, have become viable and even necessary alternatives. These include Rocky Mountain oil shales and Athabasca oil sands in western Canada. Already, massive plans are underway for their development.

In terms of conservation, the path of the U.S. consumer is clear and not difficult. Neon signs and electric toothbrushes are not necessities of life. Nor are automobiles with nearly 400 horsepower, delivering only 8 to 10 miles per gallon of high test gasoline.

Smaller cars delivering better mileage are a vital necessity. Reduction in speed limits to 50 miles per hour is a sensible reform. So is an end to massive highway building in metropolitan areas. Instead, a major switch will, or should, be made to already long overdue and desperately needed urban mass transit.

Other nations have done this with success. We are the only developed nation lagging behind. An end to all advertising urging greater consumption of energy is in order. A national building code requiring minimum amounts of heat-conserving insulation is inevitable. The day of the single commuter driving to work in a large car alone is visibly over. Load factors, scheduling of trips and their frequency is imminent and already in the works in regard to trucks and aircraft. The day of the half-full flight 15 times daily between cities will be over before January. The same will be true of empty trucks on long return trips. In other words, all obvious steps will be taken across the board to halt totally wasteful energy practices which have played an essential role in hiking consumption. We shall be forced to make the transition from energy gluttons to energy conservers.

One final possibility is worth considering: retaliation. Arab nations are often dependent for food, usually grain, on foreign sources. The United States is one such source. At this time, little has been said about halting these sales. But the sound of research behind the scenes in Washington is audible.

The administration, paralyzed by Watergate and hoping for Israeli compromise on a peace treaty, stumbles grudgingly along JACKSON's path. Oil companies, obsessed with profit at all costs, feverishly raise prices in an orgy of greed, while a helpless Cost of Living Council does nothing but rubberstamp their latest depredations.

Conclusions? Over the short haul, we shall manage with minimal dislocations because it will be profitable for oil companies to keep the Nation warm, mobile, and reasonably content. The boycott will peter out, as silently, one by one, Arab oil states decide revenues are more important than ideology. The United States will not yield, although it will seek to squeeze out of Israel as many territorial concessions as possible. The real answer lies in how vigorously Senator JACKSON can and will be able to drive an administration so dominated by oil industry thinking and power down the path to energy conservation, development of alternatives and restructuring of energy use.

ONE MAN'S CONSCIENCE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. RANGEL. Mr. Speaker, in this world which increasingly grows more complex and more impersonal, it is important for us to note that one man can make a difference.

A man who has made a difference is Peter Davies, who has waged a persistent, lonely battle to make America look beyond the attempt of government to depersonalize and dehumanize death at Kent State and Jackson State Universities. Along with the families of the slain students at Kent, Davies has worked to awaken the conscience of the Nation to the fact that unarmed young people were mercilessly gunned down by men in uniform—the agents of the people, because they were exercising their right to protest injustice.

James Wechsler wrote a column on Davies' work and accomplishment in the October 3, 1973, edition of the New York Post that deserves our attention.

The article follows:

> ONE MAN'S CONSCIENCE
>
> (By James A. Wechsler)
>
> To the cynical and the cold-blooded, Peter Davies must have appeared a man fatally obsessed during much of the last three and a half years. Almost from the moment when he read and heard about the National Guard killings of four students on the Kent State campus on May 4, 1970, this slightly-built, 40-year-old British-born insurance salesman began dedicating countless hours to a lonely, ceaseless quest for truth and justice. Time and again he was told that he was squandering his energies in a doomed cause. But he refused to desist.
>
> Now he can glimpse at least the portents of vindication. The new Justice Dept. regime has reopened the case that John Mitchell and Richard Kleindienst had buried so long. A book by Davies called "The Truth About Kent State: A Challenge to the American Conscience" (Farrar Straus Giroux) has received widely favorable recognition, a first printing of 15,000 has been quickly sold and a new one issued.
>
> Then, the other day, Davies elatedly noted a Harris poll showing a dramatic transformation in the public view of the Kent State tragedy.
>
> Back in 1970 a survey had showed that the public condoned the Kent State deaths as "necessary and justified"; the vote was 40 to 39 percent, with the remainder undecided. Now the same pollsters report that Americans, by a margin of 55 to 31 percent, feel the shooting were "unjustified and repressive."
>
> Peter Davies, working tirelessly with Arthur Krause, father of one of the slain students, Rev. John Adams of the United Methodist Church, and a handful of others, was a decisive if long unheralded figure in achieving that revolution of attitude.
>
> What makes Davies' role so distinctive is that he seemed so unlikely to be the man to play it. He was not an agitator or pamphleteer by profession or temperament. He had no previous relationship with the victims or their families. He was emphatically free of any leftist biases; quite the reverse. He and his wife had emigrated to the U.S. in 1957 because he felt the British government was "going too Socialistic." In 1960 he warmly favored the candidacy of Richard Nixon and he subsequently revered Barry Goldwater.
>
> What impelled him, then, to invest so much energy and devotion in the battle against official whitewash of the Kent State nightmare?
>
> "I suppose I felt that if this had happened to my family, I would expect others to do what I did," he said quietly yesterday.
>
> "I have three boys—6, 8 and 11—and I couldn't help thinking that one day this could happen to them.
>
> "To me, being a conservative meant above all the protection of individual rights. My greatest disappointment was the reaction of the Goldwaters, the Buckleys and others. I thought they'd be making the most forceful statements demanding a full grand jury inquiry by the government. Instead they were making stupid statements that just seemed to miss the point."
>
> On the day after the shootings, Davies took the first step in what was to become a missionary pilgrimage. He wrote a lengthy letter to President Nixon, recalling his pledge to "bring us together" and contrasting it with his aloof reaction to the shootings. He received a printed acknowledgment from the White House. But a copy of the letter which he sent to Arthur Krause elicited warm response and opened the way for his close relationship with the families of the dead students.
>
> Later that year, Davies recalled yesterday, he again wrote Mr. Nixon about a speech in which the President had listed various acts of violence by revolutionary groups. Davies said he also deplored those acts but wondered why no word has been said about Kent State and Jackson State.
>
> On that occasion Davies received a two-page reply from Robert Finch, then a member of Mr. Nixon's White House inner circle. Finch's tone was quite responsive and even guardedly sympathetic. But Finch was not around much longer.
>
> Now Davies is optimistic about the probe being led by Robert Murphy of the Justice Dept.'s Criminal Section.
>
> Perhaps I was naive for a long time, but I always believed we would finally break through," he said. "I suppose one had to believe that to keep going. I admit there were some very dark moments."
>
> He agrees that Watergate hastened the new developments, bringing the shakeup at the Justice Dept. and banishing many of the

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men—Kleindienst, John Ehrlichman, John Dean and others—who had thwarted a federal proceeding. He believes the latest polls will help avert another retreat.

So, it might be added, will his book. It is a comprehensive, documented, thoughtfully spirited chronicle, accompanied by strong evidential photographs of that day of horror. It makes an overwhelming case for a federal confrontation with truth too long evaded and justice too long delayed.

GEORGE C. MILIAS

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. GUBSER. Mr. Speaker, those of us who work in Washington, D.C., as a part of our Federal Government and who read the headlines and watch the evening newscasts could easily make the mistake of believing that the strength of America lies solely in national figures and personalities.

But government is not the real strength of America; it is merely the force which coordinates it. The real strength is at the grassroots in the millions of communities all over this land.

My hometown of Gilroy, Calif., is one of these communities and George C. Milias is one of the strong leaders of the city of Gilroy and its surrounding area. As such, he is one of the strong men of America.

It is leaders at the local level who so unselfishly give of their time, labor, and money who make the free democratic system work. Without men like George C. Milias, there would be no strength for Federal Government to coordinate. There would be weakness and disunity.

As a very young boy, clutching my dime for soda pop and riding my bicycle to the local baseball field, I looked forward with pleasure to watching George C. Milias ably handle second base for the local ball club. Later, I knew him as mayor of my hometown and as one of the men who was most responsible for electing me to the splendid experience of serving as a Member of the U.S. Congress.

Perhaps the best biography of George C. Milias who will be honored by his friends and neighbors at a testimonial dinner on November 17 is an article which recently appeared in the San Jose Mercury-News. It recounts Mr. Milias' colorful background and the impact he has had upon his community and our American way of life. I shall submit this article as a part of my remarks, but before doing so, would like to summarize by paying a personal tribute to George Milias. His has been a lifetime of service in the finest American tradition. I wish there were thousands more like him in this land of ours so our Nation would be even stronger! The article follows:

"Mr. Gilroy"

(By Bill Glines)

Gilroy.—The hotel building still stands on its accustomed corner but the "landmark" has gone back to the ranch.

Now, after many years and three generations, the Milias Hotel is the Milias Apartments and George C. Milias Jr. no longer officiates at what was the unofficial center of the community he has served most of the days of his life.

Few can dispute that during most of those days he has been "Mr. Gilroy."

The family hotel has been sold and the former mayor is a working rancher again, but no one doubts he's bound to stay involved in the community.

There is no possible way the town could be the same without him.

By his own calculation Milias entered publice life in 1932 when he first became a city councilman. Others might say he began his public life in the 1920's when he spurned a possible big league baseball career to become hotel manager.

In any event, he was a councilman for eight years followed by 16 years as mayor.

Although he now lives outside the city on the 6,000-acre Milias cattle ranch which he supervises, he claims he is no longer "really active."

But he maintains a position as member of the Board of Trustees of Wheeler Hospital and remains interested in Bonanza Days, an annual summer fiesta event here.

Even with his retirement as top man at the hotel, friends say that they expect to see him in and around the building frequently.

The hotel bar has been a regular gathering place for many years for ranchers and horsemen from throughout the West. Movie stars have been seen there and politicians beyond count. Many, such as the late Will Rogers, left their photographs behind in the high-ceilinged, old-fashioned lobby.

Political leaders from U.S. senators and governors to councilmen from other cities never went through Gilroy without a Milias Hotel stop.

Milias, now a white-haired and erect-standing man, looks back on what was a crucial event in his life—when he decided to forgo a possible big league career and instead became active in the hotel business.

The 6-foot-tall hotel man is not far even today from his old playing weight of 170 pounds. He weighs a scant six more pounds.

Back in 1921 he was a second baseman who played with some of the fastest semi-pro teams in this part of the state. He had just been signed to a contract with the Pittsburgh Pirates, then managed by the immortal Honus Wagner.

His father had talked about building the most modern hotel in this part of the country, but didn't want to go ahead unless the son would become a part of the operation.

"It really wasn't too hard a decision," Milias said. "I knew that the average ball player lasted only about 10 years in the big time. After that, still young, he had to go back to what I call a natural life. Maybe even learn a new way to earn a living. Baseball salaries weren't too high back then."

He was apprenticed to a friend in San Francisco at the St. Francis Hotel for more than a year to learn the hotel business.

When the Milias Hotel opened its doors to the public it was termed by visitors "The finest most modern facility of its kind between San Francisco and Santa Barbara."

Particularly proud was the owner, George C. Milias, Sr., who came from Yugoslavia to the United States in 1881 and went to work in a San Jose restaurant. Six years later he came to Gilroy and purchased a small restaurant, The Star Chop House.

Thrifty and industrious, he saved and seven years later bought the old William Tell House and remodeled and operated it as a hotel and restaurant.

In 1897 he married Minnie White, descendant of one of the ill-fated members of the Donner party, and they worked together, saving and investing in property.

The elder Milias was an active business and civic leader and served on the City Council shortly after the turn of the century.

In his time work was started on the city hall, the council acquired the electric plant and remodeled the gas plant and improved and developed the water works.

A colorful and energetic man, at the age of 85 he borrowed nearly $250,000 to build a much needed first class hotel in Gilroy.

A year and a month under construction, the hotel opened with a dinner for some 1,500 persons and dancing until midnight in the Sun Room.

Two orchestras and the Fifth Regimental Band of San Jose provided music. Visitors termed it the "most gala event in the town's history."

In the lobby filled with floral good luck pieces, Mr. and Mrs. George C. Milias and their son, George Jr., were showered with compliments.

By the time his parents celebrated the 50th anniversary of the senior Milias' arrival in Gilroy, 1938, George Jr. was manager of the hotel and had served on the City Council.

In his tenure with city government young George C. Milias ordered the first audit of the city books and initiated a new record keeping system. He sparked civil defense measures when World War II broke out and a drainage system to clear annual floods on Monterey Street south of city hall.

In the late 1920s he helped organize and lead the Gymkhana Committee, which annually put on professional rodeos until 1957. He also served as president of the Chamber of Commerce, Native Sons of the Golden West, Rotary and exalted ruler of the Elks.

His father, who continued to keep daily tabs on the business, died in 1942. The funeral was described as the largest ever witnessed in Gilroy, attended by bankers, field workers, booted cow boys, politicians and countless friends.

Businesses closed for the day.

The scene of many large business transactions, the venerable hotel and bar was the base of operations for some of the largest wheeler-dealers in the Central California Coast for many years.

George Jr. and his wife Rachel have been living on their ranch home near that of their daughter, now Mrs. Carol Silacci, and grandchildren on La Canada Road.

During that time George Jr. presided over the premises night and day and until recent years lived there.

Yet he found time to develop his ranching interests. Anyone thinking him a "weekend cowboy" soon had the illusion dispelled after watching the hotel manager and politician handle a cutting horse at one of the famous Gilroy Gymkhanas. To this day he has a solid reputation as a rodeo judge and still serves as a member of the board of directors of the big California Rodeo in Salinas.

For the past few years George, Jr., and his wife Rachel have been living on their ranch home near that of their daughter, now Mrs. Carol Silacci, and grandchildren, on La Canada Road. His son George W. Milias, the third George in this family line, has become prominent in local, state, and national government circles. He served as State Assemblyman for eight years, was State Labor Commissioner, and now is Deputy Assistant for the Environment in the Department of Defense. Accomplishment runs in the family of the "first" George who came to San Jose in 1888 to work in a restaurant.

PITTSBURGH STATIONS URGE CARPOOLS TO SAVE FUEL AND CLEAN AIR

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, we all are aware of the many problems which face us as a Nation.

Two of the many are immediate dilemmas—a fuel shortage and the continual polluting of the air we breathe.

KDKA–TV and KDKA radio, both Group W Westinghouse stations in Pittsburgh, are conducting a public service campaign which could help the greater Pittsburgh area combat the fuel shortage, the pollution problem and alleviate traffic congestion in downtown Pittsburgh.

The stations are encouraging commuters to join carpools thus cutting down on the number of cars entering Pittsburgh and simultaneously saving fuel.

Using their own computer, the stations are trying to match drivers and riders who daily travel to and from Pittsburgh.

Interested parties must fill out and return questionnaires to the stations before they are provided with a list of people who have similar hours and destinations.

I want to congratulate the stations and their management for this effort. The campaign especially is welcome in the face of the fuel crunch expected this winter.

I would like to include in the Record at this time, a KDKA–TV editorial discussing the commuter-computer program:

Downtown Pittsburgh

The two major problems which affect residents of Allegheny County when they travel into downtown Pittsburgh are traffic congestion and air pollution. The principal reason for the air pollution is, of course, the traffic congestion. Thousands of automobile engines are kept idling and spewing out noxious fumes while their drivers try to escape the traffic jam.

One possible solution, which is being used in some major cities throughout the world, is to completely man private automobiles from the downtown area. This forces many would-be motorists to ride on public transportation which is a better way to keep traffic moving in congested areas.

However, we don't think that such a solution is possible or even practical for Pittsburgh. Too many people have very legitimate reasons for using their private cars on business, shopping or pleasure trips. Many live in areas which may not be adequately served by public transportation.

If we can't ban private cars in downtown Pittsburgh, the next best thing is to provide suitable alternatives for the driver who has to go downtown. One alternative is provided by the Port Authority which has been consistently improving its service. Another alternative is voluntary car pools. Experiments with such car pools in Boston, Washington, D.C., St. Louis, Los Angeles, and St. Paul have shown encouraging results. If car pools will cut down traffic problems and improve the quality of the air, we hope that residents of this area will be willing to try them.

KDKA–TV & KDKA Radio are sponsoring a Commuter-Computer program to encourage regular commuters to form their own car pools. This Commuter-Computer approach is working successfully in Boston. It matches up commuters in various neighborhoods who are interested in forming car pools. If you want to help cut down on traffic congestion and air pollution, we hope you will look into this new Commuter-Computer program. To get more information, write Commuter-Computer, Box 1020, Pittsburgh - 15230, and enclose 10 cents for postage and handling.

FINANCIAL AID TO COLLEGES AND UNIVERSITIES

HON. WALTER E. POWELL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. POWELL of Ohio. Mr. Speaker, on October 15, I introduced H.R. 10934, a bill which would provide the colleges and universities of this Nation with a much-deserved and much-needed financial boost.

It is certainly no secret that many of our leading colleges and universities are in the midst of a very severe financial crisis. Such economic difficulties have resulted from a combination of declining of static enrollments and the inevitable rise in operating costs.

At the present time, in addition to their other important responsibilities, many of our colleges and universities perform an essentially national function by providing the facilities and assuming the other expenses involved in maintaining a Reserve Officers' Training Corps—ROTC—program on their campuses.

On November 7, I reintroduced this bill with cosponsors. If enacted, this measure would permit colleges and universities who have ROTC programs to be reimbursed by the Federal Governemnt to the extent of $500 for each of their students who are commissioned as officers under the program.

Civilian control of the military has been a guiding principle of our national defense posture since the Nation's founding. The opportunity for young men and women to earn their officer's commission while pursuing a full-time academic degree program is surely a significant benefit to both the student and the Nation's armed services which are assured a continuing supply of trained and well-educated leaders.

Mr. Speaker, the response to this bill has been very favorable. The National Association of State Universities and Land-Grant Colleges, the Association of American Universities, and other interested groups have indicated their support of this legislation.

This program would be very modest in terms of costs to the Federal Government, and would prove to be of great benefit to the Nation's higher educational institutions, which are deserving of the financial incentives provided by this bill. The Department of Defense has provided me with data on the number of officers expected to be commissioned under the ROTC programs of the respective military branches in each of the next 5 years. Based on these projections, the estimated expenditures of the Federal Government to implement this worthwhile program can be calculated. I am inserting these projections for the benefit and analysis of my colleagues in the House of Representatives:

PROJECTED COSTS OF H.R. 10934

	Number of students expected to be commissioned per year	Projected expense
1974	8,939	$4,669,500
1975	8,792	4,396,000
1976	8,924	4,462,000
1977	8,972	4,486,000
1978	9,320	4,660,000

BREAKDOWN BY MILITARY BRANCH OF NUMBER OF STUDENTS EXPECTED TO BE COMMISSIONED PER YEAR

	Army	Navy	Air Force	Marines	Total
1974	3,920	1,063	3,744	212	8,939
1975	4,000	1,100	3,442	250	8,792
1976	4,000	1,250	3,474	250	8,924
1977	4,050	1,250	3,422	250	8,972
1978	4,400	1,250	3,420	250	9,320
5-yr total	20,370	5,913	17,502	1,212	44,947

Mr. Speaker, I would hope that this bill would receive the early consideration of the House Armed Services Committee, to which the bill has been referred. While my proposal would not provide total reimbursement to the Nation's institutions of higher learning of the costs of educating commissioned officers, it does represent a desirable commitment on the part of the Federal Government to recognize and encourage the efforts of our colleges and universities to continue to provide the facilities and educational training necessary to satisfy the Nation's continuing demand for intelligent, trained, and competent young officers.

FRANK HORTON

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. ERLENBORN. Mr. Speaker, I became a candidate for ranking minority member of the Committee on Government Operations last winter in spite of the fact that Representative Frank Horton of New York State is the senior member. I was able to do this because of reforms approved by the Republican Conference in 1970.

At no time did I regard myself as running against Frank Horton. Rather, there was a vacancy and I was a candidate to fill it.

I must confess that it is never pleasant to lose a contest, but I want my colleagues to know that Frank has performed as ranking minority member in a way that makes me proud to serve under his leadership.

He has consulted fully with the Republican Members, and he has represented our views well in meetings with the chairman. He has persuaded the chairman to permit a doubling of the minority staff. It still is not big enough, of course—we used to have 5 on the minority staff and now we have 10, contrasted with the majority staff of 59—it still is not big enough but we are headed in the right direction.

I am well satisfied with this episode.

My candidacy proved that we Republicans are not slaves to the seniority system, and that is a plus. Frank Horton's victory added a certain validity to his position, a legitimacy of seniority plus that of election.

He has exercised his authority well.

A BILL TO PROVIDE FOR THE EXTENSION OF DAYLIGHT SAVINGS TIME TO THE ENTIRE CALENDAR YEAR

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. BROYHILL of Virginia. Mr. Speaker, I am introducing legislation today which provides for permanently extending daylight savings time to the entire calendar year. As we are all aware, each year on the last Sunday in April, millions of Americans across the Nation advance their clocks 1 hour, with this procedure then reversed on the last Sunday in October when clocks are turned back 1 hour. This system of timekeeping in order to observe daylight savings time from April to October and standard time from October to April is set forth in the provisions of the Uniform Time Act of 1966. I am sure that when this act became public law in 1966, it served the needs of the people and certainly was founded upon logic as States, counties, and even cities had in the past set their clocks pretty much as they desired. However, I firmly believe the Uniform Time Act of 1966 is no longer attuned to the needs of society in the 1970's, nor do I believe this act takes cognizance of the many urgent problems now facing our Nation. In this regard, I make reference to high crime rates in many areas; the steady rise in automobile accidents, pollution of our atmosphere, and foremost in the minds of many citizens is the energy crisis which becomes worse each day.

Mr. Speaker, this bill will of course, not solve these problems in their entirety. However, upon closer examination we find a definite possibility that at least partial solutions can be obtained, by putting the Nation on year-round daylight savings time and thus gaining 1 extra hour of daylight at certain times of the year.

Particularly significant would be the reduction in peak-hour load for electricity by as much as 5 percent, in effect not only conserving energy but substantially reducing air pollution. In addition, the extra hour of daylight would tend to reduce crime as it would enable more city dwellers, both workers and shoppers, to return home in daylight hours when the streets are safer. Statistics bear this out which indicate that the highest periods for street crime occur the first hour of darkness. Further, a definite reduction in rush-hour traffic accidents can be realized by permitting people to drive home from work before dark. Most accidents now occur during the evening rush hour, when visibility is poor and drivers are weary after a day's work.

Mr. Speaker, year-round daylight savings time has many benefits and legislation to accomplish this purpose is long overdue. I strongly urge enactment of this measure which I have proposed today.

REPEAL ECONOMIC CONTROLS BEFORE OUR NATIONAL ECONOMY IS WRECKED

HON. WILLIAM L. ARMSTRONG

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. ARMSTRONG. Mr. Speaker, during recent months I have become increasingly concerned about the mounting hardships caused by wage-price controls imposed by the President under authority granted by Congress.

Such controls are futile. If there is one thing we have proven during 2 years of experimenting with on-again-off-again controls it is this: Such controls are not curbing inflation.

Homemakers and wage earners have been well aware of the futility of controls for a long, long time. Now even the economists—including some who staunchly advocated wage-price controls at the outset—have descended from their ivory towers long enough to discover that these repressive measures are failing.

But while failing in their intended purpose, controls have been conspicuously successful in creating shortages, black markets, product quality deterioration and other hardships. I have often called attention to the overall policy considerations and have shown examples of the serious damage already done to our economic system and the potential threat to the future of our country.

Today, I want to cite still another specific example of the hardships caused by the ill-advised policy we are now pursuing:

Wage-price controls threaten the economic viability of this Nation's nursing homes, an increasingly important segment of our overall health delivery system. The reason is very simple.

Nursing homes are caught in the squeeze of controlled prices and uncontrolled expenses. Wages, food, maintenance, and other major items of expense are largely uncontrolled. But the price which nursing homes may charge patients is frozen.

This is completely unfair to the owners and operators of nursing homes, and is bound to affect the quality of care. When this happens the secondary effect will be to create more inflation. If nursing homes are unable to meet necessary standards they cannot continue to provide, in appropriate cases, a lower cost alternative to hospital care.

Mr. Speaker, the nursing homes of America are seeking a partial or total exemption from the Cost of Living Council. I support this effort.

But a far better and more permanent solution would be to repeal the basic laws which establish such controls and return to the free economic institutions under which our country prospered so well with less inflation and more real productivity gains than we now enjoy.

Let us get rid of the controls now—before they do even more serious damage to nursing homes and wreck other segments of our national economy.

CAMPAIGN REFORM A MUST

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. RAILSBACK. Mr. Speaker, in the wake of Watergate and the Agnew resignation, the American people have been shaken and many are disillusioned. But as deplorable as these events have been—I believe a cleansing effect can come from all of this as we all now realize the need for genuine campaign reform.

Clearly, the most serious problem confronting us is that of the high costs of elections. For example, in 1972, one senatorial incumbent spent in excess of $2 million on his campaign, and several others exceeded the $1 million mark. And, if estimates of last year's figures are correct, in that campaign over $400 million was spent on all elections.

Unfortunately, such high costs prohibit many well-qualified men from seeking public office, and also leave open the door to improper campaign contributions. My suggestion in this case is to have a Federal Election Commission carefully monitor all elections and also require strict reporting and complete financial disclosures. In addition, I would set definite limits on the amount of money which can be used in an election—based upon the population of the area one wishes to represent. This will insure that costs will not be overblown, but will continue to permit the average citizen to choose whether to contribute or not—and to whom. Our present system of volunteerism in politics is a strength, and we must preserve it.

Another problem, clearly distinct, is that of the high expenses of broadcasting. In 1956, the total spent for such radio and TV media for all elections was $9.8 million. However, by 1968, this figure skyrocketed to $40.4 million, and these costs have continued to climb. Because I believe the public must have early access to their candidates' views and yet am aware of the high costs of broadcasting, I would recommend that free time be allotted to the various contenders based on a system which has been in existence in England for a number of years.

Finally, a third problem is the long duration of campaigns which are not only costly, but too often prevent an incumbent from fulfilling his elective duties. Again, I patterned my recommendations on the British system and support shortening the period to less than 2 months.

I have incorporated all these recommendations into a comprehensive bill which I am today introducing, and I take this opportunity to encourage any other Members who wish to cosponsor by bill to do so.

HIGH SCHOOL FRESHMAN'S POLL ON ELECTED OFFICIALS' RESPONSES TO CONSTITUENTS

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. HUBER. Mr. Speaker, recently, a young constituent of mine, David Jaffe, a high school junior at Roeper City and County School in Bloomfield Hills, Mich., forwarded a project that he did when he was a freshman at that school. Although the study was completed in June 1972, I still think it is worth noting his conclusions concerning how elected officials respond to their constituents. His survey covered not only U.S. Senators and Representatives, but State representatives and senators and mayors of cities of over 50,000 people. It is encouraging to find that most elected officials are very responsive to the views of their constituents according to this young man's poll. It is also heartening to find that not all of the young people in this country are "disenchanted" with the American political process.

Therefore, I am enclosing Mr. Jaffe's conclusions as to how elected officials keep their constituents informed for the consideration of my colleagues:

CONCLUSIONS

Elected officials in the United States have a deep sense of responsibility to those they represent. To compose and dictate 430 letters a week, or 23,360 a year, is a tremendous job. To compose and have printed at one's own expense more than 120,000 questionnaires and 593,000 newsletters each year is a demonstration of a real commitment.

To read the complaints, advice, criticisms, congratulations and condemnations of 574 people each week takes a lot of determination. In order to better represent the people these officials, "keep my ears and my office open," "only vote contrary to their wishes when I have information they are not privy to" and always, "keep their opinions in mind".

It is logical that those officials with smaller constituencies tend to be able to give more time to each commuuication from those they represent.

One basic trend that I noticed concerns the use of questionnaires and newsletters. Of those groups surveyed, Governors and Mayors, the officials the least physically removed from their constituents, need not use newsletters to keep their constituents informed or questionnaires to keep track of the people's wishes. These groups use newsletters and questionnaires both 0% and 11.7%, respectively. At the same time 67% of State Representatives and 47% of State Senators send newsletters. 60% and 47%, respectively, of these make use of questionnaires. Those the farthest away, U.S. Representatives and Senators need 83% and 100% participation in newsletters while 83% and 67%, respectively, find questionnaires necessary.

Another major trend in the response was one of concern. Comments like "favorably," "prompt reply" and "interested" were the most common replies to question 6a. All elected officials *like* to hear from their constituents. It gives them their best chance to ". . . win friends and, hopefully, votes."

The distinct advantage that elected officials with small constituencies have is the telephone. With a comparatively small number of communications coming in, the Mayor or State Legislator has time to contact, either personally or through his staff, individual correspondents for further discussion or to better solve the constituent's problem. One State Representative was thankful that there are ". . . a number of experts in my district . . ." who he can turn to for advice. Elected officials simply cannot be experts on everything going on in government today, so constituents with particular specialties or interests can do a great service and are much appreciated by their representatives.

It is this type of *interaction* that I consider most important. A give and take between representatives and constituents, of advice and information, of service and assistance is the basic rootwork of our political and governmental system. The only thing lacking is better participation. When a member of Congress serving more than 400,000 people receives letters from less than one twelfth of those in an entire year (not taking into account those who write more than once) something is wrong. In order to make our system of government function as smoothly and as fairly as possible, many more people must participate directly in the decision making process. The *only* effective way to do this is to communicate with our elected officials.

BILL KEATING

HON. WALTER E. POWELL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. POWELL of Ohio. Mr. Speaker, given all the confusion and controversy in recent days, an event which may have gone unnoticed was the decision of my good friend and colleague, William J. Keating of Cincinnati, to resign his seat in the House of Representatives effective January 4, 1973, in order to assume the position of president of the Cincinnati Enquirer.

From the date that Bill Keating became a Member of this body in January 1971, he has exhibited uncommon qualities of resourcefulness, innovativeness, industriousness, dedication to principle, and devotion to the interests of his constituents.

Bill Keating has had an admirable record of public service. After graduating from the University of Cincinnati and the University of Cincinnati Law School, Bill Keating entered the private practice of law. In 1959, Bill Keating was elected to the Cincinnati Municipal Court, a trial court of limited jurisdiction. He served on this court until 1964, when he was elected to the Hamilton County Court of Common Pleas, a trial court of general jurisdiction. In 1967, he left his judicial position in order to run for Cincinnati City Council. He was elected with more votes than any other candidate, and was subsequently reelected in 1969, again receiving the greatest number of votes of any candidate. In 1970, he entered the race for the First District seat in the House of Representatives. Bill Keating won by a staggering majority, receiving close to 70 percent of the vote. In 1972, he was reelected by a similar margin.

Clearly, there has been a direct correlation to Bill Keating's popularity and the outstanding qualities that he has brought with him to Congress. He has been an effective advocate for the interests of his Cincinnati constituents. His past judicial experience has made him a useful and valued member of the Judiciary Committee. It is little wonder that Bill Keating's name has figured prominently in speculation about a possible candidacy for the Senate seat in Ohio being vacated by Senator William Saxbe.

Mr. Speaker, particularly at this time, the citizens of this country hope to have representing them individuals of high integrity and character. Bill Keating is such a man, and the citizens of this Nation will feel his loss inmeasurably.

I know I speak for all of my colleagues in this body when I wish Bill Keating every success in his new position as president of the Cincinnati Enquirer.

FORCED BUSING FOR RACIAL BALANCE

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. DOWNING. Mr. Speaker, the inequities of forced busing for racial balance are continuing to be felt throughout an ever-increasing portion of the Nation's communities. Responsible citizens everywhere are beginning to make their views known on this issue. Recently the Council of the City of Newport News, where I live, adopted the following resolution setting forth its opposition to forced busing. Due to the widespread interest in this matter, I wish to share their views with my colleagues:

RESOLUTION

A Resolution expressing the opposition of the Council of the City of Newport News to the massive crosstown forced busing of public school children within the City and urging the Congress of the United States to immediately take action to stop it.

Whereas, the Federal Courts required the school board of the City of Newport News to develop a plan for the operation of the public schools of the City and the assignment of children thereto, which has resulted in massive crosstown forced busing of thousands of children within the City; and,

Whereas, this massive crosstown forced busing has caused such inconvenience to many parents and children that it is unacceptable to them, and many children have left the Newport News Public School System, and,

Whereas, the effects of the forced busing are causing damage to the educational system; and,

Whereas, the massive crosstown forced

busing is requiring a burdensome expense on the taxpayers by usurping money from education to transportation; and,

Whereas, the massive crosstown forced busing is adding to the energy crisis and affecting the environment of our Community by the emission of the exhaust pollutants in the atmosphere.

Now, therefore, be it resolved by the Council of the City of Newport News:

1. That the Council hereby expresses its opposition to the massive crosstown forced busing of public school children within the City of Newport News, and urges the Congress of the United States to immediately take action to stop such forced busing and to reverse the trend which is so damaging to the educational system.

2. That the City Clerk is directed to transmit copies of this Resolution to the President of the United States, Vice President of the United States, each member of the United States Senate and the House of Representatives.

RED CROSS CERTIFICATE OF MERIT GOES TO MR. NORMAN C. LARSON FOR SAVING A LIFE

HON. WILLIAM M. KETCHUM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. KETCHUM. Mr. Speaker, I have recently been informed of an inspiring act of mercy undertaken by my constituent, Mr. Norman C. Larson. At great risk to himself, Mr. Larson performed an act of heroism and skill which resulted in the saving of another human life.

On the night of July 20, 1973, just 3 days after he had completed a Red Cross first aid course, Mr. Larson was relaxing in his home when he was aroused by a neighbor's alarm that there was "a car upside down in the canal with people in it." Mr. Larson ran toward the canal, a block from his home. At the scene of the accident he dived into the swift water of the canal and swam approximately 40 feet to where a victim had been removed from the automobile. He assisted another rescuer in removing the victim to the bank, and immediately began to administer mouth-to-mouth resuscitation to the unconscious man, continuing until breathing was resumed. Mr. Larson also used his first aid skills to seal a deep laceration and stop bleeding while he was giving resuscitation. The victim was taken by ambulance to a hospital for medical care. Without doubt, Mr. Larson's use of his recently acquired skills and knowledge saved the life of the man.

For this courageous deed, Mr. Larson has been awarded the Red Cross Certificate of Merit. The certificate of merit is the highest award given by the American Red Cross to a person who saves a life by using skills learned in a Red Cross first aid, small craft, or water safety course. The certificate bears the original signatures of the President of the United States, honorary chairman, and Frank Stanton, chairman of the American National Red Cross.

I am sure that all my colleagues join me in expressing our admiration for Mr. Larson's bravery and devotion, which exemplify the highest ideal of concern of one human being for another who is in distress.

PRESSURE ON SUPPLIES SPURS DEMAND FOR MORE FOOD OUTPUT

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. FRENZEL. Mr. Speaker, today I am inserting the final article from a four-part series on world food supply by Minneapolis Tribune staff writer Al McConagha. This article deals with some of Senator HUBERT HUMPHREY's efforts to improve our food supply policies.

Senator HUMPHREY is interested in seeing a world food reserve established and in getting American agriculture to expand into the role of providing larger amounts of the world's total food supplies. Senator HUMPHREY is in a good position to do something. He is the chairman of the Senate Subcommittee on Foreign Agricultural Policy, a member of the Select Committee on Nutrition and Human Needs, and a member of Joint Economic Committee's Subcommittee on International Economics.

The article by Mr. McConagha follows:

PRESSURE ON SUPPLIES SPURS DEMAND FOR MORE FOOD OUTPUT

(EDITOR'S NOTE: Food shortages, surpluses, costs and boycotts are in the headlines nearly every day. To find out why food has become a major concern, Staff Correspondent Al McConagha has investigated the relationships of food problems around the world. This is the last of four articles.)

(By Al McConagha)

WASHINGTON, D.C.—As a committee assignment, agriculture is slightly more popular than supervising the broom closets. Senators prefer the high policy of foreign relations or the big money of appropriations.

So when Hubert Humphrey came back to the Senate in 1971 after four vice-presidential years and two more out of office, he had no trouble with his request—a seat on Agriculture.

The Minnesota Democrat had promised voters that he would get on that committee if elected but he was under no illusions about its standing in the pecking order of Senate prestige.

"When you get assigned to Agriculture, it's like being told you're at the end of the line, buddy," he said recently. "We've cut down the committee size because we couldn't get people to serve on it."

As consolation prize, Humphrey also was named to the Senate-House Economic Committee. He became head of the consumer subcommittee and likewise turned his attention to food-related issues.

Humphrey, no political wallflower, was searching for a significant issue. His old causes, health, social services, had been preempted by younger champions during his absence from the Senate.

Suddenly to his surprise and pleasure, Humphrey found that he had been thrown into the candy jug. After years of general indifference, food and agriculture were now front-page stuff.

Virtually overnight U.S. food production went from its long history of surplus and relatively low prices to a summer of comparatively high prices and scarcity.

Housewives quickly discovered that the Kremlin's preference for the choicer cuts of meat, as evidenced by the Soviet wheat deal, raised the cost of cake mix in St. Louis Park.

Humphrey went into orbit as the Senate's food supply expert. "For once in my life," he said, "I've hit the right place at the right time." He added, smiling, "I've had bad luck with that."

On the cosmic questions of when demand will outrun world food supply, experts disagree. But Humphrey is one of those students predicting early crisis.

"For the next five years this world of ours is going to be struggling with a very serious food shortage," he said. "It is going to be exceedingly difficult. There will be starvation in many areas.

"I'm painting the picture as I think it is: It's tight and it's tough. No matter how you look at the situation, it is touch and go for the foreseeable future," he added.

BETTER FOOD SUPPLY DATA SOUGHT

Pressures on food supply come from population growth, the impact on diet of increasing affluence and the drawing down of world food reserves after widespread 1972 harvest failures.

Nevertheless, Humphrey thinks grain will be in reasonably good supply in 1974 and 1975. Part of this will be because high prices will encourage worldwide production on marginal land.

He amends this prediction slightly to say next year will be fairly tight due to the efforts of anxious countries to build up their reserves in food and feed grains.

"But looking down the road," he adds, "there is every indication that there will be severe pressure on wheat and protein, all forms of protein, but primarily soybeans."

The Minnesotan is actively forwarding his solutions to these problems. And, in general, they reflect much of the thinking of global food supply experts outside the government.

The administration appears to be at least listening. For instance, Humphrey urged Henry Kissinger during the Senate hearing on his nomination as secretary of state to call a worldwide food meeting.

A month later in his first speech as secretary, Kissinger called on the United Nations to convene a conference next year on the problems of rising consumption and lack of cereals stocks.

Humphrey also thinks the Agriculture Department is making an effort to answer his plea for better information to get an earlier and more accurate idea of what the supply-demand ratio will be.

"Data is very uncertain," Humphrey said. "There are lots of arguments or disputes about supplies for the simple reason that the statistical gathering of information is not very good."

OPPOSITION SEEN FOR HHH FOOD PROPOSAL

Humphrey, of course, wants to maximize U.S. production. But he is concerned over serious shortages of fertilizer, fuel, railway and port facilities, and farm credit.

The senator also is promoting a domestic food and fiber reserve. This would be what he calls a consumer marketing or "strategic" reserve of corn, soybeans and wheat and he has been arguing it for 25 years.

Designed as a hedge against skyrocketing domestic prices and a means of maintaining export commitments, these stocks would be isolated from the market to protect farm prices and released only after certain levels of shortage are reached.

There is considerable opposition to this proposal. Some farmers, interested in high prices, regard reserves as market dampeners. The department wants to get out of the storage business.

His farm friends are just going to have to understand that $10 soybeans and $5 wheat are intolerable and that they are in a political minority, Humphrey said in a recent interview.

In a recent hearing he added that consumers would be unlikely, as a political matter, to place themselves at the mercy of unrestrained world market pressures at a time of high U.S. farm production.

MANY EXPERTS URGE WORLD FOOD RESERVE

Humphrey stresses that the upcoming multinational trade negotiations must resolve severe problems to increase global food production and expand agricultural trade.

"International rules guiding agricultural trade are less strict, more ambiguous, and less comprehensive than those governing industrial trade," he told an agribusiness meeting in Atlanta.

"Without generally accepted rules to guide national farm policies, we force government to solve their agricultural problems without regard to their external effects," he added.

Many experts believe that the ultimate agricultural answer, if there is one, to the food-population race lies in increasing food production in developing countries.

In general, this argument contends that many of these nations have the largest unused agricultural potential. They require, however, significant outside help to exploit it.

The Minnesotan recently was floor manager of the first foreign assistance bill to pass the Senate in three years. It provides $565 million over two years for food production and rural development.

But foreign aid is now in low regard. The Senate passed the $1.2 billion measure by a narrow majority and it is unclear whether those food provisions will emerge from the House-Senate conference.

There is considerable resistance also to Humphrey's proposals for a world food reserve, an international storage system that would make supplies available to the poorest nations.

The administration, while favoring a principle of multilateral responsibility for food relief, has committed itself to an unfettered market unrestrained by government-owned food stocks.

State Secretary Kissinger's recent plea for an international food conference indicated, however, international reserves and related issues are currently being reconsidered.

Some form of world reserve is urged by many experts as a means of reducing the adverse impact of dramatic swings in price and availability of grain.

The Food and Agriculture Organization (FAO) of the United Nations also is proposing an international grain reserve that will be taken up at its conference in Rome next month.

HHH CALLS FOOD KEY IN U.S. TRADE

Jean Mayer, Harvard University professor of nutrition, advocates another solution. He asks that the United States establish a central authority to control and license food exports.

Such a grain and soybean trade board would report to the president. It would establish policies for commodity export and withhold some food from trade for relief purposes.

This would have avoided some of the errors of the wheat sale to the Soviet Union. Then the Russians dealt with competing commodity traders instead of a central agency, such as the one in Canada.

The Russian wheat deal raises another policy consideration. It suggests that we may be entering a period in which food will play an unaccustomed role as an instrument of political leverage.

India, for instance, will squeak through to its next harvest on a Soviet loan of 2 million tons of wheat. This grain is presumably available because of Moscow's large purchases in America.

Lester Brown of the Overseas Development Council observes that North America today controls a larger share of the world's exportable surplus food than the Middle East does oil.

"I don't want to be mean about this," said Humphrey recently, "but the time has come to say we want something too. To produce one calorie of food, we have to have eight or nine calories of fuel."

"I want us to take the lead internationally because we have so much at stake," the Minnesotan added on another occasion. "We can outcompete anybody in agricultural production. This is tailor-made for us.

"Fifty years ago when you talked agriculture you would talk domestic agricultural policy. It didn't lend itself to our balance of payments, it wasn't vital to our trade.

"For years you could look upon agriculture as a series of lakes. There was European agriculture. There was agriculture in Australia. There was Argentinian agriculture.

"These were like little pools of food. But now the world has changed. Agricultural production is like an ocean and the tide affects us all. All the ships go up and down with the tide."

FORD IS QUALIFIED

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. LANDGREBE. Mr. Speaker, in his short time here, the gentleman from Louisiana (Mr. TREEN) has already distinguished himself as one of the bright new intelligent voices in this body. I would like to commend to the attention of my colleagues Mr. TREEN's excellent response to a shockingly unfair attack on the minority leader's abilities to serve in the Vice-Presidency, which appeared in the Washington Post's editorial of October 14.

Mr. Speaker, everyone knows that I consider JERRY FORD to be an excellent choice to serve as Vice President of our great country. At this time, I wish only to echo DAVE TREEN's sentiments, and thank God that this Congress and the American people can recognize a great man such as JERRY FORD, and reject the warped perspective of the Washington Post's editorial board.

Representative TREEN's letter to the editor follows.

FORD IS QUALIFIED

It was with dismay that I read your recent editorial, "The Choice of Mr. Ford."

If by "pedestrian" you mean someone who believes in the middle-class values of our society; by "partisan," someone who rejects the notion that President Nixon is Satan; by "dogged," someone who believes it is more important to save tax dollars than to save bureaucratic reputations; if a lack of embrace for the New Deal, Great Society programs means that one has not shown an "impressive grasp of the complexities of hard questions"; if by "modest ambition" one means a man content to work for his constituents, his country, and his party, as a U.S. congressman; then I suppose Congressman Gerald Ford might be all of these things. But with leadership and dedication, vigor and confidence, Jerry Ford has served his country and his party loyally and unpretentiously for the last 25 years.

I believe Mr. Ford to be the ideal man for saving the country from a protracted bitter fight in Congress. Congressman Ford meets the criteria set by President Nixon—i.e., he is qualified to be President; he shares the President's views on domestic and foreign policy; and he is capable of working with both parties in Congress. I think Jerry Ford will make an outstanding Vice President.

DAVID C. TREEN,
Member of Congress.

H. A. EDWARDS, SR., OF TUSCALOOSA

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. FLOWERS. Mr. Speaker, on October 21, Mr. H. A. Edwards, Sr., retired as chairman of the Druid City Hospital Board of Trustees. Tuscaloosa and west Alabama are indebted to him for his long unselfish service to our community.

Mr. Edwards served on the board for 26 years, the past 20 years as chairman. His inspired leadership enabled Druid City Hospital to become one of the outstanding medical facilities in our region.

The Tuscaloosa News and Graphic recently paid high tribute to Mr. Edwards. I commend these two articles to my colleagues and insert them into the RECORD at this time.

The articles follow:

H. A. EDWARDS' SERVICE

A man who devotes over a quarter of a century of his life to serving the public in an unpaid position is rare. Such a man is Harvey A. Edwards, Sr., who has been on the board of Druid City Hospital for 26 years and chairman for 20 of those years.

Mr. Edwards told the 50th anniversary banquet of the hospital this week that he is stepping down from his post when his term expires this month.

Tuscaloosa appreciates his devotion to Druid City Hospital and his efforts to improve medical care. Mr. Edwards, now 80, has never been content to see things stand still. He has always been a mover for an expanded and better equipped public hospital. Even now the hospital is carrying on an improvement program that may cost up to $20 million upon completion.

Mr. Edwards is a past recipient (1966) of the Civitan Club's Citizen of the Year Award. It is appropriate that he already has been honored for his dedication to Tuscaloosa and its well being.

HARVEY EDWARDS HAS SERVED COMMUNITY WELL

H. A. Edwards Sr. will retire as chairman of the Druid City Hospital Board of Trustees at the end of the month. This community and this section of the state owe this man a debt of gratitude for his long, faithful and fruitful service.

Edwards has served as a hospital trustee for 26 years and has been chairman of the board for the past 20. This has been a period during which Druid City Hospital has made tremendous strides toward providing adequate care and treatment for patients of this community and others from West Alabama. It has been a time when the hospital has faced problems—in service, in facilities.

Druid City Hospital today stands as a fitting memorial to Harvey Edwards' dedication and determination. He has not been alone in providing leadership for the institution, but he has always been in the forefront in

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determination to provide this community with the best possible hospital and staff.

Druid City now is embarking on a new expansion program. This is part of a continuing effort to improve facilities, to keep pace with needs and medical technology. That has been the hallmark of the period during which Edwards has been Druid City's board chairman.

Planning and looking to future needs have been uppermost in the direction of the hospital board from the time the institution moved from the University campus to the former Northington General Hospital and then on to its present location in modern facilities.

Certainly Harvey Edwards has earned well-deserved relief from his duties as board chairman of the hospital. And he retires from that position assured that his long service has been appreciated by hospital staff and employes, by his fellow board members and by this community.

RESIGNATION

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. DEL CLAWSON. Mr. Speaker, in the clamor for his resignation the President is being deprived of the right of every citizen to the due process of the law. Yesterday's Washington Star-News published an editorial which I commend to the attention of my colleagues in the House of Representatives:

RESIGNATION

Some of President Nixon's erstwhile supporters have joined with many of his ancient foes in clamoring for his resignation. We have no intention of adding our voice to that chorus, which is unseemly, unfair and unwise, from the point of view not only of Mr. Nixon but of the nation.

Which is not to say that we are convinced of the pristine purity of the President. Far from it: We have the gravest doubts as to Mr. Nixon's fitness to occupy the highest office in the land.

The point is that resignation would resolve none of those doubts. Indeed, such an act would obscure, perhaps forever, the vital question of Mr. Nixon's innocence or guilt in the Watergate affair and its attendant scandals. There would be no catharsis in this. Indeed, resignation would leave a legacy of bitterness and suspicion in at least that 27 percent of the electorate which, by some mind-boggling leap of faith, continues to believe that Mr. Nixon is doing a good job as President and is innocent of complicity in Watergate.

Some of those who are asking Mr. Nixon to step down are doing so on the grounds that he has lost his capacity to govern, that he is politically "crippled." It is true that Mr. Nixon's power and prestige have been impaired and, given what we now know about Watergate, that is not altogether a bad thing. But "crippled"? That must come as news to the President's opponents on the Hill, who have been unable to override one of his eight vetoes (the most recent on October 30) this year. It must also come as news to both sides in the Mideast crisis.

When a tide of emotion is running high, it is easy to get swept away. So perhaps it is worth recalling that Mr. Nixon's popularity has not yet fallen to the 1951 level of a president now widely regarded as one of our near-great leaders—Harry S. Truman.

In any event, ours is not a parliamentary system under which a president is accountable to sudden gusts in the fickle wind of public opinion. No charges of criminality have been lodged against him and the President cannot be compelled to resign an office to which he was lawfully elected.

If he is to be required to step down, Mr. Nixon is first entitled to his day in court. If he has been guilty of "high crimes and misdemeanors," if he has violated his oath to see to it that the laws are justly enforced, then he—and the American people—are entitled to a bill of particulars.

There are those who draw back in fear from the trauma of impeachment proceedings. We have a greater faith in the toughness of the Americans people, the resiliency of our institutions and the genius of our Constitution.

In our view, the first order of business ought to be the confirmation by the Senate of Vice President-designate Gerald Ford. For if Mr. Nixon is to be swept aside, it is essential that the people's mandate of 1972 be assured. It is to the credit of House Majority Leader Carl Albert, at present the next in line for the presidency, that he realizes that a Democratic succession would destroy the legitimacy of the government.

Once Ford has been confirmed, the House Judiciary Committee ought to move with all deliberate speed in its investigation to establish whether a case for the impeachment of the President exists. Should it so find, it will be up to the House to act upon the committee's recommendation, either rejecting it or sending it forward to the Senate.

The national weal requires a speedy and definitive end to the Watergate scandal. But that end must be fair to the President and to the country, and it must be seen to be fair.

Article II of the Constitution provides for the removal of a President from office. It would be the final irony if a president charged by his opponents with abusing the Constitution were hounded from office by a constitutional short-cut which might poison the well of American politics for generations to come.

A forced resignation would leave an intolerable question mark on the political horizon and create more stresses than it would relieve. It ought not to be contemplated.

WHAT CAN THE CITIZENS DO TO CONSERVE ENERGY?

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. SPENCE. Mr. Speaker, I recently had the honor of hosting a very special young lady during her 2-day visit to Washington. Her name is Miss Dawn Beaty, and I am especially proud of her because she was the winner of a contest I sponsored in the Second Congressional District of South Carolina.

The contest that several of my colleagues on the Task Force on Energy and Resources and I initiated had an extremely important purpose, Mr. Speaker. Students in high schools throughout the district were asked to write an essay on the topic, "What Can the Individual Citizen Do To Help Solve the Energy Crisis?" As members of the Task Force on Energy and Resources, we have been active this year in seeking new energy sources, as well as encouraging conservation of what we have available now. I knew how vitally interested my student-constituents are in the subject of conservation generally, because I have heard from many of them.

I was particularly anxious to get the students' original ideas on this subject because the quality of the world they inherit may be greatly affected by the manner in which we deal with the energy crisis. In challenging our young people to consider their future by thinking about creative, constructive solutions to this serious problem, I was confident that we would be able to develop some exciting new possibilities.

Mr. Speaker, it turned out that the aims of this contest exceeded even beyond my hopes. I received a great number of excellent suggestions, and every entry was outstanding.

Of course, there was one essay which stood out as being particularly original and well written. Since space does not permit me to have all of the essays reprinted here, I would like to submit the winning entry of Miss Dawn Beaty, of Columbia, S.C., as being representative of the fine work done by students in my area on this vital subject.

Mr. Speaker, I include Miss Beaty's essay entitled "What Can a Citizen Do To Conserve Energy?" in the CONGRESSIONAL RECORD at this point:

WHAT CAN THE CITIZEN DO TO CONSERVE ENERGY?

During the past decade, the American public has been brutally awakened to the abuse of our natural resources. They have seen forests grow into houses; they have seen rivers die of pollution; and they have watched a new day break through a clouded, gray horizon. Now, Americans are experiencing a comparable dilemma—they are watching our country slowly weaken as our fuel resources are abused and consumed. But, even when they are faced with this crisis, many persons complacently sit around feeling quite certain that some higher authority will correct this problem with a snap of a finger. But, these individuals are depending upon blind faith. They should not expect one body of persons to correct the mistakes of everyone. The American people caused this dilemma; only the American people can bail themselves out. Each individual must contribute his effort to alleviate the nation's energy crisis.

But, exactly what is the "energy crisis" and just how important is it? An energy crisis is the result of the mismanagement of our natural fuel resources. These resources include oil, gasoline, electricity, coal, and kerosene. It is with these fuels that our mechanized nation functions. The depletion of America's sources of energy can be best compared with the loss of blood. Our body runs on blood. If our body is injured, causing a loss of this precious fuel, it could be serious. This would be extremely serious, if there were no blood to replace our slowly escaping blood. In such a case, with no "fuel" to run the body's organs, our body would die. So too will our nation, if the individual does not awaken to what this crisis could mean to his own life.

It is true that many persons have already been directly affected by the energy crisis. On the other hand, many have not. Let us examine a high school senior's "brutal" awakening to the energy crisis.

Our high school senior entered his final year of study with two goals in mind—to graduate, and to hit the beach just as soon as he got his diploma. All during the commencement ceremony he dreamed of sand, rolling waves and bronze-skinned girls with long blond hair. Even his mother's tears of

pride only reminded him that tomorrow he would be up to his neck in salty water.

That night, "Junior" dragged himself home from the graduation party and packed his car. In it went towels, bathing trunks, a polished surfboard, and suntan oil. That night he fell asleep dreaming of rolling waves and bronze-skinned girls with long blond hair.

The next morning, "Junior" jumped into his car, revved the motor a few times, and thought about those bronze-skinned girls with long blond hair. But just then he noticed that his tank was nearly empty. So "Junior" trucked it down to the gas station around the corner only to pull up to empty pumps! So there he sits in his car, watching those bronze-skinned girls with long blond hair wave bye to him as they run down the sandy beach.

Amusing—or is it sad? For there are going to be many "Juniors" in this country if each person does not make a valid effort to conserve our fuel resources. But "Junior's" problem, however, is not our greatest concern. The energy crisis would not be of great significance to us if all it meant was that the fuel shortage prevented a high school graduate from driving to the beach. A more relevant situation would involve more than a boy's "shattered" dreams about himself and the beach. For instance, suppose the Lexington County Hospital caught fire, and because the area fire station had no access to fuel for their trucks, both the building and hundreds of lives were destroyed. This would be a grave matter. This is exactly why the energy crisis is just what it is—a crisis.

"But what can I do? I'm only one," you might reply. But thousands of people are made up of one plus one plus one . . . It took thousands of people to cause an energy crisis like this one, and it will take thousands to correct this colossal mistake.

The first place you might start is with your own home's heating system. Does it adequately heat the house? If not, do something about it! First, you should make certain that your home is properly insulated. Oh, that costs too much money, you might argue; the easier solution is to turn up the heat. Better insulation, however, is the wiser answer, for there appears to be a limitless amount of insulation. But what good is all this material to retain heat if there is no fuel to produce it. All the money in the world will not purchase more fuel to warm a poorly insulated home if there is no fuel to buy. Next, check your home's heating ducts. They should be properly wrapped and insulated. This can save a tremendous amount of fuel. Storm windows, too, are a very sound investment in the insulation of a home.

Now, examine the temperature of your home. Determine whether or not you can conserve fuel by cutting down on the thermostat. Another important aspect of home heating is the thermostat setting during the night. Cut it down. Psychologists have found that persons sleep better in a cool room. This is attributed to the fact that a person bundles up in his bed covers when the room is cooler, thus causing him to sleep better. What about rooms you seldom use? Close the heat ducts in those places. Be wise and conservative in your use of home fuel resources.

Next, let us examine the major abuser of fuel resources—those one, two, and three cars sitting in your driveway. It is a shame that our society feels that each person should have his own car, much like every person has his own social security number. It seems that a man is dubbed a social failure if he does not have a car for himself, one for his wife and several more for his teenagers. Americans, in all practicality, do not need so many cars. The family breadwinner should perceive that a family that drives together, thrives together. So will our nation. Individuals should band together into car pools to insure that there will be enough for our children's car pools. An individual should also make certain that he accomplishes as many of his errands as possible in one trip. This will take a little planning But, remember, this energy crisis arose from poor planning. The American public must use their heads and think.

But you are a traveling salesman; you need your own personal car. If so you will need more gas than the average American. Thus, it is important that your car is in faultless condition. An automobile in disrepair consumes much more gas than one in top condition. Also, in traveling, a person should maintain a steady speed, not exceeding 50 mph. But, it appears that interstate highways encourage our national inclination—to move fast. It would be much easier to have the American public adjust to an energy crisis speed limit than to a permanent one. In such times of great fuel need, highway and road speed limits should be decreased 10 mph. This could be designated as the Energy Crisis Speed Limit. People, by nature, would see reason to observe this regulation with less protest than to an unjustified everyday low speed limit.

The individual can also heed the advice of energy conservation information. In South Carolina, the SCE&G is doing a fine job of stressing the importance of electrical energy conservation. They have made television commercials, and have mailed fuel conservation tips to state residents. Other agencies have also attempted to educate the American public in regards to fuel consumption. As individuals we should appreciate and acknowledge these suggestions and act upon them.

The individual can also make certain that his Congressman knows how he feels about energy crisis legislation. As citizens we are powerful, for we can voice our opinions and suggestions to those who represent us.

Thus, the individual *can* make a difference in the conservation of our fuel resources; but everyone must do his part, for each person is only a part of a whole—our nation. Only then, as a nation, can we cope with our energy crisis.

IRRIGATION IN THE UNITED STATES: THE SITUATION TODAY

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. JOHNSON of California. Mr. Speaker, statements are being made that the Bureau of Reclamation has completed its job of building the West through irrigation of public lands in the arid zone beyond the 100th meridian. Federal reclamation was adopted as a homemaking program for the western region in 1902. Times have changed and the program has changed in the seven decades that have passed, but the West is still the arid region that John Wesley Powell and Theodore Roosevelt knew at the turn of the last century, and its problems remain unique. They cannot be ignored.

William E. Warne, former Assistant Commissioner of Reclamation, former Assistant Secretary for Water and Power of the Department of the Interior, and former director of the California Department of Water Resources, has prepared a thoughtful analysis of the situation of irrigation in the United States today. His conclusion that new problems that have arisen in the arid West require the continuing attention of the Bureau of Reclamation on a regional basis is worthy of note by all of my fellow Members. He is a leading irrigationist in the United States.

I include his paper delivered to the U.S. Committee on Irrigation, Drainage, and Flood Control in Sacramento, Calif., on September 21, 1973, as an extension of my remarks:

IRRIGATION IN THE UNITED STATES; THE SITUATION TODAY

Irrigation supports the agriculture of the semi-arid and arid western United States. Agriculture is the dominant industry of the region. Irrigation is practiced increasingly in the more humid states, as well, but among them, except in Florida, Arkansas and Louisiana, irrigation is not given much attention as a factor influencing farm production.

The situation in the United States today is that irrigation is a western operation of critical importance in the production of food and fiber. Irrigated agriculture is the foundation of the economy of the western states.

Irrigation in western United States was begun by the earliest Europeans to settle here. The Spanish Padres dammed the streams and irrigated the gardens with which they surrounded their missions. The Mormons, when they arrived on the banks of the Great Salt Lake, diverted City Creek to irrigate some potatoes in order to establish themselves in a land that was physically hostile. Migrants stopped off at Fort Bridger on the way West, and irrigated pastures to grow hay for their oxen so that they could continue to Oregon. Many Forty-niners in California deserted their diggings after the first winter to irrigate farms in the Central Valley.

Historically, the primary influence in the growth of western irrigation has been that of the Federal Reclamation Act of June 17, 1902.

Late in the 1880's and during the 1890's, western leaders were convinced that private developers and the states and territories were not equal to the task of planning, financing and constructing the large-scale water projects that were required in the settlement of the West. The nation as a whole gave high priority at that time to winning the West and was anxious to populate the new states that were being added to the Union beyond the 100th Meridian. Theodore Roosevelt, in his first message to the Congress, called for the adoption of Federal reclamation as a homebuilding policy in the semi-arid and arid regions. The Federal Reclamation Act followed within a few months.

The 1969 Census of Agriculture, which provides the latest statistics available, disclosed that seven decades later there were 39,129,758 acres of land irrigated that year in the 50 states. Of the total, 34,787,156 were irrigated in the 17 western states. Farm lands were irrigated in every state of the union. In three of the states that are considered naturally well-watered, the areas that were irrigated would have been substantial even had they been in the arid west. Florida, with 1,365,206 acres irrigated, exceeded such western states as Arizona, Kansas, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Utah and Washington in the area irrigated. Arkansas and Louisiana rivaled many of these that are commonly thought of as "irrigation states."

The situation today is that irrigation is increasing more rapidly in the eastern, more humid states, than it is in the western arid and semi-arid states. There was a 13.3% increase of irrigated acreage over a five year period in the East against a 4.8% net increase in the West.

California, with 7,240,131 acres irrigated in

1969, led all states, with Texas, which irrigated 6,888,075 acres, second. California has led all states, irrigated or not irrigated, for a number of years in the value of her agricultural production, recently exceeding $5 billion a year, and Texas historically has been among the top three farm states. In California, four-fifths or more of the farm income is derived from irrigated lands. Many of California's crops are marketed in substantial quantities abroad. The state's exports contribute materially to the United States' balance of trade.

Obviously, the irrigated crops today are a significant factor in the ability of the United States to feed her people and at the same time to export vast quantities of food and fiber to nations around the world.

Because of its origin, its history, and its recorded achievements, the Bureau of Reclamation is the dominant agency in arid land irrigation in the United States. It is, in fact, recognized as the leading institution in the field worldwide. The Bureau has researched and pioneered in all phases of engineering and construction related to dams, hydro-electric power plants, canals and appurtenances.

The situation is that today the Bureau of Reclamation in the technical fields stands first in line and head and shoulders above its rivals.

In 1971, the latest year for which statistics have been compiled, the Bureau of Reclamation had constructed 305 storage dams, 316 diversion dams, 13,600 miles of canals, and 33,510 miles of laterals. There were 138 Federal Reclamation projects in operation and the total cost of construction by the Bureau to June 30, 1971 was about $5.5 billion. In 1971, the gross crop value from the operations exceeded $2 billion for the first time, and represented a per acre average value of $240.45. Of the total of 10,560,000 acres for which irrigation service was available from Bureau projects, 8,834,000 were actually irrigated and farmed in 1971. Municipal and industrial water were served to 14.5 million people by the projects. Irrigation and other services brought to 16 million or 30 percent of the entire population of the 17 western states the number who were provided project water. In addition, the number of visitor days to recreation areas provided by the projects equalled about one-fourth of the population of the entire United States. Reclamation dams prevented that year $32.8 million in flood damages. Hydroelectric power production incidental to the operation of the reclamation dams amounted to 50.1 billion kilowatt hours which were sold for $161.4 million.

These statistics may go whirling over your heads, because it takes study to comprehend en masse such large numbers. To hear them, however, may impress upon you that in carrying out the assignment of home-builder and developer of the West, the Bureau of Reclamation in 71 years has substantial achievements to its credit.

The situation of the western states today certainly would not be the same without the program of the Bureau. The arid West was a hollow region in 1900. Efforts made in the latter part of the 19th Century to settle the West through development of its water resources and arid lands had been failures. The Federal Reclamation Act of 1902, however, succeeded from the outset in building homes and developing towns in the wastelands.

Remembering that the Federal Reclamation program was undertaken by the Government in pursuit of a national policy of peopling and developing the arid West, it is strange to hear the National Water Commission say today, (p. 128):

"A primary weakness of the Federal water resources development projects is that they have been heavily subsidized by the Federal Government; that is, by all the taxpayers of the Nation, to provide benefits for a few."

In reviewing the Minidoka and Tucumcari projects, the Commission saw that valuable development had taken place, but it wondered what would have happened if the projects had not been constructed. There are millions of acres of desert lands that were vacant in 1902 and that remain vacant today in these same and similar western areas.

They provide the answer to the Commission's question.

"Nothing would have happened. Nothing at all."

If Idaho and New Mexico are of no value to the taxpayers of the United States, then the investment of Reclamation funds in irrigation projects within the boundaries of such states might be considered only as a subsidy of the few who now manage to make a living from the lands that irrigation has made productive. On the other hand, if developed states in the arid region today are important to the United States as a whole, then more than the immediate few who irrigate the reclaimed desert lands have been benefited.

Federal Reclamation was the 20th Century answer to the 19th Century problem of winning the West. As such, it carried provisions of subsidies of interest free money for project construction and of free homestead land for settlers.

Because Federal Reclamation was a home-making policy, it incorporated provisions for limitation on the size of farms that could receive water—the so-called 160-acre law—and residency requirements to maximize the number of actual settlers in the lands. Other requirements encouraged water users to organize cooperatively for the creation of irrigation districts to manage the project canals and ditches. Townsites were authorized within the districts. The object of these provisions was to create self-reliant, new, farm-based communities. In these objectives, the program, I believe, also has succeeded.

For many years after 1902, except in California, Federal reclamation was virtually the sole force at work in expanding western irrigation. California provided much of the leadership of the National Irrigation Congresses that successfully promoted Federal reclamation, but when the Act was passed in 1902, individual developers and irrigation districts in California were succeeding in expanding irrigation within the state. They were so successful that for 30 years the new Reclamation Service was confined in California to one small project, the Orland Project in the Sacramento Valley.

That the Reclamation Act was effective as a community builder is clear from the reading of the map of the West. Such thriving modern cities as Phoenix and Yuma, Arizona, Boise, Idaho, Yakima, Washington, El Paso, Texas, Grand Junction, Colorado, Reno, Nevada, and many others received their principal impetus from the development of Federal reclamation projects near or around them in the first three decades of this century.

During the Great Depression of the early 1930's, two powerful new stimulants were applied to Federal Reclamation. First, privately financed irrigation projects encountered financial difficulties in California in the years when the Congress was granting repayment moratoria on Federal projects. It became necessary to turn to the Bureau of Reclamation and to appeal for Federal appropriations for the construction of needed supplemental water projects, such as the Central Valley Project and the All-American and Coachella Canal Projects. Secondly, with the construction of Hoover Dam the advent of the multiple-purpose project that produced large blocks of highly salable electric power gave a whole new aspect to the reclamation program. Annual Federal investment in irrigation projects that included multi-purpose dams and comprehensive river basin developments immediately increased many times and the new plateau of construction did not thereafter slope off toward previous levels.

For a period of another 30 years, roughly from 1930 to 1960, Federal Reclamation rolled along on the crest of a wave of multiple-purpose projects. Great dams like Grand Coulee, in the Columbia River, and Shasta in the Sacramento River made contributions through their hydro-power to the development of western cities. Cheap energy influenced the growth of such cities as Los Angeles, San Francisco, Portland, Seattle and Spokane as significantly as irrigation of the deserts had influenced the development of the backcountry during the generation that preceded this era.

Though the reclamation program was modified by new influences during this second period, the basic precepts of Federal Reclamation were not altered. The program was conducted with interest free or low-interest financing and the 160-acre law was not repealed. The social objectives of the settlement of desert lands and the winning of the west were still sought largely with the tools fashioned in 1902 and with the addition of the public power preference clause which first appeared in the Reclamation Law in 1906.

Controversies of telling impact arose as these old social weapons were used by the Bureau of Reclamation in the sophisticated post-depression and post-war economies to which its great dams were now contributing. The emphasis during this period was placed nationally on production, both in industry and on the farms, farms shed their nostalgic aura.

Farming as a way of life certainly ended with the Second World War. The returning servicemen who sought farmsteads on the new reclamation projects of that period wanted no subsistence farms, but sought units that would make for them decent livings on the scale of the new industrial worker in the nearby towns.

The controversies that arose over the 160-acre law and public power confused the easterners, who had, however reluctantly, approved the reclamation program on the grounds that it was needed to help people get started in the difficult western region.

The West wants to give up the 160-acre law, the easterners said, let it also give up the interest-free Federal financing of the construction of irrigation projects. These two were companion policies used to make homes in the previously untenanted deserts.

In effect, such is the judgement rendered by the National Water Commission in its recent report. (p. 148)

"The Commission concludes that subsidization of new irrigation projects is not justified on either social or economic grounds. Reclamation farms differ little from non-reclamation farms, but federally subsidized irrigation does increase farm surpluses, increasing the costs of price-support programs and disadvantaging farmers in other parts of the country. Direct beneficiaries of Federal irrigation developments should, therefore, be compelled to pay in full the costs of projects allocated to irrigation in conformity to the general principle of full-cost repayment proposed for other water development projects elsewhere in this report."

The Commission made four recommendations to recover part of the subsidy it thought some of the project irrigators were receiving, but conceded that they would not recapture all of the public benefits. "The proposals are thought to go as far towards recapture as is practicable." (p. 149) the Commission added.

The situation today is that the arguments

which convinced the nation in 1902 to begin Federal participation in irrigation development of the West no longer seem equally valid.

Many a land owner in areas overlying groundwater basins or who can reach a river with an individual pumping plant has successfully irrigated arid land since the Second World War. He has used his own resources or borrowed money at commercial interest rates to build his systems. The State of California has just completed the California Water Project. It financed the construction by floating its own bonds. This project is resulting in the irrigation in the southern San Joaquin Valley of the largest increments of undeveloped lands that have been brought under cultivation in many years. The local water service contractors, for the most part, are financing their own district distribution systems.

It does not hold, of course, that because favorably situated land owners can develop their own irrigation systems and because California, the most populous state in the Union, can finance her own magnificent project, that all needed irrigation development today can safely be left to private enterprise and the initiative of the states. Yet such are the conclusions being jumped to by increasing numbers of observors. They say, big government is no longer needed in this business, though perhaps it may have been in the beginning. Federal Reclamation has succeeded in working itself out of a job, they say, so its program should be closed down.

Such conclusion jumping, in my view, comes close to Olympic-record lengths.

The ink was hardly dry on the final report of the National Water Commission, when farm prices began a quantum jump. Many farmers right here in the Sacramento Valley are selling their products this year for twice or more than twice what they got for the same quantities last year. The Secretary of Agriculture has been out here urging everybody to plant more of everything in the coming year. These facts make some of these words in the Commission's report seem a bit strange in the situation today. (p. 17)

"The results of the study, based on conservative yield trends, indicate that U.S. Agriculture would not be faced with aggregative strains of food-producing capacity and water supplies relative to needs in the year 2000 under any of the alternative futures considered. Under the assumptions of the study, even if irrigated area is not increased over the next 30 years, capacity of American agriculture will be sufficiently large to meet the anticipated demands at reasonable prices. Projected food demands in the year 2000, according to the conclusions of the study, could be met by returning land idled under Government programs to production with the use of less irrigated land than at present."

The anatomy of water resources development does not admit of reaching clear termination points. The problems to be solved grow progressively more difficult and complex. Take as an example, the progressive degradation of the quality of the water of the Colorado River as development of that basin has continued. Take as another example, the progressive exhaustion of the vast groundwater basin that underlaid west Texas. Take as a third, the decline of population, continuous since 1920 when the families of the initial homesteaders grew up, in all of the counties of the high plains in the upper Missouri River basin. These intensifying problems are so threatening that only the Federal Government can grapple with them successfully—and, in the end, the Nation can not ignore them because they will not simply go away or quiet down.

In the light of the record of the Bureau of Reclamation, in the arid region of the United States, another conclusion of the National Water Commission has a leaden sound. (p. 61)

"Federal water programs can be easily adjusted to support whatever population distribution policy the Nation adopts. However, water programs are not, in and of themselves, adequate to effectuate a national policy concerning where people will live. Water programs should continue to accommodate future population growth and economic well-being by responding to the pattern of interregional population distribution. In some instances water programs may influence desired population distribution provided other controlling conditions are favorable."

Argue, if you will, that the Federal Reclamation Act of June 17, 1902 was not designed to cope with the complex problems of today. The problems were not generated until decades, in some instances many decades after the Act became law. Of course, even as amended by the Reclamation Project Act of 1939 and other monumental revisions, the Federal Reclamation Act is inadequate in the face of the great emerging needs. The programs of the Bureau, however, provide the best platform from which to launch the attacks on these new problems. If the Bureau should no longer exist when the Federal government finally gets around to tackling such problems, then a new agency in the Bureau's image will have to be created to get these regional jobs done in the West.

There have been other times of crisis in western water resources development since the Federal government began irrigating public lands. The first came when public lands that were irrigable approached exhaustion and privately-owned lands were included as large parts of the new reclamation projects. Land speculation almost detroyed public confidence in the program at that time.

Later, after the first World War, farm prices plummeted and settlers on Federal projects could not meet their payments.

The Congress granted relief until moratoria on payments and write-offs of project costs became almost habitual. Popular opinion spread that irrigation settlers were deadbeats. This was very damaging to the program.

Still later, the Bureau and the Corps of Engineers met head on in the Missouri Basin and the Central Valley of California in deadly earnest rivalry. This left a bad taste in the mouths of many that no amount of coordination of programs, voluntarily undertaken, has as yet entirely eliminated.

In recent years, inflexible cost-benefit ratios that failed to reflect changing interests in water resources developments forced ever more tortured allocations of costs. The results of these mathematical gymnastics raised questions concerning the value of the judgments of project planners, and the environmentalists moved in to attack them.

The Congress wisely created special commissions—the Fact-finders, the Repayment Commission, and the Water Resources Council—to investigate, to appraise, and to make recommendations which could be considered in working out remedial legislation in connection with the first three of these crises. The fourth is with us today.

The situation today, as I pointed out in the final chapter of my book, The Bureau of Reclamation, is that consideration should be given now by the Congress to setting up a Reclamation Assessment Commission which would consider western water problems in the light of the history ~~of irrigation~~ development in the region and with an understanding of the new and unique problems that are now being encountered.

I do not believe that the National Water Commission report satisfies the needs of the West. The report is too general and its recommendations are too broad. I had the feeling on completing the reading of the report, that the Commission never quite sorted out the Colorado River from the Ohio and the Tennessee Rivers, nor the East from the West, though it is pretty certain that the twain shall never meet geographically except at the 100th Meridian.

Farming as a way of life may be as antiquated as the cobblers bench and the mom and pop grocery store. Perhaps no amount of subsidy of irrigation can preserve it. The goal of sound development of the West through planned use of the scant western waters and the vast arid lands, however, can be restated in modern terms. The objectives of irrigation were stated in the Federal Reclamation Act of 1902 in terms readily understood and supported in the 19th Century. With three-quarters of the 20th Century elapsed and the West grown up, with many of the children born on the early reclamation projects already grown old and retired, it is time to take a new look, to set new guidelines, to revitalize the reclamation program and to ready the Bureau for the gigantic tasks that the future holds in water resources conservation, management and development in the western region. Geothermal wells may substitute for some new reservoirs, desalters for some new dams, and some irrigation may give way to hydroponics. Project Skywater may succeed in increasing the annual flow of the Colorado River to what the Compact Commission in 1922 thought it might be. Nothing will surprise me, for I have seen so much wrought by the water resources people, of whom, happily, I have been one for 40 years. But nothing ever just happens. Wise and energetic men must be organized to conduct planned programs that can make the future that which we dimly foresee but aspire to witness.

It is in this context that I found the report of the National Water Commission negative and unsatisfactory. It seemed to assume that all that is now needed, or perhaps even more, had already been done. I can not face with equanimity the thought that the future of the United States may hold less irrigation than we have today. The West, I believe, certainly can not accept such a conclusion.

The situation today is much as it was in 1902; without irrigation the arid West has no future.

YEAR-ROUND DAYLIGHT SAVING TIME HAS MAJORITY SUPPORT IN WISCONSIN

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. STEIGER of Wisconsin. Mr. Speaker, in light of the energy saving steps the President is asking us to approve, I want to report the vote of the men and women of Wisconsin's Sixth District on the proposal for daylight saving time.

In answer to the question, "Would you favor extending daylight saving time to a year-round basis?"—a majority of those responding to my annual opinion poll this fall said yes—57 percent.

The poll also indicates that DST may be somewhat less popular among women than it is among men.

According to the notes and letters they have written me, Wisconsin women feel strongly conservation conscious but they are concerned that year-round DST will mean a child must board a school bus in bitter-cold morning darkness. This is a legitimate concern, particularly in rural Wisconsin. Luckily, we can solve the problem—perhaps simply by drawing it to the attention of school officials and urging them to start and end the school day an hour or so later.

Despite this reasonable objection to year-round daylight saving time, women voted in close agreement with men. Slightly more than 50 percent of the women respondents said they favor DST, and 58 percent of the men said they do.

The above returns came from approximately 27,000 people who returned a postcard questionnaire in August and September.

The question on my poll that drew the greatest disagreement between men and women was one concerning amnesty. A majority of women voted yes—50.5 percent—while a majority of men voted no—58 percent.

Total responses showed 36.5 percent favor conditional amnesty, 9.5 percent want unconditional amnesty, and 54 percent prefer no amnesty.

Other results included: Newsmen's right to refrain from revealing their sources, 52 percent in favor, 48 percent against; and abortion, 36 percent allowing the Supreme Court decision to stand, 11.5 percent for amending the Constitution to restore to the States the power to regulate abortion, 52 percent for amending the Constitution to prohibit abortion in all but extreme circumstances, and 0.5 percent for no abortion in any circumstance.

As in the past, this poll was mailed to each residence in the Sixth District, and each reply was tabulated by hand. The response was high from all 12 counties—especially from Winnebago, Sheboygan, Manitowoc, and Fond du Lac. And returns still arrive in each day's mail.

Of the four questions asked, the one on daylight saving time was answered most and received most agreement. Because of the timeliness of this issue, Mr. Speaker, I would like to include as part of my remarks an October 30 editorial, "Daylight Saving, Energy Saving," from the Manitowoc, Wis., Herald-Times:

DAYLIGHT SAVING, ENERGY SAVING

Willy nilly, daylight saving time has run its summer course again. In accordance with federal law, clocks were turned back Sunday everywhere except in a few places where regular time is maintained the year 'round.

There is a new element in the picture as the changeover is made this year, however. It comes in the midst of a burgeoning effort to re-establish daylight saving time as a means of conserving energy.

Serious talk along these lines is reported from both the East and West coasts. New England governors are considering the use of emergency powers to reject the federal statute and reinstate daylight saving time on a regional basis. In California, the Los Angeles Board of Water and Power Commissioners has asked Mayor Tom Bradley to initiate a campaign for a nationwide permanent restoration of daylight saving time to reduce fuel consumption. They say that in their city alone such a move would cut fuel oil use by 300,000 barrels a year.

There are counter-arguments. Early risers say permanent DST would only shift the power need to the morning hours. That is true to some extent. The question is: Which alternative would bring the greatest energy savings?

The matter is important enough to justify thoughtful consideration in Congress. Regional action on the basis of state emergency powers would in our judgment be less satisfactory than a nationwide approach, given such problems as transportation schedules.

DO DÉTENTE, ALLIANCE, AND OIL MIX?

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. CAREY of New York. Mr. Speaker, I presume the House will, sometime in the future, be considering trade legislation reported by the Ways and Means Committee just a month ago.

The committee worked long and hard on this bill, and in many respects, it is a vast improvement over that proposed by the administration. Discretionary powers are somewhat more carefully delineated and restrained. Increased attention is paid to adjustment assistance, and to international fair trade practices. Most favored nation status, and most likely, credit and financial concessions to the Soviet Union, will be contingent on freedom of emigration from that nation.

However, serious weaknesses in the bill prevented me from casting my vote in the Ways and Means Committee to report this legislation to the Rules Committee and the floor of the House. Those reasons include insufficient insistence on fair trade practices, lack of increased equity in international fair labor standards, granting of credit and financial concessions to the Soviet Union without guarantees of freedom of emigration and other basic human rights, plus insufficient attention being paid to the legitimate and increasingly serious concerns of the American workingman—concerns dealing with his very livelihood, and the economic security of himself and his family.

Those briefly are several reasons why I find it difficult, at the present moment, to give my support to the pending, and often-delayed, trade bill.

But Mr. Speaker, there is another very important item which is most conspicuous by its absence from the trade bill. And that is a serious effort to encourage and provide the discussion and negotiation impetus and mechanisms for our oil-importing, trading partners, to come together with us in common policy and resolve—to come together, under the aegis of either the GATT, or NATO, or other multilateral security and commercial organization—to come together in both common commercial and security alliance.

Our foreign policy has as its cornerstone the continued advancement of détente between the United States, and the Soviet Union and China. The Soviet Union at present is more in the fore, since our relations are of longer standing with them, and our cultural, diplomatic and commercial intercourse is naturally more matured. The Soviet Union, and its domestic and foreign policies, have become very important material and political factors in the substance of the pending trade bill, and in the timing of its consideration. How the Soviet Union acts with regard to both guarantees of emigration and in the Middle East, with specific regard to their influence with the oil-export policies of Arab nations, will determine, to a very large extent, the success of efforts within both the Congress and the administration, to liberalize commercial and financial exchanges between our two nations.

Mr. Speaker, I have long fostered the easing of United States-Soviet ideological and military tensions. However, I do not think that détente should be achieved at the expense of alliance. I do not think it in the best security and commercial interests of the United States, to give up NATO solidarity, and working trade arrangements we have with Europe and Japan, in order to follow the still poorly defined, and still ephemeral blessings of détente.

Assuredly, we are seeing unfold in the Middle East the truth of what I have been saying in the Congress for well over a decade: world power politics have become too dangerous to be left to military resolution, or big-power direct intervention. The scenario being presented in the Middle East is more than renewed local belligerency and aggression, it is the perfect demonstration that the days of geopolitics are being supplanted by the days of geoeconomics.

Mr. Speaker, it is exactly for this reason that I find disturbing the present failure of the United States and our trading partners, and other oil-importing friends, to come together in the alliance I discussed above. Clearly, détente and alliance do mix. We have proven that, in of all places, the Middle East. But while I savor the irony of the situation, I do not see, sans close consultation and cooperation of oil importers, how we can continue to think that détente, alliance, and oil do mix—or at least, how they can mix without a very strong dollop of alliance on the part of the oil importers, including, of course, the United States.

In brief, Mr. Speaker, unless we and our oil-importing friends get together and devise and implement a long-term oil and energy program and policy, we will be very shortly on the very short end of the dip stick. There is solidarity in those oil-producing nations closest to the areas of conflict. All we have in the oil-importing nations right now, is an agreement to disagree on just about everything from defense, through trade and floating currency exchange rates. And while we can enjoy the wag's remarks at Nairobi, that, the world monetary situation is hopeless, but not serious, that most certainly is not the case with regards to heating our homes and schools, moving the wheels of industry and transportation, and insuring for our security needs for petroleum and petroleum products.

Mr. Speaker, there has been another delay in consideration of the pending trade bill. I think the Congress and the administration should move right now to talk seriously with our counterparts

to devise ways and means out of this corner into which we seem to be painting ourselves. This delay should be an opportunity not an inhibition to immediate high-level consultations—consultations with a goal of coalescing the disparate national drifts into an oil and energy policy that presents a united front of consumer nations. We have more to bargain with than just potentially empty gas tanks—let us get about marshalling our national-corporate assets. Time and the ability to maneuver is running out.

Mr. Speaker, Leonard Silk wrote an article that appeared in Tuesday's New York Times. The title of the article is "The Oil Weapon." Mr. Silk emphasizes, though in a somewhat different context, the points I have just outlined above. I commend his thoughtful and persuasive remarks to my colleagues and include them in the RECORD at this point.

[From the New York Times, Nov. 6, 1973]

THE OIL WEAPON

(By Leonard Silk)

The war in the Middle East and the Arab decision to impose an embargo on oil shipments to the United States, the Netherlands or any other country that provides support to Israel have given the NATO alliance its most severe internal shock since France withdrew from military integration in 1966.

Accusations are rife on both sides of the Atlantic. The Europeans blame the United States for trying to bully them into backing the American position on Israel, for not consulting with them, before putting American bombers and other forces on world-wide alert and expecting them to a risk of cutoff of their oil from the Middle-East and North Africa, on which Europe depends for more than 80 per cent of its supply.

The United States in turn blames the members of NATO for acting like a collection of small countries, trying to hide in the woodwork, for not looking beyond this moment's or this winter's problems, for putting oil above principle and for refusing to work with the United States to draw up a common policy toward the war—and the strategic threat of the Soviet bloc.

Within Europe itself the strains are intense as a result of the Arab cut-off of 15 per cent of Western Europe's oil supply. The nine members of the European Common Market are meeting in Brussels now to discuss the sharing of oil. But the French and British, who regard themselves in a specially favored position vis-a-vis the Arabs, are reluctant to pool their oil with the Dutch, who are facing the loss of 70 per cent of their oil due to the Arab embargo, and the West Germans, who get much of their fuel via the Dutch port of Rotterdam.

However much truth—of guilt—there may be on both sides, the fact is that the present crisis has exposed serious weaknesses in the Atlantic alliance, weaknesses that could be disastrous if they are permitted to continue. For oil, so critical to the highly industralized economies of the West, has become a weapon that the Arab states, acting in concert, intend to continue to employ primarily for economic purposes—though they would obviously like to see Israel reduced or destroyed in the bargain.

The Soviet Union, for its part, means to exploit oil for political purposes—as a weapon that could break up the North Atlantic alliance. It could also isolate the United States not only from Europe but from Japan, which is totally dependent on imported oil.

The conceptual basis of the Western alliance now needs to be clarified—and broadened. The essential question is: what does collective security mean?

In this era of so-called détente (a condition that obviously did not keep the Russians from pushing for major strategic gains in the Middle East) collective security must mean more than a wall against Soviet tanks, troops or nuclear bombs. It must also mean common economic policies to protect the jobs, living standards and prosperity of the West, as well as its military security.

Permitting the Arabs and the Soviets to use what are called "salami tactics" in slicing one ally from another would be the worst blunder the West could commit. Although the circumstances are very different from the threat to the West in the nineteen-thirties, the folly of seeking to appease greed by sacrificing individual countries to aggressors would be as great today as it was in the days of Hitler, the Sudetenland, Austria, the Danzig corridor and Czechoslovakia.

There are many dimensions to the disarray among the Western powers—including international trade, investment and monetary payments, not to mention military cooperation itself—but oil has emerged as the most sensitive immediate issue. It is an issue that will only intensify with time. The Middle East and North Africa, with proved oil reserves of 440-billion barrels out of a world total of about 530-billion barrels, contain the overwehlming share of the resources upon which the importing nations must rely. Even the United States, which now gets only about 10 per cent of its crude oil, directly or indirectly, from the Middle East and North Africa, will depend on that area for about 35 per cent of its oil by 1980.

The Western powers and Japan can simply not afford to be divided and passive before the Arab oil threat. They must begin to work together to develop a common strategy on oil imports, energy conservation and development, and on the sharing of oil supplies. This implies that the United States would have to be prepared to share fuel with its allies. There would also have to be a common Western policy toward exporting and other economic relations with the Arab states, should they press their embargo or extortionate demands.

The nations of Europe, Japan and the United States must face up to the choice that now confronts them: whether each nation should seek special deals with the Arabs or whether they will work together for their collective security and well-being. The first course, however tempting it may seem to some countries in the short run, cannot work for long, any more than did appeasement at Munich.

IF GEORGE WASHINGTON WERE PRESIDENT TODAY

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. HUBER. Mr. Speaker, at a time when this country is engaged in much debate over the question of integrity and morality in Government, I thought it would be most appropriate to bring to the attention of my colleagues some interesting comments made by the noted raconteur, H. L. Mencken. In one of his books, published in 1918, Mr. Mencken made some excellent points as to what would happen if one so illustrious as our first President were to be active on the political scene in America today. I am, therefore, inserting H. L. Mencken's article about a current George Washington for the benefit of my colleagues. Much of what he said then is as easily applicable today as it was in 1918 when the article first appeared:

COMMENTS BY H. L. MENCKEN

If George Washington were alive today, what a shining mark he would be for the whole camorra of uplifters, forward-lookers and professional patriots! He was the Rockefeller of his time, the richest man in the United States, a promoter of stock companies, a land-grabber, an exploiter of mines and timber. He was a bitter opponent of foreign entanglements, and denounced their evils in harsh, specific terms. He had a liking for forthright and pugnacious men, and a contempt for lawyers, schoolmasters and all other such obscurantists. He was not pious. He drank whiskey whenever he felt chilly, and kept a jug of it handy. He knew far more profanity than Scripture, and used and enjoyed it more. He had no belief in the infallible wisdom of the common people, but regarded them as inflammatory dolts, and tried to save the Republic from them. He advocated no sure cure for all the sorrows of the world, and doubted that such a panacea existed. He took no interest in the private morals of his neighbors.

Inhabiting These States today, George would be ineligible for any office of honor or profit. The Senate would never dare confirm him; the President would not think of nominating him. He would be on trial in the newspapers for belonging to the Money Power. The Sherman Act would have him in its toils; he would be under indictment by every grand jury south of the Potomac; the Methodists of his native State would be denouncing him (he had a still at Mount Vernon) as a debaucher of youth, a recruiting officer for insane asylums, a poisoner of the home. And what a chance there would be for that ambitious young district attorney who thought to shadow him on his peregrinations—and grab him under the Mann Act!

GEN. WILLIAM C. WESTMORELAND PROMOTES TEAM HANDBALL AS NEW SPORT FOR U.S. OLYMPIC COMPETITION

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. BAKER. Mr. Speaker, Gen. William C. Westmoreland, former Chief of Staff of the Army, has made many contributions to the security of this Nation, but while he was America's No. 1 soldier, he was on the lookout for ways in which the Army could help in the development of young people and promote strong ties between the military and civilian segments of our society.

He discovered team handball which has been played in Europe for years, but did not have much of a following in this country. He became convinced that it would be an excellent soldier sport and one which the soldiers could teach to young people outside the military as a civic action project. Through his efforts it became an on-going program identified as Army CHAMPS.

General Westmoreland was recently in Chattanooga to participate in a ceremony honoring the national youth team handball squad. I had the pleasure of witnessing that ceremony and was impressed with General Westmoreland's remarks in which he establishes why he is the chief advocate of this activity. I

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feel that others will be interested in what he has to say and I am pleased to submit his statement at this point. In doing so, I commend to the Congress and to the Secretary of the Army the further development of youth team handball for the broad reasons of value it contains.

General Westmoreland's remarks follow:

ADDRESS BY GEN. WILLIAM C. WESTMORELAND

Mr. Congressman, Dr. Buehning, General Woody, Colonel Trammell, Colonel Sisson, officers and men of the 3397th U.S. Army Garrison, it is a pleasure to be in the Volunteer State, to be in Chattanooga—to be among soldiers—to be with good citizens—to be with those interested in team handball—and to be with winners, the champs of the Army's CHAMPS Program.

It was about four years ago that I discovered team handball. I was Chief of Staff of the Army searching for ways and means for the Army to contribute further to the development of youth and to add something outside of the military's sphere to the civilian community. My staff told me about a new sport—they told me about Dr. Buehning—they told me that team handball was to be for the first time an Olympic sport in 1972. I saw films, I talked to Dr. Buehning, I conferred with Bud Wilkinson of the Presidents Staff, and I became acquainted with team handball.

I asked my staff to develop a plan to introduce team handball country-wide with the assumed support of the Organized Reserves, the National Guard, and the Regular Army. My thought was that team handball would be an excellent soldier sport and an excellent sport to teach to young men as civic action projects for the military. The cost was manageable. The President's Commission on Youth Fitness enthusiastically endorsed my proposal. We named our program "Army CHAMPS."

It was my view that team handball would add a new sport to America that:

Was a good physical conditioner.

Was fun for boys and men and spectators.

Provided lessons in teamwork.

Was a manly, contact sport.

Required little equipment.

Could be played either indoors or outdoors.

Would provide a game for youngsters too light for football and to short for basketball.

And, finally, would provide a broad base from which to select a credible Olympic team.

When I initiated the program by introducing it to the Army senior commanders, it was well received. Demonstrations of team handball were staged across the country. Coaching and officiating schools were established. Tournaments were planned and carried out on a regional basis. As a result of the Army's effort, five Army men were on the U.S. Olympic Team. Lieutenant Abraham scored 24 points in Olympic competition. Lieutenant Rogers scored fifteen times and Specialist Fourth Class Matthews made ten goals. Our team finished fourteenth in the world Olympic competition which is not good but not bad either when one considers the newness of the game in the United States and the many years it has been played in Europe.

The civic action part of the program has gone fairly well over the past two years. During the past year, Third Army held its soldier tournament in early May with eight teams participating. Third Army had five teams in the Youth Program: Fort Jackson, Fort Gordon, Fort Benning, a team from Mobile, Alabama, and the two-time winner Chattanooga. The Chattanooga team was sponsored by the 3397th U.S. Army Garrison. At this time, I would like to congratulate the team, the coach, and the command for their accomplishment.

Speaking of the 3397th U.S. Army Garrison of the U.S. Army Reserves, I want to extend my compliments to the command not only for twice winning the team handball tournament but for your other successes. I am aware of your participation in Operation SPARKLE. The Mayor asked for your help in cleaning up the area and you provided it in full measure. You not only collected the trash, but you hauled it away.

Let me conclude by raising and answering two relevant questions. What is the future of team handball? I am certain that it will remain an Olympic sport. Hopefully the impetus and visibility given to the sport by the Army has portrayed the game nationally and will serve to perpetuate the game in America. I am sorry to learn that interest had waned in many places but am happy to see that it has not done so here in Chattanooga where enthusiasm for the game runs high.

What is the future of our Reserve Forces? Here, I can be more categorical. The future of our Army Reserves has never been brighter because our Reserves have never been more important in the national scheme of things. There is nothing more important to America than its security. If we are to have that security, we must pay the price—we must have the military forces needed to secure our shores, our national interest, and to support our foreign policy. Unhappily, war has not disappeared from our planet. It rages in the Mid East today. No one knows how long it will last. No one knows if it will spread. We can hope for the best, but we must be prepared for the worst.

Today our Reserves are our national minutemen. Both civilian and soldier, they are a special breed. In addition to making a living, they are dedicated to serving their country and contribute a great deal of time in doing so throughout the year. As units they must be prepared to beef up, to round out, and to make adequate our Regular Army.

We now have the smallest Regular Army since 1950 and it would seem it is destined to shrink even further because the needed volunteers of proper quality would not be forthcoming if the inducement of the draft was still present. I believe it was a mistake to stop the draft. Someday it will have to be resumed.

Yes, the Reserves have never been more important. They are essential. They must be of higher quality. They must be ready. I am impressed with the can do attitude, the initiative, the esprit of the 3397th U.S. Army Garrison of the 121st Army Reserve Command. Your accomplishments reflect favorably on the officers and men of the unit. It has been your exceptional leadership provided by the chain of command—General Woody, Colonel Trammell, and Colonel Sisson—that has brought your organization to the fore.

CONGRESS MUST REDUCE ITS DEMANDS ON ENERGY

HON. HAROLD V. FROEHLICH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. FROEHLICH. Mr. Speaker, on November 6, the Washington Post printed a brief article indicating that energy consumption by Congress "is soaring at a rate of more than 3 million kilowatt hours a year."

In view of the President's program of austerity for energy, I believe it is incumbent for us to look very closely at our own use of fuel and electricity, so that we do not behave as energy gluttons while the rest of the country is cutting back. In this regard, I have proposed that the House Administration Committee conduct a thorough inquiry to determine ways to reduce our demands on scarce energy supplies.

I insert at this point an article from the November 6, 1973, Washington Post and my letter to the chairman of the Committee on House Administration:

CONGRESS USE OF ENERGY RISES

While Congress ponders ways to defuse the energy crisis, its own consumption of power is soaring at a rate of more than three million kilowatt hours a year.

Benjamin F. Markert, the Capitol's coordinating engineer, says energy-saving measures have been imposed but these are largely cosmetic: turning off corridor lights and opening more window blinds for lighting.

Markert says any significant power reductions would have to be made at the expense of congressional efficiency, because most of the increased demand is attributed to a growing reliance on data-processing machines.

HOUSE OF REPRESENTATIVES,
Washington, D.C., November 7, 1973.

The Hon. WAYNE HAYS,
Chairman, Committee on House Administration, Washington, D.C.

DEAR MR. CHAIRMAN: The President will apparently address the nation tonight on the country's serious energy crisis. Many people expect him to propose a tough program of austerity in terms of fuel consumption.

I hope that we in the House demonstrate our own recognition of the energy crisis by cutting back our demands on fuel and electricity. In this connection, may I suggest that the House Administration Committee conduct a prompt and thorough inquiry into energy consumption by Congress. It may be possible for us to formulate plans to reduce energy consumption by 5 to 10 percent, or convert to alternative sources which are not so scarce.

As you know, the President, in a directive last June, stated that the Federal Government's goal is to reduce the expected demand for energy by 7 percent during the ensuing 12 months. I understand that the Congress is not a formal part of this conservation program. Inasmuch as the domain of Congress includes the Government Printing Office, the General Accounting Office, and Library of Congress, in addition to the Capitol and various office buildings, we must develop an energy conservation strategy to keep pace with the objectives of the executive branch.

Although reduced consumption by the Congress may be an insignificant part of the total energy picture, I believe our efforts at self-evaluation and austerity can be symbolically important to the national effort. You are in a position, Mr. Chairman, to play a vital leadership role in the task ahead.

With kind personal regards, I am

Very truly yours,

HAROLD V. FROEHLICH,
Member of Congress.

THOSE HORROR TALES FROM CHILE

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. ICHORD. Mr. Speaker, ever since the overthrow of President Salvador Allende of Chile early this fall, two themes have run consistently through various newsstories—first, that the military junta has carried out a wide-ranging bloodbath against Allende supporters which amounts to a veritable massacre, and second, that Allende was the beloved leader of the Chilean people who was advancing the country along a progressive, democratic road.

Because Chile is far away and there are not too many who are well informed about that land, we tend to rely on the news accounts provided us even though some of the reportage has tended to be sensational and partisan.

One report that did much to convince readers that Chile was living through a horrifying reign of terror at the hands of its military was the Newsweek account by correspondent John Barnes entitled "Slaughter in Santiago" on October 8, 1973.

Barnes' story was accepted as "gospel" and was widely reprinted throughout the world. He alleged that thousands of Chileans were being executed—at the rate of 200 per day in the capital city of Santiago alone—and that the morgues were full to overflowing with grotesquely brutalized corpses of victims.

Now we learn from the Wall Street Journal that Barnes' account was simply a scandalous piece of "yellow journalism" based on a minimum of fact and a maximum of imagination.

A distinguished Chilean journalist and frequent critic of the military junta, Mr. Pablo Huneeus gives the lie to Barnes' story and in an accompanying editorial page article, Everett G. Martin, the Journal's Latin American specialist, points to examples of gross distortion in the analysis of Allende's overthrow by noted academicians who, like some newsmen, seem to go out of their way to avoid accuracy and honesty in their commentary.

For the benefit of my colleagues who may have missed seeing these articles, I insert both articles at this point in the RECORD, together with an excerpt from Newsweek's reportage by Barnes:

[From the Wall Street Journal, Nov. 2, 1973]

THOSE HORROR TALES FROM CHILE . . .

(By Pablo Huneeus)

SANTIAGO, Chile.—The military coup turned Allende's comedy into Chile's tragedy. But the Newsweek article "Slaughterhouse in Santiago," Oct. 8, turned our tragedy into a horror tale. It caused such a misunderstanding as to the true nature of what happened down here that I decided to retrace the steps of Newsweek's correspondent John Barnes to double check the information that he said came from the Santiago morgue.

Known here as the Medical Legal Institute it is a small, neat grey building near the General Cemetery. It looks like a hospital, except that all the people lying on the stretchers are dead. An autopsy is the only operation performed by its doctors.

Over two days I interviewed a random sample of seven doctors, five clerks, three typists and four porters. To each I showed or translated the Newsweek article and questioned them about their reactions. Here's a summary of what they said:

1. Without a single exception all uttered comments like "lies," "what an exaggeration," "brilliant imagination," or "absolutely false." Dr. Vargas, an elderly experienced pathologist, dismissed the whole story on the grounds that the Newsweek correspondent suffered what is called "perception shock.' When exposed to a couple of bodies, he explained, the shock alters perception capabilities. "When there are 10 bodies together many persons can't even recognize their wives or fathers. That must have happened to that correspondent," he said, "presuming he ever got in the morgue."

2. Also without exception, the staff doubted that he was ever inside the morgue because his descriptions didn't fit. For example, Newsweek describes a corridor with 50 bodies in it, but there isn't any corridor large enough to hold that many bodies. The only corridor in which there are bodies to be seen under normal conditions is outside the autopsy rooms, and it can handle only a few in line. Mr. Barnes also claims to have seen bodies upstairs, but the staff says none have ever been taken up there. Upstairs there are only offices and laboratories. The autopsy rooms are on the ground floor and the refrigeration storage rooms in the basement.

3. A picture of a man with a missing leg published by Newsweek with the caption "A dead amputee in Santiago: The reign of terror was worse than anyone imagined," is actually of a man who died some time earlier in a traffic accident. He was run down by a Chevrolet pick-up truck.

4. By far the worst misrepresentation in the Newsweek article was the report that during the two week period after the coup 2,796 bodies had come to the morgue. Newsweek says ". . . though information is almost nonexistent for the rest of Chile, the presumption is that the executions have followed a similar pattern in other cities."

Every dead body that arrives receives a number that goes up on a list posted outside with the name. Number one begins on January first. The Newsweek figure is for all the bodies received at the morgue from the beginning of the year to Sept. 21. It's this figure that is being quoted all around the world as the casualty rate in Santiago alone for the first 14 days of the coup.

(Kenneth Auchincloss, executive editor of Newsweek, says he has "complete confidence" in Mr. Barnes, "he's covered wars before." Mr. Auchincloss says Mr. Barnes was given the 2,796 dead figure by a daughter of a member of the morgue staff, adding, "I think it is conceivable that there was a misunderstanding. But that is pure speculation on my part. I haven't checked it out with Mr. Barnes. There is no reason to doubt his reporting.")

This is enough to demonstrate the falsehoods in the Newsweek story. To me it's a case of journalistic imperialism. A rich American magazine sends from London a British correspondent a week after the coup. He makes no effort to understand what is really going on here. He only wants to use us for a story that will sell. He knows the market wants a horror story. He flavors his story with an underlying contempt for Chile and its people, tops it with a total lack of respect for the truth and cooks it with imaginative fiction writing. It brings glory to him and disgrace to us.

Not that I am happy with the junta. Every Chilean feels that no matter how low the death toll, what happened is a tragedy. We are accustomed to see our presidents end their constitutional term and walk quietly home. But the military intervention is the logical outcome of a Marxist regime. I am no wizard, but in a book I wrote a year ago I said that Chile was heading towards a military regime. There was such hatred among Chileans that the only way of holding us together was through force.

This hatred springs from a long history of frustration with politicians. By 1970 we had already tried most political formulas: a populist government with Ibanez, a conservative right wing one with Alessandri and a liberal Christian Democrat one with Frei. All failed to give us the results we wanted and so we tried Marxism.

It was the great experiment. But the guinea pigs rebelled.

But intellectuals throughout the world doted on the Allende regime. Soon it was evident that under the cover of clever public relations, a machine aimed at taking over total power was being built. In the first months of his term, Allende admitted to Debray that his respect for the constitution and democratic institutions was only a tactic to gain power.

The country unanimously agreed on nationalizing copper and monopolistic corporations. But soon para-military brigades began roaming the countryside and seizing farms by force and expelling farmers at gun point. Industries, even very small ones, were seized; workers who opposed were suppressed or beaten; an opposition leader was assassinated; technicians were fired for political reasons. Because of the imported doctrine of class warfare, the official gospel was hate. Dr. Allende started it when he declared at the beginning of his term that he was *not* the president of all Chileans.

Our technicians left the country and we began to import slogans from China, educational programs from East Germany, high-government officials from Cuba and terrorists from all over Latin America. Our president imported guns labeled art objects. He had a guerrilla training camp in his house and there were finally enough arms in the country to supply 20,000 irregulars.

Allende lost all legitimacy. It was worse than Watergate. We were sinking and the man at the helm was unable to govern. Even Marxists agreed that we were sinking, the only debate was over whose fault it was.

I would have preferred a democratic solution, a plebescite or a new election for congress and the presidency as the opposition leaders proposed. But Allende refused to compromise and he refused to follow the majority's will. He was determined to persuade us with guns.

That's why this deadly war machine was unleashed. It's sad so many died, but it's good so many survived.

. . . AND A FEW LOUD ECHOES FROM ACADEMIA

(By Everett G. Martin)

So many misleading reports and analyses of the events surrounding the military coup in Chile have appeared in reputable publications, in special programs on public television and on radio that it's probably impossible now to set the record straight on even a few points.

It's not just opinions that differ. Interpretations, mostly by members of the academic community and by journalists who look more to what excites their editors than at what Chile is about, have distorted the events out of all sense of reality.

Thus Chile, which is one of the most complex nations in the world, has been turned into a simple black and white situation of good guys (the Marxist followers of the late President Salvador Allende) and the bad guys (anyone who opposed them). The remorseless villain of this simplistic plot is Washington which by merely turning off the spigot of low-interest loans was able to destroy all the achievement of the good guys and send the Chilean people (usually called the masses) back into slavery.

Newsweek's convincing-sounding account of the military slaughtering victims at the rate of 200-a-day in the capital city of Santiago alone seems to have been based on events which didn't happen and figures that were misinterpreted. Even though other publications have carried more moderate stories, and a recheck of the Newsweek reporting by The New York Times found many exaggerations, the Newsweek report is still being taken

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as the final word on the coup in many places around the world.

Yet as bad as Newsweek's misrepresentation of the facts was, it was at least in the general direction of the target because there have been killings and executions that certainly seem excessive. (The military junta last week finally ordered an end to summary executions, but executions after sentencing by military tribunals will continue.)

Much more insidious and subtle are articles such as the one appearing in the Oct. 29 issue of The Nation magazine written by E. Bradford Burns, professor of Latin American history at the University of California at Los Angeles. Cloaked in scholarly authority, one would think that a Professor Burns would be someone who could be believed; but consider what he has to say.

He was an eyewitness, he claims, on September 4, exactly one week before the coup, to the gathering of 800,000 Chileans in front of the government palace to celebrate the third anniversary of Dr. Allende's election. It was the largest political rally in Chile's history, he writes, equal to nearly a tenth of the national population. Britain's venerable Guardian makes the same point, but sets the crowd total even higher: at 1,250,000.

I was there too. The rally was held in the smaller of the two plazas on either side of the government palace, the side that savvy Chilean leaders always use when they expect a bad turnout because the crowded quarters makes it seem like more people. This time they didn't even fill that plaza. With two other journalists, we estimated 20,000 people; and we noted that a large contingent marched around and around one block to make it look larger. Police later put the figure at 18,000 persons.

This argument over crowd size may sound picayune. But The Nation and The Guardian articles use their figures as evidence that Dr. Allende's popularity had reached new heights before the coup. Professor Burns suggests that it was the sight of this rising popularity that caused the military, urged on by the representatives of the rich, to stage the coup without further delay. Professor Burns not only inflated the crowd count 40 times to make his point, but he conveniently ignored a rally the next night that really was several hundred thousand strong of people demanding Dr. Allende's resignation.

Professor Burns, like many other scholarly writers, also plays games with Chilean election figures to make the claim of Dr. Allende's rising popularity.

Earlier this year members of the academic community excoriated the U.S. press for referring to Dr. Allende as a minority president based on the fact that he had won with only 36.2 percent of the vote in the 1970 presidential election. They argued, and with reason, that in the April, 1971, municipal elections his followers won practically half the vote.

I accepted their argument; so when Dr. Allende's forces got a reported 44 percent of the vote in congressional elections last March, it followed logically that his support had declined. Now, however, the professors want to forget about the municipal elections and talk only about Dr. Allende's popular support rising from 36 percent to 44 percent.

They also choose to ignore the fact that 56 percent of the country voted against Dr. Allende, and that it was a relatively united opposition. It wasn't a simple case of president with a commanding party facing a splintered opposition ranging from Left to Right as in the past. They also don't mention the mounting evidence that there was considerable fraud during the congressional election to achieve the 44 percent total.

Professor Burns and others hammer and pound Chilean reality like soft copper to make it fit their pre-conceived notions. For them, the struggle must be between all the workers on one hand and "the bitter opposition of the middle and upper classes, a combined group which composed no more than 30 percent of the population," to use Professor Burns' words.

Who, then, were the 56 percent—or more likely the 60 percent—who voted against the Marxists? If they were all the wealthy and their well-to-do middle-class allies then perhaps Chile never had a serious problem of poor income distribution after all.

It's clear that the scholars don't consider this majority as Chileans with any rights, which is a curious comment on their concept of democracy.

The Nation article implies that the military played the role of devious plotters against the Allende government, continually being supplied by U.S. aid and imbued with U.S. military training. That's what some would like to believe in retrospect, but the facts are that the armed forces were loyal to the government until the last week and were the last to turn against him. Three times they joined his cabinet to help him against the opposition during national crises.

It was Dr. Allende's opponents who resented the U.S. aid to the Chilean military, whose commanding general had for the first time in recent history committed the armed forces to support a government's political program.

Few articles on the Chilean coup even mention the large arms buildup by private Allende forces, the training of a guerrilla army by foreign "revolutionaries" numbering in the thousands, or the infiltration by the left of the military ranks. Any kind of investigation of this claim leaves little doubt that these clandestine forces existed and were soon to be used against the military. It also happens to be exactly the same strategy that the Communist Party of Indonesia attempted in 1965.

Writers such as Professor Burns give the Marxist economic disaster only passing reference, saying that Chile has always had economic problems and anyhow all the difficulties were caused by the U.S. credit blockade.

It's true there was a credit blockade by the multinational lending institutions and by the Export-Import Bank, but to lay all the blame on this for Chile's greatest economic disaster in history is ludicrous—American egocentrism at its worst. Despite the credit blockade, Dr. Allende's regime received more international credit than any other Chilean government in history. And how could U.S. bankers and companies with investments in Chile be expected to operate differently, since the Allende government wasn't paying its debts to most of them?

Besides this there was a startling degree of corruputlon within the regime, officials feeding into the black market merchandise they had illegally obtained. Last June Dr. Allende's own nephew, Eduardo Grove Allende, who was a loyal supporter of his uncle and the first head of the nationalized textile industry, told me that within the ruling circles "there's no more ideology, everything is corrupt. All they think about is power and money."

In a nutshell, the grand experiment that was supposed to be taking place had foundered some time ago and was replaced by a naked, almost conventional, struggle for power. Many aspects of the famed Chilean democracy, such as rule-of-law and the art of compromise, had died long before the military moved in with the *coup de grace*.

And when the analysts in the Kremlin sit down to analyze what went wrong in Chile, as they inevitably will, it's doubtful that they will find much that's accurate or useful in the colored accounts the U.S. academic community is currently putting out on the subject.

SLAUGHTER IN SANTIAGO

"Last week I slipped through a side door into the Santiago city morgue. . . . One hundred and fifty dead bodies were laid out on the ground floor. . . . Upstairs I passed through a swing door and there in a dimly lit corridor lay at least 50 more bodies. . . . Most had been shot at close range under the chin. Some had been machine-gunned. . . . Their chests had been slit open and sewn together grotesquely. . . . They were all young and, judging from the roughness of their hands, all from the working class. . . . Most of their heads had been crushed. I remained for perhaps two minutes at most, then left the building. . . . Workers at the morgue have been warned that they will be court martialed and shot if they reveal what is going on there. . . . But the morgue count alone sets the regime's kill rate at an appalling 200 Chileans a day—just for the capital."—Correspondent John Barnes in Newsweek, Oct. 8.

Correspondent Barnes' vivid account of the Chilean coup has turned into one of the most effective bits of journalism in years. Senator Kennedy placed it in the Congressional Record. It is being used in advertisements by organizations opposed to the present Chilean regime. Its staggering casualty figures have been accepted as gospel in many European countries. It may have been instrumental in causing the U.S. to delay aid to Chile "until Human Rights are restored." But was it true?

Dissenting is Pablo Huneeus, a Chilean journalist and professor of sociology at the University of Chile, who previously has assisted American correspondents, including those of The Wall Street Journal and Newsweek, in preparation of reports on Chile.

THE HINCKENS SUPPORT PRESIDENT NIXON

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. HUNT. Mr. Speaker, yesterday I received the following telegram from Mr. and Mrs. Albert Hincken of Haddon Heights, N.J., located in my congressional district.

The Hinckens are, I believe, typical of the masses out there in our great land who are just now beginning to make their voices heard. I was not surprised to get their communication, as I have received others quite similar. I have singled this one out because the Hinckens asked me to bring it to the attention of my colleagues. This I am pleased to do.

You will note that they do not direct their criticism toward any of the invesigative committees or juries, but rather it is directed to the press. The attitude of the press, and I mean radio-TV, and newspapers, has been one of the great tragedies of modern times, in that they have consistently abused the first amendment, in acting as judge and jury in their intensive efforts to "get the President."

It is becoming increasingly difficult for middle America to be heard above the continuing bombasts of our sophisticated communications media. One would almost think that the press had become a fourth, and equal branch of the Government.

The following is the text of Mr. and Mrs. Hincken's telegram to President Nixon reaffirming their confidence in his ability to govern:

TELEGRAM

HADDON HEIGHTS, N.J.

Congressman JOHN E. HUNT,
Capitol Hill.

DEAR MR. HUNT: This morning I sent a telegram to the President. The verbatim message:

You have our confidence and whole hearted support. We feel you are fully qualified and able to perform your duties as President. It appears to us that the press is a monopoly, has too much power, slants the news, tries to control politics, and when criticized tries to destroy.

Sincerely,

ALBERT W. and MARGARET M. HINCKEN.

P.S. A man who was much stronger than us said he who is without sin should cast the 1st stone. This is to be read in Congress.

OPINION POLL FOR COLORADO'S FIFTH CONGRESSIONAL DISTRICT

HON. WILLIAM L. ARMSTRONG

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. ARMSTRONG. Mr. Speaker, the following is the text of an opinion poll which I am sending to my constituents in the Fifth Congressional District of Colorado:

OPINION POLL

NOVEMBER 1973.

DEAR FRIENDS:

During the next several months, Congress will be considering legislation that will affect every family in America.

As your Congressman, I am always interested in hearing from you. But in troubled times like these, your opinions are particularly meaningful. I need to know how you feel about major issues facing this nation.

So please take a moment to register your opinion in the enclosed survey form. As you can see, the form is designed to permit two persons in each household to take part.

When you have completed the survey, please return it to me. Just put an 8¢ stamp on the outside; it is not necessary to staple this folder nor to put it in an envelope.

Thanks for your help.

Sincerely,

WILLIAM L. ARMSTRONG,
Your Congressman.

WATERGATE

1. What do you think Congress should do about the Watergate crisis?

His opinion: —.

Her opinion: —.

INFLATION AND FEDERAL SPENDING

(NOTE.—All questions should be answered by husband and wife with yes or no.)

2. Are the government's wage and price controls succeeding in controlling inflation?

3. Should Congress curb federal spending if necessary to control inflation and avoid higher taxes?

ENVIRONMENT AND ENERGY CRISIS

4. Are you satisfied with progress being made in cleaning up our environment?

5. Would you be willing to pay more for products and services if their manufacture and use could be almost pollution free?

6. Do you favor increased federal spending for pollution control even if it means higher taxes?

7. Some people think less stringent environmental controls will be necessary in order to make more fuel oil and gasoline available to meet the energy crisis. Do you agree?

GOVERNMENT AND FOREIGN POLICY

8. Should Congress give $2.2 billion in aid to Israel?

9. Do you favor expansion of trade and other exchanges with China and the Soviet Union?

10. Do you favor a mandatory retirement age for federal officials such as Congressmen and judges?

11. Do we need tougher laws to protect the right of privacy in this country?

12. In your opinion, do we have too much government in this country?

13. Do you favor direct popular election of the President?

TWO TOUGH QUESTIONS

14. As a practical matter, my vote sometimes comes down to a very tough choice. This is oversimplified, but if you were in my position would you choose:

His choice: Desirable new programs. No new taxes or deficits.

Her choice: Desirable new programs. No new taxes or deficits.

15. What other problems concern you? What should Congress do about them?

You need not sign your name. But if you would like a copy of the poll results, please fill out the coupon below.

Name and address.

FUEL RATIONING NEEDED NOW

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. BADILLO. Mr. Speaker, the President's energy conservation message last night was an encouraging step toward alleviating what has become a truly critical situation across the Nation. I hope and believe that the Congress will move promptly to enact the legislation needed to carry out the goals of the program outlined by the President.

However, I was dismayed at the President's emphasis on voluntarism. Our experience with voluntarism and vague guidelines proved disastrous in dealing with the economy in 1970 and 1971 and I have a very real fear that unless we move firmly and decisively in this energy crisis, history will repeat itself.

I sincerely doubt, for example, that most Americans will really appreciate the gravity of the energy shortage unless it were brought forcefully and dramatically home through establishment of a rationing program for gasoline. In addition, gasoline rationing would have the immediate effect of enabling the refineries to curtail gasoline production and instead increase production of fuel oil. This would be a major step toward minimizing fuel oil shortages while checking the upward spiral of fuel oil prices.

To those who shy away from the stringency of a rationing program, I would remind them of what occurred in 1970 and 1971. In August of 1970, President Nixon signed into law a bill giving him the authority to establish wage, price, and rent controls—a bill authored by congressional Democrats in response to what was already a critical inflationary situation. But it took a full 12 months for Mr. Nixon to fully comprehend the gravity of our economic plight and act to impose wage and price controls. By then, it was too late to effectively reverse our runaway inflation and producers and consumers alike have been paying a terrible price ever since.

I am gratified that the President voiced his support of legislation establishing year-round daylight saving time. As a sponsor of that bill, I am confident his support will provide the necessary impetus to move that bill out of committee and to the House for floor action without undue delay. Enactment of this legislation is bound to be effective both in alleviating our energy shortage and checking crime during certain critical hours.

MR. J. WILLIAM LAUGHLIN

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. GAYDOS. Mr. Speaker, it is with pleasure I bring to the attention of my colleagues a man who has achieved a position of recognition and respect in one of the most outstanding service organizations in the world—Kiwanis International.

I had the recent privilege of witnessing ceremonies which installed Mr. J. William Laughlin of White Oak, Pa., as governor of the Pennsylvania District in the Kiwanis organization.

Mr. Laughlin has been a member of the McKeesport Kiwanis Club since 1949 and he is the third member of that group to hold the highest Kiwanis office in the State of Pennsylvania. He follows in the footsteps of Mr. James A. Logan—1933—and Mr. John P. Mooney—1948.

As governor of the State Kiwanis, Mr. Laughlin heads an organization consisting of 22 divisions with 231 member Kiwanis clubs. As of August, the membership in his district totaled nearly 10,000.

Mr. Laughlin is a prominent citizen in the McKeesport area, serving as vice president and general manager of the Menzie Dairy Co., a firm headed by his father, John L. Laughlin, who is the only surviving charter member of the McKeesport Kiwanis Club, serving as its president in 1927. The new State Kiwanis governor is married to the former Rhoda Swanson and is the father of four daughters and a son.

Mr. Speaker, I have known Mr. Laughlin for many years and he is a man with a deep dedication toward serving others. His participation in many community endeavors virtually assures their success for he spares no effort in bringing any program to fruition. I take great pride in congratulating Mr. Laughlin on the assumption of his new duties, confident that he will perform them with unprecedented zeal and success. And, I also commend the McKeesport Kiwanis Club and its current president, Mr. Albert Greenberg, for once again grooming one of its members to be a leader among leaders.

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CRIME CONTROL NO. 5

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. LANDGREBE. Mr. Speaker, one of the arguments used by the gun control lobbyists is that without guns criminals would find it so difficult to commit their various crimes that the crimes would not be committed at all. I do not wish to engage in a lengthy debate on this issue, primarily because, even if it were true, it would not logically follow that privately owned guns should be registered and/or confiscated. If the contention of the gun control lobbyists be true, then it would also be true that preventions of crimes would be so difficult that victims or potential victims would not be able to defend themselves, others, or their property.

If guns are able to effect an increased number or an increased severity of crimes, as the gun control lobbyists argue, then guns are also able to effect decreased numbers and decreased severities of crimes, and for the same reasons. Obviously the two abilities are opposite, and the argument that registration/confiscation of guns would result in a reduction in crime is completely specious and a non sequitur. Once again, the gun control lobbyists have given us another example of their unwillingness to think logically.

As an example of the use of guns in defense of life and property, I include the article from the Daily News entitled "Amputee's Shots Kill Prowler" in the RECORD:

AMPUTEE'S SHOTS KILL PROWLER

(By Keith Bromery)

"I was scared," Alton Nailing admitted. "But I got a wife and seven kids in the house to protect."

But Nailing, whose left leg was amputated a year ago, remained calm as an intruder tried to break into his home at 5802 S. Lafayette early Tuesday.

He made it to a chair where he had hidden a revolver as protection for his family, drew out the gun and shot the man as he climbed in a window.

Nailing, 60, said he and his wife, Luvenia, 46, were watching television in the bedroom of their bungalow. Their seven children, ranging in age from 4 to 21, were asleep in other rooms.

Suddenly, Mrs. Nailing said, she saw the curtains of their open bedroom window part. A man was trying to crawl through.

"I just screamed and jumped onto the floor," she said.

Nailing hobbled to a nearby chair, pulled a .32-caliber revolver from its hiding place under a seat cushion, and fired twice.

The shots hit the intruder in the head and chest and he toppled backward.

The man, identified by police as Marvin Fletcher Edwards, 26, of 5632 S. LaSalle, crawled about 10 feet before he died.

"For a man with one leg," Mrs. Nailing said of her husband, "he moved pretty quick."

Nailing told police he kept the revolver for protection of his children: Anthony, 21, Yvette, 18; Alton Jr., 15; Allette and Antoinette, 10-year old twins; Allison, 6; and Sarah Beth, 4. Although the gun wasn't registered, the state did not plan to file charges against Nailing, authorities said.

Sgt. Bruce Jaffray of the Wentworth Area homicide unit, said Edwards had been arrested numerous times on burglary charges and for breaking into homes and beating the occupants until they handed over their money.

Nailing, a glass finisher who has been unemployed since his leg was amputated due to a circulatory ailment, was not charged in the shooting, Jaffray said.

"It was justifiable," Jaffray said. "He's just a little man with one leg and a wife and lots of kids to look out for. And he protected himself and his family very well, I would say."

MIDEAST PEACEKEEPING

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. DERWINSKI. Mr. Speaker, WGN Continental Broadcasting Co. of Chicago has earned a well deserved reputation for their thoughtful and unemotional editorial point of view. This is especially helpful to the public when that station comments on issues as emotional and complex as the Middle East crisis.

In its Saturday, October 27 editorial, WGN addressed itself specifically to the Mideast Peacekeeping units and emphatically made the point that the forces of the United States and U.S.S.R. should be included in the United Nations contingency.

The editorial follows:

MIDEAST PEACEKEEPING

It's hard to tell the status of the on-again off-again truces on the two fronts in the middle east. We hope, of course, the cease fires will stick, and turn into lasting peace.

The U-N Security Council has agreed to beef up its truce observation and peacekeeping forces in the middle east. With previous experience in that role and in that part of the world, one might expect the U-N to be a bit hesitant to enlarge its involvement. But, we agree with the 14 Security Council members voting for the resolution that the international organization is the proper and only agency to handle such a mission, provided Israel, Egypt and Syria will allow international units to function as they must.

There have been proposals that the United States and the Soviet Union, the countries with nuclear clout, provide the peace-keeping forces for the Middle East. Secretary of State Kissinger has stated clearly . . . in terms that no one can mistake . . . that the United States will have none of this and that the Soviet Union . . . indeed all the nuclear powers . . . should react in the same way beyond the Security Council vote.

The thought of American and Russian armed forces in the same zone, war zone if you please, is horribly frightening. One stray bullet one explosive kicked over by a disgruntled camel, could lead to a lethal exchange between the super-powers, an exchange which could expand to what mankind has dreaded since the dawn of the atomic age.

Peace-keeping or truce supervision forces may be necessary. They should be drawn, if possible, in limits of platoon strength, from as many nations as possible. And, in order to be truly international, these nations should be as disconnected as possible from the major powers. Because, in no circumstances can we allow American forces to serve, with Russian forces, where their mere presence could be devastating.

SERVING GOD AND MAN

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. HELSTOSKI. Mr. Speaker, Rev. Caesar G. Orrico, pastor of the Church of the Assumption, in Emerson, N.J., has dedicated himself to serving the people of his community for many years. This year, Father Orrico is celebrating the 30th anniversary of his ordination to the priesthood. I consider it an honor and a privilege to have Father Orrico as a friend, and I wish to take this opportunity to express my admiration for him and for his unusual leadership and extraordinary accomplishments.

Father Orrico, a devoted and spiritual priest of the Archdiocese of Newark is also an outstanding and unique citizen. Known for both his dedication to God's holy work and his benevolent concern for his fellow man, Father's career spans 30 years of devotion and development.

Ordained on June 19, 1943, Father Orrico began his priestly duties assigned to St. Andrew's Parish in Westwood, N.J., and to the mission church in neighboring Emerson. Four years later he was made administrator of Our Lady of the Assumption Church in Emerson, where he is now pastor. A unique assignment for so young a priest, Father worked diligently with a number of predominately Italian-speaking people in that small borough.

Expansion began quickly at Assumption. First the size of the then "little church" on Linwood Avenue doubled, and then a six-classroom school for this fast-growing parish and community was built. To accomodate the population increase of the 1950's and 1960's, the school expanded further with the addition of six more classrooms.

The school is now fully staffed by the Sisters of St. Francis of Ringwood, N.J., and by the Brothers of the Poor of St. Francis of Fayetteville, Ohio. The very beautiful contemporary church which Father himself helped design represents further expansion. Today, the parish plant consists of church, rectory, school, convent, friary, house of studies, "the little church," and janitorial living quarters.

Notwithstanding these remarkable achievements, Father Orrico has found time to help his friends of differing faiths. Before completion of its center, the Jewish community was invited to use Assumption's facilities for their services. Father also has been very active in the Sino-American Amity, serving on its board of directors. This organization helps educate Chinese students. In addition, his achievements include adoption of the village of Para, Brazil. Contributions to this community have benefitted its people both spiritually and materially.

Ever mindful of the intense needs of his parishioners and fellow men, Father Orrico is the founder of the American Pastoral Psychological Association, as well as being a certified hypnotherapist. He is a Fellow of the American Society of Clinical Hypnosis Foundation, an associate member of the International Society of Child Psychiatry, and a member of the board of advisers to Iona College School of Pastoral Counseling in New Rochelle, N.J.

Upon the recent celebration of his 30 years in the priesthood, the mayor and council of the Borough of Emerson, N.J., adopted the following resolution:

PROCLAMATION OF THE BOROUGH OF EMERSON

Whereas, Reverend Caesar G. Orrico, Pastor of the Church of the Assumption, Emerson, New Jersey, has for many years given generous and continuous service, devotion and loyalty to the Borough of Emerson and its citizens, and

Whereas, on June 19, 1973 Reverend Caesar G. Orrico will celebrate the thirtieth anniversary of his ordination to the Priesthood,

Now, therefore, I, Joseph G. Kennelly, Mayor of the Borough of Emerson, do hereby commend Reverend Caesar G. Orrico for his exemplary service as a Priest and Citizen of the Borough of Emerson, and, on behalf of the members of the Emerson Borough Council, I hereby extend to Father Orrico our congratulations on the thirtieth anniversary of his ordination to the Priesthood.

JOSEPH G. KENNELLY,
Mayor.

ECONOMIC POLICIES IN CHILE

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. HARRINGTON. Mr. Speaker, as the first Member of Congress to visit Chile since the military takeover on September 11, I returned with growing disbelief in the economic game plan outlined by the junta.

In fact, the benefits of those policies, which are making themselves felt primarily on low- and middle-income people, is bearing its first fruits.

An article by Jonathan Kandell, "Some of Santiago Poor, Criticizing Junta, Say They Can't Make Ends Meet," which appeared in the New York Times of November 8 make the true impact of these policies clear. I would like to insert that article in the RECORD at this time for the information of my colleagues:

SOME OF SANTIAGO POOR, CRITICIZING JUNTA, SAY THEY CAN'T MAKE ENDS MEET

(By Jonathan Kandell)

SANTIAGO, CHILE.—Nov. 7—Everywhere a visitor goes in shantytowns in the Santiago area, people say that they do not have enough money for food—let alone anything else—because of the big price increases allowed by the military junta.

The situation was encountered during an extensive three-day tour of 20 shantytowns in the Santiago area.

The sudden drop in purchasing power and the specter of hunger have caused a dramatic shift in attitude toward the junta, even among anti-Marxist residents of the poblaciones.

Dozens of the same housewives and workers who expressed cautious or enthusiastic support for the junta during a similar tour a month ago are now openly critical of the new Government's economic policies.

HUNGER OVERSHADOWS FEAR

The food problem has already overshadowed the widespread fear and anger among supporters of the late Marxist President, Salvador Allende Gossens. They form solid majorities in the poblaciones, and heavy casualties were inflicted on them by security forces during the weeks after the Sept. 11 coup d'état.

More than 2,000 people are believed to have lost their lives in the aftermath of the coup. Most of these casualties occurred in the poblaciones, where about a fourth of greater Santiago's 3.5 million people live.

"I marched in every women's demonstration against Allende and I welcomed the coup against the Marxists" said a housewife in Lo Hermida, a sprawling slum of wooden shacks and unpaved alleys in eastern Santiago. "But if the military does not do something about food prices, I am willing to go out and march again."

The woman sews at home while her husband does subcontract work as a carpenter. Together they make 8,000 escudos—$28—a month to support themselves and their four children.

She said that in view of food price increases, ranging from 200 to 1,800 per cent, her family needed at least 500 escudos a day—or 15,000 escudos a month—to buy enough milk, bread, noodles and vegetables to survive.

"We do not even know what meat looks like anymore," she said.

Under the Allende Government, food and consumer products were heavily subsidized for the poor, causing tremendous distortions in the economy, a rampant black market, acute shortages and little incentive for producers.

In theory, the military Government has set out to re-establish the real market value of food and most other products. To assure that Chileans produce more than they consume—in vivid contrast to the Allende years—real wages also have been lowered.

Just two months ago during the last days of the Allende Government, long food lines in front of empty stores were part of every urban landscape. Now the stores are filled with expensive products and empty of customers.

Although the belt-tightening has hit all economic classes, it has become intolerable for the poorest Chileans, who must contend with such increases as 25 per cent for bread, 600 per cent for cooking oil, 500 per cent for sugar, and 800 per cent for chicken.

To partly offset these price increases, the junta has decreed a new minimum monthly wage of 12,000 escudos and bonuses for dependents of poor families. But in all the poblaciones visited, residents asserted that they had not received the wage increases.

The plight of the poor has been further exacerbated by the layoffs of workers and other employes who are considered "extremists" or politically suspect by the new Government authorities and factory managers.

Although no figures have been disclosed on this rising unemployment, some economists and church organizations believe they may number in the tens of thousands in the Santiago area alone.

In Lulo Pinochet, a poblacion of 540 families in eastern Santiago, community leaders asserted that about 70 residents had been suspended from their jobs.

The junta has embarked on a publicity campaign to help explain the price rises to the public. General Oscar Bonilla Bradanovic, the new Minister of Interior, has trekked through a dozen poblaciones to voice the Government's concern for the poor and offer them consolation—but little else.

Last week, at a large meeting of housewives selected from neighborhood organizations around the capital, a Government official tried to explain the need for sacrifice by all Chileans until the economy recovers.

SOME ARE RESENTFUL

But the gathering sparked resentment among some of the poorer women who attended.

"One woman got up and complained that she could not find a house that rented for 35,000 escudos a month," said a housewife from La Pincoya poblacion in northern Santiago. "It takes us three months to make 35,000 escudos."

During a tour of Lo Hermida poblacion last week, the Minister of Economics, Fernando Leniz, fielded complaints from a woman who said that her husband's salary was not nearly enough to meet even minimum food expenses.

"It is necessary that housewives learn to buy," answered Mr. Lenitz in textbook terms. "If the prices are too high, it is better to cut down on consumption for a while until the prices fall."

SOUTH CAROLINA VOCATIONAL AND TECHNICAL EDUCATION

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. DORN. Mr. Speaker, South Carolina has the Nation's outstanding program in vocational and technical education. This superb program is guided by an advisory council on vocational and technical education. The advisory council has adopted a policy which will be of interest to my colleagues. It is as follows:

VOCATIONAL EDUCATION IS NEEDED NOW MORE THAN EVER BEFORE

Advancing technology is causing the world of work to become increasingly complex. The demand for unskilled labor is rapidly diminishing, while there are increasing occupational opportunities at the skilled or technician level. Many youth do not have any concept of what a job is like or about their parents' work. The complexity of business and industry is making it difficult for parents to adequately describe the available jobs. Most of today's jobs did not exist or were of a different nature a decade ago. Since the parents are no longer able to adequately describe the many occupational choices available to their children then it is for the schools to provide these experiences. Each youth should have an opportunity to explore several career areas through the medium of pre-vocational education.

Even more critical is the need for vocational education. Less than one out of five children who enter school go on to college. Because minimum wages now equate with a poverty standard of living, all non-college-bound youth should complete a vocational program prior to graduation or prior to leaving school. If the parents cannot or do not transmit the work ethic and the training or skills necessary for successful employment, the school must. If the other four-fifths of our youth are to enter the world of work at a satisfactory pay rate, they must have some occupational preparation.

An appropriate vocational curriculum is also necessary for one-half or more of all college-bound youth. Vocational education does not prevent one from continuing on to college, nor does it reduce the chances for success but may even help. Only about one-half of the college freshmen ever graduate from college. The others generally are no better prepared for employment than those who entered work directly out of high school.

Even the future college graduates could

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benefit from vocational education. They may need these skills to earn their way through college. The other few could use this experience to help them relate to the world around them.

Students need more in-depth counseling and the counselors need more frequent contact with the students. Counselors must be knowledgeable of all the occupational programs and assist students based on this wide spectrum of occupational knowledge.

Only when vocational education programs are a normal part of the curriculum for all—rich and poor, quick and slow, girl and boy, the popular and the social isolate—will vocational education be reaching all those who need these opportunities. It is hard to envision anyone who would not benefit from vocational education. The non-college-bound and the college-bound high school graduate, the high school dropout and the elementary school dropout—these are the persons who should complete some vocational program. Who else remains?

HUMBERTO FERNANDEZ-MORAN RECEIVES AWARD FOR OUTSTANDING ACHIEVEMENT IN MEDICINE AND SCIENCE

HON. MIKE McCORMACK

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. McCORMACK. Mr. Speaker, Dr. Humberto Fernandez-Moran, is, in my judgment, one of the outstanding men of science in the world today. Consequently, I was extremely pleased to learn that on September 19, 1973, a special meeting of the Bolivarian Society of the United States presented him with the Society's highest award, the Bolivarian medal, in recognition of his contributions to medicine and science and his efforts to bring about inter-American cooperation in these fields.

The medal was presented by the Society's founder and first president, Don Daniel A. del Rio, and this marks the first time that this rare privilege has been accorded to a scientist. On the six other occasions on which this medal was presented during the history of the Society, it was bestowed only on Heads of State and prominent officials from the Bolivarian countries.

Dr. Fernandez-Moran is now the A. N. Pritzker professor of biophysics at the University of Chicago, where he heads one of the world's leading electron microscope laboratories. He is widely recognized for his contributions in the field of electron microscopy and his development of a diamond knife nearly 20 years ago when he was a research fellow at the Nobel Institute in Stockholm. This sophisticated research tool has enabled scientists to study the tiniest organic details under the electron microscope and opened up the field of biological ultrastructural research. In addition, he is the author of many articles in his field and related subjects, and he is a member of many national and international medical and scientific societies.

Throughout his career, Dr. Fernandez-Moran has been inspired by the guiding concept of Simon Bolivar, who almost 150 years ago proposed a Pan American Union of true hemispheric scope. In pursuit of this goal, Dr. Fernandez-Moran headed the Venezeulan delegation to the first Geneva Conference on Peaceful Uses of Atomic Energy and to the Inter-American Symposium on Nuclear Energy at Brookhaven in 1955 and 1957 respectively. He was also active on the Science Commissions of the Organization of American States and of UNESCO, and in 1958, served as minister of education for his native Venezuela.

From 1958 to 1962, Dr. Fernandez-Moran organized the Mixter Laboratories for Electron Microscopy at the Massachusetts General Hospital in Boston. From 1951 to 1958, he served as professor and chairman of the Department of Biophysics at the University of Caracas, and under his direction, the Venezuelan Institute of Neurology and Brain Research was built in 1954.

As chairman of the Task Force on Energy last year, I visited his laboratory last year along with Congressman CHARLES MOSHER. While there, we witnessed the 117th successful experiment of the world's only operating closed-cycle superfluid helium system coupled to a high-voltage electron microscope. Subsequently, Dr. Fernandez-Moran presented these findings on superconductivity and a proposal he has made to obtain energy from the Sun to the Subcommittee on Science, Research and Development of the Science and Astronautics Committee in May. His solar energy proposal would employ a "fly's eye" multilens approach to trapping the Sun's energy.

I would like to take this opportunity to congratulate Dr. Fernandez-Moran on his multiple achievements to date.

TAX ON A TAX

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. SCHERLE. Mr. Speaker, yesterday I introduced legislation (H.R. 11322) which would save Iowa telephone users almost a half-million dollars on their telephone bills each year.

Through an inequity in the Federal tax law, Iowa telephone users are being double taxed in their phone bills. The Internal Revenue Service has notified Iowa telephone companies that they must include the State use tax on telephone services when they compute the Federal exise tax on basic telephone services and long distance calls.

In effect, this ruling—which applies to Iowa, Nebraska, and 13 other States—provides for a Federal tax on a State tax. Because of these rulings. Iowans will pay $405,000 more in taxes on their phone service each year.

This is unfair and unjust, and my bill would prohibit the Internal Revenue Service from levying such a "tax on a tax."

BREAKING A LEG HAS NEVER BEEN MORE CONVENIENT

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. PICKLE. Mr. Speaker, Cactus Pryor, a wry commentator from Austin, Tex., has vividly pointed out the miracles of modern transportation—and the foolishness we subject ourselves to by not having a national transportation plan.

I will let Mr. Pryor elaborate on the subject, as follows:

CACTI'S CORNER

(By Cactus Pryor)

During a recent period of meditation, I fell to thinking about the wonders of modern transportation. Just think of it! In less than an hour you can fly 300 miles and arrive in time to miss the limousine to town.

You can leave the backwoods of Arkansas at 4:00 and make the 5:00 homeward traffic jam in Dallas.

You can drive 500 miles away from your home on a Saturday and be back in time to put your car in the garage for repairs on Monday morning.

I can leave my house at 7:00 a.m. and be outside my office downtown by 7:15. That gives me 45 minutes to search for a parking space.

Modern transportation is marvelous. You can leave New York's train strike and in 6 hours be caught up in London's taxi strike.

And today's transportation opens whole new horizons for medicine with the varieties of motion sickness. I once lost my breakfast in the Pacific, my lunch over the Rockies, and my supper in the Lincoln Tunnel. (And if you must lose your supper, I can't think of a better place.)

Bus transportation has vastly improved in recent years. A short time ago I was driven 140 miles in but 2 hours. This was less time than the airline required to charter the bus after our plane had been grounded by weather.

Of course, we've all been fascinated with the dramatic transporting of our astronauts to the surface of the moon. What an adventure. What a thrill. What a luxury to be able to drive around without a single traffic light, speed trap or toll road. It's worth swapping the chugholes for craters.

Golf carts now enable me, for the first time in my life, to drive down the middle of a fairway. Now when someone yells "fore" you don't know if you're ducking a shank or a chevy.

Snowmobiles will now noiselessly transport you to heretofore inaccessible sanctuaries of solitude and silence. Thousands can now enjoy these sanctuaries of solitude and silence together.

There are lifts that will take you and your skis to the top of a snow-covered mountain, and motorized carriers that will deposit you in a hospital minutes later. Breaking a leg has never been more convenient.

Train transportation has been modernized. Instead of the dingy old steam engine trains that we used to have to wait for, there are now sleek, modern diesel-powered trains to wait for.

The airlines have added a whole new dimension to travel by buying many of our hotels. Now you can lose your luggage on an elevator, too.

Modern transportation. Steps that carry you, blades that lift you, boats that pull you, engines that push you. I thought of all of these blessings as I sat waiting for my late flight.

RESIGNATION OR IMPEACHMENT ONLY WAY OUT

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mrs. SCHROEDER. Mr. Speaker, the events of recent weeks have cast substantial doubts in the minds of many Americans over whether President Nixon should continue in office. We are, each of us, faced with determining whether we have sufficient confidence in the President to allow him to remain in office.

Over the past weekend, several leading papers throughout the country dedicated their editorials to this question. One of the most thought-provoking and cogent editorials was that of the Denver Post, entitled "Resignation or Impeachment Only Way Out." In the Post's view:

> The situation has now degenerated to where the trust of the people in the President's integrity is shattered. Halfway measures cannot restore that confidence, whether among our people or among our allies overseas.

Mr. Speaker, I congratulate the Denver Post on its forthright stand on this most compelling of issues, and commend its editorial to my distinguished colleagues:

RESIGNATION OR IMPEACHMENT ONLY WAY OUT

The office of the presidency, as Richard Nixon realized in the concept of his campaign when he sought to "bring us together," is much more than just an office at the head of one branch of our government. The presidency must be the national focus of our ultimate loyalty and confidence. Ironically, it was just a year ago this Sunday that The Post wrote its final editorial supporting Mr. Nixon for the presidency because among other reasons we believed he was the better man to produce effective national unity.

The American people must have an instinctive trust in their president, strong enough to override in time of crisis the inevitable partisan feelings of difference on lesser issues. One can disagree with a president on issues such as impoundment of funds, on the structure of a welfare program, or a move in world politics. But in a time of national crisis, such as the recent alerting of our military forces in the Middle Eastern situation, the people must be able to trust automatically the President's integrity. And on simpler matters, it is intolerable that on a question of whether or not the tapes were really lost, a great number of people simply don't take the word of their President.

Whether or not President Nixon deserves this low image as to his trustworthiness is arguable. Partisans can give endless tit-for-tat on that score.

What is not arguable is that, right or wrong, the situation has now degenerated to where the trust of the people in the President's integrity is shattered. Halfway measures cannot restore that confidence, whether among our people or among our allies overseas.

How then can this intolerable situation be resolved?

First, the office of the vice presidency must be promptly filled by congressional action. If Mr. Ford is acceptable after thorough examination, fine. If not, then an alternate candidate must be nominated and confirmed by Constitutional processes. We will not solve our crisis of Constitutional confidence by departing from Constitutional means.

When the vice presidency is filled, the Republican Party must live up to its responsibilities. Even Senator Goldwater recognizes that the credibility of the President is at an intolerable low point. The Republican Party should try to persuade the President to resign.

Stepping aside from the office of the presidency when trust has been lost is not a new idea. Lyndon Johnson, although elected by a mandate nearly as large as that of Richard Nixon, realized that Vietnam had broken his relationship of trust with the people. He stepped aside by not running again, and history thinks well of him for it. Similarly history would think well of a Nixon decision to step down, not as admission of guilt, but as a recognition that the needed trust essential to the conduct of his office has been lost. Richard Nixon would gain stature by such a selfless move.

If, however, resignation is not in the cards, then this newspaper has come to the reluctant conclusion that only an impeachment proceeding will heal our hemorrhaging of national confidence in the presidency.

Impeachment preparations which have started should be speeded in the Congress, since they take time, and if the vice presidency is filled and a resignation is not forthcoming, the bringing of the impeachment proceedings needs to be swift. The country mustn't dither about decision.

An impeachment process before the elected representatives of the people is the only method, short of resignation, that can now finally resolve the erosion of trust in the presidency. It would be a national decision in which all the evidence is brought out and a vote taken.

If the House of Representatives after mature deliberation decides there is not enough evidence to bring the President to trial before the Senate, that decision should finally quiet Washington. As we have said before, no one wants a president to stand trial on less than sound legal grounds, and the presence or absence of those grounds is for the House to decide.

If the manner goes to trial and the Senate decides the evidence does not justify the President's removal, well and good! The people will have spoken by the best Constitutional means available to them, and by the rules. That would put an end to it, and the President could go about his business vindicated by a reliable tribunal.

If the Senate should vote to remove the President, so be it! It would be the end of a regrettable chapter, not of the country.

If President Nixon chooses to resign after a qualified successor is in office, it would be easier for the country and better for him in the history books.

But if he must face impeachment proceedings, let's get on with them. From those proceedings, the people will get a decision on which some part of their basic trust in the presidency can be re-established.

A SPECIAL SALUTE TO GEN. PHILIP KEARNEY

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. PATTEN. Mr. Speaker, I rise today to speak of a day which is of great importance to all Americans—Armistice Day.

This day symbolizes the armistice terminating World War I, which took place on November 11, 1918. Many Americans fought courageously in the first World War, and because of this I want to take this opportunity to acknowledge another great fighter, Gen. Philip Kearny of Perth Amboy, N.J., who fought valiantly in the Civil War.

Both these wars were fought to maintain the ideals and freedoms of our great country. At this time I would like to insert an article written by the New Jersey Manufacturers Insurance Co. on General Kearny.

General Kearny's statue appears in Statuary Hall because of his great contributions to this country. The article follows:

GEN. PHILIP KEARNEY

One-armed Philip Kearny, commanding general of the First New Jersey Brigade, infuriated Confederate troops as he rode savagely between Northern and Southern lines in the spring of 1862—daring the Southerners to find a bullet that could kill him. Day after day he defied the Confederates, drawing their fire and then dashing back toward his troops shouting: "Now you know where they are, boys! Go get 'em!"

Phil Kearney thrived on war. He had fought for more than 20 years wherever possible: in Algeria for the French in 1839, in this country during the Mexican War, against Indians in California and again for the French in Austria in 1859. It was not all glory. His left sleeve dangled empty after his arm was amputated during the Mexican War.

Kearny was no soldier of fortune; he had been a millionaire since 1836, when his grandfather willed him exactly $1 million. Shortly before, 22-year-old Phil had graduated from Columbia College as a law student. Kearny in 1858 bought "Belle Grove," a handsome estate overlooking the Passaic River in Hudson County. But living in ease for Kearny was about as likely as a panther happy behind bars.

America's Civil War stirred his fighting blood, and his many Southern military friends urged him to join their "aristocratic cause." He declined hotly. "What am I," he exclaimed, "if no longer American?"

Yet, when he sought to join the Union Army, Washington rebuffed him. New York state ignored his request to be an officer and then scoffed at his plea that he might be at least a private. Whoever heard of a one-armed private?

However, New Jersey desperately needed a man with his talents. The 1st New Jersey Brigade languished in Alexandria, Va., growing steadily more surly and ill-disciplined. Worse, it had earned a reputation for stealing everything from chickens to farmer's fences.

Kearny, placed in command, rode a fiery horse into camp on July 26, 1861. He wore a bright cloak, a gold-handled sword and a heavy array of brass that dazzled in the summer sun. He looked like a general. The troops hated him.

The hatred of Kearny turned to fear, then

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to grudging respect for the general's uncompromising discipline, his attention to detail, his never-ending drills.

Within six months Kearny was known as the most brilliant of Northern officers. He rose to head the 3rd Division of the Union Army on May 2, during the Peninsula Campaign in Virginia and, when asked if he wished help, Kearny replied, "I can make men follow me through hell."

Three days later he made good his boast, rallying his men for an often-mentioned dash over muddy roads and fields to rescue Gen. "Fighting Joe" Hooker's regiment entrapped at Williamsburg. Soldiers wrote home to tell of a leader who rode with his reins in his teeth while he brandished a gold-handled sword in his only hand. Southerners called him "The One-Armed Devil."

Kearny performed with distinction in the midst of general Union chaos at the second battle of Bull Run on August 30. But time was running out for Kearny; two days later he made his last challenge at Chantilly, Va.

Wild fighting broke out at Chantilly as the afternoon of September 1 neared its close. Simultaneously, a violent lightning storm broke over the battlefield. Driving rain turned the field into a morass and lightning ripped the trees in a display of power that made man's weapons seem puny.

Kearny rode forth through the storm, urging his men to follow him, although few could either see or hear him. The general spurred on. His black cloak made him scarcely distinguishable from the misty twilight shadows. Riding with "uncontrollable fury," Kearny mistakenly dashed into a Confederate outpost in a cornfield. He wheeled about as he discovered his error, undoubtedly supremely confident that he could once more escape. This time he could not bring it off. A Confederate bullet ripped through his back Kearny fell dead into the mud of Chantilly. The next day Gen. Robert E. Lee personally sent Kearny's body back to the Union lines with an honor guard.

Many claimed that the New Jersey officer was just about to be named commanding general of the Army of the Potomac. But it was too late, Phil Kearny was dead—killed as he had lived, surrounded by violence and thunderous tumult.

TRADITIONAL VETERANS DAY

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mrs. GRASSO. Mr. Speaker, this Sunday, November 11, is the day traditionally set aside to honor our Nation's veterans.

It has always been a solemn day—a time for reflection on the countless sacrifices veterans have made to insure the security of our country and preserve peace throughout the world.

Our veterans are brave, dedicated, freedom-loving men and women who answered their country's call to duty and served unselfishly, guided by a deep, abiding concern for the welfare of their fellow Americans. Be it in time of war or peace, conflict or calm, our Nation's veterans have done their utmost to secure the defense of their country, and protect the welfare of all our citizens.

Certainly, our greatest homage, tribute, and appreciation is owed those who have made the supreme sacrifice in service to their country. Our history echoes the heroism of men and women who gave up their lives for their Nation and the cherished ideals for which it stands.

Other veterans suffered physical and emotional injury in combat or in prison camps. They deserve not only our compassion, but also our assistance in providing adequate benefits and programs of training and rehabilitation.

As a member of the Veterans' Affairs Committee, it has been my honor and privilege to assist in the drafting of legislation to provide veterans with the benefits they justly deserve. Together with our chairman, the distinguished gentleman from South Carolina (Mr. DORN) the committee has labored tirelessly to insure veterans of all that a grateful nation can provide.

Mr. Speaker, Connecticut is truly proud of the service its veterans have offered to their country. Nor did this service end when they left the military, but it continues in the many meaningful contributions continually made by veterans, especially through their organizations. At the same time, my friends in veterans organizations in Connecticut and throughout the country have kept me attuned to the needs and wants of their members, providing ideas, opinions, and information.

As you know, November 11 was originally celebrated as Armistice Day and later became a day to honor all our veterans. The day is especially meaningful to men who fought in the First World War. Veterans in my State and elsewhere share my belief that Veterans Day should not be celebrated as a Monday holiday in October, but should be returned to the traditional day of observance. I have introduced legislation which would redesignate November 11 as Veterans Day, and I intend to continue supporting this measure.

November 11 is a day of meaningful historical significance to our people. It has for years been a day when a grateful nation offers much deserved tribute to its dedicated veterans.

A DESERVED HONOR FOR THE DOUGLASES

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. DERWINSKI. Mr. Speaker, I call to the attention of the Members a very laudatory commentary in the Tinley Park Star Tribune of Thursday, November 1, in which that publication drew attention to its readers that fact that the former U.S. Senator Paul Douglas and Mrs. Douglas, who is a former Member of the House, were honored when the Chicago State University named its new campus library after them.

As the editorial appropriately comments both Paul and Emily have had outstanding careers in public service, and having the library named after them is a lasting tribute to their reputation.

The article follows:

A DESERVED HONOR FOR THE DOUGLASES

Former U.S. Senator Paul Douglas and Mrs. Douglas were recently honored when the library on Chicago State university's new campus was officially named after them.

The Paul and Emily Douglas library, largest building on the 55-acre, $65 million campus, eventually will house more than 300,000 volumes, including several hundred donated by the Douglases themselves.

Douglas and his wife have been dedicated public servants. He began his career in public office as a member of the Chicago city council. Later, he served for 18 years as U.S. Senator from Illinois. After leaving the Senate, he was chairman of the National Commission on Urban Problems. Somehow during those busy years, he also found time to write more than a half dozen books on public affairs.

Mrs. Douglas was U.S. congresswoman-at-large in 1944. She also was an organizer of the Illinois League of Women Voters, a pioneer crusader for a state constitutional convention, and the chief sponsor of legislation that brought mobile libraries to rural areas of Illinois.

Judged on the basis of their public service contributions, the Douglases are indeed deserving of this recognition. And, in view of their close association with academic activities and their long-standing interest in promoting education, it is particularly appropriate that they should be honored in this manner. It also is gratifying to note that the honor comes to them, not posthumously, as so often happens, but while they still can savor its meaning.

GSA UNDER PROBE

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. ASPIN. Mr. Speaker, I want to take this opportunity to publicly commend the Office of the General Counsel of the Civil Service Commission for their vigorous investigation of political favoritism in hiring at the General Services Administration.

I strongly support the efforts of the Civil Service Commission to restore integrity to Government service and I would like to encourage my colleagues to back the general counsel in his current fight. I urge the general counsel and his fine staff not to buckle under the politically and personally inspired attempts to stifle his investigation.

Regardless of our political affiliation we should all be concerned by the political cronyism that has recently come to light in this important Federal agency. The Washington Post has recently run a series of reports on the GSA problem and I would direct your attention to the following articles:

CHARGE OF FAVORITISM AT GSA UNDER PROBE

(By Lawrence Feinberg)

The U.S. Civil Service Commission is investigating charges of political favoritism in filling jobs at the General Services Administration, the agency that purchases supplies for the government and operates federal buildings.

A spokesman for the commission said yesterday a special team of Civil Service investigators was set up in early June to check complaints by GSA employees that "political clearance" is necessary to get promotions in GSA's Region 3.

The region includes Washington and five states—Maryland, Virginia, Pennsylvania, West Virginia, and Delaware. It has about 11,000 of the agency's 38,000 employees.

Yesterday a GSA spokesman said his agency is "cooperating fully" with the Civil Service investigation. He added, "We're not aware of any violation of any Civil Service Commission rules and regulations in the hiring of any GSA employee."

The charges of political favoritism at GSA were first made last spring, a Civil Service official said, during a regular check into hiring and promotion practices at the agency.

"When some apparent improprieties came to light," he said, "we put a special team onto the inquiry."

The investigators are scheduled to report to the commission's executive director, Bernard Rosen, by the end of September.

William M. Ragan Jr., director of information for the commission, said that contrary to published reports, none of the charges being investigated involve Vice President Spiro T. Agnew.

According to one such report, Lester Matz, a Baltimore County engineer, told federal prosecutors in Baltimore that he paid $2,500 to Agnew in 1971 in an effort to help someone else get a GSA job.

Agnew has called the allegations "damned lies."

Yesterday Ragan said none of the cases of political favoritism being investigated by Civil Service involves Agnew and none is connected to the Baltimore prosecutor's probe.

Ragan and other officials also denied that the Civil Service investigation was focused on Maryland, but said the complaints being checked came from several parts of GSA's Region 3.

The Civil Service officials also declined to say how many complaints they were checking and what level GSA jobs are involved.

"We're still running down leads," one official said. "It's a very thorough investigation and it's just not completed yet."

POLITICAL ABUSES CITED IN GSA HIRING

(By Douglas Watson)

Since 1969 congressmen and other politicians have recommended 2,500 people for jobs with the General Services Administration, according to GSA Administrator Arthur F. Sampson.

Sampson said in an interview, however, that there was nothing wrong with such job referrals from political sponsors and that he did not know how many hiring decisions were influenced by them.

The Civil Service Commission charged last week that GSA has been operating an illegal "special referral system outside normal personnel channels" that has given preference in hiring to politically favored applicants.

A former GSA official said last week that the "special referral unit" described by the commission was established by GSA in 1969, the first year of the Nixon administration, and that it has operated under supervision of top GSA officials since then.

Sampson disagreed with the commission's characterization of the so-called special referral unit, maintaining that it was merely a "follow-up unit" to make certain that there were prompt responses to inquiries and requests from congressmen and other politically important people, something he said any government agency tries to do.

But some career GSA employees, who say they speak for others with complaints, charge that politics frequently has been the deciding factor in determining who will be hired or promoted at GSA.

They refer to a job they say was created for a former Committee to Re-elect the President staffer, a senator's friend who got a GS–17 post although others were supposedly better qualified, and a friend of Sampson who was one of the few to be hired among 1,400 applicants for key jobs.

Referring to the 2,500 names mentioned by Sampson, a government source confided last week that Civil Service Commission investigators had uncovered a secret GSA file with more than 1,000 names of people recommended for jobs in GSA (the federal government's landlord, leasing and purchasing agency) by White House aides, congressmen and other politicians.

A Civil Service Commission spokesman said last week that its investigators had documented 16 instances of hiring favoritism among job applicants "referred from nominally political or clearly partisan sources." He said the commission believes there are many other such cases.

Sampson has neither directly denied nor conceded the commission's findings, saying only that they point out "some problems that need to be solved." Sampson has said that "some personal injustices and system breakdowns have occurred" but has not conceded there was systematic political favoritism in GSA hiring, as alleged by the commission.

The CSC ordered GSA to act within 30 days to eliminate "the special personnel referral system" and to fire anyone hired contrary to Civil Service regulations.

The former GSA official said the "special referral unit" was organized in 1969 under Rod Kreger, who later became GSA's deputy administrator and this year was appointed to the Postal Rate Commission.

He said the unit later operated under H. S. (Ted) Trimmer, now GSA's associate administrator for federal management policy, the agency's fourth-ranking official.

Bernard Rosen, executive director of the CSC, said last week that the "special referral unit" most recently has been under Assistant GSA Administrator Allan G. Kaupinen, who came to GSA in April as its third-ranking official after working in the White House for three years and for the Committee to Re-elect the President last year.

Sampson and other GSA officials said that what the Civil Service Commission calls "a special referral unit" that has systematically violated civil service regulations in hiring political favorites, actually was only a "follow-up unit" involved in the proper and necessary task of expediting responses to political inquiries.

"We consider it essential to follow up on letters from congressmen, governors and businessmen, from persons at a high level, to get a response" to their calls or correspondence, said Richard Q. Vawter, GSA's director of information.

Vawter said there was such a follow-up unit under Kreger, but he said it was never under Trimmer, a 34-year-old lawyer from California. Trimmer could not be reached.

Kreger, who previously was administrative assistant to former Sen. Karl Mundt (R-S.D.), acknowledged overseeing a follow-up unit but denied it violated CSC regulations as the CSC found. Kreger added, "I was never that close to the darn thing."

Sampson said that in the nearly five years of the Nixon administration the so-called follow-up unit has received an average of 12 recommendations a week from political sponsors of persons for jobs with GSA. Sampson said he didn't know how many of those with political backing were eventually hired.

Another GSA official said that the 40,000-employee agency each year receives at least 68,000 job applications from all sources and hires 8,000 people. "The commission's report should be kept in perspective," Sampson said.

Asked whether a "special referral unit" operated during the Johnson administration, the former official who was with GSA during both the Johnson and Nixon administrations, said, "I know there was not anything similar."

He said that while there were occasional political pressures put on GSA officials to hire political favorites during the Johnson administration, the political pressures were "nowhere near as bad" as they became after 1968.

This contention was disputed by three current GSA employees who, according to a GSA official, claim that in both the Kennedy and Johnson administrations GSA's director of personnel had a special aide whose primary job was placing of politically favored job applicants and who reported directly to top GSA officials.

A commission spokesman has said that "within several weeks" it will file formal charges against individuals at GSA charged with violating Civil Service regulations. The charges are not expected to be placed against certain persons who were allegedly improperly hired—who may be fired—but against those who ordered their hiring.

The commission has said that politicians have as much right as anyone to recommend job applicants. The CSC spokesman said its jurisdiction is limited to persons in the executive department, so it would not consider any action against congressmen or others outside the executive branch who may have put improper pressure on GSA to hire their friends.

A government source said that those who had urged hiring persons under investigation include White House aides and both Republican and Democratic congressmen.

The commission has declined to name any of the 16 GSA people allegedly hired improperly; it does say the 16 are spread throughout the agency and occupy "mostly low—and medium—but some higher grades."

But GSA career employees who have asked not to be identified have given The Washington Post six examples of what they consider are persons who got their current jobs with GSA through political or personal favoritism. It is not known if any of these examples are among the 16 cases cited by the commission.

In each of these instances cited by the critics, GSA officials have said there was nothing improper in the way the person was hired and have praised the individual's qualifications. They said the criticism was coming from a few dissident employees.

One disputed case involves Dr. Thomas A. Slivinski, who became technical adviser to the commissioner of GSA's new Automated Data and Telecommunications Service this year after working under Jeb Stuart Magruder as manager of the data base at the Committee to Re-elect the President.

A GSA spokesman said that Dr. Slivinski has a Ph. D. in computer science and formerly was a GS–15 with the Environmental Protection Agency. But sources within GSA charge that Dr. Slivinski's job was created for him and that none of the qualified employees with the agency at the time was given the opportunity to apply for it.

Dr. Slivinski currently is on leave to take several months' training at the University of Virginia.

Another criticized placement is that of Elmer D. Jones, who holds a GS–17 position as the head of the automated data service's office of telecommunications. A retired Air Force colonel, Jones is the second highest-ranking black in GSA.

He also is a friend of Sen. Edward E. Brooke (R.-Mass.), who is widely believed by GSA employees to have been instrumental in GSA's hiring of Jones. Jones said that he and Brooke "were kids together on the same block" but denied that any help from Brooke got him the job. A spokesman for Brooke declined to comment.

Jones said, "I feel I am well qualified" for the assistant commissioner's job that pays him at least $37,976. He said he holds master's degrees in electronics and research and development engineering and pursued those fields in the Air Force.

But sources within GSA contend there were career employees with more expertise in telecommunications who were not considered for the job Jones got. One GSA employee said, "When Jones first came aboard he was ask-

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ing simple, basic questions that a man in the business three months would not need to ask".

Another criticized GSA hiring was that of Lawrence H. Walker Jr., a retired army general who became regional commissioner of automated data last November after responding, along with 1,400 others, to advertisement for high-level jobs that became available in the new GSA service.

A GSA spokesman said that Walker was at the top of the CSC referral list by virtue of his qualifications and that Walker formerly directed data processing work for Pennsylvania and in the Army. Sampson, who also had worked for the Pennsylvania government, said of Walker, "I kept in touch with him because I wanted him with me" at GSA.

Walker ended up as one of the few job winners among the 1,400 applicants.

"There's nothing against hiring people from Pennsylvania," said a GSA spokesman in reacting to charges that GSA has become top-heavy with Pennsylvanians under Sampson and Robert L. Kunzig, his predecessor as GSA administrator, both Pennsylvanians.

Patricia L. Rouleau, a former sister-in-law of Rep. Joel T. Broyhill (R-Va.) became chief of a branch of GSA's Federal Supply Service in April. Mrs. Rouleau has had 14 years' experience at GSA, and an agency spokesman said she worked her way up to the post. He said there were no other applicants for the job, which pays at least $17,497 a year.

But sources in GSA said that in selecting Mrs. Rouleau, GSA overlooked a man who was then at a higher career service level, was her predecessor's assistant, had been recommended by her predecessor, and actually had done his job after the predecessor had left and before Mrs. Rouleau was named.

Action by the CSC has upheld Mrs. Rouleau's selection.

Mrs. Rouleau said she feels she got her job fairly.

Broyhill declined to comment specifically as to whether his office had urged Mrs. Rouleau's promotion. He said he frequently provides recommendations for constituents who are federal employees and are seeking promotions, adding, "It's an everyday occurrence. It's not confined to the party faithful."

Broyhill said, "If GSA is responding to congressional requests and inquiries more than other agencies, I'm glad to hear it. I try to get jobs for the people, and I mean in spades."

Another criticized case involves Lyle E. Hutchison, Jr., who was hired in 1970 by GSA for the job of writing specifications for furniture to be purchased by the government, a post that now pays a minimum annual salary of $20,677.

Sources in GSA said none of the qualified career employees then in the agency was given an opportunity to apply for the job that was by their account, specially created for Hutchison.

Bernard H. Martin, then Hutchison's superior and now retired in Florida, has written, "I did not review any application form covering Mr. Hutchison . . . I was asked to prepare a job description at the GS-13 level on a crash basis," in explaining how the new job suddenly appeared.

The GSA sources said Hutchison's father was a college friend of Kunzig and that helped him get his GSA job. Hutchison said he got his job fairly. Kunzig could not be reached for comment.

An example of what the critics say was an unqualified person holding a GSA job concerns Stephen White, who was project manager for a multimillion dollar program to obtain computers for GSA but is not a college graduate and who holds a high school equivalency certificate.

White is director of automated data telecommunications operations support division but is on leave for a year to attend the University of Washington under a GSA-sponsored program for a few selected employees.

White noted that "a college education isn't necessarily synonymous with knowledge" and that he has been a "hard-working" GSA employee since 1962. White was among six GSA officials temporarily suspended by the CSC last year for soliciting their employees for campaign contributions in violation of the Hatch Act. He was put in charge of the computer program after that.

Robert M. Teates, president of Local 1642 of the National Federation of Federal Employees, in a letter last week to CSC Chairman Robert E. Hampton urged the commission to protect the federal merit system against the spoils system many in this administration would like to have."

But Teates said that based on past experience, it is "our opinion the CSC will not take the really tough action required in this case, namely the dismissal from federal service of those employees who were hired through political connections."

GSA officials say the Civil Service findings have unfairly distorted the GSA hiring picture that has many positive features. They point to programs they say were started under Kunzig or Sampson to actively recruit able employees from college campuses and to upgrade the equal employment effort through a director of civil rights, who reports directly to the agency's administrator.

They also cite initiation of a program for accelerated executive development, start of programs that enable GSA employees to more easily switch from one field to another, and more strongly supported programs to hire veterans, the physically and mentally handicapped, and for summer hiring of disadvantaged youths.

Sampson said the Nixon administration has activated GSA, which formerly was "a dead horse."

SECRETARY OF THE INTERIOR MORTON SPEAKS ON THE ENERGY CRISIS

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. ARCHER. Mr. Speaker, there is much debate and concern regarding the energy crisis in the United States. A clear and perceptive analysis of the entire situation was presented recently by the Honorable Rogers C. B. Morton, Secretary of the Interior, before the Interpipe Conference in Houston, Tex., on October 30, 1973. His address revealed the depth of the problem as well as the challenge we face in meeting the energy needs of our growing society.

REMARKS BY THE HONORABLE ROGERS B. MORTON

The compelling events of war in the Middle East again have dramatized the world dimensions of America's energy balances.

Within the last months the Persian Gulf oil producers have increased the price of crude oil by 70 percent. These added layers of price increases from the OPEC countries will certainly result in heightened competition in the world energy markets. Especially when you consider that the Soviet Union is the only industrialized nation in the world that is self-sufficient in energy. At the least it will mean harsh competition between Japan and our allies in the European community for limited world oil supplies.

The threat of an Arab oil boycott moreover has turned to reality. Even with a cease-fire, some Arab oil—which accounts for almost 12 percent of the total U.S. consumption—will be embargoed from the U.S. market.

Regrettably, the statistics are even more forbidding at a second look: nearly half of the heating oil supplies on the East Coast are produced from Arab sources.

The American energy crisis, unlike most national issues, is not transitory. It is not going to be limited to "this winter" or "this year" or even "this Administration." Instead it clearly is the greatest issue facing the American people during the next decade.

And because Americans use more energy than most nations of the world, the energy crisis may have a deep cutting effect on our national life.

During the next seven days, for example, the average American will use as much energy as half the world's population will consume on a per capita basis in the next year. And over three quarters of that energy will come from petroleum and natural gas, while less than one quarter will originate from other sources such as nuclear, hydroelectric, geothermal, or coal. Nuclear energy is making about the same contribution to our energy base as firewood.

For a variety of technological, economic, and environmental factors, throughout the balance of this century, we will depend heavily upon fossil fuels. And a dependence on fossil fuels means a dependence on pipeline systems.

This morning I would like to share some of my observations regarding the role pipelines can and must occupy in meeting America's energy and environmental needs.

The challenge of designing and constructing delivery systems to bring needed new oil and natural gas supplies into the market, matches the scale of companion efforts to develop new energy sources, like the breeder reactor, oil from shale, and gas and liquid fuel from coal.

The capital requirements for pipelines alone between 1970 and 1985 will be massive. A recent issue of the Oil and Gas Journal, for example, estimates that the projected pipeline construction expenditures during this fifteen-year period will come to $25 billion.

Not only will we need greater supplies of pipe—but an entirely new generation of pipeline systems.

Oil and natural gas pipelines in hostile Arctic climates, or in the North Sea will require improved low-carbon steel with new durability and strength characteristics.

And industry's ability to meet environmental criteria for oil and natural gas production on the OCS, and other areas will depend largely on the design and delivery of these new pipeline systems.

In my own view the decision process for the Trans Alaska Pipeline will, in the years to come, provide valuable experience and guidelines for these new systems.

The decision process we have just completed for the Trans Alaska Pipeline will provide valuable experience and guidelines for these new systems in the years to come.

There is little question that TAPS dramatizes the need for balance between our national concerns for secure energy sources, and the need to safeguard the quality of our environment.

I frankly am proud of my decision, and that of the Congress and have little doubt they will enact the legislation needed for what the President has called "the first legislative goal" toward meeting the energy challenge.

The national interest implications of TAPS are staggering, particularly in view of even the most optimistic predictions on the future of the Mid East:

—TAPS provides the earliest, and most economical means of delivering secure and uninterruptible supplies of new oil to the American consumer.

—TAPS will contribute to reducing the dollar drain from oil imports by as much as $3.3 billion in 1980, and could reduce our balance of payments by as much as $5.8 billion in 1985.

—And most important, TAPS will bring up to two million barrels of oil a day to U.S. markets as soon as it is operating at full capacity . . . that's almost a third of our current imports.

And the promise of still greater sources of oil and natural gas in Alaska—in the Cook Inlet, and the Gulf of Alaska, as well as on the North Slope, will lead to proposals for other pipeline systems. It is already evident that a second pipeline system will be necessary for oil and natural gas.

My overriding concern in making the decision to proceed with TAPS was based on one critical condition: I was—and still am—convinced that we can construct and operate a pipeline that serves the national interest, without causing unacceptable environmental impacts.

In the case of TAPS land use considerations were more complex because of the overriding need to meet strict environmental criteria.

However, even if there had not been obstacles to overcome, I feel that a proper right-of-way decision could not have been made without a multi-discipline approach to energy, environmental, and land-use planning.

There was a clear need to set aside a utility corridor not only for the pipeline, but for subsequent developments like roads, power lines, added pipeline construction, as well as the location of auxiliary equipment. In my own view, planning for added pipeline construction in the Lower 48, as well as in Alaska and other parts of the hemisphere demands a "systems planning" approach. The President's proposed land-use planning legislation provides the necessary mechanics to do just that.

Pipelines are a major component of our total energy system, and will continue in the years ahead to provide the most economical means of transporting oil, natural gas, and in some instances—as in the Southwest—even coal. The time is past when we could afford to assume that pipelines of energy transmission systems were not an integral part of regional planning.

In the meantime, the American consumer is going to have to realize that America has no choice but to regain energy self-sufficiency. We are going to have to accelerate our efforts to bring additional fossil fuels to the marketplace—and do it now! And we are going to have to be prepared to make hard decisions on the economic and environmental tradeoffs in developing conventional and second generation energy sources.

Regrettably, too many of our people fail to recognize the dimensions of the energy crisis:

They say, give me energy, but don't run power transmission lines, or gas lines across my lands;

They say, give me secure domestic supplies of gas and oil, but don't provide equitable economic incentives for exploration, development and production. (How much longer, for example, will we allow our natural gas reserves to decline, while inter-state natural gas prices are held at artificially low levels that discourage exploration and production?);

They say give me an energy policy that leads to secure energy supplies, but don't ask me to pay a fair price for it;

They say, give me a workable national energy policy, but don't dam, dig, mine, or drill in my State;

They say give me an energy policy that maximizes national security, but don't infringe on our trade and defense relationships within the world community.

Too many Americans are still unaware of the consequences we face, and the growing threat of a dependence on unstable, expensive, and interruptible foreign energy sources holds for our future.

The time has come when everyone—government, industry, and the consumer—must realize that our energy resources and energy needs are truly "national" and not limited to a single State or region.

I have no question that America has the will, the resources, and the leadership to meet the energy challenge. At the same time, however, I think it is a mistake to assume that government—either the Congress, the executive, or the judiciary—has the capability to meet all our energy needs. The real challenge is a challenge to our national attitudes towards energy, and to the vision and determination in our free enterprise system to crystallize our energy concerns into new energy sources.

That is the challenge all of us share—and that is the challenge we can meet if we move forward in a spirit of common effort.

COLORADO RIVER WATER QUALITY

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. HANNA. Mr. Speaker, while the seven Colorado River Basin States have been wont to fight over the waters of the Colorado River, the time has now come when we all must unite to restore the quality of the waters that the river supplies.

William E. Warne, whom I met when I was serving on the Water Committee in the California Legislature while he was director of the California Department of Water Resources, has proposed a new approach to improving the Colorado River water quality. Mr. Warne knows the Colorado River as do few other men alive today. He was brought up on an irrigated farm in the Imperial Valley, was an officer in the Bureau of Reclamation when Hoover Dam was built, and was Assistant Secretary of the Interior for Water and Power when the Coachella Valley County Water District's contract for service from the Coachella branch of the All-American Canal was signed by him.

Mr. Warne is a member of the board of directors of the National Water Supply Improvement Association. I commend Mr. Warne's proposal to my colleagues.

A NEW APPROACH TO IMPROVING COLORADO RIVER WATER QUALITY

(By William E. Warne)

My assignment today is to discuss "A New Approach to Improving Colorado River Water Quality."

The fact is that the Colorado River, which drains much of seven states in the Southwest, has been entirely spent in the development of the arid and semi-arid region composed of western United States and northwestern Mexico. In a dozen years, the outflow of the Colorado River has been comprised of some salty effluent from a drain that has been deliberately bypassed at Morelos Dam, and some leaks and small spills that accidentally escaped the watermaster's control. No other water has reached the Gulf of California from the great river's channels through its delta.

In the development of the Colorado River over the past 75 years, many interesting things have been done about its waters. Some of them in retrospect seem anachronistic. Some appear to have been based on wishful thinking and poor guesses. Certainly the sum total of what has been done has not resolved the problems of the Colorado River, which have constantly grown more intractable.

For example, the Colorado River Basin is the only large river basin in the United States that is wholly arid. A higher percentage of the lands of this basin must remain unused than of those of any other basin, except the Great Basin which is made up of a land-locked collection of salt sinks and contains no real river at all. But despite the Colorado Basin's uniquely dry character, more water diversions are made from the Colorado River to other basins than are made from any other river in the United States. And I have not identified a single diversion into the Colorado River Basin. This is a classical example of the Biblical statement that unto him who hath shall be given and from him who hath not, even that which he hath shall be taken away.

The waters of the Colorado River were divided in 1922 between the Upper and the Lower Basins. The Colorado River Compact Commission assigned to each basin depletions of 7,500,000 acre-feet a year. Despite some expert testimony given before the Commission that 15,000,000 acre-feet might exceed the safe annual yield of the river, the Commission also divided a million acre-feet of "surplus water" between Arizona and California. The Commission apparently intended to use up all of the waters of the river, giving no thought to the salts that the waters naturally contained.

In 1944, the United States and Mexico entered a treaty by which Mexico was guaranteed 1,500,000 acre-feet of water each year. No one really quarrels with the equity of the amount assigned to Mexico but the treaty came 22 years after the Compact Commission had divided the waters of the Colorado River among the states of the basin. The Mexican Treaty water clearly was not going to be available in the river, except that it might be made up of return flows or taken from upstream allottees.

To make the resultant situation even worse, the United States Senate in ratifying the Mexican Water Treaty accepted the contention that the treaty water was simply "wet water" and therefore any water regardless of its quality would satisfy the Mexican allotment. The Mexican Senate, however, was assured that the 1,500,000 acre-feet of water for Mexico would be of a satisfactory quality for domestic and irrigation uses.

The Colorado River once dumped 14,000,000 acre-feet or so of water a year into the Gulf of California. Much of the run-off came in annual floods as the melted snows of Wyoming and Colorado, which produce 80 percent of the river's output, came gushing out of the Grand Canyon. The river then cleansed itself of salt each year. Its waters were silty, but otherwise of relatively high quality. Now, when there is virtually no outflow, great quantities of salts are accumulated in Lake Mead, Lake Powell and other reservoirs that have subjugated the river. Today, evaporation that concentrates the salts in these reservoirs and irrigation return flows that add their accretions to the natural salt loads of the river cause the waters of the Colorado to degrade progressively each year. The quality is lower at each succeeding diversion point. Once hailed as life-giving, the waters of the Colorado River are becoming a threat to the health and welfare of the communities that they have helped to develop in the deserts through which the river once raged untrammeled to the sea.

At the intake of the Metropolitan Water District of Southern California's Colorado River Aqueduct at Lake Havasu, the water contains 750 or more parts of dissolved solids per million parts of water. To provide a reference point, the recommended U.S. Public Health Service drinking water standard is no more than 500 ppm. tds. At the Imperial Dam, where the All-American Canal heads, water diverted to the Imperial and Coachella Valleys and to Arizona projects reaches 830 ppm. As a result, lands irrigated in the Imperial Valley must be tile drained and the irrigators adopt complex cultural and water management programs to avoid dangerous salt accumulations in the root zones of their crops. More and more of the progressively poorer water is required to produce the crops that are grown in the valley. Heavy applications of water are required to flush the salts out of the soils and through the drains to the Salton Sea. So we see the noose tightening. The demands on the river are increased because its reduced and degraded flows satisfy them less well.

More than a decade ago, the irrigators and other water users in the Mexicala Valley blew the whistle. They said the water that they were receiving at Morelos Dam was of such poor quality that it could not be used. They declared that such water did not satisfy the Mexican Water Treaty.

Adjustments were made at once in the methods used at that time to supply Mexican Treaty water. Part of the Wellton-Mohawk drainage was kept out of the river and returned to the streambed only after it had bypassed Morelos Dam.

But the philosophy that "wet water" would satisfy the needs of any diverter using the Colorado River has been slow in dying. The concept that the value of the water is reduced as its quality is degraded even now is not widely accepted. The idea that the value of the water may be increased by removing a part or all of the salts still has not been fully grasped. Very little has been done to work this increased value into a cost-benefit ratio in justification of water quality improvement projects.

This brings me to the new approach which is simply to improve the quality of the water in order to extend its uses. I would propose also that the water be managed through its initial, its second and even its third use in order to recover the values that are added by improvement of the quality and in order to help repay the costs of desalination and of applying other advanced water sciences as they may be required. Before getting down to specifics, let me review some of the steps that are already being taken in less coordinated ways than I would propose.

We have managed the waters that are being imported into Southern California in traditional ways. The methods were developed in the era of "wet water" thinking. When challenged to reform these ways, the water industry has been in the habit of saying that it can not be done under the law. One is asked to overlook the fact that the water law has been modified in the past; that the riparian law was replaced in the West by the doctrine of beneficial use a generation or two ago when it became clear that in arid lands the riparian law did not function in the public interest.

The new approach that I would propose to improvement of Colorado River water quality would require the adoption of a new conception of the Colorado River as a resource, renewable through restoration of the water quality. The value of water would include appraisal of its quality. The functions of the water supply agency would include improvement of the quality and management of repeated reuses of the product in satisfaction of the needs it is obliged to serve. The pricing of the water to the consumer would include multiple-levels based on quality standards and not merely the metered quantity delivered as though "wet water" were enough for all purposes.

This approach may not be as radical as some will label it, I believe. Circumstances already are forcing steps to be taken by some agencies along some of the lines that I have indicated.

The steps I now list have been taken or are in preparation:

1. In satisfaction of the Brownell proposal for improvement of the quality of the water delivered under the Mexican Water Treaty the Office of Saline Water already has called for proposals to provide a concept for the design and operation of a 100,000,000 gallons per day desalter to treat the waters of the Wellton-Mohawk drain. The idea is to desalt these waters so that they may be used to mix with water in the Colorado River below Imperial Dam and so to regulate the quality of the Mexican deliveries to no more than 115 ppm worse than the Imperial Valley diversions. That this desalter is 40 or more times as large as any similar water-factory that has been constructed will put a real strain on the technology and the industry.

2. The Orange County Water District is incorporating both desalination and waste water reclamation in its water management program of conjunctive use of surface and groundwaters at Water Factory 21. In addition, the District has instituted follow-up programs that may lead to the construction of large-scale reverse osmosis or electrodialysis plants to improve the quality of water received from the Colorado River and the Santa Ana River and the quality of the waste water effluent that enters its supplies.

3. The Bureau of Reclamation is experimenting with geothermal wells on the East Mesa in the Imperial Valley hoping to prove up means of desalting the hot brines from underground and of improving the quality of the waters of the Colorado River. Other agencies and interests are experimenting with geothermal electric power generation in the same region.

4. The Metropolitan Water District has announced its intention to mix in its system waters from the Colorado River with those from the California Aqueduct, which taps the Feather River source. This is in order to obtain a quality meld that will be more satisfactory than that of the undiluted Colorado River water. This solution is planned despite the fact that the cost of State Water Project water is $10.00 an acre foot more than the cost of the Colorado River water for which it will substitute in the mix.

5. The Imperial Irrigation District continues to encourage expansion of the tile drainage of the lands that it serves, though flushing the soils requires more of the Colorado River allotment to which the district is limited by the California Self-Limitation Act.

6. The Los Angeles County Sanitation District is reclaiming increased quantities of the water from its outfalls, building on the Whittier Narrows experiment, and testing a variety of uses of the product.

7. The Department of Water Resources has completed the East Branch of the California Aqueduct which was deliberately designed as a means of introducing high-quality water into areas from which it might be recycled before making its way to the sea.

Now my new approach as you will shortly see is not so new any more when one contemplates all of these activities which, though uncoordinated, look in some of the same directions.

My suggestion is that consideration be given to desalting the Colorado River Aqueduct to about 250 ppm. The improved water would be for use and reuse so that half as much water would do one and a half times the amount of work that can be expected of the 520,000 acre feet allotted to the MWD of Colorado River water of its present low-grade quality. I suggested this when the Southern California Edison Company asked for 50,000 acre feet of cooling water from the aqueduct to use at its East Desert electric generation station. I asked why not get the City of Los Angeles, which will need more generating capacity and has had difficulty finding sites, and the State Department of Water Resources, which will need a power supply in order to operate its pumps in 1984, when its present power supply contract expires, and perhaps other power suppliers to come into a program to construct a vast power-generation farm in the east desert. Up to 200,000 acre-feet of water from the Aqueduct could be dedicated to cooling these stations.

A body of thought prevails that the economy of scale will make such generating farms most efficient. Waste heat from the stations could be captured or a portion of the power or heat could be diverted for the purpose of desalting the remainder of 320,000 acre-feet of water in the aqueduct so that it would contain no more than 250 ppm tds. This 320,000 acre-feet of water then could be used three times on the coastal plain, before being ready to dump into the sea at about 1000 ppm tds. Much of the geothermal energy resource is found on public lands. The Bureau of Reclamation might be asked to develop a project by which this enery could be used in the aqueduct desalting program. (Please note that while this paper was in preparation a plan to build a nuclear power farm in the San Joaquin Valley was aired in the press. I suggest the east desert be not overlooked for the proposal I make is not impractical, but it would likely be infeasible if the power farm were in an area not associated with the Colorado River Aqueduct.)

What I have tried to do is to start the discussion of a new approach, rather than to present a full-blown project. It has been about three-quarters of a century since we began the development of the Colorado River. Proceeding along the lines that were adopted at the outset, we have gone just about as far as we can go, if, indeed, we have not gone beyond rational limits. We have some magnificant achievements to our credit in this development.

The Hoover Dam, the Colorado River Aqueduct, the All-American Canal, and metropolitan Los Angeles, itself, are among our achievements. Not all aspects of these achievements are turning out well. Quality deterioration of our environment has set in at various points in the Colorado River service areas. New approaches to these quality problems are demanded more insistently as the old methods with which we are familiar are shown to be inadequate or even damaging in some of their applications. If my suggestion of a new approach to improving Colorado River water quality is not acceptable to you, you, as water leaders, must accept the responsibility of proposing other approaches or we will collectively have failed the people of California. Clearly, the Colorado River is spent and will not recover itself.

UNILATERAL TROOP CUT MIGHT BE REAL DETERRENT

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. TEAGUE of Texas. Mr. Speaker, I insert the following in the RECORD. I think the following article by William C. Moore, U.S.A.F., retired, as it appeared in the Los Angeles Times on October 10, 1973, is worthy of being called to the attention of the Congress and all those who read the RECORD.

The article follows:

FORMER STRATEGIC PLANNER SUGGESTS UNILATERAL TROOP CUT MIGHT BE REAL DETERRENT

(By William C. Moore)

The U.S. government's current position on the mutual and balanced force reduction (MBFR) proposal for Europe rules out any unilateral reduction. Only if the Soviet Union agrees to reduce its forces will the United States do so.

But what if mutual reduction cannot be

achieved? Would a unilateral reduction of U.S. conventional forces create consequences as dire as predicted by U.S. officials?

To support their pessimistic predictions, officials resort to mathematical comparisons—the numbers game—between NATO and Warsaw Pact forces. They quickly and easily come up with "proof" that a unilateral reduction by the United States would exacerbate what is already a position of weakness. As a consequence, they say, either NATO allies would be inclined to seek accommodation with the Communists or the Soviet Union might decide that aggression against Western Europe would be well worth the gamble.

Other military analysts take a contrary position and contend that mathematical balance is not the crux of the matter. Numerical weakness in conventional forces, they argue, does not necessarily mean a diluted deterrence—especially when vital issues are at stake and nuclear weapons are involved. These analysts contend that a reduction in conventional U.S. forces in Europe will, paradoxically, reduce the chance of aggression, not increase it as predicted by those in the numbers game.

The paradox, they readily admit, appears to promise strength through weakness. Yet I believe that there is logic to this upside-down reasoning—when viewed in the light of the order-of-battle strategy. This strategy—actually only one facet of grand strategy—is based on the premise that nothing illuminates a nation's foreign policy commitments, obligations and intentions quite as clearly as the signals radiating from its own military force structure.

The quality and quantity of the armed forces—the order of battle—reveal whether a nation is likely to default the issue in contention or accept the challenge. The order of battle reveals how a nation can fight—its tactics, where a nation can fight geographically—its flexibility, and in what strength it can fight—its staying power. And it reveals whether the fight would be conventional or nuclear, and when escalation from one to the other would likely occur.

These are the signals which spell out to would-be aggressors the consequences of aggression. Political leaders, great generals, national security advisers, intelligence analysts—call them what you wish—all make decisions about war largely on their evaluation of these signals.

Therefore, the trick of statemanship is to design the order of battle so that it sends signals to potential aggressors that the retaliation to an offensive would be disastrous to the aggressor nation. The more severe the consequences, the more certain is it that aggressors will take counsel of their fears, temper their diplomacy, forgo decisions which might lead to *casus belli*.

Applying this logic to the MBFR proposal, one comes up with the upside-down reasoning that says a reduction in conventional forces will actually increase deterrence, not weaken it.

Proponents of this reasoning point out that the Russians have two overriding questions confronting them:

Would the United States fight to prevent a takeover of Europe?

How would the United States fight—what armed forces exist, are they primarily conventional or nuclear, what are the odds of these forces in battle against Russian forces?

First, the second question: As Soviet war games most certainly have shown—as have most U.S. and NATO war games—the United States must escalate to nuclear weapons or lose a war with the Russians in Europe.

Occasionally, a war game surfaces which refutes such a pessimistic viewpoint. Robert McNamara's system analysts—his whiz kids—produced such a study in 1964–65 to support his view that the allies should adopt a conventional strategy to replace the nuclear strategy then appearing in NATO war planning documents.

Most military men were highly critical of the study, recognizing it as a smokescreen to support McNamara's position and noting that the whiz kids "stacked the deck" by using highly slanted intelligence which together with dubious assumptions, led in only one direction.

Another major series of Pentagon studies—some still under way but recently leaked piecemeal to the press—is again insistent that NATO could hold the line against a Warsaw Pact attack. These new studies, however, are not likely to change many minds. The pessimistic majority will again look on the studies as a smokescreen not likely to obscure the inferiority of NATO's conventional forces.

The first question—would the United States fight to prevent the loss of Europe?—is, then, the key to understanding how the Soviet Union might react to a unilateral reduction of forces.

If the leaders of the Soviet Union interpreted a unilateral U.S. reduction as a sign that the United States was abandoning NATO and would not fight to save Europe, then the consequences would be as dire as U.S. officials predict.

Other observers, however, contend that Soviet leaders are not likely to make this interpretation. Maintenance of a free Europe is of vital interest to the United States, and the consequences if Europe were to be lost are so profound, so inimical to the welfare and existence of a free society as to allow the Russians no other conclusion than this: The United States will fight to prevent the Communists from taking over Europe, whether by "Finlandization," blackmail or aggression.

To disagree with this makes moot any argument for keeping American forces in Europe.

As a consequence, the dilemma confronting the Communists is this: Logic tells them that the United States will fight to save Europe. The order-of-battle strategy tells them that the United States must use nuclear weapons or lose Europe. The inferior position of NATO conventional forces vis-a-vis Warsaw Pact forces insures that this escalation will happen.

Therefore, I see little logic in the statement that a unilateral force reduction will have dire consequences for the United States. Is it not more logical to predict that a reduction will strengthen deterrence—because leaving fewer conventional troops means that the remaining forces must escalate even more quickly to nuclear weapons

This is the nagging question which has held Soviet forces in check ever since NATO came into existence.

LETTER FROM A JEWISH PRISONER IN THE SOVIET UNION

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. FAUNTROY. Mr. Speaker, in the midst of our efforts to establish and maintain peace in the troublesome Middle East, as the result of the latest Arab-Israeli war and our ever-continuing efforts at détente with the Soviet Union, there are many Jews who are being held in Soviet jails because of their attempts to emigrate or to practice their religion. For most of us here in the United States, the deprivation suffered by these prisoners of conscience are academic and intellectual concepts which stun the brain but not the heart.

Just recently I was privileged to share a letter which was written by Wulf Zalmanson to his uncle who is in Israel. Zalmanson is one of the prisoners of whom I speak being held for his beliefs. He is accused of hijacking a plane, however, his real crime is his desire to be a Jew in a society where religion is frowned upon and where emigration is nearly impossible. Wulf Zalmanson just recently celebrated his 34th birthday. Unfortunately, he will also spend eight more birthdays there in the Permskaya Oblast Prison.

Those of my colleagues who would like to write this courageous man to send him a few words of encouragement are urged to do so. His address is: USSR, RSFSR, Moscow, Uchr, 5110/1 Zh. H., Wulf Zalmanson.

If you write, I suggest that the letter be registered with a return receipt requested. If you would be so kind as to send a copy of your letter and any reply to my office, I will make sure that Ohev Sholom Talmud Torah Congregation, here in the District, which has adopted Wulf and his personal dilemma, receives it for their files.

I am including the letter sent by Wulf Zalmanson to his uncle so that you, too, can share and understand the experiences and problems faced by the Jew in the Soviet Union.

Greetings to Abraham, Zinia, and Jonah:

I received from Jonah two letters and a picture of Guy on the 12th of September. I was very happy with the letters, especially the Hebrew letter, because it is very good for me. I hope that in the coming letters you will write more news. I want to know everything about you, about the country, and if it is not possible to know everything, then as much as possible. Thanks to Jonah for the picture of Guy. I also request a picture of yourselves, for we have not seen each other in almost eighteen years. On my side, there are no great successes in my life or the life of my relatives. But I think that our luck is not so bad. I believe that we will all meet in one land, and already the day is bright, and the tomorrow lights our way. I and my friends interest ourselves in the problems of the country, in the relations with the neighbors within the country, in her industry, economics, culture, and religion. Please write about the matter.

The coming request is to copy some story by an Israeli author and send it to me. You don't have to copy the whole story, just about one page, and in coming letters you can continue the story.

I received a letter from Abraham 18 10/19.9, and I thank my uncle for the blessings for the New Year holiday.

I now have near me seven Jewish friends and we all want to go "up" to Israel. We study Hebrew and Jewish history. Those that know these things better than others help in the studies. We sometimes celebrate the holidays together. On Succoth, we had a succah, not a large one, but a very small one, and on the table were our festivities. And in such a manner, we learn the language of our fathers and our history, and we dream of the future. I bless you for Chanukah that is coming, and wish you much happiness and joy. Regards to Mark, Guy, our friends at Deganish "B" and especially Esther Egan, to Shalom Kofer and to Uzzir Ben Shalom.

Regards and mazel—tov to Yella Listin, the sister of my friend, Yosef Mendlowitz because she gave birth to a daughter.

Regards to the close one of my friend, David Sternglass, Mindel Langer (she lives in Ashkelon if she gives the address).

My friend *Mark Dymshitz* requests nice and varied stamps on the envelopes of the let-

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ters. He sends stamps to his daughters as they collect them.

I apologize that my letter is so full of requests.

Regards from our friends,
Shalom and will see you again,
Yours,
ZEST.

A THANKLESS PLEASURE

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. HELSTOSKI. Mr. Speaker, throughout its history, this Nation has been blessed with countless men and women who have served loyally and gallantly in our Armed Forces. In return, we have tried to provide our veterans with benefits and comforts in an effort to make their lives more pleasant and meaningful. In addition, we have been fortunate to have so many Americans willing to dedicate themselves to working with our veterans.

Today, I would like to focus our attention on the Veterans' Administration Voluntary Service—VAVS—a group of volunteer workers who devote tremendous amounts of time and energy to helping our veterans.

Discussing the VAVS recently, Veterans' Administration Administrator Donald E. Johnson pointed out that during 1973 these individuals gave nearly 10 million hours in service helping disabled veterans. This, Mr. Johnson said, is service "money couldn't buy."

As a member of the Veterans' Affairs Committee, I am familiar with the plight many veterans face. Hence, today I want to commend the VAVS for the group's admirable dedication.

Mr. Speaker, the following editorial, "A Thankless Pleasure," appeared October 25 in the Stars & Stripes-The National Tribune. I wish to share the article with my colleagues because it provides additional insight into this organization. The article follows:

A THANKLESS PLEASURE

It is impossible to find a group of people who work so hard, get little or no thanks, and yet obtain so much pleasure.

Most people would probably agree that it is impossible to find such a group because such a group does not exist.

Such a group does exist. It is known as Veterans Administration Voluntary Service, volunteers who are members of veterans' and other organizations.

In expressing his pride in the VAVS, Donald E. Johnson, Veterans Administration Administrator, said, "Volunteers who serve disabled veterans in Veterans Administration Hospitals gave almost 10 million hours in services that 'money couldn't buy' during 1973.

"An average of 106,220 volunteers per month contributed 9,822,416 hours of their time to helping veterans at the VA hospitals, domiciliaries, and regional offices during the fiscal year ending June 30. The all-time record, only slightly higher, is 9,862,398 hours contributed in fiscal 1971.

"The largest amount of time spent by VA volunteers in fiscal 1973 was for rehabilitation services to veterans, with assistance in nursing, second, and work in the voluntary service itself, third.

"The end of the war in Vietnam means that more, not fewer, volunteers are needed in VA, because young men requiring long-term rehabilitation are being cared for at a record level in the VA hospitals.

"Volunteers of all ages from high school through senior citizens are welcomed in the VA Voluntary Service. Although many enter through their veterans, welfare, civic, and fraternal organizations, those who would like to join directly are invited to contact the Chief of Voluntary Service at any VA hospital."

The Stars and Stripes-The National Tribune is also very proud of the VAVS program. Our subscribers write of their pride, from first-hand experience as a patient and those who are volunteers.

It is our hope that everyone in this nation makes a tour through a VA hospital. They would find VAVS volunteers working in a large variety of duties. They would find many young volunteers that are gaining practical experience while they are obtaining academic knowledge at school. They would find not only veterans helping veterans, but also veterans' wives, daughters, sisters, mothers, and grandmothers. They would also find non-veterans. They would find disabled volunteers, too!

These volunteers are not paid wages. You couldn't buy their satisfaction and pleasure.

MURDER BY HANDGUN: THE CASE FOR GUN CONTROL—43

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. HARRINGTON. Mr. Speaker, sometime Tuesday, November 6, Walter Parkin, Joanne Parkin, Lisa Parkin, Bob Parkin, Richard Earl, Wanda Earl, Ricky Earl, Debbie Earl, and Mark Lang were shot and killed.

Handgun legislation will protect people like them, not the criminal(s) who are responsible for their deaths.

The article from the November 8 issue of the Washington Post is included below:

FOUR CHILDREN, FIVE ADULTS SLAIN IN "EXECUTION"

VICTOR, CALIF., November 7.—Two couples, their four children and a friend were found shot to death execution-style today in a blood-spattered house in this tiny vineyard settlement.

San Joaquin County Sheriff Michael N. Canlis said all the victims had been shot in the head.

Authorities theorized the victims had been ambushed by men who later ransacked the grocery store of one of the victims, Walter Parkin, 33. Parkin was owner of the rambling $60,000 home, 30 miles south of Sacramento.

Two children were shot to death on a bed. Parkin and six other victims, gagged and bound, were stuffed into a walk-in closet in the master bedroom, police said.

The other victims were tentatively identified as Parkin's wife, Joanne, 31; their daughter Lisa, 11; their son Bob, 9; Richard A. Earl, an accountant and neighbor; his wife Wanda in her 30s; their son Ricky, 15; their daughter Debbie, 18, and Mark Lang, 20, identified as Debbie Earl's boyfriend.

The grisly discovery was made this morning by Carol Jenkins, 18, a roomer at the Parkin home who was out on a date Tuesday night. She said she had returned at 3 a.m., noticed nothing wrong and had gone to bed.

EMBARGO ON ALL FURTHER EXPORTS

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. YOUNG of Florida. Mr. Speaker, I have today formally requested Secretary of Commerce Frederick B. Dent to impose an immediate embargo on exports of oil and oil products from the United States. Under the Export Administration Act, the Secretary may take such action to preserve commodities which are in short supply. In light of the President's address to the Nation last night on the energy crisis, I feel that America can ill-afford any further drain on our already scarce energy resources.

There is no question but that such an export drain is occurring. And while it is not of great magnitude, its implications are disturbing in the present crisis situation. During calendar 1972, U.S. oil firms exported 1.4 million barrels of petroleum products; total exports through September of this year have already surpassed that level with 1.5 million barrels. The September export level jumped threefold from August's 200,000 barrels to 693,000 barrels as Great Britain and Holland sought to make up losses from Arabian producers.

The export motive is a powerful one. European oil prices are double those in the domestic American market, and even after shipping and handling an exporter can make a profit of 11 cents per gallon, or over a million dollars on one tanker load.

Mr. Speaker, while this profit-taking is certainly not widespread at this time, the temptation to export will grow with every month of increasing world scarcity due to the Arabian cutoff.

The American consumer has been asked to cut back on his energy requirements and to live with troublesome shortages. We are currently in a situation where every barrel of oil is needed. Therefore, my request that Secretary Dent impose an immediate embargo on all further exports will help ensure that all our resources are used to meet our own needs and to help us attain our goal of independence from foreign producers.

The text of my letter to Secretary Dent is as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., November 8, 1973.

Hon. FREDERICK B. DENT,
Secretary of Commerce, Department of Commerce, Washington, D.C.

DEAR MR. SECRETARY: Last night millions of Americans heard the President of the United States evaluate our current energy crisis and understood the need for "Project Independence"—freedom from reliance on outside energy sources by 1980. This goal is one which I, personally, have advocated many, many times. We were also asked to make a substantial national effort to conserve our scarce energy resources.

The short supply of petroleum distillates—especially diesel fuel, home heating oil, and gasoline—has been emphasized by recent world events. Yet I have been greatly disturbed to learn that even now oil interests in the United States are continuing to

export these commodities. More than 1.5 million barrels of petroleum products have left the United States so far this year, and September exports jumped more than threefold over August, with three tankerloads going overseas. While this is but a small fraction of the nation's annual petroleum consumption, we are currently in a situation where every barrel is needed.

The current situation demands a total embargo on exports of all oil products. Under the Export Administration Act you have the authority to impose "short supply controls" on scarce commodities. I can see no justification for allowing the exports to continue. The Russian grain deal should serve as an object lesson in the need to serve the American consumer first.

I am formally requesting that you exercise the authority available to you under the Export Administration Act and impose an immediate embargo on all exports of oil and oil products, and other energy sources which are in short supply domestically. If Americans are to conserve energy and live with troublesome shortages, we must not let what energy resources we do have be further reduced by exports to other nations. I strongly support the President in his efforts to deal with the energy crisis and share his confidence in the positive response of the American people. However, it would be hard for me and for the people in my District to understand why, in the face of a Presidentially-declared energy crisis, oil companies would be permitted to export petroleum products for the sake of inflated profits.

With best wishes and personal regards, I am

Very truly yours,
C. W. BILL YOUNG,
Member of Congress.

THE FEDERAL BUDGET

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. DERWINSKI. Mr. Speaker, the budget battle continues to rage here in Washington and the frustrations that beset the Congress on that score have received considerable public attention.

Station WMAQ-TV in Chicago commented editorially on the Congress budgetary frustrations and coupled them with the equally frustrating conditions that face the city council of Chicago.

I believe the editorial is a sound one and properly analyzes the budget battle that we in the Congress face.

The editorial follows:

EDITORIAL

The federal budget—charts, graphs and almost incomprehensible statistics—is a little less exciting to read than the telephone book. Maybe that's why Congress allows the Executive Branch to make up the budget.

It might be dull, but the federal budget essentially determines how our government is going to spend $270 billion of our money. But we cannot expect the average American citizen to analyze the budget and send along appropriate suggestions to Washington. Theoretically at least, that should be a job for the 535 people we elect to represent us in Congress.

But Congress allows the budget to be the private property of the President and the non-elected people he picks to run the Office of Management and Budget. So the Office of Management and Budget operates as sort of an "invisible government" making the crucial decisions about national priorities.

Congressmen can complain that we're spending too much for this and not enough for that. But Congress has no alternative budget of its own. It has no office to provide in-depth analysis of the President's budget. So when Congress votes to spend more for a program than the President wants, the President vetoes the appropriation and criticizes Congress for overspending.

That makes Congress a less-than-equal branch of government. And it won't be equal until it establishes its own budgetary office so members of Congress can have enough information of their own to enable them to play a role in setting spending priorities.

This inequality also exists at the local level. In Chicago, Mayor Daley makes up the budget every year, not the 50 aldermen. The mayor gives each of them one copy of his budget book and then, just three weeks later, they have to vote whether to adopt it or not. At least Congress has time to evaluate appropriations requests over a period of months instead of Chicago's quick take-it-or-leave-it way of adopting a budget.

We're not criticizing President Nixon or Mayor Daley. By law, they have the duty to present their budgets. The problem is that Congress and the City Council have failed to assert themselves in this process. Unless the people we elect as legislators grab a share of their authority to set priorities at the beginning of the year, they're not in a very good position to complain the rest of the year about how the money is being spent.

WILL ENVIRONMENT LOSE OUT TO NUMBERS GAME?

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. LANDGREBE. Mr. Speaker, there has been extensive speculation about whether the energy crisis is real or whether it has been manufactured by the major oil companies for the purpose of increasing their corporate profits. The discussion of this matter is extremely confused for the simple reason that everything is "real," including a manufactured shortage. What should be obvious to all is that the fuels exist in abundance in their natural states.

Until price controls were implemented in 1971 there were no shortages or surpluses in fuels. In a free market, one of the principal functions of the price is to equalize supply and demand. When prices are fixed by the Government, either surpluses or shortages must occur. The energy crisis is indeed a contrived crisis, for it has been caused by Government interference with the pricing of the free market. Perhaps such a crisis has been contrived in collaboration with major oil companies—I do not know. The fact remains that prices cannot be fixed except by the Government.

Together with this Government price-fixing are the Government pollution controls, which Perry Miller, who served for several years on the Indiana State Board of Health, has described as "our arbitrary and scientifically meaningless pollution regulations." In the article which follows Mr. Miller demonstrates how concern for the environment has "changed from a problem of applied knowledge to a problem of applied politics." The arbitrary pollution and price controls are the causes of the present energy crisis. Solution of the crisis cannot and will not be achieved until the causes of the crisis have been removed.

The article follows:

[From the Industry Week magazine, Aug. 27, 1973]

WILL ENVIRONMENT LOSE OUT TO NUMBERS GAME?

(An interview with the environmental consultant Perry E. Miller)

"We've got to begin to understand that going all out 'to stop pollution' will be harmful to the environment. For today we're failing to consider the requirements we're placing upon air, water, land, and energy to meet our arbitrary and scientifically meaningless pollution regulations.

"We've allowed ourselves to become so preoccupied with 'pollution' that we're ignoring the environment and we're ignoring conservation."

Environmental engineer Perry E. Miller stretches out behind his desk like a piece of rolling Indiana farm land. He comes from a small town in Indiana and was raised to respect that land.

"After all, you don't destroy matter. You change its form, and you do something with it. I've been an environmental engineer all my life. And if I have a waste product which I must return to the environment, I ought to be able to use my knowledge to determine what alternative means of disposal will be least objectionable and have the least environmental effect.

"Take the matter of 'zero discharge' for water. When you call for zero discharge, that means you are going to put the substance on the land. But that concept fails completely to recognize the relationship between ground water and surface water.

"Now look at a substance like common table salt. You use it on your food and it doesn't hurt you. You find it in the oceans and they are teeming with life. But when you must put it on the land, concentrations build up and the land becomes arid like the salt flats of Utah.

"So this is the kind of thing we are doing: promulgating regulations without a sound understanding and data base on what treatment alternatives we have, on what can be accomplished, on differing environmental circumstances in various parts of the country that relate to treatment requirements, and on the environmental, health, and conservation effects of our actions.

"Environmental improvement used to be a scientific and technical problem. But it's changed from a problem of applied knowledge to a problem of applied politics."

"WHAT" REPLACES "WHY"

Mr. Miller has been working for environmental improvement for more than 30 years. He has been instrumental in environmental programs both as a state health official and in industry—most recently as director of environmental control for Republic Steel Corp., Cleveland. He has now returned to Indiana as an environmental consultant.

Mr. Miller is concerned that we have become so preoccupied with what we are doing that we have forgotten why. He recounts the gradual change.

"I joined the Indiana State Board of Health in 1940 when we were mainly interested in water pollution as it affected public water supplies and the quality of the water for use by the public. This was part of an ongoing program that had come about because of the typhoid epidemics many years earlier.

"But many evolutions have occurred simultaneously. One has been growth itself. At that time in Indiana we had around 350 canning plants. Today I would suppose there aren't 50. But the total product canned is

XUM

probably as great or even greater now. And that means that the discharges are more concentrated and therefore more significant.

"So we have had considerable development and growth of this kind—agricultural, industrial, and urban. As growth occurs, eventually you reach a point where the streams no longer can assimilate the waste load and then discharges must be treated to maintain water quality.

"So it was on that kind of basis that during the decades of the 1940s and 1950s and even into the early 1960s our state treatment requirements were designed to maintain water quality in the streams. You analyzed the water and you made engineering determinations of what was actually needed to do that individual job.

"But beginning about the mid-1960s we began an abrupt swing away from letting the environment tell us what a problem was to letting numbers tell us what a problem was. And we have now come to believe in those numbers to a degree that few question where they came from or what they mean. And we wouldn't think of checking with the environment for that would take knowledge and judgment.

"The first major water quality act was passed back in 1948, and its significance in retrospect is that it first brought the federal government into what had been a state activity. But the program was put under the Public Health Service, and we state people had excellent relationships with the men in Washington and in the field offices.

"These men were career technical experts. They had been involved for many years in studies such as the quality of water in major rivers, in public water supply treatment, and in the analysis of municipal waste treatment operations. They knew what they were talking about.

"The states went to these men for help, and they got help. Then the states followed up to take the actions required to get the job done working with local jurisdictions and local industries.

"We studied problems, we found answers, and we made progress. But perhaps as technical people we had not moved fast enough or not tried hard enough to explain what we were doing and what our objectives were. Or perhaps engineering judgment in applying the treatment needed to maintain water quality for specific purposes may have been too difficult for lawyers and the public to understand

ENTER ENFORCEMENT CONFERENCES

"There's no doubt that in the early 1960s public interest was growing concerning the environment. We had public interest earlier, but it was on the part of people directly affected by a specific situation. Now there was developing a more generalized interest concerning the environment, and, when you find that kind of concern on the part of the public, that in turn generates a concern on the part of people seeking political office.

"So the legislators responded with enforcement conferences to bring the public and the state people together. And when you have the public involved, it apparently is necessary that you have some kind of yardstick by which the public and the judicial system can judge whether there is a problem or not.

"As a result, the law established enforcement conferences and standards in specific numbers. But it went farther. Amendments in 1965 required the states to establish those standards subject to the approval of the Federal Water Quality Administration. So for the first time, the states' decisions on water quality were subject to federal approval.

"In retrospect, it now seems clear that beginning with that required approval the states lost their power of engineering judgment on what was needed to maintain environmental quality and that henceforth those decisions were to be made in Washington.

POLITICS SUPPLANT KNOWLEDGE

"For with each new piece of legislation at the federal level since that time, a new layer of bureaucracy has been imposed at the top. As a result, the decisions and judgments and policies are being made increasingly by nontechnical people. The technical men we worked with and respected in the 1940s and 1950s are long since gone. And while there are still some technical people there, political appointees are responsible for the decisions that are being made.

"This structure means environmental determinations are being made on a basis of political needs rather than environmental needs.

"We have moved from state-administered plans with consultative services by the federal government through a situation in which the state still played a dominant role with the federal government setting certain standards of achievement, to a situation today that is almost a total dictatorship of the federal government in telling a state what it must do and how it must do it.

"Now this in turn has had several effects. One is that, with each new law and each new change in the federal structure, the paperwork has increased more or less geometrically. As an Indiana state official, I found that my staff was eventually spending its time filling out forms for the federal government rather than spending its time in the field identifying and solving environmental problems.

"But worse still, this all has been done in a way that keeps the laws changing and the requirements changing so rapidly that planning has been impossible on any kind of long-range basis.

"Nitrogen oxides in air are a recent example where standards were set and the government has now made a determination that the analytical techniques were inaccurate. So they have now drawn back from those standards.

"But the states, to meet the time requirements of the legislation, adopted those more stringent standards for nitrogen oxides. They have the regulations on the books. Now, when they are told that the data upon which the standards were based are invalid and thus that the standards are unnecessarily strict, states must amend those regulations. One can question how many are following through.

"Beyond that, now we have industry faced with a situation in which the federal government says it is drawing back because of invalid data, states which may or may not draw back, and local agencies within a state which also may or may not draw back. And if so, how far?

"In a situation like that, just how is industry supposed to know what it has to do?

"When you look at what we're facing it seems clear that we're on a collision course. The Clean Air Act of 1970 sets forth certain requirements for meeting ambient air quality standards. For some emissions, certainly, the mid-1975 deadline can be met.

"But for others we have neither the technology nor the wherewithal to have the facilities in place prior to the deadline. That means either we're facing a large number of court cases with inevitable delays and other consequences, or we must recognize these standards are unrealistic and be satisfied with the substantial progress from developing technology.

"And in water, the effluent guidelines need not be established until Oct. 18, 1973—a year after the effective date of the 1972 act. Yet on these guidelines hinge the permits to discharge which industry must obtain to continue to operate.

WHAT'S A COMPANY TO DO?

"In this numbers game, the only thing a man responsible for environmental control in industry can take to his board of directors is a program which he considers to be based on sound treatment methods and which will work. Then he can only hope that this will bring his company into compliance with the effluent standards yet to be established.

"In arriving at the 'best practicable' currently available treatment called for by the law for existing facilities, you would assume that you might be able to meet with both the state and federal people to discuss what you are doing and what it will achieve. But there is no mechanism set up to do this and, again, you can only hope that you will be dealing with reasonable and knowledgeable people.

"Unfortunately, therefore, industry can only endeavor to use sound engineering judgment and try to do those things which will make an improvement and operate reliably.

"It might be that if you used this approach, and could demonstrate to the regulatory agencies that you were doing the best job possible, they would not prosecute. But you now have both under the federal act and many of the state acts the right of civil suit. And this means that any citizen or conservation group can collect samples and from them ascertain that your company is not in compliance and bring an action.

"What that means is that even if you should convince the regulatory agencies that you are doing the best practicable job, you may still wind up in court defending yourself in citizen suits.

"So this is what you create when you set standards that eliminate the need to determine whether or not there actually is a harmful effect. We face a time of turmoil and litigation to sort out these helter-skelter piecemeal requirements that no longer relate to environmental equality and do not consider the best use of our resources.

"For if we have to go all the way in every situation—allowing nature to do none of the waste assimilation—then we are squandering energy and creating countless new problems.

CAN WE TURN BACK TO PROGRESS?

"Sooner or later we're going to have to begin looking once again at what kind of treatment we actually need both to conserve our resources and maintain the quality of the environment.

"It seems ironic that we call the regulatory agencies 'environmental protective agencies' when they are actually administering laws completely devoid of any environmental judgment as to what effect one action may have upon others.

"And this extends beyond simply the environmental effects. For while the consumer pays the immediate costs of irrational pollution control programs, ultimately the future cost of overutilization of our natural resources will face generations to come."

"ZIGGY" KAHN RETIRES: BUT WILL CONTINUE TO WORK WITH THE ELDERLY

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, every community has its outstanding ciitzens. These are men and women who stand head and shoulders above their neighbors because of the quality and quantity of their contributions to their fellow human beings.

One such man is Joseph "Ziggy" Kahn, of the Squirrel Hill section of Pittsburgh, who will resign as alderman of Pittsburgh's 14th ward on January 1, 1974, when he reaches the mandatory retirement age.

Ziggy Kahn was born in Pittsburgh in an area which was known for its strong ethnic ties; Irish, Italians, Jews, and Eastern Europeans lived in a quilted pattern of streets and alleys called the "Hill District."

Ziggy was an outstanding athlete as a young man and parlayed his skill and intense desire for an education into a college scholarship.

He never forgot his old neighborhood and friends and after returning from World War I and finishing college, he came back to the Hill District to become athletic director of the famous Irene Kaufman Settlement, where for many years thereafter he produced championship athletic teams.

I would like to congratulate this man for his long years of service and dedication to Pittsburgh and its people and include in the RECORD an article of Ziggy Kahn which recently appeared in the Pittsburgh Press:

ALDERMAN'S A WINNER IN LIFE

(By Jerry Vondas)

Early in the afternoon Alderman Joseph L. Kahn descends the long flight of steps leading from his office.

As he ambles up Murray Avenue in Squirrel Hill, he's stopped and greeted by businessmen and shoppers and well wishers.

It's not easy for the popular alderman to go anywhere in the Squirrel Hill community and not be recognized.

HONOR SLATED

These people who admire the former athlete will gather tonight at Temple Sinai and honor Joseph (Ziggy) Kahn for his many years of service to both the Jewish and Squirrel Hill communities.

The name Ziggy Kahn has been synonymous with sports in the district for over 50 years.

There's hardly a man living today having grown up in the Hill District who didn't come under the tutelage of Kahn at the Irene Kaufman Settlement House.

The alderman was born and raised on Centre Avenue in the Hill, the son of Jewish immigrants who fled Finland to avoid persecution by the Russians.

And in the late 1800s it was tough to be a Jew in the Hill.

"We were the butt of all resentment and all jokes and labeled 'Jew Boys.' How many beatings we took from the other kids because we were Jews.

TIMES EASIER NOW

"No, those weren't easy times for my family and I."

Ziggy attended Central High School and graduated from Schenley High School where he was a top athlete in basketball, football, baseball and track.

It was during one of Schenley's games against Braddock High School he was given the nickname "Ziggy" by Bill Peet of the Pittsburgh Dispatch. Peet labeled the youngster because he would zig zag up and down the football field.

After graduation, he was awarded an athletic scholarship to Panzer College, Montclair, N.J., only to have his schooling interrupted by World War I.

He was to spend a year on the Maginot Line in France with the field artillery.

On returning to college, Ziggy played professional football with Jock Sutherland at Columbus, Ohio. This was at a time when an athlete could go to school and still play professional ball.

SPITBALL HIS SPECIALTY

His ability as a spitball pitcher was also well known, and he was signed to a contract with the Cincinnati Reds, only to have his baseball career shortened when he suffered a shoulder injury playing football.

After college Kahn signed a contract to be the athletic director of a private academy only to have the job fall through when the directors of the academy learned he was Jewish.

In 1921, he was offered the athletic directorship of the Irene Kaufman Settlement which he held until 1963.

His teams through the years included such well known sportsmen as Arnold Fineberg, Herbert Bonn, Moe Becker, Marty Reiter, Nate Litfin and Hershey Schwart.

But Ziggy always found time to be active in many civic and fraternal orders and was one of the organizers of the Squirrel Hill Boys' Club.

In 1949 Kahn was elected alderman of the 14th Ward and will relinquish this position Jan. 1 when his mandatory retirement age becomes effective.

AIDS SENIOR CITIZENS

Kahn is looking forward to retirement for it will give him more time to work with his new love—the Squirrel Hill Elderly Service Association.

"There are over 5,000 senior citizens in the 14th Ward," Kahn explains. "And of number about 750 of them are not in good shape physically or financially.

"We are going to see that these people get all the medical and legal help that they need.

"And we are fortunate to have Bill Katz of the Papercraft Corp. as one of our directors. He's a big help."

Kahn takes 30 to 40 old timers once a week and gives them instruction on keeping fit with his emphasis on tension circulation which the oldsters can do with little inconvenience.

Kahn and his wife Anna are the parents of a son, William, who is a director of social agencies in St. Louis. There are four grandchildren.

As Ziggy looks about an office filled with trophies and mementos from many of the sports greats, he knows that his has been a life fulfilled.

CRITICAL AREAS OF VETERANS' LEGISLATION

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. WOLFF. Mr. Speaker, the Nassau County Council of the Veterans of Foreign Wars has developed their legislative program for 1973–74, and I would like to share the highlights of this program with my colleagues. The following statements cover many critical areas of veterans' legislation and were all approved unanimously by the Nassau County Council of VFW at a meeting on September 18, 1973:

NATIONAL PROGRAM—VFW PRIORITY LEGISLATIVE PROGRAM FOR 1973–1974

AMNESTY

The Veterans of Foreign Wars of the United States is unalterably opposed to the granting of general amnesty to those persons found guilty of desertion or draft evasion.

COMPENSATION

100% service connected disabled veterans receive only $5,940 a year in disability compensation, with lesser amounts for those with lesser disabilities. The compensation rates must be increased to provide a higher standard of living comparable to that of Americans who did not suffer disabilities as a result of their wartime service.

Veterans rated 50% or more for service connected disabilities are entitled to a dependency allowance for a wife and minor children. The dependency allowances should be authorized for veterans rated less than 50%.

Widows of 100% service connected disabled veterans should be entitled to service connected dependency and indemnity compensation regardless of the cause of death of their spouse.

PENSION

Veterans who have worn the uniform during wartime should not be subjected to welfare status. Veterans pension benefits should be made adequate to preclude veterans from being on the welfare rolls.

The average World War I veteran is now 76 years of age. This places them in a special category for extra consideration. The VFW pledges assistance for a meaningful pension program for our World War I comrades.

VA pension rates and income limitations must be liberalized so that veterans and their dependents will not have their pensions cut on account of the recent social security increase and similar increases in retirement programs. It would appear increasingly necessary that all private and public retirement income should be excluded from being counted as income for VA pension purposes.

HOSPITAL AND MEDICAL CARE

No reduction in hospitals or reduction below the daily patient load of 85,500.

IMPROVE GI EDUCATION AND TRAINING BILL

Legislation to provide the same levels of GI Bill assistance to Korean and Vietnam veterans as was provided veterans of World War II.

Recognition should be given in the GI Bill to veterans with special needs, both before and after they are discharged from the Armed Forces, to prepare them for education and training without which they will be unable to successfully readjust to civilian life.

READJUSTMENT ASSISTANCE FOR VIETNAM VETERANS

Drug care and treatment by VA for all eligible veterans.

Restore "Veterans Day" to November 11th.

FOR MILITARY RETIREES AND THEIR FAMILIES

Re-affirm goal of recomputation of retirement pay to reflect active duty pay scales.

NATIONAL CEMETERIES

The VFW expresses its gratitude to the legislators who through their efforts were responsible for establishing a national Cemetery system under the jurisdiction of the Veterans Administration, which include all cemeteries presently handled by the Department of the Army.

We strongly urge our legislators to oppose any move by the Administration to include the Veterans Administration as part of Health, Education and Welfare.

HOW MUCH CREDIT IS DUE DÉTENTE?

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. CRANE. Mr. Speaker, at his recent press conference President Nixon declared that the crisis in the Middle

East did not develop into a confrontation between the United States and the Soviet Union because of the cordial relations developed as a result of the policy of détente.

Many other observers take a far different view. The November 1973 Washington Report of the American Security Council, for example, notes that—

> The renewal of fighting in the Middle East not only destroyed the peace in that area, it helped many Americans understand the reality that the United States cannot depend on detente.

The Washington Report continues to point out that—

> The Soviet duplicity in the Middle East removes the last doubt that Soviet talk of detente, of a new era of good will and cooperation between the U.S. and the Soviet Union, was anything but a device, a tactic, to gain whatever advantage was possible.

The policy of détente started in May of 1972. Despite détente, notes Columnist William F. Buckley, Jr.:

> Here we were, October of 1973, and the Soviet Union (a) provisions a war in the Mideast, (b) threatens to intercede with Soviet military, and (c) (this is a report from one newa magazine) threatens physically to destroy the State of Israel.

While the President credits détente with keeping the Mideast war from progressing any further, Mr. Buckley expresses the view that—

> It does not surprise one that the Soviet Union was kept from carrying out its threats—we still have an army, and a navy, and an air force. What is surprising, for those who believe in detente, is that the Soviet Union is still making threats. The idea of detente is to stop making threats, to stop relying on force. Where has the Soviet Union shown a disposition to stop relying on force?

It is high time that we move away from the euphoria which accompanied the initial official statements concerning détente. Every indication is that the Soviet goal of world conquest is the same as it previously has been. The Berlin Wall continues to stand, Soviet troops continue to occupy Eastern Europe, a repressive police state continues to flourish within the Soviet Union itself, and the means of war are continuing to be supplied to the North Vietnamese, the Vietcong and, now, the Arab States. If this is a peace-loving power, there are few tangible indications of that fact.

I wish to share with my colleagues the column, "How Much Credit Is Due Détente," by William F. Buckley, Jr., which appeared in the Washington Star-News of November 1, 1973, and insert it into the RECORD at this time:

> HOW MUCH CREDIT IS DUE DÉTENTE?
>
> Poor Richard Nixon is entitled to such satisfaction as he deserves, and the other day at the press conference he was visibly buoyed by the "success of his negotiations with the Soviet Union. By the vindication of detente. If it had not been—the President said in effect—for my painstaking approaches to the Soviet Union over the past year and a half, who knows what would have happened: a confrontation between and Russian troops in the Mideast certainly, and, beyond that, perhaps even the dread world war. Presidents who avoid world wars are certainly entitled to public gratitude, roughly in proportion as their ingenuity was responsible for avoiding that war.
>
> I do not wish (here) to disparage Nixon's maneuverings of last week, merely to ask whether one should leap—as Nixon would have us do—to the conclusion that detente was the cornerstone of last week's success.
>
> Surely it is reasonable to suppose that the Soviet Union does not desire a world war. At least not for so long as a world war would mean the destruction of the Soviet Union.
>
> We have faced crises with the Soviet Union before, and at times when the cold war was at its coldest. President Eisenhower landed American troops in Lebanon. A year or two later Khrushchev announced his intention of taking Berlin, and President Eisenhower announced his intention of hanging on to Berlin. Meanwhile the leaders of the People's Republic of China announced their unanswering determination to seize the offshore islands of Quemoy and Matsu. President Eisenhower ordered the 7th Fleet to patrol the relevant strait, and, as we all know, Quemoy and Matsu are still there. President Kennedy ordered Khrushchev to take his missiles out of Cuba and stuff them back into the Socialist motherland, and Khrushchev did so.
>
> Nixon's contention that the Mideast ceasefire is a bloom of detente is preposterous. It is a pity that the reporters in the room were so anxious to turn the press conference into an examination of Watergate that no one asked the primary question, namely: Why did we come close to a confrontation with the Soviet Union in the Mideast?
>
> Detente started formally in May of 1972, and here we were, October of 1973, and the Soviet Union a) provisions a war in the Mideast, b) threatens to intercede with Soviet military, and c) (this is the report from one news magazine), threatens physically to destroy the State of Israel, to whose independence the United States is pledged.
>
> Now it does not surprise one that the Soviet Union was kept from carrying out its threats—we still have an army, and a navy, and an air force. What is surprising, for those who believe in detente, is that the Soviet Union is still making threats. The idea of detente is to stop making threats, to stop relying on force. Where has the Soviet Union shown a disposition to stop relying on force?
>
> The next question to ask the President is: If we project the relative decrease in our military strength over the next five or six years, can you assure us that we would be in a position to stop the Soviet Union in a crisis of this sort?
>
> And if not, what force is Israel going to rely upon, in her next war, to contain a Soviet-backed effort to destroy her?
>
> Surely the Senate Foreign Relations Committee at this point should call in representatives of the chiefs of staff, and ask them the question: If the Soviet Union had called our bluff, what would we have done about it? It may be that as the situation gets hotter, President Nixon gets cooler. But all the while the United States gets weaker.

BECAUSE THEY ARE JEWS

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. BRASCO. Mr. Speaker, even as we debate here today, at least 450 Israeli military personnel languish in Arab captivity, hostage to the still fluid plans being hatched in the Arab world aimed at doing damage to the Jewish state.

Thousands upon thousands of Arab prisoners have fallen into the hands of Israel, belonging to the armed forces of Syria, Egypt, Iraq, Morocco, and Jordan. In every way, these men have been treated with fairness, compassion, humanity, and mercy. None have been abused, tortured, beaten, or degraded, either publicly or in private. The truth of this has been attested to by representatives of the International Red Cross and the so-called United Nations.

Acting against their better military judgment, the Israelis have allowed plasma to be delivered, much of it from Israel, to wounded Egyptian troops. Resupply of the 3d Army, beaten and isolated, has been allowed by Israel when most other people would have demanded that their armed forces follow up an earlier advantage and destroy the enemy.

Simultaneously, the Israel Government has scrupulously supplied lists of all captured Arab military personnel to the respective governments, complying in full with every dot and comma of the Geneva Convention accords. No one, even their worst enemies, can accuse the Israelis of acting in anything but a humane manner.

In response to all this, what have the Israelis received as a quid pro quo in regard to their military personnel in Arab hands? Precious little. In fact, facts just now coming to light indicate that the Syrians at least have acted with indescribable barbarity toward Israeli prisoners. We are informed reliably that a number of Israeli prisoners of war, taken in combat wearing the uniform of their nation and surrendering according to the laws of war governing such situations, have been mercilessly butchered on the slopes of Mount Hermon and been buried quickly to hide the dead.

Such an outrage defies description and adjectives.

Where are the humanitarians who bleed so copiously and often for the Arab refugees? Where are the seekers after justice, who have so ardently pleaded the cause of all foes of the Jews? Where is the so-called United Nations, which has passed so many resolutions condemning the Jewish state as it fought for its life over the years?

Where is the Friends Service Committee, so active on behalf of refugees? How about the government of India, whose humanitarian burblings have amused and instructed us for so many years? And the Socialist states, who rave on about the rights of people? Where are they? Who sheds a tear for the Jews?

How can the United Nations ask to be taken seriously by anyone when its double standard is its ultimate degradation as an organization? It said nothing when Idi Amin of Uganda praised Hitler's acts of genocide against the Jews. It has said nothing about Russian persecution of the Jews. It turns a blind eye and a deaf ear to international terrorism directed against the Jews.

And now it raises not even a peep over the brutal, barbaric butchery of unarmed men, whose only crime was to raise their hands in surrender. Are the good diplomats not aghast at the spectacle of men having their hands tied behind their

backs and then shot through the head? Do not they blench in horror at the spectacle of Israeli prisoners with their throats cut? Do they not seek even some inquiry? Is this not of concern to them? Or is there a different standard for the Jews from that applied to the rest of the world? Perhaps that is the real answer.

This has been going on for more than 20 centuries. The names of the persecutors may change. The means of murder may evolve. The location of the crime may differ from one era to the next. But the identity of the victims is always the same. The Jews. Always the Jews.

The Crusaders justified it because Jews were supposed to be deicides. The Inquisition justified it because Jews were unbelievers. The persecutors of Dreyfus justified it because Jews were supposed to be traitors to France. Hitler justified it because of race difference. Stalin justified it because they were an indigestible lump in Communist society. Today's Kremlin rulers justify it because the Jews insist on their religious identity and right to emigrate to Israel. How will the Arabs justify it? How does the U.N.? It will be interesting to learn whether or not a new excuse can be produced this time.

And who will it be tomorrow? And what will their rationale be? I do not pretend to know. All I can be certain of is that the victims will once again be the Jews.

Mankind's molar bankruptcy is proclaimed by Syria and confirmed by the United Nations. Our silence today around the world is louder than any shout of anger. It gives the lie to any pretensions to civilization or pious mouthings of justice. Israel's worst fears should be confirmed by such murders and the world's acquiesence in them.

In turn, this causes me more fear than ever. For in each age, those who committed such crimes and others who have condoned them have inevitably suffered a worse fate. It is almost as if such inaction brings with it a guarantee of doom.

As for myself, I disassociate myself from any such inaction, for to maintain silence in the face of such evidence is to sanction murder. Fervently do I hope that our country will not fall into line with those nations and institutions and groups who have turned their faces away from this horrendous spectacle. Our Government should forthwith, and in the most vigorous manner insist to the Soviet Union that the elementary accords of the Geneva Convention be lived up to by their Arab clients. No stronger guarantee of more bitterness and strife can be conjured up than this situation.

To do less is to share in the shame of all mankind.

WASHINGTON REPORT

HON. JAMES R. GROVER, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. GROVER. Mr. Speaker, continuing my remarks of October 26, I wish to present further selections from my newsletters of the past year:

> SELECTIONS FROM NEWSLETTERS
>
> WELFARE REFORM—JULY 28, 1973
>
> We have discussed the Alice-in-Wonderland world of Washington bureaucracy before and we have taken many a jaundiced look at the welfare labyrinth. Put the two together and you have a welfare system which is very much deserving of the distaste with which it is viewed by the average American.
>
> A Congressional study unveiled recently by my colleague, Rep. Martha Griffiths of Michigan, showed that a family of four in welfare-weary New York City must have at least $11,500 in earnings if it is to equal the potential of all the government assistance available to that same family on welfare. For the poor, the uneducated, those having to overcome prejudice, the message then becomes rather clear. It pays to go on welfare in New York City because you are better off than working at some menial job. It becomes rather clear then why more than one out of every seven or eight persons in New York City is on the dole, rather than on the job.
>
> A working family, of course, faces certain expenses. It pays taxes—to support the people who don't work. It faces the expense of getting to and from work. More clothing is required. It pays all the expenses which we have come to take for granted—for medical and dental care, for tools, union membership, housing, etc. But the family on welfare gets a great deal more than the non-taxable $4,000 for which it is eligible in city welfare payments. It gets free medical care, food stamps, school lunches. Its housing costs are paid. It is eligible for such services as day care.
>
> A poor, unskilled family would have to be blind not to see fairly soon that it is better off on welfare than with an income of $5,000 or $6,000. President Nixon has been charged with cruelty, bigotry and insensitivity for his efforts to streamline the welfare system and to bring some sanity to it. Perhaps his critics could be charged with cruelty and insensitivity toward the working poor.
>
> No person should be allowed to go hungry, unhoused and poorly clothed. We have a moral obligaton to assist our less fortunate neighbors. We must look to their needs. But let us not forget that it was work that made this nation great. Perhaps future historians will blame an inane welfare system for dragging it down.
>
> BATTLE OF THE BUDGET—SEPTEMBER 20, 1973
>
> The Congressional recess having ended, Washington lawmakers returned to face two major problems. One is the highly publicized and continuing Watergate matter and the obvious need for sweeping election reforms. The other, with possibly more significant long-term implications, is the continuing battle of the budget.
>
> It is on the latter battlefront that the Democratic-controlled Congress appears to have a major advantage. Despite the President's continuing call for economies in government, the lawmakers had already added close to a $1-billion deficit to the Presidential budget before leaving for the August recess. President Nixon is seeing any hope for a balanced budget go glimmering as new spending proposals go into the Congressional hopper. The Democratic-controlled Congress appears to be ignoring Presidential warnings and the administration's requests for economy.
>
> I do not agree completely with some of the President's priorities on spending. For example, I opposed the impoundment of pure waters funds which provided an additional $300-million in federal aid for New York State's municipal waste disposal projects.
>
> As the battle of the budget continues in Washington, I predict that you will see it take classic lines. Liberal members of Congress have already zeroed in on the Defense budget as their target. They want to balloon the cost of domestic programs while proposing dangerous cuts in our arme commitment, while conservative and moderate members of Congress will point to the already high costs of many domestic programs and the waste uncovered in some, particularly in the poverty sector.
>
> This is not to say that there is not a middle ground on the Defense budget. It can be trimmed of duplication and waste but few would deny that a strong nation is more likely to enjoy lasting peace than one which is counting on the good will of Soviet Russia and the Chinese. Much of defense spending is now due to the high cost of the all-volunteer services, the need to make service life attractive and comparable to private industry.
>
> Watch the dollars-and-cents decision which will be made on Capitol Hill in the coming weeks. They will affect not only your pocketbook but your future in the world.
>
> LAND USE PLANNING ACT—SEPTEMBER 27, 1973
>
> One of the most radical and far-reaching legislative bills which I have seen in my years in Congress breezed smoothly through the Senate Chamber some weeks ago. It now awaits the House Interior Committee's action, and many members of that committee are praising it as the panacea for all environmental ills.
>
> This type of legislation is often called a "sleeper." It has an attractive cover and title—The Land Use Planning Act—and its avowed purpose is to encourage the states to undertake a land use planning program. But how does this power grab encourage states to do their planning? It requires the states to submit a land use program to the Interior's Secretary for approval. What if he doesn't approve of the plan? Well then, New York State, for example, loses hundreds of millions of dollars of its share of highway, airport and land and water trust funds. Just a pint-sized package of federal blackmail.
>
> Okay, so lets give them a plan they will approve—what can we lose? Since we must conform to the planning criteria in the bill we stand to lose our home rule shirt at all levels of government. Tihs surreptitious nationalizing of real property laws, zoning laws and building codes makes the UDC look as a democratic, harmless and acceptable as a New England town meeting.
>
> It could force public housing on communities, control density and location of residential, business and industrial buildings; it could dictate location of governmental facilities, public utilities and even have a say in police and fire protection in our communities.
>
> We are all for cleaning up our air and water and for keeping our country clean and green. But do we have to totally disenfranchise our villages, towns, cities and counties with this collectivist legislative outrage to accomplish such a goal?
>
> FIRE ISLAND BEACH EROSION—OCTOBER 11, 1973
>
> A recent announcement by the National Park Service that it will no longer attempt to prevent beach erosion at the Cape Hatteras National Seashore has caused a great deal of concern here on Long Island. By inference, announcement of this new policy would indicate a similar approach to the National Seashore areas on Fire Island. There are a number of points which should be kept in mind before we go along with such a policy.
>
> First, this announcement was made by the Interior Department, not by the Army Engineers. The Engineers are now conducting, as a result of my amendment to rivers and harbors legislation, a broad-ranging study of Great South Bay. I will be meeting with them shortly to discuss a deadline for completion of this study and I will ask them to include, in their work with a computer model of the bay, a study of barrier beach erosion and its impact.
>
> It is also important to keep in mind that

this Interior Department approach, which will be applauded by many who oppose artificial preservation of beachfront, must be reviewed by Congress. It goes without saying that property owners in areas affected by such a policy would oppose it.

Here on Long Island, our beach sands are moved from east to west in a littoral drift powered by ocean currents and countered by prevailing southwesterly winds. Historically, erosion, strong tides and high seas have created periodic breakthroughs in the barrier beach. These are a foregone conclusion if man doesn't do periodic repair work. It is a frightening possibility that a major ocean breakthrough during a severe hurricane could wipe out thousands of homes on the mainland of the South Shore and endanger many lives as well.

There are two sides to the question and I don't pretend to have the answers. Maintenance of the barrier beach, through dune repair, groin work, sandbagging, dredging of existing inlets or creation of new inlets, is extremely expensive. Perhaps we would achieve some form of beach stabilization if we did nothing, although we know that Fire Island would be carved into a different shape by the water and wind.

I am hopeful that the Engineers study will give us the information we need to make a proper judgment here. In view of the development of Fire Island, the overdevelopment of our bayfront and the importance of our waterfront recreation and home areas, it would be foolhardy to stick with the Interior Department's shoot-from-the-hip decision.

FISHERY ZONE—OCTOBER 18, 1973

Those Americans who are trying to adjust their outlook to a situation in which our nation is at peace should be aware of our involvement in an unannounced war, one which, in the long run, could have grave consequences to the world's food supply. I refer to the continued protein battle on the high seas between those unprincipled nations which take everything from the ocean waters which swims, without regard to replacement of fish stocks, conservation practices, equitable treatment of all nations or even the edibility of what they are netting.

Congress has been patiently waiting a resolution of these problems through various international conferences by such august bodies as the United Nations Seabeds Committee and the International Commission for the Northwest Atlantic Fisheries (ICNAF) and meetings between individual involved nations. A law of the Sea Conference under ICNAF sponsorship holds forth some hope. There is, in fact, a crisis meeting of ICNAF in Ottawa at this moment.

To date, we have seen little of accomplishment but a great deal of talk. The recent British-Icelandic confrontation shows that some nations are ready to stop talking and start shooting or confiscating. Particular violations of agreements regarding fisheries have been the Russians and other East European nations which are scouring the seas off our coasts.

Because of the decimation of various species of fish, American commercial fishermen have suffered a catch reduction of 50 per cent in recent years. Not only have consumers had to pay more to provide fish for their tables, but this thinning out of fish stocks is having an impact on sports fishery as well.

My legislation, which would extend American control over our waters to the borders of of our continental shelf, is in committee awaiting Congressional action. This would allow our nation to practice proper conservation procedures in an area extending up to 200 miles off our shores. If we do not receive voluntary cooperation from nations which appear to have no concern for the future, we ought to pass this legislation and enforce measures which will insure us a continuing harvest from the ocean's depths.

WATERGATE AND RELATED ISSUES—NOVEMBER 11, 1973

I have commented at various time this year on the issue of campaign "dirty tricks," Watergate, and related events. There is no room for such activities in our political system. While I am shocked and saddened at the disclosures and find it healthy that the public learn the facts, I am cautious that we work within the system to root out the evils already exposed. People in public life are entitled to due process of law and that presumption of innocence accorded to every other citizen.

I supported the selection and appointment of an independent prosecutor to investigate the facts of Watergate, and while many of us question the wisdom and propriety of the President's removing Mr. Cox, the President had the legal right to remove him as he does any other administration appointee. It is hoped that the new special prosecutor will be unhampered in his pursuit of the facts and the truth.

Regarding the White House tapes, while the constitutional question of privilege and separation of powers was never decided with finality, it must be said that simple justice for those involved demanded that their substance be made known to the courts.

On the matter of impeachment, I am in support of the inquiry being undertaken by the House of Representatives. Although many constituents have written urging me to take a stand immediately and pledge to vote for impeachment, I remind them that on such a matter, if the Judiciary Committee reports a bill of impeachment, the House sits as a quasi-judicial body, a 435-member grand jury. As such a body, the House must evaluate the evidence to determine if the offenses shown are tantamount to and meet criteria of "high crimes and misdemeanors." Since Representatives must thus sit in judgment, it is my contention that a prejudged commitment is violative of due process. Certainly in our judicial system, such a public position by a grand juror would be unethical and in contempt of court.

For the good of our great country and its governmental institutions, I hope that we can resolve the House inquiry with its impeachment questions and the confirmation of Gerald Ford as Vice President with fairness and dispatch.

Over the years of my service to my constituents, I have urged them to keep in mind the great heritage we have in our nat'on's great wealth of resources, not only material and physical, but also moral and spiritual. While the headlines may fame the evils and evildoers of our society, there are so many good people and so many good things in our great country to support our abiding faith in the United States of America and her institutions.

LABOR-HEW APPROPRIATIONS BILL MUST BE RETURNED TO CONFERENCE

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. QUIE. Mr. Speaker, today the conferees on the Labor-HEW appropriations bill, H.R. 8877, have completed their conference and filed a report which includes the same formula restrictions on title I of the Elementary and Secondary Education Act which were contained in the continuing resolution, House Joint Resolution 727, which was almost defeated by the House on October 11, 1973.

When the House considered the report on the last continuing resolution, I supported that report only because the situation was urgent since it was before the House the last day before the previous continuing resolution expired. The previous resolution provided for a 100 percent of 1972 hold harmless for the States which was totally unacceptable to me.

Lastly, it was promised that the conferees on the Labor-HEW appropriations bill would attempt to work out a better solution on that piece of legislation. Since they have not, if I have the opportunity, I intend to move that H.R. 8877 be recommitted to the conference committee with instructions to report back a bill that includes a 90 percent hold harmless for local school districts based on 1973 actual funds and applies a 120 percent of 1973 limitation to the amount which any State may receive. The combination of those two factors will permit a much more equitable distribution of funds to occur.

For the information of Members, I am inserting below a table reflecting State distributions based on the application of the provisions I favor compared to the provisions contained in H.R. 8877. Both tables reflect the effects of the limitations applied at the county level.

The table follows:

STATE TABLE TITLE I, ESEA—LEA GRANTS ONLY

[In thousands of dollars]

State	Actual 1973 LEA	H.R. 8877 provision[1]	Quie proposal[2]
Alabama	$34,549	$36,331	$32,021
Alaska	2,415	2,757	2,898
Arizona	8,154	9,354	9,761
California	111,618	128,361	133,942
Colorado	10,237	11,680	12,284
Connecticut	11,747	11,680	14,097
Delaware	2,323	2,672	2,788
Florida	24,111	27,433	28,933
Georgia	40,573	42,841	39,767
Hawaii	3,715	4,272	4,458
Idaho	2,719	3,062	2,948
Illinois	69,554	79,657	83,465
Indiana	18,773	21,241	21,220
Iowa	14,601	15,402	14,810
Kansas	9,147	10,166	10,976
Kentucky	32,212	33,817	31,215
Louisiana	31,322	35,609	33,241
Maine	5,634	6,479	66,760
Maryland	19,381	22,250	23,257
Massachusetts	24,894	28,628	29,872
Michigan	51,769	59,517	62,123
Minnesota	20,897	22,739	23,936
Mississippi	35,923	37,867	32,628
Missouri	23,367	25,210	25,711
Montana	2,866	2,236	3,240
Nebraska	7,188	7,798	7,491
Nevada	924	1,040	1,109
New Hampshire	2,007	2,309	2,409
New Jersey	44,232	50,867	53,079
New Mexico	7,393	8,502	8,872
New York	196,836	226,356	236,203
North Carolina	51,557	50,635	46,912
North Dakota	4,101	4,360	3,894
Ohio	42,248	48,337	50,698
Oklahoma	16,649	18,436	16,651
Oregon	8,421	9,685	10,106
Pennsylvania	64,998	74,748	77,978
Rhode Island	4,874	5,605	5,849
South Carolina	29,853	30,882	27,157
South Dakota	5,470	5,713	5,477
Tennessee	31,273	32,660	28,798
Texas	67,676	74,233	70,304
Utah	3,895	4,447	4,674
Vermont	2,094	2,399	2,268
Virginia	31,523	33,230	33,817
Washington	13,446	15,462	16,135
West Virginia	17,320	19,242	16,135
Wisconsin	17,341	19,762	20,809
Wyoming	1,171	1,326	1,405
District of Columbia	10,096	11,610	12,115

[1] 1972: 90 percent LEA, 90 percent SEA, and 115 percent LEA.
[2] 1973: 90 percent LEA and 120 percent SEA.

Note: Col. 1 is based on actual 1973 HEW allocation of $1,585,000,000. Col. 2 and 3 are based on $1,810,000,000, the amount contained in conference report on H.R. 8877.

I have also selected three States and am inserting at this point in the RECORD tables indicating how much each county would receive under the provisions I favor in comparison with those contained in the Labor-HEW appropriations bill. If space permitted, I would be happy to insert tables for each State. That information is available and may be obtained through the minority office of the Education and Labor Committee, X51743.

The tables follow:

CALIFORNIA TITLE I, ESEA—LEA GRANTS ONLY

[In thousands of dollars]

County	Actual 1973 LEA	H.R. 8877 Provision[1]	Quie Proposal[2]
Alameda	$6,192	$7,121	$6,770
Alpine	4	5	6
Amador	21	24	26
Butte	549	632	652
Calaveras	39	45	68
Colusa	56	64	53
Contra Costa	2,600	2,991	3,300
Del Norte	95	109	96
El Dorado	195	224	244
Fresno	4,219	5,853	4,492
Glenn	81	93	81
Humboldt	544	625	531
Imperial	758	871	708
Inyo	46	52	70
Kern	2,542	2,924	2,716
Kings	664	764	606
Lake	127	146	162
Lassen	47	55	55
Los Angeles	45,181	51,958	55,157
Madera	486	559	438
Marin	429	494	618
Mariposa	28	33	26
Mendocino	322	371	334
Merced	970	1,117	1,167
Modoc	52	60	50
Mono	9	11	12
Monterey	1,299	1,494	1,297
Napa	235	271	275
Nevada	112	129	120
Orange	3,594	4,133	4,893
Placer	341	393	429
Plumas	56	65	64
Riverside	2,772	3,188	3,407
Sacramento	3,851	4,429	5,103
San Benito	115	132	122
San Bernardino	3,785	4,353	5,063
San Diego	5,505	6,331	7,347
San Francisco	4,791	5,510	4,739
San Joaquin	2,097	2,411	2,382
San Luis Obispo	424	488	419
San Mateo	1,413	1,626	1,934
Santa Barbara	1,023	1,177	1,246
Santa Clara	4,306	4,952	5,501
Santa Cruz	494	569	713
Shasta	505	582	596
Sierra	8	9	10
Siskiyou	138	159	124
Solano	946	1,088	1,202
Sonoma	$1,049	$1,207	$1,228
Stanislaus	1,676	1,927	1,601
Sutter	215	247	242
Tehama	158	182	142
Trinity	38	44	45
Tulare	2,134	2,454	2,151
Tuolumne	67	77	88
Ventura	1,505	1,732	2,023
Yolo	370	426	568
Yuba	324	373	429

FLORIDA TITLE I, ESEA—LEA GRANTS ONLY

County	Actual 1973 LEA	H.R. 8877 Provision[1]	Quie Proposal[2]
Alachua	$472	$544	$425
Baker	77	11	70
Bay	363	418	341
Bradford	80	93	73
Brevard	325	374	715
Broward	1,387	1,595	1,723
Calhoun	112	101	101
Charlotte	46	53	53
Citrus	60	69	70
Clay	138	159	180
Collier	102	117	133
Columbia	213	246	193
Dade	3,619	4,162	5,133
De Soto	58	67	53
Dixie	50	47	45
Duval	2,197	2,570	3,005
Escambia	813	936	1,125
Flagler	44	52	40
Franklin	69	80	62
Gadsden	528	488	476
Gilchrist	34	31	31
Glades	34	35	31
Gulf	64	74	63
Hamilton	107	23	96
Hardee	106	103	96
Hendry	53	62	59
Hernando	60	70	75
Highlands	103	118	111
Hillsborough	1,865	2,145	2,027
Holmes	193	173	173
Indian River	110	127	149
Jackson	498	532	448
Jefferson	152	175	137
Lafayette	29	34	26
Lake	353	406	318
Lee	235	270	342
Leon	395	454	355
Levy	84	96	91
Liberty	31	34	28
Madison	219	252	197
Manatee	266	307	294
Marion	443	510	399
Martin	65	76	126
Monroe	127	146	194
Nassau	146	169	132
Okaloosa	215	248	379
Okeechobee	39	45	56
Orange	1,016	1,168	1,436
Osceola	97	111	87
Palm Beach	1,200	1,380	1,386
Pasco	181	208	192
Pinellas	1,056	1,215	1,258
Polk	908	1,045	1,021
Putnam	259	298	278
St. Johns	205	236	185
St. Lucie	208	239	423
Santa Rosa	151	175	170
Sarasota	211	244	265
Seminole	448	516	404
Sumter	100	116	99
Suwannee	180	207	162
Taylor	103	119	93
Union	38	44	35
Volusia	560	644	638
Wakulla	60	68	54
Walton	182	208	164
Washington	144	166	130

UTAH TITLE I, ESEA—LEA GRANTS ONLY

Beaver	$8	$9	$18
Box Elder	81	94	111
Cache	97	111	99
Carbon	97	112	87
Daggett	4	5	4
Davis	162	186	218
Duchesne	55	63	49
Emery	44	40	40
Garfield	11	13	13
Grand	23	27	26
Iron	26	30	37
Juab	17	20	16
Kane	11	10	10
Millard	63	64	57
Morgan	5	6	5
Piute	11	11	10
Rich	9	9	9
Salt Lake	1,666	1,916	2,078
San Juan	302	348	319
Sanpete	59	68	53
Sevier	54	63	49
Summit	$15	$17	$22
Tooele	60	70	72
Uintah	75	87	81
Utah	398	458	491
Wasatch	14	17	13
Washington	51	59	65
Wayne	19	18	18
Weber	449	517	602

[1] 1973: 90 percent LEA, 90 percent SEA, and 115 percent LEA (quarter).
[2] 1973: 90 percent, and 120 percent SEA.

THE CRISIS CALLED WATERGATE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. BIAGGI. Mr. Speaker, the country is in a great crisis. Its President is under attack and the mood of Congress and the public is one of confounded fury. Yet is the crisis as serious as the civil war which threatened to tear our country in two? Or is it as serious as World War II, when the entire republic and our democratic principles were at stake? I think not. A crisis, yet but one that can be dealt with in the manner proscribed by the Constitution and the law and one that must be dealt with not in the fashion of a lynch mob, but through the procedures and institutions established for determining the truth and meting out justice.

The Watergate affair and the resultant attack on the President is a serious and complex matter. Numerous underlying issues are confused with the main investigation. I would like to attempt to enumerate briefly the various—but by no means all of—the complaints now being investigated. First, of course, is the Watergate break-in, the political espionage of the 1972 campaign and the resultant cover-up of these activities by high Government officials, including possibly the President. Investigating this matter is the Senate Select Committee on Campaign Practices, the General Accounting Office, the Department of Justice, the Federal Bureau of Investigation, the Office of Special Prosecutor, a Federal grand jury and countless news media personalities with predetermined opinions. Involved in this investigation is the need to listen to the Watergate tapes which might shed light on the involvement of the President and other high officials and help determine who is telling the truth and who is lying about the break-in and cover-up. Clearly the tapes should be made available to the courts for such a determination. By use of the unusual in camera hearing by the district court judge, the national security interest will be protected and the right of a President to confidential conversations with members of his staff will also remain intact.

The next major issue involved in this case in the question of misuse of campaign finances. There is some overlap here with respect to the use of campaign funds for the illegal activities mentioned above. However, the questionable activities go beyond that. The involvement of the International Telephone and Telegraph Co. in sponsoring campaign advertising at a time when they had a case pending before the Justice Department; the question of possible solicitation of a campaign donation from the milk industry in return for a decision on milk price supports favorable to that industry; the question of illegal donations from corporations; the question of illegal and unreported cash contributions; all have to be answered. Congress has set up machinery for such investigations under the new campaign financing law. The General Accounting Office is charged with investigating any violations and has been diligently working on these matters. Any findings of wrong-doing will be turned over to the Justice Department for prosecution.

The break-in of Daniel Ellsberg's psychiatrist's office is being investigated by a west coast grand jury. The use of the Central Intelligence Agency for political purposes has been investigated by a House Select Subcommittee, which recently issued a report. These activities, however, were conducted primarily by aides to the President and some of these aides have been indicted already in connection with the break-in. Their guilt or innocence will be determined by the courts.

Questions surrounding the use of public funds on the private property of the President was investigated by the House Appropriations and Government Operations Committees which said that the expenses, while perhaps somewhat excessive in the quest for security, were within legal limits of the existing laws. Changes in the law have been proposed to require congressional review and approval of any improvements and to limit the number of houses so improved. I have urged that consideration be given to limiting the President to the White House and Camp David which are public residences for the President. During his term of office, he need not use any other residence. If a "Western White House" is deemed desirable by the Congress then such should be authorized and maintained as a public residence for all Presidents. Future improvements of private property security purposes that result in material gain to the property should be reimbursed to the U.S. Government by the owner.

Beyond these questionable activities, the confirmation of GERALD R. FORD as Vice President of the United States also has been enmeshed in the entire Watergate affair. The 25th amendment provides for proper expeditious procedures for confirmation of the nominee of the President. The machinery is adequate and should be exercised. To hold up these confirmation proceedings pending any action by the President or the courts would be a subversion of the Constitution. If GERALD R. FORD is found qualified to hold the office and his confirmation is voted by both Houses of Congress as provided for in the law, then he should be installed as Vice President. If he is found unqualified, a new nominee should be submitted and the process of confirmation quickly completed. Holding up this confirmation and pressing for impeachment and conviction of the President so that the Speaker of the House may assume the Presidency is as dishonest as anything the President is accused of doing. The Congress would be grossly derelict in their duties if they failed to fulfill the requirements of the 25th amendment as expeditiously as possible. Hearings are now going on in the House and Senate. The Federal Bureau of Investigation as well as investigators of Congress are checking every detail of Congressman FORD's past. If he is found qualified, he should be confirmed.

The final major issue is the question of the appointment of a special prosecutor to investigate all of the activities that fall under the purview of the Federal grand jury enpaneled by Judge John Sirica. Here, if justice be served, the prosecutor must be independent. While I do not want to presume that the President or any of his appointed officers would seek to subvert justice, in the interests of a fair and impartial investigation and one that will be creditable to everyone, the prosecutor must be appointed by the courts. The Constitution again clearly provides for such an appointment. Article II, section 2, states that:

> Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law or in the heads of departments.

The Congress must pass legislation immediately that would authorize Judge Sirica to appoint a special prosecutor independent of the executive branch to carry out the investigation and report his findings to the grand jury.

Should the President be impeached? The answer to that question will only come when all the evidence is in. I have urged that the House Judiciary Committee begin an investigation of its own to determine if there are grounds for impeachment. Again the Constitution clearly provides for this. I am pleased that the committee has begun such an investigation.

In impeachment cases, the House of Representatives sits as a grand jury and hears the evidence provided by its "prosecutor," the Judiciary Committee. Based on that evidence it votes for or against impeachment. Any Congressman who predetermines his decision in such a matter without a full investigation does grave injustice to our Constitution and systems of laws. It would be like admitting to a jury individuals who were predetermined to vote the defendant guilty. I intend to keep an open mind on this until the Judiciary Committee completes its investigation and all evidence is in.

Many have called for the resignation of the President. This would be no less a miscarriage of justice than if the Congress and courts decided to abandon the investigation. The people have a right to a final finding of wrongdoing. The process for such a finding is there and the means of removal of the President is there. For the President to resign now would deprive the people of an ultimate determination in the entire case and the opportunity of reform to prevent any illegal activities from occurring again.

Many have argued that the country cannot survive the crisis of impeachment and conviction of the President by the Senate. They have said such a lengthy investigation and proceedings would bring the Government to a halt, destroy our ability to conduct foreign relations, and possibly threaten our security from within and without. If this is so, we should call for a constitutional amendment repealing article II, section 4 of the Constitution—the section providing for impeachment.

This great country has survived many crises in its long history. It is a tribute to the resolute will of its people and to the institutions and laws they have established. Despite the turmoil of the last decade with its riots, the burning of cities, mass demonstrations, the killing of many of our youth in an unpopular war, the Union survived.

This crisis, too, will pass and the country will be stronger for it, if reason prevails. Beyond the travail of the moment, we must look to the future. What lessons have been learned by this terrible tragedy? What reforms must be made to prevent such abuse of power from occurring again? In my view, the greatest reform must come in the criminal justice system. That our institutions cannot quickly seek out the wrongdoer, prosecute him and free the innocent is our greatest tragedy. That the system might be subverted by the overwhelming power of a news media who, in invoking the rights of the first amendment of the Constitution, may trample on the rights of the individual under the fifth and sixth amendments. The accusations made against the President, his aids and friends must be fully adjudicated. Trial by press is as sure a dictatorship as any known to man. The right of a person to maintain his innocence until proven guilty in a court of law must be maintained for every American whether President of not.

A National Advisory Commission on Criminal Justice Standards and Goals recently issued a multivolume report on the problems of our criminal justice system and the need for reform. Programs along the recommended lines must be implemented quickly.

In the meantime, while the countless investigations are being pursued, while we wait for the reform of more indictments, while we concentrate on finding out who is guilty and who is innocent, let our rational minds prevail. Let us put aside our emotions and see to it that the course of justice is followed. And instead of the wringing of hands and the gnashing of teeth, let us concentrate on inflation, a sagging economy, a massive energy crisis, the quest for peace in the Middle East, and the many other problems that demand solutions from this 93d Congress.

CONCURRENCE WITH THE SENATE AMENDMENTS TO THE DISTRICT OF COLUMBIA RENT CONTROL ACT OF 1973

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. MAZZOLI. Mr. Speaker, the House today has concurred with the Senate amendments to the bill, H.R. 4771, as amended, which was passed by the House on June 11, 1973.

I would like, very briefly, to explain the Senate's amendments and to include in the RECORD the report of the Commissioner of the District of Columbia, dated October 15, 1973.

The principal Senate amendment provides that any rent regulations adopted by the District Council, under this act, may remain in effect for 1 full year following the date of their enactment by the Council.

This provision insures that the rent stabilization and regulation powers which we are granting to the District Council will extend through the interim period prior to the expected inauguration of an elected local government in January 1975, as provided in the pending District of Columbia Self-Government and Governmental Reorganization Act.

From 1975 forward, the authority and discretion as to the regulation of rents will be vested in the locally elected government, provided that the pending "home rule" legislation is enacted as expected.

As originally passed by the House, H.R. 4771 granted rent control authority to the District of Columbia Council for a period of just 1 year following enactment of the bill.

The Senate amendment, in effect, gives the Council a period of up to a full year to determine whether to implement rent controls, and then provides that such controls may be enforced for 1 full year. If the Council takes no action within 1 year of the enactment of this bill, its authority will lapse, just as provided in the version originally passed by the House.

The other Senate amendments provide:

First. That the Council must hold hearings 6 months after it places rent controls in effect in order to determine whether such controls should be continued, modified, or terminated.

Second. That the Council, in establishing rent regulations, shall provide means whereby increased costs incurred by a landlord are taken into consideration.

Third. That the composition of the District of Columbia Housing Rent Commission include four representatives of landlord interests and four representatives of tenant interests, as opposed to two representatives of each group, as provided in the version of the bill originally passed by the House.

Fourth. That the Commission shall have subpena power and that contempt proceedings may ensue from disobedience of such subpenas. An authorization of $85,000 to carry out the provisions of the legislation also is included.

The Mayor-Commissioner of the District of Columbia was asked to report the views of the District of Columbia Government on H.R. 4771 as it was passed by the Senate, with amendments, on September 7, 1973. His report follows:

THE DISTRICT OF COLUMBIA,
Washington, D.C., October 15, 1974.

Hon. CHARLES C. DIGGS, Jr.
Chairman, Committee on the District of Columbia, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The Government of the District of Columbia has for report H.R. 4771, a bill "To authorize the District of Columbia Council to regulate and stabilize rents in the District of Columbia", as passed by the United States Senate on September 7, 1973.

H.R. 4771, in the form passed by the House of Representatives, was amended in several substantive respects by the Senate. Section 3(a) of the bill was amended to require that any rules adopted by the District of Columbia Council to regulate or stabilize rents shall contain such pass-through provisions as will allow increased costs incurred by landlords which are directly related to the rental premises to be considered in determining maximum rents to be charged. In section 4(a), the composition of the District of Columbia Housing Rent Commission, which is authorized to be established, was changed to mandate that four of the members represented landlords' interests and four members be representative of the interests of tenants, all of whom would serve until termination of the Commission.

Section 4 of the bill was amended by the addition of a subsection (e) to expand the powers of the Rent Commission in such matters as the holding of hearings, administering of oaths, attendance of witnesses, and the production of records, and to make the noncompliance with subpenas of the Commission punishable by the Superior Court of the District of Columbia as a contempt thereof. A new subsection (f) authorizes appropriations not in excess of $85,000 to carry out the duties of the Housing Rent Commission.

Section 8 of H.R. 4771 was amended to extend until one year after the adoption of regulatory rules the powers of the Council to provide for rent controls, unless no rules are adopted within a period of one year following the date of enactment of the bill in which case the authority conferred by the bill would expire at the end of such year. A further amendment would require the Council to hold a public hearing six months after the adoption of rent controls to determine whether its rules should be modified or terminated.

While the District Government continues to favor the enactment of legislation which delegates to the District of Columbia Council the authority to regulate and stabilize rents in the city, it is our preference that such a law vest in the executive branch the power to administer any local rent control program which may be established. For this reason, we submitted to your Committee on May 23, 1973 a draft bill which represents our preference as to the kind of legislation needed to effectively regulate maximum rents and rental services in the District of Columbia.

Nevertheless, the District Government supports the enactment of H.R. 4771, including the amendments made by the Senate in its consideration of the bill. In a report to the Committee on the District of Columbia of the United States Senate, dated July 24, 1973, a copy of which is attached for the information of your Committee, we expressed several concerns with respect to certain provisions of H.R. 4771, some of which have been met by the amendments made by the Senate. However, there remain other matters of concern to the District, as outlined in the attached report, and we recommend that these be given further consideration by your Committee.

Sincerely yours,

WALTER E. WASHINGTON,
Mayor-Commissioner.

DUNDALK, MD., COMMUNITY AND ITS ROLE IN AMERICAN HISTORY

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. LONG of Maryland. Mr. Speaker, on October 22, Mr. Ben Womer joined me in addressing students at Holabird Junior High School. Mr. Womer, a noted local historian, presented to these young people a most informative talk on the role their community has played throughout American history in war and peace.

Mr. Womer's talk on Dundalk reflects the many American communities in which everyday people live and work—the communities of good citizens which are the essence of America.

VETERAN'S DAY SPEECH

(By Mr. Ben Womer)

I would like to take a minute to tell you a little about myself. My family moved to Sparrows Point, Maryland, from Pennsylvania in 1922. I was twelve years old at the time. Six years later we moved to Dundalk, Maryland, where I have lived ever since. I have spent forty-five of my sixty-three years working for the Bethlehem Steel Company. I am now retired. Two and a half years ago I founded the Dundalk-Patapsco Neck Historical Society along with the help of other older members of our community. Our purpose is to find and record as much as possible of the history of our area for the use of the youth of our community. Believe me you can be very proud of where you live.

The Patapsco Neck section of Baltimore County has contributed as much, if not more than, any other section of our state and even our country to help make our nation what it is today. In the beginning, we settled on the western shore of the Bay in the 1600's starting an export trade long before there was a Baltimore City, which was not founded until 1729. We established truck farms at the very beginning to feed the people and they flourished for many years until there are only two left today in the Neck. We had a land invasion by the British in 1814 much to their sorrow. There are three monuments on North Point Road to show the people of our nation the part we played to help keep our independence. This war was of such importance that two of our Presidents of the United States came here to look over the battle ground. President James Monroe, our fifth President, came from Washington on June 7, 1817, and President John Quincy Adams, our sixth President, came from Washington on October 16, 1827. It was said, at the time, that President Adams picked up some acorns to take back to Washington. So somewhere in Washington, D.C., there must be some mighty big oak trees from our North Point area. One other factor about the battle fought at North Point was that Baltimore was the only major city on the eastern seaboard of the United States that the British never set foot upon.

Joshua Barney, one of our great patriots who served his country well in our War of Independence in 1776 and the War of 1812, lived in our area until he was twelve years of age when he went to sea. I might say this was a day that the British would have liked to have never seen recorded in the history books of America. One other thing I would like to call to your attention is that our Star Spangled Banner was written off our shores by Francis Scott Key. The British ships that fired upon Fort McHenry in the War of 1812 passed our shoreline and anchored off Colgate Creek just a short distance from your school.

Long after the victories of Washington over the French and English had made his name familiar to all of Europe Benjamin Franklin chanced to dine with the English and French Ambassadors when the following toasts were drunk: "To England, the sun whose bright beams enlightens the remotest corners of the world" proudly spoke the English Ambassador raising his glass. The French Ambassador, filled with natural pride but too polite to dispute the previous toast, offered the following: "To France, the moon whose mild, steady and cheering rays are the delight of all nations consoling them in darkness and making their dreariness beautiful". Benjamin Franklin then rose and offered: "To George Washington, the Joshua who commanded the sun and moon to stand still and they obeyed him".

Shipbuilding was started on Bear Creek in 1661 and we are still building ships today. One of the first airports in the United States was started at Logan Field in Dundalk. The

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boundaries of the field were Belcaire Road, Sollers Point Road and Dundalk Ave. The first Air Wing of the National Guard to be recognized by the federal government in the United States was our own National Guard here in Maryland. Some of the first airplane factories in our nation were started right here in Dundalk——Berlinger and Joyce at Turner Station and Curtis Carponi on Broening Highway. In 1867 we had the first form of automation in the making of bricks. In 1888 the first tidewater steel mill was started at Sparrows Point. One of its first products were steel rails that helped us span the nation, ships that helped our great cities and bridges—the Tri-State Bridge in New York, the Golden Gate Bridge in San Francisco and the Empire State Building in New York, to name a few. Our brick yards helped the cities, not only in our country, but as far away as Paris, France. At Fort Holabird the Army Jeep was designed, tested and built, along with amphibious equipment such as the Duck. Important signal items were designed there such as radar equipment for detection of World War II buzz bombs and the photo equipment used to record the first atom blast. Prisoners of war, such as Rommel's North African troops, were kept there.

Our people served in all our wars. We have the finest schools and churches money can buy as well as a fine police and fire department. Not long ago I read in an 1895 newspaper that the girls in the Patapsco Neck section of Baltimore County were the prettiest in the state. Well, as I look around here today, it still holds true. We may not have had royalty or aristocracy here in the Patapsco Neck but we did have hard working, God fearing people who helped to build and defend our nation. I am glad to say I am proud of being part as well as from the Patapsco Neck section of our state. I don't think we have to take our hat off to anybody when we say we have one of the finest places to live and work in our nation. Thank you.

BENJAMIN J. DORSKY: FOUNDING FATHER OF LABOR IN MAINE

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. KYROS. Mr. Speaker, it is certainly my very great privilege to bring to the attention of my colleagues in the House of Representatives the outstanding record of the man who has done more than any other to improve the quality of life for Maine's working men and women. He is Benjamin J. Dorsky, the mild-mannered but tough-willed president of the Maine AFL–CIO, who will be honored at a testimonial dinner this Saturday night in Bangor for his 40 years of contributions to the labor movement.

The full story of Ben Dorsky's life spans the development of the labor movement itself in this country, but, Mr. Speaker, I will review only the highlights:

He was born in 1905, at a time when the average workingman brought home $420 a year, the men operating the blast furnaces in smoky steel mills were putting in 84-hour weeks, and a book by Upton Sinclair, "The Jungle," was about to bring national attention to the workingman's plight through its shocking revelations about the meatpacking industry.

He was a freshman at Bangor High School in 1920, yet even then he was one of our State's first unionized movie projectionists and a member of local 198, which at that time had a membership of only 25.

He was married in 1929, perhaps the toughest year in American history for the workingman, and soon began a family of seven.

He became legislative agent for the AFL in 1935 and its president in 1937. If ever labor faced an uphill battle in our State legislature, it was in 1937, when Maine and Vermont were the only States in the Union that did not go for Roosevelt's New Deal in the previous election.

He spearheaded the battle against the right to work law when it reared its ugly head in Maine in 1948 and again in 1961, miraculously persuading big business interests to support his position.

He was the founding father of our State's unemployment laws and the chief author of our workmen's compensation laws, which he has seen refined over the years, and which many say are among the very best in the country.

He has established a reputation as a hard bargainer, good compromiser, and unexcelled lobbyist, as he pushed through legislation for union and nonunion working man alike, battling for a higher State minimum wage and a new State law that says that plants closing down must give their workers 4 weeks' pay or 4 weeks' notice.

When the AFL merged with the CIO in 1955, Ben became its head, and he has been president ever since.

Although not a lawyer, he has a lawyer's eye for loopholes in a labor contract. Although not a college graduate, at a commencement ceremony in January 1971 he was given the University of Maine's prized Distinguished Service Award for his "outstanding contribution to the social and economic growth of the State of Maine."

This is Ben Dorsky, Mr. Speaker, a man who has organized for labor in Maine, scrimped on his lunches, traveled long hours by train in the early days, given every waking hour and every ounce of his enormous energy to organized labor, and even once pawned his own fishing gear to get enough money for the State AFL to be represented at a national convention.

To some he is "Gentle Ben," to others "Archie Bunker," and to the rest "Mr. Labor in Maine." As the saying goes, "Character is a victory, not a gift," and Ben Dorsky has won the great victory of establishing himself as a man of tremendous courage, moral fiber, and tenacity for the things he believes in. He has for 40 years fought the workingman's battle and won it. We are all very proud of his achievements in Maine as we honor a lifetime of dedication to the working man and woman.

SCREWMACHINE INDUSTRY BRIGHT

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. BROOMFIELD. Mr. Speaker, despite increased competition from cold-formed parts, die-castings, and plastics, the future of the screwmachine industry remains bright.

That analysis was made by Mr. Asa W. Bonner in an interview in the October 1 edition of Metalworking News. Mr. Bonner is the president and chief executive of three screwmachine plants in Michigan. His long record of success in the field qualifies him as one of the leading spokesman for the screwmachine industry.

Mr. Speaker, I have known Asa Bonner for many years as a constituent, as a friend, as an eminently successful businessman and as a community leader.

A self-made man, he knows that there is no substitute for ingenuity, precision-workmanship, and dependability for success in any field, especially one so competitive as the machine industry. So, with singular advice to his colleages, he looks to the future with the same enthusiasm and vigor that has sustained him for the past 54 years in business.

Mr. Bonner is a past president of the National Screwmachine Products Association. Before that he served with the Office of Price Administration and the National Recovery Administration.

Not only does the following news story pay a well-deserved tribute to my friend, Asa Bonner, it illustrates the constant need for improved performance and workmanship which our free enterprise system, unlike any other economic system, encourages and demands from our business community.

The story follows:

Bonner, With Golden Record, Calls Future Bright for Firms Putting Stress on Quality

(By Al Wrigley)

Farmington, Mich.—A bright future for these screw machine shops that put a premium on their mechanical engineering capabilities and that stress improvements in the quality of their products was predicted here by one of the industry's best-known executives, Asa W. Bonner.

"The quality of screw machine products in many applications has withstood competitive challenges from cold-formed parts, powdered metals, die castings, special extrusions, and even plastics," Bonner declared in an interview here, "and there's no doubt in my mind that it's this quality—along with our industry's engineering knowledge—that will keep most markets for screw machine products intact in the future."

Bonner noted that in the automotive industry, for example, high-quality, durable parts are needed in many subassemblies, including brakes, axles, and transmissions, and "will continue to be needed long into tomorrow.

LONG RECORD OF SUCCESS

Bonner, himself, has never directed a screw machine enterprise that failed to show a profit. While he's reluctant to talk about

his business success, he's been in the industry for 54 years—38 years as a top executive—and that adds up to a lot of black ink.

Today, along with his sons, Ben V. Bonner and Asa, Jr., he heads up three firms: A.T. and G. Co. here, M. B. Fetcher Co., Detroit, and Lexbon Enterprises, Detroit. The elder Bonner is president and chief executive officer of all three firms, whereas Ben is executive vice-president, and Asa Jr. serves as vice-president, and also general manager of Fetcher.

As is probably pretty clear from this, the Bonners own most of the stock in all three firms.

The elder Bonner does not look the age of a man who became associated with Fetcher in 1921, or whose sons are now in their 40s. He's statuesque, looks hale and hearty, and speaks fluently. Some veterans of the industry will remember his stint as president of the National Screw Machine Products Association (NSMPA) in the mid-50s, and the work he performed before that with the Office of Price Administration (OPA) and the National Recovery Administration (NRA). He gained considerable recognition for all those jobs. He stil serves as chairman of the NSMPA's Public Affairs Committee.

SCANS FUTURE

"It's hard to predict the future for the screw machine products industry," Bonner said in his office at A.T. & G., "but then, that's true about almost any industry. For many of us, business is cyclical, and it's affected by strikes, public attitudes, competition from other industries, and decisions made by our customers regarding the amount of work they release to outside suppliers.

"But I have to say that, even with all these variables to consider, there's absolutely no question in my mind that the future will be secure for those screw machine shops that keep abreast of engineering or technical advancements, and that continue to stress quality in the products they make."

Bonner admitted that screw machine products in many applications cannot compete with cold formed parts and other competitive products in price. "And that's why it's so important for us to maintain the highest standard of quality in the items we produce," he said.

"The auto industry, for example, expects us to provide it with strong, uniform anchor bolts for brake subassemblies, and we have to maintain proper concentricities on these parts, and give them lots with very low rejection rates. It's a fact that a competitor who's trying to produce anchor bolts a different way may be able to cut one-third off of our price, but as a general rule, we'll get the order, because when you're talking about subassemblies such as brakes, the automaker's more anxious to know what kind of quality he's getting than how much the parts are going to cost."

$9-MILLION SALES IN 1972

Bonner said that the three companies he's heading have normal annual sales, combined; of $8 million to $10 million. In the 1972 fiscal year, their volume totaled up to about $9 million. Five years ago, sales by the three companies were around $7.5 million, he said.

Most of the screw machine parts these firms produce go to the automakers and their components, or subassembly suppliers. Besides anchor bolts, these parts include spindles of different kinds, studs, bushings, rods, valves, shafts and precision fastener. A.T. and G., which had sales last year of more than $6.5 million, produces special items only. There are no parts available from the Farmington firm off-the-shelf.

Bonner estimated that his companies produce around 250 different screw machine products each year, and a total quantity of 200 million to 250 million pieces annually. His facilities are able to produce parts in steel, brass, aluminum, copper, and other materials up to approximately 4¾ inches in diameter and 18 inches in length.

COMMEMORATION OF THE 10TH ANNUAL MEETING OF THE AMERICAN ASSOCIATION OF ATTORNEY-CERTIFIED PUBLIC ACCOUNTANTS, INC.

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. GILMAN. Mr. Speaker, in this day and age when it is imperative to strive for the best in professional accomplishment to adequately satisfy the growing needs of a society steeped in complicated techniques required for its very existence and development, it is fitting to draw attention to, and single out for special encomiums, a professional society whose members have been licensed to practice both as attorneys and as certified public accountants.

I refer to the American Association of Attorneys-Certified Public Accountants, Inc.—AAACPA—which will hold its 10th annual meeting in November.

I am privileged to honor this group and wish to call the attention of my colleagues to some of the activities of the AAACPA. Accordingly I respectfully request that the following report be included in this portion of the Record.

Challenges and Attacks Gave Birth to This Association

One challenge was to bring together persons who by dint of study and experience, had attained the dual capacities of Attorney-CPA to better serve the public, so that by professional contact, they could further expand their capacities "pro bono publico."

The other challenge was to resist the unwarranted attacks by those provincial ethics committees of several states, as well as the august American Bar Association (ABA), which would require these duly licensed dual practitioners to reject their duality and exclusively practice only one or the other of the two professions.

While most state and local bar associations did not follow this view, dual licensees in the profession of law and accountancy realized that failure to react to and resist the serious challenges that had surfaced would result in the gradual deterioration of their position to their own and to society's disadvantage. They recognized the possible ultimate loss of valuable rights they had earned and secured from sovereign states by perseverance, study, examination and practice. The foresight of just a handful of dual licensees from several sections of the country resulted in the decision to take the first step in the protection and preservation of their constitutional rights. They invited others, who found themselves in the same position, to attend the first organizational meeting of the American Association of Attorney-Certified Public Accountants, Inc.

It is a pleasure to report that the challenges were successfully met and the attacks have all but ceased. Although there are approximately 3,500 attorney-certified public accountants in the entire country, over 1,000 of them are now members of this prestigious professional organization and practically every state of the union, the District of Columbia and Puerto Rico has representation in the Association. There are nineteen affiliated regional associations located in California, Connecticut, District of Columbia, Florida, Georgia, Illinois, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, Ohio, Oklahoma, Texas, Virginia and West Virginia. I mention them to show the depth of penetration and development achieved by the national organization in the short span of ten years.

Critical bar and accounting associations were confronted. The perseverance of the AAACPA, which then numbered its membership in the hundreds, prevailed. Fortunately, our democratic society is conducive to a full airing of all viewpoints and valid opportunities for mistaken views to be changed. The leaders of the Association have an abiding faith that discerning minds outside of the membership ranks would ultimately see the justice of the dual licensees' viewpoint but this important matter could not be left to chance. From the very beginning diligent efforts were made by the Association for a solution of a problem that should never have existed in so disturbing a fashion, in the first place.

Both professions of law and accountancy are better today for the wise counsel that prevailed to permit the free interchange of opposing views especially those that were accepted for publication in the American Bar Journal and the Journal of Accountancy—the latter a publication of the American Institute of Certified Public Accountants.

From 1964 to 1968, their supplications for relief were rejected by the ABA, but their perseverance finally prevailed and the Association was invited by the renowned Special Committee on Evaluation of Ethical Standards of the ABA, known also as the "Wright" Committee, to meet with them and submit a brief on the Association's position. This Committee had the awesome responsibility of recommending changes in the ethical concepts applicable to the legal profession. Their work resulted in the imposing Code of Professional Responsibility adopted in 1969, which updated, modified and replaced the Canons of Ethics.

That meeting of the representatives of the AAACPA with the Wright Committee in the Waldorf Astoria in New York in August of 1968, has been the brightest episode in the accomplishments of this Association. The discussions were extremely fair-minded and friendly and both sides made serious efforts to explain and resolve the opposing points of view. Subsequent discussions ensued during the preliminary draft period of the Code of Professional Responsibility to incorporate further suggestions by the AAACPA. Happily, the amended Code was unanimously adopted by the House of Delegates of the American Bar Association and has been adopted by practically every state.

Of particular interest to the Association's members is Disciplinary Rule 2–102(E) of the Code which states that "A lawyer who is engaged both in the practice of law and another profession or business shall not so indicate on his letterhead, office sign, or professional card nor shall he identify himself as a lawyer in any publication with his other profession or business".

The impact of this rule was clear and to the complete satisfaction of the AAACPA. A lawyer who is also engaged in another profession may practice both professions with, of course, certain fair and understandable guide lines.

The adoption of the Code on August 12, 1969, and especially the portion that concerns the Association's members directly as dual practitioners, definitely represents the most important favorable development to date affecting the Association and its membership.

Next in import was the American Bar As-

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sociation's Formal Opinion No. 328 issued in August 1972, which pronounced that it is proper for a lawyer simultaneously to hold himself out as a lawyer and as an accountant, that separate letterheads as a lawyer and as a C.P.A. are required and that a lawyer may practice two professions, such as law and public accounting, from the same office with some qualifications as specified in the Code.

It is to the credit of the American Association that it sought to resolve a difficult situation by pursuing friendly discussions with Bar Associations and Accounting Groups. There was a fair dissemination of all points of view and the climate of conflict has cleared considerably.

Although the Association has maximized its efforts to successfully confront the former challenges and attacks on the ethical propriety of the dual practice, it has also successfully handled other challenges. It has lost no time in developing meaningful programs for the benefit of members of both the legal and accounting professions. From its very inception the Association sponsored professional betterment seminars, initiated, encouraged and financed scholarship programs in a number of universities, sponsored law review and professional articles by its members and published a quarterly newsletter which is mailed to approximately 4,000 dual practitioners, libraries, Bar Associations and Accounting Societies. During the current year, after a period of study and discussion, the Association sponsored and set up the American Association of Attorney-Certified Public Accountants Foundation, Inc. Among the listed purposes of this foundation are the fostering and maintenance of the honor and integrity of the professions of the law and public accounting, the study and improvement and facilitation of the Administration of Justice, the study of law and accounting, the ethical practice thereof and research therein and to promote and foster the continuing education of lawyers and accountants.

These are noble purposes and you may be assured that they are safely entrusted in the care of attorney-certified public accountants, who have given much of their time and effort and means to encourage and seek the best of the two worthy professions of law and accountancy in order to better minister to the essential needs of our increasingly complex society.

In light of their accomplishments, this is an appropriate time to warmly congratulate the members of the American Association of Attorney-Certified Public Accountants, Inc., to wish them well in their endeavors, to hope that their numbers will grow, to encourage their continual interest in the welfare of the members of the two professions in which they are licensed to practice and in the welfare of the public at large.

ARAB OIL AND U.S. GRAIN

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. BINGHAM. Mr. Speaker, on November 5, the Associated Press reported that the Department of Agriculture expected sales of U.S. grain and other farm products to the Middle East to jump 50 percent in fiscal 1974, to a record $600 million. With a continuing Arab oil boycott, I thought my colleagues would be interested in knowing the amount of grain that we exported to the Middle East in fiscal 1973, and especially to the six countries limiting oil exports. That data follows:

U.S. GRAIN EXPORTS TO THE ARAB STATES—FISCAL YEAR 1973

[Note: NDAF, not directly accounted for, refers to other grains not included in quantity totals but included in the value totals. Quantity figures represent minimums rather than accurate totals. Dollar values are accurate as shown.]

	Quantity (metric tons)	Value (thousands)
1. Syrian Arab Republic:		
Rice	13	$2
NDAF	NDAF	2
Total	13+	4
2. Qatar:[1]		
Wheat	21	2
Rice	39	10
Feed grains	5	1
NDAF	NDAF	11
Total	65+	24
3. United Arab Emirates:		
Wheat	1,275	106
Rice	130	49
Feed grains	580	58
NDAF	NDAF	48
Total	1,985+	261
4. Yemen Arab Republic:		
Wheat	2,999	344
Rice	562	162
Feed grains	9	2
NDAF	NDAF	265
Total	3,570+	773
Yemen (Aden):		
Wheat	2,587	258
Rice	200	43
Total	2,787	301
6. Oman:		
Rice	9	4
NDAF	NDAF	6
Total	9+	10
7. Bahrain:[1]		
Wheat	105	11
Rice	59	20
Feed grains	37	6
NDAF	NDAF	55
Total	201+	92
8. Lebanon:		
Wheat	85,008	6,620
Rice	1,119	373
Feed grains	50,831	2,981
NDAF	NDAF	209
Total	135,958+	10,183
9. Iraq:[1]		
Wheat	13,281	1,269
Feed grains	207	89
NDAF	NDAF	41
Total	13,488+	1,399
10. Jordan:		
Wheat	93,943	7,130
Rice	431	106
Feed grains	36,405	3,029
NDAF	NDAF	46
Total	130,779+	10,311
11. Kuwait:[1]		
Wheat	22	6
Rice	2,154	611
Feed grains	7,164	625
NDAF	NDAF	1,008
Total	9,340+	1,350
12. Saudi Arabia:[1]		
Wheat	150,111	10,678
Rice	56,729	14,825
Feed grains	7,090	594
NDAF	NDAF	391
Total	213,930+	26,498
13. Morocco:		
Wheat	335,010	26,012
Rice	2	1
Feed grains	18,500	1,457
NDAF	NDAF	161
Total	353,512+	26,731
Algeria:[1]		
Wheat	407,555	28,106
Total	407,555	28,106
15. Tunisia:		
Wheat	71,771	6,398
Feed grains	24,423	1,582
NDAF	NDAF	327
Total	96,194+	8,307
Libya:[1]		
Wheat	5,129	470
Rice	2,029	874
Feed grains	2,600	289
NDAF	NDAF	135
Total	9,758+	1,768
17. Egypt:		
Wheat	292,861	25,794
Feed grains	132,399	8,581
NDAF	NDAF	459
Total	425,260+	34,834
18. Sudan:		
Wheat	85,222	7,465
Feed grains	12,403	755
NDAF	NDAF	345
Total	97,625+	8,565
Total — Arab countries with embargo in effect against United States	654,337	59,237
All countries:		
Rice	63,476	17,080
Wheat	1,546,900	120,669
Feed grains	292,655	20,049
NDAF	NDAF	3,509
Total	1,902,029	160,417

[1] Indicates participation in oil embargo.

Note: Figures concerning grain shipments to Abu Dhabi, a member of the United Arab Emirates and a participant in the oil boycott, are not separately available and thus are not included in Arab embargo totals.

Source: U.S. Department of Agriculture.

PRESIDENTIAL SUCCESSION AND THE POPULAR MANDATE: A RETURN TO 1972

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Ms. ABZUG. Mr. Speaker, on November 1 I introduced H.R. 11230, a bill to amend title 3 of the United States Code to provide for special presidential elections. This bill, based on the Presidential Succession Act of 1972, would remove partisanship from the impeachment process, and produce an administration grounded in popular confidence.

As columnist William Raspberry said in yesterday's Washington Post:

> The proposal has some clear advantages over the present options, which are either to confirm Gerald Ford as a likely President or to elevate Carl Albert to that position. In either case you get a President not chosen by the people. In the latter case, you get a President not even of the party favored by the people.
>

> One of the important aspects of the proposal is that it would largely remove the suspicion of politics from presidential sucession. As things now stand, a Democrat-controlled Congress that rejected the nomination of Republican Ford, for any reason whatever, would be suspected of trying to take for the Democratic Party what it failed to win in the 1972 elections.

For the benefit of my colleagues, I insert the full text of Mr. Raspberry's column and an article appearing in the Wall Street Journal by noted scholar, Arthur Schlesinger, Jr., in the RECORD:

A SPECIAL ELECTION IN 1974

(By William Raspberry)

Boston's Mayor Kevin White has been pushing hard for a special election to replace the fallen Spiro T. Agnew and the falling Richard M. Nixon.

White, like so many Americans, is dismayed at the prospect of a President being forced out of office but being permitted (under the 25th Amendment) to name his own successor. But to deny him that choice, by congressional refusal to confirm Mr. Nixon's nominee for the vice presidency, would be to promote House Speaker Carl Albert, a Democrat, to a position for which the American people elected a Republican.

Says White:

"Our choice today appears to be either: (1) a national leadership that is not nationally elected to govern a nation, or (2) acquiescence to disregard and abuse of constitutional powers by our current elected leadership, and controversy for three years about the legitimacy of that leadership."

Mayor White sees another alternative: a special election early in 1974 to choose a new President and Vice President (in the event both offices have become vacant), with the Speaker of the House serving as interim or acting President until January, 1975.

"This would require no constitutional amendment, but simply an act of Congress," White contends and constitutional law scholars with whom I have spoken agree. Such a solution says White, would begin a "healing" process and, by returning the decisionmaking power to the people, "ensure the legitimacy of presidential power."

The constitutionality of the proposal seems clear enough. Article II, Section I, provides that ". . . the Congress may by law provide for the case of removal, death, resignation or inability, both of the President and Vice President, declaring what officer shall then act as President and such officer shall act accordingly, until the disability be removed or a President shall be elected."

To do what White proposes could go a long way toward re-establishing a sense of order and stability to the national government. Introduction of special-election legislation would put the Congress in the posture of acting, rather than merely reacting to one crisis after another.

The proposal has some clear advantages over the present options, which are either to confirm Gerald Ford as a likely President, or to elevate Carl Albert to that position. In either case you get a President not chosen by the people. In the latter case, you get a President not even of the party favored by the people.

Under the White plan, Albert would be acting President only.

One of the important aspects of the proposal is that it would largely remove the suspicion of politics from presidential succession. As things now stand, a Democrat-controlled Congress that rejected the nomination of Republican Ford, for any reason whatever, would be suspected of trying to take for the Democratic Party what it failed to win in the 1972 elections.

Perhaps as fair as White's special election, and considerably less unwieldy would be a reconvening of the electoral college for new presidential and vice presidential selections. That way, the new national leadership would be chosen by precisely the same people who chose the winners last fall. But that path may have some insurmountable constitutional obstacles.

Of overriding importance for Kevin White is the necessity that people consider their government to have legitimacy.

"Rather than living for three years with an administration unable to instill confidence and lacking legitimacy, a special election would seize the crisis of impeachment and succession as an opportunity to reaffirm the workings of our political process," he said.

Two drawbacks to the White proposal are the amount of time and confusion involved in organizing, campaigning for and holding the elections and the fact that the traditional Leap Year cycle of presidential elections would be lost, there being no provision for a two-year-term. Neither of these seems particularly crucial.

There could, however, be really critical problems of strategy. White's plan, envisioning the necessity of impeachment, would require the rejection of the Ford nomination. Yet the feeling is growing that the President may well elect to resign, but not until Ford is confirmed.

BACK TO THE FOUNDING FATHERS?

(By Arthur Schlesinger, Jr.)

The crisis of the American presidency roars along; but the last fortnight has wrought an interesting change in the acoustics of the situation. It would seem that the idea of impeachment is now no longer unthinkable. What was for so long a remote, alien and frightening concept is on its way to becoming, in the phrase of the late Spiro T. Agnew, a household word. And indeed Agnew's own total disappearance from the scene, an event no doubt traumatic for him but quickly absorbed and forgotten by the rest of the country, has perhaps begun to accustom people to the notion that changes may be made near the very top of government without national disaster.

Of course the vice presidency is one thing, the presidency something very different. Mr. Nixon in his press conference strove valiantly to put over the point that his special relationship with Mr. Brezhnev made him personally indispensable to the successful conduct of foreign affairs. Skeptics noted, however, that this special relationship dissuaded Mr. Brezhnev neither from forcing the crisis (if indeed there was a crisis) in the Middle East nor from rebuking Mr. Nixon thereafter for his "absurd" account of the crisis and his alleged "attempt to intimidate the Soviet Union." Indeed, Secretary of State Kissinger had already curiously undercut the President's claim to indispensability by pointing out in his press conference that the essential decisions were made by the National Security Council without the participation of the President and only then passed along for his final approval.

The crisis remains, and it will no doubt erupt again over the same issue that led to the firing of Archibald Cox—the insistence of the special prosecutor, whoever he may be, on access to evidence locked up in the White House. While the President in the end said he would yield this time to the ruling of the court of appeals with regard to the nine specified tapes, he appears adamant in his determination to hold back other materials any special prosecutor will consider indispensable to an honest investigation.

Moreover, even with regard to the nine tapes, the judicial ruling is not altogether clear on one vital point. The court said that, if the President claimed that "certain material may not be disclosed because the subject matter relates to national defense or foreign relations, he may decline to transmit that portion of the material" to Judge Sirica.

A NATIONAL-SECURITY BLANKET

Now the President has already made it perfectly clear that his theory of national-security information cuts a very wide swath. He has admitted trying at the very start to limit the inquiry into the Watergate burglary on the ground that it might uncover CIA operations and endanger the national security—an idea denied at the time by the CIA and never satisfactorily explained thereafter by the President. He has admitted telling Assistant Attorney General Henry Petersen on April 18 of this year "to stay out of national security matters" in questioning Howard Hunt of the White House plumbers. His statement of May 22 used the phrase "national security" 24 times and the word "security" in one or another context 13 additional times an effort to shove as many things as possible under a national-security blanket.

As late as August 15, apropos of the break-in by the plumbers into the office of Mr. Ellsberg's psychiatrist, Mr. Nixon declared his grave concern "that other activities of the special investigations unit might be disclosed. . . . It was and is important that many of the matters worked on by the special investigations unit not be publicly disclosed because that disclosure would unquestionably damage the national security." One may reasonably suppose that, if this particular break-in had not already come out, it too would have been sealed up in the name of national security. Does anyone suppose that other activities of the plumbers are more legitimately withheld?

If Judge Sirica should be unconvinced by presidential deletions in the name of national security, then presumably the matter would ascend once more to the court of appeals, thereby reopening the question whether a higher court can gain access to unexpurgated tapes in order to determine whether the deletions were justified. In the meantime, the President has invoked executive privilege to stop oral testimony before the Watergate Committee concerning a White House meeting of March 23, 1971—the meeting which led to the increase in milk price supports shortly after the dairy industry made large contributions to Nixon's reelection campaign. No conceivable claim of national security can operate here.

Persisting presidential opposition to the yielding of evidence will only strengthen the arguments for impeachment. For, whatever merit a presidential claim of privilege may have in certain circumstances, that claim is automatically and totally dissolved when the House of Representatives undertakes an inquiry with a view to the exercise of its constitutional power of impeachment. In such an inquiry, as President Polk said in 1846, "the power of the House in the pursuit of this object would penetrate into the most secret recesses of the Executive Departments. It could command the attendance of any and every agent of the government, and compel them to produce all papers, public or private, official or unofficial, and to testify on oath to all facts within their knowledge." Continued White House denial of evidence to the special prosecutor or the Senate committee would therefore leave the Congress little alternative but to use the impeachment process to gain access to the evidence required to resolve the issues before the country.

Where would successful impeachment leave the republic? The dethronement of President Nixon would, according to the present law of succession, bring into the presidency either Gerald Ford, if he can be confirmed in the present circumstances, or, this failing, Carl Albert, Speaker of the House. The question has arisen whether there is not a better way to handle the problem. Several members of Congress have thus introduced resolutions providing for a special presidential election if Congress should find that a President has so lost popular confidence that he can no longer effectively perform his responsibilities (Jonathan Bingham) or that a President has violated the Constitution (Edith Green and Morris Udall). A special election would have obvious advantages. It would clear the slate and bring in an administration with a mandate to govern. But this approach requires a constitutional amendment and is therefore not practical as an immediate solution.

Last week the staffs of Sen. Edward Kennedy and of Mayor Kevin White of Boston came up, quite independently, with another approach—that is, a reinstatement by Congress of the Presidential Succession Act of 1792. This law, under which the United States lived for 94 years, contained an interesting and forgotten provision. In case of the simultaneous removal, death, resignation or disability or *both* the President and Vice President, the law said, then the president pro tem of the Senate, or should there be none, the Speaker of the House "shall act as President . . . until such disability be removed, or *until a President be elected.*" Whenever the office of President and Vice President both fell vacant, the Secretary of State was "forthwith" to make arrangements for a new presidential election, unless the simultaneous vacancy fell within the last year before the next regular presidential election, in which case the Acting President would serve out the term.

The Presidential Succession Act of 1792 was passed by the Second Congress, which contained a number of men who had been at the Constitutional Convention five years before. It shows, among other things, that the Founding Fathers hardly regarded the four-year election system as sacrosanct. But the law had certain ambiguities. Did it intend that the newly elected President only serve out the rest of the regular four-year term? It can be considered that this is implicit in the failure to provide for the synchronization of presidential and congressional elections and in the restriction of the special election to the first three years to the term.

On the other hand, such eminent constitutional authorities as Herbert Wechsler and Paul Freund argue that this reading of the act is incompatible with Article II, Section 1, of the Constitution which provides that the President "shall hold his Office during the Term of four Years." That argument would be conclusive if the Constitution had said "during *a* Term of four Years." *"The* Term" may refer to the regularly scheduled term and thus leaves at least a millimeter of doubt. Constitutional authorities, as James Wechsler wrote in an interesting column last week in The New York Post, also assume that the special election would coincide with the mid-term congressional election, thereby solving the synchronization problem. This assumption, however, finds little sustenance in the language of the act, which calls only for elections in the first available November.

REENACT THE 1792 LAW?

In any case, the Presidential Succession Act of 1792 is hardly a triumph of lucid draftsmanship, even though it may not quite warrant the harsh judgment of the great constitutional scholar E. S Corwin: "It is unlikely that Congress ever passed a more ill-considered law." Might not there now be point in Congress's returning to the Founding Fathers and reenacting the law of 1792? Obviously the timing of the special election and the length of the subsequent term would have to be clarified. Perhaps the election should be held within 90 days of the double vacancy; and the new President should serve only the balance of the regular term, if this is reconcilable with Article II, Section 1.

Moreover, many people, noting that Senator James Eastland of Mississippi is president *pro tem* of the Senate, would prefer to follow the example of Harry Truman, whose Succession Act of 1947 reversed the 1792 order, providing that, in case of a simultaneous vacancy, it would be first the Speaker of the House and only then the president pro tem of the Senate who would qualify as "Acting President."

The signal advantages of reinstating the 1792 law would be that it is the only discernible means of producing before 1976 an administration demonstrably grounded in popular confidence—and that, since it would be a statute and not a constitutional amendment, it could be passed at once. If Mr. Nixon had the courage to resign and submit his case to the nation, he could even seek vindication as the Republican candidate in the special election. If removed by the impeachment process, of course, he would thereafter be forbidden "to hold and enjoy any Office of honor, Trust or Profit under the United States."

One of the incidental values of the contemporary crisis of the presidency is the attention the American people are suddenly compelled to pay to the workings of what had been carelessly assumed to be a reasonably foolproof political system.

A PLEA FOR SANITY

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. MICHEL. Mr. Speaker, I want to bring to the attention of my colleagues the editorial opinion of an old friend of mine, now publisher of the Courier in Ottumwa, Iowa.

In a time like this when all we seem to be getting from much of the media is something akin to hysteria, it is refreshing to see that Jerry Moriarity is still displaying that good, old-fashioned brand of horsesense that we all need to help us put things in perspective and use reason and good judgment in our evaluation of what is happening nationally.

I insert his editorial, "A Plea for Sanity" at this point in the RECORD:

A PLEA FOR SANITY—HAS OUR PERSPECTIVE BEEN LOST?

(By Jerry Moriarity)

Will not one sane voice be raised in these United States with a plea for reasonableness in judging President Richard Nixon?

Will not just one politician abandon the vitriolic, hysteria-creating rhetoric long enough to ask what is being done to our country? And why?

Will not just one editor, embraced by his own obsessions over a shield law, honestly admit that others, even Presidents, have rights to privacy also? Even on tape.

As an interested observer on the presidential scene since the days of Harry S. Truman (although earlier I had heard and seen both Franklin D. Roosevelt and Al Smith) it is distressing to see how this once vigorous nation is being torn asunder in the wake of the sordid Watergate debacle.

Nixon now is being condemned as a Hitler-figure, as an immoral politician, incapable of leading this nation. Impeachment looms on the horizon.

Somehow the perspective has been lost completely.

Just how great are his crimes? How many lives have been lost? How many tax dollars have been misappropriated? How many elected officials have been contaminated?

And let's compare Nixon with several of his predecessors, too, while we're at it.

I was in Washington, D.C., in the new State Department building a number of years ago on the exact day President John F. Kennedy confessed to us that American pilots were flying missions for the first time in South Vietnam.

Before that, under President Eisenhower, we had only an advisory role. Now we were projected—by presidential decree—into that of actual combatants. The pilots who died on those first sweeps started a parade of dead that later seemed interminable. And the war itself was almost interminable, made so because of the no-win policies inflicted on our fighting men.

And don't forget we had the ill-conceived and ill-fated Bay of Pigs invasion of Cuba, engineered by Kennedy, who let the Cuban patriots die on the beaches because no American fire or air power had been supplied as promised. Not even the New York Times protested! And there were no cries for impeachment.

Does the arrest of the four Cubans in the Watergate burglary match this tragedy as some commentators would have us believe?

I heard President Lyndon Johnson in Peoria, condemning Barry Goldwater as a warmonger, while proclaiming himself as a disciple of peace. Many of us still remember the distasteful TV commercials of the little girl with a daisy being blown up in an atomic holocaust, all because of Goldwater, according to the Johnson scriptwriters. Johnson once said: "I'm President of the United States and I can do any goddam thing I want to." And he did. So it wasn't surprising that in a few months after his election, the Messiah of peace out-Goldwatered Goldwater, hobbling us in a war unlike any other in our history.

I felt at the time that Johnson was a dangerous hypocrite and the thousands of crosses in the jungles of Southeast Asia now attest to that truth. And surprisingly—or is it surprisingly?—the fawning liberal press praised Johnson as a hero upon his death. Impeachment never crossed their minds.

Yet these same critics are yelping at Nixon's heels, even though it was Nixon who brought that ugly war to a conclusion.

For the first time in a generation America is at peace. For the first time in more than a score of years, no American serviceman is dying in combat.

And it was Nixon who broke down the barriers separating the U.S. from both Red China and the Soviet Union, no small accomplishment under any standards.

To understand Watergate, it is wise to reflect on the America Nixon inherited as President. Cities were burning. Weathermen revolutionaries were blowing up buildings, occasionally themselves. Civil disobedience was the pattern. President Johnson could not even attend the Democratic convention in Chicago, so ugly was the mood. Candidate Eugene McCarthy couldn't get from his hotel to the convention hall because of demonstrators on the streets. Yippies rioted in the parks, foul words written on their foreheads; some with their pants' fronts opened, exposing themselves. Others contented themselves with throwing human waste at the harassed Chicago police. I was happy to get away from that scene.

And can you honestly say conditions in the U.S. are worse now under Nixon? You've got to be lying in your teeth!

Honk for impeachment, if you will. The sounds can be heard again over the still land; a few years ago they would have been drowned in the cacophony of discontent.

OBJECTIONS TO SONNENFELDT CONFIRMATION MUST BE ANSWERED—PART XII

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. ASHBROOK. Mr. Speaker, over a number of months I have called to the attention of Members of Congress statements, newspaper accounts and other information raising questions concerning the nomination of Mr. Helmut Sonnenfeldt as Under Secretary. A number of witnesses have testified before the Senate Finance Committee in opposition to his confirmation. The hearings began on May 15 were finally concluded on October 2 and the committee voted to approve his confirmation.

The Senate hearings provided a dramatic note when Mr. Sonnenfeldt, Mr. Stephen Koczak and Mr. Otto Otepka gave conflicting testimony under oath, suggesting the possibility of perjury.

What started out as a pro forma confirmation hearing, now has become the subject of much controversy. To illustrate the complexity of the case, I am inserting into the RECORD two letters to Senator RUSSELL LONG, chairman of the Senate Finance Committee from Mr. John Hemenway, who was the first opposition witness on May 15. A copy of my news release, to be released on Friday, November 9, dealing with the case and hearings now being currently held by the House Internal Security Committee is also included:

WASHINGTON, D.C.,
Nov. 7, 1973.

Senator RUSSELL B. LONG,
Chairman, Committee on Finance, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Issues, such as the integrity of witnesses and the sanctity of public documents and records, brought into public focus by the Senate Select Committee on Watergate, provide the background against which many current events are judged.

The Nomination of Helmut Sonenfeldt (and others), in the Finance Committee's publication of the Confirmation Hearings of May 15, 1973, October 1 and 2, 1973 cannot escape the Watergate context and re-examination of standards.

Therefore, the large number of matters left unresolved in your Committee report struck me. They are important matters, particularly if senators voting on the matter of confirmation are of the belief that the Finance Committee looked into all of the evidence available concerning Mr. Sonnenfeldt's qualifications for high office.

I appreciate your sense of fair play in permitting me to testify before your Committee, even though you support the nomination of Helmut Sonnenfeldt and you know I opposed it. However, left unresolved are important matters relating to Mr. Sonnenfeldt's personal integrity. This matter, in turn is related to every citizen's respect for and trust in the honesty with which his government manages the affairs of this Republic.

Counting again on your sense of fairness, I have set down a number of matters that were not resolved by your Committee during the limited time it actually devoted to the matter of Mr. Sonnenfeldt's qualifications. I hope that you may, in the interest of evenhandedness, call these matters to the attention of your Committee members and other senators in a supplemental report. My list, while long, is not by any means comprehensive.

Item and nature of the information or evidence unreported

1. *Mr. Otepka* had more to say—(*Transcript* p. 128) "Chairman Long (to witness Otepka): ". . . there is a lot more you should be asked to tell us about . . . I may have to ask one of our staff people to sit with you . . . or else ask you to come back before the committee . . . . I have to leave at this point, but this is a matter that I think will have to be cleared up." *In fact*, there were a lot of matters raised by the Otepka testimony that never were clarified, but neither Sen. Long, nor any staff member requested further clarification, and little of this appears in the transcript.

2. Mr. Koczak asks permission to submit new statement—Mr. Koczak, caught by surprise, testified on October 1, extemporaneously. He asked for permission to testify and elaborate on his extemporaneous remarks of October 1 (Transcript p. 89–98). He reported (T., p. 141) that the Senate Finance Committee Staff will not accept a letter clarifying false statements published in the New York Times. His full remarks, under oath, were given to the Ichord Committee of the House of Representatives today, 7 November, 1973, but the revealing testimony on discrepancies in Sonnenfeldt's testimony to the Finance Committee has been denied to the senators asked to vote on the basis of the Finance Committee's Report.

3. Perjury—One can not read the Sonnenfeldt Hearing Record carefully without being aware of the likely possibility that perjury has been committed. For this reason I wrote to the US Attorney for the District of Columbia and to the Acting Attorney General on November 1, 1973 asking these officials to investigate the matter. These letters, along with Congressman Ashbrook's own letter to the Attorney General bearing on the identity of an FBI Agent in the matter (see below) were published in the *Congressional Record* of November 1, 1973, p. 35705.

4. Witness: Francis Niland—Mentioned by Mr. Otepka (T. p. 127 and T. p. 128) as a key witness to confirm Mr. Opteka's own sworn testimony as to improper activities of Mr. Sonnenfeldt. He was not called, but was interviewed by one of the Committee. There is no record of that interview in the Committee record.

5. Witness: Hugh Cumming—Named by Mr. Otepka as of the opinion that Mr. Sonnenfeldt had a propensity to divulge classified information to unauthorized persons. Cumming was Director of the Bureau of Intelligence and in a position to corroborate Opteka. He was not called by the Committee.

6. Witness: Herbert Lampe—Named by Journalist Paul Scott (T. p. 152) as the man in the security division of the Department of State who "sat on the wire tap" on Sonnenfeldt for over a year. He was not called by the Committee.

7. Witness: Morris Ernst—Named by John Hemenway as the Director of Economic Research for CIA who asserts that Mr. Helmut Sonnenfeldt and the NSC staff were kept informed of all aspects of intelligence concerning the grain deal with the Soviets and factors that could affect it on a day-by-day basis in Hemenway's letter to Senator Long of 6 November, 1973. Sonnenfeldt's responses to Senator Byrd (Va.) disclaim any intimate knowledge of the grain deal and all responsibility for it. (See especially, T.p. 76, and also, T. p. 77, 78, 84, 61, 59, 58, 56, and 55.) Mr. Sonnenfeldt's veracity on this point was not probed by the Committee.

8. Witness: General Haig and Henry A. Kissinger—Named by former Presidential Counsellor Mollenoff as one of two White House aides (the other was Dr. Henry Kissinger) to whom he provided the very information, the Finance Committee was investigating. Nothing was done by Gen. Haig or Dr. Kissinger with this information (T. p. 98) Congressman Ashbrook in a letter to Senator Long notes that something *was* done. As soon as Mollenhoff left the White House, Sonnenfeldt was promoted to FSO–1. (T. p. 107)

9. Witness: "Sid" Goldberg—Mr. Goldberg, a publisher and journalist for over 22 years in the special field of personnel practices of the Federal Government, received first-hand information about the "sanitizing" of Sonnenfeldt's security file just prior to Sonnenfeldt's lateral entrance into the U.S. diplomatic service at the rank of FSO–1 (equivalent to major general. (T. p. 155) Mr. Goldberg was not called by the committee.

10. Witness: Jesse M. Macknight—Yet another witness available to testify that the materials reviewed by the panel convened to bring Sonnenfeldt into the diplomatic service were specially screened. (T. 156) He was not called by the Committee.

11. Witness: FBI Agent name not known—Named by Mr. Koczak (T. p. 93) as detailed to covert security operation, this is the agent who investigated the Sonnenfeldt matter. Name requested by Congressman Ashbrook (Congressional Record of November 1, 1973, p. 35705.) Not called by the Committee.

12. Three U.S. Diplomats, the FSO Exam Panel—This group routinely okayed Sonnenfeldt's fraudulent entry into the US diplomatic service at the rank of FSO–1 (they probably did not know that fraud was involved.) The panel consisted of Amb. Margaret Joy Tibbits, Howard L. Persons, and Alan Fidel. (T. p. 28.)

13. Witness: Jane Dannenhauer and Fred F. Fielding—Staff assistant in charge of the White House Security Office named by Secretary Shultz (T. p. 110) as reviewing officer (together with Fred F. Fielding) on the various security checks on Mr. Sonnenfeldt (T. p. 110). The problem is that, according to Mr. Otepka (T. p. 111) there are numerous serious discrepancies which remain unresolved by the statements or reviews of Miss Dannenhauer and Mr. Fielding. The Committee did not pursue this line of inquiry.

14. Witness: Mr. Otepka's Secretary—Named by Mr. Otepka (T. p. 126) as having transcribed the wire taps on Mr. Sonnenfeldt. These wire taps provided the solid basis for knowing that Mr. Sonnenfeldt was not telling the truth on several material points during official investigations. Was not called by the Committee.

The above list of uncalled witnesses and unresolved matters is not complete. It simply serves to give you an idea of the kind of problem I believed important enough to call to your attention. Clearly, the facts are not all in, yet, and some of the facts that are in the record suggest strongly that perjury has been committed during the Hearing and that Sonnenfeldt's chief qualification for being Under Secretary of the Treasury is the fact that he has a close personal friendship with Mr. Henry Kissinger, now Secretary of State.

It may not be significant, in the view of some, that Mr. Sonnenfeldt claimed to be handling all Soviet and European matters for Mr. Kissinger in the NSC. However, when asked several times (see point #7, above) about the disastrous grain deal with the Soviet Union that has cost the US Government billions of dollars, so far, Sonnenfeldt claimed: "That happens to be one negotiation . . . I did not participate in."

Sonnenfeldt never did answer Senator Byrd's follow-up question, "Surely you had some input in regard to that Soviet grain deal, did you not? (T. p. 76, bottom of the page.)

Most Congressmen and U.S. Senators are very concerned for the plight of the millions of average Americans paying taxes they find difficult to pay. With his mentor, Secretary Kissinger, this potential Under Secretary of the Treasury has just participated in a $5 billion fiscal and strategic mistake that is going to have to be paid for by thousands of taxpayers. What will they think of Mr. Sonnenfeidt's answer to one of Senator Byrd's discerning probes:

"Sonnenfeldt: Well, I come from a background, Senator, in Europe, where high taxes have prevailed for generations." (T. p. 135.)

Senator Mondale has claimed that the position for which Mr. Sonnenfeldt is being considered is ". . . one of the most important in American government." (T. p. 88). Surely, therefore, the unresolved matters cited above which reflect adversely on Mr. Sonnenfeldt's personal integrity should be resolved or at least clarified before he is permitted to occupy a post of such importance.

I offer you the above comments on the Hearing Record, Senator Long, in the hope that you may wish to make it available to your colleagues in the senate before they are asked either to confirm or deny confirmation to Mr. Helmut Sonnenfeldt to be Under Secretary of the Treasury.

Sincerely yours,

JOHN D. HEMENWAY.

WASHINGTON, D.C.,
November 6, 1973.

Senator RUSSELL LONG,
Senate Finance Committee,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: That Mr. Helmut Sonnenfeldt did not respond honestly or truthfully to questions put to him by members of your Committee was confirmed once again by additional information that has been made by available to me.

Mr. Morris Ernst, Director of Economic Research for CIA confirms to my informants that Mr. Helmut Sonnenfeldt, specifically along with Mr. Clarence Palmby and the entire technical staff of the Department of Agriculture and the NSC were kept informed of all aspects of intelligence concerning the wheat deal and factors that could affect it on a day-by-day basis.

You will recall that, during Senator Byrd's (Virginia) intensive questioning of Mr. Sonnenfeldt concerning the US/USSR grain transaction, Mr. Sonnenfeldt claimed that he was uninformed in this matter. He acknowledged that practically all other East/West arrangements were under his direction *except* the wheat deal, on which he was not really kept informed.

If you will review the transcript (published yesterday) you may find that Mr. Sonnenfeldt's responses to Sen. Byrd's questions lack a certain quality of native candor.

Since I understand that the Committee has reported out of Committee the nomination of Mr. Helmut Sonnenfeldt to be Under Secretary of the Treasury, I felt that you should be informed of these facts attributed to Mr. Ernst. I would be glad to reveal my source if you indicate a genuine interest in tracking this matter down. I understand that Senators Talmadge, Byrd (Va.) and Mondale were absent when the vote was taken in Committee—vote you asserted was unanimous. Since this might be a matter of importance to you, the Committee, and to them, I am hand-delivering this letter, as indicated, this afternoon, with copies to the absent senators.

You also should know that I have requested the Attorney General (Acting) to examine the Sonnenfeldt hearing transcripts for the clearly probable case of perjury it documents. This correspondence was published in the attached Congressional Record enclosed. Just as you may feel you have done your duty in this matter, you will understand that I, too, must do my duty as I see it.

Sincerely yours,

JOHN D. HEMENWAY.

[News release]

WASHINGTON.—Congressman John M. Ashbrook (R-Ohio), ranking minority Member of the House Internal Security Committee (HCIS) stated today that the identities are known of a number of people at the White House, Justice Department, State Department, Civil Service Commission and the Treasury Department who have been involved at various times and in varying degrees in the controversial case of Helmut Sonnenfeldt, the present nominee for Under Secretary of the Treasury. Ashbrook questioned the effectiveness of the Federal Civilian Employee Loyalty-Security Program, now under review by the Committee, as it relates to the Sonnenfeldt case in which in a recent development conflicting testimony by Sonnenfeldt, Stephen Koczak and Otto Otepka under oath before a Senate Committee suggests the possibility of perjury.

In citing the Sonnenfeldt case and the Federal security program, the Ohio Congressman referred to a number of individuals as potential Committee witnesses at an open session of a subcommittee of HCIS on November 7 just before the subcommittee voted to go into executive session to hear Koczak, who has accused Sonnenfeldt of leaking highly classified information to a foreign power.

Congressman Ashbrook stated:

"There are a number of people both in and out of government who might well be of great help to HCIS in its application of the Federal program to the Sonnenfeldt case. Whether perjury was committed or not, the importance of an individual case is secondary to a true evaluation and possible revision of a program designed to insure suitable and trustworthy employees for Federal service. The conduct of key Federal employees involved in the Watergate affair attests to this."

Ashbrook cited his experience with the Treasury Department and the Civil Service Commission in eliciting information on the Sonnenfeldt case:

"In listing the various investigations of Mr. Sonnenfeldt, both Treasury and CSC omitted investigations in the 1959–61 period involving the FBI, State Department security investigators, the use of the lie detector and phone taps to discover whether Mr. Sonnenfeldt was leaking classified information. Furthermore, the CSC's Security Investigations Index which lists all personnel investigations and is used by Federal investigators is of questioned reliability if the Sonnenfeldt case is any indicator. The Index shows no investigations between 1955 and 1966, indicating the deliberate withholding from CSC of pertinent information required under the Federal Civilian Employee Loyalty, Security Program."

THE INSTANT HYSTERIA SYNDROME

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. LANDGREBE. Mr. Speaker, hysteria has surrounded the entire Watergate affair, and recent event in the Justice Department have caused a quantum leap in this hysteria. I submit to the RECORD the following article by Ben Cole of the Indianapolis Star for consideration by my colleagues.

THE INSTANT HYSTERIA SYNDROME

(By Ben Cole)

WASHINGTON.—The four-day hubbub over President Nixon's shakeup of the Justice Department ought to inspire some reflections on the instant hysteria syndrome in modern America.

According to Gen. Alexander Haig, the President's top assistant, the White House failed to anticipate the furious reaction that ensued when Mr. Nixon fired Watergate Prosecutor Archibald Cox, when Deputy Attorney-General William D. Ruckelshaus either quit or was discharged, and when Attorney General Elliot Richardson resigned.

The pros and cons of it all are still being talked about, although the discussion is less impassioned since the President's latter day decision to let Federal Judge John Sirica listen to those controverted White House tapes.

But what is important is the suddenness with which the obviously tempestuous White House action stirred national emotions—and the manner in which they were aroused.

Mr. Nixon evidently came to the conclusion that Cox must go right after the Watergate prosecutor announced he would refuse to accept extracts of those disputed tapes, and would go to court to get the real thing. Mr. Nixon, in fact, never exactly fawned on Cox, anyway.

When Richardson resigned rather than do the firing, the job was passed to Ruckelshaus, who said he was conscience bound, too. So out went the youthful Hoosier star in the administration.

All this happened in the space of hours and broke on the TV networks approximately at the Saturday dinner hour. At least one young TV announcer, filmed on the White House lawn, was so excited by it all that he was visibly trembling.

And then came the hours upon end of analysis, commentary, man-on-the-street reaction interviews that whipped up excitement in the populace as the weekend continued. By Sunday, the available figures of prominence were adding their nickel's worth on the TV panel and talk shows.

When Congress convened on Tuesday, cries of impeachment rang deafeningly beneath the great cast iron dome of the Capitol. The press galleries were crowded with correspondents who practically never put in appearances except in times of greatest transitory excitement.

And when at last Mr. Nixon decided to hand over the tapes, the decision deflated it all so quickly that the relaxation was even visible. The press gallery was almost empty, shouts of impeachment dropped to conversational pitch.

Without taking up the merits of the President's actions, it is possible to see a great danger in the abruptness of the reaction. It was as though the whole United States with its teeming millions were a little town. All at once there ran a report that a dire crime had been committed. Who's the culprit? Then word spread that it was the mysterious person living alone on the edge of town.

All it took was one resonant voice crying, "The rope!" and off galloped the townsmen, no longer possessed of reason but transformed into a mob.

Television is a miracle that is with us, and it will continue to be with us for the rest of our lives. What is more, the way the TV—news industry uses that medium is up to its own people. And it would be dangerous to suggest anything else.

So TV is a fact, and the danger that it can produce the instant hysteria syndrome is always present. These things cannot be changed.

But humans are adaptable. The American people must come to realize that this instant communication is part of their environment and learn how to deal with their own reactions.

Politicians up to and including presidents must always keep in mind, as well, the swiftness with which the word is spread, for better or for worse.

SENATE—*Friday, November 9, 1973*

The Senate met at 11 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, who hast revealed Thyself in a Carpenter-Physician-Teacher, make known Thyself to us in the quiet discharge of each day's duty, ennobling all our labor by doing it as unto Thee. Keep ever before us the vision of Thyself in the common things of every day, that we may find a divine calling serving our fellowman in this place. We pray not for tasks fitted to our strength but for strength which fits us for our tasks. When we ask Thee "to forgive us our trespasses" may we be sure "to forgive those who trespass against us." Gather the President, all legislators, all jurists, all those in the diplomatic and military services, and all citizens of this great land under the shelter of Thy forgiveness, Thy mercy, and Thy love that the Nation may live righteously as "one nation under God."

In Thy holy name we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., November 9, 1973.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries.

THE ENERGY CRISIS—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate a message from the President of the United States which was referred jointly to the Committees on Armed Services, Banking, Housing and Urban Affairs, Commerce, Government Operations, Interior and Insular Affairs, Public Works, and the Joint Committee on Atomic Energy. The message is as follows:

To the Congress of the United States:

As America has grown and prospered in recent years, our demands for energy have begun to outstrip available supplies. Along with other major industrialized nations, we are now faced with the prospect of shortages for several years to come.

Two years ago, in the first energy message ever sent to the Congress by a President of the United States, I called attention to the looming energy problem. Since that time, I have repeatedly warned that the problem might become a full-blown crisis, and seeking to minimize shortages, I have taken a number of administrative steps to increase supplies and reduce consumption. Earlier this year, I also sent more than a half dozen urgent legislative proposals to the Congress. While none of these has yet been enacted, I am hopeful at least several of the measures will be ready for my signature before year's end.

Unfortunately, the energy crisis that once seemed a distant threat to many people is now closing upon us quickly. We had expected moderate shortages of energy this winter, but four weeks ago, when war broke out in the Middle East, most of our traditional suppliers in that area cut off their shipments of oil to the United States. Their action has now sharply changed our expectations for the coming months.

Largely because of the war, we must face up to the stark fact that we are heading toward the most acute shortages of energy since the Second World War. Of the 17 million barrels of oil a day that we would ordinarily consume this winter, more than two million barrels a day will no longer be available to us. Instead of a shortage of approximately 2–3 percent that we had anticipated this winter, we now expect that our supply of petroleum will be at least 10 percent short of our anticipated demands—and could fall short by as much as 17 percent.

ADMINISTRATION ACTIONS TO MEET THE EMERGENCY

Faced with this emergency, I believe that we must move forward immediately on two fronts: administrative and legislative.

In a speech to the Nation last night, I announced a number of immediate actions:

First, industries and utilities which use coal—our most abundant resource—will be prevented from converting to oil. Efforts will also be made to convert power plants from the use of oil to the use of coal.

Second, reduced quantities of fuel will be allocated to aircraft. This will lead to a cutback of some 10 percent in the number of commercial flights, but it should not seriously disrupt air travel nor cause serious damage to the airline industry.

Third, there will be reductions of approximately 15 percent in the supply of heating oil for homes, offices and other establishments. This is a precautionary measure to ensure that the oil now available not be consumed early in the winter, so that we shall have adequate amounts available in the later months. This step will make it necessary for all of us to live and work in lower temperatures. We must ask everyone to lower the thermostat in his home by at least 6 degrees, so that we can achieve a national daytime average of 68 degrees. In offices, factories and commercial establishments we must ask that the equivalent of a 10-degree reduction be achieved by either lowering the thermostat or curtailing working hours.

Fourth, there will be additional reductions in the consumption of energy by the Federal Government, cutting even deeper than the 7 percent reduction that I ordered earlier this year. This new reduction will affect the operations of every agency and department in the Government, including the Defense Department, which has already led the way in previous cutbacks. As one of the steps in this Federal effort, I have ordered that daytime temperatures in Federal offices be reduced to a level between 65 and 68 degrees. I have also ordered that all vehicles owned by the Federal Government be driven no faster than 50 miles per hour except in emergencies. This is a step which I have also asked Governors, mayors, and other local officials to take immediately with regard to vehicles under their authority.

Fifth, I have asked the Atomic Energy Commission to speed up the licensing and construction of nuclear plants, seeking to reduce the time required to bring nuclear plants on line from ten years to six years.

Sixth, I have also asked Governors and mayors to reinforce these actions by taking appropriate steps at the State and local level. Among the steps which I believe would be helpful are these: staggering of working hours, the encouragement of mass transit and carpooling, alteration of school schedules, and elimination of unnecessary lighting. I have also recommended to the Governors that, consistent with safety and economic considerations, they seek to reduce highway speed limits to 50 miles per hour. This step alone could save over 200,000 barrels of oil a day.

NEED FOR EMERGENCY LEGISLATION

As essential as these actions are to the solution of our immediate problem, we must recognize that standing alone, they are insufficient. Additional steps must be taken, and for that purpose, we must have new legislation.

I am therefore proposing that the Administration and the Congress join forces and together, in a bipartisan

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spirit, work to enact an emergency energy bill. Members of my Administration have been consulting with apppropriate leaders of the Congress for more than two weeks on this matter. Yesterday I met with the bipartisan leaders of the House and Senate and found them constructive in spirit and eager to get on with the job. In the same manner, I pledge the full cooperation of my Administration. It is my earnest hope that by pushing forward together, we can have new emergency legislation on the books before the Congress recesses in December.

Based on previous consultations with the Congress, I have decided not to send a specific Administration bill to the Congress on this matter but rather to work with the Members in developing a measure that would be acceptable to both the executive and legislative branches. As part of that process, I think it would be helpful to call attention to those provisions that I think should be included in this emergency bill. At a minimum, I hope that the act would:

—Authorize restrictions on both the public and private consumption of energy by such measures as limitations on essential uses of energy (office hours, for instance) and elimination of non-essential uses (decorative lighting, for example);

—Authorize the reduction to 50 miles per hour of speed limits on highways across the country;

—Authorize the exemption or granting of waivers of stationary sources from Federal and State air and water quality laws and regulations. Such actions would be taken through the Administrator of EPA.

—Authorize the exemption of steps taken under the proposed energy emergency act from the National Environmental Protection Act (NEPA).

—Provide emergency powers for the Federal regulatory agencies involved in transportation to adjust the operations of air, rail, ship and motor carriers in a manner responsive to the need to conserve fuel.

—Empower the Atomic Energy Commission to grant a temporary operating license of up to 18 months for nuclear power plants without holding a public hearing. Such actions would be subject to all safety and other requirements normally imposed by the Commission.

—Authorize the initiation of full production in Naval Petroleum Reserve #1 (Elk Hills, California) and the exploration and further development of other Naval Petroleum Reserves, including Naval Petroleum Reserve #4 in Alaska.

—Permit Daylight Saving Time to be established on a year-round basis.

—And authorize the President, where practicable, to order a power plant or other installation to convert from the use of a fuel such as oil to another fuel such as coal and to make such equipment conversions as are necessary.

In addition to the provisions above, all of which I believe must be enacted before December, there are a number of other authorities which should be provided as soon as possible and hopefully will be included in the emergency measure.

One such provision would grant the President additional authority to allocate and ration energy supplies. Under this new authority, the President could take such actions based solely upon energy considerations. It is my hope that rationing of energy products will never be required, but if circumstances dictate it, there should be no impediments to swift action. For contingency purposes, I have already directed that plans for gasoline rationing be drawn up and held in reserve.

Recognizing that a more efficient use of our transportation resources is necessary, we should also provide additional authority to encourage greater use of funds from the Federal-Aid Highway Act of 1973 for mass transit capital improvements.

In addition, we should provide the Federal Power Commission with authority, during the duration of the energy emergency, to suspend the regulation of prices of new natural gas at the wellhead.

Finally, I believe it would be wise if, on energy grounds, the President were empowered to exercise any authority now contained in the Defense Production Act, the Economic Stabilization Act and the Export Administration Act, even though those acts may have otherwise expired.

MEETING THE LONG-TERM CHALLENGE

As we act to deal with the immediate problem before us, we must not ignore the need for preventing such a crisis from recurring. The lead-times required to meet our long-range energy needs dictate that we must move on them at once.

Legislation authorizing construction of the Alaskan pipeline must be the first order of business as we tackle our long-range energy problems. The American people are depending upon the Congress to enact this legislation at the earliest possible moment, and they are depending upon me to approve it. With passage apparently imminent, I would urge the Congress not to burden this legislation with irrelevant amendments. This is no time to hold the Nation's energy future hostage to other controversial interests.

I am also requesting early action on pending legislative proposals to:

—permit the competitive pricing of new natural gas;

—provide reasonable standards for the surface mining of coal;

—provide simplified procedures for the siting and approving of electric energy facilities;

—establish a Department of Energy and Natural Resources;

—and provide procedures for approving construction and operation of deepwater ports.

Because of the critical role which energy research and development will play in meeting our future energy needs, I am requesting the Congress to give priority attention to the creation of an Energy Research and Development Administration separate from my proposal to create a Department of Energy and Natural Resources. This new administration would direct the $10 billion program aimed at achieving a national capacity for energy self-sufficiency by 1980.

This new effort to achieve self-sufficiency in energy, to be known as Project Independence, is absolutely critical to the maintenance of our ability to play our independent role in international affairs. In addition, we must recognize that a substantial part of our success in building a strong and vigorous economy in this century is attributable to the fact that we have always had access to almost unlimited amounts of cheap energy. If this growth is to continue, we must develop our capacity to provide enormous amounts of clean energy at the lowest possible cost. Thus, irrespective of the implications for our foreign policy and with the implicit understanding that our intentions are not remotely isolationist, the increasing costs of foreign energy further contribute to the necessity of our achieving self-sufficiency in energy.

Richard Nixon.

The White House, *November 8, 1973.*

Mr. ROBERT C. BYRD subsequently said: Mr. President, I ask unanimous consent that the President's message be referred jointly to the following committees:

Armed Services; Banking, Housing and Urban Affairs; Commerce; Government Operations; Interior and Insular Affairs; Public Works; and the Joint Committee on Atomic Energy.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. Allen) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H.R. 4771) to authorize the District of Columbia Council to regulate and stabilize rents in the District of Columbia.

The message also announced that the House had passed the following bill in which it requests the concurrence of the Senate:

H.R. 11104. An act to provide for a temporary increase of $10,700,000,000 in the public debt limit and to extend the period to which this temporary limit applies to June 30, 1974.

HOUSE BILL REFERRED

The bill (H.R. 11104) to provide for a temporary increase of $10,700,000,000 in the public debt limit and to extend the period to which this temporary limit applies to June 30, 1974, was read twice

by its title and referred to the Committee on Finance.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, November 7, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORIZATION FOR ALL COMMITTEES TO HAVE UNTIL MIDNIGHT SATURDAY, NOVEMBER 10, 1973, TO FILE REPORTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all Senate committees have until midnight Saturday to file reports.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS FOR THE ATOMIC ENERGY COMMISSION FOR FISCAL YEAR 1974

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 463, S. 2645.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The legislative clerk read as follows:

S. 2645, to amend Public Law 93–60 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101(a) of Public Law 93–60 is hereby amended by striking therefrom the figure "$1,740,750,000," and substituting the figure "$1,751,450,000".

Sec. 2. Section 101(b) of Public Law 93–60 is hereby amended by adding to subsection (b)(1) the following words: "Project 74–I–1, additional waste concentration and salt cake storage facilities, Richland, Washington, $30,000,000."

SENATOR CANNON ON "FACE THE NATION"—NOMINATION OF GERALD R. FORD TO BE VICE PRESIDENT

Mr. MANSFIELD. Mr. President, on Sunday, November 4, 1973, the distinguished Senator from Nevada (Mr. Cannon), the chairman of the Committee on Rules and Administration, appeared on the nationwide telecast "Face the Nation."

At that time, he was interviewed by George Herman of CBS News, Carl Leubsdorf of the Associated Press, and Marya McLaughlin of CBS News.

I watched the telecast in its entirety. I was tremendously impressed with the way Senator Cannon conducted himself and the logic with which he answered the questions.

I think, because of the situation which confronts the Nation and will confront the Senate shortly relative to the nomination of a new Vice President, it would behoove the Senate to look over the transcript of the interview on "Face the Nation," because it answers a lot of questions. Senator Cannon answered them capably and well.

Mr. President, I ask unanimous consent that the transcript of this telecast "Face the Nation" in which Senator Howard Cannon, chairman of the Committee on Rules and Administration, was the main participant, be printed in the Record.

There being no objection, the transcript was ordered to be printed in the Record, as follows:

Face The Nation as Broadcast Over the CBS Television Network

George Herman. Senator Cannon, three American newspapers of some significance have called in editorials this morning for the resignation of President Nixon. Do you think such mounting pressures are going to force him to resign as President of the United States?

Senator Cannon. Well, if you had asked me that a week or ten days ago, I would have said there is no chance, but the way the pressures are continuing to mount, I wouldn't want to make a guess in that area. We went through the Agnew incident and we saw the same type of thing occur. There was no question but what Mr. Agnew would not resign, and then all of a sudden he did, so I would not want to speculate very strongly in that area.

Announcer. From Washington, D.C., Face the Nation, a spontaneous and unrehearsed news interview with the Chairman of the Senate Rules Committee, Senator Howard Cannon, Democrat of Nevada, Senator Cannon will be questioned by CBS News Correspondent Marya McLaughlin, Carl Leubsdorf, Chief of the Associated Press Senate Staff, and by CBS News Correspondent George Herman.

Herman. Senator Cannon, if President Nixon were to resign now, the Speaker of the House, a Democrat, would become the President. Do you think that there is any thought in his mind that he would refrain from resigning, if indeed he has any thought of resigning, until after your committee and both Houses of the Congress have confirmed Mr. Ford as the new Vice President?

Senator Cannon. Well, I have a very hard time reading Mr. Nixon's mind, but I would say that from my constituent mail, there are many people in the country who believe that that might be the case. My mail is reflecting a strong urging to delay action on the Ford nomination until the matter is actually settled, because they believe that Mr. Nixon is likely to resign and that they just don't want to see him have the opportunity to appoint his own replacement. My own view is that we should proceed in our normal actions along this line, and that Mr. Ford's nomination should not be held hostage to anything else.

Leubsdorf. How important do you think it is, Senator Cannon, that there be a Republican Vice President in line to take the presidency in case Mr. Nixon is impeached or has to resign?

Senator Cannon. Well, in the first place, our government provides now that the President and Vice President run together, so you can't have the situation of a Republican president and a Democrat vice president or vice versa, because they do run on the same ticket. Now in light of that, then I think that the system that we have established should be followed until such time as it may be changed, and that would mean that we should have the same party in the position to follow along if we're going to go outside of the speakership of the House.

McLaughlin. Senator Cannon, you said that you've gotten a lot of mail that says delay action on Mr. Ford but that you feel that you should go along in an orderly way. If the pressures on President Nixon to resign increase, as they have over the last week, what about your colleagues in the Congress? Do you think they are going to be very—particularly the Democratic ones—I'd say mainly the Democratic ones—are they going to be very eager to put the Good Housekeeping stamp of approval on Mr. Ford?

Senator Cannon. Well, I'm sure that they would not be as eager to move rapidly as if there were no possible chance of the President resigning, and of course they will be the ones that eventually have the say, but I as committee chairman do not want to assume that responsibility to try to delay the nomination for any reason other than the fact that we do need to make a complete and thorough investigation. We need to lay out how Mr. Ford thinks and what he stands for on the record so that the American people will have the opportunity to judge him as they would had he been a candidate for Vice President.

McLaughlin. But do you think that there's a good possibility that you now are working on the confirmation, if that's possible, of the next President of the United States?

Senator Cannon. Well, I've already said that in the hearings in my opening statement. I've pointed out that we could very well be confirming the next President of the United States, not just the Vice President. And I think we have to proceed on that assumption that that possibility is a very strong likelihood.

Herman. Let me go back to your opening question in which you brought up the—reminded us of the situation with Vice President Agnew, how he denied vehemently that he would resign and then did resign, and as it later appeared that vehement denial was for a purpose. Do you see any parallel? Do you think that the denials issuing from the White House now, that he's giving any thought to resigning, are for a similar purpose, perhaps to aid Mr. Ford's confirmation?

Senator Cannon. No, I kind of doubt that. I think that the President has no intention as of this time of resigning. I believe that myself, and so I don't think those denials are for a precise purpose. I frankly was surprised to see some of the very respected newspapers now coming out and suggesting that he ought to, and a number of columnists who have traditionally supported him taking the same position. But I believe that in his own mind that he has no intention of resigning at this time.

Leubsdorf. In your opening statement, which you just referred to, you said that it would be a mistake for the committee to bar approval of Mr. Ford because of what some have called a record of favoritism for big business or indifference to the needs of the disadvantaged, but shouldn't the philosophy

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of the man be important, especially if you are confirming a President?

Senator CANNON. Well, the philosophy of the man should be important, but on the other hand President Nixon is entitled to nominate someone of his own political ideology and his own political philosophy. I have said this before, and I think it's very clear that that's exactly what he has done, and if you will recall in the hearings, we questioned Mr. Ford along these lines, and he pointed out that he was an internationalist in international affairs, and that he was a conservative in fiscal affairs, and a moderate in domestic matters. I don't think his voting record really bears that out, but on the other hand this should be the President's decision, and I don't think we can turn him down simply because I disagree with his philosophy or because some other members of the committee do. And I think that one of the persons who was interviewed was one of those over 1,000 interviews that have been conducted so far—stated it very well when he made the statement that if you like Mr. Nixon, you'll love Jerry Ford.

MCLAUGHLIN. Senator, we've asked you about whether you think Mr. Nixon will resign you know because of pressure and everything; what we haven't asked you, do you think he should?

Senator CANNON. Well, I find some difficulty with that. I would say that as of this very moment, I do not think that he should resign. I think our country has been torn apart very badly up to the present time, and I think that there is still a chance for Mr. Nixon to reestablish himself and reestablish our country in a better light, and I'd like to see some steps taken along those lines. And if that does not occur, it's getting to the point now where we almost hate to listen to the news because of something new that might have occurred, and if we continue to have new disclosures as time goes on that destroy or damage the credibility of the executive branch, then at some time in the future I would be prepared to change my mind.

HERMAN. Do you expect there to be new revelations which might make you change your mind and think the President ought to resign?

Senator CANNON. Well, I don't know of any right at the moment, although I have heard some of the rumors that I'm sure that you have, and in light of the way things have developed in the past, we certainly cannot discount the fact that there may be new disclosures as time goes on.

MCLAUGHLIN. Senator Cannon, in the investigation of Mr. Ford, you have a 1,700 page FBI report, and after reading that report you said there are some questions that will have to be answered by Mr. Ford, some things that will have to be cleared up. Can you tell us if those things have been cleared up in your own mind, whatever they were?

Senator CANNON. Well, a lot of them have, but there are still some questions that we have remaining that we will go into tomorrow. You know, in FBI raw files, such as the 1,700 pages that you referred to, those contain people that say, well, I've heard this said or I've heard that said, or I read something in the paper one time, and—so these are leads that we generally try to follow them out if it sounds like there is anything serious. We try to follow them through, we try to run them down, we try to get affidavits or statements from people involved—

HERMAN. Have you succeeded?

Senator CANNON. Yes, we have. In most instances we have verified—either discounted or verified the things that have been said, and have asked some of the questions about them. You recall one I raised was the so-called laundering of campaign funds, and there are others. One was the so-called treatment by the psychiatrist.

MCLAUGHLIN. Were you satisfied with his answer on the laundering of the campaign funds?

Senator CANNON. Well, I wasn't satisfied, because it simply points out that there are no records available as to who the contributors were, that $38,000-plus that went to the committee out in Michigan. Now, I'd like to have known who the contributors were, but the D.C. committee, in raising those funds, raised the funds, didn't keep the records, and dissolved the committee prior to the April deadline that was written into the law, and this was the general pattern of events that occurred with respect to the raising of the presidential campaign funds that have created so much difficulty.

MCLAUGHLIN. And were you satisfied with his answer about the psychiatrist, about the fact that he had never seen the psychiatrist?

Senator CANNON. Well, if—he said under oath that he had never been treated by, never been a patient of this particular doctor, and of course the implication there was that there would be something wrong with that. I don't think that a person should read that necessarily into a result that many people read it into. I would say that we have requested Dr. Hutschnecker to come in and appear before the committee in executive session because we want to find out precisely from him, under oath, if that is a fact.

LEUBSDORF. A lot of the questions dealt with events mentioned by Mr. Winter-Berger in his book, and you're planning to have Mr. Winter-Berger in executive session Wednesday; why not put him on the stand in public session so that the public can see exactly if these charges hold up?

Senator CANNON. Well, this creates a very difficult problem. This man—many of the things that are stated in the book, we have already verified are not factually supportable, and therefore we think it would be a disservice to people who are named in that book, and who are referred to—it would be a disservice to them, give them no opportunity to refute these charges, when many of them we know presently are not true. And we felt therefore that it was better to interview Mr. Winter-Berger in executive session under oath, and then find out if we should, in light of what has developed, in supportable evidence, if we should then present him before the committee and before the American public in open session.

LAUBSDORF. Do you plan the same procedure with Dr. Hutschnecker?

Senator CANNON. We plan the same procedure with Dr. Hutschnecker, unless the doctor satisfies us when he appears before us in executive session that the facts that we now have are correct.

HERMAN. How will you release the details of what Mr. Winter-Berger has said—what—a sanitized version?

Senator CANNON. Well, we haven't made that determination yet, and that is something the committee will have to decide after we hear Mr. Winter-Berger on Wednesday.

HERMAN. Going back to the FBI 1,700-page document, are you through with that, have you completely explored all the charges, and are you satisfied that Mr. Ford has passed this test?

Senator CANNON. Well, first, I have reviewed all of it personally, every bit that has been furnished me. It did raise some questions that I have requested the FBI now to go back and do some further checking on some of the matters that have been pointed up. That checking has not all been completed, but I hope that I will have the answers on most of it by tomorrow.

MCLAUGHLIN. Do you have faith in that 1,700-page FBI report? You know, you described it as being one of the most thorough—and we went through that same kind of thing, that they had done the most thorough investigation of the Watergate at one time, and there is some doubt whether they actually did. Do you have complete faith in this report you have?

Senator CANNON. Well, I have confidence in the investigative work that's being done. We have not relied solely on the FBI. We have had the General Accounting Office working with us, we have had the Library of Congress doing research with us, we have had our own investigators, we have had the Government Operations investigative committee staff helping us, some of them, and so we have gone to a lot of different sources and I am satisfied in my mind that this is the most comprehensive and the most thorough investigation that has ever taken place in our history with respect to the nomination of either a President or a Vice President to fill that particular office.

LEUBSDORF. I'd like to get back to the question of the relationship between Mr. Ford and Mr. Nixon, which you mentioned. Did you get the impression on Thursday at the hearing that Mr. Ford was trying rather consciously to set himself somewhat aside from Mr. Nixon on such things as executive privilege, the special prosecutor, and the war powers, for example?

Senator CANNON. Yes, I had the feeling that he was trying to point out that, as best he could, that he couldn't be necessarily a blind follower in his views, and that he does differ from Mr. Nixon on some of those points of view. I was very pleased, I may say, to find that he did differ in the areas that he differed with the President on, because I think they're important. I think the executive privilege thing was a good one. On the other hand, there are some areas that I disagree with him, for example, his position on the problem of impeachment—is it just a matter of having the votes and is it a political decision? I think the Constitution makes it clear that that is not the case because impeachment should depend on those strict constitutional requirements and not just whether you have a popularity contest and the political votes to vote an impeachment.

HERMAN. But it hasn't always, has it? You recently—what was the most recent impeachment? There was a judge who was found innocent in the impeachment process, but he was nevertheless impeached, because although innocent, he'd brought disrepute upon his office.

Senator CANNON. Yes, but the judge—the test for a judgeship is different than that of the president and the vice president. It's constitutionally different. Now, the judge can be impeached for improper conduct, and that isn't in the language of the presidential and vice presidential test.

HERMAN. Everything that seems to happen in this particular case is precedent-making. This is the first time the Congress has had a newly named vice president put before it for confirmation, and I wanted to ask you about one of the precedents that Mr. Ford seems to be setting, that is, saying that he has no intention of running for the presidency next time around. In our party political system, do you think that is a good idea?

Senator CANNON. I don't, really. I don't think it's a good idea to pre-commit oneself in a situation such as that and it may have been done for a deliberate reason. He may have felt that this would get a lot of people off his back, so to speak, people who might be considering running next time, and might make it more difficult for him to get confirmed now if he were to leave the door open. I don't like to see that, because I think many situations might occur in the meantime. Let's suppose for example, suppose the President might step out or might be impeached, and Mr. Ford goes in as president, then? Has he then precluded himself, because he said that, from running for re-election? You can conceive that he might have been in office a year's time, and might have started out rather good as a president, and yet, because of what he said, he's precluded himself from running again.

HERMAN. Well, it's not exactly Shermanesque. He simply says he has no intention——

Senator CANNON. I understand.

MCLAUGHLIN. Senator, what do you think the President can do—people talk about his ability to govern—his credibility is gone—what can he do to regain that?

Senator CANNON. Well, I think there are a number of things that could occur that would help re-establish himself or reinstate himself, if you will. One, I think a satisfactory solution of the Middle East crisis would be something that would be helpful. I think to continue the detente relationship with Russia and China, and particularly if he were able to negotiate an agreement with Russia on a mutual and balanced force reduction in Europe, between our NATO allies and the eastern bloc. On the domestic affairs, if he were able to solve this very, very difficult problem of inflation, I think that is the biggest problem in people's mind today, on the domestic level, and then in addition, if he were to start appointing people to office that were not people who were expecting political favors, but people who were able to reinstate the basis of our government here, that were people who were honest and truthful in their relationship to the American people and were capable of doing a good job, and when I say that, I'm thinking now of the situation that we have where we—the President went in, as you know, on a theory of—one of the planks was a law and order and get the crime off the streets, and so on, and yet, we have lost three of the top law enforcement people of this nation by various reasons, but all of these bringing some sort of discredit to the government, either to themselves or to the government, or to the office, or to the presidency, and so this is the sort of thing that I think the President is going to have to work on very hard, and work on to surround himself with people in the White House who the American people have some trust in.

MCLAUGHLIN. I notice that you didn't list on the domestic issues, some sort of resolution of the Watergate business and the tapes.

Senator CANNON. I'm sorry. I didn't mean that to be all-inclusive and I would certainly say the Watergate is—that's a basic thing that has to be resolved—the issue of the tapes and the issue of the Watergate matter and a complete resolution, to the satisfaction of the American people, that all of the leads have been explored and that the people who are guilty in this matter have been properly dealt with.

LEUBSDORF. Senator Goldwater said that he felt the only way that that could be done would be if the President agreed to come and testify before the Ervin Committee. Do you think that's a good idea, or practical solution?

Senator CANNON. I don't think really that that's a practical solution. It might be one, but I don't believe it's very practical. But I do think that the President is going to have to make a free and full disclosure, that he is going to have to give the person who is charged with the responsibility of investigation full and complete authority, with no power of removal, and I know that we get into a constitutional question here, as to whether or not we in the Congress can insist on the appointment or whether the executive branch has that authority. I'm one of those sponsors of the bill to appoint a completely independent prosecutor—to have the court do so—and we have a majority of the senators that are on that, but I know there is a constitutional question involved.

HERMAN. The first step in this whole process is, is it not, is getting a new Attorney General of the United States, Mr. Saxbe? Do you think the Senate is justified in departing from its usual procedure and insisting on holding hearings on a fellow member of the Senate?

Senator CANNON. No. I think that hearings should be held on Mr. Saxbe. Personally, I approve of that appointment. I think he would be a good Attorney General. I do say again, we have a constitutional question there, that's involved in his appointment at the present time, but I do not think that we should have shortcuts in the constitutional process simply because it's a person we know, and I felt the same way about Mr. Ford; even though many of us in the Congress know Mr. Ford, still, we're establishing a precedent here, and we need to go through those procedural steps to safeguard any situation like that that occurs in the future.

HERMAN. How long a procedural step before your committee on Mr. Ford? When will you be ready to report to the Senate?

Senator CANNON. It's somewhat difficult to forecast that at the moment, but I would guess that in the next two weeks we would conclude our hearings on Mr. Ford, and then it would take us a short period of time to work up the report and be prepared to make our recommendations to the Senate.

MCLAUGHLIN. Senator, in the questioning of Mr. Ford on a philosophical basis, there's been a lot of talk about the President's relationship to the country; you've gone into questions of how he feels about war powers, executive privilege and the special prosecutor. But what about how he feels about so many other things? Are you going to pursue how he feels on a lot of domestic issues, such as the welfare issue, civil rights, farm—just to build a picture of Jerry Ford—do you intend to do that?

Senator CANNON. Well, I had not intended to go into that detail in our hearings, because as I said, I think the President's entitled to the philosophy that he wants in there, and Mr. Ford is pretty much a carbon copy of President Nixon certainly in his position on these various domestic issues, because he has been the President's leader and he has fought the President's battles as he well should have in that position, and so his voting record, which is already open to the public, and it's quite well established over the years—it's available to anyone, and it clearly establishes that that is his basic position.

HERMAN. Do you think we'd have been better off under a parliamentary system, where a vote of no confidence in the Congress might have toppled any president by now?

Senator CANNON. Well, I would say that that certainly is an area for historians, perhaps to compare and to make judgments on, but I would certainly say that had we been under that form of government, certainly the events that have occurred would have toppled the government before now, and I found that in some of my visits with some of my friends abroad, that they cannot understand how our government could still be in existence.

LEUBSDORF. Do you feel that if President Nixon resigns, or is impeached there should be or there is any way there can be a special presidential election before the end of the four years to which he was elected?

Senator CANNON. I kind of doubt it. I kind of doubt that there could be, under the present legal situation as it now exists.

HERMAN. Would you like to see one, if it could be worked out?

Senator CANNON. I would like to see some sort of provision in the Twenty-fifth Amendment, as well as if the President were replaced for some sort of—the public to have——

HERMAN. Thank you, Senator Cannon, for being with us on Face the Nation.

ANNOUNCER. Today on Face The Nation, the Chairman of the Senate Rules Committee, Senator Howard Cannon, was interviewed by CBS News Correspondent Marya McLaughlin, Carl Leubsdorf, Chief of the Associated Press Senate Staff, and CBS News Correspondent George Herman. Next week, another prominent figure in the news will Face The Nation.

Mr. HUGH SCOTT. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I yield.

Mr. HUGH SCOTT. Mr. President, I heard the program. It was an excellent program and presented a dignified reaction to many matters of importance to the Nation.

I feel that the distinguished chairman of the Committee on Rules and Administration has performed with his usual great capacity and diligence. He has done an excellent job in conducting the investigation into the qualifications of the Vice President-designate, Mr. FORD. All the questions which anyone sought to raise are being considered. I congratulate the chairman for the manner in which he has presided over his committee.

Mr. MANSFIELD. The Committee on Rules and Administration, under the chairmanship of the Senator from Nevada (Mr. CANNON), has moved with expedition and efficiency. The committee has not dodged asking hard questions, and the nominee has not dodged answering hard questions. I hope it will be possible before too long to get action on the nomination, and that we may submit the question to the Senate before Thanksgiving.

Mr. HUGH SCOTT. I certainly hope so. The ranking member of the committee, the distinguished Senator from Kentucky (Mr. COOK), has also made possible the reasonable expedition by the careful, deliberative course that he has pursued.

Mr. MANSFIELD. He has, indeed. He and the chairman have worked in tandem, and the whole committee has shown a high degree of dignified purpose.

CONTINUATION ON PAYROLL OF CERTAIN EMPLOYEES OF VICE PRESIDENT

Mr. MANSFIELD. Mr. President, on behalf of the Republican leader, the distinguished Senator from Pennsylvania (Mr. SCOTT), and myself, I send to the desk a resolution and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The resolution will be stated.

The legislative clerk read as follows:

S. RES. 199

Resolved, That not more than four of the clerical and other assistants to the Vice President continued on the payroll of the Senate under authority of Senate Resolution No. 184, agreed to October 10, 1973, are hereby continued on such payroll at their respective salaries for an additional period of not to exceed thirty days, such sums to be paid from the contingent fund of the Senate: *Provided*, That any such assistants continued on the payroll while so continued, shall perform their duties under the direction of the Secretary of the Senate, and the Secretary of the Senate is hereby authorized and directed to remove from such payroll any such assistants who are not attending to the duties for which their services are continued.

The ACTING PRESIDENT pro tempore. Is there objection to the immediate consideration of the resolution?

There being no objection, the resolution (S. Res. 199) was considered and agreed to.

Mr. HUGH SCOTT. Mr. President, with regard to the measure just agreed to, I think we ought to make a little legislative history, with the approval of the distinguished majority leader.

We have extended the payment of salaries for 30 days. We do not know whether the nomination of the Vice President-designate will actually be confirmed before 30 days. If a few more days are involved, I take it that the majority leader would have no difficulty in extending the period reasonably, for a short time, by further action, if necessary, pending the actual confirmation of the nomination of the new Vice President.

Mr. MANSFIELD. No, I would agree with the distinguished Republican leader. I feel safe in saying that I think the Senate would also agree.

THE PROPOSED RECESS

Mr. HUGH SCOTT. Mr. President, on my own time, let me say that I regret the proposed recess very much, because we in the Senate are really caught with our calendar down. We have very little work to do. We are waiting for the other body. We took a recess in October. Now we are faced with a recess of 10 days in November, which will carry us into a December session.

This is a situation which is difficult for the Members of Congress and for their families. I think it is difficult for the people of the country, because I have sensed over the years that people are happier when Congress is out of session. Certainly, when we are out of session, we cannot hurt anybody very much. Therefore, we ought to finish our work and go home.

I know that the distinguished leaders on the other side of the aisle as well as on this side of the aisle have indeed wrought mightily this year and have done a very considerable job and were not the initiators of the idea of this additional recess. We do understand the problems in the other body; we must not be too critical of them. But the real delay is due to the fact that the other body has not sent over to us certain vital measures, including one particular appropriation bill of magnitude and importance.

I believe we ought to consider the Magnuson proposal and other proposals whereby we can dispose of authorization bills in the first half of the year and appropriation bills in the second half. We would control expenditures better; we would be a more responsible Congress.

I really do regret this. I would rather stay here and finish than take all these recesses. As Menander once said, "We live not as we wish to, but as we can." So we are in the hands of a system which is sluggish and which is not really operating at high gear.

Therefore, I present this as an apologia for the fact that the Senate has to meet and talk but has very little action before it, and that is a pity.

WATERGATE AND THE PRESIDENT

Mr. HUGH SCOTT. Mr. President, on Saturday, September 15, 1973, a Republican dinner was held in Lexington, Ky., honoring John Kerr, retiring Republican State chairman, which was attended by more than 800 people from throughout Kentucky. Our honored friend, the former Senator from Kentucky, John Sherman Cooper, addressed the gathering, and I ask unanimous consent that his speech and an editorial referring to his speech be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Watergate and the President

This has been a great evening for Kentucky Republicans. It bespeaks our loyalty to and faith in our party and its principles.

Now, as would be said in my home county of Pulaski in the hills, I want to talk "serious" for a few minutes. I want to talk about Watergate and the insinuations against President Nixon. I shall speak first from a legal viewpoint and then my own personal beliefs and feelings.

We Republicans, as all good Americans, do not condone criminal or illegal activity, and that of Watergate. Justice is essential to the very underpinnings, the foundations of our country. We give full credit to the media for its work in bringing into full light the wrongs of Watergate. But lately, a part of the media is trying President Nixon upon the basis of hearsay, headlines, reports from 'unidentified sources'—statements that could not be admitted in a court of justice.

I have been a Judge, but before and beyond that experience I was reared, as you were, and the vast majority of our countrymen, in the knowledge of that right which is the right of every one, including the President, that no man is considered guilty until he has been proven guilty. There has been nothing to prove Richard Nixon guilty.

Let the facts come out, through the courts and in the press. But let there be due process and justice. I believe it wrong, day after day, to give the people, through hearsay from unidentified sources, the impression that the President is guilty. That is not "due process." That is not justice.

Now I want to speak of my personal belief. I have known President Nixon since 1947, and quite well since 1953 when he became Vice President. Since he became President he has been engaged in ending the war in Vietnam, which he did not start but found on his doostep; in halting the inflation largely caused by that war; and lately to bring about better relations between the United States, Mainland China, and the Soviet Union, in the cause of peace.

President Nixon is a reserved man. He has been busy with the work of the nation, and from my own judgment I don't think Richard Nixon knew anything about the break-in at the Watergate or the cover-up which followed.

Senator Cooper Discusses Watergate

Because of his knowledge and his honest political independence, former U.S. Sen. John Sherman Cooper has long been regarded as one of America's finer statesmen. When the Somerset Republican tells an audience, as he did Saturday night in Lexington, he wants '"to talk serious for a few minutes," it's well worth the time to listen.

Sen. Cooper wanted to talk about the Watergate hearings and the insinuations made against President Nixon. He started out by saying "we (Republicans) don't condone criminal activity, for justice is essential to the underpinnings of our country . . . But no man is considered guilty until he has been proven guilty".

Then he said: "There has been nothing to prove Richard Nixon guilty . . . I believe it wrong, day after day . . . to give the people the impression that the President has done wrong."

Speaking on a more personal basis, Sen. Cooper said he knows Richard Nixon is "a reserved man;" that he knows Mr. Nixon tried to clean up a war laid upon his doorstep, tried to clean up crime and corruption in city after city across the country, and a man who stands for decency, honor and service to the country.

Sen. Cooper said: "I don't think Richard Nixon knew anything about the break-in at the Watergate or the cover-up which followed."

It was a short, direct speech, delivered by a man whose words have always had the authoritative ring of truth.

PROGRAM

Mr. HUGH SCOTT. Mr. President, I now ask the distinguished majority leader if he can advise me as to the schedule, if any, facing the Senate.

Mr. MANSFIELD. Yes, indeed.

First, may I say, for the information of the Senate, that, as all Senators were informed early this year, the Thanksgiving recess will begin at the close of business Wednesday, November 21, and will last until noon, November 26. If, however, all possible legislation is disposed of, consideration will be given to going out at an earlier date.

However, as the distinguished Republican leader has said, the Senate does have a very heavy schedule. We would like to adjourn at a reasonable time this year. The schedule as of now would consist as follows, and consideration of this legislation would begin next week:

Calendar No. 344, S. 2188, having to do with the northeastern railroad situation, will be up, hopefully, by midweek—a very important item.

Mr. HUGH SCOTT. It certainly is.

Mr. MANSFIELD. Then, Calendar No. 365, S. 1739, to amend the Federal Aviation Act as it affects charters.

There is the authorization for an energy bill now in the Committee on Interior and Insular Affairs. Senators Jackson and Fannin and their colleagues are working now with might and main. Hopefully, they may be able to complete it this week and, if not, Monday by the latest. It will receive expeditious consideration by the Senate.

The military construction authorization report has been agreed to but has to be taken up in the House.

The District of Columbia home rule authorization conference should be available in the Senate by Wednesday next.

The Alaska pipeline authorization, I understand, will be taken up in the House on Monday, and immediately after that the Senate will proceed to its consideration.

The conferees have agreed on State, Justice, and Commerce appropriations and on HEW appropriations. We would hope that we could get to those bills around Wednesday of next week or thereabouts.

Then, of course, there is the pay reduction bill having to do with the designation of a new Attorney General, and that is a matter which will have to be worked out between the Committee on Post Office and Civil Service and the Committee on the Judiciary.

Then, as I indicated earlier, there is the matter of the Ford nomination which we would hope we could face up to and dispose of before we go out on a Thanksgiving recess.

There is also the health maintenance organizations conference report, which might be ready by late next week; the fuel allocation conference report, which likewise should be ready next week; and finally the Legal Services Corporation measure, to be reported today, which also should be taken up sometime the latter part of next week. Those items all have priority so far as consideration is concerned. This announcement gives the Senate an indication of the workload which confronts it at the present time.

Mr. HUGH SCOTT. With respect to the Ford nomination before the Rules Committee, I understand that there is not expected to be more than 1 day of hearing.

May I address myself to the distinguished assistant majority leader?

Mr. ROBERT C. BYRD. Mr. President, so far as I know, the statement of the distinguished Republican leader is correct.

Mr. HUGH SCOTT. Therefore, I would hope that the committee could meet and act promptly, so that we can do this, if possible, before Thanksgiving, leaving the other body an option to finish as soon as it can.

Mr. MANSFIELD. I agree wholeheartedly.

Mr. GRIFFIN. If the Senator will yield, the committee clerk has sent a notice to the members of the Rules Committee that that day of hearing would be held next Wednesday.

Mr. HUGH SCOTT. I understood that it was Wednesday. I had hoped they could meet earlier, but I am sure there are reasons for that.

However, we ought to get this legislation out, particularly the energy bill, because I imagine that that could be designated as the "keep cool" bill in view of the lowering of the thermostats. It is an effort to avoid a freeze, and this is the kind of freeze everybody will feel, so I hope the measure will be passed promptly.

I would hope that if we do not have too much work during the week, we do not attempt too much on Friday, because many Members thought that by November, Congress would be in adjournment. I am not speaking for myself. My appointments seem to be mostly on Saturdays. But I have been approached by Senators who have said that in midsummer they made Friday appointments for November and early December; so that perhaps we could avoid tilting our schedule down so that too much of it falls on Friday, with due regard to getting it done.

Mr. MANSFIELD. We will do our best to try to bunch up legislation, so that we will give what the Senator has called to the Senate's attention every possible consideration.

Mr. HUGH SCOTT. I certainly hope that the other Senators read what I have said, because I have delivered on a promise to a number of them.

Mr. ROBERT C. BYRD. This, again, will depend to a considerable extent on the timing of the flow of legislation and conference reports from the other body.

Mr. HUGH SCOTT. Yes; I understand that. But the other body often is not in session on Friday, and I am asking that we bear that in mind, too.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the distinguished Senator from Ohio (Mr. Taft) is to be recognized.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the recognition of Mr. Taft be vacated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I ask unanimous consent that the distinguished Senator from Connecticut be recognized at this time, under his order, and that the time allotted to Mr. Dominick be reserved to my control.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, under the previous order, the Chair recognizes the distinguished Senator from Connecticut for not to exceed 15 minutes.

(The remarks Senator Weicker made at this point on the introduction of S. 2674, dealing with the functions of the Office of Telecommunications, and the ensuing debate are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair recognizes the distinguished Senator from Minnesota (Mr. Humphrey) for not to exceed 15 minutes.

(The remarks Senator Humphrey made at this point on the introduction of Senate Joint Resolution 169, providing for a feasibility study with regard to certain items of equipment on the Capitol Grounds, and Senate Joint Resolution 170, amending the Export-Import Act of 1969, are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

SENATE RESOLUTION 200, A RESOLUTION RELATING TO THE NATIONAL SECURITY

Mr. HUMPHREY. Mr. President, I send to the desk a resolution relating to the national security of the United States and ask that the resolution be stated.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution relating to the national security of the United States.

Mr. HUMPHREY. Mr. President, 29 Senators join me in the sponsorship of this resolution.

I believe the Congress must communicate to both ally and adversary that our present domestic difficulties will not impair our ability to protect our vital national interests.

The message must go forth from this body that no nation, and no national leader should doubt the bipartisan unity behind the pursuit of American national security objectives and a just and stable peace in the Middle East.

All of us on both sides of the aisle are well aware of the problems affecting the public's confidence in the Presidency and the people's confidence in the political process itself.

There has been wrongdoing in high places of government.

Many have abused the power given them by the people in a bond of sacred trust.

Some have tampered with our system of justice and threatened the individual rights of our citizens.

And I am sure that many will be punished for their crimes and misdeeds.

But despite the tragic events of the past months which have so shaken the Nation, the Congress must state unequivocally that our domestic difficulties should not tempt others to misinterpret our national will when it relates to matters of vital national interest and the great issue of achieving peace in the world.

Today, there is hope for a stable peace in the Middle East. The extremely fragile cease-fire is in the process of being strengthened by the very recent agreement between Israel and Egypt to arrange for the return of the POW's, the creation of a U.N.-supervised corridor for the provision of the Egyptian 3d Army, the end of the Egyptian blockade of the Bab el Maudeb Strait and the adjustment of the cease-fire lines to the satisfaction of all parties. But continued progress in the expected direct negotiations will take the perseverance and patience of all concerned.

There have been numerous indications in the past few days that news of the Watergate crisis and the President's difficulties is being disseminated widely in the Soviet press. Experts and observers indicate that the revelation of the Watergate horrors and rumors surrounding the President's future could mean that the Kremlin is willing to go beyond the boundaries of détente counting on our supposed inability to muster a unified response. It is clear that if the Soviets attempt such probings, they will first come in the Middle East.

Mr. President, I ask unanimous con-

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sent that the resolution be immediately considered.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair, as the Senator from Alabama, does object to the immediate consideration of the resolution.

Mr. HUMPHREY. Mr. President, I regret that the Chair saw fit to do that. This matter has been cleared with the majority and the minority side of the aisle. However, every Senator, of course, has his rights.

Mr. President, I need not tell Members of the Senate that many people believe that the Soviet and Arab boldness in the initiation of the war in the Middle East was due, in large part, to their perception of the United States as a nation weakened by domestic difficulties.

Whether this is true or not, the time has come to tell all who may listen that Members of Congress who may disagree with Mr. Nixon on many issues, including his handling of the Watergate crisis, will help him forge a bipartisan foreign policy which has as its objective, a just and stable peace in the Middle East. And by bipartisanship, I do not mean a rubber stamp. To me, bipartisanship means constructive collaboration in the pursuit of shared objectives.

I have often been critical of the President. I have been his political opponent. I have differed with him on the many domestic issues and on some of his policies in Indochina.

But let no one in the Kremlin, in Peking, in Cairo, Damascus, or elsewhere interpret legitimate criticism of a President as a sign of national disunity and unwillingness to respond when there are grave threats to our vital interests and to international peace and stability.

The resolution I am offering today is badly needed. Not as a blanket endorsement of every Presidential policy but as a reaffirmation of a congressional commitment of bipartisan support if our Nation or our vital interests are threatened or impaired.

Finally, Mr. President, this resolution calls upon our allies to support us in our efforts to secure peace in the Middle East.

It is indeed unfortunate that we must make this request. But since the war began on October 6 the United States has received little or no cooperation from its NATO allies. I realize the great dependence of European countries on oil from the Middle East. But we have formed an alliance in the name of collective security. We asked our allies for assistance and cooperation during the conflict. Their refusal to aid us because of their dependency on oil from Arab countries could weaken the spirit of mutual trust and confidence on which this alliance was founded.

Every effort must be made to reaffirm the principle of mutual cooperation and collective security. Likewise, the United States must keep in mind the necessity of timely and full consultation with our allies. This is an essential procedure for an effective alliance.

Now we ask for the support of our friends and allies in the U.N. and elsewhere in the securing of a just and stable peace in the Middle East. There needs to be a common and shared objective for the alliance. For our NATO alliance means more than military might. It means working together for the collective security and well-being of all the allied nations. We cannot afford to be divided in the face of economic or military threats. Europeans know all too well that the course of appeasement is futile.

In summary, Mr. President, it is essential that we make it abundantly clear to the entire world that matters of national security stand above any divisions that we may have on the American domestic scene.

To leave any doubt on this matter in light of current circumstances here at home might very well tempt or open the door to actions and developments by other countries that could seriously jeopardize our national interest and security.

I ask unanimous consent that two articles, one by Mr. Victor Zorza entitled "Soviet Press Unleashed on Talk of Impeachment," and the other by Leonard Silk, in the New York Times of November 6, "The Oil Weapon," be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Soviet Press Unleashed on Talk of Impeachment

(By Victor Zorza)

The Kremlin's decision to allow the Soviet press to talk about the impeachment of the President and Watergate generally means that the Soviet leaders are beginning to have doubts about the chances—and desirability—of Mr. Nixon's survival.

As long as the Kremlin thought that Mr. Nixon was unalterably committed to a policy of detente, it was prepared to suppress any criticism of him. But evidently the Kremlin was greatly disturbed by Mr. Nixon's role in the worldwide alert of U.S. forces.

Even Secretary of State Henry Kissinger's first press conference announcing and explaining the alert caught the Kremlin on the wrong foot. The first version of the remarks he made on that crowded Thursday morning was not released by Tass, the official news agency, until midnight Moscow time, while the Kremlin was considering how to handle the whole matter.

Dr. Kissinger's statement was composed with great deliberation as a variation on two themes. On the one hand, he spoke of the risks that the Russians were running by appearing to threaten intervention in the Mideast. He made it clear that the United States was determined to prevent such intervention, even if it was presented under the guise of a joint Soviet-U.S. force.

On the other hand, he stressed that the Kremlin had so far taken no irrevocable action and that there was no need for it to back down. The crisis would be over as soon as Moscow had signified its support for the Security Council resolution on a U.N. peacekeeping force.

Kissinger was leaving the Russians a way of retreat. They promptly took it during the Security Council vote. The Tass version of his remarks omitted all mention of the alert, of its causes, all indication of any crisis between the two superpowers—which is what the press conference had been all about. The Kremlin, in other words, didn't want a crisis and made it disappear by refusing to admit there was one. The only discordant note replayed by Tass was Kissinger's rejection of a joint Soviet-U.S. force.

But the Kremlin debate evidently continued, for even this Tass release was withdrawn, leaving next day's Moscow's papers without any word of Kissinger's momentous statement. The direction in which the Kremlin was moving was evident from the second Tass version released to the papers later. It dropped the discordant note and was extensively rewritten to put even more emphasis on the wholly pacific side of Kissinger's remarks. Any lingering fears in the Kremlin that the United States might welcome a confrontation to blot out Watergate had evidently been removed.

Only then did Party Secretary Leonid Brezhnev make his first public statement on the crisis. He was even more pacific than Kissinger at his best. He still refused to acknowledge the alert or the crisis, apart from a reference to "fantastic speculation" designed to fan passions "in some NATO countries"—not specifically the United States.

Brezhnev reaffirmed his commitment to Nixon and to his detente policies. He looked forward to the President's 1974 visit to Moscow and paid tribute to those Western statesmen who were working to overcome the "inertia" of the cold war. He dropped some broad hints to suggest that he would welcome a constructive response from the President.

During his own press conference that evening, Mr. Nixon stressed the value of detente in overcoming the Mideast crisis—but he threw a bucket of ice-cold water over Brezhnev's head. For Nixon made it clear that Brezhnev had backed down in the face of the determination and the power of the President of the United States.

The Soviet Union had been planning to send "a very substantial force" to the Mideast," he said, but after some "rather rough" communications which left "little to the imagination" on both sides, a settlement was reached. Why? "What Mr. Brezhnev does understand is the power of the United States," Mr. Nixon said.

Brezhnev also knew, he emphasized, that even when the President was under "unmerciful assault, during previous crises, he still went ahead and did what was right." And he recalled the other occasions when Brezhnev had backed down—the invasion of Cambodia, the bombing and mining of North Vietnam just before last year's Moscow summit, and the final bombing of Hanoi just before Christmas. "This," Mr. Nixon concluded, "is what made Mr. Brezhnev act as he did."

This is what Mr. Brezhnev heard as he waited, into the small hours of the morning Moscow time, to hear Mr. Nixon's response to his own elaborately friendly speech of the previous day. He angrily authorized Tass to release—at half past six in the morning—his own response, which described the Washington claims about the reasons for the alert as "absurd" and the alert itself as an attempt to "intimidate" the Soviet Union. It was only after this that the Soviet press began to discuss the possibility of impeachment.

The sequence of events, and the contrast between Dr. Kissinger's and Mr. Nixon's handling of them re-awakened old fears in the Kremlin. It evidently concluded that Mr. Nixon may abandon detente, in order to re-emerge as the "strong man" that the country would have to keep in the White House to protect it from the Russians.

[From the New York Times, Nov. 6, 1973]

The Oil Weapon

(By Leonard Silk)

The war in the Middle East and the Arab decision to impose an embargo on oil shipments to the United States, the Netherlands or any other country that provides support to Israel have given the NATO alliance its most severe internal shock since France withdrew from military integration in 1966.

Accusations are rife on both sides of the Atlantic. The Europeans blame the United States for trying to bully them into backing the American position on Israel, for not consulting with them, for giving them virtually no warning before putting American bombers and other forces on worldwide alert and for expecting them to risk a cutoff of their oil from the Middle East and North Africa, on which Europe depends for more than 80 per cent of its supply.

The United States in turn blames the members of NATO for acting like a collection of small countries trying to hide in the woodwork, for not looking beyond this moment's or this winter's problems, for putting oil above principle and for refusing to work with the United States to draw up a common policy toward the war—and the strategic threat of the Soviet bloc.

Within Europe itself the strains are intense as a result of the Arab cut-off of 15 per cent of Western Europe's oil supply. The nine members of the European Common Market are meeting in Brussels now to discuss the sharing of oil. But the French and British, who regard themselves in a specially favored position vis-a-vis the Arabs, are reluctant to pool their oil with the Dutch, who are facing the loss of 70 per cent of their oil due to the Arab embargo, and the West Germans, who get much of their fuel via the Dutch port of Rotterdam.

However much truth—or guilt—there may be on both sides, the fact is that the present crisis has exposed serious weaknesses in the Atlantic alliance, weaknesses that could be disastrous if they are permitted to continue. For oil, so critical to the highly industrialized economies of the West, has become a weapon that the Arab states, acting in concert, intend to continue to employ primarily for economic purposes—though they would obviously like to see Israel reduced or destroyed in the bargain.

The Soviet Union, for its part, means to exploit oil for political purposes—as a weapon that could break up the North Atlantic alliance. It could also isolate the United States not only from Europe but from Japan, which is totally dependent on imported oil.

The conceptual basis of the Western alliance now needs to be clarified—and broadened. The essential question is: what does collective security mean?

In this era of so-called détente (a condition that obviously did not keep the Russians from pushing for major strategic gains in the Middle East) collective security must mean more than a wall against Soviet tanks, troops or nuclear bombs. It must also mean common economic policies to protect the jobs, living standards and prosperity of the West, as well as its military security.

Permitting the Arabs and the Soviets to use what are called "salami tactics" in slicing one ally from another would be the worst blunder the West could commit. Although the circumstances are very different from the threat to the West in the nineteen-thirties, the folly of seeking to appease greed by sacrificing individual countries to aggressors would be as great today as it was in the days of Hitler, the Sudetenland, Austria, the Danzig corridor and Czechoslovakia.

There are many dimensions to the disarray among the Western powers—including international trade, investment and monetary payments, not to mention military cooperation itself—but oil has emerged as the most sensitive immediate issue. It is an issue that will only intensify with time. The Middle East and North Africa, with proved oil reserves of 440-billion barrels out of a world total of about 530-billion barrels, contain the overwhelming share of the resources upon which the importing nations must rely. Even the United States, which now gets only about 10 per cent of its crude oil, directly or indirectly, from the Middle East and North Africa, will depend on that area for about 35 per cent of its oil by 1980.

The Western powers and Japan can simply not afford to be divided and passive before the Arab oil threat. They must begin to work together to develop a common strategy on oil imports, energy conservation and development, and on the sharing of oil supplies. This implies that the United States would have to be prepared to share fuel with its allies. There would also have to be a common Western policy toward exporting and other economic relations with the Arab states, should they press their embargo or extortionate demands.

The nations of Europe, Japan and the United States must face up to the choice that now confronts them: whether each nation should seek special deals with the Arabs or whether they will work together for their collective security and well-being. The first course, however tempting it may seem to some countries in the short run, cannot work for long, any more than did appeasement at Munich.

Mr. GRIFFIN. Mr. President, if the Senator will yield, I wish to indicate to the Senate that the Senator from Minnesota was correct when he said that the resolution has been cleared for immediate consideration by the leadership on this side of the aisle.

The junior Senator from Michigan is a cosponsor of the resolution, as is the distinguished minority leader.

It is important, I think, that the world understand that there is some unity in this country, and particularly in Congress, insofar as our foreign policy is concerned. While I might have worked the resolution a little differently, a little bit more strongly in the President's interest, I think the wording that the Senator from Minnesota has provided is certainly very helpful in terms of presenting a united front to the rest of the world. So I commend him for providing bipartisan leadership on a matter of basic policy.

Mr. HUMPHREY. Mr. President, I yield to the Senator from Georgia.

Mr. NUNN. Mr. President, I commend the Senator from Minnesota for introducing this resolution in a spirit of dedication to bipartisan unanimity in matters of foreign policy.

I am pleased to join the Senator from Minnesota and my colleagues in urging the prompt approval of this resolution which puts all other nations on notice not to misread our current domestic discord.

Approval of this measure by the Senate will demonstrate to the world the unalterable and continuing resolve of this Nation to remain strong and united in the face of any possible threat to our national security.

It is important that none of our adversaries misread the attitude of the American people nor question our steadfastness in supporting our national security objectives. We are a united nation, and other countries should not make the mistake of taking any action which threatens this Nation's vital national interests and the peace of the world. It would be a mistake for any nation to attempt to undermine this Nation's security. This resolution makes that very clear.

I am particularly pleased that this resolution expresses the resolve of this Nation that our domestic concerns should not be allowed to hamper our efforts to achieve a just and durable peace in the Middle East and to honor our national foreign policy commitments.

Mr. HUMPHREY. Mr. President, I yield to the distinguished Senator from Vermont.

Mr. AIKEN. Mr. President, I have no hesitation in cosponsoring this resolution with the junior Senator from Minnesota. I think the Congress——

The ACTING PRESIDENT pro tempore. Will the Senator please use his voice amplifier?

Mr. AIKEN. Very well. I just wanted to state that I had no hesitation in cosponsoring this resolution with the Senator from Minnesota.

I think it is important at this time because in some parts of the world the story is being spread that the American Congress hates the President so much that the Congress will not do anything to back the President up in any sense of the word.

I feel it is important to show that whether we are regarded as liberals or conservatives, or whatever we are, we still back up our country, and others should not make the mistake of assuming that dislike for the President on the part of some would influence us to let any foreign element come in here and undertake to influence our people to the extent which apparently some are trying to do.

Mr. HUMPHREY. Mr. President, I thank the Senator from Vermont, the Senator from Michigan, and the Senator from Georgia for their comments. I am confident that what this resolution will do will be of substantial help in obtaining peace in a very troubled part of the world, at a time, may I say, when the entire world is deeply concerned over the constant threats, conflicts, and tension.

Mr. President, this resolution is merely an effort to state once again that when the vital interests of our country are at stake and when a determined effort is being made to obtain a peaceful solution to grave international disputes, we in this body and elsewhere, without trying to rubber stamp anything, will put aside whatever partisanship we may have, and will even put aside our feelings on domestic concerns, and try to unite in common cause and common purpose.

Mr. President, I would hope that we might now move to favorable consideration.

Mr. GRIFFIN. Mr. President, will the Senator yield for the observation that this resolution helps to establish the spirit of Arthur Vandenberg which has not been repealed.

Mr. HUMPHREY. Yes. I thank the Senator.

Mr. HUGH SCOTT. Mr. President, I am pleased to join two of my distinguished colleagues (Mr. Humphrey and Mr. Aiken) on Friday in sponsoring this resolution relating to the national security of the United States. What it says to other nations is this: do not construe domestic events as adversely affecting our resolve to uphold the vital interests of the United States, especially in the Middle East. In that most troubled part of the world, the President of the United States, with the support of the Congress, has not only brought about a ceasefire, but has been able to build foundations for a lasting peace.

The Humphrey resolution should stand as a red light to those who feel that domestic unrest can be converted to a foreign policy defeat. I commend the Senator for his initiative in this regard.

Mr. BAKER. Mr. President, I wish to

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commend the distinguished senior Senator from Vermont and the distinguished junior Senator from Minnesota for offering one of the most timely sense of the Senate resolutions I have seen in recent years.

That resolution serves notice to any and all potential adversaries of the United States that it would be the gravest sort of error to misinterpret the effect of our present domestic troubles on our ability to protect our vital national interests both at home and abroad. The resilience and resolve of the American people is second to none, in my judgment; and the proposed resolution offered in the same spirit of bipartisanship evident during the near confrontation with the Soviet Union, is proof of that unique determination.

It should also be made clear that the United States will not shrink from its obligations to our allies nor abandon our efforts to bring a just and lasting peace to the Middle East, no matter what the cost.

There can be no more significant goal than protecting our national security interests whether at home or abroad, and I am pleased today to lend my enthusiastic support to a resolution which emphasizes the primacy of security over any and all domestic problems.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

Resolution Relating to the National Security of the United States

Whereas the law of our nation requires the concurrence of the Congress in all decisions relating to the nation's vital national security interests; and

Whereas the recent uncertainties and divisions in the nation may cause adversaries and friends to doubt the bipartisan unity behind the pursuit of our national security objectives; and

Whereas the ability of the U.S. government to effectively pursue its international objectives must not be impaired, particularly in time of crisis; and

Whereas recent international events have posed a grave threat to peace and stability; and

Whereas the U.S. is currently involved in serious negotiations affecting our vital national interests and the peace of the world: Now, therefore, be it

Resolved, that it is the sense of the Senate that other nations should not construe domestic events as adversely affecting our resolve to uphold these vital interests, nor be tempted to seize upon them as an opportunity to undermine the security of the United States;

Be it further resolved that it is the sense of the Senate that other nations should not construe domestic events as impairing the full commitment of our government to achieve a just and durable peace in the Middle East;

Be it further resolved that the Senate calls upon all friendly nations to join with the United States in pursuance of these vital common objectives, which have as their goal respect for law and a stable and secure peace throughout the world.

Mr. HUMPHREY. Mr. President, I move that the vote by which the resolution was agreed to be reconsidered.

Mr. NUNN. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. HUMPHREY. Mr. President, I am very pleased and I want to thank the leadership for its cooperation as well as my colleagues.

This resolution will be open for further cosponsorship.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The Senator from Wyoming is recognized.

(The remarks Senator McGee made at this point on the introduction of S. 2673, dealing with the nomination of Senator Saxbe to be Attorney General, and the ensuing colloquy are printed in the Record under Statements on Introduced Bills and Joint Resolution.)

CONFERRING JURISDICTION UPON DISTRICT COURTS OF THE UNITED STATES OVER CERTAIN CIVIL ACTIONS BROUGHT BY CONGRESS

Mr. ERVIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 455, S. 2641, which was placed on the calendar on November 2, 1973.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

S. 2641, to confer jurisdiction upon the district courts of the United States over certain civil actions brought by the Congress, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. ERVIN. Mr. President, I send forward a substitute amendment for the bill and ask that it be stated.

The ACTING PRESIDENT pro tempore. The substitute amendment will be stated.

The assistant legislative clerk proceeded to read the substitute amendment.

Mr. ERVIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. Nunn). Without objection, it is so ordered, and the substitute amendment will be printed in the Record at this point.

The text of the substitute amendment is as follows:

"(a) The District Court of the United States for the District of Columbia shall have original jurisdiction, without regard to the sum or value of the matter in controversy, of any civil action heretofore or hereafter brought by the Senate Select Committee on Presidential Campaign Activities, which was created on February 7, 1973, by Senate Resolution No. 60, to enforce or secure a declaration concerning the validity of any subpoena or order heretofore or hereafter issued by said Committee to the President or the Vice President or any other officer of the United States or any officer or employee of any department or agency of the United States to procure the production before the said Committee of any information, documents, taped recordings, or other materials relevant to matters the said Committee is authorized to investigate, and the said District Court shall have jurisdiction to enter any such judgment or decree in any such civil action as may be necessary or appropriate to enforce obedience to any such subpoena or order.

"(b) The Senate Select Committee on Presidential Campaign Activities shall have authority to prosecute in its own name or in the name of the United States in the District Court of the United States for the District of Columbia any civil action heretofore or hereafter brought by said Committee to enforce or secure a declaration concerning the validity of any subpoena or order heretofore or hereafter issued by said Committee or Vice President or any other officer of the United States or any officer or employee of any department of the United States to procure the production before the said Committee of any information, documents, taped recordings, or other materials relevant to the matters the Committee is authorized to investigate, and pray the said District Court to enter such judgment or decree in said civil action as may be necessary or appropriate to enforce any such subpoena or order.

"(c) The Senate Select Committee on Presidential Campaign Activities may be represented by such attorneys as it may designate in any action prosecuted by said Committee under this Act."

Mr. ERVIN. Mr. President, I should like to state that I am introducing this substitute amendment with the approval of all members of the Senate Select Committee on Presidential Campaign Activities.

The original bill was rather broad, in that it attempted to give every congressional committee the power to bring suits.

At the suggestion of the distinguished Senator from Nebraska (Mr. Hruska), I decided that the original bill was too broad and I drew up this substitute amendment to conform to his suggestion; that is, that the bill be restricted to the Senate Select Committee on Presidential Campaign Activities. That is the purpose of the substitute amendment.

The amendment is necessary because Judge Sirica held that the District Court of the District of Columbia had no jurisdiction to entertain the original suit of the select committee. The substitute amendment is to cure this defect in jurisdiction.

Mr. HRUSKA. Mr. President, the bill in its original form was very broad and sought to establish a vast area of new Federal jurisdiction, the bill as amended would restrict its scope to the Senate Select Committee on Presidential campaign activities. I believe this to be a wise step.

Even as to the modified proposal, however, I suggest, Mr. President, that this kind of step flies in the face of the role of the courts in our constitutional system of Government, therefore, I would like to take this opportunity to offer some words of caution with respect to this bill which was introduced by my distinguished colleague from North Carolina (Mr. Ervin).

On October 17, 1973, Chief Judge John J. Sirica of the U.S. District Court for the District of Columbia ordered that the action commenced by the Select Committee on Presidential Campaign Activities to enforce its subpenas directed to the President of the United States and requesting a turnover of certain tape recordings be dismissed with prejudice.

The basis of the court's dismissal of this action was a finding by the court that there was no jurisdictional statute upon which the action could be grounded. Because of its conclusions and disposition, the court did not reach the problem of justiciability or the merits of the case.

I have been advised that the intent of the sponsors of the subject bill as originally introduced is to grant only such jurisdiction as is needed to require a production of the tapes requested. It would seem, however, that the sponsors have gone far beyond their stated purpose and suggest a broad grant of jurisdiction to the U.S. District Court for the District of Columbia which could serve as a foundation for substantial litigation in this and other circumstances.

The proposed legislation as originally introduced would empower Congress or congressional committees to petition the District Court for the District of Columbia for enforcement of congressional subpenas or orders requiring production of information, documents, or other materials which are in the custody of any officer or employee of the executive branch, including the President or Vice President. As I indicated earlier, I believe the amendment to confine the scope of this bill to the select committee was a prudent step. However, even as amended, I am concerned that this bill would confer original jurisdiction over such suits to the District Court for the District of Columbia and thereby eliminate the longstanding jurisdictional amount requirement of 28 U.S.C. 1331.

In addition to authorizing suits for enforcement of such subpenas and orders, the bill also purports to authorize suits "to secure a declaration concerning the validity" of such subpenas and orders. This latter authorization, although nebulous, appears to contemplate suits for declaratory judgment similar to the recent action filed by the Senate Select Committee on Campaign Practices.

This proposal, generated by the committee's unsuccessful suit for production of Presidential tapes and documents, does, in its present form, present serious problems of a legal, and practical nature.

In its suit for declaratory judgment, the select committee specifically disavowed any intent or desire to seek a "wholesale invasion of the President's files." Furthermore, the Select Committee cautioned that this particular case "must be placed in proper perspective."

Such a cautious approach is even more appropriate in analyzing the instant legislative proposal.

Congress has always had the power to enforce its own subpenas. Such enforcement may be compelled by the Sergeant at Arms for the Senate or the House There is, additionally, statutory enforcement power under 2 U.S.C. 192, which makes contempt of Congress a misdemeanor.

For the first time in history, however, Congress is being asked to determine that these enforcement powers are inadequate. This dissatisfaction has resulted from an unprecedented clash between Congress and the Chief Executive in the context of a specific case—the "Watergate case." This "case" undoubtedly will generate a variety of legislative reforms. This proposal is merely the first.

Instead of solving the signal jurisdictional problem faced by the Select Committee, this proposal would cast the judicial branch in the role of umpire or referee between Congress and the executive in disputes over the production of documents and information. In so doing, it flies in the face of the role of the courts in our constitutional system of government.

Such a significant incursion into traditional jurisdictional boundaries may only emphasize the ultimate constitutional obstacle blocking the success of any congressional suit against the President. That obstacle is the article III, section 2 requirement that the Federal courts entertain only justiciable cases and controversies. This constitutional barrier prevents the courts from refereeing disputes between the other two branches. It cannot be avoided or erased by congressional action. Congress cannot legislatively compel the courts to decide a basically nonjusticiable issue.

With this ultimate constitutional barrier in mind, any legislation, generated by the select committee's jurisdictional dilemma, might best be limited to resolving that specific problem. The amendment offered by the distinguished Senator from North Carolina (Mr. Ervin) is a step in that direction; the bill as originally introduced would go far beyond such a modest approach by opening a whole new field of Federal jurisdiction. It is not difficult to envision a virtual flood of congressional suits against myriad executive officials and employees over the production of information and documentation in the custody of the executive branch.

There are other matters on which I wish to comment. Specific phrases and terms cry out for clarification. Foremost among these is the proposal's use of the term "order." In authorizing Congress and its committees to petition the courts for enforcement of "orders," in addition to subpenas, the proposal becomes dangerously ambiguous. Nowhere is "order" defined. If the term is to be used, it should be defined and confined to specific areas of congressional power.

The language authorizing suits "to secure a declaration concerning the validity of any subpena or order" is also obscure. It appears to authorize the Congress to seek an "advisory opinion" from the courts, an exercise in which courts have never indulged.

Before taking action of such a fundamental nature, I would caution my colleagues to consider the advisability of proceeding in a more deliberate manner, utilizing the traditional committee processes of the Congress.

Given the temper of the times, however, the greater likelihood is that some version of the bill will be congressionally approved. The suggested approach which narrows the scope of this bill should satisfy or gratify the demands of the times. Any general statute of broad application should be preserved for future complete legislative processing.

In such processing, the precedents in case law, and in congressional procedures, as well as the more profound and fundamental constitutional considerations and requirements can be fully presented and studied. Indications of the reaches and the gravity thereof can readily be perceived by a reading of Judge Sirica's Order and Opinion filed October 17, 1973, in Civil Action No. 1593–73, the suit brought by the Senate Select Committee on Presidential Campaign Activities; and also by a reading of a staff legal memorandum which I now submit.

Mr. President, I ask unanimous consent that these documents be printed in the Record at this point.

There being no objection, the documents were ordered to be printed in the Record, as follows:

A Memorandum Re a Bill To Confer Jurisdiction Upon the District Courts of the United States Over Certain Civil Actions Brought by the Congress, and for Other Purposes

The proposed legislation would empower Congress or Congressional Committees to petition the District Court for the District of Columbia for enforcement of Congressional subpoenas or "orders" requiring production of "information, documents, or other materials" which are in the custody of any officer or employee of the Executive branch, including the President or Vice President. In so providing, the draft bill confers original jurisdiction over such suits on the District Court for the District of Columbia and eliminates the long-standing jurisdictional amount requirement of 28 USC 1331.

In addition to authorizing suits for enforcement of such subpoenas and "orders," the Bill also purports to authorize suits "to secure a declaration concerning the validity" of such subpoenas and "orders." This latter authorization, although nebulous, appears to contemplate suits for declaratory judgment (28 USC 2201 et. seq.) similar to the recent action filed by the Senate Select Committee on Campaign Practices.

This proposal, generated by the Ervin Committee's unsuccessful suit for production of Presidential tapes and documents, does, in its present form, present serious problems of a legal and practical nature.

In its suit for declaratory judgment, the Ervin Committee specifically disavowed any intent or desire to seek a "wholesale invasion of the President's files" and cautioned that its case "must be placed in proper perspective."[*] Such a cautious approach is even more appropriate in analyzing the instant legislative proposal.

Congress has always had the power to enforce its own subpoenas. Such enforcement may be compelled by the Sergeant of Arms for the Senate or the House. *Anderson* v. *Dunn*, 6 Wheat 204 (1821). There is, additionally, statutory enforcement power under 2 USC 192, which makes contempt of Congress a misdemeanor. For the first time in history, however, Congress is being asked to determine that these enforcement powers are inadequate. This dissatisfaction has resulted from an unprecedented clash between Congress and the Chief Executive in the context of a specific case—the "Watergate case."

The Watergate "case" undoubtedly will generate a variety of legislative reforms. This proposal is merely the first. It is important therefore to recall the admonition by Justice Holmes:

"Great cases, like hard cases, make bad

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[*] "Memorandum in Support of Motion for Summary Judgment," at page 1.

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law. For great cases are called great, not by reason of their real importance in shaping the law of the future, but because of some accident of immediate overwhelming interest which appeals to the feelings and distorts the judgment. These immediate interests exercise a kind of hydraulic pressure which makes what previously was clear seem doubtful, and before which even well settled principles of law will bend."

Holmes, J., dissenting in *Northern Securities* Co. v. *United States*, 193 U.S. 197, 400–401 (1904).

Given the extraordinary climate which has generated this legislation, every effort should be made to restrict the proposal's applicability to the unique circumstances surrounding the quest for Presidential documents by the Senate Select Committee on Campaign Practices. Unfortunately, the proposed bill is not so prudently drafted.

Instead of solving the signal jurisdictional problem faced by the Ervin Committee, the proposal casts the judicial branch in the role of umpire or referee between Congress and the Executive in every dispute over production of document and information by the executive branch. In so doing, it flies in the face of the role of the courts in our constitutional system of government. To use the words of Justice Douglas, "federal courts do not sit as an ombudsman refereeing disputes between the other two branches." *Gravel* v. *United States*, 408 U.S. 606, 640 (1972) (Douglas, J. dissenting). Such a significant expansion of traditional jurisdictional boundaries may only emphasize the ultimate Constitutional obstacle blocking the success of any congressional suit against the President. That obstacle is the Article III, § 2 requirement that the federal courts entertain only justiciable cases and controversies. This Constitutional barrier prevents the courts from "refereeing disputes between the other two branches;" it cannot be avoided or erased by congressional action. See *Mississippi* v. *Johnson*, 4 Wall. (71 U.S.) 475, 500–501 (1866). Congress cannot legislatively compel the courts to decide a basically non-justiciable issue. Thus the instant proposal cannot and does not solve the major part of the jurisdiction/justiciability dilemma facing the Ervin Committee. Moreover, by expanding jurisdiction so radically, the justiciability problems awaiting future congressional suits of this nature may be compounded.

With this ultimate Constitutional barrier in mind, any legislation, generated by the Ervin Committee's jurisdictional dilemma, should be limited to resolving that specific problem. This proposal, however, goes far beyond such a rational approach by opening a whole new field of federal jurisdiction. It is not difficult to envision a virtual flood of congressional suits against myriad executive officials and employees over the production of information and documentation in the custody of the executive branch.

Such suits have been unnecessary in the past, despite a long tradition of claims of privilege by the executive branch. Why should a unique situation faced by a single Senate committee signal the need for such unprecedented a proposal? In apparent chagrin over Judge Sirica's ruling that the federal courts lack jurisdiction to entertain their suit against the President, the Bill's sponsors have proposed sweeping legislative revision of long-standing jurisdictional boundaries. Such hasty action is both unwise and unnecessary. The proposal should be redrafted to limit its applicability to the requirements of the Ervin Committee.

Aside from the proposal's imprudent and unnecesasry breadth, there are specific phrases and terms which cry out for clarification. Foremost among these is the proposal's use of the term "order." In authorizing Congress and its committees to petition the courts for enforcement of "orders," in addition to subpoenas, the proposal becomes dangerously ambiguous. Nowhere is "order" defined. If the term is to be used—and its necessity is doubtful—it should be defined and, if necessary, confined to specific areas of traditional congressional power.

The language authorizing suit "to secure a declaration concerning the validity of any subpoena or order" is also obscure. It appears to authorize the Congress to seek an "advisory opinion" from the courts, an exercise in which courts have never indulged. *Flast* v. *Cohen*, 392 US 83, 95 (1968). To avoid the possibility of such an unfortunate interpretation, the obvious intent of its drafters to authorize suit for declaratory judgment under 28 USC 2201 and 2202 should be clearly and definitely stated.

CONCLUSION

For 184 years it has been unnecessary for any congressional committee to file suit against the President in an attempt to obtain Presidential documents. We do not admit the necessity for such action now. That such a suit at least has been filed, and dismissed by a federal court for lack of jurisdiction, is a forceful reminder of the unprecedented nature of such a legal action and the political climate which generated it. If legislative reform is necessary to allow such a suit, it should therefore be a reform which is tailored to the need and not a sweeping expansion or revision of the judicial role in our tripartite system.

Thus the proposal should be limited to the specific needs of the Ervin Committee and should be defined and articulated in a manner which avoids unfortunate and inaccurate interpretations. To do otherwise would be a disservice to Congress, the Presidency and the Constitution.

[In the U.S. District Court for the District of Columbia, Civil Action No. 1593–73]

ORDER

Senate Select Committee on Presidential Campaign Activities, suing in its own name and in the name of the United States, and Sam J. Ervin, Jr.; Howard H. Baker, Jr.; Herman E. Talmadge; Daniel K. Inouye; Joseph M. Montoya; Edward J. Gurney; and Lowell P. Weicker, Jr., as United States Senators who are members of the Senate Select Committee on Presidential Campaign Activities, Plaintiffs versus Richard M. Nixon, individually and as President of the United States, Defendant.

This matter having come before the Court on plaintiffs' Motion for Summary Judgment, and the Court having considered the memoranda and arguments of counsel, and the Court having concluded for the reasons stated in the attached opinion that it lacks jurisdiction over this matter, it is by the Court this 17th day of October, 1973, Ordered that this action be, and the same hereby is, dismissed with prejudice.

JOHN J. SIRICA, *Chief Judge.*

[In the U.S. District Court for the District of Columbia, Civil Action No. 1593–73]

OPINION

Senate Select Committee on Presidential Campaign Activities, suing in its own name and in the name of the United States, and Sam J. Ervin, Jr.; Howard H. Baker, Jr.; Herman E. Talmadge; Daniel K. Inouye; Joseph M. Montoya; Edward J. Gurney; and Lowell P. Weicker, Jr., as United States Senators who are members of the Senate Select Committee on Presidential Campaign Activities, Plaintiffs, versus Richard H. Nixon, individually and as President of the United States, Defendant.

The Court presently has before it a motion for summary judgment filed by plaintiffs. Plaintiffs are the Senate Select Committee on Presidential Campaign Activities, established by Senate Resolution 60, 93rd Congress, 1st Session (1973), and the seven United States Senators who compose the Select Committee. Richard M. Nixon, President of the United States, is defendant. The action is styled "Complaint for declaratory judgment, mandatory injunction and mandamus."

Facts concerning the origin of this action are not controverted. The Senate Select Committee on Presidential Campaign Activities (Select Committee) became a duly authorized and constituted committee of the United States Senate on February 7, 1973, "empowered to investigate and study 'illegal, improper or unethical activities' in connection with the Presidential campaign and election of 1972 and to determine the necessity of new legislation 'to safeguard the electoral process by which the President of the United States is chosen.'"[1] In the course of its investigatory procedures, the Select Committee heard one Alexander P. Butterfield, formerly a Deputy Assistant to the defendant. Mr. Butterfield testified that the President had electronically recorded conversations occurring in various of his offices during a period of time that included the campaign and election of 1972. This testimony was later confirmed by Presidential counsel, J. Fred Buzhardt.[2]

Upon learning that among these recorded conferences were a series which they regarded as highly relevant to their investigation, plaintiffs commenced informal efforts to secure the pertinent tape recordings as well as various written documents. Plaintiffs were and remain convinced that the recorded account of these presidential conversations, together with written White House documents alluded to by witnesses at their hearings, would undoubtedly contain information having an important bearing on their investigation and would probably resolve critical conflicts in the testimony of several key witnesses.

When informal attempts proved unsuccessful, the Select Committee directed two subpoenas *duces tecum* to the defendant President. Both were served on July 23, 1973, and together with proof of service, are attached as exhibits to the complaint herein.

The first required prodution of the tape recordings of five meetings which were in each instance attended by the defendant President and then White House counsel, John W. Dean, III. Other persons had also been present during some of these conferences. As noted in the subpoena, the meetings occurred on September 15, 1972, February 28, 1973, March 13, 1973, and March 21, 1973, with two meetings on the last mentioned date. The second subpoena sought documents and other materials "relating directly or indirectly to [an] attached list of [25] individuals and to their activities, participation, responsibilities or involvement in any alleged criminal acts related to the Presidential election of 1972." Defendant filed no objection to either subpoena or to service thereof, although in a subsequent filing counsel have characterized the second subpoena as oppressive. Defendant's sole response consisted of a letter to Select Committee Chairman Senator Sam J. Ervin, Jr., expressing the President's intention not to comply with the subpoenas and the reasons for his decision. The President's letter is also appended to the complaint herein as an exhibit. It is understood that although the subpoenaed tape recordings had previously been in the custody of others, at the time the subpoenas were issued, and at present, they are within the sole possession, custody and control of the defendant President.[3]

Plaintiffs next proceeded to file wtih the Court the present civil action. They deliberately chose not to attempt an adjudication of the matter by resort to a contempt proceeding under Title 2, U.S.C. § 192, or via Congressional common-law powers which permit the Sergeant at Arms to forcibly secure attendance of the offending party. Either method, plaintiffs state, would here be inappropriate and unseemly. On the day defendant filed his answer to the complaint, plaintiffs submitted a motion for summary judgment. A response to the motion and other memoranda were subsequently filed, and the matter came on for oral argument on October 4, 1973. In their subsequent pleadings and at oral argument, plaintiffs have emphasized that portion of the complaint which seeks a declaratory judgment. It is argued that such judgment include the following statements:

(1) That the two subpoenas were lawfully issued and served by plaintiffs and must be complied with by defendant President;

(2) That defendant President may not refuse compliance on the basis of separation of powers, executive privilege, Presidential prerogative or otherwise;

(3) That defendant President by his action to date has breached the confidentiality of the materials subpoenaed and waived any privilege that might have applied to them.

The prayer for a mandatory injunction and/or relief by way of mandamus has been referred to the Court's discretion and otherwise ignored by plaintiffs.

The case presents a battery of issues including jurisdiction, justiciability, invocation of the declaratory judgment statute, executive privilege, waiver of privilege, validity of the Select Committee's investigation, and authority of the Select Committee to subpoena and bring suit against the President. Because of its ruling, the Court has found it necessary to consider only one question, that being whether the Court has jurisdiction to decide the case. The Court has concluded, for the reasons outlined below, that it lacks such jurisdiction, and the action is therefore dismissed with prejudice.

I

The Court has recently decided another case involving some of the same tape recordings that are here at issue.[4] As its caption indicates, that matter concerned a subpoena *duces tecum* isued to the President by a grand jury. It was there ruled that compliance with the subpoena could be judicially required as to unprivileged matter and that the Court was empowered to determine the applicability of any privilege. The case is presently the subject of appellate review.

This present case, by contest, is a civil complaint, and in such actions particularly, jurisdiction is a threshold issue. Some elementary principles perhaps need restating here. For the federal courts, jurisdiction is not automatic and cannot be presumed. Thus, the presumption in each instance is that a federal court lacks jurisdiction until it can be shown that a specific grant of jurisdiction applies. Federal courts may exercise only that judicial power provided by the Constitution in Article II and conferred by Congress. All other judicial powers or jurisdiction is reserved to the states. And although plaintiffs may urge otherwise, it seems settled that federal courts may assume only that portion of the Article III judicial power which Congress, by statute, entrusts to them.[5] Simply stated, Congress may impart as much or as little of the judicial power as it deems appropriate and the Judiciary may not thereafter on its own motion recur to the Article III storehouse for additional jurisdiction. When it comes to jurisdiction of the federal courts, truly, to paraphrase the scripture, the Congress giveth, and the Congress taketh away.[6] Finally, the principle is firmly established that jurisdictional requirements cannot be waived.

II

Plaintiffs have cited four statutory bases any and all of which, according to their submission, grant jurisdiction here. Before proceeding to analyze these provisions, however, it should be noted that the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202, and Rule 57 of the Federal Rules of Civil Procedure do not themselves confer jurisdiction. These statutes, as defendant points out, are procedural only and do not constitute the jurisdictional statute necessary to consideration of a specific declaratory judgment action.[7]

One of the four statutory bases of jurisdiction cited by plaintiffs is 28 U.S.C. § 1345 which reads:

§ 1345. United States as plaintiff

Except as otherwise provided by Act of Congress, the district courts shall have original jurisdiction of all civil actions, suits or proceedings commenced by the United States, or by any agency or officer thereof expressly authorized to sue by Act of Congress.

Plaintiffs have disclaimed any attempt to classify themselves as an "agency or officer" within the meaning of this section. Rather they purport to bring suit in the name of the United States. Reference, however, to common practice and related statutory provisions belies the soundness of such a claim. Title 28 U.S.C. § 516, in language similar to that of § 1345, reserves to the Attorney General and Department of Justice authority to litigate as United States.

§ 516. Conduct of Litigation reserved to Department of Justice

Except as otherwise authorized by law, the conduct of litigation in which the United States, an agency, or officer thereof is a party, or is interested, and securing evidence therefor, is reserved to officers of the Department of Justice, under the direction of the Attorney General.

While this section does not require a congressional litigant to be represented by the Justice Department, it does deny such a litigant the right to sue as the United States when jurisdiction derives from § 1345.[8] The practice has been otherwise and the two cases cited by plaintiffs do not so hold.[9] Section 1345 is simply imapplicable here.

B

A second statute called to the Court's attention is 28 U.S.C. § 1361. That statute provides:

§ 1361. Action to compel an officer of the United States to perform his duty.

The district courts shall have original jurisdiction of any action in the nature of a mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff.

In attempting to meet the terms of § 1361, plaintiffs impute to the defendant President a "legal duty to respond to and to comply with . . . [Select Committee] subpoenas." As defendant indicates, however, the traditional criteria for mandamus proceedings apply here[10] and only a "ministerial, plainly defined and peremptory" duty may properly be the subject of such proceedings.

Before such a writ may issue, it must appear that the claim is clear and certain and the duty of the officer involved must be ministerial, plainly defined, and peremptory. *Huddleston* v. *Dwyer*, 10 Cir. 145 F.2d 311. The duty sought to be exercised must be a positive command and so plainly prescribed as to be free from doubt. *Wilbur* v. *United States ex rel. Kadrie*, 281 U.S. 206, 50 S. Ct. 320, 74 L.Ed. 809.[11]

These criteria have not been satisfied.

After reading cases that have considered applications for mandamus, the Court cannot in good conscience hold that any duty defendant may have as President is "plainly defined and peremptory" as that phrase has been interpreted.[12] Mandamus properly issues to enforce such duties as that of a government officer to issue a driver's or marriage license when all licensing requirements are met or that of a military official to confer an honorable discharge where the law so provides. In every case, official duties are involved. No analogous obligation appears here. Regardless of whatever duty the President may owe the Select Committee as a citizen with evidence in his possession, it is not "free from doubt" that his *official* responsibilities require compliance. There is nothing in the Constitution, for example, that makes it an official duty of Presidents to comply with Congressional subpoenas.[13]

A fair reading of § 1361 cannot sustain jurisdiction here.

C

As a third statutory basis of jurisdiction, plaintiffs cite the Administrative Procedure Act, 5 U.S.C. §§ 701–708. There is some question whether the President is an "agency" for purposes of the Act,[14] whether "agency action" is involved here,[15] and whether plaintiffs have suffered a "legal wrong" within the meaning of these provisions.[16] A final resolution of these problems, however, is unnecessary here since the rule in this Circuit precludes use of this Act altogether as an independent basis of jurisdiction.[17] The Administrative Procedure Act does not confer jurisdiction where an action is not otherwise cognizable by the federal courts. Plaintiffs have urged that although this was once the rule in the District of Columbia, the *Independent Broker-Dealers' Trade Association v. SEC* case at 442 F. 2d 132 (D.C. Cir. 1971), *cert. denied* 404 U.S. 828 (1972) has effectively overruled the earlier position. The Court does not so read *Independent Broker-Dealers*. Plaintiffs there enjoyed an independent basis for jurisdiction in 28 U.S.C. § 1331, and the ruling concerned not whether the APA itself affords jurisdiction but whether the SEC's informal act was reviewable and whether any such review might be had in the District Court. The Court held that an SEC letter to the New York Stock Exchange requesting that the Exchange prohibit "customer-directed give ups" constituted judicially reviewable "agency action." The Court agrees with defendant's counsel that it is hardly probable the Court of Appeals would overrule its prior decisions without any reference to them.

The Court concludes that the Administrative Procedure Act cannot serve to grant jurisdiction here.

D

Plaintiffs have placed principal reliance for purposes of jurisdiction on 28 U.S.C. § 1331. That statute, often termed the "federal question" jurisdiction statute, provides in pertinent part as follows:

§ 1331. Federal question; amount in controversy; costs

(a) The district courts shall have original jurisdiction of all civil actions wherein the matter in controversy exceeds the sum or value of $10,000 exclusive of interest and costs, and arises under the Constitution, laws or treaties of the United States.

Unlike the statutes heretofore discussed, this provision includes a monetary sum or value as an incident of jurisdiction, the $10,000 jurisdictional amount. Although the amount has varied over the years, defendant is correct in his assertion that whatever the sum, it is a jurisdictional prerequisite.[18] The satisfaction of a minimum amount-in-controversy is not a technicality; *it is a requirement imposed by Congress which the courts may not dispense with at their pleasure.*

While some decisions have held to the contrary, most notably *Spock* v. *David*, 469 F. 2d 1047 (3rd Cir. 1972), it is the near-universal view that a right or matter in controversy must be capable of valuation in dollars and cents to sustain jurisdiction uuunder § 1331.[19] To the Court, this constitutes not only the majority but the more realistic analysis of the amount-in-controversy requirement. Where it desires to award jurisdiction over cases involving important rights without regard to a monetary valuation, the Congress is capable of excluding such restrictions; witness, for example, the civil

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Footnotes at end of article.

rights and elective franchise statute at 28 U.S.C. § 1343. Thus, where Congress has required a jurisdictional sum, it would seem unwarranted for a court to presume that the limitation was unintentional.[20]

The question therefore becomes whether a quantifiable amount-in-controversy, of sufficient value to satisfy the statutory minimum, exists here. The parties agree, and it is well settled that in determining the amount-in-controversy, reference to either party's situation is appropriate, there the case is worth at least $10,000 to the defendant, the requirement is satisfied just as fully as where a plaintiff can demonstrate the $10,000 value or sum.

Computations measure the "value of the object" of the *suit, Mississippi & Missouri R.R. Co.* v. *Ward,* 2 Black (67 U.S.) 485 1862), that is the monetary value of objects at issue or direct monetary impact of an adjudication. The object here could be described as either the tapes and documents themselves or as access to the information contained therein. Since intrinsically, the tape recordings and documents do not approach a $10,000 value, we look instead to the value of a disposition either granting or denying the declaratory judgment and other relief sought.

Plaintiffs suggest several possible analyses by which existence of the required minimum value may be established. It appears to the Court, however, that none of these proposals suffice. First, in an affidavit of the Select Committee Chairman appended to their Supplemental Memorandum, plaintiffs calculate the expenses they will incur if compelled to secure from other sources the information contained in the subpoenaed materials. Though the Court does not dispute this assessment, it nevertheless cannot accept such indirect costs as the amount-in-controversy. Alternative means of achieving the object of a suit or collateral results of a judgment are not properly considered in computing the jurisdictional minimum under § 1331.[21] The cost of added Committee work to ferret out the desired information is quite clearly the cost of an alternative procedure. Nor is the Select Committee's appropriation of a valid measure. The decision in *Williams v. Phillips,* —F. Supp. —— (D.D.C. 1973, C. A. No. 490–73), the only authority cited for this proposition, contains no such holding. Plaintiffs have not attempted to quantify the direct impact of a judicial decision, and indeed, it appears to the Court that such an appraisal is impossible from either party's viewpoint.

Second is a suggestion that the rights and responsibilities of legislators exceed the $10,000 minimum. The restriction to a dollars and cents evaluation of the matter in controversy, however, logically precludes an assumption that the value of such a right can satisfy § 1331. The value of the right or duty must be quantifiable.[22] There must be some financial gain or loss associated directly with sustaining, rejecting or declaring the right. The Supreme Court has only recently reminded us that in suits against federal officials under § 1331, "it is necessary to satisfy the amount-in-controversy requirement for federal jurisdiction." *Lynch v. Household Finance Corp.,* 405 U.S. 538, 547 (1972). Any direct financial consequence to rights or duties is not apparent in this case.

Finally, regarding value from defendant's viewpoint, the Court cannot find any basis on which to assign a dollar value to the matter in controversy. Just as the constitutional obligations of legislators, defendant's interest, whatever it may be termed, is incapable of such an apprsisal. Each of the plaintiff's assertions, then, regarding the amount-in-controversy are legally inadequate, and finding no possible valuation of the matter which satisfies the $10,000 minimum, the Court cannot assert jurisdiction by virtue of § 1331.

No jurisdictional statute known to the Court, including the four which plaintiffs name, warrants an assumption of jurisdiction, and the Court is therefore left with no, alternative here but to dismiss the action.

III

Because of its conclusion and disposition, the Court does not reach the problem of justiciability or the merits of the case. Any comment on these matters therefore is inappropriate, and the Court does not proffer its views.

The Court has here been requested to invoke a jurisdiction which only Congress can grant but which Congress has heretofore withheld. Whether such jurisdiction ought to be conferred is the prerogative of the Congress. Plaintiffs, of course, are free to pursue whatever remedy they now deem appropriate, but the Court cannot, consistent with law and the constitutional principles that reserve to Congress the conferral of jurisdiction, validate the present course.

JOHN J. SIRICA, *Chief Judge.*

October 17, 1973.

FOOTNOTES

[1] "Statement of Material Facts as to which there is no Genuine Issue" filed by plaintiffs on August 29, 1973, at 1. Counsel for the defendant President acknowledged in Court on October 4, 1973, that defendant takes no issue with plaintiffs' statement.

[2] *Id.* at 2.

[3] *Id.* at 3.

[4] In Re Grand Jury Subpoena Duces Tecum Issued to Richard M. Nixon, etc., 360 F. Supp. 1 (D.D.C. 1973).

[5] The Supreme Court and the Court of Appeals for this Circuit have affirmed that jurisdiction fails "if the cause is not one described by any jurisdictional statute." Powell v. McCormack, 395 U.S. 486, 512–513 (1969) citing Baker v. Carr, 369 U.S. 186, 198–199 (1962). *See also*, Cary v. Curtis, 3 How. (44 U.S.) 236, 245 (1845) and United States Servicemen's Fund v. Eastland, —— F. 2d —— (No. 24,279 August 30, 1973) (D.C. Cir. 1973). Reference to Article III, § 2 alone is insufficient.

For the contrary proposition plaintiffs cite six decisions: New York Times Co. v. U.S., 403 U.S. 713 (1971); Sanitary District of Chicago v. U.S., 266 U.S. 405 (1925); In Re Debs, 158 U.S. 564 (1895); U.S. v. Arlington County, 326 F.2d 929 (4th Cir. 1964); U.S. v. Brand Jewelers, Inc., 318 F. Supp. 1293 (S.D.N.Y. 1970); and U.S. v. Brittain, 319 F. Supp. 1058 (N.D. Ala. 1970). None of these cases, however, holds that the government or anyone else may invoke jurisdiction of the federal courts without utilizing a specific jurisdictional statute. Each were initially brought by the United States and jurisdiction apparently invoked under 28 U.S.C. § 1345, or its predecessor, an independent statutory base applicable to the government.

[6] Job 1:21 (The Holy Bible)

[7] *See*, Skelly Oil Co. v. Phillips Petroleum Co., 339 U.S. 667, 671 (1950) and Aetna Life Ins. Co. v. Haworth, 300 U.S. 227, 249 (1937).

[8] *Cf.*, Confiscation Cases, 7 Wall (74 U.S.) 454, 457 (1868). It may be argued that Senate Resolution 262, 70th Congress, 1st Session (1928) permits the Select Committee to sue in the name of the United States here despite the provisions of § 516. Resolution 262 states in pertinent part:

> [A]ny committee of the Senate is hereby authorized to bring suit on behalf of and in the name of the United States in any court of competent jurisdiction if the committee is of the opinion that the suit is necessary to the adequate performance of the powers invested in it or the duties imposed upon it. . . .

It occurs to the Court that there are at least three responses which answer this claim. First, insofar as the Senate Resolution is inconsistent with the provisions of § 516, it would appear that the statute, enacted by both Houses of Congress, should control over the Resolution of one House. Second, any exception to § 516 must be one "authorized by law." Although the question has never been specifically litigated, it seems apparent that "law" in § 516 would not include a legislative action of the sort represented by S. Res. 262. The term "law" does not normally encompass within its definition "resolution," and all recognized exceptions to § 516, such as 10 U.S.C. § 1037, are statute laws enacted by both Houses. In addition, the Supreme Court has hinted that authorization of legislative committees to sue as the United States under § 1345 may require a specific statutory enactment. The Court in Reed v. County Commissioners, 277 U.S. 376 (1928), did not reach the question of whether a Senate committee could act as the United States under 28 U.S.C. § 41 (predecessor to 28 U.S.C. § 1345), because *"even if it be assumed* that the *Senate alone* may give that authority," it had not even attempted to do so. 277 U.S. at 388 (italic added).

Third, and most importantly, the language and historical setting of S. Res. 262 exact the conclusion that it was intended, not to confer jurisdiction, but to ensure standing in lawsuits. Both parties agree that the Senate adopted S. Res. 262 in response to the Supreme Court decision in *Reed.* As just noted, the *Reed* Court did not reach the issue of statutory jurisdiction because it found that the Senate Special Committee lacked standing. 277 U.S. at 388. S. Res. 262 was intended to correct that defect, and thus it authorized committees to sue "in any court of competent jurisdiction." This language traditionally means courts that already have jurisdiction, that are presently competent to consider the case, pursuant to some independent statutory provision. It does not itself serve to bestow jurisdiction.

[9] Plaintiffs cited In Re Hearings by the Committee on Banking and Currency, 245 F. 2d 667 (7th Cir. 1957) and In Re Hearings by the Committee on Banking and Currency, 19 F.R.D. 410 (N.D. Ill. 1956).

[10] See, Senate Report No. 1992, 87th Cong., 2nd Sess. pp. 2–4 (1962). 28 U.S.C. § 1361 did not create a new or distinct cause of action.

[11] Prairie Zand of Potawatomie Tribe of Indians v. Udall, 355, F. 2d. 364, (10th Cir.) *cert. denied* 385 U.S. 831 (1966).

[12] *See e.g., Harmon* v. *Brucker,* 355 U.S. 579 (1958); McGaw v. Farrow, 472 F. 2d. 952 (4th Cir. 1973); Spock v. David, 467 F.2d 1047 (3rd Cir. 1972); United States v. Walker, 409 F.2d 477 (9th Cir. 1969); Greffanti v. Hershey 296 F. Supp. 553 (S.D. N.Y. 1969); Switzerland Co. v. Udall, 225 F. Supp. 812 (W.D.N.C. 1964) *aff'd* 337 F. 2d 56 (4th Cir. 1964) *cert. denied* 380 U.S. 914 (1965).

[13] Plaintiffs misread the prior opinion of this Court when they think they find a declaration therein that Presidents have a duty, ministerial in nature, to comply with subpoenas. The Court rather stated that defendant's obligation to produce unprivileged evidence was "more *akin* to a ministerial duty" than to a discretionary one, *"if indeed it concerns official duties at all."* In Re Grand Jury Subpoena Duces Tecum Issued to Richard M. Nixon, etc., 360 F. Supp. 1, 8 n.21 (D.D.C. 1973). (emphasis added). In sustaining the Court's position in that case, the Court of Appeals for this Circuit characterized the responsibility of the President to produce evidence as one of the "routine legal obligations that confine all citizens." Nixon v. Sirica,—F. 2d—(No. 73–1962 October 12, 1973) (D.C. Cir. 1973), at page 18 slip opinion.

[14] Plaintiffs cite Amalgamated Meat Cutters & Butcher Workmen v. Connally, 337 F. Supp. 737 (D.D.C. 1971), the decision of a three-judge court written by Circuit Judge Leventhal, as definitively establishing that the President is an "agency' for purposes of the statute. As the Court reads that decision, however, and as defendant suggests, that issue was specifically left open. The opinion does include the following statement cited by plaintiffs:

> The leading students of the APA, whose analyses are often cited by the Supreme Court, and who on some matters are in conflict with each other, seem to be in agreement that the term "agency" in the APA includes the President—a conclusion fortified by the care taken to make express exclusion of "Congress" and "the Courts." 337 F. Supp. at 761 (footnote omitted).

Nevertheless, in the next sentence the court writes:

> But we need not consider whether an action for judicial review can be brought against the President *eo nomine.* 337 F. Supp. at 761.

The Court of Appeals in this Circuit has also left open this question. *See,* Soucie v. David, 448 F. 2d 1967, 1073 n. 17 (D.C. Cir. 1971). Defendant further notes, "it is hard to imagine that a statute that excludes from its operation even the governments of the territories and the Mayor of the District of Columbia should be held to have included, in its bland and neutral language, the President of the United States." Brief in opposition at 33 p. 7.

[15] "Agency action" is defined by the statute as "the whole or a part of any agency rule, order, license, sanction, relief or the equivalent or denial thereof, or the failure to act." 5 U.S.C. § 551 (13). Plaintiffs cite this language as aptly describing "the President's failure to turn over the evidence which the Committee has demanded. **" "** In fact, the term 'adjudication' as defined by the APA, could well apply to the President's action. See 5 U.S.C. § 551 (6 and 7)." Reply Memorandum at 18. Defendant interprets the same definition as applicable only to the "rule-making" and "formulation of orders" functions of agencies, categories into which his actions do not fall. Brief in opposition at 33, 34.

[16] 5 U.S.C. § 702 provides:

> A person suffering legal wrong because of agency action or adversely affected or aggrieved by agency action within the meaning of a relevant statute, is entitled to judicial review thereof.

The plaintiffs claim a legal right of the Committee to have its lawful subpoenas obeyed by the President and cite principally Watkins v. U.S., 354 U.S. 178 (1957) and McGrain v. Daugherty, 273 U.S. 135 (1927). Supplemental Memorandum at 27; Reply Memorandum at 18, 19. Defendant maintains that although plaintiffs may have cited an adverse effect, they have not pointed to an illegal effect recognized by law. He cites Senate Report No. 752, 79th Congress, 1st Session (1945) at 26, and Kansas City Power & Light Co. v. McKay, 225 F.2d 924 (D.C. Cir.) *cert. denied* 350 U.S. 884 (1955). Brief in Opposition at 34.

[17] See Pan American World Airways, Inc. v. CAB, 392 F.2d 483, 494 (D.C. Cir. 1968); Kansas City Power & Light Co. v. McKay, 225 F.2d 924, 932–933 (D.C. Cir.) *cert. denied* 350 U.S. 884 (1955); Almour v. Pace, 193 F.2d 699, 701 n. 5 (D.C. Cir. 1951). Such is the rule in other circuits as well. *See, e.g.,* Arizona State Dept. of Public Welfare v. Dept. of Health, Education and Welfare, 449 F.2d 456, 464 (9th Cir. 1971), *cert. denied* 405 U.S. 919 (1972); Zimmerman v. United States Government, 422 F.2d 326, 330–331 (3rd Cir.), *cert. denied* 399 U.S. 911 (1970); Twin Cities Chippewa Tribal Council v. Minnesota Chppewa Tribe, 370 F.2d 529, 532 (8th Cir. 1967); Chournos v. United States, 335 F.2d 918, 919 (10th Cir. 1964); Local 542, International Union of Operating Engineers v. NLRB, 328 F.2d 850, 854 (3rd Cir.), *cert. denied* 379 U.S. 826 (1964); Ove Gustavsson Contracting Co. v. Floete, 278 F.2d 912, 914 (2d Cir.), *cert. denied* 364 U.S. 894 (1960).

[18] *See, e.g.,* Holt v. Indiana Mfg. Co., 176 U.S. 68 (1900) and U.S. v. Sayward, 160 U.S. 493 (1895).

[19] *See, e.g.,* Barry v. Mercein, 5 How. (46 U.S.) 103 (1847); McGaw v. Farrow, 472 F.2d 952 (4th Cir. 1973); Kheel v. Port of New York Authority, 457 F.2d 46 (2nd Cir. 1972); Goldsmith v. Sutherland, 426 F.2d 1395 (6th Cir.) *cert. denied* 400 U.S. 960 (1970); Rosado v. Wyman, 414 F.2d 170 (2nd Cir. 1969), *reversed on other grounds* 397 U.S. 397 (1970); Rapoport v. Rapoport, 416 F.2d 41 (9th Cir. 1969) *cert. denied* 397 U.S. 915 (1970); Giancana v. Johnson, 335 F.2d 366 (7th Cir. 1964) *cert. denied* 379 U.S. 1001 (1965).

[20] Defendant states that Congress has had before it several times legislation "rewriting the statute to remove the amount in controversy requirement in cases in which constitutional rights are asserted against federal officers," but has each time failed to enact it. Brief in Opposition at 25.

[21] *See, e.g.,* Healy v. Ratta, 292 U.S. 263 (1934); Lion Bonding & Surety Co. v. Karatz, 262 U.S. 77 (1923); Town of Elgin v. Marshall, 106 U.S. 578 (1882); Quinalt Tribe of Indians v. Gallagher, 368 F. 2d 648 (9th Cir. 1966) *cert. denied,* 387 U.S. 907 (1967).

For the contrary propostion plaintiffs cite Petroleum Exploration Co. v. Public Service Commission, 304 U.S. 209 (1938); Bitterman v. Louisville & Nashville R.R., 207 U.S. 205, 224–35 (1907); and Federated Mutual Implement & Hardware Ins. Co. v. Steinherder, 268 F. 2d 734 (8th Cir. 1959). In each of these instances, however, parties stood to suffer monetary losses in excess of the jurisdictional amount as the *direct* result of a judgment. In *Petroleum Exploration* it was the expense a Maine corporation would incur if forced to appear and give information pursuant to an order of the Kentucky Public Service Commission. In *Bitterman,* it was a railroad's financial loss if ticket sales by brokers were not enjoined. The *Federated Mutual* case concerned losses that would befall an insurance company if a former sales agent were not restrained from competing in the insurance business for two years.

[22] Plaintiffs urge that Kennedy v. Sampson (D.D.C., C.A. 1583–72, August 16, 1973) and Holtzman v. Richardson (E.D.N.Y., 73–C–537, July 25, 1973) *reversed,* —— F. 2d —— (2nd Cir. 1973) found that the constitutional rights and duties of legislators met the monetary requirement of § 1331. This conclusion, however, seems inaccurate. *Kennedy* did not discuss jurisdiction but was apparently a § 1361 case (performance of a ministerial duty). In *Holtzman,* the object of the controversy from defendants' viewpoint (bombing in Cambodia) far exceeded the $10,000 jurisdiction sum. As plaintiffs note, a court in this district has apparently ruled that the inherent value of a constitutional right to vote "must be equal to any amount set for jurisdictional purposes."

West End Neighborhood Corporation v. Stans, 312 F. Supp. 1068 (D.D.C. 1970). This Court, however, cannot justify a conclusion that the *Stans* decision represents the law in this or any Circuit with the possible exception of the Third, and accordingly, with due respect, cannot regard that precedent.

To say that constitutional rights are incapable of a monetary assessment is not to say that they are petty or worthless. All persons realize, or should realize, that their value is unsurpassed. Such value, however, is simply not the type intended to satisfy the monetary restrictions of § 1331. Other statutes may grant jurisdiction in some of these cases, but § 1331 does not.

The PRESIDING OFFICER. The question is on agreeing to the substitute amendment of the Senator from North Carolina.

The substitute amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill (S. 2641) was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S. 2641

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the District Court of the United States for the District of Columbia shall have original jurisdiction, without regard to the sum or value of the matter in controversy, of any civil action heretofore or hereafter brought by the Senate Select Committee on Presidential Campaign Activities, which was created on February 7, 1973, by Senate Resolution Numbered 60, to enforce or secure a declaration concerning the validity of any subpoena or order heretofore or hereafter issued by said committee to the President or the Vice President or any other officer of the United States or any officer or employee of any department or agency of the United States to procure the production before the said committee of any information, documents, taped recordings, or other materials relevant to matters the said committee is authorized to investigate, and the said district court shall have jurisdiction to enter any such judgment or decree in any such civil action as may be necessary or appropriate to enforce obedience to any such subpoena or order.

(b) The Senate Select Committee on Presidential Campaign Activities shall have authority to prosecute in its own name or in the name of the United States in the District Court of the United States for the District of Columbia any civil action heretofore or hereafter brought by said committee to enforce or secure a declaration concerning the validity of any subpoena or order heretofore or hereafter issued by said committee to the President or Vice President or any other officer of the United States or any officer or employee of any department of the United States to procure the production before the said committee of any information, documents, taped recordings, or other materials relevant to the matters the committee is authorized to investigate, and pray the said district court to enter such judgment or decree in said civil action as may be necessary or appropriate to enforce any such subpoena or order.

(c) The Senate Select Committee on Presidential Campaign Activities may be represented by such attorneys as it may designate in any action prosecuted by said committee under this Act.

Mr. ERVIN. I move to reconsider the vote by which S. 2641, as amended, was passed by the Senate.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The title was amended so as to read:

To confer jurisdiction upon the District Court of the United States of certain civil actions brought by the Senate Select Committee on Presidential Campaign Activities, and for other purposes.

Mr. ERVIN. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of S. 2641, as amended and passed in the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the

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previous order, the Chair recognizes the distinguished Senator from Arkansas (Mr. FULBRIGHT) for not to exceed 15 minutes.

DÉTENTE AND THE MIDDLE EAST

Mr. FULBRIGHT. Mr. President, as the Middle East crisis continues, its consequences are felt beyond the region in concentric rings. One immediate effect has been the acute fuel shortage necessitating the emergency measures called for by the President in his speech of November 7. The energy crisis is by no means solely the result of the partial and selective Arab boycott; even the Canadians have chosen this moment to increase the price of their oil, and the United States imports more oil from Canada than from any other foreign country. Increased costs and shortages of fuel will inevitably result not only in discomfort for most Americans and hardship for many farmers and others whose livelihood is affected, but also in shortages of other, petroleum-based goods, shortages which will accelerate inflation.

The Middle East war has also provided grist for the mill of our redouble cold warriors, who have seized this occasion to attack cooperation with the Soviet Union.

This morning it was reported that the Pentagon will request a $3-billion to $4-billion increase in the military budget. The administration had already requested an additional $2.2 billion to pay for arms shipped to Israel.

Assaults upon the merits of détente with the Soviet Union are not only inflammatory but sterile. They are sterile because the detractors seem to assume that there is a satisfactory alternative to Soviet-American cooperation, when in fact the only alternative is the cold war with its endless polemics, the ruinous arms race, and periodic trips to the nuclear brink. It may well be granted that Soviet-American cooperation in the current Middle East crisis has been less than might have been desired, but does it follow that we would be better off if there had been no cooperation at all? The burden of proof has been placed on the wrong side. Instead of holding the advocates of détente to an exacting, if not impossible, standard, the detractors ought to be required to show that they have something better to offer.

I doubt that they can, although it appears that they shall have their chance. Bowing to political reality, the administration has abandoned for the time being its effort to secure equal trade treatment for the Soviet Union. It did so to avoid a prospective congressional vote on the Jackson amendment, which would make both equal trade treatment and ordinary commercial credits contingent upon free emigration from the Soviet Union—a blatant intrusion upon internal Soviet affairs. The result is that, for the time being at least, Soviet trade will continue to be discriminated against, and we shall now see how the Jackson approach works for our national interest. We shall see specifically, whether continued trade discrimination provides leverage for Soviet-American cooperation in the Middle East, and whether it will induce the Russians to drop remaining emigration controls and grant civil liberties to its citizens.

Perhaps the Jackson approach will work, but if it should fail to bring the desired results, the congressional majorities which have insisted upon linking equal trade treatment with internal reforms within the Soviet Union may wish to reconsider their attitude toward détente and intervention in Soviet internal affairs.

My own view is that the best—and most—we can do to advance the cause of liberties within the Soviet Union is to build an international atmosphere or climate of security and confidence through trade, investment, cultural exchange, frequent political contacts, and above all, arms control. These are also the best we can do for world peace—and for peace in the Middle East.

Whether or not the Soviet-American encounter of October 24 and 25 qualifies as the "most difficult crisis" since the Cuban missile crisis of 1962 as President Nixon said, it was serious enough to point up the surpassing importance of Soviet-American cooperation in matters of world peace, and also to point up the interest of all nations in the resolution once and for all of the Arab-Israel conflict which brought the great powers to the crisis of late October. The temptations to recrimination are strong: President Nixon may have overreacted with the military alert, but that is over and done with, and the crisis ended with the joint Soviet-American sponsorship of the United Nations emergency force to supervise the truce.

It is also being widely contended that the mere threat of unilateral Soviet military intervention in the Middle East proves the hollowness of détente. Are we to conclude that a cold war stance would have served us better? Would the Soviets have shown greater restraint and good faith if our relations were still frozen as in Stalin's time? It seems hardly likely. Instead of dismantling the détente, the logical implication of the crisis of late October is the need to strengthen Soviet-American cooperation.

The fact that détente is fragile does not mean that it is futile. Quite the contrary: every time the two great nuclear powers come to a point of confrontation, the necessity of détente is reinforced. What the detractors cannot seem to get through their heads is that there is no alternative except endless conflict. We and the Russians have to get along with each other, because in matters of world peace, neither can get along without the other.

I underline that by reiterating the existence of nuclear warfare, the nuclear arms about which we have talked so much in this body.

Perhaps there has been some misunderstanding of the meaning of détente. It does not mean that the two superpowers have come to see everything eye to eye; on the contrary, we remain political rivals with inimical political systems. Détente, in its essence, is an agreement not to let these differences explode into nuclear war. We may hope to mitigate our ideological differences through time and human contact, but we dare not force the pace lest we undercut the purpose of maintaining peace. That is what is so wrong and mistaken about the Jackson amendment: it would force the pace, at great risk and almost certainly to no avail.

Perhaps there is something in our Puritan heritage which causes us to feel that if we cannot have perfect harmony, we do not want any at all. Instead of treating our various dealings with the Soviet Union as simply problems to be solved, we have tended to approach each encounter as a new morality play. The sorting out of good guys from scoundrels may be mordant fun for moral crusaders, but its uses are limited—and so, too, are its moral dividends.

I do not know—or much care—whether the Russians' motives are idealistic or opportunistic as long as they behave sensibly and cooperate with us for peace. Nor am I prepared to excommunicate them from the human race if they cooperate with us on one occasion and then compete with us on another; I am in favor of seeking out areas of cooperation wherever they can be found and building upon them to whatever extent that is possible.

I might say, parenthetically, that I feel somewhat the same way about the Nixon administration: as long as the President and his advisers are working for improved relations with the Soviet Union and for a viable, compromise peace in the Middle East, there seems little to be gained from speculation on their "ulterior"—or domestic—motives. In some of the more heated debates one hears these days in this polarized agitated political community, one is reminded of the preacher in Tom Sawyer who delivered a sermon "so prosy that many a head by and by began to nod—and yet it was an argument that dealt in limitless fire and brimstone and thinned the predestined elect down to a company so small as to be hardly worth the saving."

The Russians have shown once again in the recent Middle East crisis that they hardly qualify for the "predestined elect." That is hardly news. But they also showed that they are not Attila's hordes or the devil's minions; they demonstrated again that they tend to be prudent in a crisis and that they are quite as resolved as we to keep the Middle East conflict within bounds. Their short-lived move toward unilateral intervention in Egypt was apparently conceived in haste as an emergency measure to save the Egyptian 3d Corps from destruction by the Israelis after the initial truce broke down and the Israelis drove rapidly to seize more territory. It is hardly likely that we would have done less if the Israeli Army had been trapped and threatened with annihilation.

The lesson of the Middle East crisis is not the incompleteness of détente, which is and always has been quite evident. The true lesson is the necessity of great power cooperation, through the United Nations, to put a quick and equitable end to the Arab-Israel conflict.

As long as that conflict goes on, the great powers—and the world—are threatened with nuclear confrontation. It cannot, therefore, be contended that the issue is only one for the belligerents themselves. That would be the case if the Soviet Union and the United States were willing to abandon their respective clients, withhold all further arms, and consign them to each other's mercy, to work out, or fight out, their differences as they will. But the Russians are not likely to abandon the Arabs, and we are certainly not going to abandon Israel. Over the course of the last 25 years we have become politically and morally committed to the survival of Israel. But we are not committed to the retention by Israel of her conquests of 1967 and 1973. It is up to us, and up to the Russians, working through the United Nations, to apply whatever degree of persuasion we can, or whatever degree of pressure we must, to bring about a compromise peace based upon the principles of the Security Council resolution of November 1967. It would then be the responsibility of the Soviet Union and the United States, through the United Nations, to guarantee the settlement.

The fourth Arab-Israel war has created a new situation in the Middle East. The Arabs did not win this war, and were probably about to lose it when the truce came. But they have demonstrated to themselves and to the world that Arab armies can fight with tenacity and make effective use of modern, sophisticated weapons. They have confronted Israel with an exceedingly bleak prospect for the future if a settlement is not now reached. That prospect is for still another war, and then even another, not lightning wars like that of 1967, but wars of attrition in which the Arabs would have a mounting advantage deriving from their vastly greater numbers, their growing technological capacity, and the enormous financial resources of the oil-producing states of the Arab world.

The oil-producing states have barely begun to use their leverage—and one hopes that they will not. Saudi Arabia and the other oil-producers of the Persian Gulf have been reasonably restrained thus far, but even the limited production cutbacks already instituted threaten the United States and other countries with fuel shortages this winter. The Middle East economic survey reports production cuts of more than 4 million barrels a day overall, or some 20 percent of total Arab production. Dependent on the Arab world for not much more than 10 percent of its oil consumption, the United States is unlikely to be severely injured by the current cutback, but we must certainly take warning for the future. Our dependence upon Arab petroleum is increasing rapidly, and will continue to increase for some years to come even if we embark upon a costly crash program for the development of alternate energy sources. Furthermore, it is a virtual certainty that the Arab oil producers would make ever more drastic use of their oil weapon in a fifth, sixth, or seventh round of Arab-Israel conflict.

Editorialists may fulminate against "oil blackmail," but here too we are ill-served by self-righteous moralizing. The use of economic sanctions in international politics is not an Arab innovation. We ourselves have not shrunk from economic "blackmail" in dealing with such countries as Cuba, Chile, North Vietnam, and for that matter the Soviet Union by withholding credits and most-favored-nation trade treatment. There is no objective moral difference between American trade sanctions as a lever on Soviet emigration policy and Arab oil sanctions as a lever on American policy toward Israel. Arabs, like Americans, believe themselves to be using sanctions for a noble cause.

There is, however, a political distinction, and one might as well be brutally frank about it. The United States is a superpower which can get away with the use of economic pressure, however, unwise it may be. The Arab oil producers are militarily insignificant, gazelles, as I suggested once before, in a world of lions. I was most gratified on an earlier occasion to have my apprehensions of possible military intervention in the Persian Gulf dismissed as unfounded; the Senator from Washington (Mr. JACKSON) thought my apprehension most unfortunate and utterly irresponsible. Despite these assurances, I would hope that the oil-producing states will continue to show restraint and treat their oil wealth as an international responsibility, if only for their own protection. Just as they feel impelled to use oil for political purposes to which they attach great importance, they must take account of the pressures and temptations to which the powerful industrial nations would be subjected if their economies should be threatened by severe and protected energy crises.

For its part the United States can readily avoid conflict with the oil-producing states of the Persian Gulf. Most of these states, and especially the largest and richest, Saudi Arabia, desire close and friendly relations with the United States.

Mr. President, there is no direct conflict of interests between these or any other Arab States and the United States. The only issue between us is the Arab-Israel conflict, which it is in our interests to resolve in any case. We come back, therefore, to the necessity of an early, compromise peace. We ourselves have three basic interests in the Middle East: a secure, peaceful Israel; friendly relations with the Arab States and a reliable source of oil; and the avoidance of conflict with the Soviet Union. These interests are neither incompatible nor unattainable—if we pursue a rational policy.

The central requirement is peace, and the time to press for it is now, before another military truce hardens into another untenable and illusory status quo. The precise terms will have to be worked out in protracted negotiations, but the general requirements are clear: The recovery of lost lands by the Arabs and security for Israel. Concessions—great concessions—will be required on both sides. The Arabs cannot demand to have all of their requirements met as a precondition before they even enter negotiations. Nor indeed can they expect to have every last inch of the territories lost in 1967 restored in a final settlement, although I would hope and expect that territorial changes would be confined to those "insubstantial alterations required for mutual security" referred to in the Rogers plan of 1969.

The Israelis, for their part, must give up the chimera of absolute military security through the occupation of territory, recognizing that the absolute military security of one nation means absolute insecurity for its neighbors. Israel is going to have to reconcile itself to compromise, and time is no longer on her side. Whatever else the recent war has shown, it has shown that Israel's military supremacy is a diminishing asset. As Israel's elder statesman and first Prime Minister David Ben-Gurion recognized some time ago—

> Real peace with our Arab neighbors—mutual trust and friendship—that is the only true security.

All concerned must recognize, and at long last take steps to redress, the great wrong done to the Palestinian people. Whatever form a new political dialog takes, the Palestinians are entitled to participate as a recognized national group. The outcome could be a new Palestinian state or confederation with Jordan, combined with arrangements for repatriation, resettlement and compensation. Whatever the settlement, the dispossessed and long-suffering Palestinians must be equal partners in shaping it.

It is not my purpose here to outline a detailed peace plan for the Middle East. I have suggested schemes in the past, and so have many others, and some of the suggestions made have seemed both equitable and practical. The missing elements have been good sense and good will. Possibly—just possibly—the recent war will have instilled some measure of these into the thinking of both sides. One surely hopes so, but to the extent that good sense and the spirit of compromise are lacking among the belligerents, it will become the responsibility of outsiders to bring them to bear.

That is where Soviet-American détente comes in. The greater the cooperation of the great powers, working through the United Nations, the greater the likelihood of an equitable, viable, compromise peace. Such a peace in turn, guaranteed and supervised by the great powers working through the United Nations, would further strengthen the détente itself, while also removing the one great obstacle to our good relations with the oil-producing states of the Arab world. The political factors involved—Arab-Israel, energy and détente—can be mutually reinforcing in a constructive direction, just as they have been mutually debilitating in the past. Like the Balkans before 1914, the Middle East has been the potential flash point of great power conflict. To the extent that the Middle East is stabilized, so too will world peace be stabilized. Perhaps when wisdom and patience have brought us to that high plateau it will become feasible to look beyond peace, toward the other possible benefits of détente.

Mr. President, the agreement announced today among the parties to the conflict in the Middle East, is an encouraging development and is evidence

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of the energy, skill, and resourcefulness of Secretary Kissinger and of the spirit of compromise which seems to be developing.

Mr. President, I ask unanimous consent to have printed in the RECORD an article by Bernard Gwertzman published in the New York Times on this subject.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Nov. 7, 1973]

SHARP TURN IN MIDEAST—MANY QUESTIONS UNANSWERED, BUT WAY TO REAL UNITED STATES-ARAB DIALOG SEEMS OPEN

(By Bernard Gwertzman)

CAIRO.—The dramatic Middle East developments today have occured with such rapidity and secrecy that several crucial questions remain unanswered. On the basis of what was announced it seemed to many Americans traveling with Secretary of State Kissinger that Washington's relations with both Egypt and Israel may never be quite the same again. The announcement that President Anwar el-Sadat agreed this morning to the restoration of diplomatic relations with the United States—the prime military supporter of Israel—despite the apparent uncertainty of the current cease-fire seemed to bear out Mr. Kissinger's personal view that for the first time in many years the United States could engage in a serious dialogue with the Arab world.

Perhaps even more significant, Washington's long-standing ties with the Israelis seemed more strained than at any time since President Eisenhower joined with Nikita S. Khrushchev to end the 1956 Suez war.

Officially, Robert J. McCloskey, the acting State Departmental spokesman, denied again that the United States was trying to put pressure on Israel to make undue concessions.

Yet the sudden dispatch of Mr. Kissinger's top two Middle East aides, Joseph J. Sisco and Harold Saunders, to Israel this afternoon created the invitable impression here that the United States and Egypt had reached a consensus on a formula for resolving the cease-fire dispute and getting full peace talks under way and that Washington was urgently seeking Israeli's concurrence.

TIMETABLE SEEMS STEPPED UP

It may take a few days to learn exactly what led to the day's development. Senior officials traveling with Mr. Kissinger told newsmen only yesterday that the restoration of diplomatic ties was a possibility, but they did not indicate that it would occur so rapidly. Likewise, Mr. Sisco and Mr. Saunders had not been expected to go to Tel Aviv before the end of the week, after Mr. Kissinger had completed the Moslem part of his round-the-world trip, which will also take him to China and Japan.

The same officials had made it clear in private conversations, however, that the last two weeks of diplomacy had produced two clear impressions in Washington: First, that the Egyptians were willing to put their trust in the United States to produce an acceptable solution and, second, that the Israelis were unhappy with the way the United States seemed to be rushing to get a settlement of all issues.

To put it another way, Mr. Kissinger found himself mediating between, on the one hand, the Egyptian's desire to translate their military success in crossing the Suez Canal into a permanent settlement that would restore their occupied territories and, on the other, the Israelis' belief that diplomatic haste was a mistake and that the Egyptians should be made to suffer for having launched the war on Oct. 6.

Secretary Kissinger was not interested in pinning guilt on either party but in using what he regarded as a golden opportunity to bring about a lasting settlement. To do this he has had to keep the Egyptians interested in negotiating with the Israelis—something they said they would do—and to persuade the Israelis that their long-term, security interests would be enhanced more by a political settlement than by maintaining their hold on Sinai and other Arab land.

The negotiating effort has been complicated by two exceedingly emotional issues. The Egyptians, at least so far, have said that the lifting of the encirclement around the 20,000-to-30,000-man III Corps on the east bank of the canal was absolutely necessary for progress toward peace. The Israelis have demanded the release of prisoners as first step.

Mr. Kissinger has tried to find a formula, such as a United Nations-supervised corridor to supply the III Corps, to resolve those problems. Presumably Mr. Sadat may have given his assent to a formula that Mr. Kissinger believed was a fair compromise. Whether this would be acceptable to Israel was an open question.

If the Israelis choose to balk at what the United States regards as a fair compromise, this could cause serious problems in their already-strained relations and add to President Nixon's political difficulties at home.

But Mr. Kissinger has proved in the past that he does not commit the United States to a position unless he is reasonably sure that it has a chance of success. Inevitably, comparisons are being drawn between his latest piece efforts and his work a year ago to get the North Vietnamese and the South Vietnamese to agree to what eventually became the Vietnam cease-fire.

As he did then, he has handled the brunt of the negotiations himself with the aid of a few others—in this case Mr. Sisco, Mr. Saunders, Alfred L. Atherton, Mr. Sisco's deputy, and Mr. McCloskey. There is the same penchant for secrecy and surprise. The Sisco mission today resembled the trips that Alexander M. Haig Jr. used to take to Saigon to convince President Nguyen Van Thieu that peace was in his interest.

BROADLY BASED SUPPORT

But Premier Golda Meir is no President Thieu. She has broadly based support not only in her own country but also in the United States. Yet, like Mr. Thieu, she may in the end have to accept compromises she might otherwise have refused if she is to insure the continued goodwill and arms supplies that Israel has deemed so necessary to survival.

In addition to a desire to help negotiate a settlement, Mr. Kissinger has considerations in mind that were not so crucial even a few years ago. The United States has had to take the Arab oil blockade seriously, and any settlement that pleases Egypt would probably avert the threat to cut the United States off from Arab oil.

Also hanging in the balance, of course, is the effect of the Middle East crisis on Soviet-American relations. Moscow has played a much less publicized hand in the negotiating effort, but Mr. Kissinger is known to have placed considerable stock in Soviet cooperation.

The celebrated one-day "precautionary alert" last month does not seem to have had a lasting impact on the ngotiations, although it is assumed that Washington has moved with alacrity for a settlement, at least partly to demonstrate to Moscow that it is sincere.

The Russians have apparently played an important role in keeping Cairo interested in negotiating and they will probably become more active if and when full-scale talks begin. When the crisis is over Mr. Kissinger would like to report that the spirit of Soviet-America détente, which he helped create, had been translated into big-power cooperation in bringing about peace.

Mr. FULBRIGHT. Mr. President, in addition, I ask unanimous consent to have printed in the RECORD two articles, one from the New York Times and the other from the Baltimore Sun.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Nov. 8, 1973]

SOVIET DISSIDENT BACKS BETTER U.S. TIES

(By Hedrick Smith)

MOSCOW, November 7.—Roy A. Medvedev, a prominent dissident and unofficial historian of the Stalinist purges, urged the West today to proceed with relaxation of tensions and warned that Congressional restrictions on Soviet-American trade could have a negative effect on prospects for emigration from the Soviet Union.

In a 7,000-word essay circulating is Moscow, Mr. Medvedev voiced fear that Congressional conditions on tariff and credit concessions to Moscow would "worsen prospects" for solving the emigration problem and "decrease chances" that liberal provisions on emigration would be written into a new Soviet constitution now being drafted.

He thus took direct issue with Andrei D. Sakharov, the dissident atomic physicist, who previously cautioned the West not to accept improved relations on Soviet terms and urged Congress to adopt legislation withholding tariff concessions to Moscow until the Soviet Union allowed completely free emigration.

"TACTICALLY WRONG"

"This is tactically wrong," Mr. Medvedev said, because it expects too much from outside pressure on the Soviet leadership and because in the long run human rights in the Soviet Union will be aided by moving ahead with East-West amity.

The historian, a close friend of Mr. Sakharov, with whom he collaborated in 1970 in a lengthy critique of Soviet society, renewed many of his criticisms today, deploring what he termed a general "shift to the right in our politics and our society."

He defended Mr. Sakharov's right to speak out, and denounced measures against him and other dissidents, but differed over the crucial issue of how to proceed with East-West accommodations.

A BACKLASH EFFECT

In a reasoned and carefully balanced essay obviously intended to appeal to what Mr. Medvedev considers liberal elements in the Soviet hierarchy, he asserted that Western opinion had clearly exercised great influence on the Soviet leadership but warned that it "has its limits" and sometimes could have a backlash effect.

Alluding to Mr. Sakharov and the author Aleksandr I. Solzhenitsyn, another friend, Mr. Medvedev suggested that some dissidents were "coming out with more and more extreme ideas and putting forward less and less constructive proposals, being guided, as they are, by their emotions rather than by considerations of political expediency."

He warned his colleagues that they were thus playing into the hands of "reactionary factions of our leadership" who were using their declarations "to increase pressure on the intelligentsia and to split and demoralize dissidents."

Nonetheless, he discounted speculation here that campaigns against Mr. Sakharov and Mr. Solzhenitsyn this fall had been deliberately staged by Soviet "hawks" to sabotage the accommodation policy of the party leader, Leonid I. Brezhnev.

PRAISE FOR LEADERS

Privately, usually well-informed Western diplomats have reported evidence that the Politburo and Mr. Brezhnev himself had approved the anti-Sakharov campaign.

But Mr. Medvedev praised the present leadership for having pursued a relaxation of tensions and made sacrifices in its behalf, including an end to jamming major Western broadcasts. He said that more such steps were needed, among them freer travel for western correspondents based in the Soviet Union and greater access for them to Russian citizens, to reciprocate for privileges that Soviet newsmen in the West "long ago received."

He also called for greater access for Soviet citizens to Western publications and relay of Western television broadcasts by satellite.

Mr. Medvedev asserted, moreover, that there had been struggles within the leadership over the policy of accommodation and said "it is known" that at least one high-level Soviet conservative, the former Ukrainian party leader, Pyotr Y. Shelest, had been demoted from the Politburo for having opposed President Nixon's visit to Moscow in May, 1972. Mr. Medvedev implied that another former member of the Politburo, Gennadi I. Voronov, had fallen for similar reasons.

Mr. Medvedev argued that over the long term improved relations would help foster what he termed "socialist democratization" in the Soviet Union although so far it had had the opposite effect.

He wrote: "Although relaxation of international tensiona is not accompanied at present in the Soviet Union by broadening of democratic freedoms and is used even by certain circles to intensify pressures on dissidents, the more distant prospect—though this is not too consoling a prognosis—is that international détente will undoubtedly promote broadening of democratic rights and freedoms in our country."

His hopes, he said, were based primarily on the belief that foreign opinion would have great impact on Kremlin leaders in a climate of better ties. But ultimately, he contended, reform in the Soviet Union must come essentially at home and "as a result of initiative from the top," much as the late Premier Nikita Khrushchev's campaign of de-Stalinization had.

Mr. Medvedev, who calls himself a Leninist and who has reportedly had significant links with Communist party officials, reported that there were some officials who had seen the need for liberalization but that they were "at low stages in the hierarchy."

His picture of the present Soviet scene was discouraging. Discontent and dissatisfaction with material standards, the gap between the Soviet Union and the West in economic, social and cultural conditions, he said, are "growing" among ordinary people as well as intellectuals.

A CONSERVATIVE TREND

While free emigration is an important civil right he said, "of more importance is the demand that conditions be created in the Soviet Union in which Soviet people do not want to leave their country." His own twin brother, Zhores, went to England in late 1972 for academic atudy but has been barred from returning.

In addition to deploring arrests and intimidation of dissidents and use of provocateurs and psychiatric hospitals, Mr. Medvedev reported a conservative trend in intellectual endeavors, where he had found "an explosion of activities" of right-wing elements, especially in the last year.

"We can see an obvious deterioration in historical science, in philosophy, and during the discussion of many economic problems, and also in the sphere of literature and art," he said.

Frustration over auch trends, he said, makes people hope that outside pressures can bring improvements. But he said that there was no reason to expect Western leaders to be primarily concerned with internal Soviet reforms, nor for Western business interests to forego the profits of economic deals with Moscow for the sake of Soviet liberalization.

Nor he said, joining a public debate with Mr. Sakharov and Mr. Solzhenitsyn indirectly via Western media, which have carried their statements, did the current frustrations make his two colleagues' statements "indisputable."

He took issue with both, charging Mr. Solzhenitsyn with "Moscow-centrism" and with having exaggerated Soviet internal problems in comparison with those in other countries such as Chile and South Africa.

What Mr. Medvedev found "objectionable" was that the Soviet news media had not printed Mr. Solzhenitsyn's statements and had given only "distorted" snippets from Mr. Sakharov's while printing attacks on him. As a result, he charged that the "overwhelming majority" of people—including ranking intellectuals—who had signed collective denunciations of the scientist "had not read the full texts" of his statements.

Mr. Medvedev an outspoken dissident in recent years became known in the West for his large-scale unofficial history of the Stalinist purges, "Let History Judge," and another book, "A Case of Madness," about his brother Zhores' incarceration in a mental hospital for political dissident.

[From the Baltimore Sun, Nov. 8, 1973]

MEDVEDEV ASSAILS DISSENTERS' TACTICS

(By Michael Parks)

MOSCOW.—A prominent Soviet historian and political dissident strongly criticized yesterday the tactics of his fellow dissenters who seek broader human rights in the Soviet Union through Western pressure.

Roy A. Medvedev, known in the West for his excoriating account of Josef V. Stalin's rule and other anti-establishment works, argued that change in the Soviet Union must come from within and from the top.

Western pressure can help produce changes he acknowledged, "but pressure from the outside can also have a negative effect," playing into the hands of an influential "right-wing" group within the Soviet leadership that opposes improved relations with the West.

Mr. Medvedev said that this is what is happening now as a result of recent appeals by Andrei S. Sakharov, the nuclear physicist, and Alexander I. Solzhenitsyn, the Nobel prize-winning Russian novelist.

If the United States Congress, for example, refused to grant the reduced tariffs of most-favored-nation treatment to Soviet goods or tied them in unrestricted emigration from the Soviet Union, "it would make even more difficult the democratization of Soviet society," Mr. Medvedev said.

"It would make the problem of emigration much worse and have a serious effect on Soviet-American relations."

Mr. Medvedev does not discount the usefulness of Western pressure, but says that in the long run more good is likely to come from détente.

Mr. Medvedev made his remarks in a 6,000-word assessment of political dissent in the Soviet Union today.

The work urges dissidents to take the long view of their struggle for greater political and civil rights.

"The more distant prospect . . . is that international détente will undoubtedly promote broadening of democratic rights and freedoms in our country."

"But no matter how considerable is the pressure of progressive international public opinion, the basic impulse to conduct democratization in the Soviet Union must emerge from Soviet Society itself, including its present and future leaders," he said.

Mr. Medvedev, 48, was an educator before he became an historian. His twin, Zhores, a biologist and specialist in problems of the aged, was exiled to Britain and deprived of his Soviet citizenship.

Mr. Medvedev said he believes there is "a new generation of leaders, a considerable part of whom may prove capable of looking at problems and prospects of development of the Soviet Union differently from many leaders of the departing generation."

The Soviet Union's economic backwardness and its cultural isolation will be principal factors leading to internal change, he said.

To those who scoff at the prospects for change from within and begun at the top, he cites the limited liberalization begun under Premier Nikita S. Khrushchev in the early 1960's and halted in 1968 when the Soviet Union invaded Czechoslovakia and clamped down at home.

Since then, Mr. Medvedev says, there has been a continuing struggle between liberals and conservatives in the top Soviet leadership, and he attributes the recent crackdown on dissidents to "a concession to the right-wing forces within our leadership, a compromise that allows agreement on foreign policy and economic cooperation with the West."

He takes issue with fellow dissidents for what he calls their "Moscow-centrism."

This, Mr. Medvedev says, is a "refusal to see that in other countries there are just as serious, and, in some countries, more serious internal problems than those that exist in the Soviet Union."

He praises Dr. Sakharov and Mr. Solzhenitsyn for their "bravery in the fact of mounting pressure," but suggests that they have begun to express "extreme views under the influence of strong emotions."

Mr. Medvedev suggests that dissidents choose the targets of their appeals more carefully, directing themselves more to socialist and Communist parties in the West that have a vital interest in seeing a more democratic society in the Soviet Union.

Frequently their appeals are used as "anti-socialist propaganda" by the West, he says. "It should be realized" that President Nixon, British Prime Minister Edward Heath and French President Georges Pompidou "are not really interested in civil rights in Russia, but in the long run defend the interests of the ruling classes of their countries."

He also criticizes the emphasis laid by other dissidents, particularly Jews and Dr. Sakharov, on the right to free emigration from the Soviet Union. "While it is important to have the right to leave the country, it is even more important for conditions to be created in the Soviet Union which Soviet people would not want to leave," he says.

Mr. Medvedev gives a pessimistic analysis for early liberalization of the Soviet political system, writing from the viewpoint of a confirmed Marxist-Leninist although he was expelled from the Communist party several years ago.

"Consistent democratization of Soviet society is an immediate necessity, the most important prerequisite for speeding economic, political, cultural and social development," he says. "Only genuine socialist democratization will give birth to new motive forces that are needed for making the entire system better, reviving it . . .

"But no individuals or even small groups of dissidents are able to give birth to the mass movements capable of producing essential political changes. The masses themselves would go into motion only as a result of several serious economic and political crises—but such crises [are] neither probable nor desirable."

On balance, Mr. Medvedev says, the economic and other problems of Soviet society, including the "growing dissatisfaction" of ordinary people with the way they live, will produce a climate for change, but change will have to come from the top. And here he

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places his hope on a new generation of leaders influenced by international détente and not aggravated by Western pressure.

Mr. FULBRIGHT. Mr. President, the latter articles concerning a thorough discussion of Soviet-American relations by Roy A. Medvedev, a prominent historian and intellectual, should be seriously considered by everyone who is genuinely interested in improving the conditions of life for the citizens of the Soviet Union, and particularly the Jewish citizens.

Mr. Medvedev, a close friend of Mr. Sakharov is well qualified to judge the wisdom and effectiveness of the efforts to use trade policies to force a change in the internal affairs of the Soviet Union. His view that such policies could have a negative effect on prospects for emigration from the Soviet Union deserve the most serious attention by all of us.

I believe that Mr. Medvedev's analysis of the psychological and political aspects of the matter is more in accord with reality than is the view of Mr. Sakharov or of those in the Congress who wish to deny nondiscriminatory trade with the Soviet Union.

I believe it is not in our national intent for the Congress to undermine the efforts of the Secretary of State to improve our relations with the Soviet Union with all the implications of that for peace in the Middle East and for better conditions of life for the Jewish people in the Soviet Union.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield to the Senator from Missouri.

Mr. SYMINGTON. I respectfully commend the able Senator from Arkansas for the thoughtful message he has presented to the Senate and the American people this morning. I do not agree with all, but do agree with most of the points he made; and what is more important, am confident the Secretary of State, as he goes around the world in his search for peace will appreciate the remarks made on the floor today by the distinguished chairman of the Senate Foreign Relations Committee.

I have here a release of this administration dated a year ago last August, which shows their estimate of U.S. strategic nuclear warheads of that date was 6,000; whereas the estimate for the Soviet Union as of that date was 2,500. This release also shows that it was estimated by 1977 the United States would have 10,000 strategic nuclear warheads, the Soviet Union would have 4,000.

In a block graph, this release also shows—and I refer to this fact especially because these days we hear a lot about throw-weight—that four 1-megaton warheads would equal one 16-megaton warhead in destructive capacity.

The purpose of presenting these figures in conjunction with the able Senator's talk is to emphasize what the Senator is bringing out, namely, in effect, we are now playing, the world is playing, with fire. A fire that could consume us all. It was Clausewitz who said, "war is an extension of policy." Because of the lethal aspect of war today, however, it can no longer be considered merely an extension of policy. In fact, as the late President Eisenhower stated many years ago, nuclear war today is unthinkable.

The obligation of the United States, our commitment to Israel, is clear, the apparent commitment of Russia to the Arab States is also clear.

Finally, let us all consider, as we tell other countries about various matters, that if the Soviet Union attacked the United States tonight with everything they had, and we had no idea they were coming, we would, within 48 hours, wipe that country off the face of the Earth.

On the other hand—and these are figures from the experts—if the United States attacked the Soviet Union tonight with everything we had, and they did not know we were coming, within 48 hours there would be at least 100 million dead Americans.

Under those conditions, Mr. President, I do not see where any future victory is in the cards for anyone as the result of a strategic nuclear war.

We must preserve our national honor. With that premise, it is vitally important for the American people to realize just what would be the conditions when they face a confrontation with another superpower; and there will be additional superpowers, we know, in the not too distant future. What we could really be talking about is suicide for the people of the world, not just a particular country, the world, including the United States. So I again commend the Senator from Arkansas for his thoughtful words and thank him for yielding. He has made a contribution to those who seek, every where, a just and lasting peace.

Mr. FULBRIGHT. I appreciate the Senator's statement. He again has articulated a basic reason why détente is so important. These are reasons which fortify the argument.

Mr. ABOUREZK. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. ABOUREZK. I want to add my commendation to the Senator from Arkansas for a brilliant speech. I also want to point out that it has been the Senator from Arkansas who for many years has warned of the danger of the kind of policy we have been conducting so far as the Middle East is concerned. I think the Senator once said that we are digging a grave for ourselves in the Middle East. We nearly saw that recently. Whether or not that was an actual confrontation when the alert was called is unimportant at this time; it could easily have been a confrontation that would have signaled the start of a nuclear war, which is something we all want to avoid.

But, along with the Senator from Arkansas, I see no reason why our foreign policy should be so designed. Why, for example, should we antagonize 100 million people in the Arab world? There is no real reason for this country to do that, because most of those 100 million peple have wanted to be friendly with this country, if we would give them a chance. We need not sacrifice our friendship with Israel to maintain good relations with the Arab world, but we should not be so foolish so as to turn our backs on people who want our friendship.

Putting the oil question aside for the moment—and I think it is of no minor significance—the fact is that those people have conducted economic relations with the United States year in and year out. King Faisal of Saudi Arabia has been a strong friend of this country as has Kuwait, Lebanon, and a great many others.

All those factors ought to be taken into consideration before we blindly pour arms into the Middle East, which, in effect, is pouring gasoline on a fire that is already burning much too fiercely.

I think the Senator from Arkansas is accurate in that we ought to keep the normalization of relations with the Soviet Union going, because it did help in this particular crisis. We ought to make certain the Palestinian refugees are dealt with as a party because their problems have been the direct cause of the conflict in the Middle East. The fact that they were forcibly evicted from their lands in 1948 and in prior years is the major underlying cause of the conflict today.

Until those problems, along with the occupation of occupied areas, are dealt with, there can be no peace in the Middle East.

The final point I want to make is that I think we ought to recognize that Israel is going to exist as a state, and I think most of the responsible Arab leaders admit that, and have stated so publicly. If Israel is to have security, that means she must get along with her Arab neighbors. That is the real meaning of security, not a bristling fortress surrounded by people who are constantly in fear of Israeli expansion. I do not want to see one more Arab or one more Israeli die. I do not want to see Israel destroyed, but neither do I want to see the flames of war expanded by further expansion by Israel at the expense of her Arab neighbors.

Mr. FULBRIGHT. I think the Secretary of State and this administration have proceeded on the proper course. I have always said, as I said in 1969, following the Rogers speech announcing what we call the Rogers plan—which is a general outline of the same policy being pursued now—that I approved of this approach. I think the administration has moved in the right direction.

I have felt that the Congress in this instance has not supported the administration in its effort to move in that direction, as evidenced, for example, by the proposed Jackson amendment to the trade bill. There are other evidences of it. Congress has interfered to remove the incentive for a compromise that this administration has been seeking to bring about.

Until I see evidence to the contrary, I think the Secretary of State is following the right course. The news reports that I have placed in the Record indicate that. I must say that if he does succeed under these circumstances, it will be a most remarkable achievement.

Yet the story by Mr. Gwertzman is very encouraging, as are other articles concerning the immediate settlement of the question of the October 22 cease-fire lines. This is preparatory to moving onto the negotiated settlement of the war as a whole, in accordance with the principles of the 1967 Security Council resolution. I believe that to be the administration's and the Secretary's policy.

One of the main points I was trying to make was to convince Congress not to interfere with the policies of détente, which in effect interferes with the solution of the conflict in the Middle East. I know they do not intend to do it—they have other reasons—but I think it does have that effect.

It is remarkable to read Medvedev, one of the leading intellectuals in Russia, in comparison with Sakharov, on the analysis of the psychological and political realities of the Soviet Union.

Do we or do we not promote better conditions, less repression against the Jews or anyone else in the Soviet Union by the kind of policies proposed in the Jackson amendment? What I respond to, and what many of our own people respond to, is in accord with Mr. Medvedev's views of relations between the Soviet Union and the United States. I am convinced that improved relations are in the best interest of all the people of both countries.

Mr. ABOUREZK. Mr. President, I do not think that a cold war will do anything for anyone's freedom in the Soviet Union.

Mr. FULBRIGHT. It will not do anyone any good. It will certainly not do any good for the Jewish citizens of Russia. It will endanger our security and welfare to no end. It endangers the cessation of the arms race.

I am unable to see any justification for this reluctance to move toward better relations with the Soviet Union. There was an article in the newspaper this morning about our ships in the Mediterranean. That article quoted Admiral Murphy of the 6th Fleet in relation to a statement made sometime ago on television to the effect that we are at a great disadvantage in the Mediterranean because the Soviets have 95 ships there and we have 60.

Admiral Murphy, who is the best authority I can think of on the matter, says that that the figures are correct but that a great many—40 percent, I believe—of the Russian ships are support ships, water tankers and little supply ships, whereas only 20 percent of ours are. And the admiral said that we have the edge because ours are bigger and more sophisticated ships, including aircraft carriers. They have nothing comparable to the *John F. Kennedy* aircraft carrier.

It was a complete distortion of facts to lead the American people to be suspicious of the naval situation in the Mediterranean. But this is part of the effort to oppose say move toward a détente with the Russians. I think that it was a great disservice to the American people.

Mr. ABOUREZK. Mr. President, along that line, I think that this kind of foreign policy has also done a great deal to drive a wedge between the Arab world and the United States.

Mr. FULBRIGHT. The Senator is correct.

Mr. ABOUREZK. And it has driven some of them closer to Russia than would ordinarily be the case.

I thank the Senator from Arkansas.

ORDER FOR ADJOURNMENT TO MONDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 12 o'clock meridian on Monday next.

The PRESIDING OFFICER (Mr. Abourezk). Without objection, it is so ordered.

(Later in the day this order was changed to provide for the Senate to convene at 10 a.m. on Tuesday, November 13, 1973, instead of on Monday.)

VACATION OF ORDERS FOR RECOGNITION OF SENATORS MANSFIELD AND BENTSEN

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the orders for recognition of Senators Mansfield and Bentsen be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. Abourezk). Under the previous order, there will now be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 3 minutes.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. Allen):

A resolution of the Senate of the Commonwealth of Massachusetts. Referred to the Committee on Foreign Relations:

"Resolutions in Support of the State of Israel and Lasting Peace in the Middle East

"*Whereas,* True and lasting peace is now, as it has been in the past, the goal of United State policy in the Middle East; and

"*Whereas,* We, as Americans, are committed to peace because we see the dangerous futility and immorality of the continued application of force, aggression and acts of terrorism of the Arab states against Israel; and

"*Whereas,* Continuous acts of aggression have been brought against the State of Israel by neighboring Arab states for twenty-five years; and

"*Whereas,* The Arab nations have created turmoil in the Middle East by refusing to recognize the existence of Israel as a sovereign state and by refusing to enter into direct negotiations with the State of Israel and have declared as the purpose of their use of arms the annihilation of the State of Israel; and

"*Whereas,* The State of Israel has legitimately used its armed forces to secure its national existence against a new military war commenced by Egypt and Syria on the High Holy Days of the State of Israel; now, therefore, be it

"*Resolved,* That the Massachusetts Senate respectfully urges the Congress of the United States and the President of the United States to use their best efforts to restore and maintain peace in the Middle East, to insure the survival and independence of the democratic State of Israel and toward this goal bring about an immediate cease-fire which will include the elimination of all Egyptian and Syrian military forces from all areas infamously invaded by them during the High Holy Days of the people of Israel, on October the sixth, nineteen hundred and seventy-three, that the United States sell to the State of Israel Phantom jets and other military equipment to replace the lost military equipment in the current military engagement and declare the firm and unequivocal solidarity of the United States with the people of Israel toward insuring that secure, recognizable and defensible borders be achieved and maintained in a settlement of the Middle East problems; and be it further

"*Resolved,* That copies of these resolutions be transmitted forthwith by the Clerk and Parliamentarian of the Senate to the President of the United States, to the presiding officer of each branch of Congress and to each member thereof from the Commonwealth."

A resolution of the Senate of the Commonwealth of Massachusetts. Referred to the Committee on Public Works:

"Resolutions Commending and Endorsing the United States Army Corps of Engineers for its Charles River Watershed

"Whereas, The Charles River Watershed includes one tenth of the municipalities and one sixth of the residents of the Commonwealth; and

"Whereas, For the protection of said residents the United States Army Corps of Engineers has completed a survey of the water resources of said watershed; and

"Whereas, The United States Army Corps of Engineers has recommended flood control by the storage of flood waters in seventeen scattered wetlands preserved in their natural state in perpetuity as the most economic and most environmentally acceptable measure; therefore be it

"Resolved, That the Massachusetts Senate hereby commends the United States Army Corps of Engineers and endorses its so-called Natural Valley Storage Proposal; and be it further

"Resolved, That copies of these resolutions be forwarded by the Senate Clerk and Parliamentarian to the President of the United States, to the Secretary of Defense, to the Secretary of the Army, to the presiding officer of each branch of Congress and to the members thereof from this Commonwealth."

A resolution of the Council of the City of Wilmington, Del., urging the support of all nations involved and the United Nations in attempting to achieve an end to the war between Israel and the Arab nations. Referred to the Committee on Foreign Relations.

A petition from David L. Peterson, of Leavenworth, Kans., seeking a redress of grievances. Referred to the Committee on the Judiciary.

A letter from Mrs. Doris I. Schubert, of Pittsford, N.Y., in opposition to the Seabed Treaty. Referred to the Committee on Foreign Relations.

A resolution of the Council of the City of Wilmington, Del., in support of positive action by Congress to limit the powers of the President. Referred to the Committee on Government Operations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McGEE, from the Committee on Post Office and Civil Service, without amendment:

H.R. 3801. A bill to extend Civil Service Federal Employees Group Life Insurance and Federal Employees Health Benefits coverage to U.S. nationals employed by the Federal Government (Rept. No. 93–488); and

H.R. 5692. A bill to amend title 5, United States Code, to revise the reporting requirement contained in subsection (b) of section 1308 (Rept. No. 93–489).

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By Mr. McGEE, from the Committee on Post Office and Civil Service, with amendment:

S. 2315. A bill relating to the compensation of employees of Senate committees (Rept. No. 93–490).

By Mr. McGEE, from the Committee on Post Office and Civil Service, with amendments:

H.R. 1284. A bill to amend title 5, United States Code, to improve the administration of the leave system for Federal employees (Rept. No. 93–491).

By Mr. FULBRIGHT, from the Committee on Foreign Relations, without amendment:

H.R. 8219. A bill to amend the International Organizations Immunities Act to authorize the President to extend certain privileges and immunities to the Organization of African Unity (Rept. No. 93–492).

By Mr. ROBERT C. BYRD (for Mr. Fulbright) from the Committee on Foreign Relations:

S. 2681. An original bill to authorize appropriations for the United States Information Agency (Rept. No. 93–493).

By Mr. ALLEN, from the Committee on Agriculture and Forestry, without amendment:

S. 2477. A bill to provide for the conveyance of certain lands of the United States to the State of Louisiana and for use of Louisiana State University (Rept. No. 93–494).

By Mr. NELSON, from the Committee on Labor and Public Welfare:

S. 2686. An original bill to amend the Economic Opportunity Act of 1964 to provide for the transfer of the legal services program from the Office of Economic Opportunity to a Legal Services Corporation, and for other purposes (with additional views) (Rept. No. 93–495).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following report was submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations, with a reservation:

Executive N. 93d Congress, 1st session. Protocol amending the 1928 Convention signed at Paris on November 22, 1928, concerning international expositions, signed at Paris on November 30, 1972, by the United States and 22 other nations party to the 1928 convention (Exec. Rept. 93–24).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. McGEE (for himself and Mr. Fong (by request):

S. 2673. A bill to insure that the compensation and other emoluments attached to the Office of Attorney General are those which were in effect on January 1, 1969. Referred to the Committee on Post Office and Civil Service.

By Mr. WEICKER (for himself and Mr. Ribicoff):

S. 2674. A bill to transfer the functions of the Office of Telecommunications Policy to the Federal Communications Commission and to abolish such Office. Referred, by unanimous consent, to the Committee on Government Operations; and, when reported by that committee, to the Committee on Commerce.

By Mr. HUMPHREY:

S. 2675. A bill for the relief of Mrs. Sunil Ratnayake. Referred to the Committee on the Judiciary.

By Mr. BIDEN:

S. 2676. A bill to authorize the Secretary of Housing and Urban Development to assist local housing agencies in disposing of vacant housing, and to provide rehabilitation funds to individuals and families who are participants in a homestead program. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. FULBRIGHT (by request):

S. 2677. A bill to implement the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property. Referred to the Committee on Foreign Relations.

By Mr. HATHAWAY:

S. 2678. A bill to provide for a special election for the offices of President and Vice President when the offices of President and Vice President are both vacant. Referred to the Committee on Rules and Administration.

By Mr. ROBERT C. BYRD:

S. 2679. A bill to amend title II of the Social Security Act to reduce from 60 to 55 the age at which a woman may become entitled to actuarially reduced widow's insurance benefits thereunder. Referred to the Committee on Finance.

By Mr. MUSKIE (for himself, Mr. Randolph, Mr. Baker, Mr. Buckley, Mr. Biden, Mr. Burdick, Mr. Clark, Mr. Domenici, Mr. Gravel, Mr. McClure, Mr. William L. Scott, and Mr. Stafford):

S. 2680. A bill to amend the Clean Air Act, as amended. Referred to the Committee on Public Works.

By Mr. ROBERT C. BYRD (for Mr. Fulbright):

S. 2681. An original bill to authorize appropriations for the U.S. Information Agency. Placed on Calendar.

By Mr. HOLLINGS (for himself and Mr. Thurmond):

S. 2682. A bill to provide for the control of imported fire ants by permitting the judicious use of Mirex in coastal counties. Referred to the Committee on Agriculture and Forestry.

By Mr. WILLIAMS (for himself, Mr. Tower, and Mr. Brooke) (by request):

S. 2683. A bill to amend the Securities Exchange Act of 1934, as amended, to facilitate the collection and public dissemination of information concerning the holdings of and transactions in securities by institutional investors and investment managers, including banks, bank holding companies, insurance companies, trust companies, investment advisers, investment companies, separate accounts, pension-benefit or profit-sharing trust plans, charitable endowment funds, and any other fund maintained or utilized for the purpose of collective investment. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. ERVIN:

S. 2884. A bill to further insure due process in the administrative discharge procedure followed by the Armed Forces. Referred to the Committee on Armed Services.

By Mr. GURNEY:

S. 2685. A bill for the relief of Kam Lin Wong, Shui Ying Wong, his wife, and their child, Seit Kwan Wong. Referred to the Committee on the Judiciary.

By Mr. NELSON, from the Committee on Labor and Public Welfare:

S. 2686. An original bill to amend the Economic Opportunity Act of 1964 to provide for the transfer of the legal services program from the Office of Economic Opportunity to a Legal Services Corporation, and for other purposes. Placed on Calendar.

By Mr. HUMPHREY:

S.J. Res. 169. A joint resolution to provide for a feasibility study and to accept a gift from the United States Capitol Historical Society. Referred to the Committee on Public Works.

By Mr. HUMPHREY:

S.J. Res. 170. A joint resolution to amend the Export Administration Act of 1969 to protect the domestic economy from the excessive drain of scarce commodities; to continue food commitments to needy nations in times of short supply; to reduce the serious inflationary impact of abnormal foreign demand; and to authorize a validated export licensing system. Referred to the Committee on Banking, Housing and Urban Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McGEE (for himself and Mr. Fong) (by request):

S. 2673. A bill to insure that the compensation and other emoluments attached to the Office of Attorney General are those which were in effect on January 1, 1969. Referred to the Committee on Post Office and Civil Service.

Mr. McGEE. Mr. President, I introduce a bill affecting the mechanics of the procedure on the potential nomination of the Senator from Ohio (Mr. Saxbe) as Attorney General. I send the bill to the desk for appropriate reference. I have discussed this matter with the majority whip.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. ROBERT C. BYRD. I ask unanimous consent that the time on this matter be taken out of my time under the order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I have no intention or desire to delay action on the legislation just introduced by the very distinguished Senator from Wyoming (Mr. McGee). I do have serious reservations with regard to the constitutionality of the legislation. I believe that the Committee on the Judiciary of the Senate ought to have an opportunity to take a look at this legislation and possibly conduct a day or so of hearings on it, and I would like to see that committee satisfy itself as to the constitutionality of the legislation.

I say this without any reflection on my very close and good and true friend the Senator from Wyoming (Mr. McGee). I have discussed this matter with him. He understands my viewpoint and I understand his. I can only commend him for his desire to expedite the legislation. I think it shows high statesmanship on his part; but I do have serious reservations, as I say, about the constitutionality of the legislation.

I think the Senate would be remiss if it did not send the measure to the Committee on the Judiciary. For these reasons, which I need not go into further at this time, I shall ask unanimous consent that the legislation be jointly referred to the Committee on Post Office and Civil Service and the Committee on the Judiciary.

Mr. McGEE. Mr. President, I have to object. We have discussed the need for that objection with the understanding that the same point would be raised when it is reported out, that this is a technical aspect and the difference of interpretation.

Mr. HRUSKA. Does the Senator object?

Mr. McGEE. Yes, I am objecting.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. ROBERT C. BYRD. Then, Mr. President, unless I am otherwise convinced in the interim that there is no constitutional question, and I doubt that I shall be so convinced, it will be my intention, when the bill is reported back from the Committee on Post Office and Civil Service and put on the calendar, to again ask that it be sent to the Judiciary Committee, and it will be my intent at that time to move that the bill be referred to the Judiciary Committee.

As I say, I have no desire to hold up the bill. Maybe we can work out an agreement whereby it can be sent to the Judiciary Committee for 2 days or 3, or such.

Mr. McGEE. Or even one.

Mr. ROBERT C. BYRD. But I just want to give notice of my intention to so move if at that time I cannot obtain unanimous consent.

By Mr. WEICKER (for himself and Mr. Ribicoff):

S. 2674. A bill to transfer the functions of the Office of Telecommunications Policy to the Federal Communications Commission and to abolish such office. Referred, by unanimous consent, to the Committee on Government Operations; and, when reported by that committee, to the Committee on Commerce.

Mr. WEICKER. Mr. President, in February of 1970, reorganization No. 1 of the executive branch under the direction of the White House created the Office of Telecommunications Policy responsible directly to the President and a subordinate Telecommunications Research Office within the Department of Commerce was organized in September of that year.

The stated purpose of the Office of Telecommunications Policy was threefold,

First. It would serve as the President's principal adviser on telecommunications policy, helping to formulate Government policies concerning a wide range of domestic and international communications issues and helping develop plans and programs which take full advantage of the Nation's technological capabilities.

Second. It would help formulate policies and coordinate operations for the Federal Government's own vast communications systems.

Third. Finally, it would enable the executive branch to speak with a clearer voice and to act as a more effective partner in discussions of communications policy with both Congress and the Federal Communications Commission—It is the President's hope that the new office and the Federal Communications Commission would cooperate in achieving certain reforms in telecommunications policy.

While no one in Congress would quarrel with the Executive's right to have an advisory capacity on this subject, reason one, and neither would we quarrel with the need for an agency to coordinate policies of the Government's own communications network, reason two, it seems that reason three not only exceeded any previous jurisdiction assigned to a Government telecommunications unit, but, in fact, provided a gaping loophole for all kinds of abuse of the first amendment by the executive branch.

Just what was meant by "enable the executive branch to speak with a clearer voice" was made apparent in December of 1972 when the director of the OTP made a speech which charged local broadcasters with purveying the "elitist gossip" and "ideological pluggola" prepared by the networks. In that speech the Director proposed legislation which would "have teeth" and demand service by the broadcasters to "all elements" of the community. He further stated,

> Station managers and network officials who fail to act to correct imbalance or consistent bias from the networks can only be considered willing participants, to be held accountable by the broadcaster's community at license renewal time.

Thus, in developing license renewal legislation, OTP is dangerously intruding into the formation of policy concerning non governmental communications. The intent of the legislation, S. 1589, is expressed in the testimony of the Director of the OTP before the Senate Subcommittee on Communication in February of this year:

> We are going to propose a change that we think is very constructive, in that it gives the licensee a little more stability and provides a little more guidance from the Congress as to how the FCC is going to handle these matters.

The two key words in that quote are "stability" and "guidance."

The "staiblity" would be provided by extending the time period of broadcast licensees from 3 to 5 years. Whether this particular change is a good one or not, is secondary to the fact that this attempt to "provide a little more guidance" is actually an attempt of the executive branch to muscle in on the FCC and set groundrules favorable to the administration.

Today, I am introducing a bill along with Senator Ribicoff to abolish the OTP and transfer its functions to the Federal Communications Commission.

In the reorganization plan of 1970, the functions relating to assigning frequencies to radio stations belonging to and operated by the United States, as authorized to the President by the Communications Act of 1934, was transferred to the Director of Telecommunications Policy. I submit that a more uniform and coordinated approach to the problem is to consolidate within the FCC, which already allocates commercial frequencies all authority regarding frequency allocation for both governmental and nongovernmental use.

We do not need a branch of the executive office trying to set guidelines for the FCC or trying to cooperate with the FCC, or any of those other high sounding words that usually mean someone has a stick in his hand.

Regardless of how benign the intentions of any OTP may be, or regardless of who is President at the time, such a unit can only represent potential interference with the freedom of the Nation's private systems of communications. That can never be tolerated. And I think we have seen enough in the past year and I might add, in the past 3 years, to say the danger is more than a potential one. Government should not be in the business of reviewing the quality and scope of nongovernmental communications.

So that no one makes the mistake of thinking that I am just concerned with news or news coverage, one of the areas currently being studied by the OTP is the prevalence of reruns on television. I would like to know what business the Government has spending tax dollars to study whether there are too many reruns on television. That is between the stations and the viewers and the advertisers.

If there are in fact too many reruns on television, the solution is the old democratic solution of the marketplace. Turn off the dial or write to the advertisers and tell them you refuse to buy their products. The solution is not having the executive branch come in and tell the media what kind of programing would be best for the viewing public.

That is just a bit too much like the beginnings of big brother. The people who should be passing judgment on the quality of radio and TV are the viewers at home, and not someone in Washington looking out for whatever party happens to be in power.

Consider the following quote which appeared in Broadcasting magazine on February 16, 1970, by the director of the OTP:

> The White House has no qualms about seeking to influence the Commission [FCC], or other so-called independent agencies.

During hearings before a House Subcommittee on Government Operations 1 month later, Representative Clarence Brown, Republican of Ohio, issued the following prophetic warning:

> The method by which the White House could influence the FCC is—establish this office, give it the muscle of direct association with the President and the executive branch, provide it with the wherewithal to do the scientific research or evaluate the scientific research that is being done so that it speaks with the scientific authority in this area, deny the FCC some of the resources through the Bureau of the Budget to provide similar scientific research or the accumulation of scientific research, and pretty soon you have muscle in the office of telecommunications and the FCC becomes a function of the OTP.

This overwhelming power of the OTP has drawn comment on FCC decisions in such diverse areas as cable TV and satellite communications. In his dissenting opinion on the FCC decision concerning cable television, Commission Chairman Nicholas Johnson said:

> When future students of law or Government wish to study the decisionmaking process at its worst . . . when they look for Presidential interference in the operation of an agency responsible to Congress, they will look to the FCC handling of the never ending saga of cable television as a classic case study.

On the domestic satellite issue, even such a normally pro-administration paper as the Wall Street Journal fea-

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tured a front-page article on July 11, 1970, charging that—

> The Nixon Administration is boldly trying to influence regulatory policy more than any previous administration.

The OTP has at its disposal the staff and expertise of the Office of Telecommunications within the Department of Commerce. Thus, armed with technical and economic analysis, the OTP can justify its policy decisions in a forceful manner in their dealings with other governmental agencies.

While I do not question the need for such economic and technical expertise within the Department of Commerce to insure the effective use of our telecommunication resources, I do question the type of relationship that has developed between OTP and its research adjunct in the Department of Commerce. As noted by Senator PASTORE in the appropriations hearings this year, we have two agencies, one almost subservient to the other. Any project, requested by the White House, must be honored by the Commerce Department. In response to that concern, the Committee on Appropriations limited the use of the Office of Telecommunication's $4 million budget for projects requested by OTP. When highly technical studies are placed within a certain policy framework, their significance is greatly enhanced.

I realize that there are a number of areas of legitimate Government activity which are currently under the jurisdiction of the OTP. These include: First, setting communications policy for the Federal Government's own communications apparatus; second, preparing for communications emergencies in the event of a national disaster; and third, dealing with foreign governments in the resolution of international communications problems. But I see no reason why these and other legitimate concerns could not be handled directly by the FCC with increased staffing and authorization to do the job. And I am hopeful that hearings will be held on this matter to clarify the requirements of such a transfer of authority. These are problems to be ironed out with congressional study and I do not have all the answers about the best methods for doing this.

But I do know one thing. As long as we have an Office of Telecommunications Policy within the executive branch we have a danger to the freedom of the press which is guaranteed in the first amendment.

We in public office should be more concerned with reforming ourselves than with trying to reform the media. In my opinion, OTP needs the eraser's edge.

Mr. President, I ask unanimous consent that the full text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2674

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That effective 30 days after the date of enactment of this Act all functions of the Office of Telecommunications Policy in the Executive Office of the President, established by Reorganization Plan Numbered 1 of 1970, are transferred to the Federal Communications Commission, and such Office, together with the Offices of Director and Deputy Director of such Office, is abolished.

SEC. 2. The personnel (other than the Director and Deputy Director), property, records, and unexpended balances of appropriations, allocations, and other funds employed, held, or used by, or available or to be made available to, the Office of Telecommunications Policy shall be transferred to the Federal Communications Commission with the functions transferred by this Act.

Mr. BROCK. Mr. President, will the Senator yield for a question or two?

Mr. WEICKER. I yield.

Mr. BROCK. Just as a matter of curiosity. I learned of the Senator's interest in OTP and I was curious about a couple of points made. First of all, that hearings should be held. I was apprised of the fact that confirmation and oversight hearings have been held in the Commerce Committee on many of the points raised in the Senator's speech. Were they not adequate?

Mr. WEICKER. I was referring to hearings being held on this particular legislation. Obviously, hearings were held as to the OTP's functioning, or that portion which relates to the Department of Commerce; but I am talking about hearings on this legislation to eliminate OTP.

Mr. BROCK. I assume the Senator is suggesting that the committee jurisdiction be the Committee on Commerce since matters relating to the FCC and the OTP are appropriately referred to the committee. Is that correct?

Mr. WEICKER. I am not suggesting anything. It is a matter, of course, for the parliamentarian to decide as to where the bill goes.

Mr. BROCK. My colleague the Senator from Tennessee (Mr. BAKER) is the ranking member of the Communications of the Committee on Commerce Subcommittee, and has had a great deal of interest in the matter. That is why the Senator's remarks caught my attention.

May I inquire on a couple of other points? First, the fact that the Senator thinks that the FCC should assume all the functions——

Mr. WEICKER. No, not all the functions; the specific functions mentioned.

Mr. BROCK. The Senator mentioned three, for example, control of the Government spectrum.

Mr. WEICKER. Right.

Mr. BROCK. Does not that pose a potential for conflict? The FCC has been primarily concerned with the free or commercial aspects of broadcasting. It seems to me that might pose some particular difficulty.

It also bothers me that the Senator suggests, or implies at least, that they might have a greater policy role. It is my judgment that the FCC has already been too deeply involved in programing; that they have exercised, at least indirectly, too much control over commercial radio and commercial television; and I wonder if, in seeking to give them an even broader franchise, that is wise.

Mr. WEICKER. In response to the distinguished Senator from Tennessee, the functions which I have proposed to transfer to the FCC are of a rather technical nature. They do not add in any way to the policy determinations to be made by the FCC. Specifically, as I recall, I advocated intergovernmental functions, an emergency network, and relations in the international field. That is unrelated to any policy insofar as any communications in the United States are concerned.

To respond, however, to the distinguished Senator from Tennessee, I would not care if it was the FCC or the OTP or the President or the Senate of the United States—I do not believe the Government has a right to get into the nongovernmental area and start determining policy as to the content of broadcasting.

Mr. BROCK. But does not the Senator think the FCC has already done that?

Mr. WEICKER. That is a matter of history. I am sure that from time to time they have taken a swing at that particular pitch. I think it is wrong—I do not care who did it.

Mr. BROCK. I am in complete agreement with that——

Mr. WEICKER. Let me be specific. When we had the public broadcasting bill before us, my great concern with that situation was not that we do not need public broadcasting, but that I did not want it tied to Congress or the executive branch of Government.

Mr. BROCK. I agree with that.

Mr. WEICKER. I remember the hearings in the Commerce Committee, when I was a member of that distinguished body—and I might add I would like to get back on that committee; it is one of the great committees of the Congress—when we were sitting there discussing the content of various broadcasts. In one case there was objection, because the New York City Ballet Co. had nudes in the ballet. I am not going to start getting into an argument as to what is a proper ballet and what is not. These are dangerous areas for anyone to get into.

Mr. BROCK. I do not think there is any disagreement between the Senator from Connecticut and myself with regard to Federal interference in the marketplace of ideas and the free exchange of thoughts. I think I was sort of captured by the Senator's remarks as he put them, because I have the feeling that the abolition of the Office of Telecommunications Policy and the incorporation of its functions in the FCC would further strengthen an agency which has, to me, already been too involved in determining program content, access to prime time, and matters of that sort.

First of all, I think the President should determine policy for the executive branch and that the Office of Telecommunications Policy does have functions in coordinating the governmental structure with regard to determination of policies and programs that will promote the public interest. It seems to me the independence of thought that they incorporate, while we may not agree with it, has focused discussion and attention on issues in the communications area that have for too long been ignored or approached in a piecemeal fashion as part of the regulatory process.

While I agree with the Senator's intent in trying to protect the media, I would hope the effect of his proposal would not be to further enhance the power of Government over free communication in the media.

Mr. WEICKER. Again I have to repeat that the only function in my bill goes to the technical functions, but I agree we do not want any office to get into the content-of-program area. I would agree with the Senator. I do not want to see the FCC getting into the business of reruns and matters of that sort.

Mr. BROCK. That is exactly my point.

Mr. WEICKER. As I say, the technical functions would be transferred, but it is the third area the OTP has been charged with that I have transferred to nobody. I hope it dies and does not go to anybody. That is what is so important.

I want to make it clear that it is not a question of this administration, because I think other administrations have always tried to get into this act in one form or another. I just personally feel that it is up to all of us to earn a good press, to earn the respect of the American people; it is not our function to order. We know the tremendous impact telecommunications, television, and radio, have in this Nation, and we are grappling with an extremely dangerous area. It is to eliminate that danger that I propose this bill.

Mr. BROCK. I would agree with that. I do not think there should be any Federal power to order it, but OTP can and is providing a valuable service in directing research and developing a position for the executive branch on the complex communications issues facing our Nation.

Mr. WEICKER. I thank the Senator.

Mr. President, I ask unanimous consent that the bill which I introduce today, transferring the functions of the Office of Telecommunications Policy to the Federal Communications Commission, so as to abolish such office, be referred to the Committee on Government Operations and, if reported out by that committee, that it then be referred to the Committee on Commerce.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

By Mr. BIDEN:

S. 2676. A bill to authorize the Secretary of Housing and Urban Development to assist local housing agencies in disposing of vacant housing, and to provide rehabilitation funds to individuals and families who are participants in a homestead program. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. BIDEN. Mr. President, I rise today for the purpose of introducing a piece of legislation regarding housing in America entitled the Urban Homesteading Act.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

Mr. BIDEN. Mr. President, there are Americans living in our central cities who are increasingly unable to find decent, livable housing at prices they can afford. The housing problem there today is characterized by a combination of scarcity, high costs, unavailability, and growing expense of home services such as plumbing and wiring. As middle-income families are abandoning our cities—especially the inner-city areas—those without the money to leave must remain. Unfortunately, however, most such residents are without the financial resources necessary to contribute to the upgrading and improvements of the areas in which they live.

At the same time, for various reasons, others in our cities are abandoning housing. In many cases, if these dwellings are unoccupied for only a short period, they can be made livable again with minor repairs. This has brought forth an imaginative approach known as urban homesteading. It rests on the assumption that such abandoned property in our central cities provides opportunities for new community development. By taking up living in abandoned dwellings and making required improvements over a period of years, families can thereby acquire title to these homes.

In 1862, Congress passed the Homestead Act. The Homestead Act breathed new spirit into the West by fostering optimism, courage, generosity, and willingness to do hard work.

The act entitled any persons who were heads of families or 21 years of age and who were citizens or who had filed a declaration to become a citizen to settle on 160 acres of land held at $1.25 an acre or 80 acres held at $2.50 an acre. The act had its limitations, but it still represented a victory for all those forces in the West that felt the public land should belong to any man who was willing to give it enough time and sweat to make it productive. Our frontiers are different now. But the challenge and sweat equity which settled and populated the West is needed today, and the urban homestead idea provides a means of coping with "a new frontier"—this one in cities.

On May 17, 1973, the Wilmington, Del., City Council became the first municipal body in the country to enact the Urban Homestead Act, with a view to providing housing for families who will in turn build strong communities and to increasing tax revenues by, so to speak, putting empty houses to work. Philadelphia and Baltimore each has enacted a homestead plan; Boston is studying the proposal.

Today, I introduce urban-homesteading legislation that would authorize the Secretary of Housing and Urban Development to assist local housing agencies in (a) making available vacant houses, and (b) providing rehabilitation funds to individuals and families who are participants in a homestead program. Many vacant inner-city homes have been vandalized and need extensive repairs. With the passage of this legislation, the Housing and Urban Development Secretary shall also transfer title of federally owned houses which are suitable for a homestead program to local housing agencies.

In July 1973, HUD held title to 322 single-family properties in Wilmington, 3,261 properties in Philadelphia, 6,906 properties in Seattle, and 15,465 properties in Detroit. In calendar 1972, HUD spent $4.3 million in management fees on single-family dwellings. A National Homestead Program would support and supplement city programs administering homestead programs, and would provide moneys to families or individuals exhibiting traits of independence and willingness to rebuild.

Wilmington officials estimate the average cost of making the first few dwellings habitable would be about $9,000 a unit. This cost may be exceeded in other cities.

I do not introduce this legislation, Mr. President, as a cure-all. It is nothing of the sort. The success of urban homesteading also entails creation of an attractive environment, including steady jobs and good schools. Urban homesteading is, however, one of a number of potentially rewarding undertakings that may well add up to a major resolution of the need for safe, decent and sanitary housing in our core urban areas.

Mr. President, I ask unanimous consent that the text of my bill, the National Homestead Assistance Act, and articles from the Wilmington News-Journal, U.S. News & World Report, Business Week, and the Washington Post be printed in the RECORD at this point in my remarks.

There being no objection, the bill and the articles were ordered to be printed in the RECORD, as follows:

S. 2676

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SHORT TITLE

SECTION 1. This Act may be cited the "National Homestead Assistance Act."

TRANSFER OF HOUSING

SEC. 2. (a) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development (hereinafter referred to as the "Secretary") shall transfer without payment to a local public agency any real property—

(1) which is improved by a single family dwelling;

(2) to which the Secretary holds title;

(3) which is not occupied;

(4) which is suitable for use by such agency in an urban homestead program which meets the requirements of section 3; and

(5) which is requested by such agency for use in such an urban homestead program.

(b) In the case of any property transferred under this section with respect to which assistance payments under section 235 of the National Housing Act were being made prior to the Secretary's acquisition of title thereto, the Secretary shall, to the maximum extent practicable, make such transfer on terms and conditions which make such housing available under the homestead program to persons who would be eligible for such assistance payments.

PROGRAM CRITERIA

SEC. 3. For the purpose of section 2, the Secretary may approve an urban homestead program carried out by a local public agency which provides for—

(1) the conditional conveyance of abandoned residential property by a local housing agency to an individual or a family without any substantial consideration;

(2) an equitable procedure for selecting the recipients of the abandoned residential property, giving special consideration to the recipients' need for housing and capacity to make or cause to be made the repairs and

improvements required under paragraph (3) (C) of this section.

(3) an agreement whereby the individual or family to whom such property is conveyed agrees to—

(A) occupy such property as a principal residence for a period of not less than 3 years;

(B) make repairs required to meet minimum local standards for occupancy prior to occupying the property;

(C) make such repairs and improvements to the property as may be necessary to meet applicable local standards for decent, safe, and sanitary housing within 18 months after occupying the property; and

(D) permit reasonable periodic inspections at reasonable times by employees of the agency for the purpose of determining compliance with the agreement;

(4) the revocation of such conveyance upon any material breach of the agreement referred to in clause (3);

(5) the conveyance from a local agency of fee simple title in such property without substantial consideration upon compliance with the agreement; and

(6) a coordinated approach toward neighborhood renewal through the homestead program and the upgrading of community services and facilities.

COORDINATION WITH OTHER FEDERAL PROGRAMS

SEC. 4. (a) The Secretary is authorized to enter into agreements with local public agencies to provide for a coordinated application of other programs administered by the Secretary to assist in the revitalization of neighborhoods through an urban homestead program which meets the requirements of section 2 of this Act.

(b) Section 312(a)(1) of the Housing Act of 1964 is amended by adding at the end thereof the following new clause:

"(D)(i) the property is being occupied pursuant to an agreement entered into under section 3(3) of the Homestead Assistance Act, and (ii) the loan is made to assist the occupant in carrying out his responsibilities under that agreement;".

ADMINISTRATION

SEC. 5. The Secretary is authorized to issue such rules and regulations as may be necessary to carry out his functions under this Act.

EVALUATION AND REPORT

SEC. 6. The Secretary shall conduct a continuing evaluation of programs carried out pursuant to this Act, and beginning with the third year following the date of enactment of this Act, shall transmit to the Congress an annual report containing a summary of his evaluation of such programs and his recommendations for future conduct of such programs.

AUTHORIZATION OF APPROPRIATIONS

SEC. 7. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

[From the Wilmington Evening Journal
Aug. 25, 1973]

Homesteading

With a flick of the wrist yesterday, Mayor Thomas C. Maloney turned a Pennsylvania lawyer into a Delaware resident.

With two more flicks, Maloney made an apartment renter owner of two city houses.

And, with another flick, Maloney made a suburban wife who works at an automobile dealership the owner of a dream art studio.

Maloney gave these people homes yesterday in a lottery inaugural for the nation's first major homesteading program in more than a generation—since 1934 when the Taylor Grazing Act was passed.

Maloney conducted the lottery in a festival-like atmosphere yesterday before a lunch-time crowd at Rodney Square.

Ten families were given 10 run-down homes owned by the city. The homes are free, but the homesteaders must rehabilitate them within 18 months and must live in them for three years before claiming title.

There were 40 applicants for the 10 homes. Six of the winners were chosen in advance by a homestead board because they were the only qualified applicants for a particular building.

The lottery was for the houses where there were several qualified applicants. For example, William Carter, a house painter and contractor was qualified for two houses and won them both. He had to give one back.

Most of the homes are dilapidated row houses with little or no operable plumbing, electrical wiring or heating. The city estimates it will cost about $9,000 to fix these places.

Most of the applicants for the buildings have building skills or other means to rehabilitate homes.

Eight of the winners are from Wilmington. One is from New Castle, and one, from Devon, Pa.

Eight of the 10 winning families are black.

The homesteaders and homesteads matched by the board are:

James Hadrick, a longshoreman who now lives in suburban Hamilton Park; he'll begin work on his homestead at 607 W. 4th St.

William H. Ceasar, another longshoreman who now lives in Wilmington at 839 Morrow St.; his new home will be 718 W. 9th St. He has a family of six children.

Mrs. Corinne James, now of 1102 Lombard St., Wilmington, a domestic worker, whose family is grown. She'll be renovating 813 Bennett St.

Mrs. Iredell K. Richardson, a school teacher now living at 1723 W. 4th St., who will homestead 217 Delamore Place.

Mrs. Katherine Harris, an assemblyline worker who has a family of six children all grown. She lives at 306 E. 24th St. now; her homestead is 2122 Lamotte St.

Mrs. Annie Mae Barksdale of 1315 W. 6th St., an employe of a home for elderly women; she'll be renovating 835 Windsor St. with the help of a grandson.

The four persons chosen by lottery are:

Daniel Frawley, whose present Pennsylvania address prompted the boos. He works in Wilmington, though, as an attorney for the Du Pont Co. City officials said Frawley, who was not present for the drawing, has always wanted to walk to work. He'll be walking from 801 W. 10th St., the Frawley homestead.

Carter, a house painter with three small children, who won drawings for the house at 1725 Gilpin Avenue and the house at 517 Vandever Ave. He took the second house after consulting with his wife. The Carters now rent an apartment at 2880 Tatnall St.

Mrs. Regina Bonney of suburban Holly Oak won the second drawing for the Gilpin Avenue house after Carter declined it. She works at Brandywine Volkswagen and her husband is an art student at the University of Delaware. The house was once owned by Maloney's great uncle.

Benjamin Freeman of 1212 Apple St., will homestead 526 S. Buttonwood St. He is executive director of the South Wilmington Community Council.

Edward L. Gulczynski, the city's housing coordinator and architect of the Wilmington homestead plan, says the 10 houses to be given away in October will be announced in the next few weeks.

[From Business Week, Sept. 1, 1973]

Using Homesteaders To Restore the Cities

Tall, lean, and blond, Daniel S. Frawley fits the image of the hardy pioneers who settled the West more than a century ago with the help of the original Homestead Act. That law offered 160 acres of virgin land to anyone who would live for five years on a tract and developed it. Last week, in a special drawing in Wilmington, Del., Frawley, a tax attorney for E. I. du Pont de Nemours & Co., became the nation's first urban homesteader. He and nine others won the right to rebuild 10 abandoned houses in Wilmington, the first step in an experiment to pump new life into deteriorated neighborhoods.

The Wilmington program awards the homes free of charge, outlines improvements that must be made within 18 months, and requires that the new residents live in the houses for three years before receiving title. The plan makes no special provision to channel houses to low- or moderate-income families.

"These are vacant houses, just sitting here collapsing and destroying property values," says Edward Gulczynski, Wilmington housing coordinator. "We decided to give them to anyone who could restore them and live in them."

Demand is strong. Wilmington received 65 applications for the 10 houses it gave away. But the city is going slow in developing its homesteading experiment. A second block of 10 will be raffled off in two months. "We are developing this program very carefully," says Mayor Thomas C. Maloney. "The city will work closely with these people and learn from their problems."

Wilmington is not the only city seeking homesteaders. This week Philadelphia is expected to finish forming a board to implement a homestead law passed last month. Under the Philadelphia plan, which could help renew 1,200 city-owned, boarded-up houses, buyers must pay at least $1 for legal title. New owners must submit plans to bring the houses up to city code standards and maintain residence for five years to keep the houses. Like Wilmington, Philadelphia will start slowly, with a first phase of about 50 houses. "We wouldn't put one family in a block with 15 abandoned houses," says Councilman Joseph E. Coleman, who pushed the law through Philadelphia's city council.

[From Business Week, Sept. 1, 1973]

Interest and Doubts

The homesteading idea is drawing a careful look from housing experts. Officials at the Housing & Urban Development Dept., which holds title to or mortgages on 250,000 abandoned housing units, are interested in the mechanics of the programs. Philadelphia's Coleman recently spent three days in Detroit, where there are more than 15,000 largely HUD-held abandoned dwellings, explaining Philadelphia's scheme to the city's aldermen and private group.

Proponents of urban homesteading see it as one answer to ungrading blighted neighborhoods. Says Coleman: "It will provide much needed housing and bring new economic life into the community. More important, it will cause a renaissance in the spirit of self-reliance and independence in our citizens." Adds Wilmington's Gulczynski: "Done right, the plan can be applied in any size community."

Some housing experts doubt that urban homesteading can have any far-reaching effect on blighted big city areas. In Philadelphia for example, there are an estimated 36,000 abandoned dwelling units, but the city holds title to only 1,200. The reason: In most cities, it takes years to acquire title to a house for tax default, a delay that often reduces homes to rubble before the city can dispose of them. "In many ways, these homesteading programs are anecdotes passing themselves off as bigger programs," says George Sternlieb, Director of the Center for Urban Policy Research at Rutgers University. "The bulk of the houses going through this program are

probably beyond economic reclamation. They're $1 albatrosses."

Nevertheless, the new homesteaders in Wilmington are optimistic. Says Mrs. Annie Mae Barksdale, a nursing home aide who was awarded the smallest of the 10 houses in Wilmington, a two-bedroom row house in a nearly abandoned block: "I'm raising a 13-year-old grandson. Now we will have more room. And the house is in very good shape." Adds Frawley, who estimated repairs on his house at $10,000 and plans to do the work himself: "There are houses I could have bought for a song. But I thought the house I won had restorable features, and I would like to see this plan work."

[From the Washington Post, Sept. 28, 1973]

Homesteading, City Style

In the last century the original Homestead Act, offering free land to settlers, lured thousands of adventuresome folk to the vast spaces of the West. Now urban homesteading, in which a government offers an abandoned house to anyone who will agree to fix it up and live in it, is drawing widespread interest as a way to rejuvenate the inner city and spark a new migration of settlers to now-blighted areas. The first modern homestead programs are getting under way in Wilmington, Baltimore and Philadelphia, and possibilities are being explored in a number of other cities as well.

So far, the programs are small and experimental. Wilmington, which has between 1,500 and 2,000 abandoned and dilapidated homes, has just chosen the first 10 homesteaders by lot from among a flock of applicants. Baltimore is also starting out by offering 10 houses at a dollar each, with plans to enlarge the program gradually to include about 600 properties acquired by the city in tax sales. The homesteads come with strings attached: each buyer must agree to repair the dwelling to meet housing code standards within a specified number of months, and to live there for three to five years. In most cases, the estimated costs of renovation begin around $6,000 even for homesteaders who are able to do much of the work themselves. A key element in the programs, then, is providing low-interest loans for buyers who lack capital, and cannot arrange conventional financing. In Baltimore, a bond issue will provide $2 million for rehabilitation loans.

Homesteading is no panacea for blighted buildings and run-down neighborhoods. A large percentage of the abandoned homes which scar the cities are beyond repair, or unavailable because they remain in private hands or are tied up in other—unsuccessful—housing or renewal plans. In the worst cases, wholesale abandonment has made entire neighborhoods so unhealthy that efforts to rescue individual homes are doomed to failure and frustration. But in carefully chosen areas, the frontier approach of personal commitment and hard labor may succeed where all bureaucracies have not. Homesteading will be worthwhile if it injects even small portions of new life, energy and imagination into the urban scene. In a season when there is little good news on the housing front, this experiment is well worth venturing.

[From U.S. News & World Report,
Nov. 5, 1973]

Homesteading in 1973—City Houses for $1

A strategy devised over a century ago to help settle the vast and empty West now is being tried to save dying neighborhoods in old cities of the East.

The updated idea is homesteading, modeled after the 1862 Homestead Act that helped trigger a mass movement into frontier areas.

The promise of the 1862 Act was 160 acres of land given to anyone who would occupy and cultivate the homestead for five years.

READY SUPPLY

Today the offer is a house—free or for a minimum cost, usually $1—if the family will restore it to decent condition and live in it. Experts say about 9 million houses and apartments lie empty, many of them suitable for rehabilitation by "homesteading."

The new urban-homestead laws are designed to attract families—both poor and middle-income—back into these abandoned houses in the center of the city.

In theory, homesteaders get relatively inexpensive homes. Even with repairs, which may be extensive, it is expected the houses will be cheaper than comparable units on the private market.

For the city, the empty houses would go back on the tax rolls, even though no property taxes will be charged while the house is being refurbished. And the newcomers may stabilize areas that have been losing people and vitality for years.

Wilmington, Del., Baltimore and Philadelphia already have adopted the plan. It is under study in other cities, such as Washington, Detroit, Boston, Cleveland, New York City, Buffalo and St. Louis. Canadian cities such as Toronto and Halifax are considering similar ideas.

LOTTERY SELECTION

First reaction in most cities has been enthusiastic. In Philadelphia, Baltimore and Wilmington, there has been a rush of applicants. The Delaware city held a drawing in August to choose winners of the first 10 houses.

The first urban homesteader selected in Wilmington was a tax attorney for the Du Pont Company. Officials say he is typical of the middle-class persons they hope the program will attract.

The Department of Housing and Urban Development is studying the idea and Representative Marjorie S. Holt (Rep.), of Maryland has introduced a bill authorizing the sale of federally owned housing to low- and moderate-income families as homesteading properties for $1 each if the occupants will rehabilitate them.

One of the attractions of urban homesteading, as its backers see it, is that it won't cost the cities a lot of money. Cities already own many houses taken for nonpayment of taxes. The Federal Government owns many more from foreclosures in subsidized programs, and might make them available.

TAX FORECLOSURES

Mayor William D. Schaefer of Baltimore notes that the 600 houses selected for urban homesteads in his city were acquired through tax foreclosures.

"The city spends approximately $200,000 a year just for boarding up and cleaning these properties which blight some good neighborhoods," he says.

Making a house livable isn't necessarily easy or cheap for a homesteader. A vacant house often has been vandalized. Usually, such improvements as new wiring, new plumbing and kitchen fixtures are required before a family can move in. This may mean a cost of several thousand dollars in the first six months—the period allowed under a typical plan before a family must occupy the house.

Next, the structure must be brought up to the requirements of the local building code within 18 months.

HIGH-COST PROJECTS

Cost of all this work can vary widely. In Wilmington, officials estimated the average work needed in the first 10 houses would run about $9,000 per unit. In other places, it may run as high as $20,000, or more.

The first block of houses selected for urban homesteads in Baltimore consisted of 42 structures, all built in the 1830s. Only eight still were occupied and it was estimated that repairs would run from $18,000 to $25,000 per home.

Finding financing for the repairs may not be a simple matter. "Bankers can afford to back them as a community service as long as you are talking about 10 or so," says one expert, "but when you get into hundreds or thousands, you have to have some kind of governmental or charitable money."

Baltimore voters last November adopted a bond issue creating a 2-million-dollar loan program. This provides up to $15,000 at 6 per cent interest for families rehabilitating abandoned houses. There are no maximum-income restrictions, except that priority goes to those who can't get the money elsewhere.

"For the most part, we are not talking about poor people in our project," says Mrs. Nadine Winters, director of Hospitality House in Washington, a nonprofit community center which is developing an urban-homestead program in co-operation with city officials.

"We are talking about the nurse who has saved $4,000 to $5,000, and who is getting ready to move out of the District of Columbia to Virginia or Maryland," she explains. "Somebody with that level of income can handle it. If they are paying $150 to $200 a month rent already, as many are in the inner city, that's $2,000 to $2,400 a year they could put into a house if they weren't paying rent. Once they get the wiring in, and the plumbing, they can move in and do the rest themselves."

Mrs. Winters says poor families may be able to refurbish the houses, but they will need help. She explains:

"We have some churches ready to help with the financing. We have a lot of volunteer help ready. We have three trade schools to teach them how to do the wiring and plumbing, or do it for them."

PHILADELPHIA'S PLAN

Joseph E. Coleman, Philadelphia city councilman who proposed the urban-homestead idea in 1968, says the new homesteaders will need a lot more support from the Government than the pioneers did.

Mr. Coleman, who is chairman of the city's urban-homestead board, says:

"Before we turn loose a homesteader in an area, we want to have enough going on to turn around the neighborhood. We don't plan to start in the worst areas. We want to start in two ways. One will be a cluster of homesteaded houses in a small area. The other approach will be to scatter one or two to a block, where the neighborhood is relatively stable, but has a few abandoned homes."

There are an estimated 36,000 empty houses in Philadelphia. So far, the city holds title to only about 1,200. Since the program was approved last spring, Mr. Coleman says several hundred more properties have been offered as gifts.

It will still be some weeks before the first Philadelphia homesteaders are selected. Mr. Coleman says upwards of 3,000 applications have overwhelmed his small staff.

"So far," he says, "about 10 per cent of the applicants now live in suburban areas. Another large group is made up of obviously middle-class persons who can move ahead without any help from us. But there are a good many poor people, too. For these, we are trying to get help from foundations in setting up financing."

The city has appropriated $500,000 for the homesteading program.

LEGAL BARRI[illegible]

Even though houses are abandoned and apparently available it is not always easy for the city to take title. Foreclosure for nonpayment of taxes can take years. Experts suggest that some new laws may be needed in this area.

In addition, most slum areas have vacant houses that would cost more to repair than they would be worth. One expert says:

"In areas where houses sell for $8,000 an abandoned house might require $15,000, at a minimum, to restore. Such a house probably should be demolished."

"The biggest problem is the neighborhood itself," says Dr. George Sternlieb, director, Center for Urban Policy Research, Rutgers University, an early sponsor of the urban-homesteading idea. "The basic reason the houses are abandoned is that no one wants to live in that neighborhood."

"NO CURE-ALL"

Dr. Sternlieb points out that studies of minority property owners in areas of Newark, N.J., showed that even those who had done a first-rate job of keeping up their houses faced potential financial losses as the neighborhoods continued to slide downhill. He says:

"Urban homesteading is no cure-all. There must be an over-all effort to upgrade the whole area. Cities are not declining because houses are being abandoned. Houses are being abandoned because cities are declining. The success or failure of the urban-homestead idea, in the long run, probably depends upon what happens with center-city employment. In cities where it remains stable, or rises, it will work. Where there are no jobs, it will fail."

The hope of many city officials is that, since many high-income workers still are employed downtown, they may want to live close by. This could lead to a rebirth of areas that are now rundown, such as took place in Society Hill in Philadelphia and in Georgetown in the nation's capital.

At any rate, city officials feel that little else is working very well to restore inner-city residential areas. Many of them would echo the assessment of Councilman Coleman:

"We don't say homesteading is going to be easy. But it has the possibilities of providing homes, of removing blight from the inner city. We think it is worth a try."

[From the Wilmington Morning News, Nov. 5, 1973]

WOMAN BECOMES FIRST HOMESTEADER

(By William Weathers)

It's fairly easy to locate 835 Windsor St., although there is no house number visible. The brightly painted white door of the two-story Wilmington house is dead giveaway.

The occupant of the recently renovated brick dwelling is Annie Mae Barksdale, who this weekend became the first urban homesteader in the United States.

"Do or die," Mrs. Barksdale, a 49-year-old widow, said yesterday of her fulfilled plans to move into her homestead house on Saturday. She said the move enables her to realize long held "hopes and dreams of having a home of my own."

Actually, it will be three years until Mrs. Barksdale holds title to the house presently owned by the city, according to the provisions of the homestead program.

The initial 10 homesteaders selected in August were given the houses without charge with the understanding they must be brought up to city housing code standards within 18 months. After making the needed repairs, a homesteader must live in the house for three years before it can be owned.

The city has estimated that most of the houses, which are in poor condition, will require about $9,000 in repairs.

Mrs. Barksdale seemed fairly relaxed yesterday following what she said was a hectic Saturday.

Contractors working on the house didn't finish until 4 Saturday afternoon, she said, while a network television crew followed her around most of the day as she moved things from her old apartment at 615 W. 6th St.

"I like city living," Mrs. Barksdale says of the location of her new home. It is less than a 10-minute walk to the downtown business district.

"I intend to stay here in spite of the neighborhood," she said, referring to the vacant and boarded-up houses that surround her, 10 of the 22 houses in the 800 block of Windsor are vacant.

She says this fact doesn't disturb her, but she would like to see some people move into them. Hopefully, she said, others will notice the improvement in the neighborhood and follow her example.

The renovation of the two-bedroom house where Mrs. Barksdale and her 13-year-old grandson now live is not quite complete, but it is liveable. Brown wood paneling is being placed on the walls and new wood floors are being put down. Mrs. Barksdale said she has already spent about $6,000 for repairs.

Mrs. Barksdale is an employe of a retirement home for elderly women and has been a Wilmington resident for 22 years.

She says she is "thrilled and happy" to finally own her own home and be the nation's first urban homesteader.

By Mr. FULBRIGHT (by request):

S. 2677. A bill to implement the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property. Referred to the Committee on Foreign Relations.

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference a bill to implement the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property.

The bill has been requested by the Department of State and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with a letter from the Assistant Secretary of State to the President of the Senate dated June 8, 1973, and the sectional analysis.

There being no objection, the bill, letter, and analysis were ordered to be printed in the RECORD; as follows:

S. 2677

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That

SECTION 1. Whenever the President determines that (1) the cultural patrimony of a State Party to the Convention is in jeopardy from pillage of archeological of ethnological materials, (2) the State Party has taken measures for the protection of its cultural patrimony and (3) import controls by the United States would help deter such pillage, the President may enter into an agreement with the State Party, and with other governments as appropriate, to restrict the importation of protected objects of archeological or ethnological interest for so long as may be required to achieve the purposes of the Convention. In making these determinations, the President shall consider the advice of a panel of experts representing the interested art, museum, and scientific communities which he shall appoint for that purpose.

SEC. 2. The Secretary of the Treasury, after consultation with the Secretary of State, by regulation shall promulgate, and when appropriate shall revise, a list of protected objects of archeological or ethnological interest within the meaning of paragraph (b) of section 8 of this Act. Such objects may be listed by type or other classification deemed appropriate by the Secretary.

SEC. 3. (a) No protected object of archeological or ethnological interest listed by the Secretary pursuant to Section 2 of this Act that is exported (whether or not such exportation is to the United States) from the country of origin after the effective date of the regulation listing such object may be imported into the United States unless the government of the country of origin of such object issues a certificate which certifies that such exportation was not in violation of the laws of that country.

(b) If the consignee of any protected object of archeological or ethnological interest is unable to present to the appropriate officer of the customs at teh time of making entry of such object—

(1) the certificate of the government of the country of origin required under paragraph (a) of this section;

(2) satisfactory evidence that such object was exported from the country of origin on or before the effective date of the regulation listing such object pursuant to section 2 of this Act; or

(3) satisfactory evidence that such object is not covered by the list promulgated under section 2 of this Act;

the appropriate officer of the customs shall take the object into customs custody and send it to a bonded warehouse or store to be held at the risk and expense of the consignee, notwithstanding any other provision of law, until such certificate or evidence is filed with such officer. If such certificate or evidence is not presented within 90 days after the date on which such object is taken into customs custody, or such longer period as may be allowed by the Secretary for good cause shown, the importation of such object into the United States is in violation of this Act.

SEC. 4. (a) Any protected object of archeological or ethnological interest imported into the United States in violation of this Act shall be seized and subject to forfeiture. All provisions of law relating to seizure, summary and judicial forfeiture and condemnation for violation of the customs laws shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this Act, insofar as applicable, and not inconsistent with the provisions hereof.

(b) Any protected object of archeological or ethnological interest which is forfeited to the United States shall—

(1) first be offered for return to the country of origin and shall be returned if that country bears the expenses incurred incident to such return and delivery and complies with such other requirements relating to the return as the Secretary shall prescribe; or

(2) if not returned to the country of origin, be disposed of in the manner prescribed by law for articles forfeited for violation of the customs laws.

SEC. 5. No article appertaining to the inventory of a museum or religious or secular public monument or similar institution in a State Party to the Convention which is stolen after the effecive date of this Act, or after the date of entry into force of the Convention for the state concerned, whichever is later, may be imported into the United States.

SEC. 6. (a) Any article imported into the United States in violation of Section 5 shall be seized and subject to forfeiture. All provisions of law relating to seizure, summary and judicial forfeiture and condemnation for violation of the customs laws shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this Act, insofar as applicable, and not inconsistent with the provisions hereof.

(b) Whenever any person interested in any article seized under paragraph (a) of this Section files with the Secretary of the Treasury a petition for the remission of such forfeiture, the Secretary shall remit the forfeiture if the petitioner establishes that he (1) purchased the article in question for value without knowledge or reason to believe it was stolen or (2) holds valid title to the article under the law applicable in the United States: *Provided, however*, That in such case the forfeiture shall not be remitted if the State Party to the Convention referred to in Section 5 of this Act agrees to pay the petitioner and tenders an amount equal to the price paid (in the case of subparagraph (1)) or the fair value of the article (in the case of subparagraph (2)). Notwithstanding the foregoing, no compensation shall be required, and the forfeiture shall not be remitted, if it is established to the satisfaction of the Secretary of State that the State Party to the Convention, as a matter of law or reciprocity, would in similar circumstances recover and return an article stolen from an institution in the United States without requiring the payment of compensation.

(c) Any article forfeited to the United States under this section shall—

(1) first be offered for return to the State Party to the Convention in whose territory is situated the institution referred to in Section 5 of this Act and shall be returned if that State Party bears the expenses incident to such return and delivery and complies with such other requirements relating to the return as the Secretary shall prescribe; or

(2) If not returned to said State Party, be disposed of in the manner prescribed by law for articles forfeited for violation of the customs laws.

SEC. 7. The Secretary shall prescribe such rules and regulations as are necessary and appropriate to carry out the provisions of this Act.

SEC. 8. For the purposes of this Act—

(a) the term "United States" includes the states, the District of Columbia, and any territory or area the foreign relations for which the U.S. is responsible.

(b) the term "protected object of archeological or ethnological interest" means any object of archeological or ethnological interest, including any fragment or part thereof, which is subject to export control by the country of origin and is encompassed by an agreement with the country of origin made pursuant to Section 1 of this Act.

(c) the term "country of origin", as applied to any protected object of archeological or ethnological interest, means the country where such object was first discovered.

(d) the term "the Convention" means the Convention on the means of prohibiting and preventing the illicit import, export and transfer of ownership of cultural property adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organizations at its 16th Session.

(e) the term "consignee" means consignee as defined in Section 483 of the Tariff Act of 1930, as amended (19 U.S.C. 1483).

DEPARTMENT OF STATE,
Washington, D.C., June 8, 1973.

Hon. SPIRO T. AGNEW,
President, U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed for your consideration and appropriate reference is a legislative proposal to implement the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property.

The principal purpose of the Convention is to combat the increasing illegal international trade in national art treasures, which in some countries has led to wholesale pillaging. To this end, the parties to the Convention undertake to protect their own cultural heritage and to establish an export certificate for cultural property designated by each country as being of importance. They are also required to prohibit the import of cultural property stolen from museums, public monuments, or similar institutions and to take appropriate steps, upon request, to recover and return such cultural property. The parties further agree to take what measures they can, consistent with existing national legislation, to prevent museums and similar institutions within their territory from acquiring cultural property originating in another country which has been illegally exported after entry into force of the Convention. Further, states parties to the Convention undertake to participate in a concerted international effort to determine and carry out the necessary corrective measures in cases in which a state's cultural patrimony is in jeopardy from pillage of archeological or ethnological materials.

President Nixon submitted the Convention to the Senate with a view to receiving its advice and consent to ratification on February 2, 1972. The Senate Foreign Relations Committee held hearings on August 3, 1972, and reported the Convention favorably on August 8, 1972 (Executive Report No. 92-29, 92d Cong., Second Sess.). On August 11, 1972, the Senate gave its advice and consent to ratification by a vote of 79 to 0.

Prior to deposit of the United States instrument of ratification to the Convention, the enactment of implementing legislation is required. Accordingly, a draft bill to implement the Convention is herewith submitted.

The draft bill contains eight sections. Sections 1 through 4 implement Article 9 of the Convention, concerning situations in which the cultural patrimony of a state party to the Convention is in jeopardy from pillage of archeological or ethnological materials. Sections 5 and 6 of the draft bill implement Article 7(b) of the Convention, concerning cultural property stolen from a museum or a religious or secular public monument or similar institution in a state party to the Convention. Section 7 contains rule making authority and section 8 contains definitions. The provisions in the draft bill take into account the reservation and understandings set forth in Senate Executive Report No. 92-29, 92d Congress, Second Session, page 9. A fuller explanation of the provisions of the draft bill are contained in the attached sectional analysis.

We hope that this draft will receive early consideration by the appropriate Committee and prompt enactment.

The Office of Management and Budget advises that the enactment of the proposed legislation would be consistent with the objectives of the Administration.

Sincerely,

MARSHALL WRIGHT,
Assistant Secretary for Congressional Relations.

SECTIONAL ANALYSIS

Section 1. This section establishes part of the machinery required to implement Article 9 of the UNESCO Convention. That article allows any state party to the Convention whose cultural patrimony is in jeopardy from pillage of archeological or ethnological materials to call upon other states parties who are affected. The states parties undertake to determine and carry out the necessary concrete measures, including the control of exports and imports and international commerce in the specific materials concerned. Section 1 authorizes the President to enter into agreements with other states parties to the Convention to restrict importation to objects of archeological or ethnological interest for so long as may be required to achieve the purposes of the Convention. Prior to entry into any such agreement, the section requires that the President determine that the cultural patrimony of a state party is in jeopardy from pillage of archeological or ethnological materials, that the state party has taken measures for the protection of its cultural patrimony, and that import controls by the United States would help deter such pillage. In making these determinations, the President is to consider, but is not bound by, the advice of a panel of experts representing the interested art, museum and scientific communities which he shall appoint for that purpose. The requirement that the President make these findings prior to entering into an agreement is meant to ensure that a factual situation does indeed exist where such extreme measures as import controls are appropriate, that less drastic measures are not available, and that import controls by the United States would have the intended effect in remedying the situation. It is anticipated that the authority provided in this section would be used only in serious situations. The President would not use this authority to conclude general agreements prohibiting the entry of all objects of archeological or ethnological interest regardless of size, cultural or scientific importance or monetary value. Generally, specific categories of material would be agreed to, but there may be special situations where a more comprehensive ban may be necessary, at least temporarily, to halt widespread pillage of objects that seriously threatens the cultural patrimony of a state party to the Convention.

Section 2. This section provides for the public notice required to make the provisions in sections 1 through 4 of the implementing legislation effective. After the findings required by section 1 have been made, and after the President has entered into an agreement under that section, this section provides for the promulgation of regulations listing the covered materials. The import of these materials is prohibited by section 3.

Section 3. Section 3 prohibits the import of the materials listed pursuant to section 2 of the draft bill. In addition, the section requires that the material in question must have been exported from the country of origin after the effective date of the regulation listing such object and that the export of that object was in violation of the laws of that country. In such a case, unless the consignee is unable to present evidence that these conditions are not met, the object shall be taken into custody and so held for an additional period of 90 days (which may be extended for cause) during which the consignee may still present evidence that the object in question did not meet the requirements for such seizure.

Section 4. This section completes the scheme of implementation of Article 9 of the Convention. It provides that protected objects of archeological or ethnological interest (those objects listed in a regulation promulgated pursuant to section 2 of the draft bill) imported into the United States in violation of the bill (that is, the prohibition contained in section 3) shall be seized and subject to forfeiture under the customs laws. The seizure is mandatory when the conditions provided for in sections 1 through 3 of the draft bill are met. Petitions for remission of forfeiture under the applicable provisions of the customs laws are allowed for materials so seized.

This section also provides for the disposition of protected objects which are forfeited to the United States. Such objects shall first be offered for return to the country of origin

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and shall be returned if that country bears the expenses incurred incident to such return and delivery and compliance with such other requirements relating to the return as may be prescribed. If the object is not returned to the country of origin, either because that country does not accept the offer for return or is unwilling to bear the expenses of return or meet other relevant conditions, the object shall be disposed of in the manner prescribed by law for articles forfeited for violation of the customs laws.

Section 5. This section and the following section implement Article 7(b) of the Convention, requiring the prohibition of imports of cultural property stolen from a museum or a religious or secular public monument or similar institution in another state party to the Convention after the entry into force of the Convention for the states concerned. The requirement that the article in question appertain to the inventory of such an institution will allow appropriate documentation that it was stolen from such an institution. This section prohibits the importation of such objects, and the following section provides the conditions for seizure, forfeiture, and return of such objects.

Section 6. Paragraph (a). This paragraph provides that any article imported into the United States in violation of section 5 shall be seized and subject to forfeiture under the customs laws. The paragraph parallels section 4(a). However, as only stolen items are covered under this paragraph, a regulation listing prohibited objects is not required.

Paragraph (b). This paragraph provides limitations on the remission of forfeiture of articles seized in accordance with paragraph (a). The first sentence implements the requirement in Article 7(b)(i) that an offer of just compensation be made to an innocent purchaser or one holding valid title to the article by the state requesting return of the article. However, as not all such persons may be required to be compensated under the applicable municipal law in the United States, the second sentence provides, in accordance with the fourth understanding adopted by the Senate, that the United States will not require an offer of compensation if under similar circumstances the state requesting return of the item would not require such an offer of compensation from the United States for an article stolen from an institution in the United States.

Paragraph (c). This paragraph provides for the return of objects forfeited in accordance with the previous paragraph of this section. The paragraph parallels section 4(b).

Section 7. This section authorizes the promulgation of rules and regulations necessary and appropriate to carry out the provisions of the draft bill. For example, such regulations will be required under sections 2, 4(b), and 6(c).

Section 8. This section provides definitions for the purpose of this Act.

By Mr. HATHAWAY:

S. 2678. A bill to provide for a special election for the Offices of President and Vice President when the Offices of President and Vice President are both vacant. Referred to the Committee on Rules and Administration.

Mr. HATHAWAY. Mr. President, I am today introducing legislation which would provide for a special Presidential election should the Offices of President and Vice President both be vacant at the same time.

In candor, I must admit that this bill is intended to deal specifically with the potential situation confronting the Congress should the present President resign or be removed from Office before the confirmation of his Vice-Presidential designee. But while the present situation may have engendered consideration of this approach to Presidential succession, the principle it establishes is a sound one of general applicability to circumstances of a similar nature.

In essence, the bill provides that in the case of a vacancy occurring in the Offices of both the President and Vice President, there will be a special Presidential election, with the highest ranking officer of the House of Representatives of the same party as the outgoing President serving as acting President until such election is held. This approach is identical in principle to the Succession Act of 1792 which was enacted in the 2d Congress by some of the same individuals who drafted the Constitution and which remained in force for 94 years. This act was altered in 1886 and again in 1947 with the result that under present law the Speaker of the House succeeds when a double vacancy occurs. I have attempted in the bill to deal with one of the major ambiguities of the 1792 act, which is whether the term of the new President would be 4 years or for the remainder of the unexpired term of his predecessor.

Under the bill I am proposing, the term of the specially elected President would be limited to the time remaining in the outgoing President's unexpired term. In this way, the traditional rhythm of our quadrenial Presidential elections, falling as they do every leap year, would remain undisturbed. As to the procedure to be followed in nominating and selecting candidates, the bill would leave this to State law, as is currently required by the Constitution. I would assume that should this measure be enacted the States would move expeditiously to enact legislation with regard to a possible special election so that the 90-day time table in the bill could be met.

There seems to be little question of the constitutionality of the special election approach to the resolution of a double vacancy problem. The Constitution expressly provides that succession, in the case of a double vacancy, is a matter to be determined by statute and, as noted earlier, the first statute passed in this area did provide for such an election. For the benefit of my colleagues interested in this question, I will have printed in the Record at the end of my remarks an excellent memorandum on the question done by the Congressional Research Service as well as a letter from three eminent constitutional scholars, Paul A. Freund, Raoul Berger, and Abram Chayes attesting that—

> In our view, the Constitutional text, the debates at Philadelphia and the practice under the Constitution leave no doubt that the Congress has the power to provide by statute for a special Presidential election in the event the offices of President and Vice President both become vacant.

Assuming the constitutionality of a special election then, why would this approach be better then the presently established system? This question, it seems to me, boils down to one of the legitimacy of government in a democratic society. My introduction of this plan intends no disrespect for the distinguished Speaker of the House, who would fill a Presidential vacancy should one occur under present law. But the Speaker of the House has never sought the Presidency nor have all the voters of the Nation had an opportunity to pass on his qualifications for this awesome Office. Furthermore, my introduction of this plan intends no disrespect for the distinguished minority leader of the House who has been nominated as Vice President by the President. But the same considerations apply—Mr. Ford has never sought the Presidency nor stood before the national electorate. Further, there is something troubling about a President who is under threat of impeachment or forced resignation having the power to name his successor.

In either case—the succession of Mr. Ford or Mr. Albert—the country would have a President not elected by the people. This result I find incompatible with the basic principles upon which the Nation was founded and upon which the legitimacy of our form of government rests.

It will be charged, I suppose, that what I am proposing constitutes a political attempt to nullify the mandate of the voters in the last election. I should say first that in making these remarks I indicate no prejudgment of the outcome of the current controversy surrounding the President. My remarks and my proposal are directed solely to what happens if a vacancy occurs, not whether such a vacancy ought to occur. When put in this context, such charges have little merit. The mandate of last November's election belongs to Richard Nixon and Spiro Agnew, not their political party. While winning the White House, Republicans actually lost strength in the Senate and among the Nation's Governors. Given this fact, who is to say with any assurance what the mandate of 1972 was? Second, I cannot accept the charge of "power grab" or "coup" when the question is actually being returned to the people, the ultimate arbiters of power within our system.

If the President leaves office, the mandate of last year is negated; it seems logical to me to allow the people themselves to decide who shall then receive what only they can rightfully give.

Finally, and this is one of the differences between my bill and the original 1792 Succession Act, my proposal would provide that the "interim" President—who would serve between the occurrence of the vacancy and the special election—would in fact be a member of the political party of the outgoing President. In this way whatever party mandate which does attach at the preceding Presidential election would be maintained until the people render their new judgment. In the present case, the highest ranking officer of the House who is of the same party as the previous President, and who would, under my proposal, become Acting President, is Gerald Ford of Michigan.

Before concluding my remarks, I should acknowledge a debt of gratitude to several individuals whose wisdom have made this proposal possible. I refer of course to Professors Freund, Berger, and Chayes, who have provided advice on the constitutionality of the special election,

although they have not considered the specific provisions of this bill, and also especially to Mayor Kevin White of Boston who first discovered the possibilities of this procedure and brought it to the attention of the Nation.

These are troubled and difficult times for all of us. The measure I propose will not settle events finally or immediately. But it will insure that control of our basic decisions and, indeed, our very future will remain directly in the hands of the people.

Mr. President, I ask unanimous consent to have printed in the Record the two documents I have mentioned in the course of my remarks, the letter from the law professors and the Library of Congress report on this matter; and I further ask unanimous consent that the bill be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Law School of Harvard University,
Cambridge, Mass., November 1, 1973.

Hon. Kevin H. White,
Mayor of Boston,
Boston, Mass.

Dear Mayor White: You have asked if, under the Constitution, Congress has the power to provide by statute for a special election to fill the office of President in the event that both the offices of President and Vice President become vacant. In our opinion, Congress has such power.

Article 2, section 1, clause 6 of the Constitution provides:

"In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation, or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected."

The matter was expressly considered in the Constitutional Convention and the debates show conclusively that the Framers intended to empower the Congress to call a special election in those circumstances.

On September 7, 1787, it was moved in the Convention that the Legislature should designate by law which officer of the United States would act as President in the event of vacancies in the offices of both President and Vice President and that "such officer shall arrive." James Madison objected to this language on the ground that it would prevent the vacancy in the Presidency from being filled by a special election. He therefore moved to change the language to read that the officer who was designated to "act as President" do so "until such Disability be removed, or a President shall be elected." Madison's amendment was carried and with minor stylistic changes was incorporated in the final text of the Constitution.

The Second Congress, of which Madison himself was a member, exercised this very power when it enacted the succession Act of March 1, 1972, providing for a special election in the event of a simultaneous vacancy in both Presidential and Vice Presidential offices. 1 Stat. 239. Actions of the First and Second Congresses are traditionally given great weight on questions of Constitutional interpretation. *Myers* v. *U.S.* 272 U.S. 52, 175 (1926).

The text of the relevant sections of the Act of 1792 is attached to this letter. You will note that the Act provided for the special election to be omitted if the double vacancy occurred within six months of the expiration of the Presidential term. It also stipulated that the president pro tempore of the Senate (and if there was none the Speaker of the House) should act in the interim until the special election; and that the person elected should serve for a term of four years from the next inauguration day following the special election. These features are remarked here not to suggest that they are Constitutionally required, but to indicate the flexibility that is available to the Congress in dealing with the practical questions involved in a special election.

The Act of 1792 remained law for almost a century. Then the mechanism of Presidential succession was changed to provide that in the event of the vacancy of both the offices of President and Vice President, one or another member of the Cabinet in the order therein provided should "act as President." But the statute went on to provide that Congress should assemble within twenty days, presumably to consider what further action to take.

The 1886 statute was in turn replaced in 1947 with the present law providing that in the event of the vacancy of both the offices of President and Vice President, the Speaker of the House of Representatives would act as President to be followed by the President pro tempore of the Senate to be followed by ranked Cabinet officers for the remainder of the then Presidential term. 3 U.S.C. 19.

These subsequent enactments are further evidence of the broad and flexible authority available to Congress in fulfilling its Constitutional mandate to provide for continuity in the office of President in case of "removal, death, resignation or inability of both the President and Vice President."

In our view, the Constitutional text, the debates at Philadelphia and the practice under the Constitution leave no doubt that the Congress has the power to provide by statute for a special Presidential election in the event the offices of President and Vice President both become vacant.

Yours very truly,

Paul A. Freund.
Abram Chayes.
Raoul Berger.

ATTACHMENT

(Second Congress. Session. 1. Ch. 8. 1972, 1 Stat. 239.)

Sec. 9. *And be it further enacted*, That in case of removal, death, resignation or inability both of the President and Vice President of the United States, the President of the Senate pro tempore, and in case there shall be no President of the Senate, then the Speaker of the House of Representatives, for the time being shall act as President of the United States until the disability be removed or a President shall be elected.

Sec. 10. *And be it further enacted*, That whenever the offices of President and Vice President shall both become vacant, the Secretary of State shall forthwith cause a notification thereof to be made to the executive of every state, and shall also cause the same to be published in at least one of the newspapers printed in each state, specifying that electors of the President of the United States shall be appointed or chosen in the several states within thirty-four days preceding the first Wednesday in December then next ensuing: *Provided*, There shall be the space of two months between the date of such notification and the said first Wednesday in December, but if there shall not be the space of two months between the date of such notification and the first Wednesday in December; and if the term for which the President and Vice President last in office were elected shall not expire on the third day of March next ensuing, then the Secretary of State shall specify in the notification that the electors shall be appointed or chosen within thirty-four days preceding the first Wednesday in December in the year next ensuing, within which time the electors shall accordingly be appointed or chosen, and the electors shall meet and give their votes on the said first Wednesday in December, and the proceedings and duties of the said electors and others shall be pursuant to the directions prescribed in this act.

Sec. 12. *And be it further enacted*, That the term of four years for which a President and Vice President shall be elected shall in all cases commence on the fourth day of March next succeeding the day on which the votes of the electors shall have been given.

Approved, March 1, 1972.

Congressional Research Service,
Washington, D.C.

From: American Law Division.

Subject: Provision for Special Election in Event of Vacancies in Offices of President and Vice President.

This is in response to your request for consideration of the constitutional validity of a provision for special elections to fill the offices of President and Vice President when both become vacant. It appears that the language of the Constitution does not preclude provision for such an election and may be read to support that alternative; when the debates in the Constitutional Convention are reviewed, such support becomes much clearer and stronger. It therefore may be concluded that the proposal under consideration is consistent with the Constitution.

Although the Constitution has been amended twice now in some respects of presidential succession* the pertinent language remains that of Art. II, § 1, cl. 6. "In Case of the Removal of the President from Office, or of his Death, Resignation or Inability to discharge the Powers and Duties of the said Office, the same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected."

The final clause "or a President shall be elected" is, of course, consistent with the view that the designated officer should serve until the next regular presidential election or with the view that Congress could provide for a special election. In any event, the language does not preclude the calling of such an election. But the Convention materials amply demonstrate that authority for Congress to call a special election in the event of a vacancy in both offices was intended.

The report of the Committee on Detail, which had considered and blended many of the details of various plans offered to the Convention, contained the following language with regard to succession. It will be noted that no provision for a Vice President had yet been made. "In case of his removal as aforesaid, death, resignation, or disability to discharge the powers and duties of his office, the President of the Senate shall exercise those powers and duties, until another President of the United States be chosen, or until the disability of the President be removed." 2 M. Farrand (ed.), *The Records of the Federal Convention of 1787* (New Haven: rev. ed. 1937), 186. Madison reported no debate on this language when the sections on the Presidency were considered on August 24, 25 and 27. It is noted that consideration of the entire clause was postponed because some members were concerned about the ambiguousness of the word "disability", *Id.*, 427, and on August 31 all postponed sections were referred to the Committee of Eleven for consideration. *Id.*, 473. The above quoted language thus went to the Committee as reported.

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*20th Amendment §§ 3, 4; 25th Amendment.

In the report of the Committee of Eleven, the above quoted language was retained with the exception of the substitution of the Vice President for the President of the Senate. *Id.*, 499. No provision for succession beyond the Vice President was included. Farrand's report of the notes of McHenry, one of the Members of the Committee of Eleven contains the following: "No provision in the above for a new election in case of the death or removal of the President." This would appear to negate the inference that the language "until another President of the United States be chosen" would have allowed Congress to provide for one.

When the section was considered on September 7, Randolph of Virginia moved to add the following: "The Legislature may declare by law what officer of the United States shall act as President in case of the death, resignation, or disability of the President and Vice President; and such officer shall act accordingly until the time of electing a President shall arrive."

However, Farrand continues, "Mr. Madison observed that this, as worded, would prevent a supply of the vacancy by an intermediate election of the President, and moved to substitute—'until such disability be removed, or a President shall be elected—'." The motion was then adopted. Further, reports Farrand:

"It seemed to be an objection to the provision with some, that according to the process established for choosing the Executive, there would be difficulty in effecting it at other than the fixed periods; with others, that the Legislature was restrained in the temporary appointment to 'officers' of the U.S.: (They wished it to be at liberty to appoint others than such.)"

"On the motion of Mr. Randolph as amended, it passed in the affirmative." *Id.*, 535.

It seems evident, therefore, that the Convention consciously chose to substitute language which gave Congress the option to provide for a special election if both the Presidency and the Vice Presidency became vacant. But the Committee on Style in reporting what is in essence the clause as it now appears in the Constitution rendered the final passage to read "until the disability be removed, or the period for choosing another President arrive." *Id.*, 599. Without recorded debate, the Convention when it reached this section changed it back to "or a President shall be elected." *Id.*, 626. The decision of September 7 to leave Congress with the power to provide for a special election was thus confirmed.

Apparently, the only reference to the question in the ratifying conventions in the States occurred in Virginia, where George Mason, a delegate who had refused to sign the Constitution, objected that the clause did not require a speedy election of another President in case of vacancy in both the Presidency and the Vice Presidency. Madison responded: "When the President and Vice President die, the election of another President will immediately take place; and suppose it would not,—all that Congress could do would be to make an appointment between the expiration of the four years and the last election, and continue only to such expiration. This can rarely happen." 3 J. Elliot, *Debates on the Adoption of the Federal Constitution* (New York: 1888), 487–488. Obviously, Madison was saying that Congress could provide for a special election but was not required to do so; it could provide for the devolution of the powers and duties of the office upon some other officer until the next regularly scheduled election.

It therefore appears that the Convention consciously chose to recognize power in Congress to provide for a special election in the event of a vacancy in both offices. Nothing has been found in the debates of the Convention or of the ratifying conventions to negate this conclusion, nor does the Twenty-fifth Amendment which made significant changes in this area touch upon this question so as to require a different conclusion.

When in the Act of March 1, 1972, Congress established a policy on succession, it included § 10, 1 Stat. 240, which provided for a special election in the event of a vacancy in both offices. The section read:

"Sec. 10. *And be it further enacted*, That whenever the offices of the President and Vice President shall both become vacant, the Secretary of State shall forthwith cause a notification thereof to be made to the executive of every state, and shall also cause the same to be published in at least one of the newspapers printed in each state, specifying that electors of the President of the United States shall be appointed or chosen in the several states within thirty-four days preceding the first Wednesday in December then next ensuing:

Provided: There shall be the space of two months between the date of such notification and the said first Wednesday in December, but if there shall not be the space of two months between the date of such notification and the first Wednesday in December; and if the term for which the President and Vice President last in office were elected shall not expire on the third day of March next ensuing, then the Secretary of State shall specify in the notification that the electors shall be appointed or chosen within thirty-four days preceding the first Wednesday in December in the year next ensuing, within which time the electors shall accordingly be appointed or chosen and the electors shall meet and give their votes on the said first Wednesday in December, and the proceedings and duties of the said electors and others shall be pursuant to the directions prescribed in this act."

The significance of this enactment for purposes of constitutional interpretation may well be gleaned from the comment of Chief Justice Taft who observed, when the protective tariff was challenged, that the first such law was enacted in the First Congress. "In this first Congress sat many members of the Constitutional Convention of 1787. This Court has repeatedly laid down the principle that a contemporaneous legislative exposition of the Constitution when the founders of our government and framers of our Constitution were actively participating in public affairs, long acquiesced in, fixes the construction to be given its provisions." *Hampton & Co v. United States*, 276 U.S. 394, 412 (1928). See also *Myers v. United States*, 272 U.S. 52, 175 (1926).

When President Truman recommended in 1945 changes in the law of presidential succession, he included a special election of the President and Vice President when both offices became vacant. H. Doc. No. 246, 79th Cong., 1st sess (1945); 91 *Cong. Rec.* 6272 (1945). A bill was reported to the House embodying this recommendation, H.R. 3587, 79th Cong., 1st sess. (1945), § 3(f), but it was struck on the House floor, primarily because the schedule set out could possibly cause great instability in the country and because the States would be required to legislate a number of changes in their election laws. 91 *Cong. Rec.* 7024–7025 (1945). The House then passed the bill but it was not considered by the Senate; in 1947, however, a bill identical to the House-passed bill, thus omitting the special election provision, was passed by the Senate and accepted by the House.

In conclusion, then, it seems clear that the language of Art. II, § 1, cl 6, especially when considered in light of the events leading to its adoption by the Constitutional Convention, provides adequate support for the proposed bill.

Johnny H. Killian,
Legislative Attorney.

S. 2678

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 19 of title 3, United States Code, is amended to read as follows:

"Section 19. Vacancy in the offices of both President and Vice President.

"(a)(1) If, by reason of death, resignation, removal from office, inability, or failure to qualify, there is neither a President or Vice President to discharge the powers and duties of the office of President prior to the 20th day of January in the fourth year of the current Presidential term, and—

"(A) if the Speaker of the House of Representatives is a member of the same political party as the President regularly elected for that term, then the Speaker of the House of Representatives shall, upon his resignation as Speaker and as a Representative in Congress, act as President until the inability is removed or until a President and Vice President take office for the remainder of the term in which the vacancy occurs; or

"(B) if the Speaker of the House of Representatives is not a member of the same political party as the President regularly elected for that term and the Minority Leader of the House of Representatives is a member of the same political party as the President, then the Minority Leader shall, upon his resignation as Minority Leader and as Representative in Congress, act as President until the inability is removed or until a President and Vice President take office for the remainder of the term in which a vacancy occurs.

"(2) If by reason of death, resignation, removal from office, inability, or failure to qualify, there is neither a President or Vice President to discharge the powers and duties of the Office of President, on or after the 20th day of January of the fourth year of the current Presidential term, and—

"(A) if the Speaker of the House of Representatives is a member of the same political party as the President regularly elected for that term, then the Speaker of the House of Representatives shall, upon his resignation as Speaker and as Representative in Congress, act as President until the inability is removed or the end of the term in which the vacancy occurs; or

"(B) if the Speaker of the House of Representatives is not a member of the same political party as the President regularly elected for that term and the Minority Leader of the House of Representatives is a member of the same political party as the President, then the Minority Leader shall, upon his resignation as Minority Leader and as Representative in Congress, act as President until the inability is removed or the end of the term in which the vacancy occurs.

"(b)(1)(A) If under subsection (a) the Speaker of the House of Representatives or the Minority Leader of the House of Representatives fails to qualify as acting President, and if, by reason of death, resignation, removal from office, or inability, there is no acting President to discharge the powers and duties of the office of President prior to the 20th day of January in the fourth year of the current Presidential term, then the officer of the United States who is highest on the following list, and who is not under disability to discharge the powers and duties of the office of President shall act as President until the disability is removed or until a President and Vice President take office for the remainder of the term in which the vacancy occurs: Secretary of State, Secretary of the Treasury, Secretary of Defense, Attorney General, Secretary of the Interior, Secretary of Agriculture, Secretary of Commerce, Secretary of

Labor, Secretary of Health, Education, and Welfare, Secretary of Housing and Urban Development, Secretary of Transportation.

"(B) If under subsection (a) the Speaker of the House of Representatives or the Minority Leader of the House of Representatives fails to qualify as acting President, and if, by reason of death, resignation, removal from office, or inability, there is no acting President to discharge the powers and duties of the office of President on or after the 20th day of January in the fourth year of the current Presidential term, then the officer of the United States who is highest on the following list, and who is not under disability to discharge the powers and duties of the office of President shall act as President until the disability is removed or until the end of the term in which the vacancy occurs: Secretary of State, Secretary of the Treasury, Secretary of Defense, Attorney General, Secretary of the Interior, Secretary of Agriculture, Secretary of Commerce, Secretary of Labor, Secretary of Health, Education, and Welfare, Secretary of Housing and Urban Development, Secretary of Transportation.

"(2) An individual acting as President under this subsection shall continue so to do as specified in paragraph (1) of this subsection, but not after a qualified and prior-entitled individual is able to act, except that the removal of the disability of an individual higher on the list contained in paragraph (1) of this subsection or the ability to qualify on the part of an individual higher on such list shall not terminate his service.

"(3) The taking of the oath of office by an individual specified in the list in paragraph (1) of this subsection shall be held to constitute his resignation from the office by virtue of the holding of which he qualifies to act as President.

"(c)(1) If there is neither a President nor a Vice President to discharge the powers and duties of the office of President because of death, resignation, removal from office, inability, or failure to qualify, occurring prior to the 20th day of January in the fourth year of the current Presidential term, then on the 90th day (excepting holidays) after the date on which the acting President under paragraph (1) of subsection (a) or under paragraph (1)(A) of subsection (b) takes the oath of office of the Presidency, there shall be appointed electors of the President and Vice President in the manner such electors are provided for in a regular election for the offices of President and Vice President.

"(2) Electors appointed on such 90th day shall meet and give their votes on the 7th day following the date of their appointment.

"(d) Subsections (a) and (b) of this section shall apply only to such officers as are eligible to the office of President under the Constitution. Subsection (b) of this section shall apply only to officers appointed, by and with the advice and consent of the Senate, prior to the time of the death, resignation, removal from office, inability, or failure to qualify, of the Speaker or the Minority Leader of the House of Representatives, and only to officers not under impeachment by the House of Representatives at the time the powers and duties of the office of President devolve upon them.

"(e) During the period that any individual acts as President under this section, his compensation shall be at the rate then provided by law in the case of the President."

Sec. 2. (a) Section 101 of title 3, United States Code, is amended by—

(1) striking out "The term" and inserting in lieu thereof the following: "(a) Except as provided in subsection (b), the term"; and

(2) adding at the end thereof the following new subsection:

"(b) A President and Vice President elected under section 19(c) shall commence their term of office on the second day after the date on which the result of the electoral vote is announced by the President of the Senate and such term shall end at noon on the twentieth day of January next following the next regular election of a President and Vice President."

(b) Item 19 of the table of sections of chapter 1 of title 3, United States Code, is amended to read as follows:

"19. Vacancy in the offices of both President and Vice President."

By Mr. ROBERT C. BYRD:

S. 2679. A bill to amend title II of the Social Security Act to reduce from 60 to 55 the age at which a woman may become entitled to actuarially reduced widow's insurance benefits thereunder. Referred to the Committee on Finance.

Mr. ROBERT C. BYRD. Mr. President, today I am introducing a bill which proposes what I consider to be another badly needed, and long overdue change in the social security system.

This bill would amend the Social Security Act to reduce from 60 to 55, the age at which a woman may become entitled to actuarially reduced widow's insurance benefits.

Throughout my congressional career, I have consistently supported and introduced legislation designed to provide more realistic social security benefits, and legislation designed to improve and strengthen the structure, administration, and financing of the social security system.

Last fall, I also introduced this measure as an amendment to H.R. 1, and it was adopted by the Senate. Unfortunately, the House conferees would not accept this amendment and it, therefore, was not included in the conference-reported bill. While there were many improvements and liberalizations contained in H.R. 1, as finally enacted, I also hope that the need for additional improvements such as would be effectuated by my bill will now be more clearly recognized by Members in both Houses of Congress, so that this bill might receive expeditious consideration and enactment into law this session.

Beyond the 28 million citizens who are already drawing social security benefits, there are many widows between the ages of 55 and 60 who have lost their husbands, and who, at this stage in their lives, are unable to establish a new career, or to reactivate an old one. It is this group of widows that my amendment is aimed at assisting. Under the provision of my amendment which will permit actuarially reduced widows' insurance benefits to be received at age 55, the Social Security Administration estimates that approximately 310,000 widows would claim benefits the first year, creating an initial cost of about $515,000,000. But in the long run, there would be no, or very little, increased cost because it would balance out.

In West Virginia, approximately 5,300 widows would become eligible for actuarily reduced benefits, if the age requirements were lowered from 60 to 55. The increase in benefits for West Virginians would be approximately $9,000,000.

I would like to cite three examples, which have been computed by the experts of the Social Security Administration which show how my amendment would affect widows.

First. Widow A is 55 years old and her husband had average monthly earnings of $500 per month. Her reduced benefits would be $164 per month.

Second. Widow B is 55 years old and her husband had average monthly earnings of $600 per month. Her reduced benefits total $188.30 per month.

Third. Widow C is 55 years and her husband had average monthly earnings of $800. Her reduced benefits total $208.10 per month.

This bill, if adopted and enacted into law, would provide benefits for a group of persons who need it most, widows who are unable to work and who desperately need these benefits, but have been unable to obtain them because of the social security age requirement. In the majority of cases, these widows' husbands paid into the program for a long time, and these are people who deserve to receive some type of benefits now.

By Mr. MUSKIE (for himself, Mr. Randolph, Mr. Baker, Mr. Buckley, Mr. Biden, Mr. Burdick, Mr. Clark, Mr. Domenici, Mr. Gravel, Mr. McClure, Mr. William L. Scott, and Mr. Stafford):

S. 2680. A bill to amend the Clean Air Act, as amended. Referred to the Committee on Public Works.

THE SHORT- AND LONG-TERM ENERGY CRISIS

Mr. MUSKIE. Mr. President, the President announced on Wednesday night a program to deal with both the short- and the long-term energy crisis with which the Nation is confronted. Among other things, the President called for relaxation of some environmental requirements in order to assure an adequate supply of fuel this winter.

While I have not yet seen the basis for the President's conclusion that a relaxation in environmental controls will assist in the short-term energy crisis, I am prepared to anticipate his justification and propose legislation which will facilitate the capability of the administration to deal with the crisis while maintaining our near-term commitment to clean air.

The Subcommittee on Air and Water Pollution will hold hearings on this proposal on Monday morning. Witnesses invited to testify on this measure include the Environmental Protection Agency, the Sierra Club, and the National Coal Association.

We have information which suggests that certain electric powerplants can, in short order, convert from burning oil to burning coal. We know that other powerplants, both utility and industrial, could be converted to coal over time. And most important, Mr. President, we know that coal is the backbone of the Nation's energy reserve.

Unfortunately, the most economic, the most available, the most marketable coal is also high in sulfur content. This means that under present conditions the use of coal in utility and industrial powerplants will contribute to the deterioration of the environment.

If this were the only alternative, the people of the United States whose health is threatened by the chronic exposure to

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excessive levels of air pollution should indeed be alarmed. It is true that in the immediate short term—this winter—people who live in the areas in which converted powerplants will operate, will suffer increased exposure to powerplant pollution. If the President's program is adopted, we will have determined as a matter of national policy that a brief exposure to increased concentrations of sulfur dioxide in the air is better than a failure of electric utilities to meet basic demand.

But, Mr. President, this cannot be anything more than an emergency measure of limited duration. If it is, our environment will be damaged significantly from the continued use of high sulfur fuel after the immediate crisis has passed.

But there are other restraints on excessive use of high sulfur fuel. We cannot assume, in the future, that high sulfur oil will be available from the Middle East. And I seriously doubt that the Nation's coal industry will gear up for this new market if that new market is not dependable.

When the Clean Air Act of 1970 was written, we on the Public Works Committee, and especially the chairman, Jennings Randolph of West Virginia, and the ranking members, John Sherman Cooper of Kentucky and Howard H. Baker, Jr., of Tennessee, recognized that stack emissions controls on powerplants and industrial users of coal were an essential element to continued prosperity of the coal regions of the country. We knew that short of a clear commitment to install this pollution control technology, coal would be ignored by the utilities and oil would be substituted in our powerplants.

In this decade, most utilities and industries have continued practices they initiated as a result of early State, local, and Federal clean air initiatives. Rather than clean up what came out of their stacks, they used cleaner fuel in their boilers and by and large that cleaner fuel was oil. The Nation's utilities obviously have never attempted to balance the uncertainty of foreign oil supplies with the long term needs of their consumers.

But, Mr. President, we now have an alternative and an opportunity. We have the opportunity to guarantee the coal industry that their investment in new, safe, deep coal mines will be justified on the basis of a long term commitment from utilities and industries to burn high sulfur coal. And we have the clean air alternative of available technology to cause removal of sulfur from the emissions from stacks of powerplants and industry.

Mr. President, the legislation which I will offer today, on behalf of myself and the distinguished Senator from West Virginia (Mr. Randolph), the distinguished Senator from Tennessee (Mr. Baker), and other members of the Public Works Committee, will amend the Clean Air Act to facilitate taking advantage of this opportunity to restore national self-sufficiency in our basic energy needs and require utilization of the alternative of continuous controls of emissions from powerplants.

Also, this legislation will provide the Administrator of the Environmental Protection Agency the authority he needs to act expeditiously to assure that environmental controls do not exacerbate the energy crisis.

This legislation is vital. It is absolutely essential that it move along with proposed emergency energy legislation because we must have the ability to move swiftly on all fronts, including clean air law.

Mr. President, there are those who will say that this legislation, which permits adjustment and delay in environmental controls, is an unacceptable compromise. And I must admit that it is an undesirable but apparently necessary setback for our environment. This legislation may, in the short term, adversely impact the programs which were so successfully undertaken as a result of the Clean Air Act of 1970 but, in the long run these amendments will guarantee the public that short term crises in the availability of fuels and wholly private decisions based simply on cost of fuels will not interfere with our effort to clean up the environment.

Mr. President, there is another important aspect of this problem. While the environmental programs have a role in resolving problems created by the energy crisis, I took strong exception to the repeated statements that environmental requirements created that crisis.

The energy companies of the United States have failed to respond to the demands which they have encouraged. They have failed to build the necessary powerplants in time to meet new demands. Plans and decisions by energy companies to deal with this shortage should have been made as much as 10 years ago—tough Federal environmental laws have only emerged in the past 3 years.

The energy companies have failed to plan and provide for the energy needs of this country, to develop alternatives that would make us secure, and to invest their profit in means to satisfy a growing demand.

The energy companies must bear responsibility for our current crisis—for failing to use our abundant coal resources—for failing to consider the alternative technologies and the methodologies to meet America's demand.

More importantly, Mr. President, because they have worked so hard to create that demand, the energy companies bear an additional burden to find acceptable solutions to problems created when that demand exceeds supply—not just the demand for energy, but the demands that increased production of energy places on air, water, and land resources.

I will not stand back and watch the great gains for improvement of the environment in the late 1960's and early 1970's be whittled away by those who would use the energy crisis as an opportunity to delay and defeat environmental regulation. The legislation which I have introduced today is a practical response to a difficult problem, but it should not be considered in any way a compromise of the views of this Senator on the relationship between the environment and the energy crisis.

I would conclude on this point. Energy supplies are limited—fossil fuel supplies are final—they are going to run out eventually. But the same is true of air and water—they are limited too, they are final—no one is manufacturing any more. The same is true of land. Energy, air, water, and land all by their nature impose limitations upon human activity. The energy crisis is just the first crisis. In our attempt to deal with this crisis, we ought not to contribute to the acceleration of potential crises in the supply of air, in the supply of water, and in the supply of land which are all essential to our well-being.

Mr. President, I ask unanimous consent that letters to the Committee on Interior and Insular Affairs relating to this issue be inserted in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

November 7, 1973.

Hon. Henry M. Jackson,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

Dear Scoop: After reviewing the legislation now pending before the Committee on Interior and Insular Affairs on the energy crisis, including S. 2652 (the Coal Conversion Bill), Committee Print No. 1 of S. 2589 (the National Emergency Petroleum Act of 1973), and the draft of the Administration's emergency act, we believe that the only language necessary with regard to variances or waivers from the requirements of the Clean Air Act is a clause stating that such "variances" or "waivers" shall be in accordance with procedures established under the Clean Air Act.

It is our intention to introduce legislation and to hold hearings and to complete consideration on such legislation at an early date. Discussions with the Environmental Protection Agency indicate clearly that until such time as one or more of the emergency bills becomes law, the Environmental Protection Agency has sufficient existing authority to handle any temporary need for the use of high sulphur fuels by particular facilities. When the scope and intent of authority to require conversion of fuels is understood, we will act swiftly to provide the Environmental Protection Agency with any necessary supplementary authority.

It is, therefore, our recommendation that in any legislation which you report that language in lieu of the provisions in any of the bills be included which accomplishes the following purpose: Should a Presidential Order to change fuels result in a violation of an air quality implementation plan, a variance may be granted in accordance with the provisions of the Clean Air Act, as amended.

We assure you of our concern for this problem and our mutual desire to avoid energy shortages this winter. We urge your Committee's most prompt action on the basic emergency legislation. It is our belief that we must act quickly and well in the interest of the people of this Country.

With official esteem and best personal regards, we are,

Truly,

Howard H. Baker, Jr.
James L. Buckley,
Jennings Randolph.
Edmund S. Muskie.

Mr. MUSKIE. Mr. President, I also ask unanimous consent that the text of the bill to which I have referred may be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2680

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That

Section 1. Section 110 of the Clean Air Act, as amended (84 Stat. 1683), is amended by adding the following new subsection:

"(g)(1) During the period commencing November 15, 1973, and ending May 15, 1974, the Administrator is authorized to temporarily suspend any emission limitation, schedule or timetable for compliance contained in any Federal, State or local law, regulation or requirement adopted under this Act as to any fuel burning stationary source which is or would be in violation of such requirement due to actions ordered by the President under the National Emergency Fuels Act, unless the Administrator determines that such suspension will present an imminent and substantial endangerment to the health of persons. Any suspensions given under this subsection shall be exempted from any procedural requirements set forth in this Act or any other provision of local, State or Federal law, and the granting of such suspension shall not be subject to judicial review nor to any proceeding under section 304 of this Act. Nothing in this subsection shall affect the power of the Administrator to deal with sources presenting an imminent and substantial endangerment to the health of persons under section 303 of this Act.

"(2) Upon enactment of this paragraph, the Administrator shall undertake and, after public hearings and within four months, complete an assessment of the probable effect of anticipated fuel shortages on the ability of sources to comply with State implementation plans to achieve the national ambient air quality standards within the deadlines established pursuant to this Act. Such report shall be submitted to the Congress and shall, if the Administrator determines that fuel shortages will interfere with the statutory deadlines, contain recommendations of changes in the Act which will accomplish the purpose of the Act in the most expeditious and practical manner."

Sec. 2. Subsection (a) of section 110 of the Clean Air Act, as amended (84 Stat. 1681) is amended by adding the following new paragraph:

"(5) Whenever the Administrator determines that a source or sources of pollutants for which national ambient air quality standards have been promulgated will not be able to comply with applicable emission limitations through the use of fuels because, in the determination of the President, such fuels are likely to be unavailable due to a continued shortage of fuels, he shall notify the State. If revisions of the implementation plan and local or state regulations necessary to insure the attainment of primary ambient air quality standards protective of public health as expeditiously as practicable are not submitted and approved by the Administrator within 120 days after such notice, the Administrator is authorized to require or promulgate legally enforceable compliance schedules for such source or sources, which schedules shall specify continuous emission reduction measures to be used to achieve compliance, interim steps of progress, and reasonable interim control measures to minimize the emissions of pollutants pending final compliance with applicable emission limitations. Actions taken under this paragraph shall be taken in accordance with procedures prescribed in this Act and shall be subject to judicial review in accordance with the Act; *Provided,* however, that the final date for compliance for sources regulated under this section may not extend beyond July 1, 1977."

Mr. BAKER. Mr. President, I am pleased to cosponsor this legislation, which I support as a necessary measure at this time.

The President's speech Wednesday night dramatically highlighted the opportunities we have as a nation to meet the energy shortages this winter without undue hardship, if we cut back to the bone on unnecessary energy use. The President also recognized that meeting the energy shortage may require some modifications of some State implementation plans under the Clean Air Act.

This legislation would facilitate the procedures for modifying a State's implementation plan during a 6-month period to allow greater use of more abundant fuels, such as coal or higher sulfur petroleum products. The bill, of course, will prevent any changes that would present an "imminent and substantial endangerment" to public health. EPA would be directed to assess within 4 months the impact of such exceptions in terms of whether air quality standards can be met or whether further measures are needed.

The bill also would clarify the intent of the Congress regarding emission standards for individual stationary sources. It would allow the modification of implementation plans, over the long term, to allow the burning of coal so long as the source agrees to a timetable to install effective measures such as stack-gas cleaning equipment for operation by mid-1977.

I want to emphasize that the bill provides interim, short-term methods to be used in concert with other tools in expanding available energy supplies. It does not seek to abrogate our national commitment to clean air. The bill does not provide a way for sacrificing air quality in favor of adequate energy supplies. We can and shall have both.

As part of the Nation's largest industry, electric utilities must raise their spending on new technologies, including emissions control, to the level of such other major industrial sectors as the automobile and steel companies.

The Clean Air Act did not create the energy crisis, as some people may argue. There has been added demand for low-sulfur petroleum products as a result of the act. But that demand was a function of the decisions by various industrial users, not any requirement of the act. The Environmental Protection Agency has demonstrated that effective control technology, within the definition of the law, exists to achieve effective emissions control without fuel switching.

But most users took the easier option of switching fuels. That private decision was the basis for the added demand, not any specific requirement in the law.

I believe that the electric power industry must accelerate consideration of the option of emission-reduction technology, rather than switching to low-sulfur fuels.

In separate areas related to this bill, I am concerned that we not push full tilt into use of high-sulfur coal and unregulated strip mining. In those instances where stack-gas cleaning or other technological solutions are not preferable to fuel switching, we must guard against a complete switch to high-sulfur coal. There is a great deal of low-sulfur coal in the East, as well as the West. It is not being used fully because high-sulfur deposits are larger and easier to mine, and because coal users will not pay a premium for low-sulfur coal.

I am exploring alternatives to encourage the development and use of low-sulfur coal in those cases where stack gas cleaning cannot be used.

In addition, I encourage prompt action on the strip mining legislation which has passed the Senate and is pending in the House. This legislation will assure that strip mining pays its full environmental costs while giving the mining industry a uniform regulatory structure in which to operate.

Mr. President, because of the emergency nature of the energy situation, the Committee on Public Works will hold a hearing on Monday and will act immediately to report this bill. I look forward to receiving the views of the administration and the public on the proposal.

I want to commend the distinguished chairman of the Subcommittee on Air and Water, Mr. Muskie, for his leadership in developing the reasonable approach contained in this legislation.

I would also point out that nearly all members of the Committee on Public Works, including the chairman, Mr. Randolph, and the ranking minority member of the subcommittee, Mr. Buckley, have united behind this bill.

Mr. McCLURE. Mr. President, I commend the Senator from Maine for the legislation he has introduced, which legislation I have joined in sponsoring. That legislation addresses the question of the energy crisis in a way which will have as little as possible adverse effect on the environment as we can contrive.

One of the difficulties we have in dealing with the situation that has emerged is a difficulty that has been all too familiar to me for too long now. That is the extremely difficult task of convincing the people of this country that we are in a crisis that is not a crisis which has emerged without warning. It is not a crisis that was without its predictability.

Last April 26 in Boise, Idaho, I gave a speech to an energy symposium dealing with some of the things that I thought it might be possible to do at that time to deal with the emerging energy crisis. I would like to make some reference to that speech.

I made some suggestions about some simple, volunteer efforts such as turning down the heating system in the winter, turning up the air-conditioning system in the summer, buying smaller automobiles and driving them easier. I suggested that we might reduce airline flights and introduce a national automobile speed law of 50 miles an hour.

I proposed some other things which might be difficult, but which might be done, such as relaxing air quality standards for sulfur on a temporary basis, not on a permanent or uncalled for basis, but a very carefully and very prudently drafted one.

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Mr. President, that is what the legislation being introduced by the Senator from Maine, myself, and others seeks to do.

I suggested that we reduce the obstacles confronting nuclear powerplants. I pointed out a harsh statistic that is inescapable. To replace a single 1,000-megawatt nuclear powerplant requires the burning of about 1 million barrels of oil each month. We might do that without any threat to our population, and we should do so.

Mr. President, I ended that speech at that time with a quotation from a speech given by former Secretary of the Interior Wally Hickel at Geneva, Switzerland, last spring. He said:

> Show me any area in the world where there is a shortage of energy, and I'll show you basic poverty.

I concluded that speech by saying:

> And that is what it is all about—do we want to maintain and improve the standard of living for all Americans, do we want to have available the energy and resources necessary to carry out our national goals and policies, do we want to provide the basis on which future generations may enjoy the benefits and opportunities which we have had? I believe the answer of most Americans is "yes."

Mr. President, this proposal—which I am proud to join in cosponsoring—will give us the capacity to respond in a very real way at this time to a crisis that will be upon us more quickly and more harshly than most Americans now realize.

I also serve on the Interior and Insular Affairs Committee which is now sitting in a markup session of emergency legislation dealing with the energy crisis. I am pleased to be able to cosponsor this measure which will go through the Senate Committee on Public Works. It deals with amendments to the Clean Air Act so that we can deal with this crisis in a national way.

I am glad to see that some of the suggestions which have been made and which have now been called for by the President of the United States will be included in a crisis plan to alleviate the very stringent effects upon our life and economy of a dwindling energy supply.

I am sorry that it has taken so long to do this. The crisis would not have been so deep if we had acted sooner.

Mr. President, I ask unanimous consent that the full text of my remarks be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

SENATOR JAMES A. MCCLURE, IDAHO: "THE GOVERNMENT AND ITS ROLE IN THE ENERGY CRISIS"

CONCLUSION

Of course, when we blame the government for anything, we have to be indirectly blaming ourselves.

But, if the government is mainly responsible for getting us into an energy crisis, why can't government get us out? The answer is, of course, it can. And this brings me to the third question, "What do we do now?"

To answer this, I will have to divide the future into four time periods. Each period has its own particular demands and solutions.

Let us start with the most distant time period—the 21st century. Hopefully by then we will have developed the new sources of energy which our R&D is now working on. A possible energy mix would be fusion reactors, solar-powered energy generators, and hydrogen-fueled engines and space heaters. Government can contribute to this effort through continued R&D funding, and appropriate tax provisions, but the major effort will have to come from private individuals and companies.

The false hopes of nuclear energy should have taught us that a government-controlled effort cannot produce an economically feasible, as well as technically-feasible, end product. These systems will have to prove themselves in the market-place if they are to meet future energy needs.

Moving closer to the present, we can consider the period of 1985 to the year 2000. During this period, fast breeder reactors should begin to operate, providing more fuel than they consume. Coal gasification and liquefaction and shale oil should become commercially-producing technologies, and supplemental techniques for energy production should be developed, such as geothermal and magnetohydrodynamics. Here again, government R&D funding and tax advantages will be essential, but with one additional requirement—access to Federal lands. It is not too early now to begin the analysis required so that that access will be available when it is required, so that the questions of environmental protection and public property use will have been answered to the satisfaction of all concerned. One point to remember, though, is that we will continue to rely on fossil fuels for as much as 70 percent of our energy up to the year 2000.

Our next time period, though, has more specific demands—the time between 1975 and 1985. By then, increased exploration and development in offshore lands and other more difficult locations should begin to produce fields of oil and natural gas. The Alaskan pipeline could be providing upwards of 2 million barrels per day. New technology for removal of sulphur from coal and sulphur dioxide from exhaust gases should be proven and available, and solutions to the problems of surface mining and underground mining will have been found. One definite requirement during this period, however, is the operation of nuclear power plants, presently being planned or under construction. And also during this decade we will begin to obtain savings from improved building installation and construction, assuming that the present efforts in that direction continue.

We realize, of course, that none of these energy sources, or savings will become available automatically. They will all require the expenditures of literally billions of dollars, both through government taxes, direct industry outays, and through the consumer's pocket. But the government's role is primarily one of staying out of the way. Seeing to it, in other words, that the road is not blocked by shortsighted or unreasonable policies and regulations. If the demand for energy is there, as we certainly expect it to be, then there will be someone who will fill it—if allowed.

And that brings me to the most difficult period—from April 26, 1973, to 1975. The future energy pictures that I have drawn depend heavily on this brief time. It takes energy to produce energy. Or, it takes the R&D funds produced by energy-consuming individuals and enterprises in order to build the energy systems of the future.

For this immediate period facing us, there are some simple, voluntary efforts which would definitely help. They are so simple, and so often stated, that I hesitate to mention them. But, for the sake of completeness, I will.

They include turning up your air conditioning in the summer, turning down your heating system in the winter, turning off unused lighting, buying appliances based more on efficiency of energy use rather than initial price, and buying smaller automobiles (and driving them easier). In other words, develop an energy consciousness, that will be reflected in our actions involving energy use.

Moving up the scale slightly, there are some actions which help save energy wtih minimum inconvenience, but would require government action. Included would be:

1. Reduce airline flights.
2. Open up urban express lanes for commuter traffic using carpools.
3. Impose a nationwide maximum speed limit of 50 miles per hour.

These all would help, but the major solutions to our present situation will require much more controversial and difficult actions by government. Let's take them one at a time.

First, relax air quality standards for sulphur.

This is obviously something that no one wants to do. But, at the same time, it has become obvious that some government bodies have gone to extremes with sulphur standards. Fortunately, there is some growing realization of this, such as the recent decision by the Missouri Air Conservation Commission to grant Union Electric Company permission to continue using high-sulphur coal for one year. Similarly, during the fuel oil shortage last winter, cities such as New York and Boston decided to relax sulphur standards. And, mine workers in Illinois have petitioned the state legislature to delay implementation of the state's air pollution standards.

What we are faced with is the necessity to relax, temporarily, standards in order to give technology and new fuel supplies time to catch up.

In fact, when Congress passed the Clean Air Act Amendments of 1970, we specifically did not impose a time limit for imposition of secondary air quality standards. We required only that each state implementation plan specify a reasonable time at which such secondary standards be attained.

Relaxed standards would accomplish several worthwhile objectives. First, it would allow substitution of coal for oil and natural gas in some electric power plant boilers. Second, it would allow the use of residual fuel oils with higher sulphur content. Higher, not high. In other words, 1% or 0.7% instead of 0.2%. And third, this would stop the wasting of No. 2 home heating oil as either a blender with No. 6 or as a direct substitute.

Alternatives to this type of relaxation include the recent agreements by two U.S. companies to import low-sulphur coal into the East Coast. Where will this coal come from? Poland, belive it or not. At a time when our domestic coal miners and mines are facing continuing shutdowns and layoffs, we're going to buy coal from Poland.

A second remedy to our short-term shortage would be to remove the obstacles presently confronting nuclear power plants. Some of these plants were scheduled for operation by this summer, but will be delayed because of prolonged regulatory procedures and/or legal challenges. Not only do these delays increase the threat of power blackouts for this summer, they impose an additional burden on oil supplies. To replace a single 1,000 megawatt nuclear power plant requires the burning of about one million barrels of oil *each* month. In addition, other plants which are operating have been forced to generate electric energy below their rated capacity. While in some cases such downrating is necessary for safety or health reasons, in view of our present crisis we should determine where increased output could be allowed, without threats to our population, thereby gaining the fuel savings (and increased electric power reliability) which would result from such increases. These obstacles to operation were placed by the government—including the Congress, the Administration, and the Courts. If the public wants them removed, then they can be removed.

In addition, there is a third way to help relieve this short-term energy crisis. It is, however, one that no person in political life today wants even to think about—higher prices. But, by preventing price increases, are we really protecting the consumer? Look at natural gas, for instance. By artificial price ceilings, combined with other regulatory excesses, the government has created a shortage of natural gas. It has now reached the point where we will be buying increased quantities of liquified natural gas—LNG—from countries such as Algeria for prices anywhere from two to three times greater than what American producers are allowed to sell their gas for. In other words, short-ranged political thinking has resulted in both shortages *and* higher prices.

Continued price controls on oil will have the same result.

For instance, due to the gasoline shortage, American suppliers now have to buy in the European marketplace. As should be expected, prices have soared—almost doubled in some cases. As just one example, a recent purchase of imported gasoline cost the U.S. company 20 cents per gallon. Under price ceiling restrictions, it was able to sell that gasoline for only 15 cents, thereby losing a nickel on each gallon. Does anyone honestly expect U.S. companies to continue searching for available stocks in Europe, so that they can lose half a million dollars on each cargo? And, now that we are dependent on imported crude oil, we will surely see continued price increases there, also.

I have not presented a very pleasant picture here this evening. The extent, consequences, and solutions of our energy crisis are distasteful to me and I am sure to you. But, if we do not act now, the results will be more than "distasteful." I believe that Wally Hickel, past Secretary of the Interior, expressed very well the significance of energy during his speech in Geneva, Switzerland, this month, by saying:

> "Show me any area in the world where there is a shortage of energy, and I'll show you basic poverty."

And that is what it is all about—do we want to maintain and improve the standard of living for all Americans, do we want to have available the energy and resources necessary to carry out our national goals and policies, do we want to provide the basis on which future generations may enjoy the benefits and opportunities which we have had? I believe the answer of most Americans is "yes."

Mr. EAGLETON. Mr. President, I, too, would like to address my remarks to the energy crisis.

Mr. President, I am pleased that the President finally has acknowledged the energy problems facing this country and at last is proposing steps to deal with them. Even so, I believe he grossly understated the seriousness of the situation and the sacrifices that lie ahead.

Unfortunately, the President could not resist his old habit of shifting blame for his failures to other shoulders. His criticism of Congress in this regard was an attempt to mislead the American people and I think they should know the facts.

They should know, for instance, that much of what the President is now proposing could have been done—and should have been done—6 months ago under an amendment I authored to the Economic Stabilization Act. That amendment gave the President full authority to allocate fuels equitably and gave him unrestricted authority to do whatever he had to do to be sure that people had heat for their homes, farmers could continue to produce food and vital industries could continue to operate.

The administration actively opposed my amendment and even threatened to veto the act, because it contained the amendment. After the bill passed Congress April 30 by overwhelming majorities in both Houses, the President went ahead and signed it. So the Eagleton amendment became law. Their position was that they would just simply refuse to implement the provisions of my amendment.

They said we did not need a program for assuring a fair and equitable distribution of fuel—that we did not need to be worried about establishing priorities for the use of fuel. Administration spokesmen insisted that any fuel shortages which might develop would be temporary and local in nature.

There was a continued stream of statements from the administration to that effect.

That was the same line used when serious heating fuel shortages first hit the Midwest and New England last winter. Despite urgent appeals from Congress and the recommendations of his own task force on oil import quotas, the President refused to permit more oil to come into this country until so many homes and schools were without heat and so many businesses shut down that a national emergency was threatened.

Despite that brush with disaster and the subsequent warnings of energy experts that the situation for the future was precarious, the administration continued to ignore the problem and to oppose legislation meant to deal with it. The problem would go away, we were assured; there was no energy crisis. The administration obstinately refused to implement the provisions of my fuel allocation amendment for a mandatory program until events forced their hand just a few weeks ago. Bear in mind this became law on April 30 of this year. And it was not until a few weeks ago that they began the very first vestige of implementation of this amendment. Even so, the program is so poorly administered that thousands of families and businesses throughout my State are still unable to obtain fuel. I daresay the situation is quite similar in the State of the distinguished Presiding Officer, the Senator from Iowa (Mr. CLARK).

I want to repeat that a great many of the actions now being proposed by the President could have been taken 6 months ago under the broad grant of authority provided by my fuel allocation amendment.

For example, here is what could have been done, under that amendment 6 months ago:

The President clearly could have ordered reductions in airline flights and unnecessary travel by other carriers. He did not do so.

The President could have brought about a reduction in business hours by assigning nonessential business use of fuel a bottom priority. He did not do so.

He could have ordered a Federal program for conserving fuel and even a system of rationing if that was necessary. But he did not choose to do so.

To be sure, some of the President's proposals will require new legislation, such as a year-long daylight savings time. But he should have asked for that a year ago. Other proposals such as his call for a crash research and development program have been pending in Congress for months but have been stalled, because of administration opposition.

As it is, Mr. President, the administration's actions may have come too late to avoid serious hardships this winter. There is considerable doubt, for instance, that coal producers can mine and deliver sufficient fuel to utility companies to allow conversion of their plants from fuel oil before next spring.

The effectiveness of a voluntary conservation program is also in doubt and it may be too late to put together an effectively administered mandatory program.

Mr. President, I am particularly concerned about the sharp disparities in fuel supply that exist among regions of this country. Unless immediate steps are taken to correct the problem, the brunt of the President's proposed cutbacks will fall on the Midwest and New England. It is one thing to reduce fuel oil by 15 percent in an area that has relative abundance such as some of the Gulf States. But it is entirely another thing to require such a cutback in an area like the Midwest which is already critically short. Such action could invite disaster. The situation is particularly serious in view of predictions by the National Oceanic and Atmospheric Administration that we face an exceptionally cold winter this year. Not that these predictions are always uniformly accurate, and let us pray that this one is not; but it is their presumption that this winter is going to be an exceptionally severe one, thereby exacerbating and intensifying the already severe shortages which we face.

Thus the deck is stacked against the Midwest and New England, and there is nothing in the President's proposals which would assure a fair deal for those areas. Once again, the authority to provide for fair and equitable distribution of fuels among all sections of the country is already on the books in the form of the Eagleton amendment, but I question whether any effective action will be taken unless all discretion is removed from the administration. I intend to offer an amendment to do just that.

Finally, Mr. President, this country faces serious social and economic hardships unless we can move quickly to deal with our energy shortage. This problem did not begin with the Arab boycott of oil and it will not end with a relaxation of that boycott. It is a challenge that will be before us for years to come, and I believe it is time the administration faced up to its failure and began to exercise responsible leadership.

Mr. CLARK. Mr. President, I am joining Senator MUSKIE today in introducing a bill which will enable the Administrator of the Environmental Protection Agency to grant specific and restricted variances from provisions of the Clean Air Act to help us through this energy crisis. But the legislation also will insure that these variances do not subvert the national clean air goal.

Environmental regulations and environmental protection did not create the energy crisis, nor are they creating undue hardships right now.

Because much of this country's high sulfur oil has come from the Mideast, the Arab oil cutoff means we will have to use a higher percentage of low sulfur oil this winter. But in cases where the use of coal is possible—either through present coal burning processes or conversion—the authorization of variances may permit the use of available high-sulfur coal—and thus ease shortages.

The Federal Power Commission has indicated that powerplant conversion from oil to coal could reduce demand for petroleum products by 2.5 percent in 1 year. Certainly, our greatest potential domestic source of energy in the next few decades is coal, and an increased use of coal is going to be necessary. A temporary relaxation of clean air regulations will make the conversion process easier. But conversion to coal does not and must not represent the end of this country's commitment to clean air. The technology is available to clean up the coal burning process and, for any long-term use of high-sulfur coal, utilities must put that technology into operation. The bill being introduced today makes immediate conversion possible, but it must be emphasized that permanent conversion will be acceptable only if available cleanup technology is employed.

Giving this flexibility to the Clean Air Act should increase this country's capacity to insure that this winter is only uncomfortable—not unbearable. We must use effectively the resources we have—but we cannot destroy our other limited resources. We all must make sacrifices to cushion the country from the most severe and detrimental effects of the energy shortage we face—but those sacrifices cannot be unbalanced or permanent, or their long-term effects could be as severe as the effects of today's energy emergency.

By Mr. HOLLINGS (for himself and Mr. THURMOND):

S. 2682. A bill to provide for the control of imported fire ants by permitting the judicious use of Mirex in coastal counties. Referred to the Committee on Agriculture and Forestry.

Mr. HOLLINGS. Mr. President, today I am introducing legislation which would provide for the control of imported fire ants by permitting the use of Mirex in coastal counties.

We must take immediate action to grant some form of relief from the very serious problem of fire ant infestation. The problem is growing more serious and the longer we delay the worse the situation becomes.

The EPA issued a ruling prohibiting the aerial spraying of Mirex, the best proven killer of fire ants. In order to be effective, Mirex needs to be spread over a wide area and airborne distribution is the only feasible method. However, the EPA has prohibited the aerial application of Mirex in the coastal counties of this country. So while we wait, the fire ants are taking over.

This problem did not develop overnight. I have been in contact with officials of the EPA and the USDA about restrictions on programs to eradicate the fire ants in coastal counties but they just do not seem to understand the seriousness of the situation. They continually refer to the fire ant as a people pest but deny the adverse economical impact of the ants. Because of this attitude, we have reached an impasse.

The last thing I want to see is the pollution of our coastal waterways. But EPA with this arbitrary ruling allows no one regardless of where they live in a coastal county to tackle the fire ants effectively. It just does not make sense to tell a farmer in Horry County who lives 30 miles from the Intercoastal Waterway that he cannot spray Mirex for fear of waterway pollution.

At the same time, EPA is making the situation even more unbearable for the coastal residents. The ants are being driven from the interior parts of the State by Mirex spraying and they are migrating into the coastal areas. In effect, EPA is driving more and more ants to the coast but not letting the residents take any action.

Farmers in the coastal areas are being told they can't spray Mirex in their fields and pastures. They are being assured that the fire ants are just "people pests" as if that were unimportant. But I welcome Mr. Train, the EPA Administrator, to visit South Carolina and see the calves and full-grown steers being attacked and killed by the ants. I urge the officials to talk to human victims of the vicious ant attacks. It certainly is not a case of a mere "pest."

I feel we can control the ants and still not pollute our waterways. This legislation specifically prohibits the aerial spraying in the areas where the natural runoff would result in pollution. But this allows the rest of the county to fight the ants while still preserving the waterways.

We need some action and if EPA will not act, it is the duty of Congress to stand up for the people we represent. We are in Washington to serve the people of America, not intimidate them, tie their hands and ignore the problems.

I urge all of my colleagues to support this legislation giving the people of America the right to protect their properties and lives.

I ask unanimous consent that the regulations referred to and the bill, which I am introducing, be printed at this point in the RECORD.

There being no objection, the regulations and bill were ordered to be printed in the RECORD, as follows:

[I. F. & R. Docket No. 146]

ENVIRONMENTAL PROTECTION AGENCY

Products containing the insecticide Mirex; determination and order of the Administrator

Published herewith is my determination and order issued May 3, 1972, concerning the registration of products containing the insecticide "Mirex."

Done this 25th day of May 1972.

WILLIAM D. RUCKELSHAUS,
Administrator.

Before the Environmental Protection Agency, In regard Allied Chemical Co., Petitioner, Regs. Nos. 218–495, 516, 548, 564, 565, 585, 586, 628, and 638; I. F. & R. No. 146; Determination and Order of the Administrator.

This proceeding, which arises under section 4.c of the Federal Insecticide, Fungicide, and Rodenticide Act (the FIFRA) (7 U.S.C. 135b(c)), involves a challenge by Allied Chemical Co. to a notice canceling its registration of a number of pesticides containing Mirex. For the reasons that follow, I have determined to issue the following order: The cancellation of Allied Chemicals registration is affirmed, but those registrations will be reinstated if Allied Chemical complies with the conditions outlined herein.

A. On March 18, 1971, this Agency issued a notice of cancellation of Allied's 10 registrations of pesticides containing Mirex for use against the imported fire ant and certain other insects. The grounds for cancellation were that evidence primarily from the laboratory, concerning the effect of Mirex on human health and on animals raised serious questions about the safety of continued use of pesticide products containing Mirex. The Agency determined to commence the administrative process in order to resolve these questions. Accordingly, the Agency canceled all registrations of products containing Mirex on the grounds that continued registration of these products was contrary to the provisions of the Act (see 7 U.S.C. 135 (z)(2)(c), (d), and (g)). Allied Chemical chose to challenge the order by petitioning, on April 16, 1971, for referral of the matter to a scientific advisory committee (pursuant to 7 U.S.C. 135b(c)). The Advisory Committee was appointed on September 24, 1971, and received the relevant data and its charge on October 5, 1971. The committee was charged with considering and evaluating all relevant scientific evidence concerning both benefits and risks from the use of Mirex and, based thereon, expressing its opinion and recommendations. Specifically, with respect to benefits, it was to consider, inter alia, (1) the nature and extent of the problem posed by the fire ant and other insects at issue; (2) the effectiveness of the several types of control measures which utilize Mirex; (3) the benefits expected to be achieved by each such control program, measured against the damage which would occur if no control were undertaken; and (4) the availability and effectiveness of, and the hazards connected with, alternative control measures. With respect to the hazards associated with the several uses of Mirex, the committee was charged to consider, inter alia, the nature, scope and possibility of occurrence of any (1) direct hazard to the user and to the general public; (2) hazard to vegetation; (3) hazard to nontarget vertebrate and invertebrate animals; and (4) hazard to the environment generally.

The committee submitted its report on February 4, 1972. With my approval, the committee later submitted revisions of certain statements which had inadvertently appeared in the initial report as a result of the press to meet the statutory time deadline. A revised version of the report, dated March 1, 1972, and containing, as an addendum, a letter from the chairman explaining each of the revisions, has been printed. Under the law, I am required within 90 days of my receipt of the report to "make [a] determination and issue and order, with findings of fact, with respect to registration * * *." 7 U.S.C. 135b(c).

B. The committee discussed in detail the evidence pertaining to Mirex and, based thereon, made a number of findings regarding Mirex. Those findings are summarized below:

1. The imported fire ant, which infests more than 126 million acres in nine Southern States, is both a major nuisance pest because of its sting and a health hazard due to dangers of secondary infection and allergic reaction.

2. The imported fire ant is a minor agricultural pest because the threat of its sting interferes with hand labor on some crops and its mounds may damage agricultural machinery.

3. The imported fire ant is an aggressive predator to an unknown extent of both pests and beneficial species, and is also a scavenger.

4. Mirex bait is effective for fire ant control to a degree correlated with the size of the area treated and the number of applications. For example, three applications at 6-month intervals virtually eliminates all mounds exposed to treatment.

5. The goal which should be sought is control of the fire ant, through publicly sponsored programs involving application of Mirex bait as needed, rather than total elimination of the pest. The latter is not feasible, given the financial and environmental problems involved.

6. Mirex baits provide highly effective and comparatively selective control for a number of other pests, including certain species of ants, yellow jackets, and, indirectly, aphids, scale insects, and mealy bugs.

7. The only effective alternatives to Mirex for control of the fire ant are even more persistent chlorinated hydrocarbons, e.g., chlordane, aldrin, dieldrin, and heptachlor. Inasmuch as their effective dosage rates far exceed the rate used in Mirex bait, their substitution is inadvisable. No possible method of biological control shows immediate promise.

8. No instance of acute Mirex poisoning of humans has been reported in more than a decade of use, nor is there any evidence of damage to vegetation from the use of Mirex bait.

9. Insufficient data are available on most mammals for an accurate evaluation of Mirex acute toxicity. No data are available on the chronic toxicity of Mirex to experimental animals.

10. Mirex has caused significant reproductive effects in rats when fed at relatively high levels, but none when fed at rates likely to occur in treated food or feed applied to control the fire ant.

11. Based on preliminary data, no metabolites of Mirex have been detected in rats. Mirex is stored in animal adipose tissue, and appears to have biological half life of at least 25 days.

12. Mirex has been demonstrated to be tumorigenic to mice at high dosages.

13. Insignificant residues of Mirex have been detected in the human food chain in treated areas.

14. Laboratory experiments have shown exceedingly toxic effects on juvenile crustaceans, especially shrimp and crabs, exposed to low concentrations of Mirex, indicating the chemical presents a hazard to the aquatic environment.

15. Mirex residues in both soil and water in areas of normal treatment are minimal, but may have some biological importance in water because of the probable ingestion of organic detritus and other components by bottom feeding crustaceans.

Based on its findings, the committee made recommendations which can be summarized as follows: (1) Mirex registrations should be continued with labeling restrictions to minimize environmental contamination; (2) publicly supported control programs should be limited to infested areas where the imported fire ant is a problem because of use by people or interference with agricultural operations; (3) where publicly sponsored programs are unavailable [nonaerial] broadcast treatment of lawns, pastures, schoolgrounds, parks, and similar areas by individuals is recommended instead of mound treatment; (4) more information should be obtained in order to establish economic or nuisance threshold levels requiring Mirex treatment as well as information regarding rates of reinfestation and population recovery in areas receiving a single bait treatment and (5) more research should be conducted on the possible hazards of Mirex to man and his environment in order that the role of Mirex as a pesticide may be accurately assessed.

There is no basis in the data currently before me to disregard these findings. Accordingly, I accept the findings stated above and adopt them as my own. I believe, however, that additional discussion is in order inasmuch as I have decided to depart in some degree from the committee's further recommendations.

The acute toxicity of Mirex to man is low. Though Mirex is capable of being stored in adipose tissue (as are DDT and other related compounds), recent gas chromatograph analyses of more than 700 adipose tissue samples collected in 23 States showed that only 12 samples contained residues which could possibly have been Mirex. Those 12 were tentative identifications, and only two samples have been confirmed as containing Mirex.

Subacute toxicity studies in rats and mice have shown some evidence of chronicity and reproductive effects but only at high dosage levels. Mirex was clearly tumorigenic in one experiment in mice; the results were comparable to those obtained from known carcinogens used as positive controls. The Advisory Committee avoided referring to this as carcinogenic because only one species of animal was involved. With the essentially nondetectable level of human exposure, the risk to man's health must be considered very low in relation to the benefits, particularly those relating to human health, to be derived from use of Mirex.

Mirex is highly toxic to some species of invertebrates, but is apparently very low in toxicity to other closely related species. Residues of Mirex have been found in some invertebrates and vertebrates, especially those that are predaceous on ants and other insects. There have been some population declines demonstrated in terrestrial invertebrates, most of which apparently feed directly on the Mirex bait. In spite of its persistence, troublesome concentrations of Mirex are not apt to build up in the terrestrial environment in the near future because of the extremely small dosages used (far less than 1 ounce per acre and seldom more than one application per year).

On the other hand, Mirex is most apt to do significant damage in the aquatic environment. Significant adverse effects to crustaceans have resulted from laboratory exposure to Mirex. In the wild, however, the lethal effects to some aquatic species, such as the commercial blue crab, are delayed so that such effects would be difficult to discover in the natural environment. Consequently, although troublesome concentrations of Mirex have not yet been demonstrated in the aquatic environment, the hazard to aquatic organisms cannot be disregarded, particularly in view of the fact that Mirex is apt to be recycled, especially in estuaries, and because of the sensitivity of some economically important species of crustaceans to Mirex.

As a result of the potential threat to the aquatic environment posed by Mirex, I am naturally reluctant to permit distribution of Mirex bait in a manner that might contaminate estuaries, lakes, and streams. Those who are familiar with aerial application techniques believe that it is practical, by the use of proper cutoff mechanisms and guidance systems in the aircraft, to avoid contamination of streams and lakes in upland areas where such aquatic environments cover a rather small proportion of the land. Judicious use of aerial application is preferable to hand distribution of bait, which often results in overtreating obvious mounds but missing inapparent young colonies with a resultant rapid reinfestation.

At the same time, maximum caution must be exercised to prevent damage to the aquatic environment. All broadcast application, aerial or otherwise, must be prohibited in coastal counties or parishes and on or near rivers, streams, lakes, ponds, and other aquatic areas. I also believe it necessary to restrict aerial or other broadcast application in noncoastal, nonaquatic areas to Federal, State, county, or local authorities. Thus, I depart from the recommendation of the Advisory Committee that nonaerial broadcast treatment by individuals be authorized where publicly supported control programs are unavailable. All broadcast treatment by private individuals must be prohibited.

By prohibiting aerial application, I do not wish to eliminate completely the use of Mirex from coastal counties or parishes. Should we do so, the homeowners, farmers, and others affected by the ants would in all likelihood apply heptachlor, dieldrin, or another chlorinated hydrocarbon as a control chemical. This alternative could be worse from the standpoint of environmental safety than would applications of Mirex. Therefore, I have determined to authorize the private use of Mirex for application on a mound-to-mound basis only.

For the foregoing reasons, the cancellation of Allied Chemical's registrations is affirmed, but the registrations will be reinstated upon submission by Allied Chemical, and acceptance by the Agency, of amended labeling which conforms to the conditions set forth in this decision,[1] and submission by the company for a 2-year plan to monitor Mirex in the environment to insure that run-off, leaching and erosion of soil in mound-treated areas are not resulting in aquatic contamination.

[FR Doc. 72–8228 Filed 5–31–72; 8:56 am]

S. 2682

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, the Administrator of the Environmental Protection Agency is hereby authorized and directed to delete from his Mirex orders of May 3 and June 30, 1972, the prohibition against aerial application of Mirex within coastal counties or parishes except in areas within the coastal counties or parishes where natural runoff would result in pollution by the Mirex of coastal waterways, and to apply instead the same standards applicable to noncoastal counties.

By Mr. WILLIAMS (for himself, Mr. TOWER, and Mr. BROOKE) (by request):

S. 2683. A bill to amend the Securities Exchange Act of 1934, as amended, to facilitate the collection and public dis-

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[1] The evidence presently available indicates that the hazard to aquatic organisms from current use of Mirex in aquatic areas does not approach the "imminent" stage. In other words, I am not faced with a highly dangerous situation which needs to be corrected immediately, prior to the completion of the cancellation proceedings. Consequently, I have no reason to suspend the aquatic use immediately. Instead, I am merely canceling the aquatic use. Under the FIFRA, this cancellation order is not effective until, at the earliest, the expiration of the 60 days allowed for the filing of an administrative appeal from this decision. Thus, even if Allied does not appeal from this decision, it will have 60 days to conform its labeling to the newly imposed conditions.

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semination of information concerning the holdings of and transactions in securities by institutional investors and investment managers, including banks, bank holding companies, insurance companies, trust companies, investment advisers, investment companies, separate accounts, pension-benefit or profit-sharing trust plans, charitable endowment funds, and any other fund maintained or utilized for the purpose of collective investment. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. WILLIAMS. Mr. President, at the request of the Securities and Exchange Commission, I am today introducing a bill to require institutional investors and institutional investment managers to disclose their securities holdings and large equity transactions.

The proposed legislation is similar to S. 2234, which Senators Brooke, Tower, Proxmire, and McIntyre and I introduced on July 23, 1973. The Commission's bill, however, sets somewhat different cutoff levels for reporting and takes a different approach to the public disclosure of information. This legislation also limits the reach of the Commission's powers in comparison with those provided by S. 2234.

The differences between the two bills do not, however, appear to me to be fundamental. Both bills proceed on the same premise; namely, the pressing need for the establishment of a mechanism whereby the regulatory agencies and the public may obtain regular and comprehensive information regarding institutional holdings and transactions in securities. I am certain that it will be a relatively easy matter to reconcile the differences between the two bills, and I am confident that in the near future we will be able to agree upon a single bill embodying the best features of both approaches.

Mr. President, I ask unanimous consent that letters from the Chairman of the SEC be included in the Record as well as the text of the bill.

There being no objection, the letters and bill were ordered to be printed in the Record as follows:

Securities and Exchange Commission,
Washington, D.C., October 5, 1973.
Hon. John Sparkman,
Chairman of the Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: I am pleased to submit the Commission's proposed amendments to the Securities Exchange Act of 1934, which would require institutional investors to disclose their portfolio holdings and transactions.

As you know, the Commission first endorsed the concept of institutional disclosure in its Letter of Transmittal of the *Institutional Investor Study Report*. After having found that "gaps [existed] in information about the purchase, sale and holdings of securities by major classes of institutional investors", we concluded that the Securities Exchange Act should be amended to provide the Commission with general authority to require reports and disclosures of such holdings and transactions. Since then the Commission has given a great deal of additional thought to this subject, and we are convinced of the need for the disclosures which the proposed legislation would provide.

As you know, the Commission submitted a draft bill dealing with this subject to Senator Williams on July 19, 1973. At that time we emphasized that that draft did not reflect the final position of the Commission but had been prepared to satisfy his urgent request. Subsequently, Senator Williams introduced S. 2234, which embodied many of the provisions furnished in our draft bill but also departed from it in several substantive respects. The bill we are recommending today differs in several important respects from that draft and from S. 2234. To assist you in your consideration of the proposal, we intend shortly to submit to you a section-by-section analysis, including a discussion of the differences between it and S. 2234.

In submitting this proposal to you today we wish to emphasize a very critical factor for your consideration. Subsequent to the Institutional Investor Study Report, various approaches to implementation of this proposal were considered by the Commission in late 1971 and 1972. All were tabled, however, because of the projected costs of processing disclosure filings and because of the other legislative priorities which the Commission had at that time. Achieving proper utilization of the reports and the data provided by this legislation, if enacted, will require a significant budgetary commitment on the part of the Commission, which will be possible only if the Commission's budget is appropriately increased or if the program is made self-financing. We are now attempting to develop analyses of our needs in this regard.

Very truly yours,
Ray Garrett, Jr., *Chairman.*

Securities and Exchange Commission,
Washington, D.C., October 5, 1973.
Hon. Harrison A. Williams, Jr.,
Chairman, Subcommittee on Securities, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, D.C.

Dear Senator Williams: On behalf of the Commission, I am pleased to enclose a copy of several proposed amendments to the Securities Exchange Act of 1934, designed to require institutional investors to disclose their portfolio holdings and transactions. You will recall that in our letter to you, dated July 19, 1973, which accompanied an earlier draft bill on this subject submitted pursuant to urgent request, we emphasized that the bill as then worded might not reflect the final position of the Commission. We also referred to a number of issues and alternatives which the Commission had not resolved at that time. The legislation which we are submitting today resolves those issues as follows:

1. *Whether it would be practicable and desirable to propose measures for the control of institutional trading, in the absence of more adequate information concerning institutional holdings and trading.* Our proposed legislation adheres to the conclusions announced both in the Commission's 1971 Institutional Investor Study Report and in our July 19 letter that disclosure should be the first step in the process. Only after the results of such disclosure have been analyzed would it be appropriate to attempt to determine whether or not statutory limitations should be imposed upon the manner in which institutional fiduciaries trade for their beneficiaries.

2. *Whether the Commission will need additional resources to make a meaningful analysis of data concerning institutional trading.* We would like to emphasize that the resources available to the Commission to carry out a meaningful program with respect to data obtained pursuant to this legislation will be a critical factor for your consideration. The proper utilization of the reports and the data this legislation will provide will require a significant budgetary commitment by the Commission. This will only be possible if this program is made self-financing or if the Commission's budget is appropriately increased. We are now attempting to develop cost analyses of our needs in this regard.

3. *Whether institutional disclosure legislation should be phrased generally, granting the Commission maximum flexibility or whether such legislation should be framed more precisely.* As you will note, the bill we propose combines both approaches.

4. *Whether the legislation should take the form of an amendment to the Securities Exchange Act of 1934, the Investment Advisers Act of 1940, or a separate statute.* The enclosed legislation takes the form of an amendment to Section 13 of the Securities Exchange Act of 1934.

The bill we are recommending today differs in several important respects from the July 19th draft bill and from S. 2234. We are now preparing a section-by-section analysis of our proposal, including a discussion of the differences between it and S. 2234.

Very truly yours,
Ray Garrett, Jr., *Chairman.*

S 2683

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 13 of the Securities Exchange Act of 1934, 15 U.S.C. 78m, is amended by inserting after subsection (e) thereof the following new subsection:

"(f)(1) Every investment manager which uses the mails, or any means or instrumentality of interstate commerce, or any facilities of a national securities exchange, directly or indirectly, in the course of its business as an investment manager, and which exercises investment discretion for or has investment authority over any account or accounts which contain equity securities having an aggregate fair market value at any time during the preceeding 12 months of at least $100 million, or such other amount not less than $10 million as the Commission may by rule determine having due regard for the public interest, the protection of investors or the maintenance of fair and orderly markets, shall file periodic reports with the Commission, in accordance with such rules and regulations as the Commission may prescribe, pursuant to paragraph (3) of this subsection, as necessary or appropriate in the public interest or for the protection of investors or to insure fair dealing in securities. For purposes of this subsection, the term "equity securities" shall not include equity securities in an account subject to the investment discretion or authority of an investment manager which have been issued by any company with respect to which such investment manager has the power through beneficial ownership of its equity securities to exercise a controlling influence over its management or policies.

"(f)(2) For purposes of this subsection, the term 'investment manager' shall include:

(A) any bank, or any bank holding company as defined in the Bank Holding Company Act of 1956, as amended, or any subsidiary thereof;

(B) any insurance company or any insurance holding company, or any subsidiary thereof;

(C) any investment company;

(D) any broker or dealer;

(E) any investment adviser, as that term is defined in Section 202(a)(11) of the Investment Advisers Act of 1940, whether or not required to register with the Commission pursuant to that Act;

(F) any person, other than a natural person, investing in or buying and selling securities for its own account; and

(G) any person, including a trustee, officer, director or employee, or any group of persons, that exercises investment discretion for or has investment authority over any account or accounts of:

(i) any employees' stock bonus, pension or profit-sharing trust which is described in

Section 401 of the Internal Revenue Code of 1954, as amended, whether or not it meets the requirements for qualification thereunder;

(ii) any fund, trust, or company within the meaning of Section 202(a)(5) of the Investment Advisers Act of 1940, which is organized and operated for religious, charitable, educational benevolent, civic, fraternal, or any of the other purposes described in Section 501(c) of the Internal Revenue Code of 1954, as amended, whether or not it meets the requirements for qualification thereunder;

(iii) any fund, trust, or company within the meaning of Section 202(a)(5) of the Investment Advisers Act of 1940, which is organized and operated for the benefit of federal, state or municipal employees;

(iv) any other fund or pool of assets maintained or utilized for the purpose of collective investment; or

(v) any person or persons other than the person or persons exercising such discretion or having such authority.

"(f)(3) The Commission, by rule or regulation, may require every investment manager subject to paragraph (1) of this subsection, to file reports with the Commission, in such form and at such times as the Commission may prescribe, but in no event shall the Commission require periodic reports to be filed more often than monthly. Such reports may contain the following aggregated information by type of account with regard to accounts over which such investment manager exercises investment discretion or has investment authority:

(A) the name of the issuer, the title and class, the number of shares or principal amount and the aggregate fair market value of each security held by such accounts; and

(B) with respect to any transaction effected for such account or accounts, involving an equity security described in Section 13(d)(1) of this title, having a market value of at least $500,000 or such other amount as the Commission may by rule determine, having due regard for the public interest, the protection of investors or the maintenance of fair and orderly markets;

(i) whether the transaction involves a purchase or a sale;

(ii) the trade date;

(iii) the brokers or dealers through which the trade was executed;

(iv) the name of the issuer and title and class of security;

(v) the number of shares of the security traded;

(vi) the price at which the security was traded;

(vii) the market in which the trade was executed; and

(viii) such other substantially related information as the Commission, by rule or regulation, may prescribe.

"(f)(4) The Commission by rule or regulation, or by order, as it deems necessary or appropriate in the public interest and consistent with the protection of investors and to insure fair dealing in securities, either unconditionally or upon specified terms and conditions or for specified periods, may exempt from the requirements of this subsection any investment manager, security, class of investment managers or class of securities.

"(f)(5) The information contained in all reports filed with the Commission pursuant to this subsection shall be available publicly in such form as the Commission, by rule or regulation, may prescribe; *Provided, however*, That the Commission, where appropriate, may permit any or all information filed in such reports to remain confidential in accordance with Section 24 of this title; *Provided, further*, That information identifying the holdings of equity securities of any natural person, trust or estate, other than a business trust, which is filed with the Commission pursuant to this subsection, shall be confidential.

"(f)(6) The Commission may adopt such rules or regulations or orders as it deems appropriate in the public interest and consistent with the protection of investors and to insure fair dealing in securities to avoid unnecessarily duplicative reporting pursuant to this subsection by two or more investment managers which exercise investment discretion or have investment authority over the same account or accounts or by investment managers which are required or those advisory accounts are required to file reports pursuant to any other provision of this title, any provision of the Investment Company Act of 1940, or any provision of the Investment Advisers Act of 1940.

"(f)(7) The Commission shall have authority, by rule or regulation, to define terms used in this subsection insofar as such definitions are not inconsistent with the provisions of this title."

By Mr. ERVIN:

S. 2684. A bill to further insure due process in the administrative discharge procedure followed by the Armed Forces. Referred to the Committee on Armed Services.

MILITARY ADMINISTRATIVE DISCHARGE PROCEDURES ACT OF 1873

Mr. ERVIN. Mr. President, I am introducing today a bill which provides a comprehensive structure for the award of discharges in the military. Despite the fact that the Vietnam war has ended and the number of men in uniform has been reduced, the administrative discharge remains the most commonly used tool to separate the serviceman whose performance has, in some way, been unsatisfactory. With the new emphasis on obtaining career-oriented personnel, the necessity that these proceedings be marked by fundamental fairness has now become more critical than ever. Military personnel now faced with discharge proceedings will likely stand more to lose from separation—most will have approached it as a career.

Over the years the Subcommittee on Constitutional Rights has received literally thousands of complaints concerning the procedures by which persons are eliminated from the services with undesirable or general discharges. These discharges are deleterious to the individuals who receive them. The undesirable discharge is just as harmful as a bad conduct discharge which can only be awarded by a court-martial after a trial characterized by the procedural and due process safeguards provided for those tribunals by Congress.

The fact that any discharge other than fully honorable is harmful to the individual throughout his lifetime is illustrated by the results of a survey conducted by the Constitutional Rights Subcommittee several years ago. Upon questioning several large employers in the Washington metropolitan area, it was discovered that when an applicant for employment revealed he had any type of discharge other than "honorable" he was automatically removed from consideration. This was because there were always other applicants with honorable discharges and it was not worth the time and effort needed to "go behind the discharge" to discover the circumstances of its issuance. The evidence provided by this survey has been confirmed in countless individual examples which have been brought to our attention over the years. It is clear that before the services issue discharges which have such a devastating and permanent impact on a citizen they should be required to comply with fundamental due process and fair play concepts in determining the justification for such action.

Under present practice, the armed services are governed by service regulations only and not by any laws passed by Congress. As a result of the numerous complaints we have received over the 10-year study and investigation by the Subcommittee on Constitutional Rights, it is clear legislative reform is vitally needed.

For example, under the procedures now followed for the issuance of administrative discharges for fault or misconduct:

The respondent has no right to confront the witnesses against him.

He has no right to compel the attendance of witnesses or to compel the production of evidence.

There is no requirement that any competent evidence be in the record to support the findings.

In short, the proceedings are almost completely lacking in what we in Anglo-American jurisprudence think of as fundamental due process.

This bill merely provides that elementary notions of fairness will be accorded by the military administrative tribunal. It is the culmination of over 12 years of study and investigation by the Subcommittee on Constitutional Rights. Originally, the bill was introduced in the 90th Congress as title I to S. 2009, which contained comprehensive proposals for reform of the military justice system. Many of these reforms were subsequently enacted into law in the Military Justice Act of 1968. The proposals contained in title I, however, were not enacted at that time, nor have they been enacted since, despite my introducing them in succeeding Congresses. The latest of these was S. 2247, introduced in the 1st session of the 92d Congress. It, too, was never acted upon in committee.

This new bill, while very similar to its predecessors, has been revised somewhat to recognize subsequent shifts in the position of the military, and to incorporate some needed additions.

Perhaps the greatest difference in it and the previous bills is that this new bill applies to discharges for unsuitability as well as discharges for unfitness and misconduct. Although such a discharge can occasion no worse than a general discharge certificate, I feel that any discharge which is not by its own terms "honorable," can be detrimental to the departing serviceman. Under such circumstances, a general discharge should be awarded only after a hearing governed by traditional due process guarantees.

The new bill also spells out the grounds for award of administrative discharges. It attempts to limit them to situations where the serviceman has demonstrated a pattern of conduct which indicates that he should not be retained in service. Administrative discharges should not be given as punishment. An act or acts which violate the Uniform Code of Justice should be punished, but only after trial by court-martial, with its attendant procedural safeguards. Too often commanders are tempted to avoid the strictures of court-martial by instituting an administrative discharge proceeding which is procedurally less rigorous, but, in a practical sense, can be just as devastating to the serviceman.

The remainder of the bill prescribes in detail procedures to govern administrative discharge proceedings. To my mind, it establishes a framework which is workable administratively and yet accords the serviceman the rights of due process to which he is entitled. It would indeed be a travesty if we continue to deny such basic rights to those who are defending our own.

Mr. President, the Congress has already waited too long to enact legislation in this field. The longer we wait, the more damage is done. While I would not deny that the armed services have a right to discharge administratively servicemen who do not satisfactorily perform their military duties, I am equally convinced that they must do so in accordance with the due process guarantees of the fifth amendment. At present, they are not so bound.

Mr. President, I prepared an article on this subject which appeared last year in the San Diego Law Review. While the article deals primarily with the provisions of S. 2247, the predecessor of this bill, it is still a highly relevant discussion of the legislative issues involved. Many of the criticisms of S. 2247 found in the article were the basis for changes in the new bill. I would ask unanimous consent therefore that the text of this law review article, entitled "Military Administrative Discharges: Due Process in the Doldrums," as well as the text of the bill and its accompanying sectional analysis, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MILITARY ADMINISTRATIVE DISCHARGES: DUE PROCESS IN THE DOLDRUMS

(By Hon. SAM J. ERVIN, Jr.) *

INTRODUCTION

Since 1967, an average of 50,000 men each year have been administratively discharged from the armed services, as compared with an average of roughly 4,000 discharged annually as a result of courts-martial.[1] Many of those administratively discharged were homosexuals, many were drug users, many shirked their military duties, some failed to pay their legal debts, and others were simply unsanitary.

Of those discharged administratively, roughly 25% were labelled as "undesirable" and were returned to a civilian society to face family, friends, and prospective employers with that stigma.[2] They found, too, that they were ineligible for veterans' benefits to continue their schooling, or buy a new home, or if so inclined, to begin flying lessons.

The armed services have long reserved the right to discharge administratively any individual who, for one reason or another, cannot measure up to accepted standards of performance, whether or not that failure involves conduct subject to trial by courts-martial. Such discharges are processed in accordance with regulations drawn by the services, enforced by the services, and reviewed by the services. If there are abuses, they typically are not challenged judicially.[3] But they have not gone unnoticed.

The Subcommittee on Constitutional Rights began its study of administrative discharges in 1961 in response to an increasing number of complaints that the system was ~~unfair~~ and left an irreparable stigma on those it affected. Exploratory hearings were conducted in 1962[4] and more extensive hearings were held in 1966.[5] Several legislative proposals grew out of these hearings; however, no bills dealing with this subject have as yet become law.

Meanwhile, letters from discharged servicemen unable to find jobs, from those who cannot get the job they desire, and from those who wanted a military career but were returned to a civilian world with little marketable experience continue to reach the subcommittee. Their common complaint is that the administrative discharge system has unfairly condemned them to an inferior condition—whether it be in terms of a job or simply the respect of their family and friends—in violation of their constitutional rights to due process under the law.

Those who defend our rights must not be the only citizens who are denied their protections and, as a consequence, are returned to a civilian world that holds little promise for them. We must not ignore those servicemen who are daily eliminated in administrative settings which accord less than what the due process clause of the fifth amendment guarantees and less than what we owe those who are prepared to give their lives to safeguard our freedoms and our rights.

THE EXISTING FRAMEWORK

Chapter 59 of Title 10, United States Code, provides for separation of servicemen prior to the expiration of their term of service by reason of a sentence of court-martial or in accordance with the regulations of the Secretary concerned.[6]

Service regulations provide for five types of discharges which implement the general language of Chapter 59—dishonorable, bad conduct, undesirable, general, and honorable. The first two are given only as a result of a sentence of courts-martial.[7] The latter three are awarded as an administrative act of separation, which may or may not have been directed by an administrative board. The services further distinguish these categories by designating the first two as "punitive," and the latter three as nonpunitive, or simply administrative.

Not until 1959 was there a Defense Department directive dealing with administrative discharges.[8] Even then it provided uniformity only with respect to the grounds upon which separation could be based. The services by and large were left with the discharge procedures which had evolved through decades of use. In 1965, largely in response to the subcommittee's hearings, a revision of the basic directive did provide substantial uniformity both in terms of substantive grounds and the procedural processing of administrative discharges.[9] It established minimum standards to govern such action, but left each service room to tailor its system to its own views and, if the service felt it desirable, to provide for more stringent procedures. The directive, with certain minor changes, remains the authority upon which administrative discharges are currently based.

The directive provides that such discharges may be given for unsuitability, unfitness, misconduct, and in the interest of national security. These categories are broken down still further.[10]

Those discharged for unsuitability may receive only an honorable or a general discharge, depending upon the character of their service record. Both discharges are considered "under honorable conditions." Those discharged on grounds of unfitness, misconduct, and security, however, may receive undesirable discharges, as well as honorable and general, again depending on the character of their service.

An undesirable discharge, which is administrative, carries with it the same loss of veterans' benefits as a bad conduct discharge, which is punitive. While there may be disagreement as to which carries the greater stigma,[11] it is undisputed that being labelled an "undesirable" is a considerable obstacle to reckon with in one's future.[12] Retired Commander Penrose L. Albright, former president of the Judge Advocates Association, has called the undesirable discharge "the scarlet letter of this generation"[13] and, indeed, it is a brand which is likely to repulse employers and friends alike. Where the harm is so potentially devastating, it is imperative that undesirable discharges be bestowed only pursuant to a system which is characterized by our traditional notions of due process.

Honorable and general discharges, in contrast to the "undesirable," are both considered as discharges "under honorable conditions" and entitle their recipients to the same veterans' benefits. The directive provides that those separated for unsuitability (who can at most receive only a "general" discharge) do not have a right to a board hearing unless they have more than eight years of service experience,[14] while others facing separation for unfitness or misconduct do have such a right regardless of service experience. The Defense Department contends that since a general discharge is under honorable conditions and does not deprive a serviceman of veterans' benefits, it need not be awarded under the same protections as the undesirable discharge which does result in loss of benefits. This is not persuasive. There is an implied stigma which attaches to any discharge other than one labelled as fully "honorable."[15] This is due in part to the fact that 97% of all discharges are indeed honorable.[16] The public understandably reasons that there must be some defect in an individual who fails to obtain one.[17] It is interesting to note that despite the provision in the DOD directive, the Army and to a lesser degree the Air Force both permit a board hearing in cases of unsuitability even though a general discharge is the worst that can be recommended.[18] These services properly recognize that even a general discharge brings with it certain opprobrium.[19]

Because servicemen facing administrative discharges receive different protections according to the particular branch of service which they happen to be part of, legislation is needed not only to bring discharge procedures up to a higher standard of procedural due process, but also to provide uniformity of protection to all servicemen regardless of the branch to which they belong. Uniformity is desirable not simply for uniformity's sake. To accord a Navy seaman certain rights and not accord them to an Army private facing discharge on the same grounds raises a constitutional, if not a moral, question of equal protection among servicemen. While Defense Department directives do provide some uniformity and are obviously more desirable than no guidance at all, they are subject to change at the whim of the Department, whose interests must be weighted towards operational efficiency rather than justice for the individual.

Two bills dealing with administrative discharges are currently pending before the Senate Armed Services Committee. One is H.R. 10422, introduced by Congressman Charles E. Bennett of Florida and passed by the House of Representatives on October 6, 1971. The other is S. 2247 which I proposed on July 12, 1971, during the last session of Congress. The Bennett bill deals with administrative discharges on a broader, more general level than does S. 2247, which constitutes a comprehensive and detailed legislative framework within which to deal with the problem. In order to evaluate critically what each bill attempts to do, it is first necessary to discuss the different philosophies regarding the role of the administrative discharge in a system of military justice and military personnel administration.

THE ROLE OF THE ADMINISTRATIVE DISCHARGE

Position of the military

The military prefers to regard the administrative discharge as a purely administrative act.[20] It is seen as a tool through which the services can rid themselves of undesirable members prior to the expiration of their terms of service. The military points to the reduced efficiency entailed by maintaining in the services those with "two left feet" who, try as they might, cannot meet minimum standards of performance, and those who are continually involved in misconduct which, whether serious or not, requires inordinate amounts of supervision and discipline.[21] It also points to the erosion of discipline and morale among its hard-working members by retaining "troublemakers" after repeated misconduct, whether they be homosexuals or shirkers.[22]

Given the alleged harm to military efficiency and morale which the retention of undesirable members entails, the military insists that it needs a simple, expeditious means to separate them.[23] The value of a separation to the military thus decreases in inverse proportion to the length of time required for the process since the individual remains to cause problems.

These justifications for administrative discharges are understandable and might well serve as sound principles for any course in personnel management. Yet the matter does not end here. The military claims that the administrative discharge should not be considered as punishment for misconduct.[24] It is only a determination, claim the services, that a serviceman's record does not merit his retention. But despite the claim that administrative discharges are not punishment, the administrative board, in effect, places a sanction on acts of misconduct. It freely considers evidence of misconduct, established in no other judicial or quasi-judicial setting, and may issue an undesirable discharge resulting in the loss of substantial veterans' benefits and the lifelong burden of the "undesirable" stigma.[25]

Regardless of the punitive consequences of the administrative proceeding, the military insists upon its right to consider misconduct in a setting which accords less than what is required by traditional notions of due process, and further insists on its right to characterize resulting discharges as "undesirable".

If military insistence on either of these conditions—the consideration of conduct not established in a judicial setting or the characterization of discharges as undesirable—were dropped, the administrative discharge proceeding would become far less objectionable in terms of the way in which it is conducted and the harm it does to the individual. The services' insistence on these two points thus requires some further critical comment.

Characterization of discharges

Several witnesses at the 1966 hearings raised the possibility of altering or doing away with the present system of characterizing discharges.[26] This idea has been seriously considered from time to time by the services as well, but it has never been formally adopted. Although the suggestions varied, their common purpose was the elimination of the "undesirable" characterization. Such an alternative would not purify the administrative discharge procedures to the satisfaction of a constitutional stickler, but the fact that the stigma which an undesirable discharge entails might be dissipated would make the procedures more palatable because its sting would be removed.

Military spokesmen have justified characterizing discharges in terms of providing an incentive for "honorable" service and a deterrent for "undesirable" service.[27] One of the greatest recognitions that a man can obtain, claim the services, is an "honorable" discharge, and it is a notion which the American public generally seems to accept. But since roughly 97% of servicemen receive "honorable" discharges, the real mark of distinction is not being among those who fail to obtain one. Granting the military position, the question is whether a system can be devised which provides an incentive for honorable service and yet leaves no stigma on those who are administratively separated.

Eliminating the "undesirable" category would have the virtue of eliminating the repugnant connotations of the word "undesirable" but it might well mean that once the public becomes generally aware of the change, the stigma would only shift to recipients of the general discharge. There is evidence even now of a stigma attaching to a general discharge since it is not precisely an "honorable" one.[28]

Another possibility would be simply to have one category of "honorable" or another more neutral term to describe an administrative discharge. But while this would eliminate the stigma, it would not provide the incentive for service that the honorable discharge affords—again, assuming the validity of that claim.

A third possibility would be to use a less colorful term than "undesirable" since that term conjures up all sorts of perverse traits and defects. An "unsatisfactory performance" discharge would be an example. This alternative might possibly prevent some of the abhorrence evoked by the adjective "undesirable," but it would still leave the recipient with a damaging label carried over to civilian life.

Compounding the problem of characterization is the matter of veterans' benefits, which attach only at the completion of "honorable" service. The award of benefits militates against a system having only one category of administrative discharge. If it is agreed that benefits should not go to one who has not earned them, and there were only one category of discharge, some system would have to be devised to separate the recipients from the nonrecipients. In a system having only honorable and general discharges, veterans' benefits might attach only to honorable and not to general. This would, however, represent a change in the present structure which accords benefits to recipients of general discharges and, thus, may cause substantial headaches in terms of retroactive effect for the Veterans Administration.

In conclusion, there seems to be no completely satisfactory way to recharacterize discharges which effectively avoids the stigma effect and yet preserves the status of the discharge as an incentive to honorable service, and the consequent award of veterans' benefits.

If, then, the military is to continue to discharge servicemen as "undesirable," at least we must insure that such an onus is bestowed only in accordance with traditional notions of due process. One way this might theoretically be accomplished is to permit misconduct to be considered only in a judicial setting which already incorporates such safeguards, *i.e.*, by courts-martial. But to have such a situation, the grounds for discharge must be brought under the Uniform Code. On this point, the military demurs on the grounds that such action is neither possible nor appropriate.

"Judicializing" administrative discharges

A serviceman who continually refuses to complete his assigned tasks could theoretically find himself facing a court-martial for failing to obey an order, or an administrative discharge for shirking.[29] In a proceeding brought under the *Uniform Code of Military Justice* (either non-judicial punishment or a court-martial), the likelihood of a discharge for such an offense is remote, while if the conduct were considered administratively, the likelihood of discharge is almost guaranteed. What is more important, in the administrative proceeding the serviceman finds himself immersed in a procedure which falls short of fully guaranteeing traditional rights of due process, rights which are for the most part incorporated into courts-martial procedures. At present, a commander theoretically has absolute discretion to choose either avenue to treat the offending conduct. The arbitrary use of this discretion might well be adjudged a violation of the due process clause of the fifth amendment.[30] In fact, the subcommittee continually receives cases in which commanders have successfully recommended administrative separation when conviction and discharge by a court-martial would have been uncertain because of difficulties in meeting the legal requirements of the Uniform Code. The use of administrative process to avoid the strictures of the Code has been a perennial problem ever since the Code was enacted.[31]

The military contends that not all conduct which may be grounds for administrative discharge can be brought under the provisions of the Code (and consequently be subject to a court-martial or non-judicial punishment), and therefore the administrative route is a necessary alternative.[32] They point specifically to homosexual acts and drug abuse as examples of conduct which are claimed not to be punishable under the Code.[33] Furthermore, most of the grounds for administrative discharge, says the military, are concerned with "patterns" of conduct rather than single acts of misconduct, and there is nothing in the Code that effectively allows a commander to deal with repeated instances of misconduct.[34] The military is on shaky ground with both of these contentions. Whatever difficulty there may be in "pigeonholing" grounds for discharge as undesirable into the punitive articles of the Uniform Code is largely semantic. They might be included simply by amending the articles or perhaps by expanding the grounds of Article 134 in the *Manual for Courts-Martial*, which makes punishable "all disorders and neglects to the prejudice of good order and discipline in the armed forces, all conduct of a nature to bring discredit upon the armed forces." The issue is not simply whether it can be done, but whether it should be done.

The military contends that even if all conduct which constitutes grounds for administrative discharge could be brought under the Code, it would be either inappropriate or ineffective, or both, to do so. Their reasoning takes three primary tacks:[35]

First of all, the military claims that even if misconduct is repeatedly punished under the Code, a discharge—either a bad conduct or dishonorable—is highly unlikely to ensue in the vast majority of cases, and thus the serviceman will return to his duties with no more than a fine or reduction in rank.[36] Without a liberalization of the award of a bad conduct discharge at courts-martial, the services contend they would have virtually[37] no means of ridding themselves of undesirable personnel by sentence of courts-martial.

Second, to discharge only through courts-martial would also mean that in order for the services to consider discharge for conduct which has been the subject of civil court conviction, the serviceman would have to be tried twice for the same offense, which runs afoul of the constitutional prohibition against double jeopardy.[38] The holding in *O'Callahan v. Parker*,[39] which prohibits military trial of acts which were not "service-connected," also militates against trial by courts-marital for misconduct committed

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outside of military control. Yet the military feels it must have the means to discharge servicemen convicted by civil courts who must serve long prison sentences or who have brought substantial discredit upon their service.

Finally, discharge by court-martial, where a bad conduct discharge is issued, also requires review by a Court of Military Review under the present regulations and possibly also by the Court of Military Appeals. Furthermore, the trial process itself requires a substantial amount of time. To provide that discharges may issue only from a court-martial will mean a long period of time between initiation of the action and actual discharge. In the military view, it will negate the value of the discharge.[40]

To the extent that these arguments support the military's contentions that it must be permitted to administratively discharge "undesirables" and that such discharges cannot or should not always be based on misconduct cognizable under the Uniform Code, they are equally persuasive in showing that there is little difference in the breadth of inquiry of a court-martial and an administrative board, and that both occasion similar damaging consequences. Given this, the services cannot avoid the constitutional mandate requiring due process simply by calling the process "administrative," when its real function is to try issues of fact and impose punishment for wrong-doing.

S. 2247, which I introduced in the last session of Congress, attempts to insure that the guarantees of due process are incorporated in the military's administrative proceedings, first, by defining what may be considered by the administrative board and, secondly, by insuring that what is considered by the board is heard in accordance with traditional notions of due process. The remainder of this article will deal with how S. 2247 and the Bennett bill, H.R. 10422, both now pending in the Senate Armed Services Committee, attempt to deal with these problems.

THE ADMINISTRATIVE DISCHARGE BILLS

Limitations on conduct considered by administrative boards

S. 2247 restricts undesirable discharges to cases in which the serviceman has perpetrated a serious act of misconduct which was tried by other than a military tribunal, and to cases where the serviceman has demonstrated a "pattern" of misconduct or failure of performance, whether or not the repeated conduct was adjudicated by a civil or military tribunal.

By providing for administrative discharges for cases involving serious misconduct tried by civilian authorities,[41] whether the conduct is cognizable under the Uniform Code or not, the bill recognizes the military's contention that it must have a means of discharging those committing serious acts of misconduct where those acts are tried by civilian authorities. This avoids the double jeopardy issue which is raised if discharges were only to issue as a result of courts-martial. The provision has the added advantage of insuring that the misconduct was adjudicated in a procedural setting which accorded due process. It would be the province of the military administrative board to decide only if the undesirable discharge is warranted.

The bill also limits the administrative board's consideration to "patterns" of conduct as opposed to single acts of misconduct. It provides that no administrative discharge will issue for an act of misconduct which constitutes an offense under the Uniform Code (except those tried by civilian authorities).[42] On the other hand, it provides that administrative discharges may issue for unfitness on grounds of (1) frequent involvement of a discreditable nature with civil or armed force authorities, (2) sexual perversion, (3) an established pattern for shirking official duties and responsibilities, and (4) an established pattern showing dishonorable failure to pay debts or to contribute adequate support to dependents, or failure to comply with orders, decrees, or judgments of a civil court concerning support of dependents.[43]

These provisions should be read as complementary rather than contradictory. They seek to do three things. First, they seek to insure that commanders will not be able to avoid bringing charges under the Code to punish misconduct. This means that servicemen will be entitled to all of the due process guarantees which a courts-martial offers, and will not be subject to a punishment (discharge) harsher than what a court-martial might give. Secondly, they recognize the military's view that there must be some means of getting rid of those servicemen who demonstrate their unfitness for military service by repeated misconduct or failure to perform. Thirdly, they implicitly recognize that all misconduct cannot or should not be brought under the Code, since they allow acts of misconduct which establish a "pattern" of behavior to be considered by the administrative board.

Since the bill was first introduced as Title I of the proposed omnibus Military Justice Act of 1967, it has been reviewed by a number of experts in military law. Those reviews have raised a number of questions which remain to be resolved in any future hearings on the bill. For instance, the question of who decides whether certain conduct contributes to a pattern or stands alone to be processed under the Code is unanswered by the bill. The commanding officer must obviously make this determination initially. But should the serviceman be able to raise such an objection to an administrative board? If so, who should rule on the matter?[44]

Further problems are posed initially to the commander, and could subsequently be posed to a board, by the relative vagueness of the grounds specified in the bill upon which the discharge must be brought. The phrase "frequent involvement of a discreditable nature," for instance, must at the very least mean convictions in military and civilian courts, *e.g.*, for offenses less serious than those which provide for one year imprisonment or a punitive discharge. But should it also include non-judicial punishment? Letters of reprimand? Oral reprimands? Traffic tickets?

The phrase "sexual perversion" also offers semantic difficulty to the conscientious commander or the administrative board. Does it mean one act of sexual perversion or a pattern of conduct which establishes a condition of sexual perversion? And what is sexual perversion in the first place?

Although these terms are taken from existing service regulations and presumably incorporate the practice which has developed over the years, the questions illustrate areas for further legislative perfecting. However, the basic objectives sought by these provisions of the bill, which represent a balance between operational efficiency and the protection of the serviceman's interests, are nonetheless valid.

It is to be noted that the Bennett bill, H.R. 10422, makes no attempt to define what kinds of conduct represent an appropriate basis for convening an administrative board. On the contrary, it provides that in four specific situations misconduct automatically requires undesirable discharge—the respondent is entitled to no hearing whatsoever.[45] In my opinion, these provisions are unwise, and may well be unconstitutional since the basic right to a hearing is summarily denied. S. 2247, in each of these cases, would require a board to determine whether the circumstances, however grievous, justified an undesirable discharge.

Due process in the administrative proceeding

In addition to limiting the type of misconduct which can be used as a basis for convening the administrative board, S. 2247 also prescribes procedures which seek to incorporate many of the traditional features of due process into the administrative proceeding. To a considerable extent it merely incorporates into statutory language procedural requirements already provided by regulations of the services. Defense Department regulations, for instance, already provide that a respondent appearing before an administrative board has the right to be represented by the counsel of his choice, to submit any sort of statement in his behalf, to question any witnesses who are present, and to remain silent if he chooses. Evidence is admissible if reasonably relevant, competent, and material.[46] Beyond this, however, other rights of procedural due process rest precariously upon the judicial knowledge and integrity of the board, which in the vast majority of cases is composed of officers with little or no training in law.

Rights prior to hearing

All branches of service now provide that notice of a forthcoming board hearing be given the respondent.[47] The Bennett bill provides only that the notice be "reasonable" and that it state the grounds upon which the proposed discharge is based.[48] S. 2247 provides that notice of a hearing will be given at least 15 days in advance and that the notice must include the nature of the hearing, a statement of the allegations and evidence against the respondent, the applicable law, a statement of his rights before the board, and the possible actions which may be taken by the board.[49] S. 2247 also has a special provision for notification of the parents of respondent if he is under 21, or for any other reason is unable to appreciate the nature of the proceedings against him.[50] This provision would be an important safeguard against an imprudent waiver of the board proceeding in favor of an immediate discharge. It is not uncommon for young, immature servicemen who are dissatisfied with their present assignment to seek administrative discharge to escape their immediate situation without regard for the consequences in ensuing years. In many cases, the immature serviceman is incapable of appreciating his predicament and is easily persuaded to waive his rights and accept a discharge which will be detrimental to him for the rest of his life. Even the advice of a JAG officer is often perfunctory and has little impact on the young serviceman's decision. This safeguard against improvident waiver of rights is worth the small clerical act it would require.

Under the Defense Department regulations, the respondent, having been notified of the board hearing and having consulted with counsel, many waive his rights to a hearing and accept a discharge in lieu of the board proceeding.[51] This provision is carried over in both of the proposed bills.[52] S. 2247, however, provides in addition that no waiver can be made within 24 hours of the notice of the hearing, and that the waiver may be rejected by the convening authority if he considers it improvident. It furthermore provides that where the hearing is waived, the ensuing discharge cannot be an undesirable one, unless the board action would have supported it. These are additional safeguards against improvident waivers of rights.

Under present procedures, oral and written depositions may be obtained with the permission of the convening authority for use by the board.[53] There are no formal procedures, however, which apply specifically to depositions for administrative boards. Presumably, the requirements may be less stringent than those used at court-martial, since the evidentiary requirements themselves are less stringent.

Depositions are not a commonly used device at administrative proceedings primarily because the boards allow *ex parte* statements to be admitted into evidence. Why go through getting both sides together to question a witness who will be unavailable at the hearing, when one side may simply introduce his uncontested statement if it so desires? S. 2247 prohibits the use of *ex parte* statements altogether, thus making the deposition a much more important device in the administrative setting.

S. 2247 provides for the taking and use of oral and written depositions by the administrative board, forbidden only for good cause, as prescribed by the Secretary of Defense.[54] The Bennett bill provides only that the secretaries of each branch of service will prescribe regulations to govern the taking and use of depositions.[55]

The liberal use of depositions to preserve or discover evidence comports with the practice in federal courts and administrative agencies.[56] There is perhaps an even greater need for such a device to preserve evidence in a military setting since servicemen are continually subject to transfer and termination. Use of depositions should reduce the number of personnel on administrative hold.

At present, administrative boards do not have the power to subpoena witnesses and real evidence. They may invite a witness to attend if he is reasonably available and his testimony materially adds to the case.[57] Civilian witnesses cannot be compelled to attend at all and military witnesses appear only if their commander permits. Both proposed bills provide the administrative board with subpoena power.[58] They provide that both sides will have equal access to subpoenas, and that the provision will be implemented by regulation of the services.

The objection of the military to such a provision in the past has been that the respondent could block prompt administrative action by requesting numerous unnecessary witnesses or documents to delay the proceeding. The fact that the implementation of the subpoena rules would be left to the services, which thereby implicitly allows them to require a showing of necessity in order to obtain a subpoena, has caused the military to drop an objection[59] which was not well founded in the first place.

The subpoena and deposition provisions together assure the respondent of a means of obtaining and preserving evidence in his favor as well as discovering that lodged against him.

Rights at the administrative hearing

Both bills provide that the respondent has the right to present evidence in his own behalf, to examine witnesses and all documentary evidence presented to the board, and to remain silent if he so chooses.[60] He also has the right to be represented by legal counsel of his choice. These rights are largely accorded by present regulations,[61] and thus their incorporation in statute should occasion no opposition from the services.

The bills also provide that rules of evidence in administrative discharge procedures will be drawn and reported to the Congress. S. 2247 provides that the Secretary of Defense will prescribe such regulations but specifies that the evidence admitted must be relevant, material, and probative.[62] The only change this represents in the present rule is the addition of the word "probative."[63] The bill goes further by prohibiting four specific uses of certain evidence regardless of their relevancy, materiality, or probative value.

The first limitation is a restriction of evidence considered by a board to those actions which took place three years prior to the date the board was convened, or from the date of the current enlistment or tour of duty, whichever is longer.[64] The limitation is thought necessary to protect the serviceman from having to defend himself against actions which occurred far in the past. It is based on the requirement presently contained in service regulations that the character of an administrative discharge may be determined only on the serviceman's record during the current enlistment. Since an administrative discharge is presumably based on repeated conduct which establishes a pattern or condition, such a pattern or condition should be established over a defined period of time. Otherwise, it should not be the basis for discharge.

The second limitation complements the first. It provides that misconduct occurring in a previous enlistment or tour of duty may be considered if the second enlistment or tour of duty was fraudulently obtained.[65]

The third limitation bars the admission of evidence relating to acts for which the respondent has been acquitted or cannot be tried again by reason of former jeopardy.[66] The purpose of the provision is simply to prevent the services from attempting to separate servicemen administratively on the same grounds as an unsuccessful court-martial. In the past, the subcommittee has seen numerous instances in which a commander has ordered successive administrative board hearings in a determined effort to separate a serviceman. This provision is designed to guard against such patent abuses of the discharge process.

The last prohibition has three features: (1) no information adverse to the respondent may be presented to a board over objection unless the respondent has had an opportunity to confront and cross-examine the source of the information; (2) no investigative report may be presented unless the respondent has an opportunity to cross-examine the person making the report and has an opportunity to rebut; and (3) no classified information can be presented unless first released to the respondent.[67] These provisions insure that the respondent will have ample opportunity to confront and rebut all adverse evidence presented to a board. It applies the simple justice of the sixth amendment.

These proposals effectively eliminate all adverse hearsay and *ex parte* statements from consideration by the boards. They have been criticized as "too severe" because the military may be unable to locate the person who made the statement or, if out of the service, he could not be compelled to appear.[68] Furthermore, it is argued, the provision would only encourage delay on the part of the respondent in hopes that certain evidence would not be available.[69]

The arguments may have some surface merit, but they do not account for certain factors peculiar to the administrative setting. Allowing hearsay and *ex parte* statements does not give a respondent fair opportunity to rebut the evidence against him. It raises due process issues because of the consequent denial of the right of confrontation and cross-examination. What is worse, the present rules encourage the presentation of such evidence by the military. One alternative which has been suggested is to allow only hearsay which would be admissible in a court-martial.[70] But this would require a highly technical knowledge of the law of evidence and would necessitate a legally qualified representative to the board to make such determinations. It may also lead to the necessity for legally qualified advocates on both sides to argue the evidentiary points. Perhaps a rule which allows for the admission of hearsay and *ex parte* statements but which provides that the decision of the administrative board cannot be based solely upon them is a preferable alternative.[71] But this too would be a meaningless protection if the board's decision were not subjected to review by a legally-qualified officer or review board, which now does not exist.

The use of hearsay and *ex parte* statements of any type is less important in an administrative discharge proceeding than in a court-martial and it poses even more of a potential injustice. Misconduct which establishes a pattern or condition will often have been adjudicated in a prior proceeding,[72] such as a court-martial, civil trial, or non-judicial punishment. In these cases, extraneous evidence relating to other acts will often simply not be required. In cases where the discharge is not predicated upon prior proceedings, there is typically no way to rebut hearsay allegations other than with simple denials. There is no means of offering contradictory proof. For example, allegations of homosexual acts performed in private cannot be disproved, since there are typically no witnesses other than the participants and no tangible evidence of the act. Similarly, allegations of a failure to pay just debts are difficult to disprove since only the parties typically have knowledge of the transaction. Allowing hearsay and *ex parte* allegations which the respondent cannot rebut with proof or cast doubt upon by questioning his accuser, leaves him at the mercy of anonymous accusers, rumors and vague accusations. Given the difficulties presented by allowing hearsay and *ex parte* statements under some limitations, it is preferable to simply rule out such evidence altogether and force the military to present its case in testimony or by deposition.

In addition to the evidentiary restrictions specified in S. 2247, there are other compelling limitations which, if not included in the statute, should be included in service regulations. For example, no evidence obtained by an illegal search or seizure should be admissible before an administrative board. The Supreme Court has already applied this principle to the administrative arena[73] and it should be applied as well to administrative discharge boards. Discharge regulations now allow such evidence to be admitted and this often induces the commander to elect to separate administratively because he knows that a conviction by court-martial cannot be obtained with illegal evidence. The commander who seizes drugs or contraband illegally should not be able to avoid the strictures of the fourth amendment simply by a resort to the administrative board. Not only does this violate fair play and simple justice but it subverts the integrity of the court-martial as well.

A similar problem is presented by the practice of admitting into evidence self-incriminating statements obtained in violation of Article 31 and the fifth amendment. This practice has been justified on the basis that Article 31 and the fifth amendment guarantee apply specifically to "criminal" trials alone.[74] This may be technically true, but this argument avoids the reality of a board proceeding which indeed pronounces a judgment on acts of misconduct. To adopt a restriction on self-incriminating statements in board proceedings would bring them in line with an important constitutional precept.

A third restriction which deserves consideration is the prohibition of evidence which relates to conduct which is not "service-connected." The case of *O'Callahan v. Parker*[75] established the principle that the military cannot try a man for misconduct which is not "service-connected." Can he nonetheless be discharged for such conduct? There is no disagreement that the services can and should use civil convictions as a basis for discharge, but the introduction of evidence relating to conduct not connected with the service presents a more compelling question. S. 2247 does not provide such a limitation and, in fact, provides that boards may consider conduct which took place within three years prior to the convening of the board. This may well mean that conduct could be

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considered which took place prior to the serviceman's entry into active duty.

Whatever evidentiary restrictions are incorporated into statute or regulation, there must be some authority or some body to determine if proposed evidence violates these standards. Both bills answer this need by providing for the appointment of a legal advisor to the administrative board to rule on such questions. The Bennett bill makes such appointment mandatory except where physical exigencies do not permit.[76] S. 2247 provides that the appointment is mandatory when requested by the respondent or the board, unless compelling reasons for refusing the request are present. Otherwise, the appointment is discretionary with the convening authority.[77]

The military was initially opposed to the concept of a legal advisor because it would further drain the supply of legal officers. They contended that the right to legal representation offered the respondent adequate protection at the hearing.[78] At the House hearing on the Bennett bill, however, the Defense Department dropped its opposition and affirmatively proposed such a provision.[79] The House committee added the provision for a legal advisor to the original bill after the hearings were completed.[80]

There may indeed be cases where there are no evidentiary questions, no motions, no challenges, and no other legal issues for a legal advisor to rule upon. This situation may well be obvious prior to the hearing. The convening authority, under the provisions of S. 2247, may thus refuse a request for the appointment of a legal advisor. In this sense, S. 2247 actually comes closer than the Bennett bill in limiting the requirement for legally qualified personnel for detail to board proceedings to those instances in which one is necessary.

Post hearing rights

Under present regulations, the findings and recommendations of an administrative board are typically sent through the chain of command to the discharge authority, who may or may not follow the board's recommendation and who may or may not receive a legal opinion on the validity of the board proceeding.[81]

The pending bills both provide for some type of review of the board's determination before final action is taken by the discharge authority. The Bennett bill provides that the Judge Advocate General of each service will establish review boards to which the serviceman may appeal the board's decision.[82] S. 2247 provides that the Secretary of Defense will provide by regulation that all administrative board decisions recommending a less than honorable discharge be subject to a mandatory review for legal sufficiency. It further provides that the Court of Military Appeals will establish grounds for discretionary appeal of administrative decisions.[83] Both bills provide that a decision on review may not be less favorable than that adjudged by the administrative board.

Until the 1971 hearings, the military had consistently opposed any review of administrative board decisions on the grounds that there already exist instrumentalities to review discharges, namely, the Discharge Review Boards and Boards for Correction of Military Records found in each branch of service.[84] The difficulty with this argument was that review took place after the serviceman had been discharged, and often took as long as two years after application for review was filed. What is more, these boards did not have the power of reinstatement and could not give complete relief even in clear cases of improper discharges.

The military claimed that review would only delay the discharge still longer and further reduce its value as a personnel tool.[85] They further argued that appeals of administrative decisions should be kept out of the judicial sector of the military which has little knowledge of the administrative area and which has too burdensome a workload without this added responsibility.[86]

The military has now dropped its opposition to review of administrative board decisions by legally-qualified personnel.[87] It has in fact supported a proposal to establish three-man boards which would review board decisions as a matter of law. The review board under the Defense Department's proposal would be restricted to consideration of the verbatim record of the hearing and written legal arguments, but may, in its discretion, require a hearing. The military's new approach to this issue is to be applauded. While some delay in obtaining the discharge is inevitable, the delay need not be any longer than what is now often required for review by the staff judge advocate of the convening authority or higher levels of command where it is in fact performed. Pre-discharge review provides additional safeguards for the respondent and assures that the procedures established by regulation and statute will be conscientiously observed.

The military still continues to balk at the judicial review of administrative boards' actions, even on a discretionary basis, provided for in S. 2247. They react negatively to the additional time required for such review[88] and the injection of the administrative proceeding into the criminal justice structure which they claim neither has the time nor the expertise to deal with such problems.[89]

The latter objection is not convincing in light of the testimony of Chief Judge Quinn of the Court of Military Appeals who candidly stated at the 1966 hearings that the workload of the court was not heavy, and that the court possessed sufficient expertise—especially in regard to issues of due process—to consider appeals from a review board's decisions.[90]

Court of Military Appeals review will involve further delay of the discharge. But the time could be shortened by providing that petition for discretionary review be made first to an intermediate Court of Military Review or the boards established under S. 2247 or the Bennett bill rather than directly to the Court of Military Appeals.

The discretionary nature of the review authorized by S. 2247 is designed to minimize the number of cases which run the entire appellate process. Only those cases will be chosen which present novel or compelling issues of law. It is common knowledge that the court has always handled its caseload expeditiously and seldom has a backlog.

The Court of Military Appeals review enables a superior military court of distinguished quality and unquestioned integrity to ensure that the rules of all the services comport with the statutory requirements and that the board hearings are conducted according to applicable law. Only by means of such an ultimate judicial review can we assure the necessary conformity contemplated by the Department of Defense directives and the statutory reforms. Review by the Court of Military Appeals would go far to assure servicemen and the general public alike that the administrative discharge process is indeed operated fairly and justly. It would obviate the need for special injunctive intervention by federal courts into the administrative process and do much to restore the often tarnished reputation of the administrative discharge process. While S. 2247 does not specifically require review by "legally-qualified" personnel at the intermediate stage, it does provide that the board's decision will be reviewed for legal sufficiency. Review by legally-qualified personnel is therefore implied but not obligatory. At some stage, and certainly at the final stage, undesirable discharges must be subject to review by a fully competent judicial body. Absent this, there is the danger that all the protections ostensibly granted by statute and regulation may be lost in practice.

CONCLUSION

Former Assistant Secretary of Defense for Manpower Thomas D. Morris made the following statement in his testimony before the Subcommittee on Constitutional Rights in 1966:

"The Department of Defense, no less than this committee, holds that military service in the Armed Forces of the Nation should not abridge or deprive any American citizen of the substance of constitutional rights to which he would otherwise be entitled as a private citizen, insofar as this is compatible with his status as a member of the Armed Forces. We further recognize that our system of military justice must be responsive to the special conditions of current military service as well as to constitutional essentials. Our administrative discharge and separation procedures likewise should be guided by the sense of justice and fairplay that every American has a right to expect from his Government." [91]

It is this very sense of "justice and fair play," tempered by the recognized necessity for a strong and efficient military, which S. 2247 attempts to bring to an area which has been riddled with abuse and inconsistency. The military has demonstrated, if at times reluctantly, that it is amenable to change in the interests of protecting the constitutional rights of its members. It is time now for the Congress to at last take the initiative to insure that the guarantees of the Constitution are not slighted by the military administrative discharge procedure.

FOOTNOTES

[*] United States Senator, North Carolina; Chairman, Senate Subcommittee on Constitutional Rights. The author wishes to acknowledge the valuable assistance of Lewis B. Snider, LL.B. University of Virginia Law School, 1969, Assistant Counsel to the Subcommittee, in the preparation of this article.

[1] *Hearings on H.R. 523 Before Subcommittee No. 3 of the House Armed Services Committee*, 92d Cong., 1st Sess. 5868–5869 (1971) [hereinafter cited as *1971 Hearings*].

[2] *Id.* at 5868.

[3] *See* Harmon v. Brucker, 355 U.S. 579 (1958) (per curiam) and Beard v. Stahr, 370 U.S. 41 (1962) (per curiam) as examples of judicial challenges to discharge procedures. Also, a general discussion of judicial review of military determinations can be found in Sherman, *Judicial Review of Military Determinations and the Exhaustion of Remedies Requirement*, 55 Va. L. Rev. 463 (1969).

[4] *Hearings on the Constitutional Rights of Military Personnel Before the Senate Subcommittee on Constitutional Rights*, 87th Cong., 2d Sess. (1962) [hereinafter cited as *1962 Hearings*].

[5] *Joint Hearings on Military Justice Before the Senate Subcommittee on Constitutional Rights and a Special Subcommittee of the Armed Services Committee*, 89th Cong., 2d Sess. (1966) [herinafter cited as *1966 Hearings*].

[6] 10 U.S.C. § 1169 (1970).

[7] *See generally*, Manual for Courts-Martial, para. 126 (rev. ed. 1969). Officers do not receive dishonorable discharges but can be dismissed by a general court-martial. Similarly, officers do not receive bad conduct discharges, but are subject to discharge as undesirable.

[8] DoD Directive 1332.14, *Administrative Discharges*, January 14, 1959.

[9] DoD Directive 1332.14, *Administrative Discharges*, December 20, 1965.

[10] *Id.*

G. *Unsuitability.* Discharge by reason of unsuitability, with an Honorable or General Discharge as warranted by the individual's military record. Such discharge may be effected when it has been determined that an individual is unsuitable for further military service because of:

1. *Inaptitude:* Applicable to those persons who are best described as inapt due to lack of general adaptability, want of readiness of skill, unhandiness, or inability to learn.

2. *Character and Behavior Disorders.*

3 *Apathy, defective attitudes, and inability to expend effort constructively:* As a significant observable defect, apparently beyond the control of the individual, elsewhere not readily describable.

4. *Enuresis.*

5. *Alcoholism.*

6. *Homosexuality and other aberrant tendencies.*

7. *Financial Irresponsibility.*

H. *Security.* Discharge, with the character of discharge and under conditions and procedures stipulated by the Secretary of Defense as set forth in reference (c) which deals explicitly with this matter, when retention is not clearly consistent with the interest of national security.

I. *Unfitness.* Discharges by reason of unfitness, with an Undesirable Discharge, unless the particular circumstances, in a given case warrant a General or Honorable Discharge, when an individual's military record in his current enlistment or period of obligated service includes one or more of the following:

1. Frequent involvement of a discreditable nature with civil or military authorities.

2. Sexual perversion including but not limited to (1) lewd and lascivious acts, (2) homosexual acts, (3) sodomy, (4) indecent exposure, (5) indecent acts with or assault upon a child, or (6) other indecent acts or offenses.

3. Drug abuse as defined in DoD Directive 1300.11.

4. An established pattern for shirking.

5. An established pattern showing dishonorable failure to pay just debts.

6. An established pattern showing dishonorable failure to contribute adequate support to dependents or failure to comply with orders, decrees, or judgments of a civil court concerning support of dependents.

7. Unsanitary habits.

J. *Misconduct.* Discharge by reason of misconduct, with an Undesirable Discharge, unless the particular circumstances in a given case warrant a more favorable discharge, when one or more of the following conditions have been determined:

1. Conviction by civil authorities (foreign or domestic) or action taken which is tantamount to a finding of guilty of an offense for which the maximum penalty under the Uniform Code of Military Justice is death or confinement in excess of one year; or which involves moral turpitude; or where the offender is adjudged a juvenile delinquent, wayward minor, or youthful offender or is placed on probation or punished in any way as the result of an offense involving moral turpitude. If the offense is not listed in the MCM Table of Maximum Punishments or is not closely related to an offense listed therein, the maximum punishments authorized by the U.S. Code or the District of Columbia Code, whichever is lesser, applies.

2. Procurement of a fraudulent enlistment, induction or period of active service through any deliberate material misrepresentation, omission or concealment which if known at the time might have resulted in rejection.

3. Prolonged unauthorized absence. When unauthorized continuous absence of one year or more has been "established."

[11] Statement of Maj. Gen. James S. Cheney, Judge Advocate General, Air Force, *1971 Hearings, supra* note 1, at 5900: "I think you have to say legally the bad conduct discharge is more serious than the undesirable. The practical effects is [sic] something else." *See also Id.* at 5899, 5967; *1962 Hearings, supra* note 4, at 188, 328; *1966 Hearings, supra* note 5, at 293, 335.

[12] Former Congressman Clyde Doyle, *1962 Hearings, supra* note 4, at 328:

[If a man is undesirable,] you don't want anything to do with him. You don't go into detail to find out what makes him undesirable. You think he may be a thief, he may be a homosexual, he may not be supporting his children, his family in the minds of some people, but he is undesirable, you don't want him around. And I think the ordinary patriotic, sound-thinking American citizen doesn't want to have anything to do with an undesirable man and that applies to an undesirable man from the military. Something has occurred there in the military for which he has gotten an undesirable discharge. It is a stigma. It is a liability and a heavy one.

See also 1971 Hearings, supra note 1, at 5835.

[13] *1966 Hearings, supra* note 5, at 411.

[14] DoD Directive 1332.14, Section VIII(C) (1965).

[15] The Department of the Air Force itself acknowledges that a "general discharge has been found to be a definite disadvantage to an airman seeking civilian employment." AFR 39–10, para. 8a (March 17, 1959). *See also: 1966 Hearings, supra* note 5, at 341; *1971 Hearings, supra* note 1, at 5983, 5988; Bland v. Connally, 293 F.2d 852 (D.C. Cir. 1961).

[16] *1971 Hearings, supra* note 1, at 5870.

[17] Everett, *Military Administrative Discharges—The Pendulum Swings*, 1966 Duke L.J. 44.

[18] Army Regulation 635–212, § IV(10) (15 July 1966).

[19] General discharge certificates, as all discharge certificates, are annotated with "separation program numbers" which indicate the reason for discharge. Employers who are aware of the codes would thus be informed of the reason for discharge even though it is not evident from the term "general."

[20] Statement of Maj. Gen. Leo E. Benade, Deputy Assistant Secretary of Defense for Military Personnel Policy, *1971 Hearings, supra* note 1, at 5865: "In the case of undesirable discharges which have been given for security, unfitness, and misconduct, we believe that this is an administrative procedure. It does not carry with it the punitive aspects of a dishonorable or bad conduct discharge." *See also, 1966 Hearings, supra* note 5, at 356.

[21] *1966 Hearings, supra* note 5, at 356.

[22] *Id.* at 360.

[23] *Id.*

[24] *1971 Hearings, supra* note 1, at 5835, 5836; *1966 Hearings, supra* note 5, at 87.

[25] Statement of Maj. Gen. Kenneth J. Hodson, formerly Assistant Judge Advocate General, Army, *1966 Hearings* at 388:

"The unfit, the unsuitable, should be separated from the military service. . . . The only problem we have is how do we characterize his service. It is the position of the Department of Defense that we should be allowed to characterize a man's service as either honorable, general, or undesirable by an administrative proceeding."

[26] *1966 Hearings* at 119–122, 130, 209–210, 423.

[27] Statement of Maj. Gen. Leo E. Benade, Deputy Assistant Secretary of Defense for Military Personnel Policy, *1971 Hearings, supra* note 1, at 5866:

"The trouble with it [eliminating a characterization of discharges] is that it lowers the prestige. It diminishes the value of the discharge to the man who has given honorable service. You need a way to characterize the service for what it truly is. To lump them all together into one discharge, an honorable discharge, or whatever terms would apply to it, you would have no way of distinguishing or recognizing the man who has really performed his service honorably." *See also, 1966 Hearings, supra* note 5, at 88.

[28] *See* note 15, *supra*.

[29] *See* note 10, *supra*.

[30] *1971 Hearings, supra* note 1, at 5864.

[31] In 1960 the judges of the Court of Military Appeals warned against this method of subverting the Code in their annual report. S. 2247 would resolve the problem by prohibiting an administrative discharge based on grounds which amount to a violation of the Uniform Code. *See* § 943(b).

[32] *1966 Hearings, supra* note 5, at 361–80.

[33] *Id.* at 367–71.

[34] *Id.* at 365.

[35] The military contends with less justification that all misconduct should not be brought under the Code because some misconduct—homosexual acts, for example—typically cannot be proved by evidence admissible in a court-martial. They further add that some acts of misconduct which form a basis for discharge do not involve moral turpitude, but represent only an inordinate expenditure of administrative time, and therefore, a court-martial from which a federal conviction may issue, is an inappropriate and possibly too severe alternative. *See generally 1966 Hearings, supra* note 5, at 360–80.

[36] *1966 Hearings, supra* note 5, at 84, 362.

[37] Article 127(c)(B) of the *Manual for Courts-Martial* provides that a court-martial may authorize as an additional punishment a bad conduct discharge to servicemen who have two prior court-martial convictions on their record. The use of this provision is discouraged, however, unless the prior convictions have been for serious misconduct. *Id.* § 76a.

[38] *1966 Hearings, supra* note 5, at 84.

[39] 395 U.S. 258 (1969).

[40] *1971 Hearings, supra* note 5, at 5915.

[41] S. 2247, 92d Cong., 2d Sess. § 964(c) (1971).

[42] *Id.* § 944(b).

[43] *Id.* § 964(c).

[44] Section 946 of the bill provides for the detail of a legal advisor to the administrative board who would make such a determination. The role of the advisor will be discussed in detail later in this article.

[45] H.R. 10422, 92d Cong., 2d Sess. § 1161(a) (3–6) (1971).

[46] DoD Directive 1332.14, § IX(c) (1965).

[47] Army Regulation 635–212, § 17; Bureau of Naval Personnel Manual, Part C, § C–10311 (4); Air Force Manual 39–12, § D(1–25c); Coast Guard Personnel Manual, § 12–B–14(a).

[48] H.R. 10422, *supra* note 45, § 1161(b) (1971).

[49] S. 2247, *supra* note 41, § 952.

[50] *Id.* § 953.

[51] DoD Directive 1332.14, § VIII(D) (1965).

[52] H.R. 10422, *supra* note 45, § 1161(a)(2); S. 2247, *supra* note 41, § 955(c).

[53] DoD Directive 1332.14, § IX(C)(4) (1965).

[54] S. 2247, *supra* note 41, § 960.

[55] H.R. 10422, *supra* note 45, § 1161(a).

[56] *See* Fed. R. Civ. P. 30(a), and Fed. R. Crim. P. 15(a). *See also*, 16 C.F.R. 3.33(a) and 18 C.F.R. 124(a), (c), as examples of liberal deposition procedures in federal agencies.

[57] DoD Directive 1332.14, § IX(c)(3) (1965).

[58] H.R. 10422, *supra* note 45, § 1161(b)(2); S. 2247, *supra* note 41, § 960(a).

[59] *1971 Hearings, supra* note 1, at 5854. Statement of Maj. Gen. Leo E. Benade, Deputy Assistant Secretary of Defense for Military Personnel Policy: "The Department of Defense strongly favors empowering boards with what amounts to subpoena power."

[60] H.R. 10422, *supra* note 45, § 1161(c); S. 2247, *supra* note 41, § 952.

[61] DoD Directive 1332.14, Sec. IX(C) (1965). Army Regulation 635–212, Sec. 17(c); Bureau of Naval Personnel Manual, Part C, § C–10311 (5); Air Force Manual 39–12, § 3–6(c).

[62] S. 2247, *supra* note 41, § 959(d).

[63] DoD Directive 1332.14, § IX(B) (1965).

[64] S. 2247, *supra* note 41, § 959(a).

[65] *Id.*

[66] *Id.* § 959(b).

[67] *Id.* § 959(d).

[68] Lane, *Evidence and the Administrative Discharge Board*, 55 Mil. L. Rev. 105 (1972).

[69] *Id.*

[70] *Id.*

[71] This standard is incorporated into the administrative procedures statute of California. CAL. GOV. CODE ANN. § 11513(c) (West 1966).

[72] *1966 Hearings, supra* note 5, at 86. Maj. Gen. Kenneth J. Hodson, then Assistant Judge Advocate General, Department of the Army, called this the "typical" case.

[73] Camara v. Municipal Court, 387 U.S. 523 (1967).

[74] Judge Advocate General of the Army Opinion, 1967/3727, 31 March 1967.

[75] 395 U.S. 258 (1965).

[76] H.R. 10422, *supra* note 45, § 1161(d).

[77] S. 2247, *supra* note 41, at § 946.

[78] *1966 Hearings, supra* note 5, at 357.

[79] *1971 Hearings, supra* note 1, at 5854.

[80] H.R. 10422, *supra* note 45, § 1161(d).

[81] DoD Directive 1332.14, § IX(D) (1965); Army Regulation 635–212, § 13–15; Air Force Manual 39–12, § 2–18. The Navy and Coast Guard require review of all administrative discharges by the Chief of Naval Personnel and the Coast Guard Commandant, respectively. Bureau of Naval Personnel Manual, Part C, § C–10313A; Coast Guard Personnel Manual, § 12–B–16.

[82] H.R. 10422, *supra* note 45, § 1161(e).

[83] S. 2247, *supra* note 41, § 996.

[84] *1966 Hearings, supra* note 5, at 89.

[85] *1971 Hearings, supra* note 1, at 5925–26.

[86] *1966 Hearings, supra* note 5, at 89.

[87] *1971 Hearings, supra* note 1, at 5637.

[88] *Id.* at 5915.

[89] *Id.* at 5910.

[90] *1966 Hearings, supra* note 5, at 283–87.

[91] *Id.* at 12.

S. 2684

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. That this Act may be cited as the "Military Administrative Discharge Procedure Act of 1973."

SEC. 2. Title 10, United States Code, is amended by adding after chapter 47 thereof a new chapter as follows:

"Chapter 48.—ADMINISTRATIVE DISCHARGE BOARDS

"Sec.
"941. Definitions.
"942. Persons subject to this chapter.
"943. Restrictions on discharges under other than honorable conditions; restrictions on administrative discharges for unsuitability, misconduct, unfitness, or security.
"944. Jurisdiction of administrative discharge boards; functions; composition.
"945. Who may appoint administrative discharge boards; who may serve on such boards.
"946. Detail of legal adviser to board.
"947. Detail of counsel to represent respondent.
"948. Detail of recorders; duties.
"949. Detail or employment of reporters.
"950. Secretary of Defense to prescribe rules.
"951. Unauthorized attempt to influence board actions.
"952. Notice to respondent.
"953. Notice to parents of respondent.
"954. Notice to counsel of respondent.
"955. Waiver of rights by respondent; discharge for the good of the service.
"956. Sessions of the board.
"957. Challenges.
"958. Oaths.
"959. Prohibition on use of certain evidence.
"960. Opportunity to obtain witnesses and other evidence.
"961. Voting and rulings.
"962. Record of the board proceedings.
"963. Action of the discharge authority.
"964. Type and character of administrative discharges; grounds for awarding.
"965. Discharge for the convenience of the Government.
"966. Review of administrative discharge actions.

"§ 941. Definitions

"In this chapter:

"(1) 'Member' means an enlisted member, a warrant officer, or a commissioned officer of the armed forces.

"(2) 'Administrative discharge board' is an administrative board appointed under regulations of the Secretary concerned for the purpose of making findings and recommendations with respect to whether or not a respondent should be retained in the armed forces or administratively discharged therefrom and to recommend the type of discharge to be furnished when discharge is recommended.

"(3) 'Board' means an administrative discharge board unless otherwise indicated.

"(4) 'Respondent' means a member of the armed forces against whom action has been initiated with a view to administratively discharging him from the armed forces pursuant to the provisions of this chapter.

"(5) 'Discharge authority' is the official authorized to order the administrative discharge of any respondent.

"(6) 'Appointing authority' is any official designated by regulations of the armed force concerned to appoint an administrative discharge board.

"(7) 'Administrative discharge' or 'administratively discharged' means discharge by administrative action as provided in this chapter or by other provisions of law, but does not include discharge or dismissal from military service pursuant to the sentence of a general or special court-martial.

"(8) 'Discharge' means complete severance of a member from the Armed Forces or his separation from active duty.

"(9) 'Legal adviser' means a commissioned officer qualified under section 827(b)(1) of this title (article 27(b)(1)) and certified by the Judge Advocate General of the Armed Force of which such officer is a member to be qualified for duty as a legal adviser to administrative discharge boards.

"(10) 'Honorable discharge' means discharge from an Armed Force with honor.

"(11) 'General discharge' means discharge from an Armed Force with honor.

"(12) 'Undesirable discharge' means discharge from an Armed Force under conditions other than honorable.

"§ 942. Persons subject to this chapter

"The provisions of this chapter are applicable to all members of the Armed Forces who are serving on active duty and to all members of the Armed Forces not serving on active duty who are serving in a Reserve component.

"§ 943. Restrictions on discharges under other than honorable conditions; restrictions on administrative discharges for unsuitability, misconduct, unfitness, or security

"(a) Unless otherwise authorized by law, no member may be discharged under other than honorable conditions except for misconduct, unfitness, or security, and no member may be discharged for unsuitability, misconduct, unfitness, or security except in accordance with the provisions of this chapter.

"(b) Except as provided in section 964 (b), (c), (d), (e) and (f) of this title, no member may be administratively discharged for unsuitability, misconduct, unfitness, or security by reason of conduct which constitutes an offense punishable under chapter 47 of this title.

"§ 944. Jurisdiction of administrative discharge boards; functions; composition

"(a) An administrative discharge board is a factfinding body whose function it is to—

"(1) conduct a fair and impartial hearing of the alleged grounds for the proposed administrative discharge of a respondent;

"(2) receive and consider evidence on the question of whether a respondent should be administratively discharged;

"(3) make findings on the basis of the evidence presented to it;

"(4) determine, on the basis of its findings whether the respondent should be retained in the Armed Forces or administratively discharged therefrom;

"(5) recommend to the discharge authority that the respondent be retained in the Armed Forces or administratively discharged therefrom;

"(6) recommend the type of discharge to be issued if the board recommends that the respondent be discharged; and

"(7) specify the reasons for its recommendations.

"(b) An administrative discharge board shall be composed of not less than three commissioned officers at least one of whom shall be serving in the grade of major, or the equivalent thereof, or higher. If the respondent is a commissioned officer, no voting member of the board shall be junior to him in rank or grade when it can be avoided. If the respondent is an enlisted member who holds an appointment as a Reserve commissioned or warrant officer, the membership of the board shall be composed of a majority of Reserve officers if reasonably available; and if a majority is not available, the voting membership of the board shall include at least one Reserve component officer. Voting members of the board shall be senior to the respondent's Reserve grade. If the respondent is an enlisted woman, the board shall include a female officer as a voting member.

"§ 945. Who may appoint administrative discharge boards; who may serve on such boards

"(a) Administrative discharge boards may be appointed by the President of the United States, the Secretary of any armed force or by any commanding officer designated as an appointing authority by the Secretary concerned.

"(b) Any commissioned officer on active duty is eligible to serve on an administrative discharge board convened under authority of this chapter.

"(c) When appointing an administrative discharge board, the appointing authority shall detail as members thereof such members of the armed forces as, in his opinion, are best qualified for the duty by reason of age, education, training, experience, length of service, and judicial temperament. No member of an armed force is eligible to serve as a member of an administrative discharge board if he is a complainant against the respondent, is to give testimony before the board concerning the respondent, has information or knowledge concerning the respondent which may affect his judgment in the proceedings before the board, or served as a member or recorder of a board before which the respondent previously appeared as a respondent.

"§ 946. Detail of legal adviser to board

"Except where military exigencies do not permit, the appointing authority shall detail a legal adviser to any administrative discharge board appointed by him. The person detailed as legal adviser shall be a commissioned officer qualified under section 827(b)(1) of this title (article 27(b)(1)) and certified to be qualified for such duty by the Judge Advocate General of the armed force of which he is a member. A person qualified as a military judge under chapter 47 of this title shall be qualified as a legal adviser under this chapter. In any case in which the appointing authority, for reasons of military exigency, does not detail a legal adviser to the board, the appointing authority shall submit a statement in writing explaining the reasons for his failure to detail such adviser and such statement shall be included as a part of the record.

"§ 947. Detail of counsel to represent respondent

"The appointing authority shall detail counsel to represent any respondent ordered to appear before an administrative discharge board. Counsel detailed to represent a respondent shall be qualified under section 827 (b)(1) of this title (article 27(b)(1)). A respondent may be represented by military counsel of his choice if reasonably available or by civilian counsel at the expense of the respondent.

"§ 948. Detail of recorders; duties

"Under such regulations as the Secretary concerned may prescribe, the appointing authority shall detail a person to serve as recorder to every administrative discharge board. The recorder shall not be a member of the board and shall have no vote. It shall be the duty of the recorder to present evidence to the board and to perform such other duties not inconsistent with the provisions of this chapter as the Secretary of Defense may prescribe by regulation.

"§ 949. Detail or employment of reporters

"Under such regulations as the Secretary of Defense may prescribe, the appointing authority shall detail or employ qualified reporters to record the proceedings of and testimony taken before administrative boards appointed by such appointing authority.

"§ 950. Secretary of Defense to prescribe rules

"(a) The Secretary of Defense shall prescribe by regulation the rules of procedure, including the kinds of evidence which may be presented, to be followed in cases before administrative discharge boards. All rules and regulations made under this section shall be uniform insofar as practicable, shall not be contrary to or inconsistent with the provisions of this chapter, and shall be reported to the Congress. The procedural safeguards prescribed in this chapter shall be considered minimum requirements in the case of all board proceedings conducted under this chapter, and nothing herein shall be construed as prohibiting the Secretary of Defense from providing any procedural safeguard for the benefit of the respondents not required by this chapter.

"(b) Regulations promulgated by the Secretary of Defense regarding evidence shall require the following:

"(1) no evidence shall be admitted before any administrative board unless such evidence is relevant, material, and probative of the case under consideration;

"(2) the burden of establishing the facts alleged as the basis for administratively discharging the respondent from the armed forces is on the armed force concerned;

"(3) the findings and recommendations of the board and the action of the discharge authority shall be based on the preponderance of the evidence presented to the board;

"(4) no evidence adverse to the respondent shall be presented to the board over objection unless the respondent has had an opportunity, through counsel, to cross-examine by deposition or in person before the board the person giving such evidence;

"(5) no investigative report shall be admitted into evidence at any such hearing unless a copy of the report has been made available to the respondent and his counsel a reasonable period of time in advance of the hearing, and an opportunity has been given to cross-examine the person who conducted the investigation on which such report is based. Matter contained in investigative reports which, for security reasons, is denied to respondent, shall not be presented to the board;

"(6) respondent has the right to remain silent at the board hearing;

"(7) no evidence will be considered by the board which has been obtained from respondent by coercion; and

"(8) no evidence will be considered by the board which is the product of an unlawful search and seizure of respondent's property.

"(c) The Secretary of Transportation shall prescribe the rules and regulations required under the first two subsections of this section for the Coast Guard when not operating as a service in the Navy.

"§ 951. Unauthorized attempt to influence board actions

"(a) No appointing authority, nor any other commanding officer, may censure, reprimand, or admonish any administrative discharge board, other board, court of inquiry, or commission, or any member, legal adviser, recorder, or counsel thereof, with respect to the findings and recommendations made by such board, court, or commission, or with respect to the exercise of its functions and duties in the conduct of any past, pending, or future proceedings before such board, court, or commission. The foregoing provisions of this subsection shall not apply with respect to general instructional or informational courses relating to board, court, or commission proceedings if such courses are designed solely for the purpose of instructing members of a command in the substantive or procedural aspects of proceedings before any such board, court, or commission.

"(b) No person subject to this chapter may attempt to coerce or, by any unauthorized means, influence the action of any administrative discharge board, court of inquiry, or commission, or of any member of such board, court, or commission in reaching the findings or recommendations in any proceeding before such board, or the action of any appointing, approving, or reviewing authority with respect to his acts of approval or disapproval of the findings or recommendations made by any such board, court, or commission.

"(c) Any person subject to this chapter who is guilty of violating subsection (a) or (b) of this section shall be punished as a court-martial may direct.

"(d) In the preparation of an effectiveness, fitness, or efficiency report, or any other report or document used in whole or in part for the purpose of determining whether a member of the armed forces is qualified to be advanced in grade, or in determining the assignment or transfer of a member of the armed forces, or in determining whether a member of the armed forces should be retained on active duty, no person subject to this chapter may, in preparing any such report (1) consider or evaluate the performance of duty of any such member as a member of a board, court, or commission, or (2) give a less favorable rating or evaluation of any member of the armed forces because of the zeal with which such member, as counsel, represented any respondent before any such board court. or commission.

"§ 952. Notice to respondent

"(a) An administrative discharge board may not begin consideration of the case of any respondent unless such respondent has been notified, as provided in this section, that action has been initiated to administratively discharge him from the armed forces. Such notice shall be given in writing not less than fifteen days prior to the date on which the board is to begin consideration of the case and shall inform the respondent of (1) the nature of the board hearing, (2) the allegations and evidence against him, including the names and addresses of all persons expected to present evidence before the board for the Government, (3) the applicable statutes and regulations, (4) his right to be represented by counsel, (5) his right to present evidence in his own behalf, to call witnesses, to cross-examine all witnesses called by the board (6) his right to remain silent, and (7) actions which may be taken by the board.

"(b) If a respondent is in civil confinement, and such fact is known by the appointing authority, notice of proposed board hearing must be sent to the respondent by registered mail not less than thirty days prior to such proposed board hearing. Such notice shall include the provision contained in § 955(b).

"(c) If a respondent is absent without official leave, notice of the proposed board hearing shall be mailed to him at his last known address and to his next of kin, if known. Such notice shall include the provision contained in § 955(b).

"§ 953. Notice to parents of respondent

"In any case in which a member is ordered to appear as respondent before an administrative discharge board and such respondent is under twenty-one years of age, or is twenty-one years of age or older and is unable for any reason to understand and appreciate the nature, purpose, and possible consequences of the proposed board hearing, written notice of the proposed board hearing shall be sent by registered mail to the last known address of the parents of the respondent or to his next of kin if both parents are deceased.

"§ 954. Notice to counsel of respondent

"A copy of all notices and other information relating to the administrative discharge proceeding shall be given by the appointing authority to the officer detailed, or otherwise designated, as counsel for the respondent.

"§ 955. Waiver of rights of respondent; discharge for the good of the service

"(a) A respondent may waive his right to a hearing before an administrative discharge board if he certifies in writing that he understands the consequences of such action and has consulted with counsel qualified under section 827(b)(1) of this title (article 27(b)(1)) and detailed to represent him. A waiver shall not be accepted if executed by a respondent within a period of twenty-four hours after receipt of notification of the proposed board hearing, or if the appointing authority determines that the waiver was improvidently made or that the respondent does not fully comprehend the consequences of his decision.

"(b) A respondent who is in civil confinement or who is absent without official leave and who fails to respond within a period of thirty days after the date on which notice has been mailed to him may be deemed to have executed a written waiver of his right to a board hearing under this chapter.

"(c) A respondent who waives a hearing before a discharge board as provided by subsection (a), shall receive a discharge for the good of the service. The discharge will be characterized in accordance with the provisions of § 964.

"§ 956. Sessions of the board

"(a) When an administrative discharge board deliberates or votes, only the voting members of the board may be present. All other proceedings of the board shall be made a part of the record and, except as otherwise provided in subsection (b) of this section, shall be in the presence of the respondent, his counsel, and the legal adviser if one has been detailed.

"(b) In any case in which the respondent is unable to appear before the board because of civil confinement, the board may convene and hear the case of such respondent in absentia if the appointing authority so directs and the respondent is represented before the board by counsel qualified under section 827(b)(1) of this title (article 27 (b)(1)) or by counsel of his choice.

"§ 957. Challenges

"Members of an administrative discharge board, the recorder, and the legal adviser, if one has been detailed, may be challenged by the respondent for cause. The legal adviser shall normally determine the relevancy and validity of such challenges. Where no legal adviser has been detailed, the members will decide the challenge by a majority vote, with the challenged member not voting. A tie vote disqualifies the member challenged.

"§ 958. Oaths

"(a) Members of an administrative discharge board, the recorder, the legal adviser, if one has been detailed, military counsel, and the reporter shall take an oath prescribed by the Secretary of Defense to perform their duties faithfully. The Secretary of Defense may provide by regulation that once an oath to perform faithfully duties as legal adviser, military counsel, and recorder has been taken by an officer certified to be qualified or competent to perform any such duties, such an oath need not be taken each time such officer is detailed to perform such duties.

"(b) Each witness before any such board shall be examined under oath.

"§ 959. Prohibition on use of certain evidence

"(a) No act or omission on the part of any respondent shall be admitted in evidence against him before any administrative discharge board if such act or omission did not occur while a member of the armed forces and took place more than three years prior to the date of the order directing such board to hear the case of the respondent, or prior to the current enlistment or current tour of active duty of the respondent plus any voluntary or involuntary extensions thereof, whichever period is longer; and no such act or omission shall be alleged or mentioned in any evidence presented to the board.

"(b) Notwithstanding the provisions of subsection (a) of this section, evidence relating to an act or omission of the respondent which occurred in the enlistment preceding the respondent's current enlistment or tour of active duty may be alleged and admitted in evidence against the respondent in showing that his current enlistment or tour of active duty was based upon a material misrepresentation or fraud which would have prevented or delayed his enlistment or tour of active duty and could not have been discovered by the exercise of due diligence on the part of the armed force concerned.

"(c) No act or omission on the part of any respondent shall be admitted in evidence against him before any administrative discharge board if such act or omission was wholly or in part the basis of any charge for which he was tried by a civil court or a court-martial and acquitted; or for which he was not acquitted or convicted but for which he cannot again be tried by reason of former jeopardy.

"§ 960. Opportunity to obtain witnesses and other evidence; depositions; right to present and examine evidence

"(a) An administrative discharge board and respondent shall have equal opportunity to obtain witnesses and other evidence in accordance with such regulations as the Secretary of Defense may prescribe. Process issued in board cases to compel witnesses to appear and testify and to compel the production of other evidence shall be similar to that which courts of the United States having criminal jurisdiction may lawfully issue and run to any part of the United States, territories, Commonwealths, and possessions.

"(b)(1) At any time after a respondent has been notified that he is to appear before an administrative discharge board, any party may take oral or written depositions unless the appointing authority forbids it for good cause.

"(2) The party at whose instance a deposition is to be taken shall give to every other party reasonable written notice of the time and place for taking the deposition.

"(3) The Secretary of Defense shall issue regulations governing the taking and use of depositions under this chapter. The regulations shall provide for the appointment where necessary of assistant counsel to represent a party in the taking of depositions.

"(c) Subject to the criteria contained in § 950(b)(1), the respondent shall have the right to submit to the board any sworn or unsworn statement, affidavit, certificate, or stipulation in his own behalf. He may, if he chooses, submit to examination by the board under oath. He and his counsel shall be given the opportunity to examine all witnesses called before the board and shall be permitted to examine all documents, papers, exhibits, and other evidence presented to the board.

"§ 961. Voting and rulings

"(a) The findings and recommendations of administrative discharge boards shall be by majority vote.

"(b) The legal adviser shall rule on the admissibility of evidence and on all interlocutory motions. Where no legal adviser has been detailed, the board shall rule on all interlocutory motions by majority vote.

"§ 962. Record of the board proceedings

"(a) A record of the proceedings before an administrative discharge board shall be kept. The record shall be authenticated in such manner as may be prescribed by the Secretary of Defense. A copy of the authenticated record shall be given the respondent.

"(b) An undesirable discharge may not be recommended unless a verbatim record is kept of all proceedings before the administrative discharge board by the reporter detailed to such board. A verbatim record shall be kept in any other case in which (1) the board determines that a verbatim record is necessary for a fair and impartial review of the board proceedings, (2) the discharge authority so orders, or (3) regulations of the Secretary of Defense require such action.

"§ 963. Action of discharge authority

"(a) In any case in which the administrative discharge board recommends that the respondent be discharged from the service, the appointing authority may—

"(1) approve the recommendations of the board if he determines that the findings and recommendations of the board are supported by a preponderance of the evidence in the record;

"(2) disapprove the recommendations of the board with respect to the type of discharge to be given the respondent and order a more favorable discharge if he determines that such action is warranted by the evidence in the record or in the interests of justice;

"(3) approve the board's recommendations for discharge but change the basis therefor if the record indicates such action would be appropriate, but he may not designate unfitness or misconduct as the basis of the discharge if the board has recommended discharge for unsuitability;

"(4) disapprove the recommendations of the board and appoint a new board to consider the case of the respondent if he determines that a legal error was committed prejudicial to the rights of the respondent or that the interests of justice would be served by such action, but he may not approve any finding or recommendation made by the new board which is less favorable to the respondent than the finding and recommendations made by the previous board if the evidence before the second, or subsequent, board is substantially the same as the evidence that was before the previous board;

"(5) disapprove the recommendations of the board and order that the respondent be retained in the service; or

"(6) approve the board's recommendation for discharge but suspend the execution of the discharge for such period of probation as he deems appropriate.

"(b) In any case in which an administrative discharge board recommends that the respondent be retained in the service, the appointing authority may not order discharge, and no new board may be appointed to consider the case of the respondent if the evidence before the second, or subsequent, board is substantially the same as the evidence before the previous board.

"(c) Notwithstanding subsection (b), in any case in which the findings and recommendations of an administrative board were based in whole or part on fraudulent information or evidence submitted by the respondent, the appointing authority may appoint a new board to consider the case of the respondent and the findings and recommendations of the subsequent board shall not be limited by the findings and recommendations of the previous board.

"(d) The Secretary of Defense shall provide by regulation the procedures for vacating the suspension of a discharge authorized under paragraph (6) of subsection (a) of this section.

§ 964. Type and character of administrative discharges; grounds for awarding

"(a) The type and character of administrative discharges shall be based solely on a member's military record during the current enlistment or term of service plus extensions and shall be determined according to the following standards:

"(1) The issuance of an honorable discharge will be conditioned upon proper military behavior and proficient performance of duty with due consideration for the member's age, length of service, grade, and general aptitude.

"(2) The issuance of a general discharge is appropriate when a member's military record is not sufficiently meritorious to warrant an honorable discharge as prescribed by the regulations of the military department concerned.

"(3) An undesirable discharge may be issued for misconduct, unfitness, or security reasons based on the approval of the recommendations of an administrative discharge board, or waiver of the right to board action, or resignation or request for discharge for the good of the service as provided in subsection 955 of this chapter.

"(b) A member discharged from the service on the grounds of unsuitability shall receive an honorable or general discharge. The type of discharge issued such member shall be based on his military record taking into consideration his mental and physical capabilities. A discharge for unsuitability may be given for the following reasons:

"(1) a pattern of conduct which indicates the serviceman does not possess the skill, aptitude, or adaptability necessary to perform his assigned tasks;

"(2) a pattern of conduct which indicates the serviceman is apathetic or has other defective attitudes which prevent his performing his assigned tasks;

"(3) a pattern of conduct which indicates the serviceman is addicted to or is a frequent user of harmful or habit-forming drugs or chemicals;

"(4) a pattern of conduct which indicates the serviceman suffers from chronic alcoholism which prevents him from performing his assigned tasks; and

"(5) a pattern of conduct which indicates the serviceman is a homosexual.

"(c) A member discharged from the service on the grounds of misconduct shall receive an undesirable discharge unless the circumstances in his case warrant a more favorable type of discharge. A discharge for misconduct may be given a member convicted by civil authorities for a crime, the penalty for which under chapter 47 of this title is one year imprisonment or more; or a crime for which a punitive discharge may be awarded by a court-martial under chapter

47 of this title. A discharge for misconduct may also be given if the member was adjudged a juvenile offender, wayward minor, or juvenile delinquent by civil authorities for a crime involving sexual perversion or narcotics, the penalty for which under chapter 47 of this title is one year imprisonment or more. A discharge for misconduct may also be given a member convicted by civil authorities for an offense not listed in chapter 47 of this title, the maximum penalties for which authorized by title 18, United States Code, or the District of Columbia Code, whichever is lesser, is one year imprisonment or more.

"(d) A discharge for misconduct may also be given for any unauthorized absence from jurisdiction of the armed force of one year or more, or for the procurement of a fraudulent enlistment, induction, or extension of a period of active duty through any deliberate material misrepresentation, omission, or concealment which if known by the appropriate authorities at the time of the procurement would have resulted in rejection of the member for service.

"(e) A member discharged from the service on the grounds of unfitness shall receive an undesirable discharge unless the circumstances warrant a more favorable type of discharge. A discharge for unfitness may be given a member for one or more of the following:

"(1) Frequent involvement of a discreditable nature with civil or armed force authorities. Evidence of such involvement shall be limited to convictions by civilian and military courts, non-judicial punishment, and written reprimands.

"(2) A pattern of conduct showing sexual perversion, which includes sodomy, indecent exposure, indecent acts with or assault upon a child, homosexual acts with unconsenting partners, and other lewd and lascivious acts.

"(3) An established pattern for shirking official duties and responsibilities.

"(4) An established pattern showing dishonorable failure to pay debts or to contribute adequate support to dependents, or failure to comply with orders, decrees, or judgment of a civil court concerning support of dependents.

"(f) A member discharged from the service on the grounds of security shall receive an undesirable discharge unless the circumstances warrant a more favorable type of discharge. A discharge for security reasons may be given a member when the retention of such member is not consistent with the interests of national security.

"(g) In any case in which an undesirable discharge is authorized under this chapter, a member may be awarded an honorable or general discharge, as appropriate, if during his current enlistment, period of obligated service, or any voluntary or involuntary extensions thereof, or period of prior service he has been awarded a personal decoration as defined by the armed force of which he is a member, or if otherwise warranted by the circumstances of his case.

"(h) No member may be discharged from the service for misconduct under subsection (c) of this section if an appeal of the conviction has been filed and such appeal is still pending. Notwithstanding the foregoing, in any case in which the discharge authority receives a written opinion from the Judge Advocate General of the armed force concerned stating that an appeal by any member is frivolous or without legal merit, the discharge authority may order the discharge of such member without waiting for final disposition of such appeal. If a member is discharged pursuant to the authority of the foregoing sentence and his conviction is reversed on appeal, or his case is returned for retrial and is not retired, or if any other action is taken on appeal which results in the member not having been legally convicted of a felony, he shall receive all pay, allowances, and other benefits, insofar as practicable, he would have received had he not been discharged. The Secretary concerned shall, in any case in which an undesirable discharge was issued, change such discharge to an honorable or general discharge, as warranted by the service record of the respondent; if a general discharge was issued the Secretary may change it to an honorable discharge if the service record of the respondent warrants such action.

"§ 965. Discharge for the convenience of the Government

"A member may be discharged from the armed forces for the convenience of the Government with an honorable or general discharge as warranted by his service record, for reasons other than those prescribed in this chapter, pursuant to regulations promulgated by the Secretary of Defense or as otherwise authorized by law.

"§ 966. Review of administrative discharge action

"(a) The Secretary of Defense shall provide by regulation for review of administrative discharge board proceedings and of discharge authority actions by legally-qualified personnel prior to discharge to determine that the procedures and actions of the board were consistent with the provisions of this chapter and with the regulations promulgated under it. In no case may the decision on review be less favorable than the action ordered by the discharge authority. The regulations shall provide that no discharge except an honorable discharge shall be issued until affirmed upon such review and, where so ordered in cases reviewed by it, the Court of Military Appeals.

"(b) The Court of Military Appeals shall prescribe by rule for the review prior to discharge under section 867(b)(4) of this title (article 67(b)), by the court of cases which raise novel and compelling issues of law. The rule shall specify the grounds upon which such a review may be obtained by the respondent or the armed force concerned and the time within which any such review must be requested. In no case may the decision by the Court of Military Appeals be less favorable than the action ordered by the discharge authority."

SEC. 3. (a) The table of chapters at the beginning of subtitle A (relating to general military law) of title 10, United States Code, is amended by inserting immediately below

"47. Uniform Code of Military Justice.. 801"

the following:

"48. Administrative Discharge Boards.. 941".

(b) The table of chapters at the beginning of part II of subtitle A of title 10, United States Code, is amended by inserting immediately below

"47. Uniform Code of Military Justice.. 801"

the following:

"48. Administrative Discharge Boards.. 941".

SEC. 4. (a) Subsection (b) of section 867 (article 67) of title 10, United States Code, is amended by—

(1) striking out "all cases" at the beginning of clauses (1), (2), and (3), and inserting in lieu thereof "all court-martial cases";

(2) striking out "and" at the end of clause (2);

(3) striking out the period at the end of clause (3) and inserting in lieu thereof a semicolon and the word "and"; and

(4) adding after clause (3) a new clause as follows:

"(4) such cases arising under chapter 48 of this title as are authorized for review pursuant to section 966(b) of such chapter and with respect to which (A) respondents have petitioned the Court of Military Appeals for review and on good cause shown such court has granted a review, or (B) the armed force concerned has ordered sent to such court for review."

(b) Subsection (d) of such section is amended by (1) striking out the word "case" in the first, second, and third sentences and inserting in lieu thereof "court-martial case" and (2) inserting after the third sentence thereof the following new sentence: "In any case referred to in subsection (b)(4) of this section which is reviewed upon petition of a respondent, the court shall take action only with respect to issues of law, and in any such case ordered sent to the court for review by the armed force concerned, the court shall take action only with respect to the issues of law raised by the armed force."

(c) The first sentence of subsection (e) of such section is amended by striking out "sentence" and inserting in lieu thereof "sentence of a court-martial case".

(d) The first sentence of subsection (f) of such section is amended by striking out "case" and inserting in lieu thereof "court-martial case".

(e) Such section is further amended by redesignating subsection (g) as subsection "(h)" and adding after subsection (f) the following new subsection:

"(g) After it has acted on any case referred to in subsection (b)(4) of this section, the Court of Military Appeals may return the record to any reviewing officer or body designated under section 966(a) of this title to review cases arising under chapter 48 of this title for further consideration or action in accordance with the decision of the court, or may, in any case appealed by a respondent, return the record to such officer or body designated under such section 966(a) or directly to the appropriate discharge authority for further consideration or action in accordance with the decision of the court."

SEC. 5. (a) Subsection (c) of section 870 (article 70) of title 10, United States Code, is amended by inserting "in a court-martial case" immediately after "shall represent the accused".

(b) Subsection (d) of such section is amended by inserting "in a court-martial case" immediately after "The accused".

(c) Such section is further amended by adding at the end thereof the following new subsections:

"(f) Appellate counsel shall represent before the Court of Military Appeals a respondent whose case is before the court pursuant to the provisions of section 867(b)(4) of this title (article 67(b)(4))—

"(1) when he is requested to do so by the respondent;

"(2) when the armed force concerned is represented by counsel;

"(3) when the armed force concerned has sent the case to the Court of Military Appeals.

A respondent has the right to be represented before the Court of Military Appeals by civilian counsel if provided by him.

"(g) The armed force concerned may be represented by counsel before the Court of Military Appeals in any case reviewed by such court pursuant to section 867(b)(4) of this title (article 67(b)(4))."

SEC. 6. Section 801 (article 1) of title 10, United States Code, is amended by adding at the end thereof a new paragraph as follows:

"(13) 'Respondent' means a member of the armed forces against whom administrative discharge proceedings have been initiated under chapter 48 of this title."

SEC. 7. (a) Subsection (a) of section 266 of title 10, United States Code, is amended by striking out "Each" and inserting in lieu thereof "Subject to the provisions of chapter 48 of this title, each".

(b) Subsection (b) of such section is amended by striking out "Each" and inserting in lieu thereof "Subject to the provisions of chapter 48 of this title, each".

SEC. 8. (a) Section 1161 of title 10, United

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States Code, is amended by adding at the end thereof a new subsection as follows:

"(c) No commissioned officer may be discharged under the authority of section 3814, 3818, 6392, 6393, 8814, 8817, or 8818 of this title or under section 321 of title 14, United States Code, for misconduct, unfitness, or security (as described in chapter 48 of this title) or discharged under conditions other than honorable except pursuant to the provisions of chapter 48 of this title."

(b) The catchline of section 1161 of such title is amended to read as follows:

"§ 1161. Commissioned officers: limitations on dismissal and discharge".

(c) The table of sections at the beginning of chapter 59 of such title is amended by striking out

"1161. Commissioned officers: limitations on dismissal."

and inserting in lieu thereof

"1161. Commissioned officers: limitations on dismissal and discharge."

SEC. 9. Section 1162(a) of title 10, United States Code, is amended to read as follows:

"(a) Subject to the provisions of chapter 48 and other provisions of this title, Reserve commissioned officers may be discharged at the pleasure of the President. Subject to the provisions of chapter 48 of this title, other Reserves may be discharged under regulations prescribed by the Secretary concerned."

SEC. 10. (a) The first sentence of subsection (a) of section 1163 of title 10, United States Code, is amended by striking out "An" and inserting in lieu thereof "Subject to the provisions of chapter 48 of this title, an".

(b) Paragraphs (1) and (2) of subsection (c) of such section are amended to read as follows:

"(1) he is discharged under conditions other than honorable pursuant to an approved sentence of a court-martial or pursuant to the approved findings and recommendations of an administrative discharge board appointed under chapter 48 of this title; or

"(2) he consents to a discharge under conditions other than honorable with a waiver of proceedings of a court-martial or an administrative discharge board (as provided in chapter 48 of this title), as the case may be."

SEC. 11. Section 1165 of title 10, United States Code, is amended by adding at the end thereof a new sentence as follows: "No warrant officer may be discharged under the authority of this section or section 1166 of this title for misconduct, unfitness, or security (as described in chapter 48 of this title) or discharged under conditions other than honorable except pursuant to the provisions of chapter 48 of this title."

SEC. 12. Section 1166 of title 10, United States Code, is amended by adding at the end thereof a new sentence as follows: "The burden of justifying the separation for cause of any permanent Regular warrant officer shall be on the armed force of which he is a member."

SEC. 13. (a) Sections 3781, 3782, and 3783 of title 10, United States Code, are amended to read as follows:

"§ 3781. Selection boards: composition; duties

"The Secretary of the Army may at any time convene a board of officers to review the record of any commissioned officer on the active list of the Regular Army to determine whether he should, because the performance of his duty has fallen below standards prescribed by the Secretary, be removed from the active list.

"§ 3782. Boards of inquiry: composition duties

"(a) Boards of inquiry, each composed of three or more officers, shall be convened at such places as the Secretary of the Army may prescribe, to receive evidence and make findings and recommendations with respect to whether an officer shall be removed from the active list of the Regular Army whenever such action has been recommended by a board of officers pursuant to section 3781 of this title.

"(b) If the board of inquiry determines that there was sufficient evidence before the board of officers convened under section 3781 of this title to support a recommendation that the officer be removed from the active list, the board of inquiry shall conduct a fair and impartial hearing to determine whether the officer should be removed from the active list.

"(c) If a board of inquiry determines that the officer should not be retained on the active list, it shall send the record of its proceedings to a board of review.

"(d) If a board of inquiry determines that the officer should be retained on the active list, his case is closed. However, at any time after one year from the date of that determination, his case may again be considered under section 3781 of this title.

"§ 3783. Boards of review: composition; duties

"(a) Boards of review, each composed of three or more officers, shall be convened by the Secretary of the Army, at such times as he may prescribe, to review the records of cases of officers recommended by boards of inquiry for removal from the active list of the Regular Army under section 3782 of this title.

"(b) If, after reviewing the record of the case, a board of review determines that the evidence before the board of inquiry was sufficient to justify a recommendation of the officer's removal from the active list, it shall send its recommendations to the Secretary for his action.

"(c) If, after reviewing the record of the case, a board of review determines that the evidence before the board of inquiry was insufficient to justify a recommendation of the removal of such officer from the active list, his case is closed. However, at any time after one year from the date of that determination, his case may again be considered under section 3781 of this title."

(b) Section 3785 of title 10, United States Code, is amended—

(1) by striking out "Each" and inserting in lieu thereof "(a) Each";

(2) by striking out clause (1) and inserting in lieu thereof the following:

"(1) notified in writing, at least thirty days before the hearing of his case by a board of inquiry, that a hearing will be held to determine whether he should be removed from the active list;"; and

(3) by adding at the end thereof the following new subsections:

"(b) In addition to the rights and procedures prescribed in subsection (a) of this section, all rights and procedures prescribed in chapter 48 of this title (relating to administrative discharge boards) shall be applicable to boards of inquiry convened under section 3782 of this section.

"(c) The burden of justifying the removal for cause of any officer from the active list of the Regular Army shall be on the Department of the Army."

SEC. 14. (a) Sections 3791, 3792, and 3793 of title 10, United States Code, are amended to read as follows:

"§ 3791. Selection boards: composition; duties

"The Secretary of the Army may at any time convene a board of general officers to review the record of any commissioned officer on the active list of the Regular Army to SEC. 6. Section 801 (article 1) of title 10, United determine whether he should, because of moral dereliction, professional dereliction, or because his retention is not clearly consistent with the interests of national security, be removed from the active list.

"§ 3792. Boards of inquiry: composition; duties

"(a) Boards of inquiry, each composed of three or more general officers, shall be convened at such places as the Secretary of the Army may prescribe, to receive evidence and make findings and recommendations with respect to whether an officer shall be removed from the active list of the Regular Army whenever such action has been recommended by a board of officers pursuant to section 3791 of this title.

"(b) If the board of inquiry determines that there was sufficient evidence before the board of officers convened under section 3791 of this title to support a recommendation that the officer be removed from the active list, the board of inquiry shall conduct a fair and impartial hearing to determine whether the officer should be removed from the active list.

"(c) If a board of inquiry determines that the officer should not be retained on the active list, it shall send the record of its proceedings to a board of review.

"(d) If a board of inquiry determines that the officer should be retained on the active list, his case is closed. However, at any time after one year from the date of that determination, his case may again be considered under section 3791 of this title.

"§ 3793. Boards of review: composition; duties

"(a) Boards of review, each composed of three or more general officers, shall be convened by the Secretary of the Army, at such times as he may prescribe, to review the records of cases of officers recommended by boards of inqury for removal from the active list of the Regular Army under section 3792 of this title.

"(b) If, after receiving the record of the case, a board of review determines that the evidence before the board of inquiry was sufficient to justify a recommendation of the officer's removal from the active list, it shall send its recommendations to the Secretary for his action.

"(c) If, after reviewing the record of the case, a board of review determines that the evidence before the board of inquiry was insufficient to justify a recommendation of the removal of such officer from the active list, his case is closed. However, at any time after one year from that date of that determination, his case may again be considered under section 3791 of this title."

(b) Section 3705 of title 10, United States Code, is amended—

(1) by striking out "Each" and inserting in lieu thereof "(a) Each";

(2) by striking out clause (1) and inserting in lieu thereof the following:

"(1) notified in writing, at least thirty days before the hearing of his case by a board of inquiry, that a hearing will be held to determine whether he should be removed from the active list;"; and

(3) by adding at the end thereof the following new subsections:

"(b) In addition to the rights and procedures prescribed in subsection (a) of this section, all rights and procedures prescribed in chapter 48 of this title (relating to administrative discharge boards) shall be applicable to boards of inquiry convened under section 3792 of this section.

"(c) The burden of justifying the removal for cause of any officer from the active list of the Regular Army shall be on the Department of the Army."

SEC. 15. Clause (1) of section 3811(b) of title 10, United States Code, is amended to read as follows:

"(1) as provided in chapter 48 of this title;".

SEC. 16. Section 5864 of title 10, United States Code, is amended by adding at the end

thereof the following: "However, no officer may be discharged under authority of this section unless the board proceedings conducted under section 5862 of this title were conducted in accordance with the procedural requirements prescribed in chapter 48 of this title."

SEC. 17. (a) The first sentence of section 6407 of title 10, United States Code, is amended by striking out "Each" and inserting in lieu thereof "(a) Each".

(b) Such section 6407 is further amended by adding at the end thereof a new subsection as follows:

"(b) No officer shall be removed from the active list of the Navy or Marine Corps for reasons of misconduct, unfitness, or security pursuant to the action of a selection board convened under chapter 543 of this title unless the proceedings were conducted in accordance with the procedural requirements prescribed in chapter 48 of this title."

(c) The catchline of such section 6407 is amended to read as follows:

"§ 6407. Communication with selection board; justifying removal from active list"

(d) The table of sections at the beginning of chapter 573 of title 10, United States Code, is amended by striking out—

"6407. Communication with selection board."

and inserting in lieu thereof

"6407. Communication with selection board; justifying removal from active list."

SEC. 18. (a) Sections 8781, 8782, and 8783 of title 10, United States Code, are amended to read as follows:

"§ 8781. Selection boards: composition; duties

"The Secretary of the Air Force may at any time convene a board of officers to review the record of any commissioned officer on the active list of the Regular Air Force to determine whether he should, because the performance of his duty has fallen below standards prescribed by the Secretary, be removed from the active list.

"§ 8792. Boards of inquiry: composition; duties

"(a) Boards of inquiry, each composed of three or more officers, shall be convened at such places as the Secretary of the Air Force may prescribe, to receive evidence and make findings and recommendations with respect to whether an officer shall be removed from the active list of the Regular Air Force whenever such action has been recommended by a board of officers pursuant to section 8781 of this title.

"(b) If the board of inquiry determines that there was sufficient evidence before the board of officers convened under section 8781 of this title to support a recommendation that the officer be removed from the active list, the board of inquiry shall conduct a fair and impartial hearing to determine whether the officer should be removed from the active list.

"(c) If a board of inquiry determines that the officer should not be retained on the active list, it shall send the record of its proceedings to a board of review.

"(d) If a board of inquiry determines that the officer should be retained on the active list, his case is closed. However, at any time after one year from the date of that determination, his case may again be considered under section 8781 of this title.

"§ 8783. Boards of review: composition; duties

"(a) Boards of review, each composed of three or more officers, shall be convened by the Secretary of the Air Force, at such times as he may prescribe, to review the records of cases of officers recommended by boards of inquiry for removal from the active list of the Regular Air Force under section 8782 of this title.

"(b) If, after reviewing the record of the case, a board of review determines that the evidence before the board of inquiry was sufficient to justify a recommendation of the officer's removal from the active list, it shall send its recommendations to the Secretary for this action.

"(c) If, after reviewing the record of the case, a board of review determines that the evidence before the board of inquiry was insufficient to justify a recommendation of the removal of such officer from the active list, his case is closed. However, at any time after one year from the date of that determination, his case may again be considered under section 8781 of this title."

(b) Section 8785 of title 10, United States Code, is amended—

(1) by striking out "Each" and inserting in lieu thereof "(a) Each";

(2) by striking out clause (1) and inserting in lieu thereof the following:

"(1) notified in writing, at least thirty days before the hearing of his case by a board of inquiry, that a hearing will be held to determine whether he should be removed from the active list;"; and

(3) by adding at the end thereof the following new subsections:

"(b) In addition to the rights and procedures prescribed in subsection (a) of this section, all rights and procedures prescribed in chapter 48 of this title (relating to administrative discharge boards) shall be applicable to boards of inquiry convened under section 8792 of this section.

"(c) The burden of justifying the removal for cause of any officer from the active list of the Regular Air Force shall be on the Department of the Air Force."

SEC. 19. (a) Sections 8791, 8792, and 8793 of title 10, United States Code, are amended to read as follows:

"§ 8791. Selection boards: composition; duties

"The Secretary of the Air Force may at any time convene a board of general officers to review the record of any commissioned officer on the active list of the Regular Air Force to determine whether he should, because of moral dereliction, professional dereliction, or because his retention is not clearly consistent with the interests of national security, be removed from the active list.

"§ 8792. Boards of inquiry: composition; duties

"(a) Boards of inquiry, each composed of three or more general officers, shall be convened at such places as the Secretary of the Air Force may prescribe, to receive evidence and make findings and recommendations with respect to whether an officer shall be removed from the active list of the Regular Air Force whenever such action has been recommended by a board of officers pursuant to section 8791 of this title.

"(b) If the board of inquiry determines that there was sufficient evidence before the board of officers convened under section 8791 of this title to support a recommendation that the officer be removed from the active list, the board of inquiry shall conduct a fair and impartial hearing to determine whether the officer should be removed from the active list.

"(c) If a board of inquiry determines that the officer should not be retained on the active list, it shall send the record of its proceedings to a board of review.

"(d) If a board of inquiry determines that the officer should be retained on the active list, his case is closed. However, at any time after one year from the date of that determination, his case may again be considered under section 8791 of this title.

"§ 8793. Boards of review: composition; duties

"(a) Boards of review, each composed of three or more general officers, shall be convened by the Secretary of the Air Force at such times as he may prescribe, to review the records of cases of officers recommended by boards of inquiry for removal from the active list of the Regular Air Force under section 8792 of this title.

"(b) If, after reviewing the record of the case, a board of review determines that the evidence before the board of inquiry was sufficient to justify a recommendation of the officer's removal from the active list, it shall send its recommendations to the Secretary for his action.

"(c) If, after reviewing the record of the case, a board of review determines that the evidence before the board of inquiry was insufficient to justify a recommendation of the removal of such officer from the active list, his case is closed. However, at any time after one year from the date of that determination, his case may again be considered under section 8971 of this title."

(b) Section 8795 of title 10, United States Code, is amended—

(1) by striking out "Each" and inserting in lieu thereof "(a) Each";

(2) by striking out clause (1) and inserting in lieu thereof the following:

"(1) notified in writing, at least thirty days before the hearing of his case by a board of inquiry, that a hearing will be held to determine whether he should be removed from the active list;"; and

(3) by adding at the end thereof the following new subsections:

"(b) In addition to the rights and procedures prescribed in subsection (a) of this section, all rights and procedures prescribed in chapter 48 of this title (relating to administrative discharge boards) shall be applicable to boards of inquiry convened under section 8792 of this section.

"(c) The burden of justifying the removal for cause of any officer from the active list of the Regular Air Force shall be on the Department of the Air Force."

SEC. 20. Clause (1) of section 8811(b) of title 10, United States Code, is amended to read as follows:

"(1) as provided in chapter 48 of this title;".

SEC. 21. (a) Sections 321, 322, and 323 of title 14, United States Code, are amended to read as follows:

"§ 321. Review of records of officers

"The Secretary may at any time convene a board of officers to review the record of any officer of the Regular Coast Guard to determine whether such officer should be removed from active duty—

"(1) because his performance of duty has fallen below the standards prescribed by the Secretary, or

"(2) because of moral dereliction, professional dereliction, or because his retention on active duty is not clearly consistent with the interests of national security.

"§ 322. Boards of inquiry

"(a) Boards of inquiry shall be convened at such places as the Secretary may prescribe to receive evidence and make findings and recommendations with respect to whether an officer shall be removed from active duty whenever such action has been recommended by a board of officers pursuant to section 321 of this title.

"(b) If the board of inquiry determines that there was sufficient evidence before the board of officers convened under section 321 of this title to support a recommendation that the officer be removed from active duty, the board of inquiry shall conduct a fair and impartial hearing to determine whether the officer should be removed from active duty.

"(c) If a board of inquiry determines that the officer should be removed from active duty, it shall send the record of its proceedings to a board of review.

"(d) If a board of inquiry determines that the officer should be retained on active duty,

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his case is closed. However, at any time after one year from the date of the determination in a case arising under section 321, an officer may again be considered for removal from active duty.

"§ 323. Boards of review

"(a) Boards of review shall be convened at such times as the Secretary may prescribe to review the records of cases of officers recommended by boards of inquiry for removal from active duty.

"(b) If, after reviewing the record of the case, a board of review determines that the evidence before the board of inquiry was sufficient to justify a recommendation of the officer's removal, it shall send its recommendations to the Secretary for his action.

"(c) If, after reviewing the record of the case, a board of review determines that the evidence before the board of inquiry was insufficient to justify a recommendation of the removal of such officer, his case is closed. However, at any time after one year from the date of the determination in a case arising under section 321, an officer may again be considered for removal from active duty."

(b) Section 325 of title 14, United States Code, is amended—

(1) by striking out "Each" and inserting in lieu thereof "(a) Each";

(2) by striking out clause (1) and inserting in lieu thereof the following:

"(1) notified in writing, at least thirty days before the hearing of his case by a board of inquiry, that a hearing will be held to determine whether he should be removed from active duty."; and (3) by adding at the end thereof the following new subsections:

"(b) In addition to the rights and procedures prescribed in subsection (a) of this section, all rights and procedures prescribed in chapter 48 of title 10, United States Code (relating to administrative discharge boards), shall be applicable to boards of inquiry convened under section 322 of this title.

"(c) The burden of justifying the removal for cause of any officer from active duty in the Regular Coast Guard shall be on the Coast Guard."

SEC. 22. The amendments made by this Act shall become effective on the first day of the sixth calendar month following the month in which it is enacted.

SECTIONAL ANALYSIS

Section 1 provides that the Act may be cited as "The Military Administrative Discharge Procedure Act of 1973."

Section 2 adds a new chapter 48, title 10, United States Code, prescribing the minimum procedural due process applicable in administrative discharge boards considering discharges under conditions other than honorable. Chapter 48 consists of 25 sections as follows:

Section 941 contains the definitions applicable for chapter 48.

Section 942 makes chapter 48 applicable to all members of the armed forces whether in active status or serving in the reserve forces.

Section 943 provides that no member may be discharged under conditions other than honorable except for reasons of misconduct, unfitness, or security. It also provides that discharges for such reasons and for reason of unsuitability must be given in accordance with the procedures set forth in the chapter. It further provides that except as provided in the chapter, no administrative discharge will be awarded by reason of conduct otherwise punishable under the Uniform Code of Military Justice.

Section 944 defines the administrative discharge board as a factfinding body consisting of three or more officers whose duty it is to conduct a fair and impartial hearing, receive evidence, find facts based upon a preponderance of the evidence, and recommend on the basis of the evidence and the facts found, whether a member should be retained or discharged from the armed forces. The board is also to recommend the type of discharge and to specify reasons for its recommendations.

Section 945 authorizes the President, the Secretary of each service and officers designated by them as appointing authorities. Members of the board are required to be officers of mature judgment and temperament. Officers who have participated in previous hearings at which the member was a respondent may not be members.

Section 946 provides that the appointing authority shall detail a legal adviser to any administrative discharge board which he appoints, except where military exigencies do not permit. When no legal adviser is appointed, the appointing authority will submit a written explanation of his failure to do so, which shall be made a part of the board's record. The legal adviser shall be a lawyer qualified under the Uniform Code of Military Justice.

Section 947 requires the appointment of legally qualified counsel for the respondent. The member may have military counsel of his own choice if reasonably available and may also retain civilian counsel at his own expense.

Section 948 authorizes the appointment of a non-voting recorder to present evidence to the board.

Section 949 provides for the appointment of reporters to record the proceedings and testimony presented at the hearing.

Section 950 authorizes the Secretary of Defense to prescribe rules and regulations for implementing chapter 48. The Secretary of Transportation is similarly authorized to prescribe rules for the Coast Guard when it is not operating as a service in the Navy. The section states that the procedural safeguards established in subsection (b) are to be considered minimums and that the Secretary may grant additional procedural safeguards to respondents. The rules are to be as uniform as possible and are to be reported to the Congress.

Section 951 parallels section 827 of title 10 (article 37 of the Uniform Code of Military Justice) in prohibiting improper interference with the independence and impartiality of discharge boards, courts of inquiry and military commissions.

Subsection (a) prohibits any reprimand of a board because of the findings or recommendations arrived at in a case. General instructions relating to the duties and responsibilites of board members are permitted.

Subsection (b) prohibits coercion or improper influencing of boards with a view to affecting the impartiality of the proceedings.

Subsection (c) makes violation of this section punishable as a court-martial offense.

Subsection (d) prohibits the evaluation of a member's performance as a board member for purposes of promotion or assignment. Also, the zeal with which counsel represents a respondent may not be regarded as an adverse factor for promotion or assignment.

Section 952 requires that 15 days notice be given to a member against whom administrative discharge proceedings have been initiated. The notice must inform him of his rights to have legal counsel to present evidence and cross-examine adverse witnesses, and to remain silent if he chooses. The notice must also inform him of the nature of the action contemplated, the charges and evidence against him, the names of prospective government witnesses, the applicable regulations, and the possible consequences of the proceedings.

Section 953 requires that the parents of respondents less than 21 years old must be notified of the initiation of discharge action. Such notice is also to be sent when the respondent is over 21 but is considered unable to appreciate the nature of the action being taken.

Section 954 requires that counsel be sent copies of all notices and other information sent to the respondent.

Section 955(a) provides that a written waiver of the right to a board may be made only after consultation with counsel. The waiver is not valid if made within 24 hours of notice under section 952. The appointing authority may also reject a waiver if he determines that it was improvidently made.

Subsection (b) permits the appointing authority to deem a waiver of a board hearing to have been made if a respondent in civil confinement or absent without official leave fails to respond within 30 days of notice.

Subsection (c) provides that any respondent who waives his right to a hearing before a discharge board, as provided for in subsection (a), shall receive a discharge for the good of the service. Such discharge shall be characterized in accordance with the provisions of section 964.

Section 956 requires that all proceedings of the board be recorded and that, except when the board deliberates or votes, they occur in the presence of counsel, the respondent, and the legal advisor if one has been detailed. Only the voting members of the board may be present when the board deliberates or votes. The board may hear the case in absentia only if the respondent is represented by qualified counsel.

Section 957 provides for challenges to board members only for cause. Challenges are to be determined by the legal adviser. If none has been appointed, the challenge will be decided by a majority vote of the board members, with the challenged member not voting.

Section 958 requires members of the board, counsel and reporter to take an oath to perform their duties faithfully. Witnesses are examined under oath.

Section 959 prohibits the admission into evidence of acts occurring prior to the respondent's becoming a member of the armed forces and those which took place more than three years prior to the convening of the board, or more than three years prior to the current enlistment or tour of active duty of the respondent, whichever is longer. However, evidence of fraud or misrepresentation affecting the current enlistment is admissible if the service could not have discovered the misrepresentation or fraud.

Section 960(a) grants equal rights to the respondent to obtain witnesses and evidence under regulations prescribed by the Secretary of Defense. Subpena power is authorized.

Subsection (b) permits the taking of depositions upon reasonable notice unless forbidden upon good cause. The Secretary of Defense is to issue regulations governing the taking of depositions.

Subsection (c) grants the respondent the right to submit any sworn or unsworn statement in his own defense and to submit to examination under oath if he chooses. Cross-examination of all witnesses and examination of all documents and other evidence submitted is permitted respondent and counsel.

Section 961 provides that all findings and recommendations of the board shall be decided by majority vote. The legal adviser shall rule on the admissibility of evidence and all interlocutory motions. Where no legal adviser has been appointed, such decisions shall be made by a majority vote of the board.

Section 962 requires that a record be kept of all proceedings and that a copy be presented to the respondent. The record must be verbatim in cases of undesirable discharges and in all other cases where ordered by the appointing authority, required by regulations, or where required for a fair and impartial review of the board proceedings.

Section 963(a) authorizes the appointing authority to approve the findings of the board if he determines that they are supported by a preponderance of the evidence

in the record. He may disapprove the discharge recommended and issue a higher type of discharge or order a new hearing if he determines the existence of error prejudicial to the respondent, or in the interests of justice. He may not approve findings or recommendations of the new board less favorable to the respondent if the evidence presented is substantially the same as that presented in the earlier hearing. The authority may also retain the member or suspend the execution of a discharge. The basis for the discharge may be changed, but no discharge recommended on the grounds of unsuitability may be changed to the grounds of unfitness or misconduct.

Subsection (b) provides that when a board recommends the retention of the respondent, the case is closed, and no subsequent board may again consider the charges if the evidence presented is substantially the same as that presented earlier.

Subsection (c) permits a subsequent board unlimited by previous findings or recommendations only if fraudulent evidence submitted by the respondent formed the basis in whole or in part for the findings of the first board.

Section 964(a) prescribes the standards for the types of discharges permitted.

Subsection (b) provides that a member may be discharged for unsuitability with either an honorable or general discharge. It furthermore specifies the grounds upon which such a discharge will be based.

Subsection (c) authorizes an undesirable discharge on the grounds of misconduct after a civil conviction for a crime where State law authorizes imprisonment for one year or more; after conviction of a crime classified as a felony under title 18, United States Code, or the District of Columbia Code, or for which the Uniform Code of Military Justice authorizes the award of a punitive discharge; or after conviction of a crime of sexual perversion for which the respondent was adjudicated a juvenile offender.

Subsection (d) authorizes a discharge for misconduct for unauthorized absence of more than one year or for fraud or misrepresentation at the time of enlistment which if known at the time would have resulted in the rejection of the member by the service.

Subsection (e) authorizes an undesirable discharge on the grounds of unfitness based upon frequent involvement with authorities, a pattern of conduct showing sexual perversion, a pattern of shirking duties, or a pattern of dishonorable failure to pay debts.

Subsection (f) authorizes an undesirable discharge on the grounds of security.

Subsection (g) permits the issuance of a discharge other than undesirable in cases where the respondent has received a personal decoration by his service, or where otherwise warranted by the facts of the case.

Subsection (h) prohibits the execution of a discharge for misconduct for civil conviction if an appeal is still pending unless the Judge Advocate General of the service certifies that the appeal is frivolous or without merit. If a discharge is executed prior to the final disposition of the appeal and the latter results in the member not having been legally convicted of a felony, he must receive all pay and benefits he would have received if he was not so discharged. An undesirable discharge so issued shall be changed to a general or honorable discharge, and a general discharge may be changed to an honorable discharge if warranted by the individual's record.

Section 965 authorizes honorable or general discharges based upon grounds other than those prescribed in this chapter, as prescribed by law or provided in regulations issued by the Secretary of Defense.

Section 966 authorizes the Secretary of Defense to issue regulations providing for the review of discharge actions by legally-qualified personnel to determine that all proceedings were fair and impartial and that they were conducted consistent with the provisions of the chapter. No decision on review may be less favorable than the action ordered by the discharge authority. Review by the Court of Military Appeals may be obtained. No decision upon review by the Court may be less favorable than the action ordered by the discharge authority.

Section 3 conforms the table of chapters of subtitle A, title 10, United States Code to the changes made by the addition of chapter 48.

Section 4(a) amends section 867 of title 10 to provide for review by the Court of Military Appeals of cases in which petition for review is made under section 966(b).

Subsection (b) limits review of such cases to issues of law specified in the grant of review or raised by the armed force.

Subsection (c) specifies that cases reviewed by the Court of Military Appeals are to be returned to the reviewing authority specified by section 966(a) for further consideration or action in accordance with the decision of the court.

The other subsections of section 4 make technical changes in accordance with these provisions.

Section 5 provides for the amendment of section 867(b)(4) to authorize the representation by appellate military counsel of respondents whose cases are before the Court of Military Appeals.

Section 6 adds the definition of "respondent" to section 801.

Section 7 makes section 266 of title 10, relating to the composition of boards for appointment, promotion, demotion and involuntary release of Reserves, subject to the provisions of chapter 48.

Section 8 amends section 1161 of title 10, relating to dismissals of commissioned officers, to provide that no commissioned officer may be discharged for reasons of misconduct, unfitness, or security under conditions other than honorable, except pursuant to chapter 48.

Sections 9–11 amend sections 1161–1165 of title 10 to make discharges under those provisions subject to provisions of chapter 48.

Section 12 amends section 1166 of title 10 to require that in actions considering the separation of regular warrant officers the burden of justifying the separation is on the government.

Section 13 amends sections 3781, 3782, 3783 and 3785 of title 10 to require that in the proceedings of selection boards, boards of inquiry, and boards of review considering the removal of regular commissioned officers because of substandard performance of duty, the burden of justifying the removal is on the government. All rights and procedures set forth in chapter 48 govern those proceedings.

Sections 14–15 make similar changes with respect to such boards considering the removal of general officers.

Sections 16–20 make similar changes in the sections of title 10 concerning analogous proceedings in the Navy, Marine Corps, and the Air Force.

Section 21 amends sections 321–323, and 325 of title 14, United States Code, to make similar changes in analogous proceedings in the Coast Guard.

Section 22 provides that the amendments made by the Act are to be effective on the first day of the sixth calendar month following the month in which it is enacted.

By Mr. HUMPHREY:

S.J. Res. 169. A joint resolution to provide for a feasibility study and to accept a gift from the U.S. Capitol Historical Society. Referred to the Committee on Public Works.

Mr. HUMPHREY. Mr. President, I am introducing today a joint resolution which would provide for the authorization of a feasibility study to determine the desirability of installing within the U.S. Capitol grounds all items of equipment and other facilities required for a sound and light performance. The study would be paid for by the U.S. Capitol Historical Society, and reviewed by the Architect of the Capitol.

A companion resolution has been introduced in the U.S. House of Representatives, sponsored by Congressmen O'NEILL, GERALD FORD, MCFALL, ANDERSON of Illinois, PICKLE, STEPHENS and PETTIS. The resolution was referred to the Committee on Public Works and hearings have been scheduled for November 14.

Mr. President, towns, cities, counties, and States throughout the country are planning activities to commemorate the country's 200th anniversary. A sound and light show as described in this resolution would be a fitting way of having the U.S. Capitol participate in the celebration. The show would be seen by many thousands of people who will visit Washington during the 1976 Bicentennial celebration.

I ask unanimous consent that the resolution be printed at this point in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 169

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the United States Capitol Historical Society is authorized, under direction of the Architect of the Capitol, to prepare a feasibility study to determine the desirability of installing within the United States Capitol Grounds, at the east front of the United States Capitol, all items of equipment and other facilities required for a sound and light performance, consisting of an interplay of light, music, narrative, and sound effects (without the use of live actors), which, when projected onto the imposing facade of the east front of the United States Capitol, will re-create the evolution of American history, based on a foundation of thorough historical research, subject to the following conditions:

(1) Such study and all expenditures connected therewith will be borne by the United States Capitol Historical Society.

(2) Upon completion of such study, the United States Capitol Historical Society, at its expense, will furnish the Architect of the Capitol a report detailing the results of such study, installations and programs proposed, and estimates of cost required to implement such project without expense to the United States, including maintenance and operating expenses.

(3) The project may not be implemented, beyond the report stage, except as provided in Section 2 hereof.

SEC. 2. The Architect of the Capitol shall review such report and submit the same, with his recommendations, to the Speaker and majority and minority leaders of the House of Representatives and to the majority and minority leaders of the Senate.

If the project, as presented, with or without modifications, meets with the approval of such House and Senate officials, the Architect of the Capitol, notwithstanding any other provision of law, is authorized after such approval—

(1) To accept in the name of the United States from the United States Capitol Historical Society, as a gift, such sum or sums

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as may be required to further implement such project, and such sum or sums when received, shall be credited as an addition to the appropriation account "Capitol Buildings, Architect of the Capitol".

(2) Subject to Section 3 hereof, to expend such sum or sums for all items of equipment and other facilities required for the sound and light performance, and for any other items in connection therewith.

Sec. 3. The Architect of the Capitol, under the direction of the House and Senate officials designated in Section 2 hereof, is authorized to enter into contracts and to incur such other obligations and make such expenditures as may be necessary to carry out the provisions of said Section 2.

Sec. 4. Sums received under this joint resolution, when credited as an addition to the appropriation account "Capitol Buildings, Architect of the Capitol", shall be available for expenditure and shall remain available until expended. Following completion of the installation, such sums may thereafter be used by the Architect of the Capitol, in whole or part, to defray any expenses which he may incur for maintenance and operation.

By Mr. HUMPHREY:

S.J. Res. 170. A joint resolution to amend the Export Administration Act of 1969 to protect the domestic economy from the excessive drain of scarce commodities; to continue food commitments to needy nations in times of short supply; to reduce the serious inflationary impact of abnormal foreign demand; and to authorize a validated export licensing system. Referred to the Committee on Banking, Housing and Urban Affairs.

EXPORT CONTROL AMENDMENTS

Mr. HUMPHREY. Mr. President, today I am introducing a series of amendments to the Export Administration Act of 1969, as amended, which I believe are both urgently needed and which address some of the more important shortcomings, in my judgment, of existing law.

While I believe the entire act of 1969 needs review and revision, I do not believe now is the best time for that type of comprehensive review and change. Rather, I believe that certain limited changes should be made in the act now, and that Congress should hold off on other changes until early next year when renewal of the entire act will have to be considered.

The joint resolution I am introducing would provide for the following: First, it would partially relax present tight requirements for imposing export controls, as it relates to agricultural commodities only. It would not change current requirements of existing laws relating to nonagricultural commodities, articles, or goods. In the case of agricultural commodities, my bill would provide that either "abnormal foreign demand" or "domestic inflationary pressure" plus evidence of "shortages within the United States, as certified by the Secretary of Agriculture" would be required evidence before the executive branch could impose any type of export controls involving the actual curtailment of such exports.

Presently, all three elements—abnormal foreign demand, domestic inflationary pressure, and domestic shortages as certified to by the Secretary of Agriculture—must simultaneously be present before any type of export control action can be taken regarding agricultural commodities, whether such action be limited to initiation of a 100-percent export licensing system or extended to a 100-percent embargo.

In my judgment, requiring that all of these elements be present before any export control action can be taken is too stringent. Such a requirement unduly ties the hands of the Executive in taking such action in a timely manner when needed. It forces the Executive to wait too long before any meaningful action can be taken to protect American consumers and users in times of sharp drawdowns in U.S. supplies made available for export.

While I am very much opposed to placing any limits on what we export from the United States as a matter of general rule, I also recognize that there may be times of unusual condition, when some limits may have to be imposed to protect U.S. consumers and to provide for equitable sharing of available supplies among foreign buyers. While I subscribe to imposing certain limits on the Executive in the exercise of such authority—I also believe that making those requirements too severe can do as much damage as making them too loose or too easy to impose.

Second, my bill would provide the Executive with authority to continue to make food and agricultural export shipments to needy nations in times when export constraints are being imposed on such commodities generally. During Senate consideration of the Foreign Assistance Act of 1973 (S. 2335) an amendment of mine was adopted which will permit the Secretary of Agriculture to continue to make available to needy nations some of our Nation's exportable supplies of agricultural commodities even in times of short supply generally. The provisions I am providing in my bill today are designed to reinforce my amendment to section 401 of the Agricultural Trade Development and Assistance Act of 1954, now embodied in S. 2335, Under present law, anytime agricultural commodities are found to be in short supply they cannot be made available to needy nations under Public Law 480. However, under the amendment now embodied in S. 2335 and the amendment I am now offering to the Export Administration Act, our Government could continue to make needed supplies of agricultural commodities available to such nations even during periods when export constraints are being imposed generally. Failure to make these particular changes in existing law will mean that the neediest nations of the world will be cut off from food aid shipments when they most need them; namely, during periods when they are in short world supply, and when, due to such short supply, prices for them are the highest. During our Nation's recent export embargo on soybeans, all Public Law 480 shipments of soybean oil had to be halted, which created severe hardships on many poor nations that depended and needed such export shipments to feed their people.

The third, and I believe the most important amendment contained in the bill I am introducing today, is an amendment which would provide the Secretary of Commerce with the authority to initiate a 100-percent validated export licensing system anytime the President anticipates a short or tightening supply of any commodity or good. Again, under existing law, even the imposition of a 100-percent export licensing system would require that the three elements I mentioned earlier would have to be evident before such action could be taken regarding any agricultural commodity—only abnormal foreign demand and domestic inflationary pressure would have to be evident in the case of nonagricultural goods or commodities.

By giving the Secretary of Commerce greater flexibility to impose a 100-percent licensing system, I believe the following objectives could be achieved:

First, earlier action could be taken by the Executive through such a licensing system, to obtain hard and timely data on export shipments, thus giving him "facts" rather than "estimates" of what is occurring in that regard, and

Second, in the event that factual data on export shipments produced through the imposition of such a licensing system indicated a movement toward severe shortages developing, this data could be used by the executive branch either to exhort foreign buyers to voluntarily constrain their purchases, or—failing to get them to do so—used to document to the world the necessity of imposing some level of constraints on continued exports.

As the term implies, a 100-percent licensing system would not in any way permit the Executive to curtail exports, or negate export contracts already entered into. But, imposition of such a system would permit the Executive to get an early handle on what is occurring with respect to exports anytime a tight supply situation may be in the offing due to various United States or world supply-demand conditions. I believe had the Executive had this licensing flexibility earlier this year it could have avoided altogether the export embargo it imposed recently on soybeans and other high protein food and feed supplies. Having had such authority earlier, it could have, in my judgment, also have avoided the negation of many export contracts that already were consummated by exporters at the time of the imposition of embargoes.

In my judgment, if we are to avoid a repeat of those developments in the future, the Executive must be given greater flexibility in this regard as it relates to agricultural commodities.

Mr. President, I have given this entire matter of export controls a great deal of thought. The bill I am introducing today reflects what I believe should be done now to better protect both the U.S. consumer and the foreign buyers against any future periodic shortage that might occur relating to U.S. exportable supplies of goods and services.

The United States must restore its integrity as a reliable supplier in world markets. It must also clarify its commitment to the poorer nations of the world that by necessity must continue to rely upon us to help them meet their emergency needs in times of short supply. And our nation must provide for a better system of procedure by which it can protect its own consumers and foreign buyers against short supplies of essential goods or commodities. The changes embodied in the bill I am introducing today in my judgment would help us as a nation to achieve those objectives. And that is not to say that there are not other steps that can or should be taken to insure that adequate supplies of these essential commodities are always made available whether for domestic or foreign use. For instance, the establishment of both a United States and international grain reserve system could greatly minimize the need for export controls in times of future production downturns in United States or world agricultural supplies. Also, improved informational exchanges among nations regarding production and inventories of essential commodities could probably greatly reduce overbuying practices in times of short supply.

On July 30, 1973, the Subcommittee on Foreign Agricultural Policy, of which I serve as chairman, issued a special report on the question of export control policy following hearings we held on the subject. The subcommittee in its report outlined a set of guidelines which it felt should be followed with respect to export control policy. I request unanimous consent, Mr. President, that those guidelines be printed at this point in the Record.

There being no objection, the guidelines were ordered to be printed in the Record, as follows:

Conclusions and Recommendations of the Subcommittee on Foreign Agricultural Policy With Respect to Export Controls

Export controls are not something which a nation can or should impose casually. Such controls necessarily have an impact on economic conditions and well-being in foreign countries as well as within the nation imposing them. As a responsible economic power, the United States must take such an impact into account and must make sure that the measures taken are consistent with its international obligations, particularly those stipulated under such agreements as that of the General Agreement on Tariffs and Trade (GATT).

Changing economic conditions—particularly the prevalence of full employment with inflation, rather than widespread unemployment and deflation—has, today, brought the question of the dependability of sources of supply toward the center of the stage. Clearly, any threat to foreign sources of supply raises real economic problems for countries increasingly dependent on such sources for their economic well-being.

The recent imposition of export controls by the United States, particularly those on exports of soybeans, could raise serious economic problems for some foreign countries and adversely affect the degree to which they view the United States as a responsible economic partner and dependable military ally.

Proposals to regulate softwood log and lumber exports, no matter how well intentioned, will not cure the problem they seek to address at home. Even more they pave the way for other nations applying these same principles to us on other raw commodities we seek and need. Such proposals that deal only with demand and do not recognize broader issues of supply, treat symptoms not causes.

To avoid a retreat to the destructive economic nationalism of the 1930's, the United States should take the lead in keeping the use of export controls to a minimum and, when the use becomes essential, apply such controls in a way which takes full and sympathetic account of the implications of the controls on all importing countries.

More specifically, we recommend that the Executive Branch take the initiative in proposing to the OECD and the GATT a new set of rules governing export controls. The substance of such rules would be as follows:

1. Governments have an obligation to avoid where possible and otherwise to foresee the development of situations requiring export controls.

The implications of this principle are that better methods of reporting and forecasting are needed. While this is essentially a task for national governments, international organizations, such as GATT, the OECD, and the U.N. Food and Agriculture Organization, have a role to play.

One further implication of this principle is that it may be necessary for the nations of the world to develop and maintain their own system of *reserve stocks* to meet their domestic emergency needs as well as to provide at least some minimum capability to supply regular customers. Until recently, the United States had such stocks. But this is no longer the case. Thus, serious consideration should be given both by the United States and other nations of the world to the rebuilding and financing of such stocks to deal with crop failures at home and as have been experienced in Africa and South Asia and such as other areas of the world the past two years.

2. Related to the first principle above, as early as possible, the country considering the imposition of export controls should *consult beforehand* with the importing nations. Such consultations would have the following objectives:

(a) To exchange information on both supply and demand of the commodity.

(b) To get advice on what to do about the potential shortfall.

(c) To coordinate and improve production policies if this could usefully reduce the burden of controls.

(d) Where appropriate, to agree to joint action on both production and allocation of scarce supplies.

e) Whenever possible, before imposition of mandatory export controls, "voluntary agreements" should be sought.

3. Export controls—like increased restrictions on imports—should be permitted only under *special circumstances* and then only for a *temporary* period of time.

The special circumstances would be limited primarily to a supply failure, at home or abroad, putting extraordinary pressure on domestic availabilities.

4. Export controls should treat all nations equitably. This principle has several implications:

(a) Each nation should be entitled to its historic share of the available supply.

(b) In addition, provision should be made for new customers. (For example, the Soviet Union and China have recently become importers of grain).

(c) Special consideration should be given to sharing available supplies—especially food supplies—with poorer nations, who often must rely on other nations to obtain needed imports on either a grant or concessional sale basis.

(d) Finally, and perhaps most important, the country applying the export controls should also *limit domestic consumption* of the product in a reasonable proportion to the curtailment of foreign availabilities.

In the judgment of the Subcommittee, none of the bills now pending before Congress relating to export control authority effectively address themselves to the above stated principles. Some of these bills (S. 1033 and H.R. 8547) are too restrictive and would likely be difficult to administer. S. 2053, on the other hand is too broad, leaving almost entirely up to the Executive when, and under what conditions, export controls might be imposed. Furthermore S. 2053, contains no monitoring and forecasting requirements regarding available supplies. Nor does it make clear that preconsultation with foreign buyers should be a requirement prior to the imposition of such controls. And finally, neither S. 2053 nor H.R. 8547 provide specific language to insure that countries dependent upon us for obtaining needed supplies of food commodities either on a grant or concessional sale basis will be guaranteed any equitable sharing or treatment whenever export controls are invoked.

As a partner in the world community of nations, the Subcommittee believes that the matter of developing rules for governing export controls should be a matter for that entire community to decide and not to be legislated on individually by each nation. While the United States today may feel compelled to limit the exportation of soybeans or logs to protect domestic users of those products from shortages caused by our own nation's mismanagement or miscalculations, tomorrow such action may be used by other nations as a basis or precedent for limiting exports of such critical important products such as petroleum to the United States.

Therefore the Subcommittee recommends that the Executive Branch be authorized and directed to initiate formal consideration of these matters, within GATT and OECD with the understanding that whatever rules are agreed upon under such agreement will be subject to ratification by Congress. Similar efforts should be initiated by the United States regarding this matter with non-OECD or non-GATT member nations such as the Soviet Union on which our nation may become somewhat dependent in future years regarding selected materials and commodities such as gas and oil.

Mr. HUMPHREY. Mr. President, I also would like to take this opportunity to urge the Senate Committee on Banking, Housing and Urban Affairs to give early consideration to my bill. In drafting this legislation, I have consulted directly with appropriate officials of the executive branch and many others. Those consultations have convinced me of the urgency of providing the executive with added but limited flexibility provided in my bill.

For instance, I am convinced that the executive should have a 100-percent validated export licensing system operating now with respect to U.S. fertilizer export shipments.

Similar action may also be required with respect to U.S. wheat export shipments if weekly export shipments continue at current rates. Cotton export shipments may also have to be subjected to such licensing if a resurgence of recent export demand occurs.

To summarize, Mr. President, I believe early action by Congress is called for regarding the adoption of the type of amendments contained in my bill relating to export control authority. Continued delay in dealing with these important questions may precipitate additional rounds of disruptive export constraints if existing law is not soon amended.

Mr. President, I ask unanimous consent that the full text of the measure I am introducing today be printed at this point in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

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S.J. Res. 170

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Export Administration Act Amendments of 1973".

Sec. 2. Clause (A) of section 3 (2) of the Export Administration Act of 1969 is amended by striking out the comma at the end of such clause and inserting in lieu thereof the following: "in the case of nonagricultural commodities, goods, articles or technology, and to the extent necessary to protect the domestic economy from the excessive drain of scarce materials or to reduce the serious inflationary impact of abnormal foreign demand in the case of agricultural commodities.".

Sec. 3. Section 4 of the Export Administration Act of 1969 is amended by adding at the end thereof the following new subsections:

"(f) No action taken by the Secretary of Commerce with the approval of the Secretary of Agriculture under this Act shall be construed to limit the authority of the President to sell or otherwise dispose of any agricultural commodity under the Agricultural Trade Development and Assistance Act of 1954 if such sale or other disposition is made to a friendly foreign country and is determined by the President to be necessary to further significantly the foreign policy of the United States and to fulfill its international responsibilities.

"(g) (1) Notwithstanding any other provision of this Act the Secretary of Commerce is authorized to initiate a 100 percent validated export licensing system with respect to any article, material, or supply whenever the President determines the initiation of such systems with respect to such article, material, or supply is necessary to protect the United States against a future shortage thereof or to protect the economy of the United States. The Secretary is also authorized to initiate, either in conjunction with or independent of a 100 percent validated export licensing system, any reporting system he deems appropriate with respect to any article, material, or supply.

"(2) As used in paragraph (1) of this subsection the term '100 percent validated export licensing system' means a licensing system under which (A) the Secretary of Commerce authorizes the exportation of a quantity of any article, material, or supply only when the application for a license to export such article, material, or supply is accompanied by a certified copy of a contract for the export from the United States of a quantity of such article, material, or supply equal to the quantity of such article, material, or supply for which the export license is requested, and (B) licenses are issued, unless otherwise provided by the Secretary of Commerce, to cover exports anticipated for the current month or the current and immediate suceeding month."

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1326

At the request of Mr. Williams, the Senator from Connecticut (Mr. Ribicoff) was added as a cosponsor of S. 1326, the Hemophilia Act of 1973.

S. 1844

At the request of Mr. Abourezk, the Senator from Vermont (Mr. Stafford) was added as a cosponsor of S. 1844, the national folklife preservation bill.

S. 2589

At the request of Mr. Robert C. Byrd (for Mr. Jackson), the Senator from Massachusetts (Mr. Kennedy) was added as a cosponsor of S. 2589, the National Emergency Petroleum Act.

S. 2598

At the request of Mr. Domenici, the Senator from Massachusetts (Mr. Kennedy) was added as a cosponsor of S. 2598, the Car Pool Incentives Act of 1973.

S. 2652

At the request of Mr. Robert C. Byrd (for Mr. Jackson), the Senator from Alaska (Mr. Stevens) was added as a cosponsor of S. 2652, the Coal Conversion Act of 1973.

SENATE RESOLUTION 200—SUBMISSION OF A RESOLUTION RELATING TO THE NATIONAL SECURITY OF THE UNITED STATES

(Considered and agreed to.)

Mr. HUMPHREY (for himself, Mr. Aiken, Mr. Bentsen, Mr. Robert C. Byrd, Mr. Hugh Scott, Mr. Javits, Mr. McGee, Mr. Nunn, Mr. Inouye, Mr. Magnuson, Mr. Buckley, Mr. McIntyre, Mr. Baker, Mr. Brooke, Mr. Burdick, Mr. Case, Mr. Gurney, Mr. Nelson, Mr. Percy, Mr. Packwood, Mr. Fong, Mr. Proxmire, Mr. Stafford, Mr. Stevenson, Mr. Taft, Mr. Young, Mr. Pearson, Mr. Griffin, Mr. Mondale, and Mr. Tower) submitted the above resolution.

(The text of the resolution and the remarks Senator Humphrey made on its submission are printed earlier in the Record at the point where the resolution was debated and agreed to.)

THE WATER POLLUTION CONTROL AMENDMENTS OF 1973—AMENDMENT

AMENDMENT NO. 646

(Ordered to be printed and referred to the Committee on Public Works.)

Mr. STEVENSON. Mr. President, last week I was pleased to join Senators Gurney and Chiles as a cosponsor of S. 2531, a bill to amend the Water Pollution Control Act. S. 2531 would allow any community to begin construction of waste treatment facilities, with the assurance that it would qualify for future Federal reimbursement. This bill would be retroactive to January 1, 1973. Today, I am introducing an amendment to S. 2531 which would simply move the January 1, 1973, effective date back to July 1, 1972.

Just over a year ago, in October of 1972, the Congress enacted—over a Presidential veto—Public Law 92–500, the Water Pollution Control Act Amendments of 1972. The stated purpose of that act is to "restore and maintain the chemical, physical, and biological integrity of our Nation's waters." This was, and still is, a firm commitment. To accomplish this goal, Congress authorized $18 billion to be spent over a 3-year period for the construction of municipal waste treatment facilities.

It has become all too apparent that the administration does not share in this commitment. When Congress passed the amendments—over the President's veto—the President then proceeded to impound half of the $18 billion. The President's action is an attempt to accomplish by Executive fiat what could not be accomplished by veto.

The President's veto, and now his impoundment of congressionally appropriated funds, are a matter of record. And that record speaks for itself to all who are concerned with preserving the integrity of our Nation's waters. Mr. Nixon has said to the communities of the Nation that, despite a congressional mandate, the construction of sorely needed waste treatment facilities is not a high priority.

The President's action has undermined the intent of the law. Under this legislation, the Federal share in the cost of construction of waste treatment facilities is 75 percent. In order to qualify for these funds, communities must apply to the U.S. Environmental Protection Agency before any phase of the project is begun. USEPA disburses funds to local governments only after an application has been approved.

This procedure would work well if the full $18 billion provided by the Congress were still available. But as of now, many communities face an impossible situation in the absence of the full funding intended by the Congress.

Many local governments could proceed with the construction of their facilities immediately. They are even willing to commit local resources to cover the 75-percent Federal share of the cost of construction. The full weight of such local action is obvious when one considers how financially pressed many of our communities already are.

These communities realize that the problem of water pollution is serious. They understand that immediate action must be taken in order to prevent our already polluted waters from becoming worse. They should be commended.

Instead of commendation, the local governments are being penalized. Any community that begins construction now, without a firm commitment of Federal funding, waives any right to future Federal assistance.

I know that there are several communities in Illinois that have already forfeited their right to Federal assistance, simply because they proceeded to construct facilities without the benefit of EPA approval for the 75-percent funding. This is a most inequitable way to treat communities that are making a good faith effort to eliminate pollution.

Other communities cannot afford the luxury of forfeiting Federal assistance. They are forced to wait several months, or even years, for a grant from the USEPA. During that time, the waters in a given community remain polluted, or become more polluted. Meanwhile, construction costs continue to rise at an alarming rate. In the end, it will cost the Federal Government far more than if these communities were allowed to proceed with construction immediately.

To illustrate the problem in my own State of Illinois, I ask unanimous consent that two statements be placed in the Record at the conclusion of my remarks. The first is testimony by Mr. John Marco,

the acting director of the Illinois Environmental Protection Agency, before the House Subcommittee on Water Resources on October 30. The second item to be submitted is a statement on the same subject by Governor Daniel Walker.

I believe that S. 2531 is a partial answer to this dilemma. This bill would at least allow communities to be eligible for future Federal reimbursement, even if they begin construction of waste treatment facilities now. It would only be a "partial answer" because it would not guarantee such reimbursement. The final decision on such reimbursement would await the EPA approval of an application.

As introduced last week, however, S. 2531 would still leave a slight time gap whereby certain communities might be precluded from eligibility for reimbursement. Public Law 92–500 already provides for reimbursement to communities that began construction of their facilities before June 30, 1972. And S. 2531 would provide reimbursement for facilities begun on or after January 1, 1973.

To correct this slight oversight, I am proposing an amendment to S. 2531. The amendment would simply move the effective date of the reimbursement eligibility feature in S. 2531 from January 1, 1973 to July 1, 1972. Any gap in the reimbursement feature, therefore, would be eliminated.

Mr. President, the need for a reimbursement feature is clear. The construction of municipal waste treatment facilities is an expensive undertaking. Many communities simply do not have that kind of money available. It is unjust for the Federal Government to set stringent antipollution standards, and then deny local governments the financial assistance needed to meet those standards.

It is up to the Congress to take the initiative. A campaign to clean up our waters is ineffectual in the absence of massive Federal spending. Any sign of faltering on the part of the Federal Government creates a breach of faith between the Federal Government and the local officials who must meet the water quality standards set by the legislation. I believe that S. 2531, and my proposed amendment, can only serve to reaffirm our commitment to clean water. I hope that favorable action on these proposals will be forthcoming in the near future.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Statement of John M. Marco, Acting Director, Illinois Environmental Protection Agency

Mr. Chairman: I appreciate the opportunity to testify before this Committee on the survey of needs for construction of municipal water pollution control facilities. As you know, the survey was conducted by the states at the request of the United States Environmental Protection Agency.

This survey is required by Public Law 92–500, the Federal Water Pollution Control Act Amendments of 1972, and was intended to provide state-by-state information on the amount of funds needed by local and state government.

Section 205(a) of the 1972 Amendments suggests that the dollar needs by this survey will determine allotment among the states of Fiscal Year 1975 and Fiscal Year 1976 construction grant appropriations. Congress must decide soon if it wishes to affirm this tentative decision expressed in the 1972 law.

I will discuss the findings of the 1973 Needs Survey in Illinois, the adequacy of the Survey findings as an indication of total needs in Illinois, and the desirability of using the survey results for allotment of grant dollars to the states. I then will offer general comments on the 1972 Amendments and their implementation by the Nixon Administration.

In 1970, the estimated cost for needed publicly owned wastewater treatment facilities in Illinois was $3 billion. As a result of the 1973 Needs Survey, this estimate has been increased to $4.1 billion. At the current rate of allocation of Federal funds by the Nixon Administration, even without inflation, at least 17 years will pass before these Federal promises are fulfilled. Such foot-dragging by the Administration is clearly inconsistent with the goal of eliminating water pollution due to municipal wastes by 1983.

But beyond this, the 1973 Needs Survey completely ignored several important classes of water pollution problems whose rectification will be eligible for Federal grant assistance under present regulations and which will be necessary if we are to achieve the water quality objectives set out in the Federal Law. I cite the following specific examples:

1. Treatment or other control measures to eliminate pollutants carried into our waters by stormwater runoff from urban areas.
2. Control of acid drainage from mine-related sources located on publicly owned land, such as the many county and township roads in Southern Illinois which were constructed using acid-forming spoil material from nearby mines.
3. Thermal discharges from publicly owned electric utility power plants.

While we do not yet have total cost estimates for dealing with these problems, it is certain that the total dollar figure for Illinois' grant needs will increase very substantialy when these and other "non-traditional" classes of projects are fully considered.

The results of the 1973 Needs Survey must be viewed with skepticism for another reason. The Illinois Environmental Protection Agency received its first guidelines from the United States Environmental Protection Agency concerning the Survey on May 30, 1973. The Survey questionnaire forms were not received for distribution until June 5. The deadline by which USEPA insisted the completed survey forms must be returned to them was July 20. Thus, we were allowed only 51 days to plan and carry out the completion of 883 complicated survey questionnaires, 34 pages each, for 735 different units of government. To accomplish this task, it was necessary for the entire field surveillance staff of our Division of Water Pollution Control to devote virtually full time to the survey for four weeks to the neglect of almost all other duties.

Needless to say, the quality of our Survey results very likely reflects the amount of time available to us for planning and execution of the work I have just described.

I urge the Congress to devise an alternate method for alloting grant funds because of the inherent disadvantages of any estimate of "needs" as a basis for allocating Federal grant appropriations and because of the inadequacies of the 1973 Needs Survey I have just described. The disadvantages of a needs-based formula are:

1. States which already have achieved substantial progress in the control of water pollution are penalized, while states which have done little to solve their problems themselves are rewarded by the relatively larger shares of Federal dollars they receive.
2. State programs of grant assistance are discouraged, as are local financial contributions at a level greater than the minimum required 25 percent. This is because each extra dollar contributed by state or local government reduces the outstanding eligible needs for facilities by a dollar, and consequently reduces the state's future share of available Federal funds.
3. A needs-based formula encourages the states to inflate construction cost estimates and to ignore nonconstruction alternatives for solution of problems so that the maximum Federal dollars will be made available each year for construction grants.

Alternate bases for allotting grant funds to the states which I suggest Congress may wish to consider are:

Total population;

Urban population;

Population adjusted for *per capita* personal income;

The Revenue Sharing formula, or some modification of it.

We are all aware of the impoundment of municipal construction grant funds by President Nixon. This impoundment can only work to the detriment of an effective water pollution control program. As long as the funds are impounded, and as long as inflation increases costs we will continue to watch helplessly while the pollution of our rivers and streams remains beyond control. I do not need to dwell upon the effect of this policy on the water pollution control effort in Illinois; you are already cognizant of this. Rather, I wish to emphasize the importance of Congressional action to restore the provision allowing reimbursement of communities who proceed with construction to solve their problems without waiting for Federal grant funds. Now without this important reimbursement provision, we have an absurd situation where many communities are ready to initiate construction of needed facilities, but cannot proceed because to do so will forever foreclose hope of obtaining Federal construction grant assistance to which they are entitled.

Furthermore, state-operated revolving funds, conceived to allow pre-financing of needed projects so construction can proceed as rapidly as possible without the constraint of a Federal grant priority list, cannot function because the flow of Federal reimbursement dollars into the revolving fund is blocked under the present law.

I urge Congress to take immediate action to adopt amendments to Public Law 92–500 similar to those proposed in Senate Bill 2531, so that those far-sighted communities who are ready to proceed with construction may do so without further delay.

There is another roadblock, in addition to impoundment of grant funds, for which the Congress must share some of the responsibility. Section 201(g)(3) of the 1972 Amendments requires demonstration to the United States Environmental Protection Agency that a reduction of excessive infiltration or inflow of clear water to a sewer system is a less economical alternative than construction of large facilities to treat this excessive flow. This requirement is based on a sound principal with which we heartily agree. Unfortunately, though, the infiltration/inflow study requirement has guaranteed that even communities with high priority for available grant funds will, for the most part, be unable to initiate construction this fiscal year.

Sewer system studies must first be completed, requiring a year's time, or more, in

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order to establish the most economical combination of sewer system rehabilitation work and treatment facility construction. The cost of the studies themselves will be substantial, offsetting to a large degree any cost savings the studies achieve.

More importantly, the infiltration/inflow study requirement will introduce yet another year's delay in construction of even our highest priority projects.

I urge you to reconsider whether the dollars which may be saved by this requirement justify the additional year's delay in construction of critically needed facilities. In my opnion this provision of the law should be changed to apply only to projects where flow data strongly suggest that excessive infiltration/inflow may be present.

As though the problems with the Needs Survey and impoundment and infiltration/inflow studies have not introduced enough disruption into state programs for control of water pollution, the USEPA now insists that all state activities for controlling water pollution take a back seat to the issuance of all National Pollutant Discharge Elimination System permits by December 31, 1974. The presumption seems to be that no state has a viable permit program, and therefore issuance of Federal permits by the states must take precedence over all other activities.

Permits don't clean water! Treatment facilities do! The planning and grants needed to assist in the building of these treatment facilities are being neglected in favor of the new Federal permit program.

Illinois has had a workable, effective, and enforceable permit program in operation for many years. It includes all the best features of the Federal permit system. It is an essential part of our water pollution control program. But a permit program cannot and will not achieve our water quality objectives unless accompanied by other critical program elements, such as planning, grants, and operator assistance.

Federal regulations will force Illinois to spend an estimated $2 million just to rewrite permits already issued by the state to make them NPDES permits. Illinois taxpayers will not receive one additional mile of cleaner streams for this $2 million.

While Illinois supports the Federal permit program in concept, we believe a more deliberate approach to implementation is necessary. Specifically, we urge Congress to extend until December 31, 1975, the time available for issuance of NPDES permits in order that these permits may be given the careful consideration they deserve. This will also allow time for the water quality analysis and planning needed before we can issue permits that will be sufficiently stringent to control pollutional discharges, but will not impose unnecessary hardships on applicants.

Much of the difficulty Illinois is experiencing with implementation of the 1972 Amendments stems from the repeated lateness of the USEPA in issuing the regulations and guidelines necessary for the states to carry out the law. Virtually every important deadline for issuance of regulations has been missed by USEPA but in typical bureaucratic fashion, the states are expected to comply with every deadline or risk loss of Federal funds. We suggest Congress consider means of rectifying the hypocrisy of this situation.

Another aspect of the Nixon Administration's failure to comply with the letter and the spirit of the 1972 Amendments is the unbearable paperwork mentioned by Governor Walker. To illustrate the extent to which the Adminstration is ignoring the obligation placed upon it by Section 101(f), consider these two examples:

1. The Fiscal Year 1974 Program Plan submitted to USEPA by Illinois as required to obtain Federal grant funds is 1,015 pages in length, nearly 2½ times as long as the 441-page Fiscal Year 1973 Program Plan.

2. The proposal of the State of Michigan, outlining its plan for participation in the NPDES, a document prepared according to USEPA guidelines, is more than 600 pages in length.

It is clear that no one could read the mountains of paper being generated to meet Federal requirements, even if he had a reason to try. We are choking ourselves to death with documents.

Something must be done to reduce this mindless Federal appetite for paper if we are to succeed in restoring our waters to a clean and healthful condition.

In summary, we recommend Congress take the following action:

1. Adopt a basis other than the 1973 Needs Survey alone for allotment to the various states of grant funds for constructing municipal water pollution control facilities.

2. Amend Public Law 92–500 to allow reimbursement of communities which have the initiative to proceed with construction without waiting for Federal grant funds to be offered.

3. Amend Section 201(g)(3) of the Act to require infiltration/inflow studies only where there is clear evidence that such a study is needed.

4. Extend the time allowed for issuance of the first round of NPDES permits to December 31, 1975.

5. Require that the USEPA publish regulations and guidelines in a timely manner, and extend deadlines imposed upon the states whenever Federal guidance is delayed.

6. Consider measures to force compliance with Section 101(f) of the Act by the Nixon Administration so as to reduce needless paperwork.

Thank you for the opportunity to testify before this committee. Be assured we want to continue progressive, effective programs for control of water pollution in Illinois, but first we must have the freedom and the federal assistance promised under the new law.

STATEMENT OF DAN WALKER, GOVERNOR OF THE STATE OF ILLINOIS

OCTOBER 30, 1973.

MR. CHAIRMAN: Thank you for the opportunity to testify concerning the Needs Survey.

I believe the Needs Survey, conducted by the states at the request of the United States Environmental Protection Agency, has determined point sources of pollution, but the survey has failed to consider several important types of water pollution problems confronting Illinois. Problems caused by acid mine waste and urban stormwater runoff are completely ignored, yet these are serious causes of water pollution in Illinois.

The people of Illinois are concerned about the quality of their rivers, streams and lakes and demonstrated that concern by approving a $750 million anti-pollution bond issue. The State bond money is being spent in coordination with the federal funds to assure a united anti-pollution effort. But that coordination has not been easy.

Illinois' efforts to assure cleaner waters have been thwarted by the impoundment of promised Federal dollars, and I include in the term "impoundment," defacto impoundment; that is, the long delay in issuing the federal regulations that would enable communities in Illinois to qualify for federal sewage treatment construction grants. Federal bureaucracy and contradictory regulations of the United States Environmental Protection Agency for implementing the Federal Water Pollution Control Act Amendments of 1972 have further hindered action on the pollution problems themselves. Due to these factors, sewage treatment construction has come to a standstill over the past year—not only in Illinois, but throughout the Midwest.

During the next three years I intend to reduce the mountains of paperwork which stand between governmental agencies and the people those agencies are supposed to serve. I ask your help in eliminating the unnecessary red tape with which the United States Environmental Protection Agency has bound our efforts to reduce water pollution in Illinois.

Congress could also help the states help themselves by amending Public Law 92–500 to allow future federal reimbursement and state pre-financing of municipal water pollution control facilities.

Illinois is willing—and able—to pre-finance construction costs for communities eligible for federal grants and ready to begin construction. If these communities begin construction now without an actual commitment of federal funds, they waive their rights to any such funds. Pre-financing by the State with future reimbursement by the federal government would allow projects to start now. With such an approach, concrete results could be achieved sooner.

I contend that clean water can best be accomplished if the states and the federal government agree on the goals and the timetable for achievement of those goals, but then the states should have the freedom to tailor their individual programs to meet the agreed goals.

I have asked Mr. John M. Marco, Acting Director of the Illinois Environmental Protection Agency, to present more detailed testimony to the committee.

SOCIAL SECURITY AMENDMENTS OF 1973—AMENDMENT

AMENDMENT NO. 647

(Ordered to be printed and referred to the Committee on Finance.)

Mr. NELSON. Mr. President, I am offering an amendment to H.R. 3153 as amended by the Senate Finance Committee which would restore the present deduction allowed for State and local gasoline taxes, proposed to be eliminated by the committee, and offer in its stead a revision of the minimum tax which would disallow deductions for regular income taxes paid before preferred income is subject to the minimum tax. Whatever the merits of the proposed elimination of the deduction for State and local gasoline taxes, this proposal was not subject to any testimony or hearings before the Senate Finance Committee this year and was proposed by the committee principally as a revenue producing measure to pay for other proposed changes contained in H.R. 3153.

The revenue effect of these two amendments is almost identical. It is estimated that the revision of the minimum tax which I proposed will increase tax revenue by $580 million whereas elimination of the State and local gasoline tax deduction will increase revenues by $589 million. While their revenue effects are the same, the consequences for the ordinary American taxpayer are radically different. The minimum tax, even with the revisions I propose today, applies only to wealthy individuals who have more than $30,000 in preferred income each year, regardless of how much regular income they also have. The State and local gasoline tax deduction, on the other hand, is of benefit to low income Americans.

Mr. President, I ask unanimous consent to insert in the CONGRESSIONAL RECORD at this time a table showing the amount of deductions taken in 1972 for State and local gasoline taxes for various income tax brackets.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Income tax deductions taken for State and local gasoline taxes

Income tax bracket:	*Amount of deduction (in millions)*
$0–$3,000	1
3,000–5,000	7
5,000–7,000	27
7,000–10,000	83
10,000–15,000	165
15,000–20,000	136
20,000–50,000	147
50,000–100,000	19
100,000–over	6

Mr. NELSON. Mr. President, this table shows that individuals with taxable income of $20,000 or less receive the benefit of $419 million of the $589 million deducted for State and local gasoline tax. This amounts to 71.1 percent of the total amount deducted.

The committee proposal would therefore add substantially to the tax burden of low and average income taxpayers. It is much more equitable to raise additional revenues by taxing, income which escapes taxation entirely rather than adding to the tax burden of middle income Americans.

Probably nothing discredits the tax system more than the knowledge that many wealthy people are paying little or no income taxes. The Secretary of the Treasury heralded a "taxpayer revolt" when he disclosed that in 1967, 155 Americans with incomes of over $200,000 paid no Federal income tax and in fact 21 of them made incomes in excess of $1 million each. In 1969, some 300 individuals with incomes of more than $200,000 paid no Federal income tax.

In an attempt to correct, to a limited extent, this inequity Congress in 1969 established a minimum tax providing for a flat 10 percent tax rate on income that had escaped entirely being subject to tax. Congress enacted the minimum tax on tax preference income because, regardless of the individual merit of the provision which established such preferences, we did not want them to be pyramided by wealthy individuals to allow them to escape tax liability entirely.

It is not at all inconsistent to take the position that while certain tax subsidies may be desirable, a taxpayer who takes advantage of such subsidies in an excessive amount or who reduces his tax contribution to an insignificant amount should be required to include such excess in his tax base. The purpose of this amendment is not to reduce the amount of the tax subsidies except in those cases in which taxpayers take undue advantage of such subsidies through excessive manipulation of the tax code.

It is generally agreed, however, that the minimum tax has not achieved its stated purpose that every wealthy individual and corporation should pay at least a minimum tax on his preference income.

In 1970, the first year when the minimum tax was in effect, 106 individuals with adjusted gross incomes exceeding $200,000 still paid no Federal income tax. Incredibly, three taxpayers with adjusted gross incomes of more than $1 million each paid no income tax at all. In 1971, 276 taxpayers with incomes over $100,000 paid no Federal income tax at all.

The effective tax rate in 1970 for individuals who paid the minimum tax on their preferred income was 4 percent rather than the statutory rate of 10 percent. In 1971, individuals paid $163 million in minimum tax on total preference income of $6.2 billion for an overall effective tax rate of 2.63 percent and 98,000 individuals reported tax preferences but only 24,000 of them actually paid a minimum tax on their preference income for an effective rate of 4.13 percent.

In 1970, 6,000 corporations paid $280 million in minimum tax on preference income of $4.1 billion for an effective rate of 6.7 percent; 75,000 corporations, however, paid no minimum tax on preference income of $1.6 billion for an overall effective minimum tax rate of 4.8 percent.

When the minimum tax was enacted, it was estimated that it would raise $590 million in calendar year 1970, $600 million in 1972, and $635 million in the long run. In fact, actual revenue gains are far below these estimates. In 1970, it raised only $117 million from individuals and $280 million from corporations. In 1971, it raised only $163 million from individuals.

The minimum tax has failed in part because of crippling amendments adopted on the Senate floor allowing deductions for other income taxes paid.

Although there were several different minimum tax proposals submitted to Congress, the one finally adopted was that of the Senate Finance Committee which applied a flat 5 percent tax rate on all preference income in excess of $30,000. The Finance Committee bill was amended on the Senate floor by an amendment offered by Senator Miller of Iowa to raise the rate from 5 percent to 10 percent and to allow a deduction of other Federal taxes paid. A year later, in December 1970, a further floor amendment by Senator Miller, was passed under which this minimum tax exclusion was broadened to incorporate a 7-year carryover of regular income tax liability to the extent not initially utilized to offset tax preferences. It is this deduction of other Federal taxes paid that my amendment would eliminate.

The basic rationale for the minimum tax is that it is needed because certain taxpayers have amassed certain items of income which are not included in their regular tax base. These excluded items stand apart from, and in addition to, the items normally taxed. The reason the taxpayer is subject to the minimum tax is that his effective tax is too low in relation to his real income due to the amount he received from tax preference items. To give him credit for the tax that he pays on his regular income defeats the purpose of the minimum tax. The tax on "regular" income is simply unrelated to the tax on excluded items of tax preference. It is illogical to establish a tax on the preferred income escaping taxation, and then allow a deduction for taxes paid on regular income.

The proposed amendment does not in any way change the structure or composition of the present minimum tax. It does not:

First, change or raise the statutory rate of 10 percent;

Second, reduce or eliminate the deduction of $30,000 presently available to every taxpayer before calculating income subject to the minimum tax;

Third, add a single new item of preference income to the base of the minimum tax, for example, intangible drilling and development cost as has been proposed from time to time.

This amendment merely tries to guarantee that the minimum tax achieve its stated goal and raise additional revenue not by taxing already overburdened average American taxpayers but by taxing forms of incomes that escape taxation entirely.

Mr. President, I ask unanimous consent to insert in the RECORD at this time a table describing the effect of existing minimum tax provisions and the Nelson proposals on three examples.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

EXAMPLES OF THE EFFECT OF EXISTING MINIMUM TAX PROVISION AND NELSON PROPOSALS

(All examples involved married man with two children filing a joint return and assuming that itemized deductions amount to 10% of total income.)

CASE I

A has a $60,000 salary and $60,000 in capital gains;

Tax liability under present minimum tax is zero;

Tax liability under Nelson proposed minimum tax is also zero.

CASE II

B has a salary of $200,000 and other regular income of $400,000 and capital gains of $1 million;

Under present minimum tax law his tax liability is zero:

Preference income $500,000; regular taxes 621,880; preference income subject to minimum tax—0.

Under Nelson proposed minimum tax, his tax liability would be $47,000;

Preference income	$500,000
Deduction	−30,000
Total	470,000

Preferred income subject to Nelson's minimum tax proposal tax liability—$47,000.

CASE III

C has a salary of $300,000 and other regular income of $60,000 and capital gains of $2 million.

Under present minimum tax law, his tax liability is zero.

His regular tax liability is $1,080,880; preference income is $1,000,000; preference income subject to tax—0.

Under the Nelson minimum tax proposal:

Preference income	$1,000,000
30,000 deduction	−30,000
Total	970,000

Less 10 percent his tax liability would be $97,000.

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TAX TREATMENT FOR MEMBERS OF ARMED FORCES—AMENDMENT

AMENDMENT NO. 648

(Ordered to be printed and referred to the Committee on Finance.)

Mr. TUNNEY. Mr. President, the amendment I am introducing today to H.R. 8214 parallels legislation introduced in the other body by my colleague from California, Congressman JAMES C. CORMAN. The purpose of this amendment is to permit a DISC in a controlled group to transfer the accounts receivable arising from its export transactions to a related financing subsidiary in that group and allow the financing subsidiary to qualify as a DISC even though it holds the transferred accounts receivable as its only assets. Present law allows a DISC to hold the accounts receivable it receives on the sales of its export property. This is the case even where the accounts receivable are the only assets of the selling corporation. Accounts receivable and evidences of indebtedness, however, can only be treated as qualified export assets for purposes of DISC status if they arose from transactions of the DISC itself. Because of a peculiarity in the present DISC provisions, if the DISC that sold the export property should transfer the accounts receivable from these transactions to a related financing corporation, the related financing corporation could not qualify for DISC treatment if these were the only assets it held. This distinction presents problems in those cases where a corporation may want to have its sales operations in one DISC and its financing operations in another DISC.

This amendment would simply allow the second, related financing corporation to hold these accounts receivable and qualify as a DISC. The Treasury Department has indicated that it does not object to its enactment and has stated that the tax consequences will be "insignificant."

I ask unanimous consent that this amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 648

At the end of the bill insert the following new section:

SEC. —. QUALIFIED EXPORT ASSETS.

(a) Qualified Export Assets of DISCs.—Section 993(b)(3) of the Internal Revenue Code of 1954 (relating to qualified export assets) is amended by striking out "such corporation" and inserting in lieu thereof "such corporation or of another corporation which is a DISC and which is a member of a controlled group which includes such corporation".

(b) The amendment made by this section shall apply with respect to taxable years beginning after December 31, 1973. Such amendment shall, at the election of the taxpayer made within ninety days after the date of the enactment of this provision, also apply to any taxable year beginning after December 31, 1971, and before January 1, 1974.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 640

At the request of Mr. MUSKIE, the Senator from California (Mr. CRANSTON), the Senator from Florida (Mr. GURNEY), the Senator from Oregon (Mr. HATFIELD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from New Mexico (Mr. MONTOYA) were added as cosponsors of amendment No. 640, intended to be proposed to H.R. 3153, a bill to amend the Social Security Act to make certain technical and conforming changes.

SENATOR RANDOLPH ANNOUNCES HEARING DATES FOR S. 2581, RANDOLPH-SHEPPARD ACT AMENDMENTS OF 1973

Mr. WILLIAMS. Mr. President, the Senator from West Virginia (Mr. RANDOLPH), chairman of the Subcommittee on the Handicapped, Committee on Labor and Public Welfare, has asked me to announce the commencement of hearings on S. 2581, the Randolph-Sheppard Act Amendments of 1973. The subcommittee intends to hold 3 days of hearings on this measure. The first 2 days are Friday, November 16, 1973, beginning at 11 a.m., and Monday, November 19, 1973, beginning at 10 a.m. The hearing location will be room 4200, Dirksen Office Building. It is anticipated that the third and final day of hearings will be in early December.

NOTICE OF HEARINGS ON INDIAN COMMISSIONER

Mr. JACKSON. Mr. President, I wish to announce that the Committee on Interior and Insular Affairs has scheduled hearings to consider the nomination of Mr. Morris Thompson for the post of Commissioner of the Bureau of Indian Affairs. The hearings will be held on November 14 at 10:00 a.m. in room 3110 of the Dirksen Senate Office Building and is open to the public.

The committee has received numerous requests from tribal leaders and others interested in testifying during Mr. Thompson's confirmation hearings. Unfortunately, we are unable to accommodate this number of witnesses at the November 14 hearings.

Because the Commissioner's post has remained open for approximately one year, and Indians and others are anxious to have a nominee confirmed and sworn in in order to bring a degree of stability to the Indian field, I shall direct the committee to concentrate its time on the question of Mr. Thompson's nomination for the Commissioner's post and, as an alternative to those desiring to present testimony, I shall direct that the hearing record remain open for a period of 2 weeks to receive written testimony from interested parties with the assurance that such testimony will become a part of the printed hearings.

I ask unanimous consent that the biographical sketch of the nominee be printed in the RECORD at this point.

There being no objection, the biographical sketch was ordered to be printed in the RECORD, as follows:

BIOGRAPHICAL SKETCH OF MORRIS THOMPSON

President Nixon submitted the nomination of Morris Thompson to be Commissioner of the Bureau of Indian Affairs to the United States Senate on October 30, 1973.

Thompson was instrumental in formulating and implementing Indian policy as Assistant to the Secretary of the Interior from 1969 to 1971. In this position he assisted in developing the President's Indian message of 1970; was involved in the return of Blue Lake to the Taos Pueblo Indians; the return of Mt. Adams to the Yakima Indians, and he helped formulate the administration's position on the Alaska Native Claims Settlement Act.

For the past two years Morris Thompson has been Juneau Area Director, top line official for the Bureau of Indian Affairs in Alaska. In this capacity he has had full responsibility for administering the total range of Bureau programs with an annual budget of 40 million dollars and approximately 1200 employees. Significant activities include accomplishing a Tribal enrollment of well over 80,000 Alaska Natives within a two year deadline and implementing other Departmental and Bureau authorities relative to the Alaska Native Claims Settlement Act. Regular on-going Bureau programs and facilities in Alaska include 53 day schools, two Boarding schools, 5 field offices and a 10 ton cargo ship.

Thompson, an Athabascan Indian, at age 31 was the youngest man in BIA history to be named an Area Director. No, at 34 will be the youngest Commissioner when appointed.

From 1967 to 1969 he was Executive Secretary to the ten-man NORTH Commission. He was responsible for establishing policies and defining a comprehensive program to implement and promote the human and economic development of Northern Alaska. Additionally, he coordinated the activities for the Commission-economic research and evaluation of the work done by consulting firms—and acted as a liaison between State and Federal agencies.

Before accepting appointment to the NORTH Commission Thompson was Deputy Director of the Rural Development Agency for the State of Alaska. He assisted in the establishment of the Rural Affairs Commission which is a forum of Native leaders who advise the State administration on matters of policy regarding the Indian community. In his role as Deputy Director he also helped with the coordination of emergency relief programs created to alleviate disasters such as floods, fires, poor fishing seasons, etc.

Morris Thompson was born in 1939, in Tanana, Alaska, a community 150 miles west of Fairbanks on the Yukon River. Here he attended school through the eighth grade. During high school years he attended Mt. Edgecumbe BIA Boarding School, graduating as a member of the National Honor Society in 1959. For the next two years he attended the University of Alaska majoring in civil engineering with a minor in political science.

At this time BIA Employment Assistance was recruiting students interested in electronics technical training. Thompson took advantage of this opportunity and moved to Los Angeles, California, for training at RCA Institute. Here he met his future wife, Thelma Mayo from Fairbanks, Alaska, who was also in Los Angeles for a BIA training program.

Upon completing the Electronics course in 1963, he returned to Fairbanks, married Thelma, and worked as a technician at the RCA satellite tracking facility at Gilmore Creek near Fairbanks until 1967.

The Thompsons now have three daughters—Sheryl Lynn, age seven; Nicole Rae, three; and Allison May, 18 months.

Thompson has served on numerous boards and commissions during his career as a public servant including the Rural Affairs Commission, the Alaska Village Electrification Co-op and the Alaska Business Council. Currently he is President of the Juneau Federal Executive Association, a Board member of the Alaska Native Foundation, and a member of the National Congress of American Indians. He was formerly a Board member of the Fairbanks Native Association, and the Alaska Federation of Natives.

MORRIS THOMPSON PROFILE

Birthplace—Tanana, Alaska.

Birthdate—September 11, 1939; one-half Athabascan Indian.

SCHOOLS ATTENDED

1. Tanana Day School—Grade 1–8.
2. BIA Mt. Edgecumbe Boarding High School—Grade 9–12.

National Honor Society member.

Graduated 1959.

HIGHER EDUCATION

1. University of Alaska—9/59 to 1/62, Major—Civil Engineering, Minor—Political Science.
2. RCA Institute, Los Angeles, California—1/62 to 8/63.

Completed 18 month course in Industrial and Communications Electronics.

EMPLOYMENT

1. 1963–1967 Electronic Technician at the National Aeronautics and Space Administration's Satellite Data Acquisition Facility at Gilmore Creek near Fairbanks, Alaska.
2. 1967–1968 Deputy Director of Rural Development Agency for State of Alaska in Juneau, Alaska.
3. 1968–1969 Executive Secretary of NORTH Commission for State of Alaska in Juneau, Alaska.
4. 1969–1971 Assistant to the Commissioner (actually Assistant to the Secretary of Interior, Walter J. Hickel) in Washington, D.C.
5. 1971–1973 Area Director of BIA Juneau Area Office in Juneau, Alaska.

SPECIAL QUALIFICATIONS

1. Public Speaking.
2. Extensive knowledge of Indian groups and Tribes. Knows many Indian leaders personally.
3. Extended travel throughout Indian country.

MEMBERSHIPS AND ASSOCIATIONS PRESENT

1. Alaska Native Foundation.
2. National Congress of American Indians.
3. President of Juneau Federal Executive Association.
4. Governor's Labor Market Advisory Council.
5. Policy and Evaluation Council of the Center for Northern Education (University of Alaska.)
6. State Manpower Planning Council.
7. Alaska Health Manpower Committee.

PAST

1. Rural Affairs Commission.
2. Alaska Village Electrification Cooperative.
3. Alaska Business Council.
4. Fairbanks Native Association.
5. Alaska Federation of Natives.

NOTICE OF HEARINGS ON SMALL BUSINESS PROBLEMS UNDER THE MANDATORY FUEL ALLOCATION PROGRAMS

Mr. NUNN. Mr. President, notice is hereby given that the Subcommittee on Environmental, Rural and Urban Economic Development of the Select Committee on Small Business will conduct hearings under my chairmanship on the impact of mandatory fuel allocation programs on small business on November 27, 28, and 29. For those Members of this body and the general public who are concerned, I would like to set forth the subcommittee's objectives in conducting these hearings.

BACKGROUND

Under the leadership of the distinguished Senator from Nevada (Mr. BIBLE) and before him the distinguished Senator from Alabama (Mr. SPARKMAN), the Select Committee has a long history of being concerned with petroleum and energy matters. In its annual report for 1972, the committee pointed out on this subject that the United States was entering an "energy crisis," as illustrated by an 11.7-percent reduction in inventories of distillate fuels, especially No. 2 heating oil, between October 1971 and October 1972.

The Middle East situation and other factors have severely aggravated these shortages.

SMALL BUSINESS ORGANIZATIONS CONSULTED

On November 1 of this year, I convened our subcommittee in an informal working session with the representatives of 17 small business organizations to gain insights into their most pressing problems, including shortages of fuels. Although the mandatory allocation programs for propane and distillate oils were announced only during October, it has become apparent that energy shortages will have major effects on small business profitability and survival. It also appears that the extent of this impact is not yet fully realized.

SHORTAGES ALREADY BEGINNING TO HURT

We already know from press reports that factory closings have tripled in recent weeks because of shortages of petroleum products as fuels and raw materials. The following examples of industry shutdowns were recently cited in the national press:

> Ammonia fertilizer plants are closing because they are unable to obtain natural gas which they require as feedstocks to make ammonia. This will cause still more shortages of fertilizers next spring.
>
> With natural gas in short supply, it is becoming more difficult to obtain propane, a derivative of natural gas, which is used in the vital drying process of many grain crops.
>
> During the past few weeks, as many as 30 small plastics plants have closed in New York, New Jersey and New England.
>
> A nationwide steel shortage has caused many construction firms to switch to plastic pipe, which is now in such critical supply that some contractors have had to slow down housing starts. Six building projects in Houston have been almost halted because the contractors cannot get plastic pipe.
>
> In addition to plastics, two other products made from petroleum are expected to be in short supply this winter—anti-freeze and asphalt. Both are critical in the winter, anti-freeze for obvious reasons and asphalt because it is used to repave roads damaged by winter weather.

These press reports loom as the tip of an iceberg on which countless small businesses could be wrecked during a cold winter of 1974. Recent events and the resulting steps announced by the President on November 7 will undoubtedly make the situation even tighter for millions of small businesses across the country. The President has stated that rationing of heating oil and gasoline were probable.

CONGRESS HAS ATTACKED THE PROBLEMS

Several committees of Congress have done an excellent job over the last year in putting together the background of our gathering energy storm and in advancing specific legislative proposals to the point of enactment. In the Senate, under the able leadership of the chairman of the Interior Committee (Senator JACKSON), the Permanent Investigations Subcommittee has just completed a comprehensive study of more than 1 year, which was the basis of a far-reaching bill—S. 1507, The Emergency Petroleum Allocation Act of 1973—which is presently in conference. The Senate Banking Committee under the direction of Senator SPARKMAN and Senator MCINTYRE attempted both last year and this year to gain the administration's cooperation in addressing the problems of independent gasoline and fuel distributors.

NEED FOR TIMELY INVESTIGATION OF IMPACT ON SMALL ENTERPRISES

There is a vast community of small businesses virtually all of which depend upon petroleum products as fuels or raw materials. The economic importance of small businesses is indicated by the fact that they furnish more than 50 percent of the jobs in our economy and close to 40 percent of our gross national product. They are also the mainstays of the viability of our small and rural towns and cities across the country, and their best hope for economic development.

However, there has not yet been a good case study of what is happening to small businesses as a result of these shortages and allocation programs. Our committee, and others with whom we have conferred, feel that it would be very constructive to take an early look at the impact of these mandatory fuel allocation programs on this vital segment of the American economy.

We feel that unless Congress and the administration cooperate in getting the facts and quickly addressing the varied problems of the small business community, the lights will be turned out permanently in thousands of firms. This can only result in the strength of our economy being severely damaged.

Our subcommittee cannot, of course, manufacture nonexistent energy supplies. We can, in careful exploratory hearings, attempt to gather information as to what small businesses are actually experiencing.

The hearings will provide small businessmen, State and Federal officials a chance to respond at early stages of this energy crisis, rather than at a later stage when it may be too late. This seems to me particularly important because it has been our national experience that in every shortage or allocation program small businesses have the greatest problems and the lowest priorities. We hope that a timely input by the small business community through the efforts of our subcommittee can lead to avoiding some of the worst problems of controls, thereby preserving small firms in their vital roles as suppliers of goods and services to our priority uses and other citizens.

REMOVAL OF INJUNCTION OF SECRECY FROM THE PROTOCOL TO THE CONVENTION FOR THE INTERNATIONAL COUNCIL FOR THE EXPLORATION OF THE SEA, AND THE CONVENTION ON INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA

Mr. ROBERT C. BYRD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the protocol to the Convention for the International Council for the Exploration of the Sea, done at Copenhagen on August 13, 1970 (Ex. V, 93d Cong., 1st sess.); and the Convention on the International Regulations for Preventing Collisions at Sea, 1972, done at London October 20, 1972 (Ex. W, 93d Cong., 1st sess.); transmitted to the Senate today by the President of the United States.

I also ask unanimous consent that the protocol and convention, with accompanying papers, be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's messages be printed in the RECORD.

The PRESIDING OFFICER (Mr. ABOUREZK). Without objection, it is so ordered.

The text of the President's messages are as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Protocol to the Convention for the International Council for the Exploration of the Sea, done at Copenhagen on August 13, 1970.

This Protocol amends the Convention for the International Council for the Exploration of the Sea, done at Copenhagen September 12, 1964, with respect to the vote required by the Council for approving its annual budget. I transmit, for the information of the Senate, the report received from the Department of State with respect to the Protocol.

I recommend that the Senate give early and favorable consideration to the Protocol submitted herewith and give its advice and consent to ratification.

RICHARD NIXON.

THE WHITE HOUSE, *November 9, 1973.*

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to acceptance, the Convention on the International Regulations for Preventing Collisions at Sea, 1972, done at London October 20, 1972. The report of the Department of State is enclosed for the information of the Senate.

The Convention is designed to revise and bring up to date the International Regulations for Preventing Collisions at Sea, 1960, in the light of technological developments and increased use of the marine environment since those Regulations were concluded.

International concern for the protection and effective management of our oceans has been growing in recent years. The international community has also become more aware that the effects of marine casualties are not confined to the men and vessels immediately involved but, through the increased risk of marine pollution, can extend well beyond. I recommend that the Senate give prompt consideration to this Convention and consent to its acceptance.

RICHARD NIXON.

THE WHITE HOUSE, *November 9, 1973.*

SHOCKING NEGLECT OF MENTALLY RETARDED AT THE DISTRICT OF COLUMBIA'S FOREST HAVEN FACILITY

Mr. HUMPHREY. Mr. President, I invite the attention of the Senate to a matter of great concern to me and to many other citizens of this country, particularly the residents of the District of Columbia, Maryland, and nearby areas.

In the midst of many expressions of concern on Capitol Hill about abuses of national elective office, only 22 miles away there is a shocking case of governmental abuse of 1,300 people through neglect or totally inadequate efforts to improve services of care and habitation.

I refer to the mentally retarded persons who are resident at Forest Haven, the facility operated by the District of Columbia at Laurel, Md. The District of Columbia government and Congress must share the blame for the incredible conditions reported at this institution, for low staff morale, and for a treatment of the mentally retarded that all too often amounts to nothing more than survival from day to day.

This startling case of hundreds of people forgotten by society and seemingly barely tolerated by government was brought sharply to my attention by a recent series of outstanding articles by reporter Michael Satchell, and appearing in the Washington Star-News. Mr. Satchell relates the story of a black youth, given the name Lonnie Jackson, who "became ensnared in a system that failed when it took him in and continued to fail by keeping him for 13 years, knowing that he did not belong."

At the age of 5, after his mother died, Lonnie Jackson was placed in an institution at Forest Haven for the mentally retarded. As a result of totally incorrect testing, he was labeled "mentally retarded, irremediable." Yet this "hopeless case"—as far as administrative personnel at Forest Haven were concerned—graduated 20th in the 1973 class at McKinley High School, after concerned brothers of a Catholic religious order finally secured his release under their supervision 2 years ago. The rest of Lonnie's struggle for life is a chronicle of repeated physical mistreatment, harsh conditions, and frustrated attempts to obtain staff recognition of his academic interests and capabilities. The only excuse given for this saga of neglect was that Lonnie could not be placed in a home because the District of Columbia Child Welfare Division was already overburdened.

Mr. President, I know that in these days of the Middle East crisis and in these days of concern over the governmental crisis, it does not seem statesmanlike or even of any significant importance to get up here in the Senate and talk about things that relate directly to people's lives. But I want to say to my colleagues and to this community that if we are unable to do our job here in the District of Columbia, the Nation's Capital, which should be the center of all that is good in this country, what makes us think that we can help the rest of the world?

It seems to me that we are practicing a form of escapism. When we look around and see communities in our own States, and particularly here in this great Capital area, failing in its responsibilities, we immediately charge off to see whether we can save Africa, Asia, or Latin America, knowing little about those areas, and little enough about their way of life.

So, Mr. President, I am going to spend some time here in the Senate directing my attention toward problems not only of the people in the State I am privileged to represent—and, might I say, I travel a great deal in my State and I know the people and I care about them—but I am also going to talk about some of the problems here in the District of Columbia.

Millions of Americans visit the Nation's Capital every year. There are great newspapers in this city, and television stations. Hundreds of thousands of people come from abroad to the District of Columbia, the Nation's Capital, yet we seem to neglect all too often the many facilities and services that this great city should have.

I rise today to talk about this matter out at Forest Haven because it is an insult to God's children. It is an insult to this Government. It is an insult to any sense of decency.

It is about time that some of us who are more fortunate speak up for those who are less fortunate.

Apart from people who have everything our concern should be for those people who just want something. Apparently that concern is not often expressed.

The PRESIDING OFFICER (Mr. CLARK). The time of the Senator from Minnesota has expired.

Mr. ROBERT C. BYRD. Mr. President, how much time remains under morning business?

The PRESIDING OFFICER. Five minutes.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time for morning business be extended an additional 15 minutes, with statements therein limited to 5 minutes; and I ask to be recognized and I will yield my time to the Senator from Minnesota.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, I am pleased to get this additional time because I am not speaking today for just this RECORD. I am speaking out of my heart. I am speaking out of my concern, and I intend to get something done about it.

I want to serve notice on the District of Columbia government and I want to serve notice on this Congress that I am going to be at this until something happens.

Some years ago, I found that the schools of the District of Columbia had school books so out of date that they should have been placed in a museum. I remember in the 1960's, when we were concerned with these school books, that they finally recognized that electric refrigeration had arrived. The school books had pictures showing the Ford trimotored plane of the 1920's and 1930's. They did not even get up to the point where they had four-engine propeller planes, or even jet propulsion. The atomic age had not even arrived so far as the school books in the District of Columbia were concerned in the science classes in the early 1960's.

I stood here, Mr. President, day after day, and harassed Congress and the District of Columbia government until we got some school books that were up to date.

I am going to do exactly the same thing about cleaning up the Nation's Captial, and about the instances of gross neglect of the unfortunate, the sick, the handicapped, and the mentally retarded.

The profoundly regrettable fact is that the situation at Forest Haven is not—repeat is not—the exception to the rule. The rule, according to the Washington Star-News articles, is official neglect, totally insufficient and inadequately trained staff, shockingly poor medical treatment, buildings in serious disrepair—except for the $3 million Curley Building opened 2 years ago but never utilized as intended. The rule is a pervasive apathy afflicting at least 900 residents simply warehoused day and night, frequently unattended. It is alleged that when some staff members have occasionally tried to improve conditions and initiate activities, they have confronted a "gag rule" from higher up and the possible loss of their jobs. Meanwhile, tranquilizing drugs too often take the place of therapy and behavioral modification programs.

It is incredible that so close to the Nation's Capital, supposedly the site of efforts to improve health care across America and launch advances in the treatment of millions of handicapped Americans, there should be a sprawling complex which is housing forgotten people, where a severely retarded man can be found sitting in a chair with maggots in an open ulcer, where a boy can receive first- and second-degree burns from being scalded in a shower by other residents in the prolonged absence of a counselor, and where retarded people collapse from working in an old laundry where temperatures can hit 114 degrees.

The explanations given for all this range from a lack of money, to the citation of plain facts of serious and extensive overcrowding—as evidenced where the medical facility at Forest Haven must also serve 2,000 residents of the District of Columbia Children's Center, and to the assertion that treatment really is adequate.

The fact remains, however, that conditions at Forest Haven are a shameful disgrace. They must no longer be ignored by Congress.

Mr. President, I think the Senate of the United States should rise up and demand that something be done.

I say to the distinguished Presiding Officer now occupying the chair, the Senator from Iowa (Mr. CLARK), a man of compassion, how in the name of commonsense can we in this body permit people to be scalded and burned, to permit people to sit there as if they are animals or vegetables, eaten up by maggots. We talk about a health department. We talk about billions for health in this country.

Staff work at Forest Haven is very hard and poorly paid. On August 3, 1973, Congress completed action on legislation—H.R. 8658—providing for appropriations for the District of Columbia in fiscal 1974, and which included funds for 50 additional staff positions at Forest Haven, instead of 100 positions as proposed earlier by the Senate. An original budget request, under the District of Columbia Department of Human Resources, for $1 million would have been used to support the addition of these 100 positions—primarily counselors, social workers, special education teachers, nurses, occupational therapists, and psychologists, in addition to other professional medical, therapy, and job placement personnel—to the 642 budgeted positions at Forest Haven. A further small capital budget request called only for the renovation of food services facilities, constructed in 1938.

I regard these requests as an absolute minimum. They do not begin to take account of the decree of Judge Joseph C. Waddy, concerning the responsibility of the department of education to provide education for all children, including the handicapped, and the consequent reponsibility of the Department of Human Resources to evaluate children in need of special school placement, to which director Joseph P. Yeldell himself made reference in an initial budget statement.

Mr. Yeldell, in testimony last May before the Senate Appropriations Subcommittee on the District of Columbia, chaired by Senator BAYH, also stated flatly that—

> Forest Haven presently has one-half the budgeted positions necessary to meet minimum standards of accreditation.

And he frankly recognized what he termed a "custodial approach" at Forest Haven, in urging a major change to a therapeutic-rehabilitative approach. He also stated that "current staffing permits psychological therapy for only 50 or 60 residents," where an estimated 200 or more additional residents would be greatly benefited by this therapy. Job training and placement services and behavior modification programs could be expanded by the addition of these positions, and a long-overdue emphasis could be placed on the development of community-based facilities for the mentally retarded.

I firmly believe all these steps should be taken immediately.

Mr. President, more than 200,000 retarded persons in the United States currently live in publicly operated residential programs. While there are examples of good institutional care and rehabilitation, the reported conditions at Forest Haven indicate everything that can become profoundly wrong under this approach. It would be a serious mistake to assume that this facility cares only for orphaned children or those from very poor families. The harsh fact is that for many families earning a good income, there is no other choice for the care of a loved one or child, due to the prohibitive expense or long waiting lists of private institutions.

We have yet to see implemented in this Nation an historic action policy proposal on "residential services for the mentally retarded," adopted by the President's Committee on Mental Retardation in 1970. That proposal called for facilities designed to serve residents' needs in a comprehensive program, with healthful and safe living quarters providing maximum opportunity for privacy, and located within the community served, offering opportunity for normal contacts with the life of the community.

In the major portion of the complex at Forest Haven, these standards are totally ignored.

The President's Committee saw a basic obligation of residential services to assure the legal rights of each retarded person. It stated that the prime purpose of these services must be to enable the individual to develop his or her physical, intellectual, and social capabilities to the fullest extent possible; to develop emotional maturity commensurate with social and intellectual growth; whenever possible, to develop skills, habits, and attitudes essential for return to contemporary society; and to live a personally satisfying life within the residential environment.

On the basis of the newspaper articles to which I have referred, one can only conclude that neither these legal rights nor these basic purposes are given more than scant attention at Forest Haven.

There are immediate steps that can and must be taken to address this crisis of human neglect. I serve notice here and now of my intention to take the following actions.

First, I will request the Comptroller General, General Accounting Office, to initiate an immediate investigation of the possible misuse of congressionally appropriated funds where such funds provide assistance for programs at Forest Haven.

Second, I will request Mr. Joseph P. Yeldell, director of the Department of Human Resources, government of the District of Columbia, to respond in writing on the statements and allegations set forth in the four-part series of articles on Forest Haven, appearing in October 1973 issues of the Washington Star-News. I will also request Mr. Yeldell to outline for me a reasonable program, with cost estimates, for staff expansion and reorganization and for facility im-

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provements at Forest Haven, as well as for specific therapeutic and behavioral modification programs that can be initiated and expanded at this facility in the immediate future. And I will ask that he indicate the status of plans for directing future services toward community-related facilities.

Third, I will urge Senator THOMAS F. EAGLETON, chairman of the Senate Committee on the District of Columbia, to give immediate consideration to the feasibility of scheduling committee hearings on conditions at Forest Haven, which may lead to recommendations on appropriate corrective administrative or legislative action.

And fourth, I will ask Senator BIRCH BAYH, chairman of the Senate Appropriations Subcommittee on the District of Columbia, to consider committee action to propose the incorporation of such additional funds as may be required to meet the initial request for 100 additional staff positions at Forest Haven, in the first appropriate supplemental appropriations legislation for fiscal 1974 to be reported to the Senate. I will also urge early committee consideration of further funding requirements to implement program and facility improvements, as called for in my previously mentioned communication to Mr. Yeldell.

Mr. President, I trust that my outrage over reported conditions at Forest Haven has been very clearly communicated to those in positions of responsibility and who can and should act to end this nightmare without delay.

Mr. President, I ask unanimous consent that an editorial, entitled "Out of Sight, Out of Mind," published in the October 30, 1973, issue of the Washington Star-News, and the four-part series of articles on Forest Haven, also appearing in this newspaper, be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Star-News, Oct. 30, 1973]

OUT OF SIGHT, OUT OF MIND

"Realistically," a male nursing assistant at Forest Haven said the other day, "nothing is happening here."

He referred, of course, to the institution out at Laurel, Maryland, where the District of Columbia stores away some 1,300 mentally retarded citizens, most of whom were long ago forgotten by everyone else—congressmen and councilmen, parents and public.

It was a casual observation and a highly perceptive one. Nothing much *is* happening at Forest Haven, and that is its tragedy.

We don't intend to review here all the findings made by our reporter Michael Satchell in his heartbreaking four-part series on Forest Haven—the shabbiness of the older "cottages," the sterile emptiness of the newer wards, the lack of privacy with its crushingly paradoxical lack of supervision, the endless boredom and apathy, and the kind of easy neglect that is fostered by a sense of defeat. As one nursing assistant said of officialdom's attitude, "They feel our people are so severely retarded *they don't need things.*"

Or a therapist, speaking of the prevailing reliance on tranquilizing drugs: "I can't work with these kids when they're zombies."

The diversity of Forest Haven's problems is as staggering as the diversity of its residents—ranging from those who shouldn't be there at all (witness the misdiagnosed boy who, after 13 years in limbo, was rescued in time to graduate 20th in his class at McKinley High this year), to the moderately retarded (several hundred of whom probably could make it on their own outside if given proper training), the severely retarded and whose are also physically grotesque.

Well, what is needed at Forest Haven?

First of all, more attention must be paid—by Congress and city officials and citizen volunteers.

Second, it needs a massive infusion of money to rebuild the rundown plant and to double the staff. It needs highly qualified and dedicated people, and this means higher salaries.

Further, it needs an enlightened administration under a top-flight superintendent who is capable of generating new and exciting programs that will attract new talent to take up the challenge, while stimulating the flagging morale of those now on the job. It needs a major effort to help the mildly retarded to get out of there and into some kind of rewarding life in the community, and it needs to do something about the shockingly empty world in which the others live. It is hard to say which is more disheartening, the partitionless toilets and peeling paint of the old buildings or the bare walls, bare floors, bare furniture and barren lives of the newer ones.

Finally, it needs more friends, volunteers who will visit from time to time, bringing with them—along with such worldly trappings as toys and games—some fresh affection, help and cheer.

Without all this, the future of the "children" at Forest Haven is, in the words of Human Resources Director Joseph Yeldell, "not very bright."

[From the Washington Star-News, Oct. 21, 1973]

THE "RETARDED"—"NO OTHER PLACE TO GO"

(By Michael Satchell)

(NOTE.—This is the first of a four-part series about Forest Haven, the District's home for the retarded in Laurel, Md. To examine the institution and its problems, its patients and employees, Star-News Staff Writer Michael Satchell made several visits to Forest Haven and worked there as a nursing assistant. Today: The story of Lonnie, a recent high school graduate who spent 13 years in Forest Haven because he had "no other place to go.")

"My name is Lonnie Jackson, a black youth. I was born at Freedman's Hospital in Washington, D.C. on June 18, 1953. My mother died when I was about 5 years old. I was placed in an institution at Forest Haven, Laurel, Md.

"It is an institution for the mentally retarded. I am not a retarded person. I was put there because I had no other place to go. I stayed at the institution for about 13 years. . . ."

Thus begins "My Struggle For Life," the private autobiography of 19-year-old Lonnie (not his real name) who became ensnared in a system that failed when it took him in and continued to fail by keeping him for 13 years, knowing that he didn't belong.

When Lonnie entered the District's home for the retarded as a child, he was tested, given a bottom drawer I.Q. rating of 35, and labelled "mentally retarded, irremediable."

Today, two years after being taken out of Forest Haven by a group of Catholic brothers, Lonnie is a high school graduate—20th in the 1973 class at McKinley High—working in an office job for the government. He is contemplating college. He wants to be a political scientist.

Lonnie's story is an example of a system with problems. Yet it is a single anecdote in the over-all story of Forest Haven, a sprawling, threadbare institution which is called "home" for 1,300 mentally retarded persons—infants to persons in advanced age.

Like any large public institution, Forest Haven has its strengths and weaknesses, its good points and bad, its successes and failures. But there are major, undeniable problems existing there.

Forest Haven, many of its employes protest, is overcrowded, understaffed and underfunded. A majority—not all—of the residents simply are being warehoused, their years spent in aimless, pointless activity. Medical care, from the viewpoint of many observers, including parents and registered nurses at the institution, needs to be improved.

Worst of all, Forest Haven and its problems have a long history of being ignored—by Congress, by the District government, by the public, and even by most of the parents and relatives of the 1,300 residents.

It is 22 miles from downtown Washington to Forest Haven, and those who have fought for years to focus public concern on the institution say bitterly that the D.C. home for the retarded might as well be located in Siberia for all the attention that is paid to it.

Lonnie's account of his 13 years in Forest Haven offers a rare and lucid glimpse of the 48-year-old institution through the eyes of the residents who rarely get the opportunity to express their opinions to the outside world.

The youth is today an intense, lonely and religious young man living in Northeast Washington in a Catholic halfway house. He still is learning to readjust to life outside Forest Haven. Helping him are the Catholic religious order brothers and a psychiatrist.

Lonnie says he isn't bitter that he was cheated out of 13 years of his life, but through his autobiography, written last year while a senior at McKinley, run threads of anger and resentment, born of his inability to get out of a place where he didn't belong.

In "My Struggle For Life," he lists instances of brutality by counselors, his own downward spiral and unhappiness, his progression through the Forest Haven school, through classes with "juvenile delinquents" in the Maple Glen section of the D.C. Children's Center at Laurel, and finally into D.C. public schools.

He relates his frustration at being a misfit and his attempts to convince the Forest Haven administration of his abilities.

The attempts included writing to the administration and entering a National Spelling Bee.

It was to no avail. Finally, two years ago, a volunteer worker named Mike Donahue learned of Lonnie's existence and brought him out of the institution.

Donahue, a member of the LaSalette religious order, was able to get Lonnie out of Forest Haven by becoming his legal guardian. The Catholic brothers, in effect, adopted the youth.

When Lonnie was first brought out of Forest Haven, Donahue recalled, he hadn't even been taught to use the telephone, and when he got on a D.C. Transit bus, he used to ask the driver—out of institutional habit—to drop him off at his destination.

Here are excerpts from "My Struggle For Life," as Lonnie wrote them.

On life in the institution:

"During Christmas time (in the nursery) I used to love toys. I thought about toys as the gods of the world. Summer during my kindergarten days used to be a time of joy because those days were comfortably warm."

"From 1960 to 1965 in Poplar (cottage) rules were very strict. The counselors used to have us turn around and they would hit you with a big platter. Life was pretty harsh

. . . because of the punishment, rules and regulations. I was the target of sarcasm. I left Poplar College on February 7, 1965. It was a Friday. . . .

"Life at Maple (cottage) was very harsh. I was the servant of . . . a heavyset black boy. He used to have me do his dirty work. Disobedience led to cruel punishment. . . . The counselor used to hit us with a hard rubber stick on the feet—sometimes on the 'hindy' if we disobeyed. This form of punishment never changed until I moved to a new cottage.

"On May 22 (1967), I was transferred to Oak Cottage. Life changed. I was putting on airs, I used to smoke cigarettes . . . use profane language . . . steal. I took part in a truck theft (stealing buns from a truck) and was sentenced to a day in detention. Life at Oak Cottage was pretty rough but we did not have as much physical punishment."

In 1970 Lonnie was transferred to Jones Hall, for the mildly retarded, and given a private room.

"My first few days (in Jones) were happy because it was the end of getting in line, going to bed early, and life in the dorm. The boys were respectful, nonaggressive and honest. My one year and a half at Jones Hall were nothing but physical peace, independence, freedom and respect. My progress in Jones was dramatic."

One chapter of "My Struggle For Life," chronicles Lonnie's school experiences. As a youngster, he zipped through the simplified courses at the Mary Ziegler School at Forest Haven in record time and was sent to the school at Maple Glen, the District's institution for juvenile offenders.

"1967 was a year of academic competition," he wrote. "In January that year I got the idea of entering the National Spelling Bee. I managed to get a dictionary and studied hard. The Bee was held at the Departmental Auditorium (on Constitution Avenue). I was not eliminated (for several rounds) until the word 'dominion' threw me. It gave me confidence entering the Bee.

"In April 1968 I wrote to (the administration) about the possibility of going to junior high but I was put in the Maple Glen study program. It was a school for juvenile delinquents. . . . When I became adjusted to the program I made many enemies because I was academically inclined.

"For the whole school year, I had a 3.0 grade point average. It was considered the honor role. I came up again for institutional review (to attend public school outside of the D.C. Children's Center) and was turned down.

"This time I became very upset because I didn't want to spend another year in a program below my academic ability. I was too advanced for the program."

On September 10, 1970, Lonnie was finally allowed to attend Rabaut Junior High although he still lived at Forest Haven among the retarded. In September 1971 he transferred to McKinley and graduated last June.

Lonnie, once said to have an I.Q. of 35, notes in his story that he studied French, physical science, philosophy, psychlogoy, education and theology. He admits to having trouble with algebra.

The superintendent of Forest Haven for most of Lonnie's 13 years there was Guy Puntch, who was moved from the institution in 1971 and now works in the bureau of developmental disability of the D.C. Department of Human Resources.

Puntch was asked why, after Lonnie was identified as being mentally normal, he wasn't removed from Forest Haven and found a home elsewhere.

"Our institution never operated a foster home program and he had no family," Puntch said. "We depended on the District Child Welfare Division and they were always so overwhelmed with bright, lovable youngsters. He was doing all right. . . . There was no way we could pressure them (child welfare). . . . There was no real need to raise hell about his case."

Puntch also was asked what effect he thought 13 years among the retarded might have on Lonnie's mental development.

"I suspect that if it did anything to him," Puntch said, "it gave him a few more successes than most of us experience. Everywhere he went people told him he was clever, wonderful. He had adulation. He had staff and teachers whom he could talk to . . . relate to."

Lonnie today is trying to put Forest Haven behind him, get the experience out of his system. He says he is not bitter toward those who were responsible for the lost years.

In the summary of "My Struggle For Life," he writes:

"I lived in an institution with a mixture of delinquents, retardates and the homeless. I have seen some extremely terrible things. Once when I walked past Dogwood and Holly cottages I saw people who were outside and stripped naked.

"It is downright ridiculous. We should ask the federal government for more money to help these profundly retarded people . . . people like that should not be forgotten. They should be helped and cared for just like parents care for their children."

[From the Washington Star-News, Oct. 22, 1973]

IGNORED BY OFFICIALS, PUBLIC—FOREST HAVEN IS VICTIM OF APATHY

(By Michael Satchell)

(NOTE.—This is the second of a four-part series about Forest Haven, the District's home for the retarded in Laurel, Md. To examine the troubled institution's problems, Star-News Staff Writer Michael Satchell worked there as a nurse's assistant. Today: The apathy problem.)

After years of being ignored by officialdom and the public, Forest Haven, the District's home for the mentally retarded, today is an institution in trouble. It is worn out and seemingly without direction, a victim of apathy and neglect.

"Forest Haven," admits D.C. Human Resources Department (DHR) boss Joseph Yeldell, "is a huge problem." Of its future, Yeldell adds, "Not very bright."

When it comes to public help for the handicapped, the District's retarded have languished at the bottom of the priority list. In his six years as the District's chief executive, some Forest Haven staffers point out, Mayor Walter Washington has made only one brief visit to the institution, located 22 miles from downtown Washington near Laurel, Md.

A consensus of Forest Haven staff is that virtually none of the D.C. City Council or Congressional District Committee members has ever taken more than a cursory interest in the place. A few have made quick, carefully supervised tours, but were not heard from again.

The institution has been without a permanent superintendent for 18 months. For the past year, it has been run by Mrs. Regina Wintermoyer, a registered nurse. Yeldell says the District has been looking for a clinical psychologist to head Forest Haven, but without success.

Forest Haven is a sprawling complex of 17 buildings, many of which appear to be in dangerous disrepair. Forest Haven is home to 1,300 persons—from infants to the elderly. But the institution has a mailing list of only 400 relatives of these residents and, of these 400, only about half are quickly traceable, by one staffer's estimate.

Thus, the majority of the residents have no one on the outside looking after their interests or welfare. Many of them, youngsters included, simply have been dumped there by uncaring families and forgotten.

A parents' task force that has been trying to get improvements for the past four years has, at most, a dozen active members. "Friends of Forest Haven,"—the institution's PTA—meets every two months. If six people show up, that's an average attendance. The record attendance is 20, one member said.

A few deeply concerned employes have tried to buck the inertia and force change. They say they haven't succeeded. Their efforts instead have drawn censure from superiors, threats of dismissal or transfer to bottom rung jobs in other DHR programs, and orders not to talk to the news media. Many have ignored the gag order and have discussed Forest Haven in depth. Others, apparently fearful of losing their jobs, have refused.

It is against this backdrop of apathy that Forest Haven must be viewed. It's fundamental problems—understaffing, inadequate funding, low morale and rundown physical plant—cannot be corrected quickly by a massive infusion of money. The patient, as one staffer noted, has been sick too long for an overnight cure.

These basic problems in turn have spawned a host of abuses and negative conditions that give Forest Haven a dismal record.

A month-long investigation by the Star-News turned up a score of allegations by staff and parents of poor medical treatment. It revealed instances of profoundly retarded persons suffering for years from serious and painful medical conditions without any corrective surgery or regular treatment.

It found a bored population that for the most part does nothing all day but sit or roll around the floors. These are human beings warehoused in ramshackle cottages often dirtier and more crowded that some of the animal quarters at the National Zoo.

In the Curley Building, a $3 million "showpiece" opened two years ago to house 200 profoundly retarded persons, most of the population is locked in bare, tiled day rooms. Many of them sit in stupors having been administered heavy doses of tranquilizers. Youngsters who spend most of their lives tied up in straitjackets—euphemistically called "mummies"—also are tied to benches with strips of cloth. They are able only to move their legs and heads.

The probe found at least 50 retarded persons who work long hours, without pay, in an ancient laundry where temperature's during last month's two-week heat wave reached as high as 114 degrees—conditions that would have forced the closure of any office or factory on the outside. At Forest Haven, work continued, despite the hellish conditions and the fact that workers were dropping out after lapsing into heat-induced convulsions.

Documented were a series of recent accidents, incidents and abuses basically brought about by the lack of spervision and overcrowding: Youngsters who were beaten and injured by other residents; an old man found with maggots crawling in an open and untreated leg sore; at least four young men badly burned or scalded because of lack of supervision; a young man electrocuted when he plugged in a defective fan with the insultation stripped from the flex.

By Yeldell's estimate there are as many as 400 persons who shouldn't even be there. Most of them are mildly retarded young adults who, if money were available, could be trained for jobs on the outside and placed in group homes in the District.

There also are residents who aren't even retarded. Yesterday, in the first installment of this series, the Star-News described the experiences of a 19-year-old youth who spent 13 years in Forest Haven, despite the administration's awareness that he was quite normal.

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Staffers say there are a number of persons in Forest Haven today suffering from emotional illness—not retardation—and from such handicaps as cerebral palsy, deafness, blindness. They are in Forest Haven because the District has nowhere else to put them.

During a tour, a young boy in Lower Poplar Cottage was found lying on a concrete floor in a bare isolation room. There was blood on his arm. None of the counselors present in the entire building knew why he had been locked away, how long he had been there, or how he had been hurt.

Outside Azalea Cottage, which houses older women, a resident shuffled around a garbage can, picking out bits of garbage and eating them—not because she was hungry but because she was retarded and there was no one around to stop her. One staff member said the woman does it all the time.

No more than 400 of the 1,300 residents participate in regular school programs, job training at the Occupational Training Center in Northeast Washington, or have jobs outside or in the institution. Close to 900 persons spend their days doing nothing, sitting in drab dayrooms, watched over by a lone counselor or nursing assistant. Entertainment is a fuzzy black-and-white television. Once a week there is a dance at the school, sometimes a movie. Occasionally there are trips for a few, the money usually coming from fundraisers staged by volunteer workers and staff.

Regina Wintermoyer, acting superintendent for the past year, says Forest Haven is a "safe" institution. "We are doing an adequate job, but not the superior job I'd like to do," she said. She blamed the problems of the institution on a lack of money and staff.

She was asked why she hadn't ordered simple improvements to make life a little more comfortable for residents—a coat of paint in the dayrooms, plywood screens in the toilets for privacy, a few toys for the younger residents, better maintenance to spot such things as the defective fan that killed the young man a few weeks ago.

"We just don't have the money," she said. "These things cost."

Yeldell, in acknowledging that Forest Haven was beset with problems, stressed that the Department of Human Resources was aware of them and was dedicated to improving things.

Congress recently approved 50 new positions at Forest Haven, an encouraging sign but in Yeldell's words, "not enough to have an immediate effect" on an institution that is presently operating with about half the staff it should have.

He noted that he had exempted Forest Haven from economic freezes affecting other D.C. government agencies, adding that the District had not received a hoped-for $6 million in federal funds due to government financial clamps—money that was earmarked for the program to get the mildly retarded out of Forest Haven and into the community.

Yeldell said he would do all that he could to find new funds or to keep from cutting back even further on Forest Haven's financial lifeline. "Certainly," he said, "the picture for Forest Haven for the next few years is not a very bright one."

[From the Washington Star-News, Oct. 23, 1973]

Sick Kids Go Untreated

(By Michael Satchell)

(Note.—This is the third of a four-part series about Forest Haven, the District's home for the retarded in Laurel, Md. To examine the institution and its problems, Star-News Staff Writer Michael Satchell worked at Forest Haven as a nurse's assistant. Today: Medical care.)

"I am concerned about the caliber of person in the medical program," says Joseph Yeldell, director of the D.C. Department of Human Resources. "The care needs improving."

Dozens of staff members at Forest Haven, which is home for 1,300 retarded persons of all ages, echo Yeldell's statement. And so do many parents and relatives of those housed in the troubled institution. Some of the complaints:

"Kids die out there and it is swept under the rug," said Mrs. Betty Evans, a leader of the Forest Haven parents group.

"Sick kids often go untreated," said a registered nurse who is a staff member.

Several parents said they had visited their sons or daughters and found them bruised, bleeding or worse.

Staff members recounted examples of taking Forest Haven residents to the medical center only to have them receive cursory attention when "it was obvious they needed medical help."

Many parents recounted their bad experiences with Forest Haven, then demanded not to be publicly identified because they believed their children could become targets of retaliation by vindictive staff members. Several Forest Haven administrators scoffed at this parental attitude, calling it nonsense. But the fact remains several parents said they feared being identified for their children's sake.

Several observers said they were puzzled by the attitudes of Forest Haven's acting superintendent, Mrs. Regina Wintermoyer, and Dr. James Boyland, the chief of medical services, with regard to their handling of complaints from staffers and parents and relatives.

One situation mentioned by several staffers and confirmed by the registered nurse who discovered it, concerns a severely retarded man who was spotted in a cottage one day by the nurse.

"I was making rounds and he was sitting in a chair," said the nurse, who asked not to be identified for fear of losing her job. "There were flies around his leg. I lifted up his gown and found an open ulcer on his leg. When I looked closer I saw maggots in the ulcer, crawling around. He had had no treatment.

"I took him to the hospital but no one appeared startled. No one appeared shocked."

Asked about the nurse's charge, Dr. Boyland said, "You should remember that years ago maggots were used to clean up wounds. If this indeed happened it was only because it was not brought to the attention of the staff."

Another incident involved reports that a teen-age girl had been forcibly douched with Lysol disinfectant by a counsellor as punishment for sexual promiscuity. Asked about this, Mrs. Wintermoyer also said she hadn't heard of it, but added:

"Lysol diluted used to be a common antiseptic treatment for post partum care some years ago when I was nursing. We used to spray it on the mother's stitches. It could be that it was diluted in this case—I don't really know."

Parents of Forest Haven patients repeated complaints about care of their sons and daughters when they discovered injuries. They said they could never get satisfactory explanations from the institution, and that serious medical situations were not brought to their attention.

Tom Lannon, a Washington attorney who says he has tried to work quietly behind the scenes in an attempt to improve conditions at Forest Haven, recited a catalogue of troubles suffered by his 18-year-old son, Michael, a cerebral palsy victim.

"First, Mike was pushed into a shower by other boys and boiling water was turned on him," Lannon related. "There were no counselors around to stop it. He received first- and second-degree burns and spent six weeks in the hospital.

"Last February we went out to visit him and found he had the biggest, worst-looking black eye. Mike told us a counselor had hit him. I asked for a complete report of the incident but I still haven't received it. The counselor denied it but I know my son wasn't lying.

"Three weeks ago, we went out to see him and found his upper front tooth had been extracted. We knew nothing about it. They never even notified us. Residents of Forest Haven are not even receiving minimal custodial care. It's reached the point today of criminal negligence. There just aren't enough staff."

Over the last two years, three other boys at Forest Haven have been badly scalded or burned in incidents that staffers traced to lack of supervision. Law suits were filed in such case. One was settled out of court, one was won by the plaintiff, and the other is pending.

The pending suit involves a youth, paralyzed from the waist down, who was burned twice. The first time, he was allegedly placed in a bathtub by a counselor and left. Someone turned on boiling water, causing severe burns from his chest down. The second occasion, he was similarly scalded in a shower.

His family's attorney said the investigation showed only one counselor was working at the time and was responsible for supervising 80 retarded youths and men.

The mother of another youth who requested anonymity described medical care at Forest Haven as "very poor" and related her son's problems.

In a memo to attorney Lannon, she wrote: "On picking (our son) up for a home visit, we found that his two front teeth had been broken off. The explanation elicited from the counselors and the medical record was that he had had an epileptic seizure. He had never had an epileptic seizure in his life."

On another occasion, she related, she went to pick up her son to take him to a private dentist and found him in the clinic with a swollen eye, cheek and upper lip. "The explanation from a Forest Haven physician was that the boy was suffering from "upper respiratory infection."

Several days later, the family got permission to take their son out of the clinic. The family dentist examined the swelling and found an abscessed root canal, not "upper respiratory infection" as diagnosed at the Forest Haven clinic.

A few weeks ago, in an incident that touched off a lot of grumbling among the staff, a young boy who was having difficulty walking due to pain in his leg, was taken to the Forest Haven clinic three times in three weeks by a staff member.

X Rays were taken at the clinic but they showed nothing, according to Dr. Boyland, and the boy received no treatment. In desperation, the staff member took the boy to her own private physician. New X Rays revealed a fractured kneecap.

Another staff member described medical services as "totally and frighteningly inadequate." The staffer further described personal knowledge of a teen-age girl, found in pain and apparently in labor. The staffer rushed the girl to the institution's clinic.

"We were received somewhat less than cordially," the staffer said. "I was told in no uncertain terms that I was not qualified to know when medical attention was needed, that the girl was not in labor and that she should be returned to her cottage. I was frightened and very angry. I demanded to see the doctor, but there wasn't one on duty."

Minutes later, the girl delivered.

The 1,300 residents of Forest Haven are treated in a clinic and hospital located on the ground. The clinic also serves 2,000 residents of the D.C. Children's Center. Those with "serious medical problems" are referred to D.C. General Hospital.

Dr. Boyland, who heads a staff of five other physicians, defended his program. "To my knowledge, nobody is suffering, unhappy or mistreated," he said. "Nowhere that I know of is a patient here not receiving good medical care.

"Part of our problem is that we often don't know when the residents are sick.

"The counselors and nursing assistants in the cottages are our eyes and ears and, unless they bring problems to our attention, we can't treat them. Our biggest shortcoming, as in other programs in Forest Haven, can be attributed to lack of staff.

"Medically, I wouldn't alter it (the medical program) at all."

Yeldell, questioned about the quality of medical services at Forest Haven, said there was adequate medical staff to handle the care.

"The basic problem is that if physicians are there (in an institution) for a long time, they get no peer review, I think Dr. Boyland and the others need somebody looking over their shoulders. There is no rationale why there should be lack of care."

[From The Washington Star-News, Oct, 24, 1973]

Lives of Misery Hard To Brighten

(By Michael Satchell)

(Note.—This is the last of a four-part series about Forest Haven, the District's home for the retarded in Laurel, Md. To examine the institution and its problems, Star-News Staff Writer Michael Satchell worked there as a nurse's assistant. Today: A day on the job.)

The face peers through the unbreakable glass panel in the day room door. Hands clasped across the chest. Dull hooded eyes silently begging the attention of the two visitors.

Thornton Kidrick unlocks the door and we step inside a barren, sterile room with tile walls. The air is as offensive as an old dog's breath. Flies circle lazily. Several naked bodies shuffle around us, grunting, clutching, lurching.

I recoil instinctively. All that comes to mind is a group of groaning inmates of the Asylum of Charenton in "Marat/Sade." But this is 6:30 a.m. in the Curley Building for the severely retarded at the District's Forest Haven institution, and the score of residents of Unit West 2, men 21 years and older, are ready for bath and breakfast.

Kidrick locks the door behind us and, suddenly, the idea of spending eight hours working as a nurse's assistant in Curley is almost painful to contemplate. At that moment, I want to get out.

Curley is a $3 million low-slung, red brick building opened two years ago to house 200 profoundly retarded men, women and children. It is Forest Haven's air conditioned showpiece. Visitors are trotted through the carpeted lobby and invited to admire the brightly decorated walls of the corridors that contrast starkly with the shabby cottages in which most of Forest Haven's 1,300 residents live.

Before Curley was built, the same residents were crowded into the shabby cottages, living with the stench of urine and excrement in the classic "Snakepit" conditions once prevalent in all institutions for the retarded and still depressingly present in too many today.

All that was supposed to end at Forest Haven when Curley was opened. The new building was to be a model of progressive care for the profoundly retarded, replete with adequate staff, instructional aids, structured training and recreation and, most important of all, behavioral modification programs to transform a population of animalistic human beings into functioning human beings, mentally limited, but able to feed, dress, clean, learn and perhaps even get a little enjoyment out of life. Today the stench has gone, but little else has changed.

"It hasn't worked," said Kidrick. "At least, not yet it hasn't."

The residents of West 2 include three men who are blind, in addition to being profoundly retarded. They have to be led from their beds to the toilets. The others find their own way.

From here, they move to the bath area where Kidrick scrubs them down with an antiseptic soap solution and sends them into the shower. As usual, he has to use paper towels because the laundry hasn't sent any washcloths. My job is to dry them when they come out of the shower. There aren't enough towels, so I use sheets.

Their bodies are scarred, a realization that startles me. Some have heads and chests like roadmaps, crisscrossed with scar tissue. Many have fresh wounds, swellings, contusions, open cuts "They fight, hurt each other, and some have seizures and fall down a lot," Kidrick explains.

First out of the shower is Eddie, a powerfully built black man who stands a head taller than I stand. He glowers as I reach to dry him. I'm not afraid that he'll hurt me. The fear is more that I won't be able to do the job, that I'll have to apologize to Kidrick and leave.

But Eddie bends his head and I wipe the water out of his eyes. He smiles and suddently the repulsion vanishes. Somehow it's like caring for a frightened child. When he's dry, Eddie lifts his arms and I can't understand what he wants. Kidrick comes to the rescue.

"Grab the deodorant," he yells. After a couple of strokes with the roll-on deodorant, Eddie ambles off happily and the line from the showers starts moving toward me.

Working as a counselor or nurse's assistant at Forest Haven is difficult, emotionally taxing and damned hard work. It means doing everything a mother or father does for a young child, but doing it instead for 20, 30, even 50 people each day. And the offspring are retarded.

The pay is scant, generally somewhere between $5,000 and $7,000 a year, depending on seniority. The shifts are spaced around the clock. There is no public transportation between the District and Forest Haven, which is 22 miles from downtown Washington near Laurel, Md.

The institution, by the estimate of Joseph Yeldell, director of the D.C Department of Human Resources, needs twice as many staff members as it now has. The problems spawned by the consequent lack of supervision are enormous, he admits.

Working as a nurse's assistant in Curley is particularly tough. Says nursing chief Gladys Ness, "Most of our employes are working mothers with families of their own. They've got a list of problems a mile long before they even get out here. The work is difficult. Absenteeism is high. An awful lot of sick leave is used. A lot of the people aren't trained . . ."

After two hours with the residents of West 2, some definite characters begin to emerge. Terry is the court jester. He is a tiny man, about three feet tall with matchstick legs and a perpetual grin. He waddles along like a penguin and follows everywhere, telling me every two minutes that we're buddies, reaching up each time to pat me on the back.

After an hour, it gets tiresome. I think about how Kidrick hears it year in and year out.

Terry seems to be the brightest resident I've met so far, and he's the only one who is able to speak in sentences. Eddie, the black man, roars constantly, trying to sing the words to "When the Saints Go Marching In."

Michael, who is mongoloid, carries a bundle of rags around with him and never lets them go. James has difficulty walking and stumbles around. Herbert, an old man, spends an hour or more patiently lacing a pair of boots.

After breakfast, the medication is brought around—phenobarbitol, Thorazine. Everybody gets a dose of tranquilizer.

"Realistically, nothing is happening here," Kidrick says. "There's not enough staff to have programs such as simple games. The kids love music, but there aren't any radios and the record players are all broken. We're supposed to get toys, but most of the stuff they send us is useless—games that normal kids would have trouble handling.

"I don't buy this tranquilizer business. If you're going to dope up kids 24 hours a day, you're retarding them further. I can't work with these kids when they're like zombies. Most of them have been on drugs for so long, you'd never get them off now."

Mrs. F. W. Jacobik, Curley's nursing supervisor, disagrees. "Without tranquilizers it would be sheer madness," she said.

Nursing assistant Rozella Parsons, an intense woman who says she treats her retarded charges just as she does her own children and loves them just as much, disagrees with Mrs. Jacobik.

"They tranquilize them so heavy here that I can't work with them in my behavior program," she complains. "There's an attitude at this institution—they feel our people are so severely retarded they don't need things. We're always the last to get clothing, linen. Morale is bad. Younger staff people leave because they get disgusted with being unable to change things. There's bad feeling between the nurses and the nursing assistants. The registered nurses sit up front and never come back into the day rooms where the real work is being done."

The behavioral modification program Mrs. Parsons has organized is strictly her own effort to improve things. It doesn't have enough staff members to function in the textbook manner, although several agree that she has done amazing things with her charges.

Forest Haven nursing chief Gladys Ness says, "Ideally all 200 Curley residents should be participating in behavior modification. Instead, because of the staff shortage, there are exactly seven."

It's obvious to me that Kidrick and company are right. Curley is a beautiful building, but it is nothing more than a fancier warehouse than the other cottages. My job simply is to watch the residents, keep them out of trouble, change diapers if needed. There isn't so much as a ball to roll around or a book or magazine to show them.

The only breaks in the routine are meals. Day room doors are unlocked, they troop down the hall to a small dining room and wolf down their food. Mealtimes are used to reinforce good eating habits. Spoons, not fingers, must be used.

James, who stumbles about and has difficulty walking, breaks the rules and eats with his fingers. An attendant shoves the spoon in his hand three times. The fourth time James' fingers go into the food, he is yanked from the table and hustled back to the day room. James fights all the way because he's still hungry.

By this time, James is thoroughly angry, shrieking and clawing to get back to the eating area. A nurse's assistant, a young girl, joins the struggle and James bites her finger. Nothing serious. The skin isn't broken.

The attendant loses his temper, grabs James by the shoulder, trips him and pushes him to the floor. I'm amazed that he does this in front of me. It is a cruel thing to watch, but somehow the attendant's actions are understandable; I can feel the frustration myself.

XUM

After lunch, a middle-aged woman—possibly a volunteer worker—breezes into the unit. I've been trying unsuccessfully to teach Terry to form a square with four sticks. The newcomer greets Terry effusively. "Terry sweetheart, I see you've been sitting in a puddle again," she gushes. And Terry, who has no bladder control and wets regularly, grins happily in agreement.

"He doesn't like people to know that he wets himself," she whispers.

The woman then distributes the afternoon's recreational materials—two copies of Sports Illustrated.

At 2:30 p.m., my shift is over. But, before leaving, I make another tour of the building, escorted by Clarence E. Lee, who is in charge of the Curley Building.

In the women's and girls' sections, there is even less activity than on the men's side. Apparently heavily tranquilized, the women sit, and sprawl around, hardly moving. At least on the men's side they walk, argue or fight.

One girl, maybe 12 years old, is straining inside the straitjacket and pulling on her bonds, biting her lips, tugging uselessly against her bonds. I ask Lee why such confinement is necessary.

"She scratches the other girls," he replies.

"Why don't you cut her nails?"

"She still scratches."

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the following items be printed in the RECORD: A letter I have written to the Comptroller General, Mr. Elmer B. Staats, asking for a full-scale investigation; a letter to Senator THOMAS EAGLETON, chairman of the District of Columbia Committee; a letter to Senator BIRCH BAYH, chairman of the Subcommittee on the District of Columbia; and my letter to Mr. Joseph Yeldell, Director of the Department of Human Resources.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NOVEMBER 9, 1973.

Hon. ELMER B. STAATS,
General Accounting Office,
Washington, D.C.

DEAR ELMER: I am deeply disturbed by reported conditions at Forest Haven, a facility in Laurel, Maryland, operated by the Government of the District of Columbia, for the care and treatment of some 1,300 mentally retarded persons. Enclosed are tear sheets from the Congressional Record, containing a statement I made in the Senate on this matter in response to a recent series of articles appearing in the Washington Star-News.

By this letter I am formally requesting that the General Accounting Office investigate the possible misuse of funds appropriated by Congress, where such funds provide assistance for programs at Forest Haven, approved under the terms and conditions of specified Federal programs.

Sincerely,

HUBERT H. HUMPHREY.

Hon. THOMAS F. EAGLETON,
Chairman, Committee on the District of Columbia, U.S. Senate, Washington, D.C.

DEAR TOM: I have no doubt that you share fully my concern over outrageous conditions reported at Forest Haven, the facility operated by the Government of the District of Columbia for the care and treatment of mentally retarded persons. Enclosed are tear sheets from the Congressional Record, containing a statement I made in the Senate on this serious matter, and a series of articles appearing in recent issues of the Washington Star-News.

I request that immediate consideration be given to scheduling committee hearings on conditions at Forest Haven, with a view to developing recommendations on appropriate corrective administrative or legislative action. To this end, you may be assured of my full support and my readiness to be of assistance.

Sincerely,

HUBERT H. HUMPHREY.

NOVEMBER 9, 1973.

Hon. BIRCH BAYH,
Chairman, Subcommittee on the District of Columbia, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR BIRCH: Recently, a series of articles in the Washington Star-News reported what I frankly regard as inhumane conditions at Forest Haven in Laurel, Maryland—the facility operated by the Government of the District of Columbia for the care and treatment of some 1,300 mentally retarded persons.

In a statement in the Senate, I spelled out several courses of action to correct these conditions. Enclosed are tear sheets from the Congressional Record, containing my remarks and the newspaper articles.

My statement makes reference to testimony on Forest Haven last May before your subcommittee by Mr. Joseph P. Yeldell, director of the D.C. Department of Human Resources. It is clear from your colloquy with Mr. Yeldell, and the subcommittee's recommendation to the Senate that his request for the addition of 100 staff positions at Forest Haven be approved, that you have a full appreciation of the great need for corrective action to provide decent living conditions for residents at Forest Haven, good medical treatment, and maximum feasible opportunities for participation in therapeutic and behavioral modification programs—all as a minimum requirement for any residential facility for the mentally retarded.

I request that you consider committee action to propose the incorporation of such additional funds as may be required to meet the initial request for 100 additional staff positions at Forest Haven, in the first appropriate legislation providing for supplemental appropriations for Fiscal 1974 to be reported to the Senate. This would be only an absolute minimum request, to make up the short-fall in Fiscal 1974 appropriations for the District of Columbia as enacted by Congress in August, 1973, which allowed for 50 additional staff positions at Forest Haven.

I further request that early committee consideration be given to further funding requirements to implement program and facility improvements at Forest Haven. To assist this process, I have requested Mr. Yeldell to outline for me measures that could be taken in the immediate future, with cost estimates. In addition to making such information available to the subcommittee, I am prepared to give full support to efforts by the subcommittee to help assure that adequate funds are made available by Congress to achieve the major reforms and improvements at Forest Haven that are now mandatory.

Sincerely,

HUBERT H. HUMPHREY.

NOVEMBER 9, 1973.

Mr. JOSEPH P. YELDELL,
Director, Department of Human Resources, Government of the District of Columbia, Washington, D.C.

DEAR MR. YELDELL: In a recent statement in the Senate, I have called for several actions to correct what I believe are shocking conditions at Forest Haven, the facility operated by the Government of the District of Columbia for the care and treatment of mentally retarded persons. Enclosed are tear sheets from the Congressional Record, containing my remarks.

I request that you reply to me in writing on the statements and allegations set forth in the four-part series of articles on Forest Haven, appearing in October, 1973 issues of the Washington Star-News.

I further request that you outline for me a reasonable program, with cost estimates, for staff expansion and reorganization and for facility improvements at Forest Haven, as well as for specific therapeutic and behavioral modification programs that can be initiated and expanded at this facility in the immediate future.

Finally, I request that you advise me on the status of plans for directing future services for mentally retarded persons toward community-related facilities.

You will note from my statement in the Senate that I have reviewed your testimony of last May before the Senate Appropriations Subcommittee on the District of Columbia, and your colloquy on problems at Forest Haven with Senator Birch Bayh, subcommittee chairman. I believe your remarks at that time were candid and forthright, and that you indicated a sincere concern that facility, staff, and program improvements be undertaken. I greatly regret that the final legislation enacted by Congress providing appropriations for the District of Columbia in Fiscal 1974, did not contain the full amount requested by your Department for 100 additional staff positions at Forest Haven. However, I am recommending Senate action on supplemental appropriations to meet this request.

Nevertheless, it would appear that action can and must be taken by responsible officials of the Government of the District of Columbia without delay to initiate corrective procedures to address the incredible conditions reported at Forest Haven. I strongly urge that your Department pursue this course with diligence and dispatch.

Sincererly,

HUBERT H. HUMPHREY.

Mr. HUMPHREY. Mr. President, this is only the beginning. There will be more.

I thank the Washington Star. I thank a great newspaper in this city for being sufficiently concerned about people that it took time to put on page 1, day after day, this story.

I want to say, as a Member of Congress, that I am ashamed that we have not done what ought to be done about this matter to correct this miserable situation. There is no reason on God's green Earth why this should go on. All we need to do is to practice a little sense of decency, a little sense of compassion, a little sense of care, and we can correct all this. I ask that the appropriate committees of Congress go to work, dig into this matter, and see that it is corrected; and I will have some more suggestions for them a little later.

FED BEARS HEAVY RESPONSIBILITY FOR INFLATION

Mr. PROXMIRE. Mr. President, the Federal Reserve Board deserves central responsibility for the serious inflation that has become the Nation's No. 1 economic problem. The mammoth increase in the money supply created by the Federal Reserve in 1972 contributed seriously to the present inflation.

A detailed 28-page letter of November 6, defending that policy, from Chairman Arthur Burns to me, shows that the FED has no defense for an appallingly timed explosion of money into the economy when the economy already was beginning to expand at a rapid pace.

The 1972 money supply increase of $19.5 billion was easily the biggest growth in the money supply in the Nation's history. The percentage increase of 8 percent was one of the biggest ever. Much of our present inflation is a consequence of that action. And the Chairman of the Federal Reserve Board has not, in my judgment, been able to defend it.

In my letter to Chairman Burns, I pointed out that a recent poll of 415 members of the National Association of Business Economists found an overpowering 80 percent that characterized our monetary policy of the past year as fair to poor, while a pathetic 16.6 percent rated it good to excellent.

In other words, it was about 5 to 1 on the basis of the expert opinion that the Federal Reserve Board had not done a good job.

I also told Dr. Burns that the crux of the criticism was that there was too much variation from time to time in the rate of increase in the money supply, that monetary policy was too erratic, too much characterized by stops and starts.

I asked him to comment on this serious criticism.

Governor Burns' response, as I paraphrase it, was as follows:

> There were many factors causing the worldwide inflation over which monetary controls could have little influence, i.e. two devaluations, sudden and drastic shifts in worldwide food supply and demand, a series of material shortages at a time of international boom conditions.

Of course, Governor Burns is right, but he does not address the fundamental point that, given these highly inflationary conditions, the monetary response of the Federal Reserve was a blunder of the first order. That is exactly the time it should not let the money supply go through the ceiling. Once again, the FED was caught leaning the wrong way.

Throughout 1972, when the economy was picking up an inflationary head of steam, the pace of money growth continued at a reckless speed. It did, indeed, slow down from quarter to quarter, but the pace was still breakneck throughout the year. After the money supply was expanding in each quarter of the year at more than 7 percent, a rate that was feeding, not restraining, inflation.

About all that can be said of that policy is that it served a useful political role. Unlike another election year, 1960, when a restrained monetary policy against Burns' advice may have cost the incumbent Republican Party the wafer-thin margin by which they lost the election, the 1973 monetary policy gilded the economic expansion lily and helped assure the Nixon landslide. It also converted a year of strong economic progress into a serious inflation.

While it is certainly true that nonmonetary factors contributed heavily to the extent of the 1973 inflation, monetary policy—far from counteracting these inflationary forces—aggravated them.

Mr. President, I ask unanimous consent that my letter to Chairman Burns and his detailed response to my letter be printed in full at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SEPTEMBER 17, 1973.

Hon. ARTHUR F. BURNS,
Chairman, Board of Governors of the Federal Reserve System, Federal Reserve Building, Washington, D.C.

DEAR MR. CHAIRMAN: Two articles in the financial section of the *New York Times*, today, were very disturbing to me and I'm sure must have concerned you also.

I would be most grateful if you would give me your response.

One article was based on a poll of some 415 members of the National Association of Business Economists. The question asked was this:

"How would you rate monetary policy over the past year?".

These were the results:

	Percent
Excellent	1.4
Good	15.2
Fair	38.8
Poor	41.2
No opinion	3.4

The article failed to specify very much in the way of specific complaints except for two main points:

1. The argument that there was too much variation from time to time in the rate of increase in the money supply, that monetary policy was too erratic, too much characterized by stops and starts.

2. The argument that the money supply had increased much too much last year, in fact that the increase would have been too much even if we had been in the depths of a recession instead of enjoying a fairly vigorous economic expansion.

The second article carried the following lead:

"The Federal Reserve Open Market Committee has done such a bad job in the last eight years—at least in the eyes of its critics—that a group of 11 economists has banded together to tell the real central bankers what they should be doing."

This group paid its discrespects to the general economic policy followed by the Administration and the Congress but they were also particularly critical of what they construe to the current Federal Reserve policy, and call for a steady growth in the money supply instead of "fine tuning".

In addition to these criticisms, I must say, Mr. Chairman, that I have found extraordinarily intense criticism of the present high level of interest rates both in the Congress and out in Wisconsin and elsewhere in the country. The present policy is already causing distress for home buyers and home builders and there is increasing apprehension that the worst may be yet to come.

I would very much appreciate whatever response you could give me both with respect to the criticism of the Federal Reserve Board to which I have referred and the painful results of present monetary policies.

Sincerely,

WILLIAM PROXMIRE,
U.S. Senator.

FEDERAL RESERVE SYSTEM,
Washington, D.C., November 6, 1973.

Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: I am writing in further response to your letter of September 17, 1973, which requested comments on certain criticisms of monetary policy over the past year.

As stated in your letter, the criticisms are: (1) "that there was too much variation from time to time in the rate of increase in the money supply, that monetary policy was too erratic, too much characterized by stops and starts"; and (2) "that the money supply had increased much too much last year, in fact that the increase would have been too much even if we had been in the depths of a recession instead of enjoying a fairly vigorous economic expansion."

These criticisms involve basic issues with regard to the role of money in the economy, and the role that the money supply should play in the formulation and execution of monetary policy. These issues, along with the specific points you raise, require careful examination.

CRITICISM OF OUR PUBLIC POLICIES

During the past two years the American economy has experienced a substantial measure of prosperity. Real output has increased sharply, jobs have been created for millions of additional workers, and total personal income—both in dollars and in terms of real purchasing power—has risen to the highest levels ever reached.

Yet the prosperity has been a troubled one. Price increases have been large and widespread. For a time, the unemployment rate remained unduly high. Interest rates have risen sharply since the spring of 1972. Mortgage money has recently become difficult to obtain in many communities. And confidence in the dollar at home and abroad has at times wavered.

Many observers have blamed these difficulties on the management of public economic policies. Certainly, the Federal budget—despite vigorous efforts to hold expenditures down—continued in substantial deficit. There has also been an enormous growth in the activities of Federally-sponsored agencies which, although technically outside the budget, must still be financed. The results of efforts to control wages and prices during the past year have been disappointing. Partial decontrol in early 1973 and the subsequent freeze failed to bring the results that were hoped for.

Monetary policy has been criticized on somewhat contradictory counts—for being inflationary, or for permitting too high a level of interest rates, or for failing to bring the economy back to full employment, or for permitting excessive short-term variations in the growth of the money supply, and so on.

One indication of dissatisfaction with our public policies was provided by a report, to which you refer in your letter, on a questionnaire survey conducted by the National Association of Business Economists. Of the respondents, 38 per cent rated fiscal policy "over the past year" as "poor"; 41 per cent rated monetary policy "over the past year" as "poor"; only 14 per cent felt that the wage-price controls under Phase IV were "about right." If this sampling is at all indicative, the public policies on which we have relied are being widely questioned. Many members of the above group, in fact, went on record for a significant change in fiscal policy. In response to a question whether they favored a variable investment tax credit, 46.5 per cent said "yes," 40 per cent said "no," and 13.5 per cent expressed "no opinion."

Let me turn now to the questions raised in your letter and in some other recent discussions about monetary policy. I shall discuss, in particular, the role of money supply in the conduct of monetary policy; the extent and significance of variability in the growth of the money supply; and the actual behavior of the money supply during 1972–73.

ROLE OF MONEY SUPPLY

For many years economists have debated the role of the money supply in the performance of economic systems. One school of thought, often termed "monetarist," claims that changes in the money supply influence very importantly, perhaps even decisively, the pace of economic activity and the level of prices. Monetarists contend that the monetary authorities should pay principal attention to the money supply, rather than to other financial variables such as interest rates, in the conduct of monetary policy. They also contend that fiscal policy has only a small independent impact on the economy.

Another school of thought places less emphasis on the money supply and assigns more importance to the expenditure and tax policies of the Federal Government as factors influencing real economic activity and the level of prices. This school emphasizes the need for monetary policy to be concerned with interest rates and with conditions in the money and capital markets. Some economic activities, particularly residential building and State and local government construction, depend heavily on borrowed funds, and are therefore influenced greatly by changes in the cost and availability of credit. In other categories of spending—such as business investment in fixed capital and inventories, and consumer purchases of durable goods—credit conditions—play a less decisive role, but they are nonetheless important.

Monetarists recognize that monetary policy affects private spending in part through its impact on interest rates and other credit terms. But they believe that primary attention to the growth of the money supply will result in a more appropriate monetary policy than would attention to conditions in the credit markets.

Needless to say, monetary policy is—and has long been—a controversial subject. Even the monetarists do not speak with one voice on monetary policy. Some influential monetarists believe that monetary policy should aim strictly at maintaining a constant rate of growth of the money supply. However, what that constant should be, or how broadly the money supply should be defined, are matters on which monetarists still differ. And there are also monetarists who would allow some—but infrequent—changes in the rate of growth of the money supply, in accordance with changing economic conditions.

It seems self-evident that adherence to a rigid growth rate rule, or even one that is changed infrequently, would practically prevent monetary policy from playing an active role in economic stabilization. Monetarists recognize this. They believe that most economic disturbances tend to be self-correcting, and they therefore argue that a constant or nearly constant rate of growth of the money supply would result in reasonably satisfactory economic performance.

But neither historical evidence, nor the thrust of explorations in business-cycle theory over a long century, give support to the notion that our economy is inherently stable. On the contrary, experience has demonstrated repeatedly that blind reliance on the self-correcting properties of our economic system can lead to serious trouble. Discretionary economic policy, while it has at times led to mistakes, has more often proved reasonably successful. The disappearance of business depressions, which in earlier times spelled mass unemployment for workers and mass bankruptcies for businessmen, is largely attributable to the stabilization policies of the last thirty years.

The fact is that the internal workings of a market economy tend of themselves to generate business fluctuations, and most modern economists recognize this. For example, improved prospects for profits often spur unsustainable bursts of investment spending. The flow of personal income in an age of affluence allows ample latitude for changes in discretionary expenditures and in savings rates. During a business-cycle expansion various imbalances tend to develop within the economy—between aggregate inventories and sales, or between aggregate business investment in fixed capital and consumer outlays, or between average unit costs of production and prices. Such imbalances give rise to cyclical movements in the economy. Flexible fiscal and monetary policies, therefore, are often needed to cope with undesirable economic developments, and this need is not diminished by the fact that our available tools of economic stabilization leave something to be desired.

There is general agreement among economists that, as a rule, the effects of stabilization policies occur gradually over time, and that economic forecasts are an essential tool of policy making. However, no economist—of school or economies—has a monopoly on accurate forecasting. At times, forecasts based largely on the money supply have turned out to be satisfactory. At other times, such forecasts have been quite poor, mainly because of unanticipated changes in the intensity with which the existing money stock is used by business firms and consumers.

Changes in the rate of turnover money have historically played a large role in economic fluctuations, and they continue to do so. For example, the narrowly-defined money stock—that is, demand deposits plus currency in public circulation—grew by 5.7 per cent between the fourth quarter of 1969 and the fourth quarter of 1970. But the turnover of money declined during that year, and the dollar value of GNP rose only 4.5 per cent. In the following year, the growth rate of the money supply increased to 6.9 per cent, but the turnover of money picked up briskly and the dollar value of GNP accelerated to 9.3 per cent. The movement out of recession in 1970 into recovery in 1971 was thus closely related to the greater intensity in the use of money. Occurrences such as this are very common because the willingness to use the existing stock of money, expresed in its rate of turnover, is a highly dynamic force in economic life.

For this as well as other reasons, the Federal Reserve uses a blend of forecasting techniques. The behavior of the money supply and other financial variables is accorded careful attention. So also are the results of the most recent surveys on plant and equipment spending, consumer attitudes, and inventory plans. Recent trends in key producing and spending sectors are analyzed. The opinions of businessmen and outside economic analysts are canvassed, in part through the nationwide contracts of Federal Reserve Banks. And as assessment is made of the probable course of fiscal policy, also of labor-market and agricultural policies, and their effects on the economy.

Evidence from all these sources is weighed. Efforts are also made to assess economic developments through the use of large-scale econometric models. An eclectic approach is thus taken by the Federal Reserve, in recognition of the fact that the state of economic knowledge does not justify reliance on any single forecasting technique. As economic research has cumulated, it has become increasingly clear that money does indeed matter. But other financial variables also matter.

In recent years, the Federal Reserve has placed somewhat more emphasis on achieving desired growth rates of the monetary aggregates, including the narrowly-defined money supply, in its conduct of monetary policy. But we have continued to give careful attention to other financial indicators, among them the level of interest rates on mortgages and other loans and the liquidity position of financial institutions and the general public. This is necessary because the economic implications of any given monetary growth rate depend on the state of liquidity, the attitudes of businessmen, investors, and consumers toward liquidity, the cost and availability of borrowed funds, and other factors. Also, as the nation's central bank, the Federal Reserve can never lose sight of its role as a lender of last resort, so that financial crises and panics will be averted.

I recognize that one advantage of maintaining a relatively stable growth rate of the money supply is that a partial offset is thereby provided to unexpected and undesired shifts in the aggregate demand for goods and services. There is always some uncertainty as to the emerging strength of aggregate demand. If money growth is maintained at a rather stable rate, and aggregate demand turns out to be weaker than is consistent with the nation's economic objectives, interest rates will tend to decline and the easing of credit markets should help to moderate the undesired weakness in demand. Similarly, if the demand for goods and services threatens to outrun productive capacity, a rather stable rate of monetary growth will provide a restraining influence on the supply of credit and thus tend to restrain excessive spending.

However, it would be unwise for monetary policy to aim at all times at a constant or nearly constant rate of growth of money balances. The money growth rate that can contribute most to national objectives will vary with economic conditions. For example, if the aggregate demand for goods and services is unusually weak, or if the demand for liquidity is unusually strong, a rate of increase in the money supply well above the desirable long-term trend may be needed for a time. Again, when the economy is experiencing severe cost-push inflation, a monetary growth rate that is relatively high by a historical yardstick may have to be tolerated for a time. If money growth were severely constrained in order to combat the element of inflation resulting from such a cause, it might well have seriously adverse effects on production and employment. In short, what growth rate of the money supply is appropriate at any given time cannot be determined simply by extrapolating past trends or by some preconceived arithmetical standard.

Moreover, for purposes of conducting monetary policy, it is never safe to rely on just one concept of money—even if that concept happens to be fashionable. A variety of plausible concepts merit careful attention, because a number of financial assets serve as a convenient, safe, and liquid store of purchasing power.

The Federal Reserve publishes data corresponding to three definitions of money, and takes all of them into account in determining policy. The three measures are: (a) the narrowly-defined money stock (M_1), which encompasses currency and demand deposits held by the nonbank public; (b) a more broadly-defined money stock (M_2), which also includes time and savings deposits at commercial banks (other than large negotiable time certificates of deposits); (c) a still broader definition (M_3), which includes savings deposits at mutual savings banks and savings and loan associations. A definition embracing other liquid assets could also be justified—for example, one that would include large-denomination negotiable time certificates of deposit, U.S. savings bonds and Treasury bills, commercial paper, and other short-term money market instruments.

There are many assets closely related to cash, and the public can switch readily among these assets. However money may be defined, the task of determining the amount of money needed to maintain high employment and reasonable stability of the general price level is complicated by shifting preferances of the public for cash and other financial assets.

VARIABILITY OF MONEY SUPPLY GROWTH

In the short-run, the rate of change in the observed money supply is quite erratic, and cannot be trusted as an indicator of the

course of monetary policy. This would be so even if there were no errors of measurement.

The record of hearings held by the Joint Economic Committee on June 27, 1973 includes a memorandum which I submitted on problems encountered in controlling the money supply. As indicated there, week-to-week, month-to-month, and even quarter-to-quarter fluctuations in the rate of change of money balances are frequently influenced by international flows of funds, changes in the level of U.S. Government deposits, and sudden changes in the public's attitude towards liquidity. Some of these variations appear to be essentially random—a product of the enormous ebb and flow of funds in our modern economy.

Because the demands of the public for money are subject to rather wide short-term variations, efforts by the Federal Reserve to maintain a constant growth rate of the money supply could lead to sharp short-run swings in interest rates and risk damage to financial markets and the economy. Uncertainties about financing costs could reduce the fluidity of markets and increase the costs of financing to borrowers. In addition, wide and erratic movements of interest rates and financial conditions could have undesirable effects on business and consumer spending. These adverse effects may not be of major dimensions, but it is better to avoid them.

In any event, for a variety of reasons explained in the memorandum for the Joint Economic Committee, to which I have previously referred, the Federal Reserve does not have precise control over the money supply. To give one example, a significant part of the money supply consists of deposits lodged in nonmember banks that are not subject to the reserve requirements set by the Federal Reserve. As a result there is some slippage in monetary control. Furthermore, since deposits at nonmember banks have been reported for only two to four days in a year, in contrast to daily statistics for member banks, the data on the money supply—which we regularly present on a weekly, monthly, and quarterly basis—are estimates rather than precise measurements. When the infrequent reports from nonmember banks become available, they often necessitate considerable revisions of the money supply figures. In the past two years, the revisions were upward, and this may happen again this year.

Some indication of the extent of short-term variations in the recorded money supply is provided below. Table 1 shows the average and maximum deviations (without regard to sign) of M_1 from its average growth rate over a three and a half year period. As would be expected, the degree of variation diminishes as the time unit lengthens; it is much larger for monthly than for quarterly data, and is also larger for quarterly than for semi-annual data.

TABLE 1.—DEVIATIONS IN M_1 FROM ITS AVERAGE RATE OF GROWTH, 1970 THROUGH MID-1973

Form of data	Annual rates of change in percent: Average deviation	Annual rates of change in percent: Maximum deviation
Monthly	3.8	8.8
Quarterly	2.4	5.5
Semiannual	1.8	4.1

In our judgment, there need be little reason for concern about the short-run variations that occur in the rate of change in the money stock. Such variations have minimal effects on the real economy. For one thing, the outstanding supply of money is very large. It is also quite stable, even when the short-run rate of change is unstable. This October the average outstanding supply of M_1, seasonally adjusted, was about $264 billion. On this base, a monthly rise or fall in the money stock of even $2½ billion would amount to only a 1 per cent change. But when such a temporary change is expressed as an annual rate, as is now commonly done, it comes out as about 12 per cent and attracts attention far beyond its real significance.

The Federal Reserve research staff has investigated carefully the economic implications of variability in M_1 growth. The experience of the past two decades suggests that even an abnormally large or abnormally small rate of growth of the money stock over a period up to six months or so has a negligible influence on the course of the economy—provided it is subsequently offset. Such short-run variations in the rate of change in the money supply may not at all reflect Federal Reserve policy, and they do not justify the attention they often receive from financial analysts.

The thrust of monetary policy and its probable effects on economic activity can only be determined by observing the course of the money supply and of other monetary aggregates over periods lasting six months or so. Even then, care must be taken to measure the growth of money balances in ways that temper the influence of short-term variations. For example, the growth of money balances over a quarter can be measured from the amount outstanding in the last month of the preceding quarter to the last month of the current quarter, or from the average amount outstanding during the preceding quarter to the average in the current quarter. The first measure captures the latest tendencies in the money supply, but may be distorted by random changes that have no lasting significance. The second measure tends to average out temporary fluctuations and is comparable to the data provided on a wide range of non-monetary economic variables, such as the gross national product and related measures.

A comparison of these two ways of measuring the rate of growth in M_1 is shown in Table 2 for successive quarters in 1972 and 1973. The first column, labeled M, shows annual rates calculated from end-months of quarters; the second column, labeled Q, shows annual rates calculated from quarterly averages.

TABLE 2. GROWTH RATES OF MONEY SUPPLY ON 2 BASES

	Annual rate of change, in percent: M	Annual rate of change, in percent: Q
1972:		
I	9.2	5.3
II	6.1	8.4
III	8.2	8.0
IV	8.6	7.1
1973:		
I	1.7	4.7
II	10.3	6.9
III	.3	5.1

As may be seen, the quarterly averages disclose much more clearly the developing trend of monetary restraint—which, in fact, began in the second quarter of 1972. Also, the growth of M_1, which on a month-end basis appears very erratic in the first three quarters of 1973, is much more stable on a quarterly average basis. For example, while the level of M_1 did not expand significantly between June and September, the quarterly average figures indicate further sizable growth in the third quarter. For purposes of economic analysis, it is an advantage to recognize that the money available for use was appreciably larger in the third quarter than in the second quarter.

EXPERIENCE OF 1972–73

During 1972, it was the responsibility of the Federal Reserve to encourage a rate of economic expansion adequate to reduce unemployment to acceptable levels. At the same time, despite the dampening effects of the wage-price control program, inflationary pressures were gathering. Monetary policy, therefore, had to balance the twin objectives of containing inflationary pressures and encouraging economic growth. These objectives were to some extent conflicting, and monetary policy alone could not be expected to cope with both problems. Continuation of an effective wage-price program and a firmer policy of fiscal restraint were urgently needed.

The narrowly-defined money stock increased 7.4 per cent during 1972 (measured from the fourth quarter of 1971 to the fourth quarter of 1972). Between the third quarter of 1972 and the third quarter of 1973, the growth rate was 6.1 per cent. By the first half of 1973, the annual growth rate had declined to 5.8 per cent, and a further slowing occurred in the third quarter.

Evaluation of the appropriateness of these growth rates would require full analysis of the economic and financial objectives, conditions, and policies during the past two years, if not longer. Such an analysis cannot be undertaken here. Some perspective on monetary developments during 1972–73 may be gained, however, from comparisons with the experience of other industrial countries, and by recalling briefly how domestic economic conditions evolved during this period.

Table 3 compares the growth of M_1 in the United States with that of other industrial countries in 1972 and the first half of 1973. The definitions of M_1 differ somewhat from country to country, but are as nearly comparable as statistical sources permit. It goes without saying that each country faced its own set of economic conditions and problems. Yet it is useful to note that monetary growth in the United States was much lower than in other major industrial countries, and that it also was steadier than in the countries.

TABLE 3. ANNUAL PERCENT RATES OF GROWTH IN MONEY SUPPLY

	4th quarter, 1971 to 4th quarter, 1972	4th quarter, 1972 to 2d quarter, 1973
United States	7.4	5.8
United Kingdom	14.1	10.0
Germany	14.3	4.2
France	15.4	8.7
Japan	23.1	28.2

The next table shows, in summary fashion, the rates of change in the money supply of the United States, in its total production, and in the consumer price level during 1972 and 1973. The table is based on the latest data. It may be noted, in passing, that, according to data available as late as January 1973, the rate of growth of M_1 during 1972 was 7.2%, not 7.4%; and that the rate of increase in real GNP was 7.7%, not 7.0%. In other words, on the basis of the data available during 1972, the rate of growth of M_1 was below the rate of growth of the physical volume of over-all production.

TABLE 4. MONEY SUPPLY, GNP, AND PRICES IN THE UNITED STATES

	4th quarter 1971 to 4th quarter1972	4th quarter 1972 to—: 2d quarter of 1973	4th quarter 1972 to—: 3d quarter of 1973
Money supply (M_1)	7.4	5.8	5.6
Gross national product:			
Current dollars	10.6	12.1	11.7
Constant dollars	7.0	5.4	4.8
Prices:			
Consumer Price Index (CPI)	3.4	7.1	7.8
CPI excluding food	3.0	4.0	4.1

The table indicates that growth in M_1 during 1972 and 1973 approximately matched

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the growth of real output, but was far below the expansion in the dollar value of the nation's output. Although monetary policy limited the availability of money relative to the growth of transactions demands, it still encouraged a substantial expansion in economic activity; real output rose by about 7 per cent in 1972. Even so, unemployment remained unsatisfactorily high throughout the greater part of the year. It was not until November that the unemployment rate dropped below 5½ per cent. For the year as a whole, the unemployment rate averaged 5.6 per cent. It may be of interest to recall that unemployment averaged 5.5 per cent in 1954 and 1960, which are commonly regarded as recession years.

Since the expansion of M_1 in 1972 was low relative to the demands for money and credit, it was accompanied by rising short-term interest rates. Long-term interest rates showed little net change last year, as credit demands were satisfied mainly in the short-term markets.

In 1973, the growth of M_1 moderated while the transactions demands for cash and the turnover of money accelerated. GNP in current dollars rose at a 12 per cent annual rate as prices rose more rapidly. In credit markets, short-term interest rates rose sharply further, while long-term interest rates also moved up, though by substantially less than short-term rates.

The extraordinary upsurge of the price level this year reflects a variety of special influences. First, there has been a worldwide economic boom superimposed on the boom in the United States. Second, we have encountered critical shortages of basic materials. The expansion in industrial capacity needed to produce these materials had not been put in place earlier because of the abnormally low level of profits between 1966 and 1971 and also because of numerous impediments to new investment on ecological grounds. Third, farm product prices escalated sharply as a result of crop failures in many countries last year. Fourth, fuel prices spurted upward, reflecting the developing shortages in the energy field. And fifth, the depreciation of the dollar in foreign exchange markets has served to boost prices of imported goods and to add to the demands pressing on our productive resources.

In view of these powerful special factors, and the cyclical expansion of our economy, a sharp advance in our price level would have been practically inevitable in 1973. The upsurge of the price level this year hardly represents either the basic trend of prices or the response of prices to previous monetary or fiscal policies—whatever their shortcomings may have been. In particular, as the above tables show, the explosion of food prices that occurred this year is in large part responsible for the accelerated rise in the over-all consumer price level.

The severe rate of inflation that we have experienced in 1973 cannot responsibly be attributed to monetary management or to public policies more generally. In retrospect, it may well be that monetary policy should have been a little less expansive in 1972. But a markedly more restrictive policy would have led to a still sharper rise in interest rates and risked a premature ending of the business expansion, without limiting to any significant degree this year's upsurge of the price level.

CONCLUDING OBSERVATIONS

The present inflation is the most serious economic problem facing our country, and it poses great difficulties for economic stabilization policies. We must recognize, I believe, that it will take some time for the forces of inflation, which now engulf our economy and others around the world, to burn themselves out. In today's environment, controls on wages and prices cannot be expected to yield the benefits they did in 1971 and 1972, when economic conditions were much different. Primary reliance in dealing with inflation—both in the near future and over the longer term—will have to be placed on fiscal and monetary policies.

The prospects for regaining price stability would be enhanced by improvements in our monetary and fiscal instruments. The conduct of monetary policy could be improved if steps were taken to increase the precision with which the money supply can be controlled by the Federal Reserve. Part of the present control problem stems from statistical inadequacies—chiefly the paucity of data on deposits at nonmember banks. Also, however, control over the money supply and other monetary aggregates is less precise than it can or should be because nonmember banks are not subject to the same reserve requirements as are Federal Reserve members.

I hope that the Congress will support efforts to rectify these deficiencies. For its part, the Federal Reserve Board is even now carrying on discussions with the Federal Deposit Insurance Corporation about the need for better statistics on the nation's money supply. The Board also expects shortly to recommend to the Congress legislation that will put demand deposits at commercial banks on a uniform basis from the standpoint of reserve requirements.

Improvements in our fiscal policies are also needed. It is important for the Congress to put an end to fragmented consideration of expenditures, to place a firm ceiling on total Federal expenditures, and to relate these expenditures to prospective revenues and the nation's economic needs. Fortunately, there is now widespread recognition by members of the Congress of the need to reform budgetary procedures along these broad lines.

It also is high time for fiscal policy to become a more versatile tool of economic stabilization. Particularly appropriate would be fiscal instruments that could be adapted quickly, under special legislative rules, to changing economic conditions—such as a variable tax credit for business investment in fixed capital. Once again I would urge the Congress to give serious consideration to this urgently needed reform.

We must strive also for better understanding of the effects of economic stabilization policies on economic activity and prices. Our knowledge in this area is greater now than it was five or ten years ago, thanks to extensive research undertaken by economists in academic institutions, at the Federal Reserve, and elsewhere. The keen interest of the Joint Economic Committee in improving economic stabilization policies has, I believe, been an influence of great importance in stimulating this widespread research effort.

I look forward to continued cooperation with the Committee in an effort to achieve the kind of economic performance our citizens expect and deserve.

Sincerely yours,

ARTHUR F. BURNS.

THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, the fight for human rights has been an important part of our national history. Americans can be very proud of our heritage of struggle against domestic racial, religious, and economic discrimination. These efforts in the field of human rights, however, must not become a source of smug satisfaction. There is always more to be done, both here and abroad.

A quarter-century ago the United Nations General Assembly endorsed the Genocide Convention, the first human rights document which that body considered. The United States was one of the principal leaders in drafting that document. Indeed, President Truman took the major leadership in pushing for a genocide convention. In the intervening years, every President of the United States, including President Nixon, has supported the Genocide Convention. Seventy-five nations, including all our major allies, have ratified this treaty. It seems an anomaly, therefore, that a nation which was a pioneer in the field of human rights would fail to ratify this basic and fundamental document of liberty.

Mr. President, that treaty is on the calendar. That treaty is not up to the President of the United States now, not up to the House of Representatives, not up to any other body but the Senate of the United States. We can ratify it. It is up to us. The United States must not delay any longer. The time to reassert our leadership in this field is long past due. We should act.

QUORUM CALL

The PRESIDING OFFICER. Is there further morning business?

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESSS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be extended an additional 15 minutes, with statements therein limited to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE FUEL ALLOCATION PROGRAM

Mr. FULBRIGHT. Mr. President, last Thursday, November 1, the administration's fuel allocation program for middle distillate fuels went into effect. I am afraid that unless there is some quick action, this program may be a disaster for Arkansas. There are some severe problems with the program both in its basic concepts and in its administration.

The fuel shortage is a problem that is going to affect everyone. Strong action is needed to increase our supply of energy. On the Federal level more funds must be made available for energy research and development. In addition, I believe that the deregulation of the price of natural gas at the wellhead would be an important step in increasing our supply of fuels.

While we are increasing our supplies of energy, we must also decrease our demand. Unnecessary and wasteful uses of energy must be curbed. It is apparent that, for the immediate future, demand will outstrip our supplies. Therefore all Americans are going to suffer some hardship, but this hardship should be distributed fairly. No one State or region should be discriminated against.

Unfortunately, under the present program, Arkansas is being discriminated against, and this discrimination is being compounded by what appears to be a potential bureaucratic nightmare.

First, the regulations themselves ignore the curtailment of natural gas that has taken place in Arkansas and 22 other States. This curtailment has forced these States to dramatically increase their use of fuel oils. In Petroleum Administration for Defense District III, consisting of Alabama, Mississippi, Louisiana, Texas, and Arkansas, distillate and residual consumption in the first quarter of 1973 was 18 percent greater than in the first quarter of 1972. Second quarter consumption in 1973 was 26.5 percent greater than in 1972, and the third quarter increase, while not yet tabulated, may approach 100 percent. Therefore any allocation program based on historical fuel oil usage will greatly understate the need for fuel oil in these States. The administration's mandatory middle distillate fuel allocation program does not consider this fact. That program, if administered according to its strict language, will deprive the States which have curtailed their use of natural gas of a substantial amount of needed fuel oil.

On October 31 of this year, Governor Bumpers, of Arkansas; Governor Edwards, of Louisiana; Governor Waller, of Mississippi; representatives of Governor Briscoe, of Texas; and Governor Hall, of Oklahoma, and I met with Governor Love to request an interpretive ruling to ameliorate this situation. Because of this meeting, I believe that Governor Love recognizes the seriousness of this matter. Unfortunately, the response of the Office of Oil and Gas was insufficient. Instead of accepting the proposal presented at the meeting with Governor Love, the Office of Oil and Gas announced that they would send telegrams to oil companies telling them to honor present contracts with utilities for 30 days pending the final decision on the problem. There are two basic weaknesses with this approach. First, it only helps the utilities. It ignores the position of other industries that need an increased allocation for fuel oil. Second, it only deals with the problem from within the region; the real basis of the problem is that the region as a whole needs a larger allocation.

Furthermore, I am concerned that other problems, even though covered by the regulations, will go unsolved due to bureaucratic delay and redtape. Of particular concern is the diesel fuel situation. Diesel fuel is also allocated on the basis of its usage in the particular month of 1972. Because of the floods of 1972, the usual amount of diesel fuel needed for harvesting was not used. Therefore, any allocation based on 1972 usage will not be sufficient to meet the needs of Arkansas farmers. Section 7(a) of the administration's program appears to recognize that situations like this may occur and contains a means to reallocate the needed fuels. Whether this provision will in fact be used effectively is another question.

There are at this time approximately 400,000 bales of cotton, worth $64 million, still in the fields in Arkansas. This cotton represents 3 percent of the Nation's supply. There are still in the fields of Arkansas 68 million bushels of soybeans, worth $400 million. This represents 4 percent of the Nation's supply. Arkansas and the Nation cannot afford to lose a large portion of these crops for a lack of fuel.

Yesterday, the Attorney General of Arkansas, Mr. Jim Guy Tucker, filed an application with the Office of Oil and Gas requesting a sufficient supply of diesel fuel for agricultural uses in Arkansas. I hope that this application will be acted upon without delay.

There are going to be many situations where flexible application of the allocation rules will be required. Such cases are already coming to light in Arkansas. To cite one example, a truckstop in Fort Smith is not receiving, for a combination of reasons, a sufficient supply of fuel. First, its allocation is based on the amount purchased in November 1972. Second, its supplier has only about 85 percent of the supply it had last year; therefore, with reserves held back for hardship allocations, the stop is actually receiving less than 80 percent of what it received in November 1972. Third, the truckstop's business has increased dramatically since 1972 because other stops in the city have gone out of business. This shortage of supply, I am informed, is having a serious effect on the ability of truckers to transport goods in northwestern Arkansas. Many similar situations involving all types of Arkansans, from the owner of a construction company to a school supervisor, have been brought to my attention.

I believe that the officials at the Office of Oil and Gas are making a sincere effort to deal with the complex problem of fuel allocation. They have been forced to make quick adjustments to new situations and programs and are obviously understaffed. But any delay will in many cases result in severe economic hardship for people in Arkansas. Crops in the field will not wait while applications are slowly processed.

I realize that all States will face allocation problems. The people of Arkansas are willing to do their share to deal with this energy crisis, but they believe the burden should be equally shared among all States and regions, and they do not want to do without vitally needed fuels because of delays in the handling of applications.

Mr. President, I am deeply concerned over the fuel supply situation in Arkansas. I certainly hope that events prove me wrong and that the allocation problems will be worked out; but at this time all indications are otherwise.

Mr. President, I ask unanimous consent that a letter my senior colleague from Arkansas (Mr. McCLELLAN) and I have today sent to Governor Love be printed in the RECORD at the conclusion of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., November 9, 1973.

Hon. JOHN LOVE,
Office of Energy Policy,
The White House,
Washington, D.C.

DEAR GOVERNOR LOVE: Once again we wish to bring to your attention the critical fuel situation in Arkansas. While we appreciate your interim action of sending telegrams to suppliers telling them to continue present contracts with utilities, we are concerned about two aspects of this approach. First, it ignores the fuel needs of other industries that have been forced by the curtailment of natural gas to turn to fuel oil. Second, it ignores the fact that the real basis of the problem is that the entire region is receiving an inadequate allocation. Any intra-regional approach will not solve the problem. We urge you to re-examine this situation.

Further, we hope that quick action will be taken on the application that was filed yesterday by the Attorney General of Arkansas, Mr. Jim Guy Tucker, concerning the need for fuel to harvest the crops that are currently in the fields. The allocations based on diesel usage in November 1972, will be insufficient because diesel usage in that month was abnormally low due to flooding. Neither Arkansas nor the nation can afford to have these crops left in the fields.

Finally, we urge that steps be taken to improve the administrative process of the handling of applications in special situations. We are afraid that delays in the processing of applications may cause severe hardship to our constituents.

We certainly realize the great difficulties you have faced in setting up and in administering the complex allocation program and wish to thank you for your previous efforts to help Arkansas with its fuel problems, but we feel further action is required. Of course, we will be pleased to aid your office in any way possible to avoid hardships in Arkansas which are caused by the fuel shortage.

Sincerely yours,

JOHN L. McCLELLAN,
J. W. FULBRIGHT

REPRESENTATIVE JOHN SAYLOR

Mr. HUGH SCOTT. Mr. President, a recent editorial in the Pittsburgh Post-Gazette describes in down-to-earth terms the record of one of the House's most pragmatic and realistic members—John Saylor of Johnstown, Pa. His colleagues in Congress and his constituency to which he was thoroughly dedicated and always faithful, will miss him.

I ask unanimous consent this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

REPRESENTATIVE JOHN SAYLOR

Long before conservation gained its current popularity, Rep. John Saylor of Johnstown worked hard for the cause in Congress. The 65-year-old congressman, senior Republican member of Pennsylvania's delegation to Washington, died of a heart attack Sunday in Houston, Tex.

Mr. Saylor, while a stalwart Republican and a fiscal conservative, was his own man. He often differed with the "union line," yet enjoyed labor support at election time. He didn't hesitate to differ with his party, if necessary, on conservation matters or on benefits for his district (Cambria, Somerset, Indiana, Jefferson and Armstrong counties and a portion of Clarion).

A big man with a commanding presence and a strong voice, Mr. Saylor had a knack for endearing constituents to his work on their behalf. A combination tough guy and

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earthy congressman, he had an exceptionally good ear for the rustlings of his coal region constituency. Despite a slight Democratic edge in his district, he regularly racked up 2 to 1 majorities.

That often required a delicate balance on his positions (he usually ranked near the center in ratings of both liberal and conservative groups). Yet Mr. Saylor always stated his case in the strongest possible terms. When others hemmed and hawed, he came out point-blank.

He could be the GOP's leading conservationist in the House, and at the same time advocate repeal of gun control laws. One of 15 in the House to vote against the Equal Rights amendment, Mr. Saylor demanded equal tax treatment for the unmarried as well as the married.

No one ever mistook him for one of your effete Easterners. He drove back and forth to Congress with the window rolled down in good weather and bad. His coal constituency won't see his likes again.

SHENANDOAH WILDERNESS BILL

Mr. HARRY F. BYRD, JR. Mr. President, on September 20, 1973, the Senate passed without opposition S. 988, my proposal to designate almost 80,000 acres within the Shenandoah National Park as wilderness. This marked the culmination of an effort which began in the 92d Congress to afford additional protection to the unique natural beauty contained in the mountains which rise far above the winding South Fork of the Shenandoah River.

I have said before that I know of no more beautiful area in the Nation than Shenandoah National Park. I believe this feeling is shared by thousands of my fellow Virginians.

I have recently received the report of visits to the Park for the month of October from Mr. Robert R. Jacobsen, superintendent of the park. The statistics provide a compelling testimonial of both the park's popularity and the need for final congressional action on the Shenandoah Wilderness legislation.

In the month of October 1973, over one-half million people entered the park. That is almost one-quarter the number that visited the park for the entire year in 1972.

Mr. President, I ask unanimous consent that the report of the superintendent be placed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HARRY F. BYRD, JR. Mr. President, I would like to add that from all reports I have received, Mr. Jacobsen has done a splendid job in his brief tenure as superintendent of Shenandoah National Park.

He is an experienced and dedicated Park Service professional. Although he has his roots in the West, he has displayed a remarkable understanding of the uniqueness of Shenandoah National Park, and a deep concern for its continued excellence. We in Virginia are fortunate to have him with us.

S. 988 is now pending in the House of Representatives, before the National Parks and Recreation Subcommittee of the Committee on Interior and Insular Affairs. A measure similar to my original proposal was introduced earlier this year by the distinguished Representative from Virginia's Seventh Congressional District, the Honorable J. KENNETH ROBINSON. That measure is cosponsored by the entire Virginia delegation. Hearings were held in June of this year.

I invite the attention of our colleagues in the House to the figures submitted by Superintendent Jacobsen. I hope they will move quickly to pass this legislation before another spring comes to the Blue Ridge.

EXHIBIT 1

Visits

District:	*October 1973*	*October 1972*
North	179,000	154,400
Central	230,200	144,100
South	96,000	80,300
Total	505,200	378,800

Calendar year 1973, 2,415,400.

Calendar year 1972, 2,130,000.

Calendar year 1973 compared with calendar year 1972, the increase is 13.4%.

October 1973 compared with October 1972, the increase is 33.3 percent.

This month's visitation was largest for any month on record. The marked increase is attributed to exceptionally fine weather, two 3-day holiday weekends, and schools were closed for one or two days in Virginia and Maryland.

Big Meadows Weather Statistics:

Max. 77°, Min. 29°, Precipitation 6.80''.

ROBERT R. JACOBSEN, *Superintendent.*

THE FUTURE OF THE SMALL TOWN

Mr. NELSON. Mr. President, the specter of a megalopolis expanding over the entire length and breadth of the Nation has become an increasingly real possibility, with the fleeing of industry and people from out central cities, and the creation of so-called "bedroom communities," where residents feel that they have escaped the noise and pollution of our urbanized areas.

In the other direction, fears have been expressed about our dying small towns, the disappearing country store taken over by a chain department store, and the loss of identity which comes from such impersonalization of life.

If America is to maintain a quality standard of life, it is important that we recognize that we cannot afford to have this centralization of life in the United States. The necessity for food, recreation, and a clean environment demand that we reverse this trend, and that we acknowledge the value of a system of life which includes both city and farm, small town, and "bedroom communities."

Recently, a conference on "The Future of the Small Town" was held in Oak Ridge, Tenn. At this conference, one conclusion stood out: That we can prevent this dissipation of the Nation's rural areas, if we are willing to acknowledge their value to the United States.

I ask unanimous consent that an article which appeared in the New York Times of Tuesday, November 6, 1973, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"DYING" AMERICAN SMALL TOWNS SHOWING VITALITY AND POPULARITY

The dying American small town, once the backbone of the new nation and more recently the heralded symbol of the death of our national innocence, may not be dying at all.

This is the observation of a group of leading demographic experts who concluded at a recent conference that the small town, while it cannot be said to be thriving, is holding its own in a remarkable number of cases, particularly in the South, and needs only an infusion of thoughtful public policy to make it once again a good place to live for a significant number of city-sick Americans.

The panelists at the three-day conference, "The Future of the Small Town," which ended last week at Oak Ridge, Tenn., represented both private and governmental agencies. Generally they agreed on the following points:

While there is reason for concern about the future of small-town America, its demise is greatly exaggerated—so much so that some government planners now consider programs to aid small towns in rural areas a waste of time. The same negativism permeates small-town thinking so there is little innovation, and businessmen avoid the risks of development.

Towns that have made a decision to survive and grow, and have acted upon it, have had consistent and in some cases remarkable success.

While the suburbs continue to be the place most Americans say they want to live, small towns are next—and are the clear favorite for bringing up children. Only 9 per cent of the people want to live in cities of more than a half-million population, although 20 per cent do live in them.

Although there are many Federal programs that directly or indirectly aim to help small towns in rural areas, there is no clear and consistent national policy, with stated goals, defining where the nation believes small towns should be headed.

LACK OF JOBS

Essentially, the conference panelists concluded that while the growing problems of urban core cities and the drab sameness of the suburbs were driving more and more families to want to live in small towns outside the nation's metropolitan rings, the towns themselves were generally unable to support new residents, either with city services, health care and cultural attractions, or, more fundamentally, with jobs.

"There is a sign outside Galesville, Wis., [population 1,200] which sums up the dilemma," said a conference participant, Calvin L. Beale, leader of the Populations Studies Group in the Department of Agriculture.

It says:

WELCOME TO GALESVILLE—THE GARDEN OF EDEN—INDUSTRY INVITED

Despite the inability of most very small towns to support growth, Mr. Beale said, there is steady pressure for that growth and the cliché of "the dying small town" is exaggerated.

Mr. Beale noted in a study prepared for the conference that population growth in nonmetropolitan towns of the South in the nineteen-sixties was most significant in percentage terms, in the very smallest towns. That growth was almost precisely the opposite of the pattern in the nineteen-fifties.

Of 4,641 Southern towns of under 50,000 population, those with populations of under 500 grew by 15 per cent in the nineteen sixties, compared with under 5 per cent in the nineteen fifties. Similarly, towns with 500 to 1,000 population grew 16 per cent in the nineteen sixties and 14 per cent in the nineteen fifties.

On the other hand, the "big" small towns—populations of 25,000 to 50,000—grew by 12 per cent in the last decade compared with 28 per cent in the nineteen-fifties. Towns of 5,000 to 25,000 grew by roughly 12 per cent in the nineteen sixties and about 30 per cent in the nineteen fifties.

Although this study was confined to the South, Mr. Beale said the pattern applied generally to the nation.

COWS FOR SPECTATORS

In many ways, that national pattern is a hodgepodge of conflicting symbols, the two-aisle country store near a shopping center in Effort, Pa.; a new bank in an Iowa town with a sign in front blazing 24 hours a day, with nobody to look at it but cows in a pasture nearby; the megalopolis sprawling over some little towns, making them just another segment in the line of motels and service stations stretching from Boston to New York to Washington, D.C.

It is a pattern in which some small towns do indeed die through evolutionary extinction while others are engulfed as metropolitan areas reach out to join with each other.

Conference participants concluded, however, that there was a third choice—the survival of the small town, with its own identity intact. A number of examples indicated that such a choice was possible.

NOSTALGIA FOR BAKE SALES

Just how much of the desire is no more than vague nostalgia for one-chair barbershops, church bake sales, Civil War monuments and the city manager driving the country's snowplow in blustery winters was not determined, but there was clear evidence that Americans say they want small towns preserved, and a fairly high number want to live in them.

Richard C. Taeuber, chief of the urban research section of the Oak Ridge National Laboratory and director of a research program for the Department of Housing and Urban Development, noted in a keynote address that there was an apparent disparity between where people want to live and where they do live.

A national survey, he said, indicated that only 9 per cent of the respondents said they wanted to live in a city of more than one-half million population. About 20 per cent actually lived in such cities.

About one-half of the respondents wanted to live outside major cities but within 30 miles of a city of over 50,000. About one-third actually lived in these areas. About 20 per cent wanted to live more than 30 miles from any city of over 50,000 and about a fifth actually lived in such areas—although they were not necessarily the same people.

Although there has been a tendency among businesses and industries to flee core cities along with the residents, basically what keeps people from living where they want to is economic necessity, Mr. Taeuber and others observed. There are simply not enough jobs in small towns and in rural areas.

AVOIDED BY INDUSTRIES

Rural areas traditionally have high unemployment, especially where traditional farm or mining employment has declined. Industries avoid them in many cases because of the lack of adequate water, sewers, police and fire protection. Most such areas lack the leadership and economic power to find ways to provide the services, either by consolidating efforts with other small communities or by taking on the burden themselves.

Thus, the towns die. There is, for example, the case of Story, Ind., population 112, which is literally up for sale. The first bidder to come up with $34,000 for the town's seven buildings, including a feed mill, can own the town.

By contrast, conference participants were presented a study of two tiny Southern Appalachian towns, Tazewell and New Tazewell, in Claiborne County, Tenn. Together the towns created 2,000 new jobs in the decade of the nineteen-sixties although their combined population was only 3,052.

Basically their success resulted from an effort to develop their own industry, a manufacturing plant for recreaton vehicles, financed with local capital.

The conferees concluded that such stories, although dramatic, tended to be submerged by many accounts describing the demise of small towns, particularly those in the Plains States, where there is indeed a substantial problem.

However this ignores such evidence as that gathered in a study that showed that of 4,300 towns with a population of 2,500 to 10,000, 28 per cent lost population in the nineteen-sixties, while 72 per cent grew.

Some of these were suburbs. Others such as Cozad, Neb., which organized its civic leaders and gained an auto equipment plant, grew through their own efforts.

The panelists concluded that an over-all national policy and a coordinating agency for efforts to revitalize small towns were needed.

Estimates of the number of rural and small-town assistance programs ranged from 500 to about 1,000, several participants noted. Moreover, there is no comprehensive advisory agency to tell small town governments how to save their towns.

Federal policy planners have tended to concentrate on areas where growth was most explosive, such as the suburbs, or where the problems dominate, as in the largest cities.

DR. ROBERT F. LOEB, COLUMBIA UNIVERSITY

Mr. JAVITS. Mr. President, Columbia University, the city of New York and the Nation's scientific community were saddened by the loss of Dr. Robert F. Loeb, former Bard professor of medicine and chairman of the Department of Medicine at the College of Physicians and Surgeons. Dr. Loeb retired from Columbia in 1960, and served as professor emeritus until his death on October 21.

Dr. Loeb was a specialist in metabolic diseases and one of the Nation's leading medical teachers and researchers. He was widely known as a clinician and investigator. In 1922, with a group of colleagues at Physicians and Surgeons, he pioneered the use of insulin treatment for diabetes. He also was the first to demonstrate that patients with Addison's disease could be maintained indefinitely by having large quantities of salt in their diet. Until that time, Addison's disease was invariably fatal.

Dr. Loeb served with distinction in a variety of advisory capacities in both public and private life, in addition to the heavy teaching, research, and administrative load he assumed at Columbia. He served three Presidents—Truman, Eisenhower, and Kennedy—as a member of the President's Science Advisory Committee. For 14 years he served as a member of the National Science Board, the governing body of the National Science Foundation.

As a trustee of the Rockefeller Foundation, he was instrumental in developing the Foundation's program in the medical sciences. He was vice chairman of the board of trustees of the Rockefeller University, and overseer of Harvard College, and president of three professional associations, including the Association of American Physicians, the American Society for Clinical Investigation, and the Harvey Society. In addition, he was a member of the National Academy of Sciences, the American Philosophical Society and the Century Association.

Dr. Loeb was born in Chicago in 1895. He studied at the University of Chicago and graduated magna cum laude from Harvard Medical School in 1919. After serving internships at Massachusetts General Hospital and the Johns Hopkins Hospital, he joined the staff of the College of Physicians and Surgeons at Columbia and Presbyterian Hospital. He remained at Columbia for 40 years, serving medicine, his students, and his country. His presence in the medical profession will be greatly missed. Indeed, the world has lost a great doctor and humanitarian.

WE STILL HAVE EACH OTHER

Mr. SPARKMAN. Mr. President, there was a very fine editorial in the Birmingham News recently which I felt puts the present national situation in proper perspective. It makes the point that when we say we face a crisis of leadership we should remember that we have the leadership of 200 million people with strength of character and faith in God. It ends with the reassurance that "we still have each other."

I ask unanimous consent to have this editorial printed in the RECORD as part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Birmingham (Ala.) News, Nov. 4, 1973]

IS LEADERSHIP POSSIBLE?

When Pack meets with Pack in the Jungle,
and neither will go from the trail,
Lie down till the leaders have spoken
—It may be fair words shall prevail.

Kipling, penning those lines in his *Law of the Jungle,* wasn't grabbing for the prophet's mantle as much as he was describing the realities of life in the jungle. Kipling probably had no idea how rugged the jungle would become a few dozen years after writing his poetry. But here we are.

Pack has indeed met Pack in the Jungle, and there is no evidence either is going to move off the trail. The executive branch stares long and hard at the legislative, and some think, at the bulk of the nation as well. And that pack stares back. America's growing political polarization has reached the eyeball-to-eyeball stage.

And the stark truth is that there is no leader on either side to tell us to lie down while agreements are negotiated. We can arrive at agreements with the Soviet Union,

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with the Arabs, with the North Vietnamese. But we are paralyzed when trying to find consensus at home.

Today's jungle makes Kipling's look like a national park, complete with carefully marked roads and restrooms. Kipling wrote in a time when leaders were really regarded as leaders, when the buck stopped at awesome thrones.

The memory of such days is strong in our minds, and in the midst of Watergate and its attendant sorrows, we are prone to cry: "Give us leadership."

The truth is that we may never again see "leadership" in the sense we dream of it. And surprisingly, we will perhaps be the better for it.

The "leadership" of our fantasy demands hasn't really existed since the mythical days of Franklin Delano Roosevelt, whose leadership powers can never be subjected to objective evaluation, given the fact he was our "leader" during World War Two. Wars distort. Leaders especially.

When the cry of "give us leadership" is raised, what we really mean is: Give us someone who can embody our collective spirit as a society, and set for us an image we can emulate.

Perhaps John Kennedy, in the minds of many, was attempting this. But history would have likely unravelled the scheme just as it has chopped at the images of the "best and brightest" around Kennedy.

Richard Wagner dreams he was the *Geist* (the spirit) of the German people, and his art the redemptive power for mankind, because it was German. The "leadership" seekers among us may be looking for a Wagnerian artisan or to invoke Nietzsche's Superman.

Even if there were a person daring to make the claim that he was the sought-after leader, he could not succeed in this time in the style of the new journalism, especially post-Watergate, we are not likely to see the emergence of that kind of unassailable leader. And down the road some Democrat president will be subject to the same pressures Mr. Nixon is under.

Let a man rise among us, and immediately it will be discovered that one time he took a free plane ride with Howard Hughes' grandmother's nephew, and the leader will topple. And even if such damaging disclosure is not made, the bulk of the American people have had it with political visionaries whose visions begin and end with themselves and who identify their own progress with that of the nation.

Perhaps the tragic flaw that gave us Watergate was the idea that what was good for Richard Nixon's re-election was good for the country.

This is not a negative hypothesis.

If we are freed in this political system from always probing for the grand leader, and placing our faith in men, we can come back to a genuine appreciation for the structure of government which enables imperfect and vulnerable men to carry on its processes.

Whether or not Richard Nixon is strong or weak is not the question here. It is clear, however, that in the minds of many people, he is weak. Yet, despite the ravages of division in Washington, the structure of government held firm during the Middle East crisis of last week, and has not fallen under the winds of political protest. The same was the case in the terrible days of 1963, following the assassination of John F. Kennedy. Despite the fact we had in the early days a caretaker president in Lyndon Johnson, the structure sailed through, the nation was intact and remained dynamic. We made it, as we will this time.

The de-emphasis on the charismatic leader will also restore belief in ourselves, as individuals, and in the spiritual realities transcending human leaders. Once we sat and listened to the fatherly tones of Roosevelt beside the fire. In another era, we warmed under the smile of Ike. We jogged in the zest of Kennedy. What escaped us was that we were becoming puppets, altering our pace to match the drumbeat from the heights of Washington.

And now they say, we face a "crisis of leadership." Mostly poppycock. We will never again have the "leadership" of fantasy. But we will and do have the leadership of 200 million people, with the same edge on God and strength of character as those we elect as the super clerks of the nation's affairs.

So don't weep, wail or gnash your teeth when they tell you we are leaderless. We still have each other.

RELOCATION CEREMONIES—VILLAGE OF NIOBRARA, NEBR.

Mr. HRUSKA. Mr. President, many of my colleagues in this body have heard me discuss at length the problems of a small town in my home State, Niobrara, Nebr. Briefly, the construction of the Gavins Point Dam on the Missouri River caused the unfortunate result of the raising of the ground water level on the site of Niobrara. What happened is a sad story to the 600 residents of this community—constantly flooding basements and the certain knowledge that Niobrara would one day be nothing more than a swamp.

For these reasons, the people of Niobrara had to make some hard decisions. In the spring of 1970, petitions were circulated among the legal voters of the village. They were given a set of three choices: First, relocation of the village; second, abandon Niobrara altogether; or, third, try a system of protection with dikes and pumping systems. An overwhelming 85 percent of the population chose to relocate the village.

My colleague, Senator CURTIS and I introduced a bill that same year to provide Federal assistance for the relocation of Niobrara. Due to the generous assistance of many of my colleagues, we were successful in getting a bill passed as well as getting the necessary appropriations.

Mr. President, I speak today to advise the Senate that work is now in progress on building a new Niobrara. I was fortunate to be present at ground-breaking ceremonies on September 30. Because of the interest and assistance of my fellow Senators, I would like to print in the RECORD several speeches that were given at the ceremony. I ask unanimous consent that they be printed.

There being no objection, the speeches were ordered to be printed in the RECORD, as follows:

INVOCATION—"NEW" NIOBRARA GROUNDBREAKING, SEPTEMBER 30, 1973

(By the Reverend Dennis J. Carroll)

Almighty God, we gather today to celebrate the rebirth of our town. We ask for your blessing in our adventure, but we also ask for your help. Help us to be sensitive to the conflicting emotions of our residents as we realize that fear and doubt are very natural companions to joy and expectation.

We know that in the world with every gain there is also a loss and that moving to a new home requires leaving a familiar one. Grant us a faith that will help us move through our pain and confusion to a new hope—seeking to find opportunity from the disruption of the past and present.

We need courage, we need strength, we need love, and we need concern. But mainly we need a renewed sense of patience—patience which is so easily lost in our dealings with each other. Patience, that we may relearn the meaning of faith as we reinvest and rebuild our limited earthly lives in a new town, but in a larger sense only continue the unbounded and eternal life which is the true treasure of your kingdom. Amen.

MAYOR LESTER FITCH—GROUNDBREAKING SPEECH

Thank you Reverend Carroll.

Ladies and Gentlemen! We wish you all a hearty welcome to our groundbreaking ceremonies.

We are happy that all of you could join us on this historic occasion. Sorry that the weather hasn't cooperated with us, so that we could not carry out our program as planned.

This marks the beginning of a new chapter in the history of this Village. Over seventeen years ago we celebrated our One Hundredth anniversary. Niobrara numbers among the oldest communities in Nebraska, the town having been established in 1856. It was a stopping place for steam boats and French fur traders, traveling up and down the Missouri River.

This site will be our third, and hopefully final, location. The great ice jam of 1881 nearly destroyed the original town which was located near the Ferryboat Landing, just east of our present townsite. Our town grew and prospered because of such activities as a government Land Grant office, where patents were issued to early settlers. This was during Abraham Lincoln's administration. Also the building of the Court House was in this territory, which is still standing on the east part of Main Street. Then came the Chicago and Northwestern Railroad. As time passed and the development of the Missouri River took place a change came, until mother nature, assisted by man, created another problem.

The Pick Sloan Plan benefitted millions of people and for this we are grateful. Those great benefits clearly outweigh the hardship and burden imposed on the people in this picturesque part of rural America. For a good number of years, as the waters rose in our basements, we were all very greatly bewildered about our future. The prospects for tomorrow seemed very gloomy, indeed. We understood very little about the vast Federal Government. We prayed we would not drown before help could be found.

Fortunately, our hopes and dreams were answered.

Even though there are just six hundred of us with but a tiny voice, our pleas were answered by our representatives in Washington.

Certainly all of our towns people know and I want the rest of you people who are our guests here today to appreciate that Roman Hruska has spearheaded our cause and has led us through the maze of Legislative complexities and has given freely of his time and energies in this period of our great struggle for existence.

He shared our hope that we would be able to help with the planning of the new town. We wanted the ideas of our own people to be heard and the common desire of our citizens to be expressed in the planning and details of the relocation. We, of course, did not have the resources to undertake any comprehensive planning or make any professional study on our own.

Recognizing this basic desire of our people, Senator Hruska was good enough to sponsor legislation which led to the granting of funds for a joint planning effort between the Village and the Corps of Engineers.

It was in this spirit of cooperation that the planning went forward. Realizing that we had an opportunity not only for our lifetimes, but for future generations, we wanted to invest as much thought and deep consideration, not only to the location, but the layout of the new Village. We hope our Village can become a model for Rural America. We hope our Village will be a place we can all look to with pride. We hope we can reverse the trend of our young people leaving to work in the cities. We hope in spite of all the adversity, that the example we set, will be of benefit to people everywhere.

As you can see, the ground has already been broken by machine. We are here today to dedicate this site and to share our happiness with those who have been so kind and helpful to us in our time of need and to symbolize the future by the traditional ceremonial breaking of ground. We are privileged to have our State and National representatives along with representatives of the Corps of Engineers. Also our Legal Advisors—Bill Campbell, John Musselman, Richard Spellman and Robert Kutak—of the Kutak, Rock, Cohen Associates law firm of Omaha, our Planners—Jim Siebken, Barry Ling and Mr. Michael—with Kirkham & Michael Architects & Engineers of Omaha, our General Manager, Gordon Printz, of our Planning Commission office in Niobrara, and their families with us this afternoon for this ceremony.

In behalf of the Niobrara community, I do want to take this opportunity to express our appreciation to all of you for your interest and help in this project. We know that you have gone beyond your call of duty in trying to keep us all happy. The only words I know to express our feelings are "Thank you very, very much," for your friendship and kindness. We hope that you will consider Niobrara, your home away from home.

Our festivities will not end here at this site of the dedication, but will continue on through the balance of the day and evening and we hope you will be able to join us. Harry Tichy, Chairman of our Village Planning Commission, will have more on the post-dedication activities when he concludes our program.

We do not always understand the ways of our government. Nor do we appreciate the historic wedding between the navigable rivers of this country and the Corps of Engineers. As you know, our area of the Missouri River is under jurisdiction of the Omaha District. From the very beginning of our problem, we have been blessed with understanding leaders in the District office. Colonel Griebling, and Colonel Pendergrass before him, have always had their doors open to hear our problems and to discuss and to coordinate plans. This goes for the staff of the Omaha district office also. We are indebted to people like Elbert Snethen, Joe Graham and numerous others. We realize they are responsible for the water resources program of the Upper Missouri River Basin which covers over Four Hundred Thousand square miles. They are busy people. We are but a dot (or sometimes a mosquito) on their maps, but yet they have given of their time and talents freely.

The Omaha District office is headed up by Col. Alfred L. Griebling, who just a year ago returned to the Omaha District after an absence of twenty years while on assignments throughout the world. Some twenty years ago, then Captain Griebling was assigned as a construction inspector and resident engineer for construction at the Fort Randall Dam.

Colonel Griebling is a 1950 graduate of West Point. He has served as a Professor on the staff of the Military Academy. He has a Masters of Science degree from Iowa State and has served the United States Army throughout the world.

Colonel Griebling, his wife Betty and their children are here with us today. We would like Colonel Griebling to come to the microphone and say a few words.

REMARKS—COL. ALFRED L. GRIEBLING

I am very pleased to visit you again and to be with you for this ground breaking ceremony.

For more than a year I have been aware of the problem of high ground water in your town.

Of course many others, including those on the platform and members of my staff, have been working on the problem much longer.

For you folks who live so close to the problem I'm sure there have been many occasions of doubt and disappointment.

Your problems are not all solved yet.

However, everything I see tells me that we are well on the way to solving the problems.

I would now like to give you a brief status report.

The Corps of Engineers was given the responsibility for implementing Section 213 of the Flood Control Act of 1970, which addressed your problem.

We felt strongly from the very beginning that the basic decisions should be made by you people here in Niobrara.

We structured all our actions with this objective in mind and worked with Mayor Fitch and your Planning Commission.

Therefore, the decision to relocate the Village to this site has been yours.

In order to plan and construct these new facilities, the Corps has contracted with the Village of Niobrara, through the Village Planning Commission, with Mr. Gordon Printz acting as General Hanager.

The Village Planning Commission, in turn, sub-contracted for the following servies:

1. Kirkham-Michael and Associates for the engineering design.
2. The firm represented by attorneys Campbell and Musselman for legal servies.
3. Negus-Sweenie for construction of the Overlot Grading.
4. Nebraska Testing Laboratories for laboratory testing support.

As we look ahead, the design is proceeding satisfactorily on the following:

1. The Phase II Grading.
2. Water supply and water storage facilities.
3. Underground water distribution.
4. The sewerage system.
5. And the storm drainage systems in the new townsite.

These will be followed by street paving with curb and gutter—sidewalks—street lighting—and the municipal building facilities.

Contracts for these developments will be let at staggered intervals during the 1974 construction season.

Now, I would like to discuss what you as individuals are most interested in—your real estate.

From a Real Estate standpoint, this project consists of the acquisition of some 470 ownerships.

Our records show that these ownerships are comprised of: 285 homes, 112 parcels of vacant lands, 60 business properties, 8 churches, 3 lodges, 2 warehouses, a mortuary, a rest home, a telephone relay station, a grain elevator, and a mobile home park.

As many of you already know, one tract of land has been acquired.

This is the former Weber property situated on Fourth Avenue between Pine and Cedar Streets.

It is being modified for our Real Estate Field Office.

That office is now open and my employees there are ready to answer any questions you may have.

Negotiations for the other properties will begin next week, and we expect to conclude all purchases by 31 December 1974.

After completion of the purchases, many owners will probably want to remain in their present properties until the new town is ready for occupancy.

In the interim, the Real Estate Office will work with you to accomplish this.

After you have relocated to your new residences or business establishments, this office will assist you in processing claims under Public Law 91–646.

Most, if not all of the residents of Niobrara will be eligible for assistance under the several benefits offered by that law.

Hence, the Real Estate Office on Fourth Avenue will be our Niobrara Office to serve the people of Niobrara until completion of the relocation and all claims under Public Law 91–646 have been satisfied.

We are currently staffing that office with permanent personnel.

In the meantime, Mr. Kermit Ehrenfelt, the Chief of my Real Estate Office at Pierre, South Dakota, has been designated as Acting Chief of the Niobrara Office.

Other employees from Omaha and our other Real Estate Offices are currently staffing the operation.

The telephone number of the Real Estate Office is 857–3525.

I encourage all of you who have questions regarding the acquisition of your property, or benefits to which you may be entitled under Public Law 91–646, to visit this office and discuss your problem.

If this is not possible, contact the office by telephone and my Real Estate people will arrange to call upon you at a mutually convenient time.

Mrs. Griebling and I are happy to be with you today.

We have spent a very pleasant two days in the area and managed to spend a relaxed evening at the state park.

Thank you for inviting us.

DEDICATION SPEECH—J. W. BURBACH, STATE SENATOR

As we all know from the history books, Niobrara means "spreading water." And it was certainly well named, because this dedication we are celebrating today is not the first one in Niobrara's history.

Niobrara is on the site of a Ponca Indian village. Favorable reports of the place were current in Kanesville (which is now Council Bluffs); and in May of 1856 a little group of settlers went to see it, led by B. Y. Shelby, a doctor, and financed by a French company named L'Eau Qui Court.

In the presence of the entire Ponca band, they marked off the site that was to be known as Old Town. That winter Dr. Shelby and 3 men took refuge in Old Cabin, the first garrison and first building of Niobrara. This tiny settlement was made the county seat, which was then called Eau Qui Court, and is now Knox County. The county seat remained here until it was moved to Center in 1901.

Development rapidly followed with the arrival of the riverboat "Omaha" from St. Louis in 1857 and the building of Burns House, plus industry—tomato canning, meat packing, flour milling and brewing.

The original town was beautifully situated on the south bank of the Missouri, about 2 miles below the mouth of the Niobrara River, until the great flood of 1881, when the larger portion of it was removed about 1½ miles to the southwest and located on a plateau elevated above the river bottom.

At the time of the removal, the town contained 3 general stores, 2 drug stores, 2 hardware stores, 1 harness shop, 2 blacksmith shops, 5 hotels, 2 livery stables, 3 doctors, 12 lawyers, 1 schoolhouse, 1 church building, a 2-story brick courthouse, 2 newspapers, and 500 inhabitants.

The water began to rise on the night of March 29, 1881, and rose very suddenly until it reached a depth of 3–7 feet, filling up cellars and covering the first floors of houses. The heaviest loss of stock was recorded by Frank Janousek, who lost 29 head of cattle and 5 horses.

The illustrated history of Nebraska says the moving of the town was commenced in July of 1881 and this is a quote from the history book: "Now the people feel a sense of security they never could have felt on the old town site, being on the plateau about 20 feet above it, and close to the bluffs, so that escape is easy in the event of a future flood reaching them, which event is extremely improbable."

Well, we all know that the "improbable event" became the awful truth as our water table rose righer and higher. After nearly 15 years of negotiations with the Corps of Engineers, and through the efforts of our congressional delegation, the problem was finally recognized as the responsibility of the Corps, and money was appropriated for once again moving the town of Niobrara.

So, now we begin the "third time around" for Niobrara, Nebraska—a town whose citizens have never given up no matter what the odds or the difficulties. You have all our best wishes for your future and most sincere congratulations for your courage—and our firm belief in your successful future.

THE CONSTITUTIONALITY OF S. 2611

Mr. ERVIN. Mr. President, the Senate Judiciary Committee has been conducting hearings on S. 2611, the proposed "Independent Special Prosecutor Act of 1973."

Philip B. Kurland, professor of law at the University of Chicago, and a valued consultant to the Senate Subcommittee on Separation of Powers, of which I am chairman, gave testimony to the committee on the constitutionality of S. 2611. It is his opinion that S. 2611 is fully consistent with the requirements of the Constitution insofar as it authorizes the appointment of the special prosecutor by the chief judge of the U.S. District Court for the District of Columbia and provides for the discharge of the special prosecutor only for specified cause and then only by the chief judge.

Mr. President, I ask unanimous consent that Professor Kurland's prepared statement of November 7, 1973, be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

Statement of Philip B. Kurland

My name is Philip B. Kurland. I am a professor of law at the University of Chicago. I have come, at the invitation of this Committee, to address the questions of constitutionality allegedly raised by S. 2611, the proposed "Independent Special Prosecutor Act of 1973."

S. 2611, as I understand it, suggests two issues of constitutionality. The first is whether Congress can constitutionally vest the appointment of a special prosecutor, to deal with matters specified in the Bill, in the Chief Judge of the United States District Court for the District of Columbia. The second is whether the President may be constitutionally forbidden by Congress to remove the special prosecutor from the office created by the Bill and filled by appointment of the Chief Judge. My answer to both questions is in the affirmative. I shall state as succinctly as I can my reasons for these conclusions.

First, however, I should point out that the questions are not raised in the abstract. They occur in the context of events with which we are all familiar. If the phrases "constitutional crisis" and "crisis of confidence" have been unduly abused in recent days, it can hardly be denied that they are appropriate to the events that have given rise to the framing of this legislation. The most relevant facts are that the charge to the proposed Special Prosecutor in S. 2611 is to investigate, to initiate prosecutions, and to prosecute illegal activities that are either closely connected to, or have their origins within, the White House itself. It must be remembered that the Senate, in approving the appointment of Attorney General Richardson, made it an express condition of its confirmation that he would name a special prosecutor for these same purposes, and that such a prosecutor was to be wholly independent both of the President and the Attorney General. The consequent appointment of Archibald Cox as such an independent special prosecutor has since been frustrated by his discharge and by the resignation of Attorney General Richardson and the discharge of Deputy Attorney General Ruckelshaus.

It is hardly disputable, that a very large part of the American public regard the Cox discharge as a breach of faith by the Administration with the Senate and with the American public itself. Events that preceded and those that have followed the termination of Professor Cox's employment—certainly including the announcement that the Dean and Mitchell White House tapes do not exist—have made it impossible to accept the possibility that any special prosecutor appointed by the President or the incumbent Attorney General can have the appearance of independence which is vital to the function that such a prosecutor must perform. However many assurances are provided that such an Administration appointee will be independent, and however much faith one may have in the courage and integrity of the person who is so appointed, these assurances and this faith come too late to be persuasive. That road has already been traversed. We have witnessed an effort by this body to leave the powers of appointment and discharge of such a prosecutor in the hands of the President and his Attorney General. That effort has failed. And it has failed because the interests of the White House are necessarily too closely tied to a restricted rather than a full investigation that would be the charge of a special prosecutor. I respectfully submit that with new charges surfacing almost daily, neither the Congress, nor the President, nor the American people can afford the possibility of another fiasco of the kind that surrounded the discharge of Professor Cox, without regard to whether that discharge was or was not justified. It has been stated that "justice must satisfy the appearance of justice." *Offutt* v. *United States*, 348 U.S. 11, 14 (1954). The appearance of justice requires the separation of the investigator and the investigated.

Let me turn then to the question whether the Constitution authorizes Congress to provide for the appointment of the special prosecutor by the Chief Judge of the District of Columbia. The proposed legislation states three constitutional bases on which this power of appointment is rested. First, the "necessary and proper clause" of Article I, § 8, which confers upon Congress the authority: "To make all Laws which shall be necessary and proper for carrying into execution for foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

Second, the provision of Article II, § 2, which reads: "Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments."

Third, the provision of Article I, § 8, which grants power to Congress "To exercise exclusive Legislation in all Cases whatsoever, over" [the District of Columbia].

I would quickly say, albeit without reliance on any authority, that the last provision should not itself support this legislation. It is true that the Supreme Court has given a broad reading to this provision. See, *e.g., National Mutual Insurance Co.* v. *Tidewater Transfer Co.*, 337 U.S. 582 (1949). But honesty compels recognition that the problems to which this Bill is directed are not problems of the governance of the District of Columbia but problems of the governance of the Nation.

I should think, with equal certainty, but with an equal dearth of authority, that the "necessary and proper clause" could alone sustain the appointment provisions of this Bill. That the investigation is "necessary" and the means provided "proper," as Chief Justice Marshall defined those terms, is abundantly clear simply from the facts with which I introduced this statement. So, too, is the fact that the clause relates to Congressional authority with regard to all national government functions, not merely the legislative functions. But whether or not the "necessary and proper clause" by itself would provide constitutional justification, taken together with the language of Article II, § 2, it certainly affords all the constitutional warrant necessary.

By its terms, Article II, § 2 authorizes Congress to place this power of appointment in the judiciary of the District of Columbia. Constitutional history and adjudication confirm the validity of this process. Indeed, the authority to vest the appointment power in the judiciary has been sustained with reference to appointments having nothing to do with the judicial process. It follows *a fortiori*, I should submit, that the power of appointment of an officer of the court such as a special prosecutor must be sustained.

The principal Supreme Court authority is *Ex parte Siebold*, 100 U.S. 371 (1880), in an opinion written by Mr. Justice Bradley. There legislation had authorized the appointment by the federal courts of supervisors of elections in which national officials would be elected. It was argued that the Congress could not vest this appointment power in the courts because the function of the supervisors was executive in nature. The Supreme Court's response was unequivocal:

"It is no doubt usual and proper to vest the appointment of inferior officers in that department of the government, executive or judicial, or in that particular executive department to which the duties of such officers appertain. But there is no absolute requirement to this effect in the Constitution; and, if there were, it would be difficult in many cases to determine to which department an office properly belonged. * * *

"[A]s the Constitution stands, the selection of the appointing power, as between the functionaries named, is a matter resting in the discretion of Congress. And, looking at the subject in a practical light, it is perhaps better that it should rest there, than that the country should be harassed by the endless controversies to which a more specific direction on this subject might have given rise. The observation in the case of Hennen, to which reference is made (13 Pet. 258), that the appointing power in the clause referred to "was no doubt intended to be exercised by the department of the government to which the official to be appointed most appropriately belonged," was not intended to define the constitutional power of Congress in this regard, but rather to express the law or rule by which it should be governed. The cases in which the courts have declined to exercise certain duties imposed by Congress, stand upon a different consideration from that which applies in the present case. The law of 1792, which required the circuit courts to examine claims to revolutionary pensions, and the law of 1849, authorizing the district judge of Florida to examine and adjudicate upon claims for injuries suffered by the inhabitants of Florida from the American army in 1812, were rightfully held to impose upon the courts powers not judicial, and were, therefore, void. But the duty to appoint inferior officers, when required thereto by law, is a constitutional duty of the courts; and in the present case there is no such incongruity in the duty required as to excuse the courts from its performance, or to render their acts void." 100 U.S. at 397–398.

The authorities were summed up more recently in an opinion by Judge Fahy, in *Hobson* v. *Hansen*, 265 F. Supp. 902 (D.C. Cir. 1976). There the question was whether the District Court for the District of Columbia could be assigned the task of appointing the members of the District of Columbia school board. Again the answer was in the affirmative. *Id.* at 911–16. Once again the question before us must be considered to have more support from Article II, § 2, than did the power exercised there, because here there can be no question but that the officer whose appointment is provided by this Bill is an "inferior Officer" of the national government and because the functions he is charged to perform are so closely connected with the judicial functions that are entrusted to the federal district courts by Congress pursuant to Article III of the Constitution.

It is suggested that the duties of a prosecutor are by their nature an executive function to be performed under the authority of the Chief Executive. I would submit that this is not true. Quite clearly, at the time of the adoption of the Constitution, prosecutions in England were under the concern and management of private citizens and not the Crown, except in a narrow class of cases where the person of the Crown was thought to be endangered by the kind of crime that was being prosecuted. Congress undertook, shortly after the creation of this nation, to vest the prosecutorial authority in public officials and to vest the power of their appointment in the President with the advice and consent of the Senate. That decision was made pursuant to the authority of Art. II, § 2. It must be free to make a different assignment of the appointing power where circumstances, as in this case, call for it.

Moreover, a look at the government of the various States, equally dedicated to the doctrines of separation of powers under their own constitutions, demonstrates that the vast majority of them have been unwilling to entrust the administration of the criminal laws to officials subordinate to the chief executive. In most jurisdictions, the law enforcement officers are elected officials both at the state level, as with the Attorneys General, and at the local level, as with district attorneys. Indeed, it should be recalled that, at the time of the Wickersham Commission report, the State of Connecticut, and perhaps other states, entrusted the appointments of prosecuting officials to the courts in which they served. And the Wickersham Commission approved this system as one that reduced the adverse effects of political bias.

Nor should it be forgotten that the appointment of counsel for purposes of specific litigation is a function that has long been performed by the judicial branch, both for plaintiffs and defendants. Indeed, it has been considered a constitutional obligation of the courts to appoint counsel for a defendant in a criminal case where the defendant is unable to supply counsel of his own. This authority has been exercised by the federal courts not only with regard to appointments of individual counsel, but also with the appointments of "public defenders" for cases at large. Not only does the Supreme Court appoint counsel in individual cases, it also frequently calls on the Department of Justice to supply counsel by way of amicus curiae briefs and arguments through the Solicitor General's office. Counsel are officers of the court; the grand jury is an arm of the court. Counsel are a necessary ingredient in the performance of the Article III jurisdiction conferred on the federal courts. And it is to the courts that the execution of the laws through the judicial process has been entrusted by the Constitution itself.

It has been argued, however, that there is a problem of conflict of interest, bordering on a problem of due process of law, if the judge who participates in the selection of the prosecuting counsel is also entrusted with the task of presiding over the case in which the prosecutor participates. See, *e.g., In re Murchison*, 349 U.S. 133 (1956). The answer to that is twofold. First, the problem of conflict of interest is exactly the problem that S. 2611 seeks to eliminate. Congress, through this legislation, at worst, would be choosing between a conflict of interest where the putative defendants would in effect be appointing the prosecutor if that duty were imposed on the President and the less dangerous conflict of interest, if it is such, where the judicial officer appoints prosecuting counsel. In the many instances in which courts appoint counsel, both for plaintiffs and defendants, there has been no suggestion that the appointing judge must disqualify himself because of that appointment.

As the three-judge court in *Hobson* v. *Hansen, supra,* said, in rejecting a similar claim: "In neither of the Supreme Court cases, *Hennen* [*Matter of Hennen*, 13 Pet. 230] and *Siebold*, involving the validity of Congressional authority for judges to appoint an official was there any question of inability, on due process grounds, of the appointing judge to pass upon the validity of the action of the appointee after appointment." 265 F. Supp. at 916–17, n. 18.

Moreover, even the scintilla of conflict of interest could be avoided here if the judge appointing the prosecuting official—here the Chief Judge of the United States District Court—did not himself preside over the grand jury or the consequent trials, if any. It is certainly possible that another district judge than the chief judge could preside over the grand jury proceedings and the resulting trials.

My conclusion is that § 3 of S. 2611 fully complies with the requirements of the Constitution in authorizing the appointment of the special prosecutor by the Chief Judge of the United States District Court for the District of Columbia.

The second constitutional issue is whether § 10 of S. 2611, which provides that the special prosecutor shall be dismissed only for cause as defined therein and then only by the Chief Judge, is valid. Again the answer is in the affirmative.

My position here rests on the line of cases that began with *Myers* v. *United States*, 272 U.S. 52 (1926), and culminated in *Wiener* v. *United States*, 357 U.S. 349 (1958), with *Humphrey's Executor* v. *United States*, 295 U.S. 602 (1935), as the connecting link between them. Mr. Justice Frankfurter wrote for a unanimous Court in the *Wiener* case. He summarized the history this way:

"The assumption was short-lived that the *Myers* case recognized the President's inherent constitutional power to remove officials, no matter what the relation of the executive to the discharge of their duties and no matter what restrictions Congress may have imposed regarding the nature of their tenure. The versatility of circumstances often mocks a natural desire for definitiveness. Within less than ten years a unanimous Court, in *Humphrey's Executor* v. *United States*, narrowly confined the scope of the *Myers* decision to include only 'all purely executive officers.' The Court explicitly 'disapproved' the expressions in *Myers* supporting the President's inherent constitutional power to remove members of quasi-judicial bodies. Congress had given members of the Federal Trade Commission a seven-year term and also provided for the removal of a Commissioner by the President for inefficiency, neglect of duty or malfeasance in office. In the present case, Congress provided for a tenure defined by the relatively short period of time during which the War Claims Commission was to operate—that is, it was to wind up not later than three years after the expiration of the time for filing of claims. But nothing was said in the Act about removal.

"This is another instance in which the most appropriate legal significance must be drawn from congressional failure of explicitness. Necessarily this is a problem in probabilities. We start with one certainty. The problem of the President's power to remove members of agencies entrusted with duties of the kind with which the War Claims Commission was charged was within the lively knowledge of Congress. Few contests between Congress and the President have so recurringly had the attention of Congress as that pertaining to the power of removal. Not the least significant aspect of the *Myers* case is that on the Court's special invitation Senator George Wharton Pepper, of Pennsylvania, presented the position of Congress at the bar of this Court.

"Humphrey's case was a *cause celebre*—and not least in halls of Congress. And what is the essence of the decision in Humphrey's case? It drew a sharp line of cleavage between officials who were part of the Executive establishment and were thus removable by virtue of the President's constitutional powers, and those who are members of a body "to exercise its judgment without the leave or hindrance of any other official or any department of the government," as to whom a power of removal exists only if Congress may fairly be said to have conferred it. This sharp differentiation derives from the difference in functions between those who are part of the Executive establishment and those whose tasks require absolute freedom from Executive interference. 'For it is quite evident,' again to quote *Humphrey's Executor*, 'that one who holds his office only during the pleasure of another, cannot be depended upon to maintain an attitude of independence against the latter's will.' " 357 U.S. at 352–53 (citations omitted).

The important propositions that I derive as

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the guiding law from *Wiener* are three. First, where, as here, independence from the President is necessary to the proper performance of the special prosecutor's duties, the power of removal does not rest with the President. Second, that the question of the terms and conditions on which an appointee's tenure depends is within the scope of Congress to define. Congress will have defined it in S. 2611 so as to remove any of the doubts that might have been derived from Congressional silence as in the *Humphrey's* and *Wiener* cases. Third, even had Congress remained silent as to who should have the power of discharge, the necessity for independence would prohibit the President from discharging a special prosecutor whose office was created by Congress except on grounds specified in the law. Thus, even were the limitation of discharge to the Chief Judge to be held invalid, the capacity of the President to discharge the special prosecutor would depend upon the existence of those circumstances specified in § 10. Thus, the President, if he had the power of discharge, could exercise that power only where the special prosecutor "has willfully violated the provisions of this Act or committed other extraordinary improprieties, and for no other reason."

I conclude, as I began, with the opinion that S. 2611 is fully consistent with the requirements of the Constitution insofar as it authorizes the appointment of the special prosecutor by the Chief Judge of the United States District Court for the District of Columbia and provides for the discharge of the special prosecutor only for specified cause and then only by the Chief Judge.

NEW YORK CITY'S BIGGEST LANDLORD ANNOUNCES SWEEPING FUEL OIL AND ENERGY CONSERVATION PROGRAM

Mr. JAVITS. Mr. President, I would like to call the attention of the Senate to the new initiative undertaken in New York City by a leader in private business to conserve fuel in this time of shortage.

New York City's biggest landlord, Samuel J. Lefrak, on October 23, 1973, announced a sweeping fuel oil and energy conservation program for the 60,000 apartments his firm controls in New York City. Some 250,000 tenants will be affected.

Mr. Lefrak indicates that his most conservative projections indicate immediate savings of more than 10 million gallons of oil this winter and dollar savings of more than $2 million and that the Nation could offset oil savings of 10 to 15 percent by following similar procedures.

The Lefrak organization intends to give any money saved back to tenants in the form of a cash rebate. They will be compared, by computer, the fuel costs per building of last year based on degree days, with the costs of this year to determine any savings. The fuel oil conservation program is now being carried out by the Lefrak organization's management and maintenance staffs which have been heavily augmented in order to carry out the crash program. These are some of the steps they are taking:

All washing machines—they number in the thousands—in Lefrak buildings are being converted to cold water machines. Cold water cleansers will be used in all machines;

An early warning system covering heating and hot water has been linked to a computer in order to eliminate waste;

All boilers are being overhauled. Most are getting new combustion chambers and controls. All boiler safety valves, tubes, and condensation pumps are being checked for leakage;

New thermostats and controls are being installed in boiler rooms;

All windows and doors in apartments are being weatherstripped and caulked;

All radiators in apartments are being checked and defective air valves are being replaced;

All exposed steam and hot water pipes in buildings are being insulated;

Vestibules are under construction for service entrances and all doors are being made self-closing so that a minimum of cold air can enter buildings;

Garage and bulkhead windows are being checked and defective windows are being replaced; and

Open windows in boiler and laundry rooms are being sealed.

These steps are seen as eliminating waste and stressing the "reuse" of fuel oil. All reclamation heat transfer units are being installed where possible including early smoke alarm system.

Mr. Lefrak is also asking his tenants to take a number of heat savings steps:

Close doors promptly to retain heat;

Keep doors closed in room with open windows;

Check decorative radiator covers to see that they are not trapping heat;

Place a sheet of aluminum foil between radiator and cold wall so that heat will be reflected back into the room;

Check that radiators are painted with enamel paint. Metallic or flat paint cuts radiator efficiency by as much as 25 percent;

Keep dust from accumulating on radiators or baseboards since this cuts heat efficiency;

Remove rugs and furniture from areas where they block radiators and registers;

Avoid unnecessary use of hot water; and

During winter daylight hours leave windows which face sun unshaded in order to get natural heat.

Each building superintendent will be in charge of carrying out the fuel conservation program in his building and incentive bonuses will be paid to the superintendents so that they will profit from increased heating efficiency.

Lefrak apartment house will have a "fuel conservation ombudsman," who will be an interested tenant with the task of educating other tenants on how to save on heat.

Lefrak also intends to save electric power by switching to a single cycle system and by using low voltage fluorescent, sulfur, and mercury lighting instead of conventional incandescent lighting.

During hot weather, Lefrak has indicated he will cut down on air-conditioning by using solar glass, insulated window shades and laminated window heat diffusers.

A recent story in the New York Times pointed out that the United States, whose phenomenal industrial growth and prosperity have been fueled by abundant, cheap energy, is being forced to reconsider its power energy way of life. Underheated homes could be a harbinger of closed schools, curtailed public transport, factory shutdowns, dimmed outdoor lighting, and less pleasure driving. If other landlords and homeowners would follow some of the practices of the Lefrak organization with regard to energy conservation it would materially help our country in its effort to save fuel and blunt the efforts of those who seek to limit the U.S. supply of fuel for strictly political reasons.

SMALL TOWN AMERICA—VITAL AND POPULAR

Mr. CLARK. Mr. President, the small town is not dead or dying, a legacy of America's past. It can be, and in many cases is, a viable and flourishing institution. This is one of the conclusions of a conference held recently in Oak Ridge, Tenn., on "The Future of the Small Towns."

A report presented at this meeting, based on 1970 census data, found that many towns which wanted to grow and flourish could do so successfully without being swallowed up into a metropolitan sea. However, the ability of small towns to continue to grow and survive in the future will depend on the creation and implementation of national goals and policies for both urban and rural America.

Recognition of the need for consciously directed growth is not new. President Nixon addressed it in his 1970 state of the Union message.

> The violent and decayed central cities of our great metropolitan complexes are the most conspicuous failures in American life today. I propose that before these problems become insoluable, the nation develop a national growth policy. In the future, decisions as to where to build highways, locate airports, acquire land or sell land should be made with a clear objective of aiding a balanced growth. In particular, the Federal government must be in a position to assist in the building of new cities and the rebuilding of old ones.

Congress, too, made a commitment to a policy of balanced national growth and development through the Agriculture Act of 1970, the Housing and Urban Development Act of 1970 and most recently the Rural Development Act of 1972. The objective of the Rural Development Act—the restoration of the economic health, vigor, and opportunity for rural America—is an important step toward providing our citizens a meaningful choice in where they want to live.

But much remains to be done before we effectively come to grips with the problems of heedless growth, population imbalance, a polluted environment or limited natural resources. It is imperative that Government and citizenry work together now to decide where we are headed as a nation and what we must do to get there.

The recommendations of the Oak Ridge conference are worthy of note. They were the subject of an article published recently in the New York Times and I would like to commend it to the attention of my colleagues. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Nov. 6, 1973]

"DYING" AMERICAN SMALL TOWNS SHOWING VITALITY AND POPULARITY

The dying American small town, once the backbone of the new nation and more recently the heralded symbol of the death of our national innocence, may not be dying at all.

This is the observation of a group of leading demographic experts who concluded at a recent conference that the small town, while it cannot be said to be thriving, is holding its own in a remarkable number of cases, particularly in the South, and needs only an infusion of thoughtful public policy to make it once again a good place to live for a significant number of city-sick Americans.

The panelists at the three-day conference, "The Future of the Small Town," which ended last week at Oak Ridge, Tenn., represented both private and governmental agencies. Generally they agreed on the following points:

While there is reason for concern about the future of small-town America, its demise is greatly exaggerated—so much so that some government planners now consider programs to aid small towns in rural areas a waste of time. The same negativism permeates small-town thinking so there is little innovaion, and businessmen avoid the risks of development.

Towns that have made a decision to survive and grow, and have acted upon it, have had consistent and in some cases remarkable success.

While the suburbs continue to be the place most Americans say they want to live, small towns are next—and are the clear favorite for bringing up children. Only 9 per cent of the people want to live in cities of more than a half-million population, although 20 per cent do live in them.

Although there are many Federal programs that directly or indirectly aim to help small towns in rural areas, there is no clear and consistent national policy, with stated goals, defining where the nation believes small towns should be headed.

LACK OF JOBS

Essentially, the conference panelists concluded that while the growing problems of urban core cities and the drab sameness of the suburbs were driving more and more families to want to live in small towns outside the nation's metropolitan rings, the towns themselves were generally unable to support new residents, either with city services, health care and cultural attractions, or, more fundamentally, with jobs.

"There is a sign outside Galesville, Wis., [population 1,200] which sums up the dilemma," said a conference participant, Calvin L. Beale, leader of the Populations Studies Group in the Department of Agriculture.

It says:

"Welcome to Galesville, the Garden of Eden, Industry Invited." Despite the inability of most very small towns to support growth, Mr. Beale said, there is steady pressure for that growth and the cliche of "the dying small town" is exaggerated.

Mr. Beale noted in a study prepared for the conference that population growth in nonmetropolitan towns of the South in the nineteen-sixties was most significant in percentage terms, in the very smallest towns. That growth was almost precisely the opposite of the pattern in the nineteen-fifties.

Of 4,641 Southern towns of under 50,000 population, those with populations of under 500 grew by 15 per cent in the nineteen sixties, compared with under 5 per cent in the nineteen fifties. Similarly, towns with 500 to 1,000 population grew 16 per cent in the nineteen sixties and 14 per cent in the nineteen fifties.

On the other hand, the "big" small towns—populations of 25,000 to 50,000—grew by 12 per cent in the last decade compared with 28 per cent in the nineteen-fifties. Towns of 5,000 to 25,000 grew by roughly 12 per cent in the nineteen sixties and about 30 per cent in the nineteen fifties.

Although this study was confined to the South, Mr. Beale said the pattern applied generally to the nation.

COWS FOR SPECULATORS

In many ways, that national pattern is a hodgepodge of conflicting symbols, the two-aisle country store near a shopping center in Effort, Pa.; a new bank in an Iowa town with a sign in front blazing 24 hours a day, with nobody to look at it but cows in a pasture nearby; the megalopolis sprawling over some little towns, making them just another segment in the line of motels and service stations stretching from Boston to New York to Washington, D.C.

It is a pattern in which some small towns do indeed die through evolutionary extinction while others are engulfed as metropolitan areas reach out to join with each other.

Conference participants, concluded however, that there was a third choice—the survival of the small town, with its own identity intact. A number of examples indicated that such a choice was possible.

NOSTALGIA FOR BAKE SALES

Just how much of the desire is no more than vague nostalgia for one-chair barbershops, church bake sales, Civil War monuments and the city manager driving the county's snowplow in blustery winters was not determined, but there was clear evidence that Americans say they want small towns preserved, and a fairly high number want to live in them.

Richard C. Taeuber, chief of the urban research section of the Oak Ridge National Laboratory and director of a research program for the Department of Housing and Urban Development, noted in a keynote address that there was an apparent disparity between where people want to live and where they do live.

A national survey, he said, indicated that only 9 per cent of the respondents said they wanted to live in a city of more than one-half million population. About 20 per cent actually lived in such cities.

About one-half of the respondents wanted to live outside major cities but within 30 miles of a city of over 50,000. About one-third actually lived in these areas. About 20 per cent wanted to live more than 30 miles from any city of over 50,000 and about a fifth actually lived in such areas—although they were not necessarily the same people.

Although there has been a tendency among businesses and industries to flee core cities along with the residents, basically what keeps people from living where they want to is economic necessity, Mr. Taeuber and others observed. There are simply not enough jobs in small towns and in rural areas.

AVOIDED BY INDUSTRIES

Rural areas traditionally have high unemployment, especially where traditional farm or mining employment has declined. Industries avoid them in many cases because of the lack of adequate water, sewers, police and fire protection. Most such areas lack the leadership and economic power to find ways to provide the services, either by consolidating efforts with other small communities or by taking on the burden themselves.

Thus, the towns die. There is for example, the case of Story, Ind., population 112, which is literally up for sale. The first bidder to come up with $34,000 for the town's seven buildings, including a feed mill, can own the town.

By contrast, conference participants were presented a study of two tiny Southern Appalachian towns, Tazewell and New Tazewell, in Claiborne County, Tenn. Together the towns created 2,000 new jobs in the decade of the nineteen-sixty's although their combined population was only 3,052.

Basically their success resulted from an effort to develop their own industry, a manufacturing plant for recreation vehicles, financed with local capital.

The conferees concluded that such stories, although dramatic tended to be submerged by many accounts describing the demise of small towns, particularly those in the Plains States, where there is indeed a substantial problem.

However this ignores such evidence as that gathered in a study that showed that of 4,300 towns with a population of 2,500 to 10,000, 28 per cent lost population in the nineteen-sixties, while 72 per cent grew.

Some of these were suburbs. Others such as Cozad, Neb., which organized its civic leaders and gained an auto equipment plant, grew through their own efforts.

The panelists concluded that an over-all national policy and a coordinating agency for efforts to revitalize small towns were needed.

Estimates of the number of rural and small-town assistance programs ranged from 500 to about 1,000, several participants noted. Moreover, there is no comprehensive advisory agency to tell small town governments how to save their towns.

Federal policy planners have tended to concentrate on areas where growth was most explosive, such as the suburbs, or where the problems dominate, as in the largest cities.

JOHN P. SAYLOR

Mr. HUGH SCOTT. Mr. President, the Washington Post, in a fine editorial November 5, 1973, paid tribute to our late and much esteemed colleague, Representative John P. Saylor of Pennsylvania, and dean of the delegation from Pennsylvania.

I ask unanimous consent that this editorial recognizing Congressman Saylor as we remember him—"an outspoken effective champion for a good cause"—be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

JOHN P. SAYLOR

Some Congressmen manage to linger in the House for many terms without ever raising their voices or advocating an important cause or leaving any imprint on the record of their times. Rep. John P. Saylor, who died last week, was emphatically not one of these. The Republican from the Pennsylvania hills had strong convictions and a personality to match. Gruff, sometimes caustic, uncommonly persistent, he was the best kind of opinionated man.

Rep. Saylor was a powerful and creative force in the field of conservation which he made his specialty. During his quarter-century in the House, seniority elevated him to the post of ranking Republican on the House Interior Committee, but it was his own energy and ideas which made him a dominant influence in that committee's work. Rep. Saylor was in the midst of nearly every major conservation battle of his day. He fought against the Hells Canyon dam. He opposed the Grand Canyon dams. He battled to create the national wilderness system and the Land and Water Conservation Fund laws which stand as permanent monuments to his vision and doggedness. Perhaps because he came from a region of scarred and battered hills, he had a keen appreciation of the need to keep some

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of the nation's finest natural resources unspoiled and available for the public to enjoy and use.

Rep. Saylor took a very particular interest in the conservation problems of the Potomac Basin and the national capital area. He was a vigorous defender of Piscataway Park and the marshes on the Virginia shore below Washington. He scrapped for years to obtain a workable framework for Pennsylvania Avenue redevelopment. In partnership with the Maryland congressional delegation, he was a leader in the 17-year campaign which finally produced the Chesapeake and Ohio Canal National Historical Park. In these and other legislative battles, Rep. Saylor used his stature and voice to full effect. He was an outspoken, effective champion for a good cause.

LEGAL MEMORANDUM IN SUPPORT OF S. 2611

Mr. ERVIN. Mr. President, I have received a memorandum discussing the constitutional power of Congress to enact legislation vesting the power to appoint a special prosecutor in the Federal courts. This memorandum was prepared by Lee C. Bollinger, Jr., an assistant professor of law at the University of Michigan Law School.

Because the Senate is now considering S. 2611, a bill which directs the Chief Judge of the District Court for the District of Columbia to appoint a special prosecutor to continue the work which former Special Prosecutor Archibald Cox began. I ask unanimous consent to have Professor Billinger's memorandum printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

CAN CONGRESS VEST THE APPOINTMENT OF A SPECIAL PROSECUTOR IN A FEDERAL COURT?

In the wake of President Nixon's decision to order the Attorney General to discharge Mr. Cox as the Watergate Special Prosecutor, many individuals and groups have called for legislation creating a new independent prosecutor who would be immune from presidential removal. Early last week, for example, the deans of 17 law schools signed a petition urging Congress to vest the power to appoint a special prosecutor in a federal court. The deans, along with many others of like mind, asserted that Congress was empowered to enact such a law by virtue of Article II, Section 2, of the Constitution. That Section reads in relevant part:

[The President[shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Counsuls, Judges of the Supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: *but the Congress may by law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Court of Law, or in the Heads of Departments.*" (emphasis added)

The purpose of this short memorandum is to discuss whether the language, history and judicial interpretation of Article II, Section 2, support the position that Congress can, if it chooses to do so, vest the power to appoint a special prosecutor in a federal court.

I

Looking first at the language of Article II, Section 2, one is immediately struck by its clarity. Unlike the rather general phrasing found throughout much of the Constitution, this clause speaks with precision, without qualification or caveat. It says in plain terms that the Congress may, "as they think proper," vest the appointment of "inferior Officers" in "the President alone, in the Courts of Law, or in the Heads of Departments." By all appearances the individuals who penned this language intended to leave the delegation of the appointment power of lesser federal officials to the unfettered discretion of the legislative branch. If there be any limitation on this discretion, it must be implied, for it surely is not explicit.

We all recognize, of course, that language is an imperfect medium. What may appear clear on the surface, often becomes murky upon further study. Any inquiry into meaning, therefore, must wherever possible go beyond the literal text to an examination of the circumstances under which the words were written or spoken. In instances like this, that means looking at the available records of the Constitutional debates.

When the relevant debates are examined, one finds nothing to suggest that the framers intended to say anything different than they did. The clause was proposed without discussion by Governor Morris. James Madison raised the only recorded objection. His criticism, however, was not that the clause would vest too much power in Congress, but that it did "not go far enough if it be necessary at all." Documents of the Formation of the Union of the American States, House Doc. No. 398, 69th Cong., 1st Sess., (1927). Madison thought that "Superior officers below Heads of Departments ought in some cases to have the appointment of the lesser offices." Id. Governor Morris responded: "There is no necessity. Blank commissions can be sent." Id. After this brief exchange, the amendment was agreed to on the second vote.

When we next turn to the judicial decisions interpreting the pertinent clause in Article II, Section 2, we again find nothing to make us doubt Congress' authority to empower a federal court to appoint a special prosecutor. On the contrary, the one relevant Supreme Court decision strongly supports such an interpretation of congressional power. See *Ex parte Siebold*, 100 U.S. 371 (1879). At issue in *Siebold* was a congressional statute authorizing the judges of federal Circuit Courts to appoint supervisors of congressional elections and marshals to assist those supervisors. Writing for the Court, Justice Bradley rejected the argument that "no power can be conferred upon the courts of the United States to appoint officers whose duties are not connected with the judicial department of the government." Id. at 397. Citing Article II, Section 2, the Court held that the "selection of the appointment power, as between the functionaries named, is a matter resting in the discretion of Congress." Id. at 397–98. This result seemed to make eminent good sense to the Court:

"And looking at the subject in a practical light, it is perhaps better that it should rest there, than that the country should be harassed by the endless controversies to which a more specific direction on this subject might have given rise."

Id. at 398.

The Court in *Siebold* was also unpersuaded by another line of constitutional argument: that the statute was inconsistent with Article III in that it delegated powers to the courts that were nonjudicial in nature. This is not a case, the Court said, where Congress had sought to impose duties on the judicial branch that were not authorized by the Constitution; on the contrary, here "the duty to appoint inferior officers, when required thereto by law, is a constitutional duty of the courts" by virtue of Article II, Section 2. Id. at 398.

The *Siebold* decision is not the only precedent on Article II, Section 2, though it certainly is the most authoritative. For example, Congress long ago enacted a provision now contained in 28 U.S.C. § 546, which provides:

"The district court for a district in which the office of United States attorney is vacant, may appoint a United States attorney to serve until the vacancy is filled. The order of appointment by the court shall be filed with the clerk of the court."

This statute was upheld as constitutional in *United States v. Solomon,* 216 F. Supp. 835 (S.D.N.Y. 1963). The district court there relied on Article II, Section 2, in rejecting an argument that the provision violated the Doctrine of Separation of Powers.

Similarly, a three judge court relied on Article II, Section 2, in upholding a congressional statute under which judges of the United States District Court for the District of Columbia were authorized to appoint members of the District of Columbia Board of Education. See *Hobson v. Hansen*, 265 F. Supp. 902, 911–16 (D.C. 1967).

II

The foregoing review of the relevent legal authorities would seem to indicate that there is strong support for the proposition that Congress could under Article II, Section 2, place the power of appointment of a special prosecutor in the federal courts. Before accepting that conclusion as sound, however, we must consider the one major argument which can be anticipated in rebuttal: that it would be an impermissable usurpation of executive powers for Congress to delegate the appointment of executive officials to the judicial branch. Surely, it might be argued, the last clause of Article II, Section 2, should not be interpreted to mean that Congress may authorize a federal court to appoint the Under Secretary of State. Such a construction would give rise to a serious breach in the wall of separation of powers. And, if that is so, then a line must be drawn somewhere between "executive inferior officers" and other inferior officers. A special prosecutor, the argument would conclude, falls into the former category; his role would be to see that the laws are enforced, historically an executive function.

While this line of argument cannot be lightly dismissed, it contains several flaws which make it ultimately unpersuasive. First, insofar as the argument suggests that Congress may never vest courts with the power to appoint any official who will perform a nonjudicial, or an "executive," function, it is squarely refuted by the Supreme Court's decision in *Siebold*, as well as by the other lower federal court decisions mentioned previously. Congress itself, moreover, has rejected the suggestion; as we have seen, 28 U.S.C. § 546 provides for the interim appointment of United States attorneys by federal district courts. Second, even if it is conceded that a court could not appoint an inferior officer whose duties would be *exclusively* executive in nature, that concession would not necessarily preclude judicial appointment of a special prosecutor. It has long been recognized that a prosecutor is intimately involved in the judicial, as well as executive, functions of the government. As an officer of the court, subject to the supervisory power of the federal courts, the U.S. attorney performs a dual function within the overall scheme of government. He is, in short, markedly different for these purposes than the Under Secretary of State.

In order to sustain the power of Congress to provide for judicial appointment of a new Watergate special prosecutor, however, one need not go so far as to assert that judicial appointment of all United States attorneys would be proper. For the situation now facing the country is unique and clearly calls for extraordinary solutions. The highest officials in the executive branch are the subjects of criminal investigations. That hard fact means that if the executive branch is to control the investigation of alleged wrongdoing by its own members, the very integrity of the government will be called into question. It would seem entirely unreasonable in this instance, therefore, to give a crabbed interpretation of Congress' constitutional powers, especially when the constitutional language is so explicit and the judicial decisions so favorable to a broad reading of congressional authority.

I therefore conclude that it would be constitutionally permissible for Congress to designate a court of law to appoint a special prosecutor, having limited powers of investigation and prosecution and holding office only for a limited period of time.

LEE C. BOLLINGER, Jr.,
Assistant Professor of Law,
University of Michigan Law School.

HEALTH CARE

Mr. DOMENICI. Mr. President, on Saturday, October 20, in Albuquerque, I met with five physicians, three dentists, one osteopath, and two hospital administrators, representing six communities of varying sizes in all parts of New Mexico.

Our objective was to discuss the whole problem of the maldistribution of medical personnel in the country, with particular emphasis on our own State.

The group assembled at my invitation, after a survey I made of the State's doctors, dentists, and optometrists on this subject.

Several extremely interesting conclusions came out of this meeting. I would like to summarize them and share them with my colleagues.

For instance, they observe that statistics which merely list holders of medical degrees are relatively meaningless in this context. What we need to know is whether or not degree-holders are also practitioners. We might well be advised to have information even on their ages, since many older practitioners lighten their practice considerably.

They also point out that at present there is a clearly discernible correlation between members of medical personnel in an area and the per capita income of the area. To be realistic, the decision to locate in an area should probably rather be based, not on gross income per person, but on the ability to pay for medical service—an ability which can come from other sources, such as a variety of forms of medical insurance. Some improvement in health insurance may, in effect, equalize areas of the country in this regard and thus contribute substantially to the solution of this problem.

Even now, the rate at which we are training medical personnel is increasing at about three times the rate at which the population is increasing.

It was the view of those members of the group who are engaged in medical education that most entering students have a strong bent toward public-service medicine, though their inclination may decline as their training progresses. Any increases in that basic attitude, especially if it perdures, should contribute to a solution of the problem of maldistribution.

Everyone agreed that there should be more emphasis on family or community medicine as an area of specialization for medical doctors, but the principle of freedom of choice by the student certainly should continue to prevail.

Dentists find their field does not suffer from the degree of overspecialization some see in medicine. Only 9 percent of dentists are in specialties, as contrasted with 87 percent of physicians. The group felt dentistry is at present in a state of underspecialization.

The consensus of those present was that far and away the major obstacle to service in a rural area or small town was overwork. One example quoted had to do with a physician in one of New Mexico's small towns who "did not sleep a full night in 14 years."

The second major objection to rural practice was that it was too often limited to merely crisis medicine, with little or no preventive measures, and hence could not reach the quality of care present-day practitioners believe they have a right to achieve. Those present agreed an occasional small town may be over-attractive to medical people; one town in New Mexico, with an active art colony and nearby ski area, gets as many as five approaches a week from those interested in locating there. Meanwhile another small town has an empty hospital and no medical men in residence.

Those present felt the main element in the solution to the problems of small towns would have to be some "team" approach, in which, say, a group of six physicians—three family practitioners and three specialists, including an internist and a surgeon—set up simultaneous practice. Educators in the group pointed out that if everyone now completing training went to rural areas on this basis, we could reach less than 3,000 communities a year. If neighboring towns could share such a group, perhaps two members could locate in each town. Two would be a minimum "team," to allow for rest and recreation time for its members, while one doctor "covers" for the other.

Some medical men feel service of this kind might be made compulsory, at least by attaching some specific requirements to scholarship funds used to educate doctors. They also observed that physicians do not generally oppose a Health Corps concept, partly at least because they know health needs are not being met and have some guilt feelings about the situation. They said applicants for the Health Corps are plentiful, but they complain that excessive delay in processing their applications leads to discouragement or loss of interest.

The group, which will continue to give me its views on these matters, proposed that legislation directed toward solution of these problems might well be on a demonstration basis, using a few selected States as models from which to gain experience. At least one of these States, they agreed, should be a sparsely settled one like New Mexico.

One major area of demonstration should be in transportation, which should include measures to bring medical care to patients by such means as mobile units—if proper equipping of such vehicles can be decided on—and measures to bring patients to medical care by such means as helicopters and STOL aircraft.

Mr. President, the danger signal in most Federal medical programs in the minds of those present seems to be encroachment—encroachment on freedom of choice and encroachment on the traditional doctor-patient relationship. Even though they agree some such encroachment is inevitable if problems are to be solved, they have a strong will to see that it is at least minimized.

IRAN EXPANDS PUBLIC OWNERSHIP OF INDUSTRY

Mr. PERCY. Mr. President, during my recent visit to Iran in mid-August I was impressed with that country's burgeoning industry and with its attempts to distribute the fruits of this economic growth equitably among its people. In late September I again had the pleasure of discussing the great industrial potential of Iran with his Excellency Ardeshir Zahedi, the Ambassador from Iran. I have recently received from the Ambassador an interesting report on the plan to expand the public ownership of Iranian industries. I think that the program is important for the future economic growth of that country because its objective is to stimulate the growth of a strong middle class. This growth could be instrumental in world peace as Iran is an important force in the peaceful development of the Far East.

In order to decentralize ownership in domestic industries and spread the benefits of Iran's rapid economic and industrial growth across the society as a whole, the Government of Iran has decided to implement certain measures to provide for increased public ownership of Iranian industries. It is hope that this attempt of the industries to "go public" will maximize the degree of participation of the public in the ownership of the country's industries with a special preference given to the workers to buy shares in their own factories. By making the workers feel that they have an active, indeed indispensable part to play in the industrial process, it will help toward maintaining and even increasing the country's already rapid industrial growth. This program is also intended to expand the investment capital market in order to provide the amount of capital needed for more rapid growth of the country's industry. It is estimated that the program for offering shares to the public will increase the capital available to these industries by 50 percent over the next 5 years.

Iran has in the past shown great concern for the fair distribution of industrial profits to its workers. That remarkable country is presently operating under a system of profit sharing that gives its workers up to 20 percent of the shares of the factory profits, the exact percentage I introduced into a new profit-sharing plan at Bell & Howell Co. years ago. The Report on the Method of Implementation of the Expansion of Ownership in Iranian Industries, which was sent to me by his Excellency the Ambassador of Iran, demonstrates not only the concern which the present Government of Iran, under the inspired leadership of his Imperial Majesty, the Shahenshah, Arymehr, has for its economic development, but also its sensitivity to

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the needs of its workers. I ask unanimous consent that this report be printed in the RECORD so that my colleagues and other governments might be better informed as to the details of this remarkable development.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REPORT ON THE METHOD OF IMPLEMENTATION OF THE EXPANSION OF OWNERSHIP IN IRANIAN INDUSTRIES

1. INTRODUCTION

The Council for Social Affairs held its first session on 26th Ordibehesht 1351 on the command, and in the presence, of His Imperial Majesty Shahanshah Aryamehr in order to concert, and harmonize the country's social programmes.

His Imperial Majesty expressed certain ideas in a speech on that occasion, parts of which are quoted below:

"I would like to give a few words of advice regarding our industrial and agricultural sectors and also issue a general order. The country's industrialization has proceeded at a rapid pace, which can only be maintained if we start on a new road—that is, open the way for public participation in industry.

So far as I recall, one of our biggest investments up to now has been in the creation of a sugar or cement factory. What did these factories cost? Perhaps eighty million toumans, or even taking a higher figure, our investments never exceeded a hundred or a hundred and twenty million toumans. Today we see one or two iron industries near Ahwaz which have required relatively heavy investments. Also, agreement has been reached to expand the motor car industry in Iran which involves a sum of a hundred—two hundred or possibly three hundred million dollars. When investments become so large, they can no longer be kept within the family or a group of friends and the only way to obtain such vast funds is to go public. There are a variety of reasons for this: one being that, generally speaking it is hard to find such large amounts of ready cash for investment. If several people request a loan, they will face lending rates which are still high in our country and will consequently have to sell their products at high prices in order to pay back such loans and also gain a profit. Moreover, something might happen and some of them could be faced with the danger of bankruptcy.

However, when such investments are paid by a large number of people, on the one hand there is a far smaller danger of bankruptcy and also it is far easier to increase the amount of capital if there are ten or fifteen thousand investors, rather than five or ten people. If the aim is to obtain huge profit, this is also not right for a few people to take it all. However, if there are a larger number of shareholders, the principle of public participation in the affairs of industry will spread and work more effectively. Thus, just as over the past few years one of the principles of our revolution has been to give workers up to 20 percent of the shares of factory profits, which in my opinion has been one of the successful principles of our revolution. . . . Now I am recommending our industrialists (in line with my previous recommendations) to place at least about one-third of the shares they own on the market and of course take all the necessary precautions. If they place all the shares on the market at the same time, the price of shares will decline.

They should do this over a period of one, two or three years up to a level at which they still retain ownership of their firm. Why? Because firstly, they have gone through a great deal of trouble and took the initiative and secondly, it permits them to retain a majority of the shares, which therefore facilitates effective management by people who have been trained to do this type of work. Of course, when we say that one-third or 33 percent of factory shares, or a higher proportion up to the point where the majority of shares are still retained by the factory managers, should be distributed among the people in order to ensure as much participation by the public as possible, what we have foremost in our minds is that, in the first place, these shares should be offered to the employees and workers themselves preferably with them buying all the shares.

Facilities should also be made for them to buy shares from dividends paid them (in any case, payment of these dividends after sharing up to 20 percent of the profits among the workers is what we had in mind for them) or advance workers interest-free loans for them to buy shares if they want to. If in the first instance, they decide not to buy them, and they will naturally be offered to the public as a whole, and any person can take part in purchasing these shares, thereby greatly assisting in the country's industrialization. So, I repeat my belief that the proportion of shares offered to the public should be up to a third or 33 percent of the total number of shares and up to the level at which a majority of shares and management authority are left in the hands of the factory owners."

The ideas and proposals embodied in the Shahanshah's speech regarding the sale of factory shares were warmly received by the public and the country's industrialists, many of whom announced their readiness to carry out this programme by meeting at the Iranian Chamber of Commerce, Industry and Mines, or placing announcements in the press or even contacting the Ministry of Economy.

This programme is expected to contribute significantly towards the attainment of two vital objectives regarding the country's development strategy. Firstly, by broadening the investment base among the populace, it will help to spread social justice; and secondly, by making the workers feel that they have an active and, indeed, indispensable part to play in the industrialization process, it will help towards maintaining and even increasing the country's already rapid industrial growth.

2. EXECUTIVE BODIES

Owing to nationwide support which this programme received, a special commission was established consisting of the Ministers of Economy and Labour and Social Affairs, Managing Director of the Central Bank of Iran, Deputy Minister of Court, Deputy Ministers of Economy, President of the Iranian Chamber of Commerce, Industry and Mines and Managing Director of the Industrial Credit Bank of the Plan Organization, to be convened at the Ministry of Economy in order to approve and exercise continuous supervision over the execution of the programme for the sale of factory shares to the people, on the basis of recommendations suggested by industrialists and with due consideration for the individual position of each factory under study. Moreover, a committee composed of the Deputy Minister of Labour and Social Affairs, Deputy Managing Director of the Industrial Mining and Development Bank, Adviser to the Central Bank in the field of capital markets, Deputy Managing Director of the Industrial Credit Bank and Deputy President of the Iranian Chamber of Commerce, Industry and Mines was organized under the supervision of the Deputy Economic Minister of the Ministry of Economy in order to prepare the reports required for the commission's discussions, go carefully through the relevant formalities and procedure of work, cooperate closely with industrialists and suggest any recommendations which needed to be discussed by the commission. Meanwhile, a secretariat consisting of technical and economic experts was organized in the Ministry of Economy in order to manage day-to-day affairs regarding the programme.

At the same time, an organization is being set up to protect the rights of small shareholders, give the necessary guidance and supervise over the correct implementation of this programme. Meanwhile, arrangements have been made for all industrial units whereby those who have bought their shares under this programme can protect their own interests by being well and truly represented in public meetings of factory shareholders by investment institutions or centres.

3. OBJECTIVES

a. The maximum possible degree of participation of the public in the ownership of the country's industries with due regard for right of priority of factory workers and employees.

b. Creation of conditions and incentives necessary for encouraging as wide a degree of public participation in investments as possible.

c. Expansion of the investment market in order to secure the amount of capital needed for a rapid growth of the country's industrial units to international levels.

4. SELECTED UNITS

A total of 5,100 of the country's industrial units in both the public and private sectors have been classified as large units. Their production for the year 1350 amounted to 240 billion rials which is equivalent to 57 percent of total national industrial production.

Of this figure, about 190 billion rials is accounted for by private sector production of which 60 percent comes from the 144 largest factories. During the first stage, 86 of the above 144 factories have prepared programmes for the sale of shares, as announced in the press on 22/3/1351. The estimated share value of said 86 factories is about 54 billion rials (with the exact figure to be determined after a thorough study).

The above factories have been divided into four groups according to their particular circumstances:

The first group consists of eight factories which participated in the stock market, but whose shares were sold in limited numbers. Therefore, after completing certain simple formalities, it was possible to assess their value without much delay.

The second group includes seven factories which are basically public joint stock companies and were therefore in a position to be able to invite their shareholders to a general meeting in order to complete the necessary formalities quickly and, within a short space of time, deliver the required certificates to the stock exchange admissions board, after which the value of their shares would be assessed.

The third group consists of thirty factories which are managed as family concerns and the issuance of whose shares to the public depends on the completion of all the necessary formalities including an audit of their accounts by trusted accountants of the stock exchange.

The fourth group is composed of forty-one factories whose situation is similar to that of the third group and which must complete exactly the same formalities as the above group. The main difference is that for the fourth group, the necessary formalities will take a little longer to be completed owing to the secretariat's and the stock exchange admissions board's limited facilities and number of accounting institutes which are acceptable to the stock exchange.

5. METHOD OF ISSUING SHARES

The programme for issuing shares is to last five years during which the companies will increase their capital by 50 percent after obtaining the necessary authority from their general meetings, and offer the new shares for sale to the public. The amount of shares offered to the public will differ from company to company and will depend on the expansion programme and financial needs of each company. By increasing company capital, on the one hand companies will have access to new sources of finance for their expansion programmes and possibly for reducing their debts and, on the other hand, at least 33 per cent of the future capital of each company will be placed in the hands of the public over a period of five years. With this aim in mind, the companies will hold extraordinary general meetings and give first preference for the purchase of new shares to workers, employees and the public rather than to their current shareholders. The period allowed for taking advantage of this first preference for company workers and employees will be three months, at the end of which the public at large will get first preference. On the completion of this period, current shareholders will be permitted to purchase any shares still remaining.

6. FACILITIES EXTENDED TO WORKERS AND EMPLOYEES FOR THE PURCHASE OF SHARES

1. Maintenance of right of first preference for a period of three months.

2. Payment of one month's fixed income to workers and employees who wish to buy shares. This payment will be drawn on account from dividends owed to workers for payment of shares which they purchase.

3. Granting of the equivalent of one month's fixed pay as an interest free loan with a five-year maturity period for the purchase of more shares.

4. Granting of a reduction equivalent to 25 percent of the fixed share price. If, after taking into account the above 25 percent reduction, the actual share price is less than the nominal share price, the latter will be used as the purchase price for shares.

5. It should be mentioned that in order to encourage company workers and employees to retain their shares and enjoy both short and long-term benefits, shares which are bought on the basis of the above reduction will be deposited with the company for a period of five years as surety for loans. In cases where the worker's or employee's monthly pay is less than the nominal share price, the difference will be made up through the granting of a loan. In exceptional cases where the worker's and employee's level of income is low arrangements will be made, when shares are purchased, to draw on a relatively smaller proportion of the worker's dividend and grant the purchaser a relatively larger loan.

In any case, the main point which must be kept in mind is that before workers and employees receive their net profit from their shares every year. They will continue to receive the proportion of profits accruing to them according to the law on the participation of workers in factory profits. The above proportion is in addition to the net profit from shares paid every year which is payable according to the number of shares purchased and on the basis of company balance sheets.

7. AUDITING OF ACCOUNTS

An assessment of company shares requires that these companies be thoroughly examined by expert accountant firms. At the same time, during the final stage, these companies must offer their shares on the negotiable bonds market and in order to maintain the correct principles observed by the negotiable bonds market for admitting companies, it was decided only to accept balance-sheets which had been prepared by one of the accountant firms accredited to the stock exchange. Therefore, arrangements were made for companies to contact auditing firms directly and use their services in the drawing up of their own accounts.

8. ASSESSMENT

In assessing the value of company shares, a great deal of attention was paid to numerous points, the most important of which are as follows:

a. Financial position

In this respect, immovable and current company assets, in particular machinery; construction equipment, and goods, raw materials and spare parts inventories at prices entered in account books and also at day-to-day prices, were studied and analyzed. Moreover, attention was also paid to cash reserves and the level of saving required both under law and for precautionary reasons as well as recoverable company claims. In the case of land, it should be added that land prices were without exception calculated on the basis of their initial value entered in company account books, and increases in those prices were not subsequently included in the calculations. Also, special attention was given to both short and long-term company debts owed to banks as well as individuals and the ability of companies to repay their debts in the coming ten years.

b. Payment of profits

In this case, on the one hand, attention was paid to company profit payments over the previous five years and, on the other hand, the company's situation regarding the payment of profits in future on the basis of approved production programmes and within the company's industrial expansion policies. Special attention was paid to the type of product, management, competitive strength and expansion possibilities. Moreover, a thorough analysis was made of company share value on the basis of company profit payments and on the possibilities of maintaining and increasing the future level of profits, bearing in mind other favourable factors which might affect present or future company operations.

9. TAX EXEMPTIONS

The government has increased the tax exemption rate of public joint-stock companies whose shares are quoted on the stock exchange from 15 percent to 20 percent in order to encourage them to carry out the programme of offering at least 33 percent of their shares for sale. The tax exemption rate increases progressively to 25 percent for companies which have offered up to 49 percent of their shares for sale.

10. GOVERNMENT COMPANIES

All government-owned industrial units except the oil, steel and tobacco industries will offer their shares to the public according to a special programme. The shares of such factories will in some cases be offered exclusively to their own workers and employees and, in other cases, the government is prepared to offer up to 99 percent of its shares to the public after giving first preference to the workers and employees of each factory, on condition that the government retains the right to vote with respect to those shares.

REPORT ON THE PROGRAMME FOR EXPANDING OWNERSHIP IN IRANIAN INDUSTRIES

In order to decentralize ownership in domestic industries and spread the benefits of Iran's rapid economic and industrial growth across society as a whole, the Government recently decided to implement certain measures to this end.

With this aim in mind, a special commission consisting of the Ministers of Economy and Labour and Social Affairs, Managing Director of the Central Bank of Iran, Deputy Minister of Court, Deputy Ministers of Economy, President of the Iranian Chamber of Commerce, Industry and Mines and Managing Director of the Industrial Credit Bank of the Plan Organization was established at the Ministry of Economy to study and supervise the implementation of the programme for the sale of factory shares to the public. Moreover, a committee composed of the Deputy Minister of Labour and Social Affairs, Deputy Managing Director of the Industrial Mining and Development Bank, Adviser to the Central Bank in the field of capital markets, Deputy Managing Director of the Industrial Credit Bank and Deputy President of the Iranian Chamber of Commerce, Industry and Mines was organized to suggest any recommendations which needed to be discussed by the commission.

After the necessary studies had been completed, during the first stage 86 out of the 144 largest industrial units prepared programmes for the sale of their shares. The estimated share value of said 86 factories is about 54 billion rials (approximately 800 million dollars).

The above factories have been divided into three groups according to their particular circumstances;

The first group consists of eight factories which participated in the stock market.

The second group includes seven factories, which are public joint-stock companies.

The third group consists of seventy-one factories which were managed as family concerns.

An assessment of the shares of all the above factories is being undertaken by expert accountant firms. Since, during the final stage, these companies must offer their shares on the negotiable bonds market, it was decided only to accept balance-sheets which had been prepared by one of the accountant firms approved by the stock exchange.

In assessing the value of company shares, special attention was paid to their financial position, in particular their machinery and equipment, spare parts and goods inventories calculated on the basis of prices entered in account books and day-to-day prices, cash reserves and the level of saving required both under law and for precautionary reasons, company debts and also company dividends over the past five years, and forecasts of dividend payments according to future production programmes.

The programme for offering shares is to last five years during which the companies will increase their capital by 50 per cent after obtaining the necessary authority at their general meetings, and offer the new shares for sale to the public. The amount of shares offered to the public will depend on the expansion programme and financial needs of each company. By increasing company capital, on the one hand companies will gain access to new sources of finance and, on the other hand, at least 33 percent of the future capital of each company will be placed in the hands of the public over a five-year period.

With this aim in mind, the companies will hold extraordinary general meetings and give the right of first preference enjoyed by their current shareholders to workers, employees and the public. The period allowed for taking advantage of this right of first preference for company workers and employees will be three months, at the end of which the public at large will get first preference. At the end of this period, current shareholders will be permitted to purchase any shares still remaining.

The following facilities will be provided for workers and employees for the purchase of shares;

1. Maintenance of right of first preference for a period of three months.

2. Payment of one month's fixed income to workers and employees who wish to buy shares. This payment will be drawn on account from dividends owed to workers for payment of shares which they purchase, in accordance with the law on workers' participation in factory profits.

3. Granting of the equivalent of one

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month's fixed pay by the companies as an interest-free loan with a five-year maturity period.

4. Granting of a reduction equivalent to 25 percent of the fixed price of each share. If, after taking into account the above 25 percent reduction, the actual share price is less than the nominal share price, the latter will be used as the purchasing price for shares.

One point which deserves particular attention is that before the workers and employees of these factories receive their net profit from their shares ever year, they will continue to receive the proportion of profits accruing to them according to the law on workers' participation in factory profits.

The government has increased the tax exemption rate of public joint-stock companies whose shares are quoted on the stock exchange from 15 percent to 20 percent in order to encourage them to carry out the programme of offering at least 33 percent of their shares for sale. For those companies which offer at least 33 percent of their shares for sale on the stock exchange, the government will increase the tax exemption rate from 15 to 20 percent. For those companies which offer up to 49 percent of their shares for sale on the stock exchange, the government will increase the tax exemption rate progressively to 25 percent.

All government-owned industrial units except the oil, steel and tobacco industries will offer their shares to the public according to a special programme. The shares of such factories will in some cases be offered exclusively to their own workers and employees and, in other cases, the government is prepared to offer up to 99 percent of its shares to the public after giving first preference to the workers and employees of each factory, on condition that the government retains the right to vote with respect to those shares.

THE PROBLEM OF ILLITERACY

Mr. MONTOYA. Mr. President, today I bring to your attention an article highlighting one promising remedy for a problem of serious proportions for America: illiteracy.

According to information made public this month by the Office of Education, the United States, despite its sophisticated communications and public education system, has 19 million adult citizens who are totally or for all practical purposes unable to make sense of the common language the rest of us use. This figure does not include the 1 percent who have not the mental capacity to read well.

Inability to read in our society is a social crippler. A reading lack denies a child access to basic opportunities for self-betterment. And it causes unknown, but certain potential for improvement of this country to be wasted.

I therefore found the article I am presenting, La Luz Turns On to Reading," by Lynn Bundesen and Jack Waugh, an encouraging beacon of new light for the reading poor. Bundesen and Waugh, a photo-journalist team from Santa Fe., N. Mex., chronicled the bright success the State-funded right to read program has had at La Luz Elementary School in Albuquerque, N. Mex.

The right to read program was first funded a year and a half ago. It grew out of late Commissioner of Education James Allen's astonishment at finding that in 1969–70, 1 out of every 4 young children had significant reading difficulty. A disproportionate percentage of these, Mr. Allen found, were blacks and Spanish speakers located in the Southwest.

Dr. Ruth Love Hollway, Office of Education, Director of Right To Read, recently told me that the 1974 fiscal year budget for the program is $12 million. This budget is supposed to cover all the expenses of 25 bilingual reading programs and various intensive reading skill systems. The $12 million figure includes money for 31 of the 50 States. Several of the 19 others are trying to get funds now or in the next few years.

Mr. President, I feel the right to read program has great practical merit. The successful return on our dollars spent on reading improvement will invite more investment in our young. More important, the benefits to each of the illiterate and semiliterate little ones involved in the program will be huge. The right to read program realistically deserves our honest commendation and further serious consideration.

Before I ask unanimous consent that the article be printed in the Record, I would like to say that without the untiring efforts of all the parents who gave so much at La Luz the program would not have produced the excellent results we have seen. Sincere commendation should go as well to the tutors and student teachers from the Department of Special Education, and the education department of the University of New Mexico. Dorothy Romero and Molly Constancia, two mothers who outlined and carried out an off-shoot kindergarten program for 4-year-olds deserve recognition. And finally, special praise must go to Henrietta Sanchez. Mrs. Sanchez, an assistant elementary school principal, organized, encouraged, and coaxed all to promote this exciting effort. Mrs. Sanchez was the rallying point for the sharp success of right to read at La Luz School. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

La Luz Turns on to Reading

(By Lynn Bundesen and Jack Waugh)

Al Cordova didn't like what was going on. The new Right to Read program the school was bringing in from the Office of Education bothered him. It was a real wrencher, demanding considerable self-evaluation on the part of the teachers, more than any of them were accustomed to and more than some of them were willing to endure. It scared them.

Cordova had been against the program, as had many other teachers. But they had been outvoted. Several said they were going to leave rather than tangle with it. Even Cordova was wavering.

He had taught at Albuquerque's La Luz Elementary School for 20 years and had a lot of love invested in the place. There was much more involved than simply picking up and going someplace else to teach. Too, it wasn't that the children at La Luz didn't need some reading help. Actually, they needed a lot. Thirty percent of them couldn't read at all. So Cordova decided to stay and tough it out.

Today, a little over a year later, Cordova has turned into one of the program's most eloquent champions and one of its most avid practitioners. And he would like you to know that the La Luz program now rates as one of the best of 120 such programs in the country.

Right to Read at La Luz did not attain that status easily or accidentally. Planning and study and evaluation have occupied its staff ever since October of 1971, when Wayne Wymer of the New Mexico State Department of Education plugged the concept to Robert H. Montoya, the Albuquerque school superintendent, and persuaded him to introduce it into his system.

To work on initial planning, Montoya enlisted an assistant principal of one of his elementary schools, Henrietta Sanchez. Together they went to Washington to learn all they could about the Right to Read approach, and they returned knowing precisely what needed to be done and how to go about getting it started.

Because it had rather severe reading problems, La Luz Elementary was targeted as the pilot school. This meant that the entire school curriculum would be restructured around the Right to Read program and process. In the summer of 1972 Mrs. Sanchez moved in as principal, replacing the former principal who had retired, and began immediately to implement plans for the coming fall.

As a first step Mrs. Sanchez spent considerable time talking with teachers, explaining the program, and exchanging ideas. For those who felt they could not be comfortable working in the new setup and for teachers in other schools who said they would like to give it a try, she helped to arrange transfers.

The teaching staff recruited, Mrs. Sanchez moved toward the parents. She asked the staff at La Luz to identify which parents were active in school affairs. She wound up with a list of only 17, all of whom were promptly enlisted as members of a planning team for the new program. Many of these parents were active in school affairs. She wound up with a list of only 17, all of whom were promptly enlisted as members of a planning team for the new program. Many of these parents subsequently were signed on as paraprofessional classroom aides.

"I quickly found that parental involvement at the school was almost nil," Mrs. Sanchez says. "It certainly was not what it should be. The parents just didn't come to school, and they didn't get involved." What she had in mind was mixing them directly into the teaching process, a sharp departure from anything they had ever known before and from anything the scheool or, in fact, the entire district had ever done before.

While lining up teachers and parents, Mrs. Sanchez was also eyeing critically the status of reading at the school. "We had to take a good look to determine where we were with reading and where we had to go," she says. "We had to see the whole, true picture—no gloss or embellishments, just the plain facts—before we could hope to improve conditions."

Toward this end, Mrs. Sanchez launched a broad-gauged testing of the children of La Luz. The facts she uncovered presented a glum and depressing picture. Most of the children were reading below their grade levels. Many of their scores were discouragingly low. Their attitude were poor; absenteeism ran as high as 40 percent. The problem did not stop with the children. The teachers also needed help in specific techniques; they were frustrated, feeling they were working hard and getting nowhere.

The areas of most obvious weakness spanned the entire reading-skill gamut: auditory and visual discrimination, comprehension, oral language, and sound blending. She asked the staff to turn to any test that held some promise of turning up a clue about which way to move. (For example, the Stanford Diagnostic Reading Test was administered to every student in the school, and the Wepman test plumbed the quality of students' auditory discrimination.) The staff even asked all the students to complete the statement: "I am a reader because ________." Gloria Whitehead, a former student of Al Cordova's and now a teacher at La Luz herself, says, "There simply wasn't one reason the children perceived themselves to be good or bad readers. There were almost as many answers as there were children."

Another feature of the Right to Read staff's plan called for taking the parents into their confidence and leveling with them. Mrs. Sanchez says, "From the beginning we let parents know where their children stood in reading skill. If they were poor readers we were honest and told them so. We wanted them to know precisely the situation that confronted us. How could they possibly help in the workshop if they didn't have the true picture?"

As the 1972 school year moved closer, Mrs. Sanchez began to mobilize still another corps of reading aides to supplement the work of the parent-paraprofessionals. She lined up 31 tutors from the Special Education Department and 16 student teachers from the Education Department of the University of New Mexico, six teaching assistants from Freedom High School, three interested girls from a nearby detention home, and two girls from the neighborhood youth center. Then, with the school's Right to Read grant, Mrs. Sanchez began buying the most advanced teaching aids and materials she could find. By the time school opened in September she stood poised to blitz the La Luz classrooms with a mammoth reading crusade. At times as many as 104 people—teachers, tutors, parents, and university students—were to be involved in teaching reading at the school.

All 621 students at La Luz participated in Right to Read. Every first- and second-grader was given two hours of reading instruction every morning; all students in grades three to six received 1½ hours of instruction. In addition to this time, which was held inviolable, the students also got regular doses of spelling and writing. Right to Read became in short, the pivot of the entire La Luz curriculum.

Nor were the parents and student aides who were brought on the line merely errand runners for the teachers. Working on a one-on-one basis they quickly proved to be highly effective instructors for the slow reading children, particularly those in the lower grades.

Delores Montiel, a paraprofessional for the fourth-grade classes and a mother of six children, began instructing a boy who couldn't write his own name when she started with him. Now after a year, he reads and writes at grade level. Another little boy was so grateful for the progress he had made that when he won a ribbon at the end-of-school race relays, he gave it to Mrs. Montiel to remember him by.

In each classroom during the morning reading classes, which ran to 31 children in the higher grades and 25 in the lower grades, there was a teacher, a parent, a university student, and a student teacher. As the paraprofessionals moved in, the regular teachers were freed to concentrate on particularly stubborn cases.

A critical spinoff to the mainline program going on every morning at the school was a program for four-year-olds which was being carried out in livingrooms around the neighborhood by two mothers, Dorothy Romero and Molly Constancia. Because New Mexico does not support kindergarten as part of its elementary school program, many youngsters arrive at age six and at their first-grade classrooms with no prereading training. To offset this lack, a program for four- and five-year-olds were tacked on to La Luz's Right to Read.

Says Mrs. Contancia, "At first many people were unsure about us coming into their homes to work with their children. But we kept talking about the idea and made contact with many of the people through the church, and eventually we got ten families willing to participate in the program. That was the breakthrough we needed."

The two women began going from family to family, giving the children a 45-minute period of instruction, an imaginatively mounted array of 11 basic prereading strategies from letter recognition to color discrimination. They used games, sounds, poems, puzzles, stories, rhymes, and building blocks—all calculated to create an interest in reading before the youngsters ever set foot in La Luz.

The program also proved well calculated to create an interest among parents. The word spread and before long the two women were compelled to draw up a waiting list. During the course of the first year of the program, they served 47 homes. As the children taught by Mrs. Romero and Mrs. Constancia move into La Luz, their level of development will be carefully checked and evaluated.

One year of La Luz Right to Read having been completed, it is fair to ask what if anything the program has accomplished.

In its early months there was hardly any traceable improvement at all. Louisa Martinez, a first-year teacher at La Luz, says, "I didn't notice any particular results before Christmas, four months after the beginning of the program. Looking back, I can see that we made the mistake of expecting something to happen overnight. But after the first of the year I really began to notice a change in the children's interests, habits, and abilities."

And test results bear out her observations. For instance, children in grades two through six show an average gain in word meaning of .6 grade, and their performance in paragraph meaning jumped .8 grade. Many children achieved a two- or three-grade jump, and a few exceeded even that. One sixth-grader, for example, went from reading at the norm sixth-grade level to a 10.9-grade equivalent.

The first-graders at La Luz progressed fastest of all, while the third-graders showed the least improvement, a phenomenon that still puzzles the teachers. "We haven't figured that out," Mrs. Sanchez admits. "But we are looking into reasons why and hope to have some explanation next year."

Another bafflement: Boys improved more than girls.

"It was the first time I ever saw that happen," confesses Mrs. Sanchez. "Usually the boys lag behind." But Mrs. Sanchez thinks she can explain this one. "There are two factors that bear on this result," she says. "First, the boys had further to go in their reading. Most of them were poorer readers than the girls to start with, so the teachers became boy-oriented. Second, when we were assessing where we were, we noticed that most of the reading materials in the school were girl-oriented. So we started ordering reading matter that boys would read—books about science, cars, and sports."

Many of the teachers at La Luz credit the choice and volume of materials, together with all the outside paraprofessional help, with the success so far of Right to Read. "It's all the material, all the variety, that really makes the difference," says one teacher. "Before the Right to Read program, every teacher had his or her own program. Now it's a lot more interchangeable, and we can switch children to different classes according to their ability. And we have hundreds more books and consequently a lot more flexibility in reading keyed to the interests of each individual."

So fully did the materials blitz match the teaching blitz, in fact, that hardly a space remains in the library for another piece of equipment or another book to read. In one fourth-grade class last year not one child was reading the same book another child was reading.

Early in the program the school tapped into the Reading is FUN-damental (RIF) Program of book buying. The local Civitan Club donated $90 and the school bought 272 paperback books which were sold to the students for ten cents each. And if a student couldn't afford a book at that price, he was given one free. It was the first book many of the children had ever owned.

Probably the most satisfying results are the plummeting of the high absenteeism and the soaring of student morale. Everyone in the program says, "A change in attitude is what we wanted, and a change in attitude is what we got."

Word of the success of the La Luz program has spread. Staffers report that "a lot of people have visited us and we have made a lot of presentations." The school district office is planning to spread facets of the program out into other schools of the system.

Meanwhile La Luz Elementary is so thoroughly committed to the program that even when its OE money runs out, Mrs. Sanchez expects the parents to pick up the tab to continue Right to Read.

None of this is to say that the program has not had its problems or its weaknesses. Mrs. Sanchez says the students are still shaky in vocabulary. Thus while the program is continuing to emphasize such areas as comprehension, sound blending and word discrimination, the big push is on vocabulary building "It's the biggest need now," notes Mrs. Sanchez.

And the paraprofessional program despite its success, also has had its problems. Beverly Garcia, one of the paraprofessionals, says: "We really need technical assistants who can stay with us and who aren't so stretched out in their duties. It's hard on us when technical assistants come for a day or two and then leave or when they are confronted by so many demands that some have to be ignored. Probably the answer is for all us paraprofessionals to learn not to rely so heavily on assistants but to stand on our own two feet with these kids. We must gain confidence and not be afraid of ourselves.

Afraid or not, the paraprofessionals at La Luz, all of them—parents, students, teacher aides—are thoroughly won over to the program and committed to it. As for Al Cordova, he is still there and more enthusiastic than ever.

JOBS FOR VETERANS

Mr. WILLIAM L. SCOTT. Mr. President, at the request of the distinguished Senator from South Carolina (Mr. Thurmond), I ask unanimous consent that there be printed in the Record a statement by him together with an article from Air Force magazine for November 1973.

The PRESIDING OFFICER. Without objection, it is so ordered.

Statement by Senator Thurmond

The end of American involvement in the Vietnam War produced many beneficial side effects as far as this country is concerned. One problem which resulted from this historic event, however, was finding jobs for the thousands of veterans of the Vietnam-era. It would have been a tragedy if our veterans had returned, only to find themselves without any means to make a living.

I am pleased to stand here today to state that the Nixon Administration has done an outstanding job in locating employment for the nation's deserving veterans. The Jobs For

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Veterans program, under the able direction of James F. Oates, Jr., has met this challenge with considerable effectiveness.

An excellent article recently written by Major Robert W. Hunter, United States Air Force, details the many successes of Jobs For Veterans. Since this is such an important area, I would like to share this article with my colleagues.

Accordingly Mr. President, I add to my remarks an article entitled "Jobs For Vets: A National Effort," which appeared in Air Force Magazine, November, 1973.

[From the Air Force Magazine, November 1973]

Jobs for Vets: A National Effort

(By Maj. Robert W. Hunter)

No nation can make a claim to greatness if it does not help its young service veterans in their transition to civilian life. That's the judgment of James F. Oates, Jr., appointed by President Nixon in October 1970 to head up the newly formed National Committee, Jobs for Veterans (JFV).

Before JFV was etsablished, a lot of jobless veterans had reason to believe that the United States hadn't measuerd up to Jim Oates's criterion of national greatness. By the end of 1970, seasonally adjusted unemployment rates for vets were at a 9.2 percent high, while the unemployment rate for the general population was three percent lower. Some 318,000 veterans were out of work.

Most of the unemployed former servicemen were young and had served only a single tour of military duty. Nearly eighty-five percent were enlisted people; almost half were under twenty-five years of age. About thirty percent were married, and many had children. Nearly twenty percent had less than a high school education, ten percent belonged to disadvantaged minority groups, and some 300,000 were disabled.

Then the JFV set up shop with the task of improving training and employment opportunities for former servicemen—especially Vientam veterans in the twenty to twenty-nine age group. Except for one peak period in September 1971, there has been a downward trend in veterans' unemployment. By June 30, 1973, the seasonally adjusted rate for vets was neck and neck with nonveterans at 5.6 percent.

The work of JFV and many other cooperating organizations isn't finished by any means. The last Vietnam-era draftee won't be separated from the service until December 1974. It probably won't be finished even then. Mr. Oates points out that the success of DoD's all-volunteer force is dependent in a major way on giving young volunteers a chance to learn a transferable civilian-related skill, and assistance in job counseling and placement when they leave the service. So this is a continuing problem—a vital concern to everyone in uniform, and a significant issue in the arena of defense policy.

Air Force Magazine has explored, with several leaders who are working for the veteran in government, labor, industry, and business, the issues and ideas central to the problem of the veteran's return to civilian life. We'll report first on the philosophy underlying existing and proposed programs and then take a look at some ideas that already have been put to work with conspicuous success.

A good place to start is with the Administration's top man in the field—Jim Oates, whose official title is Nathional Chairman, Jobs for Veterans.

PHILOSOPHY: PRACTICAL IDEALISM

Mr. Oates, retired Chairman of the Board and Chief Executive Officer of the Equitable Life Assurance Society of the United States, holds both DoD's and the VA's Distinguished Public Service Award. His commitment is to the task of assuring full employment for vets, and he believes that in the job market, veterans deserve the "edge." He recently told a DoD audience that the "only long-term solution is adoption of a policy whereby no man will be discharged until he is trained in a civilian skill." That policy raises many controversial questions for him and for his principal assistants—Air Force Lt. Col. H. S. Faircloth, Executive Director, Jobs for Veterans; and former Rep. Bill Ayres (R-Ohio), who is Mr. Oates's special assistant. Significantly, since JFV's birth, 2,700,000 veterans have found work, and the pool of those unemployed is smaller by 75,000 than it was a year ago.

Another of the people working on behalf of the veteran—James Cavanaugh, Staff Assistant to the President—had this to say in an exclusive interview with this magazine.

"You have to begin by taking a look at what the Department of Defense's primary responsibility is in the whole scheme of national affairs, and it begins with providing a strong national defense. One prime requirement of that defense is to assure an adequate supply of people coming into the military departments. The last thing we need is to have people who have left the military standing on street corners unemployed, while their peers, people they went to high school or college with, are out there employed.

"The second reason we are in this business is that the nation does owe people who have served their country gratitude, and that's a term that has been used ever since President Hoover first established the Veterans Administration by executive order. That is why we have the Veterans Pension System, that is why we have the Veterans Education Program, and the home mortgage for veterans."

Is a favorable reaction by the business community toward the veteran something new? Dr. Cavanaugh doesn't think so. "There has always been a consciousness, if you will, within industry to lean toward the veteran when filling a position. I think this is true because of their wanting to help a person who has helped the country. I think, quite candidly, they have also seen that the veteran might do a little better job as a new employee. The Jobs for Veterans Committee has made business and industry aware of the fact that anything they could do to help a veteran find a job would be in the best interest of the country."

CONVERTIBLE ASSETS

Dr. M. Richard Rose, Deputy Assistant Secretary of Defense for Education, is another official committed to exploring new paths to benefit the veteran. Speaking unofficially, he cited three reasons for concern. The first he shares with Mr. Oates and Dr. Cavanaugh—it is a national obligation and a moral responsibility.

Secondly, he believes DoD must find secondary and tertiary roles for its training costs of $6.7 billion per year, or about $25 million per day. He is looking for the spin-off values of military skills. He would like to see men who have been trained by the military as mechanics, plumbers, sheet-metal workers, or carpenters, for example, licensed like their civilian counterparts, but by the industry's own licensing institutions—not by DoD.

Dr. Rose cited the Community College of the Air Force as being "a light-year" ahead of its time in moving toward this goal of capturing service training and translating it into a credential meaningful to an employer. And he has strong feelings about what motivates men and women to serve in the all-volunteer force. "Bonuses and pay won't do the job alone. No nation ever defended itself with a mercenary army," he said. "Men and women must see themselves as part of an education/career process." In short, the youth of this country must look upon the military as part of the process by which they can ready themselves for a total career pattern.

He believes that this must be a joint endeavor of the VA, Labor, DoD, and the US Office of Education. These agencies must pool their training concepts. In its final analysis, he says, it might even mean that Defense would have to guarantee cross-training to an employable skill for an infantryman, for example, as part of his enlistment contract.

The third reason why Dr. Rose believes DoD should concern itself with these matters relates to what he sees as the base of our military strength—our ability to mobilize. If a reconceptualization took place, if DoD's training costs were viewed in civilian roles as well as military, if the youth of this country saw military service as part of a process, not as service in which men were separated from society, then he thinks the Reserve Forces could recruit directly from the active force. This country's mobilization base would be strengthened accordingly.

LABOR AND INDUSTRY LEND A HAND

The National Alliance of Businessmen (NAB) is another organization helping with veterans employment. NAB, through its JOBS (Job Opportunities in the Business Sector) program, has already placed nearly 250,000 veterans in jobs, many of them in the vocational skills area. It has a goal this year of 100,000 more.

Tom Brown, of the National Association of Home Builders, and Warren Troutman, of the US Office of Education, reflect a growing concern over the traditional employment market preoccupation with diplomas and degrees. Mr. Brown: "We've got to get away from the white-collar syndrome; stop talking about vocational education and start talking about *career education*. Our vets have to learn what the real world of work is all about. We have to offer pride in achievement and make the best use of their talents. No one should have to *apologize* for wanting to be an auto mechanic." Mr. Troutman: "We must find ways for industry and education to work together to get at what industry needs from our educational systems. We are acutely aware of a work concept returning to the American science. A four-year college is not the answer for all."

Mr. Brown considers it his job to get out and make eyeball-to-eyeball contact with the vet, to sit down and help him get a feel for what our economy is all about. His 70,000-member association looks to DoD as the largest and best training ground for his building industry.

The Veterans Construction Job Clearinghouse, a cooperative effort between the National Association of Home Builders, Associated General Contractors of America, and the US Departments of Labor and Defense, with which Mr. Brown is deeply involved, is one avenue for the veteran to check out his interests and qualifications in the construction industry.

Things seem to be moving in that direction. According to the VA, the number of veterans in training programs—vocational rehabilitation, on-the-job training and in school—stood in recent months at more than one and a half million. That's up twelve percent from a year ago.

Secretary of Labor Peter J. Brennan is another who gets out and meets the veteran. His philosophy? "We shouldn't let out servicemen feel they are being sold out by labor and business. Let us tell them, 'Come on back, we are going to work with you to make this country better.' Let's not apologize for America. Let us all together move it on to bigger and better things for all of our people."

These are but a handful of the people working for the veteran. This is but a sample of their feelings, their ideas, their direction. If their semantics differ, their concern is basic nonetheless.

PUTTING IDEAS TO WORK

But if the people are there, so too must be the mechanisms for help. They are.

Jobs for Veterans has set up 478 local task forces and consulted on almost 400 job fairs. NAB has more than 160 metro offices to furnish full employment services to veterans. DoD has its Project Transition, training men for particular jobs while still in service. Two hundred and five bases across the country have the cooperation of business, trade associations, and labor organizations to train servicemen for civilian jobs.

There are programs involving reemployment rights, small business loans, apprenticeship training, public service careers, rehabilitation loans, scholarships, vocational education, tutorial service at government expense, and college work/study programs in which eighty percent of the salary is paid by federal grants.

There is the "Upward-Bound Program" by which a high school nongraduate spends some time in a collegiate atmosphere. There are the Servicemen's Opportunity colleges—some 200 two-year colleges—that seek to give the veteran an "edge" by easing traditional barriers of admissions requirements, residency, and credit transfer. And there are 2,000 or so other two-year colleges receiving federal assistance in tailoring programs for veterans.

There are 2,200 state employment service local offices tied into computerized job banks; VA representatives assigned to 300 military separation points and 184 military hospitals as well as seventy-one U.S. Veterans Assistance Centers (USVACs). There is the AFL-CIO Human Resources Development Institute (HRDI) with fifty local and area offices. There is the Office of Minority Business Enterprise to foster and promote minority business, and the Manpower Development and Training Act (MDTA) to help the unemployed or underemployed. Opportunities Industrialization Centers (COCAs) in sixteen cities provide motivational and basic work orientation as well as occupational training.

Perhaps one of the more effective mechanisms, and certainly one of the most visible, is the Job Fair. The Job Fair has also been known by other names—Job Opportunity Fair, Job Information Fair, Veterans Assistance Day, or Opportunity Day. Some have received a bad press, but only when improperly planned and advertised and when, because of poor prefair information, some veterans simply expected to walk in and get a job.

The purpose of these events is to allow personal contact between employers and veterans while giving access to job-related programs and services—counseling, for one. Job Fairs often include vocational counselors, on-the-job training information, and vocational and technical schools. So even if a veteran doesn't get a specific job offer, he does get to talk with employers and see, perhaps for the first time, just where he stands in the job marketplace.

The local Jobs for Veterans task force, with assistance from the State Veterans Employment Representative and the State Employment Service, has been the focus for the leadership in initiating job fairs. NAB, the VA, American Legion, and Chambers of Commerce also have been driving forces.

Results have been good. Air Force Magazine recently attended the largest fair ever held. A lot of planning went into this one, held at the brand new multimillion dollar Los Angeles Marriott Hotel. Résumé extracts were given participating employers and educators. Where current, recurring, or projected vacancies existed, employers contacted the veterans ahead of time and invited them to come in and talk.

HOW JOB FAIRS WORK

From an assembly area where introductory briefings were held every thirty minutes to guide the veteran through the fair and help optimize his experiences, the job seeker went into a large hall where employers had "call boards" with notices for the visitors. There was also a government assistance area where counselors were available to discuss reemployment rights, training opportunities, Civil Service registration procedures, and the like. Finally, each employer had a hotel suite where the veteran could get down to the nitty-gritty—eyeball to eyeball.

Many of the veterans had never talked with an employer, and didn't really know how to market themselves. Even if a job didn't result immediately, a valuable learning experience was going on.

Jobs *were* available. Rockwell International, for example, was looking for journeyman machinists, apprentice carpenters, and electricians. Most companies listed on their call boards both jobs and the names of people whose résumé extracts had interested them.

Xerox was looking for computer maintenance and test people, as well as systems analysts and technical representatives, but most required *some* level of electronics training. As one businessman told us, "A real problem for the veteran is being realistic about his desires and qualifications. He may want to be a computer maintenance man, but has no background. So, if he doesn't get a job in computers, he may think it's been a 'rip-off.' Yet, realistically, an infantry soldier and a liberal-arts college graduate are in the same boat: they have to face up to the trade-off between their desires and qualifications."

This, again, is where counseling can help, and Jobs for Veterans is vitally interested in giving veterans exposure to employers *before* they are discharged so they *can* be realistic. When they hit the civilian streets, they can confidently walk up to an employment interview knowing "where they're coming from."

Overseas Job Information Fairs, in cooperation with DoD, have been most helpful in this regard. Last year, twenty national firms and associations were represented in each of two European and one Asian fair. More than 18,000 servicemen met with industry representatives. This year, another European and an Asian fair were to be held as of this writing.

Perhaps the best testimony of how successful a fair can be was a story reported recently in the Pittsburgh *Post-Gazette*.

That paper reported that a fair in Oakland, Pa., brought in 2,000 vets. The VA, it was reported, said that for every two vets showing up, one got a job commitment. They were still tabulating.

Veterans were impressed. One, it was reported, said, "Where else could I have gotten to talk to US Steel, Alcoa, Westinghouse, and all the other big ones in one afternoon? I never even got past the personnel receptionist in those companies before. But at the fair, they gave me personal interviews."

Business was impressed, too. The paper reported that Westinghouse Electric Corp., committed to filling sixty jobs, had expanded that to 135 at the fair's end.

IMPROVING THE PROCESS

Obviously, not all is coming up roses. Criticisms and issues remain to be dealt with.

Jobs for Veterans told Air Force Magazine that criticisms have been leveled at both DoD's Transition Program and the Department of Labor's Employment Service placement. Critics say that too few servicemen who trained under the Transition Program have been placed in jobs consistent with their transition training.

JFV's view is that a program that will guarantee greater training payoffs must ensure that the soon-to-be discharged serviceman is counseled about the job needs of the area where he plans to live. Then he must be given training compatible with his desires and aptitudes as well as the job needs of the area. Finally, in order to make a good man/job match, the Employment Service Office in the area must be advised when the service member starts his transition training so they can identify a requirement for his skill and have a job for him when he arrives. That, of course, would be the ideal.

A dynamic innovator is the young Commissioner of Veterans Affairs for the city of New York, Carl McCarden. Mr. McCarden is a hard-driving, apolitical, Army major who was tapped for his present position while on the faculty at West Point. His concern is for the urban unemployed—the vet from the inner city.

In an exclusive interview for Air Force Magazine, he defined his position: "That dude out there coming into the service believes the ads he sees. They say education and training. In the eyes of an inner-city youth, the military provides legitimization. A lot of guys strut down inner-city streets with respect—'Hey man, that cat's back from Nam.' But that legitimizing function doesn't work as access. It doesn't get him off those streets."

Commissioner McCarden believes that the solution doesn't lie in picking up a man in his last six months of active duty through Transition training. He also feels that a veteran can't live in an urban area like New York City on work and schooling benefits. "What can a man take home, net—$90 a week? The welfare system with food stamps gives more."

The need he sees is for a sort of second-generation CCC (Civilian Conservation Corps). He believes that no agency has training facilities like Defense, but that the problems of training and jobs can't be looked at institutionally. He wants a cross-agency infusion of money and planning.

"Suppose by some form of cooperative federal executive agreement we could make a lateral transfer of funds—get welfare funds and supplement with VA benefits, for example. Lump those together, and we've got a livable wage while the veteran is being trained for a job." He would like to see that idea coupled with some federal and state tax incentives for an employer to keep a veteran on board after on-the-job training—something not all do now.

McCarden believes, "We need a regional assessment of job vacancies by industry that includes the rate of job attrition as well as the incidence of new jobs over a five-year period. If we can program out manpower needs in DOD and other federal agencies, why not in the private sector?" As proof that his idea is at least feasible, he pointed to a test model. In Columbia, S.C., an attempt to match industry needs with a comprehensive program of technical instruction is under way. He also talked about Jacobs Creek, Tenn., where about 300 youths—largely black—are being trained by craftsmen in the building trades and then placed in union jobs.

In the final analysis, today's veteran has more going for him than ever before. He has people who care—influential, top-level people. He has mechanisms for getting into training and a job, a whole host of them. And he has the assurance—although he may not always be aware of it—that the criticisms and the issues that are unresolved or in contention are being worked on.

The veteran can still get ripped off, and he can still be unemployed, but the chances are getting slimmer and slimmer.

THE SMALL BUSINESS TAX SIMPLIFICATION AND REFORM ACT OF 1973

Mr. NELSON. Mr. President, on March 6, 1973, I joined the distinguished chair-

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man of the Select Committee on Small Business, Senator BIBLE, and 26 other Senators in introducing the Small Business Tax Simplification and Reform Act of 1973. This bill focuses attention on the detrimental effect of the present tax system on small businesses. As the president of the Gettys Manufacturing Co. of Racine, Wis., wrote:

> Nothing approaches tax reform in priority for small businesses. With present tax laws, small business is doomed to stagnation or takeover by conglomerates. This is not healthy for the U.S. economy.[1]

Other businessmen from my State are equally concerned. In 1971, the Independent Business Association of Wisconsin was founded to explore what could be done to bring tax relief and reform to hard-pressed small enterprises throughout Wisconsin and the Nation.

In discussing small business it is important to remember that small business is really the biggest business in the United States. There are about 12 million enterprises in the United States and about 97½ percent of this number are "small business."[2]

Small business includes almost 3 million family farms and 1 million independent professionals. According to Internal Revenue Service figures there are about 9.2 million sole proprietorships over 993,000 partnerships, and 1.7 million corporations, including 217,000 subchapter S corporations. Every year, some 250,000 such new businesses are launched and about half survive beyond 2 years.[3]

Together, this varied "small business community" accounts for about 44 percent of the employment in our economy and 37 percent of the entire gross national product.[4]

In Wisconsin, Dun & Bradstreet has identified about 60,000 businesses. As to the 53.5 thousand for which we have figures, 94.2 percent have a sales value of less than $1 million and 97.9 percent employ less than 100 persons, a standard well below the Small Business Administration definition.

Small businesses are an invaluable source of competition and innovation in our economy.

For example, a Department of Commerce survey found that between 1946 and 1967 more than two-thirds of the major innovations were developed by firms with less than 500 employees.[5]

Examples of small business innovations include the Xerox process by Chester Carlson and the Polaroid instant camera by Edwin Land.

Despite the major contribution made to America by small businesses, present governmental regulatory and taxing policies retard their growth and jeopardize their very existence. Governmental regulations result in an almost insurmountable burden for the small business. For example, hearings by Senator MCINTYRE, of New Hampshire, established that a family restaurant must spend over $800 its first year just to fill out forms regardless whether it makes a profit. In addition, tax preferences in the existing tax law are of much greater advantage to large corporate giants. For example, Representative VANIK, of Ohio, testified that the 100 largest corporations reduced their effective tax rate in 1971 to 24.4 percent.[6]

One authority on the consequences of the tax system on small businesses concluded:

> There is little doubt that our tax structure, entirely apart from its specific effects on business mergers, tends to impede the expansion of growing enterprises as compared with that of large, established companies. In this way it enables the well-entrenched established companies better to withstand the challenges of their growing competitors, and thereby helps to maintain and increase existing levels of industrial concentration.[7]

Furthermore, in the last quarter of a century facilitated by changes enacted in the major revision of the tax code in 1954, merger has added a new and ominous threat to the existence of small businesses. Under the provisions of this code, we have witnessed the most sweeping and far-reaching merger movement in the Nation's history. In 1969, a special Cabinet committee concluded that—

> Mergers more than any other single economic factor explained the existing structure of many American industries. Most . . . big businesses hold their relative size to merger accelerated growth . . .[8]

Mr. President, to give some idea of the volume and acceleration of the merger movement in the United States, I ask unanimous consent to print in the RECORD, two charts from two different sources using slightly different methods of calculation showing figures for mergers in the last 20 years.

	Manufacturing and mining	All* industries
Mergers in United States:[9]		
1950 to 1954	1,424	
1955 to 1959	3,365	
1960 to 1964	4,366	
1965 to 1969	8,213	
Mergers in United States:[10]		
1960	844	
1963	861	1,361
1964	854	1,950
1965	1,008	2,125
1966	995	2,377
1967	1,496	2,975
1968	2,407	4,462
1969	2,307	6,132
1970	1,351	5,173
1971	1,011	4,645
1972		4,804

*Manufacturing, mining, service (including utilities and transportation) wholesale, retail, banking and finance.

This wave of mergers has had a devastating effect on competition and opportunities for independent business in America. A prime example is in the number of companies with assets of between $10 million and $25 million. These are substantial firms in the growth band of the economy. In 1967, the sole year for which information is available, 52 percent of these companies disappeared through merger.[11] One rung up the size ladder are the companies with more than $25 million in assets.

If the number of these companies had grown at the historical rate between 1941 and 1959, there would have been approximately 1,087 more such companies by the beginning of 1968. However, the potential increase was cut down by mergers to only 437. Thus, mergers knocked out 650 companies who were potential competitors during this period, a knockout rate of 59.8 percent.[12]

The Tax system laid the basis for these developments. As a result, the number of independent businesses in the economy was significantly reduced. We thus find that 200 largest manufacturing corporations in the period 1947–67 increased their share of manufacturing assets from 47 percent to over 60 percent, and their shares of sales and profits rose proportionately.[13]

By 1970, the top 102 corporations, the billion-dollar-asset corporations, controlled nearly half of all U.S. manufacturing assets, 48 percent, and more than half of manufacturing profits, 53 percent.[14] This increasing ascendancy of a relatively small number of giant corporations is raising large questions about what is really going on in the American economy, which we have been trying to explore in a series of hearings before my Monopoly Subcommittee.[15]

But these figures illustrate how the present antismall business tax system has lessened chances for the creation and growth of independent enterprises. In my opinion, this has become a major cause of the higher prices which consumer must pay for their daily needs.

Our business tax system is destroying initiative and enterprise in this Nation. It inhibits the initiative and innovation that can create new employment. It is destroying the opportunity of workers to affiliate with local and independent firms, and narrows job openings, often to giant firms which have little time or regard for the problems of the individual worker or his family.

Helping small business also broadens the choices and benefits open to labor. Small business multiplies the opportunities for investors and increases the number of locally oriented leaders who are able and interested in solving community problems.

The larger implications of "economic choices" obviously involve everyone's personal freedom. As one scholar observed:

> Free enterprise has not only its historical implication of freedom of excessive control from the state, it also implies restrictive controls imposed by private domination of markets.[16]

It is clearly time for Congress to undertake a major study of the tax code and its effect on the small business. The bill, S. 1098, which I have sponsored with Senator BIBLE, contains over 40 suggestions for improving the tax law for small businessmen.

We have developed the Small Business Tax Reform Act over the past 6 years on the basis of study and consultation with nearly three dozen national and statewide small business, legal, accounting, and trade organizations.

It would lay a basis for simplifying the code and its application to new and small firms. It is designed to improve the outlook for businesses at each point in their life cycle.

We do not, by any means, claim that it is a perfect bill, or that it will solve all of these small businessmen's tax problems. However, we regard our bill as a vehicle for the systematic consideration of small business tax needs which have been neglected and pushed into the background over the last 20 years.

Footnotes at end of article.

If the problems which I have described are not dealt with now, there may not be many small and independent businesses left to save. If we wait, it will be much more difficult to affect the trouble spots in our economy caused by neglect of small business and free enterprise.

Mr. President, I also ask unanimous consent that an overall and section-by-section analysis of the small business tax simplification and reform bill be printed in the RECORD in order to make it more widely available to those concerned.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF RECOMMENDATIONS AND ANALYSIS OF S. 1098—THE SMALL BUSINESS TAX SIMPLIFICATION AND REFORM ACT OF 1973

In brief the bill provides for:

First. Permanent Government and small business advisory machinery for simplifying tax laws and tax forms;

Second. Lower tax rates for smaller business, and particularly new business;

Third. Promoting the growth of new and small firms by liberalizing first-year depreciation, and increasing permissible accumulation of earnings;

Fourth. Easing the raising of capital by providing more equitable treatment for possible losses through loans or stock purchases, and allowing tax benefits for the floating of securities issues;

Fifth. Making subchapter S closely held corporations more flexible and less dangerous to use; and

Sixth. Encouraging the continued independence of family firms by making it easier to pay estate taxes based on business interests over a 10-year period.

The bill contains five changes from the 92d Congress version (S. 1615) as follows:

First. Section 104 of the 1973 bill—relating to studies of small business tax matters—has been modified to reflect the reenactment of the investment tax credit. It specifies that the study of capital allowances previously called for should take account of the investment credit as it relates to special small business needs.

Second. Section 108 is new; it proposes that persons invited to consult with the Internal Revenue Service regarding the simplification and improvement of the Internal Revenue Code or its administration, including tax forms, be provided with reimbursement for travel and per diem expenses; and that the Treasury and the IRS should give consideration to the views of representatives of small business in this process.

Third. Section 301 relating to new businesses has been modified to reduce the amount of income a new business may earn free of Federal tax from $1 million per year to $25,000 per year for each of the first 3 years. A new, growing business might also defer its tax on the next $75,000 of income for 10 years, providing earnings are reinvested in the business and subject to recapture in the ensuing 10-year period. This section has also been further tightened to preclude from eligibility any company receiving a direct, participation or guaranteed business loan under section 7(a) of the Small Business Act.

Fourth. Section 403 of S. 1615 has been dropped because of the 1971 enactment of the investment credit which was proposed as to small business by that section of the bill. As mentioned above, section 104 is intended to focus attention upon the practical effects of this provision, as enacted, upon capital formation by new, small and independent business. The remaining subsections of title IV of the bill have been renumbered accordingly.

Fifth. Section 402 has been modified to delete the portion elevating depreciation guidelines to statutory status, since this was accompanied by the Revenue Act of 1971.

FOOTNOTES

[1] "Voice of Small Business" newsletter of the National Small Business Association, March, 1973, p. 1: 3.

[2] SBA definitions may be summarized, in a general way, as follows: retail trade—under $1 million in annual sales; wholesale trade—under $5 million in annual sales; construction—average receipts of $7½ million over the past three years; manufacturing—between 500 and 1,500 employees, depending on the branch of industry.

[3] "The Future of Small Business," Hollander and others (Robert R. Nathan Associates, Inc.) 1967, p. 102.

[4] Small Business Administration Estimates.

[5] "Technological Innovation: Its Environment and Management," Panel on Invention and Innovation, Robert A. Charpie, Chairman; U.S. Department of Commerce, Jan., 1967.

[6] Testimony of Hon. Charles A. Vanik of Ohio in hearings on "Tax Subsidies and Tax Reform," Joint Economic Committee, July 19, 1972, p. 9.

[7] "Recent Trends in Industrial Concentration and Taxation" by J. Keith Butters in the Symposium "Taxation and Business Concentration," The Tax Institute, 1952, p. 6.

[8] *Studies by the Staff of the Cabinet Committee on Price Stability*. January, 1969, U.S. Government Printing Office.

[9] Statistical Abstract of the U.S., p. 484, Table 778.

[10] Mergers and Acquisitions—Manufacturing and Mining Concerns acquired 1920 to 1971; W. T. Grimm Co., 135 Lasalle Street, Chicago, Ill.

[11] "Studies . . . on Price Stability," loc. cit., p. 75.

[12] Loc. cit., p. 79–80.

[13] "Free Enterprise Revisited—A look at Economic Concentration" by Stahl and Harshbarger. *Monthly Review*, Federal Reserve.

[14] "The Spreading Imprint of the Conglomerate," by Dr. Willard Mueller, *AFL–CIO Federationist*, August, 1970.

[15] See "Role of Giant Corporations," hearings before the Subcommittee on Monopoly, Senate Small Business Committee, July 9–11, 1969; Nov. 9 and 12, 1971.

[16] "Big Enterprise in a Competitive System," by ADR Kaplan, Brookings Institution, 1964, p. 43.

SECTION-BY-SECTION ANALYSIS OF THE SMALL BUSINESS TAX SIMPLIFICATION AND REFORM BILL

OVERALL ANALYSIS

The Small Business Tax Simplification and Reform Act of 1973 is the successor bill to S. 4039, introduced in the 91st Congress on June 30, 1970, and S. 1615 (H.R. 7692), submitted to the 92nd Congress on April 22, 1971.

It is designed to present a comprehensive set of proposals for tax relief, affecting each stage of the life cycle of new, small, and growing and matured businesses.

REVENUE BALANCE

Extensive efforts have been made to present this legislation as balanced in the revenue sense, with slight, immediate, and long-term increases of tax revenues through minimally higher normal tax rates on giant corporations, and the cultivation of vigorous new small enterprises which will enlarge the tax base in the future.

Even for the largest corporations, the statutory rates under this proposal would remain below the surtaxed corporate rates of the 1960's while the effective rates for these corporations would continue to remain far below the effective rates paid by smaller and medium-sized companies.

The revenue gains made possible by the rescaling of normal rates would make it possible to shift a small fraction of the corporate tax (about 1 percent) on the basis of the ability to pay. Corporations with earnings in excess of $1 million per year would be yielding commensurate benefits to new enterprise, small existing family and independent business, and firms willing to modernize to meet the terms of national and international competition.

Because of the enactment of the investment tax credit in 1971, which was previously a part of this bill, it is believed that the 1973 bill will result in a revenue gain of about $300 million.

TAX SIMPLIFICATION AND REFORM

To focus continuing professional attention on tax simplification, the bill also proposes institutional arrangements by way of 1) a standing intergovernmental committee on tax simplification, 2) a Business Advisory Council on which the small business community would be assured a significant voice, and 3) creation of an Office of Small Business Tax Analyst within the Treasury Department.

Several major studies of small business tax issues are requested so as to lay a basis for orderly simplification of the total internal revenue system as it applies to smaller firms.

ORGANIZATION OF THE BILL

This bill consists of 39 substantive sections grouped into 9 chapters, as follows:

TITLE I—TAX SIMPLIFICATION RELATING TO SMALL BUSINESS

Sec. 101. Intragovernmental committee on tax simplification for small business.

Sec. 102. Treasury Department small business tax analyst.

Sec. 103. New Internal Revenue Code chapter on small business.

Sec. 104. Revision of depreciation policy.

Sec. 105. Equalization of treatment of fringe benefits as between incorporated and unincorporated small businesses.

Sec. 106. Special study of differential effect of tax law changes on business of varying sizes.

Sec. 107. Frequency of collection of certain employment and excise taxes.

Sec. 108. Consultation with Treasury Department by small business representatives; reimbursement of expenses.

TITLE II—ADJUSTMENT OF CORPORATE NORMAL TAX

Sec. 201. Corporate normal tax rates.

TITLE III—SPECIAL PROVISIONS TO ENCOURAGE ESTABLISHMENT OF NEW SMALL BUSINESS ENTERPRISES

Sec. 301. Exemption of $25,000 of net operating income of new small business corporations for first 3 years.

Sec. 302. Deduction of organizational expenses of partnership.

Sec. 303. Bad debt deduction for guarantors of obligations of, and lenders to, small business corporations.

Sec. 304. Losses on small business stock.

Sec. 305. Patronage benefits for qualified new community development cooperatives.

TITLE IV—PROVISIONS TO ASSIST SMALL BUSINESS GROWTH

Sec. 401. Increase in additional first-year depreciation allowance.

Sec. 402. Elimination of reserve ratio test for small business.

Sec. 403. 10-year carryover of small business net operating losses.

Sec. 404. Accumulated earnings tax.

Sec. 405. Amortization of expenditures incident to issuance of stock.

Sec. 406. Period for amortization of research and experimental expenditures.

Sec. 407. Multiple surtax exemptions for certain small business corporations under single family control.

TITLE V—PROVISIONS RELATING TO PARTNERSHIPS

Sec 501. Guaranteed payments from partnership to partner.

Sec. 502. Closing of taxable year of partnership on death of partner.

Sec. 503. Termination of partnership.

Sec. 504. Limitation on partner's distributive share of losses.

TITLE VI—PROVISIONS RELATING TO "SUBCHAPTERS" CORPORATIONS

Sec. 601. Increasing number of permissible shareholders.

Sec. 602. Broadening classes of permissible shareholders.

Sec. 603. Termination of election by majority.

Sec. 604. Termination of election—passive investment income.

Sec. 605. Termination of election—inadvertence.

Sec. 606. Carryover of disallowed deductions for corporation's net operating loss.

TITLE VII—BUSINESS DEVELOPMENT CORPORATIONS

Sec. 701. Reserves for losses on loans of business development corporations.

Sec. 702. Nonrecurring income of nonprofit local business development corporations.

TITLE VIII—PRESERVATION OF SMALL BUSINESS INDEPENDENCE

Sec. 801. Refunds of overpayments of estimated income tax before end of taxable year.

Sec. 802. Debt-financed corporate acquisitions.

Sec. 803. Valuation of unlisted securities for estate tax purposes.

Sec. 804. Extensions of time for paying estate tax.

Sec. 805. Amalgamation of interest in closely held businesses for estate tax purposes.

Sec. 806. Study and recommendations by Treasury Department with respect to preservation of independent small business.

Section-By-Section Analysis

TITLE I—TAX SIMPLIFICATION

Sec. 101. Intragovernmental Committee on Tax Simplification for Small Business: The first substantive section creates a permanent standing committee of the Federal Government for the purpose of devoting continued attention to the simplification of the internal revenue system—including the Code, the regulations, instructions, procedures, and other publications relating to business taxation.

The membership of the Committee would include: representatives of the Secretary of the Treasury (for policy matters): Internal Revenue Service (for technical matters); Bureau of the Budget (for coordinating the paperwork aspects of IRS forms, in view of the Federal Reports Act) and the Small Business Administration to express the interests of the small business community.

The Committee would provide a forum for regular and periodic contact between the various Federal agencies concerned and the businessmen affected with sufficient formality to engage the attention of the press, the public, and the Congress. The proposed Advisory Council is intended to provide for an effective voice for small business by containing a delegation large enough to reflect the diversity of interests of small enterprise.

Sec. 102. Office of Small Business Tax Analysis at the Treasury Department: S. 4029 proposed a position of Small Business Tax Analyst, which would be one official in the Teasury Department responsible for looking at tax problems primarily from the view of small business and the free enterprise system rather than the Government's interest in raising revenue. The 1971 and 1973 bills would enhance this concept by constituting this function as an "Office of Small Business Tax Analysis" of which the Small Business Tax Analyst would be a part.

Such an office could provide a focus for assisting in the studies and reports proposed in this Act. Beyond this, a small business tax analyst could supply a continuity of effort required to assess the difficult and multifaceted problems raised by the impact of Federal, State, and local taxation on small business competition, and the free enterprise system.

Sec. 103. Internal Revenue Code Chapter on New and Small Business: The present Internal Revenue Code of 1954, organized mainly by subject matter, does contain Subchapter S on one type of small business corporation. This section would have the Treasury consider a special title or chapter of the Code which consolidated and referenced those tax provisions relating particularly to new and small enterprise. This should be helpful to both non-tax-specialist attorneys and others counseling small firms, as well as to small businessmen, and prospective entrepreneurs. The present section strengthens the emphasis on references to material contained elsewhere in the Code.

Sec. 104. Revision of Depreciation Policy: Recent developments, such as abolition and restoration of the investment credit call for a re-evaluation of the nation's depreciation policy from the viewpoint of the 90 + % of firms which are small businesses. In addition to the specific proposals embodied in section 401 and 402 of the predecessor bills (S. 4039 and S. 1615), those bills called upon the Treasury Department for a comprehensive study of depreciation policies with particular attention to: the impact of recent legislation, including the Tax Reform Act of 1969 and such provisions of this legislation which may be enacted; the rapid advances in technology to which small business must adapt; and the practices of other industrialized nations. The Nixon Administration's task force study entitled "Business Taxation" of Sept., 1970, did not fulfill this need, since it did not contain any reference to the particular problems of small firms. The same small business problems remain, as well as others raised in the 1970 study, such as the possibility of eliminating salvage value from the computation for small firms.

Section 104 of the 1973 bill has been modified to reflect the re-enactment of the investment tax credit. It specifies that the study of capital allowances previously called for should take account of the investment credit as it relates to special small business needs.

Sec. 105. Equalization of Benefits Among Incorporated and Unincorporated Businesses: The Tax Reform Act of 1969 restricted retirement and pension benefits for small firms based upon comparability with unincorporated business. This section calls upon the Treasury to study the entire range of pension, retirement, health, medical, and insurance benefits in the larger context of what both corporations (including large corporate enterprise) and other forms of business are providing for their employees and executives. Such conclusions continue to be needed in light of the legislative and administrative initiatives of the Nixon Administration in 1972.

Sec. 106. Study of differential effect of tax law changes on businesses of varying sizes and ages: To fill a gap in present research capabilities, this section would direct the Treasury Department, through the Office of the Small Business Tax Analyst, to document the impact which changes in the tax system between 1954 and 1972 have had on small compared with large businesses, and new compared to existing firms.

Sec. 107. Frequency of collection of federal taxes from businesses: This would replace four different collection schedules of federal business taxes with a single schedule of once per month if total deposits do not exceed $7,000 during that month.

Sec. 108 is new in 1973: proposes that persons invited to consult with the Internal Revenue Service regarding the simplification and improvement of the Internal Revenue Code or its administration, including tax forms, be provided with reimbursement for travel and per diem expenses. It would also provide that the Treasury and the IRS should give consideration to the views of representatives of small business in this process, which is not done at present.

TITLE II—ADJUSTMENT OF CORPORATE NORMAL TAX

Sec. 201. Corporate Normal Tax Rate: The Tax Reduction Act of 1964 lowered tax rates for unincorporated business by approximately 20 percent; but for corporations where the bulk of the business is done, the reduction was only 10 percent. Although there was material relief for small business by reversal of the application of corporate normal and surtax rates, the same 2-step graduated structure was retained.

Recent studies make clear that large corporations pay taxes at a lower effective rate than do small and medium-sized companies. This title would effect a modest progressive reform in the entire corporate tax structure by providing for reductions in normal corporate tax rates for corporations earning less than $500,000 a year. From income of $500,000 to $1 million, the base rate of 22 percent would remain the same, but the effective rate of taxation would drop due to the reduced percentages in the lower brackets. As corporate earnings rose above $1 million per year the normal tax would incline slightly upward to a maximum of 24 percent for corporations earning over $1 billion annually.

In all, an 8-step graduated scale would bring corporate taxation more nearly into accordance with the principle of the ability to pay which has long been in effect for individual income taxes. The suggested rate schedule is as follows:

(b) NORMAL TAX.—The normal tax is the amount determined in accordance with the following table:

If the taxable income is:	The normal tax is:
Not over $50,000	20% of the taxable income.
Over $50,000 but not over $250,000	$10,000, plus 21% of excess over $50,000.
Over $250,000 but not over $500,000	$52,000, plus 21½% of excess over $250,000.
Over $500,000 but not over $1,000,000	$150,750, plus 22% of excess over $500,000.
Over $1,000,000 but not over $10,000,000	$215,750, plus 23% of excess over $1,000,000.
Over $10,000,000 but not over $100,000,000	$2,285,750, plus 23½% of excess over $10,000,000.
Over $100,000,000 but not over $1,000,000,000.	$23,435,750, plus 23¾% of excess over $100,000,000.
Over $1,000,000,000	$237,185,750, plus 24% of excess over $1,000,000,000.

TITLE III—SPECIAL PROVISIONS TO ENCOURAGE ESTABLISHMENT OF NEW SMALL BUSINESS ENTERPRISES

Sec. 301. Exemption of $25,000 Operating Income for Three-Year Period: In 1970, this section of S. 4039 introduced the concept that new enterprise should be encouraged by allowing freedom from Federal income taxation for a period of three years. The proposal was put forward as a partial equalizer for small firms which must compete with companies which have not only been established for many years, but which may have built up substantial financial resources during the period when there was little or no corporate taxation in this country. The benefits of this section would be restricted to persons entering a business for the first time, and who would be spending full time in the capacity of an owner-manager of an active trade or commercial business. Further limitations were: 1) to benefit only the operating income of the enterprise, excluding gains from security and real estate transactions, which would be subject to taxation in the regular manner; 2) a ban on "successor" businesses of any kind; and 3) a disqualification based on prior ownership of more than 5 percent of any business.

The 1973 section reduces the amount of income a new business may earn free of Federal tax from $1 million per year to $25,000 per year for each of the first three years. A new, growing business might also defer its tax on the next $75,000 of income for 10 years; providing earnings are reinvested in the business and subject to recapture in the ensuing 10 year period. This section has also been further tightened to preclude from eligibility any company receiving a direct, participation or guaranteed business loan under section 7(a) of the Small Business Act.

Sec. 302. Amortization of Organization Expenses of Partnership: This would extend to partnerships the option now enjoyed by corporations; to amortize their organization expenses over 60 months, if they so desire.

Sec. 303. Bad Debt Deduction for Lenders to or Guarantors of Corporate Obligations: This provision would equate the tax treatment of lenders to or guarantors of business obligations, whether the businesses are incorporated or not, by extending the ordinary loss rule presently applicable to unincorporated business lending.

Sec. 304. Losses on Small Business Stock: To update incentives to invest, directly in small business which are presently contained in the Code, this section would increase from $25,000 to $50,000 the amount of allowable losses resulting from the purchase of section 1244 stock.

A second provision of this section would expand the definition of a "small business corporation" authorized to issue such stock from $1 million to $1,500,000 in "equity capital" as defined by the section.

This subsection would have the effect of allowing previously ineligible corporations with equity capital of between $1 million and $1,500,000 to issue 1244 stock in the amount of $750,000 (compared with $500,000 under the present section) and to permit previously eligible small business corporations to issue stock up to the $750,000 amount, if they are otherwise in compliance with the applicable rules.

Further provisions of section 305 would enlarge from 2 years to 5 the time within which a section 1244 plan must be executed and would preclude stock options to employees from disqualifying such a stock issue.

Another subsection would promote awareness of sec. 1244 benefits by newer firms by encouraging an entry on the tax return to bring the matter to the level of attention. Filing a copy of the plan with the return as optionally provided would have additional benefits of stabilizing its timing and content.

Sec. 305. Patronage Benefits for Certain New Cooperative Enterprise.—To encourage the formation of cooperatives which have so well enriched rural American life, this section would permit such a new cooperative to retain 100 percent of declared patronage refunds (rather than the current 90 percent) for the first 5 years of its existence on the condition that substantially all of the membership and patrons are persons of low income and reside within a limited geographic area.

TITLE IV—PROVISIONS TO ASSIST SMALL BUSINESS GROWTH

The seven sections of Title IV are designed to provide encouragement for modernization, efficiency, and cost reduction. It has been estimated that from ⅗ to ⅘ of all capital used in business is internally generated. There is wide agreement that small businesses must rely most heavily on retained earnings since it becomes progressively easier to employ sophisticated methods to attract external capital as a business increases in size and experience.

It is contemplated that these sections will be reviewed as more becomes known about the relative impact of the ADR and investment credit provisions enacted in 1971.

Sec. 401. Additional First-Year Depreciation Allowances.—This section would increase additional first-year depreciation from $10,000 to $20,000 in accordance with increases in the cost of living and doing business since the section was previously revised in 1958.

Sec. 402. Elimination of Reserve Ratio Test for Small Business: For the same purposes, this section of the predecessor bills proposed that the liberalized depreciation guidelines contained in Revenue Procedure 62–21 more fully available to small businesses by elevating the status of that publication to a regulation pursuant to statute. This part of the section would not be affected when the January 11 proposal becomes effective, although the language initially fixing the length of guideline lives as those contained in the Revenue Procedure would be affected. The elimination of the reserve ratio test for firms designated as "small business" by the Small Business Administration would survive since the January 11, 1971, ADR proposal which carried an effective date of January 1, 1972, and this section would extinguish liability previous to that date.

Section 402 has been modified to delete the portion elevating depreciation guidelines to statutory status, since this was accomplished by the Revenue Act of 1971.

Section 403 [old]: Partial Restoration of Investment Credit: Every advanced industrialized nation has both a modernized depreciation system and investment incentive device. All of the 91 percent of small corporations accounted for less than ¼ of the investment tax credit, but its use by small business contributed greatly to the forward progress of the American economy through innovative investment.

The 1970 and 1971 bills proposed partial reinstatement of the 7 percent investment credit in a manner which would be highly tailored to reduce its cost and concentrate its benefits in areas which can do the maximum good for the economy. Corporate manufacturing would be allowed $50,000 worth of qualified investment. However, permissible investment for other corporations and individuals would be scaled down to $10,000 and $5,000 respectively. In each case there would be an appropriate income ceiling of $500,000, $100,000, and $50,0000, above which such high-income taxpayers would receive no benefits from the section.

In the 1973 bill, Section 403 has been dropped because of the enactment of the investment credit, which was accomplished in 1971. As mentioned above, section 104 is intended to focus attention upon the practical effects of this provision, as enacted, upon capital formation by new, small and independent business.

The remaining subsections of Title IV of the bill have been renumbered accordingly.

Sec. 403. 10-year Carryover of Small Business Net Operating Losses: The section would extend the period and flexibility in use of loss carryover provisions for small business by allowing existing corporations to carry losses forward up to 10 years at their option. These 1971 and 1973 formulations are derived from the Administration's 1970 proposal, but with a more established definition of small businesses which are eligible.

Sec. 404. Accumulated Earnings: In accordance with the emphasis of this bill in growing businesses, this section would raise the permissible amount to $150,000 immediately, and adds a proposal that the Commissioner of Internal Revenue be given discretion to formulate standards by which expanding firms might qualify for a credit of up to $250,000.

The subsection of the predecessor bill on burden of proof has been retained so far as the application of Subchapter G, Part I procedure to proceedings in any court, not just the Tax Court. The portion of subsection 4405(b) of the predecessor bill relating to ultimate burden of proof has been omitted.

Sec. 405. Amortization of Certain Securities Expenditures: One of the most critical hurdles for a growing small business is selling its securities to the public. This section would allow the expenses of certain types of small business stock flotations, such as those under Regulation A and section 1244 of the Code, which are not otherwise deductible, to be amortized over a period of 60 months. A further helping provision in this vein would accord the same treatment for the expenses of an initial registration of a company's securities on a regional stock exchange. The 1973 bill specifies that this benefit would be available only to small businesses.

Sec. 406. Amortization of Research and Development Activities: This provision would allow research and development expenses to be amortized beginning at the time they are made, rather than waiting until the taxpayer "first realizes benefits" from these expenditures.

Sec. 407. Multiple Surtax Exemptions Under Single Family Control: In order to encourage opportunites for family ownership of business and eliminate discrimination presently in the law, this section would permit a limited number of surtax exemptions (up to 5) in the event members of a family are placed in proprietary positions where they have ownership of at least 50 percent of the stock, or other interest, and full time management of a separately incorporated unit of a family business.

TITLE V—PROVISIONS RELATING TO PARTNERSHIPS

Sec. 501. Guaranteed Payment to Partner: This section is designed to avoid double taxation of guaranteed payments from a partnership to a deceased partner. At present a partnership interest is includable in gross estate in full, and payments from the same assets may now be taxed as distributive income of a person now considered a partner under section 707(c).

Sec. 502. Closing of Taxable Year at Death of Partner: Additional flexibility in the affairs of the deceased partner would follow from this section, which would allow the closing of the partnership year for such a decedent at any of the following times: (1) normal close of the partnership year if there has been no prior sale, exchange, or liquidation of the partnership interest; (2) the date of any of the above-described transactions; or (3) the day after the partner's death.

Sec. 503. Termination of Partnership: This section would modify present section 708(b) (1)(B) which provides that a partnership will be considered terminated if there is a sale or exchange of 50 percent of the total partnership interest within a 12-month period. An exception would be provided for transactions among the partners themselves provided they have been members of the firm for at least 1 year.

Sec. 504. Limitation of Distributive Share of Losses: This section would amend section 752 to permit a partner to deduct currently his share of partnership losses in excess of the adjusted basis of his partnership interests, in the event that the partner is unconditionally obligated for his share of such partnership losses.

TITLE VI—PROVISIONS RELATING TO SUBCHAPTER S CORPORATIONS

Sec. 601. Increase in Number of Permissible Shareholders: This section would allow enlargement of the Subchapter S "tax-option" small business corporations in the following 3 ways: (1) initial shareholders could number 15, rather than the present 10; (2) shareholders in excess of this ceiling who take their stock by reasons of heirship would not disqualify election; and (3) after 5 years, the number of permissible shareholders would increase to 25, broadening possibilities for motivating employees by way of stock options and for infusion of fresh capital for the expansion. The heirship exemption is limited to the first generation heirs of original shareholders.

Sec. 602. Broadening Classes of Permissible Shareholders: The classes of shareholders would also be expanded by this section to include: (a) trusts where stock passes pursuant to a will, and where the trust is used merely to convey the stock to a long-term eligible holder within 60 days; (b) trusts where the entire income is taxable to the grantor; and (c) small business investment companies, subject to the elimination of the dividends-paid credit on such income.

Sec. 603. Termination by Majority of Shareholders: Under the present law, a new shareholder can void the Subchapter S election for himself, the corporation, and all other shareholders. Under the rule proposed by this section, a new shareholder would stand on the same footing as all other shareholders, and any 51 percent of the stock ownership could revoke the election.

Sec. 604. Termination of Election—Passive Income: This section provides additionally for nondisqualification of a Subchapter S corporation by reason of exceeding the limit of 20 percent passive income in a single year. The election privilege could still be lost pursuant to this proposal if the limit is exceeded in any 2 of 4 consecutive years.

Sec. 605. Termination of Election—Inadvertence: This section would relieve considerable pressure on small business corporations in the event there has been a termination of status because of events beyond its control. If the corporation is able to establish that the termination was, in fact, inadvertent and can gain full compliance within 90 days of notification, its Subchapter S status would be preserved for future years.

Sec. 606. Carryover of Losses: This section would equate carryover treatment of Subchapter S loans in excess of basis under section 1374(c) with those of partnerships under section 704(d). Thus, if the basis was rebuilt in a future year, the excess loss would become available as a current deduction.

TITLE VII—BUSINESS DEVELOPMENT CORPORATIONS

Sec. 701. Bad debt Reserves of Business Development Corporation: To encourage State and local development companies to extend long-term financing to non-bankable new enterprises, such companies would be permitted a bad-debt reserve deduction up to 10 percent of outstanding loans.

Sec. 802. Debt-Financial Corporate Acquiness Development Corporation: Since these institutions are in a unique position to foster community development by taking long-term risks with private capital non-recurring income of certain types would be insulated from tax upon the condition that the proceeds from such unusual transactions are re-invested within the area of service and no part of these proceeds inures to the benefit of any individual or private institution.

The section has the additional requirement that the companies to be benefited must not compensate any person performing services for it. The original section has also been liberalized to allow a period of three, rather than two, years for reinvestment in accordance with the long lead time in transactions of this kind.

TITLE VIII—PRESERVATION OF SMALL BUSINESS INDEPENDENCE

Sec. 801. Quarterly Adjustment of Estimated Tax: In the event corporations suffer financial reverses in 1 or 2 quarters, they cannot now recover amounts paid to the Federal Government in estimated taxes. This section would allow recovery of such amounts to the extent the newly estimated tax for the year is less than the amount already paid in. These readjustments could occur at each quarter.

Sec. 802. Debt-Financial Corporate Acquisitions: The objective of this section is to afford a practical means of discouraging mergers by disallowing interest deductions beyond $500,000 on any loan for acquisition purposes. It would be clear that financing through banks and other financial institutions, whether by a line of credit or otherwise, would be covered by this section, as well as debenture financing.

Sec. 803. Valuation of Stock of Closely-Held Corporations: A problem of disposition of any interest in a close-held business has been valuation. The present law provides for comparison only with companies listed on a stock exchange which are often more established than those which are not. This proposal would permit valuation comparisons with any similar company whether or not it is listed on an exchange.

Sec. 804. Extensions of Time for Paying Estate Tax: A new section 804 aims at administration of the estate tax which is more congenial to allowing closely-held businesses to remain in family hands following death of a major stockholder. To this end, it changes the standard of "undue hardship" (required to qualify for 10-year estate tax installments) to "hardship," which should be easier to meet.

Sec. 805. Amalgamation of Interests in Closely-Held Businesses: At present, under section 6161(d) it is required that a decedent own at least 50 percent of a business in order that its value be eligible for aggregation to meet the tests allowing installment payment of estate tax attributable to such business interests. This provision would make it easier for businessmen to qualify for aggregation by permitting addition of interests exceeding 33½ percent of a business toward the totals.

Sec. 806. Recommendations as to Preservation of Independent Small Business: The final provision would have the Treasury conduct a comprehensive examination of the converging pressures of income taxes, capital gains tax, reorganization rules, and estate and gift taxes which are causing so many small businesses to sell or merge out of existence rather than continue in independent form. The section calls for a report and recommendations which would improve the tax climate at this stage of the business life cycle for preservation of independent enterprises.

Technical changes: The title of the bill has been changed to reflect the current year, and other numbering, date, and technical changes have been made where needed.

Mr. BURDICK. Mr. President, I am pleased to again join with the distinguished chairman of the Senate Small Business Committee, Senator BIBLE, as a principal sponsor of the Small Business Tax Simplification and Reform bill of 1973.

When this bill was first introduced back in 1970, it was my pleasure to be the original cosponsor at that time. By the end of the 92d Congress, 23 Senators and other 78 Members of the House of Representatives had added their names to the list of cosponsors, and others had indicated their support of the measure by letter.

My observations are that the tax situation or family and farm businesses is worse in 1973 than it was in 1970. There were large tax breaks for big businesses in the Revenue Act of 1971. Costs of doing business have increased steeply in the past 3 years. In addition, the Federal Government itself is stepping up pressures on small business in areas such as new sanitation requirements, occupational safety and health standards, and the paperwork of related reporting.

The hearings in the House Committee on Ways and Means under the chairmanship of Representative WILBUR MILLS have given us hope that something might be done in this field at long last.

Small business needs tax simplification. It needs tax reform. It needs enactment of legislation along the lines of this bill, which has been developed by Senator BIBLE over the past 6 years. I will do all I can to encourage consideration and enactment of this kind of meaningful tax relief for small business in the 93d Congress.

IMPLEMENTATION OF THE WIC PROGRAM BY USDA

Mr. PERCY. Mr. President, last June Senator MARLOW COOK and I chaired a series of hearings before the Select Committee on Nutrition and Human Needs on the subject of maternal, fetal, and infant nutrition.

The evidence presented to the select committee underscored the crucial importance of adequate nutrition during pregnancy, both for the health of the mother and the life chances of her offspring. The committee also heard about the mounting of evidence concerning the effects of malnutrition or undernutrition during infancy on the mental and physical development of the child.

Finally, we learned of nutrition intervention programs in Memphis, Tenn., and elsewhere which had been successful in improving the nutritional status of preschoolers. These efforts relied on the USDA's supplemental feeding program for the foodstuffs distributed to the participants.

All our witnesses in one way or another suggested that the new special supplemental food program for women, infants, and children—WIC—held great promise for improving the nutrition and health of the target population.

This program provides cash grants to make supplemental foods available to pregnant and lactating women, infants, and children of up to 4 years of age. The mothers will receive food directly or vouchers which will enable them to buy fruit juices and fortified formulas and cereals for infants and extra milk products, fortified cereals, fruit and vegetable juices, and eggs for themselves and their children.

The USDA has announced the selection of 20 project sites, but many applications still await final disposition. Moreover, although the program was

originally authorized for fiscal years 1973 and 1974—and we are already well into fiscal 1974—and although the USDA is under court order speedily to implement the program, not one single project is yet in operation.

This is a disturbing situation. I am sure no one is deliberately withholding duly authorized nutrition services from the target population. But I question the apparent lack of vigor in moving the WIC program forward. I know a number of my colleagues share this concern.

I urge the USDA to do whatever is necessary to move this program ahead as quickly and as effectively as possible.

EVERYTHING HAS A PRICE WEEK

Mr. STEVENSON. Mr. President, the week of November 11 in Illinois will be Everything Has a Price Week. Working with State and local officials, the Illinois Retail Merchants Association is using this week as an opportunity to call attention to America's fastest growing crime problem—shoplifting. The cost to Illinois alone has been estimated to be $800 million annually. Annual losses for the Nation are estimated to be $4.8 billion.

Over the past 10 years, shoplifting has increased at the alarming rate of 150 percent. It is hard to draw a single profile for a shoplifter. They come from all segments of our society, from both sexes and from every economic or social group. Fifty percent of the thefts, however, are committed by teenagers. Ninety-nine percent of the persons apprehended are found to have had enough money in their pockets to pay for the merchandise stolen.

The purpose of Everything Has a Price Week is to call attention to these facts and to highlight the personal price individuals pay when convicted of shoplifting, the cost borne by society and by our economy.

Mr. President, I want to commend the State and local officials and the Illinois Retail Merchants Association for this effort and add my voice strongly in support of Everything Has a Price Week.

ENERGY: WE ARE THE ENEMY

Mr. PERCY. Mr. President, the American people may not yet be fully aware of the magnitude of the problem of winter fuel shortages.

In September, we were warned that even in the best of conditions, our Nation's heating fuel supply would likely fall short of demand by a small amount. We were warned that shortfalls in supply would probably be worst in the coldest areas of the country.

That was before the outbreak of hostilities in the Middle East. Now, as a result of that war, the Arab countries have announced a near-total embargo on oil exports to the United States. Crude oil and refined petroleum products originating in the Arab countries accounted for approximately 12 percent of U.S. oil consumption, and about 6 percent of our total national energy needs, immediately prior to the Middle East war.

It is now clear that we in the United States face a serious shortage of energy for heating this winter. It is unlikely that sufficient supplies of oil and other fuels will be produced domestically or imported from non-Arab countries to make up the shortfall over the next few months.

There is only one solution for this immediate problem—energy conservation begins at home.

I hope that everyone who owns a home, rents an apartment, drives a car, runs a business, or works in an office or factory—in short, everyone who consumes energy—will begin immediately to conserve energy for the good of the Nation, as the President has requested.

This is a crusade in which every citizen can participate. Happily, while we are serving the national interest by saving energy, we can also save money for ourselves, and improve the quality of our environment as well.

Even before the President's urgent nationwide appeal, members of my staff and I had launched a full-scale energy conservation program to help demonstrate the benefits of, and the need for, "curbing the consumption compulsion." We are turning down our heat in the home and office, turning off our lights, using car pools and mass transit, and practicing a host of other techniques for saving energy. I hope every citizen will join us.

As we look around our Nation's Capital for new ways to conserve energy, one obvious source of high consumption is the ceremonial lighting on public buildings. These tremendous powerful lights have enhanced the beauty of the cityscape at night, and attracted more nighttime visitors to our national monuments and public buildings.

As beautiful as they are, the lights are excessive energy consumers in the face of a heating fuel shortage. More importantly, they are a highly visible symbol of a nation that consumes one-third of all the world's energy production every year.

If the lights are turned off during the crisis period, except where needed for safety, they will serve as an equally vivid symbol of a people determined not to be blackmailed from abroad, and united in the task of solving a serious national problem together.

As a result of the President's address this week, this lighting has been reduced. The administration is to be commended for this action. I hope that lighting can be further reduced, except where needed for safety, until the energy crisis is over.

EARLY ACTION NEEDED ON S. 2397

Mr. WILLIAMS. Mr. President, for most older Americans inflation is the No. 1 enemy.

Today rising prices continue to rob the limited pocketbooks of the elderly. As the cost-of-living soars upward, their purchasing power goes down—usually quite sharply.

The most striking example, of course, is the price of food, which has jumped by an astounding 20 percent during the past year alone. If the present pace continues for 1973, a new record will be established.

Rising food costs have affected all Americans, but the most devastating effect has been for the elderly. One major reason is because food constitutes about 27 percent of the aged's income, in contrast to 16 percent for all Americans.

The net impact is that far too many older Americans have been compelled to cut back on their food consumption, even though this may jeopardize their health. Others have found it necessary to rummage through garbage cans for food. And many have simply done without.

Older Americans do not need a Ph. D. in economics to tell them that the administration's economic policies have been a colossal failure. What they need now more than anything else is an earlier and larger social security increase to provide some means of protection from rising prices.

For these reasons, I have joined with the distinguished chairman of the Senate Committee on Aging (Mr. CHURCH) in sponsoring a 7 percent social security raise. This measure, S. 2397, would be a substitute for the 5.9-percent increase which would become operative in June 1974 under Public Law 93–66.

And, I am especially pleased that the Senate Finance Committee recently adopted the thrust of this measure as an amendment to H.R. 3153, the technical amendments to the supplementary security income program. Moreover, this new proposal would become effective upon enactment.

At the outset, I want to reaffirm my strong conviction to do everything possible to obtain early enactment of this urgently needed measure.

A recent article—entitled "Elderly Agonize Over the Prices"—in the Sunday Record describes in very human terms the impact of skyrocketing food costs in New Jersey for the elderly.

In addition, the nationally known columnist, Ted Schuchat, discusses the impact of inflation for older Americans.

Both of these articles, it seems to me, are very informative and merit the close attention of my colleagues in the Senate. Moreover, they provide further compelling reasons for early and favorable action on the 7-percent social security increase.

Mr. President, I ask unanimous consent that the articles—entitled "Elderly Agonize Over the Prices" and "Elderly's Cost of Living Around U.S. Noted"—be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

ELDERLY AGONIZE OVER THE PRICES

(By Constance Rosenblum)

A few weeks ago, Kay Taynal got fed up trying to stretch her $163-a-month Social Security check over food prices that seemed to escalate daily.

So she and a friend headed to a place in Clifton that sells horsemeat, and she stocked up with 14 pounds—ribs at 75 cents a pound, shin meat at 69 cents, and hamburger at 59 cents.

"I figured I'd try it," the Garfield woman said matter-of-factly. "Being that every-

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thing's so expensive. And, you know, it wasn't bad. The hamburger, for example, I use for stuffed cabbage."

When the stock in her freezer runs out, she may buy more.

Not many of Bergen County's elderly are resorting to horsemeat. But those on small fixed incomes, particularly those whose only support is a Social Security check, are in despair over food prices. Far from being an adventure or simply a chore, grocery shopping is a painful obstacle course.

One elderly woman said, "I hate to go to the supermarket. Everyone looks so miserable."

Increased Social Security benefits passed last week by Congress aren't likely to make much difference. Under the measure, the average payment for a retired person would rise only $108 a year; a couple's check would contain only $192 more a year. In addition, the increases will not take effect until July 1974.

More important, however, is the discrepancy between the rise in Social Security and climbing food prices. The projected 5.6 per cent Social Security hike is less than half the food price increase over the past year.

According to the U.S. Bureau of Labor Statistics, food prices in the New York-New Jersey metropolitan area climbed 11.5 per cent over the 12-month period ending in May. The jump was the biggest in 22 years. Key items that rose were meat, poultry, and beef—up 20.2 percent, and fruits and vegetables—up 16.7 per cent.

On top of this, the Agriculture Department has forecast a 12 per cent hike in food prices for 1973, in spite of a 60-day price freeze and the promise of new controls by President Nixon.

With prices like these, a couple like Evelyn and George Mottram of River Edge don't get much for the $25 or $30 they spend for groceries each month.

The Mottrams get $270 monthly in Social Security. Out of this must come $91 in rent for their four-room cold-water apartment on Grand Avenue, $77 for loans and items bought on credit, $18 for gas and electricity, at least $10 for telephone service, and $6 for prescription drugs. There is also transportation and occasional doctor's visits for Mrs. Mottram, 66, who has a heart condition.

The small sum the Mottrams spend on food each month (last month's total of $33 was a record) doesn't go far, even with Mrs. Mottram's prudent shopping.

She couldn't tell you the last time she bought steak—or veal, lamb, or pork chops.

"I love pork chops," confessed her 66-year-old husband, smacking his lips. "But, my God, the prices!"

Breakfast is usually coffee and toast. Lunch is a salad, with lettuce, cottage cheese, vegetables, or tuna fish. Dinner may be a frozen TV dinner, chicken, spaghetti, or meatballs made with the cheapest ground chuck, with potatoes, beans, or other vegetables.

Like most people buying food on meager incomes, the Mottrams religiously watch for specials and sales. At the Two Guys on Hackensack Avenue where they do their monthly marketing, they also look for dented cans, day-old bread, and house labels.

Even so, shopping is a tricky business. When food prices began to soar, the Mottrams simply got less for their $30 a month.

"We just have less food," Mrs. Mottram said. "We have smaller servings."

She speaks with helpless resignation about the rising prices. Her husband thinks costs might drop a bit if enough people plant their own vegetable gardens.

Fortunately, the Mottrams have no serious medical problems that require a special diet, although Mrs. Mottram can't afford the small doses of Scotch whiskey her doctor recommends.

But for elderly people who need special and sometimes costly food, it's a major struggle to match small Social Security checks with substantial grocery bills.

A 71-year-old Fort Lee man suffering from Parkinson's disease and clogged arteries needs a salt-free diet that puts a sharp dent in the $275 he and his wife receive monthly in Social Security benefits.

"Salt-free bread is twice the price of regular, day-old bread," complained his wife, who asked to remain anonymous. "Salt-free butter is more too."

She clips coupons and searches for slightly battered fruit, which usually goes for a few cents off.

Women like her watch the daily highs and lows in the supermarket the way a careful investor watches the stockmarket.

"I saw six pounds of apples for $1.50, so I picked them right up," she reported. "But lettuce is 69 cents a head. So we don't eat lettuce." She never buys roast beef, strawberries, or ice cream. Milk is skim and powdered at 12 cents a quart.

Mrs. Amelia Krause of 72 Atlantic St., Hackensack, has a similar situation. A diabetic, she tries to buy the fish and sugarfree fruits her doctor suggests, but her $146 monthly rent takes a large chunk out of her $223 Social Security check. "How's a person going to live?" she demands.

Eighty-one-year-old Bertha Hilperts of Cliffside Park is grateful to a German background that taught her to cook well, but ingenuity doesn't lower prices.

"I used to buy good steak and lamb chops," she said. "Now it's just shanks of lamb. Even chicken is out of hand. Even string beans." She substitutes gelatin for fruit, eats bread without butter, and cooks every day.

Many don't, however, lacking either ability or incentive. For this group, apathy and rising food prices may combine to produce severe malnutrition. The 100,000 Bergen County residents on Social Security get an average of $175 a month in payments, a sum that's hard to stretch when items like rent are also spiraling.

"They suffer in silence," said Mildren Krasnow, who directs the county's Office on Aging. "A number weren't eating well before food prices started going up. Now there must be a major number who aren't."

Many fail to maintain the special diets their doctors urge, said Mrs. Krasnow, noting that Bergen County residents are within the section of the country where prices are highest. If malnutrition persists, she noted, sufferers tend to show such symptoms of senility as forgetfulness and listlessness.

Among the only specialized attacks on the problem are the few small programs designed to provide nourishing but inexpensive meals for the county's elderly.

One such program will start tomorrow at Englewood's Community House. Up to 100 hot lunches will be prepared daily at Englewood Hospital and transported to the Community House by the Red Cross. Residents of Englewood and 17 Northern Valley towns will be eligible for the program, which is heavily subsidized through a federal grant.

Tomorrow's menu includes roast beef, mashed potatoes, carrots, dessert, milk, and coffee. Lunches will be served every weekday and cost 60 cents apiece.

"You couldn't duplicate these lunches for that price," said Barbara Eisen, coordinator of senior citizen activities at Community House.

The lunch program, part of Community House's new senior citizen multi-service center, was planned two years ago, before the crunch in food prices.

"Even then there was a need," said Ms. Eisen. "But now it's tremendous. This is a very opportune time for such a project."

At the YM-YWCA in Ridgewood, a similar but smaller hot lunch program is underway, although the menu has been modified to provide cold dishes in the warmer months. Meals here are served once a week and cost 90 cents each—still a bargain, according to Helen Clark, assistant director of the YWCA.

Though the program was not started to meet needs generated by rising food prices, Mrs. Clark noted that supplementing the food budgets of the elderly is one of the program's goals.

Elderly's Cost of Living Around United States Noted

(By Theodor Schuchat)

Uncle Sam has gotten around to estimating how much it cost three mythical retired couples to live in various parts of the country about a year ago.

The average annual budget for a retired couple living in a city ranged from $3,319 at a low level to $4,776 at an intermediate level to $7,443 at a higher level, according to the United States Labor Department.

These figures are for the late summer of 1971. They were obtained by updating Labor Department estimates for the spring of 1970. They are national averages.

Retirement living costs vary widely throughout the country, the Labor Department says. The lowest costs are found in small cities and the South and the highest in large metropolitan areas. Anchorage, Alaska, is highest, and Durham, N.C., is lowest.

CINCINNATI

Close to Durham at the bottom of the retirement living cost list are the Cincinnati, Ohio, area and Bakersfield, Calif.

For statistical purposes, the Labor Department's average retired couple is a husband, age 65 or more, and his wife. Both are self-supporting, in reasonably good health, and able to take care of themselves. They live independently in their own home.

Rural retirement living costs are not estimated. No budgets are estimated for single retirees, but the Labor Department figures it costs them 55 per cent of what it costs a retired couple to live.

That came to $1,747, $2,466, and $3,626, depending on their level of living—lower, intermediate or higher late last year. The higher retirement budget includes life insurance. The intermediate and higher retirement budgets include a car and payment of some income tax.

CONTRIBUTIONS

All three budgets include some gifts and church and other contributions. Housing accounts for about 40 per cent of all three budgets, even after allowing for a mortgage free home.

Food takes 30 per cent of the lower retirement budget but only 24 per cent of the higher one. Medical care costs 13 per cent of the lower budget and only 7 per cent of the higher budget. Transportation, however, rises from 7 per cent of the lower retirement budget to 12 per cent of the higher budget.

"These allocations do not represent how families of the budget type actually spend their money," explained the Labor Department. "Rather, they reflect assumptions made about the manner of living at each of the three levels."

Sen. Frank Church, D-Idaho, observes that even these relatively modest budgets are well beyond the means of millions of older Americans. He is chairman of the Senate Special Committee on Aging.

BELOW POVERTY

"More than 4.7 million fall below the poverty line," he points out. "If the hidden poor are counted, their numbers swell to 6.3 million." The Idaho Democrat says these updated budgets provide powerful and compelling evidence for major improvements in Social Security.

The Labor Department, however, says that its budgets are not intended to represent a

minimum or subsistence level of living. It assumes that the family has, for each budget level, average inventories of clothing, house furnishings, major durables, and other equipment.

And the government statisticians assume that no illness or injury hits the retired couple's pocketbook more than an average below during the year.

The lower budget calls for $424 for medical care while the higher budget is only $5 higher for this item.

"New information on actual spending patterns will not be available until the 1972–73 Survey of Consumer Expenditures, now in process, is completed," explained the Labor Department.

ALARMED

Church has been alarmed because there was some likelihood that the Bureau of Labor Statistics may discontinue publication of budgets for retired couples.

After promising to issue the 1971 estimates, Labor Secretary James D. Hodgson wrote Church that a final decision has not been made on whether the bureau should continue to develop family budgets by the methods previously used.

He said a memorandum requesting opinions on this subject was sent to a group of college professors after the question was discussed with business and labor groups.

"My own view is that the budget serves a very useful purpose, and that they are very much needed as a guide to actual living costs of the elderly," Church said.

You can get a free copy of "Three Budgets for a Retired Couple" by writing the Office of Information, U.S. Department of Labor, Washington, D.C. 20210. Ask for USDL–72–296.

ARENA STAGE

Mr. PERCY. Mr. President, the Arena Stage Company of Washington, D.C., recently returned from a triumphant tour in the Soviet Union. During the 3 weeks that this very special theater group was performing in Russia, momentous events were occurring both here at home and in the Middle East, perhaps preventing the public from being aware of the wonderful events that were occurring simultaneously in Russia.

Sponsored by the U.S. State Department's Office of Cultural Presentations, the Arena Stage Company's performances in Moscow and Leningrad were the first presentations under the United States-U.S.S.R. Exchange Agreement. While disastrous and tragic events were taking place in other areas, a warm and wonderful exchange of culture and human understanding was under way in these two Russian cities. I feel that my colleagues, and all other Americans as well, should be aware, during this time of widespread dissatisfaction and disillusionment, of the small glowing light of success and happiness the Arena Stage Company has created. I ask unanimous consent that two recent news articles on the company's tour and recent return be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

Arena Company Back From Soviet Success

(By Louise Legue)

Unshaven, exhausted, but exhilarated, the Arena Stage Company arrived in Washington late last night after a 31-hour trip from Leningrad.

"I'm kissing the earth," said associate director Alan Schneider from New York's Kennedy Airport between planes. "It was absolutely the most fantastic experience of my life. The response was so terrific—it was like standing under Niagara Falls and letting the water rush all over you."

Seventy members of the company had spent three weeks in Russia under a cultural exchange program sponsored by the State Department, performing "Our Town" and "Inherit the Wind" in Moscow and Leningrad.

It was the first American dramatic repertory company to be so honored.

After their last performance in the Pushkin Theater in Leningrad the company took a four-hour train ride back to Moscow, boarded a Russian Aeroflot plane to Kennedy, and arrived right after the Leningrad Symphony Orchestra. They had no trouble with Customs and all immediately changed to a plane bound for Dulles Airport.

"We got 15-minute standing ovations in each town, and even in the streets, the Russians wouldn't leave us alone," Schneider said. "They followed us everywhere, talking to us, showering us with gifts, and trying to hang on to us any way they could."

Schneider denied reports that the Muscovites had found "Our Town" dull and had failed to understand it. "They were written by a reporter who doesn't know theater. There was some trouble with the sound system at first. The Russians were expecting our American theater to be all mechanization and sex, but we brought real human values instead. I've been in the theater a great many years, but I've never ever had a response like that."

(A report from a wire service said that the Arena performances seemed dull because all the parts were read in simultaneous translation in a single, flat female voice. But the State Department earlier had advised the cast that Russian interpreters always purposely read the lines without dramatization to avoid conflicting with the acting on stage. Russian audiences are used to it and their response is generally unaffected.)

Actor Howard Witt called the trip "day to day, moment to moment, the most fantastic experience ever. Even with the State Department briefings, we were constantly astounded. Nothing small ever happened.

"The only time we had to sightsee after the show, and every morning between one and three, the 70 of us walked freely around, talking to Russians and having a wonderful time."

Actor Robert Prosky, who played the lead in both shows, said he is now better known and loved in Moscow than he is in New York. "Even the old man who held the curtain for me to make my entrance—and he didn't have to do that—gave me books and records to take home. They threw flowers on the stage every night."

Prosky said that no official functions had been planned for the troup by the Russians until after the general populace had accepted the actors. "Suddenly, there were television interviews and receptions with the mayor. I even made a few extra rubles doing a television show, but I spent them all in Russia.

Prosky, too, mentioned the early morning walks in Red Square. "St. Basil's Cathedral, all lit up, was absolutely the most beautiful, incredible, theatrical thing I've ever seen.

"Moscow is really the perfect place for a group of actors, because the city has a long tradition of respect for the arist. We had a reception with some Soviet actors and one of them said to me: 'When an actor comes to Moscow, wherever he is from, he is home.'

"And he was right. It's a wonderful place to be, but it's even better to be home."

Back From Russia, With Love

(By Nancy L. Ross)

To hear producing director Zelda Fichandler tell it, Arena Stage's recent trip to the Soviet Union proved to be a "daily bombardment of love."

The visit was also something of a two-way street, with at least one member of the company bringing back unpublished literary work by a young Russion writer.

The first American repertory theater to tour that country, Arena Stage performed "Our Town" and "Inherit the Wind" under a cultural exchange program to packed audiences in Moscow and Leningrad. The players returned from their three-week visit Oct. 17 and last night gave a public accounting of it from their own stage.

One after the other, actor and lighting technician, director and wardrobe mistress told tales of extraordinary cooperation and kindness shown them by the Soviet people with whom they worked. There was Nicolai their driver who spent nine rubles, or 10 per cent of his monthly salary, to buy tickets to their productions. And Natasha, the chemistry teacher, who came to see them off at the airport.

There were the nameless matrons backstage who lovingly washed and starched an actress' wedding gown. And the little old lady in charge of the cloakroom who insisted upon staying until 4 a.m. when the stagehands finished moving the last piece of scenery.

Robert Prosky, who had leading parts in both plays, called the experience "overwhelming." He regretted not having time to sightsee. Indeed, his three weeks in the U.S.S.R. were spent, he said, "performing, rehearsing, sleeping, eating and crying. I don't usually cry easily," the actor added, "but I did there." And he cried recounting the experience. So did several others.

A striking contrast to the hour-long panegyric was provided by actress Diane Weist, who also had leading roles. Speaking about her love of freedom and her desire to do "my small bit to help actors who are suppressed," Miss Wiest told of her contacts with Jews and dissidents in the Soviet Union.

"You can never forget those eyes," she reminisced. "I am not as happy now as before my trip but I am certainly richer for seeing those eyes." She gave people she met gifts, mostly Hebrew literature provided by Jewish organizations in Washington, and received homemade gifts in exchange.

Miss Wiest also brought out of Russia six unpubilshed short stories by Samakh Shin. Newsweek contributing editor Leon Volkov, who was at last night's affair, said later he has offered the stories to Atlantic Monthly magazine. Volkov said that Shin is a pseudonym for a 24-year-old Russian printer who approached Miss Wiest during the tour and asked her to take the manuscripts to America.

The next American theater company, as yet unnamed, will visit the Soviet Union in 1975 under the auspices of the State Department's cultural exchange program. A Russian theater is expected to perform here in the 1975–76 season. In addition, both Mrs. Fichandler and Mark Lewis of the State Department urged more private non-governmental exchanges on a person-to-person basis.

The city of Washington will give Arena Stage an official welcome home Nov. 17 at a benefit peformance of "Inherit the Wind." A champagne-vodka reception, accompanied by balalaika music, will follow the performance on the troupe's home stage. Proceeds from the evening will go to Arena Stage.

THE NEW SUGAR PROGRAM

Mr. ROBERT C. BYRD. Mr. President, at the request of the distinguished Sena-

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tor from Hawaii, I ask unanimous consent to have a statement by him printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR INOUYE ON THE NEW SUGAR PROGRAM

On Thursday last, November 1, 1973, the administration unveiled a new sugar program for 1975 and years thereafter that would apparently:

(1) Eliminate the foreign country by country quota supply formula. It should be noted that approximately 40% of our needed supplies for east coast consumption north of Hatteras is presently supplied by 31 foreign countries.

(2) Eliminate payments to domestic growers.

(3) Tie the American sugar program to a "Target Price" and to the fictitious so-called "World Sugar Market." The so-called "World Sugar Market" represents about 8–10% of free market sugar and yet the new program would tie both the price and supply to that so-called "Free Market Sugar."

Obviously the largest consumer group in the United States, the industrial users, were not consulted prior to the announcement of the new program.

The new program is unworkable because:

(1) It is tied to the so-called—ill-termed—world price and supply, a supply that could properly be termed "derelict sugar"—sugar without a home.

(2) It failes to assure the largest consumer group, the industrial users—users of approximately 75% of all the sugar consumed in the United States—of sugar supplies as and when the industrial users want and need them, and I assure you that security of supply is the key to the industrial users insofar as sugar is concerned in the manufacturing of their products

(3) It would junk the most successful of the agricultural programs—the only agricultural program that has produced a profit to the United States government from its inception.

I most respectfully wish to advise the Department of Agriculture and the executive branch in particular that their new sugar program is doomed to failure, primarily because:

(1) It will not guarantee the largest consuming group, the industrial users, the sugar as and when they want and need their sugar.

(2) It will not guarantee the American consumer a cheaper price for their sugar.

(3) It would be a refiner's nightmare.

(4) It will eradicate the country by country quota system, a system that the foreign countries have come to rely on—31 of them—and depend on as an outlet to get U.S. dollars in order to purchase U.S. goods, the very essence for the existence and participation in the act by the foreign participants.

(5) The Philippine Trade Treaty is due to expire July 1, 1974. How can the Philippines hope to compete in the United States marketplace on sugar if a first come, first served program is introduced as a substitute for a program that has been in existence for three decades plus six years?

The Philippines is now the third largest supplier of sugar to the American consuming public. It takes six weeks for Philippines sugar to reach the eastern seaboard market. The Philippines, as foreign suppliers under the proposed program, would be doomed as participants.

I admonish the administration here and now that the unveiled new sugar program. The so-called "Peter Flanigan" plan is doomed to failure in the Congress of the United States because it is unworkable; it is a sugar broker's dream; and it is a plan that will ultimately mean a phasing out in my judgement of the U.S. sugar domestic producing industry, particularly the beet producers in the years ahead.

The United States needs a viable sugar program. It has one. If Congress tampers with it and accepts the "Peter Flanigan" plan, it will rue the day it adopted it.

I speak not as a representative of the Hawaiian sugar industry. I have not consulted them, nor have they consulted me since the announcement of the new plan, but if the plan as outlined in the Wall Street Journal of Monday, November 5th, is the plan, it is doomed to failure because I am confident that the Congress will reject it.

SOLAR HOME HEATING AND COOLING DEMONSTRATION ACT OF 1973

Mr. ABOUREZK. Mr. President, on Friday, November 2, Senator CRANSTON introduced the Solar Home Heating and Cooling Demonstration Act of 1973. In view of the energy problems we face today, legislation of this type is more than appropriate, and will hopefully be enacted soon. Senator CRANSTON's bill would authorize the Department of Housing and Urban Development to spend $50 million between now and the end of fiscal year 1980 to demonstrate the feasibility of using solar energy to heat and air-condition residential buildings.

The bill provides that the construction of demonstration facilities would occur in private residences in both rural and urban areas. This provision is an especially important one. More than 60 percent of America's substandard housing is in rural areas. Furthermore, it has already been clearly demonstrated that existing solar technology can be harnessed most efficiently in single unit residences. It would be foolish not to avail ourselves of solar energy in developing decent housing in rural areas.

I have been interested for quite a while in the potential of solar energy as a readily available alternative source of energy. It has always amazed me that while we have for some time been suffering with an energy squeeze which results from petroleum product shortages, agencies of the Federal Government have done little or nothing to try to find relief by developing and harnessing alternative energy sources.

Hopefully, Senator CRANSTON's bill will provide substantial stimulus for one of the most lethargic of those agencies, the Department of Housing and Urban Development. In his remarks Friday, Senator CRANSTON noted that—

> It has been estimated that up to 40 percent of the energy consumed annually in the United States is used for heating, air-conditioning, ventilation, lighting, and power systems in buildings.

In light of this, it is truly remarkable that in fiscal year 1973 HUD assigned "no specific amount of funding" to solar energy research and development, and requested no funding for those purposes in fiscal year 1974. While the administration has yet to announce its plans, it would seem unlikely that funding of HUD solar research and development activities will be requested for fiscal year 1975. If this is the case, Senator CRANSTON's legislation is all the more necessary.

Last May 31, I wrote to Secretary Lynn asking for information about the solar energy research and development activities of HUD. In August, I received a reply from Assistant Secretary Moskow which has led me to the conclusion that HUD has done extremely little, to date, to encourage Americans to take advantage of solar energy and thereby to relieve themselves of part of the burden of the "energy crisis." I ask unanimous consent that my letter to Secretary Lynn and Assistant Secretary Moskow's reply be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., May 31, 1973.

Hon. JAMES T. LYNN,
Secretary, Department of HUD,
Washington, D.C.

DEAR MR. LYNN: I am interested in the status of solar energy research and development activities with which your agency is involved. Would you be so kind as to provide me with the following information:

A. How much has been appropriated for solar energy research and development under the auspices of HUD for FY 73?

B. How much has been requested for this purpose for FY 74?

C. What approaches to solar energy research and development have been adopted by HUD?

D. Which approaches have been rejected? Please comment on the reasons for the rejection of these approaches.

E. What comments do you have concerning the feasibility, at present and in the near future, of large scale commercial application of solar heating and air conditioning units in buildings?

F. What research and development activities concerning solar heating and air conditioning of buildings will HUD conduct in FY 74?

Thank you for your assistance in this matter.

With best personal regards, I remain

Sincerely,

JAMES ABOUREZK, *U.S. Senator.*

DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT,
Washington, D.C., August 10, 1978.

Hon. JAMES ABOUREZK,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ABOUREZK: Secretary Lynn has asked me to reply to your letter of May 31, 1973, concerning the status of solar energy research and development activities with which HUD is involved.

The information you requested is presented in response to your specific questions.

A. No specific amount of funding was assigned to solar energy research and development in FY '73. However, a contract of $40,000 was placed at California State Polytechnic Institute to evaluate the natural air conditioning for a single family residence by solar energy techniques throughout a total season and report on its function, design and effectiveness.

B. No specific amount of funding has been requested in FY '74, however, we intend to work closely with the National Science Foundation with the eventual aim of funding the demonstration portions of their solar energy research in housing.

C. HUD has not adopted any one particular system for solar energy, but is viewing many concepts to determine the most effective systems for residential construction. The general approach is to review the theory involved and follow it by a demonstration project to determine the validity of the theory and the practical economics of the system.

D. No approaches have been rejected at

this time. We wish to find out as much as we can about the systems which can be made available for use in housing as soon as possible.

E. As a result of the ever increasing energy crisis and the diminishing supplies of current fuels, locally or imported, solar energy requirements should increase to the point where large scale commercial application of solar heating and air conditioning units in residential construction will be required to meet the housing needs. Solar energy units may be used in conjunction with conventional systems, thus reducing the requirements of the conventional systems to a minimum.

F. The Department hopes over the next two years to construct several houses using various heating and cooling techniques in order to test and demonstrate the capabilities of the systems.

In addition, we are conducting an extensive evaluation of total energy in a demonstration project in Jersey City, New Jersey.

In conjunction with this evaluation, physical arrangements provide the capability to test experimental systems and components under actual operating conditions. Specific piping and structural provision will allow testing solar energy collections when sufficient technological progress has been reached.

I hope the above information is helpful to you.

Sincerely,

MICHAEL H. MOSKOW,
Assistant Secretary.

NEW CHALLENGES FOR THE SECURITIES INDUSTRY

Mr. WILLIAMS. Mr. President, on October 2, 1973, I introduced S. 2519, the National Securities Market System Act of 1973. As the fourth bill to arise out of the subcommittee's securities industry study, its introduction signals the imminent satisfaction of the Senate directive to the Subcommittee on Securities in 1971 to conduct a "complete examination, investigation, and study of all matters pertaining to the securities industry and securities markets of the United States with such recommendations for legislation as it deems advisable."

I believe that the series of legislation arising from this study will represent the most important revision of our basic securities laws since the 1930's. The securities legislation of the 93d Congress will shape the structural and regulatory features of the securities industry for decades to come.

The success of our legislative endeavors, however, necessarily depends upon the vigor and imagination with which the Securities and Exchange Commission administers and implements the objectives we prescribe. In this regard, I am extremely encouraged by recent SEC actions manifesting a clear determination to play a strong leadership role in the development and regulation of the emerging national market system.

Indicative of the new sense of administrative purpose is the Commission's decision to end the 200-year-old controversy over fixed commission rates. This action deserves the applause not only of the investing public, but the securities industry itself. In place of antiquated and uneconomical price-fixing, the securities industry will finally have the opportunity to serve investors under a rational and efficient system of competitively determined commission rates.

Undoubtedly much of the praise for the Commission's action on commission rates should be directed to the new Commissioners, particularly Chairman Ray Garrett, Jr. Recently, Chairman Garrett spoke in New York on the new attitude that will be required of the industry in an area of active competition. He painted in bold colors the inevitability of change and counseled a constructive, businesslike response. I believe Mr. Garrett best conveyed the spirit in which the goals of the Congress and the Commission may be achieved when he said:

> The important thing to bear in mind is that it is a time of exciting change and challenge for the securities industry in the United States. I would urge you to look upon the future in that spirit and to accept the fact that the SEC is not out to destroy the securities industry—I urge all of you to shake off any feelings of oppression or doom and get caught up in the excitement of what we are on the threshold of achieving.

Chairman Garrett also made clear that the SEC intends to keep open meaningful channels of communication and to stimulate a steady flow of industry ideas on the proper resolution of fundamental problems:

> In our mind, we are not proposing to do to the exchange community anything that would not be done to it one way or the other, probably in a less desirable fashion. But whether you believe that or not, our purpose was to stop arguing about what seems to be inevitable in the present structure of the industry and to start the countdown, hopefully stimulating constructive thinking rather than romantic fantasy.

I hope that Chairman Garrett's address will lead to constructive cooperation and coordinated planning in the securities industry. With the leadership of the present Commission, I believe we are at the threshold of an era of true reform and progress for our Nation's securities markets and thus of increased service and protection for the investors who use these markets.

Mr. President, because of the significance of Chairman Garrett's remarks, I ask unanimous consent to print them in full in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

NEW CHALLENGES FOR THE SECURITIES INDUSTRY

(By Ray Garrett, Jr., Chairman, Securities and Exchange Commission)

Mr. Chairman, Ladies and Gentlemen. One of the hazards of my present job, I have discovered, is the temptation to accept speaking engagements both too soon and too close together. When I used to watch my predecessors from my comfortable quarters in Chicago, I made a resolve with respect to each one of them that if I ever became Chairman of the SEC, I would not be running around talking so much—especially before I had anything to say. Resistance to pleasant temptation, however, is not one of my stronger traits, and I find that I am as guilty as the rest of them.

It isn't just the temptation to talk too much that is dangerous. It is also the temptation to make news either through some profound policy statement or something exciting. Both of these are rather easy to do if you do not care too much about the results. With a little effort I think I can be profound once a week but to do so without being repetitive, would result in enormous confusion. It is even easier to be newsworthy by being exciting, such as through saying something very careless or stupid. So although headlines are fun, I try to avoid either too much profundity or too much carelessness.

The things I have to say tonight may not strike you as newsworthy on either ground, but I do think there are some interesting things for us to be talking about.

I am told, and I can observe, that this group is somewhat younger than other collections of industry leadership, and it seems like an appropriate time to talk about the future. One of your number recently observed to me that in the securities industry short-range planning is worrying about this afternoon and long-range planning is when you worry about tomorrow or the next day. However true this might once have been, it seems clear to me that it is not true at all today. I see much evidence of long-range, constructive thought and planning, and that is what I would like to talk about.

Last September 11th, at the same time that we revealed our non-objection to the New York Stock Exchange's proposed increase in fixed minimum commission rates, we stated that we proposed to take whatever administrative action should be necessary to cause the fixed minimum commission rate system to be eliminated by April 30, 1975, with an interim step to be effected after March 31, 1974. I strongly suspect that most of the instant rejoicing at that time was directed toward the unconditional increase permitted for six months with somewhat lesser attention paid to what we proposed should follow. In the spirit of that time, and to some extent even of the present, it was wholly natural that members of the securities industry should rejoice at the prospect of immediate increased revenues while postponing worry about the drastic changes that will come later. It has also led to speculation that we didn't really mean it, or if we did, could probably be talked into changing our minds before anything too terrible happened.

In our mind, we are not proposing to do to the exchange community anything that would not be done to it one way or the other by somebody or other, probably in a less desirable fashion. But whether you believe that or not, our purpose was to stop arguing about what seems to be inevitable in the present structure of the industry and to start the countdown, hopefully stimulating constructive thinking rather than romantic fantasy. There is good evidence that such thinking has already begun, but only begun because I think that a realistic vision of an unfixed world comes rather slowly to most of you that have spent so many years in another system.

For example, we get questions as to whether, when commissions have come unfixed, a given firm will be permitted to post different rates in different parts of the country. That sort of question indicates the fundamental misconception. Our proposal is to take the Commission and the Exchanges out of the rate fixing business. When we are both out of the rate fixing business, individual firms will be able to post any rates that they can sustain under the antitrust laws. I suggest that many of you had better start spending more time with the antitrust partners in the firms that give you legal counsel. You will be faced with the same sort of problems that confront other companies that market a product on a wide scale in close competition. It will be necessary to avoid both the reality and the appearance of so-called predatory pricing, and you will have to discover through experience with the free effect of competitive forces whether your industry can live with price competition, that is to say, whether one large firm can long sustain a price schedule that is substantially different from that of its most immediate competitor. You will have to learn whether different types of clientele and different combinations of services will sustain different price levels. You will also have to decide to what extent your own commission rates are to be negotiable. It has been a confusing misuse of terms to refer to unfixed commissions as negotiated commissions. This term made sense when fixed commissions were removed only for orders above $500,000 and then above $300,000, but it is wrong to use the term negotiated to refer to all commissions in an unfixed universe.

I cannot imagine, for example, that any firm with many branch offices would permit registered representatives or even branch managers to negotiate commissions on a 100 share trade if only because of the madness that this would create for the poor computers. On the other hand, I suppose that somewhere in the total pricing structure there will be a negotiable area, with authority to negotiate delegated to a certain person or certain persons. Whether the negotiable area will be designated entirely in terms of dollar magnitude of the order or on the nature of the customer and the services used by that customer—and whether the latter basis for designation will stand up under the antitrust laws—is something that you will have to discover.

That is the kind of discussion and thinking that is going to be fruitful for you in planning for the unfixed world of 1975. But there is more than just that to prepare oneself for that dread date. Some commentators have stated that the removal of fixed commissions on April 30, 1975 will mean the death of the securities industry as we know it. Such a statement obscures the fact that the industry as we have known it is dying anyway in the sense that radical changes are taking place and cannot be stopped. They can only be brought about in a constructive way. In this sense, we have not said that on a specific date eighteen months from now there should be a securities industry exactly as we have it now except operating without the fixed commission rate umbrella. The Commission's decision to end fixed rates is based on a number of facts, not the least of which is the realization that the markets of the future, no matter what we do in the rate area, will surely be radically different by 1975. Tonight I would like to explore with you some of the ways in which we see the market becoming different. And I should add that it is becoming different not just because of governmental action, whether administrative or legislative or judicial, but because of changes in the technology available for the conduct of business, changes in both the domestic and world markets related to securities and money, and increasingly imaginative thinking on the part of many members of the industry itself.

The direction of the cumulative changes is usually referred to as a central market system. It is easy today to get agreement among industry leaders that we are headed toward such a thing. There is difficulty, however, in getting agreement as to what its components will be, how we should get there, and particularly, which component should come first on the priority scale.

Let me suggest what I believe is generally agreed to be the components of the central market system and then spend a few minutes talking about some of the obvious areas of disagreement.

I think it is generally agreed that a sound central market system will involve multiple market-makers in different market centers of the country, all in electronic communications so that there will be a composite tape reporting on a real-time basis and in proper sequence all transactions in securities covered by the system, and a quotation system which will provide all members of the system with current information at any given moment as to the state of the bid and ask in several markets. It will be supported by a nationwide depository system with regional clearing and regional depositories in major financial cities. It will also provide all members of the system with access to efficient back office facilities, either on a single nationwide basis or by means of cooperative or contract back office services. The availability of such facilities should reduce, if not eliminate, the cost efficiency differential among all broker-dealer firms, large and small. This is a desirable feature if smaller firms are to remain competitive in a universe of unfixed commission rates. Such a central market system will take maximum advantage of available modern technology to provide liquidity and continuity and depth on a broader scale than we have ever known before. In the course of time it should be compatible with an international system that will link together all of the securities markets of the free world.

Now where are the disagreements in achieving this shining goal? Let us start first with the disagreements about some characteristics of the system. In its White Paper of last March on the Central Market System, the Commission viewed the central market system as including all of the registered national securities exchanges plus so-called third market firms. The third market firms would be members of the system, and pay certain user charges for that status, but would not be required to become members of any securities exchange. We thus envisioned competition through the central market system between the specialists on the several primary and regional securities exchanges and the third market-makers. This has led to serious disagreement with the New York Stock Exchange.

One reason is that we have not agreed that third market market-makers in the central market system should be denied the ability to deal directly with institutional purchasers. You will recall that for some years now the specialists on the New York Stock Exchange have been forbidden—by Rule 113—to take orders directly from institutional customers. They can only take such orders from other member firms. The New York Stock Exchange wants equal treatment for specialists and third market market-makers if they are to share in the central market system. They argue that unless this occurs the central market system might soon degenerate into a dealer market, over-the-counter style, rather than the auction market as we have known it on the exchange. They further argue that if Rule 113 were eliminated some major firms have stated that membership on the NYSE would no longer be interesting to them and they would go "upstairs" to become third market makers themselves. Thus their suggested solution is to apply Rule 113 to all market makers competing in the system.

The Commission, on the other hand, has expressed the view that the need for such rules is much less apparent in a system of competing market makers without a dominant specialist, and it has suggested the possibility that the rules be repealed when the regulatory need that prompted their adoption ceases to exist. We have also pointed out our difficulty in agreeing to a determination that requires an institutional customer to utilize the services of a broker whether or not in his judgment he needs such services. In fact, we wonder whether such rules would have any effect under a system of competitive rates, which would permit easy circumvention of the prohibition by permitting an investor to negotiate directly with a market maker and then paying a nominal commission to a broker for nominally participating in the trade. Regardless of what you think of these arguments, I think you can agree with me that the debate has not ended.

The ongoing debate has also involved questions of priority. For example, the view has frequently been expressed that prior to implementation of the composite tape it would be desirable, if not essential, that a set of equal or at least comparable rules be applied to all markets that will be reporting on the tape. We have not been insensitive to these views and in fact have stated that it may well be possible for a good many of these regulations to be fashioned before the tape commences operation, although we have not agreed that these regulations are an essential prerequisite to such operation. The New York Stock Excchange has taken a constructive step by preparing a document which sets forth the major areas in which it believes greater uniformity among market centers must be imposed. This paper is a useful check list and can help expedite our work in coordinating the formualtion of appropriate rules for all market centers in the system. In this area, too, we look forward to continuing give and take.

Meanwhile, there are exciting developments in the area of processing securities both in clearance and in depository arrangements. It is not too much to hope that within perhaps a year there will actually be in existence such a national clearing system based upon the National Clearing Corporation of the NASD and the Stock Clearing Corporations of the several exchanges, including the arrangements recently announced by the Securities Industry Automation Corporation.

There are of course even more imaginative persons some of whom have published their ideas and who should be well known to you, who think that even this concept of a central market system is too shortsighted. They imagine, in addition to centralization and unification of the mechanical facilities for trading and clearing in securities, a reduction in the number of governmental and self-regulatory bodies having responsibility for supervision of the securities industry. It has been suggested by responsible people, for example, that a new entity of a quasi-official sort should be created, to take over the functions of SIPC, NASD, the various securities exchanges and all of the stock clearing and depository arrangements plus the market regulation activities of the SEC, all in a single package—resembling various aspects of the Federal Reserve Board, the FDIC, our present SIPC and COMSAT as well as the NASD.

Some of these ideas are designed, or would at least result, in the restructuring of the securities industry in a fashion that might provide a sound basis for a so-called public utility approach to the securities industry and its rate structure. I do not know whether many of you would really prefer to be engaged in a true public utility-type industry if given a choice. It would require among other things that the components of the industry be sufficiently concentrated in brokerage activity as to facilities and expenses and revenues so that a reasonable approach can be made to estimates of revenues necessary to cover costs plus reasonable return on capital. This is certainly not true of the industry today. Such a system could never resemble our electric or gas utility rate making, where a different rate is established for each company in the industry. It would probably more closely resemble telephone, airline or railroad ratemaking, and I don't know whether contemplating this fills you with real enthusiasm for the idea or not.

A recent proposal, wherein a Federal Reserve-type supervisory authority could be set up to govern the execution function alone, leaving the rest of the services provided by brokers to be compensated on an annual flat fee basis, also has stimulated interest. Although this has the advantage of removing the conflicts, actual and psychological, of the system of compensation by transaction, it still leaves the problem of allocation of costs and reasonable return.

This flow of ideas is healthy and necessary if the industry is to thrive and prosper. We are not willing to reject any of these suggestions without carefully considering whether they offer the prospect of a meaningful and appropriate structural overhaul of the securities business. Almost without exception, I have been confronted with the question whether our receptivity to these theories means the Commission is less than completely committed to our conclusion that fixed rates must fade away on April 30, 1975. My answer is no. Our conclusions concerning an appropriate framework for the elimination of fixed commission rates, however, were developed in the context of the structure of our securities markets prevailing today. Factors such as individual member firm profitability, or lack thereof, will not prove a persuasive argument for those seeking to have us abandon or delay the clearly-defined course toward competitively-determined commission rates we have charted. On the other hand, it is not inconceivable that if a major alteration in the industry's structure, if palatable to all concerned, including the Congress, can be found—as opposed to mere changes in member firm profitability—our conclusion on fixed rates might warrant another look. Of course, such a restructuring would necessarily involve architectural revamping far more drastic than our present working blueprint for a central market system.

The important thing to bear in mind is that it is a time of exciting change and challenge for the securities industry in the United States. I would urge you to look upon the future in that spirit and to accept the fact that the SEC is not out to destroy the securities industry. It has in the past and may well in the future thought it necessary to cajole, needle, and even push and shove various components of the industry toward a realization of what the future must bring. This is not done because we have thought or do think or will think that the securities industry of the United States is a collection of evil people to be harrassed and punished. While enforcement and punishment is an unavoidable part of our duty, our total objective, and yours, is the public interest and the interest of investors of the United States. The maintenance of our capital system, the preservation and encouragement of growth through the access of new and smaller companies to reasonable equity markets are all essential to that public interest and the interest of investors. It pleases me greatly to become familiar with the ever growing hard thinking and work in planning that your industry is providing for itself and for the public interest in these times. I urge all of you to shake off any feeling of oppression or doom and get caught up in the excitement of what we are on the threshold of achieving.

TRIBUTE TO EDWARD H. LEVI

Mr. PERCY. Mr. President, the seventies have seen difficult times for higher education, as institutions across the country face rising costs, dwindling enrollments, mounting deficits and increasing ambivalence and uncertainty about future direction and purpose. In its final report the Carnegie Commission on Higher Education warns that:

> A new generation of leadership is required if higher education is to design its future and not merely live within the framework that others will have built for it.

A man who personifies such leadership is Edward H. Levi, the president of the University of Chicago. Under Dr. Levi's resourceful leadership the University of Chicago has exemplified continued vitality, a clarity of purpose, independence, effective governance and a dedication to academic excellence.

My colleagues may be interested in the remarkable story of Edward H. Levi at the University of Chicago. I ask unanimous consent that an excellent Chicago Sun-Times article on Mr. Levi be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Chicago Sun-Times, Oct. 21, 1973]

THE CASE FOR ACADEMIC ARROGANCE

(By Roger Simon)

Through the V formed by the black wing-tip shoes propped up against the desk in front of him, the president of the University of Chicago was barely visible. Edward H. Levi slouched deep in his chair, spoke quietly:

"A great university is not like a talking dog. With a talking dog, everyone is so amazed it exists they don't care what it says. The significance of the University of Chicago is not just that it exists in these times, but that it is saying something worthwhile."

Levi is the eighth chief executive of what he calls one of the last great universities in existence. He is a man at the top of his profession, a man described variously as "cold . . . calculating . . . difficult . . . intimidating . . . relentless . . . frightening . . . devastating . . . impersonal . . . and downright nasty."

Those words come from his friends, who credit others with making the appraisals—"Now some people think that Levi is . . ." or "Some dissidents believe that Ed can be . . ." or "The students feel that Levi is . . ."

But Levi is known as a warm and affectionate colleague, a man of deep humor and compassion despite an arrogance and pride—words, not surprisingly, he used to describe his university.

"We are self-destructive and critical, but there is also our arrogance and pride. We are unique, the most unique university in the U.S.

"I find it incredible . . . that high-school students on the North Shore think that the University of Chicago is really the Circle campus . . . but I don't think that we should be surprised about ignorance," Levi told the school newspaper. "I feel we should be grateful for the little amount of wisdom there is around the country."

Of course there is a difference between the University of Chicago and such schools as the Circle Campus of the University of Illinois. And the thought that everyone doesn't know that is sometimes more than the folks on the Midway can bear.

The difference between Chicago and other schools is expressed in three main areas: the university's relationship to the outside world, the relationship of research and teaching, and the university's mood, a special milieu that is firmly believed to be one of the university's greatest strengths.

"Well, it's not that it's a monastery here," said university provost John T. Wilson. "Many of our departments have to deal with real problems, but not in the modern sense of relevancy. We don't sell our services to the world. A university should not be the place to solve the world's problems."

That would be heresy to most universities. The University of Illinois, for example, is enormously proud of its cooperative extension program that provides advice and service to every county in the state, agricultural advice in rural areas and such things as nutritional programs in the urban areas.

That is just one program of "relevancy." Universities across the country are intensely involved in programs addressing directly the problems of poverty, crime and pollution—to name a few.

While the University of Chicago believes those are good things to wipe out, it is not the university's prime concern. "Our concern," said Wilson, "is maintaining an intellectual base in the country."

There is some internal conflict, now under study, at the university, because the campus does contain professional schools designed to produce people for specific jobs. But even these schools take on the particular University of Chicago flavor.

"Our professional schools are faculty-research oriented," said Walter J. Blum, a law professor. "That doesn't mean we don't teach kids how to be lawyers, but that has never been our emphasis."

The professional schools exist chiefly to explore and research the deeper questions of their crafts, and the university prides itself that it is a "teacher of teachers," that a large number of its students become college professors and continue their research and exploration.

"Other schools have ideas that are so different than ours," says Levi. "They believe research shouldn't be pure research, but applied research—controlled. People believe if you pour enough money into something you'll get a desired result—the Sputnik theory. People have ceased to believe in the importance of discussion and have decided that knowledge and inquiry are harmful."

The second difference involves the relationship of this research to teaching. At many schools, the research and teaching are separated and compartmentalized. Levi is striving to break down those walls at his university.

The university was founded on the principle that while it was primarily a research institution, there is no conflict between research and teaching, and out of that belief the campus was founded as a university rather than just a college. It is one of Levi's beliefs that the teaching process is an aid and an actual facet of research.

"Whitehead once said, 'knowledge is like fish; it must be kept fresh,' " Levi said. "Students have to realize that what is being discussed in the classroom is in the process of being thought through. That is not inconsistent, but it is rather the essence of undergraduate teaching."

"When you say this is a research university—which it is, which it started out as—that is not something separate from learning. The discovery of subatomic particles is not something to keep away from undergraduates.

"Students are not only taught by faculty. The undergraduates don't realize that in the classroom they are sitting with graduates, also. They don't find that unusual, but at other institutions things would be rigidly defined. The so-called elementary course, in which Herr Professor lays down preliminaries, is something I don't have much admiration for."

Essential to this, of course, is to have senior faculty members, those actually doing the research, also teach. This is a task many universities allow faculty veterans to duck, but not at Chicago. One of Levi's main accomplishments, his colleagues say, has been increasing pressure on senior faculty members to teach.

"This is what was happening in the '20s and '30s," said Leon Jacobsen, dean of the division of biological sciences. "This is why I call what Levi is doing a renaissance. It is a movement back to the '30s and before."

And this renaissance describes the third difference, the mood of the university. "Most of Mr. Levi's predecessors have had comparable views, but the milieu, the climate, have the atmosphere has changed from Hutchins on up," says Blum, the law professor. "It's primarily there that Levi's changes have been found."

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And along with the renaissance—the restatement of the old goals—there has come with Levi the logical turning inward which must accompany it. The university is there neither to save the world or the neighborhood, but to save itself, and in so doing "maintain the intellectual base of the country."

"One of Levi's important strengths is to view the university as an institution, as a whole, all striving toward a goal," Blum said. "If the faculty does not have an institutional commitment, little dynasties grow up and it's very hard to unseat them without an explosion."

Levi has been at work breaking down the little dynasties of the university, and according to two administrators, has set to work in reducing the autonomy of department chairmen.

He is striving for a coherence, for only with that can the university decide how it can save the past while entering the future. All aspects of the university—all changes—are examined in relationship to the university as an institution, and it is then decided whether those changes fit the institutional goal.

"Levi creates a presence" says Robert B. Uretz, deputy dean of the division of biological sciences. "He articulates our goals, the goals of a great private university. He determines our mood and direction."

And the direction, the path, is not an easy one. There is a story that Levi tells which his colleagues are fond of quoting:

Emperor Constantine wanted to rebuild the decaying structures of Constantinople and ordered that architecture be taught in the schools in order to produce men to save the city. But the city, which had been designed by the old architects, continued to crumble and by the time the new architects were ready, no one cared anymore and there was nothing left to save.

The lesson is clear. In satisfying the short-term needs of society you often end up by curing nothing, because needs and moods change. What Constantinople needed was men of vision, men—the moral implies—of the kind that the University of Chicago is producing.

The words of Levi are the words of the university; his ambitions are its ambitions, his failings—its failings. He is now and past. Through him the old tradition established by William Rainey Harper is alive and well in 1973 and the word "renaissance" is used without embarrassment to describe what he has done. "I believe," says Roger H. Hildebrand, former dean of the university college, "that Levi is the most brilliant president since Harper—and I guess that's not a very gracious thing to say since we have living presidents."

Ungracious, perhaps, but a much repeated comparison. Later that day, Levi would be compared favorably with Enrico Fermi.

Levi has never been far away from university influences. He was born June 26, 1911, in the university community, then a neighborhood of large houses and quiet streets, a neighborhood of prosperous German Jews where one could live in comfort and nourishing intellectual climate.

From age 5, when he entered kindergarten at the university laboratory school, to 1932, when he received his bachelor of philosophy degree, Levi was never separated from the University of Chicago system. He left the fold only once, when he went to Yale University for a higher degree in law, receiving that in 1938.

He was already an assistant law professor at Chicago when he went to Yale (clearly an interruption, not a striking off to greener pastures) and in 1950, at the age of 39, he became dean of the law school. That was the year that Robert M. Hutchins left the university after 21 stormy years as its president and chancellor.

Hutchins had taken over the leadership of the university in 1929 and at the age of 27, the youngest chief executive ever to be named to run a major university. Under him the university had undergone a brilliant invigoration during which money was spent freely in an atmosphere of intense academic freedom and outspokenness.

He was succeeded by Lawrence A. Kimpton, and the university entered a period of retrenchment. A decision was made to remain in Hyde Park, an area that had been steadily disintegrating since the early 1940s. Landlords cut up large apartments to make more money during the housing-short war years. If the university was aware of what was happeneng, it did nothing.

By 1950, whites began to leave Hyde Park in large numbers. Over the next six years, 20,000 whites left the area and 23,000 nonwhites moved in. The racial population changes from 6.3 per cent black to 36.7 per cent.

"It was the problem of the City of Chicago," said Levi, with a wry smile. "I guess some people thought it was time to move to the suburbs."

And then came the threat of a death blow—the faculty began to leave. "I was trying to convince a medieval historian to come to the university from Oxford, and he was shocked," Levi said. "He said that asking him to come to the Midwest was bad enough, but Hyde Park was too much."

The university didn't leave for the suburbs. It stayed and started a program of investment and renovation of the community (headed by Levi's brother Julian), a program that is still embroiled in controversy today.

Along with neighborhood deterioration came an erosion of funds. "The university was considered very radical at that time and we had a hard time getting money," Levi remembers. The pressure for new sources of money resulted in an ever-increasing dependence on government funds, and an uneasy awareness that such a course threatened independent academic research and the very foundations of the university as set forth by William Rainey Harper.

"I would like to think that our approach on staying (in Hyde Park) was like our approach on the sit-in," Levi said of the two-week student protest in 1969. "There are values to be maintained. We are not bought and sold and transformed by that kind of pressure. Maybe it's a losing game. I don't know."

Levi and the university are committed to the theory that reason is the indispensable tool for mankind's survival and well-being, and that the university exists to increase the intellectual understanding and powers of mankind. And that is all that it exists for. It is not here to develop manpower resources—to create your nuclear scientists, or architects. It is not here to increase the earning power of its students, or develop inventions for industry, and it is not here to be a redevelopment agency for the South Side of Chicago.

And while the students and faculty might individually have social and political commitments, the purpose of the university is intellectual, not moral.

And if you don't like it, so goes the university's and Levi's position, there are other universities people can turn to, but there is no other really great university.

That is Levi's renaissance program: the reviving of the basic program of the university, the restatement of basic goals, the refitting of a theory advanced in the 1890s to the world of the 1970s.

"I never lose sight of the fact that someone in my division is doing plant physiology," says Uretz. "And my responsibilities are just as important as curing cancer. If I lost sight of that I'd be in trouble with the president of the university."

It seemed so right to hear these things under the oaken beams in the dining room of the Quadrangle Club where, between spoonfuls of rice tomato soup, are heard the click of billiards being played by the professors in the next room.

It seems right until you try, later, to explain the University of Chicago, and someone asks you, "Do you mean this guy is saying some goddam marigold is as important as curing cancer?"

Levi is the chief defender of the faith and the leader who has held out over the years against public sentiment and government dollars—what he calls "short-term action problems." He has held out, fearing that the university would backslide and become like the other universities and, in so doing, join what he calls, "that great celebration of mediocrity."

Things can be done at the University of Chicago that at other institutions would be considered frivolous and unimportant. The university lists with no small pride the nearing of completion of the Assyrian dictionary, begun in 1921, which will comprise 21 volumes. And if you ask Levi which is more important, the first sustained atomic chain reaction by University of Chicago scientists, or the Assyrian dictionary, prepare yourself for a shock.

Levi's great strength has been to preserve the past with the skills of today, one of which is his considerable managerial ability. In these times of rampant cost increases, he held the 1970–71 budget to a 3.6 per cent rise over the previous year and the 1971–72 budget to an even smaller 1.5 per cent increase. That compares with the 1960–1971 period that saw a 165 per cent budget growth.

Equally significant is the decline in federal funds received by the university, from 29.1 per cent of the total budget in 1969–70 to 25.3 per cent in 1971–72. The difference is made up by money from other nongovernmental sources. Levi who raised $160 million from 1965 to 1968 is about to kick off a 10-year $250-million fund drive.

Levi does not "glad-hand" the money givers, does not promise to name buildings after them or necessarily even do what they want with the money. "We make the assumption that people with money actually do want to do good things with it and not really build monuments to themselves," Levi said. "The university is the trustee of an important human endeavor, and that is important not only to us but to others as well.

"We don't give honorary degrees to make money and we don't raise money by inviting people to football games."

And the university never sells out its principles to gather money, says Levi. In fact, it frequently turns down money. He sadly described a program designed by the university, the Woodlawn Organization and the Board of Education to open schools in the Hyde Park area after hours to teach students, using community people as instructors.

Foundation money was lined up, but the foundation said it would give the funds only if the program was reshaped to teach values of the free enterprise system.

"I told them I was terribly sorry, but that I wouldn't touch it with a 10-foot pole," Levi said. "The program would have been a fraud and everyone in the community would have known that."

Foundations and the government are making a terrible mistake in granting their funds, says Levi. "The trouble is they say, 'Here is the result we want. Hire the faculty and get us the result.' That is a complete misreading of intellectual work; that is not how discoveries are made.

"They say work on pollution, but what the hell does that mean? What kind of pollution? We have to ask the right questions before we can find the right answers. You don't sit Dr. Land down in a room and tell him to invent the Polaroid camera."

The Regenstein Library, built in 1970 at a

cost of nearly $20.5 million, is not looked upon as a monument to the university's ability to gather money to build great buildings, but as the key to scholarship. Levi describes Regenstein as one of the university's great accomplishments because it provides the facilities for basic research, which is absolutely necessary to keep and attract top faculty.

The university's commitment to research and reason is not only seen by some faculty members as being challenged from without but, in past years, from within.

And those who really knew the university were not surprised at the university's reaction to the sit-in of 1969. For 16 days Levi did nothing visible when students occupied the administration building. He just moved his office elsewhere.

But he gathered the faculty and deans and kept them in almost constant meetings and communication. Again, without taking presidential action, believing that the university's great strength lay in its faculty, he persuaded them to take the responsibility.

Eventually 43 protestors were expelled and 81 suspended after the demonstration petered out.

It should not have been a surprise. A demonstration of this type was not just a blow against the university but, Levi believes, against the powers of reason, to which the university was dedicated. It was a gut punch.

"I've never really talked about it before," Levi said in his office. "But I think it was a shock to many that we took it seriously. Some universities believe in rational discussion. Most don't. They believe in manipulation, power structures and leverage."

For Levi, neither the sit-in nor the demonstrators' demands amounted to a rational approach, yet the sit-in did leave lasting impressions, not the least of which was a continuing strain between Levi and the students.

"Some myths die hard," said former dean Hildebrand. "Some imagine that the expulsion of the students was Levi's big triumph and that it made him, but as usual he forced the deans and the faculty to take the responsibilities."

"Students are a little afraid of Levi," said Hildebrand. "They ask a question and he comes back with a terribly penetrating counter-question. The Maroon (the student newspaper) will say he is remote, inaccessible and cold, but that is understandable. To develop a close relationship with him, you must lucidly stand up for what you believe in."

There is the further feeling, among students primarily, that Levi, either by scheduling or personality, is inaccessible. "He's a very private person," said Uretz, the deputy dean. "You don't visualize him as one of the boys."

"Students think highly of him, but he's so smart that you've got to be articulate to deal with him," Jacobsen said. "I suppose the dissidents on the faculty believe he is too impersonal."

"Thank God we don't have a football team," said one student. "I can't imagine Levi on the 50-yard line, waving a pennant."

Students believe it is important that Levi be accessible because he is the man with the power—that either he should come down out of his office or they should have ready access to it. And Levi cares what they think.

Levi sat in his office, a large but not lavish place, torturing a rubber band between his hands and gazing out the window on the gloomy, gray Quadrangle. "I do not believe the students thing I'm accessible." He paused. "They're right, I suppose. They're right.

"It makes me think sometimes." Another pause and the room fell silent. He turned from the windows. "When they can see Saul Bellow or me, why do they want to see me?" he asked quietly.

He turned and, his moment of self-doubt over the day, Edward Levi went back to work.

THE CITY AS A MORTGAGE BROKER—HOBOKEN, N.J., ADOPTS AN INNOVATIVE HOME IMPROVEMENT PROGRAM

Mr. WILLIAMS. Mr. President, during the past year, much has been said by this administration concerning the failure of our Nation's federally assisted housing programs. The President, as we all know, has brought these programs to a halt by impounding funds and has thus created a chaotic and, in my opinion, intolerable situation. Funding for low- and moderate-income housing has been arbitrarily cut off throughout our Nation, adversely affecting those people who need adequate and decent housing the most.

During the 10 months of crisis which has followed the President's actions, far too little has been said about how our Nation's cities have successfully used Federal housing funds to create innovative programs—programs that have provided housing of which we can all be proud. Therefore, I recommend to all of my colleagues the excellent article in the September 1973, issue of Nation's Cities entitled "The City as a Mortgage Broker—Hoboken, N.J., Adopts an Innovative Home Improvement Program," by Mr. Ivan Silverman.

In his article, Mr. Silverman clearly and succinctly points out how Hoboken, N.J., through its Model Cities program has reversed the trend of abandoned buildings and blight which now affect all too many of our cities' urban cores. This was accomplished by the city becoming its own mortgage broker and focusing on existing housing rehabilitation. In this manner rents were made cheaper and neighborhoods more attractive. As Mr. Silverman in his article states:

> After handling basics like plumbing, wiring, and heating, Hoboken homeowners have used HIP funds to remove plaster from walls and expose the brick beneath; to open up closed fireplaces; and to plant trees. One Hoboken resident used part of the low-cost money to erect a turn-of-the-century gas light outside her elegant turn-of-the-century home.
>
> To make sure that tenants, as well as landlords, receive the benefits of HIP resources, the program requires owners to offer apartment dwellers a two-year lease; to accept a limited return on their property; and to sign a non-eviction agreement.
>
> In conjunction with low-cost home repair money, HIP agreements have helped stabilize the rental market in Hoboken.

Mr. President, the experience of the city of Hoboken, without a shadow of a doubt, show that under imaginative and innovative leadership our Nation's federally assisted housing programs have and will work. I wholeheartedly recommend Mr. Silverman's article to all Members of this body.

Mr. President, I now ask unanimous consent that the article entitled, "The City As A Mortgage Broker—Hoboken, N.J., Adopts An Innovative Home Improvement Program" be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The City as a Mortgage Broker—Hoboken, N.J., Adopts an Innovative Home Improvement Program

(By Ivan Silverman)

Like many older urban areas, Hoboken, N.J., faced a housing problem of crisis proportions in the mid-Sixties. The city's antiquated building stock was in decline. Property taxes were on the rise. Abandonment was beginning to take its toll.

Recently things have changed for the better in Hoboken, a mile-square municipality on the western banks of the Hudson River opposite New York City. Within the past two years the community of 45,000 has begun to reverse the erosion of its living resources.

In no small measure, Hoboken's turnabout is traceable to its Municipal Home Improvement Project—a home-grown, anti-abandonment unit that has turned the city into a mortgage broker of last resort.

The new program, known locally as HIP, was established in 1971 by Hoboken's Model Cities agency, following an in-depth examination of the city's housing situation.

The core of Hoboken's housing problem, the agency's analysis revealed, lay in the virtual absence of bank financing essential for major housing renovation and repairs. A National Urban League study of housing abandonment in seven cities, conduced in 1970, arrived at similar conclusions about Hoboken's housing picture.

After interviewing local bankers and real estate brokers, Urban League analysts reported that "no conventional mortgage funds are available anywhere in Hoboken for the improvement of existing buildings." Building owners, in other words, had to deplete their savings accounts, or borrow from in-laws, if they wanted to improve their dwellings.

A second crucial point united the investigators. Hoboken has an extremely large number of resident landlords in buildings with one to four units. This on-site owner group could provide the backbone needed in a battle to save housing in Hoboken, Model Cities planners and Urban League analysts agreed.

In 1960, nearly two-thirds of Hoboken's residential structures had owners on the premises—just about the highest landlord live-in rate in the nation. By 1970 the rate had slipped to 60 per cent as many owners abandoned their homes. But it was still exceptionally high.

"The owner-occupancy rate began to curve down in the middle Sixties," Michael Ehrmann, HIP coordinator, says. "We wanted to curve it back up."

As the high, live-in landlord rate suggests, Hoboken has its share of stable neighborhoods—blocks where women polish brass door knobs on Saturday mornings while men sweep the pavement before their homes.

From the outset, HIP's objectives were clear. It had to fill Hoboken's financing vacuum by providing funds for major home renovation. And it had to aid the city's resident landlord population in the fight against abandonment.

From the start, HIP received crucial assistance from Hoboken's civic leaders and governing body. Mayor Steve Cappiello and his predecessor, Louis DePascale, provided backing needed to gain HIP broad support in the community.

To achieve these goals, Martin McCarthy, a New York-based lawyer and housing consultant to Model Cities, devised a deceptively simple plan. McCarthy suggested the use of a two-tier public sector-private sector financing system. Under this approach, building owners receive a "free" interest-reducing grant of money in combination with a conventional bank loan or mortgage.

To illustrate: On a $6,000 home repair job, the homeowner receives a $1,000 non-repayable grant. When combined with a $5,000 bank loan, due in seven years at a 7 per cent interest rate, the effective borrowing cost is approximately 3 per cent.

To implement the McCarthy plan, Ehrmann and McCarthy examined several approaches. They considered raising money by selling bonds. They weighed the possibility of working with New Jersey's Mortgage Finance Agency (a unit that sells tax-exempt bonds and then loans the proceeds at low-cost rates to banks, which in turn offer low-cost mortgages). They also looked at the possibility of establishing a loan guarantee fund, as one way of encouraging banks to lend Hoboken homeowners money.

These ideas are still under review. They may be useful later, McCarthy believes. To start, however, HIP settled upon a streamlined plan. For private sector funds the project turned to bank monies available through existing federally insured programs, among them Title I of the 1934 Housing Act and FHA-backed mortgages. For public sector grant funds, the project used money from Model Cities' $2-million annual supplemental budget.

HIP is essentially home-grown. Nonetheless, it does resemble in some important ways Section 312, the Federally Assisted Code Enforcement program (FACE). Like FACE, which is being phased out by the government, HIP focuses upon housing rehabilitation, rather than new construction. Both programs make 3 per cent loans available for major home renovation—although FACE doesn't use the grant/loan system. Both programs are linked by the notion that low-cost money should be available to correct code violations. Beyond this point, however, the paths diverge.

HIP was specially constructed to meet Hoboken's specific problems and to build upon, and preserve, the city's specific strengths. Thus the project limited the use of its grant funds to owner-occupants of Hoboken dwellings. This is not an extreme limitation since 2,400 of Hoboken's 4,100 residences have landlords on the site. (Larger buildings, without on-site owners, are being renovated through other programs, including HUD's Project Rehab.)

In addition, HIP decided against becoming simply another code enforcement project. Once a list of repair guidelines has been met, HIP monies can be used for any reasonable purpose. Code infractions, in other words, aren't a pre-requisite for HIP loans.

"We wanted to promote project amenities to make Hoboken's neighborhoods more attractive. We also wanted to avoid discriminating against owners who had been meeting code requirements," Martin McCarthy says.

After handling basics like plumbing, wiring, and heating, Hoboken homeowners have used HIP funds to remove plaster from walls and expose the brick beneath; to open up closed fireplaces; and to plant trees. One Hoboken resident used part of the low cost money to erect a turn-of-the-century gas light outside her elegant turn-of-the-century home.

To make sure that tenants, as well as landlords, receive the benefits of HIP resources, the program requires owners to offer apartment dwellers a two-year lease; to accept a limited return on their property; and to sign a non-eviction agreement.

In conjunction with low-cost home repair money, HIP agreements have helped stabilize the rental market in Hoboken.

"With access to 3 per cent funds, homeowners aren't forced to jack up rents in order to meet remodeling costs," Martin McCarthy points out.

To get its program off the ground, HIP had to go outside Hoboken to develop new financial sources for local residents. Banks in Jersey City, a mortgage banking firm in Plainfield, and other capital sources were tapped. Recently, however, Hoboken banks have become active in making loans through the HIP program.

"After watching out-of-town banks doing business in Hoboken, the local bankers began getting back into the market," Michael Ehrmann says with a trace of irony.

To lower borrowing costs on the newly available capital, Model Cities initially used HUD supplemental funds as interest-reducing grants. In April 1973, after completing nearly 50 successful home repair jobs, HIP received a special $200,000 grant from New Jersey's Department of Community Affairs to expand its grant-loan program. The new funds represented a breakthrough for HIP—and something of a breakthrough for the department.

"In the past, we've concentrated upon funding large-scale Rehab projects, rather than working through individual homeowners," says Cynthia Jolson, program manager of the department's division of housing and urban renewal. "The Hoboken grant is a trial balloon. If it works there, we may well go statewide with the concept."

The Community Affairs grant, combined with about $1.25 million in "private" funds which it will generate, will provide low-cost loans for about 200 Hoboken homeowners this year. With these funds, and with this program, the city of Hoboken has, in effect, become a mortgage broker.

Although long-term results are not yet available, the program has already made its presence felt locally. At least in Hoboken, home repair fever seems to be contagious.

In the future, in light of the increased flexibility expected to be given to cities through bloc grant funding, HIP may be of more than local interest. Cities wishing to support housing development and to preserve their older neighborhoods, might consider developing their own home-grown, public sector/private sector programs.

Officials from several New Jersey municipalities—including Newark, Asbury Park, and Elizabeth—have visited Hoboken recently to examine the HIP blueprint. And, lawmakers interested in housing and urban affairs have been in touch with Michael Ehrmann and Martin McCarthy. The legislators say that HIP's approach to home repair just might be the prototype for housing laws of the Seventies.

INTERPRETER'S KIT MAY SAVE THE UNITED STATES THOUSANDS OF DOLLARS

Mr. TUNNEY. Mr. President, I ask unanimous consent to have an article printed in the RECORD concerning legislation which I have introduced (S. 1724) to provide for simultaneous translation of proceedings in certain district courts of the United States.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the San Antonio Light, Oct. 21, 1973]

IDEA FOR INTERPRETER'S KIT MAY SAVE THOUSANDS

(By Ed Castillo)

A San Antonio man has developed an interpreter's kit to be used in court-room procedure that could save the government thousands of dollars.

Louis F. Marquez, official court interpreter for the Federal Western District of Texas, Monday will demonstrate for the first time in U.S. District Court here a kit to help persons lacking in the English language which was developed "through sheer necessity."

RETIRED SERGEANT

Marquez, a retired senior master sergeant has been official court interpreter for two years in U.S. District Court and U.S. Magistrate's Court. He has, however, been a professional interpreter-translator for 19 years.

At the request of Chief U.S. District Judge Adrian Spears, Marquez began to jot down ideas for an apparatus which would allow him to interpret for defendants in a court room without disturbing other court officials or jury members.

Marquez discussed the matter with U.S. District Clerk Dan Benedict, who made several sketches which eventually were turned over to technicians at Southwest Sound Electronics. A compact electronic component which includes microphone jacks and four individual ear-phones was developed. The entire system fits neatly in an official Government issue brief case

Marquez first demonstrated the interpreter kit before the Senate Judiciary Sub-Committee which has been holding hearings in connection with the Bilingual Courts Act which will soon come up for consideration by the U.S. Congress.

BOOTHS STUDIED

Marquez explains the committee members had at first considered translator booths which would be installed in court rooms throughout the land at a cost of $30,000 each adding up to a total of about $500,000. The kit developed by Marquez costs $192.85.

The kit is simple to operate and to install. All that is needed is an electrical outlet. The interpreter then slips on a head-set with a small microphone. Earphones for as many as four persons can be used. The interpreter, in a low voice, translates as proceedings go ahead without interruption.

In his two appearances before the committee in Washington, Marquez has submitted the various techniques he uses in federal court here including regular or simultaneous interpretation.

Says Marquez, "For years, courts throughout the land have relied on part-time interpreters, or maybe an elevator operator or passer-by who is picked up and used in a pinch. This does not get the job done and does not offer a defendant a fair and thorough hearing or trial."

Marquez feels a court interpreter in such areas as New York, California and the Southwestern United States, is just as important in a court room as any of the other officials present during hearings or trials for defendants that do not speak or understand the English language.

Says Marquez, "The courts, at all levels, need professional interpreters that are fully qualified. It is important to have competent translators who are proficient in whatever language is required. In Texas, of course, it would be English and Spanish with the interpreter being able to interpret simultaneously."

NORMAL FEARS

In testifying before the Senate Sub-Committee which is headed by Senator John V. Tunney of California [sic, Senator Quentin N. Burdick is chairman of the Subcommittee] and is presently working on the Bilingual Courts Act, Marquez said the apprehensions and frustrations brought about by the language barrier are "awful feelings to bear during the normal course of normal living."

He declared, "But when a non-English speaking person is faced with the possibility of losing his freedom or his property, and is not able to effectively defend himself for not knowing the English language, his anguish becomes such that he could even lose his sanity to say the least."

Marquez feel the enactment of the Bilingual Courts Act, which would make court interpreters mandatory where required, will "favorably affect thousands of people in this country by allowing them to fully participate in our federal judicial system, and to enjoy the same constitutional rights that other Americans have been enjoying for years."

WAR POWER RESOLUTION VETO OVERRIDE

Mr. WILLIAMS. Mr. President, for the past 3 years, I have been a sponsor of legislation which would clarify the war powers of Congress and the President, so I am most gratified that the Senate and the House have overriden the veto of the President on the War Powers bill.

My deepest regret is that I was unable to be present to cast my vote on that override, although my position in favor of such action is recorded and my vote was not needed for the final action.

However, earlier that day I had gone out of town to accept an engagement to discuss Labor and Public Welfare Committee legislation after being assured that no votes were expected that day. When informed of the vote, I rushed back but, because of an hour delay in my flight, I arrived back in Washington shortly after the vote was completed.

I would like to take this occasion to applaud the Senate and House in passing the bill over the President's veto.

Contrary to the contention of the President, this legislation in no way prevents him from acting decisively in times of international crisis. It would leave intact our national ability to defend ourselves, our allies and our overseas embassies, bases and citizens in the event of sudden attack.

What it would prevent is a repetition of the disaster in Southeast Asia which saw an undeclared war drag on for years and years with a loss of more than 55,000 American lives and a massive toll in public confidence within our Nation.

Mr. President, I fully share the feelings of my colleagues that this bill simply states legislatively the intent of the framers of the Constitution.

By preserving to the President the power to respond to emergencies, it does not infringe on his constitutional designation as Commander in Chief, and by requiring congressional authority to commit U.S. forces within 60 days after the onset of attack or emergency, it preserves the constitutional power and obligation of the Congress to make a final determination of a declaration of war.

I regard this as one of the most important pieces of legislation approved by this Congress. It is a serious, well-reasoned legislative mandate which could avoid a repetition of tragedy in the future.

FOOD ACTION CAMPAIGN

Mr. ABOUREZK. Mr. President, American consumers have been shellshocked by this year's skyrocketing food prices. Yet, family farmers out in my part of the country still are having a tough go of it. It is a curious agricultural policy that can produce that paradox.

What is going on here? To help us understand it better, two organizations—Agribusiness Accountability Project and New Populist Action—have created a food action campaign to talk to people about a little-known segment of the food economy: the middleman. Traveling throughout the country during the past 3 months, speaking before groups in dozens of cities, the food action campaign has done a commendable job of enlightening people on the nature of today's food economy. Their message is a sound one, an important one, and I only wish more people could hear it.

Two-thirds of the consumers food dollar goes to corporate middlemen—processors, marketers, and retailers. Increasingly, that middle sector is monopolistic, and the power to squeeze both farmer and consumer. The food action campaign has revealed these interesting facts:

There are 32,500 food manufacturing firms, but 100 of those make 71 percent of the profits;

On the average, four firms in any food line will control 55 percent of the relevant market;

Already, six firms handle 90 percent of the world's grain shipment, four firms control 75 percent of the bread market, three firms dominate 85 percent of the breakfast cereal industry and one firm sells 90 percent of all soup.

That power is growing stronger. It affects every one of us. Family farmers are being squeezed out of business at the rate of 1,000 a week, despite their unmatched efficiency and productivity, with thousands more being "vertically integrated" into the corporate structure of processing and marketing firms. The Federal Trade Commission, in an unreleased 1972 staff study, found that the lack of competition in just 13 food lines had cost consumers an additional $2 billion.

Agriculture Secretary Butz tells us that the day of cheap food is over, that we will just have to get used to paying a premium for eating. But who are we paying? It's not going to be farmers. Already, the farm price of food is falling rapidly, but recent Government statistics show that the food processors and the chain grocers are not passing that drop in price along to consumers. The gap between the farmer and the consumer is growing wider.

The food action campaign is shedding light on this issue of critical national importance. It is a major public service that they are performing, and the Agribusiness Accountability Project and New Populist Action deserve the thanks of consumers and farmers alike for bringing this issue to public attention.

Having reached people with their message, the question now is whether government will respond. It is time for action in Washington, beginning right here in Congress. From passage of class action legislation for consumers, to enactment of the Family Farm Antitrust Act, to congressional review and oversight of this country's antitrust legislation, there are tools available for us to use. Thanks to the public education effort of the food action campaign, we will find it increasingly hard to avoid the issue. It is time that common people in America—consumers, farmers, workers, taxpayers, senior citizens, and others—played the major role in shaping national food policy. It is too important to leave to Earl Butz and food corporations.

Mr. President, the Agribusiness Accountability Project and New Populist Action have assembled a wealth of material on this issue, and they have prepared reports that are invaluable to all of us who are concerned about changing the direction of national food policy. So that others might benefit from the work of the food action campaign, I ask unanimous consent that their reports on consumers, on family farmers, on multinational food corporations, and on Crystal City, Tex., be printed in the RECORD, along with a statement on the food action campaign and a paper on what can be done about corporate concentration in the food economy.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WHAT IS THE FOOD ACTION CAMPAIGN

The Food Action Campaign is a first step toward dealing with monopoly power in the food industry.

Food middlemen are taking the big bite out of the consumer's food dollar, and they are taking charge of the entire food economy. Food power is much more concentrated than most of us realize, and that concentration is affecting every one of us:

Consumers in 1972 were overcharged more than $2 billion because of monopoly power in just 13 food lines.

A few food middlemen are able to hold back supplies to create artificial shortages, inflate prices and drive out competition.

As food power has become more concentrated in corporate middlemen, nutritional quality and taste have declined.

Despite their efficiency, competitive and productivity, 1000 family farmers are squeezed out of business each week, severely lessening competition in food production.

Consumers can't afford to eat and family farmers can't afford to grow, but corporate middlemen are enjoying steadily rising profits. There are 32,000 food manufacturers, but just 100 of them take 71 percent of the profits. Their take is increasing.

Consumers, family farmers, working people, independent businessmen, older Americans and taxpayers are some of the citizen groups with a direct stake in the structure of the food economy. They ought to know where concentration is leading them, and they ought to be asked the question: "Is that where you want to go?" The FOOD ACTION CAMPAIGN exists to ask that question.

Organized by the Agribusiness Accountability Project, New Populist Action and Center on Corporate Responsibility, the campaign has compiled reports on the public impacts of monopoly power in the food economy. Using that material, six public advocates have joined the campaign to address various aspects of this power: former U.S. Senator Fred Harris, Pennsylvania Secretary of Agriculture Jim McHale, San Francisco Consumer Action director Kay Pachtner, La Raza Unida party president Jose Angel Gutirrez, Harlem Consumer Education Council director Florence Rice, and Agribusiness Accountability Project director Jim Hightower.

These advocates are going to the public to deliver its findings on monopoly food power—they are addressing organizational meetings, issuing reports, holding press briefings, conducting workshops, meeting people at special events and working directly with citizen groups.

To deliver its findings in specific terms, the Food Action Campaign will focus attention on one, brand-name corporation—Del Monte, the world's largest canner of fruits and vegetables. Del Monte is not being singled out for attack, but merely as an illustration of what is true throughout the food industry.

It is not too late to restore competition to the food industry. Plenty of tools exist in

Washington to deal with this power. What is needed is a will to deal with it. That must come from the expressions of people who are both informed about monopoly food power and fed up with it.

Not only is the Food Action Campaign travelling the country to inform people about this power, but it also is asking them to express themselves. "Send Washington a Message" is the theme of the Campaign, and the public is invited to do just that. The message is simple and straightforward: take action against corporate concentration.

CONSUMERS IN A CONCENTRATED FOOD ECONOMY

Gwaltney Smithfield hams and susages are packed and advertised to evoke a feeling of the old farm place and the unrushed process of a southside Virginia smokehouse. The reality is not nearly as down home as the image—Gwaltney is owned and managed by the world's largest conglomerate, ITT.

Country goodness, made the old fashioned way, is the advertising pitch of Pepperidge Farm bakery products. The company is a wholly-owned subsidiary of the food conglomerate, Campbell Soup.

Is regional beer, brewed in the local tradition, a source of enjoyment for you? Maybe a Burgermeister, a Waldech, a Hamms or a Buckhorn? They now all belong to Heublein Inc., a Connecticut conglomerate.

Remember the Good Humor ice cream truck in your neighborhood? Now it is owned by T. J. Lipton, Inc., the makers of Lipton soup and tea. In turn, T. J. Lipton is owned by Unilever, a British-Dutch conglomerate. Two hundred years after the Boston tea party, the British again control our tea.

Increasingly, American food products are delivered to consumers by a narrowing number of powerful food firms, many of them giant conglomerates and multinational corporations. Situated between farmers and consumers, these firms are in a position to set food prices, to determine food quality and even to control food supplies. Supermarket shelves and bins are laden with hundreds of food items, but the production, processing and marketing of those products can be traced back to a few corporations operating in a highly-concentrated food industry.

The 1967 Census of Manufacturing counted 32,500 food manufacturing firms. Even though the number of firms is declining at the rate of 13 percent a year, it would seem by sheer numbers to be a competitive industry. A 1966 study by the Federal Trade Commission (FTC), however, revealed that a mere 100 of those firms had 71 percent of the industry's profits. In fact, the top 50 firms had 61 percent of the profits.

That is where food power is located, and it is with this concentration of power that consumers must deal. Fostered by government policy, that concentration is continuing. A steadily narrowing number of corporations control the flow of food from farmer to consumer—in a word, it is oligopoly.

Tenneco—which not only makes farm machinery, chemicals, fuel and food containers, but also grows, packages, markets and retails food—has an appropriate slogan to sum up its pervasiveness: "Seedling to Supermarket" they boast. Del Monte Corporation assures consumers that it can take care of all food needs "from womb to tomb."

More than 40 food manufacturers even have taken the additional step of opening up their own restaurant chains. Pillsbury, General Mills, Campbell Soup, Ralston Purina, Quaker Oats, United Brands, Green Giant and Borden are just a few of the food middlemen with arms that reach all the way to your table.

THE HIGH PRICE OF CONCENTRATION

It is not efficiency that has led these giants to control the food economy. Certainly they are not as efficient in the production stage as are family farmers. USDA reports that all economies of scale can be achieved on today's mechanized, one and two man family farm, and that optimal acreage for practically every crop is relatively small. For example, USDA reported that optimum size for a California vegetable farm was 440 acres. Yet, the average size of corporate farms that now dominate California vegetable production is 3,206 acres—eight times greater than the efficient scale. It is the consumer who pays for this excess size.

The large corporation cannot out-farm the farmer, but it can out-muscle him. Raw economic power and favorable government treatment allow such new "farmers" as ITT, Greyhound Corporation, Dow Chemical, Southern Pacific Railway, John Hancock Life Insurance and Getty Oil to dominate family farmers. "The capacity of the giant corporation to grow and grow," wrote two agricultural economists recently, "despite the lack of any real competitive edge over individual farmers in a traditional accounting sense, is the crucial difference between the corporate and the individual competitor."

Boeing aircraft might be an inept vegetable farmer, but its ability to merge, to vertically integrate, to advertise, to differentiate its product, to obtain huge sums of investment capital and to attract government subsidy is enough to overwhelm real vegetable farmers, no matter how efficient and productive they are. Consumers are the ultimate losers. By eliminating efficient family farmers, or by contractually integrating the family farmer's operation, competition in the production sector of the food economy is seriously lessened, and the power of the middleman is significantly strengthened.

Perhaps most important to consumers, in a concentrated food economy, dominated by very large processors and marketers, prices do not go down, they go up. "As concentration increases," says a study of the FTC, "the opportunities for waste and the motivation toward deception both increase." Competition is replaced by advertising gimmicks, and the price a consumer pays bears less and less relationship to the price that the farmer was paid. The added costs of concentration—such as burgeoning administrative staffs, increased advertising budgets, extensive corporate bureaucracy and inflated management salaries—most certainly are rung up on the consumer's tab at the checkout counter.

PROFITS IN THE MIDDLE

Food firms claim that they are hurting these days, hardly making any money. Supermarkets, for example, point to a modest 1 percent profit or less on an item of produce. But they neglect to report that the steady turnover of that product yields a cumulative percentage and a harvest of millions of dollars. A farmer makes a profit when he delivers a crop once or maybe twice a year; the supermarket makes a profit every time it turns over its stock, which happens some 15–20 times a year. That's 1 percent profit times 15 or more turn overs.

The Federal Trade Commission has found that in a competitive industry there is a return on shareholder's investment ranging from 5 percent up to a high of 9 percent. Any profits beyond that standard are assumed by the FTC to be the result of excessive concentration—that is, oligopoly. As shown in Appendix A, food middlemen generally are exceeding FTC's standard for a competitive industry. Supermarket chains, for example, were well beyond the 9 percent top level in 1972: Safeway returned 15 percent on shareholder's equity, Winn-Dixie returned 19.7 percent, Lucky Stores returned 19.7 and Giant Food returned 16.9 percent.

Processors and marketers also enjoyed 1972 profit returns in excess of FTC's 9 percent monopoly standard, including:

Fiscal 1972 percent return on shareholders' investment

General Mills	12.4
Hygrade	17.1
Missouri Beef Packers	13.7
Nabisco	16.0
Norton Simon	12.3
Pepsico	16.3
Procter & Gamble	17.6
Quaker Oats	13.4
R. J. Reynolds	17.2

In general, agricultural, agribusiness middlemen are doing very well today. As shown in Appendix A, their profits in 1972 were considerably higher than in 1971. And, as shown in the same Appendix, 1973 is proving an even better year for the profits of food middlemen. For example, latest 1973 quarterly reports show that Campbell Soup is up 39.8 percent over last year's profits. Esmark is up 23 percent, General Mills is up 20 percent, Green Giant is up 14 percent and Ralston Purina is up 26.7 percent.

Two things are suggested by these statistics: (1) profits are high for food middlemen, and (2) a significant portion of those high profits are the result of excessive concentration among corporate processors, marketers and retailers. It is the American consumer who is footing the bill for these corporate profits. In a 1972 study, the Federal Trade Commission found that consumers were being overcharged more than $2 billion because of monopolies within just 13 food lines.

CONTROL OF FOOD SUPPLIES

It is not just the price, but the very supply of food that is coming within the control of corporate middlemen. Through vertical integration of food production, and through integration of storage and transportation facilities, these corporations are gaining the power to limit the amount of food that gets to market at any one time. With this ability to manipulate supplies, food middlemen have the power to boost prices.

The consumer recently has had a taste of such power. Because of spring rains in the Midwest, this year's soybean crop was in doubt, thus putting a premium on soybeans that were held from last year's crop. Cattle ranchers and others needed these old-crop soybeans to feed their cattle, hogs and poultry. It turned out that 95 percent of the soybeans were being held by only three grain-exporting corporations — Continental, Cargill and Cook. Rather than selling to American ranchers and farmers, those corporations hoarded their old-crop beans and allowed domestic and foreign demand to inflate the price of them. Continental reportedly shipped some of its old-crop soybeans to Europe for use there by its integrated poultry subsidiary. The ultimate result of this manipulation will be to saddle American consumers with higher beef, pork and poultry prices.

THE POWER OF ADVERTISING

The American food supply is being industrialized. The same factory techniques and the same advertising gimmicks that Detroit brought to automobiles now are being applied to food.

With market power in the hands of fewer and fewer food corporations, pricing is becoming more and more artificial. A products advertising potential increasingly has a greater impact on prices than do factors of supply, efficiency or quality. Economists Leonard Kyle, W. B. Sundquist and Harold Guither stated the situation frankly in a 1972 article:

"The old simple concept of food as a staple, basic commodity and of a sovereign consumer with a clearly defined demand for food is being cast aside. Industry seeks to create consumer demand for differentiated products—and then to tailor the marketing and production processes accordingly. This is a process that has been used effectively in the production and marketing of automobiles, television sets, and numerous other consumer items." (emphasis supplied)

Already, food corporations have become the biggest spenders for television advertising. Total advertising expenditures in the food industry are over 4 billion dollars per year. Not only are consumers sold by advertising, but they pay to be sold—that $4 billion is passed directly to the consumers, added into their food bill.

The food industry model might well be ready-to-eat breakfast cereals. In that food line, four corporations (Kellogg, General Mills, General Foods and Quaker Oats) control 91 percent of the consumer market. The cereals are essentially the same, with only such artificial differentiations as color or shape. There is no competition on price or quality of the products, nor on the efficiency of the manufacturers. The only "competition" that exists is on merchandizing techniques, animated television commercials, radio jingles, package designs, contests and other promotional gimmicks.

The power of advertising leads to greater concentration in the food industry by limiting a potential competitor's access to the consumer. No matter how tasty, how nutritional or how efficiently-produced an independent cereal product might be, it has to compete with the multi-million dollar advertising budgets of the big four cereal companies. And because those firms spend so much on national television advertising, their ads run in prime-time slots, and they get advertising discounts ranging from 30–70 percent. Because these giants offer price discounts to supermarkets, they also are favored with special displays and choice shelf space. This scale of advertising is anti-competitive, and the consumer pays the price for that lack of competition.

In the absence of serious price competition, profit can be pursued with only minimal attention to taste, texture, and nutritional quality. Not only is the consumer paying more as a result of economic concentration, but he is also getting less. The nutritional value of the American food supply is worse now than it was twenty years ago, and the taste of many food products—from chickens to tomatoes—has declined almost beyond recognition.

Increasingly, food products require more chemists than farmers. Even the U.S. Department of Agriculture cafeteria has quit offering milk for coffee drinkers—now it is a sterilized, non-dairy "whitener" that is poured into the cup.

Given a laboratory and an advertising budget, food manufacturers are willing to remake the American diet. Given a concentrated food economy, they will be in a position to do just that. An Oklahoma-based conglomerate, the Williams Companies makes a shrimp-looking, shrimp-tasting product that contains no shrimp. According to its 1973 report to stockholders, the corporation is interested in manufacturing other such products and has a number of projects underway in its Tulsa laboratory:

"Our basic criteria applied to the selection of projects is profitability. New products must either have a mass market appeal, a wide profit margin or both. They must also be free of competition."

DEL MONTE: A CASE OF QUESTIONABLE QUALITY

In canning and freezing, the concentration of power is even greater than in other segments of the food industry. Only nine firms account for 55% of the profits. In 1972, Del Monte Corporation's sales totalled $947 million, making it the largest fruit and vegetable canner in the world—larger, in fact, than its two closest competitors combined (Stokely-Van Camp and Libby, McNeill & Libby). In domestic canned food sales alone, Del Monte came away with 16 percent of all sales of canned fruits and vegetables in the United States.

Del Monte Corporation, with an advertising budget in excess of $15 million a year, has succeeded in selling the line that its canned goods are of superior quality. But any shipment of Del Monte peaches, for example, contains the same USDA grades as those shipped under many labels that sell much cheaper. A 1969 study by the Department of Agriculture found that in half the items sampled Del Monte canned products contained less fruit and more liquid than any of the competitive brands checked. Despite these facts, and because of its advertising campaign, Del Monte can sell its goods for more than other brands on the shelf.

In fact, 12% of Del Monte's 175 products are not marketed under the Del Monte label, but instead are marketed under a variety of regional and private labels, often the house brands of supermarket chains. There is little difference in the contents or the quality of these products—Del Monte packs the same product and simply puts another label on it. Yet, the can bearing the red Del Monte shield is sold to consumers for an average of 14 percent more than private label brands.

While corporate expenses, such as advertising, are added into the consumer's food bill, corporate savings are not. Del Monte recently has abandoned its white asparagus operations in California, Oregon and Washington and moved them to Mexico, where cheap labor has reduced the corporation's production costs by 45.1 percent. But the price of Del Monte's asparagus has not gone down. None of the corporate savings lightened the consumer's load.

The story is the same in Del Monte's canned pineapple products. Labor costs involved in harvesting, canning and packing pineapple account for almost half of the total production costs. Del Monte produces and packs pineapple both in Hawaii and the Philippines for sale in U.S. supermarkets. In the Philippines, wages average less than seven percent of the average in Hawaii. Field workers in the Philippines average 15c an hour, whereas they average $2.64 an hour in Hawaii; Philippine cannery workers average 20¢ while Hawaiian cannery workers average $2.69. If other costs of production remain the same, it costs Del Monte 46.5 percent less to can pineapple in the Philippines than it does in Hawaii. Del Monte makes a big savings; consumers do not. Regardless of where it is produced—Hawaii or the Philippines—the consumer pays the same.

Buying canned goods from the world's largest canner of fruits and vegetables should not necessarily give consumers greater assurance of sanitary packing conditions. The U.S. Department of Agriculture conducts a voluntary, in-plant inspection program which enables companies to list the official USDA grades on their label. In addition the inspection program provides an extra safeguard against unsanitary processing plants, thereby helping to insure that the food products are safe for public consumption. Although 112 food processors participate in this program, Del Monte does not.

Del Monte advertises that there is "quality" in its cans. Sometimes, there is more. The Food and Drug Administration (FDA) has consumer complaints on file for 1970–1971, reporting these findings in Del Monte cans: rusty hair pins, dead bird, corn cob, whole dead mouse and wooden sticks. In the past five years alone, the FDA twice has had to exercise its ultimate action against Del Monte—seizure of shipments found packed "under unsanitary conditions."

In addition, FDA has found violations in Del Monte plants that have not led to seizures. For example, Del Monte's processing facility in Burley, Idaho was being used in 1968 while it was still under construction and not tightly protected from flies, wind-blown contaminants and insects. That same facility was canning corn with water from an untreated, unchlorinated well. These violations did not lead to seizures.

In times of high food prices, industry and government spokesmen are given to telling consumers that they just have to learn to buy more intelligently. To make intelligent food choices, however, requires information. Neither industry nor government has been aggressive about providing more consumer information. For example, despite Del Monte's catchy slogan—"The more you know about peaches the better for Del Monte"—there is really not very much a consumer can learn about the peaches, even from close reading of the label:

Del Monte does not disclose the USDA grade of its canned fruit and vegetable products. The company's label alleges that there are "quality" products inside. But Del Monte does not give the consumer any objective, standard criteria on which to judge that quality. In fact, the National Canners Association, the industry trade group in which Del Monte is a powerful force, has consistently opposed grade labelling.

Del Monte does not declare the drained weight of its canned fruit and vegetables. There is, therefore, no way for consumers to determine how much of a 14½ ounce can of asparagus actually is asparagus, not water. A 1969 study by USDA found that in 6 of 11 items, Del Monte products had the lowest drained weight of any of the competitive brands compared. Again, Del Monte's industry spokesman, the National Canners Association, opposes drained weight labeling.

Del Monte does not declare the percentage of its food product ingredients on the label. There is no way, for example, the consumer can know how much meat is in a Del Monte meat pie. Once more, the National Canners Association has lobbied against increasing the scope of ingredient labelling.

Del Monte does not utilize a system of open dating on its products to inform consumers of the product's expected shelf life.

CONCLUSION

Concentration already has occurred in many industries—automobiles, steel, fuel and others. Now that concentration is occurring in food, with such food lines as cereals, lettuce and soup already highly concentrated. Is that what Americans want? If our electric shavers are breaking down, if our family cars are being recalled, if our gasoline prices are being manipulated, if our headache remedies are deceptively advertised—should we now apply concentrated corporate power to our dinner?

Whether Americans want that concentration or not, it is happening fast. And its impacts already are being felt. We have the most productive agriculture in the world, but we are faced with the real possibility of food shortages. Our food costs more and is of lower quality than ever before. And we have the paradox of consumers who cannot afford to eat and farmers who cannot afford to grow. In the middle of it, enjoying record profits even in a time of economic controls, is corporate America.

APPENDIX A

PROFITS OF SOME FOOD MIDDLEMEN, 1972-73

Firm	Fiscal year 1972: Profits	Fiscal year 1972: Percent change in profits over 1971	Fiscal year 1972: Percent of return on shareholder's investment	1973 profits: Percent change of latest available quarter over comparable 1972 quarter
American Brands	$123,300,000	+3.3	13.0	8.0
Beatrice Foods	90,931,000	+16.0	15.0	23.6
Campbell Soup	59,633,000	−11.3	11.0	7.1
Carnation	55,854,000	+11.2	14.4	[1]12.0
CPC International	86,622,000	+68.0	17.0	−51.1
Coca Cola	190,157,000	+13.3	22.8	(2)
Del Monte	23,275,000	+9.6	9.7	46.3
Esmark	37,003,000	+8.5	8.1	42.0
General Foods	66,185,000	−44.3	8.4	6.5
General Mills	45,397,000	+3.5	12.4	[2]20.0
Giant Foods	8,416,000	+35.9	16.9	−11.2
Green Giant	6,792,000	+30.9	8.8	32.7
H. J. Heinz	42,287,000	+12.3	10.6	13.8
Hygrade	4,963,000	+34.0	17.1	(5)
Iowa Beef Processors	7,367,000	+95.2	15.1	14.9
Jewel Cos	29,866,000	+12.1	12.5	12.3
Kellogg	60,513,000	+9.9	20.8	5.3
Kraftco	$88,335,000	−3.3	11.5	80.6
Libby, McNeill & Libby	532,000	(3)	(3)	365.2
Lucky Stores	30,500,000	−.9	19.7	18.0
Missouri Beef Packers	2,359,000	+20.0	13.7	27.0
Nabisco	54,365,000	+9.0	16.0	−23.9
Norton Simon	50,487,000	+20.7	12.3	−20.2
Oscar Mayer	15,975,000	+5.5	11.5	19.0
Pepsico, Inc	71,718,000	+14.5	16.3	11.3
Procter & Gamble	276,310,000	+16.3	17.6	−6.1
Quaker Oats	34,244,000	+41.6	13.4	[4]21.0
Ralston Purina	58,246,000	+14.4	12.0	[4]28.7
R. J. Reynolds	237,471,000	+5.1	17.2	24.9
Safeway Stores, Inc	91,056,000	+13.6	15.0	−19.4
Standard Brands	44,011,000	+10.9	13.5	12.4
Stokely Van Camp	7,162,000	+8.4	6.6	8.7
Winn Dixie Stores	39,164,000	+16.4	19.7	12.2

NA — Not available.

[1] 6 months.

[2] Fiscal year 1973.

[3] Cut losses in 1972 to $532,000 (from $7,706,000 in 1971).

[4] 9 months.

[5] Not available.

FAMILY FARMERS AND CONCENTRATION IN THE FOOD INDUSTRY

The family farm is a highly competitive, enormously productive and efficient business unit which is the source of the abundant supply of good food American's count on. These farms are among the last strongholds of small scale capitalism; they are alive and performing well—if not flourishing—throughout the countryside.

Since 1952, efficiency (output per man hour) on farms has increased 330%, compared with an increase of 160% in manufacturing. That is an unmatched record for efficiency, and it has been achieved on average size family farms. Despite this efficiency, 3 million farms have been eliminated since 1943. How is this possible?

Squeezed between input suppliers that charge too much, and output corporations that pay too little, even the most efficient family farmers have a hard row to hoe. Concentrated corporate power, not competitive family farms, increasingly determines the quantity, price and even the quality of today's food supply.

Corporate America surrounds the family farmer. On one side are the agricultural input suppliers selling capital, land, seed, fertilizer, machinery, feed, pesticides, drugs and fuel. Since 1952 farmers have been overwhelmed with production cost increases of 122% while the price they receive for their products has increased only 6%.

On the other side of the farmer are the output industries that process, market and retail food products. The farmer must sell his vegetables, his hogs, his feed grains, his fruits and other commodities to these corporate middlemen. Situated between the farmer and consumer, the middlemen take ⅔ of every dollar consumers spend on food. Power among these output corporations is highly concentrated, allowing a few firms to control the farmer's access to market and to dictate what farmers will produce and what they will be paid.

According to the 1967 Census of Manufacturing, there are 32,500 food manufacturing companies. That makes it appear that food processing and merchandising is not a concentrated industry. But the large number of companies is deceiving, for a 1966 Federal Trade Commission study showed that the 50 largest companies made 61% of all the profits. The other 32,450 companies divided the left-overs.

This concentrated power comes down hard on family farmers. Nearly 3 million farmers, widely scattered throughout the country, must try to get a fair price in a marketplace that is tightly controlled by these corporate buyers. They have not been doing very well—since 1952, the cost of food in retail stores has increased by 43%, but farmers have received only a 6% increase. The middlemen have sopped up the difference.

The most insidious form of corporate domination of farmers is contractual integration. A farmer signs an advance contract to sell a certain amount of a certain commodity to a corporate buyer. Under this arrangement, the corporation is assured a regular supply of raw food, and the farmer is assured access to a market. It is tempting to farmers. In practice, however, it is destructive to farmers.

While eliminating some of the uncertainty of farming, the farmer's weaker bargaining position results in a form of contractual integration which reduces the farmer's control of his own operation. The contracts tend to be so one-sided that farmers become virtually hired hands of the corporation. The contracting corporation generally decides how a crop will be produced, what amount each farmer will produce and what price each farmer will receive.

Another common feature of the contracts is one that allows the corporation to refuse to buy a farmer's crop after it is harvested. The farmer's guarantee of a market turns out to be no guarantee at all. If farmers attempt to haggle too much over price, these powerful corporations can and do go elsewhere for their crops. Farmers have fewer options. There are usually only a handful of buyers in any one farming region, and farmers generally do not have the resources to transport their produce long distances in search of a better deal.

Processing corporations are among the major integrators of America's family farmers. For example, USDA reports that 78% of processing vegetables are produced under contractual integration, with another 10% produced directly by the corporations. Again, this is concentrated corporate power coming down on farmers—there were more than 1,200 processors of fruits and vegetables in 1967, but the top nine of those firms took nearly 55% of the profits.

The terms of these contracts differ from crop to crop and from company to company, but the trend definitely is toward more corporate control of day-to-day farming decisions.

Food processors routinely develop new seed strains for use by their hired farmrs, they research and develop new machinery for crop production and harvesting and they stipulate the timing, amount and kinds of chemicals applied to crops that end up in their cans.

The world's largest canner of fruits and vegetables is Del Monte Corporation, accounting for at least 16 percent of canned food sales in the U.S. Del Monte also is a multinational corporation, with steadily growing sales in foreign countries. Larger than its next two competitors combined (Stokeley-Van Camp and Libby, McNeill and Libby), Del Monte is the industry leader.

Del Monte's enormous power is felt by farmers throughout the fruit and vegetable regions of America. Especially affected are the 10,000 farmers in 15 states who are directly under contract to produce for Del Monte. Del Monte's contracts are very specific, including detailed clauses on "care of the crop." The farmers' decision-making power is restricted, and sometimes the corporation's production controls reach absurd levels. An example is that Del Monte will not accept fruits and vegetables with too *low* a level of insecticide residues, even if the farmer can demonstrate that his crop was kept free of pests by non-chemical means.

The major flaw in the concept of contractual integration is that farmers and most farmer associations lack power to bargain effectively in contract negotiations. As a result, the contracts heavily favor the processors. There is legislation in Congress to assure more bargaining strength for farmers. Del Monte, through its trade association that lobbies in Washington, consistently has opposed such measures.

This processing giant exemplifies the kind of corporate power that is crushing America's family farmers. A look at Del Monte's policies in just one commodity—asparagus—illustrates what this power can do.

ASPARAGUS—DEL MONTE STYLE

According to the 1969 Census of Agriculture, 3,210 commercial farmers grow asparagus. Those growers operate in a buyers market—Del Monte is the largest of the top three canners that account for 45% of the total canned asparagus produced. Del Monte is the pace setter in this industry and can set the terms, essentially non-negotiable, for its asparagus purchases.

On a regional basis, the concentration is even greater. Asparagus canneries are located in six states: California, Delaware, Illinois, Michigan, New Jersey and Washington. In each of these, one or two canners dominate the asparagus market, buying most of the crop produced near their plant. Technically, a farmer can deal with a canner in another state, but in reality they cannot afford to transport their perishable asparagus the long distances to another market. The farmer is stuck with whoever is close.

A sample of Del Monte's power over asparagus farmers is its contractual prerogative to determine whether any given delivery is of "good quality and condition for canning." There is no third-party evaluation. Any part of the delivery that does not meet Del Monte's approval is exempted from the price agreed to in the contract. In 1972, 8% of the asparagus crop was rejected in this manner. The cannery price for "acceptable" asparagus that year was 23¢ a pound. The asparagus that was culled out by Del Monte's inspectors was bought by them for .0005¢ a pound. The decision whether the asparagus is worth 23¢ or .0005¢ is up to Del Monte. The farmer has no option—under the terms of the asparagus contract, if Del Monte wants the "culls" the farmer cannot take them elsewhere.

Although the corporation pays a pittance to farmers for their "inferior" asparagus, it uses these culls profitably. The farmer may give the stuff away to Del Monte, but Del Monte certainly does not give it away to consumers. It is often these rejects that Del Monte packages and sells as asparagus soup, asparagus cuts and asparagus tips.

ASPARAGUS—MEXICAN STYLE

Contracts may give Del Monte a sense of security, but farmers should not rest easy. With its global perspective, Del Monte is prepared to pull up its American stakes anytime the grass looks greener elsewhere, leaving farmers and their communities in economic chaos.

Asparagus growers in this country, long under contract to Del Monte, are chagrined that the processors are making a major move to Mexico. In 1969, less than 2% of the asparagus marketed in the United States was imported. Two years later, the figure was 8% and rising.

Del Monte has been the prime instigator, financial backer and major purchaser of the Mexican asparagus crop. Del Monte and one other firm cans over 90% of the Mexican crop. American farmers used to produce white asparagus for Del Monte's cans—now, Del Monte gets all of its white asparagus from its Mexican operations.

Green asparagus is probably next, because farming and processing in Mexico is financially lucrative for Del Monte. It is possible there to rent farmers very cheaply, to pay farm workers 23¢ an hour and to pay cannery workers 27¢ an hour. The Mexican government helps out by giving Del Monte a 10% tax credit on canned goods exported from Mexico. These considerable savings allow Del Monte to purchase, process and export asparagus for 40% less in Mexico than it does in the United States. But Del Monte does not pass its savings along to the consumer. Canned asparagus imported from Mexico sells for the same price as U.S. grown and packed asparagus.

The 3210 farmers and 34,500 farm workers engaged in the production of asparagus in this country have reason for concern. If Del Monte continues to abandon the domestic asparagus industry, thousands of farmers, farm workers and cannery workers will lose their livelihood. San Joaquin County, California, is the leading asparagus-producing county in the nation. A study was made there on the impact of losing their asparagus industry. It estimated that the unemployment rolls would increase by 17% and taxes would increase $1.7 million in that county alone. There are 22 other counties in the nation whose economies would be drastically affected by a collapse of the domestic asparagus industry.

America needs family farmers. It needs their skills, their creativity and their industriousness. It also needs their independence. To remain productive and efficient, family farmers must be free of corporate exploitation. They must retain their entrepreneurship. Del Monte, along with other processors and corporate integrators of farmers, works against this need. It is their profit interest to lock the production sector in to the corporate complex. Given a concentrated food economy, and given the multi-national economic power of a Del Monte, the corporate integrators are in a position to work their will.

THE MULTINATIONALIZATION OF THE AMERICAN FOOD SUPPLY

"By 1985," states Harold Perlmutter of the Wharton School of Finance, "some 300 super-giants will dominate business, producing more than half the world's industrial output." By the year 2000, according to some business analysts, only 80 corporations will account for 90 percent of world production and services. But we don't have to wait until the year 2000, or even 1985, to understand the crushing impact of this new breed of economic superpowers—the multinationals.

Nominally based in one country, but with far-flung empires stretching across the globe, multinational companies cannot be identified with any particular nation. "The political boundares of nation-states," according to William L. Spencer, President of the multinational First National City Corporation, "are too narrow and constricted to define the scope and sweep of modern business." Standing above and beyond the nation-states, these highly mobile supernational corporations are creating a new world order to be run out of corporate boardrooms rather than national capitals. But while governments are supposed to be concerned with the economic and social well-being of their citizens, multinational corporations owe their allegiance only to a narrowly defined vision of corporate interest. When a conflict arises between that corporate interest and the larger interests of a nation and its citizens, the interests of the corporation come first.

It is not just oil or sewing machines that have fallen subject to the global interests of the multinationals. It also is our food supply.

Wonder Bread, Gwaltney bacon and Morton pot pies are subsidiaries now of the far-flung multinational ITT. Unilever, a British-Dutch conglomerate, not only owns America's Lipton Tea, but also the Good Humor ice cream company. Nestle, known here for its chocolate candy bars, is a Swiss-based food combine that now owns Stouffer frozen dinners and 56 percent of Libby, McNeill and Libby.

Even the raw food supplies of this country increasingly are in the hands of multinational companies. These giants sell American foodstuffs to a global market, not just to American markets. The highly-concentrated grain industry, dominated by six multinationals has recently given consumers a taste of their power. It was reported in June that just three of these international traders—Cargill, Continental and Cook—were holding up to 95 percent of the soybeans remaining from last year's American crop. Those old-crop soybeans were badly needed at the time by American cattle ranchers and feedlots.

But these world powers did not sell. They held out their soybeans while foreign demand steadily inflated the price. Continental reportedly shipped some of the soybeans it held to Europe for use there by its poultry feeding subsidiary. As a result of this world-wide manipulation, American farmers could not get feed at a reasonable price, and American consumers will not be able to get beef at a reasonable price.

Del Monte Corporation, the world's largest canner of fruits and vegetables, typifies the increasing global vision of food industry multinationals. Del Monte is larger than its next two competitors combined (Stokely-Van Camp and Libby, McNeill and Libby) and accounts for at least 16 percent of all canned fruit and vegetable sales in the United States, its sales in foreign countries are growing steadily. Already 24 percent of Del Monte's canned goods and 35 percent of its fresh produce are sold outside of this country. In 1971, a Del Monte official predicted that within five years the company's overseas business will account for 55 percent of a projected $1 billion in annual sales.

Today Del Monte has invested some $60 million in farming, processing and marketing facilities in over 20 foreign countries, and it is organized to sell its products in more than 100 countries. Del Monte may be headquartered in San Francisco, but its other corporate addresses include Canada, Kenya, Venezuela, Taiwan, Brazil, South Africa, Italy, Guatemala, Japan and the United Kingdom.

DEL MONTE'S PINEAPPLE CONNECTION: SO LONG HAWAII, ALOHA PHILIPPINES

Del Monte recently announced the intended closing of its Molokai, Hawaii pineapple operations, while at the same planning to expand its Philippine and Kenyan pineapple production. A look at what this means to Hawaiian citizens shows how we have allowed a private, multinational corporation to wreak economic and social chaos in an entire Community, perhaps an entire state.

Pineapple production has been a mainstay of Hawaii's economy since the turn of the century and is now the state's second largest agricultural industry (sugar cane ranks first). Hawaii's pineapple sales totaled $127 million in 1972. The industry employs 6,200 year-round workers and 12,000 seasonal workers, who together earn $52 million in annual wages and spend an additional $32 million with local businesses, providing jobs and generating income for thousands of other Hawaiians.

In 1950 Hawaii produced 72% of the world's pineapple. It now produces less than one-third. Hawaii's actual pineapple production remained fairly stable until this year—only its share of the world market decreased in the face of a rapid expansion of foreign pineapple production. Del Monte has been the primary force behind that expansion. In 1926 Del Monte began operating a pineapple plantation and cannery in the Philippines. Since then, Del Monte has continued to export U.S. technology and know-how which has helped push the Philippines into its current position as a major supplier of the world's pineapple markets. The Philippine Packing Corporation, a Del Monte subsidiary, is the largest food company on the islands.

Now that the Philippines and other parts of the world can take over, Del Monte and other major pineapple processors are abandoning Hawaii as the source of their raw material. Dole Company, a subsidiary of Castle and Cook, has joined Del Monte in announcing its plans to close out operations on the island of Molokai. Dole will also reduce its acreage on the island of Oahu, and Stokely-Van Camp will close out its pineapple growing operations this year on the island of Kauai. The phasing out of Molokai and Kauai, and the reduction of acreage on Oahu will drop the state-wide acreage in pineapples about one-third—from 62,300 acres in 1972 to 40,000 acres in 1975. It also means that by 1974 there will be only three pineapple companies operating in Hawaii, compared to the nine operating in 1950.

The main reason that Del Monte and other corporations are abandoning their Hawaii pineapple production is the cheap cost of labor elsewhere. While Hawaiian plantation workers earn $2.64 an hour, Del Monte pays its Philippine plantation workers 15¢ an hour. Hawaiian cannery workers get paid $2.69 an hour, compared to the 20¢ an hour Del Monte pays Philippine workers for the same job. Even if all other costs of production remain the same in the Philippines, Del Monte saves 47% of canning pineapple there rather than in the United States. Del Monte makes a big savings. The American consumer does not. Regardless of where it is produced, consumers pay the same price for a Del Monte can of pineapple.

The impact on Hawaii of the loss of much of its pineapple industry will be catastrophic. The Hawaiian government, not blind to the consequences of such a disaster for the state and its people, bent over backwards to keep Del Monte and the other pineapple companies happy in Hawaii. What was good for Del Monte, figured the Government, was good for Hawaii:

Del Monte, through the industry's trade group, the Pineapple Growers Association (PGA), asked for no state action on raising the minimum wage in Hawaii. Result: The minimum wage bill was defeated in the state legislature.

PGA asked for the transfer of pest control research from the privately financed Pineapple Research Institute to the tax-supported University of Hawaii College of Agriculture. Result: Legislative approval of the transfer.

PGA asked for administrative and legislative action to make ocean transportation less costly. Result: A legislative resolution requesting the Federal Maritime Commission and a private navigation firm to exempt pineapple products from a general increase in U.S. Pacific/Hawaiian trade rates.

PGA asked for "realistic" environmental quality standards. Result: The Hawaii State Department of Agriculture has embarked on a $30,000 study to prove to the Environmental Protection Agency that crop-residue burning is not a significant contributor to the islands' air pollution problem.

PGA asked for a number of state tax exemptions—the chief one being a 50% reduction on real property taxes not just for a five year period. Result. The Hawaii legislature passed legislation which could be used by Del Monte and other companies to achieve a 50% reduction on real property taxes not just for five years, but permanently.

Despite Hawaii's generous efforts to keep them there, Del Monte and the other pineapple companies are continuing to close down their island operations. From the Hawaiian experience, state and federal government can learn one lesson in dealing with the multinational corporations: They really can't be appeased. Even if every single demand they make is met, the multinational corporation still will opt for another country if they think the pickings are better.

When the multinational abandons a community, it never bears the cost. Del Monte, for example, will simply deduct the costs relating to the closing of its Molokai plantation operations from its federal taxes as a business expense. Del Monte's Hawaiian workers and the communities dependent on their wages are not so fortunate. Estimates are that on the island of Molokai alone the unemployment rate could rise to 60%, which would have a tremendous "ripple" effect on thousands of Hawaiians: the loss of local purchasing power, which would lead to even greater unemployment; the shrunken tax base of the community; the expanded welfare rolls; the depressing effect on wages of a pool of unemployed labor; the disruption of the social stability of the community.

These communities made a real investment in Del Monte without which the company would never have been able to come to Hawaii profitably in the first place. Roads, sewers, power, water, schools for the children of Del Monte management, an agricultural college that provides training and research—all these things and more were provided with local tax dollars for the benefit of Del Monte. Yet when Del Monte skips town, it leaves the local community holding an empty investment.

THE DEL MONTE MEXICAN SHUFFLE

American farmers used to produce white asparagus for Del Monte's cans, but now the company gets all of its white asparagus from south of the border. Del Monte has been making a major move into Mexican asparagus production since 1969. At that time less than 2 percent of the asparagus marketed in the United States was imported. By 1972, only three years later, imports already made up 8 percent of total U.S. asparagus consumption.

Del Monte is largely responsible for this increase. Del Monte and one other firm alone can over 90 percent of the Mexican asparagus crop. Today it is white asparagus which is labeled "Packed in Mexico." Green asparagus, which comes basically from the same plant, probably is next, because farming and processing in Mexico are financially enticing to Del Monte. When such a multinational decides that the 23¢-per-pound paid to American farmers for asparagus in 1972 is too high, it simply moves across the border to Mexico. Farmers rent cheaply there—Del Monte can buy their asparagus for about 10¢ a pound.

The corporation also saves on labor by skipping the country. Farm workers in California can earn $3.75 an hour for harvesting asparagus, while Del Monte can pay their Mexican counterparts only 23c an hour. Del Monte pays its Mexican cannery workers 27c an hour, compared to the $3.37 an hour average paid cannery workers in California. The Mexican government even helps out by giving Del Monte a 10 percent tax credit on canned goods exported from Mexico. These considerable savings allow Del Monte to purchase, process and export asparagus for 40 percent less in Mexico than it costs in the United States.

Del Monte's high-salaried executives and the corporation's big shareholders might be ecstatic over their Mexican savings. But did anyone consult the 3,210 farmers and 34,500 farm workers engaged in the production of asparagus in this country about the company's move to Mexico? If Del Monte continues to abandon the American asparagus industry, thousands more farmers, farm workers and cannery workers will lose their livelihood. San Joaquin County, California, is the leading asparagus-producing county in the United States. A study made there on the impact of losing their asparagus industry estimated that the unemployment rolls would increase by 17 percent and taxes would increase $1.7 million in that county alone. There are 22 other counties in the nation whose economies would be drastically affected by a collapse of the domestic asparagus industry.

Concerned about the likelihood of this possibility, the asparagus growers of California, Washington and Oregon recently requested that the U.S. Tariff Commission investigate the nature and extent of the threat to the domestic asparagus industry by the increase in foreign imports. Del Monte, as a domestic producer and canner of asparagus, responded to the Commission's inquiry by stating that the Corporation "has not experienced unrealistic competition from foreign imports of canned asparagus . . . and that the current rate of duty appears to be sufficient to preclude serious foreign competition in the product." Nowhere in the Corporation's written reply did it reveal that Del Monte itself is the major importer of canned asparagus into this country, and that any increased tariff assessment would come out of Del Monte's coffers.

American-based multinational companies that flee this country and then dump their products back into the U.S. like to have us believe that the consumer benefits from lower prices of imports. But the fact is that canned asparagus imported from Mexico now sells for the same price as U.S. grown and packed asparagus. Del Monte, not the consumer, reaps the excess profits from its Mexican shuffle. Moreover, the multinational status of Del Monte puts it in a better position to corner the American asparagus market and ultimately to set any price it wants for asparagus. American-based multinationals have often moved into a foreign country to monopolize a product there (which U.S. anti-trust laws are supposed to prevent them from doing in this country) in order to dump that product back on our market and knock out American competition.

Pricing is not the only concern which American consumers should have about Del Monte's Mexican operations. Growers and processors in Mexico are not subject to the same health and sanitation standards and inspections as are those in the United States. Although there is a spot-check inspection at the border on all goods coming into the United States, this procedure in no way guarantees compliance with standards which are enforced in this country.

The U.S. Government, through its tax policies, actually subsidizes the foreign movement of American-based multinational corporations, such as Del Monte. One such subsidy is the foreign tax credit that allows American-based multinationals to subtract taxes paid to foreign governments dollar-for-dollar from their U.S. tax liability, which means in effect that American taxpayers are footing the bill for the foreign taxes of multinational corporations.

American consumers have long been accustomed to an abundant supply of high quality food at reasonable prices. The family farm, with its unmatched record for efficiency, has been the reliable source of that plentiful food supply. Today, though, the family farm is struggling to survive in an agricultural economy increasingly dominated by corporate suppliers, food manufacturing firms, retailers, and conglomerate competitors.

Multinational corporations present a special threat, the nature of which has yet to be fully recognized. If the family farm is squeezed out in a multinational game of musical chairs, all Americans will pay the ultimate price: a highly-concentrated, highly-industrialized agriculture dominated by corporations with no particular loyalty to American consumers. It means that the American public will have lost control of its food supplies, food prices and food quality.

Crystal City, Tex.—A Del Monte Company Town

The main road entering Crystal City, Texas is highlighted by a bold sign that proclaims, "Crystal City—Spinach Capital of the World." This promising introduction, however, is sharply countered by the desolate interior of the town, whose streets are unpaved, dusty, and lined with unprosperous dwellings. The highway sign does not exaggerate; rather it brings into relief the discrepancy between the real contribution the town makes to the food industry and the paucity of returns gained by its labor.

Crystal City is the county seat of Zavala County, a region which annually generates $14 million worth of farm products. The town's inhabitants grow, harvest and pack the spinach which accounts for a substantial portion of a giant corporation's sales, amounting, in 1973 to $946 million. But, in classic company town style, the City is in the grip of an industry which grows rich off its resources and manpower and which chooses not to contribute to the town's welfare, either through taxes or adequate wages.

The "Spinach Capital of the World" depends for its survival upon Del Monte, world's largest canner of fruits and vegetables. Since coming to Crystal City in 1946 the company has expanded its Zavala County operations until today it owns 22.5 acres of industrial site, including a processing plant, a can manufacturing plant, a warehouse, a sewage treatment plant and 3,600 acres of irrigated farmland in the county. Del Monte is by far the major business in the area—it is the biggest employer in Crystal City and it is the primary marketing outlet for farmers in the surrounding countryside.

At city hall, one is a little startled to find a statue of Popeye standing defiantly at the entrance and serving as a reminder to the locals of their dependence upon the company product. Del Monte donated this pugnacious symbol, the only visible evidence that the city has benefitted from its role in production of the corporation's wealth.

Despite the duration and importance of Del Monte's presence and its continued use of city-financed services, Del Monte is not and will not consent to be a corporate citizen of the municipality. The two shiny, modern plants which are located precisely on the northwest border of town—and which stand in marked contrast to the impoverished area they visually and materially dominate—can thus hold themselves unaccountable for the effect they have on the Crystal City community.

Crystal City officials want to annex the Del Monte plants property. Del Monte would then be required to contribute to the city coffers, increasing the city's property tax revenues ($157,705.12 in 1972) by 8% or $11,987.61.

Del Monte, nearly a billion-dollar-a-year corporation, is vigorously resisting the annexation. It claims that, as major employer in the area, it contributes sufficiently to community welfare. Del Monte employs over a fourth of the Zavala County work force, offering 70 full-time jobs in its farming and processing operations and seasonal, part-time employment for an additional 800 workers. Unfortunately, employment with Del Monte "supports" the people of the community at barely a sustaining level. Del Monte pays from $2.12 an hour to $3.09 an hour for processing work, and $3.56 an hour for work in the can manufacturing plant. If these wages were for full-time employment, workers would have incomes ranging from $4000 to $6800 a year. However, most Del Monte employees are not full-time workers. The economic status of Del Monte's town is reflected in the Census statistics for 1970: 49% of all workers in Zavala County earned less than $4000 a year, and 43% of all families had incomes below the official poverty level.

Moreover, Crystal City officials suspect that a large proportion of the company's employees are not Zavala County residents, but Mexican nationals who have travelled up from the Mexican border in a seasonal search for work. When asked by city representatives to supply a list of the names and home addresses of employees, Del Monte refused to divulge such information.

There are other ways in which employment with Del Monte is a mixed blessing. The company has exerted control over the political involvement of its employees by keeping them from the polls and by discriminating against those engaged in activities which Del Monte considers politically unfriendly. During the 1963 municipal election, Del Monte fired six of its workers who were wearing campaign buttons supporting candidates of La Raza Unida, the Mexican-American political party in Texas. In view of the fact that 81% of the county's residents are Mexican-Americans, Del Monte's retributive action has threatening implications for most of its work force.

In both the 1963 and 1973 municipal elections the corporation kept its processing workers overtime so that they were unable to go to the polls to vote. In 1963 a call from James Hoffa, then president of the International Brotherhood of Teamsters, to Del Monte's San Francisco headquarters was necessary to release the workers in time for them to reach the polls. But in 1973, the Crystal City Del Monte plant manager failed to return several calls from the City Manager; the workers stayed on the canning lines from 7 a.m. to 7 p.m.—throughout the hours the polls were open.

Most of all, Crystal City is concerned about the conditions for work within the Del Monte plant. Inadequate weather proofing makes the processing plant hot in the summer and cold in the winter; noise levels are feared harmful; toilet facilities are inadequate; workers are harassed if they sit down while working (although there are stools adjacent to the canning lines; finally, Del Monte refuses to consider the judgment of an independent doctor when assessing a worker's physical complaints and eligibility for company health benefits.

On September 24, 1970, the Teamsters contract representing the processing workers in the Del Monte plant was up for renewal. There was some movement among the workers to reject the contract. Del Monte managers called the workers into one of the company's warehouses; doors and plant gates were then locked. In this curious setting, the workers were told to vote "yes" or "no" on the Teamster contract. More curious yet, the "no" ballots were to be put into a separate box.

Only six workers consented to vote under those conditions. After much heated arguing, the rest of the workers demanded to be let out. They were, but the vote was taken anyway—Del Monte and the Teamsters declared the contract renewed on the basis of six votes.

In response to these highhanded tactics and to the conditions under which they labor, Del Monte employees have formed their own union: Obreros Unidos Independientes (United Independent Workers). Del Monte has refused to recognize the workers' union, even though there are now only four dues-paying Teamster members out of an original 257.

Headquartered in San Francisco, Del Monte officials have proven less than friendly "neighbors" in Crystal City. Not only does it set up its plant outside of the town, thus avoiding taxes, but it also does not make substantial plant purchases from local businesses and it makes no effort to move local residents into management positions. There is no Chicano employed above the line level in Del Monte's Crystal City plant, even though there are local Chicanos clearly capable of management positions.

It is a matter of corporate attitude. One Del Monte official referred to Crystal City as his company's Siberia. Crystal City is important to Del Monte only for its exploitive potential—monopoly of the region's raw spinach market, highly favorable tax structure, cheap water, cheap labor. It is like the coal companies in Appalachia and the timber companies in the South—take the wealth of the region and give the locals a statue of Popeye. When Crystal City residents began to voice complaints, the corporation moved in with a bevy of corporate lawyers. Del Monte is too big and too far removed to be bothered with the human and community needs of an outpost like Crystal City.

Del Monte consistently has reacted to city government and union pressure by threatening to pull their operation out of Crystal City and relocate in more compliant territory. If in fact Del Monte does abandon Crystal City, as it has a couple of its other company towns, Crystal City residents may have no other alternative than to join the other 30 million Americans who have had to flee from the nation's rural areas in the last thirty years.

As rural America increasingly has become the dominion of corporate agribusiness, its small towns have dwindled from the bustling market centers and thriving communities they once were. The wealth generated by their surrounding fields, farms and stockyards no longer is recycled through the local Main Street, but instead is siphoned off to Wall Street or Fremont Street by those corporations which now control the supply and distribution of the nation's food.

Crystal City—the county seat of Zavala County, southwest Texas—is one town engaged in a struggle with such corporate power. By fighting, the town's people risk being abandoned by their major source of employment. But their alternative is to remain a company town, accepting the debilitating realities of such an existence.

Del Monte is bigger than the town. Whether or not Crystal City succeeds in its demand for a better deal, Del Monte will continue to prosper.

Corporate Concentration in the Food Economy—What Can Be Done?

Food power is much more concentrated than most of us realize, and that concentration is affecting every one of us. On the average, four firms in each food line control more than half the relevant market. There are 32,000 food manufacturing firms, but only 100 of those make 71 percent of the profits.

Because of this lack of competition, consumers are being overcharged billions of dollars annually, food supplies are being manipulated, food quality is on the decline, more than a thousand family farmers a week are squeezed out of business and food middlemen are enjoying soaring profits.

Do we want concentrated, corporate control of our food economy? That is the basic question being posed publicly of the Food Action Campaign. Monopoly power already runs most of our other industries. If our automobiles are being recalled, if our headache remedies are deceptively advertised, if our gasoline supplies are manipulated, if our charge cards are a bureaucratic jumble—why let monopoly power mess with our dinner?

It is a relevant question, for there still is time to take action against concentration in the food industry. In many food lines, corporate control is not complete, but it is growing steadily stronger. If people learn what is happening in the food economy and choose to oppose it, they can make a difference. We can have a better food policy if we demand it.

Mr. ABOUREZK. There are plenty of tools in Washington to deal with concentrating corporate power. What is needed is a will to deal with it. Public officials must be made to know that people want action against the trend toward food monopoly. If there is a will, there certainly are ways. Here, for example, are 25 ways that action could be taken:

Vigorously enforce existing anti-trust laws to break up monopolistitc power extant in today's food economy.

Increase the budget, staff and authority of the Federal Trade Commission.

Take a hard line on all corporate mergers in the food industry, giving particular consideration to mergers that increase vertical integration.

Take anti-trust action to break up monopolistic concentration in the agricultural input industries.

Immediately initiate a hard-nosed, FTC investigation of the degree and nature of corporate concentration within the food industry, including special consideration of the non-competitive impacts of advertising, vertical integration and conglomeration.

Take action, based on that investigation, to restore competition to the food industry.

Allow class action suits as relief for consumer damages in the food industry.

Publicly negotiate all consent decrees arising from FTC action, and require ample opportunity for public comment.

Enact requirements for nutritional labelling, grade labelling, drain weight labelling and open dating on canned food products.

Fire such illegitimate consumer officials as Virginia Knauer and Nancy Steorts and create a fully-independent consumer agency with adequate authority to protect consumer interests in government programs.

Appointment of legitimate, consumer representatives to all boards and advisory committees related to the food industry and to agricultural programs.

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Immediately fire Agriculture Secretary Earl Butz, and replace him with someone less representative of corporate agribusiness and more concerned with the welfare of family farmers and consumers.

Adopt a strong national policy committed to support of the family farm.

Limit acreage set-aside payments only to family farmers, excluding any corporation with more than $3,000,000 in non-farm assets.

Enact bargaining provisions to assure family farmers a fair negotiating position with food middlemen and to help restore independence and competitiveness to the food production sector.

Prohibit farming by large-scale, non-farm corporations and conglomerates.

Assure public maintenance and management of reserves of basic food grains to be stored during over-production and released during shortages.

Restructure land grant college research and extension programs so that the direct focus of those tax expenditures will be on family farmers and consumers, with special attention to the competitive needs of low-income farmers.

Disallow any expenditure of federal money on a food corporation that discriminates on the basis of race or sex in its employment practices.

Limit federal government food purchases (4 billion annually) to those firms that are competitive, giving priority to independent food manufacturers.

Remove tax loopholes that encourage multinational food corporations to abandon American communities and that allow them to avoid paying their fair share of taxes.

Prohibit corporate and urban investors from using farming losses as a tax write-off against their non-farm incomes.

Allow no more than half of food advertising expenses to be deducted from corporate income tax as legitimate business expense.

Enact rigorous new disclosure requirements to assure adequate public information on corporations involved in the food economy.

Conduct a public examination of the capital structure of the food economy, with particular attention to the ownership of retail food chains and of beef feedlots.

LEAGUE OF WOMEN VOTERS OF ILLINOIS PRIVACY SURVEY

Mr. ERVIN. Mr. President, I have for many years been concerned about the dangers Government computers and recordkeeping systems pose to individual privacy. Many of my colleagues here in the Senate share this concern, and have joined in calling for increased protection of individual privacy from the actual and potential abuses of recordkeeping systems.

To my mind, the defense of privacy must ultimately rest in the awareness of individual citizens about the dangers posed to their freedoms by increasingly sophisticated recordkeeping systems. I was, therefore, extremely pleased to learn about the excellent survey of recordkeeping in Illinois recently conducted by the League of Women Voters in Illinois.

I would like to take this opportunity to commend the Illinois League of Women Voters, and their civil rights and liberties committee in particular, on their thoughtful and thorough work. It seems to me that this is exactly the type of grassroots, local effort which is essential to the safeguarding of personal privacy.

I hope that civic organizations elsewhere in the Nation will follow the good example set by the League of Women Voters in Illinois, and set to work finding out about and seeking to eliminate the dangers to individual privacy posed by all types of recordkeeping systems.

For the information of my colleagues here in the Senate, as well as groups and individuals who may wish to conduct similar surveys in their own States and localities, I request unanimous consent that the "Policy Statement on Privacy and Recordkeeping" of the League of Women Voters of Illinois, together with excerpts from the materials developed by the Illinois league in the course of their survey on recordkeeping, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LEAGUE OF WOMEN VOTERS OF ILLINOIS—CIVIL RIGHTS AND LIBERTIES CONSENSUS POLICY STATEMENT ON PRIVACY AND RECORDKEEPING, MARCH 1973

The League of Women Voters of Illinois has expressed a strong concern for the right of privacy of the individual in the collection, storage and use of personal information about himself by governmental and private organizations.

The League acknowledges that while the keeping of records is necessary for both public and private organizations, it is essential that the records be accurate, current, purged at regular intervals, and that only pertinent and objective information be recorded and used. It is also essential that the individual be aware of the existence of records about himself, the information contained therein and his rights relative to them. The League believes that confidentiality of all records, not legally required to be public, is paramount, and that persons handling them must work under professional standards.

The League believes that the individual's civil rights and liberties include the right to know that such records exist, to examine and amend them, and to be informed of their use. Further, before any information is released to a third party, his authorization should be obtained. Only through subpoena power and specific court order should federal, state and local government agencies have access to records of banks, credit bureaus, schools and other public and private organizations.

Although controls at the federal level would be the most effective, there should be control sources at state and local governmental levels as well. In addition to legislative controls, the League believes that public opinion and professional ethics are important controls, although not sufficient in themselves. Policy guidelines at the state and local levels should be used in areas such as schools, welfare agencies, libraries, banks, law enforcement agencies. All of these control sources should delineate quality, quantity, accuracy, currency, objectivity and relevance of record collections. They should also establish procedures for individual access, correction and purging. They should provide penalties for the mishandling of records.

Similar controls should apply also to information in data pools, when records can be individually identified. There is the need to fix responsibility for the accuracy and use of pool data either with the contributing agency, the pool or both.

When considering the privacy of public officials and candidates for public office, the League approves disclosure of financial information relevant to possible conflicts of interest in accord with the Illinois Governmental Ethics Act of 1972.

LEAGUE OF WOMEN VOTERS OF ILLINOIS—PLANNING THE LEAGUE YEAR 1972–73, JUNE 1972

To: Civil Rights and Liberties Chairmen.

From: Doris Bernstein, State Civil Rights and Liberties Chairman.

Our study this year will be in the area of privacy, and that area of privacy particularly related to the collection, storage, retrieval and use of personal information about people. We will be working in some uncharted areas and possibly uncovering some fascinating facts—and I hope you will agree with the state committee that we have an exciting and instructive year ahead.

Our authors tell us that much loss of PRIVACY these days is unavoidable because today's complex society requires extensive record keeping on every individual. They further tell us that guidelines and legislation in the areas of public/private privilege of information are greatly lacking, particularly in the areas of the "new technology," i.e., electronic computers and data banks.

The first step in our study is a tried and true League technique—we have to gather information (data collections?). You will be asked to do a series of questionnaire interviews in your communities with those persons and public and private organizations which collect and keep and use or sell personal information on people. These would include banks, schools, credit bureaus, law enforcement agencies, etc. You will then be asked to evaluate these questionnaires and return all the information to us so that we can fashion a statewide survey. This has never been done in this area; so there's no way to foresee all the interesting information this material might turn up.

Such a job has several purposes that we can see right now. One, of course, is the use of such information to illuminate conditions on which we may wish to take action. But, in addition, just taking the survey carefully should sensitize you, your League, your community and the interviewees to the endemic nature of personal records and some of the privacy problems connected with them.

Your state committee has worked out a questionnaire and will be trying it on appropriate state agencies such as the Attorney General's office, Superintendent of Public Instruction, Department of Public Aid, the Retail Credit Corporation, the Credit Information Corporation, and possibly some banks and insurance companies. We are in the process of doing this now so we can give you the results at an early date.

* * * * *

You will note that our study this year will not involve the questions of privacy invasion connected with the collection of personal information, i.e. surveillance, wiretapping, searches and seizures, etc. This is not to say that these are not issues of equal importance in the privacy field. Certainly all of our authors address themselves to this issue.

But because this whole area is both broad and deep, the committee decided to study only the collections and their uses at this time, partly because of work load, and partly because there are more legal safeguards about collection than about dissemination. We may certainly want to look into collection methods and privacy as a further study.

We do ask, in our questionnaire, in what manner agencies and organizations get their information simply to document the different methods now in use. But this will not be part of our study and consensus this year.

EVALUATION FORM—JULY 1972

This form is to be used in conjunction with the Survey on Record Keeping. Use a separate evaluation form for each interview.

League.

Organization interviewed.

1. Do you think the organization is collecting more information than it needs? That is, is it collecting non-essential or too detailed information?

2. Has it been community experience that the stated policies of privacy protection of records as stated by the agency or person to you are in fact adhered to?

3. Do you feel the organization has indicated concern for the security of its records and the privacy of the individuals whose records it maintains?

4. Has the interview left you with any concern about areas of possible invasions of privacy in this instance?

SURVEY ON RECORD KEEPING

Interview questions

I. Describe generally the kinds of records you keep on individuals.

A. What categories of persons are covered? (check)

Students.

Employees.

Job Applicants.

Customers.

A particular segment of public with which agency is concerned (as with police or welfare).

Other (list).

B. How are individuals identified in your records? (check)

Name.

Social Security number.

Special coding.

Other.

C. What kind of information is kept (on the individual)?

Student profile (grades, discipline, I.Q. personal evaluations, etc.).

Race.

Religion.

Political affiliation.

Medical data.

Organization memberships.

Arrests.

Convictions.

Personal finance (income, loans, home ownership, etc.).

Test results (aptitude, personality, I.Q., polygraph, etc.).

Occupation.

Social security number.

Morals (drinking problems, sex habits, etc.).

D. Do you have information on the individual's record which you classify confidential? If yes, for what reasons?

E. Record Maintenance.

1. Could you describe in what form your records are kept? (Electronic storage and retrieval, machine coded, manual, etc.).

2. What are your standard procedures for

a. verification of original input?

b. regular review for:

Updating of records?

Correcting of records?

Purging of records?

3. Even though purged locally, are your records or any part of them retained elsewhere for use? If so, where?

For how long?

Why?

F. Approximately how many names do you carry in your records?

II. What are your sources of information?

A. Applications for credit and employment?

B. Accumulated as part of your operation? (school performance, employee personal files, customer relations, etc.).

C. Public records? (vital statistics, school records, court files, welfare rolls, etc.).

D. Restricted or otherwise private records? (credit bureaus, schools, investigative organizations, law-enforcement records and tax records [IRS, FBI], etc.).

E. Other? (list)

F. To what extent is this information acquired through data banks or other electronic or systematic equipment?

G. Are sources of information identified on individual records or in any other manner?

III. Use of information.

A. Is this information used by your organization for:

1. Statistical purposes (analyzing past performance, projecting future requirements, etc.)?

2. Specific individual purposes (aid in determining action with respect to individual such as in a job, in school, for credit, or for governmental action [court action, removal of a license, etc.], etc.)?

3. Commercial purposes (to sell or rent information such as done by credit bureaus and mail houses) If yes, to whom?

4. Other (list)

B. Is the information available to persons or organizations OUTSIDE of your organization?

1. To private persons or organizations? (credit bureaus, customers, employers, insurance companies, anyone from the general public)

2. To governmental agencies on local, state or federal levels? (law enforcement agencies, welfare agencies, IRS or other tax bodies, other government investigative agencies)

3. What is the procedure for outside organizations/persons to obtain information from your records? (Written requests, code numbers, personal or phone contacts?

4. Is this information provided on a regular basis?

5. Under what circumstances would you refuse to furnish information to any persons or organizations?

C. If your records are computerized, is there a provision for exchange or hookup within the organization or with other organizations or a central clearing house? How? With whom?

IV. Controls.

A. What, if any, are the controls on use of your information within the organization?

1. Is access to information restricted to a specific person? To whom is it accessible?

2. Is there any difference in access depending on the kind of information stored; that is, is confidential information less accessible?

3. If access is limited, are there specific safeguards to guarantee that your controls as to use or access are followed?

4. Is a log kept on—

a who uses the record at any particular time?

b. kind of information extracted from the record at any particular time?

5. If your records are made available outside of your organization, is there a procedure for notifying recipients of the information of any substantive revisions in the records?

B. What, if any, are the controls on use of your information by the individual whose record you maintain?

1. Is he notified or otherwise made aware of the existence of his record with you?

2. Is he informed of the use made of his record both within and without your organization?

3. Is he notified when outside organizations or persons request information about him from your records.

4. Is his consent asked or required for any use of his record?

5. Are there procedures for the individual to inspect? correct or amend? purge his record? What are they?

6. May he inspect any log kept on his records? (See IV–A–4 above)

C. What, if any, are the controls on use of your information by regulation or law?

1. Are there any regulations or laws that guide or restrict you relating to the collection, maintenance and use of information on individuals?

2. Do you follow any enunciated codes of conduct, internal policy procedures, industry standards or professional ethics relating to the collection, maintenance and use of such information?

V. General questions.

Do you think there is a need for legislation, regulation or policy positions—

1. to help you protect the privacy of your records? If so, what kind?

2. to standardize procedures for collection, storage and use of personal records? If so, what kind?

3. to limit your potential liability to an individual affected by the use of this information? If so, what kind?

B. Electronic equipment.

1. If you do not use electronic equipment for data collection, storage and retrieval, do you foresee using it in the near future?

2. If you are presently using such equipment, could you explain how its use has been beneficial?

If it has not been beneficial?

3. Do you think the use of such electronic equipment gives greater or lesser protection to the security of your records than the conventional method of handling data? Why?

Attach an evaluation form to this survey and mail to the State Office by October 1, 1972.

OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION, STATE OF ILLINOIS—NOVEMBER 1972

Kinds of records

Section I The OSPI keeps records of everyone having a teaching certificate. The record includes college record, credits, certification, service records (years of service, location, subjects taught, salary) and records of the Teacher Retirement Board (length of service, payments). The office also maintains OPSI employee records.

Files are identified by name, social security number, certificate number; service records are filed by district. Files contain information on TB tests. Arrests and convictiions are recorded; questions of moral qualifications are judged by the county superintendent. Certification is subject to revocation for morals or felony convictions after certification board hearings. Files also record teacher income, test results.

Information on age, address, and salary is considered confidential. Only information given out is regarding certification or noncertification. Files are stored on tape and manually. Files are verified to the point of checking college transcripts. Service records are purged annually, but are retained in the archives of the state for an unknown period. Records are updated annually via information from the individual teacher. Records are purged at death.

Active files on 500,000 certified teachers are kept. The person interviewed did not know the number of service records kept on file.

Source of records

Section II The only source of information on the individual is the individual application.

Use of records

Section III Information in files is used for statistical purposes, for research, in salary negotiations, and as a record of certified teachers. There is no commercial use. Only a school superintendent or school board may have access to the file, and then only information relative to qualification. However, information is available to federal and state agencies with reference to address, certification, salary. Outsiders may have information only for qualified research.

Controls

Section IV Within OPSI there are no restrictions on access to information, and minimal safeguards. Information on felons and/or certification being appealed are kept separately with minimal security. There is no log on use of files—An individual is not notified if inquiries are made regarding his

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record, except where qualifications are challenged. An individual may inspect, correct and purge a record by submitting evidence for change.

It is purely a matter of internal policy as to what controls are placed on the use of records.

General

Section V The person interviewed does not feel any need for legislation, regulation or policy positions to guide practices regarding collection, storage, use or protection of privacy of records.

Electronic equipment has added to efficiency in issuing certification and retrieving information. It provides greater protection to individual data (manual data is easier to secure), but less protection to total data since it is more easily compiled.

ILLINOIS DEPARTMENT OF PUBLIC AID

Kinds of records

Section I. Agency keeps records on approximately 988,000 assistance recipients. Records are of two types: case records in narrative form are kept in manual files in local offices; computer-stored information is kept in the state office building. Records include information on age, sex, race, religion, household numbers, need for assistance agency-supplied items, residence in Illinois, income, education, aptitude test scores, occupation, social factors, marital status.

Records are identified by name, special coding and, recently, social security number. All records are classified confidential, but by law and on written request, the list of name, address and amount of public assistance is open to anyone, with the reservation that users are subject to prosecution if information is used for political or business purposes. Records are also subject to subpena by the courts.

Files are reviewed and updated every four months (family records) or every 12 months (individual). Information is not often purged because of shortage of manpower. Canceled cases are removed from the files, but are kept in storage awaiting federal audit; then they are destroyed.

Sources of records

Section II. Information for the files is obtained from applicants for aid, public records and other verified sources. School records are used in education referrals. Little comes from data banks. Sources of verified information are recorded.

Use of records

Section III. Records are used for the specific job of public aid, statistical and administrative purposes; there is no commercial use. Public aid register lists are published monthly. Records are sent to HEW and USDA. The records are subject to subpena. There are reciprocal arrangements with other states for the purpose of locating "responsible" relatives.

Controls

Section IV. Records are available to all employees at the welfare department and there are no restrictions on information. Exception: records on employees who receive assistance through the local office; these records are kept in county administrator's office.

The director did not believe any additional special safeguards were needed, based on past experience.

A sign-out sheet records who is using a file. A recipient is aware of his file, but it is not available to him, but he may appeal for a hearing anytime a decision is made that effects him. He may inspect the factual record. not narrative entries. Only oral consent is needed if use of his file is required.

General

Section V. The law provides against such use by outsiders. The same law would apply to staff. Director believes there is no need for such restrictions on staff because policy protects case information.

Without electronic equipment, it would be impossible to operate the files. The chief believes electronic equipment gives greater protection to records since fire and security protection are built in.

BANK

Kinds of records

Various types of banking accounts: savings, checking, trusts, mortgage, international banking, loans. Information on file varies with type of account; e.g.—with individual installment loans, bank keeps total financial picture—why loan wanted, identification, employment, previous credit record, references, income (by bracket); commercial accounts, current finanial statement and list of corporate officers, etc.

Employees records include in profit: medical check by bank doctors, including specifics on drugs, organization membership, arrests, schools and grades, personal finance (e.g. mortgage), aptitude tests and, if considered necessary for promotions, psychological tests. Identification is by social security number, drivers license (considered more important), signature card with birthdate (since signature varies with age). Employees are fingerprinted and photographed and record goes to F.B.I.

All records are held confidential.

Applications for bank accounts and employment are in manual files; financial data in computer. Verification of information is based on degree of service sought. Files are purged based in own printed schedule recommended by legal and audit departments. Employee records are retained for five years after leave. There is a retention center for inactive files and a complete duplicate file in Harvard, Illinois, retained in event of disaster.

Files include approximately 5,000,000 accounts and 6,000 employees' files.

Sources of information

Applications are the prime sources. Cook County, Evanston, and Chicago credit bureaus are used for verification; telephone and rent or mortgage payment patterns and personal references are used as backup verification where needed.

Uses

Strictly for banking purposes. Only very occasionally for internal statistical use. No selling of information. No hook-up with other organizations. (Bank does not give loan lists to credit bureaus.) Gives out only reference information in client's interest. (e.g. establishing credit for opening charge account.)

No other information is given except by court order. Requests must be in writing.

Controls

Files are locked, have an alarm system and armed guard. Access to computer files is directly limited to computer staff. With proper identification and justification, any employee can gain information. Computer department head is in charge; his authorization is needed to use files. Employee records have a specific person in charge; only specific information is given. If a file is subpoenaed, the customer is notified in writing before file is turned over to court and is told of his right to seek restraint on subpoena.

A customer has access to financial information in file, but not application.

Controls exercised are house rules, not legal ones. Controls are based on professional ethics seeking to protect privacy, on guidelines of banking institute, on recommendations of auditors and legal department.

General

The person interviewed would like to have laws backing up and supporting the protection of privacy of files. The first bank to require a court order for revelation of information from records has gone to court to try to protect subjective material in files from subpoena.

Computers have added speed and efficiency. The bank believes computer files are more secure than manual, since only a specialist can read the information.

The bank has objected to "reporting" aspect of Bank Secrecy Act and has long practiced record retention as prescribed in the Act.

RETAIL CREDIT COMPANY

Retail Credit Company supplies information to businesses concerning individuals applying for insurance, credit and employment. The company has more than 300 branch offices with files on 45,000,000 people. About 7% of their business is in employment reports; the remainder is in life, auto, personal, property insurance and in credit reporting.

Information kept in the company's reporting files include identification, employment, reputation, morals, drinking habits, finances and character. All reports are marked confidential.

The information gathered by Retail Credit Company is largely subjective and does not lend itself to electronic data processing. The reporting files are stored manually in file cabinets. The files for each branch office are kept separately at that location and not at a central location.

Adverse information must be substantiated from two unrelated sources. Subjective adverse information such as character must be verified again before reuse after 90 days. Most records are destroyed after 13 months. Most of the remainder are discarded within three years. The company complies with the Fair Credit Reporting time limits on reporting adverse information.

The company employs its own field investigators, checks bankruptcies and court reports and clips newspaper articles. Sources of information are identified on files.

Retail Credit Company sells information only to its regular accounts. These are business firms with a continuing need for this information. They cooperate with law information agencies including the FBI to the extent allowed by the FCRA.

Reports are issued only in written form and rarely over the telephone. The record of reports issued is kept in the individual file. All employees have access to the files and are made aware of the responsibility in the area of privacy and also of legal penalties for the use of misinformation.

Retail Credit Company conforms to the FCRA provisions for notification, disclosure and correction of files.

The company official interviewed pointed out that the cost factor insures no unnecessary information is collected by Retail Credit Company. Businesses are paying only for what they need to know. Prompt, accurate information is essential to the business economy. Too many requirements for notification and express consent would slow down the ability of the business to act and this would not be in the consumer's best interest, the company feels. In addition, surveys commissioned by Retail Credit Company show that the public is not overly concerned about the possible invasion of privacy in this area.

INSTITUTE FOR EDUCATIONAL RESEARCH

(A PRIVATELY OPERATED CENTER FOR EDUCATIONAL RESEARCH)

As an adjunct to educational research activities, this center provides a computerized record-keeping service to member school districts. Students are identified by code number on the computerized record, which also handles and stores financial data, budgets, program budgets and scheduling. The records on each student may include grades, IQ scores, personal evaluation as recorded on a standard form, and "family census" information, as the district chooses. Race and religion might be included if required for government programs.

All information is confidential; the center stores and processes it; but would need permission to use it for research projects, and then would use only student number, not names. Each member district is responsible for verification of the initial input, as well as review, updating of information and corrections. All student records are purged within a year, although the districts may keep the printouts indefinitely.

The center now keeps records on approximately 35,000 students for six districts. The capacity of the machine is 200,000 or 300,000. The information stored can be retrieved only by the district from which it came. If member districts wish to exchange information, they can do it only by obtaining a printout and exchanging manually. Anyone outside the district would have to obtain a court order to receive the information.

Specific safeguards of privacy include code numbers for individual files and code numbers for each terminal in a member district. Some employees have access to codes, but they are informed of the necessity for privacy. Under the present system it is not possible to exchange or receive information from another computer.

The member district does not notify individuals of these records; a Board of Education represents the individuals in giving consent when it approves participation in the program and also may approve other use of the records if it wishes. Inspection of the records by parents or students is not necessary because everything in them (with the possible exception of IQ records) was originally either provided by them or the contents known to them in some form, the director says. Any legal restrictions in this area would apply to the member districts.

The director believes that there should be a statutory limitation on the right to subpoena information concerning students. He says that the record-keeping operations fall within the Russell Sage Foundation Guidelines and have made possible a great deal of analysis, particularly in the area of finance, which would not otherwise be economically feasible for them.

The director believes that electronic storage and retrieval give greater security protection than information stored in file drawers because accessibility is easier to control with the use of codes; the routinized procedure and logs give additional protection; the cost of snooping would be much higher. His opinion is that high costs would deter school districts from keeping more information than necessary, from keeping it longer than one year, and from including information received from outside sources.

FEBRUARY 19, 1973.

To: Civil Rights and Liberties Chairmen.
From: Doris Bernstein, State Chairman.
Re: Illinois Department of Finance, Management Information Division.

This week three members of the state CR & L committee in company with the state League legislative chairman met with the deputy director of the Department of Finance of Illinois. Mr. John Gentile is in charge of the Management Information Division which *keeps on its computers the records for 30 state agencies!* In addition, he is the project director for *Project SAFE*, an IBM funded study project conducted at the State of Illinois Data Center. Project SAFE is to be a comprehensive study of how to deal with the privacy, security and integrity of data collections.

THE MANAGEMENT INFORMATION DIVISION

This division of the Department of Finance maintains, as noted above, the complete records of thirty state agencies. Not included, at this point, are records from the state and local law enforcement agencies and the records from the Secretary of State's office. These are on separate computers.

The source of all of the information maintained in these computers is the original agency itself; no information is fed to the computer by any other source. The information in the computer is the property of the agency which contributed it, and the agency head is responsible for its accuracy and its use.

At the present time there is little exchange of information within the computer which is used largely on a shared time basis by the agencies. Any "linkage" would have to be agreed upon by the heads of whichever agencies desired it. We were told that such "linkage" would be advantageous, making it possible to cross-check and correlate the files. There is now exchange of information outside the computers, and the director feels that privacy could be better ensured if any such exchanges took place within the computer.

PROJECT SAFE

A study is currently underway, funded by IBM which has supplied the more than $50,000,000 worth of computers used in the state government. This study, duplicated in several other sections of the country, is directed by Mr. Gentile and his assistant, Mr. Robert Caravella. They designate their study "a pragmatic interdisciplinary approach to ensure privacy of information in a computer environment." The basic assumption of the study is that "privacy of information" can best be assured by minimizing the exposure to the following six problem areas: apathy, negligence, extortion, lack of data integrity, theft, and lack of ethics or ideological values. The study covers many technical aspects of security as well as practical and philosophical concepts for maximum preservation of individual privacy, and how to effect both privacy and security.

The study began with a computer search of the Illinois code extracting legislation which contained specific key words relating to privacy (confidential, secret, disclosure, etc.). This indicated that all existing legislation concerning protection of privacy is written into specific programs. The Director foresees and may propose *omnibus* legislation which would impose controls on government data collections, and hopefully private collections.

Drafting of such legislation has not yet begun, although it may come this year. It would contain provisions covering notification, correction, access, purging, logs, relevance, security, and use (or non-use) of social security numbers. Barring successful legislation, the Director could propose an executive order covering the above which would only cover government records.

Needless to say we found ourselves on the same wavelength with the Director and the project and, pending our consensus, indicated our direct interest and possible support. We were greatly heartened by the real concern expressed by this state division, and IBM for funding the project.

In the security planning stages now, software is being designed which will control access (possibly by a frequently changed code word) to reveal immediately any unauthorized attempt to extract information from the machine. Logs are now being kept but are so voluminous as to be unusable; but plans are being made to make exceptional use readily apparent on the log.

Project Safe has also employed a Chicago lawyer whose specific job is to plan a series of guidelines, workshops, public relations seminars, classes, etc., to inform and teach all persons in state government working with record collections on computers about privacy and security. She also looks forward to League participation. She asked us to consider these two questions:

(1) If we could get to all the levels of state employees who are responsible for record keeping to set the guidelines for their use, what would we want them to do and know?

(2) What do we think the people of Illinois need to know about the records being kept on them in the state?

How it took us a half a year to find the largest and most comprehensive data collection organization in the state is beyond comprehension! But we have it now, and we've made good contact. They're involved in a study that's right down our alley. It's quite exciting.

AUGUST 1973.

To: Civil Rights and Liberties Chairmen.
From: Mary Ann Randby, State Civil Rights and Liberties Chairman.

Senator Ervin hos certainly been doing his part to keep Civil Liberties before the public. And now, no doubt you've heard of the report of the advisory committee to HEW, which provides excellent support for many of our consensus positions regarding privacy and record keeping.

A copy of the *Summary and Recommendations of the HEW committee* is enclosed, as entered in the Congressional Record by Senator Ervin. It should make exciting reading for those of you who struggled to prepare your Leagues for consensus last year. In this mailing you will also find the *Final Analyses of your interviews with record keeping organizations* in Illinois (over 300 interviews).

This HEW Committee Report, our statewide interviews, and your own League's experience conducting local interviews should give you strong backing for our position on Privacy and Record Keeping. Familiarize yourself with the HEW summary and recommendations as well as the final analyses, and review the record of your local interviews. (If your League was not able to do local interviews with record keeping organizations last year, just work from the final analyses.)

* * * * *

The HEW advisory committee recommends the enactment of a federal "Code of Fair Information Practice" for all automated personal data systems. The Code rests on *five* basic *principles* that would be given legal effect as "safeguard requirements" for automated personal data systems:

(Note the parallels to our Position on Privacy and Record Keeping, March 1973).

1. There must be no personal data record-keeping systems whose very existence is secret.

LWV position: "It is essential that the individual be aware of the existence of records about himself."

2. There must be a way for an individual to find out what information about him is in a record and how it is used.

LWV position: "The League believes that the individual's civil rights and liberties include the right to know that such records exist, to examine and amend them, and to be informed of their use."

3. There must be a way for an individual to prevent information about him that was obtained for one purpose from being used or made available for other purposes without his consent.

LWV position: ". . . before any information is released to a third party, his authorization should be obtained."

4. There must be a way for an individual to correct or amend a record of identifiable information about him.

LWV position: "(Controls) should establish procedures for individual access, correction and purging."

5. Any organization creating, maintaining, using, or disseminating records of identifiable personal data must assure the reliability of the data for their intended use and must take precautions to prevent misuse of the data.

LWV position: ". . . control sources should delineate quality, quantity, accuracy, cur-

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rency, objectivity and relevance of record collections . . . They should provide penalties for the mishandling of records . . . Similar controls should apply also to information in data pools, when records can be individually identified. There is the need to fix responsibility for the accuracy and use of pool data either with the contributing agency, the pool or both."

This report should make us proud of the conclusions we reached and even more confident in working for their actualization.

* * * * *

Among the HEW committee's recommendations, pending the enactment of a federal code of fair information practices, was that state and local governments, the institutions within reach of their authority, and all private organizations adopt the safeguard requirements by whatever means are appropriate. It is this *need for state legislation* which you should discuss with your state legislators. As Alan Westin told us last year, state laws are necessary until such time as federal legislation can be passed, and can in fact be a powerful impetus to federal legislation.

This is a fairly new area for legislation, and legislators listen for public interest in an issue. It's up to you to bring this to their attention, and to let them know that the League of Women Voters of Illinois is vitally interested. You might quote the HEW Report that "it is becoming much easier for record-keeping systems to affect people than for people to affect record-keeping systems . . . and individual's control over the use that is made of personal data he gives to an organization, or that an organization obtains about him, is lessening."

We do not have specific legislation we are supporting at this time; no comprehensive legislation has yet been introduced. At this time we are simply asking you to discuss the subject and our position with your legislators, and to find out how aware they are of the problem and how supportive they might be of state legislation to protect privacy in governmental or private data collections, and in the Illinois School Code.

* * * * *

Our "bible" on school records, the Russell Sage Guidelines, is not now available from the Russell Sage Foundation. Since so many of you were interested in affecting school records policies, we are printing the Russell Sage Guidelines for your use. You will receive three copies in the September Presidents' mailing, and additional copies can be purchased. If you are planning to work for the adoption of a local school board policy on records, you might begin by supplying every school board member and school administrators with a copy of the Russell Sage Guidelines, a copy of our final analysis of school interviews, and an explanation of our position and concerns. (Russell Sage Guidelines are recognized as the ideal in the profession, and they offer solutions to many of the administrative problems involved in the implementation of a privacy policy.)

While we're talking about schools, are you familiar with the resolution adopted by the Illinois Congress of Parents and Teachers, Spring, 1972? This could lead to some allies for action in your community.

Whereas, the Illinois PTA has always agreed that no child should be labelled during his school years and after

Whereas, the Russell Sage Foundation predicts that computerization of school records will become nearly universal during the 70's

Whereas, school files may not always be fact but subject to the interpretation of the student by school personnel and

Whereas, there are dangers inherent in a system of record keeping which denies the right of challenge

Now, be it resolved that the ICTPT support the right of the student and his parent to have access to any files maintained by the school relative to the student and the right to challenge them where necessary.

* * * * *

Many of you raised questions about the Illinois Juvenile Officers Information File at Rolling Meadows, as a result of your interviews with police departments. (See the report on State Committee interview with File Director, November 1972.) The Juvenile Officers Information File is now being transferred to the jurisdiction of the Department of Law Enforcement. In a letter to the Chairman of the Illinois House Appropriations Committee dated May 31, 1973, Mr. Harvey N. Johnson, Director of the Department of Law Enforcement, made the following statements.

"I would like to clarify two procedures which this Department intends to implement when we acquire the responsibility of maintaining a Juvenile Officers Information File.

"First, all names of juveniles who have reached age 17 will be cut off the cards annually, or when a specific card is observed during a routine transaction. I have asked the Superintendent of the Bureau of Identification to receive specific permission from the State Records Commission to do this.

"Second, the parent of any juvenile whose name is entered in the file will be notified of that fact."

We will keep you up-to-date on any information we receive about this File.

FINAL ANALYSIS OF RECORDKEEPING INTERVIEWS, CIVIL RIGHTS AND LIBERTIES COMMITTEE, AUGUST 1973

BANKS—46 SURVEYS

Typical information kept

Name, address, occupation. Personal finance records: amount of information depends on whether the customer is applying for a loan or merely opening an account. Social Security number: bankers say this is a federal requirement. Account number or special coding to identify the customer.

A few banks (nine) require medical data; some have records of arrests, as well as information about morals, as a result of reports they obtain from credit bureaus.

Outside of the applicant himself, a bank's most common source of verification when processing a loan account is the credit bureau. Most of the reporting banks consider the information they keep on their customers confidential.

Access to material

Credit bureaus have the greatest access to a bank's information; almost all reporting banks said they freely pass information to credit bureaus.

Aside from credit bureaus, information is divulged to different degrees; the only consistency is that "some legitimate reason" is required. Most banks will not divulge information to individuals, only to organizations. Most require a written request for information, while ⅓ will give information over the telephone to an identified source. The overwhelming majority of responding banks do not inform the customer of all requests for information from the outside, especially credit bureau reports. A substantial number of banks stated they get blanket permission from the customer to give out information at the time of application.

Most banks will give information to the IRS or other government agencies only with a court order. Most will inform the customer if the IRS makes a request.

Professional ethics and legal guidelines

The diversity of answers regarding controls was astounding. Two stated there were no laws or regulations regulating banks' handling of individual records. The rest agreed there were regulations: some just mentioned "laws" in general, while others were more specific. The most commonly mentioned (11 banks) was the Fair Credit Reporting Act, while 7 banks mentioned the Truth in Lending Act. Others mentioned the Bank Secrecy Act, FDIC regulations, and Treasury Bureau Law #901500.

Professional codes of conduct were also varied: American Banks Association standards, Bank Administrator's Institute standards, professional ethics, Robert Morse Association Code of Ethics.

These interviews produced no common understanding of how these laws and professional ethics specifically related to the privacy of individual records.

CREDIT BUREAUS—21 SURVEYS

Typical information recorded

Identifying information: name, address (present and previous), social security number, wife's name.

Occupation, employer, salary (present and previous).

Personal financial information: bank loans, department store charge account records, paying habits.

Public record: arrests and convictions, bankruptcies, judgments, litigations.

Investigative reporting for personnel and insurance purposes might also include morals, organization memberships, student records.

Five bureaus do not keep records of either arrests or convictions, and five more keep only convictions. Nearly all report only arrests whose dispositions are known, even though the law and industry guidelines ask merely that they make "reasonable" efforts to determine disposition.

Some larger bureaus regularly update their file with reports of department store charge account transactions. In general, smaller bureaus are regularly notified of past due accounts by their members, or check status with stores when an inquiry is received.

Procedures for handling and use

Information is sold to "members" who have signed contracts and declared their purpose in receiving credit information. Legitimate purposes, defined in general by the Fair Credit Reporting Act, include credit, insurance, employment and business dealings. An individual can receive a report from some agencies, even for a one-time inquiry, if he signs a contract card of intent.

The Fair Credit Reporting Act forbids the use of credit bureau files for government investigative purposes unless a court order is obtained. Unless they have a legitimate use for a report, such as licensing, hiring or granting credit, government agencies should only be given identifying information about a subject, limited to name, address, former address, employer, former employer. However, only six of the bureaus state that this is their policy with regard to government investigations, and several state they cooperate with any law enforcement or government inquiries.

The Fair Credit Reporting Act outlines an individual's control over his records: he must be told its contents upon request, can ask for corrections or include a statement in a dispute. All bureaus interviewed stated they comply with these provisions.

The Fair Credit Reporting Act specifies length of time derogatory items may be reported, generally seven years (bankruptcies for fourteen years). All seem to comply with this.

Professional ethics and legal guidelines

The Fair Credit Reporting Act of 1971 regulates the activities of credit bureaus. No interviewers questioned compliance with its provisions regarding the individual's access to his record, or regarding time limits on reporting detrimental information. Some interviewers felt bureaus were less careful about being sure that reports are for legitimate purposes as defined by the Fair Credit Reporting Act.

The Association of Credit Bureaus publishes guidelines for its members, who represent a large portion of the industry. These guidelines typify the goal of credit reporting as "an opinion-free, objective record of a person's usual manner of payment of each credit account." They encourage full compliance with FCRA provisions, regular purging of files, and open communication between the consumer and the credit bureau. Bureaus responsive to current trends seem to follow these guidelines.

Many smaller bureaus still continue such practices as retaining subjective information, "buddy system" of sharing information, purging on a sporadic basis, if at all, and a suspicious, secretive attitude toward consumer questions.

Bureaus which do investigative reporting for employment and insurance purposes often make reports which are far from "opinion-free, objective" accounts, and the sources of such subjective information do not have to be identified under current FCRA provisions.

LIBRARIES—29 SURVEYS

Typical information recorded

Application information: name, address, phone, age (juvenile), occupation or business address. Only three record social security number, and one records the sex of the card holder.

Records of over-due books, fines, and habitual non-returners. Circulation records.

Procedures for handling and use

No libraries keep a record of all the books a patron borrows. Circulation records only show who has borrowed a particular book. If the library uses a *transaction slip* system, this record is accessible only until the book is returned. If the library uses *book card* system, a history of who has borrowed the book is compiled until the book card is filled and a new card is made. Seven libraries report a transaction slip system.

All librarians agreed that circulation records should be confidential, citing their professional ethics. No libraries sell information to outside organizations, and most give information to government agencies only by court order.

The concern most mentioned by librarians (five of those interviewed) was that the use of computers might result in keeping records longer and in sharing access with other agencies. (N. B. This is not a necessary by-product of computerization, but depends on the computer program. If confidentiality is the intent of the program, information could be deleted as soon as a transaction is completed, and access can be limited in many ways. The willingness is all.)

Professional ethics and legal guidelines

There are no laws regarding the confidentiality of library records.

Only three of the libraries surveyed had their own formal policy statement on confidentiality of records. Most librarians stated they follow the American Library Association policy on the confidentiality of library records.

All the librarians interviewed stress that their professional ethics require that they keep circulation records confidential. The American Library Association has issued strong statements on this position, as well as other aspects of intellectual freedom, and these specific positions were clearly evidenced in these interviews.

Statement of American Library Association Council

The American Library Association Council strongly recommends that the responsible officers of *each library* in the United States:

1. Formally adopt a policy which specifically recognizes its circulation records and other records identifying the names of library users with specific materials to be confidential in nature.

2. Advise all librarians and library employees that such records shall not be made available to any agency of state, federal, or local government except pursuant to such process, order, or subpoena as may be authorized under the authority of, and pursuant to, federal, state or local law relating to civil, criminal or administrative discovery procedures or legislative investigatory power.

3. Resist the issuance or enforcement of any such process, order or subpoena until such time as a proper showing of good cause has been made in a court of competent jurisdiction.[1]

POLICE DEPARTMENTS AND RELATED LAW ENFORCEMENT AGENCIES—62 SURVEYS

Information recorded

Police departments record a variety of information in such files as: Case file: kept by file number, includes investigating officer's complete report. Incident files: by type of incident or offense. Arrest record card: by individual, can become quite inclusive.

Worth particular note are the master index files maintained in eleven departments interviewed. These master index files include the names of all persons in contact with the department, whether for filing a complaint, witnessing an accident, or being charged with a felony. Many interviewers questioned this co-mingling of complainants and criminals.

Also pertinent is the fact that nearly all agencies record the social security number of persons arrested, and 28 agencies report that they use social security number for identification.

Most police records are kept indefinitely, never purged.

Many agencies have access to the state Law Enforcement Agency Data System (LEADS) and the National Crime Information Center (NCIC) through leased teletype terminals in their own departments or neighboring departments. This system can provide, within seconds, information on stolen articles, missing and wanted persons, registered firearms, drivers licenses, and automobile licenses. In the future, the LEADS system will provide criminal history information.

Some agencies submit and receive information on juveniles from the Illinois Juvenile Officers Information File at Rolling Meadows.

PROCEDURES FOR HANDLING AND USE

Some agencies have a record clerk who controls internal access to records. In other instances, the senior officer on duty is in charge of records. Sometimes all police personnel have access on a "need to know" basis. Usually juvenile officers control access to juvenile records. Records are generally available to all other agencies within the criminal justice system.

There is little agreement on how available law enforcement records should be outside the criminal justice system, with the exception of juvenile records which are confidential by law. Some agencies furnish information to credit bureaus, insurance companies, banks, employers, IRS, military intelligence. Other agencies frown upon or forbid furnishing information without a signed authorization or a subpoena. Statements about the confidentiality of records ranged from "police records are kept closed to the public" to "all are public records."

Only a few laws were mentioned by respondents as covering the keeping or sharing of records in law enforcement, such as the Juvenile Court Act, the Public Information Act, and the Freedom of Information Act. However, no common understanding of the specific effect these laws have on the confidentiality of records became evident through these interviews. Fourteen agencies felt the need for legislation to help protect the privacy of their records. Many interviewers doubted that records were as confidential as some agencies maintained.

SCHOOLS—71 SURVEYS

Information recorded

Most districts keep *two* levels of information.

Permanent record card: grades, courses taken, dates of attendance. This information is kept indefinitely and is generally available to teachers and staff. Student workers often have access to these. This information may be provided to colleges, employers, credit bureaus, insurance companies, usually with the written consent of parent or student.

This card may also include IQ scores, standardized test scores, unsigned teacher ratings, notation of special information available elsewhere on the student (such as psychological consultation).

Confidential file or files: personal information on student, teacher or counselor evaluations, personality or psychological test scores and other psychological information; test scores; disciplinary information. Confidential records are usually stored separately in locked files in either principal's, dean's, or guidance counselor's office. These are accessible only to professional staff directly involved with students. Very few districts give teachers direct access to psychological reports. Most districts now allow parents to see these (and IQ scores) with interpretation.

Most districts report that information designated "confidential" is supplied only with written permission of the student or parent, or in response to subpoena.

Confidential records in most districts are destroyed within five years after graduation, often sooner.

A law which required that disciplinary suspensions be itemized by name for the information of school board members was passed two years ago, and repealed a year later. Some school districts still continue this practice.

(Health records are confidential, stored separately in the nurse's office in most districts.)

Despite the standards of confidentiality expressed, no logs are kept on persons using the files or what information they extract, even where access is supposedly highly restricted.

Existing Policies

Only 11 districts reported that a school board policy determines the handling of student records. In none of these 11 districts did the interviewers report a serious concern over the standards of confidentiality, and none of their interview reports include the inexplicit or qualified answers to questions concerning access ("probably not", "mostly refuse", "maybe to police," "reluctant to give out test scores", "administrative decision") which appear throughout many interviews.

Several of these policies reflect the influence of the Russell Sage Foundation Guidelines. These guidelines recommend three levels of confidentiality rather than two, specific conditions of access and challenge, logs, and purging. They also offer solutions to many of the administrative problems involved in the implementation of a privacy policy.

In the balance of districts many administrators said that "professional ethics" and the "Illinois School Code" guided them in record handling. In actuality, there is no legislation in Illinois concerning handling of student records, nor did any administrator report any required education courses or in-service training bearing on the subject.

Concerns

Concern was most often expressed by League interviewers that standards of pri-

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[1] Means that upon receipt of such process, order, or subpoena, the library's officers will consult with their legal counsel to determine if such process, order, or subpoena is in proper form and if there is a showing of good cause for its issuance; if the process, order or subpoena is not in proper form or if good cause has not been shown, they will insist that such defects be cured.

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vacy in their district were dependent upon the awareness and interest of one administrator, rather than strong district policy. In many cases there were indications that the standards of confidentiality expressed were not adhered to by other members of the faculty and staff. Several Leagues felt that individual teachers were not impressed with the need to keep the information to which they had access confidential. A case in point is that, although no administrator reported giving information on students to local police, several police departments listed schools as sources of information.

Colleges: Special notes

The eight college administrators interviewed shared a strong concern for the confidentiality of student records, a generally more sophisticated understanding of the problem of privacy and record keeping than their secondary school counterparts. Six of the eight schools had a written policy on record handling, and the two which did not seemed equally concerned.

All the colleges interviewed required either a subpoena or written student permission for release of any information. In response to increased requests for information on students, one school is cutting down on the information it keeps, and another has recently ceased giving any information to police and will no longer provide student lists to campus organizations. The discretion of individual faculty members was mentioned as a problem by one school.

Shared information includes ACT, CEEB and Illinois Scholarship records, records for transfers from one school to another, and financial information. Sharing of financial aid records is common, and is necessary to avoid double funding on federal and state programs.

Although privacy standards were high in all these schools, security measures were not described by any, and logs of use appear to be kept only irregularly.

SEPTEMBER 1973 MEMORANDUM

LAW ENFORCEMENT AGENCIES DATA SYSTEM (LEADS)

In July, members of the League of Women Voters of Illinois Civil Liberties Committee interviewed Mr. John Dreiske, General Services Administrator of the Department of Law Enforcement of the State of Illinois, on the collection, storage and use of records in the LEADS system. LEADS is a computerized system designed to provide law enforcement agencies within the state with immediate access to records through the use of 297 terminals throughout the state which are connected with the LEADS central computer.

TYPES OF RECORDS

At the time of the interview, LEADS contained 176,998 records. Of these, over 138,000 were vehicle and license plate records, 9,589 were gun records, 13,686 of the entries were stolen articles, and 12,591 were wanted and missing persons entries. Entries in these categories, as well as add-ons to existing "wanted" entries, may be made by subscribers to the LEADS system. (Other categories are alias names and stolen securities.) Investigative records are never gathered by LEADS or shared with the system by local police jurisdiction.

LEADS is now in the process of adding criminal histories records, liquor license registration records, and will eventually acquire the juvenile records file now kept at Rolling Meadows. Criminal history records will all include disposition (conviction and sentence) because they are obtained through the correction system. "Arrest only" records will not be released.

SOURCES

Unlike the Illinois Department of Finance Management Information Department, which process information separately for each members storing agency, LEADS acquires the information and becomes the proprietor of it, permitting subscribers to share all information under conditions which it specifies. When juvenile records are acquired, they also will become the property of LEADS, but will be shared only with juvenile officers in the subscribing jurisdictions. LEADS includes the Firearm Owners registrants in Illinois and has access to information in the National Crime Information Center (NCIC), State Police files, access to records of five neighboring states and of the Secretary of the State of Illinois.

PURGING

The files on wanted and missing persons, guns and stolen securities are only purged when the case is closed. The file on stolen vehicles is purged four years following year of entry. All other entries in the file are purged one year following the year of entry. Criminal histories will be kept for ten years following the last arrest. The Bureau of Identification, a division within the Department of Law Enforcement is the only agency that can add-on or change a criminal history record.

ACCESS

Direct access to information in the LEADS system is available to subscribers in the state who have signed a contract with the Department of Law Enforcement which specifies the conditions of use. Subscribers may include police forces, courts, prosecutive agencies, correction departments, parole commission, fingerprint agencies at all levels *within* the state. Those with direct access may provide information only to others who meet these standards. Information concerning federal crimes is made available to the NCIC, but may not be made available either by LEADS or by any subscriber to other federal jurisdictions (such as MPs) or to anyone outside the criminal justice system. An individual offender has no right of access or challenge concerning information on himself under the present regulations.

Information cannot be given for licensing or employment (except employment with criminal justice system). Data can be provided for research only with approval of Illinois Department of Law Enforcement (NCIC in appropriate cases). Illinois has declined to participate in national research programs where the standards for data security were not as high as those of LEADS.

ENFORCEMENT

Any agency which violates these regulations is cut off immediately from the LEADS service. Logs of use are kept and audited regularly. Although there have been few abuses, the service has indeed been revoked when violations were detected. (Frequently, contacts are made with police chiefs, sheriffs, and communication dispatchers who access the LEADS system to insure that the terms of the contract are understood.)

LEGISLATION AND REGULATION

The contract between LEADS and its users is modeled after the contract between the NCIC and its users. It shows serious concern for matters of both privacy (policy toward information on individuals) and security (procedures used to implement policy). It is *not* law and does *not* control the use by local jurisdictions of their own information. The regulations it contains were planned to anticipate the requirements of future legislation.

The National Association of State Information Systems (NASIS), which also displays a strong concern for individual privacy, has developed a Model State Act for Criminal Offender Records. NASIS urges adoption of state legislation throughout the country with this comment:

"It seems clear that interstate systems for the exchange of criminal offender records will shortly be organized, and standards to protect privacy and security may be most effectively and easily formulated early in the development of such systems."

This model would provide control by law of records of all police jurisdictions as well as state criminal offender records. It provides the rights of access and challenge by the offender and purging of criminal histories; it does not provide as strong restrictions on access outside the criminal justice system as the present LEADS users contract.

At the time of our meeting, Mr. Dreiske stated that though he was not opposed to future legislation, he would not support it at the present time. Subsequent to the meeting, he informed us that federal legislation enacted in June relative to the appropriation for the Law Enforcement Assistance Administration would seem to make such legislation mandatory now. The intent of that legislation was to make the states conform to policies defined by the Committee on security and privacy of project SEARCH in Technical Report No. 2. That report states, ". . . each participating state should immediately adopt a uniform act for the protection and control of (criminal justice) information system data." Finally, he expressed the hope that such legislation will provide maximum protection and regulation in terms of the rights of individuals and minimum definition of the specific structure of the system. He stressed that the information system itself must be flexible to meet changing information needs of the different agencies within the criminal justice system.

Mr. PERCY. Mr. President, I am delighted to join with the distinguished chairman of the Constitutional Rights Subcommittee (Mr. ERVIN) in congratulating the Illinois League of Women Voters for its comprehensive survey of recordkeeping in Illinois.

The time-consuming efforts of the members of the Civil Rights and Liberties Committee of the Illinois League have produced an extremely thorough and informative report.

The survey demonstrated that despite the existence of legal requirements for the collection and dissemination of personal information, additional controls are needed.

I was pleased to join as a sponsor of two such measures when they were introduced by the senior Senator from North Carolina earlier this year. One, the Federal employee privacy bill, has passed the Senate four separate times, only to later die in the House of Representatives. The need for the Freedom from Surveillance Act of 1973, which prohibits the Armed Forces from collecting information or conducting surveillance on private citizens, was acutely demonstrated during hearings held by the Constitutional Rights Subcommittee in 1971.

Obviously, public opinion must be brought to bear if this and other needed legislation is to be adopted.

The Illinois league's report can serve to make both the public and data collecting agencies more aware of the constitutional protection of individual privacy and of the obligations of public and private data collecting agencies to respect this right.

I was pleased to note that some of the agencies surveyed expressed a conscious effort to follow not only the spirit but the letter of applicable law in this area and am certain the league's efforts have

already had an effect on the practices of others.

Again, I commend the Illinois league and urge groups in other States to launch similar efforts to bring abuses of personal privacy to public attention for correction.

Mr. STEVENSON. Mr. President, today Senator ERVIN is inserting into the RECORD the "Policy Statement on Privacy and Record Keeping" of the League of Women Voters of Illinois, along with excerpts from the material the Illinois league developed in the course of making its survey.

I join Senator ERVIN in commending the Illinois League of Women Voters, and particularly the Civil Rights and Liberties Committee of the league, for its excellent work. It is extremely important for all citizens to be aware of the dangers to their freedoms from modern sophisticated data and record keeping systems, and I commend the Illinois league for promoting this public awareness.

I also commend Senator ERVIN for his untiring work in this area. Most citizens throughout the Nation have come to know Senator ERVIN through his work on the Watergate Committee, but we here in the Senate and civil libertarians throughout the land have long known of Senator ERVIN's deep interest in such issues as the right of privacy, executive privilege and the right to a speedy trial. He is chairman of the Constitutional Rights Subcommittee of the Senate Judiciary Committee, and as well as anyone, Senator ERVIN perceives the threats to our privacy and defends the safeguards of the Constitution. In citing the work of the Illinois League, Senator ERVIN—to use an old phrase—"knows whereof he speaks."

I am sure that Senator ERVIN and the members of the Illinois league know that I share their deep concern.

ORDER FOR ADJOURNMENT TO 10 A.M. TUESDAY, NOVEMBER 13, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 a.m. on Tuesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS GRIFFIN AND ROBERT C. BYRD AND FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS ON TUESDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate meets on Tuesday next, after the two leaders or their designees have been recognized under the standing order, the distinguished assistant Republican leader (Mr. GRIFFIN) be recognized for not to exceed 15 minutes, and that I then be recognized for not to exceed 15 minutes, after which there be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO HAVE UNTIL MIDNIGHT ON MONDAY TO FILE CERTAIN COMMITTEE REPORTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Interior and Insular Affairs have until the hour of midnight Monday to file certain committee reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

WHIP NOTICE

Mr. ROBERT C. BYRD. Mr. President, in order that Senators may be informed of the program for Tuesday and the rest of next week, I ask unanimous consent that my today's Whip Notice be inserted in the RECORD.

There being no objection, the Whip Notice was ordered to be printed in the RECORD as follows:

FRIDAY, NOVEMBER 9, 1973.

WHIP NOTICE

DEAR COLLEAGUE:

MONDAY, NOVEMBER 12

No session.

TUESDAY, NOVEMBER 13

Senate convenes at 10:00 a.m.

Senator Griffin, 15 minutes.

Senator Byrd (W. Va.), 15 minutes.

Morning business not to exceed 15 minutes.

Senate will proceed to consideration of Conference Report on Alaska Pipeline—provided the Conference Report has come over from the other Body. *A yea-and-nay vote will probably occur on that Conference Report.*

Among other matters which can come up at any time on Tuesday and later in the week are the following (but not necessarily in the order listed):

Conference Report on Oil and Petroleum Allocations (House acts first).

Conference Report on HEW Appropriations Bill (House acts first).

Conference Report on State, Justice Appropriations Bill (House acts first).

Northeast Rail legislation.

Energy legislation being reported, in the interim, from the Senate Interior Committee.

D.C. Home Rule Conference Report (House acts first).

Military Construction Authorization Conference Report (House acts first).

HMO Conference Report (House acts first).

Ford Nomination (possible).

Saxbe Pay Bill (possible).

NOTE.—Several yea-and-nay votes are likely to occur next week, beginning on Tuesday.

ROBERT C. BYRD.

ADJOURNMENT UNTIL TUESDAY, NOVEMBER 13, AT 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until the hour of 10 a.m. on Tuesday next.

The motion was agreed to; and at 1:55 p.m. the Senate adjourned until Tuesday, November 13, 1973, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate, November 9, 1973:

WORLD HEALTH ORGANIZATION

Dr. S. Paul Ehrlich, Jr., of Virginia, to be the Representative of the United States of America on the Executive Board of the World Health Organization.

U.S. DISTRICT COURTS

William C. Conner, of New York, to be U.S. district judge for the southern district of New York, vice Edmund L. Palmieri, retired.

MARINE CORPS

Lt. Gen. Leo J. Dulacki, U.S. Marine Corps, for appointment to the grade of lieutenant general on the retired list in accordance with the provisions of title 10, U.S. Code, section 5233.

In accordance with the provisions of title 10, U.S. Code, section 5232, Maj. Gen. Samuel Jaskilka, U.S. Marine Corps, having been designated for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade of lieutenant general while so serving.

IN THE COAST GUARD

The following-named officers of the Coast Guard for promotion to the grade of commander:

John M. Cece
Charles S. Mincks
Edmond G. Case
Peter F. Sterbling, Jr.
Ransom K. Boyce
Roland E. Huggins
Dean A. Frankenhauser
Thomas E. Langmann
Stephen D. Csintyan
Paul Resnick
Charles E. Siegman
William E. Newland
Berl R. Williams
Leon Clarizio
Donald S. Krug
David M. McCann
Gary D. Palmer
Edward F. Boulanger
Steve W. Geletka
Billie A. Campbell
Richard J. Clements
John A. Blanchard
George G. Turner
Eugene E. Moran
Irving G. Sauer
Jan R. Dazey
Karl F. Wassenberg
Domenic A. Calicchio
Theodore E. Deming
Robert W. Davis
Lloyd R. Lomer
Paul D. Russell
Leroy G. Krumm
Terry L. Lucas
Ian S. Cruickshank
Harry E. Obedin
Neal F. Herbert
Kenneth M. Rappolt
Gerald F. Corcoran
Robert A. Creighton
Robert A. Schwartz
William T. Troutman
Richard E. Haas
Robert A. Ginn
Ralph E. Giffin
Joseph S. Blackett, Jr.
John R. Sproat
James G. Williams
Alfred D. Utara
Eugene J. Hickey, Jr.
Richard W. Zins
John E. McCarty
Martin J. Moynihan
Charles L. Keller
James D. Partin
Jerome M. Myers
Hugh D. Williams
James W. Haugen
Manuel Josephs, Jr.
Michael B. Dunn
William H. Hall, Jr.
Robert G. Williams
James F. Butler
John F. Otranto, Jr.
Donald A. Feldman
Robert E. Kramek

IN THE AIR FORCE

The following officer to be placed on the retired list in the grade indicated under the provisions of Section 8962, Title 10, of the United States Code:

To be lieutenant general

Lt. Gen. Thomas K. McGehee, 420–52–8745FR (major general, Regular Air Force), U.S. Air Force.

IN THE AIR FORCE

The following Air National Guard of the United States officers for promotion in the Reserve of the Air Force under the provisions of section 593(a), title 10 of the United States Code, as amended:

LINE OF THE AIR FORCE

To be lieutenant colonel

Maj. James E. Aiken, 273–28–3094FG.
Maj. Edward A. Belyea, 364–32–5091FG.

Maj. Charles V. Blair, 127-26-7138FG.
Maj. Emiel T. Bouckaert, 370-30-2648FG.
Maj. Charles R. Bradley, 481-34-3236FG.
Maj. Wayne R. Brendel, 047-28-3382FG.
Maj Richard A. Brockway, 168-22-3790FG.
Maj. Alfred P. Bunting, 486-38-1317FG.
Maj. John E. Carleton, 010-26-9951FG.
Maj. John A. Carter, 541-32-6468FG.
Maj. James W. Chapman, 425-64-8330FG.
Maj. Kenneth J. Costa, 572-12-9678FG.
Maj. David E. Culver, 541-26-3534FG.
Maj. James H. Estep, 430-58-2167FG.
Maj. James R. Felix, 316-26-8270FG.
Maj. Stanley Gavac, 572-46-2687FG.
Maj. Adolph P. Hearon, 247-46-7258FG.
Maj. John B. Holmgreen, 399-30-8403FG.
Maj. James G. Jolly, 566-22-6910FG.
Maj. James M. Kees, 530-22-7344FG.
Maj. Thomas L. Kincaid, 236-42-7302FG.
Maj. Ritchie K. Kunichika, 575-30-5432FG.
Maj. David L. Ladd, 101-28-0229FG.
Maj. Elliott W. Lambert, 004-30-3256FG.
Maj. Paul W. Lindemuth, 176-32-3375FG.
Maj. Gilbert Popez, 559-44-4503FG.
Maj. Richard J. Marx, 484-12-4714FG.
Maj. Donald L. Masuret, 012-28-1540FG.
Maj. Elden I. Maxwell, 155-22-8992FG.
Maj. Juan J. Mayol, 580-36-9688FG.
Maj. William B. McDonald, 544-32-2689FG.
Maj. David A. McLaughlin, 282-30-4216FG.
Maj. Robert L. Monson, 528-30-3604FG.
Maj. Dale E. Moses, 520-26-6473FG.
Maj. Joseph Naddeo, 158-20-0449FG.
Maj. Billy J. Nichols, 406-38-1627FG.
Maj. Robert W. Odle, 521-30-4466FG.
Maj. George C. Radzak, 474-30-1960FG.
Maj. Dale H. Reinecker, 203-24-7985FG.
Maj. Dan A. Robar, 504-26-0391FG.
Maj. Kennith L. Robinson, 461-36-1682FG.
Maj. Clarence H. Ryherd, 513-12-8591FG.
Maj. Harold S. Schindler, 337-26-7047FG.
Maj. William C. Seeds, 212-26-7815FG.
Maj. Richard H. Sotherland, 398-22-9744FG.
Maj. Elvin E. Stambaugh, 176-22-8214FG.
Maj. John P. Syribeys, 419-40-4619FG.
Maj. Donald R. Tonole, 544-38-2941FG.
Maj. Thomas J. Turnbull, 565-40-6195G.
Maj. Samuel A. Wilson, 533-12-8087FG.
Maj. Roger T. Winn, 406-38-3302FG.
Maj. Kenneth L. Wolfe, 530-14-5417FG.
Maj. Stanley A. Worsham, 404-30-0785FG.
Maj. Ward H. Zelhart, 548-44-6730FG.

MEDICAL SERVICE CORPS

Maj. Allan D. Davidson, 474-42-0139FG.
Maj. Duane F. Mabeus, 508-48-5690FG.

EXTENSIONS OF REMARKS

S. 1868: AN INDUSTRY VIEW

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Friday, November 9, 1973

Mr. HUGH SCOTT. Mr. President, on September 6, Mr. Martin N. Ornitz, president of the Stainless Steel Division of the Crucible Materials Group for Colt Industries, Inc., filed a statement with the Senate Foreign Relations Committee for the record of the committee's hearing on S. 1868, legislation to reinstate U.S. participation in the United Nations sanctions against the importation of metallurgical chromium ore and other materials from Rhodesia.

Mr. Ornitz was one of a number of persons who had expressed a willingness to appear before the committee in person, but was requested not to do so because of time. Instead, he was asked by the committee to submit a statement on the understanding that it would be included in the printed volume of the committee's hearing. Later, a decision was made to include in the printed volume only the statements of those persons who actually appeared before the committee.

Therefore, I would like to bring the statement by Mr. Ornitz to the immediate cause of time. Instead, he was asked by attention of the Senate, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF MARTIN N. ORNITZ

Mr. Chairman and members of the Subcommittee. I am president of the Stainless Steel Division of the Crucible Materials Group of Colt Industries Inc. The specialty steel industries—stainless, alloy and tool steels—are the major consumers of chromium in the United States and overseas.

I thank you for the opportunity to submit this statement to your Committee. I want to take advantage of the opportunity by bringing two points to your attention.

One is the economic consequence for the American citizen of shutting off the United States from access to any source of metallurgical chrome, at a time when worldwide demand for chrome is rising and America must compete for it with a host of other countries.

The second point is that the Committee's consideration of chrome opens the way for you to help find a solution for the problem of the raw materials shortage that besets the United States. Instead of adding to the shortage, as the pending bill would, I urge that you begin the positive search for means to assure the continuing availability of raw materials, particularly chrome. I do not intend to address political aspects of the legislation, about which the Committee is in a position to know more than I, but it is obvious that the narrow and negative approach of the pending legislation will not long—if ever—help the people of Africa in whose interest the legislation was drafted. For Africa is not going to benefit from a "have-not" United States. Africa deserves better than that. The United States deserves better than that.

Regarding the economics, the legislation before you creates a serious immediate problem for the American public. If the legislation is enacted in present form, it will reduce the amount of chromium ore, i.e., chromite, and ferrochrome—a steel making alloy made from metallurgical chromite—available to the United States. All usable chromite is mined overseas. This reduction of chrome will threaten the stainless steel industry with reduction in output. As a matter of law as well as a matter of consumer preference, stainless is used in many applications that are critical to our way of life and the public health. The dairy industry, for example, uses much stainless steel in the interest of public health, from the milking of the cow, to vats used in cheese-making, to tank trucks that haul milk to the dairy and the dairy equipment itself. Stainless is employed in the making of tractors and a variety of other agricultural machines. Our country needs and the world needs the American farm. Perhaps the relationship between the farm and chrome was overlooked in the advocacy of this legislation.

Furthermore, stainless is one of the specialty metals essential to national defense. It is important in the reduction of air pollution. There are many other uses, which I list later in this statement, including the manufacture of automobiles, airplanes, and railway equipment. I know that the legislation is not aimed by intent at dairymen, at the environmentalists or at national defense or American transportation. But they are the "innocent bystander" targets of the legislation. It takes chrome to make stainless. There is no escape from that reality.

In summary, the situation is:

The production and consumption of stainless steel and other chrome-bearing specialty steel has increased substantially since 1970 in the United States. Each individual type of market for stainless in the U.S. (except aircraft) has increased since 1970. It has gone from a total domestic consumption of 802,000 metric tons in 1970 to 941,000 metric tons in 1972. The consumption for 1973 first six months is 29 percent greater than in first six months of 1972.

The worldwide demand for the same steels and their production also has increased substantially since 1972. The market for stainless produced in all countries increased by 15 percent from 1971 to 1972, and is further increasing in 1973.

The result is rising demand and worldwide competition for available chromite and ferrochrome from sources outside the United States. Hope for a domestic ore is dashed by the fact that ore identified in Montana is not economically practical in filling ferrochromium requirements. Ferrochrome production in the United States is down due to the problem of chromite availability, cost of compliance with environmental laws, and change in requirements for the type of ferrochrome used resulting from changes in melting techniques.

The change in type of ferrochrome needed results from increasing usage of the new AOD process to make stainless steel. This process greatly increases usage of charge chrome and reduces use of the more expensive low carbon ferrochrome. Crucible believes that the AOD process is a key element in keeping us competitive against foreign made stainless steel. In addition to lowering costs, the process also provides higher quality stainless. Crucible has put in operation a 100-ton AOD unit, which is the largest operating vessel in the world. My company bought practically all of its ferrochrome in the United States until it became almost impossible to do so. The United States is competing with many countries for the available ferrochrome—Japan, Great Britain, France, Sweden, Austria, Belgium, West Germany, Italy, Soviet Union, People's Republic of China, Spain, Brazil, Canada, Australia, Mexico, and Norway. Cost as well as availability is a fundamental consideration. If it happens that the only way the United States can obtain chrome is to pay a premium price, the national struggle against inflation is set back.

The specialty steel industry in the United States must have assurance of adequate supplies of ferrochrome. Given the worldwide demand situation, no country can afford the elimination of Rhodesia as a source of chromite for making ferrochrome unless Rhodesia is replaced by assured access to a substitute source. Geologists have not found new supplies in the earth that are being worked. Chromite is mined in several countries, but that fact can be misleading.

For example, it has been pointed out that the Philippines are a source of chromite. That means nothing to the stainless industry in the United States. The Philippine metallurgical chromite desirable for steel-production goes to Japan. The Philippine exports to the United States consist of ore for the refractories industry and is not

suitable for steel-making purposes. Philippine chromite production increased from 1968 through 1971 (*Metal Statistics* 1973, a publication of Fairchild Publications, Inc.), along with increases in the production of South Africa, Turkey, U.S.S.R., Albania, India, Iran, Greece, and Rhodesia. As with the Philippines, not all those sources are available to the United States, because of established commercial relationships, long-term contracting, etc. And not all chromite mined goes into international trade; the U.S.S.R., a major steel-maker, consumes part of its own chromite production.

The world increase in chromite production 1968–71 was 27 percent. The world increase in stainless production 1968–1972 was 24 percent—nearly parallel. At present the ferrochrome supply is so tight that American producers of stainless are on allocation—rationed. Production of stainless cannot be sustained at required levels if one source of chrome is removed without another source of comparable quality and quantity being provided.

An additional problem of sourcing is that not all furnaces used in making ferrochrome can convert all types of ore. Some of the furnaces in South Africa can convert only Rhodesian ore. The character and quality of ores vary. Poor quality ores are included in the statistics of world production, but are not commercially suitable for use.

The National Materials Advisory Board in May 1970 published the report, *Trends in Usage of Chromium*, which states about chrome quality:

"For the largest application (61% of total consumption), ferroalloy additions to stainless and alloy steels, a high quality ore is desired.

"Quality considerations include the physical nature (hard lump), a high CR_2O_3 content (48% or better), a CR/FE ratio of over 3/1, and are MGO/AL_2O_3 ratio of 1.8 or below. These factors significantly affect the grade of ferroalloy produced, the conversion cost, and the output of the ferroalloy facility. In times of emergency lower quality ores could be utilized but at a significant sacrifice in facility output of both the ferroalloy and steel furnaces and a substantial increase in cost."

The report of the National Materials Advisory Board adds these words about quality: "Of the Free World's supply of high-grade ore, 70 percent of the reserves in this quality are found in Rhodesia."

This report is available from the Clearinghouse of Federal Scientific and Technical Information, Springfield, Virginia, 22151 and it contains many facts which clarify the importance of chrome to the future of our country.

Bearing further on the problem of cost and inflation, I would like to comment on recent correspondence between me and members of Congress, some of which was printed in the Congressional Record—Senate, July 16, 1973.

1. World deposits of chromium ore. As stated above it is true that there are deposits of chromium ores in countries other than Russia, Rhodesia, Turkey and South Africa. It is true that there are chromium ore bodies in the United States. I respectfully submit, however, that we must look at this on a practical basis. Ores from many sources cannot be economically or practically used.

2. When I say there is no effective substitute for chromium, I mean no practical substitute. We could, of course, substitute titanium for stainless steel in many applications—or gold or silver for that matter. But not on a practical cost basis.

It has been stated that Turkey might mine more chrome ore "if the United States, Japanese and European consumers were willing to assist them". But why should the Japanese and Europeans subsidize Turkish mines if they are to share the output with their American competitor?

It has been stated that the price of chrome has gone up, not just because of the embargo on Rhodesia but for other world economic reasons. Naturally, laws of supply and demand still govern. But a U.S. buyer of chrome ore cites the following prices he paid, F.O.B. shipping point:

Russian ore—1966 (before sanctions), $26.24 per ton.

Russian ore—1971 (after embargo), $55.50 per ton.

Russian ore—1972 (after Byrd amendment), $45.72 to $47.25 per ton.

Rhodesian ore—1972, $39.50 per ton.

Gentlemen, the specialty steel industry in this country is having a hard enough time staying afloat, what with imports, high expenditures to comply with new laws governing pollution of air and water, rising costs of energy—without having to pay more for chromium than other nations with whom we compete, many of which also signed the U.N. agreement on Rhodesian.

The British Foreign Secretary told Parliament a year ago, "A lot of Rhodesian exports are going to countries which are members of the United Nations and which are supposed to be supporting sanctions."

This hearing is taking place at a time when the problem of supply of chrome is far more critical than it was when the embargo on Rhodesian chrome imports went into effect and in 1971 when the embargo was removed.

The U.S. Bureau of Mines' Mineral Industry Surveys report of August 7, 1973, on "Chromium in May, 1973," shows that consumption of chromite by the metallurgical industry increased by 46 percent in the first quarter of 1973 compared with the first quarter of 1972.

The comparative figures are 150,788 short tons in January-March 1972; 221,547 short tons in January-March 1973.

The chrome steels made in the United States are shipped to every State. They are indispensable to farming, to transportation, and to the safeguarding of health.

Alloy steels are used in the manufacture of farm equipment, trucks, buses, earth-moving equipment, mining machinery, oil country goods, hand tools, machine tools, power generation equipment, aircraft and space vehicles.

Stainless steels are used in dairy, hospital and restaurant equipment, food processing, oil refineries, power plants, home appliances, automobiles, airplanes, chemical plants, paper mills, and many other vital industries.

Tool steels are used to machine or form the alloy steels, stainless steels and all other materials of construction such as aluminum, copper, plastics and the like.

The catalytic converter which is scheduled to be included in the exhaust system of some 1975 model cars and all 1976 model cars will use approximately 30 to 60 pounds per car of steel containing about 12% chromium. We have been advised by the automotive industry that the requirements for the 1975 model will be around 150,000 to 175,000 tons of this stainless steel. For the 1976 model year this demand can be up to 250,000 tons of 12% chromium stainless steel which would mean the consumption of up to 50,000 tons of ferrochrome per year. An estimate of 20,000 tons made for the Carnegie Endowment for International Peace does not fit the requirement.

As for the dairy industry, the *General Specifications for Dairy Plants Approved for USDA Inspection and Grading Service*, effective May 16, 1967, as published by the Dairy Division, Consumer and Marketing Service, U.S. Department of Agriculture states (page 27):

"The product contact surfaces of all utensils and equipment such as hold tanks, pasteurizers, coolers, vats, agitators, pumps, sanitary piping and fittings shall be constructed of *stainless steel* or other equally corrosion resistant material."

The *General Specifications* are replete with other references to stainless steel, requiring that a wide range of equipment including tank trucks meet the 3-A sanitary standards. These standards are set by the International Association of Milk, Food and Environmental Sanitarians, United States Public Health Service and the Dairy Industry Committee.

The 3-A standards for homogenizers are:

"All product surfaces shall be of stainless steel of the AISI 300 series or corresponding ACI types . . . or stainless steel that is non-toxic and non-absorbent and which under conditions of intended use is equal in corrosion resistance to stainless steel of the AISI 300 series or corresponding ACI types."

The only exceptions are for valve parts, valve seats, impact rings and parts used in similar applications, and gaskets and seals.

The regulatory literature in this area has a wide embracive extent, and includes practices in all the great dairy states. States notable in the manufacture of dairy equipment are Minnesota, Wisconsin, California, Missouri, Pennsylvania, New York, Iowa, Illinois, and Indiana.

Regarding poultry, standards are under consideration for adoption for the handling of liquid or dry egg product.

Pending E-3-A Standards have been formulated by the International Association of Milk, Food and Environmental Sanitarians, United States Public Health Service, United States Department of Agriculture, Institute of American Poultry Industries, and the Dairy and Food Industries Association. Under the heading "materials," the proposed standard states:

"All product contact surfaces shall be of stainless steel of the AISI 300 series or corresponding ACI types or equally corrosion resistant metal that is non-toxic and non-absorbent." Exceptions listed permit use of rubber, plastic or glass for certain parts of the equipment.

The foregoing examples of use of stainless in American society make it obvious that the Congress would be recklessly disruptive if it diminished the ability of the United States to produce stainless in required quantities. Jobs are at stake. The specialty steel industry is an important employer of skilled workers. Investments are at stake, on the farm and in stainless-using industries.

To cut down the availability of chrome would make it impossible for the United States to halt its decline in the share of the world production of metals. The *Second Annual Report of the Secretary of the Interior Under the Mining and Minerals Act of 1970*, dated June, 1973, points out that the U.S., which produced 47 percent of steel in 1950, now produces 19 percent. The report notes the problem of the U.S. in obtaining raw materials abroad:

The American "relative role as a world consumer of mineral raw materials . . . has shrunk.

"Consequently, the United States is encountering steadily increasing competition in the acquisition of non-domestic mineral raw materials as other industrialized countries also seek reliable sources of reasonably-priced mineral raw materials."

The report contains a chart showing that all of the chromium used in the U.S. comes from foreign sources. For those sources we are in competition with all the countries producing stainless and alloy and tool steels.

Mr. Chairman, S. 1868 will intensify the problem noted in the report of the Secretary of the Interior. The majority population in Rhodesia cannot benefit from a weakened America. The sacrifice which the enactment of S. 1868 would require of America will only benefit our country's industrial competitors abroad. If our stainless production goes down from lack of chrome, foreign production can continue to rise. Chrome is to stainless what feedgrains are to livestock and poultry. The feedgrain requirement is rising. The chrome requirement is rising. Stainless needs chrome as a hog needs corn.

As long as no replacement source is clearly available to the United States for Rhodesian chrome and for ferrochrome made from Rhodesian chromite, I urge the Committee to reconsider its interest in the pending bill.

I am not urging any particular source of supply of chrome ore or ferrochrome. The point is that the sources must be adequate to meet the need, and they must be continuingly available as the need grows.

Distinguished men have said that an embargo on chrome from Rhodesia could be offset by use of the chrome in the American stockpile. But that stockpile is not accessible in adequate quantity. Legislation is required to release from the stockpile sufficient quantities to satisfy the increasing requirements. Enactment of a law cutting off Rhodesian chrome without concurrent existence of a law releasing chrome in large quantities from the stockpile would result in shortages that are bound to harm the interest of the many Americans who rely on stainless steel in their daily life and work. The stockpile promises only short-term relief, since its stock of metallurgically useful ore and of ferrochrome is limited. Resort to the stockpile could intensify the problem of the United States when the stockpile is exhausted. Lines of trade from ore-producing and ferrochrome-producing countries to stainless-producing countries can become so fixed for fulfillment of needs of other countries that it will be difficult for the United States to find sources after the stockpile days.

So the stockpile solution is a solution that leads in time to the aggravation of the American raw materials problem.

But if the Committee is morally determined that it will prohabit American access to Rhodesian chrome, it would be short-sighted to do so before Congress legislates full access to the stockpile.

The law removing the embargo which the Congress passed in 1971 is not designed to benefit the Government of Rhodesia but to lend economic support to the United States in the era of the race for raw materials which the Secretary of the Interior incisively describes. We need materials. Don't shut the door on Rhodesia until you have opened another one of equal utility.

QUESTIONNAIRE REVEALS VIEWS ABOUT MATTERS FACING CONGRESS

HON. GENE SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. SNYDER. Mr. Speaker, as the people's Representative from the Fourth District of Kentucky, I periodically seek their views on matters facing the Congress and/or our area I feel that the results of a September questionnaire would be of interest to my colleagues for the people I represent are a good cross-section of pure, unadulterated, God-fearing Americans.

Results of questionnaire follow:

[In percent]

	Yes	No	No opinion
1. Are you generally satisfied with the way economic and wage price controls are working?	8. 4	88. 7	2. 9
2. Should the President impound funds appropriated by Congress if he feels they are excessive and "budget busting" to the point of requiring that taxes be increased?	58. 3	35. 8	5. 9
3. Do you favor Federal strip mining regulations that will assure reclamation of the land?	88. 9	4. 5	6. 6
4. Do you favor Federal tax credits to reimburse parents for part of the cost of private and parochial school tuition?	36. 1	62. 5	1 4
5. Do you favor extending financial aid for the reconstruction of Indochina (Laos, Cambodia, North and South Vietnam)?	12. 9	83. 3	3. 8
6. In view of the possibility of critical motor fuel shortages, should the Government step in and allocate supplies?	55. 8	36. 1	8. 1
7. Would you approve giving oil companies more tax incentives to increase oil and gas production?	36. 1	59. 3	4. 6
8. Do you favor the recent Supreme Court ruling making abortions permissible?	45. 5	51. 3	3. 2

9. Who do you think is to blame for the Watergate affair?

	Percent
The President	36. 0
White House staff	35. 8
The Committee to Reelect the President	46. 1
The Republican Party	8. 4
All politicians	28. 6

10. What effect will the Watergate affair have on the Kentucky election in 1974?

	Percent
A great deal	26. 6
Some	32. 1
None	13. 2
Too early to tell	17. 6

11. What do you think is the most important issue facing the country?

Now, Mr. Speaker, on question No. 11 over 57 percent of those who responded indicated that the economic situation—that is, inflation, wages, cost of living, and prices in general—is the most important issue facing the country. Second, 17 percent felt that the most important issue was the credibility of government and elected officials. Diverse other issues made up the balance—that is, law and order, drugs, ecology, excessive Federal spending, welfare waste, morality, the energy crisis, defense, food shortages, the news media, big business, big unions, big government, Federal subsidies, education, health, housing, faith in God, population control, abortion, Mideast conflict, and a variety of personal issues.

THE EAGLE IS OUR SYMBOL—NOT THE CHICKEN

HON. JESSE A. HELMS

OF NORTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Friday, November 9, 1973

Mr. HELMS. Mr. President, on October 13, I was privileged to address the annual convention of the Association of American Physicians and Surgeons, assembled in San Francisco. On that occasion, a fine American was installed as the 30th president of the AAPS.

No doubt some of my colleagues have only a hazy idea of the goals and purposes of the association which Dr. Donald Quinlan now serves as its new president. The AAPS is a nationwide organization of independent physicians devoted to the principle that the best medicine for the American people is medicine practiced in freedom, without political interference.

This remarkable organization of doctors is dedicated to the protection and preservation of the private practice of medicine, free from all kinds of third-party intervention.

What they ask seems simple enough—freedom to use their best ethical professional medical judgment solely for the benefit of their patients. These doctors do not take Federal subsidies; they realize that Federal subsidies inevitably mean Federal controls. They just want to be left alone to practice the best medicine they know how in the best interest of their patients.

On the occasion of my visit with this distinguished group of men and women, the new president of AAPS delivered some eloquent observations to his colleagues. I asked that I be sent a text of those remarks, so that Dr. Quinlan's message might be shared with Members of this body.

Mr. President, when Dr. Quinlan warns of the dangers of socialized medicine, he knows what he is talking about. Dr. Quinlan practiced under the British National Health Service before coming to the United States 15 years ago.

I ask unanimous consent that the text of Dr. Quinlan's remarks be printed in the Extensions of Remarks.

There being no objection, the remarks were ordered to be printed in the Extensions of Remarks, as follows:

THE EAGLE IS OUR SYMBOL—NOT THE CHICKEN

(By Donald Quinlan, M.D.)

I think you will all agree that it makes about as much sense to have a beef shortage or an oil shortage in this country as it does for Cuba to have a sugar shortage. These shortages are due to government interfering with the private enterprise of citizens and the same is true of inflation. In recent years, the proponents of government intervention in medical care have been alleging that there is a doctor shortage. If the government succeeds in taking over the control of medicine, then that myth of a doctor shortage will become a reality—another government created shortage. This organization is not about to let that happen.

The Association of American Physicians and Surgeons is today *the* major nationwide organization which is fully determined to prevent another government takeover. Like McNamara's band, although we are smaller in number, we are the best band in the land.

We do not concede that the rape of the profession and of our patients is inevitable. It is inevitable only if you believe it is inevitable. We don't believe it. Let me tell you, I would pit any one member of the Association of American Physicians and Surgeons against a thousand of the other kind. The proud eagle is still our national symbol—not the chicken.

One man with principal constitutes a majority. Yes, the odds are great, but look once more at the minutes of the previous meetings. Remember David and Goliath? Remember the tiny Royal Air Force in 1940 in Britain after France had fallen and before the United States had entered the war? The R.A.F. withstood the mighty German Luftwaffe and Churchill said, "Never had so much been owed by so many to so few."

AAPS is composed of informed physicians because they have taken the trouble to inform themselves. AAPS is a grass roots organization. The power comes from the bottom up and not from the top down. This is the true American way. This is what Alexis de Tocqueville wrote about in his "Democracy in America".

Do you know of any other national medical organization where it is possible for an immigrant, a naturalized American to become President just 15 years after he sets foot in this country? There is no self-perpetuating elite running things here. There is no lay bureaucracy—God knows there is no lay bureaucracy—running the doctors, no tail wagging the dog.

These coming months will test our strength and resolve as never before. But we shall hold fast. Nobody can shake us because truth is on our side. The lawsuit AAPS has filed to outlaw PSRO is important because the principle involved runs deeper even than the Public Law 92-603 PSRO Amendment itself. A victory for us here will cut into the core of government interference with the rights and freedoms of the American people. It will go a long way toward stopping those who have thus far succeeded our freedoms one by one by the process of circumventing the Constitution and the Congress by executive orders and by the use of the Federal Register.

Politicians in Congress will be stopped in their tracks. They will no longer be able to promise you something for nothing—the tax and tax, spend and spend habit will no longer work like it did. The right to privacy and confidentiality will be restored to a large measure. Our fight against empire-building bureaucrats in hospital administration who wish to control doctors as their agents has not reached the court decision stage, and, therefore, I must be careful not to comment too much on this at this time.

However, I can tell you this—we are the only ones who are fighting this battle. I can also say this—even before the Court has made its decision in the PSRO suit, amazing things have happened because we stood up for what is right and in defense of the private practice of medicine. You see, if no one opposes these thieves of freedom, they continue their tortoise-like gradual and steady advance, trampling over the rights of patients and of doctors. They bank on the Fabian philosophy of the "inevitability of gradualism". However, if even one person stands up to them and refuses to be intimidated, like all bullies, they are cowards at heart and back down.

So, ladies and gentlemen, you and I know there is a war on, and we are committed to win it. We do not even consider defeat because the truth is invincible. Let us spread the Gospel. But preaching is not enough. Let our actions speak for us. As we win more and more battles in this war, our successful defense of principle and integrity and truth will speak for itself. This world of ours didn't just happen by accident. There is a Creator up there who is in charge, who knows what is going on better than we do. He will help us if we ask for help. "Ask and you shall receive". That wasn't a politician's promise—it was God's promise, and, therefore, infinitely reliable and guaranteed. Let us resolve to start every day henceforth with a prayer to our Creator to help us in our fight for truth and freedom and for the strength to be humble in our victory in the sure knowledge that without God we are nothing and have no rights at all. Our fundamental right of freedom is God given, not a gift of government.

THE ENERGY CRISIS AND THE PRESIDENTIAL STYLE OF LIFE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. RANGEL. Mr. Speaker, President Nixon has called for national cooperation for a program to conserve our national fuel resources. The President has asked us to conserve energy in a number of ways which add up to a rather fundamental alteration in our national lifestyle. I think it only fair that the American people, asked by the President to make substantial sacrifices to save fuel, know how much fuel the President consumes and what he intends to do to cut down on his own fuel consumption.

It is one thing to freeze the White House thermostats at 68° and talk about turning lights off early at the White House, it is quite another thing to find out how much energy will be saved at Camp David, Key Biscayne, and San Clemente.

I think it only fair that the American people, asked by the President to make substantial sacrifices to save fuel, be told by the White House how much fuel the President consumes when he decides to fly away from the White House for a weekend in Key Biscayne or Camp David or a longer stay in San Clemente.

The question is whether it is any longer responsible for the President to fly off to Florida and California every time he has a whim to do so. The Presidency, accompanied as it is in movement by a fleet of jetliners, helicopters, limousines, and yachts, is entirely too wasteful of our precious energy resources.

We need to know what the President intends to do to cut down on his own wasteful use of energy as an example to the Nation before we ask the poor, the very young, and the elderly to suffer through a winter without adequate heat.

On Monday, October 29, 1973, the Washington Post editorialized on the wastefulness of the Presidential style of life. In the context of our national energy crisis, it is particularly important that we in the Congress turn our attention to curbing the excesses of luxury that have become a part of the modern Presidency:

THE PRESIDENTIAL STYLE OF LIFE

The issue is much broader than the lawns of San Clemente or the beaches of Key Biscayne. The $10 million or more that has been poured into furnishing those two compounds is only a fraction of the total spent to maintain the chief executive's establishment. In the October issue of Fortune, Dan Cordtz tots up the perquisites which comprise "the monarchial style of life to which U.S. Presidents have become accustomed." He concludes that the official White House budget of under $13 million "ludicrously understates" the actual cost of the White House and its staff, the presidential courtiers, Camp David, entertainment, the presidential fleet of jetliners and helicopters, Mr. Nixon's array of offices, and the protection and communications required wherever the President may be. According to one budget analyst cited by Mr. Cordtz, the "true cost of running the presidency could be as high as $100 million a year," with most of the monies buried in the accounts of other federal agencies.

What makes all this so unseemly is the absence of restraint. Public money is spent too casually on little frills—a shuffleboard court of black-and-white terrazzo tile instead of concrete, a fence of redwood instead of wire and mesh. Presidential aides and documents are whisked about the country by government jet instead of less costly commercial flights. Expenditures have been ordered in Mr. Nixon's behalf by friends such as Herbert Kalmbach, with the bills sent to GSA. It adds up to a style devoid of modesty, proportion or thrift.

Congress has aided and abetted such extravagance by granting Presidents virtually unlimited access to public funds for the upkeep of their offices and establishments. Representative Brooks has outlined some reforms which the Congress should now enact. His list includes full disclosure of all spending for presidential security and support, the adoption of "orderly operating and accounting procedures" by the Secret Service and GSA, and legislation to prohibit outside parties from ordering items for the chief executive and billing the government. The congressman is interested as well in setting limits on the amounts which may be spent on the private property of Presidents. But the most important item on his agenda is also the one that cannot be legislated—a requirement that the President himself "show more responsibility" in his demands on federal agencies and public funds. The point of such reforms is not primarily to save money or tidy up the books, but to restore to the conduct of the presidency a sense of proportion and propriety which has been lost along the way.

THE MAN WHO STARTED IT ALL

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Friday, November 9, 1973

Mr. METCALF. Mr. President, recently the American Oceanic Organization, headquartered in Washington, D.C., was host to Dr. Arvid Pardo, Malta's Ambassador for Ocean Affairs to the United Nations.

During a luncheon meeting, he discussed the law of sea negotiations which are now, as they have been for several years, pending before the United Nations. His statement is particularly significant because Dr. Pardo started it all in the U.N.

The only definition of the seaward boundaries of coastal nations is contained in the 1958 Geneva Convention on the Continental Shelf, which was ratified by the U.S. Senate in 1960.

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In the words of this treaty, the term Continental Shelf means "the seabed and subsoil of the submarine areas adjacent to the coast, but outside the area of the territorial sea, to a depth of 200 meters or beyond that limit to where the depth of the superjacent waters admits of the exploitation of the natural resources of the said areas."

Dr. Pardo questioned this limit of exclusive national jurisdiction before the United Nations in 1967. Then he proposed the drafting of a new treaty to prevent national appropriation of the seabed, to define more precisely the limits of the Continental Shelf, and to reserve seabed assets primarily for the benefit of the developing countries.

Two years later the United Nations created the Committee on Peaceful Uses of the Seabed and Ocean Floor Beyond the Limits of National Jurisdiction.

There may be those who will argue Dr. Pardo's facts. Others may disagree with some of his conclusions. But all those sincerely interested in the question of who owns two-thirds of Earth will share his belief that time is running out.

I ask unanimous consent that Dr. Pardo's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

ADDRESS BY A. PARDO

I feel honoured to have been asked by the American Oceanic Organization to say a few words about the law of the sea negotiations which are taking place at the United Nations.

At the same time I despair of my ability to explain in a meaningful manner in 15 or 20 minutes the dozens of major issues which will have to be decided at the conference which the United Nations is convening next year. I hope, therefore, that I shall not disappoint if, instead of dealing with the various issues which are being negotiated, I take this opportunity to explain my general view of the question of ocean space.

Water is essential both to the creation and to the maintenance of life; without the oceans we literally could not exist.

Ocean space covers nearly three quarters of our planet; it comprises the seas, the seabed and its subsoil. The land underlying the sea has all the features of emerged land—the greatest mountain ranges of our planet, the vastest plains, the deepest canyons are in ocean space.

Although since the dawn of history the seas have served as hunting-grounds for fishermen and highways for vessels, it is only recently that we have been able increasingly to explore the oceans in all their dimensions and to begin to appreciate the immensity of the benefits which we can obtain from them. What are these benefits?

First: space. In an increasingly congested world, the oceans offer us space for our activities. Already habitats, petroleum storage tanks, pipelines, even nuclear reactors are being built on the seabed. There are plans to build deepwater offshore terminals and airports out at sea: it is even planned to construct artificial islands to which industrial activities can be transferred from congested and polluted areas on land. Within the course of the next couple of decades the oceans will become a part of man's living space at least to the same extent as some parts of the earth such as the Arctic.

Second: a convenient and cheap medium for international trade. Ocean transport is cheaper than either land or air transport: the oceans are open to everybody and there are no artificial obstacles to trade in the form of customs barriers.

Third: Ocean space offers mankind water and resources both living and mineral. Everybody is familiar with the interesting and provocative booklet "The limits to growth" which predicts the collapse of our industrial society within a century or little more because among other things of insufficient agricultural land, insufficient food production for increasing populations and exhaustion of most key minerals. The vastness of ocean space and the development of its immense living and mineral resources can frustrate such gloomy forecasts.

Fourth: security. In a period of competitive armaments, it is the existence of the oceans in which nuclear submarines lurk that assures second strike capability and the balance of terror.

Fifth: Waste disposal. The oceans are the ultimate dustbin of the world; in the oceans wastes and pollutants are diluted and degraded; without the oceans it is probable that by now we would be dying in the midst of our own wastes.

The oceans are one ecological system or better a complex of closely inter-connected ecological systems; fragile perhaps, but also flexible to a degree. Ocean space can receive, dilute and absorb immense quantities of wastes without suffering irreparable or even serious harm provided that certain gross limits are not exceeded. Nobody really knows what these limits are, but there is a cause for legitimate concern. A few black spots have appeared where marine pollution is such that the waters can sustain the life of neither plant nor fish; in larger areas particularly along the coasts of industrialized countries there has been loss of amenities; the sea has become dangerous to the health of bathers and can sustain the life only of relatively few species of fish and plants. There are increasingly numerous reports of contamination of fish by a variety of pollutants and of areas of the Atlantic by oil, plastics, and miscellaneous contaminants. Increasing world industrialization, exploding populations and multiplying activities in ocean space suggest that if effective measures of control are not taken we may aproach the gross limits to which I have referred with regard to the capacity of the oceans to dilute and degrade pollutants.

Fish too are being subjected to increasing pressure owing to the advance of technology, growing demands for fish and growing fishing effort. The production of fish has trebled over the past thirty-five years; it is virtually certain that an increasing number of stocks are being over fished. Many of the intergovernmental fishery commissions appear unable to resolve the problems of fishery management and allocation. Although there still remain under-exploited stocks of fish, it is likely that within ten years or less the world catch of conventional fish will generally speaking have reached the maximum sustainable yield under the present legal framework. Here again more effective measures are needed to conserve fishing stocks and regulate their exploitation and to provide a rational legal framework which will reduce the enormous, indeed scandalous, economic inefficiences of international fisheries and permit fisheries to develop from the hunting to the farming stage. This would substantially increase the productivity of fisheries while at the same time avoiding the danger of overfishing.

Finally, ocean technology is rapidly advancing and is becoming increasingly powerful; ocean uses are multiplying and require harmonization and regulation.

Pressure on fisheries, multiplying ocean uses, increasing accessibility of ocean mineral resources, and the increasing danger of marine pollution particularly near coasts are bringing about a collapse of traditional law of the sea.

Up to the present the law of the sea has been based on the two concepts of sovereignty and freedom

Sovereignty of the coastal State is recognized over internal waters (i.e. waters landward of baselines) and over a narrow belt of sea either three, six, or 12 miles wide near its coast (called the territorial sea). Sovereignty over internal waters is absolute; sovereignty over territorial waters is limited by the right of innocent passage of foreign vessels, that is passage not prejudicial to the peace, good order or security of the coastal State.

Beyond this narrow coastal zone, the seas have been traditionally governed by the principle of freedom subject to a reasonable regard to the interests of other States, but this criterion is so vague that States in practice have used and abused the high seas for any convenient purpose.

In the inter-war period States began to claim sovereignty or jurisdiction for various purposes beyond the territorial sea.

The 1958 Geneva Conventions recognized: (a) the concept of a zone in which the coastal State may exercise the control necessary to prevent infringement of its customs, fiscal, imigration and sanitary regulations; (b) the concept of a legal continental shelf in which the coastal State exercises sovereign rights for the purpose of mineral resource exploration and exploitation; (c) the special interest of the coastal State in the maintenance of the productivity of the living resources of the sea in areas adjacent to its coast.

The 1958 Geneva Conventions, however, did not define the limits of these areas with any precision.

The scientific and technological explosion of the past two decades which is making offshore mineral resources increasingly accessible and exploitable and which is subjecting living resources to intolerable pressures has been accompanied by vast extension of coastal State claims in ocean space.

The negotiations at the U.N. have made it clear that coastal State claims together now extend to some 80% of ocean space and to almost all its resources.

In short, it would appear that the oceans are passing from a regime of almost total freedom over virtually the entire oceans to a regime of virtually total sovereignty over virtually the entire oceans.

The reasons for this development are complex, but, in part at least, rather clear: increasing dangers of abuse of the so-called freedom of the seas to the detriment of the coastal State; increasing accessibility of immense quantities of raw materials from petroleum to copper and nickel in a world where the supply of these materials is either controlled by tightly knit oligopolies or is becoming increasingly uncertain; pressures on coastal fisheries; security reasons; desire to prevent situations which might cause serious marine pollution.

Perhaps the fundamental reason for extension of coastal State claims is the need for recognized authority to ensure rational management of living and non-living resources; to contain marine pollution and to ensure harmonization of ocean space uses in areas where uses are both intense and multiple.

This development, which establishes the sovereignty of States over ever wider areas of the oceans, relieves competition for fishing resources and permits rational management of mineral resources. The military, political and economic consequences, however, could be literally incalculable and would almost certainly lead to acute conflict.

A virtual division of ocean space while assuring better than the present regime of freedom the economic interests of States, would irremediably prejudice their other interests. Scientific research which is the essential prerequisite to resource management and development would be at the mercy of coastal State regulations; maritime commerce could, indeed almost certainly would, be harassed and hampered by the conflicting laws of 100 different States regulating transit. The mutual balance of terror, which now maintains the peace of the world, would be compromised if nuclear submarines were not able to roam the greater part of the seven seas. Furthermore if coastal States, as several of them claim, can, in the exercise of their sovereignty suspend or subject to crippling restrictions passage through straits, petroleum importing countries might soon find themselves in the midst of acute economic crisis.

In this situation, the question inevitably arises whether, in contemporary circumstances, freedom and sovereignty are still viable principles on which to base a regime for the 5/7ths of our planet which are covered by water. Both have irremediable deficiencies: sovereignty subjects to the arbitrary control of coastal States vital activities which by their nature are transnational; while freedom makes rational resource management impossible and permits abuses which, with our increasingly powerful technology, are becoming intolerable. It would appear, therefore, necessary to regulate by international treaty the exercise of some of the privileges of sovereignty and of some of the rights of freedom in the interests of all States and of mankind as a whole. This, however, can only be achieved if the international community agrees to replace the traditional concepts of sovereignty and freedom by a new basic concept as foundation of a new law of the sea adapted to the new conditions of ocean use.

It is important in this connection to keep in mind that the over-arching objective of a new law of the sea must be to establish an agreed and viable—and to be politically viable, it must be perceived as equitable—legal framework that will permit not merely resource exploitation, but maximum beneficial use of ocean space for all peaceful purposes by all States, whether developed or developing, landlocked or coastal, in a situation where ocean uses are multiplying and where possible misuse of increasingly powerful technology creates dangers for all.

So far the only new fundamental concept which has been proposed and generally accepted during the current negotiations at the United Nations is that the seabed and ocean floor and its resources beyond national jurisdiction are a common heritage of mankind. Most coastal States appear content to extend their sovereignty over most of ocean space, declare a small area of the seabed a common heritage of mankind and leave substantially untouched the freedom of the waters above the international seabed area. This is quite inadequate and will in practice lead within a decade or two to the total division of ocean space.

The seabed is only part of the marine environment; the only access to the seabed is through the superjacent waters; use and exploitation of the seabed necessarily affects uses of the waters above; pollutants normally reach the seabed through the superjacent waters. Finally, technological advance and new uses of ocean space link ever more closely the waters and the seabed.

In these circumstances, the concept of common heritage of mankind must clearly be extended not merely to the waters above the international sea, but also to ocean space as a whole. Only in this manner is it possible to avoid a division of ocean space, to reconcile mineral resource exploitation with other uses of ocean space such as navigation and to organize effective action against ocean pollution.

Extension of the concept of common heritage to ocean space as a whole would permit curbing both sovereignty and freedom by the creation of agreed international standards of ocean use. The coastal State would no longer have sovereignty in ocean space but jurisdiction, that is to say control subject to treaty defined limitations designed to protect the general interest. There would be no longer freedom beyond national jurisdiction but open access and non-discriminatory use subject again to treaty defined limitations. Subject to international standards, resource exploitation would be regulated by the coastal State within its jurisdiction and by the organized international community in the international area; living resources that move from the area under State control to the international area would be exploited in agreement between the State or States concerned and the international community.

Thus adoption of the common heritage concept as the basis of the new law of the sea would protect transitional uses of ocean; would protect the interests of coastal States by permitting rational resource management both within and outside national jurisdiction and in addition would provide a principle which could be used by the international community (a) to effect some sharing of the benefits derived from resource development (b) to provide a legal and moral foundation for effective international cooperation in the protection of the marine environment and (c) to provide an agreed foundation for the peaceful adjustment of conflicts between States in the marine environment.

The concept of common heritage requires for its practical implementation the establishment of international machinery. Most States in this connection are thinking in terms of an agency within the United Nations system to administer the rather scanty resources of the rather small seabed area which is likely to remain outside national jurisdiction. This, I feel, is likely to increase the unfortunate lack of credibility of the present international system.

What is required is not a new United Nations agency but a new international institutional system for ocean space linked to, but not necessarily part of the U.N. system.

The new institutional system would provide a permanent forum in which questions relating to ocean space could be examined in all their political, legal, economic, social, ecological, scientific and technological aspects. The system would exercise recommendatory and research functions, similar to those of the U.N. system with regard to ocean space as a whole. In addition, it would exercise some new and important powers, which are becoming necessary in the general interest, such as:

(a) general and non-discriminatory standard setting in respect to major uses of ocean space;

(b) protection and regulation in ocean space of activities which are of vital international interest such as scientific research and navigation;

(c) resource management and conservation beyond national jurisdiction and equitable sharing of benefits derived from these activities;

(d) provision of a mechanism for the effective access of all countries to advanced marine technology relevant to their needs;

(e) provision of a credible mechanism for the compulsory settlement of disputes;

(f) provision of such services to the international community as may be considered desirable.

Existing U.N. agencies dealing with the oceans such as IMCO, IOC, the Fisheries Department of FAO and perhaps some sections of WMO could usefully be consolidated in the new international machinery. In view of its important, novel functions, finally, the new institutions would need to be balanced in such a manner as to avoid the possibility of decisions being taken which are not supported by States representing the majority of the world's population.

All this may be necessary, but is it really possible to believe that the international community will accept in the foreseeable future the extension of the common heritage concept to ocean space as a whole and that it will establish an entirely new international institutional system with the wide functions outlined? This would indeed be a political event of the first magniture and a revolutionary change in international law.

Despite everything, I am reasonably confident of the future since the concepts of absolute sovereignty of the coastal State and of absolute freedom are based on assumptions which no longer correspond to reality and are bringing about imminent collapse of minimum international order in the oceans. Because of this I see no possibility of viable agreement at the forthcoming law of the sea conference if the international community continues to assume that these hoary concepts are still valid.

States face a clear alternative; either acceptance of the common heritage concept for ocean space as a whole or anarchy in the seas and sharply increased world tensions.

DIRECT LINK SEEN BETWEEN WATERGATE AND NIXON ANTICONSUMER POLICIES

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. ROSENTHAL. Mr. Speaker, the same big business forces that financed the Nixon's administration's Watergate scandals are still operating to defeat the establishment of an independent Federal Consumer Protection Agency.

Had there been a Consumer Protection Agency monitoring the performance of Federal regulatory agencies during the last election, the sale of Government decisions to wheat exporters, carpet manufacturers, milk producers, and other corporate campaign contributors would have been stopped cold, and Watergate might have been averted.

The special interest money used to finance the Nixon campaign's domestic intelligence operations—including Watergate—was available only because the donors had a reasonable expectation of receiving favorable Government decisions in return for their money.

That money would not have been forthcoming if the contributors knew that Government decisions favorable to them would have been challenged in court by the CPA as being harmful to consumers.

Maurice Stans, Mr. Nixon's chief fund raiser in two Presidential campaigns, collected nearly $100 million largely by urging business and industry barons, in Stans' words, to make an "investment" in Richard Nixon "to insure that the executive branch of Government is in the right hands."

The independence of the CPA and its consumer advocate is as important to the integrity of future governmental consumer decisions as the independence of the special Watergate prosecutor is to the integrity of the Watergate investigation. In a very real sense, the CPA is a permanent independent prosecutor charged with rooting out collusion between campaign contributors and Government decisionmakers in this and future administrations.

The Nixon administration's negotiators on the consumer agency bill are at this moment attempting, through the threat

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of Presidential veto, to force on Congress a CPA bill that would place the proposed agency at the mercy of the White House and its Office of Management and Budget.

More than 100 Members of Congress are sponsoring my bill to establish an independent Consumer Protection Agency, H.R. 14. Ralph Nader has termed it the most important legislation ever to come before the Congress. Hearings have been completed in both the House and Senate and mark-up will begin shortly. The CPA has met extremely strong opposition from industry groups and the White House, which would prefer no bill at all.

This agency will represent the American consumer in all proceedings before the departments and agencies of government. It would, for the first time, give consumers equal clout with business when Federal decisions are made affecting the health and economic well-being of the public.

The Nixon administration was for sale to the highest bidders, and the American consumers were the victims of this closed-door wheeling and dealing.

Some of the deals were:

THE ITT AFFAIR

The giant conglomerate ITT won a favorable out-of-court settlement on a major antitrust suit after the President personally intervened in the Justice Department action. At about the same time, ITT Sheraton agreed to underwrite $400,000 toward the cost of the Republican Convention in San Diego.

THE MILK DEAL

One day after their industry group donated $10,000 to the President's reelection, 16 milk producers met with the President to discuss the price support for milk. The next day $25,000 more was donated and the day after that the President reversed his Agriculture and Treasury Departments, his Council of Economic Advisers and the Office of Management and Budget by ordering a large increase in milk price supports. That decision cost American consumers $500 to $700 million in higher milk prices. Donations from the dairy producers ultimately exceeded $400,000.

THE WHEAT DEAL

In its haste to conclude a sale that would reap a rich election year harvest for the President in the farm States. the Agriculture Department failed to evaluate intelligence on the Soviet wheat harvest, misused the export subsidy program to the multimillion dollar benefit of large grain exporters, insulted our regular trading partners and let the Russians get off with "bargain basement" prices. There was very strong evidence of collusion or at the very least special treatment for the large grain exporters and of conflicts of interest by Agriculture Department officials. Taxpayers were stung for $300 million in price supports; farmers lost millions by unknowingly selling their crops below what they could have gotten had they known the magnitude of the sale; and consumers are still paying billions more in higher prices for meat, bread, cereal, milk, and many other essential commodities. The grain dealers and exporters showed their gratitude by making hefty campaign contributions to Mr. Nixon's reelection campaign.

THE CARPET DEAL

In an effort to see that strong flammability standards were not imposed on the carpet industry, representatives of the manufacturers met secretly at the White House in the summer of 1972 with Maurice Stans and Charles Colson. They won the delay and the Nixon campaign collected $95,000.

At the heart of the CPA concept are the very issues which lie at the heart of the Watergate corruption: Improper influence by special economic interests over regulatory decisions affecting consumers; infiltration of regulatory agencies by special interest representatives, and pro-industry settlement of court cases.

These are all issues in which the Consumer Protection Agency could have intervened to forestall corruption induced by campaign financing.

NUNS TELL POPE ATTACK BY ARABS IS SACRILEGIOUS

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. WOLFF. Mr. Speaker, the condemnation of the recent attacks on Israel has come from people of many religious faiths. I insert in the RECORD the following article about the views of the Leadership Conference of Women Religious for the attention of my colleagues.

The article follows:

NUNS TELL POPE ATTACK BY ARABS IS SACRILEGIOUS

The Leadership Conference of Women Religious, which represents 180,000 Catholic nuns in the United States, cabled Pope Paul VI Sunday calling on him to "speak to the peoples of the whole world to condemn the Arab attack on Israel which they described as "a sacrilegious act."

The nuns said they were "shocked and saddened at the carefully planned and blasphemous attack of the Arabs of Egypt and Syria upon the Jews of Israel in violation of their most holy day. Yom Kippur."

The nuns denounced the attack as an "incredible defamation of a religious group" and said it was "not only against the Jews but against the sanctity of all religions." They added that "not only Catholics but people of the whole world are awaiting your condemnation of this infamy."

The cable was signed by Sister Francis Borgian Rothluebber, president, and Sister Rose Thering, secretary of the Conference.

Christian leaders meeting at the American Jewish Committees national headquarters Tuesday deplored the attack by Egypt and Syria on the right of Israel to live in peace and security and termed the attack not only a threat to Israel but to world peace.

The Catholic and Protestant clergymen who were meeting to discuss the Committees new Christian visitors to Israel tour, expressed their determination to work for dialogue and mutual recognition between Israel and the Arab peoples, particularly the Palestinians They declared they would not be deterred from their determination by the present conflict.

The comments were made at a news conference by Rev. Charles Angell, director of the Christian Unity Center of the Graymoor Fathers. He said his views were shared by the Rev. Dean Goodwin, director of communication of the American Baptist Churches, and Dr. Bryant George, a United Presbyterian minister and director of the Federation of Southern Cooperative Programs for the Ford Foundation.

Angell, a leading Catholic ecumenist, said "at this particular moment in history, when the Jews in Israel are faced with aggression and Jews everywhere are confronting terrorism, I think it is important for Christian friends not to scuttle into the woodwork. My concern is for all the people of the Middle East, but the cause of Arab Christians and Muslims is not served by beating war drums nor in fostering the illusion that somehow Israel will disappear from the earth."

Arabs and Israelis must recognize their respective right to existence in peace and security, and there will be no solution to the present conflict until the Arabs and Jews talk together and work out their coexistence."

WORLD PEACE AND THE NEED FOR THE UNITED NATIONS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. FRASER. Mr. Speaker, the importance of the United Nations to world peace and security was convincingly reiterated in a letter to the editor in the New York Times of November 7. Mr. Murray B. Woldman, staff consultant for Members of Congress for Peace Through Law, notes that during the Middle East crisis, the United Nations provided an indispensable forum through which superpower confrontation and the risks of widened violent conflict were effectively scaled down.

Too often, U.S. foreign policy places the United Nations near the bottom rung of the priority ladder. The result, too often, is a weakened United Nations blamed unfairly for failure to solve problems which were submitted to it too late to find a workable solution. The lesson we should learn from the United Nations' performance in the Middle East crisis, as Mr. Woldman points out, is that—

> If our foreign policy-makers can demonstrate a greater commitment to the United Nations and if we can turn increasingly to it to forestall problems rather than solve them, we just might find that independence of action is not nearly as important as defusing conflicts before they explode in our faces.

The full text of Mr. Woldman's letter follows:

LETTER

To the Editor:

Since the China vote of 1971, we have heard a great deal of criticism of the United Nations and its inability to deal effectively with threats to world peace and security. Many have suggested that if the UN cannot act to head off conflict, it is no longer capable of carrying out the tasks for which it was established after the Second World War.

Yet we have seen this week that the UN is indeed alive and well. The war in the Middle East has threatened to draw this Nation and the Soviet Union into a dangerously escalating situation. On October 25, the Security Council demonstrated that the UN remains the only international forum we have for the quiet resolution of superpower involvement in potentially explosive regional conflicts. With the active cooperation of

eight of the nonaligned nations American foreign policy too often takes for granted, a resolution was introduced and passed. It would not be overstating the case to stress that this development has moved us back from a dangerous exercise in brinkmanship, however necessary it might have been which could have brought us into armed confrontation with the Soviet Union.

This exercise in international diplomacy underlines the central role the UN can play in our foreign policy when it is given the chance. It is highly doubtful whether the parties to the conflict could have among themselves achieved the consensus and set the guidelines for monitoring what we hope will be an equitable and just peace in the Middle East. United Nations peace-keeping procedures, the sorest point in our differences at the UN with the Soviet Union, have a new lease on life as a result of the agreement, however tentative, being orchestrated now at the UN (Editorial October 27).

We should not expect miracles. Failure is possible at any point. But the UN has pulled through. The member states who make up the UN have shown that international cooperation matters to them and that concern for peace can bring nations with great differences together to work out solutions to their problems.

Might not this experience provide an object lesson to our policymakers? The UN was created to keep peace in the world. Peace has many faces. They are economic, social and legal as well as political and military. If our foreign policy-makers can demonstrate a greater commitment to the United Nations and if we can turn increasingly to it to forestall problems rather than solve them, we just might find that independence of action is not nearly as important as defusing conflicts before they explode in our faces.

MURRAY B. WOLMAN.

WASHINGTON, *October 26, 1973.*

CRIME CONTROL NO. 6

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. LANDGREBE. Mr. Speaker, I insert the following article from the Baltimore News American to be placed in the RECORD for the benefit of those who have been confused by the constant clamor of gun control lobbyists about the putative heinousness of guns and the alleged necessity for removing such weapons from the hands of private citizens. If we are to remain a free people, and if criminals are not to be allowed complete license to plunder and kill without commensurate resistance from their intended victims, then further gun control laws must not be passed and those on the books that restrict the private, noncriminal, ownership of guns should be repealed.

INTRUDER SLAIN BY YOUTH, 18—NO CHARGES MADE; BODY UNIDENTIFIED

Police said yesterday they would not prosecute an 18-year-old East Baltimore youth who, they say, shot a still unidentified burglary suspect who broke into the youth's home early yesterday morning.

Sgt. Darrell R. Duggins, of the Eastern district, said Ernest L. McNeil, Jr., of the 2200 block East Preston street, shot and killed the suspect about 2 A.M. as he was attempting to flee from the youth's home after having beaten the youth's mother. Sergeant Duggins said the killing has been ruled a justifiable homicide.

According to police the burglary suspect broke out several panes of glass in one of the kitchen windows and opened the kitchen door. He then removed a television set from the living room and placed it on a kitchen chair.

Young McNeil told police he was awakened by his mother, Martha A. McNeil, 54, who suddenly began screaming his name. He said that moments later his mother rushed into his room pursued by an unknown man.

"I started to grab him," the youth said in an interview. "But I froze and then remembered my mother kept a gun under her mattress."

The youth told police that when he returned with the gun he found the suspect in his bedroom beating his mother. He says he fired one shot from the .22-caliber pistol, but missed as the suspect headed for the stairs.

He says he fired two more shots at the man as he ran down the stairs. The man's body was found by police lying near the kitchen door. He was pronounced dead at the scene.

Police said late yesterday that the body had been taken to the Morgue but that they still had no clue as to its identity.

Mrs. McNeil and her son, a recent graduate of Dunbar High School, were alone in the house at the time of the incident. Her husband, Ernest L. McNeil, Sr. is a steelworker at the Bethlehem Steel Company's Sparrows Point plant and does not usually return home until after 6 A.M., she said.

This was the second instance in less than a week in which the victim of a crime had killed the suspect.

Last Wednesday a 22-year-old rape victim fatally shot her assailant in her bedroom as the man threatened her 2-year-old son after raping her in the presence of the boy and the boy's younger brother. The woman pulled a gun from under the mattress while the man's attention was distracted, and shot him in the chest and both shoulders.

FEDERAL OIL SHALE PLANT SUBSIDY?

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. VANIK. Mr. Speaker, all my colleagues would be interested in an article published in the Sunday Denver Post on October 21. Written by Dick Prouty and entitled "Federal Oil Shale Plant Subsidy Possible," the article was derived from questions put to John C. Whitaker, Under Secretary of the Interior, when Mr. Whitaker was in Denver.

Mr. Whitaker told Mr. Prouty that a Federal subsidy program was possible in order to start a 250,000 barrel/day commercial oil shale operation.

Mr. Speaker, this is a startling development. The costs of just a 100,000 barrel/day commercial oil shale operation are estimated to be about $450 million by the Interior Department's Oil Shale Office. We could probably expect a 250,000 barrel/day operation to cost over $1 billion. Naturally, at today's skyrocketing crude oil prices, the products of such an operation would potentially bring a fat profit to the private oil companies that were helped to the feeding trough by the Government subsidies.

In addition to the Government's financial supports, the oil industry stands to reap these new oil shale profits from public lands. Over 70 percent of the known American oil shale resources are on Government owned, public property. So a taxpayer subsidized industry is going to make profits, from the public, on lands that belong to the public: a profit from the sale of public resources to the public.

The rationale for Government subsidized commercial oil shale development was explained to my office in several conversations—and is most remarkable. The Department of Interior explained that there is a possibility of an Arab States turnaround—where instead of holding oil off the market and denying it to countries that refuse to submit to their political demands, the Arab States would flood the market with their crude oil. That would cause prices to dive, and profits by American companies would collapse.

Continuing with the Interior Department's reasoning, the profit slump resulting from the oil flood would not allow the American oil industry to develop, with their own capital, commercial oil shale operations. Thus the reason for a Government subsidy: a flood of Arab oil.

The Interior Department says that the Government subsidy is only one of many alternatives that they must prepare for, but I am afraid that instead of prudent planning, what we are seeing is the beginning of another Government shelter for the oil industry at the public's expense—at the same time that oil companies have reported, embarrassingly, profits this quarter of up to 90 percent over the same quarter last year.

Mr. Speaker, I hope that my colleagues will be able to read the portion of the article that follows, and give some extra thought to the situation that is developing in the oil shale industry.

Personally, I believe it is time that we consider the possibility of public ownership and development of our Nation's oil shale treasure. Public development could insure rapid production with a maximum of environmental safeguards. More importantly, it would guarantee that the oil would be produced at fair prices—not monopoly prices—and could provide a "yardstick" for future private development in the oil shale industry.

The idea of a subsidy to the same industry that has brought us the energy crisis is ludicrous. The situation must not be allowed to degenerate to a point where the public interest is not at the forefront of our considerations.

A portion of the story by Mr. Prouty follows:

FEDERAL OIL-SHALE PLANT SUBSIDY POSSIBLE

(By Dick Prouty)

The U.S. Interior Department is considering a federal subsidy program to get a 250,000-barrel-a-day oil shale plant into operation, John C. Whitaker, Interior Under Secretary, said Saturday.

The subsidy idea is "only a possibility" and it would be limited to the department's prototype oil-shale leasing program announced in August for Colorado, Wyoming and Utah, he said.

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Since the richest shales in the program are in the Piceance Creek Basin, northwest Colorado most likely would be site of proposed oil shale operations 10 times the size of present experimental private ventures.

Whitaker was in Denver to meet with department regional officials and William Rogers, recently appointed to personally represent Interior Secretary Rogers C. B. Morton in the mountain-prairie West.

SEEKING OPTIONS

"We are looking at all the options we can think of" Whitaker said. "Oil shale is only one part of the energy situation. Unlike the Alaska oilfields where time to get the oil out is the major consideration, in oil shale we have the time factor and an unproven technology along with serious environmental considerations."

Whitaker, a geologist, said saline waters associated with oil shale formations "are bothersome" as technical and environmental problems. The challenge is to control the salt water in shale mining operations. With no proven technology, the time factor when oil is available from shale is difficult to forecast, he said.

Morton has listed six 5,100-acre sites, two each in Colorado, Wyoming and Utah, upon which the petroleum industry will be asked to submit bids late this year for development of a 250,000-barrel-a-day oil shale plant. The sites are on lands administered by the Bureau of Land Management, an Interior Department agency.

BOOST TO INDUSTRY

A subsidy would encourage industry to invest the $300 million needed for a prototype operation. Industry has been reluctant to invest that much money in an untried technology which would provide costly lessons to the advantage of competing firms.

THE CASE FOR IMPEACHMENT

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. BROWN of California. Mr. Speaker, the AFL–CIO News of tomorrow's date will contain a full-page declaration, in large, boldface print, that is of tremendous interest and importance to every Member of Congress. I am therefore inserting the entire text in the RECORD at this time, and I urge every one of our colleagues to read this impressive statement most carefully.

WHY RICHARD M. NIXON MUST BE IMPEACHED—NOW

On October 22, the AFL–CIO at its convention unanimously adopted a resolution calling for the resignation of President Richard M. Nixon.

The resolution said that Mr. Nixon's resignation was necessary for the restoration of our badly battered democratic institutions.

If Mr. Nixon does not resign, the resolution said, "we call upon the House of Representatives forthwith to initiate impeachment proceedings against him"

Since then, Mr. Nixon has announced that he does not intend to resign.

The AFL–CIO therefore calls for his immediate impeachment

As we said in the convention resolution, "Impeachment is not a prospect we contemplate with pleasure No decent American can derive any partisan satisfaction whatever from the misfortune of his nation And surely the American labor movement is not interested in aiding any reckless attacks on the Presidency. We are especially concerned about the office of the Presidency in these times of grave danger on the international front.

"But the cause of peace and freedom in the world cannot survive a discredited Presidency. Our allies' best hope—mankind's best hope—lies in the strength of our democratic institutions.

"Justice must be done, the risks of not doing it being more than democracy can safely bear."

Richard M. Nixon must be impeached—now—because:

He has caused an erosion of public confidence in our democratic system of government.

He instituted in the name of national security a plan which violated civil liberties through domestic political surveillance, espionage, wiretapping, burglary, eavesdropping, opening of mail, and military spying on civilians.

He created a special and personal secret police, answerable only to the White House, to operate totally outside the constraints of law.

He and his subordinates interfered with the freedom of the press—which our Constitution guarantees—by means of wiretaps, FBI investigations, and threats of punitive action.

He secretly recorded conversations in his office without advising participants in those conversations that they were being recorded. He then sought to deny the evidence on those tapes to the courts.

He has violated the Constitution of the United States and his sworn obligation to see that the laws "be faithfully executed."

He has used the office of the Presidency to attempt to put himself above the law.

He has consistently lied to the American people.

He has, by his actions and through the actions of his subordinates—for which he has accepted responsibility—brought dishonor on the office of the Presidency.

He has repeatedly promised the American people full revelation of the facts in the Watergate affair—and he has repeatedly sought to keep those facts from the public, from the courts, from the Congress, and from the special prosecutor.

He has used the office of the Presidency for personal enrichment.

He secretly curtailed the FBI investigation of the Watergate break-in.

He involved the CIA in the coverup of the Watergate affair.

He sought to suppress—and for a time did suppress—the facts of the burglary of the office of Daniel Ellsberg's psychiatrist from the judge in the Ellsberg trial.

He interfered with the administration of justice by offering this judge the directorship of the FBI.

He intervened in the antitrust suit against International Telephone and Telegraph to impose a settlement agreeable to the corporation, after which the corporation agreed to underwrite $400,000 of the cost of the 1972 Republican National Convention.

He and his subordinates sought to use the power of the White House, the Justice Department, the Internal Revenue Service, the Securities and Exchange Commission and other government agencies to punish a list of political enemies.

Officials of his campaign committee and his personal attorney extorted illegal campaign contributions from corporations which were dependent on maintaining the good will of the government.

Officials of his campaign committee received large campaign contributions from the dairy industry, which was seeking and later received lucrative dairy price support increases and dairy import concessions.

Until Richard Nixon is removed from office, we will not be able to get Watergate behind us. We will not be able to proceed with sober and constructive solutions to our economic and social problems at home or to the dangers of war in the world.

The first step in the impeachment process already has been taken: resolutions calling for the impeachment of the President have been introduced in the House of Representatives and referred to the House Judiciary Committee. The next step is for the committee to investigate. If it recommends impeachment, the committee sends to the House floor a resolution and articles of impeachment which specify the charges against the President.

If the House by majority vote approves the articles of impeachment, they are sent to the Senate for trial. If two-thirds of the Senate, with the Chief Justice of the United States presiding, find the President guilty of any of the charges, he is removed from office.

What is now necessary is that the House of Representatives and the House Judiciary Committee be made aware of the need for urgency in voting the impeachment of the President. Toward this end, each union member should now write his Congressman AND Chairman Peter Rodino of the House Judiciary Committee—at the House Office Building, Washington, D.C. 20515—and urge their support of impeachment.

UNCLE SAM GETS THE COLD SHOULDER

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. GAYDOS. Mr. Speaker, we have seen in the events of recent weeks how well our policy of spending the hard-earned money of the American people to buy friends and increase our influence abroad has succeeded.

Where are these friends which cost us hundreds of billions of our dollars? What has become of the U.S. influence abroad? The answer was shown in the cold shoulder given to us when we asked help and cooperation for our policy in the Middle East.

Portugal was the only member nation of the NATO—our supposed allies—which permitted us to use its territory for stopovers by our planes in our efforts to resupply the Israelis as the war in the Middle East progressed. Other NATO members, when asked for similar rights, turned us down cold.

West Germany, where our troops stand guard, even protested formally against our planes taking off from that country for assigned missions to Israel. Turkey, which has received billions from us, let the Soviet Union fly arms for Egypt and Syria over its land but refused our request to do the same for Israel.

The rationale for this snubbing of Uncle Sam is that the NATO "partners" feared for their oil shipments from the Arab States. But the fact is that all of us—Europeans, Japanese, and Americans alike—are faced with the same oil crisis and that the vaunted cooperation of the Free world Nations, when the chips were down, failed to materialize.

The State Department admitted as much in these words:

> We are struck by the number of our Allies going to some lengths to separate themselves publicly from us.

I ask, Mr. Speaker, if this is not the appropriate time, with all this new evidence of policy failure before us, to undertake corrective action? Why should we continue to pay millions upon millions annually to maintain U.S. forces in Central Europe for the defense of West Germany and other nations when these nations are not, in fact, allies, but free wheelers with no sense of gratitude or obligation to us? Let us bring our soldiers home.

Why, too, should we continue our multibillion-dollar aid programs, scattering our dollars over the globe, when we see so dramatically, how little our generosity means to our "friends" when we asked them for assistance. Even now the aid recipients, past and present, are refusing to join with us in plans to meet Arab oil cut-offs. Allied cooperation thus has turned out to be a myth—a very costly one to the American taxpayers.

It would be irresponsible on our part as Congressmen if we did not take time now to assess the meaning of this historic collapse of the basic premise of our foreign affairs—the notion that, by sharing our substance with others, we would fulfill the role of Free World leadership. It has not worked out and yet that illusion cost us billions which, if kept here, could have provided a good home for every American family, cleaned our air, solved our transport problems, rebuilt our decaying cities, furnished adequate medical care to everyone, raised our educational standards and filled other urgent needs.

I insist that the time is now for us to direct our thinking and our spending to our own problems—to place the American interest first and to write off as one of history's worst failures the idealistic, impractical foreign policy which we have followed so long and which now has flunked out so miserably.

THE ENIGMAS OF OUR POLICY TOWARD GREECE

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. ROSENTHAL. Mr. Speaker, when Greek Army leaders seized power illegally on April 21, 1967, the United States had an opportunity to reassert the importance of the North Atlantic Treaty Organization as an alliance of democracies. We lost that opportunity by accepting a specious assumption that the military and strategic advantages of maintaining close ties with a dictatorial Greek regime outweighed our long-term interests in seeing democracy restored in the country. The proof of our policy, the President indicated last July in a press conference, came in our conviction that "without aid to Greece and aid to Turkey you have no viable policy to save Israel."

The Greek Government's answer to our recent request through NATO for support in the Middle East crisis came in a public statement in Athens by Foreign Minister Palamas on October 15 in which he reaffirmed that "Greece's friendly relations with Arab countries exclude any participation either direct or indirect, in an eventual action against them."

If our policy of friendly relations with the Greek dictatorship is confounded by that government's behavior in the Middle East, what is the explanation? A disturbing possibility which emerges regularly is the role of certain American business interests in maintaining good relations with Greece where they have considerable private investments. And a key person in that Greek-American business community is Thomas A. Pappas who has also served as an official of the Republican Finance Committee and an important fund-raiser and contributor to the Republican Party at least since 1968.

Seth Kantor, of the Detroit News, has recently written an article outlining some of the associations between Pappas, the Nixon reelection campaign of 1972, and several Greek citizens who allegedly made sizable contributions to the President's reelection last year. I include that article below.

The Subcommittee on Europe, which I chair, has been aware of the foreign policy implications of these domestic political activities for some time. During our hearings in 1971 on "Greece, Spain, and the Southern NATO Strategy," the subject of the Pappas role in our foreign policy toward Greece was discussed. A memorandum was also submitted for the hearing record on Pappas' role by one of our witnesses, Mr. Elias P. Dematracopoulos.

The Subcommittee on Europe's interest obviously is directed to and limited by the foreign policy implications of any domestic political events. I have asked the subcommittee staff, in this respect, to continue to follow the production of additional information of the kind developed by Mr. Kantor in this important story.

There are still enigmas to be traced in the strange policies we continue to pursue toward Greece and I find these investigative efforts very helpful in our study.

The article follows:

GREEK CONTRACTOR'S DONATIONS TO NIXON VOTE FUND FACE PROBE

(By Seth Kantor)

WASHINGTON.—An influential Greek citizen made donations to President Nixon's reelection campaign last year, both before and after receiving a multimillion-dollar U.S. defense contract.

Contributions totaling $25,000 were made by the late Nikos J. Vardinoyiannis. They were in apparent violation of a federal law outlawing campaign funds from federal contractors.

Motor Oil Hellas Lube Oil Refinery of Athens, headed by Vardinoyiannis, was awarded a $4.7 million contract to refuel the U.S. Sixth Fleet. The Pentagon picked the Greek firm over several American bidders. A spokesman for the Navy at the Pentagon refused to say whether the Greek firm was the low bidder.

Sen. Philip A. Hart, a member of the Senate Judiciary Committee, has asked the Justice Department and General Accounting Office (GAO) to investigate the legality of the Vardinoyiannis transaction.

Hart also said he was disturbed that election campaign funds in America can come from foreign sources. The Michigan Democrat said he intends to turn over the findings of the Justice Department and GAO to Watergate probers and to the Senate Rules Committee, which handles campaign reform legislation.

Privately, GAO officials are concerned over an unpublicized Justice Department decision earlier this year to permit powerful foreigners to funnel cash into American political campaigns. The Justice Department said it made the ruling in April after receiving several inquiries during the 1972 political campaign about a U.S. law that prohibits contributions from foreign "principals."

The Justice Department quietly ruled that the term "principals" does not apply to foreign individuals, but rather means countries or companies.

Several contributions were made to the Nixon reelection campaign in 1972 from Greece-based industrialists.

Hart said in a statement that "by permitting foreign sources to contribute to political campaigns, we could open some large loopholes in laws governing political contributions, particularly with the growth of international corporations."

A key figure in the campaign gifts from Greece appears to be Thomas A. Pappas of Athens, who holds dual American and Greek citizenships. Pappas is on intimate terms with leaders of the Nixon administration, is a personal friend of the President and was one of the original eight members of the executive committee of the Committee to Re-elect the President (CRP).

CRP reported that Pappas personally contributed $1,000 to it after April 7, 1972—the date a new federal law went into effect, forcing public disclosure of the names of contributors.

Before April 7, though, the CRP received $100,673 in undisclosed personal contributions from Pappas.

Subsequently, a federal lawsuit filed by Common Cause, the citizens' lobbying group, forced the CRP to make public the names of those who had made pre-April 7 contributions.

Among the names on that long list was Vardinoyiannis. CRP records show he donated $15,000 to the Nixon reelection campaign on Jan. 31, 1972.

Later in the year, Sept. 25, Motor Oil Hellas won the contract to refuel U.S. fighting ships in Greece. Then, on Nov. 10, 1972, just after Mr. Nixon's reelection, the CRP reported receiving another $10,000 from Vardinoyiannis.

Vardinoyiannis, 42, suffered a heart attack this summer and died. He had been a friend of Pappas, who was a major fund-raiser for the CRP.

Pappas, 74, was born in Greece and brought to Boston as a small boy. He became an American citizen and grew wealthy in the food and liquor importing business.

A decade ago Pappas returned to Greece to become a leading industrialist there. His investments are in oil, steel, cattle, chemical plants, shipping and the sole franchise to distribute Coca-Cola in Greece.

Another business associate of Pappas—Spyros A. Metaxa—did not think his name would be made public as a foreign national helping to re-elect President Nixon. Metaxa gave $10,000 to the CRP on April 4, 1972, just before the public disclosure law went into effect in the United States.

Metaxa is an operator of the company that produces a well-known brandy that bears his family name. The Pappas company in Boston is an importer of the Metaxa brandy.

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Reached in Kifissia, Greece, by telephone, Metaxa, a Greek citizen, refused to answer questions about why he contributed to the American political campaign.

"Send me a letter on official stationery and I will ask my lawyer what I can answer you," said Metaxa.

The letter was sent on Oct. 4, but no answer has been received.

Though it is not presently known whether Pappas brought foreign contributions to the CRP from abroad, he made seven round trips by plane between April 27 and Dec. 13, 1972, from Athens to Washington on CRP business. In addition, Pappas was in Paris and Switzerland on CRP business only a week before the 1972 election in America.

Hart believes that political contributions from foreign sources should be prohibited by law.

"I tend to think they should (because) the test of a candidate's viability to run ought to rest on support from domestic sources alone," he said.

From information provided him by The News, Hart has posed a series of questions to be explored by Acting Atty. Gen. Robert Bork and by Comptroller General Elmer B. Staats of the GAO.

Staats is overall director of the GAO's watchdog Office of Federal Elections.

After advising Bork and Staats about the defense contract to Vardinoyiannis, Hart asked them to recommend "what changes in law would be required, if any, to prohibit such contributions (to American political campaigns from foreign sources) in the future?"

Specifically, Hart asked why Section 611 of the U.S. Criminal Code does not already cover cases such as the one involving Vardinoyiannis.

That's the section prohibiting contractors with the federal government from contributing to federal political campaigns. The penalty is a maximum of five years in prison or a fine of $5,000, or both.

Section 601 also makes it illegal to knowingly solicit contributions from contractors, which could bear directly on fund-raisers such as Papas, if he solicited such funds for the CRP.

Hart said that depending on the answers he gets from the Justice Department and GAO, he might pass on the information to newly-appointed Special Prosecutor Leon Jaworski and to the Senate Watergate Committee.

Concerned that large loopholes in the law could allow international businesses to secretly make illegal corporate donations through foreign sources to U.S. political candidates, Hart also said he might refer the matter for study to the Senate subcommittee on multinational corporations.

ORGANIZED LABOR LAUNCHES DRIVE FOR THE IMPEACHMENT OF PRESIDENT NIXON

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 1973

Mr. RANGEL. Mr. Speaker, once again, as has occurred so often in our history, the Nation's workers are providing the cutting edge of our national conscience. Recognizing that the President has in large measure forfeited his right to national leadership, the AFL–CIO has launched a nationwide campaign for the impeachment of President Nixon. As Members of the body to which this campaign will be addressed in the days and weeks ahead, we all should carefully consider the reasons which underlie this call by our Nation's largest labor union body. I place in the CONGRESSIONAL RECORD, for the attention of my colleagues, the AFL–CIO position on why Richard M. Nixon must be impeached—now:

WHY RICHARD M. NIXON MUST BE IMPEACHED—NOW

On October 22, the AFL–CIO at its convention unanimously adopted a resoultion calling for the resignation of President Richard M. Nixon.

The resolution said that Mr. Nixon's resignation was necessary for the restoration of our badly battered democratic institutions.

If Mr. Nixon does not resign, the resolution said, "we call upon the House of Representatives forthwith to initiate impeachment proceedings against him."

Since then, Mr. Nixon has announced that he does not intend to resign.

The AFL–CIO therefore calls for his immediate impeachment.

As we said in the convention resolution, "Impeachment is not a prospect we contemplate with pleasure. No decent American can derive any partisan satisfaction whatever from the misfortune of his nation. And surely the American labor movement is not interested in aiding any reckless attacks on the Presidency. We are especially concerned about the office of the Presidency in these times of grave danger on the international front.

"But the cause of peace and freedom in the world cannot survive a discredited Presidency. Our allies' best hope—mankind's best hope—lies in the strength of our democratic institutions.

"Justice must be done, the risks of not doing it being more than democracy can safely bear."

Richard M. Nixon must be impeached—now—because:

He has caused an erosion of public confidence in our democratic system of government.

He instituted in the name of national security a plan which violated civil liberties through domestic political surveillance, espionage, wiretapping, burglary, eavesdropping, opening of mail, and military spying on civilians.

He created a special and personal secret police, answerable only to the White House, to operate totally outside the constraints of law.

He and his subordinates interfered with the freedom of the press—which our Constitution guarantees—by means of wiretaps, FBI investigations, and threats of punitive action.

He secretly recorded conversations in his office without advising participants in those conversations that they were being recorded. He then sought to deny the evidence on those tapes to the courts.

He has violated the Constitution of the United States and his sworn obligation to see that the laws "be faithfully executed."

He has used the office of the Presidency to attempt to put himself above the law.

He has consistently lied to the American people.

He has, by his actions and through the actions of his subordinates—for which he has accepted responsibility—brought dishonor on the office of the Presidency.

He has repeatedly promised the American people full revelation of the facts in the Watergate affair—and he has repeatedly sought to keep those facts from the public, from the courts, from the Congress, and from the special prosecutor.

He has used the office of the Presidency for personal enrichment.

He secretly curtailed the FBI investigation of the Watergate break-in.

He involved the CIA in the coverup of the Watergate affair.

He sought to suppress—and for a time did suppress—the facts of the burglary of the office of Daniel Ellsberg's psychiatrist from the judge in the Ellsberg trial.

He interfered with the administration of justice by offering this judge the directorship of the FBI.

He intervened in the antitrust suit against International Telephone and Telegraph to impose a settlement agreeable to the corporation, after which the corporation agreed to underwrite $400,000 of the cost of the 1972 Republican National Convention.

He and his subordinates sought to use the power of the White House, the Justice Department, the Internal Revenue Service, the Securities and Exchange Commission and other government agencies to punish a list of political enemies.

Officials of his campaign committee and his personal attorney extorted illegal campaign contributions from corporations which were dependent on maintaining the good will of the government.

Officials of his campaign committee received large campaign contributions from the dairy industry, which was seeking and later received lucrative dairy price support increases and dairy import concessions.

Until Richard Nixon is removed from office, we will not be able to get Watergate behind us. We will not be able to proceed with sober and constructive solutions to our economic and social problems at home or to the dangers of war in the world.

The first step in the impeachment process already has been taken: resolutions calling for the impeachment of the President have been introduced in the House of Representatives and referred to the House Judiciary Committee. The next step is for the committee to investigate. If it recommends impeachment, the committee sends to the House floor a resolution and articles of impeachment which specify the charges against the President.

If the House by majority vote approves the articles of impeachment, they are sent to the Senate for trial. If two-thirds of the Senate, with the Chief Justice of the United States presiding, find the President guilty of any of the charges, he is removed from office.

What is now necessary is that the House of Representatives and the House Judiciary Committee be made aware of the need for urgency in voting the impeachment of the President. Toward this end, each union member should now write his Congressman AND Chairman Peter Rodino of the House Judiciary Committee—at the House Office Building, Washington, D.C. 20515—and urge their support of impeachment.

HOUSE OF REPRESENTATIVES—*Monday, November 12, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

With righteousness shall the Lord judge the world and the people with equity.—Psalms 98:9.

Eternal Father of our spirits, we thank Thee for the refreshment of sleep and the restoration of soul our rest provides that with renewed strength we may meet the challenging tasks of this new day.

Amid all the labors of these hours keep our hearts with Thee as we act on behalf of our beloved land facing national and international problems which tax our spirits to the utmost. Give to us and to all America the realization that whatever the future holds of marvel or surprise, goodness and truth, justice and mercy abide and that in Thee and in Thee alone is the strength of our Nation and the future of our world.

During these weeks which try men's souls save us from fear, deliver us from futility and make us worthy of these times which cry aloud for wisdom, integrity, and character.

In the spirit of Christ we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 2641. An act to confer jurisdiction upon the district court of the United States of certain civil actions brought by the Senate Select Committee on Presidential Campaign Activities, and for other purposes; and

S. 2645. An act to amend Public Law 93–60 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, in order to get this place warmed up, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 573]

Alexander
Andrews, N.C.
Archer
Ashley
Baker
Beard
Bevill
Biaggi
Blackburn
Blatnik
Bolling
Brooks
Buchanan
Burke, Calif.
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Conte
Conyers
Crane
Culver
Davis, Ga.
Davis, Wis.
de la Garza
Dellenback
Dellums
Downing
Dulski
Flood
Flynt
Fuqua
Gray
Green, Oreg.
Griffiths
Hammerschmidt
Hanley
Hanna
Hays
Heinz
Hosmer
Huber
Hudnut
Jarman
Jones, N.C.
Jones, Tenn.
Jordan
Karth
Keating
Kluczynski
Lehman
Lent
Macdonald
Mathias, Calif.
Matsunaga
McCormack
McEwen
McKay
Mills, Ark.
Minshall, Ohio
Mitchell, Md.
Moakley
Mosher
Murphy, N.Y.
Nix
O'Hara
Patman
Podell
Powell, Ohio
Price, Tex.
Rangel
Reid
Roberts
Rodino
Roncallo, N.Y.
Rosenthal
Rostenkowski
Ruth
Ryan
Slack
St Germain
Staggers
Stephens
Stokes
Symington
Teague, Tex.
Thornton
Ullman
Waldie
Walsh
Whitten
Williams
Wolff
Wright
Young, Ill.
Young, S.C.
Young, Tex.

The SPEAKER. On this rollcall 335 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONFERENCE REPORT ON S. 1081, AMENDING SECTION 28 OF THE MINERAL LEASING ACT OF 1920, AND TO AUTHORIZE THE TRANS-ALASKA PIPELINE

Mr. MELCHER. Mr. Speaker, I call up the conference report on the Senate bill (S. 1081) to authorize the Secretary of the Interior to grant rights-of-way across Federal lands where the use of such rights-of-way is in the public interest and the applicant for the right-of-way demonstrates the financial and technical capability to use the right-of-way in a manner which will protect the environment, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

Mr. STEIGER of Arizona. Mr. Speaker, reserving the right to object, is it my understanding that Members will be protected if there is a motion to recommit the conference report pending the waiving of the reading of the report?

The SPEAKER. The Chair will advise that that comes after the previous question is ordered on the conference report.

Mr. STEIGER of Arizona. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

The Clerk read the statement.

(For conference report and statement see proceedings of the House of November 7, 1973.)

Mr. MELCHER (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

The SPEAKER. The gentleman from Montana (Mr. MELCHER) will be recognized for 30 minutes, and the gentleman from Arizona (Mr. STEIGER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Montana.

Mr. MELCHER. Mr. Speaker, the joint statement contains many detailed comments and explanations about specific provisions of the bill recommended by the conferees. I hope the Members have read the joint statement carefully.

The conference report was signed by all of the conferees from both the House and the Senate and represents many hours of work and reflects a genuine effort to compromise differences without sacrificing basic provisions in both the Senate bill and the House amendment. We wanted a strong bill, and I believe we have it.

With respect to the general law governing oil and gas rights-of-way, all of the statutory guidelines in the House amendment were retained and some additional guidelines from the Senate bill were added.

With respect to the trans-Alaska pipeline, the provisions of the House amendment and the Senate bill were very similar and a merger of the two was easy.

With respect to the provisions of the Senate bill that do not relate directly to oil and gas pipelines, the most controversial ones involve stripper wells, the authority of the Federal Trade Commission to enforce its own orders directly rather than through the Attorney General, and the authority of the independent regulatory agencies to collect the information they need in order to carry out their regulatory functions without hindrance from the Office of Management and Budget.

Under the conference report the Comptroller General will review requests for information to prevent duplication but will have no authority to determine whether the agency needs information.

Mr. Speaker, there is a question today that confronts the House as to whether or not we want to move the trans-Alaska pipeline bill to the President's desk. If there is a motion to recommit that would interfere with that, it is interfering with solving the problem of getting the bill finally on the President's desk.

There will be arguments made. I suppose, that the House conferees agreeing to the Senate language dealing with the Federal Trade Commission and the provision limiting the authority of the Office of Management and Budget are somehow not compatible with this bill. These are relevant matters to assist regulatory agencies to carry out their duties.

I would say to the House that the larger issue is to move the bill so that we can have a start on the construction of the pipeline and get moving on tapping the Alaskan vast crude oil supplies.

I think that is the issue facing the House today, and I urge all of the Members of the House to vote for the conference report as it is.

The campaign launched by the National Chamber of Commerce and industrial giants against the FTC provision in attempts to convince small business that they would be better served by the deletion of the FTC provision in this bill would be parallel if Goliath had been able to talk David into using a small pebble in a sling or better yet had conned David into throwing away his sling and meeting in hand-to-hand combat. The FTC provision would broaden the authority of the Commission to investigate conglomerate business and would add muscle to their traditional role of eliminating unfair competitive prac-

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tices that stifle, strangle or eliminate small business operations.

The Office of Management and Budget's screening of questionnaires by regulatory agencies has delayed in many instances the regulatory agencies' ability to gather the information that they seek. These questionnaires in general are directed at big businesses and do not involve middle or small-sized businesses. Certainly the overwhelming majority of small businesses across the country are not involved in the questionnaires that are sent out by the regulatory agencies.

Very few of the requests to the Office of Management and Budget for clearance of questionnaires come from the independent regulatory commissions. Most of the clearance requests come from agencies of the executive branch. Under the provisions of S. 1081, OMB would continue its control over those executive branch agency questionnaires.

Senator **Metcalf** has made available to me the data just provided him by the regulatory commissions on their experience with OMB questionnaire clearance. It shows the following:

REGULATORY REQUESTS FOR OMB CLEARANCE OF QUESTIONNAIRES PURSUANT TO FEDERAL REPORTS ACT

Agency	1973	1972	1971	1970	1969
(1) CAB (as of Oct. 3, 1973)	11	19	18	7	17
(2) FCC (as of Nov. 1, 1973)	10	12	18	14	17
(3) FPC (as of Oct. 29, 1973)	4	11	6	5	1
(4) FMC (as of Oct. 30, 1973)	1	1	0	1	0
(5) FTC (as of Sept. 13, 1973)	24	40	19	27	17
(6) ICC (as of Oct. 4, 1973)	2	6	5	3	3
(7) SEC (as of Oct. 4, 1973)	1	5	7	15	52
Total	53	94	73	72	107

Mr. Speaker, I shall elaborate briefly on the responses of the agencies.

CAB—None of its questionnaires were modified, delayed, or disapproved during any of these 5 years.

FCC—Fifteen of its questionnaires were modified during the 5 years. Nine of the 15 dealt with equal employment opportunity and employment. Three dealt with ownership of broadcast companies and CATV systems.

FMC—None of its four requests, made over a 5-year period, were disapproved or changed.

FPC—None of its questionnaires were disapproved outright. Several, reported the FPC, were suspended, and others were returned to the FPC after OMB consulted with industry advisers and other respondents. Then FPC revised them, after which they were usually approved by OMB. The figures listed above for FPC do not include routine extension of previously approved reporting forms.

ICC—OMB held up clearance of one of its forms, dealing with freight car ownership. The Association of American Railroads proposed changes which were accepted by the ICC and OMB.

SEC—The Securities and Exchange Commission reported only minor modifications to forms it proposed.

FTC—During the 5-year period 29 FTC forms were modified. Many of the modified questionnaires dealt with mergers, the enemy industry, questionable advertising, financial reporting of large companies, and the concentration of economic power. Those are big business matters, areas in which large companies used their influence with OMB's advisory committees to keep agencies from asking legitimate questions which the large companies do not want to answer. The issue is not the burden on small business—relatively few questions are asked of small businesses by the independent regulatory commissions. The issue is—shall we free the independent regulatory commissions from the control of OMB and its cozy corporate colleagues.

Although the hearings of the Committee on Interior and Insular Affairs did not cover these subjects of the FTC, OMB, and stripper wells in detail, the need for these provisions is well documented in our committee files and in voluminous correspondence from all sectors of the public. Moreover, I have been in touch with the standing committees of the House that would normally handle these subjects, and I believe there is a general consensus that the modified Senate provisions recommended by the conferees are appropriate for inclusion in S. 1081. These provisions are an important part of the package compromise that the conference committee regarded as necessary in order to complete action on the pipeline bill.

While these provisions could have been left for consideration by separate bills, the conferees regarded them as essential to the prompt enactment of a trans-Alaska pipeline bill, which is sorely needed, and to a general revision of the oil and gas pipeline legislation. Moreover, most of the conferees regarded these provisions as fully justified on their merits.

The Federal Trade Commission provision has been questioned because the authority of the Commission to represent itself in court will take away from the Attorney General the right to prevent the Commission from harassing the business community by unnecessary and unwarranted litigation and the issuance of subpenas for records. The short answer to that objection is that Congress has established the Federal Trade Commission as an independent regulatory agency to investigate and enforce the laws under its jurisdiction, and that the Attorney General is interfering with the Commission's legitimate activities. Congress never intended that the Attorney General would supervise the Commission and in effect veto its investigative and law enforcement activities. If the Commission should abuse its authority, corrective action should be taken by Congress, and not by the Attorney General.

Another answer to this objection is that there is no basis for a finding or assumption that the Federal Trade Commission will harass the business community. Congress expects the Commission to exercise its statutory authority in a responsible manner, and no evidence to the contrary has been offered. The charge is unsubstantiated speculation.

One of the objections to the amendment to the Federal Reporting Services Act is that the Office of Management and Budget needs the authority to control the information gathering activities of the independent regulatory agencies in order to protect the business community from unreasonable requests and unreasonable expense.

A short answer to that objection is that Congress requires regulatory agencies to act responsibly in the public interest without unduly burdening business, but Congress also expects the regulatory agencies to collect the information they need in order to carry out their statutory responsibilities. Congress did not expect the Office of Management and Budget to be an omniscient authority to decide what the agencies need. Again, any abuse of discretion by the agencies should be corrected by Congress rather than by a superexecutive in the executive branch.

I would like to address briefly the question of the relevance of sections 408 and 409 to the Alaskan pipeline measure. These provisions are in every way as relevant to a rational overall energy policy as the pipeline measure itself.

Within the past 6 to 8 months every Member of this Congress has received desperate pleas from the small independent businessman at every level of the petroleum industry. This past summer hundreds of independent gasoline marketers perished as a result of the petroleum shortage. This was a truly tragic event because the majority of these marketers up to the time of the shortage were efficient and profitable firms. And more important to all of us consumers, they were a consistent source of price competition in an industry that has a chronic tendency to behave like a cartel.

This winter hundreds of independent heating oil distributors may face the same fate. The demise of any significant number of these firms could have quite drastic consequences, since major oil companies do not have the present capability to take over their distribution functions.

In these circumstances the Alaskan pipeline bill is a welcome measure. It will, at least to some extent, alleviate the oil shortage. But it will not prevent the further cartelization of the petroleum industry. It will not prevent the shortage from being manipulated in order to drive out the independent refiners and marketers.

Of course, there are some who will say that these concerns for competition are outdated or at best irrelevant in times of drastic shortage. But this is nonsense. All that is necessary is to recall the classic objections to monopoly and monopolistic practices. They reduce output; they encourage inefficiency, and they raise prices. These, of course, are matters of even greater concern in times of extreme shortage. The shortage only makes monopoly and monopolistic practices all the more intolerable.

Competition can only be maintained by vigorous, informed, and intelligent application of the antitrust laws. And the agency which has developed the greatest expertise and shown consistent concern for competition in the energy area is the Federal Trade Commission. This was just recognized by this Congress when it appropriated a million dollars to enable the FTC to conduct a major study of the energy industry.

It is, therefore, wholly proper that, as part of our efforts to deal with the energy problem, we remove the unnecessary procedural roadblocks that hamper the FTC in acting in a quick and effective manner. And we must not only remove the roadblocks to quick adjudication of antitrust violations but also those which prevent the quick handling of the investigative tasks assigned by the Congress.

The disaster that befell the independent gasoline marketers this past spring is dramatic of why the FTC needs additional powers to enable it to act quickly. In fact, it was this event that gave a new sense of urgency to the effort to give the Commission the power to seek injunctions. As the gasoline shortage forced hundreds of independent refiners and marketers to close their doors or drastically curtail their business, the profits, prices, and market shares of the major oil companies soared.

Even the most blatant evidence that the shortage had been manipulated by the majors would have done the independents little good. There was simply no way that the Commission could have acted in time. The fact that the Commission can take an action that may in number of years stop the anticompetitive practices is small consolation to the man whose business is being destroyed today. For many small businessmen in the petroleum industry, it is already too late. But the lesson should not be repeated.

The FTC provision could very well be the best protection that we could assure small business people to avoid unfair competitive practices from conglomerate interests. The trend of conglomerates swallowing smaller businesses is by itself a long range policy that could eliminate competition in many areas and in many industries and businesses.

FTC officials have made comments on this subject.

The Federal Trade Commision has to exercise it powers as a friend of the small businessman.

ANTITRUST—GENERAL

Over the years the Federal Trade Commission has been particularly concerned with the welfare of the small businessman. Many of the Commission's specific statutory enforcement missions have as a major objective the protection and maintenance of a competitive climate in which opportunities for small businessmen to compete are preserved and fostered. The Commission has acted on behalf of the small businessman in a number of areas:

The Commission has challenged mergers which would have resulted in high industry concentration and high barriers to entry which would have made it more difficult for smaller competitors to compete in particular markets. The Commission has always been concerned about small independent businessmen being gobbled up by the large and dominant firms in a particular industry.

Similarly, in the area of industry concentration, the Commission also has been concerned lest one firm or a small number of firms become so large as to achieve a dominant share of a particular market through predatory or anticompetitive business practices, to the detriment of small independent businesses who must compete with them.

Finally, the Commission is on the lookout for predatory and anticompetitive practices which violate the specific statutes enforced by the Commission. For example, in the franchising area the Commission has acted against franchisors who coerced their franchisees—who often are small independent businessmen—to purchase unwanted products as a condition of keeping their franchise The Commission also has proceeded prices or allowances not available to their suppliers to grant them discriminatory prices or allowances not available to their smaller competitors. Such abusive actions are a violation of the Robinson-Patman Act and also of the Federal Trade Commission Act. The Robinson-Patman Act was enacted to provide equality of business opportunity for all businesses, small and large, and to protect small, independent businesses from the predatory activities of large buyers. The Supreme Court has noted:

> The Robinson-Patman Act was enacted . . . to curb and prohibit all devices by which large buyers gained discriminatory preferences over smaller ones by virtue of their greater purchasing power. *F.T.C.* v. *Henry Brock & Co.*, 363 U.S. 166.

In enforcing its statutory responsibilities the Federal Trade Commission thus has been in the forefront protecting the rights of small businessmen, and the proposed amendments will enable the Commission to do this job more effectively.

ANTITRUST—SPECIFIC EXAMPLES FROM CURRENT ACTIVITIES

We need only look at a number of current complaints filed by the Commission and several recent decisions handed down by the Commission to see that current Commission activities will have a very positive impact as far as the small businessman is concerned.

PETROLEUM INDUSTRY CASE

Perhaps the most significant complaint recently filed by the Commission is against eight major integrated oil companies, Exxon Corp., et al., docket 8934. The Commission's complaint charges that the respondent companies have combined to monopolize refining and have maintained monopoly power over refining.

This case is of tremendous significance to gasoline station operators who often are independent small businessmen. The complaint alleges for example that the eight companies have followed a common course of action in refusing to sell gasoline to independent marketers. One alleged effect is that the gasoline shortage has fallen with particular severity where independent refiners and marketers are primarily located. As a result many small independent marketers have been forced to close retail outlets and significantly curtail operations.

If the Commission's case is successful one expected effect is that entry barriers will be lowered and it will be easier for small independent marketers to compete with the large integrated oil companies.

TBA CASES

Another Commission action designed to benefit gasoline station operators is its case against Phillips Petroleum. The Commission's complaint in this matter alleges that Phillips' lease agreements with its dealers allow Phillips to arbitrarily cancel dealers on 10 days written notice. This cancellation provision enables the company to coerce its dealers to purchase Phillips' tires, batteries, and accessories—TBA—and to require stated minimum gasoline purchases. As a result, the complaint alleges that Phillips' dealers are coerced into contracts depriving them of control of their business operations and their choice of suppliers. If the Commission's action is successful, dealers will be protected against arbitrary cancellations and requirements that they deal exclusively in Phillips' TBA. The Phillips case is a continuation of a long series of Commission cases in the TBA area designed to protect station operators from being coerced into purchasing unwanted lines.

FRANCHISING

Also significant are the Commission's activities in the franchising area. For example, the Commission recently ruled that the Chock Full O'Nuts Corp. illegally restrained competition by requiring its franchisees to purchase various food items from Chock Full O'Nuts. The Commission's order will give the company's franchisees greater freedom in selecting their own suppliers and controlling their own purchases. The Commission also obtained a consent order involving related restrictions on franchisees in its action against the Tastee-Freez Co. These orders can be expected to have an important impact on franchisees, who usually are small businessmen.

SHOPPING CENTER CASES

Another area of Commission activity which will benefit the small businessman is the Commission's program in the shopping center area. The Commission has proceeded against anticompetitive lease provisions which give major tenants, usually large department store chains, the right to veto other tenants. The Commission has recently received many complaints from small independent businesses who were denied access to major regional shopping centers because of such restrictive lease provisions. It is the Commission's objective to eliminate such lease provisions and benefit small competitors through selective litigation and establishing important legal precedent regarding shopping centers.

XEROX

Other Commission actions if successful also may benefit the small businessman significantly. For example, one of the purposes of the Commission's suit against Xerox for alleged monopolization of the office copier market is to lower the cost of copiers. This will benefit businesses small and large as well as consumers.

RECIPROCITY CASES

The Commission's activities in the area of reciprocity also will aid small businesses to compete with large conglomerate firms which have in the past attempted to use their purchasing leverage in one market to generate sales for products sold in other markets. Small independent firms without such purchasing power were put at an unfair disadvantage. Illustrative is an order recently obtained by the Commission

XUM

against the Southland Corp., which bans reciprocal dealing in the future. The Commission's complaint in this matter alleged that the company used the purchasing leverage of its 7-Eleven stores to obtain sales for its chemical division.

CONSUMER PROTECTION—GENERAL

Many Federal Trade Commission activities are aimed at encouraging competition by providing information in the marketplace. Whenever a large competitor, for example, the manufacturer of a major brand, attains an unfair advantage through advertising over smaller competitors, the Commission's actions to remove false and deceptive claims from that advertising, and to require comparative material information, directly aiding the small businessman.

A good example is the FTC's action in the three cases involving analgesic advertising. The complaints charge the manufacturers of Anacin, Bayer Aspirin, Bufferin, Excedrin, and Vanquish with: First, exaggerated claims of superiority; second, unfounded "mood claims"; third, misuse of scientific tests and studies; fourth, misuse of medical endorsements; and fifth, failure to disclose names of common ingredients. The FTC effort is directed at the largest companies. To the extent that FTC action alters the behavior of these large companies, smaller businessmen can more effectively function in the market.

CONSUMER PROTECTION—SPECIFIC EXAMPLES FROM CURRENT ACTIVITIES

PROPOSED RULE ON FRANCHISING

The enormous growth of franchising in the American economy can be attributed to the fact that many Americans still seek the opportunity to become self-employed small businessmen. According to the Department of Commerce in its report "Franchising in the Economy 1971–73," franchise sales of goods and services are expected to reach a record level of $156 billion in 1973 and will involve over 466,000 business establishments including over 80,000 franchisors and 385,000 franchisees. Retail franchising in 1973 is expected to account for about 30 percent of all retail sales in the United States.

Franchising is perceived as a way to attain self-employment by reducing the risk of failure frequently associated with starting a small business. The risk is reduced by the services and expertise provided by the franchisor.

It is important to note that franchisees or prospective franchisees are consumers who are in need of protection and assistance from public agencies such as the Federal Trade Commission. They are not sophisticated businessmen accustomed to dealing with complex contract matters or financial statements. Rather, they are small businessmen and businesswomen who will invest or have invested their savings and have incurred debt to purchase a franchise.

Prof. U. B. Ozanne and Shelby D. Hunt, of the University of Wisconsin, in their study entitled "The Economic Effects of Franchising," point out that the characteristics of the typical franchisee are persons of commendable energy but with limited financial resources. They can scarcely afford expensive legal or financial review of franchisor prospectuses during negotiation for the purchase of a franchise. It is this group which needs some help from agencies like the Federal Trade Commission.

While franchise ventures fail for a variety of reasons, such failures all too frequently occur because the franchisee does not have sufficient facts upon which to make a sound evaluation of the franchise prior to entering into the agreement, or because he does not fully understand the terms of the franchise agreement with its investment requirements, fees, sometimes oppressive cancellation clauses, and various other restrictions. Franchisees have come to the realization that the franchise agreement can be used by the franchisor as an instrument of abuse.

In order to put the prospective small businessman in the best position to invest and thereafter to operate successfully, the proposed rule would (1) require the franchisor to provide certain vital information which a prospective franchisee should have before him in analyzing whether a particular franchise arrangement is best for him, and (2) provide additional protection to investors, such as the provisions relating to cooling off, and the prohibition of the use of waiver of rights and defense clauses after the franchise agreement has been entered into.

BUSINESS OPPORTUNITIES PROGRAM

Sellers of business opportunities are a significant factor in encouraging the growth of small businesses in this country. Each year millions of Americans, many of whom are socially and economically disadvantaged and many of whom are possessed of such advantages, invest in opportunities to increase their earning power. The former invest in opportunities that are, by and large, virtually worthless while the latter invest in opportunities that are of some potential worth for future earnings but which may be unduly risky. High-pressure sales techniques involving misrepresentations as to earning potential and failure to disclose kinds of risk have resulted in substantial economic loss to small businessmen.

Several cases are aimed at the relatively small segment of this industry which sells virtually worthless business opportunities to low-income victims for sums ranging from $1,000 to $5,000 and ignores all laws until it is caught. Given the "fly-by-night" character of such firms and their general lack of stability, FTC's effort is targeted to secure significant relief. That relief includes affirmative disclosure of earnings, prospective restitution, and 10-day cooling-off periods. Examples of these cases are Koscot Interplanetary, Inc., et al., which is presently in litigation and Bestline, in which the staff is seeking civil penalties for violation of a final order.

In addition, the FTC has often taken enforcement action designed to protect the honest small businessman from his less ethical competitors. For example, the Commission recently moved against a number of carpet dealers which the Commission had reason to believe were using techniques such as "bait and switch" ads and deceptive pricing claims to lure customers away from honest advertisers. To do this more systematically, a comprehensive program has been initiated under which similar operations at the local and regional levels will be subject to scrutiny and action where warranted. The Commission's regional offices have been instructed to take action as soon as possible.

Finally, Mr. President, I want to assure Members of the House that I have inquired into a rumor which has concerned some Members that the Alaska pipeline matter was being investigated by the Watergate special prosecutor.

When this rumor first reached me, I wrote Assistant Attorney General Henry Peterson whether there was any truth in it. He assured me no such inquiry was underway.

I include in the Record my letter of inquiry to him and his reply:

October 26, 1973.

Hon. Henry E. Petersen,
Assistant Attorney General,
U.S. Department of Justice,
Washington, D.C.

Dear Mr. Petersen: This is an inquiry whether the Justice Department knows of or is investigating reports of any impropriety connected with the proposed Alaskan pipeline. As you know, the Alaska pipeline bill has passed both the House and the Senate and has been in conference for several weeks. The conference concluded their meetings last week and we are preparing the report of the members.

I have had inquiries from reporters whether the special prosecutor or grand jury is looking into some matter in connection with the pipeline.

As Chairman of the conference I wish to be certain before we act on the report in the House that there has been no cause to believe some impropriety may have occurred in connection with the proposed pipeline or pipeline bill. If anything has been brought to the attention of the Justice Department, Special Prosecutor Archibald Cox, or members of his staff, we need to know of it.

It is possible that the Conference Report will be considered in the House next Thursday. I would appreciate a reply from you prior to that time.

Best regards.
Sincerely,
John Melcher,
Chairman of the Conference Committee.

October 26, 1973.

Dear Congressman Melcher: In response to your inquiry of October 26 as to whether the Department of Justice or the Special Prosecutor's Force is investigating any alleged impropriety in connection with the proposed Alaskan pipeline, this is to advise you that there is no such investigation. Indeed, to my knowledge, there has been only one complaint which on preliminary examination of the complainant was considered to be without support.

Sincerely,
Henry Petersen,
Assistant Attorney General.

Mr. Speaker, I now yield 4 minutes to the distinguished gentleman from Florida, the chairman of the full committee (Mr. Haley).

Mr. HALEY. I thank the gentleman for yielding.

Mr. Speaker, we have come here today to determine whether you want to have a pipeline in Alaska or not.

I know there has been a good bit of misinformation about what this conference report will do, but, Mr. Speaker, the need for final action on the bill is

urgent in order that the trans-Alaskan pipeline may be constructed without further delay.

Construction has been delayed for years by litigation, and our national interest now requires a clear-cut and unequivocal policy decision taken by Congress. This bill is a decision by Congress that the trans-Alaska pipeline shall be built at the earliest possible time. That decision is binding on the Federal courts and on the executive branch. Every effort has been made to forestall further litigation designed to thwart the will of the Congress.

The conference committee met many times, and it has produced a good compromise that preserves substantially all of the House amendment, which was in the nature of a substitute for the provisions of the Senate bill. A compromise, however, involves concessions by both sides, and the final product truly represents a melding of the Senate and House provisions.

The guidelines governing the grant of oil and gas pipeline rights-of-way across Federal lands spell out in statutory form policies that formerly were left to administrative determination.

The mandatory directions with respect to the trans-Alaska pipeline makes the congressional policy clear beyond any reasonable doubt.

Some of the provisions of the Senate bill that are not directly related to oil and gas pipeline rights-of-way were accepted by the conferees, with modifications, after careful examination of their merit. The most controversial of those provisions relate to the right of the Federal Trade Commission to represent itself in court—now, what is wrong with that, allowing an agency of the Government after it asks the Justice Department to take proper measures to get into court, if they do not do it, why should not that agency be able to go directly to the courts?

Plus the right of all independent regulatory agencies to collect facts they need without prior approval of the Office of Management and Budget. While these subjects could have been left for treatment in separate legislation, they were a part of the Senate bill as it came to the House, and they are a part of a carefully tailored compromise package. In my opinion, that package should be accepted. A rejection of any part of the conference report will reject the entire report, and the urgently needed pipeline legislation will be imperiled.

Mr. Speaker, I urge that the conference report be approved.

Mr. SIKES. Mr. Speaker, will the gentleman from Florida yield?

Mr. HALEY. I yield to the gentleman from Florida.

Mr. SIKES. Mr. Speaker, as my distinguished friend, the gentleman from Florida (Mr. Haley) knows, I have a great confidence in his recommendations. I know that the gentleman has studied this matter very carefully, but I believe that a number of us in the House have had a considerable number of communications from our constituents in our respective States and districts who are quite concerned about the possibility of additional Federal regulations, particularly over small businesses in our areas.

Would the gentleman from Florida tell us how much additional Federal regulations would be possible for the average business under this measure as agreed upon by the conferee?

Mr. HALEY. Mr. Speaker, may I say to my distinguished colleague, the gentleman from Florida, Mr. Sikes, that in my humble opinion there will be no great impact on small business. A great deal of thought has gone into this piece of legislation. I believe the gentleman from Florida knows who is in the situation here of trying to defeat this legislation, because this may cost them some money. The American people are entitled to know, and they should be protected, and agencies of the Federal Government should have the right to go into the courts and correct these things if necessary.

The SPEAKER. The time of the gentleman has expired.

Mr. MELCHER. Mr. Speaker, I yield 1 additional minute to the gentleman from Florida (Mr. Haley), the chairman of the full committee.

Mr. SIKES. Mr. Speaker, would the gentleman yield further on that point?

Mr. HALEY. I yield to the gentleman from Florida.

Mr. SIKES. If I understand the answer given by the gentleman from Florida correctly, he feels there would be additional regulatory effect only on a very few major business concerns which are directly involved in the program; is that correct?

Mr. HALEY. That is correct. They have that right now. The only thing that this is going to take away from is if the Department of Justice does not move in a reasonable time, that agency can go into the courts and assert its rights and bring forth the facts.

Mr. MARTIN of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. HALEY. I yield to the gentleman from Nebraska.

Mr. MARTIN of Nebraska. I thank the gentleman for yielding.

I am afraid the gentleman is a little bit mixed up here in his answer to the gentleman. He talks about the FTC Amendment, and I believe the gentleman from Florida was addressing himself to the amendment in regard to reporting businesses which would be affected.

Mr. Speaker, every business in the United States, from the pop and mom store up to A.T. & T. and all other corporations would be affected. I am sorry to differ with the gentleman, but that is the actual fact with regard to this amendment. It would affect small business and every business in the United States.

The SPEAKER. The time of the gentleman has expired.

Mr. STEIGER of Arizona. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I ask unanimous consent that the remarks of Mr. Craig Hosmer, ranking member-designate of the Committee on Interior, in support of the pending motion to recommit be inserted at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. HOSMER. Mr. Speaker, I want to speak in general support of the conference report authorizing construction of the trans-Alaskan pipeline and updating our laws dealing with rights-of-way for oil and gas pipelines across Federal lands. But as much as I support the pipeline, I am unable to support it today as it has been intermixed with matter which, under these rules, would be nongermane.

I support a motion to recommit the conference report with instructions to delete the provisions extraneous to the pipeline issue. In doing so I trust and hope the other body will respond to these instructions and permit the Nation to get on with this sorely needed project promptly.

This country is in desperate need of the petroleum resources lying under Alaska's North Slope. The construction of this pipeline would provide no immediate relief for our substantial short-term energy crises. But it is a step in the right direction. It is tragic to think that, but for a small group of short-sighted people who doggedly roadblocked the pipeline, our country could already be using these much needed oil reserves. Had construction of the pipeline started in 1969 we would not now be thinking of closing schools, living in cold homes, and of unemployment resulting from lack of fuel for our factories.

The potential flow of oil from Alaska is upward of 2 million barrels per day. What does this mean in terms of the current Middle Eastern oil cutoff? In 1972, this country was importing slightly over 4 percent or 700,000 barrels per day of our domestic consumption from the Arab world. By country, this breaks down as follows:

	Barrels per day
Saudi Arabia	189, 600
Iran	141, 800
Libya	122, 600
Algeria	92, 500
United Arab Emirates	73, 400
Kuwait	44, 800
Bahrain	14, 800
Egypt	8, 400
Other Arab	12, 000
Total	699, 900

The figures for 1973 show that our imports from the Middle East and North Africa moved up to more than 8 percent of domestic consumption. While there is no breakdown immediately available, the U.S. Bureau of Mines estimates, for the first half of calendar year 1973, that we were filling our oil supply needs as follows:

	Percent
Domestic sources	74. 3
Canada	8. 9
Middle East and North Africa	8. 1
Caribbean	2. 1
Rest of the world	5. 9
Total	100. 0

There has been no need to subject this country to the oil blackmail of the Arab world. The importance of the North Slope oil seems rather elementary.

Despite the facts of this simple arithmetic there are those xenophobic few who will continue to fight construction of the trans-Alaskan oil pipeline by fair means and foul. I can understand the logic of those who want to build a pipeline to bring oil to the Midwest, but such a pipeline is further down the road. The conference has authorized and requested the President to proceed with negotiations with Canada on this matter. Further, the Secretary of the Interior is authorized and directed to determine the feasibility of a line through Canada.

What I cannot understand is the faulty logic of those who would relish the thought of winning the battle to leave the oil under the North Slope. To preserve the 7,680 acres that would be occupied by the pipeline seems an inordinate price to pay for fuel rationing, cold homes, cold schools, and blackmail by the Arab world.

I am certain we can be assured of added litigation to try to delay further the building of this much needed pipeline. We can also be assured of continual harassment as construction proceeds. We can only hope the intent of the Congress is clear in that we will direct this pipeline to be constructed and completed without further action under the National Environmental Policy Act of 1969. In the event the intent is not clear the conference report has spelled out the way such litigation is to be handled. There is incorporated a modified version of the House-passed language expediting the litigation to the Supreme Court.

If this pipeline can be started next spring, and we, as a nation, undertake reasonable energy conservation measures we can effectively weather the current fuel shortages. But this petroleum problem is only one aspect of the much broader problem we are facing in our energy policy. Perhaps this slow first step on the trans-Alaskan oid pipeline will cause us to take the subsequent steps needed tc effectively use atomic energy powerplants, oil shales, deepwater ports, and our large coal reserves. The great hue and cry to preserve the environment has helped bring us to the point where we cannot travel to enjoy what we preserve, where soon we will have to close businesses and factories for lack of fuel, where we cannot adequately heat or light our homes and schools, where we have allowed those to whom we have given aid and made wealthy bring this great Nation to the brink of major crisis.

Finally, Mr. Speaker, I want to tell the House my specific differences with the report of the conference. The House has never adequately considered such matters as confirmation of the Director of the Energy Policy Office (sec. 404), it has not considered it at all, the same is true as to confirmation of the head of the Mining Enforcement and Safety Administration (sec. 405), the expansion of the authority of the Federal Trade Commission (sec. 408) or the authority it is proposed to transfer from OMB to GAO over collection of information sought by the independent Federal regulatory agencies (sec. 409). A conference report dealing with oil and gas pipeline is no place to try to enact such sweeping legislation. The provisions relating to the Federal Trade Commission and the reporting services for business information were amendments adopted on the floor of the other body and pertain to the economic, security, and welfare of the people of this great Nation. Propositions of this magnitude, which take the form of floor amendments, without full considerate and deliberate attention cannot be allowed.

If the House allows this urgently needed pipeline to be held hostage by the other body, we are, in effect, allowing the House to be blackmailed and this pipeline to be held hostage. This House passed a bill dealing with oil and gas pipeline rights-of-way and authorizing the immediate construction of an Alaskan pipeline. If we pass this conference report as it stands we will accede to this blackmail and will truly become a second-class body.

Mr. Speaker, I recall these words spoken by the great Winston Churchill:

> If you will not fight for the right when you can easily win without bloodshed, you may have to fight when there is no hope of victory because it is better to perish than to live as slaves.

In this case victory is no easy matter, but it is a necessary matter unless we intend again and again to submit to the will and the whims of the other body like slaves.

Perhaps the problems caused by these amendments from the other body will cause us to pass our own bills and send them over so we will not be asked to accept a lot of nongermane language from the conference. That is a stupid and unnecessary procedure. We must stand now for our rights.

I will support strongly passage of an Alaskan pipeline bill and amendments to our outdated rights-of-way laws across Federal lands. I just as strongly urge you to support the recommital motion instructing the conferees to delete the objectionable provisions.

Mr. STEIGER of Arizona. Mr. Speaker, there are, as with every issue that confronts us, particular ones that generate interest. There are several things at stake here that go beyond the phrasing of the language. Basically, Mr. Speaker, the reason we are confronted with this division within the House at this point is a very simple one. The Senate, in their haste to pass the pipeline bill, adopted some language which dramatically revised the Federal Trade Commission and its activities and dramatically revised the method of requiring small business, all business, to make reports to that Government agency. The Senate did so without any hearings, without any knowledge of what the language did, the importance of the language, and they did it because they knew that the pipeline was a critical piece of legislation that this Nation must have.

It is a simple case of the Senate sticking this language in here.

Mr. Speaker, the language that I will propose in the motion to recommit is very specific. It will not cause any delay in the process of the passage of the pipeline beyond that which has already been created, and it will assert once and for all the legislative sounding that I think everybody in this House wants. There have been no hearings in this body or the other body on the import of this language. This language is totally far reaching. It affects all business; it makes a totally autonomous agency under the Federal Trade Commission, an agency with no precedent, I might add.

Above all, I think the most important thing is that it was done with a certain knowledge that because of our concern over the energy crisis, we probably would not be concerned with what appeared to be innocuous language. I will tell the House exactly what happened. I will tell the House the business community was very late in being aroused over the problem. That is why we have been bombarded by the business community.

I will tell the chairman that they were late, but the language was inappropriate. It could not stand by itself. It will go down in defeat in an up or down vote in this House.

What I am going to ask the House to do is confirm language which would restore the FTC to its present status and restore the reported practice, with slight modification, to its present status. This is not a matter of parochial pride or House pride versus Senate pride. This is a very basic issue. Should the House accept a totally inappropriate amendment to a bill simply because that bill is desperately needed at this time of an energy crisis? The answer is, I will tell the Members, a resounding no.

By adopting this language which I propose to offer in the motion to recommit, then the Senate will know we are locked into this position. They want the pipeline bill as much as we do. Then we can proceed in an orderly fashion.

Mr. Speaker, I urge the Members to support the pending motion to recommit.

Mr. LATTA. Mr. Speaker, will the gentleman yield?

Mr. STEIGER of Arizona. I yield to the gentleman from Ohio.

Mr. LATTA. I thank the gentleman for yielding.

Mr. Speaker, I think that the action taken by the majority of the conferees on this conference report is reprehensible. It is high time that this House takes steps to make certain that the rules of this House are not circumvented as they were in this case.

We have a serious parliamentary situation here and it needs correcting. The rules of the House were previously amended with the membership believing they would have an opportunity to vote on these nongermane Senate amendments brought back to the House by our conferees. To preclude the House from passing on these nongermane amendments, the conferees have substituted the Senate bill for the House-passed bill. At the present time, I am serving on a subcommittee of the Rules Committee which is delving into these devious methods of circumventing the rules of this House. Hopefully, we will report rules changes which will end these practices.

In the instant case, the House of Representatives passed this needed Alaskan pipeline legislation before we went on recess in August. I must ask the House now: Where has this legislation been all this time? Did my Democratic friends

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who were in the majority in this conference committee not know how important this bill was to the welfare of the country and that an energy crisis was fast approaching?

I think the American people will be asking this question. Why was this legislation not immediately agreed to by the conferees and returned to the House? It should have been so reported. Everyone knows this but do they know how the legislation was being held captive in order for some to insert antibusiness, anticonsumer amendments for reasons known only to the sponsors?

At the present time, American business spends too much of its time—and cost—in completing all too many duplicate reports requested by the Federal Government. This duplication costs money and the consumer must and is paying for it when he or she purchases an American-made product. Let us give the consumer a break and return this conference report to committee with instructions to delete these costly, nongermane amendments.

Mr. STEIGER of Arizona. I thank my friend, the gentleman from Ohio.

Mr. Speaker, I would like to explain to the House the rather unique position I find myself in, because the gentleman from Ohio has raised it. I am a signer of the conference report and I want to tell the House exactly why I signed it and why I now will offer a motion to recommit. We simply did not have the votes in the conference to take the offending language out. I thought the only remedy was to offer the motion to recommit to this whole House. I thought it was not fair to the Nation or to the House simply to arbitrarily hold up passage of the pipeline bill which I think is essential.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Nebraska, the ranking minority member of the Rules Committee (Mr. MARTIN).

Mr. MARTIN of Nebraska. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this body has been subjected for many years to amendments that are not germane to legislation under consideration, amendments which have been adopted by the other body. In 1970 in our Reorganization Act we attempted to correct this matter. We adopted a rule in the House that any nongermane amendment adopted by the other body and coming back in a conference report would require a separate vote on the floor of the House. Due to the parliamentary situation today, however, we are not allowed a separate vote on these nongermane amendments. That violates the spirit of the rules of the House. Unless the rules of the House are adhered to, the Congress, as an institution, is in its declining days.

Let me point out two of the major amendments. One is in regard to the FTC which provides that every time the Department of Justice does not act within 10 days on FTC cases, they automatically go over to the FTC for action.

The second amendment is an extremely important amendment to every businessman. I want the Members to mark this. It applies to every businessman—not only the large corporations in the country but it will apply from the mom-and-pop stores on up, because it amends a 1942 act, Mr. Speaker, and takes away from the OMB the power to review and approve requests from the agencies to send questionnaires out to all business. It transfers the power from the OMB to GAO but it omits from the present law the requirement that the OMB has to approve before the department or agency is to send the questionnaire out. So it means every agency of the Government and every department of the Government, at will, can request information from business without the approval of anyone. Under the present law approval is required of OMB.

In the recommittal motion I understand the conferees will be instructed to omit these two sections from the bill. Approval of the recommittal motion will not delay construction of the Alaskan pipeline. The recommittal motion will simply instruct the House conferees to not accept these two nongermane amendments. The conference can resume immediately and approve the bill without these two amendments in a matter of minutes. If delay occurs, it would rest solely on the chairman of the Interior Committee of the body, as well as the chief conferee of the House. I hope the recommittal motion is adopted.

Mr. MELCHER. Mr. Speaker, I yield myself 30 seconds.

The gentleman from Ohio and the gentleman from Nebraska who have just spoken are members of the Rules Committee which gave to the House the rule that brought the pipeline bill to the floor, so they were authors of the rule that made it in order to substitute the House language for the Senate-passed bill. I find nothing wrong with that procedure. It has been used by the same Rules Committee with these two gentlemen concurring for years. I find that their protesting now on nongermane amendments does not apply since this is the language that was in the Senate bill and all of the Senate passed bill became germane under the rules of the House.

Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. MADDEN).

(Mr. MADDEN asked and was given permission to revise and extend his remarks, and include extraneous matter.)

Mr. MADDEN. Mr. Speaker, on August 2, about 3 months ago, the Congress defeated a crippling amendment to the Alaska pipeline bill by a vote of 221 to 198. The same day, the Congress voted final passage of the Alaska pipeline legislation by a substantial margin.

Our Nation is suffering the most critical energy crisis in its history. We have heard the President, on television last week, lay down stringent regulations to cope with the fuel scarcity for this coming winter. We may have to ration gasoline within the next few months.

Through the well-organized lobby of special interests which have no regard for the convenience and comfort of about 200 million Americans, these special interest groups are conducting a telephone, telegraph, and mail lobby on the Members of Congress to sidetrack the Alaska pipeline legislation, with the hope that eventually billions will be spent by our Government constructing a pipeline down through the central part of Canada and give Canada, and eventually Great Britain, something to say about the multibillions of barrels of oil in our own domain up in Alaska.

This pipeline should be constructed so that the world's great deposit of oil is under complete control of the United States. It is estimated that the U.S. energy needs will be increased almost 75 percent now and the next 15 years. The increase since 1962 for petroleum products alone has been 55 percent. It is also estimated that by the year 2000 the total energy needs will have increased 166 percent over 1972.

It is now necessary that we act immediately to take advantage of this mammoth discovery of petroleum in Alaska, and it will provide great relief for the United States within the next couple of years after this American-controlled Alaska pipeline is completed.

John W. Scott, prominent attorney of Washington, D.C., and former Assistant Attorney General of the United States, wrote me the following letter, dated September 6, 1973, which I hereby submit with my remarks:

WASHINGTON, D.C.
September 6, 1973.

HON. RAY J. MADDEN,
House of Representatives,
Rayburn Building,
Washington, D.C.

DEAR RAY: May I suggest that the public interest urgently requires that the legislation relating to the proposed Alaskan Pipeline contain language which will assure the American people that the fuel so urgently needed in the United States will not be diverted elsewhere. In this regard, I believe the following language would accomplish this result:

"No petroleum, natural gas, liquid hydrocarbons or petroleum products or commodities of any kind transported by or moved through any pipeline constructed, owned or operated by any person, firm or corporation pursuant to the provisions of this Act shall be pledged, bartered, traded, sold, or otherwise disposed of, or made available to anyone for use other than within the States of Alaska, Hawaii, and the continental limits of the United States. It is the express legislative intention that the reserves of petroleum, natural gas and liquid hydrocarbons transported through any pipeline constructed pursuant to this Act shall be utilized solely within said States of Hawaii, Alaska and/or the Continental United States."

Trusting that you had a pleasant visit back in Indiana, I am with kind personal regards

Cordially,

JOHN W. SCOTT,
Attorney at Law.

I am also enclosing with my remarks a letter dated August 1, in the form of a statement by the AFL–CIO executive council on the Alaska pipeline:

STATEMENT—AFL–CIO

The Senate is to be commended for passage of S. 1081, introduced by Senator Henry M. Jackson, to clear the way for prompt construction of the Alaska pipeline and early development of one of our largest domestic reserves of petroleum—Alaska's North Slopes. The Jackson bill, as amended by Senators Gravel and Stevens, would hasten construction of the pipeline by obviating the necessity of further judicial review.

The Interior and Insular Affairs Committee of the U.S. House of Representatives has reported out favorably a bill (H.R. 9130) by Congressman John Melcher of Montana, which is similar to the Senate-approved

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> measure. We urge the House to pass this bill this week.
>
> It is imperative in the interests of the American economy, national security and America's balance of trade that this nation develop this domestic reserve of oil to reduce dependence on petroleum imports.
>
> The AFL–CIO strongly supports construction of the trans-Alaska pipeline because it is the fastest, most economically feasible and most secure method of transporting oil from the North Slope fields to the rest of the United States.
>
> This Congressional action is necessary to legalize many other oil and gas pipelines in all regions of the country which, as a result of a recent court decision, are technically illegal. Unless legal remedy is promptly provided, the pipelines could be enjoined and the energy crisis worsened.
>
> H.R. 9130 would permit early start of work on the Alaska pipeline by solving the right-of-way problem while providing strict environmental safeguards and stringent liability requirements if damage should result from the pipeline authorization.
>
> H.R. 9130 also deals with the problem of judicial review in provisions similar to the Senate version. Other provisions of the bill would insure that the Alaskan oil be used in America's domestic markets and would authorize a feasibility study of a second pipeline across Canada while construction proceeds on the Alaska line.
>
> We urge passage of H.R. 9130 by the House so that American workers can get about the job of building the pipeline and related plant construction and U.S. shipyards can speed building of the 33 new U.S. flag tankers which would be manned by American seamen in the carriage of this oil which is so badly needed to relieve the nation's energy crisis.

Mr. Speaker, now is the time to pass this House-Senate conference report authorizing the Alaska pipeline, so that our Nation can immediately start releasing 206 million people from being blackmailed by the Middle East and provide sufficient energy fuel for generations to come. I have received hundreds of letters from my congressional district, 90 percent of which are urging that the United States have complete control over this Alaska pipeline investment and enact a bill as reported by the conference committee. Secretary of Interior Morton is 100 percent for passing the Alaska pipeline bill as reported by the conference committee.

Mr. MELCHER. Mr. Speaker, I yield 1 minute to the gentlewoman from Missouri (Mrs. Sullivan).

Mrs. SULLIVAN. Mr. Speaker, as chairman of the House Committee on Merchant Marine and Fisheries, I have a particular interest in section 204(c) of S. 1081, the trans-Alaska pipeline bill. This section establishes a structure of strict liability upon any vessel from which there occurs a spill of petroleum while engaged in the carriage of products from the Alaskan pipeline to the lower 48 States. I wish to commend the conferees for their foresight in addressing themselves to this problem, and I wish to compliment the chairman of the conference and the floor manager, Congressman Melcher, for the inclusion of an insurable limitation of vessel liability, and for the inclusion in the conference report, on page 29, of language which expresses the hope that the appropriate committees of the House and Senate which will be considering the more general subject of marine liability will harmonize the liability provisions of section 204(c) with the liability provisions of any general legislation that may be developed.

Mr. Speaker, I wish to assure the House that our committee, at the appropriate time, will address itself to the problem as contemplated by the conference report to bring into harmony implementing legislation of any international conferences on pollution liability, together with existing Federal law in this area and the liability section of the bill before us today.

In the past several months, our committee and the Interior Committee have had many areas of mutual concern and we have worked these problems out in a very satisfactory manner. This is just one more example of committee cooperation. I want to thank Mr. Melcher and the conferees for recognizing the legitimate areas of jurisdictional consideration of other committees and I again compliment Mr. Melcher and the conferees on a job well done on a very difficult and controversial, yet necessary and critical piece of legislation.

Mr. MELCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Wyoming (Mr. Roncalio).

Mr. RONCALIO of Wyoming. Mr. Speaker, I find many things about the conference report which I do not like but I am going to vote for it anyway, and I ask others who have some similar feeling to vote for this also.

Mr. Speaker, I resent—I deeply resent the fact that at 10 o'clock today we did not even know what the language was to be of this recommittal. I got home to Wyoming about a month ago, and I recognized from the managers of the conference that the head of the OMB had injected himself into this matter and had asked that there be changes made in this legislation.

I announced in Wyoming and asked that Mr. Ash of OMB please not inject himself in legislative proceedings and let us pass this bill and get a pipeline built. I deeply resent the fact that he would not allow the Federal Trade Commission to continue its objective search for truth, which is to ferret out price fixing and other illegal practices, that might be engaged in by the major oil companies who will use this line.

Mr. Speaker, the people do not believe us any more. They do not believe the President. They do not believe the spokesmen for the oil companies, and they do not believe Mr. Ash, either. They want someone whom they do believe in, with guts, to tell the truth and pursue the facts today as to what is going on in Alaska.

Why can we not build a pipeline and allow the Federal Trade Commission to do its investigative job? I resent the Office of Management and Budget sticking its nose into my business, and if this conference report is returned, I will vote against the Alaska pipeline in objection to what Mr. Ash has done to our prerogatives.

Mr. STEIGER of Arizona. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska (Mr. Martin).

Mr. MARTIN of Nebraska. Mr. Speaker, in response to the chairman of the Rules Committee, I would just like to correct a statement he made a few moments ago.

In introduced a resolution which would have provided the House with an opportunity to vote on four nongermane amendments in this bill two of which concern the Federal Trade Commission and the reporting amendments.

The gentleman refused to allow a vote in the Rules Committee because one Member was absent, and he advised the Committee on Rules that we would not have a vote because one member was out of town and could not be there, and had requested that he be protected on the rollcall.

I talked to the absent gentleman this morning, and he told me he did not know anything about the matter of being protected on the vote. We had a similar situation the following day in the Rules Committee, but I will not go into the details of what happened after that.

Mr. Speaker, again I want to urge the Members of the House to vote for the recommitment to remove the FTC sections from this bill, which properly belong to the Committee on Interstate and Foreign Commerce; and the reporting section, which belongs to the Committee on Government Operations.

Mr. MELCHER. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. Madden).

Mr. MADDEN. Mr. Speaker, this conference report was before the Rules Committee by a motion of Congressman Martin demanding a rule for a separate bill was brought up on a motion by Mr. Melcher, and it was votes on two Senate additions and was tabled by a voice vote of 8 to 6 and sent back for the conference report to be voted approval on the floor of the House.

The gentleman must be mixed up with some other bill, I might say to my good friend from Nebraska.

Mr. MARTIN of Nebraska. Mr. Speaker, I demand time, because that is a complete misstatement of the facts. There was not any vote taken in the Rules Committee on my resolution.

Mr. Speaker, I include below a transcript of the Rules Committee meeting last Tuesday, November 6 when my resolution concerning separate vote on nongermane amendments to the Alaskan pipeline bill was discussed in the Rules Committee. You will note that there was no vote taken on my resolution:

TRANSCRIPT OF RULES COMMITTEE HEARING,
NOVEMBER 6, 1973

Mr. Young. Now let's take up something confusing.

The Chairman. Wait a minute. As far as this pipeline is concerned, like I stated before, Mr. Murphy's father is ill and he requested that we not take the matter up while he is absent. He will be back here the rest of this week, maybe. His father has had a heart attack and he is in serious condition.

Mr. Martin?

Mr. Martin. It seems strange to me, we have had half a dozen votes here this afternoon and there was no request on the gentleman's part from Illinois to be protected on these other votes.

It seems to me rather odd that this should be brought up at this time in view particularly of this conference report that has been

brought up and can be called up at the floor at any time.

This matter of postponing it until next week means we will not be able to take any action on the resolution at all.

The Chairman. There is a bill down there now on the pipeline.

Mr. Maatin. This was scheduled today. I think it should be taken up and discussed and voted on.

The Chairman. I would like to answer you on that. Mr. Murphy lives in Chicago. He is probably much interested in the fact that it is time for this country to get busy with the law that they passed here on creating a pipeline and start working on it and get some fuel down here because there will be millions of people in his area that probably will be freezing in the next few years if we don't get some fuel down here. That is why we would like to get the pipeline rolling. We have passed a bill on that.

Mr. Quillen. There was an election in New York and the gentleman from New York came down here to be at this meeting.

The Chairman. My gracious. I realize that.

Mr. Quillen. I remember when there was a death in Tennessee, nobody would protect me.

The Chairman. There will be no vote on it until Mr. Murphy releases me.

Mr. Martin. I move that the chairman's ruling be overruled. I make such a motion and call for a roll call vote.

Mr. Delaney. I don't like to vote on it, but if I have to, I will.

Mr. Latta. Roll call.

Mr. Quillen. I think we should have this pipeline bill. It is a national emergency situation.

The Chairman. Yes. Let me say this: Another reason why we should not vote on it, besides Mr. Murphy's situation, is this: We will read here in the morning paper, "Congressmen in general and the Rules Committee in particular, have been vigorously lobbied by the divided business community," House sources said yesterday.

"The Chamber of Commerce attacked the disputed provisions as highly objectionable and argued that they could impede the bill's final passage. The Administration—here is where the rival comes—the Administration is also divided. OMB Director Roy L. Ash said he would recommend a veto of the bill if it contains the provisions strengthening the FTC and weakening OMB."

Listen to this Congressman Pepper, "The Secretary of the Interior, he is the man in charge, not Ash, the Secretary of the Interior, Rogers C. B. Morton, said last week he disagrees and would recommend that the President sign the bill" if that bill is downstairs passed.

"There has been no indication from the White House that the President would veto the bill if it contains the disputed provisions. Capitol Hill sources say President Nixon's choice for Vice President, Leader Jerry Ford, has lent his support to the Conference Committee."

That bill is downstairs waiting to be voted on.

"Jerry Ford, Minority Leader, is for it, the next Vice President is for it, and it is the contention that there should be one vote, up or down, on the entire pipeline bill. So has Speaker Carl Albert, from these sources," and so on.

What is your motion?

Mr. Martin. I move to overrule the chairman's ruling in regard to a vote on this resolution on H. Res. 669.

The Chairman. Roll call.

Mr. Delaney. I ask Mr. Martin to reconsider that. It is a question of whether the ruling is up—

Mr. Sisk. I move to table it, Mr. Chairman.

The Chairman. All in favor of Mr. Sisk's motion signify by saying aye; those opposed? No.

The yeas have it.

Mr. Sisk. Is there any other business pending?

Mr. Long. I move that we adjourn.

The Chairman. We will meet at 2:00 o'clock on the Budget bill.

(Whereupon, at 1 p.m., the committee recessed, to reconvene subject to the call of the chair.)

Mr. STEIGER of Arizona. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. Williams).

Mr. WILLIAMS. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I take exception to the remarks made by the gentleman from Montana (Mr. Melcher) to the effect that it is the fault of the Rules Committee that we have this problem before us today. Actually, he is one of the conferees that reported out this Alaskan pipeline bill with substantial nongermane amendments.

As far as my distinguished colleague, the gentleman from Indiana (Mr. Madden) is concerned, I want to say to him that if the Senate wants to put through legislation changing the FTC and changing business-reporting practices, let us allow them to be men and stand up and do it. Let us not resort to this subterfuge we are asked to accept here today.

Mr. Speaker, we are voting on the Alaskan pipeline bill, and there is no sense in letting the Senate hold this bill hostage. If we vote to strike these nongermane amendments, that will place the responsibility right where it belongs, on the other body. They can hold it up if they want to, and then they can take the blame from the American people.

Mr. STEIGER of Arizona. Mr. Speaker, I yield 7 minutes to the gentleman from Alaska (Mr. Young).

Mr. YOUNG of Alaska. Mr. Speaker, I will say to my colleagues that we are faced today with a decision whether we are going to develop a source of oil delivered to the South 48 States in the next 3 years.

Now, I have heard comments on the floor about what the Senate did that was wrong and what the House did that was wrong, and we are casting blame on both sides. But the facts are that we need this oil.

Alaska needs a pipeline, and believe me, we all need the pipeline.

Now, some of my colleagues have said that because of these other provisions, the bill should go back to the conferees. I can assure the Members that if it does go back to the conferees, there is a good chance and a possibility that there will not be any action taken by the conference committee until possibly the middle of January.

Now, to many of us this may not seem like a long period of time. However, I have lived in the Arctic of Alaska. It is a reality that we will not proceed with the construction before March, which means a lead time of at least 3 months. We will lose a full year of construction time, which puts the oil on line 5 years from now and not 3 years from now. I do not believe this Nation can afford that, and I do not believe any of us can afford that.

Mr. Speaker, there have been many accusations made concerning what the Senate has done, and I will admit, because of an oversight, that we did accept the Senate's number and title and everything that is germane under the House rules.

The decisions will have to be made by the Members here today. Whether we are going to have Alaskan oil within 3 or 5 years, that is our decision.

I am thoroughly convinced that a recommitment motion, if it is adopted, will put us in the 5-year bracket.

Mr. Speaker, if the gentleman from Montana will answer a few questions which I would like to put at this time, I will appreciate it.

Mr. MELCHER. Mr. Speaker, I would be glad to respond, if the Gentleman will yield.

Mr. YOUNG of Alaska. Under section 28(D), is the Secretary or agency head required to conduct a hearing prior to making a finding that a right-of-way wider than 50 feet is necessary?

Mr. MELCHER. No.

Mr. YOUNG of Alaska. That section provides that the reasons for such a finding be recorded. It is my understanding that the Secretary may record his reasons in the right-of-way permit, the Bureau of Land Management public land records, an environmental impact statement, or any other public document.

Mr. MELCHER. That is correct.

Mr. YOUNG of Alaska. Is the final determination under section 28(H)(2) that a plan of construction, operation and rehabilitation submitted complies with section 28 within the sole discretion of the Secretary or other agency head?

Mr. MELCHER. Yes.

Mr. YOUNG of Alaska. Are the procedures for suspension and termination provided in section 28(O) applicable to the trans-Alaska pipeline?

Mr. MELCHER. Yes.

Mr. YOUNG of Alaska. Is my understanding correct that the common carrier requirement contained in section 28(R) is not intended to apply to the component parts of a pipeline system not directly involved in the transportation of oil or natural gas to market. For example, related facilities such as access roads, airstrips, electric lines, and fuel lines for supplying power to pumping stations, would not be subject to this requirement?

Mr. MELCHER. Yes.

Mr. YOUNG of Alaska. Is it correct that the regulations provided for in section 28(X)(1) specifying the extent to which holders of right-of-way would be liable to third parties is not meant to supersede or preempt State law with respect to third party liability but is intended only to apply to those lands, such as Federal enclaves, for which there is no applicable State law governing third party liability?

Mr. MELCHER. I would agree with your interpretation in general, but would state it a little differently. The second sentence of section 28(X) (L) applies only to geographic areas where the United States has exclusive legislative jurisdiction. Those are areas where the State laws do not apply. The law with respect to third party liability within such areas must therefore be provided by Federal

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legislation. This sentence will have no application in Alaska, because there are no exclusive jurisdiction areas in Alaska.

Mr. YOUNG of Alaska. Does the general preclusion of judicial review contained in section 203(D) cover not only the issuance and the procedures followed in issuing all rights-of-way, permits, leases, and other authorizations for the trans-Alaska pipeline system, but also any terms and conditions contained therein and any further authorizations, such as notices to proceed, which would be issued in the course of construction of the pipeline.

Mr. MELCHER. Yes.

Mr. YOUNG of Alaska. Would the liability imposed by section 204(A)(5) upon the holder of the permit or right-of-way for the trans-Alaska pipeline cease when construction under the rights-of-way and permits issued to the State is completed and the holder is no longer a contractor of the State?

Mr. MELCHER. Yes.

Mr. YOUNG of Alaska. Am I correct in understanding there is nothing in this report that precludes the Secretary of the Interior from granting to the State the necessary authorizations for the construction of airstrips and roads as mentioned in the environmental impact statement—pages 27, 28, 29, volume I, and elsewhere—that are necessary and related facilities of the pipeline?

Mr. MELCHER. Yes, you are correct.

Mr. YOUNG of Alaska. Am I correct that this bill does not intend to confer exclusive jurisdiction in any areas where the State would have traditional jurisdiction? Alaska may exercise its established and traditional powers as a sovereign State and as a landlord for the State portion of the pipeline route?

Mr. MELCHER. You are generally correct, but I would phrase the situation differently. This bill confers on the Federal Government no exclusive legislative jurisdiction in terms of jurisdiction over a geographic area. Moreover, the bill does not preempt any particular subject-matter field of legislation. Alaska may exercise its concurrent legislative jurisdiction over the land covered by the pipeline right-of-way, as determined by other principles of law, to the extent it does not conflict with this bill. In case of conflict, the Federal law with respect to the Federal right-of-way will prevail.

Mr. YOUNG of Alaska. I thank my good chairman of the Subcommittee on Public Lands and compliment him on his activities not only as chairman of that subcommittee but as chairman of the conference committee.

At this time I yield to the gentleman from Pennsylvania (Mr. WILLIAMS).

Mr. WILLIAMS. I take extreme exception to your timetable. You said that if we do not pass this bill the way it is, it will not be passed until some time next year.

Mr. YOUNG of Alaska. Just a moment for a correction. I did not say next year as far as the bill is concerned. I said as far as beginning construction of the pipeline is concerned.

Mr. WILLIAMS. When you come in with nongermane amendments adopted in the Senate, even though every Member of this House is in favor of building the pipeline, do you think the Members of the other body want to go home for their Thanksgiving Day recess and for a sine die adjournment, especially those Senators running next year, when they are holding up the pipeline? I say to you the answer is, "No."

Mr. YOUNG of Alaska. I say to you that I do not know what the other body is thinking at this time, because if they had been thinking, they might not have passed this legislation in this manner.

Mr. STEIGER of Arizona. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. COLLIER.)

Mr. COLLIER. Mr. Speaker, I thank the gentleman for yielding. I have one question. Is it true that the reporting provisions provided in the Senate bill which now included in the conference report, exempts, and I repeat, exempts in its application information that is sought by the Internal Revenue Service, the Comptroller of the Currency, the Bureau of the Public Debt, the Bureau of Accounts, the Division of Foreign Funds Control of the Treasury Department, information sought from banks by Federal Bank supervisory agencies, the General Accounting Office, all divisions of the District of Columbia, and it also excludes, does it not, any information that is requested by other independent regulatory agencies? In other words, are not all of these things excluded in what is required in filing this report?

Mr. STEIGER of Arizona. Mr. Speaker, if the gentleman will yield, I will respond to the question asked by the gentleman from Illinois by telling the gentleman that section 409 deals with the information as it appears in the conference report, and removes the prerogative of making a judgment as to whether the information is necessary for whatever agency is producing it. It removes that from the Office of Management and Budget, and places it in the hands of the GAO with no exemptions the gentleman from Illinois has recited.

I will also advise the gentleman from Illinois that under the law as it is now written before the adoption of the conference report the OMB had the prerogative of rejecting agency requests for information. GAO under this new authorization does not have the right to reject any requests by any agency of any business establishments, large or small. Therein I believe lies the dramatic difference between the existing law and the proposed law in the conference report, and the one that is going to do a great deal of harm to all of our constituents.

I will tell the gentleman from Illinois, and also the gentleman from Pennsylvania, that I disagree very strongly with the gentleman from Alaska (Mr. YOUNG) as to the legislative delay that is going to be caused by the motion to recommit. I will also advise my colleagues that the Senate and House Members do not want to be responsibile for their constituencies being out in the cold this winter, so that I cannot imagine a delay of over a day or two at the most, so I do not believe that we would be holding for ransom the desires of our constituents and adopt language which would not be responsible language, to say the least. I do not know where the gentleman from Illinois got the idea that there were exemptions for the agencies the gentleman has recited, but the gentleman is in error.

Mr. COLLIER. I thought the act itself specifically did so.

Mr. STEIGER of Arizona. As it is now written?

Mr. COLLIER. Yes, that it specifically exempts from its application this information.

Mr. STEIGER of Arizona. If the gentleman will yield further, I am unable to respond to the question asked by the gentleman from Illinois because I do not know what the act is, as it is now written, even though I was a party to accepting the new language which amended it. And that, I submit, is the basic defect of this bill, that those of us on the conference committee had no idea what we were amending, so therefore we could not be responsible if we had the will or the wit to act.

Mr. COLLIER. Then the gentleman is saying that all of this information which may be required by existing law from all of these agencies that I have suggested, may now be asked to be duplicated by the Federal Trade Commission under this act?

Mr. STEIGER of Arizona. I will tell the gentleman that the act is entitled, in the conference report, "Information For Independent Regulatory Agencies." Now, I read that as meaning not only the Federal Trade Commission, but also the Federal Power Commission and all the other regulatory agencies, and my answer would be yes to the gentleman's interragatory. And I will tell the gentleman that those individual businesses would not now be exempt from those questions asked by the agencies the gentleman cited.

Mr. COLLIER. All these other agencies?

Mr. STEIGER of Arizona. All these other agencies.

Mr. COLLIER. I thank the gentleman.

Mr. STEIGER of Arizona. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York, the ranking minority members on the Committee on Government Operations (Mr. HORTON).

Mr. HORTON. Mr. Speaker, I rise in support of the motion to recommit. I should like at the same time to say that I feel very strongly about getting the trans-Alaskan pipeline completed as quickly as possible. I voted for the bill after much soul-searching when it came to the House. I feel very strongly about supporting the bill that passed the House and building the pipeline as expeditiously as possible.

But I also feel that if we adopt this conference bill without the motion to recommit, we would be passing nongermane Senate amendments, amendments which ought to have gone through the

House and been handled by the appropriate committees of the House before we voted on them.

I should like to talk just a moment about section 409, which amends the Federal Reports Act.

Section 409 of this bill would allow the regulatory agencies to collect whatever information they desired from businesses or individuals. I think this provision would be most unwise, and should be deleted from this conference bill.

This provision, another of the nongermane Senate amendments, was never considered by the House. I doubt any of the conferees of the Interior Committees have ever studied this issue, since the Federal Reports Act which is being amended is within the jurisdiction of the jurisdiction of the Government Operations Committees. I am familiar enough with the issues involved to say to my colleagues that you would be opening Pandora's box by allowing this provision to go through.

The Federal Reports Act of 1942 sets up a system whereby agencies wishing to collect information from the public are required to justify their requests to an outside agency, the Office of Management and Budget. This review was required because we found the agencies often were collecting not only duplicative, but also unnecessary information. Since this review system has been established, my committee has been called upon to amend the law on several occasions. But we have always been called upon to further limit the number of information requests made by the Federal Government.

I can say to my colleagues that I have never been told that the present system allows too few requests for information. If Members have seen problems in the reports control system, they have always been that too many requests are permitted. Business, in particular, is going bankrupt trying to respond to all the requests for information being submitted by the Federal Government. Section 409 would only increase the burden imposed on business.

I do not mind criticizing OMB when it deserves it, but the evidence just does not support the charge that OMB is using the Federal Reports Act to stifle the regulatory agencies. If Members feel this is the case, I would be the first to insist that hearings be held on OMB's stewardship of this reports control function.

If OMB is no longer adequately performing this function, we should consider fundamental changes in the system. Certainly, though, I doubt very much my committee would recommend developing two duplicative bureaucracies to perform the function of determining whether reports would be duplicative. Nor do I believe my committee would recommend that this executive function be given to the General Accounting Office, which is an arm of the Congress. Changes may be necessary in the reports control function, but not the changes made by this conference bill.

Last Wednesday, November 7, I put in the CONGRESSIONAL RECORD at page 36311, a statement on the provisions in this conference bill that I felt had to be amended or deleted. Included in that material was an explanation of needed changes in sections 404 and 405 of the conference bill.

Section 404 of the bill, as reported by the conference, would require Senate confirmation of the Director of the Energy Policy Office. Section 405 would require Senate confirmation of the head of the Mining Enforcement and Safety Administration. Whether appointments to these two offices should be subject to Senate confirmation is not the issue here, because this bill will do much more than just require Senate confirmation. Since the incumbents would not qualify for their offices once Senate confirmation of their appointments is required, they would be removed from their offices upon enactment of this bill. Moreover, if an incumbent were nominated to fill his present office, he could be removed at any time by a majority vote of the Senate. I strongly recommend that these two provisions be either deleted or amended to apply only to future appointments of these offices.

Also included in that material was a letter from the Comptroller General discussing the proposed transfer of Federal reports control for the regulatory agencies to GAO.

The Comptroller General of the General Accounting Office wrote this:

> I am frankly disturbed about the provision because it would establish an executive function in the General Accounting Office. In the past the Congress has avoided placing operating responsibilities of this type in the GAO because of our responsibility for advising the Congress as to how the executive agencies carry out their responsibilities. We cannot carry out an operating function and, at the same time, provide the Congress with an evaluation of it which would be considered as objective and unbiased. I believe that is the situation we face in connection with this amendment.

Mr. WAGGONNER. Mr. Speaker, will the gentleman yield?

Mr. HORTON. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. I thank the gentleman for yielding.

What the gentleman has apprised us of, has just occurred to me would be a very important point, and that is that this entire question may be unconstitutional, inasmuch as the General Accounting Office is an arm of the legislative branch of the Government. Here we have the Executive assigning the legislative branch a function in the administration of the law. Will the gentleman comment on that point?

Mr. HORTON. I certainly appreciate the gentleman's comments. I do not know whether it is constitutional or unconstitutional, but I do think it creates a problem. The appropriate committee of the House, the Committee on Government Operations, ought to have an opportunity to have witnesses come in and testify on this subject. But if we vote today on this bill without supporting the motion to recommit, we are just going to be acting, I think, haphazardly.

Now, today the administration has sent another letter, this time to the gentleman from Arizona (Mr. STEIGER), also objecting to the inclusion of the Federal reports control changes. Roy Ash said in this letter:

> The President shares the great concern expressed by Members of Congress regarding the need to begin construction of an Alaskan pipeline without further delay. The painstaking work by the Congress on a bill to permit immediate pipeline construction is an example of bipartisan cooperation at its best.
>
> It is precisely because your efforts so clearly reflect an appreciation of the urgent need for an Alaskan pipeline that we are concerned about the inclusion of provisions extraneous to the larger intent of this legislation. Moreover, I am convinced that these provisions have great potential for mischief, and as presently drawn, would alter in the most fundamental way the present regulatory process. This is a position of long-standing, and not an eleventh hour objection.
>
> We particularly believe that the amendments contained in Sections 408 and 409 of the proposed legislation should be considered separately and at length. We pledge our support and cooperation in the process; however, such a process should not be permitted to hamper the immediate passage of the Alaskan pipeline bill.
>
> In the spirit of compromise which has distinguished the proceedings on this legislation so far, I hope you will work out a bill without these extraneous provisions as soon as possible.

Mr. Speaker, the Federal Reports Act was intended to control the paperwork burden laid on the public by Federal agencies. The regulatory agencies want to be free to do as they wish, ask what they wish, of whom they wish, in any way they wish. If we allow them to do so, we will be creating a huge loophole in the Federal reports control system.

Mr. Speaker, I think it is fair to say that if we pass this conference bill as is, we will be pulling down the barriers to a paperwork avalanche.

I urge the Members to support the motion to recommit.

Mr. MELCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. UDALL).

Mr. UDALL. Mr. Speaker, I was one of those who opposed the construction of the Alaskan pipeline without the Nation first taking a good, hard look at the Canadian alternative. I think the country made a mistake in not looking at the Canadian alternative and in not going that route.

But I am here today to say that we are going to make a grave mistake if we support the motion to recommit and if we do not send this legislation to the Senate this afternoon and on to the White House for this signature.

I want to make just two or three points. I know a number of my friends who have been identified with the environmental movement, among whom there seems to be a feeling that maybe since they were opposed to the Alaskan pipeline, they can show it by supporting the motion to recommit and voting against the bill.

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We will never get a better bill from the environmental standpoint. As the temperatures go down this winter, the pressure to cut further environmental protection standards is going to increase. We actually improved the environmental protection features of this legislation in conference. We have strict liability provisions written in now. We took out the "act of God" exemption which would have limited liability for earthquakes in a pipeline crossing the most earthquake-prone region of the world.

That great man, Mr. JOHN SAYLOR, who is no longer with us, was one of the strongest environmental supporters. He signed the conference report. In my opinion he would be here today voting against the motion to recommit.

Second, there is a lot of concern about small business. We have had telegrams saying we will make a serious mistake if we vote against the motion to recommit in terms of these new provisions. All we are doing in the bill is changing from the OMB—and I did not think there were many great admirers of the OMB here in the Congress—to the General Accounting Office, thus giving an arm of Congress the right to approve and make determinations as to the adequacy of these reporting requirements.

The gentleman from Illinois (Mr. FINDLEY) asked me about the effect of section 409 on the business community's right to comment on questionnaires and reports that may be required by the Federal Trade Commission—a right currently assured by OMB practice.

It is certainly my desire—and as far as I can tell the will of the conferees—that the GAO afford business organizations the opportunity to comment on proposed reports and questionnaires. The chairman of the FTC, Mr. Engman, recently stated in a letter to Senator JACKSON that "close coordination between OMB and GAO will be necessary," and that he sees "no reason to suspect that GAO will be less diligent in protecting the businessman than OMB has been." Moreover, he assured the Senator from Washington that the Commission is receptive to constructive suggestions for its line of business forms.

The FTC is trying to do something about too much monopoly in the oil business, is trying to meet the fears expressed in this country that the big oil businesses are using the shortage of gasoline to squeeze out the small independent retailers who have written letters to every Member of Congress asking that these provisions be retained in the bill.

Let me underline one other point. The gentleman from Alaska (Mr. YOUNG) stood in the well and asked for us to vote down the motion to recommit and send this bill off for final passage today. The point he made needs to be underlined. In Alaska we have a short construction season. If we vote this up for recommital today, the whole conference report, which contains a great many tradeoffs, will be open. The chairman of the Senate committee has indicated there is going to be a long, long new conference while we renegotiate all these complicated tradeoffs and the balanced agreements we made in this conference report. If we vote for recommital we are talking about bringing this bill back here in January or February and we are talking about the probable loss of 1 year of construction. We are not talking about losing a month's time but a year's time in construction.

So if Members are for action to meet the energy crisis, they will vote down the motion to recommit and they will vote for the conference report.

I would like to elaborate on why I take the position I do. First I believe the bill to be a stronger one than the House-passed. The bill does have some problem areas, but those are generally items that I opposed at the time they were considered in the House.

From the outset I realized that we must have the Alaskan oil and that the debate should instead focus on the safest and most practical route. I opposed the Alaskan route proposal because I did not believe that the Canadian alternative was given an adequate hearing. I still believe that the trans-Alaskan route was decided for us by the oil companies and the administration. I am deeply concerned about the conduct of our State Department regarding the Canadian Government's position and I firmly believe that this matter should be thoroughly investigated.

I am, however, encouraged by several improvements in the legislation that came out of the conference. First, we wrote a strong liability provision for the Alaskan pipeline and the marine leg from Valdez to other U.S. ports. Section 204 of the report provides that the Alaskan pipeline permit holder shall be strictly liable without regard to fault for all damages that result from a pipeline related incident along the right-of-way. This includes damages to Alaskan Natives for any losses they might sustain by disruptions in their subsistence economy that are caused by the pipeline. It will apply, for example, if the pipeline disturbs a caribou migration or if an oil spill in a river ruins a salmon run. The conferees set a limit of $50 million for liability of the pipeline permit holder to any third party for any one incident.

For the marine leg, from Valdez to ports in the lower 48 States, the conferees agreed that there should be strict liability for any spills. The first $14 million for clean up and damages is to be assessed against the ship owner and the rest—up to $100 million per incident—is to be paid out of a fund which will be created by a 5 cents-per-barrel levy on all oil transported through the pipeline.

This is a landmark provision for environmental protection and one that may well mark the standard for future oil spills everywhere. It is admittedly forcing a tougher liability standard on Alaskan oil than exists for other oil, but the House has consistently maintained that the environmental risks of transporting this oil were significantly greater. The oil companies have, in turn, consistently promised that both the pipeline and sea leg were safe. We are doing no more than holding them to this promise.

Second, the House conferees agreed to accept a compromise version of the Senate proposed amendments to expand the Federal Trade Commission's authority. The controversy over the oil shortages and the role the oil companies played in this brought to light the problems the FTC has had obtaining the information it needs to fulfill its statutory obligation and protect the public interest. Under section 408, as adopted by the conferees, the FTC will have subpena and injunctive power and will be able to initiate, prosecute, and appeal violations of the Federal trade laws. The FTC must first apply to the Attorney General who will have 10 days to act on the FTC's proposed action after which the FTC may act if the Attorney General chooses not to proceed. This is important, for the delays that occurred in investigating the practices of the oil companies during recent months severely limited the Commission's effectiveness.

The conference report also provides that Alaskan oil must be allocated equitably among the States. In short, this oil is not just to benefit the west coast, but the entire Nation.

Another provision gives the Senate authority to advise and consent in the selection of the Director of Energy Policy and the head of the Mining Enforcement and Safety Administration.

The report also:

Authorizes advance payments for Alaskan Natives out of revenues due them under the Alaskan Native Claims Settlement Act.

Exempts stripper wells producing less than 10 barrels per day from controls under the 1970 Economic Stabilization Act.

Requires implementation of Coast Guard regulations for vessel construction standards and directs the establishment of a vessel traffic control system for Valdez, Alaska.

Deletes the House buy American amendment.

Deletes the House provision prohibiting foreign labor on the pipeline.

Deletes the act of God defense to strict liability, thus insuring that the pipeline permit holder will be liable for earthquake caused damage.

Deletes the Senate bill's provision that would prevent the Secretary from requiring private power companies to wheel public power over power lines that cross Federal lands.

These provisions and deletions, in my opinion, strengthen the report. It is the product of long and deliberate discussions by the conferees under the able leadership of the conference chairman, Mr. MELCHER.

There are, however, provisions in the final bill that I do not agree with and which detract from its basic rationality.

Mr. Speaker, I find particularly disturbing the provisions in title II which attempt to override the National Environmental Policy Act of 1969. These provisions were approved by both Houses of Congress after bitter debate and thus the conferees were bound to include them in the final bill. Yet the end result is still unfortunate.

The congressional finding in section 203 that the Secretary need take no further action under NEPA is a serious mistake which casts a shadow over this act.

If we really wish to amend or limit the thrust of the National Environmental Policy Act, we should say so and do it openly.

Moreover, we are stating that NEPA has been satisfied, a finding that is properly left to the judicial branch. The fact is, Congress has never really scrutinized the Secretary's decision nor the voluminous impact statement to determine if NEPA had been satisfied. The clear issue that is still regretfully framed for decision in the courts is: Can Congress make such a determination that one of its laws has been complied with?

I understand, Mr. Speaker, our need to have the Alaskan oil as soon as possible and thus the need to prevent any further unnecessary delays. I do not favor, however, short circuiting the American judicial process and casting aside our well established system of judicial review in the process.

First, I point out that it was only 4 years ago that this Congress made the momentous policy decision that concern for the environment was to be a major consideration in all future Federal decisionmaking. Yet here we have the first real major test of our will to stand behind this historic law and we are found wanting—we are saying that the procedural and substantive safeguards that we have established in NEPA are to be brushed aside. I think we have overreacted.

Certainly the impact statement is formidable in its complexity and volume and most assuredly the possibilities of an alternative route through Canada were discussed in this statement. Yet we all know—as the House hearings discovered—that the Canadian route was not seriously considered by the administration. This, I submit, is the real reason—indeed, the necessity—of overriding NEPA. The pipeline boosters do not want a court examining the decisionmaking process and the consideration of alternatives. I have faith in the courts and in the wisdom of NEPA and I would like to have seen this Congress defend the policy decision it made in NEPA and to abide by the results in the courts.

There is much to be said for the Canadian route, not only because it does not include a sea leg through dangerous northern waters and is not within an area of high seismic activity, but because the oil would flow to the Midwest—the area that needs it most. I certainly hope that other major energy decisions we must make in the future will not be made in the same manner.

In addition to the NEPA issue, I am concerned about additional provisions of section 203 which are aimed at minimizing the possibility of judicial review.

Recognizing the constitutional problems and fearing they jeopardized the legislation, the administration urged during the conference that the total preclusion of judicial review be relaxed to include a review of due process claims and those claims alleging that the Secretary had acted outside the scope of his authority. Other than these claims—and any challenge to the constitutionality of this act, all of which must be filed in 60 days—judicial review of any decision approving the construction of the pipeline under any law is precluded. This is another dangerous precedent even if it withstands constitutional attack, for it effectively insulates from review all kinds of decisions that are yet to be made by any number of Federal officers about different aspects of the pipeline during its construction. I do not think Congress, in all its wisdom, can look ahead and make such a bold determination. Nor, do I think it is fair to make a potential litigant rush his case into court under the pressure of this unique 60-day statute of limitations.

The disruption of the normal judicial process does not, however, stop here. Section 203(d) places jurisdiction of any such claim in a single Federal district court. This provision was not in the House bill and the Senate bill contained no comparable provision. The language added in conference is ambiguous at best. It appears to narrow the choice of a forum and to preclude a suit—in the District Court for the District of Columbia, for example—if a claim is first filed elsewhere. It also would divest the District of Columbia District Court of its present jurisdiction over the case if a claim is filed elsewhere. It is no secret that corporate defendants would rather avoid the Federal bench in the District of Columbia whenever possible.

Even more objectionable is the fact that the only appeal from this Federal district court is directly to the Supreme Court, bypassing the circuit court of appeals. While the former House proposal for a three-judge court also received a good amount of well-deserved criticism, the single-judge, direct-appeal provision is almost unprecedented. It is a radical provision that the judiciary will surely criticize harshly, for it tampers with the appellate process and was done without any input by the judicial community or appropriate committees of the Congress.

Moreover, the report may not even provide for review by the Supreme Court. The language does not require review by the Supreme Court but is instead permissive. The only statute which requires direct review by the Supreme Court from a single district court does so only if that court has held that a Federal statute is unconstitutional. There is no guarantee that the Supreme Court must hear this case if the district court upholds the Congress. The Supreme Court does have the power to reach down for a case if in its discretion it chooses to do so, but this is a doubtful proposition. Thus, we have a situation where a single Federal judge may soon decide that this law is constitutional and the Supreme Court will not have to accept review. The language of section 203(d) does not, in my opinion, require they do so.

There is yet another controversial provision in section 203(d) of the bill. Language was added in conference, which was not in the House-passed bill, that prevents the Federal court that does hear a claim under this act from issuing any kind of temporary injunctive relief. My feeling is that this is an uncalled for and onerous departure from our normal judicial procedure. We are telling the Federal district court that it cannot, under any circumstances, use its inherent equitable powers to issue a temporary injunction. Again, I think we have gone too far.

These are all serious problems which detract from the rest of the bill. They are a product of the crisis atmosphere under which this legislation was considered. I for one do not believe the Alaskan timetable is justification for such a gross departure from our appellate process. It is clear that the oil will not be flowing for years and there is the very distinct possibility that antitrust litigation will further delay activities on the North Slope. The bill does not affect the antitrust laws and serious questions remain as to whether these laws have been violated.

A primary goal of this legislation—and one that took a back seat to the Alaskan right-of-way during deliberations in the House—was to amend the Mineral Leasing Act of 1920. It was this law that the court in Wilderness Society against Morton held had been violated and which in turn led to this legislation.

The act has been amended to do the following:

First. It gives the Secretary broader authority to grant rights-of-way across Federal lands. The important change is that the Secretary can grant a right-of-way wider than the previous 50-foot limit if he finds it necessary to do so for construction or environmental reasons. This change is to negate the narrow holding in the Wilderness Society decision.

Two. This act will apply to rights-of-way only for oil and gas pipelines across most Federal lands. The Secretary has broad authority to promulgate regulations concerning the issuance, duration, and termination of the permits. The environmental standards included in the original House bill are also returned.

Three. The costs of right-of-way applications will be borne by the applicant who must also provide a bond or other security where the Secretary deems it necessary.

Four. All pipelines and related facilities are to be considered common carriers and cannot discriminate as to oil and gas products carried whether produced on Federal or non-Federal land.

Five. The Secretary shall review the need for a system of right-of-way corridors which would minimize environmental damages and submit his findings to Congress.

Six. Existing right-of-way permits may be confirmed by the Secretary if they comply—to the extent practical—with this act.

Seven. The Secretary shall promulgate regulations as to liability standards for the permitholder's liability to the United States, including in his discretion, strict liability. Liability to third parties injured by pipeline incidents will be left to State law except on Federal enclaves under the exclusive jurisdiction of the Federal Government.

Eight. It provides for reporting annually to the Congress on the administration of this title and when an application for a right-of-way is made that will exceed 24 inches.

Nine. It also directs the Secretary of Transportation to inspect all pipelines and facilities on Federal lands annually for safety purposes and to report to Con-

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gress and the administration on any safety or environmental hazards.

Finally, the bill requests that negotiations with Canada be undertaken to explore the feasibility of other pipelines across Canada and the arrangements which must accompany any such agreements. The President is directed to report to Congress on the results of these deliberations.

This is an important provision and one welcomed by those of us in Congress that have felt all along that the Canadian route might well be the better alternative.

There were tradeoffs that necessarily had to be made in this legislation. Both Houses of Congress had decided that the need for oil far outweighed even any possible delays in getting it to our refineries and automobiles. The oil will be consumed and the North Slope fields some day depleted, but the Arctic wilderness will, of course, never be the same. Perhaps we are irrevocably committed by our industrial and mobile society to making these environmental sacrifices. I remain, however, optimistic that we can keep our perspective and search for alternatives that will be more in the spirit of the National Environmental Policy Act's promise that we "fulfill the responsibilities of each generation as trustee of the environment for succeeding generations."

Mr. MELCHER. Mr. Speaker, I yield 2 minutes to the chairman of the Appropriations Subcommittee on Public Works and chairman of the Permanent Select Committee on Small Business, the gentleman from Tennessee (Mr. EVINS).

Mr. EVINS of Tennessee. Mr. Speaker, I rise in support of the conference report on the Alaska pipeline bill.

As we all know, the Nation is facing a severe energy crisis which has been intensified by the cutback on oil exports.

The alternative route through Canada does not appear to be a reasonable solution to the problem since it is estimated that the use of this route would occasion a delay of 4 years, would involve construction of a pipeline twice as long as that to the coast and would also involve the payment of royalties to the Canadian Government.

There is a great and urgent need to get on with the task of developing the Alaskan oilfields and transporting the oil by the most direct and shortest route possible to the United States.

This conference report will accomplish this objective.

There has been some discussion of the so-called nongermane amendments included in this report by the Senate.

The Senate by its rule can adopt such amendments and after reviewing the amendments to this bill, I can find no solid basis for objection to the conference report at this time.

These miscellaneous provisions include an amendment to the Ports and Waterways Act of 1972 providing for vessel construction standards and establishment of a vessel traffic control system for the Port of Valdez—where the oil would be piped for water shipment to the continental United States.

This provision would provide additional protection for the environment and lessen the chances of oil spillage and pollution—I can see no objection to this provision.

Another Senate provision would require Senate confirmation of the Director of the Energy Policy Office and the Director of the Mining Enforcement and Safety Administration.

This provision which represents an attempt to restore some of the proper and appropriate powers and prerogatives of the Congress should be accepted.

Another Senate provision provides that the first sale of oil and gas from stripper wells—involving not more than 10 barrels a day—would be exempt from price restraints of the Economic Stabilization Act of 1970.

This appears to be a reasonable provision and hopefully would stimulate new oil and gas exploration and discovery.

One provision would provide for advancement payments to Natives under the Alaska Native Claims Settlement Act—this appears just and reasonable.

Another Senate amendment would strengthen the powers of the Federal Trade Commission to fight deceptive trade practices and would allow regulatory agencies to send questionnaires to business without approval of the Office of Management and Budget. Under the bill the General Accounting Office would provide advisory screening services of proposed questionnaires.

May I say that I have introduced similiar legislation to strengthen the powers of the Federal Trade Commission in its efforts to curb false and deceptive trade practices. It is manifestly untrue that these provisions represent the death knell of small business in America.

I see no justification for a budget bureau having censorship control over regulatory agencies which are creatures of the Congress—the GAO can provide ample screening and coordination of questionnaires.

Therefore, I favor the major thrust of the bill, the construction of the Alaska pipeline, because of the energy crisis.

And I support the conference report with the amendments, because they are reasonable, equitable, and serve the public interest.

Mr. MELCHER. Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. SMITH).

Mr. SMITH of Iowa. Mr. Speaker, we have heard a great deal today about the technicalities and the rules and so forth. I think it is time we hear just as much about the plight of the small businessmen.

As a member of the Permanent Select Committee on Small Business for several years, I have been exposed to example after example of anticompetitive and predatory practices on the part of big business against small businessmen in the oil business and the dairy business and other businesses.

A provision in this bill would permit the FTC to secure injunctions on their own as necessary. By the time the FTC goes through the procedure of the cease-and-desist order and obtains a final court order to that effect, these small businessmen are sometimes long since gone and they are out of business for 2 or 3 years. If we are going to preserve small business in this country it is time for us to do something now and do it in this bill instead of waiting another 10 years for the appropriate committees to report out that legislation—which they have not reported out in the last 10 years.

The Federal Trade Commission is charged by its statute with assuring fair, free, and honest competition in the marketplace, but their ability to do so has been limited. The primary tool they have been authorized to use is the cease-and-desist order. As a practical matter, a determined and aggressive corporate giant can postpone the final date of such an order for years after the first complaint is issued. During this period millions of consumers may be misled by its false advertising and honest competing businessmen are unlikely to survive unless they are possessed of resources of extraordinary size. Mergers may be completed and the merged companies and markets so changed that the competitive situation can never be restored. Small businessmen especially are at a great disadvantage.

The situation may be equally bad for dealers and franchisees who may see their life savings wiped out before the abuse is finally stopped. All of the areas within the Commission's jurisdiction support examples of anticompetitive and anticonsumer practices whose short range results are simply not reversible by the eventual cease-and-desist order issued months or even years after the practice has ceased to be necessary.

Without injunctive powers the Federal Trade Commission frequently is left with having to impose remedies that are conspicuously inadequate. Even in instances where the anticompetitive nature of the conduct is obvious, the FTC lacks the power to provide the sort of immediate remedy needed to insure the survival of small business. Even the consent order procedure takes time. And firms determined to pursue an illegal course of action are unlikely to consent to strong remedies. The Commission may rule the conduct illegal but during this operation the patient may die. A timely example is the spring curtailment of gasoline to independent marketers by the integrated oil companies. Though that action may ultimately be ruled illegal by subsequent court proceedings, there is little hope of saving the small independent gasoline dealers who already have been forced out of business. Armed with authority to seek injunctions at the incipiency of the curtailment the Commission would have been in a position to prevent the collapse of much of the independent sector of the retail gasoline industry.

There are innumerable areas where the Commission, with the aid of these powers, could halt anticompetitive practices at an early stage, preventing significant damage to small business. Large-scale predatory pricing in geographic markets has been a time-honored means by which large, subsidized companies

eliminate effective competition from small business in a market. Dominant national producers of retail products have engaged in prolonged price wars, featuring sales below cost, extensive consumer and trade promotions, and massive advertising in order to either prevent the entry of new competitors or inhibit aggressive marketing by smaller regional and local producers. Their expensive campaigns cannot be matched by the smaller competitors, and the campaign frequently forces the smaller firm out of the market. An injunction during the initial stage of such campaigns is needed to save the smaller producers.

There are countless situations where this power would be used to benefit both the small businessman and the consumer. It is a common practice for cosmetic companies to force upon the small retail drug stores a "full line" of cosmetic items when the druggist only wants one high turnover, inexpensive cosmetic product. The coercive tying of the high-profit, inexpensive item with a "full line" of expensive, low-volume products clogs the druggist's shelf space and reduces his capacity to sell competing products of other cosmetic producers.

The local recreation equipment distributor who wishes to carry a certain brand of recreation equipment is forced to accept other parts and accessories which may be of low quality or too expensive for the distributor's purposes. A small producer may have his excellent product disparaged through the advertising of a dominant competitor with extensive national advertising which the small producer is unable to match. *L. G. Balfour Co.* v. *F.T.C.*, 442 F.2d 1 (7th Cir. 1971).

In the petroleum industry gasoline retailers are induced to carry only tires, batteries, and accessories produced by a company partially owned by a dominant oil company.

The practice in many sectors of enforcing suggested and artificial retail prices in situations where the retailer must reduce the price in order to be competitive, suggests the need for immediate action to stem the demise of the small, minimally financed retailer.

A last example is franchising, which now encompasses over 500,000 small businesses. Franchisees have been prey to many anticompetitive practices which unduly burden the small "Mom and Pop" business. For instance, it is common to require the franchisee not only to purchase the right to use the trade name, but to accept a variety of items from the franchisor which are expensive and could be purchased at a lower price from a third party.

The sophisticated means by which dominant sellers and buyers may injure small business and the consumer are almost limitless. Experience teaches that the cumbersome adjudicative processes of the Federal district court and the FTC are ill-suited to assist small business at its time of greatest peril—when larger, better financed competition seeks to destroy or hinder competition. The injunctive provisions of this bill provide a sorely needed means by which the small businessman can be aided at the incipient stage of such conduct.

The example of where this power is needed could be multiplied endlessly. The recent case of the advertiser who planned to enclose sample razor blades in the Sunday paper without adequate protection for children is typical of the protection consumers need. A cease-and-desist order against this advertiser would do nothing to aid the children injured by this thoughtless practice. False advertising campaigns usually have a "life expectancy" shorter than the proceedings necessary to order their cessation.

The very existence of the power to seek injunctions will halt many of these abuses. The inability of the Commission to do anything practical for their survival is at the heart of the failure of many small businessmen to complain or resist the predatory practices of their larger competitors and suppliers. The possibility of injunction should give serious second thoughts to those who plan a quick "killing" and withdrawal before retribution occurs.

Without this injunction power consumers have no protection at all during the pendency of the suit and competitors must have sufficient resources to survive or to finance the complex litigation necessary to assert their rights. Two recent cases, the IBM-Telex case in Texas and the ITT Continental-Homestead Baking case in Denver indicate the continuing existence of predatory practices in the American economy and the tremendous strain of such practices to even the most well heeled of competitors. In these cases the victims were sufficiently well off that they could afford the enormous legal costs necessary to assert their rights. There is no similar protection available to either consumers or less well heeled victims.

This is not to indicate that there will not be serious and careful checks upon the use of this injunctive power. The Commission itself will not be empowered to issue injunctions. It will have to go to a U.S. district court judge and establish a series of carefully delineated preconditions before the judge will be empowered to issue an injunction. Among these requirements is that the Commission must establish a probability of success before the injunction will issue. This requirement alone will prevent the power from being used in frivolous and insubstantial cases. It is only good sense that where there is a probability that the act will eventually be found illegal and the perpetrator ordered to cease, that some method be available to protect innocent third parties while the litigation winds its way through final decision.

For these reasons, I urge adoption of the conference report and defeat of the motion to recommit.

Mr. MELCHER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. JOHNSON), a member of the committee.

(Mr. JOHNSON of California asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. JOHNSON of California. Mr. Speaker, we have had this legislation before the House here for a number of years. It was brought to the Committee on Interior and Insular Affairs. We have worked on it since January this year and we are here today with the conference report that was worked out with the conferees. All conferees signed the report. Everything that is here before us today is germane under the rules of Congress.

We used the Senate bill. The Senate bill was brought to test here on the floor. We amended our House provisions into it and sent it back to them.

Now we have perfected a bill that would get the Alaskan pipeline on its way and allow for some oil to flow within a period of 5 years from Alaska into the 48 States.

I believe if we are going to recommit this today, we are going to go through the whole process all over again, because when we meet in a conference between the Senate and the House, there are certain things to compromise on.

I believe the FTC is an agency of our Government set up for certain purposes and the Office of Management and Budget is another agency of the Government. It does not have too much in the way of jurisdiction over the matters that the Federal Trade Commission actually has under its jurisdiction.

I believe placing this under GAO is going to give us a better operation to give better protection to the small businessman throughout the United States.

I do want to place at this point, Mr. Speaker, with unanimous consent, my analysis of section 408 and section 409 in the RECORD, as well as a letter from the Federal Trade Commission in support of the provisions that are in this bill.

My analysis is as follows:

ANALYSIS—SECTION 408 OF SECTION 1081

Subsections 408(a) and (b)—These subsections are prefatory, setting out in preamble form the findings and purpose which justify the need for the specific amendments contained in Section 408.

Subsection 408(c)—This subsection would amend Section 5(1) of the Federal Trade Commission Act by increasing from $5,000 to $10,000 the civil penalty for violation of final orders of the Federal Trade Commission. The proposed increased maximum fine is in the nature of a modernization rather than a revision, made necessary by twenty-five years of inflation since the $5,000 limit was prescribed in 1938. This provision in no way affects the Commmission's substantive authority.

Subsection 408(d)—This subsection is designed to eliminate the delays which are necessarily incident to the Commission's required reliance upon the Attorney General to represent the Commission in the Federal courts. It would leave undisturbed the Attorney General's present authority to represent the Commission in the courts, but would authorize the Commission to appear by its own attorneys and in its own name should the Attorney General not take the action proposed by the Commission within 10 days. Such representation would be authorized in all civil proceedings arising under the Federal Trade Commission Act and would include among other actions, petitions for injunctions pendente lite, actions to enforce subpoenas, and civil penalties for failure to furnish reports required by Commission orders entered pursuant to Section 208 of the Federal Trade Commission Act. For many years prior to 1968, when its authority to do so was put in doubt by the holding in *Federal Trade Commission* v. *Guignon*, 390 F. 2d 323 (8th Cir. 1986), the Commission enforced its own subpoenas in the Federal courts. The enactment of Section 408(d)

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would restore this subpoena enforcement power to the Commission. A number of other independent agencies (including the SEC, ICC, and CPSC) are already empowered to handle most or all of their own litigation.

Subsection 408(e)—This subsection would narrow the exemption from the Commission's investigative and information gathering autority which now applies to federally regulated banks and common carriers by providing that this exemption will not preclude such investigative activities where necessary to the investigation of a corporation, group of corporations, or industry which is not, or only incidentally, engaged in banking or common carrying. This provision could have been quite useful, for example, in the Commission's recent investigation of the petroleum industry, at it would clarify the Commission's authority to compel production of data from pipeline companies, notwithstanding their common carrier status.

Subsection 408(f)—This subsection would authorize the Commission to seek temporary or permanent restraints of imminent or actual violations of the laws under its enforcement cognizance. When vigorously contested, the Commission's cease and desist order proceedings must be measured in terms of years, despite the serious public injury which can continue during their pendency. In especially aggravated cases, it is essential that the Commission have authority to prevent the aggregation of serious public harm during the period required for the Commission to complete cease and desist order proceedings and attendant appeals. Prompt judicial determination of the relative merits of the respondent's right to continue a questioned course of conduct versus the public need for an immediate injunction has the further dual advantage of assuring due process to the respondent and, if the injunction is granted, of eliminating any incentive for action by a respondent taken for purposes of delay. Enactment of this section would provide the Commission with comparable authority to that already possessed by the Attorney General in antitrust cases.

Subsection 408(q)—This is a technical amendment which brings Section 16 of the Federal Trade Commission Act into conformity with subsection 408(d).

ANALYSIS—SECTION 409 OF S. 1081

Section 409—Under this section the General Accounting Office replaces the Executive Office of the President (Office of Management and Budget) as the screeening and clearinghouse authority for processing identical information gathering questionnaires directed to more than nine persons which are originated by the independent Federal regulatory agencies. Advice to such agencies concerning such questionnaires submitted to the GAO for clearance would be advisory rather than mandatory and the GAO would be required to communicate such advice within 45 days.

In amending the Federal Reports Act Section 409 is precisely tailored to eliminate undue delay and to remove control, or the appearance of control, by the Executive branch over the investigative and enforcement activities of the independent regulatory agencies without sacrificing the important goals which prompted the enactment of that Act in 1942. There will thus be no hiatus in the program to safeguard the business community from redundancy and arbitrariness in the collection of data by the Government, as the General Accounting Office will perform all of the functions of OMB which are necessary to achieve that end.

FEDERAL TRADE COMMISSION,
Washington, D.C., November 9, 1973.
Hon. HAROLD T. JOHNSON,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN JOHNSON: In your letter of November 2, 1973, you asked for my views on the significance and practical impact of those provisions of S. 1081 which involve the authority of the Federal Trade Commission and the administration of the Federal Reports Act.

As I have previously stated, I believe that Section 408 of the bill, if enacted, would greatly enhance the Commission's effectiveness in discharging its Congressional mandate to prevent unfair and deceptive business practices and unfair methods of competition. The major provisions of this section would:

(1) authorize the Commission, after notifying and consulting with the Department of Justice, to represent itself in civil proceedings arising under the FTC Act, provided the Department does not take action proposed by the Commission within 10 days;

(2) authorize the Commission to go into federal court to seek temporary injunctions to prevent the continuation of particularly aggravated violations of the laws under its jurisdiction, pending the completion of the lengthy administrative proceedings and appeals which lead to a final cease-and-desist order; and

(3) increase from $5,000 to $10,000 the maximum civil penalty for violation of Commission orders—a modernization made necessary by 25 years of inflation since the $5,000 limit was enacted in 1938.

Each of these provisions is essentially a "gap-filling" measure; none would increase the Commission's substantive jurisdiction in any respect. This becomes evident when one realizes that a number of other independent agencies (including the SEC, ICC, and the CPSC) are already empowered to handle most or all of their own litigation, and that for many years prior to 1968, when its authority to do so was put in doubt by the holding in *FTC v. Guignon*, 390 F.2d 323 (8th Cir. (1968)), the Commission enforced its own subpoenas in the federal courts. In addition, the Commission already possesses the authority to seek preliminary injunctions under the FTC Act in cases involving the advertising of food, drugs, and cosmetics, and the Department of Justice, with whom the Commission shares responsibility for enforcing the antitrust laws, already has such authority under the Clayton and Sherman Acts. Each of these provisions has been the subject of hearings before Committees of both Houses of Congress, and each was incorporated, albeit in a more modest form, in S. 1219 and H.R. 6313, Administration proposal submitted to the 92d Congress.

In view of these facts, I consider the concern apparently being displayed by certain segments of the business community over Section 408 to be totally misplaced. While the added authority provided by this provision would undoubtedly increase the Commission's efficiency, I see no threat of any kind to the responsible businessman. To the extent that the Commission could be more effective in preserving free and open competition, this can only redound to the benefit of the entire system of free enterprise, and particularly to that of small business. It might be noted in this regard that the occasion for incorporating these provisions in the present legislation was the realization by yourself and other Members of Congress, at the time of the acute gasoline shortage last spring, that because it lacked the authority to seek preliminary injunctions the Commission would have been completely powerless to aid the small gasoline retailer, distributor, or refiner, even assuming there had been proof of the most blatant anticompetitive behavior by their major competitors.

Section 409 of the bill simply transfers from OMB to GAO the administration of the Federal Reports Act insofar as the independent regulatory agencies are concerned. While it is true that GAO would not have the veto power over agency requests for information currently possessed by OMB, I see in this omission no cause for alarm on the part of the business community. The Federal Reports Act was enacted to protect businessmen from duplicative and unnecessarily burdensome information requests from the federal government. Since the vast majority of such requests originate from within the Executive Branch, rather than the independent agencies, OMB will continue to bear the major responsibility in this regard. With respect to the independent agencies, it seems eminently reasonable, if they are to be truly "independent," that their proposed requests for information be passed upon by an agency responsible to the Congress, instead of by OMB. Close coordination between OMB and GAO will of course be necessary, but I see no reason to suspect that GAO will be less diligent in protecting the businessman than OMB has been.

As considerable attention has apparently been focused upon a particular FTC questionnaire with regard to which we have requested OMB approval, the proposed "line of business" form for reporting corporate financial statistics, I would emphasize not only that this questionnaire would go only to the largest of the nation's corporations, but also that the Commission is most receptive to constructive suggestions for modification of the form in order to insure that the costs of compliance will not be excessive.

In conclusion, I would reiterate that the provisions in question, while designed to close several long-overlooked gaps in the Commission's law enforcement authority, in no way extend its substantive reach, nor subject to sanctions any conduct or practice not already covered by the laws under the Commission's jurisdiction. If enacted, they will mean significant benefits for the American consumer and the small businessman, and a greater return on his dollar for the individual taxpayer.

Sincerely,

LEWIS A. ENGMAN,
Chairman.

Mr. MELCHER. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Speaker, I will vote to recommit the Alaska pipeline bill to the conference committee, and I urge my colleagues to do likewise. I would have preferred a separate vote on each nongermane amendment, but our leadership has found a way to deny us those votes. Therefore we have only the alternative of the motion to recommit.

Rarely a week ago this House faced a similar situation. A needed bill, the military authorization bill, came from conference with a nongermane Senate amendment. We yielded to the Senate, thereby flaunting our own rules and obviously encouraging the Senate to indulge in further whimsical activities.

Time after time we have been blackmailed into accepting nongermane Senate amendments to the debt ceiling bills.

Today we are asked to accept four Senate amendments, clearly nongermane, to a bill we all want passed as quickly as possible. The old Senate blackmail seems likely to triumph again.

If we vote to recommit, we can get a bill back today.

If we do not vote to recommit, we ratify, without debate or discussion, or even reading, nongermane matters pending before one of our committees which the House has not even considered. In the name of expediency we will be abdi-

cating our responsibilities to legislate responsibly. Worse, we will have conceded our authority to the Senate.

In times when we bemoan the erosion, or the pilfering of our prerogatives, how dare we vote to throw them away ourselves? How can we tell our constituents that the legislative branch is carrying out its responsibilities if we cannot even following our own rules.

In this case, I believe the unworthiness of the amendments are less important than the need to uphold the prerogatives of the House. The pipeline bill itself is essential. I support the pipeline bill strongly on a basis of need, but the Senate amendments are lacking in merit.

Sections 404 and 405, which would allow the Senate to disapprove, or fire, the incumbent directors of both the Office of Energy Policy and the Mining Enforcement and Safety Administration are unpleasant enough. I seem to remember the House going through the motions on a similar OMB bill, not too long ago. These alone could cause major problems. But sections 408 and 409 are far more objectionable. Section 408 would authorize the Federal Trade Commission to take its enforcement actions directly into the Federal courts if the Justice Department does not act within 10 days. Presently the Commission is entitled to seek a preliminary injunction for situations where a threat to individual safety is raised by dangerous flammable products or false advertising of foods, drugs, and cosmetics. This bill would grant them the right to take action, which they alone would enforce, pending the outcome of their own internal administrative proceeding. The recommit motion provides 60 days, which makes more sense.

This section also grants the FTC the authority to examine and require reports from banks and common carriers in the course of investigations which are not directed at either banks or common carriers.

Section 408 should be considered on its own merits by a committee of this House. The Senate has already passed similar provisions on to us in this FTC warranties bill. S. 356 now H.R. 7917 is in markup in the Commerce Committee. We need that committee's recommendations.

Section 409 also has nothing to do with the construction of our badly needed pipeline; 409 transfers from the Office of Management and Budget to the Government Accounting Office the authority to review questionaires and report forms required of private industry by the independent regulatory agencies. Under the existing Federal Reports Act, the agencies coordinate with OMB.

To eliminate unnecessary reports, and to reduce the burden and cost of reporting, OMB's authority also includes the obligation to hold hearings and to solicit public reaction. In section 408 there are no provisions for holding public hearings, or rejecting conflicting or burdensome reports, or protecting confidential company data from foreign or domestic competitors. In this provision, GAO is only an advisory body. We are granting the agencies a license to run roughshod over our individual firms.

Many people seem to have the mistaken impression that this bill will only have serious effects upon our big business conglomerates. This is not so. The effect upon small business throughout the country could be drastic. In a Senate report of April 17, 1973, we note that as of December 31, 1971, there were 5,298 different types of these forms, and that various businesses were forced to allocate an estimated 130.5 million man-hours per year, not including tax forms, on Federal paper. And that it cost our small businesses an estimated $18 billion yearly to fill out these forms.

Mr. Speaker, I ask today that this body stand up today for itself. I ask that it not pretend it is a branch office of the other body. I ask it to stand up for its own rules. Senatorial courtesy may be a revered custom on the other side of this building, but it has no place in careful lawmaking. I hope this House votes to recommit. Let us prove that we are not content to be Senate doormats forever.

Mr. MELCHER. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. VIGORITO), a member of the committee.

Mr. VIGORITO. Mr. Speaker, I wonder if we realize how serious a problem we are facing today. We have a crisis. It is an energy crisis. It is an oil crisis, because oil provides 50 percent of our total energy needs as of today.

In 1970 we had a daily oil production of 11-million barrels.

In 1971 we had 10-million barrels daily production.

In 1972 we had 9.4-million barrels.

This year we are producing oil at the rate of 9.3-million barrels of oil. By the time we complete the Alaska pipeline, we may be down to 7-million barrels.

It is most urgent that we proceed now with the pipeline in Alaska.

Mr. MELCHER. Mr. Speaker, I yield 30 seconds to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, as my colleagues will recall, I opposed the legislation when it was before the House previously. I wish to announce to this body and to my colleagues that I intend to support the conference report, and that I intend to vote against the motion to recommit the conference report.

Mr. Speaker, I rise in support of the conference report (No. 93–617, Oct. 31, 1973) on S. 1081. It is tragic that the American people must forego environmental protection and safeguards afforded by the National Environmental Policy Act of 1969 and the judicial system under the threat of an oil crises. This crises has arisen, in part, because the shieks of the Middle East are trying to bludgeon us into supporting them 100 percent in their long struggle with Israel, and in part because this Government's energy policies and planning have been dictated by the oil and minerals industry and their handmaidens in the executive branch.

I shudder to think where we would be today if Congress had not passed NEPA and dedicated public-minded citizens had not looked at the judicial branch to force the oil-industry-dominated Interior Department to go slow on the approval of a pipeline across Alaska. Indeed, the safeguards and procedural requirements included in title II of the conference report would not have evolved, if it were not for NEPA and the courts.

I am not at all certain that title II of this conference report, particularly section 203, will survive a court test. But I am satisfied that Congress, at least, in rescuing the executive branch in this so-called energy crisis, has taken some giant steps to protect the public interest and our environment. Let us all hope that Interior's experts and those of the oil industry are correct that a pipeline can be built and operated safely.

Mr. Speaker, title I of the conference report is a vast improvement over earlier versions. This title, I am convinced, could not have been enacted in Congress with such haste if it were not for the fact that it is piggybacked on the Alaska pipeline title.

Section 28(a) authorizes pipeline rights-of-way across all "Federal lands," except National Park System lands, Indian trust lands, and OCS lands.

Thus, it is possible that such pipelines could cross National Wildlife Refuge System and Wilderness System lands. Section 28(b), however, requires, as to Federal reservations—which include, but are not limited to, lands of the above two systems, the National Forest System, the National Grasslands, Scenic Trails, and military reservations—a determination which quite clearly must be in writing and made available to the public that such right-of-way "would be inconsistent with the purposes of the reservation." This is helpful.

Sections 28 (f), (h), and (k) all provide for the issuance of regulations. These regulations are subject to the rulemaking procedures of 5 U.S.C. 553. The regulations must be published and promulgated before any new applications are considered.

Section 28(h) (1) contains a disclaimer that section 28 does not in any way affect the requirements of NEPA. Thus, NEPA applies to section 28 pipeline right-of-way applications and actions. In addition, the environmental impact statement requirements of section 102(2)(C) of NEPA also applies to such applications and actions where they meet the criteria of that section of NEPA.

Section 28(h)(2) requires applicants "for a new project which may have a significant impact on the environment" which includes any application for a right-of-way across any Federal reservation or part thereof shall "submit a plan of construction," et cetera. It is my understanding that the public will have an opportunity to review the plan and to comment on it in writing and at the public hearings concerning, among other things, its adequacy in terms of compliance with this section.

Sections 28 (i) and (j) relate to certain disclosure and technical and financial capability requirements. It is my understanding, based on the language of the conference report, that any data obtained under these two sections must be available to the public. Fortunately,

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there is no basis in the conference report for any claim by the Secretary of the Interior or the applicant that such data be kept confidential. I hope none is made.

Section 28(k) of the conference report, page 4 states:

> The Secretary or agency head by regulation shall establish procedures, including public hearings where appropriate, to give Federal, State, and local government agencies and the public adequate notice and an opportunity to comment upon right-of-way applications filed after the date of enactment of this subsection.

In discussing this section, the conferees note that it "does not require public hearings that would duplicate the public participation procedures required by" NEPA. The "public participation procedures" reference of the conferees is somewhat confusing, since NEPA itself does not require public hearings in connection with section 102(2)(C) of NEPA. But Executive Order 11514 (March 5, 1970) which implements NEPA requires all Federal agencies to develop "procedures to insure the fullest practicable provision of timely public information and understanding of Federal plans and programs with environmental impact in order to obtain the views of interested parties." These "procedures" must include, "whenever appropriate, provision for public hearings." Thus, it is my understanding that, unless a public hearing is held pursuant to the NEPA environmental impact statement process, as supplemented by the above Executive order, in connection with a pipeline application, a public hearing on such application under section 28(k) will always be "appropriate."

At this juncture, I note that section 28(p) provides for the joint use of rights-of-way. This provision is quite timely and important, because I understand that there exists a proposal to transport-natural gas by pipeline from Prudhoe Bay in Alaska to the lower 48 States. One company is preparing even now to apply to the Federal Power Commission for authority to construct such a line through a route that would pass through a national wildlife area in Alaska. Another company wants to run the line along the trans-Alaska pipeline route. It is my understanding that Interior officials are looking at five alternative routes, but these two companies have paid scant attention to all five, let alone thoroughly evaluating each one. Section 28(p) can quite properly be the basis for Interior or the public requiring both companies and Interior and the FPC to fully evaluate each route. We do not want or need another Alaska oil-pipeline debacle from the Interior Department.

Section 28(g) directs that Interior "shall impose" safety requirements for workers in the construction of all pipelines, including the Alaska pipeline, and for the purpose of protecting the public, including the environment. This provision applies to any ratification or confirmation of any existing right-of-way under section 28(t). I expect that Interior will consult with the Departments of Transportation and Labor regarding these safety requirements and will publish them for public comment before adoption and revision thereof.

Section 28(w)(3) requires annual inspection by DOT "of all pipelines and associated facilities" on Federal lands now and in the future and the prompt reporting of potential leaks and safety problems. Those reports will, of course, be available to the public. This is an important provision, and I intend to learn from DOT and Interior what procedures will be developed to fully carry it out and when the first inspections will begin.

Mr. Speaker, I note with great pleasure the provisions of titles III and IV of the conference report. Both of these titles are of extreme importance and I applaud the conferees for including them in the final version of the bill.

I am particularly pleased to see the provision which requires confirmation of the director of the Energy Policy Office and the head of Interior's Mining Enforcement and Safety Administration. I feel certain that at these confirmation hearings the Senate will have an opportunity to delve deeply into the operations of both of these officials. The Director of the Energy Policy Office has been called the Czar of Energy Policy within the executive branch, yet I understand that he has only 21 employees to carry out this function and to deal with the many agencies of government that have energy responsibilities. It is astounding to me that this director could carry out this function effectively with only 21 people. I am therefore asking Director Love to provide to me his estimates of the number of people needed to run the office properly and at the same time provide to me a statement of the number of people delegated from other Federal agencies on a temporary basis to run the Energy Policy Office.

I am also pleased to see the various provisions of this bill relating to the Federal Trade Commission. I note that the Director of the Office of Management and Budget has threatened veto on this bill because of this FTC provision and some other features of this legislation. It is my hope that the Congress makes it clear to the administration that should the President veto this bill the congressional deep freeze for the trans-Alaska pipeline bill may be more permanent than the permafrost in Alaska. In my opinion the merits of this bill would disappear rapidly if any of the provisions of title III and IV were excised. Such a veto would be a severe blow to the public and efforts to defuse the energy crisis.

Mr. Speaker, some Members of the House who are opposed to the FTC provisions in the Alaskan oil and gas pipeline conference report suggest that this legislation will somehow turn the FTC from a small independent agency with basic Federal antitrust and consumer protection responsibilities into the scourge of the small businessman. I am unable to discern how anything in this legislation could possibly have such an effect. The bill makes no changes whatever in the substantive powers of the FTC. It does, on the other hand, allow the Commission to exercise the powers it now has in a more efficient and less bureaucratic manner. It seems wholly irresponsible to trifle with the security of the Nation over such matters.

Indeed, I believe that the opposition to this particular part of this Alaska oil and gas pipeline legislation, specifically the proposal to recommit the bill in order to kill the FTC housekeeping improvements section, is based on a fundamental misconception about what is good for the small and medium-sized businesses which form the core of the American economy.

The antitrust enforcement efforts of the Commission have been helpful in protecting the small businessman from being swallowed up by the anticompetitive practices of many industrial giants in this country. I cannot imagine any small businessman opposing the work which the Commission has done in the antitrust field.

People who purport to represent the small businessman have suggested to me that the pipeline bill would allow the regulatory agencies to avalanche small businesses with new paperwork requirements by transferring the oversight responsibility of information demands from OMB to the GAO. Would anyone seriously portray OMB as the small businessman's representative? In fact, the OMB review procedure dealing with Federal data collection efforts has been dominated by big business interests. One look at the lists of representatives attending the past OMB review meetings, and the OMB advisory committees' implementation of the Federal Reports Act, will illustrate this point. Does anyone suggest that representatives from the Nation's giant corporations represent the small businessman?

What does this bill really do to the powers of the Federal Trade Commmission? It will permit the FTC to go to court and ask for injunctions to restrain violations of the laws it enforces. I am fully confident that the U.S. courts are capable of determining when an injunction may be necessary to protect the public.

The bill would allow the FTC to go to court on its own behalf, rather than through the Justice Department. The administration opposes this change because it would reduce the Department's control over Federal litigation. Since when is the Justice Department supposed to control the enforcement litigation of the independent regulatory agencies? Or are they supposed to be independent only until one of the regulated forces an issue into the courts?

It has also been argued recently that the powers of the FTC are somehow not germane to the Nation's energy crisis. Nothing could be further from the truth. This is precisely the time when we desperately need a strong and efficient FTC to insure that the antitrust laws are enforced in order to assure that no anticompetitve practices restrict output by the energy sector of the economy.

In summary, I believe that it would be irresponsible to recommit this measure for further consideration. No new issues have arisen. No new facts are known. The Nation's security deserves congressional action to solve the energy crisis, not more delay.

Mr. STEIGER of Arizona. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. Miller).

Mr. MILLER. Mr. Speaker, if the House gives in to the Senate by accepting the nongermane amendments to S. 1081, the trans-Alaskan pipeline authorization conference report, it will have moved that much closer toward undermining the sound legislative procedures upon which we have operated and been guided by.

These amendments, sections 408 and 409, were never considered or voted upon when this bill was before the House. The other body stowed them on board the pipeline bill knowing how important that construction authorization is in meeting the Nation's energy needs in the very near future.

This take-it-or-leave-it proposition we are handed subverts the will of the House to the whim of the Senate. Surely it cannot be in the national interest for one House of Congress to be able to foist its will on the other. When laws are enacted, they should reflect a consensus of the Congress through its deliberate, thorough, and open debate. I am afraid the American people are being denied that here today by legislative bulldozing.

If the aim of the Congress is to fool the American people through slight-of-hand, then this conference report is a classic.

Mr. STEIGER of Arizona. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas (Mr. Skubitz).

Mr. SKUBITZ. Mr. Speaker, there are very few Members of this House who desire to delay the construction of the Alaskan pipeline. I support the pipeline. It is my feeling, however, that the conference report contains a number of nongermane amendments that originated on the floor of the other body. This House has had no adeqate consideration of any of the matters contained in section 404, 405, 408 or 409 of the conference report.

I support the motion to recommit the conference report to the committee of conference with instructions to the Managers to insist on deletion of these four sections. Should this motion to recommit fail, however, I will support passage of the conference report.

I want to commend the conference committee for giving relief to the small stripper well operators. These producers operate well producing 10 barrels or less per day and would, under this legislation, be given relief from the price stabilization rulings of the Cost of Living Council. I offered a similar amendment to the oil allocation bill which came before the House Committee on Interstate and Foreign Commerce and was reported in September. That committee in its wisdom accepted my amendment.

I do not believe recommitting this conference report will endanger the Alaskan pipeline. The members of the other body are reasonable men and will not hold the pipeline hostage for these nongermane amendments. I support recommitting this conference report.

Mr. MELCHER. Mr. Speaker, I yield 30 seconds to the gentleman from West Virginia (Mr. Hechler).

Mr. HECHLER of West Virginia. Mr. Speaker, the coal miners of the Nation support one of the nongermane Senate amendments requiring confirmation of the head of the Mining Enforcement and Safety Administration. This amendment was added in the other body by West Virginia's Senator Robert C. Byrd. Those supporting the motion to recommit would weaken certain provisions added by the other body to protect the consumers of this Nation.

I oppose the motion to recommit. I hope that motion will be defeated. I shall reluctantly support the final passage of the conference report, which is an improvement over the bill which originally passed the House.

Mr. STEIGER of Arizona. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I would say in response to the earlier remarks by the gentlewoman from Missouri (Mrs. Sullivan) that the vessel liability provision was troublesome to many of the conferees. I, for one, felt that we were not fully aware of all of the implications of the provision or how it would affect pending international conventions. It certainly is my understanding that all of the conferees agreed that this area should be carefully reviewed by the appropriate committees when legislation implementing the pending conventions is considered to make sure that the liability imposed by that legislation will apply to all U.S.-flag vessels, including vessels carrying oil from Valdez, Alaska.

Mr. Speaker, again, if I may, and I know that everybody here recognizes the significance of the pipeline, the environmental, and the energy needs, but I hope that in the heat of the moment, and in the concerns of the day, we do not lose sight of what is at stake here in this motion to recommit.

Mr. Speaker, what we are doing here, in my view, is in the face of the absence of any testimony, any analysis, any study by staff or Member; we are asking the House, in accepting the conference report unamended, to accept language which it does not understand. It seems to me, Mr. Speaker, that on that basis alone we should adopt the motion to recommit, for the purpose of the integrity of the House, of the legislative process.

Mr. Speaker, it is entirely fallacious to state that to vote for the motion to recommit is to delay the pipeline for a year. That is simply not the case. We are talking about a day or two. This week we are going to resolve this thing, and we are not talking about any year's delay. They cannot get started until March anyway. We can have this thing on the President's desk by next week.

Please do not be seduced into opposing the motion to recommit on the basis of delay. I will guarantee that there will be a vote on the final passage of the conference report, for those who might be persuaded that, by voting for the motion to recommit, they will be interpreted as being opposed to the conference report. I can understand that political problem, and I assure the Members that there will be a vote on final passage of the conference report, win or lose the motion to recommit.

Mr. MELCHER. Mr. Speaker, I yield 4 minutes to the gentleman from Georgia (Mr. Landrum).

Mr. LANDRUM. Mr. Speaker, I believe that in all of my experience I have never seen the people all over the Nation as concerned and as disturbed and as alarmed as they are today about so many things, and particularly about the fuel crisis or the energy crisis that confronts us.

We are being charged from every corner of this Nation with having been derelict in our duties to build an energy program that would make this Nation independent of the natural resources of other nations.

Finally, we came to the point this year of passing what is known as the Alaskan pipeline bill, and all of us are being told that the earliest that we can possibly see any flow of fuel, raw fuel, through this line is 3 years.

A few moments ago I listened to the gentleman from Alaska (Mr. Young) say that in his opinion if this conference report is recommitted, it will delay the construction of the Alaskan pipeline from the estimated 3 years at the present time to not less than 5 years. Two years is an awfully long time to be cold or to have rationed gasoline.

Therefore, I have asked the gentleman from Montana to let me have the opportunity to say this and to put this question to him:

Does the gentleman from Montana have an opinion, and if he does have an opinion, what is it, concerning the delay of the Alaskan pipeline, as associated with a motion to recommit this conference report?

Mr. MELCHER. Mr. Speaker, I am delighted to answer the question which has been put to me by the gentleman from Georgia, and the answer, I will tell the Members, is as follows:

Further delay brought by the motion to recommit will mean more than a delay of days; it could mean a delay of weeks.

The inclusion of the amendments by the Senate constitutes part and parcel of the Senate-passed bill. They were in the bill when it came over to the House, and we in the conference committee have agreed to them, because they were in the legislation when it was passed. The other body is not going to back down from its decision quickly.

Whatever compromise could be arrived at in conference between the House and Senate conferees will not be resolved just between now and Thanksgiving or perhaps just between now and Christmas. We may be talking about weeks of delay, because there would have to be a compromise from the Senate's position.

That being the case, it could very well be, as the gentleman from Alaska has warned us, that there could be a delay of construction time of 6 months to a year on the start of construction on the pipeline in Alaska because of the necessity of starting when the permafrost is frozen this winter.

I urge the House to reject the motion to recommit and permit final passage of the bill to permit as rapid a start on the pipeline as possible.

Mrs. HOLT. Mr. Speaker, I rise to urge my colleagues to recommit S. 1081, the Trans-Alaskan Pipeline Authorization

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Conference Report with instructions to delete sections 408 and 409.

Both of these nongermane amendments, in my opinion, suffer from serious substantive and procedural defects. Section 408 would dramatically expand the authority of the Federal Trade Commission by allowing it to take its enforcement actions directly into Federal courts if the Department of Justice does not act within 10 days. This will set a precedent for similar autonomy for all other Federal regulatory agencies and the end result of such autonomy will be haphazard and uncoordinated Federal litigation efforts.

The second amendment, section 409, would delete OMB authority under the Federal Reports Act of 1942 to review requests for business information by the regulatory agencies. This authority would be transferred to the General Accounting Office but the role of the GAO would only be an advisory one, with no power to prevent duplicative efforts by these agencies.

These amendments significantly expand regulatory agencies' powers in all areas. While all of us may support the concept of independent regulatory authorities, I think that it is important to recognize that a thin line separates proper regulation from bureaucratic overregulation. I strongly suspect that the implementation of sections 408 and 409 of this conference report would thrust us across this line into the area of overregulation.

My second objection to these amendments is the manner in which they arrived before this body for consideration. Despite the importance of these amendments, the appropriate committee has not had an opportunity to review them, nor have any hearings been held. It would seem to me that this body is doing a great disservice to itself and to the Nation if it allows far-reaching legislation of this nature to slip through without proper discussion and review, and if it permits the established legislative process to be circumvented in this manner.

These amendments should be given serious consideration on their own merits, and should not be attached to a bill as important as the Alaskan pipeline project. It would be a tragedy if these amendments cause construction of the pipeline to be further delayed.

I strongly urge my colleagues to join me in recommitting the conference report with instructions to delete sections 408 and 409.

Mr. HANRAHAN. Mr. Speaker, the importance of this legislative item which we are considering today cannot be emphasized strongly enough. The trans-Alaska pipeline will provide the Nation with resources on which it will heavily depend for the years to come. Energy-saving measures are important too; however, in the long run, we are going to need the ready and dependable oil from Alaska's North Slope.

I think the conferees have, for the most part, acted wisely. They have recognized the need for the immediate construction of the pipeline system, and the conference report reflects this wisdom. In the years to come the United States must become self-sufficient for its energy sources. Recent experience in the Middle East makes this necessity particularly clear. The Alaska pipeline is the soundest and most expedient way to assure this self-sufficiency. For this reason I am supporting today's conference report, as I did the original House bill. This support, however, should not be construed as representing 100 percent agreement with all the provisions of the conference report.

My most serious objection is to the section concerning "limitations on exports." This body was very deliberate in writing provisions to insure that Alaskan oil would not be sold abroad if it were needed domestically. Such insurance is only logical.

The mechanism in the House version to limit oil exports was a prohibition on all oil transported over rights-of-way through Federal lands unless affirmatively authorized by concurrent resolution. This was strong language, but strong language was necessary to prevent oil from being exported until Congress gave a definite "go-ahead." Under the basic Senate language adopted by the conferees, however, exports can proceed unless Congress disapproves by use of the concurrent resolution. This means that once the President has given notice that oil exports will not endanger the national interest or diminish the U.S. supply of oil, exports can begin and continue unless Congress disapproves. This scheme is another chapter in the continuing story of the erosion of congressional authority.

I bring this clause to the attention of my colleagues because I believe it will create the necessary opportunity for oil companies to export their product, an opportunity which I am afraid will be exploited too readily. With the prevailing worldwide demand for oil, richer, more lucrative markets will quickly be found outside the United States. And the losers will be the U.S. consumer who will be without sufficient oil.

One part of the problem is that hard and fast data on oil supplies is hard to come by; the industry itself is the primary collector and disseminator of such information. Based primarily on its estimates, the President will make the decision to allow oil exports.

A second aspect of the procedure which disturbs me is the fact that exports can take place immediately after the President gives notice of his intention to allow them. If Congress later decides to disapprove of these exports, much of the damage will already have been done. And if Congress does not act within 60 days, the damage will be even greater.

I am sincerely disappointed that the conferees did not choose to assert itself and allow Congress to assume some of its legitimate authority. Congress should retain authority to forbid exports unless, and until, it makes the determination that oil exports would not harm domestic supplies. This type of orderly procedure is clearly the most responsible, and the only type of action that our citizens will tolerate.

Mr. HOGAN. Mr. Speaker, I rise in support of the conference report on S. 1081, the trans-Alaskan pipeline authorization. This proposed legislation is a result of an extensive 2-year study conducted by the Department of Interior and has undergone an exhaustive deliberation of both the House and Senate Committees on Interior and Insular Affairs. This proposed legislation is by no means perfect and it may not satisfy each and every desire of every interest, but it is, like much of life today, a compromise between the demands of our Nation for its energy and the counterbalancing demands for ecological preservation.

The need for bringing fuels into the country and to increase our domestic production is conceded by all. Meeting projected demands will require both stern conservation measures and the maximization of resource acquisition. If we abandon the North Slope oil, or prolong indefinitely its delivery to market, there is no doubt in my mind that we will damage our economy and will further increase the energy dilemma in our country. This bill goes about as far as a bill can go in satisfying both demands, that for increased energy supply and that for minimum hazard to our environment.

The argument has been levied that further study and further advancement of engineering technology is necessary before the pipeline can be built to withstand the hazards of the North Slope. However, the study of the trans-Alaskan pipeline was the most extensive environmental study ever undertaken by the Government. The final environmental impact statement which was released in March 1972 required 175-man years of study by the Department of Interior and other agencies at a cost in excess of $9 million.

Congress has been kept fully appraised of the trans-Alaska pipeline system since its very conception when it was first considered 4 years ago. It is evident that Congress most now resolve this problem in a manner acceptable to the American consumer, after giving considerable attention to all necessary measures to protect the environment. I believe that this bill will meet the desired criteria that the Congress has been striving to achieve for the past 4 years.

Mr. Speaker, we are a Nation that is presently highly dependent upon fossil fuels. America's energy needs today are supplied overwhelmingly by fossil fuels, with oil and gas providing 77 percent. There are all kinds of estimates on fossil fuel reserves and a confusing array of predictions on how long they will last under varying degrees of husbandry. One thing is certain, fossil fuels are finite.

The construction of the Alaska pipeline will undoubtedly help to alleviate our short-term energy situation. The estimates call for at least 600,000 barrels per day to come through the pipeline in the first year, or 3 percent of our daily needs, and about 1,200,000 barrels per day will be pumped for the next 4 years working up to a capacity of 2 million barrels after 5 years.

While the construction of the pipeline is essential to meet our present energy demands it should not be construed to mean it will solve our energy shortage or even attempt to solve it. Rather, it should serve to remind us that we must develop a national energy policy and should centralize all energy related research projects in one central agency. At least 9 of the 11 Cabinet departments presently are exercising varying degrees of regulation over the energy industries and as a result there have been instances of uncoordinated and sometimes contradictory actions.

The announced cut-off of Arab oil will drastically affect the lives of all Americans and repercussions are already being felt. Major airlines have begun to drop flight to save fuel. The administration is reviewing plans for rationing gasoline to motorists. Legislation has been proposed to impose 50 mile per hour speed limits on our highways. Efforts are being made to convert oil and gas burning powerplants to coal. All of these changes should tell us that we must devote our full attention developing alternate sources of energy.

Our country has the manpower and ability to achieve any goal it sets forth. This is best emphasized in the development of our space program and our desire to land a man on the Moon. On May 25, 1961, President Kennedy announced in a special message to the Congress on "Urgent National Needs," that the United States would make every effort to land a man on the Moon by the end of the decade. By redirecting and pumping new technology into our space program we achieved this historic event on July 21, 1969.

I firmly believe that the need exists today to centralize our energy research projects and coordinate a national energy policy. This should be one of the major goals of the 1970's. We as a Nation should accept this challenge and should do so with full force.

I am reminded of the words of the philosopher George Santayana who once wrote that—

> Those who do not understand history are doomed to repeat it.

Let us hope that we have learned that we cannot depend as heavily as we have in the past on one particular source of energy but that we must develop alternate sources which can be utilized to meet our increasing demands.

Mr. Speaker, the need for the construction of the trans-Alaska pipeline is evident and I urge the Members of this body to adopt the conference report as the initial step in meeting our energy needs. We must then strive to formulate a national energy policy and work to develop alternate forms of energy to release our dependence on fossil fuels.

Mr. RODINO. Mr. Speaker, I rise in support of the conference report (H. Rept. No. 93–617) on S. 1081. The amendments to the Federal Trade Commission Act and to the Federal Reporting Services Act that title IV of S. 1081 would effectuate, provide the Federal Trade Commission with some of the additional powers it needs to protect the public from antitrust violations and economic deceptive practices and from the disastrous impact these have on our free enterprise system.

Enactment of the proposed legislation is clearly in the public interest. During recent hearings before many House subcommittees, including my own Subcommittee on Monopolies and Commercial Law during its food price investigations, many have testified that more vigilant enforcement of the antitrust laws would have saved consumers moneys calculated in the billions of dollars. S. 1081, as reported by its distinguished conference committee, would reduce significantly procedural and organizational barriers presently hampering the effectiveness of the FTC in the discharge of its antitrust legislative mandates.

The FTC was selected by the Congress as one of the two major protectors of the public interest and national policies expressed in the antitrust laws. S. 1081 would equip the Commission with the means necessary to promote as well as to protect the important goals of our antitrust laws and the free enterprise system.

Moreover, as the energy and oil pipeline background and features of S. 1081 evidence, the legislation under consideration involves aspects of the public confidence in its representative form of government to cope with widespread and growing causes of critical shortages in food, newsprint, and other commodities, as well as in oil and petroleum products.

My distinguished colleague JOHN MELCHER and the conference committee that he chaired labored under difficult and pressure-laden circumstances. I believe that they are especially to be commended for the expeditious manner in which they have delivered this important legislation to the House.

Mr. BINGHAM. Mr. Speaker, when the Alaska pipeline bill was before this House on August 2, I voted against it. I was disturbed by a number of provisions in the bill which I felt should have been amended, especially the provision overriding the normal requirements of the National Environmental Policy Act and the failure of the legislation to require a high priority study of the trans-Canadian alternative route before proceeding with the trans-Alaska pipeline.

Today I shall vote for the conference report on the bill. I am doing so because the dimensions of the energy crisis have become clearer in the intervening months. The boycott by Arab oil-producing states has underlined the urgent need for the United States to achieve as rapidly as possible a position where it will no longer be dependent on oil supplies from such unreliable sources and will no longer be subjected to such outrageous attempted blackmail.

I am also less enthusiastic about the possibility of a trans-Canadian alternative than I was in August. During the intervening months, no practical proposal for a Canadian pipeline has been made. More important, the recent action by the Canadian Government drastically increasing the tax on oil for export has brought home the realization that Canada too has interests of her own which she may choose to pursue and which may not be the same as ours. In other words, the argument in favor of an all United States route for bringing down the badly needed north slope oil has been made to seem compelling.

I remain strongly opposed to the NEPA-override provision of the bill. This provision is not only unnecessary, but in my view may cause serious delays in the construction of the pipeline because of the almost inevitable challenge to this provision in the courts. However, a vote against the conference report on this ground at this late stage would seem to be a futile gesture.

An additional reason for supporting the conference report is that the bill now contains desirable provisions adopted in the Senate strengthening the powers of the Federal Trade Commission. I am of course opposed to any effort to delete these provisions from the bill.

Mr. ANDERSON of Illinois. Mr. Speaker, I intend to vote for the conference report on the trans-Alaskan pipeline authorization, and against any motion to recommit the bill to conference. I do want to make clear, however, that I had intended to support a rule for this bill which would have permitted separate House votes on the controversial sections of the bill which were added by the other body. Unfortunately, we were precluded in the Rules Committee from even voting on such a rule. I have, in the past, made quite clear my opposition to the practice by the other body of complicating conferences by the addition of what would have been nongermane amendments in this body. Ordinarily, we would have been permitted that opportunity on this conference report under clause 4 of House rule XXVIII. But, due to the manner in which the original House resolution on this bill was written, these controversial provisions are not technically considered nongermane, and thus, without a special rule providing for a separate vote on these provisions in the conference report, we are confronted with the unpallatable alternative of either voting the entire conference report up or down, or sending the bill back to conference with instructions to delete all four sections.

This puts us in a most difficult position, especially in view of the energy crisis and the need to begin immediate construction of the Alaskan pipeline. Sending this bill back to conference now with instructions on all four sections would not only make it difficult to resolve those issues with the other body, but would, in effect, open the entire conference report to renegotiation and further prolonged delays in the final enactment.

While it is conceivable that the conferees could resolve all these differences before this session adjourns, it is also conceivable that reopening the conference on the bill could involve a delay carrying into early next year. I am informed that a further delay in action on this bill could well result in setting back construction of the pipeline by a year due to seasonal and logistical problems connected with Alaska's severe winters.

I do not think we in the Congress want to bear the responsibility for delaying for another year our access to this vitally needed North Slope oil. If we send this bill on to the President now

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and the rights-of-way are granted by the Interior Department by the end of this year, the pipeline should be completed by sometime in 1977. If, on the other hand, we recommit this bill to conference, the pipeline may not be completed until sometime in 1978.

I very much regret that the provisions which are in dispute; namely, sections 404, 405, 408, and 409, will not be given full and thorough consideration in this body, both by the appropriate committees and the full House. This is obviously the orderly and responsible way to approach such substantial and controversial issues. I also deeply regret that we are not given an opportunity in the Rules Committee to at least vote on a rule which would have permitted a separate debate and vote on each of these issues in considering this conference report. And in this regard, I might add, I would hope our Rules Subcommittee, under the able leadership of the gentleman from California (Mr. Sisk), will soon bring to us a revised rule which will plug the loophole under which these amendments were allowed to slip through conference without being subject to the procedures of clause 4 of rule XXVIII. But all this is now water under the bridge, and we must now decide on what are our overriding national responsibilities and priorities. For these reasons, I urge immediate adoption of the conference report.

Ms. HOLTZMAN. Mr. Speaker, it is with many substantial reservations that I will vote for the conference report on S. 1081, the Alaskan pipeline authorization. Although we are in the middle of an energy crisis it is not at all clear that the oil that will become available because of this pipeline construction will relieve the crisis in any meaningful way. For one thing, it will be many years before the oil is available. Also, the Alaska route will serve to increase the already abundant oil supply in our Western States and will offer little help to the oil-starved States in the Northeast and Midwest.

I feel the major problem with this bill is that it forecloses for the moment the alternative of the Canadian route for the pipeline that would be of benefit to the heavily populated Northeast. A second major problem is that this bill eliminates any judicial review of environmental considerations and I do not favor abandoning application of environmental standards lest we create environmental chaos.

Nevertheless, the conferees did make some improvements in this bill, such as strengthening the powers of the Federal Trade Commission by giving it authority to enforce subpenas and to seek preliminary injunctive relief to avoid unfair competitive practices. I was also pleased with an amendment to the Federal Reporting Services Act that would enable Federal regulatory agencies to gather information from the industries they regulate without having to obtain prior approval from the Office of Management and Budget.

Mr. HARRINGTON. Mr. Speaker, the conference report to the Alaska pipeline bill, which I will vote against, represents the kind of up-against-the-wall, shotgun approach which has regrettably come to characterize decisionmaking in the energy area. It is an approach which has been developed by the oil industry and perfected by the administration in order to force policies upon the Congress and the public, policies which otherwise would be given more careful scrutiny.

Although the passage of this bill will not ease our Nation's supply shortage this winter, or next winter, or even the winter after that, the measure has been presented to Congress as an immediate solution to an urgent problem.

Congress was not asked to formulate a policy but rather to rubberstamp a fait accompli. An examination of the pipeline's history bears out this analysis. A consortium of private oil companies determined the most profitable route for the pipeline; acquired the land; built the road along it; stacked hundreds of miles of pipe along the route; brought in millions of dollars of heavy equipment; made arrangements with the State of Alaska for payments of royalties; and then, and only then, asked Congress for permission to build the line.

The administration aided the consortium in its effort by refusing to examine any alternative routes to the one proposed by the private companies, and by misleading Members of Congress as to the willingness of the Canadian Government to participate in a joint venture.

Today's expected vote will not only reflect congressional acquiescence to private initiative in the name of expediency, but will also mirror the underlying problem chiefly responsible for the present energy crisis.

I am referring to the complete breakdown of the market system, which, when operating properly, assures the equitable allocation of resources at the best price to consumers. Construction of the pipeline violates free market principles. In a competitive market, supplies are channeled to areas of greatest demand. But the Alaska pipeline will not supply oil to the drastically undersupplied upper Midwest and east coast. It delivers to the more self-sufficient west coast. This will force the majority of Americans to remain dependent on foreign supplies which are both less dependable and more expensive, or force them to develop offshore reserves, at great environmental risk which might otherwise not be necessary.

A competitive market structure would channel low-cost supplies to areas where the need is greatest, and where the cost is highest. The Alaska pipeline does just the opposite. The east coast, where multimillion-dollar profits are being made, will remain dependent on high-priced oil.

The energy crisis was created by an industry structure out of touch with the marketplace and by an administration acting without foresight and in the interests of the oil industry. It was not caused by a lack of resources, which we have in abundance, or by consumer demand, which has increased at a steady rate over the last 15 years.

Rather, as the Federal Trade Commission reported, the energy crisis was created through the market manipulation of the largest oil companies, acting in concert to keep supplies down and prices up. The building of the Alaska pipeline will only reinforce this problem.

Until the Congress realizes that basically cosmetic proposals like the Alaska pipeline will not solve the energy crisis, the American consumer can look forward to many years of getting less energy for more money. The crisis will only be solved when we take a hard look at the cause of the shortages and act to correct the institutional structure which created it.

There are a number of positive steps the Government can take to deal with the problem. We can authorize a U.S. fuel corporation—a publicly owned corporation to develop energy reserves on public lands—thereby assuring adequate supplies of energy and at the same time providing a yardstick against which the fairness of other energy prices can be measured.

We can set up an allocation system that will assure all regions of the country equitable supplies at equitable prices. We can institute anti-trust actions against the largest oil companies, thereby returning the industry to a more competitive posture. This, more than anything else, will solve the energy crisis.

In the meantime, we can demand from the oil industry complete and accurate information on the availability of energy supplies. Since we do not know how much oil and gas reserves we have and whether or not the oil companies are utilizing these resources to their fullest possible extent, any attempt we make at policy formulation is sheer guesswork—a situation which the oil industry takes great comfort in.

These then are some positive policies we can formulate to deal with the energy crisis. But in order to implement these policies the Congress must declare its independence from the oil industry. If we do not, the day will shortly come when, as in Alaska, the oil companies will haul their rigs to the beaches of the east coast, stack their pipes along our tidal marshlands, close the gas stations along our highways, and then say to us in Congress, "The time has come for you to decide to let us drill off our shores." And what choice will we have?

Mr. DRINAN. Mr. Speaker, I intend to vote today in favor of the Alaska pipeline bill (S. 1081) and against any effort to delete sections 408 and 409 of the bill.

Unfortunately, our need to obtain fuel from the north slope of Alaska is ahead of our knowledge of facts about fuel supply and production costs. The expected fuel shortage this winter, the Middle East crisis, Canada's recent announcement to tax oil exports to the United States at an increase of 400 percent, and the inadequate domestic oil reserves prompt me to vote in favor of this bill. The passage of the pipeline authorization bill today will authorize immediate construction of the Alaska pipeline, expand the minimum width of rights-of-way for oil and gas pipelines, and include important provisions designed to strengthen the powers of the Federal Trade Commission and limit the authority of the Office of Management and Budget. These latter provisions are of special importance.

The Federal Trade Commission will be granted the authority to enforce subpenas issued by the Commission and to seek preliminary injunctive relief to avoid unfair competitive practices. Section 408 strengthens the Federal Trade Commission by providing it with the authority to represent itself in all civil proceedings connected with enforcement of the laws under its jurisdiction after notifying the Attorney General. This changes the current law, where the Federal Trade Commission must rely upon the Attorney General or the Justice Department whenever it needs to go to Federal court.

The bill also amends the Federal Reporting Services Act to enable Federal regulatory agencies to gather information from the industries they regulate without having to seek prior approval from the Office of Management and Budget. Presently, the Office of Management and Budget, which is an arm of the White House, is able to block Federal regulatory agencies from carrying out responsibilities delegated to them by Congress. OMB usually prevents the gathering of information from regulated industries after consulting with its powerful Business Advisory Council. This council consists of representatives of the industries from whom the information is being sought. The abuses of such a system are obvious. The present bill, in section 409, authorizes the General Accounting Office to index all available information and to review all proposed surveys. This procedure will prevent businesses, particularly small ones, from being burdened with unnecessary requests. It is not the intention of this legislation to create a great increase in burdensome paperwork, which would not be in the interests of the business community. The House and Senate conferees gave full and deliberate consideration to sections 408 and 409 before agreeing to these provisions. They are important to consumers in our country. They will enable regulatory agencies in general and the FTC in particular, to do the job which Congress intended for them without excessive dependence on the executive offices.

The oil from Alaska's north slope is of vital importance to the well-being of the American people. I have some very serious misgivings about this bill. I am not in total agreement with its provisions concerning proceedings under the National Environmental Protection Act and concerning the right of judicial review. I hope that the exception to the National Environmental Protection Act standards which we make in this legislation will not be considered a degradation of the vitally important environmental laws that have been developed by the Congress. I do not believe that the energy crisis sacrificing these environmental protection measures. I am, however, aware that recommittal of this bill to conference may result in the killing of important antitrust and consumer protection provisions, but will not improve the environmental sections. Accordingly, I cast my vote today in favor of the pipeline in this time of serious national energy crisis.

Mr. VANIK. Mr. Speaker, among the provisions in the conference report which we are considering today, is a section permitting independent agencies—such as the Federal Trade Commission—to seek information from businesses without prior approval from the Office of Management and Budget. The provision requires that the independent agency obtain the certification of the General Accounting Office that the information is not already available and that it is being obtained "with a minimum burden" upon business.

Mr. Speaker, I certainly support efforts to reduce the amount of Government paperwork required of the private sector, and in hearings this spring, I pointed out that there appeared to be a woeful lack of coordination between forms required by the IRS and the Census Bureau.

But it is also true that we need more information. The energy information sources of the FPC are unbelievably bad and must be improved. In areas of public policy, such as taxation and business growth patterns, the Federal Government and the Congress are operating hopelessly in the dark.

To obtain information on who is producing what—and what the production entails—the Federal Trade Commission has proposed an annual line of business report programs. In an age of mergers, conglomerates, and multinational corporations, it has become impossible to determine who is manufacturing and controlling product lines. Such information is vital for tax policy and effective antitrust and FTC policy.

On August 3, 1973, the FTC asked the Office of Management and Budget for authority to proceed with annual line of business information gathering. Despite the fact that this FTC effort will not burden small business in any way and will only involve some 2,000 of America's very largest corporations, the FTC request has not yet been approved.

The amendment in the conference report will permit faster action on these requests and remove these independent, quasijudicial agencies from the very political control of the Office of Management and Budget.

Mr. Speaker, the importance and benefit of information to the independent agencies is very well stated in the FTC's statement of purpose requesting authorization to proceed with the annual line of business report program:

II. Benefits of the Program

A. THE ROLE OF INFORMATION IN THE ECONOMY

Information plays a critical role in the efficient working of a free enterprise economy. Generally speaking, the greater the amount of information which is possessed by all the groups which are interested in a given market, the more efficiently the market will work. Other things being equal, then, society stands to reap benefits from the dissemination of information.

The benefits of the dissemination of information must be weighed against its cost, of course. One potentially serious cost of the uncontrolled disclosure of information is associated with the dampening of incentives by private parties to discover new basic knowledge or to innovate. This hazard is substantially mitigated by the protection afforded by the patent, copyright, and trademark laws.

Assuming that the ability to recoup the private costs of the discovery and development of new products and technologies is reasonably well protected by these laws, attention can be turned to some specific ways in which various groups in society may benefit from the data collection and publication activities of the LB Program.

B. POTENTIAL BENEFICIARIES OF LINE OF BUSINESS DATA

The first group of users of meaningful data on separate categories of goods and services are the buyers of those goods and services. With data on sales, costs, profits, and assets, buyers are able to form judgments concerning the appropriateness of price/cost margins and profit rates.

These data will also be of great value to small business firms. The size of the expenditure needed to acquire useful financial information means that large enterprises can better afford to engage in information search. To the extent that the search and reliability analysis of available public and private sources is productive of useful information, smaller firms, to whom this type of information service is essentially unavailable, are disadvantaged. If reliable data were available from a public source, on the other hand, small firms would be able to make use of them at minimal cost.

Established firms are significant users of published data on profitability and other aspects of performance for industry categories. Most of the 4,500 private individual subscribers of the QFR quarterly publication are corporations. The LB data will be extremely useful to these firms. It will be possible for a firm to compare the performance of each of its lines of business with the performance of lines of business of other firms which produce similar products. Potential competitors, both large and small, would benefit greatly from the LB data. Firms which have resources which they wish to invest in some activity, whether they are newly organized or already established, will seek those activities which offer the greatest return for the investment. Where data on the actual returns which established producers are earning in various industries are not available, or where the available data are of poor quality because of the intermingling of primary and secondary product data, incorrect choices of investment alternatives will be made. And that will result in an inefficient allocation of the total resources which are at the disposal of society.

The labor movement also has an interest in data on sales, costs, and profits for individual industry categories. The evaluation of the share of total sales or receipts which goes to labor can be performed efficiently only if such data are available. These data will also facilitate comparisons of labor's share among different industries. And finally, for those companies where laborers are organized on a product, or craft, basis, data on sales, costs, and profits on a line of business basis are essential to the efficient working of the bargaining process. Organized farm groups have the same need for information in dealing with suppliers and processors.

Mr. GUDE. Mr. Speaker, the issues before the House are complex and intertwined. There is the question of energy supplies and energy needs. There is the question of sections 408 and 409 of the conference version of S. 1081, which relate to the powers of the FTC, and other Federal agencies, vis-a-vis the business community and other departments and agencies of the Federal Government.

There is the serious question of the environment involved here.

I have fought long and hard with numerous of our colleagues over many months, indeed, over many years, in order to find the best way for America to obtain needed oil supplies from the Alaskan North Slope, and at the same time protect, to the fullest extent practical, the environment of Alaska, and of the west coast coastal areas.

The problems confronting us combine all of these, and add certain new twists. Sections 408 and 409 of the conference bill provide excellent consumer protective powers and should be left intact. In fact, it can be argued that, if the FTC had had such powers 6 months ago, many small, independent gasoline businesses would still be in business.

A vote against recommittal would be quite cut and dried on this point, if the legislation did not contain the provisions exempting the pipeline project from NEPA. While many of us would favor retention of sections 408 and 409, we would be pleased to see the anti-NEPA language removed.

However, the reality of the present situation is that, were the bill sent back to conference, we would be presented not only with the anti-NEPA language intact when it came back, but also with two strong consumer oriented sections deleted. Therefore, the best course available to us is to oppose sending the bill back to conference.

I believe that we can say that many of us have fought a good fight for the environment. I am distressed over certain provisions in the legislation which I believe set poor precedents which might well encourage future "end-runs" around NEPA. I shall continue to fight efforts which would seek case-by-case exemptions from some or all of the provisions of NEPA. However, we are now faced with the realization that, if we vote this bill down today, it will be back before us in the very near future in the same form, minus the consumer protective provisions.

The final passage of this conference report, in its present form is only preferable when one considers the alternatives.

Mr. MITCHELL of Maryland. Mr. Speaker, as we confront the energy crisis, let us make sure that all of our efforts to solve this crisis include strategies to maximize employment and enterprise opportunities for black citizens. The multimillion dollar trans-Alaskan pipeline project offers us a great opportunity to spur minority employment and minority enterprise. I am pleased to note that my colleague, Congresswoman BURKE has already approached the Secretary of the Interior on this subject. I submit for the RECORD her recent letter to Secretary Morton. I wholeheartedly endorse her approach.

The letter follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., November 7, 1973.

Hon. PARREN J. MITCHELL,
Cannon House Office Building,
Washington, D.C.

DEAR CONGRESSMAN MITCHELL: In response to your inquiry concerning my intention in offering the Equal Employment Opportunity amendment to S. 1081, the Trans-Alaskan Pipeline bill, I thought it would be helpful if I provided you with the following background information.

The Conference Report to S. 1081 contains this amendment in Section 403. It calls upon the Secretary of Interior to promulgate rules and regulations concerning the establishment and enforcement of an affirmative action program in all activities relating to the pipeline. I want to call your attention to the remarks which I made on the House floor during the debate of this bill regarding the intended scope and purpose of this bill. The statement appears in the *Congressional Record* of August 2, 1973 at Page 27652, and the relevant portions begin on Page 27654 thereof.

To summarize briefly my intent in proposing this amendment, I intended to have the Secretary of Interior develop regulations which would insure, among other things, that minorities and minority business enterprises were provided, to the maximum extent possible, opportunity to participate in all activities connected with the construction, operation, and maintenance of the pipeline.

This provision should also insure that minority owned construction firms, supply and material companies, transportation companies, contract consultants, engineering, architectural and managing consultating firms, as well as minority workers, will have an opportunity to participate fully in this venture. And there are many types of activities in which these enterprises should be allowed to participate, including both the actual construction, operation and repair of the pipeline, as well as the incidental and supporting activities. In the latter category, I had in mind a full range of activities including, but not limited to, storage refining and processing facilities, designing and management of logistical supply for all related facilities, worker residence transportation networks and facilities, office buildings, schools and medical facilities.

In developing the substance of these regulations, it is my intention to have the Secretary of Interior draw upon the full range of Federal affirmative action programs, adopting the broadest and most inclusive provisions possible.

I have listed a few of these programs in my August 2, 1973 Floor statement. These programs include, but are not limited to, affirmative action policies and programs under Executive Orders 11246 and 11625, Government Procurement Contracts, Minority Business Enterprises' subcontracting procedures, Small Business Set Asides and the like.

I also spoke about the enforcement procedures which were intended by my amendment. These should include the most flexible, but the most firm, enforcement procedures existing under Titles VI and VII of the Civil Rights Act of 1964, Executive Orders 11246 and 11625, and similar Federal enforcement mechanisms.

I hope this has provided you with a clearer understanding of the scope and purpose of this Equal Opportunity amendment to the Trans-Alaskan Pipeline bill. I hope that as the Secretary of Interior develops the appropriate rules and regulations implementing this section of the bill, he will call upon all parties affected by this amendment to receive their suggestions for implementing this provision.

If I may be of any further assistance to you regarding this matter, please do not hesitate to call upon me.

With best personal regards, I am
Sincerely yours,
YVONNE BRATHWAITE BURKE,
Member of Congress.

STATEMENT OF THE HONORABLE PARREN J. MITCHELL ON THE DECLARATION OF INDEPENDENCE BY THE GUINEA GOVERNMENT

Wire service reports claim today that PAIGC has declared independence from Portugal. Luiz Cabral, brother of the late Amilcar, is reported to head a fifteen member council of state.

If this information is correct, I would like to add my name; in fact place it at the top of the list, of those calling for United Nations recognition of the Cabral government. A first step for those of us in the United States who are concerned about the liberation of oppressed peoples throughout the world is to demand that our country be one of the first to recognize the new government.

This will not be easy. It would be a decision on the part of foreign policy-makers in this country to make clear to Portugal that the ideals of the American Revolution do still bear and have consequence on our relations with foreign states. It will not be easy because within the foreign policy establishment in our country, the race question is considered (when it is considered) to be a side issue one far down on the priority list that shapes national security.

Just as recently as two months ago, I charged, during the floor debate over the Mutual Development and Cooperation Act of 1973, that this country takes three times as much money out of Africa. We need to turn that situation around. Or at least get some parity going. A first step in that direction would be the recognition of the Cabral government. A second step would be bilateral discussions on development assistance.

The news of independence then should be accepted with a commitment to push for United States and United Nations recognition as well as with exhilaration. The PAIGC has been fighting for years for territory that is rightfully theirs. Our fight in this country to make America's ideals its practice has also been a long fight. The cry in Africa rightfully is "independence". The cry here in America can only be "recognition".

Mr. ROYBAL. Mr. Speaker, I rise in opposition to the conference report on S. 1081 known as the trans-Alaska pipeline bill. The passage of this bill could signal the beginning of the demise of the ecological movement whose continued growth is necessary for man's survival. The action we take here today is the culmination of a well planned, calculated lobbying effort that has completely overridden the processes of thought and rational deliberation that are usually found in this Chamber.

The most distressing aspect of this bill is the section that declares that the Interior Department's environmental impact statement on the pipeline satisfactorily complies with the requirements of the National Environmental Policy Act. This section bars a court review of the findings made in that report.

The action of Congress in barring a coordinate and coequal branch of Government from carrying out its constitutional functions is always suspect on its face. What is more disheartening in this case, is that both friend and foe to this legislation are sure that it will result in grave ecological damage to the land.

The proposed route of the pipeline crosses one of the most active and high risk earthquake zones in the world. Any violent movement of the earth's crust would rupture the pipeline and cause irreparable damage to the Alaskan tundra. Second, the oil will have to be carried on part of its journey by oil tankers. It is a statistical certainty that there will be oil spills and that the marine pollution will have catastrophic effects. The bill even admits this certainty by specifying that the oil companies will have absolute liability for the damages. But it is time for this Congress to learn that money will not repair the ecological damage that the oil will inflict on the land and sea.

Further this bill is being presented as a means of alleviating the energy crisis that is growing worse daily. Yet the truth of the matter is that even if we acted today, the first drop of oil would not pass through the pipeline until 1978 and it would not reach full capacity until 1980. The passage of this bill will not heat homes in New England this winter or next; it will not provide the gasoline to power the cars in cities such as Los Angeles in the near future. The pipeline will not end the energy crisis and it is time that the interest groups stop telling the people that this bill is a panacea to cure the ills of our society.

The Congress is doing nothing but ratifying the wishes of the oil groups. These special interest groups determined the most profitable route for the pipeline, acquired the land, built the road along it, stacked the pipe along the road and then as an after thought came to get congressional approval for the decision they had already made.

Congress has again been forced into a corner with a gun cocked at its head. It has decided to submit to the oil lobby rather than protect ecological interests.

Mr. MELCHER. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

MOTION TO RECOMMIT OFFERED BY MR. STEIGER OF ARIZONA

Mr. STEIGER of Arizona. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the conference report?

Mr. STEIGER of Arizona. I am, Mr. Speaker, in its present form.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. STEIGER of Arizona moves to recommit the conference report on the bill S. 1081 to the committee of conference, with instructions to the managers on the part of the House to insist on disagreement to title III and to sections 601 and 602 of the Senate bill.

Mr. MELCHER. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. STEIGER of Arizona. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 162, nays 213, present 1, not voting 57, as follows:

[Roll No. 574]

YEAS—162

Abdnor
Andrews, N.C.
Andrews, N. Dak.
Archer
Armstrong
Ashbrook
Ashley
Baker
Bauman
Bray
Breckinridge
Brinkley
Broomfield
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Byron
Camp
Carter
Casey, Tex.
Cederberg
Chamberlain
Clancy
Clawson, Del
Cochran
Collins, Tex.
Conable
Conlan
Coughlin
Crane
Daniel, Dan
Daniel, Robert W., Jr.
de la Garza
Dellenback
Denholm
Dennis
Derwinski
Devine
Dickinson
Dorn
Edwards, Ala.
Erlenborn
Esch
Fisher
Fountain
Frenzel
Frey
Froehlich
Gettys
Ginn
Goldwater
Gonzalez
Gross
Grover
Gubser
Guyer
Hanrahan
Hansen, Idaho
Harsha
Harvey
Hastings
Hillis
Hinshaw
Holt
Horton
Hunt
Hutchinson
Jarman
Johnson, Pa.
Jones, Okla.
Kazen
Keating
Ketchum
Kuykendall
Landgrebe
Latta
Lott
Lujan
McClory
McCollister
McEwen
McKinney
McSpadden
Madigan
Mahon
Mann
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Mayne
Michel
Milford
Miller
Mizell
Moorhead, Calif.
Mosher
Myers
Nelsen
Nichols
O'Brien
Parris
Passman
Pickle
Poage
Powell, Ohio
Preyer
Price, Tex.
Quie
Quillen
Railsback
Rarick
Regula
Rhodes
Riegle
Robinson, Va.
Robison, N.Y.
Rogers
Rose
Rousselot
Runnels
Ruppe
Sarasin
Satterfield
Scherle
Schneebeli
Shuster
Sikes
Skubitz
Snyder
Spence
Steelman
Steiger, Ariz.
Steiger, Wis.
Stuckey
Symms
Talcott
Taylor, Mo.
Teague, Calif.
Teague, Tex.
Thone
Thornton
Treen
Veysey
Waggonner
Wampler
White
Whitehurst
Wiggins
Williams
Wilson, Charles, Tex.
Wyatt
Wylie
Wyman
Young, Ill.
Zion
Zwach

NAYS—213

Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Annunzio
Arends
Aspin
Badillo
Bafalis
Barrett
Bell
Bennett
Bergland
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bowen
Brademas
Brasco
Breaux
Brotzman
Brown, Calif.
Burke, Mass.
Burlison, Mo.
Burton
Carey, N.Y.
Carney, Ohio
Clay
Cleveland
Cohen
Collier
Collins, Ill.
Corman
Cotter
Cronin
Culver
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
Delaney
Dellums
Dent
Diggs
Dingell
Donohue
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Fulton
Gaydos
Giaimo
Gibbons
Gilman
Goodling
Grasso
Gray
Green, Pa.
Gude
Gunter
Haley
Hamilton
Hansen, Wash.
Harrington
Hawkins
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hogan
Holifield
Holtzman
Howard
Hungate
Ichord
Johnson, Calif.
Johnson, Colo.
Jones, Ala.
Jordan
Karth
Kastenmeier
Kemp
King
Koch
Kyros
Landrum
Leggett
Litton
Long, La.
Long, Md.
McCloskey
McDade
McFall
Macdonald
Madden
Mailliard
Mallary
Maraziti
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moorhead, Pa.
Morgan
Moss
Murphy, Ill.
Natcher
Nedzi
Obey
O'Neill
Owens
Patten
Pepper
Perkins
Pettis
Peyser
Pike
Price, Ill.
Pritchard
Randall
Rangel
Rees
Reuss
Rinaldo
Rodino
Roe
Roncalio, Wyo.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roush
Roy
Roybal
Ryan
Sandman
Sarbanes
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Stratton
Stubblefield
Studds
Sullivan
Taylor, N.C.
Thompson, N.J.
Thomson, Wis.
Tiernan
Towell, Nev.
Udall
Van Deerlin
Vander Jagt
Vanik
Vigorito
Walsh
Whalen
Widnall
Wilson, Bob
Wilson, Charles H., Calif.
Winn
Wolff
Wydler
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Zablocki

ANSWERED "PRESENT"—1

Ware

NOT VOTING—57

Alexander
Beard
Bevill
Blackburn
Bolling
Brooks
Buchanan
Burke, Calif.
Chappell
Chisholm
Clark
Clausen, Don H.
Conte
Conyers
Davis, Wis.
Downing
Flynt
Fuqua
Green, Oreg.
Griffiths
Hammerschmidt
Hanley
Hanna
Hays
Hosmer
Huber
Hudnut
Jones, N.C.
Jones, Tenn.
Kluczynski
Lehman
Lent
McCormack
McKay
Matsunaga
Mills, Ark.
Minshall, Ohio
Murphy, N.Y.
Nix
O'Hara
Patman
Podell
Reid
Roberts
Roncallo, N.Y.
Rostenkowski
Ruth
St Germain
Stephens
Stokes
Symington
Ullman
Waldie
Whitten
Wright
Young, S.C.
Young, Tex.

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Mrs. Green of Oregon with Mrs. Griffiths.
Mr. Hays with Mr. Young of Texas.
Mr. Matsunaga with Mr. Hosmer.
Mr. Young of South Carolina with Mr. Downing.
Mr. Beard with Mr. Flynt.
Mr. Brooks with Mr. Huber.
Mr. Chappell with Mr. Hanley.
Mr. Clark with Mr. Fuqua.
Mrs. Chisholm with Mr. Waldie.
Mr. Reid with Mr. Hanna.
Mr. Podell with Mr. Blackburn.
Mr. Rostenkowski with Mr. Hudnut.
Mr. Kluczynski with Mr. Buchanan.
Mr. St Germain with Mr. Jones of North Carolina.
Mr. Stokes with Mr. Symington.
Mr. Conyers with Mr. Lehman.
Mr. Murphy of New York with Mr. Don H. Clausen.
Mr. Nix with Mr. O'Hara.
Mr. Alexander with Mr. Conte.
Mr. Bevill with Mr. Davis of Wisconsin.
Mrs. Burke of California with Mr. McKay.
Mr. McCormack with Mr. Lent.
Mr. Mills of Arkansas with Mr. Minshall of Ohio.
Mr. Roberts with Mr. Roncallo of New York.
Mr. Whitten with Mr. Jones of Tennessee.
Mr. Hammerschmidt with Mr. Patman.
Mr. Stephens with Mr. Ruth.
Mr. Ullman with Mr. Wright.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the conference report.

Mr. MELCHER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 361, nays 14, present 1, not voting 57, as follows:

[Roll No. 575]

YEAS—361

Abdnor
Abzug
Adams
Addabbo
Anderson, Calif.

XUM

Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashbrook
Ashley
Badillo
Bafalis
Baker
Barrett
Bauman
Bell
Bennett
Bergland
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bowen
Breaux
Breckinridge
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brademas
Brasco
Bray
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Camp
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Clancy
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Collins, Tex.
Conable
Conlan
Corman
Cotter
Coughlin
Crane
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellenback
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Foley

Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Pa.
Gross
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hawkins
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Howard
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, Okla.
Jordan
Karth
Kazen
Keating
Kemp
Ketchum
King
Koch
Kuykendall
Kyros
Landrum
Latta
Leggett
Litton
Long, La.
Lott
Lujan
McClory
McCloskey
McCollister
McDade
McEwen
McFall
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel

Milford
Miller
Minish
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
O'Brien
O'Neill
Owens
Parris
Passman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Rees
Regula
Rhodes
Riegle
Rinaldo
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Rooney, N.Y.
Rooney, Pa.
Rose
Rosenthal
Roush
Rousselot
Roy
Runnels
Ruppe
Ryan
Sandman
Sarasin
Sarbanes
Satterfield
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.

Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito

Waggonner
Walsh
Wampler
Whalen
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.

Winn
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Zablocki
Zion
Zwach

NAYS—14

Aspin
Brown, Calif.
Burton
Dellums
Edwards, Calif.

Harrington
Kastenmeier
Landgrebe
Long, Md.
Mink

Obey
Reuss
Roybal
Stark

ANSWERED "PRESENT"—1

Ware

NOT VOTING—57

Alexander
Beard
Bevill
Blackburn
Bolling
Brooks
Buchanan
Burke, Calif.
Carey, N.Y.
Chappell
Chisholm
Clark
Clausen, Don H.
Conte
Conyers
Davis, Wis.
Downing
Flynt
Fuqua

Green, Oreg.
Griffiths
Hammerschmidt
Hanley
Hanna
Hays
Hosmer
Huber
Hudnut
Jones, N.C.
Jones, Tenn.
Kluczynski
Lehman
Lent
McCormack
McKay
Matsunaga
Mills, Ark.
Minshall, Ohio

Murphy, N.Y.
Nix
O'Hara
Patman
Podell
Reid
Roberts
Roncalio, N.Y.
Rostenkowski
Ruth
St Germain
Stephens
Stokes
Symington
Waldie
Whitten
Wright
Young, S.C.
Young, Tex.

So the conference report was agreed to.

The Clerk announced the following pairs:

Mrs. Green of Oregon with Mr. Young of Texas.

Mr. Hays with Mr. Carey of New York.

Mr. Matsunaga with Mrs. Burke of California.

Mr. Murphy of New York with Mr. Mills of Arkansas.

Mr. Conyers with Mr. Lehman.

Mrs. Chisholm with Mr. Symington.

Mr. Waldie with Mr. Flynt.

Mr. Rostenkowski with Mr. Young of South Carolina.

Mr. Podell with Mr. Beard.

Mr. Brooks with Mr. Hudnut.

Mr. Chappell with Mr. Davis of Wisconsin.

Mr. Fuqua with Mr. Blackburn.

Mr. Hanley with Mr. Minshall of Ohio.

Mr. Hanna with Mr. Roncalio of New York.

Mr. Kluczynski with Mr. Hammerschmidt.

Mr. McCormack with Mr. Buchanan.

Mr. Alexander with Mr. Hosmer.

Mr. Reid with Mr. Don H. Clausen.

Mr. O'Hara with Mr. Lent.

Mr. Nix with Mr. McKay.

Mrs. Griffiths with Mr. Roberts.

Mr. Clark with Mr. Huber.

Mr. Bevill with Mr. Stephens.

Mr. Conte with Mr. Whitten.

Mr. Wright with Mr. Ruth.

Mr. Downing with Mr. Jones of Tennessee.

Mr. Stokes with Mr. Jones of North Carolina.

Mr. Patman with Mr. St Germain.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MELCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

NOVEMBER 9, 1973.

Hon. CARL ALBERT,
The Speaker, House of Representatives.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's office at 5:52 p.m. on Thursday, November 8, 1973, and said to contain a message from the President on energy.

With kind regards, I am,
Sincerely,

W. PAT JENNINGS,
Clerk, House of Representatives.
By W. Raymond Colley.

REPORT ON THE ENERGY CRISIS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93–187)

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee of the Whole House on the State of the Union, and ordered to be printed:

To the Congress of the United States:

As America has grown and prospered in recent years, our demands for energy have begun to outstrip available supplies. Along with other major industrialized nations, we are now faced with the prospect of shortages for several years to come.

Two years ago, in the first energy message ever sent to the Congress by a President of the United States, I called attention to the looming energy problem. Since that time, I have repeatedly warned that the problem might become a full-blown crisis, and seeking to minimize shortages, I have taken a number of administrative steps to increase supplies and reduce consumption. Earlier this year, I also sent more than a half dozen urgent legislative proposals to the Congress. While none of these has yet been enacted, I am hopeful at least several of the measures will be ready for my signature before year's end.

Unfortunately, the energy crisis that once seemed a distant threat to many people is now closing upon us quickly. We had expected moderate shortages of energy this winter, but four weeks ago, when war broke out in the Middle East, most of our traditional suppliers in that area cut off their shipments of oil to the United States. Their action has now sharply changed our expectations for the coming months.

Largely because of the war, we must face up to the stark fact that we are heading toward the most acute shortages of energy since the Second World War. Of the 17 million barrels of oil a day that we would ordinarily consume this winter, more than 2 million barrels a day will no longer be available to us. Instead of a shortage of approximately 2–3 percent that we had anticipated this winter, we now expect that our supply of petroleum will be at least 10 percent short of our anticipated demands—and could fall short by as much as 17 percent.

ADMINISTRATION ACTIONS TO MEET THE EMERGENCY

Faced with this emergency, I believe that we must move forward immediately on two fronts: administrative and legislative.

In a speech to the Nation last night, I announced a number of immediate actions:

First, industries and utilities which use coal—our most abundant resource—will be prevented from converting to oil. Efforts will also be made to convert powerplants from the use of oil to the use of coal.

Second, reduced quantities of fuel will be allocated to aircraft. This will lead to a cutback of some 10 percent in the number of commercial flights, but it should not seriously disrupt air travel nor cause serious damage to the airline industry.

Third, there will be reductions of approximately 15 percent in the supply of heating oil for homes, offices and other establishments. This is a precautionary measure to ensure that the oil now available not be consumed early in the winter, so that we shall have adequate amounts available in the later months. This step will make it necessary for all of us to live and work in lower temperatures. We must ask everyone to lower the thermostat in his home by at least 6 degrees, so that we can achieve a national daytime average of 68 degrees. In offices, factories and commercial establishments we must ask that the equivalent of a 10-degree reduction be achieved by either lowering the thermostat or curtailing working hours.

Fourth, there will be additional reductions in the consumption of energy by the Federal Government, cutting even deeper than the 7 percent reduction that I ordered earlier this year. This new reduction will affect the operations of every agency and department in the Government, including the Defense Department, which has already led the way in previous cutbacks. As one of the steps in this Federal effort, I have ordered that daytime temperatures in Federal offices be reduced to a level between 65 and 68 degrees. I have also ordered that all vehicles owned by the Federal Government be driven no faster than 50 miles per hour except in emergencies. This is a step which I have also asked Governors, mayors, and other local officials to take immediately with regard to vehicles under their authority.

Fifth, I have asked the Atomic Energy Commission to speed up the licensing and construction of nuclear plants, seeking to reduce the time required to bring nuclear plants on line from ten years to six years.

Sixth, I have also asked Governors and mayors to reinforce these actions by taking appropriate steps at the State and local level. Among the steps which I believe would be helpful are these: staggering of working hours, the encouragement of mass transit and carpooling, alteration of school schedules, and elimination of unnecessary lighting. I have also recommended to the Governors that, consistent with safety and economic considerations, they seek to reduce highway speed limits to 50 miles per hour. This step alone could save over 200,000 barrels of oil a day.

NEED FOR EMERGENCY LEGISLATION

As essential as these actions are to the solution of our immediate problem, we must recognize that standing alone, they are insufficient. Additional steps must be taken, and for that purpose, we must have new legislation.

I am therefore proposing that the Administration and the Congress join forces and together, in a bipartisan spirit, work to enact an emergency energy bill. Members of my Administration have been consulting with appropriate leaders of the Congress for more than 2 weeks on this matter. Yesterday I met with the bipartisan leaders of the House and Senate and found them constructive in spirit and eager to get on with the job. In the same manner, I pledge the full cooperation of my Administration. It is my earnest hope that by pushing forward together, we can have new emergency legislation on the books before the Congress recesses in December.

Based on previous consultations with the Congress, I have decided not to send a specific Administration bill to the Congress on this matter but rather to work with the Members in developing a measure that would be acceptable to both the executive and legislative branches. As part of that process, I think it would be helpful to call attention to those provisions that I think should be included in this emergency bill. At a minimum, I hope that the act would:

—Authorize restrictions on both the public and private consumption of energy by such measures as limitations on essential uses of energy (office hours, for instance) and elimination of nonessential uses (decorative lighting, for example).

—Authorize the reduction to 50 miles per hour of speed limits on highways across the country.

—Authorize the exemption or granting of waivers of stationary sources from Federal and State air and water quality laws and regulations. Such actions would be taken through the Administrator of EPA.

—Authorize the exemption of steps taken under the proposed energy emergency act from the National Environmental Protection Act (NEPA).

—Provide emergency powers for the Federal regulatory agencies involved in transportation to adjust the operations of air, rail, ship and motor carriers in a manner responsive to the need to conserve fuel.

—Empower the Atomic Energy Commission to grant a temporary operating license of up to 18 months for nuclear powerplants without holding a public hearing. Such actions would be subject to all safety and other requirements normally imposed by the Commission.

—Authorize the initiation of full production in Naval Petroleum Reserve #1 (Elk Hills, California) and the exploration and further development of other Naval Petroleum Reserves, including Petroleum Reserve #4 in Alaska.

—Permit Daylight Saving Time to be established on a year-round basis.

—And authorize the President, where practicable, to order a powerplant or other installation to convert from the use of a fuel such as oil to another fuel such as coal and to make such equipment conversions as are necessary.

In addition to the provisions above, all of which I believe must be enacted before December, there are a number of other authorities which should be provided as soon as possible and hopefully will be included in the emergency measure.

One such provision would grant the President additional authority to allocate and ration energy supplies. Under this new authority, the President could take such actions based solely upon energy considerations. It is my hope that rationing of energy products will never be required, but if circumstances dictate it, there should be no impediments to swift action. For contingency purposes, I have already directed that plans for gasoline rationing be drawn up and held in reserve.

Recognizing that a more efficient use of our transportation resources is necessary, we should also provide additional authority to encourage greater use of funds from the Federal-Aid Highway Act of 1973 for mass transit capital improvements.

In addition, we should provide the Federal Power Commission with authority, during the duration of the energy emergency, to suspend the regulation of prices of new natural gas at the wellhead.

Finally, I believe it would be wise if, on energy grounds, the President were empowered to exercise any authority now contained in the Defense Production Act, the Economic Stabilization Act and the Export Administration Act, even though those acts may have otherwise expired.

MEETING THE LONG-TERM CHALLENGE

As we act to deal with the immediate problem before us, we must not ignore the need for preventing such a crisis from recurring. The leadtimes required to meet our long-range energy needs dictate that we must move on them at once.

Legislation authorizing construction of the Alaskan pipeline must be the first order of business as we tackle our long-range energy problems. The American people are depending upon the Congress to enact this legislation at the earliest possible moment, and they are depending upon me to approve it. With passage apparently imminent, I would urge the Congress not to burden this legislation with irrelevant amendments. This is no time to hold the Nation's energy future hostage to other controversial interests.

I am also requesting early action on pending legislative proposals to:

—permit the competitive pricing of new natural gas;

—provide reasonable standards for the surface mining of coal;

—provide simplified procedures for the siting and approving of electric energy facilities;

—establish a Department of Energy and Natural Resources;

—and provide procedures for approving construction and operation of deepwater ports.

Because of the critical role which energy research and development will play in meeting our future energy needs, I am requesting the Congress to give priority attention to the creation of an Energy Research and Development Administration separate from my proposal to create a Department of Energy and Natural Resources. This new administration would direct the $10 billion program aimed at achieving a national capacity for energy self-sufficiency by 1980.

This new effort to achieve self-sufficiency in energy, to be known as Project Independence, is absolutely critical to the maintenance of our ability to play our independent role in international affairs. In addition, we must recognize that a substantial part of our success in building a strong and vigorous economy in this century is attributable to the fact that we have always had access to almost unlimited amounts of cheap energy. If this growth is to continue, we must develop our capacity to provide enormous amounts of clean energy at the lowest possible cost. Thus, irrespective of the implications for our foreign policy and with the implicit understanding that our intentions are not remotely isolationist, the increasing costs of foreign energy further contribute to the necessity of our achieving self-sufficiency in energy.

RICHARD NIXON.

THE WHITE HOUSE, *November 8, 1973.*

THE LATE HONORABLE ROBERT EWING THOMASON

(Mr. MAHON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAHON. Mr. Speaker, I rise to announce the death of a former Member of the House, Judge Robert Ewing Thomason, of El Paso, Tex.

Mr. Thomason was elected to the House of Representatives in 1930 and he served for 16 years as a Representative in Congress from the El Paso area of Texas. Prior to his having been elected to the Congress he served as speaker of the Texas House of Representatives and later as mayor of his home city of El Paso. In 1947 Ewing Thomson, as we knew him and loved him, was appointed by President Harry Truman as a Federal judge for the western district of Texas. Judge Thomason passed away last Thursday, November 8.

Mr. Speaker, there are at this time 22 Members of the House of Representatives who served here with Ewing Thomason, and I see a number of them in the Chamber at this time.

In the Chamber at this time is the distinguished gentleman from El Paso, RICHARD WHITE, who ably serves the district once represented by Judge Thomason. I shall yield to him in a few moments and I am sure he will include in his remarks some detailed information in regard to the life and work of Ewing Thomason. In the meantime, I should like to add a few words.

In the tradition of Davy Crockett and Sam Houston, Ewing Thomason was born in Tennessee and soon moved to Texas, where his life was to be an example of love and duty to one's State and country. No finer man has served in Congress during my time than Ewing Thomason.

The Thomasons and the Mahons were the closest of friends, and that friendship continued throughout the years following the appointment of Mr. Thomason as Federal judge. It is difficult to describe the fine personality of this great Texan. He inspired the confidence of his fellows. He was highly respected by Democrats and Republicans. He and his wife Abbie had a multitude of friends, not only in Congress but in the executive branch of Government.

Mr. Thomason, as a senior member in point of service on the House Armed Services Committee, was a powerful force for a strong defense program in the Congress. His contribution to national defense was quite noteworthy. He was especially active during the years of World War II, and his leadership during this period meant a great deal to the Nation.

Mrs. Thomason, known as Abbie, was much beloved in her own right. She and all members of the family have our deepest sympathy at this time of great loss and bereavement.

I yield to the distinguished gentleman from Illinois (Mr. ARENDS).

Mr. ARENDS. I thank the distinguished gentleman from Texas for yielding to me.

Mr. Speaker, I, too, was one of the Members of Congress who were privileged to serve here with Ewing Thomason for many years. We both served on the former Military Affairs Committee of the House and became very close and warm friends.

He was a delightful gentleman and had a lovely family whose company I always enjoyed.

Ewing Thomason was a dedicated American and an outstanding individual, and the House was much the better for his having served here.

Mr. MAHON. Mr. Speaker, I thank the gentleman, and I now yield to the distinguished gentleman from El Paso who serves in Ewing Thomason's district, Mr. WHITE.

Mr. WHITE. Mr. Speaker, I thank the gentleman for yielding.

One of this Nation's longest and most distinguished and accomplished public careers came to an end on November 8 with the death of Judge Robert Ewing Thomason of El Paso. Judge Thomason was well past his 94th birthday at the time of his passing, and most of those years had been spent in dedicated public service in one form or another. He started his public career in 1902 with his election to the then combined office of county attorney and district attorney in Gainesville, Tex. He later moved to El Paso—which was to be his home for the remainder of his long life—and was elected to the Texas State Legislature in 1916. He was reelected to a second term and was honored by his colleagues with the speakership of the Texas House. During this second term, Judge Thomason was prevailed upon by friends and colleagues to seek election as Governor of Texas, and even though his campaign was hampered by two called special sessions of the legislature over which he had to preside as speaker of the house, he barely lost in a runoff for the Governor's chair. As it turned out, this was the only election he ever lost. Following a short period in private practice, Judge Thomason, in 1927, was elected mayor of El Paso, and was reelected to a second term without opposition. The records show that his 4 years as mayor of the city turned out to be one of the most fruitful periods of El Paso's development from a small border cow town to the dynamic metropolis it is today.

In 1930, the 16th District of Texas, then composed of 38 west Texas counties, elected Judge Thomason to the U.S. House of Representatives where he served uninterrupted until the summer of 1947 when he resigned his seat to accept an appointment by President Harry Truman to the Federal bench in El Paso. During his nearly 16 years in Congress, his influence and prestige became widely known. Though his accomplishments were widely dispersed through the legislative spectrum, if I were asked to identify his most singular actions I would refer to his impressive record as a member of the House Military Affairs Committee, and especially his service as vice chairman of the committee during the World War II years when he coauthored all of the major legislation necessary for the successful pursuit of the war and the ultimate victory. During his long tenure as U.S. district judge, he handled cases involving matters of small concern to some of the most famous including the intricately involved Billie Sol Estes case and the first airline hijacker case. No matter how small or how large the case before him, Judge Thomason gave each one the same detailed attention and deliberation. His philosophy of justice would serve as worthy guidelines for all jurists from rural justices to the Supreme Court. Of courts, he has recorded:

> The court house where justice is administered is bulwark of our liberties and the cornerstone of our institutions of democracy. The true administration of justice is the firmest pillar of our government.

And, his opinion of what makes a good judge:

> The greatest attribute of a good judge is humility. One cannot sit on the bench, with the flag of his country unfurled at his side, without being conscious of his power, duty, and responsibility. He must rule fairly and wisely to the end that every litigant, rich or poor, and regardless of color, creed, or nationality, shall be accorded justice. That is the only way for democracy to survive in this country. Our liberties and our way of life can only be preserved by a strict adherence to our Bill of Rights and a calm, dignified and unemotional running of our judicial system by men of character, goodwill, courage, loyalty, and sincerity.

Judge Thomason was an active jurist almost until the very hour of his death. He had removed himself from the day-to-day activities of the Federal bench in the El Paso district 10 years ago, but had maintained an active role in the district with the designation of Senior Judge. I consider myself a singularly fortunate person for having enjoyed the friendship and the valuable counsel of Robert Ewing Thomason for many years. The pain of his passing to his legions of friends and admirers throughout the land—and especially in his beloved west Texas—is eased somewhat with the understanding that his leadership and wisdom was allowed in our midst for nearly a century, and that his profound legacy will continue far into the future.

Mr. MAHON. Mr. Speaker, I now yield to the distinguished gentleman from Florida (Mr. SIKES).

Mr. SIKES. Mr. Speaker, I appreciate the opportunity to join the distinguished gentleman from Texas (Mr. MAHON) and others who are among our colleagues in expressing my sincere regret at the death of the Honorable Ewing Thomason.

During the early years of my service in the House it was my privilege to serve with Mr. Thomason on the House Committee on Military Affairs and later on the Committee on Armed Services. He was at that time one of the ranking members of the committee.

In that capacity he acquitted himself in an outstanding manner as an able and effective proponent of a sound and strong defense for America, particularly during the trying years of World War II.

I recall that he was always courteous, always responsive and responsible, and yet always effective in his work on the floor.

After he left this body to accept a Federal judgeship in his home State of Texas, I continued to follow his distinguished career with interest and I note that he continued to enjoy a reputation for outstanding service. Our Nation has been enriched by Judge Thomason's contributions.

I join in expressing sympathy to the members of his family in their bereavement.

Mr. MAHON. I now yield to the gentleman from Illinois (Mr. PRICE).

Mr. PRICE of Illinois. Mr. Speaker, I am one of the 22 Members who are still in the House who had the privilege and the honor of serving in the House of Representatives with the late Honorable R. Ewing Thomason.

As a freshman Congressman, I went on the Committee on Military Affairs, and Mr. Thomason was already a veteran member of that committee. I served with him on the Committee on Armed Services, and I also served with him on the Joint Committee on Atomic Energy. Mr. Thomason was one of the original appointees to that committee.

I join with my colleagues from Texas and other Members of the House in expressing my sympathy to the members of Mr. Thomason's family.

Mr. MAHON. I now yield to the distinguished Speaker, the gentleman from Oklahoma (Mr. ALBERT).

Mr. ALBERT. Mr. Speaker, I join the distinguished gentleman from Texas (Mr. MAHON) in paying tribute to a great former Member of this House, a great U.S. judge, and a great American.

I was a new Member of the House of Representatives during Judge Thomason's last term here some 27 years ago. I came to know him. I often visited with him. He had lived just south of the Red River at Gainesville, which is only 4 or 5 miles from my district, in his younger years. Last summer during the August recess I happened to be in El Paso, and a friend of mine recognized me and asked me to come up to one of the civic groups that was holding a meeting. Immediately Judge Thomason found out that I was in town, and I had the opportunity to visit a minute or two with a man I always admired, and probably got to know as well as I knew any other Member with that much seniority during my first term in the Congress of the United States.

I join the gentleman from Texas in his words of appreciation for a great American and a great man.

Mr. EVINS of Tennessee. Mr. Speaker, I want to join with and associate myself with the remarks of the distinguished gentleman from Texas (Mr. MAHON) and other Members from Texas in paying a brief but sincere tribute to the memory of our former colleague, Robert Ewing Thomason of El Paso, Tex., who passed away recently.

It was my great pleasure to serve in the House with this great and good man, Congressman Thomason. We had mutual interests as he was born in Shelbyville and Bedford County, Tenn., in the district which I am honored to represent in the Congress.

Certainly Ewing Thomason served his district, State and Nation faithfully and well during his 18 years in Congress—he resigned in 1947 to accept an appointment as a Federal judge, where he also served with distinction.

Judge Thomason had a distinguished career of public service—a triumphant career—beginning as prosecuting attorney, Congressman, and concluding as a judge, and including service as a member and speaker of the Texas Legislature and mayor of El Paso, Tex.

He lived a full and useful life and will be greatly missed.

I want to take this means of extending to members of his family this expression of my deepest and most sincere sympathy in their loss and bereavement.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in regard to the life and service of our late colleague, the Honorable R. Ewing Thomason.

The SPEAKER pro tempore (Mr. McFALL). Is there objection to the request of the gentleman from Texas?

There was no objection.

A RESOLUTION TO IMPEACH RICHARD M. NIXON

(Mr. HAWKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAWKINS. Mr. Speaker, in concluding his radio-television energy crisis address to the Nation, President Nixon injected unscheduled and unexpected political remarks and declared he has no intention of resigning.

Again he offered no explanation but only further promises that everything will be answered at some unspecified time in the future.

If the President's credibility, innocence, and integrity can be cleared, he owes both the office and the people an explanation now. Otherwise, it can only be concluded he bears some guilt.

I am, therefore, introducing today an impeachment resolution which I will back all the way to the best of my ability.

Heretofore, I have concentrated on efforts to allow the President to resign, thereby sparing the Nation the embarrassment and disunifying experience of impeachment and a long trial in the Senate which would require a two-thirds vote for conviction.

As part of these efforts, I cosponsored House resolutions to investigate and officially document grounds for impeachment and the appointment of a Special Watergate Prosecutor independent of the President.

Some Members of Congress beholding to the White House may require further documentation before acting. As for me grounds already exist. My impeachment resolution includes these specific crimes and misdemeanor charges:

First. Refusal to produce tapes, documents, and other material for inspection as ordered by the court;

Second. Deprived the people of a full and independent investigation and prosecution of certain crimes committed by employees of the executive branch;

Third. Violation of first and fourth amendments by establishing a personal secret police, which engaged in criminal acts including burglaries, wiretaps, and perjury;

Fourth. Participated in obstruction of justice by offering a high Federal post to the presiding judge during the Ellsberg-Russo trial, and burglary of one of the defendant's psychiatrist's office; and

Fifth. Violated the Constitution and laws in ordering the dismantling of the Office of Economic Opportunity despite statutory authority extending this Office—and did impound more than $40 billion appropriated by Congress for domestic programs affecting the health, safety, and welfare of the American people.

VETERANS DAY DESERVES TO BE A MONDAY HOLIDAY

(Mr. McCLORY asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. McCLORY. Mr. Speaker, perhaps the best argument for retaining Veterans Day as a Monday holiday has been evidenced this year with the traditional November 11 Armistice Day falling on the second Sunday of November. According to my information very few communities or service organizations observed the November 11 date.

In the case of North Chicago High School, the Veterans Day observance occurred on Friday, November 9. The veterans organizations of North Chicago conducted their Veterans Day ceremonies on Saturday, November 10. In Waukegan, the American Legion and other veterans groups conducted their Veterans Day ceremonies on Sunday, November 11. Lake Forest, Ill., Veterans Day exercises are occurring today, Monday, November 12.

It is quite appropriate to recall that the armistice that ended World War I occurred at the 11th hour of the 11th day of the 11th month—giving particular significance to the November 11 date. However, for purposes of providing a time when all may join in a nationwide observance of the sacrifices which our veterans of all the wars have made, it is far more logical to designate a Monday holiday for this purpose. Federal employees and all who deal actively with our Federal agencies are able to arrange their schedules to participate in the Veterans Day observances on the fourth Monday of October. On that day, we can honor also the veterans of World War II which ended on September 2, 1945, the veterans of the Korean war which terminated on July 27, 1953, and the veterans of the Vietnam conflict which ended in January 1973, as well as the veterans of earlier wars which were concluded in various months of the year.

Mr. Speaker, is it not the veterans whom we are honoring on Veterans Day—and not a particular calendar date which must necessarily vary when that date falls on a Saturday or Sunday?

Mr. Speaker, it would be my suggestion that if the veterans organizations are interested in an appropriate day of the year for honoring all of the veterans—and wish to make this day uniform throughout the Nation, they might consider the second Monday in November as an appropriate Monday holiday Veterans Day which all might observe. Indeed, with November 11 falling on Sunday this year, it has seemed to me that the most logic has been demonstrated by those who have seen fit to observe the November 11 Veterans Day today, Monday, November 12.

Mr. Speaker, I should add that thoughtful consideration was given to this proposal when the fourth Monday in October was settled upon as the logical day for observing Veterans Day. The reason for not selecting the second Monday in November was that this day appeared to be too close to Thanksgiving, which, as we know, will be observed a week from Thursday—November 22. I might also observe that the fourth Monday in October was a much more pleasant time of the year than the second Monday in November. In general, the weather was cold and bleak on November 11—whereas on Veterans Day, the fourth Monday in October—October 22—the skies were bright and the weather was relatively warm and highly conducive to the traditional outdoor ceremonies which are part of the traditional Veterans Day observances.

Mr. Speaker, there are many vital and sensitive subjects to which veterans organizations are devoting their attention and concern. It would help to focus attention on those subjects if the controversy regarding Veterans Day could be harmoniously resolved. In the light of this year's confusion, and based upon the points to which I have made reference, it would seem well to move toward an enlightened resolution of this problem.

From my point of view, the reasons for retaining Veterans Day as a Monday holiday are so persuasive as to be overwhelming.

A DRIVE TO ESTABLISH NEIGHBORHOOD IMPEACHMENT CENTERS

(Mr. WIGGINS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WIGGINS. Mr. Speaker, the following news item was reported in the Los Angeles Times on Sunday, November 11, 1973:

> A drive to establish "Neighborhood Impeachment Centers" in every southern California Congressional District was launched Saturday by the American Civil Liberties Union.

It is anomalous to me that an organization which purports to be the guardian of the civil liberties of all of our citizens should become a leader in an effort to deny to the President the enjoyment of his.

An impeachment proceeding is a process providing for the indictment and trial of civil officers of the United States for "treason, bribery and other high crimes and misdemeanors." The constitutional right to due process in these proceedings to a President should be no less than that to which all other persons are entitled as a matter of right.

The unique nature of an impeachment does not excuse the House of Representatives from its duty to act objectively based upon the evidence presented under oath for its consideration. It must disregard public hysteria, in order to insure due process to the accused.

Moreover, should the trial of an impeachment ensue in the Senate, it is the duty of that body to act judiciously based upon the evidence before it. Considerations of public pressure play no part in any judicial proceeding, whether the accused be the President of the United States or an alleged mass murderer.

This is what due process is all about and the ACLU should know it.

Several years ago the President improperly referred to Charles Manson as "guilty" at a time when Mr. Manson was on trial in a notorious murder case. The ACLU and much of the Nation's press roared its moral outrage at the insensitivity of the President to the fundamental right of an accused to a fair and unprejudiced trial. This same guardian of our civil liberties, it appears, is now setting up storefront offices to incite the public against the President and to prejudice his right to fair and impartial hearings of the charges against him.

The ACLU should have greater respect for its principles.

TRIBUTE TO THE LATE HONORABLE JOHN PHILLIPS SAYLOR

The SPEAKER pro tempore (Mr. McFall). Under a previous order of the House the Chair recognizes the gentleman from Pennsylvania (Mr. Schneebeli) for 60 minutes.

Mr. SCHNEEBELI. Mr. Speaker, I have requested this special order so that the House Members may all have an opportunity to eulogize our late colleague, John Saylor.

On Monday, October 29, I announced John's passing the day before and some of the Members had an opportunity to make some remarks; but since there had been no legislation scheduled for that day, there were many Members who requested an opportunity to make their expressions at a later date. Therefore, this special order.

John Phillips Saylor, Republican, of Johnstown, Pa., was born in Somerset County in 1908; attended Johnstown public schools and Mercersburg Academy; earned an A.B. from Franklin and Marshall College; an LL.B. from Dickinson Law School and an honorary LL.D. from St. Francis College. He was married to the former Grace Dorestler of Lancaster County, and they have two children and two grandchildren. John was also a former partner in the law firm of Spence, Custer and Saylor; member, Cambria County, Pa., and American Bar Associations. He served in the U.S. Navy during World War II, and was a captain, Naval Reserve (retired). He was the recipient of the Achievement Award of the Interservice Club of Johnstown, 1971; the Distinguished Service Award of the Americans for Constitutional Action, 1972; the John Muir Award of the Sierra Club, 1971; the Distinguished Service Certificate from the National Council of State Gardens Clubs, 1972; and the Silver Helmet Award of the American Veterans of World War II and Korea. He had also received the Watchdog of the Treasury Award from the National Federation Independent Business in each of the last four Congresses.

John was a member of St. John's United Church of Christ, Johnstown, former lay member, Synodical Council, Pittsburgh Synod of the Evangelical and Reformed Church; former member, Commission on Church and Economic Life of the Federal Council of Churches; lay delegate, Convention for the Merger of the Evangelical and Reformed Church with the Congregational Christian Church; 33d Degree Mason; member of the board of trustees, Massanutten Academy, Woodstock, Va.; board of regents of Mercersburg Academy; board of directors, Lee Hospital, Johnstown; and president of the Johnstown Federal Savings & Loan Association; member, board of directors, Capitol Hill Club; Boone and Crockett Club; and numerous other fraternal, sportsman and civic organizations, local and national.

When my good friend and colleague, John Saylor, died so unexpectedly of a heart attack in Houston on October 28, he was serving his 13th term in Congress, after having first been elected to the House of Representatives during the 81st Congress in a special election, on September 13, 1949, and reelected to each succeeding Congress. He ranked 35th in seniority of all members of the House and fourth among Republican members.

John and I had been friends for many years—we first met in 1924 when we were both undergraduates at Mercersburg Academy. In the intervening 49 years I had followed with great interest John's career, particularly after he came to Congress and my more recent and more intimate relationship was reestablished in 1960 when I first was elected to Congress. John and I maintained a close and respectful friendship ever since that time.

As we all know, John's leadership in the field of conservation was nationally recognized for many years—he was the recipient of many awards. As senior Repubican member of the House Interior Committee, he was credited with leading many endeavors to protect the Nation's scenic and natural resources. He was a sponsor of the Wilderness Act to save woods, water and wildlife. He also backed legislation to estabish the Office of Coal Research to find more uses for coal, and was a major supporter of the Coal Mine Health and Safety Act of 1969. For his moves in conservation, he and former Representative Wayne N. Aspinall, Democrat of Colorado, the other coauthor of the Wilderness Act, designed to save land from development, and the Land and Water Conservation Fund Act, received the National Wildlife Federation's "Conservationist of the Year" award for 1964.

Congressman Saylor fought against building dams in the Grand Canyon and for preserving the integrity of Dinosaur National Monument in Utah and Colorado. He was a member of the National Forest Preservation Commission and the National Parks Centennial Commission. In 1957, on a routine mission to visit the Scott Base at Antarctica, John became the first Congressman to fly over the South Pole. He was a supporter of statehood for Alaska and Hawaii.

In addition to his membership on the House Interior Committee, John was also a member of the House Veterans' Committee and well versed in veterans affairs. In World War II, he served in the Pacific and was communications officer of the U.S.S. *Missoula*, an attack troop ship when Iwo Jima was captured by the Americans. He gave the Marines the first American flag to be raised on Iwo Jima and when a photographer saw the flag-raising, he asked that it be done again and a second flag was raised, resulting in the famous photograph that is duplicated by the Iwo Jima statue near Arlington Cemetery.

But John's success and achievement of excellence covered many fields besides conservation—in the church, veterans' affairs, his service as a trustee of many private schools, hospitals and social fraternities. Significant with his interest in the church, one of John's last appearances before his colleagues was to address the House prayer breakfast less than a month ago and his discussion of the subject of "Hope" gave much inspiration to the Congressmen present. He was well regarded on both sides of the aisle for his light humor, especially in committee sessions when tempers got hot. His was a voice that roared—but roared with a purpose. He was a diligent worker in the House and recognized for his wit, which often eased what might have become tense situations.

Mrs. Schneebeli joins me in extending our deepest sympathy to John's family, his wife, Grace, to his daughter and son and two grandchildren. He was among the few remaining more colorful Members of Congress and all of his colleagues here in Washington shall miss him very much. Good and great men like John Saylor do not come our way very often.

Mr. HALEY. Mr. Speaker, will the gentleman yield?

Mr. SCHNEEBELI. I yield to the gentleman from Florida, the chairman of the illustrious committee on which the gentleman from Pennsylvania, Mr. Saylor, served for these many years and where he made such a fine record. I yield to the gentleman from Florida (Mr. Haley).

Mr. HALEY. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding to me at this particular time.

Of course the passing of John Saylor was to me quite a shock. I had served with John ever since I came to the Congress. He was the ranking minority member on the committee and he did well represent the minority views in all legislative matters. As a matter of fact, John Saylor was one of the most effective and outstanding legislators to serve in this House during my tenure here.

John Saylor was a man of his word, on whom one could always depend to do just exactly what he said on any matter that came before the committee or before the House. Above all, we knew exactly where John Saylor stood on all matters. He was able to express his views and there was no equivocation about it. He would let one know immediately what he was for or what he was against.

In all the time I knew John Saylor there was one thing I always had to recognize, which was that he was fair in debate and fair in committee always. He certainly was of tremendous assistance to me when I took over the chairmanship of the committee in this session of the Congress.

John was always considerate to everybody's views. He did not hold anything against anyone. If he did not agree with a Member, he was still a friend then and the next day.

All I can say, Mr. Speaker, is that Pennsylvania has lost one of its outstanding citizens. The Nation lost an able legislator. Mrs. Haley and I wish to extend to John's family our deepest sympathy in his untimely passing.

Mr. SCHNEEBELI. I thank the gentleman for his remarks.

Mr. Speaker, I now yield to the distinguished Speaker of the House.

Mr. ALBERT. Mr. Speaker, I could not pass this opportunity to state to the House the affection and admiration that I had for our late colleague from Pennsylvania, John Saylor. I knew John during all the years of his service in the House. John was not just one of a multitude. John Saylor was an individual, a man who stood out among his fellow men. He was strong. He was courageous. He was dedicated. He was industrious. He was independent when he thought he was right. He was always cooperative when he thought that the occasion demanded cooperation.

I shall miss this distinguished gentleman, this great American, who has made an extraordinary contribution to the legislation of our Nation and to the history of this House.

Mr. SCHNEEBELI. Mr. Speaker, I am sure the Saylor family is very grateful to the distinguished Speaker for his remarks.

I yield to the gentleman from Texas.

Mr. STEELMAN. Mr. Speaker, the people of the United States suffered a great loss with the death of John Saylor. Everyone who takes a hike in a Wilderness area, runs the rapids of the Colorado in the Grand Canyon, or has a picnic along the C. & O. Canal, owes John Saylor a debt of gratitude.

I first met John this January when I became a freshman member of the House Interior Committee. I was immediately impressed by his intelligence, integrity, sharp wit and dedication to the cause of conservation. He helped me find my way through the maze of Committee work and gave me timely and thoughtful guidance on a project of great importance to Texas, the Big Thicket National Biological Preserve.

He was the winner of many awards by environmental groups. As ranking Republican member of the Interior Committee, he was the rallying point for the conservation movement. His forceful, incisive and timely questioning and arguments in Committee set the tone in hearing after hearing.

Mr. Speaker, it has been my practice during the short time I have been a Member of this body to keep a daily log of happenings that made a particular impression on me.

On Thursday, October 31, the day that Members of the Committee on Interior and Insular Affairs and other Members of the body flew to Pennsylvania to attend the funeral of John, my plane was not able to land due to bad weather and I regret very much having missed the service.

I am sure the several verses I wrote that day will not do John's memory justice, but I would like to share them with the Members, because of the very deep feelings I had for him.

John Has Passed

But life goes on and is stronger and more
vibrant because John Saylor lived.
John loved and respected all things living.

XUM

Because he lived and loved the trees, the water, the land and the sky,
And because he served in the United States Congress, we all will,
Because of his conservation efforts, likewise be able to live
And love the trees, water, and sky.

JOHN SAYLOR will be sorely missed by his family, the Congress, and the country.

Mr. SCHNEEBELI. Mr. Speaker, I thank the gentleman for his observations.

Mr. Speaker, I now yield to the gentleman from North Carolina, the ranking Democratic member of the committee upon which JOHN served so long, Mr. TAYLOR.

Mr. TAYLOR of North Carolina. Mr. Speaker, we were all saddened to learn of the passing of our colleague from Pennsylvania. Not only had we lost a friend, but we lost an ally who had served his district and his Nation well.

My association with JOHN SAYLOR began when I came to Congress in 1960. As the ranking minority member on the Committee on Interior and Insular Affairs, he played an important role in our heavy legislative workload. While we might not always have agreed on an issue, JOHN always made his case and we never had to guess what his position would be.

Few members of this House supported the park program with as much enthusiasm as our friend from Pennsylvania. He worked diligently on so many projects that I dare not mention them all, but one of his greatest efforts was made to assure the protection of the view from Mt. Vernon. The area known as Piscataway Park on the Maryland banks of the Potomac River was under his constant surveillance and he fought an undertaking which threatened to impinge on or destroy the view from George Washington's home.

Congressman SAYLOR was always in the forefront on the major conservation issues of the day. All of the Members of the House are familiar with his leadership role when the Wilderness Act was under consideration, when the Redwood National Park was created, and when the Wild and Scenic Rivers Act was approved.

Of all the projects and programs which JOHN SAYLOR helped to create, however, probably the Land and Water Conservation Fund Act was the one which gave him the greatest amount of pride. Working with our chairman, the Honorable Wayne Aspinall, he helped develop the program which has made possible the great expansion of our national outdoor recreation potential. Not only has the land and water conservation fund been the sole source of funding for the land acquisition programs at our national parks, seashores, and recreation areas, but it has been a major inducement to State, local and regional units of government to expand their outdoor recreation programs.

Mr. Speaker, JOHN SAYLOR was a powerful person who will be missed in many ways. He was one of the most able, best informed, most dedicated, most colorful, most witty, and hardest working Members of the House. He was working for conservation before it became the popular thing to do, and in many ways, his shoes will never be filled.

We can take consolation in the fact that JOHN's life was a fruitful one. His ambitions were converted into effective action, and he used his energy and ability for constructive achievement. Our personal sadness at his passing cannot be diminished, but it is somewhat offset by the knowledge that his contribution to this country and to the well-being of his fellowman will endure.

Our deepest sympathy is extended to his wife, Grace, and to the members of his family. We share their grief in this time of sorrow.

Mr. SCHNEEBELI. Mr. Speaker, I thank the gentleman from North Carolina for his observations.

I now yield to the gentleman from Idaho (Mr. HANSEN) a member of Mr. SAYLOR's committee.

Mr. HANSEN of Idaho. Mr. Speaker, I thank the gentleman for yielding to me. I too was profoundly saddened by the news of the loss of our late beloved colleague, JOHN SAYLOR. That sense of loss was shared by the people of my State of Idaho. We lost in the passing of JOHN SAYLOR a true friend and one of the most effective champions of the environment: one of the most effective and strongest guardians of our great natural resource heritage.

JOHN SAYLOR was no stranger to my State of Idaho. He was a frequent visitor to Idaho and the West. As a matter of fact, a few weeks prior to his passing, almost by chance, I came across JOHN on his way to Idaho on his own to investigate personally one of the projects which was the subject of pending legislation. He knew Idaho's lakes and streams and forests and mountains and open spaces better than most people who live in the State. He was well known and highly respected and had a great many friends and admirers in Idaho.

He shared with us a commitment to preserve and pass on to future generations our natural resources in as good a condition as we found them, if not better. He reminded us continually of our role as trustees of these great resources and of the obligations that come with the privileges we have to enjoy them. He also understood the need to put these great land and water resources to work to produce jobs and opportunities for people.

The Nation has lost in the passing of JOHN SAYLOR one of its most articulate voices and strongest leaders. In many ways he was almost the ideal lawmaker. He had courage, he had compassion, he had a deep understanding of the people's needs, a commitment to serve those needs, a keen intellect, the ability to express himself. A high sense of honor and integrity characterized his personal life and his public service. Along with that he had a sharp wit and a sense of humor. These are all qualities that are in great need in any lawmaking body, but, especially in this one in the days ahead.

Mr. Speaker, one of my more recent memories of JOHN SAYLOR was his appearance to address the House Prayer Breakfast group just a few days before he went into the hospital. I will never forget his talk and the eloquence and depth of insight and feeling with which he expressed himself on the subject of "hope."

In these rather discouraging and depressing days, we need that hope and the message of hope that JOHN SAYLOR brought to us.

We have lost an effective and a beloved colleague. We can honor his memory best by following the example he set and upholding the high standards that always characterized his service to this great body and to the country he loved so deeply.

Mr. SCHNEEBELI. Mr. Speaker, I thank the gentleman for his very generous and fine remarks.

Mr. HUNGATE. Mr. Speaker, will the gentleman yield?

Mr. SCHNEEBELI. I will now yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Speaker, I thank the gentleman for yielding.

I would like to join in the tribute to our distingushed former colleague, JOHN SAYLOR. I was not privileged to serve on the committee with him, although I once worked with him very closely in our efforts to preserve our national forests and woodlands, and he was a very able and energetic ally.

Mr. Speaker, generations of Americans who never heard his name nor looked upon his face will benefit from the fine work he did in this body.

Mr. SCHNEEBELI. Mr. Speaker, I now yield to a gentleman who probably was one of JOHN SAYLOR's closest friends in Congress, and was for many, many years. He is a gentleman who shared many characteristics with our colleague, JOHN SAYLOR. They have had about the same interests, the same joviality, and the same great personality, and along with being fellow conservationists, they were fellow hunters. And so I am very happy to yield now to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, I thank my dear friend, the gentleman from Pennsylvania (Mr. SCHNEEBELI) for yielding to me.

I commend him and compliment him for paying tribute to our beloved dear late friend, JOHN SAYLOR. He has performed a high service to the House in this, as in all things, in giving the opportunity to us for remembering the greatness of spirit and the greatness of heart of JOHN SAYLOR.

JOHN SAYLOR was one of our most beloved colleagues; he was a man of courage, dedication, and energy, and he was a great conservationist. He was, as my dear friend from Pennsylvania indicates, not only a close friend of mine, but also a hunting companion and one with whom I shared the joys of the outdoors.

Mr. Speaker, it is with a great feeling of sadness that I recognize JOHN SAYLOR's mighty voice and great spirit will no longer be with us. However, it is

with great pleasure that I recall the greatness of spirit and the wisdom and the goodness of this wonderful man.

He was a crusty individual; he had great strength and force of character, and to the younger members and those who first knew him these characteristics did not easily translate themselves into the warm and wholesome character that so enriched this body with the presence of JOHN SAYLOR. But all of us remember with great affection, I think, when we got to know JOHN, what a wonderful and warm and gentle and good person he was and how dedicated he was, not only to the interests of his district, but to the cause of conservation and to the betterment of this America.

I miss him. I loved him. I, just as my good friend from Pennsylvania who is now in the well, who kindly made this time available to all of us, pay a sad tribute to a great American. I rejoice that I did have the privilege and the pleasure of knowing JOHN SAYLOR.

Mr. Speaker, I would like to pay tribute to one of America's great conservationists, our beloved deceased colleague, the Honorable JOHN P. SAYLOR of Pennsylvania.

JOHN SAYLOR was a warm, decent, dedicated and highly competent Member of this body. He labored tirelessly for the welfare of the people of his congressional district which he served so well and for the good of all of the people of the United States.

The great conservation legislation in the past 20 years bears the stamp of JOHN SAYLOR's character and his dedication to the cause of a wholesale environment for all Americans.

The wilderness bill, full funding for water pollution abatement works, wild rivers legislation, prohibition of hunting from aircraft and scores of other conservation actions by this Congress are monuments to his courage, vigor, and service.

Mine safety and black lung legislation also are monuments to his particular concerns for the people he served.

His efforts to halt the wasting of the public lands and to prevent enactment of bad legislation bore fruit in defeat of the timber bill of the last Congress, and of iniquitous giveaways to the grazing and timber interests.

Programs for wise use and intelligent development of the natural resources for the good of all had his genuine and effective support.

As a close friend and admirer of this great American, I shall miss JOHN SAYLOR; but the personal loss I feel is far overshadowed by the loss to this Nation and its people of one of the truly wise and farseeing legislators whose contributions to the public interest will be remembered by Americans everywhere.

Mr. Speaker, my remarks eulogizing the Honorable JOHN P. SAYLOR could be much more extended but there are many Americans who have written and reported their thoughts of Congressman SAYLOR and I believe it is most appropriate at this time that the following biography of our late colleague, and the following radio commentary and editorials on this great American, deserve a high position among the remarks for our friend today:

BIOGRAPHICAL INFORMATION ON THE HONORABLE JOHN P. SAYLOR

(United States Representative in the Congress from the 12th District of Pennsylvania)

John Phillips Saylor, Republican of Johnstown, Pennsylvania; born in Somerset County, 1908; attended Johnstown public schools and Mercersburg Academy; A.B., Franklin-Marshall College; LL.B., Dickinson Law School; Hon. LL.D., Saint Francis College; married to the former Grace Doerstler of Lancaster County, they have two children and two grandchildren.

Former partner in the law firm of Spence, Custer and Saylor; member, Cambria County, Pennsylvania, and American Bar Associations. Served in the United States Navy during World War II, Captain, U.S. Naval Reserve (retired).

THE CONGRESS

Elected to the House of Representatives during the 81st Congress in a special election, September 13, 1949 and re-elected to each succeeding Congress. Ranking Republican Member of the Committee on Interior and Insular Affairs and Ex-Officio Member of all seven subcommittees; senior Republican in point of service on the Veterans' Affairs Committee and Member of the Hospitals, Compensation and Pensions, and Insurance Subcommittees.

Ranks thirty-fifth in seniority of all Members of the House and fourth among Republican Members. Senior Republican of the Pennsylvania Congressional Delegation and Vice-Chairman of the Pennsylvania Congressional Steering Committee.

AWARDS AND HONORS

First Member of Congress to receive the National Parks Association Award in recognition of distinguished services on behalf of the United States national parks and monuments, 1954; first recipient of the National Conservation Award presented by the six leading conservation organizations in America, 1958.

Citation for Meritorious Services from the Freeport American Legion Post 110, 1961; Conservationist of the Year Award from the National Wildlife Federation, 1964; Conservationist of the Year Award from the Pennsylvania Outdoor Writers Association, 1965; Gold Medal Award from the Veterans of Foreign Wars of the United States, 1966.

Received the Gold Medal of the Pennsylvania State Fish and Game Association, 1967; Trout Conservation Award from Trout Unlimited, 1967; Certificate of Appreciation from the Veterans of Foreign Wars, 1968; first recipient of the Bernard M. Baruch Laureate Award for contributing most to the field of conservation, 1967; the National Commander's Award from the Veterans of World War I, 1968; and the National Commander's Award from the Disabled American Veterans of the United States, 1968.

Holds the Silver Beaver Award of the Admiral Robert E. Peary Council, Boy Scouts of America, 1969; Award of Merit from the Pennsylvania Roadside Council, 1969; first recipient of the Conservation Award of the Sierra Club's Atlantic Chapter, 1969; and the "54" Founder's Award of the Izaak Walton League of America, 1970.

Received the Achievement Award of the Interservice Club of Johnstown, 1971; the Distinguished Service Award of the Americans for Constitutional Action, 1972; the John Muir Award of the Sierra Club, 1971; the Distinguished Service Certificate from the National Council of State Garden Clubs, 1972; and the Silver Helmet Award of the American Veterans of World War II and Korea. He has received the Watchdog of the Treasury Award from the National Federation of Independent Business in each of the last four Congresses.

MEMBERSHIPS—OFFICIAL

Member, Saint John's United Church of Christ, Johnstown; former lay member, Synodical Council, Pittsburgh Synod of the Evangelical and Reformed Church; former member, Commission on Church and Economic Life of the Federal Council of Churches; lay delegate, Convention for the Merger of the Evangelical and Reformed Church with the Congressional Christian Church; 33rd Degree Mason.

Member of the Board of Trustees, Massanutten Academy, Woodstock, Virginia; Board of Regents of Mercersburg Academy; Board of Directors, Lee Hospital, Johnstown; and President of the Johnstown Federal Savings and Loan Association.

Member, Board of Directors, Capitol Hill Club; Boone and Crockett Club; and numerous other fraternal, sportsman and civic organization, local and national.

The Twelfth Congressional District is composed of the Counties of Armstrong, Cambria, Indiana, Jefferson, Somerset, and the southwestern portion of Clarion (boroughs of Callensburg, East Brady, Foxburg, Rimersburg, and Saint Petersburg; the townships of Brady, Licking, Madison, Perry, Richland, and Toby). Population (1970) of 469,999.

REMARKS OF J. MCCAFFREY, WMAL–TV

(This is the TV commentary as nearly as I can reconstruct it. J. McCaffrey. Monday, 29 October, WMAL–TV)

I really don't need a script to say what I am going to say this evening . . .

This is a time when men and women are turned off by politics and politicians . . . The Nixon Administration scandals have cast suspicion on every man and woman in elective office.

I would like to offer testimony this evening to one of the best men I have known in public life . . .

John Saylor, who died yesterday.

I first knew John Saylor when he was elected as a Republican congressman from Pennsylvania back in 1949 in a special election.

He was probably the best conservationist in Congress . . . during the years he helped push through a great deal of conservation legislation—including the wilderness act and land and water conservation—he did yeoman work in getting statehood for Hawaii and Alaska . . .

He was an independent man . . . he voted himself . . . as he thought . . . his own people would want him to vote . . the party label was not a burden he carried on his back . . . he used it at election time . . . but as a Member of Congress he was an independent man.

He was an attorney, but in another and earlier age I imagine he would have been a woodsman . . . he carried in his car his fishing tackle . . . and he had fishing licenses for at least a half dozen jurisdictions, so that whenever he felt like it, he could pull his car over by the side of a brook and go fishing.

But the most important thing is that John Saylor was a man of integrity . . . a hard worker . . . a man devoted to his job and to his country. John Saylor was one of the many men and women on Capital Hill who allowed me to keep faith in the system.

[From the New York Times, Oct. 30, 1973]

SAYLOR, CONSERVATIONIST

For two decades—and often despite disappointment and frustration—Representative JOHN SAYLOR, who at his death was ranking minority member of the House Interior and Insular Affairs Committee, battled with good humor and tenacious spirit on behalf of the public interest.

This Pennsylvania Republican early recognized that the Interior Committee's responsibilities are not a provincial concern of Westerners. Rather, they affect the quality of life for all Americans. He strove valiantly to protect and expand the national parks, to conserve the wilderness and endangered species of animals, and to defend the people's heritage of land, water, forests, and scenic beauty. He had a refreshing idealism about public service and lovable human qualities. He will be greatly missed.

[From the Honolulu Star-Bulletin, October 30, 1973]

Loss of a Friend

There might be some argument about who was the best Congressional friend Hawaii ever had in its long Statehood fight, but a strong contender for that title would be Rep. John P. Saylor, who died Sunday at the age of 65 following heart surgery.

The Johnstown, Pa., Republican entered Congress via a special election in 1949, was soon assigned to the Interior and Insular Affairs Committee, which handled the Statehood question, and began battling right away to give statehood to Hawaii and Alaska.

Mrs. Elizabeth P. Farrington, whose husband was Hawaii's delegate to Congress in those days, and who became delegate herself upon his death in 1954, recalls that "John Saylor" was the only Congressman that Joe and I didn't have to convert."

Saylor's conversion had taken place 25 years earlier as a student at Mercersburg Academy when he was assigned to the affirmative side of a debate on whether Hawaii and Alaska should be states.

Saylor researched the topic so thoroughly that he convinced himself and reinforced this conviction when he was sent to the Pacific as a Navy officer in World War II.

Saylor's support of Statehood was both indefatigable and invaluable. He moved to the chairmanship of the territories subcommittee in 1953 and there had an even more direct involvement in the long struggle to get the bill enacted until it climaxed successfully in 1959.

A liberal Republican throughout his career, Saylor has been best known in recent years for his support of conservation and environmental protection. The Almanac of American Politics notes: "He pushed these concerns long before they became fashionable in the cities and universities of the East and West coasts. Here he has built up not only great expertise in matters pertaining to the environment, but also a good deal of legislative clout."

As a memorial to the legislator, a John P. Saylor Conservation Fund is being created. Contributions are being received at his former office in the Rayburn Building, Washington, D.C.

[From the Philadelphia Inquirer, Nov. 4, 1973]

Saylor Opposed Exploitation of Land—Congressman Was Concerned Over Rape of Wilderness

I first met John Saylor one fall day when he walked into the living room of my father's home in Punxsutawney with a beagle cradled under each arm.

The congressman who died last week in Houston, Tex., after undergoing heart surgery, had been hunting grouse in northern Jefferson County when he found the dogs, which were wandering around the woods, looking for some human companionship after having spent a night chasing deer.

Since the name on the dogs' collars was my father's, the good congressman drove out of his way to deliver the pair to our house.

Although the dogs were no longer ours (we had given them to a friend; we no longer had the time to give them enough hunting), we were overjoyed that they had been saved from possible starvation in the woods. The next day we took the dogs back to their new owners, who had been frantically searching the woods for the pair.

In the years to follow I came to know John Saylor well, both the politican and the person, and I came to like and trust him.

Oh, sure, John Saylor was slicker than a wet leaf on a slate rock, but you expect that from a politician.

He was a glad-hander, a thumper on the back, a "how are you doing, nice to see you" guy who could charm a vote out of a rock.

But in his private moments, moments around the fire at a deep camp or sitting in the soft meadow grass along a Montana trout stream, he was a different person. His public mask gave away to a private face that was filled with concern over conservation and the rape of the wilderness.

I recall a phone call to my father late one night from Washington. It was Saylor, who had just learned of a move on the part of a local Republican leader who objected to a project Saylor had been working long and hard on. A project that had won nearly-unanimous praise from responsible citizens of the area. Now that the project was almost assured, one man was threatening to halt it, and destroy in the process months of work by the congressman.

John Saylor broke down that night and wept, the frustration of months finally cracking the political shell and allowing human emotions to pour out. That was the day I realized that Saylor was, above all, a man, a man who took things personally. That was quite a discovery because I thought all politicians were machines.

It was in conservation that John Saylor did his most valuable work for this nation. Not just for Punxsutawney, or Jefferson County, or Pennsylvania, but for the nation.

He was the author of the Wilderness Act, which has saved untold millions of acres from exploitation; the ranking Republican member of the House Interior and Insular Affairs committee, a post he used to influence the acquisition of land for national parks and the protection of existing parks; and the leader who pushed innumerable conservation bills through the House.

He didn't go unrecognized for his work, receiving national awards from, among others, Trout Unlimited, Bernard Baruch Conservation Award Committee, National Parks Association, National Wildlife Association and the Izaak Walton League.

In a Congress and a committee dominated too often by exploitation—oriented congressmen, John Saylor was an important and fresh voice which railed against the destruction of our environment. He will be missed.

[From The Washington Post, Nov. 5, 1973]

John P. Saylor

Some Congressmen manage to linger in the House for many terms without ever raising their voices or advocating an important cause or leaving any imprint on the record of their times. Rep. John P. Saylor, who died last week, was emphatically not one of these. The Republican from the Pennsylvania hills had strong convictions and a personality to match. Gruff, sometimes caustic, uncommonly persistent, he was the best kind of opinionated man.

Rep. Saylor was a powerful and creative force in the field of conservation which he made his specialty. During his quarter-century in the House, seniority elevated him to the post of ranking Republican on the House Interior Committee, but it was his own energy and ideas which made him a dominant influence in that committee's work. Rep. Saylor was in the midst of nearly every major conservation battle of his day. He fought against the Hells Canyon dam. He opposed the Grand Canyon dams. He battled to create the national wilderness system and the Land and Water Conservation Fund laws which stand as permanent monuments to his vision and doggedness. Perhaps because he came from a region of scarred and battered hills, he had a keen appreciation of the need to keep some of the nation's natural resources unspoiled and available for the public to enjoy and use.

Rep. Saylor took a very particlular interest in the conservation problems of the Potomac Basin and the national capital area. He was a vigorous defender of Piscataway Park and the marshes on the Virginia shore below Washington. He scrapped for years to obtain a workable framework for Pennsylvania Avenue redevelopment. In partnership with the Maryland congressional delegation, he was a leader in the 17-year campaign which finally produced the Chesapeake and Ohio Canal National Historical Park. In these and other legislative battles, Rep. Saylor used his stature and voice to full effect. He was an outspoken, effective champion for a good cause.

Mr. SCHNEEBELI. Mr. Speaker, we all recognize the warm personal expression that we have had from our friend, the gentleman from Michigan, who was such a good friend of John Saylor's.

I now yield to the gentleman from New York (Mr. Smith) whom, I think, I have known almost as long as I have known John Saylor.

Mr. SMITH of New York. Mr. Speaker, I think the gentleman for yielding.

I wish to associate myself with the remarks that have been made with regard to our good friend, John Saylor, whose passing was sudden and was mourned by all of us.

When I came to the Congress about 9 years ago, much to my surprise I was assigned to the great Committee on Interior and Insular Affairs.

John Saylor became my boss and my leader on that committee because, of course, he was the ranking Republican member even then.

I will always remember with a great deal of gratitude and appreciation the kindness of John Saylor to his new members on his committee and the time that he spent with us and the patience he had with us in trying to induct us into some of the mysteries of the Committee on Interior and Insular Affairs.

I have followed John Saylor's presence here in the House for these many years. I want to echo the thought that has already been expressed that he was a great, strong voice.

I did not always agree with him, but I always knew exactly where he stood whether I agreed with him or not.

I know that we, in the Congress, and the people of his district and the people of the United States are going to miss John for his great human qualities and also because he was a strong voice standing up in this Congress for conservation and all of the things he believed were right.

Mr. MORGAN. Mr. Speaker, I rise to eulogize an outstanding American, a man whose dedication to his family, his constituents, and the American people is well known by all who had the privilege of serving with him in the House of Representatives.

John's manifold contributions to the

betterment of life in our country are evidenced by the significant legislation which he sponsored or supported; indeed, his legislative record stands as indelible and irrefutable proof of the excellence of his work in this great Chamber. The statehood for Alaska and Hawaii bills, the Wilderness Act, the Land and Water Conservation Act, and the Coal Mine Health and Safety Act are only a few of the major pieces of legislation which bear his imprint, and his support for conservation measures earned him the National Wildlife Federation's "Conservationist of the Year" award for 1964, as well as many other honors.

I have had the privilege of serving the residents of my district as their Congressman since 1945, and John served with me for all but 4 of those years. His congressional district was adjacent to mine, and we often worked together to solve common problems. He rose to become the senior Republican of the Pennsylvania congressional delegation and vice chairman of the Pennsylvania Congressional Steering Committee, and we in Pennsylvania have lost a valued and effective leader with his passing.

Mr. Speaker, I would like to take this opportunity to note the special human qualities of this distinguished gentleman which were so readily apparent to all who shared his company. Many people, for one reason or another, are often reluctant to vigorously express an unpopular or controversial opinion, but John Saylor was no such person. He and I often disagreed on the merits of legislation, but vibrant his personal qualities, dedication, and honesty were such that political differences never affected our friendship. Whether he was questioning witnesses at a committee hearing, debating the merits of a bill on the House floor, or responding to a query from a journalist, constituent, or colleague, John's overriding concern was to speak with honesty and clarity. This absolute integrity, in conjunction with his sensitivity to the needs of others, enabled him to command the complete respect of all of us in Congress.

Mr. Speaker, John Saylor was not only my colleague, but my friend as well, and I shall sorely miss his companionship and advice. My life has been richer for knowing him, and his memory will forever remain with me. Mrs. Morgan and I extend our heartfelt sympathy to his lovely wife, Grace, and his children, John, Jr., and Susan.

Mr. BAFALIS. Mr. Speaker, every American who is concerned about the environment—who wants to insure that future generations will have clean air and clean water—owes a debt of gratitude to the late John Saylor.

He began fighting to save our environment back in 1949, long before it was popular to do so.

In fact, every man, woman, and child who visits a wilderness area, who rejoices in land as nature made it, can give thanks to John Saylor. For he was the author of the Wilderness Act, the legislation which protected those areas from development.

And that is just one of the many pieces of important conservationist legislation adopted by the Congress which began with the dedication of John Saylor.

Unlike many of my colleagues, I did not have the pleasure of working with John Saylor for a great many years. But I was fortunate enough to be allied with him in the Big Cypress Swamp acquisition project, a project which will bring great benefits to my district.

It was a pleasure indeed to work with a man so knowledgeable about the environment and the need to protect it. And it was a pleasure I shall long cherish.

John Saylor will be missed by his colleagues. But more important, his wisdom and leadership will be missed by the American people.

Mr. O'NEILL. Mr. Speaker, I join my colleagues in this Chamber in paying a special tribute to John Saylor, whose tragic and untimely passing has left an irreplaceable void in the House of Representatives.

For, Congressman Saylor was known by his friends on both sides of the aisle as "Mr. Conservationist." Since 1949, when John first came to this House, he has been a distinguished leader in helping to shape national policies in the areas of conservation, preservation of our country's natural and wildlife resources and environmental quality.

As the ranking Republican member of the Interior Committee John coauthored with former Chairman Wayne Aspinall the Wilderness Act, that monumental legislation designed to save land from development, and the Land and Water Conservation Act. For all his tireless efforts and meritorious achievements in the field of conservation, Representative Saylor deservingly received the National Wildlife Federation's "Conservationist of the Year" award in 1964. Ten years earlier, he had been the first Member of Congress to receive the National Parks Association award in recognition of outstanding services on behalf of the U.S. National Parks and Monuments.

Congressman John Saylor's concern for conservation was not confined to natural resources. His greatest interest has been in the conservation of human life, and because of this concern, he has courageously persevered in the struggle for greater protection for coal miners and for increased benefits to victims of black lung disease.

To chronicle all John's legislative achievements in the field which has earned him the best claim in the House of Representatives to the title of "Mr. Conservationist" would certainly not do him the justice he merits in this area.

John Saylor was an aimable, popular Member of this Chamber, recognized for his sense of humor which often eased tense situations. I have known and appreciated Congressman John Saylor as a diligent and conscientious Member of the House, a man of great personal conviction, integrity, legislative responsibility and independence. And I have known John as a member who has served his constituents in the 12th District of Pennsylvania with great distinction, dedication, and purpose.

All of us who have served with Representative John Saylor are deeply saddened by his loss and my wife Milly joins me in extending our heartfelt sympathy and condolences to his family.

Mr. FLOOD. Mr. Speaker, all of us miss our late colleague from Pennsylvania, John Saylor, because he contributed so much to this body, his district, his State, and his Nation.

I served with him here for a quarter century and I know first-hand of his accomplishments in the difficult legislative field. He was an impressive legislative technician and highly dedicated to his responsibilities as the Representative from Pennsylvania's 12th Congressional District. He was one of the most respected public officials in our Government today. He was a man of great wit and humor, two characteristics which are in short supply during this period of our history.

He was a man who loved his friends and loved his country. He never stepped back from highly responsible tasks and assignments.

He was an outstanding Member of the House of Representatives, hard working, industrious, and when he addressed this body, as he often did, he spoke convincingly and with complete knowledge of his subject.

John Saylor had a large number of friends on both sides of the aisle, all of whom will miss his charm and great humor.

He was a big man in more than physical size as he was perhaps the greatest exponent of conservation in the Congress in recent years.

As the ranking member on the House Interior Committee, he took the lead in many endeavors to protect the Nation's natural resources and scenic beauty.

He was a sponsor of the Wilderness Act to preserve our forests, water, and wildlife. He also supported legislation to establish the Office of Coal Research to find more and better uses for coal. He was a major supporter of the highly important Coal Mine Health and Safety Act of 1969.

John Saylor left behind a fine record. He lived the good life which must be a great comfort for his wife, Grace, and his son and daughter.

We, in Pennsylvania, will always remember him as an outstanding native son who served his people with distinction and accomplishment. I shall miss him as I know his friends and constituents will also.

Mr. FASCELL. Mr. Speaker, I personally felt a deep sense of loss on learning of the death of Congressman John Saylor, and I know that my feeling is shared by our colleagues on both sides of the aisle. Our personal loss represents an even greater loss to the people of this Nation, for John Saylor was an exceptional, dedicated, and effective leader of our country's effort to preserve our natural resources and our environment.

Long before the environment was a fashionable concern and ecology a household word, John was leading the fight for conservation. As ranking minority member of the Interior and Insular Affairs Committee, John was instrumental in the creation and passage of legislation to protect the environ-

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ment. As author of the Wilderness Act, his contribution to the future of our country is inestimable. Yet this was only one of his many achievements. The people I represent in south Florida owe a particular debt to John for his help in our fight to authorize the Biscayne National Monument in 1968. Without his strong and unyielding support of that project the future of Biscayne Bay and the unique islands and coral reefs there might still be in danger.

John Saylor was truly a pioneer in the conservation movement in the Congress. His leadership and commitment to that cause will be sorely missed, but his tremendous accomplishments will long remain with us, much to the benefit of the Nation.

John Saylor's contributions were certainly not limited to the area of conservation. He was a major backer of safety legislation for coal miners, and legislation on behalf of the American Indian. He coauthored legislation for the statehood of Alaska and Hawaii. Yet John was able to combine his leadership on national issues with an intense devotion to the needs of his district and his State, both of which he served so well for 24 years.

I extend my deepest sympathies to Mrs. Saylor and her family. I trust that the knowledge of John's great contributions to the beauty of our national landscape will be as great a comfort to them as it is to the Nation.

Mr. SKUBITZ. Mr. Speaker, with other Members of this body, I attended the funeral service for our late beloved colleague, John Phillips Saylor, held in Johnstown, Pa., on November 1, 1973. It was, of course, a sad day for all of us.

It was my privilege on that occasion to hear a eulogy to our friend, delivered by Father Regis O'Brien, a professor at Saint Francis College in Loretto, Pa., a eulogy that impressed me greatly. The significance of what took place deserves comment, I believe, and is striking proof of the love and affection in which our colleague was held by the men and women of his congressional district. The funeral service was held in the United Church of Christ and was attended by his brethren in the Masonic fraternity since John Saylor has achieved the singular honor of the 33d degree in that order. But also attending the services were two Catholic bishops amid hundreds of others of his friends. And when it came time for the eulogy, his long-time close friend and admirer, Father Regis O'Brien, widely known throughout the area, was the chosen speaker. That he spoke from the heart, that he voiced the warmth and the love and the emotion that all felt, was self-evident.

In due course, the remarks of John Saylor's friends and colleagues made on this floor will be bound into a volume of memorial addresses. That volume would not be complete without the eulogy of Father O'Brien. I therefore, Mr. Speaker, include Father O'Brien's address at this place in the Congressional Record:

ADDRESS

Reverend Smith, Honorable Members of the Congress of the United States, Secretary Morton, the dignitaries who came here from Washington to honour our good friend, Bishop Hogan, Bishop McGarry, Mayor Flaherty, Grace and your children, relatives of John, and friends of John.

No greater tribute can be paid John Saylor than this: his heart was as big as his frame. Anything other that I can say would be by way of anticlimax or as supporting evidence of this truth. John Saylor's magnanimous heart motivated him to fight injustice that he hated. From the day he set foot in Congress until that heart stopped on last Sunday when God called John home to Heaven he fought the exploitation of those who could not help themselves. John Saylor was a great man. He attained national, nay international fame, but he courted neither since they were forced upon him.

John Saylor was a great man, and as all great men, he had a disciplined beginning as a child and the encouragement of a faithful wife in later life. John Saylor's parents, Tillman and Minerva Saylor, were not pietistic Christians going about this way and that way. They were solid in Christian doctrine. They knew that marriage was a job and not a joyride. They knew that they were cooperators with God Almighty in bringing into existence their children. They realized that through their actual act of love they prepared the bodies into which God Almighty infused an immortal soul, and because of this they knew that their children were persons who one day would be accountable to God for their actions.

And it is our deduction from this basic truth that Tillman and Minerva Saylor knew that every child born into the world entered it with a three-fold right: a right to physical maturity, intellectual maturity, moral maturity. And since every right carries with it a corresponding obligation, Tillman and Minerva Saylor acquitted themselves nobly in the performance of their three-fold obligation. They provided sufficient nurture for their children so that they could develop well in body. They sacrificed many of the legitimate luxuries of life so that they could give their children a full education whereby they would know the world into which they were born and how to give of themselves to the world in which they were born. Just yesterday John's sister, Anne Catherine, said that they were trained to give. And lastly, the parents were uncompromising in the performance of their obligation to instill character and moral development in their children.

Indeed, go no further than John himself. With reverential pride, John would put on that characteristic Saylor smile and look in fancy at his father's character developer, his razor strap. I am not trying to be humorous. I am deadly serious. John Saylor was a great man because of his father's razor strap. In other words, John Saylor entered Congress because he practiced the principles inculcated at the end of that razor strap. He remained in Congress until God saw fit to reward him.

Because of the principles inculcated at the end of that razor strap, John Saylor was a unique politician. He made no empty promises, he would say no with the ease of yes. If he said yes, he meant yes. He would go to the utmost steps to try to secure that which he promised. If he could not, one could rest assured that it wasn't John Saylor's fault. John Saylor was not ambitious. Years ago he was considered timber for the governorship of Pennsylvania and for the United States senatorship. That magnanimous character would have none of it. The people of my District elected me and I will not desert them, was his view. He knew well that if he lost his seniority in Congress his District would suffer. "No, no, a thousand times no, I'll take my chances of running every two years in the Congress", he said more than once. John Saylor is responsible for many a couple and many a widow in this Congressional District and throughout the United States living a life of human dignity today because he fought long and hard for the black lung pension. He gave everybody to understand that this isn't a gift or a dole to the miners, but a right.

Early in his first administration he made a trip to the southwest. He entered a restaurant in which he saw a sign that read "neither dogs nor injuns are permitted". John came back from that trip infuriated. He said to me "I must remain in Congress. I'll never stop fighting the fight of the American Indians." And we know he did that.

In other words, John Saylor's heart and mind was always for the underdog, the downtrodden. Why? Because of his love for mankind and for his constituents. He was an overworked man, both he and his staff. Hundreds and hundreds of requests were made of John Saylor. His noble staff helped him secure answers so that today literally thousands in this area are indebted to him for countless courtesies.

Now, as we close the earthy life of John Saylor, we can evaluate his public career with one word—impeccable! This is the Feast of All Saints, it is thus a glorious day to admit the body of John to the eternal where the Saints will welcome him, I know. There is no room for sorrow, Grace; no room for sorrow, Phillip; no room for sorrow, Susan; no room for sorrow, Kay. This is a glorious occasion. Why? Because God called John Saylor home. To be remembered among these Saints we honor today, I extend John Saylor's blessing to you as he takes his leave. It is an old blessing that he loved: "May the Good Lord keep you in the palm of his hand."

Mr. CLARK. Mr. Speaker, the late John P. Saylor was a man of outstanding ability and capacity for work. He was the embodiment of the higher qualities of statesmanship. His accomplishments in the field of conservation of our natural resources won him many awards and will long stand as a monument to his legislative endeavors. Where conservation was at stake, John Saylor was neither Republican or Democrat—he was an American.

When I came to Congress as a freshman in 1955, John Saylor had been serving his constituency for 6 years and already had demonstrated a capacity for work and leadership which eventually moved him to the top Republican slot on the important Interior and Insular Affairs Committee. In that capacity he worked indefatigably to protect our natural resources from depredation and despoilment.

He was a friend of all who needed friendship and his helping hand was not withdrawn for petty reasons. It was typical of the man that, though he was a prominent Protestant and an active Mason, he was a benefactor of St. Francis College, a Catholic institution in his district, which honored him with a doctorate degree. John Saylor was, indeed, a great man and a great American.

Mr. BURKE of Massachusetts. Mr. Speaker, I rise today because I have lost a very dear and close friend. When John Saylor was fatally stricken on the 28th of October, I was deeply saddened, not only because I had lost an extremely valuable friendship, but rather because the country is now poorer for the loss of such a visionary person.

John served very ably on the Veterans Committee here in the House as well as being active in various civic, fraternal, and social organizations in his private life.

Also as ranking minority member on

the Interior and Insular Affairs Committee, John was well-respected and known as a diligent, conscientious legislator, whose talent lay in formulating visionary legislation preserving the vast natural beauty of this great country. A leading conservationist and long an advocate of environmental quality John coauthored such bills as the Wilderness Act and the Land and Water Conservation Fund Act for which he and former colleague Wayne Aspinall were cited as corecipients of the "Conservationist of the Year" award presented by the National Wildlife Federation in 1964. He coauthored legislation to bring the great States of Alaska and Hawaii into the Union so that Americans everywhere could share in their beauty, peace, and serenity.

John Saylor will be remembered for his accomplishments—his memorial will be the natural beauty of this great and vast country he preserved for future American generations.

Mrs. Burke and myself extend sincerest condolences to Mrs. Saylor and her family and hope she will take comfort in her hour of great personal loss in the knowledge that her loss is shared by so many.

Mr. WARE. Mr. Speaker, it was my pleasure and good fortune to know John Saylor before I came to Congress. It was a real privilege, however, and my far greater good fortune to be associated with him in this House, in which he served so ably and with such distinction. It also afforded me the opportunity to meet and become acquainted with his lovely and wonderful wife, Grace.

"Big John," as the Congressman was affectionately and respectfully called by many, had an enviable record of service to his constituents and the Nation. His record of integrity and fairness was outstanding throughout his career.

John Saylor possessed great strengths including the power which came from his religious convictions which he had reaffirmed in his address to the House Prayer Breakfast group less than 2 weeks prior to his demise.

While he made no specific reference to Tennyson's poems, I am confident he embraced the thoughts so beautifully expressed by the poet in "Crossing the Bar":

> Sunset and evening star,
> And one clear call for me!
> And may there be no moaning of the bar,
> When I put out to sea,
>
> But such a tide as moving seems asleep,
> Too full for sound and foam,
> When that which drew from out the boundless deep
> Turns again home.
>
> Twilight and evening bell,
> And after that the dark!
> And may there be no sadness of farewell,
> When I embark;
>
> For tho' from out our bourne of Time and Place
> The flood may bear me far,
> I hope to see my Pilot face to face
> When I have crost the bar.

Mr. JOHNSON of California. Mr. Speaker, it is with great sadness and a deep feeling of loss that I rise to pay my last respects to a neighbor, to a fellow member of the Interior and Insular Affairs Committee, and a colleague for whom I had deep respect.

The mark of this man can be expressed, I believe, in the words of George H. Candler, whose poem "Now" was John Saylor's favorite piece of poetry:

> "The clock of life is wound but once,
> And no man has the power
> To tell just when the hands will stop—
> At late or early hour.
> Now is the only time you own:
> Live, love, work with a will.
> Place no faith in tomorrow, for—
> The clock may then be still."

John Saylor lived each day with a zest and determination which indeed demonstrated that he wished to accomplish his mission on Earth today.

He was one of the hardest working, most dedicated Member of Congress I have ever known. On occasion we disagreed on issues but never in this disagreement was there ever anything but an honest variance of opinions of how best to serve the Nation's needs and especially as they related to our natural resources. John Saylor was a tiger when it came to a fight. A more dedicated, tenacious fighter I have not known but as in all of his endeavors he was straightforward, honest and his fights were touched with a sense of humor which came from deep within him.

A distinguished Capitol Hill Commentator said on the evening after his death:

> But the most important thing is that John Saylor was a man of integrity—a hard worker—a man devoted to his job and to his country. John Saylor was one of the many men and women on Capitol Hill who allowed me to keep faith in the system.

For John Saylor the clock now is still but the Nation and its people are better off today for his devotion to the words of the poem "Now is the only time you own: Live, love, work with a will."

Albra joins me in expressing our deepest sympathy to his lovely wife, Grace, and their two fine children, but may they take comfort in the fact that John was a good man, and his works, especially in the field of conservation, will stand for centuries to come as a monument to him.

Mr. REUSS. Mr. Speaker, I am deeply grieved by the tragic, unexpected death of Representative John P. Saylor last month.

Congress, and the Pennsylvanians he represented so well for 24 years, have lost one of the ablest workers and most effective voices in the House. The Nation has lost a patriot.

I had many opportunities over the years to work with John, and I shall dearly miss his friendship.

As ranking minority member of the Committee on Interior and Insular Affairs, he labored for years to warn us of the environmental crisis. Many of the programs now helping us to meet this challenge—the Wilderness Act, the land and water conservation funds, the Wild and Scenic Rivers Act—are the results of his legislation and leadership. John never ran from a fight, as those who saw his battle to save the Potomac at Hunting Creek will remember.

John received many awards and honors, such as the National Wildlife Federation's 1964 Conservationist of the Year Award, for this work, and the League of Conservation Voters noted last year that he was—

> A real friend of conservation at a time when friends were hard to find. Long before the issue became popular, he was a tireless defender of wildlife and wild places.

He also strived to alert us to the energy shortages confronting the Nation today. It was his legislation that established the Office of Coal Research in the Department of Interior to study how to see our vast coal resources without polluting the air.

A distinguished World War II veteran himself—he gave the Marines the first American flag raised on Iwo Jima—John worked hard for all veterans.

He also coauthored the bills providing statehood for Alaska and Hawaii, and he fought throughout his life for the little guy and the disadvantaged. He pushed for the Coal Mine Health and Safety Act to protect miners, and he struggled to restore to the Taos Indians of New Mexico their rightful lands.

He was a man the Nation will never forget, and will always miss.

I extend my sincere sympathies to his wife, Grace; and his children, John Phillips Jr., and Susan.

Mr. ANDREWS of North Dakota. Mr. Speaker, I wish to join my colleagues in expressing my own personal feelings over the loss of a distinguished Member of the House and a dear friend. I met John Saylor the very first day I was sworn in as Congressman in October 1963. I had been assigned to the Interior and Insular Affairs Committee where he was already a ranking and most respected member. His warm reception of me as a freshman member on the committee, his wise counsel, and his sharing of his vast knowledge in all areas of conversation is something I shall never forget. Even after I left his committee to go on Appropriations, I continued to seek his advice and judgment which he freely gave. He was a good friend, an outstanding conservationist, and a most distinguished Member of Congress. I shall miss him.

Mr. GAYDOS. Mr. Speaker, the House has been shocked and saddened by the untimely death of one of its foremost Members, the Honorable John P. Saylor of Johnstown, Pa.

As a colleague from western Pennsylvania, I had come to know, admire, and respect this man who stood tall among his colleagues both in physical stature and in legislative accomplishment. He rose to be a leader among us and was dean of the Pennsylvania Republican delegation. He will be sorely missed as a friend, as a colleague and a legislator.

The most gifted of orators among us will experience difficulty in finding the appropriate words to truly express the depth of our feeling for John P. Saylor. In a broader sense, however, the most fitting eulogy will come from future generations of Americans who will be able to enjoy the natural beauty of America which will be preserved in its natural state because of the Wilderness Act, legislation which was authored and so ardently supported by John P. Saylor.

During his 24 years of service in Congress, John P. Saylor authored many

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bills and has known the satisfaction of many accomplishments for the betterment of his fellow man. But particularly in the field of conservation has JOHN P. SAYLOR demonstrated his love for his country and his concern that all Americans can enjoy the rich heritage of the beauty of the majestic mountains, the dense forests, and the mighty rivers, which will be preserved for all time.

I join with my colleagues in extending my heartfelt sympathy to Mrs. Grace D. Saylor and her family.

Mr. WAGGONNER. Mr. Speaker, it is with deep regret and sorrow that I join with my colleagues today in reflecting upon the life of JOHN PHILLIPS SAYLOR, late a U.S. Representative from the State of Pennsylvania. However, it is only fitting and proper that we would pause to pay tribute to him, for few men who have served as Members of this body have done so in a more dedicated and truly distiguished manner as he.

JOHN served Pennsylvania's 12th District illustriously; and it was an honor and a privilege for me to have had, during my entire tenure of office here in the House, such an outstanding individual as JOHN SAYLOR both as a colleague and a friend. Needless to say, he will be greatly missed by me personally, as well as by others, for the sound and careful advice he so often offered to those of us who knew him and served along beside him.

While there is sadness in the Chamber as we mourn JOHN's passing, the indelible stamp he left on the Congress will never be lost. His place on both the Interior and Insular Affairs Committee and the Veterans' Affairs Committee will be difficult, if not impossible, to fill. The loss of his knowledge and understanding of, as his dedication to, the field of conservation is immeasurable, particularly in light of the many problems in this area which presently face this Congress and this Nation.

JOHN SAYLOR will be missed; our respect and admiration for him and his life's work can best be shown by a firm dedication to those purposes to which he gave so much of himself.

Mr. ESHLEMAN. Mr. Speaker, I join my colleagues in expressing profound sorrow at the death of our good friend, JOHN SAYLOR.

As dean of the Pennsylvania Republican delegation and ranking minority member of the Interior and Insular Affairs Committee, he displayed a true zeal and dedication which made him a conscientious public servant and a great credit to his country. During his long and distinguished career, JOHN SAYLOR led the fight for conservation and environmental quality years before they became popular issues. His diligent efforts in seeking benefits for coal miners and the American Indian will remain an eternal plaudit to this outstanding legislator.

I shall always cherish his sprightly wit, tireless energy, and genuine willingness to extend the warm hand of friendship to his junior colleagues. On many occasions I was the benefactor of his vast experience and wise counsel.

JOHN SAYLOR will be sorely missed by the Nation, this body, and the people of Pennsylvania's 12th District. I extend my heartfelt condolences to his wife and family in their time of grief.

Mr. ANNUNZIO. Mr. Speaker, I join the members of the Pennsylvania delegation, and especially my colleague, HERMAN T. SCHNEEBELI, who has requested this special order, in paying tribute to Honorable JOHN P. SAYLOR, a great American and a distinguished Member of this Congress.

JOHN was a ranking minority Member of the House Interior and Insular Affairs Committee, and I got to know him when he appeared on numerous occasions before the House Administration Committee, on which I serve, with reference to legislation receiving consideration in the Commerce Committee. I always marveled over his intimate knowledge of the details of all of the bills before his committee and over his legislative expertise.

JOHN had a very real concern for conserving and preserving our Nation's natural resources, and he felt this way long before environmental quality became a fashionable issue. As a Member of the Interior Committee, he was a prime mover behind such landmark legislation as the Wilderness Act and the Land and Water Conservation Act.

He was also a member of the House Veterans' Affairs Committee, and has always been recognized for the deep interest he took in the welfare of those who fought in all of our wars. During his service in the Congress, he was a steadfast supporter of more adequate benefits for all our veterans. Many will recall that he gave the first American flag to be raised on Iwo Jima, and the raising of that flag has now been immortalized with the Iwo Jima statue near Arlington Cemetery.

JOHN SAYLOR was a popular Member of the House of Representatives, and I know that all of the Members of this body admired him for his sincerity and dedication to his responsibilities in the Congress. He was a patriotic American and a warm human being. He loved his country and contributed immeasurably to her continued strength and security.

His death has saddened all those who were privileged to know him. He will be missed by the people of Pennsylvania, whom he served so well for 25 years, by those of us in the Congress, and by his many friends.

Mrs. Annunzio joins me in extending our deepest sympathy to the Saylor family on their great loss.

Mr. SHUSTER. Mr. Speaker, some men seem to shrink in stature during the course of many years of public service, while others seem to grow and become more sensitive to the needs of their fellow man and more resilient to battle and adversity. JOHN P. SAYLOR was among the latter.

He served his fellow man with dignity and distinction. Rarely have I seen a man more dedicated to helping others; seldom have I seen a man more widely respected by friend and adversary alike and more sought-out for advice and guidance.

Today we mourn the death of JOHN P. SAYLOR, but we should also celebrate his life.

Born, raised, and educated in his beloved Pennsylvania, JOHN SAYLOR learned early in life the miracles of nature and the travesty of man. He witnessed the rape of thousands of acres of the earth's masterpiece, and felt the pain of helplessness known only to those who can see beyond the present. He suffered the nightmare of reality while reaching out for the seemingly impossible. But the impossible never stayed the way of JOHN SAYLOR.

JOHN SAYLOR became the patron of conservation long before conservation became a popular issue. He was incensed at man's abuse of nature, and in the face of vested opposition and mass disinterest, set about to rectify man's assault on the environment. This took rare courage and a strong conviction, especially mindful of the industrial makeup of his district, where steel and coal provided employment for thousands.

Among the long line of accomplishments in his public career, the ones in which he took the most pride were those that protected and preserved Mother Earth for future generations of Americans.

As a freshman Congressman, I regret that my friendship with JOHN SAYLOR could not have been longer. But as a freshman, I can attest to the warmth and compassion he exuded in helping to make my transition from private to public life much easier. I can attest to the courage and conviction he displayed as the dean of the Pennsylvania Republican delegation. I can attest to the concern and unselfishness with which he represented his congressional district.

The Congress and America were richer for having JOHN SAYLOR. The service he rendered to Pennsylvania and his congressional district is immeasurable. Rarely in a lifetime are we privileged to know one who possesses the qualities and attributes which mark great men. JOHN SAYLOR was such a man.

I pay tribute to this great American today. We shall all be wanting without JOHN P. SAYLOR.

Mr. REGULA. Mr. Speaker, I knew JOHN SAYLOR only 10 months, which, for a freshman Member, have been a period of frantic initiation, orientation, and readjustment. In this hectic session, when the time to consider the perplexing problems was meager, this man gave guidance to the novice and comfort to the initiate. Where my interest was real, he intensified it. Where I was lacking, he stimulated. As a member of the Committee on Interior and Insular Affairs, he gave to conservation a new dimension and imparted to his colleagues the zeal to develop that dimension. And more—he showed us all the sheer beauty of a life of integrity and dedication to public service.

Ten months, Mr. Speaker—I wish it had been 10 years.

Mr. CHAMBERLAIN. Mr. Speaker, the untimely death of a most respected colleague and friend, JOHN P. SAYLOR of Johnstown, Pa., will be felt deeply by all of us who have had the opportunity to serve with him in the Congress. His leadership in the field of conservation, which brought him national recognition from the National Wildlife Federation

and the Izaak Walton League of America, earned him high esteem among his colleagues who looked to him for counsel. Although I have known and worked with JOHN SAYLOR for over 17 years, it is difficult to find words to convey my sympathy to his wife, Grace, and their children, Susan and John, Jr., for I know JOHN's death brings such a great loss to both his family and the people of Pennsylvania whom he has served since 1949. I would say only that JOHN SAYLOR's contribution to his constituents and his country has enhanced the role of all Congressmen indeed and gives praise to his stewardship in behalf of all the American people. While we share in his loss, we also share in an association that we will warmly remember and always be thankful for having known.

Mr. COUGHLIN. Mr. Speaker, to those of us who worked with and admired the Honorable JOHN P. SAYLOR, his death came as an unexpected and shocking blow at a time when his valued and dedicated services sorely will be missed by his constituents and by the Nation.

While the breadth and depth of his accomplishments are known in the Congress of the United States, I think his colleagues should be aware of the respect and esteem in which Mr. SAYLOR was held throughout Pennsylvania. For an individual Congressman to merit such widespread homage is indeed a remarkable tribute.

I am inserting in the CONGRESSIONAL RECORD editorials and columns which indicate the extent of the sentiment over the death of this wonderful man and great public servant:

[From the Pittsburgh Post Gazette, Oct. 30, 1973]

REPRESENTATIVE JOHN SAYLOR

Long before conservation gained its current popularity, Rep. John Saylor of Johnstown worked hard for the cause in Congress. The 65-year-old congressman, senior Republican member of Pennsylvania's delegation to Washington, died of a heart attack Sunday in Houston, Tex.

Mr. Saylor, while a stalwart Republican and a fiscal conservative, was his own man. He often differed with the "union line," yet enjoyed labor support at election time. He didn't hesitate to differ with his party, if necessary, on conservation matters or on benefits for his district (Cambria, Somerset, Indiana, Jefferson and Armstrong counties and a portion of Clarion).

A big man with a commanding presence and a strong voice, Mr. Saylor had a knack for endearing constituents to his work on their behalf. A combination tough guy and earthy congressman, he had an exceptionally good ear for the rustlings of his coal region constituency. Despite a slight Democratic edge in his district, he regularly racked up 2 to 1 majorities.

That often required a delicate balance on his positions (he usually ranked near the center in rating of both liberals and conservative groups). Yet Mr. Saylor always stated his case in the strongest possible terms. When others hemmed and hawed, he came out point-blank.

He could be the GOP's leading conservationist in the House, and at the same time advocate repeal of gun control laws. One of 15 in the House to vote against the Equal Rights amendment, Mr. Saylor demanded equal tax treatment for the unmarried as well as the married.

No one ever mistook him for one of your effete Easterners. He drove back and forth to Congress with the window rolled down in good weather and bad. His coal constituency won't see his like again.

[From the Johnstown Tribune Democrat, Oct. 30, 1973]

REPRESENTATIVE JOHN P. SAYLOR

In governmental and environmental circles of the United States, the death of Rep. John P. Saylor of Johnstown will certainly be felt. Even more so, however, will the people of his congressional district notice his absence.

Over the years since his first election to the House of Representatives back in 1949, Rep. Saylor has risen to the point where he was the fourth-ranking Republican member of the House in terms of seniority and 35th in rank overall; also, he was the dean of Pennsylvania's congressional delegation.

For years, he had been one of the nation's leading conservationists—a role that brought him prominence among environmental agencies and groups and even to serious consideration by President Richard M. Nixon for the post of Secretary of the Interior.

Those roles, though difficult to fill, eventually will be assumed by others in governmental and in private life.

It will be more difficult, though, to maintain Rep. Saylor's record of personal service to the people of this congressional district, the 12th, which covers Cambria, Somerset, Indiana, Armstrong and Jefferson counties and part of Clarion. Throughout his long tenure in the House, Rep. Saylor developed and solidified close ties to the electorate, the people, of his district.

[From the Johnstown Tribune Democrat, Oct. 30, 1973]

SAYLOR'S PASSING IS NATION'S LOSS

(By Clayt Dovey)

For Johnstown the weekend brought the shock of yet another of its leaders lost. This time it was Congressman John P. Saylor, taken suddenly and unexpectedly in death after surgery at St. Luke's Hospital in Houston, Tex. John Saylor's passing is a stunning loss to his family and friends who have always known him as an energetic and robust individual. To his constituency it marks the loss of an almost legendary representative in Washington, D.C. We haven't known any other congressman in this congressional district since 1949.

But, the Johnstown legislator's absence from the scene will be felt far beyond the limits of this political district. Saylor had established himself across the country as a friend of the land. By land I mean not just the nation which he served with distinction in and out of uniform, but the countryside. Saylor well understood the meaning of the word ecology decades before most of the grinding zealots who have been recently seized with the need to save the environment.

RECOGNIZED NEED

He loved the countryside from coast to coast and top to bottom, its mountains, prairies, seashores, timber, swamplands, lakes and rivers. He recognized the need to preserve much of its natural state, to develop a sound program of recreational use of it and to protect it from indiscriminate and wasteful exploitation by effecting a proper compromise between preservation and utilization.

John Saylor was a quarterback in conservation before there was a front line to protect him. His presence was felt across the United States in conservation matters. Every Cambria Countian, every Pennsylvanian and every American is indebted to Saylor and his compatriots for standing firm on environmental issues long before it was the vogue to do so. You had better believe that those of us who embrace the outdoors as a great treasure are the benefactors of his labors. And so will be our children, and their children, and theirs.

John Saylor never vacillated. He was consistently for conserving what was important to our national heritage. He will be sorely missed in sober environmental councils over the 50 states.

[From the Valley News Dispatch, Oct. 30, 1973]

REPRESENTATIVE JOHN P. SAYLOR

The sudden passing of Rep. John P. Saylor of Johnstown, who represented portions of the Alle-Kiski Valley in Congress for 25 years, leaves a big void in Pennsylvania's congressional delegation.

Mr. Saylor first entered congress a quarter century ago shortly after the end of World War 2. Eventually he became the senior congressman in the state delegation and one of the nation's foremost advocates of conservation. His position on a number of important committees in the House brought him to national attention.

He was the author of the Wilderness Act, designed to save land from development and he was an early backer of antipollution legislation. He also sponsored legislation establishing the Office of Coal Research, designed to find more use for coal. He was a prime mover in the Coal Mine Health and Safety Act of 1969.

Mr. Saylor also was the senior Republican member of the House Interior Committee. He was on the Veterans Committee, the National Parks Centennial Committee and the National Forest Preservation Committee.

As a politician he managed to survive in a district where organized labor is a potent force. He was able to attract and hold votes which often go to the Democrats. That he represented his district well is attested to by the fact that he was returned to the Congress so often.

While we did not always agree with Rep. Saylor—he was hawkish on the Vietnam war, for one thing—we believe on balance he was a good congressman who will be missed.

[From the Punxsutawney Spirit, Oct. 30, 1973]

WE LOSE A FRIEND

The unexpected death Sunday of Congressman John P. Saylor, of Johnstown, was a distinct shock to residents of the Punxsutawney area.

We have lost a good friend and a benefactor of note.

Saylor was instrumental in many of the achievements of the Jefferson County area in recent years. He helped cut through the red tape in Washington to make possible the housing projects in the county and principally the urban renewal project in this city.

The senior Republican in the Pennsylvania delegation in the House of Representatives and a veteran of 25 years in Congress, Saylor was known as one of the nation's first environmentalists. He was a retired U.S. Naval Reserve captain, a 33rd degree Mason and served with distinction the 469,000 persons in the 12th District composed of Cambria, Indiana, Armstrong, Clarion and Jefferson counties.

Veterans, particularly, may miss Saylor's aid in the nation's capitol. As a senior member of the Veterans' Affairs Committee he resolutely pursued increasing benefits for the men who fought in our country's wars. In recognition of his interest in the environment he was a member of the Interior and Insular Affairs Committee, the National Forest Reservation Committee and the National Parks Centennial Commission.

But it was a man and a personal friend that John Saylor counted most to the people of this area. A regular visitor to Punxsutawney he listened to his constituents with interest and compassion. The big and the small were all the same to him.

A special election will be required to fill the vacancy created by the loss of this leader. We can only hope that area politicians will,

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in selecting a successor, keep in mind the qualities of John Saylor and make an effort to find a replacement who can match his standards and elicit from the constituency the same strong support he enjoyed, and rightly so.

Filling Saylor's shoes will be a man-size Job. WOC.

[From the Indiana Evening Gazette, Nov. 2, 1973]

JOHN P. SAYLOR WILL BE MISSED

No man can receive greater honor than that bestowed by his peers.

The United States House of Representatives Monday morning made that supreme tribute to our Congressman, John P. Saylor.

Following the formal announcement to the House of Representatives of Congressman Saylor's passing last Sunday in St. Luke's Hospital in Houston, more than 30 of his colleagues rose to praise the deceased as a far-sighted conservationist, an effective legislator, a respected gentleman, and a genuine friend.

Forty-four of the members of the House of Representatives were named to attend Mr. Saylor's burial services yesterday in Johnstown.

Congressman Herman T. Schneebeli, of Williamsport, who first met Mr. Saylor while they were students at Mercersburg Academy in 1924, announced the Congressman's passing and expressed sorrow at the loss of a real friend.

House Minority Leader Gerald R. Ford likened our Congressman to a Teddy Roosevelt for his qualities as an individualist and an ardent conservationist.

Among the accomplishments achieved under Congressman Saylor's leadership during 25 years in the House were the Wilderness Act and the Land and Conservation Act as well as the Office of Coal Research and the Coal Mine Health and Safety Act. He was a cosponsor of the bills to admit Alaska and Hawaii as the 49th and 50th states.

"John Saylor," Mr. Ford continued, "followed in the footsteps of such great conservationists as Gov. Gilford Pinchot and President Teddy Roosevelt."

The fallen Congressman was praised for his concern for the needs of his constituents and at the same time being acutely conscious of the national interest.

And tributes were made by more recent members of the House, citing our Congressman as the one who welcomed them with warmth and assisted them in their early days as co-members in the House.

Congressman Saylor was honored in life by receiving such acclaim as the National Wildlife Federation's Conservationist of the Year Award for 1964 and the Izaak Walton League's Founders Award in 1970.

His service to the people of the Congressional District he represented was testified to time and time again when he was the most popular vote getter in election and after election.

The recitation of his work as a Congressman is a considerable tribute.

John P. Saylor's greatest tribute, however, may well come as untold millions of Americans enjoy the facilities of nature's wonders preserved because there was a "big man" in Congress who saw the need for conservation long before the word ecology came into the public's vocabulary.

He will be missed.

[From The Cresson-Gallitzin Mainliner, Oct. 30, 1973]

A DEVOTED REPRESENTATIVE

Congressman John P. Saylor who died Sunday morning in a Texas hospital of a heart attack was an able representative who served the people of this area well.

He was always available to discuss problems of his constituents. Despite his demanding schedule at the Nation's Capitol he would take time to communicate with his electors back home.

When necessary, he made trips into cities and municipalities served by him to personally check on matters requiring action by the federal government.

In addition he was a leading proponent of conservation and took a personal interest in veterans affairs and was responsible for much legislation in these fields.

In the true tradition of American politics, Rep. Saylor was a devoted and capable servant of the people during his nearly 24 years of public service.

SERVICE WAS HIS LIFE

Although the relationship of Cambria and Somerset counties is interlocking in many areas, it was not until this year that the two were in the same congressional district—at least within the memory of most of us.

The process of redistricting created the change, and when the results of the election were tallied, John P. Saylor became this county's representative-elect.

For more than two decades this man has been a part of the Pennsylvania delegation in Congress. In the brief time that he was Somerset County's representative, residents of this area have learned that he was always ready to serve.

Congressman Saylor was vitally interested in Route 219 and did all he could to bring to fruition this highway. When the idea of developing "priority" national highways was enacted, he was a prime mover in the plan to have route 219 included in the new designation.

Although the highway has been named the North Star Way, this newspaper would like to suggest that if ever a name change is considered, that it be called the John P. Saylor highway. It is not that we dislike the present designation, but that we feel the name change would be fitting because of the interest this man had in its being built.

Among Congressman Saylor's other interests was improving the environment, and to this end he was author of the Wilderness Act of 1969.

Coal mining is an important industry in Pennsylvania's Twelfth Congressional District, so it is not surprising, that he sponsored legislation to discover more ways to make use of this form of energy, which is so abundant in this area. That same year he was a prime mover in the passage of the Coal Mine Health and Safety Act.

Long tenure in Congress is not unusual, particularly when the representative is from a district which has a majority of the party which elected him.

In Congressman Saylor's case, however, he was a Republican from a district with a Democratic majority. His devotion to serving his district was such that members of both parties supported him, for they knew that he was a good man to represent them in Washington.

These words from President Nixon to Mrs. Saylor tell us why this unique situation developed: "His Pennsylvania constituents came to trust him implicitly for faithful representation of their interests and needs and we in Washington to count on him for unflagging legislative responsibility, independence and integrity."

No matter how efficient his successor may be, the fact remains that much time must pass before Somerset County will have a representative in Washington with as great an influence as we had prior to the time Congressman Saylor answered his last roll call.

At a critical time like this, his voice is needed, but instead of spending much time on our regrets about his departing this life, let us offer a word of thanks for the many years of service he rendered to those who were his constituents.

Mr. YATRON. Mr. Speaker, indeed today is a day of deep sorrow and grief, not only for those of us who had the privilege to serve with this great man in Congress, the Honorable JOHN P. SAYLOR, but also to the people of Pennsylvania and the Nation. For, the death of my friend and colleague, Congressman SAYLOR, marks the end of a distinguished career for one of America's truly great public servants.

Throughout a lifetime of dedicated service to his constituents, JOHN was an outstanding Member of Congress whose unwavering friendship and solid advice will always be treasured as much by me as any of those whose lives he touched during his 34 years of service in Washington. His legislative efforts in the fields of conservation, coal mine health and safety, and aid to the American Indian will forever remain as landmarks to progress in the Nation's history.

Today, as we celebrate his life and mourn his death, it is incumbent upon all of us to review with the deepest respect his many fine qualities, his years of service, his advice, friendship, diligent work, and unparalleled wit which characterized so well the life and memory of JOHN SAYLOR. He will certainly be missed in the House of Representatives, in our State of Pennsylvania and in his hometown of Johnstown.

Mr. Speaker, my wife, Millie, and I join the Congress of the United States and thousands of our fellow Americans in extending our deepest sympathy to JOHN's wife, Grace, his son, John P. Saylor, Jr., and his daughter, Susan.

Mr. SARASIN. Mr. Speaker, I join my colleagues in paying respect to the memory of JOHN PHILLIPS SAYLOR and extending my sympathies to Mrs. Saylor, his children John and Susan and his two grandchildren.

Those passing through the halls of the Rayburn House Office Building and those of us meeting in the House Chamber will definitely notice the absence of the congenial Representative from Pennsylvania. Those of us on the Hill will miss his quick wit and friendly presence, while those who did not have the opportunity to know him personally will miss the fruits of his legislative labors. All who have been involved in environmental affairs have heard mention of Representative SAYLOR, who coauthored the Wilderness Act as well as the Land and Water Conservation Act, and who was instrumental in the establishment of the Piscataway Park near George Washington's Mount Vernon residence.

Americans who have benefited directly from the work of Representative SAYLOR run the gamut from coal miners in Appalachia to American Indians in New Mexico, and of course residents of Alaska and Hawaii owe him thanks, as he was a prime factor in the drafting and passage of legislation calling for their statehood.

I consider it my good fortune to have served in the 93d Congress with Representative SAYLOR, and I appreciated the opportunity of working with him earlier this year during private pension reform hearings in Pittsburgh conducted by the General Labor Subcommittee of the House Committee on Education and Labor. I am certain that all Americans, particularly those of Pennsylvania, consider it most advantageous to have been so ably represented since 1949. We will

miss him, but we will not forget the invaluable contributions he made to our Nation.

Mr. SIKES. Mr. Speaker, again I join with my distinguished friend, the gentleman from Pennsylvania, and other colleagues in expressing my sincere regrets at the untimely death of our beloved colleague, JOHN SAYLOR.

JOHN was a man who was truly outstanding in every sense of the word. He was a good Congressman in the best sense of the word. He was a man whose work will live on for many years to come, because he contributed greatly to the important and the enduring accomplishments of the Congress.

It was my privilege to share his friendship and to know him well during the entire period of his service here. I admired him greatly, and I, too, shall miss him very much. I knew the color and drama of his personality as well as the outstanding qualities and capabilities he possessed, both as a person and as a legislator. He was the living symbol of the quality of endurance, of ruggedness and forthright honesty, and of legislative leadership.

Representative SAYLOR was a leading conservationist and the ranking minority member of the House Interior and Insular Affairs Committee. We have heard from the distinguished chairman of that committee, the gentleman from Florida (Mr. HALEY) of his great dependence on the keen intellect, the sound judgment and the legislative ability of Mr. SAYLOR in the work of that committee. Many years before the issues of conservation, natural resources, and environmental quality came to be fashionable, Representative SAYLOR was helping to shape wide national policies for these vital concerns. The coauthor of such bills as statehood for Alaska and Hawaii, the Wilderness Act, and the Land and Water Conservation Act, Congressman SAYLOR also had pushed for benefits for coal miners and the American Indian.

He played an important role in the establishment of the C. & O. Canal National Park and the Piscataway Park in Maryland, across the river from Mount Vernon. Recently he was instrumental in the approval of legislation to restore and maintain the deteriorated Congressional Cemetery, where many Members of earlier Congresses and other notables of early America are buried.

Congressman SAYLOR was also a member of the House Veterans Committee and he was well versed in matters pertaining to veterans' affairs. He was one of the original members of the 1976 Bicentennial Commission, but had to give up his work because of the press of other duties. Nevertheless, he continued his strong support of the Commission for he very much wanted to see a creditable celebration in 1976.

For good reason his Pennsylvania constituents trusted him implicitly for faithful representation of their interests and needs, but his contributions was national in their scope. The House has lost one of its ablest and most respected Members.

My sympathy and my prayers are with Mrs. Saylor, and their family in their bereavement.

Mr. CRONIN. Mr. Speaker, I first worked with JOHN SAYLOR when I came to Congress last January. I went to Mr. SAYLOR, who was a member of the Committee on Committees trying to get his support for the committee assignment of my choice. He convinced me that with my background I should serve on the House Committee on Interior and Insular Affairs. He was most convincing and I agreed that Interior was indeed a better choice.

As time went on I found that the assignment was to provide me with the invaluable experience of working with one of the most dedicated men on Capitol Hill. As ranking member of the House Interior Committee, Congressman SAYLOR was not only a fine teacher of the intricacies of the Interior jurisdiction, but also provided the fatherly advice essential to the survival of any freshman. In the short period of our association JOHN SAYLOR helped me over the unpredictable course of my first months, he smoothed my rough edges, and probably saved my learning many lessons the hard way. He has taught me not only the lessons of the Hill, but also lessons of humanity that I shall always appreciate.

I offer at this time a tribute not only to a respected and capable Member of the U.S. House of Representatives, but also to a colleague whose many contributions to our committee and the Congress will be missed.

Mr. SEIBERLING. Mr. Speaker, the death of Congressman JOHN SAYLOR saddens all of us. As a new member of the House Committee on Interior and Insular Affairs, I found Mr. SAYLOR to be an outstanding example of what one person can do to help preserve the environmental quality of our country. He was a leader in conservation legislation. But, more than that, he was a leader in how to get things done. He was a man of vision and a man of action. He saw the need in our country for wilderness and he coauthored the bill to preserve it. He saw the need for outdoor recreation for our people, and he helped create the Land and Water Conservation Fund to assist in providing it. His interests were never parochial—he worked to preserve our country's heritage for all of the people and for our future generations.

Those of us who worked with Mr. SAYLOR on the House Interior Committee will miss his wit and wisdom, his wonderful way of punctuating a fierce fight with a gentle barb. I admired him professionally and liked him personally. His career was heroic; his achievements monumental.

Mr. SAYLOR's legacy is his legislation. His memorial is in the parks and wilderness areas of our country—and in the minds of those who knew him.

Mr. WILLIAM D. FORD. Mr. Speaker, I would like to join with my colleagues today in paying respect to JOHN SAYLOR, whose untimely death has robbed us, and the Nation, of an outstanding public servant.

Congressman SAYLOR was held in universal high regard on both sides of the aisle. He was knowledgeable and personable, and had a well-deserved reputation for "doing his homework" on legislation before the House. He understood the workings of Congress, and he had a tremendous grasp of the legislative process.

His contituents, and the entire State of Pennsylvania, have lost a legislator who represented them with devotion and skill. His leadership in the cause of conservation dated back many years, before it became a popular issue. Every American who loves the outdoors owes a debt to Congressman SAYLOR, who dedicated himself to preserving the natural beauty of our land.

I extend my deep sympathy to John's wife and children, and to his host of friends, in their bereavement. I know their grief is tempered by the knowledge that he enjoyed a long and fruitful life.

Mr. ICHORD. Mr. Speaker, with the passing of JOHN SAYLOR, this body, the Commonwealth of Pennsylvania, and this Nation, lost a man of unparalleled personal and leadership qualities.

JOHN was a man of compassion, goodwill, and foresight. As a ranking minority member of the House Interior Committee, he led the Nation for a number of years in the fight to preserve our country's environment. He was known as Mr. Conservation and received a number of conservation awards for his fine efforts including the Conservationist of the Year Award from the National Wildlife Federation in 1964 and the Founders Award of the Izaak Walton League of America in 1970. JOHN played a leading role in enacting the Wilderness Act, the Land and Water Conservation Fund Act, and many other pieces of conservation and environmental legislation which today protects our forests, waters, and wildlife. He also assisted in establishing numerous national parks across this Nation and his service on the National Forest Preservation Commission and the National Parks Centennial Commission will remain as a lasting tribute to JOHN's hard work and deep concern for the environment.

JOHN's able leadership and legislative talents went far beyond the environment. As a member of the Veterans' Affairs Committee, he worked for national cemeteries for veterans and expanded medical care for veterans. JOHN himself ably served this Nation in World War II. The first American flag given to the marines at Iwo Jima, now memorialized in the Iwo Jima statue near Arlington Cemetery, was given to those marines by JOHN SAYLOR.

JOHN's mastery and knowledge of a variety of legislative issues was always impressive. In addition to his deep concern for the environment and veterans affairs, JOHN cosponsored the legislation establishing statehood for Alaska and Hawaii; worked long and hard for coal mine safety; deeply involved himself in Indian affairs; and was instrumental in including significant amendments to the Alaska pipeline bill.

Mr. Speaker, JOHN SAYLOR will be sorely missed by this body, and I join with many other Members of the House in extending my deepest personal regret at his death to his family and to his State of Pennsylvania.

Mr. HAMMERSCHMIDT. Mr. Speaker, I was shocked and saddened to learn of the untimely death of my good friend and colleague, JOHN SAYLOR.

As John and I pursued our common goal of perfecting a sound structure of veterans benefits as members of the Committee on Veterans' Affairs, I came to know him well. I have profited from his wisdom and experience. I have been enriched by his humaneness.

Those who knew John Saylor as the ranking Republican member of the Committee on Interior have recalled his ardent interest in ecology and the environment. He has been called Mr. Conservationist by those who are familiar with his leadership in this important field.

Those who are familiar with his efforts on behalf of the Nation's veterans know that John Saylor could well have been called Mr. Veteran. His aggressive articulation of his views made him a most effective champion of the veterans benefit program.

His efforts on behalf of the Nation's veterans have long been recognized by the major veterans organizations. Just a short time ago, the AMVETS presented their coveted Silver Helmet Award to John Saylor as the Member of Congress who had contributed most to the welfare of veterans. This award was richly deserved.

Mr. Speaker, the Nation's veterans have lost a great advocate, the Congress and the people of Pennsylvania's 12th District share the loss of a dedicated Representative and I have lost a dear friend.

To Mrs. Saylor and their children, I extend my heartfelt sympathy in their bereavement.

Mr. QUIE. Mr. Speaker, the House of Representatives will not be the same without our respected colleague, John Saylor. It was my good fortune to know John and to work with him on a number of legislative matters pertaining to conservation and natural resources.

Whenever one thought of a conservation issue, the next question was how did John Saylor feel about it. His opinion was widely respected. He was always in the forefront of those seeking better conservation practices and the enlargement of those lands set aside for future generations to enjoy.

His honesty, forthrightness and devotion to the causes he believed in are certainly worthy of emulation.

Mr. ARMSTRONG. Mr. Speaker, in a most literal sense, John Saylor was a leader—a man ahead of his time.

When he came to Washington, he was concerned with conservation, wilderness, and responsible land use and land policies. That was in 1949—long before the environment became the popular, sweeping movement it is today.

I would simply like to say that he was a man who did what he believed in, and believed in what he did. He was a man who could deal with the complexities of public land law.

I regret time did not allow me to be more than a brief acquaintance of such a man.

Mr. MONTGOMERY. Mr. Speaker, I commend my colleague, Congressman Schneebeli, for securing this time today in order that we might pay tribute to our departed friend and colleague, John Saylor.

John is probably best remembered for his outstanding contributions to the field of conservation in America. However, I will remember him best for his very sincere interest in our veterans. I had the privilege of serving with him on the House Committee on Veterans' Affairs and we also served on three of the same subcommittees. John Saylor always exhibited a deep and abiding concern for our veterans and always wanted to make certain that we were doing everything possible as a nation to benefit our former servicemen. During the height of the Vietnam war he joined with other members of the committee in an attempt to update our veterans laws in order to make sure that when these servicemen and women returned home they would receive the benefits to which they were entitled.

Mr. Speaker, I will miss John Saylor's leadership on the Veterans' Affairs Committee, but most of all I will miss him as a friend and adviser.

Mr. MATHIAS of California. Mr. Speaker, it is with deep sorrow that I join with my colleagues in paying tribute to John P. Saylor, one of the finest Members of the House of Representatives. He was a dedicated and conscientious Congressman who labored tirelessly to serve the people in his district and the Nation as a whole.

As one of the Nation's foremost conservationists, he helped to awaken the Nation to the need for conservation and was instrumental in leading the Congress to enact laws to protect and conserve our limited natural resources. He helped to lay the groundwork for the progress we are now making to protect the environment. All Americans owe John Saylor a vote of thanks for his leadership and dedication.

John Saylor will be remembered not only for his accomplishments in environmental matters but also for his compassionate concern for the welfare and security of all Americans.

My wife, Melba, and I extend our deepest sympathies to the Saylor family in their hour of sadness.

Mr. ZWACH. Mr. Speaker, conservation lost one of its brightest lights in the untimely and universally mourned death of the good friend of all mankind, Congressman John P. Saylor, ranking member of the House Committee on Interior and Insular Affairs.

It was my privilege to sit and work with him on the Veterans Affairs' Committee. He was far-sighted and dedicated to the needs of those who served their country.

But more than that, John Saylor was a conservationist of the highest order.

He spoke, practiced, and originated legislation for conservation, for the preservation of our natural resources, and recreational opportunities before some of today's vocal activists were born.

He has never relaxed his efforts nor surrendered his leadership.

As a mark of his effectiveness and the esteem with which he was regarded by his fellowmen, he was most justly named "Conservationist of the Year" by the National Wildlife Foundation in 1964.

I will miss the leadership and wise counsel of John Saylor. My colleagues, our Nation, and our entire planet will feel the loss of his passing.

Mr. GINN. Mr. Speaker, although this is my first year as a Member of Congress, in the short time that I was associated with John Saylor, I came to know him as a gentleman who had great love and respect for his country, family, colleagues, and all matters related with his work in Congress.

With the passing of John Saylor, it is a loss to us all because of the characteristics of hard work and genuine personal warmth which he possessed. His concern for the welfare of his constituents and his fellow Americans will be remembered by all of us in the House. The work and dedication which Congressman Saylor exhibited toward Interior and Insular Affairs has been progressive for all Americans concerned with adequate recreational areas and the preservation of our natural resources. Conservation was a subject very near to John Saylor's work and very dear to his heart.

Throughout his life he was honored publicly for his unselfish work toward causes be believed in. Personally, I also respected his determination to do his best for the people of the 12th Congressional District of Pennsylvania and the citizens of our Nation. Today, I join with my colleagues in mourning his loss from our presence.

Mr. BOLAND. Mr. Speaker, the American people have lost a truly foresighted legislator with the passing of our respected colleague, John P. Saylor of Pennsylvania.

His constituents from the 12th congressional district will discover it a difficult task finding a man of his caliber and vigor to represent them in the House.

We who were his friends and fellow Members will remember with pleasure his wit and sound advice but feel his loss keenly for the absence of a sage and able intellect in our midst.

John Saylor was one of the few men who saw quite early the importance of preserving our wild and untouched lands against the erosion of commercial expansion.

He was the coauthor of the Wilderness Act, the Land and Water Conservation Act, and sponsored numerous other legislative initiatives to preserve and protect the untamed beauty of our natural resources.

He will also be remembered for his untiring efforts on behalf of veterans and for his compassion for miners and American Indians.

In fact, the aggressive, commonsense approach that this rugged American applied to all he did won him the respect of all those with whom he came into contact.

John Saylor served in Congress for nearly 25 years.

He served the Nation, his district and his colleagues in a manner which will bring everlasting credit to his name.

From this time onward his service will offer a model for those who will follow him and, in these troubled times, those whom he has left behind to pick up the fights that he fought.

Mrs. Boland and I wish to extend our deep and heartfelt sympathies to Mrs. Saylor and her children during this time of sorrow.

Mr. FLYNT. Mr. Speaker, I join my colleagues in paying tribute to the memory of my friend and colleague, the Honorable John P. Saylor, late a Representative from Pennsylvania. In his more than 24 years in the House of Representatives, he gave to his constituents and our country dedicated and distinguished service.

John, in his concern and devotion to the American people, exemplified the model of the sincere, dedicated and conscientious public servant. Throughout his 24 years as a Member of this body, he continued his courageous drive for the betterment of the American people and the American way of life. This Nation is certainly a better place and our land and waters are in a cleaner and better condition today than they would have been without the knowledge and effective work of Representative Saylor.

He was a man of profound convictions and represented his district and the Commonwealth of Pennsylvania admirably. John earned and deserved the admiration and respect of all of us who served in the House of Representatives with him. He will be missed by the people of his district, his State, and his colleagues in the Congress.

To his wife and children, my family joins me in extending our condolences and heartfelt sympathy.

Mr. YOUNG of Florida. Mr. Speaker, I join with my colleagues in this tribute to the late John P. Saylor with a deep sense of sorrow and loss. The House has lost one of its finest Members, and millions of Americans have lost a hardworking champion of conservation.

In more than 20 years in the House, John worked hard and effectively to preserve our Nation's wilderness lands for future generations of Americans. He devoted himself to the environment long before it became a popular cause throughout the Nation, opposing massive public works projects which would have defaced great scenic treasures, and writing such landmark conservation measures as the Wilderness Act and the Land and Water Conservation Fund laws. He was the first Member of the House to win the National Parks Association award for distinguished service on behalf of national parks and monuments, and he was also honored with top awards by the National Wildlife Federation and the Izaak Walton League. There is not a State in the Union whose residents have not benefited from Representative Saylor's efforts as ranking Republican on the House Interior and Insular Affairs Committee.

Less known but equally effective were his activities on behalf of the miners of his district and the veterans of our Armed Forces. He sponsored legislation establishing the Office of Coal Research and was a leading supporter of the Coal Mine Health and Safety Act. Many veterans organizations have praised him for his service on the House Veterans Affairs Committee in helping to obtain increased benefits for war veterans.

Those of us in the House who had the privilege of working with John Saylor will long remember the expertise and dedication which served as an example to us all. And throughout America stand living memorials to his presence—the parks, wilderness areas, and scenic wonders which he loved and fought so hard to preserve.

Mr. CAMP. Mr. Speaker, I was shocked and saddened by the sudden, tragic death of my friend and colleague, John P. Saylor.

As a member of the House Committee on Interior and Insular Affairs, I had the privilege of working with John closely for the 5 years I have been in Congress. That he was an intelligent and effective Member of Congress goes without saying; he was an expert legislator, highly respected in the House and consistently looked to for guidance and expertise on matters relating to the conservation of our natural resources.

More than that, though, John was a warm, fine human being whom I was proud to call a friend. I was one of the Members who flew to Johnstown to attend John's funeral and offer the last respects of the House, only to be prevented from landing due to poor weather conditions. As the plane circled and we hoped for an opportunity to set down, our thoughts naturally turned to John Saylor. Though the occasion was a tragic one, we could not help but be heartened by considering his probable reaction to such a predicament. There was no question but that John would have had us all in high spirits.

John Saylor was a good man, large of stature, large of heart. He loved and served well his country and his countrymen and I believe that this love was returned.

To his wife, Grace, his daughter, Susan, and his son, J. Phillips III, I offer my heart felt condolences. We will all miss John greatly.

Mr. DELLENBACK. Mr. Speaker, it was with deep sorrow and great regret that I learned of the untimely death of our colleague from Pennsylvania, John Saylor. For the past 3 years it has been my pleasure to serve with him on the Interior Committee and in that time I came to appreciate him as a person and his effectiveness as a legislator. It was in his position of ranking minority member of this committee that he made some of his greatest contributions to the law of the land, including cosponsorship of the Wilderness Act and of the Land and Water Conservation Act.

I came to appreciate particularly keenly both his knowledge of conservation issues and his willingness to fight for the principles in which he believed when we worked together recently in committee on the Alaskan pipeline bill. His support of some of my proposed amendments in subcommittee, in full committee, and in the conference committee was instrumental in achieving the inclusion of significant parts of them in the final reported version of the legislation.

It is indeed a major loss for the Congress when it loses a Member like John. He was extremely knowledgeable and dedicated and was also able to maintain a sense of humor. I regret the death of our able colleague and offer my deepest sympathy to his family.

Mr. VANDER JAGT. Mr. Speaker, John Saylor was a great man who spent his life in service to others.

We all know of John's leadership in the field of conservation and of his endeavors to protect the Nation's scenic and natural resources. But in doing so, he looked first and foremost to the needs of the 12th District of Pennsylvania.

The Reverend Regis H. O'Brien, TOR, of St. Francis Seminary, Loretto, Pa., a long-time personal friend of our late colleagues, in delivering the funeral eulogy, in my mind expressed so accurately the feelings of all of us.

Referring to John's stature, he said, "the greatest tribute that could be paid to John is that his heart was as big as his frame."

"John Saylor," he said, "was a great man who achieved national and even international fame." The priest said our colleague was unique in politics because "he made no empty promises and took the utmost steps to secure that which he promised. His career could be described in one word—impeccable."

The grief of his devoted wife Grace, and of Phillips and Susan, is shared by all of us who had the privilege of knowing and working with John. May our profound respect for his memory sustain and comfort them in their great loss.

Mr. ROYBAL. Mr. Speaker, it is with a deep sense of personal loss that we take note of the passing of our friend and former colleague, the late John P. Saylor.

John Saylor served in the House for more than two decades and, during this time, he continually proved himself a dedicated representative both for the interests of his constituency in Pennsylvania and the Nation as a whole. As a freshman congressman, I had the privilege of serving with him on the Interior Committee and recall my high regard for his avid interest in the area of conservation, long before it had come to the fore as a matter of public concern.

John Saylor will long be remembered as one of our outstanding congressmen—one who brought to his office a wisdom and judgment that distinguished his career in the House of Representatives. To his family and friends I extend my sincere sympathy and condolences.

Mr. SMITH of Iowa. Mr. Speaker, I want to join with my colleagues today in paying tribute to the memory of our distinguished colleague from Pennsylvania, the late Honorable John P. Saylor. I speak with sadness of the shocking loss his death has been to me personally, as well as to his family and friends, and all those who have known and worked with John in these past years. It would be repetitious to cite the many, many instances when he has displayed creative leadership in the House, and his contributions in the field of conservation and the environment are of inestimable value to our Nation. Indeed, the Nation suffers when it loses such a man—a man whose imprint will be long felt across the land.

I feel very fortunate to have known John for more than 15 years, and to work with him. His memory will serve as an inspiration for many years to come.

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My family and I extend our deepest sympathy to his wife and loved ones. JOHN P. SAYLOR will be deeply missed, for the House has lost a truly dedicated servant, a great man.

Mr. BROWN of Ohio. Mr. Speaker, all of us of this House are deeply saddened at the passing of our distinguished colleague, JOHN SAYLOR. For 24 years he has been faithful in the service of his country, devoting all his talents and energies to the competent fulfillment of his duties. It has been a distinct privilege to serve with him these several years in the House of Representatives. Mr. SAYLOR distinguished himself as the ranking member of the Committee on Interior and Insular Affairs, as well as a member of the Veterans' Affairs Committee. His presence on these committees and in this legislative body will be very much missed.

I extend to his family, friends and constituents my deepest sympathy. May they derive some consolation from the knowledge that their loss is shared by many friends and acquaintances.

Mrs. HANSEN of Washington. Mr. Speaker, today I join my colleagues in paying tribute to our very distinguished fellow Congressman, JOHN SAYLOR of Pennsylvania.

I had the privilege and pleasure of serving with Congressman SAYLOR on the Interior Authorizing Committee for 2 years and in the years following when he served on the Interior Appropriations Committee.

I was particularly pleased in having the advice, counsel, and good judgment of Congressman SAYLOR many times. He was an outstanding Member of this House, an outstanding public official, and his service to the Nation in the fields of conservation and resource management will be a permanent part of our national structure.

All Americans have lost a great citizen and worker for them. My deepest and sincerest sympathy to his charming widow and to the State of Pennsylvania for the loss of our very beloved friend.

Mr. CLEVELAND. Mr. Speaker, I wish to join today in tribute to JOHN SAYLOR, Member of Congress and friend. His death represents a personal loss and creates a great void in this body whose stature he enhanced by his service to the Nation.

JOHN SAYLOR had all the attributes of legislative leadership. He had the vision and informed concern which led him to espouse the cause of the environment long before it became fashionable. With these he combined a grasp of the facts, determination, and persuasive powers—rooted in the respect in which he was held by his colleagues—to see this concern translated into concrete accomplishment.

Thus he helped shape such legislative landmarks as the land and water conservation fund, the Office of Coal Research, the Wilderness Act, the Coal Mine Health and Safety Act, and a number of other measures dealing with conservation and the environment over the years.

He was the first Member of Congress to receive the National Parks Association Award, in 1954, and in 1958 was the first recipient of the National Conservation Award from six leading conservation organizations. In the years since he has been honored by such organizations as the National Wildlife Federation, the Izaak Walton League, and the Sierra Club.

I shall always value my recollections of working with JOHN in efforts ranging from legislation to project endangered wildlife species to the fight to retain user fees for recreational facilities on federally owned land. We lost that last one, but I understand that shortly before his death JOHN was preparing to reintroduce legislation to continue that fight.

Recognition accorded JOHN by the National Federation of Independent Business for his espousal of economy in government and by Americans for Constitutional Action demonstrates that his brand of conservationist convictions is wholly in keeping with conservatism.

The same may be said for his warmth as a person, and the compassion which he brought to his duties on the Committee on Veterans' Affairs, which also brought him due recognition.

JOHN also was keenly aware of the need for reforms in this body, and was unrelenting in his insistence that legislative committees be given a fair share of competent staff responsible to the minority.

Several Members have already spoken in the days since JOHN's death of his spirit of cooperation. I shall always recall with gratitude his willingness to travel at great inconvenience to Colebrook, N.H., and deliver a speech to a conservation group, at the request of this Member, so junior to him in terms of service. This readiness on the part of a senior Member to exert himself to lend assistance and encouragement to a newer Member was a source of warm regard JOHN could inspire.

Mr. Speaker, at the time President Nixon nominated GERALD FORD to the post of Vice President, I hailed that action as a most worthy choice. At the same time, I took that occasion to remark that it represented a too-rare instance of recognition of the capabilities and capacity for service among some career Members of the House. Too seldom is the attention of the Nation at large directed to our more outstanding Members, unless association with controversy thrusts them into the limelight. The works of the JOHN SAYLORS among us thus too often go unrecognized by the general public.

But those who record the real contributions of the two and a half decades he served in the Congress will mark his accomplishments. JOHN SAYLOR has honored his constituency, the Congress, and the country by his achievements.

Mrs. SULLIVAN. Mr. Speaker, the late Congressman JOHN SAYLOR of Pennsylvania was not only one of the most respected Members of the House of Representatives, he was also one of the most popular Members of this body because he was, above all, a fine and decent and warm-hearted human being.

He was generally regarded as one of the outstanding conservationists in the House, even before he became ranking minority member of the Committee on Interior and Insular Affairs. As chairman of the House Committee on Merchant Marine and Fisheries, which also has responsibility for much conservation legislation, I frequently consulted with JOHN SAYLOR on such issues, along, of course, with the Merchant Marine Committee's own legislative star in this field, Congressman JOHN D. DINGELL of Michigan.

But I will remember JOHN SAYLOR in many, many other ways as well—primarily as a man of deep humanitarian attitudes who had the courage to take strong and forthright and completely independent positions on legislation intended to help the poor and jobless and the disadvantaged people of his District and of this whole country. When it came to a choice between party regularity and human values—as it frequently did during the years that JOHN SAYLOR was in the House—he could usually be found voting for legislation to help those who most needed help, because he was acutely aware of the problems of the aged, the sick, the jobless and the helpless.

I shall never forget the day in 1957 when JOHN SAYLOR was the only Republican Member of the House of Representatives to vote on a crucial teller vote in support of a food stamp amendment I had offered to a pending agricultural bill, the first time this issue ever came to a vote in the House. Interestingly enough, it was JOHN SAYLOR's fellow conservationist, Congressman JOHN DINGELL, who "bent" the House rules just a bit that day to make a speech commenting on JOHN SAYLOR's lonely and courageous action as the only Republican to go through the line on tellers to vote in favor of a food stamp program. As the Members know, teller votes were not recorded in those days, and much good legislation could be killed in Committee of the Whole House on the State of the Union on anonymously cast teller votes.

JOHN SAYLOR not only voted for food stamp legislation in the days when every other member of his party in the House was opposing it, but he joined me in testifying before the House Agriculture Committee, which was generally hostile to the idea in those days, and he spoke on the House floor for my food stamp bill when it was defeated in 1958 and passed in 1959, and again in 1964 when the present program was finally authorized by law.

Prior to the enactment of the Food Stamp Act of 1964, President John F. Kennedy and Secretary of Agriculture Orville L. Freeman, in 1961, at my urging, instituted a small number of test food stamp projects; and, when this program began to prove its value and was expanded into other areas of the country, still on a pilot project basis, I was delighted to join JOHN SAYLOR in urging the White House and the Department of Agriculture to include the Johnstown, Pa., area of Mr. SAYLOR's district among the tests projects. And after watching this program in operation in his district, Congressman SAYLOR went before the Agriculture Committee and later before the House to describe in eloquent terms the differences in the effectiveness of food assistance when given under the food stamp program compared to the

then widespread program of direct distribution of some surplus foods, such as powdered eggs and dried milk and canned lard and dried beans and an occasional tin of canned beef and gravy, and so on.

In later years, JOHN SAYLOR joined me in criticism of abuses which were often winked at under the program, and legislation which sought to turn the food stamp program into a substitute for adequate social welfare programs. He was softhearted but hardheaded, and a bitter foe of cheating and waste. And I admired him for that, too.

I shall miss a good friend and a conscientious public servant, a man we were privileged to have as a colleague.

Mr. MANN. Mr. Speaker, the sudden death of our friend and colleague, JOHN PHILLIPS SAYLOR, distinguished Representative from the State of Pennsylvania, has saddened us all and left a place in the House of Representatives that will be hard to fill.

JOHN will be remembered as "Mr. Conservation," as one of the leaders of an environmental movement the importance of which most of us were not as quick as he to recognize. As ranking minority member of the House Interior and Insular Affairs Committee, JOHN put long hours and dedicated effort into the Land and Water Conservation Fund Act, the Wilderness Act, and the preservation of national parks, including Piscataway Park in Maryland. The beauty of the land he helped to protect will be an appropriate memorial to him.

As a member of the Veterans' Affairs Committee, JOHN pushed through legislation providing national cemeteries and medical care for veterans. He also fervently supported the rights of the American Indians and Alaskan Natives, and was instrumental in the passage of the Coal Mine Health and Safety Act.

There is never enough time to do the things we want to do once we find them. But JOHN SAYLOR managed to accomplish more in his lifetime than many of us ever can, and I am grateful for the legacy he left us.

Mr. DE LA GARZA. Mr. Speaker, the loss of this House in the passing of JOHN PHILLIPS SAYLOR is a personal loss to me as to many other Members.

JOHN SAYLOR was my friend. He liked south Texas, the area I represent. He liked the people from my district who visited me here. He liked the deer head mounted in my office, although he was given to sly suggestions that if he had shot the deer it no doubt would have been a bigger one. And it probably would have been.

JOHN SAYLOR thought big. He was a big man—not only physically but also in his understanding of other people and their problems and concerns. As ranking minority member of the Committee on Interior and Insular Affairs, he often used his position to assist me in my efforts to bring about the construction of needed reclamation projects in my district. He was a tower of strength in helping handle legislation of great importance to the people of south Texas.

Before I came to Congress, where my friend had served since 1949, he had much to do with enactment of the small reclamation projects legislation during President Eisenhower's administration. This legislation has been a great boon to my area, as I told JOHN SAYLOR after I came here and knew him.

This was a man who made a tremendous contribution to his country, his good work extending far beyond the Pennsylvania district he represented so outstandingly. I miss JOHN SAYLOR and will always remember him as a good friend and a forceful legislator.

Mr. CONTE. Mr. Speaker, the untimely death of our beloved colleague JOHN P. SAYLOR has plunged us all into a darkness of spirit.

Long before "ecology" became a household word, JOHN SAYLOR was stepping to the tune of the different drummer that he heard, warning us of the wrong we did to our land in the name of progress.

It was my pleasure to put my shoulder behind many pieces of legislation sponsored by JOHN SAYLOR. Then, with shoulder to shoulder we fought many a legislative battle together.

Imbued with a deep sense of purpose and dedication, he was a "force" to be reckoned with as the ranking Republican member of the House Interior and Insular Affairs Committee. His hand was evident in every piece of legislation emerging from that committee.

The environment was only one of the concerns to which JOHN SAYLOR lent his great talents and boundless energy. Helping our Nation's veterans was another cause close to his heart. As one who shared his deep and abiding interest in assisting those who gave so much when called to the service of their country, I can only say, with profound sadness, that a strong voice on behalf of our former military men and women has been stilled with his death.

JOHN SAYLOR's hard work in those two areas and others was noted and appreciated. He was widely honored and cited. But nowhere was his dedication more greatly appreciated than in the 12th Congressional District of Pennsylvania where his constituents mourn his passing. There, as here in this Chamber, his loss is deeply felt.

At this time, I join with my colleagues in extending my deepest sympathy and that of my wife, Corinne, to JOHN's wife, Grace, and their children John and Susan, and the rest of the Saylor family.

Mr. BINGHAM. Mr. Speaker, at a time in American history when so many dedicated and talented people are needed to provide leadership and inspiration we can ill afford to lose men such as Congressman JOHN SAYLOR on the Committee on Interior and Insular Affairs in the 89th Congress and again in the 93d. His leadership on conservation matters was an inspiration to all of us on the committee. Moreover, his great fund of knowledge in the areas within the committee's jurisdiction was of enormous help to the less well informed members.

JOHN SAYLOR would have provided great wisdom to the Congress in the difficult decisions we now face, weighing the need to protect our environment against the exigencies of an energy shortage.

In short, JOHN SAYLOR will be sorely missed in the Committee on Interior and Insular Affairs and in the House itself.

Mr. FREY. Mr. Speaker, I had the pleasure to know the gentleman from Pennsylvania, JOHN SAYLOR, for the last 5 years. I admired and respected him greatly as did all Members of the House. His leadership in many areas—especially that of environment—set high marks for all of us. The legislation that he brought about will be a living memory to his ability, his dedication and the great respect with which all Members regarded him.

However, there was another side to the gentleman from Pennsylvania. As a younger Member, he appeared extremely gruff and hard-bitten to me. At first, I tended to shy away from him, not being certain as to his reactions. One day riding over in the subway I was smoking a cigar. The wind caught the ash and of all things, it landed on a new pair of double-knit trousers that JOHN was wearing. For a while I thought that my world was coming to an end. After much apologies, including a written letter to JOHN and an offer to get him a new pair of pants, I learned that there was indeed another side to the gentleman from Pennsylvania. He was gracious, kind, and had a wonderful sense of humor. Many times after that incident he would kid me about my nickel cigars and ask me if I was working for the garment industry. I learned, as many other younger Members had learned, that this was a true gentleman, a man who would fight for what he believed in but also someone who was very human.

All of us have lost a wonderful friend and a great Congressman. I am sure most of us in the Congress only hope that we can be half as well respected and half as well liked as the gentleman from Pennsylvania, JOHN SAYLOR. Marcia and I send our thoughts and prayers to his family.

Mr. GUYER. Mr. Speaker, I am certain there is a feeling of great regret and deep sorrow in the hearts of every Member of this body due to the untimely death of our dear friend and colleague, JOHN SAYLOR.

My deepest regret is that I did not get to know JOHN better in my short time here in Congress.

JOHN SAYLOR spent nearly a quarter of a century in service to his country. He will always be remembered as a distinguished legislator, an ardent conservationist, a prophetic innovator, a community stalwart, and a fine American.

The Statehood of Alaska will be his abiding memorial. His vision was great, his labors were unselfish and his dedication was complete. Such a man always stands tall in the eyes of his fellow Americans and such a man never dies.

Mr. UDALL. Mr. Speaker, JOHN SAYLOR is gone, but the influence of his wisdom and character on this country will be felt for decades to come.

It was my good fortune to be his friend, and to fight at his side in most of the major environmental battles of our time. The last time we shook hands was the week before his death; we had just finished the final meeting of the confer-

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ence committee to decide the fate of the Alaska pipeline controversy.

In that meeting, as in every other he attended, he was a dominant and powerful presence. He had a direct—if sometimes salty—way of expressing himself; no one ever doubted where JOHN SAYLOR stood. And he had a sense of irony and a natural wit which was a joy to experience. He could make his point with wit and occasionally biting humor. In his hands these were powerful weapons.

History will surely mark the 1960's as the time America awoke to the ravages to the environment. And when future generations list the men and women who led that awakening, JOHN SAYLOR's name will be one of those at the top. Consider the landmark legislation of that time; the Land, Water and Conservation Act, the Water Quality Act of 1965, the Clean Air Act of 1963, the Clean Water Restoration Act of 1966, Clean Air Amendments and Solid Waste Disposal Act of 1965, the Air Quality Act of 1967, Wild and Scenic Rivers Act, the list of major measures in the fields of conservation and environment goes on and on, and JOHN SAYLOR was a major sponsor of most of them.

JOHN SAYLOR was no armchair sportsman. He loved the outdoors and liked nothing better than to enjoy firsthand the streams and woods he sought to save for future generations.

He possessed legislative skills, a keen legal mind and an ability to find compromise that could move an important bill forward when stalemate threatened. He was truly one of the finest legislators of this era.

This country owes JOHN SAYLOR a great debt for his devoted public service. He leaves behind a tremendous legacy in the wilderness he worked so hard to preserve.

Mr. GOLDWATER. Mr. Speaker, the untimely death of our great friend and distinguished colleague, JOHN SAYLOR, is a severe blow to the Congress and the Nation. While I did not know JOHN as closely as many of my senior colleagues, I counted it a rare privilege to serve with him and observe his leadership in so many areas of national concern.

All of us are aware of the invaluable contributions that he made toward conservation and providing for a cleaner environment. While we are the beneficiaries of his leadership and counsel here in the House, those who will benefit most from his great works, will be future generations of Americans. As the ranking Republican on the Committee on Interior and Insular Affairs, there is no question that his dedication to a beautiful America, and a clean America is a legacy for our children and their children.

He indeed was a prophet in his own time, and he received awards and honors for his pioneer work in conservation and the environment too numerous to mention. He was richly deserving of this recognition. Certainly, those of us from the Western States will never forget his thoughtful concern for our conservation problems. We had many opportunities to thank him, and during this tribute to his memory, I want to thank him once again. Truly, when we think of JOHN SAYLOR, it will be in the company of men like Theodore Roosevelt and Gifford Pinchot. When future recognition is given to America's great conservationists, another name is in order, that of JOHN SAYLOR.

At this time, I want to extend my deepest sympathy to his wife and their children. They have lost a devoted husband and father, and his colleagues have lost a devoted friend.

Mr. PICKLE. Mr. Speaker, when the House of Representatives lost JOHN SAYLOR, truly it lost one its giants.

JOHN SAYLOR was driven by an intense desire to render big service to his country. We saw that desire fulfilled again and again through his continual and arduous efforts.

JOHN SAYLOR was No. 1 when it came to conservation. It was a position he gained over years of dedication, not a shallow thing. We owe the existence of many of our wilderness and park areas as well as major conservation legislation to his efforts.

He also had a large concern for our veterans, and over the years was a continually successful leader in efforts to secure for our veterans things which were rightfully theirs.

JOHN SAYLOR's big heart was evident in his battle for black lung legislation and other legislation concerned with helping people in need.

I had an opportunity to make a trip with JOHN and his wife, Grace. In the long hours we spent together talking and relaxing, I saw again the depth and breadth of this man's concern. He was a warm human and a big man in every way. He was fearless, courageous, and strong willed. And he was a constant credit to the people of Pennsylvania, to this body of Government, and to his country.

I shall miss him greatly.

Mr. BRAY. Mr. Speaker, it was with great sorrow and sadness that I heard of JOHN SAYLOR's death. He came to Congress, in a special election, 1 year before I did. We had much in common—his district and the district I had then had much coal mining. I learned much from him.

He was a strong, forceful man. Some say he was outspoken. Yes, he was; but he always was pleasant in making his point.

"BIG JOHN" was what we called him, and, indeed, a big man he was—physically and mentally.

The Congress and the American Republic are poorer because he is gone, and all who knew him will miss him.

Mr. COLLIER. Mr. Speaker, it is difficult to realize that our able colleague from Pennsylvania is no longer with us.

JOHN P. SAYLOR had already been a Member of the National House of Representatives for 8 years when I took the oath of office for the first time. During the years that have elapsed since we became colleagues, I learned to respect him not only as an able, dedicated, and conscientious legislator, but as a good and loyal friend to whom one could always go for constructive counsel and worthwhile assistance.

After honorable service in the U.S. Navy during World War II, he continued to serve his community and his State as a businessman, an attorney, and a civic leader. During the crisis-filled years from 1949 to the present, almost a quarter of a century, he was a Member of this great body.

I had the privilege when I first came to Congress of serving with him on the Interior and Insular Affairs Committee, of which he became the ranking minority member. During that time the committee was working on the Alaskan and Hawaiian Statehood legislation. I thus developed early in my career a great respect for his ability and drive in getting things done. He fought hard in the Congress and as a member of the committee, not only for the conservation of our God-given natural resources, but for an equally important fiscal responsibility.

Mr. Speaker, the life and career of our departed colleague should serve as an inspiration to others. His loved ones can take consolation in the knowledge that he did his best for his community, State, and Nation.

Mrs. BURKE of California. Mr. Speaker, I was deeply saddened to learn of JOHN SAYLOR's recent and untimely death. I know it is a real loss not only to his family, but to those of us who served with him and watched his many contributions to vital pieces of legislation.

As a freshman Congresswoman, I found JOHN SAYLOR to be a wise and able teacher, one who was always ready to share his wisdom and the knowledge he had gained over his many years in the Congress. Graciously on many occasions, he was willing to take valuable time to assist me in pursuing legislation. I shall forever be grateful to him for his help.

I know that all of the members of the Committee on Interior and Insular Affairs will miss him dearly. The Congress and the country have benefited from his outstanding service and his high goals.

Mr. ANDERSON of Illinois. Mr. Speaker, we were all deeply saddened by the news of JOHN SAYLOR's passing on October 28. Prior to entering the hospital in Houston for his operation, JOHN went before his constituents on television to fully explain the nature of his illness and the operation. In reading the transcript of that announcement, I was particularly struck by JOHN's strength, courage, and forthrightness in the face of this most serious problem. These were character traits which we had all come to recognize and respect in JOHN SAYLOR during his long career of service in this body, and I think we all expected that these traits combined with his fighting spirit would carry him through this serious operation and return him to us. Indeed, we were all encouraged by the news of his condition and progress immediately following the operation and were therefore shocked when we received subsequent word of his heart attack and death.

Mr. Speaker, I have known JOHN SAYLOR since I first came to the Congress in 1961, and my respect and admiration has grown over these last 13 years, as has our friendship. JOHN had served this body with distinction since coming to the Congress in 1949. He was an imposing figure in physical stature and has left a tall mark in terms of his contributions to the Nation, particularly in the area of conservation. As the senior Republican on the House Committee on Interior and Insular Affairs, JOHN was one of the most respected Members of this body, not by virtue of his seniority and power alone, but rather by virtue of the intellect, knowledge, and diligence he brought to that job and therefore the substantial contributions he was able to make in the area of legislation. JOHN SAYLOR will perhaps best be remembered as a legislator for coauthoring the Wildernes Act and the Land and Water Conservation Act. He also sponsored legislation to establish the Office of Coal Research, and played a key role in the enactment of the Coal Mine Health and Safety Act. JOHN SAYLOR's great contributions to conservation were recognized in 1964 when the National Wildlife Federation named him "Conservationist of the Year;" and in 1970 he received the Founders Award from the Izaak Walton League.

I will most remember JOHN SAYLOR as both a bulwark of the Republican Party in the House and nationally, and as a man who recognized the need for bipartisanship in addressing national problems, especially in the areas of energy and the environment. I will also remember JOHN as a good friend with a great abundance of good humor and amiability which go a long way toward explaining his effectiveness in this body and the large measure of respect he commanded on both sides of the aisle. We will all deeply miss his towering presence in the Congress.

Mr. MAZZOLI. Mr. Speaker, I join with our fellow Members in the House today in paying tribute to our late colleague, JOHN P. SAYLOR of Pennsylvania.

It was my privilege to serve in this body with JOHN SAYLOR for the past 2½ years. I was aware of his great dedication to conservation legislation almost from the beginning of my service.

It can be said that no Member of the 93d Congress can point to such an outstanding record of achievement in behalf of the ecology of this country as that compiled by JOHN SAYLOR.

All Americans are indebted to him for his unwavering commitment to the preservation and proper development of our natural resources. It was unimportant to him where such resources existed—whether it was the Grand Canyon in Arizona; Dinosaur National Monument in Utah and Colorado; the C. & O. Canal National Historic Park in Maryland; or the Piscataway National Park across the Potomac from Mount Vernon. All these—and hundreds more—bear the imprint of his interest and efforts.

For all his dedication to conservation, however, Congressman SAYLOR never neglected his own constituents in the 12th District of Pennsylvania nor his other congressional responsibilities. As a member of the House Committee on Veterans' Affairs he actively supported the National Cemeteries Act which established a national policy for the burial of veterans.

JOHN will be remembered, too, for cosponsoring the statehood bills for Alaska and Hawaii and working tirelessly for their passage. He worked diligently, also, for the improvement of Indian conditions and the safety and health of coal miners.

Unknown to the many thousands who visit the site annually, it was JOHN SAYLOR who gave the marines the first American flag to be raised over Iwo Jima which led eventually to the creation of the famous monument near Arlington Cemetery.

Future generations will benefit from his untiring efforts in behalf of the Wilderness Act and the Land and Water Conservation Fund Act, both of which he coauthored and actively supported. Those of us who were privileged to serve with JOHN in this and preceding Congresses will have benefited even more that he worked among us.

To his wife and the other members of his family, I join with my colleagues in extending our deepest sympathy.

Mr. STEIGER of Wisconsin. Mr. Speaker, in any organization made up of several hundreds of individuals, only a relative few stand out above their peers as authorities in an area of importance to all. The House of Representatives is no different. While all of us may be recognized for our accomplishments by our own constituencies, only a few House Members are readily identified with a particular cause of concern to all Americans.

One legislator who stood clearly apart was our late respected colleague, the Honorable JOHN P. SAYLOR of Pennsylvania. The name JOHN SAYLOR became synonymous with commitment to environmental quality for our Nation during his 13 terms as Representative of Pennsylvania's 12th District. As ranking Republican on the House Interior and Insular Affairs Committee, he constantly did his best to insure that the committee's legislation reflected a proper environmental course for the Nation. His efforts were of particular benefit in shaping legislation during the past several years when there was a critical need for sound leadership in meeting the country's ecological needs.

JOHN SAYLOR was a man whose special talents made him the right man at the right time for the job that needed doing. All of us in Congress, all the American people, and those he so ably represented in Johnstown and all of his district, are grateful for all he did. He has left a rich legacy for future generations of Americans who, through his work, will live in an America which will retain and regain, where possible, the freshness, greenness, and beauty that first attracted Americans in earlier generations.

Mrs. Steiger joins with me in expressing our deep sympathy to Mrs. Saylor and JOHN's family.

Mr. MURPHY of New York. Mr. Speaker, during this period of acute moral and political upheaval, few have provided as shining an example of what America stands for as did our late colleague, JOHN SAYLOR. A wise, dedicated individual who directed his talents into any area which he deemed essential to the goodness of our great Nation, his presence is sorely missed by all of us.

JOHN SAYLOR's achievements in the area of the environment began long before the current emphasis on ecology became fashionable. Strongly committed to the preservation and maintenance of our natural heritage, he pressed successfully for the Wilderness Act, the Land and Water Conservation Fund Act, the establishment of national parks, and other legislation of a similar vein. He also worked hard to gain statehood for Alaska and Hawaii, to establish national cemeteries for veterans, and for coal mining safety.

These actions constitute but the tip of the iceberg in any attempt to portray the lasting contributions JOHN SAYLOR made to our country. Of more profound importance is the spirit of fair play, moral rectitude, and dedication to the welfare of the United States which permeated his entire life. He inspired all of us to reach for the highest goals.

My family joins me in extending to Mrs. Saylor and her family our deepest sympathy.

Mr. CARTER. Mr. Speaker, JOHN SAYLOR was a man who knew fully the dimensions of his job, and he met his responsibilities with honor, distinction, and good humor. His devotion to the citizens of his district and of the Commonwealth of Pennsylvania will always be remembered by those he served and by those of us who served with him.

Today, we face the monumental problem of preventing our delicately balanced environment from becoming irreversibly damaged. JOHN SAYLOR long ago recognized today's environmental difficulties. He actively sought measures to protect our environment from eventual destruction. Indeed, we owe a great debt to the foundation he built for environmental consciousness and for his far-reaching and productive efforts in this important area of concern.

We will deeply miss our good friend and colleague. The House has lost one of its finest Members. I join my colleagues in paying tribute to the life of JOHN SAYLOR—a distinguished lawmaker and a truly great human being.

Mr. COLLINS of Texas. Mr. Speaker, we all lost a great friend when we lost JOHN P. SAYLOR of Pennsylvania. He was more than a great Congressman. JOHN was a friend and had a warm friendly smile for everyone on the floor.

Being from Texas, I have always been keenly interested in the Interior Committee. I have kept up with JOHN's leadership for the development of our natural resources within this country. JOHN SAYLOR was always 10 years ahead of the times while pushing for greater utilization of America's resources for the future.

We extend our warmest and deepest sympathy to his family. His firm voice and sound position will always be remembered by all of his colleagues in Congress. JOHN P. SAYLOR has contributed so much to his country through the years that he served in the Congress of the United States.

Mr. RANDALL. Mr. Speaker, it is with regret that it was impossible for me to be on the floor yesterday afternoon to participate in the special order in eulogy to our departed colleague JOHN SAYLOR. I was glad Mr. SCHNEEBELI was thoughtful enough to get permission for all Members to extend their remarks on the life, character, and public service of our distinguished friend, JOHN SAYLOR.

When I came to Congress in 1959, it was my privilege to be assigned to the two committees on which JOHN SAYLOR served. With our identical committee service, on Interior and Insular Affairs and on Veterans' Affairs, I had the privilege of becoming well acquainted with our departed colleague.

On the Interior Committee as far back as 15 years ago, JOHN SAYLOR was ranking minority member. Of course we had difficulties and problems on that committee which called for differences by the minority from the majority viewpoint, but I distinctly recall that while JOHN SAYLOR was firm and straightforward he was not partisan. In those days committee membership included some well known personalities—the late Adam Clayton Powell, former Secretary of the Interior Stuart Udall, General Anderson of the Montana National Guard, and my seatmate of those days the distinguished QUENT BURDICK, now in the other body. JOHN SAYLOR was the committee leader of his side of the aisle. He contributed to all of the worthwhile legislation that was reported from that committee during the years of the 86th and 87th Congresses.

As a fellow member of the Veterans' Affairs Committee one of the highest and most exceptional tributes that can be paid to JOHN SAYLOR is that he was one member who talked exactly the same way when the door was closed for an executive session as he did at a public session when the committee was hearing representatives of the various veterans' organizations present their cases on veterans' legislation. The legislative representatives of all of our major veterans' organizations paid a tribute to JOHN SAYLOR when they described him as a man who never talked out of both sides of his mouth.

As I recall many days of pleasant association with JOHN SAYLOR, my mind goes back to a trip headed by our chairman, the gentleman from Colorado, Mr. Aspinall, and including some members of the old Mines and Mining Committee—the late Gracie Pfost, the late Judge Saund and others. We went over into the deep-pit coal mining area of east-central Pennsylvania. We all remarked at the insistence of JOHN that we had work to do. He seemed to be pushing the subcommittee all through the day to finish the job. Even in those far-away days his objective was to improve coal mine safety.

JOHN was a humanitarian in the finest sense of the word. He was liberal in the best usage of that term. I think he might have preferred to be described as a progressive legislator.

There are so many good and fine things that ought to and should be said about our dear departed friend: He was held in affection and admiration by all of us. We were all saddened by the news of the loss of our late beloved colleague. I happened to be one of those privileged to attend the memorial services in Johnstown. There I observed the best evidence of the high regard and great esteem for JOHN SAYLOR by his constituents. The church could hold only a fraction of those who came to honor him but the streets of that city were lined all through the business district by those who wished to pay him their last respects.

JOHN was a man of courage; he was independent; he did what he thought was right; he contributed much to the welfare of his district, his State, and his Nation. He was one of this country's great conservationists. I am glad that I have had the privilege to be a colleague of JOHN SAYLOR.

We extend our heartfelt sympathy to his gracious and lovely wife Grace and his children John Jr., and Susan.

Mr. BURKE. Mr. Speaker, I rise to pay tribute to my esteemed colleague, Representative JOHN P. SAYLOR. Those who love the natural beauty of this Nation lost a good friend and powerful voice when he was taken from us.

His concern for our environment preceded the hue and cry heard in recent years. Floridians have been aware of JOHN SAYLOR's conservation record for many years through his work to preserve Big Cypress Swamp as a watershed and scenic area. He is also know to Floridians for his concern for the ecological balance of the Everglades National Park when it was threatened by the proposed southeast Florida jetport. I personally know of his interest in conservation of the unique environment of Florida through his work to preserve the lovely beaches, and through legislation which both of us sponsored to protect the scenic beauty of the Oklawaha River in north Florida from use as part of the proposed Cross Florida Barge Canal.

Thus the Nation, Florida, and I will miss this champion of conservation who served so ably as the ranking minority member of the House Committee on Interior and Insular Affairs.

Mrs. Burke and I join with the many, many others, who knew JOHN SAYLOR, in lamenting his untimely death, and the loss of his voice from our midst.

Mr. HORTON. Mr. Speaker, it is with sorrow and a sense of personal loss that I join with my colleagues in paying tribute to our late colleague JOHN P. SAYLOR.

It has been a privilege and honor to serve with JOHN SAYLOR these past 11 years. He was a fine man, an effective legislator, and a friend for whom I felt the deepest affection.

Our country will best remember JOHN as a champion of conservation. Long before the word ecology assumed its current import, JOHN SAYLOR called on us to weigh the environmental consequences of our actions on future generations. Foresight is a rare quality among men and it earned for JOHN the admiration and gratitude of the Nation.

I will miss JOHN as an able colleague and trusted friend and I offer my deepest sympathy to his family.

Mr. BIAGGI. Mr. Speaker, I rise to voice my feelings of profound sorrow and deep loss over the death of our former colleague, JOHN PHILLIPS SAYLOR, who for 24 years served the people of Pennsylvania with both sagacity and dedication.

JOHN SAYLOR will undoubtedly be best remembered for his lifelong commitment to the preservation of the environment. Through his work as the ranking minority member of the Interior and Insular Affairs Commitee, he served to uphold the interest of conservation by his authorship of such important legislation as the Land and Water Conservation Act and the Wilderness Act.

Congressman SAYLOR's efforts were not limited to his constituents in Pennsylvania. Many people in the Washington metropolitan area owe a great deal to JOHN SAYLOR for his instrumental work in the establishment of the C. & O. Canal National Park, and Piscataway Park in Maryland. In addition, he was active in getting legislation to restore and maintain the Congressional Cemetery where many earlier Members of Congress are buried.

Congressman SAYLOR's work did not go unnoticed over the years. In 1964, he and the coauthor of the Wilderness Act, Congressman Aspinall, received the coveted Conservationist of the Year Award from the National Wildlife Federation. In addition, SAYLOR was the recipient of the Founders Award of the Izaak Walton League of America in 1970.

There were other aspects of JOHN SAYLOR's life which were equally as distinguished and worthy of notice. JOHN SAYLOR had the distinct honor of presenting the first American flag to be raised by the Marines at Iwo Jima. This presentation led to the famous photograph which is so beautifully duplicated by the Iwo Jima statue near Arlington National Cemetery.

Representative SAYLOR's sponsorship of legislation showed a consistent concern with the welfare of America and her people. He sponsored legislation establishing the Office of Coal Research, as well as being a major supporter of the Coal Mine Health and Safety Act. In addition, as a member of the Veterans' Affairs Committee, his expertise inspired many of the important pieces of legislation which have emerged from that committee over the last 24 years.

For many of us, JOHN SAYLOR represented the epitome of what a Congressman should be. His diligent work on behalf of the people of Pennsylvania earned him the respect and admiration of all his colleagues. He will be particularly remembered for his outstanding wit and colorful vocabulary.

The Congress will undoubtedly suffer from the loss of JOHN SAYLOR. His leadership both in the Interior Committee and on the floor as one of the senior Republican Members will be greatly missed.

As a fair and lasting tribute to JOHN SAYLOR, let us in the Congress continue his commitment to the preservation of the environment. In our quest toward solving our great energy problems let us not sacrifice environmental interests in the process.

The 12th District of Pennsylvania has lost one of its best friends. The State of Pennsylvania has lost one of its most distinguished members, and we in the House have been deprived of the services of an exemplary public servant.

Mr. JONES of Tennessee. Mr. Speaker, on Sunday, October 28, the Congress lost one of its finest and most dedicated Members with the death of the Honorable JOHN SAYLOR of Pennsylvania. Mr. SAYLOR was a Member of Congress for nearly 25 years, and in that time, not only served the people of Pennsylvania, but also served the interests and well-being of all American people.

JOHN SAYLOR was instrumental in much major legislation. He coauthored legislation for the statehood of Alaska and Hawaii and he pushed measures in behalf of the American Indian, but we will remember him particularly for his efforts concerning conservation. He was

coauthor of both the Wilderness Act and the Land and Water Conservation Act.

Along with his work in conservation, JOHN SAYLOR's achievements covered many other fields. He was involved in the church and veterans' affairs, and was a trustee of several private schools and hospitals.

I join with my colleagues in expressing my deep sympathy to his family. JOHN SAYLOR was a distinguished Member of this body, and we shall all miss his presence.

Mr. ROGERS. Mr. Speaker, I rise to the memory of our late colleague, the Honorable JOHN PHILLIPS SAYLOR of Pennsylvania, who served so capably on the Committee on Interior and Insular Affairs.

Representative SAYLOR was most diligent in the discharge of his committee responsibilities. He will always be remembered for his meritorious service to our Nation, and particularly his contributions as an avid conservationist. His testimony before my Subcommittee on Public Health and Environment has helped us achieve enactment of laudable air pollution control legislation. His efforts on behalf of the Nation's National Park System earned him the distinction of being the first recipient of the National Conservation Award and the National Parks Association Award.

JOHN SAYLOR was truly dedicated to public service, and lived up to the full measure of his responsibilities. He leaves rich memories for all of us in public office.

Mr. Speaker, Mrs. Rogers joins me in expressing our most profound sympathies to Mrs. Saylor and to JOHN's children and grandchildren, with the hope that time may in some measure dim the grief they now feel.

Mr. DE LUGO. Mr. Speaker, with the passing of JOHN SAYLOR the Congress has lost an outstanding Member, the Nation has lost a distinguished and dedicated lawmaker, and the Virgin Islands have lost a very good friend.

Congressman SAYLOR was a leading figure in legislation important to the territory, including the 1954 Virgin Islands Organic Act, the bill providing for an elected Governor, and the congressional delegate bill. An editorial in the largest Virgin Islands newspaper, the Daily News, honoring the Congressman noted:

> While his critics were vocal in condemning him because of his stand in refining legislation that would allow for the rights of the minority political faction in the islands, he nevertheless continued to pursue his course of more self government for the islands, tempered with a sane approach on how it could be best accomplished in an orderly manner.

The editorial concluded:

> Although we have disagreed on some issues, The Daily News, friends of the Congressman, and even his critics, mourn his death, for he was a true friend of these islands, and one who was extremely active in helping to extend to these islands meaningful measures of self government.

I first met JOHN SAYLOR in 1956 at which time I was serving as a member of the Virgin Islands Legislature. I will always remember, with the utmost gratitude, that upon my election to the Congress, he went out of his way to welcome me and to share his experience and knowledge as I took up my legislative duties. During the time it has been my privilege to know Congressman SAYLOR I was tremendously impressed by his commitment to the protection of our land and water resources, his coauthorship of the Alaska and Hawaii statehood bills, and the Wilderness Act, and his efforts on legislation which would benefit American Indians and coal miners.

As we memorialize his accomplishments and comfort his family, let us also draw inspiration from JOHN SAYLOR's contributions to the preservation of our natural heritage, for this is a legacy which will enrich the lives of the American people for generations to come.

Mr. LUJAN. Mr. Speaker, the greatest eulogy to JOHN P. SAYLOR is the distinguished record of hard work and accomplishment he leaves behind him in the House of Representatives. History will document that record in the context of time, placing it in perspective for future generations. We can, at best, add but a personal footnote to the history he helped write.

To those of us who knew him well, JOHN was one of the strongest personalities in Washington. In every sense of the word, he was a "big" man. His physical stature, itself impressive, was augmented by his ramrod military bearing, his confident long-legged gait, his booming voice and his naturally grand manner that had a way of transforming even a simple greeting into a special occasion. Wherever he happened to be, whether in a meeting, a conversation, a discussion, or a debate, JOHN P. SAYLOR of Pennsylvania was the commanding presence.

He was strong-willed, magnificently opinionated, and had a memory worthy of the pachyderm that symbolizes his party. He was the kind of man you instinctively wanted on your side of an issue, not only for the strength of his argument as he recalled background details and recited legislative history, but for the tenacious strength of his conviction as well.

He possessed both personal and political power; yet he was living proof of the saying that big men can afford to be gentle. He knew how to twist arms, all right, and his armtwisting was effective; but he also knew when to let up on the pressure. In trying to sway opinion he never compromised friendship nor infringed on personal dignity. He was, in short, a gentleman.

One of the lesser-known facets of his work in the Congress was his role in shaping the direction of America's relations with our Indian citizens. In my capacity as ranking Republican member of the Subcommittee on Indian Affairs, I developed a healthy respect and admiration for JOHN SAYLOR's knowledge and deeply rooted convictions in this field.

In the early 1950's, he had been a Member of the House of Representatives just a few years when his own party developed and implemented the policy of "termination" of Indian tribes. He believed this policy to be wrong, and he fought it. He fought it in caucus, in committee, on the floor of this House and in the White House itself. At one time, he publicly criticized President Eisenhower, in person, for having supported the policy. And, although he lost the battle at that time, he lived to win the war.

I was present at an historic occasion, Mr. Speaker, on October 16, 1973, when JOHN SAYLOR's judgment of that question was vindicated in this Chamber. Twenty years after the termination policy had been promulgated over his objections, I joined him here in successfully steering through a bill that repealed that policy and reinstated one of the tribes that had been grievously injured by it, the Menominee Tribe of Wisconsin. That bill was approved by a vote of 404 to 3, Mr. Speaker—and that was the last official action of the gentleman from Pennsylvania on the floor of this House.

In recognition of his long career of legislative work on behalf of the Indian people, the Menominee Tribe introduced a resolution at the national convention of the National Congress of American Indians in Tulsa, Okla., just a few days following his death. That resolution reads as follows:

> Whereas: The Honorable John P. Saylor, Congressman from Pennsylvania, passed away on October 21, 1973, and
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> Whereas: Congressman Saylor had been for 24 years an ardent and outspoken foe of the infamous termination policy, and
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> Whereas: Congressman Saylor in 1953 fought the adoption of House Concurrent Resolution 108, the Congressional expression of the termination policy, and pointed out that this policy was unjust, unworkable and a travesty on Indian rights, and
>
> Whereas: Congressman Saylor in 1954 strongly opposed the adoption of the bill terminating the Menominee Tribe of Wisconsin, predicting on the floor of the House of Representatives that the bill would cause irreparable damage to the Menominee Tribe and would sooner or later have to be repealed, and
>
> Whereas: Nineteen years later, in 1973, Congressman Saylor co-sponsored a bill to repeal that termination act and to restore the Menominee Tribe to full federal recognition, and
>
> Whereas: In his capacity as ranking Republican member of the House Committee on Interior and Insular Affairs, Congressman Saylor worked diligently for passage of this bill, and
>
> Whereas: On October 6, 1973, Congressman Saylor personally steered this bill to an overwhelming 404 to 3 vote of approval on the floor of the House of Representatives, thus fulfilling the prediction he had made in 1954, and
>
> Whereas: Congressman Saylor made it very clear that this vote represented not only an approval of the Menominee Restoration Act but a rejection once and for all of the policy of termination, and
>
> Whereas: The Menominee Restoration Bill was the last piece of legislation handled by Congressman Saylor before his untimely death,
>
> Now therefore be it resolved by the National Congress of American Indians in convention assembled: That we do hereby express our condolences to the family of Congressman John P. Saylor and do also express our gratitude, and the gratitude of all our peoples, to this public servant whose illustrious career has been of inestimable value to humankind in general and to Indian peoples in particular. We are grateful that he lived to see his predictions come true, and that he was granted the privilege in his final days of correcting the mistakes made by his peers two decades ago.

Mr. Speaker, I will add only that all of us will sorely miss JOHN P. SAYLOR,

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and that in losing him we have lost one of the great fighters of our time.

Thank you.

Mr. FISHER. Mr. Speaker, I share the sadness expressed here by my colleagues concerning the untimely death of John Saylor. As we all know, he was regarded by his colleagues as a man of unquestioned integrity. He was an able and highly respected Member of this body. His sound judgment and his leadership on many legislative matters were recognized by Members of both parties.

As a legislator John Saylor excelled in the field of conservation. He wanted to keep rural America beautiful. He was an ardent lover of the American wilderness and its preservation.

It will be difficult indeed to fill the shoes of this distinguished American. His many years of faithful service in the Congress will leave an imprint that will last a long time. To John's survivors I extend my profound sympathy in their bereavement.

Mr. ROONEY of New York. Mr. Speaker, the totally unexpected and shocking passing on October 28 of our distinguished colleague, John Phillips Saylor, has deprived this great body of one of its finest Members and me of one of my closest friends.

John Saylor served his Commonwealth of Pennsylvania and his country well in many capacities over his long and fruitful life: as a young lawyer in Johnstown in 1934; as city solicitor of Johnstown in 1938; as a combat naval officer in the Pacific during the Second World War and finally as a Member of the House for the last quarter century.

As a representative of the people and his Commonwealth, John was a tireless and dedicated champion of their rights and interests.

His legislative record is highlighted by his support for the establishment of the Office of Coal Research and the passage of the Mine Health and Safety Act of 1969.

Long before conservation became as popular as it is today, Mr. Speaker, John Saylor realized its importance. He fought vigorously to prevent the building of dams in the Grand Canyon and for preserving the integrity of Dinosaur National Monument in Utah and Colorado. For his many efforts he was widely praised and honored with many important awards.

Mr. Speaker, it was a mark of the man and his life that Members here from both sides of the aisle held him in the highest esteem. It was my pleasure and singular honor to have served with John for all of his many years. I am sure his memory is cherished by all who knew him and that my sense of personal loss is shared by many in this Chamber as well as in the other body.

To Mrs. Saylor and the Saylor family I extend the Rooneys' deepest sympathy and prayers in their sad loss.

Mr. NIX. Mr. Speaker, with the passing of John P. Saylor, this House lost one of its most outstanding, dedicated, and conscientious Members.

During his nearly 25 years of service in this House, he always spoke with candor and a consistency of frankness. There was never a moment's doubt as to where he stood on a particular issue. It was my pleasure to converse with him frequently over the years and though we might have disagreed at times on particular issues. I could never have quarreled with his consistency and tenacity for a cause. Such attributes made John Saylor a strong force behind the issues he championed.

At this unsettled moment in our country's history, we will all miss the steadying influence of men such as John Saylor, a Congressman who had an unwavering concern for the people he represented and who saw fit to return him to every Congress since he was first elected in 1949.

He also found time to participate in and contribute to the activities and concerns of the Pennsylvania delegation in the House, of which group he was the senior Republican. Mr. Saylor also served as vice chairman of the Pennsylvania Congressional Steering Committee. In both these positions his advocacy was always on the side of what was good for the people of his home State, regardless of the stance of partisan politicians.

John Saylor served with great distinction on two committees of the House, including the Veterans' Affairs and Interior and Insular Affairs, the latter of which he served as ranking Republican. During his tenure he was recipient of numerous conservation awards and had long been noted for his leadership in ecological preservation.

Mr. Speaker, words are never enough to convey the sense of loss we feel at the passing of a man like our colleague from my own Pennsylvania delegation. There are others here who will express it more eloquently than I. I know, though, that each of us can say in this short time the few things that are most important in the hope that our words will preserve the spirit and ideals of the man, John P. Saylor.

Mr. OBEY. Mr. Speaker, I am pleased to join my colleagues in paying tribute to the gentleman from Pennsylvania, John Saylor.

I remember, as a freshman Congressman, working with him on legislation to protect the wolf. It did not take me long to realize that John Saylor was one of the most knowledgeable voices in the Congress on conservation matters. His dedication to those kinds of efforts was total, and his commitment to the protection of this Nation's heritage—its lands and its wildlife and its native Americans—is known throughout the country. I am especially grateful for his efforts, over a long period of time—in behalf of the Menominee Indians of Wisconsin.

I was honored to serve in the House with John Saylor for 4 years. He will be long remembered by those of us still here.

Mr. ADDABBO. Mr. Speaker, I join my colleagues in eulogizing our former colleague and friend, the Honorable John Saylor. For 24 years, Congressman Saylor served his constituents from the 12th District in Pennsylvania, his country, and his colleagues. He was a dedicated public servant who was a leader and a creative man.

It was my privilege to know John Saylor and to work with him in the House during the past 12 years. His special interests in the environment and veterans affairs had a marked impact on much legislation passed by Congress. As a result his efforts will be remembered by future generations.

I join his friends in extending personal sympathies to the family of our late respected colleague, John Saylor.

Mr. WHALEN. Mr. Speaker, the tributes being paid this afternoon to our late colleague John Saylor, indicate the high regard in which he was held by Members of the House. John was known by us, his colleagues, as he was by conservationists in all parts of the Nation, as a man dedicated to perserving our natural assets. The innumerable bills bearing his name which have been enacted into law are testimony to the diligence and leadership which he brought to that vital national concern for almost a quarter of a century. Certainly, our most meaningful tribute to John will be to build on his record of untiring efforts to conserve and enhance the natural qualities of our environment.

My admiration for John also stemmed from his forthrightness and conciseness. I recall the times I would briefly sit down with him to discuss his committee's legislation which was on the floor. He would succinctly summarize the good points as well as those parts with which he disagreed. I always appreciated his openness and frankness. It was a privilege to have known him and to have been his colleague.

Mr. Speaker, in behalf of Mrs. Whalen and myself, I extend our sympathy to Mrs. Saylor and her family.

May John rest in peace.

Mr. ROONEY of Pennsylvania. Mr. Speaker, it is with great sorrow that I note the passing of our colleague and my dear friend, John Phillips Saylor.

His long period of service to his country began in 1938 with his election as city solicitor of Johnstown, Pa., and continued with his years as an officer in the Navy during World War II. Upon his return from the Pacific theater he resumed private law practice, to be called upon again to serve his country, this time in the capacity of Republican candidate for a seat in the House of Representatives.

Because of his admirable candor, he won that special election easily, as he also won every subsequent election from the 82d through the 93d Congresses. His constituents must have seen what we in Congress saw; that John Saylor was a public servant dedicated to the best interests of his constituents and of all Americans.

From his position as ranking minority member of the Interior and Insular Affairs Committee he directed many conservation measures toward final passage. His deep concern for the conservation of our natural resources was particularly timely in this era when we are faced with a dwindling supply of energy resources and growing concern for the quality of our environment. John Saylor was a man who was deeply concerned about the kind of world he would bequeath to his children and grandchildren.

Mr. Speaker, perhaps the best tribute to him would be our rededication to the

determination, courage, and sense of purpose which John Saylor so nobly exemplified.

Mrs. Rooney and I extent our deepest sympathy to his family. May their comfort be the knowledge that he served his country very capably.

Mr. VIGORITO. Mr. Speaker, the House of Representatives has lost one of its most respected members with the death of my friend and colleague from Pennsylvania, Congressman John Saylor.

I was greatly saddened to learn of his passing for he was a great inspiration to me and to many Members of this House for his work in the areas of conservation and preservation of our valuable natural resources. As the ranking Member of both the Pennsylvania delegation and the House Interior Committee on the Republican side, he was a source of leadership and admiration for his colleagues.

Congressman John Saylor will be sorely missed by those, including myself, who knew him well.

Mr. HANNA. Mr. Speaker, I join with my colleagues in honoring the memory of our friend, John Phillips Saylor, of Pennsylvania. He was a dedicated and hard-working public servant.

As ranking Republican on the Interior Committee, John developed and maintained a strong commitment to the preservation of our natural resources. His efforts in this regard should be appreciated and praised by all Americans, especially in this time of dwindling resources. Nowhere in the Congress was there a man more aware of the growing need for conservation nor more dedicated to meeting this need than John Saylor.

Our sorrow is compounded because in this time of national crises this country needs more men like John Saylor. We can ill afford to lose such men, who serve their country honestly and well.

Mrs. Hanna joins me in expressing our sympathy to the Saylor family.

Mr. BLATNIK. Mr. Speaker, I join with my colleagues in mourning the loss of one of our most distinguished House Members, and my close personal friend, John P. Saylor of Pennsylvania.

John was a man of rare vision and determination, whose legacy is written in countless clear-flowing streams, and in national parks and protected natural areas across America.

One of the Nation's foremost conservationists, he dedicated his life to preserving our natural resources. His career here in Congress is one of sustained effort and personal involvement in what he so clearly recognized as one of the Nation's highest priorities—preservation of our quality of life.

Back in 1956, when I was struggling to get the first national water pollution control bill through Congress, John understood the full urgency of this legislation long before the Nation as a whole had even recognized water pollution as a problem. He stood squarely beside me in those early days, when the going was toughest. And with each succeeding amendment, down to the 1972 Clean Water Act which revolutionized the program and charted the Nation's course toward clean water by 1985, John was our invaluable ally on the House floor.

My own State of Minnesota owes him a special debt of gratitude; for his deep personal commitment and direct, energetic involvement helped make Voyageurs National Park a reality on our Canadian border.

If I may indulge in personal reminiscenses, I would like to put that story on record.

The bill to establish Voyageurs, the Nation's 37th National Park, came before the Interior Committee, on which he was ranking minority member, very late in the 91st Congress—too late, many felt, for action that year.

Backers of the park had spent literally years developing support at home, preparing the legislation, holding the hearings. We knew that if the bill did not pass that year, we would be hard put in the 92d Congress to recapture the momentum needed for passage.

I enlisted John Saylor's help in setting up the subcommittee and full committee meetings to approve the bill. As a result, Voyageurs was acted on, reported out of committee, and signed into law.

Incidentally, once the committee was back in session, the members also approved the Chesapeake and Ohio Canal National Historic Park. Washingtonians and Marylanders, and we whose families spend so much of our time in the Nation's Capital, are also indebted to John Saylor.

John was a great man for his time and for all time; a man who never lost sight of the fact that this country is only as great as the land which sustains us; its people only as strong as their determination to protect that land; its spirit worthy of world leadership only when it can be refreshed in the beauties of nature.

He has done far more than his allotted part in keeping America great and strong, and would have done much more had death not taken him.

In his passing, the Nation has sustained a great loss, mitigated only by the legacy of protected lands and clear waters which John P. Saylor leaves behind him.

Mr. EILBERG. Mr. Speaker, the Pennsylvania delegation and the House of Representatives lost one of their ablest and most admired members with the death of John Phillips Saylor on October 28. He was the senior Republican member of our delegation, but his friendships extended far beyond party lines, and his passing brought sorrow to all of his colleagues.

At the time of his death, he was a valued member of the House Veterans Committee and the ranking Republican on the Interior and Insular Affairs Committee, where he led conservation efforts long before protection of the environment became a popular issue.

He sponsored the Wilderness Act and the Land and Water Conservation Act. These measures have become landmarks in the struggle to save our woods, water and wildlife. He vigorously supported the bill which established the Office of Coal Research and was a major backer of the Coal Mine and Safety Act of 1969. He opposed the building of dams in the Grand Canyon and was a leader in the struggle to preserve the ecological integrity of Dinosaur National Monument in Utah and Colorado. He helped establish the Chesapeake and Ohio Canal National Park and the scenic Piscataway Park in Maryland, across the Potomac from Mount Vernon.

For his distinguished efforts in this field, he was presented with the Conservationist of the Year Award by the National Wildlife Federation in 1964. He was given the Bernard M. Baruch Prize, in 1969, for "contributing most to the field of conservation," and the Founders Award of the Izaac Walton League, in 1970. Mr. Saylor was an active member of the National Parks Committee and the National Forest Preservation Committee.

Born in Somerset County, Pa., he attended the public schools of Johnstown, and was graduated from Mercersburg Academy, Franklin and Marshall College, and Dickinson Law School. He practiced his profession with the firm of Spence, Custer, Saylor and Wolfe in Johnstown, where he maintained his home throughout his career.

During World War II, he served as a U.S. Navy communications officer in the Pacific. He took part in the invasions of Iwo Jima and Okinawa and was present in Tokyo Bay at the surrender of Japan. He later became a captain in the U.S. Naval Reserve.

In 1949, he won a seat in Congress in a special election to fill the seat of the late Representative Robert Coffey, who had been killed in a plane crash. At the time of John Saylor's election, his district was Pennsylvania's 26th, in the western part of the Commonwealth. His district later became the 22d, and, in 1970, the 12th. He gave unstinting service to the people in his district, just as he rendered unwavering loyalty and devotion to his country.

In a telegram to Mrs. Saylor, the Governor of the Commonwealth, the Honorable Milton Shapp, expressed the high regard for this legislative leader felt by all who had the good fortune to know him:

> Congressman Saylor was a great Representative of the people of his district and of the Commonwealth. I could always count on his support for any measure that would benefit the people of Pennsylvania.

John Saylor could indeed be counted on always to strive for the best interests of all Americans, just as he could be counted on to perform his legislative duties with ability and dispatch, counted on to treat his colleagues and constituents with unfailing courtesy, and counted on for good will and humor in trying circumstances.

His widow, Grace, his son, John, his daughter, Susan, and his two grandchildren, may take deep pride in the distinguished record of a life well lived by this eminent and beloved Pennsylvanian. My own family extends most heartfelt condolences.

Speaking personally, for a moment, I came to know John Saylor when I was a junior member of the "other" party. It was soon apparent that it mattered little on which side of the aisle I sat insofar as he was concerned. His offers of help and his thoughtful advice were not mere courtesies. They were as real and open as John Saylor himself, was strong and solid.

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He was a unique being: large and outspoken and yet possessed of a depth of human feeling seldom seen in the fast paced life of Washington. He was an influential Member of this body not so much because of the power he possessed, nor solely due to his intellectual capacity, but most of all because of the substance of the man he was. This influence was a blessing among us and, I feel, it will remain with us long.

Words are inadequate tools of expression when someone you feel strongly about passes away. I am glad this good man touched my life. I respected him. I will miss him.

Mr. HOSMER. Mr. Speaker, each of us in our own way was profoundly sorrowed by the passing of JOHN P. SAYLOR. Each of us lost a fine and gallant friend, a stout companion and a loyal and beloved associate.

In serving with JOHN for 21 years I have been privileged to serve in the Congress I was associated intimately with him as a fellow member of the minority of the Interior and Insular Affairs Committee. He served that committee for more than 24 years, having been appointed to it when he entered Congress in 1949.

During those turbulent years the Interior and Insular Affairs Committee handled much legislation of great import to the Nation, its natural resources and its people. JOHN SAYLOR was ever a leader in many debates which preceded the compromise and resolution of that legislation and the issues which unlay them. When I opposed him I found him a brilliant, resourceful and unrelenting opponent. When I shared the battle camp with him I found him a kind, able and congenial ally. But whichever side either of us found ourselves to be on, it was that side which our conscience told us was right.

Because of his zeal and devotion there are many lasting monuments throughout the United States to JOHN SAYLOR's memory. There are great dams on our western river; there are reclamation projects pouring food to American markets; there are wildlife refuges and wild rivers preserved; there are wilderness areas for posterity to enjoy.

America's Indians are healthier and their lot today is a better and happier one because of JOHN SAYLOR's devotion to duty. America's public land is better managed and its water and power resources better utilized for that very same reason. There exists for the benefit of our land and for arid lands throughout the world advanced desalting techniques and a healthy desalting industry because JOHN SAYLOR ceaselessly and successfully insisted that there should be. It was JOHN SAYLOR as much as anyone in or out of the Congress of the United States that saw to it that Hawaii and Alaska were transformed from territories to States by admission to the Union. And, so also he strived to improve the people and the land of the remaining territories of the United States and of those of the islands of Micronesia that the United States administers under trusteeship from the United Nations.

In addition, hallmark legislation was either written by JOHN SAYLOR or improved by him before its passage in many areas affecting the Nation's environment and the utilization of its natural resources. JOHN SAYLOR's last monumental task was to create and insure enactment of the Alaska pipeline legislation in which there was coalesced his lasting concern for the environment and his dedication to man's use of nature's resources. This legislation was a masterful creation which finely balanced each of these considerations and served them both.

There is another experience than the Congress which JOHN SAYLOR and I shared and that is in the service of the U.S. Navy as fellow officers during World War II. Sometime in 1944 JOHN found himself assigned the attack transport U.S.S. *Missoula* and I to a sistership, U.S.S. *Dickens*. These two ships were in turn assigned to the same division of assault transports taking part in the war in the Pacific. JOHN's ship and my ship steamed in formation within 500 yards of each other for almost 2 years. We shared together the experiences of the battles of Iwo Jima and Okinawa. We steamed triumphantly together into Tokyo Bay on V–J Day to land the U.S. occupation forces on the beach.

It is ironic that operations were such in those World War II days in the Pacific that, even though JOHN and I were so close together in experiences, we never actually met each other until we both were in Congress together. I wish we had. I could not miss him more, but I could have shared with him even morec losely the distant memories of those years of battle at sea.

Now that JOHN SAYLOR is gone those who still remain will seek to follow his example and his leadership. That is the tribute he would want most. That is the tribute he will receive because he was an inspiring leader and a man of brilliance.

Mrs. Hosmer and I are terribly sorry that JOHN is gone. We will miss him sorely. We extend to his wife Grace and his fine family our most profound sympathies and our love. Although the burden that Grace bears because of JOHN's passing is heavy, she must find solace in knowing that it is shared by so very many of her fellow citizens throughout the Nation who knew, loved, respected and admired JOHN P. SAYLOR as a compassionate man and as a splendid servant of the people.

Mr. OWENS. Mr. Speaker, it is with a sense of deep personal sorrow that I join my colleagues in paying tribute to the late JOHN SAYLOR of Pennsylvania. His able leadership and expertise in conservation matters will long be remembered by Members of Congress. The Americans who care about clean water, clean air, and an unspoiled nature owe JOHN SAYLOR an immense debt.

He was a pioneer in conserving natural resources and protecting the environment. He was an "environmentalist" long before the word became a popular political slogan and he stood proudly by his leadership in that field even where it was not a popular political asset. He coauthored the Wilderness Act as well as the Land and Water Conservation Act to preserve our forests and streams. In 1964 he was presented the National Wildlife Federation's "Conservationist of the Year" award. My own State of Utah owes JOHN SAYLOR a special vote of appreciation for his efforts to save the Dinosaur National Monument.

It was my privilege to serve with JOHN SAYLOR on the House Interior Committee, where he was ranking minority Member, and where he for many years helped shape virtually every piece of legislation reported by that committee. His leadership transcended party lines and he was able, at times, to draw almost every committee member into an alliance to protect our country's wilderness areas.

As the most junior of members on the opposite political aisle on the Interior Committee, I found early that I could learn a great deal from JOHN SAYLOR. And in committee meetings, I listened to him carefully, and agreed quite consistently with this remarkable man. I sought him out, regularly, on the floor of the House for private conversations. He was unique—a veteran of 25 years service, which made him wise—yet he remained in many ways a rebel, a new thinker, a man whose fertile mind was unfettered by institutional hangups. He understood the value of fresh thought in this great House. He sought out different approaches to problems and rejected an automatic response to anything. He laughed at himself—his keen sense of self-deprecating humor did not permit compliments on his achievements.

The last conversation I had with him was on the House floor some 3 weeks before his death when I sought his political advice—the only Republican whose thoughts I asked for. John spoke of the great respect for the institution of the House, which he called the democratic body. He was a real public servant. He will not be forgotten because his heritage here was genuine and will live on in wilderness areas throughout the country.

JOHN SAYLOR was also a member of the Veterans' Affairs Committee. He worked tirelessly for the welfare of our veterans and was instrumental in passage of the National Cemeteries Act. I might add that it was JOHN SAYLOR who gave the U.S. Marines the first American flag to be raised on Iwo Jima.

I offer my deepest sympathies and respect to his wife, Grace Saylor, and to his entire family, and suggest that they have a great deal of which they should be truly proud.

Mr. DULSKI. Mr. Speaker, it was with profound sorrow and a great sense of loss that I learned of the untimely death of our colleague, JOHN SAYLOR.

JOHN left a wonderful legacy to all of us—a legacy composed of service to his constituents for over a quarter of a century, unexcelled leadership in the conservation field, sincere dedication to solving the problems of his district and his Nation, and a genuinely warm capacity for friendship and loyalty.

Perhaps he was best known nationally for his achievements in conservation and through his work on the Interior and Insular Affairs Committee. Personally, I

will always think of his equally fine work on the Veterans' Affairs Committee, where I had the privilege of serving with him for 15 years.

As a veteran himself—who had given the marines the flag raised over Iwo Jima, on the occasion later commemorated at Arlington Cemetery—he was both knowledgeable and concerned about veterans' welfare, and a champion of progressive veterans' legislation.

I am proud to say that JOHN SAYLOR was a personal friend. He invited me to speak in his district on several occasions, and I had the opportunity to meet his lovely wife and family.

He was a friend of the postal employees, and their friendship and gratitude toward him were evident at a gathering I addressed some time ago in Johnstown.

Another time I witnessed the mutual high regard of JOHN SAYLOR and ethnic groups, when he invited me to a Polish Constitution Day celebration in his district.

JOHN SAYLOR has left a place that will be hard to fill, but his legacy of accomplishment and friendship has permanently filled a space in the hearts of his constituents, his country, and his colleagues. Deepest sympathies go to his wife Grace and to his family. JOHN SAYLOR will be greatly missed.

Mr. DON H. CLAUSEN. Mr. Speaker, I find it difficult to express fully the friendship I have shared with JOHN SAYLOR for over a decade.

During my service in the Congress while JOHN SAYLOR was the ranking Republican member on the House Interior Committee, four major conservation areas in northern California have been added to the National Park System.

Point Reyes National Seashore, the Redwood National Park, King Range National Conservation Area and the Golden Gate National Recreation Area will remain for all time as tributes to the foresight, wisdom, and dedication to the cause of conservation of JOHN SAYLOR.

JOHN was his own man in every way. I do not think that anyone who ever met him has doubted his independence and his objectivity. JOHN would make up his own mind on every issue and when he had made his personal decision would pursue it effectively and fairly.

As an effective advocate for those principles in which he believed so strongly, he became a leader in the Congress and saw the realization of innumerable goals he had set for himself and his country.

For many men death marks an end to an era. JOHN SAYLOR's era is only just beginning. He has rightly been recognized as one who has been most responsible for bringing the need for conservation to the attention of the American public. To me, JOHN SAYLOR will stand alongside the great conservationists in our history, John Muir and Gifford Pinchot. Today the cause of conservation is bright because it has the attention of the public mind.

In every way JOHN SAYLOR leaves a legacy that insures he will never be forgotten. I will never forget his friendship. Like our giant redwoods, JOHN SAYLOR stood straight and tall. He was truly a giant in the forest of great men.

Mr. BRADEMAS. Mr. Speaker, evidence of the high regard in which our late and distinguished colleague, the Honorable JOHN P. SAYLOR, was held far beyond the boundaries of his home State of Pennsylvania is the following editorial of November 6, 1973, from the La Porte, Ind., Herald-Argus.

I insert the text of this editorial at this point in the RECORD:

FOR NATURE FIRST

Conservationists, and most assuredly the Indiana Save the Dunes people, should have stood in reverence for a moment last week upon learning that U.S. Rep. John P. Saylor, R-Pa., had died at the age of 65.

Saylor was preaching conservation, anti-pollution legislation and preservation of the ecology long before these causes became so fashionable among Americans.

He was the author of the Wilderness Act, designed to save unspoiled lands from commercial development.

A resident of Johnstown, Pa., Rep. Saylor early recognized the changing role of coal mining, which had been a foundation of the economy of Pennsylvania.

He sponsored the legislation that established the Office of Coal Research, and without him, the Coal Mine Health and Safety Act of 1969 probably would not have made it.

How did Saylor, a Pennsylvania congressman, figure in the preservation of Indiana's Dunes?

Save the Dunes people know the answer. Indiana's National Lakeshore proposal was not getting much support in Congress, particularly from those who should have been most interested—Indiana's congressmen.

It was Pennsylvania's Saylor in the House who responded to Illinois' Paul Douglas' appeal from the Senate, and helped materially to steer the National Lakeshore park bill through its initial stages.

Saylor had seen first-hand the devastation wrought upon Pennsylvania lands by mining practices undertaken without any plan for repairing the damage.

He had also witnessed the sprawling urban growth after World War II, and the effects of that unplanned development around cities like Pittsburgh and Philadelphia.

So it was that Pennsylvania's Johnny Saylor, like Illinois' Paul Douglas, could see the importance of saving the last remaining Great Lakes sand dunes.

Rep. Saylor was one of the "out-of-staters" in Congress who battled to save the Indiana Dunes. Not many from Indiana, particularly in the lower house, would stand up to be counted for that cause.

They wouldn't then. But they have since to their credit, had some second thoughts on the subject—most of them at least.

We're grateful that Rep. Saylor responded to his principles and supported the cause of the dunes in Indiana, as he did many another conservation projects across the U.S.

His stance did not make him particularly popular at the time with some of his Hoosier colleagues in the House. But he has been largely vindicated.

Mrs. GRASSO. Mr. Speaker, the untimely death of the Honorable JOHN P. SAYLOR has taken from this body a distinguished and respected public servant.

Since entering the Congress in 1949, JOHN SAYLOR has been in the vanguard of the conservation movement. Feeling at one with the land he loved, he helped educate the Congress and the American public in the need to protect our valuable natural environment long before the ecology movement gained popular support. Through his efforts as a member of the Interior and Insular Affairs Committee, important conservation bills such as the Wilderness Act, the Wild and Scenic Rivers Act, and the Land and Water Conservation Act were enacted into law.

Some of us remember other accomplishments of this dedicated man. For the past 3 years, I had the privilege of serving with JOHN SAYLOR on the Veterans' Affairs Committee. Throughout this time, he strongly advocated measures which would assist those Americans who have served in our Armed Forces. As a World War II naval officer, he knew the hardships and personal sacrifices which our veterans have faced and diligently worked for the best possible benefits for all of them, young and old.

While JOHN's constructive achievements and personal triumphs cannot mitigate our sadness at his passing, the knowledge that his contributions will endure should prompt others to continue the work which he started and helped along.

I join with my colleagues in mourning his passing and expressing my condolences to his family.

Mr. ROUSH. Mr. Speaker, I rise to pay tribute to a truly great Congressman, JOHN SAYLOR. He was held in high regard by Members on both sides of the aisle. He will be missed by not only his family and friends but by the Nation. He indeed served the Nation. His concern and interest in the cause of conservation brought to him a national reputation as one of the country's leading conservationists. He fought for popular and unpopular causes with equal vigor. If it meant serving the cause of conservation the fact that the advocacy was unpopular did not in any way deter him. He was admired and respected for his unwavering convictions. Indiana is indeed grateful to him for his strong and consistent support of the Indiana Dunes National Lakeshore. He viewed this project as one of national interest and concern and without hesitation joined in the fight to establish the Lakeshore over the objections of those who would have destroyed those beautiful Indiana Dunes for selfish economic reasons. But that was JOHN SAYLOR and we loved him and respected him for being what he was. We shall miss him as a colleague and as a concerned American.

Mr. BROTZMAN. Mr. Speaker, I felt a deep sense of loss and sadness on learning of the untimely passing of JOHN P. SAYLOR.

I have had the pleasure of knowing JOHN since 1963 when I first came to Congress. Since that time I have held the greatest respect for his strong leadership, and his dedication to the welfare of this country.

As ranking minority member on the Interior and Insular Affairs Committee, JOHN was a leading advocate of environmental quality. The State of Colorado owes a particular debt to JOHN SAYLOR for his outstanding work on the environment and his authorship of such major pieces of legislation as the Wilderness Act. Coloradans have always taken tremendous pride in the State's beautiful mountain ranges, vast wilderness areas, and crystal clear waters and streams. They have John to thank in large measure for his great work in assuring that this beauty will remain for many future generations to enjoy.

John Saylor will be sorely missed by all those who had the opportunity to know him and work with him. He left this Congress and this Nation with a fine example of honest leadership and forthright determination that we would be very wise to follow.

Mrs. Brotzman joins me in expressing our most deep and heartfelt sympathy to the family and friends of John Saylor.

Mr. EDWARDS of California. Mr. Speaker, John Phillips Saylor was a big man. Physically, he stood above the rest of us. His voice was always loud and clear, whether debating on the floor or in committee or expressing his generous sense of humor and sharp wit. He was also big when it came to fairness, integrity, dedication, and work. During his 24 years in the House as a Representative from Pennsylvania, he guided into law numerous pieces of landmark environmental legislation.

But most of all, John Saylor had a view of this country that was larger and more far reaching than that of most Americans. Many years before people were aware of their environment, when conservation was just a narrow concept involving birds and animals, and when few citizens could have explained the meaning of ecology, John was aware of the need to protect and preserve the natural resources of this Nation. He was an original sponsor of the Wilderness Act to save our woods, water and wildlife for future generations, and the Land and Water Conservation Fund Act. He fought against the construction of dams in the Grand Canyon and Hells Canyon, and to preserve Dinosaur National Monument. He was a defender of the Piscataway Park to protect the Potomac Basin and a leader in the struggle to create the Chesapeake and Ohio Canal National Historical Park here in Washington. His vision and hard work as an environmentalist brought him well-deserved national recognition and numerous awards.

Now as we find ourselves suffering from an energy crisis and from drastic pollution of our air and water, it is especially tragic that we should lose the leadership of John Saylor. If all of us had the kind of foresight and concern that he possessed, we might not be in this situation. However, we can certainly all learn from and remember his great contributions. His example of dedication to environmental protection should encourage us to strive to fill the large footprints he has left and to follow the path he forged toward preserving the natural resources of the country for future generations.

I extend to his wife, Grace, and to his children, Susan and John, Jr., my deepest sympathy.

Mr. BURTON. Mr. Speaker, I wish to express my sense of loss on the untimely death of our distinguished colleague, Congressman John P. Saylor.

Mr. Saylor's leadership in the field of conservation is well-known to all of us and to the Nation for which he did so much in the protection of scenic and natural resources. His 25 years of service of the Congress were marked by a foresight and zeal in the field of conservation that were truly inspirational to those of us privileged to serve with him on the House Interior and Insular Affairs Committee.

GENERAL LEAVE

Mr. SCHNEEBELI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the life, character, and public service of the late Honorable John Phillips Saylor.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

CONGRESSIONAL WORK SCHEDULE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. Frenzel) is recognized for 5 minutes.

Mr. FRENZEL. Mr. Speaker, last week there was discussion on this floor as to whether it is appropriate for this House to adjourn for an extended Thanksgiving vacation at a time of alleged national and international crisis. On Thursday, after giving assurances of the timing of the Vice Presidential confirmation, and his intentions to handle other needed legislation prior to sine die adjournment, the majority leader said he would ask for, or move for, a 10-day recess with the agreement of the minority leadership.

I am pleased that the disagreement over the recess has produced a better definition of our work schedule for this year, but despite these assurances and this agreement, I still believe that our responsibilities are not being met by a 10-day vacation now.

The Minneapolis Tribune on Saturday carried a poll showing that 69 percent of Minnesotans believe Congress performance is only "fair" or "poor." The headline on the article said—

> Congress Gets Good Job Rating From Only 24%.

I doubt if a 10-day congressional rest period will cause the public confidence to increase. I think it would be especially unfortunate if the motion to adjourn for our vacation is slipped through without a recorded vote. I, for one, want a chance to vote against the 10-day recess.

FOREIGN LANGUAGE RESOURCES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Gonzalez) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, last April I introduced a bill, H.R. 7310, that would establish a National Commission for the Preservation of Foreign Language Resources, as I have always believed that we should utilize to the fullest our linguistic and cultural heritages. At this time I would like to place in the Record an article by Dr. Jacques Wilson, chairman of Latin American Studies at the University of West Florida in Pensacola. Dr. Wilson's article emphasizes the need for passage of this legislation, especially now when our Nation is becoming more involved in the world community:

Nation Must Maintain Foreign Language Proficiency

(By Jacques Wilson)

Congressman Henry B. Gonzalez, D—San Antonio, Texas, recently introduced a bill in the House of Representatives calling for the establishment of a National Commission for the Preservation of Foreign Language Resources. This measure (H.R. 7310) would create a small consultative group to advise in the formulation of policies to identify, preserve and improve this nation's foreign language resources. In addition, it would evolve active programs for the conservation of these resources and serve as consultant and coordinator to national and state professional educational associations for the development and implementation of activities designed to preserve and identify these same resources. It will also develop and maintain what amounts to a data bank of this country's non-English language resources.

Congressman Gonzalez's proposal has never been more timely. Never before in this nation's history has there been such a pressing demand for individuals qualified to communicate with the world community in their native tongues. Man's destiny—indeed his very survival—is to an unprecedented degree dependent upon his ability to develop effective intercommunication in the family of nations. The vital questions of our time, as we have seen repeatedly, cannot be resolved by military force. Survival today depends increasingly on the ability to communicate effectively with other peoples in their native languages, on discussing problems and issues without the admittedly imperfect tools of translation and interpretation.

National interest forced us to utilize our non-English language resources to meet World War II commitments. Thousands of speakers of non-English languages were pressed into service to accomplish such tasks as teaching languages, preparing radio and press releases, intercepting radio transmissions, censoring mail, and hundreds of duties too numerous to mention here. The nation suddenly realized the value of this hidden resource possessed by our non-English speakers.

Concomitant with the utilization of the non-English language skills of these citizens, our nation's educators began to question the effectiveness of foreign language instruction at all levels of the educational structure. It became immediately apparent that the reading and translating objectives of foreign language instruction in high schools and colleges did not produce the skills and aptitudes needed by our nation. A rarity indeed was the foreign language student who developed the proficiency approximating that of a native speaker. Few were the high school students able to understand the foreign language they had studied when spoken by a native speaker. Fewer yet were those able to converse intelligently in a foreign language.

While we needed non-English language resources in Czechoslovakian, Bulgarian, Rumanian, Arabic, Portuguese, Swedish, Norwegian, Finnish, Italian, Tagalog, Mandarin and

Hindi to name but a few, we discovered that most secondary school and college curricula offered: Spanish, French and German. Very few school systems or institutions of higher education helped those who spoke non-English languages to preserve the linguistic and cultural heritage of the ethnic group to which they belonged. Our twentieth century educational philosophy was a reflection of an 18th and 19th century ideal—that the United States is a melting pot; that we embrace those who come to our shores as equals—but they must forget their past, their culture, their traditions, their heritage and become homogenized copies of Babbit on Main Street, U.S.A. Our 19th century culture developed what amounted to an ethic that the individual who spoke with a "foreign" accent (whatever that really means) had not quite become fully Americanized. Those who spoke a non-English language at home were looked at with suspicion and as slightly un-American.

Teachers and educators reflected the prevailing opinion by systematically discouraging pupils and students from using or preserving the language and culture of the ethnic group to which they belonged. The school's rejection of the home language, of those who spoke languages other than English, subconsciously denigrated their culture. Our local and state educational policies were monolingual and monocultural. We were a safe, secure continental island, separated from the rest of the world by broad oceans. In our dealings with those from abroad, we used English, and in many cases still do. Yet, as Joshua Fishman in his study "Language Loyalty in the United States" points out, at the national level America has rarely implemented policies to "hasten the linguistic and cultural enfeeblement of the immigrant groups. . . . Immigrant minorities were never forbidden to organize and maintain their own communities, organizations, schools, or publications."

After the end of World War II, the momentary recognition given those who possessed non-English language resources subsided. Some forward-looking educators and linguists, capitalizing on the advances in foreign language teaching methodology pioneered by the Army Language School and other such projects, began conducting research in the development of foreign language teaching materials, the training of foreign language teachers, and the updating of our school and college curricula. In general, foreign language teaching returned to the pre-World War II rut from which it had given promise to emerge. With the exception of a few cosmopolitan urban centers in the nation, our value systems still reflected a degree of mistrust of those who spoke another language than English. If not quite un-American, they certainly were not as "fully" American as those of Anglo-Saxon, English-speaking, protestant, ethnic origin. For most, the idea of cultural pluralism was an anomaly rather than an ideal.

The advent of the first Russian Sputnik jarred the nation's leaders from their complacency. Since then this country has made some significant advances in expanding its reservoir of foreign language skills. Under the authorization contained in the National Defense Education Act and other legislation, basic research into the nature of language and how it is learned was subsidized, and thousands of teachers received intensive upgrading of their own language proficiency. Thousands of scholars were given opportunities to pursue advanced study in hundreds of languages classified as "critical" or "exotic" in terms of national need.

The language teaching profession, Congress and the U.S. Office of Education worked together in the 1960's to expand our non-English language resources. Millions were spent developing and implementing well-designed programs. Many of the gains of the past decade face an uncertain future today as foreign language requirements in schools and colleges are lessened or eliminated. The roots of ethnocentricism are deep; the winds of neo-isolationism sweeping the country Valkyrian—nostalgically seducing many to the Valhalla of "Fortress America."

This nation has millions of individuals who speak other languages. Some are completely bilingual; others have yet to learn English. Each year many migrate to our shores and bring with them additional non-English language skills, language resources which are desperately needed. The nation's attitudes to these resources have changed but little since the 19th century. With the exception of a few bilingual schools, non-English, non-Anglo-Saxon ethnic groups are still pressured to forget the past, to forget their cultural heritage, to forget their language. No systematic program exists to identify and inventory these resources. No agency or branch of government is charged with the responsibility of encouraging social, educational and political associations, educational institutions and educational systems at the state and local level to develop programs to preserve these priceless resources in our national interest.

In a democratic society such as ours, educational policy, whether at the national, state or local level, should be based on the needs and well-being of the individual as well as the needs of the state. The failure to dignify the home language and culture of children from non-English speaking homes has damaged the self-concept of speakers of other languages. It has been repeatedly demonstrated that those who went through such an experience reach adulthood without acquiring literacy in their mother tongue. In such cases, the home language is practically useless for any professional or technical purpose where language proficiency is important. A valuable resource is wasted; but more importantly, an individual was psychologically damaged in the process. Instead of bicultural, bilingual children, we produced generations of citizens most of whom wind up as linguistic cripples, neither functional in their home culture nor the dominant culture of our nation.

It is my strong conviction that Congress should take the initiative, pass this legislation and establish a National Commission for the preservation of this nation's non-English language resources. Congresman Gonzalez's vision and foresight are to be applauded. Through the proposed commission's statements, policies and programs it can insure not only the preservation of an important strategic national resource, but serve as a valuable counterpart to existing programs for the development of foreign language skills. It can truly be said—it makes little sense to spend countless millions to teach people language skills in one segment of the population, while unwittingly our system works systematically to stamp out these same, as well as other non-English language skills, in other ethnic groups.

Can we be less than cultured men in supporting this legislation? As Matthew Arnold stated, "The great aim of culture is the aim of setting ourselves to ascertain what perfection is and to make it prevail."

BEYOND RHETORIC—THE REAL NIXON ENERGY POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. Udall) is recognized for 5 minutes.

Mr. UDALL. Mr. Speaker, it must be said that in a time of national crisis, a little bit of partisanship goes a long way. For that reason, I was disturbed that the latest Nixon energy message carried with it the suggestion that the Congress is really to blame. Such a suggestion is both a diversion from the kind of bipartisanship which should be sought now and an egregious falsehood.

For the fact is, as I stated on the floor last Thursday, this ostrich administration had pretended for 2 years that the energy crisis did not exist. Their defaults have put us in such a vulnerable posture that the Arab's "oil weapon" will inevitably have a devastating impact on our lives and our economy in the months immediately ahead.

For 2 years, the warnings of Congressmen of both parties were scorned by the White House. Administration "experts" scoffed at suggestions that we put the country on an energy diet. As late as this summer administration spokesmen, including Secretaries Morton and Shultz, delivered testimony before my subcommittee in opposition to a multibillion-dollar energy research and development bill—the same program he now tells the country the Congress is holding up. The President's so-called Project Independence could have been law today but for his own intransigence.

A measure of Mr. Nixon's confused, wrongheaded approach to energy is that he has sent the Congress no fewer than four separate energy messages in a single year, each carrying different themes and vastly different conclusions. This is no policy; it is a nonpolicy which has prohibited meaningful legislative response.

Here is a summary of what the Nixon administration has told the American people and the Congress this year about our energy position.

THE 1974 BUDGET MESSAGE

In January, Mr. Nixon released figures which called for an energy research increase of only about 20 percent, or a mere $772 million, less than this country spends on the construction of a single aircraft carrier and less than one-tenth of the military research budget. His figures were greeted with howls by Congress, industry, and the utilities—all of whom begged for at least $100 million more.

ENERGY MESSAGE NO. 1—APRIL 18, 1973

With great fanfare, the President announced that energy R. & D. funding for 1974 would be increased by 20 percent over 1973. He added that we must apply our vast scientific and technological capacities both public and private to utilize our current energy resources more wisely and develop new sources and new forms of energy. Yet the proposed R. & D. funding was no larger than had been indicated in January in spite of strong criticism that it was inadequate. In particular, geothermal energy was barely increased at all to only $4 million, solar energy while tripled to $12 million was still a minimal amount compared with a

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vast potential and nonpolluting nature of the source, conservation of energy funding was only increased $2 million to $9 million total, and transmission and storage of energy was actually decreased from $6 million to $3 million.

ENERGY MESSAGE NO. 2—JUNE 29, 1973

In June, the President finally increased the energy R. & D. budget for 1974 by $100 million and declared that the answer to our energy difficulties lies in developing new forms of energy. The allocation of the $100 million additional was to be announced by September 1 in the study by the AEC. In fact, after the AEC made its recommendations, OMB then sat on the results until October 11, so that less than 8 months remained until the end of the year to spend the money which is clearly an insufficient time interval to expand the program. Much of the additional money thus will probably not be spent until later years due to all this delay.

The President also announced that a $10 billion, 5-year R. & D. program would be initiated. It soon became evident, however, that the $10 billion included present programs which would have been $5 or $6 billion anyway. This was the same program he had been attempting to kill in the Congress.

ENERGY MESSAGE NO. 3—OCTOBER 11, 1973

The details of the $100 million additional energy R. & D. funding were finally released on October 11. It turned out that energy R. & D. had been redefined so that vaguely related programs were now included in the R. & D. category, which bloated the total budget to $1 billion instead of about $870 million, and the incremental $100 million had thus become $115 million. This had the effect of increasing the presently projected energy research for present programs over the next 5 years so that the new money necessary to achieve a $10 billion program was reduced still further. By this time, Congress had already appropriated $90 million more for energy research so that the $115 million figure included only $25 million of new money. Other points to note include: First, it was announced that the nuclear fusion budget would be substantially increased, and only that week the President had suggested leap frogging the breeder reactor and going directly to fusion. However, in fact, the fusion budget presented cut the funding by $2 million from what Congress had already appropriated; second, solar energy which had been increased to $15 million by the AEC, from the originally suggested $12 million, was cut back to only $13 million. The logic behind cutting back solar energy research funds at a time when solar energy presented the prospect of unlimited nonpolluting energy is difficult to fathom.

ENERGY MESSAGE NO. 4—NOVEMBER 7, 1973

Spurred by the Arab oil embargo, the President finally admitted an energy crisis really existed. He suggested a series of steps to immediately conserve fuel, and asked for legislation which would permit more stringent actions later if necessary. Unfortunately for the country, he was wrong again. The immediate suggestions are inadequate; they are either too slow; that is, the conversion of industry to coal or an accelerated nuclear power program, or they are too modest; that is, 50-mile-an-hour speed limits for Government transport, and airline flight cutbacks of 10 percent which might have only 100,000 barrels per day effect, or voluntary actions which are not likely to be effective until monetary incentives to save are added.

This means that in the coming months as our supplies shrink due to limited imports, our consumption will continue at nearly normal rates, which will reduce inventories necessary for the winter quarter.

Some of the requested legislation has merit, such as limiting commercial hours, permanent daylight savings time, and higher gas taxes or gas rationing. But inexplicably his request was merely for standby authority, presumably not to be used until the gas pumps are dry and the pipes frozen. The point is that now is the time to cut back rather than allow all the shortage to accumulate in the first quarter of the year.

And so we are still faced with an administration that does not seem to perceive the full dimensions of the deep trouble we are in. The President is talking about a shortage of 2 to 3 million barrels of oil this winter. Nonsense; it will be far greater, perhaps 6 million barrels per day. A deficit of this magnitude has such grim consequences that all efforts should immediately be directed towards mandatory conservation, rather than wasted in bland assurances that we "face no suffering this winter."

The President had better get a grip on the problem; he has not yet after four separate energy messages. Shifting the blame to the Congress would not heat a single home or hospital or keep a plant open. And such an effort will further divide a country that wants leadership, not partisanship.

WHY NO U.S. AMBASSADOR TO SWEDEN?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. REUSS) is recognized for 5 minutes.

Mr. REUSS. Mr. Speaker. Mr. Nixon has just decided to send an American ambassador to Cairo. This is a wise move. But why not also send an ambassador to Sweden?

In the last 10 years, the Egyptians have publicly insulted the United States on many occasions. Their head of state, for example, publicly advised the United States to "go drink from the sea." Sweden, while steadfast in its criticism of the U.S. presence in Southeast Asia, has remained a friend of this coutnry.

So let us send an American ambassador to Stockholm. Incidentally, Dr. Henry Kissinger could then look Liv Ullman in the eye again.

PUBLIC REACTION OVER ENERGY CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. COTTER) is recognized for 5 minutes.

Mr. COTTER. Mr. Speaker, over the weekend I was both amazed and concerned by what I heard. There was the widespread belief that the current energy crisis was a sham and a political ploy devised by the President to divert attention from the Watergate and related matters. While I agree that the President's energy message, in part, was a response to Watergate charges, my own study and that of many other Members, indicates that he is on solid ground in projecting severe fuel shortages this winter. I just wish that this insight and his efforts began 1 year ago instead of waiting until the middle of October.

Knowing of this growing public cynicism about President Nixon's motivations, I called upon the President last week to set a good example. I told the President—

> Since success in meeting the energy crisis requires both effective governmental action and citizen participation, I am requesting that you remain in Washington and forgo the warm sunshine of Key Biscayne and San Clemente during this winter period. If our people must shiver this winter, our public officials cannot be expected to do less.

The importance of personal example and constructive governmental efforts were underscored by a perceptive column in the Sunday Hartford Times by Editor Charles Betts.

In response to Mr. Betts' call for action, I have today asked the Secretary of Defense to detail what war games, air shows, and nonessential maneuvers will be canceled in order to conserve fuel. Further, I have contacted Dr. James Fletcher, the head of NASA, asking him to stretch out the space program projects to get us over the current crisis.

I believe that my colleagues will benefit from reading Mr. Betts' column and I enter it at this point in the RECORD:

[From the Hartford (Conn.) Times, Nov. 11, 1973]

LET US ALL SACRIFICE AT THE TOP, TOO

(By Charles A. Betts)

Well, once again, my leaders in Washington are calling upon me to sacrifice so we can all get through the winter without freezing to death.

Pardon me if I look upon this heartfelt appeal with a certain degree of cynicism. Now, don't misunderstand me. I'm willing, indeed eager, to cooperate for the national interest when necessary, repeat necessary. And I think the vast majority of Americans are too.

We are, that is, with one big proviso. That is that the same ground rules apply across the board to everybody without regard to rank, stature, position or political pedigree.

In other words, I don't want to be sitting around shivering a little in my extra sweater with the thermostat down to 65 degrees and learn that Richard Nixon and his entourage are winging it to Camp David, Key Biscayne or San Clemente for a cozy week-end in the mountains of Maryland or some fun in the sun in California or Florida.

When Nixon asks the nation to cool it, literally, I for one want Nixon to keep his abode right there in the White House. For that matter what do you say we close down Camp David, San Clemente and Key Biscayne for the duration of the crisis?

I bring all this up specifically because I think government is all too prone to con us "general public" folks while government leaders and/or special interest people somehow seem to feel above the common herd.

Remember the beginnings of the wage-price freeze mess? Everybody was supposed to be frozen in salary and then raises were limited to 5.5 percent. But much of big labor told the Nixon Administration, "nothing doing." And so contracts were signed calling for increases far in excess of 5.5 percent while in many cases you were being told you couldn't get more than that figure.

I have a couple more ideas too, while I'm contemplating my 65-degree house and 50-mile-per-hour speed limit to conserve energy.

For starters, why do we have to go ahead with the Skylab program? Imagine the energy expended to prepare for those space missions, let alone run them off.

If the energy crisis is bad enough in this country, and apparently it is, for my President to ask me to go along with this whole emergency program, then I say it is bad enough to suspend the whole space program until things ease off.

In addition, I won't care particularly to read about any military exercises while I'm cooperating with my leader to save fuel. No rumbling of tanks around Europe in any NATO training. No big military air shows. No maneuvers for the National Guard. No fleets steaming around for kicks.

For that matter Air Force One, itself, can stay still for all of me save for necessary trips in the highest priority of national interest and security.

I sincerely hope we succeed in the President's goal to develop United States self-sufficiency in energy by 1980. I also sincerely hope that we don't have to backtrack too far in the gains we have made over the past few years in pollution control and overall protection of the environment.

From all I have heard about the energy crisis the ecology movement is in for backseat treatment now and in years to come. I believe when the immediate crisis is over, we should strive again for a working balance between energy and environment.

Meantime, I'll gladly do my part. But I want no part of my leaders taking it out of my hide while they go on with an attitude that sacrifice is just for the peasants.

RAIL ORGANIZATION AND INDIANA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 10 minutes

Mr. HAMILTON. Mr. Speaker, I am pleased that the House passed H.R. 9142, the Regional Rail Reorganization Act, last Thursday, November 8. I hope the Senate acts promptly on its version of this bill, so that we can keep the trains running. Rapid final congressional action on this bill is needed if severe reductions or even termination of rail service is to be avoided. Such a course of developments would be disastrous to the State of Indiana, as well as to the nation as a whole.

IMPORTANCE OF NORTHEAST RAILROADS

The facts of the situation are well known. Since 1967, six major northeastern railroads have filed for bankruptcy. One of them alone, the Penn Central, operates a 20,000-mile system covering 16 States, including Indiana. It accounts for 70 percent of the Nation's passenger service and 20 percent of its freight transportation, including everything from raw materials and heavy manufacturing goods to foodstuffs.

The importance of the northeast railroads to the Nation is enormous:

Forty-six percent of all intercity freight moves by rail, and more than 50 percent of that total originates or terminates in the Northeast.

Thirty-six percent of all manufactured products that move by rail originate in the Northeast.

While 9.8 percent of all agriculture products that move by rail originate in the Northeast, nearly 13 percent of such products terminate there.

THE BILL

As several of my colleagues pointed out in the RECORD on October 1, the declining fortunes of the Northeast railroads are not going to be reversed without some Government involvement. The extent of this involvement should be limited, but short-term assistance will be needed to keep the railroads operating until the long-term effects of restructuring the industry can take hold.

H.R. 9142 provides the type of short-term aid that is needed. A new agency, the Federal National Railway Association—FNRA—is created under the bill to act as the principal planning and financing vehicle for the reorganization and rehabilitation of the bankrupt northeastern railroads. After studies are made of these railroads' physical properties, financial position, competitive situation and other relevant matters, final determinations of the quantity and quality of rail service to be provided by these carriers are to be made and will appear in a final system plan.

In accordance with the principal objective of assuring adequate rail service in the region affected, the bill directs the planners to formulate a financially self-sustaining rail system and yet one that gives due consideration to the public services aspects of rail transportation. The system is to be operated by a new private, investor-owned carrier corporation that is to carry out the final system plan.

For the purpose of providing financial assistance to the new corporation, the FNRA is authorized to issue up to $1 billion of its obligations with the guarantee of the Secretary of Transportation. The bill also authorizes the appropriation of $85 million for the interim relief of bankrupt railroads pending implementation of the final system plan, and establishes principles of employee protection which are customarily found in mergers and consolidations in the railroad industry.

The Government financing in the bill is quite small when compared with the great economic importance of continued rail service. It is estimated that termination of Penn Central service alone would substantially increase national unemployment, reduce national productivity by 3 percent, and increase inflationary pressures throughout the Nation. The use of alternate transportation systems, especially trucking, would aggravate air pollution, further clog highways, and increase use of petroleum products at a time when fuel resources are already stretched thin.

IMPORTANCE OF BILL TO INDIANA

Indiana has more miles of Penn Central track—2,845—than any other State except for Pennsylvania and would, frankly, be crippled by a reduction or termination of service. This track constitutes 45 percent of the State's total.

The Penn Central network in Indiana services all of the major industrial regions of the State, and has a total employment of almost 11,000 Hoosiers. It serves almost 3,000 freight customers in Indiana, and had operating revenues in 1971 in the State of more than $206 million. Last year, it paid out wages and salaries to Hoosier employees totaling $103 million.

Obviously, Indiana has a vested interest in maintaining the operations of the Penn Central and other northeast railroads. Indiana's five most important industries—agriculture, steel, automobiles, mobile homes, and electricity—are all dependent on Penn Central service. According to a recent study of this matter by the Indiana Department of Commerce—

> The loss of the Penn Central could disrupt the Indiana economy enough to produce conditions of unemployment worse than those of the Great Depression.

A shutdown of just a month's duration is estimated to result in a loss of $138 million in manufacturing output and 300,000 unemployed—an unemployment rate of 23.5 percent—because of plant shutdowns and reductions.

Mr. Speaker, these are dramatic figures. They indicate the urgent need for enactment this year of regional rail reorganization legislation like that embodied in H.R. 9142. This bill provides a workable, balanced and comprehensive proposal for relieving the Northeast's rail crisis. We must not delay in providing this relief.

RULES OF EVIDENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. HUNGATE) is recognized for 5 minutes.

Mr. HUNGATE. Mr. Speaker, on Tuesday, October 6, 1973, the Committee on the Judiciary ordered favorably reported the bill H.R. 5463, to establish rules of evidence for certain courts and proceedings.

Pursuant to the provisions of clause 17 of the Addendum to the Rules of the Democratic Caucus for the 93d Congress, I am hereby inserting in the CONGRESSIONAL RECORD notice of my intention to request, following the expiration of 4 legislative days, the Committee on Rules to report to the House a resolution provid-

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ing for a "modified closed rule" on the bill H.R. 5463. The rule I will be requesting would provide in effect that after an extensive period of general debate not to exceed 4 hours, on the bill, further consideration of the bill for amendment would be postponed to a time certain to give Members an opportunity to draft and to insert in the Record any amendments which they proposed to offer to the bill. Those amendments, if offered, would not be subject to amendment on the floor, and article V of the bill, the "Privilege" article, would not be subject to amendment. Such a rule would I believe, best permit the House of Representatives to work its will on this important and complicated piece of legislation.

Mr. SMITH of New York. Would the gentleman yield?

Mr. HUNGATE. I yield to the gentleman from New York.

Mr. SMITH of New York. I would like to echo the sentiments of the gentleman from Missouri. I hope the Committee on Rules will grant this kind of a rule on the very technical rules of evidence which the gentleman's subcommittee spent at least 9 months on. The proposed rule would in no sense restrict any Member who has an amendment to any section of the bill, but it would require advance notice of such an amendment. I think this is a very sensible rule to seek when the bill concerns such a technical matter as the codification of the Federal rules of evidence.

I thank the gentleman for yielding.

Mr. HUNGATE. I thank the gentleman from New York, who is the ranking Republican member on that subcommittee and who played a very active part in this legislation, for his contribution.

I would say, as he has said, that I would want to take an extensive period of debate so that all Members might have an opportunity to become familiar generally with what we have done and have an opportunity to question the committee.

Then put this over so that proposed amendments could go in the Record as to all sections except as to the privilege section, and we have pretty well left the law of privilege pretty much in its present state.

This is our intention, so that all Members may know what the committee has done, and they will have the opportunity to offer amendments to all sections except the privilege section, and yet it can be done in an orderly fashion because it is an exceedingly technical piece of legislation.

ON PERMANENT DAYLIGHT SAVING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. Sikes) is recognized for 5 minutes.

Mr. SIKES. Mr. Speaker, I am introducing a bill today to extend daylight saving time to the entire calendar year. This is one of the proposals recently advanced by the President for energy conservation. It seems to me that the benefits of extending daylight saving time far outweigh the continuation of the present system. I think it makes even more sense to have daylight saving time during the winter than it does for the summer months. People would be encouraged to shop after leaving work because of the additional hour of daylight. It would certainly be advantageous to schoolchildren. Greater use would be made of recreational and cultural facilities since outdoor activities could be continued for an extra hour.

As we look ahead to the increased demands upon our energy sources, the reasons for changing to year-round daylight saving time become all the more important. This would be one of the wisest energy conservation moves we could make and at no cost or loss to anyone. In fact at the moment the most significant effect of the daylight saving time extension is the potential for energy savings in the consumption of electricity.

According to the National Safety Council, the rate and severity of traffic accidents is the highest just after sundown. Therefore, when standard time is in effect, commuters are forced to return home during the hours of greatest hazard and at a time when they are more fatigued and least alert. With the extension of daylight saving time, that additional hour of daylight should make it possible during most of the winter months, for commuters to reach their homes before the onset of darkness.

Another key benefit would be the reduction in street crime. Statistics indicate that robbery, mugging, and purse snatching are most frequent during the early evening. With the extra hour of daylight saving time at a time when most of the work force is en route home, criminals would be less apt to threaten these individuals returning to their homes and families.

I urge early and favorable consideration of this legislation by the Congress.

LABOR-HEW CONFERENCE REPORT

(Mr. PERKINS (at the request of Mr. Melcher) asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PERKINS. Mr. Speaker, tomorrow the House will consider the conference report on the Labor-HEW appropriations bill for fiscal year 1974. I support that conference report. In particular, I support the title I "hold-harmless" provision contained in that report.

The conference committee has done the best job it could in dealing with an outdated, inequitable formula and has brought us the best compromise possible for distributing title I funds this year. I would like to insert at this point in the Record two charts showing the increased grants for title I which will result if the conference report is adopted. The first chart shows the increases by States, and the second chart shows the increases for the 30 largest school systems in the country:

COMPARISON BETWEEN TITLE I LOCAL EDUCATIONAL AGENCY ALLOCATIONS IN FISCAL YEAR 1973 AND THE LABOR-HEW CONFERENCE AGREEMENT BY STATE

State	Fiscal year 1973	Conference agreement[1]
Alabama	34, 549, 166	36, 231, 420
Alaska	2, 415, 066	2, 757, 142
Arizona	8, 134, 242	9, 354, 378
Arkansas	20, 963, 618	21, 793, 010
California	111, 618, 375	128, 361, 131
Colorado	10, 237, 378	11, 680, 683
Connecticut	11, 747, 931	13, 510, 121
Delaware	2, 323, 748	2, 672, 310
District of Columbia	10, 096, 368	11, 610, 823
Florida	24, 111, 072	27, 433, 768
Georgia	40, 573, 812	42, 841, 265
Hawaii	3, 715, 263	4, 272, 552
Idaho	2, 719, 220	3, 062, 802
Illinois	69, 554, 901	79, 657, 703
Indiana	18, 773, 439	21, 241, 592
Iowa	14, 601, 661	15, 402, 643
Kansas	9, 147, 430	10, 166, 938
Kentucky	32, 212, 788	33, 817, 801
Louisiana	31, 322, 489	35, 609, 869
Maine	5, 633, 673	6, 478, 724
Maryland	19, 380, 669	22, 250, 234
Massachusetts	24, 893, 505	28, 627, 531
Michigan	51, 768, 916	59, 517, 077
Minnesota	20, 897, 155	22, 738, 709
Mississippi	35, 922, 629	37, 866, 737
Missouri	23, 367, 302	25, 209, 867
Montana	2, 865, 542	3, 235, 543
Nebraska	7, 187, 530	7, 797, 808
Nevada	923, 899	1, 040, 322
New Hampshire	2, 007, 413	2, 308, 525
New Jersey	44, 232, 287	50, 867, 130
New Mexico	7, 393, 185	8, 502, 163
New York	196, 835, 764	226, 356, 413
North Carolina	51, 556, 663	50, 634, 889
North Dakota	4, 101, 267	4, 360, 156
Ohio	42, 248, 122	48, 337, 485
Oklahoma	16, 629, 246	18, 435, 642
Oregon	8, 421, 321	9, 684, 519
Pennsylvania	64, 998, 125	74, 747, 843
Rhode Island	4, 873, 849	5, 604, 926
South Carolina	29, 853, 231	30, 881, 808
South Dakota	5, 470, 551	5, 713, 175
Tennessee	31, 273, 191	31, 659, 555
Texas	67, 675, 754	74, 232, 589
Utah	3, 894, 921	4, 447, 225
Vermont	2, 093, 957	2, 398, 856
Virginia	31, 522, 692	33, 229, 975
Washington	13, 445, 639	15, 462, 485
West Virginia	17, 319, 813	19, 241, 835
Wisconsin	17, 340, 875	19, 761, 936
Wyoming	1, 170, 817	1, 325, 974

[1] The conference agreement on H.R. 8877 provides for an appropriation for title I of $1,810,000,000 with a 90 parcent State "hold harmless" to fiscal year 1972, a 90 percent LEA "hold harmless" to fiscal year 1973, and a 115 percent LEA maximum to fiscal year 1973.

COMPARISON BETWEEN TITLE I LOCAL EDUCATIONAL AGENCY ALLOCATIONS IN FISCAL YEAR 1973 AND THE LABOR-HEW CONFERENCE AGREEMENT FOR THE 30 LARGEST SCHOOL SYSTEMS IN THE COUNTRY

County or school district	Fiscal year 1973	Conference agreement
New York City	134, 740, 582. 14	154, 951, 669. 42
Los Angeles	45, 181, 297. 68	51, 958, 492. 33
Cook (Chicago)	43, 938, 358. 89	50, 529, 112. 72
Wayne (Detroit)	22, 254, 319. 17	25, 592, 467. 04
Philadelphia	20, 752, 432. 16	23, 865, 296. 98
Harris (Houston)	6, 314, 749. 31	7, 261, 961. 70
Dade (Miami)	3, 691, 322. 37	4, 162, 220. 72
Baltimore City	10, 592, 231. 38	12, 181, 066. 08
Dallas City	4, 168, 752. 92	4, 794, 065. 85
Cuyahola (Cleve.)	9, 792, 840. 15	11, 261, 766. 17
Washington, D.C	10, 096, 368. 00	11, 610, 823. 20
Pr. George's Co	1, 649, 999. 30	1, 897, 499. 19
Milwaukee City	5, 039, 171. 73	5, 795, 047. 48
San Diego City	5, 505, 345. 98	6, 331, 147. 87
Shelby (Memphis)	3, 809, 596. 13	4, 381, 035. 54
Baltimore Co	792, 571. 18	911, 456. 85
Duval (Jacksonville)	2, 197, 440. 74	2, 527, 056. 85
Fairfax Co., Va	466, 052. 09	535, 959. 90
Montgomery Co., Md	693, 519. 85	797, 547. 82
St Louis City	1, 099, 472. 92	1, 264, 393. 85
Orleans Par (No)	4, 306, 926. 30	4, 952, 965. 24
Franklin (Columbus)	3, 607, 667. 35	4, 148, 817. 45
Marion (Indianap)	3, 078, 421. 07	3, 540, 184. 23
Broward (Ft Laud)	1, 387, 232. 27	1, 595, 317. 11
Hillsborough (Tampa)	1, 865, 058. 26	2, 144, 816. 99
Denver	3, 256, 609. 66	3, 745, 101. 10
Suffolk (Boston)	7, 515, 927. 26	8, 643, 316. 34
Davidson (Nashville)	1, 473, 443. 71	1, 694, 460. 26
Jefferson (Louisville)	3, 197, 069. 83	3, 676, 630. 30
Atlanta	4, 538, 289. 34	5, 219, 032. 73
Fulton Co	3, 750, 862. 01	4, 313, 491. 31
De Kalb Co	787, 427. 33	905, 541. 42

It is my understanding that Congressman Quie will offer an alternative tomorrow to the committee's title I hold-harmless agreement. I believe that that alternative must be opposed on three grounds.

First, it will lead to great confusion among local school districts about their title I grants. We have already changed the allocations to local school districts twice this year, and the Quie amendment will change them again.

I believe that we should uphold the conference agreement which contains the same allocation as we made in the second continuing resolution. Half the school year is almost over, and it is not fair to change the local allocations again.

Second, the Quie amendment will lead to more funds going to wealthier areas. For instance, Fairfax County, Va., will double its title I allocation under the Quie amendment over what it will receive under the conference agreement. Montgomery County, Md., will have a 25-percent increase in its allocation. This increase to Fairfax County will be at the expense of the poor rural school districts in southwestern Virginia. The increase in Montgomery County will be at the expense of the poor rural areas on the eastern shore of Maryland. Fairfax County and Montgomery County obviously have need for additional money; but as some of the wealthiest school districts in the country, their needs should not be taken care of at the expense of some of the poorest school districts in the counrty.

Third, the Quie proposal will lead to the AFDC part of the formula being enormously influential this year in determining local school districts' title I allocations. Under the present law, school districts receive title I funds for children counted under the census who are from families with incomes under $2,000 a year and for children whose families receive over $2,000 a year in AFDC payments. Since only those children on AFDC whose families receive more than $2,000 a year are able to be counted as title I children, only the richest States in the country have been able to increase their numbers of title I children every year, while the poorest States are left with only the same numbers of children counted under the census. I would like to insert at this point in the Record a chart showing how the richest States have benefited from the AFDC part of the formula at the expense of the poorest States:

RELATIONSHIP BETWEEN A STATE'S WEALTH AND ITS RELIANCE ON AFDC UNDER TITLE I

	Per capita income		AFDC children under title I[1]		
	1970 census	Ranking	Fiscal year 1973	Percent	Ranking
New York	5, 000	1	565, 968	69. 7	3
Connecticut	4, 995	2	47, 116	65. 9	5
Alaska	[2] 4, 875	3	4, 723	46. 6	16
Nevada	4, 822	4	2, 427	38. 4	23
New Jersey	4 811	5	170, 877	71. 4	1
Illinois	4, 775	6	207, 393	62. 9	6
Hawaii	4 738	7	13, 502	60. 2	7
Delaware	4, 673	8	5, 711	40. 2	22
California	4, 640	9	560, 993	70. 4	2
Massachusetts	4, 562	10	118, 674	69. 4	4
Maryland	4. 522	11	59, 407	49. 2	14
Michigan	4, 430	12	194, 106	59. 4	8
Kansas	4, 192	13	23, 011	35. 2	26
Ohio	4, 175	14	137, 774	45. 7	19
Colorado	4, 153	15	37, 295	51. 0	13
Pennsylvania	4, 147	16	246, 945	56. 3	11
Washington	4, 132	17	53, 427	57. 9	10
Rhode Island	4, 126	18	18, 308	58. 3	9
Minnesota	4, 032	19	45, 154	35. 4	25
Nebraska	4, 030	20	15, 812	30. 8	28
Indiana	4, 027	21	51, 115	38. 1	24
Oregon	3, 959	22	26, 326	48. 7	16
Missouri	3, 940	23	37, 152	22. 3	35
Florida	3, 930	24	25. 472	14. 8	41
Wyoming	3, 929	25	2, 213	28. 0	31
Arizona	3, 913	26	17, 624	30. 3	29
Wisconsin	3, 912	27	46, 691	41. 7	21
Virginia	3, 899	28	50, 142	22. 3	35
Iowa	3, 877	29	29, 074	28. 1	30
New Hampshire	3, 796	30	6, 698	47. 4	17
Texas	3, 726	31	79, 326	16. 4	39
Vermont	3, 638	32	6, 325	42. 8	20
Montana	3, 629	33	5, 575	27. 4	32
Georgia	3, 599	34	45, 995	15. 9	40
North Dakota	3, 538	35	5, 150	17. 6	37
Oklahoma	3, 515	36	30, 372	25. 6	34
Utah	3, 442	37	15, 058	54. 2	12
South Dakota	3, 441	38	6, 537	16. 8	38
North Carolina	3, 424	39	39, 056	10. 6	44
Idaho	3, 409	40	6, 570	34. 0	27
Maine	3, 375	41	19, 730	49. 1	15
Kentucky	3, 306	42	32, 334	14. 1	42
Tennessee	3, 300	43	0	0	48
New Mexico	3, 298	44	13, 975	26. 5	33
West Virginia	3, 275	45	14, 553	11. 8	43
Louisiana	3, 252	46	18, 778	8. 4	45
South Carolina	3, 142	47	4, 561	2. 2	46
Alabama	3, 087	48	1, 074	. 4	47
Arkansas	3, 078	49	0	0	48
Mississippi	2, 788	50	0	0	48

[1] The first two columns under this heading show the actual numbers and percentages of title I children by State who are from families receiving AFDC payments in excess of $2,000 a year for fiscal year 1973. The last column shows the ranking by State of a State's portion of title I children who are from these AFDC families for fiscal year 1973.

[2] Reduced 30 percent to make purchasing power comparable to other areas of the United States.

EULALIA HOTZ—DEDICATED PUBLIC OFFICIAL

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, last Tuesday, a very good friend of mine, Miss Eulalia "Uke" Hotz, announced that she would not seek reelection next year as county clerk of Madison County, Ill., a position she has held for 32 years.

Uke Hotz's announcement, a complete surprise to me, is one which I deeply regret. She has been an outstanding county official who has the respect and affection of everyone who knows her. Uke Hotz has contributed a great deal to efficient county government.

First elected in 1942, Uke Hotz was the first woman to be elected to county office in Madison County. She had previously worked in the office for her father, Joseph Hotz, who was elected in 1922 and for her brother, Norbert Hotz, who took office in 1933. A tradition of 52 years in which the office of Madison County Clerk has been headed by a member of the Hotz family will end with Uke Hotz's retirement.

In 1969, Uke Hotz was the first woman elected president of the Illinois Association of County Officials and is on the Board of Directors of the International Association of Clerks, Treasurers, and Election Officials and of the National Association of Clerks and Recorders. She has been active in civic organizations and is vice-president of the Madison County Chapter of the American Cancer Society.

At this point in the Record, Mr. Speaker, I include a November 8 editorial from the Alton Evening Telegraph on Uke Hotz's outstanding service to the public:

Service Is Her Legacy

Madison County Clerk Eulalia "Uke" Hotz has given stability to an office in her 32-year tenure that most counties aren't fortunate enough to enjoy.

She is known and admired locally, statewide and nationally for her knowledge of election and other law, and her work as a member of the Illinois Election Laws Commission.

The professional staff she has developed through the years handles many complicated tasks with ease.

Uke admits to having educated and exposed many a lawyer, county official, election official, judge, and newsman, including this writer, to the intricacies of the taxing cycle, the government division of the courts, election procedure, county board procedure, and the political process.

Although these people are somewhat prepared for what's ahead Uke and her staff traditionally have taken the training from that point in a successful manner.

Uke's reign has been one of "outstanding service" to the public.

We wish her a happy retirement and hope her successor carries out the legacy of her office.

WILBUR R. L. TRIMPE, PRESIDENT, LEWIS & CLARK COMMUNITY COLLEGE

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, this past week it was announced that my good friend, Wilbur R. L. Trimpe, longtime Madison County, Ill., school superintendent has been named president of Lewis & Clark Community College, effective November 20, 1973. The unani-

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mous selection of Superintendent Trimpe by the five members of the college's board of trustees comes as no surprise to me. Long known as Mr. Education in Madison County, Wilbur Trimpe has earned the reputation of being one of the outstanding leaders in education in the State of Illinois.

Wilbur Trimpe has had significant impact at the national level. Because of his efforts, school districts throughout the country have been able to participate in the impact aid program that otherwise would not have been eligible to participate in the program.

Wilbur Trimpe has a bachelor's degree from Western Illinois University and a master's degree from the University of Illinois and has done work toward a doctorate at the University of Colorado.

He is a former school superintendent in Bethalto and Havana, Illinois.

He has taught psychology and education at the old Shurtleff College in Alton, Ill., school organization and administration at McKendree College in Lebanon, Ill., education and psychology at Western Illinois University, and school finance, school buildings, and school law at Southern Illinois University.

He is a former administrative assistant to the dean of education at University of Colorado and has taught school public relations, finance, law, and administration at Bradley University, Peoria, Ill., the past 10 summers.

Wilbur Trimpe now lives in Bethalto, Ill., and was active in the effort to form Lewis and Clark Community College in the late 1960's.

Mr. Speaker, at this point, I include the November 8 editorial from the Alton Evening Telegraph, praising the choice of Wilbur Trimpe.

CAPABLE, LOGICAL CHOICE

Knowing there was a strong possibility Wilbur R. L. Trimpe would be named president of Lewis & Clark Community College, we expressed reservations based on his age and the danger such a busy job may pose to his health.

We also feel a younger man with more years ahead could produce more continuity in the office.

However, we feel Trimpe is highly qualified as an administrator, educator, public relations man, and in his knowledge of school law. He is an excellent and obvious choice to be president of the college.

All of these skills were put in play in his tenure as County Superintendent, and in the promotion to establish Lewis & Clark College.

He has the awareness and knowledge to step into the post without the more lengthy break-in period an administrator from outside the area would require.

He knows the area, the political structure, the legislative process, and the junior college higher board procedure.

Wilbur Trimpe also is acquainted in his "nonpolitical" way with most residents of the area served by the college.

He has the capability to develop a first-rate administrative atructure at Lewis & Clark which could eliminate the bickering, misunderstanding, and strife encountered in formative stages.

We join others in wishing President Trimpe success in his new post.

We look forward to a new attitude at the college which is certain to emanate from his enthusiasm and professional approach.

PUERTO RICAN PERSPECTIVES

(Mr. RODINO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RODINO. Mr. Speaker, as one who has continually been aware of the problems experienced by our minorities, I try to study as much material as possible on the progress of our legislative programs in this area, on the needs and realities of the situation and on what better approaches we should pursue to accomplish our objectives. For this reason, I was particularly pleased that the following article by José A. Cabranes, published in volume 25 of the 1973 Journal of Legal Education was brought to my attention.

José A. Cabranes is an associate professor of law at Rutgers University Law School in my home town of Newark, N.J. In authoring "Careers in Law for Minorities: A Puerto Rican's Perspective on Recent Developments in Legal Education," for the Journal, Professor Cabranes provides a most excellent portrait of the background, feelings, distinctions, values, social, economic and educational difficulties and aspirations for his ethnic people.

As a resident as well as a Representative from New Jersey, I was quite disturbed to read that according to reliable accounts, New Jersey's Spanish-speaking population of more than 300,000 is served, at the present time, by only three Puerto Rican lawyers. I would also like to draw your attention to Professor Cabranes' explanation of the effect the designation "minority" has on blacks, Puerto Rican, and Mexican-Americans throughout our country. Mr. Cabranes' sensitivity to this issue and his understanding from the Puerto Rican perspective is extremely well expressed. I have found Professor Cabranes' article to be most informative and would like to share his remarks with all the Members of this Chamber this afternoon:

CAREERS IN LAW FOR MINORITIES: A PUERTO RICAN'S PERSPECTIVE ON RECENT DEVELOPMENTS IN LEGAL EDUCATION [*]

(By José A. Cabranes) [**]

I. WHO ARE THE PUERTO RICANS?

A request to comment upon Puerto Ricans in the American legal profession, and the prospects for careers for Puerto Ricans in the law in the years to come, invites a consideration of some fundamental questions about this increasingly visible and vocal "minority." Who, after all, are these people? And what do they want? These are common enough questions nowadays when confronting people with dissenting politics or merely differing lifestyles. As it happens, they are perfectly good questions—even when accompanied by expressions of bewilderment or exasperation. As far as I am concerned, they are questions too infrequently asked about Puerto Ricans, whose identity tends to be lost in the rhetoric of the "urban crisis" and the problems of the "minorities."

Who, indeed, are these newcomers? They come bearing a foreign culture and speaking a foreign tongue. However, that is hardly unusual in cities that have received earlier European migrations. Yet in two respects these newcomers do arrive under terms and conditions significantly different from those of other groups that preceded them: they are racially mixed and they are citizens of the United States. They are not grateful escapees from the oppression of distant lands to which they will never return. Rather, they are "colonials"—people from a territory that is not an integral part of the American Union, though it flies the American flag[1]—who reluctantly migrate from a Caribbean island for which they will always yearn and to which they may always return.

Like the "colonials" who have migrated to Britain in recent years the, Puerto Ricans' access to the metropolitan state is made possible by the technological revolution in air transportation and—most important of all—by the citizenship granted years ago by distant rulers who neither foresaw nor suspected the possibility of mass migration. Puerto Ricans inhabit many of the nation's urban centers today because earlier generations of Americans chose to experiment with colonialism after the Spanish-American War and, later, to grant colonial subjects United States' citizenship.

That grant of American citizenship was not intended to accord Puerto Ricans living in Puerto Rico the same rights and privileges as United States citizens residing in states of the Union. Indeed, Felix Frankfurter, serving in 1914 as Law Officer of the Bureau of Insular Affairs of the Department of War (which administered the island territories of the United States), described the then-proposed grant of citizenship as merely a means of recognizing the permanence of the relationship between the United States and Puerto Rico, which would remove "the great source of political unrest on the island" and give Puerto Ricans "a securer technical international standing." The United States Supreme Court held in 1922 that the major constitutional significance of the citizenship granted to Puerto Ricans five years earlier was the right to travel to the mainland of the United States and there enjoy all the rights and privileges of national citizenship.[2]

The Puerto Ricans who exercised that right by migrating to the urban centers of the Northeast in the years following the Second World War came from a culturally defined, but politically and economically underdeveloped, society. Nearly a century before the settlement of Jamestown the ancestors of the Puerto Rican garment and restaurant workers of New York and the migrant agricultural laborers of New Jersey were building a cathedral in San Juan. However, the history of this creole civilization is one of political dependency under two flags. A certain docility before more powerful economic and political forces is a notable characteristic of a people who were Spain's last and most loyal colony in the New World. Today, Puerto Rico's reluctance to embrace national independence places this community of nearly three million people in a class by itself.

Puerto Rico's politics has been, and remains, a painful and seemingly interminable identity crisis—an agonizing personal and political struggle to find a national identity. "Identity" is a subject of pervasive significance in Puerto Rico; and it is equally significant for the migrant to the continental United States.

II. THE PUERTO RICANS IN THE CONTINENTAL UNITED STATES

How are Puerto Ricans faring on the mainland ("the continent")? And how are they faring in the American legal profession? Precise demographic information on Puerto Ricans in the continental United States has always been difficult to obtain. This is so largely because of the bureaucratic practices and demographic policies of the United States Census Bureau. Indeed, even the number of Puerto Ricans who now reside on the mainland is a matter of uncertainty and controversy.

The Census Bureau has tended to treat Puerto Ricans as it does other "foreign stock" ethnic groups: It counts as "Puerto Rican" only those who were born in Puerto Rico or who had at least one parent born on the island. There is simply no record of Puerto Ricans who are not part of the first or second generations—a fact that has generated considerable political controversy in New York and other parts of the country. For example, in October 1972 leaders of the Puerto Rican community of New York City—the largest of all mainland Puerto Rican communities—charged that as many as 250,000 Puerto Rican residents of that city were simply not recorded by the Census Bureau.[3]

The economic profile of those Puerto Ricans who *are* counted by the Census Bureau indicates that the Puerto Ricans are far and away the most severely deprived major ethnic group in the cities of America. Statistics on New York's enormous Puerto Rican community (about 1 million, or one-seventh of the city's population) suggest the dimensions of the social and economic problems of Puerto Rican communities from Chicago to Boston. For example, between 1960 and 1970 median family income among whites in New York City rose 28% (from $6,365 to $10,378) while among blacks the percentage increase was 24% (from $4,437 to $7,150). However, during this same period of time the median family income among Puerto Ricans rose by only half the rate of increase of non-Puerto Rican white families—13% (from $3,811 to $5,575.)[4]

The statistics on those living below the "poverty line"[5] provide additional evidence of the comparative economic positions of Puerto Ricans, blacks and non-Puerto Rican whites. In 1970, 8.9% of New York's non-Puerto Rican white population was certifiably poor. Twenty-four per cent of the black population of New York City qualified as poor. *And fully 35.1% of the Puerto Rican population—more than 300,000 persons—lived below the poverty line.*

The comparative socio-economic conditions of these three population groups is reflected in statistics on educational achievement. In 1970, 51% of the non-Puerto Rican white adults over 25 were high school graduates. Forty-one per cent of the comparable black population were high school graduates. *But only 20% of the comparable Puerto Rican population were graduated from high school.* The median years of schooling for New York's Puerto Ricans was more than two full grades less than New York blacks (eight and one-half grades for the Puerto Ricans, nearly eleven grades for blacks).

This portrait is mirrored in every available statistical index of social and economic condition. It should surprise no one, therefore, that only one Puerto Rican in a hundred (among adults over 25) had a college degree in 1970, in comparison with 13% and 4% of comparable non-Puerto Rican white and black population groups, respectively. Statistics concerning Puerto Ricans in the legal profession are even more shocking. Puerto Rican professional groups estimate that in New York state—with a Puerto Rican population of more than one million—there are less than seventy Puerto Ricans admitted to the practice of law. If that is an appalling item of information—and it is—one is at a loss for words to adequately describe the situation in neighboring New Jersey. According to reliable accounts, New Jersey's Spanish-speaking population of more than 300,000 is served by three—yes, three—Puerto Rican lawyers.

These dreary facts tell us a great deal about the current state of legal education in the Puerto Rican communities of the continental United States. However, other facts point to a substantially brighter future for careers in the law for Puerto Ricans. For example, there are now more Puerto Rican law students in the continental United States than there are practicing Puerto Rican lawyers. A 1971 survey of minority group students in legal education, conducted in behalf of the American Bar Association by Millard H. Ruud of the University of Texas School of Law, reported a total of 92 Puerto Ricans then enrolled in law school.[6]

If and when these Puerto Rican law students (and their successors) graduate and are admitted to practice, the rate of growth in Puerto Rican bar membership doubtless will seem quite spectacular—as it must always seem when one begins with such a small base. Reports that the number of Puerto Rican lawyers have "doubled" or "tripled" in a short period of time will undoubtedly circulate among bar association officials and law school administrators in the years to come. One can only hope that such reports will not be the occasion for a diminution of interest in the plight of the lawyerless Puerto Rican communities. The rate of growth of Puerto Rican law student enrollment has indeed been significant in recent years. But the Puerto Ricans' enrollment growth rate in the past four years (33%) has been considerably smaller than that of blacks (203%), Mexican-Americans (408%) and Native Americans (356%). Puerto Ricans may be "catching up"—but they apparently are doing so at a slower rate than other minorities. And it will be a long time before there are "enough" Puerto Rican lawyers in our cities. Accordingly, the Puerto Ricans, along with these other minority groups, will be a proper object of concern for the Bar and the law schools for the foreseeable future.

III. PUERTO RICANS AS A "MINORITY": WHAT DO THEY WANT?

The title of this book[*a] suggests the difficulty of generalizing about those groups which now are collectively styled "minorities." Its principal title—*Careers in Law for Minorities*—evokes a sense of identity of interests and goals among those whom it treats; however, the enumeration of the three groups in the sub-title properly suggests that the word "minority," standing alone, is an inadequate description of the communities which are the subject of the book. The editors have shown a remarkable, and altogether uncommon, sensitivity to the diverse perspectives of three groups whose principal common ground is a history of exclusion and a longing for social and economic justice.

As it happens, Puerto Ricans generally do not favor the term "minority." The unhappiness of Puerto Ricans with such broad terms or categories, which group them with other outsiders, is a matter of more than passing interest. The motives which underlie the notorious Puerto Rican reluctance to be a part of social and economic programs for "minorities" are complex and difficult to describe. However, it seems clear that they will in due course find expression in educational institutions which organize "minority" programs and include Puerto Ricans in them, including, of course, the law schools.

Why this apparent unhappiness with the word "minority?" Is this merely an attempt by Puerto Ricans to avoid identification with the other groups that are so identified? Does it express a parochial insensitivity to shared concerns and problems? The reasons *why* Puerto Ricans are troubled by the word "minority" reveal much about the Puerto Ricans as an ethnic group and about the general thrust of Puerto Rican community concerns.

In the current era, the term "minority" has become a code word for blacks, Puerto Ricans and Mexican-Americans. It has different and narrower meanings in different parts of the country. For example, in the Northeast, "minority" usually means blacks and Puerto Ricans. In California and the Southwest, it usually means blacks and Mexican-Americans. The term is offensive to Puerto Ricans, I believe, because it hurts the people it supposedly describes.

First, it divides groups with common interests. It identifies the "minorities" (including Puerto Ricans) as society's outsiders—as groups which, almost by definition, are entitled to something different from the dominant "majority." The Puerto Ricans who have migrated to the continental

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[*] This article is the foreword to a book entitled "Careers in Law for Minorities: Blacks, Chicanos, Puerto Ricans." The views are the author's and not necessarily those of any person or group with whom the author is affiliated.

[**] José A. Cabranes is a member of the New York Bar and a resident of New York City. He is Associate Professor Law at Rutgers University Law School (Newark), where he teaches courses in International Law, Conflict of Laws and Administrative Law. He also has taught International Law at Queens College of Cambridge University.

Professor Cabranes was born in Mayaguez, Puerto Rico in 1940 and moved with his family to the South Bronx (New York City) in 1946, where his father was director of a settlement house. He is a graduate of New York's public school system, Columbia College (1961), Yale Law School (1965) and Cambridge University (1967). From 1967 to 1971 he was associated with a New York City law firm and engaged in a general corporate practice and a litigation practice before Federal regulatory agencies. Shortly after joining the law faculty at Rutgers in 1971, Professor Cabranes was elected Chairman of the Board of Directors of Aspira of New York, the Puerto Rican educational and leadership development agency. He also is a founding member (and a member of the executive committee of the Board of Directors) of the recently-organized Puerto Rican Legal Defense and Education Fund.

[1] For a convenient account of the acquisition of Puerto Rico after the Spanish-American War, and its political status under the American flag (until 1950), see Pratt, *America's Colonial Experiment: How the United States Gained, Governed and in Part Gave Away a Colonial Empire* (1950). With regard to the constitutional doctrine of territorial incorporation, see *Downes* v. *Bidwell*, 182 U.S. 244 (1901). See generally, Coudert, "The Evolution of the Doctrine of Territorial Incorporation," 26 *Colum.L.Rev.* 823 (1926). For a brief survey of the island's place in the American constitutional system, see my note, "The Status of Puerto Rico," 16 *International and Comparative Law Quarterly* 531-9 (1967).

[2] *Balzac* v. *Porto Rico*, 258 U.S. 298 (1922).

[3] *N.Y. Times*, October 2, 1972, p. 1, cols. 4–5. If this claim is accurate, the political claims of the Puerto Rican community undoubtedly have been substantially underestimated. In any event, reasonable estimates of the number of Puerto Ricans now residing in the continental United States range from 1.5 to 2.5 million. (The 1970 census of Puerto Rico's population reveals that the island has 2.7 million inhabitants).

[4] These various statistics are collected in a comprehensive report of Census Bureau data, *N.Y. Times*, August 17, 1972, p. 37, cols. 6–8.

[5] Namely, a family of four with an income below $3,743. *Ibid.*

[6] Rudd, *1971 Survey of Minority Group Students in Legal Education* (Memorandum to Deans of Approved Law Schools, January 20, 1972).

[*a] The book of which this article is the foreword.

United States have done so because they have sought access to American society. In this sense, Puerto Ricans are in the great tradition of other immigrant groups. They have a keen appreciation of their own heritage and values, but share none of the separatist impulses of some militant black groups. Separatism may be a legitimate concern for those Puerto Ricans on the island who advocate national independence, but it is a *non-sequitur* for the communities composed of people who chose to leave their homeland in order to live on the continent.

The term "minority" also isolates currently certified "minorities" from members of other ethnic groups and encourages the pernicious notion that the white poor and lower-middle classes of "ethnic America" (the new would-be counterpoise to the "minorities") are so well established that they share a common interest with other white "majorities" in opposition to the aspirations of the new "minorities."

The word "minority" hides the peculiar identity and special needs of smaller groups within the "minorities" (such as the Puerto Ricans) and gives a false impression of unity among peoples that are really quite different from one another. The term "minorities" mistakenly suggests that blacks, Puerto Ricans and Mexican-Americans have completely identical interests and goals. The fact is that each of these groups is quite different from the other and each has substantially different historical experiences, cultural values, social problems and political expectations. For example, the preoccupation with race or negritude which is common in many programs for "minorities" is a source of confusion for Puerto Ricans, who are a racially mixed people not readily accustomed to a system which allocates rewards and punishments on the basis of race. If color lines are not wholly absent in Puerto Rican society, they are quite substantially blurred; the American experience with race is utterly foreign to Puerto Rico. Not surprisingly, the Puerto Rican experience with American racial classifications reinforces the Puerto Ricans' sense of identity. Moreover, a Puerto Rican may (and does) avoid the problems of racial classification by asserting the distinctiveness of the Puerto Rican people. Puerto Ricans of every shade are, first and last, Puerto Ricans; and the Puerto Ricans' identity is a source of insulation and protection from the neuroses of the American social environment. Therefore, a "minority program" in which racial conflict or racial exclusion—a strong and negative sense of "them"—is a predominant characteristic, holds little or no long-term attraction for Puerto Ricans.

In any event, as a practical matter the Puerto Ricans generally prefer to assert community claims in their own name because of a widespread belief that Puerto Ricans will be largely ignored in programs designed for "minorities" or "the poor." It is argued that programs which describe their intended beneficiaries in broad ethnic terms derive political and moral advantage—and, perhaps, an augmented "legitimacy"—from that apparent scope of such programs. Despite the use of the Puerto Ricans' numbers and their catalogue of deprivations, it is said that the returns to the Puerto Rican "constituents" of such programs are disproportionately low.

IV. "MINORITY" PROGRAMS IN THE LAW SCHOOLS

Law schools which establish special programs for "minorities" and intend to include Puerto Ricans within their scope would do well to bear in mind the Puerto Rican aversion to words and programs which suggest their inclusion but actually ignore Puerto Ricans as a discrete group. A "minority" financial aid and counselling program racial cast—for example, one that is administered only by blacks, or which is based in part upon an institutional role by a black law students' association or which is geared to the prevalent politico-racial values of blacks—invites Puerto Rican discontent and, invariably, demands for replication of the "minority" program in a parallel, wholly-Puerto Rican organization.

An alternative to *de-ethnicization* of academic and other programs for specially-admitted students is, of course, the establishment from the outset of distinct "minority" programs, in which the limited resources available for "minority" programs are divided on the basis of appropriate ethnic subclassifications. This approach causes a great deal of distress among educators and bureaucrats. ("Where will it all end?") Nevertheless, the rationalizations offered in the first place for a "minority" program—which are beyond the scope of this brief comment—are as readily applicable to claims for programs geared to ethnic subcategories. The Puerto Rican claim for Puerto Rican programs is simple and straight-forward, and merely a logical extension of practices adopted in behalf of (and in response to demands by) blacks: If government programs are indeed to be financed and operated on a racial or ethnic basis, the Puerto Ricans are entitled to their fair—and discrete—share. In other words, if there is merit in a "minority" program which speaks to the values, concerns and anxieties of blacks—and which is administered with these in mind—why should Puerto Ricans not feel that a similar program ought to be established for them? Puerto Ricans may be pardoned if, in these circumstances, they show little tolerance for those who fail to distinguish between them and other "minorities." Law school administrators may be pleasantly surprised to learn that the "politically expedient" solution to such ethnic rivalries is to implement the old-fashioned notion that educational programs at this advanced level ought to be completely color-blind.

Apart from the ethnic or racial complexion of "minority" programs in the law schools, it seems to me Puerto Rican students have rather conventional interests and concerns: they would like to be able to achieve academic success, in order to be able to make some contribution to their community and to share in the various perquisites of an American legal education. For all the reasons suggested above, Puerto Rican students will probably share the view of law school administrators who, according to a recent study, tend to favor remedial and retention measures which are voluntary, non-segregated and open to all law students.[7] Despite a readiness to participate in preferential admissions programs, Puerto Rican law students (and, indeed, all "minority" law students) have no genuine interest in preferential post-admission retention schemes—which can only serve to devalue their educational achievements and brand them as second-class members of the legal profession. The "minority" communities should be—and, I believe, are—properly horrified by any suggestion that ethnicity or race, rather than professional knowledge and skills, will ever be employed as a principal yardstick for measuring professional competence. As the leading Harlem newspaper, *The New York Amsterdam News*, has recently remarked in an editorial on appointments in the health field, "[W]e must insist that blackness, without competence, is no solution to any of our problems and we will not be satisfied with a sop, or idle gesture, in place of appropriate affirmative action * * *."[8] The "minority" communities—which supposedly are now the object of the solicitude of law school administrators—have the greatest possible stake in the quality of lawyers produced by American law schools. If law schools cavalierly graduate Puerto Rican (or black) law students who are incompetent to handle the affairs of clients, the victims will largely be drawn from their own communities. Those concerned with the protection of the lives and rights of Puerto Ricans (or blacks) will not tolerate for long the consequences of any post-admission retention policies which inflict harm upon those supposedly being served.

It should, therefore, be a matter of some concern to Puerto Ricans, blacks and other "minorities" that law school administrators have recently suggested that the programs to increase the number of "minority" lawyers in the United States have been less than successful. These programs, it is said, are at a critical stage. After a period of experimentation with standards of admission, we are informed, American law schools and the Bar must now approach the inevitable "agonizing re-appraisal" of these experiments.

Between 1971 and 1973, Dean Robert B. McKay of New York University Law School has reminded us, "We will see the first substantial number of students who may have been admitted on somewhat different standards graduating and taking the bar examination." As Chairman of the Committee on Minority Groups of the Association of American Law Schools, Dean McKay reported in April 1971 that we ought now to anticipate the proverbial "crunch"—that we ought to expect "a disappointing rate of success on the bar examinations and a substantial outcry at the failure—either of legal education, or of the bar examinations, or both."

One need not hold a brief for the bar examination system to suggest that if the prognosis for minority law graduates is as bleak as suggested by Dean McKay and others, the law schools will have to assume their fair share of the responsibility for the shattered expectations which they themselves aroused. After all, Dean McKay and others have indicated that inherently suspect practices and procedures in bar examinations are now relatively uncommon, and that the real problem confronting the law schools and the Bar is, in the last analysis, the rate of failure of minority students. This suggests that, regardless of the merits of the bar examination system in this country, minority students as a group may simply not be emerging from the law schools with training and skills comparable to their classmates. One obvious and simple solution to the problem will be to alter bar examinations (or the bar examination grading system) in ways that would make admission to practice more readily available to the graduating minority student. This solution has the obvious merit of permitting the law schools to avoid the kind of accountability which they properly owe to the legal profession and to the general community.

Despite the expected diversionary criticism of the bar examination, the law schools must now evaluate their own academic programs and must be ready to take the steps which may be necessary to assure the minority communities, and the community at large, that different or special *admissions* standards do not mean different or special *graduation* standards. The black, Mexican-American, Native American, and Puerto Rican communities are entitled to every possible assurance that those among them who graduate from law school—and to whom they will be expected to entrust their lives and property—will indeed be able to serve their needs. The provision of legal services to these communities was, after all, the ultimate rationale for special admissions programs; it is simply unthinkable that law schools should accept, even implicitly, the suggestion that their minority law graduates constitute a different, and lower, professional class. It is equally unthinkable that the law schools should admit a large number of minority students and dismiss most of them in due course.

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[7] Academy for Educational Development, *Legal Education Advancement Planning: An Introductory Study of Minority Student Development Potentials* (a study commissioned by the Law Students' Civil Rights Research Council) at 18–20 (December 1971).

[8] *N.Y. Amsterdam News*, October 21, 1972, p. A–4 (editorial).

What, then, is to be done? That is, of course, the question of the day—and one that can hardly be answered fully in this paper. My own initial suggestion is that law school faculties and administrators demonstrate the courage and candor shown by the minority law students themselves.[9] At a *Conference on Law Schools and the Retention of Minority* at the Association of the Bar of the City of New York, held on February 9, 1972 under the auspices of the Law Students Civil Rights Research Council (LSCRRC), minority law students readily acknowledged that the most important problems confronting the minority student in the law schools (apart from general financial problems and related family concerns) concerned underdeveloped language skills. The major problems were not, as some might imagine, that minority law students cannot "relate" to (or are incapable of coping with) "irrelevant" law courses. The suggestion that "hard law" courses are not "relevant" to the lives of racial and ethnic minorities is, of course, rubbish. It requires no great amount of wit to appreciate the fact that the past and future of Harlem and of El Barrio is bound up in courses such as debtor-creditor law, commercial transactions, negotiable instruments, property, torts and civil procedure—and, let it be said, administrative law, regulated industries and trusts and estates. There seems to be a widespread assumption in the law teaching fraternity that "innovative" law school curricula, which eliminate many of the traditional courses as requirements for graduation and give students a large role in determining the scope and direction of courses and "clinics," best serve the needs of minority students. Any such assumption seems to me to be quite unwarranted, albeit somewhat explicable: there is a tacit assumption that one who favors "freedom" in the political and social order necessarily hankers for "freedom" in education. I share some of the misgivings of an important symposium held in 1972 by persons concerned with access and power for blacks in higher education, which suggested that "innovative" curricula which provide students with great freedom of choice and flexibility may sometimes perform a disservice to minority students:

"The assumption that blacks have had such a rough time in the traditional system that they will be delighted with almost any innovation is unfounded. It will be years befor major innovations are perfected and popularized so that they can benefit the majority of black students. *Meanwhile, blacks want the traditional system to extend itself to be responsive to their needs.*

"Innovative programs which reduce structure and greatly increase freedom leave many students feeling confused and worried. This feeling is particularly intense among blacks who have trouble getting sound advice about curriculum choices and careers through informal channels. When you know it's likely that you'll get lost and you suspect that many of the people along the way aren't interested in helping you reach your goal, you probably aren't too eager to walk uncharted trails."[10]

The rhetoric of "relevancy," curricular innovation and bar examiners' perversity all too frequently are employed as escape devices to avoid facing the cruel, but simple and inescapable, fact that some law students (*including a great many non-Puerto Rican whites*) are not adequately prepared to read and write the language of the law. If that is indeed the case—and the testimony of senior colleagues, personal experiences and the views of minority students at the 1972 LSCRRC conference suggest that it is—the law schools would do well to ask some questions which they usually prefer to avoid. How can a law faculty provide remedial programs in language skills for those in need? Who should be expected to administer and conduct such programs? To what extent can law teachers properly be expected to do such jobs? If law teachers cannot, or will not, undertake remedial language skill programs, who should?

The answers to these mundane and somewhat unpleasant questions, I submit, will determine the success or failure of the well-intentioned and valuable efforts of the nation's law schools to increase the number of minority lawyers.

AMOS RUSIE "THE HOOSIER THUNDERBOLT"

Mr. BRAY. Mr. Speaker, the following article from the Indianapolis, Ind., Star magazine for October 21, 1973, speaks for itself. The name, unfortunately, is almost forgotten, but Rick Johnson, the author, has done a masterful job of bringing back to life this all-time baseball great.

AMOS RUSIE: "THE WORLD'S GREATEST PITCHER"

(By Rick Johnson)

Amos Wilson Rusie.

The name sounds rugged, individualistic—qualities of the man.

Today Rusie's name means something to only a handful of people. They recall him as a baseball superstar for the New York Giants in the Gas Light era.

He was the Colossus of Coogan's Bluff, Mr. New York Giant, a burly red haired, right-hander from Indianapolis, via Mooresville, who hurled a sphere of live steam from the pitcher's mound to the plate, in an awesome display of strength.

Restaurants in the Big Town named drinks in Rusie's honor, the vaudevillians, Weber and Fields, included a Rusie skit in their act. Lillian Russell, the belle of Broadway, clamored for an introduction to Rusie and DeWolfe Hopper, a stage performer, counted himself as one of Rusie's friends.

Youngsters saved their pennies to buy a pamphlet titled *Secrets of Amos Rusie: The World's Greatest Pitcher: How he Obtains his Incredible Speed on the Ball.*

Rusie was a man whose raw pitching power overjoyed the fans, made the turnstiles click, when National League teams and baseball were fighting for survival. Rusie made batsmen wince with his speed while his hot temper, stubbornness and desire to do battle, qualities which made him a great pitcher, often left his club owners frustrated and bitter.

Rusie pioneered the "holdout" and was one of the first players of the national game to take baseball management to court to win a point.

When Rusie started his major league career with Indianapolis in 1889, the pitching distance was 50 feet and the plate was a target 12 inches square.

Batters were terrified of Rusie's speed and in his first two years with New York he piled up 678 strikeouts and gave up 551 walks. For the 1893 season the pitcher's mound was moved back to 60 feet, 6 inches. The distance increase was attributed to Rusie's speed by writers of the era.

Rusie's speed was still fearful, but at the new distance his curve ball, which traveled at the same velocity as his fast ball, had time to break. His strikeout total lessened but so did his walks and his effectiveness was without question.

Neither baseball fans, nor players ever saw a man who could throw so fast. Rusie's catcher, to last an entire game, padded his glove with a thin sheet of lead and some sponge, thereby giving the collision of Rusie's pitch with the catcher's glove a distinct sound.

Rusie has been dead since Dec. 6, 1942. His playing career, in all reality, was over before the turn of the century. During that career he made indelible marks on the national game and in his 10 years in the major leagues he won 245 games and lost 174.

He piled up record after record but you won't find him listed in the Baseball Hall of Fame at Cooperstown, New York. An oversight?

Congressman William G. Bray (R-Ind.), a native of the Morgan County town where Rusie was born, long has wondered why fame has escaped the pitcher. So have surviving members of the speed-baller's family.

"From all I've been able to learn, Amos wasn't a friendly man, gruff in fact, and he made too many people mad during his career," says Bray. "But that is beside the point He could play baseball, he could pitch like few men before or since, and I'm going to find out why he is not in the Baseball Hall of Fame."

Bray recalls that once Rusie and Bray's father were members of a hunting party and Rusie picked up an old railroad spike, wound up and sent it piercing the side of a wooden boxcar.

John Rusie, a retired state police lieutenant and a nephew of Amos Rusie, has tried to get recognition for the pitcher. He has been supported by his three sisters, Rusie's nieces, Mrs. Jean Giesking and Mrs. Lois Smith, both of Indianapolis, and Mrs. Alice Marsh of St. Louis.

John, who lives in Mexico, a small town north of Peru, recalls that during World War II while he was stationed at the Brooklyn Navy Yard, he often went around the Polo Grounds to soak up atmosphere where his uncle had been a star.

"In one of the old taverns near the Polo Grounds, they were still serving a drink called the Rusie Cocktail," he recalls. "I've made studies of some of the pitchers who have been put into the hall. I've read the things which have been written about Amos and I don't see how Amos is always ignored.

"Once I got all the facts together and I was going to see what I could do. But I never found anyone to talk to and I finally just threw all the stuff away."

Mrs. Wanda Rusie Potts of Mooresville learned of his pitching strength through a story her father told. Wallace Rusie was Amos' uncle and once, before Rusie became a baseball star, he was showing Wallace how he could throw a ball.

"Dad said Amos threw a pitch to him he couldn't stop. The ball broke one of Dad's fingers and then cracked a board in the back stop. Dad's finger was permanently crooked and he said from that time he knew Amos would become a great pitcher," Mrs. Potts recalls.

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[9] See, for example, the comments by the author of the study prepared for the Law Student's Civil Rights Research Council (LSCRRC), *op. cit. supra* note 7 at 113.

[10] William M. Boyd, II (ed.), *Access and Power for Blacks and Higher Education* 19 (Report on a symposium of the Educational Policy Center, New York, July 1972).

XUM

But, in addition to doing some great pitching, Rusie also had some great rhubarbs with baseball management. His career ended in 1907 in a pathetic finale at Cincinnati. From there he migrated from one backbreaking job to another. Only once in his post-diamond years did he get back into the limelight.

He served as head grounds keeper at the Polo Grounds for a while, working for John McGraw.

McGraw, when he played for the Baltimore Orioles, had been the fellow who stood as three Rusie pitches struck him out and remarked: "You can't hit 'em if you can't see 'em."

In Mooresville, May 30, 1871, Mr. and Mrs. William A. Rusie celebrated the birth of their son, Amos. While Amos was still a toddler, William moved his family to Indianapolis, where there was plenty of work for tradesmen—he was a mason and plasterer.

Amos' brothers, William and John, were born in Indianapolis and the family lived in a brick home their father built on East New York Street, near the present Indiana Woman's Prison.

By the time Amos was a teen-ager he'd learned to love baseball but he hated school. He quit school when he was 16 and went to work at the Madden Lounge Factory. Nearly all of his free time was devoted to baseball.

For his age he was exceptionally large and he played the outfield in countless scrub games. He was a good hitter and his throws from the outfield, though sometimes erratic, were so hard and fast few base runners tried to beat them.

He played for one amateur team called the Sturm Avenue Never Sweats, then in 1886 he moved to a bit better team called the Orientals. In 1887 he began playing for the Grand Avenues, the best amateur team in town, and he was their star pitcher.

The Grand Avenue name did not come, as many believed, from the name of any street in Indianapolis. The name was used because the team members purchased uniforms from a disbanding St. Louis team which called themselves the Grand Avenue.

"I discovered I could throw a little," Amos once told a reporter, "and it aroused my interest. I worked hard to learn how to throw a curve ball, but I've got to confess it was years before I mastered it."

There are several versions of how Amos came to play with the Indianapolis baseball club, a member of the National League. One is that Indianapolis players saw Rusie and urged the club owner, John T. Brush, to give him a tryout. Another is that he got to play after hanging around the Indianapolis ball park, which was where Methodist Hospital is now.

Another is that a team called the Indianapolis Athletic Club used Rusie to replace a sick pitcher and, impressed with his performance, urged the National League squad to pick him up.

At any rate, in 1887 Rusie beat the Washington Senators and Boston in two exhibition games for Indianapolis and the next year bested the Chicago Maroons, a strong independent team, 30–0.

He got a contract, with his father's consent, for $300 a month—"That was more than I was making," said Rusie's Dad—played a few games for Indianapolis in 1888, was farmed out to Terre Haute for a while and in 1889 went to Burlington, Ia., for more seasoning.

In June, 1889 the Indianapolis team was scheduled against Jim Mutrie's Giants and Brush and Manager Frank Bancroft summoned Rusie to the Big Town. The perfect picture of a Rube—6 feet, 1 inch tall, 225 pounds, red hair, red flannel undershirt showing—Rusie prompted guffaws when he walked on the mound in New York. But when he fired the first pitch and the batter didn't even see it, the laughter trailed off.

The lead batter later said he never saw any of the three pitches Rusie threw to strike him out on the way to a 4–2 victory. Victories against Boston and Philadelphia followed.

The trip to Boston from New York was made by boat in those days and the veterans took full advantage of Rusie, the greenhorn. One by one the veterans sidled up to him, and in mock fear, told him of the dangers of traveling on a boat. Each teammate warned the only way to be safe was to sleep in a life preserver, which they intended to do.

That night a pair of the pranksters helped Rusie put on his life jacket and then left him sitting on his bunk. The life jacket was so bulky it prevented Rusie from lying down, so he spent a restless night trying to sleep in a sitting position. The next day a rumpled and red-eyed Rusie provoked his teammates to laughter but he took the ribbing with good grace.

By the time Rusie and the Indianapolis club made the circuit of the National League, thousands of words had been written about his ability to throw the fastest pitch ever seen. At St. Louis, after one of Rusie's streaks of steam whistled by the batter stepped out of the box and complained, "That guy ain't no pitcher. He's a cannon."

Rusie pitched 225 innings for Indianapolis in 1889, yielding 246 hits, 116 bases on balls and striking out 109. He finished his first full season in the National League with a 12 won, 10 lost record.

Before the 1890 season began, Amos married May Smith of Muncie. He was then 19 and determined to become a star for the Indianapolis club.

But Indianapolis and Washington were on the bottom rung of the league ladder. In financial trouble, clubs were adopting salary ceilings and National League directors favored reducing the circuit from 10 teams to eight. By 1890 it appeared certain Washington and Indianapolis would go and when, at a New York meeting, the directors decided to drop the Washington franchise, Brush decided to sell his Indianapolis club.

Eight players, including Rusie, went to the Giants for an estimated $60,000. Indianapolis was without a major league team, but Rusie was poised to make history.

For the rebuilt Giants of 1890, Rusie pitched in 67 games, won 29, lost 34, struck out 341, walked 289. He was second in the league in complete games, third in earned runs, fourth in wins, first in strikeouts, first in fewest hits per nine innings, second in total innings worked (549), second in complete games, second in most strikeouts per nine innings and second in games pitched.

In 1891 Rusie had a 33–20 record and the Giants finished in third place. July 31 that year Rusie pitched his only no-hitter against Brooklyn. His 337 strikeouts were tops in baseball, but so were the 262 walks. In other areas he was third or better in the league.

In 1892, Rusie had a 31–31 record, but the Giants slipped to eighth in a 12-team league. Rusie was second in almost all categories for the record book, except walks. He was tops with 267.

Rusie had a two-year contract for $4,500. But he and several other Giant players were released late in 1892. The club hoped to save paying them half a month's salary and an understanding was announced that no other clubs would pick up the players. Then, in 1893, the Giants would be free to renegotiate salaries.

But Cincinnati quickly offered Rusie $4,800 and Chicago offered $6,250 and a $2,000 bonus, which Rusie took. But, through further negotiations, details of which were not revealed, the Giants got Rusie back in 1893 for $6,250. They tried to count the $2,000 Chicago bonus as part of the salary, but Rusie reportedly fought this and kept all the money.

Before 1893 the pitcher could take two steps toward the plate, 50 feet away, before throwing. But for the 1893 season, the pitcher had to stay on the rubber 60 feet, 6 inches from the plate. Rusie won 31, lost 21, led in strikeouts, was fourth in wins and led in five other categories. But the Giants finished fifth.

In the spring of 1894 the Giants signed Charles (Duke) Farrel, an experienced catcher, and Jouett Meekin, a pitcher of doubtful quality from Louisville and Washington. Meekin was from New Albany, which put two Hoosiers on the Giant mound.

And he went on a winning binge beginning July 25 and ending with 11 straight victories. Hopeful, the Giants began a September road trip with a plea to Meekin and Rusie to pitch them into the Temple Cup Series, forerunner of the World Series. Bonuses of $600 were promised.

The effect was startling. Rusie won 36 games and lost 13 and Meekin won 33 against 9 losses. Rusie whiffed 195 and Meekin 133 and sportswriters dubbed them "the Iron Twins."

The effort earned the Giants a playoff with the Orioles for the cup. It was a prize donated to the National League by William C. Temple, Pittsburgh sportsman and former president of the Pittsburgh club.

After a dispute over gate receipts which nearly delayed the match, the playoff was devastating for the Orioles, captained by John McGraw and including Dan Brouthers, Hugh Jennings, Willie Keeler, Willie Robinson and pitching ace Sadie McMahon.

Rusie won the first game, 4–1, Meekin followed with a 9–6 victory. Moving from the Orioles' field to the Polo Grounds, Rusie duplicated with another 4–1 win and Meekin mopped up the meeting with a 16–3 slaughter.

Meekin said he never got his $600 bonus and refused an offered $100. There is no record on whether Rusie even was offered any extra cash.

When Rusie came to New York in 1895 to start training he was met at the station by bands and banners and thousands of cheering fans who remembered his 1894 tour de force. But Andrew Freedman now controlled the Giants and he was as unyielding as Rusie. A clash was inevitable and formed in subtle ways.

Rusie once explained, "Freedman turned over two young pitchers for me to tutor. One was a willing youngster and a good pupil, but the other was a smart aleck. I ignored him and concentrated on the one who wanted to work. It really made Freedman sore."

Rusie admitted he didn't keep a rigorous training schedule. "I found a glass or two of beer refreshing after a game. Beer is nothing that won't come out of your system with a bit of work. But a man can not play baseball and drink whisky," Rusie once said.

Freedman clamped a curfew on his players. Rusie and a teammate, shortstop, William (Shorty) Fuller, were room mates on the road. One evening at Baltimore Rusie went to get the room key and was told Fuller had the key and was gone. Rusie, scheduled to pitch the next day, took a key to another room and went to bed.

The next day Freedman got word Rusie had not been in his room the previous night and levied a $100 fine. Rusie declined to make an explanation for fear of causing trouble for Fuller.

Within days, while Rusie was pitching against Philadelphia, he reportedly thumbed his nose at Freedman from the mound. Freedman responded with another $100 fine and said Rusie wasn't trying to pitch.

Rusie struggled through the year, finishing 23 and 23. The Giants finished a dismal ninth. Meekin also slipped to a 16–11 mark in 1895.

Rusie led the league in strikeouts with 201, was third in innings pitched with 393, fourth in complete games with 42 and first in strikeouts per nine innings with 4.60. He appeared in 49 games for the Giants.

"Those two fines amounted to $200," Rusie said. "When they sent me a contract for 1896, I refused to sign it unless the fines were restored to me. This Freedman refused to do, so I wouldn't sign and stayed out all year."

Rusie appealed the fines to the directors of the National League. On June 10, 1896, the directors ruled the fines were proper. But Rusie refused to bow.

On November 13, 1896, it was reported that Rusie, after failing to obtain his release from the Giants, filed suit in Federal Court at Chicago, seeking an injunction against baseball's reserve clause.

This clause binds a player to the club which has him under contract and prohibits him from signing with another club until he is released. It also mandates him to honor trade agreements. Rusie asked his release, $5,000 in damages and charged Giant management deprived him of a livelihood.

Baseball management was aghast but Freedman refused to budge. The case was dismissed in Illinois and refiled in Federal Court at Trenton, N.J., and was set for arguments on various motions March 15, 1897.

Rusie was not without a friend in his dispute with the Giant management. In February, 1897, Brush, then president of the Cincinnati ball club, acknowledged that Rusie was putting baseball's reserve clause to a court test but he said even if the clause was declared illegal it would not jeopardize organized baseball.

"A club that lives up to its contract with its players will not suffer. It is the club that will not do what it agrees to do that will have trouble. The Cincinnati Club does not fear anything of the kind. We have always lived up to every condition in our contracts with the players. The New York Club violated its contract with Rusie. An exorbitant and unjust fine was taken out of Rusie's salary. It was but natural that he should protest. Had the New York Club showed any disposition to be conciliatory and do its part toward an adjustment of the trouble, instead of taking a dictatorial and arbitrary stand, it is quite likely that Rusie would have played last season."

Before the 1897 season started club owners, except Freedman and the Boston owner, met at Brush's home in Indianapolis, pooled $5,000 and settled the dispute out of court.

"After the settlement, Freedman still nursed resentment against me," Rusie recalled. "When I appeared in the clubhouse to join the Giants, Freedman had left orders not to allow me to put on a suit. So I watched that opener from the stands. About the middle of the game I went down to the New York dugout. Several fans recognized me and raised a terrific hubbub.

"The next day, Freedman allowed me to appear in uniform, but kept me from pitching for a while. Bill Joyce, our manager, couldn't do anything about it. Well, the club lost those early games and New York fans were in a mood to riot, as they knew about Freedman's fracas with me. Freedman finally relented and I took the hill and broke the losing streak. Freedman and I never spoke to each other after that," Rusie said.

Rusie and Meekin were once more the stars of the Giant pitching staff and the fans hoped for another brilliant season. Then came a mid-season road trip to Chicago.

Rusie, as usual was in control of the game. William (Little Eva) Lange had reached first base. Lange had stolen 84 bases the previous season and was a daring baserunner. Lange continued to sneak away from first base while Rusie worked on the batter. Rusie waited until Lange edged far enough away, and then snapped the ball to first. Lange was out, but Rusie had injured his right arm.

"I felt something snap in my shoulder," Rusie said, "as if a leader had torn loose. For a moment I thought my arm had become paralyzed. I stepped out of the box and the players came and gave my arm a good rubbing. After throwing a few to the catcher my arm felt so much better that I continued in the game. (He won 1–0).

"That night I could not lift my arm to remove my coat and for a few days I had to have assistance dressing. I took off five weeks. When I returned to the firing line, my arm felt okay. The zip in my fast one was still there and my curve cracked and snapped. For the rest of the season everything was fine," Rusie said.

Rusie finished the 1897 season with a 28–10 record, Meekin pitched 20 wins and suffered 11 defeats. New York finished third, 9½ games behind Boston.

Rusie was fifth in winning percentage at .737, second in wins, fourth in strikeouts with 135, second in fewest hits allowed per nine innings, 8.77, and first in earned run average, 2.54.

"The next year," Rusie recalled, "when I tried to pitch, my arm felt dead. I took my turn on the hill, but every effort was followed by nights of torture, during which I walked the floor."

With a dead arm, gutting it out, Rusie pitched 300 innings for the Giants and finished the season 20–11. Meekin slipped to 16–18 and the Giants finished in 10th place.

"Before," Rusie recalled, "I had never been able to get enough work to wear me out. After that game in Chicago I began to feel the strain. Then I regretted I had often gone in and pitched every other day in my earlier days with the Giants, because they could win when I pitched."

Rusie is listed as a holdout in 1899 and 1900, but why seems lost in history. Meekin, meanwhile won 12 and lost 17 for New York and Boston. In 1900 he lost two with no wins and his career was over. Back at New Albany he joined the fire department, retired at 71 and died six years later Dec. 14, 1944, after suffering a fall.

In 1901, Brush, owner of the Cincinnati club, engineered a swap with New York for Rusie in exchange for an unknown minor league player from the Norfolk, Va., team, named Christy Mathewson. Mathewson was to replace Rusie as a Giant legend with his pitching exploits.

Rusie's Cincinnati record was 0–1 in 22 innings. He recalled pitching one game for Cincinnati which ended in a 1-1 tie when it was called due to darkness. He claimed he reported to the club out of shape and was left at home when the club began a road trip and given 10 days to get in shape. Only three days after the club left, Rusie was ordered to report to New York for a Red-Giant series by manager Bud McPhee.

"I have always blamed Frank Bancroft, who was secretary of the club, for putting McPhee up to ordering me on to New York. He knew the New York fans still liked to see me pitch and figured I would draw a better crowd there than any other pitcher would for an opener.

"At any rate, I did not receive the consideration to which I was entitled and I refused to go to New York," Rusie said of his decision to quit the game.

Rusie and his wife went to Muncie where Amos went to work in a pulp mill. When the mill closed, about four years later, Amos, his wife and daughter moved to Vincennes where he took a job in a lumber yard. He then found a job at the old Central Foundry at Vincennes, lugging cast iron sewer pipe around for $1.50 per day. He also dug mussels from the mud of the Wabash River, occasionally discovering a saleable freshwater pearl. He sold the shells to a button factory to augment his income.

He played a few games of baseball for the Vincennes team in the Kitty League. Once Rusie was pitching for the Vincennes team against Princeton when he was knocked out of the box in the fourth inning. The Princeton crowd cheered.

A young reporter went to the Vincennes dugout and found Rusie. "That's life," Rusie told the reporter. "In New York they used to fight to buy me champagne and now nobody even offers me a glass of beer."

Before leaving Vincennes, Rusie said he had received several offers to return to New York to run one saloon or another, but he refused.

About 1911 he moved his family to Seattle, Washington, and learned to be a steamfitter.

In 1921, D. E. Dugdale, a Seattle baseball magnate, discovered Rusie and notified John McGraw in New York. McGraw quickly offered Rusie a job as special officer at the Polo Grounds and the Rusie family moved to New York.

Once more Rusie was the center of attention as writers and photographers hovered about him.

"It's like climbing out of your grave and going to a dance," Rusie remarked of the acclaim. For eight years he stuck to the job but he returned to the Seattle area in 1929 for his wife's health. He umpired a game or two but quit, calling it "an awful job."

Amos and May purchased a five-acre ranch near Auburn, Wash., added 1,000 chickens and settled down. But Rusie was injured in an auto accident July 8, 1934. He was unconscious four days, suffering a concussion and internal injuries. He never fully recovered.

When he returned to the ranch he was unable to resume his duties and could not afford to hire help. As he recuperated interest on the mortgage accumulated and went unpaid. Rusie confided in no one, sought no help and the mortgage was foreclosed.

Deep into the Depression, Rusie and his wife lost their ranch. Royal Brougham, sports editor of the Seattle Post-Intelligencer, spotted the foreclosure notice and through newspaper stories, succeeded in rounding up many of Rusie's friends who helped set Rusie up in a small home in Seattle, and assured him of a livelihood as caretaker of the Seattle ball park.

Once during an interview he told a reporter, "No man tried harder than I to make the game a success for the public. I went into every game to win. I regret that some of the changes now in force could not have come sooner. The pitchers were under too hard a strain in my day to last many years. In New York, especially, the practice prevailed of working a winning pitcher as much as he would stand. The crowd demanded it. I was young, I didn't think my arm ever would wear out and I even asked to be allowed to work sometimes when not called upon. Later I paid the price," Rusie said.

"If I could have lasted until the foul strike rule was made I might have been pitching alongside Cy Young, who started about the year I did.

(The foul strike rule was adopted in 1901 and specified that a foul ball not caught on the fly was a strike unless the batter has two strikes. In 1894 a batter was charged with a strike for a foul bunt and in 1895 a batter was charged a strike on a foul tip.)

"When I pitched a batter had to cleanly miss three of 'em," Rusie said.

During a 1939 interview, Rusie reached into an old trunk, in which he stored some of his souvenirs of the game, and revealed a discolored baseball. Handing the ball to the reporter, Rusie pointed out a series of dark stains on the cover.

"Those are blood stains," he said. "In the eighth inning of a game I pitched in 1893, I split two fingers, split 'em bad. Blood was running all over my pitching hand, but I finished the game. That's the ball I used."

Sometimes Rusie would use his reputation for wildness by putting three pitches just outside, trying to get the batter to bite. If that didn't work, and his control was working, he would send three blinding strikes down the groove. Sometimes Rusie did hit players with his wildness and it was deadly.

"If any other pitcher hit a man, the man swore, limped a moment and went to first base," said catcher Farrell. "If Rusie hit a man the man retired from the game and sometimes went to the hospital."

It happened to Arthur Ball of Baltimore, who put his head before a Rusie pitch in 1898. He was unconscious several hours, hospitalized two weeks and left the team when he got out.

Until he died in December, 1942, Rusie attracted little attention nationally. The Seattle newspapers published pictures of him periodically, showing various groups of youngsters how to grip the ball.

Lou Criger, a catcher for the legendary Cy Young once said of Rusie: "To my mind he was the greatest pitcher that ever stepped in the box and I never expect to see a better one. I am sorry he had to retire when he did, for he was a great drawing card and his work did much to boost the national game toward its present great popularity."

Frank Bancroft, who supervised Rusie's career on two occasions said , "He will go down in history as one of the greatest pitchers that ever stepped into the box."

Duke Farrell, one of Rusie's old catchers said, "Rusie was the fastest of them all. What a star he was and how few there are who will ever approach him. I have seen scores of pitchers come and go and none of them inspired the terror in a batsman's heart that was put there by Rusie."

Cy Young, who won 511 games in his glittering career, when asked to name the leading fast-ball pitchers of all time answered, "Amos Rusie, Bob Feller and me."

Kid Nichols who won 362 games in his 15 years as a pitcher, named Joe McGinnity, Young, Rusie and John Clarkson as the great pitchers of his era. All but Rusie are now in the Hall of Fame.

In a 1947 column Detroit News writer H. G. Salsinger said baseball men such as Connie Mack, Roger Breshnahan, John McGraw and Hugh Jennings always claimed that Rusie was the best fast ball pitcher of all time.

If Rusie died disillusioned, bitter or in despair, no one knew it. He did what he could to boost the game he loved, helping youngsters. Although he was gruff, stubborn and inflexible, he had a heart. He played the game half deaf, with a ringing in his ears, he played with split fingers and a sore arm, ailments which would have finished most athletes.

He loved and cared for a semi-invalid wife until she died in October, 1942. He worked in obscurity, at menial jobs and was uncomplaining. And then, after losing his beloved May, the fight in him was gone, the stubbornness dissolved.

He left behind a record which, by any standard of measurement, deserves better than a blank look and the lame comment: "Rusie. Wasn't he the guy who. . . ." Yes, he sure was.

CONFERENCE REPORT ON S. 1570

Mr. STAGGERS submitted the following conference report and statement on the bill (S. 1570) to authorize the President of the United States to allocate crude oil and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare; to proprovide for the delegation of authority to the Secretary of the Interior; and for other purposes:

CONFERENCE REPORT (H. REPT. No. 628)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1570) to authorize the President of the United States to allocate crude oil and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare; to provide for the delegation of authority to the Secretary of the Interior; and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

That this Act may be cited as the "Emergency Petroleum Allocation Act of 1973".

FINDINGS AND PURPOSE

Sec. 2. (a) The Congress hereby determines that—

(1) shortages of crude oil, residual fuel oil, and refined petroleum products caused by inadequate domestic production, environmental constraints, and the unavailability of imports sufficient to satisfy domestic demand, now exist or are imminent;

(2) such shortages have created or will create severe economic dislocations and hardships, including loss of jobs, closing of factories and businesses, reduction of crop plantings and harvesting, and curtailment of vital public services, including the transportation of food and other essential goods; and

(3) such hardships and dislocations jeopardize the normal flow of commerce and constitute a national energy crisis which is a threat to the public health, safety, and welfare and can be averted or minimized most efficiently and effectively through prompt action by the Executive branch of Government.

(b) The purpose of this Act is to grant to the President of the United States and direct him to exercise specific temporary authority to deal with shortages of crude oil, residual fuel oil, and refined petroleum products or dislocations in their national distribution system. The authority granted under this Act shall be exercised for the purpose of minimizing the adverse impacts of such shortages or dislocations on the American people and the domestic economy.

DEFINITIONS

Sec. 3. For purposes of this Act:

(1) The term "branded independent marketer" means a person who is engaged in the marketing or distributing of refined petroleum products pursuant to—

(A) an agreement or contract with a refiner (or a person who controls, is controlled by, or is under common control with such refiner) to use a trademark, trade name, service mark, or other identifying symbol or name owned by such refiner (or any such person), or

(B) an agreement or contract under which any such person engaged in the marketing or distributing of refined petroleum products is granted authority to occupy premises owned, leased, or in any way controlled by a refiner (or person who controls, is controlled by, or is under common control with such refiner),

but who is not affiliated with, controlled by, or under common control with any refiner (other than by means of a supply contract, or an agreement or contract described in subparagraph (A) or (B)), and who does not control such refiner.

(2) The term "nonbranded independent marketer" means a person who is engaged in the marketing or distributing of refined petroleum products, but who (A) is not a refiner, (B) is not a person who controls, is controlled by, is under common control with, or is affiliated with a refiner (other than by means of a supply contract), and (C) is not a branded independent marketer.

(3) The term "independent refiner" means a refiner who (A) obtained, directly or indirectly, in the calendar quarter which ended immediately prior to the date of enactment of this Act, more than 70 per centum of his refinery input of domestic crude oil (or 70 per centum of his refinery imput of domestic and imported crude oil) from producers who do not control, are not controlled by, and are not under common control with, such refiner, and (B) marketed or distributed in such quarter and continues to market or distribute a substantial volume of gasoline refined by him through branded independent marketers or nonbranded independent marketers.

(4) The term "small refiner" means a refiner whose total refinery capacity (including the refinery capacity of any person who controls, is controlled by, or is under common control with such refiner) does not exceed 175,000 barrels per day.

(5) The term "refined petroleum product" means gasoline, kerosene, distillates (including Number 2 fuel oil), LPG, refined lubricating oils, or diesel fuel.

(6) The term "LPG" means propane and butane, but not ethane.

(7) The term "United States" when used in the geographic sense means the States, the District of Columbia, Puerto Rico, and the territories and possessions of the United States.

MANDATORY ALLOCATION

Sec. 4. (a) Not later than fifteen days after the date of enactment of this Act, the President shall promulgate a regulation providing for the mandatory allocation of crude oil, residual fuel oil, and each refined petroleum product, in amounts specified in (or determined in a manner prescribed by) and at prices specified in (or determined in a manner prescribed by) such regulation. Subject to subsection (f), such regulation shall take effect not later than fifteen days after its promulgation. Except as provided in subsection (e) such regulation shall apply to all crude oil, residual fuel oil, and refined petroleum products produced in or imported into the United States.

(b)(1) The regulation under subsection (a), to the maximum extent practicable, shall provide for—

(A) protection of public health, safety, and welfare (including maintenance of residential heating, such as individual homes, apartments, and similar occupied dwelling units), and the national defense;

(B) maintenance of all public services (including facilities and services provided by municipally, cooperatively, or investor owned utilities or by any State or local government or authority, and including transportation facilities and services which serve the public at large);

(C) maintenance of agricultural operations, including farming, ranching, dairy, and fishing activities, and services directly related thereto;

(D) preservation of an economically sound and competitive petroleum industry; including the priority needs to restore and foster competition in the producing, refining, distribution, marketing, and petrochemical sectors of such industry, and to preserve the competitive viability of independent refiners, small refiners, nonbranded independent marketers, and branded independent marketers;

(E) the allocation of suitable types, grades, and quality of crude oil to refineries in the United States to permit such refineries to operate at full capacity;

(F) equitable distribution of crude oil, residual fuel oil, and refined petroleum products at equitable prices among all regions and areas of the United States and sectors of the petroleum industry, including independent refiners, small refiners, nonbranded independent marketers, branded independent marketers, and among all users;

(G) allocation of residual fuel oil and refined petroleum products in such amounts and in such manner as may be necessary for the maintenance of exploration for, and production or extraction of, fuels, and for required transportation related thereto;

(H) economic efficiency; and

(I) minimization of economic distortion, inflexibility, and unnecessary interference with market mechanisms.

(2) In specifying prices (or prescribing the manner for determining them), such regulation shall provide for—

(A) a dollar-for-dollar passthrough of net increases in the cost of crude oil, residual fuel oil, and refined petroleum products to all marketers or distributors at the retail level; and

(B) the use of the same date in the computation of markup, margin, and posted price for all marketers or distributors of crude oil, residual fuel oil and refined petroleum products at all levels of marketing and distribution.

(3) The President in promulgating the regulation under subsection (a) shall give consideration to allocating crude oil, residual fuel oil, and refined petroleum products in a manner which results in making available crude oil, residual fuel oil, or refined petroleum products to any person whose use of fuels other than crude oil, residual fuel oil, and refined petroleum products has been curtailed by, or pursuant to a plan filed in compliance with, a rule or order of a Federal or State agency, or where such person's supply of such other fuels is unobtainable by reason of an abandonment of service permitted or ordered by a Federal or State agency.

(c)(1) To the extent practicable and consistent with the objectives of subsections (b) and (d), the mandatory allocation program established under the regulation under subsection (a) shall be so structured as to result in the allocation, during each period during which the regulation applies, of each refined petroleum product to each branded independent marketer, each nonbranded independent marketer, each small refiner and each independent refiner, and of crude oil to each small refiner and each independent refiner, in an amount not less than the amount sold or otherwise supplied to such marketer or refiner during the corresponding period of 1972, adjusted to provide—

(A) in the case of refined petroleum products, a pro rata reduction in the amount allocated to each person engaged in the marketing or distribution of a refined petroleum product if the aggregate amount of such product produced in and imported into the United States is less than the aggregate amount produced and imported in calendar year 1972; and

(B) in the case of crude oil, a pro rata reduction in the amount of crude oil allocated to each refiner if the aggregate amount produced in and imported into the United States is less than the aggregate amount produced and imported in calendar year 1972.

(2)(A) The President shall report to the Congress monthly, beginning not later than January 1, 1974, with respect to any change after calendar year 1972 in—

(i) the aggregate share of nonbranded independent marketers,

(ii) the aggregate share of branded independent marketers, and

(iii) the aggregate share of other persons engaged in the marketing or distributing of refined petroleum products,

of the national market or the regional market in any refined petroleum product (as such regional markets shall be determined by the President).

(B) If allocation of any increase of the amount of any refined petroleum product produced in or imported into the United States in excess of the amount produced or imported in calendar year 1972 contributes to a significant increase in any market share described in clause (i), (ii), or (iii) of subparagraph (A), the President shall by order require an equitable adjustment in allocations of such product under the regulation under subsection (a).

(3) The President shall, by order, require such adjustments in the allocations of crude oil, residual fuel oil, and refined petroleum products established under the regulation under subsection (a) as may reasonably be necessary (A) to accomplish the objectives of subsection (b), or (B) to prevent any person from taking any action which would be inconsistent with such objectives.

(4) The President may, by order, require such adjustments in the allocations of refined petroleum products and crude oil established under the regulation under subsection (a) as he determines may reasonably be necessary—

(A) in the case of refined petroleum products (i) to take into consideration market entry by branded independent marketers and nonbranded independent marketers during or subsequent to calendar year 1972, or (ii) to take into consideration expansion or reduction of marketing or distribution facilities of such marketers during or subsequent to calendar year 1972, and

(B) in the case of crude oil (i) to take into consideration market entry by independent refiners and small refiners during or subsequent to calendar year 1972, or (ii) to take into consideration expansion or reduction of refining facilities of such refiners during or subsequent to calendar year 1972.

Any adjustments made under this paragraph may be made only upon a finding that, to the maximum extent practicable, the objectives of subsections (b) and (d) of this section are attained.

(5) To the extent practicable and consistent with the objectives of subsections (b) and (d), the mandatory allocation program established under the regulation under subsection (a) shall not provide for allocation of LPG in a manner which denies LPG to any industrial user if no substitute for LPG is available for use by such industrial user.

(d) The regulation under subsection (a) shall require that crude oil, residual fuel oil, and all refined petroleum products which are produced or refined within the United States shall be totally allocated for use by ultimate users within the United States, to the extent practicable and necessary to accomplish the objectives of subsection (b).

(e)(1) The provisions of the regulation under subsection (a) shall specify (or prescribe a manner for determining) prices of crude oil at the producer level, but, upon a finding by the President that to require allocation at the producer level (on a national, regional, or case-by-case basis) is unnecessary to attain the objectives of subsection (b)(1)(E) or the other objectives of subsections (b), (c), and (d) of this section, such regulation need not require allocation of crude oil at such level. Any finding made pursuant to this subsection shall be transmitted to the Congress in the form of a report setting forth the basis for the President's finding that allocation at such level is not necessary to attain the objectives referred to in the preceding sentence.

(2)(A) The regulation promulgated under subsection (a) of this section shall not apply to the first sale of crude oil produced in the United States from any lease whose average daily production of crude oil for the preceding calendar year does not exceed ten barrels per well.

(B) To qualify for the exemption under this paragraph, a lease must be operating at the maximum feasible rate of production and in accord with recognized conservation practices.

(C) Any agency designated by the President under section 5(b) for such purpose is authorized to conduct inspections to insure compliance with this paragraph and shall promulgate and cause to be published regulations implementing the provisions of this paragraph.

(f)(1) The provisions of the regulation under subsection (a) respecting allocation of gasoline need not take effect until thirty days after the promulgation of such regulation, except that the provisions of such regulation respecting price of gasoline shall take effect not later than fifteen days after its promulgation.

(2) If—

(A) an order or regulation under section 203(a)(3) of the Economic Stabilization Act of 1970 applies to crude oil, residual fuel oil, or a refined petroleum product and has taken effect on or before the fifteenth day after the date of enactment of this Act, and

(B) the President determines that delay in the effective date of provisions of the regulation under subsection (a) relating to such oil or product is in the public interest and is necessary to effectuate the transition from the program under such section 203(a)(3) to the mandatory allocation program required under this Act,

he may in the regulation promulgated under subsection (a) of this section delay, until not later than thirty days after the date of the promulgation of the regulation, the effective date of the provisions of such regulation insofar as they relate to such oil or product. At the same time the President promulgates such regulation, he shall report to Congress setting forth his reasons for the action under this paragraph.

(g)(1) The regulation promulgated and made effective under subsection (a) shall remain in effect until midnight February 28, 1975, except that (A) the President or his delegate may amend such regulation so long as such regulation, as amended, meets the requirements of this section, and (B) the President may exempt crude oil, residual fuel oil, or any refined petroleum product from such regulation in accordance with paragraph (2) of this subsection. The authority to promulgate and amend the regulation and to issue any order under this section, and to enforce under section 5 such regulations and any such order, expires at midnight February 28, 1975, but such expiration shall not affect any action or pending proceedings, civil or criminal, not finally determined on such date, nor any action or proceeding based upon any act committed prior to midnight February 28, 1975.

(2) If at any time after the date of enactment of this Act the President finds that application of the regulation under subsection (a) to crude oil, residual fuel oil, or a refined petroleum product is not necessary to carry out this Act, that there is no shortage of such oil or product, and that exempting such oil or product from such regulation will not have an adverse impact on the supply of any other oil or refined petroleum products subject to this Act, he may prescribe an amendment to the regulation under subsection (a) exempting such oil or product from such regulation for a period of not more than ninety days. The President shall submit any such amendment and any such findings to the Congress. An amendment under this paragraph may not exempt more than one oil or one product. Such an amendment shall take effect on a date specified in the amendment, but in no case sooner than the close of the earliest period which begins after the submission of such amendment to the Congress and which includes at least five days during which the House was in session and at least five days during which the Senate was in session; except that such amendment shall not take effect if before the expiration of such period either House of Congress approves a resolution of that House stating in substance that such House disapproves such amendment.

ADMINISTRATION AND ENFORCEMENT

Sec. 5. (a)(1) Except as provided in paragraph (2), (A) sections 205 through 211 of the Economic Stabilization Act of 1970 (as in effect on the date of enactment of this Act) shall apply to the regulation promulgated under section 4(a), to any order under this Act, and to any action taken by the President (or his delegate) under this Act, as if such regulation had been promulgated, such order had been issued, or such action had been taken under the Economic Stabilization Act of 1970; and (B) section 212 (other than 212(b)) and 213 of such Act shall apply to functions under this Act to the same extent such sections apply to functions under the Economic Stabilization Act of 1970.

(2) The expiration of authority to issue and enforce orders and regulations under section 218 of such Act shall not affect any authority to amend and enforce the regulation or to issue and enforce any order under this Act, and shall not effect any authority under sections 212 and 213 insofar as such authority is made applicable to functions under this Act.

(b) The President may delegate all or any portion of the authority granted to him under this Act to such officers, departments, or agencies of the United States, or to any State (or officer thereof), as he deems appropriate.

EFFECT ON OTHER LAWS AND ACTIONS TAKEN THEREUNDER

Sec. 6. (a) All actions duly taken pursuant to clause (3) of the first sentence of section 203(a) of the Economic Stabilization Act of 1970 in effect immediately prior to the effective date of the regulation promulgated under section 4(a) of this Act, shall continue in effect until modified pursuant to this Act.

(b) The regulation under section 4 and any order issued thereunder shall preempt any provision of any program for the allocation of crude oil, residual fuel oil, or any refined petroleum product established by any State or local government if such provision is in conflict with such regulation or any such order.

(c)(1) Except as specifically provided in this subsection, no provisions of this Act shall be deemed to convey to any person subject to this Act immunity from civil or criminal liability, or to create defenses to actions, under the antitrust laws.

(2) As used in this subsection, the term "antitrust laws" includes—

(A) the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies", approved July 2, 1890 (15 U.S.C. 1 et seq.);

(B) the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (15 U.S.C. 12 et seq.);

(C) the Federal Trade Commission Act (15 U.S.C. 41 et seq.);

(D) sections 73 and 74 of the Act entitled "An Act to reduce taxation, to provide revenue for the Government, and for other purposes", approved August 27, 1894 (15 U.S.C. 8 and 9); and

(E) the act of June 19, 1936, chapter 592 (15 U.S.C. 13, 13a, 13b, and 21a).

(3) The regulation promulgated under section 4(a) of this Act shall be forwarded on or before the date of its promulgation to the Attorney General and to the Federal Trade Commission, who shall, at least seven days prior to the effective date of such regulation, report to the President with respect to whether such regulation would tend to create or maintain anticompetitive practices or situations inconsistent with the antitrust laws, and propose any alternative which would avoid or overcome such effects while achieving the purpose of this Act.

(4) Whenever it is necessary, in order to comply with the provisions of this Act or the regulation or any orders under section 4 thereof, for owners, directors, offices, agents, employees, or representatives of two or more persons engaged in the business of producing, refining, marketing, or distributing crude oil, residual oil, or any refined petroleum product to meet, confer, or communicate in such a fashion and to such ends that might otherwise be construed to constitute a violation of the antitrust laws, such persons may do so only upon an order of the President (or of an officer or agency of the United States to whom the President has delegated authority under section 5(b) of this Act); which order shall specify and limit the subject matter and objectives of such meeting, conference, or communication. Moreover, such meeting, conference, or communication shall take place only in the presence of a representative of the Antitrust Division of the Department of Justice, and a verbatim transcript of such meeting, conference, or communication shall be taken and deposited, together with any agreement resulting therefrom, with the Attorney General and the Federal Trade Commission, where it shall be made available for public inspection.

(5) There shall be available as a defense to any action brought under the antitrust laws, or for breach of contract in any Federal or State court arising out of delay or failure to provide, sell, or offer for sale or exchange crude oil, residual fuel oil, or any refined petroleum product, that such delay or failure was caused solely by compliance with the provisions of this Act or with the regulation or any order under section 4 of this Act.

(6) There shall be available as a defense to any action brought under the antitrust laws arising from any meeting, conference, or communication or agreement resulting therefrom, held or made solely for the purpose of complying with the provisions of this Act or the regulation or any order under section 4 thereof, that such meeting, conference, communication, or agreement was carried out or made in accordance with the requirements of paragraph (4) of this subsection.

MONITORING BY FEDERAL TRADE COMMISSION

Sec. 7. (a) During the forty-five day period beginning on the effective date on which the regulation under section 4 first takes effect; the Federal Trade Commission shall monitor the program established under such regulation; and, not later than sixty days after such effective date, shall report to the President and to the Congress respecting the effectiveness of this Act and actions taken pursuant thereto.

(b) For purposes of carrying out this section, the Federal Trade Commission's authority, under sections 6, 9, and 10 of the Federal Trade Commission Act to gather and compile information and to require furnishing of information, shall extend to any individual or partnership, and to any common carrier subject to the Acts to regulate commerce (as such Acts are defined in section 4 of the Federal Trade Commission Act).

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the Senate bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the amendment of the House to the title of the Senate bill, insert the following: "An Act to authorize and require the President of the United States to allocate crude oil, residual fuel oil, and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare; to provide for the delegation of authority; and for other purposes."

And the House agree to the same.

Harley O. Staggers,
Torbert H. Macdonald,
Lionel Van Deerlin,
Clarence J. Brown,
James M. Collins,
Managers on the Part of the House.

Henry M. Jackson,
Alan Bible,
Frank Church,
Lee Metcalf,
Warren G. Magnuson,
John O. Pastore,
Paul Fannin,
Clifford P. Hansen,
Mark O. Hatfield,
M. W. Cook,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1570) to authorize the President of the United States to allocate crude oil and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare; to provide for the delegation of authority to the Secretary of the Interior; and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendments struck out all of the Senate bill after the enacting clause and inserted a substitute text and provided a new title for the Senate bill.

The committee of conference has agreed to a substitute for both the Senate bill and the House amendment to the text of the bill. Except for clarifying, clerical, and conforming changes, the differences are noted below:

The conference substitute generally follows the provisions of the House amendment. A detailed description and explanation of the provisions of the House amendment from which the provisions of the conference substitute are derived may be found in the report of the House committee on Interstate and Foreign Commerce accompanying H.R. 9681 (House Report No. 93-531), which was substituted for the text of S. 1570 on the floor of the House.

Several general comments should be made concerning the overall pattern of this legislation agreed to by the conference committee. Initially, it should be said that the conferees are in unanimous agreement that due to various factors the self-regulatory laws of supply and demand are not currently operating in the petroleum market. It is imperative that the Federal Government now accept its responsibility to intervene in this marketplace to preserve competition and to assure an equitable distribution of critically short supplies. Toward this end, the conference substitute requires the President to promptly implement a mandatory allocation program which must be crafted so as to accomplish Congressionally defined objectives. These are set out principally in section 4(b) of the conference substitute. Very generally stated they establish guidelines for the priority uses of fuels covered by this Act and set forth standards of action concerning the competitive structure of the industry and general economic policy to be followed in the establishment of the fuel allocation program.

The listing of objectives in successive paragraphs (A) through (I) in section 4(b)(1) is not intended to establish any order of priority. There are collective goals, and the conferees have not attempted to discern an order of precedence or value one against another. It is fully recognized that, in some instances, it may be impossible to satisfy one objective without sacrificing the accomplishment of another. For example, the President could not totally allocate propane to agricultural and rural heating needs and at the same time give consideration to the identified objective of preserving and fostering competition in the petro-chemical industry. For this reason the direction to the President is qualified to permit the regulation to be constructed so as to accomplish the enumerated objective "to the maximum extent practicable". This qualification is intended to give the President administrative flexibility in marshalling short supplies and equitably assigning them to particular needs.

In meeting the objectives of section 4(b), the President may find it most convenient to rely on historical use and supply patterns. The conferees wish to emphasize, however, that the President *need not* base allocations on a historical period. The President is intended to have full flexibility in devising the most effective and efficient means of meeting the priority needs of the American people identified in section 4(b). There are, of course, many situations where priority users simply do not have a historical use pattern. For example, in this emergency period a high priority has been assigned to the maintenance of public services including those provided by government and utilities—whether privately, publically, municipally, or cooperatively owned. It is expected that the President will pay special attention to the need of continuing these services without disruption or interruption. Allocations to utilities, in particular, should be made to the extent necessary to preserve the reliability of our utility services in various parts of the country. It is understood that, in certain instances, these utilities have relied on their ability to obtain inexpensive natural gas. They have no historical pattern of using residual fuel oil or other covered fuels, but where natural gas is unavailable they must locate and make use of substitute fuels. The President's program must take into consideration this need and, where appropriate, provide for the necessary allocations. It is not the expectation of the conferees, however, that allocations of covered fuels would be made to utilities and others solely for the purpose of minimizing their costs of operation. The President would be expected to take into account on a case by case basis the availability to utilities of alternative fuels, such as coal.

In the face of the present shortage, large integrated oil companies understandably protect their own interests first. As shortages deepen—and all figures and analyses available seem to indicate that they will—it is unreasonable to expect businessmen to share their limited supplies with their competitors. Indeed, some have argued that it may be inconsistent with their obligations to shareholders to do so. Accordingly, this legislation requires the mandatory allocation program to be so structured as to prevent major oil companies from inequitably restructuring crude production for their own use or from favoring their directly owned outlets over independent marketers in the sale or distribution of refined petroleum products.

Allocations of crude are to be made to small and independent refiners and allocations of refined petroleum products are to be made to independent marketers (including small and independent refiners) in amounts *equal* to those which such refiners and marketers were able to obtain in calendar year 1972, if allocations in such amounts are practicable and consistent with the objectives of the Act. The independent marketer and small and independent refiner is not *guaranteed* supply at 1972 levels if to do so would be inconsistent with the Congressionally defined goals in sections 4 (b) and (d). Moreover, the President is given express authority to order departures from allocations based on 1972 historical patterns in cases where those departures are necessary to meet priority needs. For example, it would be expected that an independent marketer or small or independent refiner would be denied an allocation based upon calendar year 1972 in circumstances where the allocated fuel is not being put to a use which is consistent with the needs identified in section 4(b) or the requirements of section 4(d).

It should be noted that allocations are to be based on a corresponding period in calendar year 1972. The President is intended to have discretion to select within the calendar year the appropriate period or periods. Thus the corresponding period of 1972 could be the entire calendar year or the President could divide the year into quarters, months, or weeks. Moreover, it should be emphasized that the President is intended to have flexibility to depart from the calendar year 1972 altogether if it would be inconsistent with the Congressionally stated objectives to continue to rely on that base period. In such event the President would be expected to select some other appropriate historical period or some other mechanism or procedure for allocation which would be more suited to the accomplishment of the objectives of this Act.

The mandatory allocation program will operate to compel the allocation of product throughout the various levels of the petroleum market. It may be necessary, in selective cases, to compel the allocation of product to particular end-users, such as hospitals, units of government, or persons engaged in energy production and transportation; but it is not generally expected that the regulation promulgated by the President will be burdened with the complexities of assigning fuels to users unless such assignment is necessary to carry out the purposes of the Act. When required, however, it is intended that the President would have full authority under this Act to identify permissible uses of covered fuels and to restrict the amounts which may be made available to such uses.

FINDINGS AND PURPOSE

The House amendment and the Senate bill were grounded on similar findings and purposes with one exception: the Senate bill contained findings not found in the House amendment related to shortages of natural gas liquids. Also contained in the Senate bill, but not in the House amendment, was the admonition that no allocation plan, regulation or order, nor mandatory price, price ceiling or restraint, was to be promulgated whose net effect would be a substantial reduction of the total supply of crude oil or refined petroleum products available in or to markets in the United States.

Conference Substitute: The Senate recedes. By way of initial emphasis it should be noted that the bill which the Conference Committee reports today is not designed to and should not be interpreted as increasing supplies of critically short petroleum products. The shortage problem is the result of policies which have been in effect over a number of years, and it awaits a more far reaching and long ranged solution. Instead, this bill focuses on the short term objectives of seeing to it that during times of shortage our priority needs are met and that whatever limited supplies we have are equitably distributed throughout the nation to meet regional needs and preserve competition in the marketplace. Although specific language to this end was not included in the bill, it is the clear and firm understanding on the part of the Managers of both Houses that the mandatory allocation program called for in this legislation shall not be designed or implemented in a manner which would have the net effect of occasioning a substantial reduction in the total supply of crude oil, residual fuel oil or refined petroleum products. It is expected that the President in applying the mandatory controls called for in this legislation will assiduously avoid that result.

DEFINITIONS

House: Section 3 of the House amendment defined the term "branded independent marketer" to mean a person who engaged in the marketing or distributing of refined petroleum products pursuant to (A) an agreement or contract with a refiner (or a person who controls, is controlled by, or is under common control with such refiner) to use a trademark, trade name, service mark, or other identifying symbol or name owned by such refiner (or any such person), or (B) an agreement or contract under which any such person engaged in the marketing or distributing of refined petroleum products is granted authority to occupy premises owned, leased, or in any way controlled by a refiner (or person who controls, is controlled by, or is under common control with such refiner), but who is not affiliated with, controlled by, or under common control with any refiner (other than by means of a supply contract, or an agreement or contract described in clause (A) or (B)) above, and who does not control such refiner.

The term "nonbranded independent marketer" was defined in the House amendment to mean a person who is engaged in the marketing or distributing of refined petroleum products, but who is not a refiner or a person (A) who controls, is controlled by, is under common control with, or is affiliated with a refiner (other than by means of a supply contract), or (B) who is not a branded independent marketer.

The term "independent refiner" was defined to mean a refiner who (A) obtained, directly or indirectly, in the calendar quarter which ended immediately prior to the date of enactment of the bill, more than 70 per centum of his crude oil refinery input from producers who do not control, and are not controlled by or under common control with, such refiner, and (B) marketed or distributed in such quarter and continues to market or distribute (i) a substantial volume of gasoline refined by him through nonbranded independent marketers, and (ii) a substantial volume of other refined petroleum products refined by him directly to the ultimate user.

The term "refined petroleum product" was defined to mean gasoline, kerosene, distillates (including Number 2 fuel oil), LPG, refined lubricating oils, or diesel fuel, and the term "LPG" was defined to mean propane and butane, but not ethane.

Senate: Sections 105(b) and 108(b) of the Senate bill contained defined terms. The terms defined in section 105(b) were meant for purposes of such sections, and the terms defined in section 108(b) of the Senate bill were for purposes of sections 108, 109, and 110 of the Senate bill.

The definitions in section 105(b) of the Senate bill dealt with sales to independent refiners and dealers. The term "base period" was defined as the period from October 1, 1971, to September 30, 1972, inclusive; the term "nonaffiliated" referred to a buyer (seller) who has no substantial financial interest in, is not subject to a substantial common financial interest in, and is not subject to a substantial common financial interest with, the seller (buyer) in question; the term "independent refiner" meant a refiner who produced in the United States less than one hundred thousand barrels per day of petroleum products during the base period; the term "independent dealer" meant a terminal operator, jobber, dealer, or distributor, at wholesale or retail, who obtains refined petroleum products either on term contract or in spot markets, and who purchased during the base period at least half of such products from nonaffiliated sellers.

Section 108 of the Senate bill contained definitions for purposes of sections 108 through 110 of the Senate bill. The term "base period" meant the period from October 1, 1971, to September 30, 1972. The term "market area" meant any State or any area so defined by the Secretary of the Interior.

The term "petroleum distributor" meant any person engaged in commerce in the sale, consignment, or distribution of petroleum products to wholesale or retail outlets whether or not it owns, leases, or in any way controls such outlets.

The term "petroleum refiner" meant any person engaged in the importation or refining of petroleum products.

The term "petroleum product" meant any liquid refined from petroleum and usable as a fuel.

The term "petroleum retailer" meant any person engaged in commerce in the sale of any petroleum product for purposes other than resale in any State, either under a franchise or independent of any franchise or who was so engaged at any time after the start of the base period.

The term "State" meant any State, the District of Columbia, the Commonwealth of Puerto Rico, and any organized territory or possession of the United States. This provision also defined "commerce", "franchise", "notice of intent" and "person".

Conference substitute: The conference substitute contains the provisions of the House amendment with the following changes:

(1) The definition of "independent refiner" is modified in three respects: First, the requirement that the refiner obtain 70 percent of his crude oil refinery input from producers not controlling, controlled by or under common control with the refiner is changed to a requirement that a refiner obtain either 70 percent of his refinery input of domestic crude oil, or 70 percent of his refinery input of domestic and imported crude oil, from producers who do not control, or are not controlled by and are not under common control with such refiner. Second, the requirement that he market or distribute a substantial volume of his gasoline through nonbranded independent marketers is changed to a requirement that a substantial volume be marketed through branded independent marketers or nonbranded independent marketers. Third, the requirement that a substantial volume of other refined petroleum products be marketed directly to the ultimate user is dropped.

(2) A definition of "small refiner" is added in the conference substitute. A small refiner is a refiner whose total refinery capacity (including the refinery capacity of any person who controls, is controlled by, or is under common control with such refiner) does not exceed 175,000 barrels per day.

(3) The conference substittue contains a definition of the United States. The term, when used in the geographic sense, means the States, the District of Columbia, Puerto Rico, and the territories and possessions of the United States.

In incorporating the term "independent refiner" from the House bill and in making some modifications thereto, the conference committee has sought to identify for certain purposes under this bill a refiner who is dependent upon others for the major portion of his crude demand and who has historically provided independent marketers (both nonbranded and branded) with gasoline supplies. The conferees are aware that refiners frequently exchange crude supply with one another for purposes of convenience and to minimize distribution costs. In instances where a refiner trades or exchanges crude supply which he had produced or which had been produced by an affiliated person of such refiner, the supply so obtained would be looked upon as if it were supply of the refiner's own production in determining his entitlement to "independent refiner" status. The Committee is aware that some independent refiners have historically been able to obtain foreign crude from persons who control are controlled by or are under common control with them. It would not be consistent with the objectives of this legislation to require allocations of crude to such refiners based upon their 1972 crude runs in amounts necessary to make up for a short fall in supply occurring because the refiner's parent or affiliate has cut off or reduced—without good reason—the refiner's supply of foreign crude. The President would be expected to take this into consideration in implementing the requirements of section 4(c).

Special mention should be made of the term "refined petroleum product" which is taken from the House amendment. This term is defined to mean kerosene, gasoline, distillates (including Number 2 fuel oil), LPG (as further defined to mean propane and butane), refined lubricating oils, or diesel fuel. The conference committee considers the term "kerosene" to also encompass jet fuel and the term "diesel fuel" to also refer to light commercial heating oil. It is understood that the term "distillates" when applied in a technical sense would encompass only Numbers 1, 2, and 4 fuel oils. It is the committee's intent, however, that this term also reach to include naphtha and benzene so as to require the allocation of these products as may be necessary to accomplish the objective of restoring and fostering competition in the petrochemical sector of industry. In this respect the conference committee wishes to emphasize that, in expressing congressional concern with fostering competition in the petrochemical industry, the committee intends to also identify petrochemical feedstock needs as important end-uses for which allocation should be made.

In singling out small refiners for certain purposes under this bill, the conference committee intends to offer a mantle of protection to those refiners who by reason of their relatively small size may be disadvantaged in competing with larger refiners in bidding for and obtaining adequate crude supplies.

The inclusion of the definition of the term "United States" is designed to make clear that the allocation program called for under this legislation is to reach beyond the States and the District of Columbia to the Commonwealth of Puerto Rico and the territories and possessions of the United States. The conference committee is aware that important refinery facilities are located in Guam and the Virgin Islands. It is expressly intended that allocations of covered fuels be made both to and from these refineries as may be required to carry out the purposes of this legislation.

MANDATORY ALLOCATION

A. The regulatory scheme

House: Section 4 of the House amendment set forth a mandatory allocation program which provided that not later than ten days after date of enactment, the President was to promulgate a regulation providing for the mandatory allocation of crude oil, residual fuel oil, and each refined petroleum product, in amounts and at prices specified in (or determined in a manner prescribed by) such regulation and that such regulation was to take effect not later than fifteen days after its promulgation. The regulation was required, to the extent practicable, to be consistent with certain objectives described below. Section 4(b)(3) of the House amendment included the direction to the President to give consideration to allocating residual fuel oil and refined petroleum products to any person whose use of fuels other than crude oil, residual fuel oil, and refined petroleum products has been curtailed by, or pursuant to a plan filed in compliance with, a rule or order of a Federal or State agency.

Section 4(c)(3) of the House amendment provided that, to the extent practicable and consistent with the objectives of certain other provisions in section 4 of the House amendment, the mandatory allocation program established under the regulation under subsection (a) was not to provide for allocation of LPG in a manner which denied LPG to industrial users if no substitute for LPG was available for use by such industrial users.

Section 4(d) of the House amendment provided that the regulation under section 4 would have to require that crude oil, residual fuel oil, and all refined petroleum products (other than refined lubricating oils) which are produced or refined within the United States should be totally allocated for use by ultimate users within the United States, to the extent practicable and necessary to accomplish certain objectives discussed later.

Section 4(e) of the House amendment also stated no regulation under this section was to provide for allocation of, or specify (or prescribe a manner for determining) the price of, crude oil produced in a calendar month by any well, the average daily production of which did not exceed 10 barrels per day during the month preceding such calendar month.

Senate: Sections 104, 105, 108, 109, and 110 of the Senate bill contained the Senate bill's basic provisions with respect to the allocation of crude oil and refined petroleum products.

Sections 105 and 108 through 110 are discussed later in this statement.

Section 104 stated that within thirty days of the date of enactment of the bill, the President was, after due notice and public hearings, to cause to be prepared and published, priority schedules, plans, and regulations for the allocation or distribution of crude oil and any refined petroleum product which was or may be in short supply nationally or in any region of the United States in accordance with the objectives of the bill. The bill also stated that if the President found that on either a nationwide or regional basis a shortage had been reached, or may imminently reach, emergency proportions, he could order temporary allocations as necessary to accomplish the objectives of the section, pending promulgation of priority schedules, plans, and regulations as otherwise required by the bill.

The Senate bill further provided that in order to accomplish the objectives of section 102 of the bill, and subject to the provisions thereof, the President was directed to allocate or distribute or cause to be allocated and distributed, pursuant to the schedules, plans, and regulations required under the aforementioned provisions of the bill, any liquid fuel, whether crude or processed, and whether imported or domestically produced, then or prospectively in extraordinarily short supply nationally or in any region of the United States.

The Senate bill stated that the regulations required by the aforementioned provision was to include standards and procedures for determining or reviewing prices of fuels allocated by the President under the provisions of the bill to prevent (1) appropriation of private property without due compensation or (2) exorbitant price increases reflecting temporary shortage conditions.

Also, under the Senate bill, the President was directed to use his authority under the bill and under existing law to assure that petroleum and petroleum products were allocated in such a manner as to assure adequate production, processing, and distribution of food and fiber.

Conference substitute:

(1) General.—The conference substitute basically follows the House amendment to the Senate bill. It provides for the mandatory allocation of crude oil, residual fuel oil, and each refined petroleum product produced in or imported into the United States.

(2) Effective dates.—The regulation requiring such allocation in amounts and at prices specified in (or determined in a manner prescribed by) such regulation is to be promulgated not later than fifteen days after the date of enactment of the bill and to take effect not later than fifteen days after its promulgation. The conference substitute allows the President in accordance with section 4(f) to delay the effective date of the regulation promulgated under section 4(a). This subsection permits delay only of the provisions of the regulation with respect to the allocation of gasoline and with respect to any allocation of products which are allocated under section 203(a)(3) of the Economic Stabilization Act of 1970 prior to promulgation of the regulation under the bill. No delay is permitted under this subsection in the provisions relating to price. Under subsection (f) the provisions of the regulation under section 4(a) respecting allocation of gasoline need not take effect until thirty days after the promulgation of such regulation. In addition, if an order or regulation under section 203(a)(3) of the Economic Stabilization Act of 1970 applies to crude oil, residual fuel oil, or a refined petroleum product and has taken effect on or before fifteen days after the date of enactment of the bill and if the President determines that delay in the effective date of provisions of the regulation promulgated under section 4(a) of the conference substitute relating to such oil or product is in the public interest and is necessary to effectuate the transition from the program under such section 203(a)(3) to the mandatory allocation program required under this program, he may in the regulation promulgated under subsection (a) of this section delay until not later than thirty days after the date of the promulgation of the regulation, the effective date of the provisions of such regulation insofar as they relate to such oil or product. At the same time the President promulgates such regulation he shall report to Congress setting forth his reasons for the action under this paragraph.

(3) Exemption Authority.—Section 4(g)(2) of the conference substitute permits the President, if he finds (A) that application of the regulation under section 4(a) to crude oil, residual fuel oil, or a refined petroleum product is not necessary to carry out the Act, (B) there is no shortage of such oil or product, and (C) exempting such oil or product from such regulation will not have an adverse impact on the supply of any other oil or refined petroleum products subject to the Act, to amend the regulation to exempt such oil or product from such regulation for a period of not more than ninety days. The President must submit the amendment and findings to the Congress. An amendment may not exempt more than one oil or product (but separate amendments may be submitted for different oils or products; and at the expiration of the 90 days that an amendment applies to an oil or product, a new amendment applicable to such oil or product could take effect). An amendment would take effect on a date specified in the amendment, but not before the end of a period which includes at least five days during which the House was in session and at least five days during which the Senate was in session. Either House of Congress before the expiration of the period could by simple resolution disapprove such amendment.

(4) Industrial Use of LPG.—The conference substitute accepts the provisions of the House amendment which directs the President to take steps to assure that, to the extent practicable and consistent with the objectives of this Act, he does not allocate IPG in a manner which denies an industrial user access to a fuel for which there is no available alternative. Propane is a liquified petroleum gas in critically short supply. People in rural areas need it to heat their homes; farmers use it to dry their crops; the petrochemical industry uses it as a feedstock; and the glass industry uses it as the only acceptable or feasible substitute for natural gas. In the allocation of propane, the President is going to have to find an equitable balance among these priority uses. Paragraph (5) requires the President in this situation, to the extent practicable and consistent with the objectives of the Act, to make sure that in allocating propane to farmers and others he does not force petrochemical and glass plants across the country to close their doors. In administering this program, the President must be ever watchful to discover the unintended and undesired consequences of his acts. Clearly it is not in the public interest to compel the allocation of covered fuels (including propane and other refined petroleum products) in such a way as to result in large scale closings of industry, significant unemployment or serious economic stress in specific areas or regions of this nation. The President must be ever vigilant to avoid that result.

Several points should be made concerning the amendments made by the conference substitute to the House provisions relating to the timing requirements for the issuance and implementation of the mandatory allocation program. First, it was decided to give the President 15 days instead of 10 days to promulgate the regulation providing for the mandatory allocation of covered fuels. This was done simply with the understanding that—although the Administration has for several months been engaged in the task of devising a workable allocation mechanism—a 15-day period is probably minimally required to fashion a program with the necessary requirements and modifications of existing procedures to accomplish the objectives stated in this legislation.

Second, the Conference substitute continues the House requirement that the regulation once promulgated take effect 15 days thereafter. However, additional flexibility has been given to the President to delay this effective date in the case of the applicability of the allocation requirements to gasoline and to products already subject to mandatory controls under orders issued pursuant to the President'a Economic Stabilization Act authority. The President is permitted to delay the gasoline allocation on the premise that his full administrative energies may be required to focus on other refined petroleum products in the first days of implementing the program. It is the Committee's understanding that an allocation program, if it is to work at all, must be comprehensive in scope and therefore must include the major refined components of a barrel of crude oil. Gasoline simply must be brought within the program as soon as practicable if we are to avoid the disastrous dislocations of resources and effort which have occurred in the past year as a result of selectively applying controls to the petroleum industry. For this reason the President is not permitted to defer the effective date of the gasoline allocation controls beyond 30 days after promulgation of the initial regulation.

The authority to defer the effective date for allocations of products already subject to mandatory controls under orders issued by the President pursuant to his Economic Stabilization Act authority is founded on the desire to take every step to permit an orderly transition from those programs to the allocation requirements of this legislation. For example, allocation programs have been established for propane and so-called "middle distillates." Modifications in these programs will be required to conform them to accomplish the Congressionally defined objectives stated in this legislation. It would not be a reasoned result for these programs to be summarily terminated while necessary revisions are made. Accordingly, this legislation provides for their continuance up until the effective date of the regulation called for in this legislation and permits the President to defer that effective date when necessary to provide for an orderly transition.

(5) Users denied access to other fuels.—The conference substitute contains the provisions from the House amendment which direct the President to give consideration to allocating residual fuel oil and refined petroleum products to any person whose use of fuels other than crude oil, residual fuel

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oil, and refined petroleum products has been curtailed by, or pursuant to a plan filed in compliance with, a rule or order of a Federal or State agency, and the conference substitute states that this consideration also be given where such person's supply of such fuels is unobtainable by reason of an abandonment of service permitted or ordered by a Federal or State agency.

The inclusion of the House provisions on this matter represents a determination by the members of the conference that there must be reasoned coordination of Federal and state policies which control or influence the energy requirements of our citizens and industry. It is the expectation that in fashioning the allocation program and ordering subsequent adjustments to it, the President shall be watchful of the need to allocate supply to those users, such as electric utilities, who contribute to the accomplishment of the objectives of this legislation in those circumstances where such users have been denied access to alternative fuels by actions taken by other Federal or state governmental authority.

(6) Exports.—The conference substitute contains in section 4(d) the House provision relating to the total allocation of crude oil, residual fuel oil, and all refined petroleum products which are produced or refined with the United States. However, the exception relating to refined lubricating oil has been removed.

An allocation of covered fuels totally within the boundaries of the United States would act to prevent the export of such substances. In this regard the conference committee wishes to emphasize the conditions upon which such exclusion would be based. Total allocations within the United States would be required *only* where practicable *and* where necessary to accomplish the objectives of section 4(b). It is not intended to interrupt or prevent exports of fuels which are consistent with those objectives. In this regard the conference committee is especially mindful of the potential hardship which would result from an interference with or disruption of the important fuel interchanges with Canada and Mexico.

Particular complexity and concern is raised with respect to maintenance of international transportation. Other nations faced with similar fuel shortages are also adopting fuel allocation and conservation measures. Without reciprocity and comity among nations, these measures, if discriminatory or retaliatory, could jeopardize international air, ocean, and surface transport regardless of what steps are taken by the United States to allocate equitably among its own carriers. It is thus essential in making fuel allocations to coordinate, to the extent necessary, with foreign governments and, consistent with principles of reciprocity and comity and as may be consistent with the objectives of this Act, meet the fuel needs of foreign carriers at United States' points served by them.

(7) Allocation at producer level.—The conference substitute contains in section 4 (e)(1) provisions which state that the provisions of the regulation under subsection (a) shall specify (or prescribe the manner for determining) price of crude oil at the producer level; but, if the President finds that to require allocation at the producer level (on a national, regional, or case-by-case basis) is unnecessary to attain the objectives of subsection (b)(1)(E) or the other objectives of subsections (b), (c), and (d) of section 4, such regulation need not require allocation of crude oil at such level. The conference substitute requires that any finding made pursuant to this subsection be transmitted to the Congress in the form of a report setting forth the basis of his finding that allocation at the producer level is not necessary to attain such objectives.

Several have argued that the compelled allocation of crude oil at the producer level would be administratively unworkable. Indeed, the Administration identified this problem as largely responsible for its opposition to the House bill. Others contend that producer-level allocations are absolutely essential if the objectives of the Act are to be accomplished. Unable to fully resolve the issue, the conference substitute seeks an accommodation of these opposing views. Under its terms, the President would be relieved of the necessity of applying allocation requirements to the producer level if he can make the finding that allocation at that level on a national, regional, or case-by-case basis is unnecessary to attain the objectives of the Act. Specifically noted is the objective contained in section 4(b)(1)(E) which calls for the allocation of crude in a manner which makes maximum utilization of our nation's total refinery capacity.

The conference committee wishes to emphasize that the President is to retain full authority to require allocation at the producer level on a national, regional, or case-by-case basis whenever he determines it is necessary to attain the objectives of the Act. It is expressly intended to give to the President flexibility to act selectively. Accordingly, he may apply controls to large but not small producers—thus avoiding administrative complexity. Also, it is expected that the authority to require allocations at the producer level on a case-by-case basis can be and would be exercised to prevent producers from withholding supplies from the market by capping wells or otherwise.

It is specifically intended that the allocation program operate at the refinery level to compel inter-refinery transfers and exchanges of crude oil. By this means, it is expected that allocations of crude would be made to assure the maximum utilization of the refinery capacity of the United States and, in particular, that low-sulfur crude will be allocated to those refineries which are limited in their ability to process crude oil of higher sulfur content or which are operating under environmental restrictions which prevent the processing of high-sulfur grade crude. While the President's authority does not expressly permit him to order refineries to adjust their product mix (i.e. crack the barrel at different fractions to produce more or less of a specific refined petroleum product), the President must, in allocating crude to different refineries, take into account the historical patterns of product mix so as to assure accomplishment of the Congressionally stated objectives. Moreover, in circumstances where additional supply of a particular product, such as home heating oil, must be obtained, it is expected that the President will withhold or divert the allocation of crude from any refinery which does not adjust his product mix to contribute to the development of such additional supply.

(8) Stripper wells.—The conference substitute contains a provision relating to stripper wells. This provision, found in section 4(e)(2) states that the regulation promulgated under subsection (a) of this section shall not apply to the first sale of crude oil produced in the United States from any lease whose average daily production of crude oil for the preceding calendar year does not exceed ten barrels per well. In order to qualify for the exemption, a lease must be operating at the maximum feasible rate of production and in accordance with recognized conservation practices. Any agency designated by the President under section 5(b) of the conference substitute for such purpose is authorized to conduct inspections to insure compliance with this paragraph and shall promulgate and cause to be published requirements implementing the provisions of this paragraph.

B. Objectives

House: Section 4(b)(1) of the House amendment set forth certain objectiveness which the regulation promulgated under that section was to the maximum extent practicable to provide for seven objectives. The House amendment's objectives included the maintenance of all public services (including facilities and services provided by municipally, cooperatively, or investor owned utilities or by any State or local government or authority); the maintenance of agricultural operations, including farming, ranching, dairy, and fishing activities, and services directly related thereto; the preservation of an economically sound and competitive petroleum industry, including the priority needs to restore and foster competition in the producing, refining, distribution, marketing, and petrochemical sectors of such industry, and to preserve the competitive viability of independent refiners, nonbranded independent marketers, and branded independent marketers; and the equitable distribution of crude oil, residual fuel oil, and refined petroleum products at equitable prices among all regions and areas of the United States and sectors of the petroleum industry, including independent refiners, nonbranded independent marketers, branded independent marketers, and among all users.

Senate: Section 102 of the Senate bill provided for the President to take such actions as are necessary to insure the attainment of the specified objectives in implementing the authority granted under the Senate bill. These objectives included the maintenance of all public services; the maintenance of all essential agricultural operations, including farming, ranching, dairy and fishing activities and services directly related to the cultivation, production and preservation of food; the preservation of an economically sound and competitive petroleum industry, including the competitive viability of the independent producing, refining, marketing, distributing, and petrochemical sectors of that industry; and the equitable distribution of fuels at equitable prices among all regions and areas of the United States and all classes of consumers with the proviso that priority shall be given to supplying essential activities in the public interest and to independent marketers, jobbers, and refiners who supply those priorities. Whenever possible, preference shall be given to independent refiners and marketers (1) in the carrying out of such priorities, and (2) in other cases where all other conditions are equal and a choice must be made between allocation of supplies to an independent or to a major company.

Conference substitute: The conference substitute basically follows the House amendment to the Senate bill with the following changes:

(1) The objective providing for protection of the public health, safety, and welfare, and the national defense specifies that public health, safety, and welfare includes the maintenance of residential heating, such as individual homes, apartments, and similar occupied units.

(2) The objective providing for maintenance of all public services specified that such maintenance of public services included facilities and services provided by municipally, cooperatively, or investor owned utilities or by any State or local government or authority. The conference substitute further specifies that this objective includes transportation facilities and services which serve the public at large.

(3) The conference agreement includes small refineries in the objective relating to the preservation of an economically sound and competitive petroleum industry.

(4) The conference substitute contains a new objective (E) relating to the allocation of suitable types, grades, and quality of crude oil to refineries in the United States to permit such refineries to operate at full capacity.

(5) The conference substitute includes small refiners in the equitable distribution of crude oil, residual fuel oil, and refined petroleum products at equitable prices among all regions and areas of the United States and sectors of the petroleum industry.

(6) The conference substitute contains a new objective (G) relating to the allocation of residual fuel oil and refined petroleum products in such amounts and in such manner as may be necessary for the maintenance of exploration for, and production or extraction of, energy fuels, and for the required transportation related thereto.

Section 4(b)(1)(I) of the conference substitute requires special mention. This section emphasizes the objective of minimizing economic distortion, inflexibility and unnecessary interference in market mechanisms. The committee recognizes that mandatory allocation programs which compel the distribution and sale of fuels for particular uses at specified prices necessarily distort the economy and interfere with a free market mechanism. It is the intent of this legislation that that economic distortion and interference be minimized to the extent practicable. The President should assure himself that his actions interrupt existing supply mechanisms only when necessary to permit the accomplishment of the objectives stated in subsection (4). Moreover, while it is expressly recognized and intended that the allocation program would have the effect of abrogating contracts for the supply of fuels covered by the regulation, such abrogation should occur *only* to the extent necessary to accomplish the objectives of the Act. It is expected that the President's regulation will in most cases merely confirm existing supply relationships. For example, it is understood that in many circumstances small refiners own their own production or obtain it from affiliated sources. It is not expected that the President would disturb this relationship unless it were necessary to do so.

The conferees have included in section 4(b)(1)(B) specific mention of the need to allocate fuels to provide for the maintenance of transportation facilities and services which serve the public at large. The term "transportation services" is intended to identify those surface, rail or air facilities and services—whether public or privately owned—which serve the general public or which otherwise serve the objectives of this Act.

The petroleum fuel shortage threatens numerous areas of commerce. The jeopardy from shortage of these fuels impacts most directly on transportation. Without adequate petroleum fuel most United States' domestic and international transportation, with no option to convert to other fuels, potentially would be seriously disrupted. A significant reduction of transportation capability could adversely affect all other areas of commerce and the national economy. Thus, one of the primary objectives of the Act is to assure maintenance of transportation services.

C. Prices

House: The House amendment provided in section 4(b)(2) that in specifying prices (or prescribing the manner for determining them), the regulation under section 4 of the House amendment was to provide for a dollar-for-dollar passthrough of net increases in the cost of crude oil and refined petroleum products to all marketers or distributors at the retail level; and the use of the same date in the computation of markup, margin, and posted price for all marketers or distributors of crude oil and refined petroleum products at all levels of marketing and distribution.

Senate: Section 116 of the Senate bill provided that the Congress found and declared that, notwithstanding the imposition of mandatory controls by the Cost of Living Council on March 6, 1973, on the prices of crude oil and petroleum products, such prices had increased and were continuing to increase at an excessive rate and that in order to control inflation, promote a sound economy, and carry out the obejctives of the Senate bill as stated in section 102, the Congress urged the President immediately to take such further action as may be necessary to stabilize effectively the prices of crude oil and petroleum products.

Conference Substitute: The conference substitute contains the provisions of the House amendment with a change making the House provisions applicable to residual fuel oil.

The conference committee wishes to make several comments with respect to the pricing authority contained in this legislation. This has been included on the premise that it does no good to require the allocation of products if sellers are then permitted to demand unfair and unrealistic prices. It is not intended, however, that the pricing authority be exercised by establishing specific prices for products at each level in the distribution system. For example, the regulation could merely state an equitable method for determining price levels, such as permitting a specified percentage markup of base costs. The conference committee has decided to couple price controls with the mandatory allocation authority so as to focus in a single act decision-making authority and responsibility for dealing with the fuels shortage situation.

By requiring that both allocations and prices be covered in the regulation required to be promulgated and implemented under Section 4(a), Congress intends to force the Administration to rationalize and harmonize the objective of equitable allocation of fuels with the objectives of the Economic Stabilization Act. The committee wishes to emphasize that the pricing controls called for in this legislation may, in those circumstances where pricing controls established pursuant to other federal authority are consistent with the requirements and objectives of this Act, merely confirm those controls in the regulation to be promulgated under authority of section 4 of this Act. It is expressly contemplated, for example, that the price controls established by Phase IV under authority of the Economic Stabilization Act would continue in effect unless and until required to be modified by the price regulation required to carry out the purposes of this Act. As a matter of administrative convenience, the President may wish to continue to exercise federal pricing controls through the Cost of Living Council and may, pursuant to section 5(b), assign to that agency responsibility for administering the price controls called for in this Act.

The reference to equitable prices in the bill is specifically intended to emphasize that one of the objectives of the mandatory allocation program is to prevent price gouging or price discrimination which might otherwise occur on the basis of current shortages. On the other hand, it is contemplated that prices for allocated fuels will be set at levels or pursuant to methods which will permit adequate compensation to assure that private property is not implicitly confiscated by the government. Most importantly, the President must, in exercising this authority, strike an equitable balance between the sometimes conflicting needs of providing adequate inducement for the production of an adequate supply of product and of holding down spiraling consumer costs.

D. Allocation to independent refiners and marketers

House: Section 4(c)(1) of the House amendment provided that to extent practicable and consistent with the objectives of subsections (b) and (d) of section 4, the mandatory allocation program established under the regulation under subsection (a) of section 4 was to be so structured as to result in the allocation during each period during which the regulation applied of each refined petroleum product to each branded and each nonbranded independent marketer, and of crude oil to each independent refiner, in an amount equal to the amount sold or otherwise supplied to such marketer or refiner during the corresponding period of 1972, adjusted to provide a pro rata sharing among persons engaged in the marketing or distributing of a refined petroleum product of any amount of such product produced in excess of the amount produced in calendar year 1972, or a pro rata reduction in the amount allocated to such persons if lesser amounts are produced than those produced in calendar year 1972; and a pro rata sharing among refiners of any amount of crude oil produced in excess of the amount produced in calendar year 1962, or a pro rata reduction in the amount allocated to such refiners if lesser amounts are produced than those produced in calendar year 1972.

Section 4(c)(2) of the House amendment provided the President was authorized by order, to require such adjustments in the allocations of refined petroleum products and crude oil established under the regulation under subsection (a) of section 4 as may reasonably have been necessary in the case of refined petroleum products (i) to take into consideration market entry by branded independent marketers and nonbranded independent marketers subsequent to calendar year 1972, or (ii) to take into consideration subsequent expansion or reduction of marketing or distribution facilities of such marketers; and in the case of crude oil (i) to take into consideration market entry by independent refiners subsequent to calendar year 1972, or (ii) to take into consideration subsequent expansion or reduction of refining facilities of such refiners. Any adjustments made under section 4(c)(2) may have been made only upon a finding that, to the maximum extent practicable, protection of the objectives of subsections (b) and (d) of section 4 were attained.

Senate: Section 105 of the Senate bill stated that the President was directed to use his authority under the Senate bill and under existing law to assure that no petroleum refinery in the United States was involuntarily required to operate at less than its normal full capacity because of the unavailability to said refinery of suitable types or grades of crude oil.

Subsection (c) of section 105 provided that in order to achieve the objectives of the bill, (1) any producer or importer of crude petroleum and/or natural gas liquids who produced in the United States and/or imported more than two hundred thousand barrels per day of crude oil and natural gas liquids during the base period had to sell or exchange to nonaffiliated independent refiners or to any other reasonable and appropriate class of refiners established by regulation, in accordance with the objectives and priorities established under section 102(e) of the Senate bill, in the aggregate during each quarter during the effective term of the Senate bill a proportion of his domestic production and imports no less than the proportion he sold or exchanged to such refiners during the corresponding quarter of the base period. It also provided under such subsection that to the extent practicable, all such refiners previously supplied by such producer or importer were to continue to be supplied on an equitable basis taking into consideration past supply relationships and unused refinery capacity; and (2) all refiners or importers of petroleum products were to sell or exchange to nonaffiliated independent dealers or to any other reasonable and appropriate class of purchasers established by regulation, in accordance with the objectives and priorities established under section 102(e) of the Senate bill, in the aggregate in each quarter during the effective term of the Senate bill, a proportion of his refinery production and imports of said products no less than the proportion he sold or exchanged to such dealers during the correspondng quarter of the base period. It further provided that to the extent practicable, all such dealers previously supplied by such refiner were to continue to be supplied on an equitable basis taking into consideration past supply relationships.

Subsection (d) of section 105 stated that the allocation program established pursuant to section 105 may have been replaced or amended by, or incorporated into, the priority schedules, plans, and regulations promulgated under section 104 of the Senate bill.

Section 109 of the Senate bill stated that a petroleum refiner or a petroleum distributor was not to deliver or tender for delivery in any quarter to any petroleum distributor or petroleum retailer a smaller quantity of petroleum products than the quantity of such products delivered by him or his predecessor or predecessors during the corresponding quarter in the base period, unless he delivered to each petroleum distributor or petroleum retailer doing business in commerce the same percentage of the total amount as was delivered to all such distributors or retailers in the market area who were supplied by such refiner or distributor and that a petroleum refiner or a petroleum distributor was not to sell petroleum products to a nonfranchised petroleum distributor or petroleum retailer at a price, during any calendar month, which was greater than the price at which such petroleum products were sold to a similarly situated franchised petroleum distributor or petroleum retailer on the same level of commerce (wholesale or retail) in the market area except that a reasonable differential which equaled the value of the goodwill, trademark, and other protections and benefits which accrued to franchised distributors or retailers was not prohibited.

Enforcement of this provision is described below under the section relating to enforcement.

Section 110 of the Senate bill stated that a petroleum refiner or a petroleum distributor was not to cancel, fail to renew, or otherwise terminate a franchise unless he furnished prior notification pursuant to this paragraph to each petroleum distributor or petroleum retailer affected. Such notification was to be in writing and was to be accomplished by certified mail to such distributor or retailer; was to be furnished not less than ninety days prior to the date on which such franchise was to be canceled, not renewed, or otherwise terminated; and was to contain a statement of intention to cancel, not renew, or to terminate together with the reasons therefor, the date on which such action was to take effect, and a statement of the remedy or remedies available to such distributor or retailer under the Senate bill together with a summary of the provisions of this section.

Section 110 of the Senate bill further stated that a petroleum refiner or a petroleum distributor was not to cancel, fail to renew, or otherwise terminate a franchise unless the petroleum retailer or petroleum distributor whose franchise was terminated failed to comply substantially with essential and reasonable requirement of such franchise or failed to act in good faith in carrying out the terms of such franchise, or unless such refiner or distributor withdrew entirely from the sale of petroleum products in commerce for sale other than resale in the United States.

Conference substitute: The conference substitute incorporates the provisions of the House amendment with the following changes:

(1) Small refiners are given the same treatment as independent refiners.

(2) The provisions of subsection (c)(1) which provide for allocation of refined petroleum products to branded and nonbranded independent marketers based on amounts they received in 1972 are expanded to provide for allocation of such products to small refiners and independent refiners based on amounts they received in 1972.

(3) The provisions of sections 4(c)(1)(A) and (B) of the House amendment which required a pro rata increase in allocations of refined petroleum products and crude oil to marketers and refiners, respectively, to reflect increase in supply are deleted, and replaced in the conference substitute by a provision directing the President to report to the Congress monthly, beginning not later than January 1, 1974, with respect to any change after 1972 in the aggregate national or regional market shares of nonbranded independent marketers, branded independent marketers, and other persons engaged in the marketing or distributing of refined petroleum products. The provision further requires that if allocation of any increase of the amount of any refined petroleum product produced in or imported into the United States in excess of the amount produced or imported in 1972 contributes to a significant increase in any market share described above, the President must order an equitable adjustment in allocations of such product.

(4) The President is directed to order adjustments in the allocations of crude oil, residual fuel oil, and refined petroleum products as may reasonably be necessary to accomplish the objectives of section 4(b) or to prevent any person from taking any action which would be inconsistent with those objectives.

(5) In adjusting allocations to provide pro-rata decreases, the President is directed to consider aggregate decreases in domestic production plus imports, rather than considering only domestic production.

A great deal of the discussion in conference focused on the workings of section 4 (c). Under the terms of the House amendment, the mandatory allocation program was required to be so structured—to the extent practicable and consistent with the objectives of the Act—as to result in the allocation to branded independent marketers and non-branded independent marketers of amounts of refined petroleum product equal to what they were able to obtain in calender year 1972. Finding that many small refiners and independent refiners have historically also been bulk purchasers and marketers of refined petroleum products, the conference committee determined to in addition include such refiners within the formula so as to give to them an entitlement to refined petroleum products (to the extent practicable and consistent with the objectives of the Act) based upon 1972 allotments.

It is understood that a number of independent marketers, small refiners and independent refiners have been sold to or otherwise been acquired by others since 1972. It is the expectation of the conferees that where it is possible to trace the corporate or business history of an entity, the successor company shall be entitled to the base period allocation of its predecessor.

The committee has also made provision for the allocation of crude oil to small and independent refiners based upon their calendar year 1972 crude runs. Here, as in the case of refined petroleum products, it is expected that small and independent refiners who entered the market after calendar year 1972 and who acquired interests in refineries which had been in operation during that year would be entitled to claim an allocation based upon the 1972 crude runs of the predecessor refineries.

(1) Certain Contracts.—The conferees wish to comment specifically on the application of this section in circumstances where a successor company has acquired assets and made capital investments in reliance on a court decree issued in furtherance of a resolution of antitrust claims. As noted in an earlier portion of this report, it is intended that the allocation program minimize economic distortion and interference with market mechanisms. Also this legislation lists as a basic objective the need to promote and foster competition in the petroleum industry. It would be an anomalous result if the allocation program would be implemented in a manner which would frustrate or make impossible the accomplishment of a court-ordered decree whose objective was to create a viable competitive entity where there was none before. It is expected, therefore, that the President will take care to assure that the allocation program would not interrupt supply agreements, whose very terms had been ordered by a court to assure that an entity would be able to operate in a manner which offers meaningful competition. The Committee does not wish, however, to totally insulate such supply agreements. It is fully intended and expected that the President would have authority to abrogate such contracts if the President finds that he must do so in order to accomplish the objectives of this Act.

(2) Pro-rata Sharing of Shortfall.—In those circumstances where the aggregate amount of crude oil produced in or imported into the United States is less than the amounts produced or imported in calendar year 1972, the conference substitute requires a pro rata reduction in the amounts allocated among refiners. This provision is intended to assure an equitable sharing of the short-fall among small, independent, and other refiners including those which are owned and operated by major vertically integrated oil companies. A similar pro-rata sharing, as described above, is provided for shortfalls in refined petroleum products.

(3) Refinery expansion or new construction.—The conferees view the construction of new refineries, and the expansion of present refinery capacity, as critically important factors in maximizing the amount of petroleum products available to meet domestic demand. The conferees are concerned that refiners may be hesitant to make the

substantial investments, and other commitments required for the construction of new refineries and the expansion of existing facilities unless they are assured of adequate supplies of crude oil for their facilities. The provisions of section 4(c)(4)(B), are intended to provide the President with a means of affording that assurance.

Although the conferees have determined not to include the dealer protection provisions which were contained in the Senate bill, the committee wants to express its concern with the downsteam vertical integration of the major oil companies into the distribution and retail levels of the market. Major oil companies have begun to market secondary brands through wholly-owned distribution subsidiaries. The primary brands are to an increasing extent being marketed through so-called salaried or managed retail outlets. Branded independent marketers, already under short term lease and supply agreements, are finding that their agreements are not being renewed. Leases of one year's duration are being converted to thirty days. Representatives of branded dealers believe that this represents an attempt by the majors to force private entrepreneurs out of the retail market and to convert station operators to salaried employees. The committee believes that the agency administering this Act and the Congress should watch this development closely. Should it be shown to be progressing in a manner which cannot be dealt with under the allocation authority contained in this bill, it may be in order for the Congress to consider remedies such as proposed in the Senate bill or as may be appropriate in the formulation of tax, import and anti-trust policy.

ENFORCEMENT

House: Section 5(a) of the House amendment provided that the regulation under the House amendment would be enforced under sections 205 through 213 (other than 212(b)) of the Economic Stabilization Act of 1970 (as in effect on the date of enactment of the bill) except that the expiration of the Economic Stabilization Act would not affect any authority to amend and enforce the regulation or to issue and enforce any order under the House amendment.

Senate: The Senate bill authorized the head of the agency designated to implement the bill to require periodic reporting and to issue subpenas. The head of the agency (or his delegate) was authorized to request the Attorney General to bring an action in the appropriate district court of the United States to enjoin any act or practices constituting a violation of the bill (or order or regulation thereunder) and upon a proper showing a temporary restraining order or a preliminary or permanent injunction would be granted without bond. The court could also issue mandatory injunctions.

The Senate bill also contained special provisions providing a private remedy for the enforcement of the provision of section 109 which prohibit failing to sell petroleum products to petroleum distributors and retailers at prices and in quantities determined under that section. Section 109(b) authorized a petroleum retailer or a petroleum distributor to maintain a suit against certain refiners and distributors who engage in conduct prohibited by section 109 and whose products he purchases. The court was directed to grant such equitable relief to remedy the effects of the prohibited conduct, including declaratory judgment and mandatory or prohibitive injunctive relief. The court was also authorized to grant interim equitable relief, and punitive damages; and award the plaintiff a reasonable attorney's fee. Notice of intent to file suit was required to be filed with each defendant and with certain public officials. Similar enforcement provisions were provided for section 110 of the Senate bill.

Conference substitute: The Senate recedes.

ADMINISTRATION

Both the Senate bill and House amendment authorized the President to delegate any part of his authority under the bill to any Federal officer or agency. In addition, the Senate bill required designation of an agency to promulgate regulations and supervise compliance. The Senate bill also required establishment of an office to receive complaints from State and local governments respecting fuel oil and gasoline supplies and prices.

Conference substitute: The conference substitute follows the provisions of the House amendment with an amendment permitting the President to delegate functions under the bill to States (or to officers thereof) as well as to Federal officers and agencies.

EFFECT ON OTHER LAWS

Both the House and Senate versions of the bill provide generally that compliance with the bill and requirements imposed under the bill are a defense to the actions under the antitrust laws and for certain breaches of contract. The Senate bill, in addition, made such compliance a defense to State pricing or restraint-of-trade statutes comparable to the antitrust laws.

Conference substitute: The Senate recedes.

The conferees wish to make special mention of the limited antitrust defense created by the provisions of the conference substitute. Under its terms, certain meetings, conferences, or other communications which might otherwise be construed to violate the antitrust laws would be permitted provided that (i) the President issues an appropriate approving order, (ii) the meeting, conference, or communication takes place in the presence of a representative of the Antitrust Division of the Department of Justice, and (iii) a transcript is kept, and—together with a copy of any agreement resulting therefrom—placed in a public file. The conferees believe it is a reasoned interpretation of the application of these provisions to permit the Attorney General to exempt from these requirements classes or types of meetings, conferences, or communications, which are ministerial in nature and which occur subsequent to and in furtherance of agreements, decisions, and policies which are arrived at at meetings, conferences, or communications authorized by the President attended by a representative of the Department of Justice and appropriately transcribed. To be consistent with the requirements of this section, however, a written summary of any such meetings, conferences, or communications should be made, and, together with any agreement resulting therefrom deposited with the Attorney General and the Federal Trade Commission, where it shall be made available for public inspection.

MONITORING BY FEDERAL TRADE COMMISSION

House: The House amendment directed the Federal Trade Commission to monitor the program established under the regulation under section 4 during the first 45 days the regulation is in effect and not later than 60 days after the regulation takes effect to report to the Congress and the President respecting the effectiveness of the provisions of the House amendment and of actions taken pursuant to the provisions of the House amendment. The scope of the Commission's investigative authority, for this purpose, is augmented to encompass individuals, partnerships, and certain common carriers.

Senate: The Senate bill directed that the Attorney General and the Federal Trade Commission monitor the actions taken pursuant to the Senate bill by the agency designated to administer the provisions thereof and by persons subject to the provisions thereof, and report to the President and to the Congress any provision of the bill, action taken pursuant thereto, or condition created thereby, which would have tended to create or maintain anticompetitive practices or situations inconsistent with the antitrust laws or had a lasting adverse impact upon competition or upon any of the objectives set forth in section 102 (d), (f), or (g) of the bill.

The Federal Trade Commission was to prepare and transmit to the Congress, not later than thirty days after the enactment of section 112, an interim report on the following, and not later than six months after such date a report on the relationship between the structure, behavior, and operational characteristics of the petroleum industry (including the vertical integration of production, transportation, refining, and marketing; and joint ventures among petroleum companies) and the causes of the present shortages of crude oil and refined petroleum products; and a report on petroleum industry practices and trends in the marketing of gasoline and other petroleum products including the use of credit cards, the promotion of second and third brand name products, the terms and conditions of franchise agreements and the protection they afford the franchisee, and the role of the independent retailer. The scope of the Commission's authority to implement the aforementioned provisions was augmented to include all corporations including common carriers subject to the Act.

Conference substitute: The Senate recedes.

REPORTS TO CONGRESS

Senate: Section 106 of the Senate bill directed the President to submit to both Houses of Congress any schedules, plans, and regulations promulgated for implementing the provisions of the bill.

The Senate bill also directed the President to make to the Congress quarterly reports, and upon termination of authority under the bill a final report, including a summary and description of all actions taken under the authority of the bill, an analysis of their impact, and an evaluation of their effectiveness in implementing the objectives of section 102 of the bill.

House: The House amendment contained no comparable provision.

Conference substitute: The conference report contains no general requirement for periodic reports or for reports to Congress respecting regulations. See description of the mandatory allocation program contained in section 4 of the conference substitute for requirements for reports on specific matters.

HIGHWAY SPEED REDUCTIONS TO CONSERVE GASOLINE

Senate: Section 111 of the Senate bill stated that it was the sense of the Congress that, in order to conserve gasoline supplies which in some areas of the Nation were approaching critical shortages (1) speed limits for motor vehicles traveling on Federal-aid highways presently at or in excess of fifty-five miles per hour should be reduced immediately to fifty-five miles per hour, or ten miles per hour lower than the speed limit posted on the affected portion of such Federal-aid highway prior to the enactment of section 111, whichever is the greater; (2) Federal, State, and local governmental agencies should take appropriate actions to achieve and enforce such reductions in vehicle speed; and (3) Federal, State, and local governmental agencies should take such actions as may be necessary to increase public awareness of the need to conserve gasoline and the means for doing so, including the

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connection between decreasing gasoline consumption and decreasing vehicle speed, excessive idling, unnecessary travel, and abrupt acceleration and deceleration.

House: The House amendment contained no comparable provision.

Conference substitute: The Senate recedes.

NATIONAL VOLUNTARY ENERGY CONSERVATION PROGRAM

Senate: Section 113 of the Senate bill provided that in order to more effectively carry out the purpose of the Senate bill to solve a national energy crisis the President was to (1) develop a National Voluntary Energy Conservation Program calling for and suggesting means of terminating unnecessary use of energy for power or lighting, and (2) call upon State and local officials, public and private entities, and the public generally, by means of television, radio, newspaper, and other appropriate manner, to cooperate in promoting and carrying out such program.

House: The House amendment contained no comparable provision.

Conference substitute: The Senate recedes.

GOVERNMENT USE OF ECONOMY CARS AND LIMOUSINES; PROMOTION OF CARPOOLS

Senate: Section 114 of the Senate bill provided that, as an example to the rest of our Nation's automobile users, the President of the United States was requested to take such action as is necessary to require all agencies of Government, where practical, to use economy model automobiles, pickups, and trucks; that the President was to take action to require that no Federal official or employee below the level of cabinet officer be furnished a limousine because such automobiles are particularly expensive, gas consuming and pollution producing; and that the President was requested to take such action as was necessary to begin a national program of public information to inform the commuter of the benefits of carpools and economy cars and that the President was to report to Congress on legislative incentives to promote such a program.

House: The House amendment contained no comparable provision.

Conference substitute: The Senate recedes.

ESTABLISHMENT OF STATE FUELS AND ENERGY CONSERVATION OFFICES

Senate: Section 115 of the Senate bill expressed the sense of the Congress that each Governor of each State was requested to establish a State Office of Fuels and Energy Conservation, such office immediately to develop and promulgate a program to encourage voluntary conservation of gasoline, diesel oil, heating oil, natural gas, propane, other fuels, and electrical energy.

House: The House amendment contained no comparable provision.

Conference substitute: The Senate recedes. However, the conference substitute, in section 5(b), authorizes the President to delegate functions under the bill to States or officers thereof.

Harley O. Staggers,
Torbert H. Macdonald,
Lionel Van Deerlin,
Clarence J. Brown,
James M. Collins,
Managers on the Part of the House.
Henry M. Jackson,
Alan Bible,
Frank Church,
Lee Metcalf,
Warren G. Magnuson,
John O. Pastore,
Paul Fannin,
Clifford P. Hansen,
Mark O. Hatfield,
M. W. Cook,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. KLUCZYNSKI (at the request of Mr. O'Neill), for today and Tuesday, November 13, on account of official business of the Committee on Public Works.

Mr. MATSUNAGA (at the request of Mr. O'Neill), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Steelman) and to revise and extend their remarks and include extraneous matter:

Mr. Frenzel, for 5 minutes, today.
Mr. Hogan, for 60 minutes, today.

(The following Members (at the request of Mr. Stark) and to revise and extend their remarks and include extraneous matter:)

Mr. Gonzalez, for 5 minutes, today.
Mr. Udall, for 5 minutes, today.
Mr. Reuss, for 5 minutes, today.
Mr. Cotter, for 5 minutes, today.
Mr. Hamilton, for 10 minutes, today.
Mr. Hungate, for 5 minutes, today.
Mr. Culver, for 5 minutes, today.
Mr. Sikes, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Rodino, and to include extraneous material, notwithstanding the fact that it exceeds two pages of the Record and is estimated by the Public Printer to cost $209.

Mr. Bray, to extend his remarks in the body of the Record, notwithstanding the fact that it exceeds two pages of the Congressional Record and is estimated by the Public Printer to cost $574.75.

Mr. Martin of Nebraska, immediately following his remarks in reply to the chairman of the Rules Committee to insert minutes of the transcript of the Rules Committee hearing which pertains to the resolution Mr. Martin introduced on the Alaska pipeline bill.

(The following Members (at the request of Mr. Steelman) and to include extraneous matter:)

Mr. Brown of Ohio.
Mr. Derwinski in three instances.
Mr. Winn.
Mr. Quie.
Mr. Archer.
Mr. Sarasin.
Mr. Steelman.
Mr. Wyman in two instances.
Mr. Ketchum.
Mr. Widnall.
Mr. Gilman.
Mr. Zwach.
Mr. Thomson of Wisconsin.
Mr. Shuster in two instances.
Mr. Carter in three instances.
Mr. Lott.
Mr. Bell.
Mr. Roncallo of New York.
Mr. Hogan.

(The following Members (at the request of Mr. Stark) and to include extraneous matter:)

Mr. Gonzalez in three instances.
Mr. Rarick in three instances.
Mr. Rangel in 10 instances.
Mr. McFall.
Mr. Seiberling in 10 instances.
Mr. Blatnik in 10 instances.
Mr. Annunzio in six instances.
Mr. Stokes in six instances.
Mr. Badillo.
Mr. Karth.
Mr. Johnson of California.
Mr. Fascell in two instances.
Mr. Gibbons.
Mr. Macdonald.
Mr. Hungate.
Mr. Nedzi in three instances.
Mr. Harrington in five instances.
Mr. Anderson of California in two instances.

(The following Members (at the request of Mr. Hungate) and to include extraneous matter:)

Mr. Yatron.
Mr. Mahon.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2641. An act to confer jurisdiction upon the district court of the United States of certain civil actions brought by the Senate Select Committee on Presidential Campaign Activities, and for other purposes; to the Committee on the Judiciary.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4771. An act to authorize the District of Columbia Council to regulate and stabilize rents in the District of Columbia.

ADJOURNMENT

Mr. HUNGATE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, Tuesday, November 13, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1541. A letter from the President of the United States, transmitting proposed supplemental appropriations for fiscal year 1974 for the Pennsylvania Avenue Development Corporation (H. Doc. No. 93–186); to the Committee on Appropriations and ordered to be printed.

1542. A letter from the Deputy Secretary of Defense, transmitting two reports of violation of section 3679, Revised Statutes, and Department of Defense Directive 7200.1, "Administrative Control of Appropriations within the Department of Defense," pursuant to section 3679(i) (2), Revised Statutes to the Committee on Appropriations.

1543. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report on the value of property, supplies, and commodities provided by the Berlin Magistrate, and under German Offset Agreement for the quarter ended September 30, 1973, pursuant to section 720 of Public Law 92–570; to the Committee on Appropriations.

1544. A letter from the Chairman, District of Columbia Redevelopment Land Agency, transmitting the annual report of the Agency for fiscal year 1972, pursuant to section 15 of Public Law 79–592; to the Committee on the District of Columbia.

1545. A letter from the First Vice President and Vice Chairman, Export-Import Bank of the United States, transmitting a report covering the month of September 1973, on Export-Import Bank approved loans, guarantees and insurance in support of U.S. exports to Yugoslavia, Romania, the Union of Soviet Socialist Republics, and Poland, pursuant to section 2(b) (2) of the Export-Import Bank Act of 1945, as amended; to the Committee on Foreign Affairs.

1546. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to revise the boundary of the Golden Gate National Recreation Area, California, and for other purposes; to the Committee on Interior and Insular Affairs.

1547. A letter from the Comptroller General of the United States, transmitting a report on increasing foreign visitor travel to the United States under programs of the U.S. Travel Service, Department of Commerce; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on Nov. 8, 1973, the following Report was filed on Nov. 10, 1973]

Mr. STAGGERS: Committee of Conference. Conference report on S. 1570 (Rept. No. 93–628). Ordered to be printed.

Mr. ULLMAN: Committee on Ways and Means. H.R. 11333. A bill to provide a 7-percent increase in social security benefits beginning with March 1974 and an additional 4-percent increase beginning with June 1974, to provide increases in supplemental security income benefits, and for other purposes. (Rept. No. 93–627). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS of North Dakota:

H.R. 11393. A bill to amend the Community Mental Health Centers Act to provide for the extension thereof, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ASHBROOK:

H.R. 11394. A bill to amend title XI of the Social Security Act to repeal the recently added provision for the establishment of Professional Standards Review Organizations to review services covered under the medicare and medicaid programs; to the Committee on Ways and Means.

By Mr. ASHBROOK (for himself, Mr. Aspin, Mr. Andrews of North Carolina, Mr. Badillo, Mr. Boland, Mr. Burke of Massachusetts, Mr. Cochran, Mr. Conte, Mr. Drinan, Mr. Fraser, Mr. Frelinghuysen, Mrs. Grasso, Mr. Helstoski, Ms. Holtzman, Mr. Howard, Mr. Koch, Mr. Lott, Mr. Metcalfe, Mr. Mizell, Mr. Montgomery, Mr. O'Hara, Mr. Pepper, Mr. Udall, Mr. Whitten, and Mr. Lujan):

H.R. 11395. A bill to provide for the establishment of an American Folk Life Center in the Library of Congress, and for other purposes; to the Committee on House Administration.

By Mr. BROYHILL of Virignia:

H.R. 11396. A bill to extend daylight saving time to the entire calendar year; to the Committee on Interstate and Foreign Commerce.

By Mr. CONABLE:

H.R. 11397. A bill to amend the Internal Revenue Code of 1954 with respect to the deduction for moving expenses; to the Committee on Ways and Means.

By Mr. GILMAN:

H.R. 11398. A bill to reestablish November 11 as Veterans Day; to the Committee on the Judiciary.

By Mr. GUDE:

H.R. 11399. A bill to amend title II of the Social Security Act to provide a special rule for determining insured status, for purposes of entitlement of disability insurance benefits, of individuals whose disability is attributable directly or indirectly to meningioma or other brain tumor; to the Committee on Ways and Means.

By Mr. HARSHA:

H.R. 11400. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HUNGATE:

H.R. 11401. A bill to provide for, and assure the independence of, a special prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. JOHNSON of Colorado:

H.R. 11402. A bill to authorize the Secretary of the Interior to transfer certain lands in the State of Colorado to the Department of Agriculture for consolidation, to facilitate better management, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. KETCHUM:

H.R. 11403. A bill to amend the provision of title 28 of the United States Code which deals with Federal tort claims to allow recovery in certain cases for injuries caused by the negligence of contractors performing services for the Government; to the Committee on the Judiciary.

By Mr. McEWEN:

H.R. 11404. A bill to amend chapter 13 of title 44, United States Code, to provide that certain proceedings of the Italian American War Veterans of the United States, Inc., shall be printed as a House document, and for other purposes; to the Committee on House Administration.

H.R. 11405. A bill to amend the Federal Trade Commission Act (15 U.S.C. 45) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

H.R. 11406. A bill to amend chapter 59 of title 38, United States Code, to provide for the recognition of representatives of the Italian American War Veterans of the United States, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. O'HARA:

H.R. 11407. A bill to provide for the conservation of energy by amending the Internal Revenue Code of 1954 to permit a taxpayer an income tax deduction for insulatior improvement or repair expenditures; to the Committee on Ways and Means.

By Mr. ROE:

H.R. 11408. A bill to direct the President to halt all exports of gasoline, distillate fuel oil, and propane gas until he determines that no shortage of such fuels exists in the United States; to the Committee on Banking and Currency.

By Mr. ROGERS (for himself, Mr. Satterfield, Mr. Kyros, Mr. Preyer, Mr. Roy, Mr. Nelsen, Mr. Carter, Mr. Hastings, Mr. Heinz, and Mr. Hudnut):

H.R. 11409. A bill to amend the Clean Air Act to provide temporary authority to suspend certain stationary source fuel and emission limitations; to the Committee on Interstate and Foreign Commerce.

By Mr. SARASIN:

H.R. 11410. A bill to impose an embargo on the export of petrochemicals until price controls on petrochemicals are removed; to the Committee on Banking and Currency.

By Mr. SIKES:

H.R. 11411. A bill to extend daylight saving time to the entire calendar year; to the Committee on Interstate and Foreign Commerce.

By Mr. TIERNAN (for himself, Mr. Kyros, Mr. Podell, and Mr. Reuss):

H.R. 11412. A bill to authorize the Secretary of Transportation to make grants and provide technical assistance to units of general local government to implement programs which are designed to increase the use of carpools by commuters; to the Committee on Interstate and Foreign Commerce.

By Mr. FASCELL:

H. Con. Res. 377. Concurrent resolution expressing the sense of the Congress that the President, acting through the United Nations or other appropriate international organizations, should call for international conferences to consider the present world energy crisis; to the Committee on Foreign Affairs.

By Mr. ANDERSON of California:

H. Res. 691. Resolution creating a select committee to study the impact and ramifications of the Supreme Court decisions on abortion; to the Committee on Rules.

By Mr. HAWKINS:

H. Res. 692. Resolution impeaching Richard M. Nixon; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAMS:

H.R. 11413. A bill for the relief of Do Van Du; to the Committee on the Judiciary.

By Mr. WALDIE:

H.R. 11414. A bill for the relief of Norma Quinones Monge; to the Committee on the Judiciary.

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REGULATION OF LOBBYING ACT

In compliance with Public Law 601, 79th Congress, title III, Regulation of Lobbying Act, section 308(b), which provides as follows:

(b) All information required to be filed under the provisions of this section in the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the CONGRESSIONAL RECORD.

The Clerk of the House of Representatives and the Secretary of the Senate jointly submit their report of the compilation required by said law and have included all registrations and quarterly reports received.

REGISTRATIONS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following quarterly reports were submitted for the third calendar quarter 1973:

NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective letter and number.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19_______ ◄

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".

(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.◄

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A. Donald F. White, 1616 H Street NW., Washington, D.C. 20006.
B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.

A. Samuel M. Williams, 1515 Wilson Boulevard, Arlington, Va. 22209.
B. American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C. 20006.
B. Council for Responsible Nutrition, 1776 K Street NW., Washington, D.C. 20006.

A. Wilmer, Cutler & Pickering, 1666 K Street NW., Washington, D.C. 20006.
B. Marianas Political Status Commission, P.O. Box 825, Saipan, Mariana Islands 96950.

A. Barry Wolf, 631 North Carolina Avenue SE., Washington, D.C. 20003.
B. National Organization for the Reform of Marijuana Laws, 1237 22d Street NW., Washington, D.C. 20037.

A. Leslie Wolfe, 5807 Bradley Boulevard, Bethesda, Md. 20014.
B. Women's Lobby, Inc., 1345 G Street SE., Washington, D.C. 20003.

A. Sidney M. Wolfe, 2000 P Street NW., Washington, D.C. 20036.
B. Health Research Group, 2000 P Street NW., Washington, D.C. 20036.

A. Women's Lobby, Inc., 1345 G Street SE., Washington, D.C. 20003.

A. Wyman, Bautzer, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C. 20036.
B. Airbus Industrie, 160 Avenue de Versailles, Paris, 16e, France.

A. Dennis M. Yamamoto, 1730 M Street NW., Washington, D.C. 20036.
B. American Optometric Association, c/o Jack A. Potter, 820 First National Bank Building, Peoria, Ill. 61602.

A. Leslie A. McKnight Yates, 1215 Lawrence Street NE., Washington, D.C. 20017.
B. Washington Office On Africa, 110 Maryland Avenue NE., Washington, D.C. 20002.

A. Donald P. Zelfang, 1771 N Street NW., Washington, D.C. 20036.
B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C. 20036.

A. Ziontz, Pirtle, Morisset & Ernstoff, 3101 Seattle First National Bank Building, Seattle, Wash. 98154.
B. Confederated Tribes of the Colville Indian Reservation, P.O. Box 150, Nespelem, Wash. 99155.

A. Ziontz, Pirtle, Morisset & Ernstoff, 3101 Seattle First National Bank Building, Seattle, Wash. 98154.
B. Lummi Tribe of Indians, P.O. Box 309, Marietta, Wash. 98268.

A. Ziontz, Pirtle, Morisset & Ernstoff, 3101 Seattle First National Bank Building, Seattle, Wash. 98154.
B. Makah Indian Tribe, P.O. Box 115, Neah Bay, Wash. 97357.

A. Ziontz, Pirtle, Morisset & Ernstoff, 3101 Seattle First National Bank Building, Seattle, Wash. 98154.
B. Northern Cheyenne Tribe, P.O. Box 128, Lame Deer, Mont. 59043.

A. Ziontz, Pirtle, Morisset & Ernstoff, 3101 Seattle First National Bank Building, Seattle, Wash. 98154.
B. Suquamish Indian Tribe, P.O. Box 556, Suquamish, Wash. 98382.

A. Thomas K. Zaucha, 1133 20th Street NW., Washington, D.C. 20036.
B. National Canners Association, 1133 20th Street NW., Washington, D.C.

QUARTERLY REPORT*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following registrations were submitted for the third calendar quarter 1973:

(NOTE.—The form used for registration is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective letter and number.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19_______ ◄

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".

(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.◄

AFFIDAVIT

[Omitted in printing]

PAGE 1◄

NOTE ON ITEM "D."—(*a*) *In General.* The term "contribution" includes *anything of value*. When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—Section 302(a) of the Lobbying Act.

(*b*) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In General.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in accordance with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multipurpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(*c*) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In General.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "None" in the space following the number.

Receipts (other than loans)

1. $--------Dues and assessments
2. $--------Gifts of money or anything of value
3. $--------Printed or duplicated matter received as a gift
4. $--------Receipts from sale of printed or duplicated matter
5. $--------Received for services (e.g., salary, fee, etc.)

6. $--------TOTAL for this Quarter (Add items "1" through "5")
7. $--------Received during previous Quarters of calendar year

8. $--------TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received

"The term 'contribution' includes a . . . *loan* . . ."—Sec. 302(a).

9. $--------TOTAL now owed to others on account of loans
10. $--------Borrowed from others during this Quarter
11. $--------Repaid to others during this Quarter

12. $--------"Expense money" and Reimbursements received this Quarter

Contributors of $500 or more
(from Jan. 1 through this Quarter)

13. Have there been such contributors?

Please answer "yes" or "no": --------

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last days of this Quarter total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount *Name and Address of Contributor*
(*"Period"* from Jan. 1 through ------------------, 19----)
$1,500.00 John Doe, 1621 Blank Bldg., New York, N.Y.
$1,765.00 The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.

$3,285.00 TOTAL

NOTE ON ITEM "E".—(*a*) *In General.* "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—Section 302(b) of the Lobbying Act.

(*b*) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) in connection with legislative interests:

Fill in every blank. If the answer to any numbered item is "None," write "None" in the spaces following the number.

Expenditures (other than loans)

1. $--------Public relations and advertising services
2. $--------Wages, salaries, fees, commissions (other than item "1")
3. $--------Gifts or contributions made during Quarter
4. $--------Printed or duplicated matter, including distribution cost
5. $--------Office overhead (rent, supplies, utilities, etc.)
6. $--------Telephone and telegraph
7. $--------Travel, food, lodging, and entertainment
8. $--------All other expenditures

9. $--------TOTAL for this Quarter (Add "1" through "8")
10. $--------Expended during previous Quarters of calendar year

11. $--------TOTAL from January 1 through this Quarter (Add "9" and "10")

Loans Made to Others

"The term 'expenditure' includes a . . . *loan* . . ."—Sec. 302(b).

12. $--------TOTAL now owed to person filing
13. $--------Lent to others during this Quarter
14. $--------Repayment received during this Quarter

15. Recipients of Expenditures of $10 or More

In the case of expenditures made during this Quarter by, or on behalf of the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount *Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00 7-11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00 7-15, 8-15, 9-15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.

$4,150.00 TOTAL

A. Clarence G. Adamy, 1725 I Street NW., Washington D.C.

B. National Association of Food Chains, 1725 I Street NW., Washington, D.C.

D. (6) $300.

A. Ad Hoc Committee of Shipbuilders, 1200 18th Street NW., Washington, D.C. 20036.

D. (6) $8,500.

A. Aerospace Industries Association of America, Inc., 1725 De Sales Street NW., Washington, D.C. 20036.

D. (6) $8,263.90. E. (9) $8,263.90.

A. AFL–CIO Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.

D. (6) $3,150. E. (9) $2,079.75.

A. Air-Conditioning & Refrigeration Institute, 1815 North Fort Myer Drive, Arlington, Va. 22209.

E. (9) $624.

A. Aircraft Owners & Pilots Association, P.O. Box 5800, Washington, D.C. 20014.

A. Randolph H. Aires, 1211 Connecticut Avenue NW., Suite 802, Washington, D.C. 20036.

B. Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill. 60607.

D. (6) $200. E. (9) $35.

A. Air Traffic Control Association, Inc., Suite 409, ARBA Building, 525 School Street SW., Washington, D.C. 20024.

A. Alderson, Catherwood, Ondov & Leonard, 105 East Oakland Avenue, Austin, Minn. 55912.

B. Hormel Foundation, Austin, Minn. 55912.

A. Willis W. Alexander, 1120 Connecticut Avenue NW., Washington, D.C. 20036

B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $1,500. E. (9) $5,676.44.

A. Donna Allen, 3306 Ross Place NW., Washington, D.C. 20008.

B. National Committee Against Repressive Legislation, 555 North Western Avenue, Room 2, Los Angeles, Calif. 90004.

D. (6) $1,040. E. (9) $1,610.13.

A. Nicholas E. Allen, 444 Shoreham Building, Washington, D.C. 20005.

B. Music Operators of America, Inc., 228 North LaSalle Street, Chicago, Ill.

D. (6) $1,125. E. (9) $38.85.

A. Altman, Kurlander & Weiss, c/o Alan S. Finger, 125 South Clark Street, Chicago, Ill. 60603.

D. (6) $11,025. E. (9) $1,255.08.

A. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Ave., NW., Washington, D.C. 20016.

A. Amalgamated Transit Union, National Capital Local Division 689, 100 Indiana Ave. NW., No. 403, Washington, D.C. 20001.

A. American Academy of Family Physicians, 1740 West 92nd Street, Kansas City, Mo. 64114.

D. (6) $6,141.87. E. (9) $6,141.87.

A. American Association of Meat Processors, 224 East High Street, Elizabethtown, Pa. 17022.

D. (6) $203.93. E. (9) $37.85.

A. American Automobile Association, 1712 G Street, NW., Washington, D.C. 20006.

A. The American College of Radiology, 20 North Wacker Drive, Chicago, Illinois 60606.

D. (6) $1,736.83. E. (9) $1,736.83.

A. American Committee for Flags of Necessity, 25 Broadway, New York, N.Y. 10004.

D. (6) $2,105.47. E. (9) $2,105.47.

A. American Dental Association, 211 East Chicago Avenue, Chicago, Ill. 60611.

D. (6) $6,331.68. E. (9) $6,331.68.

A. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068.

D. (6) $41,913. E. (9) $41,913.

A. American Federation of Labor & Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C. 20006.

E. (9) $59,764.24.

A. American Frozen Food Institute, 919 18th Street NW., Washington, D.C. 20006.

D. (6) $110,295.13. E. (9) $2,192.68.

A. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y. 10019.

D. (6) $2,915.55. E. (9) $3,473.20.

A. American Humane Association, 5351 South Roslyn Street, P.O. Box 1266, Englewood, Colo.

E. (9) $1,500.

A. American Insurance Association, 85 John Street, New York, N.Y. 10038.

D. (6) $34,848.88. E. (9) $34,848.88.

A. American Israel Public Affairs Committee, 1341 G Street NW., Washington, D.C. 20005.

D. (6) $3,550.08. E. (9) $4,309.41.

A. American Land Title Association, Suite 303, 1828 L Street NW., Washington, D.C. 20036.

E. (9) $2,346.83.

A. American Life Insurance Assoc., Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

E. (9) $868.

A. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.

E.(9) $29,509.54.

A. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill. 60606.

E. (9) $3,435.

A. American National Cattlemen's Association, 1001 Lincoln Street, Denver, Colo. 80202.

E. (9) $2,878.40.

A. American Optometric Association, c/o Jack A. Potter, 820 First National Bank Building, Peoria, Ill. 61602.

D. (6) $7,552.57. E. (9) $7,552.57.

A. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

E. (9) $766.64.

A. American Parents Committee Inc., 15 E Street NW., Washington, D.C. 20001.

D. (6) $17,780.44. E. (9) $6,988.79.

A. American Petroleum Institute, 1601 K Street NW., Washington, D.C. 20006.

D. (6) $5,812. E. (9) $43,964.

A. American Physical Therapy Association, 1156 15th Street NW., Washington, D.C. 20005.

D. (6) $7,917.84. E. (9) $7,917.84.

A. American Podiatry Association, 20 Chevy Chase Circle NW., Washington, D.C. 20015.

E. (9) $4,197.28.

A. American Postal Workers Union AFL–CIO, 817 14th Street NW., Washington, D.C. 20005.

D. (6) $1,226,160.46. E. (9) $106,853.99.

A. American Pulpwood Association, 605 Third Avenue, New York, N.Y. 10017.

A. American Rivers Conservation Council, 324 C Street SE., Washington, D.C. 20003.

D. (6) $309.45. E. (9) $322.76.

A. The American Society of Radiologic Technologists, 645 North Michigan Avenue, Suite 620, Chicago, Ill. 60611.

D. (6) $3,552.10. E. (9) $4,691.12.

A. American Surveys, Embassy Square (Suite 901), 2000 N Street NW., Washington, D.C. 20036.

B. National Customs Brokers & Forwarders Association of America, Inc., 1 World Trade Center—Suite 1109, New York, N.Y. 10048.

D. (6) $200. E. (9) $63.77.

A. American Textile Machinery Association, 1730 M Street NW., Washington, D.C. 20036.

D. (6) $39.

A. American Textile Manufacturers Institute, Inc., 1501 Johnston Building, Charlotte, N.C. 28281.

D. (6) $19,049.05. E. (9) $19,049.05.

A. American Trucking Associations, Inc., 1616 P Street, NW., Washington, D.C. 20036.

D. (6) $10,290.06. E. (9) $54,583.49.

A. The American Waterways Operators, Inc., 1250 Connecticut Avenue, Suite 502, Washington, D.C. 20036.

D. (6) $86,286. E. (9) $2,786.10.

A. Ted E. Amick, 1616 H Street, NW., Washington, D.C. 20006.

B. The National Grange, 1616 H Street, NW., Washington, D.C. 20006.

D. (6) $750.

A. Donald E. Anderson.

B. National Cable Television Association, 918 16th Street NW., Washington, D.C. 20006.

D. (6) $8,750. E. (9) $360.

A. J. Lem Anderson, 400 First Street, NW., Room 809, Washington, D.C. 20001.

B. Eastex Inc., 229 North Bowie Street, Jasper, Texas 75951.

D. (6) $900. E. (9) $315.75.

A. William C. Anderson, 425 13th Street NW., Washington, D.C.

B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.

D. (6) $2,281. E. (9) $39.08.

A. Scott P. Anger, 1725 K Street NW., Washington, D.C.

B. The Superior Oil Co., P.O. Box 1521, Houston, Tex. 77001.

A. Leonard Appel, Wilson Woods & Villalon, 425 13th Street NW., Suite 1032, Washington, D.C. 20004.

B. Everett Terminal Co., Inc., Hewitt Avenue Marine Terminal, P.O. Box 1478, Everett, Wash. 98206.

D. (6) $7,600. E. (9) $914.78.

A. George W. Apperson, 100 Indiana Avenue NW., #403, Washington, D.C. 20001.

B. Amalgamated Transit Union, National Capital Local Div. 689, 100 Indiana Ave. NW., #403, Washington, D.C. 20001.

A. Clarence A. Arata, Metropolitan Washington Board of Trade, 1129 20th Street NW., Washington, D.C. 20036.

D. (6) $15,000.

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A. Arent, Fox, Kintner, Plotkin & Kahn, 1815 H Street NW., Washington, D.C. 20006.
B. National Soft Drink Association, 1101 16th Street, NW., Washington, D.C. 20036.
D. (6) $150. E. (9) $1.70.

A. Arkansas Railroads, 1100 Boyle Building, Little Rock, Ark. 72201.

A. Carl F. Arnold, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Petroleum Institute, 1801 K Street, NW., Washington, D.C. 20036.
D. (6) $5,417. E. (9) $369.

A. Carl F. Arnold, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. National Realty Committee, 230 Park Avenue, New York, N.Y. 10017.
D. (6) $1,250. E. (9) $44.04.

A. Carl F. Arnold, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Securities Industry Association, 20 Broad Street, New York, N.Y. 10005.
D. (6) $500. E. (9) $21.02.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.
B. American Bottled Water Association, 1411 West Olympic Boulevard, Los Angeles, Calif. 90015.
D. (6) $400. E. (9) $22.50.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.
B. Fairchild Camera & Instrument Corp., 464 Ellis Street, Mountain View, Calif. 94040.
D. (6) $6,450. E. (9) $175.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.
B. Floor Covering Group, 919 Third Avenue, New York, N.Y. 10022.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.
B. Montgomery County, Md., Lawyers Association, c/o George Ballman, 3720 Farragut Street, Kensington, Md. 20795.
E. (9) $276.46.

A. Judith A. Assmus, 1763 R Street NW., Washington, D.C. 20009.
B. Washington Research Project Action Council, 1763 R Street NW., Washington, D.C. 20009.
D. (6) $1,374.84.

A. Associated Employers, Inc., 8107 Broadway, Suite 202, San Antonio, Tex., 78209.
D. (6) $9,356.54. E. (9) $5,831.76.

A. Associated Third Class Mail Users, Suite 607, 1725 K Street NW., Washington, D.C. 20006.
D. (6) $300. E. (9) $300.

A. Association for the Advancement of Invention and Innovation, Suite 301, Crystal Mall 1, 1911 Jefferson Davis Highway, Arlington, Va. 22202.
D. (6) $2,636. E. (9) $2,195.18.

A. Association of American Railroads, American Railroads Building, 1920 L Street NW., Washington, D.C. 20036.
D. (6) $8,031.58. E. (9) $8,031.58.

A. Association of Maximum Service Telecasters, Inc., 1735 DeSalea Street NW., Washington, D.C. 20036.
E. (9) $129.61.

A. Association of Oil Pipe Lines, 1725 K Street NW., Washington, D.C. 20006.
E. (9) $340.

A. Association on Japanese Textile Imports, Inc., 551 Fifth Avenue, New York, N.Y. 10017.
E. (9) $1,000.

A. Robert L. Augenblick, 1775 K Street NW., Washington, D.C. 20006.
B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $125. E. (9) $47.50.

A. Richard W. Averill, 1730 M Street NW., Washington, D.C. 20036.
B. American Optometric Association, c/o Jack A. Potter, 820 First National Bank Building, Peoria, Ill. 61602.
D. (6) $800. E. (9) $301.

A. Nicholas R. Bach, 1500 Rhode Island Avenue NW., Washington, D.C. 20005.
B. National Paint & Coatings Association, Inc., 1500 Rhode Island Avenue NW., Washington, D.C. 20005.
D. (6) $40. E. (9) $5.

A. Donald L. Badders, 2030 M Street NW., Suite 800, Washington, D.C. 20036.
B. TRW Credit Data, 2030 M Street NW., Suite 800, Washington, D.C. 20036.
D. (6) $1,400. E. (9) $800.10.

A. John C. Bagwell, 723 Investment Building, Washington, D.C. 20005.
B. Hawaiian Sugar Planters' Assoc., Honolulu, Hawaii.

A. George F. Bailey, Jr., Montgomery, Ala.
B. Alabama Railroad Association, Montgomery, Ala. 36104.

A. James F. Bailey, 101 Constitution Avenue NW., Washington, D.C. 20001.
B. United Brotherhood of Carpenters & Joiners of America, 101 Constitution Avenue NW., Washington, D.C. 20001.
D. (6) $6,175. E. (9) $738.

A. Grace C. Braisinger, 2870 Arizona Terrace NW., Washington, D.C. 20016.
B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill. 60611.
E. (9) $791.60.

A. Thomas P. Baker, 1101 16th Street NW., Washington, D.C. 20036.
B. National Soft Drink Association.
D. (6) $118.99. E. (9) $5.40.

A. Donald F. Bale, 995 L'Enfant Plaza North, SW., Washington, D.C. 20024.
B. The Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.
D. (6) $575. E. (9) $185.

A. Al J. Ballard, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $150.

A. Ernest L. Barcella, 1660 L Street NW., Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.

A. Thomas H. Barksdale, 1801 K Street NW., Washington, D.C. 20006.
B. American Petroleum Institute, 1801 K Street NW., Washington, D.C. 20006.
D. (6) $5,500. E. (9) $417.

A. Robert C. Barnard, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Robert C. Barnard, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Vincent Gerrard Barnett, Suite 400, 919 18th Street NW., Washington, D.C. 20006.
B. Committee of European Shipowners, 30–32 St. Mary Axe, London EC3A 8ET, England.
D. (6) $7,500. E. (9) $5,894.84.

A. Irvin L. Barney, 400 First Street NW., Washington, D.C. 20001.
B. Brotherhood Railway Carmen of the United States and Canada, 4929 Main Street, Kansas City, Mo.
D. (6) $4,563.

A. James C. Barr, 1156 15th Street NW., Washington, D.C. 20005.
B. National Association of Federal Credit Unions, 1156 15th Street NW., Suite 315, Washington, D.C. 20005.
D. (6) $300. E. (9) $117.50.

A. Robert W. Barrie, 777 14th St. NW., Washington, D.C. 20005.
B. General Electric Co., 570 Lexington Avenue, New York, N.Y.
D. (6) $150.

A. T. Michael Barry, 1771 N Street NW., Washington, D.C. 20036.
B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C. 20036.
D. (6) $1,500. E. (9) $158.10.

A. Weldon Barton.
B. The Farmers' Educational & Co-Operative Union of America, P.O. Box 2251, Denver, Colo.
D. (6) $4,730.98. E. (9) $90.49.

A. Batzell & Nunn, 1523 L Street NW., Washington, D.C. 20005.
B. Independent Gasoline Marketera Council, 1523 L Street NW., Washington, D.C. 20005.
D. (6) $2,500. E. (9) $4,040.99.

A. Batzell & Nunn, 1523 L Street NW., Washington, D.C. 20005.
B. Independent Terminal Operators Association, 1523 L Street NW., Washington, D.C. 20005.
D. (6) $500. E. (9) $255.25.

A. Daniel S. Bedell, 1125 15th Street NW., No. 600, Washington, D.C. 20005.
B. International Union, United Automobile Aerospace & Agricultural Implement Workers of America, 8000 East Jefferson Avenue, Detroit, Mich. 48214.
D. (6) $4,492.92. E. (9) $369.61.

A. John H. Beidler, 1125 15th Street NW No. 600, Washington, D.C. 20005.
B. International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, 8000 East Jefferson Avenue, Detroit, Mich. 48214.
D. (6) $6,631.74. E. (9) $313.

A. Page Belcher, Suite 870, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $1,000. E. (9) $217.

A. Thomas S. Belford, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $199.98.

A. Max N. Berry, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Meat Products Group, American Importers Association, 420 Lexington Avenue, New York, N.Y. 10017.

A. Berry & Gipson, 1700 Pennsylvania Avenue NW., Suite 670, Washington, D.C. 20006.
B. Atalanta Corp., 17 Varick Street, New York, N.Y. 10013.
E. (9) $19.50.

A. Berry & Gipson, 1700 Pennsylvania Avenue NW., Suite 670, Washington, D.C. 20006

B. East-West Trade Council, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
E. (9) $450.

A. Robert L. Bevan, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,500. E. (9) $202.

A. Walter J. Bierwagen, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.
B. Amalgamated Transit Union, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Charles Binsted, 2945 Banksville Road, Pittsburgh, Pa. 15216.
B. National Congress of Petroleum Retailers.

A. Lydia Bitter, 1801 K Street NW., Suite 1201, Washington, D.C. 20006.
B. U.S. Independent Telephone Association, 1801 K Street NW., Suite 1201, Washington, D.C. 20006.
D. (6) $350. E. (9) $350.

A. Neal R. Bjornson, 30 F Street NW., Washington, D.C. 20001.
B. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.
D. (6) $1,250. E. (9) $30.20.

A. Brent Blackwelder, 324 C Street SE., Washington, D.C. 20003.
B. Environmental Policy Center, 324 C Street SE., Washington, D.C. 20003.
D. (6) $157.50.

A. Jerald Blizin, 1425 K Street NW., Washington, D.C.
B. Hill & Knowlton, Inc., 633 Third Avenue, New York N.Y.

A. Blumberg, Singer, Ross, Gottesman & Gordon, 245 Park Avenue, New York, N.Y. 10017.
B. Cigar Manufacturers Association of America, Inc., 575 Madison Avenue, New York, N.Y. 10022.
D. (6) $6,875.01.

A. Rebecca L. Bogard, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.
D. (6) $270.

A. Theodore H. Bornstein, 2028 37th Street, Washington, D.C. 20007.
B. Washington Office on Africa, 110 Maryland Avenue NE., Washington, D.C. 20002.
D. (6) $2,100. E. (9) $150.

A. G. Stewart Boswell, Suite 1001, 1150 17th Street NW., Washington, D.C. 20036.
B. American Textile Manufacturers Institute, 1501 Johnston Building, Charlotte, N.C. 28281.
D. (6) $1,875. E. (9) $160.96.

A. Charles G. Botsford, 1730 M Street NW., Suite 609, Washington, D.C. 20036.

A. Albert D. Bourland, 1660 L Street NW., Suite 814, Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich.
D. (6) $3,000. E. (9) $1,062.71.

A. Rodney A. Bower, 1126 16th Street NW., Washington, D.C. 20036.
B. International Federation of Professional & Technical Engineers, AFL–CIO, 1136 16th Street NW., Washington, D.C. 20036.
D. (6) $240. E. (9) $20.

A. J. Wiley Bowers, 415 Pioneer Building, Chattanooga, Tenn. 37402.
B. Tennessee Valley Public Power Association, 415 Pioneer Building, Chattanooga, Tenn. 37402.

A. Edward L. Bowley, 817 14th Street NW., Washington, D.C.
B. American Postal Workers Union, AFL–CIO, 817 14th Street NW., Washington, D.C.
D. (6) $7,661.79. E. (9) $734.03.

A. Charles G. Bragg, P.O. Box 12285, Memphis, Tenn. 38112.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $2,692.31. E. (9) $331.61.

A. George E. Bradley, 1341 G Street NW., Washington, D.C. 20005.
B. Professional Employees of USDA, 1341 G Street NW., Washington, D.C.
D. (6) $900. E. (9) $25.

A. Wayne W. Bradley, 1776 K Street NW., Washington, D.C. 20006.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $2,500. E. (9) $900.

A. Charles N. Brady, 1712 G Street NW., Washington, D.C. 20006.
B. American Automobile Association, 1712 G Street NW., Washington, D.C. 20006.

A. Helen Bremberg, 4515 S. 31st Street, Apt. 202, Arlington, Va. 22206.
B. Women's Lobby Inc., 1345 G Street SE., Washington, D.C. 20003.
E. (9) $117.96.

A. Bill Brier, 1129 20th Street NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C. 20036.
D. (6) $1,282.04. E. (9) $29.18.

A. Edward J. Brenner, Suite 301, Crystal Mall 1, 1911 Jefferson Davis Highway, Arlington, Va. 22202.
B. Association for the Advancement of Invention and Innovation, Suite 301, Crystal Mall 1, 1911 Jefferson Davis Highway, Arlington, Va. 22202.

A. Parke C. Brinkley, The Madison Building, 1155 15th Street NW., Washington, D.C. 20005.
B. National Agricultural Chemicals Association.

A. Wally Briscoe.
B. National Cable TV Association, Inc., 918 16th Street NW., Washington, D.C.
D. (6) $135. E. (9) $16.50.

A. John Broadbent, 161 East 42d Street, New York, N.Y. 10017.
B. Recycled Paperboard Division of the American Paper Institute, 260 Madison Avenue, New York, N.Y. 10016.
D. (6) $600. E. (9) $166.64.

A. John Broadbent, 161 East 42d Street, New York, N.Y. 10017.
B. J. R. Timmins & Co., 37 Wall Street, New York, N.Y.

A. David A. Brody, 1640 Rhode Island Avenue NW., Washington, D.C. 20036.
B. Anti-Defamation League of B'nai B'rith, 315 Lexington Avenue, New York, N.Y. 10016.
D. (6) $375.

A. Michael D. Bromberg, 1101 17th Street NW., Suite 810, Washington, D.C. 20036.
B. Federation of American Hospitals, 1101 17th Street NW., Suite 810, Washington, D.C. 20036.
D. (6) $4,500.

A. W. S. Bromley, 605 Third Avenue, New York, N.Y. 10017.
B. American Pulpwood Association, 605 Third Avenue, New York, N.Y. 10017.

A. George Bronz, 888 17th Street NW., Washington, D.C.
E. (9) $18.20.

A. Joe B. Browder, 324 C Street SE., Washington, D.C. 20003.
B. Environmental Policy Center, 324 C Street SE., Washington, D.C. 20003.
D. (6) $750. E. (9) $142.18.

A. Charles H. Brown, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. J. Colvin Brown, Jr., 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $100.

A. J. D. Brown, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.
D. (6) $300.

A. Brown, Vlassis & Bain, 222 North Central Avenue, Phoenix, Ariz. 85004.
B. Navajo Tribe, Window Rock, Ariz. 86515.

A. Brownstein, Zeidman, Schomer & Chase, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Council of Housing Producers, Suite 308, 10920 Wilshire Boulevard, Los Angeles, Calif. 90024.

A. Brownstein, Zeidman, Schomer & Chase, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. International Franchise Association, 1025 Connecticut Avenue NW., Washington D.C. 20036.

A. Brownstein, Zeidman, Schomer & Chase, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Massachusetts Bankers Association, Inc., 125 High Street, Boston, Mass. 02110.
E. (9) $65.72.

A. Brownstein, Ziedman, Schomer & Chase, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Mobile Home Manufacturers Association, 14650 Lee Road, Chantilly, Va. 22021.

A. Brownstein, Zeidman, Schomer & Chase, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Mortgage Guaranty Insurance Corp., MGIC Plaza, Milwaukee, Wis. 53201.

A. Lawrence E. Bruce, Jr., 1125 15th Street NW., Washington, D.C. 20005.
B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.
D. (6) $2,250. E. (9) $1,319.

A. Marguerite E. Bryan, 400 First Street NW., Suite 700, Washington, D.C. 20001.
B. District No. 1, Pacific Coast District, Marine Engineers' Beneficial Association, 17 Battery Place, New York, N.Y. 10004.
D. (6) $900. E. (9) $68.98.

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A. Bryant Associates, Inc., Suite 907, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. St. Paul Title Insurance Corp., 1650 W. Big Beaver Road, Troy, Mich. 48034.
D (6) $50. E. (9) $45.

A George S. Buck, Jr., P.O. Box 12285, Memphis, Tenn. 38112.
B. National Cotton Council of America, P.O Box 12285, Memphis, Tenn. 38112.

A. Philip N. Buckminster, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Chrysler Corp., 12000 Oakland Avenue, Highland Park, Mich. 48231.
D. (6) $1,000. E. (9) $279.29.

A. Norman D. Burch, 1775 K Street NW., Washington, D.C. 20006.
B. College of American Pathologists, 230 North Michigan Avenue, Chicago, Ill. 60601.
D. (6) $3,375. E. (9) $129.97.

A. David Burpee, Fordhook Farms, Doylestown, Pa. 18901.

A. Burley & Dark Leaf Tobacco Export Association, P.O. Box 860, Lexington, Ky. 40501.
E. (9) $644.95.

A. George Burnham IV, 1625 K Street NW., Washington, D.C. 20006.
B. United States Steel Corp., 600 Grant Street, Pittsburgh, Pa. 15230.
E. (9) $192.

A. Charles S. Burns, 1620 I Street NW., Washington, D.C. 20006.
B. Phelps Dodge Corp., 300 Park Avenue, New York, N.Y. 10022.
D. (6) $1,200. E. (9) $351.30.

A. Robert D. Buehler, 1800 K Street NW., Suite 929, Washington, D.C. 20006.
B. The B. F. Goodrich Co., Akron, Ohio 44318.
D. (6) $220.

A. Phil Burnett, 1030 15th Street NW., Suite 700, Washington, D.C. 20005.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $538.13. E. (9) $110.99.

A. Carol Burris, 1345 G Street SE., Washington, D.C. 20003.
B. Women's Lobby Inc., 1345 G Street SE., Washington, D.C. 20003.
D. (6) $700. E. (9) $286.

A. Business Executives Move for Vietnam Peace and New National Priorities, 901 North Howard Street, Baltimore, Md. 21201.
D. (6) $706.95. E. (9) $956.30.

A. Harry W. Buzzerd, Jr., 1030 15th Street NW., Suite 700, Washington, D.C. 20005.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D (6) $312.50. E. (9) $8.14.

A. John W. Byrnes, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Cabot Corporation and Subsidiaries, 125 High Street, Boston, Mass. 02110.
D (6) $1,660. E. (9) $12.77.

A Charles S. Caldwell, 900 15th Street NW., Washington, D.C. 20005.
B. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.
D (6) $5,788.44. E. (9) $479.28.

A. David W. Calfee III, 324 C Street SE., Washington, D.C. 20003.
B. Environmental Policy Center, 324 C Street SE., Washington, D.C. 20003
D (6) $1,446.69. E. (9) $8.

A. Carl C. Campbell 1030 15th Street NW., Suite 700, Washington, D.C. 20005.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $107.31.

A. Charles Argyll Campbell, 1615 H Street NW., Washington, D.C. 20006.
B. Chamber of Commerce of the USA, 1615 H Street NW., Washington, D.C. 20006.
E. (9) $269.[illegible]0.

A. Charles O. Campbell, 1712 G Street NW., Washington, D.C. 20006.
B. American Automobile Association, 1712 G Street NW., Washington, D.C., 20006.

A. W. Dean Cannon, Jr., 1444 Wentworth Avenue, P.O. Box R, Pasadena, Calif. 91109.
B. California Savings and Loan League, 1444 Wentworth Avenue, P.O. Box R, Pasadena, Calif. 91109.
D. (6) $1,500. E. (9) $555.28.

A. Marvin Caplan.
B. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C.
D. (6) $3,097.25. E. (9) $96.16.

A. Ronald A. Capone, Kirlin, Campbell & Keating, Room 505, The Farragut Building, Washington, D.C.
B. Committee of European Shipowners, 30–32 St. Mary Axe, London EC3A 8ET, England.
D. (6) $7,034.62. E. (9) $452.28.

A. Michael H. Cardozo, Suite 370, 1 Dupont Circle NW., Washington, D.C. 20036.
B. Association of American Law Schools, Suite 370, One Dupont Circle NW., Washington, D.C. 20036.

A. Norval E. Carey, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Gulf Oil Corp., Pittsburgh, Pa.
D. (6) $1,000. E. (9) $375.

A. Philip Carlip, 675 Fourth Avenue, Brooklyn, N.Y. 11232.
B. Seafarers International Union.
D. (6) $2,500. E. (9) $1,615.83.

A. Elizabeth Carpenter, 1425 K Street NW., Washington, D.C. 20005.
B. Hill and Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.
D. (6) $507.22. E. (9) $25.

A. L. C. Carpenter, 201 South 7th Street, Columbia, Mo.
B. Midcontinent Farmers Association.
D. (6) $5,299.32. E. (9) $993.61.

A. John R. Carson, 20 Chevy Chase Circle, Washington, D.C. 20015.
B. American Podiatry Association, 20 Chevy Chase Circle, Washington, D.C.
D. (6) $2,500.

A. David C. Carter, 1156 15th Street NW., Washington, D.C. 20005.
B. U.S. Beet Sugar Association, 1156 15th Street NW., Washington, D.C. 20005.

A. John L. Casey, 127 East 59th Street, New York, N.Y. 10022.
B. Investment Counsel Association of America, Inc., 127 East 59th Street, New York, N.Y. 10022.

A. Casey, Lane & Mittendorf, 26 Broadway, New York, N.Y. 10004.
B. South African Sugar Association, P.O. Box 507, Durban, South Africa.
D. (6) $25,000. E. (9) $5,693.58.

A. James Cassese, Sr., 400 First Street NW., Washington, D.C. 20001.
B. Brotherhood of Maintenance of Way Employees.
D. (6) $3,600.

A. Frank R. Cawley, 511 Wilson Plaza Building, 2425 Wilson Boulevard, Arlington, Va. 22201.
B. Agricultural Publishers Association, 511 Wilson Plaza Building, 2425 Wilson Boulevard, Arlington, Va. 22201.
D. (6) $30. E. (9) $122.86.

A. Frank R. Cawley, Room 511, Wilson Plaza Building, 2425 Wilson Boulevard, Arlington, Va. 22201.
B. Media General, Inc., 333 East Grace Street, Richmond, Va. 23219.
D (6) $60. E. (9) $87.10.

A. Center for Public Financing of Elections, 201 Massachusetts Avenue NE., Washington, D.C. 20002.
D. (6) $43,812.88. E. (9) $21,345.85.

A. Central America Cooperative Federation, Inc., 400 World Center Building, 918 16th Street NW., Washington, D.C. 20006.
E. (9) $1,103.08.

A. Justice M. Chambers, 2300 Calvert Street NW., Washington, D.C. 20008.
B. Swaziland Sugar Association, P.O. Box 445, Mbabane, Swaziland.
D. (6) $7,500. E. (9) $1,004.71.

A. J. M. Chambers & Co., Inc., 2300 Calvert Street NW., Washington, D.C. 20008.
B. Cordage Institute, 2300 Calvert Street NW., Washington, D.C. 20008.
D. (6) $937.50.

A. J. M. Chambers & Co., Inc., 2300 Calvert Street NW., Washington, D.C. 20008.
B. Satra Corp., 475 Park Avenue South, N.Y., N.Y. 10016.
D. (6) $1,500.

A. Donald E. Channel, 1705 DeSales NW., Washington, D.C. 20036.
B. American Bar Association, 1705 DeSales Street NW., Washington, D.C. 20036.
D. (6) $500. E. (9) $25.

A. James W. Chapman, 1625 I Street NW., Washington, D.C. 20006.
B. The Retired Officers Association, 1625 Eye Street NW., Washington, D.C. 20006.
D. (6) $1,411.

A. William C. Chapman, 1660 L Street NW., Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.
D. (6) $3,000. E. (9) $2,838.73.

A. Nancy H. Chasen, 133 C Street SE., Washington, D.C. 20003.
B. Congress Watch, 133 C Street SE., Washington, D.C. 20003.
D. (6) $50.

A. Leslie Cheek III, 1025 Connecticut Avenue NW., Suite 515, Blake Building, Washington, D.C. 20036.
B. American Insurance Association, 1025 Connecticut Avenue NW., Suite 515, Blake Building, Washington, D.C. 20036.
D. (6) $1,500. E. (9) $250.

A. Hal M. Christensen, 1101 17th Street NW., Washington, D.C. 20036.
B. American Dental Association, 1101 17th Street NW., Washington, D.C. 20036.
D. (6) $3,000.

A. Cigar Manufacturers Association of America, Inc., 575 Madison Avenue, New York, N.Y. 10022.
D. (6) $41,274.45.

A. Earl W. Clark, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. Labor-Management Maritime Committee.
D. (6) $1,650. E. (9) $34.69.

A. Kimball Clark, Suite 212, 300 New Jersey Avenue SE., Washington, D.C. 20003.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.
D. (6) $270. E. (9) $30.75.

A. Richard W. Clark, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $4,500. E. (9) $488.03.

A. Robert M. Clark, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. The Atchison, Topeka & Santa Fe Railway Co., 80 East Jackson Boulevard, Chicago, Ill. 60604.

A. Clay Pipe Industry Depletion Committee, P.O. Box 6, Pittsburg, Kans. 66762.

A. Joan Claybrook, 133 C Street SE., Washington, D.C. 20003.
B. Congress Watch, 133 C Street SE., Washington, D.C. 20003.
D. (6) $300.

A. Jacob Clayman, 815 16th Street NW., Washington, D.C. 20006.
B. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $769.92.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Interbank Card Association, Suite 3600, 110 East 59th Street, New York, N.Y. 10022.
D. (6) $1,500. E. (9) $19.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. The Oil Shale Corp., 680 Fifth Avenue, New York, N.Y. 10019.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Synthetic Organic Chemical Manufacturers Association, 1075 Central Park Avenue, Suite 224, Scarsdale, N.Y. 10533.
D. (6) $1,600. E. (9) $12.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C. 20006.
B. American Brands, Inc., 245 Park Avenue, New York, N.Y. 10017.
E. (9) $75.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C. 20006.
B. Brown & Williamson Tobacco Corp., Louisville, Ky. 40201.
E. (9) $75.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C. 20006.
B. Liggett & Myers Inc., 630 Fifth Avenue, New York, N.Y. 10020.
E. (9) $75.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C. 20006.
B. Lorillard, Division of Loews Theatres, Inc., 200 East Forty-Second Street, New York, N.Y. 10017.
E. (9) $75.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C. 20006.
B. Philip Morris Inc., 100 Park Avenue, New York, N.Y. 10017.
E. (9) $75.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C. 20006.
B. R. J. Reynolds Industries, Inc., Winston-Salem, N.C. 27102.
E. (9) $75.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C. 20006.
B. Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C. 20006.

A. Ronald D. Clements, 1016 20th Street NW., Washington, D.C. 20036.
B. National Association of Plumbing-Heating-Cooling Contractors, 1016 20th Street NW., Washington, D.C. 20036.
E. (9) $75.

A. Clifford, Warnke, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Avco Corp., 750 Third Avenue, New York, N.Y. 10017.
D. (6) $375. E. (9) $76.50.

A. Clifford, Warnke, Glass, McIlwain & Finney, 815 Conecticut Avenue NW., Washington, D.C. 20006.
B. National Basketball Players Association, 15 Columbus Circle, New York, N.Y. 10023.

A. Clifford, Warnke, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. National Railroad Passenger Corp., 955 L'Enfant Plaza North SW., Washington, D.C. 20024.

A. Clifford, Warnke, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. N.Y. Cocoa Exchange, Inc., 127 John Street, New York, N.Y., N.Y. Coffee & Sugar Exchange, Inc., 79 Pine Street, New York, N.Y., Commodity Exchange, Inc., 81 Broad Street, New York, N.Y.
E. (9) $5.50.

A. Larry D. Cline, 1315 16th Street NW., Washington, D.C. 20036.
B. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C. 20036.
E. (9) $30.60.

A. COALition Against Strip Mining, 324 C Street SE., Washington, D.C. 20003.
D. (6) $2,025. E. (9) $1,138.26.

A. Grover C. Cobb, 1771 N Street NW., Washington, D.C. 20036.
B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C. 20036.
D. (6) $3,000. D. (9) $400.

A. John M. Coffey, Suite 870, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Page Belcher, Suite 870, 1730 Pennsylvannia Avenue NW., Washington, D.C. 20006.

A. Jeffery Cohelan.
B. Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $933.33.

A. David Cohen, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $5,625. E. (9) $245.73.

A. Jerry Cohen, 470 Totten Pond Road, Waltham, Mass. 02154.
B. Ruetgerswerke Aktiengesellschaft, Frankfurt am Main, West Germany.

A. Jerry S. Cohen, 1776 K Street NW., Washington, D.C. 20006.
B. National Congress of Petroleum Retailers, 2945 Banksville Road, Pittsburgh, Pa. 15216.
D. (6) $2,000.

A. Timothy A. Colcord, 1620 I Street NW., Suite 603, Washington, D.C. 20006.
B. National BankAmericard Inc., Post Office Box 26673, San Francisco, Calif., 94126
D. (6) $7,291.66. E. (9) $7,996.72.

A. R. Michael Cole, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C.
D. (6) $4,500. E. (9) $78.50.

A. Robert E. Cole, 1619 Massachusetts Avenue, Washington, D.C. 20036.
B. Motor Vehicle Manufacturers Association of the U.S., Inc., 320 New Center Building, Detroit, Mich. 48202.
D. (6) $500.

A. Robert T. Cole, 1200 17th Street NW., Washington, D.C. 20036.
B. PPG Industries, Inc., One Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $2,500. E. (9) $117.67.

A. Robert T. Cole, 1200 17th Street NW., Washington, D.C.
B. H. H. Robertson Co., Two Gateway Center, Pittsburgh, Pa.
D. (6) $3,416.67. E. (9) $205.99.

A. Coles & Goertner, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. Committee of American Tanker Owners, Inc., One Chase Manhattan Plaza, New York, N.Y. 10005.

A. Coles & Goertner, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. Independent U.S. Tanker Owners Committee, 1612 K St., NW., Suite 510, Washington, D.C.
E. (9) $9,599.21.

A. William J. Colley, 1776 K Street, NW., Washington, D.C. 20006.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $2,400. E. (9) $1,200.

A. Collier, Shannon, Rill and Edwards, 1625 I Street, NW., Washington, D.C.
B. American Cylinder Manufacturers Committee, 1625 I Street NW., Washington, D.C. 20006.
D. (6) $50.

A. Collier, Shannon, Rill & Edwards, 1625 I Street NW., Suite 622, Washington, D.C. 20006.
B. Bicycle Manufacturers Association of America, Inc., 122 East 42d Street, New York, N.Y. 10017.
D. (6) $500. E. (9) $100.

A. Collier, Shannon, Rill & Edwards, 1625 I Street NW., Suite 622, Washington, D.C. 20006.
B. National Association of Food Chains, 1725 I Street NW., Washington, D.C. 20006.
E. (9) $300.

A. Collier, Shannon, Rill & Edwards, 1625 I Street NW., Suite 622, Washington, D.C. 20006.
B. National Broiler Council, 1155 15th Street NW., Washington, D.C. 20005.
D. (6) $300.

A. Collier, Shannon, Rill & Edwards, 1625 I Street NW., Washington, D.C. 20006.
B. Tool & Stainless Steel Industry Committee, 1625 I Street NW., Suite 622, Washington, D.C. 20006.
D. (6) $1,250. E. (9) $525.

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A. James F. Collins, 1000 16th Street NW., Washington, D.C. 20006.
B. American Iron & Steel Institute, 50 East 42d Street, New York, N.Y.
D. (6) $500. E. (9) $125.

A. Colorado Railroad Association, 702 Majestic Building, Denver, Colo. 80202.
D. (6) $280. E. (9) $825.

A. Committee for Modern, Efficient Transportation, Suite 808, 910 17th Street NW., Washington, D.C. 20006.
D. (6) $7,000. E. (9) $10,527.39.

A. Committee for Study of Revenue Bond Financing, 1000 Ring Building, Washington, D.C. 20036.
E.(9) $7,152.70.

A. Committee of Copyright Owners, 1600 I Street NW., Washington, D.C. 20006.
D. (6) $27,362.41. E. (9) $23,254.63.

A. Committee on Strikes in Transportation, 1101 17th Street NW., Washington, D.C. 20036
D. (6) $89.32. E. (9) $89.32.

A. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $1,787,716.22. E. (9) $232,296.92.

A. Computer Industry Association, Inc., 16255 Ventura Boulevard, Encino, Calif. 91316.
D. (6) $153,733. E. (9) $7,392.

A. Harold B. Confer, 245 Second Street NE., Washington, D.C.
B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.
D. (6) $1,493.

A. Richard J. Congleton, 734 15th Street NW., Washington, D.C. 20005.
B. American Academy of Actuaries, 208 S. LaSalle Street, Chicago, Ill. 60604.
D. (6) $900. E. (9) $137.60.

A. Richard J. Congleton, 734 15th Street NW., Washington, D.C. 20005.
B. The Equitable Life Assurance Society of the United States, 1285 Avenue of the Americas, New York, N.Y. 10019.
D. (6) $1,500. E. (9) $200.

A. Congress Watch, 133 C Street SE., Washington, D.C. 20003.
D. (6) $1,465.50. E. (9) $1,465.50.

A. Raymond F. Conkling, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
B. Texaco, Inc., 135 East 42d Street, New York, N.Y. 10017.
D. (6) $200. E. (9) $61.

A. Connecticut Bankers Association, 100 Constitution Plaza, Hartford, Conn. 06103.
D. (6) $1,313.58. E. (9) $1,313.58.

A. Robert J. Conner, Jr., 1100 Connecticut Ave. NW., Washington, D.C. 20036.
B. Chrysler Corp., 12000 Oakland Avenue, Highland Park, Mich. 48231.
D. (6) $500. E. (9) $250.

A. Consolidated Natural Gas Service Co., Inc., Four Gateway Center, Pittsburgh, Pa. 15222.

A. Consulting Engineers Council/U.S., 1155 15th Street NW., Suite 713, Washington, D.C. 20005.
D. (6) $6,450. E. (9) $6,450.

A. Bernard J. Conway, 211 E. Chicago Avenue, Chicago, Ill. 60611.
B. American Dental Association, 211 E. Chicago Avenue, Chicago, Ill. 60611.
D. (6) $2,600.

A. Jack T. Conway, 2030 M Street, NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street, NW., Washington, D.C. 20036.
D. (6) $2,812.50.

A. Howard Lee Cook, Jr., 1776 K Street, NW., Washington, D.C. 20006.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $2,000. E. (9) $800.

A. Cook & Franke, 660 East Mason Street, Milwaukee, Wis. 53202.
B. Marshall & Isley Bank, 770 North Water Street, Milwaukee, Wis. 53202.

A. Eileen D. Cooke, 110 Maryland Avenue, NE., Washington, D.C. 20002.
B. American Library Association, 50 E. Huron Street, Chicago, Ill. 60611.
D. (6) $598.80.

A. Joshua W. Cooper, 626 S. Lee Street, Alexandria, Va. 22314.
B. Portsmouth-Kittery Armed Services Committee, Inc., Box 1123, Portsmouth, N.H. 03801.
D. (6) $2,500. E. (9) $483.16.

A. Mitchell J. Cooper, 1001 Connecticut Avenue, Washington, D.C. 20036.
B. Converse Rubber Co., Malden, Mass., Uniroyal, Inc., Naugatuck, Conn.
D. (6) $2,500. E. (9) $10.

A. Mitchell J. Cooper, 1001 Connecticut Avenue, Washington, D.C. 20036.
B. Council of Forest Industries, 1025 W. Hastings Street, Vancouver 1, Canada.
D. (6) $3,000. E. (9) $2.

A. Mitchell J. Cooper, 1001 Connecticut Avenue, Washington, D.C. 20036.
B. Footwear Division, Rubber Manufacturers Association, 444 Madison Avenue, New York, N.Y. 10022.
D. (6) $6,000. E. (9) $22.68.

A. Darrell Coover, 1625 I Street NW., No. 812, Washington, D.C. 20006.
B. National Association of Independent Insurers, 2600 River Road, Des Plaines, Ill. 60018.
D. (6) $2,000. E. (9) $197.

A. James T. Corcoran, 1025 Connecticut Avenue NW, Washington, D.C. 20036.
B. National Association of Motor Bus Owners, 1025 Connecticut Avenue NW, No. 308, Washington, D.C. 20036.
D. (6) $975. E. (9) $87.50.

A. Allan D. Cors, 1629 K Street NW, Washington, D.C. 20006.
B. Corning Glass Works, Corning, N.Y. 14830.

A. Bertram Robert Cottine, 2000 P Street NW, Suite 708, Washington, D.C. 20036.
B. Health Research Group, 2000 P Street NW, Suite 708, Washington, D.C. 20036.
D. (6) $100. E. (9) $8.80.

A. Robert M. Coultas, 1612 K Street NW, Suite 508, Washington, D.C. 20006.
B. Institute for Rapid Transit,[1] 1612 K Street NW, Washington, D.C. 20006.

A. Council for the Advancement of the Psychological Professions & Sciences, 1725 I Street NW, Suite 606, Washington, D.C. 20006
D. (6) $11,559.30. E. (9) $4,540.03.

A. Council of State Chambers of Commerce, 1028 Connecticut Avenue, Washington, D.C.
D. (6) $710.52. E. (9) $710.52.

A. Paul L. Courtney, 1725 K Street NW, Washington, D.C.
D. (6) $300.

A. Roger C. Courtney, 1730 M Street NW, Washington, D.C. 20036.
B. American Optometric Association, ℅ Jack A. Potter, 820 First National Bank Building, Peoria, Ill. 61602.
D. (6) $295.68. E. (9) $312.30.

A. Covington & Burling, 888 16th Street NW, Washington, D.C. 20006.
B. American Machine Tool Distributors Association, 1500 Massachusetts Avenue NW, Washington, D.C. 20005.

A. Covington & Burling, 888 16th Street NW, Washington, D.C. 20006.
B. Investment Company Institute, 1775 K Street NW, Washington, D.C. 20006.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 10006.
B. MGIC Investment Corp., 600 Marine Plaza, Milwaukee, Wis. 43201.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. National Machine Tool Builders Association, 7901 Westpark Drive, McLean, Va. 22101.

A. Eugene S. Cowen, 9024 Willow Valley Drive, Potomac, Md. 20854.
B. American Broadcasting Co., 1150 17th Street NW., Washington, D.C. 20036.
D. (6) $21. E. (9) $21.

A. Cox, Langford & Brown, 21 Dupont Circle NW., Washington, D.C. 20036.
B. Association of Research Libraries, 1527 New Hampshire Avenue NW., Washington, D.C. 20036.
D. (6) $140. E. (9) $2.

A. Cox, Langford & Brown, 21 Dupont Circle NW., Washington, D.C. 20036.
B. The National Collegiate Athletic Association, U.S. Highway 50 and Nall Avenue, P.O. Box 1960, Shawnee Mission, Kans. 66222.
D. (6) $3,783. E. (9) $122.

A. Cox, Langford & Brown, 21 Dupont Circle NW., Washington, D.C. 20036.
B. Standard Oil Company (Ohio) Midland Building, Cleveland, Ohio.
E. (9) $4.

A. Robert W. Crawford, 1625 I Street NW., Washington, D.C. 20006.
B. Association of General Merchandise Chains, Inc., 1625 I Street NW., Washington, D.C. 20006.
D. (6) $9,999.99. E. (9) $2,483.09.

A. W. J. Crawford, P.O. Box 2180, Houston, Tex. 77001.
B. Exxon Co., U.S.A., P.O. Box 2180, Houston, Tex.

A. Hubert M. Crean, 1801 K Street, NW., Washington, D.C. 20006.
B. American Petroleum Institute, 1801 K Street NW., Washington, D.C.

A. H. C. Crotty, Brotherhood of Maintenance of Way Employees, 12050 Woodward Avenue, Detroit, Mich. 48203.

A. Jack A. Crowder, Suite 1001, 1150 17th Street NW., Washington, D.C. 20036.
B. American Textile Manufacturers Institute, 1501 Johnston Building, Charlotte, N.C. 28281.
D. (6) $1,500. E. (9) $25.30.

A. Culbertson, Pendleton & Pendleton, 1 Farragut Square, South Suite 800, Washington, D.C. 20006.
B. Canned and Cooked Meat Importers' Association, c/o Deltec International, Ltd.,

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[1] An association of public agencies engaged in providing or planning urban mass transportation services and organizations which provide goods and services to such agencies.

2801 Ponce De Leon Boulevard, Coral Gables, Fla. 33134.
D. (6) $975. E. (9) $281.24.

A. William E. Cumberland, 1125 15th Street NW., Washington, D.C. 20005.
B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.
D. (6) $538. E. (9) $1,655.

A. Frank Cummings, Gall, Lane & Powell, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Institute of Electrical and Electronics Engineers, 345 East 47th Street, New York, N.Y. 10017.
D. (6) $3,500.

A. John T. Curran, 905 16th St. NW., Washington, D.C. 20006.
B. Laborers' International Union of North America, AFL–CIO, 905 16th Street NW., Washington, D.C. 20006.
D. (6) $8,250. E. (9) $3,287.95.

A. William Daines, 1616 H Street NW., Washington, D.C. 20006.
B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $2,100. E. (9) $210.

A. Thomas A. Daly, 1101 16th Street NW., Washington, D.C. 20036.
B. National Soft Drink Association.
D. (6) $34.90. E. (9) $5.

A. Stephen I. Danzansky, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Danzansky, Dickey, Tydings, Quint & Gordon, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C. 20006.
E. (9) $4,741.55.

A. John C. Datt, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.
D. (6) $1,719. E. (9) $39.10.

A. Philip J. Daugherty.
B. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $3,012.75. E. (9) $69.10.

A. John B. Davenport, Jr., 2000 Florida Avenue, NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $80.

A. Aled P. Davies, 59 East Van Buren Street, Chicago, Ill. 60605.
B. American Meat Institute, 50 East Van Buren Street, Chicago, Ill. 60605.
D. (6) $100. E. (9) $117.24.

A. Charles W. Davis, 1 First National Plaza, Chicago, Ill. 60670.
B. Bankers Life & Casualty Co., 4444 Lawrence Avenue, Chicago, Ill. 60630.
D. (6) $320. E. (9) $5.

A. Charles W. Davis, 1 First National Plaza, Chicago, Ill. 60670.
B. Inland Steel Co., 30 West Monroe Street, Chicago, Ill. 60603.

A. Charles W. Davis, 1 First National Plaza, Chicago, Ill. 60670.
B. The Myron Stratton Home, P.O. Box 1178, Colorado Springs, Colo. 80901.

A. Charles W. Davis, 1 First National Plaza, Chicago, Ill. 60670.
B. Northwest Industries, Inc., 400 West Madison Street, Chicago, Ill. 60606.
D. (6) $225.

A. Charles W. Davis, 1 First National Plaza, Chicago, Ill. 60670.
B. Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill. 60607.
E. (9) $896.26.

A. Charles W. Davis, 1 First National Plaza, Chicago, Ill. 60670.
B. Trans Union Corp., 111 West Jackson Boulevard, Chicago, Ill. 60604.

A. Charles W. Davis, 1 First National Plaza, Chicago, Ill. 60670.
B. United Insurance Company of America, 1 East Wacker Drive, Chicago, Ill. 60601.
D. (6) $355. E. (9) $5.

A. Claire Davis, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $150.

A. R. Hilton Davis, 1615 H Street NW., Washington, D.C. 20006.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20006.

A. Walter L. Davis, 1775 K Street NW., Washington, D.C. 20006.
B. Retail Clerks International Association, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $750.

A. P. M. Davison, Jr., 418 East Rosser Avenue, Box 938, Bismarck, N. Dak. 58501.
B. North Dakota Railway Lines.
E. (9) $475.52.

A. Daniel P. Dawson, 200 East Randolph Drive, M.C. No. 3101, Chicago, Ill. 60601.
B. Standard Oil Co., (Indiana), 200 East Randolph Drive, M.C. No. 3101, Chicago, Ill. 60601.
D. (6) $665. E. (9) $426.

A. Dawson, Quinn, Riddell, Taylor & Davis, 723 Washington Building, Washington, D.C. 20005.
B. National Cystic Fibrosis Research Foundation, 3379 Peachtree Road NE., Atlanta, Ga. 30326.
D. (6) $3,750. E. (9) $389.89.

A. Dawson, Quinn, Riddell, Taylor & Davis, 723 Washington Building, Washington, D.C. 20005.
B. National Wool Growers Association, 600 Crandall Building, Salt Lake City, Utah 84101.
D. (6) $4,500. E. (9) $791.12.

A. Charles W. Day, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., Dearborn, Mich. 48121.
D. (6) $325. E. (9) $245.

A. Ronald B. Dear, 1225 Martha Custis Drive, #1216, Alexandria, Va. 22302.
B. American Conservative Union, 422 First Street SE., Washington, D.C. 20003.
D. (6) $576.93.

A. Tony T. Dechant.
B. The Farmers' Educational and Co-Operative Union of America, P.O. Box 2251, Denver, Colo.
D. (6) $4,000. E. (9) $47.80.

A. DeHart & Broide, Inc., 1505 22d Street NW., Washington, D.C. 20037.
B. Clairol, Inc., 345 Park Avenue, New York, N.Y. 10022.
D. (6) $210.

A. DeHart & Broide, Inc., 1505 22d Street NW., Washington, D.C. 20037.
B. Kansas City Southern Industries, Inc., 114 West 11th Street, Kansas City, Mo. 64105.
D. (6) $140.

A. DeHart & Broide, Inc., 1505 22d Street NW., Washington, D.C. 20037.
B. Recording Industry Association of America, Inc., 1 East 57th Street, New York, N.Y. 10022.
D. (6) $200.

A. Richard A. Dell, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $150.

A. Delta Group, Ltd., 2535 Massachusetts Avenue NW., Washington, D.C. 20008.
B. National Committee for Effective No-Fault, 2535 Massachusetts Avenue NW., Washington, D.C. 20008.
D. (6) $800.

A. Vincent A. Demo, 25 Broadway, New York, N.Y. 10004.
B. New York Committee of International Committee of Passenger Lines, 25 Broadway, New York, N.Y. 10004.
D. (6) $7,500. E. (9) $660.

A. Claude J. Desautels, Suite 811, 1725 K Street NW., Washington, D.C. 20006.
B. Alyeska Pipeline Service Co., P.O. Box 576, Bellevue, Wash. 98009.

A. Claude J. Desautels, Suite 811, 1725 K Street NW., Washington, D.C. 20006.
B. American Society of Composers, Authors & Publishers, 1 Lincoln Plaza, New York, N.Y. 10023.

A. Claude J. Desautels, Suite 811, 1725 K Street NW., Washington, D.C. 20006.
B. Emergency Committee for American Trade, 1211 Connecticut Avenue NW., Washington, D.C. 20036.

A. Claude J. Desautels, Suite 811, 1725 K Street NW., Washington, D.C. 20006.
B. Merrill Lynch, Pierce, Fenner & Smith, Inc., 1 Liberty Plaza, New York, N.Y. 10006.

A. Claude J. Desautels, Suite 811, 1725 K Street NW., Washington, D.C. 20006.
B. Shipping Tieups Over Permanently, P.O. Box 4437, Honolulu, Hawaii 96813.

A. Claude J. Desautels, Suite 811, 1725 K Street NW., Washington, D.C. 20006.
B. Washington Citizens for World Trade, 101 West Fifteenth, P.O. Box 301, Olympia, Wash. 98507.

A. C. H. DeVaney, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.
D. (6) $2,281. E. (9) $55.84.

A. R. Daniel Devlin, 1000 16th Street NW., Washington, D.C. 20036.
B. Trans World Airlines, Inc., 605 Third Avenue, New York, N.Y. 10016.

A. Ralph B. Dewey, 1150 17th Street NW., Suite 1109, Washington, D.C. 20036.
B. Pacific Gas & Electric Co., 77 Beale Street, San Francisco, Calif. 94106.
D. (6) $1,584. E. (9) $850.90.

A. Louis H. Diamond, 1120 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.
D. (6) $8,300.

A. John M. Dickerman, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Lumber & Building Material Dealers Association, 1990 M Street NW., Suite 350, Washington, D.C. 20036.
D. (6) $6,029.76. E. (9) $94.49.

A. Disabled American Veterans, 3725 Alexandria Pike, Cold Spring, Ky. 41076.
D. (6) $47,125.58. E. (9) $47,125.58.

A. Disabled Officers Association, 1612 K Street NW., Washington, D.C. 20006.
E. (9) $3,140.

A. William H. Dodds, 1125 15th Street NW., Suite 600, Washington, D.C. 20005.
B. International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, 8000 East Jefferson Avenue, Detroit, Mich. 48214.
D. (6) $6,538.24. E. (9) $732.54.

A. James F. Doherty.
B. Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $4,208.30. E. (9) $3,784.65.

A. Patrice M. Doherty, Suite 1001, 1150 17th Street NW., Washington, D.C. 20036.
B. American Textile Manufacturers Institute, Inc., 1501 Johnston Building, Charlotte, N.C. 28281.
D. (6) $600. E. (9) $85.

A. Robert C. Dolan, 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.
B. National Association of Electric Cos., 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.
D. (6) $348.75. E. (9) $160.02.

A. Edward V. Donahue, 1900 L Street NW., Washington, D.C. 20036.
B. Graphic Arts International Union, 1900 L Street NW., Washington, D.C. 20036.
D. (6) $1,691. E. (9) $1,741.

A. Jack Donahue, 1725 I Street NW., Suite 606, Washington, D.C. 20006.
B. Council for the Advancement of the Psychological Professions and Sciences, 1725 I Street NW., Suite 606, Washington, D.C. 20006.
D (6) $1,002. E. (9) $324.25.

A. Leo J. Donahue, 230 Southern Building, Washington, D.C. 20005.
B. American Association of Nurserymen, 230 Southern Building, Washington, D.C. 20005.

A. Gary W. Donnelly, 1315 16th Street NW., Washington, D.C. 20036.
B. National Limestone Institute, Inc. 1315 16th Street NW., Washington, D.C. 20036.
E (9) $31.75.

A. James A. Dorsch, 1701 K Street NW., Washington, D.C.
B. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.
D. (6) $407. E. (9) $162.60.

A. C. L. Dorson, Suite 529, Munsey Building, Washington, D.C. 20004.
B. Retirement Federation of Civil Service Employees of the U.S. Government, Suite 529, Munsey Building, Washington, D.C. 20004.
D. (6) $3,038.55. E. (9) $270.

A. Richard Morgan Downey, 133 C Street SE., Washington, D.C. 20003.
B. Congress Watch, 133 C Street SE., Washington, D.C. 20003.
D. (6) $200.

A. P. Raymond Downs, 1801 K Street NW., Suite 1104, Washington, D.C. 20006.
B. The Procter & Gamble Manufacturing Co., 301 East 6th Street, Cincinnati, Ohio 45202.

A. Harry J. Doyle, 1730 M Street NW., Washington, D.C. 20036.
B. American Optometric Association c/o Jack A. Potter, 820 First National Bank Building, Peoria, Ill., 61602.
D. (6) $677.74. E. (9) $606.10.

A. Robert H. Doyle, 2029 K Street NW., Washington, D.C. 20006.
B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
D. (6) $4,031.25.

A. David S. Dreyer, 4111 Backmeyer Road, Richmond, Ind. 47374.
B. Indiana Conservation Council, 2128 East 46th Street, Indianapolis, Ind. 46205.
D. (6) $740.39. E. (9) $3.06.

A. Wilbur B. Dronen, 100 NE. Adams Street, Peoria, Ill. 61602.
B. Caterpillar Tractor Co., 100 NE. Adams Street, Peoria, Ill. 61602.
D.(6) $670. E. (9) $669.60.

A. Dean W. Drulias, 1730 M Street NW., Washington, D.C. 20036.
B. American Optometric Association, c/o Jack A. Potter, 820 First National Bank Building, Peoria, Ill. 61602.
D. (6) $333.20. E. (9) $440.41.

A. Franklin B. Dryden.
B. The Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C. 20006.
D. (6) $120. E. (9) $120.

A. Evelyn Dubrow, 1710 Broadway, New York, N.Y. 10019.
B. International Ladies' Garment Workers' Union, 1710 Broadway, New York, N.Y. 10019.
D. (6) $4,329. E. (9) $2,306.79.

A. Hugh G. Duffy, 1750 New York Avenue NW., Washington, D.C. 20006.
B. National Consumer Center for Legal Services, 1750 New York Avenue NW., Washington, D.C. 20006.
D. (6) $4,900.

A. M. L. DuMars, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $60.

A. Norman Duncan, 1156 15th Street NW., Washington, D.C. 20005.
B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019.
D. (6) $320. E. (9) $139.25.

A. R. Michael Duncan, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Pauline B. Dunckel, 1901 North Fort Myer Drive, Suite 900, Arlington, Va. 22209.
B. Gas Appliance Manufacturers Association, 1901 North Fort Myer Drive, Suite 900, Arlington, Va. 22209.

A. Louise C. Dunlap, 324 C Street SE., Washington, D.C. 20003.
B. Environmental Policy Center, 324 C Street SE., Washington, D.C. 20003.
D. (6) $2,850. E. (9) $42.

A. Lesley Gerould Dunn, 1730 M Street NW., Washington, D.C. 20036.
B. League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036.
D. (6) $1,000. E. (9) $2,418.

A. J. D. Durand, 1725 K Street NW., Washington, D.C. 20006.
B. Association of Oil Pipe Lines, 1725 K Street NW., Washington, D.C. 20006.
E. (9) $340.

A. J. Frederick Durr, Rural Road No. 2, Sheridan, Ind. 46069.
B. National Association of Farmer Elected Committeemen, Rural Road No. 2; Sheridan, Ind. 46069.
E. (9) $31.50.

A. Roy W. Easley, 1735 DeSales Street NW., Washington, D.C. 20036.
B. Association of Maximum Service Telecasters, Inc.
D. (6) $69.

A. East-West Trade Council, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
E. (9) $426.66.

A. N. Boyd Ecker, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.
D. (6) $250.

A. Daniel J. Edelman, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Safety Belt Council, Inc., New Rochelle, N.Y.
D. (6) $2,500. E. (9) $238.61.

A. Arthur B. Edgeworth, Jr., 1709 New York Avenue NW., Washington, D.C. 20006.
B. United States Savings and Loan League, 111 East Wacker Drive, Chicago, Ill.
D. (6) $500.

A. J. Rodney Edwards, 260 Madison Avenue, New York, N.Y. 10016.
B. American Paper Institute, 260 Madison Avenue, New York N.Y. 10016.

A. Macon T. Edwards, 1030 15th Street NW., Suite 700, Washington, D.C. 20005.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $350.25. E. (9) $23.03.

A. J. C. B. Ehringhaus, Jr., 1600 South Eads Street, Arlington, Va. 22202.
B. The Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C. 20006.

A. John Doyle Elliot, 5500 Quincy Street, Hyattsville, Md. 20784.

A. Ruth Bowdey Elliot, 5500 Quincy Street, Hyattsville, Md. 20784.
D. (6) $3,197. E. (9) $3,538.72.

A. Frank Ellis Associates, Inc., Suite 400, 1730 N. Lynn Street, Arlington, Va. 22209.
E. (9) $195.10.

A. Roy Elson, 1771 N St., NW., Washington, D.C. 20036.
B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C. 20036.
D. (6) $4,200. E. (9) $600.

A. Emergency Commitee for the American Offshore Service Industry, 2000 Southwest Tower, Houston, Tex. 77002.
E. (9) $459.50.

A Emergency Committee for American Trade, 1211 Connecticut Avenue NW., Washington, D.C. 20036.
D (6) $32,772.50. E. (9) $36,135.69.

A. Richard W. Emory, 1800 Mercantile Bank & Trust Building, 2 Hopkins Plaza, Baltimore, Md. 21201.
B. Maryland State Fair and Agricultural Society, Inc., Timonium State Fair Grounds, Timonium, Md. 21093.
E. (9) $5.48.

A. Employers Insurance of Wausau, 2000 Westwood Drive, Wausau, Wis. 54401.
E. (9) $719.50.

A. Lowell J. Endahl, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $200.

A. Gertrude Engel, 2450 Virginia Avenue NW., Washington, D.C. 20037.
B. York Barbell Co., York, Pa.
D. (6) $1,625. E. (9) $220.53.

A. Grover W. Ensley, 200 Park Avenue, New York, N.Y. 10017.
B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10017.
D. (6) $276.

A. Environmental Policy Center, 324 C Street SE., Washington, D.C. 20003.
D. (6) $11,499.11. E. (9) $16,593.80.

A. Glenn R. Erickson, 1616 H Street NW., Washington, D.C. 20006.
B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $1,200. E. (9) $250.

A. Russell G. Ernest, 1025 Connecticut Avenue NW., No. 1014, Washington, D.C. 20036.
B. Exxon Corp., 1251 Avenue of the Americas, New York, N.Y. 10020.

A. John D. Fagan, 200 Maryland Avenue NE., Washington, D.C. 20002.
B. Veterans of Foreign Wars of the United States.
D. (6) $3,000. E. (9) $24.75.

A. Robert R. Fahs, 1030 15th Street NW., Washington, D.C. 20005.
B. Cargill, Inc., 1200 Cargill Building, Minneapolis, Minn. 55402.
D. (6) $2,500. E. (9) $24.50.

A. R. Scott Faley, 1120 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.
D. (6) $8,300.

A. Farmers Educational and Cooperative Union of America, P.O. Box 2251, Denver, Colo.
D. (6) $91,737.50. E. (9) $33,139.68.

A. Edward J. Farrell, 888 17th Street NW., Washington, D.C.
B. George Bronz, 888 17th Street NW., Washington, D.C.
E. (9) $1.

A. Robert C. Farrow, 1707 H Street NW., Suite 607, Washington, D.C. 20006.
B. The Labor-Management Committee for Fair Foreign Competition, 1499 Bayshore Highway, Burlingame, Calif. 94010.
D. (6) $2,100. E. (9) $970.

A. Penelope S. Farthing, 1616 H Street NW., Washington, D.C. 20006.
B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $1,500. E. (9) $175.

A. Federation of American Hospitals, 1101 17th Street NW., Suite 810, Washington, D.C. 20036.
E. (9) $4,500.

A. Fruzsina H. Fedlam, 1730 M Street NW., Washington, D.C. 20036.
B. League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036.
D. (6) $550.

A. Herbert A. Fierst, 607 Ring Building, Washington, D.C. 20036.
B. Council of Forest Industries of British Columbia, 1500/1055 West Hastings Street, Vancouver 1, British Columbia, Canada.
D. (6) $8,793.42. E. (9) $193.40.

A. Herbert A. Fierst, 607 Ring Building, Washington, D.C. 20036.
B. Joint Committee of Printing and Publishing Industries of Canada, 321 Bloor Street East, Toronto 5, Ontario, Canada.
D. (6) $999.99. E. (9) $77.

A. Francis S. Filbey, 817 14th Street NW., Washington, D.C. 20005.
B. American Postal Workers Union, AFL–CIO, 817 14th Street NW., Washington, D.C. 20005.
D. (6) $5,360.85.

A. Matthew P. Fink, 1775 K Street NW., Washington, D.C. 20006.
B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $7.50. E. (9) $4.

A. James W. Finley, 1015 18th Street NW., Suite 303, Washington, D.C. 20036.
B. Crown Zellerbach Corp., 1 Bush Street, San Francisco, Calif. 94119.

A. Firearms Lobby of America, 319 Fifth Street SE., Washington, D.C. 20003.
D. (6) $7,013.90. E. (9) $8,362.50.

A. William J. Flaherty, 1221 Massachusetts Avenue NW., Washington, D.C. 20005.
B. Disabled American Veterans, 3725 Alexandria Pike, Cold Springs, Ky.
D. (6) $7,250.

A. David M. Fleming, 1155 15th Street NW., Washington, D.C. 20005.

A. Roger Fleming, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.
D. (6) $1,875. E. (9) $23.04.

A. Carl J. Fleps, 1000 16th Street NW., Washington, D.C. 20036.
B. The Greyhound Corp., Greyhound Tower, Phoenix, Ariz. 85077.
D. (6) $300. E. (9) $34.

A. Florida Citrus Mutual, P.O. Box 89, Lakeland, Fla. 33802.

A. Florida Citrus Production Managers Association, c/o C. D. Kime, Jr., Waverly, Fla. 33887.
E. (9) $700.

A. John F. Fochtman, 1776 K Street NW., Washington, D.C. 20006.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $2,000. E. (9) $800.

A. Gordon Forbes, 207 Union Depot Building, St. Paul, Minn. 55101.
B. Minnesota Railroads Association.
D. (6) $500. E. (9) $497.29.

A. James W. Foristel, 1776 K Street NW., Washington, D.C. 20006.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $2,300. E. (9) $800.

A. John S. Forsythe, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Life Insurance Association, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $10.

A. David H. Foster.
B. National Cable TV Association, Inc., 918 16th Street NW., Washington, D.C.
D. (6) $2,500. E. (9) $237.50.

A. John G. Fox, 2000 L Street NW., Washington, D.C. 20036.
B. American Telephone & Telegraph Co., 195 Broadway, New York, N.Y. 10007.
D. (6) $121.86.

A. Alice Frandsen, 10311 Folk Street, Silver Spring, Md.
B. Women's Lobby, Inc., 1345 G Street SE., Washington, D.C. 20003.
E. (9) $47.45.

A. Donald A. Frederick, 1129 20th Street NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.
D. (6) $218.75. E. (9) $12.46.

A. Robert M. Frederick, 1616 H Street NW., Washington, D.C. 20006.
B. The National Grange, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $5,200.

A. James O. Freeman, 1709 New York Avenue NW., Washington, D.C. 20006.
B. United States Savings and Loan League, 111 East Wacker Drive, Chicago, Ill.
D. (6) $2,187.50. E. (9) $6.

A. Benjamin W. Fridge, 1900 South Eads Street, Arlington, Va. 22202.
B. National Rifle Association of America, 1600 Rhode Island Avenue, Washington, D.C. 20036.
D. (6) $3,750. E. (9) $1,727.56.

A. Susan Fridy, 30 F Street NW., Washington, D.C. 20001.
B. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.
D. (6) $500. E. (9) $52.21.

A. Philip P. Friedlander, Jr., 1343 L Street NW., Washington, D.C.
B. National Tire Dealers & Retreaders Association, Inc., 1343 L Street NW., Washington, D.C. 20005.
D. (6) $100.

A. Gay H. Friedmann, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Lone Star Gas Co., 301 South Harwood, Dallas, Tex. 75201.
D. (6) $2,500. E. (9) $100.

A. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.
D. (6) $34,342. E. (9) $11,467.

A. Owen V. Frisby, 900 17th Street NW., Washington, D.C. 20006.
B. The Chase Manhattan Bank, 1 Chase Manhattan Plaza, New York, N.Y. 10015.
D. (6) $382.50. E. (9) $1,508.15.

A. Frank W. Frisk, Jr., 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.
D. (6) $350.

A. David C. Fullarton, 2100 M Street NW., Suite 307, Washington, D.C. 20037.
B. National Telephone Cooperative Association, 2100 M Street NW, Suite 307, Washington, D.C. 20037.
D. (6) $150.

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A. Gadsby & Hannah, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. American Council of Independent Laboratories, Inc., 1725 K Street NW., Washington, D.C. 20036.

A. Gadsby & Hannah, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. National Council of Professional Services Firms in Free Enterprise, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. James E. Gaffigan, 777 14th Street NW., Washington, D.C. 20005.

B. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y. 10019.

D. (6) $240.40. E. (9) $39.60.

A. Robert E. Gallamore, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D..C 20036.

D. (6) $1,656.24.

A. Galland, Kharasch, Calkins & Brown, 1054 31st Street NW., Washington, D.C. 20007.

B. Foss Launch and Tug Co., 660 West Ewing Street, Seattle, Wash. 98119.

D. (6) $950. E. (9) $25.

A. Peter N. Gammelgard, 1801 K Street NW., Washington, D.C. 20006.

B. American Petroleum Institute, 1801 K Street NW., Washington, D.C. 20006.

A. Nicole Gara, 1735 New York Avenue NW., Washington, D.C. 20006.

B. American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.

D. (6) $1,000. E. (9) $3,368.33.

A. William B. Gardiner, 1221 Massachusetts Avenue NW., Washington, D.C. 20005.

B. Disabled American Veterans, 3725 Alexandria Pike, Cold Springs, Ky.

D. (6) $6,375.

A. John W. Gardner, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $1,875. E. (9) $1,055.12.

A. Gas Appliance Manufacturers Association, 1901 North Fort Myer Drive, Arlington, Va. 22209.

E. (9) $670.

A. General Aviation Manufacturers Association, Inc., 1025 Connecticut Avenue NW., Suite 1215, Washington, D.C. 20036.

E. (9) $1,938.49.

A. William T. Gibb III, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. American Life Insurance Association, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Wayne Gibbens, 1800 K Street NW., Washington, D.C. 20006.

B. Mid-Continent Oil & Gas Association, 1111 Thompson Building, Tulsa, Okla. 74103.

D. (6) $450. E. (9) $270.

A. Arthur P. Gildea, 2347 Vine Street, Cincinnati, Ohio 45219.

B. International Union of United Brewery, Flour, Cereal, Soft Drink, and Distillery Workers of America, 2347 Vine Street, Cincinnati, Ohio 45219.

E. (9) $1.25.

A. Joseph S. Gill, 16 East Broad Street, Columbus, Ohio 43215.

B. The Ohio Railroad Association, 16 East Broad Street, Columbus, Ohio 43215.

E. (9) $356.91.

A. Dave Givens, 916 Nashville Trust Building, Nashville, Tenn. 37201.

B. Tennessee Railroad Association, 916 Nashville Trust Building, Nashville, Tenn. 37201.

E. (9) $213.02.

A. Glassie, Pewett, Beebe & Shanks, 1819 H Street NW., Washington, D.C. 20006.

B. Eastern Meat Packers Association, Inc., 734 15th Street NW., Washington, D.C. 20005.

D. (6) $5. E. (9) $1.58.

A. Glassie, Pewett, Beebe & Shanks, 1819 H Street NW., Washington, D.C. 20006.

B. The National Independent Meat Packers Association, 734 15th Street NW., Washington, D.C. 20005.

D. (6) $166.67. E. (9) $10.31.

A. Don A. Goodall, 1625 I Street NW., Suite 614, Washington, D.C. 20006.

B. American Cyanamid Co., Wayne, N.J. 07470.

D. (6) $143. E. (9) $20.50.

A. Vance V. Goodfellow, 828 Midland Bank Building, Minneapolis, Minn. 55401.

B. Crop Quality Council, 828 Midland Bank Building, Minneapolis, Minn. 55401.

D. (6) $6,000.

A. Ann Elena Gordon, 2300 McAuliffe Drive, Rockville, Md. 20851.

B. Women's Lobby Inc., 1345 G Street SE., Washington, D.C. 20003.

E. (9) $2.90.

A. Frederick D. Goss, 2100 M Street NW., Suite 307, Washington, D.C. 20037.

B. National Telephone Cooperative Association, 2100 M Street NW., Suite 307, Washington, D.C. 20037.

D. (6) $130.

A. Edward Gottlieb & Associates, 485 Madison Avenue, New York, N.Y. 10022.

B. Florists' Transworld Delivery Association, 900 West Lafayette Boulevard, Detroit, Mich. 48226.

A. Government Employes Council, AFL–CIO, 100 Indiana Avenue NW., Washington, D.C. 20001.

D. (6) $12,831.56. E. (9) $5,555.62.

A. David B. Graham, 2000 Florida Avenue NW., Washington, D.C.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.

D. (6) $120.

A. Donald E. Graham, 1129 20th Street NW., Washington, D.C. 20036.

B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

D. (6) $396.52. E. (9) $39.94.

A. Graphic Arts International Union, 1900 L Street NW., Washington, D.C. 20036.

A. Warren Graves, 324 C Street SE., Washington, D.C. 20003.

B. Environmental Policy Center, 324 C Street SE., Washington, D.C. 20003.

E. (9) $245.

A. Cornelius R. Gray, 1712 G Street NW., Washington, D.C. 20006.

B. American Automobile Association, 1712 G Street NW., Washington, D.C. 20006.

A. James A. Gray, 7901 Westpark Drive, McLean, Va., 22101.

B. National Machine Tool Builders Association, 7901 Westpark Drive, McLean, Va. 22101.

D. (6) $12,132.51. E. (9) $178.27.

A. Robert K. Gray, 1425 K Street NW., Washington, D.C. 20005.

B. Hill and Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

D. (6) $2,175. E. (9) $373.

A. Virginia M. Gray, 3501 Williamsburg Lane NW., Washington, D.C. 20008.

B. Citizens Committee for UNICEF, 110 Maryland Avenue NE., Washington, D.C 20002.

D. (6) $197.50. E. (9) $125.49.

A. Samuel A. Grayson, 611 Idaho Building, Boise, Idaho 83702.

B. Union Pacific Railroad, 1416 Dodge Street, Omaha, Nebr. 68102.

E. (9) $847.66.

A. Wayne Green, Peterborough, N.H 03458.

B. Institute of Amateur Radio, Inc., Peterborough, N.H. 03458.

A. Dale Greenwood, 302 Hoge Building, Seattle, Wash. 98104.

B. Washington Railroad Association, 30 Hoge Building, Seattle, Wash. 98104.

E. (9) $458.14.

A. Chellis O'Neal Gregory, Jr.

B. Center for Public Financing of Elections, 201 Massachusetts Avenue NE., Washington, D.C. 20005.

D. (6) $923.25.

A. William G. Greif, 1155 15th Street NW., Washington, D.C. 20005.

B. Bristol-Myers Co., 345 Park Avenue, New York, N.Y. 10022.

D. (6) $500.

A. Fred J. Greiner, 910 17th Street NW., Washington, D.C. 20006.

B. Evaporated Milk Association, International Association of Ice Cream Manufacturers, Milk Industry Foundation, 910 17th Street NW., Washington, D.C.

A. Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $8,926.28. E. (9) $8,926.28.

A. James J. Gudinas, 1712 G Street NW., Washington, D.C. 20006.

B. American Automobile Association, 1712 G Street NW., Washington, D.C. 20006.

A. Kenneth J. Guido, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $662.49.

A. Jerome R. Gulan, 1225 19th Street NW., Washington, D.C. 20036.

B. National Small Business Association, 1225 19th Street NW., Washington, D.C. 20036.

D. (6) $4,500. E. (9) $1,200.

A. Matthew Hale, 1120 Connecticut Avenue, NW., Washington, D.C. 20036.

B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $2,500. E. (9) $400.

A. Harold T. Halfpenny, 111 West Washington Street, Chicago, Ill. 60602.

A. J. G. Hall, 1660 L Street NW., Washington, D.C. 20036.

B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.

D. (6) $4,500. E. (9) $1,906.26.

A. Keith Halliday, 1725 K Street NW., Washington, D.C. 20006.

B. Associated Third Class Mail Users, 1725 K Street NE., Washington, D.C. 20006.

D. (6) $300.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.

B. The Business Roundtable, 888 17th Street NW., Washington, D.C. 20006.

D. (6) $250.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.

B. The Hardaway Co., 11th Street and Third Avenue, Columbus, Ga. 39102.

D. (6) $500. E. (9) $100.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.

B. National School Supply & Equipment Association, 1500 Wilson Boulevard, Arlington, Va. 22209.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.

B. United Student Aid Funds, Inc., 845 Third Avenue, New York, N.Y. 10022.

A. Robert N. Hampton, 1129 20th Street NW., Washington, D.C. 20036.

B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

D. (6) $1,106.24. E. (9) $50.84.

A. Donald K. Hanes, 1129 20th Street NW., Washington, D.C. 20036.

B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

D. (6) $1,174.99. E. (9) $49.52.

A. Eugene J. Hardy, 1133 15th Street NW., Washington, D.C. 20005.

B. National Association of Manufacturers, 277 Park Avenue, New York, N.Y. 10017.

D. (6) $2,500. E. (9) $629.71.

A. Thomas E. Harman, 1025 Connecticut Avenue NW., room 515, Blake Building, Washington, D.C. 20036.

B. American Insurance Association, 1025 Connecticut Avenue NW., room 515, Blake Building, Washington, D.C. 20036.

D. (6) $1,500. E. (9) $250.

A. William B. Harman, Jr., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. American Life Insurance Association, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

D. (6) $320. E. (9) $127.25.

A. John H. Harper, 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.

B. National Association of Electric Cos., 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.

D. (6) $209.25. E. (9) $50.75.

A. Otto R. Harrison, Room 1909, 800 Bell Avenue, Houston, Tex. 77001.

B. Exxon Co., U.S.A., P.O. Box 2180. Houston, Tex.

A. William C. Hart, 1625 I Street NW., Washington, D.C. 20006.

B. Columbia Gas System Service Corp., 20 Montchanin Road, Wilmington, Del. 19807.

D. (6) $3,359.70. E. (9) $5,414.55.

A. Rita M. Hartz, 1737 H Street NW., Washington, D.C. 20006.

B. National Federation of Federal Employees, 1737 H Street NW., Washington, D.C. 20006.

D. (6) $5,683.20.

A. Clifford J. Harvison, 1616 P Street NW., Washington, D.C. 20036.

B. National Tank Truck Carriers, Inc., 1616 P Street, NW., Washington, D.C. 20036.

A. Walter A. Hasty, Jr., 1616 P Street NW., Washington, D.C. 20036.

B. American Trucking Associations, Inc., 1616 P St. N.W., Washington, D.C. 20036.

D. (6) $7,500. E. (9) $831.77.

A. Sidney G. Hawkes, 800 17th St. NW., Suite 501, Washington, D.C. 20006.

B. The Mead Corp., 118 West First Street, Dayton, Ohio 45482.

D. (6) $650. E. (9) $380.

A. Paul M. Hawkins, 1701 K Street NW., Washington, D.C.

B. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.

D. (6) $23.25. E. (9) $144.92.

A. Bruce R. Hawley, 425 13th Street NW., Washington, D.C.

B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.

D. (6) $150. E. (9) $3.55.

A. Robert T. Hayden, 1001 Connecticut Avenue NW., Washington, D.C. 20036.

B. United Steelworkers of America, 5 Gateway Center, Pittsburgh, Pa. 15222.

D. (6) $3,754.16. E. (9) $1,196.33.

A. Kit H. Haynes, 425 13th Street NW., Washington, D.C.

B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.

D. (6) $2,281. E. (9) $62.35.

A. Patrick J. Head, 1660 L Street NW., Washington, D.C.

B. Montgomery Ward & Co., Inc., P.O. Box 8339, Chicago, Ill. 60680.

D. (6) $558. E. (9) $708.

A. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.

D. (6) $11,987.23. E. (9) $11,987.23.

A. Health Research Group, 2000 P Street NW., Suite 708, Washington, D.C. 20036.

D. (6) $179.71. E. (9) $179.71.

A. Patrick B. Healy, 30 F Street NW., Washington, D.C. 20001.

B. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.

D. (6) $300. E. (9) $62.25.

A. George J. Hecht, 52 Vanderbilt Avenue, New York, N.Y. 10017.

B. American Parents Committee Inc., 15 E Street NW., Washington, D.C.

A. John F. Heilman, 1221 Massachusetts Avenue NW., Washington, D.C. 20005.

B. Disabled American Veterans, 3725 Alexandria Pike, Cold Springs, Ky.

D. (6) $4,375.

A. Spencer H. Heine, 1660 L Street NW., Washington, D.C.

B. Montgomery Ward & Co., Inc., P.O. Box 8339, Chicago, Ill. 60680.

D. (6) $84.83. E. (9) $234.83.

A. Robert B. Heiney, 1133 20th Street NW., Washington, D.C. 20036.

B. National Canners Association, 1133 20th Street NW., Washington, D.C.

D. (6) $875. E. (9) $513.12.

A. Barbara Heller, 324 C Street SE., Washington, D.C. 20003.

B. Environmental Policy Center, 324 C Street SE., Washington, D.C. 20003.

D. (6) $212.50.

A. Ross E. Heller, 2100 M Street NW., Suite 307, Washington, D.C. 20037.

B. National Telephone Cooperative Association, 2100 M Street NW., Suite 307, Washington, D.C. 20037.

D. (6) $600.

A. Leslie P. Hemry, 1701 K Street NW., Washington, D.C.

B. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.

A. Edmund P. Hennelly, 150 East 42d Street, New York, N.Y. 10017.

B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y.

D. (6) $1,500. E. (9) $473.82.

A. Lillie E. Herndon, P.O. Box 6213, Columbus, S.C. 29260.

B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill. 60611.

D. (6) $18,276.97. E. (9) $791.60.

A. Andrew I. Hickey, Jr., 1133 15th Street NW., Washington, D.C. 20005.

B. Federal National Mortgage Association, 1133 15th Street NW., Washington, D.C. 20005.

D. (6) $9,500. E. (9) $406.38.

A. M. F. Hicklin, 720 Bankers Trust Building, Des Moines, Iowa 50309.

B. Iowa Railway Association, 720 Bankers Trust Building, Des Moines, Iowa 50309.

A. J. Thomas Higginbotham, 1725 K Street NW., Washington, D.C. 20006.

B. The Consumer Bankers Association, 1725 K Street NW., Washington, D.C. 20006.

D. (6) $2,000. E. (9) $1,158.42.

A. J. Eldred Hill, Jr., 720 Hotel Washington, Washington, D.C. 20004.

B. Unemployment Benefit Advisors, Inc.

D. (6) $2,000. E. (9) $2,000.

A. James J. Hill, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C., 20016.

A. Richard Hinds, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Harry R. Hinton, 1776 K Street NW., Washington, D.C. 20006.

B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.

D. (6) $2,500. E. (9) $900.

A. Donald E. Hirsch, 425 13th Street NW., Washington, D.C.

B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.

D. (6) $2,687. E. (9) $49.43.

A. Lawrence S. Hobart, 2600 Virginia Avenue NW., Washington, D.C. 20037.

B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.

D. (6) $360.

A. Claude E. Hobbs, 1801 K Street NW., 9th Floor, Washington, D.C. 20006.

B. Westinghouse Electric Corp., Westinghouse Building, Gateway Center, Pittsburgh, Pa. 15222.

D. (6) $900. E. (9) $195.

A. Glen D. Hofer, 1030 15th Street NW., Washington, D.C. 20005.

B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

A. Dale Curtis Hogue, 1100 17th Street NW., Washington, D.C. 20036.

B. Specialty Equipment Manufacturers Association, 11001 East Valley Mall, Suite 204, El Monte, Calif. 91734.

E. (9) $300.

A. Thomas P. Holley, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

XUM

B. American Paper Institute, 260 Madison Avenue, New York, N.Y. 10016.

A. Henry W. Holling, 100 Northeast Adams Street, Peoria, Ill. 61602.

B. Caterpillar Tractor Co., 100 Northeast Adams Street, Peoria Ill. 61602.

D. (6) $500. E. (9) $590.

A. Lee B. Holmes, 1125 15th Street NW., Washington, D.C. 20005.

B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.

D. (6) $3,178. E. (9) $8,571.

A. John W. Holton, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $1,750. E. (9) $28.

A. Hormel Foundation, Austin, Minn. 55912.

A. C. T. Hoversten, 209 West 53d Street, Western Springs, Ill. 60558.

B. National Advertising Co., 6850 South Harlem Avenue, Bedford Park, Argo, Ill. 60501.

A. Thomas Howarth, 1801 K Street NW., Suite 1201, Washington, D.C. 20006.

B. United States Independent Telephone Association, 1801 K Street NW., Suite 1201, Washington, D.C. 20006.

D. (6) $1,655.53. E. (9) $1,655.53.

A. Joe L. Howell, 1700 Pennsylvania Avenue NW., Suite 750, Washington, D.C. 20006.

B. Allstate Enterprises, Inc., Allstate Plaza, Northbrook, Ill. 60062.

A. Joe L. Howell, 1700 Pennsylvania Avenue NW., Suite 750, Washington, D.C. 20006.

B. Allstate Insurance Co., Allstate Plaza, Northbrook, Ill. 60062.

A. Charles L. Huber, 1221 Massachusetts Avenue NW., Washington, D.C. 20005.

B. Disabled American Veterans, 3725 Alexandria Pike, Cold Springs, Ky.

D. (6) $9,375. E. (9) $21.90.

A. The Human Life Amendment, The Bellevue Hotel, 15 E Street NW., Washington, D.C.

D. (6) $928.50. E. (9) $1,169.33.

A. David J. Humphreys, 1140 Connecticut Avenue NW., Washington, D.C. 20036.

B. Recreational Vehicle Institute, Inc., 2720 Des Plaines Avenue, Des Plaines, Ill. 60018.

D. (6) $15,000. E. (9) $143.13.

A. Richard M. Hunt, 1660 L Street NW., Washington, D.C. 20036.

B. NL Industries, Inc., 111 Broadway, New York, N.Y. 10006.

D. (6) $562.

A. James L. Huntley, 1775 K Street NW., Washington, D.C. 20006.

B. Retail Clerks International Association, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.

D. (6) $6,483.23. E. (9) $431.64.

A. David Ignatius, 133 C Street SE., Washington, D.C. 20003.

B. Public Citizen, Inc., Dupont Circle Building, Washington, D.C.

D. (6) $120.

A. Frank N. Ikard, 1801 K Street NW., Washington, D.C.

B. American Petroleum Institute, 1801 K Street NW., Washington, D.C. 20006.

A. Bernard J. Imming, 777 14th Street NW., Washington, D.C. 20005.

B. United Fresh Fruit & Vegetable Association, 777 14th Street NW., Washington, D.C. 20005.

D. (6) $437.50. E. (9) $1.22.

A. Independent U.S. Tanker Owners Committee, 1612 K Street NW., Suite 510, Washington, D.C. 20006.

D. (6) $9,300.78. E. (9) $10,076.25.

A. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.

D. (6) $8,137.16. E. (9) $8,137.16.

A. Timothy H. Ingram, 100 Maryland Avenue NE., Washington, D.C. 20002.

B. Council for a Livable World.

D. (6) $2,499.99.

A. Institute for Rapid Transit, 1612 K Street NW., Washington, D.C. 20006.

A. Insurance Economics Society of America, 11 East Adams Street, Chicago, Ill. 60603.

D. (6) $13,402.75. E. (9) $540.

A. International Brotherhood of Painters and Allied Trades, 1750 New York Avenue NW., Washington, D.C. 20006.

E. (9) $4,411.06.

A. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C. 20001.

E. (9) $15,802.40.

A. International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, 8000 East Jefferson, Detroit, Mich. 48124.

D. (6) $115,600. E. (9) $115,600.

A. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.

E. (9) $3,213.45.

A. Investment Counsel Association of America, Inc., 127 East 59th Street, New York, N.Y. 10022.

E. (9) $1,086.25.

A. Iron Ore Lessors Association, Inc., 1500 First National Bank Building, Saint Paul, Minn. 55101.

D. (6) $7,073.36. E. (9) $10,003.71.

A. Ronald A. Jacks, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. Reinsurance Association of America, 1025 Connecticut Avenue NW., Washington, D.C.

D. (6) $1,500. E. (9) $100.

A. Robert C. Jackson, 1150 17th Street NW., Suite 1001, Washington, D.C. 20036.

B. American Textile Manufacturers Institute, Inc., 1501 Johnston Building, Charlotte, N.C.

D. (6) $2,750. E. (9) $163.65.

A. Robert L. James, 1800 K Street NW., Suite 920, Washington, D.C. 20006.

B. Bank of America N.T. and S. A., Bank of America Plaza, San Francisco, Calif. 94137.

A. Japanese American Citizens League, 22 Peace Plaza, Suite 203, San Francisco, Calif. 94115.

E. (9) $200.

A. Philip F. Jehle, 300 National Press Building, Washington, D.C. 20004.

B. Smith Kline Corp., 1500 Spring Garden Street, Philadelphia, Pa. 19101.

E. (9) $595.

A. David M. Jenkins II, 1800 K Street NW., Suite 622, Washington, D.C. 20006.

B. The Goodyear Tire & Rubber Co., Akron, Ohio 44316.

A. Jersey Central Power & Light Co., Madison Avenue At Punch Bowl Road, Morristown, N.J. 07960.

E. (9) $336.

A. Anita Johnson, 2000 P Street NW., No. 708, Washington, D.C. 20036.

B. Health Research Group, 2000 P Street NW., Washington, D.C. 20036.

A. Jess Johnson, Jr., Suite 300, 1700 K Street NW., Washington, D.C. 20006.

B. Shell Oil Co., One Shell Plaza, P.O. Box 2463, Houston, Tex. 77001.

D. (6) $500.

A. Rady A. Johnson, 1000 16th Street NW., Washington, D.C. 20036.

B. Standard Oil Co. (Indiana), 200 East Randolph Drive, Chicago, Ill. 60601.

D. (6) $910.31. E. (9) $4.25.

A. Reuben L. Johnson.

B. Farmers' Educational and Co-Operative Union of America, P.O. Box 2251, Denver, Colo.

D. (6) $5,453.50. E. (9) $108.84.

A. Charles N. Jolly, 1775 K Street NW., Suite 315, Washington, D.C. 20006.

B. Miles Laboratories, Inc., 1127 Myrtle Street, Elkhart, Ind. 46514.

E. (9) $4,195.27.

A. Allan R. Jones, 1616 P Street NW., Washington, D.C. 20036.

B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.

D. (6) $6,000. E. (9) $367.02.

A. H. Daniel Jones III, Suite 1001, 1150 17th Street NW., Washington, D.C. 20036.

B. American Textile Manufacturers Institute, Inc., 1501 Johnston Building, Charlotte, N.C. 28281.

D. (6) $55. E. (9) $30.

A. L. Dan Jones, 1101 16th Street NW., Washington, D.C. 20036.

B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.

E. (9) $16.

A. Oliver H. Jones, 1125 15th Street NW., Washington, D.C. 20005.

B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.

D. (6) $719. E. (9) $12,336.

A. Richard J. Jones, 1110 Davidson Street, Champaign, Ill., 60631.

B. Independent Grocers Alliance, 300 West Adams Street, Chicago, Ill., 60606.

D. (6) $175.

A. Ronald K. Jones, 8209 Carrleigh Parkway, Springfield, Va. 22152.

B. Mobile Homes Manufacturers Association, P.O. Box 201, Chantilly, Va. 22021.

D. (6) $4,875. E. (9) $181.50.

A. Carl D. Jordan, 408 East Maple Street, Fremont, Mich. 49412.

B. Gerber Products Co., 445 State Street, Fremont, Mich. 49412.

D. (6) $360. E. (9) $75.

A. Francis M. Judge, 1615 H Street NW., Washington, D.C. 20006.

B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20006.

A. Robert E. Juliano, 1629 K Street NW., Suite 800, Washington, D.C. 20006.

B. Hotel and Restaurant Employees and Bartenders International Union, 120 East Fourth Street, 13th Floor, Cincinnati, Ohio 45202.

D. (6) $4,999.98. E. (9) $2,199.90.

A. Mrs. Fritz R. Kahn, 9202 Ponce Place, Fairfax, Va. 22030.

B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill. 60611.

E. (9) $8.95.

A. Marvin Kamensky, 120 South LaSalle Street, Chicago, Ill. 60603.

E. (9) $1,100.

A. Roger P. Kaplan, 1341 G Street, NW., Suite 512, Washington, D.C.

B. National Association of Government Employees, Inc., 285 Dorchester Avenue, Boston, Mass. 02127.

D. (6) $2,500. E. (9) $50.

A. Gerald M. Katz, 1800 Mercantile Bank & Trust Building, 2 Hopkins Plaza, Baltimore, Md. 21201.

B. Maryland State Fair and Agricultural Society, Inc., Timonium State Fair Grounds, Timonium, Md. 21093.

E. (9) $5.48.

A. Carleton R. Kear, Jr., 1625 I Street NW., Washington, D.C. 20006.

B. The Retired Officers Association, 1625 I Street NW., Washington, D.C.

D. (6) $170.

A. William J. Keating, 725 15th Street, NW., Washington, D.C. 20005.

B. National Grain Feed Association, 725 15th Street NW., Washington, D.C. 20005.

A. Howard B. Keck, 555 South Flower Street, Los Angeles, Calif. 90071.

B. Superior Oil Co., 555 South Flower Street, Los Angeles, Calif. 90071.

E. (9) $300.

A. W. M. Keck, Jr., 1801 Avenue of the Stars, Suite 1110, Los Angeles, Calif. 90067.

B. Superior Oil Co., 555 South Flower Street, Los Angeles, Calif. 90071.

E. (9) $275.

A. Charles C. Keeble, P.O. Box 2180, Houston, Tex. 77001.

B. Exxon Co., U.S.A., P.O. Box 2180, Houston, Tex.

A. Patricia Keefer, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $4,500.

A. Eugene A. Keeney, 1616 H Street NW., Washington, D.C. 20006.

B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.

D. (6) $2,000. E. (9) $80.

A. James C. Kelley, 1500 Massachusetts Avenue NW., Washington, D.C. 20005.

B. American Machine Tool Distributors Association, 1500 Massachusetts Avenue NW., Washington, D.C. 20005.

D. (6) $7,916.64. E. (9) $1,460.10.

A. Harold V. Kelly, 720 Hotel Washington, Washington, D.C. 20004.

B. Unemployment Benefit Advisors, Inc.

A. John T. Kelly, 1155 15th Street NW., Washington, D.C. 20005.

B. Pharmaceutical Manufacturers Association.

A. George Kelm, One First National Plaza, Suite 5200, Chicago, Ill. 60670.

B. The Myron Stratton Home, P.O. Box 1178, Colorado Springs, Colo. 80901.

A. R. G. Kendall, Jr., Montgomery, Ala. 36104.

B. Alabama Railroad Association, Montgomery, Ala. 36104.

A. I. L. Kenen, 1341 G Street NW., Washington, D.C. 20005.

B. American Israel Public Affairs Committee, 1341 G Street NW., Washington, D.C. 20005.

D. (6) $833.32.

A. Harold L. Kennedy, 420 Cafritz Building, Washington, D.C. 20006.

B. Marathon Oil Co., Findlay, Ohio 45840.

E. (9) $362.20.

A. Jeremiah J. Kenney, Jr., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Union Carbide Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

E. (9) $41.80.

A. Thomas P. Kerester, 1025 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.

B. Gulf Oil Corp., Pittsburgh, Pa. 15230.

D. (6) $925. E. (9) $200.

A. Kenneth L. Kimble, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. American Life Insurance Association, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

D. (6) $250. E. (9) $50.

A. Mrs. Walter G. Kimmel, 1715 25th Street, Rock Island, Ill. 61201.

B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill. 60611.

E. (9) $256.02.

A. Charles L. King, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. American Life Insurance Association, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

D. (6) $33.

A. Susan B. King.

B. Center for Public Financing of Elections, 201 Massachusetts Avenue NE., Washington, D.C. 20002.

D. (6) $5,760.

A. John M. Kinnaird, 1616 P Street NW., Washington, D.C. 20036.

B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.

D. (6) $7,500. E. (9) $498.

A. Kirkland, Ellis & Rowe, 1776 K Street NW., Washington, D.C. 20006.

B. Grocery Manufacturers of America, Inc., 1425 K Street NW., Washington, D.C. 20005.

A. Ernest A. Kistler, 2 North Ninth Street, Allentown, Pa. 18101.

B. Pennsylvania Power & Light Co., 2 North Ninth Street, Allentown, Pa. 18101.

D. (6) $737.80. E. (9) $544.69.

A. James D. Kittelton, 7901 Westpark Drive, McLean, Va. 22101.

B. National Machine Tool Builders Association, 7901 Westpark Drive, McLean, Va. 22101.

D. (6) $6,875.01. E. (9) $64.55.

A. Ralph W. Kittle, Room 700, 1620 I Street NW., Washington, D.C. 20006.

B. International Paper Co., Room 700, 1620 I Street NW., Washington, D.C. 20006.

D. (6) $900. E. (9) $500.

A. Douglas E. Kliever, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Paul R. Knapp, 1511 K Street NW., Washington, D.C. 20005.

B. Lumbermens Mutual Casualty Co., Long Grove, Ill. 60049.

D. (6) $875.

A. Philip M. Knox, Jr., 1211 Connecticut Avenue, NW., Suite 802, Washington, D.C. 20036.

B. Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill. 60607.

D. (6) $500. E. (9) $100.

A. Bradley R. Koch, 2000 Florida Avenue NW., Washington, D.C. 20009.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.

D. (6) $153.

A. Robert M. Koch, 1315 16th Street NW., Washington, D.C. 20036.

B. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C. 20036.

E. (9) $47.10.

A. Horace R. Kornegay, 1776 K Street NW., Suite 1200, Washington, D.C. 20006.

B. The Tobacco Institute, Inc., 1776 K Street NW., Suite 1200, Washington, D.C. 20006.

D. (6) $1,000. E. (9) $175.

A. Paul A. Korody, Jr., 1725 I Street NW., Washington, D.C. 20006.

B. National Association of Food Chains, 1725 I Street NW., Washington, D.C. 20006.

E. (9) $500.

A. Kenneth S. Kovack, 1001 Connecticut Avenue NW., Washington, D.C. 20036.

B. United Steelworkers of America, Five Gateway Center, Pittsburgh, Pa. 15222.

D. (6) $4,616.41. E. (9) $1,164.10.

A. June Kysilko Kraeft, 2000 Florida Avenue NW., Washington, D.C. 20009.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.

D. (6) $100.

A. Lawrence E. Kreider, 1015 18th Street NW., Washington, D.C. 20036.

B. Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C. 20036.

A. James S. Krzyminski, 1129 20th Street NW., Washington, D.C. 20036.

B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

D. (6) $1,140. E. (9) $29.39.

A. William J. Kuhfuss, 225 Touhy Aveuue, Park Ridge, Ill. 60068.

B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068.

D. (6) $1,050.

A. Lloyd R. Kuhn, 1725 De Sales Street NW., Washington, D.C. 20036.

B. Aerospace Industries Association of America, Inc., 1725 De Sales Street NW., Washington, D.C. 20036.

D. (6) $7,092. E. (9) $1,246.08.

A. Norman G. Kurland, 2027 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $2,400. E. (9) $2,462.74.

XUM

A. Laborers' International Union of North America, AFL–CIO, 905 16th Street NW., Washington, D.C.

E. (9) $13,909.36.

A. Labor Bureau of the Middle West, 1155 15th Street NW., Washington, D.C. 20005.

A. Labor-Management Maritime Committee, 100 Indiana Avenue NW., Washington, D.C.

D. (6) $9,273. E. (9) $8,381.

A. Nick L. Laird, Suite 300, 1700 K Street NW., Washington, D.C. 20006.

B. Shell Oil Co., One Shell Plaza, P.O. Box 2463, Houston, Tex. 77001.

D. (6) $500.

A. A. M. Lampley, 40 First Street NW., Suite 704, Washington, D.C. 20001.

B. United Transportation Union, 400 First Street NW., Suite 704, Washington, D.C. 20001.

E. (9) $250.

A. Karl S. Landstrom, 510 North Edison Street, Arlington, Va. 22203.

B. Sportsman's Paradise Homeowners Association, 10612 Dalerose Avenue, Inglewood, Calif. 90304.

E. (9) $188.49.

A. Asger F. Langlykke, 1913 I Street NW., Washington, D.C. 20006.

B. American Society for Microbiology, 1913 I Street NW., Washington, D.C. 20006.

A. James J. LaPenta, Jr., 905 16th Street NW., Washington, D.C. 20006.

B. Laborers' International Union of North America. AFL–CIO, 905 16th Street NW., Washington, D.C. 20006.

E. (9) $496.41.

A. Clifford C. LaPlante, 955 L'Enfant Plaza North SW., Washington, D.C. 20024.

B. The Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.

D. (6) $575. E. (9) $175.

A. Glenn T. Lashley, 1712 G Street NW., Washington, D.C. 20006.

B. American Automobile Association, D.C. Division, 1712 G Street NW., Washington, D.C. 20006.

A. Lawyers Committee to End the War. 1 Wall Street, 25th floor, New York, N.Y., 10005.

E. (9) $2,229.33.

A. Monte Lazarus, 1825 K Street NW., Washington, D.C. 20006.

B. United Air Lines, P.O. Box 66100, Chicago, Ill. 60666.

D. (6) $500. E. (9) $203.87.

A. William Lazarus, 1616 H Street NW., Washington, D.C. 20006.

B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.

D. (6) $1,500. E. (9) $70.

A. Robert F. Lederer, 230 Southern Building, Washington, D.C. 20005.

B. American Association of Nurserymen, Inc., 230 Southern Building, Washington, D.C. 20005.

A. Robert W. Lee, 1028 Connecticut Avenue NW., No. 1004, Washington, D.C. 20036.

B. The John Birch Society, Inc., 395 Concord Avenue, Belmont, Mass. 02178.

A. Legislative Committee of the Committee for a National Trade Policy, Inc., 1028 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $172. E. (9) $1,204.40.

A. Robert J. Leigh, 2100 M Street NW., Suite 307, Washington, D.C. 20037.

B. National Telephone Cooperative Association, 2100 M Street NW., Suite 307, Washington, D.C. 20037.

A. Gilbert LeKander, 910 17th Street NW., Suite 501, Washington, D.C. 20006.

B. Montana Power Co., 40 East Broadway, Butte, Mont. 59701; Washington Water Power Co., P.O. Box 3727, Spokane, Wash. 99220.

D. (6) $450.

A. Nils A. Lennartson, 801 North Fairfax Street, Alexandria, Va. 22314.

B. Railway Progress Institute, 801 North Fairfax Street, Alexandria, Va. 22314.

D. (6) $649.70.

A. Gilbert B. Lessenco, 2021 L Street NW., Washington, D.C. 20036.

B. General Mills, Inc., 9200 Wayzata Boulevard, Minneapolis, Minn. 55440.

D. (6) $6,040. E. (9) $503.53.

A. S. R. Levering, 245 Second Street NE., Washington, D.C.

B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.

D. (6) $690.

A. Morris J. Levin, 1620 I Street NW., Washington, D.C. 20006.

B. Association of American Railroads, American Railroad Building, Washington, D.C. 20006.

D. (6) $1,000.

A. Harry LeVine, Jr., 777 14th Street NW. Washington, D.C.

B. General Electric Co., 570 Lexington Avenue, New York, N.Y.

D. (6) $250.

A. J. Stanly Lewis, 100 Indiana Avenue NW., Washington, D.C. 20001.

B. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.

D. (6) $3,215.21.

A. Robert G. Lewis.

B. The Farmers' Educational and Co-Operative Union of America, P.O. Box 2251, Denver, Colo.

D. (6) $1,615.38. E. (9) $132.30.

A. Ronald L. Leymeister, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $500. E. (9) $204.39.

A. Herbert Liebenson, 1225 19th Street NW., Washington, D.C. 20036.

B. National Small Business Association, 1225 19th Street NW., Washington, D.C.

D. (6) $4,500. E. (9) $1,200.

A. Russell B. Light, 955 L'Enfant Plaza North SW., Washington, D.C. 20024.

B. The Boeing Co., P.O. Box 3707, Seattle, Wash., 98124.

D. (6) $270. E. (9) $123.40.

A. Lindsay, Nahstoll, Hart, Duncan, Dafoe & Krause, 1331 Southwest Broadway, Portland, Oreg. 97201.

B. Master Contracting Stevedore Association of the Pacific Coast, Inc., San Francisco, Calif.

D. (6) $960.

A. Lindsay, Nahstoll, Hart, Duncan, Dafoe & Krause, 1331 Southwest Broadway, Portland, Oreg. 97201.

B. National Maritime Compensation Committee, 1331 Southwest Broadway, Portland, Oreg. 97201.

D. (6) $3,234. E. (9) $1,680.34.

A. Lindsay, Nahstoll, Hart, Duncan, Dafoe & Krause, 1331 Southwest Broadway, Portland, Oreg. 97201.

B. Pacific Rim Trade Association, 222 Southwest Harrison Street, Suite GA 2, Portland, Oreg., 97201.

D. (6) $2,784.83. E. (9) $2,156.27.

A. Lester W. Lindow, 1735 DeSales Street NW., Washington, D.C. 20036.

B. Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C. 20036.

D. (6) $23.54.

A. John E. Linster, 2000 Westwood Drive, Wausau, Wis. 54401.

B. Employers Insurance of Wausau, 2000 Westwood Drive, Wausau, Wis. 54401.

D. (6) $500.

A. Joseph Lippman, 133 C Street SE., Washington, D.C. 20003.

B. Congress Watch, 133 C Street SE., Washington, D.C. 20003.

D. (6) $50.

A. Charles B. Lipsen.

B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C.

D. (6) $11,442.34. E. (9) $487.

A. Zel E. Lipsen, Suite 1100, 1801 K Street NW., Washington, D.C. 20006.

D. (6) $1,500.

A. Robert G. Litschert, 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.

B. National Association of Electric Cos., 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.

D. (6) $316.05. E. (9) $167.24.

A. Laurence London, 25 Broadway, Room 1012, New York, N.Y. 10004.

B. American Committee for Flags of Necessity, 25 Broadway, New York, N.Y. 10004.

D. (6) $200.

A. Sheldon I. London, 1025 Vermont Avenue NW., Washington, D.C. 20005.

B. National Home Furnishings Association, 1150 Merchandise Mart, Chicago, Ill., 60654.

D. (6) $400. E. (9) $455.

A. Philip J. Loree, 25 Broadway, Room 1012, New York, N.Y. 10004.

B. American Committee for Flags of Necessity, 25 Broadway, New York, N.Y. 10004.

D. (6) $450.

A. James F. Lovett, 1801 K Street NW., Washington, D.C. 20006.

B. Westinghouse Electric Corp., Westinghouse Building, Gateway Center, Pittsburgh, Pa. 15222.

D. (6) $700. E. (9) $200.

A. James P. Low, 1101 16th Street NW., Washington, D.C. 20036.

B. American Society of Association Executives, 1101 16th Street NW., Washington, D.C. 20036.

A. Otto Lowe, 888 17th Street NW., Washington, D.C.

B. National Canners Association, 1133 20th Street NW., Washington, D.C.

D. (6) $1,050.

A. Charles Emmet Lucey, 1701 Pennsylvania Avenue NW., Suite 500, Washington, D.C. 20006.

B. Catholic Press Association, 432 Park Avenue South, New York, N.Y. 10016.

D. (6) $500. E. (9) $10.

A. Charles Emmet Lucey, 1701 Pennsylvania Avenue NW., Suite 500, Washington, D.C. 20006.

B. Massachusetts Cooperative Bank League, 225 Franklin Street, Boston, Mass. 02110.

D. (6) $3,500. E. (9) $10.

A. Lumbermens Mutual Casualty Co., Long Grove, Ill., 60049.

E. (9) $1,550.

A. Milton F. Lunch, 2029 K Street NW., Washington, D.C. 20006.

B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.

D. (6) $1,000.

A. Lund Levin & O'Brien, 1625 I Street NW., Washington, D.C. 20006.

B. Ebasint International Inc., One Penn Plaza, New York, N.Y. 10001.

A. Lund Levin & O'Brien, 1625 I Street NW., Washington, D.C. 20006.

B. Jersey Central Power & Light Co., Madison Avenue at Punch Bowl Road, Morristown, N.J. 07960.

D. (6) $336.

A. Lund Levin & O'Brien, 1625 I Street NW., Washington, D.C. 20006.

B. Pacific Northwest Power Co., Public Service Building, Portland, Oreg. 97204.

A. Clarence T. Lundquist, 4822 Tilden Street NW., Washington, D.C. 20016.

B. Menswear Retailers of America, Room 390, National Press Building, Washington, D.C. 20004.

D. (6) $600.

A. Lusk-Evans Ltd., 1120 Connecticut Avenue NW., Suite 940, Washington, D.C. 20036.

E. (9) $18.35.

A. James H. Lynch, Jr., 1325 Massachusetts Avenue, NW., Washington, D.C. 20005.

B. American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.

D. (6) $5,835.90. E. (9) $122.84.

A. Mark H. Lynch, 133 C Street SE., Washington, D.C. 20003.

B. Congress Watch, 133 C Street SE., Washington, D.C. 20003.

D. (6) $200.

A. LeRoy E. Lyon, Jr., 11th and L Building, Sacramento, Calif. 95814.

B. California Railroad Association, 11th and L Building, Sacramento, Calif. 95814.

A. Shane MacCarthy, 1730 North Lynn Street, Arlington, Va. 22209.

B. Printing Industries of America, 1730 North Lynn Street, Arlington, Va. 22209.

D. (6) $950. E. (9) $1,554.25.

A. James E. Mack, 1225 19th Street NW., Washington, D.C. 20036.

B. National Confectioners Association, 36 South Wabash Avenue, Chicago, Ill. 60603.

D. (6) $11,250. E. (9) $903.63.

A. Kenneth MacKenzie, 1660 L Street NW., Washington, D.C. 20036.

B. Montgomery Ward & Co., Inc., P.O. Box 8339, Chicago, Ill. 60680.

D. (6) $54. E. (9) $204.

A. Thomas J. Mader, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $1,675. E. (9) $20.

A. Andre Maisonpierre, 666 11th Street, Washington, D.C. 20001.

B. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill.

E. (9) $495.

A. Ben J. Man, 400 First Street NW., Suite 700, Washington, D.C. 20001.

B. Marine Engineers' Beneficial Association, District No. 1, Pacific Coast District, 17 Battery Place, New York, N.Y. 10004.

D. (6) $1,638. E. (9) $331.67.

A. Management Communications, Inc., 1505 22d Street NW., Washington, D.C. 20037.

B. Council on Foundations, 888 Seventh Avenue, New York, N.Y. 10019.

D. (6) 450. E. (9) $15.70.

A. Management Communications, Inc., 1505 22d Street NW., Washington, D.C. 20037.

B. Potters Industries, Inc., Industrial Road, P.O. Box 14, Carlstadt, N.J. 07072.

D. (6) $450.

A. Management Communications, Inc., 1505 22d Street NW., Washington, D.C. 20037.

B. Recycled Paperboard Division of the American Paper Institute, 260 Madison Avenue, New York, N.Y. 10016.

D. (6) $350. E. (9) $21.90.

A. Carter Manasco, 8932 Chesterbrook Road, McLean, Va. 22101.

B. National Coal Association, 1130 17th Street, NW., Washington, D.C. 20036.

D. (6) $7,217.50. E. (9) $104.40.

A. Mike Manatos, 1801 K Street NW., Suite 1104, Washington, D.C. 20006.

B. The Procter & Gamble Manufacturing Co., 301 East Sixth Street, Cincinnati, Ohio 45202.

D. (6) $71.49. E. (9) $219.44.

A. Manufacturing Chemists Association, Inc., 1825 Connecticut Avenue NW., Washington, D.C. 20009.

D. (6) $5,000. E. (9) $3,000.

A. John V. Maraney, 324 East Capitol Street, Washington, D.C.

B. National Star Route Mail Carriers' Association, 324 East Capitol Street, Washington, D.C., 20003.

A. Marine Engineers' Beneficial Association, District No. 1, Pacific Coast District, 17 Battery Place, New York, N.Y. 10004.

E. (9) $5,174.58.

A. Rodney W. Markley, Jr., 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Ford Motor Co., Dearborn, Mich. 48121.

A. Ralph J. Marlatt, 640 Investment Building, 1511 K Street NW., Washington, D.C. 20005.

B. National Association of Mutual Insurance Agents, 640 Investment Building, 1511 K Street NW., Washington, D.C. 20005.

E. (9) $1,170.00.

A. Edwin E. Marsh, 200 C Street SE., No. 401, Washington, D.C. 20003.

B. National Wool Growers Association, 600 Crandall Building, Salt Lake City, Utah 84101.

D. (6) $4,638. E. (9) $665.84.

A. Winston W. Marsh, 1343 L Street NW., Washington, D.C. 20005.

B. National Tire Dealers & Retreaders Association, Inc., 1343 L Street, NW., Washington, D.C.

A. J. Paull Marshall, Suite 212, 300 New Jersey Avenue SE., Washington, D.C. 20003.

B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.

D. (6) 286.68. E. (9) $162.55.

A. Marshall & Ilsley Bank, 770 North Water Street, Wilwaukee, Wis. 53202.

A. Guy R. Martin, State of Alaska, Department of Law, 655 C Street SE., Washington, D.C. 20003.

D. (6) $7,875. E. (9) $7,878.36.

A. Richard E. Martinez, 1730 M Street NW., Washington, D.C. 20036.

B. American Optometric Association, c/o Jack A. Potter, 820 First National Bank Building, Peoria, Ill. 61602.

D. (6) $994.96. E. (9) $1,114.10.

A. Maryland State Fair and Agricultural Society, Inc., Timonium State Fair Grounds, Timonium, Md. 21993.

E. (9) $5.48.

A. Mike Masaoka, 2021 L Street NW., Washington, D.C. 20036.

B. American Japanese Trade Committee, 2021 L Street NW., Washington, D.C. 20036.

A. Mike M. Masaoka, 2021 L Street NW., Washington, D.C. 20036.

B. Association on Japanese Textile Imports, Inc., 551 Fifth Avenue, New York, N.Y. 10017.

D. (6) $1,000.

A. Mike M. Masaoka, 2021 L Street NW., Washington, D.C. 20036.

B. Nisei Lobby, 2021 L Street NW., Washington, D.C. 20036.

A. Mike M. Masaoka, 2021 L Street NW., Washington, D.C. 20036.

B. West Mexico Vegetable Distributors Association, P.O. Box 848, Nogales, Ariz. 85621.

D. (6) $500.

A. Guy B. Maseritz, 1730 Pennsylvania Avenue, NW., Washington, D.C. 20006.

B. American Life Insurance Association Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Paul J. Mason, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. American Life Insurance Association, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Walter J. Mason, 815 16th Street NW., Suite 603, Washington, D.C. 20006.

B. Building & Construction Trades Department, AFL–CIO, 815 16th Street NW., Suite 603, Washington, D.C. 20006.

D. (6) $5.499.91. E. (9) $940.

A. P. H. Mathews, Suite 212, 300 New Jersey Avenue SE, Washington, DC. 20003.

B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.

D. (6) $502.66. E. (9) $546.70.

A. John J. L. Matson, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

B. Motor Vehicle Manufacturers Association of the United States, Inc., 320 New Center Building, Detroit, Mich. 48202.

D. (6) $400.

A. Barry D. Matsumoto, 1730 Rhode Island Avenue NW., Suite 204, Washington, D.C. 20036.

B. Japanese American Citizens League, 22 Peace Plaza, Suite 203, San Francisco, Calif. 94115.

D. (6) $200.

A. Charles D. Matthews, 1100 17th Street NW., Washington, D.C. 20036.

B. National Ocean Industries Association, 1100 17th Street NW., Washington, D.C. 20036.

D. (6) $562.50. E. (9) $127.50.

A. Robert A. Matthews, 801 North Fairfax Street, Alexandria, Va. 22314.

B. Railway Progress Institute, 801 North Fairfax Street, Alexandria, Va. 22314.

D. (6) $320.

A. C. V. & R. V. Maudlin, 1111 E Street NW., Washington, D.C. 20004.

B. Georgia Power Co., 270 Peachtree Street, Atlanta, Ga.

A. C. V. & R. V. Maudlin, 1111 E Street NW., Washington, D.C. 20004.

B Joint Government Liaison Committee, 1 North LaSalle Street, Chicago, Ill.

D. (6) $200. E. (9) $177.70.

A. Arnold Mayer, 100 Indiana Avenue NW., Room 410, Washington, D.C. 20001.

B. Amalgamated Meat Cutters & Butcher Workmen of North America (AFL–CIO), 2800 North Sheridan Road, Chicago, Ill. 60657.

D. (6) $5,780. E. (9) $850.

A. Mayer, Brown & Platt, 231 South LaSalle Street, Chicago, Ill. 60604.

B. L. M. Williams and Clayton Burch families, c/o Continental Illinois National Bank & Trust Co., Trustee, 231 South LaSalle Street, Chicago, Ill. 60693.

A. William J. McAuliffe, Jr., 1828 L Street NW., Suite 303, Washington, D.C. 20036.

B. American Land Title Association, 1828 L Street NW., Suite 303, Washington, D.C. 20036.

E. (9) $20.

A. Michael J. McCabe, 1700 Pennsylvania Avenue NW., Suite 750, Washington, D.C. 20006.

B. Allstate Enterprises, Inc., Allstate Plaza, Northbrook, Ill. 60062.

A. Michael J. McCabe, 1700 Pennsylvania Avenue NW., Suite 750, Washington, D.C. 20006.

B. Allstate Insurance Co., Allstate Plaza, Northbrook, Ill. 60062.

A. William C. McCamant, 1725 K Street NW., Washington, D.C. 20006.

D. (6) $300.

A. Robert C. McCandless, 1725 I Street, NW., Washington, D.C. 20006.

B. American Horse Protection Association, 629 River Bend Road, Great Falls, Va.

D. (6) $600. E. (9) $10.50.

A. Robert C. McCandless, 1725 I Street, NW., Washington, D.C. 20006.

B. Committee for Humane Legislation, 11 West 60th Street, New York, N.Y.

D. (6) $2,300. E. (9) $50.

A. Robert C. McCandless, 1725 I Street, NW., Washington, D.C. 20006.

B. National Association of Real Estate Investment Trusts, 1101 17th Street NW., Suite 700, Washington, D.C. 20036.

D. (6) $150. E. (9) $10.

A. John A. McCart, 100 Indiana Avenue NW., Washington, D.C. 20001.

B. Government Employees Council, AFL–CIO, 100 Indiana Avenue NW., Washington, D.C. 20001.

D. (6) $3,019.38.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. The Coca-Cola Co., P.O. Drawer 1734, Atlanta, Ga. 30301.

E. (9) $70.25.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. Gulf & Western Industries, Inc., One Gulf, Western Plaza, New York, N.Y. 10023.

E. (9) $141.85.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. The Magnavox Co., 1700 Magnavox Way, Fort Wayne, Ind. 46804.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. Mobil Oil Corporation, 150 East 42d Street, New York, N.Y. 10017.

E. (9) $105.02.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. Montgomery Coca-Cola Bottling Co., Inc., North Perry and Jefferson Streets, Montgomery, Ala. 36103.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. Alfred P. Slaner, 640 Fifth Avenue, New York, N.Y. 10019.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. Tidewater Marine Service, Inc., 3308 Tulane Avenue, New Orleans, La. 70110.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. United Artists Corp., 729 Seventh Avenue, New York, N.Y. 10019.

A. John L. McCormick, 324 C Street SE., Washington, D.C. 20003.

B. Environmental Policy Center, 324 C Street SE., Washington, D.C. 20003.

D. (6) $1,875. E. (9) $8.

A. E. L. McCulloch, Room 819, 400 First Street NW., Washington, D.C. 20001.

B. Brotherhood of Locomotive Engineers, Engineers Building, Cleveland, Ohio 44114.

D. (6) $284.60. E. (9) $81.50.

A. Albert L. McDermott, 777 14th Street NW., Washington, D.C. 20005.

B. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y. 10019.

D. (6) $506.80. E. (9) $95.05.

A. Francis O. McDermott, 1750 K Street NW., Suite 1110, Washington, D.C. 20006.

B. Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill. 60607.

E. (9) $896.26.

A. Joseph A. McElwain, 40 East Broadway, Butte, Mont. 59701.

B. The Montana Power Co., Butte, Mont. 59701.

E. (9) $37.66.

A. Robert E. McGarrah, Jr., 2000 P Street NW., Suite 708, Washington, D.C. 20036.

B. Health Research Group, 2000 P Street NW., Suite 708, Washington, D.C. 20036.

A. J. Raymond McGlaughlin, 400 First Street NW., Washington, D.C. 20001.

B. Brotherhood of Maintenance of Way Employees, 12050 Woodward Avenue, Detroit, Mich. 48203.

D. (6) $7,080.

A. Marshall C. McGrath.

B. International Paper Co., Room 700, 1620 I Street NW., Washington, D.C. 20006.

D. (6) $700. E. (9) $102.30.

A. Peter E. McGuire, 400 First Street NW., Washington, D.C. 20001.

B. National Association of Retired & Veteran Railway Employees, Inc., Post Office Box 6069, Kansas City, Kans. 66106.

D. (6) $500. E. (9) $500.

A. Clifford G. McIntire, 425 13th Street NW., Washington, D.C.

B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.

D. (6) $2,750. E. (9) $24.85.

A. Clarence M. McIntosh, Jr., 400 First Street NW., Washington, D.C.

B. Railway Labor Executives Association, 400 First Street NW., Washington, D.C. 20001.

D. (6) $681.67.

A. W. F. McKenna, 3435 Wilshire Boulevard, Los Angeles, Calif.

B. First Federal Savings & Loan Association of Phoenix, Tucson Federal Savings & Loan Association.

A. William F. McKenna, 1200 17th Street NW., Suite 500, Washington, D.C. 20036.

B. National League of Insured Savings Associations, 1200 17th Street NW., Suite 500, Washington, D.C. 20036.

D. (6) $247.41.

A. C. A. Mack McKinney, Suite 609, 1100 North Uhle Street, Arlington, Va. 22201.

B. Marine Corps League, National Headquarters, Suite 317, 033 North Kenmore Street, Arlington, Va. 22201.

E. (9) $10.50.

A. C. A. Mack McKinney, Suite 609, 1400 North Uhle Street, Arlington, Va. 22201.

B. Non-Commissioned Officers Association of the United States, Post Office Box 2268, San Antonio, Tex. 78298.

D. (6) $2,600. E. (9) $2,411.92.

A. John S. McLees, 1615 H Street NW., Washington, D.C. 20006.

B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20006.

D. (6) $150.

A. William F. McManus, 777 14th Street NW., Washington, D.C. 20005.

B. General Electric Co., 570 Lexington Avenue, New York, N.Y. 10022.

D. (6) $575. E. (9) $295.40.

A. C. W. McMillan, Suite 1015, National Press Building, 14th and F Streets NW., Washington, D.C. 20004.

B. American National Cattlemen's Association, 1001 Lincoln Street, Denver, Colo. 80202.

D. (6) $1,500.

A. Ralph J. McNair, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. American Life Insurance Association, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. McNutt, Dudley, Easterwood & Losch, 910 17th Street NW., Washington, D.C. 20006.

B. American Dredging Co., 12 South 12th Street, Philadelphia, Pa. 19107; Great Lakes Dredge & Dock Co., 228 North LaSalle Street, Chicago, Ill. 60601; Dunbar & Sullivan Dredging Co., 22720 Michigan Avenue, Dearborn, Mich. 48124.

D. (6) $7,000. E. (9) $1,553.27.

A. Harry C. McPherson, Jr., Suite 1100, 1660 L Street NW., Washington, D.C.

B. Montgomery Ward, Inc., 619 West Chicago Avenue, Chicago, Ill. 60607.

D. (6) $700. E. (9) $50.

A. George G. Mead, 1616 P Street NW., Washington, D.C. 20036.

B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.

D. (6) $6,000. E. (9) $486.55.

A. Carl J. Megel, 1012 14th Street NW., Washington, D.C. 20005.

B. American Federation of Teachers, AFL–CIO, 1012 14th Street NW., Washington, D.C. 20005.

E. (9) $10,880.

A. Louis L. Meier, Jr., 1625 I Street NW., Washington, D.C. 20006.

B. American Society of Civil Engineers, United Engineering Center, 345 East 47th Street, New York, N.Y. 10017.

D. (6) $430. E. (9) $598.06.

A. R. Otto Meletzke, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. American Life Insurance Association, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Ellis E. Meredith, 1611 North Kent Street, Arlington, Va. 22209.

B. American Apparel Manufacturers Association, Inc., 1611 North Kent Street, Arlington, Va. 22209.

E. (9) $1,958.61.

A. Lawrence C. Merthan, 1425 K Street NW., Washington, D.C.

B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y.

D. (6) $1,527. E. (9) $327.19.

A. Metropolitan Washington Board of Trade, 1129 20th Street NW., Washington, D.C. 20036.

A. George F. Meyer, Jr., 1625 I Street NW., Washington, D.C. 20006.

B. The Retired Officers Association, 1625 I Street NW., Washington, D.C. 20006.

D. (6) $392.

A. James G. Michaux, 1801 K Street NW., Washington, D.C. 20006.

B. Federated Department Stores, Inc., 222 West Seventh Street, Cincinnati, Ohio 45202.

D. (6) $500.

A. Ronald Michieli, Suite 1015, National Press Building, 14th and F Streets, Washington, D.C. 20004.

B. American National Cattlemen's Assn., 1001 Lincoln Street, Denver, Colo. 80202.

D. (6) $1,000.

A. Mid-Continent Oil & Gas Association, 1111 Thompson Building, Tulsa, Okla. 74103.

D. (6) $20.13. E. (9) $732.59.

A. A. Stanley Miller, 910 16th Street NW., Room 302, Washington, D.C. 20006.

B. American Committee for Flags of Necessity, 25 Broadway, New York, N.Y. 10004.

D. (6) $100.

A. Anne Miller, Suite 907, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. Bryant Associates, Inc., Suite 907, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $75. E. (9) $10.91.

A. Edwin Reid Miller, Union Pacific Building, 1416 Dodge Street, Omaha, Nebr. 68179.

B. Nebraska Railroad Legislative Committee, Union Pacific Building, 1416 Dodge Street, Omaha, Nebr. 68179.

D. (6) $6,550.02. E. (9) $1,222.10.

A. Joe D. Miller, 535 North Dearborn Street, Chicago, Ill. 60610.

B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.

D. (6) $875.

A. Luman G. Miller, 620 S.W. Fifth Avenue Building, Suite 912, Portland, Oreg. 97204.

B. Oregon Railroad Association, 620 S.W. Fifth Avenue Building, Suite 912, Portland, Oreg. 97204.

E. (9) $245.04.

A. Jack Mills, 1776 K Street NW., Washington, D.C. 20006.

B. The Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C. 20006.

D. (6) $1,000. E. (9) $250.

A. Clarence Mitchell, 422 First Street SE., Washington, D.C. 20003.

B. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y. 10019.

D. (6) $4,000.

A. Thomas F. Mitchell, 1735 I Street NW., Washington, D.C. 20006.

B. Georgia-Pacific Corp., 900 S.W. Fifth Avenue, Portland, Oreg. 97204.

E. (9) $250.

A. Mobile Homes Manufacturers Association, P.O. Box 201, 14650 Lee Road, Chantilly, Va. 22021.

D. (6) $1,681.50. E. (9) $1,681.50.

A. John S. Monagan, Whitman & Ransom, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Connecticut Bankers Association, 100 Constitution Plaza, Hartford, Conn. 06103.

D. (6) $1,250. E. (9) $63.58.

A. Montgomery Ward & Co., Inc., 1660 L Street NW., Suite 1001, Washington, D.C. 20036.

E. (9) $2,421.83.

A. G. Merrill Moody, Suite 212, 300 New Jersey Avenue SE., Washington, D.C. 20003.

B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.

D. (6) $71.89. E. (9) $81.02.

A. Joseph E. Moody, 1801 K Street NW., Washington, D.C. 20006.

B. American Petroleum Institute, 1801 K Street NW., Washington, D.C.

D. (6) $10,000. E. (9) $6,986.

A. O. William Moody, Jr., 815 16th Street NW., Room 501, Washington, D.C. 20006.

B. Maritime Trades Department, AFL–CIO, 815 16th Street NW., Room 501, Washington, D.C. 20006.

D. (6) $2,500. E. (9) $1,144.75.

A. Donald L. Morgan, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Donald L. Morgan, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Jo V. Morgan, Jr., 815 15th Street NW., Washington, D.C. 20005.

B. The American Humane Association, P.O. Box 1266, Denver, Colo. 80201.

D. (6) $1,500.

A. Morison, Murphy, Abrams & Haddock, 1776 K Street NW., Suite 900, Washington, D.C. 20006.

B. The Sperry & Hutchinson Co., 330 Madison Avenue, New York, N.Y. 10017.

A. Gene P. Morrell, 1025 Connecticut Avenue NW., Suite 206, Washington, D.C. 20036.

B. Lone Star Gas Co., 301 South Harwood, Dallas, Tex. 75201.

D. (6) $1,500. E. (9) $580.

A. James M. Morris, 1660 L Street NW., Washington, D.C. 20036.

B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.

D. (6) $2,500. E. (9) $1,238.79.

A. Jack Moskowitz, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW.,

D. (6) $7,500. E. (9) $139.42.

Washington, D.C. 20036.

A. Lynn E. Mote, 1132 15th Street NW., Suite 503, Washington, D.C. 20005.

B. Northern Natural Gas Co., 2223 Dodge Street, Omaha, Nebr. 68102.

D. (6) $2,000.

A. David J. Muchow, Smathers & Merrigan, 888 17th Street NW., Washington, D.C. 20006.

B. Central Gulf Steamship Corp., New Orleans, La.

A. David J. Muchow, Smathers & Merrigan, 888 17th Street NW., Washington, D.C. 20006.

B. National Association of Secondary Materials Industries, Inc., 330 Madison Avenue, New York, N.Y. 10017.

A. David J. Muchow, Smathers and Merrigan, 888 17th Street NW., Washington, D.C. 20006.

B. Sugar Distributors of Venezuela, Edif de la Luz Electrica de Venezuela, Av. Urdaneta, Seventh Floor, Caracas, Venezuela.

A. William G. Mullen, 491 National Press Building, Washington, D.C. 20004.

B. National Newspaper Association, 491 National Press Building, Washington, D.C. 20004.

E. (9) $269.64.

A. John J. Murphy, 416 Shoreham Building, 806 15th Street NW., Washington, D.C. 20005.

B. National Customs Service Association.

D. (6) $1,154.88. E. (9) $1,154.88.

A. Richard E. Murphy, 900 17th Street NW., Washington, D.C. 20006.

B. Service Employees International Union, AFL–CIO, 900 17th Street NW., Washington, D.C. 20006.

D. (6) $1,000. E. (9) $100.

A. Richard W. Murphy, 1200 18th Street NW., Suite 1109, Washington, D.C. 20036.

B. Merck & Co., Inc., Rahway, N.J. 07065.

D. (6) $500.

A. Tom O. Murphy, 1156 15th Street NW., Washington, D.C. 20005.

B. United States Beet Sugar Association, 1156 15th Street NW., Washington, D.C. 20005.

A. D. Michael Murray, 1000 Connecticut Avenue NW., No. 1103, Washington, D.C. 20036.

B. Chicago, Milwaukee, St. Paul & Pacific Railroad Co., 516 West Jackson Boulevard, Chicago, Ill. 60606.

D. (6) $120. E. (9) $173.

A. D. Michael Murray, 1000 Connecticut Avenue NW., No. 1103, Washington, D.C. 20036.

B. The Cleveland-Cliffs Iron Co., 1460 Union Commerce Building, Cleveland, Ohio 44115.

D. (6) $100. E. (9) $137.

A. D. Michael Murray, 1000 Connecticut Avenue NW., No. 1103, Washington, D.C. 20036.

B. National Association of Industrial Parks, 1800 North Kent Street, Arlington, Va. 22209.

D. (6) $120. E. (9) $192.13.

A. William E. Murray, 2000 Florida Avenue NW., Washington, D.C. 20009.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.

D. (6) $185.

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A. Thomas H. Mutchler.
B. International Paper Co., 1620 I Street NW., Suite 700, Washington, D.C. 20006.
D. (6) $500. E. (9) $23.65.

A. Kenneth D. Naden, 1129 20th Street NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

A. John J. Nangle, 1626 I Street NW., Suite 812, Washington, D.C.
B. National Association of Independent Insurers, 2600 River Road, Des Plaines, Ill. 60018.
D. (6) $2,000. E. (9) $500.

A. Bonnie Jane Naradzay, 133 C Street SE., Washington, D.C. 20003.
B. Congress Watch, 133 C Street SE., Washington, D.C. 20003.
D. (6) $87.50.

A. The Nation-Wide Committee on Import-Export Policy, 815 15th Street NW., Suite 711, Washington, D.C.
D. (6) $4,475. E. (9) $6,430.60.

A. National Agricultural Chemicals Association, 1155 15th Street NW., Washington, D.C. 20005.

A. National Association for Humane Legislation, Inc., 675 Pinellas Point Drive South, St. Petersburg, Fla. 33705.
D. (6) $119. E. (9) $314.24.

A. National Association of Electric Companies, 1140 Connecticut Avenue NW., Suite 1010.
D. (6) $1,259.81. E. (9) $7,917.46.

A. National Association of Farmer Elected Committeemen, c/o J. Frederick Durr, Rural Route No. 2, Sheridan, Ind. 46069.
D. (6) $227.05. E. (9) $227.05.

A. National Association of Food Chains, 1725 I Street NW., Washington, D.C.
D. (6) $300. E. (9) $300.

A. National Association of Insurance Agents, Inc., 85 John Street, New York, N.Y. 10038.
E. (9) $26,932.42.

A. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $2,886,904.84. E. (9) $30,392.56.

A. National Association of Mutual Insurance Cos., 2511 East 46th Street, Suite H, Indianapolis, Ind. 46205.

A. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10017.
D. (6) $7,966.32. E. (9) $7,966.32.

A. National Association of Plumbing-Heating-Cooling Contractors, 1016 20th Street NW., Washington, D.C. 20036.
D. (6) $3,588.13. E. (9) $3,588.13.

A. National Association of Realtors, 155 East Superior Street, Chicago, Ill. 60611.
E. (9) $17,509.07.

A. National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va., 22030.
D. (6) $6,768.97. E. (9) $7,009.69.

A. National Broiler Council, 1155 Fifteenth Street NW., Washington, D.C. 20005.
D. (6) $300. E. (9) $300.

A. National Building Granite Quarries Association, Inc., 202 South Second Street, Cold Spring, Minn.
E. (9) $9,042.68.

A. National Canners Association, 1133 20th Street NW., Washington, D.C. 20036.
D. (6) $764,877.61. E. (9) $3,774.68.

A. National Coal Association, Coal Building, Washington, D.C. 20036.
D. (6) $448,590.19. E. (9) $3,258.72.

A. National Committee Against Repressive Legislation, 555 North Western Avenue, Los Angeles, Calif. 90004.
D. (6) $720. E. (9) $2,046.65.

A. National Committee for Effective No-Fault, 2535 Massachusetts Avenue NW., Washington, D.C. 20008.
D. (6) $800. E. (9) $800.

A. National Consumer Center for Legal Services, 1750 New York Avenue NW., Washington, D.C. 20006.
D. (6) $2,72-. E(9) $5,200.

A. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $36,275.84. E. (9) $36,275.84.

A. National Council for a Responsible Firearms Policy, 1028 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $153.25. E. (9) $30.

A. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C. 20036.
D. (6) $31,646. E. (9) $32,256.

A. National Counsel Associates, 421 New Jersey Avenue SE., Washington, D.C. 20003.
B. American Blood Resources Association, 308 State Street, Albany, N.Y. 12210.
D. (6) $1,125. E. (9) $87.50.

A. National Counsel Associates, 421 New Jersey Avenue SE., Washington, D.C. 20003.
B. Cenco, Inc., 2600 S. Kostner Avenue, Chicago, Ill.
D. (6) $2,750. E. (9) $92.27.

A. National Counsel Associates, 421 New Jersey Avenue SE., Washington, D.C. 20003.
B. Committee for the Study of Revenue Bond Financing, 1000 Ring Building, Washington, D.C.
D. (6) $833.33. E. (9) $51.02.

A. National Counsel Associates, 421 New Jersey Avenue SE., Washington, D.C. 20003.
B. Wheat Users Committee, 1700 Pennsylvania Avenue NW., Washington, D.C.
D. (6) $9,000. E. (9) $300.14.

A. National Cystic Fibrosis Research Foundation, 3379 Peachtree Road NE., Atlanta, Ga. 39326.
E. (9) $12,080.69.

A. National Electrical Contractors Association, Inc., 7315 Wisconsin Avenue, Washington, D.C. 20014.

A. National Electrical Manufacturers Association, 155 East 44th Street, New York, N.Y. 10017.

A. National Federation of Federal Employees, 1737 H Street NW., Washington, D.C. 20006.
D. (6) $326,390.44. E. (9) $18,100.16.

A. National Grain and Feed Association, 725 15th Street NW., Washington, D.C. 20005.
B. National Grain and Feed Association.

A. The National Grange, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $121,600:19. E. (9) $11,670.

A. National Home Furnishings Association, 1150 Merchandise Mart, Chicago, Ill. 60654.
D. (6) $400. E. (9) $455.

A. National League of Insured Savings Associations, 1200 17th Street NW., Suite 500, Washington, D.C. 20036.
D. (6) $9,811.52. E. (9) $504.41.

A. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C. 20036.
D. (6) $16,894.80. E. (9) $16,894.80.

A. National Livestock Feeders Association, Inc., 309 Livestock Exchange Bldg., Omaha, Nebr. 68107.
D. (6) $4,707.96. E. (9) $4,707.96.

A. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.
E. (9) $3,394.91.

A. National Organization for the Reform of Marijuana Laws, 1237 22d Street, NW., Washington, D.C. 20037.
D. (6) $2,772.30. E. (9) $600.

A. National Patent Council, 1225 19th Street NW., Suite 409, Washington, D.C. 20036.
D. (6) $3,575.50. E. (9) $800.

A. National Rehabilitation Association, 1522 K Street NW., Washington, D.C. 20005.
D. (6) $2,347. E. (9) $1,458.

A. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.
E. (9) $3,556.50.

A. National Small Business Association, 1225 19th Street NW., Washington, D.C. 20036.
D. (6) $5,000. E. (9) $2,562.52.

A. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
D. (6) $12,500. E. (9) $14,004.82.

A. National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.
D. (6) $15,675.50. E. (9) $4,406.75.

A. National Telephone Cooperative Association, 2100 M Street NW., Suite 307, Washington, D.C. 20037.
E. (9) $860.

A. National Tire Dealers and Retreaders Association, Inc., 1343 L Street NW., Washington, D.C.
D. (6) $100. E. (9) $100.

A. National Wool Growers Association, 600 Crandall Building, Salt Lake City, Utah 84101.
D. (6) $14,866. E. (9) $6,533.53.

A. Alexander W. Neale, Jr., 1015 18th Street NW., Washington, D.C. 20036.
B. Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C. 20036.
D. (6) $1,395.

A. Allen Neece, Jr., 512 Washington Building, Washington, D.C. 20005.
B. National Association of Small Business Investment Companies, 512 Washington Building, Washington, D.C. 20005.
D. (6) $300.

A. Frances E. Neely, 245 2d Street NE., Washington, D.C.
B. Friends Committee on National Legislation, 245 2d Street NE., Washington, D.C.
D. (6) $1,792.

A. Stanley Nehmer, Suite 800, 1101 17th Street NW., Washington, DC. 20036
B. American Footwear Industries Association, Inc., 1611 North Kent Street, Arlington, Va. 22209.
D. (6) $750. E. (9) $500.

A. Robert R. Nelson, 900 15th Street NW., Washington, D.C. 20005.
B. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.

A. Robert W. Nelson, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $160.

A. Ivan A. Nestingen, Suite 700, 1010 16th Street NW., Washington, D.C. 20036.
B. American Nursing Home Association, 1200 15th Street NW., Washington, D.C. 20005.
D. (6) $1,200. E. (9) $226.95.

A. Robert B. Neville, 1155 15th Street NW., Suite 505, Washington, D.C. 20005.
B. National Restaurant Association, 1155 15th Street NW., Washington, D.C.
D. (6) $2,362. E. (9) $90.82.

A. Louis H. Nevins, 1709 New York Avenue NW., Suite 200, Washington, D.C. 20006.
B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10017.
D. (6) $2,000. E. (9) $547.80.

A. New York Committee of International Committee of Passenger Lines, 25 Broadway, New York, N.Y. 10004.
D. (6) $13,500. E. (9) $20,370.

A. E. J. Newbould, 1130 17th Street NW., Washington, D.C. 20036.
B. National Clay Pipe Institute, 350 West Terra Cotta Avenue, Crystal Lake, Ill. 60014.
D. (6) $150.

A. Richard Ney, Watergate South, 700 New Hampshire Avenue NW., Washington, D.C. 20037.
B. American Academy of Family Physicians, 1740 West 92d Street, Kansas City, Mo. 64114.
D. (6) $4,500. E. (9) $3,366.69.

A. Charles E. Nichols, 101 Constitution Avenue NW., Washington, D.C. 20001.
B. United Brotherhood of Carpenters & Joiners of America, 101 Constitution Avenue NW., Washington, D.C. 20001.
D. (6) $850. E. (9) $473.30.

A. F. Clayton Nicholson, Box 15, Route 1, Henryville, Pa. 18332.
B. Northern Helex Co., 2223 Dodge Street, Omaha, Nebr. 68102.
D. (6) $2,432.45. E. (9) $538.70.

A. Patrick J. Nilan, 817 14th Street NW., Washington, D.C.
B. American Postal Workers Union, AFL–CIO, 817 14th Street NW., Washington, D.C.
D. (6) $8,273.79. E. (9) $833.58.

A. NL Industries, Inc., 111 Broadway, New York, N.Y. 10006.
E. (9) $562.

A. Charles M. Noone, 1225 Connecticut Avenue, Washington, D.C. 20036.
B. National Association of Small Business Investment Companies, 512 Washington Building, Washington, D.C. 20005.
D. (6) $1,500. E. (9) $150.98.

A. Robert H. North, 1105 Barr Building, Washington, D.C.
B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 1105 Barr Building, Washington, D.C.
E. (9) $1,256.41.

A. Seward P. Nyman, 20 Chevy Chase Circle NW., Washington, D.C. 20015.
B. American Podiatry Association, 20 Chevy Chase Circle, Washington, D.C.
D. (6) $650.

A. Lawrence J. O'Connor, Jr., 1801 K Street NW., Suite 1021, Washington, D.C. 20006.
B. The Standard Oil Co., Midland Building, Cleveland, Ohio 44115.
E. (9) $844.42.

A. O'Connor, Thomas, Walters & Kelly, 1750 Pennsylvania Avenue NW., Suite 1303, Washington, D.C. 20006.
B. American Transit Association, 465 L'Enfant Plaza West SW., Suite 2900, Washington, D.C. 20024.
D. (6) $2,250. E. (9) $179.

A. O'Connor, Thomas, Walters & Kelly, 1750 Pennsylvania Avenue NW., Suite 1303, Washington, D.C. 20006.
B. Upper Mississippi Towing Corp., 7703 Normandale Road, Room 110, Minneapolis, Minn. 55435.
D. (6) $2,500. E. (9) $133.40.

A. John B. O'Day, 11 East Adams Street, Chicago, Ill. 60603.
B. Insurance Economics Society of America, 11 East Adams Street, Chicago, Ill. 60603.
D. (6) $300.

A. James O'Dea, 1341 G Street NW., Washington, D.C. 20005.
B. National Association of Government Employees, Inc., 285 Dorchester Avenue, Boston, Mass., 02127.
D. (6) $2,000. E. (9) $190.

A. John A. O'Donnell, 1001 Connecticut Avenue, No. 716, Washington, D.C. 20036.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $1,500.

A. John A. O'Donnell, 1001 Connecticut Avenue, No. 716, Washington, D.C. 20036.
B. Philippine Sugar Institute, Box 976, Manila, Philippines.
D. (6) $500. E. (9) $250.

A. Jane O'Grady, 815 16th Street NW., Washington, D.C. 20006.
B. Amalgamated Clothing Workers of America, AFL–CIO, 15 Union Square, New York, N.Y. 10003.
D. (6) $4,529.98. E. (9) $1,483.24.

A. Bartley O'Hara, 25 Louisiana Avenue NW., Washington, D.C. 20001.
B. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C. 20001.
D. (6) $4,999.98.

A. Richard C. O'Hare, 1120 Investment Building, Washington, D.C. 20005.
B. Harness Tracks of America, 333 North Michigan Avenue, Chicago, Ill 60601.

A. Richard C. O'Hare, 1511 K Street NW., Washington, D.C. 20005.
B. Savings Banks Association of Massachusetts, 50 Congress Street, Boston, Mass. 02109.
D. (6) $5,000.

A. The Ohio Railroad Association, 16 East Broad Street, Columbus, Ohio 43215.
E. (9) $356.91.

A. Alvin E. Oliver, 725 15th Street NW., Washington, D.C. 20005.
B. National Grain and Feed Association, 725 15th Street NW., Washington, D.C. 20005.

A. Edward W. Oliver, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.
B. Amalgamated Transit Union AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Michael S. Olson, P.O. Box 2776, Raleigh, N.C. 27602.
B. Carolinas Association of Mutual Insurance Agents, P.O. Box 2776, Raleigh, N.C. 27602.

A. Roy E. Olson, 260 Madison Avenue, New York, N.Y. 10016.
B. American Paper Institute, 260 Madison Avenue, New York, N.Y. 10016.

A. Samuel Omasta, 1315 16th Street NW., Washington, D.C. 20036.
B. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C. 20036.
E. (9) $45.25.

A. Charles T. O'Neill, Jr., 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $2,000. E. (9) $168.16.

A. Organization of Professional Employees of the U.S. Department of Agriculture, 1341 G Street NW., Washington, D.C. 20005.
D. (6) $2,730.26. E. (9) $1,944.49.

A. John L. Oshinski, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
B. United Steelworkers of America, Five Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $4,673.49. E. (9) $786.26.

A. Juris Padegs, 127 East 59th Street, New York, N.Y. 10022.
B. Investment Counsel Association of America, Inc., 127 East 59th Street, New York, N.Y. 10022.

A. Raymond S. Page, Jr., Mill Creek Terrace, Gladwyne, Pa. 19035.
B. Campbell Soup Co., Campbell Place, Camden, N.J. 08101.

A. Norman Paige, 538 Pennsylvania Building, Washington, D.C. 20004.
B. Distilled Spirits Council of the United States, Inc., 538 Pennsylvania Building, Washington, D.C. 20004.

A. William G. Painter, 324 C Street SE., Washington, D.C. 20003.
B. American Rivers Conservation Council, 324 C Street SE., Washington, D.C. 20003.
D. (6) $266.66.

A. Edward J. Panarello, 1775 K Street NW., Washington, D.C. 20006.
B. Retail Clerks International Association, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $6,483.23. E. (9) $602.20.

A. Frederick Panzer, 1776 K Street NW., Washington, D.C. 20006.
B. The Tobacco Institute, Inc., 1776 K Street, NW., Washington, D.C. 20006.
D. (6) $1,000. E. (9) $250.

A. Robert D. Partridge, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $190.23.

A. Kenton Pattie, 3150 Spring Street, Fairfax, Va. 22030.
B. National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va. 22030.
D. (6) $1,418.18.

A. Ellen Pattin, 6907 Lyle Street, Lanham, Md. 20801.
B. Women's Lobby, Inc., 1345 G Street SE, Washington, D.C. 20003.
E. (9) $17.10.

A. Patton, Boggs & Blow, 1200 17th Street NW, Washington, D.C. 20036.

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B. American Imported Automobile Dealers Association, 1129 20th Street NW, Washington, D.C. 20036.

D. (6) $1,142.50. E. (9) $47.12.

A. Patton, Boggs & Blow, 1200 17th Street NW, Washington, D.C. 20036.

B. American Maritime Association, 17 Battery Place, New York, N.Y. 10004.

D. (6) $650.

A. Patton, Boggs & Blow, 1200 17th Street NW, Washington, D.C. 20036.

B. Boating Industry Association, 401 North Michigan Avenue, Chicago, Ill. 60601.

D. (6) $1,200. E. (9) $33.57.

A. Patton, Boggs & Blow, 1200 17th Street NW, Washington, D.C. 20036.

B. Central American Sugar Council, 1200 17th Street NW, Washington, D.C. 20036.

E. (9) $41.35.

A. Patton, Boggs & Blow, 1200 17th Street NW, Washington, D.C. 20036.

B. Chippewa-Cree Tribe, Rocky Boy Route, Box Elder, Mont. 59521.

D. (6) $1,670. E. (9) $294.61.

A. Patton, Boggs & Blow, 1200 17th Street NW, Washington, D.C. 20036.

B. Donaldson, Lufkin & Jenrette, Inc., 140 Broadway, New York, N.Y. 10005.

D. (6) $3,400. E. (9) $48.77.

A. Patton, Boggs & Blow, 1200 17th Street NW, Washington, D.C. 20036.

B. Institute of Scrap Iron and Steel, Inc., 1729 H Street NW, Washington, D.C. 20006.

D. (6) $240. E. (9) $944.15.

A. Patton, Boggs & Blow, 1200 17th Street NW, Washington, D.C. 20036.

B. International Snowmobile Industry Association, 5100 Edina Industrial Boulevard, Minneapolis, Minn. 55435.

D. (6) $1,200.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.

B. Machinery Dealers National Association, 1400 20th Street NW., Washington, D.C. 20036.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.

B. Marcor, Inc., 619 West Chicago Avenue, Chicago, Ill. 60607.

D. (6) $590.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.

B. Moody's Investors Service, Inc., 99 Church Street, New York, N.Y. 10008.

D. (6) $150.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.

B. Nestle Co., 100 Bloomingdale Road, White Plains, N.Y., 10605.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.

B. New Process Co., 220 Hickory Street, Warren, Pa. 16365.

D. (6) $2,000.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.

B. Ralston Purina Co., Checkerboard Square, St. Louis, Mo. 63188.

D. (6) $2,100.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.

B. Reader's Digest Association, Inc., Pleasantville, N.Y. 10570.

D. (6) $4,000.

A. Patton, Boggs & Blow, 1200 17th Street N.W., Washington, D.C. 20036.

B. Tax Corporation of America, 2441 Honolulu Avenue, Montrose, Calif. 91020.

A. Paul, Weiss, Rifkind, Wharton & Garrison, 345 Park Avenue, New York, N.Y. 10022.

B. Warner Brothers Inc., 4000 Warner Boulevard, Burbank, Calif. 91505.

D. (6) $8,941.90. E. (9) $778.56.

A. Jack Pearce, Suite 808, 910 17th Street NW., Washington, D.C. 20006.

B. Committee on Modern, Efficient Transportation, Suite 808, 910 17th Street NW., Washington, D.C. 20006.

D. (6) $8,400. E. (9) $2,127.39.

A. John J. Pecoraro, 1750 New York Avenue, Washington, D.C. 20006.

B. International Brotherhood of Painters and Allied Trades, 1750 New York Avenue NW., Washington, D.C. 20006.

D. (6) $2,556.28.

A. Pennzoil Co., 900 Southwest Tower, Houston, Tex. 77002.

E. (9) $6,268.

A. D. V. Pensabene, Suite 1204, 1700 K Street NW., Washington, D.C. 20006.

B. Standard Oil Co. of California, Suite 1204, 1700 K Street NW., Washington, D.C. 20006.

D. (6) $50. E. (9) $25.

A. J. C. Perkins, 1700 K Street NW., Washington, D.C. 20006.

B. Shell Oil Co., P.O. Box 2463, Houston, Tex. 77001.

D. (6) $1,000.

A. J. Hardin Peterson, Sr., P.O. Drawer BS, Lakeland, Fla. 33802.

B. Florida Fruit and Vegetable Association, P.O. Box 20155, Orlando, Fla. 32814; Florida Citrus Mutual, P.O. Box 89, Lakeland, Fla. 33802; Florida Citrus Production Managers Association, c/o C. D. Kime, Jr., Waverly, Fla. 33877.

D. (6) $1,448.68. E. (9) $10.

A. Richard W. Peterson, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $500.

A. Roger J. Phaneuf, 1825 K Street NW., Washington, D.C. 20006.

B. United Air Lines, P.O. Box 66100, Chicago, Ill. 60666.

D. (6) $800. E. (9) $125.50.

A. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C. 20005.

A. John P. Philbin, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.

D. (6) $1,500. E. (9) $53.50.

A. Howard Phillips, 4220 Linden Street, Fairfax, Va. 22030.

B. American Conservative Union, 422 First Street SE., Washington, D.C. 20003.

D. (6) $3,000.

A. Daphne Philos, 3150 Spring Street, Fairfax, Va. 22030.

B. National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va. 22030.

D. (6) $1,525. E. (9) $1,750.78.

A. Pierson, Ball & Dowd, 1000 Ring Building, Washington, D.C. 20036.

B. Committee for Study of Revenue Bond Financing, 1000 Ring Building, Washington, D.C. 20036.

D. (6) $3,333.33. E. (9) $90.64.

A. Pierson, Ball & Dowd, 1000 Ring Building, Washington, D.C. 20036.

B. Standard Oil Co. (Indiana), 910 South Michigan Avenue, Chicago, Ill. 60605.

D. (6) $1,000.

A. James H. Pipkin, 1001 Connecticut Avenue NW., Washington, D.C. 20036.

B. Texaco Inc., 135 East 42d Street, New York, N.Y. 10017.

D. (6) $350. E. (9) $1,200.

A. Political Action Committee for Engineers and Scientists, Suite 1100, 1801 K Street NW., Washington, D.C. 20006.

D. (6) $1,500.

A. Frederick T. Poole, 425 13th Street NW., Washington, D.C.

B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.

D. (6) $475. E. (9) $2.42.

A. Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C. 20006.

E. (9) $4,680.

A. Ramsay D. Potts, 910 17th Street NW., Washington, D.C. 20006.

B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.

D. (6) $3,000. E. (9) $29.45.

A. Ramsay D. Potts, 910 17th Street NW., Washington, D.C. 20006.

B. Investment Counsel Association of America, Inc., 127 East 59th Street, New York, N.Y. 10022.

D. (6) $1,055. E. (9) $31.25.

A. Richard M. Powell, 7315 Wisconsin Avenue, Washington, D.C. 20014.

B. International Association of Refrigerated Warehouses, 7315 Wisconsin Avenue, Washington, D.C. 20014.

A. Carlton H. Power, 1918 North Parkway, P.O. Box 12285, Memphis, Tenn.

B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.

D. (6) $549.76. E. (9) $70.77.

A. William C. Prather, 111 East Wacker Drive, Chicago, Ill. 60601.

B. United States Savings and Loan League, 111 East Wacker Driver, Chicago, Ill. 60601.

D. (6) $500. E. (9) $137.65.

A. Forrest J. Prettyman, 730 15th Street NW., Washington, D.C. 20005.

B. Association of Registered Bank Holding Companies, 730 15th Street NW., Washington, D.C. 20005.

D. (6) $312.60.

A. Arnold J. Prima, Jr., 1735 New York Avenue NW., Washington, D.C. 20006.

B. The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.

D. (6) $1,200. E. (9) $2,868.73.

A. Prod, Inc., Suite 511, 2000 P Street NW., Washington, D.C. 20036.

E. (9) $44.

A. The Proprietary Association, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

D. (6) $50. E. (9) $50.

A. Earle W. Putnam, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

B. Amalgamated Transit Union, AFL-CIO, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Joseph E. Quin, 1616 H Street NW., Washington, D.C. 20006.

B. The National Grange, 1616 H Street NW., Washington, D.C. 20006.

D. (6) $720.

A. William A. Quinlan, Route 8, Box 238, Annapolis, Md. 21401.

D. (6) $1,516. E. (9) $424.48.

A. Thomas H. Quinn, 1750 Pennsylvania Avenue NW., Suite 1303, Washington, D.C. 20006.

B Committee for Study of Revenue Bond Financing, 1200 18th Street NW., Washington, D.C. 20036.

D. (6) $1,666.50. E. (9) $344.56.

A. James H. Rademacher, 100 Indiana Avenue NW., Washington, D.C. 20001.

B. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.

D. (6) $2,204.72.

A. Alex Radin, 2600 Virginia Avenue NW., Washington, D.C.

B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.

D. (6) $393.12.

A. Raymond Raedy, 1701 K Street NW., Washington, D.C.

B. Health Insurance Association of America, 1701 K Street, NW., Washington, D.C.

D. (6) $51.70. E. (9) $14.92.

A. Railway Labor Executives' Association, 400 First Street NW., Washington, D.C.

D. (6) $10,692. E. (9) $10,692.

A. Railway Progress Institute, 801 North Fairfax Street, Alexandria, Va. 22314.

D. (6) $2,000. E. (9) $2,000.

A. D. Michael Rappoport, 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.

B. National Association of Electric Cos., 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.

D. (6) $143.75. E. (9) $160.17.

A. G. J. Rauschenbach.

B. Communications Satellite Corp., 950 L'Enfant Plaza South SW., Washington, D.C. 20024.

D. (6) $1,500. E. (9) $650.

A. Timothy J. Redmon, 1730 M Street NW., Washington, D.C. 20036.

B. American Optometric Association c/o Jack A. Potter, 820 First National Bank Building, Peoria, Ill. 61602.

D. (6) $20. E. (9) $30.

A. Dwight C. Reed, 1101 16th Street NW., Washington, D.C. 20036.

B. National Soft Drink Association.

D. (6) $100.96. E. (9) $2.

A. David J. Reedy, 6S430 Huntington Circle East, Naperville, Ill. 60540.

B. National Advertising Co., 6850 South Harlem Avenue, Bedford Park, Argo, Ill. 60501.

D. (6) $1,600

A. Lawrence D. Reedy, 602 Ring Building, 1200 18th Street NW., Washington, D.C. 20036.

B. American Association of Advertising Agencies, 200 Park Avenue, New York, N.Y. 10017.

D. (6) $1,250. E. (9) $600.

A. Robert S. Reese, Jr., 1616 P Street NW., Washington, D.C. 20036.

B. National Tank Truck Carriera, Inc., 1616 P Street NW., Washington, D.C. 20036.

A. John A. Reilly, 59 Maiden Lane, New York, N.Y. 10038.

B. Estate of Bert N. Adams, Emma Giambald, George Hallingby.

E. (9) $25.

A. W. W. Renfroe, 69 Fountain Place, Wilkinson, Street, Capital Plaza, Frankfort, Ky. 40601.

B. Kentucky Railroad Association, 69 Fountain Place, Wilkinson Street, Capital Plaza, Frankfort, Ky. 40601.

E. (9) $382.61.

A. The Retired Officers Association, 1625 I Street NW., Washington, D.C. 20006.

D. (6) $1,973.

A. Retirement Federation of Civil Service Employees of the U.S. Government, Suite 529, Munsey Building, Washington, D.C. 20004.

D. (6) $4,982.68. E. (9) $8,043.12.

A. William L. Reynolds, 1200 17th Street NW., Suite 500, Washington, D.C. 20036.

B. National League of Insured Savings Associations, 1200 17th Street, Suite 500, Washington, D.C. 20036.

D. (6) $175. E. (9) $82.

A. Austin T. Rhoads.

B. American Frozen Food Institute, 919 18th Street NW., Washington, D.C.

D. (6) $350.

A. Theron J. Rice, 1130 17th Street NW., No. 420, Washington, D.C. 20036.

B. Continental Oil Co., High Ridge Park, Stamford, Conn. 06904.

A. Maxwell E. Rich, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

D. (6) $625.

A. Harry H. Richardson, 335 Austin Street, Bogalusa, La. 70427.

B. Louisiana Railroads, 335 Austin Street, Bogalusa, La.

A. Mark Richardson, 1611 North Kent Street, Arlington, Va. 22209.

B. American Footwear Industries Association, Inc., 1611 North Kent Street, Arlington, Va. 22209.

D. (6) $270. E. (9) $250.

A. Robert R. Rickett, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Robert R. Rickett, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Rosalie Riechman, 120 Maryland Avenue NE., Washington, D.C. 20002.

B. Women's International League for Peace and Freedom, 1213 Race Street, Philadelphia, Pa. 19107.

D. (6) $1,575.

A. Stark Ritchie, 1801 K Street NW., Washington, D.C. 20006.

B. American Petroleum Institute, 1801 K Street NW., Washington, D.C. 20006.

A. William Neale Roach, 1616 P Street NW., Washington, D.C. 20036.

B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.

D. (6) $6,000. E. (9) $145.07.

A. Paul H. Robbins, 2029 K Street NW., Washington, D.C. 20006.

B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.

D. (6) $1,000.

A. Charles A. Robinson, Jr., 2000 Florida Avenue NW., Washington, D.C. 20009.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.

D. (6) $294.57.

A. John P. Roche, 150 East 42d Street, New York, N.Y.

B. American Iron & Steel Institute, 150 East 42d Street, New York, N.Y.

D. (6) $500. E. (9) $210.

A. Thomas G. Roderick, 1101 16th Street NW., Washington, D.C. 20036.

B. Consolidated Natural Gas Service Co., Inc., Four Gateway Center, Pittsburgh, Pa. 15222.

A. Donald L. Rogers, 730 15th Street NW., Washington, D.C. 20005.

B. Association of Registered Bank Holding Cos., 730 15th Street NW., Washington, D.C. 20005.

D. (6) $750.

A. Frank W. Rogers, Suite 793, 1801 K Street NW., Washington, D.C. 20006.

B. Western Oil & Gas Association, 609 South Grand Avenue, Los Angeles, Calif. 90017.

D. (6) $750.

A. Walter E. Rogers, 1660 L Street NW., Suite 601, Washington, D.C. 20036.

B. Independent Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.

D. (6) $1,000.

A. Rogers & Wells, 1666 K Street NW., Suite 900, Washington, D.C. 20006.

B. The Deltona Corp., 3250 Southwest Third Avenue, Miami, Fla. 33129.

D. (6) $1,102.50.

A. Rouss & O'Rourke, Lawyers Building, 231 East Vermijo Avenue, Colorado Springs, Colo. 80903.

B. Union Nacional de Productores de Azucar, S. A. de C. V., Balderas 36, Mexico, D. F. Mexico.

D. (6) $2,900. E. (9) $939.81.

A. John Forney Rudy, 1800 K Street NW., Washington, D.C. 20006.

B. The Goodyear Tire & Rubber Co., Akron, Ohio 44316.

A. Albert R. Russell, P.O. Box 12285, Memphis, Tenn. 38112.

B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.

D. (6) $6,978.46. E. (9) $814.46.

A. Wally Rustad, 2000 Florida Avenue NW., Washington, D.C. 20009.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.

D. (6) $150.

A. J. T. Rutherford & Associates, Inc., 1660 L Street NW., No. 514, Washington, D.C. 20036.

B. The American College of Radiology, 20 North Wacker Drive, Chicago, Ill. 60606.

D. (6) $400. E. (9) $1,336.83.

A. J. T. Rutherford & Associates, Inc., 1660 L Street NW., No. 514, Washington, D.C. 20036.

B. American Trucking Association, Inc., 1616 P Street NW., Washington, D.C. 20036.

D. (6) $300. E. (9) $986.46.

A. E. M. Ryan, 1156 15th Street NW., Washington, D.C. 20005.

B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019.

D. (6) $100. E. (9) $45.55.

A. Sachs, Greenebaum & Tayler, 1620 I Street NW., Washington, D.C. 20006.

B. Ontario Corp., 1200 West Jackson Street, Muncie, Ind.

E. (9) $1.50.

A. Carl K. Sadler, 1325 Massachusetts Avenue, Washington, D.C. 20005.

B. Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.

D. (6) $7,046.20. E. (9) $7,521.16.

A. Irene Saunders.

B. Center for Public Financing of Elections, 201 Massachusetts Avenue NE., Washington, D.C. 20002.

D. (6) $2,400. E. (9) $155.81.

A. Ruth M. Saxe, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $300.

A. Kenneth D. Schanzer, 1771 N Street NW., Washington, D.C. 20036.

B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C. 20036.

D. (6) $1,249.98. E. (9) $346.90.

A. Eric P. Schellin, 1225 19th Street NW., Suite 409, Washington, D.C. 20036.

B. National Patent Council, 1225 19th Street NW., Suite 409, Washington, D.C. 20036.

D. (6) $800.

A. Jacques T. Schlenger, 1800 Mercantile Bank and Trust Building, 2 Hopkins Plaza, Baltimore, Md. 21201.

B. Maryland State Fair and Agricultural Society, Inc., Timonium State Fair Grounds, Timonium, Md. 21093.

E. (9) $5.48.

A. Stephen I. Schlossberg, 1125 15th Street NW., Washington, D.C. 20005.

B. International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, Solidarity House, 8000 East Jefferson Avenue, Detroit, Mich. 48214.

D. (6) $7,573.74. E. (9) $726.75.

A. Donald H. Schwab, 200 Maryland Avenue NE., Washington, D.C. 20002.

B. Veterans of Foreign Wars of the U.S.

D. (6) $1,821.88. E. (9) $26.10.

A. Sydnee M. Schwartz, 900 15th Street NW., Washington, D.C. 20005.

B. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.

D. (6) $844. E. (9) $18.

A. John W. Scott, 1616 H Street NW., Washington, D.C. 20006.

B. The National Grange, 1616 H Street NW., Washington, D.C. 20006.

D. (6) $5,000.

A. Scribner, Hall, Thornburg & Thompson, 1200 18th Street NW., Suite 802, Washington, D.C. 20036.

B. Jefferson Pilot Corp., P.O. Box 21008, Greensboro, N.C. 27402.

A. Scribner, Hall, Thornburg & Thompson, 1200 18th Street NW., Suite 802, Washington, D.C. 20036.

B. Provident Life & Accident Insurance Co., Chattanooga, Tenn. 37402.

A. Durward Seals, 777 14th Street NW., Washington, D.C.

B. United Fresh Fruit & Vegetable Association, 777 14th Street NW., Washington, D.C. 20005.

D. (6) $312.50. E. (9) $37.14.

A. Earl W. Sears, P.O. Box 12285, Memphis, Tenn. 38112.

B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.

D. (6) $306. E. (9) $13.85.

A. Stanton P. Sender, 1211 Connecticut Avenue NW., No. 302, Washington, D.C. 20036.

B. Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill. 60607.

D. (6) $125. E. (9) $25.

A. Theodore A. Serrill, 491 National Press Building, Washington, D.C. 20004.

B. National Newspaper Association, 491 National Press Building, Washington, D.C. 20004.

E. (9) $152.07.

A. J. Richard Sewell, 1725 I Street NW., Washington, D.C. 20006.

B. National Association of Food Chains, 1725 I Street NW., Washington, D.C. 20006.

E. (9) $500.

A. Robert L. Shafer, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Pfizer Inc., 235 East 42d Street, New York, N.Y. 10017.

D. (6) $435. E. (9) $120.

A. Sharon, Pierson, Semmes, Crolius & Finley, 1054 31st Street NW., Washington, D.C. 20007.

B. Albright Title & Trust Co., American Title Insurance Co., Chelsea Title & Guaranty Co.

D. (6) $2,248.90. E. (9) $785.51.

A. Sharon, Pierson, Semmes, Crolius & Finley, 1054 31st Street NW., Washington, D.C.

B. Howard Allington, Estate of Robert P. Anninger, Henry Arnhold.

E. (9) $47.

A. Sharon, Pierson, Semmes, Crolius & Finley, 1054 31st Street NW., Washington, D.C. 20007.

B. American National Cattlemen's Association, Denver, Colo.

E. (9) $106.50.

A. Sharon, Pierson, Semmes, Crolius & Finley, 1054 31st Street NW., Washington, D.C. 20007.

B. General Electric Co., 570 Lexington Avenue, New York, N.Y. 10022.

D. (6) $1,200. E. (9) $193.

A. Sharon, Pierson, Semmes, Crolius & Finley, 1054 31st Street NW., Washington, D.C. 20007.

B. Independent Grocers Alliance, National Institutional Food Distributors Associates, Inc., Topco Associates, Inc.

D. (6) $7,813.52. E. (9) $2,263.99.

A. Sharon, Pierson, Semmes, Crolius & Finley, 1054 31st Street NW., Washington, D.C. 20007.

B. Rubber Manufacturers Association, 444 Madison Avenue, New York, N.Y. 10022.

E. (9) $114.25.

A. James R. Sharp, 1108 16th Street NW., Washington, D.C. 20036.

B. American Fur Merchants Association, 224 West 30th Street, New York, N.Y.; Fur Conservation Council of America, Inc.

D. (6) $1,000. E. (9) $114.50.

A. James R. Sharp, 1108 16th Street NW., Washington, D.C. 20036.

B. Ametalco, Inc., 530 Fifth Avenue, New York, N.Y.

A. Shaw, Pittman, Potts & Trowbridge, Barr Building, 910 17th Street, NW., Washington, D.C. 20006.

B. Doubleday & Co., Inc., 277 Park Avenue, New York, N.Y. 10017.

A. John J. Sheehan, 1001 Connecticut Avenue NW., Washington, D.C. 20036.

B. United Steelworkers of America, Five Gateway Center, Pittsburgh, Pa. 15222.

D. (6) $6,195.25. E. (9) $4,864.78.

A. W. Lee Shield, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. American Life Insurance Association, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Edward L. Shields, 666 11th Street NW., Washington, D.C. 20001.

B. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill.

E. (9) $1,210.

A. Harvey A. Shipman, 1725 K Street NW., Suite 1103, Washington, D.C. 20006.

B. Penn Central Transportation Co., Six Penn Center Plaza, Philadelphia, Pa. 19104.

D. (6) $180. E. (9) $1,356.30.

A. Lucien J. Sichel, 1730 M Street NW., Washington, D.C. 20036.

B. Abbott Laboratories, North Chicago, Ill. 60064.

A. David Silver, 1775 K Street NW., Washington, D.C. 20006.

B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.

A. Gilbert Simonetti, Jr., 1620 I Street NW., Washington, D.C. 20006.

B. American Institute of CPA's, 666 Fifth Avenue, New York, N.Y. 10019.

A. Talmage E. Simpkins, 100 Indiana Avenue NW., Washington, D.C. 20001.

B. AFL–CIO Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.

E. (9) $235.26.

A. Talmage E. Simpkins, 100 Indiana Avenue NW., Washington, D.C. 20001.

B. Labor-Management Maritime Committee.

D. (6) $1,650. E. (9) $101.40.

A. Julian H. Singman, 724 14th Street NW., Washington, D.C. 20005.

B. International Longshoremen's Association, AFL–CIO, 17 Battery Place, Suite 1530, New York, N.Y. 10004.

D. (6) $5,000. E. (9) $1,246.27.

A. Carstens Slack, 1825 K Street NW., Washington, D.C. 20006.

B. Phillips Petroleum Co., Bartlesville, Okla. 74004.

A. William L. Slayton, 1735 New York Avenue NW., Washington, D.C. 20006.

B. The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.

D. (6) $1,500.

A. Stephen Slipher, 1709 New York Avenue NW., Washington, D.C. 20006.

B. United States Savings and Loan League, 111 East Wacker Drive, Chicago, Ill.

D. (6) $4,062.50. E. (9) $4.

A. Smathers, Merrigan & Herlong, 888 17th Street NW., Washington, D.C. 20006.

B. American Horse Council, Inc., 1776 K Street NW., Washington, D.C.

D. (6) $6,250. E. (9) $1,006.50.

A. Smathers, Merrigan & Herlong, 888 17th Street NW., Washington, D.C. 20006.

B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.

D. (6) $6,250. E. (9) $90.80.

A. Donald E. Smiley, Suite 1014, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. Exxon Co., U.S.A., P.O. Box 2180, Houston, Tex.

E. (9) $202.67.

A. Arthur J. Smith, 1700 K Street NW., Suite 300, Washington, D.C. 20006.

B. Shell Oil Co., P.O. Box 2463, Houston, Tex. 77001.

D. (6) $500.

A. Everard E. Smith, Jr., 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Ford Motor Co., Dearborn, Mich. 48121.

D. (6) $320. E. (9) $264.25.

A. Gordon L. Smith, 1145 19th Street NW., Washington, D.C. 20036.

B. Edward Gottlieb and Associates, Ltd., 485 Madison Avenue, New York, N.Y. 10022.

A. James R. Smith, 1250 Connecticut Avenue, Suite 502, Washington, D.C. 20036.

B. The American Waterways Operators, Inc., 1250 Connecticut Avenue, Suite 502, Washington, D.C. 20036.

D. (6) $2,250.

A. Robert William Smith, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Ford Motor Co., Dearborn, Mich. 48121.

D. (6) $374. E. (9) $302.

A. Wallace M. Smith, 425 13th Street NW., Washington, D.C. 20004.

B. National Association of Mutual Insurance Cos., 2511 East 46th Street, Suite H, Indianapolis, Ind. 46205.

D. (6) $500. E. (9) $104.

A. Wayne H. Smithey, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Ford Motor Co., Dearborn, Mich.

D. (6) $2,465. E. (9) $1,170.40.

A. Arthur V. Smyth, 1625 I Street NW., Washington, D.C. 20006.

B. Weyerhaeuser Co., Tacoma, Wash. 98401.

D. (6) $500. E. (9) $100.

A. Frank B. Snodgrass, 1100 17th Street NW., Suite 306, Washington, D.C. 20036.

B. Burley and Dark Leaf Tobacco Export Association, P.O. Box 860, Lexington, Ky. 40501.

D. (6) $550. E. (9) $94.95.

A. Edward F. Snyder, 245 Second Street NE., Washington, D.C.

B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.

D. (6) $1,941.

A. J. R. Snyder, 400 First Street NW., Suite 704, Washington, D.C. 20001.

B. United Transportation Union, 400 First Street NW., Suite 704, Washington, D.C. 20001.

E. (9) $400.

A. Society for Animal Protective Legislation, P.O. Box 3719, Georgetown Station, Washington, D.C. 20007.

D. (6) $3,849.87. E. (9) $2,963.01.

A. Carl A. Soderblom, One East First Street, Room 803, Reno, Nev. 89501.

B. Nevada Railroad Association, One East First Street, Room 803, Reno, Nev.

E. (9) $604.67.

A. Charles B. Sonneborn, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. National Association of Blue Shield Plans, 211 East Chicago Avenue, Chicago, Ill. 60611.

A. Wilbur D. Sparks, 1815 North Fort Myer Drive, Arlington, Va. 22209.

B. Air-Conditioning and Refrigeration Institute, 1815 North Fort Myer Drive, Arlington, Va. 22209.

D. (6) $624.

A. William W. Spear, 1000 16th Street NW., Washington, D.C. 20036.

B. Standard Oil Co., 200 East Randolph Drive, Chicago, Ill. 60601.

D. (6) $733.04. E. (9) $3.28.

A. Frank J. Specht, 1725 DeSales Street NW., Washington, D.C. 20036.

B. Schenley Industries, Inc., 888 Seventh Avenue, New York, N.Y. 10019.

A. John F. Speer, Jr., 1105 Barr Building, Washington, D.C. 20006.

B. International Association of Ice Cream Manufacturers and Milk Industry Foundation, 1105 Barr Building, Washington, D.C. 20006.

A. William C. Spence, Box 683, Houston, Tex. 77001.

B. Columbia Gulf Transmission Co., Box 683, Houston, Tex. 77001.

D. (6) $290. E. (9) $70.89.

A. Larry N. Spiller, 1155 15th Street NW., Suite 713, Washington, D.C. 20005.

B. Consulting Engineers Council, 1155 15th Street NW., Suite 713, Washington, D.C. 20005.

D. (6) $1,650. E. (9) $50.

A. Sportsman's Paradise Homeowners Association, 10612 Dalerose Avenue, Inglewood, Calif. 90304.

E. (9) $246.75.

A. Squibb Corp., 40 West 57th Street, New York, N.Y. 10019.

E. (9) $72.

A. John M. Stackhouse, The Madison Building, 1155 15th Street NW., Washington, D.C. 20005.

B. National Agricultural Chemicals Association.

A. Lynn Stalbaum, 400 World Center Building, 918 16th Street NW., Washington, D.C. 20006.

B. Central America Cooperative Federation, Inc., Room 400, 918 16th Street NW., Washington, D.C. 20006.

D. (6) $2,892.50. E. (9) $82.84.

A. The Standard Oil Co. (Ohio), 1801 K Street NW., Suite 1021, Washington, D.C. 20006.

E. (9) $844.42.

A. Melvin L. Stark, Sr., 1025 Connecticut Avenue NW., Suite 211, Blake Building, Washington, D.C. 20036.

B. American Insurance Association, 1025 Connecticut Avenue NW., Suite 211, Blake Building, Washington, D.C. 20036.

D. (6) $3,000. E. (9) $350.

A. David J. Steinberg, 1028 Connecticut Avenue NW., Washington, D.C. 20036.

B. Legislative Committee of the Committee for a National Trade Policy, Inc., 1028 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $500.

A. David J. Steinberg, 1028 Connecticut Avenue NW., Washington, D.C. 20036.

B. National Council for a Responsible Firearms Policy, 1028 Connecticut Avenue NW., Washington, D.C. 20036.

A. William M. Stephens, 1616 H Street NW., Washington, D.C. 20006.

B. American Retail Federation, 1616 H Street NW., Washington, D.C.

D. (6) $1,200. E. (9) $55.

A. Steptoe & Johnson, 1250 Connecticut Avenue, Washington, D.C. 20036.

B. Robert College of Istanbul, Turkey, 305 East 45th Street, New York, N.Y. 10017.

D. (6) $100. E. (9) $4.

A. B. H. Steuerwald, 400 First Street NW., Washington, D.C.

B. Brotherhood of Railroad Signalmen, 2247 West Lawrence Avenue, Chicago, Ill.

A. Wynne A. Stevens, Jr., 1901 North Fort Myer Drive, Arlington, Va. 22209.

B. Gas Appliance Manufacturers Association, 1901 North Fort Myer Drive, Arlington, Va. 22209.

D. (6) $870.

A. Travis B. Stewart, 1775 K Street NW., Washington, D.C. 20006.

B. Hoffman-La Roche Inc., 340 Kingsland Street, Nutley, N.J. 07110.

D. (6) $550. E. (9) $100.

A. Edward W. Stimpson, 1025 Connecticut Avenue NW, Suite 1215, Washington, D.C. 20036.

B. General Aviation Manufacturers Association, Inc., 1025 Connecticut Avenue NW, Suite 1215, Washington, D.C. 20036.

D. (6) $1,625.

A. Catherine Stirling, 7012 Beechwood Drive, Chevy Chase, Md. 20015.

B. Women's Lobby, Inc., 1345 G Street SE, Washington, D.C. 20003.

D. (6) $700.

A. Francis W. Stover, 200 Maryland Avenue NE, Washington, D.C. 20002.

B. Veterans of Foreign Wars of the United States, 200 Maryland Avenue NE, Washington, D.C. 20002.

D. (6) $6,039.35. E. (9) $399.25.

A. William M. Stover, 1825 Connecticut Avenue NW, Washington, D.C. 20009.

B. Manufacturing Chemists Association, Inc., 1825 Connecticut Avenue NW, Washington, D.C. 20009.

D. (6) $1,000. E. (9) $100.

A. Cynthia Day Stratton, 6300 Stratford Road, Chevy Chase, Md. 20015.

B. Women's Lobby, Inc., 1345 G Street SE. Washington, D.C. 20003.

D. (6) $1. E. (9) $27.50.

A. John D. Stringer, 666 11th Street NW., Washington, D.C. 20001.

B. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill.

E. (9) $1,730.

A. Roger J. Stroh, 777 14th Street NW, Washington, D.C. 20005.

B. United Fresh Fruit and Vegetable Association, 777 14th Street NW, Washington, D.C. 20005.

D. (6) $193.74. E. (9) $16.50.

A. Michael E. Strother, 1315 16th Street NW, Washington, D.C. 20036.

B. National Limestone Institute, Inc., 1315 16th Street NW, Washington, D.C. 20036.

E. (9) $20.10.

A. R. Keith Stroup, 2105 N Street NW, Washington, D.C. 20037.

B. National Organization for the Reform of Marijuana Laws, 1237 22d Street NW, Washington, D.C. 20037.

D. (6) $450.

XUM

A. Norman Strunk, 111 East Wacker Drive, Chicago, Ill. 60601.
B. United States Savings and Loan League, 111 East Wacker Drive, Chicago, Ill. 60601.
D. (6) $2,250. E. (9) $681.26.

A. Richard L. Studley, 1400 20th Street NW., P.O. Box 19128, Washington, D.C. 20036.
B. Machinery Dealers National Association, 1400 20th Street NW., P.O. Box 19128, Washington, D.C. 20036.

A. Walter B. Stults, 512 Washington Building, Washington, D.C. 20005.
B. National Association of Small Business Investment Cos., 512 Washington Building, Washington, D.C. 20005.
D. (6) $600.

A. Sullivan, Beauregard, Meyers & Clarkson, 1200 18th Street NW., Washington, D.C. 20036.
E. (9) $613.05.

A. Sutherland, Asbill & Brennan, 1666 K Street N.W., Washington, D.C. 20006.
B. Retail Credit Co., P.O. Box 4081, Atlanta, Ga. 30302.
E. (9) $80.

A. Glenn A. Swanson, 1725 DeSales Street NW., Suite 905, Washington, D.C. 20036.
B. Independent Bankers Association of America, Sauk Centre, Minn. 56378.
D. (6) $13,894.63. E. (9) $2,508.69.

A. Irving W. Swanson, 1155 15th Street NW., Washington, D.C. 20005.
B. Pharmaceutical Manufacturers Association.

A. Noble J. Swearingen, 128 C Street NE., Suite 61, Washington, D.C. 20002.
B. American Lung Association, 1740 Broadway, New York, N.Y. 10019.
D. (6) $1,000.

A. David A. Sweeney, 25 Louisiana Avenue NW., Washington, D.C. 20001.
B. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C. 20001.
D. (6) $7,500.

A. John R. Sweeney, Solar Building, 1000 16th Street NW., Washington, D.C. 20036.
B. Bethlehem Steel Corp., 701 East Third Street, Bethlehem, Pa. 18016.
D. (6) $400. E. (9) $318.50.

A. Ronald E. Sweet, 1126 16th Street NW., Washington, D.C. 20036.
B. International Federation of Professional and Technical Engineers, AFL–CIO, 1126 16th Street NW., Washington, D.C. 20036.
D. (6) $350. E. (9) $20.

A. Russell A. Swindell, P.O. Box 2635, Raleigh, N.C. 27602.
B. North Carolina Railroad Association, P.O. Box 2635, Raleigh, N.C. 27602.
D. (6) $307.68. E. (9) $131.58.

A. Charles P. Taft, 1028 Connecticut Avenue NW., Washington, D.C. 20036.
B. Legislative Committee, Committee for a National Trade Policy, Inc., 1028 Connecticut Avenue NW., Washington, D.C. 2036.

A. Charles C. Talley, 100 Agnes Court, Charlottesville, Va. 22901.
B. National Congress of Parents & Teachers, 700 North Rush Street, Chicago, Ill.

A. David Tarr, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20038.
D. (6) $225.

A. Tax Reform Research Group, 733 15th Street NW., Suite 426, Washington, D.C. 20005
D. (6) $515.15. E. (9) $515.15.

A. Richard M. Tempero, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $343.74.

A. L. D. Tharp, Jr., 1660 L Street NW., Suite 601, Washington, D.C. 20036.
B. Independent Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.
D. (6) $300.

A. J. Woodrow Thomas Associates, Inc., Suite 600, 734 15th Street NW., Washington, D.C.
B. Hart Metals, Inc., Tamaqua, Pa. 18252.
D. (6) $2,250.

A. J. Woodrow Associates, Inc., Suite 600, 734 15th Street NW., Washington, D.C. 20005.
B. REA Express, Inc., 219 East 42d Street, New York, N.Y. 10017.
D. (6) $4,500.

A. Joseph F. Thomas, 1735 New York Ave. NW., Washington, D.C. 20006.
B. The American Institute of Architects, 1735 New York Ave. NW., Washington, D.C. 20006.
D. (6) $1,000.

A. William D. Thompson, 1660 L Street NW., Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Blvd., Detroit, Mich. 48202.
D. (6) $3,000. E. (9) $3,621.57.

A. Cyrus C. Tichenor III, 822 Connecticut Avenue NW., Washington, D.C. 20006.
B. A. H. Robins Co., 1407 Cummings Drive, Richmond, Va. 23220.
D. (6) $5,250. E. (9) $1,280.89.

A. Paul J. Tierney, 1101 17th Street NW., Washington, D.C. 20036.
B. Transportation Association of America.

A. Philip Tierney, 711 Princess Street, Alexandria, Va. 22313.
B. Estate of Paul T. Stone, 515 King Street, Alexandria, Va. 22314.

A. J. R. Timmins & Co., 37 Wall Street, New York, N.Y. 10005.

A. E. Linwood Tipton, 1105 Barr Building, Washington, D.C. 20006.
B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 1105 Barr Building, Washington, D.C. 20006.

A. Tobacco Associates, Inc., 1101 17th Street NW., Washington, D.C. 20036.
E. (9) $1,666.

A. Patrick F. Tobin, 1341 G Street NW., Room 304, Washington, D.C. 20005.
B. International Longshoremen's & Warehousemen's Union, 150 Golden Gate Avenue, San Francisco, Calif.
D. (6) $4,510.

A. H. Willis Tobler, 30 F Street NW., Washington, D.C. 20001.
B. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.
D. (6) $1,000. E. (9) $200.25.

A. David R. Toll, 1140 Connecticut Avenue, No. 1010, Washington, D.C. 20036.
B. National Association of Electric Cos., 1140 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $513.94. E. (9) $219.06.

A. Christine Topping, Suite 614, 1800 K Street NW., Washington, D.C. 20006.
B. Bipartisan Committee on Absentee Voting, Inc., Suite 614, 1800 K Street NW., Washington, D.C. 20006.
D. (6) $2,600. E. (9) $229.70.

A. John P. Tracey.
B. American Bar Association, 1705 De Sales Street NW., Washington, D.C. 20036.
D. (6) $400. E. (9) $50.

A. Transportation Association of America, 1101 17th Street NW., Washington, D.C. 20036.
E. (9) $577.43.

A. Matt Triggs, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.
D. (6) $2,688. E. (9) $40.91.

A. Glenwood S. Troop, Jr., 1709 New York Avenue NW., Washington, D.C. 20006.
B. U.S. Savings & Loan League, 111 East Wacker Drive, Chicago, Ill.
D. (6) $5,625. E. (9) $78.50.

A. Galen Douglas Trussell, 1133 15th Street NW., Washington, D.C. 20005.
B. National Association of Manufacturers, 277 Park Avenue, New York, N.Y. 10017.
D. (6) $792. E. (9) $175.

A. St. Clair J. Tweedie, Suite 1001, 1150 17th Street NW., Washington, D.C. 20036.
B. American Textile Manufacturers Institute, Inc., 1501 Johnston Building, Charlotte, N.C. 28281.
D. (6) $358.10. E. (9) $25.80.
E. (9) $1,000.

A. Joseph D. Tydings, 1120 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.
D. (6) $8,300. E. (9) $1,000.

A. Joseph D. Tydings, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. John D. Tyson.
B. International Paper Co., Room 700, 1620 I Street NW., Washington, D.C. 20006.
D. (6) $163.20. E. (9) $91.75.

A. United Brotherhood of Carpenters & Joiners of America, 101 Constitution Avenue NW., Washington, D.C. 20001.
E. (9) $14,387.05.

A. United Fresh Fruit & Vegetable Association, 777 14th Street NW., Washington, D.C. 20005.
D. (6) $2,218.25. E. (9) $2,218.25.

A. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.
E. (9) $8,647.11.

A. U.S. Cane Sugar Refiners' Association, 1001 Connecticut Avenue, Washington, D.C. 20036.
E. (9) $294.77.

A. U.S. Savings & Loan League, 111 East Wacker Drive, Chicago, Ill.
E. (9) $50,503.35.

A. Universal Development Consultants, Inc., 425 13th Street NW., Washington, D.C. 20004.
B. Mortgage Bankers Association of America.
D. (6) $625.

A. Ted Van Dyk Associates, Inc., 1720 I Street NW., Suite 400, Washington, D.C. 20006.
B. United Air Lines, P.O. Box 66100, Chicago, Ill. 60666.
E. (9) $274.74.

A. Lois Van Valkenburgh, 1673 Preston Road, Alexandria, Va. 22302.
B. Citizens Committee for UNICEF, 110 Maryland Avenue NE., Washington, D.C. 20002.
D. (6) $108. E. (9) $3.75.

A. John A. Vance, 1150 17th Street NW., Suite 1109, Washington, D.C. 20036.
B. Pacific Gas & Electric Co., 77 Beale Street, San Francisco, Calif. 94106
D. (6) $565.75. E. (9) $431.69.

A. Richard E. Vernor, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Life Insurance Association, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $63. E. (9) $14.75.

A. L. T. Vice, Suite 1204, 1700 K Street NW., Washington, D.C. 20006.
B. Standard Oil Co. of California, Suite 1204, 1700 K Street NW., Washington, D.C. 20006.
E. (9) $95.

A. Elizabeth Alderman Vinson, 1730 M Street NW., Washington, D.C. 20036.
B. League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036.
D. (6) $650.

A. Robert E. Vinson, 1101 16th Street NW., Washington, D.C. 20036.
B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.
E. (9) $28.30.

A. Walter D. Vinyard, Jr., 1025 Connecticut Avenue NW., Suite 515, Blake Building, Washington, D.C. 20036.
B. American Insurance Association, 1025 Connecticut Avenue NW., Suite 515, Blake Building, Washington, D.C. 20036.
D. (6) $1,500. E. (9) $250.

A. Bruce E. Vogelsinger, 1155 15th Street NW., Suite 713, Washington, D.C. 20005.
B. Consulting Engineers Council, 1155 15th Street NW., Suite 713, Washington, D.C. 20005.
D. (6) $1,500. E. (9) $50.

A. Donn L. Waage, 730 15th Street NW., Washington, D.C. 20005.
B. Association of Registered Bank Holding Cos., 730 15th Street NW., Washington, D.C. 20005.
D. (6) $157.25. E. (9) $15.70.

A. Paul A. Wagner, 1125 15th Street NW, Washington, D.C. 20005.
B. International Union, United Automobile, Aerospace and Agricultural Implement Workers, 8000 East Jefferson Avenue, Detroit, Mich. 48214.
D. (6) $4,338.24. E. (9) 1,345.68.

A. E. F. Waldrop, Jr., 300 New Jersey Avenue SE., Suite 212, Washington, D.C. 20003.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.
D. (6) $379.75.

A. John S. Walker, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Glidden-Durkee Division of SCM Corp., 5601 Eastern Avenue, Baltimore, Md. 21224.
D. (6) $100.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Allied Chemical Corp., P.O. Box 1057R, Morristown, N.J. 07960.
D. (6) $1,000. E. (9) $80.22.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Aluminum Co. of America, Washington, D.C. 20036.
D. (6) $238.10.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Bethlehem Steel Corp., Bethlehem, Pa. 18016.
E. (9) $80.22.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., The American Road, Dearborn, Mich. 48121.
D. (6) $1,238.10. E. (9) $80.22.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. General Electric Co., Washington, D.C. 20005.
D. (6) $1,238.10. E. (9) $80.22.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. General Motors Corp., General Motors Building, Detroit, Mich. 48202.
E. (9) $80.22.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Georgia-Pacific Corp., 900 Southwest Fifth Avenue, Portland, Oreg. 97204.
E. (9) $80.22.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Gulf Oil Corp., Washington, D.C. 20036.
D. (6) $238.10.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10017.
D. (6) $500.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. National Steel Corp., 2800 Grant Building, Pittsburgh, Pa. 15219.
D. (6) $1,000. E. (9) $80.22.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Procter & Gamble, Cincinnati, Ohio 45201.
D. (6) $238.10.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20000.
B. Time, Inc., Time & Life Building, Rockefeller Center, New York, N.Y. 10020.
D. (6) $300.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Union Camp Corp., 1600 Valley Road, Wayne, N.J. 07040.
D. (6) $1,000. E. (9) $80.22.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Union Carbide Corp., 270 Park Avenue, New York, N.Y. 10017.
D. (6) $1,000. E. (9) $80.22.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Weyerhaeuser Co., Tacoma, Wash. 98401.
D. (6) $1,000. E. (9) $80.22.

A. Lionel L. Wallenrod, 260 Madison Avenue, New York, N.Y. 10016.
B. American Paper Institute, 260 Madison Avenue, New York, N.Y. 10016.

A. Jack A. Waller, 1750 New York Avenue NW., Washington, D.C. 20006.
B. International Association of Fire Fighters, 1750 New York Avenue NW., Washington, D.C. 20006.
D. (6) $5,869.

A. Franklin Wallick, 1125 15th Street NW., Washington, D.C. 20005.
B. International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, Solidarity House, 8000 East Jefferson Avenue, Detroit, Mich. 48214.
D. (6) $5,068.44. E. (9) $915.37.

A. Charles S. Walsh.
B. National Cable TV Association, Inc., 918 16th Street NW., Washington, D.C.
D. (6) $127.50. E. (9) $15.

A. William A. Walton, 800 Merchants National Bank Building, Eighth and Jackson Streets, Topeka, Kans. 66612.
B. Kansas Railroad Committee, 800 Merchants National Bank Building, Eighth and Jackson Streets, Topeka, Kans. 66612.

A. Richard D. Warden, 1125 15th Street NW., Washington, D.C. 20005.
B. International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, 8000 East Jefferson Avenue, Detroit, Mich. 48214.
D. (6) $5,063.52. E. (9) $516.65.

A. Jack Ware, 1801 K Street NW., Washington, D.C. 20006.
B. American Petroleum Institute, 1801 K Street NW., Washington, D.C. 20006.
D. (6) $5,247. E. (9) $580.

A. Washington Research Project Action Council, 1763 R Street NW., Washington, D.C. 20009.
D. (6) $5,000. E. (9) $4,320.42.

A. George B. Watts, 1155 15th Street NW., Washington, D.C.
B. National Broiler Council, 1155 15th Street NW., Washington, D.C. 20005.
D. (6) $300.

A. Ray Wax, Rural Route No. 2, Sheridan, Ind. 46069.
B. National Association of Farmer Elected Committeemen, c o J. Frederick Durr, Rural Route No. 2, Sheridan, Ind. 46069.
E. (9) $41.10.

A. Clyde M. Webber, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
B. American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
D. (6) $12,999.70. E. (9) $1,603.75.

A. Fred Wegner, 1750 K Street NW., Suite 1190, Washington, D.C. 20006.
B. Retired Persons Services, Inc., 1750 K Street NW., Suite 1190, Washington, D.C. 20006.
E. (9) $10.50.

A. Clarence M. Weiner, 575 Madison Avenue, New York, N.Y. 10022.

B. Cigar Manufacturers Association of America, Inc., 575 Madison Avenue, New York, N.Y. 10022.

D. (6) $10,000.

A. Weisman, Celler, Spett, Modlin & Wertheimer, 1025 Connecticut Avenue NW., Suite 910, Washington, D.C. 20036.

B. Lawrence N. Brandt & Co., 4201 Connecticut Avenue NW., Washington, D.C. 20008.

D. (6) $1,450.

A. Bernard J. Welch, 1800 K Street NW., Washington, D.C. 20006.

B. Pan American World Airways, Inc., 1800 K Street NW., Washington, D.C. 20006.

E. (9) $108.12.

A. Frank J. Welch, 3724 Manor Road, Chevy Chase, Md. 20015.

B. The Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C. 20006.

A. Paul S. Weller, Jr., 1129 Twentieth Street NW., Washington, D.C. 20036.

B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

D. (6) $1,949.99. E. (9) $57.64.

A. Fred M. Wertheimer, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $7,500. E. (9) 260.25.

A. West Mexico Vegetable Distributors Association, P.O. Box 848, Nogales, Ariz. 85621.

E. (9) $500.

A. Harry H. Westbay III, 1625 I Street NW., Suite 805, Washington, D.C. 20006.

B. St. Regis Paper Co., 150 East 42d Street, New York, N.Y. 10017.

D. (6) $300. E. (9) $150.

A. Clyde A. Wheeler, Jr., 1800 K Street NW., Suite 820, Washington, D.C. 20006.

B. Sun Oil Co., 240 Radnor Chester Road, St. Davids, Pa. 19087.

D. (6) $7,000. E. (9) $1,785.

A. Edwin M. Wheeler, 1015 18th Street NW., Washington, D.C. 20036.

B. The Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.

E. (9) $25.

A. Robert Y. Wheeler, Box 185, Tilden, Tex., 78072.

B. Ernest G. Herman, 9538 Brighton Way, Beverly Hills, Calif. 90210.

A. Wheeler, Van Sickle, Day & Anderson, 25 West Main Street, Madison, Wis. 53703.

B. Marshall & Ilsley Bank, 770 North Water Street, Milwaukee, Wis. 53202.

A. Donald F. White, 1616 H Street NW., Washington, D.C. 20006.

B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.

D. (6) $1,600. E. (9) $70.

A. John C. White, 1101 17th Street NW., Washington, D.C. 20036.

B. Private Truck Council of America, Inc., Room 1008, 1101 17th Street NW., Washington, D.C.

A. John S. White, 420 Cafritz Building, Washington, D.C. 20006.

B. Marathon Oil Co., Findlay, Ohio 45840.

E. (9) $708.43.

A. Robert L. White, 7315 Wisconsin Avenue, Washington, D.C. 20014.

B. National Electrical Contractors Association, 7315 Wisconsin Avenue, Washington, D.C. 20014.

A. Douglas Whitlock II, 1660 L Street NW., Suite 1005, Washington, D.C. 20036.

B. Zale Corp., 1660 L Street NW., Washington, D.C. 20036.

D. (6) $500. E. (9) $150.

A. Alan J. Whitney, 1341 G Street NW., Suite 512, Washington, D.C. 20005.

B. National Association of Government Employees, Inc., 285 Dorchester Avenue, Boston, Mass. 02127.

D. (6) $5,000. E. (9) $400.

A. Robert E. Wick, 1800 K Street NW., Washington, D.C.

B. Pan American World Airways, 1800 K Street NW., Washington, D.C.

E. (9) $55.10.

A. Leonard M. Wickliffe, 11th and L Building, Sacramento, Calif. 95814.

B. California Railroad Association, 11th and L Building, Sacramento, Calif. 95814.

D. (6) $3,125. E. (9) $3,979.12.

A. Richard J. Wiechmann, 260 Madison Avenue, New York, N.Y. 10016.

B. American Paper Institute, 260 Madison Avenue, New York, N.Y. 10016.

A. Claude C. Wild, Jr., 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. Gulf Oil Corp., Pittsburgh, Pa. 15230.

D. (6) $1,000. E. (9) $250.

A. David Wilken, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

E. (9) $120.

A. Francis G. Williams.

B. American Frozen Foods Institute, 919 18th Street NW., Washington, D.C. 20006.

A. Harding de C. Williams, 1825 K Street NW., Washington, D.C. 20006.

B. Del Monte Corp., 215 Fremont Street, San Francisco, Calif. 94119.

D. (6) $500. E. (9) $50.

A. Robert E. Williams, 1825 K Street NW., Washington, D.C. 20006.

B. United Air Line, P.O. Box 66100, Chicago, Ill. 60666.

D. (6) $1,250. E. (9) $434.84.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.

B. Auto-Train Corp., 1801 K Street NW., Washington, D.C. 20006.

E. (9) $10.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.

B. Bankers Association of Puerto Rico, c/o Wender, Murase & White, 350 Park Avenue, New York, N.Y. 10022.

E. (9) $5.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.

B. C. Brewer Co., Ltd., P.O. Box 3470, Honolulu, Hawaii.

E. (9) $20.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.

B. IU International Management Corp., 1501 Walnut Street, Philadelphia, Pa. 19102.

D. (6) $900. E. (9) $200.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.

B. National Council for Health Care Services, 407 N Street SW., Washington, D.C.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.

B. Ward Industries, Inc., P.O. Box 849, Conway, Ark. 72032.

E. (9) $200.

A. Williams & King, 1620 I Street NW., Washington, D.C. 20009.

B. National Nutritional Foods Association, 7727 South Painter Avenue, Whittier, Calif. 90602.

D. (6) $2,500. E. (9) $502.16.

A. Williams & King, 1620 I Street NW., Washingon, D.C. 20006.

B. Noranda Mines Ltd., P.O. Box 45, Commerce Court West, Toronto, Ontario, Canada.

D. (6) $5,000. E. (9) $278.

A. Kenneth Williamson, 2130 LeRoy Place NW., Washington, D.C. 20008.

B. Seventh-day Adventist Hospital Association, 6840 Eastern Avenue NW., Washingon, D.C. 20012.

D. (6) $1,500. E. (9) $166.85.

A. Wilmer, Cutler & Pickering, 1666 K Street NW., Washington, D.C. 20006.

B. American Basketball Association 1700 Broadway, New York, N.Y. 10019.

D. (6) $247.43. E. (9) $138.66.

A. Wilmer, Cutler & Pickering, 1666 K Street NW., Washingon, D.C. 20006.

B. Council for Responsible Nutrition, 1776 K Street NW., Washington, D.C. 20006.

E. (9) $10.

A. Wilmer, Cutler & Pickering, 1666 K Street NW., Washington, D.C. 20006.

B. Oil Investment Institute, 2500 Dunstan, Houston, Tex. 77005.

A. W. E. Wilson, 623 Ockley Drive, Shreveport, La. 71106.

B. Pennzoil Co., 900 Southwest Tower, Houston, Tex. 77005.

D. (6) $1,200. E. (9) $50.

A. R. J. Winchester, 900 Southwest Tower, Houston, Tex. 77002.

B. Pennzoil Co., 900 Southwest Tower, Houston, Tex. 77002.

D. (6) $3,000. E. (9) $2,018.

A. Richard P. Witherall, 702 Majestic Building, Denver, Colo. 80202.

B. Colo. RR Assn., 702 Majestic Building, Denver, Colo.

D. (6) $280. E. (9) $825.

A. Barry Wolf, 631 North Carolina Avenue SE, Washington, D.C. 20037.

B. National Organization for the Reform of Marijuana Laws, 1237 22d Street N.W., Washington, D.C. 20037.

D. (6) $180. E. (9) $20.

A. Peter L. Wolff, Suite 370, 1 Dupont Circle NW., Washington, D.C. 20036.

B. Association of American Law Schools, Suite 370, 1 Dupont Circle NW., Washington, D.C. 20036.

A. Nathan T. Wolkomir, 1737 H Street NW., Washington, D.C. 20006.

B. National Federation of Federal Employees, 1737 H Street NW., Washington, D.C. 20006.

D. (6) $8,308.80. E. (9) $563.08.

A. Kenneth D. Wollack, 1341 G Street NW., Washington, D.C. 20005.

B. American Israel Public Affairs Committee, 1341 G Street NW., Washington, D.C. 20005.

D. (6) $1,250.

A. Women's International League for Peace and Freedom, 1213 Race Street, Philadelphia, Pa. 19107.

D. (6) $9,543.54. E. (9) $6,935.95.

A. Women's Lobby, Inc., 1345 G Street SE., Washington, D.C. 20003.

D. (6) $6,056. E. (9) $5,260.

A. William E. Woods, 440 National Press Building, Washington, D.C. 20004.

B. The National Association of Retail Druggists, 1 East Wacker Drive, Chicago, Ill. 60601.

D. (6) $750. E. (9) $150.

A. Albert Young Woodward, 815 Connecticut Avenue NW., Washington, D.C.

B. The Flying Tiger Line Inc., Los Angeles International Airport, Los Angeles, Calif.

A. Albert Young Woodward, 815 Connecticut Avenue NW., Washington, D.C.

B. The Signal Companies, Inc., 9665 Wilshire Boulevard, Beverly Hills, Calif. 90212.

A. Perry W. Woofter, 1801 K Street NW., Washington, D.C. 20006.

B. American Petroleum Institute, 1801 K Street NW., Washington, D.C. 20006.

D. (6) $6,000. E. (9) $311.

A. George M. Worden, 1425 K Street NW., Washington, D.C. 20005.

B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

D. (6) $700. E. (9) $45.

A. Wyatt, Saltzstein, Minton & Howard, 1300 Wyatt Building, Washington, D.C. 20005.

B. American Business Press, Inc., 205 East 42d Street, New York, N.Y. 10017.

D. (6) $2,250. E. (9) 52.58.

A. Gerald L. Wykoff, 7315 Wisconsin Avenue, Washington, D.C. 20014.

B. National Electrical Contractors Association, 7315 Wisconsin Avenue, Washington, D.C. 20014.

A. Wyman, Bautzer, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C. 20036.

B. Airbus Industrie, 160 Avenue de Versailles, Paris, 16, France.

D. (6) $250. E. (9) $11.35.

A. Wyman, Bautzer, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C. 20036.

B. Alaska Federation of Natives, Inc., 1675 C Street, Anchorage, Alaska 99501.

D. (6) $150.

A. Wyman, Bautzer, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C. 20036.

B. California Canners & Growers, 3100 Ferry Building, San Francisco, Calif. 94106.

D. (6) $450.

A. Wyman, Bautzer, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C. 20036.

B. Copyright Owners Negotiating Committee, c/o Phillips, Nizer, Benjamin, Krim & Ballon, 477 Madison Avenue, New York, N.Y. 10022.

A. Wyman, Bautzer, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C. 20036.

B. Embassy of the Government of the Republic of Korea, 2320 Massachusetts Avenue, NW., Washington, D.C. 20008.

A. Wyman, Bautzer, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C. 20036.

B. City of Palm Springs, 3200 Tahquitz-McCallum Way, Palm Springs, Calif. 92262.

D. (6) $250.

A. Wyman, Bautzer, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C. 20036.

B. Petersen Publishing Co., 8490 Sunset Boulevard, Los Angeles, Calif. 90069.

A. Leslie A. Yates, 1215 Lawrence Street NE., Washington, D.C. 20017.

B. Washington Office on Africa, 110 Maryland Avenue NE., Washington, D.C. 20002.

D. (6) $681.

A. Charles S. Yerrid, 1730 M Street NW., Washington, D.C. 20036.

B. American Optometric Association, c/o Jack A. Potter, 820 First National Bank Building, Peoria, Ill. 61602.

D. (6) $691.44. E. (9) $935.62.

A. John H. Yingling, 905 16th Street NW., Washington, D.C. 20006.

B. First National City Bank, 399 Park Avenue, New York, N.Y. 10022.

D. (6) $200. E. (9) $57.99.

XUM

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following reports for the second calendar quarter of 1973 were received too late to be included in the published reports for that quarter.

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19______ ◄

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".

(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.◄

AFFIDAVIT

[Omitted in printing]

PAGE 1◄

A. Albert E. Abrahams, 925 15th Street NW., Washington, D.C. 20005.

B. National Association of Realtors, 155 East Superior Street, Chicago, Ill.

D. (6) $2,850. E. (9) $79.45.

A. Action for Legal Rights, 1346 Connecticut Avenue, Washington, D.C. 20036.

D. (6) $7,828.30. E. (9) $11,299.66.

A. Actors Equity Association, 165 West 46th Street, New York, N.Y.

D. (6) $2,500. E. (9) $2,500.

A. Air-Conditioning and Refrigeration Institute, 1815 North Fort Myer Drive, Arlington, Va. 22209.

E. (9) $624.

A. Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.

D. (6) $8,442.19. E. (9) 8,442.19.

A. George Alderson, 620 C Street SE., Washington, D.C. 20003.

B. Friends of the Earth, 620 C Street, SE, Washington, D.C. 20003.

D. (6) $1,200.

A. American Conservative Union, 422 First Street SE., Washington, D.C. 20003.

D. (6) $21,742.53. E. (9) $8,090.99.

A American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.

D. (6) $5,873.82. E. (9) $5,873.82.

A. American Maritime Association, 17 Battery Place, New York, N.Y. 10004.

E. (9) $1,950.

A. American Nurses' Association, Inc., 2420 Pershing Road, Kansas City, Mo. 64108.

D. (6) $57,552.10. (9) $57,552.10.

A. American Rivers Conservation Council, 324 C Street SE., Washington, D.C. 20003.

D. (6) $470.10. E. (9) $359.23.

A. American Society of Consulting Planners, 1750 Old Meadow Road, McLean, Va. 22101.

E. (9) $1,249.98.

A. American Textile Manufacturers Institute, Inc., 1501 Johnston Building, Charlotte, N.C. 28281.

D. (6) $19,768.16. E. (9) $19,768.16.

A. J. Lem Anderson, 400 First Street NW., Room 809, Washington, D.C. 20001.

B. Eastex Inc., 229 North Bowie Street, Jasper, Tex. 75951.

A. Robert E. Ansheles, Suite 718, 1028 Connecticut Avenue NW., Washington, D.C. 20036.

B. CITC Industries, Inc., 1 Park Avenue, New York, N.Y. 10016.

D. (6) $200. E. (9) $68.75.

A. Arkansas Railroads, 1100 Boyle Building, Little Rock, Ark. 72201.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.

B. Franklin Life Insurance Co., Franklin Life Square, Springfield, Ill. 62705.

E. (9) $2.50.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.

B. Maremont Corp., 168 North Michigan Avenue, Chicago, Ill. 60601.

D. (6) $1,020. E. (9) $14.85.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.

B. Powell Lumber Co., Lake Charles, La.

D. (6) $475. E. (9) $25.69.

A. Associated Builders & Contractors, Inc., P.O. Box 8733, Friendship International Airport, Md. 21240.

D. (6) $5,000. E. (9) $2,250.

A. Gary D. Avery, 900 17th Street NW., Washington, D.C. 20006.

B. The Chase Manhattan Bank, 1 Chase Manhattan Plaza, New York, N.Y. 10015.

D. (6) $294. E. (9) $113.44.

A. Charles W. Bailey, 1990 M Street NW., Suite 400, Washington, D.C. 20036.

B. National Right to Work Committee, 1990 M Street NW., Washington, D.C. 20036.

A. Emil F. Baker, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Fleet Reserve Association, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.

A. Peter M. Balitsaris, 1625 L Street NW., Washington, D.C. 20036.

B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C. 20036.

D. (6) $3,396.11. E. (9) $143.55.

A. Markham Ball, 615 Connecticut Avenue NW., Washington, D.C. 20006.

B. Cooperative for American Relief Everywhere, Inc., 660 First Avenue, New York, N.Y.

D. (6) $1,500. E. (9) $36.

A. Al J. Ballard, 2000 Florida Avenue NW., Washington, D.C. 20009.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.

D. (6) $150.

A. William B. Barton, 632 Shoreham Building, Washington, D.C. 20005.

B. Associated Builders & Contractors, Inc., P.O. Box 8733, Friendship International Airport, Md. 21240.

D. (6) $500. E. (9) $5.

A. Davis M. Batson, 1155 15th Street NW., No. 611, Washington, D.C. 20005.

B. Ethyl Corp., 1155 15th Street NW., No. 611, Washington, D.C. 20005.

A. Winston Everett Bell, P.O. Box 1718, Las Vegas, Nev. 89101.

A. C. Thomas Bendorf, 1620 I Street NW., Washington, D.C. 20006.

B. Association of Trial Lawyers of America.

D. (6) $3,403.17. E. (9) $3,000.

A. H. Michael Bennett, 1346 Connecticut Avenue NW., Washington, D.C. 20036.

B. Action for Legal Rights, 1346 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $3,500.

A. Linda M. Billings, 324 C Street SE., Washington, D.C. 20003.

B. Sierra Club, 1050 Mills Tower, 220 Bush Street, San Francisco, Calif. 94104.

D. (6) $2,700. E. (9) $246.

A. Robert J. Bird, 1140 Connecticut Avenue NW., Suite 412, Washington, D.C. 20036.

B. Ad Hoc Coalition for Cemetery Care, 6216 South Stanford Way, Whittier, Calif. 90601.

A. Robert J. Bird, 1140 Connecticut Avenue NW., Suite 412, Washington, D.C. 20036.

B. Occidental Life Insurance Co., 12th Street at Hill, Los Angeles, Calif. 90054.

A. Robert J. Bird, 1140 Connecticut Avenue NW., Suite 412, Washington, D.C. 20036.

B. The Paul Revere Corp., Worcester, Mass. 01608.

D. (6) $100.

A. S. G. Bishop, 400 First Street NW., Washington, D.C.

B. Brotherhood of Railway, Airline and Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.

E. (9) $160.

A. D. A. Bobo, 400 First Street NW., Washington, D.C.

B. Brotherhood of Railway, Airline and Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.

E. (9) $160.

A. Melvin J. Boyle, 1125 15th Street NW., Washington, D.C. 20005.

B. International Brotherhood of Electrical Workers, AFL–CIO–CLC, 1125 15th Street NW., Washington, D.C. 20005.

D. (6) $6,333.

A. Helen Bremberg, 4515 South 31st Street Apt. 202, Arlington, Va. 22206.

B. Women's Lobby, Inc., 1345 G Street SE., Washington, D.C. 20003.

E. (9) $46.40.

A. Cyril F. Brickfield, 1225 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Association of Retired Persons/National Retired Teachers Association, 1225 Connecticut Avenue NW., Washington, D.C. 20036.

E. (9) $1,613.05.

A. George Bronz, 888 17th Street NW., Washington, D.C.

E. (9) $20.56.

A. Teresa A. Brooks, 5205 Leesburg Pike, Suite 209, Bailey's Crossroads, Va. 22041.

B. American Osteopathic Hospital Association, 930 Busse Highway, Park Ridge, Ill. 60068.

D. (6) $1,800. E. (9) $250.

A. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill.

D. (6) $21,741.10. E.(9) $21,741.10.

A. W. F. Broxterman, 1730 Rhode Island Avenue NW., Washington, D.C.

B. Credit Union National Association, Inc., 1617 Sherman Avenue, Madison, Wis.

D. (6) $1,495.36. E.(9) $167.85.

A. Marguerite E. Bryan, 400 First Street NW., Suite 700, Washington, D.C. 20001.

B. Marine Engineers' Beneficial Association, District No. 1, Pacific Coast District, 17 Battery Place, New York, N.Y. 10004.

D. (6) $900. E. (9) 105.98.

A. David A. Bunn, 1211 Connecticut Avenue NW., Washington, D.C. 20036.

B. The Hearst Corp., 959 Eighth Avenue, New York, N.Y. 10019.

D. (6) $900. E. (9) $300.

A. David A. Bunn, 1211 Connecticut Avenue NW., Washington, D.C. 20036.

B. Magazine Publishers Association, Inc., 575 Lexington Avenue, New York, N.Y. 10022.

D. (6) $3,000. E. (9) $300.

A. David A. Bunn, 1211 Connecticut Avenue NW., Washington, D.C. 20036.

B. Parcel Post Association, 1211 Connecticut Avenue NW., Washington, D.C. 20036.

E. (9) $700.

A. Norman D. Burch, 1775 K Street NW., Washington, D.C. 20006.

B. College of American Pathologists, 230 North Michigan Avenue, Chicago, Ill. 60601.

D. (6) $3,375. E. (9) 134.24.

A. George J. Burger, 250 W. 57th Street, New York City, N.Y.

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B. Burger Tire Consultant Service, 250 West 57th Street, New York City, N.Y.

A. George J. Burger, 30 Clinton Place, New Rochelle, N.Y. 10801.
B. National Federation of Independent Business, New Rochelle, N.Y. 10801.
D. (6) $4,249.98. E. (9) $366.30.

A. J. J. Burke, Jr., 40 East Broadway, Butte, Mont. 59701.
B. The Montana Power Co., Butte, Mont. 59701.

A. Carol Burris, 1345 G Street SE., Washington, D.C. 20003.
B. Women's Lobby, Inc., 1345 G Street NW., Washington, D.C. 20003.
E.(9) $100.

A. Paul M. Butler, Jr., 53 Wall Street, New York, N.Y. 10005.
B. Citicorp Leasing International, Inc., 399 Park Avenue, New York, N.Y. 10022.
D. (6) $2,500.

A. Paul M. Butler, Jr., 53 Wall Street, New York, N.Y. 10005.
B. Schlumberger Ltd., 277 Park Avenue, New York, N.Y. 10017.
D. (6) $15,000.

A. Paul M. Butler, Jr., 53 Wall Street, New York, N.Y. 10005.
B. White, Weld & Co., Inc., One Liberty Plaza, New York, N.Y. 10006.
D. (6) $1,500.

A. Charles R. Carlisle, Suite 903, 1701 K Street NW., Washington, D.C. 20006.
B. Lead-Zinc Producers Committee.
D. (6) $2,115. E. (9) $6,646.80.

A. Carolinas Association of Mutual Insurance Agents, 706 Raleigh Building, P.O. Box 2776, Raleigh, N.C.

A. Blue Carstenson, Carstenson & Associates, Room 509, 1730 Rhode Island Avenue NW., Washington, D.C.
E. (9) $7.00

A. Donald E. Chanell, 1705 DeSales Street NW., Washington, D.C. 20036.
B. American Bar Association, 1705 DeSales Street NW., Washington, D.C. 20036.
D. (6) $500. E. (9) $30.

A. Chapman, Duff and Lenzini, 1709 New York Avenue NW., Washington, D.C. 20006.
B. The Fouke Co., Route 1, Box 168, White Horse Road, Greenville, S.C. 29611.

A. Leslie Cheek III, 1025 Connecticut Avenue NW., Suite 515 Blake Building, Washington, D.C. 20036.
B. American Insurance Association, 1025 Connecticut Avenue NW., Suite 515 Blake Building, Washington, D.C. 20036.
D. (6) $1,500. E. (9) $250.

A. Hal M. Christensen, 1101 17th Street NW., Washington, D.C. 20036.
B. American Dental Association, 1101 17th Street NW., Washington, D.C. 20036.
D. (6) $3,000.

A. Albert T. Church, Jr., 1625 K Street NW., Washington, D.C. 20006.
B. American Institute of Merchant Shipping, 1625 K Street NW., Washington, D.C. 20006.
D. (6) $57.50. E. (9) $2.76.

A. Citizens Committee on Natural Resources, 1346 Connecticut Avenue NW., Suite 712, Washington, D.C. 20036.
D. (6) $6,305. E. (9) $6,575.85.

A. Citizens for Control of Federal Spending, 1629 K Street NW., Suite 700, Washington, D.C. 20006.
D. (6) $102,350. E. (9) $30,335.04.

A. Coalition of Concerned Charities, c/o John G. Milliken, Suite 1102, 1701 Pennsylvania Avenue NW., Washington, D.C.
D. (6) $17,834.56. E. (9) $9,266.22.

A. Coalition to Tax Pollution, 620 C Street SE., Washington, D.C. 20003.
D. (6) $3,700. E. (9) $3,876.19.

A. Carl A. S. Coan, Jr., 1625 L Street NW., Washington, D.C. 20036.
B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C. 20036.
D. (6) $7,124.99. E. (9) $785.47.

A. The Coca-Cola Bottlers' Association, 166 16th Street NW., Atlanta, Ga. 30318.
D. (6) $14,350. E. (9) $608.73.

A. Jeffery Cohelan, 1717 Massachusetts Avenue NW., No. 800, Washington, D.C. 20036.
B. Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $900.

A. Cohen and Uretz, 1730 M Street NW., Washington, D.C. 20036.
B. McDonnell Douglas Finance Corp., 3855 Lakewood Boulevard, Long Beach, Calif. 90801.
D. (6) $3,824.83. E. (9) $139.18.

A. C. S. Coleman, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railway, Airline and Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.
E. (9) $120.

A. Colson & Shapiro, 1735 New York Avenue NW., Washington, D.C. 20006.
B. Committee for the Martin Report, 1735 New York Avenue NW., Washington, D.C. 20006.
D. (6) $8,000. E. (9) $1250.20.

A. Colson & Shapiro, 1735 New York Avenue NW., Washington, D.C. 20006.
B. Vance Sanders & Co., Boston, Mass.; Federated Investors, Inc., Pittsburgh, Pa.; Fidelity Management & Research Co., Boston, Mass.

A. Committee for Humane Legislation, Inc., 11 West 60th Street, New York, N.Y. 10023.
D. (6) $22,331.85. E. (9) $23,583.56.

A. Committee for Modern, Efficient Transportation, Suite 808, 910 17th Street NW., Washington, D.C. 20006.
D. (6) $5,500. E. (9) $10,325.09.

A. The Committee of Publicly Owned Companies, 22 Thames Street, New York, N.Y. 10006.
D. (6) $202,375. E. (9) $80,221.

A. Connole & O'Connell, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. Alyeska Pipeline Service Co., P.O. Box 576, Bellevue, Wash. 98009.

A. Council of AFL–CIO Unions for Scientific, Professional and Cultural Employees, 1155 15th Street NW., Washington, D.C. 20005.
D. (6) $1,250. E. (9) $1,250.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. Adhesive & Sealant Council, 1410 Higgins Road, Park Ridge, Ill. 60068.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Corn Millers Federation, 1030 15th Street NW., Washington, D.C. 20005.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. Classroom Periodical Publishers Association, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. Industrial Diamond Association of America, 2017 Walnut Street, Philadelphia, Pa. 19103.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. Jewelers Vigilance Committee, 156 East 52d Street, New York, N.Y. 10022.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. Kohler Co., Kohler, Wis. 53044.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. Linen Supply Association of America, 975 Arthur Godfrey Road, Miami Beach, Fla. 33140.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. National Association of Casualty & Surety Agents, 5225 Wisconsin Avenue NW., Washington, D.C. 20036.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue, Washington, D.C. 20036.
B. National Association of Printing Ink Manufacturers, 101 Executive Building, Elmsford, N.Y. 10523.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue, Washington, D.C. 20036.
B. National Glass Dealers Association, 1000 Connecticut Avenue, Washington, D.C. 20036.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. Optical Manufacturers Association, 30 East 42d Street, New York, N.Y. 10017.

A. John A. Couture, 1625 L Street NW., Washington, D.C. 20036.
B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C. 20036.
D. (6) $4,687.50. E. (9) $297.47.

A. Credit Union National Association, Inc., 1617 Sherman Avenue, Madison, Wis.
D. (6) $4,500.59. E. (9) $967.07.

A. Daniels & Houlihan, 1819 H Street NW., Washington, D.C. 20006.
B. American Importers Association, 420 Lexington Avenue, New York, N.Y. 10017.
D. (6) $9,000. E. (9) $398.49.

A. Daniels & Houlihan, 1819 H Street NW., Washington, D.C. 20006.
B. Central Railroad Co. of New Jersey, 1100 Raymond Boulevard, Newark, N.J.
D. (6) $5,000. E. (9) $57.08.

A. Daniels & Houlihan, 1819 H Street NW., Washington, D.C. 20006.
B. National Office Machine Dealers Association, 1510 Jarvis Avenue, Elkgrove Village, Ill. 60007.
D. (6) $3,000.

A. Stephen I. Danzansky, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $133.92.

A. Richard C. Darling, 1156 15th Street NW., Washington, D.C. 20005.
B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019.
D. (6) $320. E. (9) $239.70.

A. John B. Davenport, Jr., 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Assoc., 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $150.

A. Claire C. Davis, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $150.

A. P. M. Davison, Jr., 418 East Rosser Avenue, Box 938, Bismarck, N. Dak. 58501.
B. North Dakota Railway Lines.
E. (9) $1,455.92.

A. Donald S. Dawson, 723 Washington Building, Washington, D.C. 20005.
B. Opticians Association of America, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Dawson, Quinn, Riddell, Taylor & Davis, 723 Washington Building, Washington, D.C. 20005.
B. Air Transport Association, 1709 New York Avenue NW., Washington, D.C.

A. Dawson, Quinn, Riddell, Taylor & Davis, 723 Washington Building, Washington, D.C. 20005.
B. Association of Plaintiffs Trial Attorneys for Metropolitan Washington, D.C., Inc., 910 17th Street NW., Washington, D.C. 20005.

A. Dawson, Quinn, Riddell, Taylor & Davis, 723 Washington Building, Washington, D.C. 20005.
B. C.I.T. Financial Corp., 650 Madison Avenue, New York, N.Y. 10022.

A. Dawson, Quinn, Riddell, Taylor & Davis, 723 Washington Building, Washington, D.C. 20005.
B. National Wool Growers Association, 600 Crandall Building, Salt Lake City, Utah. 84101.
D. (6) $4,500. E. (9) $1,186.56.

A. Dawson, Quinn, Riddell, Taylor & Davis, 723 Washington Building, Washington, D.C. 20005.
B. United States Brewers Association, Inc., 1750 K Street NW., Washington, D.C. 20006.

A. Dealer Bank Association, P.O. Box 479, Wall Street Station, New York, N.Y. 10005.

A. Richard A. Dell, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $150.

A. Leslie E. Dennis, 400 First Street NW., Washington, D.C. 20001.
B. Brotherhood of Railway, Airline and Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.
D. (6) $850. E. (9) $256.

A. R. J. Devlin, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railway, Airline and Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.
E. (9) $140.

A. Steven P. Doehler, 925 15th Street NW., Washington, D.C.
B. National Association of Realtors, 155 East Superior Street, Chicago, Ill.
D. (6) $1,187.50.

A. James F. Doherty, 1717 Massachusetts Avenue NW., No. 800, Washington, D.C. 20036.
B. Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., No. 800, Washington, D.C. 20036.
D. (6) $4,125. E. (9) $9,956.33.

A. Carol Ann Douglas, 3100 Connecticut Avenue NW., Apt. 204, Washington, D.C. 20008.
B. Women's Lobby, Inc., 1345 G Street SE., Washington, D.C. 20003.
E. (9) $62.

A. M. L. DuMars, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electronic Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $60.

A. Eastern Meat Packers Association, Inc., 734 15th Street NW., Washington, D.C. 20005.
D. (6) $90.75. E. (9) $28.40.

A. Hope Eastman, 410 First Street SE., Washington, D.C. 20003.
B. American Civil Liberties Union, 22 East 40th Street, New York, N.Y. 10016.
D. (6) $36,067.10. E. (9) $36,067.10.

A. Frank Ellis Associates, Inc., Suite 400, 1730 North Lynn Street, Arlington, Va. 22209.
E. (9) $195.10.

A. D. A. Ellsworth, 400 First Street NW., Washington, D.C. 20001.
B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.
D. (6) $5,790. E. (9) $1,383.26.

A. Lowell J. Endahl, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $185.

A. Ethyl Corp., 1155 15th Street NW., No. 611, Washington, D.C. 20005.

A. Edward J. Farrell, 888 17th Street NW., Washington, D.C.
B. George Bronz, 888 17th Street NW., Washington, D.C.
E. (9) $10.

A. James I. Fender.
B. Caterpillar Tractor Co., 100 Northeast Adams Street, Peoria, Ill. 61602.

A. Fensterwald & Ohlhausen, 910 16th Street NW., Washington, D.C. 20006.
B. Committee for Humane Legislation, Inc.
D. (6) $4,500. E. (9) $2,383.60.

A. Frank C. Fini, 2020 Brooks Drive, Apt. 618, Suitland, Md. 20028.
B. Air Force Sergeants Association, 6101 28th Avenue SE., Marlow Heights, Md. 20031.

A. David M. Fleming, 1155 15th Street NW., Washington, D.C. 20005.

A. J. C. Fletcher, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railway, Airline and Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.
E. (9) $140.

A. Florida Fruit and Vegetable Association, P.O. Box 20155, Orlando, Fla. 32814.
D. (6) $301.32. E. (9) $301.32.

A. Forest Farmers Association, 4 Executive Park East NE., Atlanta, Ga. 30329.
D. (6) $241.69. E. (9) $241.69.

A. Fortas & Koven, 1054 31st Street NW., Washington, D.C. 20007.
B. Committee of Publicly Owned Cos., 22 Thames Street, New York, N.Y. 10006.
D. (6) $22,500.

A. Alice Frandsen, 10311 Folk Street, Silver Spring, Md.
B. Women's Lobby, Inc., 1345 G Street SE., Washington, D.C. 20003.
E. (9) $74.73.

A. Ronald C. Frankis, 1730 Rhode Island Avenue NW., Washington, D.C.
B. Credit Union National Association, Inc., 1617 Sherman Avenue, Madison, Wis.
D. (6) $1,096.56. E. (9) $162.40.

A. Charles L. Frazier, 485 L'Enfant Plaza SW., Washington, D.C. 20024.
B. National Farmers Organization, Corning, Iowa 50841.
D. (6) $1,950. E. (9) $2,307.78.

A. Friends of the Earth, 620 C Street SE., Washington, D.C. 20003.
D. (6) $7,600. E. (9) $3,800.

A. Frosh, Lane and Edson, 1025 Connecticut Avenue NW., Washington, D.C.
B. American Institute of Housing Consultants, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $100.

A. Frosh, Lane and Edson, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Institute for Government Assisted Housing, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $900.

A. Frosh, Lane & Edson, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. The Section 23 Leased Housing Association, Suite 707, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $450.

A. Gadsby & Hannah, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Council of Independent Laboratories, Inc., 1255 K Street NW., Washington, D.C. 20036.
D. (6) $100.

A. Gadsby & Hannah, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. National Council of Professional Services Firms in Free Enterprise, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $500.

A. Thomas R. Garrett, 620 C Street SE., Washington, D.C. 20003.
B. Friends of the Earth, 620 C Street SE., Washington, D.C. 20003.
D. (6) $975.

A. Gas Supply Committee, 1725 DeSales Street N.W., Washington, D.C. 20036.
D. (6) $260,825. E. (9) $116.

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A. Leo J. Gehrig, One Farragut Square South, Washington, D.C. 20006.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $2,404.96. E. (9) $313.49.

A. Louis Gerber, 1925 K Street NW., Washington, D.C. 20006.
B. Communications Workers of America, 1925 K Street NW., Washington, D.C. 20006.
E. (9) $2,929.26.

A. Glassie, Pewett, Beebe & Shanks, 1819 H Street NW., Washington, D.C. 20006.
B. Eastern Meat Packers Association, Inc., 734 15th Street NW., Washington, D.C. 20005.
D. (6) $5. E. (9) $6.87.

A. Glassie, Pewett, Beebe & Shanks, 1819 H Street NW., Washington, D.C. 20006.
B. The National Independent Meat Packers Association, 734 15th Street NW., Washington, D.C. 20005.
D. (6) $166.67. E. (9) $32.81.

A. Jack Golodner, 1225 19th Street NW., Washington, D.C. 20036.
B. Actors Equity Association, 165 West 46th Street, New York, N.Y. 10036.
D. (6) $2,500. E. (9) $310.

A. Jack Golodner, 1155 15th Street, NW., Washington, D.C. 20005.
B. Council of AFL–CIO Unions for Scientific, Professional and Cultural Employees, 1155 15th Street NW., Washington, D.C.
D. (6) $1,000.

A. Robert K. Gray, 1425 K Street NW., Washington, D.C.
B. Hill and Knowlton, Inc., 150 East 42d Street, New York, N.Y.
D. (6) $1,418.80. E. (9) $320.

A. Harold H. Griffin, 9250 15th Street NW., Washington, D.C.
B. National Association of Realtors, 155 East Superior Street, Chicago, Ill.
D. (6) $1,875. E. (9) $124.81.

A. Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., No. 800, Washington, D.C. 20036.
D. (6) $14,981.33. E. (9) $14,981.33.

A. James M. Hacking, 1225 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Association of Retired Persons/National Retired Teachers Association, 1225 Connecticut Avenue NW., Washington, D.C. 20036.
E. (9) $24.40.

A. Hubert D. Hagen, Suite 1800, 500 North Broadway, St. Louis, Mo. 63102.
B. Arch Mineral Corp., Suite 1800, 500 North Broadway, St. Louis, Mo. 63102.
D. (6) $880. E. (9) $859.84.

A. James E. Hanson, Ron Ahern & Associates, 121 Second Street NE., Washington, D C. 20002.
B. Puget Sound Tug & Barge Co., 1102 Southwest Massachusetts Street, Seattle, Wash. 98134.
D. (6) $30.

A. Franklin Hardinge, Jr., 1444 Wentworth Avenue, P.O. Box R, Pasadena, Calif. 91109.
B. California Savings & Loan League, 1444 Wentworth Avenue, P.O. Box R, Pasadena, Calif. 91109.
D (6) $1,800.

A. Andrew E. Hare, 1990 M Street NW., Suite 400, Washington, D.C. 20036.
B. National Right To Work Committee, 1990 M Street NW., Washington, D.C. 20036.
D (6) $820. E. (9) $203.25.

A. Donald L. Harlow, 310 Riley Street, Falls Church, Va. 22046.
B. Air Force Sergeants Association, Inc., 6101 28th Avenue SE., Marlow Heights, Md. 20031.

A. Thomas E. Harman, 1025 Connecticut Avenue NW., Room 515, Blake Building, Washington, D.C. 20036.
B. American Insurance Association, 1025 Connecticut Avenue NW., Room 515, Blake Building, Washington, D.C. 20036.
D. (6) $1,500. E. (9) $250.

A. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.
D. (6) $21,381.52. E. (9) $21,381.52.

A. Richard A. Henneges, 925 15th Street NW., Washington, D.C.
B. National Association of Realtors®, 155 E. Superior Street, Chicago, Ill.
D. (6) $1,125. E. (9) $55.88.

A. Leslie P. Hemry, 1701 K Street NW., Washington, D.C.
B. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.
D. (6) $58.50. E. (9) $2.

A. Lillie E. Herndon, 525 North Trenholm Road, Columbia, S.C. 29206.
B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill. 60611.
D. (6) $28,277.19. E. (9) $470.39.

A. Ralph D. Hodges, Jr., 1619 Massachusetts Avenue NW., Washington, D.C.
B. National Forest Products Association.
E. (9) $1,821.34.

A. Thomas P. Holley, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
B. American Paper Institute, 260 Madison Avenue, New York, N.Y. 10016.

A. Douglass C. Horstman, 1612 K Street NW., Washington, D.C. 20006.
B. Northern Textile Ass'n. Maytag Co.
D. (6) $1,250. E. (9) $125.

A. Valerie C. Howard, 1925 K Street NW., Washington, D.C. 20006.
B. Communications Workers of America, 1925 K Street NW., Washington, D.C. 20006.
E. (9) $355.68.

A. Peter W. Hughes, 1225 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Association of Retired Persons/National Retired Teachers Association, 1225 Connecticut Avenue NW., Washington, D.C. 20036.
E. (9) $527.46.

A. Gregory A. Humphrey, 1012 14th Street NW., Washington, D.C. 20005.
B. American Federation of Teachers, AFL–CIO, 1012 14th Street NW., Washington, D.C. 20005.
E. (9) $391.

A. Bernard J. Imming, 777 14th Street NW., Washington, D.C. 20005.
B. United Fresh Fruit & Vegetable Association, 777 14th Street NW., Washington, D.C. 20005.
D. (6) $437.50. E. (9) $12.50.

A. INA Corp., 1600 Arch Street, Philadelphia, Pa. 19101.
E. (9) $50.

A. Independent U.S. Tanker Owners Committee, 1612 K Street NW., Suite 510, Washington, D.C. 20006.
D. (6) $2,500.

A. Institute for Government Assisted Housing, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $900. E. (9) $900.

A. Raymond M. Jacobson, 1819 H Street NW., No. 550, Washington, D.C. 20006.
B. American Society of Consulting Planners, 1750 Old Meadow Road, McLean, Va. 22101.
D. (6) $1,249.98.

A. Japanese American Citizens League, 22 Peace Plaza, Suite 203, San Francisco, Calif. 94115.
E. (9) $200.

A. Janice C. Johnson, 1611 North Kent Street, Suite 803–A, Arlington, Va. 22209.
B. American Osteopathic Association, 1611 North Kent Street, Suite 803–A, Arlington, Va. 22209.
D. (6) $600. E. (9) $120.

A. Ardon B. Judd, Jr., 1100 Connecticut Avenue, Washington, D.C. 20036.
B. Dresser Industries, Inc., 1100 Connecticut Avenue, Washington, D.C. 20036.

A. James J. Judge, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Association of Building Manufacturers, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $300.

A. George J. Kelley, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Blue Cross Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $1,000. E. (9) $400.

A. James J. Kennedy, Jr., 400 First Street NW., Washington, D.C. 20001.
B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.
D. (6) $5,294.40. E. (9) $881.

A. R. I. Kilroy, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.
E. (9) $100.

A. Peter M. Kirby, 1709 New York Avenue NW., Washington, D.C. 20006.
B. Air Transport Association.
D. (6) $750. E. (9) $569.35.

A. John D. Knodell, Jr., 200 112th Avenue NE., Bellevue, Wash. 98004.
B. Alyeska Pipeline Service Co.

A. John S. Knox, Jr., 1666 16th Street NW., Atlanta, Ga. 30318.
B. The Coca-Cola Bottlers' Association, 166 16th Street NW., Atlanta, Ga. 30318.
D. (6) $75.

A. Bradley & Koch, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $140.

A. June Kysilko Kraeft, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $128.12.

A. Laurence F. Lane, 1225 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Association of Retired Persons/National Retired Teachers Association, 1225 Connecticut Avenue NW., Washington, D.C. 20036.
E. (9) $404.33.

A. Leonard Lee Lane, 620 C Street SE., Washington, D.C. 20003.
B. Coalition to Tax Pollution.
D. (6) $2,209.74.

A. Reed E. Larson, 1990 M Street NW., Suite 400, Washington, D.C. 20036.
B. National Right to Work Committee, 1990 M Street NW., Washington, D.C. 20036.
D. (6) $70. E. (9) $12.

A. Monte Lazarus, 1825 K Street NW., Washington, D.C. 20006.
B. United Air Lines, P.O. Box 66100, Chicago, Ill. 60666.
D. (6) $500. E. (9) $302.19.

A. Charles W. Lee, 148 Duddington Place SE., Washington, D.C. 20003.
B. Full Funding of Education Programs, 148 Duddington Place SE., Washington, D.C.
D. (6) $90. E. (9) $30.

A. Richard J. Leighton, 1701 K Street NW., Washington, D.C. 20006.
B. Grocery Manufacturers of America, Inc., 1425 K Street NW., Washington, D.C. 20005.

A. Donald Lerch & Co., Inc., 1101 17th Street NW., Washington, D.C. 20036.
B. Shell Chemical Co., 2401 Crow Canyon Road, San Ramon, Calif.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Cooperative for American Relief Everywhere, Inc., 660 First Avenue, New York, N.Y. 10016.
D. (6) $1,500. E. (9) $36.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. General Cable Corp., 730 Third Avenue, New York, N.Y. 10017.
D. (6) $800. E. (9) $4.50.

A. Morris J. Levin, 1620 I Street NW., Washington, D.C. 20006.
B. Association of American Railroads, American Railroad Building, Washington, D.C. 20006.
D. (6) $1,000.

A. J. M. B. Lewis, Jr., 308 Shenandoah Building, P.O. Box 2887, Roanoke, Va. 24001.
B. National Council of Coal Lessors, 317 Southern Building, Washington, D.C. 20005. Iron Ore Lessors Assoc., 1500 First National Bank Building, St. Paul, Minn.
D. (6) $6,250.

A. Liberty Lobby, Inc., 130 Third Street SE., Washington, D.C.
D. (6) $18,886.80. E. (9) $21,657.65.

A. J. Patrick Logue, 1030 15th Street NW., Washington, D.C. 20005.
B. American Nurses' Association, Inc., 2420 Pershing Road, Kansas City, Mo. 64108.
D. (6) $4,331.39.

A. Ronald E. Madsen, 962 Wayne Avenue, Room 802, Silver Spring, Md. 20910.
B. Park Mobile, Inc., 61 Broadway, New York, N.Y. 10006.
E. (9) $20.

A. Ben J. Man, 400 First Street NW., Suite 700, Washington, D.C. 20001.
B. Marine Engineers' Beneficial Association, District No. 1, Pacific Coast District, 17 Battery Place, New York, N.Y. 10004.
D. (6) $1,638. E. (9) $192.38.

A. Dallace E. Marable.
B. National Association of Manufacturers, 277 Park Avenue, New York, N.Y. 10017.
D. (6) $680. E. (9) $665.

A. John V. Maraney, 324 East Capitol Street, Washington, D.C. 20003.
B. National Star Route Mail Carriers' Association, 324 East Capitol Street, Washington, D.C. 20003.

A. Marine Engineers' Beneficial Association, District No. 1, Pacific Coast District, 17 Battery Place, New York, N.Y. 10004.
E. (9) $5,180.93.

A. William J. Marschalk, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $1,600. E. (9) $187.

A. Edwin E. Marsh, 200 C Street SE., No. 401, Washington, D.C. 20003.
B. National Wool Growers Association, 600 Crandall Building, Salt Lake City, Utah 84101.
D. (6) $4,638. E. (9) $809.81.

A. Guy R. Martin, State of Alaska Department of Law, 655 C Street SE., Washington, D.C. 20003.
D. (6) $5,611.50. E. (9) $1,980.91.

A. Craig Mathews, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Leva, Hawes, Symington, Martin & Oppenheimer.
D. (6) $200.

A. Albert E. May, 1625 K Street NW., Washington, D.C. 20006.
B. American Institute of Merchant Shipping, 1625 K Street NW., Washington, D.C. 20006.
D. (6) $95. E. (9) $2.08.

A. Frank W. Mayo, 1809 23d Street, Manhattan Beach, Calif.

A. Anthony Mazzocchi, 1126 16th Street NW., Washington, D.C. 20036.
B. Oil, Chemical & Atomic Workers International Union.
D. (6) $2,035. E. (9) $227.50.

A. Robert C. McCandless, 1725 I Street NW., Washington, D.C. 20006.
B. American Horse Protection Association, 629 River Bend Road, Great Falls, Va.
D. (6) $1,200.

A. Robert C. McCandless, 1725 I Street NW., Washington, D.C. 20006.
B. Committee for Humane Legislation, Inc., 11 West 60th Street, New York, N.Y.
D. (6) $2,200. E. (9) $37.02.

A. Robert C. McCandless, 1725 I Street NW., Washington, D.C. 20006.
B. National Association of Real Estate Investment Trusts, 1101 17th Street NW., Suite 712, Washington, D.C. 20036.
D. (6) $300. E. (9) $28.50.

A. John L. McConnell, 1800 K Street NW., Suite 1100, Washington, D.C. 20006.
B. New York Stock Exchange, Inc., 11 Wall Street, New York, N.Y. 10005.
D. (6) $1,200. E. (9) $225.

A. Barbara D. McGarry, 15 E Street NW., Washington, D.C. 20001.
B. American Parents Committee, Inc., 15 E Street NW., Washington, D.C. 20001.

A. Myles F. McGrail, 1825 K Street NW., Suite 501, Washington, D.C. 20006.
B. The Dow Chemical Co., Midland, Mich. 48640.

A. Peter E. McGuire, 400 First Street NW., Washington, D.C. 20001.
B. National Association of Retired & Veteran Railway Employees, Inc., P.O. Box 6069, Kansas City, Kans. 66106.
D. (6) $500. E. (9) $500.

A. Stephen J. McKenna, 1620 I Street NW., Washington, D.C. 20006.
B. C. Thomas Bendorf, 1620 I Street NW., Washington, D.C. 20006.
D. (6) $1,500. E. (9) $224.30.

A. Charles R. McNeill, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $2,000. E. (9) $4,161.02.

A. Medical-Surgical Manufacturers Association, 342 Madison Avenue, New York, N.Y. 10017.
D. (6) $4,125. E. (9) $1,607.70.

A. Jack R. Miller, 5417 Kirkwood Drive, Washington, D.C. 20016.
B. American International Reinsurance Co., Hamilton, Bermuda.
D. (6) $5,000.

A. Lester P. Miller, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
D. (6) $264. E. (9) $8.

A. Joseph A. Millimet, 1838 Elm Street, Manchester, N.H. 03105.
B. Massachusetts Bankers Association.
D. (6) $1,030. E. (9) $177.51.

A. Clarence Mitchell, 422 First Street SE., Washington, D.C. 20003.
B. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y. 10019.
D. (6) $4,000.

A. John G. Mohay, 734 15th Street NW., Washington, D.C. 20005.
B. The National Independent Meat Packers Association, 734 15th Street NW., Washington, D.C. 20005.
D. (6) $383.85.

A. Charles Morgan, Jr., 410 First Street SE., Washington, D.C. 20003.
B. American Civil Liberties Union, 22 East 40th Street, New York, N.Y. 10016.
D. (6) $36,067.10. E. (9) $36,067.10.

A. Motorists United for Ecology, Inc., 3477 New Ridge Drive, Palos Verdes, Calif. 90274.
D. (6) $100. E. (9) $32.91.

A. Richard E. Murphy, 900 17th Street NW., Washington, D.C. 20006.
B. Service Employees International Union, AFL–CIO, 900 17th Street NW., Washington, D.C. 20006.
D. (6) $1,000. E. (9) $100.

A. William E. Murray, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $185.

A. George E. Myers, 1730 Rhode Island Avenue NW., Washington, D.C.
B. Credit Union National Association, Inc., 1617 Sherman Avenue, Madison, Wis.
D. (6) $832.77. E. (9) $174.67.

A. J. Walter Myers, Jr., 4 Executive Park East NE., Atlanta, Ga. 30329.
B. Forest Farmers Association, 4 Executive Park East NE., Atlanta, Ga. 30329.
D. (6) $70. E. (9) $171.67.

A. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y. 10019.
D. (6) $14,134.96. E. (9) $14,278.05.

A. National Association of Building Manufacturers, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $1,500. E. (9) $1,500.

A. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C. 20036.
D. (6) $36,948.83. E. (9) $36,481.52.

A. National Association of School Bus Contract Operators, 4616 Lawn Court, Fairfax, Va. 22030.
D. (6) $625.

A. National Building Granite Quarries Association, Inc., 202 South Second Street, Cold Spring, Minn.
E. (9) $91.75.

A. National Citizens Committee for Revenue Sharing, 707 National Press Building, Washington, D.C. 20004.

A. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill., 60611.
D. (6) $28,277.19. E. (0) $470.39.

A. National Council of Technical Service Industries, 888 17th Street NW., Suite 601, Washington, D.C. 20006.
D. (6) $500. E. (9) $579.31.

A. National Federation of Independent Business, Inc., 920–922 Washington Building, Washington, D.C.
D. (6) $11,449.23. E. (9) 11,449.23.

A.. National Housing Conference, Inc., 1126 16th Street NW., Washington, D.C. 20036.
D. (6) $26,525.67. E. (9) $30,080.38.

A. The National Independent Meat Packers Association, 734 15th Street NW., Washington, D.C. 20005.
D. (6) $1,191.35. E. (9) $2,599.60.

A. National Organization for the Reform of Marijuana Laws, 1237 22d Street NW., Washington, D C. 20037.
D. (6) $3,381.82. (9) $600.

A. National Parking Association, 1101 17th Street NW., Washington, D.C.
E. (9) $825.

A. National Right to Work Committee, 1990 M Street NW., Suite 400, Washington, D.C. 20036.
D. (6) $3,928.45. E. (9) $3,923.45.

A. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
E. (9) $4,027.36.

A. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $5,042. E. (9) $4,229.

A. National Wool Growers Association, 600 Crandall Building, Salt Lake City, Utah 84101.
D. (6) $24,129. E. (9) $7,063.26.

A. Navajo Tribe, c/o Controller, Window Rock, Ariz. 86515.

A. E. J. Neal, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.
E. (9) $160.

A. Robert W. Nelson, 2000 Florida Avenue, NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue, NW., Washington, D.C. 20009.
D. (6) $160.

A. Ivan A. Nestingen, 1000 Connecticut Avenue, NW., Washington, D.C.
B. Credit Union National Association, Inc., 1617 Sherman Avenue, Madison, Wis.
D. (6) $300. E. (9) $421.95.

A. Robert W. Nolan, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Fleet Reserve Association, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.
D. (6) $100.

A. R. Norton, 400 First Street, NW., Washington, D.C.
B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.
E. (9) $160.

A. Raymond D. O'Connell, 400 Madison Avenue, New York, N.Y. 10017.
B. National Cable Television Association, Inc., 1634 I Street NW., Washington, D.C. 20006.
D. (6) $3,000. E. (9) $2,940.95.

A. Charles T. O'Neill, Jr., 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $2,000. E. (9) $187.69.

A. James J. O'Neill, 22 Thames Street, New York, N.Y. 10006.
B. The Committee of Publicly Owned Cos., 22 Thames Street, New York, N.Y. 10006.
D. (6) $4,146. E. (9) $3,564.

A. Franz M. Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Leva, Hawes, Symington, Martin & Oppenheimer.
D. (6) $600. E. (9) $4.50.

A. Claude E. Olmstead, 1750 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $264. E. (9) $10.

A. J. F. Otero, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railway, Airline and Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.
E. (9) $160.

A. Raymond S. Page, Jr., Mill Creek Terrace, Gladwyne, Pa. 19035.
B. Campbell Soup Co., Campbell Place, Camden, N.J. 08101.

A. William G. Painter, 324 C Street SE., Washington, D.C. 20003.
B. American Rivers Conservation Council, 324 C Street SE., Washington, D.C. 20003.
D. (6) $266.60.

A. Lawrence Parachini, 1717 Massachusetts Avenue NW., Suite 403, Washington, D.C. 20036.
B. Communities in Action Together, 1717 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $7,741.58.

A. Lew M. Paramore, P.O. Box 1160, Kansas City, Kans. 66117.
B. Mo-Ark Basins Flood Control and Conservation Association, P.O. Box 1160, Kansas City, Kans. 66117.

A. Carol Ames Parker, 620 C Street SE., Washington, D.C. 20003.
B. Friends of the Earth, 620 C Street SE., Washington, D.C. 20003.
D. (6) $1,050.

A. Robert A. Parrish, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railway, Airline and Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.
E. (9) $140.

A. Robert D. Partridge, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $382.40.

A. Kenton Pattie, 3150 Spring Street, Fairfax, Va.
B. National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va.
D. (6) $1,190.77.

A. Ellen Pattin, 6907 Lyle Street, Lanham, Md. 20801.
B. Women's Lobby, Inc., 1345 G Street SE., Washington, D.C. 20003.
E. (9) $30.75.

A. E. L. Patton, 200 112th Avenue NE., Bellevue, Wash. 98004.
B. Alyeska Pipeline Service Co.

A. Paul, Weiss, Rifkind, Wharton & Garrison, 1775 K Street NW., Washington, D.C. 20006.
B. Alaska Federation of Natives, 1689 C Street, Anchorage, Alaska 99501.
D. (6) $75.

A. Jack Pearce, Suite 808, 910 17th Street NW., Washington, D.C. 20006.
B. Committee on Modern, Efficient Transportation, Suite 808, 910 17th Street NW., Washington, D.C. 20006.
D. (6) $7,857.22. E. (9) $2,467.87.

A. Pepper, Hamilton &. Scheetz, 1701 Pennsylvania Avenue NW., Washington, D.C.
B. Coalition of Concerned Charities, 1701 Pennsylvania Avenue NW., Washingthon, D.C. 20006.
D. (6) $9,266.22. E. (9) $1,101.84.

A. A. Harold Peterson, 715 Cargill Building, Minneapolis, Minn. 55402.
B. National R.E.A. Telephone Association, 715 Cargill Building, Minneapolis, Minn.
D. (6) $2,500. E. (9) $1,692.84.

A. Roger J. Phaneuf, 1625 K Street NW., Washington, D.C. 20006.
B. United Air Lines, P.O. Box 66100, Chicago, Ill. 60666.
D. (6) $800. E. (9) $149.

A. R. B. Pike, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railway, Airline and Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.
E. (9) $120.

A. James H. Pipkin, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
B. Texaco Inc., 135 East 42d Street, New York, N.Y. 10017.
D. (6) $350. E. (9) $1,200.

A. S. Z. Plackain, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railway, Airline and Steamship Clerks, 6300 Road, Rosemont, Ill. 60018.
E. (9) $160.

A. Judy Pope, 620 C Street SE., Washington, D.C. 20003.
B. Coalition to Tax Pollution.
D. (6) $795.50.

A. Joseph E. Quin, 1616 H Street NW., Washington, D.C. 20006.
B. The National Grange, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $720.

A. Ragan & Mason, 900 17th Street NW., The Farragut Building, Washington, D.C.
B. The Department of Tourism, Hamilton, Bermuda.
D. (6) $1,666.

A. Ragan & Mason, 900 17th Street NW., The Farragut Building, Washington, D.C.
B. Sea-Land Service, Inc., P.O. Box 1050, Elizabeth, N.J.
D. (6) $900.

A. Ragan & Mason, 900 17th Street NW., The Farragut Building, Washington, D.C.
B. Stimson Lumber Co., and Miller Redwood Co., 315 Pacific Building, Portland, Oreg.
D. (6) $125.

A. Rial M. Rainwater, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
D. (6) $264. E. (9) $7.

A. Clarence B. Randall, Jr., 1625 I Street NW., Washington, D.C. 20006.
B. Associated Builders & Contractors, Inc., P.O. Box 8733, Friendship International Airport, Md. 21240.
E. (9) $250.

A. G. J. Rauschenbach.
B. Communications Satellite Corp., 950 L'Enfant Plaza South SW., Washington, D.C. 20024.
D. (6) $1,500. E. (9) $1,260.

A. Recording Industry Association of America, Inc., One East 57th Street, New York, N.Y. 10022.
D. (6) $155,011.77. E. (9) $9,642.62.

A. Recreational Vehicle Institute, Inc., 2720 Des Plaines Avenue, Des Plaines, Ill. 60018.
E. (9) $15,049.90.

A. John T. Reggitts, Jr., R.D. No. 2, Boonton Avenue, Boonton, N.J. 07005.

A. Reserves Officers Association of United States, 1 Constitution Avenue NE., Washington, D.C.
D. (6) $1,117.19. E. (9) $353.15.

A. Theron J. Rice, 1130 17th Street NW., No. 430, Washington, D.C. 20036.
B. Continental Oil Co., High Ridge Park, Stamford, Conn. 06904.

A. James W. Riddell, 723 Washington Building, Washington, D.C. 20005.
B. The Kellogg Co., Battle Creek, Mich.

A. James W. Riddell, 723 Washington Building, Washington, D.C. 20005.
B. W. K. Kellogg Foundation, Battle Creek, Mich.

A. James W. Riddell, 723 Washington Building, Washington, D.C. 20005.
B. Volume Footwear Retailers of America, 51 East 42d Street, New York, N.Y. 10017.

A. John Riley, 1625 L Street NW., Washington, D.C. 20036.
B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C. 20036.
D. (6) $703.13. E. (9) $28.18.

A. Kenneth Roberson, 2 Dubonnet Road, Valley Stream, N.Y. 11581.
B. Meat Importers Council of America, Inc., 708 3d Avenue, New York, N.Y. 10017.
D. (6) $32. E. (9) $10.

A. William S. Roberts, 2000 Florida Avenue NW., Washington, D.C. 20009
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $50.

A. Charles A. Robinson, Jr., 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $185.

A. Rogers & Wells, 1666 K Street NW., Washington, D.C. 20006.
B. American Iron & Steel Institute, 1000 16th Street NW., Washington, D.C. 20036.
E. (9) $541.13.

A. Nathaniel H. Rogg., 1625 L Street NW., Washington, D.C. 20036.
B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C. 20036.
D. (6) $2,437.50. E. (9) $84.78.

A. Ann M. Roosevelt, 620 C Street SE., Washington, D.C. 20003.
B. Friends of the Earth, 620 C Street SE., Washington, D.C. 20003.
D. (6) $1,125.

A. Wally Rustad, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $150.

A. Jerome D. Schaller, 1750 Pennsylvania Avenue NW., Suite 1100, Washington, D.C. 20006.
B. Minnesota Mining & Manufacturing Co., 3M Center, St. Paul, Minn. 55101.
E. (9) $2,486.69.

A. Kenneth I. Schaner, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Leva, Hawes, Symington, Martin & Oppenheimer.
D. (6) $1,500. E. (9) $36.

A. Arlie Schardt, 410 First Street SE., Washington, D.C. 20003.
B. American Civil Liberties Union, 22 East 40th Street, New York, N.Y. 10016.
D. (6) $36,067.10. E. (9) $36,067.10.

A. A. Cleve Schneeberger, 1211 Connecticut Avenue NW., Washington, D.C. 20036.
B. Portland Cement Association, Old Orchard Road, Skokie, Ill. 60076.

A. Milton W. Schober, 1775 K Street NW., Suite 220, Washington, D.C. 20006.
B. Massachusetts Consumer Bankers Group.

A. Phyllis Schultz, 12224 Valerie Lane, Laurel, Md. 20810.
B. Women's Lobby, Inc., 1345 G Street SE., Washington, D.C. 20003.
E. (9) $34.65.

A. Durward Seals, 777 14th Street NW., Washington, D.C.
B. United Fresh Fruits and Vegetable Association, 777 14th Street NW., Washington, D.C. 20005.
D. (6) $312.50. E. (9) $38.41.

A. Ronald C. Seeley, 1357 Nicolet Place, Detroit, Mich. 48207.
B. Estate of Bert N. Adams, 1461 West 16th Place, Yuma, Ariz.
E. (9) $420.30.

A. W. O. Senter, 1725 DeSales Street NW., Washington, D.C. 20036.
B. Gas Supply Committee, 1725 DeSales Street NW., Washington, D.C. 20036.
D. (6) $110. E. (9) $6.

A. Leo Seybold, 1709 New York Avenue NW., Washington, D.C. 20006.
B. Air Transport Association.
D. (6) $1,479. E. (9) $482.75.

A. Norman R. Sherlock, 1709 New York Avenue NW., Washington, D.C. 20006.
B. Air Transport Association.
D. (6) $865. E. (9) $558.57.

A. A. Z. Showa, Suite 904, 2600 Virginia Avenue NW., Watergate Office Building, Washington, D.C. 20037.
D. (6) $4,134. E. (9) $3,777.47.

A. Barry M. Siegel, 22 Thames Street, New York, N.Y. 10006.
B. The Committee of Publicly Owned Cos., 22 Thames Street, New York, N.Y. 10006.
D. (6) $2,292. E. (9) $408.

A. Gilbert Simonetti, Jr., 1620 I Street NW., ninth floor, Washington, D.C. 20006.
B. American Institute of CPA's 666 Fifth Avenue, New York, NY. 10019.

A. Hall Sisson, 1925 K. Street NW., Washington, D.C. 20006.
B. Communications Workers of America, 1925 K Street NW., Washington, D.C. 20006.
E. (9) $2,991.33.

A. Spencer M. Smith, Jr., 1709 North Glebe Road, Arlington, Va. 22207.
B. Citizens Committee on Natural Resources, 1346 Connecticut Avenue NW., Suite 712, Washington, D.C. 20036.
D. (6) $2,184.60. E. (9) $1,003.15.

A. Wilbur D. Sparks, 1815 North Fort Myer Drive, Arlington, Va. 22209.
B. Air-Conditioning and Refrigeration Institute, 1815 North Fort Myer Drive, Arlington, Va. 22209.
D. (6) $624.

A. Frank J. Specht, 1725 DeSales Street NW., Washington, D.C. 20036.
B. Schenley Industries, Inc., 888 Seventh Avenue, New York, N.Y. 10019.

A. J. Gilbert Stallings, 1211 Connecticut Avenue NW., Washington, D.C. 20036.
B. INA Corp., 1600 Arch Street, Philadelphia, Pa. 19101.
D. (6) $50. E. (9) $50.

A. Catherine Stirling, 7012 Beechwood Drive, Chevy Chase, Md. 20015.
B. Women's Lobby, Inc., 1345 G Street SE., Washington, D.C. 20003.
D. (6) $500. E. (9) $41.25.

A. Roger J. Stroh, 777 14th Street NW., Washington, D.C. 20005.
B. United Fresh Fruit and Vegetable Association, 777 14th Street NW., Washington, D.C. 20005.
D. (6) $193.74. E. (9) $21.41.

A. R. Keith Stroup, 2105 N Street NW., Washington, D.C. 20037.
B. National Organization for the Reform of Marijuana Laws, 1237 22d Street NW., Washington, D.C. 20037.
D. (6) $450.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. Retail Credit Co., P.O. Box 4081, Atlanta, Ga. 30302.
E. (9) $35.

A. Gerald Toppen, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railway, Airline and Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.
E. (9) $140.

A. J. P. Trainor, 400 First Street NW., Washington, D.C. 20001.
B. Brotherhood of Railway, Airline and Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.
D. (6) $3,500. E. (9) $1,441.63.

A. W. M. Trevarrow, 601 National Press Building, Washington, D.C. 20004.
B. American Motors Corp., 14250 Plymouth Road, Detroit, Mich. 48232.
D. (6) $3,750. E. (9) $137.50.

A. Trustees for Conservation, 251 Kearney Street, San Francisco, Calif. 94108.
E. (9) $128.89.

A. Joseph D. Tydings, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $261.36.

A. United Fresh Fruit and Vegetable Association, 777 14th Street NW., Washington, D.C. 20005.
D. (6) $2,200.17. E. (9) $2,200.17.

A. Veterans of World War I, USA, Inc., 916 Prince Street, Alexandria, Va. 22314.
E. (9) $1,066.65.

A. Walter D. Vinyard, Jr., 1025 Connecticut Avenue NW., Suite 515, Blake Building, Washington, D.C. 20036.
B. American Insurance Association, 1025 Connecticut Avenue NW., Suite 515, Blake Building, Washington, D.C. 20036.
D. (6) $1,500. E. (9) $250.

A. Wald, Harkrader & Ross, 1320 19th Street NW., Washington, D.C. 20036.
B. Ina Corp., 1600 Arch Street, Philadelphia, Pa. 19101.

A. DeMelt E. Walker, 1730 Rhode Island Avenue NW., Washington, D.C.
B. Credit Union National Association, Inc., 1617 Sherman Avenue, Madison Wis.
D. (6) $775.90. E. (9) $40.20.

A. James A. Warren, 5500 Friendship Boulevard, Chevy Chase, Md. 20015.
B. REA Express, Inc., 219 East 42d Street, New York, N.Y. 10017.
D. (6) $450. E. (9) $75.

A. George A. Watson, Suite 800, 1612 K Street NW., Washington, D.C. 20006.
B. The Ferroalloys Association, Suite 800, 1612 K Street NW., Washington, D.C. 20006.
E. (9) $1,562.61.

A. Judy Waxman, 19036 Canadian Court, Gaithersburg, Md.
B. Women's Lobby, Inc., 1345 G Street SE., Washington, D.C. 20003.
E. (9) $30.

A. Fred Wegner, 1750 K Street NW., Suite 1190, Washington, D.C. 20006.
B. Retired Persons Services, Inc., 1750 K Street NW., Suite 1190, Washington, D.C. 20006.
E. (9) $10.50.

A. Janet H. Wegner, 1225 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Association of Retired Persons, National Retired Teachers Association, 1225 Connecticut Avenue NW., Washington, D.C. 20036.

A. Bernard J. Welch, 1800 K Street NW., Washington, D.C. 20006.
B. Pan American World Airways, Inc., 1800 K Street NW., Washington, D.C. 20006.
E. (9) $124.16.

A. Whaley, McCutchen, Blanton & Dent, 1414 Lady Street, Columbia, S.C. 29211.
B. Motion Picture Association of America, Inc., 1600 I Street NW., Washington, D.C.
D. (6) $5,000. E. (9) $5,000.

A. Robert Y. Wheeler, Box 185, Tilden, Tex. 78072.
B. Ernest G. Herman, 9538 Brighton Way, Beverly Hills, Calif.

A. Thomas E. Wheeler, 1425 K Street NW., Suite 900, Washington, D.C. 20005.
B. Grocery Manufacturers of America, Inc., 1425 K Street NW., Suite 900, Washington, D.C. 20005.
E. (9) $24.

A. Robert E. Wick, 1800 K Street NW., Washington, D.C.
B. Pan American World Airways, 1800 K Street NW., Washington, D.C.
E. (9) $94.20.

A. Harry D. Williams, 1660 L Street NW., Suite 204–205, Washington, D.C. 20036.
B. Ashland Oil, Inc., P.O. Box 391, Ashland, Ky. 41101.
D. (6) $250.

A. Robert E. Williams, 1825 K Street NW., Washington, D.C. 20006.
B. United Air Lines, P.O. Box 66100, Chicago, Ill. 60666.
D. (6) $1,250. E. (9) $725.90.

A. Williams & King, 1620 I Street, NW., Washington, D.C. 20009.
B. National Nutritional Foods Association, 7624 South Painter Avenue; Whittier, Calif. 90602.
D. (6) $2,500. E. (9) $329.

A. Frederick L. Williford, 10010 Green Forest Drive, Adelphia, Md.
B. National Federation of Independent Business, 921 Washington Building, 15th and New York Avenue, NW., Washington, D.C. 20005.
E. (9) $2,688.61.

A. Wilmer, Cutler & Pickering, 900 17th St., NW., Washington, D.C. 20006.
B. Dealer Bank Association, P.O. Box 479, Wall Street Station, New York, N.Y. 10005.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C. 20006.
B. J. C. Penny Co, Inc., 1301 Avenue of the Americas, New York, NY. 10019.
D. (6) $578.50. E. (9) $30.25.

A. Earl Wilson, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railway, Airline, and Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.
E. (9) $140.

A. Women's Lobby, Inc., 1345 G Street SE., Washington, D.C. 20003.
D. (6) $2,897. (9) $2,062.85.

A. Burton C. Wood, 1625 L Street NW., Washington, D.C. 20036.
B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C. 20036.
D. (6) $5,343.75. E. (9) $547.88.

A. Jack Yelverton, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Fleet Reserve Association, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.

A. Robert C. Zimmer, 1775 K Street NW., Suite 220, Washington, D.C. 20006.
B. Massachusetts Consumer Bankers Group.
E. (9) $468.17.

A. John L. Zorack, 1709 New York Avenue NW., Washington, D.C. 20006.
B. Air Transport Association.
D. (6) $1,415. E. (9) $372.52.

EXTENSIONS OF REMARKS

CONNECTICUT REALTOR OF THE YEAR

HON. RONALD A. SARASIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. SARASIN. Mr. Speaker, this week the largest professional organization in the Nation, the National Association of Realtors, is holding its annual convention in the Nation's Capital. I am happy to note that among those in attendance are a number of realtors from Connecticut and my own Fifth District.

I would particularly like to call to my colleagues' attention the participation of Mr. Emil J. Morey of Danbury, Conn., a constituent of mine who has the distinction of being "Connecticut Realtor of the Year," the highest statewide honor conferred by this organization.

Mr. Morey was nominated for this honor by the Danbury Board of Realtors, which had already chosen him as their realtor of the year. The requirements for this award are established by the National Association of Realtors and include realtor spirit, civic activity, business accomplishments, local board activity, and support of State and national association activity.

In presentation of the State award to Mr. Morey, the judging committee pointed out his many accomplishments

and service to his community. Among these were his successful leadership of the fight to defeat increased State conveyance taxes and his support for efforts to upgrade the qualifications for real estate salesmen and brokers licensed in Connecticut.

Mr. Morey is a past president of the Danbury Board of Realtors, a director of the multiple listing service, a member of the professional standards committee, chairman of the realtors legislative committee, and regional vice president of the Connecticut Association of Realtors.

He is truly a credit to his profession and richly deserves these honors, which I commend to your attention.

NATION'S DOCTORS MOVE TO POLICE MEDICAL CARE

HON. JOHN J. McFALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. McFALL. Mr. Speaker, inasmuch as the Federal Government has embarked upon an experimental program providing review of physicians' work by their local peers, I wish to call the Members' attention to an article from the New York Times of October 28, titled "Nation's Doctors Move To Police Medical Care."

Peer group review is a new program established by the Congress and is designed to provide a realistic method of controlling health care costs, as well as providing quality care for our citizens.

The people of San Joaquin County, whom I am privileged to represent, have benefited since 1954 from the local peer group organization of physicians which is based in Stockton, Calif.

Founded and still headed by Dr. Donald C. Harrington, the San Joaquin Foundation for Medical Care has successfully evolved as a cornerstone in making the peer group review concept work for the benefit of our medical practitioners and the patients they serve.

Following is the article from the Times which I am sure will provide additional information and perspective on this important concept which is being put into practice throughout our Nation.

The article follows:

NATION'S DOCTORS MOVE TO POLICE MEDICAL CARE

(By Nancy Hicks)

STOCKTON, CALIF.—American doctors are quickly developing a new nationwide system to police the quality and cost of the medical care they dispense.

Pushed by demands from Congress and the public for more economical use of the billions of tax dollars spent on health services, doctors throughout the country will eventually be engaging in the type of performance analysis that was started here in the northern California county of San Joaquin almost 20 years ago.

In medicine, such analysis of a doctor's work by other doctors is called peer review. Although the idea has been catching on of its own accord and is already actively practiced in dozens of locations, a new Federal law that goes into effect next Jan. 1 has put doctors on notice that they must systematically regulate themselves or face Federal regulations within two years.

"It doesn't quite have the ring of certainty now accorded death and taxes—not yet. But peer review as now mandated by Federal law is fast becoming inevitable," writes Dr. Leonard Rubin, coordinator of medical education for the Oakland-based Kaiser-Permanente Plan, which covers 1.5 million people.

The Kaiser plan has its own form of peer review, as do the Foundation for Health Care Evaluation in Minnesota, the San Joaquin Foundation for Medical Care here, and a network of federally funded experiments—widely differing organizations whose common experience is often called on to show that the peer review concept is workable.

Yet at the center of each of these diverse systems is the belief that more control must be placed on the physician, whether he is a solo practitioner, a member of a private group, or on the staff of a clinic or hospital. And this is another irritant to American doctors, many of whom are already unhappy about increasing "bureaucratic restrictions" imposed on them by publicly sponsored health porgrams such as Medicaid and Medicare.

Nonetheless, peer review is supported by the American Medical Association, the National Medical Association, which represents the nation's black physicians, and by many medical societies. And the new Federal legislation has made the idea something that doctors will have to deal with whether they want to or not.

The statute, a last-minute change in the massive package of Social Security amendments passed a year ago, requires that all medical cases paid for by Medicaid or Medicare—the Federal programs for the indigent and elderly, respectively—be reviewed for "appropriateness". The review is to be performed by self designated local doctor groups that will be called Professional Standards Review Organizations, or P.S.R.O.'s.

The legislation, sponsored by Senator Wallace F. Bennett, Republican of Utah, is supposed to see that the money spent for Medicaid and Medicare—programs that accounted for $16.4-billion or about 20 per cent of the total $83.4-billion of national health expenditures for the fiscal year 1972—buys medical care of the highest quality and the lowest cost.

And while the statute is limited specifically to Medicaid and Medicare, it is seen by doctors and politicians alike as the possible framework for any future medical review system enacted as part of a national health insurance program.

PURPOSES OFTEN CONFLICT

The purposes of peer review are often conflicting.

One goal of the law is for doctors who control such things as laboratory tests, hospital admissions and length of hospital stay to become just as mindful of cost as a housewife in the supermarket.

This concept of conserving basic medical resources, very much a part of medical care in developing countries such as China, is hard for American medicine to accept, given the country's high degree of medical technology.

Some practicing physicians find it absurd, for instance, to spend more than $50,000 on one kidney transplant case and then skimp on giving a blood test routinely to another patient. Yet it has been shown that unneccessary routine medical procedures push up the cost of medical care.

"Vitamin B-12 and estrogen shots alone pay the doctor's rent and put his kids through college," said Dr. George J. Williams, one of the pioneers in the San Joaquin Foundation for Medical Care.

Dr. Williams, a general practitioner in Lodi, about 10 miles from Stockton, said that the foundation's scrutiny of the need for such injections had reduced them significantly. Such injections make up only about 2 per cent of physicians' income in San Joaquin rather than the 30 per cent common in some places, Dr. Williams said.

The second goal—quality care—is more subtle, less easily defined, more difficult to achieve.

While American medical education prides itself on its heavy scientific base, the actual practice of medicine consists of about one-third science and two-thirds "art", according to Dr. John A. Cooper, president of the Washington-based Association of American Medical Colleges. And the science is ever-changing.

"SIGNIFICANT PROBLEM"

Physicians are, after all, human. They make mistakes. They have differences of opinion. Their performances does not always reflect their knowledge.

The peer review system of the Kaiser-Permanente Plan of Northern California, for instance, found "significant problems" in one of every eight clinic charts it looked over and in 95 per cent of the hospital records it reviewed, according to Dr. Rubin of the Kaiser Plan.

And last year, after the United Store Workers Union in New York City, which administers its own health insurance plan, had begun requiring that members have a second doctor review each recommendation for surgery, 19 per cent fewer operations were performed than were initially recommended.

Whether this reduction of services represents quality care is still a matter of debate in the medical field. More controversial is whether cost and quality control can be reconciled in one review system.

"Many physicians doubt whether P.S.R.O.'s can obtain the two stated goals, for in many ways they are incompatible," Dr. Claude E. Welch, a nationally prominent Boston surgeon, wrote in an article in The New England Journal of Medicine.

Still, some experts feel that quality care with strong peer review will, in fact, increase health care costs.

In any case, such professional organizations as the Joint Commission on the Accreditation of Hospitals and the American Hospital Association are not counting on the review organizations to insure quality medical care. Both organizations have developed a so-called "medical audit" system for hospitals to measure their care in such terms as the rate of postoperative complications—infections, for instance—rather than the number of days a patient stays in the institution.

From the consumer's standpoint peer review may upgrade the quality of health care, but it will not provide evidence to support malpractice suits. "Malpractice suits will still be the external quality control for individual patients," said Charles M. Jacobs, a lawyer who is assistant director of the Joint Commission on Accreditation of Hospitals.

From a philosophical point of view, some experts feel that peer reviewing will take the country one step closer to Government regulation of health services, and they wonder if direct regulation is the best route for American medicine to take.

"The Government, step by step, is being dragged into the regulation of health care and is doing so with no set policy, and P.S.R.O. is just the latest step," said Dr. Walter McClure, an astophysicist who is also a health care specialist at Interstudy, the Minneapolis "think tank" that originated the Health Maintenance Organization scheme at

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the center of President Nixon's 1971 health message.

"The Government," he went on, "is drifting with just one goal in mind—cost control. But you just can't go about controlling costs. It's like trying to cure a symptom without having a diagnosis."

And politically, peer review is highly controversial.

Dr. William I. Bauer, who resigned as the first head of the P.S.R.O. office in the Department of Health, Education and Welfare, charged that the Administration had not come forth with the promised $34-million to enact the new legislation. He has been replaced by Dr. Henry E. Simmons, formerly of the Food and Drug Administration.

OPPOSITION DEVELOPS

Some state medical societies—those in Texas and Louisiana for instance—are actively opposing the legislation, and one association of private practitioners, the Chicago-based Society of Physicians and Surgeons, has filed suit against it on the ground that it is unconstitutional.

Individual doctors, too, have protested. One Beverly Hills physician expressed his sentiments in a terse letter to Senator Bennett. "I oppose peer review, I have no peer," the doctor wrote.

Yet because of consumerism, which has brought about a general distrust of professionals, as well as the cost factors in health care, peer review is now appropriate, according to most professional medical organizations.

"Within the physician community, some still argue about whether the physician shall be accountable for his performance," said Dr. Richard E. YaDeau, a surgeon who is chairman of the board of the Minneapolis-based Foundation for Health Care Evaluation.

"As we physicians continue to debate this, the rest of the world has long since assumed that physicians are accountable—an assumption virtually unanimous throughout the nonphysician community," he continued. "Actually, the issue is no longer accountability, but: by what standards shall physicians be measured and who will be their architect?"

QUESTION OF "HOW" REMAINS

The question of who will do the reviewing has been settled; the doctors will do it. But the question of how it will be done remains unanswered.

Most existing peer review systems are in individual hospitals—in the form of utilization review committees that check admissions to make certain they are medically justified or tissue committees that examine human tissue removed during surgery to see whether the operations were justified.

It is because these hospital-based systems have not worked in the past, politicians and physicians agree, that a new national system is being assembled. But ask whether a new national system superimposed on the existing one will do a more responsive job. Theoretically, the national system could take over the hospital-based ones and monitor them, but the mechanism for doing this has not been worked out.

"We're moving into a totally uncharted area," Dr. Charles Edwards, Under Secretary for Health of H.E.W., conceded in an interview. "Neither the Congress nor I know where we're going or what we can achieve. We'd like to upgrade the level of health care in the country. But the question is, how do you do that?"

By Jan. 1, the country will be divided up geographically into P.S.R.O. areas in which at least 300 physicans practice.

Once this is done, local groups of doctors—not the medical socities—will petition the Department of Health, Education and Welfare to become the local reviewing agency, the P.S.R.O. This group of doctors will set standards for care for its geographic location and will check to make certain that variations from that norm are medically justified.

Physicians who are found to be chronic offenders against the locally set norms will be subject to several sanctions: They can be denied payments of claims; they can be declared ineligible to participate in the Medicaid and Medicare prorgams; they can be fined up to $5,000; they can have their questionable professional behavior made public. Fees will not be regulated, however.

If the system does not work to the Government's satisfaction by 1976, doctors will lose control of the program.

The peer review law is based on several models, some financed by the Federal Government. The oldest and best known, however, is the San Joaquin Foundation for Medical Care based here in Stockton.

The foundation was set up in 1954 by Dr. Donald C. Harrington, an obstetrician-gynecologist who is still its head.

As Dr. Harrington recalls, "I was going along happily practicing medicine when my brother who was president of the boilermakers union, called to tell me that the union was negotiating with the prepaid Kaiser-Permanente Plan for care."

Kaiser employes its own physicians, and their patients pay one monthly fee for all their health needs.

Dr. Harrington's brother said that his union members were satisfied with the care they were getting from Stockton doctors, but that this new Kaiser plan was economically more attractive.

SEPARATE GROUP SET UP

To combat this competition, Dr. Harrington set up an association of local physicians separate from the medical society.

For the dues they paid, they agreed to work for a set fee for most procedures, and in some cases would also offer prepaid services to groups of subscribers.

They named their organization the San Joaquin Foundation for Medical Care. The term foundation was chosen because Kaiser was sponsored by a foundation and, Dr. Harrington said, he wanted the concepts to be parallel in peoples' minds.

Today, there are 76 medical care foundations across the country. About half of them review claims. The other half also provide medical services.

For the San Joaquin Foundation, peer review came as an afterthought.

"We set up a comprehensive program with a reasonable fee schedule for doctors. But without review, it was like writing a blank check," Dr. Harrington said.

The foundation then realized that it could not do peer review unless outpatient insurance coverage was good enough to keep doctors from hospitalizing patients to treat them. Hospital care is expensive—running to almost $200 a day in some metropolitan New York hospitals—but it is covered by health insurance. Most health insurance policies do not cover the same procedures performed in a clinic or doctor's office at a fraction of the hospital cost.

The foundation, therefore, now sets a minimum standard of insurance that can be sold in San Joaquin and the four other counties under its jurisdiction: Alameda, Amador, Calavaras and Tuolumne.

It has virtually total control of health services in the area. Ninety-seven per cent of the 330 practicing physicians in the area are members, Dr. Harrington said. Membership means the doctors are willing to accept as payment in full fee schedules, set by the foundation, averaging about $8 for each 10 minutes spent with a patient. Reviewers scrutinize the number of visits, based on diagnosis, time spent with the patient, lab work and injections. About 8 per cent of all claims reach the review committee.

In addition to providing care on a prepaid basis for 47,000 MediCal (California's Medicaid program) and 37,000 Medicare patients, the foundation reviews claims for the 130,000 subscribers to other insurance programs. This means that two-thirds of the population in the area is covered in some way by the foundation, according to Boyd Thompson, executive director of this foundation and of the American Association of Foundations for Medical Care.

"We have total control of health services for the area because we control the flow of dollars," Dr. Harrington said. "We write the checks, not the insurance companies."

The foundation can and does impose strict sanctions for physicians of questionable performance. It can reduce the physician's fee, and he is not allowed to bill the patient for the extra amount.

In a few cases, doctors thought to be doing unnecessary surgery were required to have their diagnoses confirmed by other physicians before the operation could be performed. The 11 hospitals in the area know that when the foundation imposes their rules, and the hospital does not comply, the institution is not paid for the time the patient stays in the hospital.

Once or twice, the foundation has required the supervision of a doctor during surgery, Dr. Harrington said.

A COMMON PRINCIPLE

The principle behind peer review here is the same as in any group pressure situation—the same one, for instance, that has almost every 13-year-old wearing equally faded jeans with a regulation cuff.

"There are maybe a handful of marginal doctors and being a reviewer has made work very hard at not being considered one of them," explained Dr. Bryant B. Williams, a pediatrician who is one of 30 physician review and one of Stockton's four black doctors.

In his case, he said, peer review has not decreased his income but increased it—by making MediCal payments competitive with those paid in the community at large. As a result of this factor, about 90 per cent of the doctors in the area will take patients from MediCal and Medicare—a much higher than normal percentage.

The model in San Joaquin works, Dr. Harrington said, because the community is small enough for doctors to know one another. It would not be transferable to Boston, Baltimore or New York, he admits.

Larger scaled, less controlling models exist in other places, such as the foundation in Minnesota in which Dr. YaDeau is involved.

Unlike the San Joaquin foundation, the Foundation for Health Care Evaluation does not dispense medical care. It reviews the most expensive insurance claims—the top 15 per cent—for local companies, an activity that began in Hennepin County in 1968 and is now performed statewide.

REVIEWS ADMISSIONS

It reviews hospital admissions for 17 of the 35 hospitals in the seven-county area. And in the Bethesda Hospital in St. Paul, of which Dr. YaDeau is medical director, the foundation is studying the records of every patient treated in the hospital in the first quarter of the year.

About 90 per cent of the 2,000 doctors in the seven-county area belong to the foundation.

"They pay $10, and for that $10 they have their fees cut if they're too high," Dr. YaDeau said.

The activities of the foundation have been felt in the area. For instance, 58 per cent of those expensive claims reviewed by the foundation in 1972 were reduced, Dr. YaDeau said. For the first nine months of 1973 the fee reduction rate was 66 per cent.

A study of hospital bed utilization has resulted in a reduction in the average length of hospital stay from 8.7 days to 6.9 days at Bethesda Hospital. When the program was started, the average length of stay had dropped to 6.1 days, then came back up.

"This was the original fright of doctors who felt they had to send patients home because a norm had been set. Then the doctor realized that he did not have to send the patients home. All he had to do was say why the patient had to stay longer," Dr. YaDeau said.

Altogether, utilization review at Bethesda Hospital in St. Paul has reduced the cost of care for each hospitalized patient. And, the hospital no longer has a waiting list for elective surgery and it has closed down about 80 of its 300 hospital beds, turning that space into doctors' offices.

But the paradox in this—one that makes peer review unrelatable to many doctors and hospital administrators—is that the hospital is beginning to lose money by economizing.

In 1971, the hospital took in $9-million in income and realized an operating surplus of $450,000, or 5 per cent. In 1972, the first full year of utilization review, the gross income was a little higher, but the operating surplus was only $4,000, four-tenths per cent—one hospital employe's salary. This year, the hospital may run a deficit.

The way this paradox is resolved will determine whether peer review proves the strength or the bane of future health care reform.

FEDERAL CIVILIAN EMPLOYMENT, SEPTEMBER 1972

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. MAHON. Mr. Speaker, I include a release highlighting the September 1973 civilian personnel report of the Joint Committee on Reduction of Federal Expenditures:

FEDERAL CIVILIAN EMPLOYMENT, SEPTEMBER 1973

Total civilian employment in the Executive, Legislative and Judicial Branches of the Federal Government in September was 2,782,244 as compared with 2,810,468 in the preceding month of August—a net decrease of 28,244. Total pay for August 1973, the latest month for which actual expenditures are available, was $2,961,752,000. These figures are from reports certified by the agencies as compiled by the Joint Committee on Reduction of Federal Expenditures.

EXECUTIVE BRANCH

Civilian employment in the Executive Branch in September, as compared with the preceding month of August and with August a year ago, follows:

	Full-time in permanent positions	Change	Temporary, part-time, etc.	Change	Total employment [1]	Change
Current change:						
August 1973	2,396,610		370,359		2,766,969	
September 1973	2,403,480	+6,870	335,779	−34,580	2,739,259	−27,710
12 month change:						
September 1972	2,471,364		296,493		2,767,857	
September 1973	2,403,460	−67,884	335,779	+39,286	2,739,259	−28,598

Some highlights with respect to Executive Branch employment for the month of September are:

Total employment of Executive agencies shows a decrease of 27,710 during the month of September to a total of 2,739,259. Major decreases were in Defense with 11,843, Interior with 4,071, Agriculture with 3,936, Postal Service with 2,278 and General Services Administration with 1,005.

The 27,710 decrease in total Executive agency employment reflects a usual decline in *regular seasonal* employment and *temporary summer* employment in federal opportunity programs for the disadvantaged.

In September there were 32,469 youths employed in federal opportunity programs for the *disadvantaged*. This is a decrease of 19,683 from last month. Employment under this program reached its peak in the month of July when 63,331 youths were reported in temporary and part-time positions.

The *full-time* employment level of 2,403,480 reported for the month of September shows an increase of 6,870 as compared with the previous month of August and it is 67,881 under the total reported a year ago.

Of the 6,870 increase in full-time permanent employment during September *major increases* were reported by Postal Service with 3,048, Treasury with 1,511, Defense with 1,113 and Veterans Administration with 1,016.

During the *first quarter of fiscal year 1974* there was a net increase of 8,480 employees in full-time permanent positions. This represents an increase of 11,182 among the civilian agencies and a decrease of 2,702 in Defense agencies.

A comparison of total employment among the civilian and military agencies follows:

	September	August	Change
Civilian agencies	1,711,819	1,727,686	−15,867
Military agencies	1,027,440	1,039,283	−11,843
Total, civilian employment	2,729,259	2,766,969	−27,710

LEGISLATIVE AND JUDICIAL BRANCHES

Employment in the Legislative Branch in September totaled 34,123, a decrease of 638 as compared with the preceding month of August, while employment in the Judicial Branch totaled 8,862, an increase of 124 since August.

UNIFORMED MILITARY PERSONNEL

In the Department of Defense uniformed military personnel totaled 2,231,938 for the month of September and civilian employment totaled 1,027,440.

In addition, Mr. Speaker, I would like to include a tabulation, excerpted from the joint committee report, on personnel employed full time in permanent positions by executive branch agencies during September 1973, showing comparisons with June 1972, June 1973, and the budget estimates for June 1974:

FULL-TIME PERMANENT EMPLOYMENT

Major agencies	June 1972	June 1973	September 1973	Estimated June 30, 1974 [2]
Agriculture	82,511	81,715	79,182	78,800
Commerce	28,412	28,300	27,776	28,400
Defense:				
Civil functions	30,585	29,971	28,234	30,800
Military functions	1,009,548	957,310	945,688	[3] 956,000
Health, Education, and Welfare	105,764	114,307	117,415	[4] 101,800
Housing and Urban Development	15,200	15,820	15,487	13,900
Interior	56,892	56,771	56,199	56,900
Justice	45,446	45,496	46,762	47,100
Labor	12,339	12,468	12,254	12,400
State	22,699	22,578	22,445	23,400
Agency for International Development	11,719	10,108	9,759	9,900
Transportation	67,232	67,885	67,351	69,400
Treasury	95,728	98,087	98,932	104,000
Atomic Energy Commission	6,836	7,145	7,241	7,400
Civil Service Commission	5,260	5,911	5,976	6,000
Environmental Protection Agency	7,835	8,270	8,270	9,200
General Services Administration	36,002	35,721	35,340	37,800
National Aeronautics and Space Administration	27,428	25,955	25,814	25,000
Panama Canal	13,777	13,680	13,690	14,000
Selective Service System	5,791	4,607	3,577	3,900
Small Business Administration	3,916	4,050	3,990	4,100
Tennessee Valley Authority	14,001	13,995	13,709	14,000
U.S. Information Agency	9,255	9,048	8,929	9,100
Veterans Administration	163,179	170,616	170,575	170,000
All other agencies	33,499	34,610	33,839	35,800
Contingencies				5,000
Subtotal	1,910,854	1,874,424	1,858,434	1,874,100
U.S. Postal Service	594,834	547,283	545,046	564,500
Total [5]	2,505,688	2,421,707	2,403,480	[3] [4] 2,428,600

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[1] Included in the total employment shown on table 1, beginning on p. 3.

[2] Source: As projected in 1974 budget document. It should be noted that the President has ordered reductions in the projected 1974 level, but information is not yet available.

[3] Excludes increase of 31,000 for civilianization program.

[4] Excludes increase of approximately 15,000 in adult welfare categories to be transferred to the Federal Government under Public Law 92-603.

[5] September figure excludes 1,175 disadvantaged persons in public service careers programs as compared with 1,257 in August.

THE COST OF LIVING COUNCIL

HON. VERNON W. THOMSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. THOMSON of Wisconsin. Mr. Speaker, the Cost of Living Council recently proved once again that they know nothing about agriculture. You would think that with the chick slaughter and the beef supply interruption, among other things, the Cost of Living Council would go out of its way to avoid previous blunders. Yet just last week the CLC pulled another dandy by persuading the White House to permit the importation of millions of pounds of subsidized butter.

I realize I am beginning to sound like a broken record, but American dairymen can favorably compete with their European counterparts in a free trade situation. The butter deal, however, is far from free trade; rather, it represents a condition where the United States is at least temporarily abolishing our quotas while Europe continues to engage in the unfair practice of export subsidies.

The Cost of Living Council argued that the price of domestic butter was high, so an increased supply of "cheap" butter would bring down prices. Of course, they chose to ignore the fact that butter had just dropped about 12 cents per pound. I have consistently warned, however, that such thinking is shortsighted. It does not consider the fact that these imports are not cheap, but subsidized, and that this subsidy will not continue once American producers are driven from the market.

I believe the data surrounding the butter deal confirm my argument. Currently, the target—support—price for manufactured milk in the EEC is $6.79 hundredweight; Government butter purchases keep the price at no less than 96.3 cents per pound. American producers would drool at the thought of these prices, yet the very difference is an outstanding indicator of the greater efficiency of our dairymen and the need for subsidies if the Europeans are going to compete with them.

I find it significant that the Europeans have already demonstrated their intention of lowering the export subsidy as soon as there no longer is a domestic industry to compete with. In late August or early September, vague rumors began to float around Washington that large butter imports were in the making. I could not substantiate these rumors for almost a month, but the Europeans did not need confirmation. Already considering somewhat reducing export subsidies on butter, the EEC dropped its subsidy, effective September 7, to the United States, Puerto Rico, Canada, and Mexico by nearly 22 cents per pound, from 60.19 cents per pound to 38.30 cents per pound. Subsidies for butter exports to other countries dropped less than 6 cents per pound, from 60.19 cents to 54.72 cents, effective October 13.

This action raises several questions. Why did the EEC lower subsidies for North America 3½ times more than for the rest of the world when the old ones had been equal? Why were the new subsidy rates effective on two different dates? Was it coincidental these new rates for North America became effective September 7, after the rumors about butter imports began?

It appears all too clear that the Europeans understood they would virtually have a guaranteed sale. That meant such large subsidies would not be needed. But the subsidy retained—38.3 cents per pound—had to be just enough to undersell the American producer. The result would be lowering the price minimally to the American consumer, but it also would have the effect of accelerating the already shocking decrease in domestic milk production. Once the current emergency situation is relieved, the butter price rise due to milk shortages and the whole process will begin again until such time as we have nothing but expensive imports.

I do not blame the Europeans; they are smart businessmen. What I want to know is where all that Yankee ingenuity has gone or, more probably, have we minor leaguers at the Cost of Living Council playing in the majors? If the latter is the case, it might be good to farm them out for a little seasoning.

PATROLMAN COOPER SAVES CHILD'S LIFE

HON. WILLIAM M. KETCHUM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. KETCHUM. Mr. Speaker, I am pleased and proud to call the attention of my colleagues to an inspiring and meritorious action taken by one of my constituents, Patrolman Phillip L. Cooper, of Grover City, Calif.

On August 13, 1973, Patrolman Cooper, trained in Red Cross first aid, was dispatched to the scene of a near drowning of a 16-month-old child. On arrival he found the victim with no viable life signs. Immediately Patrolman Cooper, assisted by the child's mother, began to administer artificial respiration and other supportive measures, which he continued until the child's breathing was restored. The victim was taken by ambulance to a hospital and later recovered completely. Without doubt, Patrolman Cooper's use of his first aid skills and knowledge saved the life of the child.

In recognition of this lifesaving action, Patrolman Cooper has been awarded the Red Cross Certificate of Merit. This is the highest award given by the American Red Cross to a person who saves or sustains a life by using skills learned in a Red Cross first aid, small craft, or water safety course. The certificate bears the original signatures of the President of the United States, honorary chairman, and Frank Stanton, Chairman of the American National Red Cross.

Surely Patrolman Cooper is deserving of such an award, as well as the thanks and praise of his fellow citizens. The saving of a child's life is among the noble deeds that a man can perform, and I am sure that the Members of the House join me in expressing our admiration for Patrolman Cooper's action.

TRY IT ON

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. ZWACH. Mr. Speaker, the 22d amendment to the Constitution of the United States provides that no person shall be elected to the office of the President more than twice—thus limiting the term to 8 years.

Most of us agree that this is a good amendment, but I raise the question, why put this limit only on the term of the President? Perhaps it would be a good idea also to limit the terms of Members of the Senate and the House of Representatives.

Margery Burns, a weekly newspaper columnist in our Minnesota Sixth Congressional District, wrote a very interesting article on this matter which I would like to share with my colleagues by inserting it in the RECORD:

> TRY IT ON
>
> If you're feeling groggy because of all the disturbing things that go on and have gone on in our government, you should start thinking about what we can do to lighten those dark stretches.
>
> What can be done? What should be tried?
>
> Along with the other ideas you're thinking about, here's one you should consider too.
>
> What do you think about limiting the number of terms for all elected officials? The most important official in the world, the President, can only serve 8 years. Perhaps all the other offices should be limited to 8 years too.
>
> Now, before you yell that it wouldn't work; that it wouldn't be efficient; that it would dump a lot of good people; that nobody would run for office; and besides, Congress and the Legislators would never dream of voting themselves out of office—before you shout it's a crazy idea, why don't you look at it a little bit. Maybe you're right and it wouldn't work, but don't step on it without talking it over.
>
> Of course, we have only one example of limited terms—the Presidency. So far, its been better for the country than having one President keep the job for many, many years and turn in into a monarchy or dictatorship.
>
> The argument that a limited term would hurt efficiency in getting things done is silly when you think about the inefficient things that are showered on us the way it is now. If you believe that it takes long years to learn the ropes, then you aren't voting for the smartest people. And it's imperative that we have intelligent and honest people running our government. And then, maybe a little honest inefficiency would be better than a lot of efficient, dishonest governing.
>
> It's true that it would put some good people out of office, but it would dump some very incompetent people too. Fortunately, there are many good people to choose from.

> Then, of course, the built-up pressures from different groups on elected officials would be cut off at an early date. The folks who use money and gifts to sway officials would have a tougher time trying to pin down new officials every few years. The constant turn-over would break that build-up of power over officials. There would be so many new officials all the time that it could cancel out a lot of graft and kick-backs.
>
> The constant search for new and good candidates would keep the political parties from getting too complacent and sitting back with a 20 or 30 year term official who isn't too sharp. Of course, this would be a lot of work and worry. But why shouldn't the parties work to find good and honest candidates?
>
> Now, maybe you're coming up fast with many arguments against this idea, but when you've finished that exercise, then think up some for it too.
>
> What we need are some good safe-guards for giving us the best government there is. Of course, the whole thing comes down to you—you're the one who must take an interest in your government.

ARCHIBALD COX DISBARMENT

HON. E. G. SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. SHUSTER. Mr. Speaker, when Archibald Cox was dismissed as special prosecutor for the Justice Department, he was widely lauded as a man of conviction, one who put principle above politics, one whose integrity was more important than compromising his estimate of justice, indeed, Chesterfield Smith, president of the American Bar Association, glowingly praised Cox at that time, stating:

> He emphasized to the people of this Nation that—he is a lawyer who honors and cherishes the tradition of the legal profession and—(he) properly and without hesitation puts ethics and professional honor above public office.

Mr. Speaker, it is evident now that these plaudits were totally without foundation.

Cox, by his confessed disclosure of confidential information to polititcal cronies, has betrayed the Congress and the American people, and seriously offended the integrity of the legal profession. I am appalled that such a blatant violation of both criminal statute and professional ethics can go virtually unnoticed in the legal profession.

This situation is so serious that I have personally written to the president of the American Bar Association and the president of the Massachusetts Bar Association asking for an immediate and thorough investigation of the Archibald Cox incident, leading to possible disbarment, censorship or any other action deemed appropriate by those professional associations.

Mr. Speaker, it is incumbent on these associations to take appropriate action in order to uphold the integrity of the legal profession, which may well be held in abeyance pending final disposition of this grave matter.

Mr. Speaker, I insert my letter to Chesterfield Smith in the RECORD:

> CONGRESS OF THE UNITED STATES,
> *Washington, D.C., November 7, 1973.*
>
> Mr. CHESTERFIELD SMITH, ESQ.,
> *President, American Bar Association,*
> *Chicago, Ill.*
>
> DEAR MR. SMITH: Mr. Archibald Cox, Special Prosecutor for the Justice Department, has, by his self-confessed actions relating to an executive communication, seriously broken faith and trust with the Congress and the American people, and, in my opinion, grievously jeopardized his standing in the American Bar Association.
>
> By disclosing certain information regarding a federal investigation revealed to him by former Attorney General Richard G. Kleindienst, Cox clearly violated 28 U.S. Code 509, § 50.2 of Part 50 of Chapter 1 of Title 28 of the Code of Federal Regulations. Additionally, this conduct was inconsistent with the spirit of the Code of Professional Responsibility, governing all officers of the court.
>
> I am appalled at this blatant misuse and abuse of office. The reputation of all officers of the court may well be held in abeyance pending proper disposition of this matter.
>
> Therefore, I believe it is incumbent on you, as President of the American Bar Association, to begin an immediate and thorough investigation into the potential criminal and certainly unethical activities of Archibald Cox, leading to possible disbarment, censorship or other action deemed appropriate by your organization.
>
> In your statement following the dismissal of Cox as Special Prosecutor, you applauded him, stating he ". . . emphasized to the people of this nation that . . . (he is a) lawyer who honors and cherishes the tradition of the legal profession and . . . (he) properly and without hesitation puts ethics and professional honor above public office." It is clear now that this statement was without foundation. I hope that now, in light of the confession of Cox casting a long shadow on your plaudits, you will denunciate him with the same vigor and forcefulness with which you acclaimed him.
>
> I wish to emphasize that my actions are completely segregated from any other ongoing investigations or Congressional or legal proceedings. I am merely attempting, as a concerned American and as a representative of nearly a half-million people, to insure that the same standards and rules apply across the board—to the investigators as well as the investigated.
>
> If the integrity of our system of judicial process is to be upheld, no man can place himself above the law—not the President, not any duly appointed officer of the Court, not the average citizen, and not Archibald Cox.
>
> I consider this to be a matter of utmost importance and urgency. Your cooperation is essential.
>
> Sincerely,
>
> E. G. SHUSTER,
> *Member of Congress.*

CANADA ADMONISHED FOR TREATMENT OF UNITED STATES

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. DERWINSKI. Mr. Speaker, the news developments pertinent to the energy crisis, that have been emphasized recently, has resulted in a cutoff from the Middle East oil supply and now an increase in tax on the Canadian flow. This has caused a political division in Canadian and U.S. relations.

In my judgment, the matter has suffered sufficient media coverage as noted in the Chicago Tribune in a very timely column by Eliot Janeway. The article discusses the Canadian decision which seems to take advantage of the situation of the United States.

> CANADA ADMONISHED FOR TREATMENT OF UNITED STATES
>
> (By Eliot Janeway)
>
> NEW YORK, Nov. 11.—Canada has done it to America again. The second tax increase in two months on the flow of Canadian crude oil to the northern tier American cities dependent on it is the form her latest unilateral declaration of economic war has taken.
>
> I yield to no citizen of the United States in the warmth of my friendship for Canada, in the range and breadth of my Canadian friendships, and in the practicality of my concern for this closest and most natural and reciprocally rewarding of American partnerships. Three times in these last two troubled months, I have written columns warning of the consequences looming for both countries if America's present distress and Canada's continuing weakness are allowed to strain this genuinely special relationship beyond the point of negotiating accommodation.
>
> Admittedly, the temptation for Canada to tweak Uncle Sam's whiskers is great. They are tattered. Canada's increasingly strident nationalists are confident of scoring points politically every time they make big uncle squeal and like it; altho I am not less sure than they that demagogic anti-U.S. swaggering will not pay off as claimed after Canadians of practical bent discover that they are hurting themselves every time they hurt their good, if wounded, neighbor to the south.
>
> Admittedly, too, America's incompetent handling of her own affairs has invited the treatment Canada has given her. Oil is the only one of three parallel horror stories. With Washington fresh out of negotiating ploys to prevent the Arab and Venezuelan hosts of the American international oil companies from putting the squeeze on, Canada is not leading the parade but following it.
>
> Newsprint is another horror story for which America has herself to blame. More precisely, she is overdue to blame the economic pundits who theorized about the advantages dollar devaluation would assure her.
>
> In my column of Sept. 10, I warned that the prospect of earning cheaper U.S. dollars would give Canada's newsprint producers an irresistible incentive to divert increasing quotas of their premium product overseas. At $200 a ton, allowing 4 per cent for the cost of insurance against further weakness for the Nixon dollar, the Canadian newsprint managements are bound to reckon each ton shipped across the border as earning them $8 less than every ton shipped to stronger currency countries.
>
> Washington's failure to play America's formidable auto bargaining chips is the third horror story. Washington has been giving Canada a free ride into a sizeable portion of America's mass market since 1965. Canada needs it more than ever; and this year finds America less able to afford playing "good time Charlie" than in a long time. Taking it away with unilateral harshness would be no wiser for America than Canada's provocative tactics are for her. But there's no substitute for bargaining between partners as their mutual protection against excesses—and we have no bargaining.

XUM

This second oil tax crackdown of Canada has hit America on two exposed nerves at once. The first is located domestically and centered in her slackened consumer economy. The other is located in the no-man's-land separating America from her one-time dependents who have long since gone into business for themselves as her successful competitors and harsh creditors.

The oil and gas dollar is petty change for American consumers alongside the food, rent, and tax dollar. But soaking them for big new fuel costs will rile them up more than the beef squeeze did.

All the foreign powers in the world scrutinizing America, as well as all the weaklings, are bound to be impressed by the one-way trip thru the meat grinder that Ottawa is giving Washington. Kicking Dick Nixon around is a paying business internationally, and every politician in every foreign capital is following Trudeau into it.

GRAND OLD LADY OF POLITICS

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. JOHNSON of California. Mr. Speaker, an old friend of mine has decided to retire and thereby has brought to an end one of the most effective, colorful volunteer political careers I have ever known.

Alice Border, who will reach 79 years this month, has been known as "Mrs. Democrat" in the eastern Shasta County area for at least a decade and a half. It was in 1958 that she organized the Burney Democratic Women's Club and as she stepped down as its president this year, club members decided to regroup under another name, because it would not be the same without Alice Border.

One of the remarkable efforts sponsored annually by the club was a quilt sale, which has been a tradition in Burney. It was through the making of quilts and their sale that the club raised its funds for its most effective efforts.

Alice and her husband, Ted, who himself is an active, dedicated representative of the Democratic Party, together demonstrate the importance of participation by all our citizens in our Government regardless of party. Their work on behalf of their party, their State, and the Nation will stand for years to come as an example which should and must be followed not only by the people of Burney but of all our State of California and our Nation if we are to continue a free democratic society.

An announcement of the retirement of this "Grand Old Lady of Politics" was published recently in the Inter Mountain News of Burney, Calif., and I insert in the Record the article entitled "Grand Old Lady of Politics Is Retiring":

ALICE BORDER AT 79—GRAND OLD LADY OF POLITICS IS RETIRING

BURNEY.—The lady known as "Mrs. Democrat" in the Burney area is resigning. Mrs. Alice Border, who will turn 79 in November, has announced her retirement as president of the Burney Democratic Women's Club, effective November 1.

Mrs. Border was responsible for the organization of the club in 1958 and has been active ever since. She organized the club with the help of Kathryn Browand and Edna Barrington and Emma Timone.

The first president of the club was Jeanette Messinger. A year later Mrs. Border was appointed secretary-treasurer and she has held a top office in the club every year since then. She served as president for ten years and has been president for the past six years.

CLUB WILL BECOME INACTIVE

With the retirement of their president, the other members of the club decided not to continue an active club. However, in order to keep their identity and bank account, they will elect officers for 1974 on November 5. The club will also assist in the 1974 election in a small way.

Mrs. Border's political activity includes a TV appearance in Redding on behalf of John F. Kennedy when he was running for president in 1960, and on radio in Redding in 1964 on behalf of Pauline Davis.

She has served as Eastern Shasta County chairman for Don Rose when he was running for Secretary of State, Pauline Davis when she was running for the Assembly, Virgil O'Sullivan, State Senator, and Jess Unruh for Governor.

Mrs. Border has been on Bizz Johnson's Shasta County campaign committee, and on Senator John Tunney's campaign committee since each was first elected.

In addition, she has served the past nine years as Eastern Shasta registration chairman.

But perhaps her first love is music. Mrs. Border is the composer of several songs for the club and other music. She says, "Maybe now that I am retired, I'll have more time to play the piano and write music."

With all the activities of Mrs. Border, Mr. Ted Border is not left out of the picture at all. In fact, she said, "He has been the good right arm of the club since 1960 and has received a plaque as an honorary member of the club."

Ted Border, also known as "Mr. Democrat," retired from the then Scott Lumber Mill in 1956 and started his own business, Ted's Upholstery. He hopes to retire from this sometime next spring and open a rock shop. He has been a member of the Democratic Central Committee since 1962 but does not plan to run for the office next year.

QUILT SALE WILL BE THE LAST

The annual quilt sale that is almost a tradition with the Borders will be held this year on October 26 and 27, "But this will be the last," said Mrs. Border. "It has just gotten to be too much." Most of the quilt work is done by Mrs. Border herself.

"I'm not retiring from life, remember," Mrs. Border said. "I plan to spend more time enjoying the beautiful area we live in. I've traveled a lot, but there's no place like this area."

ENERGY CRISIS

HON. TORBERT H. MACDONALD

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. MACDONALD. Mr. Speaker, I would like to call to the attention of my colleagues the President's latest energy message which he delivered to the American people on television last week. I find myself in complete accord with the President when he spoke of the present energy crisis as a very serious one confronting all the people of this country. But that is about the only point in his message on which we agree.

For unlike this administration, the Congress has foreseen this grave situation and has been working diligently in an attempt to develop constructive and effective solutions to the complex problems relating to our Nation's energy needs.

There is also little doubt that the energy crisis has been heightened by the Arab States, who, in the practice of "oil diplomacy," have chosen to cut back oil exports to the United States. However, it is wrong to imply, as the President seemed to suggest, that the recent outbreak of hostility in the Middle East is alone responsible for creating our energy problems. These problems have been with us as a nation for a long, long time. They have been exacerbated by such artificial policies as the oil import quota system and others which have served the special interests rather than the public interest.

I agree fully with the President when he speaks of the need for bipartisan cooperation in overcoming the grave energy problems which now face us. I am reminded of the commitment made by the late President Kennedy to land a man on the Moon within the decade of the 1960's. When President Kennedy first made this commitment in 1961 there were few who believed that this lofty goal could be achieved. It was only through the spirit of cooperation between the President and the Congress, and between scientists and private industry, that we were able to make what first seemed no better than a dream become an almost commonplace reality. Meeting the energy needs of the people of this Nation will require a similar sense of purpose and dedication on the part of both the President and the Congress. Even more important it requires leadership on the part of the President to produce a willingness to cooperate on the part of Congress. It is precisely for this reason that I was sorry that the President, at the very moment when leadership and cooperation are so necessary, chose to lay the blame for the energy crisis at the door of the Congress. In so doing he was seriously misleading the American people.

It is important to examine the President's previous energy messages to the Congress. His message of 2 years ago was an enunciation of high goals and purposes but without specific recommendations. As the energy squeeze grew worse, Congress was led to believe that the President planned a comprehensive legislative program for which he would seek congressional approval. When his second message was finally sent to Congress, in April of this year, it proposed legislation which, at best, could only have a long-range effect. There is no evidence that any of the seven pieces of

legislation which he recommended in April would have better enabled the country to survive the shortages and the suffering which are undoubtedly in store for this winter. In addition, most of the legislation he proposed was extremely controversial and was the kind of legislation which Congress needed to examine carefully, although with all diligent speed.

For example, the President recommended deregulation of the price of natural gas at the wellhead. This has become, it seems, the holy grail of this administration. I am not convinced that the deregulations of natural gas prices will produce any more energy for this country. What clearly would result from such deregulations is an immediate and substantial increase in the price of this fuel to the consumer, without the needed exploration for new sources of natural gas. I know that you will be as shocked as I was when I was informed by representatives of the major oil companies sitting as a group in my office that they would not promise to use this new-found money for exploration for new gas. For as they said, "Our first responsibility is to our stockholders." And when pressed as to what they would do with the windfall increase, they replied, "If the return was greater in real estate we would invest in real estate." Until and unless there are assurances that the new money will be used for exploration for new gas, the Congress should remain reluctant to pad the pockets of the major oil companies at the further expense of the consuming public.

However, despite the controversial nature of this legislation and the others proposed 6 months ago by the President, Congress is going forward with the consideration of these proposals and will act when it is convinced that the national interests are indeed being served. The Alaskan pipeline conference report which we will vote on today is an example of this process.

In his energy message of last week, the President again urged Congress to act swiftly in extremely important areas. For example, he has asked Congress to roll back existing environmental protection laws which are the product of a decade of concern on the part of the American people. In many other respects, he has asked the Congress to grant him broad energy powers which he would use to meet the current energy crisis.

As chairman of the Subcommittee on Power, I can assure the President that Congress will act on his proposals where we agree that the power is necessary and will be used wisely. But the Congress will not be rushed into precipitous action simply because the President claims that he needs special authority in order to act. Many of the proposals made by the President last week could have been implemented 6 months ago or even 2 years ago by the stroke of his pen. Others could have been adopted after consideration by the Congress before things reached the crisis proportions of today.

In effect, the President appears to be playing a kind of shell game with the American people by attempting, through a sleight-of-hand, to demonstrate that he has had a program to meet the energy crisis all along. In reality, the President has not even utilized the authority already granted to him by the Congress.

In April of this year, Congress, in the Economic Stabilization Act Amendments of 1973, gave the President authority to order mandatory fuel allocations. In May, I, in conjunction with Senator JACKSON and Senator KENNEDY, introduced mandatory allocation legislation.

The purpose of my bill is to provide a method to assure an equitable distribution of fuel sources to all regions of the country. It also assures that the independent marketer of petroleum products will not be forced out of business at the whim of the major oil companies. In addition, such an allocation program will insure that domestically produced fuel oil is utilized to meet domestic needs as the highest priority. Implementation of a similar program by the President under the authority given to him by Congress could have prevented what is reported to be an increase in the exportation of domestically produced fuel oil by the major oil companies at a time when our needs here at home should be overriding. The enactment of the mandatory allocation legislation which I introduced, and which was agreed to last week by House-Senate conferees, specifically prohibits such exports in the future. However, I would like the President to explain why he has allowed these exports to rise over the past 6 months in a time of increasing shortages.

The voluntary allocation program which the President announced last May failed to meet the needs of the country. It should have been clear at that time that the only workable solution was a mandatory program.

Typical of administration foot-dragging attitude in face of the energy crisis has been their reluctance to change from a voluntary to a mandatory allocation program. On July 10, appearing before the Commerce Committee to testify on my mandatory allocation bill, Deputy Treasury Secretary William Simon, who was Chairman of the President's Oil Policy Committee, promised administration action on a mandatory program within 7 days. Needless to say, no action was forthcoming, and it was in this period that Secretary Simon was replaced as "energy czar" by former Colorado Gov. John Love. I requested Governor Love's position on mandatory allocations but was told that he was unavailable to testify. On July 25, in my remarks in this Chamber, I expressed "a sense of regret and disappointment" at the lack of resolve on the part of the administration to take the steps necessary to implement a mandatory program. The following day Governor Love telephoned me and promised a decision within "a few days." Again, the promise was an empty one.

As a result, Commerce Committee action on H.R. 9681 was completed quickly and the bill was passed by the House overwhelmingly, 337 to 72. The conference report is scheduled for final approval by Congress this week.

What is important to note is that at no time during the period in which Congress was readying this legislation did the President exercise the authority we had given him in April to achieve the same goal. It is difficult to lay the blame for delay at Congress door in this instance.

In closing, I would agree with the President that now is the time for all of us to work together and to put aside partisan and personal differences for the sake of the American people. I can assure the President that he will have my subcommittee's complete cooperation to this end. However, I can only hope that the President will be able to follow his own advice and that he will stop taking bad advice himself from the major international oil companies.

THE MULTINATIONALS

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. GIBBONS. Mr. Speaker, a group of us from the House met recently with a group of European parliamentarians here in Washington for 3 days of discussions on United States-European relations and other matters of mutual interest, including trade, investment, development, and energy policies.

During one of these sessions it was my privilege to present a discussion paper on the issues involved in the worldwide operations of multinational corporations—MNC's.

There was a great deal of agreement among those present at that session on the nature of the problems for governments which are associated with MNC operations. We agreed that at our next meeting, in March, we would discuss the specific points which could be included in a new international agreement on the taxation, standards of conduct and implications for competition of MNC operations.

I would like to insert my discussion paper on MNC's in the Record at this point and ask for comments which might be helpful to us in drawing up a proposed international agreement on this important subject:

THE MULTINATIONAL CORPORATION: ITS REGULATION, TAXATION AND STANDARDS OF OPERATION

(By Congressman SAM M. GIBBONS)

Prepared for presentation at a discussion meeting of U.S. Congressmen and European Parliamentarians, October 30, 1973, Washington, D.C.

The Honorable George Ball, former U.S. Under Secretary of State, once said this about the multinational corporation:

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"The multinational corporation not only promises the most efficient use of world resources, but as an institution, it poses the greatest challenge to the power of a nation-state since the temporal position of the Roman Church began its decline in the 15th century."

Truly, it is fitting and most necessary that we focus our attention on the development of the multinational corporation (MNC)—now perhaps the dominant force in economic relations between nations—for we as representatives of the people of the world can continue to neglect this subject only at our mutual peril.

There is no denying the fact that the multinational corporation, as an instrument for greatly increasing commerce among nations, carries with it the potential for increasing greatly not only our standard of living but also the prospects for peace and understanding on this fragile planet.

The multinational corporation can be one of the most efficient economic units ever known to man. It has integrated world resource markets with great success, especially labor and capital markets. It has been the same kind of boon to the world economy as the domestic corporation was to the United States in the 1880s and 1890s when it integrated the various regional markets and resources of the country.

The development of the corporation in the United States was not without its problems, however, just as the development of the MNC is not. The most notable reaction by the U.S. government to the excesses of the corporation was the creation of the U.S. antitrust laws. Unfortunately, a similar reaction to the excesses of the MNC has not been so rapid and definite in appearing.

As so often happens in the case of rapid new developments, the governments of the world have, it seems, been tardy in recognizing the significance of the MNC and our common interest in keeping the operations of the MNC responsive to nationally and internationally agreed upon goals.

As far as effective monitoring or action regarding the development of the MNC goes, the nations of the world really have been "drifting" in their policies.

MAKING THE MNC ACCOUNTABLE

No multinational corporation in its right mind would of course voluntarily submit to government regulation. A Dow Chemical Company official admits to a continuing dream of "buying an island owned by no nation, and of establishing the world headquarters of the Dow Company on the truly neutral ground of such an island, beholden to no nation or society."

Anthony Sampson, author of the book, "The Sovereign State of ITT," observes that MNCs invariably regard governments, like other obstacles to management, as nuisances to be circumvented or overcome."

In the United States, the Federal Trade Commission brought suit against the Xerox corporation. At first, the company would not even meet with representatives of the Commission. Their response was "We don't believe that the Federal Trade Commission is the appropriate forum for the resolution of the problems of multinational corporations."

By what right should any MNC feel that it is or should be responsible to no one?

After World War II we were careful to set up agreements and institutions promoting agreement on divisive world issues—the United Nations, the International Monetary Fund, the General Agreement on Tariffs and Trade (GATT)—but we failed to realize that the MNC would become a force and a problem to be reckoned with in its own right. Though we now seem to have recognized this fact, we are in large part still failing to deal rationally with the MNC, either as individual countries or on an international basis.

We have generally failed to make realistic accountings of the costs and benefits of the multinational corporation and have failed to make the MNC really responsible to anyone or any organization.

Thus, we face the real prospect that our individual and common social, economic and political goals and policies will be frustrated by the day-to-day operations of the giant MNCs—that individual corporate managers will make decisions that can overrule the decisions of national governments.

We face the likelihood that the MNC will continue to exploit its supranational advantages to escape a just burden of taxation, as well as to avoid our efforts to curb monopolies, moderate inflation, and so forth. The MNCs' great power to avoid the desires and rulings of national governments simply by shifting their production or their capital—and thus jobs and tax revenues—to other jurisdictions is an awesome power which cannot go uncurbed.

If we do not cooperate as governments to make the MNC accountable for its actions, we run the risk that the MNC, world-wide in outlook and understandably self-serving, will continue to promote its own supranational goals, such as profits maximization and market enlargement, with little legal obligation to consider other factors, such as national social goals.

While the conscience of the MNC businessman and public pressure can have some effect on this situation, they are obviously no substitute for an orderly and detailed assessment of the effects of MNC operations and national and international policies and laws designed to deal with these effects.

Very recently, a number of different groups have undertaken studies of the MNC. These include the United Nations, the OECD, the International Labor Organization, the European Commission staff, and the U.S. Congress. Although necessarily fragmented, these efforts should continue to have our strong support and their results should be studied very carefully.

Nonetheless, this question remains: Is not the importance and urgency of the problems associated with MNC operations so great that we ought to be pursuing, right now, a new international agreement and creation of a new institution, perhaps similar to the GATT? Would it not be wise to centralize and focus our efforts regarding the MNC and related problems in a new international body—perhaps a kind of general Agreement on Tax and Investment Policies?

It would certainly be appropriate for the United States and the European Community to exercise leadership in establishing such a new legal framework designed to promote cooperation between countries in resolving problems and disputes not now handled by any one institution or agency of an institution.

Whether this were an entirely new body or an adjunct of an existing organization, it would serve a most useful purpose in centralizing the collection of information and serving as a forum for discussions and consultations on mutual problems and concerns relating to the MNC. It could spell out generally agreed upon principles where possible and aid harmonization of policies where general agreement was not possible.

After all, efforts divided are efforts defeated. And surely it never was prudent for any of the countries of the world to believe that our best defense against the excesses of the MNC was to have more MNCs based in our country than the other countries had. This kind of competition, like unreasonable competition between the less developed countries for MNC investment (which erodes their tax base), can too easily result in the benefit of the MNC itself at the expense of all countries.

Some actions can of course be taken by individual countries on a unilateral basis to moderate the operations of the MNC.

In the case of the United States, for instance, it is the view of many who have studied this subject that we have encouraged U.S. foreign direct investment and the growth of the MNC, unnecessarily and at least to some extent, by certain provisions of our tax laws and by the operation of the insurance programs of our Overseas Private Investment Corporation (OPIC).

What benefit has all of this brought to the United States? While we know that it has helped enrich some of those associated with U.S. MNCs, we have not even required these companies to supply us with the detailed information on their operations which would give us the opportunity to try to determine accurately whether these tax subsidies by the American taxpayer to the U.S. based MNCs has been of any general benefit to the United States or to other commonly agreed upon goals, such as that of development in the less developed countries of the world.

At the very least, our various national policies should aim at neutrality in our tax policies with regard to investment decisions—especially in the absence of strong evidence that tax subsidies in the form of tax forgiveness for certain kinds of business activities are really efficient in promoting vital national goals. Recent studies by the Joint Economic Committee of the U.S. Congress confirm the view that the tax subsidy has been a very poor means for trying to promote national economic and social goals.

In like manner, our investment policies should be as neutral as possible, avoiding either subsidies or restrictions wherever possible. We are pursuing studies of the effects of these distortions on investment patterns within the U.S. government and also in the OECD. However, a new international institution, such as the General Agreement on Tax and Investment Policies suggested above, could be most helpful in centralizing our efforts and harmonizing investment policies, as well as tax, antitrust, and other policies toward the MNC.

Timely completion of our efforts to reform the international monetary system is, of course, vital to all of this.

THE NEED FOR MORE INFORMATION

Our first need to make us able to come to more prudent policy decisions toward the MNCs and toward foreign direct investment is for more complete and current data on the operations of the MNC. Although what we do know about the size and operations of the MNC is impressive, it is hardly detailed enough for good decision making.

Indeed, we haven't even been asking the right questions about MNC in many cases. In the United States, we've focused our attention on whether MNC operations were good or bad for our employment rate or for our balance of payments. While these issues should be considered, other very serious questions about the effect of the MNC on resource use, market concentration, income distribution, and tax policies simply have not been studied.

For Americans, one of the most disturbing indications that there are serious gaps in our knowledge about the MNC came to light in connection with the massive Tariff Commission Report to the Senate Finance Committee in February of this year. This report, "Implications on Multinational Firms for World Trade and Investment and for U.S. Trade and Labor," is generally considered to be one of our best sources of information on the MNC. Yet, in the letter transmitting this report to the Finance Committee, the Chairman of the Tariff Commission stated:

". . . Further, the difficulties imposed by the procedures involved in the use of an unlike data base for the two bench-mark years were increased by the failure of the respondents to answer fully with respect to certain key data. In turn, these difficulties were magnified for the reason that such data were reported to the BEA in confidence and, to prevent unauthorized disclosure, were released to the Commission in many cases only in the form of incomplete aggregated estimates.

"Data on 1970 employment by the MNCs, for example, were lacking or only partially available for about 600 of the foreign affiliates and for about 30 of their parents in the sample; about a third of the total data reported in 1970 was subject to disclosure considerations which necessitated numerous estimations."

Ralph Nader, the tireless spokesman for the American consumer and taxpayer, has submitted this list of what information MNCs should report to the United Nations for publication in the public interest:

1. Who owns what land, mineral and other resources in each country;
2. The amount, origin and nature of new investment;
3. The firm's total income;
4. Payments received on royalties, patents, licenses and management contracts from foreign affiliates;
5. Ties and interlocks with other financial, industrial and government corporations together with credit and debit relationships;
6. The amount of taxes paid by country;
7. All mergers and acquisitions and their terms;
8. Special governmental incentives to firms to settle where they did, including subsidies and other state-granted privileges and immunities;
9. All patents held and cross-licensing agreements;
10. Wages and benefit levels;
11. Occupational casualty and disease data;
12. Environmental pollution and depository data; and
13. Judicial and regulatory actions and judgments which are of public record.

Others have suggested that, at least for the immediate future, this kind of reporting will have to be done on a confidential basis and only to the government of the country in which the MNC is based—the government which has legal jurisdiction over the company and is able to enforce laws on it.

In any case, it is clear that a start must be made now toward requiring more complete reporting from MNCs. Also, the cooperation which has begun between governments such as the United States and European countries in exchanging this information for legitimate purposes, such as that of taxation, should be expanded. Nearly all governments have much to gain in this regard.

"Laissez-faire" is not an appropriate policy for any business operations having such far reaching effects as those of the MNCs. Any claims to confidentiality or privacy made by the MNCs in this connection will have to be weighed carefully against the very strong public interest in having access to certain of this information.

CHARACTERISTIC OF THE MNC

What we do know about the size and operations of the MNC should give us a healthy respect for its power and its potential.

The MNCs are indeed giants, both in size and in influence on the world economy. Attached at the end of this paper is a table showing the sales, foreign sales and subsidiaries of the 15 largest multinational corporations. (Table 1)

The MNCs are growing twice as fast as the 5 percent per year growth of the world economy. If MNC sales are compared to the gross national products of various countries, 51 of the world's 100 largest money powers are MNCs and 49 are countries.

The MNCs are now doing about $500 billion worth of business a year. This is nearly one-sixth of the world's production, or more than the gross national product of Japan. Each of the top 10 MNCs has annual revenues larger than the gross national product of two-thirds of the countries of the world.

The foreign investment of MNCs has surpassed trade as the main means of international economic exchange and has blurred national borders. It has caused some economists to literally rewrite their theories about the economic effects of trade and commerce among nations.

Germany apparently has more capital invested today in textile and chemical plants in the State of South Carolina in this country than anywhere else in the world outside of that country. Switzerland's largest corporation, Nestle Alimentana S.A., does 98 percent of its business outside of Switzerland. U.S. MNCs control something like 90 percent of Europe's production of microcircuits.

U.S. MNCs account for something like 50–60 percent of all foreign direct investment. MNCs based in the U.S., the U.K., Germany and France control 80 percent of the foreign operations of MNCs.

The United States has been the traditional home of the MNC. The book value of U.S. direct investment abroad increased from $12 billion in 1950 to more than $86 billion in 1971. Americans tend to think of this investment as being mostly in less developed countries. However, Western European and Canadian markets were early targets for this investment and today about 60 percent of this investment lies in these two areas of the world, with about one-third in Europe and more than one-fourth in Canada. Latin American investments account for about one-sixth of U.S. MNC investments.

Nonetheless, it is somewhat unlikely that U.S.-based MNCs will retain their dominance in the world economy. Two hundred non-American firms are now on the Fortune magazine list of the world's 500 largest corporations. European and Japanese foreign direct investment has been increasing rapidly. For instance, Japanese investment abroad has been increasing by more than 30 percent per year in recent years.

Many economists believe that it was not only the health of the American economy after World War II and the American technological lead in certain areas which contributed to the rise of the U.S.-based multinational corporation, but also the overvalued dollar of recent years. This phenomenon made it comparatively much cheaper than it should have been to use dollars to buy up plants and other facilities abroad.

Foreign investment in the United States amounts to less than half of our investment abroad. Further, direct investment, such as in plants and other facilities, amounts to only 28 percent of this investment in the United States, as compared with 74 percent of U.S. investment overseas. Portfolio holdings account for 60 percent of foreign investment here as compared with only 19 percent of U.S. investment abroad.

Our embassies are actively encouraging direct investment in the United States. The more realistic exchange rates which have prevailed recently seem to be a factor in promoting this investment.

Foreign companies are also investing in facilities here to serve their U.S. markets. In some cases, this is also being done to avoid any possible resurgence of protectionist U.S. trade policies. In this connection, the president of the United Auto Workers has expressed his approval of the building of a Volvo plant in the United States which will employ 1,500 workers. However, proponents of the protectionist Burke-Hartke trade and investment bill seem to be voicing as much objection to this kind of direct investment by foreign-based MNCs in this country as they did to the supposed export of American jobs by investment abroad by American-based MNCs.

MNC operations have generally been quite profitable. A Senate Finance Committee study reports that 21 of 30 U.S. multinational firms made higher profits abroad than at home. Earnings from the foreign operations of U.S.-based MNCs now contribute 20–25 percent of U.S. corporate after-tax profits. Thus, they have become a rather important element in promoting the growth of the U.S. economy.

1965–68 figures for U.S.-based MNCs show returns of 7.9 percent for developed country investment (9.6 excluding petroleum) and 17.5 percent for developing country investment (11 percent excluding petroleum). In this latter category, investment in Asia yielded 34.7 percent return (11.7 excluding petroleum).

There is of course a great difference in return for different investments. One study of return on net worth for 15 U. S. drug subsidiaries in Latin America shows returns ranging from 44.2 percent to 962.1 percent, with the average being 136.3 percent.

NATIONAL RESTRICTIONS ON THE MNC

The phenomenal rise of the MNC has prompted reactions to it. Even without cooperating with one another, nations are not of course completely defenseless against the MNC. Perhaps their first line of defense is to prevent the MNC from investing in their country.

The Andean Group has come up with very stringent regulations on any foreign investment. These are designed to insure that this investment benefits the host country and does not lead to further dependence on other countries. Mexico has adopted new foreign investment laws and Canada—with fully half of her capital assets now owned by U. S. or British-based MNCs—and Australia are also moving in this direction.

Some of the less developed countries are requiring that a certain percentage of the goods sold in a country be produced locally, while a special kind of "investment code" or local participation requirement is now forcibly being put into effect by the Arab oil-producing countries.

Expropriation is another power that the host country retains in connection with the investments of an MNC. Expropriations, especially in Latin America, have been on the rise in recent years. Hopefully, national investment codes will set the ground rules for foreign direct investment more specifically and both expropriations and home country attempts at remedy, such as OPIC, will become much less common in the future.

Most countries of the world, including the United States and the Europeans, seem to be rethinking their attitudes toward the costs benefits of the MNC. This is as it should be. The result has generally been more restrictive policies toward the MNCs, or at least the consideration of this kind of change.

Nonetheless, it would be unfortunate if this change in direction resulted in unnecessarily restrictive policies toward the MNCs, for our goal would seem to be that of harnessing the great potential of these giants and making them responsible to public policy rather than putting them all out of existence.

Two of the most troublesome problems in relation to the MNC are (1) how to assess and enforce a just burden of taxation on the MNC and (2) how to limit the monopolistic oligopolistic tendencies of these giants so that their operations do not have serious adverse effects on competition and on prices in world markets.

TAXING THE MNC

One day this summer the New York Times carried an article noting that the staff of the European Commission, in a working paper, had singled out taxation as the area in which MNCs were in sharpest conflict with host states. The working paper noted that:

> Even leaving aside any problems with tax evasion, it is undoubtedly true that domiciliation in various countries, each with its own methods and rates and with independently conducted audits, . . . provides openings for tax avoidance.

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The prices charged in a group's intercompany transactions and fees for industrial property or management can be used as a means of reducing the tax assessment basis or of consistently moving profits to countries with favorable tax systems.

Heads of multinational undertakings freely admit, however, that if tax avoidance is not their raison d'etre or their main source of profit, nevertheless they do logically operate a tax strategy that best serves the interests of their firm.

Merely by being true to themselves, the multinationals thus come into conflict with the [host] states.

Thus, for instance, a Belgian subsidiary of a U.S.-based MNC might help the MNC take advantage of the lower tax rate in Switzerland by charging a higher than reasonable price for management services rendered to the Swiss subsidiary of the same MNC, thus reducing its own income proportionately—income which would have been taxed at a higher rate than the Swiss subsidiary's income will. Some would call this just another phase of the company's tax planning.

U.S. Finance professor Sidney Robbins was quoted in Fortune magazine as saying "there is enormous potential for saving taxes by adjusting prices within the corporate structure" but that the MNC had not yet fully exploited transfer pricing.

U.S. Treasury officials have indicated that they are pleased with the progress which has been made by the United States and Germany in combatting the problem of transfer pricing by setting forth rules to be used by the MNC's for transactions "not at arms length." This problem needs to be pursued, however, to involve the cooperation of other countries.

If the MNC is to pay its fair share of the social costs of its operation, effective means must be worked out by governments to allocate the income of the MNC fairly among the different countries in which MNC subsidiaries may be located. The governments of the world have a great deal of work to do in tightening up their tax rules and their cooperation with one another if this is to be done—cooperation in such areas as the exchange of information, the enforcement of tax laws, the discussion of disputes, and so forth.

While the developed countries have made some good progress in these areas, and in achieving some harmonization of tax laws through means such as the tax treaty and consultations in the OECD, a great deal remains to be done both in this field and with regard to agreements between developed countries and developing countries.

Undue competition for the benefits of MNC home bases or foreign direct investment, as through tax forgiveness provisions or tax holidays, can only hurt the countries of the world by eroding their tax base to the advantage of the MNC. In all of these tax areas—including the consideration of border or value-added taxes in some countries, as well as the possible adverse implications for foreign investment of European steps toward integrating the corporate and personal income tax but allowing tax credit only to domestic investors—a General Agreement on Tax and Investment Policies, with a permanent secretariat, could serve a very useful function.

It has been estimated that the average effective tax rate for the United States on foreign operations of U.S.-based MNCs is 5 percent. This compares with a statutory tax rate of 48 percent for U.S. corporations. While it is perhaps reasonable that much of the taxes paid by a corporation should go to the taxing jurisdiction where the company's operations are located, the United States is obviously quite generous in our tax treatment of foreign source income. For instance, the tax treatment for a company establishing a subsidiary operation in Mexico is likely to be quite a bit more favorable than if that same company established a new operation in the United States. Also, in case after case, an American MNC has made use of a tax haven operation or certain provisions of the U.S. tax law to escape much of what would have been a fair burden of taxation.

For instance, the U.S. government does not levy a tax on any U.S.-based MNC earnings until they are repatriated to the United States. This "deferral" of taxes allows the company to reinvest earnings abroad indefinitely and, as many tax lawyers point out, to really escape taxation completely.

It is little wonder that representatives of foreign governments express the hope that we will not eliminate deferral, since it encourages re-investment in their countries and produces jobs and tax revenues. But why should we do this when there is no accounting of exactly what benefits there are for the United States from all of this, or for such goals as development in less developed countries?

Even though the U.S. government does not tax foreign source income on a current basis—when earned—we are rather generous in underwriting the losses of U.S.-based MNCs abroad. Generally, 48 percent of any loss incurred, even by an expropriation not covered by insurance, is allowed as an immediate deduction against U.S. tax liability.

Even by most conservative estimates, our tax breaks for foreign operations abroad—deferral, DISC (providing deferral for export-related operations), the Western Hemisphere Trade Corporation allowance (a reduced tax rate for these investments; 34 percent) and others—cost the U.S. government at least $675 million a year in lost tax revenues.

We may never know how much the U.S. government has forgone in tax revenues in connection with the U.S. investments in Middle East oil, virtually all of which are now being nationalized.

Several committees of the U.S. Congress are now or will soon be taking a very close look at whether these tax subsidies to foreign investment—much of which would undoubtedly be made even if there were no subsidies—are justified. For instance, how can it be argued that we must provide further tax breaks for domestic investment in order to encourage additional capital formation in this country when, at the same time, we are subsidizing the export of our capital, both through a bias in our tax laws in favor of foreign investment and through the OPIC insurance program?

Minimal U.S. tax reform proposals would eliminate deferral and DISC and tighten up the foreign tax credit, which is the U.S. vehicle for preventing double taxation of foreign source income. Other proposals would actually penalize foreign investment by treating the foreign tax credit only as a deduction. The U.S. Treasury has proposed certain revisions in the tax laws relating to allowances for foreign losses and for operations in foreign tax havens.

MNC'S AND THE CONCENTRATION OF ECONOMIC POWER

The second major field of concern regarding the MNCs is the control of their vast economic power. While this is basically a problem of jurisdiction and the application of antitrust laws, the unique and growing economic power of the MNCs is of course at the heart of our concern about the political power of these giant companies.

In this area perhaps more than others the governments of the world have been tardy in acting. There is strong evidence that harm has already been done in the form of lessened competition, higher prices and lower quality, and that now is the time to act to recoup lost ground.

As the attached table (table 2) shows, much of the growth of the U.S.-based MNCs abroad is attributable not to new facilities but to mergers and acquisitions of existing companies. While bigness may mean economic efficiency, it may also mean "improper advantage of a dominant position," as the Treaty of Rome puts it.

Americans have been pleased at recent reports that the European Commission is aggressively enforcing the European "competition policy." We have not been so happy with European rules on government procurement, which favor European companies and give little regard to price competition. While our own less stringent "Buy American" laws have popular appeal, there is a severe questioning of their prudence with regard to costs and benefits by many U.S. Congressmen and government officials.

Americans have also been pleased at reports that our own government is taking a stronger stand against monopolistic practices in this country. IBM, the world's 6th largest MNC, has been found guilty under U.S. antitrust laws of trying to monopolize the market for peripheral devices for its computers and is likely to pay millions of dollars in treble damages for this. Also the Justice Department's Antitrust Division has been reorganized with a view to more attention to matters involving trade and MNC operations.

Nonetheless, U.S. efforts to apply our antitrust laws to subsidiaries of U.S. MNCs have met with resistance. This is another area in which care must be taken to avoid the MNC's possible escape from any governmental jurisdiction.

In 1970, the OECD warned that, with the rise of the MNC,

"The competitive pressures which have come from the dismantling of trade barriers may gradually weaken and there is a danger that international mergers and growing financial links between large companies in different countries may lessen competition between foreign and domestic suppliers.

"While the growth of multinational corporations and links across national frontiers have been a major factor promoting rationalization and higher productivity, they also provide increasing scope for monopolistic and oligopolistic practices."

Economists such as Stephen Hymer are warning that "direct foreign investment tends to reduce the number of alternatives facing sellers and to stay the forces of international competition."

Americans tend to think that we have a very competitive "free enterprise" system in this country, whereas the European and Japanese governments permit various cartel arrangements and even support them. This is of course not exactly the situation. The U.S. government provides a great number of de facto subsidies to its industries. However, it is very important that all governments realize and realistically assess the dangers of the MNC as far as reducing competition and raising prices goes. Another serious problem in this area is the control by MNCs of alternative technologies, such as giant oil company control of coal and uranium supplies as well. In view of the implications of this fact, and the existing problem of world-wide inflation, the need for attention to this area cannot be over-emphasized.

General Motors is the largest corporation in the world. It is a multinational corporation, with about one-fifth of its sales abroad.

In its U.S. operations, controlling such auto "divisions" as Chevrolet, Buick, Pontiac, Oldsmobile and Cadillac, it has long enjoyed an extremely dominant position, verging on monopoly, in the U.S. automobile industry, which has become a large segment of the U.S. economy. If it had not been for the availability of Volkswagens, Toyotas, and other small car imports, there would have been no pressure on GM to produce any small cars at all—since small cars yield GM less profit. Therefore, without the competition of the foreign imports, there would be even fewer choices of relatively small cars on the U.S. market today than there are. Further, our gasoline consumption and air pollution problems would be even worse than they are

Certainly there has traditionally been little real competition for GM from the other members of the U.S. auto industry oligopoly, Chrysler and Ford. It is easy to see how a further take-over by GM or another giant auto company of world-wide auto production could put consumers even further at the mercy—choice-wise and price-wise—of the MNC and the decisions of its corporate managers.

To make matters worse in its U.S. operations, GM also controls mass transit divisions which make buses and other such vehicles. How could one expect much progress in the mass transit area from GM when its bread and butter comes from selling more and bigger cars?

A solution suggested by some is to break GM into its independent component divisions especially in the case of its mass transit operations. Unfortunately, this suggestion has not been accepted by many government officials.

Yet, given the resource limitations of this plant, which are daily becoming more and more obvious, can this government and the other nations of the world afford any longer not to cooperate in making vast vested business interests such as GM accountable to the public good?

MNC'S AND MONETARY DISRUPTIONS

The Tariff Commission report cited above notes that at the end of 1971 private corporations controlled some $268 billion in short term liquid assets, with the lion's share controlled by multinational firms and banks headquartered in the United States. This was "more than twice the total of all international monetary institutions in the world at the same date."

The massive economic power of the giant MNCs is reflected in their holdings of short-term liquid assets. Even unintentionally, a movement of only a small fraction of these holdings from weak currencies to stronger ones could create a real crisis in the international monetary system.

This fact of life has made even more urgent the reaching of an early agreement on a more flexible international monetary system with adequate means for financing large short-term capital flows among countries.

MNC'S AND DEVELOPMENT

With the current backsliding among the rich countries of the world in their commitment to aid the developing countries, private foreign investment has assumed a new importance for the developing nations.

There would seem to be further steps the United States and other countries could take to promote the kind of investment in developing countries which will really be of benefit to those countries as well as to the MNC, such as the huge new agribusiness project under way now in Senegal. Thus far, some of the tax and aid steps the United States has taken with regard to development have not been very selective in their effect. The U.S. government and private businesses as well could be helpful to developing countries by providing technical assistance to these countries. One area that would seem to be ripe for action is assistance to representatives of these countries in the mechanics of negotiating with the skillful representatives—lawyers, accountants, economists, etc.—of the MNC. This kind of aid could benefit the MNC, by reducing suspicions and the likelihood of future action against foreign holdings, as well as the host country.

Like the area of antitrust, the role of the MNC in promoting development is a sorely neglected area. Narrowing the income gap between nations is absolutely essential if any of us are to enjoy peace and prosperity in the future. It would be most unfortunate if we are not able to harness the potential of the MNC for promoting development; rather than its potential for exploiting low wage rates and low environmental standards to its own advantage.

NEED FOR ATTENTION AND ACTION

As has been emphasized throughout this paper, the magnitude and significance of the issues relating to the operations of the multinational corporation are far too great for us to do anything but turn our immediate attention to better cooperation among our countries to resolve these issues.

A good way to start on this would be for us to set a date for an international conference on the creation of a General Agreement on Tax and Investment Policies.

TABLE 1.—THE TOP 15 MULTINATIONAL COMPANIES

Company	Total 1971 sales [billions of dollars]	Foreign sales as percentage of total	Number of countries in which subsidiaries are located
General Motors	28.3	19	21
Exxon	18.7	50	25
Ford	16.4	26	30
Royal Dutch/Shell	12.7	79	43
General Electric	9.4	16	32
IBM	8.3	39	80
Mobil Oil	8.2	45	62
Chrysler	8.0	24	26
Texaco	7.5	40	30
Unilever	7.5	80	31
ITT	7.3	42	40
Gulf Oil	5.9	45	61
British Petroleum	5.2	88	52
Philips Gloeilampenfabrieken	5.2	NA	29
Standard Oil of California	5.1	45	26

Data: United Nations.

TABLE 2.—187 U.S. MULTINATIONAL CORPORATIONS: METHOD OF ENTRY INTO HOST COUNTRY

[Number of affiliates and percentage]

	Total affiliates			Acquisitions [1]			Acquisitions as percentage of total		
	Pre-1946	1946–57	1958–67	Pre-1946	1946–57	1958–67	Pre-1946	1946–57	1958–67
Developed market economies:									
Canada	537	414	639	158	187	370	29.4	45.2	57.9
Western Europe	1,105	693	2,754	256	194	1,193	23.2	28.0	43.3
Southern hemisphere [2]	152	185	511	30	57	240	19.7	30.8	47.0
Japan	17	43	198	5	17	53	29.4	39.5	26.8
Developing countries:									
Western hemisphere	508	735	1,309	110	157	477	21.7	21.4	36.4
Asia and Africa [3]	103	176	491	17	23	109	16.5	13.1	22.2
Total	2,422	2,246	5,898	576	635	2,442	23.8	28.3	41.4

[1] Acquisition refers to purchases by U.S. corporations of domestic companies previously under local control.

[2] Including Australia, New Zealand, Republic of South Africa, Rhodesia.

[3] Excluding Rhodesia.

Source: Center for Development Planning, Projections and Policies of the Department of Economic and Social Affairs of the United Nations Secretariat, based on James W Vaupel and Joan P. Curhan, "The Making of Multinational Enterprise" (Boston, 1969).

REMARKS OF REPRESENTATIVE G. V. MONTGOMERY AT LAUNCHING OF U.S.S. SPRUANCE

HON. TRENT LOTT

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. LOTT. Mr. Speaker, on November 10, 1973, a historical event occurred at Pascagoula, Miss. The first of the proposed 30 *Spruance* class DD–963 destroyers was launched. This multipurpose destroyer, with its sleek lines, vindicated the supporters of the "shipyard of the future." As it touched water by modern launching techniques, Congressman G. V. "Sonny" Montgomery delivered the principal address and very succinctly put the launching in its proper perspective.

REMARKS OF REPRESENTATIVE G. V. MONTGOMERY

Thank you, Admiral Zumwalt, for that very generous introduction. It is not often one has the honor and privilege of being introduced by the Chief of Naval Operations. It has been my good fortune on several occasions to talk with Admiral Zumwalt during appearances before our House Armed Services Committee and in less formal situations. I have always found him to be a man of immense capabilities and knowledge. One trait exhibited by you, Admiral, that is especially appreciated is your willingness to always speak your mind and let the chips fall where they may. You have been an inspiration to the officers and men serving under you and they should be grateful for the many changes you have instituted on their behalf.

Congressman Lott, Admiral Kidd, Admiral Johnston, Admiral Payne, Mr. O'Green, Mr. Marandino, Mrs. Spruance, Mrs. Bogart, my fellow Mississippians, ladies and gentlemen.

Before beginning I would like to express on behalf of Senator John Stennis his very deep regrets that important business pending before the Senate and especially the Senate Armed Services Committee prevented his being with us today. He really hated to miss this important event.

This occasion has been billed as the launching of the first of a new fleet of multimission U.S. Navy destroyers. Actually, it is much more than that. This event represents the beginning of an entire new naval concept to preserve the integrity of the high seas and ensure the defense of the free world. It also represents a revolutionary concept in shipbuilding made possible by the dedication and hard work of my fellow Mississippians and Alabamians that will result in a savings for the taxpayers over the long run.

Equally as important, this launching reminds us of the many men and women who fought bravely and against superior forces at times during World War II in order that the free world might remain free.

Mrs. Spruance, I believe your late husband

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would have been very pleased to have known that the first of the DD–963 class of destroyers is being named in his honor. In fact, the entire complement of 30 ships will be known as the Spruance Class. As a former commander of the first true destroyer, the *USS Bainbridge*, Admiral Spruance might be a little surprised to find that his namesake is twice as long as the *Bainbridge* and can displace 7,800 tons fully loaded as compared to a loaded displacement of only 590 tons for the *Bainbridge*.

Of course, the *USS Spruance* has many other firsts. As I mentioned earlier, it is a new class of Navy destroyers developed to maintain America's strength on the world seas and deter war into the 21st century. This will be the first major combat ship in the U.S. Navy to be powered with four marine gas turbine engines making it possible to travel at speeds in excess of 30 knots. The *Spruance* will have the most advanced surface ship sonar operational in the Navy today. In addition to its major responsibility of antisubmarine warfare, this ship can be assigned to bombard shore positions, support amphibious assaults, escort military and merchant ships convoys, perform surveillance and trailing of hostile surface ships, establish blockades and undertake search and destroy operations. This class of destroyer will certainly strengthen our position in keeping the sea lines open for much needed oil coming to the U.S.

Of importance to the cost conscious taxpayers of America is the fact that Litton technology and expertise produced a ship that will require a crew of only 250 officers and enlisted men. This is less than 80 percent of the crew required for modern combat ships of similar size and lesser capability. The reduction in personnel alone is expected to save the Navy more than a billion dollars at today's prices during the life of these new ships.

Nor have the creature comforts of the men assigned to the *Spruance* and future DD–963 destroyers been forgotten. The ship is almost self-maintaining and the living and recreation quarters for the men will be the most modern and comfortable available, including carpeting and pleasing color schemes.

Much of this must sound like a scene from a Jules Verne tale or some kind of miracle ship. It is not science fiction, but it is part of a major nationwide defense effort.

As noted by Ned Marandino, from the time that the smallest component part was produced to the time of launching, people from 35 States, the District of Columbia and 2 foreign countries have had a part in producing this vessel.

Even though Ingalls has the total responsibility of producing these new destroyers, many of the component parts were subcontracted to firms throughout the Nation. So it's really not a completely true statement to say that Ingalls Shipbuilding was awarded the contract for the Spruance class of destroyers. The contract was actually awarded to American industry under the direct responsibility and supervision of Ingalls, and I can't think of a better company to handle this challenge.

Let me digress for a moment to comment further on Ingalls Shipyard in view of the unjustified criticism that has come its way.

Most of the critics have never been to Ingalls shipyard and as far as I know have never even taken the time to discuss their charges with any of the officials of Ingalls or Litton.

I don't deny anyone the right to make any charges they want to or bemoan the fact that Ingalls received the contract for the DD–963 destroyers and LHAs. But I am sick and tired of political office holders picturing our defense contractors as highway robbers. Nor do I appreciate the fact that they play on the lack of knowledge of the American taxpayers when they know full well that only a very few people fully understand the complexities of military procurement. The contracts held by Ingalls and its subcontractors throughout America are a perfect example of an extremely complex defense agreement.

While making these statements, I full well realize that Ingalls has experienced problems in meeting part of their contract on the LHA. But these have not been insurmountable problems and are problems that can be expected on the shakedown cruise of any new facility such as this new and modern shipyard.

In fact, the USS Spruance is five and one-half months ahead of the contract milestone for launch.

In conversations I have had with Mr. O'Green and Mr. Marandino, they have made known to me their concern and the concern of their company. But what is important is that they have taken steps to solve the problems of the past and improve on the efficiency of the yard.

In addition to the leadership being provided by company management, I think it is also important to stress the dedication of the 18,000 person labor force. They are a true example of the hard work and dedication that American industry has come to expect of Mississippians, and those from neighboring states.

These men and women are not so many time cards that have to be punched each day. They are flesh and bone with an emotional involvement in their craftsmanship. I would match their abilities with the work performance of people in any other State in the Nation. I am proud of them and I am proud of the role they are playing in our Nation's defense.

I would like to quote a part of a statement made by Senator John Stennis concerning the LHA and DD–963 contracts following an on-the-ground inspection made by the Senator last December. I quote:

"I want to emphasize that these contracts come under a new method of building ships. There is some trial and error in it, there always is in new things.

"There may be some added costs—there always is in things that are new. But I see clear evidence the Ingalls is not only building these ships, but they are going to demonstrate to the American people and to the world that this is a sound way to build ships. I think it will prove to be the best way to build them at the least cost. These contracts are going to be carried out in such a way as to clearly prove that this yard and this system is a great asset to the Navy and therefore to the Nation—the American people—and to the entire free world."

Since no one, absolutely no one, is able to question the objectivity of Senator Stennis in matters dealing with military procurement, I feel his statement is ample evidence that Ingalls and Litton are performing in a manner consistent with their 35 years of outstanding shipbuilding experience.

In closing, I would like to elaborate briefly on one of the original points I made. That is this launching represents the beginning of an entire new naval concept to preserve the integrity of the high seas and ensure the defense of the free world.

I might point out, Admiral Zumwalt, my comments will be obviously familiar to you since they closely parallel the very strong testimony you gave before the Senate Armed Services Committee this past April. I am pleased that we share mutual views on national defense and naval power.

In an era when the perception of national power will carry great weight at the negotiating tables of the world, the military position of that national power must remain strong.

Our economic and political interest demand that we maintain a posture such that no enemy will question our ability to protect the vital sea lines of our commerce.

Nor must our enemies or adversaries question our resolve to support our allies and their sovereignty or our intention to work for world peace from a position of benelovent strength. To achieve these goals we must have a modern naval force of adequate size and composition to offset the growing capabilities of our major potential adversary—Russia.

Detente with Russia and China is a constructive beginning toward a generation of world peace. But the words on paper outlining detente must be backed-up by the men and equipment signifying our determination not to be bullied into a position of weakness. Therefore, we must have the national will to provide these men and equipment within the financial capabilities of the United States. For by speaking from a position of strength, we will be able to translate the pledges of peace into the realities of peace.

The ship we launch today meets part of our requirements for men and equipment to make detente work.

Mrs. Spruance, I am truly sorry that I never had the opportunity to meet and know your husband personally. I know that he was a great officer and a great American and most of all a great husband and father. Just as Admiral Spruance fought to regain freedom in World War II, the USS Spruance will play a leading role in preventing World War III and maintaining America's position as a strong and free nation.

ROBERT EWING THOMASON

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. PICKLE. Mr. Speaker, any person who has served in Congress in the depression years and the years that immediately followed, knows that Robert Ewing Thomason served the Congress with great distinction. I believe he was considered one of the top 10 Congressmen in the United States, and his achievements were so outstanding and his abilities so recognized that he was appointed Federal judge.

Over the years, I have heard many stories about this outstanding jurist. I have read his autobiography, and it is a heartwarming American story that proves that every young man has a chance if he applies his abilities.

As a Member of Congress, I have also heard many stories about this great judge, and I have pointed this out to many audiences in my district. The story goes that when a critical vote presented itself on the floor of the House, Ewing Thomason would rise and remind his colleagues of the difficult vote just a few minutes off. Then he would say:

> The leaders of the Congress on this committee tell us that this is a good bill and that it is needed. The leadership of the House has likewise examined this bill carefully and have given it their approval. I am not an expert in this particular field, and I do not know all the facts related to it; but in a vote like this, I am going to put my faith in my committee and my leadership. I believe we reach a point in government where we must believe in somebody or someone. Because I do believe in my leaders, I believe also in my country, and though I may have doubts, I am going to vote for the bill because I want to believe in my country.

Mr. Speaker, in this day and time, that story must be told over and over. We must believe in someone. We must believe

in our leaders. We must believe that proper study has been given. The words of Ewing Thomason were true then and are true today.

When Judge Homer Thornberry was sworn in as U.S. district judge in El Paso, I flew to that happy occasion where Judge Thomason presided. It was obvious that everyone in the courtroom and in El Paso loved this man. He was pleasant, witty, thoughtful, and deeply philosophical. He was a great American.

PEOPLE-TO-PEOPLE DIPLOMACY—KEY TO WORLD UNDERSTANDING

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. ARCHER. Mr. Speaker, the great advances in communication and travel have indeed made the world smaller. The increased contact between the American people and citizens throughout the world has led to an effective form of diplomacy. This "new diplomacy" was emphasized in a recent speech delivered to the Rotary Club of Houston by Mr. Alan A. Reich, Deputy Assistant Secretary of State for Educational and Cultural Affairs. I enter this excellent talk in the RECORD at this point:

PEOPLE-TO-PEOPLE DIPLOMACY—KEY TO WORLD UNDERSTANDING

(Remarks of Deputy Assistant Secretary of State for Educational and Cultural Affairs Alan A. Reich)

Diplomacy has gone public. Foreign relations is no longer the exclusive domain of the professional diplomat. In almost every country of the world, foreign affairs communities, in varying degrees, have opened their ranks to public participation. It is a privilege to meet with the Rotary Club of Houston, which, I understand, is the largest Rotary Club in the world, because you play an important role in Houston's international outreach and leadership.

I shall talk today about the importance of people-to-people diplomacy, the interest of the State Department in furthering it, and comment on the significant contribution of your Rotary work.

Many Americans ask why we should concern ourselves with international problems when we have so many serious domestic concerns demanding attention. There are several good reasons for our getting "involved with mankind": First of all there is common charity. Then there is a sense of common humanity. In addition, there is common sense. Modern transportation and communications, not to speak of modern weapons, have brought our neighbors' problems to our doorstep. We have no choice but to become involved, because if the problems next door are ignored, they soon become our problems.

Poverty, illiteracy, hunger and disease recognize no nation's borders and travel under no country's passport. It is not a matter of the world's poor getting poorer while the rich get richer. The poor are getting richer, too. But their lot is improving so slowly that the difference—the gap—between rich and poor is widening, not closing. Unless some way can be found to reverse this trend, those who are better off must one day suffer the horrible consequences. Neither we nor our children will have the luxury of working on our domestic problems if we do not succeed in bringing about a climate of peaceful cooperation throughout the world during the next few years. Whether we cooperate with our international neighbors because it is good, or right, or necessary, we must get on with it *while* we are improving the quality of life at home. We can also take some solace in knowing that the job is not ours to do alone. Many other nations share with us the desire and the capacity to help close this gap between the have and have-not peoples of the world. The facts of international life today are that common sense and common survival dictate common action to solve common problems.

The geometric increase in citizen involvement in world affairs has special significance for the diplomat. It is a fundamental, irreversible, and irresistible influence for peace. Nations are less likely to deal with their differences in absolute terms when their citizens communicate and cooperate with each other freely and frequently.

When people-to-people bonds and communications networks are more fully developed, there will be a greater readiness to communicate, to seek accommodation, and to negotiate. The likelihood of international confrontation will diminish, and prospects for peaceful solutions will be enhanced. This rationale governs the interest of the State Department in the furtherance of meaningful people-to-people exchange.

DEPARTMENT-SPONSORED EXCHANGES

When you think of the State Department's conduct of our international affairs, the exchange-of-persons program does not come immediately to mind. It is, nonetheless, a significant and important activity of the Department. The Bureau of Educational and Cultural Affairs works constantly and quietly to improve the climate for diplomacy and international cooperation. The exciting, challenging job of the Bureau is to utilize its modest funds and manpower to reinforce the work of American individuals and organizations who want to help construct, a little at a time, the foundation of better relationships with the rest of the world. It also coordinates, as necessary, the activities of other government agencies with international exchange programs in substantive fields such as health, education, social welfare, transportation, agriculture, military training, and urban planning.

Having come not too long ago from the business world, I have a great appreciation for what is being done for an investment of some $45 million annually. There are several major elements of the Department's exchange program:

The Fulbright-Hays exchange program over 25 years has engaged more than 100,000 people in academic exchanges. Annually, some 5,400 professors, lecturers, and scholars are exchanged to and from the United States.

The international visitor program brings to the United States about 2,000 foreign leaders and potential leaders annually for one- or two-month orientation programs. This includes nonacademic leaders and professionals, from Cabinet officers to journalists. One out of every 10 heads of state in the world today has been a State Department exchange visitor, as have some 250 Cabinet ministers of other nations.

The Department of State sends abroad annually several leading performing arts groups and athletic stars; for example, in the past year under this program the San Francisco Symphony Orchestra and the New York City Ballet toured the Soviet Union; one of America's leading popular singing groups, the Fifth Dimension, performed in Eastern Europe; Robert Lee Elder and the Morehouse College Glee Club visited Africa; and the United States basketball and swimming teams just returned from tours to the People's Republic of China.

Some 150 prominent U.S. lecturers went abroad for six-week lecture tours in 1972.

Nearly 500 United Nations specialists selected by their home countries and funded by the U.N., are programmed annually by the State Department through 30 other government agencies for six- to nine-month training programs in the United States.

The commitment to these programs is substantial. They are administered, in cooperation with thousands of volunteers and many private organizations, by Bureau personnel in Washington and at our reception centers in Honolulu, Miami, New Orleans, New York, and San Francisco. Abroad they are administered, in cooperation with the United States Information Agency, by the cultural affairs officers in our embassies. In 50 countries there are binational commissions which have responsibility for supervising the academic exchange program.

The State Department's small but catalytic exchange-of-persons program with 126 countries stimulates constructive communication among leaders and future leaders in many fields here and abroad. It creates durable reservoirs of information, understanding, and empathy. It develops rewarding and lasting contacts of key people of other countries with their counterparts here.

THE CONTRIBUTION OF SERVICE ORGANIZATIONS

In government and in the private sector, there is much to be done. Service organizations, such as Rotary International, through its people-to-people programs, are doing an outstanding job. Rotary's international youth exchange, involving 700 youths throughout the world annually, is a model program with considerable impact.

The Rotary Club matching program, which links Rotary Clubs in 150 countries with counterpart clubs for direct Rotarian-to-Rotarian relationships and shared service projects, is equally impressive. Rotary's world community service program has helped people throughout the world. Through Rotary International's small business clinic program, many individuals in less developed countries have been helped to self-sufficiency and community contribution.

Two other elements of the overall Rotary International outreach are especially meaningful. First, the mere existence of Rotary joining 750,000 leaders around the world is a potent force for mutual understanding. As your new Rotary International president, William C. Carter, stated at the Lausanne Congress last month, "No country or empire in the world ever had in its embassies and consulates, so many outlets as Rotary International has in its 15,659 clubs in 150 countries and geographical areas of the world." Rotary is made up of leaders from all segments of society; this fraternal relationship—professional to professional, businessman to businessman, and so on—generates good will among millions throughout the world.

CRIME CONTROL NO. 7

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. LANDGREBE. Mr. Speaker, far more than the police, who in most instances can act only after a crime has been committed and they have been notified by the victim or witnesses, an armed citizenry acts as a deterrent to crime and a force for the apprehension of criminals. Should guns be confiscated from private citizens, this enormously effective peacekeeping force would be gone, and, in all probability, a wave of crime would wash over the Nation, In order to illustrate the law-enforcement capability of privately owned guns, I ask that this article from the Tennessean, "Armed Neighbors Thwart Burglary," be printed in the RECORD.

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The article follows:

ARMED NEIGHBORS THWART BURGLARY

(By George Watson Jr.)

Three burglars discovered yesterday that it doesn't take police to cause them trouble.

A group of neighbors—all armed with guns—also can be bad news.

Mrs. Nancy Cooley, of 4020 Bernard Road, Joelton, said she and her husband, Flem, had gone to work early yesterday when three men pulled into the driveway of their home and began their work.

"Mrs. Dot King, my nextdoor neighbor, saw them carry out my color television, a black and white TV, a radio and vacuum cleaner," said Mrs. Cooley. "Mrs. King then called my husband and Carl Tinsley, a neighbor who runs a service station up the street."

While the burglars went about their work, about 9:30 a.m., carrying the merchandise out of the Cooley home and putting it into their car parked in the driveway, Tinsley—armed with his pistol—headed to the Cooley home in a wrecker from his service station.

"As the men came out of the driveway and started up the street, Tinsley and another man blocked the street with their wrecker and so the men started backing down the street," explained Mrs. Cooley.

Mrs. Cooley, who pointed out that she lives on a deadend street, said the three men then "threw out all the merchandise over a hillside at the end of the street."

Meanwhile, a number of other neighbors armed with pistols and shotguns came up to the wrecker to join Tinsley and one of his workers.

"When the guys started back up the street," said Mrs. Cooley, "all my neighbors held their guns on them until the police arrived."

ALBERT IS AGAINST POTENTIAL COUP

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. DERWINSKI. Mr. Speaker, in my judgment, the deliberate delay in the confirmation of Vice Presidential-designate GERALD FORD which has been the result of political thinking of the majority party in both Houses, is clearly against the public interest.

A very interesting theory as to the reason for this delay is the subject of an article by columnist Frank van der Linden which I noted in the October 14 issue of the South Harvey Illinois Star Tribune. This article was written a month ago yet some of the points are still very pertinent.

The article follows:

ALBERT IS AGAINST POTENTIAL COUP

(By Frank van der Linden)

WASHINGTON.—House Speaker Carl Albert is moving vigorously to block a scheme proposed by radicals in his own Democratic party to make him President of the United States by a Congressional coup d'etat.

The Oklahoma Democrat is appalled by the idea that the Democrats controlling Congress could place him in the White House by first impeaching President Nixon before there could be a vote on confirmation of Vice Presidential-designate Gerald Ford.

It is not an entirely preposterous plot. Since the forced resignation of Vice President Spiro T. Agnew on October 10, the Speaker has been next in the line of succession to the Presidency. He will remain there as long as Ford's nomination is stalled in committee; and any tragedy befalling the President would make Albert automatically the next chief executive.

The Democratic majority of the House Judiciary committee is taking its own sweet time about considering Ford, and the Senate Rules committee isn't moving much faster. Now the same House committee is driving ahead with a stack of resolutions to impeach the President, making the most of the nation-wide roar of outrage that ensued when Nixon fired special prosecutor Archibald Cox.

Albert has publicly cautioned the Judiciary panel against holding Ford as a "hostage" while the impeachment campaign rolls on. But Chairman Peter W. Rodino, the finest flower of the Newark (N.J.) Democratic machine, is under intense pressure from Nixon-haters, in Congress and out, to "get" Nixon first and let Ford wait.

Rodino won re-election last year against two black opponents in his district, where white voters have been reduced to a minority. He is hearing threats that a strong black candidate will try to take his House seat away next year unless he goes along with the impeach-Nixon drive, which is being pushed by the Americans for Democratic Action, the Democratic Study group in the House, and allied groups.

So Rodino, although anxious to co-operate with the Speaker's efforts to cool off the radicals, is only a figurehead carried along by the violent partisans on his own committee. Rep. Tom Railsback, Illinois Republican on Judiciary, has protested that the Democrats on the panel are pressing their probe of "Watergate-related" matters and other issues concerning "the President's conduct" without bothering to consult the minority members.

The Speaker, who was born 65 years ago at Bug Tussle, a hamlet in the "Little Dixie" region of Southeast Oklahoma, has no desire to be President. He has a heart ailment, and is unhappy in his role as "the man only a heartbeat away from the Presidency." In times past he has had a problem resulting from too many Washington cocktail parties.

How could his health stand up to the pressures of being the commander-in-chief in a confrontation with the nuclear power of the Soviet Union? How, for instance, could he meet with the National Security council at 3 o'clock in the morning, as Nixon did when he placed the U.S. armed forces on the alert to checkmate Soviet troops from intervening in the war in the Middle East?

The radicals pushing Albert for President don't care about that problem. Once he is in the White House, he can nominate some good liberal—perhaps Sen. George McGovern of South Dakota—as his Vice President and then resign. Thus the Democrats, although overwhelmed by Nixon in the 1972 election, would seize the White House at last.

BAN THE HANDGUN—I

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. BINGHAM. Mr. Speaker, day after day the press reports felonious deaths by firearms. Most of these senseless homicides could be prevented by the adoption of strict gun controls. The New York Times on Sunday, November 4, included three such instances, the New York Post two. The clips follow:

[From the New York Times]

FAMILY DISPUTE ATTRACTS GANG; ONE DEAD TWO SHOT

(By Linda Greenhouse)

A family dispute in the South Bronx early yesterday morning spilled out into the street and ended with one man shot to death, another wounded, one 16-year-old gang member shot by a police officer, and three gang members under arrest for murder.

The police were looking for four other youths, reportedly members of the Black Stage gang, and trying to reconstruct the events that led the gang members to shoot at two men as they stood arguing in front of 607 West 140th Street.

According to the police, the dead man, Frederick Scott, 25 years old, of 1305 Amsterdam Avenue, had gone to the West 140th Street apartment of his sister, Minnie LaGrath, to try to make peace between her and her estranged husband, James.

ARGUMENT STARTS

At the apartment, Mr. Scott and Mr. LaGrath found Mrs. LaGrath's boyfriend, Joe L. Saunders. The three men started arguing, and soon after midnight Mr. Scott and Mr. Saunders went outside.

There, according to the police, they became involved in a dispute with seven teenaged gang members. Mr. Scott was shot fatally in the heart and Mr. Saunders was wounded slightly in the back.

Witnesses to the shooting hailed a passing police patrol car. The officer, Thomas Murray, chased three youths into an alley. When one of them, John Martin, 16 years old, of 1910 Marmion Avenue in the Bronx, allegedly made a threatening gesture, Officer Murray fired twice, wounding the boy in the back. He was admitted to Jacobi Hospital.

Officer Murray arrested the wounded youth and two others, Lawrence Brown, 16 years old, of 614 East 140th Street in the Bronx, and John Johnson, also 16, of 285 Cypress Avenue. All three were charged with homicide.

[From the New York Times, Nov. 4, 1973]

FROM THE POLICE BLOTTER

One man was shot and killed and another wounded in the attempted holdup of Club 83, 151 Lenox Avenue, near 118th Street. The police said the dead man, James Thomas, 43 years old, of 559 West 158th Street, was in the restaurant when two men wearing ski masks and brandishing pistols entered and announced a holdup. Mr. Thomas struggled with the gunmen and several shots were fired, one of which struck him in the head, killing him instantly. Another shot wounded Alexander Brown, 30, of 987 Union Avenue, the Bronx, in the abdomen. The police said Mr. Brown was holding a .45-caliber revolver. He was taken in custody to Harlem Hospital, where he was listed in critical condition. . . . Donald Moses, 26, of 221-43 114th Road, Cambria Heights, Queens, allegedly shot his wife, Marlene, in the chest with a shotgun, then held off the police for more than two hours before surrendering under a tear-gas attack. His wife was reported in fair condition at Queens General Hospital.

[From the New York Post]

NEW JERSEY MAN FOUND SHOT TO DEATH ON HIGHWAY

ALLAMUCHY TOWNSHIP, N.J.—The death of a man found with bullet holes in his head on a highway here was under investigation today.

State Police said they identified the man through finger-prints as Dominick Reo, 48, of Paterson.

BRONX STORE OWNER KILLED IN A HOLDUP; SUSPECT IS SEIZED

The owner of a dry cleaning business near the Bronx Zoo was shot and killed early yesterday morning in an apparent holdup attempt.

The two gunmen, who were waiting for their victim when he arrived to open his store at 4:45 A.M., fled after the shooting. Yesterday afternoon, detectives of the Ninth Homicide Squad said they had one suspect in custody.

The dead man was Joseph DiGioia, 47 years old, of 4160 Digney Avenue in the Wakefield section of the north Bronx. He had operated a dry cleaning business at 2143 Prospect Avenue, at East 181st Street, for about five years.

The police said he had been shot once in the leg and twice in the head and that he might have been tortured with his own knife, which was found at the scene.

The police found Mr. DiGioia's body in the middle of the store, but also found blood at the back of the room near a hidden safe. They theorized that the gunmen had tried to force Mr. DiGioia to open the safe and that he had refused.

A woman in the apartment house next to Mr. DiGioia's store said that crime had been increasing recently and that there had been four robberies in her building in the last month. Asked for the name of the neighborhood, she replied: "I don't know, I just call it a bad neighborhood."

Mr. DiGioia, along with his wife, 16-year-old stepson, and 3-year-old daughter, had moved to Digney Avenue from the South Bronx about a year ago. Their new home was the top floor of a two-family house in a pleasant neighborhood near the Westchester county line.

A neighbor there said that violence was virtually unknown in the area and that everyone on the street was shocked and saddened by Mr. DiGioia's murder.

UTILITY SYSTEM

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. TEAGUE of Texas. Mr. Speaker, the Johnson Space Flight Center in Houston, Tex., has undertaken an important project in the conservation of energy. Applying the expertise of the national space program, this project is designed to provide new means to conserve and utilize resources in our daily living. Because of the importance of this article, I am including it in the RECORD for the review and consideration of my colleagues and the general public:

NASA TO DEVELOP AND TEST INTEGRATED UTILITY SYSTEM

Next spring the Johnson Space Flight Center in Houston will hook up the first integrated utility system. The laboratory scale test system is designed to assess the feasibility of large-scale modular integrated utility systems. These systems could serve highly concentrated population centers, such as hi-rise residential and commercial buildings and high-density housing projects.

The laboratory model, called MIST (for modular integrated system test), is being built by the Hamilton Standard Division of United Aircraft Corp. under a $700,000 contract awarded by the National Aeronautics and Space Administration.

NASA and other government agencies, such as the Atomic Energy Commission and the Environmental Protection Agency, are cooperating in a broad-scale project with the Department of Housing and Urban Development to develop and promote the concept of a modular integrated utility system (MIUS).

Such systems envision the integration of water supply and sewage processing, solid-waste incineration, electric power generation and heating and cooling from a self-sustaining network. Utility subsystems would be mechanically integrated in modules that could function independently of area-wide municipal utility networks and with a minimum of external energy requirements.

MIUS has evolved as the ultimate or inevitable result of separate projects backed by the various agencies involved where waste treatment has been integrated, say, with heat generation. HUD recently began operation of a Total Energy system plant in Jersey City, N.J., which will provide electricity, heat, hot water and air conditioning for a planned community project embracing some 488 residential apartment units, schools and commercial facilities. Experience gleaned from the Jersey City demonstration will be fed into the more ambitious MIUS effort.

HUD officials emphasize that the MIST unit will not be a prototype MIUS. It is a small-scale effort to integrate the necessary hardware and mechanical processes to provide the desired outputs at a level sufficient to meet the needs of about 100 people.

The system is to be installed in a laboratory at the Johnson Center where the necessary typical inputs are available, such as solid and liquid wastes. As tests progress, new parameters will evolve for a second phase, the actual design, construction and demonstration of a full-scale MIUS.

Government engineers involved in the MIUS project have long held the idea to be technologically feasible. HUD's MIUS project director, Jerry Leighton, pointed out that no new technology is needed for MIUS. Each element within the conceptual network has already been proved feasible.

Leighton came to HUD from NASA where he had been a project engineer on the Apollo program. He noted that the challenges arising in the Apollo project did not involve the development of new technology. Like MIUS, the Apollo project was the integration of existing technology.

Government officials are understandably elated about the MIUS concept. By utilizing energy generated from waste, MIUS would make minimal demands on outside energy resources. At the same time MIUS will consume wastes that might otherwise pose an environmental pollution threat.

Economists point out that even if MIUS proves to be a technological success, the biggest hurdle to overcome in realizing the benefits will be in commercializing the concept. To be commercially feasible, MIUS will have to overcome both regulatory and financial barriers built into the existing public and investor-owned utility systems.

RECOMMIT THE LABOR-HEW APPROPRIATIONS BILL TO OBTAIN EQUITY FOR TITLE I CHILDREN

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. QUIE. Mr. Speaker, as I have indicated, I intend Tuesday to offer a motion to recommit the Labor-HEW conference report to conference with instructions to return to the House with a better formulation for the distribution of funds under title I of the Elementary and Secondary Education Act. Specifically, I will ask that the language contained in amendment 32 in the conference report be deleted and that the conferees be instructed to report back a bill giving local school districts 90 percent of the amount they received in 1973 and permitting local school districts to receive as much as they are entitled to providing that States in the aggregate not receive more than 120 percent of the amounts they received in 1973.

This change in the formula will permit the changes in population which have taken place since 1960 to be more accurately reflected both between States and within States. For the interest of Members, I am reproducing below a table which compares how much each of several major counties would receive under the provision in H.R. 8877 compared with how much they would receive under the provision contained in my motion to recommit.

TITLE I—ESEA

[All figures are in thousands of dollars]

County and State	Fiscal year 1973	H R 8877 provision	Quie proposal
Mobile, Ala	$1,876	$2,158	$2,356
Maricopa, Ariz	3,557	4,090	4,226
Los Angeles, Calif	45,181	51,958	55,156
San Diego, Calif	5,505	6,331	7,348
Denver, Colo	3,256	3,745	3,942
New Haven, Conn	3,459	3,978	4,187
New Castle, Del	1,481	1,703	1,899
Dade, Fla	3,619	4,162	5,132
Fulton, Ga	3,750	4,313	4,636
Cook, Ill	43,938	50,529	56,590
St. Clair, Ill	3,722	4,280	4,370
Lake, Ind	3,920	3,358	4,289
Polk, Iowa	1,221	1,404	1,612
Sedgwick, Kans	1,706	1,962	2,361
Jefferson, Ky	3,197	3,676	4,434
Orleans, La	4,306	4,952	6,845
Cumberland, Maine	943	1,084	1,274
Prince Georges, Md	1,649	1,897	2,352
Dukes, Mass	2,506	2,882	3,179
Wayne, Mich	22,254	25,592	27,430
Hennepin, Minn	4,404	5,065	6,679
Jackson, Miss	2,273	2,614	3,092
St. Louis City, Mo	5,074	4,835	6,852
Cascade, Mont	299	344	379
Douglas, Neb	1,956	2,249	2,437
Clark, Nev	540	621	733
Essex, N.J	10,996	12,645	13,262
Bernalillo, N. Mex	1,361	1,565	2,167
Bronx, N.Y	37,241	42,827	50,269
Kings, N.Y	57,507	66,134	73,035
Cass, N. Dak	180	207	225
Cuyahoga, Ohio	9,792	11,261	14,283
Summit, Ohio	1,912	2,199	2,567
Oklahoma, Okla	2,349	2,701	2,827
Multnomah, Oreg	2,557	2,940	3,107
Philadelphia, Pa	20,752	23,865	31,375
Providence, R.I	3,564	4,099	4,178
Pennington, S. Dak	257	296	401
Bexar, Tex	5,177	5,953	6,279
Harris, Tex	6,314	7,261	8,686
Salt Lake, Utah	1,666	1,916	2,078
Fairfax, Va	466	535	1,060
Richmond, Va	2,304	2,649	2,831
King, Wash	3,728	4,288	4,724
Milwaukee, Wis	5,039	5,795	7,395
Laramie, Wyo	171	197	283

Note: Col. 1 is based on actual 1973 HEW allocation of $1,600,000,000. Cols. 2 and 3 are based on $1,800,000,000, the amount contained in conference report on H.R. 8877.

The provision contained in the conference report on the Labor-HEW appropriations bill has some very strange effects. By holding local districts to 115 percent of the amount they received in 1973 after the first continuing resolution had no LEA ceiling, only a State hold harmless, some school districts will receive virtually no funds during two quarters in fiscal 1974. The provision in my motion to recommit will provide a great deal more equity. For example, here is what would happen to a selected number of counties:

County and State	1st quarter allocation	H.R. 8877 provision	Quie amendment
Comanche, Okla	915,000	450,000	708,000
Hennepin, Minn	6,800,000	5,000,000	6,700,000
Dakota, Minn	498,000	292,000	484,000
Crockett, Tex	31,000	15,000	27,000
Dallas, Tex	6,400,000	4,800,000	5,500,000
Kent, Tex	24,000	12,000	21,000
Chattahoocee, Tenn	77,000	20,000	58,000
Elmore, Idaho	88,000	43,000	88,000

RESULTS OF FOURTH ANNUAL PUBLIC OPINION POLL

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. YATRON. Mr. Speaker, I have today released the results of my annual public opinion poll which had been sent to the residents of the Sixth Congressional District. The questionnaire requested the opinions of my constituents on current issues facing the Congress and Nation. More than 47,000 responses have been received.

This response, which is well above the number who usually participate in polls of this kind, clearly indicates that the people of Berks, Schuylkill and Northumberland Counties are deeply interested in the major issues of the day and are eager to convey their views to their elected officials. Of the many thousands who replied, hundreds amplified their answers with comments detailing the reasons for their responses.

It was evident from this questionnaire that inflation is of high concern. In addition to the preference of the people of the Sixth District that inflation is a problem of the highest priority, separate comments on this subject were extraordinary. I could not agree more with the residents of the Sixth District and have sponsored many efforts to reduce the inflation which has been reducing the income of all Americans.

We know that the strength of our Government is dependent upon the existence of procedures to promote the regular exchange of views between Government representatives and their constituents. This questionnaire is one of my many efforts to involve everyone in this process.

I interpret the results of the poll as follows:

Significant numbers approved inflation, tax and welfare reform, crime, and consumer protection as the top priority items with education, drug abuse, mass transit, military defense, and rural development receiving the lowest priority votes.

A full 88 percent feel that the United States should not provide economic assistance for the rebuilding of North Vietnam.

Sixty-two percent feel that mass transit facilities would provide a partial solution to the energy crisis and that they would use these services.

Nearly three-quarters feel that construction of the Alaskan oil pipeline should proceed.

An overwhelming majority of 82 percent feel that capital punishment of criminals should be adhered to strictly.

Forty-seven percent would be willing to pay more for products if their manufacture, use and packaging could be made pollution-free.

Forty-six percent feel that Congress should approve Federal tax credits to defray the cost of tuition paid by parents whose children attend nonpublic schools, while half disapproved of such a tax deduction.

A full 61 percent feel that the Federal Government should help the Nation's railroads stay in operation.

Regarding the economy, 59 percent believe that no Government regulation is necessary since supply and demand should determine wages and prices under a completely free market economic system.

Sixty-seven and fifty-eight percent respectively feel that the United States should discontinue foreign military and economic aid, while 68 percent feel that we should continue foreign humanitarian aid programs.

A full 60 percent feel Federal funding should be approved for day-care and child development programs.

Fifty-seven percent believe that the Federal Government should approve a national health insurance program for all Americans.

A full 70 percent feel that the United States should continue to enter into economic and cultural trade agreements with China and Russia.

Eighty percent feel that legislation should be enacted to limit the President's warmaking powers in undeclared wars.

Regarding the energy crisis, top priority action included a search for new energy sources, more efficient use of fuel by machines and increased usage of coal while increased atomic powerplant construction, increased crude oil imports, and fuel rationing received the lower priority ratings.

A phenomenal 94 percent feel that a wage earner's investment in his private pension plan where he works should be protected by Federal legislation.

Eighty-five percent feel that Congress should increase its efforts to help the handicapped while only 45 percent believe that veterans should be allowed to use GI bill education benefits at any time during their lives.

This public opinion poll has proved to be extremely useful in measuring more precisely the attitudes of my constituents on some of the major problems facing Congress. I know it will help me provide the people of the Sixth Congressional District with effective representation in the weeks and months ahead.

While it is not expected that everyone will agree on every issue, it is hoped that we can all agree that the process of exchanging views is healthy and should be encouraged. I feel that, through my newsletters and questionnaires, this goal is reached and everyone's interests are served while permitting me to be more responsive to the needs of the people in the sixth congressional district.

Reproduced below are the full questionnaire results:

RESULTS OF THE POLL

RECONSTRUCTION AID

Should the United States provide economic assistance for the rebuilding of North Vietnam? Yes, 7%; No, 88%; Undecided, 5%.

MASS TRANSIT

As a partial solution to the energy crisis, would you use a mass transit system to travel to and from work? Yes, 62%; No, 28%; Undecided, 10%.

ALASKAN OIL PIPELINE

Would you support Congressional action to authorize the construction of the Alaskan oil pipeline? Yes, 72%; No, 13%; Undecided, 15%.

CAPITAL PUNISHMENT

Do you favor a Constitutional amendment to permit passage of state laws reinstating capital punishment? Yes, 82%; No, 11%; Undecided, 7%.

CONSUMER PRODUCTS

Would you be willing to pay more for products if their manufacture, use and packaging could be made pollution-free? Yes, 47%; No, 35%; Undecided 18%.

NON-PUBLIC SCHOOLS

Do you favor federal tax credits to defray part of the cost of tuition paid by parents to send their children to non-profit, non-public elementary and secondary schools? Yes, 46%; No, 51%; Undecided, 3%.

RAILROADS

Should the federal government, through increased financial assistance, help the nation's railroads stay in operation? Yes, 61%; No, 26%; Undecided, 13%.

PRIORITIES

1st, Inflation; 2nd, Tax Reform; 3rd, Welfare Reform; 4th Crime; 5th, Consumer Protection; 6th, Drug Abuse; 7th, Education; 8th, Military Defense; 9th, Mass Transit; 10th Rural Development.

ECONOMY

Which of the following courses do you think the federal government should pursue regarding the economy?

59% feel we should let supply and demand determine wages and prices under a completely free-market economic system.

14% feel we should continue with temporary wage/price freezes like those we have had since August 1971.

27% feel we should begin a price control program where government determines fair wages and prices periodically.

FOREIGN AID

Should the federal government continue:

a. foreign military aid programs? Yes, 20%; No, 67%; Undecided, 13%.

b. foreign economic aid programs? Yes, 30%; No, 58%; Undecided, 12%.

c. foreign humanitarian aid programs? Yes, 68%; No, 22%; Undecided, 10%.

CHILD CARE

As a means of providing mothers presently on welfare with an opportunity to become self-supporting, do you favor the proposal that the federal government fund day-care and child development programs for preschool and school-age children? Yes, 60%; No, 33%; Undecided, 7%.

HEALTH CARE

Health care costs have increased dramatically in recent years to the level paying for adequate health care is beyond the reach of many people. Should the federal government consider a National Health Insurance Program to cover all Americans? Yes, 57%; No, 34%; Undecided, 9%.

TRADE

Do you favor further economic and cultural trade with China and Russia? Yes, 70%; No, 21%; Undecided, 9%.

WAR POWERS

Our Federal form of government is based upon the Separation of Powers between the three branches of government—the Judicial, the Legislative, and the Executive. Do you favor legislation which would restore this balance by prohibiting the President from committing American combat forces beyond a period of 120 days without the consent of Congress? Yes, 80%; No, 14%; Undecided, 6%.

ENERGY CRISIS

What do you think the government should do to combat the energy crisis?

1st, search for new sources of energy, such as solar energy;

2nd, try to eliminate wastefulness by increasing the efficiency of machines which use petroleum products for fuel;

3rd, use more coal, America's most abundant resource, in the best possible way;

4th, increase atomic energy plant construction;

5th, increase crude oil importation; and

6th, begin a program of fuel oil and gasoline rationing.

PENSIONS

Should the Congress approve legislation to protect a wage-earner's investment in his private pension plan and allow him to take his contribution when he leaves the employment of one company to begin work in another? Yes, 94%; No, 3%; Undecided, 3%.

HANDICAPPED

Should the Congress increase its efforts to help the handicapped by providing more funds for rehabilitation and vocational education programs? Yes, 85%; No, 6%; Undecided, 9%.

VETERANS

Should the time-limit on the use of education benefits for Vietnam veterans under the GI Bill be eliminated so that veterans could go back to school with federal assistance at any time during their lives? Yes, 45%; No, 46%; Undecided, 9%.

THE MILITARY MAW—PART VII

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mrs. SCHROEDER. Mr. Speaker, in her last speech before the United Nations as Sweden's top disarmament negotiator, Mrs. Alva Myrdal blamed the United States and the Soviet Union for lack of progress toward genuine disarmament at the 1973 session of the Conference of the Committee on Disarmament. She also warned of dangers to world peace in the development of tactical nuclear weapons and binary nerve gas weapons.

In August, I attended the CCD and felt the same frustrations expressed by Mrs. Myrdal. While I was there Mexico, Sweden, and Brazil all publicly criticized the Conference for failing to produce any kind of agreement in the 2 years of its life. The SALT talks should make it clear agreements can be reached only if this country shows the way. Unless we begin to contribute some positive proposals, particularly in the area of chemical weapons, it appears our attendance at future sessions of the Conference will merely be an empty gesture.

Following is a report from the New York Times on Mrs. Myrdal's speech:

MRS. MYRDAL, LEAVING U.N., WARNS OF NEW WEAPONS

(By Kathleen Teltsch)

UNITED NATIONS, N.Y., Nov. 10.— Mrs. Alva Myrdal gave her last speech as Sweden's top disarmament negotiator this week, blaming the United States and the Soviet Union for lack of progress toward genuine disarmament.

In response, she received a chorus of tributes including two from her main targets.

"I bear many scars testifying to her effectiveness," Joseph Martin Jr., the chief United States negotiator, told members of the General Assembly's Political Committee. And Aleksei A. Roshchin, the Soviet member, recalled that he had differed with her on many occasions, but that her contributions had been appreciated.

Mrs. Myrdal was the "conscience of the disarmament movement," Masahiro Nishibori, the Japanese delegate, declared.

The 71-year-old diplomat and her husband, the economist Gunnar Myrdal, are going to the Institute for Democratic Studies at Santa Barbara, Calif., each to write a book.

Mrs. Myrdal, who held the rank of Minister of State, has been Sweden's representative on the 25-member disarmament conference, which ended its 1973 session in Geneva with most members complaining that it had reached virtual paralysis because of a deadlock between the Soviet Union and the United States.

Mrs. Myrdal, speaking in the committee, said that there had been disquieting reports that the two superpowers were about to develop tactical nuclear weapons that could be used in much the same way conventional arms are used by infantry and artillery units.

"Such a development would drastically aggravate the nuclear threat against nonnuclear weapon states everywhere," she said.

"Most important as a question of principle, is, of course, that an introduction of such mininuclear weapons would blur the distinction between conventional and nuclear weapons," Mrs. Myrdal said. "We are strongly of the view that an absolute 'firebreak' must be kept between nuclear and conventional war."

Mrs. Myrdal said she was encouraged that the United States was moving toward ratification of the Geneva protocol that prohibits the use of all biological and chemical weapons. But she also expressed concern over reported American plans to produce a lethal nerve gas by a new method that "might escape all attempts at control."

She said she was referring only to such reported plans for production of binary nerve gas in the United States because the United States was the most open of the major powers in disclosing its plans, suggesting that other countries might also be considering such production.

The new method mixes two nonlethal gases when they are fired in a shell, producing a lethal gas.

"We must issue a call for fresh action in the United Nations against the development of binary chemical weapons," Mrs. Myrdal said.

Her recurrent theme, however, was that superpowers should agree to "qualitative disarmament"—freezing the development of new weapons. This is the real key to disarmament, she said, adding: "May I end this last official statement of mine by asking my colleagues: When is some action for disarmament to start in earnest?"

WHY THE PRESIDENT SHOULD RESIGN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. RANGEL. Mr. Speaker, last Tuesday I introduced House Resolution 684 calling upon President Nixon to resign. I am pleased that many of my colleagues have publicly announced or privately informed me of their support for this resolution. I will soon be reintroducing the resolution with cosponsors and I hope that it will receive serious consideration by the House of Representatives as a way out of our present crisis of national leadership.

I do not use the word "crisis" lightly. On Wednesday the President indicated that he would not quit because his mother told him never to quit. As admirable as this advice may have been, the President certainly did not pass it on to former Vice President Spiro Agnew when it became clear that for Mr. Agnew to remain in office under the cloud of criminal indictment would be an unpatriotic act because of the harm that would be caused the office of Vice President. How much more harm is being caused our Nation by the cloud that now hangs over the office of President? Yet Mr. Nixon refuses to resign.

I believe the American people, in their mail to the Congress, through the Gallup poll, and in the voting booths last Tuesday, have declared their loss of faith in Mr. Nixon and his administration. We have begun impeachment proceedings in the Committee on the Judiciary, but this process will of necessity move slowly. Positive action on my resolution would show the President that his resignation would be in the greater national interest than a lengthy impeachment proceeding. I place the text of my resolution in the RECORD at this point accompanied by an article which I wrote for the New York Amsterdam News setting forth the reasons which motivated my introduction of the resolution:

RESOLUTION

Resolved, Whereas the President's action in summarily dismissing the Special Prosecutor caused an unprecedented outpouring of public demand for impeachment; and

Whereas the President of the United States is presently under investigation to determine his possible involvement in impeachable offenses; and

Whereas impeachment resolutions and resolutions of inquiry into grounds for impeachment have been introduced into the House of Representatives with the cosponsorship of more than 100 members of the House; and

Whereas the Judiciary Committee is presently investigating to determine whether the President has violated his oath of office and engaged in high crimes and misdemeanors; and

Whereas the name of Gerald Ford was submitted by the President prior to the initiation of impeachment proceedings by the House; and

Whereas the order of priority for the consideration of impeachment and the consideration of confirmation of the Vice Presidential nominee by the Committee on the Judiciary has not been Constitutionally established; and

Whereas Gerald Ford has publicly indicated that he does not desire to serve as President; and

Whereas the impeachment, resignation or the incapacity of the President to continue in office would cause the succession to the Presidency of the Speaker of the House, Carl Albert, a member of the Democratic Party whose Presidential nominee was defeated in the last National election; and

Whereas the facts and circumstances surrounding the investigation of impeachable conduct by the President of the United States has adversely affected the ability of the President to effectively lead both at home and abroad; and

Whereas this ability will be further im-

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paired during prolonged impeachment proceedings;

Therefore, be it resolved by the House of Representatives that it is the judgment of the House that the President should resign from office.

Be it further resolved that prior to said resignation, the President send forthwith to the House of Representatives a candidate other than Gerald Ford to be considered as a nominee to succeed him as President upon confirmation by both the House of Representatives and the United States Senate.

THE NIXON CHOICE: RESIGN OR BE IMPEACHED

Congressman Charles B. Rangel, representative for Harlem and the West Side, is a member of the House Judiciary Committee which will conduct any investigation into impeachment proceedings against the President of the United States.

This article is the first of a series concerning impeachment which Congressman Rangel is writing for the Amsterdam News.

(By Charles B. Rangel)

Last week the Judiciary Committee of the House of Representatives met to decide on procedures to be followed in its consideration of the several impeachment resolutions that have been referred to the Committee. To date, 97 members of the House Of Representatives have either introduced or cosponsored resolutions calling for the impeachment of the President.

In a series of votes that went strictly along party lines (the 21 Democrats on the Committee for, the 17 Republicans on the Committee against) the Committee voted to give chairman Peter Rodino full subpoena power to pursue all evidence related to the impeachable offenses charged against the president.

Although some of us on the Committee felt that our investigation of impeachment should come before any action on the President's nomination of Gerald Ford, all of the Republican members and some of the Democrats urged swift action on the Ford nomination and the Committee voted to proceed with both simultaneously.

LENGTHY PROCESS

As I look at what promises to be a lengthy process, with the need to review all of the evidence on the President's activities collected by the Senate Watergate Committee, the evidence uncovered by Special Procecutor Archibald Cox before he was fired, and the evidence which is now coming forth from other sources, it is clear that although the Judiciary Committee is now committed to the impeachment process, it will take some time, maybe several weeks, given anticipated delaying tactics by those on the Committee opposed to impeachment, for the Committee to decide on whether it should report a bill of impeachment to the House of Representatives.

POLITICAL FACT

Yet it is a political fact that the President has already been effectively impeached by the judgment of the people. My mail, running to 5,000 letters in the past two weeks was 99 per cent in favor of impeachment, predicted the results revealed this past week end in the nationwide Gallup poll that showed only 27 per cent of the American people in support of the President. It is now clear that the people have lost their confidence in the President. They are no longer willing to buy his evasion, divisionary tactics and out-right lies; they are demanding impeachment.

DESIRABLE ROUTE

Our system is based most fundamentally upon the consent of the governed. It cannot, and should not, operate in a climate of such widespread distrust of our national leadership.

The people have just as surely rejected Mr. Nixon as they elected him last November, and we have reached a point where President Nixon, like former Vice President Agnew, must decide that his resignation is required in the national interest.

If he does not resign, impeachment proceedings will go forward in the Judiciary Committee. But his resignation now appears to be the most immediate and desirable route to resolving this national crisis.

NEEDS OF SENIOR CITIZENS

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. GAYDOS. Mr. Speaker, the Allegheny County Housing Authority in western Pennsylvania once again has visibly demonstrated its awareness and concern for the needs of the senior citizens.

The authority, under the able leadership of Mr. James Knox, executive director, recently dedicated its eighth high-rise apartment building for elderly residents, the Franklin D. Roosevelt Apartments, in Homestead, Pa., located in my 20th Congressional District.

I had the privilege of participating in the dedication of this new 11-story high structure, built at a cost of some $2 million, which includes 60 efficiency and 40 1-bedroom units as well as a large, bright community room.

Despite its impressiveness, the building itself is not important. What it represents is important. That structure, constructed of brick and mortar and steel, is a monument to what can be done for people if government at all levels, local, county, State, and Federal, work together to serve those they represent. Believe me, gentlemen, the look on the faces of those who will live in that new building left no doubt in my mind that this is the way government should work.

The Allegheny County Housing Authority has compiled an enviable record in this area. It now manages 30 housing communities in the county, comprising approximately 3,500 housing units to meet the needs of families and senior citizens.

I take great pride in bringing to the attention of my colleagues the people who took part in the dedication ceremonies: Frank Watson, president of the building's Tenant Council; George McGregor and Daniel O'Brien of Post 373, VFW; the Steel Valley High School Band, directed by Thaddeus Wawro; the Reverend John Little of Park Place AME Church; Thomas R. Finlon, chairman of the housing authority board; Stephen A. Zappalla, vice chairman; Thomas A. Nauman, secretary; Wayne P. Kelly, treasurer; Carol A. Tucker, assistant secretary-treasurer; Mayor James Armstrong of Homestead; County Commissioner Thomas J. Foerster; William Voekler of the North Borough's Men's Club; William Wardle, president of Crump, Inc.; Mr. and Mrs. William Martin, first key to the building; Mrs. Patricia Meyers, regional housing manager, and the Reverend Aloysius Jezewski, of St. Anthony's Roman Catholic Church.

Mr. Speaker, on behalf of these dedicated people and my colleagues here in the House I extend to the new residents of the Franklin D. Roosevelt Apartments my best wishes for a long and happy life in their new home.

TRIPLE PLAY BY RUSSIANS

HON. ANGELO D. RONCALLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. RONCALLO of New York. Mr. Speaker, on Monday of last week, I received advance information about a truly awesome story to be published in the Aviation Week and Space Technology magazine. I immediately brought the story to the attention of the chairmen of the Senate and House Committees on Armed Services and on Tuesday, after publication of the article, I issued a press release on the subject.

The subject is indeed a frightening one. A triple-prong Soviet threat has been revealed with the presence of nuclear warheads on the Russian Scub missiles in Egypt aimed at Tel Aviv; a beefing up of Russian artillery in Guantanamo Bay and Cuban patrol boats outfitted to carry Russian Styx surface-to-surface antiship missiles; and the massing of 194,000 North Vietnamese troops and 750 Soviet tanks at Quang Tri.

While national security will probably not merit a detailed elaboration of this story, I do feel the terrible potential of these actions should be known and borne in mind. To this end, I am including an excellent column by Joseph Alsop which appeared in the Washington Post on November 9, 1973, which substantiates the facts as given in the magazine article:

THREATS ON THREE FRONTS

(By Joseph Alsop)

At the moment, Fidel Castro and his Cubans have thoughtfully prepared positions for the troops and artillery that would be needed to attack the historic American base in Cuba, Guantanamo Bay.

At the moment, again, it appears downright likely that the North Vietnamese will fairly soon tear up whatever remains of the truce agreement so painfully negotiated by Secretary of State Henry A. Kissinger and Le Duc Tho. Hanoi's minimum objective, as indicated by massive military preparations in flat, violation of the truce agreement, would appear to be tearing away from South Vietnam the northernmost quarter of the South's total territory, Military Region I.

At the moment, finally, there is still an all too serious chance of renewed war in the Middle East, with the Soviets actively aiding in the destruction of Israel. As those words are written, in fact, the intelligence community is riven by an argument about why the Soviets have greatly diminished their airlift of supplies for the Arabs in the last couple of days. This could mean that the Kremlin has wished to cool off President Anwar Sadat and the Egyptian high command, so that they would negotiate more seriously with Secretary Kissinger. But it could also mean

that the Kremlin wants to be ready for prompt intervention in a renewed Mideastern war, with the big Soviet air transports revved up on the southern Russian airfields where the Soviet airborne forces are now on alert.

In sum, you may be careless of the most solemn U.S. commitments in Southeast Asia; but you still have to begin your calculations with Israel's future, and to end at Guantanamo Bay. These ugly signs are in fact cited in inverse order of importance. For the Cubans are highly unlikely to use their prepared attack-positions, unless this country has other, large troubles some where else.

You may also be in a righteous fever for President Nixon's impeachment. But you still have to include in your calculation the Watergate horror's hideous effect on the U.S. world position. All the foregoing threats are unquestionably Watergate-connected.

In truth, these ugly threats would either not exist, or they would not be such serious threats, if those making the threats had not begun to scent how badly Watergate has weakened the President, who has so often in the past proved his toughness and courage in threatening situations overseas. If you are in the currently fashionable fever of righteousness, you will, of course, say that if the President has been weakened, it is all his own fault. It is an arguable view.

But it is even more arguable that righteousness is less urgently important than the vital U.S. interests that are now threatened. So even the Congress and the famous media might well reflect a bit on what disasters may ensue for the American future, when you have public gloating in both Moscow and Hanoi because the President of the United States has been politically crippled.

As a guide to the calculations above-suggested, it is best to take the most important case—which is of course the Middle East. Before these words can be printed, Secretary Kissinger may have pulled a negotiating rabbit out of the hat in Cairo. Pray God he manages to do so. But you have only to examine the alternative to see what desperate trouble this country is now in, partly because Watergate is now viciously inter-acting with our neglect of our power.

If there is renewed war, and the Soviets intervene, Israel is likely to be humbled and at least half-crushed. Yet if this horrible result is avoided, no more than a couple of years will be gained for the United States to gather its wits again and to restore its lost standing of a serious giant power, by rearmament and in other ways.

The reasons for this bleak outlook are bleakly simple. The best imaginable settlement that Secretary Kissinger can negotiate will eventually involve Israeli withdrawal from most of a demilitarized Sinai, plus the subsequent re-opening of the Suez Canal. This best settlement will therefore permit the Soviets to pose as the Arabs' revenge-givers and to pour their evergrowing naval power into the Red Sea, the Indian Ocean and the Persian Gulf. For this, the Kremlin needs the canal re-opened.

Consider, then, the kind of states that own the crucial oil resources of the Arabian peninsula. The Soviets, as revenge-givers, will have their impact, even in Saudi Arabia. They will have infinitely greater impact, however, if the rulers of Arab oil almost all wake up one morning to find themselves looking down the throats of scores of missile-launchers on Soviet guided missile cruisers, with one of the new Soviet aircraft carriers in the immediate offing as well.

In other words, this game's stake is control of the oil-tap, which is now the jugular of the western world. If there is a settlement, the United States may have time to avert Soviet control of the oil-tap by really drastic measures. If there is no settlement, and Israel is humbled, Soviet control of the oil-tap will be prompt and automatic. These are not pleasant thoughts.

"MURDER BY HANDGUN: THE CASE FOR GUN CONTROL"—NO. 44

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. HARRINGTON. Mr. Speaker, John Lindsay, the mayor of New York City, has often made his position in favor of gun control quite clear. In a speech before the American Society of Criminology this month, Mayor Lindsay made the point that in Tokyo where owning a handgun is illegal, there were only three handgun murders in 1972. No major city in the United States can boast such a small number of handgun murders.

The statistics also indicate that in southern cities where gun control laws are lax, the murder rate is higher than in cities with stricter gun control laws.

It seems to me that reducing the murders in this country could be accomplished by eliminating handguns from their present easy accessibility.

Included below are two articles—one from the Boston Globe of November 4 quoting Mayor Lindsay and another from the October 31 New Jersey Courier News describing another tragic and preventable handgun murder.

The articles follow:

[From the Boston Globe, Nov. 4, 1973]

LINDSAY SAYS UNITED STATES NEEDS FEDERAL GUN CONTROL LAW

NEW YORK.—Mayor John V. Lindsay yesterday called for Federal gun control laws, asserting that nationwide permissiveness on the issue, particularly in Southern states, is "threatening the safety of police officers and citizens in New York City."

In remarks before the American Society of Criminology, Lindsay said: "It is illegal to own a handgun in Japan. And so in Tokyo, there were 217 murders in 1972, and only three of them were committed with handguns. In Detroit, with one tenth the population of Tokyo, there were more than twice as many murders in 1972."

Lindsay said Southern states, particularly South Carolina, have the most permissive gun legislation in the country, and their law affects people elsewhere.

"In one case, for example," he said, "one man in South Carolina purchased 600 handguns in one day so that he could resell them in northern cities.

"That," Lindsay asserted, "is obviously a Federal problem of the highest order."

Lindsay also criticized the gun industry, saying, "If these firms were also producing heroin, there would be Federal action and national outrage. But their outpouring of guns, which annually kills far more people than drug addiction, barely causes a stir in Washington."

"This country was founded on cherished ideals, not guns," Lindsay said. "The frontier was conquered by plows and axes and hope—not gun-slinging."

[From the New Jersey Courier News, Oct. 31, 1973]

SHOOTING VICTIM FOUND IN FLAMES

CAMDEN.—John Clark, an interior decorator who had been shot in the head and set afire, died Tuesday after firemen found him on fire on the floor of his south Camden home.

Police said it appeared that Clark, 28, had been burned in an attempt to camouflage the shooting.

Firemen answered an anonymous call Monday night and found Clark on the floor, with burning newspapers stuffed under him.

He died three hours later. Police said he had been shot in the head with a .38 caliber revolver.

ROGERS AND HEALTH AND ENVIRONMENT SUBCOMMITTEE INTRODUCE BILL TO PRESERVE CLEAN AIR ACT AND AVERT ENERGY SHORTAGE

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. ROGERS. Mr. Speaker, today, I and nine of my colleagues on the Subcommittee on Public Health and Environment, Mr. SATTERFIELD, Mr. KYROS, Mr. PREYER, Mr. ROY, Mr. NELSEN, Mr. CARTER, Mr. HASTINGS, Mr. HEINZ, and Mr. HUDNUT, introduced legislation designed to insure an adequate supply of fuel to this country this winter, and also to preserve the purposes of the Clean Air Act. The specifics of the bill are as follows:

First. Authorizes the Administration of the Environmental Protection Agency to temporarily suspend any fuel or emission limitation with respect to stationary sources. This authority would cease May 15, 1974.

Second. Authorizes the Administrator to grant a second suspension for any period beginning after May 15, 1974 and ending no later than June 30, 1977. This second suspension would be made contingent upon the sources having entered into a contractual obligation to obtain an emission reduction system determined by the Administrator to be adequately demonstrated, if the suspension is based upon the fact that compliance with the limitations is not feasible because of an unavailability of clean fuels. Authority is given to the Administrator to establish priorities under which manufacturers of emission reduction systems shall provide their systems to users.

Third. Requires EPA to submit a detailed report to the Congress by March 31, 1974, with respect to the impact of the Clean Air Act on fuel shortages, the availability of "scrubber" technology and other matters.

Fourth. Preempts States and localities from enforcing requirements which are at variance with an EPA award of suspension or its determination of priorities for emission reduction systems.

Fifth. Requires the Administrator to conduct a thorough study of State implementation plans and if he determines that, by reason of the award of temporary suspensions, any plan must be revised in order to achieve primary or secondary standards, then he must require revisions in the plan in order that the standards may be met. Plan revisions must be submitted no later than July 1, 1974.

Mr. Speaker, the energy crisis is real and must be dealt with, but we must be certain that we do not act precipitiously and do damage to our national health

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through vitiating the laudable and necessary purposes of the Clean Air Act. I believe this legislation accomplishes this purpose and look forward to its prompt consideration by the Committee on Interstate and Foreign Commerce.

BUILT SUCCESS THE HARD WAY

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. STARK. Mr. Speaker, I am honored to have the opportunity to insert these words of approbation into the Congressional Record for one of my constituents, Mr. Jose "Joe" Aceves, of whom it can be said, without fear of overstatement, "built his success the hard way."

I can relate somewhat with Joe because I, too, built a successful business career through participation in the free enterprise system. But there the similarity ends, because Joe had to overcome obstacles that are uncommon for most Anglos. First of all, he is Mexican-American, a minority in this country. Second, he lacked education, having migrated from Guadalajara, Mexico, as a farm laborer.

Joe's ambition to succeed drove him from the fields of California into professional boxing, then into industry, and back to school. He had only an eighth grade education, but his aptitude for mathematics and mechanics stood him well at Laney and Chabot Colleges, where he studied machine shop practice, tool design, mechanical engineering and drafting. He became a machinist, learned moldmaking and die work, and eventually founded his own business, the only Mexican-American-owned machine shop in the bay area.

Today Joe Aceves, age 40, is president of Aceco Tool Corp., fulfilling contracts for the aerospace and commercial industries. He also owns Pronto Tool and Supply Corp. and holds interests in several other businesses.

His seemingly unlimited energy has carried him into other endeavors designed to help Latinos succeed in society and the business world. He feels, as I do, that it is possible for everyone to succeed in our system, but he also recognizes the added handicaps borne by members of minority groups.

This realization led him to found the Latin American Manufactures Association, a minority nonprofit business association, industrially oriented, designed specifically for the betterment of Latino businessmen. He is also active in other business, community service, social and cultural activities benefiting Latinos in San Leandro, Hayward, and other parts of the bay area, and Nation.

I am proud to be among those who can congratulate Jose "Joe" Aceves for winning the Latino of the Year Award presented tonight at the Bay Area Congress for Mexican American Affairs' third annual awards dinner.

Thank you.

AMERICAN LABOR SUPPORTS ISRAEL

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. BADILLO. Mr. Speaker, I wish to call to the attention of my colleagues the very strong support of the American labor movement for the State of Israel and the close kinship between our AFL-CIO and Histadrut, Israel's unique General Federation of Labor.

The support and encouragement Israel has received from the AFL–CIO throughout its turbulent 28-year existence has been substantial. This close relationship is documented in a recent article by Les Finnegan, writing for Press Associates, Inc. This feature, which has been widely distributed to the American and Canadian labor press, deserves the attention of our colleagues and I present it herewith for inclusion in the Record:

Close Kinship: American Labor Has Huge Stake in Israel and Its Very Survival

(By Les Finnegan)

(Note.—The author of the following article has visited Israel twice and has personally observed many of the activities of the American labor movement in that country.)

Washington.—The AFL–CIO swift announcement of all-out support for the State of Israel and for Histadrut, Israel's unique General Federation of Labor, immediately after the Arabs launched the "Yom Kippur War" came as no surprise to those familiar with American labor history.

If, as it is sometimes said, the State of Israel was a creation of Histadrut (the labor federation was founded in 1920, 28 years before Israel's independence), then American labor had much to do with the creation of Histadrut.

The extent of the moral and ideological support that U.S. trade unionism has given Israel and Histadrut, before and after the achievement of independence in 1948, is well known.

What is almost completely unknown is the amazing extent of American labor's economic and financial assistance to the country and its democratic labor movement.

That assistance might well prove the difference between life and death for Israel now that this "oasis of democracy in the Middle East" is once again fighting for its very existence.

Unpublicized have been these two impressive facts:

Since 1947, U.S. unions have contributed a total of $17,662,663 to Histadrut;

Since 1952, U.S. unions have purchased more than $800,000,000 worth of Israel bonds.

Just as impressive as these cash outlays and perhaps even more crucial to Israel's survival today are the more than 100 hospitals, clinics, trade schools, medical training facilities, children's homes and other structures built by American unions. They include the following:

In Nazareth, the George Meany Sports Stadium, one of Israel's largest, with seats for 30,000 spectators, has been a major center of athletics and physical fitness programs.

In Beersheba, the ILGWU (North Negev) Hospital, constructed by the Int'l. Ladies Garment Workers Union, AFL–CIO, serves all of the vast Negev desert area including the nomadic Bedoins. It has trained the first Bedoin doctor in 2,000 years.

In Haifa, the modernistic, marble-faced Histadrut headquarters is the William Green House, a memorial to the late president of the AFL.

In Elath, on the Gulf of Aqaba, adjoining three Arab nations, scores of thousands of Israeli workers and soldiers have enjoyed the intellectual and recreational advantages of the Philip Murray Cultural Center, named after the late president of the CIO and built in desert surroundings of large, rugged, native stone.

In Holon, the Walter Reuther Children's Home, an imposing memorial to the late president of the United Auto Workers, has made possible a healthy growth and adolescence for many Israeli youngsters.

In Ein Kerem, the independent International Brotherhood of Teamsters erected the Teamsters Children's Home, a beautiful, long, low, two-story haven for children from broken homes and a treatment center for asthmatic youngsters.

In the Druze village of Isaphia, set on the slopes of Biblical Mt. Carmel, the SEIU Medical Clinic is a therapeutically priceless gift of the Service Employees International Union, AFL–CIO.

In Hatikvah, the Hotel and Restaurant Employees International Union, AFL–CIO, built the highly-valued Ed Miller Youth Center as a tribute to the union's president.

In Haifa, the ILGWU Trade School, filled with modern machinery, trains young Israelis not only for jobs and careers in the garment industry but also for skilled jobs in the construction industry and other fields.

In the Kfar Blum Kibbutz, the Painters Union Rest Home was constructed by the International Brotherhood of Painters, AFL–CIO.

In Krait Shmona, near the Lebanese border, a $200,000 cold storage plant was built by the Amalgamated Meat Cutters and Butcher Workmen, AFL–CIO, which also raised another $50,000 to repair damages caused by Arab shelling.

In Bnai Brak, the most modern and beautifully-equipped multi-purpose clinic in Israel, the five-story Potofsky Health Center, was recently dedicated in tribute to the former president of the Amalgamated Clothing Workers, AFL–CIO.

OTHER LABOR CONTRIBUTIONS

However, these American trade union edifices that dot the Israeli landscape from the Lebanese frontier on the north to the Red Sea on the south, by no means exhaust the evidences of U.S. labor aid to Israel and Histadrut.

For example, the United Steelworkers, AFL–CIO, Scholarship Fund helps 24 Israeli boys and girls to obtain university educations each year. Other U.S. unions have established similar educational funds.

What makes these American labor contributions all the more significant is that no comparable relationship has ever flowered between U.S. unions and any other nation at any time.

Part of the answer, probably, is the traditional American admiration for the underdog, the fact that the infant levantine nation was trying to build a new democracy where democracy had never before taken root, in a barren land of desert and rock, a tiny strip of Mediterranean coastline about the size of New Jersey, devoid of natural resources.

Another part of the explanation for American labor's admiration and affection for Israel lies in the pleased recognition that Israel, like America, has been a "melting pot," an ingathering of the tired, the poor, the "huddled masses yearning to breathe free . . . the homeless tempest-tossed" as Emma Lazarus, a Jew, wrote for the pedestal of the Statue of Liberty.

HISTORIC BACKGROUND

The State of Israel was only a distant dream for Jews of the diaspora around the world when the Pittsburgh convention of the AFL in 1928 took its first historic stand on

Histadrut. The delegates could hardly have foreseen the birth of Israel 20 years later when they passed an eloquent resolution lauding Histadrut and praising its protection of the workers of the Holy Land against exploitation.

After that there was never a convention of the AFL or CIO, and seldom a convention of their affiliates, that did not support the vision of a free and independent homeland for the Jews. But the AFL and CIO, and later the AFL–CIO, did not rest with ephemeral convention resolutions. In Congress after Congress and in countless state legislatures, national and state labor bodies won support for a free Israel and the right of Jews everywhere to migrate to the Holy Land.

Later that huge lobbying and educational campaign took on a new character—Israel's desperate need for weapons with which to defend itself against Arab attacks and the equal urgency of shaping world opinion against Israel's enemies.

Both Israel and Histadrut, down through the years, have been generous in their acknowledgment of American labor's contributions to the young nation's creation, survival and development.

The merged AFL–CIO was only four years old when its 1959 convention was addressed by Histadrut's General Secretary Pinhas Lavon. Lavon was given a standing ovation as he concluded his speech with these words:

"Many institutions in Israel, in city and village, have been built for the welfare of the worker and his family thanks to the generosity of your hearts, a generosity which is common to American labor and the American people as a whole.

"We achieved all the things that Israel has achieved by the pioneering efforts of two generations of men and women," the Histadrut leader emphasized. "*But of course we could not have done it without the generous help given to us by our kindred and brethren in the free world and by the American labor movement.*"

Standing on the AFL–CIO platform and listening to wave after wave of cheers and applause, Lavon may well have been thinking back to the very first international statement made by George Meany following his election as president of the merger labor movement.

MOSCOW MANEUVERS

"It should be obvious to our government and to our allies," said Meany, "that Moscow is maneuvering to instigate aggression and to provoke the catastrophe of war in the Middle East. The Communists have already ignited the fuse to the powder keg. The free world must act immediately to stamp out that sputtering fuse and safeguard peace.

"As the first step," declared the AFL–CIO chief, "the AFL–CIO recommends that the United States provide arms for defense of Israel."

And then in a 1956 prediction that came true in 1973, Meany said, "The growing imbalance in military strength against Israel will inevitably bring about war."

The AFL–CIO appeal for Israel's defense was no mere gesture. One month later, on the eighth anniversary of Israeli independence, the Federation asked President Eisenhower to "seek advance authority from Congress" to send arms "for the defense of Israel."

Solemnly Meany warned the President and Congress: "If we do not act now, Israel may become another Korea."

Of all the unions of free labor around the world, the AFL–CIO has been the most vocal and least compromising in attacking Arab aggression. The Arab warmongers, Meany said, represent "a part of the world where there is no such thing as democracy; where feudalism still reigns; where within a very few miles human beings are still sold into slavery, a part of the world that could very well be called the most backward area of the world."

Meany, himself the son of immigrants, emphasized the U.S.-Israeli kinship by reminding American working men and women: "We too are a nation of foreigners. We are a nation of people descended from those who came to America to find a haven from persecution and from oppression—economic, political and religious."

Nor has the AFL–CIO hesitated to side with Israel against United Nations resolutions critical of Israeli actions. One UN decision was blasted as contradicting the Eisenhower doctrine for the Middle East. The AFL–CIO said it "supports this (Eisenhower) doctrine which pledges our country to be in readiness to resort to force if need be, and to halt aggression in that part of the world."

Meany proved, too, that he had an acute eye for military eventualities when he told Prime Minister Golda Meir, "The one bit of territory I would never give back would be the Golan Heights to Syria."

Meany summed it up for American union members on Dec. 17, 1972, when he declared:

"There is no disagreement within the American labor movement when it comes to the State of Israel. In supporting Israel we are not only defending the bastion of democracy in the Middle East—we are defending our own principles, the principles of free trade unionism; and nothing is closer to us than that."

GILMAN CALLS FOR RETURNING VETERANS DAY TO NOVEMBER 11

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. GILMAN. Mr. Speaker, today I am introducing legislation reinstating the observance of Veterans Day on November 11 instead of on the fourth day of October.

Veterans Day observances began back in 1919 as Armistice Day with the beginning of a cease-fire over the battle lines of a war-ravaged Europe. The significance of that cease-fire coming at the 11th hour of the 11th day of the 11th month was crystallized into a national holiday initially honoring the veterans of World War I. With the increased service of our men overseas, Armistice Day in 1954 was renamed Veterans Day and its celebration was continued on the 11th day of November each year as a day honoring all of our veterans until legislation establishing 3-day holidays took effect in 1971.

Veterans Day is an important day—a day far too significant to be casually noted as part of a 3-day October holiday. We must not let our Nation forget the sacrifice, the courage, and the loyalty of our veterans for their country. It is altogether befitting that we set aside a special date in recognition of their unselfish devotion to their Nation.

With the advent of the 3-day holidays, Veterans Day observances have been met with apathy and have been sacrificed to the commercialism of holiday shopping. Recognizing this, 32 States have already moved their State celebrations of Veterans Day back to November 11.

By Congress reestablishing November 11 as Veterans Day, we will be giving added significance to the immortal, heroic deeds of our service men and women who gave so much for their Nation.

Mr. Speaker, I invite my colleagues to join me in sponsoring this measure changing Veterans Day back to November 11 and respectfully request that the text of this measure be included in this portion of the Record:

A bill to reestablish November 11 as Veterans Day

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, effective upon the date of enactment, subsection (a) of section 6103 of title 5, United States Code, as amended by the Act of June 28, 1968 (Public Law 90–363), is amended by striking out "Veteran's Day, the fourth Monday in October" and inserting in lieu thereof "Veteran's Day, November 11".

SOKOL ASSOCIATION—TRADITIONS AND LIVING IDEALS

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. CULVER. Mr. Speaker, I would like to pay tribute to the Sokol Association of Cedar Rapids. This organization, founded and supported by Czechoslovakian people of the Second District in Iowa, has contributed much to the Cedar Rapids community. I recently had the pleasure of addressing the Sokol Association as it celebrated its 100th anniversary. I think the spirit and achievements of this group are worthy of wide notice, and I would, therefore, like to include the text of my remarks in the Record at this time:

Remarks by Representative Culver

It is a pleasure for me to participate in the 100th anniversary celebration of the Cedar Rapids Sokol Association.

Sharing close ties with the Cedar Rapids community, we all know the importance of maintaining involvement in a group such as this one, both to strengthen the fabric of our community and to heighten our awareness of our heritage and its cultural diversity.

Many nationalities make America what the country is today. The contribution of each nation's culture, its ideas, customs and talents helped build this nation and contribute to its greatness. Being proud to be Americans involves being proud of our heritage. Sokol is an excellent example of how we can keep alive the smaller community within the larger one.

If we had more such active groups, with stress on family, participation, physical fitness, and community involvement, perhaps we would be better able to solve and even end some of the problems in society today. As all of you here this evening know so well, young people particularly benefit from their involvement in this organization, as hopefully, their enthusiasm and interest here will lead to their strong development as future parents, citizens and leaders.

In a time of accelerated change and of changing moods, ideas, and institutions, it is heartening to see this group celebrate its 100th anniversary. As you look ahead to another century of development and growth, and share your interests with others in the community and nations, we can take renewed hope that the traditions and living ideals of this country will have as much permanence as this organization.

A TURN TO GOVERNMENT FOR HELP

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. ALEXANDER. Mr. Speaker, the citizens of Brinkley, Ark., are working to breathe new life into the community. Mr. Albert L. Rusher, a concerned citizen, forwarded to me an article from the U.S. News & World Report entitled "A Turn to Government for Help." I commend it to my colleagues for their consideration:

A TURN TO GOVERNMENT FOR HELP

TOCCOA, GA.—Carl McCurry says he's getting customers in his men's shop in downtown Toccoa that he's never seen before. To him, that indicates that this town of 6,971 in the red-clay hills of Northeast Georgia is on the move again.

For years, the clothing merchant had seen the same faces—but fewer and less seldom—as the business district declined and young people left town to seek jobs in Atlanta.

"We were dying, like so many other small towns," recalls Mr. McCurry. "We had seven empty buildings in two blocks."

Until 1964, Toccoa had been on the main highway linking Atlanta and Greenville, S.C. But an expressway was built 17 miles to the south. Almost immediately, 11 service stations, two truck stops, a small hotel and two restaurants closed.

The community tried to attract industry. It built an industrial park adjoining the town in 1967, but the space went three years without a single tenant.

City Commissioner Lucius Alewine relates the town's efforts to lure business by using volunteer local leaders.

"We tried and tried; we used every gimmick you can think of, but we got nowhere. It was like a high-powered race car spinning its wheels and then running out of gas."

START: A MALL

Then, suddenly, the turnaround began.

First, downtown businessmen—desperate for off-street parking but unable to afford it—turned to the city and then to the Federal Government for help. The solution was a 1.8-million dollar downtown pedestrian mall, financed 75 per cent by federal funds.

Second, city leaders decided they could never attract industry without professional help. So in 1968 they hired Robert H. Evans from the Spartanburg, S.C., chamber of commerce to head a local chamber and development authority.

New Shopping Center in Toccoa, Ga., Is a Sign of Growth. Community Leaders Credit Professional Help for Spurring Expansion

"Any community attempting to evolve out of a state of stagnation cannot do it without full-time professional leadership," says Roy E. Gaines, a radio-station executive and city commissioner.

Within a year, Toccoa landed Thiokol Chemical Corporation, in the town's industrial park. However, by late 1969, the company's market for carpet-backing it produced in Toccoa vanished, and Thiokol was forced to shut down.

The plant sat idle for months until Mr. Evans negotiated its sale to a textile manufacturer, the Deering Milliken, Inc., which now employs workers turning out double-knit fabric. Later, Thiokol opened a smaller plant in the town's industrial park.

On another occasion, Mr. Evans heard of a business-form printer looking for a site with a building in Georgia. Toccoa had the site but no building. So Mr. Evans persuaded an Atlanta contractor to put up the building and landed the company, Uarco, Inc., of Barrington, Ill.

This kind of success re-awakened interest throughout the town's business community. For example:

A customer in Mr. McCurry's men's shop one day mentioned that he was a baker with a major Atlanta hotel, but wanted to move to a small town. Mr. McCurry thought the town needed a bakery, so he left the customer he had never seen before alone in the store for about two hours while the merchant went out to find a real-estate agent to lease the baker a site.

GROWING AGAIN

There are numerous signs that Toccoa is growing again. Two new shopping centers are under construction; a 100-bed hospital was occupied in 1968; a library was opened in 1970; and a 3-million-dollar high school and vocational school was dedicated in 1971.

In addition, the water and sewer system has been expanded at a cost of 3.7 millions. And since 1968, eight new industries creating 900 jobs have come to town.

"Not one of them has a smokestack," says Mr. Evans.

Downtown business is booming. The pedestrian mall started attracting curious shoppers almost as soon as the first spadeful of dirt was turned. Retail sales climbed even though rain during the autumn and winter of construction made a quagmire of streets and sidewalks.

Grocer J. R. Mitchell, downtown since 1935, says, "March was the best month we have had in a long time." John Mullinax, a jeweler who headed the Downtown Merchants Association during the initial search for off-street parking that led to the mall, says business now is the best ever.

"I've had a very nice increase in sales since completion of the mall, and an increase every month except one during its construction," he says.

While the mall was being built, 19 warehouses, pool halls, and other structures were demolished to provide off-street parking. Stores now have two entrances—one facing the mall and another leading to parking lots.

The pedestrian mall covers only one block, but it is spurring businessmen outside the block to renovate. Notes Commissioner Alewine:

"The surrounding area was pretty dilapidated but you'd be surprised how people several blocks away are sprucing up their buildings. The attraction rubs off."

Community leaders generally believe the town now is retaining its young. Mayor Troy L. Bowen says his son, a Georgia Tech graduate "is coming back to Toccoa to live. If it weren't for these new industries, he wouldn't be here.

Mr. Alewine offers another example of the interest of young people in the town, saying:

"Every Sunday, two to three young people join the church and that is good for the community."

FUEL OIL EXPORTS UP 350 PERCENT

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. ASPIN. Mr. Speaker, despite a mounting nationwide oil crisis, the latest figures show the U.S. exports of fuel oil rose about 350 percent in the last month reaching 642,000 barrels in September.

According to the U.S. Bureau of the Census U.S. fuel oil exports climbed from 200,000 barrels in August to 692,000 barrels in September. It is bad enough that we are exporting any fuel oil at all, but to increase the exports by 350 percent as the shortage worsens is an outrage and frankly incomprehensible.

As many of my colleagues know, I have introduced legislation (H.R. 8828) that will prohibit all fuel oil exports during the current shortage as well as overseas shipments of gasoline and propane.

During the shortage, there is absolutely no excuse for exporting any fuel oil overseas. The largest shipments during September were to Great Britain, the Netherlands, and Venezuela.

Last week I released results of the investigation by the Cost of Living Council which showed the fuel exports are expected to go up 284 percent in 1973.

Congress must bring this abuse to a halt by passing legislation to prohibit all petroleum exports during the shortage.

TRIBUTE TO MR. AND MRS. CHARLES WORTHAM

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. ANDERSON of California. Mr. Speaker, when the objective eye of history records the actions and deeds of America, I would hope that the criteria used to judge our Nation is the quality of our people—our morality, our intellect, and our perseverance.

Ralph Waldo Emerson said it best:

> The true test of civilization is, not the census, nor the size of cities, nor the crops—no, but the kind of man the country turns out.

By this standard, our place in history should be assured. And, of those who could best serve as examples of American morality, intelligence, and perseverance—with an added touch of humor—I would include Mr. and Mrs. Charles Wortham—two of the finest people I have been privileged to know.

Born in 1884, Charley Wortham settled in Redondo Beach, Calif., on July 4, 1932, where he was in the rental housing business.

In this community, he made his mark as an active participant in civic and cultural affairs, serving as the campaign chairman of the South Bay March of Dimes, the president of the South Bay-Torrance Symphony Association, and chairman of the American Field Service.

In addition, Mr. Wortham is a member of the Redondo Beach chapters of the Elks, Masons, and Eagles. He also serves on the Redondo Beach Roundtable, and is a life member of the coordinating council. Presently, Charley serves as the president emeritus of the South Bay Chapter of the City of Hope.

MAYOR OF REDONDO BEACH

His great interest in community affairs naturally carried over to governmental affairs, and he was elected councilman in 1941, and then mayor in 1947, where he served until 1953. Currently,

Mr. Wortham serves on the appeals board.

Charley Wortham's leadership and dedication led to his selection as a delegate to the 1948 Democratic National Convention in Philadelphia which nominated Harry S. Truman. Then, in 1952, he was a delegate to the convention in Chicago which nominated Gov. Adlai Stevenson.

In 1965, at the age of 81, he had the distinction of serving on the Los Angeles County Grand Jury, as the oldest person ever to do so in county history.

Referred to as "Mr. Redondo Beach" by the South Bay Daily Breeze, Charley Wortham was named Man of the Year in 1967 by the Redondo Beach Chamber of Commerce, and has received honors from the Elks and the Eagles.

ALMA WORTHAM

No mention of Charley would be complete without acknowledging and paying tribute to his lovely and charming wife Alma. In addition to her job as a housewife and mother, she, too, has been active in democratic politics, helping to form the countywide Democratic Women's Forum. She and Charley are the proud parents of five children, the grandparents of 19 grandchildren, and the great-grandparents of 30 great-grandchildren.

Mr. Speaker, the Worthams are the kind of people that all of us can be proud of—the kind of people who have built America and made this the great country she is.

JERRY MICKELSEN

Hon. Yvonne Brathwaite Burke

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mrs. BURKE of California. Mr. Speaker, I would like to take this opportunity to give recognition and say thank you to one of Los Angeles' distinguished citizens for a job well done.

So often, individuals provide services to the community in an exceptional manner or go above or beyond the call of duty and receive no thanks for their efforts. I feel that these citizens deserve a word of praise and encouragement.

Jerry Mickelsen is assistant ticket manager for the Los Angeles Rams. In this position, Mr. Mickelsen handles season ticket sales, individual game sales, and all related work dealing with distribution of tickets for the Rams. I am sure that at one time or another we have all endured the frustrations of attempting to obtain tickets for a professional football game to no avail. With pro football being one of America's favorite pastimes, it is virtually impossible, in most cities, to get tickets to the games if you are not a season ticketholder and in some cities it is impossible even to get season tickets. Jerry Mickelsen has done a fantastic job of trying to eliminate some of the frustrations of Rams fans in virtually impossible situations. On numerous occasions, he has helped me and so many other Ram supporters obtain tickets to home and away games when they were difficult to obtain.

A native of St. Paul, Minn., Jerry worked in the Los Angeles Dodgers box office prior to starting with the Rams in 1968. He and his wife Lora Ann are the parents of two sons, Gregory and Kenneth.

To Jerry Mickelsen, I say thank you for myself, my family, and thousands of other Los Angeles Rams supporters.

IMPEACHMENT: TWO LEGAL VIEWS

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. VAN DEERLIN. Mr. Speaker, I have now received more than 1,500 letters and telegrams calling for resignation or impeachment of the President. Most of these have been brief and pointed.

My attention was drawn to two more substantial statements from practicing attorneys in San Diego County, Louis S. Katz and Charles C. Renshaw. I have been acquainted with each of them at least a dozen years. Each stands high in the legal profession.

Messrs. Katz and Renshaw have separately pondered both the law and the facts touching on the impeachment issue, and reached similar conclusions. I offer both assessments for the RECORD:

NOVEMBER 8, 1973.

HON. LIONEL VAN DEERLIN,
Member of Congress, House Office Building, Washington, D.C.

DEAR VAN: I have heard some talk that since the President agreed to turn over the Watergate tapes impeachment has now lost its appeal to many people in Congress and to the United States citizens as well.

For the following reasons I believe impeachment is still important and that President Nixon is not above the law, Congress or the people of this country and that immediate action should be taken to hold hearings on the President's impeachment.

The following items, in my opinion, are illegal and improper activities by a President:

(1) On July 23, 1970 the President personally approved a plan for political surveillance by use of burglary, wiretapping, eavesdropping and spying on students by the CIA and other agencies.

(2) In 1971, the President established with the White House a personal secret police force that engaged in burglary, illegal wiretaps, espionage, and perjury.

(3) While Daniel Ellsberg was facing trial in a Federal Court in Los Angeles, his psychiatric records were removed from the office of his doctor by White House aides who burglarized the doctor's office and who were acting under the direction of the President. At the same time and at the direction of the President, a White House aide discussed the directorship of the FBI with the judge presiding over the Ellsberg trial.

(4) Private detectives were hired by White House aides to spy on the sex life, drinking habits, and family problems of political opponents.

(5) A special list was made up of "enemies" who were opponents of President Nixon and supporters of possible presidential opponents. These names were placed on a special list and targeted for harassment by the Internal Revenue Service.

(6) During three days in May 1971, over 13,000 people were arrested in Washington, D.C. These arrests were declared unconstitutional by the courts and at that time a White House spokesman, William Rehnquist, invented the doctrine of "qualified martial law."

(7) In 1973, the President ordered bombing of Cambodia, a neutral country, without the authorization of Congress. We learned later that he had been authorizing the bombing in Cambodia for three years and and deliberately concealed the bombing from Congress and from the people, thereby usurping the war making powers of the Congress. Not only that, but when the President found that the deception had been uncovered, he said he would do the same thing under similar circumstances.

(8) Lastly, and most important, is the loss of the two tapes that carry key information about the President's advice to Mr. Dean and the Attorney General in areas that, if verified by the statements of these two witnesses before the Watergate Committee, would show that the President had acted improperly and unethically. For this reason alone, the "loss" of these two tapes is highly suspect and can lead me to believe only that President Nixon intentionally destroyed them or misplaced them so that his language could not be quoted to the nation.

To protect our system of individual rights under the law, and to restore the integrity of the Bill of Rights, for us and our children, as well as to make the lesson clear to all future Presidents in whose hands we place our lives, Richard Nixon must stand trial before the Senate. If he does not stand trial, what he has done will be done by others. I therefore strongly urge you to support impeachment of President Nixon.

I would appreciate your responding to my letter and giving me your views on this subject.

Very truly yours,

LOUIS S. KATZ.

NOVEMBER 7, 1973.

HON. LIONEL VAN DEERLIN,
Congress of the United States, House of Representatives, Washington, D.C.

DEAR VAN: We received your response to our recent cry of outrage, and I must say that we concur in the views you expressed.

God knows, as California democrats, neither Ely or I have any reason to think kindly of Nixon. However, we both felt, for many long months, that he was entitled to all the presumptions of innocence due any citizen, and beyond this, by virtue of his office, perhaps greater restraint was due the President. These considerations, plus the national agonies that would be generated by impeachment, led Ely and me to feelings of ambivalence. The Cox incident, and subsequent events, eliminated all of our misgivings and we fully support your views.

I hope these next thoughts will not be inappropriate, but as a lawyer I have listened to the legal arguments advanced by the administration as to why the files, tapes, etc., relative to Watergate should not be made available to the Senate Select Committee and to the Special Prosecutor. These arguments are, in my opinion, without merit. As I understand it, two basic premises have been raised:

(1) Maintenance of the doctrine of separation of powers between the Judiciary, Legislative and Executive branches; and

(2) Confidentiality of Presidential communications.

The first position does not apply to the Watergate situation because while there is

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no argument that the founders of our republic expressly provided for three co-equal branches of government they also provided that all three branches were, and are, subordinate to the law of this land, and every member of these respective branches is required, as a part of his oath of office, to swear to uphold that law. Simply put, it is the people of this country, in whom the ultimate law of the land resides, that are paramount to the government, not the reverse. Furthermore, at least as it relates to the Special Prosecutor, the issue is one solely within the Executive Branch and does not raise a conflict with either the Judiciary or Legislative.

The second argument is a bogus attempt to blanket everything that citizen Nixon does with the immunity given President Nixon. This is not, and never has been, the law. I think it entirely proper that the confidential communications, whether written, oral, or otherwise, of a President, that relate to the functions of his office and the performance of his duties as President, be kept confidential. However, this does not apply to the communications of citizen Nixon that relate to his activities, his private activities, for reelection to national office. Furthermore, as with any other legal privilege, if an otherwise confidential communication is disclosed to some third person, not otherwise within the orbit of confidentiality, then the privilege no longer exists. This certainly applies to the tapes that Haldemann was allowed to listen to when he was no longer a member of the Presidential family.

Frankly, after analyzing Nixon's position, I came to the conclusion that it is a cleverly designed smoke screen that has at least been partially successful in hoodwinking the public. I have really hoped to see someone prick that balloon in a simple, concise statement.

Anyway, again our appreciation for your letter, and our best wishes to you in what cannot be happy times.

Very truly yours,

C. C. Renshaw.

THE TARNISHING OF THE PRESIDENT'S ENERGY SPEECH

HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. NEDZI. Mr. Speaker, when after long delay the President made his energy speech to the Nation last Thursday he began by setting forth the problem in a temperate and satisfactory manner.

It was unfortunate, therefore, even though seemingly characteristic, that the President's speech was then marred by a gratuitous slap at Congress.

Obviously, the national interest simply demands that the executive and legislative branches must work together in confronting the energy shortage. A conciliatory and cooperative tone would have been appropriate for the Chief Executive, especially in view of the administration's vulnerability on the issue and the fact that the occasion provided an opportunity for a positive gesture.

A very interesting article on this matter appeared in today's Evans-Novak column:

Mr. Nixon's Policy on Energy: Blame Congress

(By Rowland Evans and Robert Novak)

An elite group of 32 businessmen invited to the White House last Wednesday for an advance peek at the new energy program also became witnesses to a momentary clash between President Nixon and his domestic counselor, Melvin R. Laird, which reveals much about both the administration's handling of the energy crisis and its general strategy.

Laird was listing energy legislation now in the congressional pipeline when he was interrupted by an obviously irritated President. "But there's nothing on my desk now, is there?" Mr. Nixon asked his counselor. The impression given the businessmen: While Laird was trying to solve the fuel shortage in close cooperation with Congress, the President wanted to blame Congress for causing the crisis.

This contrast between the President and his counselor transcends the energy crisis. But in this case, the presidential attempt to lay blame on Congress particularly infuriates Democratic leaders on Capitol Hill who believe their early warnings about the energy crunch were ignored by the White House. In truth, key administration officials admit the President delayed until it was too late to prevent disaster. Even at this eleventh hour, the administration's handling of the crisis seems fuzzy and uncoordinated.

Sen. Henry M. Jackson (D-Wash.), chairman of the Senate Interior Committee, can claim to be the leading Cassandra. His June 13, 1972, letter to the President warning about U.S. dependence on Middle Eastern oil was ignored. So was Jackson's Dec. 10, 1972, call for Mr. Nixon to name an energy adviser.

One reason why Jackson's warnings went unheeded was that domestic policy chief John D. Ehrlichman then tightly controlled decisions on energy, as on everything except foreign affairs. Besides being spread thin by trying to monopolize domestic policy, Ehrlichman was busy attempting to keep from going down with the Watergate wreck, when energy decisions were needed.

When Erlichman finally fell last April, the dominant administration voice in the energy field became Deputy Secretary of the Treasury William Simon. A Wall Street investment expert, Simon at first opposed mandatory fuel allocations but later was convinced by Jackson and other congressional leaders of their necessity.

But on June 29 Gov. John Love of Colorado was appointed energy adviser and quickly ruled against mandatory allocations, delaying for weeks what Democrats in Congress long had been urging. Meanwhile, Simon disappeared from the energy picture along with his valuable expertise. As the crisis deepened last week, Simon was in Nassau attending a Time, Inc. seminar.

Love, popular and well regarded as governor, has been an almost totally unrelieved disappointment here. Even administration officials admit he lacks the background, temperament and governmental powers to be energy adviser. In fact, he does not want the power. One proposal to consolidate the government's scattered energy policymaking functions under him was killed by Love.

There is, therefore, a one-word answer to the question of who is running the government's energy policy: nobody. The consequence is a sloppy, sluggish performance by the administration which scarcely supports Mr. Nixon's attempts to blame the crisis on Congress.

When Jackson on Oct. 17 unveiled his legislation for fuel self-sufficiency, Love's office replied it would soon send up its own bill. But one week later, Laird informed Jackson that the many government departments involved had not agreed on anything. That same day, Love told the Senate Interior Committee the administration had no contingency plans in case of an Arab oil cut-off.

Mr. Nixon might not have avoided the crunch even had he heeded Jackson's first warnings. In any event, it is too late now to avoid terribly painful economic consequences resulting from the Arab cut-off. ("It's going to be wild in a few weeks," predicted one consultant who advises the administration.)

Nevertheless, almost everybody concerned believes Mr. Nixon should belatedly put somebody in charge of the crisis to at least minimize the economic dislocation. In business circles, Secretary of the Treasury George Shultz is talked about as the best choice. But Shultz, overburdened now as Mr. Nixon's economic adviser, does not want the job and probably won't get it.

Besides, the White House seems more interested in goading Congress. Rep. Torbert Macdonald (D-Mass.), chairman of the House subcommittee handling energy legislation and a critic of the President's energy policies, was not invited to last Wednesday's briefing. Macdonald said nothing publicly but, in private, trumpeted his rage in unprintable language. Although the snub to Macdonald might well be the product of new familiar incompetency at the Nixon White House, it also coincided with Mr. Nixon's desire for a cold war with Congress while a fuel-short nation faces a freezing winter.

CANADIAN WRITER APPRECIATES U.S. ASSISTANCE TO OTHER COUNTRIES

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. BROWN of Ohio. Mr. Speaker, recently one of my constituents, Mrs. Weldon McNeal of Prospect, Ohio, sent me an article from the September 1973 edition of Country Living magazine. The article is written by a Canadian who is appreciative of the efforts of the United States in assisting the other nations of the world in overcoming natural disasters, monetary crises, and war devastation. In a time when the United States seems to reap only criticism of its international role, I would like to share this article with my colleagues:

[From Country Living magazine, September 1973]

U.S. Help to Others in Time of Need

Editor's Note: So we've problems! Dollar devaluation, energy shortages, Watergate skullduggery, galloping inflation, pollution and, at your Co-op, rising costs and the daily struggle of keeping up with the demands for service.

Newspaper columnist Jim Bishop says, "There is another side to the coin of crisis. America will survive it. America was stunned, yes—but not stupefied, rocked but not wrecked, puzzled but not paralyzed."

It is a tribute to the strength of the youthful vigor of the U.S. that the penicillin of our system heals wounds quickly.

In this summer of 1973 men harvested crops, appeared in offices on time or punched shop timeclocks regularly, and housewives went about their daily tasks.

Meanwhile, Gordon Sinclair took to the air over Radio Station CFRB, Toronto to editorialize about Americans. We appreciate Mr. Sinclair's thoughts—do you?

The United States dollar took another pounding on German, French and British exchanges this morning, hitting the lowest point ever known in West Germany.

It has declined there by 41 percent since 1971, and this Canadian thinks it is time to speak up for the Americans as the most generous and possibly the least appreciated people on all the earth.

As long as 60 years ago, when I first started to read newspapers, I read of floods on the Yellow River and the Yangtze. Who rushed in with men and money to help? The Americans did.

They have helped control floods on the Nile, the Amazon, the Ganges and Niger.

Today the rich bottomland of the Mississippi is under water and no foreign land has sent a dollar to help.

Germany, Japan and, to a lesser extent, Britain and Italy were lifted out of the debris of war by the Americans who poured in billions of dollars and forgave other billions in debts.

None of those countries is today paying even the interest on its remaining debts to the United States.

When the franc was in danger of collapsing in 1956, it was the Americans who propped it up, and their reward was to be insulted and swindled on the streets of Paris.

I was there. I saw it.

When distant cities are hit by earthquake, it is the United States that hurries in to help. Managua, Nicaragua is one of the most recent examples. So far this spring 59 American communities have been flattened by tornadoes. Nobody has helped.

Why does no other land on earth even consider putting a man or woman on the moon?

You talk about Japanese technocracy and you get radios. You talk about German technocracy and you get automobiles.

You talk about American technocracy and you find men on the moon, not once but several times . . . and safely home again.

You talk about scandals and the Americans put theirs right in the store window for everybody to look at.

Even their draft dodgers are not pursued and hounded. They are here on our streets. Most of them, unless they are breaking Canadian laws, are getting American dollars from Ma and Pa at home to spend here.

When the Americans get out of this bind . . . as they will . . . who could blame them if they simply forgot the rest of the world. If they let someone else buy the Israel bonds. Let someone else build or repair foreign dams or design foreign buildings that won't shake apart in earthquakes.

When the railways of France, Germany and India were breaking down through age, it was the Americans who rebuilt them. When the Pennsylvania Railroad and the New York Central went broke, nobody loaned them an old caboose. Both are still broke.

I can name to you 5,000 times when the Americans raced to the aid of other people in trouble.

Can you name me even one time when someone else raced to the Americans in trouble?

I don't think there was outside help even during the San Francisco earthquake.

Our neighbors have faced it alone, and I'm one Canadian who is tired of hearing them kicked around. They will come out of this thing with their flag high. And when they do, they are entitled to thumb their nose at the lands that are gloating over their present troubles.

I hope Canada is not one of these.

SOLAR ENERGY—A PRACTICAL SOLUTION TO THE ENERGY CRISIS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. BROWN of California. Mr. Speaker, tomorrow through Thursday the Science and Astronautics Subcommittee on Energy will hold hearings on H.R. 10952, the Solar Heating and Cooling Demonstration Act of 1973. This bill, if enacted into law, will provide for a $50 million research, development, demonstration and evaluation program over a period of 5 years that will be extremely valuable in helping us to meet the challenge posed by the energy crisis.

I would like to point out, however, that we in the Congress, as usual, are following rather than leading the way—at least to some extent. There are many private citizens who have been looking into the potential uses of solar energy during the past several years, without governmental assistance, and their experience may prove valuable to us as we embark on the program that this bill will create, assuming that we in the Government are foresighted enough to pass this important piece of legislation. I wish to enter in the Record at this time an account of one such private citizen, Homer W. Davis, of Phelan, Calif., Quentin Foley, a reporter for the San Bernardino Sun-Telegram, in an article published on November 4, describes Mr. Davis' project. His article reads as follows:

Fortress of Solar Energy: Sun To Provide Warmth to Home

(By Quentin Foley)

Phelan.—Hot rocks will heat the retirement home of Homer W. Davis in the San Gabriel Mountain foothills near here.

His 2½ acres is just off State Highway 138 at an altitude of 4,200 feet where foot-deep snows are not uncommon in the winter.

"But the air is smog free and the sun is almost always shining, so that is why I chose solar energy," Davis explained.

Unusual features have been designed into the solar energy house.

The concrete block walls are a foot thick and filled top to bottom with concrete, abundantly laced with reinforcing steel.

"It will be strong as a fortress," Davis boasted. "The thick walls of solid concrete give it excellent insulation, preserving energy, and increase its stability in case of earthquakes."

The San Andreas earthquake fault runs right past his front door.

After 32 years of teaching at Chaffey Junior College, what got him interested in building a solar energy house?

"It is a hobby and health activity," he explained.

His doctor prescribed exercise after he suffered a heart attack a few years ago and he decided to build a house to have something more to show for his effort than some old golf scores.

"And it has led to many friendships," Davis added.

You possibly think it would take an engineering professor to undertake building a home from the ground up. Not so. Davis teaches speech.

He learned how to build a house by reading all he could find in the library about masonry, carpentry and all the other skills it would take to do the job.

This will be his second effort. During the housing shortage years after World War II, he built the family residence in Claremont where he and his wife, Gladys, reared three daughters.

Rigging a Maytag washer motor to an old cement mixer, Davis has been working weekends on his house 3½ years and estimates he has 4½ years to go before it will be completed.

"I have had a ball," he said.

"And I've made a lot of friends."

The solar energy, possibly backed up by some wind generated power, will be used in a 12 volt electrical system in the house, but just to be on the safe side he has left room for 110 and 220 volt systems as well.

He plans to collect heat from the sun in either black boxes or black plastic tubes located outside the house in what will be the solar energy field.

Heat from these will be transferred to a rock bed under the front porch by hot air conduit and from there the heat will circulate through the house. The cooled air will return to the rock bed constantly for reheating.

"We are so high here, we don't have an air conditioning problem as we have few really hot days," Davis said.

Just to make sure, however, he has designed a series of louvers in the attic rafters to let hot air out of the house and to keep hot air from building up inside. At the lower level, cooler air circulates in through another series of louvers.

Since water retains heat longer than rock, he has a 500-gallon water tank in the rock bed where water is heated.

At one end of the living room is a fireplace and the circulating pipes pass beneath the hearthstone to pick up heat from it. Davis plans to use a steel Hetalator fireplace and pass the circulating water system through it. When a valve is turned, the water can be superheated.

Another valve will enable Davis to install radiant heat in the floor, if he wishes.

He even plans to cook with solar energy in an outdoor solar cooker, using a reflector to generate intense heat. You can cook a roast or broil a chicken with reflected solar heat.

"Solar energy can be stored in batteries for use on cloudy days," Davis said. He estimates he will be able to go seven or eight days without seeing the sun before his solar energy supplies run out.

"Wind power generating conditions should be excellent during such times," he said.

Davis believes he can power all the electrical needs of his house, with the possible exception of a TV, by solar energy.

"I'd like to see every home in this valley heating at least their water supply by solar energy," he said. "Water heating is a major energy cost and one that is most easily done by solar energy. Just leave a garden hose out in the sun for a while, then feel the temperature of the water in it."

He is building his retirement home entirely with his own funds, but would like to attract some foundation grants.

"This could become a sort of laboratory where people could come to try out new ideas and learn how to use solar energy," Davis said.

He has the walls up now, and as soon as he gets the roof on he can start with the finishing work. If all goes well, he should be finished well before he retires in five years.

"I'm a little ahead of schedule right now," he said.

And he poured another bucket of concrete into those foot-thick walls.

ENVIRONMENTAL RELIEF SOUGHT THROUGH COMMONSENSE REGULATION OF DDT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. RARICK. Mr. Speaker, the House Committee on Agriculture ordered the bill H.R. 10796 reported today by unanimous vote.

This legislation is designed to authorize and direct the Administrator of the Environmental Protection Agency to issue a permit for the use of DDT on

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forests and other agricultural lands whenever the Secretary of Agriculture deems it necessary because of a major threat to our environment, forests or agricultural lands due to a major insect infestation.

This legislation does not authorize uncontrolled use of DDT; rather, it is an exception to the existing law and would apply only to emergency situations and only then to be dispensed by licensed applicators.

This legislation is deemed essential because of the arbitrary refusal of the Environmental Protection Agency to grant the Secretary of Agriculture's petition to authorize emergency use of DDT to combat the massive infestation of our Nation's forest lands from the ravages of the Gypsy and Tussock moth.

The unimaginable extent of this damage from infestation to our forest was described in the testimony of Robert W. Long, Assistant Secretary for Conservation, Research and Education, U.S. Department of Agriculture, before the Subcommittee on Forests, on October 23, 1973:

> H.R. 10796 results from concern about damage caused by infestation of the tussock moth in the Pacific Northwest and gypsy moth in the northeast. An estimated 690,000 acres, up to date, of forest land in Oregon and Washington and an estimated 125,000 acres in northern Idaho have been defoliated in varying degrees by the tussock moth. Small areas of tussock moth damage have been discovered in Southern Idaho, Montana, Nevada, and New Mexico; however, the damages in these locations are not yet considered serious. This year the gypsy moth defoliated an estimated 1,773,000 acres within an area including New England, and the States of New York, New Jersey, and Pennsylvania.

It was brought out repeatedly in hearings before our Forests Subcommittee that severe secondary environmental damage that threatened all forms of vegetation and animal life was occurring. As a result of insect infestation on epidemic proportions it simply does not make sense to allow our forest environment to be destroyed by an insect epidemic when they can be successfully controlled through the supervised application of DDT.

At present the damaged forest areas must either be clear cut for salvage or the defoliated and dead timber constitutes a major fire threat, both constituting a secondary threat to wild life and the natural balance desired in our environment.

DDT was banned under the theory of protecting our environment. Now we must understand that by banning DDT without exception or reason we are damaging the environment. There must be room for moderation and flexibility in both the use and banning of DDT. Because EPA exerts its authority as a prohibitive agency rather than a regulatory agency, the Congress must act.

Mr. Speaker, so that our colleagues might know the extent of this threat to our forest lands and the resulting environmental repercussions, I insert the related information in the RECORD at this point:

GYPSY MOTHS DEFOLIATE 1,773,846 ACRES IN 1973

WASHINGTON, Oct. 4.—Leaf-eating gypsy moth caterpillars defoliated an estimated 1,773,846 acres of woodland in nine northeastern states this summer, the U.S. Department of Agriculture (USDA) reports. This is an increase of about 400,000 acres over the 1972 defoliation.

Leo G.K. Iverson, deputy administrator of USDA's Animal and Plant Health Inspection Service (APHIS), said the pest now is spreading from the New England area and heading through Pennsylvania. APHIS scientists also point out that the pest is moving from an area of less-favored food to a region where its favorite hardwood trees are more prevalent.

Pennsylvania was the hardest hit northeastern state this year with approximately 856,710 defoliated acres. Other states with defoliated acres include an estimated 333,215 in Connecticut; 254,865 in New Jersey; 248,441 in New York; 43,970 in Massachusetts; 35,925 in Rhode Island; 490 in Maine; 200 in Vermont. and 30 in New Hampshire.

Mr. Iverson said the Pocono region of eastern Pennsylvania was particularly hard hit. In several counties, 70 percent of the trees were almost completely stripped.

The gypsy moth was brought into this country in 1869 for scientific experiments, but accidentally escaped. A single 2-inch caterpillar can eat a square foot of leaves every 24 hours. In infested areas the pests annually attack foliage of trees in forests, homesites, parks and recreational areas.

THE DOUGLAS-FIR TUSSOCK MOTH—A CONTINUING PROBLEM IN NORTHEASTERN OREGON

INTRODUCTION

An outbreak of the Douglas-fir tussock moth developed in northeastern Oregon and southeastern Washington in 1972. About 172,000 acres were defoliated in the Blue Mountains of the two states.

Requests by the State of Oregon, State of Washington, and the U.S. Forest Service to use DDT to control the tussock moth were denied by the federal Environmental Protection Agency in the spring of 1973. The outbreak continued through this summer until over 500,000 acres have now been defoliated in varying degrees.

DAMAGE

Duglas-fir, white fir, and subalpine fir are the preferred hosts of the moth. The caterpillars (larvae) feed on the new needles in the spring. Older needles are eaten as the larvae increase in size. Infested trees begin to turn reddish-brown in June. By mid-July, entire trees may be defoliated and may die in following years. Sometimes, only tops of trees are attacked. These tops may die or a spiked top may develop.

LIFE CYCLE

Eggs hatch between mid-May and early June. Young larvae are ⅛" long and have long hairs. Their long hair and light weight allows them to be transported long distances by the wind. Full-grown larvae are about 1¼" long. They have two, long, dark tufts of hair just back of the head and a similar tuft on the other end. Four dense tussocks of hair grow along the middle of the back. The larvae feed through July until they enter the pupal or "resting" stage. This period lasts from 10 to 18 days when the moth emerges. The winged male and the wingless female tussock moth mate at that time. One female lays an average of 250 eggs on the cocoon from which she emerged.

CONTROL

Natural control

The Douglas-fir tussock moth has many natural enemies. These include a virus and insect parasites. The more important of these is the virus. It can kill large populations of the moth. Natural control normally lags several years behind the outbreak.

There was hope that the natural virus would control the tussock moth during this summer, but this has not happened.

Introduction of the virus artificially was one of the controls tested this year. There was some success, but the applications need more testing.

Chemical control

Aerial applications of ¾ pound of DDT in one gallon of fuel oil on an acre has been used to control past infestations of the tussock moth. Studies during and after past applications in the Northwest have uncovered little known impact from DDT on the environment in and near spray areas. Currently there is no insecticide registered by the Environmental Protection Agency for use on the tussock moth.

During 1973, four new chemicals were tested on 12,000 acres. One may hold promise as a future control, but a final evaluation is still underway.

PLANS FOR THE FUTURE

Control

Two important jobs will be completed by next summer to provide knowledge to foresters planning control of the tussock moth. By October 1973, a population survey will be completed of egg masses that will produce next year's moths. The presence of the natural virus will not be known until studies are made next spring.

Based on this information, the State of Oregon and others will reevaluate their need for chemical control. A renewed request for emergency use of DDT may be made to the Environmental Protection Agency.

Fire protection

Increased fire protection is needed now in the infested areas. The 8,130 acre fire that burned at the edge of La Grange in August 1973 was aided in its spread by tussock moth-killed timber. Added protection will be needed for 3 to 5 years.

Salvage

Over 40 million board feet of timber were killed in 1972 on private lands. Another 140 million board feet were killed in 1973. A larger amount was killed both years on national forest lands. Salvage of the killed timber was started this summer and will need to continue at a fast pace to remove the timber before checking, insects, and disease make it unmerchantable. Over 300 individual forest landowners have been affected.

Reforestation

Many acres of the Blue Mountains will need reforestation once salvage is completed and the tussock moth is controlled. Department of Forestry service foresters and other foresters are developing plans to assist private landowners. A major problem will be having an adequate supply of seedlings of native species available for planting.

SALUTE TO A MEANINGFUL TELEVISION DRAMA

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. BELL. Mr. Speaker, it is worthy of note that the television industry, essentially designed in its prime time programing to bring entertainment into the homes of millions of Americans, frequently also achieves something meaningful, a program of contemporary importance and of inspiration.

The latest such accomplishment will be seen in homes throughout our Nation on Wednesday night, December 12. It is a simple story called "Joie," to be presented by Paramount television on the "Love Story" anthology series on the NBC television network.

One might not expect to find such a story on a program presented weekly under such a broad, all-encompassing title as "Love Story"—yet, it could not be more fitting. Because, love is the key to the young man named "Joie"—a handsome youth in his early twenties, yet a child in so many ways.

"Joie" is retarded.

There are many young people like him, some younger and some not so young, in special schools and classes, in centers and foundations throughout our country. These are organizations staffed by men and women dedicated to helping the retarded and emotionally disturbed children and adults.

To the observer, "Joie," like many of the young people being aided by such organizations, does not appear to be handicapped. To be sure, there is an occasional slowness of speech, a hesitation. He cannot read, or add, multiply, or subtract. But, much of the time, you are not aware that he is different.

Around him, there is an air of hope, not hopelessness. And love.

It is reflected in "Joie" himself. He wants so much to be a man. And, through love and the patient understanding and teaching of a volunteer in a foundation devoted to exceptional children, he develops an unsuspected talent as an artist. He learns he can look forward to a happy life, one to which he, too, can make his contribution.

As children are doing every hour, every day in schools and organizations across the United States, he responds to love and dedicated care.

It reminds that a few weeks earlier on this same "Love Story" program, another inspiring drama dealt with a young paraplegic. It has resulted in requests for special screenings at rehabilitation centers and hospitals, as a means of encouraging and aiding paraplegics in their struggle to resume a useful life.

Such television shows are not successfully produced by accident. They appear on our home screens as the result of the efforts of hard-working, talented men and women who not only strive to bring us entertainment but also to say something worthwhile. They start with the inspiration to inspire us and those less fortunate. They research their subject thoroughly in order to present it truthfully.

They and the companies who make it all possible are deserving of our commendation. Thus I feel it fitting that the Congress and the TV viewers of the Nation should salute those responsible for "Joie"—television's most distinguished award winner and the executive producer of "Love Story," George Schaefer; the former Academy Award winning director, Delbert Mann; the writer of the fine teleplay, Don Appell; the series' associate producer, Philip L. Parslow, its story editor, Esther Shapiro, and the outstanding cast headed by Kim Darby, John David Carson, and the Tony Award winning actress from Broadway, Sada Thompson.

To Frank Yablans, president of Paramount Pictures and Paramount Television and to the other executives of Paramount Television including Emmet G. Lavery, Jr., executive vice president; Bruce Lansbury, vice president, creative affairs, and Richard J. Winters, national director of publicity, advertising and promotion—and to the NBC television network—also should be expressed our appreciation for excellence and the tasteful treatment of a themes of such significance.

The program to be presented on December 12 is one of which the television industry can be proud, a dramatic entertainment that carries with it a hope and an encouragement for the unfortunate retarded and for their families.

Much is being done for them. Much more can be done.

"BLACKS ARE SLAVES TO THE DEMOCRATIC PARTY"

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. STOKES. Mr. Speaker, George Anthony Moore, of the Cleveland Press, published in the November 9 edition of the paper, a most perceptive column on the need for black people to search beyond party labels, when election time comes around, and study the men who request their votes.

Mr. Moore's observations, while specifically concerned with the recent election in Cleveland, have a universal relevance not only to black voters in other parts of the country, but to politicians and would-be candidates in every part.

I hope my colleagues in the House gives Mr. Moore's message sober attention.

The column follows:

"BLACKS ARE SLAVES TO DEMOCRATIC PARTY"

(By George Anthony Moore)

It had been my belief until this week after the general elections that black voters were becoming more sophisticated. But when I look at the results in which Mrs. Mercedes Coiner carried all of the black wards, I found it frightening because it was apparent that in those wards the people voted blindly on the basis that the candidate was a Democrat.

There could have been any other name picked at random and they would have voted for that person. The tragedy of this observation is that blacks in this city have not learned how to vote selectively. They have become slaves to party labels. In this case, the Democratic Party.

In other parts of this country, the mentality is that you evaluate each candidate and yet quiz him or her on the goals that you think the constituency in that community wants or needs and if they measure up, you give your stamp of approval. Party labels are only incidental.

I heard this philosophy confirmed several months ago at the National Urban League Convention in Washington, when six top black women politicians participated in a panel titled Women In Politics.

Cong. Shirley Chisholm was among those present. I was surprised when she came here to campaign for Mrs. Coiner since she contradicted the things that were agreed to on that panel discussion. Particularly when I learned that as a councilman Mrs. Coiner voted against fair housing legislation. Her defense was that she didn't think the time was right.

This has been the story of black people in this country; we have been standing in the wings, waiting until someone says the time is right.

The black voters I admire are those who were perspective enough to vote for Mayor Perk again. Not because they wanted to be on the winning side, but because they obviously made a candid appraisal of the mayor's past performance. I am not shilling for Mayor Perk, nor do I believe that he has done a spectacular job, but he has put the city on a basis of fiscal responsibility.

His minority employment record is good, although not necessarily spectacular. It's the rare public official whose minority employment record cannot stand improvement.

I was particularly pleased when Mayor Perk said he was going to be the mayor of all the people. It sounded good. But I'm from Missouri, he'll have to show me.

I don't feel that any member of a minority group can be wedded to either the Democratic or Republican Party, nor even a third party if you choose, since periodically there is talk about such. The key is the candidate and where his head is on certain vital issues.

This is what the 21st District Congressional Caucus is all about. Selective voting. And, as you know, its membership is not restricted to minorities. I have no illusions about the organization, it is far from perfect, but it is on the right track. The message is simple: Exercise your vote, don't sell it, don't let anyone commit it for you and above all know your candidates.

SURVEY RESULTS RELEASED

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. WINN. Mr. Speaker, in August, I mailed a questionnaire to every resident of the Third Congressional District of Kansas asking for their views on a variety of topics.

Today, I would like to share with my colleagues in Congress the results of this questionnaire. I feel they show the residents of the Third District to be vitally concerned with day-to-day issues which they must deal with directly as taxpayers and citizens.

At this point, I insert in the RECORD the findings of this survey:

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SUMMER QUESTIONNAIRE RESULTS

	Voter responses (percent)			
	Male		Female	
	Yes	No	Yes	No
1. Do you feel that Federal or public employees should have the right to strike?	32	63	34	62
2. Do you favor combining single-purpose Federal programs into block grants for the States and localities to use according to their needs, within prescribed guidelines?	65	28	65	22
3. According to the recently signed peace agreement, the United States agreed to contribute to the post-war reconstruction of Indo-China, including North Vietnam. Do you agree with this provision?	24	74	21	74
4. Do you support the Administration's efforts to lower Federal spending through freezing (impounding) funds appropriated by Congress?	52	44	41	50
5. Do you feel that recently announced phase IV economic controls should be imposed:				
a. On a temporary basis?	52	34	51	28
b. For an extended period of time?	18	50	14	54
c. On a permanent basis?	5	66	4	63
6. Do you agree with the recent Supreme Court decision which bars Federal aid to private and parochial schools?	63	35	61	36
7. Should a news reporter have the right to refuse to reveal the name of the source of a news story:				
a. If national security is involved	42	54	50	43
b. If criminal activity is involved	44	45	44	45
c. If no injury to others is apparent	74	24	73	24
8. In the case of young men who have left this country to evade military service, would you favor:				
a. Unconditional amnesty and pardon	13	67	14	66
b. Prosecution of those who return	56	32	45	37
c. Amnesty or pardon, if they agree to an alternative type of public service	46	42	53	34
9. Rising gasoline and fuel prices, and the apparent shortage of fuel supplies is of concern to everyone. Would you support legislation to:				
a. Relax auto pollution requirements	47	44	30	53
b. Move ahead with the construction of the Alaskan pipeline	78	15	79	19
c. Urge the reduction of speed limits on Federally-financed highways	57	34	68	24
d. Establish mandatory fuel distribution programs	40	46	39	41
The House Ways and Means Committee is considering tax reform legislation calling for the following things. Would you favor:				
a. Reduction of the oil depletion allowance	41	41	36	38
b. Reduction of the Federal tax exemption on municipal bonds	41	43	38	35
c. Reduction of the capital gains tax	39	51	41	44
d. Institution of a property tax credit for the elderly	80	11	80	9
11. Do you agree with the recent Supreme Court decision regarding the liberalization of abortion laws	62	33	63	37

OBJECTIONS TO SONNENFELDT CONFIRMATION MUST BE ANSWERED—PART XIII

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. ASHBROOK. Mr. Speaker, as I have indicated in the past I am especially interested in the nomination now before the Senate of Helmut Sonnenfeldt as Under Secretary of Treasury because of its relationship to the extensive hearings which the House Internal Security Committee has been conducting since 1971 concerning the Federal civilian employee loyalty-security program. A good illustration is the handling of Presidential appointments such as Mr. Sonnenfeldt's by various departments as required by the Federal program.

In testimony before our committee State Department representatives indicated that such appointments are investigated by the FBI and the initial evaluation of the investigative material is evaluated by State's Division of Evaluations of the Office of Security. In his letter to me of August 7, 1973, Secretary of Treasury Shultz stated that "pursuant to normal procedures" in all cases involving President appointments requiring Senate confirmation security and conflict of interest reviews are initiated and conducted by the White House. In the case of the State Department, according to the testimony, the initial evaluation is made at State whereas Treasury was not involved at all in the case of Mr. Sonnenfeldt who was nominated to hold a high Treasury position.

Also, as I have indicated before, neither Treasury or the Civil Service Commission, in listing the investigations of Mr. Sonnenfeldt, made mention of an investigation in the 1960–61 period in which Mr. Sonnenfeldt was questioned by State security investigators, submitted to a lie detector test and had his phone tapped. In addition, the list of investigations by the two departments differed in part as to the dates of the investigations, each citing an investigation omitted by the other.

In obtaining necessary information the Congress must rely heavily on the accuracy of data supplied by the executive branch departments and agencies. If congressional committees do not have independent sources of information to check with, they are largely at the mercy of the executive branch data. The Sonnenfeldt case has become a matter of controversy precisely because independent sources were available to question the executive's presentation of the case. One such source is Mr. John Hemenway, a former Foreign Service officer who worked with Mr. Sonnenfeldt at the State Department. His testimony on May 15 of this year before the Senate Finance Committee was the initial statement in opposition to the Sonnenfeldt nomination.

Additional hearings on October 1 and 2 brought forth other witnesses, unassociated with the executive branch, who questioned the nomination. Had these sources been unavailable or unwilling to testify, many questions involving the Federal civilian employees loyalty-security program would not have been raised. As knowledgeable sources are not always available to question executive branch presentations, one can appreciate the importance of having an efficient and reliable Federal security program.

I insert at this point the letter of Mr. Hemenway to Senator MANSFIELD of November 12, 1973, a copy of which I have received, indicating the complexity of this case to date:

WASHINGTON, D.C., *November 12, 1973.*
MAJORITY LEADER OF THE SENATE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: Today's *Newsweek* discloses a massive cover-up in the *Sonnenfeldt* Case. (See: "Wheeling and Dealing, Senate Style" in "Periscope", page 23, *Newsweek*, November 12, 1973, enclosed.)

This matter is called to your attention because the report published in *Newsweek* calls into question the integrity of the entire Senate and its leadership, if true. I am not able to evaluate the report myself, but I am not aware that anyone in a responsible position has repudiated it as inaccurate. It seems to me that the question of honest parliamentary proceedings is raised by the article.

You will recall that, on November 1, I wrote to you concerning the Sonnenfeldt Case. I alerted you to the fact that numerous key witnesses in the matter have not been called and that there is a great deal of evidence that perjury has been committed, all available in the Hearing Transcript, now published. (*Congressional Record* of November 1, 1973, page 35705.)

On November 7, 1973, I also wrote to Senator Long detailing a long list of important witnesses whose evidence was not in the Hearing Record, simply because those witnesses have never been called to be heard. (*Congressional Record* of November 8, 1973, page 36461.)

Subsequently, I learned that Secretary of the Treasury Shultz, to his great credit, put a "hold" on the Sonnenfeldt nomination until he can get the facts concerning the "wheeling and dealing" that went on behind his back without his permission or knowledge in order to secure Senate confirmation for Helmut Sonnenfeldt as Under Secretary.

The chronology in this matter is as follows:

May 15, 1973—John Hemenway testifies that Helmut Sonnenfeldt is unfit to be Under Secretary of the Treasury.

Oct. 1, 1973—Stephen Koczak testifies *under oath* on details of Sonnenfeldt's leaking highly classified information to agents of a foreign power.

Oct. 2, 1973—Otto Otepka testifies *under oath* on further details of Sonnenfeldt's propensity to "leak" classified information and other violations of the law.

May 15, Oct. 1, 2—Mr. Sonnenfeldt denied the above accusations *under oath;* the Committee reported the matter out of Committee "unanimously" with the following senators absent: Sen. Talmadge, Sen. Byrd (Va.), and Sen. Mondale.

November 1, 1973—John Hemenway writes to the Attorney General, U.S. Attorney for the D.C. and to Sen. Mansfield (See: Con. Record Nov. 1, '73, p. 35705) noting that the published hearing transcript establishes commission of perjury and other high crimes during the Sonnenfeldt Hearing.

November 7, 1973—John Hemenway writes to Sen. Long to report numerous matters left unresolved by the Hearing Transcript, including more than 15 witnesses not called who would corroborate the Hemenway/Otepka/Koczak testimony in matters capable of proof where issues are simple.

November 12, 1973—*Newsweek* publishes "Wheeling and Dealing, Senate Style" (p. 23, "Periscope" in the *Newsweek* of November 12, 1973.) The report suggests a Watergate-type deal made between Sonnenfeldt supporters and senators in a position to influence the Senate leadership's handling of the Sonnenfeldt confirmation. Reportedly, a voice-vote would remain unrecorded, attenuating blame against individual senators. Sonnenfeldt would then resign and go to work for Dr. Kissinger at State requiring confirmation, if any, by the Foreign Relations Committee.

Subsequent to Nov. 12 issue of *Newsweek*—Secretary of the Treasury Schultz orders a "hold" on the Sonnenfeldt nomination until matters reported in *Newsweek*—unknown to him personally—are cleared up and made a matter of public record.

Senator Mansfield, the purpose of this letter is to alert you, the leader of the United State Senate, to the scandalous series of events noted above. No one in the U.S. Senate should treasure and guard the respected reputation of that great body more than you; in fact, it is your responsibility to be jealous and vigilant of the Senate's reputation. The American people can expect you to do your duty in this matter, of that I am confident. To do less, in the shadow of Watergate would seem hypocritical.

Sincerely yours,

JOHN D. HEMENWAY,

WHEELING AND DEALING, SENATE STYLE

The long-delayed confirmation of Helmut Sonnenfeldt as Treasury Under Secretary was the result of delicate dickering—and a deal—between Sen. Russell Long and the White House. Charges that he had leaked classified information had held up the appointment of Sonnenfeldt, a longtime colleague of Henry Kissinger, in Long's Senate Finance Committee for five and a half months. The deal that broke the jam called for approval by voice vote (which is noet recorded), plus an "understanding" that Sonnenfeldt will resign shortly and move to Kissinger's State Department. "And if the new job requires confirmation," Long says, "let the Foreign Relations Committee worry about it."

ESEA, TITLE I

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. MICHEL. Mr. Speaker, in view of the announced effort on the part of the gentleman from Minnesota (Mr. QUIE) and the gentleman from Connecticut (Mr. GIAIMO) to recommit the conference report on the Labor-HEW appropriation bill when it is brought to the House floor tomorrow, I thought my colleagues might be interested in taking a look at a recent letter from the Commissioner of Education, John Ottina, spelling out the problems facing us under the terms of the current formula for ESEA Title I. Keep in mind that the language in the continuing resolution, to which Dr. Ottina refers, is identical to the language in the conference report which will come before us tomorrow.

I urge the Members to take a few minutes and read this letter, because it is important background for the debate that will occur tomorrow:

DEPARTMENT OF HEALTH,
EDUCATION AND WELFARE,
OFFICE OF EDUCATION,
Washington, D.C., November 2, 1973.
Hon. DANIEL J. FLOOD,
Chairman, Subcommittee on Labor-Health, Education, and Welfare, Committee on Appropriations, House of Representatives, Washington, D.C.

DEAR MR. FLOOD: The Under Secretary informed me of his telephone conversation with you on the Title I, ESEA, situation in 1974.

As you are aware, the problems which have currently surfaced due to language in the continuing resolution are a result of a more fundamental problem with the Title I formula. The formula we are using for distribution of funds includes the use of a $2000 low-income level which was an equitable definition of poverty in 1960 but is inadequate for the distribution of funds using 1970 Census data. We had hoped to have a new formula in place for the Fiscal Year 1974 distribution using the new data, but this was not accomplished. The problem we face now is working with a makeshift arrangement to achieve the most equitable possible distribution of funds until Title I, ESEA.

School districts have been operating on an annual allocation made during the first quarter of Fiscal Year 1974 based upon the first continuing resolution, P.L. 93–52. These allocations did contain the provision to guarantee each State 100 percent of what it received in Fiscal Year 1972. The effect of the 100 percent State hold harmless was to partially mitigate changes among States which resulted from the use of the 1970 Census data for the first time in the 1974 Title I, ESEA, formula. Without the 100 percent State hold harmless at the Fiscal Year 1972 level, allocations to the large suburban/urban States would have increased substantially above the 1973 level and the rural States would have experienced severe reductions below the 1973 operating level. *Within* States, the overall effect of the new allocation generally was to shift Title I money from rural areas to suburban/urban areas. Some areas deserved these increases or decreases; others apparently did not. However, lacking a better definition of poverty, the actual equity of changes is difficult to assess.

The present continuing resolution, P.L. 93–124, will minimize the dramatic differences between 1973 and 1974 and restore allocations in the rural school districts to at least 90 percent of their 1973 allocation and restrict the maximum amount a large, suburban/urban school district could receive to 115 percent of its 1973 allocation. The language of the continuing resolution also guarantees that each State in aggregate will receive no less than 90 percent of the amount that State received in 1972.

With second-quarter allocations now long overdue, the Office of Education will have to make allocations no later than November 9 in accordance with the provisions of P.L. 93–124 unless a final appropriation bill is enacted into law or alterations are made in the continuing resolution.

One major difficulty with the provisions of P.L. 93–124 is that the allocation to the State of New Mexico cannot be made in accordance with the provisions of the law. If New Mexico is given its entitlement of $8,666,553 which is 90 percent of the Fiscal Year 1972 State amount. Its LEA's will be above the 115 percent Fiscal Year 1973 LEA ceiling. If the LEA's are held at the 115 percent LEA ceiling, New Mexico only receives 88 percent of the $8,666,553.

In addition, I want to call to your attention problems which will arise as a result of satisfying the language of the law. The impact of the change between 1973, the first quarter of 1974 and what will result under the continuing resolution is shown for a sample of States and selected counties within each State in Enclosure A. One table illustrates these differences at the Fiscal Year 1974 appropriation level of $1,810,000,000; the other is shown at the Fiscal Year 1974 operating level of $1,629,000,000. These tables provide a comparison between the 1973 operating level, the allocations under the first and second continuing resolutions, and the effects of lifting the 115 percent ceiling.

From our analysis, we believe that the large southern cities which have had population gains are penalized by the 115 percent ceiling and thus the allocations do not recognize the 1970 Census data. In contrast, rural counties which lost population and money have their losses minimized when brought up to 90 percent. In the northern cities, the results are not the same, although the outcome for the northern areas is similar for both the $1,810,000,000 and $1,629,000,000 levels.

An analysis of several different options was undertaken to determine whether a more equitable distribution could be achieved. The following variations were analyzed:

1. the present continuing resolution—

LEA's at 90 percent of 1973 and no more than 115 percent of 1973, and the State at 90 percent of 1972;

2. the effects with no LEA ceiling—

all LEA's at 90 percent of 1973 and the States at 90 percent of 1972;

3. all States at 90 percent of 1972; and

4. all local education agencies at 90 percent of 1973.

The results indicate that there are no completely satisfactory solutions, although certain ones do minimize some of the disruptions which will result between the first- and second-quarter allocations but also let the Census data take effect in counties where substantial gains have occurred. The results are shown by State in the enclosed table (Enclosure B) which compares Fiscal Year 1972, and 1973 operating levels, and the annual rate upon which first-quarter allocations were calculated for Fiscal Year 1974 under P.L. 93–52 by the four variations above.

From my analysis, it would appear that the disruption between the first and second-quarter could be reduced if the 115 percent ceiling were removed. The major effect of eliminating the ceiling is that the remainder of the funds which were previously concentrated in and perhaps artificially inflated the counties between 90 and 115 percent of 1973 now is more evenly distributed to all counties over 90 percent by the rate of their entitlement.

Although not totally true in every case, the counties which reflect the greatest gains appear to be those which have the largest numbers of children in families with incomes under $2000 and children in families with incomes above $2,000 receiving AFDC assistance. Most southern cities seem to be the gainers here as is partially illustrated in Column 4 of Enclosure A. The counties held harmless at 90 percent of the Fiscal Year 1973 allotment remain the same and the counties between 90 percent and 115 percent of the Fiscal Year 1973 allotment will lose some money as a result of the ceiling being lifted. For example, Somerset County in Pennsylvania (Enclosure A, Exhibit 1, $1,310,000,000) dropped by approximately 50 percent between 1973 and the first quarter of 1974. The continuing resolution then brings the rate to $731,490 from $322,451. The $731,490 represents 115 percent of 1973 because the concentration of funds in those counties between 90 percent and 115 percent has tended artificially to elevate the amount this county will receive. Without the ceiling, this county stays at 90 percent of 1973, which

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is $572,000. Somerset is one type of county which appears to sacrifice some gain when there is no ceiling in order that those counties which would be above the ceiling are partially funded. Also, cities in the large, urbanized and northern States do appear in most cases to gain slightly without the ceiling under the $1,810,000,000 level. With the $1,629,000,000 amount, this trend is less evident since fewer funds are available for redistribution after the 90 percent county and State floors are satisfied.

Consideration should be given to the possible effects of lifting the 115 percent LEA ceiling with regard to any new Title I formula which is enacted into law for Fiscal Year 1975. A revised formula may result in different State and county allocations, however, without the new formula we cannot be certain of the effects.

In summary, I believe that the least disruptive formula is the option that States receive 90 percent of 1972 and counties are guaranteed 90 percent of 1973 with no 115 percent county ceiling. While we have not proposed dropping the floor, we believe that equity would support a 75 or 80 percent floor instead of the current 90 percent. Since a floor would not represent a severe hardship in most cases since the districts benefitting from the floor have already faced more severe potential cuts. Census shifts would certainly justify at least a 20 percent change under "hold harmless" circumstances. A lower floor would provide greater equity for those districts between 90 and 115 percent which now bear the brunt of the adjustment penalties when the 115 percent ceiling is dropped.

My staff and I stand ready to assist you in any way possible.

Sincerely,

John Ottina,
U.S. Commissioner of Education.

THE AGNEW CASE: PRISONS ARE NOT FOR VICE PRESIDENTS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. RANGEL. Mr. Speaker, many of us who are truly concerned about law and order with justice in this society as opposed to those who merely used the term "law and order" as rhetoric to mask political, moral and criminal atrocities perpetrated against the American people, continue to be appalled by the cynical deal by which former Vice President Agnew was allowed to trade his office for an escape from justice.

Prof. Leroy Clark of New York University School of Law, writing in a recent edition of the New York Amsterdam News, points out that the Agnew deal was based on a double standard of justice that should not be permitted in our society. I commend Professor Clark's article to the attention of my colleagues:

[From the Amsterdam (N.Y.) News, Nov. 3, 1974]

Prisoners Are not for Vice Presidents

(By Leroy Clark)

The mild treatment of instant ex-convict Spiro Agnew is an insult to the American people and a mockery of criminal justice.

Facing charges of income tax evasion, bribery, and extortion, in which he stole over $100,000, the ex-Vice-President bargained himself into a minor plea of "nolo contendere" to tax evasion, with a $10,000 fine and three years of unsupervised probation.

While many in the white press feel obliged to "go easy" on Agnew for fear that rightwingers will claim vindictiveness because of Agnew's prior attacks on the press, the Black community should not hesitate to denounce the man and feel deeply affronted by the powder-puff penalty he received—which no Black person, politican or otherwise, would have gotten under similar charges.

AGNEW IS A HUSTLER

The cold, hard story of Agnew is that he was a calculating, hypocritical hustler of public anxiety—and it is the Black press that should tell this story since 85 per cent of Black voters were wise enough to reject the Nixon-Agnew gang last year.

The rest of those who elected Nixon-Agnew by a landslide must feel particularly stunned and impotent since they cannot vent their disappointment on either official.

Nixon has been arrogant enough to fire his special prosecutor, despite the fact that the Congress clearly wanted the prosecutor to be independent, and it is unlikely that Congress will impeach him. Now, Agnew, facing a possible 20 years in prison, in a case against him which prosecutors have claimed was "air-tight," receives the functional equivalent of exoneration.

Mr. Agnew used a successful tactic of threatening Nixon and the Republican Party with a long legal battle which would have jeopardized their chances in upcoming elections.

DEVICE TO CONFUSE

Mr. Agnew was not required to plead guilty, but was permitted to plead "nolo contendere." The "nolo contendere" is technically the equivalent of a guilty plea, but this form of plea was accepted as a device for confusing a lay public about the extent of his guilt.

The major reason that defendants plead "nolo contendere" is that it cannot be used against them in any subsequent civil proceedings, but this was not a concern of Mr. Agnew. Mr. Agnew's recent sanctimonious speech to the Nation was an attempt to capitalize on the nolo plea in the interest of "the Nation," "his family," and anyone else you can name, except himself.

PLEA-BARGAINING AT WORK

Furthermore, permitting Agnew these assertions can only deprive Agnew's plea process of its prime value: namely to warn other politicians with similar extortion intentions and to educate the public to be skeptical of crooks in law-and-order clothing. The judge would be well advised now to vacate the plea and to require a trial or a plea which cannot be instantly repudiated.

Note that Mr. Agnew is permitted to plead to the tax evasion charge which the public will obviously see as less serious than bribery and corruption. The tax evasion charge is also weaker evidence should a bar association ever get around to disbarring Agnew from law practice, since it, unlike the other charges, is not a crime involving "moral turpitude."

Despite the fact that Mr. Agnew could now be tried in Maryland for state criminal charges, their State Attorney General says that he does not plan to prosecute. The Justice Department has created an impression that it is part of an arrangement to bar the state charges because it will not give the state the evidence it has, and Eliot Richardson, before resigning, openly advised the state prosecutors not to prosecute.

QUESTIONABLE MOVES

Both moves are highly questionable. Federal law enforcement officials have always actively cooperated with state officials, especially where some major public interest is at stake. (Obviously, the public interest is only threatened by the Black Panthers, the Weathermen, etc., and not by thieving politicians.)

Secondly, it may not only be unprecedented, but improper, for a federal official to tell a state official how and whether to enforce his state laws. Thirdly, Richardson's announcement might hamper the state should it prosecute Agnew because jurors, having been told by a high federal official that a prosecution is needless, would see it only as vindictive.

Richardson's explanation of the unprecedented leniency accorded Mr. Agnew is patently transparent. He claimed that the loss both of the Vice-Presidency and a future political career was punishment enough.

In the first place, the Vice-President does not have important executive powers, a fact which Mr Richardson's office itself argued in its brief asserting that the Vice-President, unlike the President, could be indicted by a grand jury.

Also, unlike a cloud over the President, the Nation and its institutions are not likely to be seriously disrupted because the person occupying this largely ceremonial office is under charges.

Secondly, Mr. Agnew's potential for the Presidential nomination in 1976, if not eclipsed by his association with the group that brought us the Watergate "horrors," was certainly ended by leaks, perhaps from Richardson's own department, that they had solid evidence against Agnew. So what, in terms of political future, did Mr. Agnew give up?

This is not a blood-thirsty call for revenge or imprisonment. However, it is offensive for a man to callously abuse the public trust and, solely on the basis of high position and "pull" to receive a light penalty.

This is especially true when we know that one-third of our federal prison population is Black and many are there for offenses that are far less serious. In addition to all the usual inhumanity persons experience in prison, they can only be more bitter when they learn of this perversion of justice.

ESPECIALLY GALLING

Mr. Agnew's case is especially galling since he tried to manipulate the anti-Black racial signal of "law and order" to build a safe, silent (white) majority for the Republican Party. He harangued us during the last five years with speeches about criminals, radicals, students, and other "rotten apples" as a device for projecting himself as a righteous, virtuous figure.

And when caught knee-deep in bribery, corruptions and income tax evasion, his only explanation is that his was an American, and not an un-American crime. (As he said, it was a "long-established pattern" for Maryland State officials to take money under the table from contractors.)

Mr. Agnew's case must stand as one of the most outrageous deals ever to be made, and the lesson that an all-too cynical public may learn is that if you want to steal $100,000, spend no time in jail, and come out $90,000 ahead because you are fined only $10,000, then you better get elected Vice-President of the United States.

THE PHONY CURE OF CONTROLS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. DERWINSKI. Mr. Speaker, as I voted against the legislation which gives standby economic controls and have consistently voted against that authorization, I direct to the attention of the Members a column in the Washington Star-News of Saturday, November 10. The article by Jenkin L. Jones which very effectively describes the pitfalls involved in the controls placed on rising prices.

The article follows:

The Phony Cure of Controls

(By Jenkin Lloyd Jones)

In the evil old days when patent medicine manufacturers could get away with anything, it was customary to lace "consumption cures" with large dollops of opium. The results were marvelous.

The coughing stopped, for the cough mechanism was effectively anesthetized. The astonished and delighted patient fired off a glowing testimonial. Sometimes he had time to write two before lung congestion took him to the undertaker. By interrupting nature's effort to remove infection, the medicine provided a brief appearance of health, and then zap!

Price controls are like the old consumption cures. They "cure" inflation. Prices suddenly cease going up. The consumer is delighted. But generally the producer, caught in a cost squeeze, stops producing. The controlled commodity vanishes from the shelves. So the buyer does without or hunts up a black market.

A classic example is what happened to housing in Germany and France following World War II. The French sought to ease rising rents by slapping on stiff ceilings. It became uneconomical to build housing. Rents were cheap enough, but you had to practically inherit an apartment. Today, 28 years after the war's end, the urban Frenchman is still scrambling for a place to live.

Most German cities were largely destroyed. People were living in cellars, boxes, tents. But the Germans didn't put on controls. Rents rose astronomically. It was so profitable to produce rental space that the building business roared. Everyone rushed to bulldoze up the rubble and clean the bricks for re-use. The cement mixers churned.

In consequence, within five years the housing crunch vanished. People could become choosy and rents slipped back.

Cheaper beef is no good if there's no beef. We found that out last August. Still, there remains the wistful hope that if some bureaucrat writes a magic number on a price tag, without regard to demand, supply and production incentives, the consumer will be served.

Efforts to fix prices for everything go back 41 centuries to the kings of ancient Sumer. They probably caused the invention of counters so that business could be carried on under them.

It is a sad fact of life that free prices remain steady only as long as supply and demand are in perfect equilibrium. When inventories are drawn down, prices edge up, and when things gather dust in the stockroom, cut-rate sales are offered.

These fluctuations distress everyone, but they are nature's corrective. For, in general, higher prices encourage more production, which meets demand, which softens the market, which causes prices to fall, which increases demand, which strengthens prices.

But what we are beginning to run into in this country is the phenomenon of shortages we never felt before. In a time of higher-than-ever personal incomes, spaghetti-eaters upgrade to ground round and ground round eaters go for sirloin.

If there were limitless pasturage and limitless grain for feed yards, supply would eventually catch up to demand. But the number of head of cattle you can carry on any given acreage is not easily expanded, and the whole world is bidding for our grain supplies. So meat goes up. To artificially hold down the price and thus discourage breeding is nut-house economics.

The cheap energy days are drawing to a close in America. For years it was the Federal Power Commission's policy to hold down the price of natural gas. So most of America threw away its coal shovels and oil burners and hurried to tap into this lovely clean source of instant heat.

As the odds against hitting a good gas well went up and the cost of drilling went up and the price stayed the same, the chances for profitably exploring for gas went down. So wildcatting languished as the market soared. And now we have a gas crunch.

How much better off we would be if we had let the mechanism adjust itself—higher prices, slower conversion from more plentiful fuels, less incentive to waste this most versatile hydrocarbon in inefficient fireboxes, more incentive to find new reserves and a more gradual and orderly adjustment toward the inevitable day when natural gas is gone.

Monkeying with prices seems irresistible to Washington. But a rigged priced is not the same as a true value. And value eventually triumphs. The kid who traded a $1,000 dog for two $500 cats stayed happy only until he tried to sell the cats.

SENATE—*Tuesday, November 13, 1973*

The Senate met at 10 a.m. and was called to order by Hon. James Abourezk, a Senator from the State of South Dakota.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, the light of the hearts that see Thee, the life of the souls that love Thee, the strength of the minds that serve Thee, from whom to turn is to fall, to whom to turn is to rise, and, in whom to abide is to stand fast forever, grant that as we turn to Thee we may have light for our hearts, life for our souls, strength for our minds. As we pray for ourselves so we pray for our Nation that it may be born again of the spirit, redeemed by Thy grace, stand secure upon Thy word, and henceforth be obedient to Thy law that it may fulfill Thy purposes in this time of trouble.

We pray in the Redeemer's name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Eastland).

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., November 13, 1973.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. James Abourezk, a Senator from the State of South Dakota, to perform the duties of the Chair during my absence.

James O. Eastland,
President pro tempore.

Mr. ABOUREZK thereupon took the chair as Acting President pro tempore.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Heiting, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore (Mr. Abourezk) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1081) to authorize the Secretary of the Interior to grant rights-of-way across Federal lands where the use of such rights-of-way is in the public interest and the applicant for the right-of-way demonstrates the financial and technical capability to use the right-of-way in a manner which will protect the environment.

The message also announced that a bill (H.R. 9142) to restore, support, and maintain modern, efficient rail service in the northeast region of the United States; to designate a system of essential rail lines in the northern region; to provide financial assistance to certain rail carriers; and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H.R. 4771) to authorize the District of Columbia Council to regulate and stabilize rents in the District of Columbia.

The ACTING PRESIDENT pro tempore (Mr. Abourezk) subsequently signed the enrolled bill.

HOUSE BILL REFERRED

The bill (H.R. 9142) to restore, support, and maintain modern, efficient rail service in the northeast region of the United States; to designate a system of essential rail lines in the northern region; to provide financial assistance to certain rail carriers; and for other purposes, was read twice by its title and referred to the Committee on Commerce.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of

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the Journal of the proceedings of Friday, November 9, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the calendar, beginning with Calendar No. 464 up to and including No. 470.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE COMMITTEES EMPLOYEES PAY

The Senate proceeded to consider the bill (S. 2315) relating to the compensation of employees of Senate committees which had been reported from the Committee on Post Office and Civil Service with an amendment to strike out all after the enacting clause and insert:

That section 105(e) of the Legislative Branch Appropriation Act, 1968, as amended and as modified by the Order of the President pro tempore of the Senate of October 4, 1973, is amended as follows:

(1) In paragraph (1), strike out "ranging from $18,525 to" and insert in lieu thereof "at not to exceed":

(2) In paragraph (2)(A), strike out "8,265 to" each place it appears therein and insert in lieu thereof "not to exceed".

(3) In paragraph (2)(B), strike out "$18,240 to", "$14,250 to", and "$8,265 to" and insert in lieu thereof in each place "not to exceed".

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COVERAGE OF U.S. NATIONALS

The bill (H.R. 3801) to extend civil service Federal employees group life insurance and Federal employees health benefits coverage to U.S. nationals employed by the Federal Government, was considered, ordered to a third reading, read the third time, and passed.

TRAINING REPORT REQUIREMENTS

The bill (H.R. 5692) to amend title 5, United States Code, to revise the reporting requirement contained in subsection (b) of section 1308 was considered, ordered to a third reading, read the third time, and passed.

ADMINISTRATION OF FEDERAL EMPLOYEES LEAVE SYSTEM

The Senate proceeded to consider the bill (H.R. 1284) to amend title 5, United States Code, to improve the administration of the leave system for Federal employees which had been reported from the Committee on Post Office and Civil Service with amendments on page 2, in line 23, strike out "subsections (b) and (d)," and insert "subsections (b), (d), and (e)"; on page 3, line 2, after the word "new" strike out "subsection;" and insert "subsections:"; in line 5, after the word "when", strike out "such" and insert "the"; in line 8, after the word "when", strike out "such" and insert "the"; in line 10, after the word "when", strike out "such" and insert "the"; in line 23, after the word "this", strike out "title."." and insert "title."; after line 23 insert:

"(e) Annual leave otherwise accruable after June 30, 1960, which is lost by operation of this section because of administrative error and which is not credited under subsection (d)(2) of this section because the employee is separated before the error is discovered, is subject to credit and liquidation by lump-sum payment only if a claim therefor is filed within 3 years immediately following the date of discovery of the error. Payments shall be made by the agency of employment when the lump-sum payment provisions of section 5551 of this title last became applicable to the employee at the salary rate in effect on the date of the lump-sum provisions became applicable.".

On page 6, in line 12, after the word "Notwithstanding", strike out "any other provision of law," and insert "other statutes,"; in line 16, after the word "was", strike out "forefeited" and insert "forfeited"; and in line 18, after the word "status.", strike out "Such payment" and insert "Payment".

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD subsequently said: Mr. President, I ask unanimous consent that the passage of Calendar 467, S. 1284, be vitiated.

The ACTING PRESIDENT pro tempore. Without objection, the passage of the bill is vitiated.

Mr. MANSFIELD. And that the bill be restored to the calendar.

The ACTING PRESIDENT pro tempore. The bill is restored to the calendar.

PRIVILEGES AND IMMUNITIES FOR THE ORGANIZATION OF AFRICAN UNITY

The bill (H.R. 8219) to amend the International Organizations Immunities Act to authorize the President to extend certain privileges and immunities to the Organization of African Unity was considered, ordered to a third reading, read the third time, and passed.

U.S. INFORMATION AGENCY APPROPRIATIONS AUTHORIZATION ACT OF 1973

The bill (S. 2681) to authorize appropriations for the United States Information Agency was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2681

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "United States Information Agency Appropriations Authorization Act of 1973".

Sec. 2. (a) There are authorized to be appropriated for the United States Information Agency for fiscal year 1974, to carry out international informational activities and programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, and Reorganization Plan Numbered 8 of 1953, and other purposes authorized by law, the following amounts:

(1) $188,124,500 for "Salaries and expenses" and "Salaries and expensea (special foreign currency program)", except that so much of such amount as may be appropriated for "Salaries and expenses (special foreign currency program)" may be appropriated without fiscal year limitation;

(2) $4,125,000 for "Special international exhibitions" and "Special international exhibitions (special foreign currency program)", of which not to exceed $1,000,000 shall be available solely for the Eighth Series of Traveling Exhibitions in the Union of Soviet Socialist Republics; and

(3) $1,000,000 for "Acquisition and construction of radio facilities".

Amounts appropriated under paragraphs (2) and (3) of this subsection are authorized to remain available until expended.

(b) In addition to amounts authorized by subsection (a) of this section, there are authorized to be appropriated without fiscal year limitation for the United States Information Agency for the fiscal year 1974 the following additional or supplemental amounts:

(1) not to exceed $7,200,000 for increases in salary, pay, retirement, or other employee benefits authorized by law; and

(2) not exceed $7,450,000 for additional overseas costs resulting from the devaluation of the dollar.

Sec. 3. Section 701 of the United States Information and Educational Exchange Act of 1948 is amended to read as follows:

"PRIOR AUTHORIZATION BY CONGRESS

"Sec. 701. (a) Notwithstanding any provision of law enacted before the date of enactment of the United States Information Agency Appropriation Authorization Act of 1973, no money appropriated to carry out this Act shall be available for obligation or expenditure—

"(1) unless the appropriation thereof has been previously authorized by law; or

"(2) in excess of an amount previously prescribed by law.

"(b) To the extent that legislation enacted after the making of an appropriation to carry out this Act authorizes the obligation or expenditure thereof, the limitation contained in subsection (a) shall have no effect.

"(c) The provisions of this section shall not be superseded except by a provision of law enacted after the date of enactment of the United States Information Agency Appropriation Authorization Act of 1973, which specifically repeals, modifies, or supersedes the provisions of this section.

"(d) The provisions of this section shall not apply with respect to appropriations made available under the joint resolution entitled "Joint resolution making continuing appropriations for the fiscal year 1974, and for other purposes", approved July 1, 1973, and any provision of law specifically amending such joint resolution enacted through October 16, 1973.".

LOUISIANA LAND TRANSFER

The bill (S. 2477) to provide for the conveyance of certain lands of the United States to the State of Louisiana for the use of State university was considered, ordered to be engrossed for a

third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture shall convey, without monetary consideration, to the State of Louisiana, for the use of Louisiana State University, all right, title, and interest of the United States in and to the real property at Robson, Caddo Parish, Louisiana, containing 99.956 acres in section 19, township 16 north, range 12 west, and sections 24 and 25, township 16 north, range 13 west, Caddo Parish, Louisiana, being a part of lot 3 (Martin survey) Robson Plantation and described as follows:

Beginning at a point 260 feet south and 230 feet west of northwest corner section 30, township 16 north, range 12 west, thence north 42 degrees 37 minutes each, 2,986 feet to Harts Island Road, thence along road north 44 degrees 55 minutes west, 1,381 feet to intersection with Robson-Forbing Road; thence along latter road south 30 degrees 25 minutes west, 523 feet south 51 degrees 40 minutes west, 832.5 feet south 48 degrees 15 minutes west, 1,008.4 feet south 24 degrees 40 minutes west, 572 feet (all courses along both roads being a distance of 40 feet from centerlines of said roads); thence south 35 degrees 20 minutes east, 467 feet along Bayou Pierre; thence south 1 degree 30 minutes east along Bayou Pierre 530 feet; thence south 85 degrees 02 minutes east along drainage canal 641 feet to place of beginning.

Sec. 2. The real property conveyed pursuant to this Act shall be used consistent with the purposes of Louisiana State University, including, but not limited to, the maintenance of a pecan production research station.

NOMINATION OF SENATOR SAXBE OF OHIO TO BE ATTORNEY GENERAL

Mr. HUGH SCOTT. Mr. President, I believe that the Committee on Post Office and Civil Service is meeting this morning to consider the emoluments bill reducing the salary of the Attorney General to the amount which was authorized prior to the recent increase.

I hope that the committee will promptly report the bill so that we may dispose of it.

If it is necessary to have the Judiciary Committee hold any hearings, I hope that the hearings will be held in 1 day. I would not want to see a bill which would empower one of our colleagues to serve in the President's Cabinet held hostage for any other legislation. I would not want to see any partisan or political division arising from this nomination. I think we have some obligation to one another in the Senate.

I would feel, on behalf of our colleague from Ohio, that a considerable disappointment would arise in the Senate itself if this otherwise routine bill were made a vehicle for anything other than what it purports to accomplish. So I should like us to keep any partisan or political consideration apart and treat the nomination for what it is. Then if Senators wish to express themselves on the forthcoming confirmation of the nomination of our colleague, the distinguished Senator from Ohio (Mr. SAXBE), to be Attorney General, we can discuss that as an issue on the merits.

I hope that we will not let partisanship or political considerations interfere with a routine bill; I do not think it would be fair to do so. It would hardly be comity. If I were our colleague from Ohio, I would simply say, if that is the kind of behavior we have in the Senate, "You can have the job," and forget it.

Mr. ROBERT C. BYRD. Mr. President, may I say in response to the distinguished Republican leader, with respect to the bill that will be reported by the Committee on Post Office and Civil Service permitting the appointment of our distinguished colleague from Ohio (Mr. SAXBE) to the office of Attorney General, it will be my intention, as I indicated last Friday, to move to refer that bill to the Committee on the Judiciary, so that that committee might have an opportunity to consider the constitutional aspects that are involved.

I wish to assure the distinguished Republican leader that my purpose in moving to send the bill to the committee will not be one of partisanship; it will not be one of obstructionism. It is not with any political consideration in mind that I would take that action.

I also want to say for the record that in speaking to Senator SAXBE a few days ago, I indicated to him that I did not feel at that time that the legislation would present any problem.

But subsequent to my talking with him, I have given considerable thought to the pertinent constitutional provision. I have done considerable research in that regard, and I am convinced in my own mind that a very serious constitutional question is involved here.

My purpose in moving to send the bill to the committee, therefore, is clear. I think we would be remiss in our duties in the Senate if we failed to send this bill to the Judiciary Committee and if the House of Representatives should itself decide to look at the constitutional aspects when we had ignored such a question. A failure to face up to the constitutional question, in my opinion, would make the Senate look bad.

I realize that we do have the considerations that have been mentioned by the distinguished Republican leader. The fact that it is one of our colleagues who is being considered makes it difficult for me to take upon myself the burden of moving to send the bill to the Judiciary Committee. I am sorry that this has to occur.

I certainly want to assure the distinguished Republican leader and the distinguished Senator from Ohio (Mr. SAXBE) that nothing personal is involved, and that nothing partisan is involved. So far as I am concerned, I would be willing to send the bill to the Judiciary Committee with the understanding that it be reported back within a certain time, 2 or 3 days, or a week or whatever amount of time is necessary to hear some of the constitutional experts in regard to the bill.

Personally, I have no desire to attach any extraneous matter to the bill; but I just do not think that we, as Members of this body, can avoid the possible constitutional issue here, and I believe there is one. Many of us may have resolved it already in our own minds. I may be wrong in my own viewpoint. But I do not think we can avoid the constitutional issue simply because, in this case, it happens to involve a colleague of ours.

Moreover, I must respectfully disagree with the distinguished Republican leader's characterization of this bill as an "otherwise routine" bill. I do not think this bill is otherwise routine at all. Only one instance of this kind has occurred in this century, and that was the appointment of Senator Knox to be Secretary of State in 1909. There was legislation, of course, enacted in that instance, but I am going to discuss that particular case more fully at a later time. Suffice it to say that in that instance, the bill was sent to the Judiciary Committee, although at that time in our Nation's history we did not have the delineation of jurisdiction over legislation, with respect to the various Senate committees, that we now have. But, at least, that historical precedent indicates that the bill in that instance was sent to the Judiciary Committee.

I can give no stronger assurances than those I have given already. I have no motive in mind other than that I think the Judiciary Committee has a responsibility in this area. I think the Judiciary Committee should conduct a hearing on the bill; because if there are serious constitutional questions that cannot be resolved in favor of the bill, then the full Senate ought to make a decision in this regard, and I think it should be with the benefit of a record of hearings by the Judiciary in regard to any constitutional question.

As I say, in closing my remarks—and I will be glad to yield to the distinguished Republican leader—I think we would be making a mistake if we in the Senate did not take a look at the constitutional aspects of this problem, and if they would be raised in the House of Representatives. I am almost sure that they would do just that in the other body.

Mr. HUGH SCOTT. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. HUGH SCOTT. If we do not have enough time, I will ask that the time of the distinguished assistant minority leader be transferred.

I thank the Senator for clarifying something here, because we are really talking about two things. What the Senator is talking about is his concern about the constitutionality. What I am talking about is the risk which anyone here will take in holding this bill hostage for any other purpose.

I have discussed this matter with the distinguished assistant majority leader, and he has indicated to me that perhaps one day of hearing may do. I do not know whether it will. But I would have no personal objection to referring it to the Judiciary Committee, if the chairman and the ranking member of the Committee on Post Office and Civil Service have no objection, with instructions to report back promptly, in order that we may consider the bill. Perhaps that is the right way to do it.

I have no personal concern about the constitutionality, because we have one precedent, and a good one. Senator Knox was appointed, I believe, by President Taft to be Secretary of State. The salary of the office had been raised from

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the magnificent sum, I believe, of $8,000 to $12,000, and Congress discovered that it would have to reduce the salary to $8,000 in order for Senator Knox to accept the job.

There was a great deal of debate in the Congressional Record about it at the time, and I have had occasion to look it up on an earlier date, and I think it settles the matter.

This is the concern I have about constitutional experts: Frankly, I doubt that there are really any constitutional experts in this country who know the Constitution any better than many Senators do. I am very wary of constitutional experts, because I remember Shakespeares' adjuration:

> O judgment! thou art fled to brutish beasts,
> And men have lost their reason!

There is so much hatred afoot at Yale and Harvard in the law schools and there is so much hatred afoot in other universities that these people have already prejudged their ability to judge. Most of them have signed fiery statements to indicate that the President should either resign, or be impeached or leave town. They have been, in considerable part, the same ones who were the activists in the demonstrations against the war.

Most of them are now on record as indicating their thorough disapproval of anything this President does. Now we ask them to come in and give us an impartial, fair judgment on whether or not this investigation can go ahead. Well, I know what they are going to say.

I hope some impartial deans of law schools exist. I really do. I would like to find them. I think that, like Diogenes, I would need a lantern. But, I think I would find that their lanterns are all red lights, with not a green light among them.

So I mistrust these men. As one who has been a former teacher himself, I know how bias seeps into the mind and from the mind into the student and from the student into the street. I have seen it too often.

So, yes, let us get them, but let us not tell them that they know more constitutional law than we do; because we practice constitutional law every day of our lives here, and we know the Constitution, and we live by it and have taken an oath to support and defend it. I really believe that we can be trusted to do our duty.

Let us examine what happens. I am not talking about what the distinguished assistant majority leader wants. He is on the right track, and we ought to have some kind of assurance, if he needs it—I do not. If he or others need it, let us have it. But let us not regard it as the word of God handed down on the tablets from the mountain, because it is not. It is merely an opinion of some professor who does not like Nixon, and we ought to recognize that. And how they have lined up in parade formation, lances tipped with venom, erupting their hatred and their prejudice and their ill will.

So let us define them for what they are. Impartial? I hope so. If we can find one, we will get the red carpet out all the way from the committeeroom to the street. But let us not assume that they are impartial.

I am talking about another thing. I am talking about holding this bill hostage in order to get some other legislation through. We have special prosecutor legislation. It will be brought up in the Judiciary Committee today. We have not finished the hearings, but that does not stop some people who cannot wait for the hearings, if it serves their purpose, to say, "Oh, we do not need hearings; report the bill out." So we will debate that in the Judiciary Committee this morning. I do not want this bill held hostage. I do not want the Senator from Ohio to say that his colleagues are playing games with him; that they are hanging every bill they can think of on him, on his willingness to lose $25,000 a year as a reduction in salary, unless and until Congress can restore it. That is what is involved here. He is entitled to better treatment than that.

Mr. President, if you want an investigation, for God's sake, let us have an Attorney General; if you want an investigation, let us let Jaworski go ahead and see what he can find out; if you want a special prosecutor, let us debate it. Let us put so many prosecutors around that they get under each other's feet and into each other's hair so no one knows what he is doing. That is as good a way to defeat the purpose and in the end say, "We could not get anything done."

But I do not want it said that it was the Senate that made it impossible. I do not want it said that the Senate would not even let the Attorney General be named. I do not want it said that the Senate allowed its feelings or its attitudes in other matters to prevent the administration from going on with an investigation, because if this investigation is delayed by the action of Congress in failing to act on the appointment of an Attorney General I know who will be responsible for it, and I am going to take that issue to the country and I know how to take an issue to the country; believe me, I will.

All I suggest is that we try to work out what the distinguished assistant majority leader has suggested. I am not for it, but it is reasonable, and it is fair, and if we can do it, that is all right. But I hope the distinguished assistant majority leader will agree with me that he and I know more constitutional law than some of the witnesses we call.

Mr. ROBERT C. BYRD. I am not sure about that for myself.

Mr. HUGH SCOTT. The Senator is so modest and I am so lacking in modesty I reassert it. Let us, by all means, consider proceeding along the lines the distinguished assistant majority leader proposes, and that is not to add anything to the bill, not to hold it hostage, not to play games with colleagues, not to do things we will be ashamed of. Let us play it straight and say to the administration, "We will give you the tools, and if you have not done the job, we will tell you so," because in some respects they have not done the job; I am anxious for them to do it, and for that to be corrected.

That is the burden of my song today. Perhaps I have not kept to the beat, but that is my humor, that is my tenor, and that is my refrain. I thank the distinguished assistant majority leader.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. ROBERT C. BYRD. As I understood it, the distinguished Republican leader had gotten the permission of the distinguished assistant leader to be recognized on Mr. Griffin's time.

Mr. HUGH SCOTT. That is correct.

The ACTING PRESIDENT pro tempore. He controls 15 minutes. Without objection, that time is transferred.

Mr. HUGH SCOTT. I yield back the remainder of my time unless the Senator wishes to proceed.

Mr. ROBERT C. BYRD. I would like to make a further comment and then the distinguished Republican leader may also have a further comment.

Mr. HUGH SCOTT. Yes, I yield.

Mr. ROBERT C. BYRD. The distinguished Republican leader, as always, is able to quote bountifully from Shakespeare, and the Bible, and from other great literature, and he has done so this morning. If I may be pardoned for quoting from that Great Book, the Bible, there is a passage therein that states:

> The wicked fleeth when no man pursueth.

Mr. HUGH SCOTT. "But the righteous are as bold as a lion."

Mr. ROBERT C. BYRD. That is right, but let us stay with the wicked for a moment.

May I say most respectfully to the distinguished Republican leader that this talk I heard from him this morning about "holding" something "hostage" is completely the product of his own imagination, as far as I am concerned. I think he made it clear in his statement that he did not suspect me of that motive.

Mr. HUGH SCOTT. I did so intend.

Mr. ROBERT C. BYRD. Yes. I have no desire to hold that bill hostage. As far as adding amendments to that bill to provide for a special prosecutor, I doubt we could do that in the Judiciary Committee. Because if we do not have the votes in committee to report out a specal prosecutor bill, we would not have the votes in the committee to attach such an amendment to the bill we are talking about here.

Now, I want to say also for the Record, so that my friend from Ohio (Mr. Saxbe) can know my thoughts, I am not playing any "games," to use the Republican leader's words, I want to assure the distinguished Republican leader with regard to his reference to "colleagues playing games." This colleague is not playing games. I am interested in one thing only here, and that is in having the Judiciary Committee take a look at this bill and conduct whatever hearings are necessary on its constitutionality.

Now, whether or not 1 day's hearings will be sufficient, I cannot say. I do not know how much time it would take to gear up for something like that, but as far as I am concerned, the bill could be reported back in a week, because any member of that committee can exercise his rights anyhow under the 7-day rule. I have no desire to hold up the bill. I have only a desire to have a hearing on it and let the Judiciary Committee reach a judgment on it and report it out and then let the Senate debate it.

I do not want it said that this Senate, simply because it is one of our colleagues who is being appointed to an important office, summarily passed legislation without taking a look at the constitutional question. I think we would be remiss in our duties. That is, I think, an appropriate explanation of the action which I will take in moving to send the bill to the Judiciary Committee on tomorrow. I hope we can reach an agreement whereby it can be reported back in a reasonable length of time.

Mr. HUGH SCOTT. I fully support what the Senator proposes. While I do not think it is necessary, I do not quarrel with it, because it is eminently reasonable, and perhaps we can work it out. Let us try it when the report comes in from their committee.

Mr. ROBERT C. BYRD. Very well. I thank the distinguished Republican leader.

Is the Senator going to yield back the remainder of his time?

Mr. HUGH SCOTT. I am glad to yield to the distinguished asssistant majority leader.

Mr. ROBERT C. BYRD. I do not need more time. I thank the able Senator.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order there will now be a period for the transaction of routine morning business for not to exceed 15 minutes with statements limited therein to 3 minutes.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 a.m. tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR GRIFFIN TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders or their designees have been recognized under the standing order, the distinguished Republican leader (Mr. Griffin) be recognized for not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR ROBERT C. BYRD TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the recognition of Mr. Griffin on tomorrow, I be recognized for not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, after the recognition of Senators under the orders previously entered, there be a period for the transaction of routine morning business tomorrow of not to exceed 15 minutes, with statements limited therein to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JACKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORITY FOR COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO HAVE UNTIL MIDNIGHT TONIGHT TO FILE COMMITTEE REPORT ON S. 2589, THE NATIONAL ENERGY EMERGENCY ACT OF 1973

Mr. JACKSON. Mr. President, I ask unanimous consent that the Committee on Interior and Insular Affairs may have until midnight tonight to file its report on S. 2589, the National Energy Emergency Act of 1973.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Abourezk) laid before the Senate the following letters, which were referred as indicated:

PROPOSED LEGISLATION BY THE ATTORNEY GENERAL

A letter from the Acting Attorney General, transmitting a draft of proposed legislation to insure that the compensation and other emoluments attached to the Office of Attorney General are those which were in effect on January 1, 1969 (with an accompanying paper). Referred to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations, without amendment:

S. 1398. A bill to authorize the Secretary of the Treasury to transfer to the Government of the Republic of the Philippines funds for making payments on certain pre-1934 bonds of the Philippines, and for other purposes (Rept. No. 93–496).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with an amendment:

S. 2539. A bill to authorize and direct the President and State and local governments to develop contingency plans for reducing petroleum consumption, and assuring the continuation of vital public services in the event of emergency fuel shortages or severe dislocations in the Nation's fuel distribution system, and for other purposes (Rept. No. 93–498).

ANNUAL REPORT OF SUBCOMMITTEE ON SEPARATION OF POWERS—(S. REPT. NO. 93–497)

Mr. ERVIN. Mr. President, on behalf of the Committee on the Judiciary, I ask unanimous consent to file the annual report of the Subcommittee on Separation of Powers pursuant to Senate Resolution 256, section 17, 92d Congress, 2d session.

The PRESIDING OFFICER. The report will be received and printed.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

William H. Donaldson, of New York, to be Under Secretary of State for Coordinating Security Assistance Programs;

Carlyle E. Maw, of New York, to be Legal Adviser of the Department of State; and

John M. Thomas, of Iowa, a Foreign Service officer of class 1, to be an Assistant Secretary of State.

The above nominations were reported with the recommendation that the nomination be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

Mr. FULBRIGHT. Mr. President, as in executive session, I also report favorably sundry nominations in the Diplomatic and Foreign Service which have previously appeared in the Congressional Record and, to save the expense of printing them on the Executive Calendar, I ask unanimous consent that they lie on the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations ordered to lie on the desk are as follows:

Gori P. Bruno, of Texas, and sundry other persons for promotion in the Diplomatic and Foreign Service.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. JAVITS:

S. 2687. A bill to provide the authorization for fiscal year 1975 and succeeding fiscal years for the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. CHILES:

S. 2688. A bill for the relief of Alvin V. Burt, Eileen Wallace Kennedy Pope, and David Douglas Kennedy, a minor. Referred to the Committee on the Judiciary.

S. 2689. A bill requiring studies to be

made prior to leasing military facilities for oil drilling or exploration, and for other purposes. Referred to the Committee on Armed Services.

By Mr. MUSKIE (for himself and Mr. Church):

S. 2690. A bill to amend title XVIII of the Social Security Act to liberalize the conditions under which posthospital home health services may be provided under part A thereof, and home health services may be provided under part B thereof. Referred to the Committee on Finance.

By Mr. MONDALE (for himself, Mr. Humphrey, Mr. Nelson, and Mr. Proxmire):

S. 2691. A bill to designate the Kettle River, in the State of Minnesota, as a component of the national wild and scenic rivers system. Referred to the Committee on Interior and Insular Affairs.

By Mr. CASE:

S. 2692. A bill to provide emergency security assistance authorizations for Israel and Cambodia. Referred to the Committee on Foreign Relations.

By Mr. SPARKMAN:

S. 2693. A bill for the relief of Miss Patricia J. Basbas. Referred to the Committee on the Judiciary.

By Mr. COOK (for himself, Mr. Baker, and Mr. Bartlett):

S. 2694. A bill to establish an Energy Research, Development, and Demonstration Administration, and to reorganize, consolidate, and supplement within it, Federal responsibility, authority, funding, and financing for conducting a national program for scientific research, development, and demonstration in energy and energy-related technologies designed to resolve critical energy shortages. Referred to the Committee on Interior and Insular Affairs.

By Mr. CHURCH

S 2695. A bill to amend the Public Health Service Act to provide for the making of grants to assist in the establishment and initial operation of agencies and expanding the services available in existing agencies which will provide home health services, and to provide grants to public and private agencies to train professional and paraprofessional personnel to provide home health services. Referred to the Committee on Labor and Public Welfare.

By Mr. MATHIAS:

S.J. Res. 171. Joint resolution relating to U.S. support of United Nations activities in maintaining international peace and in providing and coordinating international disaster relief. Referred to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JAVITS:

S. 2687. A bill to provide the authorization for fiscal year 1975 and succeeding fiscal years for the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped and for other purposes. Referred to the Committee on Labor and Public Welfare.

AMENDMENTS TO JAVITS-WAGNER-O'DAY ACT

Mr. JAVITS. Mr. President, I introduce for appropriate reference legislation suggested by the administration to amend the Javits-Wagner-O'Day Act in three ways:

First, to shorten the name of the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped to "Committee for Purchases From the Blind and Other Handicapped." It is my intention to further amend the administration's bill by adding the word "Severely" before "Handicapped";

Second, to expand the definition of "direct labor" to include services, as the present definition pertains primarily to commodities; and

Third, to provide authorizations beyond the current fiscal year.

In introducing this administration measure, I wish to make clear that I retain freedom of action with respect to the consideration of other proposals to amend existing law which might be desirable.

By Mr. MUSKIE (for himself and Mr. Church):

S. 2690. A bill to amend title XVIII of the Social Security Act to liberalize the conditions under which post-hospital home health services may be provided under part B thereof. Referred to the Committee on Finance.

By Mr. CHURCH:

S. 2695. A bill to amend the Public Health Service Act to provide for the making of grants to assist in the establishment and initial operation of agencies which will provide home health services. Referred to the Committee on Labor and Public Welfare.

HOME HEALTH MEDICARE AMENDMENTS OF 1973

Mr. MUSKIE. Mr. President, I introduce today the Home Health Medicare Amendments of 1973, a bill to provide increased home health benefits under the medicare program.

This legislation would clarify and expand the definition of home health care medicare benefits to meet the needs of the elderly for nursing and personal care in their own homes. It would also bring under medicare the homemaking services so necessary to maintain the independence of the patient who requires continued care, but not institutionalization. And it would increase from 100 to 200 the number of home health care visits covered by medicare.

This bill is a companion to a bill introduced today by Senator Church, the Home Health Services Act of 1973, which provides "startup" funds for home health agencies and funds for training home health personnel. Together, these bills would give new Federal emphasis to the critical needs of home health care.

In July, I conducted 2 days of hearings on home health care as chairman of the Subcommittee on Health of the Aging. Witnesses representing such diverse groups as the Gray Panthers and the American Medical Association endorsed home care.

Yet it was also brought out at these same hearings that home health agencies are relegated to an almost insignificant provider role under medicare—receiving less than 1 percent of medicare expenditures. In fact, payments for home care under medicare declined from $115 million in fiscal 1970 to $69 million in fiscal 1972.

In addition, a paper on the current status of home health services prepared by Brahna Trager for the committee reported a decline in the number of certified home health agencies: 2,350 in 1970 compared to 2,221 in 1972, and many of these agencies are having financial trouble.

There is general agreement as to the reason for the decline in home health services under medicare. Our witnesses agreed that it is due not to the lessening in the need for such services, but to a narrowly restrictive policy applied under the medicare program.

Thomas Tierney, Director of the Bureau of Health Insurance for the Social Security Administration, admitted that beginning in 1969 the interpretation of the language of the law has become increasingly restrictive "in application and practice." Yet he also stated that "one of the greatest breakthroughs that medicare made was that it was the first program of any size that ever really recognized a home health service as a covered benefit."

Mr. Tierney asserted that the restrictive policy toward the home health benefit was caused by congressional concern about the overall high costs of the medicare program compared to original estimates.

The result of this approach was evaluated by Dr. Andrew Jessamin, speaking for the American Hospital Association. He said that SSA policy on home health benefits has become so restrictive that few patients can qualify.

He added:

> Apparently concern over opening the door too wide has kept the door so tightly shut that very little light and air could get in and few home care services could get out.

Another witness, Dr. Henry Smith, director of the Nebraska Department of Health, spoke of the "double standard" in reimbursement policy which makes it much easier to justify institutional services than to justify alternative care under medicare reimbursement procedures. He suggested that a more affirmative attitude, among other things, would be helpful.

This reimbursement double standard was affirmed by other witnesses and the experiences of many agencies. The hospital stay seems to sanctify claims while home care is subject to the most piercing and technical scrutiny.

I have received letters from agencies all over the country detailing medicare denials and delays of reimbursement and the subsequent effects on home health agencies. A feeling of terrible frustration and concern for their elderly patients is expressed again and again in these letters.

One Indiana agency wrote:

> The abuses of Medicare on the home care level have been practically non-existent. The on again off again policies of the federal government and SSA are making orderly development of home health care services practically impossible. Board, staff and patients are confused and disgusted. Many patients go without needed care because their right to Medicare coverage of health care services has been denied them.

The restrictive policy of medicare administrators also puts an unfair burden on concerned agencies who feel obligated to provide care even though the patient cannot afford it. As one administrator, a nun, succinctly put it:

> Do we refuse to give these patients the care they need, or do we give them the care without third-party reimbursement?

When care is given without third-party reimbursement, agencies may be faced with a financial crisis. Then agencies are faced with the cruel choice of either not taking care of the elderly poor or becoming poor themselves.

This is an intolerable situation unworthy of a nation which professes to have a system of medical care for the elderly.

Therefore, it is imperative that the medicare law be amended to provide a home care benefit that truly meets the needs of the aged and provides a real alternative to institutional care. The Congress must reaffirm its intention that home care be a viable medicare benefit.

Mr. President, the legislation which I am introducing today would make the following changes in current law: First, delete the restriction that only "skilled" nursing care or physical or speech therapy may be reimbursed as home health services under medicare, and the requirement that home health treatment be related to the condition which required previous hospitalization; second, include full homemaker services in medicare coverage; and third, increase from 100 to 200 the number of home health services covered by medicare. Each of these changes remedies a barrier to the effectiveness of home health services which has been identified by witnesses testifying in hearings we have held.

The "skilled" nursing-physical-or-speech-therapy requirement has been one of the main barriers to the provision of needed home care to the elderly since it has in effect limited the home care benefit primarily to those who are acutely ill and need rehabilitation. It does not cover, and thus bars from medicare coverage, a wide range of situations when the patient's condition has stabilized or when the patient requires something less than the level of "skilled" nursing care as defined by the Social Security Administration. All nursing care performed by a nurse is skilled, but the term has come to have a very narrow meaning.

As an example of what is not covered, SSA cites the following in its intermediary letter No. 395, which defines skilled nursing care:

> A stroke patient whose condition is stabilized and has no more potential for rehabilitation may require help in getting in and out of bed, getting meals and meeting other activities of daily living. A nurse would visit this patient to evaluate his personal care needs and, subsequently, to assure that the home health aide is performing necessary duties and that the patient's social and personal care needs continue to be met.

Such a situation, I repeat, is not covered. And one of the managers of a home health agency commented on this type of denial as follows:

> In receiving Medicare denials, I have often wondered just how much rehabilitation can be done for an 88 year old person who has perhaps had a stroke or some other debilitating disability and is being cared for by a spouse of equal age. It would almost seem that the provisions of Medicare could more appropriately be applied to a 21 year old, where rehabilitation potential is naturally higher and health problems for long-term chronic disease disability are very low. Medicare, however, is specifically for our senior citizens. Therefore, it ought to be realistic about the health care needs and problems of geriatrics. Under the present restrictions it certainly is not fulfilling that realistic need.

In order to meet that very common and even desperate need, this bill would make a patient eligible when he needs, on an intermittent basis, nursing care or any other home health services listed in the law. These other home health services include: Physical, occupational or speech therapy; medical social services; medical supplies or the use of medical appliances; and part-time or intermittent services of a home health aide. The need for nursing care or other necessary services would make the patient eligible if directed by the doctor. Thus, a patient could need only the services of a home health aide for bathing, dressing, et cetera and would qualify if the service was approved by a doctor and carried out under appropriate supervision.

The bill also deletes the requirement that the home health care treatment must be related to the condition which required hospitalization. This requirement has resulted in the denial of many home health care claims because the condition requiring home treatment is different from the one which was originally diagnosed as a cause of hospitalization. As one witness testified:

> Frequently we get patients with four to five or more diagnoses, and if hospitalized for one of these diagnoses and then sent home to home care, we should be treating the reason for hospitalization in order to have Medicare coverage. This condition perhaps was resolved in the hospital, but the other chronic problems appear now to be more disabling. This should be covered under Medicare but usually is not.

By deleting this requirement, this bill makes no change in the requirement that home health services are only covered if they follow a medicare-covered hospitalization.

My bill would also expand medicare coverage of the important service of homemakers. Homemaker services are not now listed in the law as one of the services which may be provided by a home health agency, and the services of the home health aide are narrowly defined in terms of personal care. As a result, aged persons who live alone may be forced to remain in a hospital longer than necessary for the lack of a few simple supportive services such as cleaning or shopping. They may be forced from their own homes and communities into an institution earlier than necessary.

The testimony which I received pointed out again and again the great need for homemaking services by medicare patients. And the report to the committee by Brahna Trager stated:

> The assumption [by Medicare] that others in the home are available to provide the essential supportive services of daily living is not generally applicable to the age of living arrangements of the insured group. It is far more likely that the patient who lives alone or with an elderly spouse will be able to achieve his 'personal care' services independently, than that he will be able to maintain a decent environment and get the laundry in.

Since homemaking services are so often essential to the continued independence of the ailing elderly, my amendment would include the part-time or intermittent services of a homemaker in the list of services that may be provided by a home health agency.

Finally, the Home Health Medicare Amendments I introduce today would increase the number of home health visits covered by medicare from 100 to 200. The limitation on visits to 100 under both parts A and B is a hardship to persons requiring extended home care visits. Relatively few medicare recipients need more than 100 home health visits. But those who do should not be cut off from necessary home health services, and possibly forced back into the hospital. Establishing a limit of 200 visits would grant coverage to almost all qualifying home health patients.

Mr. President, medicare is now very much oriented to post-hospital acute-illness care, and is not meeting the needs of many of our elderly. These Home Health Medicare Amendments would make medicare more responsive to the need for home care for patients with chronic and stabilized conditions.

These liberalizations are not costly in terms of the medicare program as a whole. And in the long run it is possible that they may save money by substituting home care for more expensive institutional care.

In fiscal year 1975, for instance, it is estimated that my amendments would raise home care expenditures under medicare from approximately $100 million to between $275 and $300 million. This would be about 2 percent of the total projected medicare benefit expenditures.

These actuarial estimates do not take into account any savings that could be made by the shortening of a hospital stay and the avoidance of hospitalization and nursing home admittance. And these savings could be substantial. The General Accounting Office, for example, has stated that 25 percent of the patient population are treated in facilities which are excessive to their needs.

Home care can normally be provided at a fraction of the cost of inpatient care. The exact ratio is dependent upon the level of care provided. There are no definitive national cost figures. Under the medicare hospital insurance program, however, the amount reimbursed per claim in 1972 was $844 for inpatient hospital care, $398 for skilled nursing facilities and $91 for home health care or roughly 9 to 1 and 4 to 1. These figures give only a very rough idea of cost ratios, for medicare does not necessarily cover total costs, particularly in the case of home care.

Other estimates from the National Association of Home Health Agencies state that home care is 3½ times less expensive per case than hospitalization and four to five times less expensive per day than skilled nursing home care.

Home health services not only cost less than institutional services, but from a communitywide perspective these services can lessen the pressure to build expensive new facilities. And it is from the community perspective that we must view home care—not from the narrow perspective of the cost analyst who may see the home care benefit "cost more" because of this legislation.

Dr. Charles Edwards, Assistant Secre-

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tary of Health, stated at the subcommittee hearings that in order to contain the costs of health care we must "encourage the service that will push health care away from the institution and closer to home."

I see an expanded home care benefit as a cost effective and humanitarian device that will help take care of the people in the way that they want to be taken care of and at the least possible cost. It is time to quit paying lip service to home care and make it a viable supplement and alternative to institutional health care for older Americans under medicare.

Mr. President, on behalf of the distinguished chairman of the Committee on Aging, FRANK CHURCH, and myself, I ask unanimous consent that the text of the bills we introduce be printed in the RECORD following his remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

STIMULATING HOME HEALTH CARE

Mr. CHURCH. Mr. President, I introduce for appropriate reference legislation (S. 2695) to stimulate the expansion of home health agencies and services.

These bills are part of a twofold legislative package being introduced by the distinguished chairman of the Subcommittee on Health of the Elderly of the Committee on Aging, Senator EDMUND MUSKIE, and myself as chairman of the committee. This legislation would open up the home health care benefit for the elderly under the medicare program and at the same time expand the services available from home care agencies.

We are just beginning to realize that there are many illnesses that can be better treated at home if they do not really require the specialized and very expensive services of a hospital. Often an older person can be happier at home in familiar surroundings than in an institution and it will be far less expensive.

Institutional costs have continued to soar upward dramatically and they constitute the great bulk of costs under the medicare program. I think it is about time to reverse this trend and enlarge the home care aspect of the program.

Home care is nowhere more needed than in rural areas where institutional facilities are sparse and there are large proportions of elderly people. I recently chaired a field hearing at Coeur d'Alene, Idaho, as part of the "Barriers to Health Care for Older Americans" series and a witness testified that the home health agency was the only link between the patient and distant physician. This was in an area without public transportation and an elderly population with limited incomes.

Many rural areas, however, have no home health agencies or agencies that can provide only limited service. About half of the agencies certified under the medicare program offer nursing plus one other service, usually physical therapy. These agencies cannot provide the range of professional and supportive services which will encourage physicians to utilize and depend upon home care.

Now no mechanism exists for agencies to expand or for new ones to be established in communities without such services. Home health agencies do not have sufficient funds to finance the expansion of services since their fees for services performed barely cover operating costs. One agency wrote the committee of being asked to expand into two neighboring counties without any home care services. It was hesitant to do so, because of the possibility of incurring increased costs which surpass income.

Mr. President, because of the need to expand home care agencies, particularly in rural areas, my bill would provide funds for public and nonprofit agencies in areas without such agencies. It would also authorize funds to expand services in existing agencies.

In addition, the proposed legislation would provide grants to public and nonprofit private agencies and institutions for training programs for home health personnel. Professional and paraprofessional personnel would be trained to staff expanding agency services.

Under the companion legislation which Senator MUSKIE and I have also introduced, homemaker and home health aid services would be made more available under medicare. Therefore it is anticipated that many more aides will be required. Now we have only about one homemaker-home health aide for every 7,000 population and the aides are clustered primarily in urban areas of the eastern seaboard. Just how inadequate this supply of aides is can be judged by the fact that the White House Conference on Aging recommended a ratio of one homemaker-home health aide per 100 older persons.

Mr. President, this legislation would make it possible for home health agencies to begin to expand their services and to reverse a downward trend caused in part by a too narrow interpretation of the medicare home care benefit. Other legislation which I have cosponsored would liberalize this benefit and allow coverage for desperately needed home services. The bill I am introducing now would insure that comprehensive home care services are available not just in a few urban areas, but to all of the elderly wherever they may be.

Mr. President, I urge early adoption of this legislation and ask unanimous consent that the bills be printed in the RECORD at this point.

EXHIBIT 1

S. 2690

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1814 (a) (2) (D) of the Social Security Act is amended to read as follows:

"(D) in the case of post-hospital home health services, such services are or were required because the individual is or was confined to his home (except when receiving items and services referred to in section 1861 (m) (7)) and needed nursing care on an intermittent basis or any of the other items or services referred to in section 1861 (m); and a plan for furnishing such services to such individual has been established and is periodically reviewed by a physician; or".

(b) Section 1835(a) (2) (A) of such Act is amended to read as follows:

"(A) in the case of home health services, such services are or were required because the individual is or was confined to his home (except when receiving items and services referred to in section 1861(m) (7)) and needed nursing care on an intermittent basis or any of the other items or services referred to in section 1861(m); and a plan for furnishing such services to such individual has been established and is periodically reviewed by a physician;".

(c) The amendments made by subsections (a) and (b) shall be effective only with respect to services provided in calendar months after the calendar month which follows the month in which this Act is enacted.

SEC. 2. (a) (1) Section 1812 (a) (3) of the Social Security Act is amended by striking out "100 visits" and inserting in lieu thereof "200 visits".

(2) The first sentence of section 1812(d) of such Act is amended by striking out "100 visits" and inserting in lieu thereof "200 visits".

(b) (1) Section (a) (2) (A) of such Act is amended by striking out "100 visits" and inserting in lieu thereof "200 visits".

(2) The first sentence of section 1834(a) of such Act is amended by striking out "100 visits" and inserting in lieu thereof "200 visits".

(c) the amendments made by subsection (a) shall be applicable in the case of home health services provided under part A of title XVIII of the Social Security Act on visits which occur in one-year periods (described in section 1861 (n)) of such Act which begin, in the case of any individual, after the date of enactment of this Act. The amendments made by subsection (b) shall be applicable in the case of home health services provided under part B of such title XVIII in calendar years which begin after the date of enactment of this Act.

SEC. 3. (a) Section 1861(m) (4) of the Social Security Act is amended to read as follows:

"(4) part-time or intermittent services of a home health aid and of a homemaker,".

(b) The amendment made by subsection (a) shall be applicable only in the case of services furnished in calendar months after the calendar month which follows the calendar month in which this Act is enacted.

S. 2695

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Home Health Services Act of 1973".

SEC. 2. Title VI of the Public Health Service Act (42 U.S.C. 201) is amended by redesignating Part D as Part E and inserting after Part C the following new Part:

"PART D—Establishment and operation of home health agencies

"SEC. 635. (a) For the purpose of assisting in the establishment and initial operation of public and nonprofit private agencies (as defined in section 1861 (o) of the Social Security Act) which will provide home health services (as defined in section 1861 (m) of the Social Security Act) in areas in which such services are not otherwise available, the Secretary may in accordance with the provisions of this section, make grants to meet the initial costs of establishing and operating such agencies and expanding the services available in existing agencies, and to meet the costs of compensating professional and paraprofessional personnel during the initial operation of such agencies or the expansion of services in existing agencies.

"(b) No part of any grant made under this section shall be used for the construction of facilities, and no recipient of an initial grant under this section shall be eligible for further assistance under this section.

"(c) In making grants under this section, the Secretary shall consider the relative needs of the several States for home health services and preference shall be given to areas in which a high percentage of the population proposed to be served is composed of individuals who are elderly, medically indigent, or both

"(d) Applications for assistance under this section shall be in such form and contain such information as the Secretary shall prescribe by regulation.

"(e) Payment of grants under this section may be made in advance or by way of reimbursement, or in installments as the Secretary may determine.

"(f) There are authorized to be appropriated to carry out the purposes of this section such sums as may be necessary. Funds appropriated under this subsection for any fiscal year shall remain available until expended.".

SEC. 3. (a) Part D of title VII of the Public Health Service Act (42 U.S.C. 201) is amended by inserting after section 767 the following new section:

"GRANTS FOR TRAINING OF PERSONNEL TO PROVIDE HOME HEALTH SERVICES

"SEC. 767A. (a) From the funds appropriated to carry out this section, the Secretary is authorized to make grants to public and nonprofit private agencies and institutions to assist them in initiating, developing, and maintaining programs for the training of professional and paraprofessional personnel to provide home health services (as defined in section 1861(m) of the Social Security Act).

"(b) Applications for grants under this section shall be in such form and contain such information as the Secretary shall by regulations prescribe.

"(c) Payment of grants under this section may be made in advance or by way of reimbursement, or in installments as the Secretary shall determine.

"(d) There are authorized to be appropriated to carry out the purposes of this section such sums as may be necessary. Funds appropriated under this section shall remain available until expended.".

(b) The caption for Part D of title VII of such Act is amended by adding at the end thereof:

"AND TRAINING OF PERSONNEL TO PROVIDE HOME HEALTH SERVICES"."

By Mr. MONDALE (for himself, Mr. HUMPHREY, Mr. NELSON, and Mr. PROXMIRE):

S. 2691. A bill to designate the Kettle River, in the State of Minnesota, as a component of the National Wild and Scenic Rivers System. Referred to the Committee on Interior and Insular Affairs.

Mr. MONDALE. Mr. President, I am today introducing a bill to designate the Kettle River in the State of Minnesota as a component of the National Wild and Scenic Rivers System.

The Kettle is one of the few still primitive rivers in the United States which lie within easy access of a major population center. It is a river of extraordinary scenic beauty, located midway between Duluth and the Twin Cities metropolitan area. More than 2 million people—or over half the population of Minnesota—could reach this untouched scenic and recreational area by 1 hour's drive.

Since the mid-1960's the tremendous potential of the Kettle for river-related recreational opportunities has been recognized by the State of Minnesota. It was first designated by the Minnesota Department of Conservation as a State canoe route, and earlier this year the Kettle was among those rivers cited for study under the new Minnesota Wild and Scenic Rivers Act. The Minnesota Department of Natural Resources is currently conducting a study of the Kettle to identify methods to protect this unique natural resource for future generations.

But with limited State resources, I believe Federal help is necessary to insure an effective preservation program. There is a strong Federal interest in seeking to safeguard the Kettle, an interest that is intensified by the fact that it is a tributary of the St. Croix River, a component of the National Wild and Scenic Rivers System.

On its own merits, however, I have no doubt that the Kettle would qualify for protection under the criteria set forth in the National Wild and Scenic Rivers Act.

The Kettle is a fascinatingly wild and picturesque river with rapids interspaced with long pools providing a challenge as well as a chance for relaxation and quiet reflection to its visitors.

The glacial geology of the area, as reflected in the river corridor, is also a strong point of interest. Moraines, glacial outwash plains, gorges, kettle holes, and caves can be seen along the river.

Wide varieties of wildlife roam the riverway. Deer, beavers, muskrats, herons, and hawks all inhabit the area. Fishing is excellent, especially for walleyes, sturgeon, and small mouth bass. Northern pike, red horse, suckers, and trout are also caught in the Kettle's clear waters.

The Kettle River has its headwaters in Carlton County and flows in a generally north-south direction, crossing Pine County and emptying into the St. Croix roughly 53 miles away.

Along the northern part of the river, for the first 6 miles, the river flows through an area of glacial moraine. Pools and rapids are closely spaced and do not exceed 50 yards in length. The rapids are very difficult to canoe even in high water.

The river banks are gravel with heavy forests of small aspen and birch and with an occasional stand of larger Norway pine, white pine, and black spruce. The magnificent forest growth extends very near the water's edge enclosing the river.

Starting at mile 6.9 a large open field on the left bank signifies a change in the river's characteristics. The mouth of the Kettle widens so that pools and rapids become longer—100 yards—and deeper. Rapids are more easily traversed because of the gravel bottom, and the banks of the river are higher and grassy, leveling out on top.

From mile 10 to 13 the river broadens out among islands, grass areas with low banks of sand and gravel. Distinguishing the main channel is difficult. Maple and elm are the dominant species of hardwoods, but there are a few pine visible. At mile 12.8 the Moose River joins the Kettle contributing a great deal of water which could be the reason for the strange behavior of the Kettle River directly above.

Below the confluence with the Moose River, the Kettle becomes entrenched and narrows down once more. Pine are intermingled with hardwoods; farmland extends down to the edge of the river. The open woods, caused by grazing, are peaceful and scenic. There are no rapids in this stretch.

Beginning at mile 21, the Kettle River widens to more than 150 feet with the average depth about 4 feet. The banks slope up and away from the river and are covered with pine and hardwoods. At mile 23.9 a short set of rapids with a speed pitch occurs and running them in high water is possible. A magnificent rock outcrop stands more than 10 feet above the water on the right bank, and there is a campsite on top of the rock outcrop. Directly below these rapids, interstate 35W crosses the river, but there is no road access to the river. Downstream, high hills begin to appear, and the river's characteristics remain much the same until entering Banning State Park.

The Kettle River flows through Banning State Park in a gorge approximately 130 feet deep, which forms the Hells Gate Rapids. These rapids are about 1 mile long and consist of four major drops of about 5 feet each. There is no portage and running the rapids is exciting and challenging. The river remains entrenched for more than 100 feet until it reaches the remains of the Kettle River Dam 33 miles from its northern beginning.

Below the Kettle River Dam, the river passes through several short rapids of moderate difficulty and through numerous pools, one of which is more than 20 feet deep. At mile 36.1 skillful, swiftly flowing rapids about one-half mile long appear.

From mile 37 to 46 the river once again, becomes more than 200 feet wide and placid: Flood plains develop on both sides with open hardwood forests. At this point the lower Kettle River Rapids begin. These rapids are moderate in difficulty and very popular with canoeists. They are, however, wide and shallow and, like other Kettle rapids, cannot be run in low water.

The Kettle basin is largely in the central and northern part of Pine County, but headwaters are partly in Carlton County and to a lesser degree in Aitkin and Kanabec Counties. There are some farms, but roughly two-thirds of the basin is forested. Pine County in 1964 included nearly 2,000 farms, predominantly in the southern part, outside the Kettle basin. Forest industries are important, but there is no national forest.

There are several communities near the river—Sandstone and Moose Lake each have populations of about 1,500 persons. Barnum and Willow River, each less than 500, and Kettle River, about 230. In addition to the St. Croix State Park near the mouth of the river, Banning State Park, a tract of about 2,700 acres near Sandstone, was added in 1963. There are three small municipal parks with a few picnic tables; one or more of these parks provide access to the Kettle. There are monuments to historic events, surrounded by numerous trout streams, northern pike spawning areas, and five official fish and game areas.

By nature it is an excellent recreation area, not yet overdeveloped. Pine County in the mid-1960's contained 5 hotels, 6 motels, and 19 resorts. The area is thinly populated and has not begun to reach its recreational potential.

There are 17 homes located along the river's edge although only 5 may be seen from the river. Two of the five are old farmsteads while the remainder are homes which have penetrated the wilderness setting. Fourteen bridges and two trestles cross the river.

There are developed access points at

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miles 21, 33, 40.5, and 47; however, access is also possible at other bridge crossings. There are no developed campsites on the Kettle River.

Approximately 26 miles of the Kettle River are already in public ownership of one form or another. The Gen. C. C. Andrews State Forest abuts on the east side of the river from mile 13 to mile 15.2. The undeveloped Banning State Park abuts both sides of the river from mile 24.2 to mile 30.8. The Sandstone Game Refuge abuts the east side of the river from mile 31.5 to mile 40.5.

Chengwatan State Forest and St. Croix State Park abut the river from mile 42.6 to mile 51. Other stretches of the river are within the municipalities of Kettle River, Rutledge, and Sandstone. Finally, the State and county own small parcels of land on the river, which have not been declared parks, game refuges, et cetera.

This description can hardly touch upon the actual beauty of the Kettle, but it is a truly magnificent river which deserves the protection of the wild rivers system.

In too many cases, escalating pressures for development have ruined natural areas before local citizens and Government agencies have been able to respond. With the Kettle I believe action by the Federal Government, cooperation with the State of Minnesota and units of local government, can prevent such a tragedy. The bill I offer today is designed to achieve this objective, and I am hopeful of its favorable consideration by the Senate.

By Mr. CASE:

S. 2692. A bill to provide emergency security assistance authorizations for Israel and Cambodia. Referred to the Committee on Foreign Relations.

Mr. CASE. Mr. President, I introduce legislation to provide $2.2 billion to replace equipment lost by Israel in the recent fighting.

The bill authorizes the President to use the funds for emergency military assistance grants or for military sales credits, or for both as the President may determine. This is in accordance with President Nixon's recommendation. Identical legislation has been introduced in the House of Representatives.

The purpose of the measure is to restore the balance of forces in the Middle East, without which peace is impossible. It will not, when enacted, expand Israel's military capacity beyond that level.

The full extent of Israel's losses still remains unknown. We do know that many jet aircraft and tanks were either destroyed or damaged during the conflict. Personnel carriers, trucks, communications equipment, and other military items were damaged or destroyed. A U.S. military mission is now on the scene assessing the damage and estimating what must be replaced and what can be repaired. It is expected this mission will be reporting in a matter of days and it is my hope hearings can then be held by the Senate Foreign Relations Committee.

All of us are enormously encouraged by what appears to be progress in moving toward a peace settlement in the Middle East. This does not, however, take away the necessity of maintaining military balance in the area and insuring that Israel can defend herself. Indeed, maintenance of the balance is the essential condition for continuing progress in reaching a settlement.

By Mr. COOK (for himself, Mr. BAKER and Mr. BARTLETT):

S. 2694. A bill to establish an Energy Research, Development, and Demonstration Administration, and to reorganize, consolidate, and supplement within it, Federal responsibility, authority, funding, and financing for conducting a national program for scientific research, development, and demonstration in energy and energy-related technologies designed to resolve critical energy shortages. Referred to the Committee on Interior and Insular Affairs.

Mr. COOK. Mr. President, I am cosponsor of S. 1283. introduced by Senator JACKSON, an energy conservation measure. On review, however, I find that this bill makes no permanent requirements for funding, thus leaving it to Congress to appropriate at any level of funding after the first year, or at no level of funding at all.

Second, it fragments the research as follows:

Coal gasification, $6 million per year for 10 years.

Coal liquification, $7,500,000 per year for 12 years.

Geothermal, $8 million for 15 years.

Advanced power cycle development, $6,500,000 per year for 10 years.

Shale oil development, $5 million per year for 8 years.

Each category has its own corporation and functions independently of the others. On reflection then, the Jackson bill has two serious shortcomings:

First. No trust is established, and funding is thus left to succeeding Congresses.

Second. Separate corporate structures to accomplish the same end is cumbersome, and will not work.

We in this country solved our highway problems with the highway trust—no one doubts that this would never have been accomplished without such a trust.

R. & D. in the energy field will never solve the problems of this Nation without the essentials of a uniform facility to attack the problem and a specific energy trust to allow such a massive program to unequivically meet a deadline of absolute accomplishment.

Therefore, Mr. President, on July 13 of this year for myself, Senator ROBERT BYRD and Senator HOWARD BAKER, I introduced S. 2167, a bill to accelerate energy research and development by providing adequate funding over a continuing period of time through the creation of an energy research and development fund. The fund would draw its support from those moneys received by the Federal Government from its lease sales of public lands on the Outer Continental Shelf. I reasoned that as it was the shortage of energy which now enhanced the value of these public assets, this new revenue should in turn be used to find relief to the energy problem itself. I still believe that this reasoning is sound and am more than ever convinced that we will never achieve our R. & D. goals by year to year financing and must adopt some type of trust fund concept. However, there is good argument for broadening the base of this fund by including receipts from Federal lease sales and all other sales or grants of development rights of energy sources on Federal lands.

It has now been 4 months since I introduced this bill and while I have been promised by the chairman of the Senate Interior Committee that hearings will be held at an early date, this date has as yet not been set.

In my original concept I envisioned that the fund would be managed and coordinated by the Interior Department. However, in my introductory remarks, I recognized that new organizational concepts were being considered and suggested that should the President's reorganization reach fruition, that there may be a new office better suited for this purpose.

In his address to the Nation last Wednesday, the President put forward several programs to deal with the immediate energy problems we face today. I support his intent and applaud the rapid action being taken by the Interior Committee to develop the necessary legislation to implement these programs. However, as necessary as these programs are, they are all in the form of a fire fighting stop gap nature and do not address the long-term problem which this Nation must solve.

One program advanced by the President is of particular interest to me and this is the creation of an Energy Resource and Development Administration to control the Nation's efforts in this area. The idea is not new as it is found in the President's earlier program to create a Department of Natural Resources. What is new is the suggestion that we remove R. & D. from the proposed department and create a new independent administration. I think this is sound and I support it.

The President has compared the need for such an effort to the Manhattan project of World War II, which made this Nation the major nuclear power at that time. He also compared this need to the space program of the 1950's which made America the first nation to put a man on the Moon.

I might say there is one that he forgot, Mr. President, and that is that when World War II started, we all thought there was not going to be an automobile in the country that could get any more rubber tires.

It took this Nation 1 year to come up with synthetic rubber, and the only thing we care about rubber trees for today is that they give somebody shade somewhere in the world.

As the President expressed it:

> Whenever the American people are faced with a clear goal and they are challenged to meet it, we can do extraordinary things.

This then is the backdrop for the initiation of "project independence." However, much as I agree with the stated objectives of energy sufficiency by 1980, I am not convinced that the proposal as now being considered can attain this goal. I still hold that we need the energy trust fund. I believe that we need an independent agency to manage this fund and insure that we direct our efforts to programs ranging from the exotic—such as wind and tidal or ocean current power,

to the realizable—such as coal gasification and liquefaction whether our goal is energy self-sufficiency by 1980 or 1985, this Nation's efforts must be wide-ranging and broad in scope. We must not overlook any possibility, however remote or far fetched it may seem.

Accordingly I am today introducing a bill which will accomplish these long-range goals and at the same time incorporate the vital trust fund concept contained in S. 2167. I go one step further, because I do not think that we can reach our goals by research and development alone. I believe that we must include the all important demonstration step in the process.

From my own personal experience I have found that when the R. & D. phase of energy production has been reached there is not adequate provision to support the demonstration phase so necessary to prove or disprove the R. & D. scale model. I suggest that with the creation of the Energy Research Development and Demonstration Administration—ERDDA—supported by adequate trust fund we have a fighting chance of locking our energy problems.

I ask unanimous consent that the bill along with the brief explanation attached be printed at the conclusion of my remarks. I solicit the support of my colleagues and urge that the Senate take prompt action to effect this legislation.

There being no objection, the bill and explanation were ordered to be printed in the RECORD, as follows:

S. 2694

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Energy Research, Development, and Demonstration Administration Act."

TITLE I

STATEMENT OF FINDINGS AND DECLARATION OF PURPOSE

SEC. 101. The Congress hereby finds—

(a) The nation is currently suffering a critical shortage of environmentally acceptable forms of energy.

(b) A major reason for this energy shortage is our lack of an aggressive research, development, and demonstration (referred to hereinafter as "research and development," in accordance with Section 117) effort to develop a national capability for energy self-sufficiency by proper utilization of our large reserves of domestic fossil fuels, nuclear fuels, and geothermal energy, and the potentially unlimited reserves of solar power, nuclear, and other unconventional sources of energy.

(c) Many current uses of our limited basic energy resources, including the conversion of basic energy to an alternate form are highly inefficient.

(d) Current levels of funding by the Federal Government for energy research and development are inadequate and too fragmented to develop a program of the scope needed to insure efficient use of existing sources and to identify and develop the most technically, environmentally and economically feasible methods for utilizing energy from domestic resources.

(e) The capital requirements of a total energy research and development program of the magnitude needed are beyond the means of private sources.

(f) The nation's critical energy problems can be timely solved only if a national commitment is made now to accord the highest priority, to dedicate the necessary financial resources, and to enlist our unequaled scientific and technological capabilities to meet the national energy needs, conserve vital resources, and protect the environment.

SEC. 102. (a) The general welfare, the common defense, and security urgently require and it is Congress' purpose here to undertake a national commitment to resolve the energy shortages and provide the means for achieving a national capability for energy self-sufficiency through socially and environmentally acceptable methods for producing, conserving, and utilizing all forms of energy.

(b) To effectuate that commitment it is Congress purpose to consolidate and strengthen existing and initiate new Federal programs for energy research and development, in an Energy Research, Development, and Demonstration Administration, established hereinbelow and authorized and charged with exercising central responsibility for policy planning, coordination, support, and management of research and development programs, including commercial-sized demonstration plants, and respecting all forms of energy sources.

(c) The Congress further declares and finds that it is in the public interest that responsibility for all Federal energy research and development programs be transferred to the Energy Research, Development, and Demonstration Administration, and that this transfer be effected in an orderly manner assuring adequacy of technical and other resources necessary for the performance of such programs.

TITLE II

ESTABLISHMENT AND ORGANIZATION OF ENERGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION ADMINISTRATION

SEC. 103. There is hereby established, as an independent establishment of the executive branch of the Government of the United States, the Energy Research, Development, and Demonstration Administration (hereinafter referred to as the "Administration" or "ERDDA").

BOARD OF GOVERNORS

SEC. 104. (a) The management and direction of all the affairs and interests of ERDDA shall be vested in a Board of Governors (hereinafter referred to as "the Board" or "the Governors"), composed of 15 members.

Eight of the Governors shall be Government officials, as follows:

1. As Chairman of the Board, the official designated by the President as having primary responsibility for energy policy (subject to Senate confirmation if not already confirmed for his primary office);
2. The Director of the National Science Foundation;
3. An Assistant Administrator of the National Aeronautics and Space Administration, designated by the Administrator of that Administration;
4. An Assistant Secretary of Defense, designated by the Secretary of Defense;
5. A member of the Atomic Energy Commission (proposed hereinbelow to be renamed the "Nuclear Energy Commission"), designated by that Commission;
6. A member of the Federal Power Commission, designated by that Commission;
7. A member of the Council on Environmental Quality, designated by that Council;
8. The Administrator of ERDDA, appointed to that position in accordance with Section 107(b) below.

Seven Governors shall be appointed by the President with the advice and consent of the Senate, as follows:

1. A person with high qualifications and responsibilities in the coal industry whose appointment shall be made from a list of recommendations by the principal national organizations representing the coal industry;
2. A person with high qualifications and responsibilities in the nuclear power industry whose appointment shall be made from a list of recommendations by the principal national organizations representing the nuclear power industry;
3. A person with high qualifications and responsibilities in the natural gas industry whose appointment shall be made from a list of recommendations by the principal national organizations representing the natural gas industry;
4. A person with high qualifications and responsibilities in the petroleum industry whose appointment shall be made from a list of recommendations by the principal national organizations representing the petroleum industry;
5. A person with high qualifications and responsibilities in the electric industry whose appointment shall be made from a list of recommendations by the principal national organizations representing the electric industry;
6. A representative from the public at large with high qualifications and responsibilities for environmental concerns; and
7. A representative from the public at large with high qualifications and responsibilities for consumer concerns.

(b) The terms of the government members of the Board shall coincide with their terms in the offices here qualifying them to serve on the Board. The terms of the seven non-government members shall each be for 4 years subject to prior removal by the President, for cause, except that in order to provide staggered terms, the terms of 2 initial Governors, designated by the President, shall be for 3 years, the terms of 2 shall be for 2 years, and the term of 1 shall be for 1 year. Any Governor appointed to fill a vacancy occurring before the expiration of the term for which his predecessor had been appointed shall serve for the remainder of such term. Each Governor shall be reimbursed for travel and reasonable expenses incurred in attending meetings of the Board.

(c) 1. The Board shall meet quarterly and on call.

2. Vacancies in the Board, as long as there are sufficient members to form a quorum, shall not impair the powers of the Board.

3. The Board shall act upon majority vote of those members who are present, and any eight members present shall constitute a quorum for the transaction of business by the Board; except that a favorable vote of an absolute majority of the Governors in office shall be required for the approval of annual budgets, and for the appointment, removal, and setting of compensation for the Administrator and Deputy Administrator.

ADMINISTRATOR; DEPUTY ADMINISTRATOR

SEC. 105. The Administrator of ERDDA, appointed pursuant to Subsection 107(a) below, shall serve as the Chief Executive Officer of the Administration, in accordance with Subsection 107(c) below. The Deputy Administrator, appointed under Subsection 107(a) below, shall be the alternate Chief Executive Officer. He shall act for and exercise the powers of the Administrator during his absence or disability.

GENERAL COUNSEL; ASSISTANT ADMINISTRATORS

SEC. 106. There shall be within the Administration a General Counsel, and such number of Assistant Administrators as the Board shall consider appropriate. The General Counsel and the Assistant Administrator shall be appointed by, and serve at the pleasure of the Administrator.

TITLE III

FUNCTIONS

SEC. 107. (a) The Board shall appoint the Administrator of ERDDA from a list of people recommended by the National Science Foundation, the National Academy of Science, and the National Academy of Engineering as highly competent to administer the important and complex energy research and development responsibilities of ERDDA. The Board shall also appoint the Deputy

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Administrator, and it shall have the power to remove the Administrator and the Deputy Administrator, and it shall fix their pay and terms of service.

(b) The Board may delegate its authority to the Administrator under such terms, conditions, and limitations, including the power of redelegation, as it deems desirable, and it may establish such Committees as it determines appropriate to carry out its functions and duties; such delegations shall be consistent with other provisions of this Act, shall not relieve the Board of full responsibility for carrying out its duties and functions, and shall be revocable by the Board in its exclusive judgment.

(c) The Administrator, as Chief Executive Officer of the Administration, shall be responsible to the Board for implementation of this Act and administration of ERDDA. He shall present an annual budget to the Board of Governors for their review and approval. After the Board has approved a budget, the Administrator may obtain specific moneys within it, from the fund established in Section 114 hereinbelow, by notice to the Secretary of the Treasury that such moneys are needed as of a certain date to carry out the program and budget approved by the Board.

(d) The Administration shall exercise central responsibility for policy planning, budgeting, initiation, coordination, support, and management of research and development programs respecting all forms of energy sources, including but not limited to those specified in Subsection (e) below. It shall be responsible for assessing the requirements for research and development in regard to various forms of energy sources in relation to near-term and long-range needs, for policy planning, and for budgetary and expenditure control to meet those requirements, for retaining, supporting, and where needed, strengthening effective existing programs, and for initiating new programs as needed for the optimal development of all forms of energy sources, from research through commercial-sized demonstrations, for providing appropriate priority and balance among nuclear, fossil fuel, geothermal, solar, and other energy research and development responsibilities, for managing such programs, for terminating them when their purpose has been accomplished or when they are no longer feasible, and for disseminating information resulting therefrom.

(e) The Administration shall have all the authority incidential, necessary, or appropriate to implementing its responsibilities, including without limitations, authorization:

1. to ensure that full consideration and adequate support is given to advancing energy research and development of efficient and environmentally acceptable energy sources, technologies, and techniques including but not limited to:

(i) coal gasification;

(ii) coal liquefaction;

(iii) solvent refined coal;

(iv) improved extraction methods and *in situ* conversion of fuels;

(v) advanced power cycle development;

(vi) shale oil development;

(vii) geothermal energy;

(viii) thermally-actuated heat pumps;

(ix) fuel cells and other direct conversion methods;

(x) solar energy;

(xi) hydrogen as an energy form;

(xii) nuclear breeder processes;

(xiii) fusion processes;

(xiv) magnetohydrodynamics;

(xv) use of agricultural products for energy;

(xvi) utilization of waste products for fuels;

(xvii) cryogenic transmission of electric power;

(xviii) electrical energy storage methods;

(xix) alternative to internal combustion engines;

(xx) wind power;

(xxi) tidal power; and

(xxii) ocean current and thermal gradient power;

2. to prescribe such policies, standards, criteria, procedures, rules, and regulations as it deems necessary or appropriate.

3. to enter into such contracts and agreements, including grant agreements, with public agencies and private organizations and persons; to make payments therefor (in lump sum or installments, and in advance or by way of reimbursement, and with necessary adjustments on account of overpayments and underpayments).

4. to engage in joint projects of a research, developmental, and demonstration nature with public agencies and private organizations or individuals in the organizational form deemed appropriate, and to perform services with or for them on matters of mutual interest, the cost of such projects or services to be apportioned equitably by the Administration.

5. to acquire any of the following described rights if the property acquired thereby is for use by or for, or is useful to, the performance of functions vested in the Administration:

(i) copyrights, patents, and applications for patents, designs, processes, and manufacturing data;

(ii) licenses under copyrights, patents, and applications for patents;

(iii) releases, before suit is brought, for past infringement of patents or copyrights; and

(iv) use of Federal lands (except lands preempted for other use by Federal statutes) which contain energy sources which ERDDA determines are necessary to carry out its research and development functions and programs. The responsible officials of such other departments or agencies which have jurisdiction over Federal lands are hereby authorized and directed to make such lands available to ERDDA under terms and conditions promulgated by them to protect the environment and other resource values of lands involved.

6. to make special studies concerning matters within the special competence of the Administration; to prepare from the records of the Administration special compilations, lists, bulletins, or reports; to furnish transcripts or copies of such studies, compilations, and other records; to provide copies of charts, maps, or photographs, and to provide services incident to the conduct of the regular work of the Administration. The administration shall require payment of the actual or estimated cost of such special work in accordance with regulations prescribed by the President.

7. to exercise, in relation to the functions transferred herein, to the extent necessary or appropriate to perform such functions, any authority or part thereof available by law, including appropriations Acts, to the official or agency from which such functions were transferred.

(f) The Administration shall utilize or acquire the facilities of existing Federal scientific laboratories engaged in energy research and development; it shall also establish and operate additional facilities and test sites; and it shall utilize such services of contract agencies as it considers necessary to effectuate the purposes of this Act.

(g) The Administrator shall, as soon as practicable after the end of each fiscal year, submit a Report to the Board, and the Board shall submit a Report to the President for transmittal to the Congress, on the activities of the Administration during the preceding fiscal year, with a full accounting of receipts and expenditures, projects terminated and initiated, and plans and progress made in developing new energy supply and in attaining the capability of energy self-sufficiency from domestic resources.

(h) The President, in the ninth year after the effective date of this Act, shall report to the Congress his evaluation of progress under it and his recommendation for continuance of the Federal energy research and development programs.

TITLE IV

TRANSFERS

SEC. 108. There are hereby transferred to and vested in the Administration such Federal energy research and development functions and programs as are essential to ERDDA's fulfilling its obligations under this Act. Without limitation, such transfer shall include:

(a) All energy research and development functions and programs of the Atomic Energy Commission and of the Chairman and members of the Commission except those pertaining to nuclear weapons or military use of nuclear power. The Atomic Energy Commission's research and development functions related to such military purposes shall be transferred to the Department of Defense, and the Secretary of Defense and ERDDA shall establish a special liaison committee to provide coordination, cooperation, and economy between the Department of Defense and ERDDA as to their respective research and development programs.

The remaining functions of the Atomic Energy Commission shall continue as provided in Section 115 below.

(b) All energy research and development functions and programs of the Secretary of the Interior, the Department of the Interior, and officers and components of that Department.

(c) The energy research and development functions and programs of such other Federal departments or agencies, including without limitation those in the Departments of Commerce, Transportation, Housing and Urban Development, and those in independent agencies such as the General Services Administration, the National Aeronautics and Space Administration, the National Science Foundation, and the Tennessee Valley Authority, as in ERDDA's judgment are necessary or appropriate for it to fulfill its responsibilities under this Act.

(d) Authority for reviewing and coordinating all other energy research and development functions and programs in Federal departments or agencies in the Executive Branch.

(e) Unexpended balances of appropriations, authorizations, allocations, and other funds relating to the functions transferred hereby to ERDDA shall be transferred as determined by the Director of the Office of Management and Budget in accordance with Section 109 below and with Section 202 of the Budget and Procedures Act (31 USC 581 (c)).

SEC. 109. (a) During the transition of transfers every effort shall be made to not in any way impede or impair the progress of current Federal energy research and development programs.

(b) Transfer of nontemporary personnel shall not cause any such employees to be separated or reduced in grade or compensation for one year after such transfer.

TITLE V

SAVINGS PROVISIONS

SEC. 110. All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges which have been issued, made, granted, or allowed to become effective by the President, any Federal department or agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred by this Act, and which are in effect at the time this Act takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked by the President, the Administrator,

or other authorized officials, a court of competent jurisdiction, or by operation of law.

SEC. 111. (a) The provisions of this Act shall not affect any proceedings pending at the time it takes effect before any department or agency, or component thereof, functions of which are transferred by the Act, but to the extent such proceedings relate to functions so transferred, they shall be continued. Orders shall be issued in such proceedings, appeals taken therefrom, and payments made pursuant to such orders, as if the Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing herein shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued if the Act had not been enacted.

(b) Except as provided in Subsection (d)—

1. the provisions of this Act shall not affect suits commenced prior to the date this Act takes effect, and

2. in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if the Act had not been enacted.

(c) No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any department or agency whose functions are transferred by the Act shall abate by reason of enactment of the Act. No cause of action by or against any department or agency, functions of which are here transferred, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, actions, or other proceedings may be asserted by or against the United States or such official as may be appropriate and, in any litigation pending when this Act takes effect, the court may at any time, on its own motion or that of any party, enter any order which will give effect to the provisions of the Act.

(d) If, before the date on which this Act takes effect, any department or agency, or officer thereof in his official capacity, is a party to a suit involving any function of such department, agency, or officer transferred by this Act to the Administration, then such suit shall be continued as if this Act had not been enacted, with the Administration substituted.

(e) Final orders and actions of any official or component in the performance of functions transferred by this Act shall be subject to judicial review to the same extent and in the same manner as if there had been no transfer. Any statutory requirements relating to notices, hearings, action upon the record, or administrative review that apply to any function transferred hereby shall apply to the performance of those functions by the Administration, or any officer or component.

SEC. 112. With respect to any function transferred by the Act and performed after its effective date, reference in any other law (including reorganization plans) to any department or agency or any officer or office the functions of which are so transferred shall be deemed to refer to the Administration or officials thereof in which this Act vests such functions.

SEC. 113. Nothing herein shall be construed to limit, curtail, abolish, or terminate any function of the President which he had immediately before the effective date of the Act; or to limit, curtail, abolish, or terminate his authority to perform such function; or to limit, curtail, abolish, or terminate his authority to delegate, redelegate, or terminate any delegation of functions.

TITLE VI

FUNDING

SEC. 114. (a) There is hereby established in the Treasury of the United States a trust fund to be known as the Federal Energy Research, Development, and Demonstration Trust Fund (referred to herein as the "fund"). The fund shall consist of such amounts as may be credited or appropriated to it as provided in this section, and moneys so credited or appropriated are hereby made available to ERDDA for carrying out the purposes of this Act including the administration thereof, without fiscal year limitations.

(b) Commencing with the fiscal year ending June 30, 1974, and each fiscal year thereafter, all revenues (except so much thereof as may be already obligated under the provisions of other legislation such as Section 2(c)(2) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–5) due and payable during each such fiscal year to the United States for deposit in the Treasury as receipts from Federal lease sales of all energy sources, as well as royalties and other revenues derived from operations on, or the use of, such Federal leases, shall, up to $2,000,000,000, be credited to the fund.

(c) In addition to the moneys credited to the fund pursuant to Subsection (b) of this section, there is authorized to be appropriated to the fund for the fiscal year ending June 30, 1974, and each fiscal year thereafter, such amount as is necessary to make the income of the fund $2,000,000,000 for each such fiscal year.

(d)(1) It shall be the duty of the Secretary of the Treasury to manage the fund and (after consultation with appropriate officials of ERDDA) to report to the Congress not later than the first day of March of each year on the financial condition and the results of the operations of the fund during the preceding fiscal year and on its expected condition and operations during each fiscal year thereafter. Such report shall be printed as a Senate and House document of the session of the Congress to which the report is made.

(2) It shall be the duty of the Secretary of the Treasury to invest such portion of the fund as is not, in his judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose such obligations may be acquired (A) on original issue at the issue price, or (B) by purchase of outstanding obligations at the market price. The purpose for which obligations of the United States may be issued under the Second Liberty Bond Act, as amended, are hereby extended to authorize the issuance at par of special obligations exclusively to the fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt; except that where such average rate is not a multiple of one-eighth of 1 per centum, the rate of interest of such special obligations shall be the multiple of one-eighth of 1 per centum next lower than such average rate. Such special obligations shall be issued only if the Secretary of the Treasury determines that the purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States on original issue or at the market price, is not in the public interest.

(3) Any obligation acquired by the fund (except special obligations issued exclusively to the fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par from the sale or redemption of, any obliga- plus accrued interest.

(4) The interest on, and the proceeds tions held in the fund shall be credited to and form a part of the fund.

TITLE VII

NUCLEAR ENERGY COMMISSION

SEC. 115. (a) The Atomic Energy Commission shall retain its functions pertaining to uranium and thorium reserve assessment, and its functions pertaining to the licensing and related regulatory functions of the Chairman and members of the Commission, the General Counsel, and other officers and components of the Commission performing such functions, which functions, officers, and components are not included in the transfer to the Administrator by section 108 above.

(b) The Atomic Energy Commission is hereby renamed the Nuclear Energy Commission.

TITLE VIII

EFFECTIVE DATE AND INTERIM APPOINTMENT

SEC. 116. The provisions of this Act dealing with title II (sections 103, 104, 105, and 106) shall take effect on the day of enactment. All other provisions shall take effect thirty days thereafter. Funds available to any department or agency (or any official or component thereof), any functions of which are transferred to the Administration by this Act, may, with the approval of the President, be used to pay the compensation and expenses of any officer appointed pursuant to this subsection until such time as funds for that purpose are otherwise available.

TITLE IX

DEFINITIONS AND ADMINISTRATIVE PROVISIONS

SEC. 117. (a) As used herein references to:

1. "function" or "functions" include references to duty, obligation, power, authority, responsibility, right, privilege, and activity, or the plural thereof, as the case may be;

2. "perform" or "performance" when used in relation to functions, include the exercise of power, authority, rights, and privileges;

3. "research and development" include all phases of Federal energy research, development, and demonstration, ranging from the conception of scientific and engineering principles appropriate for attaining a particular technological objective through the demonstration of their practical utility on a commercial scale, except to the extent they are for military purposes;

4. "demonstration" refers to that stage of a research and development program which typically follows the pilot plant stage and the objective of which is to establish the commercial feasibility of a particular process before it is put into commercial use;

5. "energy sources" include fossil fuels, geothermal energy, nuclear energy, solar energy, tidal energy, and other unconventional sources of energy;

6. "person" includes any individual, association, institution, corporation, or other entity, any state or political subdivision, or agency or institution thereof, and any Federal department or agency;

7. "the Act" or "this Act" refers to the "Energy Research, Development, and Demonstration Act" enacted herein;

8. "the Administration" or "ERDDA" refers to "the Energy Research, Development, and Demonstration Administration" established herein; and

9. "fund" refers to the Federal Energy Research, Development and Demonstration Trust Fund established herein.

Any reference to any provision of law shall be deemed to include, as appropriate, references thereto as now or hereafter amended or supplemented.

(b) The Administrator is authorized to accept, hold, administer, and utilize gifts,

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and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Administration. Gifts and bequests of money and proceeds from sales of other property received as gifts or bequests shall be deposited in the Treasury and shall be disbursed upon the order of the Administrator. Property accepted pursuant to this section, and the proceeds thereof, shall be used as nearly as possible in accordance with the terms of the gift or bequest. For the purpose of Federal income, estate, and gift taxes, property accepted under this section shall be considered as a gift or bequest to the United States.

(c) The Administration shall cause a seal of office to be made of such device as the Board shall approve, and judicial notice shall be taken of such seal.

TITLE X

SEPARABILITY

Sec. 118. If any provisions of this Act, or the application thereof to any person or circumstance is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances shall not be affected thereby.

A Bill To Establish an Energy Research, Development, and Demonstration Administration

The attached proposed legislation is based on the conviction that a substantially increased centralized, and sustained energy research and development program, including demonstration, is indispensable to development of the nation's domestic energy sources, and thereby its energy self-sufficiency, through socially and environmentally accepted methods for producing, conserving and utilizing all forms of energy. Accomplishment of this vital effort requires a fresh new organization independent of existing organizations and procedures, and charged with overall and specific accountability for coordination, streamlined administration, and results.

The bill accordingly provides for the establishment of a new independent agency, the Federal Energy Research, Development, and Demonstration Administration ("ERDDA"). Responsibility is consolidated therein for coordinating and administering all existing, and for initiating, coordinating and administering extensive new, energy research and development functions and programs applicable to all forms of energy—except those undertaken for military purposes. Commensurate authority extends from overall policy planning and budget control, to all stages of particular projects, from initial conception through design, construction, operation and maintenance of commercial-sized dmonstration plants, such opreations to be carried on internally with ERDDA's own facilities, or by suitable arrangement with contract agencies.

A 15-member Board of Governors, composed of Government Officials qualified in energy and energy research and development, and of experts from the private sector, is responsible for overall supervision of ERDDA. The daily operations of ERDDA are to be directed by an "Administrator," who must be outstandingly qualified in those fields, and their management. He will serve as Chief Executive Officer responsible to the Board for carrying out the Board's policies consistent with the objectives and purposes of the Act.

To carry out this effort, the bill provides for funding through a special trust fund composed of receipts from Federal lease sales and all other sales or grants of development rights of energy sources on Federal lands, up to $2 billion a year. The payments to the Federal Government for energy development rights thus earmarked for development of new energy sources would provide the sustained continuity indispensable to a project of this nature.

By Mr. MATHIAS:

S.J. Res. 171. Joint resolution relating to U.S. support of U.N. activities in maintaining international peace and in providing and coordinating international disaster relief. Referred to the Committee on Foreign Relations.

Mr. MATHIAS. Mr. President, an uneasy truce lies with uncertainty in the Middle East. Only now, almost 3 weeks after a truce had been agreed to, have the Israelis and the Egyptians agreed, on the basis of Dr. Kissinger's diplomatic efforts, to permit the United Nations to dispatch peacekeeping forces to the Middle East to assist in observing whether the cease-fire terms agreed to are being respected. Once again, the United Nations is the last resort to keep the peace. Once again the United Nations has been called into action when the situation is almost hopeless.

When the U.N. Charter was written just after World War II, peacekeeping forces composed of units from all member states was seen to be a rational solution to the problem of maintaining the peace and reducing the need for large national standing armies. This rational ideal has never been realized despite the fact that the U.N. has successfully resolved very serious threats to the peace such as the wars in Cyprus and the Congo.

I introduce today a resolution calling for U.S. support of U.N. activities in maintaining international peace and providing for coordinating international disaster relief. I ask unanimous consent that the joint resolution be printed in the Record at this point.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res 171

Whereas Congress has urged that there should be developed permanent organization and procedures to "enable the United Nations promptly to employ suitable United Nations forces for such purposes as observation and patrol in situations that may threaten international peace and security" (H. Con. Res. 373, Eighty-fifth Congress, second session); and

Whereas the need for such forces has been demonstrated by past experience and will be even greater in the future; and

Whereas United Nations impartial peacekeeping forces will continue to be a major instrument for the maintenance of international peace and security; and

Whereas the United Nations has established a permanent Office of Disaster Relief Coordination, to provide and coordinate disaster relief, which Office can be an important instrument in maintaining international stability; and

Whereas the same personnel could be utilized by the United Nations in its peacekeeping activities and its activities in providing disaster relief: Now, therefore, be it

Resolved by the Senate and House of Representative of the United States of America in Congress assembled, That the Congress reaffirms its support for the United Nations peacekeeping and peacemaking and urges that—

(a) the United States Government—

(1) encourage and support the earmarking and specialized training of units by United Nations member states from their national forces for employment in United Nations peacekeeping operations;

(2) be prepared to make available to the United Nations, in accord with Constitutional processes, transport, communications, logistical, and other technical personnel and facilities; and

(3) be prepared to advocate or support, in accord with constitutional processes, proposals for guidelines to govern the financing, training, and equipping of peacekeeping forces for effective use; and

(b) as part of the long-range development of the United Nations as a more effective instrument for building and keeping peace, the United States Government encourage and support the creation of a permanent force under United Nations command to keep the peace as provided by the United Nations Charter.

Sec. 2. (a) The Congress urges the President to instruct the United States delegation to the United Nations to prepare and submit to the United Nations General Assembly an offer to furnish, in concert with other members of the General Assembly, support to the United Nations Office of Disaster Relief Coordination which was established to provide and coordinate disaster relief to any country or region of the world which has been affected by a disaster and solicits such relief.

(b) Such offer should include support to the Office so that the Office may achieve the following objectives:

(1) the prevention, prediction, and control of disasters;

(2) predisaster planning and preparedness, including stockpiling, training, and assistance from abroad;

(3) contingency plans for each country of the world or of geographic regions with a history of disasters of severe or frequent nature;

(4) rehabilitation and reconstruction;

(5) international organizational arrangements necessary to effect appropriate relief; and

(6) financial arrangements necessary to effect such relief.

Sec. 3. (a) In affirming the belief of the United States that providing and coordinating disaster relief through the United Nations Office of Disaster Relief Coordination is an essential element in any workable plan for world peace, there is established within the Department of Defense a permanent unit of not to exceed 5,000 technical and noncombatant personnel of the Department. Such unit shall be known as the First Brigade—Forces for International Relief on Standby. Upon a call of the United Nations Disaster Relief Coordinator, the First Brigade, or such members thereof as are called for by the Coordinator, shall be detailed to the Office, in accord with constitutional processes. Members of the First Brigade, while so detailed, shall be considered for all purposes as personnel of the United States Government.

(b) In submitting to the United Nations General Assembly the offer referred to in section 2 of this Act, the United States delegation to the United Nations shall also communicate to the General Assembly that the United States has established the First Brigade as evidence of its support of the Office and of its faith in the United Nations and its principles.

Sec. 4. To carry out the responsibilities of the United States as a member of the United Nations to participate in the peacekeeping activities of the United Nations, upon a call of the United Nations for personnel for its peacekeeping forces, the First Brigade, or such members thereof as are called for, shall be detailed to the United Nations, in accord with constitutional processes. Members of the First Brigade, while

so detailed, shall be considered for all purposes as personnel of the United States Government.

Mr. MATHIAS. The resolution I have introduced urges the U.S. Government to earmark specially trained units from U.S. Armed Forces for use in U.N. peacekeeping operations in accord with our constitutional processes. In addition, my resolution urges the Executive, again in accord with constitutional processes, to make available to U.N. peace-keeping forces transport, communications, logistical, and other technical personnel and facilities.

This special force earmarked for service with the U.N. peace-keeping forces should the occasion arise and should our constitutional processes authorize, would, in effect, be a "first brigade" to keep the peace.

The "first brigade" would also assist to meet natural disasters which have plagued the world in the past and will afflict the world in years to come.

It is my view that an effective U.N. peace-keeping force could do much to prevent future wars and would be an invaluable tool in the resolution of disputes between nations which have resulted so often in disasterous hostilities. I ask unanimous consent that this resolution be referred to the Foreign Relations Committee for consideration and action.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL COSPONSORS OF BILLS

S. 203

At the request of Mr. Taft, the Senator from Kansas (Mr. Dole) was added as a cosponsor of S. 203, to amend the Internal Revenue Code of 1954 to permit the exclusion from gross income of a portion of the compensation received by full-time law enforcement officers and firemen employed by State and local governmental instrumentalities.

S. 483

At the request of Mr. Taft, the Senator from Colorado (Mr. Haskell) was added as a cosponsor of S. 483, to amend the act of October 15, 1966, relating to the preservation of certain historic properties in the United States.

S. 2052

At the request of Mr. Church, the Senator from West Virginia (Mr. Randolph) and the Senator from North Dakota (Mr. Burdick) were added as cosponsors of S. 2052, to amend the Public Health Service Act to provide for training programs which will train nurse practitioners to serve as physicians' assistants in extended care facilities.

S. 2347

At the request of Mr. Beall, the Senator from Nevada (Mr. Bible), the Senator from Kansas (Mr. Dole), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), the Senator from Utah (Mr. Moss), the Senator from Illinois (Mr. Percy), and the Senator from Texas (Mr. Tower) were added as cosponsors of S. 2347, to amend the Internal Revenue Code of 1954 to encourage the preservation and rehabilitation of historic buildings and structures and the rehabilitation of other property, and for other purposes.

S. 2518

At the request of Mr. Mondale, the Senator from Alaska (Mr. Gravel) was added as a cosponsor of S. 2518, the Women's Educational Equity Act.

S. 2531

At the request of Mr. Chiles, the Senator from Minnesota (Mr. Humphrey) was added as a cosponsor of S. 2531, to amend title II of the Water Pollution Control Act Amendments of 1972.

S. 2589

At the request of Mr. Jackson, the Senator from Alaska (Mr. Stevens), the Senator from Nevada (Mr. Bible) and the Senator from New York (Mr. Javits) were added as cosponsors of S. 2589, the National Energy Emergency Act of 1973.

SENATE RESOLUTION 201—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING OF ADDITIONAL COPIES OF THE REPORT OF THE COMMISSION ON THE BANKRUPTCY LAWS OF THE UNITED STATES

(Referred to the Committee on Rules and Administration.)

Mr. BURDICK submitted the following resolution:

S. Res. 201

Resolved, That there be printed for the use of the Committee on the Judiciary one thousand additional copies of the Report of the Commission on the Bankruptcy Laws of the United States.

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 200

At the request of Mr. Aiken (for Mr. Humphrey), the Senator from Utah (Mr. Moss) and the Senator from Delaware (Mr. Roth) were added as cosponsors of Senate Resolution 200, relating to the national security of the United States, which was adopted by the Senate on Friday, November 9, 1973.

NATIONAL EMERGENCY ENERGY ACT OF 1973—AMENDMENTS

AMENDMENT NO. 649

(Ordered to be printed and to lie on the table.)

Mr. MOSS submitted an amendment intended to be proposed by him to the bill (S. 2589) to authorize and direct the President and State and local governments to develop contingency plans for reducing petroleum consumption, and assuring the continuation of vital public services in the event of emergency fuel shortages or severe dislocations in the Nation's fuel distribution system, and for other purposes.

AMENDMENT NO. 650

(Ordered to be printed and to lie on the table.)

Mr. PROXMIRE. Mr. President, on behalf of myself and the Senator from North Carolina (Mr. Helms), I submit an amendment to S. 2589, the emergency energy bill, which would outlaw the use of limousines, heavy and medium sedans by government officials and which would also deny funds to pay for the drivers and chauffeurs who spend countless hours driving high officials around Washington. I ask that the amendment be printed, appropriately referred, and made available for action when S. 2589 comes before us shortly. I also ask unanimous consent that the text of the amendment be printed at this point in the Record.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

Amendment No. 650

At the proper place insert the following new section:

Sec. . (a) No funds made available under any Act may be used for the purchase, hire, or operation and maintenance of passenger motor vehicles (other than passenger motor vehicles of the types generally available in motor pools of Government agencies on the date of enactment of this Act) or for the salaries or expenses of chauffeurs or drivers to operate passenger motor vehicles.

(b) No funds made available under any Act may be used for the purchase, hire, or operation and maintenance of any passenger motor vehicle for the transportation of any Government officer or employee between his dwelling and his place of employment, except in cases of medical officers on outpatient medical service and except in cases of officers and employees engaged in field work in remote areas, the character of whose duties make such transportation necessary, and only when such exceptions are approved by the head of the department concerned.

(c) Subsections (a) and (b) shall not apply with respect to the purchase, hire, operation, and maintenance of (1) one passenger motor vehicle for use by the President, or (2) of passenger motor vehicles operated to provide regularly scheduled service on fixed routes.

ENERGY CRISIS

Mr. PROXMIRE. Mr. President, the country faces a grave energy crisis. At the same time literally hundreds of officials of this Government are provided, at taxpayers expense, with huge gas-guzzling limousiness with drivers and chauffeurs to wheel themselves to and from home, around town, to various social and official functions, and for a variety of other purposes both official and unofficial.

These are heavy, high horsepowered cars, with power steering and power brakes, air conditioning, and other excessive energy using devices. The chauffeurs routinely earn between $14,000 and $17,000 a year and the total cost of car and driver is at least twice the family income of the average American family.

My amendment would do away with both the limousines and the chauffeurs.

WHAT AMENDMENT DOES

Here is what it does.

First, it outlaws the purchase, hire, operation, and maintenance of limousines, medium and heavy sedans in the Government as a whole.

Second, it outlaws the payment of salaries or expenses for chauffeurs or drivers.

Third, it states that no funds can be

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used for the purchase, hire, maintenance, or operation of any passenger vehicle for the transportation of any Government official to and from home.

The only exceptions to these prohibitions are the President of the United States who is allowed one passenger motor vehicle of the type otherwise forbidden, medical officers on outpatient duty and employees engaged in fieldwork hundreds of miles from their offices, who are allowed to drive an ordinary passenger car to and from home and their place of work, and drivers of Government motor vehicles who provide regularly scheduled service on fixed routes.

No one but the President can have a big car.

No one but the President, medical officers on outpatient duty, and officials on fieldwork are allowed to use a car to drive to and from home.

No one but the President is allowed to have a chauffeur or driver. And the only reason the President is excepted is for his security and safety on the rare occasions when he uses a car instead of a plane or helicopter.

That is what my amendment does.

Everyone else drives his own car, drives a small Government pool car on official business—and drives it himself—but not to and from home, or takes a shuttle, taxi, or walks.

I believe this action is long overdue. And the energy crisis brings it to a head. We must act now. There is no excuse for further procrastination.

GAS GUZZLING MONSTERS

How can any responsible Government official in good conscience insist on being driven around Washington in gas guzzling monsters when this Nation desperately needs every gallon of gasoline it can get for essential purposes?

We have dozens of officials who would rather keep their limousines than they would the substance of their programs. But how confused can our priorities be when Government officials call on the people to surrender our hard earned clean air because fuel is short and then show their selfish contempt by insisting on having the last word in personal, custom-designed gas wasting limousine service?

It is true of course that the amount saved by taking every Federal limousine out of service would be very small indeed. But the example given by Federal officials who make the decisions that impose sacrifices on all the American people are of the greatest importance.

Are those who administer gas rationing going to ride around in chauffeured limousines?

Are military officials who say we need emergency action in the interests of our national security going to keep the hundreds of chauffeur driven limousines they now have while the American housewife and the American breadwinner are denied gasoline and heating oil to drive to and from work or the store or to heat their homes?

I believe the answer will be a resounding "No" when this amendment is voted on.

HERE IS WHAT OFFICIALS CAN DO

Under my amendment here is what officials can do.

First, instead of having a big chauffeured limousine driven to pick them up in the morning and to take them home at night, they can join a carpool, preferably with their under secretary and their assistant secretaries who all tend to live in the same areas of Bethesda-Chevy Chase, McLean, Arlington, or Alexandria.

Second, for truly "official purposes," the small GSA cars can be used instead of the gas guzzlers.

Third, these pool cars can be driven by the officials themselves. They all know how to drive. Thousands of Government employees already drive Government cars. So why should not the Secretary of HUD or the Administrator of NASA or the Chief of Naval Operations or the Chairman of the Home Loan Bank Board or the U.S. Representative to the Advisory Committee on the Ryukyu Islands—all of whom now have cars and chauffeurs which drive them to and from home—join a carpool and drive themselves or take a taxi or ride the shuttle service from the Pentagon or their office to Capitol Hill when they have to get around Washington? In an emergency, they might even walk.

OFFICIALS MUST SET STANDARDS

How can American citizens take seriously the plea of our Government to reduce nonessential driving and to prepare patriotically for gas rationing when every Tom, Dick, and Harry bureaucrat cruises around the Nation's Capital in his own private gas guzzler furnished at taxpayer's expense?

Out of compassion for our long-suffering taxpayers, public officials should already have given up the snobbish symbol of arrogance that the chauffeured limousine has become.

NO TIME TO WAIT FOR STUDY

It is true that a congressional study is now underway that may curtail the use of limousines next year. But the gasoline and energy crisis is here now. What we need is some sensitivity on the part of those calling for sacrifices. Why should not they make a modest sacrifice of their own?

With the grave threat of gasoline and fuel oil shortages, the time to abandon the luxury of limousines has come.

Mr. President, I ask unanimous consent that two articles, one from the Los Angeles Times of November 8, 1973, entitled "VIP's Fuel the Crisis" and the other from the New York Times for November 12, 1973, by William Safire entitled "Deroyalization" be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

VIP's Fuel the Crisis

WASHINGTON.—One by one, the long, sleek automobiles drove through the White House gate and eased to a stop.

They were big cars, powerful cars—Cadillacs, Lincolns, Imperials and Mercurys. They were carrying dignitaries to an important conference in the Cabinet Room—fifteen governors, three mayors and three county supervisors.

For over an hour, the officials met with the President and his men, where they were told of the severe energy crisis gripping the nation. And outside, throughout the meeting, the engines of the big cars idled quietly, just enough to keep the motors warm and the interior heaters functioning.

Deroyalization

(By William Safire)

WASHINGTON, November 11.—The imminence of gasoline rationing provides political figures with a golden opportunity: to shuck off some of the antidemocratic luxuries that encrust and demean the seats of power.

When the President summoned up the spirit of self-sacrifice and voluntary belt-tightening in his energy speech last week, he sought to set an example by placing speed restrictions on a half-million Federal vehicles.

A question arises: what is the Federal Government doing with a half-million vehicles, anyway? Further research shows that the Fed fleet drives three billion miles a year, slurping up 300 million gallons of gasoline and costing, exclusive of original purchase, $359 million every year.

There are 238,000 civilian cars in the Fed fleet; the 12,500 buses do not bother me, and I will grant the need for 33,000 ambulances, but what is the need for 76,000 sedans, and 800 "heavier-type" cars—the euphemism for limousines?

To a Federal official, the sweetness of life is reflected in being transported by chauffeured car "from domicile to place of employment," as one of the delicious exceptions to the "no unofficial employment purposes" strictures of the trampled-upon Administrative Expenses Act of 1946.

The Defense Department, which is permitted by the Office of Management and Budget to be by far the worst violator of the act, permits an Assistant Secretary of the Army to be carted back and forth like the Nizam of Hyderabad at an annual cost I estimate at $30,000 a year (nobody at O.M.B. or the Defense Department is going to get caught making that estimate). Such an after-tax expense would give a millionaire pause; no single act of waste more offends the ordinary man than the automotive pampering of officialdom.

And for what purpose? Valuable time is not saved, nor is safety a factor. When the Government gets out of the taxicab business, the taxpayer will save money, the nation will conserve fuel, and—most important—the debilitating lordliness will be removed from the upper echelons of bureaucracy.

Ordinarily, railings like these would go unnoticed, but under the changed circumstances of a fuel shortage, perhaps a trend could be set in motion that would help reduce the "insolence of office," and a conservation of power could be used to cut down the arrogance of power. The examples could come from the top, at all levels:

New York City's new Mayor, Abe Beame, could announce plans to travel from Gracie Mansion to City Hall every morning on the Lexington Avenue Express. The choice of subway over limousine, of course, is a publicity stunt permitted only at a time when symbolic actions to inspire public conservation are needed—but it would cost the new Mayor no time, exposure to the public twenty minutes a day might even prove beneficial, and the cost of lengthening one subway strap would be minimal.

Governor Rockefeller, in that spirit, could dispense with New York State's limousine fleet. If the Governor started using a small car and even drove it himself, the pressure on other state officials to follow suit would be irresistible.

And President Nixon, in a grand gesture of fuel frugality, could mothball Air Force One for the duration of the shortage, with the exception of overseas visits. Can you

imagine the President traveling to San Clemente this winter on a regularly-scheduled commercial jet? The Secret Service could handle it, and it would do the President and the country good. (No coach seats though—Presidents should ride first class.)

Sounds ridiculous, right? But it only sounds ridiculous because we now surround the citizens we elect with royal trappings, against all propriety and American tradition. In the fell clutch of pomp and circumstance, we turn their heads and then wonder why they lose touch with "the people."

Only if we use the fuel shortage to our advantage can we awaken the spirit of the newly-inaugurated Jefferson waiting for his place at table. The President need feel no awkwardness at "showboating," since symbolism of sacrifice at the top is expected when the reality of sacrifice at the bottom is asked.

If the Commander in Chief ostentatiously saves fuel, the message might even get through to the Pentagon. The other day, New York Times reporter John Finney noticed the arrival at the Pentagon helipad of Brig. Gen. Jessie M. Allen, the tactical air command's Deputy Chief of Staff for Plans.

General Allen had spurned the use of a waiting car at Andrews Air Force Base, preferring to use the waiting helicopter instead, which used about 30 gallons of jet fuel on the round trip to the Pentagon, saving the busy general twenty minutes each way.

The reason for the general's trip to Washington, the urgent need for the helicopter? You guessed it—he hurried here to confer about the Air Force's plans to conserve energy.

EXTENSION OF DEBT CEILING—AMENDMENT

AMENDMENT NO. 651

(Ordered to be printed and to lie on the table.)

Mr. KENNEDY (for himself, Mr. CRANSTON, Mr. HART, Mr. MATHIAS, Mr. MONDALE, Mr. SCHWEIKER, Mr. HUGH SCOTT, Mr. STAFFORD, and Mr. STEVENSON) submitted an amendment to H.R. 11104, an act to extend the debt ceiling.

Mr. KENNEDY. Mr. President, I ask unanimous consent that a joint statement of the nine Senators may be printed in the RECORD. I also ask unanimous consent that the text of the amendment may be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

NINE SENATORS PROPOSE JOINT AMENDMENT FOR PUBLIC FINANCING OF PRESIDENTIAL PRIMARIES AND CONGRESSIONAL CAMPAIGNS

Nine Senators—five Democrats and four Republicans—announced today that they will seek to add an amendment to the Debt Ceiling Act to provide public financing of Presidential primaries and Senate and House general elections.

The amendment was introduced jointly today by Senators Cranston, Hart, Kennedy, Mathias, Mondale, Schweiker, Hugh Scott, Stafford, and Stevenson, all of whom are sponsors of major public financing proposals. The Senators issued the following joint statement:

The package combines five major bills introduced earlier this year. It contains key portions of the Kennedy-Scott bill for public financing of Senate and House general elections by extending Senator Russell Long's check-off to such races; and the Mondale-Schweiker bill for public financing of Presidential primaries through matching grants for small contributions and for strengthening the role of the dollar check-off in Presidential general elections. It also contains major concepts and key provisions set forth in the Hart bill for public financing of Congressional elections, the Stevenson-Mathias bill for public financing of general elections and the Cranston bill for comprehensive public financing of all federal elections. In a real sense, therefore, the package we are now proposing is the "highest common denominator" of the bills the nine of us have previously sponsored.

This joint amendment is a significant breakthrough. While there is widespread support for the principle of public financing of campaigns, there have been divergent views on exactly how it should be accomplished. The agreement we have reached on this amendment is a clear sign that a consensus has formed on major elements of public financing. This consensus provides a framework within which any remaining differences can be resolved.

Our political system has reached the point of no return in the area of campaign financing. The one indelible lesson of this year of Watergate is that things cannot go on as they are now in our system of private financing. Today, we have the best political system that special interest money can buy, and it is a disgrace to every basic principle on which the nation stands.

The insidious and corrupting power of private money has degraded the proud profession of politics, and no one in public life can ignore the problem. Republicans and Democrats alike, we ask the Congress to take a deep breath and act immediately to pull up the roots of Watergate, so that the 1974 Congressional races, the 1976 Presidential election, and every future Federal election can be financed free of taint.

The reform we need is obvious—it is the most comprehensive feasible use of public financing for political campaigns. Only in this way can we hope to eliminate corruption and the appearance of corruption in public life.

Nine Senators who have previously sponsored legislation in this area have now agreed on a common package of public financing reforms. We believe the package is realistically capable of enactment into law now, before this session of Congress adjourns.

The package will go first to the Senate Finance Committee for consideration as an amendment to the Debt Ceiling Act. Senator Mondale, one of the principal sponsors, serves as a member of the Finance Committee. If the Joint Amendment providing public financing for both Presidential and Congressional elections is unsuccessful on the Senate floor, an amendment will be offered covering only Presidential elections. This amendment will contain the essential provisions of the Mondale-Schweiker Presidential Campaign Financing Bill.

Introducing this proposal, we emphasize our debt to Senator Russell Long, the father of public financing. The reason the road to reform is so obvious now is that he blazed the trail with his dollar check-off in the past.

Public financing is here to stay. It is the best single investment the American taxpayer can make for the future of our country, and it is also our best hope to rebuild the people's shattered confidence in the integrity of the American system of government.

Attached is a detailed explanation of the amendment.

OUTLINE OF PUBLIC FINANCING AMENDMENT TO THE DEBT CEILING ACT, PRESIDENTIAL PRIMARIES; SENATE AND HOUSE GENERAL ELECTIONS

PURPOSE

1. The amendment builds on existing law, which provides public financing for Presidential general elections, by extending its provisions to include public financing for Presidential primaries and the Senate and House general elections.

EXISTING LAW

2. The existing law is Senator Russell Long's "Presidential Election Campaign Fund Act," known as the dollar check-off. The Act, as passed by Congress in 1971 and amended in 1973, establishes public financing for Presidential general elections. Except as provided in this summary, the provisions of the proposed amendment are essentially identical to the provisions of the dollar check-off now applicable to Presidential general elections.*

GENERAL PROVISIONS ON PUBLIC FINANCING

3. The amendment establishes a Federal Election Campaign Fund on the books of the Treasury as an expanded version of the existing Presidential Election Campaign Fund, to be funded through the dollar check-off and general appropriations acts of Congress. Payments from the Fund will be made to eligible major and minor party candidates, according to specified entitlements. Amendments to the check-off on the Debt Ceiling Act of July 1, 1973, have now eliminated the so-called "Special Accounts" in the existing Fund, and have left only a "General Account," to be allocated by formula among Presidential candidates. Under the proposed amendment, the General Account would be broadened to provide funds for Presidential primaries and for Senate and House general elections.

4. The amendment increases the amount of the dollar check-off from the existing level of $1 ($2 on a joint return) to $2 ($4 on a joint return).

5. It modifies the check-off to require taxpayers to indicate that they do *not* want their tax dollars paid into the Federal Election Campaign Fund.

6. It authorizes Congress to appropriate funds to make up deficits left in the General Account after the operation of the dollar check-off.

7. Like the dollar check-off, the program will be administered by the Comptroller General. The Comptroller General certifies a candidate's eligibility for payments, and is responsible for conducting a detailed post-election audit and obtaining repayments when necessary.

8. There are heavy criminal penalties for exceeding the spending limits, and for unlawful use of payments, false statements to the Comptroller General, and kickbacks and illegal payments.

9. The provisions of the amendment will go into effect for the 1974 Congressional elections and the 1976 Presidential primaries.

10. The cost of the public financing provisions of the amendment is estimated at $200 million in a President election year and $100 million in the off-year Congressional elections. Thus, the total cost of the program over the four-year election cycle is $300 million, yielding an average cost of about $75 million a year.

PRESIDENTIAL GENERAL ELECTIONS

11. Apart from increasing the amounts available to be checked off on tax returns, the principal change made by the amendment in the case of public financing for Presidential general elections is that the bill bars the option of private financing for such elections (except that limited private contributions may be made for the benefit of candidates through the major political parties—see paragraph 31, below). Under the existing dollar check-off, public financing is available as an alternative to private financing for such elections, and candidates

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*See the "Presidential Election Campaign Fund Act," P.L. 92-178, 85 Stat. 497, 562-575 (December 10, 1971), as amended by the Debt Ceiling Act, P.L. 93-53, 87 Stat. 134, 138-139 (July 1, 1973).

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electing public financing may not also use private financing, except in cases where the available public funds are insufficient to meet the candidate's full entitlement. Thus, the amendment will prevent a situation in which one candidate for President runs on public funds in the general election, while the other runs on private funds. Under existing law, the level of spending is 15c per voter, or approximately $21 million for each Presidential candidate of a major party.

PRESIDENTIAL PRIMARIES

12. Each candidate in the Presidential primaries is entitled to matching payments of public funds for the first $100 received from each individual contributor.

13. Payments begin 14 months prior to the date of the general election for President.

14. Any contribution made in connection with the candidate's campaign for nomination, in whatever year it occurs, is eligible for matching. However, all such contributions are aggregated, and no more than $100 from any contributor may be matched.

15. Candidates must accumulate $100,000 in matchable contributions before matching payments of public funds begin. To meet this requirement, a candidate may accumulate 1,000 contributions of $100 each, or 2,000 contributions of $50 each, etc. Once this threshold requirement is met, the first $100,000 in contributions will also be eligible for matching payments.

16. No candidate may receive total matching payments in excess of 5c for each person over the age of 18 in the United States (approximately $7 million). The 5c figure will be adjusted for future increases in the cost of living.

17. No candidate may spend more than $15 million in his campaign for the Presidential nomination.

18. Matching payments may be used only for legitimate campaign expenses during the pre-nomination period, and unspent payments must be returned to the Treasury.

SENATE AND HOUSE GENERAL ELECTIONS

19. The amendment provides public funds for general and special elections for the Senate and the House, but not for primaries or run-off elections.

20. As in the case of Presidential general elections, the amendment makes public financing mandatory for Senate and House elections. Thus, it bars the option of private financing by major party candidates in such elections (except that limited private contributions may be made for the benefit of candidates through the major political parties—see paragraph 31, below).

21. The amendment follows the basic formula in the existing dollar check-off for allocating public funds among candidates of major, minor and new parties. An independent candidate is entitled to public funds on the same basis as a candidate of a party.

22. A "major party" is a party that received 25% or more of the total number of popular votes received by all candidates for the office in the preceding election, or the party with the next highest share of the votes in a case where only one party qualifies as a major party on the basis of the preceding election.

23. A "minor party" is a party that received more than 5% but less than 25% of the popular vote in the preceding election. A "new party" is a party that is not a major party or a minor party.

24. In Senate elections and Statewide Congressional elections, a candidate of a major party is entitled to receive public funds in the amount of 15¢ per eligible voter or $175,000, whichever is greater. The 15c figure, which will be adjusted for future increases in the cost of living, coincides both with the entitlement of Presidential candidates in the existing dollar check-off and with the spending ceiling in the Senate-passed version of S. 372. The $175,000 figure coincides with the spending floor in S. 372 for candidates in Senate and Statewide Congressional elections.

25. In House elections in States with more than one Representative, the entitlement of a major party candidate is $90,000. This figure coincides with the spending floor in S. 372 for such candidates.

26. A candidate of a minor party is entitled to receive public funds in proportion to his share of the vote in the preceding election. A candidate of a minor party may increase his entitlement on the basis of his performance in the current election.

27. A candidate of a new party is entitled to receive public funds in proportion to his share of the popular vote in the current election, if he receives more than 5% of the vote in the election.

28. Public funds will be available for expenditures made by a candidate of a major party during the period beginning with the date on which the party nominates its candidate and ending 30 days after the election. Public funds will be available for candidates of other parties during the longest period in which they are available to a candidate of a major party.

OTHER PROVISIONS

29. As an incentive to small contributions, the amendment doubles the existing tax credit and tax deduction for such contributions. The tax credit would be increased to one-half of any contribution up to $50 ($100 on a joint return), and the tax deduction would be increased to $100 ($200 on a joint return). The cost of this provision, based on figures for the 1972 Presidential election year, is $18 million.

30. Individuals or committees not authorized by a candidate may not spend more than $1,000 during the campaign on behalf of the candidate, if he is eligible for public funds.

31. In order to assure the continuity of normal functions of political parties, to provide a role for the parties in the general election, and to preserve a limited opportunity for small private contributions, the national committees of major political parties are entitled to spend a total of 2¢ per voter of their own funds collected from private contributions on behalf of Presidential, Senate, and House general election candidates, and the state committees of such parties are entitled to spend a total of 2c per voter of such funds on behalf of Presidential, Senate, and House general election candidates within their states.

32. As noted, the public financing provisions of the amendment prohibit direct private financing of Presidential, Senate, and House general elections, although indirect and limited private financing is permitted through the major parties. To limit the undue influence of large contributions in primaries, and to limit the size of private contributions channeled through the parties in the general election, the amendment incorporates the $3,000 and other contribution limits already approved by the Senate in S. 372—see the proposed new 18 U.S.C. 615 in Section 20 of S. 372 as passed by the Senate.

AMENDMENT No. 651

At the end of the Act, add the following new sections:

PUBLIC FINANCING OF FEDERAL ELECTIONS

SEC. 2. (a) Subtitle H of the Internal Revenue Code of 1954 is amended to read as follows:

"Subtitle H—Financing of Federal Election Campaigns
"Chapter 95. Federal Election Campaign Fund
"Chapter 96. Federal Election Campaign Fund Advisory Board
"Chapter 97. Presidential Primary Matching Payment Fund"

CHAPTER 95—Federal Election Campaign Fund

"Sec. 9001. Short title.
"Sec. 9002. Definitions.
"Sec. 9003. Conditions for eligibity for payments.
"Sec. 9004. Entitlement of eligible candidates to payments.
"Sec. 9005. Certifications by Comptroller General.
"Sec. 9006. Payments to eligible candidates.
"Sec. 9007. Contributions and expenditures by national and State committees of political parties.
"Sec. 9008. Examinations and audits; repayments.
"Sec. 9009. Information on proposed expenses.
"Sec. 9010. Reports to Congress; regulations.
"Sec. 9011. Participation by Comptroller General in judicial proceedings.
"Sec. 9012. Judicial review.
"Sec. 9013. Criminal penalties.

"SEC. 9001. Short title

"This chapter may be cited as the 'Federal Election Campaign Fund Act'.

"SEC. 9002. DEFINITIONS.

"For purposes of this chapter—

"(1) The term 'Federal office' means the office of President or Vice President of the United States, or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States.

"(2) The term 'Federal election' means a general special election for Federal office.

"(3) The term 'Comptroller General' means the Comptroller General of the United States.

"(4) The term 'authorized committee' means, with respect to a candidate of a political party for Federal office, any political committee which is authorized in writing by such candidate to incur expenses to further the election of such candidate. Such authorization shall be addressed to the chairman of such political committee, and a copy of such authorization shall also be in writing and shall be addressed and filed in the same manner as the authorization.

"(5) The term 'candidate' means, with respect to any Federal election, an individual who (A) has been nominated for election to Federal office by a major party, or (B) has qualified to have his name on the election ballot in the geographical area in which the election is to be held, or (C) in the case of a Presidential election, has qualified to have his name on the election ballot (or to have the names of electors pledged to him on the election ballot) as the candidate of a political party for election to the office of President or Vice President of the United States in 10 or more States. For purposes of this chapter, an independent candidate shall be considered a candidate of a political party. For purposes of paragraphs (8) and (9) of this section and purposes of section 9004(a)(2), the term 'candidate' means, with respect to any preceding Federal election, an individual who received popular votes for Federal office in such election.

"(6) The term 'eligible candidate' means a candidate of a political party for Federal office who has met all applicable conditions for eligibility to receive payments under this chapter set forth in section 9003.

"(7) The term 'fund' means the Federal election campaign fund established by section 9006(a).

"(8) The term 'major party' means, with respect to any Federal election, (A) a political party whose candidate for Federal office in the preceding election for such office received, as the candidate of such party, 25 percent or more of the total number of popular votes received by all candidates for such office, or, (B), if only one party qualifies as a major party on such basis, the party with the next highest percent of such votes in such election.

"(9) The term 'minor party' means, with

respect to any Federal election, a political party whose candidate for Federal office in the preceding election for such office received, as the candidate of such party, 5 percent or more but less than 25 percent of the total number of popular votes received by all candidates for such office.

"(10) The term 'new party' means, with respect to any Federal election, a political party which is neither a major party nor a minor party.

"(11) The term 'political committee' means any individual, committee, association, or organization (whether or not incorporated) which accepts contributions or makes expenditures for the purpose of influencing, or attempting to influence, the nomination or election of one or more individuals to Federal office.

"(12) The term 'qualified campaign expense' means an expense—

"(A) incurred (i) by the candidate of a political party for the office of President to further his election to such office, (ii) by the candidate of a political party for the office of Vice President to further his election to such office or to further the election of the candidate of such political party for the office of President, or both, (iii) by the candidate of a political party for other Federal office to further his election to such office, or (iv) by an authorized committee of a candidate of a political party for Federal office to further the election of one or more such candidates to such office.

"(B) incurred within the expenditure report period (as defined in paragraph (13)), or incurred before the beginning of such period to the extent such expense is for property, services, or facilities used during such period, and

"(C) neither the incurring nor payment of which constitutes a violation of any law of the United States or of the State in which such expense is incurred or paid.

An expense shall be considered as incurred by a candidate or an authorized committee if it is incurred by a person authorized by such candidate or such committee, as the case may be, to incur such expense on behalf of such candidate or such committee. If an authorized committee of a candidate of a political party for Federal office also incurs expenses to further the election of one or more other individuals to Federal, State, or local elective public office, expenses incurred by such committee which are not specifically to further the election of such other individual or individuals shall be considered as incurred to further the election of such candidate for Federal office in such proportion as the Comptroller General prescribes by rules or regulations.

"(13) The term 'expenditure report period' with respect to any Federal election means—

"(A) in the case of a major party, the period beginning with the first day of September before the election, or, if earlier, with the date on which such major party nominated its candidate for election to Federal office, and ending 30 days after the date of the election; and

"(B) in the case of a party which is not a major party, the same period as the expenditure report period of the major party which has the longest expenditure report period for such election under subparagraph (A).

"SEC. 9003. CONDITIONS FOR ELIGIBILITY FOR PAYMENTS.

"(a) IN GENERAL—In order to be eligible to receive any payments under section 9006, a candidate of a political party in a Federal election shall, in writing—

"(1) agree to obtain and furnish to the Comptroller General such evidence as he may request of the qualified campaign expenses with respect to which payment is sought;

"(2) agree to keep and furnish to the Comptroller General such records, books, and other information as he may request;

"(3) agree to an audit and examination by the Comptroller General under section 9007 and to pay any amounts required to be paid under such section; and

"(4) agree to furnish statements of qualified campaign expenses and proposed qualified campaign expenses required under section 9008.

"(b) MAJOR PARTIES—In order to be eligible to receive any payments under section 9006, a candidate of a major party in a Federal election shall certify to the Comptroller General, under penalty of perjury, that—

"(1) such candidate and his authorized committees will not incur qualified campaign expenses in excess of those incurred under section 9007 and the aggregate payments to which he will be entitled under section 9004; and

"(2) no contributions to defray qualified campaign expenses (other than those received under section 9007) have been or will be accepted by such candidate or any of his authorized committees except to the extent necessary to make up any deficiency in payments received out of the fund on account of the application of section 9006 (d), and no contributions to defray expenses which would be qualified campaign expenses but for subparagraph (C) of section 9002 (12) have been or will be accepted by such candidate or any of his authorized committees.

Such certification shall be made within such time prior to the day of the Federal election as the Comptroller General shall prescribe by rules or regulations.

"(c) MINOR AND NEW PARTIES—In order to be eligible to receive any payments under section 9006, a candidate of a minor or new party in a Federal election shall certify to the Comptroller General, under penalty of perjury, that—

"(1) such candidate and his authorized committees will not incur qualified campaign expenses in excess of the aggregate payments to which the eligible candidate of a major party is entitled under section 9004; and

"(2) such candidate and his authorized committees will accept and expend or retain contributions to defray qualified campaign expenses only to the extent that the qualified campaign expenses incurred by such candidate and his authorized committees certified to under paragraph (1) exceed the aggregate payments received by such candidate out of the fund pursuant to section 9006.

Such certification shall be made within such time prior to the day of the Federal election as the Comptroller General shall prescribe by rules or regulations.

"(d) Except as provided in subsections (b) (2) and (c) (2) of this section and in section 9007 of this chapter, no candidate of a major party, minor party, or new party, or any of the authorized committees of such candidate shall accept contributions to defray qualified campaign expenses.

"SEC. 9004. ENTITLEMENT OF ELIGIBLE CANDIDATES TO PAYMENTS.

"(a) IN GENERAL—Subject to the provisions of this chapter—

"(1) An eligible candidate of a major party in a Federal election shall be entitled to payments under section 9006 equal in the aggregate to the greater of—

"(A) 15 cents multiplied by the voting age population of the geographical area in which the election for such office is held, as determined by the Secretary of Commerce under the Federal Election Campaign Act of 1971;

"(B) $175,000, if the Federal office sought is that of Senator; or

"(C) $90,000, if the office sought is that of Representative.

"(2) (A) An eligible candidate of a minor party in a Federal election shall be entitled to payments under section 9006 equal in the aggregate to an amount which bears the same ratio to the amount computed under paragraph (1) for a major party as the number of popular votes received by the candidate for such office of the minor party, as such candidate, in the preceding election for such office bears to the average number of popular votes received by the candidates for such office of the major parties in the preceding election for such office.

"(B) If the candidate of one or more political parties (not including a major party) for Federal office was a candidate for such office in the preceding election for such office and received 5 percent or more of the total number of popular votes received by all candidates for such office, such candidate, upon compliance with the provisions of section 9003(a) and (c), shall be treated as an eligible candidate entitled to payments under section 9006 in an amount computed as provided in paragraph (1) or in subparagraph (A), as the case may be, by taking into account all the popular votes received by such candidate for such office in the preceding election for such office. If an eligible candidate of a minor party is entitled to payments under this subparagraph, such entitlement shall be reduced by the amount of the entitlement allowed under subparagraph (A).

"(3) An eligible candidate of a minor party or a new party in a Federal election whose candidate in such election receives, as such candidate, 5 percent or more of the total number of popular votes cast for such office in such election shall be entitled to payments under section 9006 in an amount computed as provided in paragraph (1) or (2), as the case may be, on the basis of the numbers of popular votes cast in such election. In the case of an eligible candidate entitled to payments under paragraph (2), the amount allowable under this paragraph shall be limited to the amount, if any, by which the entitlement under this paragraph exceeds the amount of the entitlement under paragraph (2).

"(b) LIMITATIONS—The aggregate payments to which an eligible candidate of a political party shall be entitled under subsections (a) (2) and (3) with respect to a Federal election shall not exceed an amount equal to the lower of—

"(1) the amount of qualified campaign expenses incurred by such eligible candidate and his authorized committees, reduced by the amount of contributions to defray qualified campaign expenses received and expended or retained by such eligible candidate and such committees, or

"(2) the aggregate payments to which the eligible candidate of a major party is entitled under subsection (a) (1), reduced by the amount of contributions described in paragraph (1) of this subsection

"(c) RESTRICTIONS—An eligible candidate of a political party shall be entitled to payments under subsection (a) only—

"(1) to defray qualified campaign expenses incurred by such eligible candidate or his authorized committees, or

"(2) to repay loans the proceeds of which were used to defray such qualified campaign expenses, or otherwise to restore funds (other than contributions to defray qualified campaign expenses received and expended by such candidate or such committees) used to defray such qualified campaign expenses.

"(d) COST OF LIVING ADJUSTMENT—

"(1) For purposes of paragraph (2);

"(A) The term 'price index' means the average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.

"(B) The term 'base period' means the calendar year 1973.

"(2) At the beginning of each calendar year (commencing in 1975), as there become available necessary data from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall certify to the Federal Election Commission and publish in the Federal Register the per centum difference between the price index for the twelve months preceding the beginning of such calendar year and the price index for the base period. Each amount determined under subsection (a)(1) shall be increased by such per centum difference. Each amount so increased shall be the amount in effect for such calendar year.

"SEC. 9005. CERTIFICATIONS BY COMPTROLLER GENERAL.

"(a) INITIAL CERTIFICATIONS.—On the basis of the evidence, books, records, and information furnished by the eligible candidates of a political party and prior to examination and audit under section 9008, the Comptroller General shall certify from time to time to the Secretary for payment to such candidates under section 9006 the payments to which such candidates are entitled under section 9004.

"(b) FINALITY OF CERTIFICATIONS AND DETERMINATIONS.—Initial certifications by the Comptroller General under subsection (a), and all determinations made by him under this chapter, shall be final and conclusive, except to the extent that they are subject to examination and audit by the Comptroller General under section 9008 and judicial review under section 9012.

"SEC. 9006. PAYMENTS TO ELIGIBLE CANDIDATES

"(a) ESTABLISHMENT OF CAMPAIGN FUND.—There is hereby established on the books of the Treasury of the United States a special fund to be known as the Federal Election Campaign Fund. The Secretary shall, as provided by appropriation Acts, transfer to the fund an amount not in excess of the sum of the amounts designated to the fund by individuals under section 6096 and such additional sums as Congress may appropriate to insure that moneys in the fund will be adequate to meet the entitlements of eligible candidates under this chapter and chapter 97 of this subtitle.

"(b) TRANSFERS TO THE GENERAL FUND.—The Secretary is authorized to transfer to the general fund of the Treasury such amounts of moneys in the fund as he determines from time to time are in excess of the amounts which eligible candidates are or will be entitled to receive.

"(c) PAYMENTS FROM THE FUND.—Upon receipt of a certification from the Comptroller General under section 9005 for payment to the eligible candidates of a political party, the Secretary shall pay to such candidates out of the fund the amount certified by the Comptroller General. Amounts paid to any such candidates shall be under the control of such candidates.

"(d) INSUFFICIENT AMOUNTS IN FUND.—If at the time of a certification by the Comptroller General under section 9005 for payment to the eligible candidates of a political party, the Secretary or his delegate determines that the moneys in the fund are not, or may not be, sufficient to satisfy the full entitlements of the eligible candidates of all political parties, he shall withhold from such payment such amount as he determines to be necessary to assure that the eligible candidates of each political party will receive their pro rata share of their full entitlement. Amounts withheld by reason of the preceding sentence shall be paid when the Secretary or his delegate determines that there are sufficient moneys in the fund to pay such amounts, or portions thereof, to all eligible candidates from whom amounts have been withheld, but, if there are not sufficient moneys in the fund to satisfy the full entitlement of the eligible candidates of all political parties, the amounts so withheld shall be paid in such manner that the eligible candidates of each political party receive their pro rata share of their full entitlement.

"SEC. 9007. CONTRIBUTIONS BY NATIONAL AND STATE COMMITTEES OF POLITICAL PARTIES.—

"(a) Notwithstanding any other provisions of this chapter, the national committee of a major party may receive contributions and make expenditures in connection with a Federal election; and a State committee of a major party, including subordinate local committees of such committee, may accept contributions and make expenditures in connection with a Federal election in such State. Contributions received by such national or state committee under this section shall be subject to the limitations provided in section 9037 of chapter 97 of this subtitle and any other limitations provided by law.

"(b) Expenditures made under this section by a national committee, or by a State committee, including subordinate local committees of such committee, shall not exceed for each national or state committee a total of 2¢ multiplied by the voting age population of the geographical area in which the committee is authorized to make expenditures, as determined by the Secretary of Commerce under the Federal Election Campaign Act of 1971.

"SEC. 9008. EXAMINATIONS AND AUDITS; REPAYMENTS.

"(a) EXAMINATIONS AND AUDITS.—After each Federal election, the Comptroller General shall conduct a thorough examination and audit of the qualified campaign expenses of the candidates of each political party for Federal office.

(b) REPAYMENTS.—

"(1) If the Comptroller General determines that any portion of the payments made to an eligible candidate of a political party under section 9006 was in excess of the aggregate payments to which the candidate was entitled under section 9004, he shall so notify such candidate, and such candidate shall pay to the Secretary an amount equal to such portion.

"(2) If the Comptroller General determines that an eligible candidate of a political party and his authorized committees incurred qualified campaign expenses in excess of the aggregate payments to which an eligible candidate of a major party was entitled under section 9004, he shall notify such candidate of the amount of such excess and sucn candidate shall pay to the Secretary an amount equal to such amount.

"(3) If the Commission determines that an eligible candidate of a major party or any authorized committee of such candidate accepted contributions (other than contributions under section 9007, or contributions to make up deficiencies in payments out of the fund on account of the application of section 9006 (d)) to defray qualified campaign expenses (other than qualified campaign expenses with respect to which payment is required under paragraph (2)), he shall notify such candidate of the amount of the contributions so accepted, and such candidate shall pay to the Secretary an amount equal to such amount.

"(4) If the Comptroller General determines that any amount of any payment made to an eligible candidate of a political party under section 6096 was used for any purpose other than—

"(A) to defray the qualified campaign expenses with respect to which such payment was made, or

"(B) to repay loans the proceeds of which were used or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray such qualified campaign expenses,

he shall notify such candidate of the amount so used, and such candidate shall pay to the Secretary an amount equal to such amount.

"(5) No payment shall be required from an eligible candidate of a political party under this subsection to the extent that such payment, when added to other payments required from such candidate under this subsection, exceeds the amount of payments received by such candidate under section 9006.

"(c) NOTIFICATION—No notification shall be made by the Comptroller General under subsection (b) with respect to a Federal election more than three years after the day of such election.

"(d) DEPOSIT OF REPAYMENTS—All payments received by the Secretary under subsection (b) shall be deposited by him in the general fund of the Treasury.

"SEC. 9009. INFORMATION ON PROPOSED EXPENSES.

"(a) REPORTS BY CANDIDATES—A candidate of a political party for Federal office in a Federal election shall, from time to time, as the Comptroller General may require, furnish to the Comptroller General a detailed statement, in such form as the Comptroller General may prescribe, of—

"(1) the qualified campaign expenses incurred by him and his authorized committees prior to the date of such statement (whether or not evidence of such expenses has been furnished for purposes of section 9005), and

"(2) the qualified campaign expenses which he and his authorized committees propose to incur on or after the date of such statement.

The Comptroller General shall require a statement under this subsection from such candidates of each political party at least once each week during the second, third, and fourth weeks preceding the day of the Federal election and at least twice during the week preceding such day.

"(b) PUBLICATION—The Comptroller General shall, as soon as possible after he receives each statement under subsection (a), prepare and publish a summary of such statement, together with any other data or information which he deems advisable, in the Federal Register. Such summary shall not include any information which identifies any individual who made a designation under section 6096.

"SEC. 9010. REPORTS TO CONGRESS; REGULATIONS.

"(a) REPORTS—The Comptroller General shall, as soon as practicable after each Federal election, submit a full report to the Senate and House of Representatives setting forth—

"(1) the qualified campaign expenses (shown in such detail as the Comptroller General determines necessary) incurred by the candidates of each political party and their authorized committees;

"(2) the amounts certified by him under section 9005 for payment to the eligible candidates of each political party; and

"(3) the amount of payments, if any, required from such candidates under section 9007, and the reasons for each payment required.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) REGULATIONS, ETC.—The Comptroller General is authorized to prescribe such rules and regulations, to conduct such examinations and audits (in addition to the examinations and audits required by section 9008(a)), to conduct such investigations, and to require the keeping and submission of such books, records, and information, as he deems necessary to carry out the functions and duties imposed on him by this chapter.

"SEC. 9011. PARTICIPATION BY COMPTROLLER GENERAL IN JUDICIAL PROCEEDINGS.

"(a) APPEARANCE BY COUNSEL—The Comptroller General is authorized to appear in and

defend against any action filed under section 9012, either by attorneys employed in his office or by counsel whom he may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation he may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) RECOVERY OF CERTAIN PAYMENTS—The Comptroller General is authorized through attorneys and counsel described in subsection (a) to appear in the district courts of the United States to seek recovery of any amounts determined to be payable to the Secretary as a result of examination and audit made pursuant to section 9008.

"(c) DECLARATORY AND INJUNCTIVE RELIEF.—The Comptroller General is authorized through attorneys and counsel described in subsection (a) to petition the courts of the United States for declaratory or injunctive relief concerning any civil matter covered by the provisions of this subtitle or section 6096. Upon application of the Comptroller General, an action brought pursuant to this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28, United States Code and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited.

"(d) APPEAL—The Comptroller General is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review judgments or decrees entered with respect to actions in which he appears pursuant to the authority provided in this section.

"SEC. 9012. JUDICIAL REVIEW.

"(a) REVIEW OF CERTIFICATION, DETERMINATION, OR OTHER ACTION BY THE COMPTROLLER GENERAL.—Any certification, determination, or other action by the Comptroller General made or taken pursuant to the provisions of this chapter shall be subject to review by the United States Court of Appeals for the District of Columbia upon petition filed in such court by any interested person. Any petition filed pursuant to this section shall be filed within 30 days after the certification, determination, or other action by the Comptroller General for which review is sought.

"(b) SUITS TO IMPLEMENT CHAPTER

"(1) The Comptroller General, the national committee of any political party, and individuals eligible to vote in an election for Federal office, are authorized to institute such actions, including actions for declaratory judgment or injunctive relief, as may be appropriate to implement or construe any provision of this chapter.

"(2) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this subsection and shall exercise the same without regard to whether a person asserting rights under provisions of this subsection shall have exhausted any administrative or other remedies that may be provided at law. Such proceedings shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28, United States Code, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited.

"SEC. 9013. CRIMINAL PENALTIES.

"(a) Excess Campaign Expenses—

"(1) It shall be unlawful for an eligible candidate of a political party for Federal office in a Federal election or any of his authorized committees knowingly and willfully to incur qualified campaign expenses in excess of those incurred under Section 9007 and the aggregate payments to which the eligible candidates of a major party are entitled under section 9004 with respect to such election.

"(2) Any person who violates paragraph (1) shall be fined not more than $5,000, or imprisoned not more than 1 year, or both. In the case of a violation by an authorized committee, any officer or member of such committee who knowingly and willfully consents to such violation shall be fined not more than $5,000, or imprisoned not more than 1 year, or both. "(b) Contributions—

"(1) It shall be unlawful for an eligible candidate of a major party in a Federal election or any of his authorized committees knowingly and willfully to accept any contribution to defray qualified campaign expenses (other than those received under section 9007), except to the extent necessary to make up any deficiency in payments received out of the fund on account of the application of section 9006(d), or to defray expenses which would be qualified campaign expenses but for subparagraph (C) of section 9002(12).

"(2) It shall be unlawful for an eligible candidate of a political party (other than a major party) in a Federal election or any of his authorized committees knowingly and willfully to accept and expend or retain contributions to defray qualified campaign expenses in an amount which exceeds the qualified campaign expenses incurred with respect to such election by such eligible candidate and his authorized committees.

"(3) Any person who violates paragraph (1) or (2) shall be fined not more than $5,000, or imprisoned not more than 1 year, or both. In the case of a violation by an authorized committee, any officer or member of such committee who knowingly and willfully consents to such violation shall be fined not more than $5,000, or imprisoned not more than 1 year, or both.

"(c) UNLAWFUL USE OF PAYMENTS.—

"(1) It shall be unlawful for any person who receives any payment under section 9006, or to whom any portion of any payment received under such section is transferred, knowingly and willfully to use, or authorize the use of, such payment or such portion for any purpose other than—

"(A) to defray the qualified campaign expenses with respect to which such payment was made, or

"(B) to repay loans the proceeds of which were used, or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray such qualified campaign expenses.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(d) FALSE STATEMENTS, ETC.—

"(1) It shall be unlawful for any person knowingly and willfully—

"(A) to furnish any false, fictitious, or fraudulent evidence, books, or information to the Comptroller General under this subtitle, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Comptroller General or an examination and audit by the Comptroller General under this subtitle; or

"(B) to fail to furnish to the Comptroller General any records, books, or information requested by him for purposes of this chapter.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(e) KICKBACKS AND ILLEGAL PAYMENTS—

"(1) It shall be unlawful for any person knowingly and willfully to give or accept any kickback or any illegal payment in connection with any qualified campaign expense of an eligible candidate or his authorized committees.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(3) In addition to the penalty provided by paragraph (2), any person who accepts any kickback or illegal payment in connection with any qualified campaign expense of an eligible candidate or his authorized committees shall pay to the Secretary, for deposit in the general fund of the Treasury, an amount equal to 125 percent of the kickback or payment received.

"(f) UNAUTHORIZED EXPENDITURES

"(1) Except as provided in paragraph (2), it shall be unlawful for any political committee which is not an authorized committee with respect to an eligible candidate of a political party for Federal office in a Federal election knowingly and willfully to incur expenditures to further the election of such candidate, which would constitute qualified campaign expenses if incurred by an authorized committee of such candidate, in an aggregate amount exceeding $1,000.

"(2) This subsection shall not apply to (A) expenditures by a broadcaster regulated by the Federal Communications Commission, or by a periodical publication, in reporting the news or in taking editorial positions, or (B) expenditures by any organization described in section 501(c), which is exempt from tax under section 501(a) in communicating to its members the views of the organization.

"(3) Any political committee which violates paragraph (1) shall be fined not more than $5,000, and any officer or member of such committee who knowingly and willfully consents to such violation and any other individual who knowingly and willfully violates paragraph (1) shall be fined not more than $5,000 or imprisoned not more than 1 year or both.

"(g) UNAUTHORIZED DISCLOSURE OF INFORMATION.—

"(1) It shall be unlawful for any individual to disclose any information obtained under the provisions of this chapter except as may be required by law.

"(2) Any person who violates paragraph (1) shall be fined not more than $5,000, or imprisoned not more than one year, or both.

"Chapter 96—FEDERAL ELECTION CAMPAIGN FUND ADVISORY BOARD

"SEC. 9021. ESTABLISHMENT OF ADVISORY BOARD.

"(a) Establishment of Board.—There is hereby established an advisory board to be known as the Federal Election Campaign Fund Advisory Board (hereinafter in this section referred to as the 'Board'). It shall be the duty and function of the Board to counsel and assist the Comptroller General of the United States in the performance of the duties and functions imposed on him under the Federal Election Campaign Fund Act.

"(b) Composition of Board.—The Board shall be composed of the following members:

"(1) the majority leader and minority leader of the Senate and the Speaker and minority leaders of the House of Representatives, who shall serve ex officio;

"(2) two members representing each political party which is a major party (as defined in section 9002 (8)), which members shall be appointed by the Comptroller General from recommendations submitted by such political party; and

"(3) three members representing the general public, which members shall be selected by the members described in paragraphs (1) and (2).

The terms of the first members of the Board described in paragraphs (2) and (3) shall expire on the sixtieth day after the date of

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the first Presidential election following January 1, 1976, and the terms of subsequent members described in paragraphs (2) and (3) shall begin on the sixty-first day after the date of a Presidential election and expire on the sixtieth day following the date of the subsequent Presidential election. The Board shall elect a Chairman from its members.

"(c) Compensation.—Members of the Board (other than members described in subsection (b)(1)) shall receive compensation at the rate of $75 a day for each day they are engaged in performing duties and functions as such members, including traveltime, and, while away from their homes or regular places of business, shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons in the Government service employed intermittently.

"(d) Status.—Service by an individual as a member of the Board shall not, for purposes of any other law of the United States, be considered as service as an officer or employee of the United States."

"Chapter 97—PRESIDENTIAL PRIMARY MATCHING PAYMENT FUND

"Sec. 9031. Short title.
"Sec. 9032. Definitions.
"Sec. 9033. Creation of fund.
"Sec. 9034. Entitlements.
"Sec. 9035. Limitations.
"Sec. 9036. Examinations and audits; repayments.
"Sec. 9037. Limitations on contributions by individuals and on expenditures by certain other persons.
"Sec. 9038. Criminal penalties.

"Sec. 9031. Short Title.

"This chapter may be cited as the 'Presidential Primary Matching Payment Fund Act'.

"Sec. 9032. Definitions.

"For purposes of this chapter—

"(1) The term 'qualified campaign expense' means an expense—

"(A) incurred by a candidate for nomination for election to the office of President to further his nomination for such office, or by an authorized committee of such candidate to further his nomination to such office,

"(B) incurred within the matching payment period (as defined in paragraph (2)), or incurred before the beginning of such period to the extent such expense is for property, services, or facilities used during such period, and

"(C) neither the incurring nor payment of which constitutes a violation of any law of the United States or the State in which such exercise is incurred or paid. An expense shall be considered as incurred by a candidate or an authorized committee if it is incurred by a person authorized by such candidate or such committee, as the case may be, to incur such expense on behalf of such candidate or such committee.

"(2) The term 'matching payment period' means the period beginning 14 months prior to the date of the general election for President and ending on the date on which the national convention of the party for whose nomination the candidate is campaigning nominates its candidate for President.

"(3) The term 'authorized committee' means, with respect to a candidate for nomination for election to the office of President, any political committee which is authorized in writing by such candidate to incur expenses to further the election of such candidate. Such authorization shall be addressed to the chairman of such political committee, and a copy of such authorization shall be filed by such candidate with the Comptroller General. Any withdrawal of any authorization shall also be in writing and shall be addressed and filed in the same manner as the authorization.

"Sec. 9033. Creation of Fund.

"(a) Establishment of Campaign Fund.—There is hereby established on the books of the Treasury of the United States, as part of the Federal Election Campaign Fund established by Chapter 95 of this subtitle, a special account to be known as the 'Presidential Primary Matching Payment Fund' (hereinafter referred to in this chapter as the 'fund'). The Secretary shall transfer to the fund such amounts in the Federal Election Campaign Fund as may be necessary to meet the entitlements of candidates under this chapter.

"(b) Report to Congress.—The Secretary of the Treasury shall be the trustee of the fund and shall report to the Congress not later than March 1 of each year on the operation and status of the fund and of the Federal Election Campaign Fund during the preceding year.

"Sec. 9034. Entitlements.

"(a) Matching Payment for Contributions of $100 or Less.—Any candidate for nomination for President, or his authorized committee, is entitled, upon certification by the Comptroller General, to payments from the fund for qualified campaign expenses beginning 14 months prior to the date of the general election for President in an amount equal to the amount of each contribution received by such candidate or committee (disregarding any amount of contributions from any person to the extent that such amount exceeds $100).

"(b) Voucher.—To be eligible for the entitlement established by subsection (a), such candidate shall submit to the Comptroller General, at such times and in such form and manner as the Comptroller General may require, a matching payment entitlement voucher. Such voucher shall include the full name of any person making a contribution together with the date, the exact amount of the contribution, the complete address of the contributor and the occupation and principal place of business, if any, for contributors of more than $100.

"(c) Determination and Certification by Comptroller General.—The Comptroller General shall—

"(1) make a determination, according to such procedures as he may establish, as to whether each contribution enumerated on such voucher is consistent with the provisions of section 9034 (a) and 9035 of this chapter; and

"(2) certify for payment by the Secretary to such candidate an amount equal to the sum of the contributions enumerated on such voucher which meet the requirements of subsection (c)(1).

"(c) Payment by Secretary.—Promptly upon certification, the Secretary shall make a payment from the fund to such candidate in the amount certified by the Comptroller General.

"(e) Authorized Committee.—For the purposes of this section, the authorized committee of any candidate for nomination for President may submit an entitlement voucher pursuant to subsection (b) in behalf of such candidate, listing contributions received by such committee eligible for payment under this chapter.

"Sec. 9035. Limitations.

"(a) Certification by the Comptroller General.—The Comptroller General shall not certify pursuant to section 9034 (c) (2) any portion of any contribution made by any person to a candidate or committee entitled to payments under this chapter—

"(1) which, when added to other contributions made by such person to such candidate or committee in connection with the nomination of such candidate for President, exceeds $100; or

"(2) if payment from the fund of an amount equal to the amount of such contribution, or portion thereof, when added to any other payment from the fund to such candidate or committee during the matching payment period, is in excess of 5 cents multiplied by the voting age population of the United States (as certified to by the Comptroller General by the Secretary of Commerce pursuant to section 104 (a) (5) of the Federal Election Campaign Act of 1971).

"(b) Payment by the Secretary.—The Secretary shall make no payment to a candidate or committee entitled to payments from the fund—

"(1) until the Comptroller General has certified contributions submitted by such candidate or committee, pursuant to section 9034 (b), in an aggregate amount of $100,000; and

"(2) earlier than 14 months prior to the date of the general election for President.

"(c) Qualified Campaign Expenses.—A candidate shall be eligible for payments from the fund only—

"(1) to defray qualified campaign expenses incurred by such candidate or his authorized committee, or

"(2) to repay loans the proceeds of which were used to defray such qualified campaign expenses, or otherwise to restore funds (other than contributions to defray qualified campaign expenses received and expended by such candidate or committee) used to defray such qualified campaign expenses.

"(d) Return of Unused Funds.—Amounts received by a candidate from the fund may be retained for the liquidation of all obligations to pay qualified campaign expenses incurred during the matching payment period for a period not exceeding 6 months after the end of the matching payment period; and all obligations having been liquidated, that portion of any unexpended balance remaining in the candidate's accounts which bears the same ratio to the total unexpended balance as the total amount received from the fund bears to the total of all deposits made into the candidate's accounts shall be promptly repaid to the fund.

"(e) Rules and Procedures.—The Comptroller General shall make such rules and establish such procedures as may be necessary to carry out the purposes of this chapter. All such rules and procedures shall be published in the Federal Register not less than 30 days prior to their effective date, and shall be available to the general public.

The Comptroller General shall publish and make available forms for the making of such reports and statements as may be required, and a manual setting forth uniform methods of bookkeeping and reporting for use by persons required to make reports and statements under this chapter.

"Sec. 9036. Examination and Audits; Repayments.

"(a) Examinations and Audits.—After each matching payment period, the Comptroller General shall conduct a thorough examination and audit of the qualified campaign expenses of the candidates receiving payments from the fund.

"(b) Repayments.—

"(1) If the Comptroller General determines that any portion of the payments made to a candidate from the fund was in excess of the aggregate payments to which such candidate was entitled under sections 9034 and 9035, he shall so notify such candidate, and such candidate shall pay to the Secretary an amount equal to such portion.

"(2) If the Comptroller General determines that any amount of any payment made to a candidate from the fund was used for any purpose other than—

"(A) to defray the qualified campaign expenses with respect to which such payment was made, or

"(B) to repay loans the proceeds of which were used or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray such qualified campaign expenses, he shall notify such candidate of the amount so used, and such candidate shall pay to the Secretary an amount equal to such amount.

"(c) Notification.—No notification shall be made by the Comptroller General under subsection (b) with respect to a matching payment period more than 3 years after the end of such period.

"(d) Deposit of Repayments.—All payments received by the Secretary under subsection (b) shall be deposited by him in the general fund of the Treasury.

"Sec. 9037. Limitations on Contributions by Individuals and on Expenditures by Certain Other Persons.

"(a) No individual shall make any contributions during any calendar year to or for the benefit of any candidate which is in excess of the amount which, when added to the total amount of all other contributions made by that individual during that calendar year to or for the benefit of a particular candidate, would equal $3,000.

"(b) No individual shall during any calendar year make, and no person shall accept, (1) any contribution to a political committee, or (2) any contribution to or for the benefit of any candidate, which, when added to all the other contributions enumerated in (1) and (2) of this subsection which were made in that calendar year, exceeds $25,000.

"(c)(1) No person (other than an individual) shall make any expenditure during any calendar year for or on behalf of a particular candidate which is in excess of the amount which, when added to the total amount of all other expenditures made by that person for or on behalf of that candidate during that calendar year, would equal $3,000.

"(2) This subsection shall not apply to the central campaign committee or the State campaign committee of a candidate, to the national committee of a political party, to the State committee of a major political party, or to the Republican or Democratic Senatorial Campaign Committee, the Democratic National Congressional Committee, or the National Republican Congressional Committee.

"(d) The limitations imposed by subsection (a)(1) and by subsection (c) shall apply separately to each primary, primary runoff, general, and special election in which a candidate participates.

"(e)(1) Any contribution made in connection with a campaign in a year other than the calendar year in which the election to which that campaign relates is held shall, for purposes of this section, be taken into consideration and counted toward the limitations imposed by this section for the calendar year in which that election is held.

"(2) Contributions made to or for the benefit of a candidate nominated by a political party for election to the office of Vice President shall be held and considered, for purposes of this section, to have been made to or for the benefit of the candidate nominated by that party for election to the office of President.

"(f) For purposes of this section—(1) the term 'political party' means a political party which in the next preceding presidential election, nominated candidates for election to the offices of President and Vice President, and the electors of which party received in such election, in any or all of the States, an aggregate number of votes equal in number to at least 10 per centum of the total number of votes cast throughout the United States for all electors for candidates for President and Vice President in such election; and

"(2) The definitions in section 591 of title 18 shall be applicable.

"(g) For purposes of the limitations contained in this section, all contributions made by any person directly or indirectly on behalf of a particular candidate, including contributions which are in any way earmarked, encumbered, or otherwise directed through an intermediary or conduit to that candidate, shall be treated as contributions from that person to that candidate.

"(h) Violation of the provisions of this section is punishable by a fine of not to exceed $25,000, imprisonment for not to exceed five years, or both.

"Sec. 9038. Criminal Penalties.

"(a) Excess Campaign Expenses.—

"(1) It shall be unlawful for any candidate for nomination for election to the office of President or any of his authorized committees knowingly and willfully to incur any expenses in connection with such nomination in excess in the aggregate of $15,000,000.

"(2) Any person who violates paragraph (1) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both. In the case of a violation by an authorized committee, any officer or member of such committee who knowingly and willfully consents to such violation shall be fined not more than $25,000, or imprisoned not more than 5 years, or both.

"(3) At the beginning of each calendar year (commencing in 1975), as there become available necessary data from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall certify to the Comptroller General and publish in the Federal Register the percent difference between the price index for the 12 months preceding the beginning of such calendar year and the price index for the base period. The limit on campaign expenses in paragraph (1) shall be increased by such percent difference. The limit so increased shall be the amount in effect for such calendar year.

"(A) The term 'price index' means the average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.

"(B) The term 'base period' means the calendar year 1973.

"(b) Unlawful Use of Payments.—

"(1) It shall be unlawful for any person who receives any payment from the fund, or to whom any portion of any payment received from the fund is transferred, knowingly and willfully to use, or authorize the use of, such payment or such portion for any purpose other than—

"(A) to defray the qualified campaign expenses with respect to which such payment was made, or

"(B) to repay loans the proceeds of which were used, or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray such qualified campaign expenses.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(c) False Statements, Etc.—

"(1) It shall be unlawful for any person knowingly and willfully—

"(A) to furnish any false, fictitious, or fraudulent evidence, books, or information to the Comptroller General under this subtitle or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Comptroller General or an examination and audit by the Comptroller General under this chapter; or

"(B) to fail to furnish to the Comptroller General any records, books, or information requested by him for purposes of this chapter.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000 or imprisoned not more than five years, or both.

"(d) Kickbacks and Illegal Payments.—

"(1) It shall be unlawful for any person knowingly and willfully to give or accept any kickback or any illegal payment in connection with any qualified campaign expense of a candidate receiving payment from the fund or his authorized committees.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than five years, or both.

"(3) In addition to the penalty provided by paragraph (2), any person who accepts any kickback or illegal payment in connection with any qualified campaign expense of a candidate or his authorized committees shall pay to the Secretary, for deposit in the general fund of the Treasury, an amount equal to 125 percent of the kickback or payment received.

(b) The amendments made by subsection (a) of this section shall take effect on January 1, 1974.

Sec. 3. Designation of Income Tax Payments to Federal Election Campaign Fund.

(a) Effective with respect to taxable years ending on or after December 31, 1973, section 6096(a) (relating to designation of income tax payments to the Federal Election Campaign Fund) is amended to read as follows:

"Sec. 6096. Designation by Individual.

"(a) In General.—For every individual (other than a nonresident alien) whose income tax liability for the taxable year is $2 or more, the amount of $2 shall be paid over to the Federal Election Campaign Fund in accordance with the provisions of section 9006(a), unless the individual designates that $2 shall not be paid over to the Fund. In the case of a joint return of husband and wife having an income tax liability of $4 or more, the amount of $4 shall be paid to the Fund, unless they designate that $4 shall not be paid over to the Fund.

(b) The amendments made by this section shall apply with respect to taxable years beginning after December 31, 1972. Any designation made under section 6096 of the Internal Revenue Code of 1954 (as in effect for taxable years beginning before January 1, 1973) for the account of the candidates of any specified political party shall, for purposes of section 9006(a) of such Code, as amended, be treated solely as a designation to the Federal Election Campaign Fund.

Sec. 4. Increase in Tax Credit and Tax Deduction for Political Contributions.

"(a) Section 41(b)(1) of the Internal Revenue Code of 1954 (relating to maximum credit for contributions to candidates for public office) is amended to read as follows:

"(1) Maximum Credit.—The credit allowed by subsection (a) for a taxable year shall not exceed $25 ($50 in the case of a joint return under section 6013)."

(b) Section 218(b)(1) of the Internal Revenue Code of 1954 (relating to amount of deduction for contributions to candidates for public office) is amended to read as follows:

"(1) Amount.—The deduction under subsection (a) shall not exceed $100 ($200 in the case of a joint return under section 6013)."

(c) The amendments made by subsections (a) and (b) shall apply with respect to any political contribution the payment of which is made after December 31, 1973.

ADDITIONAL STATEMENTS

CBS MORNING NEWS

Mr. ROBERT C. BYRD. Mr. President, on Monday, November 5, 1973, I was interviewed by Barry Serafin on the CBS Morning News. I ask unanimous consent that the transcript of that interview be printed in the Record.

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There being no objection, the transcript was ordered to be printed in the Record, as follows:

Quinn. Senator Robert Byrd, a Democrat from West Virginia, is the Senate Democratic whip, and a member of the Senate Rules Committee which is holding the first Congressional hearings in history on the selection of a Vice President.

Senator Byrd is particularly concerned with Vice Presidential-designate Gerald Ford's attitude toward executive privilege. He's with Barry Serafin this morning in our Washington studio to talk about that and other subjects. Good morning, gentlemen.

Barry Serafin. Morning, Sally. Senator Byrd, Gerald Ford came into the hearings Friday, described as the most investigated individual for such an office in this country's history. And yet most of the questions didn't seem to be based on all that FBI raw data we were hearing about. Was there nothing in the FBI file or were other questions just simply more important?

Senator Robert Byrd. Most of the data had been checked out pretty thoroughly and the questions which remained, as you've indicated, went mostly to his philosophy with respect to executive privilege and so on. He has been very thoroughly investigated. And I think this is probably going to be the secret as to why the hearings will not last very long: the investigation preceding the hearings was very thorough—and I think that the nomination will proceed without undue haste, but certainly without undue delay—and as soon as the members of the committee have been satisfied with respect to the answers to their questions I would say that the nomination will move to the floor.

Serafin. How long do you think the hearings will go on?

Byrd. I don't think the hearings will go on beyond this week, unless something unforeseen develops.

Serafin. Where do you think the questioning will focus today?

Byrd. It's hard to say. Each member has his own area of questioning.

Serafin. What's on your mind today?

Byrd. I will ask Mr. Ford some questions about his position vis-a-vis foreign relations, that is, if other members preceding me on the committee don't get into that area first. I will also ask him his feelings with respect to the FBI and the use of the FBI, and so on.

Serafin. I gather you don't anticipate any real obstacles to the Ford confirmation.

Byrd. I don't foresee any at the present time. I should think that the confirmation should be through the Senate—I hope it will be—provided there's no unforeseen development, by Thanksgiving.

Serafin. Senator, at first there was some speculation that the Ford confirmation might be held up for a while, pending Watergate developments and so on, now there's been some talk lately, that maybe the confirmation will be speeded up, if anything, as a first step toward possible impeachment of the President so that a successor will be in place. Is there anything to that? Is there that kind of a feeling on the Hill?

Byrd. In my judgment there should not be. There may have been some expressions to that end. I think that the Vice Presidential nomination should be confirmed, provided there's nothing that would militate against confirmation, simply because we need a Vice President. And it's our responsibility, under the Constitution, to act.

Serafin. What about the question of impeachment, Senator? What do you think the chances are that Mr. Nixon will be impeached?

Byrd. As of now—of course, this is a matter for the House of Representatives to decide. As of now, I don't think impeachment is confronting the House and Senate—certainly not the Senate, immediately. I would think that perhaps resignation may, if anything, be more probable than impeachment—the way it looks at this time.

Serafin. Well, a number of the President's former supporters, as well as some of those who've not supported him, are now calling on him to resign. Do you join in that?

Byrd. I do not. I think that this is a matter that the President's political friends, his advisers in his own party, and public opinion will ultimately decide.

Serafin. So you don't share the feeling that some of these people have expressed that he has lost his moral authority or his ability to govern.

Byrd. I do share the opinion that he has lost a great deal of his ability to govern. I feel sorry for the President. And I think he has done a lot of good for the country: he got us out of Vietnam; I personally liked his appointments to the Supreme Court; and I think he has done well in foreign affairs. But there's no question but that public confidence has been eroded. I would like to see it all go away. I'd like to see the President be able to do something to retrieve this confidence. But based on his past performance with respect to the Watergate situation and related affairs, he has not been able to do this—and it seems that every day and every new statement have eroded confidence further.

Serafin. What about this latest matter of the missing Watergate tapes? The White House has now offered several reasons why those tapes are missing. How bad is this for the President?

Byrd. Coming on the heels of the firing of Mr. Cox and the apparent violation of a court order during that three-day period, concerning which the President later reversed himself and said that he would turn over the tapes—coming on the heels of those developments, plus all of the other developments over the past several months extending beyond a year, the missing tapes have hurt the President badly. The explanation for the missing tapes could be very plausible; but coming on the heels of all of these other developments, they have a very hollow ring, and it has gotten to the point where the people can't recognize the truth when they see it.

Serafin. Senator, you're still holding out for the idea of an independent special Watergate prosecutor, appointed by the court. How viable is that possibility now that Mr. Nixon has appointed his own prosecutor? And what's going to happen to the Saxbe nomination for attorney general as a result of all this?

Byrd. To begin with, I think the suggestion with respect to a special prosecutor appointed by the District Court of the District of Columbia is a viable suggestion and the appropriate one. I think that the American people will never be fully satisfied with respect to the results of any investigation unless they're convinced that that investigation was an independent and fair and objective one. After all, the purpose of the investigation would be to determine not only the guilt but also the innocence of persons who have been charged. And if the people are going to believe that the personages are innocent, they're going to have to feel that the investigation was an independent one. There may be some constitutional questions involved but I think when we get to those constitutional questions, I think that they'll come down on the side of the constitutionality of the appropriateness of the action by Congress, if it is able to enact this legislation, to vest the authority for the appointment of the special prosecutor in the court.

As to Mr. Saxbe's nomination, he will be asked some very, very hard questions regarding the investigation, regarding his position vis-a-vis a special prosecutor. And there's also, I think, a fairly serious constitutional question involving Mr. Saxbe's nomination, in view of the fact that he is a member of the Senate and that during the time for which he was elected, the emoluments of the office of attorney general have been increased. And under the Constitution, Article I, Section VI, Clause II, no Senator or Representative shall be appointed to any office, any civil office under the authority of the United States if the emoluments of that office have been increased during his term.

Serafin. We have just a couple of seconds left—are you saying he—there's a good chance he may not be confirmed as attorney general?

Byrd. I'm not saying that, but I'm saying there is a constitutional question. There's precedent for getting around this by legislation—in the case of Secretary Knox in 1909—but the strict constructionists in the House of Representatives, in those days, said that the constitutional provision militating against such appointment could not be gotten around by a mere majority of both Houses.

Serafin. Senator Byrd, thank you very much for being with us this morning.

Byrd. Thank you.

PRESIDENTIAL TELEVISION

Mr. HUGH SCOTT. Mr. President, I call to the attention of the Senate the following commentary by Dr. Stephen Hess who reviews the book, "Presidential Television." While I do not necessarily subscribe to all of Dr. Hess's proposals, I believe his article is a thoughtful discussion about a subject that is very much of concern to the Nation.

I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Presidential Television

(By Stephen Hess)

Since the opening of the political television era, circa 1952, a popular belief has been that "media manipulation" threatens to package and sell candidates and concepts as effectively as breakfast foods. (Fred Dutton claims we are in the midst of a "neo-Orwellian revolution.") Another popular belief, growing out of our national disillusion with the Vietnam war, has been that the presidency is too powerful. (Barbara Tuchman proposes replacing a single president with a rotating committee.)

Now these two ideas have been joined in a Twentieth Century Fund Report, *Presidential Television*, by Newton N. Minow, John Bartlow Martin and Lee M. Mitchell. The authors contend that television "is the most effective communicator of ideas and images, with the greatest potential for influencing public opinion, that political man has yet developed" and that "presidential television (i.e., a president's use of it) threatens to tilt the constitutional balance of power in favor of the president."

The trouble with the All-Powerful-Television and All-Powerful-Presidency notions is that they fit some of the facts, but not quite all of them. The presidency is not simply too powerful; it is too powerful in certain areas and situations, such as making war. It is not too powerful in the implementation of domestic policy, for example. Television is not too powerful as a propaganda vehicle, given its present structure; it is simply viewed by a great many people, which is not necessarily the same thing.

Critics of television, from Agnew to Minow, have tended to measure "power" in terms of numbers, leaving the question of "impact"—or the ability to change political behavior—largely unaddressed. Even in this study, which gives us the best summaries to date on presidents' use of television and the laws affecting political usage, there is no new data on its impact in presidential politics, nor, most regrettably, is there any review of the scholarly work in the field, such as the measurements of television coverage during the 1972 presidential election by Syracuse University professors McClure and Patterson, which conclude that "television news could not have contributed to voter change on most campaign issues." Rather, Minow-Martin-Mitchell make their case by quoting from the many prominent people who agree with them. Yet the views of Fred Friendly, knowledgeable as he is, are not "proof."

A more balanced assessment of what has been the effect of television on presidential politics would have to deal frontally with such questions as these:

Why is it that television has not produced a different type of presidential candidate than we had before? The authors write that "citizens in the television age expect their leaders to be reasonably pleasing to the eye and to be capable of a confidence-inspiring television presentation." Why then have our most recent presidents looked and sounded like Lyndon Baines Johnson and Richard Milhous Nixon? The authors cite John Lindsay as a politician with "a favorable television image." Why then, despite heavy emphasis on television in the 1972 Florida and Wisconsin primaries, was Lindsay so ignominiously defeated?

Why has television failed to cause the nomination of a single presidential contender or the election of a single president? (Kennedy in 1960, some feel, was elected as a result of the "Great Debates," but the authors certainly do not believe that debates are threatening or not in the public interest.)

If a president's control of the medium is so overwhelming, why has dissatisfaction with the presidency grown—not lessened—during the television era? Why, for example, have the Vietnam policies not received greater support, given presidents' obvious access to air time?

There are many explanations, none of them dealt with in this study. The argument, for instance, that candidates for president can be sold like breakfast foods is based on the assumptions that "media manipulators" know how to sell candidates, that voters are receptive and that candidates are willing to be sold. All are dubious propositions at best.

Among the reasons that might be given for the limited impact of television on political behavior is that it is primarily an entertainment vehicle, presenting relatively little news (in some years news constituted only two per cent of total network prime-time programing), most of it as a series of 100-second items. Also, that television, as a government-regulated industry, tends to present the news in a blander fashion than other media; that as our most mass medium it may aim for a common denominator that is pretty common indeed; and that television as a visual medium is predisposed toward news that focuses on actions rather than ideas. How do you present a moving picture of the "gold drain" or "impoundment"?

This is not to say that television is without impact. Far from it. But the type of impact that translates into political action, I suspect, only comes from very sustained exposure, as with the Nixon trip to China or the Ervin committee hearings on Watergate. And this sort of presentation is the exception, not the rule.

Even though the authors have overstated their case, I believe they have proposed four quite reasonable and constructive reforms.

Four times a year "Congress . . . should permit television cameras on the floor of the House and Senate for the broadcast of specially scheduled, prime-timed evening sessions at which the most important matters before it each term are discussed, debated, and voted on."

"The national committee of the opposition party should be given by law an automatic right of response to any presidential radio or television appearance made during the ten months preceding a presidential election or within the ninety days preceding a congressional election in nonpresidential years."

There should be national debates "between spokesmen for the two major parties with agreed topics and formats quarterly each year."

Free prime time—six 30-minute periods—should be given to major party presidential candidates during the month before the election. (Personally I prefer public campaign financing, which would allow the contenders to choose how they wish to reach the voters, but I would support a "services package," including free television time, as a fallback position.)

Despite the authors' claims for their proposals, they are really very modest and attainable. Thus it is not necessary to share fully their concerns over presidential television in order to agree with their conclusions.

POSTAL RATE INCREASES

Mr. BIDEN. Mr. President, the U.S. Postal Service has requested an across-the-board increase in postal rates which would boost the price of first class from 8 to 10 cents and air mail from 11 to 13 cents. These increases, including rises of between 6 and 39 percent for other classes of mail, will go into effect temporarily on January 5 until the Postal Rate Commission, which regulates mail prices, makes a decision.

Postmaster General Elmer T. Klassen, who announced the increases, cited "severe inflationary pressures" as a major reason for the rate hikes. He stated that the new structure would bring in about $2.1 billion additional revenue annually.

I realize that in this time of spiraling inflation the cost of just about everything has gone up tremendously. However, it is very hard for people to justify rate increases at a time when many perceive our mail service to be deteriorating. Although it may be very difficult to iron out the many problems which face the Postal Service, steps must be taken to insure our citizens a more efficient mail operation.

On July 10, 1973, I introduced S. 2134, a bill to provide for annual authorization of appropriations to the U.S. Postal Service. It has been cosponsored by 10 of my colleagues, and was overwhelmingly passed in the House of Representatives earlier this year

At present the authorization for the Postal Service is permanent. This bill would compel postal officials to come before Congress annually to detail and justify their budget requests. It would also afford an excellent opportunity for them to publicly explain the reasons for erratic service, and how it relates to their own methods of management.

As it stands now, the Postal Service is an independent entity in the executive branch, yet its top management operates independently on the Chief Executive. Only the Governors of the Postal Service can appoint or remove the Postmaster General. Its management is directly accountable to no elected official in the entire Federal Government. This bill, therefore, insures that Congress will have specific oversight over the Postal Service, without hampering its day-to-day operations. It provides for specific periodic examination rather than the present permanent authorization, thus compelling Congress to exercise its legislative prerogatives with more authority.

I strongly urge quick and positive action on this important measure.

Mr. President, I ask unanimous consent that an article from the Washington Post of September 25, 1973, identifying these new rate increases, and an editorial which appeared in the Wilmington Evening Journal on September 26, 1973, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Postal Rate Increase of 2 Cents Proposed

(By Claudia Levy)

The U.S. Postal Service will ask today for an across-the-board increase in postal rates that would boost the price of first-class stamps from 8 to 10 cents and air mail stamps from 11 to 13 cents.

The increases, including rises of between 6 and 38.6 per cent for other classes of mail, would go into effect temporarily Jan. 5 until the Postal Rate Commission, which regulates mail prices, makes a decision. The new rates would then have to be approved by the board of governors of the Postal Service.

The price increases' first challenge, if any, would have to be made by the Cost of Living Council, which has authority to approve or disapprove them during the next 30 days, a spokeswoman said.

Postmaster General Elmer T. Klassen, in announcing the rate proposals at a National Press Club luncheon yesterday, said his quasi-governmental corporation is under "severe inflationary pressures."

In another announcement, Klassen pledged that the Postal Service will strive for overnight delivery of at least 95 per cent of the air mail destined for major cities within a radius of 600 miles, as well as overnight air mail service between some 500 specific major cities regardless of distance.

"All other air mail destined for anywhere in the continental United States will be delivered within 48 hours after we get it," he said.

"This marks the first time that mail users have been told publicly and specifically in what time frame a letter or parcel should be delivered," he said. "We have had internal standards for years but today we are going public."

Klassen said the new rate structure would bring in some $2.1 billion additionally each year and added that the "cost-price squeeze has affected us just as much as it has affected the entire economy."

The Postal Service's last rate boost, raising the price of a postage stamp from 6 to 8 cents, was made in 1971 and was finally approved by the Postal Rate Commission in June, 1972.

Under the latest proposal, new rates for most second through fourth-class mail would be spread out over the remainder of a 5 to 10-year phasing program that Congress approved two years ago.

As outlined yesterday, the Postal Service plans to:

Raise by 38.6 per cent the cost of mailing second-class material, primarily magazines and newspapers.

Raise the third-class bulk mail rate, used for much direct mail advertising, as well as other circulars, catalogs and small parcels under 16 ounces, from 4.8 to 6.1 cents for the first 250,000 pieces mailed in a year and from 5 to 6.3 cents for all mail above that volume.

Raise the price of a postcard from 6 to 8 cents and air mail cards from 9 to 11 cents.

Increase fourth-class parcel post, used principally for merchandise, to 6 cents a pound for packages 16 ounces and over. Special rate fourth-class mail would go up from 21 to 30 cents for the first pound, with 30 cents remaining in effect for each additional pound.

Publishers fought the service's last rate—amounting to about 125 per cent for magazines and other publications over five years—on the grounds that it would drive many magazines out of business.

"I don't see why any enterprise should expect some sort of subsidy," Klassen said yesterday in answer to a question. ". . . I realize there's great sentiment about (the magazine rate issue. But the only way to look at this is that we're running the Postal Service like a business organization."

Postage: Half Way to 1984

Sen. Gale McGee, the Wyoming Democrat who is chairman of the Senate Post Office Committee, gave everyone the shudders last March with talk of a 38-cent First Class rate by 1984. The senator did predict that if the Postal Service were able to maintain strict controls on its operations and continue the pace of mechanization until 1984, the First Class minimum might have to be only 20 cents.

Here it is only 1973, and the American mailer is all but officially halfway there. Postmaster-General E. T. Klassen has announced plans to seek across-the-board increases in postal rates to take effect next January.

Anyone who doubt that approval of that request is a foregone conclusion is reminded that the U.S. Postal Service was reported stockpiling 10 cent stamps earlier this month. Even the Cost of Living Council, which is still trying to hold the line against inflation, is being counted on to "see the light," as Gen. Klassen said. "The light" amounts to the Postal Service's need for a 25-cent-per cent increase in the cost of mailing a letter First Class; an 18-per-cent increase in the basic cost of an Air Mail letter, to 13 cents from the current 11 cents; a 39-per-cent increase in the rate for Second Class mail; a 25-per-cent increase for Third Class mail, and a 6-per-cent increase for Pourth Class.

It probably is beating a dead horse to point out that the last rate increase—which put First Class stamps at 8 cents each, only became official in June of last year. It was, of course, collected on a "temporary" basis for the 18 months from the rate request in January 1971 until approval in 1972.

Gen. Klassen anticipates something of the same situation, since he predicts the effectiveness of the proposed new rates on a temporary basis beginning in January.

As irresistible as the Postal Service's rising cost appear to be, it does seem necessary to point out at least some of the hazards of this most recent rate increase. Gen. Klassen conceded with some displeasure last June that private mail companies were giving the Postal Service real concern with competition, despite legal limitations on their operations.

United Parcel was handling more parcels at that time than was the parcel-post operation of the Postal Service. These latest proposals are unlikely to turn that situation around, despite Gen. Klassen's announcement of new equipment to improve parcel handling and reduce what appeared to be inordinate damage.

There also is a very real threat to mail-circulated newspapers, magazines, books and records. The proposed rate increases announced this week are on top of similar increases that took effect, after a Cost of Living Council delay, earlier this month.

Those increases put the cost of mailing a news magazines at 3.4 cents; a rate for books and records rose two cents to 16 cents per pound for the first pound and one cent to 8 cents a pound for each additional pound.

It is no longer crying "Wolf!" to point out that the cost of mailing represents a genuine threat to the mass-circulation magazines surviving today. If Postal Service trends continue, the same may be said for the business letter, the love letter and the "Dear John" letter. That may be of no concern to the compulsive telephoner but it is a bitter new pill to swallow for those Americans who grew up on the myth of efficient postal service at minimum cost.

COPERNICUS EXHIBIT

Mr. STAFFORD. Mr. President, I am very pleased and I ask unanimous consent to place a feature article in the RECORD which describes the events in Springfield, Vt., honoring the memory of Nicolaus Copernicus.

It is especially fitting that Springfield honor this most distinguished scientist of early times by a Copernicus exhibit in the Springfield Town Library and by the presentation by Dr. Vernon Reyman, professor of humanities, Vermont Community College, on June 20, as well as the exhibit which Dr. Reyman also prepared at the library concerning Copernicus.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Copernicus Exhibit in Library

The Springfield town library is featuring, until December 14, an exhibit honoring the man whose ideas caused a revolution in the thinking of all men: Nicolaus Copernicus.

Springfield takes special note of Copernicus since the area has such a large Polish population. It is also the Birthplace of Amateur Telescope Making (Stellafane since 1925) and as such recognized as the world center of amateur astronomy.

The exhibit features beautiful foreign posters, pictures and books of interest to all, some of which have been given especially for this exhibit through the courtesy of Poland's Deputy Foreign Minister, Stanislaw Trepcznski.

It is hoped that the schools in the area will take advantage of this special presentation and inform their students since it links our own space explorations as a direct result of Copernicus's revolution.

The exhibit also contains von Braun and Sikorsky autographs.

Copernicus lectures, seminars and festivities have been going on worldwide and in the United States by such distinguished organizations as the Smithsonian Institute, the National Academy of Science, most major universities, the Hayden Planatarium in New York and numerous other institutions.

A stamp has been issued on April 23, 1973, a number of medals have been struck in his honor, Congress has approved a one million dollar, Academy of Science sponsored good will gift by America for a Copernicus astronomical research center in Warsaw, dedicated to the study of the universe.

On August 21, 1972 the heaviest and most complex U.S. un-manned Space Orbiting Astronomical Observatory was launched from the Kennedy Space Center—after which orbit was achieved the observatory was named "Copernicus" in honor of the 500th anniversary of his birth.

Copernicus lived in an age of discovery. He was 20 years old when Columbus discovered America; he was 25 when Vasco de Gama sailed around Africa to reach India and he was 49 when Magellan's last ship returned from a voyage around the world, proving that the world was round.

The exhibit has been arranged by Dr. Vernon Reyman, who also teaches a course in the Humanities for the Vermont Community College, and concludes (as far as is known) Vermont's recognition of this outstanding Astronomer-Humanist.

This began with a Proclamation by Governor Thomas P. Salmon followed by a lecture given last summer as part of a Special Events program sponsored by the Vermont Community College. Also shown was an unusual presentation of slides (from Poland) showing places where the great creator of the heliocentric theory was born, where he lived, worked and studied: Terun, Krakow, Frauenburg Cathedral (where he is buried) Warsaw, Bologna and Padua.

Arrangements to see the slides can be made by contacting Mrs. Hudson at the Springfield town library.

CAMPAIGN FINANCING REFORM—A GOOD INVESTMENT FOR BUSINESSMEN

Mr. BIDEN. Mr. President, I have been actively urging campaign financing reform throughout the past year. In testimony before the Senate Rules Committee and in public speaking engagements, I have advocated public financing of congressional and Presidential campaigns as a means of cleansing our national political system of many of the abuses to which "big money" contributes.

An essential factor for the enactment of effective campaign financing reform is the willingness of those who participate in and benefit from the present system to set aside narrow self-interest and actively support the much-needed changes. Thus, the incumbents and those who contribute large sums in an effort to determine the outcome of national elections and the subsequent direction of national policy hold the key to reform. The recent disclosures and scandals emanating from campaign financing improprieties which have destroyed the careers of a few and tarnished the image of politicians and contributors in general argue effectively that it is in the enlightened self-interest of all involved to reform campaign financing.

Mr. Robert M. Kaufman, chairman of the Special Committee on Campaign Expenditures of the Association of the Bar of the City of New York, writing in the October 25, 1973, edition of the Wall Street Journal, outlines the critical role of businessmen in the reform effort. He argues that businessmen have a "glorious opportunity" to exercise their influence to secure the enactment of reform and thereby rebuild their image and free themselves of the costly and sordid campaign practices in which the present system has involved them. At one point Mr. Kaufman writes:

> The same businessmen who came up with the bulk of nearly $100 million raised for presidential candidates in the last election may be the only group with enough clout to see that it never happens again—that meaningful reform of election financing is enacted while the country is in the mood for it.

Mr. President, I believe support for campaign financing reform may be one of the best investments American businessmen can make for themselves and our political system.

I ask unanimous consent that Mr. Kaufman's article, "The Need To Curb Dollar Politics," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

The Need To Curb Dollar Politics

(By Robert M. Kaufman)

A glorious opportunity lies waiting for the businessmen throughout the country who contributed, willingly or otherwise, to the 1972 election campaign.

The same businessmen who came up with the bulk of nearly $100 million raised for presidential candidates in the last election may be the only group with enough clout to see that it never happens again—that meaningful reform of election financing is enacted while the country is in the mood for it.

These big businessmen and many not-so-big businessmen for years have contributed either from a sense of duty to support the party or the candidate they felt would do the country the most good, or out of fear. To the average businessman, government decisions are an ever-increasing factor in the earnings performance of his company. A phone call from a fund-raiser known to represent powerful political forces is a mighty hard thing to ignore.

But the reputation of the business community as a whole has unquestionably been tarnished by the actions of a sizable minority who have made contributions seeking direct political influence in matters affecting their business interests. The $200,000 Vesco contribution and the contributions by the dairymen's funds and by Howard Hughes appear to have such motivations. And it is hard to believe any other explanation for the actions of the seven major corporations that broke the law by making contributions totaling half a million dollars to the Nixon fund.

A NEW CHANCE

The great majority of businessmen who want to clear the name of business in politics after these excesses have their chance to do so in the present Congress. There is increasing evidence that without some urging from the businessmen who contributed to their election, congressional leaders may twiddle their thumbs for quite some time. After all, many incumbents are counting on heavy financial support in congressional elections coming up next year.

The Common Cause study of congressional campaign spending has shown that, like the President, the incumbent Congressmen raised a record amount of money in the last campaign (about $525,000 for the average Senator, and $60,000 for the average Representative—in both cases about double the amount raised by their challengers). To ask people who are supported that well by the system to take the initiative in tearing down the system is asking quite a lot.

A start was made nonetheless during the summer when the Senate passed the first bill in American history putting a ceiling on individual or political committee contributions to presidential and congressional candidates ($50 cash, $3,000 in cash and checks, and a $25,000 limit to contributions for all candidates in one year). While this bill has some flaws, it would be a big step forward.

A companion bill passed by the Senate would create a new Commission on Federal Election Reform to study more fundamental changes in law with respect to more basic issues such as the philosophy of campaign financing, tax laws applicable to campaign financing, nomination procedures and even the length of the terms of federal officials.

The trouble with long-term solutions to campaign financing reform is that if we put limits on campaign contributions, which is such a simple thing to do, we must immediately find some alternative way to raise money for election campaigns. It would certainly be impossible to run a presidential campaign in 1976 without again tapping huge sums from the business community unless an alternative is found.

The currently favored alternative is federal subsidizing of election campaigns. This idea is embodied in a bill sponsored by Representatives Udall and Anderson in the House, under which the Treasury would match the first $50 of private contributions, which would be limited to $1,000 for congressional candidates and $3,000 for presidential candidates.

The idea of such federal subsidizing of election spending has drawn mixed reactions in the business community, according to a recent Chamber of Commerce survey. This is scarcely surprising in the light of the business community's traditional resistance to further intrusion of federal power in areas where business is accustomed to enjoying the freedom to look after its interests. One can only hope that the abuses of that freedom by a significant minority will dampen the enthusiasm of the great majority of businessmen for playing their chips in the political world on the scale they did in 1972.

The immediate and important problem is that there is no sign that the House will act quickly, either on limiting contributions or on finding an alternative. House Administration Committee Chairman Wayne L. Hays of Ohio is presently proceeding at a pace which belies no sense of the urgency of the problem. Yet, unless action on these bills is taken promptly, the problems that faced the business community in the 1972 presidential campaign will be repeated all over again in the 1974 congressional campaign.

That is why the businessmen who are and will otherwise continue to be the chief targets of political fund raisers have every reason to be concerned with this problem. As the parties most likely to be affected, they should enter actively into the discussion of this legislation that would both limit their ability to influence future elections and substitute other sources of funds for such purposes.

ANTICIPATE THE FUTURE

Reform of campaign financing is another one of those public issues—like equal opportunity and pollution—that will backfire on the business community if it is too myopic to anticipate the future. There can be no doubt that the black eyes that businessmen got as the abused victims of fund-raisers in the excesses of the last presidential campaign did harm to the image of business in general with the public.

Watergate and other recent disclosures taught us all a lesson about the corruptibility of ordinary mortals—a lesson that apparently has to be repeated at least once every generation. Since human nature is unchanging, the best thing for the nation to turn its attention to is changing the system that makes corruption so easy in a society where so many have so much money to throw around for such purposes.

Business leadership in getting this job done would go a long way towards clearing the bad reputation business has acquired from the sequence of shabby misdeeds that has come to light in the aftermath of Watergate. It will be fascinating to see whether business has the foresight to wield its power for reform before getting itself trapped again in the conditions that led to the abuses of the 1972 election.

THE ENVIRONMENTAL IMPACT OF GEOTHERMAL DEVELOPMENT

Mr. FANNIN. Mr. President, this week the Interior Committee held hearings on S. 2465, the Geothermal Energy Act of 1973, and I am hopeful that we can act quickly on this legislation. Our current fuel shortage demonstrates how essential it is that the United States develop every possible economically desirable source of energy.

The more that I have explored the subject, the more I have become convinced that geothermal resources can make a meaningful contribution toward achieving and maintaining energy self-sufficiency in the future.

Delay in the development of this resource has come because questions have been raised as to whether it could result in environmental damage. With each passing day we are gathering more data which would indicate this is not so.

Some interesting articles have been written by Richard G. Bowen, an economic geologist in the State of Oregon Department of Geology and Mineral Industries. One of the points he makes is the very limited environmental impact that geothermal development will have if properly instituted.

Mr. President, it is my desire that my colleagues have an opportunity to read an excellent article and a speech written by Mr. Bowen. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the article and speech were ordered to be printed in the RECORD, as follows:

10. Environmental Impact of Geothermal Development

(By Richard G. Bowen)

The motive force of our industrial-technological society is the use of stored energy. Within the United States, where about 6 percent of the world's population uses 35 percent of the world's energy, many are beginning to question whether all of this expenditure of nonrenewable resources is necessary. For although it would be catastrophic to prohibit the use of energy stored in fossil fuel or in fissionable material, it would be equally catastrophic to use energy at its projected potential rate of increase, which finds electric-power production doubling every 10 years.

A running confrontation has ensued between those whose projections call for more production and consumption of electricity and those who insist that past values and practices have brought us to the brink of disaster, that the price for "more" is too high. Arguments have also revolved around claims and counterclaims of the proponents and opponents of the various methods of producing electricity, each faction claiming its method is the "cleanest." Because the power plants proper are salient in the public eye,

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the controversy has centered on them, almost to the exclusion of the other steps of the fuel cycle, some of which have much greater environmental impact. To render valid judgment on the environmental effects of the several means of producing electric power, it is necessary to look beyond the power plant to the total fuel cycle.

The geothermal plant is unique in that all of the steps in the fuel cycle are localized at the site of the power-production facilities. At the other end of the power spectrum is the nuclear-reactor plant, in which the actual power-production facilities are a small fraction of a cycle requiring a complex industrial-support system for each reactor. Intermediate in complexity, and varying somewhat in rank with the type of fuel used, are the fossil-fuel plants. Thus in all instances except geothermal the environmental impact of the fuel cycle extends far beyond the bounds of the power-generating plant.

CHARACTERISTICS OF GEOTHERMAL-ENERGY PRODUCTION

Like other thermal power plants, the geothermal plant involves the production and use of steam, expanding it through a turbine and condensing it at the turbine exhaust. The geothermal plant differs from the conventional-fuel or nuclear plant in its method of steam production and the quality of its steam. At the geothermal plant the steam is produced in nature's own boiler by the natural circulation of water coming into contact with hot rocks in the depths of the earth. Depending upon conditions within the reservoir, the geothermal fluids may be in the form either of slightly superheated dry steam or of pressurized hot water. The condition of the fluid in turn controls the method of utilization and the potential environmental impact from its production.

The most desirable type of geothermal field, and the only kind that has proved to be economically viable with existing technology in the United States, is the dry-steam field, with its sole example that at The Geysers, California. But projects are under way that will utilize the more prevalent hot-water fields in other parts of the country, and the environmental effects of the various power-production cycles employed must be examined.

Dry steam and hot water differ chiefly in the quantity of geothermal fluid that must be brought to the surface to produce a given amount of electric power. At The Geysers, it takes about 20 pounds of steam to produce 1 kwh of electricity. In a dry-steam field the total well production can be utilized in the power cycle; of this 20 pounds, approximately 15 is evaporated in the cooling system and the remaining 5 is disposed of by returning it to the production reservoir. Aside from the aesthetic impact of the simple presence of the geothermal power plant, the only release of products is the venting of modest quantities of noncondensable gases entrained in the steam. More will be said about the nature and quantity of these gases.

There are two possible methods of producing power from hot-water fields. One is to flash water to steam at reduced pressures and then treat the steam in the same manner as the dry-steam power plant. This is the method successfully used in New Zealand and Mexico. The other method, the vapor-turbine cycle, described by Anderson (this volume), uses heat exchangers and a turbine with a separate working fluid.

Because of the lower enthalpy of hot water, both of these methods bring much greater quantities of fluid to the surface than dry-steam fields produce, per kwh of electricity produced. The actual amount is dependent upon the water temperature and the flashing pressure, but in actual conditions it ranges normally between 75 and 150 pounds per kwh of electricity (Hansen, 1964). With the simple flashing method, utilizing the steam condensate for cooling, the disposal of 60 to 135 pounds of geothermal water is required. This can be done in many ways, but in the United States injection into the producing reservoir is probably most desirable. The vapor-turbine cycle requires less water than the flashing method per kwh of electricity, but all of the geothermal fluid must be disposed of, since it is not used for cooling.

Except in their manner of returning fluids to the geothermal reservoir, both the simple flashing system and the vapor-turbine cycle have proved successful in basic concept. The problem with reinjection lies in the fact that most geothermal hot waters contain some dissolved solids, and the lowered pressures and temperatures may cause salt precipitation, which in turn might reduce porosity or plug fractures in the reservoir. The net result could be a decrease in permeability and capacity for accepting further reinjection fluids—to the inevitable detriment of productivity. In dry-steam fields, where reservoir steam is of high purity, injection is practiced successfully. In this case the injected steam condensate is essentially distilled water and contains only a few parts per million of salts.

An advantage of the vapor-turbine cycle is that it entails no release of noncondensable gases; the geothermal fluid is contained under pressure and not allowed to expand at any time. Without the need for expansion, the noise level at the field is much lower than that of the hot-water flashing system, which can generate considerable noise during the test phase (though during the production phase everything is contained and inaudible). A commensurate disadvantage in the vapor-turbine cycle is the need for a supplementary source of cooling water, since steam condensate is not directly available.

To gain proper perspective on the environmental impact of producing electricity from a geothermal plant, it is necessary to understand the basic character of its various manifestations and to compare the relative impact of other thermal power cycles—nuclear and fossil-fuel—since each produces its own effects. The kinds of effects produced may be categorized by their impact on the land, on the air, and on the water.

IMPACT ON THE LAND

Natural steam is produced by drilling wells to a depth of 300–2,700 m (1,000–9,000 ft) until a productive steam aquifer is tapped, as is done in the production of natural gas. The pressure of the steam causes it to flow to the surface, where it is collected in insulated pipes and delivered to turbines. At The Geysers field, where individual wells have an average production about 7 Mw, about 150 wells are required for a 1,000-Mw plant. With the present spacing at The Geysers this would amount to about 12 square miles of land. And additional acreage must be set aside for new wells, to maintain the needed steam supply as production from existing wells declines (see Budd, this volume).

The wells, pipelines, and power plants of the producing geothermal field, such as that at The Geyser, modify the existing terrain. This aspect of geothermal development is one of the main objections voiced by environmental groups. But the development of a geothermal field need not be out of harmony with the surroundings. The geothermal field at Larderello, Italy, has been compatible with many other land uses during its 60 years of development and production. Because the wells, gathering lines, and power plant use only small patches and strips of the field most of the land is being used for varied agricultural industry, with many farms, vineyards, and orchards interspersed among the pipelines and wells (see Figs. 1 and 2).

Another example of multipurpose utilization is The Geysers field. Prior to its development as a producing power resource, The Geysers area was a wilderness, with much of the land owned by private hunting clubs that devoted the land to forage for deer. This use, along with cattle grazing, continues at The Geysers field.

The impact of the construction of wells, pipelines, and power plants is most evident during the development period, and for a large field this could extend over several years.

Drilling operations in a geothermal field are comparable to construction activities in noise impact and are equally episodic in nature. The noise problem is associated mainly with drilling operations and steam escape during testing. Once the field is in production the noise level declines to that of other power plants. The drilling of dry steam wells requires special techniques; at the present time, drilling into the production zone uses air, rather than mud, for the circulating fluid that removes the drill cuttings from the hole. This results in a "controlled blow-out" of the well during the time the steam zone is penetrated, amounting to only a few days out of the total drilling time. There is no danger involved because the pressures are relatively low and the blow-out can be quenched at any time by pumping water down the drill string. When the well is completed it must again be allowed to blow until the accumulated dust and rocks are removed from the bore hole. This constitutes the clean-out period, and until it is completed the wells cannot be completely muffled. Mufflers now in use at The Geysers field during drilling and testing operations have significantly lowered the noise level in the field, and new developments promise further decline of the noise levels.

Land subsidence and seismic effects are other potential effects of geothermal development. The possibilities of these two environmental hazards were raised by the Department of the Interior in its Environmental Impact Statement for the Geothermal Leasing Program (1972), and by the Sierra Club. But neither at the Iarderello field, where production has been carried on for 60 years and on a relatively large scale for 30 years, nor at The Geysers, with its 12 years of operating experience, have subsidence or seismic effects been observed. Although these phenomena have been noted under special circumstances in certain oil fields, there is no reason to relate such problems to the dry-steam geothermal field, where the geologic conditions are entirely different. Hot-water fields, however, could present a problem, as we shall see.

Subsidence can occur whenever support is removed from beneath the ground. It has been noted in oil fields, in mines, and from the pumping of subsurface waters. In most cases where subsidence is caused by the removal of ground waters the pumping is from a relatively shallow depth. In oil fields the fluids have come from greater depths and subsidence occurs only under special conditions, i.e., when the fluids being removed are at greater than normal pressures for the depth of the reservoir. These conditions constitute an "over-pressured" reservoir, the fluids providing support to the overlying column of rock. Removal of this support may lead to subsidence. Injection of water around the periphery of the field replaces the petroleum with water, thus alleviating the problem.

Because of the geologic circumstances under which dry-steam fields develop, subsidence should not be expected to occur.

The production reservoir of a dry-steam geothermal field consists of fracture zones, solution channels, or other permeable cavities filled with vapor, possibly from the "boil-off" of a deeper hot-water reservoir. A unique characteristic of the dry-steam geothermal fields is the near-constant pressure of the vapor wherever measurements are made throughout the vertical section of the reservoir. At The Geyers and the other dry-steam fields so far discovered in the world, the steam temperatures and pressures are about 240°C (465°F) and 34 kg/cm² (480 psia). White, Muffler, and Truesdell (1971) discuss the reservoir thermodynamics that explain this phenomenon. This near constancy of pressure, even at depths greater than 2,500 m (8,200 ft), where hydrostatic pressures would normally be about 280 kg/cm² (4,000 psia), indicates that for a dry-steam field to exist the host rocks must be competent and therefore not subject to subsidence from the removal of vapor.

Hot-water fields, by contrast, could behave more like an unconsolidated petroleum reservoir, and unless pressures are maintained by fluid return there may be subsidence. Indeed, this has occurred in Wairakei, New Zealand (Hatton, 1970), where the water is not returned to the reservoir. Much has been learned about subsidence from the exploitation of petroleum reservoirs, and with the proper understanding and practices, any geothermal area where this could be a problem can be stabilized.

In relating the exploitation of geothermal resources to seismic hazards it must be considered that the unstable conditions in the Earth's crust leading to the presence of geothermal phenomena are also those conditions producing faults and earthquakes. Thus geothermal and seismic phenomena are geographically inseparable. In fact, the presence of high seismic incidence is one of the exploration clues used in the search for geothermal reservoirs (Clacy, 1968). However, the intensity of individual shocks within the thermal areas and associated with volcanic activity (the source of geothermal heat) is usually of a relatively low order, much lower than that associated with major crustal movements along faults (Ward, 1972). There is much to be learned about the interrelationship of thermal and seismic phenomena, and the drilling and exploitation of geothermal fields should add new information to this field of knowledge. But there is no evidence that geothermal production has increased the seismicity of an area.

Concern over seismic hazards arises in part from the process of reinjection of the spent geothermal fluids. Incidents of seismic activity relating to the injection of fluids in waste-disposal operations, such as that at the Rocky Mountain Arsenal near Denver (Evans, 1966), and to water-flooding operations to repressurize declining oil fields (Raleigh et al., 1970, 1971), have involved injection at pressures exceeding hydrostatic. In such instances, reinjection could open and lubricate preexisting fractures and zones of weakness or extend the fracture pattern, causing increased seismic activity and perhaps structural damage. But geothermal reservoirs are at subnormal pressures and the return of fluids merely maintains preexisting pressures in the reservoir and would not cause the increasing seismicity noted in other conditions. The low pressure existing in geothermal reservoirs facilities the reinjection of fluids into the fields in two ways: first, because reservoir pressure is less than hydrostatic, the water's weight produces sufficient head to ensure its entry into the formation without pumping; second, the returning water seeks the area of lowest pressure, thus minimizing the chances of geothermal fluids' migrating into other aquifers.

In order to compare the impact on the land from geothermal operations with the effects occasioned by the nuclear-fuel and the fossil-fuel cycles, all of the steps in the production of fuels should be considered. Mining, milling, refining, enrichment, conversion, and fabrication must be performed before the nuclear-fuel cells enter the reactor. Mining is the first major step. Over its 30-year active life, a 1,000-Mw reactor will need about 1,000 tons of enriched uranium (Westinghouse Electric Corporation, 1968, p. 45). Using the enrichment ratio required by the present generation of pressurized water reactors, this would require the production of 6,000 tons of natural uranium. The current grade of uranium ore mined in the United States, and the figure usually used for reserve projections, amounts to about 4 pounds of uranium per ton, but over the life of the plant the grade of ore is expected to decline and will probably average 3 pounds per ton. This would require the mining of 4,000,000 tons of ore over the life of the plant, or an average of 133,333 tons per year.

The U.S. Atomic Energy Commission reports (1972, p. 51) that the uranium-mining industry currently holds more than 19 million acres of land for mining and exploration. Not all of this land will be mined out, but the considerabe amount of uranium ore that must be extracted to supply projected needs will constitute a major impact on the land.

The milling of uranium ore also creates a substantial impact on the land. Of the many millions of tons of ore that have been milled in the United States to date, most of it is still standing in large waste dumps adjacent to the mills. These waste dumps not only are an eyesore but in some cases represent a landslide hazard, as do the waste dumps from other types of mines. More seriously, they carry the threat of radionuclide contamination to the environment.

Another impact of the nuclear-fuel cycle is the massive construction required by the various steps in the conversion cycle. Of particular significance are the gaseous-diffusion enrichment plants. Three of the plants currently in operation were built originally to supply the uranium needed for weapons, but they are now being used to process nuclear fuels for commercial reactors. These three plants, built at a cost of over 2 billion dollars (Hogerton, 1964, p. 14), consume tremendous amounts of electricity in their operation; in 1962, for example, they consumed 47 billion kwh of electricity or about 5 percent of the total amount of electric power generated in the United States (Westinghouse Electric Corporation, 1968, p. 14). The increasing demand for nuclear fuels will make necessary the construction and operation of new enrichment plants, and the consumption of large blocks of electricity for this purpose.

The transportation and handling of nuclear fuels, especially the spent fuels, is a potential environmental hazard. The isolation and storage of the high-level fission wastes from the several reprocessing plants, whose volume is estimated by the AEC to be about 60 million gallons by the year 2000, requires large, guarded disposal sites. In addition to these high-level wastes, there are large volumes of low-level wastes, such as tailings and various wastes from other steps in the fuel cycle, that must be isolated or diluted and dispersed into the environment. Each of these exigencies uses or compromises occupied land. The high-level wastes may indeed require permanent protection from entry into the environment.

And although it is not possible to estimate the amount of subsidiary land that may be required by each reprocessing plant, a considerable amount of surface and/or underground storage facilities may be needed.

Fossil-fuel generating plants, particularly those fired by coal, require a vast acreage of land for mining, railroad yards, and fuel handling. A coal-fired plant of 1,000-Mw capacity would require about 70 million tons of coal over its 30-year life (U.S. Congress, 1969, p. 125). With a ratio of 2:1 overburden to coal, this would amount to the movement of about 200 million tons over the life of the plant. Moreover, land is required to accommodate the washing and shipping of the coal and to dispose of the fly ash and clinkers. Coal-fired electric power plants usually require more land than do nuclear plants for the plant site proper, but because of the simplicity of the fossil-fuel cycle and because its wastes do not require guarded isolation, the total land requirements are less than those for the nuclear plant.

Oil- and gas-fired thermal plants generally create less local impact than the coal plant bacause the fuel is most often delivered by pipeline or barge, and little area is required for fuel storage. All of the problems created by combustion are present, but generally to a lesser extent than with the coal-fired plant, since oil and gas contain fewer deleterious elements. Natural gas is the cleanest fuel available, but because supplies are diminishing rapidly and new sources appear to be extremely expensive it will probably not be considered for base-load plants, but only for peaking purposes. Again, as in the case of coal and nuclear plants, land in other areas must be devoted to producing, processing, and transporting the fuel.

In summary, a geothermal power plant, particularly during its developmental period, appears to incur more impact of the land than do other thermal plants; but all of the components of the total geothermal system are at a single site. With nuclear power, the thermal reactor and power-generating facilities are a small part of the power cycle—the top of the iceberg. The fossil-fuel cycle is intermediate in simplicity and land use between the geothermal system and the nuclear cycle.

IMPACT ON THE AIR

Gases are rejected to the air from each type of thermal power plant. But because the geothermal plant operates without combustion, the volume of noxious gases produced is far less and is of a different nature than that from a fossil-fuel plant. The natural steam is predominantly water vapor; that at The Geysers, for example, yields 99.5 percent water vapor. The noncondensable gases are about 80 percent carbon dioxide, with lesser amounts of methane, hydrogen, nitrogen, ammonia, and hydrogen sulfide (Bruce, 1971). Of these, hydrogen sulfide presents the most serious environmental problem. At The Geysers, hydrogen sulfide runs about 2 to 6 percent and averages 4.5 percent of the noncondensable gases from the producing wells (Goldsmith, 1971, p. 31), or about 225 parts per million of the steam.

Because of the remoteness and the relatively small size of the power plants at The Geysers, and because of the lower release per unit of power than from fossil-fuel plants, the hydrogen-sulfide emission has not caused the producers much concern. However, the expansion of the field and the increasing awareness of the necessity for minimizing all releases have caused the power company and the steam producers to begin studies to lower the hydrogen-sulfide emission. Their studies show that most of the noncondensable gases are drawn from the direct-contact condenser. A part of the hydrogen sulfide, however, goes into solution in the condensate, where it is converted to sulfates and elemental sulfur. Materials-balance calculations (McCluer, 1972) indi-

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cate that 30 percent of the hydrogen sulfide is oxidized and retained at the cooling towers or injected with the condensate as sulfates and elemental sulfur. Laboratory tests have shown that by altering the chemistry of the condensate by the addition of sulfur dioxide the oxidation of hydrogen sulfide to sulfur and water can be accelerated. If the field tests of this process are successful, it may be possible to overcome this environmental problem (Barton, 1972, p. 33).

To place the release of hydrogen sulfide from geothermal plants in its proper perspective, the release should be compared to that of fossil-fuel plans. Using for comparison a 1,000-Mw plant fired by coal with 1 percent sulfur and the steam conditions at The Geysers, the fossil-fuel plant would release 140 tons of sulfur dioxide per day (U.S. Congress, 1969, p. 115). By comparison, the geothermal plant with a flow of 430 million pounds of steam per day containing 0.0225 percent hydrogen sulfide would bring to the surface 48.4 tons of hydrogen sulfide per day. If 30 percent is returned to the reservoir with the steam condensate, as seems to be the ratio now, the total release would be 33.9 tons or about one-fourth the sulfur dioxide from the coal plant. This constitutes the release without pre-treatment. If the method described by Barton (1972, p. 33) is successful, the hydrogen-sulfide release can be lower.

Carbon dioxide, the major component of the noncondensable gases in the natural steam, would total about 860 tons a day from a 1,000-Mw plant. The fossil-fuel plant of the same electrical capacity produces about 20,000 tons of carbon dioxide a day (Holdren and Herrera, 1972), or more than twenty times that of the geothermal plant. And the geothermal plant releases no oxides of nitrogen, smoke, fly ash, or other aerosols.

Radioactivity of the gases and steam is at or very near natural background. Tests have shown that The Geysers steam has an alpha radiation level of 0.015×10^{-7}mCi/ml, well below the U.S. Public Health Service permissible concentration for drinking water (Bruce and Albritton, 1959).

A nuclear reactor has less total release to the air than a geothermal power plant, but when the complete nuclear-fuel cycle is considered the total impact on the air is many times that of the geothermal plant. Dust, smoke, and radionuclides are released from the mining operations at the outset of the cycle, and each step of the cycle produces various new releases. Although most of the individual releases are minor, the sum total of their effects is considerable, especially that from the fuel-reprocessing plants.

Another factor of air pollution to be weighed in the nuclear-fuel cycle is the total gases produced from hydrocarbon fuels by the machinery necessary to mine, mill, and process the uranium, and to transport it. Currently, the ore is mined and milled in the Rocky Mountains and shipped to the Midwest and South for refining, enrichment, and conversion; the fuel units are fabricated in California, shipped to a reactor in, for example, Oregon, then to a fuel-reprocessing plant in New York; and the wastes are shipped to a storage site in, say, Washington or South Carolina.

Fossil-fuel plants employing the combustion of coal, oil, or natural gas produce large amounts of carbon dioxide, nitrogen oxides, sulfur oxides, and, especially with coal, fly ash. These products create visible air pollution as well as other effects that have been the object of most of the complaints against fossil-fuel plants.

IMPACT ON THE WATERS

The natural thermodynamic constraints placed on any steam cycle require the rejection of 60 to 70 percent of the total energy produced. This is normally done by circulating cooling waters through the condenser to pick up this reject heat and dissipate it into a larger body of water such as a river, lake, or ocean. Rejection of heat into the body of water can cause local environmental degradation, or at least a change in the biota, and is generally described as thermal pollution. It is inherent in the energy conversion of the thermal-electric plant, and is present in all of the new types of power-production methods being used and considered, including fusion and magnetohydrodynamics. One way to alleviate thermal pollution is to reject the waste heat directly to the atmosphere and not through an intermediate body of water, as is now the practice. Cooling towers will accomplish this transfer, but require large quantities of low-cost water, or, in the case of the dry cooling tower, an extremely large capital investment. With the present system of producing electricity from the dry-steam fields, which is technologically feasible for the flashed hot-water fields as well, all of this waste heat is either returned to the producing reservoir or rejected directly to the atmosphere via the cooling towers, thus creating no thermal pollution. The closed-cycle vapor-turbine system, as described by Anderson (this volume) will require the same heat-rejection system as conventional thermal plants.

The necessity for large quantities of water is becoming one of the limiting factors in the location of thermal-generating plants. In the Rocky Mountains, where there are large coal resources, there is already a shortage of surface and ground water for other uses. Adding the load of several new thermal plants will cause a severe strain on the available water resource. So great are the requirements for cooling water that at a recent national AAAS symposium on "Power Generation and Environmental Change" it was estimated that by 1980 one-sixth of the freshwater runoff in the United States will be used to cool power plants, increasing to one-third by the year 2000 (Holcomb, 1970). Dry cooling towers and condensers are a partial answer to the problem, but they add significantly to the capital costs of the plants and lower their efficiency.

The geothermal plant, which relies on natural steam at lower temperatures and pressures (and therefore bearing less usable heat) than those of the manufactured steam of the fossil-fuel or nuclear plant using the same cooling system, will evaporate more water than the other types of plants. With cooling towers, a 1,000-Mw geothermal plant evaporates 30 to 35 million gallons of water a day; a nuclear plant, 25 to 30 million; and a fossil-fuel plant, 15 to 20 million gallons a day. These volumes are closely related to the respective thermal efficiencies of the plants, which are about 14 to 16 percent for the geothermal plant, 32 to 34 percent for the nuclear plant, and 36 to 40 percent for the fossil-fuel plant.

But thermal efficiency as so measured is a characteristic of the power plant, not of the total cycle. Indeed, the thermal efficiency of the nuclear-fuel cycle should be based on more than just the conversion of fission energy to steam energy; it should consider as well the energy requirements of each step of the conversion of uranium ore to enriched reactor fuel, and the energy required for transporting, handling, and guarding the wastes!

By contrast, geothermal plants do not require a supplementary source of cooling water when using natural steam or the flashed cycle. The natural steam, after passing through the turbine, is condensed, piped to the cooling towers, and then recirculated back to cool the condenser. By this method the field at The Geysers produces about 20 percent more condensate than is evaporated. This surplus is then returned to the reservoir where it originated, thus prolonging the useful life of the field. A geothermal plant is the only type of thermal power plant that does not compete with other uses for our dwindling supplies of water.

HAZARDS TO GROUND-WATER AQUIFERS

One of the questions raised about geothermal power development is its potential to contaminate surface and ground waters. True, in the early days of the exploration and development of geothermal resources in this country, several improperly cased wells blew out during drilling, allowing geothermal fluids to enter shallower aquifers or nearby streams. Also used to illustrate the danger from thermal waters are the wells drilled in the Salton Sea region. Here the extremely saline brines, which contain about 33 percent dissolved solids after flashing, constitute a hazard if allowed to enter and mix with the irrigation waters in the region. But hypersaline brines are probably restricted to the Salton Sink proper and are not present elsewhere in the Imperial Valley; they are in fact found in only a few places in the world. Geothermal waters generally carry higher percentages of dissolved solids than do nonthermal waters, because their higher temperatures have increased the rate of dissolution of the more volatile chemicals of the host rocks. But in many cases the thermal waters are of sufficient purity to be used for agricultural and industrial purposes. For example, in Klamath Falls, Oregon, the geothermal waters are used directly for stock watering (Peterson and Groh, 1967), and in Boise, Idaho, the geothermal waters are used for domestic hot waters (Wells, 1971). In Iceland there is a long history of geothermal-water utilization for both heating and domestic use.

The hazard of surface-water contamination has delayed the development of hot-water geothermal fields in the United States. Although this type of geothermal field has been developed successfully elsewhere—notably at Wairakei, New Zealand, and Cerro Prieto, Mexico, where the effluent is rejected into the surface streams—attempts to develop a field in the Imperial Valley have thus far been slowed. The main deterrents are the high salinity of the geothermal fluids found in the area, the extremely precarious water situation existing in the Valley, and the high cost of the farmland. A development planned by the Bureau of Reclamation is outlined by Laird (this volume). This plan would allow multiple use of the geothermal resources of the Imperial Valley and answer many of the questions raised concerning the environmental hazards of hot-water fields.

Although the development of the hot-water fields has been delayed in the United States, mainly because of the problem of disposing of the large volumes of water, there is every reason to believe that hot water will be utilized in the future, for it does have several advantages over dry-steam systems. Primarily, it appears to be much more abundant and is producible from shallower depths, which would make it particularly useful for space heating and for industrial and agricultural purposes. In fact, the hot waters are already used extensively for heating purposes in Hungary, the Soviet Union, Iceland, New Zealand, and Japan, as well as in the western United States and in the multipurpose development in the Imperial Valley.

Hot-water wells can be drilled by conventional drilling techniques using mud as the circulating fluid rather than air. This cuts down the noise level and the escape of steam and dust from drilling that characterize the dry-steam wells. In areas where the pressures are not excessive it is common practice to drill hot-water wells even within cities (Klamath Falls, Oregon; Boise, Idaho; Rotorua, New Zealand; and Budapest, Hungary). This would be extremely difficult, if not impossible, to do with a dry-steam well.

Dry-steam fields, such as those at The Geysers and Larderello, do not pose the problem of saline-water diposal, since these salts are not transported in the steam phase. Most of the foreign material in natural steam is in the gaseous state, in the form of noncondensable gases, as discussed above. However, a certain amount of deleterious material is present, usually amounting to a few parts per million of boron and ammonia. These form salts that persist in the condensate and are injected back into the producing reservoir, along with that fraction of condensed cooling water that is surplus to the needs of the plant. Consequently there is no release of either thermal waters or chemical contaminates into the surface waters or other usable water sources from the present production of geothermal energy.

Most of the potential hazards to the waters from the dry-steam geothermal operation occur during the development of the field, when drilling muds are required and construction upsets the normal water pattern of the area. With proper care these operations do not present an environmental hazard. And in any event, the hazard is brief and negligible compared to the hazards created by the extensive construction required by the competing power sources and more dramatically from mining, which must continue over the entire life of the nuclear or fossil-fuel power plant.

CONCLUSIONS

The environmental impact of any power-production system is reflected in the number and complexity of the steps in the fuel and production cycle. Because geothermal power plants utilize naturally occurring steam, they need no complex steam-generating equipment or extensive mining, processing, storage, or transportation facilities, as do other thermal power plants.

The chief impact from the use of geothermal power occurs during the period of development of the field and construction of the steam-gathering lines and power plants, but the impact is limited to the area of the field and poses nothing like the vast disruptions of the landscape concomitant with mining the fuels for other thermal power plants. During the productive lifetime of the geothermal field, which can extend over many decades, most of the area can be used for other purposes. At Larderello, for example, where natural steam has been used to produce electricity for 60 years, farms, orchards, and vineyards cover much of the land surface.

Natural steam does contain a small percentage of noncondensable gases that are vented to the air. But compared to the amounts dissipated by fossil-fuel plants, these gases—mostly carbon dioxide but also nitrogen, hydrogen, methane, and hydrogen sulfide—are minor. Compared to the total gaseous release from all steps in the nuclear-fuel cycle, the overall volume and toxicity of gases from the geothermal plant is, again, minor.

Dry-steam geothermal developments pose no hazard to water supplies. Moreover, dry-steam and flashed-steam power plants supply their own cooling water by condensing their steam, and are therefore independent of the sources of condenser cooling water that are needed by other types of thermal plants. Hot-water geothermal systems will have an effect on the waters, but in most cases it will be to bring into use waters that are below the economic drilling depths of water that is currently in use, or to upgrade the quality of currently unusable waters, thus making these waters themselves a valuable resource. The multi-purpose development planned in the Salton Sea region is an imaginative scheme that could well be duplicated in other areas.

The simplicity of the geothermal-steam cycle enhances its reliability, another factor that needs to be considered when assigning priorities of development. Because the geothermal-power cycle is self-contained, it needs no outside support to maintain the production of electricity; there are no railroads or mines or complex processing facilities to be put out of service by a strike or natural catastrophe; and the reliability of nature's own boiler is paramount.

Geothermal Potential in Oregon

(By Richard G. Bowen)

I am sure that most of the people in the audience here today have heard it said that geothermal energy is in the same stage of development as the oil industry was a hundred years ago. That just isn't true, we know a great deal more about the earth, its processes and resources than we did a hundred years ago, or even 20 years ago. We have had many years of experience in the production of geothermal resources, some experience in exploration and a very large background of exploration experience in searching for petroleum, techniques that are really quite similar to exploring for geothermal fluids.

There is also a widely publicized opinion that geothermal resources are limited to a few places—mainly those areas where it is being produced today. Actually, geothermal resources can be expected to be present under large segments of the earth, and will be found under many conditions, just as oil and gas, uranium, and many other minerals that were first found under certain geologic conditions were later, when new ideas came to bear, found in areas never before considered to have potential. The presence of usable geothermal energy depends upon the presence of three things: heat, water, and a geologic trap which consists of relatively impermeable rocks overlying a more permeable reservoir rock. None of these three things are particularly unique. We know that underlying about a quarter of the earth's surface, high temperatures will be encountered whenever you drill a few thousand feet, and in many regions these high temperatures have been found at much shallower depths. Many competent scientists have made calculations of the amount of heat in storage in the first few miles of the earth, and one thing they all agree on is that amounts are far greater than all the heat stored in fossil fuels and fissionable materials combined.

There is an assumption that the so-called "dry steam" or vapor-dominated fields are unique, but it is these "dry steam" fields that are producing most of the geothermal energy in use today. They are only unique in that successful oil and gas wells are also unique—there are many more dry holes scattered over the world than there are successful wells, and it is necessary to drill dry holes to gain information to find the productive one. Most of these geothermal exploration wells that are drilled near hot springs find hot water, so the natural assumption is that there is a great deal of hot water—and I will agree. But it is the steam wells that are the prize and our efforts should be devoted to finding them.

I sometimes wonder what would have happened a hundred years ago if our ancestors, upon the discovery that many more holes were barren than were capable of producing oil or gas, had gone to the government to ask for funding to somehow extract energy from the dry holes rather than pressing on to explore new areas.

You will hear divergent ideas from geothermal "experts". One says there is a tremendous amount of energy in hot dry rocks and in the vast reservoirs of hot water that could be utilized if research and development could be brought to bear on the problems. The other group says that a certain percentage of the geothermal fields will contain dry steam that can be utilized very well by the present technology—if we have land upon which to explore and customers who say they will purchase the steam when it is found. If industry has those two necessities, land and a customer, we will have the development of geothermal resources. I would support the need for studies of "hot dry systems" and hot water systems, but it is the desirable "dry steam" systems that our major effort should be devoted to developing.

But, let's get on to the area under consideration today, Oregon. We are right in the heart of the "Ring of Fire" that surrounds the Pacific Ocean, and we have extensive evidence there is much heat underlying the eastern two-thirds of the state. How is this energy localized to get useful quantities? Basically, the heat energy is transferred to water, and when it is restrained from its normal upward movement a geothermal system is developed.

The question we all want answered is how many and how large are these geothermal systems. Using knowledge of geothermal systems found in other areas and applying the techniques for estimating resources developed in the petroleum industry, I believe it is reasonable to expect that something in the neighborhood of 20,000 megawatts of dry steam will be found during the next 15 to 20 years in Oregon. For those of you who are not too familiar with numbers relating to electrical capacity, that is about the present capacity of all the hydroelectric power plants in the Northwest, or another comparison would be 20 Trojan nuclear power plants. That is a lot of power, and it would supply our increasing needs for many years.

To explain how I developed this number, I am basically using the petroleum industry's technique for estimating resources in unknown regions from experiences in known regions. We know that Oregon has in the neighborhood of 200 hot springs and wells. I believe these could easily represent 100 separate geothermal systems. So far, world-wide experience shows that one out of eight, or about 12%, of these are "dry steam" systems which can be developed with present technology. If only a quarter of these systems are the size of the The Geysers steam field, that alone could account for 10,000 to 12,000 MW. If the other three-quarters of the fields are from a quarter to a tenth the size of The Geysers, another 8,000 to 10,000 MW could be expected.

For those of you who think that geothermal power is only a small thing, take another look at The Geysers. You will see that although only a small part of the field is under development, PGE has scheduled 1,000 MW to be in production by the next four years. The original estimates of a capacity of 200 MW for The Geysers have been scaled up to between 3,000 and 5,000 MW.

Since Dr. Cortez is going into the subject of the costs of producing geothermal resources I will try not to overlap, but I will go into costs of exploration and development, or what it takes to deliver the steam to the plant. Again, it is possible to apply the well-developed technology of the petroleum industry because the exploration techniques are nearly identical. The first cost is to develop some prospects, and you can do that by hiring geologists, geophysicists, and geochemists and getting into the exploration business yourself; or you can form joint ventures with brokers, independent exploration companies, or development companies who are looking for partners. Your costs here to develop a prospect will range from a minimum of $50,000 up, but $250,000 is probably a reasonable figure for 2,000 to 20,000 acres,

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enough to be considered a good prospect. You had better plan on at least two wells to evaluate the prospect, and these in the neighborhood of $350,000 each. This means you have spent a million dollars to put together and evaluate a prospect. If you evaluate ten of these prospects, you should expect to have at least one and possibly two geothermal fields. That amounts to 10 million dollars and a lot of money, but let's put it into perspective. If you spend 10 million dollars before striking usable steam, then your exploration costs, assuming they are amortized at 15% per year, for a 1,000 MW field would be 0.187 mills/kwh. Not a very significant figure when you consider fuel costs have been escalating at 1 to 2 mills per year. From the experience at The Geysers, in order to produce sufficient steam for your 1,000 MW plants, (and this would probably consist of a mix of 100 and 200 MW stations) you will have to drill 150 to 175 wells at an average of $150,000 each for a total investment in wells of about $25,000,000. Steam transmission lines would be expected to be another $15,000,000, roads and landscaping $5,000,000. By this time there would be a total investment of about $55,000,000 in the field.

Amortized at a rate of 15% a year, you would have fixed charges of $8,250,000 per year. Royalty to landowners at 0.5 mills/KWH would be $4,000,000 per year, and $5–6,000,000 would probably be necessary for field operating and maintenance costs. That gives a total energy cost of about $17,000,000–$18,000,000 a year at 8,000 hours of operation a year; this amounts to between 2.2 and 2.5 mills/KWH.

The following tables show the costs for developing the steam field (Figure 1) and the costs of steam per kilowatt hour of electricity produced (Figure 2).

Figure 1: Total steam costs, 1,000 MWe geothermal field

Exploration	$10, 000, 000
Developmental wells (150–175 wells at $150,000)	25, 000, 000
Steam transmission lines (at $15/KW)	15, 000, 000
Roads, landscaping, et cetera	5, 000, 000
	55, 000, 000

Figure 2: Steam cost per KWH, 1,000 MWe geothermal field

	Mills KWH
Fixed charges: $55,000,000 at 15% = $8,250,000/year, $8,250,000/8 × 10^9 KWH	1. 03
Royalties to landowners	. 5
Field operating and maintenance costs, $5,500,000/8 × 10^9	. 87
	2. 2

PGE is currently paying around 3.5 mills at The Geysers, but I understand that new contracts are being negotiated in the range of 5 mills for steam delivered to the power plant.

The question I find most frequently asked by those not familiar with geothermal development is, "what is the life of the field?". That can be best answered by explaining what we know about geothermal fields from experience developed in petroleum reservoir technology. That is, that steam in the reservoir behaves just as do other natural gases—according to well known physical laws. To give you an example, at The Geysers the biggest problem faced by the developers was to prove there was sufficient steam for PGE to amortize their plants over the normal 30-year period. The early practice was to drill all the wells necessary to supply the proposed plant and run lengthy tests to see how much draw-down was caused by the freely flowing wells. The result of this practice was to show steam performed quite similar to natural gas, and this practice is no longer being followed. The procedure now is to drill two wells in the region where a new plant is planned, and from that the size and character of the reservoir can be ascertained. This method has been much more satisfactory to the producers, as they do not have their capital tied up in many wells awaiting construction of the plant, but can start drilling production wells while the power plant is under construction.

Experience has shown that the wells do decline with time but that the individual wells last 10 to 20 years, and when production declines to the point that they can no longer produce all the steam required by the plant, new wells are drilled between the original ones, thus restoring production. It is now the practice at The Geysers to drill wells on a 40-acre spacing with the intention of filling in as production declines. All of the work to date shows this decline is predictable and the fields will last long enough to allow amortization of the plants.

In closing let me emphasize what has to be done to get geothermal developments underway:

1. Federal lands must be made available at reasonable terms. By reasonable terms I mean with conditions and costs no more restrictive than those for other fuels—oil and gas, coal, and uranium. It is the vast acreage of Federal lands in southeastern Oregon, Nevada, and the other western states that will ultimately contain most of the geothermal resources. It is possible to start exploration on available private and state acreage, but if geothermal resources are to provide significant power, the Federal lands must be available.

2. Power companies and heavy power users must encourage developers by either assuring them a market or in joining with them in joint ventures. The old disclaimer that geothermal power is so far away from load centers as to make it uneconomical just isn't true—especially with the Bonneville grid to wheel it around the system.

3. For those of you who are interested in getting the most favorable costs for your customers, joint participation in searching for dry steam is still the most attractive economically and environmentally and can be brought on the line rapidly with today's technology.

4. Finally, you will never have a more reliable power source than nature's own boiler. It is not affected by labor problems, transportation breakdowns, vagaries in the weather, foreign political influences, nor natural catastrophe. The reliability of nature's own boiler is paramount.

IMPROVING FEDERAL REGULATION OF FUTURES TRADING

Mr. McGOVERN. Mr. President, Members of this body and Members of the House are actively working on legislation which would change the method of Federal regulation of commodity exchanges.

I have introduced legislation which would create an independent, five-member Commodity Exchange Commission with expanded regulatory powers, and I am currently working on a number of improvements in that bill.

Two newspapers in my State have commented editorially on the need for firmer regulation of trading on commodity exchanges. On November second, the Madison Daily Leader endorsed the concept in an editorial entitled, "Regulating Commodity Markets." And on November fourth, the Sioux Falls Argus-Leader published a thoughtful editorial entitled, "Commodity Markets Need More Controls."

Mr. President, I ask unanimous consent that the texts of these fine editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

REGULATING COMMODITY MARKETS

Sen. George McGovern has introduced legislation to tighten rules for commodity speculation in the U.S., saying that the exchanges are now largely self-governing and need more careful supervision.

We couldn't agree more. The futures markets allow wild speculation on slim margins, and wild swings of prices could leave a string of bankrupt traders and losses by farmers and processors.

There is a danger in all this, however, of taking a "cheap shot" at speculators and blaming rising or falling prices on them. On the contrary, speculators serve a useful purpose by making the futures market and hedging by farmers, ranchers and food handlers would be difficult if not impossible.

Our rising prices this summer were caused by increased demand, particularly foreign demand. The sharp drop of farm prices in October (the largest in 25 years and virtually ignored by the TV networks) is probably due to increased production.

Let's not make speculators the scapegoat for fluctuating prices, but let's make sure the commodity markets are carefully regulated.

COMMODITY MARKETS NEED MORE CONTROLS

Richard Wilson, the able Washington correspondent of the Des Moines Register, points out that the commodity exchanges of this country handle an annual business which is 25 per cent greater than the total transactions on the New York Stock Exchange.

Yet federal regulation of price hedging for future transactions is in the hands of only 160 people. Wilson says they "are presently so overwhelmed by the magnitude of the problem that they are finally confessing the truth to Congress."

Wilson makes these other points about the nation's commodity markets:

A few people or firms, sometimes as few as four, can get effective control of the entire market in some major commodity and send the prices skyrocketing.

The market is subject to foreign invasion on a grand scale from governments with billions in resources to manipulate prices for what they want for their own advantage. The American consumer gets what is left at higher prices.

Four large grain concerns handle almost all of a multi-billion dollar export business, often huddling secretly with buyers from foreign governments in huge transactions the U.S. government knows very little about.

RED VERSUS YANKEE TRADER

Commodity markets have come in for a great deal of attention this year, in the wake of this country's huge sales of grain to the Soviet Union and Red China. In the case of the transactions with Russians, the Yankee trader did much better than his government. The Russians showed that communistic traders know their capitalism. American farmers didn't get the benefit of the higher prices in the initial transactions, and the federal government underwrote some of the costs of the grain with its subsidy payments.

Higher prices for grain are welcome news for South Dakota farmers, but their impact on livestock feeding when doubled or quadrupled, Wilson says, "eventually shows up at the supermarket in higher prices for beefsteak and for the myriad of food and consumer products made of wheat, corn, and soybeans."

NEW AUTHORITY SOUGHT

Congress is now holding hearings on legislation which would create a new independent

Commodity Exchange Authority. It would be similar to the Securities Exchange Commission for the stock exchanges.

The House Agriculture committee voted last week to develop legislation for a stronger Commodity Exchange Authority, but to leave over-all responsibility in the Agriculture Department. A bill introduced by U.S. Sen. George McGovern, D-S.D., calls for an independent Commodity Exchange Commission.

Wilson envisions a new commodity exchange authority as only the beginning of "a system of government and market control influenced by consumer and producer interests not only for food but other commodities such as lumber, plywood, silver, copper, and so on. Beyond that greater export control looms, and over all, steadily advancing government supervision of the marketing of the necessities of life."

No one seriously suggests that government controls of the stock exchanges are too tight to protect the public interest. Obviously, the government's supervision of commodity exchanges is hampered by lack of personnel and authority to do what is necessary to safeguard the country's and citizens' interests. Congress should do what is necessary to accomplish this.

More effective regulation of commodity exchanges by the federal government will help the entire public. But it should be of especial benefit to South Dakota and the nation's farmers in their newly-found prosperity of higher prices. It should help the farmer to realize a greater percentage of return from what he produces than he has obtained in the past.

SMALL BUSINESS ADMINISTRATION

Mr. JAVITS. Mr. President, as ranking minority member of the Senate Select Committee on Small Business, I am deeply concerned with recent activities within the Small Business Administration. I am informed that the Justice Department as well as the House Banking and Currency Subcommittee on Small Business chaired by Congressman STEPHENS of Georgia is currently investigating widespread allegations as to the misuse of various SBA lending programs; and that criminal charges may be in the offing.

These events are most deplorable. But I am convinced that with the cooperation of the SBA's Administrator and former Congressman from North Dakota, Mr. Thomas Kleppe, the Department of Justice and the House Committee will be able properly to investigate the allegations and if there has been any wrongdoing the culpable individuals will be brought to justice.

The concern I wish to express today, Mr. President, is also a concern for the thousands of honest and loyal SBA employees throughout the United States whose continuing efforts seem somehow to be overshadowed by these revelations. Administrator Kleppe has expeditiously handled the developing situation since it was first brought to his attention in October of this year and his turning over the pertinent files to the Justice Department. Furthermore Administrator Kleppe has expressed a strong desire to testify before the investigating House committee to clarify the factual situation surrounding the allegations, most of which have appeared in the news media in this area. I note that just yesterday, in an effort to avoid possible aggravation and embarrassment to the agency, Administrator Kleppe reassigned the Philadelphia regional director and the Richmond, Va., district director to the Washington SBA office.

But the most imminent crisis is not that faced by employees of the SBA, not even those charged, but by the hundreds of thousands of small businesses throughout the Nation which without the aid provided through the SBA may not be able to survive.

Mr. President, the SBA which just this past summer celebrated its 20th anniversary, has an important responsibility in meeting the needs of the small business community. Small business comprises over 90 percent of our business in the United States, accounts for nearly 40 percent of the gross national product and provides over 50 percent of the jobs in our Nation's economy. The concern I express today is for those like the small retailer in New York City, the wholesaler in Colorado, the struggling electronics manufacturer in California and the growing construction firm in Omaha. My concern is that these firms and others like them throughout the Nation are dependent upon the SBA for their survival.

We here today, Mr. President, find this Nation in the midst of a major energy crisis. At a time like this it seems unthinkable to me that small businesses should be placed in the untenable position of not being able to call upon that Federal Agency that is capable of providing the assistance they need and have come to depend upon.

Mr. President, Members are aware of the many programs administered by the SBA. They not only include direct lending, bank guarantees, bonding guarantees, lease guarantees, and economic opportunity loans but also the full range of services including the licensing and regulation of small business investment companies, the issuance of certificates of competency, and providing technical and management assistance to small businessmen located throughout the United States.

Mr. President, recently the Senate by an overwhelming majority passed a bill to increase the SBA ceiling by $2.3 billion, from $4.3 billion to $6.6 billion. That bill now is on the table in the House Small Business Subcommittee. I am led to believe that our colleagues in the House of Representatives may wish that bill to remain in committee until the pending investigations are concluded. If my understanding of the pending allegations and current investigations is correct this may take several months.

I hope, Mr. President, we will not let this agency, which has and continues to serve this vital segment of our business community, cease its major operations while we consider the culpability of persons in the agency. I commend my colleagues in their investigatory effort and I do not mean in any way to minimize the allegations but it is simply too dangerous to the small business community and the SBA to hold the necessary ceiling increase hostage pending the outcome of the investigations currently underway and I feel my colleagues will give this state of facts their every consideration.

VIETNAM VETERANS NEED HELP

Mr. BIDEN. Mr. President, prevailing congressional sentiment has suggested that the benefits available to Vietnam do not compare favorably to those granted earlier veterans of armed conflicts. Veterans' Administrator Donald E. Johnson, at the request of Congress, commissioned a study that was designed to enable comparison. The results of the study conducted by the Educational Testing Service—ETS—are now available, and, unfortunately, confirm congressional fears. The ETS report depicts the dismal situation of today's veteran as compared to his father. At one point in the study, ETS reports:

> The five-fold increase in the average tuition of a four-year private institution by 1973, coupled with the costs of books and supplies, requires the Vietnam veteran with current benefits of $1980 to raise an additional $136 just to meet educational costs—leaving literally nothing for subsistence.

Mary McGrory, writing in the Boston Globe on September 24, 1973, discusses veterans' benefits and the results of the Educational Testing Service's study. As Ms. McGrory concludes:

> The hope that the veterans will receive at least the benefits being promised those who join the volunteer army rests probably with the veterans in Congress, those who . . . remember that it was the GI bill that made it possible for them to get where they are today.

The apparent disregard for veterans has been exhibited in the past by the VA's attempt to reduce compensation ratings for specific disabilities. Although this proposal generated sufficient public reaction to compel the VA to retract its statement, it has become apparent that Vietnam veterans are being short-changed in other areas as well. Armed with the initiative of the spring and with the concrete data provided by the ETS, I hope my colleagues will continue the attempt to provide the Vietnam veteran with comparable benefits, enabling him to receive the best education those he defended can afford.

Mr. President, I ask unanimous consent that the full text of Mary McGrory's article, "When Less Is Not More for Veterans," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHEN LESS IS NOT MORE FOR VETERANS

(By Mary McGrory)

WASHINGTON.—Veterans Administrator Donald E. Johnson faces the unhappy task tomorrow of explaining to the House Veterans Affairs Committee a study which refutes the familiar Nixon Administration contention that "less is more" in the case of Vietnam veterans.

The study is one that Johnson commissioned at the behest of Congress, some of whose World War II veterans suspect that the "nothing-is-too-good-for-our-boys" philosophy that enfolded them on their return from battle has been seriously eroded by the budget-balancers.

The Educational Testing Service, a Princeton, N.J., organization has told Johnson the "real value" of the education allowance available to veterans of World War II "was greater than the current allowance being paid to Vietnam era veterans." Johnson insists that today's benefits, based on the Con-

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sumer Price Index, are comparable to those of other days.

A special Veterans' Opportunity Committee, which conducted hearings under the auspices of the League of Cities and the US Conference of Mayors, advocates that the GI Bill be rewritten so the government pays 80 percent of all tuition and fees and makes separate subsistence payments of at least $220 a month.

"It might cost a billion dollars," says VOC Chairman Rep. Silvio Conte (D-Mass.), who got his entire education under the World War II bill. "But what if it does? I remember those annual appropriations of $25 billion every year for the war. Nobody called them inflationary."

The Educational Testing Service report gives a somber picture of today's veteran as compared with his father.

"The five-fold increase in the average tuition of a four-year private institution by 1973, coupled with the cost of books and supplies, requires the Vietnam veteran with current benefits of $1980 to raise an additional $136 just to meet educational costs—leaving literally nothing for subsistence," the study says.

The Vietnam veteran's disability must be rated at 30 percent or more to qualify for benefits, the ETS report points out. Nor is he eligible for VA loans to enlarge or establish a business, as were earlier veterans.

The World War II veteran got special preference in housing under a Federal emergency housing program. "The present Administration has suspended or cut back on all Federally supported housing projects—adversely affecting those in need of housing," the ETS says.

As for those special programs to meet the "remedial and motivational needs" of the unemployed or underemployed Vietnam era veteran, some 40,000 were served by some 67 programs during fiscal 1973. "These programs are expected to terminate in June 1974 under Administration budgetary plans," the study adds.

The Nixon Administration's abandonment of the "grateful nation" concept while denying it, is largely possible because the country wants to forget about Vietnam. And the more crucial problem is that the Vietnam veterans do not have a lobby. The older veterans' organizations have attracted few members from this war. They support increased benefits, but out of pity.

The most visible Vietnam veterans group has been the Vietnam Veterans Against the War, which organized—not to get money—but to stop the war. The VVAW incurred the instant and undying hostility of the Nixon Administration when it camped on the Mall in 1971.

The hope that the veterans will receive at least the benefits being promised those who join the volunteer army rests probably with the veterans in Congress, those who, like Conte, remember that it was the GI bill that made it possible for them to get where they are today.

WILLIE MAYS: A BASEBALL IMMORTAL

Mr. BUCKLEY. Mr. President, a superb column written by Arthur Daley of the New York Times, Thursday, September 27, 1973, has recently come to my attention. It reminds us of the truly extraordinary baseball career of Willie Mays. This outstanding ballplayer has always had a special place in the hearts of New Yorkers, although he played for the San Francisco Giants for many years. He began his major league career in New York and it is fitting that he has chosen to end it there, where his skills have always been applauded by millions of fans.

Mr. President, there have been only a handful of individuals in any profession who have brought the kind of excellence, spirit, and sincere love of the game that Willie Mays brought to baseball. He is an incomparable figure in the history of American sports.

Mr. President, I respectfully request that this article be placed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Echoes Rolled in From the Past

(By Arthur Daley)

"The Willie Mays play I remember most," said Joe DiMaggio reflectively, "was the one that knocked Mickey Mantle out of the 1951 World Series."

It was a night for memories and they kept rumbling in like distant echoes from the past, the men and the events that provided flashbacks of illuminating glimpses of a spectacular career. This was fan appreciation night for Willie Mays, an occasion supercharged with emotion. This was an outward manifestation of the unashamed love affair that has lasted for 22 years between Willie the Wonder and the New York fans.

On hand to join in the tribute were such as DiMadge, Stan Musial, Bobby Thomson, Ralph Branca, Pee Wee Reese, Duke Snider, Vic Wertz and others. They dropped into the clubhouse before the ceremonies to visit the man of the hour and bid him Godspeed in his retirement.

"They sure bring back memories, don't they?" said Willie, holding court in front of his locker. No regal robes did he wear. He was clad only in his shorts.

There was a particular poignancy to the one that DiMadge evoked. The Yankee Clipper, always a perceptive man, had a better understanding than most of what Willie was going through because the incident he recalled had comparable status to the current situation, a superstar on the verge of retirement.

THE OVERLAP

"Not everyone remembers," said Joe, "that my career came to an end in that World Series. But 1951 was the year when both Willie and Mickey began their big league careers. At any rate this was about the middle of the second game. I was playing center field at the Yankee Stadium and Mickey was in right when Willie hit a ball between us.

"'Go ahead, Mickey. You take it,' I called out to him as we converged. Suddenly he went down as if shot. He had stepped into a drainage hole and wrenched his knee. Luckily, I was still close enough to make the catch, but poor Mick was out for the rest of the Series."

A beaming Vic Wertz, his bald head glistening in the lights, dropped by for a congratulatory handshake. In the 1954 World Series, Vic was the victim of one of baseball's greatest defensive plays when Willie raced to the distant bleacher wall, 450 feet away, and made an impossible, over-the-shoulder catch.

"I saw that play again on television the other night, Willie," said Vic, now able to laugh about it, "and I still can't believe my eyes. Every time I see it, you always catch the ball."

"Willie always seemed to catch the ball and hit it," said the suave Musial, an ardent admirer.

MAN WITHOUT A BAT

"Willie, you killed us too often for me to remember anything specific," said Reese, "although I guess the throw you made on Billy Cox had to be the best play I ever saw you make."

"I never can forget the first game we ever played in Los Angeles," said Snider, the erstwhile Duke of Flatbush. "It was the Giants and Dodgers again, but it wasn't the Polo Grounds or Ebbets Field. This was the Coliseum, a monstrosity, where the left-field wall pressed against the left fielder's back and the right-field fence was in the next county."

"I remember," said Willie, starting to laugh. "We took batting practice first and you fellas hadn't even seen the ball park. I kept saying, 'Where's the Duke?' I couldn't wait for you to arrive."

"You were so impatient," said the Duke, "you ran into the runway as we left the clubhouse and pointed to the right-field fence that wasn't even in home run range. 'Hey, Duke,' you said. 'They just took away your bat.' Damned if they hadn't. My homer total went from 40 to 15."

When Branca and Thomson dropped by, it almost seemed that Willie shuddered ever so slightly, as if trapped by another memory. As every schoolboy should know, Branca was the Dodger pitcher in the last inning of the last playoff game between Giants and Dodgers in 1951. It was Thomson who hit "the shot heard 'round the world," the three-run homer that gave the Giants a 5-4 victory and the pennant.

During that hysteria not many were aware of the fact that the Giant batsman kneeling in the on-deck circle was Willie Mays, a totally scared 20-year-old rookie. He didn't waste that kneeling time. He prayed. "Please God," he implored, "don't let me have to come to bat. Just make sure that Bobby hits one to end it for us." This just shows how enormous is the power of prayer.

No scared kid was Willie when he delivered his farewell talk on his night to remember the evening before last. He was a man of polish and distinction and dignity and eloquence. His baseball exit was an elegant one.

THE "SOUTH DAKOTA SATELLITE"

Mr. McGOVERN. Mr. President, a recent article in the Farmers Union Herald, which has a wide circulation in the upper Midwest States, described the Earth Resources Orbiting Satellite program which is the center of attention in South Dakota.

The EROS Data Center of the U.S. Geological Survey is located near Garretson, S. Dak. This data center is the hub of a program which contains enormous potential for the United States in helping meet the world food challenge.

Because of the importance of this program, I ask unanimous consent that the article by Mary Ann Hanson from the November 5, 1973, issue of the newspaper be printed in the Record.

There being no objection, the article was ordered to be printed in the Record as follows:

EROS

(By Mary Ann Hanson)

Planet Earth has a new library located in the rolling farmland just northeast of Sioux Falls, near Garretson, South Dakota.

It's known as EROS Data Center. Dedicated August 7, the facility, when fully operational, will house and process for public access countless photographic images of the earth's surface taken from satellites and airplanes. The facility also will provide a study center for world scientists.

EROS stands for Earth Resources Orbital Systems, a program under the Department of Interior designed "to inventory the earth's natural resources from space altitudes

through spacecraft systems," according to Don Orr, chief of applications assistance at the center.

Currently there's only one satellite providing a constant chronicle of the earth's happenings, another is planned in 1974 or 1975. ERTS—Earth Resources Technology Satellite—is an experimental satellite 565 miles high launched by the National Aeronautics and Space Administration in 1972. It circles the earth 14 times a day and passes over the same area every 18 days.

ERTS transmits its pictorial data back to three U.S. stations and one in Brazil. U.S. stations are the Goddard Space Flight Center in Greenbelt, Maryland; Gold Stone, California, and one in Alaska. The information is processed at Goddard, transported to EROS, stored and made ready for distribution around the world.

Geography is the biggest reason for EROS locating in South Dakota, says Orr, because the center eventually plans a receiving station of its own. Sioux Falls is "very close to the center of the conterminous U.S. so we can receive images directly over most of the land area."

Its rural location is to avoid electrical interference which would be a problem in an urban setting. Finally, says Orr, "the people of South Dakota gave a lot of support and participated in raising funds and making land available to us." The building is owned by the Sioux Falls Development Foundation and leased to EROS.

While the program is still in largely experimental stages, expectations for it are high. Among agricultural applications of the data, Orr lists monitoring crop production and stresses, locating ground water, flood prevention and monitoring pollution.

Using the satellite for inventorying crops would provide a more accurate overall picture, he feels. In South Dakota this year, for instance, "there were areas heavily stressed due to drought. You can report this through conventional means such as the weather service and ACS, but you can't put axact boundaries on it."

With EROS data, "we could say, 'Here's an area of 200 square miles where the production is going to be down because of drouth.' Then this would be used to modify the estimates of production. Maybe then," he adds, "we wouldn't get into another wheat deal like we did."

Digging test wells for ground water can be an expensive undertaking for farmers. Orr says, however, that a satellite image of a particular area in the hands of a competent hydrologist or geologist could indicate likely spots for wells. In like manner, exploration zones for other natural resources—oil, copper, gold, silver, uranium—can be indicated by study of an area's geological formations.

It's a matter of "knowledge of earth processes and identifying certain geological patterns," he says. The information is there on the pictures, it just has to be extracted by the human interpreter.

ERTS was used to keep track of the Mississippi flood this spring and, according to Orr, research is currently going on at the state level in western South Dakota on surface runoff and drainage problems. "We don't want to stop rain," he says, "but perhaps through these types of studies, runoff can be controlled at various points to prevent major reservoirs filling up. Farmers who operated along the middle and lower Mississippi Valley lost tremendous amounts of money in the flood. There's a fairly good system of reservoirs clear up to the head of the Mississippi Valley—it was just one of those situations where more precipitation runoff occurred than the reservoirs could handle."

Scientists are currently working on ways of utilizing ERTS data in agricultural and forestry problems. "We've got a long ways to go," says Orr, "but I think eventually we'll get a handle on this research."

ERTS also has great import for lesser-developed countries. This June, Orr conducted a two and a half week training session for 28 people representing 11 foreign countries.

Five were from Afghanistan where now "they're very short on foodstuffs," said Orr. "One of their natural resources they'd like developed is agriculture." And that means the location of water supplies.

So much time was spent in teaching the team to identify ground features that would indicate likelihood of water. "If nothing else," he says, "it's good just for them to make maps that show where there's hard rock, drainage and wind-blown sand. People in lesser-developed countries may know a lot about their local area, but very little about their whole country." Arranging satellite images into a map of the whole country creates "a very powerful tool for planners at the national level" concerned with decisions such as where to place roads, for example.

There are many areas in which ERTS data is applied. In the lobby of the new, modern, three-acre building, a series of panels depict uses already being made of the data. Among them—land use, urban expansion, crop conditions, natural resources, forests, water management, surface and near-surface mineral deposits, soil types, topographic features, geologic formations, water storage in snow packs irrigation, plant growth, air and water pollution, vegetation health, cloud cover, insect infestation, sea surface temperature, fish feeding areas and many others.

"There are so many areas that it's hard for our small staff to stay on top of it," says Orr. The nearly 100 employes are presently busy settling in the new facility after moving from their former, temporary headquarters in downtown Sioux Falls. Once that is completed, the staff should grow to about 150, he says. As demand for imagery and data grows, the number could climb to full capacity of 500.

Currently, some 600 orders for data are processed each week. This is expected to increase to almost a million copies per month as EROS begins to receive Skylab data for distribution. Primary area in the center is, therefore, the photo lab, which has been described as "the cleanest, most efficient and largest photo lab in the civilian sector of government."

The other arm of EROS is professional services, Orr's department. This department's function is to keep an eye on the uses being made of the imagery and to train people in those uses. "We don't ever envision a large, permanent staff here," he says. "We'd rather have visiting scientists work with us here for a year at a time—scientists not only from the U.S. Geological Survey, but other government agencies, private citizens and even foreign scientists.

"We will provide office space, equipment and will support them any way we can," Orr says. "What we ask then is the results of their studies so we can keep our training up to date."

The scientific community is just becoming aware of the possibilities in space photography, he says. "That's why we're having such a large demand for training."

GERALD FORD SPEAKER AT TESTIMONIAL DINNER FOR REPUBLICAN LEADER HUGH SCOTT

Mr. SCHWEIKER. Mr. President, on Monday, November 5, 1973, the distinguished Senate Republican Leader Hugh Scott, was honored in Philadelphia as the recipient of the 1973 Pennsylvania Distinguished Republican Award. It has been a privilege for me to serve as a colleague from Pennsylvania with the Republican leader. He has been a leading Republican in Pennsylvania and the Nation for many years, and is highly deserving of this award and recognition for his service.

The principal speaker at this testimonial dinner was the Republican leader of the House of Representatives and Vice-President-designate, Gerald R. Ford. He praised Senator Scott for his long-time dedication to human dignity and human rights. He also addressed himself to the question of his own responsibilities if he is confirmed as Vice President.

Mr. President, I believe Congressman Ford's comments will be of interest to all my colleagues, and I request unanimous consent that his remarks be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks by Vice-President-Designate Gerald R. Ford

In twenty-five years in the United States Congress you go to a lot of testimonial dinners. It's an unofficial part of the job, and a part that I have always enjoyed.

For a quarter of a century now, I have worked with the men and women of the United States Congress and my respect for my colleagues has grown—not diminished—with the passing of time. So this kind of gathering, paying tribute to an honored public servant, is always a pleasure.

Tonight, however, is something special—something more than the usual opportunity to offer some well-earned praise to an honored colleague.

This evening is unique because the man we honor this evening is himself unique. His learning, wit, intellect and dedication make him so, as well as his remarkable record of public service—a record unequalled in the annals of this proud State of Pennsylvania.

For over thirty years Hugh Scott has given his State and his country the two things they need the most—able leadership and unquestioned integrity.

In the process, because of our shared responsibilities as the minority leaders of the Senate and the House, he has also become a man I am proud to claim as a valued personal friend. Hugh's advice, his encouragement, and his unfailing good humor have helped us both through a lot of tough decisions and a lot of important work for America.

Besides, he is the only man in the United States Congress you can go to for really knowledgeable advice about Chinese Art.

Another of Hugh Scott's unsung virtues is his pioneer work in making the moustache respectable in modern American politics. After Tom Dewey lost the presidential race for a second time in 1948, the moustache fell into a long decline. Only Hugh Scott stood between the moustache and total political oblivion. In those days he was a prophet without honor.

Today, thanks largely to Hugh, the moustache has regained respectability and has reappeared along with sideburns in both Houses of the Congress. I call it the graying of America.

When historians look back on the troubled years of the mid-twentieth century, they will remember our guest of honor tonight as the man who made the moustache safe for democracy.

In a much more serious vein, there is something else that Hugh Scott pioneered for which posterity will be eternally grateful. Long before most people had given a thought to the whole civil rights issue, Hugh Scott was fighting vigorously for the cause of human dignity.

As a crusading Philadelphia district attorney, Hugh Scott championed the rights of

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Italian Americans, black Americans and other minority groups decades before civil rights had become a fashionable cause or a political asset.

What Hugh did, he did out of compassion and belief in human dignity. And those for whose rights he fought have not forgotten him, as I can see from looking out into this audience tonight.

I don't think there is another man alive today, in or out of the Congress, who has done as much for the advancement of human rights—the fundamental liberties of all Americans—as the senior Senator from Pennsylvania, my friend Hugh Scott.

Nearly every civil rights bill that has passed the Congress since Hugh entered it carries his imprint. Millions of Americans today are at long last living their lives as first class citizens because this man of principle led the crusade for human dignity for more than a generation.

Speaking of justice and law enforcement, I happen to know that Hugh's advice also helped the President in his successful search for a new Attorney General of unquestioned ability and integrity, Hugh's colleague from Ohio, the Honorable Bill Saxbe.

If there ever was a man who tells it like it is, that man is Bill Saxbe. As Attorney General I am confident that he is going to do a great job helping to restore trust and respect to a shaken Justice Department.

This is the same task I have set for myself as Vice President. I hope to do my part in restoring the trust that our people once had and deserve to have again in the American system of government.

As far as I am concerned, this is the first order of business today for all of us—whether we serve as Vice President, Senate minority leader or a precinct chairman in Pennsylvania. And I deeply believe that, if we all pull together, we can and will do it.

In his farewell State of the Union Address a great adopted Pennsylvanian by the name of Dwight Eisenhower left us a prayer—a prayer that all Americans can share, especially at this troubled time.

"Let us pray," Ike said, "that leaders of both the near and distant future will be able to keep the nation strong and at peace, that they will lead us on to still higher moral standards, and that, in achieving these goals, they will maintain a reasonable balance between private and governmental responsibility."

As we look at the world today—and I realize that you have to pierce through a lot of immediate gloom to do so—but if you do look at the broader picture today, you see that part of Ike's prayer has already been answered.

For despite some very sore testing, our leadership—President Nixon's leadership—has kept America strong and restored the peace. Not only that, but for the first time in living memory, we can actually look to a future in which a full generation of peace is no longer an empty dream but a potential reality.

This is no small accomplishment. In fact, it is an accomplishment that, like our guest of honor tonight, is unique. And our guest of honor had a lot to do with it.

For without the support of men like Hugh Scott, President Nixon could never have achieved his great breakthroughs for world peace.

Working together, the President and men of conscience and ability in the Congress have accomplished this great work.

A new chapter in the search for peace was written just a few days ago, when for the first time in the long and bitter history of the Arab-Israeli conflict, both sides agreed to direct talks—the kind of talks that may eventually remove this menace to world stability.

This is a record that we can be proud of as Republicans and as Americans.

I recognize this, you recognize this, and I believe that most Americans recognize this. But we also realize that, today as never before, we face another problem—the problem of morality and standards that Ike addressed himself to in the second part of that prayer of his.

Rightly or wrongly, a cloud of doubt hangs over Washington as we are gathered here this evening. It is a cloud that must be cleared away for the sake of our country.

The question is, how do we do it?

I am sure no one expects an easy answer to that question. There isn't one. But I would like to suggest an answer that flows from my own experience.

Last Thursday I appeared before the Senate Committee on Rules and Administration, which was inquiring into my fitness to be Vice President of the United States.

In making my opening statement to the committee, I said: "Truth is the glue that holds government together, and not only government, but civilization itself."

I believe that most deeply. Truth is a tie that binds human beings together in a drive toward noble goals, and truth is the bond that links people to their government with feelings of faith and trust.

Without that bond of faith and trust, government cannot function. And so today there is an urgent need for all Americans to rededicate themselves to truth, and to honesty and to fair dealing and to plain speaking.

I have always felt that if you communicate with the American people and—to employ a cliche which everyone understands—lay the facts on the line, they will respond and the country will move forward.

This is the important ingredient in the glue of truth—that we communicate with one another, with complete candor and openness.

My experiences since being nominated for the Vice Presidency also compel me to make some comment about the ladies and gentlemen of the press.

A number of investigative reporters have been digging to see if they can find anything in my past conduct which would tend to disqualify me for the high office of Vice President.

I do not object to this. That is their job, and they should do it the best they know how. They are seekers after truth. They are motivated by the same emotions that inspire the rest of us—love of country and dedication to what's right.

Last weekend the Washington Post failed to publish because of a printers' work stoppage. I keenly missed reading my Washington Post. The experience brought freshly to mind the comment made by Thomas Jefferson in a letter dated Jan. 16, 1787, a letter which rings with just as much wisdom now as then.

"The basis of our government being the opinion of the people," Jefferson wrote, "the very first object should be to keep that right; and were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter."

There are times, of course, when newspapers engage in an excess of zeal. So, too, do members of the Congress. In this highly charged and emotional atmosphere of the moment, it is the duty of all Americans—particularly those in public office and those in the news media—to exercise the utmost caution. Those of us in these honored fields of endeavor have a special responsibility.

To preclude a breach of that trust, self examination is helpful. That is exactly what I engaged in last week as I was preparing for my confirmation hearings. As a result, I said to the committee: "I am not a saint, and I'm sure I have done things I might have done better or differently or not at all. I have also left undone things that I should have done. But I believe and hope that I have been honest with myself and with others, that I have been faithful to my friends and fair to my opponents, and that I have tried my best to make this great government work for the good of all Americans."

That is what I will continue to do if the Congress sees fit to confirm me as Vice President—join hands with Republicans and Democrats of good will to make our great government work for the good of all Americans. I will work for a new spirit of cooperation between the White House and the Congress, and for a rededication to truth on the part of all Americans.

My job—hard as it is going to be—will be made a lot easier thanks to men like Hugh Scott, this man of conscience, this man of conviction, this man of conciliation.

Hugh Scott doesn't like labels very much, and I agree with him. Labels tend to limit people, to force them into narrow corners and artificial categories. But there is one label Hugh has never rejected—the label of moderate. Always, he has been a moderate in the best sense of the word—a man of moderation and fairness, a man with a fierce sense of justice and an equally strong spirit of conciliation.

That is what makes Hugh Scott an outstanding Republican, not just this year, but every year. And that is why I consider it a special honor to be a part of this tribute to him tonight.

DR. MARCUS A. FOSTER

Mr. TUNNEY. Mr. President, the city of Oakland is commemorating the life of Dr. Marcus A. Foster, superintendent of schools and the Oakland School District. The entire community was shocked and saddened last week of the senseless killing of this outstanding educator and administrator.

Dr. Foster was admired by all for his steadfast dedication to the youth of the Oakland area. I have been deeply impressed personally by his sensitivity, commitment, and ability to bring the east bay communities together.

He will be sorely missed by those not only in the field of education, but also in numerous other fields where his skills as an educator and leader were utilized.

I hope his tragic death will serve as a reminder that the education of our youth is vital to bring about the kind of society for which Dr. Foster stood—a society in which these acts of violence will not occur.

AIR FORCE ASSOCIATION—MAXWELL A. KRIENDLER

Mr. JAVITS. Mr. President, the September issue of Air Force magazine, the official publication of the Air Force Association, took notice of the 26th anniversary of that organization. Sadly, the anniversary issue also noted the passing of Maxwell A. Kriendler, was a founder and the first president of the Iron Gate Chapter of the Air Force Association and known to a host of New York national and world figures as the "Mac" of "21." One of the outstanding chapters of the Air Force Association, the Iron Gate Chapter contributed hundreds of thousands of dollars to charities in large part due to the energy and compassion of Mac Kriendler. Mr. President, I ask unanimous consent that a most deserving tribute to Mac Kriendler be printed in the RECORD.

There being no objection, the tribute was ordered to be printed the RECORD, as follows:

MAXWELL A. KRIENDLER

The Air Force Association is young as organizations go, and time has thinned its ranks but little. Hence, when any stalwart falls he leaves a bigger than ordinary gap. The phenomenon is compounded when the man himself is extraordinary—when he is Mac Kriendler.

Maxwell Arnold Kriendler died in New York City's Mt. Sinai Hospital on August 7, 1973. He had been grievously ill with cancer for the past two years, although the proximate cause of death was pneumonia. He was sixty-five.

Those are the bare statistics. Behind them lie a complicated, warmhearted, generous person who gave more to each of the three enthusiasms in his lifetime than the average man is able to devote to one.

Enthusiasm number one—his business life, in which family, social, and personal relationships were inextricably entwined. It centered around the best-known restaurant in the country, the "21" Club, at 21 West 52d Street in New York—an internationally known watering place that began as a speakeasy, under the aegis of Mac's late brother, Jack Kriendler, and their cousin, Charlie Berns. Mac joined "21" in 1929, following graduation from St. John's Law School, and served as its president from 1947 to 1955. In that year, he moved next door as president and treasurer of 21 Brands, a liquor distributor and importer of, among other fine spirits, Ballantine's scotch and Hines cognac. He later served as chairman of its board.

Enthusiasm number two (only Mac could have said what should be the proper order)—the United States Air Force. The "21" Club is full of souvenirs of the Air Force, in which Mac rose to the rank of lieutenant colonel during World War II, being discharged in 1945 as chief of management control, Eastern District, Air Technical Service Command. He remained active in the Air Force Reserve and retired as a colonel in February 1968. Associated decorations include the Exceptional Service Award, highest civilian decoration of the Air Force, Legion of Merit, and Air Commendation Medal.

Enthusiasm number three—the Air Force Association, including AFA's Aerospace Education Foundation, the Iron Gate Chapter of New York, and the Annual Air Force Salute, sponsored by the Chapter. His service to AFA was endless and tireless. He was the first President of the Iron Gate Chapter when it was chartered on September 21, 1961. That same year he was elected to AFA's National Board of Directors, on which he served until his death, excepting only the years 1964–66. His tenth term in 1972 made him a permanent member of the Board. For nine years, beginning in 1965, he was a member of AFA's Finance Committee. He received AFA's Medal of Merit in 1961 and its Exceptional Service Plaque in 1962. In 1964, Mac was named AFA's "Man of the Year."

Also in 1964, he became a member of the Board of Trustees of the Aerospace Education Foundation, on which he served until his death. In 1966 and 1967, he was Treasurer of the Foundation.

Mac Kriendler—genial host, successful businessman, devoted Air Force officer, dedicated AFA leader—but most of all a generous and unselfish friend. His life was so full because he was so full of life. He will be missed but never replaced.

LAND USE LEGISLATION

Mr. McGOVERN. Mr. President, I ask unanimous consent that the following article by Mr. Luther J. Carter in the November 16, 1973, issue of Science be printed in the RECORD. This very thoughtful and well-written article on land use legislation is timely, and provides keen insight into one of the major issues before the Congress.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LAND USE LAW—I: CONGRESS ON VERGE OF A MODEST BEGINNING

For nearly 4 years now, land use policy legislation has been gestating in Congress, and, if all goes as expected, it will be enacted into law by sometime early next year. The Land Use Policy and Planning Assistance Act of 1973, as the measure has been dubbed, is meant to add a major new dimension to the structure of environmental protection policies which has been emerging since the early 1960's. Indeed, there is scarcely any aspect of the problem of maintaining environmental quality—whether the trouble at hand be air pollution, water pollution, strip mining, promiscuous public works undertakings, or whatever—that can be coped with effectively in the absence of enlightened land use policies.

And, of course, such policies are concerned with much more than protection of the environment, for they have to do with the nation's physical—and hence social and economic—development. Although not resting on so broad a concept as "growth policy," land use policy will necessarily be a critical component of any strategy for guiding or redirecting patterns of growth. Therefore, few issues are more important, more complex, or more charged with political tensions than this matter currently before Congress of establishing a foundation on which sound land use policies can be built. Viewed against the magnitude of the problem addressed, the pending legislation represents a constructive but modest beginning.

Because this legislation hardly can be understood apart from the background of land use practices and planning in the United States, it is essential to examine that background.

The first zoning ordinance in this country was adopted by New York City in 1916 to prevent the garment district from expanding into the fashionable Fifth Avenue shopping area. Note well the negative emphasis here. The New York ordinance, which many cities would soon be following in letter or spirit, had to do simply with keeping what were deemed incompatible uses from occurring within the same area.

This ordinance and the subsequent trend of local zoning which it characterized represented a narrow, limited approach to regulating the use of land in the interest of environmental quality. The zoning official was, in effect, a policeman rather than the instrument of a policy based on natural and humanistic values which would not have allowed much of the urban setting to become a barrens of concrete and steel.

The local governments were, of course, creatures of the state governments, but during the 1920's the states began delegating responsibility for zoning to the municipalities. At the time, this was seen as a reform. The Standard State Zoning Enabling Act published in 1922 by the U.S. Department of Commerce—then headed by Secretary Herbert Hoover—served as a model. According to its terms, the local governments would assume the police powers necessary for zoning and other land use regulations and would not have to look repeatedly to rural-dominated legislatures for special acts. A state's enactment of the model law was then regarded by progressive-minded urbanites as an encouraging step toward "home rule."

BOOST FOR PLANNING PROFESSION

Land use planning as a profession received an enormous boost from the passage in 1954 of the Urban Planning Assistance Act that provided for the so-called "701 program" under which large sums ($100 million in fiscal year 1972 alone) of federal money have gone into state, local, and regional planning activities (with local and regional entities getting the great bulk of the money). Substantial funds for planning also have come from various other federal programs, and, at least in terms of the increase in numbers of planners and planning entities, progress has been spectacular. In the early 1950's there were fewer than 250 active planning professionals in the United States; by mid-1972, there were more than 6200. Furthermore, over the same period more than 200 metropolitan planning agencies were established and some 4000 comprehensive development plans prepared.

The proliferation of plans and planning agencies has not, however, resulted in a general reform of zoning and land use practices. Planning activities have generally been off in a corner away from the hurly-burly of the political process, whereas zoning has been in the thick of that process. Applicants for zoning changes and variances have often come on strong with campaign contributions (and sometimes outright bribes), together with the backing of banks, insurance companies, labor unions, and other local or outside interests having both a stake in the outcome and plenty of clout.

If in recent years some city councils, county commissions, and local zoning boards have been more resistant to such pressures, this has been due less to the influence of professional planners than to an increasing environmental awareness and militancy on the part of many citizens in states such as Florida and Colorado where the pressures of growth and development are intense. Further, it can be said that a strong "anti-growth" attitude among the citizens of a particular community may be no better justified than a recklessly permissive attitude, and may reflect no more favorably on the effectiveness and influence of established planning and zoning programs.

The current interest in land use policy is in part an outgrowth of what, in many places, is clearly a genuine land crisis. To be sure, there is anything but a shortage of land in the United States, taking the nation as a whole. But the year 2000 urban regions will, according to projections prepared for the Commission on Population Growth and the American Future (Table 1), cover some 487,000 square miles, as opposed to the 197,000 square miles contained within such regions in 1960. But this will represent only 16.4 percent of all land in the United States, excluding Hawaii and Alaska. Vast areas will remain thinly populated, and even the urban regions will not constitute a single supercity but rather—in the words of the Population Commission—"a regional constellation of urban centers and their hinterland."

Yet, while there is no general shortage of land, there is widespread abuse and misuse of land, both in urban regions and in regions still largely undeveloped. The several categories of problems resulting from such abuse and misuse include the following:

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A decline of environmental quality within urban regions. "Urban sprawl" is one of the weariest of clichés, but the problems capsulized by this term are still very much with us and, in some places, become more aggravated by the day. New subdivisions are still often being built far beyond the reach of established urban services, in areas where efficient sewage collection and treatment are necessarily absent and where existing roads are inadequate to handle heavy new traffic flows.

Strip development along highways—a problem long recognized and long neglected—continues to occur, with the hamburger and fried chicken driveins, the pizza parlors, the used car lots and the shopping centers proliferating endlessly. The scarcity and hence the extraordinarily high value of sizable tracts of strategically placed undeveloped land in urban areas generates powerful economic and political pressures to convert such land to high intensity use even though the crying need may be for open space and public parkland (of this, the accompanying article about the controversy in Yonkers, New York, over a huge shopping center proposed for land owned by the Boyce Thompson Institute provides a prime example).

In general, the standards of urban development have been so lax and so uneven that many people have come to regard land development as just another form of pollution. For instance, owners of single family homes generally oppose the construction of high-rise, multi-family apartment or condominium buildings in their neighborhoods. They assume, often correctly, that the developer will try to maximize his profits by squeezing as many living units as possible onto the land rather than take advantage of the fact that, if properly designed, high-rise development can offer the distinct environmental advantage of allowing much of the site to be left as green space or as a neighborhood park. One can all too easily find examples of such problems as have been described here in practically any fast-growing urban region, whether it be the San Francisco Bay area, southern California, the Colorado Front Range, peninsular Florida, or the expanding metropolises of the East and Midwest.

Suitable and convenient sites for necessary utilities and public facilities are being lost—and environmentally unsuitable ones are still sometimes being selected. With foresight and planning on the part of public officials and utility executives the sites that will be needed for airports, highway rights-of-way, reservoirs, power plants, and so on, can either be acquired in advance or zoned for uses (such as farming or forestry) that will not preclude the eventual development there of the essential facilities. The fact is that such foresight generally has not been exercised, with the result that desirable sites are being preempted by housing or other forms of development that could just as well have gone elsewhere. Utilities have sometimes secretly bought sites against long-term needs, but, as repeated controversies over power plant siting have shown, there is no proper substitute for having the selection of such sites either made or ratified (and at an early stage) by public officials.

Just as appropriate sites for public facilities are often lost through lack of advance planning and zoning, the sites finally chosen and used for such facilities are sometimes highly inappropriate, at least from an environmental standpoint. A classic case in point was the Dade County (Florida) Port Authority's decision, joined in by the Federal Aviation Administration and assented to initially by officials of the National Park Service and a number of state agencies to select a 39-square-mile site in the Big Cypress Swamp for a pilot training facility that might ultimately become one of the world's great jet-ports. The controversy arising from that decision led in early 1970 to a demand by the Nixon Administration that the training facility be removed from the Big Cypress—with the result that now the jetport, if it is ever actually built, will (while avoiding the Big Cypress) intrude deeply into an Everglades water conservation area near Miami.

The jetport dispute was one of the more significant factors causing the President's Council on Environmental Quality to come forward in 1971 with a land use policy bill. This controversy was also among several disputes over the siting of major facilities which led Senator Henry M. Jackson (D-Wash.), chairman of the Senate Interior Committee, to begin work on such legislation in 1969.

Promiscuous development of vacation homes is causing degradation of wild and scenic areas that should be protected for general public benefit and enjoyment. Whether one looks to the Big Cypress Swamp in South Florida, the Adirondack Mountains of upstate New York, the coastal reaches of Maryland and Virginia, the alpine areas of the Rockies, or the deserts of New Mexico and Arizona, the land sales companies have been eagerly buying up land to be subdivided and sold on installment to buyers susceptible to high pressure sales tactics—and who may themselves be naive small-fry speculators. The growth of the land sales business has been astonishing; the total number of lots sold in 1971 (by some 10,000 subdividers) runs to an estimated 625,000. In Florida alone about 200,000 lots are registered each year with the state land sales agency, and, while some of the lots are in well-planned retirement home subdivisions, many are in places such as the Green Swamp and the Big Cypress, both being areas important for wildlife and for aquifer recharge.

Outright fraud is practiced by some of these purveyors of vacation home lots, with purchasers discovering belatedly that the lots probably can never be used, either because of inaccessibility or because they are in an area prone to flooding, mud slides, or other natural hazards. In other cases, the land can be used, but only after alterations—draining swamps, scarring mountainslides (with the deep cuts and fills necessary for road building), or filling coastal wetlands—that do severe harm to regional hydrologic and ecologic systems. Although it has proved a grossly inadequate remedy, the Land Sales Full Disclosure Act of 1968 was meant to protect the land buyer. Essentially nothing has been done to cope with the ultimately more serious problem of protecting the land itself.

TABLE 1.—POPULATION AND LAND AREA OF URBAN REGIONS, 1920 TO 2000

	1920	1940	1960	[1] 1980	[1] 2000
Number of urban regions	10.0	10.0	16.0	21.0	25.0
Population:					
Millions	35.6	53.9	100.6	164.6	219.7
Percent of total U.S. population	33.6	40.8	56.1	73.4	83.1

	1920	1940	1960	[1] 1980	[1] 2000
Land area:[2]					
Square miles	60,972.0	94,999.0	196,958.0	395,138.0	486,902.0
Percent of total U.S. land area[3]	2.1	3.2	6.6	13.3	16.4
Gross population density of people per square mile	584.0	568.0	511.0	417.0	451.0

[1] Based on Census Bureau series E population projection (based on a fertility assumption of 2.1 births per woman).

[2] Excludes urban region of Oahu Island, Hawaii.

[3] Coterminous U.S. excluding Alaska and Hawaii.

Source: Jerome Pickard, "U.S. metropolitan growth and expansion 1970–2000 with population projections," prepared for the Commission on Population Growth and the American Future at the Urban Land Institute, Washington, D.C., December 1971. [Reprinted with permission from ULI-Urban Land Institute, Washington, D.C.]

Prime farmland is being lost to development activities that could be required to use land of little agricultural potential. Statistics reported by the U.S. Department of Agriculture in its National Inventory of Soil and Water Conservation Needs, 1967 indicate that, as of 6 years ago, about 10 percent of the class I, II, and III land in the United States (land in classes IV through VIII is either marginal or useless for growing ordinary field crops) had been "built up" or otherwise converted to urban use. If, as prophesied by consultants for the Commission on Population Growth and the American Future, urban regions are to embrace more than twice as much land by the year 2000 as they did in 1960, the loss of prime farmland to development could increase correspondingly.

The modest loss of farmland to date has been far more than offset by increases in farm productivity resulting from improved seeds and other advances in agricultural science and technology. Yet, while the gains in productivity continue (though at a slower rate than in the past), future production may not be sufficient to satisfy effective demand at acceptable prices. The rapidly rising demand abroad for American wheat, soybeans, feed grains, and other farm commodities, together with increasing consumption of farm products at home, may herald an end to the old problem of crop surpluses.

During discussions of land use legislation on the Senate floor this year, Senator George Aiken (R-Vt.) observed that land use policy should be viewed as highly relevant to both farm policy and energy policy. The United States, he said, should take full advantage of its ability to produce farm surpluses for export in order to earn the money to pay for what is expected to be its greatly increasing importation of foreign oil.

And, quite apart from such considerations of national policy as this, some will argue that the preservation of certain farmlands uniquely suited to specialty crops can be justified simply in terms of keeping such crops available to Americans at reasonable prices. Here, it is relevant to note that, from December 1969 to December 1971, citrus acreage in Orange County, Florida—where the Disney World project was then being built—declined by some 8 percent, or 5400 acres (freeze losses were a major factor, but the feverish speculation in land spurred by the Disney development may help explain why more freeze-stricken groves were not replanted). The value of the citrus groves of Orange County and the rest of Florida's central highlands goes far beyond that of the fruit produced. These groves are highly scenic, and they represent a productive use that is compatible with the highland region's vital function in the recharging of the state's great Floridan aquifer.

In sum, by 1970, when general land use policy bills first came to be seriously considered in Congress, there was abundant evidence of the need for legislation in this field. Furthermore, several existing laws had pointed up the importance of effective land use regulation without actually bringing about much movement in that direction. Going back a number of years, the laws governing various federal grant-in-aid programs—for redevelopment and housing, highways, airports, and the like—had required that the projects benefiting from federal assistance be consistent with general land use plans of local governmental bodies. The Intergovernmental Cooperation Act of 1968 required that applications for federal grants related to a long list of purposes, from mortgage insurance to sewer construction and flood control projects, be reviewed and commented upon by planning agencies at the metropolitan, regional, and state levels. For such requirements for planning coordination in the case of specific projects to serve their purpose, it obviously was essential that the states and localities have general plans and policies which really governed land use practices. The same was true of the requirements of new federal air and water pollution laws that land use planning and regulation be employed as a major tool for achieving or maintaining prescribed air and water quality standards.

A major aim of the land use policy bill tentatively developed in 1970 by Senator Jackson (D-Wash.) and his colleagues on the Interior Committee was to have the states reassert the authority over land use which they had so freely delegated to the local governments back in the 1920's and 1930's. This initial Jackson bill would have made each state government responsible for having a *comprehensive* state land use plan prepared and faithfully observed.

One state, Hawaii, had long before, in 1961, adopted a land use law that called for establishing four zoning districts—conservation, agricultural, rural, and urban. Every part of the state was to be placed in one of these districts. No other state had enacted such a law, however, and most still had no broad state-administered land use control program of any kind. Hawaii was atypical, probably because of its small size and the importance of preserving its very limited amount of arable land.

FOCUSING ON THE "BIG CASES"

The Nixon Administration, in its land use bill submitted to Congress in 1971, was in full accord with the idea of having the states reassert authority but disagreed with Senator Jackson in his emphasis on statewide comprehensive planning. The Administration measure followed the concepts contained in the draft Model Land Development Code prepared by the American Law Institute (ALI). That code called for the states to take a highly selective approach focusing on land use questions of more than local significance, or on the "big cases," to use the term employed by Richard F. Babcock, the Chicago attorney who led in the code's formulation. According to Babcock, under the ALI code some 90 percent of all land use questions would continue to be disposed of by the localities without interference from state government.

Whatever difficulties there might be with this approach, it clearly offered one indisputable advantage—it held out to the local governments an assurance that their authority in land use matters would remain largely intact, thus making them more amenable to the proposed new role for the states. Any land use bill opposed by municipal and county governments across the nation would be a dead duck.

In 1972 the Senate Interior Committee came around essentially to accepting the Administration bill, and the selective, "big cases" approach was the one spelled out in the measure reported from the committee this year and passed by the Senate in June. The Senate bill, which runs to 80 pages and is too complex to be easily summarized, would have the states establish a land use control program concerned with several categories of "areas and uses of more than local concern," as broadly defined below.

(1) "Areas of critical environmental concern," for example, historic areas, significant wildlife habitat, beaches, flood plains and other "natural hazard" areas, and "renewable resources lands," such as farmlands, forests, watersheds, and aquifer recharge areas.

(2) "Key facilities," such as major airports, highway interchanges and frontage access highways, sports arenas, and facilities for the generation or delivery of energy.

(3) "Large-scale development," as in the case of an industrial park or major subdivision.

(4) "Public facilities or utilities of regional benefit," as in the case of a public housing project, a power plant, or a waste disposal facility which might be arbitrarily excluded from a locality by exclusionary zoning.

(5) The location of new communities and the control of land use around such communities.

(6) "Land sales or development projects," defined as any subdivision or housing project of 50 or more lots or dwelling units located 10 miles or more from the nearest urban region or from the nearest local jurisdiction certified by the governor as capable of regulating such a project.

The act sets forth two methods by which the states are to implement the new land use program, these to be employed either singly or in combination. One method would be for the state itself to undertake direct planning and regulation. The other method, and the one preferred by the Interior Committee, would be for the state to establish guidelines and criteria by which local governments would implement the program, subject to the state's review and approval. A few states—Maine, Vermont, and California among them—have over the past few years established programs whereby certain kinds of development are regulated directly by the state. The facts of political life being what they are, however, most states are likely—at least initially—to adopt the method of indirect control favored by the Interior Committee.

Under the Senate bill, the federal government would assume the obligation of keeping all its activities on non-federal lands (as in public works projects carried out or supported by federal agencies) consistent with the state land use programs; exceptions could be justified only for reasons of "overriding national interests," as determined by the President. Federal lands would ordinarily be managed in coordination with the management of adjacent non-federal lands, an important matter in western states where federal and non-federal lands often exist in a complex checkerboard pattern.

Also, the federal government would support the new state and local land use control program with grants made to the states, the total to come to $100 million annually over an 8-year period. The states would bear 10 percent of program costs during the first 5 years and a third of the costs thereafter. To remain eligible for continued financial assistance a state would be expected to develop, within 5 years, a program of land use controls for coping with the kinds of problems earlier described. Administration of the act would be the responsibility of an office of land use policy in the Department of the Interior, assisted by an interagency advisory board and (in cases where a state's eligibility for continued assistance is in question) by an ad hoc hearing board that would include a governor among its three members.

The land use policy bill that the House Interior Committee is expected to report out before the end of the year is likely to be generally similar to the Senate measure. In spite of opposition from the political right and from many land developers, such legislation now appears to have won the support (or, in some cases, at least the grudging acceptance) of a variety of interests, including resource user groups, local and state officials, and environmentalists.

This has come about through the elimination of both the more controversial provisions of the original draft legislation and some which various senators and representatives wished to add. Especially notable in this regard was the Senate's rejection, by a vote of 52 to 44, of a provision favored by Senator Jackson which would have allowed federal authorities to withhold up to 21 percent of a state's allotted highway, airport, and land-and-water conservation funds pending its adoption of an acceptable program of land use conrtol.

With few exceptions, the governors had strongly opposed this sanction, and the surprising thing is that it received as much support among the senators as it did. The land use bill pending in the House still contains a sanctions provision, but it is expected to be dropped.

Another thing that has kept the bill from miring in deep controversy was the decision not to attempt to have it prescribe a *national* land use policy. Last fall, when an earlier version of the land use bill was under debate, the Senate turned a deaf ear to a proposal by Senator Edmund Muskie (D-Maine) to include substantive policies in the bill which, among other things, would have required that the states ordinarily exclude development from areas such as prime farmlands, flood plains and wetlands, and wild areas. The general policy would have been to favor redevelopment of existing communities and urban areas

Although the Senate bill calls for special protective policies for areas of critical environmental concern, the states would be permitted wide discretion in defining the extent of those areas and the nature of permitted uses—and, indeed, with the sanctions provision eliminated, a state would be free not to adopt any program of land use controls whatever. By way of specific environmental standards the bill does little more than say that air and water quality standards prescribed under existing law must be observed and that land sales projects must not be located in natural hazard areas or built in such a way as to destroy natural values.

As pointed out in the report of the Senate Interior Committee, "there is virtually no consensus on the possible substance of national land use policies." Senator J. Bennett Johnston (D–La.) had, for instance, no doubt spoken for many when he disputed Senator Muskie's proposition that development must be excluded from flood-prone areas (Johnston contended that such a policy might apply to as much as a third of the land in his home state). To cite another example, the concept of preserving prime farmlands arouses much disagreement, not least among farmers, many of whom cherish the right to sell their land to developers for a handsome capital gain.

The one major point on which a consensus exists is that there is a need to establish a *process* of state land use regulation. The Senate bill does provide that, 3 years following its enactment, the Interagency Advisory Board will recommend to Congress such legislation as it may deem necessary for the establishment of national land use policies. In this endeavor the board will be aided by reports from the Council on Environmental Quality and the states.

If the pending land use legislation does soon become law, as seems likely some im-

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provement in land use practices should result. The legislation, however, has a number of inherent weaknesses. In 1972, the Florida Legislature, by passing the Florida Environmental Land and Water Management Act, anticipated the proposed national land use law to a remarkable degree, for both the new Florida law and the national legislation are based on the ALI model code. Some major problems that appear to be arising under the Florida law will be examined in a second article.

DR. MARCUS A. FOSTER

Mr. SCHWEIKER. Mr. President, I was shocked and saddened to learn of the death late last Tuesday of Oakland school superintendent, Dr. Marcus A. Foster. Dr. Foster and his assistant, Deputy Superintendent Robert Blackburn, were gunned down by assailants as they left a school board meeting in Oakland, Calif. Fortunately, Mr. Blackburn will survive. But the void created by the death of Marcus Foster will be hard to fill.

Dr. Foster was well known to Philadelphians as associate school superintendent for community affairs. Prior to holding that position, he was principal of Simon Gratz High School in Philadelphia. In January 1969, Dr. Foster was presented the Philadelphia Award for his "outstanding public service to the community" when he was principal of Simon Gratz High School. He was cited, in particular, for his "Go for Gratz" program which brought school services closer to the community, and for forming an advisory council on career development to coordinate school efforts with the needs of industry. Only 18 of Gratz' graduates pursued higher education the year Marcus Foster became principal, in March 1966. After 2 years of his administration, 180 graduates continued their education, many with scholarship aid totaling $166,000.

In May 1969, Dr. Foster was named an associate superintendent of the Philadelphia school system. He was selected to fill a vacancy on the board of trustees of Delaware County Community College in June 1969, and was the first black ever nominated to that post. A month earlier he was named to the board of trustees of the University of Pennsylvania. Members of the Greater Philadelphia Chamber of Commerce named Dr. Foster "Man of the Month" in November 1969, and the educational task force of the Philadelphia Urban Coalition honored him at a testimonial dinner. He left Philadelphia to become superintendent of the Oakland, Calif., school system.

Mr. President, the shooting of Marcus Foster was a senseless act, and verbal tributes to him are somehow inadequate. However, at this point in the Record I ask unanimous consent to print an article by Elizabeth A. Williams which appeared in the Philadelphia Evening Bulletin. This article is significant, because it contains the tributes of the Philadelphia educators who knew Marcus Foster best. I join in their sentiments. In addition, I ask unanimous consent to print the foreword from Dr. Foster's book published in 1971 and entitled "Making Schools Work." The foreword was written by Alex Haley and aptly sums up much of Dr. Foster's philosophy.

There being no objection, the article was ordered to be printed in the Record, as follows:

Foster "Sorely Needed," Education Leaders Say

(By Elizabeth A. Williams)

Marcus Foster's murder in Oakland, Calif., was mourned today by Philadelphia school leaders who worked with him here.

Superintendent of Schools Matthew W. Costanzo spoke of him as a man whose example was sorely needed.

Mark R. Shedd, former superintendent, said Foster was one of the nation's great educators.

William Ross, president of the Board of Education, said, "He was a star."

"We are all terribly shocked and saddened by the loss of a very respected administrator and a much loved colleague," said Costanzo.

"There's no question that Marcus made an impact on the education of the children of Philadelphia while he was here."

(Foster became principal of Simon Gratz High School in 1966 and was an associate superintendent when he left here for Oakland.)

"Through his performance as principal of Gratz and as an administrator, he helped tremendously to raise the aspirations of Gratz pupils.

"Here is a man who was a product of the Philadelphia public school system. His example was sorely needed in the midcity.

"This even defies your wildest imagination. I just don't know who would want to do this to a man like Marcus Foster."

"This is a very tragic thing, a very amazing thing," said Ross.

"He was a very fine educator and an extremely constructive person in our educational system. I was extremely sorry to see him leave Philadelphia for Oakland.

"At Gratz, there was a great deal of absenteeism and very low morale. Marcus Foster turned all that around. He was a very fine all-round man."

Shedd, who appointed Foster principal at Gratz, was reached at his Cambridge, Mass., home. He now is a professor in the graduate school of education at Harvard University. Shedd said of Foster: integrity and enormous commitment to the kids and people of the community.

"I can't help but feel shock from the incredibility and senselessness of what has happened. When do we establish a climate when people don't seek to solve problems through murder, violence and brutality?"

Making Schools Work

(Foreword by Alex Haley)

Freshmen nowadays in already-troubled colleges exclaim, "Wait till the high school kids get here!" That only adds a wider dimension of value to this book's contents, which Marcus Foster has somehow found the time to share. All educators, working at whatever level, have a very real stake indeed in what Making Schools Work has to say; but it is on the precollege firing line that Marcus Foster's brilliant career is being carved out, and that is where he has gained his dues-paid expertise. The tone of the book mirrors the man whom I have become privileged to know and for whom I feel a deep respect. With his natural-born matter-of-factness and affableness he will hit a ghetto street, ringing doorbells ("Hello, I'm the principal from Gratz"), or will cross the country on a midnight plane to exchange dialogue with other erudite educators. Therefore, far from being lofty rhetoric, this book is simply Marcus Foster's offering, in his own warm way, of forthright views derived from the problems he has faced. He offers for colleagues' consideration action he has taken in volatile circumstances—actions that bear the authority of having worked.

The authority is cumulative. Time and again, Marcus Foster has been rushed into troubled schools as a ninth-hour general; and threatened violence has been averted, to be replaced by creative progress. ("As I see it, when there has to be violence to get something done, then we know that the democratic process is failing us.") He describes graphically the confrontations he himself experienced in the hot seat of troubleshooter and school principal. We see him siding in a particular instance with students correctly demanding school changes to what they felt was "relevant." On other occasions we see how he weathers the tensions of an emotionally aroused community, a critical metropolitan press, an adamant school board, and a teachers' union ready to strike. Then we can read about the direct, practical, corrective steps that *worked*. And when the confrontations were at last defused and diffused, there came the healing, building actions which saw anger's energies channeled into constructive programs. We follow him through the long, hard, trying months of struggle to improve a historically maligned high school, "down" in every way imaginable, until gradually there begins a visible rising. The reader can share vicariously Marcus Foster's emotions when he says, "As Gratz began to climb upward, we could literally feel the surging energy and joy."

Marcus Foster goes farther—he takes us behind the scenes with insights into why various actions worked.

He helps us look into the welter of fears and uncertainties occurring today wherever pupils, black or white, or being used to achieve racial mixes; or wherever once lily-white residential school communities are rapidly darkening. Marcus Foster holds up a candid mirror to educators, students, parents, school boards, and communities, so that all who are involved may look at themselves.

Again, his insights help us understand the loudly lamented "nonreading" and "nonverbal" student—by offering fresh new perceptions of that young human being. We read of measures that have lured out and have *motivated* even their uneducated parents to see that there *are* ways in which they can aid their children's education ("I never met a parent, no matter how poor, who didn't prize education and know that education is what his children need.")

Here are made graphic the diverse dangers that accompany any administrative tactics to stall, balk, or outright ignore the demands voiced by students. ("If it makes sense to you, say so . . . . The kids need to know where you stand, whether you're with them or against them.") And like a litany, this book calls parents and the general community to become, and to be kept, genuinely involved with their schools. ("A school insulated from its community never was a good idea. Nowadays it is impossible!")

Marcus Foster urges that there be no more VIP principals within sacrosanct offices. He champions those whose open-door (and open-*ear*) policies obviously keep them closely attuned to whatever is going on. (In my own two years of interviewing for and writing THE AUTOBIOGRAPHY OF MALCOLM X, I cannot remember Malcom ever more impassioned than when he recalled his hurt and disillusionment followed by bitterness after a white eighth-grade counselor told him that, because he was black, he should strive to be a carpenter, not a lawyer, as Malcolm wanted.) Foster bemoans the huge metropolitan high schools which may have as many as four thousand students, and he wishes particularly that he could somehow alleviate in such schools "the anonymity a child feels . . . Anything you can do to overcome it has to be worthwhile."

The next book by Marcus Foster may very well be about the diverse challenges with which he will surely be dealing as he continues in his present post as the first Black Superintendent of Schools in racially charged Oakland, California. The public reactions when he arrived ranged from sympathy for whoever would undertake the job, to hyper-militant dubiousness that the touted "mouthmatician" from Philadelphia could last even the traditional "honeymoon" year. As he entered his second year, however, it was accepted by all that Marcus Foster certainly seemed determined to revitalize comprehensively a troubled metropolitan school system. He was ready to "retool" by any means necessary, to provide better, more relevant education for the multi-ethnic students and community the school serves.

He concludes this book most appropriately with his first speech to the staff—whom he advised, "The reward system will work for those who dare to take risks." I feel no risk at all in reiterating that there are no American educators, or members of school boards, or student bodies, or parents, or concerned citizens, who will not find enlightenment and wise counsel about the administration of schools in our present, testing times through reading of this book.

TRADEMARKS PROMOTE U.S. ECONOMIC GROWTH

Mr. EAGLETON. Mr. President, the president of the U.S. Trademark Association is a most distinguished St. Louis attorney, Mr. Thomas J. Carroll.

He has written me a letter, excerpts from which I ask unanimous consent to have placed in the Record along with a pamphlet prepared by the U.S. Trademark Association.

There being no objection, the material was ordered to be printed in the Record, as follows:

Excerpts

This brief pamphlet presents 7 cogent reasons why the United States trademark system is so vital to the vigor and growth of the United States economy.

The USTA feels quite strongly that since the founding of our country, and certainly since the age of the industrial revolution, trademarks have been the very backbone of our economy. Unfortunately, today their importance to everyday living and protection of the consumer is frequently lost in continuing efforts of others to present other concepts and philosophies. These efforts are being utilized in some instances by well-meaning individuals and even government bureaus. However, I don't really think they have thought through what the end results of their efforts to promote other concepts and philosophies will be.

The USTA is going to forward to each congressman and senator a copy of the pamphlet in the very near future. So it is our hope that should you grant my request to read the pamphlet into the Congressional Record, it will not be an unfamiliar subject to your colleagues.

Trademarks Promote U.S. Economic Growth

Trademarks have helped build the American economy to its leading position in the world today. No other economy has ever matched its record of innovativeness, productivity or ability to raise the entire standard of living of a major nation.

Why is the trademark system so vital to the vigor and growth of the U.S. economy? Here are seven reasons why:

1. ENCOURAGES MARKET COMPETITION

Market and merchandisers competition in America depends on the ability of competing producers to identify their goods and services. Without trademarks to differentiate the source of one product from another, an important incentive to offer superior quality is lost.

2. FIXES RESPONSIBILITY

Trademarks act as a major deterrent to careless manufacturing. Dissatisfied consumers can instantly identify products that failed to live up to claims or expected standards of quality.

3. STIMULATES INNOVATION

Continuous new product development in a free society requires a trademark system to guarantee the innovator his goods can be recognized and rewarded if they prove successful.

4. LOWER COSTS

The economies of mass production and mass distribution depend on trademarks to develop and hold large markets. Without trademarks, cost-saving distribution techniques such as self-service supermarket merchandising would be impaired. Nor would producers have the confidence of repeat sales to package products at the rate of millions of units per week.

5. SAVES CONSUMER TIME

Fast product identification saves valuable time for consumers. The average American food shopper today spends only 30 minutes per week selecting 50 different products on a typical trip to the supermarket.

6. GIVES CONSUMER A CHOICE

Trademarks make it possible for consumers to tell one product from another, choose their favorites and reject the brands they don't like.

7. CREATES FOREIGN MARKETS

American companies foreign trade has played a major role in building the U.S. economy. Trademarks make it possible for American producers to create worldwide markets for their products.

PROBLEM OF SECURING STABLE ENERGY SUPPLIES

Mr. HATFIELD. Mr. President, may I take this opportunity to bring the words of the great Senator from West Virginia (Mr. Randolph) to the attention of my colleagues. He is addressing today a convention of the American Petroleum Institute, and his subject is the problem of securing stable energy supplies for our country.

Few people can speak with the authority of Senator Randolph on this subject. We remember that years ago he began urging the Congress to focus attention on our developing energy problems. He is the father of the wide-ranging Senate study of U.S. energy policies begun in the 92d Congress and continuing in the 93d. The clarity of his vision in the examination of the many facets of our current energy situation is still unmatched.

Time will prove the assertions that Senator Randolph makes today. Let us not waste time by failing to act upon his recommendations.

I ask unanimous consent to have the text of Senator Randolph's address appear in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Speech by Senator Jennings Randolph

You have been reading about it and you have been living with it—and so have I. Reference here is, of course, to the fuels and energy crisis.

I have not at any time discounted the seriousness of the shortages as they have grown into crisis proportions.

But, after numerous critical meetings with N.A.T.O country legislators in the latter part of October—and all last week with my Senate colleagues, with Administration spokesmen, and with leaders of energy industries—I say with sadness that we have a real crisis now, not a contrived crisis. And a more serious extension of the crisis is in the making, largely as a result of the Arab-Israeli war and our country's involvements.

So, continuing our high standard of living in America is possible only through having available—and consuming—significant quantities and, for the foreseeable future, increasing amounts of energy resources. But, consumption must slacken because supply is not keeping pace in any commensurate degree with demand.

Recent—and growing—shortages in gasoline and propane—and now in heating oil—and a falling off of coal production, all combine to raise serious questions regarding our country's capability to sustain even limited economic growth without any frills attached.

In 1960, our energy demands, when converted to a common base in terms of oil or an "oil equivalent", were 21 million barrels of oil per day. In 1970, this figure had reached 34 million barrels per day—and is projected to increase to 48 million a day by 1980.

In 1960, each American annually consumed the equivalent of 44 barrels of oil; by 1970, it was 60 barrels annually; and, for 1980 it probably will reach 77 barrels per person each year.

Under such circumstances, energy self-sufficiency will not materialize automatically; indeed, at such rates of consumption, we will surely be in a deep energy deficit.

Our country's present hodge-podge of energy policies is synonymous with a National Oil Policy, but more synonymous with an Imported Oil Policy. If recent projections made before the Arab-Israeli war were to materialize by 1980, it would have meant that almost half of our oil supplies would be coming from the Middle East.

As more recent and continuing events have been demonstrating, this proposed dependence on the Middle East is thoroughly unrealistic, even for the short-term. But, we have not taken any substantial and necessary steps to assure alternate domestic supplies.

Japan and Western Europe have no other choice than a significant reliance on imported energy supplies. However, the United States, like Russia, has the potential to achieve energy self-sufficiency through reliance on domestic resources. I have been making this assertion for more than 30 years—and I will continue to urge a stronger determination to achieve greater degrees of American self-reliance.

I repeat and reemphasize:

The United States only option that is in our long-term interest is energy self-sufficiency.

This means a greater development of nuclear electric power, and, more importantly, a significantly increased reliance on domestic coal resources for gasification and liquefaction.

The benefits to be derived from reliance on domestic energy supplies would be felt by all segments of society. Employment would increase. Individual incomes would rise. Profit opportunities would improve. Government revenues would grow. And the Nation would be more secure.

A National Fuels and Energy Policy dedicated to energy self-sufficiency will require:

First, realistic consideration of expanded environmental concerns;

Second, reorganization of the Federal Government to promote more efficiency and co-

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ordination in Administration of Federal energy programs;

Third, a national energy conservation policy;

Fourth, a concented Federal energy research and development policy;

Fifth, promotion of the development of domestic energy supplies—oil, natural gas, and coal; and

Sixth, energy prices which reflect the costs of developing replacement supplies—including synthetics—for depleted reserves.

But, it is clear to me that we cannot achieve these goals under the old order or under the traditional methods.

There must be a reordering of priorities, a re-thinking of concepts, and a development of new energy technologies.

I am not implying, however, that we accept extreme concepts or proposals that would destroy more of the free enterprise system than it would rectify. Believe me, ladies and gentlemen, there are some very debatable—if not destructive—schemes lurking behind the scenes, including some which perhaps will be proposed as amendments to the Natural Gas Act.

It seems to me to be inescapable that secure energy supplies—perhaps we should say "all energy supplies" from now on—will involve higher prices to be paid all the way from producer through to consumer. Oil, natural gas, and coal—and derivatives—cannot help but feel the impact of rising costs.

World-wide oil shortages, made all the shorter by recent and on-going Arabic oil country production curtailments, naturally drive petroleum prices upward.

Natural gas prices, historically and even today under regulation by the States' regulatory agencies and by the Federal Power Commission, must have more flexibility.

Regulation, it has been said, was established to protect the consumer and guarantee that he will have this valuable energy resource for a cheap price.

Instead, this energy supply has been priced out of plentiful availability. As a consequence, regulation can be said to have restricted the industry. This has created a condition of scarcity and, therefore, the consumer has been done a disservice.

Regulation to protect the consumer has resulted in his "over-protection" because it has developed scarcity which has distorted the whole energy supply picture. There must be better ways to safeguard the consumer. We must find them and implement them, and not delay doing so.

I know as you do that exploration for and production of natural gas, just like the search for oil, are risky businesses. All of the easy-to-find gas probably has been found. Gas becomes increasingly difficult and more costly to discover when it means having to go the Outer Continental Shelf—to Alaska—and to depths greater than 15,000 feet. Some of this extra-deep drilling is in my home state of West Virginia.

Such expensive exploration requires substantial capital. But it is necessary to bring it to bear on the problem if we are to have adequate supplies of natural gas and oil for the consumer.

Everyone here surely knows that I am an advocate of making substantial capital expenditures for gasification of coal to create commercial supplies of pipeline quality coal gas to augment natural gas.

If shortages of gas and oil continue to intensify, we will indeed have cold showers, cold food, cold homes, and cold feet. And, before we have to resort more and more to the candle for warmth and light, we should be mindful that candles, too, are derivatives of petroleum.

And, because of the cost-price squeeze, coal mines are not producing even at normal levels; certainly not at the accelerated pace which total energy conditions indicate coal should meet in the best interests of the country.

To be sure, we read last week that the National Petroleum Council projects that domestic demand for coal is expected to increase by 3½ percent a year through 1985—and that coal exports will rise by 4½ percent annually.

This would seem to be good news for the coal industry and the miners—as well as for the economy of such States as West Virginia, Kentucky, and others with much coal production.

But, we must realize that a rapid stepping up of production will not come about with ease. Conceivably, any new coal production might be thwarted.

Here are some reasons why this is true:

One coal executive has informed us of extraordinary developments, as follows:

(1) Evidently the Federal Power Commission has asked numerous Eastern United States electric utilities to go back to burning coal as a result of the oil crisis, which was accentuated by the Middle East war last month.

(2) Eastern United States coal mines supplying steam coal at the present time are unable to fill the orders on hand. Production is somewhat below normal because of health and safety law stringencies and because of market problems induced by the Clean Air Act and regulations under it—plus, of course, the anti-pollution laws and regulations of the States and major metropolitan areas.

(3) Notwithstanding, the Eastern utilities have been attempting to move back into the Eastern coal market at an unprecedented rate during the past week.

(4) But, everything considered, the coal producers do not find any sound financial way to increase coal production under the Federal price control system as presently in effect.

Clearly, just as oil has had the depletion allowance and other incentives to stimulate investment in exploration, and just as natural gas needs realistic relief from the present regulatory system, so does coal require more realistic price consideration by the Cost of Living Council. Unless price regulation in its present form is removed, no new mine capacity will come about.

Clearly, our fossil fuels industries need better understanding of their problems by Congress—and by the Executive Branch, as well—especially by the Cost of Living Council.

Moreover, as a country we must be prepared to pay costs that reflect the stringencies of environmental quality controls, as well as the burdens of occupational health and safety laws and regulations.

To date, we have not done well in finding a suitable and equitable balance between energy and the environment.

Rather, it seems that we have adopted a national posture of energy versus the environment, to the substantial disadvantage of domestic energy supplies—especially to the disadvantage of coal and oil.

The challenge is there; the question is one of acceptance and a solid commitment to meeting our country's energy needs in ways consistent with our national environmental policies. Both can be achieved if the approachment of our national capability to solutions is reasonable and not fanatical.

In this context, as provided in our Constitution, the Congress is responsible—and accountable—for the formulation of our country's priorities and programs. The Executive Branch, in turn, must implement and administer statutory policies or recommend their modification.

In this connection, we have been finding more and more that, in addition to the lack of anything approaching an integrated and viable national fuels and energy policy, there is sluggish and uncoordinated response by Federal energy agencies to serious fuel shortage problems.

This underscores the need to overhaul Federal energy organization.

The prospect of unprecedented peacetime fuel shortages in the next few months and years poses an extraordinary challenge to the Federal Government.

Those of us associated with the Senate Fuels and Energy Policy Study are in agreement with Chairman Jackson that—skillful management of major new programs for energy conservation and fuels allocation will be required. At the same time, major programs to develop new fuel sources must be placed on an urgent basis. Yet, there is little evidence that the Executive Branch, even at this late date, is properly organized to respond to these needs.

Clearly, Congress cannot wait too long to create new organizations—with new mandates—to develop and manage coherent and rational fuels and energy policies.

We need to create more and better technology to expand our country's energy supplies and move farther down the road toward domestic energy self-sufficiency. We have really not performed up to our American potential in this respect. Hence, we are a long way from being energy self-sufficient.

Yes, the United States must develop alternative supplies to increase flexibility in our negotiatons with overseas oil countries. To be sure, this will call for higher energy prices, which is naturally not domestically popular. But the alternative would be to curb domestic consumption. The Middle East war has vastly complicated our energy picture and our ability to bring it better into focus.

As I view the situation today, our greatest challenge is the willingness to come to grips with the fact that the industrialized and militarily powerful countries are really too much at the mercy of the small and the economically developing countries. Yet, for some time to come Western Man will have to rely substantially on such oil-rich countries.

Few of our traditional policies can accommodate this turn of events in an era of intense nationalism—especially Arabic nationalism.

Hence, seldom before has there been such a need for new, imaginative United States foreign policy. Consequently, we must have an international—a world—not just a United States perspective with respect to foreign policy.

In the absence of the degree of domestic self-sufficiency in energy that we should have tried harder to achieve, I believe that: Our foreign policies in the Middle East do not reflect our growing dependence on that part of the world for energy supplies. Our foreign policies must be modified so as to reduce tension and better stabilize the oil supply system.

For too long, perhaps, our policies toward the Arab countries have been too generally synonymous with the policies of the international oil companies. In the past, this had some degree of acceptability. But, now—and in the future this will not be in the best interest of our country. I cannot believe any longer that the financial interests of the international oil companies are inherently the same as the interests of the people of the United States.

Our Government must henceforth undertake diplomatic approaches, on our country's behalf, with the Organization of Petroleum Exporting Countries (O.P.E.C.). The overriding concern of our Government must be secure and stable energy supplies.

I repeat and reemphasize:

We are too far from being domestically self-sufficient to ignore the O.P.E.C. countries or to neglect our relations with them.

Now, I return to a brief focus on the need for aggressive domestic actions:

For the past quarter of a century, one Administration after another has failed to create or even address the need for a National Fuels and Energy Policy. Each Administration seems to have been content with a hodge-podge of policies. The Congresses have done no better. We are really trying harder in this Congress, but we are having to do it under crisis conditions.

Now we are paying for this neglect!

Our present National Administration suffers even worse from indecision, delay, lack of candor, and an understatement of domestic problems. In short, this Administration is content, it seems, to react too much after the fact rather than take bold and necessary steps beforehand.

As I come toward the closing of these remarks, I make it clear that I believe, in the final analysis, that any long-term strategy for increasing our domestic energy self-sufficiency must rely on traditional institutions that have served us well. This means, in my view, that our principal reliance must continue to be on industry and the market place for our energy supplies. But the staid old ways of the past will not see us through the problems we face now and those we will confront in the future.

There needs to be a blending of youth in your establishments with the wealth of experience within your corporate structures.

You may not realize how much or how often it is true, but young lawyers and economists you pass over in your recruitment and replacements in favor of the "experienced" lawyers and economists are coming to the staffs of the Committees of the Congress. And you should know that many of the laws under which you live are written by these young people in committees.

I urge you to be more interested in young professionals who can join you in the representations you make to Congress and to the departments and agencies and commissions of government.

Recruit them; orient them carefully; train them skillfully; and use their services wisely. It is in your several corporate best interests that you do so. At least this is my view as I observe events as they occur on the national scene.

Again, as I said at the outset, I emphasize my belief that there is nothing but falsity in the allegations and implications that the energy shortages—the increasingly serious energy shortages—are fictitious or concocted. Not only are the allegations of fictitiousness false, they are causing confusion at a time when a national commitment is needed. I speak of commitment in terms of meeting the need for positive programs.

You must believe it; there is a severe energy crisis. It is real. It will come down on us with heavy impact this winter and I fear it will be with us for several years—not in the U.S.A. alone, but worldwide.

TAX OVERPAYMENTS BY OLDER AMERICANS

Mr. CHURCH. Mr. President, low income in retirement continues to be the No. 1 problem confronting older Americans.

More than 5 million persons 65 and above have incomes below the poverty lines: approximately $2,100 a year for elderly single persons and $2,640 for aged couples.

Recent changes in our tax laws—many of which I have either sponsored or actively supported—exempt low-income older Americans from the burden of filing a Federal tax return. For example, an individual 65 or older is excused from this requirement if his adjusted gross income is under $2,800. An aged couple filing jointly is exempt from Federal income tax if their adjusted gross income does not exceed $4,300.

However, a surprisingly large number of older Americans still have a sufficient amount of income to file a tax return. According to the most recent information, 6.9 million returns were filed by elderly persons in 1970.

Unfortunately, many of these individuals may now be paying more taxes than the law requires for several reasons, including:

First. All too often, the elderly taxpayer is simply unaware of helpful deductions, credits, and exemptions which can substantially reduce his or her taxes.

Second. The complexity of the tax law may serve to camouflage tax benefits.

Third. The tax form with the accompanying instructions is full of linguistic subtleties which are not readily understandable by the average taxpayer.

To help protect the elderly against overpayment of income taxes, the Senate Committee on Aging—of which I am chairman—has taken several steps. For example, we have published a list of common deductions which are frequently overlooked by taxpayers who itemize their allowable expenditures. Additionally, the committee has a supply of the publication entitled "Tax Benefits for Older Americans." This helpful pamphlet can be obtained by interested elderly taxpayers by writing the committee.

Another helpful item, it seems to me, is a recent article—entitled "Tax Breaks: Older Citizens Overlook Savings"—appearing in the National Observer.

This account provides a very clear and concise explanation of some of the major tax relief provisions for the elderly.

Mr. President, I commend this article to my colleagues and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TAX BREAKS—OLDER CITIZENS OVERLOOK SAVINGS

(By Morton C. Paulson)

For many people the twilight years are a time of budget-watching or penny-pinching. And yet many older Americans pay more taxes than necessary, the U.S. Senate Committee on Aging has found. The reason is that they aren't aware of various deductions and exemptions allowed the elderly by the Federal Government and many states.

Here are some of the main tax breaks. Additional information on these and others can be obtained from a tax consultant, a local office of the Internal Revenue Service (IRS), state tax offices, or special publications on the subject.

EXEMPTION FOR AGE

If you are 65 or older, you get a $750 Federal income tax exemption *in addition* to the $750 personal exemption everyone is entitled to. You can claim the age exemption even if you won't be 65 until Jan. 1, 1974; the IRS considers you to be 65 on the day *before* your birthday.

BENEFITS FROM SALE OF RESIDENCE

If you sell or exchange your home during the tax year, you can avoid taxes on all or part of any profit you make. The entire gain may be excluded if the adjusted sales price—the amount you receive after paying selling commissions and certain allowable fixing-up expenses—is $20,000 or less. If the adjusted sales price is more than $20,000, part of the gain may be excluded.

To be eligible for either of these exclusions, you must have owned the home at least eight years and used it for your principal residence for at least five of those years. Also, you or your spouse must be 65 or older at the time of the sale.

Finally, the exclusion can be used only once in a lifetime.

RETIREMENT INCOME CREDIT

Up to 15 per cent of certain retirement income may qualify as a credit against your tax bill. The maximum credit is $228 for a single taxpayer and $457 for a couple filing jointly.

If you're retired, but under 65, you can count as retirement income only taxable proceeds from a pension or annuity from a public retirement system. If you're 65 or older, you can include income from interest, dividends, and certain rents—in addition to pensions and annuities.

The credit is claimed on Schedule R. To calculate it you subtract certain tax-free benefits such as Social Security or railroad retirement income, plus part of any earnings you receive if you are under 72, and then take 15 per cent of what remains as the credit.

There are several conditions, however. You're not entitled to a credit, for instance, if you received more than $1,524 ($2,286 for couples figuring the credit together) from tax-free sources, such as Social Security. Neither could you qualify if you're under 62 and earned $2,424 during the year or between 62 and 72 and earned $2,974 or more. Other qualifications could likewise eliminate or reduce the credit.

INSURANCE EXCLUSION

Part of life-insurance proceeds paid in installments may be excluded from your taxable income. To determine how much, divide the amount held by the insurance company by the number of installments due you.

Example: Say you receive $40,000 in proceeds in 10 annual installments of $4,000, plus $400 interest. You may exclude from your gross income $4,000 (40,000 divided by 10) as a return of principal. The $400 balance is taxable as gross income unless you're a widow or widower; then up to $1,000 annual interest can be excluded.

STATE TAX BREAKS

The tax laws of many states favor the elderly. For example, people moving to Hawaii after 65 pay income taxes on income from Hawaiian sources only. Minnesota exempts most public retirement benefits. Some states, including Florida, Maryland, and Massachusetts, have special exemptions for older homeowners. For information about your state's setup, check with the state tax office.

Determining the full extent of your potential tax benefits—and computing many of them—will take some time and research. It may be advisable to consult a tax expert, or get help from the nearest IRS office.

And these publications, all free, will fill you in on the details:

"Tax Benefits for Older Americans" (IRS publication No. 554). Describes the Federal tax rules affecting older people, tells how to compute your tax, and gives numerous example. Copies can be obtained from any IRS office.

"Retirement Income Credit" (IRS publication No. 524). Explains the credit and tells how to compute it. IRS offices have this one too.

"1973 Tax Facts for Older Americans." This 57-page booklet outlines the tax set-up in each state and itemizes special benefits for the elderly. Available from the American Association of Retired Persons, 1225 Connecticut Ave. N.W., Washington, D.C. 20036.

THE ENERGY CRISIS AND BITUMINOUS COAL

Mr. DOMINICK. Mr. President, it is ironic that while the Nation literally is trying to muster all its available energy to cope with the crisis brought on by the Arab oil embargo, Congress is still considering a surface mining bill which would foreclose our prospects of mining some of the largest deposits of our only truly available energy source—bituminous coal.

I would remind the Senate that when we voted a few weeks ago to approve S. 425, the surface mining bill, the Nation already faced a critical energy shortage. Now the oil embargo has escalated this to a real energy emergency. On October 8, the Senate adopted the Mansfield amendment by a vote of 53 to 33. This emergency makes it more apparent than ever that the Senate acted unwisely in approving this amendment which bars the surface mining of federally owned coal reserves where the Federal Government does not own the surface above the coal. The effects of this amendment, which I opposed, if it becomes law, will be to prohibit the mining of not just a few tons of coal, but thick seams which contain literally billions of tons of low-sulfur fuel. There have been varying estimates of the amount of coal affected in the West by this amendment, but the very lowest of these that I have seen is in excess of 14 billion tons. Other estimates range as high as 37.5 billion tons.

Mr. President, even though we are accustomed to dealing with the Federal budget, it is hard to visualize what the loss of even 14 billion tons of coal from our resources would mean to a Nation which is crying for additional energy. This amount of coal would supply electricity for my State of Colorado for 2,500 years at the present rate of generation.

It was apparent during the debate, Mr. President, that some Senators believed that the enormous seams of strippable coal could be mined by underground methods if we prohibited surface mining. Others thought the Nation could safely set aside this essential resource and replace it with coal mined from deeper seams by underground methods. Both of these assumptions are false. I have received a letter from Dr. Guy McBride, the distinguished president of the Colorado School of Mines, who has written me and other members of the Colorado delegation to express his personal concern and give his professional opinion of these theories. Dr. McBride supports the general concept of the bill, that land should not be surface mined unless it can be reclaimed effectively, and that such reclamation should be mandatory, but he gives his professional opinion that the strippable reserves of coal in the West cannot be mined by underground methods because the strata above them will not support the mine roof. He also points out that underground mining will require much more manpower, which the industry does not have available. Finally, he gives his expert opinion that underground mining of the very thick seams of coal, which abound in the West, even where it is technologically feasible, is an extremely wasteful process, recovering only one-third to one-fourth of the total coal in the seam. As he points out, this would be a severe sacrifice of our national coal resources. Ultimately, we will have to mine the deeper deposits of coal, but this should be delayed until we have methods, which do not now exist, for fuller recovery of this resource.

Mr. President, I commend Dr. McBride for his courage and public spirit in pointing out the fallacy of some of the suppositions on which the Senate apparently was operating when it enacted S. 425. I hope that the House, when it considers its version of surface mining legislation next year, will pay heed to his words and refuse to incorporate the Mansfield amendment in its bill. And, finally, Mr. President, I hope that the Senate conferees will bear in mind the far-reaching and disastrous effects of this provision.

I ask unanimous consent, Mr. President, that Dr. McBride's letter be printed in the Record, and I urge all Members of both the House and the Senate to consider its implications carefully.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Colorado School of Mines,
University of Mineral Resources,
Golden, Colo., November 2, 1973.
Senator Peter Dominick,
U.S. Senate,
Washington, D.C.

Dear Senator Dominick: I am writing to you, and to the other members of our State's Congressional delegation as well, to support the general concept of S. 425 "Surface Mining Reclamation Act of 1973" that lands should not be surface mined unless effective reclamation is both possible and mandatory.

But I wish at the same time to express my personal concern, based on a study of Congressional Record and public media reports, that the Act itself, and more particularly the Mansfield amendment relating to Sec 216 thereof, seem to have been adopted by the Senate on the understanding that most if not all of the so-called "strippable" reserves in our Western states can be mined at acceptable costs by underground methods. I firmly believe this is simply not the case for the reason that if the strata of earth and relatively weak and unconsolidated rock overlying the coal are thin enough to offer an economically feasible stripping ratio then they are incompetent to be the roof of an underground mine.

There are two other matters which appear not to have been given adequate consideration in deciding between underground and surface mining: First, related to surface mining, underground operations are labor intensive and will require miners and engineers in numbers which we shall not be able to supply.

Second, underground operations in thick, seams, even where technically feasible, recover only one-fourth to one-third of the total coal and thus entail a severe sacrifice of our national resources.

It is my understanding that the Mansfield amendment, if finally adopted in its present form, will in fact effectively prohibit the surface mining of a very large fraction of otherwise economically and technically strippable reserves in Montana and Wyoming. Although it may be sound public policy to do just this, I would not like to see it done on the specious theory that underground mining of these reserves is a sound alternative.

Please let me know if I or any of my colleagues here can be of help in your further consideration of these important matters.

Yours sincerely,
Gary T. McBride, Jr.

WENDA MOORE—NEW REGENT OF UNIVERSITY OF MINNESOTA

Mr. MONDALE. Mr. President, several days ago, Gov. Wendell R. Anderson made an outstanding appointment to the University of Minnesota Board of Regents. He selected Mrs. Wenda Moore, an individual with superb academic credentials and experience in public service. Mrs. Moore has worked with great dedication in State government in the field of education and has actively participated in community affairs.

An editorial, which appeared in the November 4, 1973, edition of the Minneapolis Tribune, praises the selection of Mrs. Moore, both for her fine personal qualifications and as evidence of Governor Anderson's commitment to assure that women and minorities have an opportunity for representation on the board of regents.

I wholeheartedly agree with the viewpoint expressed in this editorial, and I ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Recoed, as follows:

The University's New Regent

We welcome Wenda Moore to the University of Minnesota Board of Regents. Gov. Anderson, in our opinion, has made an excellent choice to replace Josie Johnson, who is leaving the state. Mrs. Moore will bring to the board an academic background in political science and a history of involvement in civic affairs, much of it centering on education.

In addition, Mrs. Moore—like Mrs. Johnson—is a black woman. In announcing Mrs. Moore's appointment, the governor said he rejects the idea of quotas for the board and did not select her because she is black. Nonetheless he acknowledged that women and minorities have not been adequately represented in the past.

The governor is right about the patterns of the past. Mrs. Johnson was the first black to serve on the board, and she was one of two women on it. We are glad that the governor found a well-qualified candidate to replace her—but we are also glad that he found one who will at least hold the line on the small gains that have been made in the representation of heretofore overlooked segments of Minnesota's population.

HOWARD PHILLIPS

Mr. BUCKLEY. Mr. President, while there are those who may disagree with his views and actions, there is no one who can doubt that Howard Phillips is a man of unswerving principle. In his time as Acting Director of the Office of Economic Opportunity he gained a number of enemies, but he also gained a great number of friends, who found his personal honesty and integrity admirable and who were inspired both by his dedication to the principles of individual liberty and the right of the individual to participate in decisions affecting his life.

On September 21, 1973, the friends of Howard Phillips held a testimonial dinner in his honor. At that dinner Mr. Phillips delivered a thoughtful and moving address on the issues and tasks facing America and Americans. He said:

> We are in the forefront of the continuing debate about the nature of man—his rights, his obligations, his very future on this planet. . . . We, who fancy ourselves free men and women, have a special responsibility to rivet our attention on this central issue: the struggle to determine whether the individual will master institutional forces or be mastered by them.

He observed further that—

> This is not a new issue. It has been with us, in various forms, throughout the history of mankind. But it is an issue which always remains to be decided.

Mr. President, I ask unanimous consent that Mr. Phillips' remarks be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address by Mr. Howard Phillips

Thank you very much. I am deeply grateful to each of you who is here tonight and for the work which so many people put into this dinner.

It is unfortunately not possible to mention by name each of those whom I would like to particularly thank for their loyalty, dedication, and friendship, so I will not attempt it.

But, in expressing my appreciation for the success of tonight's event, I would be remiss if I failed to extend thanks to two people in Washington who did so much to boost ticket sales—Jack Anderson and Nicholas Von Hoffman. Jack Anderson did a column earlier this week in which he stated that a testimonial dinner was being planned for one of the most "unpopular" men in Washington—me. This time, he was right. I am unpopular in this city—and I'm proud of every enemy I've made.

Judging from tonight's attendance, so are you. We worked hard for each and every one. As I look out among the audience, I feel a little bit like that famous TV commercial for Listerine—I've got the taste you hate—twice a day.

But, seriously, I admire the courage of each person who has been willing to be publicly identified with me. You have nothing to gain from it, since I have no present capacity to reward or punish. It is an honor for me to be in the company of people like you, who have enough nerve to risk incurring the wrath of Richard Nixon's enemies *and* his friends, or at least some of them.

Earlier this evening, during the reception, I even heard a rumor that the White House Counsel, Leonard Garment, has already sought out a copy of tonight's attendance list—so he can leak it—to the Justice Department.

But I want to assure those members of the White House staff who are present tonight that my friends are no more responsible for what I do or say than the President is for what his appointees do and say. By all accounts, that makes all of us totally innocent.

While expressing my appreciation, I must also observe that I am deeply in the debt of the national press corps for its work during the past year in increasing my name recognition—which, in this day and age, is very important to anyone in public life.

As my homestate friends can attest, when I ran for Congress in Massachusetts in 1970, I had almost no recognition. Now, thanks to the coverage I've received, they barely recognize me at all.

To demonstrate my gratitude for the contribution they have made to my career, I spent some time this week searching for words adequate to convey my level of regard for the devoted scribblers of the Fourth Estate.

Failing in this task, I consulted the writings of a man whom I greatly admire. Thomas Jefferson. This great libertarian put it in words far more clear than any I would venture, saying in 1807 that quote ". . . a suppression of the press could not more completely deprive the nation of its benefits than is done by its abandoned prostitution to falsehood. "Nothing," Jefferson continued, "can now be believed which is seen in a newspaper. Truth itself becomes suspicious by being put into that polluted vehicle."

Jefferson had more to say on the subject, but my wife has urged me not to repeat it in polite company.

I am personally not yet prepared to be so discouraged as was Mr. Jefferson by the inadequacies of the press, perhaps because, in our era, they represent only one of many subjects for deep concern. We are beset on all sides, not merely by Big Media, but also Big Business, Big Education, Big Labor, Big Government, Big Foundations, and all the other decadent bureaucratic megalopolies which restrict individual self-determination.

Throughout our society, where once we had diversity, there is now uniformity; in place of identity, we have anonymity; for individualist variety, we have substituted collective homogeneity and standardization; in evermore areas, public and private, monopoly practices have replaced market systems; the very competition and flow of ideas is threatened as we rely on fewer and fewer sources for more and more information.

As Richard Nixon observed, two and one-half years ago, "Things are in the saddle and ride mankind." The individual appears to become less important in the scheme of things, with accordingly reduced power to direct even his own destiny, let alone that of his family, community, and nation.

We, who fancy ourselves free men and women, have a special responsibility to rivet our attention on this central issue; the struggle to determine whether the individual will master institutional forces or be mastered by them.

This is not a new issue. It has been with us, in various forms, throughout the history of mankind. But it is an issue which *always* remains to be decided.

Tonight's dinner celebrates a brief contemporary chapter in that struggle in which some of us were privileged to participate. Some have despaired that we have not yet won our cause. Others, and I among them, rejoice that we have at last entered the contest, which, at its heart, concerns the future of Western Civilization. It is not simply an ideological struggle, or even principally political, although its manifestations take political form. We are in the forefront of the continuing debate about the nature of man—his rights, his obligations, his very future on this planet.

The likelihood is that, for our era, the debate will be resolved in America, by Americans. Since the time of our national independence, we have had a special role to play in the world—blessed with immense resources, gifted leadership, and unprecedented material progress. Yet, without discounting these benefits, our importance has derived more from what we have believed and stood for, than from what we have possessed.

Today, as we approach our 200th anniversary, things have changed. Many of our resources are becoming inadequate, economic growth has slowed, and our leadership does not seem quite so gifted. Of greater concern still, we are less clearly the instrument of individual freedom that we once were.

Reflecting on this, some years ago, Whittaker Chambers said that, for us, the central question is not whether Western Civilization can be saved, but whether it should be saved.

It remains for Americans to affirmatively answer both of those questions in each generation, proving worthy, as a people, of the heritage with which we were entrusted.

No civilization or society can be cured of its illnesses unless it has the desire for health, a sense of national self-worth, and a will to survive.

We must be wise enough to understand how our strength has been eroded so that we don't seek to cure by administering an additional dose of that which caused the disease.

We must recognize the forces which have eroded the position of the individual in American society:

The decline of the family—the basic instrument through which we conserve and give value to that which is personal;

The erosion of community—that anchor of Republican government which gives citizens a sense of places and enables them to influence the course and nature of their society;

An increasing job-centered mobility—which accords excessive weight to our economic roles, at the expense of our more individual and, if you will, human roles in family and community;

The secularization of religious faith, undermining the personal moral link with God which assures us the strength to assert our independence from social control.

In the midst of these changes, our values have been under sharp challenge by movements which assault the central idea of Western man: the spiritual worth and moral integrity of individual human existence. Individual worth is degraded not just by cultural promiscuity, the impersonality of technology, and criminal disdain for life and property.

In a more civilized way, it is denied by those who seek to judge men, reward and punish them, not on the basis of merit or achievement, but, for example, by quotas which assess our worth on the basis of characteristics acquired at birth. What greater denial could there be of human value and individual responsibility. It's not unlike the stoneage wizards who decided men's fates by reading animal entrails. Astrologers and entrail readers alike should know that our faults, like our strengths, lie less in our stars, than in ourselves.

Individuality is also threatened when we surrender personal responsibility to the collective authority and determination of others in bureaucracies public and private.

Bureaucracies, as collective entities, are hardly capable of making moral decisions, which are intrinsically individual. The collective interest of the group or "public interest" of the state can never be expected to wholly coincide with the private, distinct interests of each citizen. Collective decisions have the added disadvantage of increasing our dependency and institutionalizing our mistakes. Political solutions especially are to be avoided whenever possible, since, by definition, they rely, at root, on the power of the state to compel and enforce.

And so our Federal Republic has gradually yielded to a centralized megastate, substituting concentration of power and collective control for decentralization and diversity, sometimes seeming to have more in common with other megastates than with the principles of liberty on which it was founded.

Chambers said: "The West believes that man's destiny is prosperity and an abundance of goods. So does the Politburo."

Is that all there is? Are we in fact prepared to purchase detente at the price of Sakharov and Solzhenitsen?

George Roche, the President of Hillsdale College, observed that "Freedom is the highest goal of a civilization. A man denied the chance to be a freely choosing moral agent

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is in effect being denied the exercise of precisely that quality of his nature which distinguishes him as a man."

Our goals and beliefs are not material. We believe that our nation has more to be proud of than its productivity, that there is more at stake in our negotiations with the Soviet Union than mere questions of scale between corporate liberalism and bureaucratic collectivism.

Those who harbor an individualist faith must therefore reject a "most favored" relationship in which Brezhnev finds it convenient to downplay Soviet reaction to Watergate, in the hope that our officials will reciprocate by overlooking his domestic embarrassments, preferring that no irrelevant consideration of individual liberty in the Soviet Union interfere with their larger objectives of peace and profit. But the point is that, for us, there can be no larger objectives. Ralph Waldo Emerson said: "God offers to every mind its choice between truth and repose . . . You can never have both." You must choose. That is a fact which all free men must grasp.

At OEO, we were often required to observe that "You can't save America, unless people want to be saved."

Time and time again, we were ready to bite the bullet and make unpopular, but right, decisions, which required only that the local people, or the governor, or the board member who had done the complaining be willing to stand up in public for the view they conveyed so vehemently in private.

But, time after time, with some notable exceptions, despite our urging and our willingness to absorb the principal "heat", they found it easier to let the outrage continue, rather than endure conflict. (I might point out that we did manage to make a few unpopular decisions anyway, but the point holds.) You can't save them, unless they want to be saved. Silence is easier. Acquiescence is easier. But as Emerson said, you can't have it both ways.

If you value liberty, you must be prepared to suffer unpleasantness, to persist, to bleed a little.

This month, President Nixon will face one of those tough decisions, about OEO.

As we approach the expiration of OEO's current funding on September 30, he must decide whether to sidestep the prospect of liberal criticism and let that agency's operations continue further, or to exercise his power of veto and, with the stroke of a pen, supported by more than one third of the members of the House, put OEO out of business.

Such was his original plan—set forth to me last January. On June 30, without any need or intent to impound funds, in accordance with the President's Fiscal Year 1974 budget, OEO would have gone out of business, so long as the President refused to sign into law any further appropriation for the agency.

When June came, because of Watergate and the widespread liberal attack on him, the President decided to avoid a head-on fight at that time with OEO's friends. So he signed into law a continuing appropriation.

Now, as September 30 draws near, those of us who favored his original determination watch hopefully to see whether his Administration has regained the will and the capacity to carry forward the business of the people who supported his reelection.

With more acute concern, because the opportunity for corrective action, may not, in this case, soon recur, we will watch to see whether the power of veto is effectively used to prevent enactment of a legal services program which has for its goal political change, rather than client-responsive representation.

History's verdict on the Nixon Administration is not yet in; but those of us here tonight will help to write it.

A free people is obliged to keep their public servants accountable to those from whom they derive their grant of authority, their legitimacy in office, and the tax resources with which they underwrite their activities.

Free society requires a free people, imbued to the core with the spirit of liberty and independence from organizational control. We get only what we deserve and what we insist upon. We have only ourselves to blame for institutions which decry our values, rather than reposit and convey our heritage.

We are to blame for a generation of other-directed men and women, governed by relative norms, rather than absolute standards, who derive identity and personal esteem not from their achievement or adherence to self-defined values, but by adjustment to and acceptance by the group.

Individuals can change history. Conservatives especially should understand and appreciate that.

We can reconvert our hyphenated class-conscious hordes of critics and spectators back to a nation of individualist builders and participants.

We can produce a generation of politicians who will gain favor by opposing politicization and bureaucratization of decision-making. Learning from the mistakes of the past, we can expose the specious reasoning of a liberal establishment which pathologically projects itself in the role of underdog, justifying its perpetuation in power by alternately denouncing or obscuring the very failures for which it is responsible.

We too can help expose the false notion that conservative causes prosper on mythical doses of private wealth, all the while the organizational arms of the liberal establishment thrive on the profits of government protected business and automatic check-offs of cash from students, union members, professional people, and, of course, taxpayers.

We can also help expose that hypocrisy which, in the name of liberalism tramples the civil liberties of heretics against the new orthodoxy, by resort to innuendo, character assassination, guilt by association, and conviction by reliable source.

In seeking to shape history, we must also have a sense of history which affords us the humble recognition that we are part of a pattern which transcends our brief moment in time and rejects the present-oriented denial of our debt to the nation's past or our duty to her future.

At the same time, while acknowledging our relative insignificance in the span of a thousand years, let us act with the awareness that there is something special about America's role, which demands something extraordinary from us.

Jefferson said: "We feel that we are acting under obligations not confined to the limits of our own society. It is impossible not to be sensible that we are acting for all mankind."

At OEO, we ended many of our senior staff meetings with the admonition to stay on the offensive. Marshal Foch observed during World War I "Our left flank is battered. Our right flank is falling. Let us attack." There is wisdom and success in that advice. The outcome is determined by those with a vision of the result they seek, a plan for attaining it, and a boldness of execution. It is within your power and mine to shape the outcome of the events in which we now take part.

And in so doing, let us remember that what was true for Jefferson is at least as true today: We act, not just for ourselves, but for all mankind.

THE AMERICAN CRISIS

Mr. CHURCH. Mr. President, on November 2, it was my pleasure to address the North Idaho Chamber of Commerce, meeting in Sandpoint, Idaho.

I spoke, not from a text, but from notes. However, the speech was tape recorded, and later transcribed.

Inasmuch as the speech focuses on the most serious internal political crisis since the days of President Andrew Johnson, I ask unanimous consent that the edited transcript of this address be printed in the RECORD.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

THE AMERICAN CRISIS

(By Senator FRANK CHURCH)

I'm glad to be here with you in such a beautiful place. I'm not going to speak at great length today because I would like to give you a chance to ask questions for a few minutes following these remarks.

But I do feel constrained to speak to you about a subject that faces us all. It's not a pleasant subject, but it is something that we must concern ourselves with, and face up to. I refer to the very serious internal political crisis that faces this country.

I speak today not as a Democrat and not as a partisan. After all, there is no difference among us, Democrats and Republicans alike, when it comes to the issue of honest government. So I speak to you as a fellow American concerned by the very sobering turn of events that has taken place in this country.

Thomas Paine said of the troubled days before the American Revolution that "these are times that try men's souls." The same could be said of this year of our Lord, 1973. It has been an incredible year, in which we have seen everything come apart at the seams. Each time that I have thought that things were as bad as they could get, they've simply gotten worse.

I wish you could read the mail I have received from Idaho during the past week. For then you would agree with me that we are in deep trouble. Idaho, as you know, is a conservative State; if it leans one way or another, it has traditionally leaned toward the Republican Party. Our people are not given to extremism in their views; they are sound people. Yet, during the past week, I have received nearly a thousand letters, telegrams and communications from Idaho alone, and they are running about 20 to 1 against the President. Most of them call for his impeachment. Meanwhile, the House of Representatives, as you know, has announced, through the Chairman of the House Judiciary Committee, that hearings will soon begin to determine if there are grounds for an impeachment proceeding. This is where we stand today.

Viewing the shambles, I can't help but ask myself how such an incredible turn of events has occurred within the short span of 12 months since the last election, when the President received an overwhelming landslide victory at the polls. If you will remember, the public knew before the last election about the Watergate break-in and the wire-tapping of the Democratic headquarters. And though these activities were illegal, and though it was then known that they had been traced to the Committee to Re-elect the President, the public disregarded the Watergate incident as a prank. The press, at that time, generally described it as an escapade. Spokesmen for the White House dismissed it as "just politics." The trial of those apprehended at the Watergate was put over until after the elections. It seemed, in view of the tremendous victory that the President won at the polls, that this was an incident—an episode—that would soon die.

That was the state of affairs in January. But when the trial of the "Watergate Seven," so called, was actually held, a very remarkable man, Judge Sirica—a Republican, incidentally, if that matters—who presided over

the trial, was determined that his court would not become the scene of a great injustice. The lid was really blown off by Judge Sirica who handled the case in such a way as to frustrate the attempt then being made to limit the prosecution to the men at the bottom. Judge Sirica was determined that if crimes had been committed, not only should the men at the bottom be held accountable, but that those above who had paid for and solicited the crimes should be held accountable, as well. That was in line with the tradition of justice in this country: we don't have one law for those at the bottom, and another law for those at the top.

And so began to unfold the extraordinary disclosures and events of this traumatic year, a year which led with the resignation of Attorney General Kleindienst, and the appointment of Elliott Richardson, who promised the Senate that his chosen Special Prosecutor, Archibald Cox, would be given a free hand to fully investigate and prosecute the Watergate case. The Senate, meanwhile, created the Senate Select Committee on Presidential Campaign Activities—the so-called Watergate Committee—which was charged by resolution to inquire into and expose whatever scandals had occurred, with a view toward corrective legislation.

Since then, the former members of the President's cabinet—Mr. Mitchell and Mr. Stans—have been indicted by a grand jury in New York on charges of seeking to improperly influence an investigation before the Securities and Exchange Commission. The acting director of the FBI, Mr. Gray, has resigned in disgrace after admitting that he burned evidence concerning the Watergate investigation then underway by the FBI. Several former White House aides, including Mr. John Dean, former counsel to the President, have pleaded guilty in Federal Court to charges stemming from the coverup of the Watergate crimes. Dean has directly accused the President of complicity in that coverup. A number of corporate executives have pleaded guilty to the violation of election laws and have been fined, and we are told that there will be others to come.

Mr. Ehrlichman and Mr. Haldeman, two of the most highly placed of the President's staff in the White House, have resigned, and criminal proceedings are pending against them, with an indictment already issued against Mr. Ehrlichman. The Vice President of the United States, Mr. Agnew, has resigned, pleading no contest to charges of evading income taxes, and the Justice Department has published a long list of other charges, including bribery and extortion, which it was prepared to bring against him in a criminal proceeding.

As for the President himself, he has for months opposed orders of the Federal Court to turn over certain tapes of conversations that the Court held to be pertinent to the grand jury's investigation of possible crimes committed. The President held that he was immune from the Court's order; that he stood in a privileged position, beyond the reach of the Court's decree.

On this proposition, his own Justice Department rebelled. Attorney General Richardson resigned rather than fire Mr. Cox, the Special Prosecutor. The President finally had to turn to the Solicitor General, Mr. Bork, to discharge Mr. Cox.

Then at the eleventh hour, faced with a storm of indignation from the people and rumblings of impeachment in the Congress, Mr. Nixon reversed himself and agreed to submit the tapes. Yet now we are told that the two conversations thought to be most incriminating were never taped: one having not been recorded in the first place, and the other having not been picked up because the supply of tape allegedly ran out!

That's where we stand today—at the brink of the most serious internal political crisis since the days of Andrew Johnson, the only American President ever impeached by the House of Representatives. I do not know how this crisis will be resolved. But I do know that there are dangerous misconceptions growing up that, for the sake of the Republic, must be dispelled.

I suggest that the worst of these is the "so what?" syndrome—the belief that "all politicians do it; this bunch just got caught."

In the first place, all politicians don't do it! In the second place, all politicians are not the President or Vice President of the United States! As a matter of fact, politicians have gotten a bum rap out of Watergate, and I say this as much for my Republican brethren as I say it for Democrats. The truth of the matter is that in all of this investigation of an unprecedented scandal—a scandal that seems to have no sides or bottom—there haven't been any elected officials involved at all, save for the White House itself. The people who have been principally involved, in the course of all of the hearings and all of the investigation, have not been men and women elected to public office. They have not been politicians. They have been appointed members of the President's own staff and of the Committee to Re-elect the President!

I can appreciate why Senator Biden, in Chicago this week, felt compelled to say that Mr. Nixon has done for politicians what the Boston Strangler did for door-to-door salesmen!

The second misconception stemming from this tragedy, one that is assiduously cultivated these days, is that the press is somehow the real culprit for exposing the scandals. This is tantamount to blaming the messenger for the message. That's as old as history. Atilla the Hun used to cut off the heads of messengers who brought him bad news. Surely we are more sophisticated than that. The question to ask is this: has the press misinformed the public? That's the question. And on the record, I submit the press has not. Rather, it has performed faithfully and well through this difficult year, under great pressure and with few exceptions. Its charges and revelations have been borne out almost in their entirety by subsequent investigations of the facts. We should be thankful we have this kind of a free press working in this country. If we didn't have it, the United States wouldn't long stay free!

Next, there is the misconception, also being pushed hard these days, that Watergate is being blown up out of all proportion, distracting us from more important things, and that as a result, government is paralyzed and unable to cope with our more pressing problems. This argument sounds plausible enough—until one addresses himself to it seriously, scrutinizes it, and tests it against the events of this year. And then it becomes an argument without substance. I say this as a member of the Senate: the truth is that Congress has not bogged down under the Watergate investigation. Only one Committee in the Senate deals with this investigation. While it has been holding its hearings, all the other Congressional Committees have been at work. As a matter of fact, in 17 years in the Senate, I can recall few years when we've been busier, across the whole broad spectrum of the legislative front. Congress hasn't been bogged down, and neither has the Executive Branch. We have just come through a most difficult and dangerous crisis in the Middle East. American diplomacy functioned, and functioned effectively and well, every day and every hour of that crisis. No, the Federal government has not been paralyzed by Watergate.

Finally, let me emphasize that it is completely untrue that Watergate and related scandals don't really matter that much. If we're going to preserve our system of government, nothing could be more mischievous than such a belief. I commenced these remarks by mentioning the deluge of letters and telegrams that have inundated my office in the past week. They betray, if you were to read them, a complete disillusionment with the government. Confidence is evaporating, and in a country which depends upon the people, free government cannot long endure without a broad measure of public confidence and support.

That is our predicament. It won't go away. I wish it would. But it won't until it is cleared up and cleaned up and the public is satisfied that the government has been purged of wrongdoing. Only then will public confidence be restored in our governmental institutions.

I would close these remarks by saying that, like you, I don't know what lies ahead. I don't know what will turn up next. But I do know that in a State like Idaho—where we are blessed with business that conducts itself openly and above-board; where we are blessed with labor that is not plagued with gangsterism; and where our politics are conducted in an honest and honorable way—an obligation falls upon us to do everything we can to bring our influence to bear at the national level, in order to advance in the country as a whole the same conditions of life that we know in Idaho. In the end, our fate depends entirely upon our nation's fate.

So we must join with all other people who want to see this scandal cleared up, who want to see public confidence in the government restored, who believe in the American system, and who are determined that it shall be preserved.

Nothing less will suffice.

WILDERNESS—A QUESTION OF PURITY

Mr. HATFIELD. Mr. President, questions relating to the administration of the 1964 Wilderness Act have been raised ever since its passage.

The question of just how pure an area must be to be designated wilderness has been particularly troubling in my State of Oregon. In one instance, after the Mount Jefferson Wilderness Area was created, the Forest Service quickly took steps to remove existing primitive facilities from the area. In another, the Forest Service steadfastly opposed my legislation to add the Minam River drainage area to the Eagle Cap Wilderness Area because of some horse logging which took place there in the early years of this century. I have long believed that such a rigid purist interpretation of the Wilderness Act is inappropriate.

Mr. Jeffrey Foote, chairman of the wilderness and forestry committee of the Oregon Environmental Council, recently addressed the Sierra Club Biennial Conference in Boulder, Colo. His topic was "Wilderness—A Question of Purity." Because I believe his paper accurately reflects the views of many of the conservation groups, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

WILDERNESS—A QUESTION OF PURITY

(By Jeffrey P. Foote)

Since its passage in 1964, the Wilderness Act has become a most significant piece of legislation for those of us involved in the

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preservation of public lands. Although the Act certainly has its shortcomings, it has provided an effective and viable method for setting aside lands which we love and cherish. Now, 9 years later, the viability of that law as an effective preservation tool is endangered by an unwarranted, and unnecessarily strict interpretation of its vital definitional provisions. Sadly enough, the main adversary is that agency charged by law with its management.

FOREST SERVICE INTERPRETATION

The U.S. Forest Service is espousing a wilderness "purist" position that is, not only contrary to the Act itself and its legislative history, but is contrary to its earlier actions as well. Regardless of the provisions of the Act, the Forest Service policy has been to oppose wilderness designation to areas that have been intruded on by man. This non-virtuous concept of purity has become an effective anti-wilderness tool. It is important for us, as wilderness advocates, to understand the Wilderness Act and how this interpretation is being used against wilderness.

The key phrases in the Wilderness Act definition over which the conflict is centered, are that the earth and its community of life are "untrammeled by man" and that the imprint of man's work is "substantially unnoticeable."

I understand from my research that the original drafters of the first Wilderness Bill were very troubled over the word untrammeled because it appeared to have a rather archaic usage. But, it was used because it is the word that appropriately describes their concept of wilderness. The word means: Not confined or limited, not hindered, free and easy. It does not mean undisturbed, or untrampled, as some would suggest.

The words substantially unnoticeable should be treated as a flexible working definition of wilderness. The phrase is ambiguous, but with purpose. It allows for a feeling for the overall character of the land, not one insignificant intrusion. This idea of a flexible working definition is borne out by the legislative history of the Act.

The Forest Service does not treat the words as a working definition. They instead look to them as a rigid and inflexible requirement. For example, two Southeastern Regional Foresters, in a proposal for a Wild Lands East Program, claim that: "We are persistently reminded that there are simply no suitable remaining candidate areas for wilderness classification in this part of the National Forest System." This is not a decision for that agency to make; it is a Congressional decision. But it is easy to see how such a decision could be reached when you consider the Forest Service criteria.

Chief John McGuire in his February 21 statement on the Eastern Wilderness Bill, S. 316, revealed what standards the agency uses. "In interpreting the Wilderness Act the Forest Service has placed emphasis on areas which have almost entirely retained their primeval character and influence, rather than those areas which have been restored to a natural appearance. Prior to the Wilderness Act and now under its definition, we considered 'Wilderness' as a unique, non-renewable, predominately undisturbed natural resource." There is absolutely no basis for this policy in the Act or in any of its legislative history. Nowhere does the Act say that a wilderness must be unique, or undisturbed. The words again are, untrammeled and substantially unnoticeable. Nowhere does the Act say that a wilderness cannot have been restored to its natural character. In fact, this position lacks support even in the Agency's earlier policies. On May 13, 1964, four months before the Wilderness Act was signed into law, the Forest Service, knowing that it would automatically be included in the National Wilderness Preservation System, established the Shining Rock Wild Area in North Carolina. The following language is found in their Wild Area proposal:

"In determining the best and most logical boundaries for the Wild Area, it was necessary to include a portion of the drainage of Ugly Creek covered by a timber sale contract which expires December 20, 1963. About 500 MBF are left to be cut and the operation will be completed this year. The skid trails and log landings will be revegetated and otherwise treated as necessary to hasten natural recovery and prevent vehicular access."

AN ILLUSTRATION: THE MINAM RIVER

The dispute over the Minam River in the Wallowa-Whitman National Forest in Oregon serves as a good illustration of the conflict over Wilderness purity. A portion of this beautiful area was opposed for Wilderness mainly on the purity question. The situation is this: First of all, there are two guest or dude ranches within the area. These ranches are well within the proposed Wilderness with no roads leading to them. But the Wilderness Act allows for inholdings or private rights. Section 4(c) says: "Except as specifically provided for in this Act, and subject to existing private rights, there shall be no commercial enterprise or permanent road. . . ." Senator Church discussed the matter on the floor of the Senate prior to the passage of the 1964 Act. He said, in reply to a question concerning condemnation, that ". . . there are in my state in holdings—ranches—which were homesteaded many years ago and lie within primitive areas. We want to be perfectly sure that the owners of these ranches were guaranteed the customary usage of their property for ingress and egress according to the customary ways." This statement certainly indicates that ranches, such as those on the Minam, are acceptable as private right inholdings within the Wilderness. As a matter of fact there exist in the adjoining Eagle Cap Wilderness on Aneroid Lake, a small general store and five small cabins. With this sort of precedent, inclusion of the ranches in the Wilderness is certainly within the framework of the Wilderness Act, as contemplated by the Congress that passed it.

A second objection raised by "purists" is that this area is unsuitable for Wilderness because a small portion of it was logged. This logging only involved 1,600 acres and was done by horse prior to 1924. The cutting was selective and stands of large trees are present throughout the area. Compare this to 60,000 acres of the Bob Marshall Wilderness that was horse-logged after 1900.

Another objection to inclusion of this area is a small field used as an airstrip by the dude ranches. Purists claim this is not of the Wilderness character. On the contrary, it is specified in the Act that "within Wilderness areas designated by this Act the use of aircraft or motorboats, where these uses have already become established, may be permitted to continue. . . ." There is now, for example, an airfield in the Bob Marshall Wilderness in Montana. The Wilderness Act, as applied in the past by Congress, certainly allows the entire Minam River area entry into the National Wilderness Preservation System.

AGENCY PROTECTION: THE CASE OF FRENCH PETE

The Wilderness Act is a tool to afford absolute protection to these "questionable" areas before they are irreparably abused. This is protection of law, not agency protection, which is all that is offered under any Forest Service classification scheme. This distinction is important. If an area carries only agency protection, it can be withdrawn at the discretion of that agency, without public approval. The shortcomings of administrative protection have been driven home to Oregonians with the symbolic case of French Pete.

The French Pete Valley is a 19,200 acre watershed, 55 miles east of Eugene, Oregon, on the Willamette National Forest. It is one of the last valleys in the western Cascades that has not been roaded or logged. Its values as a Wilderness area are beyond question. Yet, this area has been the center of controversy since the early 1950's.

At that time French Pete was part of the Three Sisters Primitive Area. When the Forest Service reclassified the area to Wilderness, they excluded about 55,000 acres. Part of the exclusion was the French Pete Valley. This decision was met by strong public opposition. A public hearing was held in February, 1955 in Eugene. A great majority opposed the decision of the Forest Service.

The exclusion was also opposed by the majority of the Oregon Congressional delegation, including Senator Richard Neuberger and Senator Wayne Morse, as well as Representatives Charles Porter, Edith Green, and Al Ullman.

Despite this opposition, the Forest Service plan stood intact. Senator Neuberger and Senator Morse each made strong statements before the Senate in 1957. Senator Neuberger's remarks are especially significant in that they were made in his comments as he joined Senator Humphrey in introducing the first Wilderness bill.

"Mr. President, the urgent need for some form of Congressional action to safeguard these scenic realms has just been indicated by the decision of the Department of Agriculture to remove from the Three Sisters Wilderness Area of Oregon some 53,000 acres of majestic forest canyons and ridges. . . .

"I am not assailing, or attacking, or criticizing anyone in the Forest Service or in the Department of Agriculture for the Three Sisters decision. What I am saying is this: Such a decision is virtually for eternity . . . So final a verdict, Mr. President, ought to be reviewed by the Congress of the United States and it should not be merely within the fiat of the executive agency. The Congress, after all, is the supreme policymaking agency of the American people, to whom these national forest solitudes actually belong."

Now, fifteen years later, after administrative appeals and Congressional legislation, the battle still rages in the fight to save French Pete.

This is only one example of what agency protection has meant to conservationists in the past. The lasting protection is that of law, which only Congress can erase.

EASTERN WILDERNESS: S. 316 AND S. 938

The whole conflict over the definition is coming to a climax in this Congressional session. The Senate has two Bills before it dealing with Eastern Wilderness. One is the Jackson Bill, S. 316, the other is the Administration Bill, S. 938. It is in consideration of these opposing measures, that Congress will probably settle this particular controversy. S. 316 would establish 18 new wildernesses in the Eastern United States, within the definition of Wilderness found in the 1964 Act. S. 938 would amend the 1964 Act to set up separate classification systems for the East and West.

S. 938 allows the Secretary to consider for wilderness review those areas in the Eastern United States ". . . where man and his own works have once significantly affected the landscapes but are now areas of land (1) where the imprint of man's work is substantially erased; (2) which has generally reverted to a natural appearance; and (3) which can provide outstanding opportunities for solitude or a primitive and unconfined type of recreation."

The effect of this provision is not to change the definition of Wilderness as in the

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1964 Act, but to prohibit the Secretary from considering areas in the West which conform to this separate list of characteristics. Thus, an area in the West where man and his own works have once significantly affected the landscape, where the imprint of man's works is substantially erased, and which has generally reverted to a natural appearance would not be considered for review by the Secretary. This language does not lower the standards for wilderness in the East. Rather, it creates a new and purer standard of wilderness in the West. By limiting the Secretary's authority to consider for review such less than pure areas in the West, the proposed amendment would exclude, even from consideration as wilderness, many Western areas which fully qualify, under the definition specified in the 1964 Wilderness Act.

A close analysis of this separate Eastern definition indicates that it is within that definition in the 1964 Act. It is important, to maintain the integrity of the National Wilderness Preservation System, that S. 316 be enacted into law, and S. 938 be rejected.

This "purity" position can be used by the Forest Service and others as an anti-wilderness tool. An illustrative case was discussed in the hearings on S. 316 by Senator Mark Hatfield.

Discussing the Marion Lake area of the Mt. Jefferson Wilderness the Senator said:

"After the legislation was signed into law, the Forest Service moved quickly to remove existing basic amenity facilities such as outdoor toilets because, in the words of the Forest Service, they were 'wholly inconsistent with the wilderness experience.' I point out this issue of privy type toilets because the lake itself—not the amenities—is a magnet which attracts people. Removal of the toilets, as well as a primitive pump for water, increases the potential for disease of such a heavily used area.

"Primitive fire rings which minimize fire danger were also removed. I would not have expected the Forest Service to construct these facilities after the area was designated Wilderness, but I was amazed at the removal of all these amenities. It was almost as if the Forest Service was determined to get back at Congress for passing the Bill."

The cross-examination of Chief McGuire revealed his rationale for the Forest Service position. Discussing his distinction between the two Bills (S. 316 and S. 938) he stated:

"A restored lands definition of wilderness for all national forest lands could markedly reduce the management options for a greater portion of the national forests in the West."

Senator Floyd Haskell, the Subcommittee Chairman, attempted to alleviate the Chief's fears. He said: "I think the cat is now out of the bag. What I gather now is that you are afraid all of the area that qualifies under the definition will be designated as wilderness. You seem to fear that just because an area meets the definition it will be included." Senator Church underscored this when he directed the Chief to "bring the proposals up here, Congress is the final judge of what goes into wilderness and what does not."

CONCLUSION

The Forest Service, and others who follow the "purist" interpretation of the Wilderness Act, are ignoring the writing on the wall. This position is being used solely as an anti-wilderness tool. The timber industry does not want a wilderness in heavily forested areas because this gives the area the enduring protection of law, reversible only by Congress. It is no secret that it is much easier for the Forest Service to manage an area without the Wilderness classification even though one of the purposes of the Act was to take away this discretionary power from the agency and give it back to Congress.

It is important to secure many of these "impure areas" for wilderness due to a shortage of wilderness acreage. The Wilderness Act is a tool to afford absolute protection to these areas before they are irreparably abused.

The Forest Service has different programs designed to give these areas protection, but only agency protection, not the protection of law. Examples are back country and special interest areas. These proposals are not adequate. They can only lead to more unpopular decisions and more French Petes. The Forest Service amendments to the Wilderness Act, S. 938, are also quite inadequate. They place, in a special Eastern Wilderness category, areas that are already qualified for wilderness in the 1964 Act. The effect of this would be to disqualify many areas in the Western United States that are presently qualified.

A better alternative is to look to the legislative history of the Wilderness Act for support and allow these areas, such as those in the Eastern United States, into wilderness. S. 316 is one vehicle to accomplish that purpose. In time, these impure intrusions will be referred back to the natural scene. Senator Frank Church put it this way: "This is one of the great promises of the Wilderness Act, that we can dedicate formerly abused areas where the primeval scene can be restored by natural forces so that we may truly have a national Wilderness Preservation System."

TRIBUTE TO RICHARD STROUT

Mr. MONDALE. Mr. President, a recent article in the Wall Street Journal has given deserved recognition to one of the deans of the Washington press corps, Richard Strout.

For over 50 years, Dick has been recording and commenting on the feats and foibles of Washington politics. Writing for both the Christian Science Monitor and—as TRB—for the New Republic, Dick has consistently demonstrated a style and grace that are rare and engaging. His comments on politicians of all persuasions have been perceptive and often biting; his influence has been substantial.

I urge my colleagues to read this profile of a most remarkable man. Mr. President, I ask unanimous consent that the article from the Wall Street Journal be printed at the conclusion of my remarks in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WITNESS TO HISTORY—REPORTER DICK STROUT HAS SEEN PRESIDENTS, SCANDALS COME AND GO

Harding, Teapot Dome were news when he hit capital; but "Watergate is worse"—no sex or cash, just power

(By Ronald G. Shafer)

WASHINGTON.—Reporter Dick Strout doesn't have to dig through the history books for parallels between the Senate Watergate hearings and those into the old Teapot Dome scandal. He was there—50 years ago this fall—sitting in the same Senate caucus room and writing as he does today, for The Christian Science Monitor.

Obviously, some things have changed, Mr. Strout notes. For one thing, the subject is campaign dirty tricks instead of oil leases and bribes. And there's the conspicuous presence of that newfangled medium called television.

But "except for the hot lights, you would almost think you were back in 1923," reminisces the 75-year-old newsman.

Thanks to Watergate, Richard Lee Strout's ringside perceptions of history are in fresh demand. But his reputation is built on far more than longevity. He has covered more major news events than any other reporter in the Monitor's 65-year history. And for 30 years now, he has also been probably the most influential anonymous columnist in the business—for Richard Strout is the author of the column called "TRB From Washington" in The New Republic magazine.

As a result, Dick Strout's reputation "is very high indeed, because he's got a combination of qualities that very few people have," says James Reston of The New York Times. "First of all, the guy is a beautiful writer. And he must have an extra gland because he still runs around like a kid."

Admirers agree that Dick Strout has a rare ability to explain complex issues with clarity, insight and homespun humor. He writes with the descriptive style of a novelist. People in Strout stories come alive with "owlish" faces, "fierce" mustaches, "carbuncle" noses and "spidery" frames.

About two decades ago he wrote a critical column about a man with a creased-leather face and an ego as big as the Washington Monument. The man's name was Lyndon B. Johnson, and he promptly hauled Mr. Strout into his ornate Capitol Hill office to complain. The Senate majority leader was seated behind "the biggest desk in the world, with pushbuttons like an organ," Mr. Strout remembers, "and every time he pushed a button, someone would appear."

AN IMAGINARY BABY

For an hour, TRB received the full LBJ treatment. At one point Johnson complained that he was being treated "like a motherless child," and suddenly, the columnist recalls, "he jumped out of his chair and strode up and down the room, rocking an imaginary baby in his arms." Mr. Strout left unconvinced that he was wrong but amazed that a powerful politician "would waste an hour of his time trying to convert me."

As the episode indicates, Dick Strout is a tough-minded but unassuming newsman. He is—as he might put it—a tall, lean and lively man with fierce bushy eyebrows, an unfierce gray mustache and a weathered bald head. He speaks with a gruffness in his voice, but there is a twinkle in his eye. "Beneath that crusty exterior is a real softie," confides a friend, "but we'd never tell *him* that."

Mr. Strout was born in Cohoes, N.Y. After graduating from Harvard, he worked for a while on newspapers in England, then began his American journalism career with the old Boston Post in 1921. After two days, he switched over to the Boston home office of the Monitor. And about two years later—having by now picked up a Harvard M.A. in economics—he was driving his Model T Ford down to the Monitor's Washington bureau.

"All of a sudden, there I was over there in that big house," Mr. Strout says with a wave of his hand at the White House as he sits dining on his daily liverwurst sandwich and milk shake on a park bench across the street. And there was President Harding, dressed in knickers and telling reporters assembled for a press conference: "Take it easy on me, boys, I want to get out and play some golf."

BACK IN THE CAUCUS ROOM

Since then, reporter Strout's career reads like an on-the-job history course. He has attended the press conferences of nine Presidents. He was on one of the first cross-country airplane flights. He reported from Normandy Beach during the D-Day invasion. He accompanied Russian Premier Nikita Khrushchev when he toured the U.S. in 1959. And he wrote the Monitor's front-page story when Spiro Agnew resigned as Vice President.

But the U.S. Senate, and particularly its historic hearings in the cavernous caucus

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room, have provided some of Mr. Strout's biggest stories. Teaport Dome, the Kefauver hearings into organized crime, the Army-McCarthy hearings, the Bobby Baker inquiry—he has witnessed them all. Now it's Watergate, and Mr. Strout is back in the caucus room again.

He sees similarities to Teapot Dome: "Letters to the editor in 1924 charged that the press was carrying things too far," and "readers shrugged and said both parties were alike and it was all just politics." But he is outraged by what he perceives as a crucial difference.

Watergate "is more disturbing and dangerous" because it "is a special kind of corruption without greed," he wrote in a TRB column. "No sex, no dollars. Just power, it doesn't strike at oil leases, it strikes at democracy."

The weekly column provides Mr. Strout—who, as one press scholar puts it, "shows no hint of his own leanings" in news stories—an outlet for his personal views. He took it over in 1943 from Kenneth Crawford, who later became a Newsweek columnist. "He told me it would be easy," Mr. Strout says. "All you have to do is get mad at somebody once a week and spit in their eye."

Mr. Strout inherited the column signature, TRB. It was dreamed up by a New Republic editor who simply reversed the initials of the subway line that then carried copy of a Brooklyn printer—the Brooklyn Rapid Transit (BRT). But Mr. Strout still refers to TRB as "The Rover Boys" because the column sometimes was—and on occasional weeks still is—written by more than one man. The New Republic pays him $175 a column.

Even today many New Republic readers don't know the identity of the man behind the initials. In September TRB received a letter from a reader who, assuming the current writer took over only about five years ago, wrote reassuringly to say "how much better your prose is" than at first, and how "it has been especially in the last year that your writing has seemed to solidify."

Under Mr. Strout, "TRB from Washington" has become The New Republic's most-read feature, and now it also is syndicated in 35 newspapers. The column reflects Mr. Strout's generally liberal views, though he steers an independent course. In 1968 when the magazine refused to endorse Hubert Humphrey for President because of his ties to Johnson administration war policies, TRB—an early war critic—backed HHH anyway.

"In the past 10 years or so, I've let myself go more about using the first-person singular," says Mr. Strout. And he often uses personal recollections to make points, as in this TRB column a few years ago:

"When I was a child at my grandfather's farm, they used to kill pigs in the fall. They tied them up by their hind legs shrieking and squealing before they slit their throats. Once we children bitterly protested, but the hired man was reassuring.

" 'They like it,' he said firmly.

"Today he's in Congress, voting against the poverty program."

Such views spark strong reactions from conservatives. A few write nasty letters like: "You sewer rat, may you be cursed with all plagues." But most are more respectful.

"I disagree with most of TRB's columns," says conservative columnist James J. Kilpatrick. "But I follow his stuff regularly. There's a good deal of wisdom there. He always puts it pleasantly, with just enough lemon juice."

So far, nobody is being groomed as Mr. Strout's successor. "He's unmatchable, I don't think we'll ever find anybody quite like him," says Gilbert Harrison, The New Republic's editor-in-chief. "But I'm not concerned about it. I think he'll live forever. If anything, his writing is livelier than it ever was."

Whether as TRB or as a Monitor reporter, Mr. Strout has been an eyeball-to-eyeball observer of Presidents for more than 50 years. Each, he says, had his own style.

Calvin Coolidge, for example, answered only written questions. So one time Mr. Strout and 11 other reporters tried to pin down the President by craftily submitting identical questions: Would he be a candidate in 1928? "Coolidge looked at the first question and put it aside," recalls Mr. Strout. "He went from the second to the 11th. At the 12th, he paused, read it (silently) and went on dryly—'I have a question on the condition of the children in Poland.' " The President answered the nonexistent question and, with that, concluded the press conference.

Mr. Strout has his private presidential evaluations. "I rate Roosevelt first without a doubt," he says, and President Truman "was as brave as they come." Lyndon Johnson "in many ways was a son of a bitch, but he had a compassionate heart." The latter is evaluation favorably colored by Mr. Strout's lasting admiration for LBJ's "We Shall Overcome" voting rights speech to Congress in 1965.

A WILLINGNESS TO AGGRANDIZE

Mr. Strout is reluctant to evaluate President Nixon yet. But his writings make it clear he's no fan of the man he has called "the most aloof President in history."

He worries that "presidential power has grown enormously"—largely because Congress has been "too lazy" and Presidents only too willing to aggrandize their office. "There's a feeling that once you sleep in Lincoln's bed, you become deified," he says. "It's a dangerous thing."

Mr. Strout, who is not a Christian Scientist but a Unitarian, works out of a small office in the modern, fortress-like Monitor headquarters here. Despite the modern decor, he continues to use a wooden roll-top desk he inherited from a former Monitor Washington bureau chief. The desk has an indented pearl button on its right-hand side. "When you push it," he explains, "nothing happens."

He continues to put in a full workweek at the Monitor, with the understanding that he is free to write his TRB column there on Wednesdays. Nowadays, he specializes in "color," or feature, stories for the Monitor itself, and maintains that he's still there only because "I've become sort of a holy cow." He suggests that this article merely report: "The old reporter says modestly that all he has been is a good competent hack."

His co-workers disagree with that assessment. "He's still here because he pulls his weight as well, or better, than anyone in this office," asserts Godfrey Sperling, the Monitor's Washington bureau chief. "He can move fast on a story. Boom."

"He can on occasion be grumpy, too," says an ex-Monitor staffer with a chuckle. "If he thinks somebody is putting forth 'utter claptrap,' he'll get up and leave."

SHUNNING THE SOCIAL CIRCUIT

Instead of personal contacts, Mr. Strout relies on reading everything he can get his eyes on, then attends congressional hearings and makes "first-hand observations" for additional material. He shuns the Washington social circuit; for relaxation he attends plays or reads aloud to his wife, Ernestine.

Mr. Strout used to drive to work in his Model T, which he parked on the ellipse behind the White House. Nowadays he commutes by bus from his four-bedroom home in Northwest Washington. The house was purchased over 30 years ago with proceeds from his 1939 best-selling book, "Maud," based on his mother-in-law's diary.

The house seems somewhat empty now since the five Strout children have grown and scattered around the world. They include a son and two daughters by Mr. Strout's first wife, Edith, who died in 1932. He married Ernestine in 1939, and they had two more daughters. None of the children have gone into journalism, but they have "enough degrees to start a university," he says proudly.

Journalism isn't a career that Mr. Strout recommends lightly. He advises young people to "stay clear of it unless they have a passion and dedication. The pay is not very good, and the excitement is apt to pall after a while. The sustaining element is the commitment, the feeling that you are doing some good in the world."

After more than a half-century on the job, friends say Dick Strout has lost none of his passion and that he still gets excited as a cub reporter over big news events. At a 50-year anniversary celebration two years ago, when the Monitor presented Mr. Strout with a round-the-world airplane ticket, Godfrey Sperling summed up his colleague this way: "He is the Monitor's oldest reporter; he is also the youngest."

COMMUNICATIONS SATELLITES

Mr. MOSS. Mr. President, almost 30 years ago Arthur Clarke, the visionary British writer, saw synchronous communications satellites as one of the major benefits of a space program. His prediction was made far in advance of what was to be the beginning of communications satellites.

Although much scientific discussion took place before 1958, real effort in this field began with the founding of the National Aeronautics and Space Administration. Years of NASA research have been punctuated by debate on the merits of various technical approaches. Learned experts and major American corporations became involved in controversy over complex concepts such as low altitude versus synchronous satellites and passive versus active satellites. Through all of the debate NASA management and technological know-how provided a focal point for the necessary research to enable selection of optimum approaches.

By 1962 the vast potential of communications satellites became recognized to the point that, after extended consideration and debate in the Congress, the Communications Satellite Act of 1962 was passed. This act created a corporation for the establishment, ownership, operation and regulation of a commercial communications satellite system.

NASA has engaged in a vigorous research and development effort for the past decade and a half in communications technology. The first successful NASA synchronous communications satellite, SYNCOM 2, was launched July 26, 1963. Under present plans, the last launch of a NASA satellite primarily involved in communications experiments will be the launch of the ATS–F satellite next spring. With that launch, significant NASA effort in communications satellites will end on the premise enunciated by the executive branch, that private industry is now in a position to carry forward the research and development necessary for future communications satellites.

Leaders of the U.S. aerospace industry voiced great concern over the future of communications satellites to the Committee on Aeronautical and Space Sciences during hearings held on September 26 and 27.

The purpose of the hearings was to inquire into our future capabilities of obtaining the objectives specified in the National Aeronautics and Space Act of 1958.

During the testimony of the eight witnesses, recognized leaders of industry, five cited communications satellites as a prime example of the positive applications of space technology. Two of these knowledgeable gentlemen specifically highlighted their opinion that NASA should retain responsibility for basic science and technology including that in communications satellites. They favored NASA emphasis on mission management and the science and applications technologies, allowing industry to assume fuller responsibility for design and development.

These same two witnesses were concerned about the executive branch decision, announced last January, to remove NASA from communication satellite research and development.

They feel that the past success of the industry in commercial exploitation of communications satellites was rapid and successful only because of the early work by NASA on flight hardware and multiple approaches to the problems that had to be solved. NASA operational evaluation reduced technical risk to an acceptable level for commercial development.

The potential technological advancement in communications satellites is great. Potential commercial customers want communications channels with guaranteed life based upon well proven technology. In the present environment of a rapidly expanding market, aerospace spokesmen say that the private sector cannot afford the gamble of providing advanced research in such a vast field. Since this is the case, the desired level of international competition may be difficult to maintain.

There is disagreement as to how much responsibility NASA should retain, but I support NASA involvement in continued research in communications satellites as basic to their responsibilities under the National Aeronautics and Space Act of 1958 and the Communications Satellite Act of 1962. Unless that responsibility is maintained, the United States could quickly fall behind in this important field. This is particularly true when one recognizes the vigor with which many other nations are supporting such research in an effort to gain a greater share of the potential rewards or themselves.

I do not believe that the United States must be the world leader in every area of technology. But especially in those areas where we now have a clear lead, we should carefully examine whether we want to casually abandon our lead by conscious default.

There is great interest by industry to pick up many of the NASA research programs, and develop them into useful products and systems. I am confident this can be done.

But if NASA does not resume its pioneering technology work in the communications satellites, I am convinced we will be faced with a serious shortfall of communications technology in the future.

Mr. President, the testimony of our witnesses so clearly expresses the need for NASA to maintain this basic responsibility that I ask unanimous consent to print a portion of their comments in the RECORD at the conclusion of my remarks.

I strongly urge the administration to reconsider the decision to abandon our research in this area, which holds such promise for the betterment of mankind.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPT FROM THE STATEMENT OF DR. WERNHER VON BRAUN BEFORE THE SENATE COMMITTEE ON AERONAUTICAL AND SPACE SCIENCES, SEPTEMBER 27, 1973

I also cannot emphasize too strongly how unfortunate I feel it is that budget limitations seem to be forcing NASA to abandon its fifteen-year involvement in the further development of advanced technology for communications satellites. Caught in a budget pinch, even inside NASA the argument has been made occasionally that communications satellites have developed into such an industrial success story that private enterprise should be able to raise enough R & D money to experiment with more advanced but still unproven communications technologies. From my new vantage point in a private corporation which is deeply involved with advanced communications satellites, let me assure you, gentlemen, that this is wishful thinking. Customers, whether domestic or international, want satellite communications channels with a guaranteed revenue-producing life of seven years or more, and they don't care a hoot what technology you use, as long as it is well-proven. On the other hand, the potential of technological advancement in this new field, whose surface we have hardly scratched, is almost unlimited. There is great potential in the use of higher frequencies, in laser beams communication, in switching satellite beams by ground signal from one ground target to another, in increasing satellite transmitting power so the cost of ground stations can be drastically reduced, to name just a few. In the fiercely competitive environment of the rapidly expanding communications satellite market, no private company can take the gamble of offering unproven technologies to its customers. The few commercial giants in the communications fields may indeed be the only ones who can afford to sink a few million dollars here and there in a little experimentation with new-fangled ideas, but their overall record in advancing the field of communications satellites has been so disappointing that the Federal Communications Commission wisely decided to open up the field to a pack of lively, smaller and less sated competitors. If NASA were to permanently discontinue its pioneering technology work in the communications satellite area, it would virtually reverse that FCC policy and give the game back to the established monopolies who, in view of their vast investments in old-fashioned wire communications, never had much of an incentive to explore the satellite potential in the first place.

The space program has done a lot of wonderful things for the human spirit, for the advancement of science and for the direct benefits of man. Only history can properly assess the lasting significance of these contributions to the human spirit and to science. When it comes to the direct benefits, however, we can make some judgment now, and I would give the highest rating to the communications satellite.

EXCERPT FROM THE STATEMENT OF MR. DANIEL J. FINK, VICE PRESIDENT AND GENERAL MANAGER, SPACE DIVISION, GENERAL ELECTRIC CO., BEFORE THE SENATE COMMITTEE ON AERONAUTICAL AND SPACE SCIENCES SEPTEMBER 27, 1973

We are not comforted by the recent decision to remove NASA from communication satellite R. & D., on the assumption that industry and common carriers are now ready to take on the full burden of R. & D. with no further government stimulus. This seems to us to be an illusion, fostered by the phenomenal success of these operational systems. What is forgotten is that in the early 1960's NASA went into flight hardware with multiple approaches to the problem: The Echo passive reflectors, the Relay low-altitude repeater, and Syncom. Commercial exploitation was rapid only because this relatively expensive three-way evaluation, paid for by NASA, reduced the technical risk to an acceptable level. Thus U.S. companies gained viable footholds in international markets. Similarly, NASA exploratory flights of competitive technologies have led to more advanced operational systems through the late 1960's and now into the 70's.

Now, Canadian, Japanese and European organizations, with heavy government backing, have technical capability approaching that of the U.S. are willing to take high risks. In this environment, we can expect a U.S. publicly owned company to risk $50 to $100 million for developments in the arena of Direct Broadcast Satellites or other more distant capabilities on which the payoff may not come for ten years? Since this R. & D. has heavy technical and market risks, in addition to high costs, a more likely outcome is that the on-going, foreign government-sponsored programs, and not U.S. private industry, will assume the R. & D. prerogative. As a byproduct, leadership in new technology would pass from this nation by the end of this decade, because technology will move forward whether we choose to move with it or not. If NASA ten years ago had been subjected to the pressures for quick commercialization that now exist, it is doubtful that either the communications satellites or meteorological satellites would be in their present advanced state of development.

What we may have seen here is a loss of perspective in determining the most efficient way to remain viable in a highly competitive international marketplace. NASA has shown great resourcefulness in assuming the front-end risks in communications satellites, leaving commercial companies and common carriers free to devote maximum resources to competition in the services and markets they know best. In communications satellites, we may have seen the end of this productive relationship.

We know that foreign companies also have high capabilities in the technologies for environmental, meteorological, and earth resources satellites. We can expect them to be highly competitive in these fields. If the U.S. charter for continuing research and development in these systems, and its cost and risk burdens, pass too quickly from NASA to user hands, the U.S. could lose its competitive position. With it would go most of the basic R. & D. investment which NASA alone was willing and able to make during the costly gestation periods of these developments.

THE NEED FOR AN INDEPENDENT PROSECUTOR

Mr. BAYH. Mr. President, a number of Washington's most distinguished lawyers have addressed an open letter to the Congress expressing their deep concern about the current circumstances

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where the President is now, in effect, investigating himself. They express the strong view that the constitutional provision commands that the President "take care that the laws be faithfully executed" requires that the President disqualify himself from investigation into alleged misconduct within his own office, and they call upon us to "move swiftly to end this crisis before it saps our national spirit," and to provide by statute for a independent prosecutor to be appointed by the courts. I ask unanimous consent that the text of their statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

AN OPEN LETTER TO THE CONGRESS FROM GROUP OF CONCERNED LAWYERS, OCTOBER 26, 1973

The undersigned members of the District of Columbia bar urge immediate enactment of legislation reestablishing the Office of Special Prosecutor as an independent agency insulated from the Executive Branch.

Under the rule of law, no man may be judge or prosecutor in his own case. An investigation which may uncover evidence that the President or his associates have obstructed justice, or committed other crimes cannot be entrusted to officials subservient to him.

The Constitution commands the President to "take Care that the Laws be *faithfully* executed." Surely this mandate, under the rule of law, requires the President to disqualify himself from investigation into alleged misconduct within his own office.

It was for these fundamental reasons that the Senate Judiciary Committee, reflecting the conscience of the public and the Congress, called for the creation of an independent Office of Special Prosecutor with authority to pursue the truth wherever it led. It is for these same reasons that the President's dismissal of the Special Prosecutor and abolition of his Office present a grave threat to the rule of law.

A society based on law must maintain public trust in the integrity and impartiality of the processes of justice. The President's recent actions have shaken that trust. The legal profession, above all, must speak out.

It is not enough that the President, under an avalanche of protest, decided not to defy court orders. A shocked and fearful country needs certain assurance—in the form of an Act of Congress—that the investigation will go forward without delay or impediment; that all leads will be pursued; that all relevant evidence will be sought and promptly produced, and none shielded behind a wall of executive privilege; and, most vitally, that prosecuting officials will not be subject to the authority or control of the President. No prosecutor within the Executive Branch, however able or vigorous or honorable, can satisfy this need.

We call upon the Congress to move swiftly to end this crisis before it saps our national spirit. The United States District Court for the District of Columbia should be empowered to appoint a Special Prosecutor with express authority to sign indictments as attorney for the government. The functions, personnel, and files of the deposed Office of Special Prosecutor should be transferred to the new statutory Special Prosecutor, whose tenure and full powers of investigation and prosecution should be explicitly defined in the statute.

The law we urge would indeed be extraordinary, but not more so than the circumstances requiring its enactment. Its constitutionality is beyond serious question. Article II, Section 2, provides that "the Congress may by Law vest the Appointment of such inferior Officers, *as they think proper*, in the President alone, *in the Courts of Law*, or in the Heads of Departments." In the present situation of actual or apparent conflict of interest within the Executive Branch, vesting appointment of the Special Prosecutor in the courts is proper. It is also necessary; nothing less will restore the people's confidence that ours is still a government in which no official is above the law.

Respectfully,

Frederick B. Abramson, Jerome Ackerman, Albert E. Arent, Frederick A. Ballard, John Bodner, Jr., Edward Burling, Jr., Edmund D. Campbell, Austin F. Canfield, Jr., Mortimer M. Caplin, Manuel F. Cohen, Mitchell J. Cooper, Lloyd N. Cutler, John W. Douglas Charles T. Duncan, Philip Elman, Ben C. Fisher, Eugene Gressman, John B. Jones, Jr., Robert H. Kapp, John E. Nolan, Jr., John H. Pickering, E. Barrett Prettyman, Jr., Daniel R. Rezneck, Franklin M. Schultz, Robert L. Wald.

SMALL TOWNS FACE UNCERTAIN FUTURE IN THE UNITED STATES

Mr. SPARKMAN. Mr. President, in the Birmingham News in its Sunday issue of November 4 there was a most interesting article entitled "Small Towns Face Uncertain Future in the United States." Believing that all of us are interested in the future of the small towns of America, I ask unanimous consent to have it printed as a part of my remarks in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SMALL TOWNS FACE UNCERTAIN FUTURE IN THE UNITED STATES

(By Al Stanton)

The population experts say that by the year 2000, 18 counties in North Alabama will make up approximately the 15th largest "urban region" in the U.S.

It will be in the 1–10 million urban region class, which, in fact, it already is, with a population of 1,108,795.

Similarly, Mobile and Baldwin counties and the western Florida Panhandle will be in the fourth largest urban region, stretching along the Gulf Coast to about midway between Houston and Corpus Christi.

This is not to say that the Alabama counties will grow all that much.

Alabama's population is growing at a much smaller rate than that of the U.S. But the urban areas of the U.S. generally are growing faster than the small towns and cities of under 50,000 population.

And where does this leave the small towns?

The population experts aren't sure. Some small towns will grow, others will stand still and others will stagnate.

The question was explored at a recent seminar for newspaper people at Oak Ridge, Tenn., sponsored by the Southern Newspaper Publishers Association.

Some 30 newsmen and women interested in the future of small towns attended. Most of them were from the Southeast.

A NUMBER OF MYTHS REMAIN

The experts are trying to find reasons for the "agglomeration" or concentration of large populations. They also are trying to discover what is happening to the small towns. Some confess that despite extensive study the answers remain unknown.

Although there have been extensive studies, a number of myths remain about our population movement, and the experts find disagreement even here.

Selim A. Kubiawi, an economist for the Appalachian regional Commission in Washington, says that one myth is that people have been moving to the large cities because they wanted to.

"Most surveys show that the majority of Americans prefer to live in medium-sized cities and small towns," he says. "They live in large cities and around them because of the economic necessities (jobs)."

On the other hand, Kenneth D. Rainey, a Columbus, Ohio, planner, says that people do not really want to return to the small towns, as the surveys show.

"Most of these expressions of desire to get back to the rural areas of the smaller communities must be classed with the expression of intent to cut down on the number of cocktails one drinks," Rainey says.

Still another myth is generated by attempts to treat the small town problem as one that is uniform across the U.S., says Rainey, who is an associate at the Academy for Contemporary Problems at Columbus.

The academy was established jointly by the Batelle Memorial Institute and Ohio State University to study urgent social and environmental problems.

"Averages can be deceiving," he says.

"They can be like the man who has one foot in boiling water and one on a cake of ice. On the average, he is comfortable."

"REASONABLY BRIGHT" FUTURE

Problems vary from place to place, says Rainey.

"In many areas the future for towns of 10–25,000 seems reasonably bright. On the other hand, there are areas where we can only see a continuing emptying out and a continuing difficulty in providing acceptable levels of public service," Rainey says.

Seminar leaders pointed out that there are probably more than 1,000 federal government programs to help small towns.

But the government can't do the job, even if it were desirable to cure all the small town ills.

"There is not enough federal money to prop up these towns even if we didn't spend a nickel on defense," Rainey said.

The out-migration from rural areas is mostly by the young, leaving fewer and longer-educated children, better educated working women and more older people.

Michael I. Foster of the Tennessee Valley Authority, another seminar participant, says the small town under these circumstances still can improve itself.

It needs a "starter" group, most usually a group of downtown businessmen whose interests are threatened or whose ambitions are frustrated by lack of downtown progress, Foster says.

The starter group is stimulated to act by leakage of trade to adjacent larger cities, the growth or threat of suburban shopping centers and the desire to attract more industrial jobs, Foster says.

Foster is director of the TVA Division of Navigation Development and Regional Studies at Knoxville.

UNITED STATES PROVIDES SOME ASSISTANCE

Some assistance is available from the federal government.

The Rural Development Act of 1972 provides for loans to small towns up to 10,000 population for more than 20 community facilities.

These include ambulance services, industrial parks, public buildings, streets, roads, sewers, even cable TV and nursing homes.

But although more than $5 billion was appropriated this year by Congress, the money is not enough.

Along this line, experts also disagree on the government's responsibility to small towns.

Kubiawi says, "The small town cannot succeed by itself. Public policy, at the federal

and state level, is essential to enhance the viability of the small town's economy."

On the other hand, Rainey says, "It is not likely that the future of small town America will be decided by any monolithic government policy.

"As has been the case in the past, the growth of small towns will be the result of millions of decisions made in an inconsistent and highly pluralistic environment," Rainey said.

As to where do we go in regard to small towns, he says:

". . . We have behind us 15 to 20 years in experimentation in regional economic development.

"We have tried the local development efforts, the chamber of commerce activity, a broad range of local financing schemes to lure industry into depressed areas and smaller towns.

"We have tried a wide range of state and federal subsidies and grants-in-aid.

"We have tried multistate regions. We have tried multi-county development corporations.

"In short, we have tried most of the ideas surfaced since World War II."

What should we do?

Rainey says he doesn't know.

COMMISSION ON THE PRESIDENCY?

Mr. MONDALE. Mr. President, in a recent Senate speech I discussed a number of aspects of the institution of the Presidency, which have contributed to a decline in the responsiveness of that institution to the Congress and the American people. Certainly, events of recent weeks should focus our attention even more closely on those steps which must be taken—by both the President and the Congress—to restore a balance of power between the branches of Government and make both the executive and legislative branches more responsive to the American public.

In this connection, a recent editorial from the St. Louis Post-Dispatch, commenting on the proposals which I have advanced, effectively discusses a number of these important issues. I ask unanimous consent, Mr. President, that this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the St. Louis Post-Dispatch, Oct. 16, 1973]

COMMISSION ON THE PRESIDENCY?

The feeling is rather generally held across a broad spectrum of national leadership that no matter what President Nixon does or does not do to regain the confidence of the people his Administration is doomed to ineffectiveness. This impression emerges strongly from a series of interviews conducted by Thomas Ottenad of the *Post-Dispatch* Washington Bureau. One top Democratic leader was blunt: "This Administration is a dead duck," he said.

If the Nixon Administration is fated to act in a caretaker capacity for the next three years, does this not offer the country an opportunity to take a good look at the institution of the presidency, with a view to reforms? We think it does, for as *The New York Times* observed some time ago, even before Watergate brought the Nixon Administration into disrepute "there had been widespread concern that the office of the presidency had somehow become bloated, unresponsive, unduly secretive, out of touch with the people and perhaps even with reality."

Since the end of World War II the Chief Executive has acquired power that he never had before. A president now controls nuclear weapons and heads of military establishment 20 times the size it was at the beginning of that war. There are big new bureaucracies in Washington; and technological advances enable a president to roam the world by jet and be seen in millions of living rooms through television. But nothing has been done to tailor the office to the new conditions.

It is this background that lends interest to a proposal by Senator Walter F. Mondale, a Minnesota Democrat. He believes that over the last three or four decades "the presidency has become larger than life and larger than the law." And he further believes Watergate has imbued the nation with a new resolve to meet national problems, the greatest being the protection of liberty "against a government that would diminish it."

So Mr. Mondale has recommended several specific steps that need to be taken promptly, and he has proposed in a Senate resolution that for the longer range there should be established a Commission on the Office of the Presidency, whose purpose would be to examine what has happened to the office, why it has happened, and what can be done to make sure the office remains open and accountable to Congress and the people. The commission would be composed of members of the Executive and Legislative branches and distinguished private citizens.

The work of the group would not be intended to delay reforms that must be undertaken as soon as possible to end the abuses of power revealed by Watergate and require a more open and responsive presidency, one nearer "life size." But a commission such as Mr. Mondale suggests might be a constructive spin-off from Watergate (even though, we suspect, the idea of another governmental commission will produce a few yawns among the populace).

Mr. Mondale is a capable young man who has presidential ambitions himself, and his proposal may be tied to his personal objectives. Yet that need not detract from its merit. Such a commission could well articulate standards that would benefit the presidency and the country in the future; Mr. Mondale's resolution ought to be adopted.

A LACK OF CONFIDENCE

Mr. CHURCH. Mr. President, we all know of the outpouring of protest from the American people at the activities of the President in recent weeks—including the firing of Special Prosecutor Archibald Cox; the initial attempt by the President to defy an order of the Federal courts; and the new revelations that two of the most pertinent of the Presidential tapes are missing.

My own mail has run 20 to 1 against the President, with more than 1,000 letters, telegrams, and phone calls received—the vast majority of them urging impeachment of the President.

Meanwhile, in Idaho, the leading newspapers of the State—most of which supported the President's reelection last year—have become extremely critical of the manner in which the President has handled the Watergate crisis.

Mr. President, I ask unanimous consent that a sampling of editorial opinion from Idaho, including editorials from the Idaho Statesman in Boise; the Idaho State Journal in Pocatello; the Lewiston Morning Tribune; the Daily Idahonian in Moscow; and the Times-News in Twin Falls, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Idaho State Journal, Oct. 22, 1973]

AN ACT OF POWER

No matter how President Nixon attempts to explain it, fairly or unfairly his firing of special Watergate investigator Archibald Cox comes across to the public as meaning only one thing: Cox was getting too close to the truth, and thus was sacked.

That firing and subsequent resignations of Attorney General Elliot Richardson and Deputy Attorney General William Ruckelshaus are another shattering blow to what public confidence remains in the Nixon administration.

Firing Cox was an act of naked power, and one which seems unnecessary. Nixon did it because Cox said he would challenge the President's compromise offer to produce transcriptions of the Watergate tapes as failing to meet the order of the U.S. Court of Appeals. That court had ruled Nixon should make tapes of private conversations available to Judge John Sirica, who might then decide what information from them should be given to Cox. The court might well have accepted Nixon's offer in order to avoid further confrontation, and Cox would have been forced to abide by the court's decision.

Ironically, Nixon's offer met with generally favorable reaction in Congress and with constitutional authorities. But his vengeful firing of Cox immediately stirred serious new talk of impeachment, and chills once more the recently-thawing relations between Congress and the White House. By the same token, the added slippage in public support means the President's ability to govern at home and deal in foreign affairs will be further undermined.

It seems doubtful that Congress will impeach the President. There still is great reluctance to subject the nation to that wrenching ordeal.

But is there then any alternative means of satisfying the public as to whether the President was involved—as his former counsel John Dean claims—or innocent—as Mr. Nixon insists—in coverup of the Watergate break-in of Democratic national headquarters? The prospect seems dim.

Even if Sen. John Stennis is permitted to hear portions of the private tapes, and even if transcriptions of the recordings are made available to the court, it will not be the same as simply producing the tapes. Too many questions will remain unanswered.

And Nixon's promise that the Watergate investigation will continue "with full vigor" under the Justice Department has a very hollow ring, in view of Mr. Cox's fate. Rumors of planned mass resignations within the Justice Department followed news of the firing. Indeed, continuation of the Watergate investigation would be a hypocritical sham which no self-respecting Justice Department prosecutor should undertake.

When Archibald Cox was hired as special prosecutor, Atty. Gen. Richardson said Cox "will be aware that his ultimate accountability is to the American people." Richard Nixon obviously felt differently. And he, apparently, is accountable to no one.

[From the Lewiston Morning Tribune, Oct. 22, 1973]

YOU WON'T HAVE COX TO KICK AROUND ANY MORE

The appointment of a special Watergate prosecutor was always a sticky wicket. Technically it amounted to a demonstrably untrustworthy administration investigating the extent of its own transgressions. But there was hope that a respectable investigation and prosecution could be accomplished if:

1. The special prosecutor was a man of impeccable integrity.

2. The special prosecutor would be given absolute independence of the administration he was investigating.

3. The administration would disqualify

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itself from its technical right to arbitrarily overrule the special prosecutor in the event that his results were deservedly unpleasant for the administration.

The appointment of Archibald Cox as special prosecutor was a success only on the first of the three requirements. It turned out that Cox was a man of such unquestionable integrity, such moral courage and such sharply focused legal indignation that he stands today several miles higher in public esteem than the pathetic president who has fired him.

But the second and third requirements for a thorough and honest investigation have now proven vain hopes in the climate of a White House which so obviously never wanted and indeed feared the truth, the whole truth and nothing but the truth.

The demand by Cox for the whole truth and for all the relevant information contained in secret White House tapes threatened the President with unpleasant consequences. So he snuffed out Cox and the special Watergate prosecuting unit Cox headed.

It is now plain that Cox never really had full independence because it was impossible to be truly independent if he could be independent only so long as he did not begin getting at the truth or stepping on the President's toes.

All the reasons given for firing Cox are rhetorical window dressing. Cox was the man appointed to investigate the President and the President's associates. Cox was fired not because he wasn't doing his job well but for exactly the opposite reason. Cox was fired because he was, in the Nixon view, doing his job too well for White House comfort.—B.H.

[From the Idaho Statesman, Oct. 24, 1973]

A Man of Principle

Former Atty. Gen. Elliot Richardson did not pass judgment on President Nixon at his press conference Tuesday, but reaffirmed his support of former Special Prosecutor Cox and his investigation.

From the beginning, he indicated, his position has been that an independent special prosecutor was necessary in the Watergate case, to restore faith in the integrity of the government.

Given his convictions and the President's decision to fire Cox, Richardson had no choice but to resign. His resignation added to his already considerable stature. It was inspiring, because it offers evidence that there are men in government who will not compromise on basic principles.

The Nixon administration has suffered from a shortage of such men. When former Interior Secretary Walter Hickel let his disagreements with the President become known, he was sacked. Some others were forced out early this year at the beginning of the second Nixon term.

Richardson did not chastise the President nor indulge in any sour grapes recriminations. He simply stated the sequence that led to his decision, and the convictions that prevented him from remaining in the office.

The applause given Richardson by Justice Department employes was a fine tribute to him, and apparently to the position that his resignation represents.

A Victory for the People

President Nixon's capitulation to the order of a federal court for nine Watergate-related tapes should stop the drive to impeach him that had followed last weekend's Justice Department shakeup.

The President's move was a major conciliatory step, in the face of public and congressional outrage. It was a victory for the people.

Some issues are unresolved—including the status of the former Cox investigation, the violation of an administration agreement with the Senate in firing Cox, other tapes and documents, and the possible content of the Watergate Tapes themselves.

An investigation by an independent special prosecutor should continue. Cox should be reinstated. Former Atty. Gen. Elliot Richardson suggested Tuesday the appointment of a new special prosecutor. It would be simpler to reappoint the old one. Richardson should also be invited to return.

One of the greatest concerns of people angered by the President's actions of Saturday was that of an executive claiming excessive powers. The impeachment mechanism offers a remedy in the case of abuse of power by a president.

The resignations that accompanied the Cox removal helped build the fires of indignation. There were critical statements from Republicans as well as Democrats. The telegrams poured in to Washington.

On Tuesday before the President announced his decision Judge John Sirica notified the Watergate grand jury that it would continue to operate. And Richardson conducted his press conference at which he upheld Cox, the Cox investigation and spoke out for the necessity of an independent investigation to restore faith in the integrity of the government.

All of these things might have contributed to the President's decision. The events of recent days suggest that there is power in the attitude of the public, and in the Congress.

The expressions of outrage and the call for an impeachment proceeding in the House served notice on the White House that the President could not bulldoze his way through this situation.

So it appears that the tapes decision represents a victory for the people and the Congress, as well as for the courts. There were so many people speaking out for the rule of law, for limitations on presidential power, for an independent investigation, that a president was forced to back down.

Now that he has taken a major conciliatory step the President should move further. He should reinstate the former special prosecutor and invite the former attorney general to return. With those steps he could undo much of the remaining damage left in the wake of the Saturday explosion.

[From the Twin Falls (Idaho) Times and News, Oct. 23, 1973]

Impeachment

Impeachment used to be a whispered word—now it is mentioned in Congress as often as "yes" and "no."

The turmoil stirred up by the President in his most recent action is a disaster in public relations. He is going down a road on which there is no return. He is finding few who agree with him in this instance and many members of Congress—and thousands of private citizens—believe he is digging his own political grave.

There is something wrong with his actions and it will all come out into the open at some point in time. Now we're not sure why such action was taken. Without a doubt, his action was ill-advised and it now places greater responsibility on Congress and the Courts to uphold the principal that no man is above the law.

As we see it—no man is above the law, even if he is the President of the United States.

Impeachment action must, under law, be brought in the House but it is in the Senate where the final action will be taken—the final decision will be made. The ultimate test in Congress will be what the conservative Republicans decide to do.

[From the Moscow (Idaho) Daily Idahonian, Oct. 22, 1973]

The Firings by the President

The TV Movie of the Week last night was a charming story of an Eskimo boy who had to take a long and perilous canoe trip to get help for an injured mountain climber. It was full of the old virtues, humility before man and nature, self reliance, a respect for the legends and traditions of the past, and a belief in man's ability to meet challenges boldly and successfully.

The papers this weekend were full of a not-so-charming story containing almost none of the old virtues. It's a story of a President—still fighting the release of tape recordings that large numbers of ordinary citizens think should be made public—firing two dedicated public servants and accepting the resignation of a third while working frantically to avoid complying with what had appeared to be a reasonable court order.

Again the President has focused on the legal aspects of the situation while disregarding the common-sense aspects that appear so obvious to the public at large.

Legally, the President is probably within his rights in firing special Watergate prosecutor Archibald Cox, a distinguished lawyer and teacher. And legally the President may be correct in contending that releasing the tapes of his conversations with several leading Watergate conspirators would violate his right to keep information confidential. And legally it may be true that bowing to court orders would make the executive branch of government subservient to the judicial branch, contrary to the intent of the Constitution.

But the nation's best legal minds are divided on the legalities of many of the issues, and in each case the legal line runs strongly counter to the common sense line that underlies much current public opinion.

Certainly, Cox is an employee of the executive branch. He is also, however, a special prosecutor specifically appointed to make a thorough and independent investigation into the Watergate mess. To fire him for being fierce in the pursuit of his duties makes a mockery of the appointment.

Perhaps the President should have the right to keep certain information confidential. The tape recorded conversations of most of the people who have come into Nixon's offices since the recording equipment was installed should probably be kept confidential.

In fact, they shouldn't have been recorded in the first place. But the tapes of those talks with the Watergate conspirators would go a long way toward answering the questions that have been raised. It's absurd that they weren't released immediately when their existence became known.

And certainly the executive, judicial and legislative branches of government should be equal, as set forth by the Constitution. But complying with the court order much less likely to upset that balance than refusing to comply, an action that appears to place the executive above the other branches of government.

Perhaps if the President had run a business on Main Street here in Moscow before moving to the White House he might be more inclined toward the common sense approach to these problems that says, let's get everything out on the table and get the whole thing settled. A lot of people who run businesses here and across the country, and a lot of their customers, wish that had been the President's approach from the beginning. As it is, who now can believe that he wants the public to know the truth about Watergate.

[From the Moscow (Idaho) Daily Idahonian, Oct. 22, 1973]

Nixon's Lack of Trust

A couple of other points might be made about these issues. The President continues to demonstrate his distrust in the public and its institutions. If his proposal on the tapes is fair and workable, Judge John Sirica will accept it. The President could then have ignored Cox's complaints, which would have become academic, and let Cox get on with his investigation, which gave promise of doing what it was designed to do.

Cox may have reacted overly strongly to the Nixon compromise. The deal suggested by the President is for him to summarize the disputed tapes and give that summary to the Senate Watergate Committee, meanwhile letting a man chosen by the President, Democratic Sen. John Stennis of Mississippi, hear the tapes and confirm the accuracy of the summary. Cox reacted by saying he wouldn't be a party to such a deal and by threatening to try to have Nixon cited for contempt of court for failing to comply with the court order to give Sirica the tapes. But Nixon's reaction was overly strong, too.

If Judge Sirica rejects the compromise, as he probably should in the interest of truth, then the President's action in driving three good men out of office becomes even more unfortunate.

And finally, if President Nixon had released the tapes promptly, the whole question of a Constitutional confrontation over them would never have arisen.

THE BOMBING OF THE UNIVERSITY OF WISCONSIN

Mr. HOLLINGS. Mr. President, yesterday a powerful editorial appeared in the Charleston, S.C., News and Courier. It concerned the homicidal bombing of a University of Wisconsin research building in 1970, and subsequent events. You will remember, I am sure, that a physicist working in the building was killed in the explosion. Several weeks ago, the perpetrator of this heinous crime was sentenced to 25 years in prison.

His attorneys, however, managed to obtain a mitigation-of-sentence hearing for the guilty party. In arguing for mitigation, Attorney William Kunstler managed the presentation, which included arguments that the war in Vietnam was immoral, therefore, any action designed to impede the conduct of the war was legitimate and moral.

The editorial in the News and Courier exposes this kind of reasoning very forcefully. A civilized society cannot survive according to the law of the jungle that Attorney Kunstler and the others advocate.

The accused individual was charged with murder, and he was convicted of murder. There is no other word to describe his crime. The judge who heard the mitigation hearing fortunately had the good sense to deny the spurious arguments of Kunstler et al.

Mr. President, I ask unanimous consent that the editorial, "A Small Act," which appeared in the November 11, 1973, Charleston, S.C., News and Courier, be printed in its entirety in the RECORD. The column deserves to be widely distributed and read.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A Small Act

In the early hours of Aug. 24, 1970, Karleton Lewis Armstrong, a student opposed to United States participation in the Vietnam war, expressed his views by exploding a bomb in the University of Wisconsin Army Mathematics Research Center. It happened that working there at the time, alone, was a physicist, Robert Fassnacht. The explosion killed him.

Armstrong first was charged with murder. Several weeks ago he pleaded guilty to reduced charges of second degree murder and four counts of arson stemming from attacks on several military installations. He was sentenced to 25 years in prison. With the aid of Attorney William M. Kunstler, defender of many anti-war activists, Armstrong obtained a mitigation-of-sentence hearing, hoping to have his prison term reduced.

The hearing was held in Madison, Wis., before Circuit Court Judge William C. Sachjen. Parading before the judge came a strange collection of historians, scientists and political activists in Armstrong's behalf. The war in Vietnam, they argued, was "illegal," and therefore all acts of resistance against it were justified—including the killing of Robert Fassnacht.

"You knew, and I knew," Attorney Kunstler told the judge, "we were cowards We did not do what Karl Armstrong did because we were middle-aged, perhaps, or because our positions were secure and we didn't want to jeopardize them." Melvin Greenberg, another defense attorney, said that the bombing of the research center was "a small, minute act of violence done to stop that huge, great violence" of the Vietnam war. He criticized what he called the "double standard" which permitted those who directed the Vietnam war to go free, while others like Armstrong were subject to criminal proceedings.

Robert Fassnacht was dead. Judge Sachjen rightly ignored the fiery defense oratory about the Vietnam war. His decision did not mention it. He imposed concurrent sentences on the murder and arson charges, cutting only two years from the original 25-year sentence, presumably allowing for the almost two years Armstrong already has been imprisoned after being captured, on the run, in Toronto by the Royal Canadian Mounted Police.

It seems strange that, at this late date, Attorney Kunstler and the activists whom he and others defend still do not know for whom the bell tolls. It tolls not only for those who gave their lives seeking to defend freedom, but also for the Robert Fassnachts who no longer are among the living.

NEW PROSECUTOR MUST BE FREE OF NIXON HAND

Mr. MONDALE. Mr. President, although Mr. Leon Jaworski has assumed his duties as the special prosecutor appointed by the President, I remain of the view that Congress must act to establish a truly independent prosecutor. The prosecutor must not be appointed by the President, must not be removable at the will of the President, must be truly independent, and must possess all necessary power to go to court to seek relevant evidence.

This country has been repeatedly shaken by the Watergate affair and its aftermath. Public confidence in Government and Government officials is at an all-time low. The first step back on the path to restoration of confidence is to bring those guilty of criminal offenses to justice through a thorough investigation. It is by establishing a truly independent prosecutor that we insure that this will be done.

In a recent editorial, the Pioneer Press of St. Paul, Minn., expressed the view that "the special prosecutor's office should be taken completely out of his—the President's—sphere of influence." The editorial continues:

> President Nixon's record of obstructionism against the Cox investigation speaks for itself. The American people are entitled to a full and absolutely independent conclusion of the work begun under Cox. It is the responsibility of Congress to see that this is provided.

Mr. President, I ask unanimous consent to have printed in the RECORD the editorial entitled "New Prosecutor Must Be Free of Nixon Hand" published in the Pioneer Press of November 5, 1973.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

New Prosecutor Must Be Free of Nixon Hand

President Nixon is now trying to derail congressional efforts to assure a fully independent special prosecutor to carry on the Watergate prosecutions and investigations begun by Archibald Cox.

Because of Mr. Nixon's shocking discharge of Cox after he began digging into matters embarrassing to the White House, strong sentiment developed in Congress to establish a special prosecutor's office responsible to the courts and not to the President. This is an eminently fair and reasonable approach. Since the presidency itself is the subject of investigation, and in view of Mr. Nixon's past obstructive actions, the probe should not again be put in charge of anyone subject to dismissal by the President.

Yet this is what Mr. Nixon wants. He authorized his acting Attorney General, Robert Bork, to announce the appointment of Leon Jaworski, a conservative Texas Democrat, to replace Cox as the new special prosecutor. To soften congressional opposition, Bork said Mr. Nixon has promised he will not interfere with Jaworski and will not fire him without the consent of a selected group of congressional leaders from both parties.

Mr. Nixon's record in the Watergate investigations makes such assurances unacceptable. He has denounced the Cox staff as being loaded with hostile lawyers. And at his last press conference he promised cooperation with a new special prosecutor, "but not by having a suit filed by a special prosecutor within the Executive branch against the President of the United States."

Regardless of President Nixon's new assurances, the special prosecutor's office should be taken completely out of his sphere of influence.

Fifty-three members of the Senate are sponsoring legislation which would do this. Their bill would have the special prosecutor appointed by and responsible to federal Judge John Sirica. This legislation, or some reasonable modification, should be enacted, regardless of Mr. Nixon's self-serving opposition.

Nixon might veto such a bill. But Sen. Walter Mondale of Minnesota has an answer to such a threat. He says Mr. Nixon's nominee for a new Attorney General, Sen. William Saxbe, R-Ohio, should not be confirmed by the Senate until the President signs the independent prosecutor measure.

The Senate did not confirm Elliot Richardson as Attorney General until the Nixon Administration had promised not to interfere with Cox's work as special prosecutor. Those promises became "inoperative" (to use a White House term) when Mr. Nixon fired

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Cox and thus forced the resignation of Richardson, who refused to concur in the President's action.

President Nixon's record of obstructionism against the Cox investigations speaks for itself. The American people are entitled to a full and absolutely independent conclusion of the work begun under Cox. It is the responsibility of Congress to see that this is provided.

GENOCIDE: MISUNDERSTOOD

Mr. PROXMIRE. Mr. President, some people who oppose American ratification of the Genocide Convention do so because they believe that the convention's definition of the word "genocide" dangerously distorts the true meaning of the term. They maintain that article II of the treaty would require each signatory to prosecute any person demonstrating the intent to destroy or harm a single member of a specified ethnic, racial, or religious group. They consider this mandate too broad.

This concern is unwarranted. First, article II of the treaty explicitly states that only the intent to destroy the "whole" or part of such groups would require government action. In 1950 Deputy Under Secretary of State Dean Rusk drew the distinction between crimes of genocide and homicide by noting that the former designated the intent for large-scale violence against members of a specific group while actions against one or two members of a racial or ethnic group would fall in the latter category.

Further, ratification of the Genocide Convention would not increase the number of prosecutions for violence against individuals because the U.S. legal system already considers such violent actions to be criminal offenses. Violence and persecution in any form has long been abhorrent to those upholding the principles of freedom and democracy for all men. Ratification of this document would merely reaffirm our commitment to those principles. After more than 20 years of debate such a reaffirmation is more important than ever.

Mr. President, I ask the Senate to ratify the Genocide Convention as quickly as possible, and make clear America's position against mass violence.

ENERGY CRISIS AND THE CREDIBILITY CRISIS

Mr. MOSS. Mr. President, the lack of credibility of the President of the United States brought about by the ever-widening scourge to which we refer with the generic term, "Watergate," is bringing us within spitting distance of disaster in our energy battle.

The patterns of communication with the public on Watergate and on the energy crisis are strikingly similar. Do you recall, less than a year ago, the initial indignant denials of his knowledge of events surrounding the break in and then each of his later explanations gradually admitting more knowledge, thereby conceding each previous explanation to have been at least partly false.

Now we have had three "energy messages" from the President in less than a year—and each one exposes a little bit more, and levels with the public a little bit more. But it is almost too late.

A skeptical public will not voluntarily follow the dictates of a President who has strained its faith in his office beyond repair.

Even now, some of our citizens, when offered the President's voluntary energy program the other evening are saying "Let him stay home and go to work and save the jet fuel" and "Let's see an example of Nixon's personal conservation."

Hobart Rowen said it very well—"Nixon sidesteps bold measures on energy"—and I ask unanimous consent that the article from the Washington Post of November 11, 1973 be printed in the RECORD for the use of the Senate.

The President's April message on energy was considered a disappointment even by industry.

The President, I submit, is playing politics with energy and is judging the crisis against how the people will react. He is afraid to endanger his 32 percent rating by telling them the truth about energy and moving drastically to correct the problem.

I say it is time he stopped insulting the intelligence of American citizens and leveled with them.

The Senate, in a bipartisan effort led by Senator JACKSON, under the Fuel and Energy Study has been working long and hard for almost 3 years on the energy shortage. Legislation is forthcoming.

As Rowen says, the Nation cannot wait.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NIXON SIDESTEPS BOLD MEASURES ON ENERGY

(By Hobart Rowen)

President Nixon's latest stab at an energy program is a step beyond his previous inadequate efforts, but it still falls far short of the mark.

It is nearly unbelievable, at this stage of the crisis, that the President could not find the authority to make a nationwide speed limit of 50 miles per hour mandatory.

Would that the President had been so circumspect in seeking out legal authority when he set up the plumbers' group in the White House!

As Gov. John Love admitted to reporters, a speed limit—which would save more energy than any other single step—"needs a national push." It can't be left to the states or to voluntary compliance by citizens.

Well-informed sources indicate that it was only in response to insistent demands by many state governors that the President, at the last minute, agreed to ask for congressional approval for the use of daylight saving time throughout the year.

It is clear to everyone who has studied the energy problem that in the short run, the most hopeful prospect of reducing wasteful consumption of energy is in the curtailment of the private use of automobiles.

This requires much more than appeals to the public to use car pools and mass transit. It requires tough measures to force the auto industry and the buying public toward producing and using smaller and lighter cars.

Yet, the administration steadfastly refuses to consider a tax on high-horsepower cars and, according to Gov. John Love at the White House press briefing Wednesday night, a substantial additional tax on gasoline itself.

It perpetuates the notion that somehow gasoline rationing may yet be avoided. The reaction by Sen. Henry Jackson (D-Wash.) is more realistic: gasoline rationing is inevitable—and so are some industrial shutdowns that will have painful economic implications.

The Nixon administration's rationale for staying away from higher gasoline taxes is that they are regressive—they would hit lower-income people harder than the wealthy. But there are ways to solve that problem. And there certainly can be no worry about the regressivity of a penalty tax on the huge gas guzzlers.

The point is that bold ways have to be pursued to cut down on the 50 per cent of U.S. oil refinery production that is now devoted to the production of gasoline, mostly for autos. This would permit higher refinery runs for heating oils, and for the special fuels used by railroads and airlines.

The halfway measures outlined in the President's speech suggest that some policy makers must be clinging to the hope that Kissinger's magic touch in Mideast diplomacy will soon have Arab oil flowing again.

But if there is more than rhetoric in the President's call for a "Manhattan Project" sense of urgency, if he really intends for the nation to be independent of Mideast oil needs, there is a distressing lack of commitment so far to development of alternative sources of energy.

Prof. Ernest Frankel of M.I.T. points cut that production of petroleum from either coal or oil shale in a "socially acceptable way" would come to about $6 a barrel in the early 1980's, compared to median predictions of around $7 a barrel for petroleum by that time. (Some estimates for Mideast and South American oil run much higher.)

As the technology improves, oil from shale or coal would probably become cheaper. Thus, says Frankel, "There is not only an alternative but an economically and politically attractive solution," since U.S. coal and shale deposits are larger than the world's total oil reserves.

Beyond that, there is nuclear and solar energy. Is Mr. Nixon giving enough attention to their potential? A concerted effort should seriously be made to look into microbiological sources of energy. Many scientists suggest that this is an unplowed field: for example, methane can be produced from animal waste and urban sewage. Hydrogen and ethyl alcohol can also be produced from microbiological sources.

The kind of commitment that would demand every possible conservation measure in the short run, and every possible exploration of alternative sources for the long haul, is still lacking.

The Nation shouldn't wait until next summer to ration gas; it ought to cut back sharply on gasoline supplies now, and get more out of the refineries for home heating and essential industry.

The nation must also be assured that in its drive to boost energy supplies, it will prevent the oil companies from making windfall profits. Some price increases will be inevitable, but this is not the time to throw controls out the window, making the consumer the scapegoat for short-sighted planning by industry and government over the past several years.

It is also not a time for the Western world to allow itself to become divided by the Arab strategy of embargo. Appeasement, as Leonard Silk pointed out in the New York Times the other day, won't work any better in the Mideast than it did in Munich.

One can understand the concerns in Western Europe and Japan, which get the bulk of their oil supplies from the Arab countries. But this country, Europe and Japan badly need to come together, share existing resources and develop new ones. If they don't, the Arab countries will pick off one consuming country after the other, and $12 oil will look cheap.

JOHN P. FRANK, OF PHOENIX, ARIZ.

Mr. BAYH. Mr. President, Mr. John P. Frank, of Phoenix, Ariz., one of the country's most distinguished attorneys, has for many years provided expert guidance to the Senate on a number of legal issues and particularly in the area of judicial ethics. Mr. Frank has forwarded to me a statement of his views on the constitutional issues surrounding the currently pending legislation providing for the appointment by the courts of an independent prosecutor. I ask unanimous consent that Mr. Frank's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF JOHN P. FRANK

My name is John P. Frank. By way of qualification, in 1942, I was law clerk to Mr. Justice Hugo L. Black. From 1946 to 1954, I taught constitutional law and matters relating to federal courts at Indiana and Yale Universities. From 1954 I practiced in Phoenix, Ariz., with frequent involvement in constitutional matters. In addition to numerous articles, I am the editor of two case books on constitutional law, the author of a frequently used work on the Supreme Court, and the author of two biographies of Supreme Court justices. From 1960 to 1970 I served on the Advisory Committee of the Supreme Court to Civil Procedure, and am a member of the Executive Committee of the Advisory Council on Appellate Justice.

Also of some relevance here, I am the author of numerous articles on disqualification of judges. I have three times appeared before this Committee or one of its subcommittees at the committee's invitation as an expert on disqualification, and I had a material hand in the disqualification act just passed by the Senate.

From this background, I express opinion on two points involved in this bill:

1. There is no constitutional impropriety in asking a court to appoint counsel in a case or group of cases. Courts do it all the time. I have just completed a year and a half of service on a major matter representing all prisoners in the Arizona State Prison by appointment of the Federal District Court. I have been representing the plaintiffs against the state before the judge who appointed me, and the proceedings have dealt with a hundred or more criminal sentences.

All such court appointed attorneys are subject to removal for gross improprieties. The court may not superintend the prosecution and then try the case; but there is no constitutional objection to appointment or discipline of attorneys who are in any case always officers of the court.

I must confess that I cannot see even a serious issue on this question.

2. The Senate has just unanimously passed, at the unanimous recommendation of this Committee, a new statute on the disqualification of judges. While the act does not bear directly here, its spirit is very much in point.

The debates on the Senate floor as well as in this Committee have constantly reiterated the proposition that courts must avoid not merely impropriety, but the appearance of impropriety.

This generalized aphorism is a way of restating among many other things, an ancient maxim of Blackstone that no man shall be a judge in his own case. That principle was reiterated by the Supreme Court in Chief Justice Taft's time in the famous case of *Tumey* v. *Ohio*, holding that a judge who might be affected by the penalty could not try a criminal case. It was reiterated in the recent *Commonwealth Coatings* decision of the Supreme Court now firmly embraced in the recent legislation here.

These principles apply directly to the selection of a prosecutor in the immediate matters. This is a prosecution which reaches Cabinet officers and top staff of the President. We are grimly aware that the tide may reach even higher, and come to the President himself. I do not prejudge the matter in raising this spectre. The point is that we deal with a perfectly serious possibility.

In these circumstances, the President cannot make the appointment of a prosecutor and cannot remove a prosecutor, without being a judge in his own case.

Certainly he cannot do so without *appearing* to be a judge in his own case. I do not mean here easily to knuckle under to appearances; judges must be of sufficiently sturdy stuff not to yield to merely mischievous accusations and appearances. I have expressed concern over the possibility of paying overly deferential heed to the appearance of impropriety in writings on file with this Committee.

But here we are not dealing with a marginal or trumped up appearance. The removal of Mr. Cox at a moment when, from all outward appearances, the flames grow hot about the appointing power, has truly alarmed the whole country. We would be hard put to find an instance of a greater appearance of impropriety.

Let me express my high regard for Mr. Jaworski, a leader of my profession. He might well be chosen as a special prosecutor by an independent appointing source. To accept the office under these present auspices however, is to doom the enterprise from its beginning. It would be hard to conceive of a more flagrant defiance of the principle of maintaining the appearance of propriety than thus permitting the President to judge his own case.

WILLIAM A. SPARROW—STAR FARMER OF AMERICA

Mr. NUNN. Mr. President, in October of this year, an outstanding young Georgian, William A. Sparrow of Unadilla, was named Star Farmer of America for 1973 by the Future Farmers of America, the first Georgian to be so honored since 1956.

Bill's dedication, hard work, and endless achievements in the field of agriculture provide an inspiration to us all. This award is a fitting tribute to the outstanding contributions he has made to his community, his State, and his Nation.

It is my pleasure to share with my colleagues an excellent editorial which was aired recently by WSB radio in Atlanta on "A Great Young American"—Bill Sparrow. Mr. President, I ask unanimous consent to have it printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WSB VIEWPOINT

"A GREAT YOUNG AMERICAN"

William A. Sparrow is a young Georgia farmer. He owns 289 acres on Rt. 1, Unadilla, and he recently exercised an option to purchase 700 more.

This 22-year-old son of the soil raises peanuts, soybeans, oats, cotton and cattle.

A few years ago as a freshman vocational agricultural student at Unadilla High School, he developed an interest in crop production. As a teen-ager, he started to maintain a small farm on which he raised two acres of peanuts, two of cotton, two of watermelons, and one of cantaloupes. And he found time to also operate a small cattle and swine enterprise, and to study enough to make good grades in all his classes.

But that was only a starter. He also was president of the Unadilla chapter of the Future Farmers of America, president of his church's Sunday School, vice-president of the Junior Class, captain of the football team, Scoutmaster of the local Boy Scout Troop. And recently he completed six years of service with the Georgia Army National Guard.

Bill Sparrow explains his phenomenal record this way: "The reason I was able to do so much was that I worked each afternoon after school, on Saturday and all summer. My father never paid me in cash, but allowed me to have an acre of this-and-that in exchange for my labor."

Perhaps it was inevitable. But at the 1973 Future Farmers of America convention in Kansas City, William A. Sparrow was named the Star Farmer of America, a tremendous recognition that carries with it a $1,000 cash award.

At a time when millions of American youngsters complain that they are bored with life and disillusioned by lack of opportunity, the saga of Bill Sparrow needs to be told over and over again.

The Star Farmer of America has never had time or inclination to become a juvenile delinquent. He's much too busy to be despondent and far too successful to be discouraged.

Here is a young citizen farmer who is making things happen. He's growing food for hungry mouths. He's being useful, creative and productive. And he's prospering for all of his efforts.

He's an inspiration to all who know about him and his achievements.

He's a splendid Georgian and a great young American.

We need many more youngsters like him.

EXPLANATION OF THE NATIONAL FOOD BANK ACT

Mr. McGOVERN. Mr. President, last month I introduced the National Food Bank Act, S. 2577. Inasmuch as it is an important piece of legislation designed to assist areas in need of emergency food assistance, I would like to explain the purpose of the bill, and I ask unanimous consent that the text of S. 2577 be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McGOVERN. Mr. President, unknown to most Americans, there is a growing problem in the area of domestic emergency food assistance primarily due to the phasing out of the commodity distribution program run by the Department of Agriculture.

We Americans are now running a serious risk of being caught offguard in an emergency. Historically, this country has always produced enough food to feed everyone—and whatever shortages occurred were generally the result of the inability of some elements of the population to purchase food because they could not afford it, rather than because there was no food to buy at any price.

But the world has been eating more food than it has been growing since 1969—5 long lean years. There is no early prospect for relief, and population continues to grow, bringing increasing pressure on food producers everywhere. America's immense food reserves—commonly but mistakenly called sur-

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pluses—are all but gone. The planned phaseout of the commodity distribution program is not so much the result of planned intent, but the inevitable result of present shortages in worldwide production; there simply are no commodities to distribute.

It has been my view for some time that creation of a national food reserve and U.S. support for a worldwide grain reserve is a crucial priority for American policy. Recently, along with my Republican colleague from Vermont, GEORGE AIKEN, I introduced a resolution calling for this.

But America must also prepare itself to meet the threat of shortages of food during emergencies right here in our own country. As it stands now, a real emergency—a major flood or hurricane—might find us without a cushion to fall back on.

Historically, during natural disasters, USDA has used the foods stored for the family commodity food program and the school lunch program to give to the American Red Cross and other voluntary organizations for distribution to needy families. And of the two programs, the stocks of the family commodity distribution program have proved the most versatile due to the sizes of the packages and the varieties of commodities purchased for that program. Juices, for example, which are in great demand during any disaster which affects the water supply, are purchased almost exclusively for the family commodity program.

Because of a shortage of food supplies for the commodity program, however, the Congress has mandated a nationwide food stamp program by July 1, 1974, which effectively phases out the family commodity distribution program.

I believe that this is a sound nutritional step. However, it is incumbent upon the Congress to insure that in the process of phasing out the commodity program other programs, which although smaller are no less important, are not prejudiced. The emergency food program is potentially such a program.

It is for these reasons that, along with Senator MAGNUSON of the State of Washington, I have introduced the National Food Bank Act.

The National Food Bank Act would authorize the Secretary of Agriculture to purchase such amount and varieties of food as he deemed nutritionally adequate to be used as emergency stocks during natural disasters. The Secretary would also be authorized to set up regional warehouses to store the food wherever it was believed convenient and accessible.

Red Cross officials have indicated in testimony before the Nutrition Committee that the current phasing down of USDA's commodity distribution program of family assistance is already creating difficulties for food distribution during natural disasters, and that the scheduled complete phaseout of the program in July 1974 may create a significant threat of actual food shortages during a major natural calamity, such as a hurricane on the order of Agnes in June 1972.

The existence of the family distribution program, with its prepared packets of packaged foodstuffs already broken down into family-sized components provided a valuable asset to local disaster relief officials who could simply pass these out to affected families after the initial emergency was over, but before the local food distribution system and local economy returned to normal.

This was especially helpful in reducing paperwork. It was not necessary for disaster victims who would soon be back on their feet on their own to go through the conventional redtape attendant to application for welfare assistance. It is this system which is now breaking down.

In the April floods in Houston, Tex., and local disasters in Illinois and Oklahoma, Red Cross officials found their requests for food through the schools rejected for the first time. Local officials knew that USDA did not have reserves of surplus meat, cheese, and other essential nutrients to replenish community stocks. They therefore did not permit the Red Cross to distribute or utilize their own stocks of these foods, for fear that they could not be replaced.

These local situations did not become tragedies only because the scale of the disasters was small, and it was possible to purchase food directly from commercial sources near the disaster. In a large scale emergency, however, the Red Cross indicates that serious problems could arise, especially if the commercial system itself was disrupted as is generally the case in a major earthquake or hurricane. Once the commodity program is phased out, there will be no stockpiled source of family-style food to distribute. Furthermore, as supplies of commodities purchased for other programs decline, there will be no actual food owned by the Government to distribute at all.

The planned utilization of food stamp distribution, in the view of the Red Cross, represents an inadequate substitute for this purpose. First, these officials note that in some areas local programs are requiring disaster victims to meet all the income and other qualifications of their State programs. The disaster victims are required to fill out forms and must wait in some instances as long as three weeks before they can get their initial books of stamps. This system thus does not assist the Red Cross during the initial days of the diaster at all. The second drawback is that food stamps do not always work in disaster situations if commercial outlets are not available. In last year's heavy snowfall on Indian reservations in several Western States, food packets from the family commodity program were airdropped to stranded families who could not reach stores.

With a very modest investment of approximately $6 million of section 32 funds we in the Congress can insure that the step forward that was achieved by the mandating of a nationwide food stamp program does not result in two steps backward during a natural disaster.

I strongly urge my colleagues in the Congress to endorse the National Food Bank Act prior to the phasing out of the commodity distribution program—next July 1, to allow for a smooth transition. Too often we in the Congress are not given the opportunity to act prior to an emergency, but are forced to act under the gun without the time to investigate all the alternatives. With the National Food Bank Act we have the opportunity to prevent a potential nightmare for millions of Americans instead of trying to cure the ill after the fact.

S. 2577

A bill to provide for the storage of food commodities in geographically dispersed areas of the United States for use during any major disaster in the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Food Bank Act".

SEC. 2. The Secretary of Agriculture (hereinafter referred to as the "Secretary") is authorized and directed to provide for the storage of food commodities in geographically dispersed areas of the United States so that such commodities will be readily and conveniently available for distribution in any area of the United States which suffers a major disaster (as determined by the President under the Disaster Relief Act of 1970).

SEC. 3. The Secretary shall utilize funds appropriated under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), to purchase food commodities necessary to provide adequate supplies for use in any area of the United States in the event of a major disaster in such area. The Secretary shall determine the quantities and kinds of food commodities to be stored in any area, taking into consideration the kinds of food needed to provide a nutritionally balanced diet and the storability of such commodities.

SEC. 4. The Secretary shall, to the maximum extent practicable, utilize storage facilities provided by the Secretary for the storage of food commodities necessary to carry out the program established under this Act for the storage of food commodities used in carrying out other programs administered by the Secretary, including, but not limited to, the school lunch program (carried out under the National School Lunch Act) and the school breakfast program (carried out under the Child Nutrition Act of 1966).

SEC. 5. The Secretary is authorized to take such action as he deems necessary to maintain fresh, nutritious supplies of food commodities and to provide for the periodic turnover of such commodities to avoid spoilage thereof.

SUPPORT FOR HIGHER EDUCATION

Mr. MONDALE. Mr. President, at a recent meeting of the Committee for Corporate Support of American Universities, Mr. David Packard, former Deputy Secretary of Defense, urged corporations to stop making unrestricted gifts to colleges and universities.

The implications this proposal has for the integrity and independence of higher education are extremely disturbing. A recent editorial in the New York Times correctly termed this proposal a "call for corporate retreat from enlightenment."

I share the deep concern this thoughtful editorial expressed about the Packard proposal, and ask unanimous consent that it be printed in the RECORD at the close of my remarks. To begin insisting on some specific return or result for every corporate contribution would impose a serious and unnecessary limitation on the freedom and autonomy of our higher education institutions.

There being no objection, the editorial

was ordered to be printed in the RECORD, as follows:

Times Mon. Oct. 29

NOT FOR SALE

In urging corporations to put a stop to the practice of making unrestricted gifts to colleges and universities, David Packard is attempting to turn the clock of education and social progress back by twenty years. It was in 1953 that Frank W. Abrams, then chairman of the board of Standard Oil of New Jersey, established the legitimacy of unrestricted corporate gifts to higher education. A test case instigated by Mr. Abrams culminated in a landmark decision in the New Jersey Superior Court hold that corporations are not only entitled but actually have an obligation to support higher education—without strings attached—as the engine of economic and social progress.

It is against such an enlightened policy that Mr. Packard, chairman of the Hewlett-Packard Company and former Deputy Secretary of Defense, now pits his view of the relationship between campus and industry. He sees university governing boards no longer as safe and respectable carbon copies of corporate boards of directors but rather as untrustworthy assemblies of a motley crowd of "students, faculty, alumni, various ethnic groups, etc."

Mr. Packard's vision of what has happened to university boards in the aftermath of the rebellious nineteen-sixties is a figment of panicky imagination. The conservative serenity of such bodies has, unfortunately, been little shaken by the admission of an occasional member who has yet to celebrate his fiftieth birthday.

His distorted view has spawned Mr. Packard's belief that a new breed of trustees would spend industrial donations in ways the corporations could not defend to their stockholders. If Mr. Packard prevails, the only legitimate way for such benefactions to be distributed would be by first making certain that they "contribute in some specific way to our individual companies, or to the general welfare of our free enterprise sytsem."

Higher education owes no *quid pro quo* to any donors—private, corporate or governmental. A campus that bartered away its autonomy would very soon cease to supply the nation—and the corporations—with any human product worth the price of the degree.

Ironically, Mr. Packard issued his call for corporate retreat from enlightenment before a meeting of the Committee for Corporate Support of American Universities—an audience of top-level business executives and of academic presidents. These university spokesmen could do much to shore up the American people's faith in the integrity and future independence of higher education by forthrightly disassociating themselves from the pernicious doctrine that their institutions are for sale.

IMPOUNDED FUNDS, AS OF SEPTEMBER 30

Mr. METCALF. Mr. President, the 93d Congress has been properly interested in restoring its position in the budgetary process. Some progress is being made.

Earlier this session, the Congress approved a measure that would require Senate confirmation of the incumbent Director and Deputy Director of the Office of Management and Budget. The President vetoed that bill. The Senate voted to override the veto. The House effort to override failed. Subsequently, the Senate Committee on Government Operations reported S. 37, which would provide for the confirmation of all future Directors and Deputy Directors of OMB. That bill was passed by the Senate on June 25. It is currently pending before the House Committee on Government Operations.

Provisions, in the Alaskan pipeline bill, which would remove OMB's control over the information requests of independent regulatory commissions, have been approved by both the Houses and Senate.

The Senate Committee on Government Operations has approved budget control legislation. The House Rules Committee is nearing completion of similar legislation.

Some of us have sought for years to restrict executive impoundment. Legislation in this area has been approved by both Houses and differences can be resolved in conference.

In previous years the only way Members received impoundment figures was to extract the information, after considerable delay, from OMB officials. The Federal Impoundment and Information Act, approved a year ago, now requires public, quarterly reports of all impoundments.

The most recent Executive report on impoundments shows that approximately $7.446 billion in "budgetary reserve" exists as of September 30, 1973. It shows that funds are impounded in every Cabinet-level department except the State Department, and also in the Atomic Energy Commission, General Services Administration, NASA, Veterans' Administration, National Science Foundation, and the Small Business Administration.

Mr. President, each Member should carefully review this unheralded, yet vital, report. I ask unanimous consent that the October 15 report, along with Director Ash's letter of transmittal, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., October 15, 1973.

Hon. JAMES O. EASTLAND,
President pro tempore,
U.S. Senate,
Washington, D.C.

DEAR SENATOR EASTLAND: The enclosed report is submitted pursuant to the Federal Impoundment and Information Act, as amended. In accordance with that Act, the report is being transmitted to the Congress and to the Comptroller General of the United States, and will be published in the Federal Register.

Sincerely,

ROY L. ASH,
Director.

Enclosure.

BUDGETARY RESERVES AS OF SEPTEMBER 30, 1973

INTRODUCTION

The Director of the Office of Management and Budget, under authority delegated by the President, is required to apportion funds provided by the Congress. The apportionments are required under the Antideficiency Act (31 U.S.C. 665) and generally are for the current fiscal year. Under the law, such apportionments limit the amounts which may be obligated during specific periods.

The Antideficiency Act authorizes the withholding of funds from apportionment to provide for contingencies; or to effect savings made possible by or through changes in requirements, greater efficiency of operations, or other developments subsequent to the date on which the funds were made available. In cases where the law specifies by year the amount of contract authority available a year in advance, a distinction is made in the report between the 1974 and 1975 programs. There are other specific provisions of law which provide that funds should be available over a period longer than one year; in such cases, the funds generally are not fully apportioned in the current year, and the unapportioned part is withheld, to be released later for use in the next year or years. Thus, some amounts are withheld from apportionment, either temporarily or for longer periods. In these cases, the funds into apportioned are said to be held or placed "in reserve." This practice is one of long standing and has been exercised by all recent administrations as a customary part of financial management.

On occasion the Congress has explicitly required that an amount be placed in reserve pending an administrative determination of need (e.g., the 1973 Agriculture-Environmental and Consumer Protection Appropriation Act—Public Law 92-399). Most reserves, however, are established upon the initiatives of the Executive Branch based on an operational knowledge of the status of the specific projects or activities. For example, when the required amount of work can be accomplished at less cost than had been anticipated when the appropriation was made, a reserve assures that savings can be realized and, if appropriate, returned to the Treasury. In other cases, specific apportionments sometimes await (1) development by the affected agencies of approved plans and specifications, (2) completion of studies for the effective use of funds, including necessary coordination with the other Federal and non-Federal parties that might be involved, (3) establishment of a necessary organization and designation of accountable officers to manage the programs, or (4) the arrival of certain contingencies under which the funds must by statute be made available (e.g., certain direct Federal credit aids when private sector loans are not available).

From time to time additional reserves are established for such reasons as the necessity to conform to the requirements of other laws. An example is the executive's responsibility to stay within the statutory limitation on the outstanding public debt.

The total of reserves for the 1974 program as of September 30, 1974, is 2.8% of the total estimated budget outlays for the year. Since the report as of June 30, 1973, the total of reserves has been reduced by nearly $300 million. As shown in the report, reserves of nearly $1.5 billion established in FY 1973 which were being held for FY 1974 programs have been released to provide or to supplement available budgetary resources for 1974 programs. Reserve actions have been initiated in some programs and amounts in reserve increased in others to await the development of 1974 program and project plans, to meet contingencies during the 1974 program year, and, in the case of programs which have been provided obligational authority beyond the current fiscal year, to ensure that funds will be available beyond FY 1947.

REPORT REQUIRED BY LAW

This report is submitted in fulfillment of the requirements of the "Federal Impoundment and Information Act," as amended, which provides for a report of "impoundments," and certain other information pertaining thereto. This report lists the budgetary reserves which were in effect as of September 30, 1973.

The Antideficiency Act requires that all apportionments be reviewed at least quarterly, and that reapportionments be made or reserves be established, modified, or released as may be necessary to further the effective use of the funds concerned. Thus, in answer

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to item Number 5 of the Federal Impoundment Information Act, the period of time during which funds to be in reserve is dependent upon the results of such later review.

The remainder of this report lists, by agency, all accounts for which some funds are reserved. An asterisk (*) identifies those accounts added to the listing since the last report (i.e., such accounts contained no reserves on June 30, 1973). The listing:

Presents the amount currently apportioned for the fiscal year 1974;

Presents the amount in reserve as of September 30, 1973;

States whether the amount reserved will be legally available for obligation in fiscal year 1975;

Indicates the date of the reserve action and the effective date of the current reserve;

Presents a code which relates to the reason for the current reserve action, without necessarily exhausting all possible reasons.

Presents a code which indicates the estimated fiscal, economic, and budgetary impact of the current reserve.

Codes used in the remainder of this report relating to the reasons for and estimated fiscal, economic, and budgetary impact of the reserve actions are described on the following pages. In some cases, the standard explanations given have been modified slightly from those used in previous reports. Such modifications have been made for the sake of clarity. The codes and footnotes listed for each entry relate to conditions which were in effect as of the date of the reserve action.

REASON FOR CURRENT RESERVE

Code 1. "To provide for contingencies" (31 USC 665(c)(2)).

Code 2. "To effect savings whenever savings are made possible by or through changes in requirements, greater efficiency of operations, or other developments subsequent to the date on which such (funds were) made available" (31 USC 665(c)(2)).

Code 3. To reduce the amount of or to avoid requesting a deficiency or supplemental appropriation in cases of appropriations available for obligation for only the current year (31 USC 665(c)(1)). This explanation includes amounts anticipated to be used to absorb or partially absorb the costs of recent pay raises grant pursuant to law.

Code 4. "To achieve the most effective and economic use" of funds available for periods beyond the current fiscal year (31 USC 665 (c)(1)). This explanation includes reserves established to carry out the Congressional intent that funds provided for periods greater than one year should be so apportioned that they will be available for the future periods.

Code 5. Temporary deferral pending the establishment of administrative machinery (not yet in place) or the obtaining of sufficient information (not yet available) to apportion the funds properly and to insure that the funds will be used in "the most effective and economical" manner (31 USC 665(c)(1)). This explanation includes reserves for which apportionment awaits the development by the agency of approved plans, designs, specifications.

Code 6. The President's constitutional duty to "take care that the laws be faithfully executed" (U.S. Constitution, Article II, section 3):

Code 6a. Obligation at this time of the amount in reserve is likely to contravene law regarding the environment; or the amount in reserve is being held pending further study to evaluate the environmental impact of the affected projects (activities) as required by law.

ESTIMATED FISCAL, ECONOMIC, AND BUDGETARY EFFECT

I. Same effect as set forth in the most recently submitted budget document, of which this item is an integral part.

II. The reserve action will bring the budgetary impact of this program to a level nearer or equal to that contemplated in the most recently submitted budget document and contribute to the reduction of inflationary pressures.

III. The change from the previous reserve is expected to contract the budget impact of this program and contribute to the reduction of inflationary pressures.

IV. The release or reduction of the previous reserve will facilitate use and expenditure of the available funds consistent with current program needs and economic conditions in the area affected.

V. Other. See footnote for each item so coded.

VI. Not applicable or no explanation required. (In most cases where a previous reserve has been apportioned in its entirety.)

SUMMARY OF BUDGETARY RESERVES, 1974 PROGRAM

[In millions of dollars][1]

Agency	Amount as of June 30, 1973	Amount as of Sept. 30, 1973
Executive Office of the President	2	
Funds appropriated to the President	126	96
Department of Agriculture	1,316	1,173
Department of Commerce	140	63
Department of Defense—Military	1,618	1,143
Department of Defense—civil	33	1
Department of Health, Education, and Welfare	21	23
Department of Housing and Urban Development	460	456
Department of the Interior	478	162
Department of Justice	36	14
Department of State	6	
Department of Transportation	2,885	3,838
Department of Treasury	22	22
Atomic Energy Commission	118	27
General Services Administration	262	258
National Aeronautics and Space Administration	2	2
Veterans Administration	41	43
Other independent agencies:		
National Science Foundation	62	4
Small Business Administration	50	31
All other	51	90
Total	7,732	7,446

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[1] Details may not add due to rounding.

SUMMARY OF BUDGETARY RESERVES, 1975 PROGRAM

[In millions of dollars]

Agency	Amount as of Sept. 30, 1973
Department of the Interior	75

BUDGETARY RESERVES AS OF SEPT. 30 1973

[In thousands o dollars]

[Amounts in parentheses ( ) indicate actions superseded by later apportionment actions. An asterisk * indicates an account added to the list since the last report. An account without an entry in the amount apportioned column indicates no apportionment has been made for fiscal year 1974.

	Amount apportioned	Amount in reserve	Available beyond fiscal year 1974?	Date of reserve action	Effective date of reserve	Reason for current reserve (see code)	Estimated fiscal, economic, and budgetary effect (see code)
FUNDS APPROPRIATED TO THE PRESIDENT							
Appalachian Regional Commission: Appalachian regional development programs	(209,000)	(225,000)	Yes	June 29, 1973	July 1, 1973	5, 6c	I
	320,395	40,000	Yes	Sept. 12, 1973	Sept. 12, 1973	5, 6c	I
Agency for International Development. Prototype desalting plant	([1])	20,000	Yes	Apr. 7, 1972	July 1, 1973	5	I
The Inter-American Foundation: Inter-American foundation	5,000	35,652	Yes	June 12, 1973	July 1, 1973	4	V[2]
DEPARTMENT OF AGRICULTURE							
Agriculture Research Service: Construction		1,520	Yes	June 29, 1973	July 1, 1973	4, 6b	I
Foreign Agricultural Service: Salaries and expenses, special foreign currency program	1,000	1,240	Yes	May 23, 1973	July 1, 1973	4	I
Agricultural Stabilization and Conservation Service:							
Rural environmental assistance		210,500	Yes	Jan. 26, 1973	July 1, 1973	6b	I
Water Bank Act program		11,391	Yes	Jan. 26, 1973	July 1, 1973	6b	I
Rural Electrification Administration: Loans		456,103	Yes	Jan. 26, 1973	July 1, 1973	2, 6b, 6c	I
Farmers Home Administration:							
Rural water and waste disposal grants		120,000	Yes	Jan 26, 1973	July 1, 1973	6b, 6c	I
Rural housing for domestic farm labor grants	( )	(1,621)	Yes	Jan. 31, 1973	July 1, 1973	5, 6b	I
	750	1,831	Yes	Sept. 10, 1973	Sept. 10, 1973	5, 6b	V[3]
Mutual and self-help housing grants		832	Yes	Sept. 22, 1972	July 1, 1973	4	I
Rural Housing Insurance Fund		133,000	Yes	Jan. 26, 1973	July 01, 1973	4	I
Agricultural Marketing Service:							
Marketing services, no year	(1,422)	(818)	Yes	June 11, 1973	July 01, 1973	4	I
	1,812	818	Yes	Sept. 26, 1973	Sept. 26, 1973	4	I
Perishable Agricultural Commodities Act Fund	1,416	58	Yes	June 11, 1973	July 01, 1973	4	I
Forest Service:							
Forest roads and trails and roads and trails for States	(—)	(278,398)	Yes	Mar. 29, 1973	July 01, 1973	4, 6b	I
	117,164	208,934	Yes	July 16, 1973	July 16, 1973	4, 6d	I
Brush disposal	18,657	26,601	Yes	June 08, 1973	July 01, 1973	5	I
Forest fire prevention	275	109	Yes	June 08, 1973	July 01, 1973	4	I
DEPARTMENT OF COMMERCE							
Social and Economic Statistics Administration:							
1974 census of agriculture	(—)	(1,360)	Yes	Nov 21, 1972	July 01, 1973	2, 4	I
			Not available	Sept. 13, 1973	Sept. 13, 1973	10	VI
Domestic and International Business: International activities, Inter-American Cultural and Trade Center.	292	5,067	Yes	June 26, 1973	July 01, 1973	4, 5	I
Office of Minority Business: Minority business development, no-year	( )	(16,768)	Yes	Jan. 26, 1973	July 01, 1973	4, 6b	I
	9,080	14,330	Yes	July 24, 1973	July 24, 1973	5	I
National Oceanic and Atmospheric Administration:							
Research, development, and facilities	( )	(31,005)	Yes	June 28, 1973	July 01, 1973	2, 4, 6b	I
	(29,868)	(2,392)	Yes	July 19, 1973	July 19, 1973	2, 4, 6b	I
	30,082	2,178	Yes	Sept. 26, 1973	Sept. 26, 1973	2, 4	I
Satellite operations		727	Yes	June 28, 1973	July 01, 1973	5	I
Promote and develop fishery products and research pertaining to American fisheries	(7,191)	(3,159)	Yes	Mar. 29, 1973	July 01, 1973	4, 5, 6a	I
	7,336	3,111	Yes	July 26, 1973	July 26, 1973	4, 5, 6a	I
National Bureau of Standards:							
Plant and facilities		1,850	Yes	Nov. 24, 1972	July 01, 1973	2, 4, 6b	I
Research and technical services, no-year		3,812	Yes	May 07, 1973	July 01, 1973	5, 6b	I
Construction of facilities		740	Yes	Jan. 26, 1973	July 1, 1973	4, 6b	I
Maritime Administration:							
Ship construction	( )	(34,000)	Yes	June 29, 1973	July 1, 1973	4	III
	9,137	24,863	Yes	July 27, 1973	July 27, 1973	4	IV
Research and development		5,000	Yes	Jan. 18, 1973	July 1, 1973	4, 6b	I
State Marine schools		127	Yes	Nov. 24, 1972	July 1, 1973	4	I
Federal Ship Financing Fund *	2,582	1,446	Yes	June 27, 1973	July 1, 1973	5	I
DEPARTMENT OF DEFENSE—MILITARY							
Salaries and Expenses: Cemeterial expenses, Army *	14,443	2,053	Yes	Sept. 14, 1973	Sept. 14, 1973	5	I
Procurement:							
Missile procurement, Army, 1973–75	( )	(2,500)	Yes	Feb. 5, 1973	July 1, 1973	4	I
	163,382		NA	Sept. 11, 1973	Sept. 11, 1973	10	VI
Procurement of aircraft and missiles, Navy, 1973–75	( )	(13,281)	Yes	June 29, 1973	July 1, 1973	5	I
	946,747	13,281	Yes	Sept. 6, 1973	Sept. 6, 1973	5	I
Aircraft procurement, Air Force, 1972–74*	415,551	143,492	No	Sept. 7, 1973	Sept. 7, 1973	5	I
Aircraft procurement, Air Force, 1973–75*	1,076,916	160,556	Yes	Sept. 7, 1973	Sept. 7, 1973	5	I
Shipbuilding and conversion, Navy, 1971–75	( )	(145,672)	Yes	Nov 24, 1972	July 1, 1973	4	I
	892,655		Not available	Sept. 11, 1973	Sept. 11, 1973	10	VI
Shipbuilding and conversion, Navy, 1972–76	( )	(427,212)	Yes	Nov. 24, 1972	July 1, 1973	4	I
	738,000	148,081	Yes	Sept. 11, 1973	Sept. 11, 1973	4	I
Shipbuilding and conversion, Navy, 1973–77	( )	(763,300)	Yes	June 29, 1973	July 1, 1973	4	I
	992,000	408,512	Yes	Sept. 11, 1973	Sept. 11, 1973	4	I
Military Construction:							
Military construction, Army	( )	(70,304)	Yes	June 27, 1973	July 1, 1973	5	I
	648,440	90,954	Yes	Aug. 16, 1973	Aug. 16, 1973	5	I
Military construction, Navy	( )	(68,133)	Yes	June 27, 1973	July 1, 1973	5	I
	385,805	65,858	Yes	Aug. 14, 1973	Aug. 14, 1973	5	I
Military construction, Air Force	( )	(51,607)	Yes	June 27, 1973	July 1, 1973	5	I
	(130,860)	(49,773)	Yes	July 20, 1973	July 20, 1973	5	I
	141,224	39,409	Yes	Aug. 14, 1973	Aug. 14, 1973	5	I
Military construction, Defense Agencies	( )	(58,415)	Yes	Feb. 15, 1973	July 1, 1973	5	I
	8,000	58,215	Yes	Aug. 23, 1973	Aug. 23, 1973	5	I
Military construction, Army National Guard	( )	(102)	Yes	June 14, 1973	July 1, 1973	5	I
	3,051		Not available	Aug. 16, 1973	Aug. 16, 1973	10	VI
Military construction, Air National Guard	( )	(17)	Yes	May 29, 1973	July 1, 1973	5	I
	5,256	17	Yes	Sept. 6, 9173	Sept. 6, 1973	5	I
Military construction, Army Reserve	( )	(7,109)	Yes	Mar 8, 1973	July 1, 1973	5	I
	25,423	7,109	Yes	Sept. 10, 1973	Sept. 10, 1973	5	I
Military construction, Nava. Reserve	( )	(3,943)	Yes	May 3, 1973	July 1, 1973	5	I
	17,640	1,842	Yes	Aug. 8, 1973	Aug. 8, 1973	5	I
Military construction, Air Force Reserve	( )	(850)	Yes	June 20, 1973	July 1, 1973	5	I
	2,415	850	Yes	Sept. 6, 1973	Sept. 6, 1973	5	I
Special Foreign Currency Program:							
Defense, 1972–74	( )	(2,477)	Yes	Dec. 18, 1972	July 1, 1973	5	I
	3,169	2,051	No	Aug. 31, 1973	Aug. 31, 1973	5	I
Defense, 1973–75	( )	(400)	Yes	Dec. 4, 1972	July 1, 1973	5	I
	2,998	400	Yes	Sept. 6, 1973	Sept. 6, 1973	5	I
DEPARTMENT OF DEFENSE—CIVIL							
Corps of Engineers:							
General investigations	( )	(150)	Yes	June 29, 1973	July 1, 1973	1, 5	I
	65,084	150	Yes	Sept. 15, 1973	Sept. 15, 1973	1, 5	II
Construction	( )	(783)	Yes	June 29, 1973	July 1, 1973	1, 5	I
	(9,100)	(333)	Yes	July 27, 1973	July 27, 1973	1, 5	I
	(9,175)	(258)	Yes	July 30, 1973	July 30, 1973	1, 5	I
	1,114,829	258	Yes	Sept. 15, 1973	Sept. 15, 1973	1, 5	II
Flood control, Mississippi River and tributaries	( )	(750)	Yes	June 29, 1973	July 1, 1973	1, 5	I
	151,819	750	Yes	Sept. 15, 1973	Sept. 15, 1973	1, 5	II
Panama Canal: Canal Zone Government, capital outlay	( )	(700)	Yes	Sept. 8, 1972	July 1, 1973	5	I
	7,436	85	Yes	Sept. 14, 1973	Sept. 14, 1973	1	V[4]
Wildlife Conservation:							
Army	598	107	Yes	June 14, 1973	July 1, 1973	1	I
Navy	60	8	Yes	June 14, 1973	July 1, 1973	1	I
Air Force	124	40	Yes	June 14, 1973	July 1, 1973	1	I
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE							
Health Services and Mental Health Administration: Indian Health Facilities	3,482	848	Yes	June 27, 1973	July 1, 1973	5	I
Office of Education:							
Higher Education, no-year		1,889	Yes	Nov. 30, 1972	July 1, 1973	5	I
Educational activities overseas, special foreign currency program		16	Yes	Apr. 6, 1972	July 1, 1973	5	I
Social Security Administration: Limitation on construction (trust fund)	( )	(12,095)	Yes	Apr. 27, 1972	July 1, 1973	4, 5	I
	12,679	19,973	Yes	Aug. 21, 1973	Aug. 21, 1973	4, 5	I
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT							
Housing production and mortgage credit: Nonprofit sponsor assistance		6,520	Yes	Apr. 15, 1973	July 1, 1973	5, 6b, 6c	I
Community development:							
Open space land program		27,730	Yes	Mar. 8, 1973	July 1, 1973	6b, 6c	I
Grants for basic water and sewer facilities		400,175	Yes	Jan. 26, 1973	July 1, 1973	6b, 6c	I
Public facility loans		20,000	Yes	Jan. 26, 1973	July 1, 1973	6b, 6c	I
Office of Interstate Land Sales Registration: Interstate land sales	1,460	1,981	Yes	June 20, 1973	July 1, 1973	4	I

BUDGETARY RESERVES AS OF SEPT. 30, 1973 Continued

[In thousands of dollars]

[Amounts in parentheses ( ) indicate actions superseded by later apportionment actions. An asterisk * indicates an account added to the list since the last report. An account without an entry in the amount apportioned column indicates no apportionment has been made for fiscal year 1974]

	Amount apportioned	Amount in reserve	Available beyond fiscal year 1974?	Date of reserve action	Effective date of reserve	Reason for current reserve (see code)	Estimated fiscal, economic, and budgetary effect (see code)
DEPARTMENT OF THE INTERIOR							
Bureau of Land Management:							
Public lands development roads and trails	4,000	8,961	Yes	June 8, 1973	July 1, 1973	6d	I
Oregon and California grant lands		1,150	Yes	June 8, 1973	July 1, 1973	4, 5	I
Bureau of Indian Affairs:							
Road construction per 1974 program	57,060	20,000	Yes	Sept. 12, 1973	Sept. 12, 1973	6d	II
Road construction per 1975 program		75,000	Yes	Sept. 12, 1973	Sept. 12, 1973	6d	II
Bureau of Outdoor Recreation: Land water conservation	208,168	61,422	Yes	June 8, 1973	July 1, 1973	6b	I
Geological Survey: Payments from proceeds, sale of water, Mineral Leasing Act of 1920	(5)	27	Yes	June 6, 1973	July 1, 1973	4, 5	I
Bureau of Mines: Drainage of anthracite mines	200	3,575	Yes	June 8, 1973	July 1, 1973	4, 5	I
Bureau of Sport Fisheries and Wildlife:							
Migratory bird conservation account (receipt limitation)	(9,000)	(981)	Yes	June 8, 1973	July 1, 1973	4	I
	12,000	981	Yes	Aug. 23, 1973	Aug. 23, 1973	4	I
Federal Aid in wildlife restoration	45,300	7,863	Yes	June 8, 1973	July 1, 1973	4, 5	I
Federal aid in fish restoration and management	14,565	2,339	Yes	June 8, 1973	July 1, 1973	4, 5	I
National Wildlife Refuge Fund	4,620	4,003	Yes	June 8, 1973	July 1, 1973	4, 5	I
Proceeds from sales, water resources development projects	15	4	Yes	June 8, 1973	July 1, 1973	4, 5	I
National Park Service:							
Parkway and road construction	16,338	34,610	Yes	June 8, 1973	July 1, 1973	6d	I
Construction	28,100	14,500	Yes	July 30, 1973	July 30, 1973	4	I
Operation, management, maintenance, and demolition of federally acquired property*	17	65	Yes	June 8, 1973	July 1, 1973	4, 5	I
Bureau of Reclamation:							
Construction and Rehabilitation	(16,970)	(1,055)	Yes	June 8, 1973	July 1, 1973	5, 6b	I
	226,857	1,055	Yes	Sept. 15, 1973	Sept. 15, 1973	5, 6b	I
Operation, maintenance, and replacement of project works, North Platte project	(6)	100	Yes	June 6, 1973	July 1, 1973	6e[7]	I
Upper Colorado River Basin fund	(9,072)	(1,390)	Yes	June 8, 1973	July 1, 1973	5	I
	64,911	1,164	Yes	Sept 15, 1973	Sept 15, 1973	5	I
DEPARTMENT OF JUSTICE							
Bureau of Prisons: Buildings and facilities	( )	(36,441)	Yes	Jan 26, 1973	July 1, 1973	5, 6b	I
	45,823	13 594	Yes	Sept 19, 1973	Sept 19, 1973	5, 6b	I
DEPARTMENT OF TRANSPORTATION							
Office of the Secretary: Transportation, planning, and research and development	( )	(5,300)	Yes	June 30, 1973	July 1, 1973	4, 6b	I
	34,353		Not applicable	Sept 14, 1973	Sept 14, 1973	10	VI
U.S. Coast Guard: Acquisition, construction, and improvements	(30,946)	(10,609)	Yes	July 12, 1973	July 12, 1973	4, 6b	I
	109,168	12,099	Yes	Sept 14, 1973	Sept 14, 1973	4, 6b	II
Federal Aviation Administration:							
Civil supersonic aircraft development termination	( )	(3,575)	Yes	Jan 23, 1973	July 1, 1973	4, 6b	I
	3,600	3,033	Yes	Sept 10, 1973	Sept 10, 1973	4	I
Civil supersonic aircraft development	( )	(2,153)	Yes	Jan. 18 1973	July 1, 1973	4, 6b	I
	800	2,755	Yes	Sept. 10, 1973	Sept. 10, 1973	4	I
Grants-in-aid for airports (Airport and Airway Trust Fund)*	13,000	2,000	Yes	Sept. 14, 1973	Sept. 14, 1973	5	I
Facilities and equipment (Airport and Airway Trust Fund)	( )	(207,631)	Yes	Jan. 18, 1973	July 1, 1973	4, 6b	I
	293,075	261,919	Yes	Sept. 12, 1973	Sept. 12, 1973	4	I
Research, engineering, and development (Airport and Airway Trust Fund)	( )	(10,000)	Yes	Jan. 18, 1973	July 1 1973	4, 6b	I
	( )		Not available	Sept. 14, 1973	Sept. 14, 1973	10	VI
Federal Highway Administration:							
Highway beautification	(41,977)	(11,521)	Yes	June 29, 1973	July 1, 1973	4, 5	I
	50,000		Not available	Sept. 15, 1973	Sept. 15, 1973	10	VI
Darien Gap Highway	( )	(545)	Yes	Jan. 18, 1973	July 1, 1973	4, 5	I
	17,661		Not available	Sept. 14, 1973	Sept. 14, 1973	10	VI
Highway-related safety grants*	(10,459)	(7,897)	Yes	June 29, 1973	July 3, 1973	4, 5	I
	13,229		Not available	Sept. 15, 1973	Sept. 15, 1973	10	VI
Federal-aid highways 1974 program	(1,617,000)	(2,791,841)	Yes	June 29, 1973	July 2, 1973	4, 5, 6a, 6c	I
	6,742,497	3,414,149	Yes	Sept. 14, 1973	Sept. 14, 1973	6a, 6c	I
Federal-aid highways 1975 program	[8] 6,010,000						
Rail-crossings-demonstration projects*	22,322	3,053	Yes	Sept. 15, 1973	Sept. 15, 1973	5	I
Territorial highways*	4,000	1,602	Yes	June 29, 1973	July 1, 1973	4, 6c	I
Trust fund share of other highway programs*	(6,973)	(15,793)	Yes	June 29, 1973	July 3, 1973	4, 5	I
	28,120		Not available	Sept. 15, 1973	Sept. 15, 1973	10	VI
Forest highways trust fund*	(24,000)	(47,604)	Yes	June 29, 1973	July 1, 1973	2, 4, 6c	I
	26,000		Not available	Sept. 14, 1973	Sept. 14, 1973	10	VI
Public lands highways*	(5,000)	(27,000)	Yes	June 29, 1973	July 1, 1973	2, 4, 6c	I
	5,000	5,000	Yes	Sept. 14, 1973	Sept 14, 1973	4, 6c, 6d	I
Right-of-Way Revolving Fund	48,000	74,782	Yes	June 29, 1973	July 2, 1973	4, 5	I
National Highway Traffic Safety Administration:							
State and community highway safety*	(26,993)	(1,290)	Yes	July 2, 1973	July 2, 1973	1	I
	66,771		Not applicable.	Sept 13, 1973	July 2, 1973	10	VI
Traffic and highway safety	56,068	2,000	No	Sept 14, 1973	Sept. 14, 1973	5	I
Construction and compliance facilities	[9]( )	(9,018)	Yes	Jan. 19 1973	July 1, 1973	4, 5	I
		18	Yes	Sept. 14, 9173	Sept. 14, 1973	5	V
Trust fund share of highway traffic safety programs	(16,848)	(2 580)	Yes	July 2, 1973	July 2, 1973	1, 5	I
	96,167		Not applicable	Sept. 13, 1973	Sept 13, 1973	10	VI
Federal Railroad Administration:							
Emergency rail facilities restoration*	27,100	7,648	Yes	July 27, 1973	July 27, 1973	2	I
High-speed ground transportation research and development	( )	(15,000)	Yes	Jan 19, 1973	July 1, 1973	4, 6b	I
			Not applicable.	Sept 14, 1973	Sept. 14, 1973	10	VI
Grants to the National Railroad Passenger Corporation	( )	(10,000)	Yes	Jan. 19, 1973	July 1, 1973	4, 6b	I
	54,900	48,100	Yes	Sept. 13, 1973	Sept. 13, 1973	4, 6b	V[10]
Urban Mass Transportation Administration: Urban Mass Transportation Fund	(941,300)	(210,853)	Yes	July 6, 1973	July 6, 1973	4, 6b	I
	985,550		Not available	Sept 14, 1973	Sept. 14, 1973	10	VI
DEPARTMENT OF THE TREASURY							
Office of the Secretary. Construction, Federal Law Enforcement Training Center	383	21,517	Yes	June 6, 1973	July 1, 1973	5	I
ATOMIC ENERGY COMMISSION							
Operating expenses	3,164,739	16,900	Yes	Sept. 15, 1973	Sept. 15, 1973	5	I
Plant and capital equipment	(48,470)	(1,830)	Yes	June 8, 1973	July 1, 1973	5	I
	637,577	9,750	Yes	Sept. 15, 1973	Sept. 15, 1973	5	I

	Amount apportioned	Amount in reserve	Available beyond fiscal year 1974?	Date of reserve action	Effective date of reserve	Reason for current reserve (see code)	Estimated fiscal, economic, and budgetary effect (see code)
GENERAL SERVICES ADMINISTRATION							
Real Property Activities:							
Sites and expenses, public building projects		22,205	Yes	Jan. 26, 1973	July 1, 1973	4	
Construction, public building projects		234,309	Yes	Jan. 26, 1973	July 1, 1973	2, 4	I
Property Management and Disposal:							
Operating expenses, sale of rare silver dollars	( )	(4,000)	Yes	Nov. 30, 1972	July 1, 1973	4	I
	3,400	1,386	Yes	Sept. 5, 1973	Sept. 5, 1973	4	I
Operating expenses, special fund	( )	(850)	Yes	June 26, 1973	July 1, 1973	4, 5	I
			Not available	Aug. 16, 1973	Aug. 16, 1973	10	VI
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION							
Research and development		2,200	Yes	June 8, 1973	July 1, 1973	5	I
VETERANS' ADMINISTRATION							
Medical prosthetic research		3,648	Yes	Feb. 15, 1973	July 1, 1973	5	I
Construction, major projects		34,710	Yes	June 13, 1973	July 1, 1973	5	I
Construction, minor projects		5,000	Yes	Dec. 20, 1972	July 1, 1973	5	I
OTHER INDEPENDENT AGENCIES							
District of Columbia:							
Loans for Capital Outlay, Metropolitan Area Sanitary Sewage Work Funds	( )	(300)	Yes	Aug. 7, 1972	July 1, 1973	4	I
	3,900	5,300	Yes	Sept. 5, 1973	Sept. 5, 1973	4	I
Loans for Capital Outlay, Sanitary Sewage	( )	(4,285)	Yes	Aug. 7, 1972	July 1, 1973	4	I
	29,000	24,035	Yes	Sept. 5, 1973	Sept. 5, 1973	4	I
Loans for Capital Outlay, Water Fund	( )	(2,360)	Yes	Aug. 7, 1972	July 1, 1973	4	I
	8,000	7,460	Yes	Sept. 5, 1973	Sept. 5, 1973	4	I
Loans for Capital Outlay, Highway Fund*	11,900	5,956	Yes	Sept. 5, 1973	Sept. 5, 1973	4	I
Loans for Capital Outlay, General Fund	( )	(6,758)	Yes	Jan. 26, 1973	July 1, 1973	4	I
	176,500	29,526	Yes	Sept. 5, 1973	Sept. 5, 1973	4	I
Foreign Claims Settlement Commission: Payment of Vietnam and U.S.S. Pueblo prisoner of war claims.	9,125	7,229	Yes	July 12, 1973	July 12, 1973	5	I
American Revolution Bicentennial Commission: Commemorative Activities Fund		5,690	Yes	Nov. 28, 1972	July 1, 1973	5	I
National Science Foundation: Salaries and expenses	56,900	3,500	Yes	June 8, 1973	July 1, 1973	2	I
Railroad Retirement Board: Limitation on Railroad Unemployment Administration Fund	8,578	4,822	Yes	July 1, 1973	July 1, 1973	4	I
Small Business Administration: Business Loan and Investment Fund	(173,100)	(41,316)	Yes	June 29, 1973	July 1, 1973	2, 4, 6b	I
	(178,100)	(48,294)	Yes	Aug. 31, 1973	Aug. 31, 1973	2, 4	I
	348,700	31,094	Yes	Sept. 27, 1973	Sept. 27, 1973	2, 4	I
Water Resources Council: Water resources planning	8,611	27	Yes	Aug. 24, 1973	Aug. 24, 1973	2	I

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[1] Funds have not been apportioned while awaiting the completion of negotiations with the Government of Israel.

[2] The amount apportioned is consistent with the limitation on the Foundation's activities according to P.L.93–52 as amended.

[3] The amount apportioned in this account is required to finance a loan approved at the end of FY 1973.

[4] Reserved by request of the Canal Zone Government as a contingency for possible future inspection services.

[5] The Department of the Interior has no present plans for the use of these funds which are available only for the development of water wells on public lands.

[6] No improvements are currently necessary (see footnote [7].)

[7] 66 Stat. 754 requires that certain miscellaneous revenues be deposited in a special fund to provide for the replacement of the project works and to defray annual operating and maintenance expenses when necessary.

[8] This amount is potentially available for use under 1975 contract authority; the amount to be made available to each State for obligation in 1975 is anticipated to be announced by the Department of Transportation on July 1, 1974.

[9] $9,000,000 was rescinded in the 1974 Department of Transportation Appropriation Act. It is now included in the Traffic and Highway Safety account.

[10] The amount apportioned is the full amount legally available until action is taken on the amendment to the Rail Passenger Service Act of 1970.

STATEMENT OF FRANK G. ZARB, ASSISTANT DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET, BEFORE THE SUBCOMMITTEE ON FEDERAL PROCUREMENT OF THE SENATE COMMITTEE ON GOVERNMENT OPERATIONS ON S. 2510, CREATING AN OFFICE OF FEDERAL PROCUREMENT POLICY WITHIN THE EXECUTIVE OFFICE OF THE PRESIDENT

OCTOBER 31, 1973.

Mr. Chairman and Members of the Subcommittee: Thank you for giving us this opportunity to appear before your subcommittee to present the views of the Office of Management and Budget on S. 2510, a bill "to create an Office of Federal Procurement Policy within the Executive Office of the President, and for other purposes."

This proposed legislation grows out of the long hard work of the Commission on Government Procurement. I want to take this opportunity on behalf of OMB to respectfully commend you and Senator Gurney as members of that Commission for the most significant contribution which the Procurement Commission has made to our knowledge of the problems and opportunities for improvement in the numerous important areas which the Commission's report covered. I believe that this report will undoubtedly be the central reference point for many years to come for those who seek to improve Federal government procurement. Many people from the departments and agencies of the Executive Branch lent their energies and insights to the formulation of the report, and we are already well along on a major Executive Branch effort to determine how to implement its recommendations.

S. 2510 which your committee is now considering, confines itself to the first of the Procurement Commission recommendations calling for creation of an Office of Federal Policy. The Commission obviously felt strongly that the issue of central direction and control in Federal Procurement matters was of paramount importance, and chose the route of recommending a separate independent agency to serve this purpose. The report stated that it recommended

". . . an Office of Federal Procurement Policy, high in competence and small in size, established by law and responsive to Congress, and placed in the Executive Branch at a level where it can oversee the development and application of procurement policy. The contracting agencies should continue to be charged with clear responsibility for individual procurement actions."

I emphasize that the major thrust of the Commission's report was what it felt to be a lack of an effective focal point for procurement policy leadership in the Executive Branch. The report defined what it felt should be the major attributes of that central office:

"1. It should be independent of any agency with procuring responsibility.

"2. It should operate on a plane above the procurement agencies and have directive rather than merely advisory authority.

"3. It must be responsive to the procurement policy decisions of the Congress.

"4. It should consist of a small highly competent cadre of seasoned procurement experts."

Mr. Chairman, I think there is little debate over the need for improvement in the central procurement leadership in the Executive Branch. I would like to recommend to you this morning, a way to properly get on with the real interests of all concerned, that is, implementing many of the Commission's recommendations. There are currently two central agencies of the Executive Branch—OMB and GSA—who have been and can continue to be primarily responsible for procurement matters. OMB is primarily concerned with policy leadership on behalf of the President in three significant ways:

First, with respect to the very important budget and resource allocation aspects of procurement in all agencies.

Second, with respect to the effectiveness of the line programs themselves which involve procurement of goods and services through contract.

Third, with respect to policies and practices which govern the procurement process itself and the professional procurement talent who carry this responsibility.

The General Services Administration has long standing responsibility in the Federal establishment for a wide range of procurement matters under the Federal Property and Administrative Services Act, including

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the maintenance of the Federal Procurement Regulations (FPR's). And, the Secretary of Defense presently establishes policy for the military departments under the separate provisions of the Armed Services Procurement Act.

Now, one organizational option is to create a third independent Office of Federal Procurement Policy. This option could result in further confusion, duplication, and competition for authority among three agencies, rather than a clarification of roles and a focusing of leadership which the Procurement Commission sought to achieve. The Commission itself did not attempt to define, in detail, what it felt the role of OFPP should be, nor was there much guidance in the Commission report which told us how OFPP would, in fact, relate to the responsibilities which OMB and GSA would, of necessity, continue to exercise as central agencies of government.

In our assessment, the best method for moving forward now with work suggested by the Commission is to improve the present alignments of organization and place responsibility for performance with OMB and other appropriate agencies and hold it accountable for results. To put it another way, the solution to our problems is not so much an organization solution as it is a revitalization of the structure we already have and a commitment to get on with the task of improvement of Federal procurement along the road which the Procurement Commission has already pointed out to us.

Both the needed improvements and the commitment for progress are within the capability of the agencies to achieve, and several new initiatives have already been taken to make these improvements:

1. OMB is committed to the appointment of a Deputy Assistant Director for Procurement Policy, and we have been actively recruiting for a recognized, widely experienced procurement expert to fill this role, and I believe we are close to success with this goal. Until that person is on board, I will act as head of the Office.

2. On May 22, 1973, the President announced the assignment to the General Services Administration of a broader management role to become the President's principal instrument for development of unified effective administrative systems in support of all Executive Branch activities. To assist in performing this role, the President, by Executive Order 11717, transferred to GSA certain staff functions previously performed by OMB in the areas of financial management, systems development, procurement, contracting, property management and automatic data processing management. As a result of these Presidential actions, GSA, under broad OMB policy oversight, is now shouldering a large share of Executive Branch responsibility to carry out an effective review of the Commission's report and recommendations.

3. We will be discussing with GSA and other agencies a complete plan of implementation for these recommendations and other issues which need resolution or further initiatives which should be undertaken. We are using better means of interagency coordination and communication both in connection with the implementation of the Commission report and on procurement matters generally.

I believe the important thing now is to continue the upgrading of the procurement responsibilities which we have already begun in both OMB and GSA and to work with other agencies in a partnership in order to get effective implementation of the Procurement Commission recommendations. I believe that this is the best way of achieving the greater central leadership and focus of procurement policy responsibility which we agree is necessary: What's more important, it will help us focus attention on the main job and not use up time in effort to construct a new organization and work out a new set of relationships.

I think that the main message which the Procurement Commission report conveys to us is that our procurement process does tend to develop problems which need a stronger central leadership and guidance than we have provided in the past. We believe that the central mechanism which I have described is sound and in accord with the spirit of the Commission report and that it is realistically superior to creation of an OFPP, both in terms of the speed and effectiveness with which it can act. We are already committed to moving ahead as effectively as possible with procurement systems improvement.

I do not offer these plans as the final answer in the management of the very complex problems of procurement in the Executive Branch, but rather to demonstrate that we can meet the needs of the government for central leadership without the statutory creation of yet another agency to function in this arena. After several months of work on this basis, we would like to return and discuss with you our direct, early results and the possible need for further legislation to help strengthen Federal procurement policies and priorities.

Thank you, Mr. Chairman, for the opportunity to present our views on this important matter. I will be happy to respond to any questions.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The time for morning business having expired, morning business is concluded.

RIGHTS-OF-WAY ACROSS FEDERAL LANDS—CONFERENCE REPORT

Mr. JACKSON. Mr. President, I submit a report of the committee of conference on S. 1081, and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The report will be stated by title.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1081) to authorize the Secretary of the Interior to grant rights-of-way across Federal lands where the use of such rights-of-way is in the public interest and the applicant for the right-of-way demonstrates the financial and technical capability to use the right-of-way in a manner which will protect the environment having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The ACTING PRESIDENT pro tempore. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of Nov. 7, 1973, at pp. 36242.)

Mr. JACKSON. Mr. President, I ask unanimous consent that William Van Ness, Mike Harvey, Jim Barnes, Harrison Loesch, Fred Craft, and David Stang, of the staff of the Committee on Interior and Insular Affairs, be accorded the floor privileges during the consideration and the vote on the conference report on S. 1081, the trans-Alaska pipeline bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I make the same unanimous-consent request for Lyell Rushton and Mike Todd of my staff.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JACKSON. Mr. President, the House of Representatives has agreed to the report. Favorable action by the Senate today will clear the way for Presidential signature and construction of the trans-Alaska oil pipeline. The current energy shortage points up the critical need to begin construction of the pipeline as soon as possible so that the vast oil resources on the North Slope of Alaska will be available to help meet our urgent energy needs and reduce our growing dependence on uncertain, insecure, and politically motivated foreign sources of crude oil.

Mr. President, the Senate and House conferees worked long and hard to resolve the differences between the two bodies. I believe that the conference report is a fair and reasonable compromise of those differences although I feel that many features of the Senate-passed bill are superior to the House amendment and the conference report.

The joint statement of the managers explains the conference report in some detail. I will simply highlight the most significant features.

1. REVISION OF LAW FOR OIL AND GAS PIPELINE RIGHTS-OF-WAY

The Senate bill enacted a completely new system for granting rights-of-way across Federal lands. It applied to rights-of-way for many different purposes.

The House amendment applied only to rights-of-way for oil and gas pipelines. It took the form of an amendment to section 28 of the Mineral Leasing Act of 1920, which is the principal authority for granting oil and gas pipeline rights-of-way across public lands.

The conferees adopted the House approach, but expanded it to include pipelines for oil, gas, synthetic liquid or gaseous fuels and refined products therefrom in anticipation of developments in coal gasification and liquefication, oil shale, and tar sands.

The conferees agreed that broader rights-of-way legislation will be made a part of the organic act for the Bureau of Land Management which I expect will be enacted by Congress.

2. GUIDELINES FOR RIGHTS-OF-WAY

The conferees combined and adopted the guidelines governing the grant of rights-of-way that were contained in the Senate bill and in the House amendment. The two sets of guidelines, while different in some respects, were compatible. They spell out in greater statutory detail policies that were formerly left to administrative determination.

3. AUTHORIZATION OF ALASKA OIL PIPELINE

Both the Senate bill and the House amendment provided for the immediate grants of a trans-Alaska oil pipeline right-of-way without further proceedings under the National Environmental Policy Act and with only a limited right of judicial review. The conferees merged the provisions of the two Houses without making major substantive changes.

4. NEGOTIATIONS WITH CANADA

Both the Senate bill and the House amendment provided for further study and negotiations with respect to possible additional oil and gas pipelines from the North Slope of Alaska, through Canada, to the Midwest. The conferees merged the provisions of the two houses without making substantial changes.

5. LIABILITY OF RIGHT-OF-WAY HOLDER

The Senate bill and the House amendment had different provisions regarding the liability of the owner or operator of an oil pipeline for damages resulting from its construction and operation.

The conferees adopted modified versions of all of these provisions.

GENERAL LIABILITY RULES

One provision is of general application and appears in section 28(x). It requires the Secretary or agency head to specify the extent to which the holder of a right-of-way or permit shall be liable to the United States for damage or injury incurred in connection with the right-of-way. Strict liability without regard to fault may be imposed, but a maximum dollar limitation must be stated, and liability in excess of this amount may be determined under ordinary rules of negligence.

TRANS-ALASKA PIPELINE LIABILITY

The second provision is in section 204. It relates only to the trans-Alaska pipeline, and is in three parts. Subsection (a) imposes on the holder of the right-of-way or permit strict liability without regard to fault, and without regard to ownership of the land or resource involved if the land or resource is relied upon for subsistence or economic purposes, for damages or injury in connection with or resulting from activities along or in the vicinity of the pipeline right-of-way. Strict liability is limited to $50,000,000 for any one incident, and liability for damages in excess of that amount will be determined in accordance with ordinary rules of negligence.

Subsection (b) imposes on the holder of a right-of-way or permit liability for the full cost of control and removal of the pollutant of any area that is polluted by operations of the holder.

MARINE LEG LIABILITY

Subsection (c) imposes on the owner or operator of a vessel that is loaded with any oil from the trans-Alaska pipeline strict liability without regard to fault for damages sustained by any person as the result of discharges of oil from such vessel. Strict liability is limited to $100,000,000 for any one incident. The owner or operator is liable for the first $14,000,000. A trans-Alaska pipeline liability fund, which is created by the bill, is liable for the balance of the allowed claims up to $100,000,000. The portion of any valid claim not payable by the fund may be asserted and adjudicated under other applicable Federal or State law.

The fund will accumulate and maintain not less than $100,000,000 from the collection of a fee of 5 cents per barrel of oil transported through the trans-Alaska pipeline and loaded on tankers.

6. LIMITATION ON EXPORTS OF CRUDE OIL

Both the Senate bill and the House amendment contained provisions limiting the export of crude oil and making such exports subject to congressional oversight. The Senate bill applied only to oil from the North Slope of Alaska. The House amendment applied to all oil transported over rights-of-way through Federal lands. The conferees adopted the House language.

7. EXEMPTION OF STRIPPER WELLS FROM PRICE CONTROLS

The conferees adopted the provisions of the Senate bill exempting the first sale of oil and gas from stripper wells from the price restraints of the Economic Stabilization Act of 1970, and from any allocation program. A stripper well is defined as a well with an average daily production during the preceding month of not more than 10 barrels.

8. PAYMENTS TO ALASKA NATIVES

The Senate bill provision amending the Alaska Native Claims Settlement Act to provide for advance payments to Natives was adopted, after first, reducing the amount of the advance payments from $7,500,000 each 6 months to $5,000,000; second, delaying the starting time for the payments from the beginning of fiscal year 1975 to the beginning of fiscal year 1976, and third, deleting the provision making the advance payments a gift if transportation of oil through the pipeline does not commence by December 31, 1976.

9. FEDERAL TRADE COMMISSION AUTHORITY

The Senate provision amending the Federal Trade Commission Act was adopted, with amendments. It increases the civil penalty for violating a final order of the Commission, gives the Commission broader authority to initiate injunction actions and enforce subpenas, and gives the Commission authority to represent itself in court if the Attorney General fails to do so after 10 days notice.

10. REGULATORY AGENCY QUESTIONNAIRES

The Senate provision amending the Federal Reporting Services Act was adopted. It substitutes the Comptroller General for the Office of Management and Budget in reviewing questionnaires proposed to be issued by independent Federal regulatory agencies. The regulatory agency will determine whether it needs the information, but it may not send its questionnaire if the Comptroller General determines that the information is already available from another source within the Federal Government.

11. EQUITABLE REGIONAL ALLOCATION OF CRUDE OIL

The Senate provision giving the President broad authority to take any action necessary to insure an equitable allocation of crude oil and petroleum products among the various regions and States was adopted after it was amended to require the President to use his existing authority to accomplish that objective.

Mr. President, there is no need to discuss the conference report at length. The Nation absolutely needs the oil from this pipeline as soon as the pipeline can be built, and I urge that the Senate move expeditiously to agree to the conference report.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter that I sent to the President with reference to the question raised regarding the Federal Trade Commission amendments, signed by me, by JOHN MELCHER, chairman of the House-Senate Conference on the Alaska Pipeline, and by MIKE GRAVEL, ex-officio member of the House-Senate Conference on the Alaska Pipeline, together with a letter that I received from the Federal Trade Commission Chairman, Mr. Lewis A. Engman, supporting the amendments adopted by the Senate and adopted by the conference.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON INTERIOR AND
INSULAR AFFAIRS,
Washington, D.C., November 9, 1973.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: As the principal sponsors and floor managers of S. 1081, the Alaska pipeline bill currently pending before the Congress, we write to ask your support for our efforts to achieve enactment of this measure without further delay.

After months of painstaking work by members of Congress and the Administration, the major provisions of this legislation have been approved by both Houses, and, after a long and difficult conference, the differences have been successfully resolved.

At the eleventh hour, however, an effort is being mounted by certain private interests and by some members of your Administration to send the measure back to conference for deletion of two provisions which they find objectionable. The general effect of these provisions would be to grant modest but much-needed new authority to the Federal Trade Commission to enable it to enforce more efficiently the laws under its jurisdiction, and to transfer from OMB to GAO the administration of the Federal Reports Act insofar as the independent regulatory agencies are concerned. The merits of these provisions, both from the standpoint of the individual taxpayer and businessman—and particularly the small businessman—who stand to benefit, and from that of sound governmental organization, seem obvious. However, even more obvious to us is the fact that should the campaign to recommit the bill to conference succeed, many questions which were previously settled will inevitably be reopened, and we will be faced with the likelihood of substantial delay in obtaining final passage of the entire bill.

We are confident that you share our view that such further delay at this time would be intolerable. As you stated in your remarks to the nation on November 7, ". . . it is time to act now on vital energy legislation that will affect our daily lives for years to come."

Prompted by the desire to move forward

in the solution of one of the most critical peacetime problems we have ever faced, and convinced that recommittal of the Alaska pipeline bill to conference for any purpose would be irresponsible, we urge your active support for our efforts to obtain Congressional passage of this legislation without further delay.

Sincerely yours,

HENRY M. JACKSON,
Chairman, Senate Interior and Insular Affairs Committee.
JOHN MELCHER,
Chairman, House-Senate Conference on the Alaska Pipeline.
MIKE GRAVEL,
Ex Officio Member, House-Senate Conference on the Alaska Pipeline.

FEDERAL TRADE COMMISSION,
Washington, D.C., November 9, 1973.
Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: You have asked for my frank assessment of the significance and practical impact of those provisions of S. 1081 which involve the authority of the Federal Trade Commission and the administration of the Federal Reports Act.

As I have previously stated, I believe that Section 408 of the bill, if enacted, would greatly enhance the Commission's effectiveness in discharging its Congressional mandate to prevent unfair and deceptive business practices and unfair methods of competition. The major provisions of this section would:

(1) authorize the Commission, after notifying and consulting with the Department of Justice, to represent itself in civil proceedings arising under the FTC Act, provided the Department does not take the action proposed by the Commission within 10 days;

(2) authorize the Commission to go into federal court to seek temporary injunction to prevent the continuation of particular aggravated violations of the laws under its jurisdiction, pending the completion of the lengthy administrative proceedings and appeals which lead to a final cease-and-desist order; and

(3) increase from $5,000 to $10,000 the maximum civil penalty for violation of Commission orders—a modernization made necessary by 25 years of inflation since the $5,000 limit was enacted in 1938.

Each of these provisions is essentially a "gap-filling" measure; none would increase the Commission's substantive jurisdiction in any respect. This becomes evident when one realizes that a number of other independent agencies (including the SEC, ICC, and the CPSC) are already empowered to handle most or all of their own litigation, and that for many years prior to 1968, when its authority to do so was put in doubt by the holding in *FTC* v. *Guignon*, 390 F.2d 323 (8th Cir. (1968)), the Commission enforced its own subpoenas in the federal courts. In addition, the Commission already possesses the authority to seek preliminary injunctions under the FTC Act in cases involving the advertising of food, drugs, and cosmetics, and the Department of Justice, with whom the Commission shares responsibility for enforcing the antitrust laws, already has such authority under the Clayton and Sherman Acts. Each of these provisions has been the subject of hearings before Committees of both Houses of Congress, and each was incorporated, albeit in a more modest form, in S. 1219 and H.R. 6313, Administration proposals submitted to the 92d Congress.

In view of these facts, I consider the concern apparently being displayed by certain segments of the business community over Section 408 to be totally misplaced. While the added authority provided by this provision would undoubtedly increase the Commission's efficiency, I see no threat of any kind to the responsible businessman. To the extent that the Commission could be more effective in preserving free and open competition, this can only redound to the benefit of the entire system of free enterprise, and particularly to that of small business. It might be noted in this regard that the occasion for incorporating these provisions in the present legislation was the realization by yourself and other Members of Congress, at the time of the acute gasoline shortage last spring, that because it lacked the authority to seek preliminary injunctions the Commission would have been completely powerless to aid the small gasoline retailer, distributor, or refiner, even assuming there had been proof of the most blatant anticompetitive behavior by their major competitors.

Section 409 of the bill simply transfers from OMB to GAO the administration of the Federal Reports Act insofar as the independent regulatory agencies are concerned. While it is true that GAO would not have the veto power over agency requests for information currently possessed by OMB, I see in this omission no cause for alarm on the part of the business community. The Federal Reports Act was enacted to protect businessmen from duplicative and unnecessarily burdensome information requests from the federal government. Since the vast majority of such requests originate from within the Executive Branch, rather than the independent agencies, OMB will continue to bear the major responsibility in this regard. With respect to the independent agencies, it seems eminently reasonable, if they are to be truly "independent," that their proposed requests for information be passed upon by an agency responsible to the Congress, instead of by OMB. Close coordination between OMB and GAO will of course be necessary, but I see no reason to suspect that GAO will be less diligent in protecting the businessman than OMB has been.

As considerable attention has apparently been focused upon a particular FTC questionnaire with regard to which we have requested OMB approval, the proposed "line of business" form for reporting corporate financial statistics, I would emphasize not only that this questionnaire would go only to the largest of the nation's corporations, but also that the Commission is most receptive to constructive suggestions for modification of the form in order to insure that the costs of compliance will not be excessive.

In conclusion, I would reiterate that the provisions in question, while designed to close several long-overlooked gaps in the Commission's law enforcement authority, in no way extend its substantive reach, nor subject to sanctions any conduct or practice not already covered by the laws under the Commission's jurisdiction. If enacted, they will mean significant benefits for the American consumer and the small businessman, and a greater return on his dollar for the individual taxpayer.

Sincerely,

LEWIS A. ENGMAN,
Chairman.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. STEVENS. Mr. President, today the United States finds itself at a pivotal point in its history, facing perhaps one of the most crucial problems ever to confront America—the energy crisis.

But today, our Nation also has the opportunity to meet this national crisis with an equally important and crucial answer—final passage of the trans-Alaska pipeline amendment.

The need for the pipeline has been known for years, and I have continued to warn my colleagues of the absolute necessity of the trans-Alaska pipeline as the energy crisis has grown more and more severe—not only here in the United States, but throughout the world.

Events of recent weeks have proved the validity and the urgency of my warnings. The Arab nations have cut off oil to the United States and we have no indication of when shipments might be resumed.

Mr. President, America does not have to be subject to the actions of those nations who have hooked us on the habit of foreign oil. We can take care of America's energy problems in America if we will only act now.

But we need not look as far as the Middle East to witness a cutback of oil exports to our fuel hungry Nation. Canada, our neighbor to the North has said that it can no longer afford to supply oil to us at previously expected levels because Canada is now faced with her own energy problems. But the worst may be yet to come. The Canadians plan to extend one of their pipelines to Montreal which will curtail about 500,000 barrels of oil a day to the Middle West. The Canadian Minister of Energy, Mines and Resources said recently that a decision to go ahead on the pipeline to Montreal should be notice to the United States that Americans will have to look elsewhere for much of the Canadian oil that previously served U.S. markets.

Last week in his talk to the Nation on the energy crisis, President Nixon accurately described our acute energy shortage when he said that we must face the stark fact that we are heading for the most acute shortage of energy since World War II.

But President Nixon has launched a bold program toward achieving U.S. self sufficiency in energy by 1980. President Nixon's "Project Independence" is a call for us to begin an intensive effort to solve our energy problems. Passage of the trans-Alaska pipeline amendment is an important first step in making our goal of energy self-sufficiency a reality.

What is of vital importance here is that passage of this landmark bill signals a new era for our country in realizing its potential—the potential of Alaska's vast natural resources can help assure America of a progressive energy plan. But this important bill also marks the embarkation of a new era in the utilization of man's technological resources to meet our energy needs and in a manner that is complimentary with our environment.

Since the richest oil strike in the history of the North American Continent was made at Prudhoe Bay in 1968, the State of Alaska has had the ability and the desire to share this precious resource with the "Lower 48 States." Unfortunately, delay after delay and obstruction after obstruction has resulted in paralyzing this important project while our Nation hungers for petroleum with the energy shortage spreading like an epidemic throughout the industrialized world.

Mr. President, I would point out that had construction been commenced in 1970, this year, 1973, Alaskan oil would now be delivered at west coast ports at the rate of 600,000 barrels a day. That is just about our shortfall right now. By next year, delivery would be at the rate of 2 million barrels a day, and our expected shortfall for next year is 2.1 million barrels a day. I think those who have opposed this project over the years ought to take their share of the responsibility for the crisis the country will face next year.

Today we have before us the vehicle to set a new course. Passage of the bill before us offers us a new lease on our energy life and will help provide the needed catalyst to place the United States in a positive energy position.

Construction of the trans-Alaska pipeline not only means more energy for America—in a time when energy is crucial, but it also means a stronger economy both at home and abroad and assures a firm place for the United States in the society of nations reducing our susceptibility to petroleum blackmail.

Winter is quickly approaching and with it the real spectre of severe fuel shortages that not only threaten the warmth of our homes but also endanger the very futures of many U.S. industries and the jobs of thousands of American workers. It is incumbent upon us to act today in order to safeguard America from energy problems in the years to come.

Mr. President, we cannot afford to bury our heads in the snow and freeze, nor must we allow our economy and the jobs of thousands to be endangered while we stand by idly.

We are grappling with a real crisis and now is the time for action—there is simply no more time for the vacillation that has already cost America dearly. This Nation is looking for the Congress to take action, and the passage of the trans-Alaska pipeline amendment is a call to action. With the passage of this critical legislation we can now begin to get on with the business of solving this energy crisis.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. HASKELL. Mr. President, has the Senator from Alaska completed his statement?

Mr. STEVENS. I have. I thank the Senator very much.

Mr. HASKELL. Mr. President, I should like to make a brief statement on the conference version of S. 1081. As a member of the conference committee, I wish to go on record in support of the final version of the bill.

As the President and my colleagues know, I did not favor mandating a specific route for the transportation of the North Slope Alaskan oil to the lower 48 States. In fact I felt it was more desirable to have an impartial 9-month study to determine whether the economics demanded that the line end up in Chicago, having gone through Canada, rather than at Valdez, and then shipping the oil by tanker to the West Coast. But once the Senate had decided that question, I felt, as a member of the conference committee, that that problem was behind us.

The ACTING PRESIDENT pro tempore. Will the Senator suspend briefly until order is restored? The Senate will come to order. Senators will please clear the aisle and remove their conversations from the Senate Chamber, so that the Senator from Colorado can be heard.

Mr. HASKELL. Mr. President, I feel that the bill as it emerged from conference has substantial pluses over section 28 of the Mineral Leasing Act of 1920. For example, for the first time, those who use public lands for pipelines are required to pay compensation to the Government for the use of that land. As another example, the owners of a pipeline crossing public lands must not only carry the oil produced on adjacent Federal lands but also carry the oil produced on adjacent non-Federal lands. This can be a definite advantage to the owner of a field on private land. Additionally, the Federal Trade Commission provisions, which were mentioned by the distinguished chairman of the committee, the Senator from Washington (Mr. JACKSON), are a definite forward step. They allow the FTC to seek preliminary injunctions to stop deceptive or unfair trade practices.

So, all in all, Mr. President, it seems to me the bill is a step forward in regulating pipelines on public lands and I would support it.

I would, however, invite attention to one provision which I voted against in conference and which I think went beyond the will of the Senate and the will of the House. That section prohibits judicial review not only under NEPA but also under any other law whatsoever pertaining to the issuance of a permit, a lease, or anything else, in connection with the construction of the line. Judicial review is cut off unless a constitutional question is raised or unless an official takes an act beyond the scope of his authority.

I have serious question as to whether this is constitutional. But, whether it is constitutional or not, I think it is bad practice not to have administrative officers subject to judicial review.

But, with this one exception, Mr. President, I would say that the bill is eminently satisfactory and resolves competing interests. I would urge my colleagues to vote for it.

Mr. JACKSON. Mr. President, will the Senator from Colorado yield?

Mr. HASKELL. I yield.

Mr. JACKSON. I want to take this opportunity to express my appreciation, of course, to the Senator from Colorado for the searching way in which he went into this whole issue raised by the Alaska pipeline. It is a real contribution to the end product, which I hope and trust will be a good law and which will help—looking down the road—to provide some answers for the long-range shortages that exist in the area of petroleum products.

I want to commend the Senator for the lawyerlike way and the outstanding way in which he went into all aspects of the issue raised by the pipeline controversy. It touched on just about everything. It was a great help to all members of the committee to have his continuous interest in the matter.

Mr. HASKELL. Mr. President, I wish to thank the distinguished Senator from Washington for those comments and also for his unfailing courtesy both in conducting the markup sessions in the conference.

Mr. FANNIN. Mr. President, I am very much pleased that this day has come and that we shall be voting on this very important legislation.

I want to pay tribute at this time to the chairman of the committee for his excellent work in bringing this legislation to a conclusion.

Mr. JACKSON. Mr. President, if the Senator will allow me to interject there, he is being very generous, but I want to say that we had very fine bipartisan support for this long and, shall we say, protracted discussion in connection with this legislation.

The distinguished senior member of the committee on the Republican side, Mr. FANNIN, was most helpful and most cooperative not only in the long drawn-out hearings but also in the long drawn-out conferences.

I can say the same for both Senators from Alaska (Mr. STEVENS and Mr. GRAVEL). Senator STEVENS was familiar with this problem, not only as a Senator from Alaska by reason of his service in the Senate, but also by reason of his service in the Department of the Interior and his input both prior to his leaving the committee and subsequent to his leaving the committee. The Senator from Alaska (Mr. STEVENS) participated in the arrangements that we have made in connection with the various aspects of the legislation both in the committee and in the conference.

The Senator from Alaska (Mr. GRAVEL), of course, served on the committee and took a long and keen interest in the matter. He sponsored one of the major amendments regårding expedition of adjudicatory processes, which is a major part of this legislation. He, too, participated during the course of the discussions in the committee and as an ex officio member with Senator STEVENS in the conference.

Mr. FANNIN. Mr. President, I want to add my praise to the work of the members of the committee, both on the Democratic side and on the Republican side, for their dedication, their determination, their patience and understanding, and for being willing to listen to all the arguments pro and con on the different amendments. Some of us were

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in favor of amendments that were not accepted. Some of us were not in full agreement with some of the provisions in the bill. At the same time, we do have a bill before us which will greatly assist in alleviating some of the problems we have in this Nation so far as the oil shortage is concerned.

I want especially to pay tribute to Senators HANSEN and HATFIELD on my side for their work in bringing about the passage of this legislation. Senator HANSEN is extremely well versed in the problems of the oil industry and many of the facets of oil production and transportation. Senator HATFIELD is a dedicated environmentalist, and a broad-minded and good-thinking person so far as those matters are concerned. I praise both Senators, because they were willing to go forward on the subjects in the legislation about which they had hesitancy, but for the best interests of the Nation they were willing to accept some of the provisions.

Mr. President, the day is long past due when we, in the United States, can sit comfortably on our resources. Resources are of no value unless we can put them to work for the good of man.

The legislation we are voting on today is, in a sense, already 3 years overdue. Were it not for unfortunate obstacles, we could be utilizing the Alaskan North Slope oil today to alleviate the shortage we are facing.

There is no way for us to amend the past, but now that we have this legislation I would hope that construction of the pipeline can be expedited.

Our current energy demands require the importing of 6 million barrels of oil each day. As we all know, this oil simply is not available to us at this time and is not likely to be available in the immediate future.

We desperately need the 2 million barrels of oil that the Alaskan pipeline will deliver daily.

Mr. President, when I speak of the pipeline, I also want to pay tribute to a Senator who is not on the committee but acted in an ex officio manner and gave us counsel and guidance on the different provisions that pertained to Alaska. I refer to Senator STEVENS. He was of great assistance. His expertise in this field is due to his background and his work in the Interior Department, as just stated by the chairman, and his studious activities over the years in the State of Alaska in determining how best to provide for the transportation of crude oil from his State of Alaska and making it available to the lower 48.

As I stated earlier, some provisions were objectionable so far as I was concerned, but I feel that, in the overall, we have an excellent bill.

It is with some anguish that I note it has taken 4 months to move this bill from the initial Senate debate into final passage. Progress has been painfully slow despite the obvious need, I might even say the desperate need of our country.

It is also distressing that at the time we are trying to take a step forward by increasing our fuel supply, we take a step backward by increasing the capacity for the Federal bureaucracy to impede American industry.

The provisions attached to this bill, giving additional powers to the Federal Trade Commission and allowing the bureaucracy to load commerce down with additional paperwork, are very unfortunate. It is a sad commentary that when the broad interests of the Nation are threatened that the narrow interest of a few will insert such provisions in legislation which we must have.

We can only hope that the powers granted here—powers which can virtually destroy American industries if improperly used—will not be abused.

If the energy situation were not so dire, I would oppose this legislation because of these very unwise provisions.

As it is, we must have the Alaskan oil both to meet our national energy needs and to cut down on our balance-of-payments outflow. The Alaskan oil also is high grade with low sulfur, meaning that it will produce less air pollution than some oils currently in use.

This pipeline has been planned and studied now for more than 4 years. I am confident that it will be safe, secure, and efficient.

We are told that it can be put into operation about 3 years after the start of construction and initially will deliver up to 600,000 barrels per day. By 1980 it will reach the 2-million-barrel level.

Mr. President, I am pleased that the Congress finally recognized the wisdom of building this pipeline across Alaska where our Nation can maintain full control.

As we have seen in recent weeks, without control of source and delivery system there is no energy security for the United States.

We are good friends and good neighbors with Canada, and I trust that we always shall be, but we saw what happened when the energy crunch really hit. The tax on oil delivered to the United States from Canada jumped from 40 cents per barrel to $1.90 per barrel. Venezuela also hiked its tax.

As a firm believer in the capitalist system and the forces of supply and demand, I cannot blame producer nations for raising the price when they know that we must pay it.

We learned from the Arab oil cutoff that if we become dependent upon imported fuels we will become subject to political blackmail. And we learned that when a strategic product like oil becomes scarce even good friends are not going to pass up the chance to make a good profit at our expense.

I would hope that this legislation is just the beginning of our efforts to develop our own energy self-sufficiency. Now we must rapidly find out exactly what the potential of the Alaskan fields is, and begin the planning to put this resource fully to work for our Nation.

There has been extensive discussion, and we have been working in the Interior Committee on legislation to meet the energy crisis. Much of our attention has been focused on ways to curtail energy usage and to spread shortages equitably.

We must have legislation which will enable us to put our abundant resources to work—to expand or at least maintain our own energy supplies. This means the fullest use not only of petroleum reserves in Alaska, but also off-shore and continental shelf drilling. It means additional use of our vast coal reserves, oil shale conversion, development of geothermal areas, quicker construction of nuclear plants, and continued efforts to make solar energy economically feasible.

This legislation, however, will be the first bill we have passed which actually will result in expansion of our energy resources. It is an important step toward reaching the goal of self-sufficiency by 1980 which was proclaimed by President Nixon.

Mr. President, I should like to commend all my colleagues who have worked diligently on this bill. I also want to pay tribute to the staff and to express my gratitude to the staff and commend them for the excellent work they have done. Both the majority and minority staff members have contributed greatly to the successful bringing of this bill to the Senate today for final action.

I am very pleased to have had the opportunity to work with the chairman of the committee, and I again express my commendation to him for the way this bill has been brought to a conclusion.

Mr. JACKSON. Mr. President, I again want to express my appreciation to the able senior Senator from Arizona for the splendid bipartisan cooperation we had in working out the final details of this bill. Before we conclude, I believe I should make a few comments in connection with this matter.

I hope and trust that the bill which will be placed on the President's desk by nightfall will not be vetoed. There have been rumors that Mr. Roy Ash is going to recommend a veto. I may say, Mr. President, that Mr. Ash was very active on the Hill and elsewhere in expressing his opposition to the Federal Trade Commission amendments I sponsored in the Senate. This is his right. But implicit in his comments was that if we did not take out the Federal Trade Commission amendments, which were adopted by a 7-to-1 margin in the Senate and approved in conference, he would recommend a veto.

At a time when we need the kind of bipartisan support that I think is essential to bring this country through its most difficult domestic crisis in the economic area probably since World War II, we need to have the kind of confidence expressed on both sides of the political aisle in the executive branch that we have been able to obtain in the legislative branch.

I shall be sorely disappointed, and will say to the President that if the bill is going to be vetoed, I do not know when we are going to get to it. However, I cannot believe that the rumors are true, because I think there are some level heads in the administration who will not follow that course of action, especially after the House rejected the attempt to recommit the bill to conference for the purpose of deleting the Federal Trade Commission amendment.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. STEVENS. I am happy to have the firm support of our chairman. I should like to be certain that the record is clear, and I wonder whether the chairman would object if we were to place in the RECORD at this point the provisions of subsection (m) of section 408 as they appear in the final version of the bill, and the provision of that subsection as it was reported from the conference committee.

I should like to make certain that people realize that we have returned to the Senate version of this provision that pertains to the power of the Federal Trade Commission to represent itself in the courts in civil actions.

The chairman of the committee knows that the Parliamentarian of the House interpreted broadly the original conference committee provision with reference to the Federal Trade Commission and said it could be interpreted to permit the Federal Trade Commission to prosecute criminal actions. Having returned to the original version as it passed the Senate, the provision applies only to civil actions. It requires notification to the Attorney General within 10 days to permit action by the Commission. We have substantially compromised on the provision that originally raised the ire of Director of the Office of Management and Budget, to make certain that they understand the provision they are objecting to. I do not think they did.

Mr. JACKSON. I might suggest that that provision be placed in the RECORD. I have no objection to quoting that section.

Mr. STEVENS. Mr. President, I ask unanimous consent that subsection (m) and subsection (m) of the final version of the conference report be printed in the RECORD.

There being no objection, the sections were ordered to be printed in the RECORD, as follows:

ORIGINAL CONFERENCE PROVISION

(d) Section 5 of the Federal Trade Commission Act (15 U.S.C. 45) is amended by adding at the end thereof the following new subsection:

"(m) The Commission shall have the power to initiate, prosecute, defend, or appeal any court action in the name of the Commission for the purpose of enforcing the laws subject to its jurisdiction through its own legal representative, after formally notifying and consulting with and giving the Attorney General 10 days to take the action proposed by the Commission."

FINAL CONFERENCE PROVISION

(d) Section 5 of the Federal Trade Commission Act (15 U.S.C. 45) is amended by adding at the end thereof the following new subsection:

"(m) Whenever in any civil proceeding involving this Act the Commission is authorized or required to appear in a court of the United States, or to be represented therein by the Attorney General of the United States, the Commission may elect to appear in its own name by any of its attorneys designated by it for such purpose, after formally notifying and consulting with and giving the Attorney General 10 days to take the action proposed by the Commission."

Mr. JACKSON. Mr. President I simply wanted to make this statement because other people in the administration have been most cooperative in connection with the expedition of the bill. I think it is regrettable that Mr. Ash saw fit to inject himself into the Federal Trade Commission aspects of the matter which held up action on the pipeline bill in the House. I would hope that from here on out we could get a little better cooperation in connection with urgent matters that are so vital to all Americans whether they are Republicans or Democrats.

I want to say that on the legislative side—and I repeat it—we have had the finest bipartisan cooperation in getting action on these matters.

To point out the criticality of the energy situation as it relates to petroleum at the present time, let me cite some figures that I received on a confidential basis just before I came to the Chamber.

It is now estimated that at the present time the shortage for the Nation in connection with petroleum production will run 17 percent; for gasoline it is going to be 21 percent; for distillates, and by that we mean heating oil, fuel oil, and kerosene, 13 percent; and for residual oil, 24 percent.

What I am about to say is the most significant aspect of the whole problem. Unless a solution is found on transportation, the logistics problem, in connection with the oil industry, the east coast will suffer a doubling of these figures. So instead of a shortfall overall of 17 percent, it will be 28 percent, and that is for all petroleum products. But for the east coast it will be 42 percent for gasoline; for distillates it will be 26 percent, and for residual fuel oil, so essential in the operation of electric power industries, it will be 48 percent.

This means that one of the most serious problems facing the industry and the Nation is transportation, the ability to move it from one area of the country to the other. Mr. President, it is almost reminiscent of the early days of World War II before we built the Little Inch and Big Inch pipelines. At that time we were moving the oil by tankers from Texas and Louisiana up the east coast. After the outbreak of the war the tankers were being sunk one after another and our supplies to the east coast were almost cut off. Now we face a transportation crisis which is just as important as meeting the necessary shortages of the fuel itself.

This points out the critical situation we face nationwide, but the critical problem especially that we face on the east coast unless transportation solutions can be found and the National Energy Emergency Act that we reported out of committee yesterday and on which a report will be filed tonight, is acted on; and I hope we will be able to bring it up tomorrow. It will give emergency authority to the President to deal with this particular problem in the transportation area.

I am hopeful that with expeditious action the President will have the necessary authority and the tools to do the job.

Mr. STEVENS. Mr. President, I am certain that my colleagues who have studied the conference report have discovered that the construction, operation and maintenance of the Trans-Alaska pipeline will be subject to a series of responsible standards intended to protect the environment, create liability where necessary, and protect the public interest. The specific requirements of the law will be further developed by stipulations and regulations, and the final result will be a series of specific and essential Federal guidelines for this project to insure that it will be completed as safely and efficiently as possible.

I would like my colleagues to also know at this time that the State of Alaska shares these concerns, and that the State clearly recognizes its obligation to provide, from the perspective of the people who will live with the pipeline, its own standards to protect the environment, set measures of liability and provide otherwise for the proper progress of this project in the public interest.

In addition to the State law which already covers various areas of concern with regard to the pipeline and its related activities, the State intends to consider and enact laws and standards compatible with Federal standards to protect its air, water, fish, and wildlife, and other public resources; to deal with the hiring, health, and safety of the pipeline-related worker; to provide for comprehensive surveillance of the pipeline at all stages to insure that this unprecedented construction project, and all its associated aspects are properly controlled from the State perspective. All of these measures, Mr. President, are contemplated within the traditional and well-established jurisdictional powers of the States, and within the jurisdictional power given Alaska in this instance as the landlord respecting pipeline activities. We are hopeful practical Federal-State relations can be worked out to mimimize the time and costs involved in applying both the Federal and State measures.

I make these points, Mr. President, to assure my colleagues that the State of Alaska sees its responsibilities at this time quite clearly, and to solicit your assurance that nothing in this bill in any way limits the exercise of the State's legal and jurisdictional power to carry out these responsibilities.

Mr. JACKSON. I appreciate your statement, and the fact that the State is so keenly aware of its responsibility. Let me assure the gentleman from Alaska that the bill in no way limits the exercise of State responsibility he has suggested. Nor does it limit the Federal Government's jurisdiction over Fed-

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eral lands. I hope the State and Federal Governments can reach practical arrangements that will protect Federal and State interests with minimum cost and minimum delay in construction time.

As you will note, in section 204(c)(9), a stated disclaimer of preemption is made, and made there only to emphasize the point even in that comprehensive liability section. I believe the conference report anticipates the appropriate exercise of State power and responsibility to make certain that this large and important project is completed and operated in the public interest, and I thank the gentleman for raising the point here and having it clarified.

Mr. STEVENS. Under section 28(d), is the Secretary or agency head required to conduct a hearing prior to making a finding that a right-of-way wider than 50 feet is necessary?

Mr. JACKSON. It is not intended that section 28(d) requires a specific hearing and a finding under this section can be made without a hearing. Of course, section 28(k) provides for a hearing on rights-of-way applications where appropriate. As pointed out in the conference report, we do not contemplate that duplicate hearings will be required to comply with NEPA, and since the Alaska oil pipeline is specifically authorized by title II, no further hearings are required for that right-of-way.

Mr. STEVENS. That section provides that the reasons for such a finding be recorded. It is my understanding that the Secretary may record his reasons in Bureau of Land Management public land orders, an environmental impact statement, or any other public document.

Mr. JACKSON. That is correct.

Mr. STEVENS. Section 28(h)(2) requires an applicant for a new project which may have a significant impact on the environment to submit a plan of construction, operation, and rehabilitation. As stated in the conference report, it is not intended that such a plan be a final one since all details cannot be known at the time of application. Is it contemplated that the Secretary or agency head will have the sole discretion to determine if a submitted plan is satisfactory?

Mr. JACKSON. Yes. This, like every other discretionary determination which the Congress has authorized the Secretary to make; it is not intended that such a determination be the subject of judicial review on any grounds other than an abuse of discretion.

Mr. STEVENS. Mr. President, section 28(l) of title of S. 1081 as reported by the conference committee will require applicants and holders of permits to reimburse the United States for costs incurred in processing applications for rights-of-way across Federal lands and in monitoring construction and operation of pipelines on Federal lands. As my colleagues know, the State of Alaska owns the one-eighth royalty interest in the Prudhoe Bay discoveries and thus has a real interest in the cost of transporting North Slope oil to market, a cost which will be affected by these reimbursable costs. In addition, as a member of the Appropriations Subcommittee which will oversee collection of these costs, I feel our legislative record should clearly show Congress' intent that the costs to be reimbursed under this subsection are only those direct and identifiable costs of processing applications and monitoring pipeline construction and operation which are reasonable and necessary for those purposes. I understand it is not the intent of the conference committee that applicants and holders be charged with costs incurred by Federal agencies in activities not related to approving the application for a permit or related to enforcing its terms during construction, operation, or termination of the pipeline. I will be grateful if the esteemed chairman of the Senate conferees would comment on this.

Mr. JACKSON. Mr. President, the Senator is correct. The conferees intend this provision, like the Senate-passed provision, to require reimbursement of all reasonable administrative and other costs incurred in processing an application and in inspection and monitoring of construction, operation, maintenance and termination of a pipeline across Federal land. The conferees contemplate that the Secretary will promulgate regulations establishing a schedule for reimbursement according to standards which are fair and equitable and as uniform as practicable, taking into consideration the direct and indirect cost to the Government, the value to the recipient, the public policy in public interest served and other pertinent facts. In the case of the trans-Alaska pipeline permit it is anticipated that the Government will be reimbursed for all money that has been, or will be, appropriated and spent as a line item under this subject.

Mr. STEVENS. Mr. President, I note that section 28(o) of title I as reported by the conference committee would establish conditions and procedures for suspension and termination of rights-of-way across Federal lands. I believe these provisions apply to all pipeline rights-of-way across Federal land which will be granted under the new act, including the trans-Alaska pipeline. I would inquire of the chairman whether I am correct in this understanding.

Mr. JACKSON. Mr. President, the Senator is correct. Section 203(c) of title II requires that rights-of-way and other authorizations for the trans-Alaska pipeline be subject to the provisions of section 28 of the Mineral Leasing Act as amended by title I with certain exceptions which do not include section 28(o). That latter section will therefore apply to the trans-Alaska pipeline.

Mr. STEVENS. I thank the chairman, Mr. President and ask him further whether the provisions for judicial review under the Administrative Procedure Act incorporated by section 28(o) will be afforded to all holders of such rights-of-way, including the holders of the trans-Alaska pipeline.

Mr. JACKSON. Mr. President, again the Senator is correct. The conferees have provided in section 28(o) that an administrative proceeding under the Administrative Procedure Act must be accorded all holders of such rights-of-way prior to suspenson or termination of the right-of-way. This does not mean, of course, that a hearing is required when the Secretary or his representative acts under 28(o)(2) temporarily to suspend activities within a right-of-way or permit area, as distinguished from terminating or suspending the permit itself, any final suspension or termination order—even the temporary suspension of activities—is subject to judicial review.

Mr. STEVENS. Is my understanding correct that the common carrier requirement contained in section 28(r) is not intended to apply to the component parts of a pipeline system not directly involved in the transportation of oil or natural gas to market. For example, related facilities such as access roads, airstrips, electric lines and fuel lines for supplying power to pumping stations, would not be subject to this requirement?

Mr. JACKSON. Yes.

Mr. STEVENS. The second sentence of section 28(x)(1) authorizes the promulgation of regulations specifying the extent to which holders of a right-of-way shall be liable to third parties where the right-of-way "involves lands which are under the exclusive jurisdiction of the United States." It is my understanding that this provision is only applicable to Federal enclaves which are not subject to State law governing third party liability. Is that correct?

Mr. JACKSON. Yes. We do not intend to supersede or preempt State law on third party liability wherever State law is applicable. There are unique Federal areas, however, where a State has no legislative jurisdiction. This provision would only apply to those so-called Federal enclaves. In addition the provisions of section 28(h)(2)(D) authorize strict liability provisions for Alaska oil and gas pipelines (other than TAPS) with respect to persons who rely on natural resources for subsistence purposes.

Mr. STEVENS. Section 203(d) precludes judicial review of the actions of Federal officers concerning the issuance of the necessary rights-of-way, permits, leases and other authorizations for the trans-Alaska pipeline system. What types of actions would be covered by this provision?

Mr. JACKSON. This provision is intended to cover all actions of all Federal officers necessary to get this pipeline built and on-stream at maximum capacity. Such actions include the issuance and the procedures followed in issuing all necessary authorizations; it includes the imposition of terms and conditions; and it includes subsidiary authorizations, such as notices to proceed, which will be issued in the course of construction of the pipeline.

Mr. STEVENS. Mr. President, section 204(A)(5) in title II would impose strict liability on the holder of the right-of-way for the trans-Alaska pipeline for its activities conducted pursuant to rights-of-way and permits issued to the State of Alaska. I would inquire of the chairman whether such liability will cease when those activities under the rights-of-way and authorizations issued to the State have been completed?

Mr. JACKSON. The answer to the Senator's question is "Yes." During hearings it was brought out that the pipeline contractor will also serve as contractor for the State of Alaska in constructing the State highway and airports. It is the intent of this section that strict liability during construction of these facilities will cease once the facilities are built and turned over to the State.

Mr. STEVENS. Mr. President, I note that the conference report has eliminated the reference to the State highway and three public airports for which the State of Alaska has made application and which were specifically authorized in S. 1081 as passed by the Senate. I would like to ask my colleague, the chairman of the Senate conferees, if the conference report is intended to authorize the construction of these facilities as proposed by the State of Alaska as discussed on pages 27 and 28 and elsewhere in the environmental impact statement on the pipeline.

Mr. JACKSON. Mr. President, the answer to the Senator's question is "Yes." Section 206 of S. 1081, as reported by the conference provides that a right-of-way or permit granted under title II for a road or airstrip as a related facility of the trans-Alaska pipeline may provide for construction of a public road or airstrip. Since the proposed State highway from the Yukon River to Prudhoe Bay and three proposed State airports along the right-of-way route are necessary for and related to the construction, operation and maintenance of the pipeline system, issuance of the necessary authorizations to the State of Alaska for these facilities is directed by title II.

Mr. GRAVEL. I have a question which I would like to propound to the chairman of the Committee regarding what will become subsection (h)(2)(D) of section 28 of the Mineral Leasing Act under the conference bill.

In section 28(h)(2)(D) the conference adopts a provision which was included in S. 1081 as reported by the Senate Committee on Interior and Insular Affairs. That provision states that the Agency head, prior to granting a right-of-way, shall issue regulations or impose stipulations which shall include "requirements to protect the interests of individuals living in the general area of the right-of-way or permit who rely on the fish, wildlife, and biotic resources of the area for subsistance purposes." In commenting on that provision, the report of the Senate Interior and Insular Affairs Committee made clear that in the case of pipelines in Alaska, that provision was intended to require the inclusion of a stipulation imposing absolute liability upon the holder of the permit in favor of such persons. Does the chairman agree that section 28(h)(2)(D) of the Mineral Leasing Act as agreed upon by the conferees carries that meaning?

Mr. JACKSON. The distinguished Senator from Alaska is correct. It is intended to give that provision the meaning indicated by the Senate committee report as described by the gentleman in his question.

Mr. GRAVEL. I thank the distinguished chairman of the Senate Committee on Interior and Insular Affairs. Am I further correct in understanding, then, that in the case of permits for pipelines in Alaska such absolute liability provisions in favor of the persons described in section 28(h)(2)(D) would be required even though Section 28(x) appears to be cast in discretionary terms?

Mr. JACKSON. The Senator is correct in the understanding. Section 28(x) was not intended to relieve the head of the Agency from the responsibility intended to be imposed by section 28(h)(2)(D) to include an absolute liability stipulation in the case of any Alaska pipelines other than the trans-Alaska pipeline.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield for a question?

Mr. JACKSON. I yield.

Mr. ROBERT C. BYRD. Mr. President, the Senate has no other business today, once it acts on the pending conference report. It is anticipated that the conference report on the HEW Appropriation bill will come over from the House, perhaps after 5 o'clock this afternoon. This would mean that on tomorrow the Senate could meet and take up the HEW conference report, the State and Justice Appropriation conference report, and possibly begin action on the energy bill. But the latter remains to be seen, because some Senators may wish to invoke the 3-day rule. I hope they will not, the energy crisis being what it is. In any event, the mandatory oil allocations conference report will not be acted on today by the House, I understand. This means that after the action on the conference report now pending before the Senate is completed, there will be no other business before the Senate.

Now, my question is: Would it be possible to agree at this time on a time to vote on the adoption of the conference report, say at 12 o'clock noon or later today?

Mr. JACKSON. It is agreeable with me, and I will be finished in 1 minute. I think that my colleague and I agree. We wanted the yeas and nays.

Mr. ROBERT C. BYRD. Yes. My only reference to 12 o'clock noon is the desire to let committees, now meeting, complete their meetings by 12 o'clock noon.

Mr. STEVENS. Mr. President, will the Senator yield

Mr. JACKSON. I yield.

Mr. STEVENS. As I mentioned to the majority whip, my good friend from West Virginia, I did anticipate that the vote would take place sometime around 2 o'clock today, and there are Senators concerned with that time. I do not know why we could not wait 2 hours for those people.

Mr. JACKSON. The only problem I see with respect to 2 o'clock is that we have Senators leaving at 12 o'clock. It was announced in the notice and in the RECORD that we were coming in at 10 o'clock today. I did not see how we would go into the afternoon. As far as I am concerned, it is up to the Senate. But if we postpone it, then Senators who were notified to be here at 10 o'clock will not be treated fairly and had there not been the notice that we were coming in, and it was in the RECORD for 10 o'clock Tuesday for this purpose, I would not hesitate, but I would just hope that we could vote at noon.

Mr. FANNIN. Mr. President, I cannot disagree with the Chairman. I understand there are Senators scheduled to leave and we have to try to be as fair as we can with all Senators involved. But with respect to Senators leaving we cannot treat them differently than Senators coming in. So it is only right that we go ahead and try to accommodate as many Senators as we can.

Mr. ROBERT C. BYRD. What is the desire of the distinguished manager of the conference report and the distinguished Senator from Arizona?

Mr. JACKSON. 12 o'clock noon.

Mr. STEVENS. 12 o'clock.

Mr. FANNIN. I understood some Senators were leaving at 12 o'clock.

Mr. JACKSON. 12 o'clock noon is fine.

Mr. ROBERT C. BYRD. Very well. It appears that 12 o'clock noon is agreeable on both sides.

Therefore, Mr. President, I ask unanimous consent that the vote on the pending conference report be held at 12 o'clock noon today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. That will be a yea-and-nay vote, once enough Senators are on the floor to sustain a demand for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. JACKSON. We will make the request as soon as we have enough Senators on the floor.

Mr. ROBERT C. BYRD. I thank the Senator.

Mr. JACKSON. Mr. President, I just have one final comment to make and that is, as I have indicated earlier, and I wish to reiterate now, if after the first of the year I find that the Alaskan pipeline matter is tied up in litigation and we are going to be litigating through next year it is my intention then to introduce and push through Congress as fast as I can legislation to authorize the Federal Government to build this line. The shortage is critical in the petroleum area, and it is coming home to all Americans. We have been warned for over 2 years now. We must make sure that construction starts on this pipeline by March of 1974 so that we can complete it by 1977 and have the oil moving.

I yield to my distinguished colleague.

Mr. FANNIN. Mr. President, I wholeheartedly agree with the Senator from Washington, the chairman of the committee. We do face an emergency. The weatherman is going to determine how soon that comes about. I feel that the President must have some flexibility in dealing with the energy emergency. I also feel very keenly about the problems posed in connection with some of the amendments referred to by the distinguished manager of the bill.

Unfortunately, the FTC and the reporting of amendments are characteristic of the zeal with which certain Members of Congress have sought to solve the energy crisis by excessive regulation. I question the viability of these procedures in light of the energy emergency. Until Congress recognizes that we need less, rather than more, regulation, there will be little hope to expand energy supplies. Until we recognize this we will then only continue to spread shortages around and as a result, people across this Nation will be cold. I heard the distinguished Senator talk about spreading shortages around.

I am making reference to the provisions in the bill that the President referred to. He called for immediate action of the pipeline bill and referred to the FTC and Reporting Act provisions as unnecessary and extraneous. That is why I did oppose those amendments in the conference and on the floor of the Senate. I do not think very many Senators were observant of just exactly what was involved when they voted on the FTC regulation amendment. So it was passed by an overoverwhelming vote. I think if Members of the Senate had been given an opportunity to study the effect it may have on what we are trying to do, the vote would have been different.

Nevertheless, we have a bill before us today and certainly it is the important matter.

Again I say, we must go forward with this legislation. We will hope that, in a very short time, the pipeline will be under construction and we will have oil flowing from Alaska to the lower 48 States.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. JACKSON. Mr. President, I am happy to yield to the able Senator from Alaska.

Mr. STEVENS. Mr. President, I want, on behalf of the people of Alaska, to express our appreciation not only to the Senator from Washington and the Senator from Arizona, but also to all of the members of the conference committee who worked so diligently on this legislation.

I think once the decision was made on the floor of the Senate to proceed with the Alaska pipeline after the historic vote, in which the former Vice President cast his vote to break the tie on a motion to table the reconsideration of that vote, we have all proceeded with one thing in mind, and that is that the amendment should be the best possible amendment in view of the circumstances. I am satisfied that this amendment, which limits the right to judicial review, should withstand any attack in court.

I am particularly grateful to our able staff members: Bill Van Ness, Dave Stang, Mike Harvey, Harrison Loesch, and Lyell Rushton, and Max Gruenberg of my staff, who worked very diligently, and Lewis Sigler, counsel for the House Interior Committee, who likewise has done yeoman work. I think they should be recognized for the great service they performed.

I am particularly delighted that the Senator from Washington (Mr. Jackson) and the Senator from Arizona (Mr. Fannin) agreed to allow my colleague and me to be ex officio members of the conference committee, so I might be present and assist in the deliberations pertaining to this tremendous project for my State.

I do not know whether it has been repeated on the floor, but I want to repeat that this is the largest single project ever attempted by private enterprise in the history of man. I do not think there has ever been a project that has been studied, restudied, analyzed, and reanalyzed more than this project has been. It is the first project of its type that has been so completely planned, reviewed, and discussed at all levels of Government before its initiation.

I am hopeful that we will have a project that is engineeringly and environmentally sound and will deliver our oil to the markets of the south 48 as rapidly as possible.

Does the Senator from Oklahoma wish the floor?

Mr. BARTLETT. Yes.

Mr. STEVENS. I yield to the Senator from Oklahoma.

Mr. BARTLETT. Mr. President, I wish to commend the Senator from Alaska and the Senator from Arizona for their tremendous efforts in the passage of the amendment which legislated the Alaskan pipeline and all those who supported it and voted for it. I commend also the chairman for his efforts to remedy the right-of-way-width problem which was created by court action.

I rise to express my support of and encourage the acceptance of the Alaskan pipeline bill, S. 1081. Although there are some provisions to the bill which individually I would not support, such as the FTC provisions, the legislating of the building of the Alaskan pipeline has been too long delayed already.

The Alaskan pipeline bill is the first constructive piece of legislation dealing with increasing our available energy supplies. In the past, Congress has been content merely with spreading out the shortages.

I want to issue a warning, however: The Alaskan pipeline is not the solution to the energy crisis. It is no panacea. Additional legislation to encourage the development of energy in the short term and the long term must be acted on expediently.

The earliest possible date that Alaskan oil might reach the lower 48 States is late in 1977—4 years from now. And even then it would not be flowing full capacity. Many steps must be taken to increase domestic production between now and late 1977. I would hope that just because we have the Alaskan pipeline bill we will not become lax in our responsibility to the people of the United States. They deserve more than sacrificing because of shortages—they deserve action to alleviate those shortages.

I would like to point out that there is one provision in the Alaskan pipeline bill that will help to alleviate the current shortage.

The "stripper well" amendment which I introduced will achieve results this year that will help the crude oil shortage problem. This amendment will help to maintain domestic crude oil production that now exists, but is on the brink of being lost forever. We need every last drop of producible crude oil. We cannot afford to let price controls or mandatory allocation force economically marginal oil wells to be shut in. The stripper well provision will help to stretch out the life of the so-called stripper well.

A stripper well is a low productivity, marginally economic well. It can produce just enough oil to remain above the breakeven point. By definition a stripper well averages 10 barrels of oil per day or less. They provide approximately one-eighth of our daily domestic supply of crude oil.

Eliminating the stripper well would eliminate a substantial part of our country's producible oil reserves. Currently stripper wells have reserves of almost 5 billion barrels of oil—that's equivalent to about one-half the estimated reserves on the North Slope of Alaska. There were 359,471 stripper wells in 1972. The average stripper well produced 3.13 barrels per day of crude oil. If the average production of each well were to increase only 1 barrel per day per well this would mean an overall production increase of 359,000 barrels per day. This is the equivalent to the production that could be expected from three major domestic oil field discoveries. The Senate, in its wisdom, passed the "stripper well" amendment with only one descending vote.

If and when the Alaskan pipeline bill is signed into law—which I know it will be soon—for the first time Congress will have initiated in the stripper well amendment a constructive action to increase domestic energy supplies.

I hope that my colleagues will continue to work diligently to approve other measures such as the deregulation of natural gas prices and the removal of price controls upon crude oil which also will act to increase supplies of greatly needed energy.

I must express my extreme reluctance to accept the provisions of S. 1081 that broadly extend the powers of the FTC and other agencies. The ensuing holocaust of inquiries and paperwork always places an undue burden on the smaller businessman. It seems when legislation is drafted with the large corporations in mind, it always tends to hurt the small fellow worse and run a few more people out of business.

Irregardless, the importance of the Alaskan pipeline overshadows my apprehensions toward the uncalled-for FTC provisions, which incidentally I voted against when it was voted on upon the floor of the Senate, and I will vote to accept the conference report on S. 1081.

Mr. President, I yield back the remainder of my time.

Mr. GRAVEL. Mr. President, I rise to support the conference report, as other Senators have done.

I would like to thank the Senator from Washington (Mr. Jackson) for the distinguished leadership he has provided over the years in what has turned out to be quite an involved issue. The Senator from Washington has acted quite ably.

I would also like to commend Representative Melcher who, in the course of the House deliberations and during the conference committee, conducted himself in a very creditable manner. He provided a great deal of leadership on this matter, and I commend him for his accomplishments.

Mr. President, I would like to recapitulate for a moment to place the matter in perspective. The discovery of oil on the Alaskan Slope occurred in 1968 and 1969. Had the Nation and its leadership acted wisely at that time, we could have vigorously undertaken the study, the engineering and design, and the building of a safe pipeline which would have brought this product to the United States by 1973. We could have had that oil at this time. It probably would have supplied a million barrels a day right now. That would have alleviated the shortfall we are projected to experience this winter, which will be about 2.3 million barrels per day.

It is necessary to underscore this because often we suffer from our bad judgment and mistakes. This mistake is so large it can be a lesson and guide to future action. This is where industry and the environment clashed. This was the big experiment of our industrial-environmental confrontation.

I think we have weathered that storm. No longer will we see industry thinking it can bull through its desires, unmindful of the total ecological needs of our society.

Similarly, I think that we will not see a continued Government reaction to that pressure, with the hope that the problem will go away. Environmental problems cannot and will not go away.

I first felt that we were ready as a Nation to begin construction of the Alaskan pipeline when I made the decision to push for the pipeline amendment that was agreed to in the Senate by one vote.

As we look back at that very short 3-month span, it seems light years away. If we had a similar vote at the present time, in the light of what is going on in the Mideast, and in the light of the shortfalls we are experiencing, that issue would not win approval by just one vote, but would win overwhelmingly. There is now much greater realization of how erroneous was the criticism that the vote was an effort to circumvent the matter of environmental awareness.

I think the facts will bear out the statement that the Alaskan pipeline is the environmental position to take with respect to the transportation of oil. This is the new high-water mark. I think that all of our modes of transportation will have to emulate it. I dare say that the new design and the other environmental protections have probably increased the cost of the pipeline by about one-third. By the same token, the strip mining bill will increase the cost of mining coal. That merely means we as a society determine the total cost of our activities at the beginning rather than concentrate only on profits, expecting the Government to pay the damages that come about as a result of our action. I think the Alaskan pipeline will be a model for industry and will be a new high point that other industries must reach for.

Mr. President, let me add that the Alaskan pipeline not only meets the problem of bringing to the lower 48 States 2 million barrels of oil a day, oil which is most vitally needed, but it also signifies a more important development, that of opening up the storehouse of resources that lies in the Arctic.

All during the pipeline controversy the construction of the Trans-Alaskan pipeline was suspended, and we experienced a hiatus of activity in oil and other extractive activities that could have helped mitigate the needs of our country today.

What will happen as we begin to understand the problems of the energy crisis—and the problems are extreme—underlines the severity of the situation. We are not talking about an energy crisis that will be over this winter. We are talking about an energy crisis that will have a duration of 10 or 15 years. We are talking about an energy crisis that is dwarfed by the attendant financial crisis.

Some of the things we are experiencing this year—a lowering of the thermostats and the interest in the purchase of small automobiles—are not so significant as the threat to our economic system that will result from a recession which these things may augur.

I think one of the great tragedies is that if we pay much more attention, as politicians, to the pipeline, as though it were more important to get the oil, we will not pay sufficient attention to the other problems of the Nation. And it will make very little difference whether a person has oil available. The problem will be whether he has the ability to buy the heating oil, the small car, or the gasoline.

Mr. President, this is an area to which we have given less attention. It will be the most important problem that will face the country. If we experience a recession, this will be a most serious problem, which will occur 5 years down the road. I think that we could very easily be thrown into a depression by the economic repercussions of what has taken place in the Mideast.

Leaving that matter aside, the requirements of importation will cause such a hemorrhage of dollars outside of this country that we will likely be visited by a depression. In any event, we will lose control of our economic system. We had a minor example of this when the administration lost control over the economic system last February.

But with the hemorrhaging that will take place just to maintain the standard of living that we have come to enjoy, we will throw into a tailspin our entire free enterprise system.

There are many answers. One is to bring about the investment of these dollars. The other is to increase commercialism, to export more. I think these are very small answers to the total problem. The real answer is very simple: We cannot spend more than we have. So if we want to maintain the standard of living we have come to enjoy, what we have to do is begin to produce more.

When I talk about unlocking the storehouse of Alaska, I talk of figures that can reach anywhere from 6 to 10 million barrels of oil per day. I observe that the Committee on Interior and Insular Affairs, in its deliberations under the able leadership of its chairman, went from a concept of an Alaska pipeline versus a Canadian pipeline to the realization that we need both pipelines.

I think that issue is somewhat altered because of the rapidly changing dynamics of what is going on in Canada today. I doubt that we can integrate within the Canadian economy an oil pipeline and a gas pipeline. I think the best we will be able to do will be to request the Canadians to sell us a strip of ground so that we can transport Alaskan products directly to the United States, without involvement at all within the Canadian economy.

I would say that could bring to the United States another 2 million barrels of oil. There is no question in my mind that we will talk about 2 million barrels of oil through a pipeline through Canada, and probably the equivalent of 1 million barrels through Alaska. This involves negotiation with the Canadians for the Northwest Passage. I think, with the changing economics, there is no question that any reasonable person will agree that the great experiment of Humble with the *Manhattan* through the Northwest Passage is economically viable, and that the sooner we get to building the environmentally safe super ports on the east coast, the sooner we will be able to ply those waters. And if we are blessed, as we are in Alaska, with those reserves, then we can see the acceleration of shipment to the east coast of the United States of something on the order of 2 million to 4 million barrels a day.

This is the promise that is unleashed by the action we will finally take today. I think our Nation, through the free enterprise system, can respond to the problem as it begins to confront our society. I think we can respond favorably. I only hope we do not overreact and create a bureaucracy and a governmental infrastructure that does violence to the functioning of this free enterprise system. In my short tenure of office, I have come to realize that government does not always afford answers, and that many times, as we try to solve economic and social problems by the use of government, we displace the checks and balances without our system—checks and balances which have really provided a discipline to keep us all in check, whether

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we are government employees or profit-motivated individuals in the marketplace. I have found that unless these checks and balances are automatic, they are most difficult to employ, because the person who is least able to realize the need for the checks and balances is, of course, the person who needs them the most.

With that consideration, and with the realization that later on this week we will be taking up emergency legislation, I yield the floor, giving due note to the fact that my State, the great State of Alaska, which has been unusually blessed with this great wealth, is also more than sufficiently equipped with human beings of character and responsibility to handle that wealth. They can meet the challenge that lies before them—to build, under very difficult circumstances, a prototype society, for not only the rest of the United States to emulate, but possibly the entire world.

Mr. McGOVERN. Mr. President, I understand that the White House has threatened to veto the Alaskan pipeline bill because certain provisions of the bill would:

First, permit the Federal Trade Commission to seek injunctions against unfair or deceptive practices on its own instead of going through the Justice Department;

Second, allow independent regulatory agencies to seek the information they need to do their jobs without the consent of the Office of Management and Budget;

Third, require Senate confirmation of the heads of the Office of Energy Policy and the Mining Enforcement and Safety Administration.

Frankly, I find these positions hard to understand. For months now the administration has been stressing the urgency of this legislation as vital to our energy policy. Apparently, the White House now views keeping independent regulatory agencies under tight political rein more important than the development of Alaskan oil.

When this matter was initially before the Senate, I supported the Mondale-Bayh amendment and opposed the present bill because the Canadian route provided a better alternative. Pumping Alaskan oil through the Mackenzie Basin would have provided oil where it is needed most—in the Midwest—and at the cheapest cost to both our economy and our environment.

But Senators MONDALE, BAYH, HUMPHREY, and I lost that fight; a majority of the Congress has adopted the plan advocated by the administration and the major oil companies. History will show whether our warnings that the Alaskan route will result in an oversupply on the west coast and the siphoning off of 25 percent of Alaskan oil to Japan were correct.

But since the choice has been made, we should now get on with the job of building the pipeline. On that basis I will support the conference report and hope that the development of Alaskan oil will not be further delayed by a Presidential veto.

Mr. METCALF. Mr. President, in approving the conference report on the Alaska pipeline bill, the Congress is sending to the President what is, I believe, the first restriction on excessive power of the Office of Management and Budget to be enacted into law by the 93d Congress.

I refer to the provisions in the Senate bill, agreed to by the House, to remove from OMB its control over the questionnaires sent to business firms by Federal regulatory commissions. The agreed upon language gives the General Accounting Office authority to review these questionnaires and submit suggestions. But GAO will not be permitted to delay, delete or kill questionnaires of independent Federal regulatory commissions as OMB and its predecessor, the Bureau of the Budget, have done through the years, whatever administration was in power.

OMB and the old Bureau of the Budget exercised this control through their big business advisory committee apparatus and the administrative procedures inherent in both OMB and agency proceedings. These procedures militate against representation of the viewpoint of users of information collected from business by the agencies. These advisory committees and administrative procedures are still being applied to questionnaires submitted to executive departments. What the Congress is saying, in approving the pipeline bill provisions, is that an agency of the Congress, the GAO, will review the questionnaires submitted by the independent regulatory commissions which are not a part of the executive branch. But these commissions, creatures of the Congress, have the final say.

So this is a move to upgrade the status of these important commissions, some of which have been so demoralized by executive branch leverage over their actions that they have not even attempted to run questionnaires through the gauntlets.

This constructive change, this realinement of the legislative-executive relationship, also puts an additional responsibility upon the independent commissions. Executive branch dilution and delay of questionnaires can no longer be pleaded as an excuse for inaction by the commissions. In sum, the commissions now will have an excellent opportunity to review their information collection practices, including the quality and clarity of information which they display in their public files and disseminate to the public. I urge the commissions to undertake this review now. And I suggest to the GAO that, consonant with its new responsibilities, it participate in this evaluation.

Mr. President, the conference and the House have also agreed upon another important proviso to upgrade and enhance the independence of regulatory commissions. I refer to that provision which permits the Federal Trade Commission to take its enforcement actions in its own name into Federal Courts, instead of being dependent on the Justice Department, whose insufficient attention to the needs of the FTC has, upon occasion, led to undue delays in obtaining legal remedies. On this point I shall, at the conclusion of my remarks, insert in the RECORD the chronology of a case—involving a company disputing FTC authority to collect certain information from it—which has dragged on for 10 years.

Mr. President, the legislative history of the section of the pipeline bill relating to questionnaire procedures was written by the House Government Operations Committee and its Legal and Monetary Affairs Subcommittee, as well as the Senate Government Operations Committee and its subcommittees. I want especially to note the contribution and cooperation of Chairman HOLIFIELD of the House Government Operations Committee and the leadership of former Congressman John Monagan, who was the leading House sponsor of legislation which became Public Law 92-463, the Federal Advisory Committee Act.

Mr. President, I ask unanimous consent to insert at this point in the RECORD the chronology of the FTC legal action to which I have referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PURITAN FASHIONS CORPORATIONS, ET AL. VERSUS FTC, CIVIL ACTION N. 70-64, U.S. DISTRICT COURT, D.C.

CHRONOLOGY

1. January 18, 1962: Resolution of Commission ordering investigation of sale and distribution of specialty items.
2. September 25, 1963: Order to Puritan Fashions to file Special Report.
3. October 8, 1963: Letter from Attorney for Puritan Fashions asking if the FTC had obtained clearance from the Office of Management and Budget pursuant to the Federal Reports Act.
4. October 16, 1963: Commission replies that no clearance had been obtained.
5. November 9, 1963: The Commission directs Puritan Fashions to comply with Order.
6. November 1963: Petition filed by Puritan Fashions to vacate and set aside Order of September 25, 1963.
7. December 9, 1963: Petition denied and time to file extended to January 26, 1964.
8. January 10, 1964: Puritan Fashions files complaint in U.S. District Court for the District of Columbia seeking to enjoin Order of the Commission.
9. January 22, 1964: Commission stays order of September 25, 1963, as amended.
10. February 1964: Commission files motion for Summary Judgment.
11. April 22, 1970: Puritan Fashion Files interrogatories.
12. March 6, 1973: Motion for Summary Judgment denied.
13. March 19, 1973: Puritan Fashion permitted to seek discovery in a reasonable period of time (no date set) with an estimated completion date to be supplied by it.
14. May 17, 1973: Commission given 30 days to answer complaint.
15. May 8, 1973: Puritan Fashion moves to depose Henry I. Lipsky.
16. August 30, 1973: Henry I. Lipsky gives testimony.

Mr. ROBERT C. BYRD. Mr. President, I wish to commend Senator JACKSON and the other Senate conferees for the excellent job which they have performed in developing and reporting this legislation, gaining Senate passage thereafter, and for their diligence which resulted in resolving the differences between the House and Senate versions of the measure we are considering today.

I particularly want to express my appreciation to the conferees for their retention of my amendment—section 405 of the trans-Alaska pipeline bill—which provides for Senate confirmation of the Director of the Mining Enforcement and Safety Administration within the Department of the Interior. My amendment, as revised and adopted by the conference committee reads as follows:

> SEC. 405. The head of the Mining Enforcement and Safety Administration established pursuant to Order Numbered 2953 of the Secretary of the Interior issued in accordance with the authority provided by section 2 of Reorganization Plan Numbered 3 of 1950 (64 Stat. 1262) shall be appointed by the President, by and with the advice and consent of the Senate: *Provided*, That if any individual who is serving in this office on the date of enactment of this Act is nominated for such position, he may continue to act unless and until such nomination shall be disapproved by the Senate.

I originally introduced this measure as a separate Senate bill, S. 1828, on May 16, 1973, and that bill was referred to the Senate Committee on Interior and Insular Affairs. I later decided that it would be more expeditious to include it as an amendment to S. 1081, which I felt would be acted upon during this session of Congress. Therefore, on July 12, 1973, I introduced it as an amendment to the trans-Alaska pipeline bill, and it was adopted by a rollcall vote of 93 to 2.

Mr. President, a vigorous and fair enforcement of the Coal Mine Health and Safety Act and the Metal and Nonmetallic Mine Safety Act is a necessity to provide vitally needed protection and safeguards to the mineworkers of the United States. I have taken action to require the Director of the Mining Enforcement and Safety Administration to be subject to Senate confirmation because I want to take every step possible to insure that, whatever administration is in office, whether it be Democratic or Republican, it will be encouraged to appoint the most qualified and competent individual available to fill this post.

Since Congress developed and enacted the Coal Mine Health and Safety Act, I believe that we should also take all action possible to insure that this act is effectively but fairly enforced. I believe my amendment is a forceful step in that direction and I again thank the conferees of both Houses for their cooperation which made possible its inclusion in the pending measure.

Mr. HART. Mr. President, as I have stated in the past, I have serious problems with the provisions in this bill which set aside environmental protections in order to rush through the building of the Alaska pipeline. Also, I have some very strong antitrust concerns about the ownership of the resources in Alaska and of the proposed pipeline. In fact, I believe that had the Department of Justice completed its investigation, by now they would have been compelled to file suit for divestiture and that would have resulted in the pipeline not being built to serve California. Rather, it would have been going to the Midwest via the Canadian route.

If this bill pertained only to the pipeline, I would vote against accepting the conference report and for instructing the conferees to add environmental protections to the bill.

However, I will not so vote today, for I am convinced that if the bill went back to conference, the only thing that is likely to be changed in it would be to eliminate the FTC amendments. And that would be a further blow for consumers.

The FTC amendments, which allow the Commission to get preliminary injunctions and to directly enforce its subpenas in Federal court, and which allow all independent regulatory agencies—arms of the Congress—to obtain information necessary to their investigations without fear of an OMB veto, is a great plus for consumers.

They are equally important as a protective measure for small business against predatory and anticompetitive conduct by business giants. For example, independent gasoline retailers may be saved from arbitrary cutoffs.

Contrary to the arguments of the Chamber of Commerce, small businesses will not be encumbered with an avalanche of forms to fill out from regulatory agencies. Rather, big business will be put on the same basis as small business with disclosure requirements.

These amendments are still in the bill despite frantic lobbying activity against them.

Special words of thanks should go to the cochairmen of the conference committee, the distinguished Senator from Washington (Mr. JACKSON) and Congressman MELCHER, for leading the effort in support of the amendments. But this was clearly a bipartisan effort and all the conferees, leaders on both sides of the aisle and relevant committee chairmen, deserve praise.

Indeed, I am most delighted to add my thanks to the many they will receive for their fine work.

Because of the FTC amendments, I will vote for this bill—in order to give the Commission tools to do properly the job which Congress has assigned them. I urge my colleagues to do the same.

Mr. EAGLETON. Mr. President, despite reservations which led me to vote against this bill when it was before the Senate, I will support the conference report to permit immediate exploitation of our Alaskan oil reserves. No domestic program today has greater priority, in my opinion, than dealing with our deepening energy crisis.

The Arab embargo of oil sales to this country, while not itself the cause of the problem, has sharply aggravated energy shortages which have been in prospect for some time. This winter we could fall as much as 20 percent short of what we require.

No longer can we talk about fuel problems in terms of inconvenience to motorists or higher prices at the gas pump. Today, quite literally, the economic and social well-being of this Nation is on the line.

Even before the Middle East boycott, a study by the Stanford Research Institute concluded that "without immediate action on the energy front, there could be an ominous flattening of the economic growth rate of the United States between 1975 and 1980" from the 4.2 percent needed for a healthy economy to a mere 1.6 percent. That could mean a depression rate of unemployment in the range of 10 to 12 percent.

Early warning signs of such an economic impact are already present. In the last 3 weeks, my office alone received complaints from 20 Missouri companies warning of shutdowns or cutbacks unless they can be assured of adequate supplies of gas and other fuels.

As one constituent put it, "What good does it do for me to have an allocation of heating fuel for my home if I don't have a job so I can pay the bill?"

The energy emergency we now face might have been ameliorated had the administration heeded congressional warnings of more than a year ago when Missouri suffered fuel shortages. The attitude then was that it was a temporary and localized problem, not requiring Federal action. That was the position, too, when the administration opposed my fuel allocation amendment last spring.

In the days ahead, the American people will be asked to make many sacrifices and Congress will have difficult decisions as it attempts to balance competing objectives. Among other things that will mean rethinking some of the requirements and timetables of our environmental program.

In the long run, I am convinced that with wise use of existing energy resources and a concerted program to develop new ones we can avoid some of the calamitous events being predicted. But it will take the best we have as a people to meet the challenge.

Mr. HOLLINGS, Mr. President, I wish to commend the distinguished chairman of the Committee on Interior and Insular Affairs, Senator JACKSON, for his leadership and diligent work which led to this conference report on the Alaska pipeline bill.

One of the more significant achievements of the Senate and House conferees was approval of provisions relating to vessel liability for marine pollution.

It is a well-known fact that numerous large oil tankers will be transporting crude oil from Valdez, Alaska, to the rest of the United States. The potential danger from such heavy traffic of tankers, including the very large crude carriers—VLCC's—is such that the conferees recognized the need for special mechanisms to protect the marine environment.

Section 204(c) addresses this issue by establishing strict liability and limiting it to no more than $100 million for any one single incident. The owner and operator of the vessel shall be liable for the first $14 million in damages, with the balance to be provided from a Fund to be established in accordance with this subsection.

It is the intention of the Committee on Commerce, which provided assistance in drafting this provision, that further attention be paid to this matter in the future. On page 29 of the conference report, it is stated:

> The Conferees hope that the appropriate committees of the House and Senate which are considering the more general subject of

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> marine liability will harmonize the liability provisions of the Trans-Alaskan Pipeline Authorization Act and the liability provisions of any general legislation that may be developed.

We certainly recognize and welcome our further responsibility on this matter, Mr. President. It has been pointed out correctly that there is no such liability requirement elsewhere in coastal areas of the United States. One of the methods the Committee on Commerce is considering to rectify this shortcoming would be legislation creating three separate funds to deal with oil pollution liability for vessel owners and operators—one on the west coast, one on the east coast and one in the Gulf of Mexico.

Presently pending before the Committees of Commerce and Foreign Relations is legislation implementing an international convention establishing an oil pollution compensation fund and limiting vessel owner-operator liability to $14 million. In addition, the Intergovernmental Maritime Consultative Organization—IMCO—would set up and maintain a fund increasing total liability to $32.4 million. This fund would be provided from assessments levied against receivers of oil in signatory States.

As to liability provisions affecting coastal trade in the United States, between States, it was felt that the limitation of the proposed international compensation fund was insufficient. Moreover, should we enact legislation implementing the international fund into domestic law, the International Convention on Civil Liability for Oil Pollution Damage would supersede conflicting Federal and State laws then in effect. Clearly, the provisions of the pipeline bill as to liability were drawn to fit into the international mechanism.

As I noted several years ago, during hearings on this legislation the civil liability convention—

> Takes important steps toward international agreement in this area, and that these steps should be positively acknowledged by the Senate. At the same time, the limitation of liability provisions are inadequate and should not be affirmed until a supplemental international compensation fund for oil pollution damage can be negotiated, signed, and submitted for ratification.

It is now clear, Mr. President, that our present international conventions are inadequate to the task. The danger is much greater today than it was back in 1971. Tankers are much, much larger, and the volume of ocean transportation of crude oil has taken a quantum leap.

For this reason, I believe it is important that we consider legislation to broaden the scope of domestic compensation funds so that the case in Alaska will not be different from the case in Florida or Maine or Louisiana. In this way, we can recognize and participate in international agreements, but take adequate measures to provide even greater protection for our marine and coastal environment here in the United States.

Mr. MONDALE. Mr. President, I will reluctantly vote for approval of the conference report on S. 1081, the Alaska pipeline bill.

This past summer Congress made clear its determination that the Alaska pipeline should be built through the State of Alaska and not across Canada as many of us had suggested.

It has always been my position that we need Alaskan oil and that this oil should flow to the lower 48 States as quickly as possible, consistent with environmental safeguards and the greatest benefit for the entire country. During the course of debate on the pipeline bill this summer, I believe I demonstrated that a trans-Canadian pipeline alternative—which could have been thoroughly but swiftly studied under an amendment which I and the distinguished Senator from Indiana (Mr. BAYH) offered—would have offered greater overall benefits to the country than an Alaska pipeline. It would have provided the flexibility for Alaska oil to reach all parts of the country through an existing network of pipelines, without significant delay in bringing this oil to American markets.

The Congress, however, has decided that this pipeline should be built across the State of Alaska and this is now the only alternative open to the Congress if we are to begin receiving this oil as quickly as possible.

The Congress also made its will known that this pipeline should be constructed without further challenges under the National Environmental Policy Act of 1969. I strongly opposed this provision last summer, and I strongly oppose it now. It could set the type of precedent which would nullify one of the most important pieces of environmental legislation ever enacted by the Congress. And it could do so in a manner which would encourage private interests to seek congressional relief whenever this law threatened to reduce the profitability of their own ventures.

I do not believe that we in Congress should bend to this sort of pressure. However, we must recognize the fact that the Alaska pipeline will be built, and recognize the many excellent provisions contained in the conference report. In particular, those provisions allowing the Federal Trade Commission to initiate injunctive proceedings to halt deceptive business practices if the Justice Department fails to act within 10 days, and the provision allowing regulatory agencies to bypass OMB in seeking data from businesses are most valuable. These will be valuable tools for the Federal Government in stopping fraud on the marketplace and in attempting to acquire the type of data needed to undertake effective regulatory policies.

The balancing between the extremely harmful provisions relating to NEPA and the exemplary provisions relating to the FTC and other regulatory agencies is a difficult one. I would have greatly preferred had this legislation not attempted to circumvent NEPA in our rush to get the pipeline moving. We all want Alaskan oil; our country needs as much of it as we can possibly get. But we should have allowed the orderly processes of law to unfold, rather than upsetting the law for some temporary advantage.

In the end, however, Congress has decided that this pipeline should be built across Alaska. I hope and trust that as a result of the efforts of those groups concerned with our Nation's environment, this pipeline will be built in as safe a manner as possible. And I hope that in the future, we can plan legislation with such a major effect on our environment in a manner which will recognize the energy needs of our country without circumventing the law.

Mr. GRIFFIN. Mr. President, there has been considerable discussion about the possible alternative of an oil pipeline across Canada to the Midwest.

I want to make clear for the RECORD why a Michigan Senator, who is deeply concerned about the need for energy in the Midwest, believes it is necessary and desirable to support this trans-Alaska pipeline legislation.

The energy shortage in Michigan and the Midwest is serious. Our area boasts the greatest concentration of industrial manufacturing capacity in the world. The very lifeblood of our economy in Michigan is energy—energy which is translated into jobs for our people as well as comfort in their homes. A lack of energy means economic stagnation, fewer jobs; it means more unemployment and individual hardship. Needless to say, Michigan winters can get very cold.

I have carefully considered the arguments for a proposed oil pipeline across Canada. But I am convinced that the needs of the Midwest would be better served by moving now to begin construction of the Alaska oil pipeline.

Time is a big factor. The trans-Alaska line is ready now to be built. All of the prepermit work has been accomplished. It will be only 789 miles long. Construction time is estimated at 3 years.

By contrast, almost no preliminary work has been accomplished for construction of a trans-Canada line. Such a line would be 3,400 miles in length.

Opting for a trans-Canada route could mean a delay of 5 years or more before any oil would begin to flow.

I do not want to leave the impression that I am opposed to the construction of a trans-Canada oil pipeline. As new reserves are developed, I believe the day will come when it may be feasible to have both a trans-Canada and a trans-Alaskan oil pipeline.

While most attention has focused on the importance of moving oil from the North Slope, I want to indicate that a major consideration in my decision relates to the importance of getting natural gas moving to the Midwest.

Proved reserves of natural gas in Alaska are 31.5 trillion cubic feet and additional potential supplies—undeveloped up to now—are estimated at 327 trillion cubic feet.

By comparison, total proved natural gas reserves in the lower 48 States at the end of 1972 were 234.5 trillion cubic feet, according to Federal Power Commission reports. Thus, the proved reserves in Alaska are approximately 13 percent of the proved reserves in the rest of the Nation and the potential is enormous.

There is a critical need for this gas. I am fully aware of disputes that have arisen over the accuracy of natural gas reserve figures, but the fact of the matter is that the national growth in energy demand—and the shrinkage of Middle Eastern oil imports—make it imperative that all gas possible be brought to market as quickly as possible.

The curtailment of natural gas deliveries by interstate pipelines as reported by the Federal Power Commission—nearly 1 trillion cubic feet this summer—emphasizes the vital importance of developing new supplies for the consumer. The curtailment figure this summer is a 64-percent increase over last year, and estimates are that curtailments this coming winter will be 18 percent more than last year. These reductions, compounding the oil shortage, underscore the need for prompt action to bring more natural gas to market.

The quickest means of initiating natural gas production from the North Slope is to begin construction of the trans-Alaska oil pipeline. To insist upon a trans-Canada oil pipeline route would actually delay natural gas deliveries by 5 years or more, because of a number of complicating factors other than construction time. These include the problem of amassing capital to build both an oil line and natural gas line across Canada, the availability of men and materials to construct two such lines at relatively the same time, and the impact on the Canadian economy of two multibillion dollar projects.

A group of 26 major United States and Canadian gas companies have organized and prepared plans for looking toward construction of a 48-inch gas pipeline from Prudhoe Bay through the Mackenzie basin across Canada to American market centers, primarily in the Midwest. This line could deliver 4 billion cubic feet of natural gas a day, or more than 1 trillion cubic feet a year—more than 5 percent of our present total interstate consumption.

The reserves in the North Slope of Alaska are the "anchor" for this project, but the potential goes far beyond. There is gas in the Arctic islands, in the Northwest Territories of Canada and elsewhere in the far north which will become available once the initiative is taken to move supplies to market.

I understand that this group of American and Canadian companies has already spent $25 million to date on feasibility and environmental studies and other preparations necessary for construction of the gas pipeline. According to experts, such a gas pipeline will be easier to construct, less costly, and will have far less environmental impact than an oil pipeline.

There are obstacles to overcome before a natural gas pipeline of this magnitude can be constructed. Agreements must be reached with Canada which, I am sure, will have to take into account the interest of Canadians in adequate energy supplies. Permits will have to be obtained from both the Canadian and United States Governments.

When completed, this new gas pipeline across Canada to the Midwest would bring to the United States nearly five times as much natural gas as the Great Lakes region will be short during the natural gas shortages projected for the winter of 1973–74.

In addition, the trans-Alaska oil pipeline will deliver to the lower 48 States nearly 50 percent more oil than we have been importing from the Middle East.

My conclusion, therefore, based on an examination of all factors, including projections of Midwest energy needs into the 1980's, is that two steps should be taken as quickly as possible. One is to construct the trans-Alaska oil pipeline; and the other is to construct a natural gas pipeline across Canada. Construction of both pipelines should proceed as expeditiously as possible.

Mr. MAGNUSON. Mr. President, I wish to join my colleagues in the Senate in congratulating the Senate Committee on Interior and Insular Affairs and particularly Senator HENRY JACKSON, chairman of that committee, and their House counterparts for their exemplary work in obtaining legislation on the Alaska pipeline which, I believe, strikes the best balance possible between the energy needs of the country and our environmental concerns. As we all know too well, this process has not been an easy one. While I personally do not support everything in the bill, I feel that, when viewed in total, this is the best bill possible on this controversial issue.

As the original proponent of two amendments which have been incorporated into the conferee adopted version of S. 1081, and as a Senator who represents a State which will receive some of the oil from the pipeline, I have particular interest in this bill. My concern has centered on the safety and environmental soundness of the marine leg of the pipeline—the tankers which must move the oil to ports on the west coast.

The Alaska tanker traffic is unprecedented, both in size and number of ships. Compared to other transocean oil routes, it is quite hazardous. This route is hazardous because there are frequent movements into and out of narrow passages and crowded harbors. Consequently, I offered amendments relating to the marine leg which have become section 401, vessel construction standards; and section 402, vessel traffic control, of S. 1081, to enhance the safety of this portion of the Alaska pipeline system.

Section 401 will have the effect of accelerating the applicability of tanker construction standards now being devised by the Coast Guard. These standards would cover only the coastwise trade. It was my belief that the sooner the standards were promulgated, the sooner vessel owners could comply and the greater the protection of our marine and coastal environment.

In connection with section 401, I am pleased to report that the 1973 Conference on Marine Pollution From Ships has just concluded. The conference has developed a new, comprehensive treaty aimed at eliminating pollution of the sea by oil and other noxious substances originating from vessels. The treaty includes provisions setting worldwide tanker construction standards. The Commerce Committee has scheduled a hearing on this new treaty and will hear testimony from Russell E. Train, chairman of the U.S. delegation attending the conference, and Adm. Chester Bender, the vice chairman. Preliminary reaction to the specifics of this new international agreement has been favorable—from the administration, from environmental groups, and from the shipping industry. Some say it is one of the best agreements yet devised on this subject.

The path is now clear to implement this treaty and to issue regulations pursuant to the Ports and Waterways Safety Act. The tanker construction industry has been experiencing considerable uncertainty in this transition phase from old to new construction standards. Section 401 will assist in removing this uncertainty.

Section 402 is a simpler provision. It would merely mandate the creation of a vessel traffic control system for the Valdez vicinity so that it would come on line at the same time the oil begins to flow through pipeline.

As chairman of the Senate Commerce Committee, I wish to comment on one other provision of S. 1081—section 204 (c), the provision on vessel liability. For several years, the question of the adequacy of compensation for oil pollution damages caused by vessels has been discussed. Section 204(c) should considerably enhance the availability of compensation to injured parties without disrupting existing Federal law, State law, or international treaties.

The Commerce Committee, when considering implementing legislation on the International Conventions on Civil Liability and the Compensation Fund (S. 841), fully intends to harmonize the provisions of S. 1081 and S. 841. Our staff assisted the conference committee in drafting section 204(c) so that the two bills could be made compatible and so that further steps to universalize the limits of liability could be taken.

Mr. BAYH. Mr. President, I remain committed, as I was when this legislation originally came before the Senate, to the earliest responsible use of Alaskan oil and natural gas. The recent worsening of our energy shortage has merely reaffirmed something that has long been obvious—America must seek to develop to the maximum extent possible all domestic energy resources to reduce our dependence on foreign energy sources and to lessen the energy shortfall which will be with us for some time.

But the present bill is fatally defective in two major respects. One is the proposed location of the pipeline, bringing vast quantities of oil to the section of the country that needs it least and, almost inevitably, making available millions of barrels for export to Japan. Not only that, the route itself is environmentally defective—so much so, in fact, that proponents of the bill had to attach an amendment exempting it from the provisions of the National Environmental Policy Act.

That, Mr. President, is the second fatal flaw in the bill now before us, and I shall return to it shortly. Let me first, however, stress again those points about the Alaskan land-and-sea route which led me to argue for the alternative, Canadian, route.

In the first place, the simple, unassailable economic facts of the situation demonstrate that new supplies of oil are needed much less along the west coast than in the East and Midwest. As the information we offered the Senate last

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July conclusively proved, oil prices will be 50 to 100 percent higher in the Midwest and East than in the Far West if the Alaskan pipeline is built. That cost differential is so large and so unnecessary that all the official arguments in favor of the Alaskan route collapse in the face of it.

The only explanation that can possibly account for the extraordinary lobbying effort on the part of the big oil companies in favor of the present bill is that the oil companies themselves expect to profit massively by it. And the source of their profit can only come from large exports at premium prices. In other words, Mr. President, the Alaskan route is almost certain to result in a substantial diversion of this scarce resource to foreign markets. Stripped of all the self-serving rhetoric and phony arguments against the trans-Canada route, that is the nub of the matter. And that is why I cannot, in good conscience, cast my vote in favor of so improvident and inequitable a measure.

To be sure, I am a Midwestern Senator. But, I am a U.S. Senator first. I do not believe a vote on a matter of this importance should be cast on a purely regional basis. Alaskan oil should be available on a national basis—not a Midwest or a west coast basis. The facts are that the present conference report will make Alaskan oil available only to the west coast. The trans-Canadian pipeline approach which I have supported permits the Alaskan oil to be piped to Edmonton and Chicago, and from there the oil can be directed east or west as the supply and demand of our Nation dictates is in the national interest.

The environmental arguments against the Alaskan route are also weighty. The National Environmental Policy Act was enacted into law precisely in order to insure that our Nation would not have to pay the price of long-term catastrophes for the benefit of short-term gains. Setting aside the provisions of that act for the sake of speeding construction of the Alaskan pipeline by 1 year—only 1 year—represents the worst kind of shortsighted policymaking. What is more, it offers the clearest kind of evidence that the Alaskan route's proponents themselves recognize how defective from an environmental standpoint their project must be. For if it were not, they surely would not have pushed so hard—indeed, so desperately—to establish so ominous a precedent.

Good public policy always requires the need to balance worthy goals which are seemingly irreconcilable. The goals of adequate energy supply and a clear environment present such a challenge. In times of critical energy shortages, such as existing today, particular attention must be given to energy and fuel needs. But I have confidence that the energy crisis can be met without completely forsaking progress toward a healthy environment. In short, policy makers should insist that necessary energy requirements be met by utilizing the alternative which is least injurious to a healthy environment. But the present conference report does not follow this strategy of adequate fuel and energy supply with least damage to environment. Rather the suggested approach is one of no—absolutely no—attention to a healthy environment whatsoever. This approach is not only shortsighted, it also underestimates the capacity of American industry, science and technology to accept challenge.

The fact is, Mr. President, full compliance with the terms of the NEPA would mean that Alaskan oil would be available, at least in the Western United States, in 1978 instead of 1977. It would by no means solve this year's, or next year's, or the year after next's or even the year after that year's energy crisis. By what rationale, then, can we possibly justify establishing an antienvironmental precedent that will return to haunt us again and again?

Here, too, the only explanation must be that the Alaskan route could in all probability not survive the sort of impact-statement analysis that present law requires. Hence, the truly dangerous provision in this conference report sets aside a long and carefully considered act of Congress. Hence, too, my vote against this conference report.

Let me stress again, Mr. President, that the issue is not whether we shall or shall not have Alaskan oil in the contiguous 48 States. If it were that stark a choice, I should have had a far more difficult time determining my vote today. But in fact the issue is Alaskan oil brought here at an uneconomic price to most Americans, over an environmentally defective route, with the likelihood that much of it will be lost to domestic use through spillages and foreign sales—all this as against a trans-Canadian route that will bring us the same oil, in greater quantities and at lower prices, and without dealing a possibly ruinous blow to national environmental policy.

Mr. President, I cannot support this dangerously misguided legislation, and I can only urge my colleagues to reconsider it prayerfully and thoughtfully today and join me in opposing it.

Mr. JACKSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JACKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JACKSON. I ask for the yeas and nays on the conference report.

The yeas and nays were ordered.

Mr. JACKSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HASKELL). Without objection, it is so ordered.

The hour of 12 o'clock having arrived, the question is on agreeing to the conference report on S. 1081.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CLARK (when his name was called). On this vote I have a pair with the distinguished Senator from West Virginia (Mr. RANDOLPH). If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Wisconsin (Mr. NELSON), the Senator from Rhode Island (Mr. PELL), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I further announce that the Senator from Nevada (Mr. BIBLE), the Senator from Kentucky (Mr. HUDDLESTON), and the Senator from Minnesota (Mr. HUMPHREY) are absent on official business.

I further announce that, if present and voting, the Senator from Nevada (Mr. BIBLE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from Rhode Island Island (Mr. PELL) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Nebraska (Mr. CURTIS) is absent by leave of the Senate on official business.

The Senator from Oklahoma (Mr. BELLMON), the Senator from Arizona (Mr. GOLDWATER), the Senator from Illinois (Mr. PERCY), and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

If present and voting, the Senator from Oklahoma (Mr. BELLMON), the Senator from Nebraska (Mr. CURTIS), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Illinois (Mr. PERCY) would each vote "yea."

The result was announced—yeas 80, nays 5, as follows:

[No. 479 Leg.]

YEAS—80

Abourezk
Aiken
Allen
Baker
Bartlett
Beall
Bennett
Bentsen
Brock
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cotton
Cranston
Dole
Domenici
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Fulbright
Gravel
Griffin
Gurney
Hansen
Hart
Hartke
Haskell
Hatfield
Hathaway
Helms
Hollings
Hruska
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
Metcalf
Mondale
Montoya
Moss
Muskie
Nunn
Packwood
Pastore
Pearson
Ribicoff
Roth
Schweiker
Scott, Hugh
Scott, William L.
Sparkman
Stafford
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—5

Bayh
Biden
Brooke
Hughes
Proxmire

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Clark, against.

ANSWERED "PRESENT"—1

Buckley

NOT VOTING—13

Bellmon
Bible
Curtis
Goldwater
Huddleston
Humphrey
McIntyre
Nelson
Pell
Percy
Randolph
Saxbe
Stennis

So the conference report was agreed to.

Mr. JACKSON. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BUCKLEY. Mr. President, once again I have had to vote "present" on the Alaskan pipeline issue because of my family's ownership of certain rights in a shallow drilling technique that may be utilized in connection with the construction of the pipeline. I feel, however, that on an issue of this significance, it is incumbent on each Member of the Senate to record his position.

Had I been free to vote, I would have voted, however reluctantly, in favor of the bill. I say reluctantly, because there are a number of features about the final decision on the Alaska route that I consider unfortunate, and because of provisions in the legislation that grant various governmental agencies a busybody right of intrusion into private business matters which are irrelevant to the question of the granting of a right-of-way over Federal lands.

My great regret is that there was not a more thorough, bona fide, and timely investigation of a trans-Canadian route. Had such an investigation been initiated, there would have been adequate opportunity to explore the relative environmental, economic, and security merits of the two alternatives, and we could have been assured of a far wiser decision. The time, however, has now passed when this can be done with any expectation of beginning deliveries of the energy resources of the North Slope to the lower 48 States within the time frame dictated by our urgent present needs.

I have studied the question of the Canadian alternative with very great care and have consulted with individuals in Canada and elsewhere who have extensive experience with the problems involved with the financing and construction of major pipelines. I am convinced that even if a go-ahead could be secured for a Canadian line within the next year, we still could not afford the inherent delays, especially as they would affect the ultimate deliveries of North Slope gas. What has been too little appreciated and largely ignored is the fact that the sheer size of this pipeline project is such that work on a gas pipeline from Prudhoe Bay across Canada could not commence until virtual completion of the oil pipeline. The reason for this is that the oil pipeline project will preempt too large a portion of the available pipeline equipment and work force, and will place too great a strain on capital markets to permit the simultaneous financing of a second huge line. Thus, the added time required to build a Canadian oil line will delay by that period the ultimate delivery of North Slope gas to the Midwest, where this source of energy is so vitally needed.

Under all the circumstances, and despite the undesirable accretions that have been tacked on the bill in the way of unnecessary governmental regulation, I feel there is no responsible alternative but to proceed with the building of the Alaskan pipeline. I am satisfied—thanks to the enormous efforts of concerned environmentalists—that every environmental precaution will, in fact, be taken in the construction and operation of the line. Thus, while some environmental risks undoubtedly continue to exist, they will be kept to a minimum and, under the circumstances, will have to be assumed.

Mr. PERCY. Mr. President, I regret that due to a commitment in Chicago, I was unable to be present for the vote on the Alaska pipeline conference report, S. 1081. I had expected the vote to be this afternoon and I had planned to be present.

I have been recorded as favoring enactment of S. 1081. I believe it is now imperative that construction on the Alaska pipeline begin as soon as possible, so that our Nation can begin to make use of the vast energy resources of the North Slope.

There have been delays in beginning the construction, and I believe the pipeline will be safer and less damaging to the environment as a result of the careful scrutiny it has been given.

We have had a full debate in both Houses of Congress on this bill. We have had close votes on environmental issues, and I was on the losing side of some of those votes.

But now I believe we must proceed with dispatch to get the pipeline built and get the oil flowing. The President has warned that we face a 10- to 17-percent shortage of petroleum this winter. While the pipeline will not help us through this winter or even the next three winters, we must have that oil to help insure that our Nation will not be faced with a perpetual shortage of energy. I am hopeful that the Alaska pipeline can soon be followed by a Canadian pipeline, which will bring oil directly from the North Slope to the Midwest and Northeast, where it is needed most. I am assured by my colleague, Senator STEVENS, that the North Slope resources are adequate to support both pipelines.

Mr. President, I strongly support the Senate's action today in approving the conference report on S. 1081, and I hope the President will sign the bill into law immediately.

PROGRAM

Mr. HUGH SCOTT. Mr. President, I rise to inquire of the distinguished majority leader what the program is for the remainder of the day, if any, and what the program is for the remainder of the week.

Mr. MANSFIELD. Mr. President, in response may I say that there will be no further votes today.

However, it is anticipated that tomorrow we will take up Calendar No. 467, H.R. 1284, an act to amend title 5, United States Code, to improve the administration of the leave system for Federal employees. I understand that an amendment is being prepared having to do with the rights of returned prisoners of war, which I understand is noncontroversial. So this bill, which was passed today, and on which the action was then vitiated, will be called up tomorrow.

As to the rail transportation system in the Midwest and Northeastern regions, Calendar No. 344, S. 2188, I am unable at this time to state when that measure will be brought up, because of differences between the House and the Senate bills.

It is the intention of the leadership to call up Calendar No. 388, S. 1868, a bill to amend the United Nations Participation Act of 1945 to halt the importation of Rhodesian chrome, and so forth, at least on one track by next Monday.

It is hoped that the emergency energy bill which the Interior Committee will file tonight, and which is of such transcendent importance can be taken up tomorrow, because it might entail, I believe, up to 2 or 3 days' debate.

Then, during the course of the day tomorrow, we hope to consider and dispose of the State-Justice-Judiciary conference report and the HEW conference report both of which are being considered in the House today. There will be a yea-and-nay vote on at least one of these conference reports.

We would also hope to get the mandatory oil allocation conference report over from the House as well, and it will be considered in the Senate shortly after its receipt from the House.

As far as the military construction authorization is concerned, I am informed of difficulties beyond control of the Senate that might make it impossible to obtain final approval of this bill until after Thanksgiving Day. Under the rules, the House must act first and failure to act can hold up the bill which the Senate Appropriations Committee has had ready to report to the Senate as soon as the appropriation bill is received from the House. I hope the House will proceed on the Appropriations Act independently.

The District of Columbia home rule bill conference report has been delayed in the House, until Thursday, so I assume that it will not be taken up in the House until after Thanksgiving.

The Alaskan pipeline bill has passed both Houses and is on its way to the White House.

In connection with the conference report on the health maintenance bill the House has to act first.

I do not think it will be possible to get up the Ford nomination this week. I wish it were, but I understand the Committee on Rules and Administration will hold further hearings tomorrow. This was arranged some days ago, but if there is a chance the leadership will try to do otherwise.

Mr. HUGH SCOTT. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. HUGH SCOTT. I hope we will find a way to do it this week, or if not, at the very beginning of next week, before we begin to lose attendance.

Mr. MANSFIELD. The Senator will have my full support in that regard. The sooner the better.

Then, the matter of the Saxbe pay bill will likely be reported from the Committee on Post Office and Civil Service, but there will be a move made, if that

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is reported and called up, to have it referred to the Committee on the Judiciary. I think the Senate is on notice on the basis of statements made today by the distinguished assistant majority leader.

Mr. HUGH SCOTT. In that connection, I would like to say that by unanimous consent the Committee on the Judiciary this morning agreed it would request that the bill be referred to them for 1 day less than 1 week, and to be reported back to the Senate not later than next Tuesday night following such hearings as the distinguished assistant majority leader wishes to suggest, and that the bill be reported back without extraneous matter or nongermane amendments, the idea being that it not be loaded with extraneous matters but rather considered on its merits.

Mr. ROBERT C. BYRD. Mr. President, in that respect, I ask unanimous consent that the Committee on Post Office and Civil Service may have until midnight tonight to file its report on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. MANSFIELD. Yes, indeed.

Mr. SYMINGTON. I wish to say to the distinguished majority leader that there is no holdup on the military construction bill. We have agreed on a conference with the House. Under the rules we have to wait until the House passes on their conference. I understand there are parliamentary problems over there that they have to solve before that can be done.

Mr. MANSFIELD. I understand, and I understand there is good reason for it, but I wanted to indicate the schedule as best I can.

Then, we have the Legal Services Corporation report filed with the Senate, Calendar No. 471, S. 2686. When that will come up has not been determined at this time, because there are a number of holds on that bill.

But I hope it will be possible, in support of proposals made by the President of the United States last week, and because of the intensive amount of work performed by the Interior Committee in reporting this bill tonight, for the Senate to take up the emergency energy bill tomorrow. It is vital; it is mandatory; it is needed.

Mr. ROBERT C. BYRD. Mr. President, may I ask the distinguished Senator from Washington (Mr. JACKSON) whether he, as the manager of the bill, is prepared to proceed with the bill tomorow.

Mr. JACKSON. I am prepared to proceed tomorrow on the emergency petroleum bill. The report is in process of completion. It will be filed by midnight tonight. Copies will be available the first thing in the morning.

This is an emergency bill. The President has asked that we move with expedition. The committee is moving, I think, the fastest in its history. I would hope that tomorrow—at least by the end of the day, after the conference reports have been acted on—we can lay the bill before the Senate and come in very early on Thursday, so that we can complete action on the bill within a day.

Mr. MANSFIELD. Would the distinguished Senator from Washington, the chairman of the committee, assure us that he will consult with the ranking minority members of the committee with a view to removing any possible objection?

Mr. JACKSON. I have already consulted with the ranking minority member of the committee, the distinguished Senator from Arizona (Mr. FANNIN). He wants to move along. I would hope that we will confine amendments to the specific emergency. We have removed from the bill the sections dealing with the deregulation of natural gas and the regulation of intrastate gas. We cut both issues out of the proceedings. I do not want to take up deregulation or the regulation of intrastate gas in the emergency bill.

Mr. MANSFIELD. Mr. President, is it true that the distinguished Senator's colleague, the distinguished senior Senator from Washington (Mr. MAGNUSON), is at present holding hearings on these matters, which he hopefully will be able to report to the Senate some time late this week?

Mr. JACKSON. The Senator is correct. We have taken care of everything in the bill of an emergency nature except an amendment with respect to clean air, as to which the distinguished Senator from Maine (Mr. MUSKIE) held hearings yesterday. That will come up separately later, I believe, this week.

Therefore, I am most anxious to have the emergency bill passed, in light of the problems we have, the most serious being the need for gasoline rationing. Every day we delay in settling the matter, the greater the shortfall.

I gave to the Senate earlier today a statement on the critical shortage. I want again to repeat that this is particularly a problem on the east coast. We anticipate, according to the figures given out this morning, that there will be a national shortage of gasoline of 21 percent; of distillates—that is, the fuel oil or heating oil—of 13 percent; and of residual oil, 24 percent—that is, for electric utilities. For the east coast, because of a lack of transportation, all of these figures will be doubled. For the eastern United States, it will mean a shortage of 42 percent; of distillates, 26 percent; of residual oil, 48 percent; unless transportation facilities are available. This means using tankers and other modes of transportation to bring in the oil.

The situation is critical. Every day of delay on this legislation to set in motion authority to deal with gasoline rationing in particular, the greater the shortfall will be in the period ahead. It is that simple. That is why time is of the essence.

Mr. MANSFIELD. Will the Senator give to the Senate and the American people his approximation as to when he thinks it is quite likely that gasoline rationing may become effective?

Mr. JACKSON. I would hope that the administration will start printing the tickets right now. It should have been begun yesterday. The machinery to give local control is outlined in the emergency bill. The pattern is being set up. I would hope that gasoline rationing could be put into effect prior to January 1.

Mr. MANSFIELD. Mr. President, will the Senator yield further ?

Mr. JACKSON. I yield.

Mr. MANSFIELD. When is the last tanker from the Middle East due in this country?

Mr. JACKSON. Less than 2 weeks.

Mr. MANSFIELD. Less than 2 weeks, and that is the end of oil from the Middle East?

Mr. JACKSON. That is correct.

Mr. MANSFIELD. I would like to ask the Senator a question. This is from the Great Falls, Mont., Tribune, and I received a great deal of mail as a result of this small article from the Associated Press, which states:

> A government report released Wednesday—

That is last Wednesday—

> indicates that fuel oil exports in 1973 will drastically surpass 1972 despite a serious shortage in this country.

How does the Senator account for a 248-percent increase this year in our shortage over 1972? Has the Senator seen the story?

Mr. JACKSON. Yes, I have seen the story. We are asking for a complete report on this particular story.

As my colleagues may undoubtedly know, we do have reciprocal arrangements. We do export into Canada in connection with certain of the requirements on the Eastern part of the United States. They import into the United States. There are export situations that serve to our overall benefits.

I think the real question that must be answered is, "Is there a net inflow as a result of exports by the United States to other countries and into the United States, in the end?" We are dealing with the logistics of the oil industry, which is extremely complicated, and the major problem on the east coast stems from a lack of transportation. The oil that they get and use I think runs as high as 70 or 80 percent imported. This is a major problem.

We will have a response, may I say, in detail for the Senate when this matter comes up tomorrow.

Mr. MANSFIELD. Mr. President, I want to thank the distinguished chairman of the committee, who has been most active in bringing forth this emergency legislation, and I point out that the Senator from Washington (Mr. JACKSON) has been advocating what he has just been talking about for at least the last year and a half. I think he has performed a great service in a time of need and emergency, and I am delighted that, in response to the question raised by the distinguished Republican leader, he has been able to get together with the ranking Republican member of the Interior and Insular Affairs Committee, the distinguished Senator from Arizona (Mr. FANNIN). I am hopeful that it will be possible for all of us to work together to get this legislation to the floor and dispose of it as quickly as possible.

Mr. BROOKE. Mr. President, will the Senator yield for a brief question?

Mr. JACKSON. Yes, if I have the time.

Mr. MANSFIELD. I yield.

Mr. BROOKE. This colloquy has been most informative and helpful.

Will the Senator give some indication as to what the prospects will be if the negotiations between the Arab countries and the State of Israel are successful? Can we have any hope, say, in the months ahead?

Mr. JACKSON. May I respond to my good friend from Massachusetts in this way? Even if all of the oil had moved—if we had had a normal flow of oil—the prewar September projections had called for a shortfall, a shortage, of up to 300,000 barrels daily of heating and fuel oil for the country. Now, that was based on a cold winter. Of course, who knows what the winter is going to be like? But even in a normal winter, we would have had a shortfall of at least 100,000 barrels per day and it would strike particularly hard at New England, because it is in that area of the country where there is a substantial shortage in connection with the heating oil problem.

I do not believe that we can ever again—and I hope that this emergency will be a blessing in disguise—put ourselves, Western Europe, and Japan, in a situation in which the Persian Gulf countries can hold the jugular vein of the Western World in one hand and turn off our vital oil imports when they want to. I do not think the American people would want that sort of thing. I think it would be unwise to assume that something of a magical nature is going to happen in the Middle East that will resolve the terrible problem that we face of trying to ration our shortages.

Mr. BROOKE. I quite agree with the Senator that that certainly should not be our posture, but I think many American people who are reading the papers daily now are getting great hope out of the magnificent work of Secretary of State Kissinger and are hopeful that the Arab-Israeli negotiations will be successful, and are expecting——

Mr. JACKSON. May I give the Senator the real reason why I think it would be unwise?

Mr. BROOKE. Yes, certainly.

Mr. JACKSON. I saw a projection of the Persian Gulf countries' surpluses of dollars over and above what they can spend by 1975. They will have $100 billion over and above what they can spend. As one of them told me when I was in Saudi Arabia a year ago this month:

> Senator, can you think of a better investment than just keeping it in the ground?

The point I want to make, Mr. President, is that I do not think, even with a settlement, there is going to be any great incentive to them to export at an accelerated rate as long as they adhere to that philosophy. That is my premise, and I think we would be foolish to rely on an assumption that if a settlement occurs, they will suddenly allow an increase in their output.

Without an increase, we are certain to have problems, because we had looked to this area to provide for our growth requirements.

Our job is to get conservation measures into effect at once, and then to handle, on an emergency basis, coal conversion, stepped up coal and oil production, and, if necessary, to analyze the long-term strategic energy requirements.

Mr. BROOKE. I thank the Senator, because I fear many people are having false hopes as a result of the success they expect to come from negotiations between the Arabs and the Israelis. We certainly in New England, as the Senator so well pointed out, depend a lot upon oil which is imported into the country. Thank God we now have the Allocation Act that has been passed, and we will get some relief from that.

May I just ask one further question along the lines of the conservation measures? Is there any expectation that the Commerce Committee—and this question is addressed to the majority leader—will report to the Senate a bill on daylight saving time this week?

Mr. MANSFIELD. Yes; I am informed that that is so. I will yield to the Senator from South Carolina for a reply on that.

Mr. HOLLINGS. We are meeting at 2 o'clock this afternoon and hope to report the bill out of committee today.

Mr. MANSFIELD. Can the Senator indicate when the gas deregulation bill and the like should be reported?

Mr. HOLLINGS. That should be reported out of committee no later than Thursday. It could be reported out tomorrow.

If the distinguished leader would yield at that particular point, I would make the very important point that the exchange between the Senator from Washington and the majority leader brought up the need for an energy policy in this Government. We passed a bill on that subject last April with only 12 dissenting votes. Since then we have had Governor Love appointed as energy czar, but he has only 10 or 12 men on board to try to develop a policy. What we are in essence doing, as we stand here on the floor, is that the Senator from Washington pulls out a yellow sheet and he has a few statistics, and he says these are the facts, and the logistics problems are difficult. The statistical information is scattered.

I have withheld placing that bill on the emergency measure, but whenever a conservation bill comes up, we have agreed within the Commerce Committee to attach it on that particular measure, because we last week—and this is my point—listened with great interest to our distinguished President. He talked of a measure last year and once in April this year, but the distinguished President missed the point of changes in policy. Only a year ago today, we almost had the appointment of the Assistant Secretary of the Interior, Kenneth Lay, who was to be the energy czar. This was after the election. Kenneth Lay was going to be the energy czar.

Then in preparing the method, Under Secretary of State Dr. James Akron was appointed in December as the energy czar.

Thereupon, in January in return for a message to the Congress, the President changed again and said that we must have a super Cabinet post, and Secretary Butz, the Secretary in charge of the Department, would be the energy czar.

That was three times in 3 months.

Thereupon, the energy bill came to the floor of the Senate, and the administration changed one more time and said that what we would have would be a three-man committee and that they were thereby appointing Dr. Kissinger, Mr. Ehrlichman, and Secretary Shultz.

We started working with them, and then Mr. Bono, who was hired to submit an energy paper, was hired after he had submitted that paper.

Then we began working with the Assistant Secretary of the Treasury, Mr. Simon.

Then in June came the appointment of Governor Love. So we have had seven energy czars in the last year. We have yet to have one establish a policy. As was pointed out in the hearings, we had a sort of two-man committee.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate? There are too many conversations going on. The Senator from South Carolina is trying to address the Senate.

The PRESIDING OFFICER. The Senate will please come to order. Senators will please take their seats, and conversations will cease.

Mr. HOLLINGS. Mr. President, we then had Secretary Morton and Governor Love, but if we could have put that off we would have in that bill the appointment by the President of the same distinguished czar, Mr. Love, and have him correlate the information. There would then be a promulgation of national policy and we would have one place in which to find out what the policy is, rather than having the intermittent introduction of bills on the floor of the Senate.

Mr. GRAVEL. Mr. President, if the Senator would yield, is the committee going to release the regulation of oil bill?

Mr. HOLLINGS. They could bring before the Senate the deregulation bill. However, I do not believe that would be this week. The other bill is still in the committee.

Mr. FULBRIGHT. Mr. President, if the Senator will yield, I only wish to ask a question of the Senator from Washington. I thought he left the impression, in response to a question from the Senator from Massachusetts, that it was not really very important whether we get a settlement of the war in the Mideast and a resumption of the production of oil by the Arab countries. I think it might be true that the United States, with our resources and with conservation methods, might be able to cope better with that situation than other countries. However, does the Senator from Washington not think that Japan and the countries of Western Europe are much more dependent upon the Persian Gulf oil than we are? Unless we succeed in having the war in the Mideast settled, the whole world is going to be disrupted and we cannot escape the consequences of the failure of the Arab countries to produce, even though Western Europe and Japan would be much worse off than we would be. The Senator left the impression that it was not really important whether we got a settlement and the resumption of the production of oil.

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Mr. JACKSON. Mr. President, that was not my intention. I was trying to be responsive to the question of the Senator from Massachusetts who had the impression, I thought, that if we had a settlement of the Israeli-Arab dispute, the oil would start to flow to the United States almost at once and that would make a great difference in what we had been discussing on the floor with reference to the oil shortage in the Northeast. That is not true. However, a settlement is important, not only to the United States, but also to the whole world. The United States can survive even with a cutoff in the Mideast. However, Europe gets 80 percent of its supply from the Mideast. They would be in serious trouble. Japan gets 90 percent of its supply from the Mideast, and they would be in even more trouble.

I did want to emphasize that there is a new school of thought in the Mideast about not stepping up the production of their petroleum output. They are looking down the road to the point where, they say, just by selling everything they can produce over there, they will suddenly be piled mountains high with dollars and currency which they could not invest. They would rather have a lower output for a longer period than had previously been projected by our experts.

I think this is a significant development. And we would be deluding ourselves if we were to presume that we will get an increase in oil from the Persian Gulf over what had previously been projected. In other words, we should not think that Saudi Arabia will be doubling their output by 1978. I do not think that this will happen, even with the best settlement that could possibly be worked out.

Mr. FULBRIGHT. I just wanted to make the point, and I think the Senator has answered that he agreed that it is extremely important that a settlement—a real settlement and not just a ceasefire—be brought about and that we cannot escape the effect of the reduction in the flow of Arab oil. We will be seriously affected by it, even though it will be worse for Japan and the countries of Western Europe.

Furthermore, I had the impression that the Senator meant that it was not very important as to whether a real settlement of the Mideastern situation is brought about. I think it is very important. We should encourage the Secretary of State to do everything he possibly can to bring about a negotiated settlement.

Mr. McCLURE. Mr. President, if the Senator will yield, I want to underscore what the Senator has had to say. I think the facts would indicate that our shortfall, which may be 20 percent nationwide now, would be reduced to something in the neighborhood of 5 percent. Our ability to take emergency conservation measures to meet that shortfall could be very greatly enhanced if our shortfall were only 5 percent, as it would be after the resumption of shipments from the Arab countries to our country. However, there would certainly be a time lag. We cannot assume that the emergency would be over immediately after the cessation of hostilities in the Mideast.

I commend the Senator from Arkansas for bringing out the fact that it is extremely important to this country and to our allies, Japan and the countries of Western Europe, that the conflict be brought to a successful cessation.

Mr. FULBRIGHT. Mr. President, I would also like to point out that Canada has been receiving a very large amount of oil from the Mideast. In turn, the Canadians are the largest single exporters of oil to our country. We get more oil from Canada than from any other country; more than 1.5 million barrels a day. If oil is unavailable from Canada, we will be in serious trouble.

I thought the impression was given that whatever the Arab countries do would not seriously affect us.

I think it is very important, and we are the key country. The United States and the Soviet Union have to agree, along with the Arabs and Israelis, on the settlement—a negotiated settlement based on the general principles of the United Nations Security Council resolution we have accepted as a basic guideline.

So I hope Congress will not undercut the Secretary of State's efforts to achieve a détente. I hope that we will support those efforts and not leave the country under a false impression that a settlement is not extremely important to us.

Mr. McCLURE. Will the Senator yield further?

Mr. FULBRIGHT. I yield.

Mr. McCLURE. I think we have to couple that with the argument that without resumption of the flow of Arab oil to the United States and to our allies, emergency conservation measures alone cannot cover the shortfall. We will have severe shortages.

Mr. FULBRIGHT. That is right.

Mr. McCLURE. And the statistics which the Senator from Washington (Mr. JACKSON) read to us just a few minutes ago are certainly evidence of the fact that we cannot easily cope with a 40-percent shortage in New England, for instance, which will be the result if we do not get some kind of an accommodation that will result in the continuation of supplies from the Middle East. I think it is a matter of extreme urgency to us.

I thank the Senator for permitting me to comment.

Mr. FULBRIGHT. I agree with the Senator. I think it is extremely urgent.

ORDER FOR RECOGNITION OF SENATOR MANSFIELD TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after I am recognized tomorrow, the distinguished majority leader be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER (Mr. NUNN). Without objection, it is so ordered.

ADDITIONAL APPROPRIATIONS FOR WORLD BANK

Mr. HARRY F. BYRD, JR. Mr. President, the President of the United States has asked Congress to approve an appropriation of $1.5 billion in additional funds for the International Development Association. This is a subsidiary of the World Bank. This request came to Congress last week.

I must be frank to say that I cannot support this proposal. It is an additional appropriation to the soft loan window of the World Bank.

In order to obtain the funds to give to the World Bank, the U.S. Government must go out on today's market and pay 8 percent interest. Then it plans to turn that money over to the World Bank at the soft loan window, which will then loan this money to other countries at three-fourths of one percent interest, over a 40-year period.

Mr. President, I submit that somewhere down the line this country has got to stop giving away—this Congress has got to stop giving away—funds taken out of the pockets of the hard working wage earners of this Nation.

What has Congress done already this year in regard to international financial institutions?

In the present budget is $2,250,000,000 to go to international financial institutions to make up for the devaluation of the American dollar.

How does that work?

The American taxpayer, being the generous person that he or she is, has contributed funds to international financial organizations. Then we devaluated the dollar, twice. As a result of those devaluations, the American dollar is worth less. So these financial institutions come back to Congress and say, "Well now, because the dollars you gave us are worth less, we want you to increase your contribution to make up for that difference"—which Congress has done. It did that to the tune of $2,250,000,000.

Now the President comes in with another proposal to give an additional $1.5 billion to the soft loan window of the World Bank.

As I have already said, I submit that, somewhere down the line, we must call a halt.

Mr. SYMINGTON. Mr. President, will the Senator from Virginia yield?

Mr. HARRY F. BYRD, JR. I am glad to yield to the able Senator from Missouri.

Mr. SYMINGTON. I am very much impressed with what the able senior Senator from Virginia is saying. As he knows, for some years the soft loan window has been a matter of grave apprehension with me.

May I ask the Senator, how was this request for the one billion and a half made?

Mr. HARRY F. BYRD, JR. It was made in a statement from the President to Congress.

Mr. SYMINGTON. What committee will it come before? Will it be a supplemental or a continuing resolution?

Mr. HARRY F. BYRD, JR. So far as I can determine, it would of course come before the Appropriations Committee. Whether it would come before the Committee on Foreign Relations for authorization, that I am not certain of.

Mr. SYMINGTON. That was the thrust of my question. The able Senator has stated what I was worried about. If it comes in as an additional appropriation,

that simply means it is a matter of money and not of legislative history as to whether it is justified on the basis of an analysis of our relationships with other countries.

That is the reason I asked the question and I thank the able Senator for bringing this up. I am now going downstairs to ask the Committee on Foreign Relations whether anything has been said on it to that committee.

Mr. HARRY F. BYRD, JR. I thank the Senator from Missouri very much. I might say it was the distinguished senior Senator from Missouri (Mr. SYMINGTON) who first brought to the attention of the Senate this matter of the soft loan window of the World Bank. It was because of his comments on the floor of the Senate that the Senator from Virginia became interested in this subject. I might also say that I have been following the leadership of the distinguished Senator from Missouri on this very vital matter.

Mr. SYMINGTON. I hope that the American people realize the care and diligence the able Senator from Virginia is using in trying to prevent this incredible outflow of dollars to foreign countries which has had so much to do with the deterioration of our own economy.

Mr. HARRY F. BYRD, JR. I appreciate the Senator's comments. He is certainly right about the outflow of dollars to foreign countries.

I hold in my hand the new requests for authorizations and/or appropriations for foreign aid and assistance contained in the fiscal 1974 budget document, the budget that Congress is now considering. It shows that new requests for foreign aid and assistance total $18 billion.

I repeat, $18 billion.

Included in that $18 billion is approximately $8 billion for the Export-Import Bank. That is in a little different category from the other $10 billion. But even if we leave out the amount for the Export-Import Bank, it still means that in the current budget there is more than $10 billion for foreign aid assistance.

Mr. SYMINGTON. The difference is really one of nomenclature instead of actuality, because I can remember when the question of the soft loan windows came up and, as the able Senator has pointed out, there is no repayment of the principal for 10 years, and in many cases, if not most, no interest—just a carrying charge. It really is a gift. Yet, because it is put as a loan, the expenses are far greater than if it was a gift because we have to follow it up like a loan. As one of those involved in it said, "They made the AID agency the greatest bank in the world. The only trouble is, no one in the agency knows anything about banking."

So again I congratulate the able Senator from Virginia on his remarks.

Mr. HARRY F. BYRD, JR. I appreciate the Senator's bringing out those points.

I might say in that connection that the subcommittee of which I am chairman, the Subcommittee on International Finance and Resources, established last week that 108 different countries owe money to the United States.

I repeat, 108 different countries—for a total of $58 billion. Thus, we have been very generous. Besides that amount, we have given away to foreign countries—not loaned, $58 billion outstanding on loans—more than $130 billion since the end of World War II.

Now, Mr. President, if Congress were to approve this $1.5 billion additional for the International Development Association, the government does not have the money so that it must go out into the open market and borrow it. As I mentioned earlier in my comments, the Government today is paying 8 percent—actually, in today's newspaper it is listed as 8.3 percent—for the money.

In September, the Government of the United States paid over 9 percent to borrow funds to operate the Government. So I say it is certainly not reasonable or logical or right to dip further into the pockets of the wage earners of our Nation for money to turn over to these international banking institutions, which in turn lend this money at very low interest rates, with the principal to be paid over a 40-year period.

Incidentally, the principal is not repaid to the United States. That is what many persons overlook when they consider these international financial institutions.

That money never comes back to the United States. If it comes back at all, it comes back to the international financial institutions.

The only place the United States can obtain money, the only place Congress can obtain money, the only place the President of the United States can obtain money is out of the pockets of the people who work, out of the pockets of the wage earners, through taxes.

In light of all the funds we have already appropriated and spent for the benefit of foreign nations, I do not believe that we should go into another big program of $1.5 billion in additional appropriations to the World Bank. This is a tremendous amount of money.

In my judgment, our country is in a very desperate financial situation.

Frankly, my view is a minority view among my colleagues in Congress. I hope that the majority of my colleagues are correct, that we do not need to worry as much as I am worrying about the Government's financial situation.

But I am convinced that they are not correct, and I am convinced that I am correct in my assertion that we are facing a very severe situation in the huge deficits that the Government has been running over a long period of time.

I will give an example. Let us take the last five budgets. In 1970, the Federal funds deficit was $13.1 billion; in 1971, it was $30 billion; in 1972, it was $29.2 billion; in 1973, the year which ended last June, it was $24.9 billion; and the projected deficit for the current fiscal year, ending June 30, 1974, is $18.8 billion.

The accumulated deficit in that 5-year period totals $115 billion, and it represents 25 percent of the total national debt.

Stated another way, 25 percent of the total national debt has been incurred during the 5-year period ending next June.

The interest on the national debt in this year's budget is $27.5 billion. That is just the interest on the debt, the interest charge.

The figure of $27.5 billion is twice as much money as this Government will spend this year on its entire weapons systems acquisition program. The measure passed by the Senate and by the House of Representatives and agreed to in conference for weapons acquisitions in the procurement bill is, in round figures, $13 billion. The difference between the $21 billion in the procurement bill and the $13 billion—the additional $8 billion—is for research and development.

So I submit, Mr. President, that when we are running these smashing deficits—and they are smashing deficits—we would be very unwise to approve the President's request for an additional $1.5 billion for the World Bank. There must be an end to this generosity somewhere, and I think now is the time to call a halt.

At this point, Mr. President, I ask unanimous consent to have printed in the RECORD a table giving in detail the new requests for authorization and/or appropriation for foreign aid and assistance contained in the fiscal year 1974 budget document. This table was prepared by the Subcommittee on Appropriations of the Committee on Foreign Operations of the House of Representatives, headed by Representative OTTO E. PASSMAN, of Louisiana.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

New requests for authorization and/or appropriation for Foreign Aid and Assistance contained in the fiscal year 1974 budget document

1. Foreign Assistance Act (includes military assistance)	$2,428,850,000
2. Overseas Private Investment Corporation	72,500,000
3. Foreign Military Credit Sales	525,000,000
4. Inter-American Development Bank	693,380,000
5. International Development Association	320,000,000
6. Asian Development Bank	100,000,000
7. Asian Development Bank (proposed)	108,571,000
8. Asian Development Bank (maintenance of value)	24,000,000
9. International Development Association (maintenance of value)	161,000,000
10. Inter-American Development Bank (maintenance of value)	510,000,000
11. Internat'l Bank of Reconst. & Dev't. (maintenance of value)	774,000,000
12. International Monetary Fund (maintenance of value)	756,000,000
13. Maintenance of Value Adjustment	25,000,000
14. Receipts and Recoveries from Previous Programs	394,464,000
15. Military Assistance (in Defense budget)	1,930,800,000
16. International Military Headquarters	85,800,000
17. MAAG's, Missions and Milgroups	168,100,000
18. Permanent Military construction-Foreign Nations	190,700,000
19. Export-Import Bank, Long-term Credits	3,850,000,000

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20. Export-Import Bank, Regular Operations	$2,200,000,000
21. Export-Import Bank, Short-term Operations	1,600,000,000
22. Peace Corps	77,001,000
23. Migrants and Refugees	8,800,000
24. Public Law 480 (Agricultural Commodities)	653,638,000
25. Contribution to International Organizations	199,787,000
26. Education (Foreign and Other Students)	59,800,000
27. Trust Territories of the Pacific	$56,000,000
28. Latin America Highway (Darien Gap)	30,000,000
Grand total	18,003,191,000

NOTE.—Total appropriation requests for maintenance of value amount to $2,250,000,000.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent to have printed in the RECORD three tables I have had prepared, showing the deficits in Federal funds and interest on the national debt, and various other financial information dealing with the U.S. Government, some of it going back for a 20-year period.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

DEFICITS IN FEDERAL FUNDS AND INTEREST ON THE NATIONAL DEBT, 1955-74 INCLUSIVE

[In billions of dollars]

	Receipts	Outlays	Surplus (+) or deficit (−)	Debt interest
1955	$58.1	$62.3	−$4.2	$6.4
1956	65.4	63.8	+1.6	6.8
1957	68.8	67.1	+1.7	7.3
1958	66.6	69.7	−3.1	7.8
1959	65.8	77.0	−11.2	7.8
1960	75.7	74.9	+.8	9.5
1961	75.2	79.3	−4.1	9.3
1962	79.7	86.6	−6.9	9.5
1963	83.6	90.1	−6.5	10.3
1964	87.2	95.8	−8.6	11.0
1965	90.9	94.8	−3.9	11.8
1966	$101.4	$106.5	−$5.1	$12.6
1967	111.8	126.8	−15.0	14.2
1968	114.7	143.1	−28.4	15.6
1969	143.3	148.8	−5.5	17.7
1970	143.2	156.3	−13.1	20.0
1971	133.7	163.7	−30.0	21.6
1972	148.8	178.0	−29.2	22.5
1973	161.3	186.2	−24.9	24.2
1974[1]	181.0	199.8	−18.8	27.5
20-year total	2,056.2	2,270.6	−214.4	273.4

[1] Estimated figures.

Note: Prepared by Senator Harry F. Byrd, Jr., of Virginia.

Sources: Office of Management and Budget and Treasury Department.

[In billions of dollars]

	Fiscal year—						
	1968	1969	1970	1971	1972	1973	[1] 1974
Receipts:							
Individual income taxes	$69	$87	$90	$86	$95	$103	$116
Corporate income taxes	29	37	33	27	32	36	42
Total	98	124	123	113	126	139	158
Excise taxes (excluding highway)	10	11	10.3	10.5	9.1	9.9	9.9
Estate and gift	3	3.5	3.6	3.7	5.2	5.0	5.4
Customs	2	2.3	2.4	2.6	3.2	3.2	3.5
Miscellaneous	2.5	3.0	3.4	3.9	3.5	3.9	4.2
Total Federal fund receipts	116	143	143	134	149	161	181
Trust funds (social security, retirement, highway)	$38	$44	$51	$54	$60	$71	$85
Total	154	188	194	188	209	232	266
Expenditures:							
Federal funds	143	149	156	164	178	186	200
Trust funds	36	36	40	48	54	61	69
Total	179	185	196	212	232	247	269
Unified budget surplus (+) or deficit (−)	−25	+3.1	−2	−24	−23	−15	−3
Federal funds deficit	27	6	13	30	29	25	19

[1] Estimated figures.

Note: Prepared by Senator Harry F. Byrd, Jr., of Virginia.

U.S. GOLD HOLDINGS, TOTAL RESERVE ASSETS, AND LIQUID LIABILITIES TO FOREIGNERS

[Selected periods in billions of dollars]

	Gold holdings	Total assets	Liquid liabilities
End of World War II	20.1	20.1	6.9
Dec. 31, 1957	22.8	24.8	15.8
Dec. 31, 1970	10.7	14.5	47.0
Dec. 31, 1971	10.2	12.2	67.8
Dec. 31, 1972	10.5	13.2	82.9
Mar. 31, 1973	10.5	12.9	90.9

Note: Prepared by Senator Harry F. Byrd, Jr., of Virginia.

Source: U.S. Treasury Department.

PROHIBITION ON THE IMPORTATION OF RHODESIAN CHROME

Mr. HARRY F. BYRD, JR. Mr. President, the distinguished majority leader announced to the Senate today that probably next Monday, Calendar 388, S. 1868 will be called up for action by the Senate. This is a bill to amend the United Nations Participation Act of 1945 to halt the importation of Rhodesian chrome to the United States. It was introduced by the distinguished Senator from Minnesota (Mr. HUMPHREY).

The legislation Senator HUMPHREY's proposal would repeal says this:

> The President may not prohibit the importation of a strategic material from a non-Communist country if such material is imported from a Communist-dominated country.

Except for the fact that the United Nations does not like it, and Russia does not like it—what is the matter with the existing legislation, which was passed by the Congress, signed by the President, and upheld by the courts?

I believe that the proposal by Senator HUMPHREY needs very careful consideration. It needs careful consideration in a number of different areas.

First, I think there should be full discussion as to whether it is wise to repeal legislation which Congress enacted 2 years ago, legislation which had the support and the affirmative vote of representatives from 46 of the 50 States.

The proposal offered by the distinguished Senator from Minnesota (Mr. HUMPHREY) would repeal legislation which the Senator from Virginia sponsored 2 years ago. As I say, that legislation was enacted—when we take the votes of the Senate and the House of Representatives—by the affirmative votes of representatives from 46 of the 50 States. I think that is a significant fact that should be given careful consideration.

Second, the legislation proposed by the Senator from Minnesota (Mr. HUMPHREY) would amend the United Nations Participation Act. This brings up the question of what other amendments should be presented at this time to an act which was passed 28 years ago. The Senate, I should think, would want to consider in some detail the entire question of the United Nations Participation Act, and undoubtedly Senators will want to present amendments thereto.

Third, during consideration of the proposed legislation, the Senate, I should think, would want a full-scale debate on the United Nations itself. The membership of the United Nations has changed drastically since the Senate authorized participation in 1945.

At that time there were 51 member nations; now there are 135 member nations.

Fourth, I believe the Senate will wish to discuss the background of the United Nations action against Rhodesia. It will

be of interest to inquire as to how a small, land-locked African nation, which has attacked no one, was officially declared by the U.N. Security Council to be "a threat to the peace," when no such action was taken against North Vietnam during its long aggression in Southeast Asia, or against the Soviet Union and the Warsaw Pact nations at the time of the 1968 invasion of Czechoslovakia.

Fifth, I would hope that the managers of the bill presented by the Senator from Minnesota would be prepared to discuss in some detail the governments and potential contributions of the new members—namely, those admitted to membership after the original 51. The Senate and the Nation, I believe, would be interested in just what types of governments these new United Nations members have.

Sixth, I should think the Senate and the people of our Nation would have great interest in the financial aspects of the United Nations. Most certainly, we should know, and consideration of the proposed legislation would present a good opportunity to get a full accounting, just how much money the United States has contributed to the United Nations since it was organized in 1945. We need to know not just the regular assessments—the dollar amount and percentages, and so forth—but also the various voluntary contributions with dollar amounts, percentages, and so forth.

These are a few thoughts that come to my mind, and undoubtedly other Senators will have many other areas that should be explored during consideration of the proposed legislation.

It has been many years since there has been a full-scale discussion in the Congress as to the role of the United Nations and its many ramifications.

Now would be a good time to give full consideration to the various matters I have mentioned above.

I hope when this legislation is called up, possibly next week, that the Senate would enter into a full-scale discussion of the United Nations, the many problems concerning that world organization, and the financial contributions of the United States to it.

I end as I began:

The legislation Senator HUMPHREY's proposal would repeal says this:

> The President may not prohibit the importation of a strategic material from a non-Communist country if such material is imported from a Communist-dominated country.

Except for the fact that the United Nations does not like it, and Russia does not like it—what is the matter with the existing legislation, which was passed by the Congress, signed by the President, and upheld by the courts?

ORDER FOR AGREEMENT TO COMMITTEE AMENDMENTS TO S. 2589 AT THE TIME OF ITS CONSIDERATION

Mr. JACKSON. Mr. President, in line with the desire of all of us to expedite action on the emergency energy bill, S. 2589, which has been reported by the Committee on Interior and Insular Affairs, I ask unanimous consent that when the Senate proceeds to the consideration of S. 2589, the committee amendments be considered as having been agreed to en bloc and that the bill as amended be treated as original text for the purpose of further amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Washington? The Chair hears none, and it is so ordered.

QUORUM CALL

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M.

Mr. HARRY F. BYRD, JR. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and at 1:25 p.m., the Senate adjourned until Wednesday, November 14, 1973, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate November 13, 1973:

DEPARTMENT OF JUSTICE

Evan LeRoy Hultman, of Iowa, to be U.S. attorney for the northern district of Iowa for the term of 4 years. Reappointment.

IN THE NAVY

Rear Adm. Eli T. Reich, U.S. Navy, retired, for appointment to the grade of vice admiral on the retired list pursuant to title 10, United States Code, section 5233.

IN THE AIR FORCE

The following officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designed by the President under subsection (a) of section 8066, in grade, as follows:

To be lieutenant general

Maj. Gen. Royal N. Baker, 460-20-1746FR (major general, Regular Air Force), U.S. Air Force.

HOUSE OF REPRESENTATIVES—*Tuesday, November 13, 1973*

The House met at 12 o'clock noon.

Rev. Edward M. Gladden, St. Andrew's Methodist Church, Salisbury, Md., offered the following prayer:

Our Father, inspire the Members of this body, and the people of this Republic, to fulfill their destiny as a nation that Thou hast blessed; here they have come citizens from every race. Here they have found refuge; here they built homes; and here they invested their lives. We thank Thee for those who were heroic in times of peril, and gave freely to the last full measure of devotion. Let us not waste their sacrifice. Teach us to bring durable peace out of war, order out of chaos, brotherhood out of conflict. So may our people learn to do justly, love mercy, and walk humbly with Thee.

We commend the Congress of our great Nation to Thy loving care and fatherly goodness. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

THE REVEREND EDWARD M. GLADDEN

(Mr. BAUMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. BAUMAN. Mr. Speaker, the Reverend Mr. Edward M. Gladden comes to us today from the United Methodist Church of Salisbury on the Eastern Shore of Maryland. A distinguished member of his community, he was born in Chance, Somerset County, Md., which is the mother county of that great area of the Free State. He has pastored several churches on his native Eastern Shore and his pastorate now includes St. Andrew's in Salisbury and Melson's near Delmar, with more than a thousand souls.

After elementary and high school, he attended Wesley College in Dover, Del., and Duke Divinity School, Duke University, Durham, N.C. He has had pastorates at Galestown and Newark, Md., and on beautiful Smith Island, out in the Chesapeake Bay, one of the most picturesque communities in my district.

I know all the Members welcome Reverend Gladden here today and thank him for his inspirational prayer which has opened our session.

THANKSGIVING RECESS

(Mr. ROUSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROUSH. Mr. Speaker, the program which has been announced for the next few weeks calls for a 10-day recess over Thanksgiving. I cannot in good conscience agree with such a schedule. The Congress has work to do. We still have three appropriations bills to pass in the House and numerous others to deal with by way of conference reports. The con-

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firmation vote on Vice-President-designate GERALD R. FORD, is of the utmost importance. The appointment of a special prosecutor is legislation which by all means deserves immediate attention. The trade bill, the pension bill, the social security bill, and numerous other pieces of legislation demand attention. We are living in a period of crises. For the Congress to leave Washington at a time when the country and, indeed, the world is in a period of crisis is neither wise nor prudent. I believe our people will not look approvingly on a congressional 10-day recess. I suggest we stay on the job.

FROM DEPENDENCY TO INDEPENDENCY IN ENERGY

(Mr. HANNA asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. HANNA. Mr. Speaker, I have been very impressed by the responses that have come from the administration and the work that is being done by the Congress on the crisis of energy. I am disturbed, however, that we have very little other than a crisis response.

I should like to point out to the House that the most important thing that we can do is to look at the constructive things that are going to be required to meet the long-range thrust of what a movement from dependence to inpendence in energy will mean. I am very disturbed that there is not being addressed to this House plans and projects predicated on a reality of knowing where the money is going to come from, where the manpower is going to come from, and where the materials are going to come from to establish these new projects and these new sources that will support the economy of the United States.

Mr. Speaker, I sorely am afraid that we are looking at an increase in unemployment in the dimensions of 6 percent next year, and, if we do not act affirmatively and effectively, perhaps as much as 13-percent unemployment in the next 3 years.

ANNOUNCEMENT OF RECESS FROM NOVEMBER 15 TO NOVEMBER 26, 1973

(Mr. O'NEILL asked was given permission to address the House for 1 minute.)

Mr. O'NEILL. Mr. Speaker, I take this time to make an announcement. Upon the conclusion of the legislation which is now being managed by the gentleman from New York (Mr. ROONEY), I will offer a concurrent resolution that when the House adjourns on Thursday, November 15, 1973, it stand adjourned until 12 o'clock meridian, Monday, November 26, 1973.

APPOINTMENT AS MEMBER OF FEDERAL COUNCIL ON ARTS AND HUMANITIES

The SPEAKER. Pursuant to the provisions of section 9(b), Public Law 89–209, as amended by section 2(a) (8), Public Law 93–133, the Chair appoints as a member of the Federal Council on the Arts and the Humanities the gentlewoman from Connecticut (Mrs. GRASSO).

CONFERENCE REPORT ON H.R. 8916, DEPARTMENTS OF STATE, JUSTICE, COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1974

Mr. ROONEY of New York. Mr. Speaker, I call up the conference report on the bill (H.R. 8916) making appropriations for the Departments of State, Justice, Commerce, the Judiciary, and related agencies, for the fiscal year ending June 30, 1974, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

CALL OF THE HOUSE

Mr. WYDLER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 576]

Ashley
Blackburn
Burke, Calif.
Chappell
Chisholm
Clark
Clausen, Don H.
Conlan
Conte
Davis, Wis.
Dellums
Diggs
Du Pont
Edwards, Calif.
Esch
Gonzalez
Gray
Gubser
Hébert
Heckler, Mass.
Jarman
Jones, Okla.
Keating
Kluczynski
Lent
McKay
Mathias, Calif.
Mizell
Murphy, N.Y.
Nelsen
O'Hara
Powell, Ohio
Rees
Reid
St Germain
Skubitz
Steele
Stephens
Teague, Tex.
Thompson, N.J.
Tiernan
Young, S.C.

The SPEAKER. On this rollcall 391 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CONFERENCE REPORT ON H.R. 8916, DEPARTMENTS OF STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES APPROPRIATIONS, 1974

The SPEAKER. The Clerk will read the statement.

The Clerk read the statement.

(The conference report and statement, see proceedings of the House of November 8, 1973.)

Mr. ROONEY of New York (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER. The gentleman from New York (Mr. ROONEY) is recognized for 30 minutes, and the gentleman from Michigan (Mr. CEDERBERG) is recognized for 30 minutes.

The Chair now recognizes the gentleman from New York.

(Mr. ROONEY of New York asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. ROONEY of New York. Mr. Speaker, the pending bill (H.R. 8916) which makes appropriations for the Departments of State, Justice, and Commerce, the Judiciary and related agencies for the fiscal year ending June 30, 1974, and for other purposes, as agreed to by the House-Senate conferees, contains a total of $4,466,012,000 in new obligational authority plus $221,515,000 for liquidation of contract authorizations.

The bill before you is $313,066,000 above the bill as originally passed by the House. However, the other body considered estimates totaling $287,821,000 which were not considered by the House.

This bill is $56,889,000 below the total of the budget estimates, and it is $2,313,081,850 below the total new obligational authority for fiscal year 1973.

Mr. Speaker, I should like at this time to express my appreciation to all of the members of the subcommittee as well as the full committee for their cooperation and assistance in connection with this year's bill. I especially want to commend the distinguished and highly capable gentleman from West Virginia (Mr. SLACK) for so ably chairing the subcommittee during my illness.

Mr. Speaker, at this time I ask unanimous consent to insert in the RECORD a table giving by departments and agencies the details of the bill as agreed to by the conferees, and also that I may be permitted to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

(The material referred to follows:)

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES, 1974

Department or agency (1)	New budget (obligational) authority, fiscal year 1973 (2)	Budget estimates of new (obligational) authority, fiscal year 1974 (3)	New budget (obligational) authority recommended in House bill (4)	New budget (obligational) authority recommended in Senate bill (5)	New budget (obligational) authority recommended by conference action (6)	Conference action compared with—			
						New budget (obligational) authority, fiscal year 1973 (7)	Budget estimates of new (obligational) authority, fiscal year 1974 (8)	New budget (obligational) authority recommended in House bill (9)	New budget (obligational) authority recommended in Senate bill (10)
Department of State	$587,185,650	$633,050,000	$595,571,000	$606,482,750	$618,559,000	+$31,373,350	−$14,491,000	+$22,988,000	+$12,076,250
Department of Justice	1,778,078,000	1,860,824,000	1,808,112,000	1,844,262,000	1,842,262,000	+64,184,000	−18,562,000	+34,150,000	−2,000,000
Department of Commerce	1,612,074,500	1,210,992,000	961,804,000	1,227,852,000	1,223,578,000	−388,496,500	+12,586,000	+261,774,000	−4,274,000
The Judiciary	193,642,600	205,529,000	202,364,000	204,514,000	203,442,000	+9,799,400	−2,087,000	+1,078,000	−1,072,000
American Battle Monuments Commission	3,711,000	3,800,000	3,800,000	3,800,000	3,800,000	+89,000			
Arms Control and Disarmament Agency	10,000,000	7,735,000	6,935,000	7,935,000	7,735,000	−2,265,000		+800,000	−200,000
Commission on American Shipbuilding	550,000	205,000	205,000	205,000	205,000	−345,000			
Commission on Civil Rights	4,948,000	5,814,000	5,566,000	5,814,000	5,700,000	+752,000	−114,000	+134,000	−114,000
Commission on the Organization of the Government for the Conduct of Foreign Policy	200,000	1,100,000		1,100,000	1,050,000	+850,000	−50,000	+1,050,000	−50,000
Department of the Treasury, Bureau of Accounts: Fishermen's Protective Fund	3,000,000					−3,000,000			
Equal Employment Opportunity Commission	32,000,000	46,934,000	40,000,000	46,934,000	43,000,000	+11,000,000	−3,934,000	+3,000,000	−3,934,000
Federal Maritime Commission	5,679,000	6,040,000	6,000,000	6,000,000	6,000,000	+321,000	−40,000		
Foreign Claims Settlement Commission	16.943,000	810,000	800,000	800,000	800,000	−16,143,000	−10,000		
International Radio Broadcasting	39,670,100	49.934,000	45,000,000	45,000,000	45,000,000	+5,329,900	−4,934,000		
Marine Mammal Commission		825,000	412,000	825,000	412,000	+412,000	−413,000		−413,000
National Commission for the Review of Federal and State Laws Relating to Wiretapping and Electronic Surveillance		332,000	332,000	332,000	332,000	+332,000			
National Commission on Fire Prevention and Control	450,000					−450,000			
National Tourism Resources Review Commission	400,000					−400,000			
Small Business Administration	2,273,530,000	248,273,000	248,123,000	248,123,000	248,123,000	−2,025,407,000	−150,000		
Special representative for trade negotiations	1,014,000	1,550,000	1,500,000	1,500,000	1,500,000	+486,000	−50,000		
Subversive Activities Control Board	350,000					−350,000			
Tariff Commission	6,000,000	7,300,000	7,000,000	7,300,000	7,100,000	+1,100,000	−200,000	+100,000	−200,000
United States Information Agency	209,668,000	231,854,000	219,422,000	200,699,500	207,414,000	−2,254,000	−24,440,000	−12,008,000	+6,714,500
Total, new budget (obligational) authority	6,779,093,850	4,522,901,000	4,152,946,000	4,459,478,250	4,466,012,000	−2,313,081,850	−56,889,000	+313,066,000	+6,533,750
Appropriations to liquidate contract authorizations	(232,000,000)	(221,515,000)	(221,515,000)	(221,515,000)	(221,515,000)	(−10,485,000)			

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ROONEY of New York. I am happy to yield to my friend, the distinguished gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, I thank the gentleman from New York for yielding. I would like to say at the outset that I am more than pleased to see my friend, the gentleman from New York, back, I might say, at the old stand handling this bill on the House floor. I am happy to see the gentleman has recovered from his illness, and I hope that the gentleman from New York will be with us for a long, long time. While the gentleman from New York has been ably represented by the vice chairman, the gentleman from West Virginia (Mr. SLACK), it has not been quite the same in the absence of Mr. ROONEY. It is good to have him back.

Mr. Speaker, I should like to ask a question concerning a favorite topic when a State Department appropriation bill comes before the House, and that is the increase for representation allowances. Does that mean that booze and food, as indulged in by the State Department, has increased in price, or more of it is being consumed, or is this due to the devaluation of the dollar?

Mr. ROONEY of New York. I should like to say to my distinguished friend, the gentleman from Iowa (Mr. GROSS), that I thank him for his kind remarks. I have always had high regard for the gentleman personally. The gentleman has always been my friend, even though we have disagreed at times. I think that together we have accomplished some significant things over the many years in saving the taxpayers' money.

In response to the inquiry of the gentleman from Iowa, may I say that the amount approved by the conferees would not allow over a gill more than they presently have in alcoholic beverages. However, we must realize that the price of Coca-Cola and Pepsi-Cola has advanced to such an extent over a good part of the world that it became necessary to allow this slight increase in this item for representation allowances.

The House conferees did succeed in saving some money by helping to make up for this increase in other boards and commissions where the other body allowed funds to do quite a bit of entertaining.

Mr. GROSS. Is the gentleman from New York saying that Pepsi-Cola and Coca-Cola have become heavy items of consumption in the State Department these days?

Mr. ROONEY of New York. Oh, they always have been.

Mr. GROSS. Is that due to the influence of our new Secretary of State?

Mr. ROONEY of New York. No, the consumption started quite a few years back. They have had to drink Coca-Cola exclusively in many countries where alcoholic beverages are not permitted.

Mr. GROSS. Does the gentleman think that the Department of State will be content and satisfied with $1,200,000 for what my friend, the gentleman from New York, has been pleased to call tools of the trade?

Mr. ROONEY of New York. I should think they should be.

Mr. GROSS. I thank the gentleman for his response.

With respect to the payments for the International Center in Washington, D.C., an item of $2,200.000, was there such an item in the original House bill?

Mr. ROONEY of New York. It was not authorized at the time that this bill was before the committee.

Mr. GROSS. But it is now authorized; is that correct?

Mr. ROONEY of New York. It is presently authorized.

Mr. GROSS. I thank the gentleman.

Mr. CEDERBERG. Mr. Speaker, the

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distinguished chairman of our subcommittee, the gentleman from New York (Mr. Rooney), has adequately explained this conference report. I just want to say that I am sure I can speak for all of the members of the subcommittee and the Members of the House that we are delighted to see that the chairman is back and feeling well, and to note that when he was in conference with the Members of the other body, he was the same John Rooney we have always known.

Mr. ROONEY of New York. Will the distinguished gentleman from Michigan yield?

Mr. CEDERBERG. I yield to the gentleman from New York.

Mr. ROONEY of New York. I sincerely thank the gentleman. I will tell the gentleman one thing: I would feel much better if there were some heat in this Chamber. I think there is no sense in our coming here and spending all day in this temperature. I have been told not too many months ago that if I get another cold, I am in trouble.

Mr. CEDERBERG. May I say to the distinguished gentleman we will wind this up in a real hurry. The rumor is they turned on the air-conditioning so we could get the temperature down to 65. With all of the hot air in here, sometimes it is hard to keep it as cool as it has been.

Mr. Speaker, I should just like to say I have no further requests for time, and I yield back the balance of my time.

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in support of the conference report on H.R. 8916, making appropriations for the Departments of State, Justice, and Commerce and related agencies for fiscal year 1974. I specifically single out the appropriation of $245 million for the programs under the Economic Development Administration.

As my colleagues know, the administration at the beginning of the year opposed the extension of EDA and requested only termination funds for this program. I am pleased that Congress saw fit to extend this valuable act despite these objections. The President reconsidered and signed the 1-year extension.

Since these events took place during the consideration of H.R. 8916, this body did not have the opportunity to consider any program appropriation request for EDA. Consequently, conferees could only review action taken by the other body which acted on the administration's recommendations for EDA funds. I am pleased that all moneys appropriated by the Senate have been retained in conference.

However, the $245 million is considerably less than previous years' appropriations. Additionally, vital programs under EDA have received no funding whatsoever. Title III district funds are lacking. Title II business loans have been eliminated. I am confident, though, that funds for districts, totaling $6.5 million will be included in a supplemental appropriation bill now in committee and expected later this month. This program deserves our extended support. Districts are a proven workable tool to deliver the Federal dollar to meet the local need.

Additionally, the supplemental could fill any dollar gap created by the early commitment of fiscal year 1974 EDA funds. I hope EDA considers itself in full operation for the entire fiscal year, and does not attempt to terminate operation at the beginning of the 1974 calendar year.

I urge passage of this conference report.

Mr. McCLORY. Mr. Speaker, it appears that the conference report in making appropriations for the Department of Justice—accompanying H.R. 8916—includes funds totaling $870 million for the Law Enforcement Assistance Administration—LEAA.

Mr. Speaker, it is my understanding that of this sum, the National Institute on Law Enforcement and Criminal Justice will receive approximately $40 million for fiscal year 1974. This sum should enable the National Institute to make a substantial start in fulfilling its important roles of research and training, as well as the numerous other related activities for which this important agency is responsible.

Mr. Speaker, I have been favorably impressed with the expanded authority granted to the National Institute, and I have been tremendously impressed by its Director, Jerry Kaplan. I hope that substantial progress in behalf of the vital assistance to the local and State law enforcement agencies and all others concerned with law enforcement and criminal justice will occur during the coming year.

Mr. RAILSBACK. Mr. Speaker, I am pleased to add my vote in favor of passage of the conference report on H.R. 8916, State, Justice, Commerce, and judiciary appropriations for fiscal year 1974.

Last June when the legislation was considered by the House, I offered an amendment to the judiciary appropriations section of H.R. 8916 which would have the effect of restoring 170 probation officers.

Members of Subcommittee No. 3, on which I serve as ranking Republican, have had an opportunity to investigate many prisons. We had the opportunity to hear the testimony of people who are expert in the field of corrections, including people with the administration and people outside of the administration.

Time after time, expert witness after expert witness made the point that something is wrong in this country when we have a recidivism rate that points out nearly three-fourths of our first-time youthful offenders who have gone to prison are going to be back in prison within a 5-year period. Our entire criminal justice system could and should be indicted on that particular statistic alone.

Of some encouragement is that various probation systems have provided the offender with the support to become a meaningful part of society. However, unfortunately, the probation caseload is expanding so rapidly that a probation officer may have a caseload as high as 80 or more.

The witnesses the committee heard stated that a good caseload would be about 35 cases per caseworker. I would suggest to all of you that if we really want to do something about crime—if we really want to do something about the rates of recidivism—we cannot cut the funding of our probation officers.

My amendment, adopted by the full House membership earlier in the year, appropriated $83,372,000 for supporting personnel. This figure was increased to $83,522,000 by the Senate, and the joint House-Senate conference has set that figure at $83,450,000. I am convinced this is a fair figure, and I would hope there would be no delay in passage of the conference report today on H.R. 8916.

While there are quite obviously many other important sections of the legislation, I am particularly concerned that we provide funds to assist the young offender—for he has the potential to become either tomorrow's law-abiding citizen or tomorrow's costly liability caught in the revolving door of recidivism. I strongly believe that a dollar spent on rehabilitation of the young offender is the best investment we can make, and the legislation before us will go a long way in providing the needed resources.

I urge immediate passage of the conference report on H.R. 8916, the State, Justice, Commerce, and judiciary appropriations bill for fiscal year 1974.

Mr. ROONEY of New York. I thank the gentleman.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the "ayes" appeared to have it.

Mr. DELLENBACK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 394, nays 11, not voting 28, as follows:

[Roll No. 577]

YEAS—394

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Arends
Armstrong
Ashbrook
Ashley
Aspin
Badillo
Bafalis
Baker
Barrett
Bauman
Beard
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bowen
Brademas
Brasco

Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Camp
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Conable
Corman
Cotter
Coughlin
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellenback
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Grasso
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Hosmer
Howard
Huber
Hudnut
Hungate
Hunt
Hutchinson
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Kemp
Ketchum
King
Koch
Kyros
Landrum
Latta
Leggett
Lehman
Litton
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Mills, Ark.
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nichols
Nix
Obey
O'Brien
O'Neill
Owens
Parris
Passman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rees
Regula
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
Sandman
Sarasin
Sarbanes
Satterfield
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stokes
Stratton
Stubblefield
Studds
Sullivan
Symington
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—11

Archer
Byron
Collins, Tex.
Conyers
Crane
Gross
Ichord
Landgrebe
Rarick
Shuster
Symms

NOT VOTING—28

Blackburn
Bolling
Burke, Calif.
Clausen, Don H.
Conlan
Conte
Davis, Wis.
Dellums
du Pont
Gray
Gubser
Keating
Kluczynski
Kuykendall
Lent
Mailliard
Mathias, Calif.
Mizell
Murphy, N.Y.
Nelsen
O'Hara
Patman
Powell, Ohio
Reid
Rousselot
St Germain
Stephens
Stuckey

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Murphy of New York with Mr. Gubser.

Mr. Kluczynski with Mr. Davis of Wisconsin.

Mr. O'Hara with Mr. Conte.

Mr. Reid with Mr. Conlan.

Mr. Gray with Mr. Blackburn.

Mrs. Burke of California with Mr. du Pont.

Mr. Stephens with Mr. Don H. Clausen.

Mr. St Germain with Mr. Dellums.

Mr. Stuckey with Mr. Kuykendall.

Mr. Patman with Mr. Lent.

Mr. Mailliard with Mr. Mizell.

Mr. Rousselot with Mr. Nelsen.

Mr. Powell of Ohio with Mr. Mathias of California.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 24; page 23, insert the following:

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including hire of passenger motor vehicles; payment in advance for special tests and studies by contract; not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; purchase of not to exceed 344 passenger motor vehicles (of which 210 are for replacement only) for police-type use without regard to the general purchase price limitation for the current fiscal year; payment of rewards; payment for publication of technical and informational material in professional and trade journals; purchase of chemicals, apparatus, and scientific equipment; payment for necessary accommodations in the District of Columbia for conferences and training activities; lease, maintenance, and operation of aircraft; employment of aliens by contract for services abroad; research related to enforcement and drug control; $107,230,000, of which not to exceed $4,500,000 for such research shall remain available until expended.

MOTION OFFERED BY MR. ROONEY OF NEW YORK

Mr. ROONEY of New York. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Rooney of New York moves that the House recede from its disagreement to the amendment of the Senate numbered 24 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 26: Page 25, line 5, insert the following: ": *Provided*, That notwithstanding the provisions of this section, not to exceed $7,821,000 from any funds in the Treasury of the United States to the credit of the District of Columbia shall be available for reimbursement to the United States pursuant to this section."

MOTION OFFERED BY MR. ROONEY OF NEW YORK

Mr. ROONEY of New York. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Rooney of New York moves that the House recede from its disagreement to the amendment of the Senate numbered 26 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 27: On page 26, line 12, insert the following:

ADMINISTRATION OF ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For necessary expenses of administering the economic development assistance programs, not otherwise provided for, $19,000,000, of which not to exceed $800,000 may be advanced to the Small Business Administration for proccessing of loan applications: *Provided*, That none of the funds appropriated in this Act or otherwise available for expenditure by the Department of Commerce shall be used to discontinue or phase out the economic development assistance programs (including Regional Action Planning Commissions) undertaken under the Public Works and Economic Development Act of 1965, as amended.

MOTION OFFERED BY MR. ROONEY OF NEW YORK

Mr. ROONEY of New York. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Rooney of New York moves that the House recede from its disagreement to the amendment of the Senate numbered 27 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

XUM

The Clerk read as follows:

Senate amendment No. 30: On page 28, line 6, insert the following:

DEVELOPMENT FACILITIES

For grants and loans for development facilities as authorized by titles I, II, and IV of the Public Works and Economic Development Act of 1965, as amended (79 Stat. 552; 81 Stat. 266; 83 Stat. 219; 84 Stat. 375, 85 Stat. 166), $159,000,000 of which not more than $25,000,000 shall be for grants and loans to Indian tribes, as authorized by title I, section 101(a) and title II, section 201(a) of such Act: *Provided*, That upon the enactment of the Indian Tribal Government Grant Act the unobligated balances of the amounts appropriated for Indian tribes under title I, section 101(a) and title II, section 201(a) shall be transferred to carry out such purposes of the Indian Tribal Government Grant Act: *Provided further*, That none of the above amounts shall be subject to the restrictions of the last sentence of section 105 of the Public Works and Economic Development Act of 1965, as amended.

MOTION OFFERED BY MR. ROONEY OF NEW YORK

Mr. ROONEY of New York. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROONEY of New York moves that the House recede from its disagreement to the amendment of the Senate numbered 30 and concur therein with an amendment, as follows: in lieu of the matter inserted by said amendment, insert the following:

DEVELOPMENT FACILITIES

For grants and loans for development facilities as authorized by titles I, II, and IV of the Public Works and Economic Development Act of 1965, as amended (79 Stat. 552; 81 Stat. 266; 83 Stat. 219; 84 Stat. 375; 85 Stat. 166), $159,000,000 of which not more than $25,000,000 shall be for grants and loans to Indian tribes, as authorized by title 1, section 101(a) and title II, section 201(a) of such Act: Provided, That upon enactment of the Indian Tribal Government Grant Act the unobligated balances of the amounts appropriated for Indian tribes under title 1, section 101(a) and title 11, section 201(a) shall be transferred to carry out such purposes of the Indian Tribal Government Grant Act.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 37: On page 33, line 1, insert the following:

COASTAL ZONE MANAGEMENT

For carrying out the provisions of Public Law 92-583, approved October 27, 1972, $15,000,000, to remain available until expended. This appropriation shall be in addition to the appropriations otherwise made to the National Oceanic Atmospheric Administration by this Act and expenditures of such other appropriations shall not be reduced on account of expenditures of this appropriation: *Provided*, That States eligible for grants under the requirements of section 305 or 306 of Public Law 92-583 shall be entitled to receive a pro rata share of the amounts appropriated for uses according to the provisions of such sections of such Act. No finding of invalidity or absence of rule or regulation promulgated pursuant to such Act shall be construed to prevent obligation or expenditure of funds appropriated under this Act to such eligible States: *Provided further*, That this appropriation shall not be used by a recipient coastal State for areas outside its coastal zone which it has included in an application for Federal financial assistance under a national land use policy and planning assistance Act which may hereafter be enacted.

MOTION OFFERED BY MR. ROONEY OF NEW YORK

Mr. ROONEY of New York. Mr. Speaker I offer a motion.

The Clerk read as follows:

Mr. ROONEY of New York moves that the House recede from its disagreement to the amendment of the Senate numbered 37 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment insert the following: "$12,000,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 39: On page 40, line 16, insert the following: *Provided*, That not to exceed $75,000 of the unobligated balance of the appropriation under this head for the fiscal year 1973 is hereby continued available until June 30, 1974.

MOTION OFFERED BY MR. ROONEY OF NEW YORK

Mr. ROONEY of New York. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROONEY of New York moves that the House recede from its disagreement to the amendment of the Senate numbered 39 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 46: On page 47, line 18, insert the following:

COMMISSION OF THE ORGANIZATION OF THE GOVERNMENT FOR THE CONDUCT OF FOREIGN POLICY

SALARIES AND EXPENSES

For necessary expenses of the Commission on the Organization of the Government for the Conduct of Foreign Policy, authorized by title VI of the Foreign Relations Authorization Act of 1972, $1,100,000 to remain available until June 30, 1975, and of which not to exceed $6,000 may be expended for official reception and representation expenses.

MOTION OFFERED BY MR. ROONEY OF NEW YORK

Mr. ROONEY of New York. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROONEY of New York moves that the House recede from its disagreement to the amendment of the Senate numbered 46 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

COMMISSION ON THE ORGANIZATION OF THE GOVERNMENT FOR THE CONDUCT OF FOREIGN POLICY

SALARIES AND EXPENSES

For necessary expenses of the Commission on the Organization of the Government for the Conduct of Foreign Policy, authorized by title VI of the Foreign Relations Authorization Act of 1972, $1,050,000 to remain available until June 30, 1975.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 50: On page 50, line 1, insert the following: "of which not to exceed $1,725, shall be available for expenses incurred in fiscal year 1973."

MOTION OFFERED BY MR. ROONEY OF NEW YORK

Mr. ROONEY of New York. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROONEY of New York moves that the House recede from its disagreement to the amendment of the Senate numbered 50 and concur therein.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

GENERAL LEAVE

Mr. ROONEY of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to, and that the committee may insert tables and other such matter in explanation of the conference.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE A PRIVILEGED REPORT ON MILITARY CONSTRUCTION APPROPRIATIONS, 1974

Mr. SIKES. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the military construction appropriation bill for the fiscal year ending June 30, 1974, and for other purposes.

(Mr. CEDERBERG reserved all points of order on the bill.)

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

PROVIDING FOR ADJOURNMENT FROM THURSDAY, NOVEMBER 15 TO MONDAY, NOVEMBER 26, 1973

Mr. O'NEILL. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 378) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 378

Resolved by the House of Representatives (the Senate concurring), That when the

House adjourns on Thursday, November 15, 1973, it stand adjourned until 12 o'clock meridian, Monday, November 26, 1973.

Mr. O'NEILL. Mr. Speaker, I move the previous question on the concurrent resolution.

The previous question was ordered.

The SPEAKER. The question is on the concurrent resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. FREY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 215, nays 190, not voting 28, as follows:

[Roll No. 578]

YEAS—215

Adams
Addabbo
Alexander
Anderson, Calif.
Annunzio
Arends
Aspin
Badillo
Baker
Barrett
Bergland
Biaggi
Bingham
Blatnik
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breckinridge
Broyhill, Va.
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Byron
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clark
Clawson, Del
Clay
Cleveland
Collins, Ill.
Collins, Tex.
Conlan
Conyers
Corman
Crane
Cronin
Daniel, Dan
Daniels, Dominick V.
Danielson
Davis, Ga.
Delaney
Denholm
Dent
Derwinski
Dingell
Dorn
Downing
Dulski
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn

Evins, Tenn.
Fascell
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Fulton
Gaydos
Gettys
Gibbons
Gonzalez
Green, Oreg.
Green, Pa.
Griffiths
Grover
Haley
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Hawkins
Hays
Hébert
Helstoski
Henderson
Hicks
Holifield
Holt
Horton
Howard
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Jordan
Kastenmeier
Kazen
Koch
Landrum
Leggett
Lehman
Long, La.
Long, Md.
McCormack
McFall
McKay
Macdonald
Madden
Mahon
Martin, Nebr.
Martin, N.C.
Matsunaga
Mayne
Mazzoli
Meeds

Melcher
Metcalfe
Mezvinsky
Milford
Minish
Mink
Moakley
Mollohan
Montgomery
Moorhead, Pa.
Morgan
Moss
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Neill
Owens
Passman
Patman
Patten
Pepper
Perkins
Pike
Podell
Preyer
Price, Ill.
Quillen
Rangel
Rarick
Rees
Reuss
Rhodes
Rinaldo
Roberts
Robinson, Va.
Rodino
Roe
Roncallo, N.Y.
Rooney, N.Y.
Rose
Rosenthal
Rostenkowski
Roybal
Sarbanes
Satterfield
Scherle
Seiberling
Shipley
Sikes
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steiger, Ariz.

Stokes
Stratton
Stubblefield
Sullivan
Symms
Teague, Tex.
Thompson, N.J.
Thornton
Tiernan
Udall
Vanik

Vigorito
Waggonner
Ware
Whalen
White
Whitten
Widnall
Williams
Wilson, Bob

Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wolff
Wright
Wydler
Young, Ga.
Young, S.C.
Zwach

NAYS—190

Abdnor
Abzug
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Archer
Armstrong
Ashbrook
Bafalis
Bauman
Beard
Bell
Bennett
Bevill
Biester
Breaux
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burgener
Burleson, Tex.
Burton
Butler
Camp
Clancy
Cochran
Cohen
Collier
Conable
Cotter
Coughlin
Culver
Daniel, Robert W., Jr.
Davis, S.C.
de la Garza
Dellenback
Dennis
Devine
Dickinson
Donohue
Drinan
Duncan
du Pont
Edwards, Ala.
Esch
Eshleman
Evans, Colo.
Findley
Fish
Flynt
Forsythe
Frelinghuysen
Frenzel
Frey
Froehlich
Fuqua
Giaimo

Gilman
Ginn
Goldwater
Goodling
Grasso
Gross
Gude
Gunter
Guyer
Hamilton
Hammerschmidt
Hanrahan
Harsha
Harvey
Hastings
Hechler, W. Va.
Heckler, Mass.
Heinz
Hillis
Hinshaw
Hogan
Holtzman
Hosmer
Huber
Hudnut
Hungate
Hunt
Hutchinson
Johnson, Colo.
Jones, Okla.
Karth
Kemp
Ketchum
King
Kuykendall
Kyros
Landgrebe
Latta
Litton
Lott
Lujan
McClory
McCloskey
McCollister
McDade
McEwen
McKinney
McSpadden
Mailliard
Mallary
Mann
Maraziti
Mathis, Ga.
Michel
Miller
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Moorhead, Calif.
Mosher
Murphy, Ill.
Nix
O'Brien

Parris
Pettis
Peyser
Pickle
Poage
Price, Tex.
Pritchard
Quie
Railsback
Randall
Regula
Riegle
Robison, N.Y.
Rogers
Roncalio, Wyo.
Rooney, Pa.
Roush
Roy
Runnels
Ruppe
Ruth
Sandman
Sarasin
Schneebeli
Schroeder
Sebelius
Shoup
Shriver
Shuster
Skubitz
Spence
Steele
Steelman
Steiger, Wis.
Studds
Symington
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Thomson, Wis.
Thone
Towell, Nev.
Treen
Ullman
Van Deerlin
Vander Jagt
Veysey
Waldie
Walsh
Wampler
Whitehurst
Wiggins
Winn
Wyatt
Wylie
Wyman
Yatron
Young, Alaska
Young, Fla.
Young, Ill.
Young, Tex.
Zablocki
Zion

NOT VOTING—28

Ashley
Blackburn
Burke, Calif.
Clausen, Don H.
Conte
Davis, Wis.
Dellums
Diggs
Gray

Gubser
Keating
Kluczynski
Lent
Madigan
Mathias, Calif.
Mills, Ark.
Mizell
Murphy, N.Y.
O'Hara

Powell, Ohio
Reid
Rousselot
Ryan
St Germain
Stark
Stephens
Stuckey
Yates

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 8877, DEPARTMENTS OF LABOR, HEW, AND RELATED AGENCIES APPROPRIATIONS, 1974

Mr. FLOOD. Mr. Speaker, I call up the conference report on the bill (H.R. 8877) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies for the fiscal year ending June 30, 1974, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of November 8, 1973.)

The SPEAKER. The gentleman from Pennsylvania (Mr. FLOOD) is recognized for 30 minutes and the gentleman from Illinois (Mr. MICHEL) is recognized for 30 minutes. The Chair recognizes the gentleman from Pennsylvania.

Mr. FLOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, since this involves only $33 billion we should have a little order in the House, at least a little better order than we have.

Mr. Speaker, here it is, here is the big one. The conference report which we are considering today appropriates—Members should wait until they hear this—$32,926,796,000 for the Departments of Labor, Health, Education, and Welfare, and related agencies for the fiscal year 1974. This is $1,376,843,000 more than the budget request, and, hear this, $712,575,000 less than the appropriation for fiscal year 1973.

Now, put that in your pipe and smoke it. It is $110,329,000 more than the bill which passed the House last June 26. June 26—that is important, we passed this June 26—but it is $469,583,000 less than the Senate bill, almost a half-billion dollars less than the Senate bill.

As these figures indicate, Mr. Speaker, the conference agreement is much, much closer in total to the House bill than to the Senate bill.

I suppose the most important thing about this appropriation bill in the eyes of many people is that it exceeds the President's budget request by over $1.3 billion. That is not a surprise to anyone who has been following the history of this bill. The House bill is $1.2 billion over the budget. The Senate bill was $1.8 billion over the budget request.

It is very interesting to note that no money amendments, not a dime, no money amendments to this bill were adopted here in the House or in the Senate in floor debate. Now, that is something. That is the first time that has happened in a long, long time.

In other words, there is nothing in this bill, as far as dollars are concerned, which was not recommended by the Committees on Appropriations of the House or the Senate, after months of hearings. Members should keep that in the backs of their heads.

We are not dealing here with any of those large so-called package amendments of the type which have been attached to this bill in previous years. Remember those? Not this time; those package amendments were the results of very extensive lobby operations; not this time, not here.

Mr. Speaker, I have never been one who believed that every line in the President's budget should be considered as sacred and untouchable. The people who put budgets together downtown, believe it or not, are only human. They really are, they are only human. Sometimes even they make mistakes.

Nevertheless, we owe it to the Members here in the House who are concerned about fiscal responsibility—and really that means all of us—the Members rate an explanation from us as to why this bill appropriates $1.3 billion more than the President asked for. How come? What is the answer to that? That is what is in the back of the heads of all Members here.

Now, what do we do here? The simple fact is that the budget proposed to cut back, phase out, or eliminate many of the health and education programs which are funded in this bill.

Both Houses of Congress by overwhelming votes—overwhelming votes, you remember, we were all a part of it—refused to agree to the elimination or drastic cutbacks of these programs.

What were they? Some were your prize pigeons, the Hill-Burton hospital construction grants, remember that? That was right in our backyard. Being against that is like being against motherhood.

All right, we listened to you—appropriations, regional medical programs. Remember that? All the while you were knocking on my door day and night, "Do not reduce the regional medical programs. Oh, boy, do not touch that."

This one, community mental health centers; how much mail did you get on that? Stacks of it saying, "Do not cut that out."

Aid for schools to train health professionals. Ho, ho, do not touch that.

Support for medical research. Remember the AMA, all your medical programs back home, local county medical societies, universities, and colleges, "Do not cut out aid to medical research." You asked this. OK, we put it back in.

That is why there is the $1.3 billion over the budget, because we put these things back that were cut out, phased out. Now, the budget request for education programs was based on what they call special revenue sharing. That proposal would have cut Federal support for elementary and secondary education. Ever hear of that? Cut it by half a billion below the 1972 level, and almost $1 billion below the 1973 appropriation.

As we all know, the budget proposed to stop the funding for the community action agencies and abolish the Office of Economic Opportunity. This is what happened, we took your word, we looked at your votes, and that is why we acted the way we did. So, keep that in mind now—you asked for it—you asked for it.

Most of the increase over the budget request provided in this bill is required simply to maintain the funding for health. Are you against that? Education; are you against that? And the antipoverty programs. There is no big deal, just the current funding level.

The figures which illustrate this point, which is that the increases over the budget result primarily from the restoration of proposed cutbacks are given in great detail, keep this in mind for your people back home—we have this in complete detail in a table which was a terrific job by the staff.

Mr. Speaker, I ask unanimous consent to insert these figures in the RECORD at the conclusion of my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FLOOD. Mr. Speaker, in summary—but remember; I repeat, remember all that information is here for you, and it is some information; it is detailed, because you are going to need it.

In summary, the bill provides $4,881,756,000 for health programs, excluding medicare and medicaid, an increase of $453,744,000 over the budget. It has $6,210,986,000 for education programs, an increase of $945,745,000 over the budget. It has $346,300,000 for the Office of Economic Opportunity, an increase of $202,500,000 over the budget. These increases are partially offset by decreases below the budget request for certain other programs which we have outlined for you.

So much for the figures.

I suppose most of the discussion here today will center around amendment No. 32. Now, we have all heard this before. This goes on like Tennyson's brook. It relates to the distribution of funds under title IA of the Elementary and Secondary Education Act.

Now, on this amendment, the procedure is this: This amendment we have reported in technical disagreement, and there will be a separate vote on it.

The motions which I shall offer at the proper time will provide that no State shall receive less than 90 percent of the amounts due and made available for local educational agencies within the State in the fiscal year 1972 and no local educational agency shall receive less than 90 percent nor more than 115 percent of the amount received—remember, this is "local" now—of the amount received in fiscal year 1973.

Now, do not get mixed up between this "State" and "local" business. Now, I want the Members to listen. Some of the Members do not understand this. If we do not understand this, we will be running around this floor with all kinds of figures—just like the Folies Bergere—all over the place.

Some of the Members may be worried. They may say, "What about my State?" Now, I have heard this five times around here.

Do not forget that the important thing is the local community, the county, and the local school board. Do not get mixed up with all these figures that are flying around here.

Just so the Members will know this again, this provision I am speaking of is identical to the compromise which was worked out earlier with the Senate and which is incorporated in the continuing resolution presently in effect.

Now, after careful consideration—and by that, Mr. Speaker, I mean hours of careful consideration, because none of us did this off the top of our head—the conferees concluded that it is still the best alternative which has been suggested.

Now, we have data here showing the effect of the provision on the allocations to every State and to every county in the United States. We have it right here. We have it for every State, No. 1, and for every county, No. 2—the entire Nation.

Now, obviously there is no perfect solution to this problem. This is a can of worms, make no mistake about that. To put it in the colloquial, "There ain't no solution."

No matter what formula is worked out or by whom, there will be some school districts that are going to gain, and there will be some that are going to lose.

Las Vegas could never beat this operation; it just cannot be done.

Mr. Speaker, nobody regrets more than I—and I repeat, we do not like this—that it is necessary to include this so-called "hold harmless" provision in the appropriation bill. It should not be there; it does not belong here; it has no place here. This is an appropriation bill. It should be out in the yard someplace. But anyway, here it is. It should be incorporated in substantive legislation extending the Elementary and Secondary Education Act. That is where it belongs, and we all know it.

I am not criticizing anybody; I am just repeating for the purpose of emphasis, and all the Members know this as well as I do.

Unfortunately, such legislation has not been enacted. Almost 5 months have elapsed, as I mentioned earlier.

Now, allocations for the school districts in the first quarter have been made. We all know this; we must know it. Allocations for the first quarter back home have already been made, and the allocations for the second quarter back home are now a month overdue. We cannot fool around with this thing 5 minutes longer. This is murder.

This issue, Mr. Speaker, should be settled now, and I should mark that with an exclamation point. There must not be any further delay toward the enactment of this $33 billion Health, Education, and Welfare bill.

Just think of the uncertainty of the school districts back home and what this means as to the amount of money available to them. What is going to be available to them during the remainder of the school year? They do not know. I do not blame them for being uneasy.

Therefore, Mr. Speaker, I urge the adoption of this conference report right now. It is already late. I also urge adoption of certain motions which I shall subsequently offer in connection with the amendments in disagreement.

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE APPROPRIATION BILL, 1974 (H.R. 8877) NEW BUDGET (OBLIGATIONAL AUTHORITY—CONFERENCE SUMMARY

TITLE I—DEPARTMENT OF LABOR

Agency and item	1973 appropriation	1974				Conference agreement compared with			
		Budget estimate	House bill	Senate bill	Conference agreement	1973	Budget 1974	House	Senate
MANPOWER ADMINISTRATION									
Salaries and expenses	($63,277,500)	($67,830,000)	$41,032,000	(1)				−$41,032,000	
Trust fund transfer	*(26,989,000)*	*(26,090,000)*	*(26,090,000)*	(1)				*(−26,090,000)*	
Manpower revenue sharing	(1,549,416,000)	(1,340,000,000)	(1)	(1)	(1)				
Manpower training services				$40,000,000					−$40,000,000
Emergency employment assistance	1,250,000,000					−$1,250,000,000			
Federal unemployment benefits and allowances	475,000,000	365,000,000	365,000,000	365,000,000	$365,000,000	−110,000,000			
Advances to the extended unemployment compensation account	120,000,000					−120,000,000			
Federal grants to States for employment services	65,556,500	64,400,000	64,400,000	64,400,000	64,400,000	−1,156,500			
Limitation on grants to States for unemployment insurance and employment services	*(840,300,000)*	*(817,400,000)*	*(817,400,000)*	*(817,400,000)*	*(817,400,000)*	*(−22,900,000)*			
Total, Manpower Administration	1,910,556,500	429,400,000	470,432,000	469,400,000	429,400,000	−1,481,156,500		−41,032,000	−40,000,000
LABOR-MANAGEMENT SERVICES ADMINISTRATION									
Salaries and expenses	25,677,700	23,500,000	23,500,000	23,500,000	23,500,000	−2,177,700			
EMPLOYMENT STANDARDS ADMINISTRATION									
Salaries and expenses	50,749,500	52,050,000	52,410,000	52,410,000	52,410,000	+1,660,500	+$360,000		
Special benefits	108,292,000	141,250,000	141,250,000	141,250,000	141,250,000	+32,958,000			
Total, Employment Standards Administration	159,041,500	193,300,000	193,660,000	193,660,000	193,660,000	+34,618,500	+360,000		
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION									
Salaries and expenses	69,874,800	69,836,000	69,318,000	73,400,000	70,408,000	+533,200	+572,000	+1,090,000	−2,992,000
BUREAU OF LABOR STATISTICS									
Salaries and expenses	44,784,000	47,400,000	47,400,000	47,400,000	47,400,000	+2,616,000			
DEPARTMENTAL MANAGEMENT									
Salaries and expenses	24,196,000	23,225,000	23,225,000	23,322,000	23,322,000	−874,000	+97,000	+97,000	
Trust fund transfer	*(797,000)*	*(797,000)*	*(797,000)*	*(797,000)*	*(797,000)*				
Special foreign currency program	100,000	200,000				−100,000	−200,000		
Total, Departmental Management	24,296,000	23,425,000	23,225,000	23,322,000	23,322,000	−974,000	−103,000	+97,000	
Total, new budget (obligational) authority, Department of Labor	2,234,230,500	786,861,000	827,535,000	830,682,000	787,690,000	−1,446,540,500	+829,000	−39,845,000	−42,992,000
TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE									
HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION									
Mental health	$803,823,000	$1,281,731,000	$795,475,000	$845,475,000	$815,975,000	+$12,152,000	−$465,756,000	+$20,500,000	−$29,500,000
Saint Elizabeths Hospital (indefinite)	36,941,000	38,000,000	38,000,000	38,000,000	38,000,000	+1,059,000			
Health services planning and development	479,073,000	103,081,000	388,520,000	388,520,000	388,520,000	−90,553,000	+285,439,000		
Health services delivery	751,295,000	832,030,000 (19,500,000)	832,030,000 (1)	875,380,000 (1)	853,280,000 (1)	+101,985,000	+21,250,000	+21,250,000	−22,100,000
Trust fund transfer	*(4,719,000)*	*(5,419,000)*	*(5,419,000)*	*(5,419,000)*	*(5,419,000)*	*(+700,000)*			
Preventive health services	159,872,000	125,080,000	127,080,000	141,780,000	134,565,000	−25,307,000	+9,485,000	+7,485,000	−7,215,000
National health statistics	18,514,000	22,821,000	22,821,000	19,335,000	19,335,000	+821,000	−3,486,000	−3,486,000	
Retirement pay and medical benefits for commissioned officers (indefinite)	$32,163,000	$34,103,000	$34,103,000	$34,103,000	$34,103,000	+$1,940,000			
Buildings and facilities	19,457,000	12,000,000	9,500,000	9,500,000	9,500,000	−9,957,000	−$2,500,000		
Office of the Administrator	13,408,000	14,304,000	14,304,000	7,304,000	12,000,000	−1,408,000	−2,304,000	−$2,304,000	+$4,696,000
Total, Health Services and Mental Health Administration	2,311,546,000	2,463,150,000	2,261,833,000	2,359,397,000	2,305,278,000	−6,268,000	−157,872,000	+43,445,000	−54,119,000
Consisting of—									
Definite appropriations	2,245,442,000	2,391,047,000	2,189,730,000	2,287,294,000	2,233,175,000	−12,267,000	−157,872,000	+43,445,000	−54,119,000
Indefinite appropriations	66,104,000	72,103,000	72,103,000	72,103,000	72,103,000	+5,999,000			

Footnotes at end of table.

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE APPROPRIATION BILL, 1974 (H. R. 8877) NEW BUDGET (OBLIGATIONAL) AUTHORITY—CONFERENCE SUMMARY—Continued

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

Agency and item	1973 appropriation	1974				Conference agreement compared with			
		Budget estimate	House bill	Senate bill	Conference agreement	1973	Budget 1974	House	Senate
NATIONAL INSTITUTES OF HEALTH									
National Cancer Institute	492,205,000	500,000,000	522,383,000	580,000,000	551,191,500	+58,986,500	+51,191,500	+28,808,500	−28,808,500
National Heart and Lung Institute	300,000,000	265,000,000	281,415,000	320,000,000	302,915,000	+2,915,000	+37,915,000	+21,500,000	−17,085,000
National Institute of Dental Research	46,691,000	38,152,000	41,131,000	47,000,000	45,565,500	−1,125,500	+7,113,500	+1,434,500	−1,431,500
National Institute of Arthritis, Metabolism, and Digestive Diseases	167,316,000	133,608,000	155,891,000	163,000,000	159,447,000	−7,869,000	+25,839,000	+3,553,000	−3,553,000
National Institute of Neurological Diseases and Stroke	130,672,000	101,198,000	120,073,000	125,000,000	125,000,000	−5,672,000	+23,802,000	+4,927,000	
National Institute of Allergy and Infectious Diseases	113,414,000	98,693,000	112,741,000	114,000,000	114,000,000	+586,000	+15,307,000	+1, 56,000	
National Institute of General Medical Sciences	183,171,000	138,573,000	175,778,000	183,500,000	176,778,000	−6,393,000	+38,205,000	+1000,000	−6,722,000
National Institute of Child Health and Human Development	130,426,000	106,679,000	125,251,000	135,251,000	130,251,000	−175,000	+23,575,000	+5,000,000	−5,000,000
National Eye Institute	38,562,000	32,092,000	36,631,000	46,631,000	41,631,000	+3,069,000	+9,539,000	+5,000,000	−5,000,000
National Institute of Environmental Health Sciences	30,956,000	25,263,000	28,879,000	28,879,000	28,879,000	−2,077,000	+3,616,000		
Research resources	75,073,000	88,632,000	133,322,000	131,000,000	133,172,000	+58,399,000	+44,540,000	+150,000	−528,000
John E. Fogarty International Center for Advanced Study in Health Sciences	4,666,000	3,586,000	4,767,000	4,767,000	4,767,000	+101,000	+1,181,000		
Subtotal, NIH research institutes	1,713,155,000	1,531,776,000	1,741,271,000	1,882,031,000	1,813,900,000	+100,745,000	+282,124,000	+72,629,000	−68,131,000
Health manpower	740,728,000	382,180,000	706,841,000	731,916,000	710,795,000	−29,933,000	+328,615,000	+3,954,000	−21,121,000
National Library of Medicine	28,568,000	21,994,000	25,871,000	25,871,000	25,871,000	−2,697,000	+877,000		
Buildings and facilities	8,500,000	8,000,000	8,000,000	8,000,000	8,000,000	−500,000			
Office of the Director	12,042,000	12,000,000	12,000,000	12,000,000	12,000,000	−42,000			
Scientific activities overseas (special foreign currency program)	25,619,000	1,912,000	1,912,000	1,912,000	1,912,000	−23,707,000			
Payment of sales insufficiencies and interest losses	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000				
General research support grants	(60,700,000)	(2)	(2)	(2)	(3)				
Total, National Institutes of Health	2,562,612,000	1,964,562,000	2,499,595,000	2,665,730,000	2,576,178,000	+13,566,000	+611,616,000	+76,583,000	−89,552,000
EDUCATION DIVISION									
OFFICE OF THE ASSISTANT SECRETARY FOR EDUCATION									
Salaries and expenses, assistant secretary for education	1,495,000	1,852,000	1,722,000	1,722,000	1,722,000	+227,000	−130,000		
Postsecondary innovation		15,000,000	10,000,000	10,000,000	10,000,000	+10,000,000	−5,000,000		
Subtotal, Assistant Secretary for Education	1,495,000	16,852,000	11,722,000	11,722,000	11,722,000	+10,227,000	−5,130,000		
OFFICE OF EDUCATION									
Education revenue sharing		2,520,205,000	(3)	(3)	(3)		−2,520,205,000		
Elementary and secondary education	2,024,393,000	76,000,000	2,105,393,000	2,139,893,000	2,121,893,000	+97,500,000	+2,045,893,000	+16,500,000	−18,000,000
School assistance in federally affected area	661,405,000	60,500,000	610,000,000	633,800,000	610,000,000	−51,405,000	+549,500,000		−23,800,000
Emergency school assistance	270,610,000	270,610,000	258,193,000	258,193,000	258,193,000	−12,417,000	−12,417,000		
Education for the handicapped	157,409,000	93,609,000	143,609,000	159,009,000	152,404,000	−5,005,000	+58,795,000	+8,795,000	−6,605,000
Occupational, vocational and adult education	643,460,000	45,000,000	600,641,000	651,558,000	614,903,000	−28,557,000	+569,903,000	+14,262,000	−36,655,000
Higher education	1,693,010,000	1,747,914,000	1,808,914,000	2,025,914,000	1,889,414,000	+196,404,000	+141,500,000	+80,500,000	−136,500,000
Library resources	264,857,000		176,209,000	176,709,000	171,709,000	−93,148,000	+171,709,000	−4,500,000	−5,000,000
Educational development	344,055,000	120,375,000	161,110,000	163,670,000	157,170,000	−186,885,000	+36,795,000	−3,940,000	−6,500,000
Educational activities overseas (special foreign currency program)	3,000,000	3,000,000	2,000,000	1,000,000	1,000,000	−2,000,000	−2,000,000	−1,000,000	
Salaries and expenses	82,265,000	88,118,000	83,118,000	86,747,000	86,747,000	+4,482,000	−1,371,000	+3,629,000	
Student loan insurance fund	46,640,000	57,883,000	57,883,000	57,883,000	57,883,000	+11,243,000			
Payment of participation sales insufficiencies	2,921,000	2,948,000	2,948,000	2,948,000	2,948,000	+27,000			
Subtotal, Office of Education	6,191,055,000	5,086,192,000	6,010,018,000	6,354,384,000	6,121,264,000	−69,791,000	+1,035,072,000	+111,246,000	−233,120,000
NATIONAL INSTITUTE OF EDUCATION									
National Institute of Education	92,082,000	162,197,000	142,671,000	75,000,000	75,000,000	−17,082,000	−87,197,000	−67,671,000	
Total, Education Division	6,287,632,000	5,265,241,000	6,164,411,000	6,444,106,000	6,210,986,000	−76,646,000	+945,745,000	+46,575,000	−233,120,000

Agency and item	1973 appropriation	1974				Conference agreement compared with			
		Budget estimate	House bill	Senate bill	Conference agreement	1973	Budget 1974	House	Senate
SOCIAL AND REHABILITATION SERVICE									
Grants to States for public assistance	$13,958,770,000	$12,891,048,000	$12,891,048,000	$12,864,279,000	$12,853,279,000	−$1,105,491,000	−$37,769,000	−$37,769,000	−$11,000,000
Work incentives	340,498,000	534,434,000	384,434,000	340,443,000	340,443,000	−55,000	−193,991,000	−43,991,000	
Social and rehabilitation services	283,582,000 (698,182,000)	264,032,000 (700,096,000)	291,717,000 (1)	307,217,000 (1)	298,917,000 (1)	+15,335,000	+34,885,000	+7,200,000	−8,300,000
Research and training activities (special foreign currency program)	8,000,000	4,000,000	2,000,000			−8,000,000	−4,003,000	−2,000,000	
Salaries and expenses	60,215,000	78,800,000	78,800,000	70,000,000	72,200,000	+11,985,000	−6,600,000	−6,600,000	+2,200,000
Trust fund transfer	*(600,000)*	*(600,000)*	*(600,000)*	*(600,000)*	*(600,000)*				
Total, Social and Rehabilitation Service	14,651,065,000	13,772,314,000	13,647,999,000	13,581,939,000	13,564,839,000	−1,086,226,000	−207,475,000	−83,160,000	−17,100,000
SOCIAL SECURITY ADMINISTRATION									
Payments to social security trust funds	2,475,485,000	3,110,181,000	3,110,181,000	3,110,181,000	3,110,181,000	+631,696,000			
Special benefits for disabled coal miners	1,520,222,000	967,868,000	967,868,000	967,868,000	967,868,000	−552,354,000			
Supplemental security income program	77,207,000	2,211,636,000	2,211,636,000	2,211,636,000	2,211,636,000	+2,134,429,000			
Limitation on salaries and expenses	*(1,403,047,000)*	*(1,887,898,000)*	*(1,887,898,000)*	*(1,887,898,000)*	*(1,887,898,000)*	*(+484,851,000)*			
Limitation on construction	*(1,000,000)*					*(−1,000,000)*			
Total, Social Security Administration	4,072,914,000	6,289,685,000	6,289,685,000	6,289,685,000	6,289,685,000	+2,216,771,000			
SPECIAL INSTITUTIONS									
American Printing House for the Blind	1,696,500	1,817,000	1,817,000	1,817,000	1,817,000	+120,500			
National Technical Institute for the Deaf	6,609,000	6,487,000	6,487,000	6,487,000	6,487,000	−122,000			
Model Secondary School for the Deaf	4,625,000	3,975,000	3,962,000	3,975,000	3,975,000	−650,000		+13,000	
Gallaudet College	14,446,000	10,599,000	10,492,000	10,599,000	10,599,000	−3,847,000		+107,000	
Howard University	58,881,000	58,784,000	57,873,000	58,784,000	58,784,000	−97,000		+911,000	
Total, Special Institutions	86,257,500	81,662,000	80,631,000	81,662,000	81,662,000	−4,595,500		+1,031,000	
OFFICE OF CHILD DEVELOPMENT									
Child development	415,706,000	443,800,000	419,100,000	450,100,000	434,600,000	+18,894,000	−9,200,000	+15,500,000	−15,500,000
OFFICE OF THE SECRETARY									
Office for Civil Rights	14,909,000	17,943,000	17,943,000	17,943,000	17,943,000	+3,034,000			
Trust fund transfer	*(1,180,000)*	*(1,253,000)*	*(1,253,000)*	*(1,253,000)*	*(1,253,000)*	*(+73,000)*			
Departmental management	57,434,000	122,198,000	120,198,000	107,898,000	107,898,000	+50,464,000	−14,300,000	−12,300,000	
Trust fund transfer	*(6,875,000)*	*(7,890,000)*	*(7,890,000)*	*(7,890,000)*	*(7,890,000)*	*(+1,015,000)*			
Total, Office of the Secretary	72,343,000	140,141,000	138,141,000	125,841,000	125,841,000	+53,498,000	−14,300,000	−12,300,000	
Total, new budget (obligational) authority, Department of Health, Education, and Welfare	30,430,375,500	30,420,855,000	31,501,695,000	31,998,460,000	31,589,369,000	+1,158,993,500	+1,168,514,000	+87,674,000	−409,091,000
Consisting of—									
Definite appropriations	30,364,271,500	30,348,752,000	31,429,592,000	31,926,357,000	31,517,266,000	+1,152,994,500	+1,168,514,000	+87,674,000	−409,091,000
Indefinite appropriations	66,104,000	72,103,000	72,103,000	72,103,000	72,103,000	+5,999,000			

TITLE III—RELATED AGENCIES

Agency and item	1973 appropriation	Budget estimate	House bill	Senate bill	Conference agreement	1973	Budget 1974	House	Senate
Action (domestic programs)	$42,788,260 (51,588,000)	$43,004,000 (49,395,000)	$43,004,000 (1)	$43,004,000 (1)	$43,004,000 (1)	+$215,740			
Cabinet Committee on Opportunities for Spanish-speaking People	(1,000,000)	(1,000,000)	(1)	(1)	(1)				
Corporation for Public Broadcasting	[4] 35,000,000	[4] 45,000,000	(1)	[4] 55,000,000	[4] 50,000,000	+15,000,000	+$5,000,000	+$50,000,000	−$5,000,000
Federal Mediation and Conciliation Service	10,818,000	10,960,000	10,960,000	10,960,000	10,960,000	+142,000			
National Commission on Libraries and Information Science	406,000	406,000	406,000	406,000	406,000				
National Labor Relations Board	50,456,000	55,050,000	55,050,000	55,050,000	55,050,000	+4,594,000			
National Mediation Board	2,888,000	2,867,000	2,867,000	2,867,000	2,867,000	−21,000			
Occupational Safety and Health Review Commission	5,979,000	4,890,000	4,890,000	4,890,000	4,890,000	−1,089,000			
Office of Economic Opportunity	790,200,000	143,800,000	333,800,000	358,800,000	346,300,000	−443,900,000	+202,500,000	+12,500,000	−12,500,000

Footnotes at end of table.

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE APPROPRIATION BILL, 1974 (H.R. 8877) NEW BUDGET (OBLIGATIONAL) AUTHORITY—CONFERENCE SUMMARY—Continued

TITLE III—RELATED AGENCIES—Continued

Agency and item	1973 appropriation	1974 Budget estimate	1974 House bill	1974 Senate bill	1974 Conference agreement	Conference agreement compared with 1973	Conference agreement compared with Budget 1974	Conference agreement compared with House	Conference agreement compared with Senate
Railroad Retirement Board:									
Payments for military service credits	$21,645,000	$22,178,000	$22,178,000	$22,178,000	$22,178,000	+533,000			
Limitation on salaries and expenses	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]			
Soldiers' and Airmen's Home (trust fund appropriation):									
Operation and maintenance	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]			
Capital outlay	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]			

hold-harmless provisions that were in the continuing resolution.

Mr. FLOOD. Mr. Speaker, if the gentleman will yield, of course the gentleman does know that we did reconsider this.

Mr. QUIE. I know that it was reconsidered, but the conferees are now coming back proposing that we accept the same formula. And why is this not acceptable? Because the only reason I went along with the continuing resolution in October was because we were on the last day of the old resolution. At midnight that night the Federal Government would have been without spending authority. Also if we had gone back for an exten-

income in 1960, to 78,000 from $4,000 families in 1970, as compared with California which had 206,000 children from $2,000 incomes or less in 1960, all the way up to 488,000 in 1970 from $4,000 income families or less; 2½ times as many in 1970. That indicates only the shifts of poor children that have occurred between States. It does not take into consideration the shifts that have occurred within each State.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. The gentleman mentioned Iowa. I will [illegible]

Those are the basic reasons why we ought to recommit the bill and get a hold harmless and limitation for this fiscal year 1974. This is within reason and that gets money to kids who need services. It is interesting that if we adopt my proposal, 32 States including the District of Columbia will get more money; 19 States will get less money. That really shows how unreasonable the formula is that is proposed by the committee, when 19 States are benefited by that formula and 32 States suffer.

I think that the Members ought to be able to support my proposal, so I call on my colleagues to send this bill back [illegible] we have a continuing

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE APPROPRIATION BILL, 1974 (H.R. 8877) NEW BUDGET (OBLIGATIONAL) AUTHORITY—CONFERENCE SUMMARY—Continued

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

Agency and item	1973 appropriation	1974				Conference agreement compared with			
		Budget estimate	House bill	Senate bill	Conference agreement	1973	Budget 1974	House	Senate
NATIONAL INSTITUTES OF HEALTH									
National Cancer Institute	492,205,000	500,000,000	522,383,000	580,000,000	551,191,500	+58,986,500	+51,191,500	+28,808,500	−28,808,500
National Heart and Lung Institute	300,000,000	265,000,000	281,115,000	320,000,000	302,915,000	+2,915,000	+37,915,000	+21,800,000	−17,085,000
National Institute of Dental Research	46,691,000	38,452,000	44,131,000	47,000,000	45,565,500	−1,125,500	+7,113,500	+1,434,500	−1,434,500
National Institute of Arthritis, Metabolism, and Digestive Diseases	167,316,000	133,608,000	155,894,000	163,000,000	159,447,000	−7,869,000	+25,839,000	+3,553,000	−3,553,000
National Institute of Neurological Diseases and Stroke	130,672,000	101,198,000	120,073,000	125,000,000	125,000,000	−5,672,000	+23,802,000	+4,927,000	
National Institute of Allergy and Infectious Diseases	113,414,000	98,693,000	112,744,000	114,000,000	114,000,000	+586,000	+15,307,000	+1,256,000	
National Institute of General Medical Sciences	183,171,000	138,573,000	175,778,000	183,500,000	176,778,000	−6,393,000	+38,205,000	+1,000,000	−6,722,000
National Institute of Child Health and Human Development	130,429,000	106,679,000	125,254,000	135,254,000	130,254,000	−175,000	+23,575,000	+5,000,000	−5,000,000
National Eye Institute	38,562,000	32,092,000	36,631,000	46,631,000	41,631,000	+3,069,000	+9,539,000	+5,000,000	−5,000,000
National Institute of Environmental Health Sciences	30,956,000	25,263,000	28,879,000	28,879,000	28,879,000	−2,077,000	+3,616,000		
Research resources	75,073,000	88,632,000	133,322,000	134,000,000	133,472,000	+58,399,000	+44,840,000	+150,000	−528,000
John E. Fogarty International Center for Advanced Study in Health Sciences	1,666,000	3,586,000	1,767,000	1,767,000	1,767,000	+101,000	−1,819,000		
Subtotal, NIH research institutes	1,713,455,000	1,531,776,000	1,741,271,000	1,882,031,000	1,813,900,000	+100,445,000	+282,124,000	+72,629,000	−68,131,000
Health manpower	740,728,000	382,180,000	706,841,000	731,916,000	710,795,000	−29,933,000	+328,615,000	+3,954,000	−21,121,000
National Library of Medicine	28,568,000	21,994,000	25,871,000	25,871,000	25,871,000	−2,697,000	+3,877,000		
Buildings and facilities	8,500,000	8,000,000	8,000,000	8,000,000	8,000,000	−500,000			
Office of the Director	12,042,000	12,000,000	12,000,000	12,000,000	12,000,000	−42,000			
Scientific activities overseas (special foreign currency program)	25,619,000	1,912,000	1,912,000	1,912,000	1,912,000	−23,707,000			
Payment of sales insufficiencies and interest losses	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000				
General research support grants	(60,700,000)	(2)	(2)		(2)				
Total, National Institutes of Health	2,532,912,000	1,961,862,000	2,499,895,000	2,665,730,000	2,576,478,000	+43,566,000	+614,616,000	+76,583,000	−89,252,000
EDUCATION DIVISION									
OFFICE OF THE ASSISTANT SECRETARY FOR EDUCATION									
Salaries and expenses, assistant secretary for education	1,495,000	1,852,000	1,722,000	1,722,000	1,722,000	+227,000	−130,000		
Postsecondary innovation		15,000,000	10,000,000	10,000,000	10,000,000	+10,000,000	−5,000,000		
Subtotal, Assistant Secretary for Education	1,495,000	16,852,000	11,722,000	11,722,000	11,722,000	+10,227,000	−5,130,000		
OFFICE OF EDUCATION									
Education revenue sharing		2,520,205,000	(3)	(3)	(3)		−2,520,205,000		
Elementary and secondary education	2,024,393,000	76,000,000	2,105,393,000	2,139,893,000	2,121,893,000	+97,500,000	+2,045,893,000	+16,500,000	−18,000,000
School assistance in federally affected area	661,405,000	90,500,000	610,000,000	633,800,000	610,000,000	−51,405,000	+519,500,000		−23,800,000
Emergency school assistance	270,640,000	270,640,000	258,523,000	258,523,000	258,523,000	−12,117,000	−12,117,000		
Education for the handicapped	157,109,000	93,609,000	143,609,000	158,769,000	152,104,000	−5,005,000	+58,495,000	+8,495,000	−6,665,000
Occupational, vocational and adult education	643,460,000	45,000,000	600,641,000	651,558,000	614,903,000	−28,557,000	+569,903,000	+14,262,000	−36,655,000
Higher education	1,693,010,000	1,747,914,000	1,808,914,000	2,025,914,000	1,889,414,000	+196,404,000	+141,500,000	+80,500,000	−136,500,000
Library resources	261,857,000		176,209,000	176,709,000	171,709,000	−90,148,000	+171,709,000	−4,500,000	−5,000,000
Educational development	344,055,000	120,375,000	161,110,000	163,670,000	157,170,000	−186,885,000	+36,795,000	−3,940,000	−6,500,000
Educational activities overseas (special foreign currency program)	3,000,000	3,000,000	2,000,000	1,000,000	1,000,000	−2,000,000	−2,000,000	−1,000,000	
Salaries and expenses	82,265,000	88,118,000	83,118,000	86,747,000	86,747,000	+4,482,000	−1,371,000	+3,629,000	
Student loan insurance fund	46,640,000	57,883,000	57,883,000	57,883,000	57,883,000	+11,243,000			
Payment of participation sales insufficiencies	2,921,000	2,948,000	2,948,000	2,948,000	2,948,000	+27,000			
Subtotal, Office of Education	6,194,055,000	5,086,192,000	6,010,018,000	6,357,384,000	6,124,264,000	−69,791,000	+1,038,072,000	+114,246,000	−233,120,000
NATIONAL INSTITUTE OF EDUCATION									
National Institute of Education	92,082,000	162,197,000	142,671,000	75,000,000	75,000,000	−17,082,000	−87,197,000	−67,671,000	
Total, Education Division	6,287,632,000	5,265,241,000	6,164,411,000	6,444,106,000	6,210,986,000	−76,646,000	+945,745,000	+46,575,000	−233,120,000

Agency and item	1973 appropriation	1974				Conference agreement compared with			
		Budget estimate	House bill	Senate bill	Conference agreement	1973	Budget 1974	House	Senate
SOCIAL AND REHABILITATION SERVICE									
Grants to States for public assistance	$13,958,770,000	$12,891,048,000	$12,891,048,000	$12,864,279,000	$12,853,279,000	−$1,105,491,000	−$37,769,000	−$37,769,000	−$11,000,000
Work incentives	340,498,000	534,434,000	384,434,000	340,443,000	340,443,000	−55,000	−193,991,000	−43,991,000	
Social and rehabilitation services	283,582,000 (698,182,000)	264,032,000 (700,096,000)	291,717,000 (1)	307,217,000 (1)	298,917,000 (1)	+15,335,000	+34,885,000	+7,200,000	−8,300,000
Research and training activities (special foreign currency program)	8,000,000	4,000,000	2,000,000			−8,000,000	−4,000,000	−2,000,000	
Salaries and expenses	60,215,000	78,800,000	78,800,000	70,000,000	72,200,000	+11,985,000	−6,600,000	−6,600,000	+2,200,000
Trust fund transfer	*(600,000)*	*(600,000)*	*(600,000)*	*(600,000)*	*(600,000)*				
Total, Social and Rehabilitation Service	14,651,065,000	13,772,314,000	13,647,999,000	13,581,939,000	13,564,839,000	−1,086,226,000	−207,475,000	−83,160,000	−17,100,000
SOCIAL SECURITY ADMINISTRATION									
Payments to social security trust funds	2,475,485,000	3,110,181,000	3,110,181,000	3,110,181,000	3,110,181,000	+634,696,000			
Special benefits for disabled coal miners	1,520,222,000	967,868,000	967,868,000	967,868,000	967,868,000	−552,354,000			
Supplemental security income program	77,207,000	2,211,636,000	2,211,636,000	2,211,636,000	2,211,636,000	+2,134,429,000			
Limitation on salaries and expenses	*(1,403,047,000)*	*(1,887,898,000)*	*(1,887,898,000)*	*(1,887,898,000)*	*(1,887,898,000)*	*(+484,851,000)*			
Limitation on construction	*(1,000,000)*					*(−1,000,000)*			
Total, Social Security Administration	4,072,914,000	6,289,685,000	6,289,685,000	6,289,685,000	6,289,685,000	+2,216,771,000			
SPECIAL INSTITUTIONS									
American Printing House for the Blind	1,696,500	1,817,000	1,817,000	1,817,000	1,817,000	+120,500			
National Technical Institute for the Deaf	6,609,000	6,487,000	6,487,000	6,487,000	6,487,000	−122,000			
Model Secondary School for the Deaf	4,625,000	3,975,000	3,962,000	3,975,000	3,975,000	−650,000		+13,000	
Gallaudet College	14,446,000	10,599,000	10,492,000	10,599,000	10,599,000	−3,847,000		+107,000	
Howard University	58,881,000	58,784,000	57,873,000	58,784,000	58,784,000	−97,000		+911,000	
Total, Special Institutions	86,257,500	81,662,000	80,631,000	81,662,000	81,662,000	−4,595,500		+1,031,000	
OFFICE OF CHILD DEVELOPMENT									
Child development	415,706,000	443,800,000	419,100,000	450,100,000	434,600,000	+18,894,000	−9,200,000	+15,500,000	−15,500,000
OFFICE OF THE SECRETARY									
Office for Civil Rights	14,909,000	17,943,000	17,943,000	17,943,000	17,943,000	+3,034,000			
Trust fund transfer	*(1,180,000)*	*(1,253,000)*	*(1,253,000)*	*(1,253,000)*	*(1,253,000)*	*(+73,000)*			
Departmental management	57,434,000	122,198,000	120,198,000	107,898,000	107,898,000	+50,464,000	−14,300,000	−12,300,000	
Trust fund transfer	*(6,875,000)*	*(7,890,000)*	*(7,890,000)*	*(7,890,000)*	*(7,890,000)*	*(+1,015,000)*			
Total, Office of the Secretary	72,343,000	140,141,000	138,141,000	125,841,000	125,841,000	+53,498,000	−14,300,000	−12,300,000	
Total, new budget (obligational) authority, Department of Health, Education, and Welfare	30,430,375,500	30,420,855,000	31,501,695,000	31,998,460,000	31,589,369,000	+1,158,993,500	+1,168,514,000	+87,674,000	−409,091,000
Consisting of—									
Definite appropriations	30,364,271,500	30,348,752,000	31,429,592,000	31,926,357,000	31,517,266,000	+1,152,994,500	+1,168,514,000	+87,674,000	−409,091,000
Indefinite appropriations	66,104,000	72,103,000	72,103,000	72,103,000	72,103,000	+5,999,000			

TITLE III—RELATED AGENCIES

Agency and item	1973 appropriation	Budget estimate	House bill	Senate bill	Conference agreement	1973	Budget 1974	House	Senate
Action (domestic programs)	$42,788,260 (51,588,000)	$43,004,000 (49,395,000)	$43,004,000 (1)	$43,004,000 (1)	$43,004,000 (1)	+$215,740			
Cabinet Committee on Opportunities for Spanish-speaking People	(1,000,000)	(1,000,000)	(1)	(1)	(1)				
Corporation for Public Broadcasting	[4] 35,000,000	[4] 45,000,000	(1)	[4] 55,000,000	[4] 50,000,000	+15,000,000	+$5,000,000	+$50,000,000	−$5,000,000
Federal Mediation and Conciliation Service	10,818,000	10,960,000	10,960,000	10,960,000	10,960,000	+142,000			
National Commission on Libraries and Information Science	406,000	406,000	406,000	406,000	406,000				
National Labor Relations Board	50,456,000	55,050,000	55,050,000	55,050,000	55,050,000	+4,594,000			
National Mediation Board	2,888,000	2,867,000	2,867,000	2,867,000	2,867,000	−21,000			
Occupational Safety and Health Review Commission	5,979,000	4,890,000	4,890,000	4,890,000	4,890,000	−1,089,000			
Office of Economic Opportunity	790,200,000	143,800,000	333,800,000	358,800,000	346,300,000	−443,900,000	+202,500,000	+12,500,000	−12,500,000

Footnotes at end of table.

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE APPROPRIATION BILL, 1974 (H.R. 8877) NEW BUDGET (OBLIGATIONAL) AUTHORITY—CONFERENCE SUMMARY—Continued

TITLE III—RELATED AGENCIES—Continued

Agency and item	1973 appropriation	1974				Conference agreement compared with			
		Budget estimate	House bill	Senate bill	Conference agreement	1973	Budget 1974	House	Senate
Railroad Retirement Board:									
Payments for military service credits	$21,645,000	$22,478,000	$22,478,000	$22,478,000	$22,478,000	+$833,000			
Limitation on salaries and expenses	*(20,982,000)*	*(21,330,000)*	*(21,330,000)*	*(21,330,000)*	*(21,330,000)*	(+318,000)			
Soldiers' and Airmen's Home (trust fund appropriation):									
Operation and maintenance	12,276,000	13,326,000	13,326,000	13,326,000	13,326,000	+1,050,000			
Capital outlay	2,309,000	456,000	456,000	456,000	456,000	−1,853,000			
Total, new budget (obligational) authority, related agencies	971,765,260	312,237,000	487,237,000	567,237,000	549,737,000	−425,028,260	+$207,500,000	+$62,500,000	−$17,500,000
Grand total, new budget (obligational) authority	33,639,371,260	31,519,953,000	32,816,167,000	33,396,379,000	32,926,796,000	−712,575,260	+1,376,843,000	+10,329,000	−469,583,000
Consisting of—									
Definite appropriations	33,568,267,260	31,472,850,000	32,744,364,000	33,319,276,000	32,849,693,000	−718,574,260	+1,376,843,000	+1105,329,000	−469,583,000
Indefinite appropriations	71,104,000	77,103,000	72,103,000	77,103,000	77,103,000	+5,999,000		+5,000,000	

[1] Not considered.
[2] Included in "Research resources" in 1974.
[3] This item is presently not authorized by law.
[4] Includes indefinite appropriation of $5,000,000.

Mr. MICHEL. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, you will note that Mr. CEDERBERG, our ranking member on the full Committee on Appropriations, Mr. ROBINSON of Virginia, of our subcommittee, Mrs. GREEN from the majority side, and I did not sign the conference report.

Mr. CONTE, the gentleman from Massachusetts, did sign it with a reservation with respect to the title I formula and the National Institutes of Education item.

This indicates that there was some serious division of thought within our subcommittee which represented you in the conference with the other body.

Mr. Speaker, as our chairman has pointed out, this conference report comes back to you $1,376 million over the budget. Members will recall that when the bill was considered in the House it was reported at a level of $1.2 billion over the President's budget. I offered a package of amendments that totaled something like $629 million of reductions from that which was recommended to the House. Had we adopted that amendment to cut the increase over the budget in half, we would have been in a much better position today. We lost the vote 213 to 184 but that was very respectable considering all the popular items that were at issue. The fact that there was considerable support in this House for a lower figure persuades me to speak as I do today. Conditions have not changed all that much.

The other body in its usual fashion ballooned the House figure up to the point where the bill was $1.8 billion over the President's budget. Your House conferees, I will say quite frankly, did a good job in striking a better bargain than our counterparts for, as the chairman indicated, the conference report comes back to you and is $110 million over the House-passed bill and $469 million under the Senate bill.

As I said earlier, it is still $1,376 million over the President's budget, and that is far too much for me to digest.

Mr. Speaker, our chairman in his remarks made mention of the fact that the conference report is $712 million less than the appropriation for fiscal year 1973. Members will recall we ended up with no bill and operated throughout the year on a continuing resolution. The key to this is in HEW alone for the conference report figure is $2.8 billion over the spending level for fiscal year 1973. That is the thing we have to be talking about here today.

What are we actually spending today and what would we be spending under the increases built into this conference report? I am concerned about our busting the budget this way and every Member preaching economy ought to feel the same way. The President is attempting to hold down Federal spending to combat inflation and he ought to be supported.

We hear a lot of talk in the other body and in this House about the Congress taking hold of the entire budget process and putting our financial house in order. This is our chance to match our talks with a vote. Just a week or 10 days ago many Members were voting against an increase in the Federal debt limit. How can Members vote against an increase in the debt limit in good conscience and then vote for a $1.3 billion increase over the President's budget by adopting this conference report?

It is rather significant that the Committee on Rules today should be reporting out its overall budget reform legislation with an anti-impoundment provision in it which forces the President to spend.

We cannot have it both ways here. I suggest that here is a good opportunity and a very significant one, to show your true mettle.

Mr. Speaker, Mr. QUIE, Mr. GIAIMO, and I suspect Mrs. GREEN of Oregon and others will want an opportunity to speak on the conference report with respect to their reservations about title I and the distribution of the elementary and secondary education funds.

That same language which appeared in the continuing resolution is involved here today, so it is a matter for discussion. All of you will want to know a little bit more about it I'm sure.

As I said at the very outset, I did not sign the conference report, and that should come as no surprise to Members who knew of my position when we first considered the bill here in the House.

The SPEAKER. The time of the gentleman has expired.

Mr. MICHEL. Mr. Speaker, I yield myself 2 additional minutes.

When my package of amendments failed, I was one of those 58 Members who voted against the bill on final passage.

I certainly support the gentleman from Minnesota (Mr. QUIE) and the gentlewoman from Oregon (Mrs. GREEN) and several others in what they are attempting to do here to revamp this title I formula of the Elementary and Secondary Education. Act. So I would hope that during the remaining time in this debate those Members who have questions about the conference report would be frank to ask those questions, and we will also be glad to yield time to those who would like to speak either for or against the adoption of the conference report.

Mr. FLOOD. Mr. Speaker, does the gentleman from Illinois (Mr. MICHEL) have further requests for time?

At this point I have no further requests for time.

Mr. MICHEL. Mr. Speaker, I do have requests for time.

Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Speaker, I urge my colleagues to recommit this bill back to conference with a change in the title I formula.

When the last continuing resolution went through the House in early October we had assurances that the hold-harmless limitation in that continuing resolution would be reconsidered in the conference on the Labor-HEW appropriations bill. I see that the appropriations conferees are now coming back proposing that we accept the same 90–90–115 hold-harmless provisions that were in the continuing resolution.

Mr. FLOOD. Mr. Speaker, if the gentleman will yield, of course the gentleman does know that we did reconsider this.

Mr. QUIE. I know that it was reconsidered, but the conferees are now coming back proposing that we accept the same formula. And why is this not acceptable? Because the only reason I went along with the continuing resolution in October was because we were on the last day of the old resolution. At midnight that night the Federal Government would have been without spending authority. Also, if we had gone back for an extension of what had been in the first continuing resolution we would have held every State harmless at 100 percent of what they got in 1972.

Now the conferees come back with a proposed change that is no change at all. It is wrong to have a State held harmless at 90 percent of 1972; 1972 was 2 years ago. There was some shift in poor population between 1972 and 1973 the way it is counted under the formula. There is no reason why we should take a State back to 1972. Besides, it is the local education agency that is important. I am willing to accept the raise of 5 percent from the 85 percent LEA hold-harmless I proposed in October up to the 90-percent LEA hold-harmless as proposed in this legislation. I cannot accept the limitation that no local education agency go higher than 115 percent of that which it received in 1973.

In 1973 it was based on the 1960 census information. If an LEA has doubled its poor population based on the 1970 census, why should it be held to 115 percent?

If we limit every local education agency to that, it means we have no chance to make any significant adjustment in the State, and a dramatic shift of poor population has occurred within States, to say nothing of what has occurred between States.

If we look at the figures of what happened to a number of children from families with incomes below $2,000—forget about AFDC—based on the 1960 census, we see some things that are significant. Iowa, for instance, had 71,000 children from families below $2,000 in 1960. If we double the income amount to $4,000, Iowa only has 58,000 children from families of that income in 1970. When we compare that with New Jersey, New Jersey in 1960 had 59,000 children from $2,000 incomes and below, but in 1970 had 128,000 children from families with income below $4,000. So there is double the number of children from families with double the income in New Jersey. We can compare a couple of other situations—North Carolina had 325,000 children from incomes less than $2,000 in 1960, and only 246,000 children from families of less than $4,000 income in 1970.

But New York, which had 200,000 children from families below $2,000 income in 1960 now has 434,000 children from families of less than $4,000. Four times as many children in New York.

Let me give comparisons of two more States. West Virginia went from 106,000 children from families of less than $2,000 income in 1960, to 78,000 from $4,000 families in 1970, as compared with California which had 206,000 children from $2,000 incomes or less in 1960, all the way up to 488,000 in 1970 from $4,000 income families or less; 2½ times as many in 1970. That indicates only the shifts of poor children that have occurred between States. It does not take into consideration the shifts that have occurred within each State.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. The gentleman mentioned Iowa. I will point out that under the gentleman's proposal and under the committee proposal both, Iowa gets the same percentage of national totals.

Mr. QUIE. What I am talking about in the proposal that you bring here, is that the local education agencies that have had a dramatic increase in low-income children are not able to receive more money than 115 percent of their 1973 allotment.

The SPEAKER. The time of the gentleman has expired.

Mr. MICHEL. Mr. Speaker, I yield 3 additional minutes to the gentleman from Minnesota.

Mr. QUIE. I thank the gentleman.

When the money is taken from all the local education agencies that are entitled under the formula to more than 115 percent of what they received in 1973, and given to all those local education agencies that are to be brought up to 90 percent of their 1973 allotment and then used to bring all the States that still were below 90 percent of what they received in 1972 up to that level, there was still some money left over. Since we are appropriating $1,810 million for title I ESEA, the money remaining after the above distribution is made is then distributed among the local education agencies that were between 90 percent and 115 percent of their 1973 allotment. Those LEA's would be more than they ever were entitled to under any fair and equitable formula. That is how bad the proposal is which the conference committee is recommending that we accept.

The most peculiar of all was New Mexico where 90 percent of the amount they received in 1972 is higher than the 115 percent limit on the amounts any local school district may receive.

We just cannot work out the distribution of funds unless my formula is accepted. That is why I recommend that we hold each local education agency harmless at 90 percent of what they received in 1973, and then put a 120-percent limit on each State, so that the local education agencies within the State which have had a substantial increase in the number of low-income children will be able to receive the funds they need to finance their compensatory education programs.

The title I programs that started getting financing in the first quarter of this year, at a higher level because of this big increase in low-income children now would be cut way back by the committee proposal. I refer Members to the second chart on page 36729 in Monday's RECORD.

Those are the basic reasons why we ought to recommit the bill and get a hold harmless and limitation for this fiscal year 1974. This is within reason and that gets money to kids who need services. It is interesting that if we adopt my proposal, 32 States including the District of Columbia will get more money; 19 States will get less money. That really shows how unreasonable the formula is that is proposed by the committee, when 19 States are benefited by that formula and 32 States suffer.

I think that the Members ought to be able to support my proposal, so I call on my colleagues to send this bill back to conference. We have a continuing resolution that is operating. Let the conference committee come out with something that is better than what they are proposing to do today. In that way the title I compensatory education programs can be more effective than would be the case if the committee's recommendations were adopted.

Mr. Speaker, I yield the remainder of my time back to the gentleman from Illinois (Mr. MICHEL).

Mr. FLOOD. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. MAHON) the chairman of the Committee on Appropriations.

ACTION ON APPROPRIATIONS AND EXPENDITURES FOR THE SESSION

Mr. MAHON. Mr. Speaker, under the 1-minute rule today I made a statement as to what apparently will be the fiscal situation with respect to appropriations and expenditures for this session. In the House tomorrow I thall elaborate further in regard to the fiscal situation.

Mr. FLOOD. I yield to the gentleman from Florida (Mr. ROGERS), who is chairman of the Public Health and Environment Subcommittee of the Committee on Interstate and Foreign Commerce for a question.

Mr. ROGERS. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding.

Mr. Speaker, may I say, before I propound a question, that I have been very much concerned about rumors that the Secretary of Health, Education, and Welfare wants to institute a policy of requiring payment from those people who are admitted to the clinical center at NIH even though those patients are admitted for research only.

The question is: Would the gentleman not agree that it has been our intent in formulating our programs on research and in funding those programs that people be admitted to the NIH clinical center for research purposes without charge to those people?

Mr. FLOOD. I certainly agree with the gentleman from Florida.

Mr. ROGERS. I thank the gentleman from Pennsylvania, the chairman of the committee.

Mr. MICHEL. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Speaker, I asked for this time simply to point out what we are doing in amendment No. 4 on page 7 of this report. Amendment No. 4

appropriates $70,408,000 to the questionable Occupational Safety and Health Administration. This amount provides for both salaries and 800 positions for compliance inspection. If all the House Members have had as many complaints on OSHA as I have had, I submit to the Members we could be spending the $70 million far more profitably than it is being spent by this administration.

Mr. FLOOD. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Kentucky (Mr. PERKINS), the chairman of the Education and Labor Committee.

Mr. PERKINS. Mr. Speaker, I rise in support of the conference committee's action on the title I "hold-harmless" provision. The adoption of this conference agreement will help us immensely in the authorizing committee in our efforts to work out a fair formula for title I for next fiscal year and for the succeeding years.

Yesterday, I inserted in the RECORD on page 36652 tables showing the breakdown of appropriations by State which would result from the adoption of this conference agreement. I also inserted a table showing the gains which each of the 30 largest school districts in the country would achieve under this conference agreement.

There are three basic reasons why I believe the conference agreement must be upheld. The first reason is that we have already caused local school districts enough confusion this year by changing their title I allocations twice. And it makes little sense to me to cause still more confusion by changing them a third time as proposed in the Quie amendment. This is especially true at this late time when one-half the school year is almost over.

The second reason why we must uphold the conference agreement is that it provides for a fair distribution of funds among the States. The largest States are given very substantial increases in funds. But these increases occur in such a way so as not to cause great disruptions in local title I programs in other States.

New York State, for instance, gains $30 million under the conference agreement over what it had last year. California gains $17 million. Illinois gains $10 million. Pennsylvania gains $10 million. Texas $7 million. But none of these increases severely cripple programs in other States.

The Quie proposal, on the other hand, will take away very substantial amounts from the 19 poorest States in the country and will cripple their title I programs. These shifts will occur under the Quie proposal because these States are not wealthy enough to make high AFDC payments which qualify them to count more title I children.

The increases under the Quie amendment do not occur because of shifts in population. They only occur because of the very inequitable AFDC part of the formula.

Let me give an example to illustrate this point. Connecticut had a slight gain in population from 1960 to 1970. It went from having 1.4 percent of the total population to 1.5 percent. Texas also had a gain—but it was twice as much as Connecticut's—from 5.3 percent to 5.5 percent. However, under the Quie amendment, Connecticut will gain approximately $600,000 while Texas will lose approximately $4 million.

The Quie amendment is not allowing funds to follow population shifts. Rather, it is rewarding Connecticut for having high AFDC payments and penalizing Texas which had twice as much growth in population.

The last reason I oppose the Quie amendment is that it will result in some of the richest areas in the country receiving increased grants at the expense of some of the poorest areas in the country. For instance, Fairfax County, Va., one of the richest counties in the country, would double its allocation under the Quie amendment. Montgomery County, Md., also one of the wealthiest counties, would increase its allocation by 25 percent.

I fully recognize that those areas have need for additional funds, but increases to them should not be at the expense of the poorest counties in their States which occurs under the Quie amendment.

Mr. Speaker, the conference committee has come back to us with a reasonable compromise. I believe that we must uphold its action and reject the Quie amendment.

Mr. FLOOD. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. GIAIMO).

Mr. GIAIMO. Mr. Speaker, I rise to urge Members to vote to recommit this conference report to the conference committee, primarily because of the controversy over amendment 32, which deals with the distribution of funds for educational purposes and concerning the formula for the allocation of said educational moneys.

We have debated this matter several times before these past few months and there has been much controversy. We hear that one State, such as my own, will gain moneys and another State, such as perhaps Texas, will lose money.

The fact is that there are 32 States which under the present formula in the committee bill will lose money which otherwise they would be entitled to because of the fact that the committee bill continues an inequitable formula for fund allocations based on the outdated 1960 census formula.

This is an appropriation bill. This matter should be straightened out by the Committee on Education and Labor.

That committee should come up with an equitable formula so that States which have an increase in child population would get their fair share of the moneys, but the fact is that year in and year out, the authorizing committee has failed to come up with an equitable formula. If we do not remedy this inequitable situation here in the only vehicle before us, the Appropriations Committee bill, we will continue the inequity.

The inequity is that because of using 1960 figures and because of the fact that there have been mass migrations since 1960, States which no longer have the children living in them are being paid excessive educational moneys because they are allowed to count in their formula children who no longer live in those States and have in fact moved to the more populous and urban States; and those Urban States, because of the inequity in the formula, are being deprived of moneys which they should have because the increased numbers of children are now living there.

Mr. Speaker, this charade has gone on long enough. I submit to the Members that if they do not act now and recommit this bill to the conference committee, I submit that the Education and Labor Committee will not be disposed to come forward with an equitable formula, and we will continue once again this inequity.

Mr. Speaker, I urge the recommittal of this bill.

Mr. MICHEL. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. SARASIN).

Mr. SARASIN. Mr. Speaker, I join my colleagues in support of recommital of the Labor-HEW Appropriations conference report with instructions to the conferees to resolve the problems attendant to the formula for title I of the Elementary and Secondary Education Act.

At present, the language of H.R. 8877 concerning the title I formula provides that each school district receive not less than 90 percent of the amount it received in 1973 nor more than 115 percent of this amount. It also provides that each State would receive not less than 90 percent of the amount they received in 1972.

This provision is simply not acceptable. It is against the principles of not only title I but also those which supposedly underlie the very purpose of government—to address needs that truly exist in the most effective and efficient manner based on the most current data available—the 1970 census figures. If we do not adhere to this approach, we will continue to perpetuate the imbalance that now exists between our resources and our needs.

I urge that the arbitrary ceiling on the amount a local school district can receive be removed. The only limitation that should be incorporated would be that States in the aggregate could not receive more than 20 percent above the amount they received in 1973. Such an approach would allow necessary flexibility in the design of a new formula to meet the needs of the 1970's while permitting changes to be reflected within and between States.

We can never underestimate the fact that our children are most important, that our future rests in their hands. Their needs must be addressed forthrightly—wherever they exist—if we are to honor our commitment to the people of America to meet needs with the full impact of our resources.

Mr. FLOOD. Mr. Speaker, I yield 3 minutes to the gentlewoman from Oregon (Mrs. GREEN).

Mrs. GREEN of Oregon. Mr. Speaker, I could not sign the conference report on this bill because it seems to me, as a matter of conscience, this House should not be using, in the fiscal year 1974, the 1960 census figures as far as children in school are concerned, when we think that we have had migrations from State to State at the rate of 500,000 to 600,000 people per year during several of the years of the sixties.

Then within every single congressional district there have been migrations from one school district to another. In many congressional districts—because of the formula, there will be one school district being paid for children who moved away 6 or 8 years ago and another school district will not receive money for children who are occupying desks now—because they weren't there according to the 1960 census figures still being used.

I do want to tell the gentleman from Pennsylvania, the distinguished chairman of the subcommittee, that I think he made every effort to try to work out something, and we simply are hampered because the Committee on Education and Labor itself refuses to come out with a change in the formula that meets the current situation of the mid-seventies.

Now, a few moments ago I heard it said that the only issue here is the AFDC payments. I suggest that is not the case and that there are at least three major issues, and several other minor ones also.

It is not fair for some of the States who have some of the highest AFDC payments to receive more than their share of funds while other States which cannot make these high AFDC payments do not get as much under title I. I agree on that. But it is also true that there are statistics that have been passed around the House by which one can prove any point one sets out to prove.

I suggest that if we use AFDC alone and use low funding, we come out with one figure, and if we use high funding we come out with another figure on that AFDC factor alone.

The second thing that is of major importance is the migration, and it is unconscionable, in my opinion, to use 1960 census figures; this has been stated before: Unless this motion today to recommit is passed, it is my judgment that the authorizing committee simply will be happy, or at least some of them, those who have great power on that committee, to have the same formula used for the next 10 years.

Mr. Speaker, that is not fair to most of the States and to most of the school districts.

The third factor, which is certainly very unfair, is to use the figure of $2,000 as the poverty level cutoff. According to the 1960 census figures, there were more than 4 million families in the United States that were at the $2,000 or less poverty figure. In the 1970 census figures there were 2 million families plus, in other words, about a 50-percent change in this particular factor.

Now, as I said, one can put any statistics together and come up with any position that one wishes to defend.

The SPEAKER. The time of the gentlewoman from Oregon (Mrs. GREEN) has expired.

Mr. MICHEL. Mr. Speaker, I yield 5 additional minutes to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Speaker, it seems to me that the best thing to do today is to vote for the motion that is being supported by the gentleman from Connecticut (Mr. GIAIMO) and the gentleman from Minnesota (Mr. QUIE) to refer this back to the conferees, to make it abundantly clear that we cannot go on year after year after year giving some school districts money for children who have not lived there for perhaps 5 or 8 years and then not give money to other school districts and other States for children who actually are in attendance at that school. And that is really the major issue.

Now, I would not argue that the particular formula that the gentleman from Minnesota (Mr. QUIE) is supporting is the fairest formula in the world. In fact. I do not think it is.

However, I think it is far better than what we are doing in the conference report.

It seems to me that the members of the Committee on Education and Labor ought to examine a lot of formulas.

I might say, Mr. Speaker, that if I had my druthers, I would do away entirely with this formula we have been operating under, and I would consider as a factor average daily attendance so we would give the money to every school district for the youngsters who are actually enrolled and attending there. I would have that as one of the factors.

Then I would use the wealth of the State as a factor, because if some of the States are far wealthier than others, they ought to contribute more for the education of their children.

Then I think there ought to be an effort index.

I have not looked at studies in the last year, but I have looked at them in prior years.

In every previous study I have looked at, for example, the State of Mississippi, which is not by any means one of the wealthiest States, makes a greater effort to support education in their State than New York State. A formula based on these three factors might be used and after the allocation to States and school districts, the funds could still be used for the purposes of title I. There are other formulas that would undoubtedly be more fair than the present one.

Mr. Speaker, in conclusion I urge that this House support the motion that will be made by the gentleman from Minnesota (Mr. QUIE) or the gentleman from Illinois (Mr. MICHEL) and that this be referred to the conference committee and that they try to come back with some kind of a change which at a minimum comes closer in paying school districts for the youngsters who are there and who are enrolled and being educated there and not pay the school districts for youngsters who have not lived there for many, many years.

Mr. MICHEL. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa (Mr. SMITH).

(Mr. SMITH of Iowa asked and was given permission to revise and extend his remarks and include extraneous matter and a table.)

The table is as follows:

TITLE I, PT. A, ELEMENTARY AND SECONDARY EDUCATION ACT ESTIMATED COMPARATIVE DISTRIBUTION OF LOCAL EDUCATIONAL AGENCY GRANTS

	Fiscal year 1973 operating level	Fiscal year 1974 continuing resolution [1]	Percent [2]	Percent [3]	Percent [4]	Quie	Percent of national pupil population (1970 ADA)
Total, LEA grants	$1,316,037,468	$1,444,116,298	100.0	100.0	100.0	100.0	100.0
Alabama	34,549,166	36,231,421	1.5	2.7	2.5	2.2	1.8
Alaska	2,415,064	2,777,324	.2	.2	.2	.2	.2
Arizona	8,134,242	9,354,378	.7	.8	.6	.7	.9
Arkansas	20,963,618	21,793,010	.8	1.6	1.5	1.3	1.0
California	111,618,375	128,361,130	10.6	7.5	8.9	9.1	10.5
Colorado	10,237,378	11,772,985	.9	.8	.8	.8	1.2
Connecticut	11,747,931	13,510,121	1.3	.8	.9	1.0	1.5
Delaware	2,323,748	2,762,310	.2	.2	.2	.2	.3
Florida	24,111,072	27,727,733	2.0	3.1	1.9	2.0	3.1
Georgia	40,573,812	36,516,431	2.0	2.9	2.5	2.7	2.4
Hawaii	3,715,263	4,272,552	.4	.2	.3	.3	.4
Idaho	2,719,220	3,127,103	.2	.2	.2	.2	.4
Illinois	69,554,901	79,988,136	6.5	4.9	5.5	5.7	5.0
Indiana	18,773,439	21,589,455	1.3	1.3	1.5	1.4	2.8
Iowa	14,601,661	13,918,193	.8	.8	1.0	1.0	1.5
Kansas	9,147,430	10,519,544	.7	.7	.7	.7	1.1
Kentucky	32,212,788	33,418,715	1.5	2.2	2.3	2.1	1.5
Louisiana	31,322,489	33,117,401	2.0	3.1	2.3	2.3	1.8
Maine	5,633,673	6,478,724	.5	.4	.4	.5	.5
Maryland	19,380,669	22,287,769	2.0	1.5	1.5	1.6	1.9
Massachusetts	24,893,505	28,627,531	2.5	2.0	2.0	2.0	2.7
Michigan	51,768,916	59,534,253	5.1	3.9	4.1	4.2	4.7

TITLE I, PT. A, ELEMENTARY AND SECONDARY EDUCATION ACT ESTIMATED COMARATIVE DISTRIBUTION OF LOCAL EDUCATIONAL AGENCY GRANTS—Continued

	Fiscal year 1973 operating level	Fiscal year 1974 continuing resolution [1]	Percent [2]	Percent [3]	Percent [4]	Quie	Percent of national pupil population (1970 ADA)
Minnesota	$20,897,155	$23,204,280	1.4	1.3	1.6	1.6	2.1
Mississippi	35,922,629	37,866,737	1.4	2.7	2.6	2.2	1.3
Missouri	23,367,302	24,352,345	1.4	1.8	1.7	1.8	2.2
Montana	2,865,542	3,295,373	.2	.3	.2	.2	.4
Nebraska	7,187,530	7,905,410	.4	.5	.5	.5	.8
Nevada	923,899	1,062,484	.1	.1	.1	.1	.3
New Hampshire	2,007,413	2,308,525	.2	.2	.2	.2	.3
New Jersey	44,232,287	50,867,130	4.5	3.5	3.5	3.6	3.1
New Mexico	7,393,185	8,502,163	.6	.8	.6	.6	.6
New York	196,835,764	226,361,130	18.9	15.5	15.7	16.1	7.4
North Carolina	51,556,663	50,634,889	1.8	3.1	3.5	3.2	2.6
North Dakota	4,101,267	3,844,063	.2	.3	.3	.3	.3
Ohio	42,248,122	48,585,340	3.7	3.1	3.4	3.5	5.3
Oklahoma	16,649,246	17,243,236	.9	1.3	1.2	1.1	1.3
Oregon	8,421,321	9,684,519	.8	.7	.7	.7	1.0
Pennsylvania	64,998,125	74,747,844	5.7	4.9	5.2	5.3	5.2
Rhode Island	4,873,849	5,604,926	.4	.3	.4	.4	.4
South Carolina	29,853,231	30,881,808	1.2	2.0	2.1	1.9	1.4
South Dakota	5,470,551	5,639,443	.3	.4	.4	.4	.4
Tennessee	31,273,191	32,659,556	1.2	2.5	2.3	2.0	2.0
Texas	67,675,754	67,124,681	4.0	6.1	4.6	5.0	5.8
Utah	3,894,921	4,479,159	.4	.3	.3	.3	.7
Vermont	2,093,957	2,408,051	.1	.1	.2	.2	.2
Virginia	31,522,692	30,423,187	1.8	2.2	2.1	2.3	2.4
Washington	13,445,639	15,462, 85	1.3	1.2	1.0	1.1	1.8
West Virginia	17,319,813	18,472,046	.9	1.1	1.3	1.1	.9
Wisconsin	17,340,875	19,942,006	1.5	1.3	1.4	1.4	2.1
Wyoming	1,170,817	1,346,440	.1	.1	.1	.1	.2
District of Columbia	10,096,368	11,610,823	1.0	.5	.8	.8	.3

[1] Based on HEW estimated distribution as of Oct. 11, 1973.

[2] Percent of national total under existing authorization which excludes children from poverty families earning between $2,000 and $4,000 annually but includes all AFDC.

[3] Percent of national total that school districts in each State would receive if all poverty families with incomes under $4,000 are included and all AFDC regardless of income.

[4] Percent of national total that school districts in each State would receive this year under committee compromise and current continuing resolution (90 percent minimum and 115 percent maximum of 1973 level).

Note: Title I grants are made to individual school districts and within every State some would receive less and some would receive more than last year. The above figures represent the aggregate for each State.

Mr. SMITH of Iowa. Mr. Speaker, I agree very much with most of what the gentlewoman from Oregon said, but I do not agree with her conclusion. I think she reached the wrong conclusion.

I agree that one cannot tell what the situation is in a local school district by looking at the dollar totals for States in tables that have been floating around here. That is why I got the Library of Congress to work up a table dealing with the percentages of whatever dollar level is used.

Most of these allocations are on the basis of local school districts, but the table I have will, on the State level, provide something to compare it with.

In using percentage figures, if we use the average daily attendance in Alabama, they have 1.8 percent of the total children in the United States in average daily attendance, but this law is not based on ADA. The bill allocates for disadvantaged children, and it is supposed to be based on the number of children from low-income families. Alabama has 2.7 percent of the children from low-income families based on a $4,000 a year income total, whether the income is from AFDC or earned or both.

The law without the amendment in the committee bill uses 1960 figures and $2,000 a year as a low-income definition. We passed a minimum wage bill here that would not just double the minimum wage over 1960, but it was three times that of 1960.

If one uses a fair table, it has to be on the basis of $4,000, and under and consider those people to be low-income families. So Alabama should be entitled to a total of 2.7 percent and under our bill they receive 2.5 percent, and under the Quie proposal they would be cut to 2.2 percent.

Now, in California, the committee would allocate a total of 8.9 percent, but they have 7.5 percent of the poor children. They should not complain about that.

Then we come to Connecticut. Connecticut should receive 0.8 percent of the total allocation, but we give them 0.9 percent, and the Quie proposal gives them 1 percent. We are already giving them 12.5 percent more than they deserve, but the Quie bill would give them 25 percent more than would be fair.

Then we come to Illinois. We would give them 5.5 percent, and they deserve 4.9 percent, and the Quie proposal gives them a total of 5.7 percent.

Massachusetts and Iowa would get the same under both proposals.

New York has only 7.4 percent of all the children in average daily attendance. We give them 15.7 percent of the money. That is double the amount it would be if it were based on an average daily attendance basis. Now, under a fair proposal based on low income and AFDC, they would receive 15.5 percent. The bill provides 15.7 percent total for New York.

Some of the Members from New York are not satisfied with receiving 12 percent more than they deserve. I do not mind people getting a bonanza if it is floating by, but to be greedy is something else. We should keep this allocation to districts within reason this year so that the authorizing committee can report out a bill and we can get a fair proposal adopted. If some districts are so far out of kilter, we will never get them back in line.

Now let us take a look at Virginia which tells more of the story. They should receive 2.2 percent of the total. Under our committee bill they receive 2.1 percent. The Quie proposal gives them 2.3 percent, but that is the State total. Here is what happens within the State. The committee bill would give them $535 million to Fairfax County, but the Quie proposal gives them over $1 million. Although the state total remains nearly the same, the Quie amendment would double the amount for wealthy Fairfax County. Now take one of the poorer counties—Bedford County, Va.

Under our proposal they get $196,000. Under the Quie proposal they are reduced to $176,000.

So, you see what really happens here under the Quie proposal is to reward those who have the money to match more ADC funds, and if they have a higher percentage of the people on ADC, then they receive more education money. The ADC, but we would also give them a bigger share of title I.

That is not the fair way to do it. The way we should do it is to try to keep the distribution as close to a fair amount as possible until the authorizing committees come out with a proposal.

I agree with the gentlewoman from Oregon (Mrs. GREEN) that none of these proposals are exactly fair, but we did the best we could do and the committee proposal is more fair than the Quie amendment. The Members can take a look at these tables that I have placed in front of the Members, and they can see that the proposal we have is a much more fair proposal than the Quie proposal. So I urge the Members to stick with it.

The SPEAKER. The time of the gentleman has expired.

Mr. SMITH of Iowa. Mr. Speaker, would the gentleman from Illinois (Mr. MICHEL) yield me additional time?

Mr. MICHEL. Mr. Speaker, may I inquire how much time I have remaining?

The SPEAKER. The Chair will state to the gentleman from Illinois that he has 3 minutes remaining.

Mr. MICHEL. Mr. Speaker, I yield 2 additional minutes to the gentleman from Iowa (Mr. SMITH), and I will reserve the remaining minute for my concluding remarks.

Mr. SMITH of Iowa. Mr. Speaker, I really appreciate the gentleman from Illinois yielding me this additional time.

Mr. Speaker, I want to point out that the bill is probably going to be vetoed. The Education Department was ready Friday to make the second allocation under the continuing resolution. If the formula is changed by the Quie amendment and this bill is vetoed, the Department will not be able to make that allocation because they will not know what the formula will be under which they are supposed to allocate the money. First they had an allocation in September, and then it was changed by the continuing resolution. Now, the Quie amendment would require them to change it a third time, and they would have to wait if this bill is vetoed. I say that these local school districts are entitled to more stability in this school year. I think the best thing we can do is stick with the same formula that was in the continuing resolution and which is in the committee bill until we can get this thing worked out by the proper authorizing legislation.

So I certainly urge the Members to vote against the motion to recommit based upon the bill being too large, and to support the committee on the amendment affecting title I.

Mr. MICHEL. Mr. Speaker, I made the point earlier during the discussion on this conference report that I thought the figure of $1.376 billion over the budget was a good and sufficient reason to recommit this conference report. Now that I have heard all the discussion with regard to the controversy on title I, the allocation formula, I think there are additional good grounds for recommitting this conference report, and letting the conferees go back and try to work out a much better agreement. I would like to see a good vote for our position here this afternoon to indicate to the other body that we mean business, too.

When the Quie amendment was first adopted it carried by a vote of 269 to 94 and when my amendment was offered to hold the spending level more than $700 million below this conference report figure there were 184 Members voting for it—far in excess of the number needed to sustain a veto.

I hope the message we give here on this vote is a clear one. Let us vote down this conference report.

Mr. CEDERBERG. Mr. Speaker, if the gentleman will yield, I think there is another excellent reason because of the action of the Committee on Rules today in passing out a budget control bill. By recommitting this bill to the conference again, we will be giving the country some indication as to whether we believe in budget control or whether we do not.

Mr. FLOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on that very point, I tried my very best to make it clear to the House that we have made a strong effort in the conference, we worked day and night on this thing. The Members know the other body as well as I do, and that they will not accept this proposal, and that we will be just dancing around the Maypole over there if we send this back to conference with instructions. They made it very clear. It is very clear to me. If we send this back, they have no intention to do otherwise. Time is of the essence. We are going to recess on Thursday until the 26th. It will take weeks and weeks and weeks to pass this bill.

The school boards back home are screaming now, "Where is the money?" Be very careful about this. This is a $33 billion bill. Do not hang this thing up. That is not necessary. This is a $33 billion bill. Let us not get this thing mixed up in a can of worms. This is an appropriation bill.

Mr. CONTE. Mr. Speaker, this conference report represents the capstone to an enormous amount of work accomplished by both Chambers of Congress since first we received the President's budget message many months ago. It represents literally months of preparation—hearings, debates, and compromises. We have worked long and we have worked hard. We have brought out what is, basically, a good measure here.

I would like to compliment the chairman and the rest of my colleagues in the conference who labored day after day on this bill. This measure is complex; I daresay you could find no one who would like everything about it. But it remains a commendable effort. We have pared-off $469 million of the Senate increases which were written into its version of the bill. However, we are now over $110 million over the House version, and over $1.3 billion over the administration's budget request. Even in the face of what appears to be an enormous appropriations overrun, I must emphasize that this bill signifies a great deal of study. Piles of money were not heaped on to special interest projects, nor were vital programs indiscriminately axed.

It would serve little purpose to run through all the many agencies and programs funded within this bill. Suffice it to say that they run the gamut of vital and immediate initiatives affecting the lives of millions of people.

I must, however, express my discontent with two of the amendments reported here. The first is amendment No. 32 dealing with title IA funding of the Elementary and Secondary Education Act. Put as briefly as I can, it makes absolutely no sense to give school districts more funds for fewer title I children. In the decade between 1960 and 1970, many rural areas have lost population while many urban areas have gained population. This transition has carried with it a tremendous exchange of title I eligible children between the rural and urban population centers.

Although the formulation worked out in conference allows a more equitable distribution of funds that was available under the "100 percent State hold harmless" provision, it does not go as far as it could toward the targetting of these moneys to school districts which have already accepted additional title I children. This is where the money is needed the most.

Twenty-eight States are in the predicament of losing a portion of their potential funding, which should be rightfully theirs because of the emigration of eligible children into their boundaries over this past decade. These States, so disadvantaged, are represented by a total of 288 Members of the House of Representatives and 58 Members of the Senate.

I am in full concert with my colleagues in conference in looking upon this measure as purely an "interim" solution to a very complex problem. Our House Committee on Education and Labor is, at the moment, holding full committee hearings on the subject and we all anxiously await the results of their study. I would like to particularly commend the ranking minority member of that body, my good friend from Minnesota, for his tireless efforts in this regard.

I must also take exception to the drastic reductions for the National Institute of Education. I, myself, am not entirely pleased with the track record of this Agency, but I feel strongly that such displeasure should not justify the clobbering that this project took in the Senate and in conference. To slice off $68 million, to eliminate over 50 percent of the administration's request is, I believe, going the extra mile unnecessarily. I can still recall the testimony of the Director of NIE when he appeared before the House Subcommittee on Labor-Health, Education, and Welfare. He said:

> The Institute will emphasize efforts to develop methodological techniques to get at those possible problems, so that we can improve our understanding of why programs seem to work and why they seem not to work. We hope, in sum, to learn more about how to learn from our apparent failures.

It was with these thoughts in mind that I sought vainly to restore, at least, $25 million to their programs.

In total, this bill bespeaks of a conscientious effort to deal with the welfare of the American public. I think it has been an overall worthwhile effort, and I urge my colleagues to support the adoption of the conference report.

Mrs. HOLT. Mr. Speaker, I rise to express my support for the motion to recommit the conference report of H.R. 8877 with instructions to amend the formula for the distribution of funds under title I of the Elementary and Secondary Education Act.

The gentleman from Minnesota (Mr. QUIE) has proposed that the ceiling in the title I formula be increased from 115 to 120 percent with no change in the 90-percent "hold harmless" provision.

This proposed formula is, in my opinion, an equitable one which recognizes two important facts. Federal funds under the title I program should be channeled to those school districts which serve the children of low-income families. An increase in the maximum funding to 120 percent of what was received in fiscal year 1973, will aid us in achieving this objective. However, we must also bear in mind that these programs have been in operation since September. School districts which planned their programs on the basis of funds available during previous years must be protected from sudden cutbacks this late in the semester. The 90 percent floor on payments will afford such protection.

The implementation of the proposed formula will allow a gradual shift away from the 1960 census data without imposing drastic curtailment in funds for school districts which currently have programs in operation.

Mr. Speaker, Labor and HEW programs have been operating on a continuing resolution since the end of fiscal year 1972. I am sure we are all aware of the burdens this has placed on State and local governments. The unpredictability of levels of funding has seriously im-

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paired their planning and programing abilities.

The conference report before us today contains sound, needed legislation. I urge that it be swiftly adopted with the modification of the title I formula.

Mr. GONZALEZ. Mr. Speaker, again the House has been confronted with the dilemma it has been facing intermittently in the case of the continuing resolution on appropriations with respect to educational programs. For several years I have been decrying our erratic and cruel way of financing the established and needed ongoing programs to provide education.

I have advocated what I call "hold harmless" provisions in the law so that administration of local school systems, as well as State agencies, will not undergo the recurring anguish of planning for a school year based on congressional authorizations that are either not forthcoming or reduced, or reneged upon. This has caused every school district in my area to raise taxes—some as high as 28 percent others to the maximum rate allowable under the constitution.

Adding to the punishment has been Presidential impoundment and confused and vengeful withdrawal from ongoing programs and commitments.

The great promise of Federal aid, visualized in the landmark legislation of the last 12 years, has turned into bitter wormwood and a gutted House of Education.

This is wrong—it is sinful. Let us correct it.

Mr. EDWARDS of California. Mr. Speaker, I join my colleagues from California in support of the motion offered by Congressmen Quie and Giaimo to recommit the conference report H.R. 8877 with instructions to arrive at a better allocation of ESEA, title I funds. This motion would provide the State of California with $5.5 million more than the conference report would provide to educate the thousands of new title I schoolchildren we have gained since 1960.

However, I would also like to point out that this motion has greater significance than only putting the money where the need exists—although that seems to me to be an eminently desirable goal. This measure is representative of both the urgent need for new and better ways of allocating moneys for education and the valiant efforts made by the Education and Labor Committee, particularly the General Education Subcommittee, to work out a solution to the problem. While the formula offered by Mr. Quie and Giaimo is certainly not the ultimate answer, it is definitely a step in the right direction. It makes no sense to provide money to States which have lost title I eligible children at the expense of States which have educational responsibilities for increased numbers of such children. I urge my colleagues therefore to join me in support of this amendment.

Mr. HANRAHAN. Mr. Speaker, the ethnic groups that have contributed so much to our national greatness deserve the opportunity to preserve the uniqueness of their individual contributions to our society. For this reason, it is imperative that a program such as the Ethnic Heritage Studies Act be implemented in America's elementary and secondary schools and institutions of higher learning.

Obviously, my colleagues agree with me that this program is important, since they passed a bill authorizing $15,000,000 to implement the studies in 1972. The fiscal year 1973 budget, however, contained no funds. Now, we have an opportunity to decide if the fiscal year 1974 budget will contain $2.5 million—a mere fraction of the original appropriation, but certainly better than no funds at all.

It is extremely important that a program such as the Ethnic Heritage Studies Act be allowed to foster a greater understanding and respect for the contributions of America's many ethnic groups.

Mr. BIAGGI. Mr. Speaker, I rise in strong opposition to the conference report to the bill H.R. 8877, and intend to vote in favor of any motion offered to recommit.

Inherent in my opposition to this report is that if it is adopted, many of our major cities and metropolitan areas stand to receive woefully inadequate funding for certain vital educational programs, with tragic consquences for the children of America.

My strongest opposition to the report is directed at amendment 32 which seeks to continue an arbitrary, archaic, and grossly outdated method of distributing funds under the title I program of the Elementary and Secondary Education Act. According to the formula in the report, no school district would be entitled to any more than 115 percent of their fiscal year 1973 title I funds.

Not only does this set an unrealistic and unnecessary ceiling on these important funds, but even more importantly, the method of determining populations as a basis for these funds continues to be computed on the 1960 census figures. By using these figures, major cities such as New York stand to be tragically underfunded due to dramatic increases in the numbers of title I children, without a matching increase in funds.

Since the motion by my distinguished colleague from Minnesota (Mr. Quie) will be ruled nongermane to the bill, I will support a motion to recommit on the simple grounds that we must provide a fairer and more up to date method of determining the distribution of title I moneys.

I disagree with the contentions of some of my colleagues that this report represents the best possible compromise solution. I voted against the conference report to House Joint Resolution 727 speaking out in opposition to a 115-percent ceiling proposed on funds for local educational agencies contained in that measure. Those Members who did vote in favor of the report received assurances from the conferees considering the Labor-HEW appropriations bill that modifications would be made. These apparently were not done, the 115-percent ceiling remains, and I stand opposed to this report as well.

Mr. Speaker, this report should be recommitted and revised so that title I allocation formulas use the 1970 census figures. Anything less than this will represent a disgraceful compromise and sell out at the expense of the millions of poor and disadvantaged children in the United States who count on these funds to fulfill their fervent hopes for a decent education.

Mr. ECKHARDT. Mr. Speaker, the allocation proposed by Mr. Quie would have this effect as between the have and have-not States: Of the 25 States having the highest per capita income rankings—New York, No. 1, through Wyoming, No. 25—all but 2—Nebraska and Indiana—would receive more under Mr. Quie's allocations. Of the 25 States having the lowest per capita income rankings—Arizona, No. 26, through Mississippi, No. 50—all but 8—Arizona, Wisconsin, Virginia, New Hampshire, Montana, Utah, Maine, and New Mexico—would receive less under Mr. Quie's amendment. Thus, the poor States would get less and the rich State more. Only 4 States under the ranking of 30th in per capita income would receive more under the Quie allocation. All the rest would be cut from the level contained in the conference report.

With the exception of Virginia—which ranks above Texas in per capita income—Texas ranks 31—every Southern State takes a cut from the level of the conference report.

Mr. Speaker, we cannot in good conscience continue to widen the gap of educational opportunity between Mississippi children and New York children. What Mississippi and Alabama lose is about what New York gains—in round numbers, $10 million. What Louisiana, the fifth poorest State loses, Connecticut, the second richest State gains—in round numbers $2.4 million. What South Carolina, West Virginia, and Kentucky lose is picked up by two of the three biggest rich States, California and Illinois—in round numbers $9.4 million.

But there is no great wonder that the Quie allocation is popular. We tend to look at a schedule of gains and losses under various formulas and vote our State's pocketbook. Again the poor, the minority, loses. For all the six biggest States except Texas gain under the Quie formula. These States alone have 154 Representatives in the House. All of the States that lose under the Quie formula together have less votes—only 126 or 29 percent of the voting strength of the House.

Federal aid to education was originally conceived as a means of equalizing educational opportunity as between children whose opportunities were low because the tax base from which their educational needs were provided was low and, on the other hand, children whose educational opportunities were high for the converse reason. That is why Senator Robert Taft finally swung to the side of Federal aid to education, and the initial act was then passed because it could muster bipartisan support.

If Federal aid begins to be envisaged as a pork barrel, with each Member vying for advantage through a formula deemed most favorable to him, the whole rationale for Federal aid to education will be undermined, and we will either rapidly return to a situation in which Federal funds will have no equalizing effect at all, or they will supplant State and local funds completely. What then happens to the local independence of our educational system?

GENERAL LEAVE

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and insert extraneous material, in connection with the conference report on the Health, Education, and Welfare appropriations bill now under consideration.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER. All time has expired.

Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. The question is on the conference report.

MOTION TO RECOMMIT OFFERED BY MR. QUIE

Mr. QUIE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. QUIE. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. Quie moves to recommit the Conference Report on H.R. 8877 to the Committee of Conference with the following instructions to the Managers on the Part of the House:
>
> That the House recede from its disagreement to the amendment of the Senate numbered 32 and agree to the same with an amendment, as follows:
>
> In lieu of the matter proposed to be inserted by the Senate amendment, insert the following: "That the aggregate amounts made available to each State under title I–A of the Elementary and Secondary Education Act for grants to local educational agencies within that State shall not be more than 120 per centum of such amounts as were made available for that purpose for fiscal year 1973, and the amount made available to each local educational agency under said title I–A shall not be less than 90 per centum of the amount made available for that purpose for fiscal year 1973".

POINT OF ORDER

Mr. FLOOD. Mr. Speaker, I make a point of order against the motion to recommit.

The SPEAKER. The gentleman will state his point of order.

Mr. FLOOD. Mr. Speaker, I make the point of order against the motion to recommit on the ground that it instructs the conferees to include matter in the conference report which is not otherwise in order. This provision described in the instructions we just heard is clearly legislation on an appropriation act. Therefore, it is not eligible for inclusion in a conference report under provisions of clause 2, rule 20 and clause 2, rule 21.

The SPEAKER. Does the gentleman from Minnesota desire to be heard on the point of order?

Mr. QUIE. Yes, Mr. Speaker.

The language that I propose to instruct the conferees was language, albeit legislation on an appropriation bill, which was in both the House bill and in the Senate bill, and the language on the disagreement is language which is neither in the House bill nor the Senate bill, but an amendment itself, so I proposed it here and agree with the instructions on the language that the committee has already come back with. Therefore, it seems to me that it would be in order.

The SPEAKER. The Chair is prepared to rule.

The gentleman from Pennsylvania (Mr. Flood) makes a point of order that the motion to recommit with instructions is in violation of the rules of the House and is not in order.

The motion to recommit directs the House conferees to recommend that the House recede from its disagreement to Senate amendment No. 32 and concur therein with an amendment. Senate amendment No. 32 was reported from conference in disagreement because, under clause 2 of rule XX, the House conferees had no authority to agree to that amendment, since it contained legislation on an appropriation bill and would have been subject to a point of order. The Chair notes that on June 26, 1973, Chairman Holifield sustained a point of order against an amendment offered by the gentleman from Minnesota (Mr. Quie), on the grounds that the amendment added additional legislation to legislative language which had been permitted to remain in the bill by a resolution waiving points of order.

Under the precedents of the House, a motion to instruct conferees, or to recommit a bill to conference with instructions, may not include instructions directing House conferees to do that which would be inadmissible if offered as an amendment in the House—Cannon's Precedents, volume VIII, section 3235.

The Chair would like to point out two of the syllabi in section 3235:

> Instructions to managers of a conference may not direct them to do that which they might not do otherwise.
>
> A motion to instruct conferees may not include directions which would be inadmissible if offered as a motion in the House.

In the instant situation the Chair is of the opinion that the instructions included in the motion to recommit would, if offered in the House as an amendment to the language of the Senate amendment, add legislation thereto. As was the case in Chairman Holifield's ruling of June 26, 1973, the language would constitute a change in the allotment formula contained in the language of the Senate amendment. The Chair therefore holds that the motion to recommit is not a permissible motion within the meaning of clause 2, rule XX, and sustains the point of order.

MOTION TO RECOMMIT OFFERED BY MR. MICHEL

Mr. MICHEL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the conference report?

Mr. MICHEL. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. Michel moves to recommit the conference report on H.R. 8877 to the committee of conference.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

RECORDED VOTE

Mr. MICHEL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 272, noes 139, not voting 22, as follows:

[Roll No. 579]

AYES—272

Abzug
Addabbo
Anderson, Calif.
Anderson, Ill.
Annunzio
Archer
Arends
Armstrong
Ashbrook
Ashley
Aspin
Bafalis
Baker
Barrett
Bauman
Bell
Bennett
Biaggi
Biester
Bingham
Boland
Brasco
Bray
Brinkley
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Burgener
Burke, Fla.
Burke, Mass.
Butler
Byron
Carey, N.Y.
Cederberg
Chamberlain
Chisholm
Clancy
Clark
Clawson, Del
Clay
Cohen
Collier
Collins, Ill.
Conable
Conlan
Conyers
Corman
Cotter
Coughlin
Crane
Cronin
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Delaney
Dellenback
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Donohue
Downing
Drinan
Dulski
Duncan
du Pont
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Findley
Fish
Fisher
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Frelinghuysen
Frenzel
Frey
Gaydos
Giaimo
Gibbons
Goldwater
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gross
Grover
Gude
Guyer
Haley
Hanley
Hanna
Hanrahan
Hansen, Idaho
Harrington
Harsha
Harvey
Hawkins
Hays
Heckler, Mass.
Heinz
Helstoski
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Hosmer
Howard
Huber
Hudnut
Hungate
Hunt
Hutchinson
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Kastenmeier
Kemp
Ketchum
King
Koch
Kuykendall
Kyros
Landgrebe
Latta
Leggett
Long, Md.
Lujan
McClory
McCollister
McEwen
McKinney
Macdonald
Madigan
Mailliard
Martin, Nebr.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Milford
Miller
Minish
Mink
Minshall, Ohio
Mitchell, N.Y.
Moakley
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Myers
Nedzi
Nelsen
Nix
O'Brien
Owens
Parris
Patten
Pettis
Peyser
Pike
Podell
Price, Ill.
Price, Tex.
Quie
Railsback
Rangel
Rees
Regula
Reuss
Rhodes
Riegle
Rinaldo
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Roncallo, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Rousselot
Roybal
Runnels
Ruppe
Ryan
Sandman
Sarasin
Sarbanes
Satterfield
Scherle
Schneebeli
Schroeder
Seiberling
Shipley
Shoup
Shuster
Sisk
Smith, N.Y.
Snyder
Stanton, J. William
Stanton, James V.
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stratton
Stuckey
Studds
Sullivan
Symington
Symms
Talcott
Taylor, Mo.
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Tiernan
Towell, Nev.
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik

Veysey
Vigorito
Waldie
Walsh
Wampler
Ware
Whitehurst
Widnall
Wiggins

Williams
Wilson, Bob
Wilson,
  Charles H.,
  Calif.
Wolff
Wydler
Wylie
Wyman

Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Zion
Zwach

NOES—139

Abdnor
Adams
Alexander
Andrews, N.C.
Andrews,
  N. Dak.
Badillo
Beard
Bergland
Bevill
Blatnik
Boggs
Bowen
Brademas
Breaux
Breckinridge
Brooks
Broyhill, N.C.
Buchanan
Burleson, Tex.
Burlison, Mo.
Camp
Carney, Ohio
Carter
Casey, Tex.
Chappell
Cleveland
Cochran
Collins, Tex.
Culver
Davis, Ga.
Davis, S.C.
de la Garza
Denholm
Dingell
Dorn
Eckhardt
Evins, Tenn.
Fascell
Flood
Flowers
Flynt
Fountain
Froehlich
Fulton
Fuqua
Gettys
Gilman

Ginn
Gonzalez
Gunter
Hamilton
Hammer-
  schmidt
Hansen, Wash.
Hastings
Hébert
Hechler, W. Va.
Henderson
Hicks
Ichord
Jarman
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kazen
Landrum
Lehman
Litton
Long, La.
Lott
McCloskey
McCormack
McDade
McFall
McKay
McSpadden
Madden
Mahon
Mallary
Mann
Maraziti
Martin, N.C.
Mathis, Ga.
Mezvinsky
Mills, Ark.
Mitchell, Md.
Mizell
Mollohan
Montgomery
Natcher
Nichols
Obey

O'Neill
Passman
Patman
Pepper
Perkins
Pickle
Poage
Preyer
Pritchard
Quillen
Randall
Rarick
Roberts
Rogers
Rooney, N.Y.
Rose
Roush
Roy
Ruth
Sebelius
Shriver
Sikes
Skubitz
Slack
Smith, Iowa
Spence
Staggers
Stark
Stokes
Stubblefield
Taylor, N.C.
Thone
Thornton
Treen
Waggonner
Whalen
White
Whitten
Wilson,
  Charles, Tex.
Winn
Wright
Wyatt
Young, S.C.
Young, Tex.
Zablocki

NOT VOTING—22

Blackburn
Bolling
Burke, Calif.
Burton
Clausen,
  Don H.
Conte
Danielson

Davis, Wis.
Dellums
Fraser
Gubser
Keating
Kluczynski
Lent
Mathias, Calif.

Murphy, N.Y.
O'Hara
Powell, Ohio
Reid
St Germain
Steed
Stephens

So the motion to recommit was agreed to.

The Clerk announced the following pairs:

Mr. Murphy of New York with Mr. Danielson.

Mr. Conte with Mr. Lent.

Mr. Reid with Mr. Gubser.

Mr. O'Hara with Mr. Don H. Clausen.

Mr. Dellums with Mr. Fraser.

Mr. Burton with Mr. Davis of Wisconsin.

Mrs. Burke of California with Mr. St Germain.

Mr. Kluczynski with Mr. Blackburn.

Mr. Stephens with Mr. Steed.

Mr. Powell of Ohio with Mr. Mathias of California.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1081) entitled "An act to authorize the Secretary of the Interior to grant rights-of-way across Federal lands where the use of such rights-of-way is in the public interest and the applicant for the right-of-way demonstrates the financial and technical capability to use the right-of-way in a manner which will protect the environment."

PERMISSION TO FILE CONFERENCE REPORT ON S. 2408, THE MILITARY CONSTRUCTION AUTHORIZATION BILL

Mr. PIKE. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on S. 2408, the military construction authorization bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

CONFERENCE REPORT (H. REPT. No. 93–634)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2408) to authorize certain construction at military installations, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

TITLE I

SEC. 101. The Secretary of the Army may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment for the following acquisition and construction:

INSIDE THE UNITED STATES

UNITED STATES CONTINENTAL ARMY COMMAND

(First Army)

Fort Belvoir, Virginia, $2,525,000.

Fort Devens, Massachusetts, $2,749,000.

Camp Drum, New York, $1,099,000.

Fort Eustis, Virginia, $4,782,000.

Camp A. P. Hill, Virginia, $535,000.

Indiantown Gap Military Reservation, Pennsylvania, $1,657,000.

Fort Knox, Kentucky, $7,305,000.

Fort Lee, Virginia, $18,326,000.

Fort George G. Meade, Maryland, $5,924,000.

Camp Pickett, Virginia, $476,000.

(Third Army)

Fort Benning, Georgia, $12,404,000.

Fort Bragg, North Carolina, $32,400,000.

Fort Campbell, Kentucky, $51,881,000.

Eglin Air Force Base, Valparaiso, Florida, $2,950,000.

Fort Gordon, Georgia, $23,154,000.

Fort Jackson, South Carolina, $2,902,000.

Fort McClellan, Alabama, $19,505,000.

Fort Rucker, Alabama, $3,987,000.

Fort Stewart, Georgia, $264,000.

(Fifth Army)

Fort Bliss, Texas, $6,087,000.

Fort Benjamin Harrison, Indiana, $3,893,000.

Fort Hood, Texas, $9,824,000.

Fort Sam Houston, Texas, $11,738,000.

Fort Polk, Louisiana, $29,276,000.

Fort Riley, Kansas, $30,943,000.

Fort Sheridan, Illinois, $762,000.

Fort Sill, Oklahoma, $9,447,000.

Fort Leonard Wood, Missouri, $44,482,000.

(Sixth Army)

Fort Carson, Colorado, $5,651,000.

Hunter-Liggett Military Reservation, California, $7,776,000.

Fort Lewis, Washington, $8,327,000.

Fort Ord, California, $9,812,000.

Presidio of San Francisco, California, $3,074,000.

UNITED STATES ARMY MATERIEL COMMAND

Aberdeen Proving Ground, Maryland, $7,472,000.

Aeronautical Maintenance Center, Texas, $6,284,000.

Anniston Army Depot, Alabama, $3,745,000.

Frankford Arsenal, Pennsylvania, $73,000.

Fort Monmouth, New Jersey, $8,401,000.

Natick Laboratories, Massachusetts, $466,000.

Picatinny Arsenal, New Jersey, $255,000.

Pine Bluff Arsenal, Arkansas, $294,000.

Redstone Arsenal, Alabama, $4,971,000.

Sacramento Army Depot, California, $412,000.

Savanna Army Depot, Illinois, $113,000.

Sierra Army Depot, California, $380,000.

Tobyhanna Army Depot, Pennsylvania, $456,000.

White Sands Missile Range, New Mexico, $3,843,000.

Yuma Proving Ground, Arizona, $6,472,000.

UNITED STATES ARMY STRATEGIC COMMUNICATIONS COMMAND

Fort Huachuca, Arizona, $6,832,000.

Fort Ritchie, Maryland, $1,394,000.

UNITED STATES MILITARY ACADEMY

United States Military Academy, West Point, New York, $30,145,000.

CORPS OF ENGINEERS

Cold Regions Laboratories, New Hampshire, $597,000.

MILITARY TRAFFIC MANAGEMENT AND TERMINAL SERVICE

Oakland Army Terminal, California, $343,000.

Sunny Point Army Terminal, North Carolina, $1,628,000.

UNITED STATES ARMY, ALASKA

Fort Greely, Alaska, $3,060,000.

Fort Richardson, Alaska, $2,140,000.

Fort Wainwright, Alaska, $2,715,000.

UNITED STATES ARMY, HAWAII

Schofield Barracks, Hawaii, $9,592,000.

Fort Shafter, Hawaii, $1,233,000.

POLLUTION ABATEMENT

Various locations, Air Pollution Abatement, $7,295,000.

Various locations, Water Pollution Abatement, $6,799,000.

OUTSIDE THE UNITED STATES

UNITED STATES ARMY FORCES, SOUTHERN COMMAND

Canal Zone, various locations, $8,095,000.

UNITED STATES ARMY, PACIFIC

Korea, various locations, $1,568,000.

PUERTO RICO

Fort Buchanan, Puerto Rico, $517,000.

KWAJALEIN MISSILE RANGE

National Missile Range, $1,029,000.

UNITED STATES ARMY SECURITY AGENCY

Various locations, $1,434,000.

UNITED STATES ARMY STRATEGIC COMMUNICATIONS COMMAND

Various locations, $2,097,000.

UNITED STATES ARMY, EUROPE

Germany, various locations, $12,517,000.

Various locations: For the United States share of the cost of multilateral programs for the acquisition or construction of military facilities and installations, including

international military headquarters, for the collective defense of the North Atlantic Treaty Area, $80,000,000: Provided, That, within thirty days after the end of each quarter, the Secretary of the Army shall furnish to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives a description of obligations incurred as the United States share of such multilateral programs.

SEC. 102. The Secretary of the Army may establish or develop classified military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $3,000,000.

SEC. 103. The Secretary of the Army may establish or develop Army installations and facilities by proceeding with construction made necessary by changes in Army missions and responsibilities which have been occasioned by (1) unforeseen security considerations, (2) new weapons developments, (3) new and unforeseen research and development requirements, or (4) improved production schedules if the Secretary of Defense determines that deferral of such constuction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of $10,000,000: Provided, That the Secretary of the Army, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1974, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 104. (a) Public Law 92–545 is amended under the heading "INSIDE THE UNITED STATES," in section 101 as follows:

With respect to "Military Ocean Terminal, Bayonne, New Jersey," strike out "$3,245,000" and insert in place thereof "$3,603,000."

With respect to "Walter Reed Army Medical Center, District of Columbia," strike out "$13,161,000" and insert in place thereof "$15,866,000".

(b) Public Law 92–545 is amended under the heading "OUTSIDE THE UNITED STATES—UNITED STATES ARMY STRATEGIC COMMUNICATIONS COMMAND" in section 101 as follows: with respect to "Various Locations," strike out "$1,412,000" and insert in place thereof "$1,649,000".

(c) Public Law 92–545 is amended by striking out in clause (1) of section 702 "$441,704,000"; "$117,074,000"; and "$558,778,000" and inserting in place thereof "$444,767,000"; "$117,311,000"; and "$562,078,000," repectively.

SEC. 105. (a) Public Law 92–145, as amended, is amended under the heading "OUTSIDE THE UNITED STATES" in section 101 as follows:

With respect to "Germany, Various Locations," strike out "$1,946,000" and insert in place thereof "$2,553,000".

(b) Public Law 92–145, as amended, is amended by striking out in clause (1) of section 702 "$41,374,000" and "$404,500,000" and inserting in place thereof "$41,981,000" and "$405,107,000", respectively.

SEC. 106. (a) Public Law 91–511, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 101 as follows: With respect to "Fort Benning, Georgia", strike out "$2,855,000" and insert in place thereof "$3,383,000".

(b) Public Law 91–511, as amended, is amended by striking out in clause (1) of section 602 "$181,306,000" and "$266,503,000" and inserting in place thereof "$181,834,000" and "$267,031,000", respectively.

SEC. 107. (a) Public Law 90–110, as amended, is amended under the heading "UNITED STATES ARMY, ALASKA" in section 101 as follows: With respect to "Fort Richardson, Alaska," strike out "$1,800,000" and insert in place thereof "$2,100,000".

(b) Public Law 90–110, as amended, is amended by striking out in clause (1) of section 802 "$288,055,000" and "$391,448,000" and inserting in place thereof "$288,355,000" and "$391,748,000", respectively.

TITLE II

SEC. 201. The Secretary of the Navy may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities and equipment for the following acquisition and construction:

INSIDE THE UNITED STATES

FIRST NAVAL DISTRICT

Naval Air Station, Brunswick, Maine, $135,000.

Portsmouth Naval Shipyard, Portsmouth, Kittery, Maine, $2,817,000.

THIRD NAVAL DISTRICT

Naval Submarine Base, New London, Connecticut, $6,158,000.

Naval Underwater Systems Center, New London Laboratory, New London, Connecticut, $3,600,000.

Military Ocean Terminal, Bayonne, New Jersey, $1,806,000.

FOURTH NAVAL DISTRICT

Philadelphia Naval Shipyard, Philadelphia, Pennsylvania, $180,000.

Naval Air Development Center, Warminster, Pennsylvania, $215,000.

NAVAL DISTRICT, WASHINGTON

Naval Research Laboratory, Washington, District of Columbia, $4,655,000.

Naval Academy, Annapolis, Maryland, $4,334,000.

Naval Medical Research Institute, Bethesda, Maryland, $6,372,000.

Naval Ordnance Station, Indian Head, Maryland, $1,528,000.

Naval Air Test Center, Patuxent River, Maryland, $560,000.

Naval Hospital, Quantico, Virginia, $484,000.

FIFTH NAVAL DISTRICT

Fleet Combat Direction Systems Training Center, Atlantic, Dam Neck, Virginia, $6,581,000.

Naval Amphibious Base, Little Creek, Virginia, $3,211,000.

Naval Air Station, Norfolk, Virginia, $2,525,000.

Naval Station, Norfolk, Virginia, $18,183,000.

Navy Public Works Center, Norfolk, Virginia, $567,000.

Nuclear Weapons Training Group, Atlantic, Norfolk, Virginia, $2,470,000.

Naval Air Station, Oceana, Virginia, $3,386,000.

Norfolk Naval Shipyard, Portsmouth, Virginia, $11,133,000.

Naval Weapons Station, Yorktown, Virginia, $1,327,000.

SIXTH NAVAL DISTRICT

Naval Air Station, Cecil Field, Florida, $3,636,000.

Naval Air Station, Ellyson Field, Florida, $75,000.

Naval Air Station, Jacksonville, Florida, $14,366,000.

Naval Training Center, Orlando, Florida, $4,628,000.

Naval Coastal Systems Laboratory, Panama City, Florida, $3,663,000.

Naval Air Station, Pensacola, Florida, $2,699,000.

Naval Communications Training Center, Pensacola, Florida, $10,690,000.

Naval Air Station, Whiting Field, Florida, $3,586,000.

Naval Aerospace Regional Medical Center, Pensacola, Florida, $1,084,000.

Naval Home, Gulfport, Mississippi, $9,444,000.

Naval Air Station, Meridian, Mississippi, $4,532,000.

Charleston Naval Shipyard, Charleston, South Carolina, $252,000.

Naval Station, Charleston, South Carolina, $1,498,000.

Naval Air Station, Memphis, Tennessee, $4,478,000.

EIGHTH NAVAL DISTRICT

Naval Hospital, New Orleans, Louisiana, $3,386,000.

Naval Support Activity, New Orleans, Louisiana, $13,880,000.

Naval Air Station, Chase Field, Texas, $2,875,000.

Naval Air Station, Kingsville, Texas, $3,040,000.

NINTH NAVAL DISTRICT

Naval Complex, Great Lakes, Illinois, $15,148,000.

ELEVENTH NAVAL DISTRICT

Naval Weapons Center, China Lake, California, $3,163,000.

Long Beach Naval Shipyard, Long Beach, California, $6,808,000.

Naval Hospital, Long Beach, California, $878,000.

Naval Air Station, Miramar, California, $1,454,000.

Naval Air Station, North Island, California, $2,415,000.

Fleet Combat Direction Systems Training Center, Pacific, San Diego, California, $1,118,000.

Naval Electronics Laboratory Center, San Diego, California, $3,518,000.

Naval Station, San Diego, California, $11,996,000.

Naval Training Center, San Diego, California, $2,944,000.

Navy Public Works Center, San Diego, California, $2,471,000.

Navy Submarine Support Facility, San Diego, California, $3,920,000.

Naval Weapons Station, Seal Beach, California, $807,000.

TWELFTH NAVAL DISTRICT

Naval Air Station, Alameda, California, $3,827,000.

Naval Air Station, Lemoore, California, $3,266,000.

Naval Air Station, Moffett Field, California, $3,150,000.

Naval Hospital, Oakland, California, $5,839,000.

Mare Island Naval Shipyard, Vallejo, California, $1,874,000.

THIRTEENTH NAVAL DISTRICT

Naval complex, Adak, Alaska, $4,615,000.

Puget Sound Naval Shipyard, Bremerton, Washington, $2,300,000.

FOURTEENTH NAVAL DISTRICT

Naval Air Station, Barbers Point, Hawaii, $4,306,000.

Naval Ammunition Depot, Oahu, Hawaii, $457,000.

Naval Station, Pearl Harbor, Hawaii, $4,060,000.

Naval Submarine Base, Pearl Harbor, Hawaii, $2,562,000.

Navy Public Works Center, Pearl Harbor, Hawaii, $1,985,000.

Naval Communication Station, Honolulu, Wahiawa, Hawaii, $2,324,000.

MARINE CORPS

Marine Corps Air Station, Quantico, Virginia, $831,000.

Marine Corps Development and Education Command, Quantico, Virginia, $1,541,000.

Marine Corps Base, Camp Lejeune, North Carolina, $8,902,000.

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Marine Corps Air Station, Cherry Point, North Carolina, $1,821,000.

Marine Corps Air Station, New River, North Carolina, $3,245,000.

Fleet Marine Force Atlantic, Norfolk, Virgina, $686,000.

Marine Corps Supply Center, Albany, Georgia, $5,204,000.

Marine Corps Air Station, Beaufort, South Carolina, $126,000.

Marine Corps Recruit Depot, Parris Island, South Carolina, $2,580,000.

Marine Corps Air Station, Yuma, Arizona, $1,634,000.

Marine Corps Supply Center, Barstow, California, $3,802,000.

Marine Corps Base, Camp Pendleton, California, $10,920,000.

Marine Corps Air Station, El Toro, California, $747,000.

Marine Corps Recruit Depot, San Diego, California, $3,825,000.

Marine Corps Base, Twentynine Palms, California, $2,992,000.

Marine Corps Air Station, Kaneohe Bay, Hawaii, $5,988,000.

TRIDENT FACILITIES

Various Locations, Trident Facilities, United States, $118,320,000.

POLLUTION ABATEMENT

Various Locations, Air Pollution Abatement, $27,636,000.

Various Locations, Water Pollution Abatement, $51,112,000.

OUTSIDE THE UNITED STATES

TENTH NAVAL DISTRICT

Naval Complex, Puerto Rico, $1,707,000.

Naval Facility, Grand Turk, the West Indies, $1,145,000.

ATLANTIC OCEAN AREA

Naval Air Station, Bermuda, $3,010,000.

Naval Complex, Guantanamo Bay, Cuba, $8,376,000.

Naval Station, Keflavik, Iceland, $6,092,000.

EUROPEAN AREA

Naval Support Office, Athens, Greece, $1,948,000.

Naval Detachment, Souda Bay, Crete, Greece, $4,153,000.

Naval Air Facility, Sigonella, Sicily, Italy, $3,086,000.

Naval Security Group Activity, Edzell, Scotland, $778,000.

Naval Station, Rota, Spain, $85,000.

PACIFIC OCEAN AREA

Naval Communication Station, Harold E. Holt, Exmouth, Australia, $1,192,000.

Naval Complex, Guam, Mariana Islands, $10,988,000.

Naval Complex, Subic Bay, Republic of the Philippines, $278,000.

POLLUTION ABATEMENT

Various Locations, Water Pollution Abatement, $3,995,000.

SEC. 202. The Secretary of the Navy may establish or develop Navy installations and facilities by proceeding with construction made necessary by changes in Navy missions and responsibilities which have been occasioned by (1) unforeseen security considerations, (2) new weapons developments, (3) new and unforeseen research and development requirements, or (4) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permament or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of $10,000,000; *Provided*, That the Secretary of the Navy, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1974, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 203. The Secretary of the Navy is authorized to acquire, under such terms as he deems appropriate, lands or interests in land (including easements) in approximately fourteen thousand acres of privately owned property contiguous to the airfield and approach corridors of the Marine Corps Air Station at Yuma, Arizona, as he considers necessary for the safe and efficient operations at such station. Acquisition of such land or interests in land shall be effected by the exchange of such excess land or interests in land of approximately equal value, as the Secretary of Defense may determine to be available for the purpose. If the fair market value of the land or interests in land to be acquired is less than the fair market value of the Government property to be exchanged, the amount of such deficiency shall be paid to the Government.

SEC. 204. (a) In order to facilitate the relocation of the ship-to-shore and other gun fire and bombing operations of the United States Navy from the island of Culebra, there is hereby authorized to be appropriated the sum of $12,000,000 for the construction and equipage of substitute facilities in support of such relocation.

(b) The relocation of such operations from the northwest peninsula of the island of Culebra is expressly conditioned upon the conclusion of a satisfactory agreement to be negotiated by the Secretary of the Navy, or his designee, with the Commonwealth of Puerto Rico and reported to the Committees on Armed Services of the Senate and the House of Representatives prior to execution of such agreement. The agreement shall provide, among other things, that the Commonwealth of Puerto Rico shall insure that (1) Commonwealth lands suitable for carrying out operations of the type referred to in subsection (a) will be made available for the long term continued use of the Atlantic Fleet Weapons Range and Fleet Marine Forces training areas by the Navy, including, but not limited to, present areas and facilities on the island of Vieques, and (2) any proposed facility or activity which would interfere with the Navy training mission will not be undertaken, including the proposed deep water super-port on the island of Mona, in the event that such agreement includes the use by the Navy of such island or the area adjacent to such island.

(c) Notwithstanding any other provisions of law, the present bombardment area on the island of Culebra shall not be utilized for any purpose that would require decontamination at the expense of the United States. Any lands sold, transferred, or otherwise disposed of by the United States as a result of the relocation of the operations referred to in subsection (a) may be sold, transferred, or otherwise disposed of only for public park or public recreational purposes.

(d) The funds authorized for appropriation by this section shall remain available until expended.

SEC. 205. (a) Public Law 90–408, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 201 as follows: With respect to Navy Mine Defense Laboratory, Panama City, Florida, strike out "$7,411,000" and insert in place thereof "$9,397,000".

(b) Public Law 90–408, as amended, is amended by striking out in clause (2) of section 802, "$239,682,000" and "$246,547,000" and inserting in place thereof "$241,868,000" and "$248,533,000", respectively.

SEC. 206. (a) Public Law 91–511, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 201 as follows: With respect to Naval Weapons Laboratory, Dahlgren, Virginia, strike out "$530,000" and insert in place thereof "$779,000".

(b) Public Law 91–511, as amended, is amended by striking out in clause (2) of section 602 "$246,955,000" and "$274,093,000" and inserting in place thereof "$247,204,000" and "$274,342,000", respectively.

SEC. 207. (a) Public Law 92–145 is amended under the heading "INSIDE THE UNITED STATES", in section 201 as follows:

With respect to Naval Station, Norfolk, Virginia, strike out "$19,316,000" and insert in place thereof "$22,716,000".

With respect to Naval Air Station, Meridian, Mississippi, strike out "$3,266,000" and insert in place thereof "$3,859,000".

(b) Public Law 92–145 is amended by striking out in clause (2) of section 702 "$266,068,000" and "$321,843,000" and inserting in place thereof "$270,061,000" and "$325,836,000", respectively.

SEC. 208. (a) Public Law 92–545 is amended under the heading "INSIDE THE UNITED STATES" in section 201 as follows: With respect to Naval Ammunition Depot, McAlester, Oklahoma, strike out "$6,336,000" and insert in place thereof "$8,778,000".

With respect to Naval Air Station, Miramar, California, strike out "$4,372,000" and insert in place thereof "$5,144,000".

(b) Public Law 92–545 is amended by striking out in clause (2) of section 702 "$474,450,000" and "$515,667,000" and inserting in place thereof "$477,664,000" and "$518,881,000", respectively.

TITLE III

SEC. 301. The Secretary of the Air Force may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, for the following acquisition and construction:

INSIDE THE UNITED STATES

AEROSPACE DEFENSE COMMAND

Peterson Field, Colorado Springs, Colorado, $7,843,000.

Tyndall Air Force Base, Panama City, Florida, $1,020,000.

AIR FORCE COMMUNICATIONS SERVICE

Richards-Gebaur Air Force Base, Grandview, Missouri, $3,963,000.

AIR FORCE LOGISTICS COMMAND

Hill Air Force Base, Ogden, Utah, $8,343,000.

Kelly Air Force Base, San Antonio, Texas, $6,101,000.

McClellan Air Force Base, Sacramento, California, $2,572,000.

Robins Air Force Base, Warner Robins, Georgia, $4,628,000.

Tinker Air Force Base, Oklahoma City, Oklahoma, $11,787,000.

Wright-Patterson Air Force Base, Dayton, Ohio, $13,277,000.

AIR FORCE SYSTEMS COMMAND

Edwards Air Force Base, Muroc, California, $889,000.

Eglin Air Force Base, Valparaiso, Florida, $7,039,000.

Satellite Control Facilities, $654,000.

AIR TRAINING COMMAND

Keesler Air Force Base, Biloxi, Mississippi, $8,786,000.

Lackland Air Force Base, San Antonio, Texas, $6,509,000.

Laughlin Air Force Base, Del Rio, Texas, $4,635,000.

Lowry Air Force Base, Denver, Colorado, $20,350,000.

Mather Air Force Base, Sacramento, California, $310,000.

Randolph Air Force Base, San Antonio, Texas, $1,463,000.

Reese Air Force Base, Lubbock, Texas, $4,211,000.

Sheppard Air Force Base, Wichita Falls, Texas, $2,753,000.

Vance Air Force Base, Enid, Oklahoma, $371,000.

Webb Air Force Base, Big Spring, Texas, $3,154,000.

Williams Air Force Base, Chandler, Arizona, $347,000.

ALASKAN AIR COMMAND

Eielson Air Force Base, Fairbanks, Alaska, $1,557,000.

Various Locations, $7,101,000.

HEADQUARTERS COMMAND

Andrews Air Force Base, Camp Springs, Maryland, $16,639,000.

Bolling Air Force Base, Washington, District of Columbia, $1,500,000.

MILITARY AIRLIFT COMMAND

Altus Air Force Base, Altus, Oklahoma, $1,078,000.

Dover Air Force Base, Dover, Delaware, $2,558,000.

McGuire Air Force Base, Wrightstown, New Jersey, $1,698,000.

Norton Air Force Base, San Bernardino, California, $1,283,000.

Scott Air Force Base, Belleville, Illinois, $3,092,000.

PACIFIC AIR FORCES

Hickam Air Force Base, Honolulu, Hawaii, $7,331,000.

STRATEGIC AIR COMMAND

Barksdale Air Force Base, Shreveport, Louisiana, $1,200,000.

Davis-Monthan Air Force Base, Tucson, Arizona, $232,000.

Dyess Air Force Base, Abilene, Texas, $730,000.

Ellsworth Air Force Base, Rapid City, South Dakota, $514,000.

Francis E. Warren Air Force Base, Cheyenne, Wyoming, $5,834,000.

Grissom Air Force Base, Peru, Indiana, $1,500,000.

Kincheloe Air Force Base, Kinross, Michigan, $2,430,000.

Malmstrom Air Force Base Great Falls, Montana, $1,507,000.

McConnell Air Force Base, Wichita, Kansas, $1,042,000.

Offutt Air Force Base, Omaha, Nebraska, $617,000.

Pease Air Force Base, Portsmouth, New Hampshire, $526,000.

Plattsburgh Air Force Base, Plattsburgh, New York, $286,000.

Vandenberg Air Force Base, Lompoc, California, $220,000.

Whiteman Air Force Base, Knob Noster, Missouri, $3,892,000.

Wurtsmith Air Force Base, Oscoda, Michigan, $615,000

Various Locations, $1,988,000.

TACTICAL AIR COMMAND

Bergstrom Air Force Base, Austin, Texas, $2,273,000.

Cannon Air Force Base, Clovis, New Mexico, $162,000.

England Air Force Base, Alexandria, Louisiana, $182,000.

Holloman Air Force Base, Alamogordo, New Mexico, $1,524,000.

Langley Air Force Base, Hampton, Virginia, $503,000.

Little Rock Air Force Base, Little Rock, Arkansas, $1,165,000.

Luke Air Force Base, Glendale, Arizona, $2,986,000.

MacDill Air Force Base, Tampa, Florida, $2,657,000.

Mountain Home Air Force Base, Mountain Home, Idaho, $253,000.

Nellis Air Force Base, Las Vegas, Nevada, $2,588,000.

Shaw Air Force Base, Sumter, South Carolina, $2,501,000.

UNITED STATES AIR FORCE ACADEMY

United States Air Force Academy, Colorado Springs, Colorado, $483,000.

UNITED STATES AIR FORCE SECURITY SERVICE

Goodfellow Air Force Base, San Angelo, Texas, $6,115,000.

POLLUTION ABATEMENT

Various Locations, Air Pollution Abatement, $3,689,000.

Various Locations, Water Pollution Abatement, $5,381,000.

AIR INSTALLATION COMPATIBLE USE ZONES

Various Locations, $18,000,000.

OUTSIDE THE UNITED STATES

AIR DEFENSE COMMAND

Naval Station Keflavik, Iceland, $1,355,000.

PACIFIC AIR FORCES

Various Locations, $7,950,000.

UNITED STATES AIR FORCES IN EUROPE

Germany, $5,181,000.

United Kingdom, $3,788,000.

Various Locations, $800,000.

UNITED STATES AIR FORCE SOUTHERN COMMAND

Howard Air Force Base, Canal Zone, $927,000.

UNITED STATES AIR FORCE SECURITY SERVICE

Various Locations, $221,000.

POLLUTION ABATEMENT

Various Locations, Water Pollution Abatement, $750,000.

WORLDWIDE COMMUNICATIONS

Various Locations, $330,000.

SEC. 302. The Secretary of the Air Force may establish or develop classified military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $1,000,000.

SEC. 303. The Secretary of the Air Force may establish or develop Air Force installations and facilities by proceeding with construction made necessary by changes in Air Force missions and responsibilities which have been occasioned by: (1) unforeseen security considerations, (2) new weapons developments, (3) new and unforeseen research and development requirements, or (4) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the amount of $10,000,000; *Provided*, That the Secretary of the Air Force, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1974, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 304. (a) Section 301 of Public Law 92–145 is amended under the heading "INSIDE THE UNITED STATES" as follows: Under the subheading "STRATEGIC AIR COMMAND" with respect to Malmstrom Air Force Base, Great Falls, Montana, strike out "$522,000" and insert in place thereof "$735,000".

(b) Public Law 92–145 is further amended by striking out in clause (3) of section 702 "$226,484,000" and "$247,347,000" and inserting in place thereof "$226,697,000" and "$247,560,000", respectively.

SEC. 305. (a) Public Law 92–545 is amended under the heading "INSIDE THE UNITED STATES" in section 301 as follows:

With respect to Keesler Air Force Base, Biloxi, Mississippi, strike out "$4,454,000" and insert in place thereof "$5,654,000".

(b) Public Law 92–545 is amended under the heading "OUTSIDE THE UNITED STATES," in section 301 as follows: Under the subheading "UNITED STATES AIR FORCES IN EUROPE" with respect to Germany, strike out "$11,422,000" and insert in place thereof "$18,755,000".

(c) Public Law 92–545 is amended by striking out in clause (3) of section 702 "$232,925,000"; "$32,565,000"; and "$284,150,000" and inserting in place thereof "$234,125,000"; "$39,898,000"; and "$292,683,000", respectively.

TITLE IV

SEC. 401. The Secretary of Defense may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities and equipment, for defense agencies of the following acquisition and construction:

DEFENSE NUCLEAR AGENCY

Kirtland Air Force Base, Albuquerque, New Mexico, $374,000.

Atomic Energy Commission Nevada Test Site, Las Vegas, Nevada, $200,000.

DEFENSE SUPPLY AGENCY

Defense Construction Supply Center, Columbus, Ohio, $1,188,000.

Defense Depot, Mechanicsburg, Pennsylvania, $2,048,000.

Defense Depot, Memphis, Tennessee, $360,000.

Defense Depot, Ogden, Utah, $250,000.

Defense Depot, Tracy, California, $757,000.

Defense General Supply Center, Richmond, Virginia, $2,653,000.

Defense Logistics Services Center, Battle Creek, Michigan, $160,000.

Defense Personnel Support Center, Philadelphia, Pennsylvania, $560,000.

Regional Office, Defense Contract Administration Services, Chicago, Illinois, $404,000.

NATIONAL SECURITY AGENCY

Fort George G. Meade, Maryland, $8,156,000.

TITLE V—MILITARY FAMILY HOUSING AND HOMEOWNERS ASSISTANCE PROGRAM

SEC. 501. The Secretary of Defense, or his designee, is authorized to construct, at the locations hereinafter named, family housing units and mobile home facilities in the numbers hereinafter listed, but no family housing construction shall be commenced at any such locations in the United States, until the Secretary shall have consulted with the Secretary of the Department of Housing and Urban Development, as to the availability of adequate private housing at such locations. If agreement cannot be reached with respect to the availability of adequate private housing at any location, the Secretary of Defense shall immediately notify the Committees on Armed Services of the Senate and the House of Representatives, in writing, of such difference of opinion, and no contract for construction at such location shall be entered into for a period of thirty days after such notification has been given. This authority shall include the authority to acquire land, and interests in land, by gift, purchase, exchange of Government-owned land, or otherwise.

(a) Family housing units:

(1) The Department of the Army, five thousand three-hundred sixty-nine units, $153,170,000.

Fort Carson, Colorado, two hundred units.

Eglin Air Force Base, Florida, twenty-five units.

United States Army Installation, Oahu, Hawaii, six hundred units.

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Fort Riley, Kansas, nine hundred one units.

Fort Campbell, Kentucky, one thousand units.

Fort Polk, Louisiana, five hundred units.

Fort Bragg/Pope Air Force Base, North Carolina, one hundred thirty-six units.

Tobyhanna Army Depot, Pennsylvania, eighty-six units.

Fort Hood, Texas, nine hundred units.

Red River Army Depot, Texas, twenty-one units.

Fort Belvoir, Virginia, seven hundred units.

Fort Eustis, Virginia, three hundred units.

(2) The Department of the Navy, three thousand six hundred ten units, $109,397,000.

Marine Corps Base, Camp Pendleton, California, eight hundred units.

Naval Complex, San Diego, California, three hundred twenty-five units.

Marine Corps Base, Twentynine Palms, California, two hundred units.

Naval Station, Mayport, Florida, four hundred units.

Naval Complex, Oahu, Hawaii, four hundred units.

Naval Complex, New Orleans, Louisiana, one hundred units.

Construction Battalion Center, Gulfport, Mississippi, one hundred units.

Naval Home, Gulfport, Mississippi, five units.

Naval Complex, South Philadelphia, Pennsylvania, three hundred fifty units.

Naval Complex, Charleston, South Carolina, two hundred seventy units.

Naval Complex, Guam, Marianas Islands, five hundred ten units.

Naval Station, Keflavik, Iceland, one hundred fifty units.

(3) The Department of the Air Force, one thousand seven hundred units, $52,646,000.

Blytheville Air Force Base, Arkansas, one hundred units.

Avon Park Weapons Range, Florida, fifty units.

Eglin Air Force Base, Florida, two hundred fifty units.

United States Air Force Installations, Oahu, Hawaii, four hundred units.

Andrews Air Force Base, Maryland, three hundred units.

Grand Forks Air Force Base, North Dakota, one hundred units.

Sheppard Air Force Base, Texas, two hundred units.

Andersen Air Force Base, Guam, Marianas Islands, three hundred units.

(b) Mobile home facilities:

(1) The Department of the Army, eight hundred twenty-five spaces, $3,300,000.

(2) The Department of the Navy, one hundred spaces, $400,000.

(3) The Department of the Air Force, four hundred fifteen spaces, $2,000,000.

Sec. 502. (a) Authorization for the construction of family housing provided in this Act shall be subject, under such regulations as the Secretary of Defense may prescribe, to the following limitations on cost, which shall include shades, screens, ranges, refrigerators, and all other installed equipment and fixtures.

(b) The average unit cost for each military department for all units of family housing constructed in the United States (other than Hawaii and Alaska) shall not exceed $27,500 including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

(c) No family housing unit in the area specified in subsection (b) shall be constructed at a total cost exceeding $44,000 including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

(d) When family housing units are constructed in areas other than that specified in subsection (b) the average cost of all such units shall not exceed $37,000 and in no event shall the cost of any unit exceed $44,000. The cost limitations of this subsection shall include the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

Sec. 503. The Secretary of Defense, or his designee, is authorized to accomplish alterations, additions, expansions or extensions not otherwise authorized by law, to existing public quarters at a cost of not to exceed—

(1) for the Department of the Army, $28,160,000.

(2) for the Department of the Navy, $10,600,000.

(3) for the Department of the Air Force, $23,750,000.

Sec. 504. Notwithstanding the limitations contained in prior Military Construction Authorization Acts on cost of construction of family housing, the limitations on such cost contained in section 502 of this Act shall apply to all prior authorizations for construction of family housing not heretofore repealed and for which construction contracts have not been executed prior to the date of enactment of this Act.

Sec. 505. The Secretary of Defense or his designee, is authorized to construct, or otherwise acquire, in foreign countries, twelve family housing units. This authority shall include the authority to acquire land and interests in land. The authorization contained in this section shall not be subject to the cost limitations set forth in section 502 of this Act, but the cost shall not exceed a total of $520,000 for all units nor $60,000 for any one unit, including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilites.

Sec. 506. (a) Section 610(a) of Public Law 90–110 (81 Stat. 279, 305), as amended, is amended to read as follows:

"(a) None of the funds authorized by this or any other Act may be expended for the improvement of any single family housing unit, or for the improvement of two or more housing units when such units are to be converted into or used as a single family housing unit, the costs of which exceed $15,000 per unit including costs of repairs undertaken in connection therewith, and including any costs in connection with (1) the furnishing of electricity, gas, water and sewage disposal; (2) roads and walks; and (3) grading and drainage, unless such improvement in connection with such unit or units is specifically authorized by law. As used in this section the term 'improvement' includes alteration, expansion, extension, or rehabilitation of any housing unit or units, including that maintenance and repair which is to be accomplished concurrently with an improvement project. The provisions of this section shall not apply to projects authorized for restoration or replacement of housing units damaged or destroyed."

(b) The Secretary of Defense, or his designee, is authorized to accomplish repairs and improvements to existing public quarters in amounts in excess of the $15,000 limitation prescribed in section 610(a) of Public Law 90–110 as follows:

Elmendorf Air Force Base, Alaska, one unit, $35,800.

Marine Corps Base, Twentynine Palms, California, one unit, $17,000.

Fort McNair, Washington, District of Columbia, five units, $165,000.

Naval Complex, New Orleans, Louisiana, four units, $119,600.

Ramstein Air Base, Federal Republic of Germany, one unit, $26,500.

Sec. 507. (a) Section 515 of Public Law 84–161 (69 Stat. 324, 352), as amended, is further amended to read as follows:

"Sec. 515. During fiscal years 1974 and 1975, the Secretaries of the Army, Navy, and Air Force, respectively, are authorized to lease housing facilities for assignment as public quarters to military personnel and their dependents, without rental charge, at or near any military installation in the United States, Puerto Rico, or Guam if the Secretary of Defense, or his designee, finds that there is a lack of adequate housing at or near such military installation and that (1) there has been a recent substantial increase in military strength and such increase is temporary, or (2) the permanent military strength is to be substantially reduced in the near future, or (3) the number of military personnel assigned is so small as to make the construction of family housing uneconomical, or (4) family housing is required for personnel attending service school academic courses on permanent change of station orders, or (5) family housing has been authorized but is not yet completed or a family housing authorization request is in a pending military construction authorization bill. Such housing facilities may be leased on an individual unit basis and not more than ten thousand such units may be so leased at any one time. Expenditures for the rental of such housing facilities, including the cost of utilities and maintenance and operation, may not exceed: For the United States (other than Hawaii), Puerto Rico, and Guam an average of $210 per month for each military department, or the amount of $290 per month for any one unit; and for Hawaii, an average of $255 per month for each military department, or the amount of $300 per month for any one unit."

(b) The average unit rental for Department of Defense family housing acquired by lease in foreign countries may not exceed $325 per month for the Department and in no event shall the rental for any one unit exceed $625 per month, including the costs of operation, maintenance, and utilities; and not more than seven thousand five hundred family housing units may be so leased at any one time. The Secretary of Defense, or his designee, may waive these cost limitations for not more than three hundred units leased for: incumbents of special positions, personnel assigned to Defense Attaché Offices, or in countries where excessive costs of housing would cause undue hardship on Department of Defense personnel.

Sec. 508. Section 507 of Public Law 88–174 (77 Stat. 307, 326), as amended, is further amended to read as follows:

"Sec. 507. For the purpose of providing military family housing in foreign countries, the Secretary of Defense is authorized to enter into agreements guaranteeing the builders or other sponsors of such housing a rental return equivalent to a specified portion of the annual rental income which the builders or other sponsors would receive from the tenants if the housing were fully occupied: *Provided*, That the aggregate amount guaranteed under such agreements entered into during the fiscal years 1974 and 1975 shall not exceed such amount as may be applicable to five thousand units: *Provided further*, That no such agreement shall guarantee the payment of more than 97 per centum of the anticipated rentals, nor shall any guarantee extend for a period of more than ten years, nor shall the average guaranteed rental on any project exceed $275 per unit per month, including the cost of maintenance and operation."

Sec. 509. (a) Chapter 159 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"Section 2684. Construction of family quarters; limitations on space

"(a) In the construction of family quarters for members of the Armed Forces, the following are the maximum space limitations:

"Pay grade:	*Number of bedrooms*	*Net floor area (square feet)*
0–7 and above	4	2,100
0–6	4	1,700
0–4 and 0–5	4	1,550
	3	1,400
0–1 through 0–3; W–1 through W–4; and E–7 through E–9	5	1,550
	4	1,450
	3	1,350
	2	950
E–1 through E–6	5	1,550
	4	1,350
	3	1,200
	2	950

As used in this section 'net floor area' means the space inside the exterior walls, excluding: basement; service space instead of basement; attic; garage; carport; porches; and stairwells.

"(b) The maximum limitations prescribed by subsection (a) are increased by 10 per centum for quarters of the commanding officer of any station, air base, or other installation, based on the grade authorized for that position.

"(c) The maximum limitations for family quarters constructed for key and essential civilian personnel are the same, as those for military personnel of comparable grade, as determined by the Secretary of Defense.

"(d) The maximum net floor area prescribed by subsection (a) may be increased up to 5 per centum if the Secretary of Defense, or his designee, determines that such increase is in the best interest of the Government to permit award of a turnkey construction project to the contractor offering the most satisfactory proposal. Any increase made under subsection (b) when combined with an increase under this subsection may not exceed an aggregate of 10 per centum."

(b) The analysis of such chapter 159 is amended by adding at the end thereof the following:

"2684. Construction of family quarters; limitations on space."

(c) Chapter 449 of title 10, United States Code, is amended by repealing section 4774, except for subsection (d) thereof, which subsection remains with the "(d)" deleted; and by revising the catchline of such section and the corresponding item in the analysis to read: "Construction: limitations".

(d) Chapter 649 of title 10, United States Code, is amended by repealing sections 7574 and 7575 and by striking out the corresponding items in the analysis.

(e) Chapter 949 of title 10, United States Code, is amended by repealing section 9774, except subsection (d) thereof, which subsection remains with the "(d)" deleted; and by revising the catchline of such section and the corresponding item in the analysis to read: "Construction: limitations".

Sec. 510. Notwithstanding the provisions of any other law, the Secretary of the Air Force is authorized to settle claims regarding repairs and improvements to public quarters at F. E. Warren Air Force Base, Wyoming, in the amount of $41,221.92.

Sec. 511. There is authorized to be appropriated for use by the Secretary of Defense, or his designee, for military family housing as authorized by law for the following purposes:

(1) for construction and acquisition of family housing, including improvements to adequate quarters, improvements to inadequate quarters, minor construction, relocation of family housing, rental guarantee payments, construction and acquisition of mobile home facilities, and planning, an amount not to exceed $345,246,000; and

(2) for support of military family housing, including operating expenses, leasing, maintenance of real property, payments of principal and interest on mortgage debts incurred, payment to the Commodity Credit Corporation, and mortgage insurance premiums authorized under section 222 of the National Housing Act, as amended (12 U.S.C. 1715m), an amount not to exceed $826,793,000.

Sec. 512. (a) Notwithstanding any other provision of law, the Secretary of the Army, or his designee, is hereby authorized to convey to the State of Hawaii, subject to the terms and conditions hereafter stated, and to such other terms and conditions as the Secretary of the Army, or his designee, shall deem to be in the public interest, all right, title, and interest of the United States in and to certain land, with improvements thereon, within the Fort Ruger Military Reservation, Hawaii, as described in subsection (c).

(b) In consideration for the conveyance by the United States of the aforesaid property, the State of Hawaii shall provide for, convey, or pay to the United States, either in facilities and services or money or a combination thereof, as determined by the Secretary of the Army, a sum equal to the appraised fair market value of the property to be conveyed. The facilities and services so provided shall be utilized, and money so paid shall be credited to applicable accounts which shall then be available, for site preparation and improvement of the Aliamanu Military Reservation, Oahu, Hawaii, including roads and streets, utilities, and other community facilities suitable for the support of a military family housing development. The site preparation and improvements shall be in accordance with plans and specifications to be approved by the Secretary of the Army or his designee.

(c) The lands authorized to be conveyed to the State of Hawaii as provided in subsection (a) comprise approximately fifty-seven acres with improvements thereon as generally depicted on maps on file in the Office of the United States Army Engineer, Pacific Ocean Division, Honolulu, Hawaii. The exact description and acreage of the land to be conveyed shall be determined by an accurate survey as mutually agreed upon between the State of Hawaii and the Secretary of the Army, or his designee.

(d) Notwithstanding any other provision of law, the cost of the site preparation, roads and streets, utilities, and other support facilities borne by the State of Hawaii, as provided herein shall not be considered in arriving at the average cost of any family housing units or the cost of any single family housing unit to be constructed on the property.

(e) Public Law 91–564, approved December 19, 1970, is hereby repealed.

Sec. 513. (a) There is authorized to be appropriated for use by the Secretary of Defense for the purposes of section 1013 of Public Law 89–754 (80 Stat. 1255, 1290), including acquisition of properties, an amount not to exceed $7,000,000.

(b) Such section 1013 is further amended by adding the following new subsection:

"(m) In addition to the coverage provided above, the benefits of this section shall apply, as to closure actions in the several States and the District of Columbia announced after April 1, 1973, to otherwise eligible employees or personnel who are (1) employed or assigned either at or near the base or installation affected by the closure action, and (2) are required to relocate, due to transfer, reassignment or involuntary termination of employment, for reasons other than the closure action."

TITLE VI

GENERAL PROVISIONS

Sec. 601. The Secretary of each military department may proceed to establish or develop installations and facilities under this Act without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), and sections 4774 and 9774 of title 10, United States Code. The authority to place permanent or temporary improvements on land includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

Sec. 602. There are authorized to be appropriated such sums as may be necessary for the purposes of this Act, but appropriations for public works projects authorized by titles I, II, III, IV, and V shall not exceed—

(1) for title I: Inside the United States, $485,827,000; outside the United States, $107,257,000; section 102, $3,000,000; or a total of $596,084,000.

(2) for title II: Inside the United States, $511,606,000; outside the United States, $58,833,000; or a total of $570,439,000.

(3) for title III: Inside the United States, $238,439,000; outside the United States, $21,302,000; section 302, $1,000,000; or a total of $260,741,000.

(4) for title IV: A total of $10,000,000.

(5) for title V: Military family housing and homeowners assistance, $1,179,039,000.

Sec. 603. (a) Except as provided in subsection (b), any of the amounts specified in titles I, II, III, and IV of this Act, may, in the discretion of the Secretary concerned, be increased by 5 per centum when inside the United States (other than Hawaii and Alaska), and by 10 per centum when outside the United States or in Hawaii and Alaska, if he determines that such increase (1) is required for the sole purpose of meeting unusual variations in cost, and (2) could not have been reasonably anticipated at the time such estimate was submitted to the Congress. However, the total cost of all construction and acquisition in each such title may not exceed the total amount authorized to be appropriated in that title.

(b) When the amount named for any construction or acquisition in title I, II, III, or IV of this Act involves only one project at any military installation and the Secretary of Defense, or his designee, determines that the amount authorized must be increased by more than the applicable percentage prescribed in subsection (a), the Secretary concerned may proceed with such construction or acquisition if the amount of the increase does not exceed by more than 25 per centum the amount named for such project by the Congress.

(c) Subject to the limitations contained in subsection (a), no individual project authorized under title I, II, III, or IV of this Act for any specifically listed military installation may be placed under contract if—

(1) the estimated cost of such project is $250,000 or more, and

(2) the current working estimate of the Department of Defense, based upon bids received, for the construction of such project exceeds by more than 25 per centum the amount authorized for such project by the Congress, until after the expiration of thirty days from the date on which a written report of the facts relating to the increased cost of such project, including a statement of the reasons for such increase, has been submitted to the Committees on Armed Services of the House of Representatives and the Senate.

(d) The Secretary of Defense shall submit an annual report to the Congress identifying each individual project which has been placed under contract in the preceding twelve-month period and with respect to which the then current working estimate of the Department of Defense based upon bids received for such project exceeded the amount authorized by the Congress for that project by more than 25 per centum. The Secretary shall also include in such report each individual project with respect to which the scope was reduced in order to permit contract award within the available authorization for such project. Such report shall include all pertinent cost information for each individual project, including the amount in dollars and percentage by which

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the current working estimate based on the contract price for the project exceeded the amount authorized for such project by the Congress.

Sec. 604. Contracts for construction made by the United States for performance within the United States and its possessions under this Act shall be executed under the jurisdiction and supervision of the Corps of Engineers, Department of the Army, or the Naval Facilities Engineering Command, Department of the Navy, or such other department or Government agency as the Secretaries of the military departments recommend and the Secretary of Defense approves to assure the most efficient, expeditious, and cost-effective accomplishment of the construction herein authorized. The Secretaries of the military departments shall report annually to the President of the Senate and the Speaker of the House of Representatives a breakdown of the dollar value of construction contracts completed by each of the several construction agencies selected, together with the design, construction supervision, and overhead fees charged by each of the several agents in the execution of the assigned construction. Further, such contracts (except architect and engineering contracts which, unless specifically authorized by the Congress, shall continue to be awarded in accordance with presently established procedures, customs, and practice) shall be awarded, insofar as practicable, on a competitive basis to the lowest responsible bidder, if the national security will not be impaired and the award is consistent with chapter 137 of title 10, United States Code. The Secretaries of the military departments shall report annually to the President of the Senate and the Speaker of the House of Representatives with respect to all contracts awarded on other than a competitive basis to the lowest responsible bidder.

Sec. 605. As of October 1, 1974, all authorizations for military public works, including family housing, to be accomplished by the Secretary of a military department in connection with the establishment or development of military installations and facilities, and all authorizations for appropriations therefor, that are contained in titles I, II, III, IV, and V of the Act of October 25, 1972, Public Law 92–545 (86 Stat. 1135), and such authorizations contained in Acts approved before October 26, 1972, and not superseded or otherwise modified by a later authorization are repealed except—

(1) authorizations for public works and for appropriations therefor that are set forth in those Acts in the titles that contain the general provisions;

(2) authorizations for public works projects as to which appropriated funds have been obligated for construction contracts, land acquisition, or payments to the North Atlantic Treaty Organization, in whole or in part, before October 1, 1974, and authorizations for appropriations therefor;

(3) notwithstanding the repeal provisions of section 705(b) of the Act of October 25, 1972, Public Law 92–545 (86 Stat. 1135, 1153), all authorizations for construction of family housing, including mobile home facilities, all authorizations to accomplish alterations, additions, expansion, or extensions to existing family housing, and all authorizations for related facilities projects under said Act are hereby continued and shall remain in effect until October 1, 1974; and

(4) notwithstanding the repeal provisions of section 705(a) of the Act of October 25, 1972, Public Law 92–545 (86 Stat. 1135, 1153), authorizations for the following items which shall remain in effect until October 1, 1975:

(A) Enlisted women's barracks construction in the amount of $437,000 for Fort Rucker, Alabama, that is contained in title I, section 101, under the heading "Inside the United States" of the Act of October 27, 1971 (85 Stat. 394, 395), as amended.

(B) Airfield expansion in the amount of $882,000 for the United States Army Security Agency, that is contained in title I, section 101, under the heading "Outside the United States" of the Act of October 27, 1971 (85 Stat. 394, 395), as amended.

(C) Environmental Health Effects Laboratory in the amount of $4,500,000 for the Naval Medical Research Institute, Bethesda, Maryland, that is contained in title II, section 201, under the heading "Inside the United States" of the Act of October 27, 1971 (85 Stat. 394, 397).

Sec. 606. None of the authority contained in titles I, II, III, and IV of this Act shall be deemed to authorize any building construction projects inside the United States in excess of a unit cost to be determined in proportion to the appropriate area construction cost index, based on the following unit cost limitations where the area construction index 1.0:

(1) $28.50 per square foot for permanent barracks;

(2) $30.50 per square foot for bachelor officer quarters;

unless the Secretary of Defense or his designee determines that because of special circumstances, application to such project of the limitations on unit costs contained in this section is impracticable. Notwithstanding the limitations contained in prior military construction authorization Acts on unit costs, the limitations on such costs contained in this section shall apply to all prior authorizations for such construction not heretofore repealed and for which construction contracts have not been awarded prior to the date of enactment of this Act.

Sec. 607. Section 709 of Public Law 92–145 (85 Stat. 394, 414), as amended, is amended to read as follows:

"Sec. 709. Notwithstanding any other provision of law, none of the lands constituting Camp Pendleton, California, may be sold, transferred, or otherwise disposed of by the Department of Defense unless hereafter authorized by law, but the Secretary of the Navy, or his designee, may, with respect to such lands, grant leases, licenses, or easements pursuant to chapter 159 of title 10, United States Code, and section 961 of title 43, United States Code."

Sec. 608. Chapter 159 of title 10, United States Code, is amended as follows:

(1) Section 2674(f) is amended by striking out the phrase "every six months" in the second line and inserting "annually" in place thereof.

(2) Section 2676 is amended by adding at the end thereof a new sentence as follows: "The foregoing limitation shall not apply to the acceptance by a military department of real property acquired under the authority of the Administrator of General Services to acquire property by the exchange of Government property pursuant to the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471 et seq.)."

Sec. 609. The Secretary of Defense is authorized to use any unobligated funds, not in excess of $1,500,000, heretofore appropriated to carry out the provisions of section 610 of the Military Construction Authorization Act, 1971 (84 Stat. 1224) for the purpose of assisting communities near Malmstrom Air Force Base, Great Falls, Montana, to pay their respective shares of the cost under any Federal program providing assistance for the adoption, to the needs and uses of such communities, of the water system, and appurtenances thereto, installed to support the Safeguard Antiballistic Missile site near such air force base.

Sec. 610. (a) Notwithstanding any other provision of law, the Secretary of Defense, in consultation with the National Capital Planning Commission and other interested agencies, but without being subject to the approval of such Commission or any other agency, is directed, within available authorizations and appropriations, to proceed with the further planning, development, and construction of the Bolling-Anacostia Complex. The Secretary shall use as a guide to such further planning and development the Bolling-Anacostia Base Development Concept included with the final environmental impact statement filed with the Council on Environmental Quality on July 26, 1973, under the provisions of section 102(2)(C) of the National Environmental Policy Act of 1969.

(b) Section 607(b) of Public Law 89–188, as amended, is amended by deleting "January 1, 1975" wherever it appears, and inserting in lieu thereof "January 1, 1980".

Sec. 611. (a) The Secretary of the Army, or his designee, is authorized to convey to the San Antonio Country Club, subject to such terms and conditions as the Secretary of the Army, or his designee, may deem to be in the public interest, all rights, title, and interest of the United States, except as retained in this section, in and to certain two parcels of land containing, in the aggregate, 2.39 acres, more or less, situated in the county of Bexar, State of Texas, being part of the Fort Sam Houston Military Reservation, and more particularly described as follows:

PARCEL NO. 1

From boundary marker numbered B–88 for Fort Sam Houston, said point being a northeast corner for Fort Sam Houston and a southeast corner for San Antonio Country Club property, along the common line between said San Antonio Country Club and United States of America properties, north 16 degrees 50 minutes east, 48.3 feet to boundary marker numbered B–87;

Thence north 15 degrees 11 minutes east, 546.15 feet to a point in the common line between said San Antonio Country Club and United States of America properties, said point being located north 78 degrees 10 minutes west, 298 feet from boundary marker numbered B–81;

Thence north 04 degrees 36 minutes east, 623.49 feet to a point in the common line between said San Antonio Country Club properties for the point of beginning, said point of beginning being located north 68 degrees 59 minutes west, 695 feet from boundary marker numbered B–79;

Thence along the common line between said San Antonio Country Club and United States of America properties as follows: north 68 degrees 59 minutes west, 300 feet to boundary marker numbered B–78;

Thence north 00 degrees 32 minutes west, 1197.6 feet to boundary marker numbered B–77 for the corner common to said San Antonio Country Club and United States of America properties, situated in the south right-of-way line for Burr Road;

Thence departing from said common line, along the south right-of-way line for said Burr Road, north 89 degrees 58 minutes east, 50 feet to a point;

Thence south 00 degrees 32 minutes east, 1028.08 feet to a point;

Thence south 21 degrees 26 minutes east, 114.79 feet to a point;

Thence south 48 degrees 05 minutes east, 254.90 feet to the point of beginning, containing 1.73 acres, more or less.

PARCEL NO. 2

From boundary marker numbered B–88 for Fort Sam Houston, said point being a northwest corner for Fort Sam Houston and a southeast corner for San Antonio Country Club property, along the common line between said San Antonio Country Club and United States of America properties, north 16 degrees 50 minutes east, 48.3 feet to boundary marker B–87 for the point of beginning;

Thence along the common line between said San Antonio Country Club and United States of America properties as follows: north, 102.2 feet to boundary marker numbered B–86;

Thence north 07 degrees 15 minutes east, 117.4 feet to boundary marker numbered B–85;

Thence north 12 degrees 30 minutes east, 88.1 feet to boundary marker numbered B–84;

Thence north 07 degrees 10 minutes west, 168.4 feet to boundary marker numbered B–83;

Thence north 51 degrees 05 minutes east, 104.4 feet to boundary marker numbered B–82;

Thence south 78 degrees 10 minutes east, 50 feet to a point;

Thence departing from said common line, south 15 degrees 11 minutes west, 546.15 feet to the point of beginning, containing 0.66 acre, more or less.

(b) In consideration for the conveyance by the United States of America of the property described in subsection (a), the San Antonio Country Club shall convey to the United States, for incorporation with the Fort Sam Houston Military Reservation, a parcel of land containing 6.47 acres, more or less, being described as follows:

From boundary marker numbered B–88 for Fort Sam Houston, said point being a northwest corner for Fort Sam Houston and a southeast corner for San Antonio Country Club property, along the common line between said San Antonio Country Club and United States of America properties, north 16 degrees 50 minutes east, 48.3 feet to boundary marker numbered B–87;

Thence north 15 degrees 11 minutes east, 546.15 feet to the point of beginning, situated in the common line between said San Antonio Country Club and United States of America properties, said point of beginning being located south 78 degrees 10 minutes east, 50 feet from boundary marker numbered B–82;

Thence north 04 degrees 36 minutes east, 623.49 feet to a point in the common line between said San Antonio Country Club and United States of America properties, said point being located south 68 degrees 59 minutes east, 300 feet from boundary marker numbered B–78;

Thence along said common line as follows: south 68 degrees 59 minutes east, 695 feet to boundary marker numbered B–79 for a re-entrant corner for said United States of America property and a northeast corner for said San Antonio Country Club property;

Thence south 44 degrees 07 minutes west, 333.7 feet to boundary marker numbered B–80;

Thence south 42 degrees 04 minutes west, 261 feet to boundary marker numbered B–81 for a re-entrant corner for said United States of America property and a southeast corner for said San Antonio Country Club property;

Thence north 78 degrees 10 minutes west, 298 feet to the point of beginning containing 6.47 acres, more or less.

(c) The legal descriptions in subsections (a) and (b) may be modified as agreed upon by the Secretary, or his designee, and the San Antonio Country Club, consistent with any necessary changes which may be disclosed as a result of accurate survey.

(d) The conveyance of property authorized in subsection (a) of this section shall be subject to the following provisions, conditions, and reservations, which shall be incorporated in the deed of conveyance to be executed by the Secretary of the Army:

(1) Reservation to the United States of rights-of-way for any existing utility lines or access roads.

(2) Provision that the grantee, in accepting the deed, shall agree (A) to relocate fences between its property and the boundary lines of Fort Sam Houston, at no expense to the United States, and (B) to hold the United States harmless from any damage that may result from drainage from the property conveyed to the United States under subsection (b).

(e) All expenses for surveys and the preparation and execution of legal documents necessary or appropriate to carry out the provisions of this section shall be borne by the San Antonio Country Club.

Sec. 612. Titles I, II, III, IV, V, and VI of this Act may be cited as the "Military Construction Authorization Act, 1974".

TITLE VII

RESERVE FORCES FACILITIES

Sec. 701. Subject to chapter 133 of title 10, United States Code, the Secretary of Defense may establish or develop additional facilities for the Reserve Forces, including the acquisition of land therefor, but the cost of such facilities shall not exceed—

(1) For the Department of the Army:

(a) Army National Guard of the United States, $29,900,000.

(b) Army Reserve, $35,900,000.

(2) For the Department of the Navy: Naval and Marine Corps Reserve, $21,458,000.

(3) For the Department of the Air Force:

(a) Air National Guard of the United States, $16,000,000.

(b) Air Force Reserve, $9,000,000.

Sec. 702. The Secretary of Defense may establish or develop installations and facilities under this title without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), and sections 4774 and 9774 of title 10, United States Code. The authority to place permanent or temporary improvements on lands includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

Sec. 703. With respect to the preceding authorization contained in section 701 for the Army Reserve, no portion of such authorization or any other prior Army Reserve authorization granted by the Congress may be utilized to construct replacement facilities for Army Reserve units at Fort DeRussy, Hawaii, at any location other than Fort DeRussy.

Sec. 704. This title may be cited as the "Reserve Forces Facilities Authorization Act, 1974".

And the House agree to the same.

F. Edw. Hébert,
Otis G. Pike,
Charles E. Bennett,
Samuel S. Stratton,
William G. Bray,
Carleton J. King,
G. William Whitehurst,
Managers on the Part of the House.

John C. Stennis,
Stuart Symington,
Henry M. Jackson,
Sam J. Ervin, Jr.,
Howard W. Cannon,
Harry F. Byrd, Jr.,
John G. Tower,
Strom Thurmond,
Peter H. Dominick,
Managers on the Part of the Senate.

JOINT STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2408) to authorize certain construction at military installations, and for other purposes, submit the following joint statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying report:

LEGISLATION IN CONFERENCE

On September 13, 1973, the Senate passed S. 2408 which is the fiscal year 1974 military construction authorization for the Department of Defense and Reserve components.

On October 11, 1973, the House considered the legislation, amended it by striking out all language after the enacting clause and wrote a new bill.

On October 16, 1973, the Senate asked for a conference and on the same date, the House agreed to the conference.

COMPARISON OF HOUSE AND SENATE BILLS

S. 2408, as passed by the House of Representatives, provided new construction authorization to the military departments and the Department of Defense for fiscal year 1974 in the total amount of $2,715,924,000. However, in accordance with the recommendations of the Committee on Armed Services, the House reduced the overall amount authorized for appropriation by $64,697,000 to a total of $2,651,227,000.

The bill as passed by the Senate provided new authorizations in the amount of $2,835,444,000.

SUMMARY OF RESOLUTION OF DIFFERENCES

As a result of a conference between the House and Senate on the differences in S. 2408, the conferees agreed to a new adjusted authorization for military construction for fiscal year 1974 in the amount of $2,773,584,000.

The Department of Defense and the respective military departments had requested a total of $2,992,513,000 for new construction authorization for fiscal year 1974. The action of the conferees reduces the departmental request by $218,929,000.

CONSTRUCTION IN ICELAND

Included in this bill are five items totaling $7,447,000 for construction in Iceland. Two of these items, in the Navy program, total $6,092,000 and are for the construction of a Bachelor Enlisted Quarters and a Bachelor Officers Quarters.

These items were included in the House bill but deleted from the Senate bill because of clear indications that the government of Iceland may seek to have the United States withdraw its military installations from that country. After thorough discussion, these items have been retained by the Conference Committee in order to allow the Executive branch reasonable leeway to negotiate with the government of Iceland. These negotiations, we are advised, are presently under way.

The Conference Committee, while authorizing appropriations at this time, is unalterably opposed to the funding of these projects unless the United States is assured that it will not be asked to abandon its facilities in Iceland in the foreseeable future.

*Total authorization granted fiscal year 1974**

Title I (Army):	
Inside the United States	$493,327,000
Outside the United States	107,257,000
Classified	3,000,000
Subtotal	603,584,000
Title II (Navy):	
Inside the United States	519,106,000
Outside the United States	58,833,000
Subtotal	577,939,000
Title III (Air Force):	
Inside the United States	238,439,000
Outside the United States	21,302,000
Classified	1,000,000
Subtotal	260,741,000
Title IV (Defense Agencies):	
Inside the United States	17,100,000
Subtotal	1,459,364,000

Title V (military family housing and homeowners assistance)	$1,179,039,000
Deficiency authorizations:	
Title I (Army)	4,735,000
Title II (Navy)	9,442,000
Title III (Air Force)	8,746,000
Subtotal	22,923,000
Title VII (Reserve Forces facilities):	
Army National Guard	29,900,000
Army Reserve	35,900,000
Naval and Marine Corps Reserves	21,458,000
Air National Guard	16,000,000
Air Force Reserve	9,000,000
Total	112,258,000
Grand total granted by titles I, II, III, IV, V, and VII	2,773,584,000

*These totals are for specific projects authorized for construction. However, the amounts authorized for appropriation have been reduced in Title VI as follows: Title I—Army $7,500,000; Title II—Navy—$7,500,000; Title IV—Defense Agencies—$7,100,000; a total of $22,100,000.

TITLE I—ARMY

The House had approved construction authorization in the amount of $587,963,000 for the Department of the Army. However, the House only authorized for appropriation $572,963,000 for the Department of the Army because of a recently conducted study of the utilization of training installations and small single-mission posts. It was felt that pending completion of the study, there would be a substantial number of projects which would be held in abeyance and at least a total of $15 million of such projects might never be put under contract.

The Senate approved construction for the Army in the amount of $620,088,000. This amounted to a reduction by the House from the Senate figure of $47,125,000. The conferees agreed to a new total for Title I in the amount of $603,584,000. However, the amount authorized for appropriation for the Army in Title VI is $596,084,000.

Fort Benning, Georgia

One of the items included by the House, but not included in the Senate bill, was a project for the first increment of a barracks complex at Fort Benning, Georgia in the amount of $9.5 million. This project was not requested by the Department of the Army but was added by the House Committee over and above the budget request.

In conference, the Senate conferees were adamant in their position that this project would not be included in the final bill. Their justification was the fact that the Department of the Army had advised the Senate conferees, as well as the House conferees, that this project was still in the early deaign stage and even if authorized and funded, it could not be put under contract in fiscal year 1974. The project is scheduled for the Army's fiscal year 1975 program in the total amount of approximately $21 million.

In view of this information and the position insisted on by the Senate, the House conferees reluctantly receded.

Fort Hood, Texas

At Fort Hood, Texas, there was a request for $5,270,000 to improve Gray Army Airfield. The project was to upgrade airfield aprons to include widening apron and taxiways. Also, it was to provide new refueling facilities and fuel storage. The project was deleted by the House but included by the Senate.

In conference, the House conferees insisted that the present facilities were not in such condition that this particular project could not be postponed for one year. The House conferees further insisted that due to fiscal restraints placed on the Services, this project could safely be deferred and the Senate conferees reluctantly receded.

SELF-HELP GARAGES

Two automotive self-help garages were requested by the Army within their community support program. They were denied by the House, but included in the Senate bill. These facilities were strongly supported by the Service as high utilization activities, extremely popular with the soldiers. The Committees recognize the high morale value and troop interest in automotive self-help garages. However, it is felt these facilities should be supported from nonappropriated funds.

The Senate receded.

Among the major items originally deleted by either the House or Senate and restored by the conferees were the following:

Fort Gordon, Georgia—Commissary, $2,924,000

The House deleted this particular project believing that the present facility could be utilized at least one more year and because downtown Augusta, Georgia is only twelve miles away. However, the Senate conferees pointed out that the amount of business generated in the commissary at Fort Gordon, Georgia had steadily increased over the past several years and the deplorable condition of the existing commissary makes it unsafe for continued use.

The House receded.

Hunter-Liggett, California—EM Barracks Complex, $7,776,000

The House deleted the Army's request for this particular EM barracks complex believing that due to fiscal restraints, the present facilities could be utilized for another year. Further, the House conferees felt that this particular installation, being a sub-post of Fort Ord, California, had been on the "suspect" closure list for several years and that it could very well be that the training now being conducted at Hunter Liggett might be completely eliminated.

However, the Senate conferees pointed out that the Army reclama placed this particular project very high on its priority list indicating that the facility was not in danger of immediate closure or major reduction.

In view of the information furnished by the Army and after thorough discussion of the situation, the House receded.

Aero MTCE, Texas—Supply and Storage Building, $5,196,000

The House deleted the Army's request for this supply and storage building in Corpus Christi, Texas believing that the realignment study presently under way might result in an adverse impact on this particular installation and that the buildings now in use could be utilized for another year.

However, the Senate conferees pointed out that a new facility would make possible considerable savings to the taxpayer and that this facility was unique, making it an unlikely candidate base for major reduction or closure. Further, the Senate conferees insisted that denial of this project could compound problems in supply operations.

The House receded.

Fort Shafter, Hawaii—Medical-Dental Clinic, $1,233,000

The House deleted the Army's request for this medical-dental clinic feeling that it could be safely deferred as a relatively low priority item.

The Senate conferees pointed out that the present facilities are in temporary buildings, scattered and in poor physical condition, and are seriously lacking in interior lighting, ventilation, and sanitary facilities. Further, the continued maintenance and operation of the temporary structures are very uneconomical.

After a thorough discussion of the problems, the House receded.

Reduction in Amount Authorized for Appropriation, $15,000,000

The Senate conferees pointed out to the House conferees that the $15,000,000 reduction in the amount authorized for appropriation, in view of today's inflationary construction cost, might adversely affect the fiscal year 1974 program. The unobligated balances were said to be insufficient for this size cut and other programs authorized in the present bill would be drastically affected.

The House conferees agreed with the Senate conferees and a reduction of $7.5 million in the amount authorized to be appropriated was agreed upon.

The House receded with an amendment.

TITLE II—NAVY

The House approved $554,933,000 in new construction authorization for the Department of the Navy. However, the House only authorized for appropriation the sum of $539,933,000. The Senate approved $602,022,000.

The conferees agreed to a new total in the amount of $577,939,000. However, the amount authorized for appropriation is $570,439,000.

Among the major items originally deleted by either the House or Senate and restored in the conference were the following:

Naval Underwater Systems Center, New London, Connecticut—Engineering Building, $3,600,000

The House deleted this particular project believing that it was of relatively low priority in this year's Navy program. The Senate approved the project.

In conference, the Senate conferees pointed out that the World War II temporary buildings now in use are deficient in size, dispersed, functionally inadequate, fire hazardous, and have been flooded on numerous occasions. Further, electronic equipment and machine tools valued over $7 million are housed in these buildings.

After a thorough discussion of the problem, the House receded.

Naval Complex, Adak, Alaska—Commissary, $1,920,000

This project was deferred by the House without prejudice to a future year's program. The Senate approved the project.

In conference, the Senate conferees pointed out that the present inadequate facility is of wood construction, was built in 1944, and is the only retail food outlet in Adak. The nearest offbase community capable of providing grocery sales service is 1,150 miles distant. Major structural deterioration with severe cracking in all beams and columns, rotten floor and roof characterize this facility.

The House receded.

MC Recruit Depot, San Diego, California—Dispensary, $3,825,000

The Senate deleted this project believing that it was of relatively low priority and could be safely deferred for at least a year. The House approved this project.

In conference, the House conferees pointed out that the existing facility is a substandard facility constructed in 1922 as a barracks. The utilities and plumbing are outmoded and require an excessive amount of maintenance. The existing dispensary is adjacent to exchange facilities and permanent personnel facilities and is three-quarters of a mile from the recruit health records building. The House conferees insisted that to continue operations in the present outdated and degenerated facilities could only compound the existing discrepancies and further degradation of the medical services now provided.

The Senate receded.

Naval Hospital, Orlando, Florida—Hospital, $20,981,000

One of the major items in dispute in Title II was the Naval Hospital, Orlando, Florida which was included by the Senate in their consideration of the bill but deleted by the House.

The House deleted this project believing that sufficient hospital and clinic space was available in the State of Florida to satisfy current and projected future needs for active duty military and their dependents. The Senate included this hospital in their bill.

It was pointed out during the hearings that the present hospital was a cantonment type World War II hospital and was constructed in 1943. The House Committee felt, however, that the present facility program, a 150-bed dispensary which is less than three years old, could satisfy the projected workload. Further, the House conferees pointed out that there is presently located in the State of Florida thirteen military hospitals and five facilities of the out patient clinic type and this should be sufficient to satisfy the foreseeable needs.

After much discussion, the Senate receded.

Reduction in Amount Authorized for Appropriation, $15,000,000

The Senate conferees pointed out to the House conferees that the $15,000,000 reduction in the amount authorized for appropriation, in view of today's inflationary construction cost, might adversely affect the fiscal year 1974 program. The unobligated balances were said to be insufficient for this size cut and other programs authorized in the present bill would be drastically affected.

The House conferees agreed with the Senate conferees and a reduction of $7.5 million in the amount authorized to be appropriated was agreed upon.

The House receded with an amendment.

Culebra Island (Section 204)

The Senate included in their bill authorization for $12 million to relocate the ship-to-shore and other gunfire and bombing operations of the U. S. Navy from the Island of Culebra. The provision was added during the Committee mark-up without any hearings or testimony being taken in support thereof. The House bill contained no such provision.

This provision in the Senate bill caused much discussion and debate among the conferees regarding the feasibility of relocating this activity from Culebra to the Islands of Desecheo and Monito. This issue has been the subject of considerable concern in both the House and the Senate for the last several years. The House conferees were privileged to have a conference with the Governor of Puerto Rico, the Resident Commissioner, and the Mayor of Culebra prior to the final conference with Senate conferees.

The restrictive language included in Section 204 is a result of the discussion with the Governor and others and the conferees believe it provides aufficient protection to the Navy upon the relocation of the ship-to-shore gunfire operations from Culebra to the other Islands mentioned.

The House receded with an amendment.

TITLE III—AIR FORCE

The House approved $246,656,000 in new construction authorization for the Department of the Air Force. The Senate approved $274,747,000.

The conferees agreed to a new total in the amount of $260,741,000.

Among the major items in conference which were resolved after much deliberation are:

Kelly AFB, Texas—A/C Engine Fuel System Overhaul, $3,166,000

The Senate approved, but the House denied, $3,166,000 for an Engine Fuel System Overhaul facility. The project includes jet fuel system repair and test area, administrative, storage, toilets and mechanical equipment rooms. The existing facilities, the House felt, could continue to be utilized for at least the next year.

The Senate conferees pointed out that the requested space is required to accommodate the new workload which requires additional test stands to work the advanced technological system on the new F–100–PW engines and fuel system controls that are to be assigned to Kelly AFB for depot repair and test. It was further pointed out that the present facilities are far too small and do not have environmental control to assure quality controlled production.

The House receded.

Tinker AFB, Oklahoma—Addition to and Alteration of Composite Medical Facility, $3,879,000

The House Committee deferred this project without prejudice because it was felt that the project could be deferred to a future program without impinging upon the Air Force. The Senate bill included this project.

The House deferred this project because the outpatient visits per year at this facility have dropped from 210,000 to 190,000 and the base population is predicted to drop by at least 2,000 by fiscal year 1976.

After a thorough discussion about medical needs in the Air Force, the conferees agreed that the medical needs of this military community could be served by the existing facility.

The Senate receded.

Wright-Patterson AFB, Ohio—Aircraft Fuels and Lubricants Laboratory, $4,857,000.

The Senate bill included this project, but the House Committee deferred it without prejudice.

In conference, the Senate conferees pointed out that the project is for the construction of laboratory space for exploratory and advanced development in aerospace fuels and lubricants, hazards detection, and fire suppression systems. The Senate further argued that the existing laboratory space is totally inadequate and widely scattered.

However, the House conferees pointed out that the mission is presently being performed in the facilities now available and the Air Force has no plans to destroy the facilities upon completion of the new laboratory, but they would be used for other purposes. Therefore, the House conferees insisted that the present facilities could be continued in use for at least one more year.

The Senate receded.

Maxwell AFB, Alabama—Addition to and Alteration of Composite Medical Facility, $4,900,000

The Senate approved, but the House denied, $4,900,000 for addition and alteration of the Maxwell AFB hospital. The main purpose of this project was to provide enlarged outpatient clinics and ancillary support space and four dental treatment rooms.

The Senate conferees argued that this is a regional hospital and provides inpatient and outpatient consultant services and specialty care to three other Air Force bases.

The House conferees were adamant in their position pointing out that this hospital was completed less than ten years ago and contained 225 beds. The Air Force later rearranged the rooms and cut the bed capacity to 200. The House conferees further argued that this construction appeared to be more for retirees than active duty personnel and until a further study could be made, the project could be deferred.

The Senate receded.

Cape Newenham, Alaska—Composite Support Facilities, $5,403,000

The House Committee deferred this project without prejudice due to the apparent high cost of the first phase of a two phase facility. The House conferees further argued that there are only 114 military personnel stationed at Cape Newenham AFS and this item should be restudied.

The Senate conferees were adamant in their position that the Conference Committee should include this project in its final bill. They pointed out to House conferees that the aircraft control and warning activities are now accommodated in twenty-two widely scattered buildings, most of which are over twenty years old and were designed with a life expectancy of less than ten years. Severe weather conditions make operating from these old buildings most difficult. Maintenance and repair requirements have increased beyond the station's ability to effectively operate.

The House reluctantly receded.

TITLE IV—DEFENSE AGENCIES

The Secretary of Defense requested $17,100,000 to provide for the construction of new facilities and rehabilitation of existing facilities for the Defense Agencies at 12 named installations. The Senate approved all projects as requested. However, the House deferred the Defense Fuel Supply Center in the amount of $2,403,0000 at the Defense Supply Center, Richmond, Virginia. Further, the House did not authorize any amount for appropriations under the Defense Agency's account. The Committee was informed that there was some $24,000,000 in the Defense Contingency Fund which would not be required in FY–74 and believed it could be applied against the new authorization for projects under Title IV in the amount of $14,697,000.

In conference the Senate conferees argued that the Congress had required that in order to use the monies in the Contingency Fund, there must be a certification by the Secretary of Defense that the project or projects to be funded must be "vital to the security of the United States." After a thorough discussion by the conferees, the House receded on the project for the Defense Fuel Supply Center and the conferees agreed to authorize $10,000,000 for appropriation against $17,100,000 in authorization.

The House receded with an amendment.

TITLE V—FAMILY HOUSING

The Department of Defense presented an authorization request for appropriations for military family housing and the Homeowners Assistance Program totaling $1,257,567,000. This was for 11,688 units of new construction, improvements to existing housing, operation and maintenance, debt payment, etc. Also included in the family housing request was an increase in the statutory average unit cost limitation on the construction of military family housing from $24,000 to $27,500 average cost for the United States and from $33,500 average unit cost outside the United States and Alaska and Hawaii to $38,000. The Department's new construction request reflected cost increases due primarily to continued cost escalation and secondarily to proposed increases to square foot limitations for high ranking Noncommissioned Officers and Junior Officers.

The House authorized 12,413 units but limited the number to be constructed to 9,725 units. Further, the House only authorized new funding for 9,000 units. The Senate authorized construction of 11,032 units of new construction, a reduction of 656 units from the departmental request and they authorized funding for all units authorized. The

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House approved increases in the average unit cost limitation from $24,000 to $28,500 for the United States (except Alaska and Hawaii); and from $33,500 to $38,000 average cost in other areas. The Senate approved average unit cost increases from $24,000 to $27,000 for the United States (except Alaska and Hawaii); from $33,500 to $37,000 average cost in other areas. Further, the Senate approved $7,000,000 for Homeowners Assistance which was omitted from the House bill.

In conference the conferees agreed to authorize 10,679 family housing units at an average cost of $27,500 per unit as originally requested by the Department for inside the United States (other than Alaska and Hawaii). The conferees agreed that the statutory cost limitations for outside the United States, Alaska and Hawaii would be $37,000 average and maximum of $44,000 per unit.

The conferees agreed to a new total for the Family Housing program in the amount of $1,179,039,000. The amount approved includes $7 million for Homeowners Assistance and is $22,429,000 below the Senate figure and $21,345,000 above the House figure.

The Defense Department did not propose any changes in the Domestic Leasing Program and both committees approved the continuation of this program in section 507.

However, the Senate Committee found it necessary to add section 507(b) which imposes limitations on the Department's Foreign Leasing authority which heretofore has been general in nature. Section 507(b) as developed by the Senate Committee centralizes control of the program at the Secretary of Defense level and imposes cost limitations of $325 per month average rental cost and a maximum cost of $625 per unit per month. A numerical limitation of 7,500 is also imposed. However, recognizing that a certain number of leases must exceed these cost limitations, the committee has included authority for the Secretary of Defense to waive such cost limitations for up to 300 units in cases of rentals for incumbents of representational positions, personnel attached to DAOs (Defense Attache Officers) and in cases of hardship. It is expected by the conferees that the Department of Defense will closely monitor and control the Foreign Leasing Program with a view to reducing the cost of leases that are not included in the cost limitation and apprise the Committees on Armed Services of the House and Senate as to the progress being made in this area.

The House receded.

The Senate added a provision (Sec. 512) which would repeal Public Law 91–564 which authorized the Secretary of the Army to convey approximately 57 acres of land and improvements at Fort Ruger Military Reservation, Hawaii, to that State in exchange for the conveyance by the State of Hawaii to the United States of approximately 259 acres of land adjacent to the Tripler Army Hospital. The land adjacent to the Tripler Hospital was to be used as a site for additional family housing. Because of the difference in land values of parcels involved in the exchange, the Act also provided for the State to do certain site preparations on the land to be conveyed to the United States.

Subsequent evaluations determined that development of the land to be conveyed to the United States was too costly for military housing; therefore, the section (512 of Senate Bill) as proposed would continue to permit the Secretary of the Army to convey the Fort Ruger properties to the State of Hawaii, but in lieu of the State conveying land to the United States as heretofore provided, the State would provide for, convey or pay to the United States, either in facilities and services or money, or a combination thereof, a sum equal to the appraised fair market value of the Fort Ruger property to be available for site preparation for military family housing at the Defense-owned Aliamanu Military Reservation, Oahu. The cost of the site preparation, roads and streets, utilities and other support facilities borne by the State would not be considered in arriving at the average cost of any family housing units or the cost of any single family housing unit to be constructed within the boundaries of the Aliamanu Military Reservation, Oahu, Hawaii.

Inasmuch as there appears to be no better alternative to the proposed legislation, and in light of the situation now facing the Department of the Army as a consequence of an inadequate previous evaluation, the conference committee approves of the proposed action with sincere hope that this legislation will prove sufficient to provide adequate housing to military personnel and their dependents.

The House receded.

TITLE VI—GENERAL PROVISIONS

Under section 604 of the General Provisions all contracts for military construction are required to be awarded on a competitive basis to the lowest reasonable bidder insofar as practicable. This year the Department proposed an amendment to permit awards on a competitive basis by Turnkey One-Step Procedures. This is now permitted by statute for military family housing and in some areas has proven quite successful and economical. The proposed amendment would extend the practice to other common-type military construction projects such as hangars, commissaries, etc. The Senate approved the amendment but it was denied by the House. The House Committee felt that to award such construction contracts on other than a competitive low-bid basis would be a mistake and could possibly lead to contracts being awarded on human judgments rather than mathematical bids.

During the conference the House conferees were adamant in their position and persuaded the Senate conferees to omit this proposed amendment by the Department of Defense.

The Senate receded.

Section 606 provides statutory limitations on the square foot cost of bachelor housing.

Both the Senate and House approved an increase from $27.00 to $28.50 per square foot for barracks and from $29.00 to $30.50 for bachelor officers quarters. This factor controls the cost of bachelor housing.

The House added a provision to require a planned occupancy for permanent barracks of a minimum of four persons per room for Enlisted Grades E4 and below and no fewer than two persons per room for Enlisted Grades E5, E6, and E7. Based on the progress the services have made on the design of this year's bachelor enlisted quarters projects and the increased costs that would result as a consequence of a change at this time, the House reluctantly receded from the inclusion of this provision this year. However, the Secretary of Defense is directed to make a study of a planned occupancy for permanent barracks with a minimum of four persons per room for Enlisted Grades E4 and below.

This study should provide by Service, the one-time costs for changing criteria, the construction cost savings that will accrue in the FY 1975 Military Construction Program, an estimate of the construction cost savings for the next four Military Construction Programs, impact on morale of personnel, the impact on recruitment of personnel under an All-Volunteer Force and the flexibility of room assignments. This study will be submitted to the Committees on Armed Services of the House and Senate prior to February 1, 1974.

In order to avoid delays in the design of FY 1975 Bachelor Enlisted Quarters projects, the Committees on Armed Services of the House and Senate will determine whether to include a 4 men to the room provision in the FY 1975 Authorization Act and will notify the Department of Defense of its decision within a reasonable time after receipt of the study.

The House receded.

Section 608(3) of the bill, as submitted to the Congress, would give the Secretary of Defense authority to acquire land if he considers deferral for consideration in a future military construction to be inconsistent with the interest of national defense. The Department now has authority to acquire land up to $50,000, and to acquire options on land.

The House approved this provision, which the Senate disapproved on the basis that existing authority is sufficient.

After a thorough discussion, the House receded.

Section 609 was added by the House to ensure that the Bolling-Anacostia complex in the District of Columbia would be retained for defense purposes. It would also permit previously authorized construction, which has been held up because of lack of approval of the National Capitol Planning Commission to proceed with or without the approval of the NCPC.

No such provision was included in the Senate bill. This particular point was the subject of considerable discussion and debate among the conferees. The House provision was finally approved with general agreement among the conferees that in the next session of the 93rd Congress both the House and the Senate Committees would conduct hearings to determine the feasibility of the defense retention of all of the lands now comprising the Bolling-Anacostia complex.

The Senate receded.

TITLE VII—RESERVE FORCE FACILITIES

The House added above the budget $2.6 million for the Navy and Marine Corps Reserves to compensate for a like amount of construction funds diverted from other projects in the FY–73 authorization to complete the consolidation of Naval Reserve Headquarters. This was not considered by the Senate. However, after a thorough discussion the Senate receded.

The House added section 703 to preclude the use of any funds authorized currently, or in past years, for the replacement of any Reserve facilities now located on Fort DeRussy, Hawaii, at any location other than Fort DeRussy.

This matter was discussed at length by the conferees with the House conferees pointing out that to destroy permanent facilities now located on Fort DeRussy and relocate them elsewhere on the Island of Oahu would be extremely unwise and very wasteful.

The Senate receded.

F. Edw. Hébert,
Otis G. Pike,
Charles E. Bennett,
Samuel S. Stratton,
William G. Bray,
Carleton J. King,
G. William Whitehurst,
Managers on the Part of the House.

John C. Stennis,
Stuart Symington,
Henry M. Jackson,
Sam J. Ervin, Jr.,
Howard W. Cannon,
Harry F. Byrd, Jr.,
John G. Tower,
Strom Thurmond,
Peter H. Dominick,
Managers on the Part of the Senate.

PERMISSION TO CONSIDER CONFERENCE REPORT ON S. 2408, MILITARY CONSTRUCTION AUTHORIZATION BILL, ON THURSDAY NEXT

Mr. PIKE. Mr. Speaker, I ask unanimous consent that the conference report on S. 2408, Military Construction Authorization, may be considered by the House on Thursday of this week.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

DISCUSSION OF MOTION TO RECOMMIT LABOR-HEW CONFERENCE REPORT

(Mr. QUIE asked and was given permission to address the House for 1 minute.)

Mr. QUIE. Mr. Speaker, I want to make certain that nobody misunderstands that the vote on the motion to recommit, and a number of Members have talked to me about that. That motion to recommit carried because of the effort I was going to make to provide instructions on the title I formula which was knocked out on a point of order. It is the intent of this body that a different title I formula be adopted than that which was included in the last continuing resolution. The House will not accept what the committee proposed in amendment 32 reported in technical disagreement. That I believe is the reason a majority voted for that motion to recommit. I think everybody who is on that conference committee ought to bear that in mind. Stated simply—the House will not accept a State hold harmless at 90 percent of 1972 nor a local educational agency limit of 115 percent of 1973.

IMPEACHMENT RESOLUTIONS

(Mr. THOMPSON of New Jersey asked and was given permission to address the House for 1 minute and revise and extend his remarks.)

Mr. THOMPSON of New Jersey. Mr. Speaker, for the information of the Members of the House, I have today introduced House Resolution 693 which will provide to the Committee on the Judiciary a sum of not to exceed $2 million for such staff work and other investigative work as they will need in order to conduct their hearings on the Vice-Presidency and on the virtually innumerable resolutions relating to impeachment. This will be handled in the usual manner.

I would like to assure those on the minority side that due consideration, as has been our practice, will be given to their staff needs.

CONCERNING THE VOTE TO RECOMMIT THE CONFERENCE REPORT ON LABOR-HEW

(Mr. SMITH of Iowa asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. SMITH of Iowa. Mr. Speaker, for further edification of the vote on the motion to recommit, it would be well to study the rollcall on that motion. My interpretation is that the major reason for the motion to recommit, which carried, was because the Republican side objected to the conference report for being over the budget. That was the reason the majority of Republicans did not sign the conference report. If the conference report had been adopted there would have been a separate vote on amendment No. 32, which involved title I.

So, what really was at issue on the rate to recommit was whether we reduce the appropriations in the bill—take some money out of the Health and Education before bringing it back here. I think if the Members will study the vote that that is what was at issue.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will state that there will be additional business later, but in the meantime, pending that, the Chair will be glad to receive unanimous-consent requests, but that in doing so this would not be prejudicing the business of the House.

THE VOTE ON THE MOTION TO RECOMMIT THE LABOR-HEW CONFERENCE REPORT

(Mrs. GREEN of Oregon asked and was given permission to address the House for 1 minute, and to revise and extend her remarks.)

Mrs. GREEN of Oregon. Mr. Speaker, since we are apparently waiting for other reports, I take this moment to say that I feel compelled to take exception to a comment that was made a few moments ago that those Members who refused to sign the conference report on the Labor-HEW appropriation bill did so only because they wanted to cut the funds, the total amount in that appropriation bill.

Since I was one of those who did not sign the conference report I wish to state my reason for not signing the conference report was that I could not as a matter of conscience continue to support the formula under title I of ESEA any longer because it seems unsound and unfair to school districts to use figures that are 14 years old. Any study of those who voted for or against the motion today will find that the majority are the ones who supported the Quie motion of about a month ago where the sole issue was allocation of funds under title I. It is really not quite fair to assign other motives.

CLARIFICATION OF MR. GERALD R. FORD'S USE OF THE WORD "MOB"

(Mr. SYMINGTON asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. SYMINGTON. Mr. Speaker, I should like to address these remarks in part to our distinguished and esteemed friend, the minority leader, the gentleman from Michigan (Mr. Gerald R. Ford) for whom I fully expect, as I am sure does practically every Member of this House, to cast a confirming vote when the time comes.

It was with that heartfelt intent in mind that I felt it only appropriate that I give the distinguished minority leader an opportunity to clarify remarks which he appeared to make on the "Today" show this morning. I guess it was a film of a previous press conference in which he had been asked if the editorials and other communications from the public recommending resignation would have any impact on the President. If I am not mistaken, the minority leader said he did not think either editorials or "the mob" would sway the President.

I know my esteemed friend could not have considered letters such as I and other Members have been receiving beginning with, "I have been a lifelong Republican, but" and often going on to say, "Hurry up and confirm Gerry Ford," as emanating from a "mob."

These folks are good Americans, and the minority leader did not intend that. This would give him a chance to clarify for the Record and for any interested persons what, indeed, he did mean.

Mr. GERALD R. FORD. Mr. Speaker, I shall be very glad to respond, if the gentleman from Missouri will yield.

Mr. SYMINGTON. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. I believe that the remarks were made at a press conference in New York late yesterday afternoon. The question came up because some members of the press asked me, Would the President resign? I have heard him say not once, but a number of times, both in private and in public, that he would not resign and that he intended to continue on the job for which he was elected.

In response to a number of persistent questions, "Will he resign? Will he resign?" I said, "The editorials and the mob"—I used "the mob" in a figurative sense, not in a literal sense—"would not sway his mind." I am sure that the editorials will not change his mind. I am sure that the letters that I am receiving, as the gentleman from Missouri is receiving, are not going to change his mind. He intends to continue, and I was simply responding to the questions that were asked by using as forceful language as I could, and it was because I wanted to emphasize the point.

Mr. SYMINGTON. I certainly understand the gentleman's clarification. The word "mob" tends to carry a pejorative meaning, and a good many thousands of people who watch the show, who may have written letters of that kind, and even urged such action, may have felt designated in that way. I do not think that is what the gentleman had in mind.

Mr. GERALD R. FORD. If the gentleman would like a further clarification, I think that was in my mind was those people who are marching up and down in front of the White House carrying placards, some of which I think are quite abusive and not in good taste.

Mr. SYMINGTON. I thank the gentleman.

INCREASING AUTHORIZATION FOR APPROPRIATIONS TO ATOMIC ENERGY COMMISSION

Mr. BOLLING, from the Committee on Rules, reported the following privileged resolution (H. Res. 694, Rept. No. 93–630), which was referred to the House Calendar and ordered to be printed:

H. Res. 694

Resolved, That upon the adoption of this resolution it shall be in order to move that

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the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11216) to amend Public Law 93–60 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Joint Committee on Atomic Energy, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 11216, it shall be in order to take from the Speaker's table the bill S. 2645 and to consider the said Senate bill in the House.

Mr. BOLLING. Mr. Speaker, I call up House Resolution 694 and ask for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution.

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, a parliamentary inquiry. The request of the gentleman from Missouri was to suspend the rules?

The SPEAKER. It was to consider the resolution. The request is necessary because it takes a two-thirds vote. Otherwise the resolution will have to wait.

Mr. GROSS. It is because the rule was voted on only today?

Mr. BOLLING. If the gentleman will yield, the gentleman is correct.

Mr. GROSS. I thank the Speaker and the gentleman.

The SPEAKER. The question is, Will the House now consider House Resolution 694?

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. GROSS. Does this require a two-thirds vote?

The SPEAKER. The gentleman is correct.

Mr. GROSS. I thank the Speaker.

The question was taken; and [two-thirds having voted in favor thereof], the House agreed to consider House Resolution 694.

The SPEAKER. The gentleman from Missouri is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee (Mr. Quillen) pending which I yield myself such time as I may consume.

Mr. Speaker, this rule was called up in a highly unusual way, because as far as we know there is absolutely no controversy on the rule or the bill that it makes it in order.

I have said things like that before and they turned out to be controversial; but I have checked with some care on this and I do not believe there is even any controversy in a body other than this body on this particular subject.

I believe that everybody in a bipartisan and unanimous way is in agreement that we ought to pass the rule and consider the bill. My understanding is that unless something new arrived, they are going to unanimously pass the bill.

Mr. Speaker, I reserve the balance of my time, unless my friend from Iowa wishes me to yield.

Mr. GROSS. Mr. Speaker, will the gentleman yield for a question or two?

Mr. BOLLING. I yield to the gentleman from Iowa.

Mr. GROSS. Is this an open rule?

Mr. BOLLING. Yes, it is.

Mr. GROSS. I did not hear all of the rule read.

Mr. BOLLING. It is a completely open rule. There are no tricks in this rule that I can detect. It just is absolutely straight forward.

Mr. GROSS. I am sure there are no tricks within the estimable Rules Committee, but I am glad to have that further assurance.

Mr. BOLLING. The gentleman is absolutely correct. There are no tricks that I could detect. I am not going to say the gentleman is wrong in that, but he is certainly correct about the Rules Committee.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the distinguished gentleman from Missouri (Mr. Bolling) has explained, I know of no controversy on the rule.

The purpose of H.R. 11216 is to provide a supplemental authorization to the Atomic Energy Commission in the amount of $10,700,000 for operating expenses and $30,000,000 for plant and capital equipment.

There are no departmental letters or minority views in the committee report. However, the report does indicate that this bill provides the amounts requested.

I urge the adoption of the rule.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

INCREASING AUTHORIZATION FOR APPROPRIATIONS TO ATOMIC ENERGY COMMISSION

Mr. PRICE of Illinois. Mr. Speaker, I call up the bill (H.R. 11216) to amend Public Law 93–60 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the bill, as follows:

H.R. 11216

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101(a) of Public Law 93–60 is hereby amended by striking therefrom the figure $1,740,750,000," and substituting the figure "$1,751,450,000".

Sec. 2. Section 101(b) of Public Law 93–60 is hereby amended by adding to subsection (b)(1) the following words: "Project 74–1–i, additional waste concentration and salt cake storage facilities, Richland, Washington, $30,000,000".

Mr. PRICE of Illinois. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I yield myself such time as I may consume.

This bill amends Public Law 93–60, the AEC Fiscal Year 1974 Authorization Act, by providing a supplemental authorization for appropriations of $10,700,000 for operating expenses and $30,000,000 for plant and capital equipment. The committee has carefully considered the bill and the committee's recommendations are founded upon the testimony received in executive hearing held on October 30, 1973.

The bill is in two sections. Section 1 would amend subsection 101(a) of Public Law 93–60 by providing an increase of $10,700,000 for operating expenses in the AEC's nuclear weapons program. The Atomic Energy Commission and the Department of Defense testified that this increase is required to provide warheads to meet required production rates of tactical and strategic weapon delivery systems and to produce weapons with security systems of improved design. Although the specific weapons and weapons systems involved have been classified for security reasons, it can be stated that the systems involved do not include the two new artillery-fired atomic projectiles which were requested in the originally proposed AEC fiscal year 1974 authorization bill which were not authorized by the Congress.

The Joint Committee is convinced that the funds requested by the AEC are necessary to fulfill requirements placed on the AEC by the Defense Department to meet national security objectives, and, therefore, recommends that the entire $10,700,000 in supplemental funds requested be approved.

Section 2 of the bill would amend Public Law 93–60 by adding to subsection 101(b)(1) a construction project of $30,000,000 which would provide additional waste concentration and salt cake storage facilities at AEC's Hanford, Wash., site.

A program to convert the Hanford high-level radioactive wastes generated in the nuclear weapons program to the more stable solid form has been underway since 1965, and, thus far, 70 million gallons of liquid have been removed from the waste tanks, with an accumulation of 22 million gallons of solidified waste. This represents approximately half of the estimated final volume of solidified waste at this site. The proposed project would permit this waste solidification program to proceed on an accelerated schedule.

The committee, over the years, has placed the highest priority on assuring that maximum protection to the health and safety of the public and the environment is provided for in the conduct of AEC operations. The AEC has indicated that prompt initiation of the proposed project would significantly minimize the potential for future leaks at the Hanford site. While there is no evidence that the past leaks have resulted in any hazard to the population or to the water table beneath the Hanford site, it is obvious that the conversion of the remaining wastes into the more stable solid form at a faster rate is a prudent action. Accordingly, the committee recommends that the entire $30.0 million in supplemental funds requested for this project be approved.

Mr. Speaker, I urge favorable consideration of this bill.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. PRICE of Illinois. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding. Do I understand that this would require a supplemental appropriation of $41 million?

Mr. PRICE of Illinois. Mr. Speaker, the gentleman is correct in that. Because of the urgency of passing this legislation today, these items are in the supplemental appropriation bill now under consideration by the Appropriations Committee.

Mr. GROSS. And did the gentleman say that it is approximately $41 million?

Mr. PRICE of Illinois. That is correct.

Mr. GROSS. What is the meaning of "salt cake storage facilities?"

Mr. PRICE of Illinois. These are facilities which pertain to the handling and storage of waste materials that come from the operation of nuclear facilities at Hanford, Wash. They are radioactive waste materials.

Mr. GROSS. That is known as "salt cake?"

Mr. PRICE of Illinois. That is correct, the final form of the waste product is known as "salt cake." It is all waste material which the Commission has the obligation to dispose of in a fashion so that there will be no harmful effects to the environment or to the people of the area. It is a waste storage area, and these facilities are a necessary part of the program.

Mr. GROSS. The gentleman said, as I understood him, that this supplemental appropriation is made necessary by virtue of national security. Could the gentleman add to that in any way? How does this add to national security?

Mr. PRICE of Illinois. There is an addition to the nuclear weapons program of $10,700,000. That is the weapons portion of the bill.

Mr. GROSS. The weapons feature of it?

Mr. PRICE of Illinois. That is section 1 of the bill.

Mr. GROSS. Mr. Speaker, I thank the gentleman.

Mr. MARTIN of Nebraska. Mr. Speaker, would the gentleman yield?

Mr. PRICE of Illinois. I yield to the gentleman from Nebraska.

Mr. MARTIN of Nebraska. Mr. Speaker, I understand in the report that the executive branch of the Government requested these additional funds to be authorized in the supplemental in its letter to the committee of October 23, 1973. Therefore, it appears that the administration is solidly behind this legislation. Is that correct?

Mr. PRICE of Illinois. The gentleman is correct.

Mr. HANSEN of Idaho. Mr. Speaker, I am pleased to support the statement of the distinguished chairman of the Joint Committee on Atomic Energy and to join him in urging a favorable vote on H.R. 11216.

I believe that Mr. Price has effectively conveyed to you the content of this supplemental authorization request. The committee has carefully reviewed both the request for additional funding for the nuclear weapons program and for construction project 74–1–i, waste concentration and salt cake storage facilities at Richland, Wash.

As the committee has stated in its report, it is convinced that the funds requested by the AEC are necessary to fulfill requirements placed on the AEC by the Defense Department to meet national security objectives.

With respect to the construction project, I would observe that the wastes to be processed by and stored in the proposed facilities are primarily those resulting from the conduct of our nuclear weapons program. A very small portion, less than 1 percent, of these wastes have come from the processing of civilian nuclear power fuel.

The civilian nuclear power program is growing rapidly and significant quantities of wastes from that program need to be processed, placed in interim storage, and ultimately disposed of. The Commission has underway a program of study and development intended to devise appropriate methods for both interim and long-term storage of waste resulting from the civilian power program. This program is an entirely separate one from the program to process and store the very large accumulation of wastes which have accumulated over the past 25 years from the conduct of our nuclear weapons program. The early funding of project 74–1–i will permit an acceleration of the necessary concentration, solidification, and storage program for this byproduct of our weapons program.

As noted by Chairman Price, H.R. 11216 has been reported out by the Joint Committee without dissent. I join him in urging its passage.

Mr. PRICE of Illinois. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

Mr. PRICE of Illinois. Mr. Speaker, pursuant to the provisions of House Resolution 694, I call up for immediate consideration the Senate bill—S. 2645—to amend Public Law 93–60 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

The Clerk read the title of the Senate bill.

The Clerk read the Senate bill, as follows:

S. 2645

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101(a) of Public Law 93–60 is hereby amended by striking therefrom the figure "$1,740,750,000" and substituting the figure "$1,751,450,000".

Sec. 2. Section 101(b) of Public Law 93–60 is hereby amended by adding to subsection (b)(1) the following words: "Project 74–1–i, additional waste concentration and salt cake storage facilities, Richland, Washington, $30,000,000."

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. PRICE of Illinois. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, may I ask, is the Senate bill verbatim with the bill the House has just considered?

Mr. PRICE of Illinois. Mr. Speaker, it is an identical bill.

Mr. GROSS. Mr. Speaker, I thank the gentleman.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 11216) was laid on the table.

GENERAL LEAVE

Mr. PRICE of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 11333, INCREASE IN SOCIAL SECURITY BENEFITS

Mr. MATSUNAGA, from the Committee on Rules, reported the following privileged resolution (H. Res. 695, Rept. No. 93–631), which was referred to the House Calendar and ordered to be printed:

H. Res. 695

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11333) to provide a 7-percent increase in social security benefits beginning with March 1974 and an additional 4-percent increase beginning with June 1974, to provide increases in supplemental security income benefits, and for other purposes, and all points of order against said bill for failure to comply with the provisions of clause 4, Rule XXI are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for

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amendment. No amendment shall be in order to said bill except amendments offered by direction of the Committee on Ways and Means and an amendment proposing to strike out the provisions on page 11, lines 11 through 22 of said bill, and said amendments shall be in order, any rule of the House to the contrary notwithstanding, but said amendments shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. MATSUNAGA. Mr. Speaker, I call up House Resolution 695 and ask for its immediate consideration.

The Clerk will report the resolution.

The Clerk read the resolution.

The SPEAKER. The question is, Will the House now consider House Resolution 695?

The question was taken; and, two-thirds having voted in favor thereof, the House agreed to consider House Resolution 695.

The SPEAKER. The gentleman from Hawaii (Mr. Matsunaga) is recognized for 1 hour.

Mr. MATSUNAGA. Mr. Speaker, as in the case of the preceding rule, I realize that we are employing an unusual procedure, calling up the rule on the day that it was reported out by the Committee on Rules. But we are here dealing with an urgent matter, a matter which, unless acted upon, will mean the postponement of the effective date of the increase for social security beneficiaries. Such postponement would mean continued undue hardship for millions of Americans on fixed income who have been unable to cope with the increased cost of living during the last few months.

We have before us a proposal of a two-step increase, a 7 percent increase beginning March of 1974, and an additional 4 percent increase coming in June of 1974. Unless the bill is passed before we go into the Thanksgiving recess, it may mean a postponement of several months of desparately needed additional benefits. We have been assured that the proposed increase is actuarially sound. It was because the Committee on Ways and Means had assured the Committee on Rules that the pending bill would be expeditiously reported to the House that a previous proposal on another bill by way of an amendment was turned down. We now have the opportunity to pass the awaited bill, H.R. 11333.

I wish to inform my colleagues that only the rule will be taken up today. The bill itself, H.R. 11333, will be debated sometime tomorrow and the vote on it will be taken on Thursday because it was scheduled for Thursday.

Mr. Speaker, the resolution before us provides for a modified closed rule, permitting only committee amendments and an amendment to be offered by the gentlewoman from Michigan (Mrs. Griffith) to strike out lines 11 through 22 on page 11 of the bill. All other amendments would be subject to a point of order.

Mr. Speaker, I urge the adoption of the pending resolution so that the House may begin consideration of H.R. 11333 tomorrow.

I now yield 30 minutes to the gentleman from Nebraska (Mr. Martin).

Mr. MARTIN of Nebraska. Mr. Speaker, House Resolution 695 provides for 3 hours of debate on H.R. 11333, a bill to increase social security benefits. It waives points of order to comply with the provisions of clause 4, rule XXI, dealing with appropriations in a legislative bill. It permits one amendment to be made, I understand, by the gentlewoman from Michigan (Mrs. Griffiths) to the bill.

The bill would increase benefits to start next March 4, 1974, by 7 percent and effective June 1, 1974, by 4 percent. It also provides for an increase in supplemental social security income from $130 to $140 for a single individual and from $195 to $210 for a couple, effective January 1974.

That is one of the reasons why the gentleman from Hawaii (Mr. Matsunaga) called up this resolution so that we could get the bill up before the Thanksgiving recess later this week, because it takes the Social Security Administration, with its computer system, at least 60 days in order to make change-overs. If this bill is not acted upon before the Thanksgiving recess this week, it would not be possible to put this part of the program into effect on the 1st of January.

In addition, it provides for additional pay-ins to the social security fund by those on the payroll on which taxes are paid into the fund, from a maximum earning amount of $12,600 to $13,200 as of January 1, 1974.

Mr. SYMMS. Will the gentleman yield?

Mr. MARTIN of Nebraska. I yield to the gentleman.

Mr. SYMMS. I would like to ask a couple of questions.

Would this rule allow a person under age 72 to offer an amendment to increase the earnings limitation placed on social security recipients be able to do so?

Mr. MARTIN of Nebraska. It would not be in order.

Mr. SYMMS. It would not be in order?

Mr. MARTIN of Nebraska. That is right.

Mr. SYMMS. Could the gentleman further tell me, if he will yield further, if the members of the Committee on Ways and Means who have proposed this legislation in that committee have had an opportunity to know this rule is being debated here now?

Mr. MARTIN of Nebraska. I could not answer the gentleman's question on that. We were notified in the Committee on Rules that this rule would come back, and whether members of that committee were notified I do not know. I understand the bill will not be debated until tomorrow.

Mr. SYMMS. I was wondering if the gentleman from Hawaii would know if the members of the Committee on Ways and Means are aware of the fact that this rule is now being debated.

Mr. MATSUNAGA. This is a rule requested by that committee. I take it there is no objection to the rule itself. As I stated earlier, the bill itself will not be debated today.

Mr. SYMMS. If the gentleman will yield further, I happen to know the gentleman from Texas (Mr. Archer) wrote a very intelligent and enlightened minority view about this particular piece of legislation, and he is not here.

CALL OF THE HOUSE

Mr. SYMMS. With that in mind, Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McFALL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 580]

Adams
Armstrong
Blackburn
Brademas
Brown, Ohio
Buchanan
Burke, Calif.
Butler
Carey, N.Y.
Chappell
Clark
Clausen, Don H.
Clay
Cohen
Conte
Crane
Davis, Ga.
Davis, Wis.
Dellenback
Dellums
Diggs
Dingell
Donohue
Esch
Evins, Tenn.
Fraser
Frenzel
Gray
Gubser
Hanna
Hansen, Wash.
Harsha
Holifield
Jarman
Jones, Ala.
Keating
King
Kluczynski
Landrum
Lent
Mann
Mathias, Calif.
Mills, Ark.
Murphy, N.Y.
Nichols
Nix
O'Hara
Patman
Powell, Ohio
Railsback
Reid
St Germain
Shipley
Steiger, Wis.
Stephens
Stuckey
Sullivan
Teague, Tex.
Tiernan
Young, Alaska

The SPEAKER. On this rollcall 373 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERSONAL EXPLANATION

Mr. DAVIS of Georgia. Mr. Speaker, I had my hand up and I was in the Chamber on this past rollcall, but I was not recorded.

The SPEAKER. The gentleman's statement will appear in the Record.

The Chair under the present practices of the House is without authority to change the vote or announcement of a quorum after the result is announced.

Mr. DAVIS of Georgia. I had my hand up, Mr. Speaker.

The SPEAKER. The Chair apologizes if he did not see the gentleman, but the Members make their presence known by addressing the Chair. That is the only manner in which the Chair has a right to recognize a Member.

Mr. DAVIS of Georgia. Mr. Speaker, that is the manner this Member followed.

The SPEAKER. Did the gentleman take the microphone and address the Chair?

Mr. DAVIS of Georgia. No. I did not take the microphone. I was in the Chamber. I do not know of any rule that requires the Member to take a microphone.

The SPEAKER. The gentleman must address the Chair.

Mr. DAVIS of Georgia. I did.

The SPEAKER. The Chair went 3 minutes beyond the 15-minute minimum time. The Chair does not have the authority to recognize the gentleman to make this request.

Mr. DAVIS of Georgia. There is no rule.

The SPEAKER. The precedent has been established with respect to numerous Members of the House under both the old rollcall system and the new electronic system. The gentleman can state that he was present and the House knows the gentleman was present and his statement will appear immediately following the announcement of the Members recorded as present.

Mr. DAVIS of Georgia. Mr. Speaker, is there anything in the rules about a microphone?

The SPEAKER. It is only for the purposes of facilitating the action of the House, that is all, so that the Chair will see Members, but the Chair looked around the Chamber before announcing the result.

Mr. DAVIS of Georgia. I will state this Member had his hand up.

The SPEAKER. The gentleman's remarks will appear in the Record.

Mr. DAVIS of Georgia. That is not important, I was in the Chamber. I tried to answer the roll.

Mr. Speaker, I will not be intimidated by regular order requests. I was in the Chamber.

The SPEAKER. The gentleman's remarks that he was in the Chamber, that he was holding up his hand in the Chamber, that he was seeking recognition of the Chair, will appear in the Record; but the gentleman cannot be recorded, nor can any other Member, under the practices of this House, if he is not recorded before the vote or rollcall is announced. The Chair has announced this policy on numerous occasions—including April 18, May 10, and June 6 of this year.

The Chair is bound by those rulings and the Chair is going to stand by this ruling, unless overruled by the House. The gentleman's statement will appear in the Record.

PROVIDING FOR CONSIDERATION OF H.R. 11333, INCREASE IN SOCIAL SECURITY BENEFITS

Mr. MARTIN of Nebraska. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. MATSUNAGA. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. Burton).

Mr. BURTON. Mr. Speaker, first I would like to state that I think, given the time constraints, that the Committee on Ways and Means has enacted essentially a very thoughtful set of changes to the Social Security Act. However, there is one aspect of this procedure that is potentially disturbing, so that the record can be clear in this one respect, I would like to pose a question to the distinguished gentleman from Oregon (Mr. Ullman) the acting chairman of the committee. The question I pose is this:

As I understand the rules of the majority party caucus, there are certain procedures clearly delineated to be followed in the event a closed rule is to be sought. As I understand, the gentleman from Oregon indicated to the Rules Committee that because of this unexpected time crunch and for that reason only, that the seeking and obtaining of a closed rule in this one instance is not intended in any way, nor should it be considered to be a precedent for any future such effort by any committee to seek a closed rule without complying with whatever the ground rules as explicitly stated in the caucus recommends.

Is that essentially a fair statement of the situation?

Mr. ULLMAN. Mr. Speaker, let me say to my friend from California that the sole motivation of the Committee was to meet the timetable that was before the Congress. It certainly is not our intention to change any rules or procedures of any institution in this body, but we were under a time frame of action that demanded that we go to the Rules Committee and get a rule immediately.

I say to the gentleman that we have no present intention but to get this bill passed just as expeditiously as possible.

Mr. BURTON. Mr. Speaker, as I understand the gentleman's response, it is in no way his intention, nor should it be construed by anyone in terms of establishing a precedent in overriding the rule I referred to earlier, is that correct?

Mr. ULLMAN. Yes.

Mr. FROEHLICH. Mr. Speaker, will the gentleman from Hawaii yield for a question?

Mr. MATSUNAGA. I yield to the gentleman from Wisconsin.

Mr. FROEHLICH. Mr. Speaker, as I understand this rule, it is really a closed rule. Will the bill itself prevent a reduction in veterans benefits because of the social security increase in the bill?

Mr. MATSUNAGA. Mr. Speaker, I will say to the gentleman that we are not here proposing a strict, closed rule. It is truly a modified closed rule, we are asking. Amendments may be offered by the direction of the Committee on Ways and Means along with the Griffith amendment which is specifically made in order. All other amendments will be ruled out of order.

Mr. FROEHLICH. Mr. Speaker, as I understand the bill, it does not include a saving clause of veterans benefits because social security is being increased, and an amendment to that effect will not be in order because this is a closed rule?

Mr. MATSUNAGA. Such an amendment will not be in order.

Mr. ULLMAN. Mr. Speaker, will the gentleman yield?

Mr. MATSUNAGA. I yield to the gentleman from Oregon.

Mr. ULLMAN. Mr. Speaker, the gentleman knows of course his problem does not lie within the jurisdiction of the Ways and Means Committee. As a matter of fact, in July when we were faced with a very similar problem in conference, we brought up an amendment to the floor which created a great problem with the Committee on Veterans Affairs, which does have jurisdiction. I would point out that there is a time factor involved that gives this body plenty of time for the Committee on Veterans Affairs to bring a bill to bear on the problem. I will say that I very much hope and trust that it will be done, because the gentleman and I both want veterans who are receiving veterans benfits to receive this increase.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. MATSUNAGA. I yield to the gentleman from Texas.

Mr. MAHON. Mr. Speaker, I would like to ask what effect this will have on revenues for the current fiscal year.

Mr. MATSUNAGA. Mr. Speaker, the House earlier in the year approved an extensive saving of $268 million, that will permit increased spending.

Mr. MAHON. As the gentleman knows, we are operating under the so-called unified budget. My question is to what extent will increased spending be taken care of by increased revenues that will accrue as a result of this bill?

Mr. MATSUNAGA. It is my understanding, as reported to the Rules Committee by the chairman of the Ways and Means Committee, that the increases will not in any way disturb the actuarial basis, and the increases are within sound actuarial bounds.

Mr. MAHON. Mr. Speaker, I am not asking the question as to whether or not the fund will be actuarially sound. What I am asking is, will this bill increase spending in this fiscal year by about the same amount as the revenue it will produce?

Mr. MATSUNAGA. Mr. Speaker, I might say this to the gentleman from Texas: We are not now considering matters pertaining to the bill itself; we are considering only the rule now. The bill will not be taken up until tomorrow.

So if there are any questions as to the merits of the bill, I would appreciate the withholding of such questions until the bill is taken up tomorrow. There is no objection to the rule itself from any of the Members of the Committee on Ways and Means.

Mr. ULLMAN. Mr. Speaker, will the gentleman yield?

Mr. MATSUNAGA. I yield to the gentleman from Oregon.

Mr. ULLMAN. Mr. Speaker, I would say in response to the question asked by the gentleman from Texas that the fiscal impact on the 1974 budget is $1.1 billion.

Now, I would also point out that this is only because we have a unified budget. The trust funds are contributing surpluses to the overall budget situation this year.

As a matter of fact, it is only because of the trust fund contributions that we have covered up a $15 billion Federal deficit, which is what we had in the current budget, even though it should come out pretty well balanced.

But the deficit is not caused by the trust funds.

We have been very careful to make sure that this is actuarially sound. As a matter of fact, we are putting social security on a much sounder footing than we would if we would not enact this.

In answer to the question, yes, there will be a $1.1 billion impact on the 1974 budget.

XUM

The **SPEAKER.** The gentleman will state his parliamentary inquiry.

Mr. **GROSS.** Does this require a two-thirds vote?

The **SPEAKER.** The gentleman is correct.

Mr. **GROSS.** I thank the Speaker.

The question was taken; and [two-thirds having voted in favor thereof], the House agreed to consider House Resolution 694.

The **SPEAKER.** The gentleman from Missouri is recognized for 1 hour.

Mr. **BOLLING.** Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee (Mr QUILLEN) pending which I yield myself such time as I may consume.

Mr Speaker, this rule was called up in a highly unusual way, because as far as we know there is absolutely no controversy on the rule or the bill that it makes it in order.

I have said things like that before and they turned out to be controversial; but I have checked with some care on this and I do not believe there is even any

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

INCREASING AUTHORIZATION FOR APPROPRIATIONS TO ATOMIC ENERGY COMMISSION

Mr. **PRICE** of Illinois. Mr. Speaker, I call up the bill (H.R. 11216) to amend Public Law 93–60 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The **SPEAKER.** Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the bill, as follows:

H.R. 11216

Be it enacted by the Senate and House of Representatives of the United States of

$10,700,000 in supplemental funds requested be approved.

Section 2 of the bill would amend Public Law 93–60 by adding to subsection 101(b)(1) a construction project of $30,000,000 which would provide additional waste concentration and salt cake storage facilities at AEC's Hanford, Wash., site.

A program to convert the Hanford high-level radioactive wastes generated in the nuclear weapons program to the more stable solid form has been underway since 1965, and, thus far, 70 million gallons of liquid have been removed from the waste tanks, with an accumulation of 22 million gallons of solidified waste. This represents approximately half of the estimated final volume of solidified waste at this site. The proposed project would permit this waste solidification program to proceed on an accelerated schedule.

The committee, over the years, has placed the highest priority on assuring that maximum protection to the health and safety of the public and the environment is provided for in the conduct of

It is a waste storage area, and these facilities are a necessary part of the program.

Mr. **GROSS.** The gentleman said, as I understood him, that this supplemental appropriation is made necessary by virtue of national security. Could the gentleman add to that in any way? How does this add to national security?

Mr. **PRICE** of Illinois. There is an addition to the nuclear weapons program of $10,700,000. That is the weapons portion of the bill.

Mr. **GROSS.** The weapons feature of it?

Mr. **PRICE** of Illinois. That is section 1 of the bill.

Mr. **GROSS.** Mr. Speaker, I thank the gentleman.

Mr. **MARTIN** of Nebraska. Mr. Speaker, would the gentleman yield?

Mr. **PRICE** of Illinois. I yield to the gentleman from Nebraska.

Mr. **MARTIN** of Nebraska. Mr. Speaker, I understand in the report that the executive branch of the Government requested these additional funds to be authorized in the supplemental in its letter to the committee of October 23,

funding of project 74–1–i will permit an acceleration of the necessary concentration, solidification, and storage program for this byproduct of our weapons program.

As noted by Chairman PRICE, H.R. 11216 has been reported out by the Joint Committee without dissent. I join him in urging its passage.

Mr. **PRICE** of Illinois. Mr. Speaker, I move the previous question.

The previous question was ordered.

The **SPEAKER.** The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The **SPEAKER.** The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

Mr. **PRICE** of Illinois. Mr. Speaker, pursuant to the provisions of House Resolution 694, I call up for immediate consideration the Senate bill—S. 2645—to amend Public Law 93–60 to increase the authorization for appropriations to the

PROVIDING FOR CONSIDERATION OF H.R. 11333, INCREASE IN SOCIAL SECURITY BENEFITS

Mr. **MATSUNAGA**, from the Committee on Rules, reported the following privileged resolution (H. Res. 695, Rept. No. 93–631), which was referred to the House Calendar and ordered to be printed:

H. RES. 695

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11333) to provide a 7-percent increase in social security benefits beginning with March 1974 and an additional 4-percent increase beginning with June 1974, to provide increases in supplemental security income benefits, and for other purposes, and all points of order against said bill for failure to comply with the provisions of clause 4, Rule XXI are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment. No amendment shall be in order to said bill except amendments offered by direction of the Committee on Ways and Means and an amendment proposing to strike out the provisions on page 11, lines 11 through 22 of said bill, and said amendments shall be in order, any rule of the House to the contrary notwithstanding, but said amendments shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. MATSUNAGA. Mr. Speaker, I call up House Resolution 695 and ask for its immediate consideration.

The Clerk will report the resolution.

The Clerk read the resolution.

The **SPEAKER.** The question is, Will the House now consider House Resolution 695?

The question was taken; and, two-thirds having voted in favor thereof, the House agreed to consider House Resolution 695.

The **SPEAKER.** The gentleman from Hawaii (Mr. Matsunaga) is recognized for 1 hour.

Mr. MATSUNAGA. Mr. Speaker, as in the case of the preceding rule, I realize that we are employing an unusual procedure, calling up the rule on the day that it was reported out by the Committee on Rules. But we are here dealing with an urgent matter, a matter which, unless acted upon, will mean the postponement of the effective date of the increase for social security beneficiaries. Such postponement would mean continued undue hardship for millions of Americans on fixed income who have been unable to cope with the increased cost of living during the last few months.

We have before us a proposal of a two-step increase, a 7 percent increase beginning March of 1974, and an additional 4 percent increase coming in June of 1974. Unless the bill is passed before we go into the Thanksgiving recess, it may mean a postponement of several months of desparately needed additional benefits. We have been assured that the proposed increase is actuarially sound. It was because the Committee on Ways and Means had assured the Committee on Rules that the pending bill would be expeditiously reported to the House that a previous proposal on another bill by way of an amendment was turned down. We now have the opportunity to pass the awaited bill, H.R. 11333.

I wish to inform my colleagues that only the rule will be taken up today. The bill itself, H.R. 11333, will be debated sometime tomorrow and the vote on it will be taken on Thursday because it was scheduled for Thursday.

Mr. Speaker, the resolution before us provides for a modified closed rule, permitting only committee amendments and an amendment to be offered by the gentlewoman from Michigan (Mrs. Griffith) to strike out lines 11 through 22 on page 11 of the bill. All other amendments would be subject to a point of order.

Mr. Speaker, I urge the adoption of the pending resolution so that the House may begin consideration of H.R. 11333 tomorrow.

I now yield 30 minutes to the gentleman from Nebraska (Mr. Martin).

Mr. MARTIN of Nebraska. Mr. Speaker, House Resolution 695 provides for 3 hours of debate on H.R. 11333, a bill to increase social security benefits. It waives points of order to comply with the provisions of clause 4, rule XXI, dealing with appropriations in a legislative bill. It permits one amendment to be made, I understand, by the gentlewoman from Michigan (Mrs. Griffiths) to the bill.

The bill would increase benefits to start next March 4, 1974, by 7 percent and effective June 1, 1974, by 4 percent. It also provides for an increase in supplemental social security income from $130 to $140 for a single individual and from $195 to $210 for a couple, effective January 1974.

That is one of the reasons why the gentleman from Hawaii (Mr. Matsunaga) called up this resolution so that we could get the bill up before the Thanksgiving recess later this week, because it takes the Social Security Administration, with its computer system, at least 60 days in order to make change-overs. If this bill is not acted upon before the Thanksgiving recess this week, it would not be possible to put this part of the program into effect on the 1st of January.

In addition, it provides for additional pay-ins to the social security fund by those on the payroll on which taxes are paid into the fund, from a maximum earning amount of $12,600 to $13,200 as of January 1, 1974.

Mr. SYMMS. Will the gentleman yield?

Mr. MARTIN of Nebraska. I yield to the gentleman.

Mr. SYMMS. I would like to ask a couple of questions.

Would this rule allow a person under age 72 to offer an amendment to increase the earnings limitation placed on social security recipients be able to do so?

Mr. MARTIN of Nebraska. It would not be in order.

Mr. SYMMS. It would not be in order?

Mr. MARTIN of Nebraska. That is right.

Mr. SYMMS. Could the gentleman further tell me, if he will yield further, if the members of the Committee on Ways and Means who have proposed this legislation in that committee have had an opportunity to know this rule is being debated here now?

Mr. MARTIN of Nebraska. I could not answer the gentleman's question on that. We were notified in the Committee on Rules that this rule would come back, and whether members of that committee were notified I do not know. I understand the bill will not be debated until tomorrow.

Mr. SYMMS. I was wondering if the gentleman from Hawaii would know if the members of the Committee on Ways and Means are aware of the fact that this rule is now being debated.

Mr. MATSUNAGA. This is a rule requested by that committee. I take it there is no objection to the rule itself. As I stated earlier, the bill itself will not be debated today.

Mr. SYMMS. If the gentleman will yield further, I happen to know the gentleman from Texas (Mr. Archer) wrote a very intelligent and enlightened minority view about this particular piece of legislation, and he is not here.

CALL OF THE HOUSE

Mr. SYMMS. With that in mind, Mr. Speaker, I make the point of order that a quorum is not present.

The **SPEAKER.** Evidently a quorum is not present.

Mr. McFALL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 580]

Adams
Armstrong
Blackburn
Brademas
Brown, Ohio
Buchanan
Burke, Calif.
Butler
Carey, N.Y.
Chappell
Clark
Clausen,
  Don H.
Clay
Cohen
Conte
Crane
Davis, Ga.
Davis, Wis.
Dellenback
Dellums
Diggs
Dingell
Donohue
Esch
Evins, Tenn.
Fraser
Frenzel
Gray
Gubser
Hanna
Hansen, Wash.
Harsha
Holifield
Jarman
Jones, Ala.
Keating
King
Kluczynski
Landrum
Lent
Mann
Mathias, Calif.
Mills, Ark.
Murphy, N.Y.
Nichols
Nix
O'Hara
Patman
Powell, Ohio
Railsback
Reid
St Germain
Shipley
Steiger, Wis.
Stephens
Stuckey
Sullivan
Teague, Tex.
Tiernan
Young, Alaska

The **SPEAKER.** On this rollcall 373 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERSONAL EXPLANATION

Mr. DAVIS of Georgia. Mr. Speaker, I had my hand up and I was in the Chamber on this past rollcall, but I was not recorded.

The **SPEAKER.** The gentleman's statement will appear in the Record.

The Chair under the present practices of the House is without authority to change the vote or announcement of a quorum after the result is announced.

Mr. DAVIS of Georgia. I had my hand up, Mr. Speaker.

The **SPEAKER.** The Chair apologizes if he did not see the gentleman, but the Members make their presence known by addressing the Chair. That is the only manner in which the Chair has a right to recognize a Member.

Mr. DAVIS of Georgia. Mr. Speaker, that is the manner this Member followed.

The **SPEAKER.** Did the gentleman take the microphone and address the Chair?

Mr. DAVIS of Georgia. No. I did not take the microphone. I was in the Chamber. I do not know of any rule that requires the Member to take a microphone.

The **SPEAKER.** The gentleman must address the Chair.

Mr. DAVIS of Georgia. I did.

The **SPEAKER.** The Chair went 3 minutes beyond the 15-minute minimum time. The Chair does not have the authority to recognize the gentleman to make this request.

Mr. DAVIS of Georgia. There is no rule.

The **SPEAKER.** The precedent has been established with respect to numerous Members of the House under both the old rollcall system and the new electronic system. The gentleman can state that he was present and the House knows the gentleman was present and his statement will appear immediately following the announcement of the Members recorded as present.

Mr. DAVIS of Georgia. Mr. Speaker, is there anything in the rules about a microphone?

The **SPEAKER.** It is only for the purposes of facilitating the action of the House, that is all, so that the Chair will see Members, but the Chair looked around the Chamber before announcing the result.

Mr. DAVIS of Georgia. I will state this Member had his hand up.

The **SPEAKER.** The gentleman's remarks will appear in the Record.

Mr. DAVIS of Georgia. That is not important, I was in the Chamber. I tried to answer the roll.

Mr. Speaker, I will not be intimidated by regular order requests. I was in the Chamber.

The **SPEAKER.** The gentleman's remarks that he was in the Chamber, that he was holding up his hand in the Chamber, that he was seeking recognition of the Chair, will appear in the Record; but the gentleman cannot be recorded, nor can any other Member, under the practices of this House, if he is not recorded before the vote or rollcall is announced. The Chair has announced this policy on numerous occasions—including April 18, May 10, and June 6 of this year.

The Chair is bound by those rulings and the Chair is going to stand by this ruling, unless overruled by the House. The gentleman's statement will appear in the Record.

PROVIDING FOR CONSIDERATION OF H.R. 11333, INCREASE IN SOCIAL SECURITY BENEFITS

Mr. MARTIN of Nebraska. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. MATSUNAGA. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. Burton).

Mr. BURTON. Mr. Speaker, first I would like to state that I think, given the time constraints, that the Committee on Ways and Means has enacted essentially a very thoughtful set of changes to the Social Security Act. However, there is one aspect of this procedure that is potentially disturbing, so that the record can be clear in this one respect, I would like to pose a question to the distinguished gentleman from Oregon (Mr. Ullman) the acting chairman of the committee. The question I pose is this:

As I understand the rules of the majority party caucus, there are certain procedures clearly delineated to be followed in the event a closed rule is to be sought. As I understand, the gentleman from Oregon indicated to the Rules Committee that because of this unexpected time crunch and for that reason only, that the seeking and obtaining of a closed rule in this one instance is not intended in any way, nor should it be considered to be a precedent for any future such effort by any committee to seek a closed rule without complying with whatever the ground rules as explicitly stated in the caucus recommends.

Is that essentially a fair statement of the situation?

Mr. ULLMAN. Mr. Speaker, let me say to my friend from California that the sole motivation of the Committee was to meet the timetable that was before the Congress. It certainly is not our intention to change any rules or procedures of any institution in this body, but we were under a time frame of action that demanded that we go to the Rules Committee and get a rule immediately.

I say to the gentleman that we have no present intention but to get this bill passed just as expeditiously as possible.

Mr. BURTON. Mr. Speaker, as I understand the gentleman's response, it is in no way his intention, nor should it be construed by anyone in terms of establishing a precedent in overriding the rule I referred to earlier, is that correct?

Mr. ULLMAN. Yes.

Mr. FROEHLICH. Mr. Speaker, will the gentleman from Hawaii yield for a question?

Mr. MATSUNAGA. I yield to the gentleman from Wisconsin.

Mr. FROEHLICH. Mr. Speaker, as I understand this rule, it is really a closed rule. Will the bill itself prevent a reduction in veterans benefits because of the social security increase in the bill?

Mr. MATSUNAGA. Mr. Speaker, I will say to the gentleman that we are not here proposing a strict, closed rule. It is truly a modified closed rule, we are asking. Amendments may be offered by the direction of the Committee on Ways and Means along with the Griffith amendment which is specifically made in order. All other amendments will be ruled out of order.

Mr. FROEHLICH. Mr. Speaker, as I understand the bill, it does not include a saving clause of veterans benefits because social security is being increased, and an amendment to that effect will not be in order because this is a closed rule?

Mr. MATSUNAGA. Such an amendment will not be in order.

Mr. ULLMAN. Mr. Speaker, will the gentleman yield?

Mr. MATSUNAGA. I yield to the gentleman from Oregon.

Mr. ULLMAN. Mr. Speaker, the gentleman knows of course his problem does not lie within the jurisdiction of the Ways and Means Committee. As a matter of fact, in July when we were faced with a very similar problem in conference, we brought up an amendment to the floor which created a great problem with the Committee on Veterans Affairs, which does have jurisdiction. I would point out that there is a time factor involved that gives this body plenty of time for the Committee on Veterans Affairs to bring a bill to bear on the problem. I will say that I very much hope and trust that it will be done, because the gentleman and I both want veterans who are receiving veterans benfits to receive this increase.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. MATSUNAGA. I yield to the gentleman from Texas.

Mr. MAHON. Mr. Speaker, I would like to ask what effect this will have on revenues for the current fiscal year.

Mr. MATSUNAGA. Mr. Speaker, the House earlier in the year approved an extensive saving of $268 million, that will permit increased spending.

Mr. MAHON. As the gentleman knows, we are operating under the so-called unified budget. My question is to what extent will increased spending be taken care of by increased revenues that will accrue as a result of this bill?

Mr. MATSUNAGA. It is my understanding, as reported to the Rules Committee by the chairman of the Ways and Means Committee, that the increases will not in any way disturb the actuarial basis, and the increases are within sound actuarial bounds.

Mr. MAHON. Mr. Speaker, I am not asking the question as to whether or not the fund will be actuarially sound. What I am asking is, will this bill increase spending in this fiscal year by about the same amount as the revenue it will produce?

Mr. MATSUNAGA. Mr. Speaker, I might say this to the gentleman from Texas: We are not now considering matters pertaining to the bill itself; we are considering only the rule now. The bill will not be taken up until tomorrow.

So if there are any questions as to the merits of the bill, I would appreciate the withholding of such questions until the bill is taken up tomorrow. There is no objection to the rule itself from any of the Members of the Committee on Ways and Means.

Mr. ULLMAN. Mr. Speaker, will the gentleman yield?

Mr. MATSUNAGA. I yield to the gentleman from Oregon.

Mr. ULLMAN. Mr. Speaker, I would say in response to the question asked by the gentleman from Texas that the fiscal impact on the 1974 budget is $1.1 billion.

Now, I would also point out that this is only because we have a unified budget. The trust funds are contributing surpluses to the overall budget situation this year.

As a matter of fact, it is only because of the trust fund contributions that we have covered up a $15 billion Federal deficit, which is what we had in the current budget, even though it should come out pretty well balanced.

But the deficit is not caused by the trust funds.

We have been very careful to make sure that this is actuarially sound. As a matter of fact, we are putting social security on a much sounder footing than we would if we would not enact this.

In answer to the question, yes, there will be a $1.1 billion impact on the 1974 budget.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. MATSUNAGA. I yield to the gentleman from Texas.

Mr. MAHON. Mr. Speaker, let me be sure I understand this.

Does the gentleman mean it will increase the deficit by $1.1 billion for this fiscal year?

Mr. ULLMAN. The gentleman is correct.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MATSUNAGA. I yield to the gentleman from Iowa. However, if the gentleman has any questions pertaining to the bill itself, I would appreciate his postponement of those questions until tomorrow.

Mr. GROSS. Mr. Speaker, I question the remarks that were directed to the rule, and I will not take but a moment.

I listened carefully to the colloquy between the gentleman from California (Mr. Burton) and the gentleman from Hawaii with respect to the precedent which this rule would or would not create.

Mr. Speaker, it will not create a new precedent, because this is a precedent that has been in effect for altogether too many years, for the last 10 or 15 years. The precedent is already established that the Committee on Ways and Means, for some reason known only to the Lord himself, always gets a closed rule on the amendments approved by the omnipotent Committee on Ways and Means to be considered on the floor.

Of course, this does not create a precedent. The precedent is already established. This is just perpetuating a bad precedent, a very bad precedent.

Mr. Speaker, I thank the gentleman for yielding.

Mr. MATSUNAGA. Mr. Speaker, I am glad the gentleman answered his own question. There will be no need for my answering the question, except that I disagree with the answer. What the gentleman from California (Mr. Burton) was referring to is the relatively newly established requirement that the chairman of a committee must publish notice in the Congressional Record whenever he intends to seek a closed rule from the Rules Committee. Such notice was not published in this case. However, because of the urgent nature of H.R. 11333, the Rules Committee decided to grant the requested rule. This was done with the complete and unmistakable understanding that the action of the Rules Committee was in no way to be taken as setting a precedent. We are dealing with a purely isolated case calling for emergency treatment.

Mr. MARTIN of Nebraska. Mr. Speaker, I yield 2 minutes to the gentleman from Idaho (Mr. Symms).

Mr. SYMMS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would like to ask a question of the chairman of the Committee on Ways and Means.

Although it is not related specifically to the rule, I would like to ask the chairman, will an amendment pertaining to the social security earnings limitation be in order under this rule?

Mr. ULLMAN. Mr. Speaker, the answer is: No, not under the rule.

Mr. SYMMS. Mr. Speaker, I thank the gentleman for his answer. I am sorry it is no.

I think under those circumstances I intend to vote against the rule, because I would like to see this particular part of the social security legislation addressed by the House, and I see no other way to handle this without getting an open rule which would allow an amendment to increase the earnings limitation, on earnings which are so meager, for people who are trying to retire on social security, and can not—but are willing to work and are punished because they engage in productive human activity—known as work.

Mr. Speaker, this is indeed a sad, sorry situation and certainly is not in the best interests of the American people.

They should have an opportunity, I think, to earn more money in order to be able to draw more social security, so I will vote against the rule.

Mr. MARTIN of Nebraska. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. Peyser).

Mr. PEYSER. Mr. Speaker, I thank the gentleman for yielding.

I would like to address a question again to the gentleman from Hawaii. I want to be clear on one thing dealing with the question of veterans benefits, without getting into the rule itself.

Under the veterans benefits will there be time before this social security goes into effect for the Committee on Veterans' Affairs to make the necessary changes to protect the veterans? In other words, will we have an overlap here, as you see it, where veterans will not get the benefits that they are entitled to?

Mr. MATSUNAGA. Not being a member of the Committee on Veterans' Affairs and not having communicated with the chairman of that committee in that regard, I am not able to answer the gentleman's question.

Mr. PEYSER. I do not mean in any way to be critical of the gentleman.

Mr. MATSUNAGA. I may say this to the gentleman: the Committee on Veterans' Affairs will have until next March to do this.

Mr. PEYSER. In other words, that legislation would have to be passed prior to the March date?

Mr. MATSUNAGA. Prior to the effective date of this act.

Mr. PEYSER. At this time I will say I hope the House will stay in session long enough to get this legislation passed and not do it the way it did the last time when veterans ended up being penalized. This is a typical example of why I feel we should not be taking our 11-day Thanksgiving vacation. This and other vital legislation needs to be finished.

Mr. MATSUNAGA. I am in full sympathy with the gentleman's views.

Mr. MARTIN of Nebraska. Mr. Speaker, I yield such time as he may use to the gentleman from Wisconsin (Mr. Froehlich).

Mr. FROEHLICH. Mr. Speaker, although I am not going to oppose this rule at this time, because of the great need for an upward adjustment of social security benefits, I am, for the record, going to express my strong opposition to the closed rule being used in this instance. What we need is an open rule, with a waiver of germaneness as to veterans' benefits, so that the following could be accomplished on the floor by amendments:

First, an increase of more than 7 percent and 4 percent in the benefits paid at the lowest level, or a straight across-the-board increase to all beneficiaries in lieu of a percentage increase, in order to give extra assistance to the elderly people who need additional income most;

Second, an increase in or a total elimination of the earnings limitation on the earned incomes of social security beneficiaries so that earned income will be treated substantially the same as dividends, interests, and rents, in order to aid those who are without assets and must work to supplement their social security benefits;

Third, a contribution to the trust fund, on an actuarial basis, from the general fund, to cover the cost of the increased benefits to those already retired, and those soon to be retired, so that enrollees in the social security program who are presently employed would not have to pay the full cost of increases in benefits for those already retired; and,

Fourth, a protection for veterans and their beneficiaries against reductions in pensions and losses of pensions as a result of increases in social security benefits.

Mr. MATSUNAGA. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just passed.

The SPEAKER. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE A REPORT AND RULE ON H.R. 7130

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight Wednesday to file the rule and the report on the bill H.R. 7130.

The SPEAKER. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 5874, FEDERAL FINANCING BANK

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 58) to establish a Federal Financing Bank, to provide for coordinated and more efficient financing of Federal and federally assisted borrowings from the public, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, how much different is this bill from that which has come back from the Senate?

Mr. ULLMAN. If the gentleman will yield, in no major respect. There are two elements in question. We are hoping that our view will prevail.

Mr. ROUSSELOT. What are those differences?

Mr. ULLMAN. The main point in contention is the one of the guaranteed loans. The other body wanted to include that under the new office of a Federal Financing Bank. It is our judgment that guaranteed loans should not be included at this time, but, rather, at some later time when we may bring them in. We feel rather strongly about that. As far as I am concerned, the House conferees will insist on that.

Mr. ROUSSELOT. What is the other point in contention?

Mr. ULLMAN. They had another agency that they had exempted. I do not have the details on it, but there is another Federal agency.

Mr. ROUSSELOT. You mean it would be exempt from it?

Mr. ULLMAN. From the bill.

Mr. ROUSSELOT. Could we know what that agency is? One of the big reasons for this was to make sure the Treasury Department and this agency under it would control all of this loose financing that is now going on.

How much is that?

Mr. ULLMAN. I would hope the gentleman from California would not hold me to that, but to the best of my knowledge it is the Farm Credit Administration that they want to exempt from the provisions of this bill.

Mr. ROUSSELOT. How much financing do they do in the open market?

Mr. ULLMAN. I am afraid I am not in a position to respond to the request of the gentleman. But I can reassure the gentleman again that the House feels quite strongly on this measure, and we will try to uphold the position of the House.

Mr. ROUSSELOT. In other words, the position of the House will be to include this Agency, Is that correct?

Mr. ULLMAN. As far as I know, the bill that we did pass in the House included the Agency. They are attempting to take the Agency out from under the bank.

Mr. ROUSSELOT. And the House, if this motion prevails, the House will be insisting on that position?

Mr. ULLMAN. All we are doing here now is going to conference.

Mr. ROUSSELOT. I understand that.

Mr. ULLMAN. When we appoint the conferees we will certainly attempt to uphold the position of the House.

Mr. ROUSSELOT. As the gentleman knows, I am not too excited about the creation of this additional bureaucracy, and I firmly believe we could give the authority to the Treasury and it could accomplish most of what we have tried to do. But if the gentleman will assure me that he will make every effort to make sure that we do not have a lot of exclusions from this particular attempt to coordinate, I would appreciate that.

Mr. ULLMAN. The gentleman from California understands that I can only speak for myself as a conferee, but certainly as a member of the conference I will do my very best to uphold the position of the House.

Mr. ROUSSELOT. Mr. Speaker, I thank the gentleman for those comments.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oregon? The Chair hears none, and appoints the following conferees: Messrs. Ullman, Burke of Massachusetts, Mrs. Griffiths, and Messrs. Schneebeli and Collier.

CHANGE IN LEGISLATIVE PROGRAM

(Mr. O'NEILL asked and was given permission to address the House for 1 minute.)

Mr. O'NEILL. Mr. Speaker, in announcing the schedule for tomorrow, may I say that the social security bill will be up tomorrow, and we will do as much of the general debate as we possibly can, but the vote on it will be taken on Thursday.

We are following along with the schedule as announced, except that we have already taken care of the AEC, which has already been taken up and is now out of the way.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL. I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman was not following the announced schedule when the AEC was called up. The social security bill was programed for Thursday.

Mr. O'NEILL. I understand that, and I stated that when we complete the schedule for tomorrow we will bring up for general debate the social security bill with the vote being taken on the social security bill on Thursday.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL. I yield to the gentleman from California.

Mr. GROSS. Mr. Speaker, if the gentleman would yield further to me so that I might complete my inquiry.

Mr. O'NEIL. I will again yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, may I ask the gentleman from Massachusetts why the vote on the social security bill would be postponed then?

Mr. O'NEILL. Because we do not anticipate that we can finish the bill by tomorrow. As the gentleman from Iowa knows, it had originally been scheduled for Thursday, and thus that the vote would be taken on Thursday, and so the vote will be taken on Thursday.

I now yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Speaker, may I ask the gentleman from Massachusetts how many more surprises we are going to have? Will we have things coming in under suspension of the rules, and other things? I know that there are a lot of the Members who are anxious to wind things up, but I think in deference to the Members of the House having adequate notification of these matters, I wonder how much more of this procedure can we expect.

Mr. O'NEILL. Of course, as the gentleman from Califfornia knows, the Labor-HEW conference report was sent back to conference today, and that left the House with 2 or 3 hours available. So it was thought best, from the leadership on both sides of the aisle, that we could utilize that time. Some of the matters were not of tremendous import, and while some were of importance, we felt that they could readily be brought before the House in an effort to use part of the time available. We did so by a two-thirds vote. We knew of no objections, and there were no objections, and for that reason we brought the matters up. I do not believe that this was so serious.

Mr. ROUSSELOT. Are there going to be any further major bills that we will have for consideration here by surprise, or under suspension of the rules?

Mr. O'NEILL. We will attempt to follow the schedule as announced, exactly.

Mr. MARTIN of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL. I yield to the gentleman from Nebraska.

Mr. MARTIN of Nebraska. I should like to ask the gentleman when may we expect to have the military construction appropriation bill up, then—on Thursday?

Mr. O'NEILL. Thursday.

EMERGENCY PETROLEUM ALLOCATION ACT OF 1973

Mr. STAGGERS. Mr. Speaker, I call up the conference report on the Senate bill (S. 1570) to authorize the President of the United States to allocate crude oil and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare; to provide for the delegation of authority to the Secretary of the Interior; and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

Mr. HAYS. Mr. Speaker, reserving the right to object, I should like to ask the

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distinguished gentleman from West Virginia a question. There is not anything in his bill about rationing of gasoline?

Mr. STAGGERS. No, sir.

Mr. HAYS. This is a mandatory allocation of what—fuel oil?

Mr. STAGGERS. Fuel oil and petroleum distillates and propane gas.

Mr. HAYS. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the statement.

(For conference report and statement see proceedings of November 10, 1973.)

Mr. STAGGERS (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, how many changes have we got here?

Mr. STAGGERS. I intend to elaborate on the differences.

Mr. ROUSSELOT. Will there be elaboration on all the circumstances?

Mr. STAGGERS. There are very few changes. It is mostly the House bill as we had it in the House.

Mr. ROUSSELOT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The SPEAKER. The gentleman from West Virginia is recognized.

Mr. STAGGERS. Mr. Speaker, with relatively few substantive amendments, the committee of conference has agreed to accept the House bill. Let me comment briefly on the most significant matters agreed to in conference.

As the Members will recall, the House bill proposed to require that the President implement a comprehensive mandatory allocation program providing for the compelled distribution of crude oil, residual fuel oil, and refined petroleum products in a manner which comports with certain congressionally defined objectives. This was to be accomplished within a very short time frame; the President was required to promulgate the program within 10 days of enactment and implement it 15 days thereafter. Your conferees have agreed to a number of amendments which relax the rigid timing requirements contained in the House bill. For example, the President would be given an additional 5 days in order to promulgate the proposed program. Moreover, the President will be permitted to delay the effective date of the program for an additional 15 days with respect to gasoline and with respect to those products already subject to mandatory controls under the Economic Stabilization Act in circumstances where delay is necessary to permit an orderly transition to the allocation program called for in this legislation.

A number of amendments have been made to permit the President additional flexibility in implementing this program. Most important of these is the addition of authority to exempt a product from the mandatory allocation program should the President find that it is no longer in short supply. Under the mechanisms worked out by the conferees, however, provision is made to allow either House of the Congress, by resolution, to override the President's determination and prevent the exclusion from the allocation program of a particular product.

Another amendment deserves special comment. When the House bill was considered on this floor, several Members argued that the program would be unnecessarily complex and administratively burdensome if it were to require allocations of crude oil from producers. Others suggested that such allocations would be necessary to make the program work. A great deal of time in the conference was dedicated to arriving at a resolution of these opposing views. Your conferees believe that the substitute contains a workable compromise.

By its terms, the President would not be required to compel allocations at the producer level if he makes a positive finding that allocations at that level—whether on a national, regional, or case-by-case basis—are unnecessary to accomplish the objectives of the act. The President would, nevertheless, be required to establish equitable prices at the producer level and is given clear authority to compel allocations at that level should he determine, at any time, that it is necessary for him to do so.

Mr. Speaker, I believe the committee of conference has reported a good bill. As I noted, it departs in only minor ways from the House-passed bill and these are principally designed to build in a little more flexibility into the statutory program. In my opinion it does no violence to the clearly defined objectives of this legislation. I strongly urge the House to agree to the conference report.

Mr. COLLINS of Texas. I want to emphasize this. That while I was sitting in the conference I observed that all of the House conferees were very much concerned with whether the House provisions prevailed or the other body's provisions would be the basis of the bill. The chairman of our conference was the chairman of our House Interstate and Foreign Commerce Committee and he did an excellent job as chairman. In the final conference bill we have about 97 percent of the House version. Some excellent changes, were made that came from the Senate, just as the gentleman from West Virginia has said. All changes strengthened the bill because they provided much needed flexibility, which is absolutely necessary.

As everyone knows, this particular bill does not provide one single additional barrel of oil. This is nothing but an allocation bill, and because it allocates shortages it has many, many problems.

One conference improvement is to provide more flexibility in allocation of the crude oil right at the well. Another major improvement was language to help the refineries. Refineries are the basic place for oil assembly, processing and allocation. This bill provides for interrefinery adjustments to take care of the smaller refineries and in places where we had confrontations it basically meets the issue.

This oil allocation is going to be a most difficult process. I do not know whether all our colleagues realize fully what we will be facing within the next 6 months, but one thing that was raised in our conference is something I think we should think about. One of our colleagues in the other body said he thought the emphasis should be on residential fuel oil being given top priority. This is a basic question as we get into oil allocations. Will we, in turn, give emphasis to the fuel oil for residences at the expense of jobs in industry?

This bill does not in any way solve these oil shortages. This House yesterday took a tremendous step forward when we passed the Alaska pipeline bill and we will pass other bills from time to time to provide encouragement for more domestic oil production. We should give larger tax depletion allowances, plus removal of price control at the wellhead for new gas discoveries.

I was completely opposed to this oil allocation bill when we passed it in the House and I still am. But I want to say this is the best bill that could have come out of our conference. I was amazed and enthused as I never anticipated that we would have such a successful conference report to submit to you. Members of the House as well as the other body are all to be congratulated on this conference report on oil allocation.

Mr. KAZEN. Mr. Speaker, will the gentleman yield?

Mr. COLLINS of Texas. I yield to the gentleman from Texas.

Mr. KAZEN. Was it my understanding from the remarks made by the chairman awhile ago that this bill gives the President authority to set prices?

Mr. COLLINS of Texas. If the gentleman will yield, the price situation I think continues as it was.

Mr. STAGGERS. The answer is that it required equitable prices to be set.

Mr. KAZEN. Does it give them any taxing authority?

Mr. COLLINS of Texas. I never heard that question raised.

Mr. STAGGERS. If the gentleman will yield, it does not.

Mr. KAZEN. It does not. I thank the gentleman.

Mr. TAYLOR of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Speaker, I would like to direct a question to the chairman of the full committee. When this legislation was considered on the floor last October the chairman submitted a question to the industries which must obtain natural gas or propane gas for survival. I listened to the amendment when it was offered and it was a very valuable amendment. Is that still in the conference report?

Mr. STAGGERS. It is still in the conference report. The Senate receded. It is still in the bill.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. COLLINS of Texas. I yield to the gentleman from Iowa.

Mr. GROSS. Is there anything in this bill that is not germane?

Mr. COLLINS of Texas. As far as I know, everything is completely germane.

Mr. STAGGERS. That is correct. We did not accept things that were not germane.

Mr. COLLINS of Texas. I may say our chairman was very firm about that with the other body. Our colleagues supported him.

Mr. SCHERLE. Mr. Speaker, will the chairman yield for a question?

Mr. STAGGERS. I yield to the gentleman from Iowa.

Mr. SCHERLE. I wonder if the chairman can tell me why we are still in the process of sending fuel and oil overseas? In the present critical situation in the United States are we making allocations for countries overseas?

Mr. STAGGERS. I would say this, that the bill I think takes care of the situation. We say all crude oil, residual oil, and refined petroleum products must be totally allocated within the United States to the exclusion of exports if domestic requirements are not satisfied. So this would preclude any oil being shipped out unless such exports were consistent with the objectives of the bill.

Mr. SCHERLE. Mr. Speaker, will the chairman yield?

Mr. STAGGERS. I yield to the gentleman.

Mr. SCHERLE. I am primarily interested in how much oil produced here in the United States is now being shipped outside the continental limits.

Mr. STAGGERS. I do not know, but I do know that all that is produced in this country will be allocated to meet our needs.

Mr. MACDONALD. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman.

Mr. MACDONALD. There is a flat prohibition in the bill that oil cannot be exported from the United States during this period, a flat prohibition in the bill. Under our relations with Canada, it must be exchanged now and then, but the exporting of oil from the United States to a foreign country because it is more profitable is flatly prohibited.

Mr. SCHERLE. How about foreign oil products?

Mr. MACDONALD. It is the same thing.

Mr. STAGGERS. It is the same thing.

Mr. FLYNT. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Georgia.

Mr. FLYNT. I was interested in that portion of the colloquy between the gentleman from West Virginia and the gentleman from North Carolina (Mr. TAYLOR) about the mandatory allocation of natural gas and propane gas to industries and companies to whom such allocation would be necessary if they are to survive.

My question is this. There is at least one company and probably others that I know of which require a certain amount of distillates in order to remain in business. The one company that I have particular reference to at this time is one which uses distillates, a large quantity of distillates in welding processes.

I wonder if the company could show that a continued source of supply of distillates is necessary to economic survival of that company, if they could be guaranteed the necessary amount of distillates under this bill?

Mr. STAGGERS. We have retained in the conference substitute exactly what we had on that when the bill passed the House.

For instance, in the allocation of propane gas under the Stabilization Act, the President did not take into consideration the petrochemical industry's needs. I think this is a question that Mr. TAYLOR addressed himself to—we have changed that and we make it mandatory that they would be taken into consideration. The President's program would have to be modified appropriately. I am not sure whether this is what the gentleman was talking about.

Mr. FLYNT. The distillates would be covered as well as natural gas and propane gas?

Mr. STAGGERS. Not natural gas, but propane gas.

Mr. FLYNT. Distillates are included?

Mr. STAGGERS. Yes. Distillates must be allocated under this bill to accomplish defined objectives including the protection of the public welfare and the minimization of economic distortion. It is expected that the President in allocating distillates and other products under the bill will take care to assure that the allocation program will not result in large scale closings of any industry, significant unemployment or serious economic stress.

Mr. FULTON. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Tennessee.

Mr. FULTON. Mr. Speaker, I want to ask whether the needs of the petrochemical industry are taken into consideration in the conference substitute. Could the gentleman tell me where this language was included in the conference report?

Mr. STAGGERS. All I can say, this bill does require these needs to be considered. The President must find an equitable balance in allocating products to meet this industry's needs and to otherwise accomplish the objectives of this act.

I yield 5 minutes to the gentleman from Texas (Mr. PICKLE), a member of the committee.

Mr. PICKLE. Mr. Speaker, I appreciate the chairman yielding me this time. The presentation of this conference report comes a little earlier than most of us thought it would be, and I think it caught the chairman by surprise. I find that I am being allocated some time just like they will be allocating on fuel.

However, I do have a question or two to ask, because with all my deep concern about the way this bill originated and the position taken when the House voted on this measure recently. The gentleman from Arkansas (Mr. HAMMERSCHMIDT) had offered an amendment which said, in effect, that where a person or a municipality was cut off from the normal supply of fuel due to an order of a State or Federal agency, that the President may in his discretion take into consideration this fact and make available such fuels as might be required to run that municipally or investor-owned facility.

That would apply to a great many situations of Arkansas or the Midwest area, but it does not cover situations which have happened in my city of Austin, Tex., where we have been on curtailment now off and on all last winter. We are entering into the same curtailment now.

I noticed in the report on page 12 that the committee makes comment about the situation, and in effect it is saying that the President is expected to also make fuel or oil available to a municipality or to a river authority where, even though it had not been brought about by an order of a State or Federal agency, but because they had been cut off, because of an unreliable supplier and the effect is the same, that that city would not be limited to their base at the base period of 1972; and then the President can take into consideration that they have no history of fuel oil, as my city did, except for only 1 month of 1972, and we therefore must be given some relief.

Now, is that the intent of the report? I was hoping it would be made stronger.

Mr. STAGGERS. Mr. Speaker, that is true. It was considered by the conferees and discussed before the conference.

Mr. PICKLE. Mr. Speaker, I hope this is clearly understood by all the conferees, because here we are talking about Colorado River Authority, and the cities of Austin and San Antonio being cut off, because they have no history, and unless they do get it, they would be just as badly hurt as the cities in the Midwest for whom it was intended.

Mr. Speaker, I would also make one other comment, which is that I am pleased to see some change was made with respect to allocating on the producer levels. It does not cover the subject in the manner in which my original amendment to the committee was offered; yet it does give some discretion for the consideration of how we would handle the allocation at the producer level. I think this is an improvement. Obviously, it would have been absolutely impossible to manage producer level allocation with 10,000 or 15,000 small producers. I believe it is a good step. I would have made it stronger and some would have made it weaker, but at least it is a recommendation the administration would be able to handle, so I think it is a good step. I commend the committee for that.

Mr. Speaker, I would say in conclusion, as far as my point is concerned, I have not looked with favor upon allocation of petroleum, or refined petroleum products. I have seen where the difficulties have arisen in the economic controls. I prophesy that the same thing is going to happen in this particular area. I remind the House that we have given the President already full authority to carry out every one of these provisions. I think that they should have done this months ago if this need was as real and obvious as it is today.

The point is, though, that this legislation will not increase the supply of oil by one barrel. This is the weakness of this bill. Throughout the debate, Member after Member has addressed our committee's distinguished chairman, Mr. STAGGERS, and the distinguished member from Massachusetts (Mr. MACDONALD), asking if this industry or this group would be taken care of under the bill. Unfortunately the bill will not solve anyone's problems 100 percent. Everyone is going to be short. Hopefully, false hopes have not been created by this bill.

I can see that the House is going to vote this bill, even though I think that it could have been handled in a better approach. At least, the conference report recognizes some aspects of the problem faced in the oil and gas industry, and I commend the chairman for this recognition and for giving some relief in this conference report.

Mr. DENT. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I will be happy to yield to the gentleman from Pennsylvania.

Mr. DENT. Mr. Speaker, I just want to clarify one thing.

Apparently this new allocation program is not aimed at charging the present allocation program that is now in force?

Mr. STAGGERS. It would require the President to modify his existing programs to take into consideration many of the things that we felt needed to be taken into consideration, and had it continued the way it was, many industries would have to close, many industries in different categories across America.

Mr. DENT. Mr. Speaker, does the gentleman by this provision still limit so-called allocation to a State in accordance with the consumption of 1972?

Mr. STAGGERS. No. No; we do not. We do not limit it.

Mr. DENT. Mr. Speaker, I will say this to the gentleman from West Virginia (Mr. STAGGERS):

The thing that is very serious, taking into consideration all the homes in our State, is that because of the economic condition, thousands of our citizens are living in trailers, and they have already been told by the retailers and the fuel oil agencies that they are not going to get any allocation.

We have had some very cold weather. We have had some emergency cases already in the State.

Another thing is that they are not taking into consideration contracts on roadbuilding.

We have a brand new factory under construction for the Chrysler Corp., a multimillion dollar contract that has been let. They have been allocated 5500 gallons a month, and the contractor requires 75,000 gallons a month to finish the contract within the contract limitation time.

How do we get around that? Can we do it under these new regulations?

Mr. STAGGERS. Under our new regulations we give the President authority in any emergencies, and especially in heating oil for homes—and this is a home the gentleman is speaking about—to do just what the gentleman is requesting to be done.

Mr. DENT. Does the gentleman know how it is done now. If we have an emergency, these homes have to go to the Government, but they have had no guidelines. They have to send it into Washington, and we have not heard from them yet.

Mr. STAGGERS. I know. This, however, requires a different allocation procedure than at present in effect the Presidents allocation program for middle distillates and propane.

Mr. DENT. Mr. Speaker, I am satisfied that the gentleman is trying to do the right thing about it.

Mr. LONG of Louisiana. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Louisiana.

Mr. LONG of Louisiana. Mr. Speaker, I will ask the gentleman, would the emergency power granted under this proposal relieve this situation?

The Federal Power Commission is requiring industries such as cotton gin industries and seasonal industries, as well as other manufacturing industries, to cut back on the use of natural gas and go to fuel oil. Naturally, they have no historical base on the use of fuel oil, and consequently it is going to take an emergency action on the part of the executive branch to remedy this situation or it will cause very serious damage.

Mr. STAGGERS. Mr. Speaker, in answer to the gentleman, I will say that in situations when, for instance, natural gas has been taken away, the President is required under the program here and under the rules we have set up, to take into consideration all of these industries and try to allocate the fuel as fairly as possible in order to keep industry running.

Mr. LONG of Louisiana. Under the proposed legislation the President would have the authority to do this for industries which have had, as a result of a Federal Power Commission order, to switch from natural gas to fuel oil?

Mr. STAGGERS. We would not only say he may do that, but he would be required to take this into consideration.

Mr. TREEN. Mr. Speaker, will the gentleman yield on the same point?

Mr. STAGGERS. I yield to the gentleman from Louisiana very briefly, because I believe we have answered most of the questions.

Mr. TREEN. Mr. Speaker, I was trying to get the gentleman's attention a while ago when the gentleman from Texas asked about those users of other fuels such as natural gas who were not required by some Government agency to go to another fuel.

Is it the gentleman's understanding under this bill that the intent would be that the President would be required to say to the users, for example, of natural gas, that because they could see a natural gas crisis coming or that natural gas would be an unreliable source, and because he is more or less under compulsion but not required to change to another fuel, that they would be treated just as if a Government order had required them to change to a different fuel?

Mr. STAGGERS. Mr. Speaker, in reply to the gentleman, I will say that he is required to take into consideration the equities here and to make allocations as he determines.

Now, we do not say to him how much, we do not set out any hard and fast rules. I do not believe we could do that for every industry and for every product in America. It would be impossible. It is not up to us to do that. The administration is required to develop the expertise, the knowledge to do this properly and they can get the expertise from all over America. We ask them to take into consideration this situation you are speaking of and take appropriate action.

Mr. TREEN. Mr. Speaker, I thank the gentleman.

Mr. FULTON. Mr. Speaker, will the gentleman yield?

Mr STAGGERS. I yield to the gentleman from Tennessee.

Mr. FULTON. Mr. Speaker, the conference report emphasises that "in expressing congressional concern with fostering competition in the petrochemical industry, the committee intends to also identify petrochemical feedstock needs as important end-uses for which allocation should be made."

I assume this means that petrochemicals in short supply, such as ethane, ethylene, and vinyls, which are important feedstocks for various industries. For some industrial uses as you know, there are no substitute materials that can be utilized in place of these scarce petrochemicals.

In the production of sound recordings, for example, there is no substitute for vinyls. Inability to obtain vinyls which is so essential to produce recordings, could result in great economic loss to my State of Tennessee.

I assume my interpretation of this section of the report is correct.

Am I right in assuming the interpretation of this section of the report is correct?

Mr. STAGGERS. I may say to the gentleman this bill identifies the petrochemical industry as important end-users of petroleum products. This bill requires the allocation of propane and other refined petroleum products including naptha and benzene when necessary to preserve and foster competition in the petrochemical industry. These are important feedstocks; but the bill does not go so far as to require specific allocation of derivative products such as propylene, xylene and ethylene. We tried to take care of the industry he is interested in. The record industry is a member of the petrochemical industry for which this bill seeks to obtain equitable treatment in a mandatory allocation program.

Mr. FULTON. I thank the gentleman.

Mr. WOLFF. Will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from New York.

Mr. WOLFF. Do I understand this bill will cover the question of allocations of propane to bring some order out of the chaos that exists in that industry today where only under conditions of extreme hardship will there be allocations made and a definition of extreme hardship will be detailed and outlined? As it is now there are plants throughout this country that are closing, because they cannot get an allocation of propane, whereas beauty parlors and retail establishments are getting their allocations.

Mr. STAGGERS. That is one of the prime purposes of this bill. We did take into consideration certain uses of propane which were not provided for in the allocation order by the President under the Economic Stabilization Act. We included these needs because we realized that if they were not in there and not taken into consideration properly in the allocation program, there would be many industries that would have to close throughout America.

Mr. WOLFF. I thank the gentleman.

Mr. COLLINS of Texas. Mr. Speaker, I yield such time as he may use to the gentleman from New York (Mr. McEWEN).

Mr. McEWEN. I thank the gentleman for yielding.

I would like to inquire of the chairman of the committee as to one subject.

My own district has experienced a drastic shortfall in petroleum products, because of the June 15 embargo that Canada placed on these products. I have been critical of Canada, and I shall be before one of our committees tomorrow with some testimony that I will offer on the subject. I want to be sure in this bill we are not doing the same thing.

The gentleman from Massachusetts (Mr. MACDONALD) said something on this earlier. Are we still permitting the movement of petroleum products to Canada? We are not arbitrarily going to do what they did to us, are we?

Mr. MACDONALD. If the gentleman will yield, I will say the answer to that question is no. We are not prohibiting it. If you will look at page 21 of the report, you will see we put in specifically there the point that the gentleman is making so that the present economic relationships with regard to fuel and energy between both Mexico and Canada will not be disturbed. It will continue as it is now.

Mr. McEWEN in other words, there are areas in Canada and Mexico where traditionally they have gotten the products from this country?

Mr. MACDONALD. That is right.

Mr. McEWEN. And they will be protected on that?

Mr. MACDONALD. The energy aims of the United States, Mexico, and Canada will go on as they have in the past, because it is to our mutual benefit, to the benefit of both Mexico, Canada, and our own country. We specifically keep it in this bill as shown in the report on page 21.

Mr. McEWEN. I thank the gentleman.

Mr. COLLINS of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas (Mr. HAMMERSCHMIDT).

Mr. HAMMERSCHMIDT. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I wish to just take a minute to thank the chairman and the other conferees for retaining the provision in the House bill that was put in by an amendment that I offered, and which was subsequently adopted by the House. It does recognize that there must be full coordination between the Federal and State policies which control our energy so that the energy requirements of all of our citizens and industries can be protected.

Mr. STAGGERS. Mr. Speaker, I have no further requests for time.

Does the gentleman from Texas have further requests for time?

Mr. COLLINS of Texas. Mr. Speaker, I have no further requests for time.

Mr. STAGGERS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

Mr. COLLINS of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 348, nays 46, answered "present" 3, not voting 36, as follows:

[Roll No. 581]

YEAS—348

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Aspin
Badillo
Bafalis
Baker
Barrett
Bauman
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Bowen
Brasco
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton
Butler
Byron
Carey, N.Y.
Carney, Ohio
Carter
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clay
Cleveland
Cohen
Collier
Collins, Ill.
Conable
Conyers
Corman
Cotter
Coughlin
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Davis, Ga.
Davis, S.C.
Delaney
Dellenback
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Downing
Drinan
Dulski
Duncan
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gross
Grover
Gude
Gunter
Guyer
Haley
Hamilton
Hanley
Hanna
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Hosmer
Howard
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kemp
Koch
Kuykendall
Kyros
Landrum
Latta
Leggett
Litton
Long, La.
Long, Md.
Lott
McClory
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKinney
Macdonald
Madden
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Minish
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Brien
O'Neill
Owens
Parris
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pike
Poage
Podell
Preyer
Price, Ill.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rees
Regula
Reuss
Rhodes
Riegle
Rinaldo
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ruppe
Ruth
Ryan
Sandman
Sarasin
Sarbanes
Satterfield
Scherle
Schroeder
Sebelius
Seiberling
Shoup
Shriver
Shuster
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steele
Steiger, Ariz.
Stokes
Stratton
Stubblefield
Stuckey
Studds
Symington
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Towell, Nev.
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waldie
Walsh
Wampler
Whalen
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Winn
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki
Zwach

NAYS—46

Archer
Armstrong
Beard
Bray
Breaux
Burgener
Burleson, Tex.
Camp
Casey, Tex.
Clawson, Del
Cochran
Collins, Tex.
Conlan
de la Garza
Goldwater
Gonzalez
Hammerschmidt
Hébert
Jones, Okla.
Kazen
Ketchum
Landgrebe
Lujan
McCloskey
McSpadden
Mahon
Milford
Miller
Passman
Pickle
Price, Tex.
Rarick
Rousselot
Runnels
Steed
Steelman
Steiger, Wis.
Symms
Thornton
Treen
Waggonner
Wiggins
Wilson, Charles, Tex.
Wright
Young, S.C.
Zion

ANSWERED "PRESENT"—3

Bell
Schneebeli
Ware

NOT VOTING—36

Anderson, Ill.
Blackburn
Brademas
Brown, Ohio
Burke, Calif.
Clausen, Don H.
Conte
Crane
Danielson
Davis, Wis.
Dellums
Dorn
du Pont
Fascell
Frey
Gubser
Keating
King
Kluczynski
Lehman

Lent
Madigan
Mathias, Calif.
Mills, Ark.
Mink
Murphy, N.Y.
Nix
O'Hara
Powell, Ohio
Reid
Roberts
St Germain
Shipley
Sikes
Stephens
Sullivan

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Reid with Mr. Mathias of California.
Mr. Murphy of New York with Mr. Powell of Ohio.
Mr. Sullivan with Mr. Madigan.
Mr. Sikes with Mr. Lent.
Mr. Fascell with Mr. King.
Mr. Brademas with Mr. Davis of Wisconsin.
Mrs. Mink with Mr. Keating.
Mr. Nix with Mr. du Pont.
Mr. St Germain with Mr. Dellums.
Mr. Kluczynski with Mr. Gubser.
Mr. Mills of Arkansas with Mr. Anderson of Illinois.
Mr. O'Hara with Mr. Crane.
Mr. Shipley with Mr. Blackburn.
Mr. Stephens with Mr. Conte.
Mrs. Burke of California with Mr. Lehman.
Mr. Danielson with Mr. Brown of Ohio.
Mr. Dorn with Mr. Obey.
Mr. Roberts with Mr. Don H. Clausen.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FISCAL SITUATION AT THE END OF 93D CONGRESS, 1ST SESSION

(Mr. MAHON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MAHON. Mr. Speaker, we have now progressed at this session to a point where we can predict rather well what the fiscal situation may be on the date of adjournment.

It is rather clear to me at this time that on appropriation bills handled by the Appropriations Committees of the House and Senate we will be about even with the budget estimates. With respect to spending mandated by the nonappropriation bills, we will be about $5 billion above the January budget. I would point out that the President on October 18, presented an amended budget estimate modifying his January estimate.

My best estimate is that Congress will be over the President's current estimate of $270.6 billion by about $2.5 billion at the end of this session.

On tomorrow I hope to speak in more detail in regard to the fiscal situation.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Speaker, does this take into consideration what the gentleman anticipates will be appropriated in the defense appropriation bill?

Mr. MAHON. This takes into account my estimate of all appropriation bills including military construction which will be up later this week, the defense appropriation bill, and the final supplemental, and including foreign aid.

Mr. QUIE. I thank the gentleman from Texas.

VETERANS EDUCATION AND TRAINING ALLOWANCES

(Mr. DORN asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. DORN. Mr. Speaker, the veterans education and training program for Vietnam veterans is at its peak. Approximately 1,400,000 veterans are in training in over 14,000 educational institutions and 118,000 more in apprentice and on-job training program. The veterans education program is the Nation's greatest Federal scholarship undertaking.

When the fall enrollment period arrives the Veterans' Administration is confronted with an enormous problem of getting veterans programed so that they will receive their education and training allowance. Some problems are cropping up in parts of the country. Our Committee on Veterans' Affairs is making a spot check. Fortunately, the problem does not appear to be serious in every regional office, but there are some problem areas.

We are pinpointing a procedural failure in the new advance pay system. The problem has to do with the addressing and method of delivery of the checks. We plan to take this up with the VA with the hope that the advance pay program can be improved for the next enrollment period.

Of course, there are always some problem cases and we are working on them. Members can help by transmitting names of veterans who have delayed checks to the Veterans' Administration or to our committee. There is an emergency pay procedure that can be used if necessary. Veterans have a right to expect to receive their payment on time so they can properly plan their personal finances.

I am requesting a comprehensive report from the Veterans' Administration as to the status of the advance payment program, as well as information on the number of problem cases currently before VA regional offices throughout the country. We are working closely with the VA regional office in Columbia to handle problem cases which have been reported from South Carolina schools.

Mr. Speaker, we have found that office and the VA throughout the country cooperative and dedicated to solving this problem.

POSTAL EMPLOYEES DAY

(Mr. HANLEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. HANLEY. Mr. Speaker, today I am introducing a resolution establishing February 20 of each year as Postal Employees Day.

In this age of rising complaints about the quality of the Nation's mail service, we tend to ignore the fact that the Postal Service is staffed by hundreds of thousands of dedicated employees who are giving the American people their best to see that the mail is delivered.

When the Postal Reorganization Act was passed in 1970, it was accompanied by loud hosannas proclaiming the dawn of a new age. The magic wand was going to be waved; all of our mail service problems were going to melt away by magic; and we would be on a break-even basis.

Some, including myself, did not believe this. While we supported reorganization of the Post Office, we felt that the immediate benefits of reorganization had been seriously oversold to the American public. It was simple logic. The postal problems generated by a decade of neglect could not be whisked away overnight no matter how good reform might look on paper.

Therefore, we felt that there would be a rising indignation over poor service from a public led to believe that the impossible could be achieved overnight. Recent experience has proven us correct.

Oscar Wilde, while traveling through the United States almost a century ago, reported seeing a sign over a bar which said:

> Please don't shoot the piano player. He is doing his best.

That is what I say when I receive complaints:

> Please don't shoot the Postal Employee. He is doing his best.

And I believe it, too. Most of the current problems are not caused by the frontline troops of the Postal Service. I have said it before and I will say it again. This country is fortunate to have the services of the dedicated employees of the Postal Service who process and deliver the mail. Working against sometimes overwhelming odds, they do their dead level best.

To a certain extent, present postal problems were inherited. We are still laboring in thousands of outdated buildings which should have been demolished or renovated years ago. New facilities cannot be built or financed overnight, and this effort will take many years to reach fruition. And, the habits of management are often difficult to change.

But our criticism should not fall on the shoulders of the rank and file. I have visited many post offices since I have been in Congress, and I have never failed to be impressed by the hard work performed by the men and women in the thousands of post offices throughout the country. If it were not for them, the mail would not be delivered at all.

On February 20, 1792, George Washington signed the act which created a permanent Post Office Department under the new Constitution. This day of a new beginning in a new country is a fitting day to honor our postal employees. This resolution will show unequivocally that Congress and the people of this great Nation appreciate the magnificent job which they perform.

"NO" TO HIGHER GAS TAXES

(Mr. VAN DEERLIN asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. VAN DEERLIN. Mr. Speaker, the President's Energy Adviser, Governor Love, has indicated gasoline rationing may become necessary next spring.

There may be no other short-range solution in the face of oil shortages. If so, we can enthusiastically support controls.

But let us make sure that whatever we do protects the person of modest income. A system of rationing that is both equitable and effective should be possible—imposing proportionate reductions in fuel consumption against rich and poor alike.

At the same time, let us take a long look at another of the administration's stated options, an increase in the tax on gasoline aimed at curbing consumption.

Such a tax would in a real sense be retrogressive, imposing the greatest burdens on those least able to pay. The Cadillacs would continue to roll, while less affluent drivers would be sidelined.

The price of gas is already high anyway, and continuing to rise. In my home area of San Diego the cost of a gallon has gone up by as much as 3 cents in the past 2 months, all following the easing of restrictions by the Cost of Living Council. Generally, these increases reflect markups in the price which dealers must pay wholesalers for the gasoline they sell.

Possibly we will all be called upon to make sacrifices in response to the energy crisis. With just 6 percent of the world's population, the United States today uses 33 percent of the world's energy. Evidence is mounting that we cannot long continue living in that style.

And so, Mr. Speaker, let us make sure that no one is unduly penalized simply because his means are modest.

A 50-MILE-AN-HOUR SPEED LIMIT IS TOKENISM—MORE WASTEFUL THAN GAINFUL

(Mr. WYMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. WYMAN. Mr. Speaker, a 50-mile-per-hour national speed limit sounds like a good gas saver, but it is tokenism. Worse still, a nationwide speed limit at this level will be more wasteful than it will be gainful. Why?

Because of time factors involved, for one thing. At 50 miles per hour for example, from Chicago to Boston it will take three trucks on the road to do the work of two at 70 miles per hour on the Interstate System. Contracts still have to be met. And this is to say nothing of the economic waste in time and salaries of the drivers.

The stated reason for a national 50-mile-per-hour limit is a mythical saving of 200,000 barrels of oil daily. But the right hand of the Government does not seem to know what its left hand is doing, because at the same time it would impose the reduced speed to save an alleged 200,000 barrels daily, the same Government is requiring excessively high automobile emissions controls that waste better than a million barrels of oil each day and will waste even more as the standard goes higher.

Cars so equipped get sharply reduced gas mileage. Any citizen with a late model car knows this all too well.

If our people are to be asked to suffer this significant inconvenience in their speed of operation, they deserve at the very least from their Government a responsible legislative program to meet the energy crunch. Congress should reduce auto emissions control levels from 96 percent required by present law to 90 percent. My bill to do this still languishes in the Commerce Committee without an assist from either EPA or the administration.

This action alone would save better than four times the oil claimed to be saved from a 50-mile-an-hour limitation—which itself is illusory as well as a darned nuisance to millions of our citizens.

REPEAL PSRO LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. ASHBROOK) is recognized for 30 minutes.

Mr. ASHBROOK. Mr. Speaker, the great costs of the medicare and medicaid programs have resulted in a desire by many to put some type of controls on their expenditures. One forecast states that over the next 25 years the excess of costs over estimates on medicare alone will reach $242 billion. The Professional Standards Review Organizations—PSRO—was viewed by many as an answer to this problem. While I agree that, when possible, costs must be limited, it is also necessary that quality medical care be available to those who depend upon medicare and medicaid. Unfortunately it seems that the PSRO's may adversely affect the quality and amount of care so provided. It also violates the promise Congress made that the Federal Government would not interfere in the doctor-patient relationship.

The legal basis for PSRO is found in sections of the Social Security Act. In this act the stated purpose of the PSRO is to "promote the effective, efficient, and economical delivery of health care services." This goal is one with which few can disagree. The means prescribed to achieve this goal do raise serious questions.

Provision is made in the legislation that medicare and medicaid payments will be made only if the PSRO determines those services to be medically necessary. The condition of medically necessary leads to a strong possibility that there will be a restriction in the quality of care available to patients under medicare and medicaid. This restriction could result from an inhibition on the part of the physician to give his patient optional or supplementary treatment particularly if such treatment is not the usual procedure.

Another provision of the legislation necessitates the use of the most economical type of facilities. The physician would seem to be called upon to provide the least expensive care rather than the best. The legislation would make physicians handling medicare and medicaid cases dependent on following federally approved standards. Official guidelines could very easily take the place of a physician's judgment. Through provisions of the PSRO legislation, it would be necessary to apply computerized averages as a primary evaluations factor in the care, diagnosis, and treatment of patients. This raises a serious problem as medical care deals with human beings who have unique physiological and psychological needs.

The legislation allows the PSRO's to examine a doctor's patient-care records. This is totally offensive. Also, the Secretary of Health, Education, and Welfare can request review records. It would seem that the confidential nature of the doctor-patient relationship for those relying on medicare and medicaid could be seriously compromised.

Other provisions of the law would seem to create more bureaucratic regulations, more requirements for doctors to be concerned with recordkeeping than with patient care and less ability for a physician to prescribe treatment or medication that may be required by a patient. We must tread very carefully when the issue is of such a basic nature as medical care and the doctor-patient relationship.

For the reasons outlined above I have introduced a bill—H.R. 11394—to repeal those sections of the Social Security Act which mandate PSRO. I do think that ways must be found of controlling the rapidly increasing costs of medicare and medicaid, but these means cannot be at the expense of the elderly and others who depend upon medicare and medicaid for their medical treatment. This legislation setting up PSRO's was well-intentioned. Nonetheless, it has caused and will cause more difficulties than it has solved.

The language of the bill follows:

H.R. 11394

A bill to amend title XI of the Social Security Act to repeal the recently added provision for the establishment of Professional Standards Review Organizations to review services covered under the medicare and medicaid programs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part B of title XI of the Social Security Act (as added by section 249F of the Social Security Amendments of 1972) is repealed.

SEC. 2. Title XI of the Social Security Act is further amended—

(1) by striking out "AND PROFESSIONAL STANDARDS REVIEW" in the heading; and

(2) by striking out "PART A—GENERAL PROVISIONS" immediately before section 1101.

EXPLANATION OF H.R. 11394

H.R. 11394 is currently in Ways and Means Committee. It would repeal that section of the 1972 Social Security Amendments by which the Congress authorized the establishment of professional standards review organizations—PSRO's—to oversee the care given by physicians and health care facilities for which the Federal Government will be financially responsible. The portion which would be repealed—Section 249F of Public Law 92-603—begins on page 101 of the published act and includes sections 1151 through 1170 of the Social Security Act as amended.

XUM

Public Law 92-603 was passed as the Social Security Amendments of 1972 and the PSRO section—249F—received little attention. The bill was introduced in the Senate by WALLACE BENNETT of Utah. Implementation is to be completed by January 1, 1974, with the designation by that date of certain groups which are to serve as Professional Standards Review Organizations.

The American Medical Association vigorously opposed the passage of PSRO legislation, contending that it would standardize health care at the level of the lowest denominator.

To date there has been a marked lack of success by the Department of Health, Education, and Welfare in getting regulations drawn and adopted. This is due to first, intragovernmental squabbling between HEW's Office of Professional Standards Review—OPSR—and the Social Security Administration over control of the program, and second, complaints that OPSR is understaffed to meet its obligation. These factors contributed to the recent resignation of Dr. William Bauer as head of OPSR. Dr. Charles Edwards, assistant secretary, has stated, however, that HEW is fully committed to meet its olbigation to have PSRO's designated and regulations established by January 1.

There is increasingly vocal opposition to PSRO legislation within the medical profession as the date for implementation approaches. It is the current position of the American Medical Association—which still vigorously opposes the law—that the profession itself should cooperate in implementing the law "so doctors can control it" as much as possible. There is some question, however, whether the AMA's constituency is willing to go even that far.

Mr. Speaker, it was the stated purpose of the PSRO section of the social security amendments to "promote the effective, efficient, and economical delivery of health care services."

Following is an itemizing of problem areas in the PSRO section of the social security amendments, together with my "criticism" which explains what the problem is. H.R. 11394 is the only practical way of meeting these serious objections:

First. Medicare and medicaid payments are to be made only if Professional Standards Review Organization determines the services to be "medically necessary." Section 1151(1).

CRITICISM

It is contended that limitation of health services to those determined to be "medically necessary" will restrict the quality of care available to patients by inhibiting a physician in the exercise of his best judgment with respect to the use of optional or supplementary treatment. If the form sheets state that procedure A is the accepted usual procedure, a physician may hesitate to use procedure B, which he favors, for fear that either he or the patient will not be reimbursed. In addition, it is argued that, by definition, medical progress can result only from a physician's use of techniques or procedures not currently standard.

Second, medicare and medicaid payments to health-care facilities will be made only when, and for such periods as, such services cannot be provided as well on an outpatient basis, or more economically in a different type of facility. Section 1151(2).

CRITICISM

This provision places a burden on the physician always to provide the least expensive care, rather than the best. If he provides hospitalization, extended hospitalization, or enrollment, in a more expensive facility than the least expensive available, he would be required to demonstrate in each case that the care available otherwise would be of lower quality. Otherwise neither he nor the patient would be reimbursed.

Third. The Secretary of HEW shall appoint professional standards review organizations to determine that the provisions of the law are fulfilled. Prior to January 1, 1976, such organizations must be drawn from professional medical or osteopathic associations; after January 1, 1976, the job of reviewing professional medical standards may be given to any other public or private nonprofit group if the Secretary decides the medical group is not performing to the Department's satisfaction. Section 1152(c)(2)(C).

CRITICISM

Although the bill provides that, at first, review shall be in the hands of medical practitioners, the duty of those practitioners will be to apply federally-approved standards, and if they do not do so, they may be removed. Thus, the medical practitioners who make up PSRO's will be merely enforcement officers and will not actually control the review of their peers.

Fourth. An organization of doctors that requests to serve as a PSRO may be awarded a contract to do so unless 50.1 percent of the practitioners in the area object to the organization as unrepresentative of the doctors in that area. Section 1152 (f)(2).

CRITICISM

Half of the doctors in an area could respond that a group of physicians who have been appointed to the PSRO function do not represent the physicians of the area, and the objection would be insufficient. Already a number of groups of doctors—not medical societies—are forming into foundations or other structures for the purpose of assuming the PSRO contract.

Fifth. Each PSRO shall have the authority to determine in advance whether it will authorize reimbursement for any elective admission to any hospital or other health care facility, or for any extended or costly treatment. Section 1155(a)(2).

CRITICISM

A physician might determine that he wishes to have a patient hospitalized because his professional judgment warns that a certain procedure should be performed—even if the case is not yet at a critical point—or he might determine that a patient should be placed in a facility with nursing attention because of possible complications due to the individual nature of the patient. If such procedure is not authorized by the Department's official guidelines, he may be effectively denied the right to these or similar services for the patient by being told he will not be paid for the treatment and that the patient will not be reimbursed for bills sent directly to the patient.

Sixth. The PSRO will have authority to examine a practitioner's patient care records and inspect the practitioner's office. Section 1155(b)(3)(4), and the PSRO will make its review records available to the Secretary of Health, Education, and Welfare at his request. Section 1155(f)(1)(B).

CRITICISM

A patient tells his doctor many things of a confidential nature—about his job, his income, his sex life, et cetera. The law has always recognized the confidential nature of the doctor-patient relationship. This law not only requires third parties—the PSRO's—to investigate the records, but to turn them over, at request, to the Federal Government.

Seventh. Each PSRO shall apply professionally developed norms of care, diagnosis and treatment based upon typical patterns of practice in its regions—including typical lengths of stay for institutional care by age and diagnosis—as principal points of evaluation and review. Section 1156(a).

CRITICISM

First. Although each patient is physiologically and psychologically unique, and each will thus respond differently to different modes of treatment, each PSRO is required by law to apply computerized averages as the primary evaluation factor. Second, limitation of these points to the "principal points" of evaluation leaves a loophole for approval or disapproval based on availability of less expensive care.

Eighth. The PSRO shall apply regional, rather than local, standards, and unless approved by a national council may not apply, instead, the actual norms for the area. Section 1156(a), and no Federal funds shall be used in payment for care given which did not meet the regional standards if—the PSRO has notified the patient who was provided, or to whom the doctor proposed to provide, the questioned services. Section 1158(a)(2).

CRITICISM

In addition to refusing to pay for the care, the PSRO will notify the patient that the care he was given was not consistent with Federal standards. In such a case a physician, even though he may have been exercising sound judgment and providing good care, will be made to look bad in the eyes of his patient or prospective patient. Thus a physician's reputation may be greatly damaged, undeservedly.

Ninth. If the amount of money in contention is less than $100, there is no provision for appeal from the ruling of a statewide PSRO council; if the amount is more than $100 and less than $1,000, there is provision for appeal to the Secretary of Health, Education, and Welfare. Only for amounts greater than $1,000 is there provision for judicial review.

CRITICISM

In the great majority of cases, the ruling of the PSRO or the Secretary will be final and unappealable.

Tenth. A practitioner or hospital shall be responsible for seeing to it that the medical necessity of treatment rendered can be documented, evidentially. Section 1160(a)(1).

CRITICISM

This will require already overworked doctors to assemble supporting data to defend treatments rendered. This will effectively force physicians to limit their care to the standards prescribed by the Department.

Eleventh. A hospital shall have the responsibility not to admit a patient unless it determines that the care to be provided is medically necessary and cannot be provided more economically elsewhere. Section 1160(a)(2).

CRITICISM

A hospital will be hesitant to admit a patient if the care is not standard; even though a physician may be willing to proceed, and the patient may agree, the care may be effectively blocked by a hospital's refusal to admit. The hospital, usually run by lay administrators, not doctors, is placed in a position of being able to second-guess proposed medical treatment and, in practical effect, to force a physician to render treatment consistent with the hospital's judgment rather than his own.

Twelfth. If a physician "flagrantly" violates his obligation to perform care in keeping with the national standards, even one time, he may be excluded from reimbursement under social security—this is, for medicare and medicaid—or may be fined up to $5,000.

CRITICISM

These harsh penalties—especially for a physician in an area largely populated by the elderly—will effectively force physicians to provide care in keeping with national computerized norms because the penalty for failure to do so will be too severe to risk.

Mr. Speaker, there seems to be no end that the bureaucracy will not go to bring about control of medical services. The promise of the Congress when medicare was enacted that the Government would never be involved in setting fees or intrude in the doctor-patient relationship has been broken. The Congress must take affirmative action to reverse the paper shuffling trend in Federal bureaucracy which can do nothing but reduce the standard of medical service. H.R. 11394 will be a first and decisive step in the direction of freeing American medicine to go on and do the job it has always done, that of providing the highest standard of medical care in the world.

OUR MIA'S MUST BE ACCOUNTED FOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 10 minutes.

Mr. KEMP. Mr. Speaker, in July, after returning from my third trip to Southeast Asia, I stated that my personal visit to the area had reinforced my determination that we must not rest until each MIA is either accounted for or returned to his family. Today, 4 months later and 10 months after the signing of the Paris Peace Agreement, the families of 1,233 American servicemen and 20 newsmen still face the day-to-day anguish of not knowing the fate of their loved ones.

Mr. Speaker, I have received the following letter from one of these MIA mothers, which describes as no one else possibly could, the suffering of our MIA families:

> DEAR CONGRESSMAN KEMP: I read in the Congressional Record your ideas on the question of our men missing in action. No one can know what the families are going through. We find ourselves wondering about our Bob and because they were never able to land and look for him our lives are not worth living. Time doesn't help any. If we had lost someone in death and had a burial things would be different and learning to cope would come in time. We live like a yo-yo, we are up and down but never settled down to accept what happened because we don't know for sure. Some days he is alive and we plan his return with lists of things to tell him and then we realize if he lives his suffering may be too much and we have no right to hope. With other children to raise it is necessary to try to pretend all is normal. Our little daughter who is 12 years old stopped learning the day her brother was missing and has had to go to special classes. I have gone to a mental health clinic and have totally forgotten how to make patterns which as a dressmaker my days of making a living are over and I used to have two shops and employ 12 people.
>
> This country must do all they can to make life liveable for 2400 families and the only way it can happen is to find their loved ones remains and bring them home or of course alive would be wonderful. I believe our country owes us this. The boys were the cream of our youth and could have gone to Canada instead. Let's prove all that they believed in was worth it.
>
> Sincerely,
>
> MARJORIE PICKETT.

Mr. Speaker, how could this Nation ever raise a military force again, if we forget those who are still unaccounted for?

Mr. Speaker, Secretary Kissinger was recently questioned by Senator CHURCH concerning the accounting of our missing men. I believe his answer is worth noting:

> I do not believe, Senator, that any of them have been accounted for adequately. It has been one of the unsatisfactory aspects of the implementation of the agreement. If they have been accounted for, it has been through the testimony of prisoners who could give us some account of, say, the death of a person who was missing, or some other disposition. The North Vietnamese were supposed to permit American teams to go to the grave sites and to exhume bodies and to give us other information.
>
> When I was in Hanoi in February, I brought some 80 files of individuals who, we had reason to believe, had been captured. In some cases, these included pictures of individuals who looked like the missing persons, who had been seen being captured or in some prisoner group. In other cases, we gave very detailed circumstances. They told us they would make an immediate investigation. So far we have not had any results of that. Other files have been turned over to them of the best information we have. The only cooperation we have received is the visit to one grave site of, I think, some 23 Americans who died in captivity in North Vietnam. I am not absolutely sure that that number is correct. It has been one of the most unsatisfactory aspects of the implementation of the agreement. In Laos, actually, we have more reason for concern, because the ratio of prisoners to those that we have reason to believe parachuted is smaller than it is in any other part of this area. We have been promised that, upon conclusion of the agreement which is now in the final stages of being negotiated, we would be given the opportunity to search in Laos.
>
> It may be somewhat easier to do it there because the agreement should produce, or is designed to produce a central government not under North Vietnamese control.
>
> But the answer to your question, Senator, unfortunately, is that we are extremely dissatisfied with the results of the implementation of that part of the agreement, and that it is one of the reasons why we cannot proceed in certain other areas such as economic aid negotiations.

Secretary Kissinger has also stated that search teams from the Joint Casualty Resolution Center located in Thailand have conducted operations in Government-controlled areas in South Vietnam and have found some remains on the basis of which some cases may be resolved. Regrettably, however, the other side has refused to cooperate in this effort and has effectively barred the JCRC from searches in Communist-controlled sections of South Vietnam as well as in Laos and North Vietnam.

On June 13, 1973, in a joint communique signed by the Democratic Republic of Vietnam and the United States, the two parties reaffirmed their solemn commitment to implement fully the January agreement, including in particular the provisions for accounting of all the missing in action throughout Indochina.

On July 29, 1973, the U.S. Government delivered a diplomatic note to the Democratic Republic of Vietnam strongly protesting the continuing failure of North Vietnam and its allies to fulfill their obligations and calling for prompt action by the Communist side.

When the Paris agreement was signed, North Vietnam agreed to assume responsibility for the release and accounting of all missing and captured Americans—and members of allied forces—throughout Southeast Asia. Article 8B of the agreement also stipulates that all parties to the agreement will "help each other" obtain information about the missing, determine the location of graves of the dead, and facilitate the exhumation and repatriation of remains of the dead.

But even though the U.S. Government has given the other side complete lists of missing American personnel and news-

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men and requested information about these men, no information has been provided. Similarly, the U.S. Government has repeatedly sought to arrange the repatriation of remains of the 60 Americans the other side claims died in captivity. But not one body has been returned.

Why have the bodies of the 60 men the other side identified as having died in captivity not been returned to their families? Why cannot immediate arrangements be completed to return these bodies? Why?

Mr. Speaker, when the Communists listed the Americans who were to be repatriated, the list included only 47 men to be repatriated out of a total of 1,334 missing in action. Ten other men previously identified as missing also were included on the list of those who died in captivity. This means a total of 57 MIA's, or less than 4 percent of all of the missing, were accounted for.

What happened to all of the others? The men Hanoi claimed to capture are either still alive or they are dead. If alive, they are still being held captive. If dead, there would be no apparent reason for the other side not to list them among the 60 other Americans who they admit died in captivity. But one thing is certain: Since some of the men were photographed in captivity; since the North Vietnamese took ID cards from other men; and since Hanoi claimed the capture of other specific individuals—Hanoi has to know if they are alive or dead.

And what happened to all of the other "missing"—the American servicemen and journalists? When they disappeared under circumstances that pointed to the strong possibility of their capture—and their bodies were not recovered in subsequent searches of the area—it is difficult to believe they just disappeared into thin air.

Where are those men who were captured, and who were not returned to us, who were not listed among the dead, and about whom the other side has furnished absolutely no accounting of any kind? Where are they?

Where are the more than 300 men listed as missing in Laos, about whom we have no information of any kind? Why has no information been provided on those taken prisoner in Laos and of whom we have capture-photographs—the strongest possible evidence that they were, indeed, captured? Where are they?

Why are our search and investigating teams being denied the right to enter areas where most of the missing disappeared? Why cannot they be given immediate access to these areas where the men were last seen alive?

A number of my colleagues and I—in a bipartisan effort—have introduced a resolution which calls upon the United States to request other nations to join in a demand that the Communists live up to the Paris Peace Agreement, for the resolution to be considered for adoption at the next session of the United Nations General Assembly and to express congressional support for the President to demand that North Vietnam comply with the agreement.

It has been stated that there is little that we in the Congress can do to help resolve the question of our MIA's and bring to an end the suffering of their families. Mr. Speaker, this is one thing we can do. We can speedily pass this resolution to show the world we will never give up until every one of our MIA's is accounted for.

Mr. Speaker, the recently signed Laos accords, which require the release of all prisoners captured and held in Laos, hold forth new hope to the families of the many missing in action in that area.

This week, I met with Col. Scott Albright, executive director of the National League of Families of American Prisoners and Missing in Southeast Asia, and he reported to me that during the period of October 8 to the 22, 53 members of the league visited Bangkok and Vientiane, Laos, for the purpose of establishing a family "vigil."

Eleven MIA family members from my State of New York were among the delegation: George Brooks, Barbara, Josephine, and Vincent Christiano, Verna Creed, Mrs. Mafalda DiTommaso, Peter and Florence DeWispelaere, Linda and Kathleen Fanning, and George W. Shine.

The MIA families wanted to be in Vientiane on the 14th of October, the deadline under the September protocol at which time both sides were to exchange numbers of prisoners held by nationality and a list of those who had died in captivity.

Unfortunately, the schedule slipped and the lists have not yet been exchanged. Delegations from the families group were able, however, to meet with representatives from the Russian, Chinese, and North Vietnamese Embassies, the Pathet Lao, the ICC, and the International Red Cross.

In Bangkok, the delegation met with the South Vietnamese Ambassador and the new Thai Foreign Minister. Members of the group flew to places such as Savannakhet, Pakse, and Luang Prabang, where they talked with refugees from the areas where many of the crashes took place.

Although the group was unable to find out about specific individuals, Colonel Albright tells me that the feeling was that the trip was a success in many ways in that contacts were established which might prove to be very valuable in the future.

Mr. Speaker, our Government must make clear to the Pathet Lao our country's strong interest in the release of all remaining U.S. prisoners, with fullest possible information on the missing, both at the earliest possible date.

In Cambodia, vigorous efforts must continue to satisfactorily resolve the fate of the 20 missing newsmen, including Welles Hangen, Sean Flynn, and others.

Mr. Speaker, the National League of Families of Prisoners and Missing in Southeast Asia, the Committee to Free Journalists Held in Southeast Asia, the Youth Concerned for the 1,300 Missing in Action and other responsible organizations, whose dedicated members have been working untiringly on behalf of the missing Americans and their families, need, and deserve, our unqualified support.

We owe to the families of the MIA's the same debt that we owe to the families of the POW's and to those who gave their lives in combat. This debt must not be left unpaid.

Mr. Speaker, I include for the RECORD and commend to the attention of my colleagues a Washington Post article by Patricia Hangen, "They Take Risks To Get Us the Facts," the story of the newsmen still missing in Cambodia:

[From the Washington Post, July 30, 1973]

THEY TAKE RISKS TO GET US THE FACTS

(By Patricia Hangen)

Among the hundreds of men still missing in Southeast Asia as a result of the Vietnam war is a group of international journalists who were not directly involved in that war but were reporting its events to the world. They were unarmed non-combatants, trying to get at the truth of what was happening. They disappeared in the midst of their story and no word has been heard of them since.

Now evidence has come that these journalists, most of whom have been missing in Cambodia for more than three years, are indeed alive and are being held prisoner in Cambodian jungle camps.

At least, some of them are alive. They were seen. They were heard. And, most important, they are being complained about. Whenever you hear a good solid gripe, you can be sure there is something substantive behind it.

These new reports come mostly from returned South Vietnamese ARVN prisoners who were held in camps near the newsmen. They were told that "foreign journalists" were in other areas of the compounds. They say they saw bearded "long-nosed" Caucasians doing roadwork and tending pigs. They complained that these foreigners were getting better food and better treatment. It made the South Vietnamese angry.

The new sightings excite and encourage the rest of us because they tell us that our men live. Or were alive in March this year, at least, before the bombing resumed over Cambodia.

Twenty international newamen are missing in war-torn Cambodia. Seventeen disappeared in the spring of 1970. They were reporting the war's expansion for television, international wire services, radio and magazines. Three are American, including my husband Welles; seven are Japanese, four French, one German, one Austrian and one Swiss. Last year, two more Americans and an Australian disappeared. (Other Americans missing are Alexander Shimkin of Newsweek; Terry Reynolds, United Press International; Dana Stone, CBS News; and Sean Flynn, Time.)

Other than the important knowledge that most of our men were seen captured alive, we have had nothing to go on except for an occasional sighting without description or identity, for 37 months.

But now we have new facts. They are slim, but they are solid.

One returned ARVN Vietnamese soldier says that he was walking on Route 7 about 17 miles south of Snoul in eastern Cambodia a year ago along with 120 other ARVN prisoners, guarded by 30 North Vietnamese, when two Honda motorcycles pulling wooden carts, country-taxi fashion, passed by an unobstructed distance of a few yards. He saw six long-haired bearded Caucasians under guard in the two motorcycle taxis. The soldier asked his North Vietnamese guard if the men were American advisers and was told: "No, they are correspondents of the imperialist side."

Another ARVN prisoner relates a conversation he had with a Vietcong captain during his detention in a camp near Mimot in eastern Cambodia in July 1972. The captain said that the Vietcong had captured and were holding American, Japanese and French

journalists. He even said that some of the journalists had cameras.

A Cambodian national who spent 15 days of June 1972 in a guerilla camp run by Prince Sihanouk's FUNK soldiers in eastern Cambodia says he saw 10 Caucasian detainees who were identified to him by camp guards as foreign journalists. The camp was situated in a former Royal Cambodian Army compound adjoining an unused airstrip just south of Route 13 in Kratie Province. Our informant says he believes the camp was being used as a regional headquarters of the Sihanouk forces and not primarily as a prison camp. He was able to watch the Caucasians at various times from a distance of a few yards and says that they were well treated by the Cambodian guerrilla forces and had adequate medical care and food. He reports that the 10 alleged journalists were housed in a long stucco building and was told that each man had his own partitioned compartment. There were 28 Cambodian prisoners held in the same camp but none was allowed to mingle with the Caucasians. This informant also says that he was told repeatedly by camp guards that the Caucasians were foreign journalists.

Another report comes to us as recently as March of this year. An ARVN soldier then detained by the North Vietnamese also in eastern Cambodia says he was told by one of his guards that foreign journalists were being held somewhere in the area. It is interesting to note that although these ARVN soldiers were captured in South Vietnam, they were taken to prison compounds in Cambodia for detention. All of our information concerning the missing journalists comes from Cambodia. We believe, therefore, that our men are still there.

Full credit for bringing these facts to light goes to the Committee to Free Journalists Held in Southeast Asia, a group headed by Walter Cronkite. One member, a young American newsman named Zalin Grant, travelled to Saigon and Phnom Penh and interviewed over 3,000 ARVN returnees and others to get this information. Thanks to Grant's zealous search for his colleagues, we now can say: "We now know that our men are alive and being held prisoner. We want to know why. We want them located. We want them released and we want them home."

For three years, journalists, statesmen and concerned individuals and groups in many countries have probed steadily for information and prodded for the release of the missing newsmen. Never before have journalists been detained, with no word of confirmation of their capture or explanation of their fate. All over the world voices have been raised demanding answers. Detention of newsmen deprives people on every side of the political spectrum from getting the facts. Silencing reporters stifles the truth. Or, in this case, diminishes—at least for a while—the number of voices bringing us the truth.

Why this infringement of freedom of information? Why were these newsmen on the spot in the first place? Why did they take the risks that whole life work has been devoted to one belief; a belief in the right of the world's people to be accurately informed about the events which affect us all. He believes that truthful information gives each the knowledge necessary to assess the rights and wrongs of what goes on around us, to determine the responsibility each has to strike out against the wrongs. We can't get all the truths ourselves. But good, dedicated newsmen and women can and do, for us.

We were together in Phnom Penh the week before Welles disappeared. We talked a lot about the dangers of reporting a war especially where information is not easily available and newsmen must go into the countryside and see for themselves.

"We always ask," Welles explained to me. "When we drive along a road, we ask in every village, at every checkpoint. If there's hostility around, we go back. Nobody's looking for trouble."

But on May 31, 1970, they found it anyway. Welles and NBC cameramen Yoshihiko Waku and Roger Colne slowed their car at a Cambodian army checkpoint on Route 8 leading toward Takco to ask their usual questions, but they were waved through. With no warning, they drove straight into an ambush. But we know they survived and were taken prisoner by Vietcong soldiers. They were seen being led off into the jungle. We have heard nothing specific since—until now.

No one knows which newsmen may be those seen by Zalin Grant's returnees. I pray that all 20 are involved. We know, in any case, that some are indeed alive and are being held prisoner. We must help them to come back.

Certainly most reporters who involve themselves in covering foreign wars, and indeed our own problems and scandals at home, share Welles' belief. Each day they take risks to get us the facts we need. Without such facts we would feel helpless and consequently apathetic. But with them we can make up our own minds about what is right and what is wrong and do something about it.

If we don't, if each of us doesn't do his own part to make our world better, then the 45 newsmen who died in Southeast Asia while trying to supply us with the knowledge they considered it our right to have—and the 20 newsmen who are still waiting in Cambodian jungle camps for release and the opportunity to continue reporting the truths we *need*—will have died—or waited—in vain.

I plead for their release. Even more, I plead for each of us to understand the responsibilities these men have been trying to make clear to us, and to do what we can to act. Nothing will please Welles and the other missing newsmen more when they return than to know that we have been doing this, and that these three years have not been entirely wasted.

VOTE ON THANKSGIVING RECESS—AN EXPLANATION AND A PLEA FOR REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. CLEVELAND) is recognized for 5 minutes.

Mr. CLEVELAND. Mr. Speaker, I have taken this special order to discuss my reasons for voting in favor of the resolution to recess Congress for the Thanksgiving week. Out of respect for those who have voted not to recess, I want to express my reasons for voting in favor of the resolution.

Two or three weeks ago, this RECORD indicated that the leadership planned to recess for Thanksgiving week. With this information at hand, I made plans to hold office hours and meetings in areas in my district that I believe require my presence because of problems that exist in those areas.

There have been many weeks in which we have not been in session on a Friday or a Monday, or sometimes both. But the days when we are not working in Washington are never announced in advance, which make it impossible for a Member to make effective use of them for planned visits in his district.

I have long felt that a major weakness of Congress has been the failure of the leadership to schedule our work in Washington more definitely, and further in advance. This is strengthened by my belief that a very important function of a United States Representative is to make himself available in his district at stated times and places, and to do this with reasonable frequency.

I have long deplored year-round sessions of Congress. Many people in this country feel that government is remote and we only compound this by remaining in Washington as long as we do. This is particularly so in view of the fact that many of our working days here as far as legislation on the floor or committee hearings are concerned are very brief.

Mr. Speaker, to give my colleagues some idea of the plans I was able to make, having had advance knowledge of the recess, and in support of my reasons for voting for it, I offer the following:

Beginning on the evening of Thursday, November 15, I will be in Nashua, N.H., for the dedication of the new arts and sciences building. On Friday, I will attend a meeting of the White Mountain Region Association in northern New Hampshire at Loon Mountain to attend a symposium on wilderness legislation. On Saturday, I plan to be in Lebanon, N.H., to discuss a proposed sewer line extension to an industrial park financed under the Economic Development Act. On Sunday, I will attend the dedication of a new home for senior citizens in Claremont, N.H.

On Monday, I have scheduled radio appearances and will hold office hours in the city of Keene, N.H. On Tuesday, I have announced office hours and several appearances in the Berlin-Gorham area of my district. On Wednesday, I will speak to classes and hold office hours in Salem, N.H. On Friday, I will be in Concord, N.H., at my district office and to attend a Presidential wreath-laying ceremony at the grave of the 13th President of the United States, Franklin Pierce.

In addition, Mr. Speaker, I have made arrangements to meet with several constituents who have problems they wish to discuss with me. Mr. Speaker, I mention this series of scheduled appearances simply to underscore the point I previously tried to make—for Members of Congress to properly serve their constituents, it is essential that we have definite and advance scheduling. If we are going to meet in year-round sessions, a practice I deplore, the least we can do is arrange for Members to have periodic recesses with sufficient notice so they can schedule appearances in their districts and better represent their constituents.

THE PEANUT AND RICE ACT OF 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. BAKER) is recognized for 10 minutes.

Mr. BAKER. Mr. Speaker, on November 6, 1973, I introduced H.R. 11259, the Peanut and Rice Act of 1973. This bill would establish new programs effective for the next 4 years, beginning with the 1974 crop. This legislation would put peanut and rice production under the target price concept and mechanism recently enacted for wheat, feedgrains, and cotton. A free market situation would be established where growers can plant for the market, and their rewards would come from the marketplace.

There are abundant uses for peanuts, and under an orderly market situation, prices should remain at an attractive level. The demands for rice on the world market are substantial and our production of rice here in our country would go far toward supplying food for the emerging underdeveloped nations of the world.

In moving away from the rigid quota and acreage allotment systems of the past, the new Peanut and Rice Act would free some 3.5 million additional acres of land for its best possible use. The old programs are out of date. They require the planting of certain acreages regardless of needs—and these needs have certainly changed in the past 35 years. Under this new bill individual farm planting and management decisions would be placed in the hands of farmers.

Mr. Speaker, let me cite for my colleagues some of the practical reasons for the need of new legislation. Presently a national minimum peanut allotment must be proclaimed of not less than 1,610,000 acres. This is the acreage planted in 1941. Today with increased yields per acre the same amount of peanuts can be produced on less than one-half of that acreage. Also, peanuts are now mandatorily supported between 75 and 90 percent of parity. Consequently, the higher yields have produced an oversupply, so the support level has been at the mandatory floor for the last several years. The price support is provided through the Commodity Credit Corporation loans to producers. Government losses under the present program occur when CCC then sells its stock at distress prices. Annual losses have been as high as $125 million.

Many of the same program principles apply for rice as well as peanuts. Again there is a minimum allotment under this present law—1,652,596 acres for rice. The cost to the taxpayer shows up in two categories: losses under the CCC for domestic feeding programs and funding for the Public Law 480 program.

The Peanut and Rice Act of 1973 (H.R. 11259) that I have introduced establishes target price for peanuts at $200 per ton. Target price for rice is $4.75 per hundredweight. Adjustment machinery is included in the bill so the target price can be adjusted to reflect the index of increased costs of production for the 1976 and 1977 crops.

Under this bill a national acreage allotment for peanuts would be based on estimated domestic consumption and net exports, with authority to adjust for certain factors. This national acreage allotment—which would serve as a basis for distributing deficiency payments—if any—to past producers—producers of history—would not be less than 1,800,000 acres.

Also, marketing quotas would be suspended. New producers could enter into peanut production, and previous producers could get or expand production if they so desire. The price support level would be established at 90 percent of the estimated world price, with authority to adjust to maintain competitiveness and avoid an excessive buildup of stocks.

For rice a similar allotment would be based on estimated domestic consumption and net exports, with authority to adjust for certain factors. This national acreage allotment, which would serve as a basis for distributing deficiency payments to producers of history, would not be less than 1,836,000 acres.

Here marketing quotas also would be suspended; old producers could expand or terminate rice production and new producers could enter into rice production. An identical price support loan level as that for peanuts would be established for rice.

Mr. Speaker, the Department of Agriculture is forced to administer these two programs with out-dated laws that were put in the statutes as far back as 1938. These programs are completely incompatible with the present demand for food. Second, the housewife is forced to pay twice for the supplies of peanuts or rice that may be on the shelf. First, she pays taxes that go to support prices to the middleman and the farmer, and lastly, she pays for it in higher priced rice or peanut products which could be more plentiful under the provisions of my bill. It is time, Mr. Speaker, that we as the taxpayers' representatives put a stop to this "double payment" and let the farmer grow what he wants and what the public needs.

THE CASE OF BLUMA AND LEON TAVIEV

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Steelman) is recognized for 5 minutes.

Mr. STEELMAN. Mr. Speaker, although I submitted this statement yesterday as part of the Mills-Vanik-Jackson vigil it did not appear in the Record. Therefore I resubmit it today to insure that the continuum is complete and the resolve of the Congress is reiterated.

Mr. Speaker, this Nation was founded by men who sought freedom, and as a Nation, we shall always identify with freedom seeking people everywhere. After decades of discrimination, and suppression of cultural and religious expression, the Jews of the Soviet Union are seeking the freedom to emigrate. But emigration from the Soviet Union is not free.

It has come to my attention that 70-year-old Leon Taviev of Riga, Latvian SSR, has not seen his sister Rakhil Taviev of Ramat Aviv, Israel, in almost 40 years. They are sick and elderly now, and Rakhil has no family except the Tavievs of Riga.

When Premier Kosygin declared that the reunification of families policy would also apply to Jews who sought to emigrate. Rakhil Taviev sent affidavits to the four members of the Taviev family in Riga. They all looked forward to a speedy reunion.

But, in April 1972, their applications to emigrate were denied. Bluma, Leon Taviev's wife, traveled from Riga to Moscow to find out why they were refused. She was told that she had worked in a censorship office during the years 1945–47. Bluma could not accept this absurd reason, and demanded that the family be given emigration permits. This action resulted in arrest and a 15-day jail sentence. She also was threatened with a 3-year prison sentence if she again demanded emigration permits.

As a result, 59-year-old Bluma Taviev suffered a heart attack. The ailing couple have been completely intimidated by these threats, and dare not apply again.

The case of the Taviev family illustrates the callous, brutal attitude of OVIR—the passport office—and is but one of a host of instances where the Soviet Union has failed to abide by its stated policy.

Mr. Speaker, Congress must pass the Mills-Vanik amendment; this will make it possible for those who want to leave the Soviet Union to exercise a universal human right—the right to emigrate.

CPA AT IRS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. Fuqua) is recognized for 5 minutes.

Mr. FUQUA. Mr. Speaker, we shall soon consider on the floor of this House, proposals for creation of a Consumer Protection Agency which will advocate the interests of consumers in Federal decisionmaking. In the last Congress when similar bills were considered there was much confusion concerning the powers and effects of the proposed CPA. I wish to continue my efforts to avoid a recurrence of that confusion.

As you know, I have asked those Federal agencies which would be subject to the CPA's advocacy rights to list, and to delineate by the several categories set forth in the bills, their 1972 proceedings and activities which would be subject to CPA action.

A Government operations subcommittee on which I serve, is now considering three CPA proposals. The bills are H.R. 14 introduced by Congressman Rosenthal, H.R. 21 introduced by Congressmen Holifield, Horton, and others, and H.R. 564 introduced by Congressman Brown of Ohio and myself.

The major difference among the bills is that H.R. 14 and H.R. 21 would both authorize the CPA to appeal the final decisions of other agencies to the courts, while the Fuqua-Brown bill would not grant to this nonregulatory agency so extraordinary a power.

Today I wish to call to your attention the proceedings and activities of the Internal Revenue Service which would be subject to the CPA's power under the proposed bills.

The Commissioner of IRS, in his reply, has stated that the Service held no formal rulemaking proceedings during calendar year 1972. However, he has provided a list of IRS proposals subject to the notice and comment provisions of the Administrative Procedure Act, 5 USC 553. The CPA under each of the three bills could participate in such proceedings by oral or written presentation. Under the Fuqua-Brown bill the CPA could in addition have the last word by

filing written comments on the information and arguments submitted by other participants.

The Commissioner suggests that it may be inappropriate for a CPA to intervene in confidential taxpayer matters. He also questions whether the IRS should be encompassed in CPA legislation. The IRS is not exempted from any of these bills.

Under each bill it is the determination of the CPA, not the forum agency, that the interests of consumers may be substantially affected that authorizes CPA participation in agency activities. Under H.R. 14 and H.R. 21, but not under H.R. 564 which authorizes no judicial appeal, it is a similar determination by the CPA that authorizes the CPA to appeal final agency action to the courts for review.

While the CPA would likely not find a sufficient consumer interest in all proceedings or activities of the IRS, the technical legal power to participate and to appeal to the court final agency action, or the refusal to take action, would be granted by two of the CPA proposals. Only the Fuqua-Brown bill would limit that CPA power.

Mr. Speaker, for these important reasons, I insert in the Record the reply of the Commissioner of the Internal Revenue Service listing some of the proceedings of the IRS which would be subject to the CPA advocacy powers as proposed in the various bills now in subcommittee.

Department of the Treasury,
Internal Revenue Service,
Washington, D.C., September 26, 1973.
Hon. Don Fuqua,
House of Representatives,
Washington, D.C.

Dear Mr. Fuqua: This is in further response to your letter of September 7, 1973, requesting information concerning operations of the Internal Revenue Service, for use in connection with hearings on three bills (H.R. 14, 21, and 564) to create an independent Consumer Protection Agency.

Your questions, and our responses, follow:

Question 1. What regulations, rules, rates, or policy interpretations subject to 5 USC 553 (the Administrative Procedure Act (APA) notice and comment rulemaking provisions) were proposed by your agency during calendar year 1972?

Answer: See Attachment A for list of regulations proposed during 1972.

Question 2. What regulations, rules, rates, or policy interpretations subject to 5 USC 556 and 557 (that is, APA rulemaking on the record) were proposed or initiated by your agency during calendar year 1972?

Answer: None.

Question 3. Excluding proceedings in which your agency sought primarily to impose directly (without court action) a fine, penalty, or forfeiture, what administrative adjudications (including licensing proceedings) subject to 5 USC 556 and 557 were proposed or initiated by your agency during calendar year 1972?

Answer: None.

Question 4. What adjudications under any provision of 5 USC Chapter 5 seeking primarily to impose directly (without court action) a fine, penalty, or forfeiture were proposed or initiated by your agency during calendar year 1972?

Answer: None. Actions to impose a fine, penalty, or forfeiture, taken by the Internal Revenue Service in connection with tax liabilities, are pursuant to Title 26 of the U.S. Code.

Question 5. Excluding proceedings subject to 5 USC 554, 556 and 557, what proceedings on the record after an opportunity for hearings did your agency propose or initiate during calendar year 1972?

Answer: None.

Question 6. Will you please furnish me with a list of representative public and non-public activities proposed or initiated by your agency during calendar year 1972?

Answer: See Attachment B for a list of hearings on proposed regulations which were held by the Internal Revenue Service during 1972.

Question 7. Excluding actions designed primarily to impose a fine, penalty, or forfeiture, what final actions taken by your agency in calendar year 1972 could have been appealed to the courts for review by anyone under a statutory provision or judicial interpretation?

Answer: Essentially all actions taken by the Internal Revenue Service with respect to tax liabilities, such as assessments and disallowances of claims for refunds, are appealable to the courts under the provisions of Title 26 of the U.S. Code.

As my responses to your questions illustrate, I think there may be some question as to whether the actions of the Internal Revenue Service in administering the Federal tax laws are intended to be encompassed by the proposed bills to create a Consumer Protection Agency. As you know, Congress by statute—and the Internal Revenue Service by administrative policy—have exercised great care in assuring taxpayer rights to contest determinations of their tax liability. Furthermore, the importance of protecting the confidentiality of taxpayer dealings with the Internal Revenue Service may suggest that it would be inappropriate for a Consumer Protection Agency to intervene in such matters. Of course, any party may offer comments or criticisms of regulations proposed by the Internal Revenue Service which interpret the tax statutes.

I should note that the above answers do not include activities of the Bureau of Alcohol, Tobacco and Firearms, which was a part of the Internal Revenue Service for the first 6 months of 1972, but which is now a separate agency in the Treasury Department. Nor have we attempted to fit our economic stabilization activities into the context of your questions, since those activities pertain to enforcement of policies and determinations made by the Cost of Living Council.

I trust that this information will be of assistance to you in your hearings on these bills.

With kind regards,
Sincerely,
Donald C. Alexander.

ON INTRODUCTION OF THE NEW ENGLAND REGIONAL POWER AND ENVIRONMENTAL PROTECTION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. Harrington) is recognized for 10 minutes.

Mr. HARRINGTON. Mr. Speaker, today, I am reintroducing a bill first introduced in the 92d Congress to create a New England Regional Power and Environmental Protection Agency. The purpose of the agency is to assure adequate and reliable low-cost electric power to the people of New England, while at the same time protecting and enhancing the environment, and providing a vehicle for research and development programs.

I first introduced this bill in August of 1972. At that time, no one realized just how serious the energy crisis was. However, the need for legislation to assure adequate energy supplies at prices which consumers can afford has been clearly demonstrated by recent events.

As our oil and gas supplies begin to run out, the Nation will have to rely more on electricity, which can be generated through a wide variety of means—many not requiring the use of fossil fuels. It is estimated that by 1985, the percentage of the Nation's energy demand filled by electricity will rise from 25 to 36 percent. The actual amount of electrical generation will double in the next 12 years.

In my opinion, the present utility structure in New England cannot provide the citizens of the region with the clean, reliable, and reasonably priced electricity we will need in the years ahead.

New England is one of the few regions of the country without a significant Federal power system. The TVA, Bonneville, Southwestern, Southeastern, and Alaskan Power Authorities, and the Bureau of Reclamation provide consumers across the Nation with reliable and low-cost power. The average customer of the Bonneville system, for example, pays approximately $70 a year less for electricity than the average Massachusetts customer.

These savings are possible because of the large economies of scales of the public agencies together with their access to low-cost financing. Since the price of electricity affects the price of everything we buy, these savings are especially significant.

A study of the cost of electricity in New England published in 1972 estimated that a public agency, such as the one I have proposed, would save consumers an estimated $70 million a year. We are now becoming accustomed to yearly, or even twice yearly rate increases by the region's private utilities. At the present time, $216 million in rate requests are pending before the Massachusetts Department of Public Utilities alone. When one considers that we will be using twice as much electricity in 1985 than we are presently using, it becomes clear that we cannot continue to tolerate these ever-increasing electric bills.

In addition to saving consumers millions of dollars each year in electric bills, a public agency in New England will better protect the region's environment. As more and more powerplants are needed, environmental considerations will become increasingly important. Under the present system, the environment and safety factors take second priority to the profit motive. Under the legislation I am introducing today, environmental protection is the first priority of the agency.

Any facilities constructed by the agency would have to meet both Federal and State environmental standards. The agency would have to draw up a master plan for the building of facilities after holding public hearings. In addition, the plan would have to conform with the land use plans of the States.

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The agency would also have to conduct a program of research and development, with particular emphasis on the environment and problems unique to the New England region.

In addition, the agency would be required to return 10 percent of its gross revenues to States and municipalities. Five percent of gross revenues would be made available to the States according to the percentage of generating capacity located in each State. Five percent of revenues would be allocated to local governments according to the same formula.

Because the agency will be financed by revenue bonds, the agency, in the long run, will not cost the Federal Government any money. However, it will save consumers in the New England region millions of dollars each year, and will provide increased protection for the region's environment.

In dealing with the energy crisis, the Congress will have to be creative. A solution which simply calls for consumers paying higher and higher bills to oil companies and electric utilities is not a creative solution.

For years, Americans across the Nation have reaped the benefits of public power. As our energy difficulties become more severe, New Englanders should be allowed to share in the advantages such a system provides.

Mr. Speaker, I ask unanimous consent to include below an outline of the bill.

SUMMARY OF THE NEW ENGLAND REGIONAL POWER AND ENVIRONMENTAL PROTECTION AGENCY

TITLE I

Sec. 101—Definitions.

Sec. 102—Authorizations for the Agency and outline of its powers and responsibilities.

Sec. 103—Requirement for regional siting studies and planning.

Sec. 104—Requirement for research and development.

TITLE II—GENERAL PROVISIONS

Sec. 201—Appointment of the Board of Directors.

Sec. 202—Appointment of Officers and Employees.

Sec. 203—Corporate Powers Generally.

Sec. 204—Accounts and Contracts.

Sec. 205—Authorization for bond financing for power programs.

Sec. 206—Condemnation Proceedings.

Sec. 207—Payments in Lieu of Taxes.

TITLE III—ENVIRONMENTAL PROTECTION

Sec. 301—The Agency shall be subject to Federal and State environmental standards.

Sec. 302—The Agency is not exempt from the provisions of the National Environmental Policy Act of 1969.

Sec. 303—The Agency is required to obtain all necessary licenses for construction of facilities.

TITLE IV—AUTHORIZATION OF APPROPRIATIONS

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A REAL FUEL SHORTAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of South Carolina. Mr. Speaker, I wish to direct my comments toward the current shortage of petroleum products in the United States. A shortage that bodes to get worse before it gets better. Unfortunately, some people in the country are treating the crisis as a sham and a hoax. They either fail to see, or refuse to believe an acute shortage, affecting all Americans, could be just over the horizon. Thank God there are thoughtful, farsighted men in positions of authority at the television stations in the First District of South Caroline—men who can write and deliver the following message to the viewers of the low country. This message was delivered on the 4th of November, 4 days before the message by President Nixon. Carter Hardwick, general manager for WCBD–TV read the editorial on the air. It was written by news director Andreas Wagener Evans, who is better known in the low country as "Red" Evans. I commend the editorial to the attention of my colleagues.

This past week Governor West called on all South Carolinians to reduce their energy consumption to help in the effort to conserve one of the Nation's most important resources. In spite of the vast amount of publicity that the energy crisis has received, many people have not really begun to accept the fact that there is truly a shortage. The Trident Chamber of Commerce recently took steps to further make people aware of the seriousness of the situation. The chamber's "energy task force" (of which I am a member) held a seminar in hopes of explaining what steps can be taken to reduce the energy consumption in Charleston. A disappointing few people showed up.

Earlier this week "eyewitness news" interviewed people on the street—again the results were disappointing. On the other hand, a service station operator and president of the State Association of Service Station Operators, said he "was scared". He expressed concern at having to let some people go and cut back on his "open hours".

But it was the governor that put the problem in perspective—he said turning down thermostats, dimming lights, and reducing speeds can mean the difference between comfort and crisis this winter. Here at channel 2 we are trying to do our part. We have reduced our energy consumption to the lowest possible level, and the many types of equipment that use energy are turned off when not in use.

Many people take the attitude that the major oil companies or other industries or utilities are in some way responsible for the shortage. We choose to believe at this time that such is not the case. But for right now the question is how to conserve energy until the crisis is over. After that the causes and where the responsibility lies can be dealt with. We urge you as a responsible citizen of this community to reduce your speed on the highways, turn off your lights at home when a room is not in use, reduce your travel to only really important purposes, and operate your thermostat at home and at work at a few degrees lower than you normally do. If everyone does his part to conserve energy, this winter will be as comfortable as every other. If not, there may be some long cold nights and some cars on the highway out of gas.

I realize like you that it's hard to imagine that this great United States with all of it's resources can be faced with a shortage of any kind. But it's here . . . and we have to accept it . . . and more importantly believe it. Maybe the crisis will prove to us once and for all that we can no longer use up our resources "willy-nilly" without regard to the future. But for now, let's handle the energy crisis with the usual American spirit—face it squarely and beat it! We'll come out of it a wiser, stronger and less wasteful Nation.

THE VICE-PRESIDENT-DESIGNATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRASER) is recognized for 5 minutes.

Mr. FRASER. Mr. Speaker, the nomination by President Nixon of our colleague, Mr. FORD, to become Vice President is now before Congress. That the nomination falls to one of our own brings a warm feeling, especially because GERRY FORD is a colleague respected for his integrity, energy, and affability.

The task which falls on us to vote on his nomination cannot be discharged, however, solely on the basis of our personal relationship with the nominee.

Our task is to share with the President responsibility for choosing the person who stands next in line for the presidency. The discharge of that responsibility requires that we look beyond personal qualities to the political philosophy of the nominee as disclosed by the record.

The views of a nominee on civil rights, on issues of war and peace, on the manner in which government should legislate for the common welfare, and on basic constitutional issues involving civil liberties, the independence of the judiciary, and the responsibilities—as well as the authority—which attach to the office of President are not mere partisan concerns. These matters are fundamental to the well-being of the United States.

Joseph Rauh, national vice chairman of Americans for Democratic Action, has prepared testimony setting forth the views of Americans for Democratic Action on Mr. FORD's nomination. The issues raised by Mr. Rauh must be faced by us.

I therefore submit to the House Mr. Rauh's testimony in order to help us focus on the relevant considerations affecting the nomination before us:

TESTIMONY OF JOSEPH L. RAUH, JR.

I am Joseph L. Rauh, Jr., a vice-chairman of Americans for Democratic Action, and I appear here today on behalf of ADA. We appreciate the opportunity to express the views of ADA on the nomination of Gerald R. Ford as Vice President of the United States. I am accompanied by Mrs. Lynn Pearle, legislative representative of ADA.

Americans for Democratic Action opposes the confirmation of Mr. Ford as Vice President of the United States. ADA's position was adopted by a unanimous vote of its National Board at a special meeting on October 14, 1973. My purpose here today is to furnish this Committee with the detailed reasons underlying ADA's decision.

Mr. Chairman, the central question before this Committee and the Congress can be simply stated: Putting aside all partisan considerations, is Mr. Ford qualified to be President of the United States? Or the question can be stated another way: Putting aside all partisan considerations, is Mr. Ford among the group of persons that a majority of the members of both Houses of Congress want to see as President of the United States? For the reasons set forth below, ADA believes the answer must be "No."

I

The first step in weighing the qualifications of Mr. Ford for the Presidency must be to determine the standard by which the nominee is to be judged. At the outset of its inquiry, Congress must clarify its responsibilities under the 25th Amendment to the Constitution. The 25th Amendment merely states that a new Vice President will take office "upon confirmation by a majority vote of both Houses of Congress." Since the amendment does not provide the standard to be used by Congress in determining whether to confirm a nominee, Congress must define the standard for itself. We repeat: The appropriate standard is whether Mr. Ford is qualified to be President of the United States and whether he is among the group of persons that a majority of the members of both Houses of Congress want to see as President of the United States.

The 25th Amendment gives the President the right to nominate a new Vice President, but it gives Congress a duty in connection with confirmation far different from its obligation in any other confirmation proceeding. The subject of confirmation (a potential President) and the confirmers (the full Congress rather than the Senate) are both unique in our history. And the President and Congress are acting together here not to nominate and confirm an executive or judicial appointee, but rather to choose, *in lieu of the electorate*, a man who must have the qualifications for President of the United States. This would be true in any event since the only significant attribute of the Vice Presidency is the possibility of succession to the Presidency. But it becomes doubly true in the present circumstance where the calls for impeachment of, or resignation by, the present incumbent grow daily.

Under the 25th Amendment, Congress is an equal partner with the President in the approval of a Vice President. The 93d Congress (all of the House and one-third of the Senate) was elected along with the President in November 1972. The President's act of submitting Gerald Ford's name as Vice President-designate thus raises no presumption that Congress should confirm him. In determining who shall be next in line for President, Congress has a stake equal to the President's.

All this is quite clear from the legislative history of the 25th Amendment. When Congress addressed itself to the problem of filling a vacancy in the Vice Presidency, two concerns were dominant. On the one hand was the concern that the President be able to name a Vice President who is of his own party and compatible with the President. On the other hand was the concern that the members of Congress, as the elected representatives of the people, were in the best position to select a new Vice President. Indeed, Senator Ervin introducd a resolution (S.J. Res. 147, 88th Cong., 2d Session) that would have placed full responsibility on the Congress to both nominate and elect the Vice President.

At a hearing before the Senate Subcommittee on Constitutional Amendments on January 22, 1964, Senator Bayh, who largely authored the 25th Amendment, asked Senator Ervin if he would have any objection to letting the President nominate a person whom the Congress would then reject or elect. Senator Ervin voiced his general agreement to this approach in *Hearings on Presidential Inability, and Vacancies in the Office of the Vice Presidency*, p. 21. Out of that meeting of the minds arose the solution that is reflected in the final form of Section 2.

When the resolution that was to become the 25th Amendment was on the floor of the Senate, Senators Bayh and Ervin engaged in a colloquy which casts further light on the responsibilities of Congress under the Amendment. Mr. Chairman, I ask permission that the excerpt from the Congressional Record of February 19, 1965 be included in the record at this point.

I draw your attention to Senator Bayh's statement that:

> . . . by combining both presidential and congressional action we were doing two things. We were guaranteeing that the President would have a man with whom he could work. *We were also guaranteeing to the people the right to make that decision.*

It is clear from this colloquy that Section 2 of the 25th Amendment contemplates a greater degree of Congressional scrutiny than is exercised in the advice and consent confirmation of Presidential appointments to the executive and judicial branches. Indeed, Senator Bayh specifically said that the advice and consent provisions of the Constitution, although somewhat analogous to the procedure of Section 2, are not exactly on point with the Amendment. In choosing a new Vice President, Congress acts as the surrogate of the electorate. The Congress is charged not merely with approving the President's selection, but rather with an active role in making the selection and in ensuring that the nominee is of the highest calibre. As Congressman Peter Rodino said on the floor of the House during debate on the 25th Amendment, "The requirement of congressional confirmation is an added safeguard that only fully qualified persons of the highest character and national stature would ever be nominated by the President."

The situation before Congress in confirming a Vice Presidential-designate is far different from one involving the confirmation of a cabinet or sub-cabinet officer. There Congress is asked to confirm someone who will be a subordinate of the President responsible for translating *his* policies into action. A cabinet or sub-cabinet officer is a member of *his* team. The President has a right to choose these subordinates, and in the confirmation process there is clearly a presumption in favor of the President's choice. The role of Congress is largely, if not wholly, to examine such a candidate for moral and ethical suitability for office.

A Supreme Court or other federal judge is much more independent of the President who selects him, and while he or she may be chosen for an anticipated compatibility with the President's political or judicial philosophy, a judge is clearly not a member of the President's team. The role of Congress in confirming a Supreme Court or other federal judge is thus not only to reject those who fail to meet moral or ethical standards, but also to examine the philosophy of such a nominee to anticipate how he will perform in his independent role. Clement F. Haynsworth, Jr. and George Harrold Carswell were rejected by the Senate in large part because of their anti-civil rights philosophies as expressed in their judicial decisions. As we shall show, Mr. Ford's record as expressed in his legislative decisions is no less anti-civil rights; indeed he compares unfavorably to Haynsworth and Carswell when one considers his northern surroundings and the southern background of the two nominees which the Senate so recently rejected.

Congress is not here confirming a spear carrier for the President. What Mr. Ford does as Vice President is not important; what he will do as President may determine the future of the nation. A Vice President's only significant role is that of a potential replacement for the President. Congress may legitimately ask that the first man in our history who may become President without any action by the people meet not only a moral and ethical standard, but that he be a man of Presidential stature and competence, experienced in both foreign and domestic affairs, and that his personal philosophy and ideology be compatible with the Presidential role. A nominee for Vice President should be measured by such a standard most particularly now when he has been nominated by a President whose own tenure is in jeopardy.

Congress, as surrogate for the voters, is obligated to use the tests the voters use—stature, competence, experience and philosophy. Congress must exercise its independent judgment unaffected by any presumption in favor of a presidential nomination. As the legislative history makes clear, Congress must weigh every factor except partisan considerations. To determine whether a nominee is of Presidential stature is an awesome task, but as the constitutionally-designated surrogate for the people, the 93rd Congress can do no less.

II

Congressman Ford's record on civil rights is sufficient *in and of itself* to disqualify him for the Presidency. At a time when the nation needs a healer, the nominee is a divisive influence who has fought civil rights legislation at every turn. Considering only recent history, the years since 1965, in which Mr. Ford has been in a position of responsibility in the Congress as Minority Leader, he has voted over and over again to gut or weaken legislation which was in the interest of minorities.

On July 9, 1965, Mr. Ford voted to recommit the Voting Rights Act of 1965 to the Judiciary Committee with instructions to report back a substitute crippling the provisions for federal registrars and omitting the protection against intimidation and coercion.

On July 25, 1965, Mr. Ford voted against bringing to the floor the proposed civil rights bill.

On August 9, 1966, Mr. Ford voted to recommit the proposed civil rights bill in order to delete its fair housing provisions.

On October 6, 1966, Mr. Ford voted to nullify Title VI of the 1964 Civil Rights Act as applied to aid to elementary and secondary education.

On April 10, 1968, Mr. Ford voted against accepting the Senate amendments to the House-passed civil rights bill and in favor of sending the bill to conference where the housing provisions would have been emasculated or killed.

On December 11, 1969, Mr. Ford led the fight and voted to gut the extension of the Voting Rights Act of 1965 by substituting for the simple five-year extension proposed by the House Judiciary Committee a bill which deleted the basic provision in the 1965 law preventing states and localities from nullifying minority votes.

On September 16, 1971, Mr. Ford voted to delete the major provisions of the bill to strengthen Title VII (the Equal Employment Opportunity Title) of the Civil Rights Act of 1964, including provisions which would have given the EEOC the cease and desist powers generally available to federal regulatory agencies.

On October 10, 1973, Mr. Ford voted to deny the citizens of the District of Columbia, largely black, the right to vote for their own mayor.

Even today Mr. Ford supports a constitutional amendment which, justified as anti-busing, in fact turns back the clock a whole decade on school desegregation.

Thus, Mr. Ford's record during his period as Minority Leader is one of seeking to cripple every major civil rights legislative advance and then voting for the final product when passage became certain. The real struggle over civil rights legislation is never in final passage, but in resisting earlier attempts to gut the bills. In those difficult struggles, Mr. Ford has always been a powerful force against the side of civil rights. If this Congress were to confirm a Northern congressman with such a civil rights record for a post leading to the Presidency, it would owe an apology to both Judge Haynsworth and Judge Carswell and to the millions of your fellow citizens, black and white, who yearn for a leadership which embraces the goals of justice and equal opportunity.

The present Administration has refused to enforce the civil rights laws of the nation. The reports of the U.S. Commission on Civil Rights, the hearings of the Edwards Subcommittee of the House Judiciary Committee and the decisions of the courts are replete with examples of such non-enforce-

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ment of the civil rights laws. The record of Congressman Ford in this area gives promise of exacerbation, not amelioration, of this divisive and polarizing situation.

III

You are asked to confirm a potential President for *all* the people in a time of economc turmoil. Congressman Ford's voting record reveals that in his 25 years on the national scene he has developed little sense of the world beyond his district. His record shows that he consistently has opposed programs to help working and disadvantaged people, and includes votes against food stamps, legal services and child care, minimum wages, education, Medicare, OEO, public housing, public works programs, and rent subsidies. He was one of the leaders in killing a $2 million rat extermination program. Mr. Chairman, we have prepared a more complete voting record and ask that at this point it be inserted in the transcript.

Congressman Ford has remained wholly insensitive to the diverse problems facing this country. A failure to develop understanding of the needs of the disadvantaged speaks not only in terms of intellect but of compassion—and compassion is especially essential to leadership when, as now, a sense of bitterness pervades the government, citizens are apathetic and skeptical of government, and both public and private sectors are retreating to a cynical philosophy of self-interest.

Today our social goals too often are defined in terms of opposing forces, pitting class against class and geographic region against geographic region; middle America's needs too often are defined in terms of opposition to programs for the poor and the disadvantaged. What we need now is a leader who can rise above parochial interests and give a sense of unity to the entire country. Compassion for those who have the least, rather than favors for those who have the most, is the first ingredient of such leadership.

IV

If one single act can disqualify a man for the Presidency of the United States, Mr. Ford's April 15, 1970 attack on the independence of the federal judiciary was just such an act. Here Mr. Ford demonstrated his faithlessness to the underlying constitutional concept of separation of powers just as he had so long demonstrated his insensitivity to the constitutional concept of human equality.

On April 8, 1970, the Senate rejected G. Harrold Carswell for the Supreme Court of the United States by a vote of 51–45. One week later Mr. Ford took the floor of the House to seek impeachment of Supreme Court Justice William O. Douglas. I was particularly struck by the enormity of this action by Mr. Ford at a testimonial dinner for Justice Douglas earlier this month. The only living Chief Justices, Warren Burger, appointed by one Republican President, and Earl Warren, appointed by another Republican President, paid tribute to this great man in the highest terms. Chief Justice Burger referred to the "great and unique career" which Justice Douglas had made on the highest bench. And Chief Justice Warren said there had been "no greater Justice in the history of the Court." Only extreme partisanship and reckless disregard of constitutional principles could have impelled Mr. Ford's impeachment attack on a Supreme Court Justice with the longest and most consistent civil-rights-civil-liberties record in history.

But even worse than Mr. Ford's partisan impeachment attempt are the legal and factual "justifications" he gave for his action.

Although the Constitution permits impeachment only for "treason, bribery or other high crimea and misdemeanors," Mr. Ford told the Congress that "an impeachable offense is whatever a majority of the House of Representatives considers it to be at a given moment in history." Not only is this a distortion of the plain language of the Constitution, but it is reckless and irresponsible doctrine. Under Mr. Ford's theory, the independence of the judiciary would be a thing of the past. Any defender of civil liberties at a time of stress could be removed from the bench by the passions of the day; the Bill of Rights would go down for want of independent judicial defenders.

Mr. Ford's factual basis for impeachment raises more questions about Mr. Ford than it does about Justice Douglas. The attacks on Justice Douglas' extra-judicial writings distort the Justice's thoughtful arguments and serve to highlight Mr. Ford's lack of devotion to the First Amendment. The effort to tie Justice Douglas to gamblers through the Parvin Foundation was guilt by association thrice removed. The effort to tie Justice Douglas to Bobby Baker was a fraud. The effort to smear him through his connection with the Center for the Study of Democratic Institutions, headed by Dr. Robert Hutchins, becomes ludicrous for those 3,000 people who attended the sessions of that organization here in Washington last month, sessions addressed not only by the Secretary of State but by most of the leading members of the United States Senate.

We ask permission at this point to insert in the transcript a comparison of the allegations in Mr. Ford's April 15th impeachment speech, the response to those allegations as set forth in the fact brief submitted to the committee investigating impeachment by Justice Douglas' distinguished attorney, Simon Rifkind, and the findings by that committee. These documents are found in the First and Final Reports by the Special Subcommittee on H. Res. 920 pursuant to H. Res. 93. The gross discrepancies between Mr. Ford's allegations and the committee's findings underline the recklessness of Mr. Ford's act on April 15th.

Unfortunately, Mr. Ford was not questioned about any of these mis-statements. We hope this matter is examined fully by this Committee before it acts on the nomination. How did Mr. Ford come to make such slanderous insinuations? Who assisted in the preparation of the speech? Was it part of a John Mitchell effort to drive a liberal Justice from the bench?

V

Congressman Ford is totally lacking in experience in foreign affairs. What is known of his views is his consistent support of U.S. involvement in the Indochina war. Even at the very end of U.S. involvement, when most of the country and most of the Congress had turned against the war, Congressman Ford continued to give it his unqualified support.

At a time when a foreign policy mistake might mean war and could mean nuclear holocaust, Mr. Ford's lack of experience in this area is an extremely serious disqualification.

VI

A priority task of the next President will be to restore the trust and confidence of the American people in their government and its leadership. This can be done only by following the Watergate and Watergate-related scandals wherever they may lead. Mr. Ford's public statements prior to his nomination have made it clear that this is something he cannot do.

Even after the Dean disclosures and the Haldeman and Erlichman resignations, Mr. Ford stated publicly, "I have the greatest confidence in the President and *am positively positive he had nothing to do with this mess.*" And when the President fired Special Prosecutor Archibald Cox—even though the Nixon Administration had promised Congress that Mr Cox would be independent—Mr. Ford announced that Mr. Nixon had "no other choice" but to dismiss Cox. Indeed, as late as November 5th, Mr. Ford stated before this committee that he considers the President "completely innocent" of any wrongdoing in the Watergate affair.

The next President must restore respect for the rule of law in America and this can be accomplished only by following every avenue wherever it may lead. This cannot be done by one who had prejudged the case in favor of Mr. Nixon.

VII

Americans for Democratic Action is independent of both political parties and fully supports President Nixon's right under the 25th Amendment to nominate a Republican Vice President who must be considered on his or her merits by a Congress free of partisan bias. But we do not insult the Republican Party with the belief that Mr. Ford is the only candidate the Party has to offer. He has never been considered as a candidate by his party; many others have. If the Congress rejects Mr. Ford's nomination, we are confident the Republican Party can provide a man or woman of Presidential stature who can unite the nation.

The Congress may want to consider reenacting the statute—which was in force for a century—providing for a new election in the absence of both a President and Vice President. ADA has not taken a position on such a statute. I mention the point only to suggest that there are alternatives to Mr. Ford available either through a new appointment or through a new election.

It is the availability of these alternatives that makes the unseemly haste of this Committee all the more tragic. To those who say that Congress must act at once to confirm Mr. Ford as a precondition of President Nixon's resignation or impeachment, Americans for Democratic Action gives this answer: We do not believe our nation is bounded on the East by Richard Nixon and on the West by Gerald Ford. Our sights go beyond these two to a man or woman who, as President of the United States, will bind up the nation's wounds at home and restore it to its place of honor abroad.

Nor is there any reason to believe that Mr. Ford's confirmation will hasten the day of Mr. Nixon's resignation or impeachment. On the contrary, Mr. Ford's unsuitability for the Presidency can only have the opposite effect—to solidify Mr. Nixon's position through the obvious lack of experience of his successor in foreign affairs and lack of stature at home.

VIII

Mr. Chairman, we urge that before voting on Mr. Ford's confirmation, you ask yourself these questions:

Is Mr. Ford among the men and women whom you believe should be President of the United States?

Should the next President be a divisive force between majority and minorities in this nation?

Should the next President be one who lacks compassion for those who need help and has devoted himself to the protection of those who do not?

Should the next President be one who sought to destroy the independence of the federal judiciary by a reckless attack upon a Supreme Court Justice?

Should the next President be wholly inexperienced in foreign affairs?

Can Mr. Ford, wholly inexperienced in any administrative activities, control the massive authority of the Presidency in the interest of democratic government at home and a stable world relationship?

Should the next President be one who has prejudged the Watergate scandals?

Are there not alternatives to Mr. Ford within the Party of Lincoln who can lead this Nation back to its rightful place of leadership and honor?

We put these questions to you. The matter is now on your conscience and in your hands.

VOTING RECORD OF GERALD R. FORD

CIVIL RIGHTS

Voted to weaken Fair Employment Practices bill, February 22, 1950.

Voted to cripple Voting Rights Act of 1965, July 9, 1965.

Voted against bringing 1966 Civil Rights Act to floor, July 25, 1966.

Voted to recommit 1966 Civil Rights Act to delete fair housing provision, August 9, 1966.

Voted to nullify Title VI of 1964 Civil Rights Act as applied to aid to elementary and secondary education, October 6, 1966.

Led fight to gut Voting Rights Act of 1965, December 11, 1969.

Voted against accepting Senate's open housing amendments to Civil Rights Act of 1968, April 10, 1968.

Voted to gut EEOC bill, September 16, 1971.

Voted for all anti-busing amendments including April 7, 1971; November 4, 1971; March 8, 1972; August 17, 1972. Supports "freedom-of-choice" school desegregation plans and constitutional amendment to ban school busing.

Voted to weaken D.C. Home Rule bill, October 10, 1973.

SOCIAL PROGRAMS

Voted against public housing, June 29, June 29, 1949; May 10, 1950; May 4, 1951; March 21, 1952; July 21, 1953; April 2, 1954; July 29, 1955; May 21, 1959; June 22, 1960.

Voted against increasing funds for hospital construction, May 26, 1953; June 25, 1970.

Voted against establishing national food stamp program, August 21, 1957.

Voted to weaken unemployment compensation law, August 16, 1950; May 1, 1958.

Voted against aid-to-education bill, August 30, 1960.

Voted against public works programs, May 4, 1960; August 29, 1962; April 10, 1963; April 22, 1971; July 19, 1972; March 15, 1973.

Voted to cripple food stamp legislation, April 8, 1964; June 8, 1967; December 30, 1970.

Voted against final passage of Economic Opportunity Act of 1964, August 8, 1964.

Voted against funds for elementary and secondary education, March 26, 1965; July 31, 1969.

Voted against Medicare, April 8, 1965.

Voted against creating HUD, June 16, 1965.

Voted to kill rent subsidy program, June 30, 1965; May 10, 1966.

Voted to reduce OEO funds, July 22, 1965; November 15, 1967.

Voted to delete Model Cities funds, May 17, 1967.

Voted to turn OEO over to states, December 12, 1969.

Voted against providing unemployment compensation to farm workers, July 23, 1970.

Voted against child care conference report, December 7, 1971.

Voted against increasing education appropriation, April 7, 1971, June 15, 1972.

Voted to cripple Legal Services bill, June 21, 1973.

Voted to reduce Labor-HEW appropriation, June 26, 1973.

LABOR

Voted for Wood (D-Ga.) bill containing worst features of Taft-Hartley, May 4, 1949.

Voted to weaken Minimum Wage bills, August 10, 1949; June 30, 1960; March 24, 1961; May 26, 1966; May 11, 1972; June 6, 1973.

Voted to use Taft-Hartley Injunction to end steel dispute, June 26, 1952.

Voted for Landrum-Griffin over bill limited to internal union reform, August 13, 1959.

Voted against repeal of Sec. 14(b) of Taft-Hartley Act ("right-to-work" laws), July 28, 1965.

Voted to weaken Occupational Health and Safety bill, November 24, 1970; June 15, 1972.

Voted to deny food stamps to strikers, July 19, 1973.

CIVIL LIBERTIES

Voted for Anti-Subversive bill, August 29, 1950.

Voted against requiring prior court approval for wiretaps, April 8, 1954.

Voted to upset the Supreme Court's Mallory Decision regarding admissible evidence, July 2, 1958.

Voted funds for HISC, April 29, 1971; March 1, 1972; March 22, 1973.

Voted for constitutional amendment allowing school prayers, November 8, 1971.

ENVIRONMENTAL

Voted against federal aid to states for prevention of water pollution, June 13, 1956; February 25, 1960.

Voted to kill mass transit legislation, June 25, 1964.

Voted against AEC funds to fight water pollution, October 8, 1969.

Voted for SST, March 18, 1971.

Voted against deleting funds for Cannikan nuclear test, July 29, 1971.

Voted against strengthening Pesticide Control Act, Novembr 9, 1971.

Voted against strengthening Federal Water Pollution Control Act amendments of 1972, March 28, 1972.

Voted against allowing Highway Trust funds for mass transit, October, 5 1972; April 19, 1973.

INDOCHINA, DEFENSE AND FOREIGN POLICY

Voted against all attempts to limit or end U.S. involvement in Indochina, including the Cooper-Church amendment (July 9, 1970), the Nedzi-Whalen measure (June 17, 1971), the Hamilton-Whalen measure (August 10, 1972) and the Addabbo amendment (May 10, 1973).

Voted for the Safeguard ABM program, October 3, 1969.

Voted against all attempts to lower military spending, voting against cutbacks amendments October 3, 1969; June 16, 1971; November 17, 1971; September 14, 1972; and July 31, 1973 (the Aspin ceiling amendment).

Voted to override Presidential veto of McCarran bill making immigration more difficult, June 26, 1952.

Voted to bar U.S. sale of surplus goods to Poland and Yugoslavia (Sept. 3, 1964) and to kill wheat sales to USSR and Hungary by barring credits (Dec. 16, 1963).

Voted against war powers legislation, July 18, 1973.

THE JUSTICE WILLIAM O. DOUGLAS IMPEACHMENT CASE: A COMPARISON OF REPRESENTATIVE GERALD FORD'S APRIL 15, 1970 SPEECH, JUSTICE WILLIAM DOUGLAS' FACT BRIEF, AND THE SUBCOMMITTEE'S DISPOSITION OF CHARGES

1. POINTS OF REBELLION

Ford Speech: "Its title is *Points of Rebellion* and its thesis is that violence may be justified and perhaps only revolutionary overthrow of 'the establishment' can save the country . . . Should a judge who sits at the pinnacle of the orderly system of justice give sympathetic encouragement, on the side, to impressionable young students and hard-core fanatics who espouse the militant method? I think not." (First Report, pp. 35–36.) [1]

Douglas Fact Sheet: "Rather than refer to the actual language of Justice Douglas' book, another critic has chosen generally to 'paraphrase.' His 'paraphrase' is not a fair one. Whereas the central message of the book is the warning that peaceful change is essential if we are to escape revolutionary violence, and law must be made 'responsive to human needs,' the critic manages to see the opposite. In his own words (obviously not the Justice's), the thesis is 'That violence may be justified and perhaps only revolutionary overthrow of 'the Establishment' can save the country.' And he suggests that although the book distinguishes between lawful procedure and violent revolution as ways to redress grievances, Justice Douglas has somehow given 'sympathetic encouragement' to those who 'espouse the militant method.' As the foregoing materials abundantly demonstrate, the book's message is precisely the contrary." (Final Report, pp. 393–4) [2]

Committee Finding: "The content of *Points of Rebellion* speaks for itself. Analysis by the Special Subcommittee indicates that Justice Douglas' critics have misinterpreted the meaning of the book. *Points of Rebellion* does not call for violent overthrow of established order in this country. It does not sanction rebellion. The book is not a neutral document; it has a clearly defined thesis. Far from advocating violence, the book urges a reordering of priorities through the traditional legal channels to avoid the violence which the author believes is inevitable if the established order does not accommodate to the needs of disillusioned segments of the society." (Final Report, p. 160)

2. THE EVERGREEN REVIEW

Ford Speech: "This article is authored 'by the venerable Supreme Court Justice' William O. Douglas. It consists of the most extreme excerpts from this book, given a somewhat more seditious title. And it states plainly in the margin: Copyright 1970 by William O. Douglas * * * Reprinted by permission . . . But you cannot tell me that an Associate Justice of the U.S. is compelled to give his permission to reprint his name and his title and his writings in a pornographic magazine with a portfolio of obscene photographs . . . His blunt message to the American people and their Representatives in the Congress of the U.S. is that he does not give a tinker's dam what we think of him and his behavior on the Bench." (First Report, p. 37)

Douglas Fact Brief: "It is charged that Mr. Justice Douglas published an article, consisting of a section from his book *Points of Rebellion*, in the April 1970 issue of *Evergreen Review*, where it immediately followed an artist's caricature of the President and a portfolio of allegedly obscene pictures. The fact is that Justice Douglas did not authorize the publication of the article in *Evergreen Review*, and had nothing to do with where it appeared and what materials accompanied it . . . In short, Justice Douglas played no role in Random House's decision to permit a portion of his book to appear in *Evergreen*, he had no right under his contract to take any position on the matter, and he was not consulted." (Final Report, pp. 397–8)

Committee Finding: "The Special Subcommittee concludes that Justice Douglas had no knowledge of or control over either the placement, or the manner of placing, the article 'Redress and Revolution' in *Evergreen Review*." (Final Report, p. 175)

3. THE AVANT GARDE ARTICLE

Ford Speech: "Ralph Ginzburg's magazine *Avant Garde* paid the Associate Justice of the U.S. Supreme Court the sum of $350 for his article on folk singing . . . However, Mr. Justice Douglas did not disqualify himself from taking part in the Goldwater against Ginzburg libel appeal . . . Writing signed articles for notorious publications of a convicted pornographer is bad enough. Taking

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[1] First Report by the Special Subcommittee on H. Res. 920 of the Committee on the Judiciary, House of Representatives, Ninety-first Congress, Second Session, Pursuant to H. Res. 93, June 20, 1970.

[2] Final Report by the Special Subcommittee on H. Res. 920 of the Committee on the Judiciary, House of Representatives, Ninety-first Congress, Second Session, Pursuant to H. Res. 93, September 17, 1970.

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money from them is worse. Declining to disqualify one's self in this case is inexcusable." (First Report, pp. 34–5)

Douglas Fact Brief: "The Justice has never had any dealings with Ralph Ginzburg, and had no occasion to recuse himself from the January case involving Mr. Ginzburg's *Fact* magazine . . . And it is well settled that publishing a single article in a newspaper or magazine does not disqualify the author from later hearing a case involving the publisher." (Final Report, p. 386)

Committee Finding: "Under the facts of this case, Justice Douglas was not required to disqualify himself from participation in the *Goldwater* v. *Ginzburg* petition for a *writ of certiorari*. That Mr. Ginzburg was the owner of *Avant Garde*, Justice Douglas had known since February 28, 1969. But existence of knowledge of the relationship is not the test for disqualification. 28 U.S.C. 455 requires disqualification if there is a substantial interest in a case, or a relation or connection, that, in the justices' opinion made it improper for him to continue to sit. The $350 payment certainly is *de minimis* and the relationship between Justice Douglas and Ralph Ginzburg through *Avant Garde* was virtually nonexistent. Clearly it was not extensive, not intimate, not continuing and failure to disqualify was not improper." (Final Report, p. 47)

4. ALLEGED PRACTICE OF LAW

Ford Speech: ". . . the foundation was incorporated in New York, and Mr. Justice Douglas assisted in setting it up, according to Parvin. If the Justice did indeed draft the articles of incorporation, it was in patent violation of title 28, section 454, U.S. Code . . . There is additional evidence that Mr. Justice Douglas later, while still on salary, gave legal advice to the Albert Parvin Foundation on dealing with an Internal Revenue Investigation." (First Report, pp. 38–9)

Douglas Fact Brief: "Justice Douglas at no time 'practiced law' for the Foundation, which from the outset retained expert outside counsel to handle both its routine and special legal problems. He did not, as alleged, draft the Foundation's Articles of Incorporation. He did not, as alleged, give tax advice or any legal advice regarding any tax investigation. Nor did he serve as counsel to the Foundation or to anyone associated with it with respect to any legal matters." (Final Report, p. 404)

Committee Finding: "The Special Subcommittee has examined records of the Albert Parvin Foundation, the files of Albert Parvin, Justice Douglas, Robert Hutchins, Harry Ashmore, and the Internal Revenue Service for information concerning the allegation that Justice Douglas drafted the Articles of Incorporation for the Albert Parvin Foundation. The documentary materials obtained in this file examination show that Justice Douglas did not draft the Articles of Incorporation of the Albert Parvin Foundation or provide legal services as its President." (Final Report, p. 80)

"All of the documents obtained in this investigation reprinted here and in the Committee's files relative to the conduct of Justice Douglas in administering the officers of the Foundation have been examined to determine the character and the purpose of the services provided by Justice Douglas to the Albert Parvin Foundation. These materials establish that Justice Douglas was not engaged in the practice of law in connection with his association with the Albert Parvin Foundation. His communications and actions relative to the tax investigation are consistent with his administrative responsibilities as President and Director of the Albert Parvin Foundation. Justice Douglas did not practice law." (Final Report, pp. 115–6)

5. ALBERT PARVIN FOUNDATION

Ford Speech: "What would bring an associate Justice of the Supreme Court into any sort of relationship with some of the most unsavory and notorious elements of American society?" (First Report, p. 38)

"In April 1962 the Parvin Foundation applied for tax-exempt status. And thereafter some very interesting things happened. On October 22, 1962, Bobby Baker turned up in Las Vegas for a 3-day stay. His hotel bill was paid by Ed Levinson, Parvin's associate and sometime attorney. On Baker's registration card a hotel employee had noted—'is with Douglas.' Bobby was then, of course, majority secretary of the Senate and widely regarded as the right hand of the then Vice President of the United States. So it is unclear whether the note meant literally that Mr. Justice Douglas was also visiting Las Vegas at that time or whether it meant only to identify Baker as a Douglas associate." (First Report, p. 39)

"Also on hand in Santo Domingo to celebrate Bosch's taking up the reins of power were Mr. Albert Parvin, President of the Parvin, Dohrmann Company, and the President of the Albert Parvin Foundation, Mr. Justice William O. Douglas of the U.S. Supreme Court." (First Report, p. 39)

Douglas Fact Brief: "The Foundation had no connection with the 'international gambling fraternity' . . . Justice Douglas does not know the alleged underworld persons named in the attacks upon him. He was not in Las Vegas when it was insinuated he was, he has never been associated with Bobby Baker, and he did not attend the inauguration of President Bosch as alleged." (Final Report, p. 387)

Committee Finding: "There is no indication that Justice Douglas personally has been involved in, or ever participated in, organized gambling. In fact, there is no evidence that Justice Douglas ever associated with or even met the individuals that have been named by critics of Justice Douglas in the April 15, 1970 speech or in H. Res. 922, who are identified underworld characters or members of some organized gambling fraternity. All such associations are indirect and are imputed to Justice Douglas only through his activities in connection with the Albert Parvin Foundation and his association with Albert Parvin. (Final Report, p. 176)

"The April 15, 1970 speech alleged that on October 22, 1962, Robert Baker was in Las Vegas for a three day stay, that his hotel bill was paid by Edward Levinson, and that on Baker's hotel bill a hotel employee had noted 'is with Douglas.' It was also alleged that Robert Baker and Edward Levinson were in the Dominican Republic with Justice Douglas, Albert Parvin and Harvey Silbert. The investigation of the Special Subcommittee has found that neither of these charges is accurate. According to the documents in the Committee's files, Justice Douglas left New York on October 21, 1962 for Santiago, Chile, and returned on October 30, 1962 after visiting Peru, Ecuador and Bolivia. Justice Douglas' first visit to Las Vegas was in November 1964, at which time he spoke at an Israel Bond Drive Dinner at the Sahara Hotel. Justice Douglas was not in the Dominican Republic at the same time that Robert Baker and Edward Levinson were there. Robert Baker attended President Bosch's inauguration on February 27, 1963. Justice Douglas, although invited to attend, was unable to do so. Justice Douglas was in the Dominican Republic in connection with the Foundation's Literacy Program on March 5th to 7th, 1963; and a second visit was made March 14–17, 1963. (Final Report, p. 320)

"Not only was Justice Douglas not in Las Vegas at the time charged, but neither was Robert Baker. The Department of Justice has supplied information, including the hotel records apparently referred to by the April 15, 1970 speech. The Documents supplied by the Department of Justice include a copy of a registration card for the Beverly Hills Hotel in Beverly Hills, California. This registration card shows that Robert Baker occupied Room 359 from October 22–25, 1962. The records show that Mr. Levinson was billed for Room 359. The registration card does bear a notation 'with Douglas—move 176/7'. The person who is the subject of the notation is not disclosed by the documents, and apparently this aspect of the matter either has not been investigated by the Department of Justice or has not been supplied to the Subcommitteee. It is obvious however, that such person could not be Associate Justice William O. Douglas who was not in Los Angeles during this period." (Final Report, p. 320)

6. CENTER FOR THE STUDY OF DEMOCRATIC INSTITUTIONS

Ford Speech: ". . . Mr. Justice Douglas moved immediately into closer connection with the leftish Center for the Study of Democratic Institutions . . . the Center was the site of a very significant conference of militant student leaders. Here plans were laid for the violent campus disruptions of the past few years, and the students were exhorted by at least one member of the Center's staff to sabotage American society, block defense work by universities, immobolize computerized record systems and discredit the ROTC." (First Report, p. 42)

Douglas Fact Brief: "The Center is an eminently respectable American educational institution which has enlisted the participation, support and cooperation of such distinguished Americans as Chief Justice Warren Burger, and a score of Congressmen." (Final Report, p. 424)

Committee Finding: "The Center is the sole activity of the Fund for the Republic, a nonprofit corporation created by the Ford Foundation in 1952. The Center was established in Santa Barbara in 1959. The Chief Executive Officer of the Center is Dr. Robert M. Hutchins, formerly Dean of the Yale Law School and former President of the University of Chicago. The President of the Center is Harry Ashmore, formerly Executive Editor of the *Arkansas Gazette* and former Editor-in-Chief of the *Encyclopaedia Britannica*. Associated with the activities of the Center are such notables as the economist, Rexford G. Tugwell; the environmentalist, Paul Ehrlich; the political theorist, Bertrand de Jouvanel; the educator, Clark Kerr; the theologian, Rheinhold Neibuhr; and Nobel laureate, Isidor I. Rabi. (Final Report, p. 177)

"Since its establishment in 1959, the Center has conducted conferences, seminars and symposia on a variety of issues. It publishes a magazine to encourage the study of international relations and public questions. One of the primary activities of the Center is daily dialogue sessions aimed at obtaining a diversity of viewpoint on a multitude of topics. During these sessions the entire spectrum of American thought and argument are invited to participate." (Final Report, p. 178)

THANKSGIVING RECESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Dulski) is recognized for 5 minutes.

Mr. DULSKI. Mr. Speaker, it occurs to me that our distinguished colleagues from the other side of the aisle are playing a frivolous game of "follow the leader."

While the President is inaccurately trying to place the blame for his administration's inaction on the energy crisis on Congress, the members of his party in Congress are trying to make political hay out of a 3-day recess next week.

We already had one display of demagoguery on this subject last Thursday, and I do not think another one is necessary.

In the first place, the so-called 10-day recess is a misnomer. There is a span of 10 days from adjournment until the next meeting. However, four of these days are weekends, 2 days are Fridays, on which we do not normally schedule sessions—and I have not heard any strenuous objections from the other side of the aisle over unscheduled Fridays this year—and 1 day is the Thanksgiving holiday. That leaves 3 days in which we could hold sessions, but I submit those days could better be spent in our district. I plan to spend the time in Buffalo, as I usually do.

The irony of the situation is that some of the conscience-stricken Members have already planned vacations for those days, while many of us who intend to visit with our constituents would find it no hardship to report to Washington November 19, 20, and 21. Congress has evolved into an 11- to 12-month session each year, anyway.

Actually, very little of substance has been said in this series of pious speeches by the Republicans. Democrats have been accused of lagging behind on legislation to ease the energy crisis. In fact, the President, as the Republicans are well aware, was given authority for emergency fuel allocation last April, and is only acting now.

The mandatory fuel allocation conference report was filed Saturday—and it was delayed time and again by administration request to await the President's emergency energy plan. In spite of the fact that his energy legislation proposals have been far behind his promises to submit them, we have been steadily working on numerous aspects of energy problems. We passed the Alaska pipeline authorization yesterday—after nearly a week's delay caused by a Republican objection. My Republican friends might consider talking with their objectors instead of trying to lay the blame on Democrats.

Further, the Judiciary Committee has announced its scheduled hearings on Representative Ford's confirmation, and the leadership has scheduled the House vote for December 3. The Senate Interior Committee yesterday reported out the emergency energy legislation requested by the President last week—legislation which had, incidentally, been introduced before the request was finally sent to Congress—and the Interstate and Foreign Commerce Committee begins hearings on it tomorrow. The Senate Commerce Committee has concluded hearings on implementation of year-round daylight saving time, and the House committee began hearings today. As an early advocate and sponsor of this legislation, I am confident the Democratic Congress will pass the bill in the near future.

I have great respect for my Republican friends, but believe that instead of attacking the House leadership, they might better their time utilizing the 3-day recess talking to their constituents—unless the recent election results made Washington more appealing than coming home to visit with their constituents. They could also usefully try to convince the President not to carry out the threatened veto of urban mass transit or Alaska pipeline legislation.

There is one bright side to all the oratory about unfinished business—it is the strongest indication we have had all year that the Republicans are anxious to cooperate in passing reform legislation.

AD HOC ADVISORY GROUP ON PUERTO RICO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Puerto Rico (Mr. Benitez) is recognized for 5 minutes.

Mr. BENITEZ. Mr. Speaker, the President of the United States and the Governor of Puerto Rico created on September 20, 1973, a new ad hoc advisory group pursuant to the 1967 plebiscite on the status of Puerto Rico. The group has 14 members—7 appointed by the President of the United States of America and 7 appointed by the Governor of the Commonwealth of Puerto Rico.

The Presidential appointees of the ad hoc advisory group are: Senator Marlow W. Cook, Senator J. Bennett Johnston, Senator James L. Buckley, Representative Don H. Clausen, Representative Thomas S. Foley, Richard B. Ogilvie, Esq., Mr. Paul N. Howell.

Puerto Rico's representation included former Gov. Luis Muñoz Marín, as well as the president of the senate, the speaker of the house, the secretary of state, a leading senator from the opposition, a former secretary of finance and myself.

Mr. Speaker, I should like to report that the new advisory group held its first public meeting in the Capitol Building of the Commonwealth, in San Juan, Puerto Rico, on November 11, 1973.

The seven Puerto Rican members submitted a proposal concerning the nature, and the goals of Commonwealth status.

The proposal, reproduced here in full, was received and accepted by the whole group as its first working paper and basic agenda.

Public hearings on the specific items included in the proposal will be held in Puerto Rico during the next meeting of the committee on December 7, 8, and 9, 1973.

Mr. Speaker, I should also like to take this occasion to express the appreciation of the people of Puerto Rico, not only for the personal commitment, but also for the hard work already put in by the Presidential appointees this last weekend in the Commonwealth.

Senator Marlow Cook and I will continue to report to our respective bodies on the progress of the advisory group, so that Members on both sides of the aisle can be periodically advised of our progress toward the further development of the Commonwealth concept and reality. Perhaps our work here may even serve as a useful point of reference for working out viable relations between "stronger" and "weaker" nations throughout the whole world.

The proposal follows:

Puerto Rico's Proposal

The Puerto Rican members of this Advisory Group wish to identify for their United States colleagues the matters they feel deserve the main attention of the Joint Advisory Committee. It is hoped that once a consensus on such matters has been reached—both as to their nature and as to the general perspective—we may jointly agree on an expeditious and satisfactory *modus operandi* to guide our deliberations, studies, and recommendations.

The Charter of this Committee declares that:

The President of the United States and the Governor of Puerto Rico, "in order to implement the will of the people of Puerto Rico freely expressed in the plebiscite of 1967" appointed seven (7) members each to constitute the Advisory Group. That plebiscite held on July 23, 1967, pursuant to P.R. Law No. 1, December 23, 1966 submitted to the Puerto Rican electorate the status alternatives of Commonwealth, Statehood and Independence, the electorate decided, "to develop the Commonwealth in accordance to its fundamental principles to a maximum of self-government and self-determination within the framework of Commonwealth."

The Commonwealth slot in the ballot defined the framework of association or union between Puerto Rico and the United States as: "a common defense, a common market, a common currency, and the indissoluble link of the United States citizenship."

Notice that the Charter of the Ad Hoc Committee reproduces the exact language of the plebiscitary mandate. The recommendation on holding a plebiscite to determine the will of the Puetro Rican people has historic roots in our tradition. It was originally proposed—unsuccessfully—to adjudicate the questions resulting from the Hispanic American War raised by Article 9 of the Treaty of Paris: "The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress."

Before and after the ratification of the Treaty, Eugenio Maria de Hostos, an illustrious Puerto Rican patriot, recommended a plebiscite on status to President McKinley. The Unionist Party, the dominant Puerto Rican party from 1904 to 1924, adopted a plebiscite resolution on September 1914. The Speaker of the Puerto Rico House of Delegates, José de Diego, was its leading proponent. The plebiscite proposal remained dormant after the Organic Act of 1917 and De Diego's death in 1918

Following an extensive process of democratic consultation Commonwealth status for Puerto Rico was established on the 25th July 1952. That process involved on Puerto Rico's side the status program submitted in the general elections of 1948 by the Popular Party, a referendum in 1951 approving Public Law No. 600, the election of a Constitutional Convention and the final ratification of the Constitution and of the whole process in a second referendum. On the Federal side it included two congressional enactments, both of them subject upon approval by Puerto Rico, so as to take effect.

However, the subsistence in the Puerto Rican Federal Relations Act of what were called "colonial vestiges" and the continued claim of minority groups for Statehood and for Independence led the then Governor of Puerto Rico, Luis Muñoz Marin and the late President John F. Kennedy "both as a matter of fairness to all concerned and of establishing an unequivocal record" to recommend a further examination of the United States-Commonwealth relationship. The final outcome of that interchange was the creation of the U.S.-Puerto Rico Commission on the Status of Puerto Rico. This Commission also arises on the basis of legislation approved parallel in Congress and the Legislature of the Commonwealth. (Public Law 88–271,

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February 20, 1964 and Law No. 9, April 13, 1964.)

After two years of extensive studies, researches and hearings the Status Commission renewed the plebiscite recommendation reporting that: "The Commission's major conclusion is that all three forms of political status—the Commonwealth, Statehood, and Independence—are valid and confer upon the people of Puerto Rico equal dignity with equality of status and of national citizenship. Any choice among them is to be made by the people of Puerto Rico, and the economic, social, cultural, and security arrangements which would need to be made under each of the three status alternatives will require the mutual agreement and full cooperation of the Government of the United States. A first step toward any change in political status must be taken by the Puerto Rican people acting through constitutional processes."

The final recommendation followed: "If the people of Puerto Rico should by plebiscite indicate their desire for Statehood or Independence, a joint advisory group or groups would be constituted to consider appropriate transition measures. If the people of Puerto Rico should maintain their desire for the further growth of the Commonwealth along the lines of the Commonwealth Legislative Assembly's Resolution No. 1 of December 2, 1962, or through other measures that may be conducive to Commonwealth growth, a joint advisory group or groups would be convened to consider these proposals."

In the light of the above summary as well as of the terms of its own Charter, the task of this Advisory Group centers on the further development of Commonwealth. *The Estado Libre Asociado de Puerto Rico*, to use the Spanish designation which seems more precise for our present purposes reflects a creative effort to establish a free permanent relationship voluntarily entered into between Puerto Rico and the United States that is mutually satisfactory and whereby the social and political freedoms inherent in the fundamental values of democracy, citizenship and the cultural identity of Puerto Rico can be effectively enjoyed by our people. The Preamble of the Constitution of the Free Associated State summarizes its purposes:

"We, the people of Puerto Rico, in order to organize ourselves politically on a fully democratic basis, to promote the general welfare, and to secure for ourselves and our posterity the complete enjoyment of human rights, placing our trust in Almighty God, do ordain and establish this Constitution for the Commonwealth which, in the exercise of our natural rights, we now create within our union with the United States of America.

"In so doing, we declare:

"The democratic system is fundamental to the life of the Puerto Rican community:

"We understand that the democratic system of government is one in which the will of the people is the source of public power, the political order is subordinate to the rights of man, and the free participation of the citizen in collective decisions is assured:

"We consider as determining factors in our life our citizenship of the United States of America and our aspiration continually to enrich our democratic heritage in the individual and collective enjoyment of its rights and privileges; our loyalty to the principles of the Federal Constitution; the coexistence in Puerto Rico of the two great cultures of the American Hemisphere; our fervor for education; our faith in justice; our devotion to the courageous, industrious, and peaceful way of life; our fidelity to individual human values above and beyond social position, racial differences, and economic interests; and our hope for a better world based on these principles."

Article I of the Constitution entitled "Commonwealth" reads:

"Section 1. The Commonwealth of Puerto Rico is hereby constituted. Its political power emanates from the people and shall be exercised in accordance with their will, within the terms of the compact agreed upon between the people of Puerto Rico and the United States of America.

"Section 2. The government of the Commonwealth of Puerto Rico shall be republican in form and its legislative, judicial and executive branches as established by this Constitution, shall be equally subordinate to the sovereignty of the people of Puerto Rico."

The plebiscite mandate of 1967 reaffirms the existence of a distinct body politic—The Free Associated State of Puerto Rico.

This mandate and the considerations expressed above call for the following criteria to serve as guiding principles in our task.

1. Commonwealth status should be developed within its own framework to the maximum of self-government and self-determination compatible with a common defense, a common market, a common currency, and the indissoluble link of United States citizenship.

2. The government of the United States should exercise with reference to Puerto Rico such powers as are essential to the basic elements of the permanent union between the United States and Puerto Rico.

3. As respects such powers as will be exercised by the United States under (2) above, alternate forms of participation in federal decisions affecting Puerto Rico ought to be considered together with the Presidential Vote recommended by the first Ad Hoc Advisory Group.

4. The principles of self-determination, self-government and government by specific consent of the governed.

The Puerto Rico Federal Relations Act and related legislation are not an adequate embodiment of the constitutional relationship between Puerto Rico and the United States. Together with very many desirable and essential provisions pertaining to the meaning and purposes of The Free Associated State, the Federal Relations Act retains anachronic, deleterious, and confusing expressions held over from the Foraker Act of 1900 and the Jones Act of 1917, as amended. Such expressions have no place in a declaration of permanent union or association.

In order to reduce the proposals under consideration to the bare minimum, Public Law 600 limited itself to preserve the basic scheme of relationship via retaining the old section numbers under the new generic title *Puerto Rico Federal Relations Act*. Under this arrangement several indispensable provisions remain intertwined with thoroughly objectionable expressions.

A few instances serve to illustrate the point:

The Puerto Rico Federal Relations Act retains the initial clause of the Organic Act of 1917. It declares: "That the provisions of this Act shall apply to the island of Puerto Rico and to the adjacent islands *belonging to the United States*, and waters of those islands." The underscored clause is, of course, objectionable and has been used over and over again at the United Nations and elsewhere to argue that Puerto Rico "is a colony of the United States".

Section 10 provides, "That all judicial processes shall run in the name of United States of America, as, the President of the United States". This provision completely lacks use or justification.

Other provisions go beyond questions of form. Outstanding among them is Section 9, which includes a double negative which has been the source of many legal perplexities and confusions. It provides, "That the statutory laws of the United States not locally inapplicable, except as hereinbefore or hereinafter otherwise provided, shall have the same force and effect in Puerto Rico as in the United States, except the internal revenue laws." Besides engendering a multiplicity of doubts concerning which of the statutory laws of the United States are actually in force in Puerto Rico and to what extent; it is essentially incompatible with the norm pertaining to a maximum of self-government.

In keeping with the charge that, "The Advisory Group will inquire into and report and recommend on the extent to which of the statutory laws . . . of the United States should apply in Puerto Rico", it will be indispensable for the whole Puerto Rico Federal Relations Act to be reexamined and rewritten. This will be necessary not only to strike out surplusages and to bring it up to date, but also to clarify the basic nature of the relationship between Puerto Rico and the United States.

This involves the elimination of provisions that impinge on self-government as well as the inclusion of such language as may be necessary to safeguard the basic framework of the Free Associated State relationship. It will be necessary also to explore diverse ways of participation on matters pertaining to that basic framework of union with the United States as defined both in the plebiscite and in the Charter of the Committee. In short, that the Federal Relations Act in its present form does not constitute a truly organic body of law governing the terms of Puerto Rico's free association to the United States. On the contrary there are many other provisions of law governing such relationship. The Act must be revised so that, at least, the basic outline of the relationship be established in a single and coherent statute that replaces the Federal Relations Act and related legislation in harmony with present realities, and the plebiscitary mandate.

The end result of this task will naturally have to reflect recommendations obtained in connection with other matters which the Advisory Group from time to time may decide to consider. Initially, we recommend among other matters it ought to examine the following:

1. Revision of the Federal Relations Statute.
2. Acquisition, retention and disposition of federal property in Puerto Rico.
3. Common defense;
4. Ways in which Puerto Rico may participate in federal decisions affecting the Island and the applicability of federal laws to Puerto Rico;
5. Immigration of aliens;
6. Navigable waters;
7. Coastwise shipping laws;
8. Minimum wage and other labor matters;
9. Tariff policy and external trade matters;
10. Financial laws;
11. Laws relating to ecological matters;
12. Laws relating to planning;
13. Laws relating to communications;
14. Transportation matters;
15. New forms of federalism or association. Participation of the Associated Free State of Puerto Rico in international affairs in ways compatible with its permanent union or association to the United States.

SAN JUAN, PUERTO RICO, NOVEMBER 11, 1973

Hon. Luis Muñoz Marín, former Governor of Puerto Rico, Co-Chairman.

Hon. Jaime Benitez, Resident Commissioner from Puerto Rico to the United States.

Hon. Juan Cancel Ríos, President of the Senate of Puerto Rico.

Hon. Justo Méndez, Member of the Senate of Puerto Rico.

Hon. Victor M. Pons, Jr., Secretary of State for Puerto Rico.

Hon. Luis Ernesto Ramos Yordán, Speaker of the House of Representatives of Puerto Rico.

Mr. Angel Rivera, President of Banco Crédito Ahorro Ponceño.

ADMINISTRATION'S FUEL ALLOCATION PROGRAM ALL BOTTLED UP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. FULTON) is recognized for 5 minutes.

Mr. FULTON. Mr. Speaker, without going into the question of how a nation such as ours could be so totally unprepared for the energy situation we face when we have been warned and have known for months, even years, that it was coming I would like to express my complete dismay and consternation at the way the present mandatory fuel allocation is being mishandled.

While I make no claim at having a complete picture of this bungled job on a nationwide basis, I have it on rather good authority that what is happening in my particular region, the Southeast, reflects the picture for the entire United States.

As you know distributors are supplying middle distillate fuels, kerosene, jet fuel, home heating oil, diesel fuel, and others, on the basis of 1972 volume received by customers. However, under this program there immediately arose some glaring inequities.

Individuals or firms which had no concontract with their present distributor in 1972 were informed they could expect no more fuel.

Certain businesses which used an unusually smaller amount of fuel in 1972 because of weather or other factors beyond their control find now they are cut back to well below average operating requirements.

There are just two examples.

One firm in my district was trapped in a situation similar to these and called on me for aid. Following the advice received last week at a briefing given by the Office of Oil and Gas we referred him to the Atlanta regional office.

Immediately I was contacted by him again saying he could not get through to the Atlanta office by phone.

Mr. Speaker, that was Thursday, November 1. Since that time my office has attempted to call the Atlanta regional office on an average of five to six times a day. The result is either a busy signal or no answer.

The Atlanta office has three numbers. Two of them never answer. A third sometimes rings busy or does not answer.

Yesterday, after six morning calls which rung without answer, my office called the office of Oil and Gas in Washington to inquire as to whether or not there was anyone actually in the Atlanta office and whether or not the number we were using was correct. On each count the answer was affirmative. Still nothing was done to help me reach Atlanta nor was any help offered other than the explanation that the staff in Atlanta might be in conference.

To make matters even worse my office called the Washington office of Oil and Gas again about noon to seek additional assistance. When told the official in charge at the office was out to lunch we asked to speak to an assistant. We were told he was out to lunch. When we asked if anyone were in with whom we could speak we were told the entire office was out to lunch.

However, Mr. Speaker, I do not want to leave the impression that I or my staff are unresourceful. We knew there was a way to reach the Atlanta regional office if we just kept tyring.

Now I believe we have discovered the secret. Though I have not tried it yet but I am told by one who has that it works. What is necessary is to call the Forest Service in Atlanta. That office is just across the hall from Oil and Gas. You leave word of an emergency and Mr. Don Hammonds, the Oil and Gas regional administrator, may call you back.

To be truthful, Mr. Speaker, I am somewhat hesitant to try this approach. What would happen if I actually reached the regional office? If the confusion and inability to function there is as great as I am led to believe then I fear there would be no relief available, only failure in success.

Mr. Speaker, business are closing down because their owners and operators cannot get fuel. Workers are being laid off just at the beginning of the Christmas season because their employers cannot get fuel.

All of this because the Federal Government is not functioning. It is not necessary, I do not believe, to harangue about this situation. It is so deplorable that it speaks loudly for itself.

And to further add insult to injury the necessary Government forms for relief applications are not yet distributed.

Should it be necessary to ration fuel, it is my fervent hope that the administration will finally learn that meeting the fuel emergency requires more than asking America to turn down its thermostats and drive 50 miles an hour. It requires long and careful planning. It requires contingency programs and it requires leadership.

The administration's mandatory fuel allocation program demonstrates a complete and utter absence of any of these ingredients.

This is an unexcusible disgrace and a good many Americans are going to suffer needlessly because of it.

THE ENERGY CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. CLARK), is recognized for 5 minutes.

Mr. CLARK. Mr. Speaker, one of our Nation's greatest assets—an integral ingredient supporting and, indeed, fueling our progress to the position we now hold in the world—had been our ability to supply an ever-enlarging source of energy for our people.

Now, the energy crisis is upon us and we are searching out ways to slow down our progress, impede our growth, and conserve our energy supplies, so as not to create a national disaster which would leave people without light and heat for their homes, and leave industry without the power to turn the wheels of progress.

There is no doubt that this must be done. There is no doubt that it can be done. There is no doubt in my mind that it will be done through the cooperative effort of government, business, and industry and the people of our country because everyone knows the power of the American people to unite and accomplish a task of national emergency.

But implicit in our goal to conserve energy must be some evaluation of how this crisis came about. And I would like to submit that more than a small part has been played by overzealous protectors of the environment who have, through well-intentioned but misguided effort, succeeded in putting handcuffs on the busy hands of our industrial might, bringing about the threat of economic strangulation and feeding the flames of rampant inflation.

As a Representative of a State which has beneath its surface large deposits of energy in the form of coal, I would like to state for the record my irritation and frustration at the rules and regulations promulgated by environmental enthusiasts which prohibit the use of coal to fire electric powerplants, steel mills, blast furnaces, and other industrial plants because that vast source of energy, in greater supply than any other within our shores, has a sulfur content which these self-appointed experts feel is damaging to the health and well-being of our people.

And at the same time when any and all sources of energy are desperately required to meet energy needs, coal is being criticized for not being available and the coal industry is being scrutinized and chastised for not having the productive capacity to bring about mining and distribution miracles that would bring about plentiful supplies of coal at locations spread far and wide around the country. That would take, I submit, a wave of an industrial wand.

There is no industrial wand. The past 5 to 7 years have seen the implementation of environmental rules and regulations at both State and Federal levels which have discouraged rather than encouraged energy producers like coal companies from bringing about solutions to the energy crisis from which we are now suffering.

Right now, sulfur content regulations for all fuels are so stringent that we will have to go through the process of deregulation—a complicated and time-consuming procedure—in order to clear the way for coal to aid in solving our energy crisis complications.

I trust that this will be done. But I pray at the same time that we will not allow continued and further intervention by environmentalists which will delay or prohibit the production and distribution of coal. The vast quantities of this valuable resource should be mined and distributed in a climate of technical and economic encouragement. The men and machines required to produce the resource should be supported by legislation which will complement rather than frustrate coal mine operators. Legislation encouraging the utilization of coal in powerplants and industrial plants should be speeded and passed and finally, environmental concern should be looked at in a rational perspective for, while no one wants deliberate degradation of our natural environment, we have clearly overreacted, overregulated, overemphasized, overprophesied and overdramatized environmental protection to the stage where we have begun to strangle the energy lifelines which have given this Nation the standard of living and the astounding progress we have achieved.

The time has come for clear thinking members of Congress to recognize that dark streets, cold homes and silent factories are not America's destiny, that we have abetted foolish fuel fallacies with pitiful policies and must rectify our errors with thoughtful, consistent, enlightened action that puts the energy needs of people at least alongside if not ahead of the myopic environmentalists who can only see the bosom of Mother Nature. We cannot cure the admitted industrial pollution that has accumulated over the 200 years of our Nation's history, in 1 or 2 years of regimented enforcement that could bring this nation to its economic knees and make us prey for old-world domination that we so successfully escaped in 1775.

The administration dreamers have come up with still another gimmick in "Project Independence," designed, the President says, to make America self-sufficient in a few short years. Words are a dime a dozen and this administration has coined more phrases than the government has bureaus, while bowing to every whim of all the various cults of the Friends of the Earth, but what we are in drastic need of now—is action. "Project Independence" will not get off the ground if we do not free up the only resource America has in abundance—and that is coal, gentlemen. We have wasted so much time already that I hate to mention the word again, but a time reference is necessary if we are to put the coal situation into proper perspective; if we passed every law that is necessary to free coal from environmental shackles, it would take at least 24 months to get into the production that would be necessary to substantially ease the energy crisis.

THE NOMINATION OF GERALD R. FORD

(Mr. PODELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, I would like to speak briefly about the nomination of the minority leader of the House, Gerald Ford, of Michigan, to the Office of Vice President.

It is in the best interest of the country that the office be filled just as soon as reasonable men can do so following the procedures prescribed by the 25th amendment. I know the House Judiciary Committee will move with all due speed, without in any way sacrificing a thorough investigation, to report their findings and the nomination to the floor for full House debate and consideration.

At a time when the resignation or impeachment of the President is an open question, it is essential to the security of the Nation that the question of succession be settled. Particularly in view of the serious international tensions of recent weeks, America and the world must know that our deeds and commitments, especially in the Middle East, are meaningful; that the stands and policies of our Government are not threatened by instability.

We are faced with the twin specters of an energy crisis and Soviet designs in the Middle East. The future of our country and that of Israel, our close friend and ally for over 25 years, are inextricably entwined. If we stand firm in our commitment to conservation and self-sufficiency, if we resist economic blackmail which would force us to sacrifice our principles and our friends, then America can emerge from the present crisis as a truly great Nation. At a time such as this trust and leadership are crucial.

The American people and the nations of the world must know that the firm policies of the present administration in regard to the preservation of peace in the Middle East and the protection of Israel do not depend on any one man, even if that man is now the President. The world must also know that at such a time the Congress will not play partisan politics by seeking to thwart the nomination of Representative Ford.

Mr. Ford has been a true friend of Israel throughout the years, understanding both our moral commitment to that young country as well as the vital role that commitment plays in the defense of the free world.

Politically Representative Ford and I are different animals. In the normal course of events there is precious little in domestic politics we agree on. During the years we served together we have been almost uniformly on the opposite side of the legislative fence. But Mr. Ford faithfully represents the political philosophy espoused by President Nixon in the 1972 Presidential election and so deserves confirmation.

The nomination of Mr. Ford was greeted with wide approval in both Houses of Congress. That is due in large part to his record of 25 years in the House of Representatives. He is known here, and liked, for his open, straightforward approach in legislative matters. He is not consumed by ambition, nor obsessed by power, of which he has had considerable at his disposal during his tenure as minority leader. He is personable, a good listener and highly trained in the legislative arts. He would bring to the administration something that it has been lacking for the last 5 years, an understanding of the governmental process, the legislative process, and the intricate workings of Congress.

The striking similarities in the basic political philosophy of the minority leader and the administration suggest a harmonious relationship at the White House that may be reflected on the administration's legislative program. Yet that is not to say Mr. Ford is not his own man. He was not hurriedly tailored for the job. The similarities in the philosophy of the two are sincere, not contrived.

It is with these thoughts in mind that I urge House confirmation of the nomination with all due speed, if a fair and thorough assessment on the nomination by the Judiciary Committee discovers no information that might cast doubt on his qualifications.

I believe Gerald Ford will be a strong Vice President and if called upon a strong President in the difficult times ahead.

H.R. 9142, NORTHEASTERN RAILROAD SYSTEM

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, last Thursday the House passed H.R. 9142, a bill to restructure and revitalize the Northeastern railroad system. I supported this bill because I considered it a well-balanced, well-constructed approach to an extraordinarily complex situation. I feel that the labor protection provisions, abandonment clauses and the general approach to restructuring the rail system in the Northeast provide a solid basis for restoring quality rail service in that area. The House is to be commended for its speedy action, which should have the effect of eliminating the threat of economic turmoil that liquidation of the bankrupt railroads in the Northeast would have caused.

We should note, however, that one of the main reasons for committing massive amounts of the taxpayers' money to reorganizing the rail system in the Northeast, was the bankruptcy of the Penn Central. On June 21, 1970, the Penn Central Railroad, formed just 2 years and 4 months earlier in the largest merger in American corporate history, became the largest company in American history to declare bankruptcy. A subsequent 2-year investigation by Chairman Wright Patman and the Banking and Currency Committee, in which I participated, opened a Pandora's Box of dubious management practices, inside selling of Penn Central stock and various acts of questionable legality. Actions by the executive staff of the Penn Central were so flagrant and varied that within the short span of 16 months the Justice Department of the United States, under prodding by Chairman Patman, launched a vigorous and thorough investigation into allegations of illegal misconduct by the executive management of the Penn Central Railroad.

The investigation by the Justice Department was so vigorous that today, some 23 months later, not one single indictment has been handed up. It has now been 41 months since the Penn Central went bankrupt, leaving the trustees of the railroad with the impossible task of trying to reorganize a railroad on the verge of not only financial but physical collapse. I have written several times this year to the Justice Department requesting action on this case only to learn that, yes, indeed, "the investigation is continued." One can only wonder if the statute of limitations will run out before the Justice Department gets around to a vigorous pursuit of this case, a case a freshman law student could probably crack, despite its complexity.

I must apologize for my caustic remarks, for I am sure there are many fine, dedicated people working on the Penn Central case, but when I think of the untold economic disruption and expense to the Nation I cannot help but think of what the taxpayer feels about all this. I think of the average citizen who dutifully pays his taxes, and struggles to support his family, one whose only crime is an occasional traffic ticket, which he promptly pays. What does this person think when he sees the rich, the powerful, the affluent breaking the law with impunity, without fear of the law, while the Department of Justice seemingly is incapable of action.

I believe that if we are to allow the corporate criminal to go unpunished or to drag out the proceedings as we have seen in the prosecution of the Penn Central case, the respect and love the average citizen has toward his system of government will crumble into disillusionment. If the Justice Department seems unwilling to take action in the case, then it must be the duty of the Congress to push aggressively for a resolution of the matter. I have strongly urged several times that the House of Representatives open an investigation into the Justice Department's conduct of this matter. I again repeat this request and hope you will join me in this effort to restore respect to our system of criminal justice.

CONGRESSMAN JAMES M. HANLEY'S ADDRESS AT THE DEDICATION OF THE NEW YORK STATE GRANGE HEADQUARTERS IN CORTLAND, N.Y.

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, on Sunday, October 21, 1973, the New York State Grange dedicated its new $3.4 million headquarters building on Grange Street in Cortland, N.Y. During the 1960's I had the pleasure to represent Cortland County in Congress. The State Grange would have been hard pressed to find a more appropriate location than Cortland County. For years it has been one of the most viable and productive agricultural areas in the Northeast, especially in terms of dairy farming.

The Grange has long been a symbol of dedication to family, community, and country. These attributes are less easily found in the present day than ever before. Yet one man who strongly personifies this dedication to family, community, and country in his own person was the keynote speaker at that dedication, our beloved colleague, the gentleman from New York (Mr. Hanley), who now represents Cortland County in Congress.

I also feel strongly, Mr. Speaker, that Congressman Hanley's very pertinent remarks at that dedication deserve the attention of every Member of this Congress. For that reason, under leave to extend my remarks, I include the full text of Congressman Hanley's speech. Also I include a news article from the Cortland Standard setting forth further details of this happy occasion.

The items follow:

Congressman Hanley's Remarks

Ladies and gentlemen of the New York Grange, I congratulate you on the beauty of your new state headquarters, and I welcome you to Cortland. This building is a fine symbol of the vitality of the Grange. It is also a symbol of the vitality of Cortland.

I am really deeply grateful to your master, Bob Drake, for this opportunity to participate in this dedication, and I express my best wishes to all of you.

The Grange's dedication to family, community, and country was once expressed in this fashion. First, a higher and better manhood and womanhood among ourselves. Second, never being afraid of grace and beauty which will protect and enhance our environment, our homes, and our communities. Third, increasing our individual wisdom, that we may in a reasonable measure match the fabulous growth in the world's total knowledge, characterizing our day with a reasonably comparable growth in ourselves. Fourth, raising the standards of our own moral, cultural, and social achievements, that we may deserve, and in due course, command the respect of our neighbors.

I wish those were my words, but they are really yours. They were given to you six years ago when the Grange observed the 100th Anniversary of service to its members and its country.

The words came from the heart and mind of a great man—a tough fighter—a kindly and considerate gentleman—a man whose patriotism was measured by boundless enthusiasm and unlimited energy. Your national master, Herschel Newsom, so described the program and the policy of the grange when it reached its hundredth birthday.

It was characteristic of Herschel that on that occasion he looked ahead. And characteristic also of Herschel in the true grange pattern of husband and wife, family, and community, his wife Blanche worked closely with him and with the grange.

It seemed fitting and proper to take this time to note the contributions of Herschel and Blanche to the grange and to their country.

I think that it is also fitting and proper to take advantage of this occasion to discuss a matter of serious, national importance to you and me.

The United States has need of a sound and consistent economic policy, squarely based on the realities of modern domestic and international life as they relate to agriculture. This country has learned to its sorrow that eleventh hour, stop-gap decisions to ease one crisis in the economy only tend to make the total situation worse.

Helped along by two devaluations of the U.S. dollar, which had the effect of providing the foreign buyer with a 20% discount on American farm products, we are now experiencing a substantial expansion in the sale of farm production to other countries.

Unfortunately, this expansion comes when the United States is keeping farm land out of production, and response to the foreign demand for American food and fiber is slow. In 1972, the American people were treated to the spectacle of a Russian purchase of one quarter of the American wheat crop at bargain prices with a great line of credit. The U.S. supply of wheat, artificially limited and reduced by the forces of nature, went overseas.

It was a great success for the Russians and for the giant grain dealers who arranged the sale, but it was a serious, although temporary disaster for nearly everyone else involved. I say temporary because I believe that we can learn much from this event.

If the United States is going to have the opportunity in the foreseeable future to sell its agricultural production throughout the world, then sound economic policy dictates that we stop holding land out of production. Why pay for nonproduction at a time when demand for American food and fiber is at an all time high?

Artificial limits on production, without controls on exports, force the American housewife to compete with her sisters in other countries who are willing to pay much more for food than she is.

Let me hasten to add that I support the effort to increase farm income because increased farm income is the only logical way to keep large numbers of Americans in agriculture. I am committed to keeping American agriculture in the hands of the millions, not the few. Whether they fully appreciate it or not, the housewife and the small farmer share a common interest in this matter.

Serious shortages of agricultural production cause artificial price increases of substantial proportions, while overproduction results in sharp declines in farm income. Understandably so, we have been concerned about the adverse effects of overproduction in the past. However, I believe that agricultural policy for the years to come should be based as much on our best understanding of what the world marketplace will buy as on our recollections of the past.

Consider for a moment some of the dilemmas Congressmen face because the country has no consistent economic policy. We helped to wipe out the national reserves of feed grains because central New York dairy farmers lost their crops due to bad weather last year. I found myself supporting legislation to impose controls on the foreign sales of feed grains and wheat at the same time I was urging the President to life import restrictions on oil. I fought against a policy which encouraged imports of dairy products to meet domestic demand at a time when the Government was doing little to encourage an increase in the domestic production of dairy products.

I happen to believe that it is possible for the United States to adopt an economic policy toward agriculture which will promote strong farm income, encourage sufficient production to meet foreign demand, and still keep the price of a loaf of bread below fifty cents.

If some of the positions I have outlined above seem inconsistent, it is because there is no consistent economic policy designed in the short and long run to balance the economic realities of our time. For example, Americans discovered that price controls on agricultural products did not work because they were not addressed to the causes of the price increases. Controls only served to create shortages. And yet today we find the Cost of Living Council trying to hold down the price of fertilizer and the price of milk without action on the factors producing the rising costs.

The United States must end the practice of running from one hole in the total economic dike to another, trying to hold back the tide. The economic dislocations we are dealing with cannot be cured by emergency, almost frantic, solutions of a temporary nature.

Ladies and gentlemen, I submit that the time is long past due for the President to call on his team to work together in support of a sound and consistent policy. What a spectacle we have with the Secretary of Agriculture, the Secretary of Commerce, the Director of the Cost of Living Council, the Secretary of the Treasury, and the Council of Economic Advisers, all going off in their separate directions. Someone has to make a decision about what policy is best for the country as a whole. Someone has to determine the common good, and then bring the troops into line in pursuit of that goal.

I know that you understand and appreciate the need for stability and consistency in the economy, and this means that all segments and all competing forces in the economy must be brought together.

Again, I appreciated having this opportunity to share in this festive occasion. This new building is ample proof of the truth of the words of the then national master, James Draper, who told the Grange in 1886, "for this great work the Grange was organized, and it was not born to die nor will it fail in the accomplishment of its purpose".

Thank you.

Congressman Hanley Will Speak at Grange Building Dedication

New York State Grange will dedicate its $3-4 million new headquarters building here, on a new street, Grange Place, Sunday, starting at 3 p.m. Principal dedication address will be given by 31st District Congressman James M. Hanley of Syracuse.

Serenaded by the Homer High School Band and welcomed by Master of Ceremonies Richard A. Church of Dryden, the group will also hear from State Senator Tarky Lombardi Jr., Syracuse; Assemblyman L. S. Riford Jr., Auburn; and C. Jerome Davis, Ramsey, Ind., High Priest of Demeter of the National Grange.

A number of presentations will be part of the ceremonies:

Official opening of the new city-built street by Cortland Mayor Morris Noss.

Formal presentation of the new building flagpole by William A. Duncan, director of public relations and advertising for Brockway Motor Trucks.

Gift of a new American flag flown over the U.S. Capitol by Junior Grange Prince and Princess Vernon Smith and Barbara Stepf for East Clay Junior Grange (Onondaga County).

Gift of a Grange emblem flag by the State Grange youth director, Mr. and Mrs. Donald Drake, Cherry Valley, with Prince and Princess Barry Griffith and Phyllis Gleason assisting.

Keys to the building extended by Architect Karl Wendt, Cortland.

Gift of a grand piano from Cortland County Granges presented by Pomona Master Roland Oaks.

Gift of furnishings for the State master's office in the building by Oswego Pomona Grange presented by Oswego Grange Deputy Andrew Porter, Sandy Creek.

A brief dedication ceremony will be solemnized by State Grange Master Robert S. Drake, Woodhull; Lecturer Mrs. Howard Reed, Sauquoit; Secretary Morris J. Halladay, Groton; and Chaplain Bert S. Morse, Marathon.

State officers will be presented by Grange Service and Hospitality Chairman Mrs. Cecelia Pilc, Cowlesville, State Master Drake, assisted by Junior Grange Prince and Princess Philip Rhodda and Ann Emerson, will cut a ribbon, followed by an officers' reception.

Other Grange participants include Francis Robbins, Schuylerville, leading the National Anthem, and Grange Young Couple Nelson and Mary Eddy, Black River, leading the Pledge of Allegiance.

The principal speaker, Congressman Hanley, has served the 31st District in Congress since 1964. He is a graduate of St. Lucy's Academy, Syracuse, and a member of St. Patrick's Parish. He is married and the father of two children, Christine, 19, and Peter, 17. He is a member of the House Post Office and Civil Service Committee and the House Banking and Currency Committee.

As a first term legislator he had his own bill passed by the House of Representatives. The Hanley bill, of the 89th Congress, provides for expanded benefits for dependent parents and children of servicemen who died of service-connected injuries. The 90th Congress created a new standing subcommittee of the House Post Office and Civil Service Committee, entitled "Subcommittee on Employee Benefits," and Congressman Hanley was elected as its chairman. On February 16, 1970, the House of Representatives passed the Job Evaluation Policy Act of 1970, culminating three years of efforts on the part of the Subcommittee.

During his first term in office, Mr. Hanley was a strong supporter of Medicare and authored an amendment which substantially improved the legislation.

In 1965, the Congressman was instrumental in obtaining funds enabling Le Moyne College, Syracuse, to develop a pilot program, known as "Upward Bound" designed to alleviate the problem of high school dropouts by providing a program allowing underprivileged area students to participate in a summer higher education program at the college. This program has proven most successful and is now administered on a nationwide basis through the Office of Education.

Congressman Hanley has taken a leading role in focusing federal attention on the necessity of a program designed to rehabilitate America's destroyed small lakes. He introduced legislation which would make available Federal money and resources to save the Nation's dying urban lakes, and he was successful in having his legislation approved by the House in the 90th Congress. Although the Senate failed to act on that measure, he reintroduced it in the 91st Congress and it was approved by both Houses.

The Congressman served two terms on the House Veterans' Affairs Committee, and in 1969 was elected to the Banking and Currency Committee. He is a member of the Subcommittees on Urban Mass Transit, Small Business, and Insurance and Bank Supervision.

In 1973, he was elected Chairman of the Subcommittee on Postal Service, which has all jurisdiction over the U.S. Postal Service except labor management relations and facilities.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Peyser) and to revise and extend their remarks and include extraneous matter:)

Mr. Kemp, for 10 minutes, today.

Mr. Cleveland, for 5 minutes, today.

Mr. Baker, for 10 minutes, today.

(The following Members (at the request of Mr. Steelman) to revise and extend their remarks and include extraneous material:)

Mr. Steelman, for 5 minutes, today.

Mr. Roncalio of Wyoming, for 60 minutes, today, and to revise and extend his remarks and include extraneous matter.

Mr. Patman for 30 minutes, tomorrow, and to revise and extend his remarks and include extraneous matter.

Mr. Ashbrook for 30 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Ryan) and to revise and extend their remarks and include extraneous matter:)

Mr. Gonzalez, for 5 minutes, today.

Mr. Fuqua, for 5 minutes, today.

Mr. Harrington, for 10 minutes, today.

Mr. Davis of South Carolina, for 5 minutes, today.

(The following Members (at the request of Mr. Andrews of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. Fraser, for 5 minutes, today.

Mr. Dulski, for 5 minutes, today.

Mr. Benitez, for 5 minutes, today.

Mr. Fulton, for 5 minutes, today.

Mr. Clark, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Roush.

Mr. Mahon, his remarks today.

Mr. Eckhardt, his remarks preceding the vote on the Labor-HEW appropriations conference report today.

Mr. Rogers in five instances, and to include extraneous material.

Mr. Biaggi, his remarks prior to the vote on the motion to recommit on the Labor-HEW conference report today.

Mr. Gray in two instances, and to include extraneous material.

Mr. Fraser, and to include extraneous matter notwithstanding the fact that it exceeds 4½ quarter pages of the Congressional Record and is estimated by the Public Printer to cost $888.25.

The following Members (at the request of Mr. Peyser) and to include extraneous matter:

Mr. Brown of Ohio.

Mr. Derwinski in two instances.

Mr. Kemp in four instances.

Mr. Kuykendall in two instances.

Mr. Young of Alaska.

Mr. Eshleman.

Mr. Broyhill of Virginia.

Mr. Arends.

Mr. Wyman in two instances.

Mrs. Holt.

Mr. Shuster.

Mr. Bob Wilson in two instances.

Mr. Hudnut.

Mr. Smith of New York.

Mr. Maraziti.

Mr. Zwach.

Mr. Steiger of Wisconsin in two instances.

Mr. Symms.

Mr. Taylor of Missouri in two instances.

Mr. Shriver.

Mr. Lott.

Mr. Hosmer in two instances.

Mr. Burke of Florida.

Mr. Michel in five instances.

Mr. Froehlich.

Mr. Huber.

Mr. Collier in five instances.

(The following Members (at the request of Mr. Steelman) and to include extraneous material:)

Mr. Roncallo of New York in three instances.

Mr. Hogan.

Mr. Pritchard in five instances.

Mr. Broyhill of North Carolina.

Mr. Zion.

Mr. Spence.

Mr. Mizell.

(The following Members (at the request of Mr. Ryan) and to include extraneous matter:)

Mr. Sisk.

Mr. Cotter in 10 instances.

Mr. Gonzalez in three instances.

Mr. Rarick in three instances.

Mr. Minish.

Mr. Holifield.

Mr. Waggonner.

Mr. Mahon.

Mr. Harrington in five instances.

Mr. Badillo in two instances.

Mr. Koch.

Mr. Adams.

Mr. Van Deerlin.

(The following Members (at the request of Mr. Andrews of North Carolina) and to include extraneous material:)

Mr. Stark in 10 instances.

Mr. Symington.

Mr. Lehman.

Mr. Stokes.

Mr. de la Garza.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1081. An act to amend section 28 of the Mineral Leasing Act of 1920, and to authorize a trans-Alaska oil pipeline, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 4771. An act to authorize the District of Columbia Council to regulate and stabilize rents in the District of Columbia.

ADJOURNMENT

Mr. ANDREWS of North Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock p.m.) the House adjourned until tomorrow, Wednesday, November 14, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1548. A letter from the President of the United States, transmitting proposed supplemental appropriations for fiscal year 1974 for the Supreme Court (H. Doc. No. 93-188); to the Committee on Appropriations and ordered to be printed.

1549. A letter from the President of the United States, transmitting a proposed supplemental appropriation for fiscal year 1974 for the Department of Labor (H. Doc. No. 93-189); to the Committee on Appropriations and ordered to be printed.

1550. A letter from the Administrator, Agency for International Development, Department of State, transmitting a report on the implementation of section 620(s) of the Foreign Assistance Act of 1961, as amended, during fiscal year 1973; to the Committee on Foreign Assistance.

1551. A letter from the Acting Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to improve and extend the Public Health and National Health Service Corps scholarship training program; to the Committee on Interstate and Foreign Commerce.

Received From the Comptroller General

1552. A letter from the Comptroller General of the United States, transmitting a report on the examination of financial statements of the Federal Home Loan Mortgage Corporation for calendar years 1971 and 1972, pursuant to 12 U.S.C. 1452; to the Committee on Government Operations.

1553. A letter from the Comptroller General of the United States, transmitting a report on the examination of financial statements of the Export-Import Bank of the United States for fiscal year 1973, pursuant to 31 U.S.C. 841 (H. Doc. No. 93-190); to the Committee on Government Operations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLATNIK: Committee on Public Works. Senate Joint Resolution 155. Joint resolution authorizing the securing of storage space for the U.S. Senate, the U.S. House of Representatives, and the Office of the Architect of the Capitol (Rept. No. 93-629). Referred to the Committee of the Whole House on the State of the Union.

Mr. SIKES: Committee on Appropriations. H.R. 11459. A bill making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1974, and for other purposes. (Rept. No. 93-638.) Referred to the Committee of the Whole House on the State of the Union.

Mr. BLATNIK: Committee on Public Works. S. 2503. An act to name a Federal office building in Dallas, Tex., the "Earle Cabell Federal Building". (Rept. No. 93-637). Referred to the House Calendar.

Mr. BLATNIK: Committee on Public Works. H.R. 6862. A bill to name the headquarters building in the Geological Survey National Center under construction in Reston, Va., as the "John Wesley Powell Federal Building". (Rept. No. 93-635). Referred to the House Calendar.

Mr. BLATNIK: Committee on Public Works. H.R. 9430. A bill to name the U.S. courthouse and Federal office building under construction in New Orleans, La., as the "Hale Boggs Federal Building", and for other purposes. (Rept. No. 93-636). Referred to the House Calendar.

Mr. PIKE: Committee of conference. Conference report on S. 2408 (Rept. No. 93-634). Ordered to be printed.

Mr. BOLLING: Committee on Rules. House Resolution 694. Resolution providing for the consideration of H.R. 11216. A bill to amend Public Law 93-60 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes (Rept. No. 93-630). Ordered to be printed.

Mr. MATSUNAGA: Committee on Rules. House Resolution 695. Resolution providing for the consideration of H.R. 11333. A bill to provide a 7-percent increase in social security benefits beginning with March 1974 and an additional 4-percent increase beginning with June 1974, to provide increases in supplemental security income benefits, and for other purposes (Rept. No. 93-631). Ordered to be printed.

Mr. MURPHY of Illinois: Committee on Rules. House Resolution 700. A resolution providing for the resolution (H. Res. 128) expressing the sense of the House of Representatives with respect to actions which should be taken by Members of the House upon being convicted of certain crimes, and for other purposes (Rept. No. 93-632). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 701. A resolution waiving points of order against the consideration of the bill (H.R. 11459) and waiving points of order against unauthorized items of appropriation in said bill (Rept. No. 93-633). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPIN:

H.R. 11415. A bill to amend section 6334 of the Internal Revenue Code of 1954 to exempt from levy 90 percent of an individual's wages or salary; to the Committee on Ways and Means.

By Mr. BIAGGI (for himself, Mr. Roncallo of New York, and Mr. Won Pat):

H.R. 11416. A bill to provide for the establishment within the Department of Health, Education, and Welfare of a National Center on Child Abuse and Neglect; to provide a program of grants to States for the development of child abuse and neglect prevention and treatment programs; and to provide financial assistance for research, training, and demonstration programs in the area of prevention, identification, and treatment of child abuse and neglect; to the Committee on Education and Labor.

By Mr. COLLINS of Texas:

H.R. 11417. A bill to provide that daylight saving time shall be observed on a year-round basis; to the Committee on Interstate and Foreign Commerce.

By Mr. DELANEY:

H.R. 11418. A bill to amend title II of the Social Security Act to eliminate the earnings test and reduce the age of eligibility for benefits under the OASDI program, and to amend title XVIII of such act to eliminate all deductibles and coinsurance and provide coverage for drugs, eyeglasses, dentures, hearing aids, and other items under the medicare program; to the Committee on Ways and Means.

By Mr. DULSKI (by request):

H.R. 11419. A bill to insure that the compensation and other emoluments attached to the Office of Attorney General are those which were in effect on January 1, 1969; to the Committee on Post Office and Civil Service.

By Mr. FORSYTHE:

H.R. 11420. A bill to exclude from gross income the first $1,000 of interest received from savings account deposits in home lending institutions; to the Committee on Ways and Means.

By Mr. FRENZEL (for himself, Mr. Brown of Ohio, Mr. Andrews of North Dakota, Mr. Archer, Mr. Burgener, Mr. Butler, Mrs. Chisholm, Mr. Fisher, and Mr. Widnall):

H.R. 11421. A bill to amend the Federal Election Campaign Act of 1971 and the Communications Act of 1934 to provide for more effective regulation of elections for Federal office, and for other purposes; to the Committee on House Administration.

By Mr. HARRINGTON:

H.R. 11422. A bill to establish a New England Regional Power and Environmental Protection Agency for the purpose of assuring adequate and reliable low-cost electric power to the people of New England, protecting and enhancing the environment, and providing a vehicle for research and development programs; to the Committee on Interstate and Foreign Commerce.

By Mr. HASTINGS:

H.R. 11423. A bill to amend title 44 of the

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United States Code to designate the Daniel Reed Library at the State University College of Fredonia in Fredonia, N.Y., as a depository library; to the Committee on House Administration.

By Mr. HAYS:

H.R. 11424. A bill to authorize appropriations for the U.S. Information Agency; to the Committee on Foreign Affairs.

By Mr. HECHLER of West Virginia:

H.R. 11425. A bill to amend the Duck Stamp Act and other laws to prohibit the charging of any Federal fee to any individual who has attained age 65 for the privilege of hunting, trapping, or fishing; to the Committee on Merchant Marine and Fisheries.

By Mr. HUDNUT:

H.R. 11426. A bill to amend title 18, United States Code, to promote public confidence in the legislative branch of the Government of the United States by requiring the disclosure by Members of Congress and certain employees of the Congress of certain financial interests; to the Committee on Standards of Official Conduct.

By Mr. KEMP:

H.R. 11427. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to prohibit the Secretary of Transportation from imposing certain seatbelt standards, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. LONG of Louisiana:

H.R. 11428. A bill to provide housing for persons in rural areas of the United States on an emergency basis and to amend title V of the Housing Act of 1949; to the Committee on Banking and Currency.

By Mr. McCOLLISTER (for himself, Mr. Ware, and Mr. Frey):

H.R. 11429. A bill to amend the Clean Air Act to provide temporary authority to suspend certain stationary source fuel and emission limitations; to the Committee on Interstate and Foreign Commerce.

By Mr. McCORMACK (for himself, Mr. Teague of Texas, Mr. Mosher, Mr. Goldwater, Mr. Mazzoli, Mr. Thone, Mr. Stark, Mr. Won Pat, Mr. Treen, Mr. Foley, Mr. Obey, Mr. McCloskey, Mr. Forsythe, Mrs. Green of Oregon, Mr. Sarbanes, Mr. Lujan, Mrs. Collins of Illinois, Mr. Cohen, Mr. Ullman, Mr. Lehman, Mr. Alexander, Mr. Owens, Mr. Shoup, Mr. Snyder, and Mr. Culver):

H.R. 11430. A bill to provide for the early commercial demonstration of the technology of solar heating by the National Aeronautics and Space Administration in cooperation with the National Bureau of Standards, the National Science Foundation, the Secretary of Housing and Urban Development, and other Federal agencies, and for the early development and commercial demonstration of technology for combined solar heating and cooling; to the Committee on Science and Astronautics.

By Mr. McCORMACK (for himself, Mr. Teague of Texas, Mr. Mosher, Mr. Goldwater, Mr. Johnson of California, Mr. Sarasin, Mr. Yatron, Mr. Fulton, Mr. Michel, Mr. Hamilton, Mr. Boland, Mr. Wyman, Mr. Patten, Mr. Bafalis, Mr. McKay, Mr. Nedzi, Mr. Rarick, Mr. McEwen, Mrs. Holt, Mr. Rodino, Mr. Jones of Oklahoma, Mr. McClory, Mr. Hinshaw, Mr. Byron, and Mr. Young of Florida):

H.R. 11431. A bill to provide for the early commercial demonstration of the technology of solar heating by the National Aeronautics and Space Administration in cooperation with the National Bureau of Standards, the National Science Foundation, the Secretary of Housing and Urban Development, and other Federal agencies, and for the early development and commercial demonstration of technology for combined solar heating and cooling; to the Committee on Science and Astronautics.

By Mr. McCORMACK (for himself, Mr. Teague of Texas, Mr. Mosher, Mr. Goldwater, Mr. du Pont, Mr. Huber, Mrs. Grasso, Mr. Ryan, Mrs. Boggs, Mr. Seiberling, Mr. Skubitz, Mrs. Burke of California, Mr. Rinaldo, Mr. Runnels, Mr. Rhodes, and Mr. Casey of Texas):

H.R. 11432. A bill to provide for the early commercial demonstration of the technology of solar heating by the National Aeronautics and Space Administration in cooperation with the National Bureau of Standards, the National Science Foundation, the Secretary of Housing and Urban Development, and other Federal agencies, and for the early development and commercial demonstration of technology for combined solar heating and cooling; to the Committee on Science and Astronautics.

By Mr. McCORMACK (for himself, Mr. Teague of Texas, Mr. Mosher, Mr. Goldwater, Mr. Ullman, Mr. Duncan, Mr. Bowen, Mr. Carney of Ohio, Mr. Obey, Mr. Roush, Mr. Moss, Mr. Eshleman, Mr. Jones of Oklahoma, Mr. Fisher, Mr. Mazzoli, Mr. Edwards of California, Mr. Studds, Mr. Burgener, Mr. Leggett, Mr. Cleveland, Mr. Baker, Mr. Steiger of Wisconsin, Mrs. Heckler of Massachusetts, Mr. Corman, and Mr. Rees):

H.R. 11433. A bill to further the conduct of research, development, and commercial demonstrations in geothermal energy technologies, to direct the National Science Foundation to fund basic and applied research relating to geothermal energy, and to direct the National Aeronautics and Space Administration to carry out a program of demonstrations in technologies for commercial utilization of geothermal resources including hot dry rock and geopressured fields; to the Committee on Science and Astronautics.

By Mr. McCORMACK (for himself, Mr. Teague of Texas, Mr. Mosher, Mr. Goldwater, Mr. Ryan, Mr. Mitchell of New York, Mr. Rhodes, and Mr. Casey of Texas):

H.R. 11434. A bill to further the conduct of research, development, and commercial demonstrations in geothermal energy technologies, to direct the National Science Foundation to fund basic and applied research relating to geothermal energy, and to direct the National Aeronautics and Space Administration to carry out a program of demonstrations in technologies for commercial utilization of geothermal resources including hot dry rock and geopressured fields; to the Committee on Science and Astronautics.

By Mr. McCORMACK (for himself, Mr. Teague of Texas, Mr. Mosher, Mr. Goldwater, Mr. Murphy of New York, Mr. Fulton, Mr. Podell, Mr. Ware, Mr. Robinson of Virginia, Mr. Eckhardt, Mr. Conte, Mr. Huber, Mr. Fraser, Mr. McKay, Mr. Blackburn, Mr. Helstoski, Mr. Johnson of Colorado, Mr. Yatron, Mr. Ketchum, Mr. Hogan, Mr. Matsunaga, Mrs. Grasso, Mr. Preyer, Mr. Carney of Ohio, and Mr. Hamilton):

H.R. 11435. A bill to further the conduct of research, development, and commercial demonstrations in geothermal energy technologies, to direct the National Science Foundation to fund basic and applied research relating to geothermal energy, and to direct the National Aeronautics and Space Administration to carry out a program of demonstrations in technologies for commercial utilization of geothermal resources including hot dry rock and geopressured fields; to the Committee on Science and Astronautics.

By Mr. McCORMACK (for himself, Mr. Teague of Texas, Mr. Mosher, Mr. Goldwater, Mr. Tiernan, Mr. Thomson of Wisconsin, Mr. Fish, Mr. Melcher, Mr. Annunzio, Mr. Van Deerlin, Mr. Poage, Mr. Denholm, Mr. Shoup, Mr. Lujan, Mr. McDade, Mr. Kemp, Mr. Schneebeli, Mr. Forsythe, Mr. Hicks, Mr. Derwinski, Mr. Rodino, Mrs. Collins of Illinois, Mr. Pepper, Mr. Boland, and Mr. Wright):

H.R. 11436. A bill to further the conduct of research, development, and commercial demonstrations in geothermal energy technologies, to direct the National Science Foundation to fund basic and applied research relating to geothermal energy, and to direct the National Aeronautics and Space Administration to carry out a program of demonstrations in technologies for commercial utilization of geothermal resources including hot dry rock and geopressured fields; to the Committee on Science and Astronautics.

By Mr. MARAZITI:

H.R. 11437. A bill to cease exports of oil and oil products from the United States; to the Committee on Banking and Currency.

H.R. 11438. A bill to cease all foreign aid to those Middle East nations that reduced the export of oil and oil products to the United States as a punitive reaction to U.S. support of Israel; to the Committe on Foreign Affairs.

By Mr. MOAKLEY (for himself and Mr. Helstoski):

H.R. 11439. A bill to amend title 3 of the United States Code to provide for the order of succession in the case of a vacancy both in the Office of President and Office of the Vice President, to provide for a special election procedure in the case of such vacancy, and for other purposes; to the Committee on the Judiciary.

By Mr. PATMAN:

H.R. 11440. A bill to provide for Federal control over foreign banks and other foreign persons establishing, acquiring, operating, or controlling banking subsidiaries in the United States (including its possessions); to the Committee on Banking and Currency.

By Mr. PERKINS (for himself, Mr. Quie, Mr. Hawkins, Mr. Steiger of Wisconsin, Mr. Brademas, Mr. Bell, and Mr. Meeds):

H.R. 11441. A bill to postpone the implementation of the Head Start fee schedule; to the Committee on Education and Labor.

By Mr. PEYSER:

H.R. 11442. A bill to prohibit discrimination on account of sex or marital status against individuals seeking credit; to the Committee on Banking and Currency.

By Mr. QUILLEN:

H.R. 11443. A bill to amend title 38, United States Code, to provide veterans a 10-year delimiting period for completing educational programs; to the Committee on Veterans' Affairs.

By Mr. RARICK (for himself, Mr. Treen, Mr. Landgrebe, Mr. Hudnut, Mr. Symms, Mr. Whitehurst, Mr. Collins of Texas, and Mr. Lehman):

H.R. 11444. A bill to amend title XI of the Social Security Act to repeal the recently added provision for the establishment of Professional Standards Review Organizations to review services covered under the medicare and medicaid programs; to the Committee on Ways and Means.

By Mr. REES:

H.R. 11445. A bill to provide emergency security assistance authorizations for Israel; to the Committee on Foreign Affairs.

By Mr. RODINO:

H.R. 11446. A bill to assure opportunities for employment and training to unemployed and underemployed persons; to the Committee on Education and Labor.

By Mr. ROGERS (for himself, Mr. Kyros, Mr. Preyer, Mr. Roy, and Mr. Carter):

H.R. 11447. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide a mechanism to obtain information bearing on the adulteration or misbranding of food; to

the Committee on Interstate and Foreign Commerce.

H.R. 11448. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide increased assurance against adulterated or misbranded food; to the Committee on Interstate and Foreign Commerce.

By Mr. SISK:

H.R. 11449. A bill to abolish the U.S. Postal Service, to repeal the Postal Reorganization Act, to reenact the former provisions of title 39, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. STAGGERS:

H.R. 11450. A bill to direct the President to take action to assure through energy conservation, rationing, and other means, that the essential energy needs of the United States are met, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDERSON of Illinois (for himself, Mr. Pepper, and Mr. Thone):

H.R. 11451. A bill to improve the conduct and regulation of Federal election campaign activities and to provide public financing for such campaigns; to the Committee on House Administration.

By Mr. CAREY of New York:

H.R. 11452. A bill to correct an anomaly in the rate of duty applicable to crude feathers and downs, and for other purposes; to the Committee on Ways and Means.

By Mr. GOLDWATER:

H.R. 11453. A bill to amend the Consumer Credit Protection Act to provide full disclosure of contents of report to consumers; to the Committee on Banking and Currency.

H.R. 11454. A bill to amend the "Freedom of Information Act" to require consent of subject individuals before disclosure of personally identifiable information in certain circumstances; to the Committee on Government Operations.

H.R. 11455. A bill to protect the privacy of statistical reporting or research system subjects; to the Committee on the Judiciary.

By Mr. PRITCHARD:

H.R. 11456. A bill to extend daylight saving time to the entire calendar year for a 3-year period, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SIKES:

H.R. 11459. A bill making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1974, and for other purposes.

By Mr. HECHLER of West Virginia:

H.J. Res. 822. Joint resolution to amend title 5 of the United States Code to provide for the designation of the 11th day of November of each year as Veterans' Day; to the Committee on the Judiciary.

By Mr. HANLEY:

H.J. Res. 823. Joint resolution to provide for the designation of February 20 of each year as "Postal Employees Day"; to the Committee on the Judiciary.

By Mr. WIDNALL:

H.J. Res. 824. Joint resolution designating November 11 of each year as "Armistice Day"; to the Committee on the Judiciary.

By Mr. THOMPSON of New Jersey:

H. Res. 693. Resolution to provide funds for the Committee on the Judiciary; to the Committee on House Administration.

By Mr. BINGHAM (for himself and Mr. Moakley):

H. Res. 696. Resolution to establish as part of the congressional internship program an internship program for senior citizens in honor of John McCormack, and for other purposes; to the Committee on House Administration.

By Mr. FROEHLICH (for himself, Mr. Keating, Mr. Roncallo of New York, Mr. Bauman, Mrs. Holt, Mr. Huber, Mr. Hudnut, Mr. Landgrebe, Mr. Lott, Mr. Mazzoli, Mr. Minshall of Ohio, Mr. O'Brien, Mr. Powell of Ohio, Mr. Regula, Mr. Roe, Mr. St Germain, Mr. Sebelius, Mr. Shoup, Mr. Thone, Mr. Vanik, Mr. Walsh, Mr. Whitehurst, and Mr. Won Pat):

H. Res. 697. Resolution creating a select committee to study the impact and ramifications of the Supreme Court decisions on abortion; to the Committee on Rules.

By Mr. KEMP:

H. Res. 698. Resolution creating a Standing Committee on Small Business in the House of Representatives; to the Committee on Rules.

By Mr. O'NEILL (for himself and Mr. Brown of Michigan):

H. Res. 699. Resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

326. The SPEAKER presented a memorial of the Senate of the Commonwealth of Massachusetts, relative to observance of daylight saving time year-round; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DELLENBACK:

H.R. 11457. A bill for the relief of Il Kwon Yang; to the Committee on the Judiciary.

By Mr. MAILLIARD:

H.R. 11458 A bill for the relief of Arsenia Daitol Hingpit; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

352. The SPEAKER presented a petition of the Board of Commissioners, Sarasota County, Fla., relative to its confidence in and support of the President of the United States; to the Committee on the Judiciary.

353. Also, petition of Phillip B. Anderson, Pittsburgh, Pa., relative to redress of grievances; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

DRUG ABUSE PREVENTION WEEK

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Tuesday, November 13, 1973

Mr. SCHWEIKER. Mr. President, as you know, October 21–27 was Drug Abuse Prevention Week. As sponsor of the original Senate resolution proclaiming this week, I regret the official observance may have been somewhat lost amid the clamor of recent events. However, the significance of Drug Abuse Prevention Week can never be lost for those whose lives it touched.

The message of this fourth annual Drug Abuse Prevention Week was unique, and it is one we badly needed to hear. The message was not the authoritarian "Don't use drugs." Nor was it the factual message about the chemical properties of various drugs. Rather, the focus of the week was on the specific reasons why people are using drugs in the first place. The message was that drug abuse is a sensitivity problem, and a symptom of loneliness, frustration, despair, and that persons who use drugs, whether as experimenters or addicts, are attempting in their own way to communicate that they have a deeper problem. Finally, the proclamation of Drug Abuse Prevention Week sought to shed light on the fact that communication must be viewed as one way of overcoming many of these human problems.

The main theme of Drug Abuse Prevention Week 1973 was "There's a brand-new language we're using"—a language of caring and of trying to bridge the gaps and misunderstanding that divide us. One of the booklets prepared for use by families during and after Drug Abuse Prevention Week states:

> Openness and genuine interaction between people is what the family process is all about. Where drugs are concerned, it's the kind of behavior that can help people find alternatives to handling their problems with chemicals.

Drug Abuse Prevention Week is not just a week of formal observances followed by oblivion. It is an ongoing program which I sincerely hope will be put into action in every community in the country.

Mr. President, I ask unanimous consent that the drug abuse prevention workbook for families, entitled Coming Home: A Thoughtbook for People, be printed in the Record. I am confident this book can shed light on ways in which we can all help prevent drug abuse.

There being no objection, the booklet was ordered to be printed in the Record, as follows:

Coming Home: A Thought Book for People

INTRODUCTIONS

During the past few years, I have travelled coast to coast dozens of times, talked to thousands of people in state after state, met with audiences in tiny basement meeting rooms and huge auditoriums.

People have asked me: what about drug abuse? What about your own family's tragedy? How can we help prevent the spread of abuse?

If there were enough hours in the day, or enough time in the lives of all the people who have been so concerned, I would go back to the groups I met years ago and tell them: I didn't have all the facts. None of us did. There are things we should have talked about that we didn't, and my "answers" to drug abuse prevention today are not what they were when I set out to do something about it a few years ago.

Drug abuse and the problems people have with drugs are not very mysterious, but we

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used to think they were. Back then, we were overwhelmed by the headlines that seemed to menace us every day with talk of this or that mind-altering drug, and new drug-taking behavior among young people, housewives, businessmen, rich, poor, all across the board.

There seemed to be new drugs, and new drug problems around every corner. Panic and frustration took the place of reasonable response; I recall vividly thinking, and probably saying publicly, that if only we spent all our time and resources sweeping the streets of every drug and every drug-user, things would be all right.

Now, I know that drug abuse problems are not so mysterious or special, except sometimes in the ways they work themselves out in people's lives. What's happening is that people fail in one way or another to cope with life's difficulties and obstacles. They fail to adapt, and in their search for help, they turn to drugs to fill in for what they can't do on their own. We don't have solutions to the problems associated with this kind of behavior (smoking, excessive use of alcohol, overeating are other manifestations of the same difficulty) but at least now we know better than to run away from them. We also know better than to put all the blame, all the emphasis, on the drugs used—because people, after all, is what we care about.

Drug abuse prevention depends on many things, but it seems to me that primarily it depends on helping people work things out without turning to artificial experiences or supports. People can help people best, if they learn how to relate effectively, interact compassionately and honestly, and draw strength from the relationships they build with each other. This booklet describes some of the ways that people can begin to reach out; as a collection of ideas and suggestions, it ought to make you pause a moment and consider the potential in working and sharing with others.

If I could meet again with those early audiences, I would offer some of the suggestions contained in this booklet. But I would repeat what I have said since the days when I learned, painfully and relentlessly, what drug abuse is really all about: there is no substitute for love and understanding, openness and caring, between people—none at all. Whatever else we may do to prevent drug abuse, we will have done nothing if we fail to reach out for that goal.

The first step towards drug abuse prevention is not much of a step at all, and it is everything. It is the hand that reaches out to touch another.

ART LINKLETTER,
Member, National Advisory Council for Drug Abuse Prevention.

This is a book about how people act with each other. It is not a book telling parents how to understand kids; it is not a book asking kids to have patience with the old folks. Instead, it's ideas and suggestions that might help people share with each other wherever they are: in a family, in a community center, on the street, whatever path they walk through the world.

It's been said that when people learn to trust each other, share experiences, communicate, they will be able to deal more effectively with their own lives, their own problems, and not depend too much on drugs or other hazardous experiences. Theories are fine, but these things have to be worked out in your home, on the street, on a people-to-people basis. No theories, no books, can substitute for life experiences in a family or group context.

When we talk about "family," it's not just the traditional mother-father-children cluster: we believe "family" means a *process* that happens when people are drawn together and interact because of common needs or interests. It *might* happen in a home where parents and children live together, or it might happen on the block when neighbors help each other out . . . or at a youth center . . . or between a Big Brother and his favorite kid . . . or at a halfway house where people are trying to kick a drug habit and get back to living.

And why is this book being distributed in conjunction with Drug Abuse Prevention Week 1973?

In every family, every group that pulls together for common needs or interests, there is the potential for help and respect and outlets for frustration and deep feelings. If you want to reach out to other people, it doesn't matter who you are, or what kind of "family" you come from, or any of that—race, income, where you work, how you play—none of it matters. We hope this book will have some ideas for you.

One of the ways people have been able to deal with drug abuse is to try and work things out with other people, not with more drugs. The process we call "family" has helped many people who were caught. Maybe it can help keep others from getting caught in the first place.

Families can often solve very tough problems themselves when they work at it together—but not always—even in very strong families. For these too-tough problems (sometimes including drug abuse problems), there are treatment and rehabilitation programs all over the country which are prepared to help. There are also many helping programs not specifically related to drug abuse. Help is usually in your neighborhood, and certainly in your community.

This booklet is simply a reminder that for many people, in many different situations, help is no farther away than the nearest friend or companion, relative or stranger, who will be there to work things out.

ROBERT L. DUPONT, M.D.,
Director, Special Action Office for Drug Abuse Prevention.

DIFFERENT KINDS OF LOVE AND WAR

There is nothing routine about getting along with other people. In fact, we probably get into trouble when we turn human encounters into rehearsed and predictable routines. The act and art of being human is something we work on all the time. The writer D. H. Lawrence described the goal:

"I am part of the human race . . . part of the great human race, as my spirit is part of my nation. In my own very self, I am part of my family."

Being together, caring about each other, feeling a sense of belonging, usually brings people closer together and helps them cope with problems.

Out on the streets, kids have been demonstrating the power of "belongingness" for a long time. There have always been youth gangs. Gang members talked about how it was great to be a part of the gang—to belong to a family. The political protests and rock concerts and street "happenings" of the 1960's were examples of the pulling together, the shared experience and communion that comes when people create a common bond. Urban gangs in the early 1970's—even though they sometimes work out their images in destructive ways—are demonstrating, again, how much we all need to belong.

And of course, it isn't all destructive. It has been youth "gangs," working together and sharing a common concern, that has sparked Earth Days, environmental cleanups, community health projects and many more.

The "family feeling" crops up in unexpected places. Some kids sitting on a curb in San Francisco told why they share a dirty needle when they shoot heroin:

"A feeling of fraternity . . . a feeling of belonging . . . I feel very attached . . . I like the close feeling . . . it made it more on a family thing . . . it's a lot better when you're in a group."

We might say those kids are killing each other slowly, and what kind of togetherness is that? You can argue either point. There are all kinds of sharing and all kinds of harm we do to each other—and sometimes one gets confused with the other.

A big mistake some people make is to judge human relationships based on the setting, the environment in which people find themselves. Here's an illustration:

In a crowded urban neighborhood, there's a kid who lives with his mother and her common-law husband. The man is never home, and the mother works long hours. The kid has no brothers or sisters, and spends a lot of time out on the streets. He lives in a neighborhood where drugs are plentiful, authority is determined by who's toughest, and on a hot summer night there's not much to do.

Sounds like a classic set-up for a kid in trouble—but he isn't. He and his mother are each other's best friend, and the communication between them is honest and spontaneous. She talks, he listens; he talks, she respects his point of view. They take each other seriously, and don't cop out by complaining about how tough things are or how there's nobody who cares. Because *they* care, and as members of a family, they work at making it stick.

Do broken families, single-parent homes, working mothers or absent fathers necessarily mean trouble for the family? Or are there ways for people in those situations to build bridges and keep the contacts alive?

And what about the "other kind" of family, the one that seems to be ideal? In a wealthy suburb, there's a family of seven: successful father, attractive mother, five sons. Big house, cars, private schools for the boys. There's an air of solidity, security about the family, but it's a fake. The oldest son and the father can't talk to each other; the kid has run away four or five times; the mother is ready to split; and when you get to know them, you find out that there is tension throughout the house.

We are in the middle of an age of mixed blessings. The family in the suburb has more money and material success than the family in the urban neighborhood, but what about peace of mind? How to measure it? The world is full of things to do, places to go, adventures and encounters; but does all the running sometimes pull families apart, split up people, make us strangers to each other?

Kurt Vonnegut, Jr., is a popular writer who understands this phenomenon. In an interview recently, Vonnegut talked about his view of the family, of the things that pull us together or push us apart:

"This is a lonesome society that's been fragmented by the factory systems . . . People don't live in communities permanently anymore. But they should: communities are very comforting to human beings.

"Until recent times, you know, human beings usually had a permanent community of relatives. They had dozens of homes to go to . . . if a kid got so fed up with his parents that he couldn't stand it, he could march over to his uncle's for a while. And this is no longer possible. Each family is locked into its little box.

"It's one of the weaknesses of our society that so few people are willing to be father, to be responsible, to be the organizer, to say what's to be done next . . . The standard behavior pattern in our society now is for the father to deny he's father as soon as he possibly can, when the kid is 16 or so.

"After I'm gone, I don't want my children to have to say about me what I have to say about my father: "He made wonderful jokes, but he was such an unhappy man".

UNDERSTANDING: THE HAPPY ACCIDENT

How well do we really know each other? Even in tightly-knit, "solid" families, how well does each family member know the others? Do we sometimes make judgments about people, label them and assume things about them, based only on surface impressions? (Kids with long hair are automatically "hippies and freaks," and adult men in business suits are automatically "stuffy, uptight and materialistic.")

Part of the secret of interacting effectively with people is to learn to see individual strengths and unique attributes. When you fail to do this, you tend to lump all people in categories—and that blocks out some of the good relationships that might develop. "Blanket" impressions lead to blanket judgments about people:

"I would like to suggest that you don't use speed, and here's why: It is going to mess up your heart, mess up your liver, mess up your kidneys, rot your mind. In general, this drug will make you just like your mother and father."—Frank Zappa, rock musician, leader of the Mothers of Invention.

All mothers and fathers aren't blighted the way Zappa implies, but maybe he knew one or two such people when he made his statement, and since we tend to fall into the habit of generalizing about people, all mothers and fathers take their lumps. A key to breaking through these walls of misunderstanding is for all of us to try to see each other clearly, for what we really are, not just what we seem to be.

Another important aspect of getting across is being clear about what *you* are all about. It's hard—practically impossible—to communicate ideas, feelings, worries or opinions unless you've got them straight in your head and really know what you mean to say. All of us fail sometimes to be strong in our convictions; what's even more frustrating, but easier to correct, is to fail to be clear in our message-making. If it's in you to be said, *say* it.

Dr. Eric Berne, author of "Games People Play," put his finger on the process by which we build bridges, make contacts between us. In "What Do You Say After You Say Hello?" Dr. Berne says: "To say Hello rightly is to see the other person, to be aware of him as a phenomenon, to happen to him and to be ready for him to happen to you." Openness and genuine interaction between people is what the family process is all about. Where drugs are concerned, it's the kind of behavior that can help people find alternatives to handling problems with chemicals.

To be authentic with each other—to resist the temptations to manipulate, to deceive, to play games and tricks—is the way to build trust and understanding. Characteristically, one hears about communication in terms of what you should *say*. Instead of saying anything, why not think of communicating by *listening*—by opening up some "windows" on the world, and particularly on the people who are with you and a part of your life.

Many of us have let too much clutter, too much mental "trash," get in the way of this kind of openness. By clearing away the clutter, and seeing things and people as they really are, we can begin to get to know each other, understand why we act the way we do, and savor human relationships for the good that is in them.

SOME IDEAS FOR TODAY, AND MAYBE TOMORROW

This booklet doesn't offer "how-to" suggestions; it offers "maybes," things to try or ways to think that might be worth a chance or two on your part.

THE REACH QUIZ

The Boy Scouts of America decided that parent and child could use some help getting the communication channels open again, so they devised the Reach Quiz. Here are some excerpts:

1. When was the last time you and he had a serious discussion? What was it about?

2. Can you tell, without his telling you, when he's feeling angry? How? What about when he's feeling happy? Proud? Guilty? Sad? Afraid? How do you express those feelings?

3. If you could change his appearance in any way, what would you do? Cut his hair? Throwaway his tie-dyed jeans? Make him stand straighter? What do you think *he* would change in his appearance? What do you think he would change in yours?

4. You've worked very late for about two weeks in a row. All you can think of tonight is a good, long sleep. But he reminds you it's his Little League championship game. Or, you get a surprise bonus vacation, but it has to be taken while he's in school. What do you do? How does your family handle a legitimate conflict of interests? Do you compromise? Does the one with the most desperate need have it his way? Does the one who gets his way promise to make up for it in the future?

5. What do you think he *really* wants to do when he starts a career? Do you approve? Would you approve of anything he wanted to be? A circus roustabout? A nuclear physicist? A poet? What do you think he thinks of your career?

6. Do you think he knows what your *real* interests are? What do you think he thinks? Do you think he approves?

7. Do you think he has any special talents? What? What do you think he feels his special talents are? What do you think he feels yours are?

8. Name two things you think make him feel most angry. Happiest. Proudest. Guiltiest. Saddest. Most afraid. What do you think he thinks provokes these feelings in you?

9. Do you think he has any major shortcoming? What? What do you think he feels they are? What do you think he feels yours are?

10. Do you think he likes you? Not loves, son-to-parent style, but *likes?* Do you think he would choose you as a friend if you weren't his parent? Would you choose him?

THE DOCTOR'S QUESTIONS

She is Dr. Phyllis Harrison-Ross, pediatrician and child psychiatrist, member of the National Advisory Council for Drug Abuse Prevention. She is black, and wrote *"The Black Child: A Parents' Guide."* Chapter 39 is a series of notions (we'll make them questions) for parents. How would you handle these as a parent—how would you want them handled as a kid?

1. Does a parent discipline a child to punish or to prevent future errors?

2. Do people learn how to manage themselves through discipline?

3. Does adult behavior influence a child's decisions and impulses?

4. Is it possible for parents and children to spend 15 minutes a day talking to each other? What would you do with those 15 minutes? How about with a very small child?

5. How about a family full of children—can parents split up the time?

6. Do you know how to talk to someone to find out why he did something wrong?

7. Are there ways to expand the contacts between parent and child—make them richer?

8. Did you ever have a talk about a movie you saw with somebody else—like your child, or your parent(s)?

Have you ever talked about what rock music is all about?

9. Is television watching an individual thing in your house, or are there shows that people watch together?

10. Have you ever been on either side of a real dialogue between young and old?

11. Did drugs ever get into the lifestyle of someone in your family?

12. Parents: do you know who your kid's friends are? Kids: do you want them to?

13. Do you know the limits of your own personality? Do you know the limits of your own mortality?

14. Drugs may get you to feel good quicker than working things out with people—but is quicker and easier necessarily better?

15. What kinds of examples do you set for the people around you who look to you for guidance?

ALTERNATIVES

People misuse and abuse drugs partly because they are trying to fill up a void inside them, or inside their world. There's something they want but can't quite get, so they take drugs to satisfy the urge.

Maybe there are other ways for you and the people you care about to satisfy urges:

Physical needs (energy, no pain, relaxation)—How about new diet . . . dance . . . Oriental martial arts training . . . a family jog every evening . . . a shape-up club for the block.

Emotional outlets—Maybe classes on the values you live by . . . counseling sessions with a local clergyman, teacher, social worker . . . acting out problems by taking roles . . . one-to-one honesty about real fears, real dreams.

Relating to other people—Small group discussions and raps on things that matter . . . organized community activities . . . sex counseling . . . big brother helping little brother to get to know the neighborhood . . . temporary substitutes for real-life families.

Learning and knowing—Read a tougher book than you've ever read . . . invent games . . . be the best at the games you invent . . . get some more education.

Creating things—Sing a song . . . paint a picture on a wall . . . try writing a play . . . try playing all the parts in the play . . . pull together a neighborhood arts center.

Feeling good—Maybe fasting . . . daydreams . . . foolishness like kids used to do.

Changing things—Community service at a personal level, where it counts . . . teaching younger people what they need to know to survive and prosper . . . community organizing for power . . . tutoring.

Spiritual satisfaction—Meditation . . . yoga . . . prayer and quiet contemplation . . . songs and dances of other religions, other peoples.

"Why Not Do Drugs?"—Why not go hiking . . . see if you can paint a room . . . learn how to speak another language . . . make the toaster work . . . get the money together to buy a toaster . . . be the only one on the bar car who doesn't have just one more.

(Thanks to Dr. Allan Y. Cohen, at John P. Kennedy University and the National Clearinghouse for Drug Abuse Information for these ideas.)

MINE, YOURS, OURS

Play this game with someone you care about. Make up your own lists and play it with *lots* of people you care about. In the middle are words, terms, ideas; first fold the paper on line (b) and write your responses in the left hand column. Then fold it on (a), hide your answers and let the other person write his or her responses. Compare notes and try to figure out why you answered the way you did.

The way I know somebody loves me is . . .

I'm uptight a lot about just one thing:

The dumbest thing I ever saw you do was . . .

My definition of drug abuse is . . .

I'd trust you a lot more if you would only . . .

Which is better, to be dependent or independent?

Kids out grow foolish behavior—what do adults do?

I know when I'm being fooled and conned, by paying attention to . . .

The toughest, most together person I ever saw was . . .

A Credo for Parents and Kids

Dr. Thomas Gordon, in a book called "Parent Effectiveness Training," lays down a formal credo for getting along. Sometimes rules help; it isn't always easy living up to expectations (yours or somebody else's). This is the way Dr. Gordon frames it, and maybe it makes sense for your situation.

"You and I are in a relationship that I value and want to keep. Yet each of us is a separate person with his own unique needs and the right to try to meet those needs. I will try to be genuinely accepting of your behavior when you are trying to meet your needs or when you are having problems meeting your needs.

"When you share your problems, I will try to listen acceptingly and understandingly in a way that will facilitate your finding your own solutions rather than depending upon mine. When you have a problem because my behavior is interfering with your meeting your needs, I encourage you to tell me openly and honestly how you are feeling. At those times, I will listen and then try to modify my behavior, if I can.

"However, when your behavior interferes with my meeting my own needs, thus causing me to feel unaccepting of you, I will share my problem with you and tell you as openly and honestly as I can exactly how I am feeling, trusting that you respect my needs enough to listen and then try to modify your behavior.

"At those times when either of us cannot modify his behavior to meet the needs of the other and find that we have a conflict-of-needs in our relationship, let us commit ourselves to resolve each such conflict without ever resorting to the use of either my power or yours to win at the expense of the other losing. I respect your needs, but I also respect my own.

"Consequently, let us strive always to search for solutions to our inevitable conflicts that will be acceptable to both of us. In this way, your needs will be met, but so will mine—no one will lose, both will win."

NOW, YOUR TURN

These bits and pieces about the family process, about people living with other people, have been put together for you to think about. We hope they help. Rights, wrongs, good guys, bad guys, past successes or failures don't count here. All we're after is some attention being paid to the caring and opening up that we call "family".

In your community, there are some people and resources you might like to know about if you want some more ideas. There are government officials, school people, law enforcement specialists and other community leaders who will help you work things out. These people can work with you to get things going, and if you have an urgent problem, they can help find answers. Television and radio stations are also ready to work with you. Maybe there are some things you'd like to see or hear about—now's a good time to talk to the local broadcaster about it. Write letters to the editor of the paper, too—they'll listen.

At the back of this book are some names and addresses, and the titles of a few other things worth reading. Why not explore some of them?

Philip Slater's book "The Pursuit of Loneliness" sums up, as well as anything around, what this little exercise of family thinking is all about. He says that modern America frustrates three basic human desires: to be part of a trusting community; to deal directly with problems; and to control one's own life. Perhaps, just perhaps, it is possible that by learning to cherish each other, we will find the key to unlock these dreams.

THERE'S A BRAND NEW LANGUAGE

(By James DeFrates)

Wake up, wake up, wake up
The sun is shining through
I finally made it through to you
Let me see that same soft smile
I know its been quite a while

It's a brand new language we're using
Of touch, feeling, sight and sound
A simple melody
So I say what I've got to say
I don't hold it all inside
Cause I know tomorrow I can't let it slide
That's why I've come to you
You are on my mind
I've got a whole lot to tell you
Oh but it's taking some time

Wake up, wake up, wake up
The sun is shining through
I finally made it through to you

It's a brand new language we're using
Of touch, feeling, sight and sound
A simple melody

APPENDIX—RESOURCES FOR FAMILIES AND GROUPS

See

"We Have an Addict in the House," 30-minute 16mm color/sound film examines the role of the family in preventing drug abuse. Available from: Doubleday Multimedia, 1371 Reynolds Avenue, Santa Ana, California, 92705.

Read

"You, Your Child and Drugs," book giving emphasis to rational discussion between parents and children. Available from: Child Study Association of America; 9 East 89th Street; New York, New York 10028.

"Understanding Drug Use; An Adult's Guide to Drugs and the Young" by Peter Marin and Allan Y. Cohen, outlines approaches to communication and understanding within the family. Harper & Row.

"The Black Child: A Parent's Guide" by Dr. Phyllis Harrison Ross and Barbara Wyden, a manual for parents of black children and for white parents who seek understanding.

"Drugs At My Doorstep" by Art Linkletter, story of what Art Linkletter has learned from his national crusade against drug abuse.

Do

"Valuing in the Family," a Workshop Guide for Parents, helps families work out important value orientations. Available from: Permanent Press, c/o Progressive Playthings, Inc., San Diego, California 92120.

"The Junkie Game" Available from: Haight-Ashbury Films, 701 Irving Street, San Francisco, California 94122.

NOTE FROM THE SPECIAL ACTION OFFICE:

This booklet asks a lot of you, the reader. It assumes many things about your readiness to join in the fight against drug abuse.

You have a right then to ask "what is the Federal Government doing about drug abuse?" What is the Special Action Office for Drug Abuse Prevention, and what has it done about the problem?

The Special Action Office for Drug Abuse Prevention was created by an Executive Order by President Nixon's Executive Order 11599 on June 17, 1917. Its priorities and resources were further developed by Congress in the Drug Abuse Office and Treatment Act of 1972 (Public Law 92–255). It was created to pull together existing Federal anti-drug planning and management; to identify those areas of most urgent need; and to find ways to bring new resources to the work at hand. This year on July 1, 1973, President Nixon reorganized the law enforcement effort in drug abuse prevention into one single agency—the Drug Enforcement Administration. This new agency brings an equally effective and coordinated effort to the supply side of drug abuse.

Both agencies have the primary responsibility to meet the challenge of drug abuse through a balanced and comprehensive program attacking four major facets of this problem. Internationally, we are cooperating with many other governments in a narcotics control program that aims at halting the international traffic in illicit drugs. Domestically we have developed strong new laws and tough new law enforcement efforts, backed by more money and greater manpower. We have also emphasized new and more effective treatment and rehabilitation programs for the victims of drug misuse and we are rapidly expanding these efforts so that no person seeking treatment will be turned away. Wide-scale education and training programs are now providing reliable information on drug abuse not only to those young people who may be attracted by dangerous drugs, but also to those who most directly influence young people, including their parents, religious leaders, youth workers and teachers.

The battle against drug abuse is a complex and difficult one, but there are many encouraging signs that substantial progress at last is being made. A greater proportion of drug victims are under treatment than ever before. More and better methods of treatment are becoming increasingly available. Treatment programs have been expanded all across the country—more treatment capacity was developed by Federal agencies over the past two years than in the preceding 50 years. More illegal drugs are being seized, both in this country and abroad. More nations around the world are joining with us in an effort to stop the international drug traffic. Drug abuse within the military has been reduced and controlled and a system of early identification and treatment has been created that is unique in that it quickly spots new major outbreaks and permits rapid response. New management and funding mechanisms were developed that increased overall program efficiency at the same time that they permitted Federal agencies to turn more decision-making over to the States and local governments. Research in every area has been accelerated and intensified—new pharmacological agents to treat heroin addiction have been made available to researchers and treatment programs across the country. Finally and perhaps most importantly, more and more Americans are becoming personally involved in this effort in their communities, their churches, their schools and their homes.

In the end, our greatest asset in this struggle will be the energy and spirit of the American people. One of the most important lessons we have learned in the fight against drug abuse is the immense value of the one-to-one relationship—the bond of trust between the drug victim and someone who cares enough to help that individual.

The deep personal involvement of countless individual Americans is the key to success to drug abuse prevention. Government programs can provide a means for encouraging such involvement and for providing other necessary resources, but without the concern and commitment of our people in their communities the problems of drug abuse cannot be alleviated.

There are clear limits to what governments can do about drug abuse and still preserve the essential values of a free society. It is unlikely that the problems associated with non-medical use of drugs will ever be wholly eliminated or that we will reach consensus on the most effective ways to reduce the costs of such behavior. Serious problems remain, but even as we adjust our priorities to meet the new realities, we can take pride in having made a contribution to the progress to date.

STATE DRUG ABUSE PROGRAM COORDINATORS

Alabama: Mr. John Watkins, Assistant Commissioner for Alcoholism, Drug Abuse and Criminal Justice, Alabama Department of Mental Health, 502 Washington Avenue, Montgomery, Alabama 36104; 205–269–7491.

Alaska: Ms. Mary Beth Hilburn, (Acting) State Drug Abuse Program Coordinator, Department of Health and Social Services, Pouch H. Juneau, Alaska 99801; 907–586–3585.

Arizona: Mr. Ralph Daniel, M.S.W., Assistant Commissioner, Addictive Behavior Services, Arizona State Department of Health, 1624 West Adams Street, Room 202, Phoenix, Arizona 85007; 602–271–5951.

Arkansas: Mr. Miles Waldron, Coordinator, Arkansas Drug Abuse Authority State Department of Health, 4815 West Markham Street, Little Rock, Arkansas 72201; 501–661–2109.

California: Mr. Matthew O'Connor, Director, State Office of Narcotics and Drug Abuse Coordination, 926 J Street, Suite 300, Sacramento, California 95814; 916–322–2350.

Colorado: Mr. Graydon Dorsch, Director, Alcohol and Drug Abuse Division, Colorado Department of Health, 4210 East 11th Avenue, Denver, Colorado 80220; 303–388–6111 Ext. 227.

Connecticut: Mr. Walter Stewart, Executive Director, Drug Advisory Council, 90 Washington Street, Hartford, Connecticut 06115; 203–566–3403.

Delaware: Mr. William B. Merrill, Office of Drug Abuse Control, 3000 Newport Gap Pike, Washington, Delaware 19808; 302–998–0527.

District of Columbia: Mr. Joseph P. Yeldell, Director, Department of Human Resources, 1350 E Street, N.W., Washington, D.C. 20004; 202–629–5441.

Florida: Mr. Frank D. Nelson, Director, Drug Abuse Program, Department of Health and Rehabilitative Services, 1323 Winewood Boulevard Tallahassee, Florida 32301; 904–488–4306.

Georgia: Mr. William Wieland, Office of Drug Abuse, Georgia Department of Human Resources, 615 Peachtree Street, N.E., Suite 901, Atlanta, Georgia 30308; 404–656–1768.

Hawaii: Mr. Andrew Lyons, Executive Director of the Committee on Substance Abuse, Governor's Office, State Capitol, Honolulu, Hawaii 96813; 808–548–2211.

Idaho: Mr. Larry Burman, Mental Health Program Consultant, Division of Mental Health, Department of Environmental Protection and Health, State House, Boise, Idaho 83707; 208–384–3410.

Illinois: Mr. David B. Selig, Illinois Dangerous Drugs Advisory Council, Room 2002, 160 N. LaSalle, Chicago, Illinois 60601; 312–793–3840.

Indiana: Dr. Franklin Osberg, Director, Drug Abuse Division, Department of Mental Health, 3000 W. Washington Street, Indianapolis, Indiana 46222; 317–633–4477.

Iowa: Mr. Fred S. Brinkley, Director, Iowa State Drug Abuse Authority, State Capitol, 1217 East Walnut, Des Moines, Iowa 50319; 515–281–3641.

Kansas: Mr. Ron Maineri, Executive Director, Kansas Drug Abuse Commission, Second Floor, 715 Harrison Street, Topeka, Kansas 66603; 913–296–3925.

Kentucky: Ms. Doris Swain, Director, Office of Drug Abuse, Kentucky Department of Mental Health, Post Office Box 678, Frankfort, Kentucky 40601; 502–564–5493.

Louisiana: Mr. Cal Bankston, Commissioner of Mental Health, State Department of Hospitals, Post Office Box 44215, Baton Rouge, Louisiana 70804; 504–389–5792.

Maine: Mr. Richard W. Carbonneau, Executive Director, Maine Commission on Drug Abuse, 411 State Office Building, Augusta, Maine 04330; 207–289–3161.

Maryland: Mr. L. Robert Evans, Director, Drug Abuse Administration State Department of Health and Mental Hygiene, 2305 N. Charles Street, Baltimore, Maryland 22128; 301–363–3955.

Massachusetts: Dr. Matthew P. Dumont, Division of Drug Rehabilitation, Department of Mental Health, 190 Portland Street, Boston, Massachusetts 02114; 617–727–8747.

Michigan: Mr. C. Patrick Babcock, Director, Office of Drug Abuse and Alcoholism, Sixth Floor, Lewis Cass Building, Lansing, Michigan 48913; 517–373–1728.

Minnesota: Ms. Gladys Pearson, Associate, Director, Drug Abuse-State Planning Agency, 402 Metro Square Building 7th and Robert, St. Paul, Minnesota 55101; 612–296–4608.

Mississippi: Mr. David Neely Speights, Director of Drug Affairs, 3825 Ridgewood Road, University Center, Suite 182, Jackson, Mississippi 39211; 601–354–7523.

Missouri: Dr. Sadashiv Parwatikar, Acting Director, Missouri Alcoholism and Drug Abuse Programs, 5400 Arsenal Street, St. Louis, Missouri 63139; 314–644–4436.

Montana: Dr. Joseph Rothstein, Drug Coordinator, Office of the Governor, State Capitol, Helena, Montana 59601; 406–449–3417.

Nebraska: Mr. Jeffrey Kushner, Ex. Director, Nebraska Commission on Drugs, State Capitol Building, Lincoln, Nebraska 68509; 402–471–2691

Nevada: Mr. Steve A. Robinson, State of Nevada Division of Alcoholism and Drug Abuse, Capitol Complex, 1803 N. Carson Street, Carson City, Nevada 89701; 702–882–7471

New Hampshire: Mr. George Tice, Office of the Governor, Room 124, State House, Concord, New Hampshire 03301; 603–271–2754.

New Jersey: Mr. Robert B. Stites, Director, Division of Narcotics and Drug Abuse Control, Department of Health, 109 West State Street, Post Office Box 1540, Trenton, New Jersey 08608; 609–292–5760

New Mexico: Mr. Steve Morgan, Department of Hospitals and Institutions, 425 Old Santa Fe Trail, Santa Fe, New Mexico 87501; 505–827–2821

New York: Mr. Howard A. Jones, Chairman, New York State Narcotics Addiction Control Commission, Executive Park South, Albany, New York 12203; 518–457–2061

North Carolina: M. F. E. (Roy) Epps, Director, North Carolina Drug Authority, 222 North Person Street, Suite 208, Raleigh, North Carolina 27611; 919–829–4555

North Dakota: Dr. James R. Amos, State Health Officer, Department of Health, 320 Avenue B East Bismarck, North Dakota 58501; 701–224–2372

Ohio: Dr. Melvin Zwissler, Chief, Bureau of Drug Abuse, Department of Mental Health and Mental Retardation, 431 East Broad Street, Columbus, Ohio 43215; 614–469–7604

Oklahoma: Mr. Charles W. Wright, R.S.W., Coordinator of Drug Abuse Services, 408–A North Walnut Street, Department of Mental Health, Oklahoma City, Oklahoma 73105; 405–521–2151

Oregon: Dr. J. Donald Bray, Administrator, Mental Health Division of the Department of Human Resources, 2570 Center Street, N.E., Salem, Oregon 97310; 503–378–2671

Pennsylvania: Dr. Richard E. Horman, Director, Governor's Council on Drug Abuse, 2023 North 2nd Street, Harrisburg, Pennsylvania 17102; 717–787–9857

Puerto Rico: (Honorable) Rafael Santos-Del Valle, Secretary, Department of Addiction Services, P.O. Box 1276, Hato Rey, Puerto Rico 00919; 809–764–6573 Ext 501

Rhode Island: Dr. Charles C. Goodman, State Director, Department of Mental Health, Retardation and Hospitals, Aime J. Forand Building, 600 New London Avenue, Cranston, Rhode Island 02920; 401–463–7400, Ext. 201

South Carolina: Donald G. McLeese, Commissioner, Office of the Governor, Commission of Narcotics and Controlled Substances, Suite 201, The Kittrell Center, 2711 Middleburg, Drive, Columbia, South Carolina 29204; 803–758–2665.

South Dakota: Mr. Roger D. Merriman, State Coordinator, Office of the Attorney General, State Capitol, Pierre, South Dakota 57501; 605–224–3123

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Utah: Mr. Gary F. Jensen, Director, Division of Alcoholism and Drugs, 2875 South Main, Salt Lake City, Utah 84115; 801–328–5468

Vermont: Mr. William Butynski, Executive Director, Drug Rehabilitation Division Vermont State Hospital, Waterbury, Vermont 05676; 802–244–7884.

Virginia: Mr. F. John Kelly, Executive Director, Virginia Drug Abuse Control, 927 Ninth Street, Office Building, Richmond, Virginia 23219; 703–770–5324

Washington: Mr. Ralph Rideout, State Coordinator, Drug Abuse Prevention Office, 111 House Office Building, Olympia, Washington 98504; 206–753–3070

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Wyoming: Mr. Cone Munsey, Ed. D., Director of Mental Health and Mental Retardation Services, State Office Building, Cheyenne, Wyoming 82001; 307–777–7219

Virgin Islands: Dr. George A. Moorehead, Executive Director, Commission on Alcoholism and Narcotics, Department of Health, 3rd Floor, Franklin Building, Charlotte Amalie, St. Thomas, Virgin Islands 00801; 774–6909 (P.O. Box 3668)

Trust Territory of the Pacific Islands: Mr. Edward E. Johnston, High Commissioner, Saipan, Mariana Islands 96950

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THE 25TH ANNIVERSARY AS RECTOR

HON. ANGELO D. RONCALLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. RONCALLO of New York. Mr. Speaker, one of my neighbors on Long Island is the Reverend John Haight, who is now marking his 25th anniversary as rector of the Grace Episcopal Church in Massapequa, N.Y. Reverend Haight has not only been a spiritual leader in my home town, but has been active in many of the civic projects of our community.

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I wish to share with my colleagues the story of the good this man has done for our community and so I am having printed below an article which appeared in the Massapequa Post this week:

REV. JOHN HAIGHT OBSERVES 25 YEARS

A special service of choral evensong and a reception will be held on Sunday honoring Rev. John Malcolm Haight on his 25th anniversary as rector of Grace Episcopal Church.

The service will be held at 4 p.m. followed by the reception in the Parish House. Rt. Rev. Johnathan G. Sherman, bishop of the diocese of Long Island, will be guest preacher for the occasion.

Rev. Haight was ordained in December 1936 following his graduation from Kenyon College in Ohio and General Theological Seminary, N.Y.

His first position was curate at Trinity Church in Princeton, N.J. and from there he went to St. Bernard's College in Bernardsville, N.J. as rector where he remained for nine years, three of which were spent on leave as a chaplain in the U.S. Air Force during World War II.

Soon after leaving the service where he attained the rank of major he married Marjorie Callaghan, daughter of Supreme Court Justice Stephen H. Callahan and Mrs. Callahan.

On All Saints Day, Nov. 1, 1947, Rev. Haight began his ministry at Grace Church and under his spiritual leadership Grace Church has grown from a small country-type parish to one of the largest Episcopal churches in the diocese and the nation.

In coming to Massapequa, Father Haight returned to the area where he spent his earlier years. He had lived in Hempstead as his father was Rector of Old St. George's Church for many years and his mother was born in Brooklyn. While in the seminary he had also served at St. John's Church in Lattingtown.

The new modern Grace Episcopal Church was built and opened for services in 1960 replacing the original smaller church located across Merrick Rd. Old Grace Church is still standing and used for some church services.

In addition to ministering at Grace Church, the rector also conducted services at Grace Chapel, now St. Christopher's Church on Hicksville Rd. in No. Massapequa, a separate parish.

As for community affairs, Fr. Haight helped found the Massapequa Public Library in 1952 and served as its chairman for nine years. He was also a member of the Ethics Committee for the Town of Oyster Bay for several years.

He is now chairman of the Diocesan Ecclesiastical Court and a member of the Board of Managers of Church Charity Foundation in addition to being a member of several other Diocesan committees.

REPORT ON MIDDLE EAST OIL AND THE UNITED STATES

HON. ROGER H. ZION

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. ZION. Mr. Speaker, last week the President in his message to the Nation on the energy emergency said:

> Unfortunately, our expectations for this winter have been sharply altered by the recent conflict in the Middle East. . . . We must, therefore, face up to a very stark fact. We are heading toward the most acute shortages of energy since World War II.

The Republican Task Force on Energy and Resources has prepared a report on "Middle East Oil and the United States" which details the flow of the Arab oil to the United States. The report looks at the international oil market and the domestic needs of the United States and attempts to determine what needs exist in this country for Arab oil. The report found that over 14 percent of the oil consumed by the United States in the first half of 1973 was from the Middle East.

The report also contains a list of recommended actions which should be considered if the United States is ever going to get out of the present energy crisis.

This report was prepared by John Nugent, the Director of the Task Force on Energy and Resources. Mr. Nugent studied at the American University of Beirut in Lebanon and has worked for government and private organizations on the Middle East and energy issues:

REPORT ON MIDDLE EAST OIL AND THE UNITED STATES—PART I

(By the House Republican Task Force on Energy and Resources, House Republican Conference, November 9, 1973)

(Members: ROGER H. ZION, Indiana, Chairman; JAMES ABDNOR, South Dakota; WILLIAM ARMSTRONG, Colorado; LAMAR BAKER, Tennessee; JOHN N. CAMP, Oklahoma; THAD COCHRAN, Mississippi; JAMES M. COLLINS; Texas; PAUL W. CRONIN, Massachusetts; BENJAMIN A. GILMAN, New York; ROBERT P. HANRAHAN, Illinois; ELWOOD HILLIS, Indiana; ROBERT C. MCEWEN, New York; CLARENCE F. MILLER, Ohio; WILMER MIZELL, North Carolina; RONALD A. SARASIN, Connecticut; FLOYD SPENCE, South Carolina; ALAN STEELMAN, Texas; STEVEN D. SYMMS, Idaho; GENE TAYLOR, Missouri; DAVID C. TREEN, Louisiana.)

MIDDLE EAST OIL AND THE UNITED STATES

The Arab oil boycott arising out of the fourth Arab-Israeli war could not have come at a worse time for the United States. Prior to the outbreak of the war and the oil embargo, the U.S. faced a situation where even with imports growing, domestic petroleum production and refining capacity were unable to keep pace with demand. Since the late 1960's, the specter of an energy crisis had been growing more real with each passing year until by mid-1973 the fact that the U.S. was experiencing energy shortages was apparent to most people.

The Arab oil producers in October 1973 unilaterally increased the price of their oil, reduced oil production and implemented oil boycotts against those countries considered to be unfriendly to the Arab side in the Middle East crisis. For the most part this boycott has been directed at the United States and one or two smaller nations, with the intent of reducing U.S. oil imports and thereby further aggravating the already present energy crisis. The primary purpose was to "obtain a more even handed policy" towards the Middle East. Although these actions were not expected to have a dramatic effect on the immediate situation in the U.S., the effects on the economy could be very damaging within a matter of months.

A great deal of controversy exists over the degree to which the U.S. depends on Arab oil. Figures often quoted indicate that the Middle East and North Africa supply from five to seven percent of the total U.S. oil consumption. Using these figures, numerous theories have been proposed to explain how the U.S. can with relatively little pain return to a situation much like that which existed up to the late 1960's, when the U.S. had little direct need for the Arab oil. Such circumstances would mean such advantages as greater freedom of action in the Middle East, net earnings of foreign exchange once again by the U.S. Middle Eastern oil companies, and a general reduced dependence on a recurring trouble spot.

The fact is, however, that the U.S. must have substantially large quantities of Middle Eastern oil if it is to continue to function without economic dislocations due to major energy shortages. As of mid-1973 at least 14% of the total U.S. consumption was Middle Eastern oil or oil largely subject to Arab pressures. In fact, the trends showed a very definite pattern of increasingly larger U.S. imports of Arab oil up to the point the Arab oil producers restricted the flow. In regard to the boycott announced by many of the Persian Gulf and North African oil states it should be pointed out that it is not entirely clear at this time how the boycott will be implemented, so that determining its effects with any precision is at best a guessing game. But, enough is known about the oil market to speculate on the potential effects.

THE IMPORTANCE OF MIDDLE EASTERN OIL

To diagnose the role Middle East and North African oil plays in the major industrial economies of the world and the United States in particular, it is important to look at several interrelated factors. The first is that Western Europe and Japan are almost totally dependent on oil imports. Western Europe imports roughly 88% of its petroleum needs with more than 80% of the imports coming from the Middle East and North Africa. Japan imports virtually all of its petroleum. Over 80% comes from the Persian Gulf and the remainder from Far Eastern sources, primarily Indonesia. Neither of these areas is capable of continuing its economic pace without continued reliance on massive amounts of Arab oil, for neither area can replace its reliance on Middle Eastern oil with imports from other areas or in the near future replace oil with another energy source.

Second, the United States has become a large net importer of oil and this is not likely to change in the near future (10 years). For the past ten years, the U.S. has been importing increasingly larger portions of the oil it consumes (see table No. 1). For the period 1962–1972, U.S. oil consumption increased an average of 4.5% per year but our domestic oil production increased at only 2.9% per year. Exports for the same period increased by an average of 2.6% per year while the rate of increase in imports was 8.6% per year, over three times as great.

TABLE 1.—U.S. FOREIGN TRADE TRENDS

CRUDE OIL

[In thousand barrels per day]

Year	Exports	Imports	Net imports
1947	126	268	142
1948	110	353	244
1949	90	422	332
1950	96	488	392
1951	79	490	411
1952	74	575	501
1953	55	649	594
1954	38	658	619
1955	33	781	748
1956	79	937	848
1957	137	1,022	885
1958	11	953	942
1959	8	964	946
1960	8	1,019	1,011
1961	8	1,047	1,038
1962	5	1,126	1,121
1963	5	1,132	1,126
1964	3	1,203	1,200
1965	3	1,238	1,235
1966	5	1,225	1,219
1967	74	1,129	1,055
1968	5	1,293	1,288
1969	3	1,408	1,405
1970	14	1,323	1,310
1971		1,682	1,682
1972[1]		2,181	2,107

PETROLEUM PRODUCTS

Year	Exports	Imports	Net imports
1947	323	170	153
1948	260	162	91
1949	236	225	19
1950	211	364	153
1951	342	353	11
1952	362	381	19
1953	348	386	38
1954	318	397	79
1955	337	466	129

PETROLEUM PRODUCTS—Continued

Year	Exports	Imports	Net imports
1956	353	504	151
1957	430	551	125
1958	263	748	488
1959	205	814	609
1960	195	803	608
1961	164	871	707
1962	164	956	792
1963	203	992	789
1964	200	1,063	863
1965	184	1,230	1,074
1966	195	1,348	1,153
1967	236	1,408	1,173
1968	227	1,553	1,326
1969	227	1,756	1,529
1970	247	2,096	1,849
1971	225	2,247	2,022
1972	219	2,504	2,285

[1] Preliminary.

Reference: International Economic Report of the President, March 1973.

The five-year picture, however, (1967–1972) differs significantly and provides a clear indication of the forces of change which have built up in the world's oil market and what can be expected in the near future. During the 1967–1972 period, the average yearly increase in U.S. oil consumption was 5.4% while production increased at only 1.8%. Exports during this period showed a 6.6% yearly decrease while imports gained by a tremendous 13.3% per year (see table No. 2).

TABLE 2.—TRENDS IN U.S. PETROLEUM PRODUCTION, CONSUMPTION, EXPORTS, AND IMPORTS

[Thousand barrels daily]

	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	Yearly change[1] (percent)	
												1972 over 1962	1972 over 1967
Production:													
Crude oil	7,330	7,540	7,615	7,806	8,265	8,810	8,625	9,240	9,635	9,465	9,456	+2.6	+1.5
Natural gas liquids	1,020	1,100	1,155	1,210	1,225	1,410	1,565	1,590	1,680	1,665	7,733	+5.3	+4.1
Consumption[2]	10,235	10,550	10,815	11,300	11,860	12,280	13,623	13,615	14,350	14,846	15,880	+4.5	+5.4
Exports	170	210	200	160	200	310	288	230	260	220	228	+2.5	−6.6
Imports	2,030	2,126	2,260	2,478	2,578	2,540	2,810	3,176	3,420	3,938	4,748	+8.5	+13.3

[1] Based on weight.

[2] U.S. processing gain has been deducted from total domestic product demand.

Source: British Petroleum Statistical Review of the World Oil Industry, 1972, British Petroleum Company, Ltd.

The general trend over the past ten years can be traced to a domestic energy consumption growth rate in excess of the domestic production and refining capabilities. The very rapid deterioration in the trend after 1967 is the cumulative effect of the sharply climbing energy demand in the 1960's coupled with the relative decline in domestic production. These forces have been further aggravated by governmental regulations, a decline in domestic natural gas and petroleum reserves, decreasing use of coal (for both economic and environmental reasons), environmental programs and the slow pace at which new and improved energy sources are brought on the market. The resulting inelasticity in the total U. S. energy market has forced the U.S. to go abroad to meet the demands. Until 1967 the user had a certain ability to switch within the domestic market from one fuel to another depending on economic factors. Since 1967, this flexibility has largely disappeared in both the U. S. and the international market.

Third, oil production patterns throughout the world have been changing. In the past, the U. S. bought most of its oil imports from areas in the Western Hemisphere. Since the mid-1960's these sources, such as the Caribbean, South America and Canada have been experiencing a peaking out of production rates or shifts in domestic demands which necessitate a greater internal use of their domestic production.

The fact that areas which had traditionally supplied the U. S. with most of its oil imports could no longer keep pace with the U. S. demand pushed the U. S. on to the Persian Gulf and North African market. This shift towards reliance on Arab oil was not unique to the U. S., and the end result was that the large importing nations were looking to the Persian Gulf for the major increases in supplies. This trend was reinforced by the fact that oil has become the chief contributor to incremental energy supply worldwide. The net effect of the U. S. entrance into the oil market as a large importer was to remove the last vestiges of supply elasticity.

This brings us to the fourth point, that with oil the only energy resource capable of anything near filling the gap between supply and demand worldwide, the location of reserves or future production capabilities are a very important consideration. By a quirk in the world's geological formation the major known oil reserves are heavily concentrated in one geographic area: the Persian Gulf and to a lesser extent along North Africa. At the end of 1972, the world's published proved oil reserves (oil in the ground which can reasonably be expected to be recovered under existing economic and operating conditions) was a total of 667 billion barrels (569 billion barrels if the USSR, East Europe and China are excluded).

TABLE 3.—*World oil reserves*

Area:	*Billion barrels*
Middle East:	
Abu Dhabi	27.768
Bahrain	.375
Dubayy	2.0
Iran	65.0
Iraq	[1] 29.0
Israel (excluding Sinai)	.009
Kuwait	64.9
Neutral Zone	16.0
Oman	5.0
Qatar	7.0
Saudi Arabia	138.0
Syria	[2] 7.250
Turkey	.550
Area total	355.852
Africa:	
Algeria	47.0
Angola	1.2
Congo-Brazzaville	5.0
Dahomey	0.001
Egypt (includes Sinai—approximately ½ of total. Sinai production est. 120 thousand b/d)	5.2
Gabon	1.1
Libya	30.4
Morocco	.001
Nigeria	15.0
Tunisia	1.0
Zarie	.5
Area total	106.402
Sino-Soviet:	
Russia	75.0
China	19.5
Hungary	1.0
Other	2.5
Area total	98.0
Western Hemisphere:	
United States	37.0
Canada	10.0
Argentina	4.9
Colombia	[1] 1.5
Ecuador	5.75
Mexico	[2] 2.8
Trinidad and Tobago	2.0
Venezula	13.7
Other	2.35
Area total	80.0
Asia Pacific:	
Indonesia	10.0
Australia	2.0
Malaysia	1.5
Other	1.5
Area total	15.0
Europe:	
United Kingdom	[3] 5.0
Norway	2.0
Yugoslavia	3.5
Other	[3] 1.5
Area total	12.0
World total as of end of 1972	667.0

[1] Tremendous undeveloped potential with immediate prospects.

[2] 1972 average daily production 120 thousand b d. Reserves in 1970 were 1.2 billion barrels.

[3] North Sea.

Source: Oil and Gas Journal.

Today the Middle East alone accounts for over 53% of the world's total reserves and if North Africa is included, the figure exceeds 65%. For comparison purposes, if the Communist nations' reserves are excluded, the respective percentages are 63% and 77%. The Communist nations have almost 15% of the reserves, the Western Hemisphere 12%, the Asian Pacific 2.2% and Europe 1.8%.

When the gross figures are looked at on a country basis, they show that not only is the world dependent for most of its oil on the Middle East North Africa area, it is actually dependent on a few countries within this area. Saudi Arabia has by far the largest

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reserves, estimated at over 138 billion barrels or roughly 21% of the world's reserves, while Algeria, Iran, Iraq, Kuwait, and Libya together have an additional 236 billion barrels. By comparison Russia has 75 billion barrels, China 19 billion barrels, Indonesia 10 billion barrels, the U. S. 37 billion barrels and Canada 10 billion barrels. Six Middle Eastern and North African countries have over ½ of the known petroleum reserves. When looked at from the prospective of production, the Middle East/North African countries accounted for almost ½ of the average daily production of petroleum in the non-communist nations (see table No. 4).

TABLE 4.—WORLDWIDE CRUDE PRODUCTION

[Daily average in thousands of barrels]

	8-month average			
	Daily production, 1972	Daily production, 1973	Change from Volume	Percent
Western Hemisphere:				
Argentina	429.0	418.0	−11.0	−2.6
Bolivia	41.0	47.0	6.0	14.6
Brazil	155.0	168.0	3.0	1.8
Canada	1,483.0	1,794.0	311.0	21.0
Chile	34.0	32.0	−2.0	−5.9
Colombia	201.0	193.0	−8.0	−4.0
Ecuador	22.0	201.0	179.0	813.6
Mexico	441.0	459.0	18.0	4.1
Peru	66.0	67.0	1.0	1.5
Trinidad	140.0	165.0	25.0	17.9
United States	9,457.0	9,229.0	−228.0	−2.4
Venezuela	3,194.0	3,359.0	165.0	5.2
Total	15,673.0	16,132.0	459.0	2.9
Western Europe:				
Austria	47.0	49.0	2.0	4.3
Denmark	2.0	4.0	2.0	100.0
France	31.0	27.0	−4.0	−12.9
West Germany	139.0	131.0	−8.0	−5.8
Italy	22.0	20.0	−2.0	−9.1
Netherlands	31.0	30.0	−1.0	−3.2
Norway	35.0	35.0		
Spain	3.0	19.0	16.0	533.3
United Kingdom	2.0	2.0		
Yugoslavia	62.0	71.0	9.0	14.5
Total	374.0	388.0	14	3.7
Middle East:				
Abu Dhabi	1,001.0	1,345.0	344.0	34.4
Behrain	72.0	63.0	−4.0	−5.6
Dubai	132.0	234.0	102.0	77.3
Iran	4,862.0	5,810.0	948.0	19.5
Iraq	1,383.0	1,942.0	559.0	40.4
Israel	100.0	100.0		
Kuwait	3,234.0	3,060.0	−174.0	−5.4
Oman	282.0	288.0	6.0	2.1
Qatar	452.0	588.0	136.0	30.1
Saudi Arabia	5,731.0	7,742.0	2,011.0	35.1
Syria	117.0	120.0	3.0	2.6
Turkey	65.0	65.0		
Total	17,431.0	21,362.0	3,931.0	22.6
Asia-Pacific:				
Afghanistan				
Australia	303.0	417.0	114.0	37.6
Burma	19.0	20.0	1.0	5.3
Brunei-Malaysia	268.0	319.0	51.0	19.0
India	151.0	149.0	−2.0	−1.3
Indonesia	1,061.0	1,288.0	272.0	26.8
Japan	15.0	15.0		
Pakistan	9.0	9.0		
Taiwan	2.0	2.0		
Thailand	.2	.2		
Total	1,783.2	2,219.2	436.0	24.5
Africa:				
Algeria	1,055.0	1,106.0	51.0	4.8
Angolia	12.0	14.0	2.0	16.7
Cabinda	123.0	134.0	11.0	8.9
Congo	6.0	38.0	32.0	533.3
Egypt	216.0	209.0	−7.0	−3.2
Gabon	124.0	140.0	16.0	12.9
Libya	2,240.0	2,256.0	16.0	.7
Morocco	.3	.3		
Nigeria	1,779.0	1,977.0	198.0	11.1
Tunisia	82.0	79.0	−3.0	3.7
Total	5,637.3	5,953.3	316.0	5.6
Communist:				
China	570.0	610.0	40.0	7.0
Romania	275.0	275.0		
U.S.S.R.	7,805.0	8,273.0	468.0	6.0
Other	90.0	105.0	15.0	16.7
Total	8,740.0	9,263.0	523.0	6.0
World total	49,638.5	55,317.5	5,679.0	10.3

Source: The Oil And Gas Journal, Oct. 29, 1973.

Fifth, no energy source in use today or even projected for use in the near future is expected to substantially reduce the need for petroleum within the next ten years. The U.S. does have abundant coal resources, which in a crash program barring any major dislocations could reduce, but not free, the U.S. from a need for Middle Eastern oil. The massive use of coal, however, would have very real implications for the environment. Further, gasification and liquification programs which envision the use of coal to produce "clean" fuels are at present relatively expensive and are not expected to be in full production until later in this decade. Alaskan oil and gas reserves will probably not be ready for heavy use for several more years, and even when in full production they will not relieve the need for imports. Much talk is heard of using the renewable energy sources (solar, geothermal and fusion). However, none of these can reasonably be expected to act as substitutes to any large degree for imported oil during this decade. This will be particularly true if the U.S. energy consumption continues to grow at anything near the current rates and research and development on these energy sources continues at its present pace.

The final factor is that the U.S. oil consumption pattern for the first half of 1973 indicates a very sizable dependence on Middle East and North African oil. When the current petroleum import figures are analyzed, they show that of the average daily oil consumption in the U.S. from Jan-June 1973 of 17.3 million barrels/day (mb/d), some 14% is oil either directly imported from the Middle East area or indirectly related and subject in varying degrees to Arab foreign policy decisions in part dictated by the ongoing Arab-Israeli conflict and U.S.-Arab relations.

COMMENTS BY WILL ROGERS STILL RELEVANT TODAY

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. CARTER. Mr. Speaker, on August 15, 1935, Will Rogers and Wiley Post were killed in a plane crash at Point Barrow, Alaska. All America was saddened by the death of this great humorist. His words are extremely meaningful today and we would do well to observe the commonsense which he embodied in his comments.

I should like to emphasize particularly two paragraphs from an article which appeared in the Washington Post on November 11, 1973. They are especially apropos today. They are:

> I don't care how little your country is, you got a right to run it like you want. When the big nations quit meddling, then the world will have peace.
>
> Now if there is one thing that we do worse than any other nation, it is try and manage somebody else's affairs.

I include the article from the Post:

WILL ROGERS: HIS COMMENTS STILL RELEVANT

(By Jerry R. Wilson)

Will Rogers was a special sort of man. He could chew gum and twirl a rope simultaneously better than any man before or since. He was an expert horseman and in the years between World Wars I and II he was America's number one ambassador of goodwill.

Above all, the legend of the cowboy humorist centers around his political commentaries and his views on life and the times in which he lived—views which even today stand the test of time. In fact, to read what Will Rogers told the world a half century ago seems uncannily appropriate for the events of the 1970s.

On Aug. 15, 1935, Will Rogers and another famous Oklahoman, aviator Wiley Post, were killed in a plane crash at Point Barrow, Alaska. Will was 55, and the world mourned his passing as it has mourned few men.

In a time he undoubtedly would have found fascinating, it seems appropriate to see how his comments of four and five decades ago shed light on circumstances he might have understood better than any of us. There are many examples:

CAMPAIGN CORRUPTION

"The Democrats are having a lot of fun exposing the Republican campaign corruptions, but they would have a lot more fun if they knew where they could lay their hands on some of it themselves for next November" (1920s).

DEMOCRATIC PARTY SPLITS

"If the Democrats never split in their lives there would be no such thing as a Republican" (Aug. 1, 1925).

"It takes nerve to be a Democrat, but it takes money to be a Republican" (Feb. 10, 1929).

CAMPAIGN CONTRIBUTIONS

"You can't make the Republican Party pure by more contributions because contributions are what got it where it is today" (1920s).

THE PRESIDENCY

"I have always maintained that no President can be as bad as the men that advise him" (January, 1933).

COVER-UPS

"You can't believe a thing you read in regard to an official's statements. The minute anything happens connected with official life, it's just like a cold night—everybody is trying to cover up" (Oct. 4, 1925).

PUBLIC OPINION OF POLITICIANS

"People's minds are changed through observation and not through argument" (March 16, 1932).

"The American people are generous and will forgive almost any weakness with the exception of stupidity" (Feb. 24, 1934).

PRESIDENTIAL POPULARITY

"There is no country in the world where a person changes from a hero to a goat and a goat to a hero, or vice versa, as they do with us . . . It's not our public men you can't put your finger on, it's our public. We are the only fleas weighing over 100 pounds. We don't know what we want, but we are ready to bite somebody to get it" (June 19, 1935).

POLITICAL SCANDALS

"We've been staggering along now about 155 years under every conceivable horse thief that could get into office and yet here we are, still going strong. I doubt if Barnum's circus has housed as many different kinds of species as has been in our government employ during its existence. As bad as they are they can't spoil it and as good as they are they can't help it. So as bad as we are, we are better off than any other nation. So what's the use to worry?" (Nov. 16, 1930).

THE PUBLIC'S ELECTIVE POWER

"Every time we have an election, we get in worse men and the country keeps right on going. Times have proven only one thing and that is you can't ruin this country even with politics" (Nov. 4, 1928).

"Things in our country run in spite of government. Not by aid of it" (1930s).

"On account of us being a democracy and run by the people, we are the only nation in the world that has to keep a government four years, no matter what it does" (1930s).

"It's just got so that 90 per cent of the people in this country don't give a damn. Politics ain't worrying this country one-tenth as much as parking space" (1920s).

"We shouldn't elect a President; we should elect a magician" (1930s).

CONGRESSIONAL INVESTIGATIONS

"Everybody wants to hear accusations and nobody wants to hear denials" (April 6, 1924, speaking of a Senate investigation).

"The American people would trade 10 investigations for one conviction" (June 6, 1924).

THE AMERICAN IMAGE

"It will take America 15 years steady taking care of our own business and letting everybody else's alone to get us back to where everybody speaks to us again" (1926).

"You often hear it said we need diplomats. We don't need diplomats, we need a keeper or a warden" (1930s).

". . . Our slogan will be now: Have your civil wars wherever and as far away as you want, but on the opening day we will be there" (1920s).

"It takes quite a sense of humor for these people to understand us shaking hands with one hand and shooting with the other."

"I don't care how little your country is, you got a right to run it like you want. When the big nations quit meddling, then the world will have peace."

"Now if there is one thing that we do worse than any other nation, it is try and manage somebody else's affairs" (1920s).

WOMEN'S LIBERATION

"If women must insist on having men's privileges, they have to take men's chances" (Nov. 1, 1925).

"I'll bet you the time ain't far off when a woman won't know any more than a man" (1925).

COST OF GOVERNMENT

"Lord, the money we do spend on government, and it's not one bit better than the government we got for one-third the money 20 years ago" (1920s).

Only a little more than two years before his death, Will Rogers capsulized his thoughts about his country, and on people: ". . . In all it's a great country. It's the best and the worst one I ever lived in . . . When I die, my epitaph or whatever you call those signs on gravestones, is going to read: 'I joked about every prominent man of my time, but I never met a man I didn't like.' I am so proud of that I can hardly wait to die so it can be carved. And when you come to my grave you will find me sitting there, proudly reading it."

WATERGATE: A SLIGHTLY SATIRICAL VIEW

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Ms. ABZUG. Mr. Speaker, one of the liveliest and best social commentaries appearing in the legal profession today is the Reporter, monthly publication of the Passaic County Bar Association, Paterson, N.J. Under the editorship of attorney Daniel Crystal, it combines a dedication to constitutional rights with excellent reportage on national issues.

In the September and October 1973 issues, Mr. Crystal has discussed the implications of Watergate for the legal profession and our Nation as a whole. He has also written some parodies that highlight the absurdities of Watergate along with its dangers to our traditional freedoms. I commend Mr. Crystal for the excellent legal and literary standards of the Reporter and insert an article by Clyde Burns from this fine publication:

THE GANG THAT COULDN'T SPY STRAIGHT

(By Clyde Burns)

The Watergate hearings, even more than the Pentagon Papers trial, prove once again that neither Broadway nor Hollywood can possibly match a real trial or legal confrontation for dramatic intensity.

Not since those long-ago days when that redoubtable Boston attorney Joseph Welch, took on a political bully named Joseph McCarthy and deftly cut him down to size has the nation watched a show matching the excitement of the Watergate hearings.

The shock (and guilty delight) of Watergate is that it far surpasses our wildest fantasies. Only a paranoid, or one who had pondered on what had happened in other countries, where one-man rule took over, could have possibly dreamed up the elaborate cast of those who have been swept up in the Watergate scandal—two former Cabinet officers indicted, possible indictments hanging over the President's chief of staff and chief aide for domestic affairs, the acting Director of the FBI disclosed to have destroyed crucial evidence, involvement in various degrees of the President's White House counsel, his personal counsel, and other close associates; top leaders of the CIA revealed to have agreed to CIA help for a burglary within the United States, the Chairman of the SEC resigning in the wake of the Vesco scandal—the list is endless and new names keep being added.

Our January 1971 issue had an article called Gilbert and Sullivan, We Need You Today in which we chuckled about the goings-on in Washington, D.C. when J. Edgar Hoover told a Congressional committee that some priests and nuns had plotted to kidnap Henry Kissinger. There was, of course, nothing funny about the subsequent trial of the Berrigans and others. But what are we now to make of the accusation by a top FBI official that the late J. Edgar Hoover had been mentally incompetent before his death, and, further, that he maintained himself in autocratic power by the gentle art of blackmailing high government officials? And what are we to make of charges that conspiracies to commit burglary, political espionage, slander, libel, sabotage of political campaigns, perjury, and other blatant violations of law were worked out at high levels in both the White House and the Department of Justice?

We find nothing comic about the threat to constitutional freedom and the very fabric of American democracy in what has been generically termed the Watergate scandal. Our sense of humor is not tickled by the one man cult which President Richard Nixon lamely used to justify the supposed excess of zeal in those of his aides who burglarized and bugged the Watergate. We don't want this country to come to the point where some Martian can say seriously, "Take me to your Leader."

We find it deeply disturbing to be as close as we were to a frightening extension of one-man rule. We haven't forgotten that only a few short months ago, then Attorney General Kleindienst was up on Capitol Hill, arrogantly telling a Congressional Committee that executive privilege was being extended to every single government employee, and if Congress didn't like it, Congress could sue the President in the Supreme Court or impeach him.

At the same time, we freely recognize that there are comic aspects to Watergate that make the scandal a strange hodge-podge of high intrigue and low comedy. It is as if the Marx Brothers had somewhere been written into the somber lines of Shakespeare's Richard the Third, Julius Caesar, or Macbeth.

There is, for example, E. Howard Hunt, wearing a red wig loaned to him by the CIA. His posturing in that red wig cries out for a Harpo Marx to recreate the role. So far, Watergate hasn't produced anything so angelic as a harp for any of its cast to play, but since just about everything else has turned up in this fantastic script, our comment is what people in Washington, D.C. say about the weather: If you don't like it just now, wait a minute.

Watergate in some aspects is so farcical that the Paterson News on April 30 carried a story by Jack Anderson with the intriguing title, Watergate Follies, Set to Music, Seen as Possible Comic Opera.

Consider, for example, how the Watergate burglary was uncovered. These CIA-trained burglars were so impudent and arrogant (presumably having seen too many re-runs of Mission Impossible) that they taped up a door which a night watchman had relocked.

The whole history of the country appears to have taken a decisive turn because this alert night watchman, discovering the further tampering with the door, simply called the police who came in with pistols at the ready, and caught the burglar-buggers red-handed. We don't know if CIA-trained operatives take a test for proficiency in burglarizing, but we're inclined to think that Hunt, Liddy, et al. would have flunked such a course.

The arrest of the Watergate burglars, and the eventual unfolding of the whole lurid tale of bugging, skullduggery in high places, and office safes crammed full with hundreds of thousands of dollars in new hundred dollar bills received from such friendly folk as financier Vesco, has distant echoes of one of Shakespeare's tragicomedies, Much Ado About Nothing.

But there are other rib-tickling aspects of Watergate that go hand in hand with its grim seriousness for the future of our country.

SPY IN A CLOSET

Jack Anderson informs us that whodunit writer, E. Howard Hunt, one of the major Watergate conspirators, was assigned to reconnoiter the Watergate layout. He tried to enter through a dining room, but couldn't get a connecting door open without alarming a guard.

So the ex-CIA agent remained locked in the dining room all night sleeping in a closet. He finally escaped at 7 a.m. after the office building was opened and began to fill with people. It's clear that, whatever his rating with the CIA, he passed his initiation test for the Gang that Couldn't Shoot Straight.

SHOWING OFF FOR GIRLS

We've all heard the line "Cherchez la femme". (Freely translated that means, go look for a woman if you want to find what the men are up to.) It's laugh-provoking, if incredible, that girl-watching played its part in Wategate too. G. Gordon Liddy, the Watergate ringleader, tried to impress a couple of girls in Detroit by holding his hand over a flaming candle. He burned his hand so badly in this demonstration of machismo, and little-boy-showing-off-for-girls, that it almost spoiled the elaborate Watergate presentation that he made before Attorney General John Mitchell, White House counsel John Dean and campaign head Jeb Stuart Magruder in Mitchell's office on February 4, 1972. (Our source is the Jack Anderson column in the News of April 30).

Liddy brought along huge, fancy charts to illustrate the bugging operation and precisely how he was going to perform this bit of extra-legal breaking and entering. Because he couldn't carry the cumbersome charts in his injured right hand, he juggled them awkwardly in his left. This trouble with the charts, Jack Anderson reports, detracted from his otherwise slick, Madison Avenue-style presentation of the Watergate crime there in the very citadel of law and order.

WHAT'S YOUR LINE, MR. SPY?

The Watergate Follies of 1972 had its three stooges, Liddy, Hunt, and McCord. It is clear from the testimony released thus far that these three unlikely rejects for Marx Brothers re-makes that they took elaborate precautions to conceal the nefarious activities for which they were, in classic bureaucratic fashion, turning in vouchers and expense accounts. Hunt's patrician face peered out from the preposterous red wig so kindly loaned to him by the CIA. All three used assumed names, carried false identifications, communicated stealthily by pay phones, and exchanged cryptic messages. It was all out of the approved CIA manual for aspiring spies.

How elaborately they carried out all this Hallowe'en mish mash of spying and disguises is revealed by G. Gordon Liddy's successful use of a semi-pseudonym, "George", the kicker in the tale being that George was the real first name he never used. One day, another Watergate conspirator, Bernard Barker, called Liddy's White House office and asked for "George." Puzzled, Liddy's secretary said there was a phone call for "George." "Just who is George?" demanded George Gordon Liddy.

The last time we heard anything resembling that line it was, "Spiro who?"

The whole zany series of escapades resulting in the arrest of this gang that couldn't spy straight reminds one of a hoary old chestnut, which we've dusted off and put into modern dress.

Berman, an American Spy, was ordered by the Central Intelligence Agency, to cross over into the Soviet Union and contact another CIA spy named Shapiro. The password with which they would identify each other was, "The sun is shining."

Under the cover of night, a U.S. Air Force plane dropped Berman by parachute into the woods on the outskirts of Moscow. Our hero buried the parachute as the CIA had instructed him to do, and then skulked into the city, keeping to the shadows and moving stealthily as befits a high class CIA espionage agent carefully trained by the likes of Hunt, Liddy, and McCord.

He had carefully memorized Shapiro's address, but when he reached the appointed place he found to his chagrin that it was a four-story apartment building. A resourceful person, Berman consulted the letterbox in the hallway, where he found not one but two Shapiros listed. True to his CIA training, he tried ringing the doorbell of the first one.

When the occupant opened the door, Berman asked in his best Moscow accent, "Are you Shapiro?"

"Yes, I am," said the man.

"All right, the sun is shining," said the American agent portentiously, giving the password.

"Oh, no!" said the other. I'm Shapiro the butcher. You want Shapiro the spy—he's on the third floor!"

BUGGING ON CREDIT

There's a possible civil law suit kicking around for some attorney who wants to make legal history. Add to things they never taught us in law school the muddled state of affairs as to who pays the supplier of the electronic equipment used in the Watergate bugging. Even though President Nixon's fund raisers apparently stashed millions of dollars in campaign boodle all over the country, the Committee to Re-elect the President still owes $13,600 to Michael Stevens, whose Chicago company supplied the Watergate buggers with sophisticated electronic devices. Some of the equipment was actually in use at Watergate, but six custom-made, high frequency transmitters and receivers, four of them suitable for bugging rooms, the other two for intercepting phone conversations were ordered but never picked up from Mr. Stevens.

One of the conspirators, James McCord, did surreptitiously come for some of the equipment at 3 A.M. one morning, (or was it night?).

Through his attorneys, McCord acknowledged the purchases and said he paid $5,400 in cash, leaving the balance due. Devan Shumway, spokesman for the President's Committee, told Jack Anderson "it would be inappropriate to pay any such bill for equipment allegedly used for illegal purposes."

Our personal memo to those studying for the bar exam is to bone up on the issues of law concealed in that question. It's a natural for the next exam.

THE JOKES THEY TELL IN WASHINGTON, TRALA:

If Watergate didn't have its own funny moments, the wags in the nation's capital are working overtime dreaming up Watergate jokes. Since this is a family magazine, we'll pass up the more lurid and unprintable ones. But here's a representative sampling of what the Washington wits are dining out on now.

One clown on the Washington cocktail circuit has it that Mr. Nixon's troubles can be traced to the fact that he hired all those Germans on his staff. What he should have done instead was to hire Japanese—for these three good reasons:

The Japanese are better at electronics.

When the Japanese make a mistake, they admit it.

After they admit it, they commit harakari.

Another jokester (obviously a Democrat) says that the Republicans should alter their campaign chant: Four more years—or maybe 10 to 20.

Our own Washington spy has sent a carrier pigeon to us with a message in secret ink (milk); (we remember some spy techniques from our own boyhood days) telling us that the Democrats are buying up and wearing the campaign buttons the Republicans distributed in 1968. The buttons carry the words: "Nixon's the One."

The same confidential source advises us that there are other buttons that are being worn these days in the District of Columbia:

"Don't blame me—I voted for McGovern."

"Free the Watergate 500."

A Washington cab driver tells his fares this story: He was driving by the White House some hours before President Nixon gave his TV and radio speech to the nation giving his version of Watergate. He saw a man running around frantically on the White House lawn, shouting, "Where's my dog? Checkers, where are you? Come here, Checkers. Good old dog, come here, Checkers."

It is solemnly reported in Washington that Connally has signed on as a cabin boy on the S.S. Titanic.

Mark Russell, a professional political comedian in Washington, welcomes his audiences at the Shoreham Hotel by saying: "You tourists should be careful when you visit the White House. So much has been swept under the rug that you might hit your head on the ceiling."

So there's a lot of comic relief to Watergate, mixed in with the sheer living drama of the whole incredible tale of how the nation woke up at the eleventh hour to find that a cesspool of political sabotage and corruption has been concealed behind the austere facade of the present Administration. The genius of a Shakespeare is needed to give the proper intensity to the dark shadings of this bewildering, complex plot that is being explored by Senator Sam Ervin and his select committee.

And what keeps the nation glued to its seats is the tension of waiting to find if the President himself will be proved to have been implicated in either the Watergate bugging and subsequent cover-up, the sabotage of the campaigns of the Democratic candidates, or the hot money that came repeatedly into the campaign from Vesco, and other sources. So far there has been only hearsay and circumstantial evidence—enough perhaps for the court of public opinion, but most certainly not enough yet to overcome the presumption that a man is innocent until proven guilty.

It's worth noting, however, that in addition to the President's direct appearance in the startling offer of the FBI directorship to Judge Matt Byrne in the middle of the Pentagon Papers trial, there is one other bit of hard fact linking the President directly to some of this Watergate business—at least, in establishing a modus operandi.

In 1962, Richard M. Nixon ran against Pat Brown in the gubernatorial campaign in California. The Republicans surreptitiously

sent out a phony post card mailing (to the tune of $70,000) ostensibly coming from Democrats and calling Brown an extremist. After the election, the Democrats filed suit against the fictitious Committee for the Preservation of the Democratic Party in California. In an unreported judgment given in open court, October 30, 1964, Judge Byron Arnold of the Superior Court of California (San Francisco), sitting without jury, made a finding of fact that the postcard "was reviewed, amended, and finally approved by Mr. Nixon personally in the form" in which it was finally sent out, and that, further:

"Nowhere in Exhibit A (the fictitious postcard) or letters mailed by defendant Committee was it stated that the defendant Committee and its mailing of Exhibit A were supported and financed by the Nixon for Governor Finance Committee. Mr. Nixon and Mr. Haldeman approved the plan and project as described above, and agreed that the Nixon campaign committee would finance the project."

The judgment was inserted into the Congressional Record on May 7, 1973 by Senator Haskell. It's printed at pp. 14490 to 14496. We find nothing funny whatsoever about the judgment.

But, seriously as we take Watergate and what it has revealed, this has by no means throttled our ability to laugh. Some one once said that history tends to repeat itself; the first time as tragedy, the second time as farce. Much of Watergate proves the wisdom of that perceptive remark.

THE AFL–CIO'S IMPEACHMENT DRIVE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. MICHEL. Mr. Speaker, last week on the floor of the House, I addressed myself to the question of the President's resignation or possible impeachment and made the point that to suggest his resignation was ridiculous and unwarranted.

On the question of impeachment, those of us who have the privilege to serve in this House must take great pains not to be influenced or caught up in an emotional, orchestrated drive for impeachment by certain groups and individuals in our society who would stop at nothing in their desire to remove this President from office.

In that regard, I should like to call to the attention of my colleagues a column by Mr. Richard Wilson appearing in yesterday's edition of the Washington Star-News, entitled "The AFL–CIO's Impeachment Drive":

THE AFL–CIO'S IMPEACHMENT DRIVE

(By Richard Wilson)

Having already broken with President Nixon, the AFL–CIO leadership has concluded it has nothing to lose by lobbying for his impeachment. Before it is all over this may prove to be a tactical error of serious proportions because it makes impeachment into a partisan issue.

Labor leadership generally does not come into the court of public opinion with the cleanest hands on the matter of malfeasance in office. Hundreds of labor leaders have been convicted of racketeering and misuse of funds on a large scale. George Meany's reluctance in responding to the problem dates back 20 years to his original coolness toward the McClellan labor racketeering inquiries which ballooned into a national sensation.

Meany ultimately went along, dragging his feet all the way, but now he is overcome by righteous indignation with a President whose reluctance to clean house was not much greater than Meany's own reaction to corruption in the ranks of labor.

Meany has now marched in where the Democratic leadership is hesitant to tread. The qualified Democratic leaders have been careful not to prejudge the issue of impeachment for the reason that they do not wish it to be perceived as a partisan issue.

Not Meany. He is about to deluge Congress and the nation in a typical labor pressure campaign to roust the President from office.

It is useless to point out that this is scarcely the function of organized labor, which long ago became the most important action agency of Democratic partisanship. Meany lost no time after sitting out the presidential election in showing his disrespect for Nixon. Now his ever-present lobbyists will be roaming the halls of Congress scrounging votes for the impeachment and conviction of a President who thwarts the AFL-CIO's political and economic objectives.

Meany is not the first seeker of justice to vecr off the tracks. The civil rights movement began to founder after Martin Luther King insisted on linking it with opposition to the Vietnam war. The late Mine Worker chieftain, John L. Lewis, fell on his face trying to bring down Franklin D. Roosevelt.

It is hard to imagine what could reactivate Nixon's shaky residual support more effectively than the prospect of labor's top leadership hounding him out of office. The traditional opponents of labor's power-grab would reawaken to where their interests lie, and their scruples over Nixon's behavior would be correspondingly numbed.

Making impeachment into a political issue, with liberal and left-wing Democratic interests on one side and traditional Republican and Democratic interests on the other, is the kind of power play people are sick of. But that is what it will come down to if the AFL-CIO leaders persist in trying to settle the matter as if it were a presidential recall election.

The case against Nixon has been wholly prejudged by the AFL-CIO leaders They have issued their own 19-point bill of impeachment before Nixon's case has been heard in full. They want him up to the wall for execution forthwith.

Meany's power play has some other pitfalls. While it may be that he can get away with lobbying for a vote of impeachment in the House of Representatives, doing the same in the Senate to get a conviction could easily bring him into contempt of the Senate's juridical function.

REPORT ON MIDDLE EAST OIL AND THE UNITED STATES

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. SPENCE. Mr. Speaker, last week the President in his message to the Nation on the energy emergency said:

> Unfortunately, our expections for this winter have been sharply altered by the recent conflict in the Middle East. . . . We must, therefore, face up to a very stark fact. We are heading toward the most acute shortages of energy since World War II.

The Republican Task Force on Energy and Resources has prepared a report on "Middle East Oil and the United States" which details the flow of the Arab oil to the United States. The report looks at the international oil market and the domestic needs of the United States and attempts to determine what needs exist in this country for Arab oil. The report found that over 14 percent of the oil consumed by the United States in the first half of 1973 was from the Middle East.

The report also contains a list of recommended actions which should be considered if the United States is ever going to get out of the present energy crisis.

This report was prepared by John Nugent, the Director of the Task Force on Energy and Resources. Mr. Nugent studied at the American University of Beirut in Lebanon and has worked for Government and private organizations on the Middle East and energy issues:

REPORT ON MIDDLE EAST OIL AND THE UNITED STATES—PART II

(By the House Republican Task Force on Energy and Resources, House Republican Conference, November 9, 1973)

(Members: ROGER H. ZION, Indiana, Chairman; JAMES ABNOR, South Dakota; WILLIAM ARMSTRONG, Colorado; LAMAR BAKER, Tennessee; JOHN N. CAMP, Oklahoma; THAD COCHRAN, Mississippi; JAMES M. COLLINS, Texas; PAUL W. CRONIN, Massachusetts; BENJAMIN A. GILMAN, New York; ROBERT P. HANRAHAN, Illinois; ELWOOD HILLIS, Indiana; ROBERT C. MCEWEN, New York; CLARENCE E. MILLER, Ohio; WILMER MIZELL, North Carolina; RONALD A. SARASIN, Connecticut; FLOYD SPENCE, South Carolina; ALAN STEELMAN, Texas; STEVEN D. SYMMS, Idaho; GENE TAYLOR, Missouri; DAVID C. TREEN, Louisiana.)

A BOYCOTT IN A SELLER'S MARKET

Before discussing U.S. imports a look at today's international oil market will show that several basic changes have taken place which are likely to make this current boycott different from past Middle East oil crises (starting with Mossadeq in Iran in the early 1950's, through Suez in 1956 to the 1967 war). Since 1970 the oil market has very definitely been a seller's market. Shortly before this period, the demand curves for oil of the major industrial nations experienced sharp increases in part due to restrictions on other fuel sources and a rapid growth in energy consumption caused by expansion of the economies. The result was a growth in the worldwide demand for oil imports. When, in the late 1960's the U.S. became a large net importer of oil, thereby rapidly increasing the demand for oil on the world market, the result was an imbalance in the supply and demand equation. During the 1960's areas outside the Persian Gulf began to experience a peaking out of production. In addition to shifting the emphasis to the Persian Gulf producers, this peaking out came at a time when the market was experiencing this increasing demand. Finally, as the buyer's market shifted to a seller's market, prices began to rise and the producers in the Persian Gulf began to experience problems with a surplus of foreign capital which was susceptible to devaluations and inflation. Therefore, unlike the nationalization attempts, embargos, slow downs and dislocations of the past where the buyer was able to circumvent the effects, today's market no longer has the required flexibility.

Related to this switch from a buyer's to a seller's market are several factors which are shaping the form of the current Arab oil states' actions. Although the Arab oil producing nations have a need for a continuous inflow of capital to build and diversify their economies as well as pay for the day-to-day operations, they have found that large capital inflows which can not be immediately digested are not always desirable or profitable. This economic consideration exerts a certain pressure to reduce oil output as the price rises, especially when the internal demand for capital is relatively small and investment opportunities abroad are limited. The Arab states are also concerned that production rates dictated by the importer's demand for oil would soon exhaust their reserves. Several Arab states prior to this conflict curtailed production rates for conservationist reasons.

On the political side, reductions and embargos are visible signs that the producer nations are taking an active part in the struggle while making known to the rest of the world the seriousness with which they view the situation. The producer states realize that any action they take will affect Western Europe and Japan first, areas which the Arabs consider to be at least neutral in the Arab-Israeli conflict. The statement issued by the Organization of Arab Petroleum Exporting Countries (OAPEC) in Kuwait on October 17, 1973 said:

"The conferees are aware that this reduction should not harm friendly states who assisted or will assist the Arab states actively and materially. Such countries would receive their share (of Arab oil) as they did before the reduction. This exceptional treatment will be extended also to any other countries which might take active steps against Israel in a way to force Israel to end its occupation."

However, weighted against this is a producer state realization that pressure may induce them to provide diplomatic aid to the Arab cause or stay neutral and that it will be very difficult to bring pressure directly to bear on the U.S. without putting pressure on the oil market as a whole. Again, the statement issued from Kuwait stated:

"Unless the world community corrects the situation by forcing Israel to withdraw from our occupied territories and by making the U.S. realize the high price, European industrialized countries will pay as a result of the unlimited American support for Israel."

The declaration of a boycott against the U.S. by the Arab oil producing nations does not necessarily mean that they will be able to stop completely Arab oil from reaching the U.S. The oil market is very complicated, with oil occasionally passing through many hands, even if sometimes only on paper, before it reaches its final destination. Saudi Arabia for instance is currently producing roughly 8.5 mb/d of which the U.S. imports directly only 349,000 b/d. The American Arabian Oil Company (Aramco-Saudi Arabia, 25%; Standard Oil of California, 22.5%; Exxon, 22.5%; Texaco, 22.5%; and Mobile Oil, 7.5%) is the major producer operating in the country at the present time and handles over 90% of the Saudi Arabian oil production. Recent shipments to various parts of the world by Aramco break down as follows:

	Percent
Europe	56.5
Asia (Japan 1.2 mb/d)	29.1
South America	6.0
North America (U.S. 349,000 b/d)	4.5
Africa	3.2
Australia	0.7

Thus what Saudi Arabia must do is either halt all Aramco shipments or require the shipper to designate for whom the product is intended. The first policy would obviously hit at Japan and Western Europe much harder than the U.S. The second policy, although it almost certainly would significently reduce the supplies reaching the U.S., would probably not completely cut off the flow and would be difficult if not impossible for Saudi Arabia to monitor.

This pattern exists to one degree or another throughout the oil producing areas of the world. It is further compounded by the fact that the registry of an oil tanker does not necessarily indicate where the product is going. Thus, unless the Arab oil producers are willing to follow each tanker and take action against those carrying oil to the U.S., the embargo will be somewhat ineffective. However, the Arabs by making a distinction between friends who can buy their oil and those who can not, no matter how symbolic this action may be, are hoping that it will put pressure on the Western Europeans and the Japanese to help enforce the boycott.

THE U.S. NEED FOR MIDDLE EASTERN OIL

What is the actual need in the U.S. for oil from the Middle East and North Africa? First, is should be recalled that there are no energy sources available today to replace oil on a large scale and this is likely to remain so for the next several years. Second, oil is in short supply on the market and sizable amounts are not available to replace supplies coming in as imports and particularly those from the Arab areas. Third, demahd is increasing and can be expected to push supply rather than the opposite. Therefore, at least for the present, the U.S. will be hard-pressed to change the trend toward a growing need for Middle Eastern oil although it may be slowed somewhat. Further, any actions taken to embargo oil shipments to the U.S. are likely to produce serious shortages in the U.S. although it may take several weeks before they become readily apparent. As the following analysis of U.S. oil imports will show, a boycott strenuously enforced by the Arab states could mean that within a matter of months the U.S. economy would be faced with oil shortages amounting to 14% or more. Reductions on this order would mean serious dislocation and possibly economic recession.

Oil import figures for the first six months of 1973 show that the U.S. imported 34.7% of the oil it consumed. To determine the Middle East portion, this oil must be analyzed from two angles. The first is the imports coming directly from the Persian Gulf and North African nations to the U.S. The second category is much harder to define in terms of barrels per day. This category includes oil that is sold by one country (not an Arab nation) as an export to the U.S. while that country is importing Middle Eastern oil to meet some of its needs. This is done primarily for economic reasons. Another type of resale occurs when a country imports Middle Eastern crude and exports refined products. Between the two types, the direct imports and the second country sales, or re-exports, at least 14% of the current U.S. consumption is Middle Eastern and North African oil.

In the first six months of 1973 the U.S. imported 6.0 mb/d of oil while in 1972 oil consumption was 16.2 mb/d. This represents over a 30% increase in imports in one year.

DIRECT IMPORTS OF MIDDLE EASTERN OIL

In the January to June 1973 period the U.S. imported 3,043,000 b/d of crude oil and the remainder in refined products. The figures for refined products on a break down by source are available only for the first quarter of 1973 when imports of refined were running 3,425,000 b/d. The first quarter figures have been used although the use of these figures does not affect the total picture materially.

A geographical breakdown of U.S. crude oil imports in 1973 looks like this:

Source	Average daily imports (barrels per day)	Percent of 1973 crude imports
Canada	1,056,000	34.7
Africa	785,000	25.8
Middle East	630,000	20.7
Latin America	386,000	12.7
Far East	186,000	6.1
Total	3,043,000	100.0

Over 90% of the U.S. crude imports came from only eight countries. Four of the eight are in the Middle East/North African area and three of the four have announced embargos against the U.S. The fourth country is Iran which has traditionally stayed on the sidelines during Arab-Israeli conflicts although it has quickly implemented new price levels and participation agreements which have arisen out of the Arab producer states confrontations with the oil companies. The eight countries which supply 90% of U.S. crude imports are:

Country and average daily imports

	Barrels per day
Canada	1,056,000
Nigeria	422,000
Saudi Arabia	349,000
Venezuela	272,000
Indonesia	165,000
Iran	161,000
Algeria	154,000
Libya	143,000
Total	2,742,000
Total crude imports	3,043,000

In addition to the three countries mentioned above, several other Arab nations provide the U.S. with sizable crude imports. The two biggest are the United Arab Emirates (which include Abu Dhabi and Dubai) and Kuwait both of which have already announced boycotts. Bahrain, although not an exporter to the U.S., has asked the U.S. Naval force based on that island to leave. This means that unless the U.S. can find a base somewhere else in the Persian Gulf, it will have to give up its permanent presence there or operate from bases outside the area. The fact that Bahrain has asked the U.S. to withdraw this force may be an indication of severity of Persian Gulf reactions to U.S. arms shipments to Israel. King Faisal of Saudi Arabia has until now been a strong supporter of the U.S. and had approved of the U.S. keeping this force in the Persian Gulf following the British withdrawal in 1971. Further, King Faisal, as the major U.S. client among the Arab oil producing states and one who until several weeks ago had indicated a strong desire to maintain the close relationship, has apparently been a leader in escalating the degree to which the Arabs will embargo oil shipments to the U.S.

Total crude imports directly from the Middle East and North Africa (excluding Iran and Israel) alone account for 4.6% of the U.S. oil consumption (See table #5 for total crude imports by country). The crude imports from the Middle East and North Africa are:

Country and average daily imports

	Barrels per day
Saudi Arabia	349,000
Iran	161,000
Algeria	154,000
Libya	143,000
United Arab Emirates	71,000
Kuwait	45,000
Tunisia	19,000
Egypt	16,000
Israel	2,000
Iraq	2,000
Qatar	1,000
Total	963,000

TABLE 5.—IMPORTS OF FOREIGN CRUDE OIL[1]

[Thousands of barrels]

P.A.D. district and country of origin	January-June (inclusive) 1973	January-June (inclusive) 1972
All districts:		
Algeria	27,830	9,967
Angola	5,796	867
Australia		327
Canada[2]	191,209	153,454
Colombia	484	196
Ecuador	8,533	
Egypt	2,908	1,041
Indonesia	33,429	28,254
Iran	29,146	21,589
Israel	309	
Iraq	307	827
Kuwait	8,068	5,390
Libya	25,891	23,370
Malaysia	234	305
Mexico	247	
Nigeria	76,341	37,952
Qatar	185	677
Saudi Arabia	63,227	32,654
Trinidad	11,120	2,461
Tunisia	3,480	1,235
U.S.S.R		323
United Arab Emirates	12,853	11,266
Venezuela	49,276	45,305
Total[1]	550,873	377,460

[1] Reported to the Bureau of Mines.

[2] Includes some Athabasca hydrocarbons.

Source: Mineral Industry Surveys, U.S. Department of the Interior; June, 1973; pps. 16-17.

U.S. refined petroleum imports in the first quarter of 1973 amounted to 3,429,000 b/d. Approximately 70% of this was residual fuel, with distillates and jet fuels next by size followed by gasoline, unfinished products, plant condensates with several other products making up the rest (See table #6). This pattern is particularly important because residual, distillates and gasoline are three refined products of which there is a shortage in the U.S. and a lack of refinery capacity to make up for their loss (See table #7).

The U.S. refined imports by source look like this:

Source	Average daily imports (barrels per day)	Percent of refined products
Western Hemisphere	2,819,000	84.8
Western Europe	336,000	10.1
Middle East	52,000	1.6
Africa	52,000	1.6
Other	170,000	5.1
Total	3,429,000	

TABLE 6.—IMPORTS OF FINISHED PETROLEUM PRODUCTS INCLUDING RECEIPTS FROM PUERTO RICO, THE VIRGIN ISLANDS, AND CUBA BY P.A.D. DISTRICTS

[Thousands of barrels]

	January to June (inclusive) 1973	January to June (inclusive) 1972
ALL DISTRICTS		
Motor gasoline, total	16,963	11,653
Receipts from Puerto Rico	9,019	9,410
Other	7,944	2,243
Naphtha-type jet fuel, total	4,064	4,525
Bonded aircraft fuel	1,505	1,254
Other	2,559	3,271
Kerosine-type jet fuel, total	29,783	29,977
Bonded aircraft fuel	28,099	29,317
Receipts from Puerto Rico	214	361
Other	1,470	299
Liquefied petroleum gases	24,663	16,651
Kerosine, total	36	27
Receipts from Puerto Rico		
Other	36	27
Distillate fuel oil, total	69,262	32,479
Bonded ships bunkers	3,120	2,954
Receipts from Puerto Rico	4,628	5,201
No. 2 fuel oil	43,107	7,100
No. 4 fuel oil	18,407	17,224
Residual fuel oil, total	342,519	322,627
Bonded ships bunkers	23,294	21,181
For military offshore use	1,441	2,527
Other	317,764	298,919
Petrochemical feedstocks, total	1,987	1,512
Receipts from Puerto Rico	430	106
Other	1,557	1,406
Special naphthas	61	395
Lubricants	959	6
Wax	519	27
Asphalt	2,453	3,370
Total	493,269	423,249
IMPORTS OF PLANT CONDENSATE[1] AND UNFINISHED OILS		
Plant condensate,[1] total	19,272	12,599
Unfinished oils, total	23,368	21,991

[1] Includes natural gasoline.

Reference: Mineral Industry Surveys, U.S. Department of the Interior, June 1973, pp. 18-19.

TABLE 7.—WORLD REFINING CAPACITY

[In percent]

	Distribution of World refining capacity, 1972	Average annual increase, 1967-72
Western Europe	28.8	+5.4
North America	26.6	+4.5
United States	(22.6)	+(4.1)
Communist countries	16.1	+7.7
Japan	7.4	+15.1
Caribbean	6.9	+6.8
Middle East	4.1	+4.7
South America	3.0	+10.9
Other	7.1	
World total	100.0	+8.0

THE SIXTH DISTRICT SPEAKS OUT: TWO CRISES: BUSING AND ENERGY

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. BRAY. Mr. Speaker, from my poll taken earlier this year, I have received more responses than ever before. One very good reason for this is due to the first question asked, on busing schoolchildren. This issue exploded in the district after the questionnaire was mailed. For this reason I have taken a major share of time to reply to questions raised on busing. However, for the RECORD, here are the results in percentages of the replies to the questionnaire:

YOUR OPINION, PLEASE—1973

1. If busing schoolchildren for racial reasons is not banned by the Supreme Court, would you favor a constitutional amendment? Yes, 90%; no, 10%.

2. Do you believe that, in order to curb inflation, wage and price controls are preferable to a tax increase? Yes, 82%; no, 18%,

3. Do you favor national health insurance paid by increased social security and other taxes? Yes, 24%; no, 76%.

4. Do you think the energy crisis (power, gas, oil shortages) has passed pollution in importance? Yes, 64%; no, 36%.

5. Do you feel world tensions are relaxed to the point where we can afford major cutbacks in our defenses? Yes, 25%; no, 75%.

6. Some say there are "victimless" crimes—marijuana, prostitution, pornography, for example—that should not be considered as crimes and existing penalties on them should be repealed. Do you agree? Yes, 13%; no, 87%.

BUSING—THE MAJOR ISSUE

Shortly after the poll cards were mailed, the busing issue took on new importance in my district based on Federal court actions. Increased interest in and much hostility was generated on the whole busing coniept. In addition to the poll cards, I received literally hundreds of postcards and letters, written separately, on busing. These continue to arrive; since they did bear on a poll question, I felt I should delay final tabulation and reporting of the returns.

Typical questions were: Why are children being bused away from their neighborhood school? What can be done to stop the busing of schoolchildren? Why does not Congress not stop this busing when the public is bitterly opposed to it? These letters range from well-reasoned queries to letters filled with bitterness and even hatred. I can well understand the feelings of parents who are devoting their lives to the care and well-being of their children.

To see their children bused miles away from their neighborhood schools by court order is, to say the least, upsetting. Their children are removed from their scope of care, from activities and participation in their own neighborhood. Many parents sincerely believe that this action will adversely affect the future of their children's lives and so expressed themselves in no uncertain terms. These letters express bitterness against the courts and against a society, generally, which would take such action involving their children. These letters demand to know why effective action is not being taken that will stop this busing. Such demands are understandable. The public is entitled to an answer. This is especially true when these same questions will be asked in every community of the United States where forced mass busing is attempted.

On the 3d day of October 1973, the Indianapolis City-County Council passed by a vote of 17 to 1 a proposal for a special resolution concerning public school matters which petitioned:

> The Congress of the United States to act without further delay on pending legislation to remove education from the jurisdiction of the Federal Courts and to prohibit, by constitutional amendment, the assigning of children to schools on the basis of race.

The busing question has been asked two times in the last 3 years in my polls, counting 1973. Once I had to devote almost the entire poll response to the busing question because, even though, I did not ask it, the busing issue flared up in the Sixth District while the poll was being taken. It brought so much mail and attention that I felt it could honestly be considered a part of the poll.

Many of us foresaw the dangers in the trend toward busing several years ago. I have spoken against busing many times. In remarks delivered to the House of Representatives on this subject on July 30, 1969, entitled, "Education or Social Experimentation," I strongly attacked the idea of busing to obtain racial balance.

On October 7, 1970, I made further remarks in the House on busing, entitled, "Classroom for Chessboard, Pupils for Pawns."

It is interesting to note that other polls—other than the ones I took—showed the same results; not in figures but in feeling and attitude. One was a poll taken for the U.S. Commission on Civil Rights, by an independent, nationwide polling organization. However, the Commission took the attitude that people were "seriously misinformed" about busing. The report of the Commission—which approves busing—showed 70 percent opposed busing for desegregation; 21 percent favored it; 9 percent had no opinion.

A Gallup poll taken late in the summer and reported in September 1973, showed, and I quote from the New York Times of that date:

> A majority of Americans continue to favor public school integration, but few people—black or white—think that busing is the best way to achieve it.

Only 5 percent chose busing; 9 percent black, 4 percent white were the figures by race. The 5 percent was the overall national figure. Only 27 percent—white, black, and nationwide—even favored changing school boundaries.

Now, this Gallup poll also showed the almost total lack of any so-called racial bias on the part of the respondents. Busing opposition was not based on racial feeling. What bothered people was the infringement of personal liberties, worry about busing children to schools in different neighborhoods, and worry that busing would increase local school taxes. The school board, school officials, teachers, parents and pupils, black and white, are against busing.

In every location where the pupils are being forcibly bused away from neighborhood schools to achieve a racial balance, that action has met with overwhelming opposition. As yet, the busing enthusiasts have only attempted forced busing in a relatively few localities such as the area around Indianapolis and certain areas in Virginia and Michigan.

While the general public is overwhelmingly against this busing, only a few neighborhoods have, as yet, been so personally affected as to actively and aggressively fight the bureaucrats and courts who would bus their children away from the neighborhood schools.

In answering the questions as to busing pupils to obtain a racial balance, it is well to understand the actions which brought about this recent movement of forced busing.

In States where segregation of races was practiced there was, unfortunately, busing for admittedly racial reasons. Such busing was morally wrong. However, the so-called Civil Rights Act of 1964, which became law on July 2, 1964, was intended to stop the assignment of students for racial reasons. Article b of section 401 states:

> "Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

This legislation clearly forbids what the busing enthusiasts are forcing on the people today.

Despite this civil rights legislation of 1964, an early architect of this busing away from neighborhood schools to obtain a racial balance was Harold Howe II who served as Federal Education Commissioner from February 1965, to January, 1968. The weapon that Commissioner Howe used to obtain his educational utopia was the destruction of the neighborhood school. A Wall Street Journal story of August 12, 1966, roughly explained Commissioner Howe's goal. The headlines were as follows:

> Integrating Classes—Federal Officials Now Favor End to Tradition of Neighborhood School—New Education Commissioner Calls for Busing.

While Howe is no longer Commissioner of Education, many of his probusing enthusiasts are still at the Department of Education.

Perhaps the greatest injustice in busing is that it assumes that one race is inferior to another race and that pupils must be bused so that they can be with a superior race. Such a philosophy is alien to every principle of our country and is degrading to the pupil, causing the pupil to lose confidence in himself and his right to be a free man or woman.

It is true that busing reduces the effectiveness of the school and is wasting money badly needed for education.

The greatest wrong in busing, however, is to the pupil. At a period of life when a child should become interested in adjusting to school and community, he is being forcefully bused into an alien atmosphere. The pupil, in a sense, is not a citizen of either community; where he lives or to where he is bused. This period in a child's life should be filled with participation in many things: athletics, school clubs, band, orchestra, drama, music and scores of other activities to build him into a responsive and well-adjusted citizen. Busing denies him this opportunity for the normal development of blending school, home and community into a part of his growing life. The parents are denied a part in the school, emergency health care of their children, and the community school activities.

A prominent probusing school official argued that children have been bused to school for many years. It is true that children have been riding buses for many years—riding to neighborhood schools—not away from neighborhood schools.

Another argument used for present-day busing is that pupils are being transported to a better school. That may sound very fine, but what of the pupils who are left behind and what of other pupils who are bused from a "superior" school to this "inferior' school? The goal of American education should be to make all schools the very best possible. There is also something else. With a fuel crisis, and talk of gas rationing, how about a moratorium on busing—which requires staggering amounts of extra gasoline?

The remedies to stop this type of busing are both legal and legislative. Many of these "far out" court busing decisions are being appealed and it is hoped that soon some of these cases reach the Supreme Court, resulting in a favorable decision that will stop busing for racial balance. However, until such a decision is reached, the community involved should push toward a legislative decision—that is, the passage of legislation that will stop this type of busing.

The Indianapolis City-County Council, less than a month ago, on October 3, 1972, by a vote of 17 to 1 asked Congress to take appropriate legislative action. Almost 100 bills have been introduced in Congress to accomplish this; to wit, to stop this kind of busing. However, before the Congress can vote on this legislation, it is necessary to get these bills passed out of the Judiciary Committees of both the House and Senate. To the present, both of these committees have neglected the matter and refused to act. Several Members of the House, including myself, have introduced two types of legislation. On February 27, 1973, I introduced House Joint Resolution 379, proposing an amendment to the Constitution of the United States relative to neighborhood schools which briefly states:

> No public school student shall, because of his race, creed, or color, be assigned to or required to attend a particular school.

This resolution was referred to the House Committee on the Judiciary. Again on September 12, 1973, I introduced a bill, H.R. 10223, to limit certain legal remedies involving the involuntary busing of schoolchildren. In part, it stated:

> That no court established by or under the Constitution of the United States shall have jurisdiction or order the transfer or transportation of any student to carry out a plan for the desegregation of any public educational facility if such facility is operated in good faith on an open enrollment basis by a local educational agency which operates its system of free public education on an exclusively open enrollment basis.

Similar legislation was introduced by other Members of Congress and by myself in previous sessions of Congress. These were also bottled up in the Judiciary Committee.

Public opinion is rising against busing to a degree never seen before. There may, as I have noted, be favorable action by the Supreme Court. If not, then the best and only remedy left is through the national legislative process. It is going to be up to elected Federal officials—Members of the U.S. Congress—to not only

keep the issue alive, keep legislation introduced and push it, but to work for its successful passage.

Public sentiment has more to do with this than many people think. I am not saying for a moment that bureaucratic or Federal Court decisions are going to be set aside overnight by congressional action, but I believe that if the Supreme Court does not act, this congressional action will come.

This is the only way. I have been aware of it, have worked and spoken out on the issue and done everything in my power to remove this social evil, the busing of schoolchildren for racial balance, from the American scene. I have been at it for almost 5 years and I will continue until there is favorable action.

ENERGY AND ECOLOGY—SAME COIN, TWO SIDES

The looming energy shortage is far more serious today than it was at the time of the mailing of my 1973 questionnaire, yet it is interesting that 64 percent of those answering the questionnaire said that "the energy crisis has passed pollution in importance." The President, on the evening of November 7, 4 months after my questionnaire was mailed, in a national broadcast, recognized this fact when he called for emergency action in our present energy crisis.

He stated that he was:

> Directing that industries and utilities which use coal which is our most abundant resource be prevented from converting from coal to oil. Efforts will also be made to convert power plants from the use of coal—of oil to the use of coal.

The Clean Air Act of 1970 and the manner of its implementation and enforcement was, I fear, a case of "legislate in haste, repent at leisure." The power companies were forced to shift from coal to gas or oil, a low sulfur oil whose principal source of supply is the Near East. Arab retaliation in the Middle East war has added to our increasing energy shortage, when they cut their supply of oil to the United States. Japan and Europe are being injured to a much greater degree than is the United States by rapidly mounting energy crises of their own.

Millions of barrels of oil, that today would be heating homes, driving automobiles, airplanes and trucks, is now generating power that should have been generated by coal. If power in the United States today was being generated by coal there would be no energy shortages. The United States has about 6 percent of the world population but consumes over 30 percent of the energy in the world.

The President's address called for actions on behalf of the country, States and the individual, actions which properly taken and adequately implemented will bridge us over the present energy crisis with a minimum of problems and discomfitures.

We have adequate supplies of coal for some centuries to come and with proper curbing of smoke and gases, the use of coal will cause but little inconvenience to the public.

The Alaskan pipeline, which has been needlessly delayed, when completed will add greatly to our source of energy as will the increased use of nuclear reactors and the development of solar energy. The utilization of great supplies of oil, coal and gas still untapped on land and under the sea should be encouraged. The American people will cooperate in times of a national emergency and, in addition, the alternative of being cold, hungry and in the dark is not appealing.

The situation is analogous to when World War II began. Japanese drives into Southeast Asia cut us off from about 90 percent of our supply of natural rubber. So what happened? Industry developed synthetic rubber.

The great American ability called know-how can and will solve this energy crisis, but it must be allowed to do so.

The State of Indiana is one of the first three States to do something to solve this problem.

Already there is an office in Indianapolis, set up by the Indiana State government, that citizens having any fuel difficulties can call: (317) 633–4008.

THE BALANCE OF THE QUESTIONNAIRE

The other four topics, to some degree, are still unresolved and up in the air. Due to the intense interest shown in the first two it has become necessary to cut down the space allotted to the other four.

WAGE AND PRICE CONTROLS, OR MORE TAXES?

Neither are popular; my mail made that clear. But I had been informed, personally and in mail, by a significant number of people, that they would prefer higher taxes to cure inflation to further controls.

As it stands now, I do not see general higher income taxes. This could be wrong, but congressional sentiment is against it. For continuance of controls, it seems as if they may be removed within the next 3 to 4 months. There will almost certainly be some selective removal, if not scrapping them completely. There is strong sentiment in high administration councils to abolish them and let the free economy work. These controls have not worked very well so far; no one likes them; at best, they were a stopgap measure.

NATIONAL HEALTH INSURANCE

Opposed, as the poll indicates, estimated figures on what it would cost vary, concerning coverage. Complete coverage? Billions—there is no doubt about it. And such a program, make no mistake about it, would mean much higher taxes, probably both on social security—which will likely rise anyway next year—plus general income taxes, to pay for it out of the General Treasury fund.

At this time there is nothing of substance going on in Congress. There will be nothing this year, and, next year, it is questionable. The strongest backers of national health insurance admit there are many, many questions to be resolved first.

DEFENSE

The Sixth District does not believe that the world is settled to the point where we can let defense matters slide. I know, in some quarters, it is popular to talk about what we could do with the money if we did not spend it on defense. Well, it is not that simple.

The so-called détente and various trade agreements—controversial and a cause of concern to many; I understand that—do not mean an era of world peace is at hand. In fact, in all recorded history, there have been relatively very few years when we had such.

The question boils down to "What are our interests?" Well, let us consider what Lord Palmerston told the House of Commons in 1848:

> It is a narrow policy to suppose that this country or that is to be marked out as the eternal ally or the perpetual enemy. . . . We have no eternal allies and we have no eternal enemies. Our interests are eternal and perpetual, and those interests it is our duty to follow.

VICTIMLESS CRIMES?

The new Director of the FBI, Clarence M. Kelly, a long-time law-enforcement officer who knows what he is talking about, had this to say about the idea:

> There is too much chance for hoodlums to take over, and neglect by the police merely serves to milk the public dry. . . . When crimes without victims become an open field, it can become a playground for hoodlums.

Those who say there are "victimless crimes" maintain that some things are harmful to the individual, and not to society at large. To that I would respond with the famous remark of the Englishman John Donne, in 1924:

> No man is an island, entire of itself; every man is a piece of the continent, a part of the main; if a clod be washed away by the sea, Europe is the less, as well as if a promontory were, as well as if a manor of thy friends or of thine own were; any man's death diminishes me, because I am involved in mankind; and therefore never send to know for whom the bell tolls; it tolls for thee.

REPORT ON MIDDLE EAST OIL AND THE UNITED STATES

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. MIZELL. Mr. Speaker, last week the President in his message to the Nation on the energy emergency said:

> Unfortunately, our expectations for this winter have been sharply altered by the recent conflict in the Middle East. . . . We must, therefore, face up to a very stark fact. We are heading toward the most acute shortages of energy since World War II.

The Republican Task Force on Energy and Resources has prepared a report on "Middle East Oil and the United States" which details the flow of the Arab oil to the United States. The report looks at the international oil market and the domestic needs of the United States and attempts to determine what needs exist in this country for Arab oil. The report found that over 14 percent of the oil consumed by the United States in the first half of 1973 was from the Middle East.

The report also contains a list of recommended actions which should be considered if the United States is ever going to get out of the present energy crisis.

This report was prepared by John Nu-

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gent, the Director of the Task Force on Energy and Resources. Mr. Nugent studied at the American University of Beirut in Lebanon and has worked for government and private organizations on the Middle East and energy issues:

REPORT ON MIDDLE EAST OIL AND THE UNITED STATES—PART III

(By the House Republican Task Force on Energy and Resources, House Republican Conference, November 9, 1973)

(Members: ROGER H. ZION, INDIANA, Chairman; JAMES ABNOR, South Dakota; WILLIAM ARMSTRONG, Colorado; LAMAR BAKER, Tennessee; JOHN N. CAMP, Oklahoma; THAD COCHRAN, Mississippi; JAMES M. COLLINS, Texas; PAUL W. CRONIN, Massachusetts; BENJAMIN A. GILMAN, New York; ROBERT P. HANRAHAN, Illinois; ELWOOD HILLIS, INDIANA; ROBERT C. MCEWEN, New York; CLARENCE F. MILLER, Ohio; WILMER MIZELL, North Carolina; RONALD A. SARASIN, Connecticut; FLOYD SPENCE, South Carolina; ALAN STEELMAN, Texas; STEVEN D. SYMMS, Idaho; GENE TAYLOR, Missouri; DAVID C. TREEN, Louisiana.)

INDIRECT IMPORTS OF MIDDLE EASTERN OIL

Direct imports from the Middle East and North African area (excluding Iran and Israel) amount to 5.2% of the total U.S. consumption—not an alarming figure but not a complete one either. When the exports to the U.S. of the major non-Persian Gulf and North African suppliers are analyzed, it becomes apparent that without Arab oil they would be unable to continue the current levels of exports to the United States.

Canada, for instance, is a net exporter of crude oil through its sale of oil to the U.S. Canada sells oil to the U.S. from its fields in the western part of the country, gains foreign exchange and then buys oil which it imports on its eastern coast. Canada relies on 850,000–900,000 b/d of imports to meet its total demand of 1.6 mb/d. 53% of the imports come from Colombia and Venezuela, 25% from Arab sources, 14% from Iran and 8% from Nigeria. With the Venezuelian production declining and Canadian domestic demand increasing, the trend in Canada is toward importing increasingly more crude oil from the Persian Gulf and North Africa. Estimates vary, but at a minimum some 400,000 b/d of Canadian exports of crude oil to the U.S. could be affected by a Middle Eastern boycott. The U.S. will be effected in two ways. If Canada, during an embargo, continues to get most of the oil it needs through competitive bargaining and higher prices, the reductions of exports to the U.S. will likely be lower. However, the price to the U.S. will be considerably higher. Further, Canada might require the U.S. to replace Canadian western exports with U.S. oil shipments to the Montreal area. Lastly, Canada might be tempted to find other markets for its oil either within the country or as exports to nations other than the U.S., possibly Japan.

Should Canada decide to move away from the U.S. market, she will face some potentially serious dislocations and will have to measure her own interests and the price she is willing to pay both economically and diplomatically against the pressure the U.S. will bring to continue the present patterns. Recent actions by Canada indicate she is seriously considering such a move. In April 1973, Canada imposed export controls on crude shipments to the U.S. and as late as September. Prime Minister Trudeau announced he would seek measures to protect against Middle East cut-off including a pipeline from the west to Montreal. (This pipeline could cut Canadian exports to the U.S. by an estimated 550,000 b/d.) As a result of the restrictions of world crude supplies, Canada has been increasing the crude oil tanker shipments between the Interprovincial Pipeline terminal in Ontario and Montreal with the shipments expected to reach 50,000 b/d in November. There are other instances of this second country sales in crude although they are nowhere near as massive or as easy to demonstrate.

In the area of refined imports to the United States, second country sales are much more prevalent. Of the 2.8 mb/d of refined products from the Western Hemisphere some 1.6 mb/d come from the Caribbean and roughly 50% or some 500,000 b/d of this are products refined from Middle Eastern and North African crude oil. Of the Canadian refined products exported to the U.S. it is estimated that 100,000 b/d are related to the Middle East. In addition, the whole of Europe's 336,000 b/d is dependent on supplies of crude oil from the Middle East. Thus, the refined imports to the U.S. which originate as Middle Eastern or North African crude oil are in the neighborhood of 900,000 b/d. As in the case of crude imports only, the cases that involve amounts large enough to be easily measured have been included although others exist.

The total imports from the Middle East and North Africa for both the direct imports and the second country transactions amount to 14% of the oil consumed in the U.S. The figures for both types of imports are as follows:

PETROLEUM IMPORTS DIRECTLY FROM THE MIDDLE EAST/NORTH AFRICA

Source	Average daily imports (barrels per day)	Percent of total U.S. consumption
Crude imports: Middle East, North Africa	961,000	
Refined imports: Middle East, North Africa	104,000	
Subtotal	1,065,000	6.1

PETROLEUM IMPORTS INDIRECTLY RELATED TO THE MIDDLE EAST/NORTH AFRICA[1]

Crude: Canadian	400,000	
Refined:		
Europe	336,000	
Canada	100,000	
Other Western Hemisphere	500,000	
Subtotal	1,336,000	7.7
Total	2,401,000	13.8

[1] Estimate of oil likely to be affected within the first few months of major reductions in Middle East/North African oil exports.

BOYCOTT RESULTS: ESTIMATE OF EFFECT

When considering the question of a Middle Eastern oil embargo and the world-wide oil picture, it is important to remember that only Saudi Arabia has the capabilities to increase production significantly for an extended period of time. Iran would be very hard pressed to make up for even 5% reductions in Persian Gulf production. Iran has plans for expansion but is very conscious of its oil reserves and the need to plan production to meet the Shah's internal development plans. Thus, Iran would be very reluctant to greatly expand production although for a short period it is not unreasonable to expect some moderate increases. Russia is the other country often mentioned as having the capability to make up for losses of Persian Gulf and North African oil. Russia does have considerable potential for expansion and could definitely increase exports for a short time. However, the amounts are not felt to be large enough to offset a serious Arab embargo lasting any considerable time. Further, political considerations could possibly dictate that Russian oil would go to the Western Europeans rather than the U.S. This might be the case if the Soviets did not want to risk embarrassment in the Arab world and were willing to risk weakening of detente with the U.S. In addition, by most estimates, Russia will have become a net importer of petroleum by the 1980's, if she is to meet the energy demands of her expanding industries and public consumption. Any shortages that are caused by an Arab embargo are going to be real rather than relative shortages which can be compensated for from another area.

Counting stockpiles and company supplies in Western Europe, Japan and the United States, which range from weeks to months it will be a month or more before the effects of an embargo become serious, provided the embargo lasts that long. However, should the Arabs continue their actions, several changes can be expected in the world oil market. These changes could possibly cause further decreases in the oil available for import to the U.S. beyond the 2.4 mb/d mentioned previously. Faced with the prospect of significant oil shortages, Western Europe and Japan would probably move from cooperation to competition with the U.S. in the oil market. This is particularly so if they view with disfavor U.S. diplomatic actions and the arms shipments to Israel which led to the embargo. In bidding for the petroleum supplies of the remaining producers, plus possible Arab oil sold to them based on their support for the Arab cause, the price is almost certain to rise and potentially a portion of the oil now going to the U.S. would go to them at this higher price. Another possible side effect is that all exporter-importer countries, not just the ones mentioned previously, would have to restrict their sales thus causing a ripple effect in the refined product market. Japan could also be expected to enter the oil market with its own companies at an accelerated rate. Currently, Japan gets 70–80% of its oil from the major oil companies none of which are Japanese. To correct this Japan has created the Japan Petroleum Development Corporation to assist Japanese companies in exploration and development. This process would certainly be increased bringing Japan into the market as a major independent competitor.

It is not certain that the Arab nations will be able to enforce a boycott or continue one over a long period of time. What is certain is that the U.S. dependence on Middle Eastern and North African oil has been growing and is likely to continue. As long as the Arab-Israeli crisis continues, oil will be used as a political tool not only for economic gains but also for achievement of foreign policy goals.

1973 may in many ways be a turning point. If the Arab nations see the embargo as successful in pressuring the U.S. to modify its position toward or in bringing about a settlement of the Arab-Israeli dispute, and if the much higher prices unilaterally set during the crisis become permanent (Indonesia and others have followed the Arab example and raised their prices), the Arabs will have won significant gains from the oil companies and the major importing nations. The 1970's and the 1980's may be the decades of the oil exporters as the 40's and 50's were ones of dominance of the oil market by the major oil companies. Provided that the Arab-Israeli crisis is solved and the exporting and importing nations can put their dealings on a more businesslike footing, this period of dominance of the oil market by the seller need not be a particularly troublesome time.

RECOMMENDATIONS

What should the United States do to balance its needs for oil with domestic economic needs and foreign policy objectives? The nature of the energy crisis facing the U.S. is such that domestic actions must be taken to improve the relative imbalance in the U.S. with regard to energy consumption and petroleum fuels. Also, the implications of the recently announced oil boycott for the U.S. energy picture make it imperative that serious consideration be given to the U.S. foreign policy objectives in the Middle East and in the international economic community.

Some of the factors and actions which the U.S. may want to consider in its attempts to solve its energy problems are listed below. No attempt has been made to rank them by priority or to place them in perspective with regard to the time frame implied by each suggestion. Further, the listing of these proposed actions does not imply endorsement of a proposed course of action and in a few cases the suggestions may even be in conflict. The attempt here is more to outline the possibilities and give an indication of the range of choices rather than define a course of action.

First, in the *foreign policy and international economics area* the following approaches to the problem might be taken:

(1) Apply pressure on all parties and work together with the Soviet Union to achieve a just and acceptable settlement to the Arab-Israeli conflict. The temptation to stop with a cease-fire should be resisted; in the past these have proved only temporary and have not so far led to peace negotiations.

(2) Work with the oil exporting nations to assure that their goals can be met without seriously upsetting economic progress in other areas. This will include establishing oil contracts that adequately account for currency fluctuations and inflation. Further investment incentives should be available to make oil production worthwhile. Unless it is profitable to increase production or even produce the oil, exporters are likely to curtail production. These investment opportunities may result in closer economic ties between the producer and the importer states making future embargoes less likely. In addition, the major industrial nations should provide investment opportunities for the growing foreign currency holdings of the oil states with the aim of preventing strains on the international monetary system and helping to alleviate the drains on revenues and the chronic instability due to balance of payments disequilibrium.

(3) The major industrial nations should cooperate for the purpose of furthering research and development in all fields of energy research. This cooperation might extend to establishing limited programs to assist each other during oil shortages, possibly through the sharing of reserves. However, to view this cooperation as an anti-OPEC organization or as a bargaining tool would be unwise. Japan would be most unlikely to join as would most Western European nations.

(4) The U.S. should work with Canada to assure that both countries' economic needs are met to the fullest extent possible. The consequences of an economic realignment by Canada away from the U.S., particularly in the area of oil, would present the U.S. with some very severe problems.

(5) The U.S. should reevaluate its foreign policy and military needs to determine the value of increasing stockpiles.

In the area of *domestic economic policy* the U.S. should recognize that it has an energy problem with or without an Arab boycott of oil. Boycotts by the Arab oil producers may aggravate the crisis but they did not cause it. Further, it is entirely possible that for the foreseeable future the U.S. will remain dependent on oil imports for a sizeable proportion of its domestic energy needs. With this goes the obverse, mainly that without drastic changes in the economic picture the U.S. is not likely to be self-sufficient in energy reserves for at least the next decade or more. This is not to imply that the U.S. should not take every action to reduce dependence on imports. The U.S. very definitely should, but recognizing the needs for imports opens up new approaches to the U.S. energy problems. (Just as a brief note, most projections into the long range period indicate a shift away from the fossil fuels towards the renewable energy sources. The trick is to be prepared for the shift before the shortages are induced by depletion rather than man made.)

The following are suggested approaches which might be taken in the U.S. to alleviate energy problems:

(1) Increase the domestic capabilities to produce more fuel resources. Exploration and development of all natural gas and petroleum deposits should be undertaken both onshore and offshore and U.S. refinery capacity should be greatly expanded. Increase the use of coal in an environmentally acceptable way. Increase the use of nuclear energy as an addition to and substitute for fossil fuels. This increased use includes not only new production but also more efficient ways of producing and using our current resources.

(2) The U.S. should build the facilities necessary to handle increased imports. This includes deepwater ports, super tankers, new refineries and additional pipelines and storage facilities.

(3) The U.S. should provide investment opportunities for the oil producing nations that are compatible with U.S. economic growth and mutually beneficial with the view towards increasing production, easing the balance of payments drain, and preventing oil revenues from being used at some future time against the international monetary system or the U.S. dollar.

(4) Every reasonable effort should be put into R & D activities to insure that the U.S. has enough energy resources to meet its projected needs. The range of projects dealing with fossil fuels include: ways to use coal that minimize the dangers to the environment, gasification and liquification programs to produce fuels from coal, tar sands and oil shale and increasing the recovery capabilities of the oil and gas reserves as well as assuring their most efficient use. In the renewable energy resource area geothermal, solar, and nuclear energy are the foremost prospects.

(5) Coordinated programs to conserve energy in all phases from production to consumption should be adopted. The method of compliance could range from voluntary to enforced programs with monitoring systems to assure implementation.

(6) Contingency plans should be developed which go beyond the current allocation programs. The ultimate step would be a rationing mechanism for all important energy sources.

(7) The U.S. government should be recognized to place offices with a working responsibility for energy under one body. This would facilitate R & D, coordinate energy policy spanning all sources and insure that energy policies are implemented in a fashion which takes into account the numerous sources.

(8) At least during the next few years some of the environmental regulations may be modified to allow the use of fuels which are now banned such as coal and high sulphur oil. This could be done on an individual case basis or through a modification on a general scale to existing laws. The modification may be in either the primary or secondary areas.

WOMEN AND CREDIT DISCRIMINATION—THE MYTHS, THE FACTS, AND THE NEED FOR LEGISLATION

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Ms. ABZUG. Mr. Speaker, this morning I had the privilege of testifying before Representative LEONOR SULLIVAN's Subcommittee on Consumer Affairs of the House Banking and Currency Committee. The subject of the hearing was discrimination of the extension of credit to women by reason of sex or marital status. I would like to take this opportunity to insert in the RECORD the text of my testimony.

TESTIMONY OF BELLA S. ABZUG BEFORE THE HOUSE BANKING AND CURRENCY COMMITTEE, CONSUMER AFFAIRS SUBCOMMITTEE

Representative Sullivan, members of the Committee, I would like to commend and thank you for holding these hearings on the issue of women and credit. I wish to commend the Chairwoman also for her leadership in consumer protection, as a member of the National Commission on Consumer Finance, and as a leading advocate here in the House of the Consumer Credit Protection Act. I know that you and the Subcommittee have spent a great deal of time investigating the practices of our federal agencies and commercial firms in the administration of existing consumer protection legislation and the need for new legislation.

My legislation HR 9110 (The Equal Credit Opportunity Act) attempts to remedy the widespread problem of discrimination on the basis of sex or marital status in the granting of credit to women. The unavailability of credit to women was documented during hearings held by the National Commission on Consumer Finance, again in Federal Deposit Insurance Corporation hearings and in many letters to my office and I am sure to the offices of other members of the Committee. The five discriminatory acts documented by the Commission were summarized as follows:

1. Single women have more trouble obtaining credit, especially mortgage credit, than single men.

2. Creditors generally require a woman who has credit to reapply for credit when she marries, usually in her husband's name. Similar reapplication is not asked of men when they marry.

3. Creditors are often unwilling to extend credit to a married woman in her own name.

4. Women who are divorced or widowed have trouble reestablishing credit. Women who are separated have a particularly difficult time since their accounts may still be in the husband's name.

5. Creditors are often unwilling to count the wife's income when a married couple applies for credit.

HR 9110 recognizes that there is a need to insure that the various financial institutions engaged in the extension of credit exercise their responsibility to make credit available with fairness, impartiality, and without discrimination on the basis of sex or marital status.

Economic stabilization would be enhanced and competition among the various financial institutions engaged in the extension of credit would be strengthened by an absence of discrimination on the basis of sex or marital status, as well as by the informed use of credit which Congress has heretofore sought to promote. It is the purpose of this Act to require that financial institutions engaged in the extension of credit make that credit equally available to all creditworthy customers without regard to sex or marital status.

I am sure that others before me and others after me will bring forth statistics about working women in America. Not to be redundant but to again stress the importance of putting to rest the shibboleths about women, that have served to deny credit to women, let me set the facts straight.

One shibboleth is that although some women may work they don't work for long. The fact is that 43% of all women work, making up some 38% of the nation's labor force. That equals some 35 million women workers. The average work life expectancy of single women is 45 years, actually two years longer than the average for men. The widowed, divorced, or separated woman at age 35 can expect to work for another 28 years, just six months less than the work-life ex-

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pectancy of a man at age 35. Even the married woman with children who reenters the labor market at age 35 can anticipate another 24 years of work which is just under 4 years less than a man of 35.

Another shibboleth is that women move from job to job. However, according to a U.S. Department of Labor study done in 1968, the difference between the quit rate for men and women factory workers was 4 per thousand. The factors determining layoff rates are not sex or marital status. They are such factors as seniority and skill.[1]

It is also interesting to note that beyond the proverbial three C's—character, capacity, and collateral—the lending institutions have not shown much hard data about their criteria of creditworthiness nor have they specified what is the chief determinant of poor risk loans.

The Veterans Administration and the Federal Housing Administration did a study in 1970 of mortgage delinquency (Home Mortgage Delinquency and Foreclosure, Herzog and Earley). This study indicates that loans, if they are defaulted, default in the first five years, especially in the 2nd through 5th year. It also shows that the average length of a consumer loan is 18 months. If I were a lender, I would have to draw the conclusion from this report, that I should not be so concerned with the long term employment pattern of women but with the short term credit worthiness of this particular loan or mortgage applicant. In fact, one of the variables used by Herzog and Early was marital status. They concluded, "marital status was not a statistically significant variable in any of the equations."[2]

I understand that some of the lending institutions have testified that they would have no objection to legislation prohibiting discrimination on the basis of sex but would raise objection to marital status being included in the ban.

Let us examine some of the marital status categories and the working pattern of women in them.

Most single women are employed. Although many of these women will eventually marry, that decision is being postponed. In 1960, 28% of all women between the age of 20 to 24 had never been married. By 1970 this figure increased to 37% of the age category.[3] If this woman remains single she can expect to work longer than the average man.[4]

If and when this woman does marry she is likely to remain in the labor force. 55% of all women maintain their job when the husband is under 35 years of age.[5] According to a survey done by *Bride's* magazine and reported in the *Merchandizing Week*, May 15, 1972, 94% of brides-to-be plan to work after marriage, compared to an 89% figure five years ago.

The divorced or separated women constitute 11% of the women's workforce.[6] The comparable figure for men is 5%. Lenders cannot justify their discrimination against divorced or separated women or widows by claiming that their incomes decline or they do not work as long as men. Divorced women who are working at age 35 can be expected to work another 29 years. A widow working at age 35 can expect to work for another 27 years.[7]

These women work out of economic necessity. As of March, 1971, 70% of all divorcees, including those who were not family heads, and 50% of all separated women were in the labor force. In fact, divorced women with pre-school children had twice the labor force participation of married women.[8]

Let us also examine the statistics concerning married women. Well over 40% of American families have both husband and wife working. Married women with no children are likely to be in the labor force: 72% of all childless wives between the ages of 20–24 and two-thirds of those between the ages of 25 and 34.[9] 50% of all married women with school age children are in the labor force.[10]

We can see that there is little truth in the myth that divorced, widowed and separated women and married women with children, are unreliable. But the lenders ask, what about young wives. At this point we must look at another group of statistics, those dealing with projected and actual birth-rates. The Census Bureau reports that women between the ages of 18 to 24 expect to have only 2.1 births. The length of time between the first and subsequent birth has also been on the decline. As of 1965 the average span between births has been 2½ to 3 years.[11] Thus, we can see that young wives are having fewer children, closer together in age. In addition many mothers of pre-schoolers are staying on the job. In 1969, 44% of all mothers with children under the age of six were working.[12]

I put these statistics before you to illustrate that credit must not be denied to women on the basis of shibboleths, myths and misconceptions. To base a determination of creditworthiness on a class, be it sex or marital status, makes no sense. It must be on the basis of an individual determination of creditworthiness.

In May, 1972 when I introduced legislation that would prohibit discrimination on the basis of sex or marital status it was the first such legislation that covered retail and consumer credit and mortgages. Also in 1972 Rep. Hechler secured the inclusion in the Housing Act of 1972 a provision which prohibited discrimination in mortgage credit by reason of sex or marital status. My measure now has 74 co-sponsors, including some members of this distinguished committee. I was particularly gratified that the Senate in July of this year adopted an equal credit opportunity title to S. 2101 which is similar to my legislation.

HR 9110 (which is also numbered HR 8163, 9111, 9112) amends the Truth-in-Lending Act by the addition of a new chapter 4 to Title I.

SEC. 151. Prohibited Discrimination. This section makes it unlawful to discriminate on account of sex or marital status in the extension, denial or terms of credit.

SEC. 152. Civil Liability. This section provides that any person who violates this Act shall be liable for not less than $100 or more than $1000 in an individual action, or greater than $100,000 in a class action. It also provides for punitive damages such as the court may allow and reasonable attorney's fee. It further provides for this action to be heard in the district courts of the United States.

There are three additional provisions which appear in HR 9110 that do not appear in S. 2101. The first appears in Sec. 152, Civil Liability. My bill allows the court to set punitive damages for violations of this Act. The other two differences occur in Section 5 of HR 9110. Section 5 amends Sec. 121 of the Consumer Protection Act by adding a new subsection. The new subsection would require that each creditor and card issuer disclose clearly and conspicuously the criteria upon which judgments of creditworthiness are made.

Studies done by the Pennsylvania Commission on the Status of Women, the Oregon Student Public Interest Research Project and the Durham, North Carolina NOW chapter show that loan and credit policies of banks, retail stores and national card issuers differ even within branches of the same store in the same city. I think you may have heard of the case of the New York bank vice-president who, upon reading in the newspaper of a couple denied a mortgage on the basis of sex and marital status discrimination, sent them a loan application only to be told by the couple that his bank had already refused them.

The record is replete with stories of credit discrimination against women and I will not tax the energies of this committee by repeating them now. I am annexing my testimony before the National Commission on Consumer Finance of May 23, 1972 which gives some examples of this type of discrimination. Should the Committee request I shall be glad to submit additional examples.

Section 5 of this Act further provides that every person who is denied credit be informed of the specific basis that denial in writing. This is consistent with the type of consumer information policy that the chairwoman and this subcommittee have recognized by providing consumer access to credit bureau files in other consumer protection legislation.

Committee counsel asked for information about existing New York State law effecting property and credit rights of women. In New York single women have the same rights and obligations as men to make contracts, be sued, buy and sell property, both real and personal. Married women's rights are covered under New York Domestic Relations Law, Section 50, Property of Married Women. It reads: "Property, real or personal, now owned by a married woman or hereafter owned by a woman at the time of her marriage, or acquired by her, as prescribed in this chapter, and the rents, issues, proceeds and profits thereof shall continue to be her sole and separate property as if she were unmarried and shall not be subject to her husbands control or disposal or liable for his debts." New York Executive Law 296 prohibits the denial of mortgage credit on the basis of sex or marital status. In my opinion nothing in HR 9110 is in conflict with existing state law.

In any case, I have dealt with this question in Section 153 of the Act. Sec. 153. Effect upon state laws. This law would not require the granting of credit to anyone not financially eligible for it. It would supercede a state or local law or custom requiring or permitting discrimination on the basis of sex or marital status. Where a state or local statute makes assets unavailable as a matter of law because the earnings or property of a married women are not in the control it would not at this time require that such assets be considered in determining her creditworthiness. (I hope however, that such state laws which deny women such economic power will soon go the way of laws denying them the vote.) Section 153 would also not alter existing state law relating to prohibition against discrimination except to the extent that such laws are inconsistent with the provisions of this chapter and then only to the extent of such inconsistency.

The final issue and the most important is the necessity for this legislation. The National Commission on Consumer Finance recommended that each state review its own laws to end discriminatory practices. Although I believe that is necessary I do not think it will suffice to answer the problem.

Credit is often a nationwide system. Many banks, small loan companies, the national card issuers and many of the leading retail stores have branches and outlets all over the country. 50 or more different systems would not simplify or correct this problem but would serve to confuse and complicate it.

It is time that women exercise their right to take part in all aspects of American economic life. There is no rational reason for any sort of obstacle to women in their use of economic power.

I will conclude by urging this subcommittee to report out HR 9110 which I believe to be more effective than S. 2101 in remedying the abuses delineated. In any case I look forward to the committee reporting out a bill that accomplishes the purpose of eliminating credit discrimination by reason of sex or marital status.

Footnotes at end of article.

FOOTNOTES

[1] U.S. Department of Labor, Women's Bureau, Facts About Women's Absenteeism and Labor Turnover. August, 1969.

[2] Home Mortgage Delinquency and Foreclosure. John P. Herzog and James S. Earley, National Bureau of Economic Research, New York, 1970.

[3] New York Times, February 17, 1972, p. 25.

[4] U.S. Department of Labor, "Work Life Expectancy and Training Needs of Women", Manpower Report, No. 12, May, 1967, p. 4.

[5] Josephine McElhone, Economist, Federal Home Loan Board, in testimony before the National Commission on Consumer Finance, May 22, 1972.

[6] "Marital and Family Characteristics of the U.S. Labor Force", Elizabeth Waldman, Monthly Labor Review, May, 1970, p. 20.

[7] "Work Life Expectancy and Training Needs of Women", p. 4.

[8] "Marital and Family Characteristics of the Labor Force," Elizabeth Waldman and Kathryn Gover, Monthly Labor Review, April, 1972, p. 7.

[9] Waldman, Monthly Labor Review, May, 1970, p. 19.

[10] Chart, p. 46, Monthly Labor Review, March 1971.

[11] U.S. Bureau of the Census, Current Population Reports, Series P–23, No. 36, "Fertility Indicators: 1970", p. 36.

[12] Washington Post, March 5, 1972, p. D6.

GAO CITES NEED FOR IMPROVED ATOMIC PLANT SECURITY

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. FRASER. Mr. Speaker, the administration's reliance upon nuclear fission power as a solution to the energy crisis gives pause for reflection and concern. Thus far our national program for energy research and development has concentrated overwhelmingly on nuclear fission power.

Many scientists are seriously troubled by the grave safety problems associated with production of this kind of power. The Ford Foundation's energy policy project will soon publish a study on sabotage, which sets forth the possibility of theft of fissionable material for illegal weapons' production. With more atomic plants coming on line, this danger will increase.

In his latest energy message, the President has asked us to shorten by 4 years procedures for licensing and construction of nuclear plants. In the rush for new and needed energy sources, we must insist on adequate safety precautions.

With this in mind, I call Members' attention to a report just released by the General Accounting Office on needed improvements in the Atomic Energy Commission's program for protection of "special nuclear material"—the fissionable uranium or plutonium used as fuel for nuclear power reactors.

A digest of the GAO report follows:

IMPROVEMENTS NEEDED IN THE PROGRAM FOR THE PROTECTION OF SPECIAL NUCLEAR MATERIAL

WHY THE REVIEW WAS MADE

Special nuclear material is fissionable plutonium or uranium used principally in nuclear weapons and as fuel for nuclear power reactors. The Atomic Energy Act charges the Atomic Energy Commission (AEC) with the responsibility for developing regulations, in the interest of national defense and security, for protecting such material against loss or diversion.

Because of the potentially dangerous consequences from a single diversion of special nuclear material, an effective program for its protection is essential. Therefore, GAO reviewed AEC's program for in-plant protection of such material held by organizations authorized to possess it.

FINDINGS AND CONCLUSIONS

About 600 organizations are authorized to possess special nuclear material. Ninety-five are required to comply with AEC's requirements for protecting the material.

AEC has determined that the remaining organizations are exempt from these requirements because they hold small amounts or because it does not consider the material to be of high strategic importance. These exempt organizations, however, must provide the normal protection afforded radioactive material for health and safety reasons.

Persons with the requisite technical expertise and the necessary resources can make a crude nuclear weapon from about 17 kilograms of uranium or 6 kilograms of plutonium. A kilogram is approximately 2.2 pounds.

AEC has stated that it was not aware of any diversion of special nuclear material from authorized uses. However, it recognized that the probability of the material being stolen, unexplainably or accidentally lost, diverted from authorized use, or used or disposed of in unauthorized ways increases as the quantity and number of organizations authorized to hold such material increases. According to AEC the annual domestic requirement will be over 1 million kilograms by 1980.

AEC's Director of Regulation is responsible for the adequacy of the protection of special nuclear material held by licensees. AEC's General Manager has a similar responsibility for such material held by AEC and AEC contractors. (See p. 7.) A private firm can be both an AEC licensee and an AEC contractor (licensee/contractor).

Physical security systems

GAO reviewed the in-plant protection systems of three licensee/contractors holding confidential and unclassified special nuclear material. GAO noted several conditions at two of the plants which significantly limited the holders' capability for preventing, detecting, and effectively responding to a possible diversion or diversion attempt.

GAO noted such conditions as—

Weak physical security barriers;

Ineffective guard patrols;

Ineffective alarm systems;

Lack of automatic-detection devices; and

Lack of an action plan in the event of a diversion of material.

The extent to which any one of these conditions violated AEC requirements was difficult to assess because AEC's requirements did not always specifically define the type or degree of protection which should be given to special nuclear material. Nevertheless, the capability of the protection systems at these two facilities was so limited that the material was inadequately protected.

AEC agreed that these systems were not adequate and stated that they did not meet its requirements. AEC told GAO that actions had been or were being taken to correct these protection systems.

Examples of physical protection conditions found at one of the facilities were:

Guards did not vary times or routes when touring the plant.

Fencing around the plant had broken locks on gates, holes large enough for a person to gain access to the plant, and several other weaknesses.

Material was stored in a prefabricated steel structure which could be breached easily.

AEC's physical protection program

In September 1971 AEC completed an internal study of its physical protection program for special nuclear material, which contained a number of recommendations aimed at strengthening the program. But AEC was slow in implementing them. During GAO's review the Director of Regulation and the General Manager had taken or had begun to take actions to strengthen the program.

AEC's Director of Regulation:

Developed broad objectives for protecting special nuclear material, and

Published in the Federal Register, for industry comments, proposed amendments to the protection requirements.

AEC's General Manager (1) drafted revisions to clarify and increase the protection requirements for classified material and (2) in June 1973 issued new requirements for unclassified material held by contractors.

AEC needs to define in greater detail the expected capability of a protection system by providing more specifics relating to its prevention, detection, and response capabilities.

Such a definition should—

Place holders in a better position to know what their systems must be capable of doing, and

Place AEC in a better position to assess the adequacy of the holders' systems.

Differences in protection requirements

There are differences between the proposed requirements to be imposed on licenses and the recently revised rquirements imposed on contractors for the protection of unclassified material.

For example, a licensee would be *required* tot search all individuals, packages, and vehicles entering a protected area or leaving an area containing special nuclear material. On the other hand, individuals, packages, and vehicles at contractors' plants are *subject* to search.

AEC should impose the same requirements on both types of facilities or should justify the differences. AEC told GAO that it is doing so.

Inspection practices

AEC monitors the adequacy of holders' protection of special nuclear material principally through onsite inspections. GAO noted two matters relating to AEC's inspection program which needed improvement:

The responsibility for assessing the adequacy of the protection at licensee/contractor facilities was divided; i.e., the Director of Regulation assessed the protection of unclassified material held under the licensee and the General Manager assessed the protection of classified material held under the contract.

The inspections for the most part were compliance inspections concerned mainly with determining whether AEC's requirements were met rather than with the overall effectiveness of the physical protection systems.

AEC's plans call for a number of improvements in its inspection program.

AEC has taken a number of actions aimed at strengthening its protection program for special nuclear material. However, more needs to be done to strengthen the in-plant physical protection over unclassified and confidential special nuclear material and to provide a better basis for assessing the adequacy of the protection afforded such material.

RECOMMENDATIONS

AEC should—

Expedite the formal issuance of the proposed changes to its protection requirements.

Define in greater detail the expected capability of a protection system designed to prevent, detect, and effectively respond to a possible diversion or diversion attempt and strengthen the protection requirements to the extent necessary.

Impose the same protection requirements on licensees and contractors holding unclassified material or justify the differences.

Improve its inspection practices, as planned, by (1) conducting one overall evaluation of the protection measures employed at licensee/contractor plants covering both classified and unclassified material and (2) developing new inspection procedures which will place increased emphasis on evaluating the effectiveness of the protection at licensed facilities.

AGENCY ACTIONS AND UNRESOLVED ISSUES

AEC generally agreed with GAO's recommendations and said that it has taken, or is taking, actions to implement them.

MATTERS FOR CONSIDERATION BY THE CONGRESS

This report informs the Congress of AEC actions needed or being taken to improve the in-plant physical protection of unclassified and confidential special nuclear material.

WHEN THE FROST IS ON THE PUNKIN

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. CARTER. Mr. Speaker, this weekend it was my good fortune to be in Kentucky where the frost was on the pumpkin and the fodder's in the shock. The trees were a riot of color from dark crimson to pink, gold, yellow, and brown. It seemed as if a magic carpet covered the towering mountains.

It was also my pleasure to partake of some of the bountiful harvest which the people throughout Kentucky have just gathered in. It brought to mind a poem by James Whitcomb Riley, "When the Frost Is on the Punkin," and I include this for the Record:

When the Frost Is on the Punkin

(By James Whitcomb Riley (1849–1916))

When the frost is on the punkin and the fodder's in the shock,
And you hear the kyouck and gobble of the struttin' turkey-cock,
And the clackin' of the guineys, and the cluckin' of the hens,
And the rooster's hallylooyer as he tiptoes on the fence;
O, it's then's the times a feller is a-feeling' at his best,
With the risin' sun to greet him from a night of peaceful rest,
As he leaves the house, bareheaded, and goes out to feed the stock,
When the frost is on the punkin and the fodder's in the shock.
They's something kindo' harty-like about the atmusfere
When the heat of summer's over and the coolin' fall is here—
Of course we miss the flowers, and the blossoms on the trees,
And the mumble of the hummin'-birds and buzzin' of the bees;
But the air's so appetizin'; and the landscape through the haze
Of a crisp and sunny morning of the airly autumn days
Is a pictur' that no painter has the colorin' to mock—
When the frost is on the punkin and the fodder's in the shock.
The husky, rusty russel of the tossels of the corn,
And the raspin' of the tangled leaves, as golden as the morn;
The stubble in the furries—kindo' lonesome-like, but still
A-preachin' sermuns to us of the barns they growed to fill;
The strawstack in the medder, and the reaper in the shed;
The hosses in theyr stalls below—the clover overhead!—
O, it sets my hart a-clickin' like the tickin' of a clock,
When the frost is on the punkin and the fodder's in the shock.
Then your apples all is getherd, and the ones a feller keeps
Is poured around the celler-floor in red and yeller heaps;
And your cider-makin's over, and your wimmern-folks is through
With their mince and apple-butter, and theyr souse and saussage, too! . . .
I don't know how to tell it—but if sich a thing could be
As the Angels wantin' boardin', and they'd call around on *me*—
I'd want to 'commodate 'em—all the whole-indurin' flock—
When the frost is on the punkin and the fodder's in the shock.

IMPEACHMENT NEEDS LEGAL GROUNDS

HON. JOE D. WAGGONNER, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. WAGGONNER. Mr. Speaker, while many people are going around these days rationalizing about Watergate, there are some who deal in plain, hard facts with regard to that subject. I doubt that many of our colleagues have had the opportunity to see an editorial which appeared in the Fort Worth Star-Telegram for Sunday, November 11, 1973, entitled "Impeachment Needs Legal Grounds." Therefore, I am including it in the Record following my remarks.

I urge all of our colleagues to read it carefully. The author is our own Dale Milford, who represents the 24th District of Texas. Dale is as fairminded a man as I know, and he has presented us with an incisive analysis of the impeachment question. The article follows:

Impeachment Needs Legal Grounds

(By Congressman Dale Milford)

Beginning with the firing of Special Prosecutor Archibald Cox, every congressman's office has been bombarded with hundreds of wires, phone calls, post cards and letters demanding the impeachment of the President.

A significant portion of these messages contain only the words: "Impeach Nixon" or "Impeach the President." No reasons are given, no charges specified.

Over 2,000 messages received in this office reflect deep concern and strong emotional feelings on the part of the senders. People are disturbed. Yet, not one out of the 2,000 addresses itself to the real problems and practical aspects of an official impeachment action. Congress must face these problems and people need to understand what is being done and why.

No responsible member of Congress is attempting to promote an impeachment proceeding, nor is he trying to avoid one. Catastrophic as it might be, if impeachment proceedings are legitimately warranted, these members will have no reluctance to initiate them. However, the responsible members insist, that any impeachment proceedings be held in accordance with our Constitution and laws.

Many congressmen believe that the people demanding impeachment do not really understand the national consequences of a formal impeachment action. Do most people really want to impeach the President of the United States? Or, is the cry of "impeachment" really a manifestation of frustration because people have a gut feeling that their President has not been completely honest with them? And, furthermore, do they feel that no one is officially doing anything about it?

Congressmen are reading their mail! A preponderance of the letters are not the type usually received in a congressional office. These are not the usual form letters, special-interest mail, petitions, and letters from persons who constantly correspond on political matters.

The majority of the mail is coming from people who have never written an elected official before. The letters reflect very troubled emotions of the writers. Almost every one reveals deep feelings of anger, hurt, disappointment and sorrow. Only a very few make references to political parties. The feelings reflected are personal rather than political.

In the House of Representatives, only 35 members (out of 435) have formally introduced impeachment resolutions. None of the resolutions contains the necessary bill of particulars required—by law—to execute formal impeachment proceedings. The prime purpose of these resolutions appears to be for personal and political gain. They serve as vehicles for some members to make impassioned floor speeches and to garner headlines.

Some citizens apparently do not fully understand the involvement and effects of a formal impeachment procedure. For example, an impeachment proceeding is a trial—not at all unlike a criminal trial in a court of law. In such a proceeding one must produce specific charges, specific elements of proof, sworn testimony from eye witnesses and other legally acceptable evidence.

While many citizens and members of Congress suspect that the President may have committed certain illegal acts, formal impeachment proceeding cannot be held until such time as the necessary legal evidence is developed by investigative agencies. While the emotional feelings of each may be very strong, feelings alone are not grounds for impeachment. The national press, with heavy daily coverage, keep these emotions at a high level.

However, everyone must stop to consider that TV, radio and other press reports are instantaneous impressions of observers. The observer, or reporter, is more interested in the momentary emotions of people than in the legal and constitutional rights of the individual concerned. The slow-but-sure and fair tact of a prodding investigation does not make good news copy.

Congressional consideration of a formal impeachment action must take into consideration other factors. For example, a formal impeachment proceeding—whether successful or not—would be a catastrophe for the United States.

All three branches of the government virtually would be paralyzed for a period of three to six months. The executive branch would be out of action because the President would be on trial. The chief justice of the Supreme Court would be tied up as presiding judge. The House of Representatives would be the prosecutor and the Senate would be the jury. Our nation would be leaderless.

Foreign policy and international relations could become chaotic. Economic and monetary exchange problems could throw the international market completely out of balance. Without an active leader, this nation would be in a very poor position to react to vital international situations, such as the recent Middle East conflict.

Some members of Congress, this writer included, believe that the massive cry for impeachment is really a call for action. In other words, people are saying: "Do something—now!" They are tired of the never-ending press reports detailing alleged wrong-doers in our government. They can see very little in the way of official corrective action.

Something is being officially done. Furthermore, it is being done at the fastest possible pace, consistent with fairness and justice. Grand juries are at work, the House Judiciary Committee is actively investigating, a Senate investigative committee is at work, a new special prosecutor has been appointed and our Justice Department is still intact.

All of these investigative processes are slow. The people involved are forbidden, by law, from making their work public before it is completed. Their work is meticulous and involves a multitude of details. Each of these investigative agencies is working independent of each other, thereby providing a check system. All are legal and all work within the dictates of our national heritage and our system of justice.

I think Will Rogers may have had the answer when he said, "This country is not where it is today on account of any one man. It is here on account of the real common sense of the Big Normal Majority."

BAN THE HANDGUN—II

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. BINGHAM. Mr. Speaker, today's edition of the New York Times contains a story describing a shooting which occurred in the Manhattan Criminal Court building. This shocking story illustrates the dangerous consequences of widely available handguns, and underlines the importance of establishing strict gun controls. Without such restrictions, easy access to these deadly weapons will continue to lead to such killings and maimings as the following:

Defendant Shoots Complainant, Then Wounds Himself in Court

(By Arnold H. Lubasch)

A 39-year-old defendant critically wounded a woman and apparently shot himself in the head with a .22-caliber revolver in Manhattan Criminal Court yesterday as the presiding judge ducked under the bench and screaming spectators scurried for cover in the crowded courtroom.

The gun-wielding man was identified as William Spruill, a Bronx mechanic who was in court for arraignment on a complaint by Lois Ann Lockhart, a legal secretary who charged that he had threatened to kill her last month unless she resumed their relationship.

The man and the woman were sitting together in the last row of the courtroom at 12:30 P.M., waiting for him to be arraigned, according to eyewitnesses, when Mr. Spruill pulled out a long-barreled gray revolver and fired at least three shots hitting Miss Lockhart in the head twice and himself once.

In another courthouse shooting yesterday a deputy police inspector suffered a slight head wound when he stepped off an elevator in the lobby of a court and office building in lower Manhattan and was struck by a stray bullet fired by one of two men in a tenant dispute.

In the shooting in which the two persons were wounded, a .32-caliber pistol was found in Miss Lockhart's handbag at Beekman Downtown Hospital, according to the District Attorney's office. Both Mr. Spruill and Miss Lockhart were reported in critical condition.

Judge Richard A. Brown, who was the city's legislative representative in Albany until Mayor Lindsay appointed him to the Criminal Court bench on Oct. 1, provided an eyewitness account of the shooting in his ground-floor courtroom at 100 Centre Street.

"I saw a man who stood up in the back of the courtroom and pointed a silver-colored gun down at a woman beside," Judge Brown said.

"He whipped out a revolver and pointed the revolver at the woman and fired at her," the judge recalled, "and after he fired at the woman, he raised the gun toward the rest of the courtroom, and at that point I went under the bench."

TWO MORE SHOTS HEARD

The short, affable, 41-year-old judge said that he heard two more shots, apparently fired by a policeman, while he remained lying face down on the floor in his black robes under the bench for two or three minutes.

"After the shooting," Judge Brown continued, "the court was in some trouble—a lot of people milling around and running around. And, as I say, I was under the bench during most of that time until the court officers took me out. We recessed the court."

The judge noted that several court officers and policemen had been present in the arraignment courtroom which contained about 100 people, but there was no procedure to search people who entered because courtroom searches were conducted only under special circumstances.

"Security in the courtroom is a difficult problem that a lot of us are going to have to review," Judge Brown added.

"As the Mayor's legislative assistant," he remarked after the shooting, "I have come to experience a fair amount of combat, but not like this."

Judge Brown said that he "was slightly shaken" by the shooting, but that he was resuming the arraignment court as usual later in the afternoon, although the proceedings were moved to a nearby courtroom while the police studied the scene of the shooting.

Robert L. Ferraro, a lawyer with offices at 401 Broadway, said he had been in the adjoining clerk's office with William Raines, a court officer, when the shots were fired.

"Gee, that sounds like firecrackers," Mr. Ferraro recalled having said to the court officer.

When they dashed into the courtroom, the lawyer added, they saw several policemen with drawn guns swarming toward the gunman in the back row near a six-foot-high wooden barrier.

The court officer quickly hoisted himself over the wooden barrier and kicked the revolver out of the wounded gunman's hand, according to Mr. Ferraro, who characterized the courtroom scene as chaotic.

Mr. Ferraro described the gunman as a tall, thin, drably dressed man with close-cropped hair. He was slumped on the courtroom floor in a pool of blood.

The lawyer added that the wounded woman remained leaning against the wooden seat, clutching a scarf to stem the flow of blood from behind her left ear, until she was removed in a wheel chair from a nearby courtroom.

The District Attorney's office said that the wounded woman was 32 years old, lived at 1696 Davidson Avenue in the Bronx and had complained to the Seventh Police Precinct that the defendant had accosted her on the Lower East Side on Oct. 31, forcing her into a car at knife-point and threatening her life if she failed to resume a close relationship with him.

The defendant, whose address was given as 422 East 169th Street, the Bronx, was originally charged with reckless endangerment and directed to appear for yesterday's arraignment.

Shortly before the shooting, Assistant District Attorney Warren Murray listened to Miss Lockhart's account in an adjoining complaint room and raised the reckless endangerment misdemeanor to felony charges of kidnapping, menacing and possession of a weapon.

In the other shooting, a .32-caliber bullet grazed the left cheek and ear of Deputy Inspector Charles K. Sibon, the director of police personnel services, as he left his offices in the New York Life Building, 346 Broadway, at Catherine Lane, shortly after 1:30 P.M.

The police said the shot had been fired by 35-year-old Curtis Brown of 336 West 95th Street in an argument with Norman Wallace, 42, of the same address. They were to appear in Criminal Court, just off the lobby, in a harassment proceeding stemming from a tenant dispute.

Mr. Brown, seized without a struggle by policemen with the inspector, was later booked for attempted murder, assault and possession of a gun. Inspector Sibon, 50, was held overnight at Beekman Downtown Hospital, where his condition was listed as good.

PLOWSHARE AND THE LIVER EATERS

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. HOSMER. Mr. Speaker, there follows my remarks made Monday to the Civil Explosive Section of the American Nuclear Society during its annual meeting yesterday in San Francisco:

Remarks by Representative Craig Hosmer

Despite the benevolent hopes with which people such as Edward Teller, Jerry Johnson, Glenn Werth and myself regard peaceful nuclear devices, due to some regrettable lack of communication, a vocal minority's attitude toward them can be summed up by the slogan: "Impeach Plowshare." You saw them in action at Rio Blanco and watched the disappointment on their faces when the sky didn't fall in after the shot. However, all that may change considerably during the next few months after the citizens of the U.S.A. have struggled through a cold, dark, miserable, energy short winter. It should become apparent by then that had we embraced Plowshare early in the game, our lot today with respect to energy and other scarce natural resources would be considerably better.

In a 1968 speech here in San Francisco at the Commonwealth Club, I said that the technical problems involved in the applications of peaceful nuclear explosives are straightforward. They require research and development, but they do not require any new inventions. As a matter of fact, R&D at the Livermore and Los Alamos Laboratories is steadily giving us cleaner, more flexible and less radioactive Plowshare explosives. Meanwhile, several successful underground experiments have given American industry a feel for the Plowshare business and the know-how it needs to proceed with it on a grand scale. It is abundantly clear that the forces blocking Plowshare are not technical ones. On the contrary, our ultimate ability to bring the benefits of Plowshare to the people promised in Article V of the Nuclear Non-Proliferation Treaty depends primarily on the solution of a maze of real and imagined problems primarily emotional in nature.

XUM

Some of these stem from the timidity with which the Limited Test Ban of 1964 is being interpreted—an interpretation which I believe was never intended, but which has resulted in a virtual ban on the use of nuclear explosives for large excavation projects. The interpretation originated in our own State Department and at the Arms Control and Disarmament Agency. It holds that you cannot release even one single radioactive atom beyond your own national boundaries. As early as 1969 the proposal for a joint U.S.-Australian Plowshare effort to create a harbor at Cape Keravdren foundered upon it and later the Panama Canal nuclear study too. In that case conventional construction costs along the Sasardi-Morti alternate route exceed $3 billion, but with nuclear explosives they would run out at less than one third that amount.

It doesn't make sense to deny mankind in general the peaceful benefits of nuclear explosives, and to deny them particularly to the less advanced countries who need them so badly. This is an area where cost-versus-benefit and risk-versus-return ratios drastically favor their use. Talks with the Soviets and other conversations last year at Geneva IV indicated to me that Moscow's attitude in this area is quite relaxed compared to our own—and I hope that it is contagious, because the globe is speckled with places where a little geographic cosmetology by Plowshare could do wonders for people.

For example:

Great hydropower resources and favorable climate changes could result in Egypt by building a canal from the Mediterranean sea to the great Quattara Depression which lies 200 feet below sea level.

Many coastal areas of South America, Africa and Australia are awaiting economic development if only harbor facilities can be excavated with nuclear explosives.

In South America the Hudson Institute has conceived a remarkable plan to develop half a continent which lies in the vast, rich Amazon Valley. It is based on the availability of Plowshare devices to build the dams and waterways and do the other extensive geological face-lifting required.

The Thai businessman K. Y. Chow has a plan for industrial and maritime development centering around a 40-mile canal through the Kra Peninsula. It would create a passageway for shipping between the Indian Ocean and the South China Sea. The Straits of Malacca could be bypassed.

Mr. Chow figures his conventional costs at $5.8 billion, but lowers that to $3.8 billion if nuclear explosives can be made available. In my view, that $2 billion difference is probably the difference between no Kra Canal at all and one of the most imaginative and politically stabilizing projects that has ever been conceived for the benefit of Southeast Asia.

Such potentialities as these are the stuff that Plowshares dreams are made of. Perhaps someday they will become realities. I recall a promise made by President Lyndon Johnson on June 12, 1968, just after the Non-Proliferation Treaty was negotiated. It seemed to legitimize such hopes and aspirations in these words spoken at the United Nations:

"We shall continue our research and development into the use of nuclear explosions for peaceful purposes. We shall make available to the non-nuclear treaty partners—without delay and under the treaty's provision—the benefits of such explosions."

But, despite these bold words, today, five years later, not only are timid interpretations of the Non-Proliferation Treaty a roadblock but disarming talk about making the Limited Test Ban Treaty into a total test ban treaty also paralyzes progress in this area.

When Mr. Chow visited me recently about his Kra Project I could suggest only a couple of avenues for him to pursue to get things off dead center:

First, to contact the Russians maybe if they start showing an interest in his project, the knee jerk response on our side will be to do the same. And,

Second, in anticipation of the five year review conference of the Non-Proliferation Treaty scheduled next year in Geneva, to kick up a storm amongst the non-nuclear nations who could immensely benefit from Plowshare. Maybe the have nots can exert enough pressure to see that Lyndon's promises are kept.

For, at the present moment even things with Plowshare underneath the surface of the earth and out of sight are not remarkably better than they are in the excavation area I just talked about. I almost hated to come here today for that reason. The only thought that sustains me is the old idea that things may be blackest just before the dawn.

But for the moment the nice start we made toward releasing the 3.7 trillion cubic feet of natural gas, worth upward from $100 billion, cemented in hard, unproducible shales in the Rocky Mountain area alone, seems not to have unleashed a Plowshare drilling boom. As a matter of fact, in gas stimulation we progressed with continuing technical success and safety from Gas Buggy to Rulison and then on to Rio Blanco. And our constant companions along the way have been nuclear nervous nellies and ecological purists, ever raging louder and more hysterical against Plowshare natural gas stimulation which could bring us fire to heat and light our homes and run our factories.

As a matter of fact, when I speak of fires I recall to you that throughout history it has been one of man's greatest boons. And, in our times, the invention of nuclear energy and its manifold uses for the benefit of mankind fully equals the importance of fire.

Now you will recall that fire was given to man as a great gift by the god Prometheus, who loved man.

But the leader of the gods, Zeus, hated man. He became enraged with Prometheus over this act of kindness to humans.

As punishment Zeus had Prometheus tied on a mountain top where vultures ate out his liver.

And, so it is today: the liver eaters are at it again!

But events are changing around us and, just as they eventually calmed the liver eaters with respect to fire, so may they do it regarding nuclear as well—And soon, we hope.

For example, let us look at Rio Blanco. On May 17th, three simultaneous 30 KT blasts in gas-bearing sandstone were triggered, 1¼ miles deep. The surface reaction was so mild that only around $31,000 in claims resulted. After cool down and reentry on October 25th a two hour flow test produced a whopping 400,000 cubic feet of gas from a five inch hole.

Just about now a 10 day flow test is in progress and such small amounts of tritiated water as may come up with it, will be reinjected in a nearby disposal well for permanent isolation from the biosphere. The liver eaters have made an issue about this tritiated water, estimating 55,000 acre feet of it will be brought up in the process of recovering those trillions of cubic feet of natural gas in the Green River, Piceance and Uinta Basin formations. Actually, this is a niggardly amount of water, even in the arid West where I come from. It will emerge during a 100-year period from an estimated 5,680 stimulation wells. Its capture, disposal and isolation in deep impermeable and static formations is a nonproblem. It will be confined there for 1,000's of years. Contrast that to the 12.3 year half-life of tritium, and it means that the decay of radioactivity in the tritiated water to harmless levels will occur over the comparatively short span of about 60 years.

When the flow tests prove up this well, and I am certain they will, there should be ample incentive for Austral Oil, Continental Oil, Equity Oil, Cergeonuclear, El Paso Natural Gas and others to develop the field commercially. They and their associates deserve our gratitude for pioneering this splendid work. They did it back when the price of gas was 15 or 20 cents per million BTU's. But now more enlightened Federal Power Commission pricing policies that bring better returns are starting to make it worthwhile to carry through on these pioneering efforts in natural gas stimulation.

Shortages and higher prices make the same thing true in several other potential areas of Plowshare application.

Copper is scarce and prices are rising—and along with that the AEC, Interior Department and Kennecott Copper are taking another look at Project Sloop which would leach copper by chemical solutions pumped into underground ores broken up by powerful, peaceful and safe to handle nuclear explosives.

There is even talk around of the possibility of getting Plowshare gold. With the price up from $35 an ounce to around $100, and Livermore Laboratory optimistic about its work on *in situ* leaching techniques for gold recovery, I would not be surprised to hear of someone soon wanting to move in this direction. Just think of it. You pump the solution down, let it dissolve the yellow stuff out and pump it back up. That is what I would call getting your money out of a pump—which, of course, is where many people's wives think it comes from anyway.

Geologists tell us that there still remains more gold in place than has even been mined in the entire history of the United States, including the California and Alaska gold rushes. What is left, I'm told, amounts at least to $40 or $50 billion worth of it—quite a treasure.

There are many other valuable minerals—silver, molybdenum, uranium, just to name a few—to which the same *in situ* leaching techniques are applicable—if only we determine to move ahead aggressively with Plowshare.

The recovery of oil from shale probably will not be accomplished by leaching techniques, but by *in situ* retoring. Here, too, it is unlikely that much progress can ever be made without a combination of Plowshare and hydrofracturing techniques to break the stuff up underground so it can be retorted there. A fire would be started in the fractured material and kept going by pumping in air. The heat produced will enhance the permeability and porosity of the shale and raise the viscosity of the oil sufficiently to allow it to escape and be brought to the surface.

Two very compelling esthetic and ecological reasons exist to point researchers toward the idea of *in situ* shale oil recovery in preference to strip mining and processing it on the surface.

One is the very extensive damage strip mining can do unless properly policed wherever practiced for whatever product. The other is that, in the case of removing oil from shale, the volume of the throw away by-product is about 25% greater than the shale itself before it is processed. It was expanded to provide passageways for the oil to escape. On the surface that stuff would present a monumental disposal problem. In place, within a Plowshare cavity, it would never be noticed.

Mention also should be made of the recent enactment of legislation permitting geothermal leasing on public lands. It opens up a new vista for Plowshare enthusiasts.

Geologic formations where geothermal heat lies close to the surface and water is available to percolate into them naturally are few and far between. Most geothermal areas of the world are dry and many of them are exceedingly hot. It is not difficult to imagine the idea of creating Plowshare cavities into which water can be induced and steam removed and put to work driving the turbines of large electric generators.

In listing these various possibilities for peaceful, productive Plowshare applications

I am plowing old ground with most of this audience. I suppose I do so mostly to acquaint people like Mr. Chow as well as ordinary citizens with it, hoping he and they will respond by putting on the pressure for policies which will approve and promote the use of peaceful nuclear explosives and which will cause to be abandoned the policy we now follow which seems to be to try to disinvent them with treaties.

We need public approval and public support to get us off dead center. With such factors I believe we can start to move because within the last year or two several events have taken place in the United States pointing toward Plowshare and starting things going for us that we never had before.

For example:

The terrible shortage of energy in all forms which gives us a compelling reason to domesticize our energy load growth.

Our awesome balance of payments deficits which give us every reason to avoid any possible imports of fuels or raw materials; and

The current events in the Mideast which starkly impress upon us the strategic national defense vulnerabilities consequent from dependence upon the whims, avarice or hostility of unpredictable, but petroleum rich foreign countries.

At this point you might say, "well, isn't all that enough to make the Wagonwheel turn and transform all these other things I've talked about from pie in the sky to Plowshare heaven on earth?" Unfortunately, the answer is "no." There are many little and medium size roadblocks that have to be removed first. Some of them are relatively simple and straightforward—like developing the AEC Plowshare store and stocking its shelves with a modest line of safe, economical and convenient nuclear devices.

These adjectives, perhaps, are not normally used as terms to describe what amounts to nuclear bombs. But the pertinence of such semantics is demonstrable—Listen—

First, safety—this comes about from the predictability of effects and the demonstrated know-how in handling Plowshare devices we have acquired after over 300 underground nuclear test explosions already fired at the Nevada test site and elsewhere.

Second, economy—where else can you buy the explosive effect of a whole ton of TNT for about 30 cents?

Third, convenience—this is evidenced by imagining how else you could physically emplace 30,000 tons of TNT a mile deep at the bottom of a 12-inch hole.

In that context I think it is both timely and possible to talk in a rational way about using this safe, economical and convenient package which will hurt nobody but can benefit many millions of people.

It is just as simple as that and let's not let the liver eaters spook us about it.

Aside from quieting their harassment and taking away the smaller roadblocks I mentioned, there still remain three major obstacles in the path of Plowshare to be removed.

One is to spawn some rather general enthusiasm for it amongst the business community and particularly amongst the investment bankers whose purse strings must loosen in appropriate and timely amounts. The overall price and supply factors affecting raw materials and energy sources I mentioned earlier will help with that effort. Also the President's plan for Project Independence by 1980 from foreign energy sources will be a boon. I talked with him about it at the White House last Wednesday morning before he announced it publicly. And, at this meeting there was talk of expediting the domesticization of U.S. energy resources by R&D support and other appropriate means. All that will help. However, we must remember that in the end, the success of any program, including Plowshare, will depend on the enthusiasm of those who take part in it. Extra effort by the ANS and AIF to develop and sustain such enthusiasm will be needed.

Then the healthy climate of Plowshare support and approval it creates will enable us to get the other two obstacles out of the way.

The first is simple—to set up a proper legal structure for a commercial Plowshare industry. It will set the rules and criteria for licensing and conducting projects in a businesslike manner with due regard for public health and safety. In the past I have introduced bills which would do these things, the Joint Committee has held hearings on them, but has not passed them into law. This year I have not yet put this legislation in the hopper, because I first wanted to see more support for it. The way things are going that may be in hand by the time Congress returns to work next January. I hope so. We'll see.

The last obstacle is a somewhat similar one. It is to get the AEC to establish regulations and procedures to license Plowshare produced products—natural gas and anything else—for public use. I don't think this will be too difficult. Right now it is more or less in the "which came first category, the chicken or the egg" category. Industry seems to feel that the AEC should act on its own initiative while the AEC believes there is no reason to set up the procedures and print license forms until industry asks for them. I suppose, when Rio Blanco's success is established, this will be resolved by industry taking the initiative and doing the asking. In any event, industry and government have always worked closely together in the program and I do not foresee any deterioration of the relationship.

Today I have made no effort to conceal or gloss over the difficulties that have to be worked away before we can avail ourselves of the bountiful benefits of peaceful nuclear explosives. But I do know that the kind of men I speak to today have the strength, wisdom and determination it takes to work them away and I see the forces of history starting to coalesce on their side.

Thus, I look forward confidently to the early development of a healthy and prosperous Plowshare industry and I thank you for allowing me the proud privilege of playing a small part in it.

MADAM MARIA JERITZA SEERY—MY DEAR AND DISTINGUISHED FRIEND

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. RODINO. Mr. Speaker, so long as there is a world of music, the echo of Madame Maria Jeritza's glorious voice will continue to resound. Her powerful style, her tremendous sense of drama, the personality and interpretation which she has brought to her roles, clearly distinguish this renowned opera star as one of the outstanding divas of our time.

People today follow Madam Jeritza with heartfelt adoration and deep awe. It is often said when she enters the Lincoln Center complex, an added glow reflects the eminence of her presence. While audiences are no longer blessed with the privilege of viewing her stage performances, within the world of art and music, Madam Jeritza remains a most inspiring spirit.

Madam Jeritza is indeed a moving figure—both in her ceaseless dedication to keep alive the world of music and culture through a concentrated appreciation of the opera experience, and in her selfless works to bring hope, freedom and peace to men, women, and children throughout the world. She has sheltered political refugees. She has reached her hand behind the Iron Curtain to support convents and churches trying desperately to maintain their existence. She alone was responsible for rebuilding the Cathedral of St. Stephens in her native Vienna after the ravages of World War II.

As an American citizen, she opened up her home as a convalescent center for wounded soldiers during World War II. She has received the highest award ever bestowed by the American Red Cross. The "Golden Ring of Vienna," a recognition given only to Presidents Kennedy and Eisenhower before her, is shared by this remarkable woman. Known to the greats of the world, Cardinals Spellman and Cooke have been numbered among her friends, and she has been honored by Pope Pius X, Pope Pius XII, Pope John XXIII, and Pope Paul VI for her intense dedication to worldwide charities.

Most recently, on Sunday, evening, November 3 (in commemoration of the 35th anniversary of the Bayley Seton League of New Jersey's Seton Hall University), a woman was singled out whose life embodied all the qualities and objectives of this service organization's ideals. And, not surprisingly, Madam Jeritza was selected as "The Distinguished Lady of the Year." On hand for the special occasion were such important church, community, and educational leaders as Archbishop Boland, Bishop Dougherty, Monsignor Fahy, Monsignor Kelley, Monsignor Ryan, Monsignor Gilhooly, and Father Murphy.

My wife, Ann, my family, and I deeply cherish Madam Jeritza's friendship, warmth, and great affection. It was quite a privilege to share in this most deserved tribute to so dynmaic and vital a distinguished lady 10 days ago. And, it is my hope that Madam Jeritza will continue to inspire, and to bring joy and inspiration to the citizens of our many lands for a long time to come.

PEANUT PRICE-SUPPORT PROGRAMS

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. KUYKENDALL. Mr. Speaker, one of the most knowledgeable critics of the peanut program, as it must be operated under long-obsolete laws, is the overseer Congress itself relies on—the General Accounting Office.

The GAO has now twice recommended that a program be developed to control peanut production more effectively. In April of this year the GAO made a report to the Congress titled "Need Intensifies To Amend Legislation To Reduce Government Losses on the Peanut Price-Support Program."

The title is an understatement.

The report points out that the law requires a minimum national acreage allotment of no less than 1,610,000 acres—

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but that since 1955, the amount of peanuts needed to satisfy commercial demand could have been produced on fewer than 1,610,000 acres.

It points out that advances in farm technology have resulted in far greater yields per acre than were anticipated when the allotment was established. In fact, the average yield has almost doubled.

The GAO report points out that 5 years ago it presented findings and recommendations that revisions be made in the law governing the peanut price support program—and at that time the GAO said changes were needed to forestall the need for even more extensive changes at some future time.

The Congress did not respond. And now we are at that time when even more extensive changes are indeed needed.

Under the present program, the Commodity Credit Corporation has to buy more and more surplus peanuts, then sell them at prices significantly less than the costs of buying them. The U.S. Department of Agriculture projects losses from 1973 to 1977 at $537 million, a 92-percent increase over the losses for the 5 years ended in 1971.

All this and more is included by the GAO in its report to the Congress last April. It is time to heed this report—time to enact legislation that would provide peanut growers with incentive for efficient, high-production farming at greatly reduced cost to the taxpayers of this country.

CRIME CONTROL NO. 8

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. LANDGREBE. Mr. Speaker, I wish to call the attention of my colleagues to a news story which appeared in the Grand Rapids, Mich., Press, and which illustrates what private citizens can do to control crime when the right to own guns is respected by the Government:

MODERN-DAY WILD BILL IN CAR GETS HIS MEN

(By Linda Hendershot)

Wild Bill didn't have a horse Sunday, but that didn't stop him from getting his man.

William Patterson, owner of Wild Bill's Western Store, 5564 West River Rd. NE, returned from a northern hunting trip about 5:30 p.m. and drove by his store. He spotted an unfamiliar car backed up to the business and stopped to take a look.

No one was near the auto, but two men walked out from behind a travel trailer Patterson had parked near the store. The pair told him they were looking for a deer hunting buddy, but he got their license number before they left.

A quick check of the trailer revealed a smashed window, Patterson said, and he and his hunting partner, Paul Howard, gave chase in Wild Bill's sport van.

They caught up with the auto near the US131 freeway entrance, but couldn't get the occupants to stop. Wild Bill said the driver ignored their signals and flashing lights.

Howard apparently convinced the two to stop by pointing a .12-gauge shotgun out the window. "The bird dog was lying on top of the gun case and we really had a time," Patterson said.

The car finally pulled into a service station and Howard went to call sheriff's deputies while Wild Bill held the two at bay with the shotgun.

The driver started the auto, however, turning the wheel toward Patterson. He jumped, but was brushed by the vehicle. He tried to get the keys through the driver's window, but the man grabbed his arm.

"I broke loose and shot at one tire," Patterson said. The auto continued around the station and Wild Bill fired at another tire when the car came back from the station's rear. "It was only fine birdshot and it didn't blow the tire," Wild Bill said.

Grand Rapids Police Department Richard Saur, alerted by a radio broadcast describing the men and their car, spotted the vehicle about 6:15 p.m., heading south on N. Division Ave. near Lyon St.

Saur asked for help and followed the auto, stopping it when other officers arrived. The two 41-year-old occupants, one from Florida and the other from Mississippi, were arrested. Their auto, the left rear tire peppered with shotgun pellets and losing air, was impounded.

Detective Jack Christensen said the two would be charged with attempted burglary and possibly with assault.

"The only thing that could have made it wilder is if I would have been on a horse," Patterson said.

He is president of the Michigan Trap Shooting Association and is a past skeet and trap shooting champion, both state and local.

DRUG ABUSE PREVENTION WEEK

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. YOUNG of Alaska. Mr. Speaker, Drug Abuse Prevention Week was designated just recently, in an effort to bring us up to date on the reality of the problems our country faces with drug abuse and to inspire us all to greater efforts to overcome them.

One of the saddest experiences any of us can have is the realization that our own children are seriously threatened by the widespread sale of hard drugs. Drug abuse is a very real problem in Alaska, and I am very disturbed over its increase in the last few years.

I recently received a letter from a teenager in Anchorage, Alaska, who was concerned about the possible discontinuance of a methadone program in which he had been enrolled. Because I believe his experiences are those of many young people today, and it is important that these young people be heard in their requests for help, I include this letter in the RECORD:

DRUG PROGRAM

I am a patient at Langdon Psychiatric Clinic. I am with the Drug Program. When I was 17 years old I fell into drugs and got into heroin. I lived in southern California when all of my drug problems started. I never found help or anybody that would help me out with my drug problem. I was constantly going to jail for theft. My thefts were to pay for drugs. I come from a decent family. I shouldn't be that kind of person from my background.

I have a very big problem with reading and writing. I came to Alaska with my parents five years ago. I stayed away from drugs at first because I didn't know anyone. I worked with my father and made a fair wage. I wanted to do something with my money because for so long everything had gone for drugs. Eventually though, I fell back into the drug scene. All my money again went to drugs. Before this I took care of myself. My family started noticing that I was falling off. I was in the drug scene here for two years.

I had a friend that told me about the Langdon Clinic. I came and talked to Dr. Langdon and he understood my problem and took me into the drug program. The drug program helped me so much that it gave me a change of life. They are helping me with my reading problem. I've never felt this good since before I took heroin.

I am finally learning to read. They give me so much of their time which they don't really have to give, but they really want to help me.

If this program is taken over by someone else I will feel that I don't know a soul. I finally got to know and trust these people. Without the clinic's help I will lose my reading appointments, and that is what I need to make my life go.

I hope you consider my problem and keep the drug program at the Langdon Clinic.

My teacher is writing this for me because I'm not that good at reading or writing yet. I have a third grade reading level. When I came here I could not read anything. I love these people and have much respect for them.

Sincerely,

PATIENT No. 3693.

OUR LADY OF THE VALLEY CENTENNIAL

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. MINISH. Mr. Speaker, last weekend I was privileged to attend an observance of the 100th anniversary of the founding of Our Lady of the Valley Church in Orange, N.J.

The clergy and laity of Our Lady of the Valley are justifiably proud of the work they and their forebears have performed to make their parish one of the most outstanding in the country.

At this point, I insert in the RECORD a history of Our Lady of the Valley Church:

OUR LADY OF THE VALLEY CENTENNIAL, NOVEMBER 10, 1973

Saturday's concelebrated Mass of Thanksgiving at 11 o'clock in Our Lady of the Valley Church in Orange will bring to a close the year-long centennial celebration in the parish. Following the Mass which will be celebrated by the pastor, Rev. Francis J. Finn, former pastor Monsignor John J. Feeley, Rev. Thomas J. O'Leary, Rev. Francis F. Boland, and Rev. Joseph T. Paterek, a luncheon will be served in the high school gymnasium. Archbishop Thomas A. Boland will deliver the homily at the Mass which will be attended by church and civic dignitaries, and many of the former priests, sisters and parishioners.

The parish of Our Lady of the Valley was organized on September 8, 1873 by its first pastor, Rev. O. A. Vassallo. Services were held in what had been the Orange Valley Congregationist Church, a small but elegant stone structure on the corner of Valley and Nassau Streets. The Rev. James A. Walsh and Rev. Walter M. Fleming succeeded to the pastorate in 1874 and 1877, respectively, but it was not until the advent of Rev. William M. Callan in 1879 that constructive steps

were taken along educational lines. Through Father Callan's efforts the Sisters of Saint Joseph of Chestnut Hill took up residence in the area and opened an elementary school which has continued in operation since 1882.

The present grammar school was built during the pastorate of Rev. Thomas A. Wallace but its original function was to provide recreational pursuits for the youth of the parish, and the building was called "The Lyceum". Basketball and bowling facilities were provided and, in addition, plays were presented by dramatic groups for many years. As the parish grew and flourished Rev. John F. Boylan took over pastoral duties in 1903 and it was during his tenure that the present Church and Rectory were built. Twelve Sisters of Saint Joseph were in residence by this time and the school enrollment had reached an unprecedented six hundred pupils.

Father Boylan was succeeded in 1928 by Rev. James A. Smith who immediately set to work on building a new school complex which resulted in the opening of the present High School in September, 1929. The total number of high school graduates from Our Lady of the Valley now number well over 3,000. Father Smith left in 1938 and was replaced by Father Michael A. Mechler, later a Monsignor, and the latter first enterprise was to provide a suitable dwelling for the faithful Sisters of Saint Joseph. The present convent was completed and occupied in November, 1939, after formal cornerstone ceremonies presided over by Archbishop Boland.

Continuing his great work, Monsignor Mechler had the Church interior redecorated with beautiful murals commemorating the heroism of the young men of the parish who served in World War II and those who gave their lives in the historic struggle. A new white Carrara marble pulpit, designed by Professor Roggi of Seton Hall, was installed and the new renovated Church was subsequently consecrated by the late Bishop James McNulty. The same year—1948—the Diamond Jubilee celebration was held with Bishop McNulty as celebrant at the Mass. In 1952 new carillon chimes were installed in the church belfry in memory of Mrs. Anne Flaherty, and, in 1954, the High School celebrated its 25th year with appropriate ceremonies.

Monsignor Mechler died in 1955 and his successor, Rev. George Strack, served only five weeks before being called to his eternal reward. The Rev. John J. Feeley, executive vice-president of Seton Hall University, then assumed the pastorate and inaugurated a series of improvements which included a new kitchen and cafeteria in the high school, conversion from coal to oil heat in both the church and school, the introduction of varsity football, a band, and cheerleaders in the high school, and the erection of a modern gymnasium behind the elementary school building.

Father Feeley was subsequently named Papal Chamberlain and, later, Domestic Prelate, with the title Right Reverend Monsignor. It was during this period that Mother Rose Josephine, who had spent twenty-five fruitful years in the Valley, was transferred to Philadelphia, being succeeded by Mother Mary Thomas.

In March, 1966 the present pastor, Rev. Francis J. Finn, replaced Monsignor Feeley. Father Finn has served 25 years at Seton Hall Preparatory School as a teacher of Latin and Religion, as gymnasium procurator, and the athletic director. He had also served as assistant director of the Divinity School and as a Pro-Synodal Judge in the Marriage Tribunal. In recognition of his extensive background in education, Father Finn served on the Archdiocesan Board of Education for three years and is presently a trustee and President of the Board of Trustees of the Orange Public Library.

Father Finn's tenure has shown a remarkable reduction of almost $600,000 in the parish debt, extensive renovations to the church roof, a repainting of the church interior, redesign of the side altar into a Chapel of the Blessed Sacrament, an increase in the capacity and tone of the church organ, air-conditioning of the high school auditorium and cafeteria, a new school library, new science laboratories, audio-visual aids for both elementary and secondary schools, improvement of the entire elementary school area and equipment, and the addition of numerous new high school courses.

Mother John Eudes replaced Mother Mary Thomas as superior in 1964 and she, in turn, was replaced in 1968 by Mother Louis Mary. Sister John Anita, present high school principal, took over as superior in 1971, being succeeded this year by Sister Charles Immaculate.

Today, Our Lady of the Valley Church serves some 1600 families in a one square mile area embracing Orange, West Orange and South Orange. Many former students return periodically for holy day services and for the many sports events and reunions at the high school. A total education program includes, in addition to the elementary and secondary schools, a pre-school age establishment for ages 3½ to 6, CCD classes for public school students, adult discussion clubs, pre-Cana, active Rosary Altar and Holy Names Societies, a high school Booster Club, an annual high school play, ecumenical encounters, a parish library, special Lenten lecture series, and the recent formation of a Religious Education Center under the direction of Rev. Charles J. Miller.

The Rev. Joseph T. Paterek is the senior curate, assisted by Rev. George D. Connolly and Father Miller. Father Connolly also serves as high school athletic director and all three curates are members of the high school Religion Department. In the past seven years three young women of the parish have entered the Convent, three men of the parish have been ordained, and three deacons have trained in the parish preparatory to being ordained.

MRS. ANNETTE GOLDMAN

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. BADILLO. Mr. Speaker, it is with great sadness that I call to the attention of our colleagues the death yesterday of Mrs. Annette Goldman, Superintendent of Community School District 19 in the East New York area of Brooklyn.

Mrs. Goldman was widely recognized both as an outstanding educator and educational administrator. She was constantly striving for improvement—for her schools, her community, and herself. At her death, she was enrolled in a doctoral program in urban studies at Fordham University.

Most recently, Mrs. Goldman led a thus-far unsuccessful effort of protest against an arbitrary and, in my judgment, unlawful requirement by the U.S. Office of Education that District 19 participated in a testing program as a condition precedent for receiving nearly $1 million in assistance under the Emergency School Assistance Act. Her courageous stand was backed fully by the president of the board of education and by the chancellor of the city school system.

Mrs. Goldman was appointed Superintendent of District 19 in January, 1972, after having served as Acting Superintendent for 15 months. Among the many innovations credited to her were the seven John F. Kennedy Centers, serving students from fourth grade through young adulthood with funded education in the performing arts, basic skills such as reading and mathematics, and special enrichment programs. A matter of very specal interest to me, she also initiated the district's first program in bilingual education.

I share the deep sense of loss felt by Mrs. Goldman's colleagues, her many friends and the children of District 19. Her leadership and inspiration will be missed.

ON ENVIRONMENTAL EDUCATION: WHAT ONE CONSERVATION CLUB CAN DO

HON. J. EDWARD ROUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. ROUSH. Mr. Speaker, a few weeks ago this body passed an extension to the Environmental Education Act of 1970. The debate on this bill called attention to the important role that education plays in developing an environmental ethic among young people so that they can carefully weigh the environmental impact of the actions they will take later in life.

One of the most important aspects of environmental education is outdoor education—the actual acquainting of students with the interrelationships of nature. The following article from "Hoosier Conservation," the publication of the Indiana Conservation Council, Inc., demonstrates the fine work of the Monroe Township Conservation Club in Delaware County, Ind., in the field of outdoor education of young people. The article follows:

SOMETHING EVERY CONSERVATION CLUB CAN DO FOR THE ENVIRONMENT

A few days ago, Joe Wright, the environmental education consultant for the Indiana Department of Public Instruction, sent us an article about the activities of one conservation club in the field of environmental education which he felt might serve as a model to other clubs.

We were especially delighted to receive it because the article dealt with the efforts of the Monroe Township Conservation Club, home club of ICCI District XII Director Charlie Holt. It seems that Joe has worked with the Monroe Township club for some time now in setting up teacher seminars and so forth, and he felt that the story of their success might serve as an inspiration to other clubs.

We wholeheartedly agree, and here is Joe's article:

"In a section of Delaware County, a small group of conservationists have joined together to plan activities and programs for improving conservation education practices. The Monroe Township Conservation Club has purchased approximately 40 acres and constructed a club house on the site which is used for meetings, outings, classes, and seminars. The 40 acres is also used effectively as an outdoor classroom for school classes and teacher workshops.

"Realizing that many teachers have not been prepared to teach environmental edu-

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cation, the club visits the local schools and conducts conservation classes, shows environmental films, provides teachers with the latest teaching materials, and conducts in-service training programs.

"A major project of the club is to sponsor an Environmental Fair each school year. All elementary students are encouraged to participate. Teachers, parents, and conservationists are amazed at the amount of talent displayed in the many projects entered. The fair demonstrates to the public that young people are concerned and have the necessary energy and talents to produce solutions to many pollution problems.

"Because of this outstanding support, Cowan Schools have been encouraged to introduce environmental education concepts in all grade levels and curricula. This school district has also developed an excellent outdoor classroom and a special course dealing with man's interaction with his environment.

"Although Mr. Jack Cronin, chairman of the club's education committee, feels that his club is the most active one in Indiana, he believes other conservation clubs could accomplish just as much. During a recent visit with Jack, he commented, "There are clubs in Indiana which have many more resources than ours, and we need every club's involvement in helping the schools and youth of our state. Our club members feel the destiny of this country lies in the hands of our youth. If young people aren't educated properly about their environments, how can we expect them to be interested?" Funding for education projects is provided by the club through dues and by money making projects such as turkey shoots, skeet shooting, and other activities.

"The club is also affiliated with the National Wildlife Federation through their membership in the Indiana Conservation Council. Ranger Rick, National Wildlife, and International Wildlife, outstanding magazines published by the Federation, are provided to the students and staff of Cowan schools. Mr. Douglas Shock, biology teacher in Cowan schools, reports that he and his students enjoy all three environmental publications. "Those fellows are dedicated conservationists. They have enabled me to become a better teacher by equipping my classroom with magazines and other necessary materials needed to adequately teach ecology," remarked Mr. Shock during a recent visit to his classroom.

"Hopefully this article will stimulate other conservation clubs in Indiana to get actively involved in environmental education programs. The reward for doing this will be an environment fit for life and fit for living."

We hope so, too, Joe, and thank you for your article.

VOTES, NOT VOLUME

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. KUYKENDALL. Mr. Speaker, the Dallas Morning News has focused properly on one area of concern in the current clamor for the head of our President. I would like to share it with my colleagues, through the pages of the Congressional Record:

VOTES, NOT VOLUME

The people of the United States choose their president by vote. One year ago they chose Richard Nixon by one of the most overwhelming vote majorities in our history. That being the case, The News believes that their choice should not allow himself to be driven out of office by nothing more substantial than the volume of his critics' voices.

In this era of mass communications, ordinary citizens and politicans alike sometimes forget that the most important decisions of the Republic are supposed to be made by the people, not by the accumulated weight of headlines, press releases, network commentaries or self-interested speeches.

A democratic decision, made by the American voters in their millions, is a majestic event and one whose outcome should not be dismissed lightly by governmental insiders or nullified later by the uproar produced by professional critics.

Listen to the decibels of criticism cut through the waves of charges and denunciations against the President and you will find, The News believes, that none of the evidence yet produced justifies impeachment, let alone conviction.

But even if grounds for impeachment had been produced along with all that anti-Nixon verbiage, the President would still have a duty to those who named him and to the country as a whole, a duty that would not be discharged by resigning under fire.

There are those, even among the President's own supporters, who urge him to quit, to announce that all the charges and criticism have destroyed his ability to govern.

If the President takes that advice and resigns now, he will leave to his successor a country torn asunder, perhaps irreparably so. Tens of millions of Americans will view his departure from office by this route as evidence of a successful political murder, carried out by those who conducted a vendetta against him. That would deny his successor any hope of gaining even that minimal support that is necessary to govern. In our opinion, a substantial number of Americans would be convinced, rightly or wrongly, that the legitimate elected leader had been overthrown and a democratic vote nullified by a propaganda coup d'etat.

For this reason and others, The News believes that the President should stand his ground and force his opponents to put up or shut up. If they have a legal basis for removing him from office, let them use the avenues of recourse provided in the system. Let them draw up specific charges, present their evidence for those charges and give him the opportunity to defend himself against those charges.

In brief, The News believes that if his legions of constant critics have solid reasons to impeach and convict Richard Nixon, they must be required to present those reasons through due process, not through the mass media. If they are determined to drive him from office, they must convince not only the House and the Senate, but the entire electorate that Richard Nixon is guilty of "treason, bribery or other high crimes and misdemeanors."

If that is true, that must be proved to the nation. If that is not true, then the fact that it is not true must be proved.

For the President to quit now would prove neither case. But it would indicate to millions that the votes of the citizens now weigh less on the democratic balance than the volume of criticism that can be brought to bear against those the citizens elect.

RESEARCH AND DEVELOPMENT ON FUEL CELL TO RELIEVE ENERGY CRISIS

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. COTTER. Mr. Speaker, I have periodically criticized industry for being myopic when it comes to wasteful use of our diminishing resources, particularly energy resources. So it is with pleasure that I acknowledge two companies in Connecticut's First Congressional District who have made a rather farsighted commitment to the development of new energy resources.

The Pratt & Whitney Aircraft Division of United Aircraft Corp. in East Hartford will spend over $75 million—60 percent from the utility industry and 40 percent from Pratt & Whitney Aircraft—for research and development during the next 3 years on a fuel cell which will generate electricity in a cleaner and more efficient manner than coal or oil fired generators.

This privately funded R. & D. effort has great promise and could well result in commercial production by the end of this decade.

Without going into technical details let me tell you briefly how the fuel cell works. Basically, it is a process whereby hydrogen and oxygen are converted into electricity. But since quantities of hydrogen are not available commercially yet, the first generation of fuel cells will have a "fossil fuel reformer subsystem" which will extract hydrogen from gas or oil.

Northeast Utilities, one of the public utilities which has committed money to Pratt & Whitney Aircraft's fuel cell project is going one step further, investing money in a research effort designed to develop a method to produce commercially useful hydrogen.

Abundant and cheap quantities of hydrogen would not only eliminate the need to use fossil fuels in the fuel cell electric generators but will play an important role in another new technology resource, coal gasification and coal liquification.

I wish both companies much success in these two socially useful ventures.

IF THE WEST FREEZES, LET THE ARABS STARVE

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. BRASCO. Mr. Speaker, of late, Arab nations have filled the air with a series of blood-curdling threats, all having to do with withholding petroleum from Western nations showing any sympathy for Israel. Whoever opposes their fourth effort in 25 years to drive the Jews into the sea, we are informed, will run an imminent danger of having all Arab oil supplies held back until they see fit to act otherwise.

Such threats have been implemented by most Arab oil-producing nations. Boycott efforts, however, have been openly aimed mainly at the United States. Perhaps the American people are not fully aware of how thorough this worldwide Arab undertaking has been. Perhaps the average American is unaware that the boycott has been aimed at other countries providing the United States with significant quantities of refined petroleum products.

Nations such as Japan, Britain, France, and other formerly great powers have caved in like so many noodles fresh from the pot under Arab threats.

The Common Market countries issued a strong pro-Arab statement last week. Of France, we can say it is no surprise. However, a few observers felt that the English had remaining to them some shred of self-respect. Obviously, this is no longer the case.

Americans, however, do have a real choice. We have noted these Russian clients in burnooses dashing about, waving threats of oil cutoffs at us. Several of these countries are mere collections of fishing villages clinging to the littoral of the Persian Gulf, still harboring acute addictions to dictatorship, slavery, and similar harmless pursuits. By the accident of history, they are now squatting on oil reserves the world must have. It is long past time that the world reminded them that their shrill cries of boycott can and will result in retaliation. Here is the only language I believe they comprehend, and the American people can and will applaud a strong, vigorous response to their blackmail threats.

For a start, let us find out what they need and import. Behold their Achilles' heel—food. And where do they obtain so much of that food? By sheer coincidence, from the United States. And a large proportion of that food is given by this country to these fabulously wealthy oil nations for either a pittance or for nothing at all under the Public Law 480 program. I do not know how long any society or group of people can do without full supplies of petroleum. However, it is a matter of medical fact that most human beings perish after doing without food for about 1½ months.

If the world is in an oil and energy squeeze, as oil company ads tell us, then this is serious, indeed. After all, the oil industry is never wrong, even when publishing ads disclaiming its role in causing shortages, while claiming tax deductions on such ads. But the food shortage is also worldwide and is far more pressing.

In no way do I advocate creation of suffering for innocent people. Nevertheless, when the blackmail initiative is taken by the Arabs and their threat is forthwith implemented to the best of their ability, we have little option remaining but retaliation in kind. The Dutch, bless them, are helpless; but, we are not.

Just as the Arabs seek to worsen our energy crunch by cutting off oil feedstocks to nations refining and selling finished products to the United States, so we can implement a similar policy in food. Many Arab States either obtain grain and other basic foodstuffs from the United States or from nations shipping them grain because they in turn receive other grain or foodstuffs from America. We are, in short, materially contributing to their favorable balance of trade and the well-being of those threatening us with oil boycott.

Our distinguished colleague from Pennsylvania, WILLIAM A. BARRETT, has already introduced a resolution, House Resolution 357, expressing the sense of the House that the President "should curtail exports of goods, materials and technology to any nation that restricts the flow of oil to the United States in a quantity which is proportionate to the quantity of such restriction of oil." I wish to associate myself with that resolution at this time and call the attention of other House Members to its message.

Right now the Arab States, by their oil boycott, are in violation of their obligations under the articles of GATT—General agreement on tariffs and trade—their treaties of friendship and so-called U.N. resolutions. Egypt and Kuwait are members of GATT. Algeria, Bahrain, and Qatar are de facto members. Article II of that agreement states that:

> No prohibitions or restrictions other than duties, taxes or other charges—shall be instituted or maintained by any contracting party on the importation of any product or on the exportation or sale for export of any product destined for the territory of any other contracting party.

While neither Saudi Arabia nor Iraq are GATT members, the United States has a treaty of friendship with Saudi Arabia going back to 1933, and a similar treaty with Iraq dating from 1940. Discriminatory boycotts violate the spirit of such treaties, indicating to us again what it would mean if we ever became truly dependent upon such nations for a life-or-death supply of oil. No agreement in memory has been honored by them. Recently, their unilateral breaking of one agreement after another with oil companies and one another are indications of what we could expect if they ever got their paws on America's energy windpipe.

Turning from the ominous to the humorous, there is even a 1970 U.N. General Assembly resolution on friendly relations between states, declaring:

> No state may use or encourage the use of economic, political or any other type of measure to coerce another state in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind.

Although everyone knows such a rule would never be enforced by the so-called U.N. against the Arabs, or for that matter, against any nation or nations seeking to harm Israel, we can dismiss this rule as we would the babblings of any asylum inmate. However, it is noteworthy to point out that the statute is on the books, and is being ignored by both Arab nations and the U.N. in the current situation.

The Department of Agriculture has made available information showing Saudi Arabia is 100-percent dependent on imports for wheat and feed grains. Kuwait is 100-percent dependent on imported feed grains. Iraq is 38-percent dependent on wheat imports. Egypt, Jordan, Lebanon, and Syria also import foodstuffs.

An article published in "Foreign Agriculture" quite recently predicted U.S. agricultural exports to the Middle East will jump 50 percent in 1973–74, and that the area will rival India and China as a market for our grain. Also, that Iraq and Syria have had poor crop years and that U.S. food exports to these nations will total $300 million.

In fiscal year 1972, our agricultural exports to 15 Arab States exceeded $250 million, including private sales, food grants, sales and loans under Public Law 480 and AID programs. Is it not intriguing that Arab oil States, bulging with dollars, as reports indicate, are receiving large supplies of American food for nothing. Can they not afford to purchase such foodstuffs with the vast financial resources oil exports bring in? What will the average American, scrabbling for fuel oil and gasoline, think of that?

Some apologists will dash forward, pleading that we do not want to make matters between the Arabs and the United States worse. Nonsense. The entire situation has been brought to a head by sneak attack, unilateral boycott and outrageous public threats against the United States, uttered and reiterated by Arab States in question.

The world has little spare food. If the United States retaliated, or even threatened to do so, some hard thinking would be done on the Arab side. Let us note that the Arabs are getting false bravado from Russian backing and because of craven capitulation by Western nations. Consumer states will not band together against them. So retaliation is the only tool we have left with which to lever them to more sensible positions. Russia can resupply their arsenals, but not their granaries.

Undoubtedly, some humanitarian groups will also emerge, wringing their hands over such hard talk. One can easily predict who they will be; the same organizations which have condemned Israel for so long, crying over the plight of Palestinian refugees. The same refugees, mind you, which their brother Arabs have not allowed to settle in host countries in a permanent status. The Arab States have preferred to maintain them in a precarious state of existence so they could be utilized as a photogenic publicity tool to excite Western sympathy. Just as many Jews became refugees from Arab lands, but were taken in and resettled by Israel.

These same groups, bubbling over with brotherly love from a goodly distance for such refugees, will no doubt be the loudest humanitarian voices questioning any U.S. withholding of foodstuffs from Arab oil States now unilaterally boycotting the United States.

Logic will not, in the future as in the past, be their strong point.

Nonetheless, we should and must consider this policy. If one chooses to deliver a blow, as the Arabs did against Israel and now against the West, they should expect one in return, which they received from the Jewish state, and which, I hope, we shall also deliver.

IS NIXON RESIGNATION THE ANSWER? THINK AGAIN

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. HUBER. Mr. Speaker, in the present time of great heat in Washington over the possibility of President Nixon resigning, a little light would be helpful in my view. This light, in the form of a

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column by Judd Arnett in the Detroit Free Press of November 6, 1973, was supplied. His column, above all, provides a little perspective on the issue. It points out how many persons and many groups in times past have loudly called for the scalp of the President and how history had judged it was wise that he stayed in office. I, therefore, commend this article to the attention of my colleagues:

[From the Detroit Free Press, Nov. 6, 1973]

IS NIXON RESIGNATION THE ANSWER? THINK AGAIN

(By Judd Arnett)

One is tempted to comment on the weekend pontifications of competing publications. In a burst of activity, editorialists here and elsewhere seized the initiative and told us how the nation might most conveniently escape the aggravations and horrors of Watergate. The formula is very simple: All that needs doing is for the President to resign his office, bag and baggage. Why didn't someone think of this before?

Imagine the trauma and turmoil which might have been spared the Republic had this logic been followed through the years. With a few flicks of the pen, you can rewrite history and have enough space left over on the editorial page for a lengthly dissertation on the evils of the school hot-lunch program. Like this . . .

Abraham Lincoln, faced with civil war because his policies were unacceptable to the South, should have pulled his stovepipe hat down over his ears and slunk back to Springfield, Illinois.

What this would have meant to the nation in peace and tranquility is beyond comprehension. But let us bring a tiny portion of what might have been down to this very moment: In Detroit today, we would not be confronted with the question of whether or not an uppity black man, Coleman Young, is fit to be our next mayor. Mr. Young, if not planting cotton in Alabama, would be at most a shiner of shoes, grateful for a nickel tip and looking forward to an evening repast of grits and hawg jowls.

In 1937, fresh from carrying everything except Maine and Vermont, Franklin D. Roosevelt would have gone back to Hyde Park after stirring the country to a frenzy over the Supreme Court and losing his reform bill in the Congress. This would have put John Nance Garner, who was somewhat to the right of Andrew Carnegie, in the White House, thus plowing under the New Deal. We might also have wound up on the side of Adolf Hitler in World War II, and that would have turned things around a bit, wouldn't it? There were other times during FDR's tenure when the editorialists wanted him to resign, but he was a bull-head who just wouldn't listen to reason.

After firing General Douglas MacArthur, who had some definite ideas as to how the war in Korea should be conducted, Harry Truman's popularity dropped so low that the pollsters could hardly find it with a stethoscope. There were countless patriotic calls upon ol' Harry to chuck the job and retire to his piano in Missouri, but he was swell-headed about his importance to the country. His quaint carryover notion that there should be civilian control over the military was tested again during the Vietnam adventure, and this may have kept us from straightening things out for once and all in Southeast Asia by fighting the Red Chinese, the Russians and anyone else who wanted a piece of the action. Now we will never know how that war would have ended had we gone all-out, will we?

When you poke around in history you discover that there has rarely been a president who has not been called upon to resign by someone with access to a printing press. If all of those screams and hollers had been heeded the White House would have worn out five sets of revolving doors by this time.

But it seems to be typical of the occupants of the office that once they get entrenched, they are reluctant to accept the advice of publishers, editorialists, columnists and, lately, television commentators. There must be something about the job that deafens the holders of it to the clarion calls of the patriots of the Fourth Estate.

Else why would Richard Nixon hesitate for even a moment in responding to the supplications offered with the most heroic of intentions—by Time Magazine and The Old Gray Lady Down The Street, among others? Good gravy, all they want him to do is quit and turn it over to Gerald Ford. Is that too much to ask, especially among friends of long standing?

The President should be impressed that this is the first time in 50 years that Time has run an editorial. Think of how frustrated they will be if, after storing all of that ammunition, nothing happens. Ppppffffffffttttt, so to speak. Oh, the ignominy of it all. As for The Old Gray Lady, surely she is entitled to consideration after having haughtily looked down her nose at Watergate during the early months of its festering.

What a clean way to end it all. Mr. Nixon quits and we pass on to Mr. Ford. One can hardly wait.

NIXON DESERVES BETTER

HON. E. G. SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. SHUSTER. Mr. Speaker, how quickly we forget.

It has been less than a year since we have been extracted from Vietnam. Many of the former prisoners of war are still struggling to readjust following their ordeal in Southeast Asia. The ravage of war is still apparent to anyone visiting the towns and villages of Vietnam. Yet it is all but forgotten, it would seem.

President Nixon, through his firm and decisive leadership, achieved a peace in Vietnam many thought was impossible. Were it not for the present occupant of the White House, we could still be fighting—and dying—in that tragic war.

President Nixon is being crucified for his mistakes while being ignored for his great accomplishments. Whatever else the history books may say, President Nixon will be known as a great peacemaker.

The following editorial from the Waynesboro, Pa. Record Herald reminds us of the real "cost" of that tragic war—a "cost" that could still be escalating without the courage, conviction, and leadership of Richard M. Nixon.

Mr. Speaker, the President deserves better than he is getting.

The editorial follows:

NIXON DESERVES BETTER

The Indochina war will have cost American taxpayers a total of $676 billion by the time we finish paying for it.

So claims Thomas Riddell, a Bucknell University economist, whose study of the economic effects of the Vietnam conflict has been published in The Progressive magazine.

Riddell's figure includes not only the actual wartime outlay for weapons and materiel and expected future expenditures for Vietnam veterans and their dependents, which will go on well into the next century. He expands it by including U.S. support of the French effort in Southeast Asia, beginning in 1950, as well as his estimate of "human resources" costs.

The latter include wage losses suffered by draftees, the dollar price to society of drug addiction among veterans and the value of lifetime production lost to the economy because of casualties.

But while it is not easy to minimize the costs of this terrible war, neither is it difficult to exaggerate them to prove a point. Riddell, for example, does not offset the wage losses of draftees—which cannot really be known—with an estimate of the increased earning power of other veterans who may possibly have acquired skills and trades useful in civilian life.

In any event, it is hopeless to try to pin down a final figure for something that has to be spoken of in terms of hundreds of billions of dollars, by any reckoning. Forget the money. Consider the other costs of the Vietnam war, which Riddell also mentions.

More than 56,000 men killed and more than 303,000 injured; almost 23,000 double amputees; more than 2,500 quadraplegics and paraplegics; about 260,700 veterans receiving disability payments; more than 1,300 Americans still listed as missing in action.

BOTANIC GARDEN

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. DE LA GARZA. Mr. Speaker, the Botanic Garden immediately west of the Capitol Grounds is a familiar sight to all Members, but I wonder if many of us have a full realization of the remarkable things that go on there. I recently learned about some of them from Mr. Jimmie L. Crowe, assistant manager of the Botanic Garden.

Work is constantly going on to develop new varieties of flowering plants to gladden the eye of the beholder. New for this year are nugget marigolds that bloom throughout the summer until frost, variegated pepper as a border plant, carefree coleus, a variety of Southern Belle hibiscus, and numerous others. Also new this year are the flower beds in front of the conservatory, which through the spring and summer added to the beauty of Capitol Hill.

Coming as I do from a south Texas area where beautiful plants abound, I have a special feeling for the Botanic Garden and what is being done there.

A man to whom the conservatory represents his life's work is Mr. Albert T. DePilla, the Botanic Garden horticulturist. Mr. DePilla started work as a laborer 50 years ago when he was 16 years of age. Under the tutelage of the late assistant director of the conservatory, Mr. Wilbur Pagel, he was trained in botany and became an expert in that field.

He was not content simply to grow flowers. He painstakingly experimented with them to develop new and improved varieties. He attended them and cared

for them as a father does his children. He is always striving to inspire others with his own love of plants and flowers.

Mr. DePilla recently was awarded by the Architect of the Capitol a certificate for his 50 years of service with the U.S. Government. He is a man who numbers many Members and their wives and children among his devoted friends. All of us are indebted to him for his efforts to bring beauty into our lives day after day. Albert DePilla is one of the outstanding assets of the Nation's Capitol.

TRIBUTE TO THE LATE HONORABLE ROBERT EWING THOMASON

HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. PATMAN. Mr. Speaker, like so many historic Texans of revered memory, and I need mention only two of many great names, Sam Houston and Sam Rayburn, Judge Robert Ewing Thomason came to us from the great State of Tennessee. It is truly a measure of his enormous distinction that his accomplishments reflect such high and ample honor both upon the State of his birth and upon Texas which, from early childhood, was his beloved home.

Commencing his congressional career in 1931, Ewing Thomason represented the people of the 16th District of Texas with impressive fidelity and dedication, being overwhelmingly responsive to the needs of his constituents, as well as to our national requirements during periods of domestic and international stress. I remember Judge Thomason with abiding affection and respect. His integrity was so real and perceptible that it came as no surprise to his many friends that our great President, Harry Truman, appointed him a Federal judge for the western district of Texas, a position in which he served from 1947 almost until the day of his death last Thursday.

No jurist has received more solid and sincere acclaim by both trial attorneys and legal scholars than Judge Thomason. Indeed, his long and remarkable career included experience as county and district attorney, member of the Texas Legislature, speaker of the Texas House, and Mayor of El Paso, as well as eminent practitioner of the law.

I join with my colleagues in expressing a deep sympathy to Judge Thomason's beloved wife, Abbie, and to their fine family. Judge Thomason exemplified his own precepts. He brought the same qualities of fairness and wisdom to all who came before him. He believed in democracy, in the liberties that are the birthright of Americans, and in the essential dignity of human beings. We have lost a friend and a champion, and his life gives all of us courage and rededication to the ideals of public service, of statesmanship, of loyalty, and of devotion to God and country.

TRIBUTE TO MAYOR FRANK TERRAZAS OF PICO RIVERA, CALIF.

HON. CHET HOLIFIELD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. HOLIFIELD. Mr. Speaker, the soul and vitality of our great country rests in the success of local government. Local government, whether it be a city, county, or district level is the leaven that insures progress for our Nation and happiness for our people. Of course, it goes without saying that local government is only as good as its elected officials.

I rise today in tribute to one of these local officials, Mayor Frank Terrazas of the city of Pico Rivera, Calif., a portion of the district which I have the honor to represent. Mayor Terrazas is an exemplification of the type of local official that has made our country the envy of all who see it. Mayor Terrazas is one of those selfless citizens who has dedicated his life to community service. Personal reward has never been his objective, as most of the service on a local level is voluntary; the only reward is the satisfaction in community progress.

Mayor Terrazas came to California in 1921, 1 year later than I arrived. Although our paths did not cross for many years, we lived in neighboring areas; he lived in East Los Angeles and I lived in Montebello, contiguous areas in the Los Angeles suburbs.

Long before his entry in local office, Frank Terrazas demonstrated his devotion to the welfare of the community. For years he was active in the International Association of Machinists, as befits his position as a master painter for the Lockheed Corp. But, while raising and supporting his family, consisting of his wife, Lydia, and his three daughters, Christina, Lydia, and Maria, he was also active in affairs of public concern. For many years he was active as a member of the Los Angeles County Democratic Central Committee, many times occupying the position of district chairman. He has held many other positions of authority in the Democratic Party, the latest is his membership on the Democratic State Central Committee, to which it was my honor to appoint him.

In 1962 the citizens of Pico Rivera elected Mayor Terrazas to the city council. He has been reelected twice since that time. During the 11 years he has served on the city council, he has been elected three times to serve as mayor.

A recitation of all of the positions of public trust that Mayor Terrazas has held would take hours. I would just like to mention a few, Mr. Speaker, to illustrate the devotion this man has to local government and the commonwealth.

When the OEO first began, Frank Terrazas was called upon to be the president of the Eastland Community Action Council. His fellow mayors have elected him to the executive board of the committee of mayors. The Los Angeles District Attorney has asked him to serve on his advisory council and he has held office in the California Contract Cities Association since 1962.

Mayor Frank Terrazas, an American of Mexican extraction, seeing the need for an organized approach to solving the problems of the large numbers of citizens of similar background, set about to organize the Asociacion Californiana of Elected Representative Officials, an organization of elected officials of Mexican heritage. He served as charter president of this group.

Of course, in addition to his other activities, Mayor Terrazas has been involved in numerous other community groups, such as the Boy Scouts, Campfire Girls, American G.I. Forum, and the Optimists Club. Mr. Speaker, we have in Mayor Frank Terrazas a living example of why our country is great. I rise in tribute to Frank Terrazas and in behalf of myself and the other citizens of the 19th Congressional District, thank him for his work on our behalf, and wish him many more years of community service.

THE AIR FORCE ACADEMY

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. BROWN of Ohio. Mr. Speaker, in a recent edition of the Denver Post, an article by Mr. Robert Pattridge appeared that describes the current climate of the Air Force Academy. The academy is building men for peace as well as defense, men of intellectual superiority rather than mediocrity, men of honor and not dishonor, and men who are leaders and not folowers. I thought that my colleagues would be interested in the article, and I therefore, submit it for the RECORD:

[From the Denver Post, Oct. 7, 1973]

AFA GIVES US MEN TO MATCH OUR MOUNTAINS

(*Our men are our walls.—Sparta, ancient Greek city.*

We will not lie, steal, or cheat, nor tolerate among us anyone who does.—Air Force Academy Cadet Honor Code, 1973.)

Air Force Academy—Parallels abound between Sparta, ancient Greek city, and today's Air Force Academy.

Sparta's laws, drafted by Lycurgus, were characterized by rigidness. Rigidity is part of life at the Academy.

The Spartan was essentially a soldier trained to obedience and endurance: he lived in a barracks and ate at a common mess. That is generally true of the Academy cadet.

A study of history unfolds other parallels between the Academy and Sparta, capitol of Laconia and most powerful state of the Peloponnesus.

History also shows, however, that men and nations do not survive on military might alone. Today's Academy has many qualities of ancient Sparta plus qualities of its own The Academy process fosters review and change.

Currently, the U.S. military forces are the bad guys. Uneasy peace reigns in the world with detentes in trade, troop reductions and unclear weapon controls. Thank God for that. However, should the world atmosphere

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alter, our media and the public will clamor: "Where is the military?"

Part of that military is at the Air Force Academy. There are hundreds of officers, enlisted men and cadets on the 18,000 acre site north of Colorado Springs who believe in discipline, and practice it. They also exhibit human understanding and compassion for fellow man.

Negative news about the Academy has a way of bursting onto front pages and the television screens around the world. A reader or viewer may question: "What is going on there?"

The answer is simple—education. Much of that education, unreported, is positive.

An example: For an average of four hours daily, Brig. Gen. Hoyt S. Vandenberg Jr., 45, commandant of cadets, counsels and raps with the 3,980 cadets in groups and individually.

Among other problems, General Vandenberg seeks out "rumbles." That is Academy jargon for the cadet who is "rumbling"—pondering resignation. It is a serious problem. The dropout rate in the 1974 class is a shade over 40 per cent.

There is counseling galore for the "rumbles." Available are fellow cadets, cadet leaders, the 580 faculty members, General Vandenberg, a special team of officers, chaplains, psychiatrists and even Lt. Gen. Albert P. Clark, the 60-year-old Academy superintendent who looks 45.

General Clark recognizes that cadets have special troubles. They have come from a permissive society where alcohol, cars, women and drugs are available. Suddenly they are in the Spartan atmosphere of the Academy. The physical and academic demands are tough.

Concentrating on three areas of concern is a goal of General Clark:

The cadet's environment. Improve it and allow a minimum of the "Mickey Mouse" harassment that is so irritating to young men of today.

Don't bring in cadets who won't make it at the Academy. Greater counseling and care in selection of carets is part of this goal.

Orient the cadet candidate completely as to what he can expect and what is expected of him. He will last, adjust and quit less frequently.

Certain standards will not change under General Clark's superintendency. They include courage, loyalty, character, leadership and self-discipline (a subject General Clark knows well, having spent nearly three years as a prisoner of war in Germany during World War II).

"The way you capture a young man's loyalty is not the same as in Frederick the Great's time," General Clark says.

You have to reach a cadet with understanding, he believes, but without lowering academic or moral standards.

The task is not easy in 1973 with the social, political and military turmoil. But General Clark's worries are not his own. Besides his competent staff he is assisted with recommendations by the Academy Board of Visitors and the Academy Advisory Council, both comprised chiefly of civilians.

The Academy also has been enriched by the Air Force Academy Foundation. Private funds donated through the foundation created the 50,000-seat Falcon football stadium and the 18-hole Eisenhower Golf Course.

In worrying about the dropout rate, and the money spent to educate a cadet, General Clark is realistic. "When you shake the tree, some bad apples will fall."

The number falling concerns him, although it is best for cadet and Academy if the dropout is weeded early in his career rather than later.

There is satisfaction for the general in the number and quality of the AFA graduates. Since Congress authorized the Academy in 1954, a total of 7,900 men have graduated. Only 38 have embarrassed the Air Force in any manner. The Academy also leads the three service institutions in number of graduates who remain on active duty following completion of military commitments.

An oft-repeated charge against the Academy is that hawkish robots are being manufactured. "Nothing is further from the truth," contends General Clark. His words are backed in random conversations with cadets.

The cadets exhibit abundant free wills and intellects. They are the ones deciding to stay or leave the Academy. They are the ones offering advice to the Academy administration on matters as diverse as "Mickey Mouse" harassment and changing the curriculum.

It is the cadets voicing a variety of recommendations in discussions with Generals Clark and Vandenberg, other officers and cadet leaders. Cadets appreciate that the officers seek out ideas for change. And the cadets run the honor code—not the officers. The cadets hear the evidence in honor code cases and make decisions on resignations.

If the cadets are robots, they are well-informed robots. General Clark invites a wide range of speakers to address the cadets. They range from comedian Dick Gregory to a Communist. There was a seminar for minorities. Speakers with various views are presented under an open policy.

Classroom discussion is frank, energetic and refreshing.

The Academy attracts the cream of the nation's youth. They are the scholars, athletes, the leaders of all colors and creeds from hundreds of high schools—including the Academy's own Preparatory School. Taking this quality and leading the way to an education for the "whole man" is Brig. Gen. William T. Woodyard, 54, dean of the faculty.

A scholar who has served at the Academy since its founding, General Woodyard aims at "establishing a total environment conducive to training."

He needs no Pentagon reminder that "we are here to support the Air Force." Yet, he is the type officer who hosts cadets in his home and hears plenty of "feedback."

General Woodyard isn't pushing only science, mathematics and military training. Literature, philosophy, languages, music, art, history, athletics, political science, all have a place at the Academy.

Holder of a doctor's degree in higher education from the University of Denver, General Woodyard is especially proud the Academy ranks fourth nationally in the number of graduates who have won Rhodes scholarships.

The Academy also is a leader in winning National Collegiate Athletic Association scholarships—a measure of the "whole man" concept.

General Woodyard is also proud of the accreditation record in engineering and other fields of Academy education.

The three generals and Col. William R. Jarrell Jr., 51, director of admissions and registrar, point out a few variables in the dropout rate.

There are no transfer students into the Academy upper classes as in other non-military institutions. There is a 2 to 3 per cent attrition among cadets due to physical problems. General Vandenberg grieves for the cadet, determined to be a pilot, who suddenly develops eye trouble and drops out because flying was his only "thing."

Also, like civilian youth, cadets have problems with girl friends, families, studies, the physical training and assorted other troubles.

Yet, Colonel Jarrell reports applications are streaming in at a high rate. More than 8,000 young men applied as cadets for the 1,500-member class admitted this year. Some are motivated by a free education but watching them march, train, dine, learn and relax, you have to concur with General Vandenberg: "An amazing bunch of young men."

They are young men with their shoulders back, heads up and living a life packed with motivation, achievement and goals. Besides pilots, they are destined to be Air Force doctors, lawyers, scholars and various other career occupations.

The cadets don't put you on with idle praise for the establishment. Most are mighty happy when the physical and academic demands of that initial year are behind. As is the military's habit, the upper classmen and officers lead by example and the new cadet is impressed.

There are no boys at the Academy—all are men. They live by the honor code of no lying, cheating or stealing. For most, it is an honor code for life.

Many cadets—and officers—expect women will some day be enrolled at the Academy. This will require some changes in training when it happens.

Also in the future here will be more headlines from politicians blasting the Academy. The General Accounting Office may be critical of Academy spending. There will be more dropouts. Training (such as a prisoner of war camp) will be debated. There will be criticism from ex-cadets and ex-faculty members.

In measuring time, the Academy is an infant. It is less than a quarter century old compared with the centuries of Sparta.

But like Sparta, the Academy has strength in its men—its cadets and officers. Due to this strength, the Academy is changing man's flight through life.

While Sparta's race of resolute, ascetic warriors eventually expired, the Academy shows no such signs.

The Academy men—like Sparta's—are also walls; hopefully walls for peace as well as defense, hopefully walls of intellectual superiority rather than mediocrity, hopefully walls of leaders rather than followers, hopefully walls with honor and not dishonor.

If the nation doesn't want those qualities ingrained at the Air Force Academy, Congress had best give a new mandate to the Air Force and its Clarks, Vandenbergs, Woodyards, Jarrells and the proud Academy Cadet wing.

THE ROLE OF LABELS IN SELF-MEDICATION

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. ROGERS. Mr. Speaker, in 1927, Congress passed the Federal Caustic Poison Act, beginning a series of bills to establish ever greater consumer protection. As a result there exists today the right of the individual to have access to information relating to his or her health and well-being. It is for this reason that labels presently appear on most all potentially harmful products, providing both warning and direction.

The case of prescription and over-the-counter medicines is of especial concern since these labels provide information that is essential for safe and effective self-medication. The industry is aware of the crucial role the individual must play and usually makes special mention of the importance of reading and following directions in its advertisements. However, the fact of the matter is that many of us disregard or ignore medicine labels; thus creating a serious and unnecessary threat to the Nation's health.

To counteract this tendency, the

Council on Family Health is sponsoring an advertising campaign to make the public more aware of the importance of following label directions. It consists of television, radio, and printed materials; and is aptly keyed on the slogan, "Medicines cannot help you if you do not take them right." The advertising firm of Wells, Rich, Grene, Inc., has created the initial elements on a nonprofit basis and has done an excellent job.

The objectives of the Council's efforts have been endorsed by the board of directors of the Advertising Council. Additional encouragement has been received from the National Association of Broadcasters and the three major networks. However, as is the case with all public service campaigns, the individual medium must make the ultimate decision. Having viewed the materials, I find them very effective and urge their extensive use. The Council on Family Health is to be commended for taking the initiative in this area.

A LONG NIGHT'S JOURNEY INTO DAY FOR MIA'S WIFE

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. KEMP. Mr. Speaker, the National League of Families of Prisoners and Missing in Southeast Asia, the Committee To Free Journalists Held in Southeast Asia, the Youth Concerned for the 1,300 Missing in Action, and other responsible organizations, whose dedicated members have been working untiringly on behalf of the missing Americans and their families, need and deserve our unqualified support.

We owe to the families of the MIA's the same debt that we owe to the families of the POW's and to those who gave their lives in combat. This debt must not be left unpaid.

Mr. Speaker, two of my good friends, a neighbor in Hamburg, Maj. Robert E. Rausch, and a college teammate, Maj. Don Lyon, are on the list of those missing in action in Laos.

After the legal declaration of her husband's death, Barbara recently remarried. As she begins her new life, those of us who have admired her bravery throughout the terrible ordeal of these recent years, wish her every possible happiness.

Mr. Speaker, I include for the RECORD and commend to the attention of my colleagues, an October 18, Buffalo, N.Y., Evening News column by Bob Curran concerning Barbara Rausch, "A Long Night's Journey Into Day for MIA's Wife."

A LONG NIGHT'S JOURNEY INTO DAY FOR MIA'S WIFE

(By Bob Curran)

You're 32 years old and for you on the morning of April 16, 1970, God's in his heaven and all's right in the world. You are proud to be a military wife and you know when they are old enough your three youngsters will also be proud of their father, who is flying an Air Force fighter plane in Southeast Asia.

Then the doorbell rings and suddenly you find yourself in a scene that you have pictured many times. The men at the door are from the Air Force and one of them is saying, "We regret to inform you that your husband is missing in action in Southeast Asia."

The rest of the day is a strange dream in which you have the feeling that you are listening to someone else talk as you tell your loved ones and friends the news. You move from the dream to reality when it is time to tell your oldest boy that his father is missing in action. And you fight to control your voice as you say, "Not dead. Missing in action."

Those are words you will say many times in the next few months. They will be the last words you will say at night before blessed sleep comes and the first words you will say when you awake to face another day that might bring more news. They are words that you will say when you and the children look through the album that is filled with pictures of him.

The good news never comes. The liaison officer the Air Force has assigned to you tells you again and again that they have had no reports that he was seen after his plane went down. And all the packages you send to him come back from North Vietnam with the message that there is no man by that name in their prison camps.

You now fear the worst, but you hide your feelings, and when you meet friends and families of other prisoners you always manage to have your chin tilted bravely in the air. And after awhile you become very active in the National League of Families of American Prisoners and Missing in Action in Southeast Asia.

Eventually, you become a director of the Western New York Concerned Families of Prisoners of War and Missing in Action in Southeast Asia and then a director of the national group. And the people who watch you in admiration are sure that you still feel that your husband is alive.

But to some of us who have become close to you, you say that there is no reason to believe that he is alive. But you still work with the other families some of whom have learned that their loved one is alive.

Sometimes you go to Washington to help search out information for the others. Always you are on call to make a talk to a high school or civic group.

One night you speak at a Reserve Officers Association meeting and afterwards you are invited to attend the annual ball. And you consent to be escorted by a bachelor officer.

In late January the list of living men is released and what you have known and lived with for so long is now official.

As you begin to face your new life you begin to date the officer who escorted you to the Reserve Officers ball. And one day you accept his proposal of marriage.

You thought you knew what sort of flak that would draw when the news leaked out but you found it is worse than you had imagined. Eighty per cent of the wives in the league want the Air Force to make a determination on their husband's status. Most of the parents involved wanted their sons to continue to be listed as "missing in action."

Fortunately, your in-laws believed that life must go on and they give you their blessing. So does your mother and your close friends.

Then come the technicalities that when reported in the paper make you sound like a crass person. To have your husband's will probated he must be declared dead and that brings criticism from those who want you to cling to the past.

After that you must ask the Air Force for a determination. And one day an Air Force car comes to your house and a chaplain tells you that so far as the Air Force is concerned, your husband is dead. Though you have been sure of this for a long time, you find that the sight of the car outside your house brings on chills that were as icy as those you felt on April 17, 1970.

On Tuesday of this week you have a memorial service for your husband. Among those present are the children Mike, 13; David, 9, and Betsy, 5. And you explain to a man who asks about it that "it's best that they know it is all over."

And you feel a jolt of joy when your mother-in-law calls from Florida to say, "One thing must end before another thing is to begin."

The "other thing" will be your marriage on Saturday to Major Robert Rackley, a gentleman who has won the respect of all who have met him.

You can be sure that those of us who had the good fortune to see you fight the good fight through the terrible years will be rejoicing for you as you start your new life.

Hang tough, Barbara Rausch.

RONCALLO STATES POSITIONS ON RECENT VOTES

HON. ANGELO D. RONCALLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. RONCALLO of New York. Mr. Speaker, yesterday I was attending a meeting of the Savings Bank Association of New York State as a member of the Banking and Currency Committee and was unable to be on the floor when votes were taken on the trans-Alaska pipeline conference report. As no pairs were available, I would like to state my position for the Record.

I do not believe that sections 408 and 409, relating to expanded Federal Trade Commission and General Accounting Office authority, respectively, belong in a pipeline bill. The first encourages internecine warfare between segments of the executive/regulatory branch of Government, which this country could well do without. The second could add greatly to the reporting requirements imposed on our already overworked small businesses. For these reasons I would have voted for recommittal of the conference report with instructions to delete the two offending sections.

Despite the above I would have voted "yea" on final passage of the pipeline bill due to the overriding need to bring Alaska's North Slope oil down to the lower contiguous 48 States as soon as possible. This will help us to meet our energy needs ourselves and free us that much more from the blackmail of the oil-producing Arab nations.

Today I voted to recommit the conference report on Labor-HEW appropriations. Most of the bill was good legislation continuing very valuable Federal aid programs. The formula for allocation of funds under the Elementary and Secondary Education Act, however, did not keep faith with what had been promised earlier this year during the debate on the second continuing appropriations resolution. The result is that the two counties I represent, Nassau and Suffolk Counties of Long Island, N.Y., would have received nearly $400,000 less under the conference report than under the alternative formula proposed by the gentleman from Minnesota (Mr. QUIE). I hope the conference committee will report the bill promptly with the agreed-upon formula and that I will soon be able to vote for final passage of this vital legislation.

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FORMULAS FOR CONSERVING OIL

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. ANDERSON of California. Mr. Speaker, obviously, to meet the energy crisis we must either increase the supply of oil or decrease the demand. Since increasing the supply of oil without bowing to the Arabs is virtually impossible in the short term, our only recourse is to conserve oil.

The administration's response seems to be a rationing program, similar to that which existed during World War II. Darrell Trent, the Director of the Office of Policy Development in the Department of Commerce, has estimated that such a system would cost nearly $200 million per year and would require a staff of 12,000 people.

Rather than establish an elaborate system for rationing gasoline that would discriminate against many individuals, I believe that an increased Federal gasoline tax—with stipulations for rebates to low- and moderate-income taxpayers—would be a reasonable alternative. An increase of 10 cents per gallon in the tax would both stifle the waste of gasoline, and produce an additional $9 billion to the Federal Treasury—funds which could be used to establish efficient and effective mass transit systems to offer people an alternative to their automobiles.

In addition to this tax, a lid must be placed on oil company profits so that the huge majors do not unduly prosper at a time of national crisis. For example, so far this year, Exxon has made over $1.5 billion in after-tax profits—up around 80 percent since last year. Gulf Oil reported a gain of 91 percent, and Mobil's profits have increased by 64.1 percent over last year.

Mr. Speaker, at this point I insert in the RECORD an editorial that appeared in the Washington Post on November 12, which offers alternatives that should be proposed before we get into a rationing program:

FORMULAS FOR CONSERVING OIL

The next step, in the national effort to save fuel, is to raise the penalties on waste. Three measures in particular deserve immediate action, and President Nixon might usefully add them to the proposals that he has already submitted to Congress. All three ought to be tried out before the administration resorts to consumer rationing of gasoline and fuel oil. Energy prices in this country are still tilted to encourage consumers to squander fuel and power. It is time to tilt them the other way.

A surtax on gasoline is now necessary. The price of all oil products will inevitably go up sharply over the coming months. A stiff surtax would apply the brakes at once. The President's adviser on energy, John P. Love, said last week that the surtax might have to be as high as 30 cents a gallon to have any significant effect. That figure sounds high. Estimates made earlier this year for the Energy Project, an independent research organization here, suggest that a surtax of 10 cents would cut sales by a good deal more than the 500,000 barrels a day that, according to the White House, we are currently short. Since no one can say with precision what the effects will be, that is all the more reason to begin experimenting now.

Mr. Love added that he is also worried by the regressive impact of a gasoline surtax on low-income families. But that objection can be very easily met by any of a number of adjustments in other taxes. The best solution would probably be a standard credit on the personal income tax.

Another necessity is rewriting the utility rates. Most electric companies give lower rates to homeowners who use a lot of power. The first kilowatt hour is the most expensive one, and the last is the cheapest. The President can usefully call on the state regulatory agencies to turn the rates around to discourage overuse by charging higher rates to families that consume more.

The President also has an opportunity now to use market pressure in behalf of clean air. Taking the sulfur out of fuel oil is technically possible. But it takes money, and most companies will naturally burn high-sulfur oil as long as it is cheaper. Some of the air pollution rules will have to be relaxed because of foreign oil boycotts. The proper response, to protect the atmosphere, is a federal tax on the sulfur content of fuel oil. It should be set just high enough to make it a little more expensive to burn dirty oil than to take the sulfur out of it. No industry would be threatened with a shutdown if clean oil disappears from the market, but refiners would have an incentive to install desulfurizing processes.

Very cheap fuel in this country has, over the years, made it increasingly easy to be careless. Higher prices are a powerful level for conservation. It is important to remember that, while the necessary economies are substantial, they do not involve any drastic changes in our style of living. If the foreign boycotts cut our supplies as much as 17 per cent, as the President warned they might, we would still have as much oil to burn as we had in 1969. That was a pretty good year. The economy was prosperous, houses were warm, and there were cars on the roads. Going back to the 1969 level in one sudden jump will be a nuisance for most of us, but hardly a tragedy. What we need now is caution, and there is nothing better than a gasoline surtax to induce it.

TRANS-ALASKAN PIPELINE BILL

HON. WILLIAM H. HUDNUT III

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. HUDNUT. Mr. Speaker, Monday, November 12 was celebrated as Veterans Day in Indiana and because of longstanding engagements with this observance, I was unable to be present when the votes were taken on the conference report on S. 1081, the trans-Alaskan pipeline authorization. However, I want to make my position clear that I support the pipeline and certainly do not want any delay in its construction.

However, I would have voted for the recommittal motion offered by the distinguished gentleman from Arizona (Mr. STEIGER) because the amendments added by the Senate, sections 408 and 409, have nothing to do with the pipeline construction. These nongermane amendments enlarge FTC powers and also increases the requirements for reporting on the part of business. The House has not had an opportunity to consider these matters thoroughly.

In view of the failure of the House to adopt the recommittal motion, I would have voted for the conference report on final passage. It is most urgent that we proceed with the pipeline as soon as possible.

LIFTING WAGE-PRICE CONTROLS COULD SOLVE ENERGY CRISIS

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. SYMMS. Mr. Speaker, common sense tells us that freedom and liberty have been proven as the best way to allocate resources. I inclose the following article by Henry Hazlitt which makes so much common sense.

I would urge Mr. Hazlitt's solution to the energy crisis as better than any that the Government can come up wtih.

The article follows:

LIFTING WAGE-PRICE CONTROLS COULD SOLVE ENERGY CRISIS

(By Henry Hazlitt)

The President's broadcast proposals for dealing with the energy crisis left out the most important step of all. This would be to remove immediately, at every level, all price controls on gasoline and other petroleum products.

No other measure proposed by the President compares in urgency with this. Look at the effect on demand. A rise in the price of fuel oil and gasoline, as a result of the shortage, will put immediate pressure on practically every consumer to conserve its use and reduce his consumption. This applies to profit-seeking and loss-avoiding corporations as well as to the overwhelming majority of private car drivers. There could be a prodigal here and there who will not change his habits; but this will be of minor quantitative importance. There is no other form of rationing as quick and efficacious as rationing by the market or by the purse.

Now let us look at the effect on supply. It is being generally assumed that in the present oil and gasoline crisis an increase in prices (and so in profit margins) cannot increase the supply. This is quite wrong. It can speed up transportation and deliveries. It can lead to the re-opening and working of marginal wells that did not pay out at lower prices. It can stimulate exploration. It can also stimulate and help to provide the funds for new refining capacity.

Above all, it can enable Americans to compete on at least equal terms with the nationals of other countries in bidding for the available supplies of oil from abroad. The higher the price they can get, the more oil the producing countries will be tempted to explore for, pump and export. This applies even to the Arab countries that are threatening to shut us off. If they carry out their threats in full, they will be cutting off their own noses. The higher world prices go, moreover, the more the Arab lands will be tempted to double-cross each other.

Let's say countries A, B, C, D and E together produce 40 per cent of the world's annual petroleum supply. They can raise world prices only by reducing their annual output. They can do this by entering into a pact in which each agrees to reduce his production by a uniform percentage. They can get the higher world price, but each country has less oil to sell. Meanwhile, oil producers in countries outside the area of the pact also have the advantage of the higher price rise, but can in addition sell at that price all the oil they are capable of producing.

It occurs to nation A, a member of the pact, that if it secretly fails to cut its production by the amount it agreed to, it can sell more oil at the higher price brought about by the restricted output of countries B, C, D and E. But this idea may occur to any one of the five. In any case, Americans ought to be allowed to bid for foreign oil without restriction, and not merely to pass on the higher cost, but to make whatever profit a free competitive market will allow.

If oil and gas prices continue to be held down by arbitrary controls, however, most of the "voluntary" measures that the President recommends—driving cars less, reducing speeds, forming car pools, lowering temperatures in the homes by six degrees—may meet with negligible compliance. Excellent advice for the other fellow, nearly every one will agree; I hope he follows it.

Some of the President's advice itself is needlessly confused. "We must ask everyone to lower the thermostats in your home by at least six degrees." Taken literally, this would mean that if you previously kept your home at 78, you should lower it to 72, but if you previously kept it at 68 you should lower it to 62.

Again, the advice to drive less and form car pools may not carry as much weight as otherwise to listeners who have followed Mr. Nixon's flights every few days to one or another of his homes in California, Maryland and Florida.

(The weekend before his oil conservation talk, Mr. Nixon suddenly, according to the New York Times account, "rushed from the White House (with only a minimum support staff of about a dozen Secret Service agents and other personnel) and got on the helicopter which took him to Andrews Air Force Base to board his Boeing 707 jet before the press office could assemble the pool . . . the press plane—a chartered commercial jet—left two and a half hours later." It has been calculated that the President's official plane burns 2,000 gallons of jet fuel each hour of flight.

The President has proposed heating oil rationing and contingency plans for gasoline rationing. Some temporary allocation system may prove unavoidable. But compulsory rationing can tend to have the opposite effect from that intended. It merely shifts competition from the market to the political arena. Every pressure group frames plausible arguments for special treatment. Everybody buys up to his quota for fear he may later be cut off.

What is most disheartening about some of Mr. Nixon's new proposals is that once more they call for the solving of a problem by throwing more money at it—more government spending, more government intervention, the creation of still another army of bureaucrats. Do we really need a new government department or agency to tell us that we ought to increase our refining capacity, use more coal, develop more nuclear power, and all the rest? Would it immediately decrease or increase our energy supplies to force electric utilities to convert from oil to coal?

The best part of Mr. Nixon's proposals are those that call for less rather than more government intervention—such as relaxing environmental standards, allowing the Alaska pipeline to be built, ending government regulation of natural gas prices, and the like.

Past experience suggests that government intervention can be counted on to do precisely the wrong thing. In 1959, when it was argued that American-produced oil was selling too low because too much oil was being produced internationally, President Eisenhower imposed a restrictive quota on oil imports by sea. That quota remained in effect until a year or two ago.

When we should have been conserving our domestic oil supplies, increasing our shortage capacity and refinery capacity, and importing, refining, storing and burning foreign oil (which we could have gotten much cheaper) we did the exact opposite. Let's be careful that we do not act with equal folly now.

"MURDER BY HANDGUN: THE CASE FOR GUN CONTROL"—NO. 45

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. HARRINGTON. Mr. Speaker, handgun murders, like many things, seem far removed from us until we see one committed, or know a person who is involved.

The following article by Nathan Cobb may help to give those who have not seen a murder a better understanding of why strict handgun legislation must be passed by the Congress.

The article from the June 11th Boston Globe is included at this point:

GLOBE REPORTER SEES MAN SLAIN

(By Nathan Cobb)

For the last two Sundays, I have written extensive stories for The Globe on handguns and handgun crime.

They have been mainly statistical, documenting the startling connection between handgun production and handgun violence in the United States. Until this weekend, the figures did not seem very real to me.

Late Saturday night, however, I was walking through Boston's North Station with the early edition of the Sunday paper under my arm. The headline on the front page, over my name read: "Every 13 seconds, a sale—and every 58 minutes, a killing."

Suddenly, two sharp cracks cut through the station, and seconds later the statistics became human and horrifying.

There, on the dirty floor before me, a young man lay dying. He had been shot in the chest, and I was the first person to reach him. He rolled over on his back, and his legs jerked convulsively.

I bent over and lifted back his brown coat and saw blood beginning to ooze from a small hole in his shirt, near his heart.

"Polizia," he cried out, and his dark eyes looked very vacant and far away. "Polizia." He was speaking Italian.

Then he stopped twitching, and I didn't see him move again.

I had written that 8991 Americans were murdered with handguns in 1971, an 87-percent jump in five years. The increase in death closely parallels the increase in handgun production, which has quardrupled in 10 years. There is now one handgun for every 1.5 families in America.

But these were statistics, not bodies like the one in front of me. Now the statistics were real.

The man, whom I later would learn was Donald J. Raineri, of 2 Henry St., Medford, died at Massachusetts General Hospital 20 minutes after he was shot. He was 21 years old.

I now know that when someone is shot the sound is not menacing at all. In fact, because some kids upstairs at a Boston Garden rock concert I had just covered had set off a few firecrackers, I thought that was what I was hearing.

So when I heard the shots, coming from around the corner a few feet away, I just kept walking through the station. Even when I glanced to my left, around the corner and into a small indoor alley that runs next to a bar, I almost kept walking.

Drunks fall down all the time, I thought as I looked at the man rolling on the floor. He'll be all right.

But then, after a second glance, I made the connection—those weren't firecrackers and that man isn't drunk.

Other people walking in and out of the station stopped to look at this man on the floor, a few feet away. But no one, myself included, moved for at least 10 seconds. Some of us stood and stared. Others walked away. We had not seen the killer. Whoever had done the shooting had not run out the alley toward us, so he or she was probably still at the other end, in the bar. Perhaps this thought stopped us from moving closer.

There were still a lot of kids from the concert hanging around waiting for trains. One of them started toward the man, then changed his mind and came back.

"Is he all right?" an elderly woman asked me, looking very frightened.

"I don't think he is," I said, starting towards the man at last.

"Polizia," the man said as I moved closer. His legs moved. His face looked strangely calm. His eyes were open.

The eerie, frozen tableau faded quickly. As I ran for help, a young, uniformed police officer moved quickly into the alleyway. He looked at the man and hurried to a telephone. Soon, several patrolmen were running into the building. The crowd, mainly kids, pushed closer.

"A man's been shot, Sharon!"

"Oh, wow, who did it?"

"Shot. Was that guy shot?"

"Oh, my God."

They wheeled him out quickly, but they looked grim. One policeman shook his head.

Donald Raineri would live 15 minutes at the most. I was the last person to whom he had spoken.

As I walked out of North Station, I recalled a conversation I had held recently with Det. Lt. Jerome P. McCallum, acting head of Boston's homicide bureau. We had been discussing how murders, particularly handgun murders, happen.

He had said: "Someone is drinking . . . there's an argument . . . a handgun is somewhere nearby . . . someone reaches for it . . . and a killing occurs."

Today, McCallum's bureau is trying to determine if that's what happened to Donald Raineri of Medford. Today Raineri is a statistic, like 10,000 others across America will be this year.

THE WAR POWERS BILL

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. ARENDS. Mr. Speaker, last week the Congress voted to override the President's veto of House Joint Resolution 542, the war powers resolution. Some of us had serious doubts about this legislation at the time. So does noted columnist and political observer William S. White, who expressed his thoughts on the subject in a column in the Washington Post on November 10, 1973. In case any of our colleagues missed it, the column follows:

THE WAR POWERS BILL: "A FLAGRANT SHAM"

(By Williams S. White)

Eight times this Congress had marched up the hill to override a presidential veto and eight times it had marched down in defeat. The score in the matter of veto contests had thus stood: Richad Nixon 8, Congress 0.

Now the scoreboard must be altered. Now,

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it is Richard Nixon 8 and Congress—er, what? In short, Congress has now managed to override Mr. Nixon's objections to a bill to "reclaim war powers" of a kind Congress never had in the first place and won't have now, either.

Assuming that this current President or any other even bothers to take this extraordinary piece of paper to the Supreme Court, it is scarcely conceivable that the court would hold it constitutional—assuming that the court could manage to make out what this piece of paper really says anyhow. If, Heaven forbid, it ever should be validated by that court, the Commander in Chief of the armed forces of the United States would be no longer the President but rather the Congress of the United States—all 535 of them.

What the congressional Democrats have managed to do, with much Republican help, is to make a law—if indeed it can actually be called a law—to this effect:

(1) The President would be required to report to Congress in writing "within 48 hours"—why not eight or 88 hours?—after he had committed our armed forces to combat anywhere abroad.

(2) This combat would have to end, within 60 days, regardless of any military circumstances, unless Congress approved or unless, alternatively, Congress "authorized" some further fighting—but only, mind you, for 30 more days. (How long would the debate require in Congress and would the enemy in the meantime quit shooting?)

(3) Nevertheless, and never mind the military situation, whenever, wherever and however American troops were involved Congress could step in at any time and say nay to any further shooting by our troops. Enemy troops might not listen too well.

Since it is possible under the Constitution either to add to or to subtract from the President's powers as Commander in Chief, the plain fact is that this so-called law is the most flagrant sham ever to emerge from Congress in my 40 years of close observation of that body. For scores and scores of times American Presidents have committed American troops in emergencies without asking Congress anything about it. They acted because they had to.

For nearly 200 years Congress has had one—and only one—lawful recourse if it did not like what was afoot. It could cut off money, supplies and ammunition. It could "bring the boys home" in this fashion, but never once has it done so.

What incredibly, we are seeing now is an attempt by Congress to repeat its actions in the American Civil War of a century and more ago. A congressional "Committee on the Conduct of the War" sought to replace Abraham Lincoln as Commander in Chief. The experiment, apart from being unconstitutional, was the best—and about the only—break the South ever had.

Does any reasonable man believe that if any President committed our troops for the national interest without a formal declaration of war by Congress—and 90 per cent of our wars have been fought without such declarations—any Congress would really dare simply to blow the whistle at the end of the first quarter and announce that the fighting must now be called off?

TITLE I FORMULA

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. KEMP. Mr. Speaker, in the interests of obtaining an appropriations bill for the Departments of Labor and Health, Education, and Welfare which is responsive to the needs of our school-age population and, in particular, of saving New York schools from being unfairly penalized, I supported the motion to recommit H.R. 8877 to conference.

This conference report includes formula restrictions on title I of the Elementary and Secondary Education Act which will deprive many local educational agencies of the level of funding to which they are properly entitled. By denying each school district more than 115 percent of the amount it received in fiscal year 1973, even if the number of eligible children in the school district has increased by more than 15 percent, this bill sets in stone old census data which no longer accurately reflect the needs of our school children.

My own State of New York stands to lose $10 million should this conference report be enacted in its present form. Just since 1965, the number of eligible children in New York State has increased by 140 percent. On this basis, New York deserves an increase in funds of about 40 percent.

By recommitting this bill to conference, I am hopeful that a final bill will emerge which upholds the principles of title I. The purpose of title I, ESEA program is to provide financial assistance to local educational agencies serving areas with concentrations of children from low-income families to initiate, expand and improve their educational programs to meet the needs of educationally deprived children. If we are to adhere to the intent of title I, then we clearly must distribute funds in a manner which reflects migrations of disadvantaged children, as measured by the 1970 census.

To provide a smooth transition and to allow States a reasonable period to adjust their budgets to the new census data, I believe the formula should provide that every school district will receive not less than 90 percent of the amount it received in fiscal year 1973. While States in the aggregate should be limited to receiving no more than 20 percent above the amount received in fiscal year 1973, there should be no ceiling on the amount a local school district might receive.

To assure that the funds in this bill will be directed to where they are currently and urgently needed, H.R. 8877 must be recommitted to conference.

REESTABLISH THE POST OFFICE DEPARTMENT AS A DEPARTMENT OF THE EXECUTIVE BRANCH

HON. B. F. SISK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. SISK. Mr. Speaker, I am today introducing a bill to abolish the present Postal Service and reestablish the Post Office Department as a department of the executive branch of the Government.

I do this reluctantly because I was among those of us who supported the Postal Reorganization Act of 1970 in the hope of improving our then deteriorating postal service.

Now, complaints about the Postal Service and poor mail delivery make up the larger and more constant part of the mail from my constituents.

People are angry, and they tell me so in no uncertain terms. The fact that the new Postal Service has been put under a "more efficient, more businesslike" semiprivate corporation was well publicized in advance and has been retold in many newspaper and magazine articles, yet people are astonished to learn the Post Office is no longer part of the Federal Government.

Congress still votes the money which is officially designated "for the purpose of putting postal operations on a self-supporting basis." Frankly, that purpose does not appear to be about to be achieved. The postal corporation keeps making excuses, but it is obvious the moneysaving measures it has instituted are not working. The sophisticated machines that were supposed to electronically sort the mail at superhuman speeds either do not work or they break down easily and repairs are both expensive and time consuming. Probably even more expensive is the slump in the morale of postal workers, many of whom are begging their Congressmen to rescind the charter of the corporation and take back control of the post office.

The biggest bargain in the world used to be the tiny 2-cent stamp. In the days when letter mail cost 2 cents, residential deliveries were twice daily and letters went coast-to-coast in a week. Now, letter mail costs 8 cents, delivery is once-a-day, and you are lucky if your letter goes coast-to-coast in a week. We have airmail which takes 13 days to go from San Francisco to Long Beach—not usually, of course, but the fact this can happen at all is an indictment of the service.

The effect of the Postal Service on our economy is almost beyond calculation. Prompt communication is the lifeblood of business. A few hours lost can cost thousands of dollars in factory downtime, can cause a business deal to fall through, can cause contract defaults and penalties. Multiply these instances by the thousands, and mail delays can cost millions. Far more, in fact, than the postal deficits which caused the shift in management. On the positive side—prompt, reliable mail delivery can help make our economic system function more efficiently. I am inclined to believe we should treat the post office as we treat any other Federal department. None of the others are required to be self-supporting, and they contribute far less.

The older, more experienced employees were encouraged to take early retirement. As overtime piled up, many overworked employees simply quit. At the same time, mail volume was growing toward the 100 billion pieces mark—there were 87.1 billion last year, and the 100 billion mark is forecast for the late 1970's. It is obvious some changes have to be made, or the whole system will 3,475 sacks of Christmas rush mail lay break down as it did in Charleston when untouched for weeks after the holidays.

The more complex a machine or a system is, the more parts it has to break down, short-circuit, or wear out. Engineers know the secret of reliability is to simplify. The fewer parts, the better. The more direct the solution, the better it works—and keeps working. What we need to do is simplify our system. For instance, three standard sizes of envelopesvelopes instead of 50 could save huge sums on handling and on machines that sort mail.

Congress no longer controls the post office. Some of you, my colleagues, though your patience is wearing thin, appear willing to give the corporation a few more years in which to make good. Can we afford it? I do not think so.

EQUAL CREDIT FOR WOMEN

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. PEYSER. Mr. Speaker, I am today introducing the Equal Credit Act, a bill which I hope will end the discrimination that exists against women who try unsuccessfully to get an extension of credit for housing, education, jobs, and consumer products. It would be unlawful for any creditor or credit card issuer to discriminate on account of sex or marital status. This is an area that has been long neglected, and the result has been a serious denial of equal status to many women.

I would like to point out some of the findings of the National Commission on Consumer Finance, which took a careful look at this problem and concluded:

> (1) Single women have more trouble obtaining credit than single men.
>
> (2) Creditors generally require a woman, upon marrying, to reapply for credit—usually in her husband's name. This is not true for men.
>
> (3) Creditors often do not count a wife's income when a married couple applies for credit.
>
> (4) Creditors often will not extend credit to a married woman in her own name.
>
> (5) Widows or divorced women often have trouble re-establishing credit.

There is no apparent financial reason for credit companies to deny credit to women who meet the same requirements as men. But they do. Most evidence suggests that women are at least as good credit risks as men. David Durand concluded back in 1941 that women are better credit risks than men. He also concluded that there is no difference in risk between married and single persons. In the meantime, a woman's credit rating is often hampered by the fact that many States will not grant her the legal status to contract debts in her own name.

The denial of equal credit opportunities to women, married or single, hurts the entire economy. It affects mobility, educational opportunities, life style, product sales, job opportunities. For a married woman, it affects her family's status as well as her own. As more and more women become part of our permanent work force, it is imperative that they be able to use credit equally with the other half of the population.

It is a very serious matter in our society today when a person is unable to obtain credit, especially when they are entitled to it. People use credit cards or loans to buy cars, houses, clothes, gas to get to work, or even finance an education. Any woman who cannot lawfully obtain credit in her own name has a large disadvantage in trying to improve her lot in life.

Mr. Speaker, the legislation which I have introduced today is strong action, but strong action is required so that women may obtain their lawful rights and we can strengthen our economy. I hope Congress will see fit to act quickly on this bill and end this form of discrimination.

The text of the bill follows:

A BILL TO PROTECT DISCRIMINATION ON ACCOUNT OF SEX OR MARITAL STATUS AGAINST INDIVIDUALS SEEKING CREDIT

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Equal Credit Act".

PROHIBITION OF DISCRIMINATION ON ACCOUNT OF SEX OR MARITAL STATUS

SEC. 2. (a) (1) It shall be unlawful for any creditor or card issuer to discriminate on account of sex or marital status against any individual with respect to the approval or denial or terms of credit in connection with any credit sale, any loan or mortgage, or any other extension of credit, or with respect to the issuance, renewal, denial, or terms of any credit card. It shall be unlawful for any lessor of real or personal property to discriminate on the basis of sex or marital status against any individual entering into a lease agreement with respect to such property.

(2) For the purpose of extending credit or issuing, renewing, denying, or determining the terms of any credit card—

(A) with respect to a married couple or either spouse, any creditor or card issuer shall take into account the combined incomes of both spouses if both spouses are obligated; and

(B) with respect to any individual, any creditor or card issuer may not rely on the probability or assumption that—

(i) the income of such individual may be diminished because of the sex or marital status of such individual; or

(ii) the rate of increase in the income of such individual may be affected by the sex or marital status of such individual.

(b) (1) Any creditor or card issuer who discriminates against any individual in a manner prohibited by subsection (a) is liable to such individual in an amount equal to the sum of—

(A) in the case of an individual action, not less than $100 nor more than $1,000; or

(B) in the case of a class action, not more than the greater of $50,000 or 2 per centum of the net worth of the creditor or card issuer, as the case may be, as of the end of the creditor's or card issuer's fiscal year immediately preceding the fiscal year in which the discrimination occurred; and

(C) in the case of any successful action to enforce the foregoing liability, the costs of the action together with a reasonable attorney's fee as determined by the court.

(2) Any action under this section may be brought in any court of competent jurisdiction during the one year period commencing on the date of occurrence of the violation.

ADMINISTRATIVE ENFORCEMENT

SEC. 3. (a) Compliance with the requirements imposed under this Act shall be enforced under—

(1) section 8 of the Federal Deposit Insurance Act, in the case of—

(A) national banks, by the Comptroller of the Currency;

(B) member banks of the Federal Reserve System (other than national banks), by the Board of Governors of the Federal Reserve System;

(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System), by the Board of Directors of the Federal Deposit Insurance Corporation;

(D) banks (other than cooperative banks) which are not insured by the Federal Deposit Insurance Corporation, by the Board of Directors of the Federal Deposit Insurance Corporation;

(2) section 5(d) of the Home Owners' Loan Act of 1933, section 407 of the National Housing Act, and sections 6(i), and 17 of the Federal Home Loan Bank Act, by the Federal Home Loan Bank Board (acting directly or through the Federal Savings and Loan Insurance Corporation), in the case of any institution subject to any of those provisions and any building and loan, savings and loan, or homestead association, or cooperative bank which is not subject to any of those provisions;

(3) the Federal Credit Union Act, by the Director of the Bureau of Federal Credit Unions in the case of any credit union, whether or not insured in accordance with the provisions of such Act.

(b) For the purpose of the exercise by any agency referred to in subsection (a) of its powers under any Act referred to in that subsection, a violation of this Act or any regulation prescribed by such agency under this Act shall be deemed to be a violation of a requirement imposed under that Act. In addition to its powers under any provision of law specifically referred to in subsection (a), each of the agencies referred to in that subsection may exercise, for the purpose of enforcing compliance with this Act, any other authority conferred on it by law.

(c) Except to the extent that enforcement of this Act is specifically committed to some other agency under subsection (a), the Federal Trade Commission shall enforce such requirements. For the purpose of the exercise by the Federal Trade Commission of its functions and powers under the Federal Trade Commission Act, a violation of this Act or any regulation prescribed by the Federal Trade Commission under this Act shall be deemed a violation of a requirement imposed under that Act. All of the functions and powers of the Federal Trade Commission under the Federal Trade Commission Act are available to the Commission to enforce compliance by any person with this Act, irrespective of whether that person is engaged in commerce or meets any other jurisdictional tests in the Federal Trade Commission Act.

(d) Any agency referred to in subsection (a) and the Federal Trade Commission shall prescribe regulations to effectuate the provisions of this Act.

CRIMINAL SANCTION

SEC. 4. Whoever willfully and knowingly violates any provision of section 2 or any regulation prescribed to enforce the requirements imposed under such section shall be fined not more than $5,000 or imprisoned not more than one year, or both.

DEFINITIONS

SEC. 5. For purposes of this Act, the term—

(1) "Credit" means the right granted by a creditor to a debtor to defer payment of debt or to incur debt and defer its payment.

(2) "Credit sale" refers to any sale with respect to which credit is extended or arranged by the seller.

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(3) "Creditor" means any person who extends, or arranges for the extension of, credit in connection with loans, sales of property or services, or otherwise, whether or not a finance charge or late payment charge is required.

(4) "Credit card" means any card, plate, coupon book, or other credit device existing for the purpose of obtaining money, property, labor, or services on credit.

(5) "Card issuer" means any person who issues a credit card, or the agent of such person with respect to such card.

(6) "Mortgage" means that term as defined by section 201 of the National Housing Act.

(7) "Lessor" means one who grants use and possession of real or personal property in consideration of something to be rendered.

EFFECTIVE DATE

SEC. 6. This Act shall take effect on the ninetieth day after the date of its enactment.

SPEECH BY DR. EDWARD J. ANDERSON

HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mrs. HOLT. Mr. Speaker, the education of our youth is of supreme importance to all of us who have the responsibility of holding public office.

When new and innovative educational concepts are put forward by respected professionals in that field, they become a matter of great interest to those of us who must make critical policy decisions regarding new programs.

In a recent address, Dr. Edward J. Anderson, superintendent of the Anne Arundel County schools in my district, outlined a program that I feel warrants our attention.

I will not attempt to paraphrase his articulate exposition of this interesting proposal. I, therefore, submit the full text of his speech for consideration by my colleagues:

SPEECH BY DR. EDWARD J. ANDERSON

I am pleased to be here with you this evening to talk with you about the relationships of the public schools and the organizations you represent.

Before I finish this evening, I should like to make a proposal that I hope will be of some interest to you. Briefly, the proposal is that we develop a joint effort for the education of youth between the schools of Anne Arundel County and the businesses and the governmental institutions within the County. Or, in other words, between the schools and you who employ the product of the schools.

I believe this proposal is of some consequence. It is not a new idea. In fact, this idea proposes to build on a beginning which is already here. That we utilize knowledge which we have already acquired to improve the education of our youth.

I am sure that everyone in this room has read considerably during the last few years about the problems of the school systems, not only of Anne Arundel County but of the Nation. You are well aware that there are critics who believe that the public school system has been a failure, and that it needs a drastic overhauling. There are those who would go so far as to do away with the public school system.

I have sharp disagreement with their point of view and I should like to take an opposing position that the public school system of this Nation, and Anne Arundel County specifically, has been extremely successful. At the same time, I should like to make the point that the school system does, indeed, need to alter its direction and provide more realistically for the education of people.

In order to make those changes which should be made in the school systems of this nation and Anne Arundel County specifically we will have to work cooperatively with you. The school system cannot go it alone. Without going into specifics we would have to admit that the public school system of this nation, and therefore of this county, have been successful. The economy of this nation, the industrial might of this nation, the technological advancements of the people of this nation—and even the standards of living of the people of this nation are what they are today mainly because of the public school system of this nation. Without the public school system this nation would not have been the first to place men upon the moon.

One of the great achievements of this nation has been our ability to produce an ever increasing abundance of food by fewer and fewer people. The public school system has played a major role in the development of agri-business and through that development has freed its people from the land, therefore making it possible for the computer age to burst upon us. Were it not for our system of public education the world would not be what it is today.

Instead of being apologetic about the success of the public school, each of us should be proud of what we have done. Despite our successes there are still youth and adults who cannot read effectively and who cannot adjust to this highly sophisticated society our educational system has been responsible for creating.

We do need to update our educational concepts—we do need to improve public education for youth, and I believe that the public school system has attempted to do too much on its own and that public education should delimit its activities, rather than to expand them. Did you know that the Anne Arundel County public school system runs a transportation system which moves over 100,000 passengers a day and provides more than 350,000 lunches a month?

This is only a sample of the things we do before we get to our task of educating young people. There are those who would add to our programs—who would have us take care of the health of the people, even take care of the rearing of children, almost from infancy. The public school system cannot be all things to all people. It can only be one of the institutions responsible for the welfare of the nation and the education of its people.

I would now suggest to you that you who employ the products of the school system also must now become an integral part of the education of youth, and I would add—adults. No longer can any firm which employs the product of the school system expect that system to produce workers equipped to carry out the complex duties you expect from them.

Quite seriously, I would like to propose to you this evening that we set the stage here in Anne Arundel County for the development of a joint venture between you and the school system to plan and implement a concept of education and work which will truly meet the needs of human beings.

I should like to support my proposal with some data. At the present time, in our school system, we have approximately 5,000 youth in each of our three top grades. These are young people of 16, 17 and 18 years of age who will soon be coming into the job market.

At the present time we have a co-op student census of 2,393 students. Many of you here employ students today in our cooperative work study program. As a matter of fact, as of this time, 293 firms are presently employing 697 students. Specifically, in automated data processing 161 students; in cooperative office education 134 students; in cooperative occupational programs 165 students; in distributive education 146 students—in health occupations 38 students; and in trade and industry 53 students. These students are currently employed by the county, state and federal governments—by the Treasury Department, the Motor Vehicle Administration, the Defense Department, fire department, telephone company, automobile dealers, savings banks, insurance companies, retail and department stores, doctors, hospitals, pharmacists, nursing homes, engineering firms, hotels, motels, and restaurants, and others. This is an extensive array of employees which has the possibility for providing the basis for the development and implementation, for what could be, in my opinion, a most exciting and effective education program.

The proposal I make to you this evening is one that takes the concept of work and broadens it into an extensive program of school and work far beyond our modest co-op program.

It appears to me that the concept of work is one which must become an integral part of the public educational system. As a point of interest, one of the goals of the public school system of Anne Arundel County is that no young person should finish twelve years of schooling in the county schools without having the capability of earning a living. Toward this end the Board of Education has developed and is presently implementing an extensive concept of career education. This concept of career education begins in the elementary schools and will be expanded through all levels of the school system. The attempt is to have youngsters at all ages become familiar with the concept of work, to understand why work is important to every person, and to try to understand the great variety of job opportunities which will be available to them as they grow up. The concepts of work are being integrated into the schools' curriculum. The young person begins to realize that reading and arithmetic are related to work at an early age. The young persons realize that reading is an important tool which will be needed throughout their lives. There is a realization that the school system must provide human beings with the tools for self-education and those basic tools are no different now than they were many centuries ago. Those tools being reading, arithmetic and the ability to express one's self orally and in writing—the ability to listen and to understand, and the ability to get along with one's fellow man.

There is today in our schools a realization that the school cannot provide real life situations which are so absolutely necessary for the development of youth if youth is to assume its place as adults in our society in an orderly manner. The oftentimes tragic events of the last decade have demonstrated this point to us in the most dramatic ways. Now we have legally reduced the age of maturity to age 18, and this act will most certainly have an impact on all of us.

We recognize that the youth need to engage in productive activities with older persons. Youth have been isolated from adults in our society for these many years and there is no question but that in recent years those people working in education are coming to realize many of our problems spring from this point alone. The young people are drawing their models from other young people. During the last decade we have seen the result of very active youth using other youth for models. Those persons who study youth and its needs appear to agree that it is essential for our society to provide adult models for youth. Such an adult model is necessary for the development of human beings as they progress from youth into adulthood.

One extremely important aspect of education is gradually being recognized, and that is that education should be an appendage for work, and work should not be the appendage of education, and that it may well be that the most effective and efficient way to provide the needed adult model for youth is through the concept of work.

Let us expand on this point for a moment. Work is whatever a human being does for a living. All of us here work. Too often, for young people, work and vocational education have been equated to blue collar jobs. To me, work is whatever the young person should select as a means of earning a living.

The proposal I make to you this evening is one which would take into consideration the goals, interests and abilities of youth. The details of such a proposal cannot be developed here. Indeed much planning is yet to be done. In broad general terms school and work would cover a twelve month period of time. It would not be limited to our present short term work-study program but the work part of the program would cover a minimum of from two to three years of the student's educational program. The kind of work and study schedule would be adapted to the needs of the students and the employer. It may well be that there would be no regular school year as we now know it.

It will be necessary to set up safeguards to prevent the exploitation of youth, for we would never want to go back to the days when children were exploited for commercial gain. The exploitation of children has been a black mark on humanity. On the other hand, we have moved too far in the direction of no work for youth, and it is necessary to make some adjustments so that youth can have their place in adult life. There would also have to be safeguards to protect the jobs of adult workers. For we are not proposing the replacement of the adult worker with the youth worker.

We would also need to work out arrangements with you concerning the many details which become obvious as we plan this joint venture. We would have to set up a task group to explore the potentials of our proposals and develop a set of operational guidelines. Cognitive skills would probably be the primary task of the school. Job oriented skills might well be the primary task of the employer. Schools such as our vocational-technical center would certainly be used in the training of skills in certain areas for both youth and adults. That excellent facility could serve to provide advanced training for adults already on the job. The staff to teach the youth, both in the school and in the service of the employer, would need to work together and plan together to insure a proper education in both cognitive and job skills.

I would like to hazard a guess that when we mount such a program there will be major benefits for all—the student, the employer, and the adult employee. And that youth will take its place in society without disrupting society. Adults, also, would profit from the vitality of youth and the relationship with youth. This proposal is neither radical nor unique. I believe it is the result of the evolutionary process of education.

I should like to call to your attention a report that is going to be released very shortly by the National Institute for Education. The report is titled "Youth, Transition to Adulthood". It was prepared by a panel on youth of the President's Science Advisory Committee. This panel was chaired by Dr. James Coleman, of Johns Hopkins University. The report focuses on the problems of youth, education and the process for assimilating youth into the adult society. This is an absolutely essential process, for each of us was once a youth and the youth of today will become adults. That is an inevitable process.

MONTHLY CALENDAR OF THE SMITHSONIAN INSTITUTION

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. SMITH of New York. Mr. Speaker, it is my privilege to insert in the RECORD each month the monthly calendar of the Smithsonian Institution. The November calendar of events follows:

NOVEMBER AT THE SMITHSONIAN

THURSDAY, NOVEMBER 1

Free Film Theatre.—*The Congo.* Narrated by Julian Bond, this film traces 1500 years of Congo history through its art and culture, and includes the music and dance of the Watusi Wagenia, Bakuba and Bapende, 12:30 p.m., History and Technology Building auditorium. First in a series on Black African Heritage sponsored by the Smithsonian Associates Women's Committee.

FRIDAY, NOVEMBER 2

Exhibition.—*Shaker.* Commemorating the 200th anniversary of the arrival of the Shakers in this country. The Shaker achievement is summed up in this three-part exhibition of Shaker furniture and objects from the Faith and Edward Deming Andrews Collections; textile and costume renderings from the Index of American Design; and inspirational drawings that include "The Tree of Life," the Shaker symbol. The Renwick Gallery, through April 7, 1974.

Exhibition.—*Tribal Costumes of Southern Africa—Watercolor Portraits by Verda V. Peters and Olemara Peters.* Over 400 watercolors documenting the colorful originality of the clothing of the peoples of Southern Africa. Museum of Natural History.

SATURDAY, NOVEMBER 3

Films for Kids.—*World Without Sun,* by Jacques Cousteau—one of the great documentary films. 2 p.m., Baird Auditorium, Natural History Bldg. $3 general, $2 Associates. Call 381-5157.

Rehabilitation Medicine Films.—*Candidate for a Stroke; Making a Difference.* Shown in conjunction with the current exhibition *Triumphing over Disability: 200 Years of Rehabilitation Medicine in the United States.* Other related films are shown each Friday, 12:30-2 p.m., History and Technology Building auditorium. Sponsored by the Smithsonian Division of Medical Sciences.

SUNDAY, NOVEMBER 4

Lecture/Discussion.—*Uses of African Architecture in Black America,* by Gregory S. Peniston, Professor, Howard University Department of Architecture, 3 p.m., Anacostia Neighborhood Museum, 2405 Martin Luther King Jr. Avenue, S.E.

OPEN HOUSE

National Collection of Fine Arts. A behind-the-scenes look at the Conservation Laboratory, Library research facilities, Graphics Workshop, Print and Drawing Department, Frame Shop, Silkscreen Shop, and shipping and storage areas; talks by the curators; tours of the collections. Refreshments will be served. 2-5 p.m.

Homage to George Gershwin & Todd Duncan.—Celebrating the 75th anniversary of the birth of composer George Gershwin and the 70th birthday of singer Todd Duncan. Guest of honor Duncan, who played *Porgy* on Broadway, is joined by singer Joan Morris, composer William Bolcom on the piano and author Kay Halle in a tribute to Gershwin. Reception follows. Tickets: $7.50 general, $6 Associates, 8 p.m. The film Porgy and Bess, will be shown at 3 p.m. Film tickets $2 general, $1.50 Associates. Call 381-5157 for information.

MONDAY, NOVEMBER 5

Lecture/Discussion.—*African Traditional Medicine,* by Nana Kwabena Brown, 7 p.m., Anacostia Neighborhood Museum.

Art Lecture.—*Sculpture at the Philadelphia Centennial, 1876.* Dr. David Sellin, post-doctoral fellow at the National Collection, will discuss the character, background and significance of the sculpture of the Centennial Exposition of 1876—the mid-point in our national history and a turning point in American Art. First in a series of four lectures on American sculpture covering the period 1830–1930. 12:30 p.m., National Collection of Fine Arts. Remaining lectures: Nov. 12, 19, 26.

WEDNESDAY, NOVEMBER 7

Slides —*African Children.* Travelogue about black children in Nigeria and Gambia. Created especially for children by Fletcher Smith of the museum staff, the program is accompanied by various artifacts that can be touched and handled. 10 a.m., Anacostia Neighborhood Museum.

Free Film Theatre.—*The Bend of the Niger.* Narrated by Ossie Davis, this film follows one of the continent's great rivers from West Africa to the Atlantic Ocean, and contrasts the nomadic and river peoples. 12:30 p.m., History and Technology Building auditorium.

THURSDAY, NOVEMBER 8

Free Film Theatre.—*The Bend of the Niger.*—Repeat. See November 7 for details.

Creative Screen.—*Autumn: Frost Country*—the poetry of Robert Frost, the music of Erik Satie and the photography of Fred Hudson combine to create a *cinepoem. Glass—Its Design, Shape and Color*—the manufacture of handmade glass at the Kosta Glasbruk in Sweden; *A Search for Form with Harvey Littleton*—Littleton discusses technique and esthetics in his studio and demonstrates his personal way of working with glass; *Glas-leerdam*—hand craftsmanship and mechanized mass production compared in a Dutch factory. Four-film program begins 11 a.m., 12:15, 1:30 p.m. The Renwick Gallery.

FRIDAY, NOVEMBER 9

Rehabilitation Medicine Films.—*So They May Walk*—distributed by the Sister Kenny Institute; *Help for Young Hearts; Back on the Job*—distributed by the Washington Heart Association. 12:30 p.m., History and Technology Building auditorium. Sponsored by the Division of Medical Sciences.

SUNDAY, NOVEMBER 11

String Bands Old and New.—*Bill Monroe,* father of blue grass music, presents the first concert in the series, along with his group, the *Blue Grass Boys,* and two guest fiddlers, *Charles Smith* and *Tater Tate.* Free workshop—4:30 p.m. Concert—8 p.m. $5.50 general admission; $5 Associates. Series subscription (3 concerts), $15. Baird Auditorium, Natural History Building. Call 381-5395 for reservations. Sponsored by the Division of Performing Arts.

Contact Africa.—An afternoon of dances, songs and games of Africa directed by Kojo Baden, of Ghana. 3 p.m., Anacostia Neighborhood Musuem.

MONDAY, NOVEMBER 12

Art Lecture.—*The Public Monument in American Sculpture,* 1880–1930. Michael Richman, Assistant to the Director, National Portrait Gallery, lectures on the numerous portrait statues and memorials now considered an important American art form. 12:30 p.m., National Collection of Fine Arts.

Concert.—*Janos Scholz* performs sonatas by J. S. Bach, Brahms, and Debussy on the viola da gamba and cello, with *Helen Hollis* of the Smithsonian Division of Musical Instruments, on harpsichord and piano. Reception follows. 9 p.m. Hall of Musical Instruments, History and Technology Building. $8

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general, $6 Associates. Call 381-5157 for ticket information.

Audubon Lecture.—*Wildlife by Day and Night*, by Karl Maslowski. 5:30 and 8:30 p.m., Baird Auditorium Natural History Building. $2.50 general admission; $1.50 members. Children's tickets $1.50 and $1. Co-sponsored by the Audubon Naturalist Society and the Smithsonian Resident Associates. Call 381-5157 for ticket information.

TUESDAY, NOVEMBER 13

Oriental Art Lecture.—*Two White-Robed Kannon in the Freer Gallery*, by Yoshiaki Shimizu of Princeton University. 8:30 p.m., Freer Gallery of Art. Exhibition galleries open prior to the lecture at 6:30 p.m.

WEDNESDAY, NOVEMBER 14

Tie-Dye Demonstration by James Campbell, exhibits specialist. Persons attending may bring an object and participate in a workshop. 10 a.m., Anacostia Neighborhood Museum. For more information, call 678-1200.

Free Film Theatre.—*The Slave Coast*—an exploration of the Southern part of West Africa with visits to the Yoruba, with their distinctive art and talking drums, and to the Ashanti, renowned for their use of gold in ceremonial objects. Narrated by Maya Angelou. 12:30 p.m., History and Technology Building auditorium

American Aviation Historical Society. 8 p.m., National Air and Space Museum conference room. Public is invited.

THURSDAY, NOVEMBER 15

Free Film Theatre.—*The Slave Coast*. Repeat. See November 14 for details.

National Capital Shell Club.—Monthly meeting and program. 8 p.m., Room 43, Natural History Building. Public is invited.

Exhibition.—*Boxes and Bowls: Decorated Containers by 19th Century Haida, Tlingit, and Tsimshian Indian Artists*. Eighty carved, painted, bone-and-shell, inlaid-wood and carved stone boxes, and dippers of horn. Second exhibition in a series of significant creative work by Indians of North America. The Renwick Gallery through November 1974.

Lecture.—*The Rococo in English Pottery and Porcelain*. J. V. G. Mallet, Deputy Keeper, Ceramics Dept., Victoria and Albert Museum, discusses the effect of 18th century imported Rococo style on the English porcelain industry. 8 p.m., Old Smithsonian "Castle" Building. $3 general; $2 Associates. Call 381-5157.

FRIDAY, NOVEMBER 16

Rehabilitation Medicine Films.—*The Person Within*—distributed by the Clark School for the Deaf; and a film on the Burke Rehabilitation Hospital in New York. 12:30 p.m., History and Technology Building auditorium. Sponsored by the Division of Medical Sciences.

Exhibition.—*Air Traffic Control*. The history and techniques from the need and early concepts as they developed in the 1920's to the introduction of radar and up through the sophisticated equipment and personnel used in present-day systems that control millions of passengers, and vast mail and freight service. Exhibit includes realistically simulated air traffic control operations and simulated flight with slides and movies shown in an airliner cabin "theatre" to tell the story of behind-the-scenes happenings of air traffic control and controllers. Arts and Industries Building.

SATURDAY, NOVEMBER 17

Story of Ram.—Indian scholar *Suvira Kapur* relates the timeless Hindu epic of Ramayana, in a program designed for young people. 11 a.m. National Collection of Fine Arts. $3 general, $2 Associates. Call 381-5157 for tickets.

SUNDAY, NOVEMBER 18

Poetry/Song/Dance.—*360° of Africa*, performed by *The People's Poets*. Special guests include Joan Hillsman and the Hillsman Gospel Singers, and Lisa Woolfolk, Miss Black D.C. of 1971. Maurice Watson will M.C. 5 p.m., Anacostia Neighborhood Museum.

Jazz Heritage Concert.—Earl Hines, father of jazz piano, opens this series with a rare solo performance. 8 p.m., Baird Auditorium, Natural History Building. $4.50 general admission, $4 Associates. Series subscription (8 concerts), $32. Call 381-5395 for reservations. Sponsored by the Division of Performing Arts. Free workshop, 4:30 p.m.

MONDAY, NOVEMBER 19

Kerala Kalamandalam Kathakali.—India's greatest theatrical company presents two evenings of acting, dancing and music, with elaborate make-up, colorful costumes and bejewelled headdresses. 8 p.m., Baird Auditorium, National History Building. Prices: $5.50 general admission, $5 Associates, $4 students and senior citizens. Call 381-5395 for reservations. Sponsored by the Division of Performing Arts.

Performing Arts Lecture.—*James DePriest*, Associate Conductor, National Symphony Orchestra, discusses past, present and future of the symphony. 7:30 p.m. $6 general, $5 Associates. Call 381-5157 for ticket information. Sponsor-Resident Associates.

Art Lecture.—*Modern Tendencies in American Sculpture 1910–1930*. Roberta Tarbell, currently doing research under a Smithsonian fellowship, will speak on the development of modern American sculpture in the early 20th century, and the innovators who were influenced by cubism and primitive African and archaic Greek sculpture. 12:30 p.m., National Collection of Fine Arts.

TUESDAY, NOVEMBER 20

Kerala Kalamandalam Kathakali.—Second evening of performance. See November 19 for details.

WEDNESDAY, NOVEMBER 21

Luncheon Forum.—*Early History of the Space Age*. Informal discussion led by Dr. Eugene M. Emme. 12 noon. Room 449, Smithsonian Institution "Castle" Building. Sponsored by the National Air and Space Museum.

FRIDAY, NOVEMBER 23

Rehabilitation Medicine Films.—*Kevin Is Four*, a young boy learns to use an artificial arm and leg; *Better Odds for a Living*, distributed by the Washington Heart Association. 12:30 p.m., History and Technology Building Auditorium. Sponsored by the Division of Medical Sciences.

SATURDAY, NOVEMBER 24

The American Music Group.—19th Century American Music performed by 35 singers under the direction of Neely Bruce. A Longfellow poem, a child's fairy tale, and a theater piece are included, all set to music by American composers. 8:30 p.m., Hall of Musical Instruments, Museum of History and Technology. $3.50 general admission, $3 Associates. Series subscription (13 concerts), $25. Call 381-5395 for reservations. Sponsored by the Division of Musical Instruments, Friends of Music at the Smithsonian and the Division of Performing Arts.

SUNDAY, NOVEMBER 25

Anacostia Neighborhood Museum.—A varied afternoon program that will include a slide presentation on *African Influences on Afro-American Art*, and a sampling of authentic Ethiopian food for refreshment. Stanley Anderson, a native Anacostian, former member of the City Council and a founder of the Neighborhood Museum, will be honored. 3 p.m., Anacostia Neighborhood Museum.

MONDAY, NOVEMBER 26

Art Lecture.—*American Neoclassical Sculpture in the National Collection of Fine Arts. Russell Burke*, currently with the NCFA, will speak on the production process and the patronage that encouraged the 19th century American sculpture. Final lecture in this series. 12:30 p.m., National Collection of Fine Arts.

WEDNESDAY, NOVEMBER 28

Museum Careers Seminar.—Practical demonstrations by the staff of the skills used in the museum world. 10 a.m., Anacostia Neighborhood Museum. Will continue on November 29.

Free Film Theatre.—*Africa's Gift*. The history, culture, and beauty of Africa and its profound and direct influence on American culture. Narrated by Gordon Parks. 12:30, 1:30 p.m. History and Technology Building Auditorium. (This film will not be repeated on Thursday.)

The Ascent of Man.—*Lower Than the Angels*—first in a series of 13 films produced by BBC TV and Time-Life Films featuring Dr. Jacob Bronowski and his personal views of the history of man seen through a history of science. Sponsored by the Smithsonian's Free Film Theatre and the Office of Seminars. Remaining films are scheduled for 12 successive weeks. All films begin 8 p.m., Wednesdays, Baird Auditorium, Natural History Building and are repeated 12:30 p.m., Thursdays, History and Technology Building auditorium.

Ascent of Man.—*Lower Than the Angels*. 12:30 p.m., History and Technology Building auditorium. Repeat. See November 28 for details.

Creative Screen.—*Autumn: Frost Country; Glass—Its Design, Shape and Color; A Search for Form with Harvey Littleton; Glas-leerdam*. Repeat. See November 8 for details.

Exhibition.—*Modern American Woodcuts*. Survey of 20th century American woodcuts reveals the expressiveness and attractiveness of this art form that began in ancient times. Artists represented include Milton Avery and Leonard Baskin. National Collection of Fine Arts, through January 27, 1974.

Rehabilitation Medicine Films.—*Sunrise at Campobello*, distributed by Warner Brothers, Inc. 12:30 p.m., History and Technology Building auditorium. Sponsored by the Division of Medical Sciences.

OTHER EVENTS—SPONSORED BY THE SMITHSONIAN RESIDENT ASSOCIATE. FOR FURTHER INFORMATION—CALL 381-5157

Fall Film Trips.—Some of the most outstanding independent films being made in the country today. Nov. 4, 11, 18 and 25–5:30 p.m., History and Technology Building auditorium. $1.25 general; $.75, Associates; $1 students.

Art Series.—*Pop, Minimal and Conceptual*. Max Protetch discusses the art of Andy Warhol, Robert Morris, and Christo, and the movements with which they are associated. Nov. 7, 14, Dec. 5. Series—$18 general, $12 Associates.

The Women's Movement—Nov. 8—Phillis Schlafly, opposition leader to Equal Rights Amendment; Nov. 15—Midge Decter; Nov. 29—Robin Reisig. 8 p.m., History and Technology Building auditorium. Individual lectures: $8 general; $6 Associates.

Sonnets and Lyrics.—Two evenings with four major American poets. Nov. 9—John Ashbery; Josephine Jacobson. Dec. 7—Lucille Clifton; Michael Lally. 8 p.m. Series tickets $9 general; $7 Associates. Individual tickets, $5 and $4.

Luncheon Talks With Museum Directors.—Nov. 14—Wilbur Harvey Hunter, Director, Peale Museum, Baltimore. Nov. 28—James Biddle, President, The National Trust for Historic Preservation. 12 noon. Individual tickets, $12.50 general; $11.50 Associates. Cocktails and buffet included.

Chinese Art Seminar.—Two-day intensive survey. Joan Stanley-Baker, art historian and author, covers the development of Chinese painting and calligraphy, from the dawn of artistic awareness to the present. Nov. 17 and 18 (10 a.m. and 11 a.m.). $30 general; $20 Associates. Tea, refreshments included.

DEMONSTRATIONS

Museum of History and Technology

Steam Engines. Wednesday through Friday, 1–1:30 p.m. 1st floor.

Machine Tools. Wednesday through Friday, 1–2 p.m. 1st floor.

Spinning and Weaving—Tuesday through Thursday, 10 a.m.–2 p.m. 1st floor.

Printing and Typefounding: Monday, Tuesday, Thursday, Friday, 2–4 p.m., 3rd floor.

Musical Instruments. A selection of 18th and 19th century instruments, and American folk instruments, Hall of Musical Instruments, 3rd floor, 1:30 p.m. Mondays and Fridays—keyboard; Wednesdays —lute and guitar; Thursdays—folk.

Music Machines—American Style. Mechanical and electronic music machines. Monday through Friday, 1 p.m., 2nd floor. As part of this exhibit, excerpts from musical films are shown continuously.

Dial-a-Museum.—737–8811 for daily announcements on new exhibits and special events.

PUPPET THEATRE

Arts and Industries Building

Patchwork.—An original anthology of children's songs, poems and stories performed by the puppets and people of Allan Stevens and Company. Wednesdays-Fridays, 10:30, 11:30 a.m., Saturdays and Sundays, 11:00 a.m., 12:30 and 2:20 p.m. Admission: $1.25 children or adults; $1 Smithsonian Associates; 75 cents, groups of 25 or more. For reservations call 381–5395. Tickets, as available, will be sold at the time of performance. No holiday performance.

Experimentarium

Experimental prototype of the Spacearium that will open in 1976. Demonstration show simulates an Apollo launch, explains the different colors of stars, describes pulsars and shows an imaginary quasar on the edge of the universe. Half-hour demonstrations—Monday through Friday, 4:30 p.m.; Saturday and Sunday, 11 a.m., 12 noon, 1, 2, 3 and 4 p.m. This is a developmental facility and a testing ground for new effects. Shows may be cancelled for revisions or reprogramming. To verify schedule, call 381–6264.

Deadline for December calendar entries: November 5. The Smithsonian Monthly Office of Public Affairs. Editor: Lilas Wiltshire.

Calendar requests.—Mail to Central Information Desk, Great Hall, Smithsonian Institution Building, Washington, D.C. 20560. For changes of address, include mailing label.

RADIO SMITHSONIAN

Radio Smithsonian, a program of music and conversation growing out of the Institution's many activities, is broadcast every Sunday on WGMS–AM (570) and FM (103.5) from 9–9:30 p.m. The program schedule for November:

4th—*The Smithsonian Collection of Classic Jazz*, Part I, with Martin Williams, Director, Smithsonian Jazz Studies Program, spotlighting a new album issued by the Division of Performing Arts.

11th—*The Smithsonian Collection of Classic Jazz*, Part II.

18th—*Renewing the Environment*, with anthropologist Margaret Meade and John Milton of Thershhold, a new environmental organization; *Beetle-mania*. Prof. Carl Lindroth of Sweden and Dr. Terry Erwin, Smithsonian, explain why they study beetles and what they've learned.

25th—*Exploring Astronomy*. Dr. George Field, Director, Center for Astrophysics of the Smithsonian and Harvard College. *Protecting a Paradise*. John Hayden, Governor of American Samoa, and Smithsonian botanist Arthur Dahl look at efforts to protect the environment of that area.

HOURS

(Open 7 days a week)

Arts and Industries Building, Freer Gallery of Art, National Collection of Fine Arts, National Air and Space Museum, National Museum of History and Technology, National Museum of Natural History, National Portrait Gallery, The Renwick Gallery, Smithsonian Institution Building—10 a.m.-5:30 p.m.

Anacostia Neighborhood Museum—10 a.m.-6 p.m. Monday through Friday; 1-6 p.m. weekends.

National Zoo Buildings—9 a.m.-4:30 p.m.

Domestic Study Tours.—for further details write Mrs. Kilkenny, Room 106-SI, Smithsonian Institution, Washington, D.C. 20560.

Big Cypress Swamp and Everglades National Park: Nov. 11–18.

Hawaiian Islands: Jan. 17–31, 1974.

Sturbridge Village, Massachusetts: Jan. 25–27.

Baja California Whale Observation Cruise: Feb. 4–11, 1974.

Georgia Mound Builders: Feb. 18–24.

(Due to circumstances beyond our control, some October calendars were not delivered. We hope this did not inconvenience you.)

Dial-a-phenomenon.—737–8855 for weekly announcements on stars, planets and worldwide occurrences of short-lived natural phenomena.

Use of funds for printing this publication approved by the Director of the Office of Management and Budget, June 3, 1971.

LOCAL MAN GETS MEDAL

HON. EDWIN D. ESHLEMAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. ESHLEMAN. Mr. Speaker, I would like to make my colleagues aware of the accomplishments of my valued constituent, Antonio Palumbo, who recently was honored by the Italian Government with the decoration of "Cavaliere" in the Order of the Star of Italian Solidarity.

The Italian Republic conferred the award on Mr. Palumbo for his aid to victims of natural calamities in Italy, his work to uphold the prestige of the Italian people and his activities that resulted in strengthening the relations of deep friendship between the United States and Italy.

While it is the Italian Government that singled out Mr. Palumbo for this recognition, it is his adopted country, the United States, that truly owes him a vote of thanks. Much of his work over 60 years has centered on helping fellow Italians to attain American citizenship. We have all profited from that work because our Nation has been the beneficiary of the skills, the intellect, and the love of country that these immigrants he helped brought with them.

The Lancaster New Era told Mr. Palumbo's story in an excellent article, and I would like to place that article in the RECORD at this point:

LOCAL MAN TO GET MEDAL: ITALY HONORS PALUMBO FOR HIS CIVIC WORK

(By Sam Taylor)

Antonio Palumbo is a little like those brokerage house advertisements—he's "bullish on America."

The 77-year-old Italian-American has lived in Lancaster for nearly 60 years. In that time he has embraced his adopted land with a fervor unknown to a lot of native-born Americans, but he has never forgotten the land of his birth.

Ever since he crossed the ocean as a steerage passenger and passed through the terrifying and bewildering process of entry through Ellis Island in 1914, he's been a firm believer in perpetuating the "good" in his Italian heritage and applying it to the "good" he found here.

GETS SURPRISE

It may have been a surprise to the soft-spoken and intense little man when the mailman dropped a letter in the box at his home at 626 Race Ave. one morning in September.

But the contents of that letter was certainly no surprise to his friends, many of them fellow Italians he helped over the rough road of transition to American citizenship, many of them the successful sons and daughters of fellow countrymen he helped teach the American way.

The letter, from the Italian Counsel General in Philadelphia, summed up three score years for Palumbo.

BESTOWS MEDAL

"I have the honor," wrote the official, "to inform you that the Presidente of the Italian Republic has been pleased to confer upon you the decoration of 'Cavaliere' in the Order 'Star of Italian Solidarity', as a token of appreciation for the support you have given in many activities aimed at aiding victims of natural calamaties in Italy, at upholding the prestige of the Italian people, and at strengthening the relations of deep friendship so happily uniting our two beloved countries."

"I wasn't just surprised, I was stunned," Palumbo's says of the letter.

"I was surprised because I have always felt that I had never been able to do much for the country I love and live in, or the country from which I came."

The Order was created by the Italian government in 1948. As an expression of gratitude to Italians living abroad, or foreigners who have been most active in contributing to the reconstruction of Italy after the devastation of World War II, and who are most active in contributing to friendly relations between Italy and their countries.

The President of the Italian Republic is the head of the Order and the decoration is in the shape of a star.

Palumbo has not received the decoration yet—presentation is awaiting the formation of an appropriate testimonial program.

Palumbo was born in the village of Pentidattilo in the Province of Reggio, Calabria. Before emigrating to America he completed junior high school studies in Melito, Italy.

"When I arrived in New York," he said, "I was just short of 18, didn't know a word of English," said Palumbo who speaks his adopted tongue like a native with the patina of Italian accent.

He has been a naturalized citizen of the U.S. since 1919, and served in the U.S. Armed Forces the same year.

For a time after his arrival here, he attended classes at Boys' High School, and completed the correspondence course of study in electricity from the Industrial Training Institute in Chicago.

UPHILL ROAD

While he won't admit it to this day, learning to be an American was an uphill road.

"I had to learn a language as well as get an education," he said.

Palumbo began the activities which led to the honor he has received in 1923.

It was on a visit to his parents that he noted that the old ruin of a school house, a frame building built in 1908 as a temporary structure after an earthquake, was still standing and still in use.

HELPED BUILD SCHOOL

"The townspeople," he said, "came to me and asked me to help them find a way to build a new fire-proof school building.

"Then," he said, "they appointed me to the school building committee to raise the funds. I put on a drive among the local peo-

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ple, and interested a Milan newspaper in the drive.

"I had to stay there 11 months," he said with a grin, "but we raised 40,000 lira and the school was built in 1924."

HOME FOR CLUB

Back home, this interest in his fellow countrymen was growing, and in 1935, he obtained the first home for the Italian-American Citizens Club at 151 N. Queen St.

A large loose-leaf notebook tells the story of his efforts on the behalf of fellow countrymen in obtaining citizenship.

There are letters straightening out tangles on birth certificates, correcting mistakes on preliminary applications, and other problems encountered by the new citizens.

In many cases he visited the homes of the new citizens to stress the importance of their filing for citizenship, and often he would drag out his portable typewriter and fill out the necessary papers on the spot.

NEVER CHARGED

One of the beneficiaries of his volunteer work said this week that "he never charged any of us for any of his time, and he worked long hours to see to it that we became citizens."

While working in this field, he found time to organize and direct an Italian language school for the sons and daughters of the immigrants.

"I thought," he said, "it was important for the American children to learn their heritage language."

HEADED CLUB

In 1940 as chairman of the Italian-American Citizens Club committee on naturalization he joined forces with the Daughters of the American Revolution in the sponsorship of a non-citizens class for aliens in the city, held at the Stevens Elementary School.

Palumbo has one hope now to immortalize one of his lifetime heroes, Christopher Columbus, with a statue of the explorer to be placed in Lancaster Square.

He broached the subject in a letter to the mayor a couple of years ago, has preliminary sketches in his possession, and is waiting to carry the project further.

MET WIFE

While he was working long hours to help the newer American, Palumbo was also busy making a living as an electrician for himself, his wife, Dorotea whom he met and married in his native village on a visit in 1927, a son Frank and a daughter Porsia, both of whom are now teachers in local school systems.

His first job was as an electrician with the Pennsylvania Railroad. He served for a time with the Armstrong Cork Co. in the research department.

For 17 years he was employed in the electrical department of the Burnham Boiler Co., spent a year as an aircraft electrician at Olmsted Air Force Base, and then served for 18 years as an electrician at the Lancaster plant of RCA.

When he received his first Italian passport he says there was a note attached to it that enjoined him to "obey the laws of the country to which I was going, be a good citizen, and do nothing to reflect against my homeland."

Antonio Palumbo has faithfully fulfilled that injunction in service to both his native and his adopted country.

A DECADE BEFORE EUREKA: THE DISCOVERY OF HIGH-PROTEIN SORGHUM

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. LANDGREBE. Mr. Speaker, 10 years ago the staff of the Indiana Agricultural Experiment Station at Purdue University initiated a research project to test various amino acid patterns in strains of corn in an effort to improve the biological composition of this important cereal crop. Their research efforts uncovered an amino acid pattern, opaque-2, which has substantially improved the quality of protein in corn. Their discovery provided the impetus for further research in cereal protein improvements.

Ten years later, the Purdue agricultural staff has discovered two lines of high lysine genes which would double the protein quality of the world's fourth most important cereal crop, sorghum. Sorghum is the principal diet of millions of people in Africa and in Asia. This important discovery has profound implications for the diets of peoples in the State of Indiana, the Nation, and the world.

Therefore, Mr. Speaker, I direct your attention and the attention of my colleagues, to two articles published in the Journal and Courier, Lafayette, Ind., Mr. Gregory Deliyanne, publisher. The articles follow:

HIGH-PROTEIN SORGHUM DISCOVERED: PURDUE FIND TO FIGHT HUNGER

Climaxing a search started in 1966, Purdue University plant researchers have identified sorghum lines containing twice as much lysine (improved protein quality) as average sorghum.

The discovery is expected, in time, to lead to a better diet for protein-deficient people in areas of the world where sorghum is the principal cereal.

After screening nearly 10,000 sorghum varieties, Purdue scientists found the high-lysine gene in two Ethiopian lines. This gene can be easily incorporated into commercial varieties since the high-lysine trait is simply inherited. Furthermore, the two lines are available in the world sorghum bank.

Announcement of the discovery was made today at Purdue and also in Washington by the U.S. Agency for International Development (AID), which funded the research. At Purdue, the project is administered by the Division of International Programs in Agriculture.

Geneticists, biochemists and animal nutritionists in Purdue's agricultural departments of agronomy, biochemistry, and animal sciences contributed to the breakthrough and continue to be involved in the project.

Dr. John D. Axtell, geneticist and project director, and Dr. Rameshwar Singh, his former graduate student from India, are credited with much of the effort. The project was initiated at Purdue by Dr. R. C. Pickett, an authority on sorghum breeding.

High lysine has become a revered word throughout the world since Purdue biochemist Dr. Edwin Mertz and planet geneticist, Dr. Oliver Nelson first discovered the opaque-2 gene (high lysine) in certain corn lines 10 years ago.

Comparing the mutant gene in sorghum with that in opaque-2, Axtell said, "Both have a high lysine content, are inherited as a single gene, and improve the biological value of the grain substantially."

Sorghum is the fourth most important cereal crop in the world, topped only by wheat, rice and corn. In Africa and much of Asia, it is the principal diet for millions of people.

"Compared to other major cereals, the nutritional quality of most sorghums now being consumed by humans is relatively poor," Axtell said.

In tests conducted by the researchers, the high-lysine sorghum already has proved three times as effective in promoting growth in rats. Researchers say similar dietary growth improvement can be expected in humans.

In the U.S. and Latin America, sorghum is produced chiefly as livestock feed. Results of the research should be beneficial to U.S. agriculture in areas where sorghum is utilized, Axtell stated.

Purdue President Arthur G. Hansen and Purdue Dean of Agriculture R. L. Kohls, today commented on the sorghum discovery:

Dr. Hansen—"I want to congratulate Dr. Axtell and his fellow scientists who have worked on the project for such a long time and have made such a very remarkable discovery. I think it illustrates the point I have been trying to make for quite some time—why we need a research university like Purdue. The contribution that it makes to the state, to the nation and to the world are inestimable, and for this reason alone its support and its encouragement are worth every penny that we are receiving in support."

Dr. Kohls—"I am extremely proud of this accomplishment of the scientists of the Indiana Agricultural Experiment Station here at Purdue. This is just one more indication of the high status of Purdue among the agricultural, educational and scientific organizations of the world. All Hoosiers should share in this pride. Such discoveries as this not only make significant contributions to the solution of the world food problem, but also have direct and practical implication to Indiana farmers and consumers."

In announcing the discovery at a Washington news conference, AID Administrator John A. Hannah hailed the work of the Purdue research team as a "breakthrough of the first magnitude."

"When we recall that sorghum is the principal subsistence cereal for more than 300 million people—indeed the poorest people in the world's poorest countries—improving its protein quality will amount to a gift of life, especially for children," he said.

A second and related major discovery by the Purdue sorghum researchers was the recognition that tannin compounds present in some sorghum lines interfered with protein availability. In essence, the release of protein is blocked in high-tannin lines.

Working with biochemists and animal nutritionists, Dr. Dallas Oswalt, agronomist and assistant project leader, co-ordinated research.

Tannins are in the thin outer layers of the kernel. Their presence is due to a single dominant gene, thereby making it easy to correct genetically. Removal of the tannin, however, leaves the sorghum more susceptible to hungry birds.

PURDUE SORGHUM RESEARCH BEGAN DECADE AGO WITH CORN

Discovery of two lines of high lysine sorghum by Purdue University agricultural scientists had its roots in research at Purdue a decade ago.

Announcement of the sorghum lines, which contain twice as much lysine (improved protein quality) as average sorghum, was made today.

Dr. Edwin T. Mertz and Dr. Oliver E. Nelson Jr., Purdue staff members, working as a team for several years, began testing the amino acid pattern of several strains of corn. They found that one, called opaque-2, displayed an unusual amino acid balance. It contained more than twice as much lysine as normal corn and substantially more * * *.

Their discovery 10 years ago encouraged plant breeders to search for genetic alterations that would improve the level and quality of protein in other important cereal grains.

Dr. Merzt, who continues to work actively on both the Agency for International Development project on opaque-2 corn and the AID sorghum project, commenting on the sorghum discovery, said:

"It is a great satisfaction indeed to have Purdue research workers identify two high lysine lines of sorghum. The potential benefits from this discovery in a world chronically short of good quality protein are tremendous.

High lysine sorghum should have a good market in this country in animal rations and could vastly improve the diets of humans in parts of Africa and Asia where this crop is consumed as a human food."

The mutant, opaque-2, had been known for about 30 years by plant breeders, but was used only as a genetic marker. Mertz and Nelson believed that if the unusual amino acid proportions could be maintained, high lysine corn would have protein with far superior feed value than ordinary corn.

In subsequent tests they demonstrated that the mutant gene could substantially improve the quality of corn protein. They found it was superior to normal corn for livestock rations and other scientists found it was twice as good as normal corn in certain human diets.

First nutrition tests at Purdue in 1964 showed that weanling rate tripled their growth when fed high lysine corn. Then weanling pigs fed the higher protein quality corn gained more than three times faster than pigs fed regular hybrid corn when corn supplied all of the protein.

Sensing the potential of the discovery for improving human nutrition, scientists tested children in Guatemala and graduate students on Purdue's campus. The studies in Guatemala showed that protein quality of the high lysine corn was as high as protein quality of milk. At Purdue, trials with the students proved that corn protein could be effectively used by adults.

After publication of the opaque-2 discovery, Rockefeller Foundation scientists in Colombia requested seed from Purdue as a means of obtaining a weapon to fight Kwaskiorkor, a protein deficiency disease of children.

Children who were admitted to hospitals received diets in which 100 per cent of the protein came from opaque-2 corn. They made satisfactory recovery. Commercial companies in Colombia now are producing a food for humans containing opaque-2 corn.

It is estimated that more than one million acres of hybrid opaque-2 corn will be planted by midwest farmers in 1974.

SESQUICENTENNIAL CELEBRATION

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. JONES of Tennessee. Mr. Speaker, it is my pleasure as Congressman from the Seventh Congressional District, to announce the sesquicentennial celebration of Dyer County, Tenn., which was held during the month of October.

Dyer County was first inhabited by the Chickasaw Indians who utilized this general area as a hunting ground. In 1785, 3 years after the close of the Revolutionary War, Henry Rutherford and a small party of settlers ventured up the Forked Deer River by way of the Cumberland, Ohio, and Mississippi Rivers, to survey several tracts of land granted to men who had served in the Revolution.

In 1818, persuaded by Andrew Jackson and Issac Shelby, the Chickasaws signed a treaty to give up this land which subsequently became a part of the State of Tennessee.

Soon after Henry Rutherford's settlement, many families began to make their way into this new land and by 1823, the State general assembly passed an act establishing the settlement as Dyer County.

The first official county court was moved in 1826 from a small cabin to a two-room log building in Dyersburg. At about this same time Alexander Russell opened the first dry goods store, and several mills, powered by water and horses, were opened.

Dyer County's first school was established in 1830, and in 1833 a log schoolhouse was built, in Dyersburg, on what is now referred to as College Hill. In 1836, the log schoolhouse was replaced by a one-story frame building and Dyer County became incorporated.

From 1833 to 1850 the population of Dyer County went from 100 to 200 inhabitants and a two-story brick courthouse was erected in the public square.

The people of Dyer County are proud of this heritage and I am proud to represent such a productive and progressive county in the U.S. Congress.

DAYLIGHT SAVINGS TIME MEANS PROBLEMS FOR AM BROADCAST STATIONS

HON. JOSEPH J. MARAZITI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. MARAZITI. Mr. Speaker, the energy crisis and the move of Congress to adopt the President's request for year around daylight savings time brings with it a serious economic problem for about half of all the AM broadcast stations in the United States.

Because of treaty agreements we have with Canada, Mexico, and the Bahamas; many daytime stations would not be able to go on the air early enough to serve the early morning commuter audience that normally constitutes the "bread and butter" economic income that small stations rely on to stay in business.

In New Jersey these daylight broadcast stations would not be able to go on the air until 8:15 a.m. in December, 8:30 a.m. in January, and 8 a.m. in February. There are from 300 to 400 of these stations across the Nation with this problem.

Stations with presunrise broadcast authority would also be in trouble. There are 1,900 of them in the Nation. Instead of signing on at 6 a.m., they would sign on at 7 a.m.

This morning I contacted the Federal Communications Commission to see what might be done to solve this problem through the rulemaking process. I have been advised that they are trying to work something out for those stations with clear channels within the boundaries of the United States. However, the fate of those stations like the ones in New Jersey, which I am fortunate to represent, will depend on the type of diplomatic negotiations and agreement we are able to work out with Canada under the Uniform Time Act.

Since Canada is this Nation's major supplier of imported crude oil, the problem will not be an easy one for our State Department to iron out, especially since the daylight savings time plan is designed to conserve on fuel and energy to get us through the winter without crippling shortages.

If Canada agrees to work with the United States on this matter, it will be a concession for Canadian broadcast stations. They cannot help but be affected by a new agreement with the United States.

We cannot change the cycle of the sun, or the ionic conditions in the ionosphere that makes radio interference clear up when the sun rises. There are not enough radio frequencies to meet demand. Therefore I urge my colleagues to write the Chairman of the FCC and urge him to negotiate modified Uniform Time Act agreements with Canada, Mexico, and the Bahamas so adversely affected AM radio stations in the United States can survive economically.

I am doing so in the hope that our neighbors will cooperate with us until we have our energy problems solved.

PUBLIC FINANCIAL DISCLOSURE BY MEMBERS OF CONGRESS AND CERTAIN EMPLOYEES OF CONGRESS

HON. WILLIAM H. HUDNUT III

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. HUDNUT. Mr. Speaker, I am introducing today a bill, similar to one suponsored by the distinguished gentleman from Florida (Mr. FREY) and others requiring annual public financial disclosures to be made by each Member of the House of Representatives, the Senate, and congressional employees who receive an annual salary of more than $22,000.

In my opinion, we should all be gravely concerned about the suspicion that far too many citizens have toward Members of Congress. Unfortunately, conflicts of interest, in which a very few Members have been engaged over the years, have led to this suspicion and cynicism by the public toward public officials. The bill I am introducing would, I feel, go a long way toward helping regain confidence in Government by the electorate.

This legislation would require annual reports to be filed with the Comptroller General and made available to the public. The reports require the listing of the amount and source of each item of income, reimbursement for any expenditure and any gift or aggregate of gifts from the same source received by him or by him and his spouse jointly during the year.

The reports also require the listing of any fee or other honorarium for speaking or writing and the monetary value of subsistence, entertainment, travel and other facilities received by him. Additionally, the bill calls for the itemization of each asset held by him and by him jointly with his spouse if the value is $5,000 or greater. Furthermore, the bill requires the reporting of each liability

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of $5,000 or more. The public reports will also include any business transaction, including the sale, purchase or transfer of securities of any business entity, commodity, real property or any other asset or any interest therein by him or by him and his spouse jointly or by any person acting on his behalf if the aggregate amount involved in each transaction exceeds $5,000.

It seems to me that rules must be applied and followed if we are to restore the public's confidence in its government. Certainly appropriate steps must be taken to stop the suspicion and jabs at congressional integrity which have become prevalent over the past few years. The health and vitality of our democracy depend in large measure upon the openness, candor, honesty, and integrity of public officials, both elected and appointed, and I strongly believe that enactment of this bill would constitute a good effort in the right direction.

NO LONGER SUPERIORITY NAVY FLEET

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. BOB WILSON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

U.S. NAVAL EDGE OVER RUSSIA NO LONGER COMPLETE

LONDON.—The U.S. Navy can no longer count on complete superiority over the Soviet navy but would still probably have the advantage as an intervention force, such as in the Middle East, the editor of Jane's Fighting Ships said Saturday.

"In a confrontation situation, the U.S. Navy has the edge," Capt. John E. Moore said in a interview.

He said this was because the U.S. aircraft carriers, particularly the nuclear-propelled ones, are pre-eminent. "No other navy in the world can match them at the moment and no other navy is ever likely to match them," Moore said.

But he cautioned that the Soviet navy holds the advantage over the United States in a number of important fields. The Russians have the largest submarine fleet, and they have the most modern navy afloat—more ships less than 10 years old than any other nation.

It is possible, Moore said, to conceive of situations where the Soviet navy would have the edge—for example, placing its ships in an area first, either through earlier intelligence readings or because the Russians were manufacturing a local crisis.

"On balance, there is no way to tell which navy is the strongest overall." Moore said. "You are not comparing like with like. Strong points in one navy are lacking in the other and vice versa."

This was not always true. Moore thinks that ships and weapons systems introduced by the Soviets, particularly since 1967, have made the difference. Before that the U.S. Navy was seen as superior over all. Since then the situation has been less clear.

Moore thinks the next five years are likely to be decisive in determining which way naval superiority goes, possibly with China, Japan and the Western Europeans joining the United States and the Russians as formidable sea powers:

The next two to three years, he says, could be crucial in determining whether the Soviet navy can overcome severe training and manpower problems on increasingly complex ships.

Moore says the United States has the advantage today to varying degrees over the Soviet navy in these fields: aircraft carriers, air cover for the fleet, amphibious forces, submarine detection, replenishment-at-sea facilities, nuclear surface ships, anti-submarine capability and training facilities.

GOVERNMENT BY LAW

HON. BROCK ADAMS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. ADAMS. Mr. Speaker, I am attaching for publication in the RECORD a copy of a resolution made available to me by the board of trustees of the Young Lawyers Section of the Seattle-King County Bar Association. They are very concerned about the discharge of the Special Prosecutor Archibald Cox and have passed this resolution as a statement of their support for a reaffirmation of the principle that we are a society governed by laws and not by the whims of men:

YOUNG LAWYERS SECTION,
SEATTLE-KING COUNTY BAR
ASSOCIATION,
Seattle, Wash., Ooctober 29, 1973.

RESOLUTION

The Young Lawyers Section of the Seattle-King County Bar Association, through its Board of Trustees acting at its regular meeting on October 29, 1973, and pursuant to its By-Laws, hereby adopts the following resolution.

RESOLVED that the following statement of principles is hereby adopted and approved by this Section:

STATEMENT OF PRINCIPLES

The facts of what has become to be called "Watergate" and its developing aftermath require a reaffirmation of basic principles by every concerned citizen. Such principles fundamentally involve the rule of law as controlling this coutry's affairs and the need for forthrightness in communicating about those affairs. In the context of Watergate, expression of these principles includes the following:

1. The President of the United States, in his actions and in what he says about those actions, must be the prime exemplar of those principles;

2. The rule of law should determine what evidence related to Watergate in the possession or the control of the White House is relevant to the issues and should be turned over to appropriate agencies or branches of the government;

3. The constitutional powers of the Executive, Judicial and Legislative Branches of the government should be employed effectively to develop the whole truth with regard to whether and to what extent obstruction of justice, corruption or other lawlessnesa was involved in Watergate and to take all means to effect whatever remedies may be required to honor the rule of law.

4. A Special Prosecutor, independent of the Executive Branch, should be established, funded, equipped, and staffed promptly to continue the work, momentum and investigations already begun by Special Prosecutor Cox.

Further resolved, that the Chairperson of this Section in consultation with such officers, trustees and members as she deems advisable, is authorized to take all actions that she deems necessary or appropriate to articulate, publicize and implement the foregoing statement of principles.

Further resolved, that this Section strongly supports the efforts of American Bar Association President Chesterfield Smith and of other bar associations, national, state and local, that are being or may be taken to reaffirm and implement the foregoing principles, and authorizes the Chairperson as she deems advisable on behalf of this Section to join with the American Bar Association and other bar associations in the articulation, publication and implementation of the foregoing principles and in such statement of principles and actions that may be adopted or taken from time to time that are substantially similar to or in accord with the principles and premises of this resolution.

BETTY BRACELIN,
*Chairperson, Young Lawyers Section,
Seattle-King County Bar Association.*

WHY THE PRESIDENT SHOULD RESIGN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. RANGEL. Mr. Speaker, last Tuesday I introduced House Resolution 684 calling upon President Nixon to resign. This resolution was motivated by my belief that our Nation cannot long survive the type of crisis of credibility in our national leadership which presently exists. The Watergate revelations, the resignation of Vice President Agnew to save himself from a felony indictment, and the obstruction of Justice by the President have led the people to lose faith in their Government. The effect of this loss of faith and confidence in the Government are examined by Vernon E. Jordan, director of the National Urban League, in his syndicated column that appeared in the November 9, 1973 issue of the New York Voice. I place this column in the RECORD for the attention of my colleagues:

AT THE BRINK

(By Vernon E. Jordan, Jr.)

When Secretary of State Henry Kissinger called a news conference to explain why the armed forces had been placed on alert, he wound up having to insist that the country was faced with a real international crisis, and that it wasn't just a White House ploy to take the heat off its political difficulties.

Now that is an extraordinary situation! I can't ever remember a time that so many people simply assumed their leaders were playing a dangerous international game because of political reasons at home. It's the knid of thing we expect in corrupt little dictatorships, not in a stable democracy.

Yet, as Dr. Kissinger stated, such questions are symbolic of the deep mistrust and suspicion that envelop the public's view of governmental leaders and institutions. No nation can survive such doubt. Whether the answer lies in impeachment, as some suggest; in Congressional activism, or in an Administration house-cleaning to restore confidence, it is clear that this terrible situation has to be resolved—and soon.

GOVERNMENT PARALYSIS

The creeping paralysis at the heart of government came after a long, unrelieved succession of scandals, cover-ups, resignations, and illegal and unconstitutional acts. High officials are under criminal indictment and the Vice President was forced out of office and convicted as a felon.

Then, just as some confidence was being restored in the integrity of the investigative process, along came the tapes of controversy, with the possibility that the President would be held in contempt of court; the firing of the special prosecutor and the deputy Attorney-General, and the principled resignatton of Elliot Richardson, the Attorney General.

At that, the dam burst. The public demanded impeachment. Lawyer's associations, deans of prominent law schools, the AFL-CIO, the UAW and members of Congress joined the call. Surrender of the tapes hasn't muted the situation; Congress is investigating whether it should impeach a President.

The result is that the government stands impotent, its ability to govern in question. And there is a lack of confidence in governmental institutions and in the political process that is frightening to behold.

Let no one suppose that black people are transported with joy by the crises that have enveloped an Administration universally considered opposed to our interests. Rather, our cause is made even more difficult by the crisis gripping the government.

REFORMS THREATENED

The reforms we seek and the goals we are fighting for depend in large part upon governmental stability, public faith in the governing process, and in the integrity of the courts and the governing institutions. Weaken these, and you weaken the prospects for change.

That the integrity of the government has been weakened was apparent to black citizens long before the current crisis, and even before Watergate. It became obvious in the not-so-distant days of "benign neglect" and the attempt to use the legitimate aspirations of black people for equality as a wedge to split the country and frighten white people into rolling back the gains made in reecnt years.

The ultimate fate of the proposals for impeachment depend on public opinion and on the Congress. Meanwhile, we are threatened with governmental paralysis and a period of lurching from one constitutional crisis to the next.

However, it is resolved, it should be recognized that this nation cannot long endure if men are placed above laws, if group is pitted against group, and if the ruling concerns are of grasping power instead of building trust and fostering progressive reforms in our system.

RESPONSE OF MR. FORD ON "TODAY SHOW" NEEDS CLARIFICATION

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. SYMINGTON. Mr. Speaker, this morning on the "Today Show," our good friend, the distinguished minority leader, Mr. FORD, was shown responding to questions put to him a day or so ago. As one among many here, who fully expects to cast a vote in favor of the confirmation of our esteemed colleague as Vice President of the United States, I do feel compelled to request clarification of one of the responses he gave. It was to an inquiry of his views concerning the impact of editorials and communications from the public calling for the resignation or impeachment of the President. If my senses did not deceive me, our friend, Mr. FORD, said that the President would not be much moved either by such editorials or, "the mob." A moment later he reemphasized that little attention would be paid to "the mob."

Mr. Speaker, my reason for bringing this matter to the attention of the House in this way is principally to give Mr. FORD an opportunity to clarify for the record what he meant by "the mob." Such clarification would prove useful, perhaps essential, in allaying the doubts of many thousands of good citizens who have written calling for one or the other of the referenced actions, and whose sentiments and their expression are most certainly not of the "mob" variety. Nearly one-third of the letters I have received on the subject begin:

> I am a lifelong Republican, but . . .

And a high proportion call for the early confirmation of Mr. FORD himself. At this delicate juncture, it does not behoove any of us to lose sight of the distinction between the people and "the mob." This is particularly so when one realizes the differences in persuasion techniques required by the two. And since the winter months will be both cold and long, I do feel justified in asking for the reassurance all Americans need, regardless of their views on the matter, to be trusted and respected.

FARM SHARE OF FAMILY FOOD COST DROPS

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. ZWACH. Mr. Speaker, when food prices go up, the producer gets the blame, but when prices to the producers drop, those consumer prices generally do not follow.

This is a fact that I try to impress upon my colleagues and my constituents.

Gordon Duenow, editor of the St. Cloud Times, in our Minnesota Sixth Congressional District, recently treated with this matter in his editorial column.

With your permission, I would like to share his editorial with my colleagues by inserting it into the CONGRESSIONAL RECORD:

FARM SHARE OF FAMILY FOOD COST DROPS

Some time ago Secretary of Agriculture Earl Butz remarked that although farm prices move up and down, prices that consumers pay usually stay up. Government figures on the annual retail cost of food released last week substantiated that statement.

According to these government figures, the farmer's share of the market basket drooped to $744 from the August peak of $839 a decline of $95 or 11.3 per cent in one month.

But the figures showed that middlemen, including processors, wholesalers and retailers, widened their share of the annual food bill by $71 or 8.5 per cent from August.

It cost a typical household $31.33 a week for U.S. farm-produced groceries last month, down 46 cents a week from the August rate.

If the middlemen had passed along all the price cut-backs absorbed by farmers for raw products, the saving from August to September would have been $1.82 a week.

However, when comparing the annual market basket rate of $1,325 in September 1972, which was about 23 per cent lower than last month, the middlemen look a little better. In the 12-month period, market basket costs rose $304 with farmers accounting for $205 of the gain and middlemen $99.

As computed by the Agriculture Department, the cost of an entire year's food supply for a theoretical household of 3.2 persons was $1,629 in September, down 1.5 per cent from the record of $1,653 in August. G.E.D.

EX-WRITER ON CANCER RESEARCH SEES OTHER SIDE AS PATIENT

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. DULSKI. Mr. Speaker, the view from the "other side of the desk," it is often said, can be fully appreciated only if one actually makes the complete shift.

This very often—and in some cases, thankfully—is not easy to come by, whether it involves investigators, newspaper reporters, indeed, anyone trying to see both sides of a picture.

Mary Beth Spina formerly was a medical writer for the Buffalo, N.Y., Courier-Express. In that role, she had many occasions to visit and write about Roswell Park Memorial Institute.

Roswell Park, which marked its 75th anniversary this year, is not only the oldest cancer institute but also is one of the largest in the world.

Mary Beth Spina has recounted her experience from the other side of Roswell Park—as a cancer patient in the hospital in contrast to her earlier role as a reporter.

Mr. Speaker, I commend her account as worthwhile reading, a perspective very much needed. The text follows:

[From Buffalo (N.Y.) Courier-Express, Nov. 8, 1973]

A PATIENT'S VIEW OF ROSWELL PARK, IT'S NOT JUST ANY HOSPITAL

(By Mary Beth Spina)

Cancer, as a medical writer, I wrote about it. I had interviewed research investigators and physicians at Buffalo's world-famous cancer research hospital, Roswell Park Memorial Institute, about advances being made against it.

And yet none of this knowledge prepared me for the day I, like thousands of others, would be told I had cancer. I spent days afterward in fear and disbelief. I would later learn most cancer patients go through these stages of emotion. And, like them, I, too, would accept it.

I was fortunate. I had early diagnosis (revealed by a routine Pap test which all women should have once a year) and a relatively slow-growing type. But even knowing this, I was terribly afraid.

As a former Courier-Express reporter, I was familiar with Roswell Park. I had been struck then with the fact that it was not "just another hospital." It was an attitude. Contrary to the grim, cheerless place most people would expect a cancer hospital to be, Roswell Park boasted cheerfulness and exuded optimism. From the physicians to the patients, positive attitudes and straightforwardness was the rule—not the exception.

WHY IS IT DIFFERENT?

I had always thought, how can this be? What makes this hospital different?

So this year, I entered Roswell Park—this time as a patient, not a reporter. In Admitting, the clerk was pleasant as she took information for the myriad forms. She was patient as I fished my physician's telephone number and other pertinent information from the bottom of my purse.

While waiting my turn to go upstairs to

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my room, I chatted with a man who told me the doctors had "worked wonders" with him. "One thing you can say about this place, they don't give up on you," he said. As my name was called, we said goodby and wished each other good luck.

Once on 3 West, the gynecology floor (floors are reserved according to the part of the body affected by cancer), I began to discover part of the atmosphere was due to the patients.

Few allowed themselves the luxury of self-pity when they could see others sicker than they. Patients ate in the dining room adjacent to our floor lounge unless they were forbidden to get out of bed by doctor's orders. Name tags on the tables were reshuffled periodically, so every patient eventually knew all others on the floor by name and condition.

PATIENTS SWAP STORIES

As a new patient, the others were interested in "what kind of cancer" you had and what procedures you were to undergo.

Stories of past experience with the illness were swapped, and those fearful of radiation or surgery were bolstered by those who'd already been through it. Nobody talked about dying.

Since the doctors made "rounds" each afternoon between 4 and 6, dinnertime conversation buzzed with who had gotten "good" news and "bad" news. Those with "good" news were congratulated and those with "bad" were cheered up.

Roswell Park physicians tell it like it is. Each patient is fully informed as to diagnosis and medical procedures to be done. Forms filled out upon admission, and others completed before specific procedures are done are detailed. Each patient knows the odds if certain procedures are done. Some are given a choice of treatments (depending upon their type of cancer and its severity). But in all cases, patients are given complete facts on which they can base intelligent decisions.

The resident assigned my case drew so many pictures of the cervix and uterus (attempting to fulfill the form's question which asked the "procedure and condition be explained to the patient in layman's language") that I kiddingly suggested he should be a medical illustrator.

PATIENT MUST GIVE CONSENT

Contrary to the belief held by many, no "experimental" procedures may be done without informed consent of the patient. Most people don't realize that hospitals and physicians dealing in clinical research must be more careful than most in fulfilling the legal and ethical responsibility to the patient. At Roswell Park the patient participates in the decisions which are to be made about his body. This makes him, in a sense, a partner with the medical team—not a bystander.

Since I had not had surgery before, I was apprehensive over the business of being "put to sleep". The morning of my surgery, two patients came to sit with me while the pre-op shots were taking effect. One, who was to undergo surgery later in the week, explained she thought I would "like company" while I waited to be taken "down the hall" to the operating room. And the doctors promised they would be around to tell me what they found after I awoke from the anesthesia. They did—and the news was "good."

Later, several patients came by to say they were glad to hear all went well. And at dinner, I discovered some of them had checked around to see how my surgery had gone so they'd know "what to say" to me. Several of us dropped in to see another patient whose exploratory surgery had revealed an inoperable tumor. The doctors were going to use radiation to remove it.

CHEERING ONE ANOTHER

Although her news wasn't the best, we told her things could have been worse. After all, she was in one of the top cancer hospitals in the country, and everyone was trying to help her.

I learned part of Roswell Park's great patient morale is based on the working theory that patients can help each other. Dr Steven Piver, associate chief of the Department of Gynecology, says the staff and physicians are aware of the benefit of patient interaction.

"Many patients are terrified to come to Roswell Park. They really don't know quite what to expect—but after a couple of days, they get into the spirit of the hospital," he said. Since the average length of stay is two weeks, there's plenty of time for everyone to get acquainted and feel at home.

With no telephones or television sets in the patient rooms unless requested, patients are more likely to seek each other's company to pass the time. Many patients are not from the Buffalo area, so the constant stream of visitors per patient—evident at most general hospitals—is virtually nonexistent at Roswell Park. This, too, tends to bring the patients closer.

The floor lounge—which is the center of patient activity—is seldom empty. Patients usually busy themselves watching television, playing cards, knitting, reading or talking. They talk about their families, their jobs, their illness and sometimes about their apprehensions. They also talk about their hopes.

MUCH GROUP ACTIVITY

Going to X-ray, radiation and other departments off the patient floors is usually a group affair. It's a familiar sight to see a group of patients headed down a corridor for treatments. It's not unusual to see a patient taking a walk, hanging onto a wheelchair for support. Some patients, receiving medication intravenously, can be seen walking to the lounge, pushing their I. V. stands along. And nobody stays in bed unless the person is forbidden to be up and around.

Much of the credit for the successful patient-to-patient contact goes to the staff. Nurses and dietary personnel, who are around patients most, know them by name. The atmosphere—while certainly professional—is more relaxed than I've found in most hospitals.

Patients are free to leave their floor and take long walks to visit such places as the art gallery on the second floor. Staff physicians, and the residents on each service, make rounds Monday through Sunday. The patients know them all by name and are free to ask questions of them.

One resident is on duty on each floor 24-hours-a-day, should a doctor be needed in the middle of the night.

As a 3 West nurse said, "This place is different. Some of our patients are here for several weeks at a time. Even when they go home, they may be back for future treatment or checkups. We know them better because we have longer to get acquainted. It's almost like a family."

PATIENT PSYCHOLOGY

At Roswell Park, the patient who cares about others minimizes his own fears. The patient who strengthens another's hopes builds his own. The patient who helps others feel more independent and secure.

A psychiatrist explained "the more independent a patient is encouraged to be, the less fearful he becomes." It must be true.

As a writer, I had seen Roswell Park as a place where many were actively seeking cures for cancer on a day-to-day basis. They refused to give up on cases, while knowing some were sure to be lost.

"Cancer is just a word," says Dr. John C. Patterson, a Roswell Park physician and director of the Lakes Area Regional Tumor Registry. "When caught in the early stages, many types can be cured. Even those in whom the disease has progressed are being saved through surgery, chemotherapy (cancer drugs) radiation or a combination of these.

"Many patients who would have been termed hopeless even a few years ago are getting additional years despite their condition."

As a patient, I have seen Roswell Park's staff refuse to give up. And they encourage their patients to fight, too. For every battle lost, others are won. And they look to the day when none must be lost.

EUROPE PAYS THE PRICE

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. ROSENTHAL. Mr. Speaker, Joseph Kraft has written an excellent column in this morning's Washington Post about the oil implications of the recent Middle East war. Based on his recent visit to Cairo, Mr. Kraft's article points out that the Europeans, by showing a lamentable weakness in facing a threatened oil boycott by the Arab countries, excluded themselves from the political arena. The Europeans, he also notes, are threatened by the independent national policies which asserted themselves over the still-fragile unity of the European Community. Hopefully, the lesson of the oil crisis—to be recognized by the United States as well as by the Europeans—is that European unity is not an option of debatable merits but a necessity for the future of healthful and mature relations across the Atlantic.

That such unity was lacking and that the consequent political response from Europe was compounded weakness should be the prod for action by both Europeans and Americans. If this happens, a real Year of Europe will have just begun.

The article by Mr. Kraft follows:

[From the Washington Post, Nov. 13, 1973]

ARABS FORCE EUROPE TO PAY OIL BLACKMAIL

(By Joseph Kraft)

PARIS.—The failure of Western Europe in the latest Mideast crisis is particularly striking to me in view of a visit I have just made to Cairo. For the Europeans paid oil blackmail in a visible way bound to inspire further Arab demands.

They also excluded themselves entirely from the diplomacy of ceasefire and possible settlement. So the Mideast crisis provides a case study in how not to bring Europe back into the world arena.

The paying of oil blackmail was especially evident in the resolution put out by the nine European Common Market countries a week ago. Among other things, the nine gave the wet mitten to Holland which, for the same noble reasons that inspired the Dutch wartime resistance to the Nazis, had refused to pay oil blackmail. In a sharp break with the community spirit of the Common Market, the other eight refused to make bits of their own oil stocks available to compensate for Arab retribution against the Dutch.

Before that the Europeans had divorced themselves entirely from the American effort to match Soviet supplies to the Arab states with assistance to Israel. Except for Portugal, all the NATO countries denied overflight rights to the planes of the American airlift. Britain even refused to allow American reconnaissance planes to use her Mediterranean bases.

The Arabs, not surprisingly, interpreted the European reaction as an expression of

total weakness. It was even reported in Cairo—quite falsely I found out here in Paris where the weather has been fine—that Europe was in the grip of a cold spell. The Common Market resolution was seen as a mere apple-polishing device. "The Europeans," one official close to President Anwar Sadat of Egypt told me, "are running around trying to collect good conduct certificates from us." Given that attitude it is hard to believe the oil weapon will not be used to extract still further concessions.

Since the Europeans had played no part in containing the Russian push, moreover, there was no opening for them in the diplomatic follow-through. President Sadat and Secretary of State Henry Kissinger tied up their deal on a ceasefire and future peace conference without even keeping the Europeans informed. About the only concession to form was a dinner invitation extended to four leading European ambassadors for the final banquet offered to Dr. Kissinger in Cairo.

Since the Europeans were totally innocent of what was going on they could barely even make conversation. As one of the European ambassadors said of the occasion: "The company included 10 Egyptians, five Americans and four European imbeciles."

The absence of the Europeans from the Mideast scene is perhaps not so tragic. But getting the Europeans to play a more responsible role in other matters is important. So it is useful to ask what went wrong in the Mideast.

The answer, I believe, is that Europe is belatedly paying the price of General de Gaulle. At the general's insistence progress toward joining political institutions was arrested in favor of a Europe of individual states. Inevitably, these states now jockey for position one against another—whether in dealing with the Mideast or the Soviet Union.

Moreover, the fight to get by the French veto exhausted British interest in the European community. Prime Minister Edward Heath has to seek immediate dividends from Europe. To have as a first consequence of the new association an oil shortage and rationing would have made joining Europe look like a total failure. So Mr. Heath has been under the strongest pressure to pay any price for oil the Arabs demanded.

What all this suggests is that it does no good simply to lecture the Europeans on their responsibilities. The right American tactic is to begin anew the slow painful and dull work of fostering European unity. That responsibility should be felt with particular keenness by Secretary of State Henry Kissinger. For after all he played no small part in lending respectability to the Gaullist follies which have done so much to reduce Europe to its present pitiable condition.

INTERIOR'S IMPACT STATEMENT ON GARRISON RECLAMATION PROJECT "UNACCEPTABLE" FROM INTERNATIONAL STANDPOINT

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. VANIK. Mr. Speaker, this summer, the late Congressman John Saylor and I attempted to delete further funding of the Bureau of Reclamation's Garrison Diversion Unit project.

Our opposition to this North Dakota project was based on the heavy budget and environmental costs of the program as well as the human costs: Large groups of farmers—the people who will have to live with and use the project—are opposed to it. Finally, we were deeply concerned about the fact that the project will result in a degradation of the flow of water from North Dakota into Canada, with the result that the American taxpayers would be forced to take expensive corrective actions—actions similar to those recently taken on the Mexican border to restore the quality of the Colorado River flowing into Mexico.

The problems caused by the Garrison Diversion Unit are described in the CONGRESSIONAL RECORD on June 27, June 28, July 12 on page 23682, and August 3, on page 28311.

I have just obtained a copy of a letter from Christian A. Herter, Jr., Special Assistant to the Secretary for Environmental Affairs—and also a member of the Canadian-American International Joint Commission—to the Department of the Interior concerning the Garrison project.

As the letter points out:

> The Department of State feels that the draft impact statement does not adequately address the serious international problems of an environmental nature raised by this proposal, and that *the statement is therefore unacceptable from this standpoint.* (Emphasis added)

Because of the importance to the taxpayer of this issue, I would like to enter the full text of the letter in the RECORD at this point:

BUREAU OF INTERNATIONAL
SCIENTIFIC AND TECHNOLOGICAL AFFAIRS,
August 16, 1973.

MR. LAURENCE E. LYNN, Jr.,
Assistant Secretary,
U.S. Department of the Interior,
Washington, D.C.

DEAR MR. LYNN: The Department of State has reviewed the draft environmental impact statement, dated April 5, 1973, prepared by the Bureau of Reclamation concerning the Garrison Diversion Unit. In the course of our review, we have given particular attention to those sections of the impact statement that relate to the return flows that would be discharged to Canada via the Souris and Red Rivers.

Our review of the impact statement has proceeded, in large part, from an awareness of the obligations that the U.S. has assumed under Article VI of the Boundary Waters Treaty of 1900 together with our recognition of the strong endorsement the United States gave to Principle 21 of the Declaration on the Human Environment at the Stockholm Conference. These obligations, in our view, place a special responsibility on U.S. federal agencies to assure that federal actions which may affect the Canadian environment are carefully and fully assessed prior to final action.

The Government of Canada, has, as you know, expressed its concern several times to the United States Government regarding the adverse environment effects that return flows from the project would have on Canadian waters. The impact statement alludes to this problem in several places, summarized Canada's concerns very briefly and notes that this matter is now under discussion and study between the two governments. However, given the gravity of Canada's concern and the importance of the political and legal issues involved, we believe the draft statement's discussion of this aspect of the project is inadequate. As it now stands, the statement notes that the water flowing into Canada will be "somewhat degraded" and it summarizes Canada's concerns on page IV–52 very briefly without commenting on these points item by item. In contrast, we would urge that the statement be expanded to include a fuller and more quantitative assessment of the possible adverse as well as beneficial effects the project might have on Canada, taking into account the various studies on flows, salinity, and other water quality parameters (pesticides, nitrates, trace metals, temperature, sediments, etc.) that we understand the Bureau of Reclamation has underway.

Moreover, we believe the section of the report (page VIII–36) dealing with alternatives for handling the flows should be expanded to spell out more precisely the financial and environmental costs associated with alternate ways to deal with this problem. The current section dealing with alternatives, in our view, presents conclusions but does not offer detailed supporting data to enable the reader to judge independently the validity of the assertions being made. Also, while the impact statement acknowledges that the problem of the Souris is being discussed with Canada, the reader, at this uncertain stage in the deliberations, necessarily has not insight as to how this aspect of the project will really come out and whether, in fact, a mutually satisfactory resolution will be found. Thus, an important aspect of the project admittedly remains in doubt from an environmental standpoint and, we, therefore, question whether the Executive Branch can take final action on this aspect of the Unit, pending further developments.

Under these circumstances, the Department of State feels that the draft impact statement does not adequately address the serious international problems' of an environmental nature raised by this proposal, and that the statement is therefore unacceptable from this standpoint. We also would suggest that any final action on this aspect of the project should be deferred until further and intensive efforts are made to achieve a satisfactory accommodation following which a revised or separate draft environmental statement covering the Souris and Red Rivers might be prepared and circulated. In the meantime, any continuance of other aspects of the project should not prejudice the outcome of the further studies of this question.

We fully appreciate that the Bureau of Reclamation is making every effort to carry on informative and mutually constructive discussions with the Canadians. We stand ready to provide all assistance in bringing the outstanding problem with Canada to a mutually satisfactory resolution.

Sincerely yours,
CHRISTIAN A. HERTER, Jr.,
Special Assistant to the Secretary for Environmental Affairs.

OIL AND FOOD

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. BINGHAM. Mr. Speaker, in recent weeks we have heard a great deal about U.S. dependence on Arab oil. We have heard very little about Arab dependence on U.S. agricultural exports. While the dollar value of the food we export to the Arab world may be small compared to the value of the oil we import, the significance of such food shipments should not be overlooked.

On November 8, I brought to my colleagues' attention figures published by the Department of Agriculture revealing the amount of grain that we exported to the Arab States in fiscal 1973. The re-

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sponse to this information indicated great interest in the subject.

Because of that interest, I include herewith data on U.S. exports of foods other than grains to the Arab States participating in the oil embargo:

U.S. Agricultural Exports to the Arab States Participating in the Oil Embargo Against the United States—Fiscal Year 1973—Excluding Grain

(Value in thousands)

1. Qatar:	
Animals and animal products	$22
Fruit	9
Nuts	4
Vegetables	21
Oilseeds and products	19
Seeds—Field and garden	24
Other vegetable products	127
Total	226
2. Bahrain:	
Animals and animal products	237
Fruit	72
Nuts	16
Vegetables	281
Feeds and fodders (except oilcake)	67
Oilseeds and products	63
Seeds—Field and garden	12
Other vegetable products	413
Total	1, 162
3. Iraq:	
Animals and animal products	508
Fruit	4
Vegetables	36
Feeds and fodders (except oilcake)	5
Oilseeds and products	4
Seeds—Field and garden	247
Other vegetable products	391
Total	1, 194
4. Kuwait:	
Animals and animal products	413
Fruit	285
Nuts	39
Vegetables	675
Feeds and fodders (except oilcake)	413
Oilseeds and products	1, 388
Seed—Field and garden	13
Other vegetable products	1. 649
Total	4, 875
5. Saudi Arabia:	
Animals and animal products	1, 422
Fruit	520
Nuts	194
Vegetables	1, 723
Feeds and fodders (except oilcake)	1, 258
Oilseeds and products	1, 653
Essential oils and resinoids	21
Other vegetable products	2, 302
Total	9, 301
6. Algeria:	
Animals and animal products	4, 901
Vegetables	1, 116
Oilseeds and products	187
Tobacco	98
Cotton	709
Seeds—Field and garden	90
Other vegetable products	118
Total	7, 219
7. Libya:	
Animals and animal products	351
Fruit	122
Nuts	45
Vegetables	194
Feeds and fodders except oilcake)	27
Oilseeds and products	92
Tobacco	2, 708
Essential oils and resinoids	3
Seeds—Field and garden	118
Other vegetable products	293
Total	3, 953
Animal and animal products	7, 854
Fruit	1, 012
Nuts	298
Vegetables	4, 046
Feeds and fodders (except oilcake)	1, 770
Oilseeds and products	3, 406
Tobacco	2, 806
Cotton	709
Essential oils and resinoids	24
Seeds—Field and garden	504
Other vegetable products	5, 293
Total (by product)	27, 722

Note.—Figures concerning agricultural exports to Abu Dhabi, a member of the United Arab Emirates and a participant in the oil embargo, are not separately available and thus are not included.

Note.—Other Vegetable Products includes: Coffee, drugs, herbs, roots, syrups, extracts, honey, nursery stock, seeds except oils, and spices.

Source.—U.S. Department of Agriculture.

INDIANA FARMER PROPOSES COW MANURE GAS AS NEW ENERGY SOURCE

HON. J. EDWARD ROUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. ROUSH. Mr. Speaker, in this time of great concern over the future energy sources that we will need, much exploration of new sources is being undertaken. I thought this body would be intrigued with the approach of Mr. John Shuttleworth of Redkey, Ind., as reported in this article from the Fort Wayne Journal Gazette:

Redkey Ecologist Demonstrates: Key To Energy Crisis

(By Dell Ford)

Redkey.—It's no big deal to watch someone fry an egg over a gas flame. Or look at a gas-fired water heater or refrigerator. Or listen to the purr of a 1948 gas-fed Chevy engine.

No big deal? Not true. Because the gas providing the oomph for all of the above "jobs" came directly from cow manure.

The demonstrations of methane gas produced from animal waste were conducted Friday afternoon on the Richard Shuttleworth farm four miles south of Redkey. Among the numerous interested onlookers were media members including representatives of Time magazine and NBC-TV.

John Shuttleworth, Richard's 36-year-old son and the guiding force behind The Mother Earth News and its companion publication, Lifestyle!, matter-of-factly observed there's nothing new about methane from a manure.

"What is news," the bearded ecology enthusiast pointed out, "is what we're trying to show here. That there is no energy crisis if we start living an ecologically sound life."

An intense, articulate young man, he insisted "there's no need to wait for a crash program. To wait for the government or business or labor to make some big breakthrough." Emphasizing that "we're just raping the planet of energy," he said nature is "a self-righting force. If we cooperate with nature, we can survive."

Continuing his evaluation of what really was news in the Friday demonstrations on his father's 144-acre farm, the younger Shuttlsworth said "it's news that on a farm in Indiana, with no big research lab or no big government grant—with ordinary hardware like garden hose, discarded storage tanks and an old gas stove—you can produce a supposedly exotic fuel which will run a gas engine, gas lights."

Warming still further to his subject, he maintained "it's so old that it IS new. It goes on around us all the time. It's a natural process. For instance, swamp gas. Why not harness it?" "The big news," he grinned, "is there is no news. It's so easy."

Easy? Here's how:

Shuttleworth explained that what his father did was pump the manure from 36 head of cattle into a tank 9 feet tall and 4 feet in diameter. "The anaerobic bacteria in that manure," he said, "WANTS to work for you. It eats the waste and produces methane gas and a very nitrogen-rich fertilizer."

He said his father filled the tank with manure in mid-July, the production of methane got under way on the third day and that daily production has been 41 cubic feet—enough gas, he claims, to heat his parents' 10-room house all winter.

Although the methane-from-manure did power the Chevy engine (the gas was piped from the digester tank to the engine via garden hose which also was used to take the gas from the tank to the stove for the egg-frying demo), Shuttleworth said it is not practical as auto fuel because the low mileage per gallon would necessitate too large a gas tank.

Shuttleworth, who, with his wife, Jane, launched The Mother Earth News four years ago "with $1,000 and a kitchen table in Madison, Ohio—on the shores of polluted Lake Erie," said "we don't care if General Motors or General Electric or General Mills or all the industrial generals want to come in and steal our idea and make a bundle. We're PR people for the planet."

It's his emphatic contention that "if we keep trying to do business in the old way, there's an energy crisis. We're saying 'Behold, damn it! There IS no energy crisis."

The next 15 years, according to ecologist Shuttleworth, "are going to make or break this planet. You think we have shortages now? Wait another five years—all kinds are coming down the road." He cited copper "and almost any basic mineral you can name."

The Mother Earth News people, he said, "are very little people trying to do big things. Trying to wake people up. All we want to do," he smiled slyly, "is change the world completely. It's very simple."

In connection with the demonstrations everyone had come to see, Shuttleworth's pointed observation was, "Relax, white man. It doesn't have to be done with multimillion dollar investments and some machine with electronic controls and transistorized panels!"

And darned if he wasn't batting a perfect 1000 on that comment. Cow manure, a big old discarded tank, a garden hose and other odds and ends and some hungry bacteria. Hardly a million dollars worth of equipment. But gas? For sure!

RECOMMENDS STUDY ON ABORTION

HON. HAROLD V. FROEHLICH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. FROEHLICH. Mr. Speaker, I am today reintroducing House Resolution 585 to create a select committee to study the impact and ramificatons of the Supreme Court's decisions on abortion.

I am very proud to be joined in this resolution by 22 cosponsors. They are Mr. Keating, of Ohio and Mr. Roncallo of New York, who cosponsored my original resolution, and Mr. Bauman, of Maryland; Mrs. Holt, of Maryland; Mr. Huber, of Michigan; Mr. Hudnut, of Indiana; Mr. Landgrebe, of Indiana; Mr. Lott, of Mississippi; Mr. Mazzoli, of Kentucky; Mr. Minshall of Ohio; Mr. O'Brien, of Illinois; Mr. Powell of Ohio; Mr. Regula, of Ohio; Mr. Roe, of New Jersey; Mr. St Germain, of Rhode Island; Mr. Sebelius, of Kansas; Mr. Shoup, of Montana; Mr. Thone, of Nebraska; Mr. Vanik, of Ohio; Mr. Walsh, of New York; Mr. Whitehurst, of Virginia; and Mr. Won Pat, of Guam.

This honor roll of distinguished Members believes as I do that the issues raised by the Supreme Court's unprecedented decisions on abortion last January 22 are too important to be shelved by the Judiciary Committee or ignored by Congress.

Surely, the House has not become so timid that it is unwilling even tc review the impact of two court decisions that struck down laws in every jurisdiction in the country and fashioned an unlimited right to abortion during the first 3 months of a woman's pregnancy. Whatever the merits of these decisions, they have had profound social, economic, and moral consequences that fully deserve the attention of the Nation's highest legislative body.

Once again, there would be no clear need for a select committee if the Subcommittee on Civil Rights and Constitutional Rights of the House Committee on the Judiciary scheduled public hearings on abortion. But the subcommittee has not taken this course. Indeed, from all indications, the subcommittee's leadership has long since decided that action will not be taken if it can be avoided. All the amendments and bills to modify the Supreme Court's decisions are apparently to be pigeonholed indefinitely.

Mr. Speaker, the issues at stake are too vital to America for us to sit back and permit a few Members to thoroughly frustrate the legislative process. I believe the House wants to act on abortion. House Resolution 585 provides a sound, sensible way to secure action.

I have been deeply gratified by the support I have received for this approach from concerned citizens throughout the country. I earnestly hope that people who support House Resolution 585 will advise the members of the Committee on Rules and their elected Representatives.

Mr. Speaker, I insert at this point an editorial from the November 7 issue of the Michigan Catholic:

Congress Too Busy To Consider Life?

(By Fr. William X. Kienzle)

Bureacracies deal in frustration and committees of bureaucracies deal in absolute frustration. The truth of this axiom was never more evident than in today's Washington merry-go-round. If one wants to get nothing done, Washington's the place to do it.

Republican Representative Harold Froehlich of Wisconsin has been trying his best to get some action from the House Judiciary Committee on proposed legislation and amendments to reverse the Supreme Court's recent ruling on abortion. At best, such legislation faces an uphill climb as legislators wonder whether the folks back home favor such a law.

But, as things stand now, the Judiciary Committee is busy with someother matters. Like: The possible impeachment of the President, the possible appointment of a special prosecutor to replace Archibald Cox and the confirmation of a new Vice-President.

As honest as are these concerns, those among us who are interested in life grow more despairing as abortion begins to replace birth control as a means of family planning. We know the nation is in deep trouble, but so are unborn children who continue to die by the thousands because the law allows them to be destroyed if they are inconvenient.

We in Michigan have ample proof that an informed electorate prefers life to death; it said as much in soundly defeating a liberal abortion proposal last year. But that is no consolation to the unborn who die today because their death is the law of the land.

It is clearly possible for Representatives and Senators to think of more than one item at a time. So it is possible for our legislators to conduct the serious and pressing business of clearing up Watergate and satellite matters while, at the same time, talking action to save the unborn.

Each of us has it in his or her power to inform our legislators that we want action limiting the massacre that abortion has become. After all, they really did not seem to be that interested in impeachment until they heard the ground swell of public opinion.

Perhaps, if they hear it again, they will turn to life, the most precious gift God has to give.

A VERY UNTIMELY RECESS

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. SHRIVER. Mr. Speaker, the leadership has announced its intention to recess the House of Representatives for 10 days surrounding the Thanksgiving Day holiday. In view of the critical problems and issues now facing our Nation, this recess would be extremely untimely and unwise.

More than a month ago, the President sent to Congress his nomination of Gerald R. Ford to be our new Vice President. The Senate has scheduled action on this nomination before Thanksgiving, but the House will be in recess.

To meet an urgent crisis, the President has requested immediate action on energy legislation. But the House will be in recess.

A tenuous cease-fire has been worked out in the Middle East by our own Secretary of State. The President's request for emergency assistance to Israel to maintain the balance of power is pending in Congress. But the House will be in recess.

We are faced with a crisis of confidence in our Government. But the House will be in recess.

I strongly urge the majority party leadership to reconsider this ill-timed recess or, at least, to give the House membership an opportunity to vote it up or down. Our Nation needs and deserves to have Congress in session during these crucial days.

LHA'S AND THE "SHIPYARD OF THE FUTURE"

HON. TRENT LOTT

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. LOTT. Mr. Speaker, when the first of the proposed 30 Spruance class DD-963 destroyers was launched last weekend at Litton's "Shipyard of the Future" in Pascagoula, Miss., many of the shipyard's most severe critics acknowledged that the new yard had, indeed, passed an acid test of its skills. For those who still doubt Litton's ability to build ships, please allow me to direct their attention to the yard's early December launching of the first of the new multi-purpose amphibious assault ships, or LHA's.

Because the LHA's have concerned so many of us here in the Congress, I want to insert in the Record an article featured in the November edition of "Sea Power," the official publication of the Navy League of the United States:

The Navy, the Marines and the Nation Take a Giant Step Toward New Amphibious Capabilities With Launch of First LHA

(By James D. Hessman and Bernadine M. Kopec)

Sometime in early December USS TARAWA, first of the new multi-purpose amphiblious assault ships, or LHAs, will be launched in Pascagoula, Miss., and the science of sudden warfare will be given a dramatic new dimension.

For the Navy the long-awaited day will mean the arrest, temporarily, at least, of the long decline in U.S. amphibious capability, which has seen the on-board inventory shrink from a Vietnam peak of 165 ships to only 65 operational as of October 26, 1973.

For the Marine Corps it will mean the ability, for the first time, to launch a coordinated, concentrated, lethal, and extremely swift air and sea attack all from one ship.

And for the builder, the Ingalls Shipbuilding division of Litton Industries, it will mean at least partial vindication, after understandable start-up problems, of the big corporate gamble taken several years ago to bring aerospace production techniques and technologies to the neglected American art of shipbuilding. The company's west bank yard was useless swamp only five years ago; today it is perhaps the most valuable chunk of real estate in the entire state of Mississippi.

The LHA, or "Landing Helicopter Assault" ship, is usually billed by the Navy as a "combination of several ships," including the amphibious assault ship (LPH), the amphibious transport dock (LPD), the attack cargo ship (AKA), and the dock landing ship (LSD).

That description is a modest one, however. With a full 820-foot flight deck as well as a hangar deck and the ability to carry, maintain, and operate approximately 30 troop helicopters, or a mix of helicopters and V/STOL (vertical/short takeoff and landing) fixed-wing aircraft, USS TARAWA is also part aircraft carrier.

With a mind-boggling array of computers, radars, external and internal communications systems of all types, and numerous other associated supporting systems, equipments, and display consoles, she can also serve as a command, control, and communications ship par excellence.

Finally, USS *Tarawa* and her sisters (*Saipan, Philippine Sea, Leyte Gulf*, and *Khe Sanh*—LHAs 2, 3, 4, and 5, respectively) will be tigers with real teeth, more powerfully armed than many destroyers: three 5-inch

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54-caliber guns, six 20mm machine guns, and two Basic Point Defense Missile System (BPDMS) launchers, as well as the helicopters and/or V/STOLs and a full load of over 1,800 combat-ready Marines.

THE PANAMA CANAL AND CHRISTOPHER COLUMBUS

As might be expected, any ship as powerful, as complex, and as versatile as the LHA is necessarily also going to be a very large ship. *Tarawa* is, in fact, at 39,300 tons (full load), some 6,500 tons bigger and, with a 106-foot beam, three feet wider than the Navy's workhorse ESSEX-class aircraft carriers. She is not as fast as a carrier, but with a maximum speed of 24 knots (as estimated by "Jane's Fighting Ships") she will be the fastest amphibious ship ever built and could, if she wanted to, literally run rings around most of the ponderous World War II types she is destined to replace.

The truly immense size of the ship, in an age of superstatistic saturation, is best illustrated for landlubbers, perhaps, by a couple of homely comparisons taken from Navy/Litton LHA data sheets:

Tarawa's 106-foot beam is, by design, "three feet slimmer than the narrowest part of the Panama Canal."

Her tallest mast, 221 feet above the keel, is too tall to permit the ship to pass under the Brooklyn Bridge. Ship designers solved the problem for Brooklyn fans by equipping *Tarawa* with a tiltable mast which when folded cuts the height of the mast by 23 feet.

Even grade schoolers could understand another far-out comparison: if Christopher Columbus had had a fleet of 27 ships the size of his flagship *Santa Maria*, they could all fit on the flight deck of USS *Tarawa* without touching one another.

USS *Tarawa* will be powered by only two boilers—but they're the largest ever manufactured in the United States, as well as the largest of any in current Navy service. They will generate 400 tons of steam per hour and develop 140,000 horsepower, or the equivalent of about 700 automobiles—if all that energy were converted to electrical power it could supply a city of about 160,000 population.

KEEPING COOL IN COMBAT

Veterans of the World War II island-hopping campaigns of the South and Central Pacific would probably appreciate most one distinctive feature of the LHA: the ship is equipped with 1,200 tons of air-conditioning—enough to cool many of the equipment areas, as well as all crew, troop, and hospital facilities. That means, in other words, air conditioning systems sufficient to environmentally control an office building of 800,000 square feet.

Habitability has not been neglected in other respects, either—a most important factor for the approximately 262 officers and 2,543 enlisted personnel (109 NCOs and CPOs, 762 enlisted crew members, and 1,672 troops) which *Tarawa* is designed to carry. The ship's library, troop and crew recreation rooms, hobby shops, and comfortable modern messing and berthing spaces all represent a quantum advance over the hot, crowded, noisy, and uncomfortable quarters which are the way of life on most amphibs. Even office spaces have been "civilianized" with bulkheads much like conventional office walls, thanks to extensive use of aluminum and vinyl-faced honeycomb bulkheads, the first in the Navy.

Just in case the troops get too comfortable, however, the LHA is also equipped with a speical 5,000-square-foot troop training and acclimatization room where landing forces can be "exercised in a controlled environment simulating that on which they will land."

Of special importance to personnel, as well as to the ship and mission, is the extra dimension of safety provided by the various fire, smoke, and carbon dioxide detection and extinguishing systems and alarms scattered throughout the ship.

Also several giant steps ahead of their predecessors are the ship's interior communications system, closed circuit TV sytsem, and helicopter/landing craft offload facilities.

The Interior Voice Communication System, or IVCS, includes 558 dial phones and 132 net phones tied into two switching centers (equipped with emergency switchover capabilities). To make it even more difficult for anyone to get lost there's also a six-net Man on Move system, or MOM, which interfaces with the IVCS and which, through six "base stations," can keep in touch—via short-range radio sets built into helmets—with as many as 65 individuals or personnel parties on the move throughout the ship.

The closed circuit TV system, or CCTV, is used for: (1) surveillance of sensitive spaces (nine cameras, eight monitors, two video recorders); (2 briefings (five cameras, 14 monitors, 14 audio stations); and (3) entertainment and training purposes—for which there are 48 receivers, 120 outlets, and a complete TV studio with 16mm film, slide display, and video recorder equipment.

The helicopter/landing craft offload system is designed to get a "balanced assault payload" ashore in the fastest possible time, and features a complex but well designed cargo and personnel movement plan, with a flow scheme similar to that of a multi-level parking garage, which permits simultaneous lift and offland of troops, trucks, armored vehicles, and other equipment by the 30 helicopters and four LCU-1610 type landing craft carried.

A specially designed "bowthruster" permits the ship to hold its position in the water and/or move laterally at low speeds when the main propulsion equipment is idled to permit offloading of landing craft from the well deck aft. Another key feature of the offland plan is the ship's deliberately redundant elevator system: five freight and cargo elevators, two vertical conveyors, two aircraft elevators, and two personnel and medical elevators.

Other special and innovative features worthy of individual mention are a ballast system big enough to hold 12,000 tons of sea water, a fuel transfer system capable of transferring 360,000 gallons of oil per hour, a virtually 100 per cent do-it-yourself industrial repair capability (among the ship's 1,400 compartments are 50 mechanical and electrical shops), and a pollution prevention/abatement system which includes three sewage treatment plants (capable of supporting 900 people) and sewage waste tanks numerous enough and big enough to hold 1,400 tons of sewage and human waste.

NIXON DOCTRINE REDUCTIONS

The LHAs do not come cheap. At an estimated (by "Jane's") $210 million per copy, in fact, they will be the highest priced amphibious ships ever built. But quality never comes cheap, and costs are relative. On a per-ton basis the LHA will be only half as expensive as CVN 70, the Navy's long-pending fourth nuclear attack aircraft carrier, and only about one-twentieth as expensive as the new Trident ballistic missile submarine.

More important than absolute dollar costs, of course, is value received. And, just as CVN 70 and Trident might someday well mean for the United States the thin margin of superiority in any major confrontation with the Soviet Union (or other future superpowers), the LHA—with its unique combination of the best capabilities of several different types of ships which undoubtedly would collectively cost more than the LHA if built separately—could mean, in less traumatic battle scenarios, the difference between protracted conflict and an early end to the fighting, the difference, for beleaguered U.S. allies, between their rapid reinforcement and their equally rapid capitulation, perhaps even the difference, merely because of its muscular presence, between war and peace.

One factor which undoubtedly contributed to the overall cost of the LHA program was an Administration decision on January 20, 1971, to cut the planned buy from nine to five ships. The cutback, which caused considerable disquietude at Marine Corps Headquarters, was described as being consistent with the then-new Nixon Doctrine (which requires more use of indigenous troops, less reliance on U.S. manpower), but it is suspected the immediate dollar savings achievable were an important factor in the decision.

At any rate, the cutback meant payment by the government to Litton of a $109.7 million "cancellation fee"—as prescribed in the original contract. The Navy and Litton both took an unfair rap for many months thereafter for having to spend so much money "on ships that will never be built."

At least partially offsetting the cost of the cancellation fee are savings realized through multi-ship production of the entire LHA line at Litton's assembly-line Pascagoula yard, sometimes referred to as the "shipyard of the future." Because of its modular production system the yard is able to work on several ships in a series simultaneouly, using an intricate track system to move increasingly larger components and subcomponents of a ship forward in easy stages to waterside, where, in the case of the LHAs, the three major sections—bow, stern, and midships—are finally married together prior to launching. Well publicized initial delays in gearing up for the first LHA caused early slippage in the program, but the soundness of the system is indicated by a schedule which now programs all five LHAs for commissioning within the short space of the two-year 1975-76 period.

One final cost factor is worth noting: using a "lifetime cost" approach, Navy and Defense Department decisionmakers consciously opted wherever possible in favor of automated equipment (reducing long-term manpower costs), improved and advanced—and, therefore, in most cases, costlier—paints, pipings, and special metals (reducing short- and long-term maintenance costs), and other state-of-the-art innovations such as special tie-down features for vehicles (reducing repair costs). The end result is higher initial costs for the taxpayer, but lower costs overall.

TWO HERE, TWO THERE, ONE IDLE

LHA deployment plans haven't been announced, but it is logical to speculate that at any one time two will be overseas—one in the western Pacific and one in the Mediterranean—in a full state of readiness, two will be stateside (one on each coast) with all vehicles and equipment abroad, but troops ashore, and one will be either in the yard for periodic maintenance and overhaul, or available as a swing ship to reinforce either coast.

Given such deployment, the potential value of the LHAs to future U.S. military decisionmakers is incalculable. Thanks to their speed, unprecedented for the amphib Navy, the LHAs could be as much as 300 miles away from a trouble area at dusk, steam at maximum speed through the night, and be on the scene of battle in time to make a dawn landing. The hope is, of course, that with the LHA and other American ships in the area potentail trouble spots will cool down before hostilities start—it would only take one such war that never happens to justify the cost of the entire LHA program, perhaps of the entire U.S. Navy.

Another possible use for the LHA which even the most dovish of Congressmen would approve: as an emergency assistance ship for use in major disasters such as earthquakes in Nicaragua, floods in Pakistan, famine in Biafra. In the "generation of peace" forecast by President Nixon, that truly would be a

new and most benevolent projection of American sea power for the good of all mankind.

SEA POWER: THE ANCHOR OF FREEDOM

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. BOB WILSON. Mr. Speaker, at nc time in world history has there been peace without strength on the part of those preserving peace. This has been an iron rule of history and yet we continue to see a decline in the strength of U.S. naval forces while the Soviet Union continues to build up its fleet as a faster pace than ever. We owe it to future generations of Americans not to allow this grim situation to continue.

This is pointed out so clearly in an article by Rear Adm. Ernest M. Eller, who recently retired as Director of Naval History and is author of the book "The Soviet Sea Challenge."

I insert Admiral Eller's article, which appeared in the November issue of Sea Power magazine to be printed in the RECORD for the benefit of our colleagues at this point:

SEA POWER: THE ANCHOR OF FREEDOM—THREATENED BY SOVIET DRIVE FOR OCEANIC SUPREMACY

(By Ernest M. Eller)

(NOTE.—Rear Admiral Ernest McNeill Eller, former Director of the Naval History Division, retired from the Navy in 1970, ending a distinguished 48-year career. Currently, he is serving his second year as National Historian of the Navy League. Author of the book "The Soviet Sea Challenge," Admiral Eller has been an anxious observer of the Soviet Union's expanding military might, especially on the oceans of the world. These are his views.)

Some three years ago, shortly before his death, Mendel Rivers gravely warned Congress: "All Americans have been given the blessed and priceless heritage of freedom—a freedom which . . . is in terrible jeopardy. The Soviet Union is now one of the world's two leading sea powers . . . possibly the leading power . . . I can only warn the members of this House that we are on the brink of disaster and I have never before been as concerned in all the years I have served in the Congress."

Conditions have worsened dreadfully since then. In the face of phenomenal Soviet gains at sea that some observers, such as Captain John Moore, editor of "Jane's Fighting Ships," believe make the USSR the number one sea power in the world, and despite the fact the gap between Soviet and U.S. strength widens daily, the United States continues to cut back its defense spending. In late August the Navy Department announced it would slash deep into muscle once again, dropping the fleet to 518 active ships by the end of the fiscal year.

The United States is already weaker, in a relative sense, than in 1939 when unpreparedness in the West helped bring on the catastrophe of World War II. Friend and foe recognize this. Consequently, the latest shift of the balance of power at sea to the USSR has already brought her far-reaching political gains which highlight with frightening import the deterioration of U.S. influence abroad following her decline afloat.

Today the shadow of the Bear looms over even the Caribbean, no longer a safe sea frontier. Cuba, long considered critical to U.S. security, becomes, despite occasional signs of independence, more and more a Soviet political and military outpost. According to underground reports Cienfuegos is not the only Cuban port under development as a potential Soviet naval base, and the Kremlin continues to add guided missile vessels to the Cuban fleet.

Communist agents fan out from Cuba throughout Latin America, where in recent years leftist parties have increased in numbers and aggressiveness. When they gain power—as they had in Chile (once, like Cuba, a close friend of the United States)—they scream "Yankee go home," confiscate American property, and embrace the Soviets.

FROM ICELAND TO EGYPT

Iceland, a keystone of North Atlantic defense, tells a similar sad story. Her present government is seeking withdrawal of American forces—primarily U.S. Navy aviation units conducting surveillance flights over the adjacent waters through which the Soviets submarine fleet debouches into the Atlantic. Nor are her relations with her NATO neighbor to the south more harmonious. For several months Iceland and Britain have been engaged in a "Cold War" over fishing rights. If the dispute is not resolved to Iceland's liking, it will not be surprising if she moves further from the Western alliance.

The Sixth Fleet once defended freedom uncontested in the Mediterranean. Now the Soviet "Sixth Fleet" often outnumbers it. Most of North Africa leans toward Muscovy and is closed to visiting American warships. Where once the Stars and Stripes waved, the hammer and sickle dominates. As one example of what this change means, Libya last summer expropriated all foreign oil corporations, taking majority ownership. Most of the oil and natural gas for an energy-hungry world that would flounder without it lies in Muslim North Africa and the Middle East. The leaders there well know this, as does the USSR, now the leading "outside" power in that part of the world.

The eastern Mediterranean south of Turkey is almost a Soviet lake. Seeing which way the wind blows, Turkey also has made accommodations with Moscow. Long under British protection, Egypt now welcomes Soviet assistance. Because of internal intrigue, President Sadat in July 1972 ordered Soviet "advisers" and troops to leave the country. But this was only a temporary squall, no doubt in part for political effect. Egypt is still in the Bear's claws, as October's events made clear, and depends on the USSR for arms, economic strength, and her own military viability. The Kremlin has gained what Peter the Great vigorously sought long ago, a foothold in the Middle East.

Just as the Russian Bear has the Suez Canal within reach, so does he grasp for control of the southern approaches to the Red Sea. Britain's departure from Aden left a vacuum the Soviets eagerly filled. Through military and economic aid they have gained predominance in countries on both flanks of the Gulf of Aden. They seek the same influence in the Persian Gulf area, from which an ever-increasing stream of tankers flows to feed the insatiable economies of the West and Japan. For centuries the tsars sought control of the Middle East. Now, almost overnight, it seems, Soviet influence flows by air and sea through this area of overwhelming economic and strategic value.

THE LOST VACUUM

Perceptive men long ago urged the United States to increase her own small Middle East Force to fill the Indian Ocean vacuum—a vacuum which, of course, no longer exists. When England began to withdraw her forces from east of Suez, the United States dallied, and Soviet warships sailed in. Besides their own Indian Ocean fleet, USSR combatants serve in India's Navy, and the Kremlin has helped "neutral" India build a submarine base. In summer 1971 Moscow and Delhi signed a mutual assistance security pact. It seems to some observers no coincidence that not long afterwards Indian troops invaded East Pakistan to "liberate" the natives. Russian backing of the venture may well have prompted India's attack; gifts of Russian arms undoubtedly insured its success. With fleets in the Mediterrean and Indian Ocean, and with the mounting dependence of many nations upon Iron Curtain aid, the USSR has become the leading force in the whole seething area.

Admiral Sergei Gorshkov, Commander-in-Chief of the Soviet Navy, and members of the Politiburo have heeded facts that America has ignored. Perceiving the immense gains resulting from deployment of their fleets around the world, Soviet leaders continue to expand their worldwide capabilities. The recent addition of aircraft carriers to the Soviet fleet is only a small part of the buildup, but indicates how the Soviets have learned their lessons.

Yet, even as the USSR builds carriers in her furious expansion of sea power, the U.S. fleet dwindles. In fiscal year 1974 scheduled slashes will drop the U.S. Navy to 518 ships, some 45 per cent less than in January 1969. Even the infamous attack on Pearl Harbor did not reduce the U.S. fleet to the low levels now projected.

Had a powerful foe decimated America's naval strength in battle, the nation would have risen in a frenzy of anger and fear. Instead, Americans, heedless that national survival is at stake, complacently accept their Navy's new status as number two sea power. There are those who rationalize, saying the addition of new ships gives the smaller fleet a lower average age with more modern equipment. This is true. The fleet will be younger—but still much older than the Soviet fleet.

But these sophists are playing ostrich. The Navy was stretched to the elastic limit in 1968 trying to carry out her world duties. Except for the Vietnam war (in which many smaller vessels were deployed), obligations have not lessened. Furthermore, if, as has actually happened, an opponent openly bent on outdistancing the United States adds two or three new ships for every new ship built for the dwindling U.S. Navy, whose annual losses (through retirement of older ships) have consistently outnumbered gains in recent years, there is no way the U.S. fleet could be growing stronger in comparison with the Soviet Navy.

Nearly two years ago, Admiral Elmo R. Zumwalt, Jr., Chief of Naval Operations, responding to a question from Congress, spelled it out quite clearly: "The U.S. Navy has lost strength in the last year both absolutely and relatively to the Soviet Union." His warning was unheeded. At the close of 1973, Admiral Zumwalt's assessment of the military situation would have to be: "We have disastrously lost more ground at a faster pace. The Soviets have passed the U.S. Navy in strength—and continue to build furiously to widen the lead."

THE LIFE PRESERVER

U.S. naval strength has declined, moreover, despite constant proof that maritime strategy is a sure preserver of democracy. America grew to greatness under the umbrella of *Pax Britannica*, which allowed other nations to prosper under the various forms of government they preferred. Then, with uncontested superiority afloat after VJ Day, the United States carried on this live-and-let-live policy, helping less fortunate peoples to resist aggression in Korea, in Vietnam, and in the Middle East. Today, in 1973, however, the short-lived *Pax Americana* swifty wanes, and is being succeeded by the graveyard peace of *Pax Sovietica*.

There never, at any time in world history, has been peace without strength. Nor is there any reason to believe the present generation can reverse this iron rule of history. Amer-

XUM

ica's present relative weakness at sea may very well encourage the Soviets to act more boldly. It certainly weakens the resolution of America's friends and, if unchecked, will inevitably undermine U.S. will and wisdom in foreign policy decisions—if it has not done so already. It could, in short, lead to another Munich with loud proclamations of "Peace in our time."

U.S. weakness at sea also could lead to another Korea, because lack of power might once again result in America's drawing a perimeter of defense, as in 1950, that clearly left defenseless a people threatened by communist aggression. The United States still, of course, has a vast reservoir of goodwill in South Korea, whose people understand the sacrifices this country made in order that they might have control of their own destiny and attain the peace denied for generations by aggressive neighbors. On that belaguered Asian peninsula, as elsewhere, the United States alone of the great powers has given much of herself and asked for nothing in return.

GENERATION GAP

But the record of the past generation notwithstanding, there are today some Korean leaders in the South who fear the United States will not, for lack of capability if not for lack of will, be as strong an ally in the future, and for this reason have reluctantly assented to the recent unification talks with North Korea. Their fears may be well-founded. For the next confrontation between East and West could very well be set in a climate of nuclear blackmail, making it impossible for America's inferior naval strength to be streached to a foreign shore.

History's bitter lesson, repeated time after time throughout the ages, is that it costs far less to prevent war by keeping strong than to fight it. And the reason the lesson is so often repeated is that it is apparently a most difficult lesson for good men to learn—they either never learn it at all, or they quickly forget it.

Tens of thousands of American servicemen gave their lives in the grim hills of Korea. The money "saved" by the budget cuts of the late 1940s was exacted a thousandfold. The United States managed to ultimately save South Korea but only because no Russian navy of consequence then existed. Would the outcome be the same today? Could the other dozens of brilliant U.S. peacekeeping operations—Lebanon and the Cuban missile crisis, to cite two examples—be repeated in the 1970s?

Future generations will wonder how the American public could shut its eyes to history's warnings on unilateral disarmament. No weapons race in itself causes war; a one-country "race" by an aggressor, with the peaceseeker idly watching, does. Such a race is taking place today, and the consequences are frightening to contemplate. The fearful shift in relative maritime strength to the Soviet Union, if unchecked, could mean an early eclipse of the United States as world leader

The richest nation, the most generous, idealistic, and philanthropic, the leader of freedom—but a freedom which depends irrevocably upon superior sea power—seems prepared, in short, to abandon her leadership. America's friends throughout the world, and they are still quite numerous, are puzzled. They ask if a nation much less capable than the United States, under tyranny and with half the U.S. economic capability, can make such great gains, what is wrong with the American system? Why cannot Americans understand that when an expanding empire gains control of the oceans it also gains control of nations which border those oceans? Surely, it would seem, if a weaker government can concentrate resources to dominate the great waters that join all shores, the United States should be able to mount wisdom and resolution enough to match the effort. And surely some luxuries and domestic social experiments, however desirable in themselves, could be postponed for essentials to save the future.

Every American may well heed the words of former Representative Durward Hall of the House Armed Services Committee: "I'm scared to death. . . . The Soviets will have a military force, and particularly strategic forces, strong enough . . . to checkmate the United States. . . . The crucial question is what the American people will do when the communists says: 'We've got you checkmated. Now dance to our tune.' "

There may still be time for the United States to reverse the downward trend, but the opportunity is fading more swiftly than the setting sun. In the English-French wars of the 18th century the sea-girt isles did reverse their decline in naval strength in time to meet Napoleon's threat. Thus, possibly, history might be saying, the United States has a chance. Even the term "possibly" may be too hopeful, however, because the point of no return may already have passed. Today's margin for action, and for error, is but a slim fraction of what it was two centuries ago when men did not have to deal with aircraft, ICBMs, and submarine missiles streaking over the horizon bearing nuclear warheads. There will be no time this time to rebuild neglected strength. Today's warships take years to construct, but only minutes to destroy—by enemy action or, more often, by legislative fiat.

LATE MEANS NEVER

If the United States is not ready at sea when the crisis comes, there will not be time to get ready. U.S. military forces are far weaker, compared to the forces of the Soviet Union, than at any time since the Bolsheviks came to power. Already the U.S. Navy faces an almost impossible job of coping with the huge Russian submarine force. As the Soviets achieve superiority in the number of nuclear ballistic missiles deployed in submarines (and that superiority is inevitable, given the present shipbuilding programs of the two countries) nuclear blackmail of the most vicious type would be easy to contemplate.

To illustrate: in one not altogether fanciful scenario suggested by think-tank strategists, whose job it is to think the unthinkable, Moscow would once again—as she apparently started to do in late October—dispatch air, ground, and naval forces to intervene in the Middle East. Simultaneously, a "hands off" ultimatum would flash from the Kremlin. With it would come notice that Soviet submarine missiles and ICBMs were zoned in on U.S. cities, and any move to intervene would trigger them. The United States would not, it is generally believed, initiate a nuclear exchange. Indeed the real question is whether she would even risk the possibility of such an exchange, even though much of the future of the Free World depends upon the Middle East.

American idealists, and there are many of them, scoff at such a possibility. Their reasoning seems to be that, because the United States would not resort to such blackmail, neither would the enemies of the United States. This is much like saying that because good citizens would not break the law, neither would criminals. It is extremely important to recognize the fallacy of such idealistic and well intentioned theories. Because, unless the United States acts promptly and with vigor to reverse course, the possibility for such blackmail, which already exists, will become almost irresistible.

The Soviets drive with unmistakable purpose to achieve ascendancy at sea; peaceful reversal will require "blood, sweat, and tears" from the American people, and a high order of leadership on the part of the President as well as Congress. Each day a solution to the problem becomes more difficult. Unless the United States quickly goes beyond the steps now underway—which are in the right direction, but halting and slow—she soon will have passed the last turning point.

Survival of the American way of life depends upon the will of the American people to preserve it. It depends upon the wisdom and integrity of national political leaders. Preservation demands superior strength, especially at sea. There is no alternative, and "detente" is no substitute.

Man has moved far since few were masters and most were slaves. He has farther yet to go if the United States and allies have but the sagacity to choose the right course and the fortitude to steer it. Charts marking the course clearly read: "Be strong at sea or die."

BLACKS SPEAK OUT IN SUPPORT OF ISRAEL

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. RANGEL. Mr. Speaker, during the past few weeks, when the very survival of the little State of Israel was threatened, Americans from all walks of life from the Congress to the grass roots of our communities, rallied to urge our Government to provide Israel with the military assistance needed to repel its attackers and maintain its right to exist.

Black Americans like other Americans, recognize the moral responsibility, indeed obligation, of the United States to preserve the State of Israel and the freedom of the Israeli people. Two examples of the support among black Americans for the Israeli cause are the editorial which appeared in the Oklahoma Eagle, a leading black newspaper published in Tulsa, Okla., on November 1, 1973, and the statement issued by 74 prominent black unionists in mid-October that was placed in the New York Times by the A. Philip Randolph Institute of New York City.

I place the editorial and a news story describing the statement by the black unionists from the New York Voice of November 9, 1973, in the RECORD at this point for the information of my colleagues:

ISRAEL NEEDS SUPPORT

Some of these days we will have peace in the Middle East. But that will only come when it becomes apparent that the Jews are there to stay and when the oil companies on the one hand and the Russians on the other, either by innuendo or implied consent or by outright advocacy, quit encouraging the Arabs to promiscuous adventures and really work for detente between the Jews and the Arabs.

There has been enough tragedy there to fill a life time and enough blood spilled to assure Israel's right to existence and the need of the Arabs to recognize the reality of that existence.

Whatever motivated the western powers to grant Israel a homeland in 1948, the fact is, that now they have more than paid for the right to the land by the age long rules of international law which even the Arabs subscribe to—right of possession by conquest. That's how the Arabs got Palestine in the first place. They are certainly not historically indigenous to the area and therefore have no more "right" to it than the Jews whose ancient possession of the area is a matter of historical record.

Therefore, the president acted wisely in sending aid to Israel to help her maintain

her national integrity in the face of continued relentless pressures from the Arabs and others who seek only to profit from the oil and other resources in the area.

It is to be hoped that the greed, hatred and culpability which brought on the present crisis will be overcome by fairness and firmness.

It is also to be hoped that the boundaries eventually agreed upon will be those which will not permit Israel to be exposed to the adventurous whims of her neighbors. Only the U.S. is likely to assume the burden of this responsibility and we not only should—we must.

BLACK UNIONISTS URGE SUPPORT FOR ISRAEL

Leading Black trade unionists from across the country have issued an appeal for the support of Israel.

"We appeal to our government to provide Israel with whatever support it requires to defend itself in this hour of need," declared a statement published in The New York Times.

The statement, which was signed by 74 prominent Black unionists, was sponsored by the A. Philip Randolph Institute. Among those signing the statement were A. Philip Randolph, the pioneer Black trade union leader, and Frederick O'Neal, president of the Associated Actors and Artists, both of whom serve as vice presidents of the AFL-CIO.

"We have no doubt whatsoever that the defeat of Israel in battle would mean the destruction of Israel as a state and the annihilation of its population. This must not happen," said the statement.

In asking the Arab states to end their hostilities, the Black unionists declared: "The Arab people will gain nothing from the continuation of this conflict but more death, suffering and deprivation. This tragedy will only end when the Arab states agree to sit down with Israel and negotiate a peace. When this happens, it will be a joyous day, not only for Jew and Arab, but for all mankind. It will also be a joyous day for Blacks, whose fate is inseparably linked with the fate of Jews, as it is with the fate of all oppressed minorities."

Now that a cease-fire has been achieved and the elements of a peace agreement between Egypt and Israel appear to be emerging, we see greater prospects for real peace in the Middle East than at any time since the 1967 war. This peace, however, if it is to be viable, must be based on a mutual respect for the rights of all the parties to exist. We hope that the peace agreement now being negotiated will remove the need for Israel to ever again fight for her life.

ABSENT FROM QUORUM CALLS

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. LEHMAN. Mr. Speaker, yesterday I was absent for quorum call No. 573, and for rollcalls Nos. 574 and 575 due to commitments I had in my district.

Had I been present and voting, I would have voted "nay" on rollcall No. 574 and "yea" on rollcall No. 575.

HOUSE OF REPRESENTATIVES—*Wednesday, November 14, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Who shall ascend into the hill of the Lord? Who shall stand in His holy place? He that hath clean hands and a pure heart; who hath not lifted up his soul unto vanity nor sworn deceitfully.—Psalms 24: 3, 4.

Draw near to us, our Father, as we stand in this circle of prayer. Cleanse our minds from fear, our hearts from malice, and our spirits from all desires unworthy of our best selves. As we pray do Thou take our lives and lift them to loftier levels of living, permeate them with higher hopes, make them throb with nobler impulses, and lead them to greater moral goals.

Let Thy kingdom come in our land and in all lands. Make the power of men to reside in goodness of heart, in the attitude of good will, in the spirit of justice and in the understanding of intelligent minds.

Bless Thou our President, our Speaker, and Members of Congress. With strong hearts, free hands and open minds lead them onward in the path of duty as they keep their faith in Thee, in our fellow men and in the ultimate triumph of all that is right. To the glory of Thy holy name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 3801. An act to extend civil service Federal employees group life insurance and Federal employees health benefits coverage to U.S. nationals employed by the Federal Government;

H.R. 5692. An act to amend title 5, United States Code, to revise the reporting requirement contained in subsection (b) of section 1308;

H.R. 8219. An act to amend the International Organizations Immunities Act to authorize the President to extend certain privileges and immunities to the Organization of African Unity; and

H.R. 9295. An act to provide for the conveyance of certain lands of the United States to the State of Louisiana for the use of Louisiana State University.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 2315. An act relating to the compensation of employees of Senate committees; and

S. 2681. An act to authorize appropriations for the U.S. Information Agency.

PROPOSED SOCIAL SECURITY INCREASE

(Mr. MAHON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAHON. Mr. Speaker, we have concentrated this year in trying to look at the budget in the context of overall spending to a greater extent than heretofore.

I am not speaking in opposition to the proposed social security increase which the House will consider today. In fact, I expect to vote for it. I seek to put the increase in perspective as it relates to overall Government spending.

According to the discussion in the House on yesterday, the proposed social security increase will increase spending and the totality of the Federal debt this year by $1.1 billion. This will become a part of the $5 billion in congressional add-ons this year to the Presidential January spending budget.

I will discuss the fiscal situation in greater detail at another point in today's RECORD.

ENERGY CRISIS—ECONOMIC CRISIS

(Mr. HANNA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANNA. Mr. Speaker, with all of the discussions about the energy crisis we had better realize that it has a partner called the economic crisis. In the changes that this situation will inevitably bring about there will be many losers and a few great gainers.

It has been the tradition of democracy that we try to bring equity and that we try to spread our largess as well as we can but also spread the suffering wherever we can. I think this puts a great burden on us in the House to look at programs that will meet the economic crisis, because life in America 5 years from today will be an entirely different life. In that situation there will be great travail, and we in the Congress must be ready for it. Next year, if we have not shown the American people a better program than we have up to now, there will not only be a cry of impeach the President but a cry of sack the Congress.

BIPARTISAN EFFORT CALLED FOR

(Mr. RONCALIO of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RONCALIO of Wyoming. Mr. Speaker, we have heard much from our people about getting on with the Nation's business at this time and forget Watergate. I would like to note for the benefit of the Members that I understand this morning there was another

Republican conference with the President and Members of Congress, with the result that one Member who came back to the Committee on Interior and Insular Affairs an hour late, had certain amendments requiring unanimous consent, and then, in a pique, called for a quorum, which is, of course, his legal right, but he thereby disrupted the committee and set us back on our work schedule.

I hope those of us on the majority side will have the patience, and understanding required in this time of stress, but I also hope that the minority will not abuse their rights in the use of legal processes as I saw them abused in the Interior Committee this morning.

DISABILITY COMPENSATION FOR VETERANS

(Mr. DORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORN. Mr. Speaker, today I have introduced a bill which would provide for approximately a 15 percent increase in rates of disability compensation for disabled veterans. Service-connected disabled veterans received their last increase in compensation on August 1, 1972.

Unfortunately, inflation has had a serious impact on the adequacy of this program, and it will be necessary that the Congress consider proposed increases in service-connected compensation needed to stay abreast of the changes in the cost-of-living index. We are receiving many inquiries from the disabled veterans regarding the subject and I thought it would be useful to Members to know that it is the plan of the Committee on Veterans' Affairs to take up this legislation early next session.

The program of compensation for disabled veterans is a large and important program. There are presently 2,205,809 disabled veterans from the Nation's various wars receiving disability compensation. The annual outlay in the Veterans' Administration budget for this purpose is approximately $2.2 billion.

DEVELOPMENT OF OIL SHALE

(Mr. CARTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARTER. Mr. Speaker, today I am introducing legislation to provide for a Manhattan-type project for a program for the development of gasification of coal and for extraction of oil from the billions of tons of oil shale we have in this country. I submit that such a program should be launched immediately with determination, dedication, and sufficient funding so that we can depend upon ourselves for our energy supplies and keep internally and eternally strong.

My colleague and good friend, Frank Albert Stubblefield, of the First District of Kentucky, joins me in cosponsoring this legislation. There are vast coal deposits in Montana; but there is one drawback, a shortage of water. There are also large coal deposits in Kentucky; fortunately, Kentucky has surplus water which can be used in coal gasification.

I would hope, Mr. Speaker, that this would be helpful to our own State of Kentucky and to the Nation.

AUTHORIZING APPROPRIATIONS FOR U.S. INFORMATION AGENCY

Mr. HAYS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 11424) authorizing appropriations for the U.S. Information Agency.

The clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the bill as follows:

H.R. 11424

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "United States Information Agency Appropriations Authorization Act of 1973".

Sec. 2. (a) There are authorized to be appropriated for the United States Information Agency for fiscal year 1974, to carry out international informational activities and programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, and Reorganization Plan Numbered 8 of 1953, and other purposes authorized by law, the following amounts:

(1) $194,839,000 for "Salaries and expenses" and "Salaries and expenses (special foreign currency program)", except that so much of such amount as may be appropriated for "Salaries and expenses (special foreign currency program)" may be appropriated without fiscal year limitation;

(2) $5,125,000 for "Special international exhibitions" and "Special international exhibitions (special foreign currency program)", of which not to exceed $1,000,000 shall be available solely for the Eight Series of Traveling Exhibitions in the Union of Soviet Socialist Republics; and

(3) $1,000,000 for "Acquisition and construction of radio facilities".

Amounts appropriated under paragraphs (2) and (3) of this subsection are authorized to remain available until expended.

(b) In addition to amounts authorized by subsection (a) of this section, there are authorized to be appropriated without fiscal year limitation for the United States Information Agency for the fiscal year 1974 the following additional or supplemental amounts:

(1) not to exceed $7,200,000 for increases in salary, pay, retirement, or other employee benefits authorized by law; and

(2) not exceed $7,450,000 for additional overseas costs resulting from the devaluation of the dollar.

Sec. 3. Section 701 of the United States Information and Educational Exchange Act of 1948 is amended to read as follows:

"PRIOR AUTHORIZATION BY CONGRESS

"Sec. 701. (a) Notwithstanding any provision of law enacted before the date of enactment of the United States Information Agency Appropriation Authorization Act of 1973, no money appropriated to carry out this Act shall be available for obligation or expenditure—

"(1) unless the appropriation thereof has been previously authorized by law; or

"(2) in excess of an amount previously prescribed by law.

"(b) To the extent that legislation enacted after the making of an appropriation to carry out this Act authorizes the obligation or expenditure thereof, the limitation contained in subsection (a) shall have no effect.

"(c) The provisions of this section shall not be superseded except by a provision of law enacted after the date of enactment of the United States Information Agency Appropriation Authorization Act of 1973, which specifically repeals, modifies, or supersedes the provisions of this section.

"(d) The provisions of this section shall not apply with respect to appropriations made available under the joint resolution entitled "Joint resolution making continuing appropriations for the fiscal year 1974, and for other purposes", approved July 1, 1973, and any provision of law specifically amending such joint resolution enacted through October 16, 1973.".

Sec. 4. The United States Information Agency shall, upon request by Little League Baseball, Incorporated, authorize the purchase by such corporation of copies of the film "Summer Fever", produced by such agency in 1972 depicting events in Little League Baseball in the United States. Except as otherwise provided by section 501 of the United States Information and Educational Exchange Act of 1948, Little League Baseball, Incorporated, shall have exclusive rights to distribute such film for viewing within the United States in furtherance of the object and purposes of such corporation as set forth in section 3 of the Act entitled "An Act to incorporate the Little League Baseball, Incorporated", approved July 16, 1964 (78 Stat. 325).

Mr. HAYS. Mr. Speaker, several weeks ago the President vetoed the authorization bill for the U.S. Information Agency. He objected to the inclusion of a provision that I had introduced on the floor dealing with access to information in the possession of the Agency.

The effect of the President's action was to kill the USIA authorization measure. I am not going to argue the constitutional principle involved. Let me say at the outset that that provision does not appear in this bill.

In the interval since the President's veto several things have happened. The Senate committee has introduced and the Senate has passed a bill that picks up many of the provisions that appeared in the original bill and has also reduced the authorizations. The conference agreement of the House and Senate on the appropriations bill for USIA has been passed. And the Agency has been bugging me to get out a bill.

Yesterday I introduced H.R. 11424, the bill now before the House. Briefly it retains some of the authorized amounts in the original bill for radio facilities, for employee benefits, and for devaluation.

The most important change is in the item for "Salaries and expenses." The conferees had agreed on a figure of $196 million to which would be added $7,161,000 from the devaluation item, resulting in an authorization for this purpose of $203,161,000. Since there was no authorization in law to add $1 million to the item on "International exhibits" for the purpose of funding the special exhibit in the Soviet Union to which the President and Mr. Brezhnev agreed last June, the appropriation bill omitted that.

The Senate bill reverted to their much lower authorization for "Salaries and expenses" and omitted the authorization for the special exhibition in the Soviet Union.

What I have done in my bill is to recommend an authorization of $194,839,000 for "Salaries and expenses." When $7,161,000 from the devaluation item is added to that the total is $202 million—exactly the amount appropriated. I see no reason to go over the appropriation figure. I think the Senate conferees will agree to that.

Section 3 is intended to assure that in the future the Agency will not be able to obligate or expend money unless it has been previously authorized in law.

Finally, the conferees had agreed in the original bill to the inclusion of a provision permitting Little League Baseball, Inc., to purchase copies of USIA's film "Summer Fever" for nonprofit showing in connection with Little League baseball. I have retained this provision in the bill now before the House.

Mr. Speaker, this is simply a retread bill that the House and the Senate had acted upon earlier. It omits, as I said, the provision to which the President objected. It brings the authorization figures into line with the appropriation bill for USIA.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. HAYS. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 2681) to authorize appropriations for the U.S. Information Agency.

The Clerk read the title of the Senate bill.

The Clerk read the Senate bill, as follows:

S. 2681

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "United States Information Agency Appropriations Authorization Act of 1973".

Sec. 2. (a) There are authorized to be appropriated for the United States Information Agency for fiscal year 1974, to carry out international informational activities and programs under the United States Information and Educational Exchange Act of 1948, the Mutual Education and Cultural Exchange Act of 1981, and Reorganization Plan Numbered 8 of 1953, and other purposes authorized by law, the following amounts:

(1) $188,124,500 for "Salaries and expenses" and "Salaries and expenses (special foreign currency program)", except that so much of such amount as may be appropriated for "Salaries and expenses (special foreign currency program)" may be appropriated without fiscal year limitation;

(2) $4,125,000 for "Special international exhibitions" and "Special international exhibitions (special foreign currency program)", of which not to exceed $1,000,000 shall be available solely for the Eighth Series of Traveling Exhibitions in the Union of Soviet Socialist Republics; and

(3) $1,000,000 for "Acquisition and construction of radio facilities".

Amounts appropriated under paragraphs (2) and (3) of this subsection are authorized to remain available until expended.

(b) In addition to amounts authorized by subsection (a) of this section, there are authorized to be appropriated without fiscal year limitation for the United States Information Agency for the fiscal year 1974 the following additional or supplemental amounts:

(1) not to exceed $7,200,000 for increases in salary, pay, retirement, or other employee benefits authorized by law; and

(2) not exceed $7,450,000 for additional overseas costs resulting from the devaluation of the dollar.

Sec. 3. Section 701 of the United States Information and Educational Exchange Act of 1948 is amended to read as follows:

"PRIOR AUTHORIZATION BY CONGRESS

"Sec. 701. (a) Notwithstanding any provision of law enacted before the date of enactment of the United States Information Agency Appropriation Authorization Act of 1973, no money appropriated to carry out this Act shall be available for obligation or expenditure—

"(1) unless the appropriation thereof has been previously authorized by law; or

"(2) in excess of an amount previously prescribed by law.

"(b) To the extent that legislation enacted after the making of an appropriation to carry out this Act authorizes the obligation or expenditure thereof, the limitation contained in subsection (a) shall have no effect.

"(c) The provisions of this section shall not be superseded except by a provision of law enacted after the date of enactment of the United States Information Agency Appropriation Authorization Act of 1973, which specifically repeals, modifies, or supersedes the provisions of this section.

"(d) The provisions of this section shall not apply with respect to appropriations made available under the joint resolution entitled "Joint resolution making continuing appropriations for the fiscal year 1974, and for other purposes", approved July 1, 1973, and any provision of law specifically amending such joint resolution enacted through October 16, 1973.".

AMENDMENT OFFERED BY MR. HAYS

Mr. HAYS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Hays: Strike out all after the enacting clause of the Senate bill S. 2681 and insert in lieu thereof the provisions of H.R. 11424, as passed by the House.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

A similar House bill, H.R. 11424, was laid on the table.

APPOINTMENT OF CONFEREES ON S. 2681, AUTHORIZING APPROPRIATIONS FOR THE U.S. INFORMATION AGENCY

Mr. HAYS. Mr. Speaker, I ask unanimous consent that the House insist on its amendment to the Senate bill, S. 2681, and request a conference with the Senate on the disagreeing votes of the two Houses thereon.

The SPEAKER. Is there objection to the request of the gentleman from Ohio? The Chair hears none, and appoints the following conferees: Messrs. Hays, Morgan, Zablocki, Mailliard, and Thomson of Wisconsin.

PERMISSION FOR COMMITTEE ON RULES TO HAVE UNTIL MIDNIGHT WEDNESDAY, NOVEMBER 21, 1973, TO FILE A RULE AND REPORT ON H.R. 7130, BUDGET CONTROL ACT OF 1973

Mr. MURPHY of Illinois. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight next Wednesday, November 21, 1973, to file the rule and the report on the bill H.R. 7130, which is the Budget Control Act of 1973.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

REQUEST FOR PERMISSION FOR COMMITTEE ON THE JUDICIARY TO HAVE UNTIL MIDNIGHT SATURDAY, NOVEMBER 24, 1973, TO FILE REPORTS ON THE BILLS, H.R. 5463, TO ESTABLISH FEDERAL RULES OF EVIDENCE, AND H.R. 11401, TO PROVIDE FOR, AND ASSURE THE INDEPENDENCE OF, A SPECIAL PROSECUTOR

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may have until midnight of Saturday, November 24, 1973, to file reports on the bills, H.R. 5463, a bill to establish Federal rules of evidence, and H.R. 11401, a bill to provide for, and assure the independence of, a special prosecutor.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. HOGAN. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO HAVE UNTIL MIDNIGHT, SATURDAY, NOVEMBER 24, 1973, TO FILE REPORT ON H.R. 5463, TO ESTABLISH FEDERAL RULES OF EVIDENCE

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may have until midnight of Saturday, November 24, 1973, to file House report on the bill H.R. 5463, "A bill to establish the Federal Rules of Evidence."

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

SENSE OF THE HOUSE OF REPRESENTATIVES WITH RESPECT TO ACTIONS BY MEMBERS CONVICTED OF CERTAIN CRIMES

Mr. MURPHY of Illinois. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 700 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

XUM

H. Res. 700

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. Res. 128) expressing the sense of the House of Representativea with respect to actions which should be taken by Members of the House upon being convicted of certain crimes, and for other purposes. After general debate, which shall be confined to the resolution and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Standards of Official Conduct, the resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the resolution for amendment, the Committee shall rise and report the resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Illinois (Mr. MURPHY) is recognized for 1 hour.

Mr. MURPHY of Illinois. Mr. Speaker, I yield the usual 30 minutes to the minority, to the distinguished gentleman from Tennessee (Mr. QUILLEN) pending which I yield myself such time as I may consume.

Mr. MURPHY of Illinois. Mr. Speaker, House Resolution 700 provides for an open rule with 1 hour of general debate on House Resolution 128, a resolution expressing the sense of the House of Representatives with respect to actions which should be taken by Members of the House upon being convicted of certain crimes.

House Resolution 128 expresses the sense of the House that Members who are convicted of a crime carrying penalties of 2 or more years' imprisonment should attend committee and subcommitee sessions but should not vote in those sessions, and should also refrain from voting on the floor of the House of Representatives.

Any effect of the resolution would be reversed upon a reinstatement of a presumption of innocence such as a reversal of the conviction upon appeal or a remanding of the case to the trial court. The effect of the resolution also would be reversed if the Member is reelected to the House of Representatives after the date of the conviction.

Mr. Speaker, I urge the adoption of House Resolution 700 in order that we may discuss and debate House Resolution 128.

The SPEAKER. The gentleman from Tennessee (Mr. QUILLEN) is recognized.

Mr. QUILLEN. Mr. Speaker, House Resolution 700 provides for the consideration of House Resolution 128, sense of the House of Representatives with respect to actions by Members convicted of certain crimes, under an open rule with 1 hour of general debate.

The purpose of House Resolution 128 is to state, as the sense of the House, that any Member convicted of a crime for which a sentence of 2 or more years imprisonment may be imposed, should refrain from committee activities and from voting on the floor of the House. However, if judicial or executive proceedings result in a reinstatement of the presumption of innocence, or the Member is reelected in spite of the conviction, then this resolution ceases to apply.

This resolution is an internal House action not requiring Senate approval or Presidential signature.

The goal of this resolution is to state a policy so that all concerned may be on notice and to show publicly a concern for the reputation of the House and its Members.

Mr. Speaker, I urge the adoption of this resolution in order that the House may begin debate on this important piece of legislation.

Mr. Speaker, I have no requests for time, but I reserve the balance of my time.

Mr. MURPHY of Illinois. Mr. Speaker, I should like at this point to remark that my colleagues, the gentleman from Illinois (Mr. PRICE) and the gentleman from Tennessee (Mr. QUILLEN) will lead the discussion here.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. PRICE of Illinois. Mr. Speaker, I ask unanimous consent that the resolution (H. Res. 128) expressing the sense of the House of Representatives with respect to actions which should be taken by Members of the House upon being convicted of certain crimes, and for other purposes, be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the resolution as follows:

H. Res. 128

Resolve, That it is the sense of the House of Representatives that any Member of, Delegate to, or Resident Commissioner in, the House of Representatives who has been convicted by a court of record for the commission of a crime for which a sentence of two or more years' imprisonment may be imposed should refrain from participation in the business of each committee of which he is then a member and should refrain from voting on any question at a meeting of the House, or of the Committee of the Whole House, unless or until judicial or executive proceedings result in reinstatement of the presumption of his innonence or until he is reelected to the House after the date of such conviction. This resolution shall not affect any other authority of the House with respect to the behavior and conduct of its Members.

Mr. PRICE of Illinois. Mr. Speaker, I move to strike the last word.

Mr. Speaker, this resolution was reported out of the Committee on Standards of Official Conduct by unanimous vote.

As is our committee's policy, because of the sensitive matters with which we treat, we bring this resolution before the House only after a thorough study and much deliberation.

We believe the resolution offers the House an opportunity to erect guideposts that would serve the House well in dealing promptly with the kind of situations at which the resolution is aimed. While our committee would like to hope that no such situations would arise, we think it wise to be prepared, for the sake of the House's integrity, to arm the House with the means of considering prompt action should the need occur.

In our committee's view, experience points to a need for such an implement as the pending resolution provides.

If the House were to take no notice of such matters until the final conclusion of judicial proceedings—a step which might not be reached until after termination of a Member's 2-year term—such lack of action might well be interpreted in the public mind as indifference by the House toward a very serious matter.

In seeking a rule for consideration of this resolution, I told the Rules Committee while our proposal involves only a sense-of-the-House action, with no specific enforcement authority, it seems to our committee that any Member who became subject to the resolution's provisions, and who ignored those provisions, would risk subjecting himself to the introduction of a privileged resolution relating to his conduct, in accordance with other provisions of House rules.

While the Committee on Standards of Official Conduct has no intention of abandoning its deliberate course in dealing with the sensitive matters which come before it, the committee is unanimous—I repeat—in urging adoption of the pending resolution which would make it the sense of the House that a Member convicted of a crime carrying a possible sentence of 2 or more years' imprisonment should refrain from participation in the business of each committee of which he is a member and refrain from voting on any questions in the House.

I now yield to the ranking minority member of the Committee on Standards of Official Conduct.

Mr. QUILLEN. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I thank my chairman and endorse the case he has made for the resolution now before the House.

My experience as a member of the Committee on Standards of Official Conduct from its beginning has convinced me that there is a definite need for the step now proposed.

This measure gives the House an immediate opportunity to act in cases of' Members who are convicted of certain crimes.

While I pray for an absence of such crimes, I know—as do all other Members of the House—that there are occasional—if rare—infractions of the law, or alleged infractions, which reflect on Congress as a whole.

The resolution now before the House would provide a useful weapon, in my opinion, for treatment of future cases of the kind.

This resolution is designed to show that the House of Representatives is not indifferent to cases in which Members are convicted of statutory crimes. If the House were to ignore such cases pending the outcome of the appeal process, such inaction might be interpreted as indifference. The pending resolution, unanimously recommended by the committee, is designed to eliminate the basis for any such impression.

But, let me emphasize, this resolution

would become null and void when and if a Member were exonerated in the appeal process in the courts. In such instances, the Member in question automatically would regain full privileges in the House. The same restoration of such rights would occur in the case of a Member who is reelected after being convicted of such a crime. As stated in the committee's report, well established precedents hold that the House will not act in any way against a Member for any actions of which his electorate had full knowledge at the time of his election. Our committee holds these precedents inviolate.

I urge approval of the pending resolution for the sake of the integrity of the House of Representatives.

Mr. GROSS. Mr. Speaker, I move to strike the necessary number of words.

I should like to ask the gentleman from Illinois what really prompted this legislation?

Mr. PRICE of Illinois. There is no particular incident that prompts this. It is a resolution that the committee reported out in the last session last year. However, a rule was not granted and it was not considered in the House.

I believe this is an orderly manner in which to handle a situation that could occur. We have had instances in the past and the House was not equipped at the time to meet those situations. This provides an orderly procedure for dealing with such situations.

Mr. GROSS. It would apply to that period or interim between conviction and the exhausting of appeal?

Mr. PRICE of Illinois. The gentleman is correct.

Mr. GROSS. During appeals to the courts?

Mr. PRICE of Illinois. Yes. Upon conviction, a man is presumed to be guilty. During that period he shall step aside and not vote in the House or participate in committee action. On appeal, if a guilty verdict is reversed, the presumption of innocence would return and the Member could resume his duties.

Mr. GROSS. There is no reason, however, to assume that the number of Members who might find themselves prosecuted on criminal charges is going to increase?

Mr. PRICE of Illinois. I hope not.

Mr. GROSS. I thank the gentleman.

Mr. ROUSH. Mr. Speaker, I move to strike the last word.

Mr. Speaker, a few years ago I was involved in a recount for a seat in this body. For a period of some 5½ months the seat was vacant. During that time there was a storm of protest from people back home that there was no representation for that district.

Although I commend the committee for its action here, I am wondering if perhaps in their attempts to chastise the guilty Member they are not really punishing a constituency of people and that those people by this action would be effectively deprived of representation in the House of Representatives. Would it not be better for the House to bite the bullet and expel the guilty Member, rather than to take this kind of approach?

Mr. PRICE of Illinois. The gentleman from Indiana raises a question that has been of great concern to the committee during the last several years. We gave much thought to it during consideration of this resolution.

With this approach, we would not be depriving his constituency of any other service, except the Member's vote. He could continue to perform other services as a Member.

The expulsion resolution is something that is very, very drastic. His conviction might later be reversed by the court and there would be no tool, except another election in his home district, to restore him to office.

We considered the matter of expulsion, but that is a last resort—a step which the House might not want to take until a person's right of appeal has been exhausted.

Mr. ROUSH. I appreciate the dilemma that the committee found itself in; hower, I still have a question in my own mind, and that is the fact that the constituency of the Member would in effect be without representation.

We have had several votes in these last couple months that have been carried or lost by just one vote in this House. Such a situation could create, I believe, a serious problem. It could affect, indeed, the history of this country if one man was deprived of his vote.

Mr. PRICE of Illinois. As I say, I appreciate the concern of the gentleman from Indiana, but I am certain that unless the House adopts a pattern such as this to deal with a situation which we hope would not occur, the route would be that of a privileged resolution on expulsion.

I believe this is a more desirable manner in which to resolve a very unhappy situation.

Mr. ROUSH. Mr. Speaker, as I said, I support the resolution of the committee. I just think it does not go far enough in dealing with matters which affect the integrity of the House of Representatives.

Mr. DRINAN. Mr. Speaker, the resolution before us proposes to inhibit participation in committee and on the floor of the House of Representatives by any Member of Congress after he has been convicted of a crime. The problems of a civil libertarian and constitutional nature which this resolution raises are sufficiently grave to cause me to cast my vote against this Resolution.

Article I, section 5, paragraph 2 of the Constitution provides that:

> Each House may punish its Members for disorderly Behavior, and, with the Concurrence of two-thirds, expel a Member.

The power to punish a Member has generally been exercised for behavior which takes place on the floor of the House or for conduct connected with the legislative function. I believe the sanction of no participation in votes in committee or on the floor in this bill to be far more severe than any authorized by the Constitution.

This bill would in effect authorize the suspension of an elected Member of the House of Representatives who has been convicted of a crime. Any such drastic action as suspension should derive only from his action as a Member and not for ordinary criminal offenses. The Supreme Court of the United States in the Powell case (*Powell* v. *McCormack*, 395 U.S. 486) decided that exclusion could be based only on considerations of age, citizenship, and inhabitancy as those matters are stated in the Constitution. And, the power of expulsion has been determined by the Judiciary Committee of the House to be unusable for an offense alleged to have been committed even against a preceding Congress.

My basic difficulty with this resolution is that the presumption of innocence is removed immediately after conviction. I think the better rule would be that the presumption of innocence is removed only after a congressional criminal defendant has exhausted all avenues of appeal, at least for the purposes of participation in the House of Representatives. It may indeed be perfectly proper for a Member of Congress to voluntarily agree not to vote during the pendence of his appeal. This was, I believe, the case with Congressman Dowdy who, in the last Congress, was convicted of bribery, perjury and conspiracy, and who refrained from voting either in committee or on the floor. Similarly, Congressman Zihlman of Maryland refrained voluntarily after his indictment in the 71st Congress, and Congressman Langley, of Kentucky, after his conviction in the 68th Congress, from voting in the House.

However proper and praiseworthy may be the actions of Congressmen Zihlman, Langley and Dowdy, I do not believe it is within the constitutional power of the House to enforce such a resolution as is before us today. Indeed, if a Member voted after conviction and during the pendency of his appeals, I do not believe that he or she could be censured, suspended or expelled for so voting.

There appears to be no constitutional or decisional law supporting expulsion from Congress on the basis of conviction for an ordinary crime. The resolution before us amounts to the suspension of a Member for which there appears to be no precedent.

Generally, expulsion has been restricted to matters which occur in the House, and during a Congress. Early in this century, two Senators from South Carolina were suspended for a few days for fistfighting on the floor of the Senate. Similarly, there may be some cause for censure, suspension or expulsion for a Member who has violated a law which reflects directly on his oath, such as treason. The Senate expelled, for example, Senator William Blount, of Tennessee, in 1797, for treason.

I am reluctant to vote in favor of this resolution, because I believe that the more than 400,000 members of each congressional district have a right to be represented by their elected Representative unless there is a constitutional impediment to do so. I find no such constitutional authority. Accordingly, I cast my vote against this resolution.

Mr. PRICE of Illinois. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

XUM

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. RONCALIO of Wyoming. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 388, nays 18, not voting 27, as follows:

[Roll No. 582]

YEAS—388

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashbrook
Badillo
Bafalis
Baker
Barrett
Bauman
Beard
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Boggs
Boland
Bolling
Bowen
Brademas
Bray
Breaux
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Camp
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Collins, Tex.
Conable
Conlan
Conte
Conyers
Corman
Cotter
Coughlin
Cronin
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellenback
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Donohue
Dorn
Downing
Dulski
Duncan
du Pont
Edwards, Ala.
Eilberg
Erlenborn
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Grasso
Green, Oreg.
Green, Pa.
Griffiths
Gross
Grover
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Hosmer
Howard
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Kemp
Ketchum
King
Koch
Kuykendall
Kyros
Landrum
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
Lujan
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKinney
McSpadden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
Owens
Parris
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Rees
Regula
Reid
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Roush
Rousselot
Roy
Royhal
Runnels
Ruppe
Ruth
Ryan
Sandman
Sarasin
Sarbanes
Satterfield
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Studds
Sullivan
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Towell, Nev.
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yatron
Young, Alaska
Young, Fla.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion

NAYS—18

Breckinridge
Burton
Crane
Dingell
Drinan
Eckhardt
Edwards, Calif.
Ford, William D.
Harrington
Landgrebe
McCloskey
Macdonald
Moss
O'Neill
Stark
Tiernan
Yates
Young, Ga.

NOT VOTING—27

Anderson, Ill.
Ashley
Aspin
Bingham
Blackburn
Blatnik
Brasco
Burke, Calif.
Culver
Davis, Wis.
Dellums
Esch
Gray
Gubser
Keating
Kluczynski
McClory
Madden
Mills, Ark.
Nichols
O'Brien
Podell
Rooney, N.Y.
Rostenkowski
St Germain
Stuckey
Zwach

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Ashley.
Mr. Brasco with Mr. Aspin.
Mr. Gray with Mrs. Burke of California.
Mr. Blatnik with Mr. Anderson of Illinois.
Mr. Bingham with Mr. Dellums.
Mr. Kluczynski with Mr. Blackburn.
Mr. Madden with Mr. Davis of Wisconsin.
Mr. St Germain with Mr. Esch.
Mr. Rostenkowski with Mr. Zwach.
Mr. Stuckey with Mr. Gubser.
Mr. Mills of Arkansas with Mr. Keating.
Mr. Culver with Mr. McClory.
Mr. Nichols with Mr. O'Brien.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PRICE of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PERSONAL ANNOUNCEMENT

Mr. BINGHAM. Mr. Speaker, on rollcall No. 582, I am listed in the CONGRESSIONAL RECORD, as not voting. I was on the floor at the time of the voting and intended to vote aye. Apparently the electronic device did not properly record my vote. I ask unanimous consent that this statement be inserted in the permanent RECORD following the record of the vote.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

PERMISSION FOR COMMITTEE ON HOUSE ADMINISTRATION TO FILE A PRIVILEGED REPORT

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent that the Committee on House Administration may have until midnight tonight to file a privileged report.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

INCREASING MONTHLY RATES OF DISABILITY, DEATH PENSIONS, DEPENDENCY AND INDEMNITY COMPENSATION

Mr. DORN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 9474) to amend title 38 of the United States Code to increase the monthly rates of disability and death pensions, and dependency and indemnity compensation, and for other purposes, with Senate amendments thereto, and consider the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Strike out all after the enacting clause and insert:

That (a) subsection (b) of section 521 of title 38, United States Code, is amended to read as follows:

"(b) If the veteran is unmarried (or married but not living with and not reasonably contributing to the support of his spouse) and has no child, pension shall be paid according to the following formula: If annual income is $300 or less, the monthly rate of pension shall be $143. For each $1 of annual income in excess of $300 up to and including $800, the monthly rate shall be reduced 3 cents; for each $1 of annual income in excess of $800 up to and including $1,200, the monthly rate shall be reduced 4 cents; for each $1 of annual income in excess of $1,200 up to and including $1,600, the monthly rate shall be reduced 5 cents; for each $1 of annual income in excess of $1,600 up to and including $2,000, the monthly rate shall be reduced 6 cents; for each $1 of annual income in excess of $2,000 up to and including $2,400, the monthly rate shall be reduced 7 cents; and for each $1 of annual income in excess of $2,400 up to and including $2,800, the monthly rate shall be reduced 8 cents. For annual income of $2,800 through $3,000,

the rate shall be $8. No pension shall be paid if annual income exceeds $3,000.".

(b) Subsection (c) of such section 521 is amended to read as follows:

"(c) If the veteran is married and living with or reasonably contributing to the support of his spouse, or has a child or children, pension shall be paid according to the following formula: If annual income is $500 or less, the monthly rate of pension shall be $154 for a veteran and one dependent, $159 for a veteran and two dependents, and $164 for three or more dependents. For each $1 of annual income in excess of $500 up to and including $800, the monthly rate shall be reduced 2 cents; for each $1 of annual income in excess of $800 up to and including $2,200, the monthly rate shall be reduced 3 cents; for each $1 of annual income in excess of $2,200 up to and including $3,200, the monthly rate shall be reduced 4 cents; for each $1 of annual income in excess of $3,200 up to and including $3,800, the monthly rate shall be reduced 5 cents; and for each $1 of annual income in excess of $3,800 up to and including $4,200, the monthly rate shall be reduced 6 cents. No pension shall be paid if annual income exceeds $4,200.".

(c) Subsection (b) of section 541 of title 38, United States Code, is amended to read as follows:

"(b) If there is no child, pension shall be paid according to the following formula: If annual income is $300 or less, the monthly rate of pension shall be $96. For each $1 of annual income in excess of $300 up to and including $500, the monthly rate shall be reduced 1 cent; for each $1 of annual income in excess of $500 up to and including $1,500, the monthly rate shall be reduced 3 cents; for each $1 of annual income in excess of $1,500 up to and including $2,500, the monthly rate shall be reduced 4 cents; and for each $1 of annual income in excess of $2,500 up to and including $2,900, the monthly rate shall be reduced 5 cents. For annual income of $2,900 through $3,000, the rate shall be $4. No pension shall be paid if annual income exceeds $3,000.".

(d) Subsection (c) of such section 541 is amended to read as follows:

"(c) If there is a widow and one child, pension shall be paid according to the following formula: If annual income is $700 or less, the monthly rate of pension shall be $114. For each $1 of annual income in excess of $700 up to and including $1,100, the monthly rate shall be reduced 1 cent; for each $1 of annual income in excess of $1,100 up to and including $2,500, the monthly rate shall be reduced 2 cents; for each $1 of annual income in excess of $2,500 up to and including $3,400, the monthly rate shall be reduced 3 cents; and for each $1 of annual income in excess of $3,400 up to and including $4,200, the monthly rate shall be reduced 4 cents. Whenever the monthly rate payable to the widow under the foregoing formula is less than the amount which would be payable to the child under section 542 of this title if the widow were not entitled, the widow will be paid at the child's rate. No pension shall be paid if the annual income exceeds $4,200.".

SEC. 2. Section 541(d) of title 38, United States Code, is amended by striking "17" and substituting in lieu thereof "18".

SEC. 3. (a) Section 542(a) of title 38, United States Code, is amended by striking the figures "42" and "17" respectively, and substituting in lieu thereof the figures "44" and "18", respectively.

(b) Section 542(c) of such title is amended by striking out "$2,000" and inserting in lieu thereof "2,400".

SEC. 4. Section 4 of Public Law 90–275 (82 Stat. 68) is amended to read as follows:

"SEC. 4. The annual income limitations governing payment of pension under the first sentence of section 9(b) of the Veterans' Pension Act of 1959 hereafter shall be $2,600 and $3,900, instead of $2,200 and $3,500, respectively.".

SEC. 5. (a) Subsection (b) of section 415 of title 38, United States Code, is amended to read as follows:

"(b)(1) Except as provided in paragraph (2) of this subsection, if there is only one parent, dependency and indemnity compensation shall be paid to him according to the following formula: If annual income is $800 or less, the monthly rate of dependency and indemnity compensation shall be $110. For each $1 of annual income in excess of $800 up to and including $1,100, the monthly rate shall be reduced 3 cents; for each $1 of annual income in excess of $1,100 up to and including $1,500, the monthly rate shall be reduced 4 cents; for each $1 of annual income in excess of $1,500 up to and including $1,700, the monthly rate shall be reduced 5 cents; for each $1 of annual income in excess of $1,700 up to and including 2,000, the monthly monthly rates shall be reduced 6 cents; for each $1 of annual income in excess of $2,000 up to and including $2,300, the monthly rate shall be reduced 7 cents; and for each $1 annual income in excess of $2,300 up to and including $2,700, the monthly rate shall be reduced 8 cents. For annual income of $2,700 through $3,000, the rate shall be $4. No dependency and indemnity compensation shall be paid if annual income exceeds $3,000.

"(2) If there is only one parent and he has remarried and is living with his spouse, dependency and indemnity compensation shall be paid to him under either the formula of paragraph (1) of this subsection or under the formula in subsection (d), whichever is the greater. In such a case of remarriage the total combined annual income of the parent and his spouse shall be counted in determining the monthly rate of dependency and indemnity compensation under the appropriate formula.".

(b) Subsection (c) of such section 415 is amended to read as follows:

"(c) Except as provided in subsection (d), if there are two parents, but they are not living together, dependency and indemnity compensation shall be paid to each according to the following formula: If the annual income of each parent is $800 or less, the monthly rate of dependency and indemnity payable to each shall be $77. For each $1 of annual income in excess of $800 up to and including $1,100, the monthly rate shall be reduced 2 cents; for each $1 of annual income in excess of $1,100 up to and including $1,400, the monthly rate shall be reduced 3 cents for each $1 of annual income in excess of $1,400 up to and including $2,300, the monthly rate shall be reduced 4 cents; and for each $1 of annual income in excess of $2,300 up to and including $2,700, the monthly rate shall be reduced 5 cents. For annual income of $2,700 through $3,000, the rate shall be $6. No dependency and indemnity compensation shall be paid to a parent whose annual income exceeds $3,000.".

(c) Subsection (d) of such section 415 is amended to read as follows:

"(d) If there are two parents who are living together, or if a parent has remarried and is living with his spouse, dependency and indemnity compensation shall be paid to each such parent according to the following formula: If the total combined annual income is $1,000 or less, the monthly rate of dependency and indemnity compensation payable to each parent shall be $74. For each $1 of annual income in excess of $1,000 up to and including $1,200, the monthly rate shall be reduced 1 cent; for each $1 of annual income in excess of $1,200 up to and including $2,900, the monthly rate shall be reduced 2 cents; and for each $1 of annual income in excess of $2,900 up to and including $4,000, the monthly rate shall be reduced 3 cents. For annual income of $4,000 through $4,200 the rate shall be $5. No dependency and indemnity compensation shall be paid to either parent if the total combined annual income exceeds $4,200.".

SEC. 6. Section 3203(a)(1) of title 38, United States Code, is amended by striking out "30" and inserting in lieu thereof "50".

SEC. 7. (a) Subsection (b) of section 3010 of title 38, United States Code, is amended by inserting "(1)" immediately after "(b)", and by adding at the end of said subsection the following new paragraph:

"(2) The effective date of an award of disability pension to a veteran shall be the date of application or the date on which the veteran became permanently and totally disabled, if an appliaction therefor is received within one year from such date, whichever is to the advantage of the veteran.".

(b) Subsection (a) of this section shall apply to applications filed after its effective date, but in no event shall an award made thereunder be effective prior to such effective date.

SEC. 8. (a) Any veteran who was dishonorably discharged from the United States Army as the result of an incident that occurred in Brownsville, Texas, on August 13, 1906, and who was not subsequently ruled eligible for reenlistment in the Army by a special Army tribunal decision dated April 6, 1910, shall, upon application made to the Administrator of Veterans' Affairs together with such evidence as the Administrator may require, be paid the sum of $25,000.

(b) Any unremarried widow of any veteran described in subsection (a) of this section shall, upon application made to the Administrator of Veterans' Affairs together with such evidence as the Administrator may require, be paid the sum of $10,000 if such veteran died prior to the date of enactment of this Act or if such veteran failed to make application for payment under subsection (a) after such date of enactment and prior to his death.

(c) Payment authorized to be made under this section in the case of any veteran or widow shall be made by the Secretary of the Army, out of funds available for the payment of retired pay to Army personnel, upon certification by the Administrator of Veterans' Affairs of the entitlement of such veteran or widow to receive such payment. In no case may any payment be made to any veteran or widow under this section unless application for such payment is made within five years after the date of enactment of this Act.

SEC. 9. This Act shall take effect on the first day of the second calendar month which begins after the date of enactment.

Amend the title so as to read: "An Act to amend title 38, United States Code, to increase the monthly rates of disability and death pensions and dependency and indemnity compensation and to increase income limitations relating thereto and for other purposes."

The SPEAKER. Is there objection to the request of the gentleman from South Carolina (Mr. DORN)?

Mr. HAMMERSCHMIDT. Mr. Speaker, reserving the right to object, and I do not plan to object, I would yield to the distinguished gentleman from South Carolina for the purpose of hearing the distinguished chairman explain the Senate amendments.

Mr. DORN. Mr. Speaker, will the gentleman yield?

Mr. HAMMERSCHMIDT. I yield to the gentleman from South Carolina.

Mr. DORN. Mr. Speaker, the bill, H.R. 9474, passed the House on July 30, 1973, and was returned by the Senate under date of August 2 with an amendment substituting the text of the Senate pension bill, S. 275.

At this point, Mr. Speaker, I am delighted to yield to our chairman of the Subcommittee on Compensation and Pension, the distinguished former chairman of the Committee on Veterans' Affairs, the gentleman from Texas (Mr. Teague).

Mr. TEAGUE of Texas. Mr. Speaker, the original House version of this bill extended a minimum cost-of-living increase of 10 percent in pensions payable to veterans, widows and children, and dependency and indemnity compensation to dependent parents. In some instances, an increase higher than 10 percent was authorized. The income limits of $2,600 a year for the single person or $3,800 for the person with dependents were not changed. Further, consistent with a request from the administration, we placed a ceiling of $3,600 on the annual earned income of spouses for exclusion in determining the income of the pensioner. In connection with retaining the present income limits, we were assured by the Veterans' Administration that the bill would restore practically all of the reductions in pensions which occurred as a result of the social security increase last year.

With regard to the rate increases, the Senate version of the bill as returned to the House applied a 10-percent factor in such manner as to assure that no rate was increased in any greater degree. The House amendment to the Senate amendment represents a reasonable liberalization of the Senate approach but slightly more conservative than the original House rate structure. The Senate version also increased the income limitations for both single persons and persons with dependents by $400 in each case. The present House amendment reverts to the original approach with respect to holding the line on income limitations as contained in the original bill. It is our position that the present income limits are already so high as to reflect unfavorably when compared to the service-connected compensation program. Further increase would distort in an unacceptable fashion the relationship between non-service-connected pension and service-connected compensation.

Since the committee plans further review of the non-service-connected pension program next year and expects to receive some additional recommendations from the administration in this connection, it appears that it would be better to defer action on further income limit increases so that this subject could be viewed in light of the total package recommended by the administration.

As we are in the final stages of passing this bill increasing non-service-connected pension rates, the Congress also has under consideration an increase in social security which would affect veterans' and widows' incomes next year. The Veterans' Administration has already sent out its income questionnaire cards. Obviously, when veterans and widows return these cards, and some are already being returned, they will have no way of knowing what their increased income from social security next year will be. In view of this, it would appear appropriate that the Veterans' Administration observe the end of the year rule with respect to this increase.

With regard to consideration of a spouse's earned income, as the Members are aware, under existing law all of such income is excluded from considering the income of the pensioner. While we felt that this aspect of the House bill was a reasonable and realistic modification, the present amendment takes cognizance of certain pension reform principles advocated by the Administration and believes that further legislative study should be made of the extent to which a spouse's earned income should be a factor in determining pension entitlement. Accordingly, rather than approaching the subject on a piecemeal, arbitrary basis, we have concluded that for the time being the existing law in this connection should be retained. This policy decision coincides with the approach on this aspect taken in the Senate version of the bill.

The House amendment includes a new provision added by the Senate providing for the lump sum payment to any surviving veteran or the unremarried widows of any such veteran of the infamous Brownsville, Tex., incident of 1906. The subject matter of this provision was contained in a separate bill considered by our committee (H.R. 4382) on which testimony in support thereof was received by the sponsor, Mr. Hawkins, of California, and also from Senator Humphrey, of Minnesota. The purpose of that bill was to confer a pensionable status on veterans and the survivors of veterans involved in the Brownsville incident. Since the objective of the Senate amendment is substantially the same as contained in the separate bill before our committee and is now in a form approved and recommended by the Department of the Army and the administration, the Committee on Veterans' Affairs believes it is entirely appropriate to include such a provision in the House amendment.

We are cooperating with the Senate committee in working out the differences between the House and Senate versions. The Senate committee has been most cooperative in discussing the differences and assisting in finding mutually suitable compromises. I am quite hopeful that the Senate will be able to agree to this amendment expeditiously and send the bill to the White House.

Mr. Speaker, I now yield to our chairman, the gentleman from South Carolina, who wishes to revise and extend his remarks concerning the Brownsville provision of the bill.

Mr. DORN. Mr. Speaker, at the hearing held by our Subcommittee on Compensation and Pension on H.R. 4382 and the Brownsville incident, it was clearly demonstrated that the action taken by the Army against 167 unidentified black soldiers in a mass punishment following a 10-minute shooting in Brownsville, Tex., on August 13, 1906, was not only completely unjustified but unconscionable in the extreme. Although a few of the soldiers were exoneraetd by a special Army tribunal in 1910, the majority of the soldiers concerned have had to live during all of the succeeding years and under the dark cloud of a "discharge without honor." It was not until 1972 that at long last the Secretary of the Army cleared the records of all the soldiers concerned and issued them honorable discharges. The relief proposed by the Senate amendment in the nature of a lump sum pension is a long overdue recognition of the Government's obligation arising out of the injustices and injuries suffered by these men as a result of their wrongful and illegal removal from the Army of the United States.

Mr. Speaker, I include in the Record at this point copies of agency reports to our committee on the original Brownsville bill together with an exchange of correspondence on the subject between the chairman of the House Committee on Armed Services and myself.

Veterans' Administration,
Office of the Administrator
of Veterans' Affairs,
Washington, D.C., May 22, 1973.

Hon. Wm. Jennings Bryan Dorn,
Chairman, House Committee on Veterans' Affairs, House of Representatives, Washington, D.C.

Dear Mr. Chairman: We are pleased to respond to your request for a report on H.R. 4382, 93d Congress.

This bill would confer a special nonservice-connected pensionable status on certain veterans (or their widows, children, and grandchildren) involved in the Brownsville, Tex., incident of August 13, 1906, and would require the Administrator of Veterans' Affairs to make certain compensatory payments to such veterans or their heirs.

On November 9, 1906, as the result of an incident which occurred on Aug. 13, 1906, in Brownsville, Tex., 167 members of the U.S. Army were discharged without honor. By reason of an amendment dated September 22, 1972, to the 1906 special order of the War Department, persons involved in the incident were declared to be honorably discharged from the U.S. Army.

The first section of the proposal provides that for the purposes of Veterans' Administration pension benefits, the designated persons are deemed to be veterans of the Mexican border period, to have met the service requirements under the pension laws, and to have had no annual income. The no-income presumption is equally applicable to a widow or any child of such veteran. This section would authorize continuing monthly payments of pension for persons eligible thereunder, from date of application therefor filed after enactment.

Section 2 of the proposal would additionally authorize a lump-sum payment of $20,000 in each case, or a sum with 6 percent interest equal to the amount of pension which would have been payable to the veteran under the pension laws during the period beginning on the date such veteran attained age 65 and ending on the date of enactment of this bill, whichever sum is higher. This section would give similar pension entitlement to the widows, children, and grandchildren of deceased veterans in the designated group. A veteran would not be entitled to the special pension benefit if he was ruled eligible for reenlistment by the special Army tribunal decision of April 6, 1910.

Section 3 of the proposal directs the Administrator to pay out of the current appropriations for the payment of pension a total amount of $40,000 to living veterans of the specified type or their heirs. This sum is described as being "in full settlement of the claims of the person concerned against the United States for the mental pain and suffering and social hardship associated with loss of reputation, and the economic hardship (including loss of military benefits and privileges), resulting from the unwarranted discharge without honor" given to the particular veterans.

The veterans with whom this bill is concerned were discharged in 1906, during peacetime. It is noted that veterans who received an honorable discharge in 1906 were

not entitled to any pension benefit unless they had service in the Spanish-American War and then, not until 1920 at the earliest. Pension benefits are generally limited to persons with wartime service. The effect of enactment of this bill would be to make 1906 peacetime service wartime service so as to qualify the persons concerned for pension benefits available to veterans of the Mexican border period (1916–17) and their widows and children. No reason is apparent as to why such preferential treatment should be afforded these persons. To do so would be discriminatory and could be urged as a precedent as regards other peacetime veterans.

Section 3010(i) of title 38, United States Code, provides that whenever a disallowed claim for benefits is allowed because of correction of military records, such benefits may be awarded from the date on which an application was filed for the correction of military records, or the date of disallowance of the claim, whichever date is later; but in no event may the award of benefits be retroactive for more than 1 year from the date of reopening of the disallowed claim. Inasmuch as H.R. 4382 could result in these veterans receiving benefits retroactively for more than 1 year, it is clearly discriminatory respecting other veterans who have had or will have entitlement to benefits established by virtue of having their military records corrected.

Grandchildren of veterans have never been eligible for pension benefits and the provision which would include them as possible beneficiaries for the special pension benefit is also discriminatory and precedential. Another discriminatory and precedential feature is the presumption of no income for pension purposes. The pension program is intended to provide a measure of assistance to wartime veterans and their surviving dependents who are in need. Need has been largely measured by income. The no-income provision would constitute a radical departure from this long established policy and would be manifestly unfair to millions of otherwise eligible veterans and widows whose income places them beyond the statutory need levels.

In lieu of regular pension, a lump-sun payment of $20,000 is authorized by the proposal, where greater. This again, is clearly discriminatory as the public law providing pension makes no similar provision for corrected discharge cases. Incidentally, this lump-sum, rather than regular pension, would undoubtedly be paid in most cases, as pension for Mexican border service veterans was first provided as of January 1, 1971.

As noted, section 3 proposes a $40,000 lump-sum payment, based on appropriate certification by the Secretary of the Army, to living veterans or their heirs for mental pain and suffering and social hardship, et cetera. The proposed payments are in no way related to the stated purposes of pension or other benefit programs administered by the Veterans' Administration. We see no need for Veterans' Administration involvement in the administration of, or payments proposed by, section 3. Accordingly, we defer to the Department of Defense on the merits of this section.

We have insufficient data upon which to base a worthwhile estimate of the cost of the measure, if enacted.

In the light of all of the foregoing, the Veterans' Administration opposes enactment of the first two sections of H.R. 4382, as well as section 3, insofar as Veterans' Administration participation is concerned.

Advice has been received from the Office of Management and Budget that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

Donald E. Johnson,
Administrator.

Department of the Army,
Washington, D.C., June 13, 1973.

Hon. Wm. Jennings Bryan Dorn,
Chairman, Committee on Veterans' Affairs, House of Representatives, Washington, D.C.

Dear Mr. Chairman: Reference is made to your request to the Secretary of Defense for the views of the Department of Defense on H.R. 4382, 93d Congress, a bill to confer pensionable status on veterans involved in the Brownsville, Tex., incident of August 13, 1906, and to require the Administrator of Veterans' Affairs to make certain compensatory payments to such veterans and their heirs. The Department of the Army has been assigned responsibility for expressing the views of the Department of Defense on this bill.

The title of the bill states its purpose.

The Department of the Army on behalf of the Department of Defense has considered the above mentioned bill. Inasmuch as sections 1 and 2 of the bill would be administered by the Veterans' Administration, the Department of Defense respectfully defers to that Agency as to the merits of those sections.

With respect to section 3 of the bill, it would require the Secretary of the Army to certify to the Administrator of Veterans' Affairs the name of each living individual who was discharged without honor on November 9, 1906, in connection with the incident which occurred in Brownsville, Tex., on August 13, 1906, and who by reason of the amendment dated September 22, 1972, to paragraph 1 of Special Orders 266, War Department, dated November 9, 1906, was declared to have been honorably discharged from the U.S. Army. Further, in the case of deceased individuals, the Secretary of the Army would be required to certify their heirs to the Administrator of Veterans' Affairs. The Department of the Army on behalf of the Department of Defense is opposed to this section.

As the incident occurred over 66 years ago, few of the individuals involved can reasonably be expected to have survived; the Army is aware of only two. Unless the survivors initiate an inquiry, the Secretary of the Army has no way of locating those that may be still living. The situation is compounded in the cases of spouses or heirs of deceased members both as to their existence and as to the establishment of proof of their relationship. The burden of proof to establish that a claimant is in fact a spouse or heir of a deceased member should be placed on that individual.

In view of the foregoing the Department of the Army on behalf of the Department of Defense is opposed to section 3 of H.R. 4382.

The Department of the Army believes that some compensation to surviving members of the Brownsville incident or their widows is a fair objective through legislation. A lump-sum payment should be considered through legislative enactment to those men involved who are still living and who were not ruled eligible for reenlistment by the special Army tribunal decision of April 6, 1910, or to their unremarried widows. Such legislation should provide for payment from appropriations currently available to the Department of Defense for military retired pay.

The fiscal effects of this legislation are not known to the Department of Defense.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Office of Management and Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this report for the consideration of the committee.

Sincerely,

Howard H. Callaway,
Secretary of the Army.

July 30, 1973.

Hon. F. Edward Hébert,
Chairman, Armed Services Committee,
Washington, D.C.

Dear Mr. Chairman: The Committee on Veterans Affairs has held hearings on H.R. 4382, a bill relating to benefits for individuals involved in the so-called "Brownsville Incident". In the course of the hearings a favorable report was received from the Department of Defense indicating that settlement of this issue should be made from military retirement funds. Since the Committee on Veterans Affairs has no jurisdiction over these funds, the Committee voted to have the bill re-referred to the Committee on Armed Services.

We of course realize that your Committee would not consider H.R. 4382 in its present form, so in effect we are tranferring the subject matter to your Committee because of the recommendation of the Department of Defense. We are in the process of printing our hearings and these will be made available to your Committee at the earliest possible time.

Congressman Teague is Chairman of the Compensation and Pension Subcommittee that held hearings on the subject, and both he and I will be glad to be of assistance in any way possible.

With best wishes, I am,

Sincerely,

Wm. Jennings Bryan Dorn,
Chairman.

August 9, 1973.

Hon. F. Edward Hébert,
Chairman, Committee on Armed Services, House of Representatives, Washington, D.C.

Dear Mr. Chairman: Further reference is made to my letter of July 30, 1973 concerning the re-referral to your Committee of H.R. 4382, a bill relating to benefits for individuals involved in the so-called "Brownsville Incident" and their survivors. As you have no doubt noted, the bill was formerly re-referred to your Committee on July 31, 1973.

To give you the background and purpose of this legislation, I am enclosing a copy of the Transcript of Hearings held on this bill by our Subcommittee on Compensation and Pension June 14, 1973, together with a copy of Senator Humphrey's statement on the bill and a press release issued by Congressman Augustus F. Hawkins, sponsor of the legislation.

Subsequently, the Senate reported a veterans' pension bill, S. 275, Section 8 of which deals with this same subject matter. After S. 275 was passed by the Senate August 2, the House pension bill, H.R. 9474, was taken up, amended by substituting the text of the Senate bill and passed. We hope to take appropriate action on the pension bill shortly after returning from the summer recess. Prior thereto, we will coordinate with you with respect to what position the House should take on the Brownsville provision of the bill.

Sincerely,

Wm. Jennings Bryan Dorn,
Chairman.

September 20, 1973.

Hon. F. Edward Hébert,
Chairman, Committee on Armed Services,
House of Representatives,
Washington, D.C.

Dear Mr. Chairman: I call your attention to recent correspondence between you and Chairman Dorn concerning legislation proposing certain benefits for individuals involved in the so-called "Brownsville Incident" and their survivors.

As you are aware, H.R. 4382, a bill proposing certain relief in this area, was re-referred to your Committee on July 31, 1973 for reasons outlined in Mr. Dorn's letter of

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July 30th. Your letter of August 3, 1973 expressed a concurrence in this action.

Subsequently, as the Chairman advised you on August 9, 1973, the Senate, on August 2, passed a veterans' pension bill, S. 275, Section 8 of which deals with the same subject matter as the Brownsville bill, H.R. 4382. That section appears to authorize statutory relief in accordance with the recommendation of the Department of Defense and the Office of Management and Budget. We have just received copies of letters of the Chairman of the Senate Committee on Veterans Affairs from the Department of the Army and the Office of Management and Budget (copies enclosed) expressing approval of the legislative approach embodied in Section 8 of S. 275 as that bill is now pending before the House.

You will recall that in your letter to Chairman Dorn of August 16th, you expressed your assurances with respect to advising our Committee as to action that might be taken by your Committee on this legislation. As you will note from the enclosed clipping from the Washington Post of September 19th, one of the two known survivors of the Brownsville Incident of 1906 recently died. Accordingly, if any of the few surviving beneficiaries of remedial legislation are able to secure some relief, I am sure you will agree that immediate legislative action is imperative.

It is my belief that further House action on S. 275, as passed by the Senate, will be taken in the near future. In that connection, I perceive at this time no objection to Section 8 of the bill dealing with the Brownsville Incident. On the other hand, consistent with our position from the outset that the subject matter is primarily of concern to your Committee, Chairman Dorn agrees that we should defer to your wishes as to the appropriate further legislative procedure.

In view of the foregoing, I will appreciate your advising our Committee (1) whether, in connection with House consideration of the pension bill, S. 275, in the near future, you will waive any jurisdictional objection with regard to the Brownsville provision of the bill (Sec. 8) or (2) whether your Committee is prepared to expedite action on a separate proposal having the same objective. I am aure it is apparent to all of us that time is truly of the essence if we are going to provide effective legislative relief for the surviving tragic cases involved in the Brownsville Incident.

Sincerely,

OLIN E. TEAGUE,
Chairman, Subcommittee on Compensation and Pension.

SEPTEMBER 26, 1973.

Hon. OLIN E. TEAGUE,
Chairman, Subcommittee on Compensation and Pension, Committee on Veterans' Affairs, Housc of Reprcsentatives, Washington, D.C.

DEAR MR. CHAIRMAN: I have reference to your letter dated September 20, 1973, concerning pending legislation proposing certain benefits for certain individuals involved in the so-called "Brownsville Incident" and their survivors.

Your letter advises that on August 2, 1973, the Senate passed a Veterans Pension Bill, S. 275, of which Section 8 deals with the same subject matter as the Brownsville bill, H. R. 4382. Section 8 of the Senate bill, in accordance with your letter, appears to authorize statutory relief in accordance with the recommendation of the Department of Defense and the Office of Management and Budget.

In view of this circumstance, you have suggested that my Committee may wish to waive any jurisdictional objection with regard to the Brownsville provision of the bill, Section 8 of S. 275, so as to enable the Veterans Affairs Committee to act expeditiously on both the Brownsville provision of the bill and the balance of the Veterans Pension Bill, S. 275.

I appreciate your desire to expedite resolution of the so-called "Brownsville Incident", and in view of the unusual circumstances present in this case, I am sure that the Committee on Armed Services, including the Ranking Minority Member of the Committee, Mr. Bray, would have no objection to the Veterans Affairs Committee acting on this matter.

Sincerely,

F. EDW. HÉBERT, *Chairman.*

Mr. Speaker, it is estimated that the additional cost of the House amendment for the first full fiscal year would be $238.9 million and the increase in pension rates would be effective January 1, 1974. I strongly urge approval of the amendment and express the hope that the other body will follow suit on the measure so that our veterans and their dependents will be able to receive pension relief before the next session of this Congress.

Mr. HAMMERSCHMIDT. Mr. Speaker, I will support the motion of the distinguished gentlemen from South Carolina, the chairman of the Committee on Veterans' Affairs, to concur in the Senate amendment to H.R. 9474 with a further amendment. Members will recall the House passed this pension bill on July 30. The bill as it passed the House of Representatives had a first full year cost of $246 million. It provided for a minimum 10-percent increase in the monthly rates of pension. In some instances, the percentage increase was considerably greater than 10 percent. It also provided that a spouse's earned income in excess of $3,600 annually would be counted as the veteran's income for pension purposes. This bill, Mr. Speaker, was designed to neutralize or offset to a great extent the adverse effect of last year's social security increase upon veteran's pensions.

The Senate amendments to this bill, Mr. Speaker, authorized a maximum 10-percent increase in all pension rates. Additionally, the Senate amendments increased maximum income limitations of existing law by $400. The House bill had been silent on this provision. In addition, the Senate amendment authorized the payment of a lump sum pension to any surviving veteran or to the unremarried widow of any such veteran of the infamous Brownsville, Tex., incident of 1906. This incident, widely publicized, resulted in the Army giving dishonorable discharges to 167 unidentified black soldiers in a mass punishment following a 10 minute shooting. The guilt of the 167 soldiers was not established and the punishment was completely unjustified. In 1972, the Secretary of the Army cleared the records of all the soldiers concerned and issued them honorable discharges. The Senate amendment would authorize a $25,000 lump sum payment to surviving veterans and $10,000 for the unremarried widows.

The amendment offered by the chairman will authorize increases that are more generous than the original Senate scale and slightly more modest than the original House version. It will retain, however, the laudable objective of offsetting to a great extent the adverse effect of last year's social security increase.

It will preserve the income limitations of existing law, but will remove the limitation on spouse's earned income that were contained in the original House passed bill.

Finally, Mr. Speaker, the amendment will accept the Senate language authorizing a lump sum payment to survivors of the Brownsville incident and their unremarried widows.

I support the gentleman's amendment, Mr. Speaker, because it represents a reasonable compromise with the Senate version of the bill. I urge that it be passed.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. BRINKLEY. Mr. Speaker, as a member of the Veterans' Affairs Committee, I was pleased to join with Chairman DORN as a cosponsor of H.R. 9474 which we passed today overwhelmingly.

By increasing monthly non-service-connected disability and death pension rates for veterans, their widows and children and the dependency and indemnity payments to dependent parents by a minimum of 10 percent, this legislation will help eliminate the see-saw effect which plagues so many. In my opinion this bill will, in the great majority of cases, help to offset some of the veterans benefits which were lost because of the last 20 percent social security increase.

Mr. Speaker, because of the drastic spiraling increases in our cost of living, I strongly urge our colleagues in the other body to consider H.R. 9474 at an early date so that the benefits provided by this legislation can reach the intended recipients, many of whom are in great need, as soon as possible.

Mr. MONTGOMERY. Mr. Speaker, I rise in strong support of H.R. 9474 and urge its unanimous approval by my colleagues. As we all know, this measure will provide for a 10-percent across the board increase in the pension benefits being received by our non-service-connected veterans and the widows and children of non-service-connected veterans. This increase will help to minimize the impact of the social security increase which became effective this past January.

I realize that this is a stopgap measure as far as our non-service-connected veterans are concerned, but hopefully it will help to alleviate their financial problems during these times of rising prices. It is unfortunate but true that each time we raise social security benefits, the non-service-connected veteran suffers a loss in his pension which means his monthly income remains virtually static. By passing this measure, we will make it possible for the non-service-connected veteran to realize a modest increase in his or her monthly income.

Mr. Speaker, I urge passage of H.R. 9474 as amended by the Senate and further amended by the House.

MOTION OFFERED BY MR. DORN

Mr. DORN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DORN moves that the House concur in the Senate amendment to the text with an amendment as follows: Strike out all after the enacting clause and insert:

That (a) subsection (b) of section 521 of title 38, United States Code, is amended to read as follows:

"(b) If the veteran is unmarried (or married but not living with and not reasonably contributing to the support of his spouse) and has no child, pension shall be paid according to the following formula: If annual income is $300 or less, the monthly rate of pension shall be $143. For each $1 of annual income in excess of $300 up to and including $800, the monthly rate shall be reduced 3 cents; for each $1 of annual income in excess of $800 up to and including $1,300, the monthly rate shall be reduced 4 cents; for each $1 of annual income in excess of $1,300 up to and including $1,600, the monthly rate shall be reduced 5 cents; for each $1 of annual income in excess of $1,600 up to and including $2,200, the monthly rate shall be reduced 6 cents; for each $1 of annual income in excess of $2,200 up to and including $2,500, the monthly rate shall be reduced 7 cents; and for each $1 of annual income in excess of $2,500 up to and including $2,600, the monthly rate shall be reduced 8 cents.

"No pension shall be paid if annual income exceeds $2,600.".

(b) Subsection (c) of such section 521 is amended to read as follows:

"(c) If the veteran is married and living with or reasonably contributing to the support of his spouse, or has a child or children, pension shall be paid according to the following formula: If annual income is $500 or less, the monthly rate of pension shall be $154 for a veteran and one dependent, $159 for a veteran and two dependents, and $164 for three or more dependents. For each $1 of annual income in excess of $500 up to and including $800, the monthly rate shall be reduced 2 cents; for each $1 of annual income in excess of $800 up to and including $2,600, the monthly rate shall be reduced 3 cents; for each $1 of annual income in excess of $2,600 up to and including $3,200, the monthly rate shall be reduced 4 cents; for each $1 of annual income in excess of $3,200 up to and including $3,700, the monthly rate shall be reduced 5 cents; and for each $1 of annual income in excess of $3,700 up to and including $3,800, the monthly rate shall be reduced 6 cents. No pension shall be paid if annual income exceeds $3,800.".

(c) Subsection (b) of section 541 of title 38, United States Code, is amended to read as follows:

"(b) If there is no child, pension shall be paid according to the following formula: If annual income is $300 or less, the monthly rate of pension shall be $96. For each $1 of annual income in excess of $300 up to and including $600, the monthly rate shall be reduced 1 cent; for each $1 of annual income in excess of $600 up to and including $1,400, the monthly rate shall be reduced 3 cents; for each $1 of annual income in excess of $1,400 up to and including $2,600, the monthly rate shall be reduced 4 cents.

No pension shall be paid if annual income exceeds $2,600.".

(d) Subsection (c) of such section 541 is amended to read as follows:

"(c) If there is a widow and one child, pension shall be paid according to the following formula: If annual income is $700 or less, the monthly rate of pension shall be $114. For each $1 of annual income in excess of $700 up to and including $1,100, the monthly rate shall be reduced 1 cent; for each $1 of annual income in excess of $1,100 up to and including $2,500, the monthly rate shall be reduced 2 cents; for each $1 of annual income in excess of $2,500 up to and including $3,400, the monthly rate shall be reduced 3 cents; and for each $1 of annual income in excess of $3,400 up to and including $3,800, the monthly rate shall be reduced 4 cents. Whenever the monthly rate payable to the widow under the foregoing formula is less than the amount which would be payable to the child under section 542 of this title if the widow were not entitled, the widow will be paid at the child's rate. No pension shall be paid if the annual income exceeds $3,800.".

SEC. 2. Section 541(d) of title 38, United States Code, is amended by striking "17" and substituting in lieu thereof "18".

SEC. 3. (a) Section 542(a) of title 38, United States Code, is amended by striking the figures "42" and "17" respectively, and substituting in lieu thereof the figures "44" and "18", respectively.

SEC. 4. (a) Subsection (b) of section 415 of title 38, United States Code, is amended to read as follows:

"(b)(1) Except as provided in paragraph (2) of this subsection, if there is only one parent, dependency and indemnity compensation shall be paid to him according to the following formula: If annual income is $800 or less, the monthly rate of dependency and indemnity compensation shall be $110. For each $1 of annual income in excess of $800 up to and including $1,100, the monthly rate shall be reduced 3 cents; for each $1 of annual income in excess of $1,100 up to and including $1,500, the monthly rate shall be reduced 4 cents; for each $1 of annual income in excess of $1,500 up to and including $1,700, the monthly rate shall be reduced 5 cents; for each $1 of annual income in excess of $1,700 up to and including $2,000, the monthly rate shall be reduced 6 cents; for each $1 of annual income in excess of $2,000 up to and including $2,300, the monthly rate shall be reduced 7 cents; and for each $1 annual income in excess of $2,300 up to and including $2,600, the monthly rate shall be reduced 8 cents.

No dependency and indemnity compensation shall be paid if annual income exceeds $2,600.

"(2) If there is only one parent and he has remarried and is living with his spouse, dependency and indemnity compensation shall be paid to him under either the formula of paragraph (1) of this subsection or under the formula in subsection (d), whichever is the greater. In such a case of remarriage the total combined annual income of the parent and his spouse shall be counted in determining the monthly rate of dependency and indemnity compensation under the appropriate formula."

(b) Subsection (c) of such section 415 is amended to read as follows:

"(c) Except as provided in subsection (d), if there are two parents, but they are not living together, dependency and indemnity compensation shall be paid to each according to the following formula: If the annual income of each parent is $800 or less, the monthly rate of dependency and indemnity payable to each shall be $77. For each $1 of annual income in excess of $800 up to and including $1,100, the monthly rate shall be reduced 2 cents; for each $1 of annual income in excess of $1,100 up to and including $1,400, the monthly rate shall be reduced 3 cents; for each $1 of annual income in excess of $1,400 up to and including $2,300, the monthly rate shall be reduced 4 cents; and for each $1 of annual income in excess of $2,300 up to and including $2,600, the monthly rate shall be reduced 5 cents.

No dependency and indemnity compensation shall be paid to a parent whose annual income exceeds $2,600.".

(c) Subsection (d) of such section 415 is amended to read as follows:

"(d) If there are two parents who are living together, or if a parent has remarried and is living with his spouse, dependency and indemnity compensation shall be paid to each such parent according to the following formula: If the total combined annual income is $1,000 or less, the monthly rate of dependency and indemnity compensation payable to each parent shall be $74. For each $1 of annual income in excess of $1,000 up to and including $1,200, the monthly rate shall be reduced 1 cent; for each $1 of annual income in excess of $1,200 up to and including $2,900, the monthly rate shall be reduced 2 cents; and for each $1 of annual income in excess of $2,900 up to and including $3,800, the monthly rate shall be reduced 3 cents.

No dependency and indemnity compensation shall be paid to either parent if the total combined annual income exceeds $3,800.".

SEC. 5. Section 3203(a)(1) of title 38, United States Code, is amended by striking out "30" and inserting in lieu thereof "50".

SEC. 6. (a) Subsection (b) of section 3010 of title 38, United States Code, is amended by inserting "(1)" immediately after "(b)", and by adding at the end of said subsection the following new paragraph:

"(2) The effective date of an award of disability pension to a veteran shall be the date of application or the date on which the veteran became permanently and totally disabled, if an application therefor is received within one year from such date, whichever is to the advantage of the veteran.".

(b) Subsection (a) of this section shall apply to applications filed after its effective date, but in no event shall an award made thereunder be effective prior to such effective date.

SEC. 7. (a) Any veteran who was dishonorably discharged from the United States Army as the result of an incident that occurred in Brownsville, Texas, on August 13, 1906, and who was not subsequently ruled eligible for reenlistment in the Army by a special Army tribunal decision dated April 6, 1910, shall, upon application made to the Administrator of Veterans' Affairs together with such evidence as the Administrator may require, be paid the sum of $25,000.

(b) Any unremarried widow of any veteran described in subsection (a) of this section shall, upon application made to the Administrator of Veterans' Affairs together with such evidence as the Administrator may require, be paid the sum of $10,000 if such veteran died prior to the date of enactment of this Act or if such veteran failed to make application for payment under subsection (a) after such date of enactment and prior to his death.

(c) Payment authorized to be made under this section in the case of any veteran or widow shall be made by the Secretary of the Army, out of funds available for the payment of retired pay to Army personnel, upon certification by the Administrator of Veterans' Affairs of the entitlement of such veteran or widow to receive such payment. In no case may any payment be made to any veteran or widow under this section unless application for such payment is made within five years after the date of enactment of this Act.

SEC. 8. This Act shall take effect on January 1, 1974.

Mr. DORN (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The motion was agreed to.

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MOTION OFFERED BY MR. DORN

Mr. DORN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. Dorn moves that the House concur in the Senate amendment to the title of the bill with an amendment as follows: Amend the title so as to read "a bill to amend title 38, United States Code, to increase the monthly rates of disability and death pensions and dependency and indemnity compensation and for other purposes."

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

GENERAL LEAVE

Mr. DORN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks, and to include extraneous matter, on the bill under consideration.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

SOCIAL SECURITY BENEFITS INCREASE

Mr. ULLMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11333) to provide a 7-percent increase in social security benefits beginning with March 1974 and an additional 4-percent increase beginning with June 1974, to provide increases in supplemental security income benefits, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Oregon (Mr. ULLMAN).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 11333, with Mr. DINGELL in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Oregon (Mr. ULLMAN) will be recognized for 1½ hours and the gentleman from Virginia (Mr. BROYHILL) will be recognized for 1½ hours.

The Chair recognizes the gentleman from Oregon (Mr. ULLMAN).

Mr. ULLMAN. Mr. Chairman, I yield myself 20 minutes.

Mr. Chairman, the purpose of H.R. 11333 is to provide increased payments for social security beneficiaries and needy aged, blind, and disabled adults who will start receiving payments under the new Federal supplemental security income program—SSI—which will go into operation at the beginning of 1974.

As recently as last July legislation was approved to increase the benefits of these same individuals. Public Law 93–66 enacted in July of 1973 would provide a 5.9-percent cost-of-living increase applicable only to social security benefits payable for June 1974 through December 1974. This benefit increase was enacted as an advance payment of a portion of the first automatic benefit increase which would be in effect for January 1975.

Let me say that this bill relates to two separate programs. One is the social security program, and the other is the supplemental security income program which Members will recall was enacted in 1972 to replace the Federal-State grant-in-aid program for the aged, the blind, and the disabled. In Public Law 93–66 this year we also provided for some additional payments in SSI recipients. Under the original law the new SSI program would go into effect in January, but earlier this year we provided for an increase in SSI payments that would go into effect in July of 1974.

What we are doing in that respect in this bill is stepping up the time for these increases from July of 1974 to January of 1974. Remember, these are for the aged, the blind, and the disabled. This is the supplemental security income program. I will in a few minutes point out the problem in connection with that program as it relates to State supplemental payments which create some difficulty, and I will point out how I think we properly have solved it in this bill.

The second measure that this bill relates to is of course the cost-of-living increases in the social security system which were to have gone into effect on January 1 of 1975 but concerning which earlier this year we provided a special 5.9-percent-benefit increase effective in July of 1974. What we are doing in this legislation is moving that increase on up to the earliest possible date when it can be put into effect, and that is March of this year, payable in the April checks.

Since the enactment of Public Law 93–66 early in July the cost-of-living index, particularly those elements which have the greatest effect on individuals not in the labor force, such as the price of food, has risen more rapidly than at any time since the post-World War II period. This is why we are here before the House today.

Note this: In the 3 months time, July, August, and September, the index has risen at a seasonally adjusted annual rate of 10.3 percent and the food component of the index has risen at a seasonally adjusted annual rate during those 3 months of 28.8 percent. This is the most phenomenal increase in the cost of food that any of us has experienced in our time and this is the reason we are here to try to relate that cost of living to the benefits that are received by the aged under these programs.

It is evident, therefore, that Congress should act now both to provide assurances to beneficiaries that the social security and supplemental security income programs are responsive to changing needs by improving benefits as quickly as possible and also to maintain confidence in the fiscal integrity of the social security system by improving the actuarial soundness of the program.

I believe it is extremely important that we keep the social security program actuarially sound and in this measure we have taken the necessary steps to bring the program back into actuarial soundness, so that we can go home to our constituents and explain to them that the social security fund is on a sound basis.

The committee's bill would provide for a flat 7 percent social security benefit increase for March, 1974, which will be reflected in the checks received early in April, which would be a partial advance payment of a permanent 11 percent benefit increase effective for June, 1974, reflected in the checks payable early in July.

Let me explain why the committee chose to make the first part of the increase in social security benefits effective for March. I just will explain that this is absolutely the earliest possible date that even a flat increase could be put into effect, according to the testimony presented to our committee by the Social Security Administration experts.

The Social Security Administration informed the committee that it did not have the ability to implement the new SSI program and at the same time recompute the benefits of all social security beneficiaries in the manner that social security benefit increases have been made in the past, which is on a so-called refined or precisely exact basis, and to reflect such a benefit increase in the checks received by social security beneficiaries prior to the checks issued in May, issued May 3, 1974.

Mr. Chairman, at this point I will insert into the RECORD a statement prepared by the Social Security Administration explaining why it would not be possible to include a social security benefit increase in social security checks prior to April 1974:

WHY IT ISN'T POSSIBLE TO PAY A SOCIAL SECURITY BENEFIT INCREASE IMMEDIATELY

Given the fact that the Social Security Administration employs tens of thousands of workers and is one of the world's largest users of computers, it would seem, on the surface that it would be a simple matter to include any benefit increase in the very next check following a decision by the Congress and the President to provide the increase.

As it turns out, it is a difficult and time-consuming task—one that requires a great deal of planning and preparatory work. While computers can calculate benefit increases very quickly, preparing them to make those calculations is a very complex undertaking. The complexity also limits the number of people who can be assigned to this work at any given time. Following are some of the reasons why the process takes so much time.

The computers can easily be used for the relatively simple chore of multiplying current benefits by the rate of the increase for less than half of the 29 million beneficiaries who receive checks each month.

For the remaining beneficiaries—some 17 million people—the computers must be programmed to apply a vast number of complex rules required to increase the amount of a person's check correctly. For example, a complex calculation is required for beneficiaries who retired before age 65, and for those who are widows.

Last year, the Social Security Act was amended to include many changes which greatly complicate benefit calculations and increase the number of variables that must be taken into account. Computer programs and payment systems are still being revised to work those legislative changes into the system. These changes have rendered useless computer programs and special systems used by the Social Security Administration to execute previous benefit increases.

Last year's Social Security Amendments also authorized a new Federal Supplemental Security Income program calling for the Social Security Administration to begin making cash assistance payments to some 6 million needy aged, blind, and disabled people in January 1974. This new program adds a significant workload for the Social Security Administration. The requirement to install the Supplemental Security Income program and to increase social security benefits at the same time complicates both processes—particularly because the two programs affect each other and must be carefully coordinated.

The combination of all of these factors makes the preparation required to correctly increase 29 million social security checks more difficult than ever before. The best estimate of the Social Security Administration is that the complete process, from beginning of planning to delivery of an increased benefit check, will require about 6 months.

Following is a summary of some of the steps that are required to complete preparations, calculate the increase, and deliver a higher check to social security beneficiaries:

Step 1. The planning for and preparation of new computer programs and changes in the check processing system require about 12 weeks.

Step 2. Testing and checking these programs and systems changes require another 2 weeks.

Step 3. A master benefit record must be kept on the 29 million people now receiving checks. Correct benefit payments cannot be made unless it is maintained and updated accurately. Thus, the new computer programs and systems changes must be tested to be certain that they do not produce errors in the master benefit record. This step is very important, otherwise future benefits could be in error, to the disadvantage of millions of social security beneficiares. This step takes another 2 weeks.

Step 4. The actual process of updating the master file and calculating the benefit increase then takes place. It is this step that produces a massive computer tape which will be used by the Treasury Department as a basis for writing the benefit checks themselves. This step takes about 5 weeks.

Step 5. Using the tape prepared by the Social Security Administration, the Treasury Department prepares the actual checks—over 29 million of them. This requires about 3 to 4 weeks. The process of preparing regular monthly social security checks goes on routinely, month in and month out. Three weeks out of every month is always devoted to Treasury processing.

Step 6. The checks are mailed by the postal service. This is the quickest step. It only takes about 3 days.

To carry out all these steps takes about 6 months.

The Social Security Administration is anxious to deliver proper checks, including new benefit amounts, at the levels authorized in law—as quickly and as accurately as possible. Benefit increases have occurred with some frequency during recent years, and the Social Security Administration has gained a great deal of experience in preparing for and dealing with them. In the case of past benefit increases, SSA has begun a number of the required steps even ahead of actual changes in the law, in anticipation of final action by the Congress. In other words, the agency has anticipated the changes and thus reduced the elapsed time between final enactment of the benefit increase and the delivery of the check. However, it can begin its work only as soon as there is reasonable assurance of what the Congress intends to do. Assuming the Congress will complete its action by December 1, the above schedule would result in the delivery of accurately computed benefit increase checks in May of 1974—at the earliest.

POSSIBILITY OF A FLAT "UNREFINED" INCREASE

The above process can be speeded up if the law authorizing the benefit increase calls for a simple multiplication of the current benefit for each and every beneficiary by the percentage increase. In other words, by ignoring all the variables that now exist for more than 17 million beneficiaries, the process can be shortened. On this basis, a benefit increase can be paid in the April check. However, such an unrefined increase would mean that about 12 million people would receive an amount somewhat lower (usually about $1) than they would receive under a refined increase. Nevertheless, these people would receive more than they now receive.

Under this kind of arrangement, it would be necessary later to refine all the records and calculate all the variables for 17 million people in order to begin paying checks in the correct monthly amount.

With respect to the 7-percent benefit increase payable for March through May of 1974, the reported bill therefore provides for a simplified benefit increase. When the full 11 percent goes into effect in June, payable in July, it will be a "refined" 11 percent; so at that time the increases will be in full conformity with all the complexities and technicalities of the social security law and will be precisely accurate for all classes of beneficiaries.

Let me turn now to the financing, because I believe this is extremely important. The bill would also bring the long-range actuarial deficit of the system within acceptable limits by increasing the annual amount of earnings subject to tax and creditable for benefits and by making adjustments in the social security tax schedule.

Let me tell the Members here that until 1981 there will be no increase of rates in the combined social security and hospital insurance tax schedules. There will be some adjustment between the HI portion and the social security portion, which I also will explain. However, the bill would raise the social security taxable wage base for calendar year 1974 from $12,600 to $13,200.

The adjustments in the social security tax rates, as I have indicated, involve increases in the tax rates on a long term basis to provide additional funds for this social security cash benefit program and decreases in the tax rate for the hospital insurance program. There will be no increase, as I have indicated, in the total tax rate when we combine the tax rates of both of these programs until 1981. At that time there would be a 0.15-percent increase in the total tax rate involving an increase from 6.15 percent to 6.30 percent at that time, in 1981. There would also be an increase in the total combined tax rate in subsequent years. Mr. Chairman, at this point I will insert in the RECORD memorandums prepared by the office of the actuary relating to the financial soundness of the Social Security System as modified by H.R. 11333, and also a table setting forth social security tax rates under the present law and as they would be modified by the committee bill. These matters are covered very carefully in the committee report, and I would recommend these tables to the attention of the Members.

GENERAL MEMORANDUM

From: Francisco Bayo, Deputy Chief Actuary, SSA.

Subject: Margin of Variation in the Long Range Actuarial Balance of the OASDI System.

Historically, there has been a range or margin of variation that has been regarded as acceptable in the financing of the OASDI system. The margin has been predicated mostly on the basis that the actuary cannot project future costs with exact precision and partly on the fact that the tax rates are rounded to the nearest 0.10 percent of taxable payroll.

In the early 1960's, it used to be that the system would be considered in actuarial balance if the deficit (or surplus) was not over 0.30 percent of taxable payroll. This permissible margin of variations was later reduced to 0.10 percent of taxable payroll, when the 1965 Advisory Council recommended that the estimates be prepared over a 75-year period rather than over perpetuity. The change to a shorter period of valuation brought more certainty into the cost projections. The latest Advisory Council recommended that the estimates be based on increasing earnings and benefits assumptions rather than the static ones that had been used in the past. The projection of costs on the basis of possible future increases in wages and in Consumer Price Index makes the long-range cost more uncertain and, therefore, subject to a wider margin of variation. This new margin of variation could be established at a relative level of about 5 percent of the cost of the system, or at about 0.57 percent of taxable payroll for the present OASDI system.

The bill reported out by the Ways and Means Committee, H.R. 11333, has an actuarial balance of −0.51 percent of taxable payroll, and it is within a permissible margin of 5 percent of the cost of the system.

The present system has an actuarial balance of −0.76 percent of taxable payroll, which is outside the permissible range of variation. However, the Ways and Means Committee bill provides for an improvement in the financing of about ¼ of one percent of taxable payroll, thus bringing the system into closer actuarial balance.

Ideally, the preferred financing would yield an exact actuarial balance, that is, no long-range deficit or surplus, but due to the variations in future cost and to the rounding of the tax rates, a margin of deficit or surplus is acceptable.

FRANCISCO BAYO.

GENERAL MEMORANDUM

NOVEMBER 13, 1973.

From—Francisco Bayo, Deputy Chief, Actuary, SSA.

Subject—Financial Soundness of the Social Security System.

The financial or actuarial soundness of the Social Security system is generally established on the basis of the long-range cost of the system. This is done by comparing the average-cost of the system over 75 years into the future with the average tax collections that are expected over the same period. If in this comparison the costs and taxes are close to each other (no more than 5 percent apart), the system is regarded as being financially sound.

As examples of the above, it could be indicated that the present Social Security system needs additional taxes in order to be actuarially sound, since the tax collection projected under present law falls short by about 7 percent of projected cost. On the other hand, the bill reported out a few days ago by the House Committee on Ways and Means, H.R. 11333, can be regarded as financially sound since there is a difference of only 4 percent between the projected taxes and the projected costs. This bringing of the Social Security system back into actuarial soundness is a result that the Committee wanted to accomplish in the bill.

In a program like the Social Security system, there is no need to keep on hand enough funds to pay for all future benefits. The test is whether all future income, in addition to the funds on hand, would come close to covering all future outgo. It is, however, important (but not essential) that the funds on hand increase during the early years, i.e., that the use of the present funds to pay benefits in the near future should be avoided. Under the bill reported out by the Ways and Means Committee, the funds would increase in the early years from about $46 billion at the end of 1974 to about $54 billion at the end of 1978. The reverse would be true under present law, since the funds would decrease from $47 billion in 1974 to $46 billion in 1978.

FRANCISCO BAYO.

SOCIAL SECURITY TAX RATES FOR EMPLOYERS, EMPLOYEES, AND SELF-EMPLOYED PERSONS UNDER PRESENT LAW AND COMMITTEE BILL

[In percent]

	Present law						Committee bill					
	Employer and employee, each			Self-employed			Employer and employee, each			Self-employed		
	OASDI	HI	Total	OASDI	HI	Total	OASDI	HI	Total	OASDI	HI	Total
1974 through 1977	4.85	1.00	5.85	7.0	1.00	8.00	4.95	0.90	5.85	7.0	0.90	7.90
1978 through 1980	4.80	1.25	6.05	7.0	1.25	8.25	4.95	1.10	6.05	7.0	1.10	8.10
1981 through 1985	4.80	1.35	6.15	7.0	1.35	8.35	4.95	1.35	6.30	7.0	1.35	8.35
1986 through 2010	4.80	1.45	6.25	7.0	1.45	8.45	4.95	1.50	6.45	7.0	1.50	8.50
2011 plus	5.85	1.45	7.30	7.0	1.45	8.45	5.95	1.50	7.45	7.0	1.50	8.50

The committee bill also makes some modifications in the provisions of the Social Security Act with respect to increasing benefits automatically to keep pace with future increases in the cost of living.

Under present law, the cost of living for the automatic benefit increase provisions is measured from the second quarter of one year to the second quarter of the next year, with any benefit increase payable for the following January. This results in a 7-month lag between the end of the period which is used to determine the rise in the cost of living for an automatic benefit increase and the payment for such increase. The January check is actually received in February, 7 months after the close of the second calendar quarter.

The committee felt that an increase under the automatic benefit adjustment provision of the law should reflect the rise of the cost of living as nearly as possible to the date of implementation. In order to achieve this purpose, the bill would change the automatic adjustment provisions of the law to provide that future benefit increases be computed on the basis of the Consumer Price Index for the first calendar quarter rather than the second calendar quarter of the year, as under present law, and also that the resulting automatic benefit increase be effective for June of the year in which a determination to increase benefits is made.

This would reduce the lag between the end of the calendar quarter used to measure the rise in the cost of living and the payment of the resulting benefit increase from 7 months to 3 months. It would also mean that the automatic benefit increases in the future would be payable in the month in which any revised premiums under the supplemental medical insurance program would be effective, thus providing the opportunity to make both adjustments in the benefit checks at the same time. So we think this is an overall simplification of the act and one that will make it work more effectively.

Since the 11 percent benefit increase provided for in the bill approximately reflects the estimated rise in the cost of living into the second calendar quarter of 1974, the bill provides specifically that for purposes of determining the first automatic benefit increase effective for June, 1975, the increase in living cost would be determined from the second calendar quarter of 1974 to the first calendar quarter of 1975.

These changes would not affect automatic adjustment provisions relating to the contribution and benefit base and the earnings limitation except that these increases would occur periodically in January following a June benefit increase rather than with the same month for which benefits would be increased as under present law.

The bill specifically provides that the 11 percent benefit increase for June 1974 provided for in the bill shall be considered for purposes of permitting an automatic increase in the contribution and benefit base and the earnings limitations beginning effective January 1975.

Mr. Chairman, in making these changes in the automatic benefit increase provisions of the law, we have attempted to provide a mechanism for moving from these legislated increases that we have had to make because of the tremendous increase in cost of living. The bill will make it possible to work into the automatic cost-of-living procedures.

Under the bill we have provided for an 11-percent benefit increase effective in 1974 and then provided a new base period whereby we can move automatically into another cost-of-living increase payable in July of 1975. So it is the hope of the committee that there will be no need for any further legislation to get us into the automatic cost-of-living benefit increase procedures.

This bill will take fully into consideration all of the cost-of-living increases that will have taken place and will give that cost of living to the beneficiaries as rapidly as possible as the cost-of-living increase occurs.

Therefore, we think that this is the kind of tidying legislation that is absolutely essential to get the cost of living into a meaningful posture.

I think, very importantly, as I have indicated before, we have also corrected the actuarial imbalance in the program, and I think that is something that we should all note.

Let me turn to the matter of SSI benefits, because this will create some controversy in the program that we are presenting, and I think it is the only controversy.

The bill provides that SSI benefits would be increased from $130 to $140 for a single individual and from $195 to $210 for a couple, effective in January of 1974. That would be reflected in the checks received in January.

Remember, this is a new program, and this is when it goes into effect, in January. But we will increase that amount from the amount scheduled originally, as I have indicated.

A further increase of $6 for single individuals and $9 for couples would be effective in July 1974, as reflected in the checks received for July.

Now, Mr. Chairman, there is a provision that we will hear more about. The bill contains what has been referred to as a "pass-along provision" which will affect the benefits payable in some States which make the supplementary payments to recipients receiving benefits under the new Federal SSI program.

This is a rather complicated matter.

As all of us know, the rationale for the SSI program is to eliminate the grant-in-aid and cost-sharing provisions for the aged, blind, and disabled that we have always had and to make this a Federal program—in other words, to federalize the adult category.

But in the original bill as passed, we did make provision for the States that had supplemental payments, because some States have a higher cost factor, and they feel that their aged people cannot survive on the basis of these Federal limits. And so we put into effect what we call a hold harmless provision, and

that hold harmless provision is what gives us problems here.

The present law, in effect, provides that if the average amount of income actually received by aged, blind, and disabled welfare recipients under State programs in January of 1972 was higher than the level of Federal payments under the supplemental security income program the States may add enough to new Federal benefits to make up the difference, with the assurance that their total expenditures will not exceed the expenditures for those programs from non-Federal sources in the calendar year 1972.

The States may add enough to increase the Federal benefits to make up the difference with the assurance that their total expenditures will not exceed expenditures from these programs from non-Federal sources in calendar year 1972. That is the "hold harmless" provision. If the State exceeds the 1972 expenditures, then the Federal Government will make up the difference. Any increases made since January 1972 are at the State's expense. It means that when the Federal benefit is increased, as it is in this bill, the State's supplemental payments must be decreased by the same amount or the State must provide additional funds of its own if it wishes the beneficiary to have the benefits of this increase.

The first SSI payment will be made on January 1, 1974. Because of the fear that States could not make the necessary adjustments in their law or make the necessary plans or financing by that time, this bill provides that the Federal increase on January 1 may be passed on to recipients during the calendar year 1974 at no additional expense to the States.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ULLMAN. Mr. Chairman, I yield myself 4 additional minutes.

In other words, what we have done is provided for 1 year—and only 1 year—a hold harmless provision for these increases. Remember that we had a hold harmless provision for all of the differential when we first initiated the program.

As an example of how this will work, assume a State's payment, together with income, averaged $200 per recipient in January 1972. The State made plans to provide supplemental payments of $70 with the Federal payment of $130, which is the amount that has been in the law, and the amount we would increase it to is $140.

Without this amendment the State has two options: it can reduce the $70 to $60 so that the income to the beneficiaries will be the same, or else it can provide $10 of its own funds and thus make a $70 payment to the beneficiary and provide the same increase in total income as there is in the Federal benefit.

The committee was very much afraid some States would not be able to make either of these choices in the time available and accordingly provided temporary relief to the States, so that to the extent they have problems they would not be put in an impossible situation on January 1.

These are the principal provisions of the bill.

I would like to assure Members of the House that, as always, we thoroughly considered this matter and have come to you with a reasonable package designed to treat social security beneficiaries fairly and maintain the social security program on a sound actuarial basis.

I strongly urge that the House pass the legislation.

Mr. Chairman, I will include supplemental material at this point in the RECORD.

TABLE 1.—ESTIMATED EFFECT OF SPECIAL BENEFIT INCREASE OF 7 PERCENT, EFFECTIVE MARCH 1974 AND THE PERMANENT 11 PERCENT INCREASE EFFECTIVE JUNE 1974, ON AVERAGE MONTHLY BENEFIT AMOUNTS IN CURRENT-PAYMENT STATUS FOR SELECTED BENEFICIARY GROUPS

Beneficiary group	Average monthly amount: Before 7 percent increase	After 7 percent increase	After 11 percent increase
1. AVERAGE MONTHLY FAMILY BENEFITS			
Retired worker alone (no dependents receiving benefits)	$162	$173	$181
Retired worker and aged wife, both receiving benefits	277	296	310
Disabled worker alone (no dependents receiving benefits)	179	191	199
Disabled worker, wife, and 1 or more children	363	388	403
Aged widow alone	158	169	177
Widowed mother and 2 children	390	417	433
2. AVERAGE MONTHLY INDIVIDUAL BENEFITS			
All retired workers (with or without dependents also receiving benefits)	167	178	186
All disabled workers (with or without dependents also receiving benefits)	184	197	206

TABLE 2.—ASSETS AT THE BEGINNING OF THE YEAR[1]

[Percent]

Calendar year	OASDI: Present law	OASDI: Modified system	HI: Present law	HI: Modified system
1973	80	80	36	36
1974	75	72	64	64
1975	70	68	83	74
1976	64	64	95	78
1977	59	63	103	77
1978	56	62	105	72

[1] As a percentage of expenditures during the year for the OASI and DI trust funds, combined, and for the hospital insurance trust fund, under present law and under the system as it would be modified by the committee bill.

TABLE 3.—PROGRESS OF THE OASI AND DI TRUST FUNDS, COMBINED, UNDER PRESENT LAW AND UNDER THE SYSTEM AS IT WOULD BE MODIFIED BY THE COMMITTEE BILL, CALENDAR YEARS 1973–78

[In billions]

	Income		Outgo		Net increase in funds		Assets, end of year	
	Present law	Modified system	Present law	Modified system	Present law	Modified system	Present law	Modified system
Calendar year:								
1973	$54.8	$54.8	$53.4	$53.4	$1.4	$1.4	$44.2	$44.2
1974	61.4	63.1	58.9	61.2	2.6	1.9	46.8	46.1
1975	66.5	68.5	66.6	67.6	-.1	.8	46.7	46.9
1976	72.6	74.8	72.7	73.1	([1])	1.7	46.6	48.6
1977	78.4	80.9	78.5	77.8	-.2	3.1	46.5	51.7
1978	82.0	85.5	82.3	83.7	-.3	1.9	46.2	53.6

[1] Outgo exceeds income by less than $50,000,000.

TABLE 4.—PROGRESS OF THE HOSPITAL INSURANCE TRUST FUND UNDER PRESENT LAW AND UNDER THE SYSTEM AS IT WOULD BE MODIFIED BY THE COMMITTEE BILL, CALENDAR YEARS 1973–78

[In billions]

	Income		Outgo (same under present law and modified system)	Net increase in funds		Assets, end of year	
	Present law	Modified system		Present law	Modified system	Present law	Modified system
Calendar year:							
1973	$11.4	$11.4	$8.1	$3.4	$3.4	$6.3	$6.3
1974	13.1	12.1	9.8	3.3	2.3	9.6	8.6
1975	14.3	13.1	11.5	2.8	1.5	12.4	10.1
1976	15.7	14.3	13.0	2.7	1.2	15.1	11.3
1977	17.1	15.4	14.7	2.3	.7	17.5	12.0
1978	22.0	19.4	16.6	5.5	2.8	22.9	14.9

TABLE 5.—*Effect of H.R. 11333 on unified budget for fiscal year 1974*

[In billions]

Additional outgo:	
Social security benefit increase	$.9
Supplemental security income benefit increase[1]	.2
Total	1.1
Additional income:	
Social security earnings base	.1
Net additional outgo	1.0

[1] Cost of "hold harmless" provision already included in the budget. Without the amendment in the bill, expenditures under the "hold harmless' provision would be about $100 million less than provided for in the Fiscal Year 1974 budget.

Mr. CAMP. Will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman.

Mr. CAMP. I believe the gentleman stated the increased cost of living percentagewise was about 28.8 percent.

Mr. ULLMAN. For the time frame I mentioned the food costs had gone up at a 28.8 percent annual rate. That is right. The across-the-board living cost had gone up 10.3 percent.

Mr. CAMP. I wonder if the gentleman can tell us how much the social security payments percentagewise have gone up.

Mr. ULLMAN. What we have done in this legislation is try and keep exactly abreast of the cost-of-living increases that have occurred and to tide the program over during this interim period so that we can actually have cost-of-living benefit increases coming into effect at the time nearest to the cost-of-living increases so that they can help the beneficiaries. The actual result is here that the increases we have afforded during this year and through next year until the automatic cost-of-living adjustments come into effect will very closely match the actual costs of living that have taken place.

Mr. BROYHILL of Virginia. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, the gentleman from Oregon (Mr. ULLMAN) has delivered a very thorough explanation of the bill. Therefore, I will attempt to merely summarize essential points of the measure and to make a few additional observations on it.

The bill provides for a 7-percent "flat" social security benefit increase payable in the April 3, 1974, paychecks, and for a further increase in the July 3, 1974, paychecks, bringing the combined increase for the year to 11 percent across the board.

And very importantly, Mr. Chairman, the bill also provides for a quick return to the cost-of-living increase concept in the automatic escalator provision of existing law.

In effect, the action taken under this measure would preempt the first cost-of-living increase, due to take effect in January 1975, but as pointed out by the gentleman from Oregon, H.R. 11333 does provide for a prompt return to the cost-of-living concept. The first automatic increase would be payable in July 1975, and succeeding increases would be payable each July thereafter, if warranted by increases in the cost of living totaling 3 percent or more, based on comparisons between the first quarter of one year and the first quarter of the next.

To finance the 11 percent benefit increase in 1974, the taxable wage base would be raised from its present level of $10,800 to $13,200 in 1974. I might point out that the wage base would go up to $12,600 anyway next year, under current law.

The bill also provides for a transfer of money from the health insurance trust fund equal to one-tenth of 1 percent of payroll, over to the old age, survivors and disability trust funds starting next year. This would be a temporary shift. In 1981 the contribution rate for hospital insurance would be back on the schedule set under current law.

In addition, H.R. 11333 provides for further rate adjustments in future years to keep the trust funds within recommended actuarial bounds.

Finally, the bill advances the increases already provided for the supplemental security income program. SSI payments would be raised under current law $10 per individual and $15 per married couple in July of next year. The bill would advance these raises to January 1, 1974, when the program starts, and would provide for further increases of $6 for individuals and $9 for couples effective on July 1, 1974.

We adopted this portion of the bill without too much disagreement in committee, except for one provision, the so-called hold-harmless provision, under which it is contended that 10 States could raise their SSI benefits at Federal expense. Over the years we have had a discriminatory situation in which the Federal Government has been paying more to the poor in some States than in others, due to the varying amounts that the States were putting into the program in supplemental payments. This was an uneven practice which we attempted to correct when we adopted the SSI program.

The ultimate aim was to make the same Federal payment in all instances, but we included in the original SSI legislation a hold harmless provision to insure that States which were paying benefits above the new Federal payment levels could continue doing so without incurring higher welfare costs than they were incurring in 1972. This was intended to be a temporary provision. But it has been pointed out that we are perpetuating that discrimination in this legislation by permitting 10 States to increase their benefit levels by the amounts of the increases provided in the bill and still come under the old hold harmless provision.

The CHAIRMAN. The gentleman has consumed 5 minutes.

Mr. BROYHILL of Virginia. Mr. Chairman, I yield myself 5 additional minutes.

Mr. Chairman, the Committee on Rules has permitted the gentlewoman from Michigan (Mrs. GRIFFITHS) to offer an amendment to eliminate the hold-harmless provision of this bill, even though it would be extended only for 1 more year. Everyone here knows that once that year is up, a further extension will be sought, and we are establishing a precedent for extension in H.R. 11333. I intend to support the amendment of the gentlewoman from Michigan when she offers it, and I hope it will have the unanimous support of Members on this side of the aisle.

Mr. Chairman, we had a lot of problems in writing this legislation, but those problems did not arise from differences among us with respect to our concern for the aged, poor, and disabled. All of us recognize the necessity to deal with those particular needs, and all of us share equally in our desire to do so.

It is unfair, if not intellectually dishonest, Mr. Chairman, for anyone to claim more compassion or sympathy than others for the aged. This is not just a simple matter of determining who can bid highest in providing additional social security benefits. We are charged with the responsibility of preserving the financial integrity of the system, not only for the present but for the future. This involves providing adequate financing and, of course, it is the taxpayer who must pay the price. Specifically, it is the wage earner in the lower income brackets.

This also involves a problem of fiscal impact. As we know, inflation hurts the poor a great deal more than it does the rest of the population; therefore, we must minimize as much as we can the inflationary fiscal impact which such legislation will have.

Mr. Chairman, every time a social security bill comes up for consideration, there is much debate as to what we want the social security system to be. Do we want it to be a welfare program, or do we want it to be an insurance program? It was intended originally to be a social insurance program, wherein wage earners can contribute to the system during their earning years, and then, during their years of retirement, receive benefits based on those contributions. But because of our concern for the elderly and the disabled, we have attempted repeatedly to meet their financial needs by raising benefits without due regard to the impact such actions might have on the insurance aspect of the system.

More often than not, Mr. Chairman, we have increased benefits the highest for those who have contributed the least to the system. We have provided the greatest percentage increases to those who have other investments and other income. For example, many people who have spent most of their working lives in civil service, retire and receive benefits under that system, then work under social security for a few years and receive minimum benefits under this system also. Social security benefits are heavily weighted in favor of those with lower covered earnings, on the basis of social need. But whenever we increase benefits across the board, this ironically has the effect of helping not only those with the greatest need, but those with the least, as well.

In the meantime, we are soaking wage earners to pay for liberalized benefits.

Mr. Chairman, some of us feel that taxes on wage earners have reached acceptable limits. In fact, one of my colleagues on the committee stated the other day that he felt we might be on the verge of a wage earners' revolt.

Many of these wage earners do, indeed, have severe problems. Those who are at the beginning of their earning years are likely to be in the process of trying to buy a home, trying to raise a family, trying to educate their children, and hopefully trying to put something away for a rainy day. Many of the retirees who benefit greatly from these social security increases do not have such problems. In many instances the social security beneficiaries have paid for their homes, their children are grown and educated, and they have been fortunate enough to have put something aside for themselves.

In this bill, we are raising the wage base to $13,200 a year. The wage earner who is earning that much in 1974 will be paying $772.20 annually into the social security system. That is $140.40 more than he is paying this year. When we add the equal contribution made by his employer—and it should be noted that the employer's contribution is basically chargeable to the employee because it is a fringe benefit that the employee would likely receive in another form if the employer did not have to pay the tax—it brings the total contribution to the trust funds on behalf of the $13,200-a-year wage earner up to $1,544.40 a year, and that is not "peanuts."

In fact, most of the workers covered under social security earn less than $13,200 a year, and many of them now pay more in social security taxes than they do in Federal income taxes.

And the rate of social security taxation is going to continue to go up in future years. We provide for it in this bill. From 5.85 percent of taxable earnings next year, it will go as high as 7.45 percent if Congress does not enact further adjustments. Of course, we might say that a person paying into social security will get his money back later. He will if he lives long enough, and if the system lasts that long.

I submit, Mr. Chairman, that the trust funds are only marginally sound. Contribution rates and taxable earnings are based on actuarial assumptions that are considered questionable by many experts, yet we have modified those actuarial assumptions to suit our convenience.

In 1972 we modified them drastically in order to justify a 20-percent increase. In this switch we shifted to current cost financing. And we already are violating the new guidelines, current cost financing foregoes a large buildup of funds in early years that would provide interest earnings to the trust funds. The latest Social Security Advisory Council recommended that under this new financing assets in the trust funds should be equivalent to about 1 year's benefit payments. The Council said the law should be changed to require the trustees of the funds to report to Congress whenever any of the funds might fall below 75 percent of the amount of the following year's expenditure or would rise above 125 percent of such expenditure.

But what do we have at the present time in the OASDT trust funds? We have a ratio of assets to the following year's benefit payments of under 80 percent, and this is expected to decline, under the bill, to 62 percent. In short, we will have assets declining below two-thirds of 1 year's benefit expenditure.

We also came up with a new set of actuarial assumptions based on "dynamic earnings." This assumes we are going to have an increase in average covered earnings of 5 percent every year and an increase in the cost of living, based on the Consumer Price Index of 2¾ percent annually. With those assumptions and with the increases in benefits throughout the years, it has been contended that the system will remain actuarially sound if we can keep expenditures in line with the income within a tolerance of about minus 0.5 percent of taxable payroll.

However, when we used more conservative assumptions, based on level wages and prices, we were told by the system's actuaries that actuarial soundness called for a tolerance of about minus 0.1 percent of taxable payroll.

Under this bill, we would have a tolerance, or an actuarial imbalance, of an estimated minus 0.51 percent of taxable payroll, which is 5 times greater than the tolerance we once said to be safe. If this figure of minus 0.51 percent of payroll is maintained over a period of 5 years, it will amount to a total deficit of several billions of dollars. So the actuarial soundness of this system at the present time seems to me to be questionable at best.

Mr. Chairman, we can make this system more generous or more liberal, if we provide the money for it. This money has got to come from taxes. There is no other source.

Increases based on the cost of living are proper and fair. But past increases we have provided have far exceeded increases in the cost of living. Since 1950 the cumulative increase in the consumer price index has amounted to 202.8 percent, while the cumulative increases in social security benefits have amounted to 342 percent. Since January of 1970, we have provided a 15-percent increase, then a 10-percent increase, and then a 20-percent increase, for a cumulative benefit increase of 51.8 percent, yet over the same period the cumulative increase in the cost of living has amounted to 23.4 percent.

So social security benefits clearly have not lagged behind cost-of-living increases.

What about the fiscal impact of this bill? This should be the concern not only of the committee, but of all of us.

By providing for a March 1974 increase, we also provide a deficit estimated at $1.3 billion in fiscal 1974.

The committee did consider an alternative, providing for a 10-percent increase effective in July 1974, with a further increase to a combined total of 13 percent in January 1975, and this would have no fiscal impact whatsoever on fiscal 1974.

The committee at one point approved that alternative by a vote of 13 to 12. But the following day, after a motion to reconsider, the committee came out with the bill that we have before us today.

I will say, Mr. Chairman, although I am reluctant to be overly enthusiastic about it, that I believe this is possibly the best compromise we could have come up with. It provides for a deficit in fiscal year 1974 of $1,115 million, but it also provides an adequate cost-of-living increase next year and adequate cost-of-living increases in the future, if Congress will only let the automatic escalator provision take effect.

Let me say briefly in conclusion, Mr. Chairman, that this social security system certainly does not provide a bonanza. It is not a perfect system. I hope we can do a great deal to improve it. We have urged in the committee report, that the next Social Security Advisory Council reevaluate the system, and our committee staff is going to do likewise.

And on the basis of these reevaluations, I hope our committee will take the time to give the program the thorough review and revision which are so badly needed.

In the meantime, Mr. Chairman, I think we should stop threatening the fiscal integrity of the system, by taking ad hoc action.

Mr. Chairman, I yield to the gentleman from Oregon (Mr. ULLMAN).

Mr. ULLMAN. Mr. Chairman, I thank the gentleman for yielding to me. I want to commend him and the minority on the committee on the fact that we were able to arrive at a compromise position that would accommodate the senior citizens and would keep the system responsible.

I did not want there to be any misunderstanding. The existing system, the gentleman from Virginia I am sure will agree, without any increases at all would have an imbalance of minus 0.76.

Mr. BROYHILL of Virginia. That is correct.

Mr. ULLMAN. And what we have done, we have given the increases and brought the system back into an imbalance of minus 0.51, which is just about the target, the outer limit where we could afford to be, so one of the most significant features of this bill is that it does bring the social security system back into the right kind of actuarial balance, tolerance we can stand.

Mr. BROYHILL of Virginia. Mr. Chairman, I thank the gentleman for helping me to emphasize my point. It is correct, the action we took in 1972, providing for a 20-percent increase, did throw it out of balance by minus 0.76 of 1 percent. This bill does bring it closer to balance by minus 0.51, but we do not leave ourselves any margin for error on the low side.

Mr. Chairman, I yield such time as he may consume to the ranking minority member of the Committee on Ways and Means, the gentleman from Pennsylvania (Mr. SCHNEEBELI).

Mr. SCHNEEBELI. Mr. Chairman, I expect to vote for H.R. 11333 with reservations.

Let me emphasize that my reservations has nothing to do with granting increases to social security beneficiaries

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as soon as feasible in the light of rapid advances in the cost of living. I strongly support such action. But that is not the real issue here.

As a matter of fact, we already have provided for automatic increases in benefits equal to increases in the cost of living, and the legislation before us today merely accelerates that process.

Under the automatic escalator provision of current law, beneficiaries would be eligible by January 1975 for an estimated benefit increase of 11.5 percent which they would receive in two installments: A 5.9 percent down payment in July of 1974 and the remainder, about 5.6 percent, 6 months later.

Under the bill before us, beneficiaries would receive a total benefit increase of 11 percent next year, also payable in two installments: A flat 7 percent in April and the remainder in July. Under this proposal, the automatic escalator provision would be suspended temporarily and would not pay off again until July of 1975.

The essential difference lies in the timing of the increases, and my reservation is not primarily based on this.

My disagreement with this legislation is based upon the way in which this measure has been considered. We have followed what has become an unfortunate pattern—set by the other body—of hastily legislating substantial increases in benefits without taking the time to review with care the impact of such action on the social security program in general and on the workingman who pays the taxes in particular.

We have, for example, enacted one benefit increase after another without looking closely at other possible program needs, such as providing greater equity for workingwomen who pay a higher proportionate of benefit costs without a commensurate return.

We have changed radically the actuarial methodology underlying the financial structure of the system, without any committee consideration of the consequences.

And we have added greatly to the burden borne by the nearly 100 million Americans who make the current contributions which are necessary to pay current benefits. This bill alone would increase the maximum tax for each covered employee and employer by 22 percent from this year to the next.

The weight on these taxpayers is already heavy. A man with a wife and two children and an income of $7,000 a year now pays more social security taxes than he does in Federal income taxes. The more we add to the costs of the social security system, the more we add to the tax load on the back of this family.

In fairness to those who have so much invested in the social security system, and to those who will invest in years to come, we simply must take the time in the future to weigh new program costs against the burdens they will impose on the taxpayer. We owe it to them.

Mr. Chairman, these are the bases of my reluctance. I will vote for this bill, because I believe that the nearly 30 million social security beneficiaries do need the assistance it provides. I only hope that the other body will show restraint and not add to its cost. The sooner the automatic escalator can become operative, the better it will be for both taxpayer and beneficiary.

Mr. KETCHUM. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count; 42 Members are present, not a quorum. The call will be taken by electronic device.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 583]

Anderson, Ill.
Ashley
Bell
Blackburn
Blatnik
Bolling
Brademas
Brasco
Burke, Calif.
Carney, Ohio
Chappell
Chisholm
Clark
Clay
Collins, Ill.
Conlan
Culver
Davis, Wis.
Dellums
Diggs
Duncan
Erlenborn
Esch
Evins, Tenn.
Fraser
Giaimo
Gray
Hanna
Hansen, Wash.
Hastings
Hébert
Horton
Keating
Kluczynski
Kuykendall
Leggett
Long, La.
McClory
McKinney
Madden
Melcher
Mills, Ark.
Mitchell, Md.
O'Brien
O'Hara
Peyser
Rees
Reid
Rostenkowski
St Germain
Slack
Smith, N.Y.
Stephens
Stokes
Stuckey
Teague, Tex.
Udall
Wolff

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. DINGELL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 11333, and finding itself without a quorum, he had directed the Members to record their presence by electronic device, whereupon 375 Members recorded their presence, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Chair announces the time remaining as 1 hour and 6 minutes for the majority, 1 hour and 10 minutes for the minority.

Mr. ULLMAN. Mr. Chairman, I yield 15 minutes to the gentlewoman from Michigan (Mrs. GRIFFITHS).

Mrs. GRIFFITHS. Mr. Chairman, I apologize for offering this amendment. I should have offered it in the committee itself, but I thought we were going to have another day before we had a firm commitment. Nevertheless, I should like to thank the members of the Committee on Ways and Means and the members of the Committee on Rules for permitting me on this occasion to offer the amendment, because I feel that the amendment is not only necessary, but I feel in addition it will help explain these income maintenance programs to everyone, and the total inequity of all programs.

The amendment that I will offer tomorrow is to strike lines 11 through 22 on page 11 of the bill, H.R. 11333. The issue in this amendment which relates to the so-called hold harmless provision seems complicated in its ins and outs, but it is very simple in principle.

As Federal legislators, there is at least one principle that we can all agree to. This principle is that as far as the Federal Government is concerned, a poor, aged, blind, or disabled person has the same claim on the Federal Treasury, no matter where he lives. Someone's health and comfort should not be worth more in one State and less in another in terms of Federal dollars.

The bill reported out of committee which we are considering today would negate this very principle, a principle which we adopted when we enacted SSI. It would allow up to 10 States to pass along to their residents the increase in SSI which the committee has proposed, and thereby add to their already generous State benefits with full Federal funding. My amendment would restore the principle of equal Federal dollars for equally needy people.

As we know, now in our Federal and State welfare programs we put Federal dollars on the stump and let States claim various amounts, depending on their fiscal capacity and their generosity. As a result, an old person with no other income gets as small a check as $75 per month in Mississippi and as much as $239 per month in New York.

When we adopted SSI last year, we said that this approach was wrong and that the Federal Government should be more evenhanded, so we established SSI as a national program with a uniform basic benefit level to be fully funded by the Federal Treasury. And we specifically ended Federal matching of State benefits. But we did not feel we could arbitrarily turn our backs on States that already pay more than SSI will pay, and that could be hurt financially under SSI by maintaining current benefit levels. So under SSI we adopted a hold harmless provision. This provision insures that States can continue to pay benefits at about the same levels they were paying in 1972 and not suffer higher welfare costs than they incurred in 1972. States were specifically to be protected against caseload growth if such growth would require greater outlays than in 1972, but benefit increases were to be their own financial responsibility.

We knew that if we increased SSI in the future this would help the poorest recipients and it would also take over more of the cost in States which supplement the basic SSI benefits. Now under H.R. 11333 we are proposing to start the SSI programs with higher benefit levels than orginally planned, but the Ways and Means Committee has proposed to allow States to raise their benefit levels by the amount of the January SSI increase and still come under the hold-harmless provision. That is, as many as 10 States could raise their benefit levels largely or wholly with extra Federal expenditures.

Where we pay $15 into Ohio, that is, we could pay as much as $30 into Michigan or into Wisconsin. This departs from the principle that the Federal Government is going to be more even-handed among recipients.

When we look at the benefit levels some of these 10 States already pay and

intend to pay under SSI we can see the folly of using Federal funds to raise them even further. These are the States we are talking about helping: Michigan, my own State; California; Hawaii; Massachusetts; New York; Nevada; New Jersey; Pennsylvania; Wisconsin; and possibly Rhode Island. Everybody else would pay Federal taxes to help finance their increases.

Many of these States already pay benefits well above the poverty line, and every one of these States, but Wisconsin is paying the full need of any of their recipients and Wisconsin pays 98 percent.

I hope all Members will listen to this. This provision would allow California to raise its payment amount for an aged couple from $394, which is 76 percent over the poverty line, to $409 a month. The average social security payment for a retired worker and dependent spouse in California is $243.20, but we are going to pay under SSI and State supplement $409 a month to a couple in California under this committee provision.

Massachusetts would go from $340.30 to $355.30 for a couple and their average social security for a retired worker and spouse is $249. Wisconsin would go from $329 to $344 for a couple, and their average social security is $245.18. New York would go from $294.51 to $309.51 for a couple, with an average social security of $259.08.

Michigan is one of the few States that now has a higher social security average payment to a retired worker and spouse than they would have on welfare. Meanwhile, couples in States such as Arkansas, Indiana, North Dakota, Ohio, Utah, West Virginia, Missouri, Montana, Texas, Wyoming, Delaware, Georgia, Connecticut, and others will probably be getting only the basic SSI benefit of $210 a month.

These differences in State payment levels are far greater than the differences in the cost of living between these States. I have researched this question specifically. The differences more truly reflect differences in State standards of living, and so using Federal money to increase State variations is wrong. This optional benefit-increase pass along means we would be paying for benefit increases above the SSI level in Detroit but not in Chicago, but the cost of living is higher in Chicago. We would pay for higher than SSI benefits in Milwaukee, that is the Federal Government would pay it, but not in Minneapolis, and the cost of living is higher in Minneapolis; in Honolulu but not in Miami Beach; in Boston, New York, and Philadelphia, but not in Baltimore and Norfolk.

I want the Members to look with me at a specific case. The highest benefits now and the highest supplemental level under SSI is in California.

Under the committee provisions California could have the Federal Government pay for the entire cost of increasing its payment for an old couple from $394 to $409 per month.

I want to point out that the average retired worker and dependent spouse in California gets only $243.20 a month from social security and the maximum in social security that anybody can get in the entire United States now for a man and wife is $399.20. But under this committee provision we are going to pay on SSI and State supplements, $409. Why pay taxes?

California's current payment level is only $5 now below the maximum social security benefit anywhere in the country. So we would be helping California pay more in welfare than a retired worker and his wife can get now from social security anywhere.

Theoretically, any person drawing social security which is less than the SSI benefit, will be given some SSI benefit or State supplement; but some social security beneficiaries would not get it, because they could not pass the asset test. Because of the asset limitations in SSI itself, it is entirely possible that the average social security retired worker and his dependent wife in California drawing $243 only could be excluded from SSI and from State supplementary payments.

This situation cries out for correction much more than raising California's benefit levels.

We cannot have someone who never saved, never contributed to social security, walking away with handsome social security benefits while a frugal social security beneficiary cannot qualify for welfare, with the result of much less income.

If we want to spend $175 million, let us correct the asset test to present recipients, whether social security or welfare, on an equal basis.

Now, look at a retiree and his wife who get the minimum social security benefit of $126.80 a month. Even without the pass-along in California's benefit level in January of 1974, this couple will have a total income from social security, SSI, and State benefit supplements, of $414 a month, because SSI and the State must ignore $20 in social security in computing welfare benefits. With the pass-along, California would guarantee this couple the grand total of $429 a month and, if this couple had average medical expenses, they would have medicaid reimbursement of $908 a year, for a grand total of $6,056 per year.

Think back to what aged couples will get in your State if you are not one of these 10 States. Most are going to get $210, or they may get only social security, which is even less, because of the asset test. Ask whether you think this optional pass-along provision benefiting only a few rich States is a wise and fair use of Federal funds. If we compare the $6,056 in cash and medical benefits that the minimum social security and SSI and State supplement beneficiary can get in California with the average payment to an aged couple under social security in California which is $243 per month——

The CHAIRMAN. The time of the gentlewoman from Michigan has expired.

Mr. ULLMAN. Mr. Chairman, I yield 5 additional minutes to the gentlewoman from Michigan.

Mrs. GRIFFITHS. You will also realize that that person drawing only $243.20 will have to pay $12.60 per month for part B medicare coverage, and he will pay for every pill he takes outside of a hospital. For the State supplement and SSI beneficiary, it is all free.

Nobody wants to see our elderly, blind or disabled citizens living in shameful conditions. So we must channel the Federal dollars where they will do the most good, raising the SSI levels generally and not helping the richest States to do what is relatively easy for them to do on their own. If they want to raise their benefit levels, let them do it, but if the Federal Government is to provide the funds for them, let us do it for every State.

Some people apparently feel that their State legislatures will not be generous and automatically pass on the SSI increase. They may be right, but it is not fair to pass the buck to this body and say, "You do what my legislature will not do, including pay for it."

Now, let me point out to the Members that while we would raise it to $409 in California, in Illinois, Ohio, Minnesota, Iowa, Virginia, and all other States outside of the 10, the minute they go over $210, they have got to pay every dime of it themselves, every penny, but what the rich States want is to raise it to almost twice what the poor States have guaranteed to these recipients and they want the Federal Government to pay for it.

Now, some say that this pass-along provision would apply only for 1 year and we should not worry about it. We all know that once special provisions and protections get written into the law, it is always easy and convenient just to continue them. So, if we continue this provision we would be locking ourselves into this special hold-harmless arrangement for only a handful of States.

Some people are apparently upset by the thought that States below their hold-harmless levels, especially those with modest benefit levels, will reap fat savings, because of SSI in general and the SSI increase in particular. In fact, however, because of caseload growth and certain mandatory medicaid requirements under SSI, these States will be paying out much more for medicaid than they ever did in the past, and there has not been one proposal that we help these States.

In summary, Mr. Chairman, we should follow the turnabout in Federal policy that we achieved by enacting SSI.

We are Federal legislators whose responsibility it is to determine priorities in the use of Federal funds. I submit that the optional pass-along is not a priority use of Federal funds, and I urge my colleagues to support my amendment, which I will offer tomorrow, striking it from the bill.

Mr. Chairman, I would like to point out to the Members that the best we can figure out is that the total cost of the pass-along arrangement next year will be $175 million, and 70 percent of it would go to two States: California and New York.

Mr. BURTON. Mr. Chairman, will the gentlewoman yield?

Mrs. GRIFFITHS. I yield to the gentleman from California.

Mr. BURTON. Mr. Chairman, first I would like to commend the gentlewoman from Michigan, particularly on the one point she expressed, on which I hold full agreement.

One of the inequities resulting from the SSI legislation is the assets limitation—that discriminates against some low income aged, blind, and disabled. It is an unfairness which I hope some day will be corrected.

The gentlewoman made the point that an assets test, a so-called resource test, is really irrelevant and inequitable. She is correct on this point.

The CHAIRMAN. The time of the gentlewoman from Michigan (Mrs. Griffiths) has expired.

Mr. ULLMAN. Mr. Chairman, I yield 4 additional minutes to the gentlewoman from Michigan (Mrs. Griffiths).

Mr. BURTON. Mr. Chairman, will the gentlewoman yield further?

Mrs. GRIFFITHS. I yield further to the gentleman from California.

Mr. BURTON. So, Mr. Chairman, I would hope some day that the Committee on Ways and Means would look objectively at the assets test and, hopefully, that they would reach the conclusion which apparently has been reached by the gentlewoman from Michigan, that point being that a good income test should be the sole yardstick, such as we have in the veterans' pension program, and we ought to dismantle this very cumbersome and expensive-to-administer, so-called assets test.

Mr. Chairman, the situation is even more unfair than the gentlewoman indicated. It is not just considering the person living on social security in a State where the benefits may be a little higher than the average. There are people receiving social security benefits at the minimum level who are ineligible for SSI only because they may not have the assets in some form that is contemplated in the regulations, the regulations I might say which are promulgated by the Department of Health, Education, and Welfare and that are in themselves onerous and burdensome.

Mr. Chairman, there is one additional point I would like to establish, if I may, while the gentlewoman has the time, and that is this: That point, simply stated, is that under the current law every State in the Nation is entitled to no less than 50 percent matching for the adult public assistance program, and this scale graduates up to, I believe, 83 percent in the lower per capita income States. But all the States today have matching ranging from 50 percent up to 83 percent.

This financing is completely rearranged, under the new SSI program, ultimately to protect the Federal interests and the Federal taxpayer.

The new SSI financing arrangement will work as follows: In more than half of the States, the existing matching is increased from the current 50 to 83 percent, to, starting in January, a 100-percent Federal program, resulting in a cost reduction, therefore, of from 17 to 50 percent for more than half of the States.

However, in the instance of the higher cost of living, higher grant States, the matching for those States is no longer 50 percent, their percentage of Federal assistance has not increased. To the contrary, it has been effectively reduced to something on the order of from 50 percent down to 30 percent.

Mrs. GRIFFITHS. Mr. Chairman, right there I cease to yield to the gentleman.

The truth is that there is no State that is now getting less than 50 percent under the $210 figure, or old-aged assistance. The gentleman is discussing his total welfare bill, State supplements, and so forth. They will continue to get 50 percent until it reaches $220. So there is no trouble from this. You are getting more money and saving money.

Perhaps I should point out that many States are not included. California and New York are switching their general assistance recipients, some so-called "disabled" and AFDC people onto this SSI program.

There are savings going on all through this. You are really not being hurt.

Mr. BURTON. I am sure the gentlewoman wants to correct her remarks in the Record, because I am sure she would not want the Record to reflect that every State gets more than 50 percent matching until the benefits get over $210 or $420. I am certain the gentlewoman does not want that absolutely incorrect statement to appear in the Record.

Mrs. GRIFFITHS. I want it shown that the gentleman's State gets more money out of this than they ever had before. So please do not say I am incorrect. I am correct.

The CHAIRMAN. The time of the gentlewoman has again expired.

Mr. ULLMAN. I yield the gentlewoman 1 additional minute.

Mr. BURTON. Will the gentlewoman yield?

Mrs. GRIFFITHS. I yield to the gentleman.

Mr. BURTON. May I complete my question of the gentlewoman?

If the gentlewoman will yield, as I stated earlier, come January the higher cost of living or the higher grant States, whichever you choose to call it, have their effective Federal matching reduced from 50 percent down to roughly 30 percent.

Mrs. GRIFFITHS. Oh, no. I refuse to yield any further.

Mr. BURTON. I have not made my point yet.

Mrs. GRIFFITHS. It is not true at all. It is absolutely not true.

I yield back the balance of my time.

Mr. BROYHILL of Virginia. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. Clancy).

Mr. CLANCY. Mr. Chairman, I rise in support of H.R. 11333, which provides for a social security benefit increase that social security beneficiaries need and that is appropriate in view of the inflation that has occurred since the last increase.

The bill provides a two-stage social security benefit increase totaling 11 percent to approximately 30 million Americans, and makes an important modification in the timing of the automatic cost-of-living benefit increase provision in existing law. The bill provides a flat 7-percent social security benefit increase effective in March of next year, payable April 3, and an additional 4 percent in June of 1974, payable on July 3. The combined increase will be 11 percent by June of next year.

The cost of living has increased since September of last year—the date of the last social security increase—until September of this year by 7.4 percent. It is estimated that when this 11-percent increase is fully effective, the 7.4 percent figure will have increased to around 11 percent. This bill will, therefore, keep benefits up to date with the cost of living. This is particularly important for social security beneficiaries since most of them have been affected significantly by increases in the price of food, which has increased much faster than other components of the Consumer Price Index. Many social security beneficiaries spend a higher proportion of their income on food than other groups in the population.

While admitting the necessity to deal with the immediate need this benefit increase addresses, it is also critical, in my opinion, for the Congress to avoid this kind of ad hoc action in the future. This can and must be accomplished by insuring that the provisions enacted in Public Law 92–336 and amended by this bill providing for automatic increases in social security benefits based on rises in the cost of living become operative as soon as possible.

Under present law, the cost of living for the automatic benefit increase provisions is measured from the second quarter of one year to the second quarter of the next year with any benefit increase payable for the following January. This legislation changes those time periods to the first quarters of each year and makes any resulting automatic benefit increase payable for the following July.

Under this change, the first automatic cost of living benefit increase will be possible for July of 1975. This is a meaningful step toward the goal of eliminating the need for ad hoc benefit increases,

I agree with many of my colleagues that the committee should at the earliest opportunity conduct a fundamental review of the social security system, giving particular attention to the financing aspects of the program. While the system as amended by the bill is actuarially sound, significant changes adopted in recent years must be carefully reviewed by the committee to assure the long run health of the program. In this connection, the committee has ordered the staff to conduct a study and expressed the hope that the new Advisory Council on Social Security will be promptly appointed. These will be valuable resources to the committee when we conduct our review, which I hope will be at the earliest possible time.

Mr. Chairman, this bill is an appropriate response to the present circumstances and I support it.

Mr. BROYHILL of Virginia. Mr. Chairman, I yield such time as he may consume to the gentleman from Colorado (Mr. Brotzman).

Mr. BROTZMAN. Mr. Chairman, I support H.R. 11333. The social security benefit increases which the bill provides for calendar 1974 are in line with cost-of-living advances, up-to-date and projected, under the automatic escalator provision of current law. The measure, in effect, speeds up the payment of these benefits, and I think this clearly is warranted because of the rapid rises in the cost of living in recent months.

The substance of the bill has been described in detail by other members of the Committee on Ways and Means, and I will not belabor these points now. Suffice it to say the measure provides a two-step benefit increase next year totaling 11 percent, with the first installment, equaling a flat 7 percent, payable in April social security checks, with the remaining 4 percent, payable in the July checks. The bill also provides for resumption of the triggering mechanism in 1974 in order that the first automatic escalator increase could be paid in July of 1975, which is only 6 months later than would be the case under present law. I feel strongly that both program beneficiaries and taxpayers would be better off in the long run under the automatic escalator and I hope it can become operational according to the schedule set through this bill.

I also hope that the Committee on Ways and Means can undertake next year a full-scale review of the social security program with a view toward bolstering its individual equity aspect. This should be done in fairness to the many millions of Americans who are now making contributions in the expectation of receiving commensurate benefits in the future.

Mr. Chairman, while the financing of the program under the law as amended by this bill leaves the system on an actuarially sound basis, we have made fundamental changes in the program in recent years. I agree with my colleagues that at the earliest opportunity the Ways and Means Committee should carefully review the changes in actuarial methodology that we have adopted. In this connection, we also should review the relation of social security to other private income security mechanisms. I hope we will have an opportunity to make this study in this Congress, and that the staff work ordered by the committee report as well as the studies conducted by the new Advisory Council will be commenced immediately so that they are available to assist the committee in its deliberations.

Mr. Chairman, I believe the bill before us is responsive to a real need and I join in support of the measure.

Mr. BROYHILL of Virginia. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. Gilman).

Mr. GILMAN. Mr. Chairman, I rise in support of H.R. 11333, providing for an 11-percent increase in social security benefits for our older Americans.

Escalating prices over the past few months has made living more difficult for all of us, but has taken the greatest toll on our senior citizens, many of whom barely subsist on inadequate incomes.

Poverty is a constant threat to our senior citizens. Over one-fourth of our 29 million older Americans fall far below the poverty level. As the costs of housing, transportation, health care, food, and clothing continue to skyrocket, the burdens upon our senior citizens, living on fixed incomes, forces them more and more into poverty-level existence.

In traveling around my congressional district I am continually confronted with the distressing fact that many of our elderly simply cannot absorb any more additional costs. They find themselves faced with the alternative of scrimping on food, health care, and other basic necessities. In our prosperous Nation, this is shameful.

To illustrate my point, permit me to read a letter I recently received from an older American in my district:

Dear Congressman Gilman: I am a 77-year-old widower trying to live this life as best I can. My social security check is $181.70 a month. I pay $75.00 a month for rent and I don't have all the facilities, not even a shower or bathtub. My food payment is very restricted and not less than $17 to $18 a week and when the month has five weeks my food costs a little over $80.00. I need to have a phone in case of emergencies and my monthly bill is a little over $10.00. My light and gas bill is about $11.00 to $12.00. I have not too much house insurance, still I pay a little over $6.00 a month. Medicare is going up, so from July on I pay $6.30 a month and for Blue Cross and Blue Shield $1.70 a month. All this adds up to $190.00 a month. What am I going to do if I need to buy a pair of shoes or stockings or a shirt or any other things which a person needs.

This pathetic letter and dozens like it underscores the dire need for increased social security benefits so that our older Americans can afford to purchase that "pair of shoes or stockings or shirt" or other essential items.

Social security benefits and public assistance programs provide senior citizens with over 50 percent of their incomes. While the increases we are considering today, 7 percent effective in March of 1974 and an additional 4 percent in June of 1974, are in no way exorbitant, these increases will provide some measure of relief to our elderly whose fixed incomes have not kept pace with the increased cost of living.

For some time now I have been urging an increase in social security benefits for our elderly by appealing to the Ways and Means Committee and by introducing legislation identical to the bill we are now considering. I implore my colleagues, in casting your votes on this bill, to consider the plight of our senior citizens who are caught in the crunch of high prices. I urge the immediate and resounding adoption of this measure.

Mr. BROYHILL of Virginia. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. Collier).

Mr. COLLIER. I thank the gentleman from Virginia for yielding me this time.

Mr. Chairman, I should preface what I am about to say by assuring Members of this body that I am certainly a strong supporter of the social security system. I feel it was one of the great landmarks of social legislation since the turn of the century.

At the same time, in making an evaluation of the program as it is on the one hand and recognizing the fact that you do reach what might be called the outer limits in terms of the future, I am constrained to remind Members of the House as we move along and increase social security benefits that we cannot do so blinding ourselves to the direction in which we are traveling. We cannot do so blinding ourselves to what the cost of the program is and how it will fall upon the young people who today are going into the labor market.

Perhaps it is not politically expedient to look at the program in these terms, but indeed, as intelligent people, we must.

The social security program, as I am sure most of the Members know, began in 1937 and, I repeat, it was a landmark piece of social legislation that certainly must be preserved as a way of life in this country. Since that time the social security payroll tax upon the employee, excluding the matching contribution which the employer properly pays, has gone up nearly 1,000 percent. It will go up, under this proposal, to a tax of $742.50 on the average working man, the average employee, and creates a situation, to get it into perspective, where more people will be paying more in social security taxes than indeed they will in income taxes.

Now let us see—and this should shake your eyeteeth—what would happen if the employee took his own contribution which, under this bill, will involve in combination with the employer contributions, $1,544 a year. Compounding his portion at interest—and if you do not believe this is accurate, then get a computer and computerize it, as I have done—compounding the interest, assuming that we did not increase the payroll taxes one thin dime after next year. The fact is that employee would have in his own account merely by putting this into a savings account each year at a rate—and we are going to assume that not even interest rates will go up—of 6 percent. That employee would have in his account at the age of 65, assuming he went into the labor market at the age of 23, $119,311.

Now, if that same annual investment, the combined contributions of the employee and the employer, were saved at a modest rate of 6-percent interest per year, at the end of those 42 years in that account, would be $221,863.

Those are the figures. I leave that with you because I believe, most sincerely, that as we must recognize the problems of our elder citizens, and we certainly must and as I said before, without blinding ourselves to the tax and cost factors. Can we proceed on our present course in the light of these figures? I leave it to my colleagues for thought.

Mr. BROYHILL of Virginia. Mr. Chairman, I yield 10 minutes to the gentleman from Texas (Mr. Archer).

Mr. ARCHER. Mr. Chairman, it is with a desire to protect the soundness of the social security fund upon which retired Americans depend, and at the same time give consideration to the working taxpayer who provides the necessary dollars, that I rise to speak against some of the far-ranging provisions of H.R. 11333.

In the last 3 years Congress has enacted pervasive changes in the financing of the social security system with inadequate regard to the impact these measures have on present and future generations of Americans.

The social security program has provided economic security for nearly all Americans for more than one-third of a century. But hastily considered changes of the most fundamental nature can only undermine the protection against loss of income that those paying social security taxes rightly expect.

Last July when the committee provided a 20-percent across-the-board benefit increase, dramatically different assumptions were adopted in measuring the actuarial soundness of the program. The most significant of these changes involves the assumption of "dynamic earnings," whereby the actuaries make projections about future earnings levels throughout the entire 75-year period covered by the estimates. This new system subjects cost estimates to vicissitudes that the actuaries have not had to deal with in the past. It is a complex new methodology, and it is not without controversy.

The former Chief Actuary of the Social Security Administration, Mr. Robert J. Myers, who has more experience with this system than any other human being and is widely regarded as one of the foremost actuarial experts on social security, stated that "this would be an unsound procedure." He went on to state:

> What it would mean, in essence, is that actuarial soundness would be wholly dependent on a perpetually continuing inflation of a certain prescribed nature—and a borrowing from the next generation to pay the current generation's benefits, in the hope that inflation of wages would make this possible.

In view of this admonition by a leading expert who has devoted his whole life to the program, the Committee on Ways and Means and the House of Representatives should have carefully examined these new assumptions in 1972, but did not because the bill came up late in the session and passed rapidly on the floor of the House. We should certainly at this time have examined these new assumptions carefully before providing an additional benefit increase. However, the committee reported the bill without serious examination of this new methodology.

In response to my questioning, the Chief Actuary, Mr. Frank Bayo, made it clear to the committee that the new methodology represents "a fundamental change," that "it is more difficult to make estimates on the new basis than it was in the past," and that estimates are now "subject to wider variations on the basis of actual experience."

In the past it was assumed that actual experience would vary from the estimates by no more than 1 percent of the projected level costs of the system. The actuaries tell us that under the new methodology, including the "dynamic earnings" concept, actual experience will vary by as much as 5 percent. But in spite of a greater degree of actuarial uncertainty the committee has made it clear that while 1 percent was as much of an imbalance as could be tolerated in the past, they will now tolerate an imbalance of 5 percent. Put another way, although the estimates are subject to experience variations five times as great as in the past, the committee will now tolerate a deficit in the system five times as great as in the past, and makes no provision downstream in these 75-year estimates for that deficit to be picked up.

The committee in effect has said that because the actuary's projections are less precise and will vary greater, that we can have a greater deficit in the program. In view of this new actuarial imprecision the committee should have provided for a 5-percent surplus to assure that if a mistake on the downhill side occurs we will still have enough money in the fund, but instead the committee has provided for a planned 5 percent deficit in the fund.

Let me tell my colleagues what this 5-percent deficit means. It means that during the projected 75-year period the fund will accumulate $225 billion less than is necessary to pay the benefits which we are promising to our retired older Americans. That is the amount of deficit that the committee bill permits to exist in the program. Furthermore, if the actuary's projections are off, as he says they might be, by a minus 5 percent, there will be an additional $225 billion deficit, resulting in a possible cumulative shortage of nearly one-half trillion dollars during the 75-year estimate period. These are truly astronomical figures.

I refer the Members of the House to my dissenting views in the committee report for a more detailed evaluation of my concerns as to the soundness of the new basis on which we are planning the future of the social security fund.

Additionally, in 1971 the Social Security Advisory Council recommended to the Ways and Means Committee that assets in the trust fund should at all times equal approximately 1 year's benefit expenditures but despite this recommendation the committee in this bill has placed its conscious seal of approval on a program that will result in a reduction of the fund to only 62 percent of 1 year's benefits.

Now, let us talk about the cost of living. I share the committee's desire to see that increases in benefits keep up with inflation. Retired Americans need and deserve this consideration. The facts show that we have been doing more than is necessary to achieve this goal.

From January 1, 1970, through September 30, 1973, the latest figures available at this time—social security benefits have risen by 51.8 percent, and yet during the exact same period the cost of living has increased by only 19.6 percent. We have also already enacted this year, with my support, an additional 5.9 percent increase effective next June. When the expanded 11-percent increase in this bill takes effect next June the benefits will have been increased since January of 1970 by 68.5 percent, and the inflation during that period is estimated to be 24.4 percent.

Let me also provide figures back to 1968. From January 1, 1968, until January 1, 1973, the cost of living has gone up by 25.1 percent but the social security benefits have gone up by 71.5 percent during that same period of time.

I am concerned that the cumulative benefit increases in recent years, combined with the increase in this bill, are requiring too large a rise in the already heavy payroll tax burden borne by the workers of this Nation. It is alarming to note that over 50 percent of our wage earners now pay more in social security taxes than in income taxes. If this bill passes, in January of next year the taxable wage base will go from $10,800 to $13,200 per year. This means that those employees earning over $10,800 will face a tax increase of as much as $280.40, including the employer's contribution; and that the total maximum combined employer-employee tax will now be $1,544.40 for each worker. This bill also levies on the self-employed earning over $10,800 an increase in annual taxes of up to 20.7 percent or $178.80. And a maximum total annual tax of $1,042.80. There are 20.5 million people in the United States who are making over $10,800 and this group of people is singled out to bear the brunt of the cost burden for the entire across-the-board increases in this bill.

In addition to increasing the taxable wage base from $10,800 to $13,200, there is a subtle increase in the tax rate, which will apply to everyone in 1981. At that time the tax burden will rise to 12.6 percent of covered payroll. Even with this added tax we still leave the fund with a projected actuarial deficit of 5 percent.

Another objection to this bill is that it delays the effective date of cost of living benefit increases provided in the 1972 law from January 1, 1975, to July 1, 1975.

Now, if we consider the burden we are already imposing on today's workers, we should stop postponing the automatic benefit increases provided in the 1972 law and let the escalator clause begin working. By postponing the operation of the system the committee creates the danger that benefits will be continually increased on a political basis rather than a cost-of-living basis. Before even tasting the cake we baked in 1972 we are now putting it back in the oven to bake it again, and running a grave risk of burning it up.

I have other reservations, Mr. Chairman, about this bill.

We should examine elimination of the retirement test so that older people who have paid in their money to social security can still draw their benefits when they desire to continue working. Beginning in January, a recipient cannot earn more than $2,400 a year without suffering a loss of his social security benefits which he rightly deserves. This puts him in a different position than people retiring on most every other type of program in the country. I think it is greatly unfair.

We have talent in our older people, talent that is being prevented from implementation in our system through this limitation. If individuals pay into the system all of their lives in order to receive wage-related benefits as a matter of right when they retire at age 65, they should receive these benefits and not be penalized because of the individual life style they prefer to follow in their later years, that is, if they prefer to work.

For further reservation about this legislation, I associate myself with the comments of the gentlewoman from Michigan (Mrs. Griffiths), who has done an outstanding job in pointing out objectionable provisions for Federal funding of supplemental State benefits under SSI. Under this bill, for example, Texas taxpayers would be asked to pay a portion of the cost of higher welfare payments in the State of New York.

Let me talk again about the matter of inflation. The impact of this legislation will cause a unified budget deficit in fiscal year 1974 of $1.1 billion and an additional deficit of $1.15 billion in fiscal year 1975. These deficits will have a further inflationary impact across the board for all Americans.

On top of that this bill sets up an administrative burden of implementation unprecedented in the history of this country. Never before have we passed two separate social security increases effective in one calendar year. Yet this bill does.

Compounding this administrative problem the committee has added two increases in the same calendar year on SSI—supplemental security income—Federal welfare payments. The effect of double increases in both social security and SSI will result in extra administrative costs of over $4 million to HEW in computing and delivering accurate benefit checks.

In conclusion, Mr. Chairman, we must strengthen the insurance basis of the social security system if it is not to simply become another welfare program. Such a result would be a tragedy to millions of Americans who pay social security taxes during their working years with the expectation that they will receive benefits as a matter of right when they retire.

I am also concerned that the increase in expansion of social security may unduly impinge on private economic security measures. Social security is an important part of the retirement plans of nearly all Americans, but they should remain free to express individual preferences about current consumption and savings. When they choose to save they should have alternatives to a compulsory Government program.

Mr. Chairman, there comes a time when we must ask ourselves, "Where are we going?" There comes a time when we must be concerned about the degree to which we are mortgaging our children's earnings, when we must be concerned with the tax burden on the workers of today and when we must be concerned with the soundness of the fund which all retired persons depend upon for their later years in life. In my opinion, that time is now.

I do not think this bill makes us stop and take a thorough inventory of where we are going, not when we are consciously reducing the fund to only 62 percent of 1 year's projected benefits, not when we are subjecting the fund to a possible deficit of one-half trillion dollars during the 75-year period covered by the estimates.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. ARCHER. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Chairman, I wish to compliment my colleague from Texas for his very thoughtful and rational presentation of some substantial defects in this legislation. I know it is not easy, and that the social security system has become a sacred cow; but no one is really willing to take a hard look to see if the kind of problems the gentleman has suggested are real or unreal.

I know it takes a special kind of courage to do this. I compliment the gentleman. I believe he has made some very rational points.

My colleague Mr. Archer has reviewed the following facts:

First. This House with this bill H.R. 11333 will have increased the benefits by 68.5 percent since January 1970, while the Consumer Price Index has only gone up 19.6 percent in the same period.

Second. This represents a tax increase for 20 million middle-income Americans who tend to bear more and more of the burden of government.

Third. The committee has failed to properly evaluate the actuarial assumptions with the end result that the cost will undoubtedly be much more—in billions of dollars—which means more deficit financings; that is, more tax dollars for interest charges for debt.

He has made it clear that he does not want to destroy the system, but improve it and eliminate unnecessary compulsion. I think he is to be complimented for trying to bring this to the attention of the House.

Mr. ARCHER. Mr. Chairman, I thank the gentleman from California for his comments.

Mr. BROYHILL of Virginia. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. Widnall).

Mr. WIDNALL. Mr. Chairman, I am pleased to rise in support of this bill, H.R. 11333.

To briefly summarize the legislation, it provides for a 7 percent increase in social security benefits in April 1974, and an additional 4 percent increase in July 1974. To pay for the raise in benefits, the bill would also provide for a broadening of the wage base for social security taxes.

I am also pleased that H.R. 11333 includes an automatic cost of living increase to begin in June 1975, should costs rise more than an annualized rate of 3 percent for the previous three or four calendar quarters.

For my own part, in my congressional district and as a member of the House Republican task force on aging, I have found that many older Americans encounter difficulty living in the comfort and dignity to which they are entitled after productive lives as wage earners and parents. The recent tremendous increases in the cost of living have made this even more apparent, and I believe if we in Congress had waited until next July to make a social security benefit increase effective, the Nation's senior citizens would have found it even harder to live on their small annuities.

After paying taxes all their lives, our older Americans have the right to be as independent and active as possible. Additional social security payments will assist them in this respect. The sad plight that many of them face must not be forgotten. This is why I am supporting this bill, and urge my colleagues to do likewise.

Mr. BROYHILL of Virginia. Mr. Chairman, I yield 10 minutes to the gentleman from New York (Mr. Conable).

Mr. CONABLE. Mr. Chairman, I expect to vote in favor of this social security increase. I do so with reservations and with concern about the future of the social security system. I am not sure my vote is correct and in the best interests of all the people who depend increasingly on the social security system for financial protection during their retirement years. We are all concerned about the difficulties old people have in making ends meet as inflation reduces the effectiveness of their resources, and this concern has been translated into politically motivated legislative action repeatedly increasing social security benefits across the board. Any single vote to do this can be justified in a vacuum, but at some point in this repeated response to natural sympathy for the elderly some responsible agency of Government must put the process in a long time perspective which reflects the obligation we must meet to the soundness of the system. Frankly, nobody is worrying about where we are headed with social security. We would better not put off a careful review much longer if we are to face the next generation with as much sympathy as we are here showing to the last generation. Ninety million people now paying payroll taxes as an investment in their retirement income have a right to consideration, too.

I want to pose some questions, today. They are only questions, because I don't know the answers. If I knew the answers, perhaps I would not vote for this bill—or perhaps I would think it inadequate. Anyway, I want these answers before we go through this vaguely degrading exercise and vote an across the board increase again, probably sometime before the next election. I would think every person in this Chamber would feel the same way. Here are the questions I want answered, and the reasons I think they are appropriate:

First. How far can we expand our payroll tax wage base without seriously undercutting the voluntary private pension plan movement? This bill puts the wage base at $13,200 as of next January 1. It will go up again to finance cost of living escalations already built into the law, and because our tax rate is already so high, will doubtless be raised to finance future benefit increases also. There will be no "cushion" to finance future benefit increases under the existing tax structure because we changed the actuarial assumptions last year—without study—to assume the increasing wage level and annual inflation which gave us windfalls in the past. Ever higher wage bases put social security in competition with the middle area pension and profitsharing funds with which industry rewards its midde group of employees. Maybe we do not want to encourage use of voluntary private pension in industry: certainly we could not discourage them more effectively than by expanding the social security wage base and resulting social security benefits into the same salary and retirement levels. Should we not continue to encourage pluralism in this field? Do we really want to put all our eggs in the social security basket?

Second. Are not some basic reforms increasingly needed to keep social security in the real economic world, rather than in the world of the past? To do equity without reducing anyone's benefits costs money, and in a closed system like social security money spent for an across-the-board increase cannot be used to make the system fairer. For instance, how long can we ignore the plight of the working wife? Forty-three percent of the work force is female—up sharply from the days when social security was organized—but unless an employed wife makes more money than her husband her contributions in payroll tax cannot enhance her pension in the normal situation, and from her point of view it is a lost payment, subsidizing higher pensions for somebody else.

Mrs. GRIFFITHS. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. Yes; I yield to the gentlewoman from Michigan.

Mrs. GRIFFITHS. Mr. Chairman, I congratulate the gentleman. This is an extremely important point the gentleman is bringing out, and I do hope he continues on this point.

I would like to point out that with the base going to $13,200, we are going to have millions of couples in this country who are going to be paying in on a $25,000 income, neither one of whom, as a survivor, will ever draw as much as the widow of the man who paid in at $13,200.

Mr. Chairman, we need to reform social security.

Mr. CONABLE. Mr. Chairman, I would like to thank the gentlewoman for her contribution.

I must say that the gentlewoman's interest in this field is well known, and her reputation is very well deserved.

Mr. Chairman, because it's politically expedient to give an across-the-board increase as we are today, we turn our back on the working wife and ignore other possibilities for the equity which can result only from continuing reform.

Third. Who are the people at the bottom of the social security scale? Are they poor, or beneficiaries of some other system who moonlighted enough to get a minimum social security pension? At this point we do not know who they are, but they get more in relation to their contribution than anyone else, and apparently we have not cared enough to find out if this is socially justifiable. So we go on assuming they are the poorest of the poor, giving the whole system a bias in their direction on that assumption and to that degree eroding the wage-related assurances we have given those who year after year pay substantial sums into the system. To get more money to these assumed poor, we pump up the whole system, sapping its strength and stability.

In effect, what we are doing is shifting more and more of the burden of welfare onto the backs of the wage earners and off those whose taxes reflect unearned income. Our new SSI system, due to take effect January 1 and greatly reducing the allegedly demeaning impact of welfare for the aged, could be an alternative for the truly poor which would transfer the welfare functions of social security back to the general taxpayer. But that will take some doing, and in the meantime we talk about the poor to justify social security increases far beyond not only the cost-of-living increases but also actuarial, fiscal, and economic stability.

In addition to these basic questions, there are countless other areas which a basic study of the system must probe before we plunge on down the road which leads we know not where. How high a payroll burden is economically justifiable, and what is its relation to our chronically high unemployment rate? How sound is the system actuarially, and can we justify a higher imbalance now when our new assumptions of last year reduced the margin of safety in the figures? When the ripple effect of a social security increase has an economic impact far beyond other types of government spending—since the elderly have little incentive to save—should not we worry more amout economic timing and less about political timing? How big a trust fund should we have, and has trust fund manipulation possible under the unified budget system encouraged unsound fiscal policy? Is the earned income ceiling realistically related to the current benefit question needs to be answered. We cannot go on embarrassedly pretending they are not there and that we can afford continuing knee-jerk reaction to an opportunity to vote a benefit increase.

Having raised all these questions, and having voted against the 20-percent benefit increase last year, I owe my colleagues some explanation of why I intend to vote for this particular increase regardless of administration attitude, as yet unexpressed. There are several reasons: First, administration spokesmen appeared before my committee and indicated their satisfaction with proposals which did not differ markedly from this one, although they eased its fiscal impact in fiscal 1974. The Social Security Advisory Council has not been functioning, although we are assured it will be soon reconstituted, and so the administration is not in a position now to come forward with carefully prepared recommendations.

Next, I am satisfied that a substantial benefits increase is indicated at this time following the big runup of food prices this spring. Old people pay much more of their fixed income for food than do other age groups.

But lastly, I want to say that the procedure followed by the acting chairman of my committee has left me much less reason to protest than was true at the time of the 20-percent increase last year. While we did not have time to probe the basic questions I have suggested, Mr. Ullman did arrange for the committee to have several days of discussion of the proposal, which was not then attached to a veto-proof vehicle like the debt-ceiling increase. I want to express my gratitude for leadership which permitted us this degree of understanding. I am sure, also, that our conferees will not permit the other body to victimize us with the usual numbers-game type of bidding which has been possible with other procedures.

In summary, Mr. Chairman, I intend to vote for this bill, although I have no way of proving even to my own satisfaction that it is a proper vote in a long-term sense. It will surely be a wrong vote unless some responsible agency of the Congress follows with a careful study of where we go from here. I call upon the majority leadership of this House to insure that such a study takes place.

Mr. ULLMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. Vanik).

Mr. VANIK. Mr. Chairman, I would like to take this time to ask our distinguished colleague from Oregon, the acting chairman of the Committee on Ways and Means, as to the problem which developed when some of the members of the committee—and I was among them—endeavored to bring about a program which would make the social security benefit increase available as early as January 1. Will the gentleman from Oregon, the distinguished acting chairman of the Ways and Means Committee, tell the committee about the leadtime that is now required by the Social Security Administration in order to bring about a payout of benefits commensurate with the cost-of-living increases?

Mr. ULLMAN. Will the gentleman yield?

Mr. VANIK. I yield to the gentleman.

Mr. ULLMAN. I would respond by saying that I was shocked, and I think most of the members of the committee were shocked, when the administration told us there would be a minimum time of 5 months to implement a refined benefit increase. This compares with the previous 3-month timelag that existed a year or a year and a half ago.

I am putting in the Record an explanation from the Social Security Administration giving us their rationale and their reasons as to why it takes this much additional time.

However, they insisted on their position, saying that there was no way they could implement it in less than a 5-month time frame.

Mr. VANIK. I thank our distinguished chairman.

I want to say, Mr. Chairman, this disclosure about the leadtime required to implement the social security benefit came after we had had several days of hearings and discussions on this problem. It came as a shock to me as it did to our distinguished acting chairman and to other members of the committee.

I felt that the information had some relationship to the administration's desire, perhaps, to hold back on the social security increase throughout fiscal year 1974. Under the circumstances in which discussions began to take place in the Senate and in this body on the social security increase, it was certainly incumbent upon the Social Security Administration to advise the Committee on Ways and Means and the Finance Committee of the Senate that a leadtime of perhaps 5 or 6 months would be required in order to bring about the increased benefit payouts.

When I discussed the problem of the leadtime required by the Social Security Administration to pay higher benefits with one of my constituents, Mr. Thomas C. Westropp, president of the Women's Federal Savings & Loan Association of Cleveland, he wrote me as follows:

> Recent statements carried by the news media have indicated that the Social Security Administration would be unable to comply with any forthcoming Congressional mandate to increase benefits until next May or June, because of necessary computer reprograming. In view of the fact that these benefits are sorely needed by a great number of our citizens it would seem that some emergency measures should be taken to overcome the mechanical difficulties.
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> One such approach that seems feasible to us would be the issuance of a schedule to all financial institutions authorizing them to pay incremental sums above the face amount of the checks by making simple monetary adjustments. For example: If the recipient receives a check for $100 and the value of the new benefits is $107, the financial institutions can be authorized temporarily to pay $107 and so indicate the disbursed amount above the endorsement on the check. Reimbursement of the sum to the paying agency would be accomplished through the clearinghouse.
>
> This authority for an interim of time only would allow Congress and the Social Security Administration to respond immediately to the critical needs of people benefiting from these payments.

This very meritorious suggestion indicates a method by which social security benefit increases might be immediately paid out.

I want to say that while I favor a much earlier benefit payout than is possible under this legislation, I feel the committee responded as best it could to the problem of adjusting social security payments to the higher benefit levels.

I am pleased to support this legislation. I regret, however, Mr. Chairman, that we have failed to do something that ought to have been done about the social security retirement income test, that part of the income which is exempt. I think that the case is well made today for an exempt income retirement test of no less than $3,000. I think people who are on social security with no other form of income, without any other form of support, are in a rather distressing situation, and need to supplement their social security payments by some outside income. As I understand it, the social security actuaries estimate that under the present system of automatic changes the annual income exempt under the retirement test will be $2,400 for 1974, $2,520 for 1975, $2,640 for 1976, $2,880 for 1977, and $2,880 for 1978. So what we see in this projection is an even wider gap between the amount of social security received by those in the lower echelons and the rising cost of living. I think that an adjustment of the retirement test must be included in legislation next year.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ULLMAN. Mr. Chairman, I yield 1 additional minute to the gentleman from Ohio.

Mr. PEYSER. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I am happy to yield to the gentleman from New York.

Mr. PEYSER. Mr. Chairman, I thank the gentleman from Ohio for yielding. I am just curious to know whether there was any testimony offered as to why those lower levels of income earnings had to be kept at this level? Is there some rationale for this?

Mr. VANIK. I would yield to my chairman, Mr. Ullman, for a reply to that inquiry. We had some testimony from the actuaries.

Mr. ULLMAN. Mr. Chairman, if the gentleman would yield, this is one of the highest cost items in the system. And we are, as the gentleman from New York knows, trying to improve the base for the social security system, and therefore it was felt at this time we could not make that additional benefit because of the cost factor.

Mr. PEYSER. I thank the gentleman.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. ULLMAN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York (Ms. Abzug).

Ms. ABZUG. Mr. Chairman, I support this bill, and am opposed to the amendment offered by my colleague, the gentlewoman from Michigan, because it would make it impossible for poor old people, the disabled and the blind in this country to live within this income.

Under Public Law 93–66 and sections 4(a) and (b) of this bill all SSI recipients in the 20 States with current aid to the aged, the blind, and the disabled payments below the $130 level per month for individuals and $195 per month for couples will receive increases equal to the full $16 and $29 per month, respectively, provided in these amendments. These increases will be entirely at Federal expense.

Section 4(c), of this bill, allows those States that are supplementing the Federal minimum to pass on to recipients, at Federal expense, 62.5 percent of these increases.

The elimination of 4(c) would provide not $1 of increased benefits to SSI recipients in New York State as well as recipients in California, Hawaii, Massachusetts, Michigan, Nevada, New Jersey, Pennsylvania, Wisconsin, and possibly Rhode Island. Instead of receiving a cost-of-living increase, New York State's SSI recipients remain frozen at 1972 payment levels unless the State accepts the entire cost of increased supplementation.

When Public Law 92–603 was passed we wrote into it protection for the State's against the cost of supplementing the increased Federal caseload by limiting a State's fiscal liability for supplementation to actual calendar 1972 State and local assistance outlays for the replaced categorical programs if supplementation is federally administered and State benefits do not exceed average actual assistance and food stamp benefits in the State in January 1972. This is the "adjusted payment level."

Because of the arithmetic of State supplementation State and local governments in New York would not save $1 if we pass sections 4(a) and (b) without 4(c).

In New York there will be 271,000 people starting to receive SSI benefits in January. These are people who are trying to make ends meet in a period of continually escalating cost. In the last 3 months alone the cost of living has increased at an annual rate of 10.2 percent and the food component of the cost of living has gone up an astronomical 28.8 percent in that period. We are not talking about giving people thousands of dollars but of allowing people an extra $10 per month. It is simple justice.

I urge the adoption of this bill as reported by committee.

Mr. ROSENTHAL. Mr. Chairman, today we are voting on legislation for a two-step 11-percent increase in social security benefits to be paid next spring and summer.

Frankly, I must admit I am disappointed with the delay. This increase is supposed to meet the rise in the cost of living for the year ending June 1973, but payment is being delayed nearly a year.

Social security recipients should not have to wait until next year to meet last year's inflation. Especially in light of the soaring increase in the cost of living and the worst inflation in our history. America's 21 million elderly citizens need our help now, not a year from now.

More than 2 months ago, I introduced H.R. 10236 with nearly 110 cosponsors. My bill would have made next year's social security increase effective immediately. The Senate promptly enacted this measure in early September.

I have received hundreds of calls, visits, and letters from my district and from around the country in support of this legislation. It is abundantly clear to me that most Americans are in a desperate plight because of drastically higher prices for food and other essential items. Shoppers have had their incomes practically drained because of rapidly accelerating rises in the cost of living.

While the administration has been lax in its restrictions on the big firms which are showing tremendous profits, its misguided economic policies have forced the elderly into a precarious position which has become intolerable.

The Agriculture Department predicts food prices alone will rise at least 20 percent this year and wholesale prices already have reached their highest level in history. Those hardest hit by such developments are the poor and the elderly, persons who traditionally live on small.

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fixed incomes and spend 30 percent of their disposable income on food.

There is nothing inflationary about giving these persons a few extra dollars a month. The average retired individual gets $162 a month; his benefits will go to $173 in March and $181 in June. The aged couple now receiving $277 a month will get $296 after March and $310 a month starting in June.

Nearly 3 out of every 4 Americans over the age of 65 have annual incomes below $3,000, including 2.5 million persons with no income at all.

Mr. Chairman, we must not stop here. This 11-percent increase in benefits will be helpful, but our elderly citizens on social security need much more. That is why I have introduced H.R. 6958, a bill to raise cash benefits by 35 percent and to make other needed improvements in the social security program.

Features of this bill include:

First, payment of benefits to married couples will be on their combined earnings record, thus ending discrimination against the working wife;

Second, extension of social security coverage, including medicare, to Federal, State, and local employees, at their option, including postal workers;

Third, removal of the limitation on outside earnings; social security is insurance which the worker paid for, and he should not be denied the benefits because he has provided for other income in his old age;

Fourth, improvement and expansion of medicare coverage;

Fifth, lower the age of eligibility for men and women to 60.

The administration wants the elderly to pay an additional $1.9 million in their medicare costs in an effort to establish a cost awareness on the part of the medical care consumer. This is absurd. Cost-consciousness is not a trait we need to teach our older citizens. It is a trait we should learn from them. Yet, the administration is telling people who must count out pennies for a newspaper or nickels for a quart of milk that they must hold the line on costs. I wish the President would show such cost-consciousness for the multi-billion-dollar cost overruns in the Pentagon.

My bill would not increase the burden on medicare recipients as the President proposes, but reduce it by:

First, eliminating the coinsurance payment requirement for supplemental part B coverage for persons with a gross annual income below $4,800;

Second, providing home-care prescription drugs under supplemental coverage;

Third, reducing to 60 the age of entitlement to medicare benefits;

Fourth, offering free annual physical examinations for the elderly;

Fifth, eliminating the 100-day limit on post-hospital extended care services;

Sixth, extending coverage to all disabled persons, regardless of age.

On the average, an elderly person pays $791 a year for medical bills, and the price keeps going up. Hospital and doctor costs are rising rapidly, well ahead of the overall cost of living.

My bill provides optional free annual physical examinations for the elderly in order to encourage preventive care rather than rely on crisis treatment. Not only will this measure contribute to a healthier population but it also will save more money in the long run than would the administration's shortsighted method of creating a cost-consciousness by raising the price of coverage.

Not only should we promote inhospital and posthospital care for the aged, but we must also resolve to ease the financial burdens of necessary prescription costs. The elderly spend about three times more per capita on prescription drugs than the rest of the population. In 1970, that came to $50.94, compared to $16.29 for persons under 65.

My bill would extend medicare coverage to include out-of-hospital drugs. This is something I have long advocated and which has been endorsed by the White House Conference on Aging, the President's own task force on aging, the 1971 Social Security Advisory Council and the Department of Health, Education, and Welfare's task force on prescription drugs.

This specific proposal, I believe, will have a significant side benefit. Many times the elderly must be admitted to hospitals in order to qualify for medicare coverage of drug purchases that could otherwise be prescribed on an outpatient basis. This proposal will not only eliminate this unfortunate use of much needed hospital space, but will avoid the potentially tragic psychological impact that a hospital stay can have on older people. This is a price that the elderly should no longer be expected to pay.

Every part of this bill affords effective, tangible and solvent ways of correcting the question it deals with. We all face a common aging problem. We must provide and plan for a retirement period of indeterminate length and uncertain needs. In 50 years, 15 percent of all Americans will be over 65, a third of these, 15 million, will be over 75. My bill will help eliminate many of the spiraling problems that have plagued our country's aged. It must be kept in mind that social security is not charity, but insurance bought and paid for by American workers.

Mr. ULLMAN. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. CORMAN).

Mr. CORMAN. Mr. Chairman, I agree with my colleague that it would be well worth our while to devote a substantial amount of time to a complete overhaul of the social security system. The fact of the matter is we have taken some new steps which are going to make that easier to do.

For years, many poor people in this country have been living only on their social security pensions. In our humane effort to give them some slight increase in their living standard, we kept increasing their social security minimum. This was done to help those persons who lived in States where there was inadequate supplementation for the aged, the blind, and the disabled.

On January 1, 1974, we begin a Federal program providing minimum benefits for what we called the adult category, paving the way to remove the former social security minimum and making social security benefits reflective of the amount paid in by a worker. I hope we do that. It is the only way we will be able to adjust the maximum social security benefits upward so that they will reflect what an employee has been paying over the years.

Regarding this proposal, there was some discussion whether or not it is actuarially sound. I suggest to the Members that it is. We recognize that the social security tax rate is a great imposition upon low-income workers. It is a real cost of 11 percent on the first dollar anybody earns. It is paid half by the employer, but it is money that probably would go to the employee.

In this proposal, we avoided a rate increase by increasing the wage base and still keeping the program actuarially sound. That means for anyone who earns $10,800 or less, there will be no social security tax increase. Those who will feel the bite are the ones earning from $10,800 to $13,200. Those earning substantially over $13,200 probably will not miss the dollars quite as much as those who are right at that level. It seemed to the committee that the increase in the wage base is the only reasonable way to finance a desperately needed benefit increase.

The administration made great objections to any increase that would be paid out in this fiscal year—for one simple reason: The President wants to borrow money from the trust fund to finance his general budget. The fewer benefits we pay out this year, the more he can borrow from the trust fund. This increase means that there will be about $1.1 billion less for him to borrow from the Social Security Trust Fund. He will have to go out and borrow the billion-plus someplace else.

Briefly, about the Griffiths amendment: when the committee looked at what we ought to try to do now for the aged, blind, and disabled—those who are really the poorest of all the poor people in this Nation, and when we looked at the terribly high cost of living, especially the cost of groceries, which is by far the biggest item in their budget, we said they just have to get more money and we have to get it to them as quickly as possible.

At the time we enacted the SSI program for the aged, blind, and disabled, we set the Federal minimum payment to go into effect January 1, 1974 at $130 a month for a single person and $195 for a couple, and we thought that was a reasonable floor. For those States that were paying the aged, blind, and disabled more than the Federal minimum—and they are primarily the 10 larger States where most of these people live—we agreed to hold the States harmless from any increase in State costs if they retained their existing benefit levels.

All we are saying in the legislation under discussion today is that the $130 is too low; that we are going to move it up to $140; and for those States that supplement, if they will still supplement the total dollars they spent in 1972—we will let them pass on the additional $10 to their aged, blind, and disabled. It is the only way we can get the $10 increase to these very needy people.

It is not a matter of States being rich or poor—or of States being willing or unwilling to meet that need. The fact is that it is the only way we can get the extra $10 to these aged, blind, and disabled in January 1974.

There are two competitors in this matter: On the one hand, the Federal Treasury; on the other hand, the poorest of the aged, blind, and disabled people of this Nation. What we are talking about on the Federal Treasury side is $175 million. On the other side, we are talking about 33 cents a day for an aged, or blind, or disabled person, or 50 cents a day for a couple.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ULLMAN. Mr. Chairman, I yield 3 additional minutes to the gentleman from California.

Mr. CORMAN. I thank the gentleman for yielding time.

Mr. BURKE of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. CORMAN. I yield to the gentleman from Massachusetts.

Mr. BURKE of Massachusetts. I thank the gentleman for yielding.

Mr. Chairman, I want to associate myself with the remarks of my distinguished colleague, the gentleman from California. He has really zeroed in on the problem here. What we are dealing with here is the blind, the disabled, and the elderly, the very poorest of the poor, and it seems to me that this great and affluent Nation of ours should not be zeroing in on economy at the expense of these poor and unfortunate people who are faced with the spiraling cost, the high cost of living, the escalation of prices, food prices, and now fuel prices, and all the dreaded costs that are going to be heaped upon them come January 1.

I certainly wish to be associated with my colleague, the gentleman from California, and I commend him for his statement.

Mr. CORMAN. I thank the gentleman from Massachusetts.

I would like to make two points. First, let us look at what the hold harmless means as far as California is concerned. It applies identically to all ten of the States involved.

If we do not retain the committee's position, the Federal Government will give $10 more to each single aged, blind or disabled person in 40 States—and $15 more to a couple—but not an additional penny to the aged, blind, or disabled in the 10 States where most of these people live.

California is spending its own money in trying to give a reasonable living standard to these persons in the State, but what does that standard mean for them? For a single person living alone now, it means $211 a month, plus $10 worth of food stamps. I cannot feed my family on $221 a month, and I doubt that any Member here can. There is rent to pay, and utilities, and clothing to buy, if there is anything left for clothing. What we are really talking about here is rationing—out of $221 a month—for food, for clothing, for shelter, for other essentials to keep body and soul together. What I am trying to get us to do is merely to increase that person's food rationing 33 cents a day.

In New York, the average payment to a single aged, blind, or disabled person presently is $207, including food stamps. In Michigan it is $200; In Pennsylvania $146 plus a bit for food stamps; and in Massachusetts $207. In these States, as well as in the other affected States, if we do not vote down the Griffiths amendment, those of the aged, blind, and disabled who also get small social security checks, are going to be hearing about an 11-percent social security increase and about a $10 increase in the basic Federal SSI payment when they are transferred into the new Federal program—but they will end up receiving the same amount of dollars as if we had not increased social security or SSI. And these are the persons hurt most by increasing costs of food, rent—and now, even fuel oil to heat their houses. These are the persons also hurt most by the devaluations of the dollar the Nation has experienced over the past couple of years. And to neither situation—inflation nor devaluation—have they contributed; they are only the victims.

The question is not the Federal Government versus the rich States. The question is the Federal Treasury versus the poorest of the aged, blind, and disabled people of this country. There is no Federal expenditure we will make in the 93d Congress that will be more meaningful than to assure these people that they will also get a pitifully small $10 increase to buy food.

I urge the Members to support the committee's recommendation and to vote down the Griffiths amendment when it comes up for a vote.

Mr. ULLMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, while I applaud the increase in benefits in this bill I have some questions about the financing aspects of it.

Mr. Chairman, I rise in support of this bill's provision for a two-step, 11-percent cost-of-living increase in social security benefits. Last year the Congress committed itself to maintaining the dollar value of a social security pension by providing for automatic cost-of-living increases in benefits, effective in January 1975. It is now painfully clear that the interim 5.9-percent cost-of-living increase, scheduled to take effect next June as an advance payment toward the first automatic increase, will be wholly inadequate.

While I applaud the provision of an 11-percent increase in benefits, I have some questions about other provisions of the bill affecting the financing of the social security system and about the actuarial assumptions on which those changes are based.

Under the bill, the tax rate for hospital insurance—now a flat 1 percent—would be reduced in 1974 to 0.90 percent and stay there through 1977. In 1978, the medicare rate would rise to 1.10 percent—instead of the 1.25 percent provided under present law—and stay there through 1980.

By virtue of this change, the health insurance trust fund would forgo $1 billion in income in calendar 1974. For the fiscal years 1974 through 1979, according to the committee report, the health insurance trust fund will receive $9.8 billion less income than it is expected to receive under present law. Over the course of those 6 fiscal years, nearly $10 billion will in effect have been transferred out of the health insurance trust fund and into the old-age and survivors and disability insurance trust funds.

It is hard to get used to this idea, for two reasons. First is that the health insurance trust fund used to be ailing. It is the one that was underfinanced and headed for bankruptcy. Now, suddenly, it is in the pink of health, thanks to a combination of factors, including an increase in the health insurance contribution rate this year from 0.60 percent to an even 1 percent and the restraints that the economic stabilization program have imposed on medicare costs. In the short run, in fact, the health insurance trust fund is now regarded as overfinanced, since its estimated reserves at the end of 1977 would amount to more than 100 percent of the following year's estimated outgo.

The other reason is that I have introduced legislation—now cosponsored by 111 other Members of this body—to provide an outpatient prescription drug benefit under medicare. This would be a much needed maintenance drug program for the elderly who suffer from certain specified chronic illnesses. The official cost estimate for this program, made last year for the Senate Finance Committee, was $740 million for the year beginning July 1, 1973.

In previous year, when I was proposing a comprehensive outpatient prescription drug program, the principal objection I heard was that it would be too expensive. Then, when the proposal was scaled down and tailored to the elderly who are most in need, I was told that there was not enough money in the trust fund.

Suddenly, when it appears that the health insurance trust fund will have more than enough money to finance a maintenance drug benefit, that income is diverted for OASDI purposes. As far as I am able to determine, no one has given any thought to the possibility of keeping that money in the fund to finance a maintenance drug program. Ironically, I received a letter only yesterday from a constituent whose husband, 63, suffers from Parkinson's disease. They spend $120 a month for prescription drugs.

What I want to question is the committee's contention that the old-age, survivors, and disability insurance program now shows a serious actuarial imbalance that must be corrected by increasing the income of the OASDI trust funds. Here is the chronology of progressively more bleak actuarial projections:

July 16: The 1973 annual report of the trustees of the OASDI trust funds says current estimates show a long-range actuarial imbalance of minus 0.32 percent

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of taxable payroll, a deficit of about 3 percent of the long-range cost of the program.

Next, according to the gentleman from Texas (Mr. ARCHER), it was increased to minus 0.42 percent when we enacted the 5.9 percent benefit increase to take effect next June.

October 30: Again according to Mr. ARCHER, a pamphlet prepared for the committee said the OASDI program was out of balance by minus 0.68 percent. A few days later, he notes, committee members were given another estimate indicating it was out of balance by minus 0.76 percent of payroll.

I know that we all want the trust funds to be actuarially sound, given the new dynamic actuarial methodology we are using. I also note this statement in the report of the trust funds' trustees:

> Variations in the actuarial balance (in either direction) arising from short-term fluctuations in consumer prices and average covered earnings are inherent in the actuarial methodology now employed. Over the 75-year period of the estimates short-term fluctuations could be expected to be in both directions and somewhat offsetting, and relatively small deviations from exact actuarial balance should not call for changes in the contribution schedule.

Mr. Chairman, I do not want us to jeopardize the future health of the Social Security System. But I would be more comfortable if I knew that the financing changes proposed by this bill are in accord with this bit of advice from the trustees of the trust funds, and that we are not unnecessarily diverting money from the health insurance trust fund that could and—in my view, anyway—should be used to finance an outpatient drug program.

Mr. ULLMAN. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. BURTON).

Mr. BURTON. Mr. Chairman, I would hope that the proposal advanced by our distinguished colleague, the gentlewoman from Michigan (Mrs. GRIFFITHS), will be rejected. I do that for the following reasons:

As we all know, in January, a few months from now, we are moving into a new program providing a federally established minimum payment to the aged and the blind and the crippled of our country, and that program also carries with it a very thoughtful and much improved financing arrangement that ultimately redounds to the benefit of the Federal Treasury.

Let us contrast the law today with the law as it will be in effect in January. As of today all of the States receive at least 50 percent Federal matching for welfare payments made to aged and blind and disabled persons, and a number of the States receive some larger percentage, up to approximately 83 percent.

After the new law takes effect, a majority of the States will receive an increase, in effect, of their Federal matching funds, that is currently from 50 percent to 83 percent, to 100 percent Federal matching. But for some States, some 10 or more who today receive 50 percent Federal matching, the effective matching for these States is reduced as a percentage from 50 percent to perhaps one-third or perhaps 25 percent.

Now although it is very difficult without the utilization of visual aids, permit me to describe I hope in simple and understandable terms its application in at least the State of California.

As of today California's average grant is $120 a month or so in the aged program. California today receives 50 percent matching or $60 a month on the average for each recipient receiving aged aid.

In January, taking the new financing arrangement and applying it to that same older person whose benefits must be maintained because we have passed a law requiring their benefits not to be reduced, the following is the Federal commitment to California:

The Federal Government is obligated as of now to provide an assured level of income of $130; but all outside income, and that is mainly social security, is used to reduce the Federal commitment.

Under this bill the proposal is that the $130 assurance per month is to be raised to $140, so let us stay with that latter figure for purposes of this illustration. After the social security increases in the bill, the average income for an aged recipient in our State will be, approximately $100 a month of outside income, so under the new financing arrangement in California that aged person for whom we shall receive $60 Federal contribution in December, we shall receive $140, less the $100 on the average, or an average of $40 for that same recipient. Mrs. GRIFFITHS has pointed out—and she is correct—that this does not take into account the $20 per month disregard which is available to some 75 to 80 percent of our adult recipients.

(At the request of Mr. ULLMAN and by unanimous consent, Mr. BURTON was allowed to proceed for an additional 3 minutes.)

Mr. BURTON. Mr. Chairman, so where, as in December, we shall have really on the average a $60 Federal contribution, we shall after the effective date of the increases receive on the average a $40 contribution. Obviously, that is a result that could not pass political muster.

So the distinguished chairman of the Committee on Ways and Means constructed the cheapest and most efficient method of seeing that States like California were not discriminated against by having their effective matching reduced by one-third—which I have now restated for the fourth time and stand on—by providing that there be a hold-harmless provision. It is the operation of the hold-harmless provision that results in the restoration effectively to the higher cost-of-living or higher grant States of, roughly, the 50 percent.

This proposal suggests increasing the Federal commitment by $10—$10 I might note will come virtually entirely out of Federal funds. Under the wise financing, constructed by Chairman MILLS, all of the offsetting increased social security income will be used to reduce the Federal General Fund obligation to meet this Federal commitment of $140 a month.

The increase of $10 to all in the lowest grant States is entirely Federal money and all of us in the higher cost-of-living States applaud—do not decry—that the person in the lower income States receives this increase as a matter of full Federal financing. But do not deny to us the same option to receive and pass through to our elderly poor the equivalent $10 increase, because we have given up, in the process of the new financing, the 50 percent savings that otherwise would have redounded to the higher grant States because of the social security increase, by acceding to Chairman MILLS' thoughtful and wise request that all that increased income will be used to offset the Federal cost to pay the Federal minimum.

Mrs. GRIFFITHS. Mr. Chairman, will the gentleman yield?

Mr. BURTON. I yield to the gentlewoman from Michigan.

Mrs. GRIFFITHS. Mr. Chairman, the gentleman continues to invoke the name of the Chairman. Chairman MILLS was present when we guaranteed that the gentleman's State and mine would not have to pay more because of SSI, which would go into effect next January 1, than they paid in 1972. That is what is, in effect. It has not been repealed.

The only thing your hold harmless does now is protect you and me from the increases way above that $210 that are now being voted. Mr. MILLS was not present when this was even talked about in the committee, so he had nothing to do with it.

But in addition, while the gentleman keeps talking about this, he fails to note that there are two social security raises going into effect next year. No State has ever held harmless an SSI recipient against a social security raise.

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. ULLMAN. Mr. Chairman, I yield 3 additional minutes to the gentleman from California (Mr. BURTON).

Mrs. GRIFFITHS. And you do not intend to do that either. There is nothing in here that would hold you harmless. There is nothing in here that will hold you harmless.

Mr. BURTON. Mr. Chairman, I decline to yield further for the purposes of this point: The overwhelming majority of States have disregarded, for their adult recipients, social security increases, to the extent permitted by the Federal Social Security Act, and that is a fact.

Mrs. GRIFFITHS. No, I talked with every State. They do not protect against social security, do not protect against the veterans increases. What the gentleman is asking here is for a one-shot increase, for SSI only. He is not saving harmless against the social security increases or the second SSI increase.

I am saying to the gentleman again, he is not protecting the poorest people. The poorest people are the people who are getting social security minimums or small amounts and who, because of some small asset, are not eligible for any SSI. Those are the poorest people.

Mr. BURTON. Mr. Chairman, I decline to yield any further because I have so little time.

Mrs. GRIFFITHS. I know it hurts.

Mr. BURTON. Mr. Chairman, I fully agree with the gentlewoman that there are limitations on assets that are irrelevant, and I would also like to have the

record be made clear, if I have left any inference to the contrary, I do not assume that the chairman of the Ways and Means Committee adopts any portion of what I am saying.

What I do mean to state is that there was a radical rearrangement, a wise one, of how these programs are to be financed; and I do assert further that in the Federal budget approved by the House Appropriations Committee, the administration has, for the first 6 months of this fiscal year, overstated—by from 6 to 7½ percent the costs of the current adult welfare program. HEW estimated an average caseload of 3.4 million aged, blind, and disabled recipients, when, in fact, the average caseload for July–December 1973 is going to be about 3.150 million or 250,000 caseload months less than the projected 3.4 million caseload average for that 6-month period.

For the last 6 months of this fiscal year, the administration estimated that there will be an additional 3 million recipients, on the average for the last 6 months of this fiscal year, due to the new social security insurance program.

I will stand here right now and say that I will eat cotton if there is any more than a third of that, on the average, increase for the balance of this fiscal year. Therefore, the committee bill including the hold-harmless language, is within the parameters of the administration's sought budget amount and this general revenue amount will not be exceeded even with the enactment of the recommendation of the Ways and Means Committee.

Mr. CORMAN. Mr. Chairman, will the gentleman yield?

Mr. BURTON. I yield to the gentleman from California.

Mr. CORMAN. Mr. Chairman, I do want to point out concerning the original hold-harmless, that in the State of California, it would have to grandfather in certain recipients, and that cost the State of California $22 million, which it was perfectly willing to pay and which was mandated by this House in the summer of this year. Additionally and voluntarily, the State of California has added $56 million to their cost-of-living requirements to try to take care of them, so they have moved that State supplement from $381 million, which is the Federal requirement, to $459 million. If we do not have the hold-harmless, they can get——

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. ULLMAN. Mr. Chairman, I yield 1 additional minute to the gentleman from California.

Mr. BURTON. Mr. Chairman, I yield further to the gentleman from California (Mr. CORMAN).

Mr. CORMAN. Unless the hold-harmless provision stays in, only the States which did not supplement and paid the minimum will get the $10. States with supplementing will not get it because the Federal Government will give it per capita, but let them hold harmless.

And so the competition is truly between the Federal budget and the budget of the very poor. It seems that what we are worried about is really who are the poorest of the poor? The test of the situation for everybody is, if one has no assets and no income, one gets a minimum, throughout this entire Nation, of $130 and, as proposed now, $140. In the State of California one gets $211 because the State pays the difference.

Mr. BURTON. Mr. Chairman, I fully agree with my distinguished colleague, Mr. CORMAN. If I may conclude in the very few seconds I have left, if we want to look at this matter in terms of equity among the several States, simply stated, it is this:

A great number of us willingly supported a change in the financing, even though it resulted in an increase percentagewise to the majority of the States in this country from 17 to 50 percent of their previous matching.

We did that willingly. All we are asking is that they do not change the ground rules on us, so that we may get our piece of the action for our poor elderly, blind, and disabled.

Mr. ULLMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from Michigan (Mrs. GRIFFITHS).

Mrs. GRIFFITHS. Mr. Chairman, what this does, in fact, is to say that California and nine other States—and my State is one of them—will have the Federal Government come in and help them raise their payments way above the $210 for a couple, over and above what the other States have. But if you are in one of the other States, such as Ohio, Indiana, Michigan, Illinois, Connecticut, Maine, Vermont, Florida, or Texas, any of those States, and you raise it one cent above $210, you will pay every penny of it yourself, every penny, and you will also help us raise ours above $394 or whatever our individual payment is. Now, I would like to have someone tell me where that is equitable.

If we have that kind of money to spend, let us spend it on a Federal priority, not helping the rich get richer.

Mr. ULLMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. MAHON).

BUDGET IMPACT OF SOCIAL SECURITY INCREASE

Mr. MAHON. Mr. Chairman, the record of the proceedings of today will contain much helpful information. This debate has been of great interest, I think, to the Congress and will be of interest to the country generally. The record, which contains this discussion, should also contain certain overall information in regard to the Federal budget.

As has been pointed out several times in the debate, this bill will increase the national debt this year by $1.1 billion and will increase the deficit by $1.1 billion. That is not to say that the bill should not pass. I intend to vote for it.

However, I believe we should also bear in mind that this will add an additional billion dollars above the January spending budget of $268.7 billion. The House earlier in the year approved an expenditure ceiling of about $267 billion. Including this social security bill, the Congress will probably be at the end of the session, about $5 billion over the January budget in expenditures.

The President revised his budget on October 18 from $268.7 billion up to $270 billion. The President having approved congressional actions above the budget at that time in the sum of $2.4 billion embraced those increases in his new budget estimate. Having signed these bills into law, he has taken them into account in revising his expenditure budget up from $268.7 billion to $270 billion.

In addition, the President has submitted the budget amendment for assistance to Israel, which brings the most recent administration spending estimate to $270.6 billion.

In actions subsequent to October 18, including the $1.1 billion increase being considered today, the Congress will add another $2.6 billion in spending. In percentage terms this amounts to less than 1 percent of the $270.6 billion estimate.

Of course, it is true that the fiscal picture has improved dramatically not as a result of reduced spending or reduced appropriations but as a result of a $14 billion unanticipated increase in revenues which has occurred since the January budget was submitted.

I would like to say again, as I have said many times on the floor, that the budget-busting problem of this Congress does not lie with appropriation bills from the Committee on Appropriations. It seems clear now that the appropriation bills in this session of Congress will be in total at the level or below that of the President's budget. Our difficulty generally in trying to hold Federal spending within the budget comes from backdoor spending or spending mandated by nonappropriation bills.

I thought it was appropriate to bring this up under the circumstances, and I shall ask unanimous consent at a later time to revise and extend my remarks on this matter. At another place in the body of the RECORD of today, I shall present a fuller discussion of fiscal matters.

Mr. ULLMAN. Mr. Chairman, I yield to the gentleman from Texas (Mr. MILFORD) such time as he may use.

Mr. MILFORD. Mr. Chairman, I want to join my colleagues who are supporting this drastically needed updating of social security benefits.

It is imperative that the retired people in our Nation who have devoted their lives to productivity and citizenship responsibility be assisted at this time.

I know of no other group of people who have felt the crunch of our galloping inflation more than these folks. Their income is fixed. And until this bill, it has taken an act of Congress to increase their income—social security payments.

I find this bill to be one of the most promising pieces of legislation coming out of this law-making body, because it will provide for increases based upon cost-of-living indexes computed annually.

Up to this time, we have been in the position of asking our retired and disabled persons to shrink their stomachs and to do without needed medical prescriptions while we debate their needs. Until now, there has been no way to increase their income in marching rhythm with rising prices and diminished dollar purchase power.

If we act now on this bill, we can put

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7 percent more money—or an average of $11 a month for an individual—in their hands with the April social security checks. And, another increase—up to 11 percent, or a total average increase of $19 for an individual—by the July checks.

I would like to impress upon my colleagues that for 20, 30, or 40 years or more, these individuals—whose income we are now legislating—have poured money into our economy and into this fund over which we hold the purse strings.

It is time we let the economic situation and demands release this hold in the prudent and sound manner set forth in H.R. 11333.

Mr. ULLMAN's bill addresses itself to the immediacy of the crisis of senior citizens by calling for their receipt of the increase in April.

I would like to call attention to some Department of Labor budget statistics for a retired couple. The national average cost for people in the lowest budget is $3,442 a year. This is $118 a year more than the average couple is receiving in social security benefits. But let me make you aware of this fact: these are 1972 budget figures. If we add in the 4.7 cost-of-living increase, over the first 7 months of this year, this same couple will need $3,604 to make it.

Our bill would almost bridge this gap in April and would take care of the increase by July if—if the costs of surviving, such as food, shelter, medicine and transportation, do not rise higher than September figures.

And since that is the impossible dream, I urge the immediate enactment of H.R. 11333, so that social security income can be computed comparably with cost hikes.

I feel strongly about this issue, and as most of you know I have strongly advocated cautious and prudent budget spending. However, this bill will enable us to help the grandparents of this Nation, yet remain prudent and cautious by paying its way by raising the social security taxing maximum wage base to $13,200, and retaining the same 5.85 percent tax rate until 1977.

Because this is a compassionate bill, because it will alleviate a pressing crisis for retired people, and because it is economically sound, I would urge my colleagues to vote yes. Thank you.

Mr. BROYHILL of Virginia. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. COLLIER).

Mr. COLLIER. Mr. Chairman, in the light of what the distinguished chairman of the Committee on Appropriations just said, I believe it is in order to remind this House that in June of this year, 6 months after we enacted legislation to provide a 20-percent increase in social security benefits, we did, in fact, enact legislation for an additional increase. It included the cost-of-living escalator plus the raise in benefits to have become effective on July 1. We did this because in the interests of being fiscally responsible we thought at that time—and the House, I repeat, did approve it—that we ought to wait until July of 1974. This would have provided a period in the interim 6 months for us to accumulate through an increase in the taxable base the trust fund income to accommodate the additional burden of the July 1 increase.

However, because, as is so often the case, the second shot increase was hung on as a rider to a totally unrelated piece of legislation, the debt ceiling bill, we were then forced into what you might call an emergency situation to foreclose an even further problem facing us to move this legislation.

So I pass this on to you because I think the action we took last June, which we have now rescinded only 4 months later, represented a far more responsible approach than is the course which we are now taking.

Mr. DENNIS. Will the gentleman yield?

Mr. COLLIER. I yield to the gentleman.

Mr. DENNIS. I cannot help but wonder, in view of what the gentleman from Illinois says and what the distinguished chairman of the Committee on Appropriations had to say, why this distinguished committee that brought this bill in did not bring it in under a rule which would have permitted an amendment which would have perhaps gone back along the road we were trying to go last June.

Mr. COLLIER. I had no voice in the rule that was granted.

Mr. ULLMAN. Mr. Chairman, I yield myself 1 minute.

I want the record to be clear that it is only because we have a unified budget concept that this has an impact. The reason should be absolutely clear, that the trust funds are paying a substantial surplus into the unified budget.

There is in fact a $15 billion or more Federal funding deficit, but in the unified budget that is offset by the surpluses from the various Government trust funds.

Without these surpluses from the trust funds, including the social security trust funds, the budget would show a deficit of the same amount. Omitting trust fund operations is the concept of the administrative budget, which was abandoned a few years ago when the present unified budget was adopted. Some people believe that the unified budget is more a bookkeeping operation than a true measure of Federal fiscal requirements. For all intents and purposes, the administrative budget is the portion of the budget which is subject to the debt ceiling. The operations of the trust funds, on the other hand, do not affect the debt ceiling. I think it is important that the trust funds be allowed to operate consistent with the purposes of the programs under which the individual trust funds were set up. These programs should not be unduly influenced by considerations arising solely from the unified budget.

This is a responsible package, and one that I urge the House to support.

Mr. Chairman, I would ask my friend, the gentleman from Virginia (Mr. BROYHILL) if the gentleman has any additional requests for time?

Miss JORDAN. Mr. Chairman, I rise in support of H.R. 11333 which provides an 11-percent increase in social security benefits and which increases supplemental security income benefits.

This bill provides for a two-step increase in social security benefits. The first step will be a 7-percent increase which will be received in early April 1974. The second step will be an additional 4-percent increase which will be received in July 1974. The bill also raises the basic supplemental security income payments for an aged individual to $140 in January 1974 with an additional $6 increase in July 1974; and for an aged couple to $210 in January 1974 with a further increase of $9 next July.

Many of my colleagues have also risen to support this bill today. Their support for social security increases at this time attests to the success of the program. Social security keeps some 10 million people out of poverty. Poverty due to death of the breadwinner in the family has been virtually eliminated due to social security.

Social security is more than a retirement program. It is the largest life insurance program, the largest disability insurance program, the largest health insurance program, as well as the largest retirement program in the Nation. Social security is well accepted by the American people because it is a universal program providing benefits to eligible recipients as a matter of statutory right with a minimum of administrative discretion, covering the rich as well as the poor, irrespective of race, color, creed, or sex. As the board of directors of this enterprise, Congress has steadfastly kept the social security program on a financially sound basis. The long-range financial schedule in the law gives as much stability to the program as is possible in this uncertain world.

In addition, many of my colleagues in the House have joined in supporting this bill due to the astronomical price increases which have occurred over the past few months. Food prices alone have risen almost 30 percent in the past 3 months. An individual receiving a fixed check from social security cannot absorb these price increases from one week to the next.

More importantly, the social security increases provided for in this bill are desperately needed not only because of the price increases which have occurred in the past, but because of the price reductions which are not expected to occur in the future. The higher cost of eating is here to stay. Food prices are not expected to go down in the near future; they may level off, but in doing so they will remain at their highest levels ever.

Food prices will not go down because demand is up both in this country and abroad. Foreign buyers have money to pay for the food they need. They have money because they have the advantage of two devaluations of the dollar in a 15-month period. To the American consumer food prices have risen 30 percent, but to the foreign buyer food prices remain approximately the same as they were a year ago.

Food prices will not go down because supplies will not catch up with demand. Although additional acreage for corn

and soybeans is being put into production both here and abroad, most of the productive land is already being used. Meat supplies will not dramatically increase for the basic reason that it takes 9 months to produce a calf and 2 years to raise a market-ready head of cattle. Even if our supply of livestock were to be increased, it would mean less meat now as ranchers withheld stock from the market for breeding purposes.

Food prices will not go down because wholesalers and retailers will be catching up from last summer when their margins were held down by price controls.

I am particularly gratified that the members of the Committee on Ways and Means provided for increases in supplemental security income benefits beginning in January 1974.

Since the constitution of the State of Texas prohibits the State from supplementing the basic SSI benefits, the increases provided in this bill will assure that no one in Texas will receive less money under SSI than they now receive from the State under the old age, blind, and disabled program.

Last September I introduced legislation which would have provided for a 7-percent increase in social security benefits effective January 1974, I applaud the distinguished chairman of the Ways and Means Committee for providing the leadership necessary to deal with this subject in committee and to report expeditiously a bill to the House. In many ways, the committee has improved upon my original bill. It is my hope that the bill will prevail in conference with the other body and will be signed into law by the President. I urge my colleagues to give this bill their wholehearted support.

Mr. BINGHAM. Mr. Chairman, tens of millions of Americans have a direct stake in the outcome of our deliberations here today. These are the 29 million social security beneficiaries who have been bearing the brunt of this administration's disastrous inflation. Since the last benefit increase in September 1972, the Consumer Price Index has already increased 9.3 percent, with some consumer costs much higher. For example, food costs have gone up 23.5 percent in this period, but social security beneficiaries have received no additional income to meet these added costs. When Congress enacted the last effective increase, we also established an automatic cost-of-living increase, but delayed its implementation until 1975. This year we were able to accelerate the date of the first of these increases to July 1974, but even this is clearly not soon enough.

Beginning in September, I undertook a number of efforts to win congressional approval of speedier increases, since I have been convinced that the elderly should not have to wait until next year to be compensated for this year's inflation. In October, 112 of my colleagues joined me in sending letters to the acting chairman and the ranking minority member of the House Ways and Means Committee urging them to act on the immediate 7-percent across-the-board increase in social security benefits. This expression of widespread support for such an increase was clearly influential in focusing the attention of the committee on the increasingly desperate needs of the elderly. When the committee continued to delay action, however, I joined with Representatives REUSS, VANIK, FULTON, and THOMPSON in urging the Rules Committee to accept a combined social security increase and tax reform amendment to the debt limit bill. The Rules Committee accepted our proposal in the belief that both of these measures deserved consideration in this session of Congress. Adding these measures to the debt limit bill would have been attractive, since the administration would have been reluctant to veto such critical legislation despite its announced opposition to both the social security increase and the tax reform proposals.

The Rules Committee action startled the Ways and Means Committee, and led to the postponement of the debt limit bill and the decision to give separate and early consideration to the bill before us today.

H.R. 11333 provides a two-step, 11-percent cost-of-living increase in social security benefits. The first step would be a 7-percent increase effective March 1974, reflected in the checks received early in April, with the full 11-percent increase effective in June 1974, reflected in the checks received early in July. The minimum benefits would be increased from $84.50 to $90.50 a month for March through May 1974 and to $93.80 per month for months after May 1974. The average old-age benefit payable for March would rise from $167 to $178 per month and then to $186 a month for June 1974, and the average benefit for a couple would increase from $277 to $296 per month for March and to $310 for June 1974. Average benefits for widows would increase from $158 to $169 for March and to $177 for June 1974. Henceforth, benefits would be automatically adjusted each year in which there is at least a 3-percent increase in the cost of living over the previous year. I am disappointed by three aspects of the committee's bill. I have been urging an increase in social security benefits which would take effect no later than January 1974. I could not believe that social security recipients should have to wait any longer to be compensated for 1973's galloping inflation. However, the Social Security Administration has made it clear that they could not compute and process increased benefit checks any earlier than April 1974, since the agency is already hard pressed to implement the new supplemental security income program. I only regret that the Congress did not respond more quickly to our urgings for speedy action on social security increases which have been made repeatedly beginning this past summer. Earlier congressional action would have allowed an earlier effective date for increased benefits.

Second, I am disappointed that the committee decided it was necessary to raise the amount of annual earnings subject to social security taxes from $12,600 to $13,200, and in future years to increase the tax rate itself. This 22 percent increase in the effective social security tax rate for those earning $13,200 or more each year is intended to cover the additional costs to the social security trust fund attributable to the benefit increase of $900 million in fiscal year 1974 and $1.7 billion in fiscal year 1975. The seven percent increase effective in January 1974 which I advocated would not have required any increase in social security taxes as it could have been paid out of existing surpluses in the social security trust fund.

Finally, I am deeply disturbed that the committee bill has not grappled with the vexing problem of insuring that these social security increases will not be offset by reductions in other forms of Federal financial assistance. This is the so-called "pass-through problem". It is caused by the fact that social security increases in many cases make many social security recipients ineligible for, or cause payment reductions in, veterans pensions, medicaid, public housing, food stamps and public housing programs. Many of my own constituents have seen social security increases offset by reductions in other programs or have even suffered reductions in their total monthly benefits. No one should have to pay this kind of penalty simply because of the perverse operations of overlapping, uncoordinated Federal programs, thereby making consideration of this problem as well as others out of order. I am concerned that unknown numbers of social security recipients across the country will not receive the benefits of the increases we are considering today because the "pass-through problem" has been ignored once again. I urge the Ways and Means Committee and the Committee on Veterans' Affairs to act on legislation I have introduced before the effective date of these social security increases next March, so that these increases will be disregarded in determining eligibility for other Federal assistance programs.

Despite these problems, Mr. Chairman, I will vote in favor of this bill. It promises much needed relief to millions of social security recipients whose health and comfort have been steadily eroded by constant inflation. I hope the bill's shortcomings will be corrected in short order, so that millions more will receive the full benefit of the increases this bill will make possible. Finally, I hope the Congress will stand fast against the predictable opposition of this administration to the enactment of this legislation. We cannot expect the elderly to shoulder the full burden of fighting inflation when they are the most severely affected by that inflation. I urge my colleagues to support H.R. 11333.

Mrs. HOLT. Mr. Chairman, the rapidly escalating cost of living has deeply eroded the purchasing power of many Americans; it has had especially disastrous effects on those who are forced to make ends meet while living on a fixed retirement income. These older Americans with limited financial resources have no means to supplement their small annual incomes; their ability to live out their remaining years in dignity is directly dependent on the people of this country.

The bill before us will provide increases in social security cash benefits and supplemental security income payment levels. Older Americans are caught in a

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vicious squeeze between rising prices and fixed income. Each increase in the cost of living has the net effect of a reduction in income for these people. The immediacy of this problem is aptly described by the statement of the National Council of Senior Citizens that older Americans "cannot wait until July to pay today's prices."

Mr. Chairman, we have a very serious problem facing this body to which we must turn our attention. I am deeply concerned that the day of reckoning is rapidly approaching for the social security system. Since January 1970, social security benefits have increased 51.8 percent; the passage of H.R. 11333 will drive this figure up to 68.5 percent. These benefit increases have been financed primarily by increases in the taxable wage base.

We must begin to consider carefully the long run effects of our actions. Increases in employer contributions to the system will naturally raise the cost of doing business and will ultimately be passed on to the consumer in the form of higher prices. The prospect of another round of spiraling inflation is very real.

In addition, there is a finite limit on what the American taxpayer can afford or will be willing to pay to support this system. Many of my constituents are extremely disturbed by the rapidly increasing bite social security taxes are taking in their pay checks. We cannot continuously vote increases in benefits without carefully reviewing the long run impact on the program. I strongly maintain that the time has come for a comprehensive review of the entire program. We must clarify its objectives and quantify its current and future abilities to meet these objectives.

Mr. Chairman, if we are not careful we are going to kill, yes, really kill, the goose that laid the golden egg.

Mr. ANDERSON of California. Mr. Chairman, I rise in support of this proposal which would provide a 7 percent increase in social security benefits beginning in March 1974, and an additional 4 percent increase beginning in June 1974.

While I strongly feel that the 30 million recipients of social security should receive an increase in benefits beginning in January, and I introduced a measure with 78 cosponsors which would have accomplished that aim, I believe the bill before us today is a belated, though necessary step in the right direction.

This increase is necessary merely to catch up with the skyrocketing cost of living which has been eating into the already limited income of the elderly. For example, during July, August, and September of this year, the cost of living rose by over 10 percent. And food costs rose by an astounding 28.8 percent.

As a result, those on retirement incomes have been particularly hard hit, and are having an even harder time making ends meet, especially since a quarter of their income goes for food. Thus, the elderly, who have a great need for a nutritious diet to maintain their health, are forced to eat less and suffer more.

This measure would result in a two-step increase in benefits with a total increase of $19 per month going to the retired worker, with no dependents, and $33 per month going to the retired couple.

It is our responsibility to insure that the elderly live out their remaining years in good health, without fear of want, and in dignity. In that regard, this measure will help, and I urge my colleagues to join with me in supporting this bill.

Mr. DORN. Mr. Chairman, the question has been asked as to the effect of the social security increases under discussion here on veterans' pensions.

Let me point out that earlier this afternoon we agreed to certain amendments and sent back to the Senate H.R. 9474, which will provide a 10-percent increase in nonservice-connected benefits effective January 1, 1974. This bill will provide about $240 million in additional benefits to veterans and dependents and will do a great deal to offset the impact of the 20-percent social security increase which became effective earlier this year.

Now, insofar as the 7-percent increase under discussion here is concerned, which may become effective next March or April, this increase would have no impact on veterans benefits for the remainder of the calendar year 1974 because we have a rule that income which becomes effective during the year will not be counted for pension purposes until the beginning of the following year. There is some debate in the Veterans' Administration as to proper application of this rule, but we are urging that the Veterans' Administration use the end of the year rule in dealing with this 7-percent increase so that it would not have an impact on veterans' pensions until January 1, 1975.

In the meantime, the administration is planning to send up a rather comprehensive package of amendments relating to the pension program and both our committee and the Senate committee has agreed to consider these proposals. They could result in substantial increases of pensions to certain individuals, particularly low income individuals.

In other words, we will be considering the pension program again before the impact of the 7-percent social security increase is felt. The committee has followed the practice in the past of raising veterans' pensions from time to time, based on cost-of-living changes and in general this has kept up, or in some instances, exceeded the changes in the social security program. I feel sure that as we make adjustments from time to time, based on cost-of-living changes, that we will be successful in the future as we have been in the past in keeping the veterans' pension program abreast of social security changes.

Mr. BADILLO. Mr. Chairman, I rise in support of H.R. 11133, the Social Security Act amendments, and urge speedy passage since inaction on the measure would mean a considerable delay in the implementation of the scheduled social security benefit increases and cause severe hardship for our senior citizens.

As my colleagues are aware, the extraordinary inflationary pressures experienced by our economy spell hardship for all American families, while the astronomically steep increase in food prices mean near disaster for those in the low and low-middle income categories who customarily spend a large portion of their disposable cash for this item. Such individuals and families are forced to devote increasing proportions of their budgets to food and in many cases are having to do without such other necessities as replacement clothing.

Since the majority of our senior citizens are on low, fixed incomes, their plight is particularly severe. Unable, in most instances, to increase their earnings, they are living in dire poverty. All of us are aware of news accounts featuring increased incidents of shoplifting among the elderly, who are reduced to stealing to secure some of the necessities of life. This Nation's failure to safeguard the welfare of those who have borne the brunt of the depression in the 1930's and can take credit for the tremendous advances in growth and prosperity made by this Nation during the past decades will remain a shameful blot on our history. If the level of a civilization can truly be measured by its care and concern for the weakest of its members then we have a long way to go. The scheduled 7 percent increase in March and the additional 4 percent effective in June will alleviate some of the hardships, but they will bring no comfort during the bleak, cold months ahead. I realize that the committee has done its utmost and that even the present compromise is opposed by the administration, but I wish that we could do more, effective immediately, for our senior citizens.

I am, however, pleased to see the cost of living provision in this bill which will cut the time lag in providing increases from 7 to 3 months.

But, while I urge the speedy and overwhelming passage of the bill, I am unhappy with some of the problems that remain in it. I refer here particularly to the language which permits States to include, under the hold-harmless provision, the scheduled $10 increase in supplemental security income grants. The bill extends the protection of the hold-harmless for 1 year only in this regard, which means that while States can, without prejudice and without revising their grant schedules, add this amount to payments going to beneficiaries effective January 1974, by January of 1975 they will have the option of either falling back to their 1972 payment levels and reducing payments to beneficiaries, or finding funds in their budgets to cover the entire amount of the increase. Recipients of these grants should be assured of the highest possible level of payments, payments adequate to enable them to live a decent life, payments subject to adjustment only to assure that they more fully meet the needs of the beneficiary.

Mr. HOGAN. Mr. Chairman, I rise in support of the bill, H.R. 11333, which would provide a 7-percent increase in social security benefits beginning in March 1974 and an additional 4-percent increase beginning in June 1974.

Congress, earlier this year, recognized its responsibility to our elderly citizens by enacting Public Law 93–66, which

would increase social security benefits by 5.9 percent effective June 1, 1974. However, it is apparent that the cost of living will have increased far in excess of the 5.9-percent rise by June of 1974.

I do not want to deliberate on our spiraling inflation and the dent that it is putting into everyone's pocketbook. And it takes little imagination to appreciate the impact that this inflation has on those with limited fixed incomes.

Currently, the average annual benefit for retired recipients amounts to $165 per month. For 1 out of 7 aged couples and 2 out of every 7 elderly single persons, this amount represents 90 percent of their total income.

Under the bill before us, the average monthly social security benefits would be increased from $165 to $177 for retired workers; from $274 to $293 for aged couples; and from $158 to $169 for elderly widows.

This increase in social security benefits would be especially helpful to those people in Prince Georges County, Md., which covers the larger part of my district. The rental rates for senior citizens' housing in Prince Georges County is based on 25 percent of the residents' adjusted gross income. In essence, these people will have to set aside 25 percent for rent regardless of the amount of increase in their social security benefits. Therefore, an increase of 7 percent would be a minimal amount to meet the escalating increase in the cost of food and other essentials.

It is our responsibility as legislators, and as human beings, to reverse the trend of neglect, and instead insure that the elderly live out their remaining years in good health without fear of want, and in dignity knowing that a grateful society appreciates their years of service and dedication to building a better America.

Mr. HARRINGTON. Mr. Chairman, more than one-quarter of the 20 million Americans over the age of 65 have incomes below the officially established poverty line. Millions of older Americans in our Nation, many of whom are living on fixed incomes, have been victimized by rampant inflation since the date of the last increase in social security benefits—the 20-percent increase that took effect in September of 1972. Since that time, consumer prices have risen by more than 7 percent, and in recent months, the consumer price index has risen at a seasonally adjusted rate of more than 10 percent, with food prices—of critical importance to elderly Americans—climbing at a rate of nearly 29 percent.

In light of the compelling needs of our elderly citizens, I appreciate the opportunity today to rise in support of legislation that will increase social security benefits by a total of 11 percent over the next 9 months. This bill, H.R. 11333, also contains important provisions which will improve the supplemental security income—SSI—program, scheduled to take effect in January of the coming year. While I support this legislation, it has a number of shortcomings which I believe should be addressed.

I cannot conceal my dissatisfaction, however, with the manner in which this legislation was brought before the House. I have consistently opposed the granting of "closed rules" for legislation, whereby a bill can be brought to the floor for consideration, but under which no Member can offer or support amendments, however desirable, and however many of us support such amendments. Frankly, I believe this procedure is undemocratic. It forces the House of Representatives simply to act as a rubber stamp, either voting a proposal up or down.

As the closed rule is almost exclusively used by only one committee, and it is used primarily on bills of critical national importance, it deprives all Members of the House other than those 25 on the committee a meaningful voice in shaping legislation of great and often enduring importance.

This procedure gives a stranglehold on key legislation to a handful of Congressmen. It frustrates the will of the House, and is at odds with the principles of representative government. Time and time again, this House considers complex legislation, where there are considerable differences of opinion, on a take-it-or-leave-it basis. While the Ways and Means Committee, which I commend for its diligence and competence, almost always produces responsible and worthwhile legislation, I nonetheless believe that the "closed rule" is an unnecessary and undesirable straitjacket on the workings of this House.

Early in the 93d Congress the Democratic Caucus took a most responsible action when it enacted restrictions governing the use of the closed rule. One caucus rule requires that whenever a committee chairman seeks a closed or modified rule, he must give to the House four legislative days notice. This rule is being skirted today—H.R. 11333 has been brought before the House without the specified notice. While I agree that the urgency of this legislation requires its prompt consideration by the House, it is my view that this exception to the caucus rule should not be considered a precedent for future actions.

BENEFIT INCREASE NEEDED NOW

The principal fault of this bill is that the increases in social security benefits will not even begin to take effect until next April—6 months from now. America's senior citizens need these benefit increases today—not months in the future. I cannot accept the argument of the Social Security Administration that they are physically unable to implement benefit increases until the March checks that will be received in April, 1974.

Were this bill open for amendment, I would support changing the legislation to provide an immediate 7-percent increase in social security benefits. But the closed rule ties my hands—as well as those of the remaining Members of this House, a majority of whom I believe would support making the benefit increase effective now.

THE NEEDS OF ELDERLY AMERICANS

There are 5 million Americans over the age of 65 who are poor. Some 234,000 elderly Americans in New England—110,000 of these in Massachusetts alone—have incomes below the poverty line. Proportionally, the elderly bear a heavy share of our Nation's poverty. While the elderly comprise about 10 percent of our total population, nearly 20 percent of our country's poor are over the age of 65. In Massachusetts, nearly one-quarter—23.5 percent—of the States poor are elderly.

The poverty of our Nation's senior citizens is a national tragedy and a national disgrace. In 1972 the median income of families headed by an individual over the age of 65 was $5,968—half that of younger families. In the same year, 91,000 elderly families had yearly incomes below $1,000. Another 5 percent of our senior families, 402,000 Americans, had incomes of less than $2,000, and 1.2 million older families had incomes smaller than $3,000.

The plight of the elderly person living alone or with nonrelatives is equally distressing. One-half of the 6.2 million older people living alone or with nonrelatives had incomes of less than $2,397 in 1972. Nearly 450,000 individuals over the age of 65 had incomes of less than $1,500. Even worse is the plight of elderly black families and women over the age of 65.

According to reports published by the Department of Health, Education, and Welfare, the proportion of black elderly families living in poverty is more than three times that of white families.

THE IMPORTANCE OF SOCIAL SECURITY

These grim statistics require a concerted effort by our Government to better the lives of elderly Americans. Social security is increasingly the key component of the income situation of Americans over the age of 65. In 1967, one-quarter of the total income of older Americans came from social security, ranking social security second only to employment earnings—30 percent—in importance. And, the proportion of dependence on social security is increasing. Earnings from employment have been in decline over the past 15 years. During the decade between 1958 and 1967, for example, the proportion of income arising from employment earnings dropped from about 38 percent to a level of 30 percent in 1967.

Government income-maintenance programs are rapidly becoming the critical element in providing for the health and welfare of our Nation's elderly. Yet the development of the social security system clearly has not kept pace with the increasing importance of social security income to our Nation's elderly. Until July of this year, when Congress enacted Public Law 93–66, there was no provision in the social security law which tied benefit levels to the cost of living. As a result, the social security system has been continually plagued by sporadic and haphazard congressional attempts to bring social security payments in line with the increases in the cost of living—attempts, not always successful but always made after the fact. The adequacy of the social security system has been questionable, and millions of older Americans who depend on social security for their welfare have on far too many occasions seen benefit increases obscured in internecine struggles within the Congress and between the Congress and the executive branch.

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Clearly, the social security system must be structured so that the needs of the elderly are met without being obstructed as part of political turmoil. The cost-of-living provision of Public Law 93–66 was a step in the right direction, but an incomplete one. It promses senior citizens with a 5.9-percent increase in benefits for June of 1974—11 months after the date of enactment. In the interim, older Americans have been fighting a losing battle against higher prices—a battle they cannot win without greater and more immediate Government help.

The bill now being considered, H.R. 11333, makes further improvements, but still falls short of the mark. A 7-percent increase in social security benefits is to be provided beginning in March of 1974—the check would be received in April—and an additional 4-percent cost-of-living increase will be made for checks received in July. As a result of these increases, 30 million Americans will be eligible for an additional $2.4 billion in social security benefits. The average old-age benefit will rise from $167 to $178 per month as part of the first step in the benefit increase, and will rise further to $186 a month when the second part of the increase becomes effective. The average benefit to disabled workers will rise from the current $184 per month, first to $197 and then to $206 per month. The bill will also make improvements in the cost-of-living adjustment formula so that the time lag between computation of an automatic increase and actual payment to beneficiaries will be cut from 7 months to 3.

These are worthwhile improvements. But it should be reemphasized that by the time that these benefit increases are actually received, they will probably have no more effect than to bring most recipients back to the point they were at when the current wave of inflation began. And, senior citizens will have endured more than a year and a half without any additional compensation for the financial difficulties of soaring prices. Improvements in the social security system should do more than maintain a perilously low status quo of income. The social security system should be restructured so that increases in benefits translate to real increases in income, and subsequent improvements in the lives of elderly Americans depending on social security.

THE PAYROLL TAX

As has been typical of all increases in social security benefits the one proposed today will be financed by increasing the payroll tax. Presently, the first $10,800 of every American wage earner participating in the social security system is taxed at the rate of 5.85 percent. Congressional actions already taken raise the payroll tax wage base to $12,600 in January, and this bill would further increase the taxable income to $13,200. And, the social security tax rate on wages would begin to rise in 1977.

I believe that the time has come to question the whole manner in which the social security system is now financed. What seemed to be a proper method of financing a very limited program when the social security system started in 1936 may no longer be appropriate when the program's importance, and goals, have expanded greatly.

In recent years, the Federal tax system has become less progressive, primarily because of the regressive social security payroll tax. In 1949, the payroll tax was at a 2-percent rate, applying only to the first $3,000 of covered income, with a maximum tax of just $60. Under present law, the taxable earnings have jumped to $12,600, the maximum tax rate to 11.7 percent, and the maximum tax—which is paid by most middle-income families, has risen to $1,263.60. In the 3 years—1972 through 1974—the contribution of the social security tax to total Federal revenues has jumped from 25.8 percent to 30.5 percent, and in terms of dollar receipts, the last 3 years have shown a jump in social security tax revenues of $24 billion—or 45 percent.

The social security tax is regressive because the burden falls most heavily upon those who can least afford it. Beginning next January, an individual earning $13,200—assuming enactment of H.R. 11333—will pay exactly the same tax as an individual earning, for example, six times as much—$79,200. The effective tax rate for the individual earning $13,200 will be 5.85 percent, while the rate for the individual earning $79,200 will be less than 1 percent.

The time has come to reject the idea that the justification for the regressive payroll tax is, as argued, that "those who pay most heavily are those that stand to benefit." Put simply, there is no relation between the payroll taxes paid by any individual and whatever benefits he may receive years later, because the social security system is emphatically not an insurance program of the classical type. The benefits now being received by elderly and disabled Americans are being paid for by the current contributions of all working Americans. Thus, for example, when a worker earning $10,800 annually receives a paycheck at the end of this month, with $52.65 deducted for social security, he is not paying for his own benefits at all. He will never pay for his own benefits—instead they will be paid for by wage earners in the years hence when today's worker is a social security benefit recipient.

It seems to me that the cost of a program to help the poor, the aged and the disabled should be paid out of the income of the whole society, not just out of the first $10,800—or $13,200—of covered income. At the least, the social security tax itself should be revised so as to cover more earned income, but with progressive tax rates and complete exemptions for the very poor wage earner. More appropriately, it seems to me, Congress should consider financing a portion of the costs of social security out of general revenues—which are derived from the generally progressive personal income tax structure and from corporate taxes.

SUPPLEMENTAL SECURITY INCOME (SSI)

H.R. 11333 also contains important improvements in the supplemental security income—SSI—program, some of which are controversial. When Congress passed the Renegotiation Act—now Public Law 93–66—it provided for an increase in SSI benefits of $10 for individuals and $15 for couples, to become effective on July 1, 1974. H.R. 11333 would implement this increase on January 1, when the SSI program takes effect, and would further increase benefits on July 1, 1974, by $6 for individuals and $9 for couples. As a result, on January 1, 1974, monthly SSI benefits would be increased to $195 for individuals and $210 for couples, and 6 months later these benefits would rise further to $201 and $219.

The SSI program provides for Federal assumption of the costs of assistance programs to the aged, blind, and disabled. More than 1.8 million recipients of old-age assistance, 78,000 recipients of aid to the blind, and 1.2 million recipients of aid to the permanently and totally disabled stand to be helped by the SSI program. Federal minimum payment levels have been established, and in many States these levels exceed existing assistance payments, so that benefit levels within these low-payment States will increase markedly.

However, in other States, such as Massachusetts, the current State benefit levels for the same categories of assistance are far above the Federal benefit level under the SSI program.

Public Law 93–66 provides, in States where current State benefits exceed SSI benefits, that those 8 to 10 States will be "held harmless" to the levels of State expenditures for the affected programs in fiscal year 1972. In other words, the "hold harmless" provision assures those States with high benefit levels that implementation of the SSI program will cost them no more, in State funds, than what had been previously expended under the old matching-grant program. However, the law provides that when a State wants to increase its benefit levels above the levels of 1972, then these additional costs must be paid for entirely by the State.

The increases in benefit levels for SSI recipients contained in both Public Law 93–66 and H.R. 11333 could work to the inequitable disadvantage of these high-payment States. Increasing SSI benefit levels greatly increases the amount of Federal funds that will flow to those States whose previous benefit levels had been below the federally guaranteed SSI minimums, while not improving assistance benefits to recipients in high-benefit States, such as Massachusetts, at all, because these States already pay benefits in excess of even the increased SSI payment level.

Commendably, the Ways and Means Committee has included in H.R. 11333 a provision which would restore balance to SSI assistance to States and which would give assistance recipients in high-benefit States the same effective increases in benefits that will be received by SSI recipients in those States with low benefits, where the SSI benefit level is what the recipient will actually get. This provision would allow for a "one-shot" increase in the allowable State benefits, the cost of which would be entirely assumed by the Federal Government under the "hold harmless" provision. This one-shot increase will allow States, like Massachusetts, at no cost to themselves, to increase their benefits by the same amount of the SSI benefit increases also contained in H.R. 11333—$10 for individuals and $15 for couples. This provision of H.R. 11333 would increase Federal grants to the affected States by $100 million.

My distinguished colleague, Congresswoman GRIFFITHS, has argued against this provision of H.R. 11333, and has announced her intention to offer an amendment which would delete this section from the bill. I intend to vote against this amendment. It is argued, in favor of the amendment, that the Nation's taxpayers should not have to bear an additional $100 million cost, the benefits of which will be received by those few States which already have assistance benefits in excess of both the national norm and the SSI levels. However, without this provision, the taxpayers from some of our most populous States—including Massachusetts, California, New York, Michigan, New Jersey, Pennsylvania, and Wisconsin—will be footing a large part of the bill for very substantial increases in SSI benefits that do nothing for their States at all. Further, why should those States which have, in a progressive character, been paying comparatively good assistance benefits, be penalized for their achievements? Why should not assistance recipients in those high-benefit States receive the same benefit increases that will go to individuals in every other State of the Union?

I believe that, as a matter of equity, the States which have been generous in their assistance payments to the aged, blind, and disabled should receive the same benefits of the SSI program that will accrue to those States which, for a variety of reasons, have had less generous assistance programs. I urge that my colleagues defeat this amendment.

NEED FOR A PASS-THROUGH PROVISION

Perhaps the most critical shortcoming of H.R. 11333 is that it fails to insure against the possibility that increases in social security and SSI benefits will result in corresponding decreases in the benefits that recipients receive from other assistance programs. This problem, recurrent in congressional efforts in recent years to increase social security benefits, is not adequately addressed in this bill.

When Congress passed a 20-percent social security benefit increase in 1972, one of the more unfortunate results was that many individuals received social security benefit increases that raised their incomes to the point that they were no longer eligible for other assistance programs—such as Veterans Assistance, to name but one. In many cases, in fact, the increase in social security benefits left the recipient in worse shape, in terms of total income, than he or she had been before the 20-percent social security boost. There is no reason to believe that a similar misfortune will not befall many Americans as a result of enactment of this bill.

Congress should not take away with the one hand what it gives with the other. The intent, as I have noted, of our assistance programs to our elderly and to our needy should be increased to genuinely provide the financial means through which the standard of living of the elderly and the needy can be improved. The illusion of help is not good enough. It is my view that as a matter of highest priority, the Congress should rapidly enact legislation to guarantee that the increases in social security and SSI benefits contained in H.R. 11333 should not result in any reduction in the benefits of other programs.

While clearly not a perfect bill, H.R. 11333 is nonetheless legislation which will improve the lives of millions of Americans, those receiving social security assistance as well as those eligible for the supplemental security income program. Congress now has an opportunity to show that it can and will act to help millions of elderly, poor, handicapped and disabled Americans. Now is the time to pass this bill.

Mr. BROYHILL of Virginia. Mr. Chairman, we have no additional requests for time.

Mr. ULLMAN. Mr. Chairman, we have no additional requests for time, and I yield back the balance of my time.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. DINGELL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 11333) to provide a 7-percent increase in social security benefits beginning with March 1974 and an additional 4-percent increase beginning with June 1974, to provide increases in supplemental security income benefits, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on the bill H.R. 11333, and to include extraneous material, and tables, and further, Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on H.R. 11333.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Sparrow, one of its clerks announced that the Senate had passed with amendments in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:

H. Con. Res. 378. Concurrent resolution providing for an adjournment of the House from November 15 to November 26, 1973.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1570) entitled "An act to authorize the President of the United States to allocate crude oil and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare; to provide for the delegation of authority to the Secretary of the Interior; and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7746) entitled "An act to establish the American Revolution Bicentennial Administration, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8916) entitled "An act making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1974, and for other purposes."

The message also announced that the Senate agrees to the House amendments to the Senate amendments Nos. 30, 37, and 46 to the foregoing bill.

CONFERENCE REPORT ON S. 2408, MILITARY CONSTRUCTION AUTHORIZATION, FISCAL YEAR 1974

Mr. PIKE. Mr. Speaker, I ask unanimous consent to call up the conference report on the Senate bill (S. 2408) to authorize certain construction at military installations, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. GROSS. Mr. Speaker, reserving the right to object—and I shall not object—I should like to ask the gentleman from New York to explain the conference report.

Mr. PIKE. Mr. Speaker, if the gentleman will yield, I certainly intend to explain the conference report. I also would like to say to the gentleman from Iowa that yesterday I asked unanimous consent that this particular bill be brought up on Thursday, and it was our intention to bring it up on Thursday. However, because of the fact that we have finished consideration of the other legislation so early, I thought that it would be a convenience to the Members to bring it up at this time. But I assure the gentleman from Iowa that we will explain the conference report.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. PIKE. Mr. Speaker, I ask unanimous consent that the statement of the managers be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of November 13, 1973.)

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Mr. PIKE (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with in view of the fact that both the conference report and the joint statement of the managers have been printed and are available to the Members, and they are printed in the CONGRESSIONAL RECORD of November 13, 1973, on pages 36848 through 36859.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER. The gentleman from New York (Mr. PIKE) is recognized for 30 minutes, and the gentleman from Indiana (Mr. BRAY) is recognized for 30 minutes.

Mr. PIKE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on September 13, 1973, the Senate passed the fiscal year 1974 military construction authorization bill (S. 2408) in the total amount of $2,835,444,000.

On October 11, 1973, the House considered this legislation and provided new authorizations in the total amount of $2,715,924,000.

As a result of a conference, House and Senate conferees worked out the differences and agreed to a new adjusted authorization for military construction for fiscal year 1974 in the amount of $2,773,584,000.

The amount of new authority approved is $220,120,000 below the amount requested by the Department of Defense. A further reduction of $22.1 million was made in the amount of new funding authorized. This was made possible by applying unobligated balances against new authority granted to the Army, Navy, and defense agencies.

I am pleased to state that insofar as the monetary differences between the two Houses were concerned, there was about an even split.

The total authority granted is approximately $57.7 million above that granted by the House, and about $61.8 million below the Senate figure.

There were over 140 differences in the House and Senate versions. However, we were able to arrive at an agreement on each one. I will not go into a lot of detail because the Statement of Managers explains the action of the Conferees.

The most difficult problem encountered in the conference with the Senate was on the subject of bachelor enlisted quarters. The House added a provision to require a planned occupancy for permanent barracks of a minimum of four persons per room for enlisted grades E–4 and below and no fewer than two persons per room for enlisted grades E–5, E–6, and E–7. Based on the progress the services have made on the design of this year's bachelor enlisted quarters projects and the increased costs that would result as a consequence of a change at this time, the House reluctantly receded from the inclusion of this provision this year. However, the Secretary of Defense is directed to make a study of a planned occupancy for permanent barracks with a minimum of four persons per room for enlisted grades E–4 and below.

This study should provide by service, the one-time costs for changing criteria, the construction cost savings that will accrue in the fiscal year 1975 military construction program, an estimate of the construction cost savings for the next four military construction programs, impact on morale of personnel, the impact on recruitment of personnel under an all-volunteer force and the flexibility of room assignments. This study will be submitted to the Committee on Armed Services of the House and Senate prior to February 1, 1974.

However, we were able to retain many projects not included in the Senate version. In other words, we had to do some plain old horse trading. Section 610 was added by the House to insure that the Bolling-Anacostia complex in the District of Columbia would be retained for defense purposes. It would also permit previously authorized construction, which has been held up because of lack of approval of the National Capital Planning Commission to proceed with or without the approval of the NCPC.

No such provision was included in the Senate bill. This particular point was the subject of some discussion and debate among the conferees. The House provision was approved with general agreement among the conferees that in the next session of the 93d Congress both the House and the Senate committees would conduct hearings to determine the feasibility of the defense retention of all of the lands now comprising the Bolling-Anacostia complex.

Therefore, after giving a little here and taking a little there, your conferees did the best they could and believe that they have brought to the House a good bill that will provide adequately for the construction needs of the military during this fiscal year.

I want to thank the gentleman from New York (Mr. KING) for his dedication and assistance during our hearings and more especially in the conference. Also, I want this House to know that all members of your conference committee worked hard to bring this conference report before you, and I urge its adoption.

Mr. KING. Mr. Speaker, my colleague, the distinguished chairman of the Military Construction Subcommittee, has explained the details of our conference with the Senate. Therefore, I will not go into the matters he has discussed with you.

As in all conferences, it was necessary to compromise on individual line items requested by the services, and in some instances valid items were left out of the program we bring to the House today.

I want to congratulate my colleagues on conference committee for their dedication and efforts to bring this report to the House. Also, I especially want to point out to the Members of the House the excellent leadership provided by the gentleman from New York (Mr. PIKE).

Mr. Speaker, I cannot let this opportunity go by without paying a well-deserved tribute to the very capable and hard-working staff of the Committee on Armed Services and on the subcommittee which handled this legislation. The staff was invaluable in the markup of both the bill and the conference report.

Mr. Speaker, I urge the adoption of the conference report.

Mr. GROSS. Mr. Speaker, will the gentleman yield for two questions?

Mr. PIKE. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, may I assume that all amendments adopted in conference are germane to the bill?

Mr. PIKE. All amendments adopted in conference, I can assure the gentleman, are germane to the bill.

Mr. GROSS. Was there any money inserted in the conference to fund the President's unilateral action in intervening in the Middle East war?

Mr. PIKE. No, the action of the President had taken place after either the House or Senate acted and there is no such money.

Mr. GROSS. I thank the gentleman.

Mr. BRAY. Mr. Speaker, I have no request for time.

Mr. PIKE. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PIKE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the conference report just passed (S. 2408).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PROVIDING FOR ADJOURNMENT OF CONGRESS OVER THE THANKSGIVING HOLIDAY

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the concurrent resolution (H. Con. Res. 378) providing for an adjournment of the House from November 15 to November 26, 1973, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendment, as follows:

> Senate amendment: On page 1, line 4, strike out "1973." and insert: "1973, and that when the Senate adjourns on Wednesday, November 21, 1973, it stand adjourned until 12 o'clock meridian, Monday, November 26, 1973."

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

MOTION OFFERED BY MR. O'NEILL

Mr. O'NEILL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. O'Neill moves to concur in the Senate amendment.

The motion was agreed to.

The title was amended so as to read: "Concurrent resolution providing for an adjournment of the Congress over the Thanksgiving holiday."

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 7446, ESTABLISHING AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

Mr. DONOHUE submitted the following conference report and statement on the bill (H.R. 7446) to establish the American Revolution Bicentennial Administration, and for other purposes:

Conference Report (H. Rept. No. 93–639)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7446) to establish the American Revolution Bicentennial Administration, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 6.

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 4, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 7. (a) (1) There are hereby authorized to be appropriated annually to carry out the provisions of this Act, except for the program of grants-in-aid established by section 9(b) of this Act, not to exceed $10,000,000, of which not to exceed $1,375,000 shall be for grants-in-aid pursuant to section 9(a) of this Act.

"(2) For the purpose of carrying out the program of grants-in-aid established by section 9(b) of this Act, there are hereby authorized to be appropriated such sums, not to exceed $20,000,000, as may be necessary, and any funds appropriated pursuant to this paragraph shall remain available until expended, but no later than December 31, 1976."

And the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 9. (a) The Administrator is authorized to carry out a program of grants-in-aid in accordance with and in furtherance of the purposes of this Act. The Administrator may, subject to such regulations as he may prescribe—

"(1) make equal grants of appropriated funds in each fiscal year of not to exceed $25,000 to Bicentennial Commissions of each State, territory, the District of Columbia, and the Commonwealth of Puerto Rico, upon application therefor;

"(2) make grants of nonappropriated funds to nonprofit entities, including States, territories, the District of Columbia, and the Commonwealth of Puerto Rico (or subdivisions thereof), to assist in developing or supporting bicentennial programs or projects. Such grants may be up to 50 per centum of the total cost of the program or project to be assisted."

And the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(b) For the purpose of further assisting each of the several States, the Territories, the District of Columbia, and the Commonwealth of Puerto Rico in developing and supporting bicentennial programs and projects, the Administrator is authorized, out of funds appropriated pursuant to section 7(a)(2) of this Act, to carry out a program of grants-in-aid in accordance with this subsection. Subject to such regulations as may be prescribed and approved by the Board, the Administrator may make grants to each of the several States, Territories, the District of Columbia, and the Commonwealth of Puerto Rico to assist them in developing and supporting bicentennial programs and projects. Each such recipient shall be entitled to not less than $200,000 under this subsection. In no event shall any such grant be made unless matched by the recipient."

And the Senate agree to the same.

Harold D. Donohue,
James R. Mann,
M. Caldwell Butler,
Managers on the Part of the House.

John L. McClellan,
Edward M. Kennedy,
Roman Hruska,
Managers on the Part of the Senate.

Joint Explanatory Statement of the Committee of Conference

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7446) to establish the American Revolution Bicentennial Administration, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Conferees agreed to the language of Senate Amendment No. 1 amending Section 4 of H.R. 7446. This language is consistent with the basic principle of the legislation in encouraging State and local participation in the Bicentennial observance. The Senate language further implemented this purpose in providing that the Administrator is to coordinate his activities to the extent practicable with those being planned by State, local and private groups. He is further authorized to appoint special committees with members from among those groups to plan such activities as he deems appropriate.

The Senate amended Section 7(a)(1) of the House bill by placing a ceiling of $10,000,000 annually for the expenses of the Administration. Included in that amount was an authorization of not more than $2,475,000 for annual grants of $45,000 to each State, Territory, the District of Columbia and the Commonwealth of Puerto Rico. The provision for the $45,000 grants was contained in a parallel amendment to Section 9 of the bill which authorized the Administrator to make equal grants from appropriated funds of not more than $45,000 to each of the recipients.

The Conferees agreed to reduce the $45,000 figure to $25,000 per entity and the annual authorization for this grant program to $1,375,000.

Section 7(a)(2) as added by the Senate authorized an appropriation of not more than $20,000,000 for grants-in-aid on a matching basis to the several states to assist them in developing and supporting Bicentennial programs and projects as provided in the new Section 9(b) as added by the Senate, the amount to remain available until expended but no later than June 30, 1976.

The Conferees changed this date to December 31, 1976, because of the continuing celebrations and commemorations anticipated throughout the calendar year of 1976.

The language of Section 9(b) as contained in the Conference Report is the revised language agreed to by the Conferees. The Senate language provided that the amounts received under Section 9(b) by any State could not exceed $400,000 per state on a matching basis. In Conference, it was agreed to change this language so that each recipient would be entitled to not less than $200,000 in grants on a matching basis under the Subsection. In addition, the District of Columbia, the Territories and the Commonwealth of Puerto Rico were included as eligible recipients. The Conferees recognized that each jurisdiction would, therefore, be assured of the right to participate in this grant program up to the amount of $200,000. The language of the Subsection makes it clear that these grants are subject to regulations prescribed and approved by the Board. The $200,000 amount is available for grants to each jurisdiction and considered obligated for that purpose, which, if not used, would lapse. It is not intended that the unused portion of the $200,000 minimum earmarked for each jurisdiction will be available for distribution to any other jurisdiction or for any other purpose. The remaining funds under the $20,000,000 authorization are automatically available for grants to any eligible jurisdiction that presents a program found acceptable to the Administration.

The Conferees retained Senate Amendment No. 4. It is merely a conforming amendment made necessary by the renumbering changes in Subsection (a) of Section 9.

The Senate Conferees receded from Senate Amendment No. 6 which would have provided that the Administrator would serve as Chairman of the American Revolution Bicentennial Board and the Vice Chairman shall be elected by members of the Board from members of the Board. The Conferees agreed to retain the original House language providing that the Chairman and Vice Chairman shall be elected by members of the Board from members of the Board other than the Administrator.

The Conferees intend that the regulations provide a reasonable period for applications for grants by eligible entities.

Harold D. Donohue,
James R. Mann,
M. Caldwell Butler,
Managers on the Part of the House.

John L. McClellan,
Edward M. Kennedy,
Roman Hruska,
Managers on the Part of the Senate.

PROVIDING FOR CONSIDERATION OF H.R. 11459, MILITARY CONSTRUCTION APPROPRIATION FOR 1974

Mr. McSPADDEN. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 701 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res 701

Resolved, That upon the adoption of this resolution it shall be in order to move, clause 6 of rule XXI to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the

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State of the Union for the consideration of the bill (H.R. 11459) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1974, and for other purpoees and the provisions of clause 2, rule XXI are hereby waived with respect to any appropriation contained in such bill.

The SPEAKER. The gentleman from Oklahoma is recognized for 1 hour.

Mr. McSPADDEN. Mr. Speaker, I yield the usual 30 minutes to the distinguished gentleman from Ohio (Mr. Latta) pending which, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 701 provides for a waiver of the provisions of clause 6 of rule XXI of the Rules of the House of Representatives—the 3-day rule—in order that the House may consider the bill H.R. 11459, a bill making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1974.

House Resolution 701 also provides for a waiver of the provisions of clause 2, rule XXI of the rules of the House—prohibiting unauthorized appropriations.

H.R. 11459 makes appropriations for military construction and family housing for the Department of Defense for the fiscal year ending June 30, 1974. The bill recommends new budget authority of $2,609,090,000, an increase of $285,869,000 above the amount provided in fiscal year 1973 and $335,810,000 below the requests of fiscal year 1974.

H.R. 11459 includes appropriations for construction in support of the Trident submarine and underwater-launched ballistic-missile systems.

Mr. Speaker, I urge the adoption of House Resolution 701 in order that we may discuss and debate H.R. 11459.

Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. Latta).

Mr. LATTA. Mr. Speaker, I agree with the statements just made by the gentleman from Oklahoma.

House Resolution 701 provides for the consideration of H.R. 11459, the military construction appropriation bill, 1974. This resolution waives the 3-day rule in order that we may consider the bill this week, and also waives points of order with regard to clause 2, rule XXI.

The purpose of this legislation is to make appropriations for military construction and family housing for the Department of Defense for fiscal year 1974.

The committee has recommended new budget authority of $2,609,090,000, which is an increase of $285,869,000 above the appropriations for fiscal year 1973, and a decrease of $335,810,000 in the request for fiscal year 1974.

The increase is due to several large programs. Most important is the construction in support of the Trident submarine and underwater-launched ballistic missile systems. This construction, to be initiated in fiscal year 1974, is a net increase of $112,320,000 over fiscal year 1973. Additionally, the cost of operating and maintaining military family housing has increased, therefore, there is an increase of $94,131,000 to meet these costs. Also, the Army has increased its bachelor housing program.

The reduction of $335,810,000 is due primarily to the announced and pending base closure actions on the military construction and family housing programs. Also, because of these announced closures, there have been a number of projects canceled at these bases.

Mr. Speaker, I urge the adoption of this rule.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I will be happy to yield.

Mr. GROSS. This is a most unusual procedure. Not 5 minutes ago the House approved the conference report on the authorization bill and 5 minutes later we are called upon to take up a rulemaking in order for a bill that provides funds for the authorization measure.

How the Committee on Appropriations could know what the House would do with the conference report is a mystery.

Mr. LATTA. Let me say to my good friend from Iowa, this shows that this body can act with expedition if it really wants to.

Mr. GROSS. Yes; if it does not show anything else, it does show that.

Mr. McSPADDEN. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. SIKES. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11459) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1974, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate on the bill be limited to 2 hours, one-half the time to be controlled by myself and one-half by the gentleman from California (Mr. Talcott).

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Florida.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 11459, with Mr. Annunzio in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. Sikes).

Mr. SIKES. Mr. Chairman, I yield myself 20 minutes.

Mr. Chairman, this bill comes to you under a rule which waives the 3-day requirement and waives the necessity for completion of the authorization process. We in the committee have no desire to circumvent the authorization process. The bill is brought to you in this manner because of the prospect for delays in the completion of the authorization process. There is no nongermane material in the bill.

It is the desire of the leadership that we expedite all essential legislation in every way that we can. This is one of the last remaining appropriations bills and it is deemed important to clear it in the House so that this part of our legislative program can be advanced as far as possible prior to the Thanksgiving recess and in that way help to avoid the logjam of uncompleted legislation which might build up early in December.

First let me express my very great appreciation to the members of the subcommittee and to the staff. I have highest commendation of this able group for the dedicated and conscientious manner in which they carried on the difficult work of the Subcommittee on Military Construction. It is an exacting task because hearings must be conducted day after day and week after week as line items are examined and witnesses are questioned on the requirements for funding proposals which are submitted by the various departments.

Understandably, there is not full agreement within the committee on some items, but the net result is a sound and workable package which I can strongly recommend to the House.

Again, let me say that I do so with appreciation for the outstanding contributions of my fellow members and the staff of the subcommittee.

The committee recommends that you approve new budget authority in the amount of $2,609,090,000 for military construction for fiscal year 1974. The original estimate submitted by the Department of Defense was for $2,944,900,000. An additional $35,400,000 was requested subsequently but was not approved by the authorizing committees and could not be considered by this subcommittee. The figures which I will cite for authorization reflect the effect of authorization action on new budget authority and are not necessarily the same as the totals shown in the authorizing bill.

Conferee agreement on the authorizing bill was in the amount of $2,723,711,000, a cut of $221,189,000. Your committee has made further cuts of $114,621,000 below the recommendations of the Armed Services Committees of the House and Senate. This is a total cut of $335,810,000.

Broken down by services, we have the following figures.

For the Department of the Army, the total request was $740,800,000. The authorization is for $684,394,000. Your committee recommended $627,475,000.

For the Department of the Navy, the total request was $705,700,000. The total of the authorization is $661,049,000. Your committee recommended $610,541,000.

For the Department of the Air Force the request was for $321,900,000. The committee authorized $294,096,000. We recommend funding of $269,702,000.

For family housing, the request was for $1,181,500,000 for 12,688 units. The committe is recommending $1,094,372,000 which will permit construction of 10,691 units, and which is approximately the amount authorized.

For your information, the funding for family housing includes much more than the construction of housing units. Costs in addition to construction of new units include modernizing, relocating, operating, maintaining, and leasing military family housing, as well as debt principal and interest payments on military family housing indebtedness. Also covered are construction of trailer spaces, minor construction, acquisition of Wherry housing, planning, furniture procurement, payments under the rental guarantee and section 809 which is armed services housing for essential civilian employee housing programs, payments to the Commodity Credit Corporation for housing built with funds obtained from the surplus commodity program, and servicemen's mortgage insurance premiums. Still other costs associated with housing military families are carried in the military personnel appropriations. Housing allowances and cost of transportation of personnel and of household goods are examples.

To some extent, savings resulting from cancellation of prior-year projects as the result of base closures or other changes in requirements can be applied to finance the fiscal year 1974 program. Sufficient funds have been provided to allow for the construction of adequate units for those projects which remain valid in the fiscal year 1972 and 1973 family housing programs.

For defense agencies the total request was $19,100,000. The amount authorized is $10,000,000. We find available revenues are sufficient to finance this program through fiscal year 1974 so no new appropriation is approved.

This year's reduction in authorization is much higher than usual. However, your committee has recommended additional cuts as indicated. I can assure you there is no justification for other cuts. The Nation is moving into a peacetime force status—the level-off period when there are no longer requirements for participation in the conflict in Southeast Asia—and we begin with what we hope will be a long period of relative stability for our forces at strength levels based on worldwide treaty commitments.

Most base closures and realinements have now been finalized and are in process of being carried out. That means we are dealing primarily with permanent bases. We also are seeking to achieve an all-volunteer force. To do these things successfully we must attract a high-level type of personnel. Modern, sophisticated equipment demands personnel who are capable of manning and maintaining it. This also requires training facilities which are modern and barracks and homes which are livable. Providing these is a slow process. Construction is now very costly. Inflation continues to exact a heavy toll and the military construction budget is never large in comparison with other defense costs or domestic budgets. So this can be accepted as a modest program for an essential requirement.

"TRIDENT" PROGRAM

You will note from the report that we are embarking in a sizable way on the Trident program. It is discussed in the report before you on page 5. The Trident is a new, improved ballistic missile submarine which is larger and more survivable than any other submarine in the world. It has new, long-range missiles. As antisubmarine weapons are improved and as land-based missiles become more fearsome, we must have a new trump card which has a better prospect for survival in the years ahead. The Trident promises to give us such a weapon, one which the Soviets will know they cannot expect to knock out with a first strike. The Trident will increase the possible worldwide patrol area of our submarine fleet six-fold over that of current submarines. That means they can wait and watch just about anywhere in the world. We hope to assure maximum time for the submarines on station and minimum time undergoing repair and overhaul. Present plans call for the support facility for 10 Tridents at Bangor, Wash., with essential operational capability for the system in the late calendar year 1978, 5 years hence. The Navy originally requested $125,000,000 for military construction for this program. The request was revised to $118,000,000. We have cut it by $6,000,000. We expect a total cost of more than a half billion dollars for Trident construction. This is a new program and a big one, but it is for America's survival.

BASE CLOSURES AND REALINEMENTS

Your committee devoted much time to the question of base realinements. Substantial base closures and realinements were announced earlier this year. The announcement came late. It has resulted in significant delays in the preparation of this bill and it is unfortunate we did not have the announcement earlier. The Department of Defense has identified large savings associated with these realinements and closures, but it must be realized there will also be significant first costs. This is the shakedown period during which realinements are taking place and closure proceedings are being initiated—274 specific actions to consolidate, reduce, realine, or close military installations in the United States and Puerto Rico have been announced. This is expected to save $3.5 billion over the next 10 years and to result in the elimination of 42,800 military and civilian positions.

There is the possibility of a few additional closures or realinements, particularly it appears in the Army. However, the committee has taken into consideration all of the announcements to date in the preparation of this bill and we have carefully sought to identify possible weak bases which are likely to be found in any remaining closure or realinement actions. We seek to avoid funding new construction for bases which will not remain operational.

The committee also has consistently urged that a strong effort be made to utilize existing facilities during realinements rather than to undertake the construction of new facilities.

REDUCTIONS IN OVERSEAS BASES

There is a subject of particular concern to the committee. We did not feel that the Department of Defense is pursuing a cutback of unnecessary functions overseas and the reduction or closure of excess overseas facilities with the same determination that has been applied to functions and installations in the United States. The committee realizes that it would be a grave mistake to be too hasty in removing U.S. combat units overseas thereby undermining the military and political strength of the United States and the allies. We know there must be adequate facilities for the troops who are stationed overseas. In most areas land is scarce and once a base is given up, there is little likelihood of getting it back. However, taking all the factors into account, it appears there is room for reductions in our base structure overseas and wherever this could be accomplished, it would save money. We just do not feel the Department of Defense is giving adequate consideration to base closures or realinements overseas.

NATO INFRASTRUCTURE

In the report the committee has gone quite fully into the NATO infrastructure program. It begins on page 13 of your report. I recommend that you give it careful thought. Infrastructure has provided a flexible and useable instrument. It has made possible $3.4 billion worth of installations in support of the common defense of Europe. It represents a very fine example of cooperation and realistic cost sharing between the NATO allies.

We have from time to time noted disappointing delays by our own representatives and by our allies in taking full advantage of the opportunities provided by the NATO infrastructure toward saving money for the United States. Nevertheless, we are consistently gaining ground in that the NATO allies are providing year by year for an increasing share of the cost of the facilities which are a common requirement for the military defense of Europe. As a matter of fact, in 1951 we were paying 43 percent of the joint cost of the program. Now we are paying less than 20 percent.

This bill contains $40 million for our contribution to the NATO infrastructure. The figure of $95,650,000 which is carried on page 55 of your report may appear contradictory. That figure represents the total NATO infrastructure program—$20 million of this amount is in reimbursements from NATO allies and the remainder is transferred from other accounts such as Safeguard.

The committee is mindful of the uneasiness expressed in some quarters about the stability of the NATO alliance. This results from incidents occurring during the war in the Middle East. It is not the business of this subcommittee to analyze the future of NATO. Our job is to fund the U.S. part of its construction requirements. However, it is my personal opinion that the NATO alliance is a strong and viable organization and that when danger threatens within Western Europe, it will function as planned and anticipated. The war in the Middle East brought questions about the supply of oil which is essential to Europe and about transfers of equipment which had been prepositioned in Europe for the defense of Europe. These questions would not arise if Europe were threatened militarily.

HOUSING FOR BACHELOR PERSONNEL AND MILITARY FAMILIES

The committee is continuing its support for improved housing for bachelor personnel and for military families. We

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have departed from the old idea of open bay barracks with their noise and lack of privacy which was the standard for so many years. It is the policy now to provide uniform rooms with bath for not more than three men per room for the lower grades of enlisted personnel, up to one man per room for the highest grades of enlisted personnel.

The family housing has improved accordingly. Quarters are now on a par with the average of those in private communities although it is not possible under present funding limitations to provide some desirable amenities such as garages and additional recreational space. However, there has been a steady effort on the part of the commtitee to insure the availability of more of the things which housewives very much want in their homes and on which until recent years they were not even consulted when military housing was designed. The bachelor housing program is proceeding in a very satisfactory manner. Family housing in this year's program has suffered a setback because of the limitations imposed by the authorizing committees.

By the use of the turnkey program, it has been possible to get more originality in the housing program and in most instances to save money by encouraging the contractor to develop his own designs and plans in competition with other bidders.

HOMEPORTING FOR THE NAVY

The committee is continuing to support homeporting for the Navy. The program is still somewhat small but it gives to a limited number of Navy families an opportunity to live where their men are stationed. The Army and the Air Force have long been able to accomplish this by allowing dependents to live overseas. Navy families could not enjoy the same privilege and this has meant additional family separations. One of the chief problems for retention of skilled and desirable personnel in the Navy is the simple fact that the family has been separated for such long periods from the man in uniform. In a partial effort to offset this, the Navy has transferred personnel so frequently the transfer costs have been excessively high.

COMMISSARY FUNDING

It should be noted that the committee has denied funding in a number of cases for commissaries. This action should not be construed as a policy decision. We realize the commissary facilities are a traditional part of military benefits. Our action is intended to stimulate the military toward devising other means of providing such facilities without coming to the Congress for public moneys. This could be done through a surcharge with which to establish a building fund for commissaries. The Government is subsidizing the commissary program at a level of nearly $300 million a year. They do not pay taxes. Their overhead is low. They are important to the military program but less so than in the days when military pay scales were very low and adequate shopping facilities were limited near the average military base. Now there are food stores and shopping centers around nearly all bases.

SOUTHEAST ASIA FUNDS

The end of hostilities in Southeast Asia left some unused funds which have been appropriated in prior years. At the beginning of the fiscal year there still remained in Southeast Asia funds for military construction $59.9 million. Of that amount $29.2 million is programed for use during fiscal years 1974 and 1975. This is for facilities for South Vietnam, Thailand, and other areas. Nothing is planned for Laos and Cambodia. In the main this is for roads and bridges and there is some vertical construction.

The means $30.8 million of the remaining SEA funds is not programed for expenditure at this time. Accordingly the committee has recouped $15 million of this amount and applied it to other projects. The remainder is available in case of unexpected emergencies.

AIR AND WATER POLLUTION

I am very glad to report to the House the continuing support and significant progress in both air and water pollution control programs. We are now well over the hump in these two essential programs. The committee recognizes their importance and has given solid support to them.

STATUS OF SAFEGUARD PROGRAM

There are no construction funds requested for the Safeguard program in fiscal year 1974. However, some $35,650,000 has been reprogramed from the Safeguard reserve to meet requirements which were generated in the NATO infrastructure account as the result of dollar devaluation.

A summary of the present funding situation of the Safeguard program follows:

The total amount of appropriation available to the Safeguard program is $646.8 million.

Against this, the current total estimated cost of the construction program including claims is $597.1 million.

Prior to the reprograming to NATO infrastructure, the Safeguard reserve was $59.7 million.

Transfer to NATO, $35.6 million.

Remaining Safeguard reserve is $14.1 million.

Obligations as of September 30, 1973, $568.8 million.

Expenditures as of September 30, 1973, $485.3 million.

DECENTRALIZATION OF FACLITIES

For a number of years this subcommittee has pressed the military services to decentralize some of the military programs away from Washington. Progress has been slow and tedious and results are minimal. It should be obvious the concentration of additional military activities in and around our Nation's Capital makes it a more inviting military target. It also means that personnel are being moved to one of the highest cost areas in the land. It means further congestion in an already congested area. Yet everyone wants to be close to the throne. Everybody wants to be in a position to influence the powers that be and impress the admirals and generals. We have even withheld appropriation but rental space is available.

I have to confess that during the year immediately preceding we have made less progress than in prior years. Some of this has been due to the large turnover of individuals in the Secretariat. It has been hard in recent months to find someone to talk to in these positions who was still there 3 or 6 months later. Nevertheless this committee wants it understood that we are very displeased at the comparative indifference to efforts to decentralize military programs away from the Capital. This is one good way to achieve revenue sharing. Certainly there is no reason why more of the activities and the funding which now come to Washington should not be in various States and cities throughout the country.

The committee has spent weeks and months in a dedicated effort to bring to the Congress a bill in which unnecessary projects are eliminated. In some cases, we may have been over zealous but I can assure you the committee is not prejudiced toward any project which may have been deferred. If a stronger case can be made in the Senate and the project is retained there, we shall give it a fresh look and an unbiased one when we go to conference. We feel that we have a good program, one that will help to meet the requirements for a strong defense program in the years ahead and one which will help to provide adequate living quarters, training facilities, research facilities and all the other things which are essential to a modern defense. We believe you can safely place your confidence in this bill.

Mr. BARRETT. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The call will be taken by electronic device.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 584]

Abdnor
Anderson, Ill.
Archer
Baker
Blackburn
Blatnik
Brasco
Brown, Ohio
Buchanan
Burke, Calif.
Chisholm
Clancy
Clark
Clawson, Del
Collins, Ill.
Davis, Wis.
Dellums
Devine
Diggs
Edwards, Calif.
Fascell
Fraser
Goodling
Gubser
Hays
Hébert
Hollfield
Howard
Jarman
Karth
Kastenmeier
Keating
Kluczynski
Lehman
Madden
Martin, Nebr.
Mills, Ark.
Minshall, Ohio
Murphy, N.Y.
O'Brien
Pike
Reid
Roberts
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
St Germain
Schroeder
Seiberling
Sisk
Spence
Stuckey
Teague, Tex.
Udall
Waggonner
Wyatt
Young, S.C.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ANNUNZIO, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 11459, and finding itself without a quorum, he had directed the electronic device, whereupon 375 Members recorded their presence, a quorum, and he submitted herewith the names of the absentees to be spread upon the journal.

The Committee resumed its sitting.

The CHAIRMAN. The chair recognizes the gentleman from California (Mr. TALCOTT).

Mr. TALCOTT. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I do not intend to reiterate what the gentleman from Florida (Mr. SIKES) has already told the House but there are a few comments I think would be pertinent.

First of all, our subcommittee was unanimously in favor of this bill. We have mixed feelings about the bill, of course. We have some definite differences of opinion about the bill, of course.

Nevertheless we were able to work out an agreement. The committee has had to work long and conscientiously over a very difficult and tedious subject. There are many installations involved.

There are hundreds of special interests involved, there are various priorities, and there are constant, continuing changes. The entire Defense Department is in a state of turbulence, with the changes we have undergone, the winding down of the war in Southeast Asia, as an example. There has been a dramatic reduction in forces; there is considerable development of new weaponry. There are the needs of the Volunteer Army, which have to be considered.

There have been many base closures and realinements. There is a shifting from wartime to peacetime activities, which has required many changes in many facilities.

Mr. Chairman, there is a new emphasis on responsible family men in the service rather than bachelor draftees and adventurers.

There is considerable construction which had to be delayed during the Vietnam war. There is a good deal of maintenance and repair that was neglected.

So we have tried to pare down to the low-dollar figure, without jeopardizing the morale or the readiness of our forces. We have tried to develop those projects which are essential to the modernization of our defense forces. We have tried to cut or defer those projects which have not been justified or which might not fit into the new programs of base relocations.

However, our cuts have been selective. Because of the turbulence and indecision of the Defense Department, our committee has spent more than 50 percent more time last year in hearings.

There are three increases that amount to $336 million which I think are important. These are as follows: $112 million for Trident; $94 million for family housing, the maintenance and operation of family housing; and $130 million for bachelor housing. These figures amount to $336 million of increases.

Even so, this budget is below the budget proposed by the President.

Mr. Chairman, we have made cuts in various other areas, mainly in those which affect the changes in base utilization plans.

There are three items which I would like to mention that have been neglected in our military construction program.

One pertains to language teaching. Language teaching has been neglected in our military forces. It may be more important than missiles in the future Army and in our defense and peacekeeping efforts. I believe we need to pay more attention to language teaching.

We have neglected our maintenance and repair of all our installations. Any private landlord or private operator would spend a good deal more on maintenance and repair than we have spent in protecting our military facilities.

Mr. Chairman, the hospital at West Point may be one of the most outdated, neglected, medical facilities in the forces. I think that we deferred this hospital because of the exorbitant price and some concern over the plans that were presented by the Army.

I happen to believe that they need to look into this matter quickly, review it quickly, and present to the committee and the Congress next year the plans and the appropriation for the medical facility there.

The gentleman from New York (Mr. GILMAN) has made a very persuasive presentation concerning this. He is one of the most knowledgeable Members of the Congress on this subject, and he urges us to do it. We deferred it, but I hope that we can get to it next year.

Mr. Chairman, I think the cut of $335 million reflects a degree of fiscal restraint which is responsible and appropriate at the present time. It is a prudent and selective bill in terms of the increases which are approved and those which are denied.

I think we have approved those projects which are truly necessary for national security. An example is the $112 million which is allowed for Trident construction to be initiated this year. We need the Trident system to assure our deterrence capability toward the end of this decade, and if we are to have these larger submarines and missiles, we must start acquiring the facilities to support them this year.

We have, hopefully, where it was possible, allowed additional amounts to cover increased costs. An example of this is in the family housing area where, of the total increase of approximately $127 million allowed, $94 million is merely to meet the increased cost of performing adequate operation and maintenance. Also, the allowed unit cost of new housing has increased by an average of $3,500 each from that allowed 2 years ago, and this is not really sufficient to meet the increases in construction costs which have occurred and are projected. We had to provide additional funds to meet these costs.

A third and very important area in which a significant increase of $130,084,000 has been provided is the Army barracks construction and modernization program. For years, testimony before our subcommittee has indicated that enlisted personnel were growing increasingly unhappy with open bay bachelor housing. We have worked with the military departments to encourage them to upgrade their standards for bachelor housing, and they have done so. The Army's fiscal year 1974 request, which has been very largely approved, reflects both the additional cost of building adequate bachelor housing and the size of the construction program which is needed to provide modern, permanent, adequate barracks at the Army's hardcore installations.

When one considers just these 3 increases for Trident, $112 million; family housing operation and maintenance, $94 million; and bachelor housing for the Army, $130 million; their total, $336 million exceeds the amount of the increase which is recommended over last year, which is approximately $286 million.

Obviously, there have had to be compensating savings and reductions elsewhere in the program. One factor which has brought about these reductions is the emphasis on base realinements which has been apparent in the past year. The administration has taken steps to reduce unnecessary costs of maintaining more military bases than are needed. As a result, many projects for which funds had been provided in prior years are no longer needed. Also, in an environment in which base utilization plans are changing, the requirements for construction projects do not, in many cases, become clear until force deployments have settled down. As a result, many projects are held in abeyance or deferred. In some cases, the original decisions reflect inadequate planning and require further study. The Army is currently engaged in such a study of its smaller bases now, and there will doubtless be further reductions in some of these bases in the future. In this situation, it seems unwise to proceed with construction projects at many of these bases.

One area in which I have become particularly concerned about the adequacy of the Army's planning is in language training. They seem to regard this very critical program as something which can be moved around the country whenever a barracks building or two is vacated at any location. Anyone familiar with education in general and with language training in particular should realize that this is not the case, that the heart of such training lies in its dedicated professionals and its academic traditions which cannot be duplicated at just any place where there happens to be space available.

To some extent the budget request this year is lower than it might have been because expensive programs such as the Safeguard antiballistic missile have been dropped. One cannot but regret the large amounts that have been spent and largely wasted upon this program. One can, however, be glad that, to some extent, our pushing ahead with this program, with the considerable cost and waste that that entailed, enabled the strategic arms limitation agreements to come about. As a result of that, enormous costs in this and in other strategic weapons programs can be kept within bounds, provided the letter and the spirit of this agreement is maintained. Funds appropriated for Safeguard in prior years which are not required to cover claims and necessary work have been reapplied to other programs to reduce new budget authority to the extent that the committee feels is prudent at this time.

In addition, many of the projects which were requested, which were nice to have, but not necessary, or which were

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badly planned, have been eliminated from the bill by both the authorizing action and committee's recommendation. There are so many examples of the former that I will not offend anyone by simply pointing out a few projects. But, most of the projects which can be deferred, which should be restudied, or which may be at weak installations have been deleted.

One project which I feel I should mention and which confronted the committee with a real dilemma was the request for $25 million for a new hospital at the U.S. Military Academy at West Point, N.Y. I have seen the existing facility. It is certainly a hospital that needs to be replaced sometime in the near future. It may be the most inadequate medical facility in the Services. On the other hand, the Army's plans for providing a new hospital were so expensive as to be shocking. The hospital, for instance, was to be a 100-bed hospital at a cost of $25 million. We have built 400-bed hospitals for considerably less in recent military construction programs in other areas of the country, of course. Furthermore, 100 beds seem to be too many for the actual or projected workload for cadets at West Point. Finally, moving the hospital away from its present location, paradoxically, may make it harder to provide for cadets' medical needs without further large expenditures. All of this is spelled out in the committee's report and in our hearings. I feel that we had to defer this hospital at this time to force the Army to really restudy their plans for this facility. I hope our review can be completed promptly, because a new hospital is direly needed at West Point—and before the costs escalate even more.

The gentleman from New York (Mr. Gilman) has made a persuasive presentation—he is the most knowledgable member concerning this hospital need.

Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. McEwen), a member of the committee.

Mr. McEWEN. Mr. Chairman, I would like to associate myself with the remarks of the gentleman from California (Mr. Talcott) concerning the hospital at the U.S. Military Academy at West Point.

Mr. Chairman, I had the opportunity of visiting this hospital just this past week, and I would confirm everything that the gentleman from California has said. This is an old, obsolete facility, with a great deal of maintenance that has been deferred, and deliberately deferred, in anticipation of the construction of a new facility.

I do not suggest, Mr. Chairman, that I know all of the answers on exactly the location or the size that the proposed new facility should be, but from my own viewing of the existing facility I know it is obsolete and I know of the need for a new facility.

I would like to say that the gentleman from New York (Mr. Gilman) has been most industrious in bringing to the attention of all of us on the subcommittee the need for this hospital.

I was pleased at having the opportunity to see it. Everything Mr. Gilman told us has been confirmed; namely, that the existing hospital is obsolete and the need for a replacement is great.

Mr. GILMAN. Mr. Chairman, I thank the gentleman from New York (Mr. McEwen) for his thoughtful remarks concerning the long-needed West Point hospital proposal and appreciate the concern of the Subcommittee's distinguished chairman (Mr. Sikes).

I am hopeful that the deletion of funds for this project from the committee bill will only be temporary, and I am confident the Army will respond in the days ahead to the objections raised by the subcommittee. The Army has demonstrated its concern for the high costs of this and other construction projects at the Academy and has consistently and conscientiously tried to keep costs as low as possible.

Impressive documentation has been presented supporting the need for this new 100-bed hospital facility. The present hospital, already more than 50 years old, serves a large and growing community, both on the Academy grounds and in the surrounding region. Its archaic systems, extremely limited space and poor location have all been cited as major deficiencies. These obstacles have hindered the delivery of first-rate medical service to the thousands of patients who are served annually.

As these deficiencies become more acute with the passage of time, the costs of construction increase to even higher levels.

The Army Corps of Engineers has exhaustively examined alternative proposals in an effort to find a way of providing the needed improvements in medical service at the lowest possible cost.

All of the alternative proposals have been found wanting. The construction of a smaller facility or renovation of the existing hospital would result in only a nominal saving, if a saving at all, as compared with an entirely new 100-bed facility. But more important, the end result would still be a marginal facility that would not have the approval of the Army Surgeon General or the Assistant Secretary of Defense for Health and Environment. Sacrificing efficiency and the complete utilization of the latest medical technology would be false economy.

Twice in recent years, Congress has authorized this project, including current approvals by both the House and Senate in connection with the military construction authorization bill. This clearly demonstrates a legislative recognition of the necessity for a new West Point hospital.

I know the Army will now approach the committee's concerns with the same thoroughness and diligence that it has previously displayed in documenting the need for this facility. I trust there will yet be an opportunity to resolve these concerns as the other body prepares to consider the military construction appropriation.

One of the finest military institutions in the world is deserving of a first-rate hospital.

Mr. SIKES. Mr. Chairman, I yield 10 minutes to the distinguished resident commissioner of Puerto Rico (Mr. Benitez).

Mr. BENITEZ. Mr. Chairman, I rise once again, this time hopefully to help rectify a deplorable situation which affects the good name of the United States, the good name of those of us who in Puerto Rico defend the United States and identify ourselves with its basic values and perhaps more importantly to defend the right of the people of a very small island in Puerto Rico to live, work, and go about without the constant threat, danger and perturbation of bombardment.

I refer to the issue of Culebra. This is a very small Puerto Rican island on our eastern shore which for a number of years has been the subject of special discussion and debate here and throughout the Hemisphere. A week ago, we thought in Puerto Rico that the matter had been adjudicated finally. We felt that the action of the conferees of the House and the Senate on the military construction authorization, fiscal year 1974, the report of which we approved just 30 minutes ago, would forestall any additional delay. However, that report has been completely ignored in the appropriations bill now before us for our consideration.

Members of the Appropriations Committee have been surprised to discover that the military construction bill authorizes according to the recommendation of the conferees the necessary funds to settle the Culebra issue; but nonetheless no appropriation ensues in the bill now under consideration. Why?

In the conference report which we received half an hour ago it is stated specifically in section 204(a):

> Sec. 204. (a) In order to facilitate the relocation of the ship-to-shore and other gun fire and bombing operations of the United States Navy from the island of Culebra, there is hereby authorized to be appropriated the sum of $12,000,000 for the construction and equipage of substitute facilities in support of such relocation.

This section continues, establishing a number of conditions and requirements to insure that the Navy will have full occasion and opportunity to protect the vital national interests that might be involved, making as a prerequisite to the disbursement of any appropriations, a mutually satisfactory agreement.

Under the circumstances which, I may say, motivated and required the appearance here on three separate occasions of the Governor of Puerto Rico to give assurances at different moments before Members of the other body, before the chairman of the Committee on Armed Services of the House, and afterward before the House conferees on the military construction authorization fiscal year 1974, full satisfaction was accorded to the conferees on both our willingness and even eagerness to meet all reasonable conditions required and presented. And then we, to our amazement, find that your committee's appropriation bill lacks any recommendation of funds for these purposes.

I would like, Mr. Chairman, to point out that three successive Secretaries of Defense, Secretary Laird, Secretary Richardson, and Secretary Schlesinger, reported publicly in answer to the request of Governors of the people of Puerto Rico, that the Navy operations at Culebra would be terminated no later than July 1, 1975.

I may say that this morning at breakfast, I had the opportunity to talk to Secretary Schlesinger and to express to the Secretary my amazement that the

Navy, having requested this course of action necessitating more funds apparently had made no such funding request—at least in a timely way—to the Committee on Appropriations. Mr. Schlesinger was, I am sure, surprised at this, and indicated to me that he would study the matter and help to rectify what he thought had been an oversight.

I wish to add that this pledge was first made to the former Governor of Puerto Rico, Governor Ferré, several times, and was used as an electoral commitment. Governor Ferré's pledge was negated 6 weeks thereafter by Secretary Laird.

But former Secretary Richardson promised to review the policy in his confirmation hearings after consulting several voluminous studies prepared by the Defense Department at the direction of Congress. He conducted extensive discussions with Navy officials and obtained personal assurances from the Government that a transfer of the operations from this small inhabited island of Culebra would not be impeded in any way, should it be made anywhere in the uninhabited islands of Puerto Rico.

Mr. Richardson made the commitment that was afterward echoed by Mr. Schlesinger.

Here we stand after 3 years of commitments concerning Culebra, with the dignity and welfare of our people profoundly involved with a final approval obtained from this House on the conference committee recommendations on the authorization bill and now we are to return home to be expected to say all this was in jest.

Mr. BADILLO. Mr. Chairman, will the gentleman yield?

Mr. BENITEZ. I yield to the gentleman from New York.

Mr. BADILLO. Mr. Chairman, I want to commend the distinguished Resident Commissioner of Puerto Rico on the statement. As he indicates, we have been talking about this issue for years. This is not a case merely of failing to have an appropriation. If there is no appropriation to follow the authorization, we are failing to keep a promise not only to the people of Puerto Rico but a promise that affects the credibility of the United States of America.

Mr. Chairman, I call upon the conferees to see to it when they go to the Senate that this matter is rectified and that appropriations are made for the relocation of the facilities.

Mr. BENITEZ. I thank the gentleman from New York.

Mr. LEGGETT. Mr. Chairman, will the gentleman yield?

Mr. BENITEZ. I yield to the gentleman from California.

Mr. LEGGETT. Mr. Chairman, I want to commend my friend, the gentleman from Puerto Rico, on the statement he has made. Certainly we visited together on the beach at Culebra and looked at the installations there and talked to the mayor.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIKES. Mr. Chairman, I yield 1 additional minute to the gentleman from Puerto Rico.

Mr. BENITEZ. I thank the gentleman for yielding.

I yield to the gentleman from California.

Mr. LEGGETT. Certainly this has been a matter where the gentleman has been very, very aggressive to try to fulfill the commitments of the three Secretaries of Defense that he mentioned, but we do have a problem where these funds were not requested at the outset by the Navy. We had inserted them in the Senate in the authorization bill. We later had, through the gentleman's aggressiveness, I guess, the conference committee approve the item, so we have the matter authorized. But still there is nothing before the Committee on Appropriations, I guess, to date. I would certainly hope that the Committee on Appropriations would consider the matter and that this has come about in an irregular way.

If the Senate chooses to act on this matter and be a little more aggressive than we have, I certainly hope that we can favor the Secretary's recommendations in a positive way in conference.

Mr. Chairman, I should like to direct the question to the chairman of the subcommittee.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIKES. Mr. Chairman, I yield myself 1 minute. I had not intended to engage in this discussion at this time. The fact is that the committee has had no request for funds. The request for funding went to the Senate after we had completed our work, and it has not yet come to this committee.

There is another side to this case which I expect to discuss in detail if an amendment is offered. At the moment let me say that if the matter is taken up and considered favorably in the Senate, we will look at it carefully with an open mind. We are not prejudiced against the project.

Mr. LEGGETT. I thank the gentleman.

Mr. SIKES. Mr. Chairman, I yield 1 additional minute to the gentleman from Puerto Rico.

Mr. BENITEZ. I thank the gentleman.

I wish to say that I appreciate and understand the explanations given by the distinguished chairman of the subcommittee and wish to say that I trust the Members understand perfectly well that our interest is not only the interest of the people of Culebra, but this House's common interest in making clear to everyone in Puerto Rico and outside of Puerto Rico that these commitments pertaining to human beings will be observed. I trust that this will be the case, and I would continue to pledge my support to the processes that will make it possible.

Mr. TALCOTT. Mr. Chairman, we have no further request for time.

Mr. SIKES. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Maryland (Mr. Long), a member of the subcommittee.

Mr. LONG of Maryland. Mr. Chairman, as a member of the committee I support this bill.

The bill does represent a substantial cut below the authorization. The authorization, it is fair to say, cut quite substantially below the budget request, with the net result that we do have a very substantial cut here below the budget request. While this is a bigger bill than last year, it is a bigger bill roughly by the factor of inflation only.

I wish we could have cut more. I have been one of those who have been fighting for years to cut the military spending particularly after the war in Vietnam. But, let us face it, the cold war is heating up. I have not always been convinced by the warnings of the hawks and I am still not entirely, but it is better to be safe than to be sorry.

The sums of money involved in what we are doing are relatively small in relation to the tremendous dangers this country faces in the perilous world in which we live today.

There are some problems of military construction I have felt some concern about. I do think the military is often asking us for new buildings or is often leasing when it could be using old buildings which are perfectly serviceable buildings. There is a vacant base in my district, Fort Holabird, which the Army has appraised as having buildings good until 1994. Although they are not beautiful they are serviceable. It is a great mistake to walk away and leave that money there.

In connection with some of the overseas bases I have had some concern but we have found ourselves in something of a dilemma. A great deal of our overseas housing is in very bad shape, yet we are not replacing it now because it is not clear how long we are going to be at those bases.

I think we should have taken more into account the lack of combat readiness of certain National Guard units. Some of them are in a C–4 category. They are just not ready and the buildings are not going to make them ready. Combat readiness depends on other factors than buildings.

I have some concern about the construction for Trident because we are putting all our eggs in one basket at one base in one place in Bangor, Wash. A single bomb could knock out a very large part of the Trident. Should we be putting so much investment in one spot.

I have some concern about emergency funds. But the sums are not great and this is a matter on which reasonable people can come to some sort of agreement.

On the matter of Culebra I would like to point out to the gentleman from Puerto Rico that no one can commit the Congress of the United States to move a base from anywhere. Congress is not at the beck and call of the Secretary of Defense or any other administrative agency that wants to tell some area that we plan to move out.

I hope Congress and these other people keep that in mind. There are other things that bother me, but nevertheless, I think this is a reasonably prudent bill.

I want to commend Congressman Sikes, who has been a very distinguished chairman. He is always tolerant and understanding and listens to the views of everybody on the committee.

I think this is a reasonably prudent bill, which is a reasonable compromise, and I ask my colleagues to vote for it.

Mr. SIKES. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Texas (Mr. Pickle).

Mr. PICKLE. Mr. Chairman, I would

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like to ask the chairman about one item in the military construction bill providing for funds for the construction of one facility in my particular district, a commissary at Bergstrom Air Force Base. We have been waiting for the authorization of this project for over 30 years. Finally, after waiting this period of years, it was authorized. I am advised that the bill before us now does not provide the funds in this instance. Is that correct?

Mr. SIKES. Yes. I will be glad to respond to the distinguished gentleman. I commend him for his interest in his own district and the military installations there.

The facility which the gentleman refers to, the commissary, is an authorized item. It is one of several commissaries deleted by the Appropriations Committee. The committee went rather fully into this subject, and the majority of the members of the committee felt that the Department of Defense should take a new look at commissaries in general. It is costing the Government nearly $300 million a year in personnel costs to operate the commissaries. They do not pay any taxes. Their overhead is low. They obtain land, and in many cases facilities, without charge. A surcharge is added to the commissary prices to pay for overhead expenses. In many cases this has been used to construct new commissaries or to rehabilitate existing ones.

The majority of the members of the committee felt that this procedure might be a rational way for the construction of this and other commissaries to be funded.

We are not prejudiced against commissaries. We accept the fact they are important to the military programs. The committee feels however, that the need may not be as great as it was in prior years when the military pay scale was very low and when there were very few good shopping facilities and food stores in the vicinity of most bases. That picture has changed. The committee felt that the Department of Defense should take a new look at the commissary structure. That does not mean that we are asking that the commissaries be eliminated, but that consideration be given to having commissaries carry more of the costs which are now borne by the taxpayers.

Mr. PICKLE. I believe the gentleman would understand that this action catches many Members by surprise, because we had assumed that once the authorization was in this year and without any notice of difficulty, that it would not be taken out. Will this matter now go to conference?

Mr. SIKES. This bill now goes to the Senate and, of course, if the Senate restores the commissaries, including that of the distinguished gentleman, I assure the gentleman that I as one member of the subcommittee will view the matter with an open mind. I am not prejudiced against any of the commissaries.

Mr. PICKLE. I appreciate that very much. It will be a harsh act to deprive that base the funds we have been waiting for during these 30 years.

Mr. SIKES. Mr. Chairman, I have no further requests for time.

Mr. TALCOTT. Mr. Chairman, with respect to the Atlantic Fleet Weapons Range and its activity on the property owned and developed by the U.S. Navy on the island of Culebra, the one criterion by which this activity should be judged—the one question that we should put above all others: "Is this activity essential to the defense requirements of the United States?"

We cannot seek the answer to this question from unqualified critics, self-serving interests, inconsolable instigators, political opportunitists, and kibitzers from afar.

But seeking an honest answer to the question: "Is this activity essential to the defense of my country?" ought to be the overriding consideration for every patriotic American, whether he is wearing the uniform of this country, whether he has the honor and responsibility of high public office, whether he is selling newspapers in San Juan or real estate from New York or beer to the white hats in the little town of Dewey (Culebra).

Every American is expected to make needful sacrifices for the security of his country, certainly when it is a matter of his convenience compared to the preparedness of the forces first committed to lay down their lives in a challenge to our national interests.

The good citizens of Puerto Rico would be deeply insulted—and rightly so—to have it suggested that they would be less willing than their fellow citizens of any other part of these United States to bear their share of the burden of eternal vigilance.

Communities across the country daily endure a much greater burden of annoyance and inconvenience for the sake of their military neighbors—without nearly the perfect record of safety which Culebra can claim.

So we go back to the basic question—disregarding for the moment even the arguments of the dollar cost to our taxpayers or the convenience of the naval services—"Is this activity essential to the defense requirements of these United States?"

And I refer you to the testimony of Rear Adm. A. R. Marschall, CEC, USN, Commander, Naval Facilities Engineering Command, on page 907 of the hearings on this bill—and let only those better qualified contradict him—"Is this range on Culebra essential?"

Admiral Marschall's answer:

> Most essential, Sir.

Mr. RONCALIO of Wyoming. Mr. Chairman, I would like to take this opportunity to express my thanks to Chairman ROBERT SIKES of the Subcommittee on Military Construction Appropriations and the other members of the subcommittee for recommending favorable action on the construction of a composite medical facility at F. E. Warren Air Force Base in Cheyenne, Wyo.

As noted in the hearing record on the legislation, Warren's medical facilities were built in 1887 and have outlived their usefulness as a base hospital. I heartily agree with the subcommittee that it is time for newer facilities to meet the new demands of modern medical science.

I might point out that as well as serving the more than 4,400 officers, enlisted men, and civilians at the base, this facility will provide medical treatment to the thousands of retired servicemen living in the State of Wyoming. I thank the subcommittee and its chairman for not only the men serving at Warren but for the people of Wyoming.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

Mr. SIKES (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

AMENDMENT OFFERED BY MR. BARRETT

Mr. BARRETT. Mr. Chairman, I offer an amendment.

(The portion of the bill to which the amendment refers is as follows:)

> MILITARY CONSTRUCTION, NAVY
>
> For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, and facilities for the Navy as currently authorized in military public works or military construction Acts, and in sections 2673 and 2675 of title 10, United States Code, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $587,641,000, to remain available until expended.

The Clerk read as follows:

> Amendment offered by Mr. BARRETT: Page 2, line 12, strike the figure "$587,641,000" and insert in lieu thereof "$582,437,000".

Mr. BARRETT. Mr. Chairman, this is an amendment to reduce the appropriations of funds for Navy construction by the sum of $5.204 million, for the construction of a building at Albany, Ga., which is intended to house the administrative functions of the Marine Corps supply activity now located in Philadelphia, Pa.

Mr. Chairman, many of us from Pennsylvania have had extensive discussions with the military—the DOD, Navy, and Marine Corps—concerning this proposal. We are firmly convinced that it is ill-conceived and totally unwarranted. Further, it is a needless expenditure of funds.

The Marine Corps supply activity serves as the single inventory control point for the corps in support of the operating forces and the supporting establishments. It is also the sole activity providing provisioning to support the introduction of all new or modified end items of equipment and systems, cataloging of all items of supply including the preparation of all Marine Corps stock lists and central computation and validation of prepositioned war reserve requirements, including the forced issue in support of contingency withdrawal plans.

This proposal was first presented in April of this year to the employees. It was explained at that time, that the proposed relocation would ultimately result in an annual savings to the Federal Government of $2.6 million—primarily through the reduction of maintenance cost and to a lesser degree through the reduction of overall personnel cost. A critical scrutiny of this proposal, and the rationale which supports it, refutes the reliability of these anticipated economies.

The fact sheet prepared by the Marine Corps states that there are no facilities available at Albany, Ga., for this function and the initial estimate of construction is $5.2 million. It was noted that the age of the Philadelphia buildings had resulted in increasing annual maintenance costs and programmed requirements of $4,924,000 were currently identified. Thus it was argued, the continued maintenance cost and out-year military requirements exceeded 50 percent of the cost to construct a new administrative building at Albany, Ga. In fact, the total funds expended in fiscal year 1972 for the maintenance and repair of the present facility in Philadelphia was only $357,703.35. The programed requirements of almost $5 million are based almost exclusively on fiscal year 1968 estimate of the cost of complete central air conditioning of the Philadelphia complex. This plan was never implemented since 40 percent of the administrative areas of the command are effectively air conditioned by individual air conditioning units. Actual time lost in administrative shutdowns due to excessive heat has been negligible. Specifically a portion of the workforce has lost a total of 5 hours over the last 6 years ending June of this year.

Mr. Chairman, the initial cost estimate has been set at $5.2 million by the military. We know what these initial estimates have been in the past. They have amounted to the camel getting his nose under the corner of the tent. These estimates are already several years old and we know that the costs of construction have increased greatly in the past several years. There is no doubt in my mind that once they get started on this building they will be back asking for additional funds.

The Marine Corps has expressed concern over the availability of family housing units for the marines in Philadelphia. It should be pointed out however, that less than 6 years ago over 800 marines and their families were adequately housed and there are currently less than 200 marines, eligible for housing, onboard. I doubt that serious problems of military housing now exist.

The Marine Corps fact sheet frequently refers to the proposed relocation as a "consolidation of functions." The fact is that the proposed move does not in any way involve a change to the current mission of the activity. There is no change or modification planned for any functions now performed in Philadelphia and thus there is no planned major modification to the number and type of occupational specialists who now accomplish the assigned mission. This in itself is significant. An inventory control point is responsible to perform a variety of duties in the management of equipment. Most of these responsibilities require a professional expertise greater than that of a purely clerical nature. The Marine Corps inventory control point is unique in that it manages all commodity areas; electronic, missile, automotive, engineer, ordnance, general property and clothing. Highly qualified technical people are required to analyze the design of a radar system or truck or refrigerator or missile to determine which repair parts should be acquired and the proper quantities for continued support. Technical people are required to analyze engineering drawings for these repair parts in order to properly catalog them. These are but a few of the functions performed by the center. The opinion of those who have visited Albany, Ga., on other business for the Marine Corps, there is a warehouse located there, is generally that the area will not provide for a future labor market of the type required. In fact, inquiry has disclosed that there are currently considerable vacancies at Albany for technical positions which they have not been able to fill from the local labor market.

Mr. Chairman, technically capable people are vital to the function of this military facility. The Marine Corps itself states that out of the present 1034 civilian positions in Philadelphia only 184 are to be abolished by the proposed move to Georgia and these are fringe jobs not related to the basic function of the inventory control operation.

They propose to move 984 positions. The Corps itself estimates that of this number from 250 to 350 personnel are expected to relocate. The employee group indicates that this is an optimistically high figure. The large minority complement in Philadelphia will probably not relocate because of area and the higher housing costs compared to their present situation.

It has been admitted that the present Albany, Ga., labor market is unable to supply the needed personnel to fill technical positions presently vacant in the area. The Marine Corps is unable to respond to the question and problem which would result if this move takes place—namely, where would the technical personnel come from?

In conclusion, Mr. Chairman, I submit that this proposal by the Marine Corps is not a consolidation in any sense of the word and will not save the taxpayers any money. It is a relocation which may well jeopardize the efficient operation and functioning of this activity and will surely cost the taxpayers of this country additional dollars in taxes.

I urge my colleagues to support my amendment.

Mr. EILBERG. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, the Marine Corps plan to move the supply activity now located in Philadelphia to Albany is an ill-conceived, poorly planned operation.

I believe the decision was made simply to show some activity on the part of the Marine Corps in response to public demands for a reduction in military spending. It is also my opinion that the cost-savings figures presented in support of this plan do not represent the true cost to the taxpayers of this project.

The Marine Corps states that it will have to construct a completely new facility in Albany, Ga., for $5.2 million. It justifies this expense by stating that the annual maintenance and programed requirements of the present facility in Philadelphia are $4.9 million.

However, the fact is that in the last fiscal year the maintenance and repair costs to the Philadelphia plant were only $375,703. The remaining $4.55 million would be for the proposed air-conditioning of the entire facility which was first suggested in 1968. This plan was never implemented and 40 percent of the areas which should be air-conditioned are already serviced by individual air-conditioning units and estimates for taking care of the remaining areas are considerably lower than the original $4.9 million.

Additionally, Mr. Chairman, the Marine Corps has not figured into its cost projections the effect of this move on the economy of the city of Philadelphia and the surrounding suburbs.

The loss in much needed revenue to our public transportation system which serves the Marine facility will eventually have to be made up by other Federal agencies along with the reduction in payments to our school systems now made through impacted aid grants.

As I said before, this is an ill-conceived, poorly planned decision and I urge my colleagues to support Congressman BARRETT's amendment to strike funds for this project from the military appropriations bill.

Mr. WILLIAMS. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, we have heard something here today about saving money, and I can tell the Members that one of the best ways by which we can save $5.2 million plus is to adopt the amendment offered by the gentleman from Pennsylvania (Mr. BARRETT).

The Marine Corps supply activity is located at Broad and Washington Streets in Philadelphia. It is in no part of my district. However, I visited there, and they have substantial buildings, with a very low maintenance cost. I do not understand why they want to air-condition parts of the building in which only uniforms and things of that nature will be stored. The fact of the matter is that the building is now 40 percent air-conditioned.

Now, as far as the Broad and Washington Street location is concerned, the railroads run right into the Marine Corps supply activity, the truck terminals are right there, and 14 blocks away there is the Delaware River, one of the biggest ports in the country. So if the Marine Corps wants to ship anything any place in the world, they can.

Mr. Chairman, the irony of this whole thing is that just about 12 blocks away from this spot there is the Tunn Tavern, where it is reported the Marine Corps was founded. And now, after spending substantial sums of money on modernizing these buildings in Philadelphia, they want to turn around and spend $5.2 million some place else for new buildings.

I can tell the Members that this $5.2 million figure was developed almost a year ago, and since that time building expenses have increased by some 30 percent. So if we want to save some money, without taking anything away from anybody, and keeping an installation in a very strategic location where all forms of transportation are readily available to it, we should adopt the amendment offered by the gentleman from Pennsyl-

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vania (Mr. BARRETT) and keep the Marine Corps supply activity in Philadelphia.

Mr. SIKES. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, first let me state that I rise reluctantly to oppose the amendment of my distinguished friend, the gentleman from Pennsylvania. Mr. BARRETT is a distinguished and able Member, a very kindly gentleman, and a warm personal friend. I know that this is a matter of great concern to him. I applaud him for the zeal with which he fights for the interests of his own district.

Now I must give to the House the justification submitted by the Department of the Navy in support of the proposed transfer of supply activities from Philadelphia to Albany, Ga. The subcommittee went carefully and fully into the proposal. It is the Navy's position that by this move the Marine Corps will be able to effect significant personnel strength reductions and cost savings.

By this move the Marine Corps will reduce 184 civilian and 50 military personnel commencing in fiscal year 1976, when the move will take place, the Government will experience $1.2 million in savings because of these personnel cuts. Thereafter the annual personnel savings will amount to $2.6 million each year.

Mr. Chairman, the old Marine Corps facility in Philadelphia consists of buildings which date back to 1908, which were not designed for their present use and needs. By this transfer we shall avoid $4.9 million in improvement costs which are absolutely necessary to the Philadelphia installation.

The committee supports the move for these reasons:

Colocation of the inventory control and data processing installations and the materiel which is at Albany.

The naval air station at Albany is closing at the end of this year. We can use facilities and quarters there for the incoming people. The individual marine can live on post, not subsist out on the Philadelphia community as he must now.

There is a very large and relatively new facility now in existence in Albany. This is a proposal to consolidate a small facility with a larger one. Consolidation of the two facilities is realistic. Albany can accommodate the move. The Navy asks for one administration building to be constructed at Albany which costs $5.2 million.

I urge the amendment of the gentleman from Pennsylvania be defeated.

Mr. BARRETT. Will the gentleman yield?

Mr. SIKES. I yield to the gentleman from Pennsylvania (Mr. BARRETT).

Mr. BARRETT. I would like to point out to the gentleman that we have given long study to this relocation with the Department of Defense, the Navy, and the Marine Corps and have searched out every possible facet as to its maintenance and durability. The gentleman spoke very kindly about the need of substantial maintenance in another 2 years. I would like to inform the gentleman that there will be no need of substantial maintenance to the Marine Corps building in Philadelphia for the next 15 or 20 years. It is a very fine structure; the exterior and interior architecture are comparable to that of any building. I just cannot see why the Government wants to spend $5.2 million at this time when we are clamoring for economy.

Mr. SIKES. If I may respond, this building was constructed in 1908 and Navy witnesses said that substantial renovation will be required if it will continue to be used. I am giving you the information that was given to my committee in support of the move. They estimate these costs would be more than $4 million, which is very close to the cost of the new facility at Albany. I am sure their analysis of the cost was made carefully and that they are considered accurate.

Mr. MATHIS of Georgia. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it also gives me a great deal of pain to rise in opposition to the amendment offered by my friend from Philadelphia, who is an eloquent spokesman for his district and State, but the facts outlined by the distinguished chairman of the subcommittee speak for themselves.

There will be substantial savings effected by this move from Philadelphia to Albany, Ga. The chairman touched on those very briefly and effectively, I think.

The chairman mentions and I think I should emphasize that there are at the present time 630 Capehart housing units that are among the best available anywhere which will be available immediately for the military people being transferred to Albany, Ga.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. MATHIS of Georgia. I will be delighted to yield to the gentleman from Pennsylvania.

Mr. BARRETT. Mr. Chairman, I would state to the gentleman from Georgia that we have made a very, very thorough check on this, and our findings indicate to us that they do not have the personnel involved who would be capable of performing the services comparable to what they have been doing here in Philadelphia for the last close to 150 years.

Mr. MATHIS of Georgia. May I say to the gentleman from Pennsylvania, with all due respect, that I think if the gentleman would check that he would certainly find personnel in Georgia who are just as capable as personnel in Philadelphia, Pa.

I do not want to boil this down to a fight between districts, because I have too much respect for my friend, the gentleman from Pennsylvania.

Let me also say to my friend that I am losing a military installation in my district in Albany, Ga., which is being implemented, and I may say that this gives me a great deal of pain to lose that facility because there are a number of military personnel involved in it. But I must say that the bulk of the activities are being transferred to Key West, and I do not feel that it is my responsibility to raise an issue, or to try to block the move of the Navy from Albany, Ga., to Key West.

So, as I say, I do not want to break this down as to an issue concerning the capabilities of the workers in Georgia versus the workers in Pennsylvania.

I simply think that the committee has done its homework, the Marine Corps has done its homework, and I would urge the defeat of the amendment.

Mr. BARRETT. Mr. Chairman, if the gentleman would yield further, I am sure the gentleman from Georgia would certainly defend the relocation of an installation where there was going to be a savings to the taxpayers of $5.2 million. I believe that the gentleman from Georgia is a good Congressman, and I have great respect for the gentleman, but where the gentleman could save $5 million the gentleman would do it. And I am quite sure we can save the taxpayers $5.2 million.

Mr. MATHIS of Georgia. I would say to the distinguished gentleman from Philadelphia that we have been told that we are going to effect a savings of $2.6 million annually based solely on the personnel, and it would not take very long at annual savings of $2.6 million to make up the $5.2 million of new construction authorization.

Again I urge defeat of the amendment.

Mr. PEYSER. Mr. Chairman, I move to strike the requisite number of words.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from Pennsylvania.

Mr. WILLIAMS. Mr. Chairman, I would like to call to the attention of the chairman of the subcommittee that the gentleman has been furnished erroneous information by the Navy. In a similar move we were told it would cost $28 million, and when we informed them they left out $6 million, they promptly reduced the cost to $20.1 million. Anyone knows that one cannot build a building for $5.2 million and at the same time save $2.6 million on personnel.

It is quite true that this building was built in 1908, but the Members should see the construction of that building, the all masonry construction. It was built to last for at least 100 years, and substantial sums have already been spent in the renovation of this building in Philadelphia.

As far as savings are concerned, they are entirely fictitious, because they are not going to save $2.6 million in salaries over this period of time. In fact, with the enlisted personnel that we have there it would not permit anywhere near a savings of $2.6 million.

The gentleman has given us the Navy case. I must say to my distinguished colleague, the gentleman from Florida (Mr. SIKES) that we questioned the Navy, and they have not been able to substantiate their figures. And in the other similar move which I previously mentioned, they came down $8 million when they should have been going up $6 million.

So, all that I can say is that if we want to save money and use what we have already now in the facility, that is being used very, very efficiently, then do not waste the money on building new buildings some place else, even if you want to build them in my own district in Pennsylvania, which is not Philadelphia.

Let us use what we have now and let us stop throwing our money away on military programs where it can be used more helpfully in other ways by the military or by other agencies.

Mr. Chairman, I yield back the balance of my time.

Mr. TALCOTT. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I share the respect that the chairman of the committee indicated for the gentleman from Philadelphia and those who are interested in the Philadelphia installation. I should just like to say that the reason our subcommittee and our full committee made this proposal was to save money, to consolidate facilities, to improve working and living conditions, and to permit better management of the Marine Supply Services. We were trying to consolidate facilities wherever we could and to do it in the most efficient manner. We were told that the renovation and modernization at Philadelphia was simply not economical or practical. At least, that was the information given to us. We were told that this inventory control function would be more effective and less costly at Albany. There are existing data processing and other supporting functions there that are necessary to the materiel and supply functions and which will allow considerable reductions in overhead costs.

We were only trying to save money and improve the services.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. TALCOTT. I yield to the gentleman from Iowa.

Mr. GROSS. As a compromise, why not move the installation out to Iowa? We do not have any military installations and we will not feed them grits and fat pork.

Mr. TALCOTT. I think the gentleman from Iowa may have a good idea.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. TALCOTT. I yield to the gentleman from Pennsylvania.

Mr. WILLIAMS. I thank the gentleman for yielding.

In answer to the question that was asked about the necessary personnel, when the new Clinton Industries Shipyards were being built in Mississippi or Louisiana—whichever they were—where do the Members think they were recruiting their personnel? At the Philadelphia Naval Shipyard, at the Sun Shipbuilding Co., and in the areas around Philadelphia. We have those highly skilled personnel there right now. Let us keep them there, and let us save at least $8 million by adopting this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. BARRETT).

The question was taken; and on a division (demanded by Mr. BARRETT) there were—ayes 21, noes 54.

Mr. BARRETT. Mr. Chairman, I demand a recorded vote.

Mr. Chairman, I withdraw my request for a recorded vote and I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

One hundred eight Members are present, a quorum.

Mr. BARRETT. Mr. Chairman, surely I can make a request for a recorded vote again.

Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to ask the chairman of the subcommittee a question or two concerning this bill. On the face of it, it appears to call for $2,609,000,000 which is an increase of approximately $286 million over expenditures for military construction in 1973, the last fiscal year. What precisely causes this increase over last year, this increase of $286 million?

Mr. SIKES. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Florida.

Mr. SIKES. Mr. Chairman, a great deal of the additional cost of this bill is the result of increased family housing operating and maintenance costs and additional costs of construction. Inflation has entered very strongly into all the construction programs. Then there are several new programs such as Trident for which construction funds are provided in the amount of $112 million and an increase of $130 million for Army bachelor quarters which amount for the rest of the increase. We feel that the increase over last year is a modest one.

I think what is of the greatest significance is that this bill as a result of the action of the authorizing committees and the House Appropriation Committees is cut $335 million below the total request of $2,944 million. That is a very significant reduction and I believe it is all that can be cut.

Mr. GROSS. Can the gentleman give us a figure as to the added cost of this bill in terms of the devaluation of the dollar?

Mr. SIKES. I think the gentleman can figure that as well as I can but it has had its effect and of course it means everything is costing more.

Mr. GROSS. I understand that but I just wondered how much more was added to this bill by virtue of devaluation.

Mr. SIKES. With the exception of two or three small items added in the authorizing bill, no funds were added to the bill by the committee as a result of devaluation.

Mr. GROSS. It is mentioned in the report on the bill that devaluation has added to the cost.

Mr. SIKES. Devaluation has.

Mr. GROSS. But there is no figure given.

Mr. SIKES. Devaluation has added to the cost but no substantial amount of money was added because of that.

Mr. BURKE of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Massachusetts.

Mr. BURKE of Massachusetts. I might point out to the gentle man from Iowa he should ask where are the savings that were made as a result of all those closings in Massachusetts and Rhode Island? They were cited as saving hundreds of millions of dollars in their claims, but in looking over the budget for the next year I see they are coming in and asking for millions of dollars more for housing down in Norfolk that they have to build to provide housing for personnel. Every time they close an installation the cost goes up.

Mr. GROSS. The gentleman has raised an excellent question. I fail to see anywhere any result by way of savings from the closings of bases and other installations.

Mr. SIKES. If the gentleman will yield further, I will again call to his attention figures which were used in my discussion earlier, in which I did discuss the base closure picture and the amount of savings which the Government anticipates will result. It is anticipated that the savings will be $3.5 bililon over the next 10 years. These actions would result in the elimination of 42,800 military and civilian positions.

Obviously, there is not going to be a great deal of savings in the first year. This is the first year. It may even cost more in the first year because of the relocation of personnel and the cost of closing bases. But, in the next 10 years the Department will save $3.5 billion.

Mr. GROSS. Apparently inflation is feeding on itself, as evidenced by this bill. If inflation continues I would hesitate to predict whether there would be any savings on the closing of these bases in the next 10 years.

Mr. SIKES. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House, with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. ANNUNZIO, chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 11459) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1974, and for other purposes, had directed him to report the bill back to the House, with the recommendation that the bill do pass.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SCHERLE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 366, nays 29, not voting 38, as follows:

[Roll No. 585]

YEAS—366

Abdnor
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashbrook
Ashley
Aspin
Bafalis
Baker
Bauman
Beard
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Boggs
Boland
Bolling
Bowen
Brademas
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Camp
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chappell
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Cohen
Collier
Collins, Tex.
Conable
Conlan
Conte
Corman
Cotter
Coughlin
Crane
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellenback
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Donohue
Dorn
Downing
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Griffiths
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harsha
Hastings
Hawkins
Hays
Hébert
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Horton
Hosmer
Howard
Huber
Hudnut
Hungate
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kazen
Kemp
Ketchum
King
Koch
Kuykendall
Kyros
Landgrebe
Landrum
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Minish
Mink
Minshall, Ohio
Mitchell, N.Y.
Mizell
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Hara
O'Neill
Owens
Parris
Passman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rarick
Rees
Regula
Reuss
Rhodes
Riegle
Rinaldo
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
Sandman
Sarasin
Sarbanes
Satterfield
Scherle
Schneebeli
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Sullivan
Symington
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Thomson, Wis.
Thone
Thornton
Towell, Nev.
Treen
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ill.
Young, Tex.
Zablocki
Zion

NAYS—29

Badillo
Barrett
Bingham
Chisholm
Clay
Conyers
Drinan
Edwards, Calif.
Eilberg
Green, Pa.
Gross
Harrington
Hechler, W. Va.
Heckler, Mass.
Holtzman
Kastenmeier
Mitchell, Md.
Moakley
Nix
Rangel
Sebelius
Skubitz
Stark
Studds
Symms
Thompson, N.J.
Waldie
Young, Ga.
Zwach

NOT VOTING—38

Abzug
Anderson, Ill.
Blackburn
Blatnik
Brasco
Brown, Ohio
Buchanan
Burke, Calif.
Chamberlain
Clancy
Collins, Ill.
Davis, Wis.
Dellums
Dingell
Fraser
Harvey
Hunt
Keating
Kluczynski
Latta
Mills, Ark.
Murphy, N.Y.
O'Brien
Patman
Reid
Roberts
Rooney, N.Y.
Rosenthal
Rostenkowski
St Germain
Schroeder
Spence
Stuckey
Teague, Tex.
Tiernan
Udall
Waggonner
Young, S.C.

So the bill was passed.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Stuckey.
Mr. Brasco with Mr. Young of South Carolina.
Mr. Blatnik with Mr. Anderson of Illinois.
Mr. Kluczynski with Mr. Davis of Wisconsin.
Mr. St Germain with Mr. Brown of Ohio.
Mr. Rostenkowski with Mr. Blackburn.
Mr. Mills of Arkansas with Mr. O'Brien.
Mrs. Burke of California with Mr. Reid.
Mr. Dellums with Ms. Abzug.
Mrs. Collins of Illinois with Mr. Rosenthal.
Mr. Dingell with Mr. Patman.
Mrs. Schroeder with Mr. Fraser.
Mr. Hunt with Mr. Chamberlain.
Mr. Spence with Mr. Clancy.
Mr. Waggonner with Mr. Buchanan.
Mr. Murphy of New York with Mr. Harvey.
Mr. Teague of Texas with Mr. Keating.
Mr. Tiernan with Mr. Latta.
Mr. Roberts with Mr. Udall.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SIKES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

NUTRITION FOR THE ELDERLY

(Mr. BRADEMAS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, on September 26, together with the distinguished gentleman from Florida (Mr. PEPPER) introduced H.R. 10551, a bill to extend the nutrition program for the Elderly Act for 3 years.

Evidence of the overwhelming bipartisan support enjoyed by this program, Mr. Speaker, is that since that date 137 Members of the House, on both sides of the aisle, have joined the gentleman from Florida and me in cosponsoring this legislation.

Mr. Speaker, the nutrition program for the elderly began as a demonstration program under the Older Americans Act of 1965, and last year it evolved into an ongoing service when Congress overwhelmingly approved the nutrition program for the Elderly Act as a separate title of the Older Americans Act.

Because of several presidential vetoes of Labor-HEW appropriations bill, which included funds for the nutrition program, the act is only now beginning to be implemented.

But the program, Mr. Speaker, is not a partisan issue. For Congress has demonstrated its support for the nutrition program by appropriating funds for it, and the President, as well, has evidenced his backing by requesting $100 million to implement nutrition programs across the land.

Mr. Speaker, when this program is fully implemented, nutrition centers will be able to provide one hot, nutritious meal a day, 5 days a week, for thousands of Americans aged 60 and over in every State.

And the meals can be served not only in community centers, such as schools and churches, but also directly in the homes of elderly shut-ins.

Mr. Speaker, the bill, H.R. 10551, which Mr. PEPPER and I have introduced, would authorize $150 million for 1975, and $175 million and $200 million, respectively, for 1976 and 1977.

Surely, Mr. Speaker, we can afford these modest increases in this program which is, even now, assisting the elderly poor, who, living on fixed incomes, are now the victims of the worst inflation in a generation.

Mr. Speaker, just 2 days after the gentleman from Florida and I introduced this bill, an excellent article, which cogently describes the problems faced by older citizens experiencing higher prices for food, appeared in the Chicago Sun-Times.

And the article, "Inflation Means Hunger to the Forgotten Elderly," describes the plight of 65-year-old Asmund Bodin, who must pay $85 a month for his hotel room and $6.30 for medicaid, out of his $107 monthly social security check.

Says the article:

> The rising food prices mean he does not eat enough; he skips meals. "It's a bad thing" he says. "I eat a can of this, a can of that. I keep margarine, tea and bread in my room, and I make toast on a hot plate."

But, Mr. Speaker, the article goes on to quote Florence A. Smith, a nutrition specialist, who said at a recent conference:

> When anyone decreases his food intake to tea and toast, he literally commits himself to the cruelest method of biological destruction.

Last month, Mr. Speaker, Asmund Bodin enjoyed, for the first time in months, a meal of roast beef, salad, green beans, and fruit, at a nutrition center on north Michigan Avenue in Chicago—a center funded under the provisions of the nutrition program for the Elderly Act.

The center, one of 35 such sites sponsored by Mayor Richard J. Daley's office for senior citizens, offers nutritious meals at a cost of from 45 cents to 90 cents depending upon the person's income.

Mr. Speaker, the article I have cited goes on to document other shocking instances of our society's neglect of the elderly.

I was, in particular, touched by the description of 63-year John Leske, who can no longer work as a painter because of a disability.

Said Mr. Leske at the nutrition center:

> I don't eat much anymore. I can't afford it. I lost 25 pounds this summer. I just go to sleep sometimes instead of eating. . . .

Mr. Speaker, quite apart from the nutritional good which comes from this program, there are, of course, other benefits, some difficult to measure.

I speak, of course, of the improved health of the elderly, as well as the opportunity such programs provide for older people to have a chance to meet and chat with others of their generation, who share their interests.

Mr. Speaker, because I believe that all of my colleagues will be interested in the article to which I have alluded, I ask unanimous consent to insert it at this point in the RECORD.

INFLATION MEANS HUNGER TO THE FORGOTTEN ELDERLY

The 1970 census listed 516,000 persons living in Chicago 60 years of age and older—15 per cent of the city's population. With most of them in retirement on small, fixed incomes from pension plans, Social Security and other annuities, inflation has been particularly difficult, in many cases devastating.

Three elderly women are enjoying the sun on a bench in Margate Park on the North Side. "I get by," says one. "I have $111 a month from Social Security and I pay $33.25 a month rent. We have learned to tighten our belts. We shop for food very strictly. I buy hamburger mostly and a lot of beans."

In a recent speech to a conference of the National Council on Aging, Sen. Charles H. Percy (R-Ill.) said, "The emphasis in this country is still placed on youth. Or perhaps I should say, 'still misplaced.' "

There are 20 million elderly persons in the United States; by the year 2000, there will be 33 million. The percentage will rise also. Today, 1 out of 10 Americans is over 65; by the year 2000, it will be 1 in 9.

Asmund Bodin is 65 years old. He lives in a hotel at 516 N. Clark. From his $107 monthly Social Security check, $85 goes for rent and $6.30 is taken out for Medicaid. The rising food prices mean he does not eat enough; he skips meals.

"It's a bad thing," he says. "I eat a can of this, a can of that. I keep margarine, tea and bread in my room, and I make toast on a hot plate."

Florence A. Smith, a federal nutrition specialist, said at the recent conference on aging: "When anyone decreases his food intake to tea and toast, he literally commits himself to the cruelest method of biological destruction."

On Thursday Asmund Bodin was enjoying a meal of roast, salad, green beans and fruit at a nutrition center at 209 N. Michigan that is one of 35 such sites sponsored by the Mayor's Office for Senior Citizens.

Depending on a person's income, the meals cost from 45 to 90 cents. The nutrition centers serve 15,000 meals a month under federal and city funding. Any Chicago resident over 60 may eat at any of the centers, most of which are located in churches, YMCAs, schools and Chicago Housing Authority buildings. In November, the centers are to begin providing a meal a day for five days each week.

Not all those who use the service are in severe financial straits but all are affected by the financial squeeze that inflation causes.

A white-haired 74-year-old schoolteacher, still agile and with bright blue eyes, says she tries to eat balanced meals but that it is not easy.

"It's bad," she said. "If things keep up this way, old people won't be able to eat by next year. I'm partial to fruits, but even half a cantaloupe costs 28 cents. It's no joke to be old."

"I like a fried egg now and then," Bodin said. "But I haven't had eggs for quite a long time. I have a friend who works in the Loop. He gives me some cheese sometimes."

Jerome Fredericks, 68, lives alone on $130 a month from Social Security and pays $45 a month rent. "I'm ashamed to say the address," he said. His address is on W. Madison. He gets his clothes from the Salvation Army and has a hot plate in his room where he cooks soup and pork and beans.

John Leske is 63 and can no longer work as a painter because of a disability. "I don't eat much anymore," he said. "I can't afford it. I lost 25 pounds this summer. I just go to sleep sometimes instead of eating, and I snitch a meal whenever I can.

"Know where I ate yesterday? A guy here told me to come with him to a church. They took us to a real high-class restaurant. We went first to the basement of the church. They never asked us anything. At the restaurant, they had real good soup, meat loaf, vegetables, potatoes, bread and butter. We even got a second cup of coffee. I went back to the church to thank them, but the door was locked."

In his speech to the aging conference, Percy said, "In the 1960s we built new colleges and classrooms for the young people from the 'baby-boom' of World War II. We poured federal monies into massive social programs to improve their lives.

"Indeed, the whole structure of American life was changed to accommodate them. We are left now, as they grow into adulthood with more than enough facilities for the young and not enough for the old."

One of the three elderly women on the bench in Margate Park says, "Maybe the government will begin paying more attention to the old people, but that will take time. What is the answer now?"

CASE OF MILIA LAZAREVICH FELZENSHTEIN

(Mr. COUGHIN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. COUGHLIN. Mr. Speaker, during the course of this vigil on behalf of the Mills-Vanik amendment, it has been stressed that freedom of emigration is a universal human right which the Soviet Union endorses in principle but ignores in practice.

It is especially disconcerting to me that Soviet officials have distorted and acted capriciously in interpreting their policy regarding the reunion of families. On October 3, 1966, at a Paris press conference, Soviet Premier Alexei Kosygin declared that "if any families which come together or wish to leave the Soviet Union, for them the road is open, and no problem exists here.

However, this has not been the case in fact. In December 1972, Milia Felzenshtein, a World War II hero from the city of Kharkov, and his family applied for permits to emigrate to Israel, expressing a desire to be reunited with Milia's father and sister. He was certain that this request qualified under the reunion of families policy. Furthermore, since Felzenshtein is a pensioner, his wife and daughter are minor bank employees, and his son a mere schoolboy, he did not anticipate that his family's applications would present any problems.

But Kharkov OVIR, the passport office, rejected the application on two grounds: first, Felzenshtein's father and sister were not considered to be members of his family. Second, as a hero of the Soviet Union, a title of honor conferred by the Soviet Government, Felzenshtein was told that his emigration to Israel was considered undesirable.

Appealing to Premier Kosygin for a reconsideration of his application, Milia argued for the fundamental right of human beings to emigrate and pointed out that he and his family were being penalized for his heroic deeds on the battlefield in World War II.

Mr. Speaker, the plight of the Felzenshtein family is not unique. Last year I was able to speak by telephone with a Jewish woman living in Moscow who, along with her husband and two children, was attempting to emigrate to Israel. She related to me the many hardships, including the loss of her job and her husband's, which they encountered following their application for permission to leave the country. She stressed that their misfortune was not an isolated example of Soviet harassment but rather one of many similar cases.

The time has come for Soviet leaders to revise their stand on emigration. It is time for Congress to pass the Mills-Vanik amendment.

THE NUECES RIVER PROJECT

(Mr. de la GARZA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. de la GARZA. Mr. Speaker, last week the Water and Power Resources Subcommittee of the House Committee on Interior and Insular Affairs held a hearing in my district, the 15th Congressional District of Texas, on a project of immense importance to a large south Texas area. This is the Nueces River project, and the hearing was held at Three Rivers near the site of the Choke Canyon Dam and Reservoir.

The hearing was conducted by the Honorable Bizz Johnson, chairman of the subcommittee. Also participating was the Honorable Keith Sebelius, a member of the subcommittee. My friend, the Honorable John Young, although not a member of the panel, was very actively present, his district being included in the area that will benefit from this tremendous water development project. The subcommittee's able staff members contributed greatly to the success of the hearing.

As host Congressman, I was privileged to welcome my colleagues. I insert as part of my remarks what I said on this auspicious occasion:

> Mr. Chairman, on behalf of the people of the 15th Congressional District, I welcome you to South Texas.
>
> I hope and believe you have already been made to feel welcome at the reception arranged in your honor last night in Corpus Christi by my friend and colleague, John Young, and the people of that city.
>
> I trust the overflow attendance of interested and concerned citizens will assure you that Three Rivers and the surrounding area welcome you here. This is truly a splendid turnout.
>
> We owe special thanks to the Honorable John Bright, mayor of Three Rivers, for making arrangements for this session. The Three Rivers Independent School District has cooperated one hundred percent and to those responsible we are deeply grateful.
>
> My colleague, I will tell you that the reception accorded you since you arrived in South Texas is typical of the kind of hospitality our people extend to visitors from other less fortunate regions.
>
> We're delighted that you are here. We hope you enjoy every minute of your stay. We cordially invite you to come again.

THE NEED TO PROHIBIT MASS TRANSIT FARE INCREASES

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOCH. Mr. Speaker, with the energy crisis upon us, it seems to me it is now more essential than ever before that we provide operating subsidies for mass transit and that we bar mass transit fare increases across the country. We all know that public transportation consumes far less fuel than the private automobile per passenger mile. And so, in a time of an energy crisis, it is imperative that we encourage more people to ride public transportation and leave their automobiles at home.

Unfortunately, the effect of today's economic pressures is to send fares up. And with every fare increase, transit ridership declines with a consequent increase in automobile usage.

Therefore, I am introducing a joint resolution with our colleague from New York (Mr. Brasco), to prohibit any transit company from increasing its fare beyond the level existing today. This freeze on fares would be effective for 2 years during which time the bill would provide $400 million annually in mass transit operating assistance in the same manner as provided by H.R. 6452, passed by the House on October 3. Thus, while freezing transit fares, the Federal Government would recognize its responsibility in helping to make up the deficits that would be incurred as a result of the fare freeze in the face of concomitant increases in operating costs. At the same time, the bill includes the original objectives of H.R. 6452—and that is to utilize these Federal funds to encourage local transit systems to improve their service and attract more passengers to their systems, objectives that certainly are consistent with energy conserving efforts now underway in other public sectors; thus, the resolution I am introducing today would require that localities provide a comprehensive service improvement program before receiving Federal aid. The resolution also provides the guidelines established in H.R. 6452 for the distribution of aid. The distribution formula is based on three factors given equal weight: population of the area served, revenue passengers carried by a system, and the vehicle miles in the system.

Mr. Speaker, to date President Nixon has opposed Federal assistance to assist transit systems in meeting the everyday costs of operating their buses, subways, and commuter railroads. He has done so even though a report made by the Department of Transportation in 1971 acknowledged that the farebox can no longer finance all transit operating costs if fares are to be maintained at a reasonable level. With the evolution of first the pollution crisis and now the energy crisis, coupled with the continual mobility problems of our cities, the importance to all members of the public of having efficient and highly utilized mass transit is amplified. If more people ride mass transit, more fuel will be available for other uses; if pollution is reduced because of a decrease in automobile traffic, a healthier environment will be provided for all of us; and if there are fewer cars on the road, traveling for those who have no choice but to use private automobiles will be easier and quicker.

In October 1972 the Office of Emergency Preparedness issued a report entitled "The Potential for Energy Conservation." One of the recommendations in this report was that the country seek to "stimulate the development of sufficiently fast, safe, inexpensive, comfortable, convenient, and reliable mass transit systems to draw passengers away from automobiles and airplanes—short trips in particular." In making this recommendation the Office of Emergency Preparedness went on to make the following pertinent points:

> The program of subsidies, tax incentives and regulatory standards designed to accomplish this must take into account tradeoffs between energy consumption and attributes such as speed and service on which demand will depend.

The President is imposing a number of limitations on fuel usage. Increasing transit use is an obvious means of fuel conservation and one that does not require the bureaucratic—and often ineffective—redtape of federally imposed controls on consumption.

The need to make the most efficient use of our energy resources is apparent. In addition, the fuel shortage is a national problem and so we cannot expect localities alone to bear the burden of maintaining—and ideally lowering—transit fares.

I recommend the resolution to our colleagues and I urge the President to incorporate a freeze on transit fares coupled with Federal mass transit operating assistance in his plans for energy conservation.

BILINGUAL EDUCATION AT THE CROSSROADS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. Cohen) is recognized for 10 minutes.

Mr. COHEN. Mr. Speaker, I am introducing today legislation to amend title VII of the Elementary and Secondary Education Act of 1965 to extend, improve, and expand programs of bilingual education, teacher training, and child development.

The right of a non-English-speaking child to a meaningful education is currently an issue with which all three branches of the Government are concerned. Recently, the Office of Education held hearings on new rules and regulations it was proposing to the Bilingual Education Act, title VIII ESEA. In the Congress, the House Committee on Education and Labor continues its markup sessions to extend and amend ESEA, and the Senate Subcommittee on Education has completed hearings on two bilingual education bills introduced by Senators Cranston, Kennedy, and Montoya. Finally, the U.S. Supreme Court is scheduled this term to hear the case of Lau against Nichols, which will decide whether non-English-speaking children have the constitutional right to special help enabling them to gain an equal educational opportunity. Certainly, we can assume that there would not be such a concerted effort within the Federal Government to find ways to better our treatment of the non-English-speaking or bilingual child, if this was not also an issue of national prominence in the minds of the American public itself.

When the Bilingual Education Act expires next year, we will clearly be at a crossroads. Critical decisions must be made about the scope of the program and the goals it should embrace. On the first point, continuing and expanding the size of the program is, in my opinion, imperative. Fortunately, our decisions need not be made in a void. In the areas where bilingual programs have been established, the results have been very good. However, there is still an enormous gap between what we are doing and what we need to do. While over 5 million children in this country are in need of bilingual education, only 147,000 will be reached this year. We profess to believe in the availability of an equal educational opportunity for everyone. Yet, for all our idealistic rhetoric, the remaining 4,853,000 children are still denied that opportunity. If a child is provided with the same facilities, textbooks, teachers, and curriculum as other children, but that child cannot understand the medium in which the material is taught, he is effectively excluded from the educational process. Though such action by a school appears neutral on its face, it constitutes a case of fundamental discrimination.

What does this men in actual fact? In my State, it is estimated that 21 percent of all elementary and secondary pupils are familiar with French; yet in one area surveyed, where the concentration of pupils who speak French is 96 percent, only 2 percent ever enter college. In the State as a whole, 51 percent go to college. Results from a 3-year survey at one school show the dropout rate among Franco-Americans is 12 percent higher than the national average.

Furthermore, some 500 children of the State's Passamaquoddy Indian tribe speak a dialect of the Algonquin language at home, and learn English as a second language only when they enter school. Tests indicate that by the time these children reach secondary school one-third of them are two grade levels behind other children their age. No wonder interest in formal education wanes. This is expressly exemplified by one of the Passamaquoddy schools where 27 percent of the children were absent at least 77 days during 1 academic year. I know many of my colleagues could cite similar examples from their own States.

We have an obligation to make good on the promise of equal education to all schoolchildren, and a strengthened bilingual education program is a vital element in achieving that goal. I believe that passage of several of my amendments will move us in this direction.

First, a most serious discovery we are making is that we do not have the teachers, or even the teacher-training programs, to handle a program of the magnitude of bilingual education. The Office of Education has found in a study of 76 of its own programs that some or all of the teachers involved were not adequately prepared to teach bilingual programs. In my own State, the lack of adequate staff has had the effect of closing down one project. Since I feel that a quality teacher is a program's most important feature, the amendment I offer today will begin to provide more realistically for the teacher need. It earmarks one-third of all bilingual appropriations in excess of $35 million for teacher training programs in order to produce a core of experienced and qualified bilingual professionals and paraprofessionals.

Second, the amendments initiate an incentive program for State supervision of bilingual programs. To encourage the States to assume an authority over the bilingual programs which will continue after Federal sponsorship has ended, an additional 5 percent of the aggregate amount the Federal Government is paying to the local educational agencies for bilingual education would be provided at the State level.

Although State and local governments are encouraged to assist in funding bilingual projects, there has been no matching requirement with the Federal Government. Consequently many programs have failed after the initial 5 years of the program because no State commitment has been developed for continuation.

Only 11 States now have any form of bilingual education plans and only 4 are making use of them: Texas, New Mexico, California, and Massachusetts. Massachusetts has gone farther than any State by requiring every district with more than 20 non-English-speaking students to provide them with a bilingual education. Unless the Federal Government plans to continually subsidize these projects, which is not the intent of Congress, the States must be motivated to develop bilingual programs of their own.

Third, my bill upgrades the administrative structure for the bilingual education program within the Office of Education of establishing a Bureau of Bilingual Education. I feel the additional administrative authority is necessary to carry out the functions of this increasingly important program.

Fourth, the bill provides for supportive services from the National Institute of Education. Under this provision, research can be carried out to develop new books, new testing materials, new visual aids and equipment, and new curriculum plans.

Fifth, an amendment creates a new 15-member National Advisory Council on Bilingual Education to replace the old Advisory Council. The composition of the Council will stress participation from the bilingual community. The Council will have the responsibility to review and evaluate the bilingual education program.

Earlier, I spoke of the need for decisions about the goals the bilingual education program should embrace. Those of us who are fully assimilated into our traditional American society find it hard to appreciate the difficulties and barriers our great melting pot society creates for those with different languages and cultural backgrounds. In the past, we have tended to view our educational process partially as a means of enabling—or perhaps even forcing—such ethnic peoples to become an indistinguishable part of our society. We have done so by ignoring or even suppressing their cultural heritage. To many, even our program of bilingual education is defined as a means to accomplish the annihilation of foreign cultures.

More recently, we have discovered that this restrictive view of our melting-pot philosophy can have serious adverse effects on students. Educators have learned that exclusion from one's own cultural heritage and history, from one's language and community, can be so destructive to the self-confidence of a student that he gradually loses his ability to learn. Ethnic students must be able to relate their mother tongue to their personal identity, because language and the culture it carries are at the very core of a child's self-concept. Destroy this self-concept and you can destroy the child. The children who drop out of school and become part of our unemployment, welfare, and crime statistics because their heritage and special language abilities are ignored, are an economic burden which this Nation can ill afford.

Several of the amendments contained in the bill I am introducing relate specifically to the need to use bilingual education as a means to instill within the non-English-speaking child a permanent appreciation of and attachment to his cultural and linguistic heritage.

First, the language in the original legislation encouraged the idea that bilingual education was a form of "remedial" education, another method of correcting a defect in the child. The bilingual child was so abused by this "remedial" doctrine that the former Director of HEW's Office of Civil Rights, J. Stanley Pottinger, issued a memorandum which prohibited school districts from assigning non-English-speaking students to classes for the mentally retarded on the basis of criteria which essentially measured or evaluated English language skills.

The amendment I propose would eliminate the phrase "children of limited English-speaking ability." The fact that a child does not speak English does not mean necessarily that his training is inadequate. A phrase which more properly reflects the attitude promulgated today is "children who speak primarily a language other than English." By such a change, we are recognizing the fact that children who enter school with the ability to speak a language other than English have an educational asset which can be built upon and should not be discarded or destroyed.

Second, my legislation provides that an English-speaking child can participate on an elective basis in the bilingual activities offered at his school. When the bilingual education program was initiated, we were looking only at the specific needs of children who were being educationally handicapped because they did not speak English. However, it seems time to broaden our outlook on the program to recognize that children who would like to participate in the programs should have the opportunity to utilize the multiple language and cultural resources of their communities. Such flexibility, I believe, would assist in recognizing the common interests among neighbors and students which transcend cultural differences. In an age where our relations

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with other countries and cultures are becoming much more extensive, such educational opportunities could prove vital to English-speaking students as well as non-English-speaking students. Certainly, in a democratic country where multiple cultures and heritages are our pride, we should be making every effort to encourage that kind of voluntary opportunity for all our children.

Third, present legislation requires that the families of children eligible for bilingual programs must have incomes below $3,000 or be receiving public assistance. Seen in a wider perspective, however, this restriction is not logical. The fact that a child primarily speaks a language other than English in no way means that the child is also poor. Likewise, the fact that a child is poor does not imply that the child primarily speaks a langugae other than English. Nobody should be excluded from receiving help in overcoming those difficulties, whatever his income. Under present law, the poor are able to improve their lot through the bilingual program, while the not-so-poor may receive an inferior education. Any child who could benefit from a bilingual program should have the opportunity to participate.

It is time for us to seize the initiative and meet the needs of this new movement toward cultural pluralism. Because of our diversity, a fully functioning program of bilingual education will bring a great renaissance to the United States. The intent of the bilingual program should reflect the renovation of this diversity, and thus the enrichment of America's culture.

ERNEST PETINAUD: A FRIEND INDEED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 10 minutes.

Mr. MILLER. Mr. Speaker, last evening, I had the pleasure of joining over 300 persons in paying tribute to one of Capitol Hill's most distinguished citizens, Mr. Ernest Petinaud.

After more than 40 years of service to the Members of the House of Representatives, Ernie Petinaud is retiring. I fully expect to see him welcoming Members to the dining room out of habit after his retirement date has passed. I know that the many people who dine there will expect to see Ernie wheeling aroumd the corner with a smile on his face, a warm handshake and a hearty "hello."

Long after leaving the Congress and the hustle and bustle of Washington, my wife, Helen, and I will long remember the thoughtfulness of Ernie and his charming wife Jeannette. More than the maitre d' of the Members' dining room, Ernie himself is an institution. Always on the job, always responsive and cordial, he seems to take the greatest pleasure in doing things for others.

His consideration for the Members of Congress, their families, our staffs, and the thousands of visitors to the Capitol building is unmatched in sincerity and I know that I echo the sentiments of all who know Ernie well, or who have met him only once, in saying that we appreciate his hard work, his personality and his perserverance. He is one in a million.

Talking with Ernie today, I asked him what he would miss most.

He answered without hesitating, "I will miss the atmosphere of friendship." Paraphasing Will Rogers, Ernie commented that he has "never met a Member he did not like."

At the same time, it goes without question that I have never met a Member—or anyone else, for that matter—who does not like Ernie.

During his brief remarks at the reception honoring Ernie last evening, he said:

> To the Committee and friends who planned this fine affair for me, thanks sincerely.
>
> In the course of human events, this is the greatest tribute that I will ever have the pleasure of enjoying.
>
> Never has so much appreciation and kindness been expressed by so many for my wife Jeannette and I and for this I am duly grateful.
>
> And if I should live a thousand years, this affair will remain in my memories as my finest hour.
>
> This, my friends, is the end of an era—a time that had a certain element of people who believed and cemented the principle that a member of Congress was highly regarded.
>
> I am proud to have been and still am a member of that dedicated group of people. To me whenever a man or woman is elected to the Congress, he instantly becomes my friend, regardless of his or her race, creed, or political persuasion. I have continued to maintain that feeling through the years of my service in the House of Representatives Dining Room and thank God I have never had to regret that attitude and manner.
>
> And so tonight on the eve of the beginning of the end of my wonderful years on Capitol Hill, I am reaping the harvest of my labor and the compensations of my dedications.
>
> Again, I say thanks a million and may God's blessings be with all of you and in abundance. Good night and good luck from my dear wife and I to each and everyone of you.

Ernie called his retirement an "end of an era" and said that he would miss Capitol Hill deeply.

The truth is, it is he who will be missed most of all.

TRIBUTE TO JOHN P. SAYLOR

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 5 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, I feel a tremendous sense of loss as a result of the recent death of our colleague from Pennsylvania, John Saylor.

For several years I have known Mr. Saylor through our work on the Veterans' Affairs Committee. Not only did he hold the respect and confidence of the committee members for his capable service, but he also received the admiration of all the veterans organizations who have honored him with awards or trophies at one time or another. Shortly before his death he received the coveted Silver Helmut Award from the AMVETS for distinguished service to all American veterans.

A spellbinding orator, John Saylor could hardly complete a sentence at a veterans' affairs hearing without the interruption of strong applause from veterans present who enjoyed his sentiments, his wit, and his sense of humor. He was especially interested in assisting our Vietnam veterans through their difficult period of readjustment and continually urged our national veteran organizations to orient themselves to the new problems facing our young veterans.

In addition to his outstanding work in behalf of our veterans, Mr. Saylor was a powerful and creative force in the area of conservation as the ranking member of the House Interior and Insular Affairs Committee where he consistently championed his conservation causes. Many Members of the House would not cast a vote on a conservation issue without seeking out John Saylor's opinion of the measure. I am extremely saddened by the death of this dear friend and respected colleague and extend my deepest sympathy to his beloved wife, Grace, and to his children, Susan and Phillips.

CANADIAN FUEL OILS TO FLOW ONCE AGAIN TO THE UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 10 minutes.

Mr. KEMP. Mr. Speaker, I am pleased to announce to this body that the Department of State has just notified me that negotiations have produced a relaxation in the Canadian Energy Board's recent directive to curtail oil exports to the United States.

The problem is not wholly resolved, for the Canadian Government must continue, understandably, its review of its own domestic supplies and needs and its capabilities for future exports to the United States. But, those particular American corporations which had already bought Canadian oil and were storing it in Canada, but whose supplies were intercepted and denied export to the United States by the board's directive, have been assured that, on a monthly allocation basis, that oil will now be shipped to the United States. This will meet immediate demands for November. More importantly, it reflects a continuation of the spirit of cooperation between the United States and Canada—so essential to obtaining future allocations.

Mr. Speaker, a firm posture has always been an effective instrument of foreign policy.

This was proved to be true once again, as the United States—both the administration and concerned Members of Congress—initiated such a firm policy with respect to the Canadian Energy Board's decision to trim the export of those home and heavy industrial heating oils to the United States.

To those Americans, from Maine to Alaska, who have enjoyed close economic interdependency and cooperation with the Canadian Government and people over the decades, it was both distressing and a heavy burden to bear when the Canadian Government, albeit, acting out of apparent self-interest, curtailed further exports of heating oils to the United

States. That action was not consistent with the close spirit of cooperation which has traditionally pervaded United States-Canadian relations. Millions of Americans along the border, principally in the major industrial cities of Buffalo and Detroit, were faced with an immediate crisis—grossly insufficient supplies of oil with which to heat homes and to heat and operate plants.

Jobs were at stake.

Economic production was at stake.

Public health, safety, and welfare were at stake.

And, the vitality of Western New York was soon to be put to the test.

Prompt—yet, prudent—action had to be the order of the day, if we were to succeed, first, in obtaining a relaxation of the Canadian Energy Board's directive, and, second, in preserving harmonious United States-Canadian relations essential for future cooperation. Sincere, candid, firm, and decisive appeals were to produce within a few days the relaxation sought in the board's policy. I am satisfied that without these personal initiatives, that relaxation might not have come as quickly as it did—or, perhaps, not at all.

On November 8—after receiving new information from a major distributor of No. 6 oil in western New York, whose supplies were already reaching the critical stage—I appealed to the Secretary of State, Dr. Henry Kissinger; to former Colorado Gov. John A. Love, presently the chief of the White House's Office of Energy Policy and principal adviser to the President on energy matters; and, to the Honorable Donald S. McDonald, Minister of Energy, Mines, and Resources, in Ottawa. A copy of my appeal to Minister McDonald follows:

> NOVEMBER 8, 1973.
>
> Hon. DONALD S. MCDONALD,
> *Minister of Energy, Mines, and Resources,*
> *Ottama, Ontario.*
>
> DEAR SIR: As a Member of Congress from Western New York State, I respectfully direct your attention to the current emergency situation affecting our area and all of New York State as a result of the curtailment of exports of No. 6 industrial heating oil from Canada.
>
> The President of the R. B. Newman Fuel Corporation in Buffalo, New York, for instance, informed me today that his firm, which supplies 25 percent of the industrial oil to our area, is literally on a day-to-day basis with his customers which include hospitals, school systems, heavy industrial manufacturers, Buffalo Sewer Authority and the Main Post Office.
>
> The Ashland Petroleum Company, I am told, is in a similar, critical position with regard to its ability to supply Canadian exported industrial oil to its customers.
>
> It is my understanding, Sir, that the Canadian Energy Board's curtailment is in conjunction wtih your Government's current assessment of Canadian demands. In that connection, I am deeply aware of the concern you must have, in light of curtailments by the Arab States and other adverse conditions.
>
> However, at a time when we in New York State are confronted with severe community and economic dislocations, it is incumbent upon me to apprise you of our situation with the hope that you can lend whatever assistance is practical and available and in the best interests of our traditional beneficial trade.
>
> Sincerely,
>
> JACK KEMP.

The following day, I went "straight to the top" and appealed to Prime Minister Pierre Trudeau:

> DEAR PRIME MINISTER: On behalf of the hospitals, school systems, public authorities, heavy industrial and commercial operations of Western New York, and in the spirit of cooperation which has traditionally characterized matters of mutual Canadian-U.S. concerns, I urgently appeal to you to relay the Energy Board's current directive trimming exports of No. 6 industrial heating fuel to U.S. distributors.
>
> I appreciate the need of the Canadian Government to review, in light of its own domestic consumption demands, its exports to U.S. firms, but the intensity of the immediate crisis in Western New York compels me to ask for a relaxation of the Board's directive even during the period in which future policies are being reviewed. Some major users we have been advised, have less than one full day's supply remaining, with only a minority of heavy users having sufficient supplies for the next two weeks. One major distributor has stopped delivery to major users this day.
>
> In the spirit of cooperation which has pervaded Canadian-American relations, I urge this relaxation.
>
> Very sincerely,
>
> JACK KEMP,
> *Member of Congress.*

While continuing efforts through the Department of State and the administration, I initiated similar efforts through the Congress. On Monday, November 12, I submitted formal testimony to the Subcommittee on Interior and Related Agencies of the prestigious Committee on Appropriations, stressing the ever-increasingly urgent nature of this crisis. And, we kept the people most effected thoroughly informed:

> KEMP ASKS FIRM DIPLOMACY TO GET CANADA TO SHIP OIL
>
> WASHINGTON.—Rep. Jack F. Kemp, R-Harrisburg, exhorted the Nixon administration Monday to employ "the strongest sort of diplomatic effort" with Canada to get vitally-needed fuel oil into the Buffalo area to stave off imminent closings of schools, factories and hospitals.
>
> * * * * *
>
> Kemp's comments were made in testimony Monday before the House subcommittee on interior and related agencies. He also appealed to top State Dept. officials to exert pressure on the Canadian Energy Board to permit resumption of shipments of No. 6 industrial heating oil to the Buffalo area from Canada.
>
> Canada, faced with an energy crisis of its own, has curtailed shipments of the oil to the United States, and Kemp warned that a variety of Buffalo-area institutions might be forced to close if the oil isn't forthcoming quickly.
>
> Kemp identified those institutions as schools, hospitals, industries and possibly the main Post Office and the Buffalo Sewer Authority.
>
> "What good does it do to slow down to 50 miles an hour if, when you reach your destination, your place of employment is closed or the school door is locked," Kemp asked.
>
> IMMEDIATE SOLUTION NEEDED
>
> "As I said last week after the President's address on the energy crisis, the proposals are worthy of support and in the right direction. But they are too late and too little if we can't solve this immediate problem.
>
> "We must deal just as hard with our friends in Canada as we do with the Soviet Union where it comes to trade bargaining. We must remind our friends to the north that they are highly dependent on U.S. exports for agricultural and other products, and that their present curtailment of critical oil supplies is jeopardizing nearly 200 years of traditional and mutual beneficial relations," Kemp told the subcommitee.
>
> "The President told us Wednesday that 'to be sure that there is enough oil to go around for the entire winter, all over the country, it will be essential for all of us to live and work in lower temperatures.' "
>
> "I am confident Americans are willing to make sacrifices. But they also expect their government to exercise the strongest possible efforts to alleviate the type of critical situation we have in our community and avoid outright closings, loss of wage-earning opportunities and other critical situations," Kemp said.

On Tuesday, November 13, I submitted testimony to the Subcommittee on Inter-American Affairs of the Committee on Foreign Affairs:

> STATEMENT OF THE HONORABLE JACK KEMP
>
> Mr. Chairman and Members of the Subcommittee: As a Member of Congress from Western New York, I am greatly aware of the impact of the Canadian Energy Board's current policy of curtailing exports of No. 2 and No. 6—home and industrial heating fuels, respectively—to the United States during that Board's reassessment of its domestic inventory and demand.
>
> This impact is not potential; it is real:
>
> Some 1700 employees of the Dunlop Tire & Rubber Corporation plant in Tonawanda, N.Y., were notified on Monday, November 12, that production activities may be closed at the end of this week because two suppliers—Ashland Oil, Inc., and R. B. Newman Fuel Corporation—can no longer obtain sufficient exports of No. 6 fuel from Canada.
>
> Other Buffalo area institutions and firms confronted with immediate shortages of No. 6 oil include—
>
> Children's Hospital;
>
> Millard Fillmore Hospital;
>
> Sisters' Hospital;
>
> The school systems of Niagara Falls, Amherst, West Seneca, and Tonawanda;
>
> The Main Post Office;
>
> The Buffalo Sewer Authority;
>
> The plants of General Mills, Goodyear, Calspan, Carborundum, Allied Chemical, Bell Aerospace; and
>
> American Airlines.
>
> Suppliers have been operating on a day-to-day basis during the past two weeks because of the unavailability of Canadian supply, coupled with the small reserves of domestic suppliers now being overextended and not capable of additional allocation.
>
> Relations between the United States and Canada particularly with respect to matters of mutual economic concern, have always been good. One can appreciate and understand the need, from their perspective, for the Canadian Government to order an assessment of its own domestic inventory and needs; this is nothing more than national self-interest. Yet, as a result of this close economic cooperation in the past, we have become, particularly along the border, interdependent as to supply and demand. The Canadian people buy vast amounts of agricultural and other products from the United States; the United States buys large amounts of goods from Canada. It would be an unfortunate consequence of the present fuel shortage—over which neither nation had a great deal of control—to have relations between Canada and the U.S. strained, but we are fast reaching that point.
>
> In furtherance of my responsibilities to the people of Western New York, I have been active in trying to secure an immediate relaxation of the Canadian Energy Board's curtailment of fuel to the United States. I have made personal appeals to former Governor John A. Love, chief of the White House's office of energy policy and principal adviser to the President on energy matters, and to

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the Secretary of State, Dr. Henry Kissinger. I realize the Department of State has some other priority problems on its hands—not the least of which is resolving the Middle East crisis itself—but I do not think that the Administration has responded adequately to date in helping to secure a relaxation of the Canadian Government's decision.

Immediately upon learning last Friday from a major distributor that some major users of No. 6 fuel in Western New York had only a few days supply remaining, I dispatched an urgent telegram to Pierre Trudeau, the Canadian Prime Minister.

Yesterday, I called the critical urgency of this shortage to the attention of the Subcommittee on Interior and Related Agencies of the prestigious and powerful Committee on Appropriations.

The long-range solution to the energy crisis lies in a fuller development of domestic crude oil, a development which has been slowed in recent years by the failure to act promptly on the request for construction of the trans-Alaskan pipeline, by a failure to construct offshore facilities for the development of untapped reserves on the continental shelf, and by a failure of government to remove various disincentives to exploration, recovery, and refining. It is because of the unforeseen Middle East war that this crisis, which could in time have been alleviated by gradual increases in supply to have met gradually increases in demand, has been brought to a head. I do not think either the Canadian government or our government can be faulted for not having foreseen a war in the Middle East, but we can both be faulted for not having acted more promptly to develop independent sources.

Mr. Chairman, I request this Committee's immediate assistance with whatever means are readily available, including support for the strongest sort of diplomatic effort, to get the Canadian Government to relax its Energy Board's policy. Such a relaxation should help give us adequate time within which to develop other sources of these important fuels.

In an editorial today in the Buffalo Evening News, that influential paper called upon the Canadian Government to "keep those oil lines open." A copy of that editorial follows:

KEEP THESE OIL LINES OPEN

The peril of imminent shutdown of Buffalo-area schools and plants certainly points up the urgency of Washington's diplomatic exertions to assure a prompt resumption of the crucial heating oil shipments recently embargoed by the Ottawa government.

Canada's export restriction reflects understandable anxieties felt in Ottawa about the energy pinch in eastern provinces heavily dependent upon oil imports from Venezuela and the Arab producers.

The fact remains, however, that for Buffalo, Detroit and other metropolitan areas along the border, the action by our Canadian neighbors dramatizes the risk of intolerable disruptions of vital public services or industries at the mercy of oil-delivery shutdowns beyond their control.

Surely any restriction generated by a Canadian concern for protecting its own energy needs should take proper account of the grossly disruptive impact of a sweeping embargo on vital public institutions on the American side—an impact which we hope the Ottawa energy officials simply did not foresee in this case.

While a prompt decision to lift an unfair restriction would hopefully stave off an immediate fuel crisis this winter, no one can derive much comfort from such a chilling reminder of the dependence of the Western New York economy on oil supplies in Canada that can be shut off at will.

This is not to suggest that the main pipelines through Canada serving this area are in any imminent danger of a shutdown. The economies of the U. S. and Canada are too interdependent and too intertwined for any such follies. Nevertheless, the latest episode, coupled with Canada's self-protective action in jumping the export tax on oil from 40 cents to $1.90, does point up the timely need on both sides of the border to hasten the development of sensible, co-operative policies for dealing with continental energy shortages on a rational basis.

Apart from the international overtones of this latest energy crisis, the further lesson that it vividly illustrates is the absolutely urgent need for federal and local decision-making mechanisms that can insure proper priority in the emergency allocation of heating fuels to schools, hospitals, and similar facilities.

The energy measure now moving through Congress will presumably include the standby authority sought by President Nixon for the rationing of oil and gas. The White House energy office appears to be moving reluctantly toward a mandatory allocation plan to relieve critical shortages of heating oil. With the impact of Middle East oil embargoes falling so heavily on New York State and the East Coast, we see no alternative to having ready a mandatory plan to insure a fair distribution to homes and vital public services.

I am, therefore, most pleased to have been able to announce to this body today's relaxation of the board's directive. I trust that the ultimate resolution of the problem will be equally satisfactory.

FOREIGN TENDER OFFERS DOUBLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. DENT) is recognized for 10 minutes.

Mr. DENT. Mr. Speaker, last week, 13 colleagues joined with me in introducing H.R. 11265, the Foreign Investors Limitation Act. This bill would require foreign investment in the United States in a manner consistent with the national security, the conservation of national resources, and the protection of the economy of the United States. One way of determining the extent of foreign interest in the United States is to analyze tender offers made by foreign groups to American corporations. In a recent communication, I asked the Securities and Exchange Commission to provide me with a list of all foreign originated tender offers filed with the SEC. I am submitting the results of that request, as well as explanatory information for the information of my colleagues. It is worthwhile to point out that tender offer bids in fiscal year 1973-74 will undoubtedly double those made in fiscal year 1972-73. It is also necessary to distinguish tender offers from foreign direct investment:

SECURITIES AND EXCHANGE COMMISSION,
Washington, D.C., October 23, 1973.

Hon. JOHN H. DENT,
House of Representatives,
Washington, D.C.

DEAR MR. DENT: This is in response to an October 11, 1973, request made by Ms. Julie Domenick, of your staff, for a list of all foreign originated acquisitions and tender offers filed with the Securities and Exchange Commission since the adoption of the Williams Act, which amended the Securities Exchange Act of 1934, on July 29, 1968.

Attached hereto is a recently compiled list of foreign bidder tender offers filed with the Commission since July 1, 1972. The list was originally prepared because of the growing interest in tender offers by foreign entities and will be maintained so long as there is a continuing interest therein.

Although Ms. Domenick requested that the compilation include all foreign originated tender offers and acquisitions filed with the Commission since 1968, such a list would involve a very considerable amount of staff time to prepare. Our experience in preparing the attached list, which started with the 1972-1973 fiscal year, showed that it was necessary to thoroughly examine each of the 75 tender offers filed with the Commission during the 1972-73 fiscal year because some of the tender offers were made by foreign bidders through wholly-owned or controlled subsidiaries in the United States. This review required many man-hours, many of which were spent on the staff member's own time. In light of the time spent reviewing those 75 tender offers, it is obvious how difficult, costly and time-consuming it would be to review the 3,012 acquisition statements and the 272 tender offers filed since July 1968.

As you know, on December 22, 1970, the Williams Act was amended, extending the coverage to encompass acquisitions of and tender offers for equity securities of insurance companies and extending the disclosure provisions to acquisitions and tender offers for amounts in excess of 5%, instead of 10%, of a class of equity security. Thus, a review of all the filings since July, 1968 will not reflect a standard minimum percentage of ownership and will not include the same types of target companies.

Since the Williams Act filing requirements are triggered by a percentage of ownership of a class of equity security which is registered pursuant to Section 12 of the Exchange Act, or any equity security of an insurance company which would have been required to be so registered except for the exemption contained in Section 12(g) (2) (G) of the Exchange Act or any equity security issued by a closed-end investment company registered under the Investment Company Act of 1940, a review of the Williams Act filings will omit all tender offers or acquisitions involving securities of companies which do not fall within these categories. Similarly, such a review will not cover those acquisitions and tender offers which are exempt from filing under the Williams Act. Accordingly, the preparation of a complete list of foreign ownership and control would require, in addition to the review of the Williams Act filings, an examination of the several hundred thousand Forms 3 and 4 filed pursuant to Section 16(a) of the Exchange Act and Rule 16a-1(a) promulgated thereunder. Form 3 (the initial report) and Form 4 (the current report) are required to be filed by every person who owns more than 10% of a class of equity security registered pursuant to Section 12 or who is a director or an officer of an issuer of such security. It should be noted that none of the filings whether pursuant to tender offers, acquisitions, or Forms 3 and 4 are filed according to the nationality of the person filing the statement.

With the present heavy workload and limited staff, we would have great difficulty in complying with your request. However, if you should desire information in addition to that enclosed, please feel free to contact me again.

Sincerely yours,
GEORGE A. FITZSIMMONS,
Secretary.

FOREIGN BIDDERS

Number and target	Bidder	Foreign country	Tender offer or acquisition	Date filed
1973-74 FISCAL YEAR				
2. The Conrex Corp	Chloride Group Ltd	England	Tender offer	July 10, 1973
3. Texasgulf Inc	Canada Development Corp	Canada	do	July 24, 1973
4. Dearborn Storm Corp	Trafalgar House Investments Ltd	England	do	Aug. 7, 1973
7. The Signal Companies, Inc	John L. Loeb Group	United States, Italy, Canada, France, England.	do	Aug. 8, 1973
5. Sonesta International Hotels Inc	Morris Saady	England	Acquisition	Aug. 10, 1973
6. Sea Containers Inc	Bankers Trust International	do	do	Aug. 13, 1973
1. Travelodge International Inc	Trust House Forte Ltd	do	Tender offer	Aug. 17, 1973
8. GRI Computer Corp	Eastern International Investment Trust Ltd	do	Acquisition	Aug. 20, 1973
9. Lewis Refrigeration Corp	Toromont Industrial Holdings Ltd	Canada	Tender offer	Sept. 5, 1973
10. Whitney Fidalgo Seafoods, Inc	Kyokuyo Co. Ltd	Japan	do	Sept. 10, 1973
11. Western Decalta Petroleum Ltd	Anglo American Corp. of Canada Ltd	Canada	Acquisition	Sept. 12, 1973
12. United Brands Company	Rederi Ab Salenia	Sweden	do	Sept. 24, 1973
13. I-T-E Imperial Corporation	IFI International S.A. (whose largest stockholder—Italian).	Luxembourg	do	Sept. 26, 1973
14. Indian Head Inc	Thyssen-Bornemisza Group, N.V	Netherlands	Tender offer	Do.
15. Allied Aero Industries, Inc	Audi S/A	Brazil	Acquisition	Oct. 9, 1973
1972-73 FISCAL YEAR				
1. Akzona, Inc	Akzo N.V	Netherlands	Tender offer	July 20, 1972
2. Kings Lafayette Corp	Edmond J. Safra	Switzerland	do	Aug. 8, 1972
3. General Host Corp	Triumph American Inc	England (sub)	do	Mar. 15, 1973
4. Mercantile Industries Inc	Kay Corp	do	do	Apr. 24, 1973
5. Certain-teed Products Corp	Compaigne de Saint-Gobain-Pont-a-Mousson	France	do	May 3, 1973
6. Franklin Stores Corp	Slater Walker of America, Ltd	England (sub)	do	May 11, 1973
7. Ronson Corp	Liquigas S.P.A. and Lilquifin	Italy and Liechtenstein	do	May 31, 1973
8. Gimbel Brothers, Inc	Brown and Williamson Tobacco Corp	England (sub)	do	June 11, 1973

CPA AT AEC

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 5 minutes.

Mr. FUQUA. Mr. Speaker, I wish to continue sharing with the Members material I have been receiving concerning the effect of the proposed Consumer Protection Agency on various Federal agencies mentioned in our hearings as major targets for CPA advocacy.

There are three CPA bills now pending in a Government Operations Subcommittee on which I serve—H.R. 14 by Congressman ROSENTHAL, H.R. 21 by Congressmen HOLIFIELD, HORTON and others, and H.R. 564 by Congressman BROWN of Ohio and myself.

The principal difference among the bills is that H.R. 14 and H.R. 21 would grant the CPA the right to challenge in court the final actions of other agencies, including their decisions not to act on given matters. The Fuqua-Brown bill would not grant the CPA court appeal power, an extraordinary power for a non-regulatory agency.

As we prepare for a potentially difficult winter due to the energy crisis, the question of CPA's role in the various agencies associated with power supply becomes a critical one. I have already introduced into the RECORD material from the Tennessee Valley Authority and the Federal Power Commission. Another important agency in the power community is the Atomic Energy Commission. I shall introduce material on the AEC today.

The AEC, of late, has been beseiged by environmentalists and consumerists, including Ralph Nader who has expressed deep concern over the safety of nuclear reactors. In our hearings this year on the CPA bills, the American Bar Association used the AEC to illustrate how the CPA would appeal final agency actions under the two bills which would allow such CPA action.

In regard to the question of CPA appeals, I should note that the General Counsel of the AEC reports the following with respect to areas technically subject to CPA appeal under all the bills except the Fuqua-Brown bill:

As you know, in addition to Regulatory authority, the AEC has the responsibility for opertaing a number of Government installations and national laboratories. These operations, under the direction of the General Manager, involved in 1972 over two billion dollars. Substantially, all actions taken by him could be tested in the courts.

In addition, every issuance, modification, denial, etc. of a licensing or enforcement decision, and every adoption of a regulation by the Director of Regulation is also subject to court review (Representative types can be found in the answer to questions 1, 3 and 4).

There are literally millions of actual annual final agency actions subject to CPA court appeal under the bills, and perhaps billions of such actions if we consider that inaction is final action under the CPA bills which would grant the CPA the power to take its sister agencies to court. No one can say whether the CPA will decide to challenge any of these actions, because the bills which would allow CPA appeals leave this up to the CPA's discretion.

I personally think granting the non-regulatory CPA the right to challenge in court the final decisions of regulatory agencies in an abdication of Congressional responsibilities. If we lodge the duty of making a final decision for the Government in one agency, we should not create another agency with a countervailing right to remove that duty and place it on the overburdened courts. The Fuqua-Brown bill, therefore, would grant the CPA the right to seek a rehearing at the administrative agency level, but not at the court level.

For the important reason of preventing confusion when a CPA bill comes to the floor this Congress—and, we experienced considerable confusion when such a bill came to the floor last Congress—I now continue to share with the Members material submitted to me by key federal agencies.

This material divides the AEC's 1972 activities into the various areas in which the CPA would act as an advocate under the bills now pending. I place it in the RECORD with the hope that it will be reviewed by all Members who are interested in creating a responsible CPA:

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., November 9, 1973.

Hon. DON FUQUA,
House of Representatives.

DEAR MR. FUQUA: Your letter of September 7, 1973 to Chairman Ray has been referred to me for reply. The information you have requested follows:

Question 1. Regulations (or proposals) issued in accordance with 5 USC 553 during 1972 included:

1. Unclassified Activities in Foreign Atomic Energy Programs (37 F.R. 92, 14872 and 23953; 01/05/72, 07/26/72 and 09/05/72; 10 CFR Part 110):

2. Licensing of Production and Utilization Facilities—Effluents from Light Water Cooled Nuclear Power Reactors; Supplemental Notice of Hearing (37 F.R. 287; 01/08/72; 10 CFR Part 50).

3. Facilities and Materials Licenses—Proposed Fee Schedules (37 F.R. 1121; 01/25/72; 10 CFR Part 170).

4. Licensing of Production and Utilization Facilities—Information Requested by Attorney-General for Antitrust Review of Facility License Applications (37 F.R. 7810; 04/20/72; 10 CFR Part 50).

5. Financial Protection Requirements and Indemnity Agreements—Indemnity Locations (37 F.R. 9227; 05/06/72; 10 CFR Part 140).

6. Rules of Practice; Licensing of Production and Utilization Facilities—Restructing of Facility License Application Review and Hearing Processes and Consideration of Environmental Statements. (37 F.R. 9331; 05/09/72; 10 CFR Parts 2, 50).

7. Operators' Licenses—Requirements for Renewal (37 F.R. 11785; 06/14/72; 10 CFR Part 55).

8. Requests for Declassification Review (37 F.R. 15624; 08/03/72; 10 CFR Part 9).

9. Fees for Licenses Issued to Government Agencies for Nuclear Power Plants—Removal of Exemption (37 F.R. 20871; 10/04/72; 10 CFR Part 170).

10. Standards for Protection Against Radiation—Posting of Enforcement Correspondence at Licensee's Facilities (37 F.R. 21652; 10/13/72; 10 CFR Part 20).

11. Environmental Effects of the Uranium Fuel Cycle—Notice of Proposed Rulemaking (37 F.R. 24191; 11/15/72; 10 CFR Part 50).

12. Grand Junction Remedial Action—Proposed Criteria (37 F.R. 22391; 10/19/72; 10 CFR Part 12).

13. Permits for Access to Restricted Data—Data Concerning the Separation of Uranium Isotopes (37 F.R. 26344; 12/09/72; 10 CFR Part 25).

Question 2. None.

Question 3. Administrative adjudications proposed or initiated in 1972 included the following licensing actions:

Materials Licenses—none.

Facility Licenses.

1. Construction Permit Applications:

Plant—Notice of Hearing

Zimmer 1, Mar. 7, 1972.
Arkansas 2, Apr. 13, 1972.
Hatch 2, July 18, 1972.
San Onofre 2 and 3, Aug. 10, 1972.
Waterford 3, Aug. 16, 1972.
Forked River, Aug. 16, 1972.
Nine Mile Point 2, Sept. 23, 1972.
Susquehanna 1 and 2, Sept. 23, 1972.
Summer 1, Sept. 27, 1972.
Watts Bar 1 and 2, Sept. 27, 1972.
Hanford 2, Sept. 28, 1972.
Harris 1, 2, 3 and 4, Sept. 29, 1972.
North Anna 3 and 4, Oct. 4, 1972.
LaSalle 1 and 2, Oct. 6, 1972.
Beaver Valley 2, Nov. 28, 1972.
Catawba 1 and 2, Dec. 1, 1972.
Grand Gulf 1 and 2, Dec. 12, 1972.

2. Mandatory Hearings for Reactors Under Construction in accordance with Appendix D, 10 CFR 50.

Plant—Notice of Hearing

North Anna 1 and 2, February 22, 1972.
Diablo Canyon 2, December 27, 1972.
Trojan, December 29, 1972.

3. Operating License Applications.

Plant—Notice of Consideration of Issuance of Operating License

Calvert Cliffs 1 and 2, March 25, 1972.
Surry 2, March 28, 1972.
Ft. St. Vrain, May 4, 1972.
Ft. Calhoun, May 12, 1972.
Kewaunee, June 22, 1972.
Cook 1 and 2, June 29, 1972.
Zion 1 and 2, June 30, 1972.
Three Mile Island, July 7, 1972.
Oconee 2 and 3, August 10, 1972.
Midwest Fuel, August 11, 1972.
Browns Ferry 1, 2 and 3, September 20, 1972.
Arnold, September 30, 1972.
Fitzpatrick, October 3, 1972.
Peach Bottom 2 and 3, October 3, 1972.
Millstone 2, October 11, 1972.
Prairie Island 1 and 2, October 11, 1972.
Arkansas 1, October 12, 1972.
Cooper, October 13, 1972.
Crystal River 3, October 14, 1972.
Rancho Seco, October 16, 1972.
Hatch 1, October 19, 1972.
Salem 1 and 2, October 20, 1972.
Indian Point 3, October 25, 1972.
Brunswick 1 and 2, November 3, 1972.
Beaver Valley 1, November 10, 1972.

4. Opportunity for Hearing for Reactors with Operating Licenses in accordance with Appendix D, 10 CFR 50.

Plant—Notice of Opportunity for Hearing

Point Beach 1, July 7, 1972.
Monticello, August 25, 1972.
Millstone 1, November 28, 1972.
Oyster Creek 1, November 28, 1972.
San Onofre 1, December 1, 1972.
Nine Mile Point 1, December 5, 1972.
Ginna, December 8, 1972.

Question 4. During 1972 there were no hearings held which resulted in the imposition of civil penalties. There were, however, four occasions when monetary civil penalties were imposed in which payment was remitted without a request for a hearing. The firms so affected were: Pittsburgh Testing Laboratory; New England Nuclear Corporation; Interstate Industrial Laundry and Decontamination Services and Universal Testing Corporation.

Question 5. None.

Question 6. Representative public and nonpublic activities proposed or initiated by the AEC during 1972 included:

1. Proceedings concerning the health and safety, environmental and antitrust aspects of construction permits and operating licenses for nuclear reactors including power plants, test facilities and research reactors, as well as fuel cycle facilities.
2. Proceedings relating to the issuance of licenses for possession and use of special nuclear material, source material and byproduct material, including licenses for the disposal of radioactive waste material and radioactive waste burial, some licenses to manufacture products containing radioactive material, and some licenses for shipment of radioactive material.
3. Contractor selection actions.
4. Contract awards.
5. Assignments of a given portion of research and development to a particular organization.
6. Establishment of AEC prices for special nuclear material, toll enrichments, etc.
7. Inspection of licensed facilities.
8. Contract negotiations and positions to be taken concerning negotiations.
9. Telephone conversations between AEC staff and outsiders concerning any subject under Commission consideration.

Question 7. As you know, in addition to Regulatory authority, the AEC has the responsibility for operating a number of Government installations and national laboratories. These operations, under the direction of the General Manager, involved in 1972 over two billion dollars. Substantially, all actions taken by him could be tested in the courts.

In addition, every issuance, modification, denial, etc. of a licensing or enforcement decision, and every adoption of a regulation by the Director of Regulation is also subject to court review (Representative types can be found in the answer to questions 1, 3 and 4).

If we can be of further assistance, please let us know.

Sincerely,

MARCUS A. ROWDEN,
General Counsel.

FIFTY-FIFTH ANNIVERSARY OF LATVIAN INDEPENDENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, on November 18 the United Latvian Associations of Chicago will commemorate the 55th anniversary of Latvian independence at the River Forest High School, 201 North Scoville Avenue in Oak Park, Ill.

An organization active in making the facts about Latvia and the Latvian nation available to people in the free world who are interested in the Baltic problem, and dedicated to the preservation of Latvian cultural awareness, the United Latvian Associations of Chicago is headed by capable leaders: Rolands Kirsteins, president; Alberts Raidonis, vice president; and Rudolfs Arums, secretary.

Although Latvia has been occupied by foreign powers throughout most of its history, the people of this nation have maintained their language and cultural identity. In November of 1918 they had their chance for freedom and proclaimed their independence.

The new state, with a population of slightly over 1 million was in a precarious position from the beginning as it was surrounded by more powerful neighbors. However, Latvia survived and the interwar years marked a renaissance of Latvian politics and culture. For 22 years the Latvian Government functioned on the basis of a true proportional representation. Numerous political parties, of all opinions, existed and actively contested free and open elections. Latvia was a model democracy. Because the basis of a healthy democracy is an enlightened electorate, Latvians spent over 15 percent of their national budget on education. Free public schools were open to all and by 1940 the literacy rate was over 90 percent.

The vitality of the Latvian people was also indicated in their economic accomplishments. Latvia was one of the first European countries to reform its currency and financial system. The land reform law of 1920 distributed land of the old feudal estates on a democratic basis.

All segments of Latvian society participated in its economic life. By 1937 there were 5,717 industrial enterprises in Latvia and some 70,000 farmers were enrolled in 2,300 educational societies. Latvian trade was almost completely with the West, being carried on Latvian ships.

On February 5, 1932, Latvia and the Soviet Union signed a treaty of nonaggression which absolutely forbade Russian intervention in Latvian affairs. But, soon afterward, in violation of their written promise, the Communists began to undertake the active subversion of free Latvia.

In August of 1939 Latvia's fate was sealed by the infamous Nazi-Soviet Pact. It was indeed a dark day when Joseph Stalin, in open violation of international law and the nonintervention treaty, unleased the Red army to invade Latvia in accordance with the terms of the Nazi-Soviet Pact.

When Hitler invaded the Soviet Union in 1941, there was a change in the status of the people of Latvia, but only in that their destiny was transferred from the hands of one totalitarian regime into the hands of another. For 2 years Latvians were subject to Nazi control, but as Hitler's army retreated, the Red army and its legions of political agents returned to subjugate Latvia anew. After the war, the Russians consolidated their hold on Latvia by incorporating it into the Soviet Union.

At the end of World War II, approximately 100,000 persons emigrated from Latvia and later were dispersed throughout the free world.

Today, statistics show that, through three generations, many hundreds of this number are true scholars of higher learning in the humanities, as well as in the technical sciences. The numerical majority are of the younger generation, who attained their success in emigration, and this shows the strength of vital creativity in these people even during difficult times.

The Latvian people and their great endeavors fit into the pattern of the "mosaic of America." They have brought their hopes of freedom to this great country in addition to their ethnic heritage and culture, arts, science, history, and knowledge, and have contributed much to this great country of America.

The liberty that we enjoy in America, however, has been denied those who remain in Latvia. On this 55th anniversary of Latvian Independence Day, I am honored to join Latvian-Americans in the 11th Congressional District, which I am proud to represent, in the city of Chicago, and all over this Nation in their fervent hope that the people of Latvia will soon achieve their freedom once again. Let the people of Latvia know full well of our uncompromising support for their unquenchable thirst for liberty.

Mr. Speaker, at this point in the RECORD I would like to include a statement unanimously adopted by the Association of the Latvian Societies in the United States at their meeting in Grand Rapids, Mich., on October 20 and 21, with reference to the 55th anniversary of the proclamation of Latvian independence. The statement follows:

STATEMENT

The Association of the Latvian Societies in the United States, at their meeting on October 20 and 21, 1973 in Grand Rapids, Michigan, unanimously adopted the following statement:

1. On the Eve of Latvia's 55th Anniversary of the proclamation of Independence, we thank again the United States government for not recognizing the forcible incorporation of Latvia and other Baltic States into the Soviet Union.
2. We implore the government to aid the cause of freedom and self-determination in the Baltic States. The freedom of speech and intellectual creativity is being stifled since the occupation of 1940. We express our hopes that the government of the United States will actively proclaim the need to restore the lost freedoms in Latvia, Estonia and Lithuania in the European Security Council and other world forums.
3. The proposed new economic regions in the USSR essentially announce intensification of the campaign to russify the non-Russian people in the Soviet Union. We urge the United States government to interfere with this plan in Latvia and other Baltic states.
4. With deep concern we are following the policy of the United States government regarding the detente with the Soviet Union. The United States and the Soviet Union has signed 52 agreements of which the Soviet Union so far has kept only 2.
5. We have not been in favor of and we are not supporting the economic help to the Soviet Union at the taxpayers expense until freedom and humanity is restored in Latvia, Estonia, Lithuania and other Captive Nations. We have reasons to believe that the Soviet Union's imperialistic policy has not been changed and will not be changed, and the economic assistance will only help the Russians to reach their goal—world domination.
6. Since the year of 1973 has been proclaimed as Europe's year, we urge the United States government to use its influence to end the occupation of the Baltic States by the Soviet Union.

This statement is to be forwarded to the President of the United States, Secretary of State, United States Senators and Members of the House of Representatives.

TEAPOT DOME AGAIN REVISITED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. MOSS) is recognized for 5 minutes.

Mr. MOSS. Mr. Speaker, a few weeks ago, in a floor statement, I revealed the contents of a letter I had sent the President and appropriate Cabinet members over a situation pertaining to two naval petroleum reserves, Elk Hills, Calif., and Teapot Dome, Wyo.

In that letter and accompanying statement, I made public the fruits of certain researchers I have been conducting into how private interests, with knowledge of several government agencies, have been extracting oil for a number of years under the most questionable circumstances from the environs of these reserves, set aside for national defense. Naturally, there has been significant reaction. It is my purpose today to deal with comments emanating from the State of Wyoming, where Teapot Dome is located.

In the case of that reserve, we find a longstanding Federal regulation against drilling by private interests on Federal land within a 1-mile buffer zone any reserve boundary has been violated as a result of actions taken by the Bureau of Land Management. At Teapot, BLM allowed an oil company to drill within 50 feet of the actual reserve boundaries, despite Navy protests. This has been going on for years, and is corroborated by documents in my possession, starting with a GAO report, a document provided by the Navy's Office of Petroleum Reserves and GAO testimony before the House Armed Services Committee. Any Member of Congress, private citizen and member of the media may inspect these papers to verify their existence and contents.

Regrettably, some few critics refuse to accept such facts as truth. I have been in receipt of a letter from the Governor of Wyoming, the Honorable Stanley K. Hathaway, admonishing me to "validate your allegations before releasing them to the press." He enclosed a letter sent him by a Mr. Donald B. Basko, Wyoming's State oil and gas supervisor, purporting to disprove both my revelations and accompanying evidence.

Taking the Governor at his word, I have indeed "validated my allegations," and have sent them to him in the form of a letter, citing chapter and verse from government documents I earlier referred to. Knowing they will be of intense interest to the Governor, Mr. Basko, the American public, the media and of course the people of Wyoming, I now take the step of making them known to the widest possible audience as a means of protecting the public interest against further damage to the Reserve, and to accelerate the move towards a full, formal investigation of what has been going on.

Therefore, I take the liberty of including Governor Hathaway's letter, Mr. Basko's communication and my response, which, by courtesy, has already reached the Governor. With unanimous consent, I include them here in my remarks at this point, in the humble hope that enlightenment is but the prelude to reform.

WYOMING EXECUTIVE DEPARTMENT,
Cheyenne, Wyo., October 31, 1973.

Hon. JOHN E. MOSS,
Members of Congress, House Office Building, Washington, D.C.

DEAR CONGRESSMAN MOSS: Your recent allegations that Naval Petroleum Reserves are being depleted by the major oil companies in Wyoming does not appear to be borne out in fact.

The enclosed letter from the Supervisor of the Wyoming Oil and Gas Conservation Commission provides information with respect to the Teapot Naval Petroleum Reserve in the State of Wyoming. Perhaps it would be well for you to validate your allegations before releasing them to the press.

Very truly yours,

STAN HATHAWAY.

THE STATE OF WYOMING,
Casper, Wyo., October 26, 1973.

Hon. STANLEY K. HATHAWAY,
Governor of Wyoming, State Capitol Building, Cheyenne, Wyo.

DEAR GOVERNOR HATHAWAY: On Thursday, October 25, 1973, the Casper radio stations carried a report that Representative John E. Moss from California had written to President Nixon alleging that major oil companies were depleting Naval Petroleum Reserves in California and Wyoming by locating and producing wells adjacent to the Reserve boundaries. It is my understanding that this story also appeared in the Laramie newspaper on Friday, October 26, 1973.

Representative Moss claimed in his statement that this was resulting in "windfall" profits to major oil companies and that the situation paralleled the Teapot Dome scandal in magnitude, and that something should be done to remedy the situation immediately.

The facts of the matter are that the Teapot Naval Petroleum Reserve No. 3 is adjoined on the East by producing wells operated by Union Oil Company of California and Teapot Oil & Refining Company, a very small independent. The Reserve is bordered on the Northwest by Terra Resources, Inc., the operator of the South Salt Creek Unit. Almost the entire West flank and North and South boundaries have no wells that are producing outside of the Petroleum Reserve. Wells which are operated by Terra Resources, Inc. on the Northwest flank are alternated with water injection wells, which effectively prevent the migration of oil across the boundary line.

The following is a statistical review of the volumes of fluid which have been produced during August of 1973:

Union Oil Company of California:
No. of producing wells: 11.
No. of shut-in wells: 66.
Oil: 1,722 bbls.
Water: 23,954 bbls.
Gas: None.
Teapot Oil & Refining Company:
No. of producing wells: 40.
No. of wells shut-in: 21.
Oil: 2,435 bbls.
Water: 2,123 bbls.
Gas: None.
Terra Resources, Inc.:
No. of producing wells: 7.
No. of wells shut-in: 6.
No. of active injection wells: 8.
Oil: 3,840 bbls.
Water: 2,637 bbls.
Gas: None.
U.S. Navy:
No. of producing wells: 75.
No. of wells shut-in: 60.
Oil: 12,930 bbls.
Water: 207,104 bbls.
Gas: 8,029 MCF.

This situation has prevailed for a considerable length of time, and it is my opinion that the substantial imbalance of total fluid withdrawals from within the Reserve over that from offsetting properties precludes any possibility of drainage from the Reserve to offsetting property. Conversely, if drainage is occurring, it is more likely to be toward the Reserve and to the benefit of the U.S. Navy.

XUM

This information is furnished for your consideration and disposition as you see fit.

Very truly yours,

DONALD B. BASKO,
State Oil and Gas Supervisor.

CONGRESS OF THE UNITED STATES,
Washington, D.C. November 12, 1973.
Hon. STAN HATHAWAY,
Governor, State of Wyoming, Cheyenne, Wyo.

DEAR GOVERNOR: I am in receipt of your letter of October 31, accompanied by an enclosure purporting to contradict evidence I have made available to the President regarding the Teapot Dome Naval Petroleum Reserve. Perhaps the following information and citations will illuminate the situation for you regarding how certain private interests have been allowed to drain oil from and damage the Teapot Dome Reserve.

To substantiate your disagreement with my public position, you included a letter sent you by Mr. Basko, Wyoming's State Oil & Gas Supervisor, purporting to develop factual material. If anything, that communication further reinforces my position that private oil interests have been allowed by government agencies to violate Federal regulations, and have drilled wells against Navy protests, damaging Teapot Dome and forcing the Navy to drill offset wells within the Reserve to prevent further drainage.

As Basko's letter points out, drilling around boundaries of Teapot has been going on since 1958. The U.S. Geological Survey bears the onus of having allowed an exception to a Federal regulation forbidding drilling of wells by private operators within 200 feet of a Naval Petroleum Reserve. Title 30, Part 221.20, Code of Federal Regulations.

This situation was conclusively revealed by a report to the Congress from the Comptroller General of the United States and his General Accounting Office. That report, dated October 5, 1972, No. B–66927, is entitled: "Capability of the Naval Petroleum & Oil Shale Reserves to Meet Emergency Oil Needs." I refer you specifically to pages 26 and 27.

Private drilling in the Shannon Sand, on the eastern boundary of Teapot, created a drainage problem for the Navy in 1968. As a result, Navy has drilled some 104 offset wells within the Teapot Dome Reserve in a period of three years.

The next drainage problem occurred northwest of the reserve in the Second Wall Creek Sand in October of 1965, causing the Navy to drill 18 offset wells between that time and 1967. The Shannon case involved MKM Co. The Second Wall Creek Sand case involved a subsidiary of American Metal Climax; a company named Amax, later bought out by Consumers Refining Association, which was in turn purchased by Terra Resources. Amax received an exception from the Geological Survey, allowing it to violate the Federal regulation over Navy protests, and to drill within 200 feet of the Teapot boundary. This occurred in 1965.

In the Shannon Sand case, from December 9, 1958, to January 1, 1973, 2 and ½ million barrels of oil have been taken out by the Navy through offset wells and disposed of through Western Crude Refining Co.; oil the Navy would rather not produce, preferring instead to keep it in the ground for national defense purposes. In the case of the Second Wall Creek Sand, the Navy has had to produce 1.1 million barrels from September of 1965 to January 1, 1973. This makes a total of 3.6 million barrels of oil reserved for national defense produced and sold because of the Survey's actions. It is known that private operators have produced 1.8 million barrels of oil up to January, 1973, from the area known as B–1, Salt Creek South Unit, Second Wall Creek Sand. This comes to a grand total of 5.4 million barrels of oil taken out, to the best of my knowledge, by both private operators and the Navy, from Teapot and its environs, all in violation of Federal regulations.

Activities by private operators have caused water from the process used to invade the Teapot Reserve, damaging its wells and eroding their produceability. To get oil out, the Navy must drill more wells and extract water. All such damaging activities were going on with full knowledge and permission of the Bureau of Land Management of the Interior Department.

To further enlighten you and Mr. Basko let me quote from a second document verifying this situation. Entitled: "History of Naval Petroleum & Oil Shale Reserves," and dated October 1 1973, it was prepared by the Office of Naval Petroleum & Oil Shale Reserves of the Department of the Navy. Quoting from pages 11 and 12:

"Operators on the eastern boundary of the reserve obtained commercial oil production from the shallow Shannon Sand by use of the then new oil production technique called 'sand fracturing'. This again opened the question of drainage. Operations of these adjacent operators were placed under surveillance and data were assembled to permit an engineering study. Both Geological Survey and Navy's engineering consultants concluded that drainage from the Reserve was probably occurring."

"All information obtained indicated production (inside the reserve) was necessary to prevent drainage of oil from the Reserve." "To date some 104 Shannon wells have been drilled to protect 4 and ½ miles of common boundary."

"Private operators on the northwest border of the reserves initiated a secondary recovery project in October, 1965 by injecting water into portions of the Second Wall Creek formation. Offset production by Navy became necessary after efforts to persuade the private operators to change their flood pattern failed. With the concurrence of another government agency the private operators drilled water injection wells 50 feet from the reserve boundary which compelled the Navy to commence a costly offset drilling and producing program in order to protect the Reserve from most of the damaging effects of the invading waters."

Returning to Mr. Basko's letter, we can note that he has apparently overlooked the illegality of activities at taxpayer and national defense expense, while acknowledging they have been going on. If he has documentation refuting what the Navy and U.S. General Accounting Office have published, by all means let him enlighten me. I hope this communication has helped clear up questions you have had about this situation. I know you share my concern over what has occurred and will join in seeking a full investigation.

Sincerely,

JOHN E. MOSS,
Member of Congress.

TRIBUTE TO THE PROGRESSIVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. STARK) is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, the editors of the magazine The Progressive have written an editorial statement followed by a draft bill of impeachment in the December issue that I commend to the attention of my colleagues. I am today introducing these articles of impeachment. The high crimes and misdemeanors presented form the most concise yet comprehensive statement I have seen on the need to begin impeachment proceedings:

A CALL TO ACTION

(By the Editors of The Progressive)

Crisis. The word has been overworked by all of us, and particularly by those engaged in reporting, analyzing, and interpreting the news. We have been recording monthly, weekly, daily crises for longer than we care to remember—foreign and domestic crises, military and political crises, economic, moral, and cultural crises. A headlined crisis no longer generates alarm, or even profound concern. Ho hum, another crisis. . . .

But the crisis that grips America today is of another, higher magnitude—one that deserves, perhaps, a new term that has not been eroded by abuse. It swirls, of course, around the person of the President of the United States, but it impinges on every facet of the national life and character. We are confronted, suddenly and dramatically, with fundamental questions about our national community—questions that demand swift and decisive answers.

Are we prepared, after almost 200 years, to abandon our experiment—intermittently successful but always hopeful—in enlightened self-government? Will we permit our highest and most powerful office—an office whose occupant can literally decide the future and even the survival of the nation and the world—to remain in the hands of a man who has, in the words of the American Civil Liberties Union, "made one thing perfectly clear: He will function above the law whenever he can get away with it"? Will we refrain, because of our timidity or sheer inertia, from availing ourselves of the remedies provided by the Constitution of the United States for precisely such an emergency?

Three years remain in Richard M. Nixon's second Presidential term—time enough for him to compound and render irreversible the catastrophic damage he has already done. It is understandable that the President may feel that if he can survive in office for those three years, he will have achieved a measure of vindication. But his vindication will be our indictment and conviction. If we, the American people, knowing what we now know about this President and his Administration, permit him to serve out his term, we will stand condemned in history for the grave offense of murdering the American dream.

These pages go to press amidst a chorus of demands for Mr. Nixon's resignation. The demands emanate not only from Mr. Nixon's long-standing critics—his "enemies," as he would doubtless style them—but from many who were, until recently, among his most enthusiastic supporters. The editors of Time, in the first editorial of the magazine's fifty-year history—at least the first so labeled—called on him to "give up the Presidency rather than do further damage to the country." The same suggestion has been advanced by newspapers which, only a little more than a year ago, were unreservedly advocating his re-election and which, only months ago, were minimizing the gravity of the Watergate disclosures; by Republican politicians who fear, not without justification, that the President is now an intolerable burden to their party; by businessmen who no longer can vest their confidence in Mr. Nixon as the chosen instrument of corporate prosperity.

Mr. Nixon would derive some obvious benefits if he were to heed this advice and relinquish his office. Unlike his recently departed Vice President, Spiro T. Agnew, he would not have to couple his resignation with a guilty plea to any crime. Like Mr. Agnew, he could continue to proclaim his innocence—and to denounce his "enemies"—in perpetuity. He has always relished the role of victim, and he could carry it to oblivion.

At the same time, the Congress would be spared from exercising a responsibility which it clearly does not welcome—the responsibility of impeaching the President of the United States. And the American people, the people who only a year ago gave the President an unprecedented mandate and whose disenchantment has now reached unprecedented depths, could breathe a deep sigh and go about the business of restoring a measure of order and hope to their national affairs.

But the decision to resign is, ultimately, the President's alone to make, and the word from the White House at this writing is that he will not be moved (or removed). He has "no intention whatever of walking away from the job I was elected to do," he told the nation on November 7.

It is our judgment, and we believe it is the American people's judgment, that the job he has done is enough.

Until and unless the President changes his mind about resigning, the decision to resolve the crisis that grips the nation will be ours to make—for only by exerting immense and unremitting pressure can we convince the Congress that it must discharge its constitutional responsibility. Public opinion has already persuaded some legislators to abandon their customary vacillating stance. Public opinion, forcefully applied, can move the requisite number of Representatives to embark on the process of impeachment.

The first order of business confronting Congress is to fill the vacancy in the Vice Presidency. Mr. Nixon's designee, Representative Gerald R. Ford of Michigan, would hardly be our first (or thousandth) choice; he is, in our view, unsuited intellectually and politically to hold the nation's highest office. But given the choice—and it is the choice we are given—between mediocrity (Mr. Ford) and moral disgrace (Mr. Nixon), we have no difficulty choosing the former. America has muddled through with mediocre leadership before, but it cannot go on much longer with leadership that is morally bankrupt.

Once a Vice President has been installed, the "engine of impeachment"—James Madison's term—can be set in motion. It is an engine that the leaders of the House and Senate clearly would prefer not to start, but it can be ignited by any member of the House of Representatives who chooses to take the floor and declare: "Mr. Speaker, I rise to a question of constitutional privilege. . . . I impeach Richard M. Nixon, President of the United States, for high crimes and misdemeanors."

RESOLUTION

Whereas there is substantial evidence of President Richard M. Nixon's violation of his oath of office, the Constitution and laws of the United States, and his unlawful usurpation of power: Now, therefore be it

Resolved, That President Richard M. Nixon be impeached for high crimes and misdemeanors under article II, section 4, of the Constitution of the United States; and be it further

Resolved, That the articles agreed to by this House, as contained in this resolution, be exhibited in the name of the House and of all the people of the United States, against Richard M. Nixon, President of the United States, in maintenance of the impeachment against him of high crimes and misdemeanors in office, and be carried to the Senate by the managers appointed to conduct the said impeachment on the part of the House.

Articles exhibited by the House of Representatives of the United States, in the name of themselves and all the people of the United States, against Richard M. Nixon, President of the United States, charging him with high crimes and misdemeanors in office.

ARTICLE I

. That Richard M. Nixon, President of the United States, through his personal acts and those of his appointees and aides, has fostered, tolerated, and attempted to conceal the worst political scandals in this nation's history, thereby paralyzing the Government, inviting the contempt of the American people, and casting discredit on our country and its leadership throughout the world.

ARTICLE II

That he is, and must be held accountable for the crimes committed by many of his subordinates, for it is his responsibility, as Madison observed, "to superintend their conduct so as to check their excesses." If he was aware of their offenses, he is criminally culpable; if he was unaware, he is criminally inept.

ARTICLE III

That he has attained and retained the high office he now holds through the use of illegal means, to wit: His agents have extracted secret and unlawful campaign contributions from various special interests in return for pledges of favorable government action in their behalf; they have authorized and commissioned snoopers and second-story men, styled "plumbers," to burglarize and spy on his political opponents, in violation of the common criminal statutes; they have hired saboteurs to employ various "dirty tricks" to disrupt a political campaign.

ARTICLE IV

That he has attempted to undermine, circumvent, or annul the guarantees of the Bill of Rights—particularly the rights to privacy, freedom of speech, and freedom of the press—by: mounting an unprecedented campaign of harassment and vilification against the media of news and information; employing illegal wiretaps to spy on journalists and critics of his Administration; encouraging his aides to devise means of intimidating the media by use of governmental powers; embarking on political trials designed to silence those who dissented from his policies.

ARTICLE V

That he has arrogated to himself powers not conferred by the Constitution, or powers expressly reserved to Congress, to wit: He has secretly, illegally, and deceptively ordered the bombing of a nation—Cambodia—without the knowledge or consent of the American people and their elected representatives; he has unlawfully impounded Federal funds totaling many millions of dollars that were duly appropriated by Congress in legislation he himself had signed; he has invoked a nebulous and dubious doctrine of "executive privilege" to withhold from the people information about the people's business.

ARTICLE VI

That he has employed fraudulent schemes to muster—or create an appearance of—public support for his Administration's major policies, especially with respect to the unlawful invasion and bombing of Cambodia. These schemes have involved the placement of newspaper advertisements concocted in the White House, the generation of inspired letters and telegrams of support, and the manipulation of public opinion polls.

ARTICLE VII

That he and his associates have conspired in sundry schemes to obstruct justice by: attempting to withhold evidence in criminal cases pertaining to the Watergate Affair; dismissing the Special Prosecutor, Archibald Cox, when he proved determined to do his job; tendering bribes to defendants and witnesses to induce them to remain silent or offer perjured testimony; persuading the former director of the FBI to destroy evidence; invoking "non-existing conflicts with CIA operations" to thwart an FBI inquiry; attempting to influence the judge in the Pentagon Papers trial; ordering the Attorney General not to press a series of antitrust actions against the International Telephone and Telegraph Corporation.

ARTICLE VIII

That he has subverted the integrity of various Federal agencies by sanctioning efforts to: bring about a reversal of the Agriculture Department's policy on dairy price supports to accommodate major campaign contributors; involve the CIA and the FBI in unlawful operations associated with the operations of the "plumbers;" exert pressure on independent regulatory agencies to hand down decisions favorable to his friends and supporters; employ the Internal Revenue Service to punish his "enemies."

ARTICLE IX

That he has conducted his personal affairs in a manner that directly contravenes the traditional Presidential obligation to demonstrate "moral leadership," to wit: He has used substantial amounts of the taxpayers' money to pay for certain improvements and maintenance of his private homes—expenditures that can in no way be related to security requirements or any other public purpose; he has taken advantage of every tax loophole permitted by law—and some of doubtful legality—to diminish his own tax obligations; he has entered into questionable arrangements with his friends to acquire large personal property holdings at minimal cost to himself; he has publicly and emphatically defended one of these friends, C. G. (Bebe) Rebozo, at a time when various Federal agencies were conducting supposedly impartial investigations into his financial affairs.

ARTICLE X

That he has attempted to deceive the American people with respect to virtually every particular cited in this Bill of Impeachment, by withholding information and evidence; by misstating the facts when they could no longer be totally suppressed; by constantly changing his version of the facts, so that the people could no longer place any credibility whatever in statements emanating from the Chief Executive of their Government, to the point where it now seems doubtful that he would be believed even if he were to begin, miraculously, to tell the truth.

HEALTH CURES ARE NOT THROW-AWAYS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. CAREY) is recognized for 5 minutes.

Mr. CAREY of New York. Mr. Speaker, today in America there are over 100,000 sufferers from hemophilia—100,000 Americans, young and old, who cannot live the kind of active, productive, and secure life you and I and our children are privileged to live. These 100,000 of our fellow citizens live in a kind of physical limbo, never knowing when next they may be struck with crippling pain and possible death. For the hemophiliac routine dental care is extremely dangerous—surgery can be fatal.

The efforts in research for cancer and heart disease have been accelerated in the past several years. We expect to be spending close to a billion dollars a year in seeking to conquer cancer alone. This is not only necessary and good, it is the least the world, and the civilizations this

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globe bears, should expect from a Nation whose wealth and power have been the wonder of the world.

But Mr. Speaker, there is no need to look further for a cure to hemophilia. While research is needed, and needed very badly, to improve the therapeutic agent and to make it more effective and available, still the treatment cure is now in our hands. We have it in hand and it works. A parallel can be drawn between the effectiveness of insulin in the treatment of diabetics, and the effectiveness of Factor VIII in the treatment of hemophiliacs.

Yet, the parallel between Factor VIII and insulin collapses when you discuss availability. Insulin is affordable to the average family; treatment for the hemophiliac with Factor VIII costs approximately $6,000 per year. Obviously, the average family cannot afford to pay this $6,000 per year—a small amount when you realize it permits a hemophiliac to live a normal life, but such a large amount when it means draining the economic life from a whole family, depriving other children of higher education, cutting off the family from pleasures and educational experiences they cannot ever afford, plaguing the parents and the child with needless guilt.

That is why I say to this honorable House that we must not permit the scientific breakthrough that controls hemophilia to become a "throw-away." We must not and cannot see the lives of these Americans thwarted because the economic means are not to be found in the private sector to permit these Americans to live sound and productive lives—contributing to the economic and social mainstream of the Nation and their neighborhoods.

Mr. Speaker, it is for this reason that today I introduce legislation to make treatment available to every hemophiliac, to stimulate scientific research to make this treatment accessible without any outside financial assistance, and to help assure that these Americans are able to live lives of self-respect and self-support.

Hearings are scheduled to begin tomorrow on companion legislation in the Senate before the Health Subcommittee, chaired by Senator KENNEDY. I am pleased to join with the distinguished chairman of the Senate Labor and Public Welfare Committee, Senator WILLIAMS, in introducing the Hemophilia Act of 1973.

It is my understanding that early next year, the distinguished chairman of the House Public Health and Environment Subcommittee, Congressman ROGERS, plans to hold hearings on the Nation's needs for a coordinated and more efficient blood-collecting, processing and distribution policy and system.

I am pleased to hear that the legislation I introduce today will be part of the subject matter considered at these hearings. I find this very gratifying, not only because of my determination to push for passage of hemophilia legislation, but because the legislation I introduce today, through its provisions for treatment and fractionating centers, can make a signal contribution to whatever national policy and system Chairman Rogers and the Subcommittee on Health devise.

Mr. Speaker, just a few moments ago, I was privileged to meet and host a luncheon for the Hemophilia Poster Child. Andrew Thorne, the 7-year-old son of Mr. and Mrs. Lawrence Thorne of Upper Saddle River, N.J., and his brother Stephen, and sister Suzanne, visited the Capitol with their parents today, and were able to spend some time visiting with me and other Members of Congress.

I welcome Andrew Thorne, the Hemophilia Poster Child to the Nation's Capitol. I am sure I express the feelings of the entire membership of the House when I wish Andrew and his brother, Stephen, who is also a hemophiliac, the best of everything. And, clearly, Mr. Speaker, the legislation I introduce today will help make that possible not only for Andrew and Stephen, but for the tens of thousands of young boys across the Nation, who will be able to live and grow as your son and my sons are able to live and grow.

Mr. Speaker, at this point in the RECORD I include the text of the bill:

H.R. 11479

A bill to amend the Public Health Service Act to provide for programs for the diagnosis and treatment of hemophilia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Hemophilia Act of 1973".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) Congress finds and declares—

(1) that there are a significant number of individuals residing in the United States who suffer from hemophilia;

(2) that there exists today the technology and the skills to enable such individuals to lead productive lives;

(3) that the high cost of such technology and skills are in most cases denying the benefits of such advances to individuals suffering from hemophilia.

(b) It is therefore the purpose of this Act to guarantee individuals suffering from hemophilia their entitlement to care commensurate with the technology and skills that are available.

SEC. 3. Title XI of the Public Health Service Act (42 U.S.C. 201) is amended by adding at the end thereof the following new part:

"PART C—HEMOPHILIA PROGRAMS

"DEFINITIONS

"SEC. 1121. As used in this part the term—

"(1) 'hemophilia diagnostic and treatment center' means an entity which provides the following:

"(A) access for all individuals suffering from hemophilia who reside within the geographic area served by the center;

"(B) programs for the training of professional and paraprofessional personnel in hemophilia research, diagnosis, and treatment;

"(C) a program for the diagnosis and treatment of individuals suffering from hemophilia who are being treated on an outpatient basis;

"(D) a program for association with providers of health care who are treating individuals suffering from hemophilia in areas not conveniently served directly by such center but which is more convenient (as determined by the Secretary) than the next geographically closed center;

"(E) programs of social and vocational counseling for individuals suffering from hemophilia;

"(F) individualized written programs for each person treated by or in association with such center; and

"(G) complies with guidelines for treatment established by the National Hemophilia Advisory Board, under this part.

"ENTITLEMENT TO TREATMENT

"SEC. 1122. (a) Any individual suffering from hemophilia may file a claim for benefits under this part with the Secretary in such form and containing such information as he may reasonably require.

"(b) Benefits under this part shall be paid to, or on behalf of a claimant, in an amount equal to 100 per centum of the actual cost of providing blood, blood products, and services associated with the treatment of hemophilia, less—

"(1) amounts payable by third parties (including governmental agencies), and

"(2) amounts determined by the Secretary (in accordance with subsection (c)) to be payable by the individual suffering from hemophilia.

"(c) In determining the amount which may be payable under subsection (b) (2) the Secretary, after consultation with the Secretary of the Treasury, shall establish a schedule of cost sharing by such individual based upon the adjusted gross income of such individual.

"(d) Any claim submitted under this part shall contain a certification that treatment provided to the claimant is in accord with the guidelines promulgated by the National Hemophilia Advisory Board pursuant to the authority granted under this Act.

"(e) There are authorized to be appropriated for the fiscal years beginning July 1, 1973, and ending June 30, 1976, such sums as may be necessary to carry out the purposes of this section.

"TREATMENT CENTERS

"SEC. 1123. (a) The Secretary shall provide for the establishment of no less than fifteen new centers for the diagnosis and treatment of individuals suffering from hemophilia.

"(b) (1) In carrying out the purposes of subsection (2) the Secretary may make grants to public and nonprofit private entities, and may enter into contracts with public and private entities for projects for the establishment of hemophilia diagnostic and treatment centers as defined in section 1121.

"(2) No grant or contract may be made under this part unless an application therefor has been submitted to and approved by the Secretary. Such application shall be in such form, submitted in such manner and contain such information as the Secretary shall by regulation prescribe.

"(3) An application for a grant or contract under this part shall contain assurances satisfactory to the Secretary that the applicant will serve the maximum number of individuals that its available and potential resources will enable it to effectively serve.

"(c) In establishing such centers the Secretary shall—

"(1) take into account the number of persons to be served by the program supported by such center and the extent to which rapid and effective use will be made of funds by such center; and

"(2) give priority to programs operating in areas which the Secretary determines have the greatest number of persons in need of the services provided under such programs.

"(e) There are authorized to be appropriated to carry out the purposes of this section $5,000,000 for the fiscal year ending June 30, 1974, $10,000,000 for the fiscal year ending June 30, 1975, and $15,000,000 for the fiscal year ending June 30, 1976.

"PUBLIC HEALTH SERVICE FACILITIES

"SEC. 1124. The Secretary shall establish a program within the Public Health Service to provide for diagnosis, treatment, and counseling of individuals suffering from hemophilia. Such program shall be made available through the facilities of the Public Health Service to any individual requesting diagnosis, treatment, or counseling for hemophilia.

"BLOOD FRACTIONATION CENTERS

"SEC. 1125. (a) The Secretary may make grants to public and nonprofit private entities, and may enter into contracts with public and private entities and individuals to establish blood fractionation centers, for the purpose of fractionating and making available for distribution blood and blood products, in accordance with regulations prescribed by the Secretary to hemophilia treatment and diagnostic centers.

"(b) For the purpose of making payments pursuant to grants and contracts under this section, there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1974, $10,000,000 for the fiscal year ending June 30, 1975, and $15,000,000 for the fiscal year ending June 30, 1976.

"ADVISORY BOARD FOR HEMOPHILIA TREATMENT STANDARDS

"SEC. 1126. (a) There is hereby established in the National Institutes of Health a National Hemophelia Advisory Board (hereinafter in this section referred to as the 'Board') to be composed of twenty members as follows:

"(1) the Secretary and the Director of the National Institutes of Health; and

"(2) Eighteen members appointed by the President.

The persons appointed to the Board shall be appointed from among persons who are among the leading scientific or medical authorities outstanding in the study, diagnosis, or treatment of hemophilia or in fields related thereto.

"(b) (1) Appointed members shall be appointed for six-year terms, except that of the members first appointed, six shall be appointed for a term of two years, and six shall be appointed for a term of four years, as designated by the President at the time of appointment.

"(2) Any member appointed to fill a vacancy occurring prior to expiration of the term for which his predecessor was appointed shall serve only for the remainder of such term. Appointed members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

"(3) A vacancy in the Board shall not affect its activities, and eleven members thereof shall constitute a quorum.

"(4) The President shall designate one of the appointed members to serve as Chairman for a term of two years. The Board shall meet at the call of the Chairman, but not less often than four times a year.

"(c) The Board may hold such hearings, take such testimony, and sit and act at such times and places as the Board deems advisable to investigate programs and activities conducted under this part.

"(d) Members of the Board who are not officers or employees of the United States shall receive for each day they are engaged in the performance of the duties of the Board compensation at rates not to exceed the daily equivalent of the annual rate in effect for GS–18 of the General Schedule, including traveltime; and all members, while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as such expenses are authorized by section 5703, title 5, United States Code, for persons in the Government service employed intermittently.

"(e) The Director of the National Institutes of Health shall make available to the Board such staff, information, and other assistance as it may require to carry out its activities.

"FUNCTIONS OF THE BOARD

"SEC. 1127. It shall be the function of the Board to (1) establish guidelines for the diagnosis and treatment of persons suffering from hemophilia; and (2) submit a report to the President for transmittal to the Congress not later than January 31 of each year on the scope of activities conducted under this part.

"RECORDS AND AUDIT

"SEC. 1128. (a) Each recipient of a grant or contract under this part shall keep such records as the Secretary may prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant or contract, the total cost of the project or undertaking in connection with which such grant or contract is made or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such records as will facilitate an effective audit.

"(b) The Secretary of Health, Education, and Welfare and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient of any grant under this title which are pertinent to any such grant.".

ADMINISTRATION SPOKESMEN DISPLAY LACK OF DIRECTION ON ENERGY POLICY OR: WHO'S IN CHARGE DOWN THERE?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. FULTON) is recognized for 5 minutes.

Mr. FULTON. Mr. Speaker, yesterday I spoke to my colleagues about the need for leadership, contingency preparations, and careful planning to meet the current fuel emergency and future energy supply problems.

Today I read in the evening paper the following statements from leading administration spokesmen:

Mr. Herbert Stein, Chairman of the Council of Economic Advisers, is reported as saying we need sharp fuel price increases and new taxes to relieve the energy shortage.

Mr. Melvin Laird, the President's Chief Domestic Adviser, is quoted as saying Tuesday that we need fuel rationing and a tax system that would give the proper incentive for energy conservation.

Mr. George Shultz, the Treasury Secretary, says rationing should be used only as a last resort and that "if we are intelligent about it—rationing—we should be able to avoid it."

In the meantime Gov. John Love, the President's Energy Adviser, says he believes rationing will be necessary but he does not know when.

Mr. Speaker, is there any wonder that the people of this Nation are confused, concerned, and growing irate about this energy mess?

The administration is not only not speaking with one voice on this emergency it is not even speaking with two or three voices.

I suppose the best assessment of this demonstrated and flagrant lack of policy was given yesterday by Mr. Bob R. Dorsey, president and chief executive officer of the Gulf Oil Corp. While the statement was not made in the context of reply to these statements cited above I believe it is most appropriate. Mr. Dorsey said:

> If we are deprived of Mideast oil to take care of growth, it will take us 10 years to develop the nuclear plants, the coal mines—that's the horrible thing. I don't think the public realizes the gravity of the situation today and the possible gravity of the situation 10 to 15 years from now.
>
> Anytime we start, we've got a 10-year program in front of us, and we haven't started yet. We won't start it until the public and the federal government believe that. Mr. Dorsey added, and I don't think the federal government believes it yet.

Nor do I believe the Federal Government believes it yet, Mr. Speaker, at least the executive branch. There is no unanimity of opinion downtown as to how to meet the current challenge. There is not even unanimity of opinion as to how to approach the problem.

As I said yesterday—

> It is my fervent hope that the Administration will finally learn that meeting the fuel emergency requires more than asking America to turn down its thermostats and to drive 50 miles an hour. It requires long and careful planning. It requires contingency programs and it requires leadership.

The need for these is just as great today and, judging from the statements in today's news, it is still unfilled.

DRINAN SUPPORTS AID TO ISRAEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. DRINAN) is recognized for 10 minutes.

Mr. DRINAN. Mr. Speaker, the request of the President for emergency aid in the amount of $2.2 billion for Israel cannot and must not be delayed.

Despite the fact that Israel has been "victorious" in the recent tragic war the grim reality is that Israel now confronts problems perhaps more severe than at any moment in the 25-year history of this heroic nation.

Among the severe problems confronting Israel are the following:

First. In the recent conflict the number of nations that lined up against Israel is appalling. Among them were the Warsaw Pact nations, all Moslem countries, India, and several other Asian and African nations. The Government of mainland or Red China lent uncritical support to the onslaught of the Soviet Union which, of course, must have been the prime force in planning the date, the strategy, and the unprovoked assaults by Egypt and Syria on October 6, Yom Kippur.

Second. In addition to the hostility of at least two-thirds of humanity, Israel's traditional friends in Europe have adopted a policy of neutrality. The Common Market nations, anxious about the oil from Arab States, gave the impression that they would be prepared to allow Israel to go down to defeat rather than jeopardize their sources of oil in Arab nations.

Third. Israel could not secure replacement parts for Centurion tanks from England nor could she obtain equipment for Mirage jets from France. In addition Yugoslavia allowed Soviet military transports to refuel on Yugoslavian soil while Spain denied similar requests for U.S. military planes to refuel in that nation. Only Portugal gave some assistance to the United States as it transported to Israel on an emergency basis military equipment worth almost $1 billion.

Fourth. During the recent war one-half of all the nations of the world blamed Israel for starting the 1973 war when it was overwhelmingly clear that Egypt and Syria were the clear aggressors.

Fifth. As Israel mourned for the 1,854 Israeli soldiers who died in the war it became clearer every day that the Soviet involvement in the war of 1973 was even greater than the participation of the U.S.S.R. in the 6-day war in 1967. The massive intervention of Russia in the war that began on October 6, was novel even by Soviet patterns. It is also very clear that Russia has continued to furnish military equipment to the Arab nations even after the cease-fire.

Sixth. In the Security Council, Israel finds a body of 15 nations, 8 of which do not even have diplomatic relations with Israel. Two of these nations—the U.S.S.R. and mainland China—always vote against any resolution unless it has the full support of the Arab States.

In the United Nations there are 12 members of the Soviet bloc, 18 of the Arab bloc, 41 in the African bloc, and 75 in the nonalined group. Each of these blocs takes an anti-Israel position. In addition, the Arab bloc can also dominate the 41 African votes because it provides financial assistance to the Africans. The nonalined group of nations has a voting record that is so consistently against the United States that it practically conforms with the voting pattern of the Soviet bloc in its stand against Israel.

As a result, Israel can count only on the votes of a handful of northern and western European countries along with a few Latin American and Asian countries with Australia.

This contemporary situation is entirely different from the picture some years ago when Israel was looked upon in the family of nations as a young and hard-working country that was struggling to win its liberation.

In recent years African countries, yielding to Arab pressures, have reluctantly broken off relations with Israel. Liberia and Kenya were the latest to yield. At this time Israel has 5 diplomatic nations in black Africa whereas 18 months ago Israel had formal diplomatic nations in 31 African nations.

Seventh. The oil lobby in America and, indeed, in the entire world continues to be critical of Israel. In the United States where the oil lobby has access to the highest level of Government it has experienced a new strength by the manufactured link between the Arab-Israeli conflict and the oil shortage.

Texaco, Mobil, and other oil companies have sought to link the energy crisis with the Arab-Israel war and are subtly working to modify or even reverse the bipartisan commitment which the Congress of the United States has always implemented toward Israel since 1948.

It is significant to note that Egypt and Kuwait are members of GATT—General Agreement on Tariffs and Trade—and thus subscribe to article 11 of GATT which states that—

> No prohibitions or restrictions other than duties, taxes or other charges . . . shall be instituted or maintained by any contracting party on the importation of any product or on the exportation or sale of any product destined for the territory of another contracting party.

Although Saudi Arabia and Iraq are not members of GATT the United States has treaties of friendship with Saudi Arabia and Iraq going back, respectively, to 1933 and 1940. Discriminatory boycotts violate at least the spirit and probably the letter of these treaties. In addition a resolution adopted by the U.N. General Assembly in 1970 spells out the friendly relations and cooperations which nations adhering to the United States should follow. The resolution states that—

> No state may use or encourage the use of economic, political or any other type of measures to coerce another state in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind.

I have yet to see any reference by commentators to the illegality of the threatened embargo on oil by the Arab nations.

Eighth. The recent war cost Israel an estimated $7.1 billion. This sum is astronomical when one considers that the entire annual budget of the small State of Israel comes to $5 billion.

The direct and indirect loss to Israel is, moreover, also astronomical. Israel was compelled to mobilize 35 percent of its labor force during ~~the~~ recent war. Building activity came to a halt. Tourism, a major industry in Israel, fell off catastrophically. Israel's annual growth rate which prior to the war had averaged 9.9 percent over the years will in the present fiscal year be substantially reduced. Complicating the export-import problems of Israel this nation is now under an Arab blockade which cuts off access to the Indian Ocean and to the Orient.

There are many reasons in addition to the above, Mr. Speaker, why the Congress should act promptly to guarantee the $2.2 billion grant to Israel. If this sum proposed in H.R. 11088 is enacted for Israel it will be the first substantial sum ever given by the United States to Israel for military purposes. It is astonishing, Mr. Speaker, that between 1946 and 1972, according to the Agency for International Development—AID—the United States provided to foreign countries grants and military assistance totaling approximately $55 billion. None of this grant military assistance ever went to Israel.

What does détente mean after what Russia did to Israel in October 1973?

It is self-evident that the Arab nations would never have started the recent war unless they had Soviet support and encouragement, Soviet training and equipment, and Soviet diplomatic backing. The Soviets, in short, have provided the weapons, the incentive, and the powder keg. Since 1970, the Soviet Union has engaged in one of the largest military buildups in its entire history. A constant flow of tanks, aircraft, missiles, and guns has been directed at Egypt and Syria. All of this was clearly in violation of the agreement entered into on August 7, 1970, between the United States, the Soviet Union, Egypt, and Israel.

That agreement stipulated that none of the parties to the agreement would introduce any new military installations in a zone extending 30 miles on either side of the Suez Canal. That agreement was broken almost immediately after it was entered into by the placing of surface-to-air missiles in forbidden places. The Israeli Air Force paid a high price in the recent war for the failure of the United States to insist that Egypt and the Soviet Union adhere to the terms of the agreement which they made in August of 1970. It would seem that the Russians by the illegal buildup of SAM's sought to bring about circumstances that would leave the Soviets in possession of the Suez Canal. The Russian objective was presumably to make the Suez Canal a highway for the Soviet navy and merchant fleet.

One of the fundamental purposes of the proposed $2.2 billion grant for Israel is to inform the Arab nations and the Soviet Union that Israel will remain militarily invulnerable and that any further attempt by the Arab nations, armed to the teeth with sophisticated military hardware from Russia, will end in disaster for the aggressors.

The proposed $2.2 billion to Israel will be a sign to the Soviet Union that we want détente but at the same time we are making it unmistakably clear that we expect to continue to assist Israel to retain defensible borders and to keep itself invulnerable to any external attack. The $2.2 billion would state categorically to Russia that we will not allow the Soviet Union to continue to rush missiles into the Suez area and to transform the Middle East into a shooting gallery where the Jewish people and the State of Israel are used as a target for the testing of the most sophisticated weapons. The $2.2 billion proposed for Israel would signify a thunderous proclamation to Russia that the United States is not going to allow the U.S.S.R. to consolidate its territorial gains in the Middle East just as it conquered and subjugated the countries of Eastern Europe during and after World War II.

Israel's war of 1973 demonstrates once again overwhelmingly that Israel is a an enormous strategic disadvantage because it has so little space for a nation surrounded by neighbors who openly swear to destroy it. Prior to 1967, Egyptian forces were within 10 minutes walking distance of Israeli villages; today they are at least 250 miles away. Prior to 1967, the Jordanian army was 10 minutes from Tel Aviv and was actually inside Jerusalem. Today Jordan's nearest

troops are 55 miles from Tel Aviv and 25 miles from Jerusalem. Prior to 1967, the borders between Israel and Arab nations that were dangerous to Israeli citizens totalled 350 miles; today these borders number 185 miles. Prior to 1967, virtually all of Israel was within enemy artillery range; today no significant part of Israel can be reached by enemy artillery group

It is understandable, therefore, that Israel is resisting pressures to withdraw to its pre-1967 borders or to the pre-1973 borders.

The Government and the people of Israel would be delighted to withdraw from the burdens of the vast lands which they have occupied in the wars of 1967 and 1973. But Israel knows that Egypt has some 220 Russian-supplied Mig–21 interceptors, 120 Su–7 fighter bombers, 180 helicopters, and at least 130 surface-to-air missile batteries. On the other side of Israel, Syria has about 30 Su–7 fighter bombers, 100 Mig–29 interceptors, and 8 surface-to-air missiles.

In addition to all of these hideous weapons Israel knows that the armies of Saudi Arabia, Jordan, and Lebanon, when combined with the armies of Egypt and Syria, bring the vast army that surrounds Israel to about 500,000 ground troops.

Mr. Speaker, Israel needs assistance in the immediate future. I hope that the Congress will furnish this assistance even before all of the Israel POW's are returned along with the POW's from the Arab nations. At this time Egypt holds about 350 Israel prisoners while Syria has approximately 130. According to an official Israel defense spokesman Israel holds 8,239 prisoners of war from Egypt, Syria, Iraq, and Morocco.

There is ghastly evidence that Syria and Egypt are not complying with the 1949 Geneva Convention with respect to the humane treatment of prisoners of war. The Soviet Union appears to have repudiated its agreement with the United States to the effect that an immediate exchange of POW's would be carried out after the cease-fire. It is lamentable that the Soviet Union was the sole country among the 15 members of the Security Council to block a statement on behalf of the Security Council President and the U.S. Secretary General calling for the cooperation of all parties with the International Red Cross regarding the POW's.

The agonizing question of the POW's is but one of the several problems besetting Israel at this time. As this nation of 3 million seeks to return to normalcy and to prepare for its general elections on December 31, 1973, it deserves to have, and I hope that it will have, a commitment by the United States that, despite the abandonment of Israel by so many nations of the Earth, the United States will continue and, in fact, deepen the commitment which this Nation has had to Israel since its establishment in 1948. I hope, Mr. Speaker, that Congress can demonstrate its continued commitment to Israel by enacting prior to the adjournment of Congress on December 15, 1973, the President's proposed grant of $2.2 billion for Israel.

U.S. DISTRICT COURT RULES COX'S DISMISSAL ILLEGAL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, this afternoon Judge Gerhard A. Gesell of the U.S. district court for the District of Columbia ruled favorably in a lawsuit filed by Ralph Nader, Senator FRANK E. MOSS, Congressman JEROME R. WALDIE, and myself against Acting Attorney General Robert Bork for his dismissal of Special Prosecutor Archibald Cox. The court noted that Mr. Cox served subject to congressional rather than Presidential control, and that Congress had the power to limit the circumstances under which Mr. Cox could be discharged and to delegate that power to the Attorney General.

As for Mr. Bork's abolition of the Office of Special Prosecutor on October 23 only to reinstate it less than 3 weeks later, Judge Gesell stated:

> It is clear that this turnabout was simply a ruse to permit the discharge of Mr. Cox without otherwise affecting the Office of the Special Prosecutor—a result which could not legally have been accomplished while the regulation was in effect under the circumstances presented in this case. Defendant's Order revoking the original regulation was therefore arbitrary and unreasonable, and must be held to have been without force or effect.

This decision represents an impressive victory for all the American people who were gravely shocked and disturbed at the resignations of former Attorney General Elliot Richardson, Deputy Attorney General William Ruckelshaus, and the arbitrary discharge of Mr. Cox, all precipitated by a President who considers himself above the law. Since Mr. Cox's dismissal, I have received thousands of letters, telegrams, and phone calls demanding the impeachment of the President for this illegal act. Resolutions calling for the impeachment of the President or calling for an inquiry into impeachment have been submitted by a number of Representatives, including myself, citing the dismissal of Cox as an impeachable offense. Today, the court has ruled that Cox's dismissal was indeed illegal. This decision should leave no doubt in the minds of Members of Congress and the American people that serious grounds for impeachment do, in fact, exist, and should hasten the Judiciary Committee's reporting out a bill of impeachment.

This decision also makes it imperative that the Congress defer action on the nomination of Congressman FORD as Vice President until such time as the Congress decides one way or another on impeachment. It would be unthinkable that, if a simultaneous vacancy does come into being, the American people should be governed by an appointed Chief Executive. The Congress should therefore defer action on the nomination, and enact legislation creating a special Presidential vacancy.

I insert the full text of Judge Gesell's memorandum and order in the RECORD:

[In the United States District Court for the District of Columbia, Civil Action No. 1954–73]

RALPH NADER, SENATOR FRANK E. MOSS, REPRESENTATIVE BELLA S. ABZUG AND REPRESENTATIVE JEROME R. WALDIE, PLAINTIFFS, VERSUS ROBERT H. BORK, ACTING ATTORNEY GENERAL OF THE UNITED STATES, DEFENDANT

MEMORANDUM

This is a declaratory judgment and injunction action arising out of the discharge of Archibald Cox from the office of Watergate Special Prosecutor. Defendant Robert H. Bork was the Acting Attorney General who discharged Mr. Cox. Plaintiffs named in the Amended Complaint are as listed above.

Some issues have already been decided. The matter first came before the Court on plaintiff's motion for preliminary injunction and a request that the trial of the action on the merits be consolidated with the preliminary injunction pursuant to Rule 65(a) of the Federal Rules of Civil Procedure. Defendant filed opposition papers, and a hearing was held on the detailed affidavits and briefs filed by the parties. The Court determined that the case was in proper posture for a determination on the merits at that time.

All injunctive relief requested in the proposed preliminary injunction tendered at the hearing and in the Amended Complaint was denied from the bench. The effect of the injunctions sought would have been to reinstate Mr. Cox as Watergate Special Prosecutor and to halt the Watergate investigation until he had reassumed control. It appeared to the Court that Mr. Cox's participation in this case was required before such relief could be granted. *See* Rule 19(a) of the Federal Rules of Civil Procedure. Yet Mr. Cox has not entered into this litigation, nor has he otherwise sought to be reinstated as Special Prosecutor. On the contrary, his return to prior duties at Harvard has been publicly announced. Moreover, a new Watergate Special Prosecutor was sworn in on November 5, 1973, and the Court felt that the public interest would not be served by placing any restrictions upon his on-going investigation of Watergate-related matters.

Plaintiffs continue to press for a declaratory judgment on the only remaining issue to be resolved: the legality of the discharge of Mr. Cox and of the temporary abolition of the Office of Watergate Special Prosecutor. To this end, it must initially be determined whether plaintiffs have standing and whether a justiciable controversy still exists.

Defendant Bork contends that the congressional plaintiffs lack standing [1] and that the controversy is moot. This position is without merit. The discharge of Mr. Cox precipitated a widespread concern, if not lack of confidence, in the administration of justice. Numerous bills are pending in the Senate and House of Representatives which attempt to insulate the Watergate inquiries and prosecutions from Executive interference, and impeachment of the President because of his alleged role in the Watergate matter—including the firing of Mr. Cox—is under active consideration.[2] Given these unusual circumstances, the standing of the three congressional plaintiffs to pursue their effort to obtain a judicial determination as to the legality of the Cox discharge falls squarely within the recent holding of the United States Court of Appeals for the District of Columbia Circuit in *Mitchell* v. *Laird*, No. 71–1510 (D.C. Cir. March 20, 1973). Faced with a challenge by a group of congressmen to the legality of the Indo-China War, the Court recognized standing in the following forceful terms:

"If we, for the moment, assume that defendants' actions in continuing the hostilities in Indo-China were or are beyond the authority conferred upon them by the Con-

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Footnotes at end of article.

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stitution, a declaration to that effect would bear upon the duties of plaintiffs to consider whether to impeach defendants, and upon plaintiffs' quite distinct and different duties to make appropriations to support the hostilities, such as raising an army or enacting other civil or criminal legislation. In our view, these considerations are sufficient to give plaintiffs a standing to make their complaint. . . ." *Id.* at 4.

Unable to distinguish this holding, defendant Bork suggests that the instant case has been mooted by subsequent events and that the Court as a discretionary matter should refuse to rule on the legality of the Cox discharge. This view of the matter is more academic than realistic, and fails to recognize the insistent demand for some degree of certainty with regard to these distressing events which have engendered considerable public distrust of government. There is a pressing need to declare a rule of law that will give guidance for future conduct with regard to the Watergate inquiry.

While it is perfectly true that the importance of the question presented cannot alone save a case from mootness, *Marchand* v. *Director, United States Probation Office,* 421 F.2d 331, 333 (1st Cir. 1970), the congressional plaintiffs before the Court have a substantial and continuing interest in this litigation. It is an undisputed fact that pending legislation may be affected by the outcome of this dispute and that the challenged conduct of the defendant could be repeated with regard to the new Watergate Special Prosecutor if he presses too hard,[3] an event which would undoubtedly prompt further congressional action. This situation not only saves the case from mootness, *see United States* v. *Concentrated Phosphate Export Assoc.*, 393 U.S. 199, 203–04 (1968); *Friend* v. *United States,* 388 F.2d 579 (D.C. Cir. 1967), but forces decision. The Court has before it an issue that is far from speculative and a strong showing has been made that judicial determination of that issue is required by the public interest. Under these circumstances, it would be an abuse of discretion not to act.

Turning then to the merits, the facts are not in dispute and must be briefly stated to place the legal discussion in the proper context.

The duties and responsibilities of the Office of Watergate Special Prosecutor were set forth in a formal Department of Justice regulation,[4] as authorized by statute.[5] This regulation gave the Watergate Special Prosecutor very broad power to investigate and prosecute offenses arising out of the Watergate break-in, the 1972 Presidential election, and allegations involving the President, members of the White House staff or presidential appointees. Specifically, he was charged with responsibility to conduct court proceedings and to determine whether or not to contest assertions of Executive privilege. He was to remain in office until a date mutually agreed upon between the Attorney General and himself, and it was provided that "The Special Prosecutor will not be removed from his duties except for extraordinary improprieties on his part."

On the same day that this regulation was promulgated, Archibald Cox was designated as Watergate Special Prosecutor.[6] Less than four months later, Mr. Cox was fired by defendant Bork. It is freely admitted that he was not discharged for an extraordinary impropriety.[7] Instead, Mr. Cox was discharged on the order of the President because he was insisting upon White House compliance with a Court Order which was no longer subject to further judicial review. After the Attorney General had resigned rather than fire Mr. Cox on this ground and the Deputy Attorney General had been discharged for refusing to do so, defendant Bork formally dismissed Mr. Cox on October 20, 1973, sending him the following letter: [8]

DEAR MR. COX: As provided by Title 28, Section 508(b) of the United States Code and Title 28, Section 0.132(a) of the Code of Federal Regulations, I have today assumed the duties of Acting Attorney General.

In that capacity I am, as instructed by the President, discharging you, effective at once, from your position as Special Prosecutor, Watergate Special Prosecution Force.

Very truly yours,

ROBERT H. BORK,
Acting Attorney General.

Thereafter, on October 23, Mr. Bork rescinded the underlying Watergate Special Prosecutor regulation, retroactively, effective as of October 21.[9]

The issues presented for declaratory judgment are whether Mr. Cox was lawfully discharged by defendant on October 20, while the regulation was still in existence, and, if not, whether the subsequent cancellation of the regulation lawfully accomplished his discharge. Both suppositions will be considered.

It should first be noted that Mr. Cox was not nominated by the President and did not serve at the President's pleasure. As an appointee of the Attorney General,[10] Mr. Cox served subject to congressional rather than Presidential control. *See Myers* v. *United States,* 272 U.S. 52 (1926). The Attorney General derived his authority to hire Mr. Cox and to fix his term of service from various Acts of Congress.[11] Congress therefore had the power directly to limit the circumstances under which Mr. Cox could be discharged, *see United States* v. *Perkins,* 116 U.S. 483 (1886), and to delegate that power to the Attorney General, *see Service* v. *Dulles,* 354 U.S. 363 (1957). Had no such limitations been issued, the Attorney General would have had the authority to fire Mr. Cox at any time and for any reason. However, he chose to limit his own authority in this regard by promulgating the Watergate Special Prosecutor regulation previously described. It is settled beyond dispute that under such circumstances an agency regulation had the force and effect of law, and is binding upon the body that issues it. *Accardi* v. *Shaughnessy,* 347 U.S. 260 (1954) ("*Accardi I*"); *Bonita* v. *Wirtz,* 369 F. 2d 208 (D.C. Cir. 1966); *American Broadcasting Co.* v. *F.T.C.*, 179 F. 2d 437 (D.C. Cir. 1949); *United States* v. *Chapman,* 179 F. Supp. 447 (E.D. N.Y. 1959). As the Ninth Circuit observed in *United States* v. *Short,* 240 F. 2d 292, 298 (9th Cir. 1956):

> "An administrative regulation promulgated within the authority granted by statute has the force of law and will be given full effect by the courts."

Even more directly on point, the Supreme Court has twice held that an Executive department may not discharge one of its officers in a manner inconsistent with its own regulations concerning such discharge. *See Vitarelli* v. *Seaton,* 359 U.S. 535 (1959); *Service* v. *Dulles, supra.* The firing of Archibald Cox in the absence of a finding of extraordinary impropriety was in clear violation of an existing Justice Department regulation having the force of law and was therefore illegal.

Defendant suggests that, even if Mr. Cox's discharge had been unlawful on October 20, the subsequent abolition of the Office of Watergate Special Prosecutor was legal and effectively discharged Mr. Cox at that time. This contention is also without merit. It is true that an agency has wide discretion in amending or revoking its regulations. *United States* v. *O'Brien,* 391 U.S. 367, 380 (1968). However, we are once again confronted with a situation in which the Attorney General voluntarily limited his otherwise broad authority. The instant regulation contains within its own terms a provision that the Watergate Special Prosecutor (as opposed to any particular occupant of that office) will continue to carry out his responsibilities until he consents to the termination of that assignment.[12] This clause can only be read as a bar to the total abolition of the Office of Watergate Special Prosecutor without the Special Prosecutor's consent, and the Court sees no reason why the Attorney General cannot by regulation impose such a limitation upon himself and his successors.

Even if the Court were to hold otherwise, however, it could not conclude that the defendant's Order of October 23 revoking the regulation was legal. An agency's power to revoke its regulations is not unlimited—such action must be neither arbitrary nor unreasonable. *Kelly* v. *United States Dept. of Interior,* 339 F. Supp. 1095, 1100 (E. D. Cal. 1972). *Cf. Grain Elevator, Flour and Feed Mill Workers* v. *N.L.R.B.*, 376 F. 2d 774 (D.C. Cir.), *cert. denied,* 389 U.S. 932 (1967); *Morrison Mill Co.* v. *Freeman,* 365 F. 2d 525 (D.C. Cir. 1966), *cert. denied,* 385 U.S. 1024 (1967) In the instant case, the defendant abolished the Office of Watergate Special Prosecutor on October 23, and reinstated it less than three weeks later under a virtually identical regulation.[13] It is clear that this turnabout was simply a ruse to permit the discharge of Mr. Cox without otherwise affecting the Office of the Special Prosecutor—a result which could not legally have been accomplished while the regulation was in effect under the circumstances presented in this case. Defendant's Order revoking the original regulation was therefore arbitrary and unreasonable, and must be held to have been without force or effect.

These conclusions do not necessarily indicate that defendant's recent actions in appointing a new Watergate Special Prosecutor are themselves illegal, since Mr. Cox's evident decision not to seek reinstatement necessitated the prompt appointment of a successor to carry on the important work in which Mr. Cox had been engaged. But that fact does not cure past illegalities, for nothing in Mr. Cox's behavior as of October 23 amounted to an extraordinary impropriety, constituted consent to the abolition of his office, or provided defendant with a reasonable basis for such abolition.

Plaintiffs have emphasized that over and beyond these authorities the Acting Attorney General was prevented from firing Mr. Cox by the explicit and detailed commitments given to the Senate, at the time of Mr. Richardson's confirmation when the precise terms of the regulation designed to assure Mr. Cox's independence were hammered out. Whatever may be the moral or political implications of the President's decision to disregard those commitments, they do not alter the fact that the commitments had no legal effect. Mr. Cox's position was not made subject to Senate confirmation, nor did Congress legislate to prevent illegal or arbitrary action affecting the independence of the Watergate Special Prosecutor.

The Court recognizes that this case emanates in part from congressional concern as to how best to prevent future Executive interference with the Watergate investigation. Although these are times of stress, they call for caution as well as decisive action. The suggestion that the Judiciary be given responsibility for the appointment and supervision of a new Watergate Special Prosecutor, for example, is most unfortunate. Congress has it within its own power to enact appropriate and legally enforceable protections against any effort to thwart the Watergate inquiry. The Courts must remain neutral. Their duties are not prosecutorial. If Congress feels that laws should be enacted to prevent Executive interference with the Watergate Special Prosecutor, the solution lies in legislation enhancing and protecting that office as it is now established and not by following a course that places incompatible duties upon this particular Court. As Judge Learned Hand warned in *United States* v. *Marzano,* 149 F.2d 923 926 (1945):

> "Prosecution and judgment are two quite separate functions in the administration of justice; they must not merge."

This Memorandum contains the Court's findings of fact and conclusions of law. The rulings made are set out in the attached Final Order and Declaratory Judgment.

GERHARD A. GESELL,
United States District Judge.

November 14, 1973.

FOOTNOTES

[1] At the injunction hearing, the Court dismissed Mr. Nader as a plantiff from the bench, it being abundantly clear that he had no legal right to pursue these claims. *Flast* v. *Cohen,* 392 U.S. 83, 102 (1968).

[2] Referring to various bills pending in the Senate, Senator Moss stated, "I am severely hampered in my ability to discharge my duties because of uncertainty which exists with respect to the legality of Special Prosecutor Cox's dismissal and the abolition of his office." Affidavit of Sentaor Frank E. Moss, dated October 29, 1973. Congressman Waldie is a member of the House Judiciary Committee and both he and Congresswoman Abzug have introduced resolutions calling for the impeachment of the President because of the Cox dismissal and other matters.

[3] The regulation from which the present Watergate Special Prosecutor, Mr. Leon Jaworski, derives his authority and his independence from the Executive branch is virtually identical to the original regulation at issue in this case. *See* note 13 *infra.* It is therefore particularly desirable to enunciate the rule of law applicable if attempts are made to discharge him.

[4] 38 F.R. 14688 (June 4, 1973). The terms of this regulation were developed after negotiations with the Senate Judiciary Committee and were submitted to the Committee during its hearings on the nomination of Elliot Richardson for Attorney General. Hearings Before the Senate Comm. on the Judiciary, 93rd Cong., 1st Sess. 144–46 (1973).

[5] *See* U.S.C. § 301.

[6] Justice Department Internal Order 518–73 (May 31, 1973).

[7] *See* Defendant's Brief in Opposition to Plaintiffs' Motion for Preliminary Injunction, at 13.

[8] Exhibit 12 to the Affidavit of W. Thomas Jacks.

[9] 38 F.R. 29466 (Oct. 23, 1973).

[10] *See* 38 F.R. 14688 (June 4, 1973).

[11] 5 U.S.C. § 301; 28 U.S.C. §§ 509–10.

[12] *See* 38 F.R. 14688 (June 4, 1973): "The Special Prosecutor will carry out these responsibilities with the full support of the Department of Justice, until such time as, in his judgment, he has completed them or until a date mutually agreed upon between the Attorney General and himself."

[13] The two regulations are identical, except for a single addition to the new regulation which provides that the Special Prosecutor may not even be discharged for extraordinary improprieties unless the President determines that it is the "consensus" of certain specified congressional leaders that discharge is appropriate. *Compare* 38 F.R. 30738 (Nov. 9, 1973) *with* 38 F.R. 14688 (June 4, 1973).

RALPH NADER, SENATOR FRANK E. MOSS, REPRESENTATIVE BELLA S. ABZUG AND REPRESENTATIVE JEROME R. WALDIE, PLAINTIFFS, v. ROBERT H. BORK, ACTING ATTORNEY GENERAL OF THE UNITED STATES, DEFENDANT

[In the United States District Court for the District of Columbia, Civil Action No. 1954–73]

FINAL ORDER AND DECLARATORY JUDGMENT

On the basis of findings of fact and conclusions of law set forth in an accompanying Memorandum filed this day, it is hereby

Ordered and decreed that:

(1) Plaintiff's motion for leave to file an Amended Complaint and add additional plaintiffs is granted.

(2) Plaintiff's motion for preliminary injunction is denied, and the trial of the action on the merits is advanced and consolidated with the hearing on said motion.

(3) Mr. Ralph Nader is dismissed as plaintiff for lack of standing.

(4) All injunctions prayed for in the Amended Complaint are denied.

(5) The Court declares that Archibald Cox, appointed Watergate Special Prosecutor pursuant to 28 C.F.R. § 0.37 (1973), was illegally discharged from that office.

GERHARD A. GESELL,
United States District Judge.

November 14, 1973.

PROJECTION OF FISCAL SITUATION AT THE END OF 93D CONGRESS, 1ST SESSION

(Mr. MAHON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MAHON. Mr. Speaker, the President in his January budget proposed an expenditure ceiling for this fiscal year of $268.7 billion, an increase in spending over the prior fiscal year in the sum of $18.9 billion. He proposed a unified deficit in the sum of $12.7 billion which would translate into a debt increase in the fiscal year of $29.7 billion.

CONGRESSIONAL SPENDING TOTALS

The House in the anti-impoundment bill approved a spending ceiling of $267.1 billion and the Senate in a similar bill approved a ceiling of $268 billion. The House reduced by $2.3 billion a debt limit bill that was based on spending of $270 billion. These bills have not been enacted into law.

CURRENT ADMINISTRATION ESTIMATE OF SPENDING

During this session of Congress, the President has signed into law certain congressional add-ons to the budget. There has been a sharp increase in the estimated interest on the national debt and other fiscal developments. The President has—as of October 18—revised his January budget upward to the figure of $270 billion. That figure includes $2.4 billion in congressional increases signed into law by the President. The aid to Israel budget amendment raised the estimate to $270.6 billion.

CONGRESSIONAL BUDGET INCREASES

We can now see rather clearly what the overall fiscal outcome of this session will be. Actions by Congress have already added to the estimated spending above the January budget by about $2.4 billion. I estimate that by the end of the session, Congress will have added an additional sum of $2.6 billion to the amended spending budget, resulting in a total of about $5 billion over the January budget.

APPROPRIATION BILLS WITHIN THE BUDGET

I estimate that in appropriation bills handled by the Appropriation Committees, the amounts approved will not exceed the President's budget for new spending authority. We should be at about the level of the President's budget.

BUDGET INCREASES IN NONAPPROPRIATION BILLS

I wish to say again what I have said so many times before, that budget busting does not result in the overall from actions by Congress on appropriation bills. Budget busting results from actions by Congress on nonappropriation bills which mandate spending. Here is a partial list of mandated spending in nonappropriation bills which have been approved at this session:

	(*In millions*)
Food Stamp Amendments (P.L. 93–86)	$+724
Repeal of "bread tax" (P.L. 93–86)	+400
Federal employee pay raise, Oct. 1, 1973 (S. Res. 171)	+358
Welfare-medicaid amendments (P.L. 93–66)	+122
Unemployment benefits extension (P.L. 93–53)	+116
Veterans' national cemeteries (P.L. 93–43)	+110
Social security—liberalized income exemption (P.L. 93–66)	+110
School lunch amendments (H.R. 9639)	+100

In and out of Congress there is a great deal of talk about getting a better handle on Government spending. The principal remedy lies in better control of spending provided in nonappropriation bills.

FEDERAL BORROWING

The President estimated on October 18 that it appeared that the unified budget for this year would be in balance as a result of a dramatic increase in revenues of $14 billion over the January estimate.

Putting it another way, and with more reality, the most recent administration estimate is that for this year the Federal funds deficit will be $15 billion, and the National debt will increase this year by about $19 billion. This inconsistency is explained by the fact that the Treasury borrows from the excess social security and other trust funds but fails to count these borrowings as part of the unified budget deficit even though the borrowed funds must be repaid with interest.

THE DEBT LIMIT AND TOTAL SPENDING

It is difficult to calculate what may develop as a result of increases approved for spending this year and the debt ceiling of $475.7 billion recently approved by the House. The administration debt limit estimate of $480 billion and the committee recommendation of $478 billion were based on total outlays of $270 billion in fiscal year 1974. My current estimate of total outlays is about $273 billion, including the aid to Israel budget amendment and congressional increases subsequent to October 18. Funds cannot be expended which would up the debt ceiling above the authorized amount. Whether this will be used by the Office of Management and Budget this fiscal year as it was last year to justify impoundment of funds made available by Congress remains to be seen.

RESPONSIBILITY FOR FISCAL SITUATION

The responsibility for our fiscal situation must be borne jointly by the executive and legislative branches. The Congress continues to approve budgets badly out of balance, and the executive continues to approve congressional initiatives in excess of the budget.

BUDGET CONTROL BILL

The issue clearly points up the necessity of better congressional control of all spending, especially so-called backdoor spending. Hopefully a large part of the answer will be found as Congress

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Footnotes at end of article.

pushes to final enactment the proposed budget control measure.

At this point I will place in the RECORD a table setting forth more details on the spending estimate for fiscal year 1974.

Fiscal year 1974 spending estimate

Current estimate of fiscal year 1974 spending:	*Billions*
Administration October 18 estimate	$270.0
Aid to Israel budget amendment	0.6
Congressional increases subsequent to Oct. 18	2.6
Total	273.2
Expenditure impact of congressional actions on January budget:	
Detail on major completed actions (estimated fiscal year 1974 outlay impact):	
1. Appropriation bills:	
Regular bills:	*Millions*
Agriculture	+$250
Interior	+75
Public Works	+20
Transportation	−30
District of Columbia	−14
Legislative	−16
Treasury-Postal Service	−42
HUD-Space-Science-Veterans	------
1973 Supplemental bills (1974 outlay impact)	+557
Subtotal, appropriation bills	+799
2. Legislative bills—backdoor and mandatory:	
Food stamp amendments (P.L. 93–86)	+724
Repeal of "bread tax" (P.L. 93–86)	+400
Federal employee pay raise, Oct. 1 1973 (S. Res. 171)	+358
Welfare—medicaid amendments (P.L. 93–66)	+122
Unemployment benefits extension (P.L. 93–53)	+116
Veterans national cemeteries (P.L. 93–43)	+110
Social security—liberalized income exemption (P.L. 93–66)	+100
Winema forest expansion (P.L. 93–102)	+70
Veterans dependents' health care (P.L. 93–82)	+65
Airport development (P.L. 93–44)	+15
REA—removed from budget (P.L. 93–32)	−146
School lunch amendments (H.R. 9639)	+100
Civil service retirement items	+37
Subtotal, legislative bills	+2,071
Total, 1974 outlay impact of completed congressional action	+2,870
Detail on major pending actions:	
1. Appropriation bills:	
Labor-HEW	—800
Defense	
Foreign aid	
State-Justice-Commerce-Judiciary	
Military construction	

	House	Senate
2. Legislative bills—backdoor and mandatory:		
Civil service minimum retirement	+172	+200
Mass transit operating subsidies		+400
Federal employee health insurance	+234	
Veterans pensions	+208	+172
Trade reform—readjustment costs	+300	
Veterans drug treatment		+144
Social security	+1,100	+1,400
Total		+2,100

3. Possible Inactions: The net effect on outlays of inaction on legislative proposals that would reduce budget outlays in fiscal year 1974 and on legislative proposals that would increase outlays for fiscal year 1974 could be about $800 million	+$800
Total—Congressional increases over January budget	+5,000

[In billions]

The October 18 $270 billion outlay estimate for 1974:	
Includes the effect of the following major developments:	
1. Net increase of $2.4 billion due to congressional action through October 18.	
2. Significant increases in estimates for certain uncontrollables:	
Interest	+2.9
Medicaid cost increases	+0.6
Disaster assistance	+.6
Veterans readjustment benefits	+.4
3. Significant decreases in estimates for certain uncontrollables:	
Outer Continental Shelf rents and royalties (offset against outlays)	−2.9
Farm price supports	−1.0
Stockpile sales	−0.9
Interest received and other offset payments	−.7
Unemployment trust fund	−.5
Excludes the effect of the following major developments:	
1. Assistance to Israel budget amendment	+0.6
2. Congressional increases subsequent to October 18	+2.6

IVAN DZYUBA: A UKRAINIAN HERO

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I rise to bring to my colleagues' attention the most recent illustration of the brutal policies of the Soviet Government toward its own citizens. It is the case of Ivan Dzyuba, a prominent Ukrainian writer and critic of Soviet policy on domestic nationalities. In January 1972, Mr. Dzyuba was arrested and held incommunicado until he was sentenced in March of this year to 10 years of prison and exile. His crime was his ardent defense of the cultural independence of religious and national groups within the Soviet Union. The Soviet Government knows of this man's long record of courage in opposing cultural coercion. Dzyuba's concern has not been confined to his Ukrainian brothers and sisters. His universal feeling for ethnic and religious freedom is reflected in this eloquent statement he delivered on the 25th Anniversary of the Babi Yar massacre of 40,000 Jews: "Let the Jews know the Jewish history, the Jewish culture, and the Yiddish language and be proud of them."

Today's New York Times reports that Dzyuba has been pardoned from his sentence. He has been quoted by Tass as having said that he now "unequivocally condemns" his previous work and is now writing a new book to correct his "past fallacies." Again the world is being asked to believe that the atmosphere of a Soviet prison has opened the mind of an intellectual to the truths that had previously eluded him. What Tass does not reveal is that Dzyuba is suffering from tuberculosis. According to the Times, other Soviet dissidents, have expressed doubts that he would be able to survive a full term of 5 years in penal camp and 5 years in exile.

It is reasonable to believe that Dzyuba was given a choice between his life and the integrity of his beliefs. It is the choice imposed upon countless other Soviet citizens who have dared take exception to State policies. Such a dilemma must be especially cruel to a man who has defended the intellectual and cultural diversity of his countrymen against government demands of conformity.

If we cannot expect Russia to reverse its habits of oppression, surely we can do all that is peaceably possible to encourage it to allow those subject to brutalization to leave. This is the clear intent of the Jackson-Mills-Vanik Trade Amendment. Certainly we need no further revelations of mental and physical violence against religions, nationalities and intellectuals to demonstrate the need for this kind of economic sanction against the Soviet Union. As the Dzyuba case shows, this is not simply a Jewish issue. There is no indication that any group in Russia wishing to maintain its freedom of thought is exempt from reprisal. As the Ukrainians also know, all Soviet citizens must face the real possibility that hypocrisy may become necessary for life itself. Those forced into this position deserve our understanding and support.

TRUCK POLLUTION: EPA RESPONDS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, on October 23 I wrote to Russell E. Train, Administrator of the Environmental Protection Agency stating my view that according to newspaper reports, it would not be possible until 1977 or even 1980 that sufficiently stringent antipollution measures for trucks would be operative. In the RECORD of October 25 I raised the problem for the benefit of our colleagues.

In addition, I made the suggestion that the Environmental Protection Agency might consider New York City's testing methods as temporary measures until better ones were perfected by EPA in the near future. Most of all, I stressed that it was intolerable that center cities should increasingly submit to pollution emissions from trucks. It was estimated that 80 percent of central Manhattan's air pollution would derive from trucks by 1980.

I am glad to report that the response of the Assistant Administrator for Air and Water programs of EPA, Mr. Robert L. Sansom, made clear that the Agency was at work on more relevant test procedures to regulate stringent antipollution measures. Mr. Sansom also reported that EPA is considering accelerating the schedule for stricter emission standards for trucks. If the EPA decides to do so, Mr. Sansom has stated that full consideration will be given "to the feasibility of utilizing the standards developed by New York City."

The correspondence between Mr. Sansom of EPA and myself follows:

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., October 23, 1973.

Hon. RUSSELL B. TRAIN,
Administrator, Environmental Protection Agency, Waterside Mall, Washington, D.C.

DEAR MR. TRAIN: I was distressed to read in the accompanying *New York Times'* article the prediction by Deputy Assistant Administrator Eric Stork that new antipollution regulations for trucks would not be in effect until 1977 or 1978 and that some officials of EPA do not expect new standards until 1979 or 1980.

This delay is intolerable for cities such as New York, where Department of Air Resources Commissioner Fred C. Hart has estimated that by 1980, 80% of central Manhattan's air pollution will derive from trucks if new standards are not soon imposed. In addition, the delay in creating viable antipollution standards will make it virtually impossible for New York City and many other cities to comply with EPA's clean air standards.

New York City has devised test standards for trucks which however imperfect, is better than nothing. Is it not possible for the EPA to establish test procedures by which truck anti-pollution levels could be created according to the current state of the technological art? If established now, to be in effect in one year's time, modifiable with increased knowledge, these regulations will serve to substantially reduce the presently intolerable air pollution our cities suffer.

Sincerely,

EDWARD I. KOCH.

U.S. ENVIRONMENTAL
PROTECTION AGENCY,
Washington, D.C., November 9, 1973.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR MR. KOCH: This is in response to your request for our comments on an article that appeared in the October 13 issue of the New York Times. In that article it was suggested that the trucking industry "had pulled off a coup on the EPA" by escaping stringent anti-pollution regulations on their vehicles.

Heavy duty engines used in trucks and buses have been subject to Federal emission control requirements, including smoke limitation requirements, since the 1970 model year. Effective with the 1974 model year, these requirements have been made more stringent. Particularly as regards smoke, there is no reason today for a well maintained and properly operated post-1970 model truck or bus to emit significant quantities of visible smoke. The key phrase in the foregoing is "well maintained and properly operated." If the operator of a diesel powered heavy duty vehicle "lugs" that vehicle, i.e., if he fails to shift to a lower gear and thus attempts to get more power out of the engine than it can reasonably be expected to deliver for sustained periods of time, the engine will burn substantially more fuel (in relation to air) than it should, and thus will smoke. As regards maintenance, when an engine in a heavy duty vehicle is not properly maintained, it is very likely that vehicle will emit visible smoke.

In addition to emission control standards that have already been imposed on trucks and buses, the Environmental Protection Agency is at work on the development of new and more valid emission test procedures, and on the evaluation of the feasibility of more stringent emission control for heavy duty engines. We fully expect as a result of this work to propose even more stringent standards for heavy duty engines than apply currently.

As regards your question as to whether test standards devised for trucks for New York City which, however imperfect, may be better than nothing, could be adopted for the interim until final emission standards for such vehicles can be developed, we are currently making another review to determine whether or not the schedule for imposing more stringent emission standards for trucks can be accelerated. In that evaluation, we will give full consideration to the feasibility of utilizing the standards developed by New York City.

Sincerely yours,

ROBERT L. SANSOM,
Assistant Administrator for
Air and Water Programs.

A DEATH IN CHILE

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I have been very concerned over the barbaric acts perpetrated by the military junta that now rules in Chile. The still unexplained slaying—apparently by summary military execution—of one of my constituents, Charles E. Horman, has driven home the brutality of this regime. In addition, the allegations cited by members of Charles Horman's family describing the indifference, incompetence, or brutal callousness of the American Embassy in Santiago, raises the most serious ethical questions.

I believe that the allegations of Edmund Horman, father of Charles, which I placed in the CONGRESSIONAL RECORD of October 31, and those of Joyce Horman, Charles' widow, which are set forth in this statement, warrant a full investigation by the House Foreign Affairs Committee. I have urged Chairman THOMAS E. MORGAN of that committee to make such an investigation.

The letter of Mrs. Joyce Horman to Senator FULBRIGHT, a copy of which was sent to me, follows:

NEW YORK, N.Y. *November 7, 1973.*

Hon. J. WILLIAM FULBRIGHT,
Chairman, Foreign Relations Committee,
U.S. Senate, Washington, D.C.

DEAR SENATOR FULBRIGHT: I returned to New York City on October 21st, after spending a tortourous month in Santiago, Chile, looking for my husband, Charles Horman, who was taken from our home on September 17th, and summarily executed on September 18th by the Chilean military.

I hope that the treatment to which I was subjected both by the Chilean military and by the U.S. Embassy/Consulate will never be experienced by any person ever again. I realize that I have little hope of influencing the Chilean military's brutal abuse of human rights and civil liberties, but I hope that my statement and the statements of others can help remedy the callous, uncaring treatment which we received from the U.S. Embassy/Consulate in Santiago.

The three points which I wish to emphasize in this letter are:

1. the slow, inadequate steps taken by the Embassy/Consulate personnel during the first crucial days after Charles was taken.

2. the general lack of concern for and irritation with the U.S. citizens who sought aid and protection of the Embassy/Consulate at this time.

3. the use of rumors and intimidation on the part of this same personnel and by the U.S. State Department to cover and excuse their non-action.

In the case of my husband, Charles Horman, the most irresponsible non-action of the Consulate took place on September 18th. The Consulate received two telephone calls early that day stating that my husband was in the hands of the Chilean military. Purdy states in a written report that he telephoned "pertinent" local police stations on that day.

Why did he not go directly to the National Stadium?

Why did he not contact the Navy?

Why did he not contact the Army—the Air Force—the Military Intelligence Service?

I feel that rapid, forceful action at this time could have saved Charles' life. In a meeting with Ambassador Davis, Col. Hon. Edmund Horman (Charles' father) and me on October 5, Consul Fred Purdy denied knowledge of telephone calls to the consulate. I reminded him that both calls had been noted on the Consulate cards being kept concerning my husband's case. He checked the cards and confirmed that the calls had been noted.

In the interviews I had with the Consulate concerning Charles' case, it seems to me that the consulate staff established a line of questioning for the purpose of ascertaining a justification for Charles' seizure—(Was he politically involved? What were Charles' activities? What kind of things were his friends doing?)—rather than being sufficiently interested in the facts and details of his seizure. It was necessary for me to reconfirm and repeat at various interviews that Charles had been taken from our home by the Chilean military on September 17th and that telephone calls had been made by the Military Intelligence Service to friends on September 18th, asking about Charles' character.

The attitude which I encountered in the Embassy/Consulate personnel was one of irritation and annoyance with U.S. citizens seeking the Consul's aid during this time of emergency. For example, after a meeting with Mr. Purdy, he followed me out of his office to the outer office where two friends were waiting for me. He asked for Charles' passport number. I was present when the passport number was telephoned to Mr. Purdy's office by an Embassy official earlier that week. I asked if he had not already received it. He suggested that perhaps it had been sent through the mail. I said incredulously "the mail?" To this Mr. Purdy responded, "Mrs. Horner (sic) . . . I mean the Embassy mail. Now listen, you can read anything you like into what I say, but if you people don't think I've been doing my job . . . I haven't had a good lunch with my friends for the past 11 days . . . and I missed my baby's birthday on the 18th and I've worked late two nights." One of my friends gave him Charles' passport number and my friends and I left the consulate.

Another example of the attitude of the embassy personnel was shown at a meeting on September 26th in Ambassador Davis' office. Ambassador Nathaniel Davis and Captain Ray Davis were present at this meeting. Captain Davis was asked by the Ambassador to report on Charles' case. Afterwards, the Ambassador asked me, "What more can we do for you?" I said, "Well—has anyone from this Embassy gone into the stadium? I understand that other Embassy representatives have gone to the Stadium, and have gotten their people out. Is it possible that it be arranged that someone from this Embassy or that I go to the Stadium and look? It seems possible that his (Charles') records may be lost, and that he's misplaced, and I would like to look.

Ambassador Davis said that we don't want to ask favors of this government. If we get favors, everyone else will expect to get them too. Then he said something to the effect that we do not wish to do possible damage to our relations with this new Chilean government.

I repeated my question and he said, "Now just what did you wish to do at the stadium? Would you like to look under all the bleachers and into all the corners?" I replied, "Yes—why shouldn't I?" At this point Captain Davis changed the subject and we ended on the note that the Embassy/Consulate would telephone Col. Espinoza (the officer in charge of the stadium) and ask him if Charles' name was on any of the new lists. He also told me that I should be patient and that they would do their best to find Charles.

The two examples described above illustrate the irritation and unwillingness to act which I encountered in the Embassy/Consulate in Santiago.

The third point I wish to illustrate involves the use of rumors by the State Department in Washington. When I returned to New York, a friend reported to me that she had spoken with other friends and members of the press who had called or visited the State Department to obtain information about Charles' case. These people received inaccurate, derogatory and prejudicial information. One example appeared as follows in the *New York Post*:

"State Dept. officials said they had requested an investigation of Horman's death. They said they were not convinced he was not killed by left wing groups masquerading as soldiers and 'parading around in uniforms' after the coup.

"If it were people on the Left, it would have to be really wicked people who would kill him just to make the military look bad," said State Dept. spokesman Kate Marshall."

Before Charles' death was made official, a rumor reportedly came from the State Department suggesting that Charles was in hiding. This covered and confused the fact that the Chilean military had him and that the Embassy/Consulate had not located him.

I want to relate a conversation which I had with my husband after he returned from five days in Vina, (trapped by the coup). He and Terry Simon, who was visiting us from New York City conversed with and were entertained by U.S. military personnel in Vina. Charles told me that the U.S. military officials exhibited much enthusiasm about the success and "smooth operation" of the coup. He also told me that they expressed a high level of antagonism towards the former Allende regime. He said he had been told by the same military personnel that the Chileans were expecting aid from the United States, to be channeled through the North American Naval Mission.

What is the significance of these remarks? Do they reflect a point of view shared by the Embassy/Consulate personnel? Would such a point of view affect the treatment of Americans in Chile who were not connected with the Embassy? Who is responsible for the unwillingness to act and irritation which I encountered at the Embassy/Consulate? Is the Ambassador responsible for setting the tone of Embassy/Consulate personnel? Was it Ambassador Davis' decision to set the tone which I encountered? Did orders come down to him from elsewhere? Is it possible that the kind of people representing the United States in Santiago were chosen because of their attitudes? Were they selected for a purpose? Who are these people? Who brought them together?

The cooperation of the Embassy/Consulate improved somewhat during the last two weeks of my search for Charles. I feel that this was due to inquiries about Charles made by U.S. Senators, Congressmen, the White House, the United Nations, prominent U.S. citizens, and the arrival of Charles' father, Edmund Horman, in Santiago.

Nevertheless, the facts stand that Charles was taken from our home by the Chilean Military, and killed in the National Stadium the day after he was seized. There were no charges against him. Why was my husband brutally executed?

Sincerely,

(Mrs.) CHARLES E. HORMAN.

WORLD CONGRESS OF PEACE FORCES FOR INTERNATIONAL SECURITY AND DISARMAMENT

(Mr. ICHORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ICHORD. Mr. Speaker, as chairman of the House Committee on Internal Security, I have on several occasions in the past called attention to the continuing efforts of Communist groups and organizations to exploit the peace movement in this country. On those occasions, I have noted that much of the preliminary planning for the violent antiwar protest demonstrations in this country in recent years was done at international conferences sponsored by the World Peace Council. In view of this, I believe it is important that all Members of Congress and the American public be informed of a meeting of the World Congress of Peace Forces for International Security and Disarmament which was held in Moscow, U.S.S.R. from October 25–31, 1973, under the sponsorship of the World Peace Council.

Described as "the largest such gathering in history," the Congress was opened in the Kremlin's Palace of Congresses. Romesh Chandra, the Secretary General of the World Peace Council, who is also the leader of the Indian—pro-Soviet—Communist Party, was elected to be the chairman. Over 2,000 delegates from some 140 countries were represented at the Moscow Congress, with the U.S. delegation of over 150 being among the largest.

The World Peace Council is an international Communist front which came into existence in 1948 and currently embraces "national peace committees" in over 80 countries. From its inception, the World Peace Council has defended the policies of the Soviet Union and has attacked those of the Western Powers. In recent years, the World Peace Council's activities have focused primarily upon "U.S. aggression" in Southeast Asia and support of the Soviet call for a new European security system. Other activities of the World Peace Council have included the organizing of mass protests against U.S. involvement in Southeast Asia; chartering a ship to collect medical goods for the North Vietnamese; waging a boycott of U.S. firms supplying war materials and campaigning for the granting of political asylum in any country for U.S. military deserters.

It is not surprising that a U.S. delegation would participate in this October 1973 Moscow meeting in view of the fact that the chairman of the U.S. delegation, Carlton Goodlett, is a member of the Presidential Committee of the World Peace Council. Goodlett, who has a long record of affiliation with Communist front groups, was once a teacher at the Communist-run California Labor School. Other prominent members of the U.S. delegation were Helen Winter and Hyman Lumer, both of whom are members of the Political Committee of the Communist Party, USA. The attendance of CPUSA delegates at this international gathering should help to dispel the notion in some quarters that the CPUSA acts in isolation and makes its own decisions in complete independence of the world communist movement.

I have received a firsthand report of what transpired at this conclave from a member of the U.S. delegation who has just returned to the United States. My source tells me that the U.S. delegation was given a hearty welcome upon its arrival in Moscow and was treated royally. In fact, some members of the U.S. delegation were somewhat embarrassed in that they were afforded better treatment than that received by other delegations.

On the first day of the Moscow Congress, Leonid Brezhnev, General Secretary of the Communist Party of the Soviet Union, delivered a lengthy welcoming speech to the Congress, which was termed by U.S. delegation chairman Carlton Goodlett as "an unforgettable moment in history."

Profaning the very meaning and spirit of peace, the delegates to the Moscow Congress declared that V. I. Lenin, the architect of the Soviet power apparatus, had been a foremost proponent for peace, and honored Lenin's memory by visiting his mausoleum.

The Congress received a message of greetings from U.S. industrialist Cyrus Eaton, who is well known for his frequent public statements extolling the virtues of the Soviet Union while at the same time attacking what he has characterized as the "anti-Russian belligerence of the United States." Eaton, in his message to the Moscow Congress, expressed his delight over the recent agreements expanding trade between the U.S.S.R. and the United States.

I have been informed by my source that although the U.S. delegation was composed of various groups, the CPUSA was actually in control of the delegation and gave it leadership and direction. This appeared to be obvious when the CPUSA organ, Daily World, reported in its October 30, 1973 issue that the U.S. delegation had expressed its indignation upon hearing that the U.S. Government had declared a state of alert to its Armed Forces. The U.S. delegation, according to the Daily World, endorsed a statement by the Soviet news agency TASS which declared that the alert was "an effort to intimidate the Soviet Union but that such tactics could never succeed."

The Moscow Congress set up 14 work commissions which included those devoted to peaceful coexistence and international security; Indochina; the Middle East; Disarmament; National Liberation; Chile; and Struggle Against Colonialism and Racism. It is significant to note that CPUSA official Hyman Lumer chaired the Middle East Commission, and CPUSA official Helen Winter played a leading role in the work of the Chile Commission.

The Reverend Paul Mayer, a Catholic priest and longtime antiwar activist, tossed a bombshell into the Moscow Congress when he submitted a document titled "On Soviet Dissidents." This document, according to the Daily World, adopted the position on Soviet citizens Alexander Solzhenitsyn and Andrei Sakharov that has long been promoted by anti-Soviet forces desperately seeking to block détente. Reverend Mayer was charged with having violated the congress' rules of procedure which directs that documents should first be presented for discussion to fellow members of the participant's delegation.

It was interesting to note that Reverend Mayer's document caused a great deal of consternation and embarrassment of the CPUSA members of the U.S. delegation. CPUSA member Pauline Rosen, a member of the U.S. delegation's steering committee, declared that Reverend Mayer's comments were "uncorroborated" and called his document as a whole "devisive." Mrs. Rosen was instrumental in having the steering committee quickly draw up a resolution to the full U.S. delegation completely disavowing Reverend Mayer's document.

The Daily World was particularly incensed that Reverend Mayer's plan to submit his document had been told in advance to the New York Times and Washington Post. The Daily World, in a published statement, declared that:

> The biased positions of these two papers on Solzhenitsyn and Sakharov and on Soviet international affairs are notorious all over the world.

"U.S. imperialism" was singled out by the Moscow Congress as the main enemy of peace and social progress and the "peace forces" were urged to unite in a common struggle against imperialism.

Among the actions decided on by the Moscow Congress were the following:

First, the spirit of détente affords an opportunity to rouse the public conscience in all countries to advance disarmament;

Second, the peace of humanity is jeopardized by Israeli aggression backed by U.S. forces. The occupation of Arab land by Israel is unacceptable and all political parties, mass movements and public organizations in all countries are to mobilize public opinion to insure an immediate implementation of the resolutions of the U.N. Security Council for settlement of the Middle East conflict; and

Third, peace forces in all countries are to give the widest possible support to the struggle of the Chilean people. Peace forces are urged to set up National Solidarity Committees in all countries and to launch a campaign for an end to terror in Chile.

The steering committee of the U.S. delegation in a press statement at the conclusion of the Moscow Congress stated that it had learned of "continuing bloodshed in Indochina, similar struggles in Africa and Latin America and of movements and people fighting apartheid, racism and colonial rule so often supported by the government which acts in our name." The steering committee also commented that the U.S. delegates have vowed to return to the United States with new vigor and will join together in the continuing struggle for peace.

My source has advised that primarily through the efforts of the CPUSA members of the U.S. delegation, Mrs. Salvatore Allende, wife of the late Chilean Marxist leader, was persuaded to make a speaking tour in the United States. Tentative plans call for Mrs. Allende to deliver her first Communist propaganda tirade in San Francisco on November 17.

I was particularly interested in the comments of my source who indicated that there were a great number of Soviet police everywhere the U.S. delegation went. My source noted that the Soviet citizens appeared to be terrified of the police.

Mr. Speaker, it is clear that the Moscow Congress sponsored by the World Peace Council is not one motivated for peace but rather by a desire to arouse emotional hatred against the United States and its democratic society. Communists masquerading as prophets of peace must be placed in proper perspective for our citizens. Maneuvering under the appealing label of peace, they serve only to help achieve Communist objectives. Their self-proclaimed objective may be peace, but always on Communist terms.

The World Peace Council, operating on the international level, has demonstrated once again in Moscow that it views the struggle against the United States as one of worldwide scope. This gathering shows that the strategy and tactics to be used in protest against the United States are continuing to be mapped out on an international scale with the World Peace Council calling the shots.

The decisions made at the Moscow Congress calling for actions by "peace" groups around the world for mounting pressure of the governments of their nations opposing their cooperation with the United States takes on an entirely different significance when viewed in this light. It may well be projected that these "peace" forces will continue to seek to build a strong political movement spurred on by a continuous propaganda barrage to alter U.S. policies and to demean the United States in the eyes of the world.

COMMUNIST PROPAGANDA

(Mr. ICHORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ICHORD. Mr. Speaker, several of my colleagues have recently called to my attention that they have received through the mail a copy of the magazine, Korea Focus, which apparently has been sent unsolicited to Members of Congress.

Korea Focus is self-identified as an official publication of the American-Korean Friendship and Information Center in New York City. The 1971 Annual Report of the House Committee on Internal Security described the American-Korean Friendship and Information Center as a "recently formed Communist Party, U.S.A. front group" that reflects the Party's current attempt to unite the issues of withdrawal from Vietnam with that of withdrawal from Korea. The committee's report noted that literature disseminated by the AKFIC bears union printing label 209, the label of the Prompt Press, a New York firm that has officially been cited by the Attorney General of the United States as being owned by the CPUSA and which traditionally prints material for party front groups. Further, the key leadership positions in the AKFIC are in the hands of identified CPUSA members. The executive director and editor of Korea Focus, for example, is CPUSA National Committee Member Joseph Brandt, and the secretary is George B. Murphy, Jr., identified as a member of the CPUSA in sworn congressional committee testimony in 1956. The vice chairmen include two current members of the CPUSA National Committee: Dr. Herbert Aptheker, party theoretician, and Jarvis Tyner, head of the party's youth group, the Young Workers Liberation League. At least 27 of the 54 initial sponsors of the AKFIC have been identified at various times as members of the CPUSA and the party has given highly favorable publicity to the activities of the organization in its press.

The concern and indignation expressed by some of my colleagues over the receipt of this unsolicited Communist propaganda is certainly understandable. Propaganda has become the Communist Party's most powerful single weapon. No segment of our population and no sphere of activity in this country has been overlooked or neglected by the Communists as targets for their propaganda.

V. I. Lenin, the principal theorist and organizer of the world Communist movement, many years ago, while stressing the importance of the distribution of what he termed "illegal literature" by his band of secret Communist revolutionaries, pointed out the difficulties which the opponents of communism would find in coping with it. Lenin said:

> The police will soon come to realize the folly and futility of setting the whole judicial and administrative machine into motion to intercept every copy of a publication that is being broadcast in thousands.

Under the circumstances the remedy and antidote for the poison of Communist propaganda, such as that published in Korea Focus must finally be, as in the case of other propaganda, the counter-dissemination of knowledge and truth. This can be most effectively accomplished through the educational process, by which our citizens are alerted to the import and purpose of Communist propaganda. Educational programs, by which our citizens are fully informed of Communist tactics and objectives, will generally nullify any possible adverse effect achieved by the dissemination of Communist literature, and will further serve to strengthen our democracy and its democratic processes.

XUM

ADMINISTRATION PLANS ENDANGER VOCATIONAL REHABILITATION

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, on August 3 of this year the Select Subcommittee on Education, which I have the honor to chair, conducted an oversight hearing on the future directions of the rehabilitation program for handicapped Americans.

I convened this hearing, Mr. Speaker, because of my concern, following two Presidential vetoes of rehabilitation legislation, as well as the administration's announced intentions of cutting back on rehabilitation training and research, that this universally acclaimed program to assist handicapped adults might be drifting aimlessly.

Imagine our surprise, Mr. Speaker, when it became apparent at that hearing that the Administration was seriously considering a proposal to "cash out" the highly successful 52-year vocational rehabilitation program.

I refer, Mr. Speaker, to a June 28 planning memorandum, written by William A. Morrill, Assistant Secretary for Planning and Evaluation of the Department of Health, Education, and Welfare.

So alarmed did Corbett Reedy, Acting Commissioner of the Rehabilitation Services Administration, become over the implications of the memorandum, that on July 18, 1973, he wrote to James Dwight, Administrator of the Social and Rehabilitation Service, warning that the memorandum proposed the "fractionation and dissolution of the State-Federal program" of vocational rehabilitation.

Mr. Speaker, let me take a few moments to advise my colleagues of the contents of the Morrill proposal.

For what he proposed was a series of options, any one of which would have had the effect of crippling the highly successful 52-year-old program to provide rehabilitation services to handicapped men and women.

And among those options, Mr. Speaker, the one which appeared to find the most favor with Mr. Morrill was a proposal to disband the State-Federal rehabilitation and replace it with a cash assistance scheme which would enable the disabled recipient to purchase the services he needed.

On what basis was that startling proposal put forward?

The basis, I suggest, was almost entirely an ideological one—namely, that government is best which governs least.

Listen, Mr. Speaker, to the sentence with which Mr. Morrill began to justify his proposition:

> The following discussion is based upon the tenet that any given governmental function should be carried out at as decentralized a level as possible.

And, continued Mr. Morrill:

> This assumption is made for a variety of reasons, including:
>
> A belief that decentralized government can better address specific problems of a specific area; and
>
> A concern for the potential loss of personal liberties brought on by strong centralized government.

And, Mr. Speaker, while I do not accept the narrow and simplistic assumptions on which Mr. Morrill rested this highly important public policy proposal, I did not become overly distressed with the Morrill document until it became apparent that Mr. Morrill proposed not new legislation to accomplish his objectives, but rather, he suggested implementing his proposals behind the back of Congress.

For Mr. Morrill acknowledged that Congress would not sit idly by while he eviscerated this program.

But, he said, no matter, for:

> An alternative is to administratively implement this option under current legislation.

And, he continued:

> Specifically, DHEW rhetoric should reinforce strict observance by the states but SRS management efforts should be focused upon reducing unnecessary restrictions, reporting requirements, data collection, et cetera, by the states.

And, finally, Mr. Speaker, I should quote to you the following interesting language from Mr. Morrill's document. He said:

> In general, the programs in this area have not held up well under critical scrutiny of their performance.

And he said this was true for a number of reasons, including:

> The program objectives are vaguely defined, or conflicting objectives are held by various actors in the process. For example, the Federal goal for vocational rehabilitation is to obtain employment for the physically handicapped; at the individual counselor level that goal tends to translate into "classify as rehabilitated as many eligible persons as possible."

But if we turn to Mr. Reedy's July 18th memorandum to Mr. Dwight, in defense of the rehabilitation program, we hear a different conclusion. Mr. Reedy says, not so:

> There is general goal congruence within the State-Federal VR Program. Traditionally, the Federal role has included leadership, transfer of resources, and capacity building.

And, Mr. Reedy continued:

> As we move into the rehabilitation of the more severely disabled, the Federal role becomes more crucial in these areas, particularly in capacity building in special disability areas.

And Mr. Reedy continued to label as incorrect any notion that the handicapped person is generally able to purchase the services he needs without counseling assistance. Said he:

> The assumption behind the proposal to substitute cash assistance for the current VR program is that the disabled individual is capable and motivated to plan his rehabilitation program and to seek from vendors the services which he needs to implement that program, and further that such services are readily available for purchase. Generally, this is not the case. Normally, the disabled individual has little knowledge as to his specific rehabilitation needs or of the availability of essential services.

And, concluded Mr. Reedy:

> This is where the VR counselor plays a critical role in providing professional advice in helping the individual develop an appropriate rehabilitation plan tailored to his needs, while preserving the client's freedom of choice.

Now, I know, Mr. Speaker, that any of my colleagues who had the opportunity to attend the oversight hearing conducted by the Selected Education Subcommittee last August, or who have had a chance to read the transcript of that hearing, are aware that Mr. Morrill was simply unable to answer these objections on the part of Mr. Reedy.

SUPPORTING RHETORIC

Nor, Mr. Speaker, was Mr. Morrill able to tell us how his criticisms of the effectiveness of the rehabilitation program could be reconciled with the following statement:

> The Vocational Rehabilitation program is among the successful in HEW. A number of benefit-cost analyses have been made. They differ with respect to methods and assumptions, but agree on an important point: the benefits of the program are many times its cost. Conservative estimates of the ratio of benefits to costs have ranged between 8 to 1 and 35 to 1.

Whose words are those? They are those of none other than Caspar Weinberger, Secretary of the Department of Health, Education, and Welfare, spoken before the Senate Labor and Public Welfare Committee earlier this year during his confirmation hearings.

And, continued Mr. Weinberger:

> I can assure you there is not the slightest question as to the Administration's support of the vocational rehabilitation program, nor is there on my part.

Mr. Speaker, I should point out that we did, indeed, hear such supportive rhetoric for the rehabilitation program during the oversight hearing at which the planning memorandum came to light.

For, said Mr. Dwight in his opening statement:

> I would like to state at the outset my strong belief in the goals and activities of the rehabilitation program. It is one of the oldest and certainly one of the most successful of the Federal human resources programs.

And Mr. Morrill, himself, at that hearing went out of his way to endorse Mr. Dwight's statement, saying: "the evidence I have seen clearly supports that judgment."

And the evidence Mr. Morrill had—if we are to believe the testimony of Secretary Weinberger—clearly did support that judgment, Mr. Speaker.

But Mr. Morrill clearly was not interested in pursuing that evidence. For, as he admitted to me under questioning:

He had not consulted the rehabilitation experts in the field with respect to his plans; and

He had no evaluation to back up his contention that the rehabilitation program was ineffective.

In short, he had no evidence, but only ideology, to back up the drastic proposals with respect to rehabilitation which his memorandum outlined.

And when I asked Mr. Morrill how he could possibly reconcile the radical and unsupported attack on the rehabilitation program represented in his memo with the high praise for the program which he expressed before our subcommittee, he implied that the planning memorandum was only a kind of academic exercise requiring tough questions so that he could get straight answers.

REHABILITATION UNDER NIXON

But that kind of explanation really does not hold water, Mr. Speaker—at least it does not with me, and it did not with my subcommittee.

For the Morrill memorandum comes to light not in a vacuum, but in the context of a long and continuous history of active opposition on the part of the administration to the rehabilitation program.

Consider that in the last 4 years we have seen:

Repeated vetoes of the Labor-HEW appropriations bill providing funds for the rehabilitation program;

Two vetoes of legislation to extend the vocational rehabilitation program;

Adamant hostility to the construction of facilities in the rehabilitation field;

The rehabilitation research budget cut in half from fiscal 1972 to fiscal 1973;

An attempt to kill the rehabilitation training programs after fiscal 1974.

We have seen the growth of the State programs virtually ground to a halt while the States are beginning to pull their own weight;

And we have seen the Rehabilitation Services Administration submerged more and more within the Social and Rehabilitation Service, while RSA staff is being reduced, and RSA research funds are diverted into other areas.

And I am sure that many of you recall the image of John Ehrlichman last March—then at the height of his powers as the President's Domestic Counselor—brandishing 15 bills, including the Rehabilitation Act, before the television cameras, and describing them as "budget-busters." Mr. Ehrlichman said:

> These bills represent a $19 billion herd of Trojan horses that are thundering our way out of the Congress, brightly painted and outfitted with very attractive accessories.

So in the context of that attitude, and that history, Mr. Speaker, the emergence of this planning document is evidence, to me in any event, that this administration is now attempting to implement by administrative fiat what it has been unable to obtain by the passage of legislation.

In brief, I suspect that if this administration has its way, it will seek to render the Rehabilitation Act of 1973 inoperative.

Mr. Speaker, I have already cited the favorable statistics on vocational rehabilitation quoted by Secretary Weinberger during his confirmation hearings before the Senate Labor and Public Welfare Committee.

But I have recently come across additional evidence, from the State of Texas, which indicates the enormous value of this program which Mr. Morrill so carelessly suggested we "cash out."

I refer, Mr. Speaker, to the Texas Rehabilitation Commission's 1972 Report to the Governor, which indicated that in 1971–72 the commission services helped 2,254 individuals, receiving $3.4 million in welfare payments, to obtain employment worth $6.3 million in wages.

And the commission estimated, Mr. Speaker, that the dramatic turn-around was a contribution of $8.6 million to the economy of the State of Texas.

For the State saved $2.1 million in public assistance payments, as well as $405,000 in medicaid premium payments, in addition to the $6.3 million earned by the 2,254 individuals rehabilitated.

HUMAN FACTOR

But what I want to stress to my colleagues, today, Mr. Speaker, is that these figures, encouraging as they are, often hide the appalling human tragedies to which this legislation is addressed.

And I think, Mr. Speaker, that no better illustration of these problems could be found than a letter from 15-year-old Jeanette Larson to the Texas Rehabilitation Commission.

For Jeanette, though disabled in body, is not handicapped in spirit, and her letter describing her difficulties, and her hopes, expresses far better than I the great courage, as well as the great needs, exhibited by our handicapped fellow citizens.

I include her letter, Mr. Speaker, at this point in the RECORD:

> DEAR SIR: My name is Jeanette Larson. I am fiftheen (sic) and one half years old. I am in the ninth grade in Del Rio, Texas. The school I attend is called San Felipe Del Rio consolodated (sic) Freshmen School.
>
> Your name was given to me by a D.P.S. officer because I am handicapped and interested in finding a school that specializes in helping handicapped people depend upon themselves and not on others all the time.
>
> My handicapps (sic) are my height because I am three feet and 10 inches tall. My legs are only 18 inches long and are curved where the kneed should be. Even though my legs don't bend I can still walk and run pretty good. (Not fast but fast enough for me.) My other handicappa (sic) are my hands. Both hands are bent inward. I only have three fingers and one thumb on each hand. I am interested in learning how to drive a car, and also learning some kind of work that I can do so I can go out and get a job so I won't always have to depend on someone else to take care of me.
>
> I stated earlier that I am in nineth (sic) grade well I think I should tell you more about what kind of education I have had so here it goes: When I was 6 years old special education class—speech class, 1½ yeara.
>
> 7 yrs. old, 1st grade (regular), speech class 1 yr., 1 yr. 1st grade.
>
> 8 yrs. old, 2nd grade (regular), speech class 1 yr., 1 yr. 2nd grade.
>
> 9 yrs. old, 3rd grade (regular), speech class 1 yr., 1 yr. 3rd grade.
>
> 10 yrs. old, 4th grade (regular), speech class 1 yr., 1 yr. 4th grade.
>
> 11 yrs. old, 5th grade (regular), speech class 1 yr., 1 yr. 5th grade.
>
> 12 yrs. old, 6th grade (regular), speech class 1 yr., 1 yr. 6th grade.
>
> 13 yrs. old, 7th grade (regular), spanish class ½ yr., 1 yr. 7th grade.
>
> 14 yrs. old, 8th grade (regular), spanish class 1 yr., 1 yr. 8th grade.
>
> 15 yrs. old, 9th grade (regular), Homemaking class, 1 yr., 1 yr. 9th grade.
>
> I worked at babysitting from 8:00 to 4:00 every day last summer taking care of my niece (sic) who was 2 to 4 months old. In October 1971 I started selling Avon in my spare time. I am still babysitting on weekends and I am still selling Avon.
>
> My father died when I was about seven years old. My mother has given me permission to write you myself because she feels I can tell you more about what I am interested in than she can.
>
> Any help or information you could send us would be greatly appreciated. If it would help us to find out more about one of these schools we would be more than willing to come to Austin to talk to you. So if you want to you can make the appointment and then write us and let us know and we will come down there or do whatever has to be done.
>
> Sincerely,
>
> JEANETTE LARSON,
> BESSIE D. LARSON,
> *Mother.*
>
> P.S.—Our address is: 909 Ave. D., Del Rio, Texas 78840, Ph. 775–3993, Area Code 512.

Mr. Speaker, the Jeanette Larsons of this great land of ours need our continued support of the rehabilitation program.

I urge my colleagues to oppose the proposals so thoughtlessly drafted by high ranking officials of the Department of Health, Education, and Welfare.

DRUG PROGRAM EDUCATION PROGRAM EFFECTIVE

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, during the recent debate on the bill to extend the Drug Abuse Education Act, several of my colleagues expressed a concern that drug abuse education programs actually do more harm than good since they arouse the curiosity of students about dangerous drugs.

Several of us, however, Mr. Speaker, pointed out that the studies which had reached that conclusion evaluated, not educational programs, but the kinds of false and misinformed information programs which the Office of Drug Abuse Education does not support—and was not intended to support.

Mr. Speaker, a recent study has come to my attention which confirms that genuine educational efforts about the dangers of drugs can have a positive effect in changing drug-using behavior.

I refer to an evaluation of the SPARK—school prevention of addiction through rehabilitation and knowledge—drug abuse education program, recently completed by GEOMET, Inc., for the Special Action Office for Drug Abuse Prevention.

The SPARK program, Mr. Speaker, is operated by the New York City Board of Education, and Mr. Eugene P. Visco, a senior analyst for GEOMET, wrote that his study indicated:

> An almost amazing relationship between participation in the SPARK program and behavior; such consistent results rarely appear in studies such as these. Further, the regression of the behavior of the students in the control population (non-participants in the SPARK program) is equally consistent and equally startling.

Mr. Speaker, because I believe that Mr. Visco's letter, and his study, speak for themselves, I insert them at this point in the RECORD:

GEOMET, Inc.,
Rockville, Md., October 31, 1973.
Bernard R. McColgan,
Special Action Office for Drug Abuse Prevention, Executive Office of the President, Washington, D.C.

Dear Bernie: I am enclosing three copies of the preliminary report of Phase I of the SPARK analysis. The report is preliminary because data from only two schools were available for the initial analysis and because pairing of the experimental subjects with control subjects has not yet been done. The report is issued at this time in accordance with our contractual agreement with you and because of your expressed immediate need for the information. I hope you will find it useful.

Briefly, the report provides a gross comparison between an experimental sample and an unmatched (as yet) control sample, with data representing high school students' behavior during the period of time: September 1971 to June 1972 and September 1972 to June 1973. The results indicate an almost amazing relationship between participation in the SPARK program and behavior; such consistent results rarely appear in studies such as these. Further, the regression of the behavior of the students in the control population (non-participants in the SPARK program) is equally consistent and equally startling.

We will continue to process the data, adding the information from the third school, carrying out the matching effort, and subjecting the comparisons to a variety of statistical tests. A complete report on Phase I will be issued when those analyses are completed.

I am prepared to discuss the information with you at your convenience. I will be out of town from 1 through 8 November, but can be reached through the office.

Sincerely,

Eugene P. Visco,
Senior Operational Analyst.

GEOMET Report, October 31, 1973

(Preliminary report, phase I of SPARK program analysis, for Special Action Office for Drug Abuse Prevention)

INTRODUCTION

Background

This is the first report on the analysis of data representing the performance of the SPARK (School Prevention of Addiction through Rehabilitation and Knowledge) drug abuse program. The analysis is being carried out under the Basic Ordering Agreement 73–2 between the Special Action Office for Drug Abuse Prevention and GEOMET, Incorporated.

The New York City SPARK Program is:

"The Nation's largest school-based program (approaching) addiction education and preventing through group and individual counseling, training of a peer leadership cadre, home visits, parent workshops, parent/child group sessions, community involvement, curriculum development, and in-service training for teachers."

Four major program goals have been established:

"Establishing a setting within each school where young people can go to learn to like themselves and cope with one another;

"Helping students to make decisions, solve problems, and in the process, to grow;

"Providing young people intellectual, social cultural and recreational alternative to drug abuse; and

"Improving communication with the existing services within each school."

The program is operated by the New York City Board of Education within the school system. Doctrine, guidance and staff recruitment, training, and assignment, as well as overall coordination is the responsibility of the SPARK Program Management group, an element of the Board of Education. The direct on-the-scenes activity of the program, in the 94 high schools making up the New York City secondary school system is the responsibility of the individual high school principals. The SPARK teams located in the schools are members of the individual school faculty and are supervised by the principal.

Three different types of SPARK teams are represented in the school system. They are:

One Drug Education Specialist (DES) at each of 45 schools;

One DES and one Instructor/Addiction at each of 40 schools; and

One DES, two Instructors/Addiction, and three additional professionals (usually including a psychologist, guidance counselors, or attendance teachers) at each of the remaining nine schools.

The last type of team configuration is responsible for the operation of an intervention and prevention center.

The program got underway about 1970. A full description of its development, organization, and operations will be included in a subsequent report. It is sufficient to state here that a brief analysis carried out early this year under the auspices of the New York Addiction Services Agency (ASA), the general delegate agency for drug abuse funds, indicated striking changes in behavior among the students who participated in the SPARK program. A major limitation of that analysis was that it sampled only SPARK enrollees and did not include observations of behavior among students who were not associated with SPARK. The analysis included SPARK involvement data for only the first semester of the 1972–1973 school year, compared with "baseline" data on the same students for a comparable semester (the previous year) before they became involved in the SPARK program.

To augment the observations of the ASA-sponsored analysis and to probe somewhat deeper into the performance of the SPARK program, SAODAP asked GEOMET to carry out "an evaluation of the SPARK high school drug abuse program in New York City in terms of changes in the functional behavior of students in an experimental group, as compared with a control group."

Technical approach

The basic approach is to compare the behavior of students in the SPARK program with students not in the SPARK program. Behavior is represented by four parameters: referrals for drug-related activity, instances of misbehavior (referred to as "acting-out behavior"), truancy, and classroom grades. Samples of students have been drawn from three of the nine schools that have intervention and prevention centers. The objective sample distribution is 100 SPARK students per school for a total sample size of 300 "experimental" subjects and 100 non-SPARK students per school for a total of 300 "control" subjects. The control samples are to be matched or "paired" with the experimental samples. The matching will be done in terms of the four behavior variables plus sex (gender) on the basis of data representing the students during the period September 1971 to June 1972 (before the SPARK population enrollment). The students are selected from the populations who were in the 9th and 10th grades during the baseline period; thus, they are in the 11th and 12th grades as of the beginning of the present school year. The matching will be done by computing the distributions of the various variables for the experimental group for the period prior to the group's entry into the program. Control samples will be selected on the basis of one-for-one pairing in terms of the same behavior characteristics for the same time period. In order to facilitate the data collection effort (carried out by members of the SPARK intervention and prevention center teams at the three schools), the same baseline period and first "treatment" period data were drawn for the experimental sample (100 students) and the larger control sample at the same time. The first "treatment" period is the period September 1972 to June 1973, or the first year of SPARK involvement for the experimental group.

Comparisons will be carried out covering the present school year (September 1973 to June 1974); plans also call for an interim data point at the end of the first semester (January 1974).

The behavior variables specifically represents:

The number of referrals for drug-related behavior from a wide range of sources including school security guards, professional staff members, family, and other students; and

The number of reported instances of misbehavior including fighting, abusive oral language, and stealing;

The total number of absences, unexcused absences, class cuttings, and tardiness events; and

Grades on at least the five basic courses generally required.

Since the data to be used are as filed in the various schools and some variations in data recording systems is expected, the analysis will be adjusted to make maximum use of the data in their original form.

STATUS AS OF OCTOBER 31, 1973

Three basic sets of data have been drawn, using random procedures, by the SPARK school staffs and are being processed at GEOMET. The data generally consist of the following information:

A student identification number (so the longitudinal data can be correctly drawn in the future);

Indication of the sample category (experimental or control);

The student's sex;

Whether or not the student is presently enrolled (for the data now in hand, all are still enrolled);

The number of referrals for drug-related behavior from: police, security guard, professional staff, self, family, other students, emergency room, other medical facility.

The number of events of acting-out behavior, categorized as: fighting with other students, fighting with staff, abusive oral language, disrupting classroom activities, inappropriate conduct in lunch or recreational areas, damaging school property, stealing from school, other students, or faculty, setting fires, setting false alarms.

The number of events associated with truant behavior as represented by: total absences, unexcused absences, classes cut, tardiness.

Final grades on six courses.

Data were not available on all elements at all schools. For example, there appear to be no (or very few) instances of "setting fires" or "false alarms." Similarly, information on unexcused absences is not filed at some schools. The composition of the samples is indicated in Table 1 below:

TABLE 1.—SAMPLE SIZE AND COMPOSITION

Group	School 1		School 2		School 3	
	Male	Female	Male	Female	Male	Female
Experimental	42	58	54	46	30	70
Control	111	90	81	75	60	140

As of this report, the data are in computer accessible form. The matching process, a somewhat tedious task, is underway. Initial frequency distributions have been computed for all the groups for Schools 1 and 2; the data for School 3 (slightly delayed) has only recently been prepared for entry into the computer and the distributions are not yet available. The preliminary results are presented in the next section.

PRELIMINARY RESULTS: TWO SCHOOLS

This section presents the tentative results obtained by analysis of the available data for two schools.

The results of principal concern are those that indicate the change in the experimental group over time. In interpreting these results it is important to recognize that the control population has not yet been matched. Thus, on the basis of the statistics computed from the entire population, results are only preliminary. It may be expected that the differences between the experimental and control groups for the first "treatment" period (September 1972 to June 1973) will change, given that the two groups are about the same (matched) for the baseline period. Tables 2 through 5 summarize the observations and display the summary data by school, by time period, and by sample group.

TABLE 2.—AVERAGE NUMBER OF REFERRALS FOR DRUG-RELATED BEHAVIOR (ALL SOURCES)

Group	School 1		School 2	
	1971–72	1972–73	1971–72	1972–73
Experimental	3.88	2.83	3.31	1.33
Control	1.31	1.86	1.79	4.91

TABLE 3.—AVERAGE NUMBER OF MISBEHAVIOR EVENTS (ALL TYPES OF ACTING-OUT BEHAVIOR)

Group	School 1		School 2[1]	
	1971–72	1972–73	1971–72	1972–73
Experimental	12.84	6.06	14.28	3.89
Control	4.05	7.68	7.11	15.13

[1] Includes suspensions; data not available for Schoo. 1.

TABLE 4.—AVERAGE NUMBER OF TOTAL ABSENCES

Group	School 1		School 2	
	1971–72	1972–73	1971–72	1972–73
Experimental	21.15	19.16	17.87	12.06
Control	23.96	33.52	28.24	33.90

TABLE 5.—AVERAGE GRADES (5 COURSES)

Group	School 1		School 2	
	1971–72	1972–73	1971–72	1972–73
Experimental	64.18	69.32	60.86	70.29
Control	60.46	48.48	52.38	40.73

The preliminary data indicate that the number of referrals for drug related activity for members of the experimental group (in the SPARK Program) decreased, while the number of referrals for members of the control group (not in the SPARK Program) increased from the baseline period to the 1972–73 period. The same is essentially true for the number of absences. In the case of average grades, the grades for the members of experimental group were higher during the period they were in the Program than before, while the grades for the control group members dropped during the same period.

Although there are many factors that may influence the results presented here, we can tentatively conclude that there is an association between participation in the SPARK Program and improvement in the attributes of socially desirable behavior. In turn this result may mean that there is some "treatment" to which the SPARK-enrolled students are exposed that affects their behavior in a positive or "good" manner. Correspondingly, there is some influence or treatment to which the non-SPARK students are exposed that has the opposite effect. The data indicate these observations without exception. Such consistancy is quite rare in analyses of the present type.

* * * * *

ARREST RECORD INFORMATION IN JEOPARDY

(Mr. EDWARDS of California asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. EDWARDS of California. Mr. Speaker, the conference report on H.R. 8916, the appropriations bill for the Departments of State, Justice, Commerce, the judiciary and related agencies, contains language which seriously jeopardizes the authority of the Federal Bureau of Investigation to disseminate arrest record information to State and local governments.

For the past 2 years the Justice Department with the help of the House Appropriations Committee has been attempting, by an appropriations order, to reverse the decision in the case of *Menard* v. *Mitchell*, 328 F. Supp. 718 (1971). This decision prohibited the FBI's dissemination of arrest and fingerprint records to nonlaw-enforcement agencies. Riders were added to both the fiscal year 1972 and 1973 appropriations bills which would temporarily suspend the rule of the Menard case. When the fiscal year 1973 appropriations measure came before the House, I was sustained on a point of order striking the rider since such a rider was in violation of the House rule prohibiting the inclusion of substantive legislation in an appropriations bill. The conference report on that bill reinserted compromise language which again temporarily suspended the Menard order. However, when the administration presented its fiscal 1974 budget, it took the position that the language contained in the fiscal year 1973 appropriations measure had the effect of making the rider into permanent legislation and that the Menard order has been permanently repealed by enactment of the appropriations measure.

The idea that the rider accompanying the fiscal year 1973 appropriations measure is permanent legislation was, this year, rejected by both the Senate Appropriations Committee and the full Senate when both bodies voted to include the Bible-Ervin rider in this year's appropriations bill. The Bible-Ervin rider sought to rectify this situation by providing a definite legislative foundation for the FBI's dissemination of arrest record information and by distinctly defining the scope of the FBI's authority to disseminate this information. Since the Bible-Ervin rider was deleted by the conference, it would appear that the issue is once again unresolved and that the entire FBI fingerprint and arrest record operation has once again been placed in a state of limbo.

This year's conference report states that—

> The conferees understand that this matter is before the Judiciary Committees of the House and the Senate and urge expeditious consideration thereof.

Since the conference has clearly asked that the Judiciary Committees of both Houses move quickly to resolve the legal ambiguity surrounding this matter, I am today proposing legislation which will temporarily resolve the controversy created by the conference committee's action. This legislation would, in effect, enact the Bible-Ervin rider into substantive law, but only until the end of the current Congress. This legislation is intended to give only temporary authority because I believe that more comprehensive legislation, such as my own H.R. 188 is need to deal with the issue of dissemination of information from law enforcement data banks and information systems. However, in the interim, I believe that temporary corrective legislation is needed in order to safeguard the FBI fingerprint operation from adverse court decisions which might result from the conflicting authorities created by the Menard decision and the confusing legislative history of the appropriations riders.

OKLAHOMA'S TEACHER OF THE YEAR

(Mr. ALBERT (at the request of Mr. Stark) was given permission to extend his remarks at this point in the Record, and to include extraneous material.)

Mr. ALBERT. Mr. Speaker, I wish to call the attention of my colleagues to an interesting article which appeared in the November 1973 issue of the Oklahoma Teacher, the magazine published monthly by the Oklahoma Education Association, about Oklahoma's 1973 Teacher of the Year. Mrs. Valerie Carolina of Wewoka, Okla., is the first black teacher to receive the State honor. I salute her. The article follows:

Valerie Carolina—Oklahoma Teacher of the Year

(By Patty Anderson)

A living example of honesty, integrity and commonsense is Oklahoma's 1973 Teacher of the Year, Mrs. Valerie Carolina of Wewoka.

Mrs. Carolina, who teaches the second grade at Wewoka Elementary School, has engaged herself in boundless activities not only in the Wewoka school system but also the community.

Among her many activities are memberships in several professional organizations. She holds memberships in the OEA–NEA and the state ACT where she has served as ACT Vice-President. Mr. Carolina is also a member of the American Association of University Women (AAUW) and the Oklahoma Reading Council.

Her participation in community activities include a variety of humanistic projects. She is a member of the St. Paul Baptist Church where she is an adult leader for teenagers that go to church camp each year. During her tenure as president of the Penny Unit of the Federated Clubs, she was a great influence in organizing groups to render programs for the aged.

Rev. E. C. Walters, pastor of the St. Paul Baptist Church describes Mrs. Carolina as "a person whose love for people is exemplified through her many acts of kindness to all with whom she is associated—young and old alike, and through many Christian acts to those who are less fortunate."

A woman who is endowed with an abundance of energy, knowledge, love for children, know-how and initiative are words used by Carl Roblyer, superintendent of Wewoka City Schools, to describe Mrs. Carolina's abilities.

XUM

Camilla Nash, principal of Wewoka Elementary School, says "Mrs. Carolina has that rare ability to take a slow child and somehow convince him that he is as smart as anyone in the room. Once she has convinced him of this, he is on his way to becoming just that."

One of the best ways to describe Mrs. Carolina is to quote a parent of one of her children when he said, "Mrs. Carolina has made my child believe that he is the most important child in her room. I'm sure all the other children feel the same way."

The Teacher of the Year award is given to the outstanding teacher selected from more than 100 teachers nominated by local units of the OEA. The event is co-sponsored by the Oklahoma Education Association, the Oklahoma City Chamber of Commerce, the State Fair of Oklahoma and the Oklahoma City Hotel and Motor Hotel Association.

Mrs. Carolina, the first black teacher to receive the state honor, and other nominees were honored at a Chamber of Commerce Luncheon held in the Myraid Convention Center.

Being a winner of the State Teacher of the Year award, Mrs. Carolina becomes eligible to compete for the title of "National Teacher of the Year".

Mrs. Carolina has devoted 27 years to the teaching profession. She has taught eight years at Wewoka. Previously, she taught 14 years at New Lima, two years at Poteau, two years at Spiro, and one year at San Angelo, Texas. She holds a bachelor's degree in English from Langston University, and a master's degree in education from Oklahoma University.

The best way to describe how the Wewoka community feels about Mrs. Carolina can be quoted from the Seminole County OEA unit that nominated her. "We think our community is a better place to live because Valerie Carolina lives here."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Kluczynski (at the request of Mr. O'Neill), for today, on account of official business of the Committee on Public Works.

Mr. Dellums (at the request of Mr. O'Neill), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mrs. Green of Oregon, for 60 minutes, on Thursday, November 15, 1973, and to include extraneous material.

(The following Members (at the request of Mr. Peyser) and to revise and extend their remarks and include extraneous matter:)

Mr. Cohen, for 10 minutes, today.

Mr. Miller, for 10 minutes, today.

Mrs. Heckler of Massachusetts, for 10 minutes, today.

Mr. Kemp, for 10 minutes, today.

(The following Members (at the request of Mr. Stark) and to revise and extend their remarks and include extraneous matter:)

Mr. Dent, for 10 minutes, today.

Mr. Gonzalez, for 5 minutes, today.

Mr. Fuqua, for 5 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mr. Moss, for 5 minutes, today.

Mr. Stark, for 5 minutes today.

Mr. Carey of New York, for 5 minutes, today.

Mr. Fulton, for 5 minutes, today.

Mr. Drinan, for 10 minutes, today.

Ms. Abzug, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Sikes to revise and extend his remarks and include extraneous matter and tabulations.

(The following Members (at the request of Mr. Peyser), and to include extraneous matter:)

Mr. Broyhill of Virginia in two instances.

Mr. Esch.

Mr. Steiger of Wisconsin.

Mr. Sarasin.

Mr. Erlenborn.

Mr. Hosmer in two instances.

Mr. Huber in three instances.

Mr. Goodling.

Mr. Derwinski in three instances.

Mr. Crane in five instances.

Mr. Froehlich.

Mr. Dickinson.

Mr. Hudnut.

Mr. Burgener.

Mr. Rousselot.

Mr. McClory in two instances.

Mr. Railsback.

Mr. Lent in five instances.

Mr. Bauman in two instances.

Mr. Beard in two instances.

Mr. Hogan.

Mr. King in two instances.

(The following Members (at the request of Mr. Stark) and to include extraneous material:)

Mr. McSpadden in two instances.

Mr. Pickle in 10 instances.

Mr. Drinan.

Mr. Harrington in five instances.

Mr. Gonzalez in three instances.

Mr. Rarick in three instances.

Mr. Moss.

Mr. Karth.

Mr. Obey in three instances.

Mr. Stokes.

Mr. Rooney of Pennsylvania in three instances.

Mr. Lehman.

Mr. Addabbo.

Mr. St Germain in five instances.

Mr. Waldie in two instances.

Mr. Roe in five instances.

Mr. Vanik in three instances.

Mr. Kastenmeier.

Ms. Abzug in 10 instances.

Mr. Brinkley.

Mr. Hawkins.

Mr. Milford.

Ms. Holtzman in 10 instances.

Mr. Rooney of New York.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2315. An act relating to the compensation of employees of Senate committees; to the Committee on Post Office and Civil Service.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3801. An act to extend Civil Service Federal Employees Group Life Insurance and Federal Employees Health Benefits coverage to United States nationals employed by the Federal Government;

H.R. 5692. An act to amend title 5, United States Code, to revise the reporting requirement contained in subsection (b) of section 1308;

H.R. 8219. An act to amend the International Organizations Immunities Act to authorize the President to extend certain privileges and immunities to the Organization of African Unity; and

H.R. 8916. An act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1974, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1570. An act to authorize and require the President of the United States to allocate crude oil, residual fuel oil, and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare; to provide for the delegation of authority; and for other purposes; and

S. 2645. An act to amend Public Law 93-60 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

ADJOURNMENT

Mr. STARK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Thursday, November 15, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1554. A letter from the Secretary of Health, Education, and Welfare, transmitting the third annual report on the Department's administration of the black lung benefits program, pursuant to section 426(b) of Public Law 91-173 (30 U.S.C. 936(b)); to the Committee on Education and Labor.

1555. A letter from the Acting Secretary of State, transmitting reports of the Secretary of Commerce and the Acting Secretary of the Interior on the implementation of the international program of the Marine Mammal Protection Act of 1972, pursuant to section 108(a)(6) of the Act (16 U.S.C. 1361); to the Committee on Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DONOHUE: Committee of conference. Conference report on H.R. 7446; with amendment (Rept. No. 93-639). Ordered to be printed.

Mr. EVINS of Tennessee: Select Committee on Small Business. Report on the role of small business in franchising (Rept. No. 93-640). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 702. Resolution to provide funds for the Committee on the Judiciary; with amendment (Rept. No. 93-641). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of California (for himself, Mr. Adams, Mr. Badillo, Mr. Brasco, Mrs. Burke of California, Mrs. Collins of Illinois, Mr. Cotter, Mr. Dellums, Mr. Dulski, Mr. Gilman, Mrs. Grasso, Mr. Harrington, Mr. Helstoski, Mr. Leggett, Mr. Moakley, Mr. Moss, Mr. O'Hara, Mr. Rosenthal, Mr. Roybal, Mrs. Schroeder, Mr. Seiberling, Mr. Charles H. Wilson of California, Mr. Wolff, and Mr. Won Pat):

H.R. 11460. A bill to improve the service which is provided to consumers in connection with escrow accounts on real estate mortgages, to prevent abuses of the escrow system, to require that interest be paid on escrow deposits, and for other purposes; to the Committee on Banking and Currency.

By Mr. BROYHILL of Virginia:

H.R. 11461. A bill to protect the consumer against worthless money orders, and for other purposes, to the Committee on Banking and Currency.

H.R. 11462. A bill to provide for the licensing by the District of Columbia of the business of selling, issuing, or delivering checks, drafts, and money orders as a service or for a fee or other consideration in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. DON H. CLAUSEN (for himself, Mr. Armstrong, and Mr. Rinaldo):

H.R. 11463. A bill to amend chapter 29 of title 18, United States Code, to prohibit certain election campaign practices, and for other purposes; to the Committee on House Administration.

By Mr. COHEN:

H.R. 11464. A bill to amend title VII of the Elementary and Secondary Education Act of 1965 to extend, improve, and expand programs of bilingual education, teacher training, and child development; to the Committee on Education and Labor.

By Mr. COLLIER:

H.R. 11465. A bill to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes; to the Committee on the District of Columbia.

By Mr. CORMAN (for himself, Mr. Rinaldo, Mr. Whalen, and Mr. Hicks):

H.R. 11466. A bill to amend the Social Security Act to provide the States with maximum flexibility in their programs of social services under the public assistance titles of the act; to the Committee on Ways and Means.

By Mr. DENNIS (for himself, Mr. McClory, Mr. Hutchinson, Mr. Smith of New York, Mr. Sandman, Mr. Mayne, Mr. Hogan, Mr. Butler, Mr. Cohen, Mr. Lott, Mr. Moorhead of California, Mr. Mezvinsky, and Mr. Flowers):

H.R. 11467. A bill to define the powers and duties and to place restrictions upon the grounds for removal of the Special Prosecutor appointed by the Acting Attorney General of the United States on November 5, 1973, and for other purposes; to the Committee on the Judiciary.

By Mr. DONOHUE:

H.R. 11468. A bill to direct the President to halt all exports of gasoline, distillate fuel oil, and propane gas until he determines that no shortage of such fuels exists in the United States; to the Committee on Banking and Currency.

By Mr. DORN:

H.R. 11469. A bill to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FRASER (for himself, Mr. Meeds, Ms. Mink, Mr. Moakley, Mr. Mollohan, Mr. Mosher, Mr. Pepper, Mr. Podell, Mr. Rangel, Mr. Riegle, Mr. Rodino, Mr. Rosenthal, Mr. Roybal, Mr. Sarbanes, Ms. Schroeder, Mr. Seiberling, Mr. Studds, Mr. Thompson of New Jersey, Mr. Tiernan, Mr. Whitehurst, Mr. Charles H. Wilson of California, Mr. Wolff, Mr. Young of Georgia, and Mr. Gaydos):

H.R. 11470. A bill to limit the medicare inpatient hospital deductible; to the Committee on Ways and Means.

By Mrs. GRASSO (for herself, Mr. Ashley, Mr. Badillo, Mr. Bingham, Mr. Boland, Mr. Brasco, Mr. Brown of California, Mr. Burke of Massachusetts, Mr. Carney of Ohio, Mr. Cohen, Mrs. Collins of Illinois, Mr. Dellums, Mr. Drinan, Mr. Edwards of California, Mr. Fascell, Mr. William D. Ford, Mr. Froehlich, Mr. Green of Pennsylvania, Mr. Gunter, Mr. Hamilton, Mr. Harrington, Mr. Helstoski, Mr. Hicks, Mr. Lehman, and Mr. McDade):

H.R. 11471. A bill to limit the medicare inpatient hospital deductible; to the Committee on Ways and Means.

By Mr. GRIFFITHS (for herself, Mr. Corman, and Mr. Moakley):

H.R. 11472. A bill to create a national system of health security; to the Committee on Ways and Means.

By Mr. GUNTER (for himself, Mr. Rinaldo, and Mr. Whitehurst):

H.R. 11473. A bill to prohibit the importation into the United States of meat or meat products from livestock slaughtered or handled in connection with slaughter by other than humane methods; to the Committee on Agriculture.

By Mr. ICHORD:

H.R. 11474. A bill to change Veterans' Day to November 11; to the Committee on the Judiciary.

By Mr. SATTERFIELD:

H.R. 11475. A bill to amend the Clean Air Act to modify the emission standards required for light duty motor vehicles and engines manufactured during model year 1975 and thereafter; to the Committee on Interstate and Foreign Commerce.

By Mr. WYATT:

H.R. 11476. A bill to direct the President to halt all exports of gasoline, distillate fuel oil, and propane gas until he determines that no shortage of such fuels exists in the United States; to the Committee on Banking and Currency.

H.R. 11477. A bill to provide for the conservation of energy by amending the Internal Revenue Code of 1954 to permit a taxpayer an income tax deduction for insulation improvement or repair expenditures; to the Committee on Ways and Means.

By Ms. ABZUG:

H.R. 11478. A bill to authorize and direct the President to develop and implement certain federally sponsored incentives relating to mass transportation; to the Committee on Public Works.

By Mr. CAREY of New York:

H.R. 11479. A bill to amend the Public Health Service Act to provide for programs for the diagnosis and treatment of hemophilia; to the Committee on Interstate and Foreign Commerce.

By Mr. CARTER:

H.R. 11480. A bill to establish an Energy Management and Conservation Corporation, and for other purposes; to the Committee on Interior and Insular Affairs

By Mr. CLARK:

H.R. 11481. A bill to prohibit the export of the energy resources of the United States; to the Committee on Banking and Currency.

By Mr. DELANEY:

H.R. 11482. A bill to provide that daylight saving time shall be observed on a year-round basis; to the Committee on Interstate and Foreign Commerce

By Mr. EDWARDS of California:

H.R. 11483. A bill to protect the constitutional rights of the subjects of arrest records and to authorize the Federal Bureau of Investigation to disseminate conviction records to State and local government agencies and for other purposes; to the Committee on the Judiciary

By Mr. FULTON:

H.R. 11484. A bill to amend section 101 (1)(3) of the Tax Reform Act of 1969 in respect of the application of section 4942(d) of the Internal Revenue Code of 1954 to private foundations subject to section 101 (1)(4) of the Tax Reform Act of 1969; to the Committee on Ways and Means.

By Mr. FUQUA:

H.R. 11485. A bill to prohibit the export of domestically extracted crude oil, and any petroleum products made from such oil, unless Congress first approves such exportation; to the Committee on Banking and Currency.

By Mr. HANLEY:

H.R. 11486. A bill to protect the public health and welfare by providing for the inspection of imported dairy products and by requiring that such products comply with certain minimum standards for quality and wholesomeness and that the dairy farms on which milk is produced and the plants in which such products are produced meet certain minimum standards of sanitation; to the Committee on Agriculture.

By Mr. HANRAHAN (for himself and Mr. Coughlin):

H.R. 11487. A bill to provide that daylight savings time shall be observed on a year-round basis; to the Committee on Interstate and Foreign Commerce.

By Mr. KASTENMEIER:

H.R. 11488. A bill to amend title 35 of the United States Code to provide a remedy for postal interruptions in patent and trademark cases; to the Committee on the Judiciary.

By Mr. KEMP:

H.R. 11489. A bill to require that a percentage of U.S. oil imports be carried on U.S.-flag vessels; to the Committee on Merchant Marine and Fisheries.

By Mr. McKINNEY (for himself and Mr. Walsh):

H.R. 11490. A bill to amend the Federal

Food, Drug, and Cosmetic Act with respect to dietary supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PATTEN:

H.R. 11491. A bill to amend the Urban Mass Transportation Act of 1964 to permit financial assistance to be furnished under that act for the acquisition of certain equipment which may be used incidentally for charter or sightseeing purposes, and for other purposes; to the Committee on Banking and Currency.

H.R. 11492. A bill to amend the Public Health Service Act to provide for programs for the diagnosis and treatment of hemophilia; to the Committee on Interstate and Foreign Commerce.

By Mr. KOCH (for himself and Mr. BRASCO):

H.J. Res. 825. Joint resolution prohibiting urban mass transportation systems from raising their fares above present levels during a 2-year period, and providing for the payment of operating subsidies to urban mass transportation systems which incur deficits as a result of such prohibition; to the Committee on Banking and Currency.

By Mr. POWELL of Ohio:

H.J. Res. 826. Joint resolution authorizing the President to proclaim the period from February 17 to February 23 as Sertoma Freedom Week, and to call upon the people of the United States and interested groups and organizations to observe such period with appropriate ceremonies and activities; to the Committee on the Judiciary.

By Mr. WHITEHURST (for himself and Mr. DENNIS):

H.J. Res. 827. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. FUQUA:

H. Con. Res. 379. Concurrent resolution calling for the President to curtail exports of goods, materials, and technology to nations that restrict the flow of oil to the United States; to the Committee on Banking and Currency.

By Mr. HUDNUT (for himself and Mr. ECKHARDT):

H. Con. Res. 380. Concurrent resolution expressing the sense of Congress concerning the use of chauffeur driven limousines by the Federal Government; to the Committee on Government Operations.

By Mr. THOMPSON of New Jersey:

H. Res. 702. Resolution to provide funds for the Committee on the Judiciary; to the Committee on House Administration.

By Mr. STARK:

H. Res. 703. Resolution impeaching Richard M. Nixon, President of the United States for high crimes and misdemeanors; to the Committee on the Judiciary.

SENATE—*Wednesday, November 14, 1973*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, amid the confusion of our times, we pause to open our hearts and minds to Thy presence. Give us the wisdom to discern the spirits—whether they be of God or of the enemy of man's soul. Above all other voices may we hear Thy clear voice saying "This is the way, walk in it." Support the President and the Congress in all righteous endeavors. From troubled times make triumphant souls and in difficult days wilt Thou produce dividends of character and grace. Guide those whose labor makes for peace and justice in the world. May Thy will be done and Thy kingdom be nearer its fulfillment because we serve Thee here.

In His name who is King of Kings and Lord of Lords. Amen.

REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of November 13, 1973, Mr. McGEE, from the Committee on Post Office and Civil Service, reported favorably, without amendment, on November 13, 1973, the bill (S. 2673) to insure that the compensation and other emoluments attached to the office of Attorney General are those which were in effect on January 1, 1969, and submitted a report (No. 93–499) thereon, which was printed.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, November 13, 1973, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed without amendment the Senate bill (S. 2645) to amend Public Law 93–60 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1570) to authorize the President of the United States to allocate crude oil and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare; to provide for the delegation of authority to the Secretary of the Interior; and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8916) making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1974, and for other purposes; that the House had receded from its disagreement to the amendments of the Senate numbered 24, 26, 27, 39, and 50 to the bill and concurred therein; and that the House had receded from its disagreement to the amendments of the Senate numbered 30, 37, and 46, and concurred therein severally with an amendment in which it requests the concurrence of the Senate.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 5874) to establish a Federal Financing Bank, to provide for coordinated and more efficient financing of Federal and federally assisted borrowings from the public, and for other purposes, agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ULLMAN, Mr. BURKE of Massachusetts, Mrs. GRIFFITHS, Mr. SCHNEEBELI, and Mr. COLLIER were appointed managers of the conference on the part of the House.

The message further announced that the House had agreed to the concurrent resolution (H. Con. Res. 378) providing for an adjournment of the House from November 15 to November 26, 1973, in which it requests the concurrence of the Senate.

The message also informed the Senate that pursuant to the provisions of section 9(b), Public Law 89–209, as amended by section 2(a)(8), Public Law 93–133, the Speaker appointed Mrs. GRASSO a member of the Federal Council on the Arts and Humanities.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

S. 1081. An act to amend section 28 of the Mineral Leasing Act of 1920, and to authorize a trans-Alaska oil pipeline, and for other purposes; and

S. 2645. An act to amend Public Law 93–60 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PROVIDING FOR THE CONVEYANCE OF CERTAIN LANDS TO THE STATE OF LOUISIANA

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 9295.

The PRESIDENT pro tempore laid before the Senate H.R. 9295 which was read by title as follows:

H.R. 9295, an act to provide for the conveyance of certain lands of the United States to the State of Louisiana for the use of Louisiana State University.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the bill be considered as having been read twice by its title and that the Senate proceed to its immediate consideration. It is identical to S. 2477 which the Senate passed on yesterday.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana?

There being no objection, the bill, H.R. 9295, was considered, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the passage yesterday of S. 2477 be reconsidered and that the bill be indefinitely postponed.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, if the distinguished Republican leader would not mind, I should like to yield to him at this time if he has any remarks to make.

THE WHITE HOUSE TAPE OF MARCH 21

Mr. HUGH SCOTT. Mr. President, I just want to say briefly, for clarification of the record, there has been so much talk about the tapes that one of the facts that should be more widely known, I think, is that it is a reasonable conclusion the tape of March 21 will show Mr. Dean made some reference—and I do not know his exact words because I have not heard the tape—Mr. Dean made some reference to the President along the lines of "This is the first time I have told you about these things," and that after a summation of some very deplorable behavior, the President expressed shock and dismay.

If that is borne out in the hearing before Judge Sirica—and I hope later publication—it will also make false the statement by Mr. Dean that he had spoken to the President earlier on this matter, in the previous September and on March 13.

I make this statement simply because I believe it is impossible or very hard to have much notice given to it. It is probably the crucial point in all the discussions of Watergate. That is my judgment, my best information, about what will appear. I make the statement again for that reason.

I hope the proceedings on the relevancy of the tapes and of the material which can be submitted to the grand jury will be acted upon promptly by the Federal district court. I have great respect for the judge of that court. I believe he would be eager to expedite these proceedings. I know it is in the interest of the country that they be expedited so that the truth can be made available not only to the grand jury, but also to the American people as soon as possible—and the sooner the better.

COMPENSATION AND OTHER EMOLUMENTS ATTACHED TO THE OFFICE OF ATTORNEY GENERAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 474, S. 2673.

The PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 2673) to insure that the compensation and other emoluments attached to the Office of Attorney General are those which were in effect on January 1, 1969.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I take it that the assistant majority leader is going to exercise the use of the 15 minutes which the Senate granted to him yesterday. If that is not sufficient time, I should like permission to transfer my 15 minutes to the distinguished Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished majority leader. I ask unanimous consent that I now be recognized under the order, without prejudice to the distinguished Senator from Michigan (Mr. GRIFFIN), who also has an order.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that S. 2673 be referred to the Committee on the Judiciary with instructions that the bill be reported back to the Senate not lator than the hour of midnight on Tuesday next, and without amendments.

Mr. HUGH SCOTT. I have no objection.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I thank the distinguished Republican leader.

ANALYSIS OF THE EFFICACY OF REMEDIAL LEGISLATION TO REMOVE AN OFFICE HOLDING DISQUALFICATION IMPOSED BY ARTICLE I, SECTION 6, CLAUSE 2 OF THE CONSTITUTION

Mr. ROBERT C. BYRD. Mr. President, the nomination of Senator WILLIAM SAXBE to the Office of Attorney General has raised a question whether he is eligible for appointment under article I, section 6, clause 2 of the Constitution. That provision states:

> No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; . . .

The background of the situation is as follows: Under Public Law 90–206, 2 U.S.C. 351, et seq., approved December 16, 1967, Congress established the Commission on Executive, Legislative, and Judicial Salaries. The Commission is required to make recommendations to the President, at 4-year intervals, on the rates of pay for Senators, Representatives, Federal judges, Cabinet officers and other executive, legislative, and judicial officials. The law requires that the President, in the budget next submitted by him after receipt of a report of the Commission, set forth his recommendations with respect to the exact rates of pay he deems advisable for those offices and posions covered by the law. The President's recommendations become effective 30 days following transmittal of the budget, unless in the meantime other rates have been enacted by law or at least one House of Congress has enacted legislation which specifically disapproves of all or a part of the recommendations.

Pursuant to section 225(h) of the act, 2 U.S. Code section 359(h), President Nixon transmitted to the Congress on January 15, 1969, recommendations which, inter alia, proposed raising the salary of the Attorney General from $35,000 to $60,000 per year. On February 4, 1969, the Senate debated Senate Resolution 82, which would disapprove the Presidential recommendation. The resolution was defeated, with Senator SAXBE, whose term began on January 4, 1969, voting with the majority; CONGRESSIONAL RECORD, volume 115, part 2, page 2716. The pay raises became effective shortly thereafter.

It seems clear to me from the above that, under the present circumstances, any Senator who was elected or reelected in 1968 is ineligible for appointment as Attorney General until the end of his term on January 3, 1975, since it is an office the compensation of which has been increased during that 6-year term in office. However, on November 5, 1973, the House and Senate received from the Acting Attorney General a draft of proposed legislation which would roll back the compensation and other emoluments of the Attorney General to what they were on January 1, 1969, prior to the raise.[1] Daily CONGRESSIONAL RECORD, November 5, 1973, page 35884.

The question squarely put then is whether the constitutional disqualification, once applicable, may be rendered inoperative or satisfied thereafter by remedial legislation. Analysis of the origins of the constitutional provision, and subsequent precedents, leads to considerable doubt that, once the constitutional condition exists, that is, an increase in the compensation of an office, Members of Congress may be appointed to the office for the remainder of their term and that the prohibition may be lifted for the benefit of a potential appointee by a subsequent legislative act nullifying the disqualifying condition.

CONSTITUTIONAL DEBATES OF 1787

A review of the Philadelphia debates concerning the emoluments clause reveals almost universal agreement as to the general purpose underlying it, to wit, that some protection was necessary

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[1] The proposed legislation would provide: "That the compensation and other emoluments attached to the Office of Attorney Genenral shall be those which were in effect on January 1, 1969, notwithstanding the provisions of the Salary Recommendations for 1969 Increases transmitted to the Congress on Jan. 15, 1969.

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against possible corruption of members of the legislature resulting from the lure of civil office. The framers saw two potential sources of evil: first, that legislators might view their election to the Congress as a stepping stone to some lucrative public office and utilize their positions in the legislature as a means of creating or increasing the compensation of such sought-after offices; and, second, that an unscrupulous executive might use the enticement of public office to influence members of the legislature. Although there was general agreement on the underlying potential evil, there was a divergence of opinion as to how best to express the disqualification necessary to effect the prohibition. Significant here is that the few statements against imposing any disqualification apparently were not based on the belief that the apprehended evil was unwarranted or irrational. Rather it was founded on the view that the legislature would attract the best men in the Nation and it would be unwise to make ineligible for public office the most able men in the Republic. The prohibition, therefore, actually represents a compromise in an area in which there was agreement both as to the evil to be contained and on disqualification as the method of containment, but disagreement as to the duration of the disqualification. The evolution of the clause during the course of the convention illustrates these points.[2]

First mention of the prohibition appears in Randolph's resolutions—Virginia plan—of May 29, Nos. 4 and 5 of which would have rendered members of both houses "to be ineligible to any office established by a particular State, or under the authority of the United States, except those peculiarly belonging to the functions of—each branch—during the term of service, and for the space of—unspecified years—after its expiration." Farrand, volume 1, pages 20–21. On June 12 the period of ineligibility was fixed at 1 year after expiration of members' term of office. Farrand, volume 1, pages 217; 228–229. Thereafter, several attempts to remove the disqualification clause in its entirety, or to modify it, were defeated. Farrand, volume 1, pages 375–377, 379–382, 386–390, 391–394. The leading advocate for modification was Madison. On June 22 and 23 he proposed that disqualification attach only where an office was created or the compensation of an old office was increased. Essentially, proponents of total disqualification resisted modification out of fear that a lesser restriction would be too easy to evade. On July 26 the following language was referred to the Committee on Detail:

> That the Members of the [first and] second branch of the Legislature of the United States ought to be ineligible to, and incapable of holding, any office under the authority of the United States (except those peculiarly belonging to the functions of the [first and] second branch) during the term for which they are elected, and for one year thereafter. (Farrand, vol. 2, pp. 129–130).

On August 6 the Committee on Detail reported out the provision, then embodied in article I, section 9, as follows:

> The members of each House shall be ineligible to, and incapable of holding, any office under the authority of the United States during the time for which they shall respectively be elected; and the Members of the Senate shall be ineligible to, and incapable of holding, any such office for one year afterwards. (Farrand, vol. 2, p. 180).

At that point, then, the only change found necessary by the committee was to eliminate the additional 1-year disability for House members. The discrimination against the Senate would appear to relate to the key role given it in the nomination and confirmation process.

On September 3 the final debate on the provision took place. The language agreed to is similar to that ultimately adopted. Farrand, volume 2, pages 489–492. The debate appears as follows:

> Mr. Pinkney moved to postpone the Report of the Committee of Eleven (see Sept. 1) in order to take up the following,
>
> "The members of each House shall be incapable of holding any office under the U— S— for which they or any other for their benefit, receive any salary, fees or emoluments of any kind, and the acceptance of such office shall vacate their seats respectively." He was strenuously opposed to an ineligibility of members to office, and therefore wished to restrain the proposition to a mere incompatibility. He considered the eligibility of members of the Legislature to the honorable offices of Government, as resembling the policy of the Romans, in making the temple of virtue the road to the temple of fame.
>
> On this question
>
> N. H. no. Mas. no. Ct no— N— J. no. Pa ay. Md. no Va. no N.C ay SC—no Geo. no. [Ayes—2; noes—8.]
>
> Mr. King moved to insert the word "created" before the word "during" in the Report of the Committee. This he said would exclude the members of the first Legislature under the Constitution, as most of the Offices wd. then be created.
>
> Mr. Williamson 2ded. the motion,[9] He did not see why members of the Legislature should be ineligible to *vacancies* happening during the term of their election.[10]
>
> Mr. Sherman was for entirely incapacitating members of the Legislature. He thought their eligibility to offices would give too much influence to the Executive. He said the incapacity ought at least to be extended to cases where salaries should be *increased*, as well as created, during the term of the member. He mentioned also the expedient by which the restriction could be evaded to wit: an existing officer might be translated to an office created, and a member of the Legislature be then put into the office vacated.
>
> Mr. Govr. Morris contended that the eligibility of members to office wd. lessen the influence of the Executive. If they cannot be appointed themselves, the Executive will appoint their relations & friends, retaining the service & votes of the members for his purposes in the Legislature. Whereas the appointment of the members deprives him of such an advantage.
>
> Mr. Gerry though the eligibility of members would have the effect of opening batteries agst. good officers, in order to drive them out & make way for members of the Legislature.
>
> Mr. Gorham was in favor of the amendment. Without it we go further than has been done in any of the States, or indeed any other Country. The experience of the State Governments where there was no such ineligibility, proved that it was not necessary; on the contrary that the eligibility was among the inducements for fit men to enter into the Legislative service.
>
> Mr. Randolph was inflexibly fixed against inviting men into the Legislature by the prospect of being appointed to offices.
>
> Mr. Baldwin remarked that the example of the States was not applicable. The Legislatures there are so numerous that an exclusion of their members would not leave proper men for offices. The case would be otherwise in the General Government.
>
> Col. Mason. Instead of excluding merit, the ineligibility will keep out corruption, by excluding office-hunters.
>
> Mr. Wilson considered the exclusion of members of the Legislature as increasing the influence of the Executive as observed by Mr Govr Morris at the same time that it would diminish, the general energy of the Government. He said that the legal disqualification for office would be odious to those who did not wish for office, but did not wish either to be marked by so degrading a distinction—
>
> Mr. Pinkney. The first Legislature will be composed of the ablest men to be found. The States will select such to put the Government into operation. Should the Report of the Committee or even the amendment be agreed to, The great offices, even those of the Judiciary Deparment which are to continue for life, must be filled whilst those most capable of filling them will be under a disqualification
>
> On the question on Mr. King's motion
>
> N— H. ay. Mas. ay— Ct. no. N. J. no. Pa. ay. Md. no. Va. ay N— C. ay. S— C. no. Geo— no. [Ayes — 5; noes — 5]
>
> The amendment being thus lost by the equal division of the States, Mr. Williamson moved to insert the words "created or the emoluments whereof shall have been increased" before the word "during" in the Report of the Committee
>
> Mr. King 2ded. the motion. &
>
> On the question
>
> N— H— ay— Mas— ay— Ct. no. N— J. no. Pa. ay. Md. no. Va. ay. N— C. ay. S. C. no. Geo— divided. [Ayes — 5; noes — 4; divided — 1.]
>
> The last clause rendering a Seat in the Legislature & an office incompatible was agreed to nem: con:
>
> The Report as amended & agreed to is as follows.
>
> "The members of each House shall be ineligible to any Civil office under the authority of the U. States, cerated, or the emoluments whereof shall have been increased during the time for which they shall respectively be elected — And no person holding any office under the U. S. shall be a member of either House during his continuance in office."
>
> Adjourned

The ultimate version of the clause represents a victory for the view of Madison, who had led a number of previous attempts to amend the provision in a like manner. His remarks are therefore important to an overall understanding of the scope of the prohibition and demonstrate that the compromise he sought to effect was designed to pinpoint certain potential major abuses for absolute prohibition while maintaining encouragement for legislative service. Following are excerpts from the June 23 debates:

> Mr. M(adison) renewed his motion yesterday made & waved to render the members of the 1st. branch "ineligible during their term of service, & for one year after—to such offices only as should be established, of the emoluments thereof, augmented by the Legislature of the U. States during the time of their being members." He supposed that the unnecessary creation of offices, and increase of salaries, were the evils most experienced, & that if the door was shut agst. them, it might properly be left open for the appointt. of members to other offices as an encouragmt. to the Legislative service.
>
> Mr. Alex: Martin seconded the motion.
>
> (Mr. Butler. The amendt. does not go far eno' & wd. be easily evaded)
>
> Mr. Rutlidge, was for preserving the Legislature as pure as possible, by shutting the door against appointments of its own members to offices, which was one source of its corruption.
>
> Mr. Mason. The motion of (my colleague) is but a partial remedy for evil. He appealed to (him) as a witness of the shameful partiality of the Legislature of Virginia to its own members. He enlarged on the abuses & corruption in the British Parliament, connected with the appointment of its members. He cd. not suppose that a sufficient number of Citizens could not be found who would be ready, without the inducement of eligibility to offices, to undertake the Legislative service. Genius & virtue it may be said, ought to be encouraged. Genius, for aught he knew, might, but that virtue should be encouraged by such a species of venality, was an idea, that at least had the merit of being new.
>
> Mr. King remarked that we were refining too much in this business; and that the idea of preventing intrigue and solicitation of offices was chimerical. You say that no member shall himself be eligible to any office. Will this restrain him from availing himself of the same means which would gain appointments for himself, to gain them for his son, his brother, or any other object of his partiality. We were losing therefore the advantages on one side, without avoiding the evils on the other.
>
> Mr. Wilson supported the motion. The proper cure he said for corruption in the Legislature was to take from it the power of appointing to offices. One branch of corruption would indeed remain, that of creating unnecessary offices, or granting unnecessary salaries, and for that the amendment would be a proper remedy. He animadverted on the impropriety of stigmatizing with the name of venality the laudable ambition of rising into the honorable offices of the Government; an ambition most likely to be felt in the early & most incorrupt period of life, & which all wise & free Govts. had deemed it sound policy, to cherish, not to check. The members of the Legislature have perhaps the hardest & least profitable task of any who engage in the service of the state. Ought this merit to be made a disqualification?
>
> Mr. Sherman, observed that the motion did not go far enough. It might be evaded by the creation of a new office, the translation to it of a person from another office, and the appointment of a member of the Legislature to the latter. A new Embassy might be established to a new court & an ambassador taken from another, in order to *create* a vacancy for a favorite member. He admitted that inconveniencies lay on both sides. He hoped there wd. be sufficient inducements to the public service without resorting to the prospect of desireable offices, and on the whole was rather agst. the motion of Mr. Madison.
>
> Mr. Gerry thought there was great weight in the objection of Mr. Sherman. He added as another objection agst. admitting the eligibility of members in any case that it would produce intrigues of ambitious men for displacing proper officers, in order to create vacancies for themselves. In answer to Mr. King he observed that although members, if disqualified themselves might still intrigue & cabal for their sons, brothers &c. yet as their own interest would be dearer to them, than those of their nearest connections, it might be expected they would go greater lengths to promote it.
>
> Mr. Madison had been led to this motion as a middle ground between an eligibility in all cases, and an absolute disqualification. He admitted the probable abuses of an eligibility of the members, to offices, particularly within the gift of the Legislature. He had witnessed the partiality of such bodies to their own members, as had been remarked of the Virginia assembly by (his colleague) (Col. Mason). He appealed however to (him) in turn to vouch another fact not less notorious in Virginia, that the backwardness of the best citizens to engage in the legislative service gave but too great success to unfit characters. The question was not to be viewed on one side only. The advantages & disadvantages on both ought to be fairly compared. The objects to be aimed at were to fill all offices with the fittest—characters, & to draw the wisest & most worthy citizens into the Legislative service. If on one hand, public bodies were partial to their own members; on the other they were as apt to be misled by taking characters on report, or the authority of patrons and dependents. All who had been concerned in the appointment of strangers on these recommendations must be sensible of this truth. Nor wd. the partialities of such Bodies be obviated by disqualifying their own members. Candidates for office would hover round the seat of Govt. or be found among the residents there, and practise all the means of courting the favor of the members. A great proportion of the appointments made by the States were evidently brought about in this way. In the general Govt. the evil must be still greater, the characters of distant states, being much less known (throughout the U. States) than those of the distant parts of the same State. The elections by Congress had generally turned on men living at the seat of (the fedl) Govt' or in its neighbourhood.—As to the next object, the impulse to the Legislative service, was evinced by experience to be in general too feeble with those best qualified for it. This inconveniency wd. also be more felt in the Natl. Govt. than in the State Govts as the sacrifices reqd. from the distant members wd. be much greater, and the pecuniary provisions, probably, more disproportiate. It wd. therefore be impolitic to add fresh objections to the (Legislative) service by an absolute disqualification of its members. The point in question was whether this would be an objection with the most capable citizens. Arguing from experience he concluded that it would. The Legislature of Virga would probably have been without many of its best members, if in that situation, they had been ineligible to Congs. to the Govt. & other honorable offices of the State.
>
> (Mr. Butler thought Characters fit for office wd. never be unknown.)
>
> Col. Mason. If the members of the Legislature are disqualified, still the honors of the State will induce those who aspire to them, to enter that service, as the field in which they can best display & improve their talents, & lay the train for their subsequent advancement.
>
> (Mr. Jenifer remarked that in Maryland, the Senators chosen for five years, cd. hold no other office & that this circumstance gained them the greatest confidence of the people.)"
>
> On the question for agreeing to the motion of Mr. Madison. Massts. divd. Ct. ay. N. Y. no. N. J. ay. Pa. no. Del. no. Md. no. Va. no. N. C. no. S. C. no. Geo. no. [Ayes—2; noes—8; divided—1.]
>
> Mr. Sherman movd. to insert the words "and incapable of holding" after the words "eligible to offices" wch. was agreed to without opposition.
>
> The word "established" & the words "Natl. Govt." were struck out of Resolution 3d;
>
> Mr. Spaight called for a division of the question, in consequence of which it was so put, as that it turned in the first member of it, "on the ineligibility of the members *during the term for which they were elected*"—whereon the States were, Massts. divd. Ct. ay. N. Y. ay. N. J. ay. Pa. no. Del. ay. Md. ay. Va. ay. N. C. ay. S. C. ay. Geo. no.
>
> [Ayes—8; noes—2; divided—1.]
>
> On the 2d. member of the sentence extending ineligibility of members to one year after the term for which they were elected (Col. Mason thought this essential to guard agst—evasions by resignations, and stipulations for office to be fulfilled at the expiration of the legislative term. Mr. Gerry had known such a case. Mr. Hamilton. Evasions cd. not be prevented ÷ as by proxies—by friends holding for a year, and them opening the way &c. Mr. Rutlidge admitted the possibility of evasions but was for controuling them as possible.)" Mas. no. Ct. no. N.Y. ay. N. J. no. Pa. divd. Del. ay. (Mard. ay.) Va. (no)" N. C. no. S. C. ay. Geo. no.
>
> [Ayes—4; noes—6; divided—1.]
>
> Mr. Madison. My wish is that the national legislature be as uncorrupt as possible. I believe all public bodies are inclined, from various motives, to support its members; but it is not always done from the base motives of venality. Friendship, and a knowledge of the abilities of those with whom they associate, may produce it. If you bar the door against such attachments, you deprive the government of its greatest strength and support. Can you always rely on the patriotism of the members? If this be the only inducement, you will find a great indifferency in filling your legislative body. If we expect to call forth useful characters, we must hold out allurements; nor can any great inconveniency arise from such inducements. The legislative body must be the road to public honor; and the advantage will be greater to adopt my motion, than any possible inconvenience.

In summary, it may be fairly concluded from the course of the debates that it was the concensus of the framers that some prohibition had to be placed on the eligibility of Members of Congress for executive office in order to guard against the possibility of office seeking and executive influence; and that the compromise ultimately reached was based primarily on a fear that a total disqualification during a term of office and for 1 year thereafter would materially affect the supply of able men available to move to executive positions and also the ability of the Legislature to attract capable persons to run for office in the first place.

It seems apparent that the prohibition finally agreed to was meant to be absolute. Nothing has been discovered in the debates which leads to a contrary conclusion; and the remarks as to its potential for easy evasion through indirect means lends weight to the view that at least the minimum sought to be accomplished by the ultimate compromise was to prevent a direct and blatant grant of legislative or executive favor. Stated differently, the price of the compromise, which was sought to insure the availability of high caliber talent to the executive, was the possibility of indirect evasion. The alternatives were a complete bar on officeholding during a Member's tenure, thereby cutting off a source of talent, or no bar at all, which would leave open the door to the perceived evil. The latter alternative does not appear to have been seriously considered.

Thus, the nature of the compromise effected at the convention—that is, the fact that the prohibition was scaled down from an absolute disqualification during tenure plus 1 year to a disqualification upon the occurrence of certain alternative conditions, and the fact that it was not a compromise vis-a-vis a proposal for no bar at all—the nature of the evil

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[2] All page references to the debates are from Farrand, "The Records of the Federal Convention of 1787," 4 vols. (Yale University Press, 1966).

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sought to be remedied, and the clear and certain terms of the provision, point strongly toward the conclusion that the disqualification of a member was meant to be absolute during his term of service upon the happening of either condition. Contemporary commentaries and subsequent legal opinions appear to support this view.

POST-CONVENTION COMMENTARIES

For comments of both Madison and Hamilton in their papers supporting the adoption of the Constitution tend to support both the purpose and scope of article I, section 6, clause 2 as adduced above.

In Federalist Paper No. 55, Madison sought to meet the argument that the proposed House of Representatives had too few Members to be entrusted with the great powers granted it. In rebutting the contention Madison commented on the emoluments clause as follows:

> Is the danger apprehended from the other branches of the federal government? But where are the means to be found by the President, or the Senate, or both? Their emoluments of office it is to be presumed, will not, and without a previous corruption of the House of Representatives cannot, more than suffice for very different purposes; their private fortunes, as they must all be American citizens, cannot possibly be sources of danger. The only means, then, which they can possess, will be in the dispensation of appointments. Is it here that suspicion rests her charge? Sometimes we are told that this fund of corruption is to be exhausted by the President in subduing the virtue of the Senate. Now, the fidelity of the other House is to be the victim. The improbability of such a mercenary, and perfidious combination of the several members of government, standing on as different foundations as republican principles will well admit, and at the same time accountable to the society over which they are placed, ought alone to quiet this apprehension. But, fortunately the Constitution has provided a full further safeguard. The members of the Congress are rendered ineligible to any civil offices that may be created, or of which the emoluments may be increased, during the term of their election. No offices therefore can be dealt out to the existing members but such as may become vacant by ordinary casualties; and to suppose that these would be sufficient to purchase the guardians of the people, selected by the people themselves, is to renounce every rule by which events ought to be calculated, and to substitute an indiscriminate and unbounded jealousy, with which all reasoning must be vain. The sincere friends of liberty who give themselves up to the extravagancies of this passion are not aware of the injury they do their own cause. As there is a degree of depravity in mankind which requires a certain degree of circumspection and distrust, so there are other qualities in human nature which justify a certain portion of esteem and confidence. Republican government presupposes the existence of these qualities in a higher degree than any other form. Were the pictures which have been drawn by the political jealously of some among us faithful likenesses of the human character, the inference would be that there is not sufficient virtue among men for self-government; and that nothing less than the chains of despotism can restrain them from destroying and devouring one another.

In Federalist No. 76, Hamilton defended the integrity of the Senate in the nomination and confirmation process from speculation that undue influence would be brought to bear on the body by the President. His defense rested, in part, on the disqualification clause:

> To this reasoning it has been objected that the President, by the influence of the power of nomination, may secure the compliance of the Senate to his views. The supposition of universal venality in human nature is little less an error in political reasoning than the supposition of universal rectitude. The institution of delegated power implies that there is a portion of virtue and honor among mankind, which may be a reasonable foundation of confidence. And experience justifies the theory. It has been found to exist in the most corrupt periods of the most corrupt governments. The venality of the British House of Commons has been long a topic of accusation against that body in the country to which they belong, as well as in this; and it cannot be doubted that the charge is, to a considerable extent, well founded. But it is as little to be doubted that there is always a large proportion of the body which consists of independent and public-spirited men who have an influential weight in the councils of the nation. Hence it is (the present reign not excepted) that the sense of that body is often seen to control the inclinations of the monarch, both with regard to men and to measures. Though it might therefore be allowable to suppose that the executive might occasionally influence some individuals in the Senate, yet the supposition that he could in general purchase the integrity of the whole body would be forced and improbable. A man disposed to view human nature as it is, without either flattering its virtues or exaggerating its vices, will see sufficient group of confidence in the probity of the Senate to rest satisfied, not only that it will be impracticable to the executive to corrupt or seduce a majority of its Members, but that the necessity of its co-operation in the business of appointments will be a considerable and salutary restraint upon the conduct of that magistrate. Nor is the integrity of the Senate the only reliance. The Constitution has provided some important guards against the danger of executive influence upon the legislative body. It declares that "No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a member of either house during his continuance in office."

In both of the quoted references the implication is that executive influence in the form of offers of civil office, or an enriched office, would not be effective during the term of individual members.

Similar confirmation of the purpose and scope of the provision is to be found in Joseph's Story's Commentaries on the Constitution of the United States (Da Capo Press Reprint Edition, 1970):

> § 864. The next clause regards the disqualifications of members of congress; and is as follows: "No senator or representative shall, during the time, for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time. And no person, holding any office under the United States, shall be a member of either house of congress during his continuance in office." This clause does not appear to meet with any opposition in the convention, as to the propriety of some provision on the subject, the principal question being, as to the best mode of expressing the disqualifications.[2] It has been deemed by one commentator an admirable provision against venality, though not perhaps sufficiently guarded to prevent evasion.[3] And it has been elaborately vindicated by another with uncommon earnestness.[4] The reasons for excluding persons from offices, who have been concerned in creating them, or increasing their emoluments, are to take away, as far as possible, any improper bias in the vote of the representative, and to secure to the constituents some solemn pledge of his disinterestedness. The actual provision, however, does not go to the extent of the principle; for his appointment is restricted only "during the time, for which he was elected;" thus leaving in full force every influence upon his mind, if the period of his election is short, or the duration of it is approaching its natural termination. It has sometimes been matter of regret, that the disqualification had not been made co-extensive with the supposed mischief; and thus have for ever excluded members from the possession of offices created, or rendered more lucrative by themselves.[1] Perhaps there is quite as much wisdom in leaving the provision, where it now is.
>
> § 865. It is not easy, by any constitutional or legislative enactments, to shut out all, or even many of the avenues of undue or corrupt influence upon the human mind. The great securities for society—those, on which it must for ever rest in a free government—are responsibility to the people through elections, and personal character, and purity of principle. Where these are wanting, there never can be any solid confidence, or any deep sense of duty. Where these exist, they become a sufficient guaranty against all sinister influences, as well as all gross offences. It has been remarked with equal profoundness and sagacity, that, as there is a degree of depravity in mankind, which requires a certain degree of circumspection and distrust; so there are other qualities in human nature, which justify a certain portion of esteem and confidence. Republican government presupposes the existence of these qualities in a higher form, than any other.[1] It might well be deemed harsh to disqualify an individual from any office, clearly required by the exigencies of the country, simply because he had done his duty.[2] And, on the other hand, the disqualification might operate upon many persons, who might find their way into the national councils, as a strong inducement to postpone the creation of necessary offices, lest they should become victims of their high discharge of duty. The chances of receiving an appointment to a new office are not so many, or so enticing, as to bewilder many minds; and if they are, the aberrations from duty are so easily traced, that they rarely, or never escape the public reproaches. And if influence is to be exerted by the executive for improper purposes, it will be quite as easy, and in its operation less seen, and less suspected, to give the stipulated patronage in another form, either of office, or of profitable employment, already existing. And even a general disqualification might be evaded by suffering the like patronage silently to fall into the hands of a confidential friends, or a favourite child or relative. A dishonourable traffic in votes, if it should ever become the engine of party or of power in our country, would never be restrained by the slight network of any constitutional provisions of this sort. It would seek, and it would find its due rewards in the general patronage of the government, or in the possession of the offices conferred by the people, which would bring emolument, as well as influence, and secure power by gratifying favourites. The history of our state governments (to go no farther) will scarcely be thought by any ingenuous mind to afford any proofs, that the absence of such a disqualification has renedered state legislation less pure, or less intelligent; or, that the existence of such a disqualification would have retarded one rash measure, or introduced one salutary scruple into the elements of popular or party strife. History, which teaches us by examples, establishes the truth beyond all reasonable question, that genuine patriotism is too lofty in its honour, and too enlightened in its object, to need such checks; and that weakness and vice, the turbulence of faction, and the meanness of avarice, are easily bought, notwithstanding all the efforts to fetter, or ensnare them.

At the risk of belaboring the point, it should be emphasized that one of Story's criticisms of the prohibition is that it did not go far enough in simply restricting a Member from appointment to civil office during his term of office. Significantly, this left "in full force every influence upon his mind if the period of his election is short, or the duration of it is approaching its natural termination," thus implying that if evasions were to take place they would have to take effect after a Member's term expired.

FOOTNOTES

[1] Mr. Doddridge's Speech in the case of Houston, in May, 1832; Mr. Burges's Speech, Ibid.

[2] Journ. of Convention, 214, 319, 320, 322, 323.

[3] 1 Tuck. Black. Comm. App. 198, 214, 215, 375.

[4] Rawle on the Const. ch. 19, p. 184, &c.; 1 Wilson's Law Lect. 446 to 449.

[1] Rawle on the Constitution, ch. 19. See 1 Tuck. Black. Comm. App. 375.

[1] The Federalist, No. 55.

[2] 2 Elliot's Debates, 279.

SUBSEQUENT LEGAL OPINIONS AND AUTHORITIES

No Federal court has passed upon scope of the inhibition of article I, section 6, clause 2. The question was raised in a court suit emanating from the appointment of Justice Hugo Black to the Supreme Court. Prior to this appointment, Congress passed legislation improving the financial positions of justices retiring at age 70. At the time Black was a Senator from Alabama. The situation gave rise to the case of *Ex parte Albert Levitt*, 302 U.S. 673 (1937), which the Supreme Court dismissed for lack of standing on the part of the petitioner without passing on the merits.

Two Attorney General opinions considering the issue have found the literal language of the provision to be controlling. The first, 17 Op. Atty. Gen. 365 (1882), involved the attempted appointment of a former Senator to an office created after he had resigned his Senate seat but before his term of office had expired. The facts were as follows: Kirkwood was elected as Senator from Iowa for a term expiring on March 4, 1883. He resigned in March 1881 to become Secretary of the Interior and in that same year resigned as Secretary and returned to private life. In 1882 the office of Tariff Commissioner was created by Congress and Kirkwood was proposed as the nominee. However Kirkwood's eligibility was questioned and at the request of the President, Attorney General Brewster rendered an opinion in which he held that Kirkwood was indeed ineligible for appointment.

> It is unnecessary to consider the question of the policy which occasioned this constitutional prohibition. I must be controlled exclusively by the positive terms of the provision of the Constitution. The language is precise and clear, and, in my opinion, disables him from receiving the appointment. The rule is absolute, as expressed in the terms of the Constitution, and behind that I cannot go, but must accept it as it is presented regarding its application in this case. I caused careful search through the opinions of the Attorneys General for a precedent upon this question, but none has been found. No opinion is recorded in which the subject is considered. Neither is there any record of published cases in the reports of the United States that touch upon this point. Among the decisions of the State courts four cases only were found in which a like constitutional prohibition has been considered. They are not directly in point here, and I can obtain no help from them to avoid the conclusion I have before expressed. They maintain in effect the same principle and adopt the same rule of interpretation which I here submit disables Governor Kirkwood from receiving this appointment.

A later opinion by Acting Attorney General Conrad, on facts analogous to that raised in the situation now in question, is in agreement. That opinion, reported in 21 Op. Atty. Gen. 211 (1895), involved Senator Matthew W. Ransom of North Carolina, who was elected to a term beginning March 4, 1889. In 1891, during his term, Congress raised the salary of the Ambassador to Mexico. On February 23, 1895, Ransom was nominated to be the envoy to Mexico and was confirmed the same day. Ransom took the oath of office on March 4, after his senatorial term had expired, and received his commission on March 5. Thereafter, the auditor for the State Department refused to pay his salary because of the apparent conflict with article I, section 6, clause 2.

The Acting Attorney General found that the constitutional prohibition is directed against appointment and held that since the appointment occurred on February 23, during the senatorial term, it was a nullity due to Ransom's ineligibility.[3]

THE APPOINTMENT OF PHILANDER C. KNOX

There exists one precedent involving legislation designed to skirt the inhibiting feature of the emoluments clause. The incident arose in 1909 with the announcement of the intended appointment of Senator Philander C. Knox as Secretary of State. It was thereafter discovered that Knox was constitutionally ineligible, the salary of the Secretary's office having been increased by a law passed while he was a Senator.[4] Knox's term was not due to expire until March 3, 1911. To remedy the situation, legislation was introduced in the Senate (S. 9295) reducing the salary in question to what it had been before the increase. The constitutionality of the action was vigorously debated. A minority report accompanying the bill (House Rep. No. 2155, 69th Cong., 2d sess.) stated:

> We do not believe that a provision of the Constitution that is so clear and emphatic should be sought to be annulled or suspended in the manner attempted by the passage of this bill. The emoluments of the Secretary of State were increased by the Fifty-ninth Congress. The occupant of that office has been regularly receiving these emoluments. We believe that the mischief undertaken to be provided against by this provision of the Constitution clearly embraces the act of appointing one of the said United States Senators to the office of the Secretary of State. It might be said, and truly, that this mischief is remote in any event; however this may be, it contained sufficient danger for the framers of the Constitution to provide against it. If the Constitution prohibits it, surely it can not be argued that if this prohibition can be so easily overcome by the device of reducing the salary below what in the judgment of the Congress should be, with the hope which in this case is almost a certainty, of the salary being restored to its present amount, that that would not be clear evasion of the plain provision of the Constitution. The office of the Secretary of State will be probably held for eight years by its next incumbent, and a designing Senator, which the Constitution seeks to provide against, could reasonably anticipate, that although his salary would be temporarily reduced in the closing years of his senatorial term, at the expiration of that term it would, through his influence, be restored to the amount to which it was placed by Congress of which he was a member, and thus he would receive the higher salary from at least two to probably eight years.

The debates on the floor of the House were particularly heated, as the following excerpts demonstrate. Representative Clayton spoke in favor of the bill, arguing the mere recission of the pay increase satisfied the constitutional prohibition. His speech was followed by a series of opposition statements by Members covering a wide variety of legal and practical objections. At the heart of the opposition's contentions was the view that the legislation would effectively amend the Constitution. (43 CONGRESSIONAL RECORD 2390–2404).

> Mr. CLAYTON. Mr. Speaker, the bill under consideration, and which has just been read at the Clerk's desk, in and of itself in nowise offends against any provision of the Constitution. No one has said—and, I take it, no one will contend—that the enactment of this particular measure will be in violation of the organic law, but the most that is urged against it is that it is an attempt to avoid an alleged ineligibility which may arise hereafter in a possible case. This bill simply seeks (1) to repeal that part of the act of June 30, 1908, which relates this composition at the rate of $8,000 per annum, which was the former statute covering the subject; (2) to provide that there shall be no emoluments attached to the office of Secretary of State other than those in force on the 1st day of May, 1904; (3) and stipulates that the pending measure, if enacted, shall be in force from and after March 4 next. It seems to me too plain for argument, and therefore a waste of time, to say that there can be no constitutional obstacle to the passage of this bill.
>
> Undoubtedly this is true, unless we look beyond the terms of this measure and consider as inseparably related to it the possibility of the appointment of Senator Knox to the office of Secretary of State. If we were permitted to follow the example of a good lawyer before a court, we would confine ourselves to the case at bar, to the particular question before the tribunal, rather than seek for a moot case, and discuss a question that might arise before some other tribunal in some other case at some future time.
>
> Mr. Speaker, in considering the pending measure I believe we have nothing to do with what may be the question presented to the Senate in the near future upon the happening of a possible contingency. To put it plainer, I do not believe that in considering the measure now before the House we have anything to do with a decision of the question which will be presented to the Senate when that body sits as a part of the appoint-

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[3] See also Hill v. The Territory of Washington, 2 Wash. Terr. Repts. 147, where the court invalidated the election of a county treasurer on the ground that at the time of his election he was ineligible (he held a reserve commission in the U.S. Army) under then-existing law to hold office and that an amendment of the law subsequent to the election which lifted the disqualification was ineffective to validate his election.

[4] 34 Stat. 948 (1907).

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ing power to consider the nomination of Senator Knox as Secretary of State, which nomination is now probable, with every prospect of being made a certainty on the 4th of next month.

I have no objection to urge against this bill which reduces the salary of the Secretary of State. By its very terms it does not relate to any other matter. If I had the opportunity I would vote to reduce the salary of every other Cabinet officer to $8,000. I do not believe that any man has ever accepted a place in any presidential cabinet on account of any salary inducement. It seems to me that $8,000 per annum is enough salary for such a position. Therefore, because this bill does not violate any provision of the Constitution and does reduce the salary of the Secretary of State, I shall vote for it.

I concede, Mr. Speaker, that many of my associates here, whose opinions I value highly, do not agree with the line of argument that I have pursued; so, out of deference to them and for the sake of further argument, I shall consider as best I can in the brief time allowed me the question of the eligibility of Senator Knox for the portfolio of Secretary of State in the Cabinet of the incoming President.

The second paragraph of section 8 of Article I of the Constitution of the United States is in the following language:

> No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a Member of either House during his continuance in office.

To correctly understand any provision of law it is essential to know that good which it is intended to provide and the evil which it is intended to prevent. The rule is stated by an eminent authority to be as follows:

> The mischief intended to be removed or suppressed or the cause or necessity of any kind which induced the enactment of a law are important factors to be considered in its construction. The purpose for which the law was enacted is a matter of prime importance in arriving at a correct interpretation of its terms.

Again Judge Story says.

> The reason and spirit of the law, or the causes which led to its enactment, are often the best exponents of the words, and limit their application.

And again he says:

> The rules then adopted are, to construe the words according to the subject-matter, in such a case as to produce a reasonable effect, and with reference to the circumstances of the particular transaction. Light may also be obtained in such cases from contemporary facts or expositions; from antecedent mischiefs, from known habits, manners, and institutions; and from other sources almost innumerable, which may justly affect the judgment in drawing a fit conclusion in the particular case. (Story on Const., vol. 1, pp. 305–307.)

These rules apply in the construction of any part of a constitution as well as they do in the construction of a statute. A reference to the debates in the convention which framed our Constitution will reveal the fact that there was a twofold purpose in rendering Senators and Representatives ineligible to offices created, or the emoluments of which were increased during the time for which they were elected. It is worthy of note that when this provision was under discussion in that convention, it was attempted to make the bar against Senators and Representatives perpetual, and that this was defeated. This provision was designed in the first place to protect the people from such Senators and Representatives who might be willing to create offices or increase salaries in order that they might enjoy them; and, in the second place, it was designed to remove Congress as far as possible from the influence which such appointments might give the executive over the legislative branch of the Government. If the object was to prevent Senators and Representatives from increasing the salaries of offices and then becoming the beneficiaries of such increase by executive appointment, it obviously follows that the repeal of the law which increased the salary of the Secretary of State would remove the case of Senator Knox from the reason of the rule, and I think it manifest that it would also remove his case from the operation of the rule.

There can be no dispute that, by repealing the law which increased the salary and restoring the old salary, Senator Knox, as Secretary of State, would not be benefited by the law passed while he was a Member of the Senate; and therefore the reason which prompted the framers of the Constitution to adopt that provision rendering Senators and Representatives ineligible to certain offices pointed out in the provision which I have read would no longer be applicable. The maxim that "When the reason ceases the rule itself ceases" is not of universal application, and it must be conceded that no matter what the reason of the rule may be, if the rule itself still applies to a given case, then the rule must be followed. Those who contend that the repeal of the law increasing the salary of the Secretary of State will not render Senator Knox eligible base their contention on the clause which declares, "or the emoluments whereof shall have been increased during such time." Reading that language in the light of the purpose which it was intended to serve, it seems plain to me that it contemplates a continuing condition, and applies, therefore, in a case only where the officer would enjoy the increased emoluments. In the event of the enactment of this bill and the appointment of Senator Knox he will not "be appointed to any civil office * * * the emoluments whereof shall have been increased." This bill does not attempt to repeal a fact, as is tritely stated, but it seeks to repeal a condition created by a legislative enactment, and it is not to be denied that if Congress has created it can remove the condition. The power to create carries with it the power to destroy.

I venture the opinion that this provision was not intended to apply to a case where an act was passed by Congress, and afterwards, for any reason, repealed, thus reporting the old status. This view is sustained by the rule of construction, that when a statute has been repealed it is the same as to future consequence as if it had never been enacted, unless in the repealing act there is some saving clause.

It is a well-known doctrine applied in construing penal statutes, that if a statute denouncing a given act as a crime has been repealed there would be no warrant or authority for the prosecution of a person for the offense denounced by that statute, even though the offense was committed before the statute was repealed. The prosecution in such a case could not proceed except under the law existing at the time of the trial.

"The general rule is that when an act of the legislature is repealed without a saving clause it is considered, except as to transactions past and closed, as though it had never existed." (Section 282 (162), Lewis Sutherland, Statutory Construction and cases cited.)

"The repeal or expiration of a statute imposing a penalty or forfeiture will prevent any prosecution, trial, or judgment for any offense committed against it while it was in force, unless the contrary is provided in the same or some other existing statute. * * *

"There can be no legal conviction for an offense unless the act be contrary to law at the time it is committed; nor can there be judgment unless the law is in force at the time of the incitement and judgment."

Section 286 (166), Lewis Sutherland, Statutory Construction and cases cited.

If this be the true rule, then we may say that for a stronger reason, we must conclude, that in testing the right to an office, the law as it exists when the test comes ought to govern.

We speak of this question as a constitutional disqualification, but it must be remembered that the Constitution does not prohibit, in a case like that under consideration, proprio vigore, that there must be some statute enacted before the constitutional disqualification can attach; and it seems to me that, when called upon to decide the question of eligibility vel non, the decision must be made under the Constitution and upon the statutory law existing at the time of the decision. Ineligibility is made up of the constitutional provision and a statutory enactment. If the statute has been repealed before the question of ineligibility arises, there is then no law to which the constitutiona. provision can be applied.

On account of his high character, eminent ability, and long and successful experience in public life, Senator Knox will doubtless be nominated by the President to the Senate on March 4 next for Secretary of State. There will then be no existing statute increasing the emoluments of that office enacted while he was a Senator, and I doubt not that the Senate will confirm him. That great body is fully capable of interpreting any provision of the Constitution. Perhaps it is not too much to say that the interpretation of this provision of the Constitution in such a case is confided to the Senate as a part of the appointing power. In my judgment that tribunal will not "stick in the bark" and say that there was at one time a atatute increasing the emoluments of the Secretary of State, enacted while Mr. Knox was a Senator, but will go deeper and put their decision upon the ground that on the 4th of March next, there is no statuture increasing the emoluments of the office of Secretary of State, enacted during the time for which Senator Knox was elected, and therefore no constitutional disqualification arises.

It is evident, and it is complimentary to that distinguished gentleman, that when he was selected, conceding that he has been selected, by Mr. Taft as the ranking member of his official family, the matter of salary was not thought of by him, and therefore this question as to his eligibility never occurred to him. Had the salary been any inducement to him the question discussed here today would naturally have presented itself for his learned consideration. [Applause.]

Mr. Gillespie. Mr. Speaker, as I understand it, in this case we have no reason, no right, to refer to the constitutional convention and what occurred there, because the provisions of the Constitution in question are plain, they are emphatic, they are unequivocal. The salary of the Secretary of State has been increased. The increased salary has been received for two years. The constitutional prohibition is complete. Mr. Speaker, what attitude would we be in here if we were considering the passage of a statute like this?

"Be it enacted, etc., That any Senator or Representative may, during the time for which he was elected, be appointed to any civil office under the authority of the United States the emoluments whereof shall have been increased during the time for which he was elected: *Provided, however*, That such Senator or Representative shall not receive the increased salary, but shall only receive such salary as was fixed by law before the said increase."

What would we be attempting to do? To amend the Constitution of the United States by legislative enactment, and that is the purpose of this bill. Mr. Speaker, I do not know how others feel, but for myself I will forever feel humiliated if this Congress in this way deliberately passes this act to override the Constitution of the United States. I believe it not only violates the letter of the Constitution, but it violates the spirit of the Constitution. Are we going to say that the United States Senators or Members of the House may engage in these evil machinations and schemes, in these designs which always involve the increase of other salaries, and then pass a bill like this, temporarily reducing the salary, as an avenue of escape? This is not a question of reducing a salary, and everybody here knows it. If the question were upon its merits of reducing the salary of the Secretary of State, I believe that there would not be 10 per cent of the Members of this House who would vote to reduce the salary of the Secretary of States from $12,000 to $8,000. I myself would vote tomorrow to restore this salary to $12,000. No; it is not a question of reducing a salary, and we can not shield ourselves behind that proposition. Any Senator or Member would know, if appointed under such circumstances, that his influence within his party, if it is strong enough to enable him to be appointed Secretary of State, would be strong enough to have this salary restored. It is true the bill says that no future Congress shall restore this salary. This is only another absurdity of this bill. We can not control future Congresses. Absurdities accumulate in this bill. The salary of the Secretary of State is too low now, and that is what nearly all of us believe. You are voting upon this bill upon the other proposition, and not upon the merits of the proposition incorporated in the bill. I do not charge that anything of evil entered into the raising of the Secretary of State's salary. I do not believe that such was the case, but I say all the possible mischief that the Constitution undertakes to protect the country from lives in this act. It is a violation of both the letter and the spirit of this provision of the Constitution. Mr. Speaker, when the temperance people come here for legislation, they are told the Constitution is in their way; when labor demands legislation, its representatives are told the Constitution is in their way. Let us live up to the Constitution. If it applies to one let it apply to all. [Applause.]

Mr. Hardwick. Mr. Speaker, the gentleman from Alabama [Mr. Clayton], who opened the debate and favors the bill, is both ingenious and candid in his presentation of the question.

He is ingenious in beginning his argument by calling attention to the fact that no gentleman can base his opposition to the pending measure upon constitutional objections to the Senate bill itself, because everyone must readily concede that Congress has the undoubted power to either increase or decrease the salary of the Secretary of State. The gentleman is not willing, however, to maintain a disingenuous position, so he candidly concedes that the question that is really behind the measure, and from which the motive for its passage springs, is not economy, but an attempt to so modify existing law as to render it possible for the distinguished Senator from Pennsylvania [Mr. Knox] to accept the high office of Secretary of State in the Cabinet of our incoming President, for which distinguished honor it is authoritatively stated that he has been selected.

Let me say, before I enter into the argument I wish to make, that I have no wish to annoy or embarrass our incoming President, or his administration, particularly with reference to the selection of a Cabinet.

The rules of propriety and good taste would forbid that such a course should be adopted by any member of the opposing party, save upon the most important grounds and for the gravest reasons. Besides, it happens, in this particular matter, that few Members of this body more freely concede and more sincerely admire the great ability of Senator Knox as a lawyer and as a statesman than I. I believe that he would make a great Secretary of State, and I regret that constitutional objections, as I understand the question, forbid it.

In 1904 Mr. Knox was elected by the legislature of Pennsylvania to be United States Senator from Pennsylvania for the term beginning March 4, 1905, and ending March 4, 1911. He accepted the office, and from March 4, 1905, up to the present moment has been engaged in the performance of its duties. By the act of February 26, 1907, during the term for which Mr. Knox was elected Senator and while he was actually serving as such Congress increased the salary of the Secretary of State from $8,000 to $12,000 per annum.

Paragraph 2, section 6, Article I, of the Constitution of the United States provides:

"No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time, etc."

Now, on February 26, 1907, "during the time for which" Mr. Knox was "elected" Senator, the "emoluments" of the office of Secretary of State were increased. So it appears, from the plain words of the Constitution itself, that on February 26, 1907, Mr. Knox became constitutionally ineligible to appointment as Secretary of State, and that such ineligibility, in the very words of the Constitution itself, continued "during the time for which he was elected" Senator, to wit, up to March 4, 1911. It seems to me that the question is so simple that to merely state it in the very words of the Constitution is all that is required to carry conviction. But able lawyers in the House and elsewhere have either intentionally or unintentionally sought to complicate the question and to muddy the waters by an entirely irrelevant and wholly useless discussion of the "meaning" of this paragraph of the Constitution, the evil it sought to remedy, and the motives that actuated its framers.

No gentleman on this floor, no lawyer here or elsewhere, is better acquainted than I am with the well-settled doctrine that in construing organic law, or statutory law, either for that matter, all of these matters ought to be taken into consideration, under some circumstances, so that the law may be properly understood; but, until the discussion over this bill and the question behind it arose, I never heard of a lawyer of respectable ability, anywhere, seriously contending that reference ought to be made to these sources of information, to these rules of construction, unless the language to be construed is of doubtful meaning or uncertain significance. That this doctrine of construction, sound enough and wise enough when applicable, should first be distorted and then invoked in order to create a doubt where none exists and to afford an opportunity to evade by "construction" constitutional language so plain that it speaks for itself, says what it means, and means what it says is equally shocking to my judgment as a lawyer and my common sense as a man. I do not believe that either lawyer or layman can accept such a doctrine.

Under the Constitution of the United States Senator Knox is now ineligible to hold the office of Secretary of State, and will be until March 4, 1911, and no act of Congress, and no number of acts of Congress, can remove the constitutional bar which attached to him on the 26th day of February, 1907, when the Congress of which he was a Member, during the term for which he was elected, increased the salary of the Secretary of State.

The constitutional provision in question does not mean, as our opponents in this debate would have the House and the country believe, that no Member of Congress shall be appointed to an office the salary of which is higher at the time of such appointment than it was when his congressional service began. If it had meant that, it would have been a very simple matter to have said just that, and in fewer words than were employed in the provision that was adopted.

But the gentlemen who favor this bill insist that if Senator Knox does not receive as Secretary of State greater compensation than attached to that office when his term as Senator began the "spirit" of the Constitution will have been complied with. Let us examine this argument for just a moment. Suppose Mr. Knox becomes Secretary of State, and suppose at some time between March 4, 1909, and March 4, 1911, at which latter date the term for which Mr. Knox was elected Senator expires, Congress should again increase the compensation of the Secretary of State above $8,000; then who can deny that not only the letter of the Constitution would have been disregarded, but its spirit, even as that "spirit" is understood and defined by the friends of the Senate bill?

If the construction which the friends of this bill contend for is sound, and the status of the salary at the very date of appointment is to be alone considered, how easy it would be to reduce this salary from $12,000 to $8,000 on the 3d day of March, 1909, let Senator Knox qualify as Secretary of State on the 4th day of March, 1909, and then on the 5th day of March, after he had been appointed and confirmed as Secretary, restore the salary to $12,000. In the event procedure of that kind were had, what would become both of the letter and the "spirit" of the Constitution? And the fact that such procedure is possible under the "construction" contended for by the advocates of this bill is the plainest demonstration of the unsoundness of their contention and the surest warning against the danger of such tampering with the Constitution.

It is my earnest hope that when the President-elect and the distinguished gentleman whom he has selected to head his Cabinet examine into this question carefully, and with the great legal ability for which both of them are so justly distinguished, that, regardless of any action of Congress on this salary matter, neither of them will be willing to signalize the new administration's advent by so patent, so palpable a violation of the Constitution they have sworn to support. It will be most unfortunate if these gentlemen do not rise not only to the proprieties but to the duty of the occasion.

So far as I am concerned, my course in this matter is easy enough. I believe the Constitution says exactly what it means and means precisely what it says. I am convinced that Mr. Knox will not be eligible to appointment as Secretary of State until March 4, 1911, and that no "enabling act" of Congress can override, repeal, or modify the Constitution so as to make him eligible. I shall not, therefore, lend myself to this scheme to override the Constitution and to disregard its plain, simple, and unambiguous language.

Mr. Gaines of West Virginia. I decline to be interrupted further.

But, Mr. Speaker, constitutional propositions should not be construed in so technical a manner. In 12 Wallace, the Supreme Court of the United States says:

"Nor can it be questioned that when investigating the nature and extent of the powers conferred by the Constitution upon Congress, it is indispensable to keep in view the business for which those powers were granted. This is a universal rule of construction—"

Says that court—

"applied alike to statutes, wills, contracts, and constitutions. If the general purpose of the instrument is ascertained the language of its provisions must be construed with reference to that purpose and so as to subserve it."

Now, can anybody doubt that if we put this office in a position where there will have been no increase of salary, where it can

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> not by any possible construction be held that there was a hope held out to any Senator in voting for the increase that he might get that increase, if we put it back to where it was, destroying the possibility that any such purpose should have animated him in voting for the increase, have we not complied with this rule of construction and subserved the purposes of the Constitution?
>
> And, says the Supreme Court, there are more urgent reasons for looking to the purpose sought to be accomplished in examining the powers confererred by a constitution than there is in construing a statute, will, or contract. We do not expect to find a constitution minute in details.
>
> In connection with the rule of construction laid down by the Supreme Court of the United States just cited, let us see what the object is of the constitutional provision which we are considering.
>
> The reason for excluding persons from office, says Story, who have been concerned in creating them, or increasing their emoluments, is to take away, as far as possible, any improper motive in the vote of the Representative, and to secure to his constituents some solemn pledge of his disinterestedness.
>
> The object of the Constitution is plain to everybody. I have taken the trouble, however, to cite this great authority for the statement of the purpose of the Constitution.
>
> Now, then, if we take away that increase of salary, will we not have strictly complied with the Constitution? Gentlemen talk as if there was a constitutional ineligibility on the part of the distinguished Senator from Pennsylvania. On the contrary, Mr. Speaker, the only ineligibility is created by statute; and that ineligibility which Congress has by law created Congress can by law remove.
>
> Mr. Speaker, this is not a new question. It has been passed upon twice—once, at least, in the National Government and once in the State of New Jersey. In the case of Senator Lot M. Morrill, of Maine, the very question was involved; and because the statute which had increased the salary of Cabinet officers, and which had been passed during the term for which he had been elected, had also been repealed, Senator Morrill was eligible to appointment in the Cabinet, although the time for which he had been elected Senator had not expired.
>
> The New Jersey case was that of Ex-Governor George T. Werts, who was appointed to the supreme court, although his term as senator had not expired and during that term the salary had once been increased. But because the salary had been again reduced to what it had formerly been, he was deemed to be eligible to the appointment, notwithstanding a provision in the New Jersey constitution similar to the one we are now considering.

Also introduced into the debates was an "Unofficial Opinion of Assistant Attorney General Russell" which supported the validity of the proposed method of lifting the disqualification. The text of the opinion follows:

> APPENDIX
>
> UNOFFICIAL OPINION OF ASSISTANT ATTORNEY-GENERAL RUSSELL
>
> FEBRUARY 10, 1909.
>
> The question has been submitted for my unofficial opinion whether a Member of the present Senate of the United States could be appointed, after the 4th of March next, but prior to the expiration of the period for which he was elected, to the office of Secretary of State, the salary of which was increased since his election, provided Congress should in the meantime restore the salary to what it was when he entered the Senate. The question involves the construction of the Constitution of the United States (Art I, sec. 6. par. 2), which reads as follows:
>
> "No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a Member of either House during his continuance in office."
>
> It is a well-recognized principle of construction, frequently applied by the Supreme Court to the laws and the Constitution—as, for example, in the Legal Tender cases, the income-tax decision, and in a case (143 U.S., p. 457) involving the question whether a minister contracting to remove to the United States was prohibited from entry by the contract-labor law—that a thing may be within the law and yet without the letter of the law, and vice versa. In the decision of the first-mentioned case the Supreme Court said (12 Wall., 531):
>
> "Nor can it be questioned that, when investigating the nature and extent of the powers conferred by the Constitution upon Congress, it is indispensible to keep in view the objects for which those powers were granted. This is a universal rule of construction, applied alike to statutes, wills, contracts, and constitutions. If the general purpose of the instrument is ascertained, the language of its provisions must be construed with reference to that purpose and so as to subserve it. In no other way can the intent of the framers of the instrument be discovered. And there are more urgent reasons for looking to the ultimate purpose in examining the powers conferred by a constitution than there are in construing a statute, a will, or a contract. We do not expect to find in a constitution minute details. It is necessarily brief and comprehenive."
>
> In the contract-labor case concerning the minister the Supreme Court used this language:
>
> "It is a case where there was presented a definite evil, in view of which the legislature used general terms with the purpose of reaching all phases of that evil; and thereafter, unexpectedly, it is developed that the general language thus employed is broad enough to reach cases and acts which the whole history and life of the country affirm could not have been intentionally legislated against. It is the duty of the courts, under those circumstances, to say that however broad the language of the statute may be, the act, although within the letter, is not within the intention of the legislature, and therefore can not be within the statute."
>
> Applying this familiar principle to the language of Article I, section 6, should we regard that language as prohibiting the appointment of a Senator to an office the salary of which, during the term for which he was elected, has been increased and afterwards diminished, so that at the time of his proposed appointment it is no greater than when he was elected Senator?
>
> Is the general purpose of the language of section 6 such that to prohibit an appointment under those circumstances comes within that purpose, or, on the other hand, does the suggested appointment fall outside of the purpose and therefore outside of the law?
>
> An examination of commentaries on the Constitution and of the debates in the convention which framed it leaves no doubt that the purpose, and the sole purpose, of paragraph 2, section 6, Article I, was to destroy the expectation a Representative or Senator might have that he would enjoy the newly created office or the newly created emoluments. (See Rawle on the Constitution, 2d ed., p. 189; Story on the Constitution, sec. 667; First Tucker's Blackstone, appendix, p. 375; Supp. to Elliott's Debates on the Constitution, pp. 189, 229, 375 378, 503–506, and 559.)
>
> The reasons why the framers of the Constitution sought to destroy that hope was to prevent the vote of the Representative or Senator from being influenced by it. However that may have been, those in favor of the provision and those opposed to it concurred in understanding, what is manifest on the face of the provision itself, that the object, and sole object, to be accomplished was to destroy that hope.
>
> Now, if in the case supposed here there could be no such hope, that object can not be accomplished by preventing the appointment. And certainly no such hope can exist, because, if the increase is made and continued, the Representative or Senator can not be appointed. If, on the other hand, it is made and then unmade, he can not get, or hope for, anything more than if there had been no such increase.
>
> In my opinion, therefore, the case presented falls outside of the purpose of the law and is not within the law.
>
> CHARLES W. RUSSELL,
> *Assistant Attorney-General.*

The bill passed by a vote of 178 to 123, and the law became effective on March 4, 1909. (35 Stat. 626.)

As the above excerpts indicate, the debates were intense and the ultimate decision was reached by a close partisan vote. Although the Knox appointment stands as an important legislative precedent, it, of course, did not resolve the constitutional question involved. Cf. *Myers* v. *United States*, 272 U.S. 52, 175 (1926), where the legislative decision of the First Congress regarding the removal power of the President was deemed to have constitutional significance.

ANALYSIS AND CONCLUSIONS

The basic argument in support of the constitutional efficacy of remedial legislation designed to remove the disqualification imposed by article I, section 6, clause 2 is that such legislation does not violate the intent and spirit of the constitutional inhibition since the very reason for the principle of the provision has been removed. As succinctly stated by Representative Clayton during the 1909 debates:

> If the object was to prevent Senators and Representatives from increasing the salaries of offices and then becoming the beneficiaries of such increase by executive appointment, it obviously follows that the repeal of the law which increased the salary of the Secretary of State would remove the case of Senator Knox from the reason of the rule, and I think it manifest that it would also remove his case from the operation of the rule. (42 CONGRESSIONAL RECORD 2391).

Resolution of the issue, however, would not appear to be so simple. In the search for the meaning or intent of constitutional provisions the common rule of construction is that first resort is made to the words of the provision in question, and where they are clear and unambiguous and not in conflict with other provisions of the document, the search for meaning goes no further. Thus in *Lake County* v. *Rollins*, 130 U.S. 662, 670–671 (1889) the Supreme Court expressed the rule as follows:

> The object of construction, applied to a constitution, is to give effect to the intent of its framers, and of the people in adopting it. This intent is to be found in the instrument itself; and when the text of a constitutional provision is not ambiguous, the courts, in giving construction thereto, are not at liberty to search for its meaning beyond the instrument.
>
> To get at the thought or meaning expressed in a statute, a contract or a constitution, the first resort, in all cases, is to the natural signification of the words, in the order of grammatical arrangement in which the framers of the instrument have placed them. If the words convey a definite meaning which involves no absurdity, nor any contradiction of other parts of the instrument, then that meaning, apparent on the face of the instrument, must be accepted, and neither the courts nor the legislature have the right to add to it or take from it. *Newell* v. *People*, 7 N. Y. 9, 97; *Hills* v. *Chicago*, 60 Illinois, 86; *Denn* v. *Reid*, 10 Pet. 524; *Leonard* v. *Wiseman*, 31 Maryland, 201, 204; *People* v. *Potter*, 47 N. Y. 375; Cooley, Const. Lim. 57; Story on Const. § 400; *Beardstown* v. *Virginia*, 76 Illinois, 34. So, also, where a law is expressed in plain and unambiguous terms, whether those terms are general or limited, the legislature should be intended to mean what they have plainly expressed, and consequently no room is left for construction. *United States* v. *Fisher*, 2 Cranch. 358, 399; *Doggett* v. *Florida Railroad*, 99 U. S. 72.
>
> There is even stronger reason for adhering to this rule in the case of a constitution than in that of a statute, since the latter is passed by a deliberative body of small numbers, a large proportion of whose members are more or less conversant with the niceties of construction and discrimination and fuller opportunity exists for attention and revision of such a character, while constitutions, although framed by conventions, are yet created by the votes of the entire body of electors in a State, the most of whom are little disposed, even if they were able, to engage in such refinements. The simplest and most obvious interpretation of a constitution, if in itself sensible, is the most likely to be that meant by the people in its adoption.
>
> Such considerations give weight to that line of remark of which *The People* v. *Purdy*, 2 Hill, 31, 36, affords an example. There, Bronson, J., commenting upon the danger of departing from the import and meaning of the language used to express the intent, and hunting after probable meanings not clearly embraced in that language, says: "In this way . . . the constitution is made to mean one thing by one man and something else by another, until in the end it is in danger of being rendered a mere dead letter, and that, too, where the language is so plain and explicit that it is impossible to make it mean more than one thing, unless we lose sight of the instrument itself and roam at large in the boundless fields of speculation."
>
> Words are the common signs that mankind make use of to declare their intention to one another; and when the words of a man express his meaning plainly, distinctly and perfectly, we have no occasion to have recourse to any other means of interpretation.

The provisions of article 6, section 2, clause 2 admit of no uncertainty. In plain terms they state that ineligibility for appointment to an office attaches to all Members of Congress during the remainder of their terms if a new office is created or if the compensation of an old office is increased during the term in which they are serving. No exception is apparent. Indeed, reference to the last clause of section 2, "and no person holding any office under the United States, shall be a Member of either House during his continuance in office," lends further support to such construction. Taken as a whole, the section reads as a consistent, unqualified prohibition against office holding under strictly specified circumstances. Interpolation of an exception after the words, "or the emoluments shall have been increased," which would in effect read "except in individual cases where Congress deems it necessary to waive the disqualification," plainly renders the emoluments clause meaningless.

The applicability of the above-stated rule of construction would also appear to be particularly pertinent in the instant situation since we are not dealing with the grant of an amorphous power ("to regulate commerce") or the prohibition of a particular type of action ("no bill of attainder or ex post facto law shall be passed.") which requires reference outside the confines of the constitutional instrument for meaning. The reason for the rule of construction is to prevent resort to sources of information which would make doubtful and uncertain, or intrude exceptions, where words are clear and unambiguous and admit of no exception. Avoidance of the rule in such circumstances would appear to nullify the attempt at certainty made by the framers. To repeat Attorney General Brewster's admonition regarding the proper manner of construing this provision:

> It is unnecessary to consider the question of the policy which occasioned this constitutional prohibition. I must be controlled exclusively by the positive terms of the provision of the Constitution. The language is precise and clear, and, in my opinion, disables him from receiving the appointment. The rule is aboslute, as expressed in the terms of the Constitution, and behind that I can not go, but must accept it as it is presented regarding its application in this case. 17 Op. Atty. Gen. 365, 366.

Notwithstanding the foregoing, as indicated earlier, reference to the intent of the framers would appear to support the plain language rather than to inject a doubt as to the scope of the prohibition. The initial prohibition proposed at the Convention was absolute in nature. The compromise ultimately effected was based on a desire not to foreclose the availability of able men to hold executive offices or to discourage competent individuals from seeking legislative office. There was full recognition that the compromise meant that the entire extent of the perceived evil—office seeking and executive influence—would not be covered. Specific instances of indirect evasion were mentioned, including the possibility that a Member nearing the end of his term could accept an office and with certainty expect the compensation of that office to be raised in a subsequent session of Congress. See, for example, Farrand, volume 1, page 390; Cf. Story, volume II, page 332. The purpose of the framers appears to have been to inhibit all attempts at direct evasions, with the thought that the inclusion of this perhaps halfway measure would serve as a guiding moral principle and reminder for cases not covered. In the words of Rutledge on this very point—

> I admit, in some cases, it may be evaded; but this is no argument against shutting the door as close as possible. Farrand, vol. 1, p. 394.

Returning now to the instant situation, it would seem that, if the emoluments clause does not preclude removal by legislative act of a disqualification previously imposed by it, the provision is easily obviated. During the 1909 Knox debates, it was argued that by decreasing the salary of the Secretary of State to what it had been prior to the beginning of Knox's term, there could be no possible aggrandizement to Knox, thereby removing the reason for the constitutional inhibition. But it is to be noted that the provision does not require an inquiry into the purpose of legislation creating an office or raising the compensation of an old office. The legislation itself triggers the disqualification and this would seem to be the case even if, hypothetically, the original triggering legislation raised the compensation of an old office to a level which was still below that being received by Members of Congress themselves. A disqualification arises under the emoluments clause upon the performance of a legislative act, not as a result of a particular legislative purpose. It would seem doubtful that even the loftiest legislative purpose may serve to remove a disqualification.

An argument may also be raised that the action of the 60th Congress in passing similar remedial legislation on behalf of Senator Knox is a controlling constitutional precedent in the present instance. The Supreme Court's decision in *Powell* v. *McCormack*, 395 U.S. 486 (1969), would appear to negative that contention.

Powell raised the question whether a Congressman could be constitutionally denied his seat on grounds other than his failure to meet the standing requirements of age, citizenship, and residence contained in article I, section 2, of the Constitution, requirements which the House specifically found Powell had met. The Court held that in judging the qualifications of its Members under article I, section 5, Congress is limited to the standing qualifications expressly prescribed by the Constitution in article I, section 2, and that Powell was entitled to a declaratory judgment that he was unlawfully excluded from the 90th Congress. Of significance here is the Court's rejection of respondent's argument that Congress own understanding of its power to judge qualifications, as manifested in many past cases in which it had excluded Members who had otherwise met the constitutionally prescribed qualifications, should be controlling. The Court held that such precedents, even if they had been consistent, were not controlling. They were only relevant insofar as they aided in gaining insight into the framers' intent but impliedly even then their value as precedents is lessened the further removed they are from the Convention of 1787. Moreover, the Court further held—

> [A]n unconstitutional action . . . taken before does not render that same action any less unconstitutional at a later date.

The relevant portion of the Court's opinion states (395 U.S. at pp. 546–547):

> Had these congressional exclusion precedents been more consistent, their precedential value still would be quite limited. See Note, The Power of a House of Congress to Judge the Qualifications of its Members. 81 Harv. L. Rev. 673, 679 (1968). That an unconstitutional action has been taken before surely does not render that same action any less unconstitutional at a later date. Particularly in view of the Congress' own doubts in those few cases where it did exclude members-elect, we are not inclined to give its precedents controlling weight. The relevancy of prior exclusion cases is limited largely to the insight they afford in correctly ascertaining the draftsmen's intent. Obviously, therefore, the precedential value

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> of these cases tends to increase in proportion to their proximity to the Convention in 1787. See *Myers* v. *United States*, 272 U.S. 52, 175 (1926). And, what evidence we have of Congress' early understanding confirms our conclusion that the House is without power to exclude any member-elect who meets the Constitution's requirements for membership.

As previously indicated, the 1909 Knox debates were heated and partisan. They were preceded by 122 years in which there had been no substantial precedent other than the two above-cited Attorney General's opinions which appear contrary to the legislative action taken. In light of Powell, therefore, the 1909 precedent may not be deemed controlling.

It is, therefore, concluded that there is substantial doubt that remedial legislation to rescind an increase in the compensation for the office of Attorney General in order to remove the disqualification of the proposed nominee for that office is in accord with the letter and intent of Article I, section 6, clause 2 of the Constitution and that it would serve to lift the disqualification.

Mr. President, I personally like our colleague, Senator Saxbe, and I am very sorry to have to raise a constitutional question concerning this proposed appointment. When Senator Saxbe's nomination was first made public, I did not feel that there was any problem of this nature involved, and I so told him. I vaguely remembered the Knox precedent, to which I have alluded, and it was at first my belief that that precedent had laid to rest any doubts about the constitutional provision here involved. However, upon careful reflection and considerable study, I have come to the conclusion that it is my duty—in accordance with my oath to uphold and defend the Constitution—to at least raise the constitutional question. It is for this reason that I urge the Senate and the Judiciary Committee to evaluate the matter and make a determination as to the constitutionality of the appointment. We have a responsibility as Members of a legislative body to consider constitutional questions when we seriously believe, and have ample reason to believe, that they are present. I think we have even more reason to consider the constitutionality of an appointment to a high Cabinet post of one of our esteemed colleagues. There is nothing personal in my taking this position. I have no intention to delay this legislation, and, as a matter of fact, last week, when this bill was first introduced, I at that time asked unanimous consent, to which an objection was made, that the bill be jointly referred to the Committee on Post Office and Civil Service and the Committee on the Judiciary, so that consideration and study could go forward concurrently within both of those committees.

I do believe, however, that the Senate, as one of the guardians of the people's liberties, will be severely judged by the people if it does not view the appointment of one of its own respected Members with the same objectivity that it would view a nominee who is not one among us.

I may be wrong in my opinion that this appointment is unconstitutional. I try to remember always that I can be mistaken and often am. It is for this reason that I want to know what the opinions are of some of the people in this country, who are constitutional experts—whether they be law professors, constitutional lawyers, or other persons well versed in the Constitution and the historic debates that occurred during the Constitutional Convention.

It may be difficult, with the brief period of time we have in which to report the bill back, and on such short notice, to insure the attendance before the Judiciary Committee of many of these eminent authorities, but I would at least hope that some would appear and that others would submit statements which could be included in the hearings record.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. MANSFIELD. I want to commend the Senator for the course which he has taken on this particular matter. I want to assure the Senate that it is a question of constitutionality which motivates the distinguished assistant majority leader, the Senator from West Virginia (Mr. Robert C. Byrd). I think it is far better to settle the question before, rather than to have it come up afterward.

It is my hope that this matter can be settled satisfactorily within the time period to which the Judiciary Committee unanimously agreed, which has the full approval of the distinguished Republican leader, the Senator from Pennsylvania (Mr. Hugh Scott).

Only until this matter is disposed of, I understand, will it be possible for the White House to forward to the Senate the nomination of Senator William Saxbe to be Attorney General of the United States.

I agree also that, as far as our own membership is concerned, they should not be given preferential or special treatment, but should be considered on the same basis as any other nominee for a position which requires Senate confirmation.

We all know Bill Saxbe. We all like him. We think he is a good Senator. But what this will do is serve to protect Mr. Saxbe rather than to serve as a deterrent to his consideration for the office to which the President of the United States has nominated him.

So I want to say that I support the stand of the distinguished assistant majority leader 100 percent. I think he is doing the right thing. And I think that the Senate, when it thinks about it, will agree unanimously with him, and that as far as the nomination is concerned, it will not hold that up except for a very small period of time. So the Saxbe nomination is not being held as a hostage, but the Senate, I think, is observing the rule of law as it applies to confirmations and nominations. That is as it should be and that is as it will be.

I again commend the distinguished Senator from West Virginia (Mr. Robert C. Byrd).

Mr. ROBERT C. BYRD. Mr. President, I thank my very distinguished majority leader.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from Michigan (Mr. Griffin) is recognized for not to exceed 15 minutes.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged against the order.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I am informed that the Senator from Michigan (Mr. Griffin) does not want to utilize his time under the order. I, therefore, ask unanimous consent that the order be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order there will now be a period for the transaction of routine morning business for not to exceed 15 minutes with statements limited therein to 3 minutes.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10.30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Later in the day this order was modified to provide for the Senate to convene at 9 a.m. tomorrow.)

ORDER FOR RECOGNITION OF SENATORS GRIFFIN AND ROBERT C. BYRD AND FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders or their designees have been recognized under the standing order, the distinguished assistant Republican leader, the Senator from Michigan (Mr. Griffin), and I each be recognized for not to exceed 15 minutes

and in that order, and that there then be a period for the transaction of routine morning business for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BURDICK, from the Committee on the Judiciary, with amendments:

S. 663. A bill to improve judicial machinery by amending title 28, United States Code, with respect to judicial review of decisions of the Interstate Commerce Commission, and for other purposes (Rept. No. 93–500).

By Mr. HRUSKA, from the Committee on the Judiciary, without amendment:

S.J. Res. 126. A joint resolution to authorize and request the President to issue annually a proclamation designating the fourth Sunday in May of each year as "Grandparents Day" (Rept. No. 93–501); and

S.J. Res. 168. A joint resolution to authorize the President to designate the period from February 10, 1974, through February 16, 1974, as "National Nurse Week" (Rept. No. 93–502).

By Mr. CRANSTON, from the Committee on Labor and Public Welfare, with an amendment:

S. 1418. A bill to recognize the 50 years of extraordinary and selfless public service of Herbert Hoover, including his many great humanitarian endeavors, his chairmanship of two Commissions of the Organization of the Executive Branch, and his service as 31st President of the United States, and in commemoration of the 100th anniversary of his birth on August 10, 1974, by providing grants to the Hoover Institution on War, Revolution, and Peace (Rept. No. 93–503).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted.

By Mr. EASTLAND, from the Committee on the Judiciary:

Henry A. Schwarz, of Illinois, to be U.S. attorney for the eastern district of Illinois;

John H. deWinter, of Maine, to be U.S. marshal for the district of Maine;

John L. Bowers, Jr., of Tennessee, to be U.S. attorney for the eastern district of Tennessee;

John J. Twomey, Jr., of Illinois, to be U.S. marshal for the northern district of Illinois;

Leonard F. Chapman, Jr., of Virginia, to be Commissioner of Immigration and Naturalization;

Charles H. Anderson, of Tennessee, to be U.S. attorney for the middle district of Tennessee;

Leigh B. Hanes, Jr., of Virginia, to be U.S. attorney for the western district of Virginia;

R. Jackson B. Smith, Jr., of Georgia, to be U.S. attorney for the southern district of Georgia;

Jack V. Richardson, of Kansas, to be U.S. marshal for the district of Kansas;

Rex Walters, of Idaho, to be U.S. marshal for the district of Idaho;

Rex K. Bumgardner, of West Virginia, to be U.S. marshal for the northern district of West Virginia;

Leon T. Campbell, of Tennessee, to be U.S. marshal for the middle district of Tennessee;

James T. Lunsford, of Alabama, to be U.S. marshal for the middle district of Alabama;

Leon B. Sutton, Jr., of Tennessee, to be U.S. marshal for the eastern district of Tennessee;

George R. Tallent, of Tennessee, to be U.S. marshal for the western district of Tennessee; and

James E. Williams, of South Carolina, to be U.S. marshal for the district of South Carolina.

The above nominations were reported with the recommendation that the nominations be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

Mr. MAGNUSON. Mr. President, as in executive session, I report favorably sundry nominations in the Coast Guard which have previously appeared in the Congressional Record and, to save the expense of printing them on the Executive Calendar, I ask unanimous consent that they lie on the Secretary's desk for the information of Senators.

The PRESIDENT pro tempore. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. PASTORE:

S. 2696. A bill to amend title 38 of the United States Code to provide pension benefits for widows and children of certain persons whose inservice death occurred not in the line of duty. Referred to the Committee on Veterans' Affairs.

By Mr. ERVIN (for himself, Mr. Mathias, Mr. Kennedy, Mr. Mansfield, Mr. Brooke, Mr. Burdick, Mr. Hruska, Mr. Young, and Mr. Pastore):

S. 2697. A bill to protect the constitutional rights of the subjects of arrest records and to authorize the Federal Bureau of Investigation to desseminate conviction records to State and local government agencies, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. RIBICOFF:

S. 2698. A bill for the relief of John J. Egan. Referred to the Committeee on the Judiciary.

By Mr. MUSKIE (for himself, Mr. Fulbright, and Mr. Metcalf):

S. 2699. A bill to amend section 315 of the Communications Act of 1934, in order to require the furnishing of equal opportunities in the use of a broadcasting station to the national committee of the major opposition political party in certain cases when the President uses such station. Referred to the Committee on Commerce.

By Mr. MONDALE (for himself, Mr. Javits, Mr. Nelson, Mr. Stafford, Mr. Williams, Mr. Randolph, Mr. Kennedy, Mr. Cranston, Mr. Montoya, Mr. Hughes, Mr. Hathaway, Mr. Pell, Mr. Schweiker, Mr. Brooke, and Mr. Ribicoff):

S. 2700. A bill to postpone the the implementation of the Headstart fee schedule. Referred to the Committee on Labor and Public Welfare.

By Mr. PELL:

S. 2701. A bill to require the establishment of safety standards for snowmobiles, and for other purposes. Referred to the Committee on Commerce.

By Mr. MAGNUSON (for himself, Mr. Cannon, Mr. Cotton, Mr. Hollings, Mr. McIntyre, Mr. Pastore, Mr. Pell, Mr. Stevenson, and Mr. Tunney):

S. 2702. A bill to provide that daylight saving time shall be observed on a year-round basis. Referred to the Committee on Commerce.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PASTORE:

S. 2696. A bill to amend title 38 of the United States Code to provide pension benefits for widows and children of certain persons whose inservice death occurred not in the line of duty. Referred to the Committee on Veterans' Affairs.

Mr. PASTORE. Mr. President, I send to the desk a bill to amend title 38 of the United States Code to provide pension benefits for widows and children of certain servicemen whose inservice death occurred not in the line of duty.

Recently a Veterans' Administration claim for benefits was called to my attention involving constituents, a widow of a deceased military officer and their five children, who, because of an inequity in the Veterans' Administration law, were refused compensation. The officer, although he had a distinguished military career, did not die in line of duty.

Under the law, if a commissioned officer is killed not in the line of duty, the Veterans' Administration has no discretion whatsoever with respect to granting benefits to his surviving wife and children.

However, in the case of a career enlisted man who should die under the same circumstances—not in the line of duty—his spouse and children would receive benefits, because the deceased enlisted man would be treated as a veteran.

This quirk in the law arises, because an enlisted man reenlists for several tours of duty until he accumulates sufficient time to retire.

However, a commissioned officer is considered to serve constantly from the date of his commission until he either retires or dies on duty or not in the line of duty. In either event, the deceased officer cannot be treated as a veteran under the Veterans' Administration law, whereas an enlisted man who is killed under similar circumstances would be treated as a veteran insofar as survivor's benefits are concerned.

The bill I have introduced would provide that the surviving spouse and family of an officer, who dies not in the line of duty, and who has completed at least 2 years of honorable service, would be treated in identical fashion as the family of a deceased enlisted man and would be entitled to non-service-connected VA benefits.

I think it is only equitable that the widow and surviving children of a commissioned officer be treated the same as the widow and surviving children of an enlisted man. After all, whether an officer or an enlisted man on active duty dies in line of duty or through his own negligence, the ones who really suffer are those that the serviceman leaves behind—his family.

I understand from Veterans' Administration officials that the cost of this legislation will be negligible since very few service families will qualify for benefits under this bill.

I hope that the Veterans' Affairs Committee, under the able leadership of Senator Vance Hartke, will act favorably and expeditiously on this legislation, because I know of one family from Rhode

Island in desperate need of the assistance which this bill would provide.

By Mr. ERVIN (for himself, Mr. Mathias, Mr. Kennedy, Mr. Mansfield, Mr. Brooke, Mr. Burdick, Mr. Hruska, Mr. Young, and Mr. Pastore):

S. 2697. A bill to protect the constitutional rights of the subjects of arrest records and to authorize the Federal Bureau of Investigation to disseminate conviction records to State and local government agencies, and for other purposes. Referred to the Committee on the Judiciary.

(The remarks of Mr. Ervin on the introduction of the above bill and the ensuing discussion appear later in the Record during the debate on the conference report on H.R. 8916, the State-Justice-Commerce and the Judiciary appropriation bill, 1974.)

By Mr. MUSKIE (for himself, Mr. Fulbright, and Mr. Metcalf):

S. 2699. A bill to amend section 315 of the Communications Act of 1934, in order to require the furnishing of equal opportunities in the use of a broadcasting station to the national committee of the major opposition political party in certain cases when the President uses such station. Referred to the Committee on Commerce.

PRESIDENTIAL RESPONSE TIME ACT

Mr. MUSKIE. Mr. President, the age of television has produced a potential for the perfection of democracy—the opportunity to present to the public at large, in their homes, the great political issues of the day, and the proposed responses of our political leaders.

In 1970, testifying before the Subcommittee on Communications in favor of a proposal to insure Congress some greater measure of national television exposure, I had occasion to observe that, used to its fullest, television could determine the outcome of every political issue and, in fact, every national issue. But television has not yet been successfully integrated into our political system. There is yet no mechanism to insure adequate access to television while protecting against unequal advantage. And the cost of television advertising has led to perversion and abuse of political campaigns.

The use of television in Presidential politics illustrates some of the most difficult of these problems. Different Presidents use television differently; but regardless of the individual who occupies the White House, or his party, by his access to television he exercises unmatched political power which threatens to create an imbalance between the President's and his opponent's ability to communicate with the electorate. Although there may be dispute about how to remedy this imbalance, a remedy surely must be found.

Today I introduce, as a basis for formulating a possible remedy, the Presidential Response Time Act, to give the opposition party access to television to respond to the President during Presidential and congressional election years. I am pleased that Senators Fulbright and Metcalf are cosponsoring this measure.

The tremendous impact a President's use of television can have on the opposition political party, Congress, and even the judiciary has been described in a newly published book entitled "Presidential Television"—Basic Books, New York, 1973—by former FCC Chairman Newton N. Minow, Writer John Bartlow Martin, and Washington Attorney Lee M. Mitchell. This book, produced with the support of the 20th Century Fund, is a welcome analysis of the critical relationship of politics and television.

Each succeeding President, this study reports, has made more effective use of the power the President alone holds to appear simultaneously on all national radio and television networks at prime, large-audience hours whenever and in whatever format he wishes. Today the President, and only the President, has this unique opportunity to present his image and his explanation of his policies and plans to the American voting public. The study suggests that this power of Presidential television can affect the continued ability of the opposition party and the Congress to perform the very important function which our political and constitutional traditions have led the public to expect of them—checking and balancing Presidential discretion.

To counterbalance a President's use of television, the authors of "Presidential Television" suggests that Congress periodically hold special prime-time sessions to debate the most important issues before us and that we allow the broadcast of these sessions by the networks. They further suggest that the major political parties and the networks agree upon the broadcast of periodic "National Debates." And they propose that the opposition party be given a right to respond to Presidential television appearances during important preelection periods. The legislation I introduce today is based on this latter suggestion contained in the book "Presidential Television."

The Presidential Response Time Act establishes a right of response to Presidential appearances for the opposition political party during the 90 days prior to a congressional election and during a period commencing January 1 before a Presidential election—if the opposition's own Presidential candidate, if any, would not already be entitled as a result of the President's appearance to broadcast time under present "equal time" provisions. During these periods, the major opposition party is given a right to "equal opportunities" when the President uses a radio or television station. "Equal opportunities" is defined to provide reasonably equal broadcast time in terms of length and audience potential of the time period. If the President has chosen the format of his appearance, the opposition party may choose its format; if the President's appearance has been carried simultaneously on more than one network, the opposition party response is to be carried simultaneously also. Exceptions to the opposition party response right are provided for Presidential appearances in newscasts or news documentaries and on-the-spot coverage of news events where the President's appearance is incidental. The bill also establishes an exemption from the "equal time" requirement for appearances of a candidate in an opposition party response to a Presidential broadcast.

The cosponsorship of this measure by Senators Fulbright and Metcalf is particularly welcome. Senator Fulbright, in 1970, introduced a similar measure, which I cosponsored, which would have required broadcasters to provide network television time to congressional representatives. And Senator Metcalf, as chairman of the Joint Committee on Congressional Operations, has displayed a consistent interest in the role of television in the work of Congress. I commend their continued concern with the problems of television and politics.

Mr. President, we must insure that Presidential television does not dangerously imbalance politics and Government. I hope the Presidential Response Time Act will be considered by Congress as a possible remedy to that imbalance.

I ask unanimous consent that the bill, and an article in the Washington Star-News by Messrs. Minow, Martin, and Mitchell, be inserted in the Record.

There being no objection, the bill and article were ordered to be printed in the Record, as follows:

S. 2699

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 315 of the Communications Act of 1934 is amended—

(1) in subsection (a) by striking out "or" at the end of clause (3), by inserting "or" at the end of clause (4), and by inserting after clause (4) the following:

"(5) broadcast time made available pursuant to subsection (b) of this section,";

(2) by redesignating subsections (b) through (g) as subsections (c) through (h), respectively, and by inserting after subsection (a) the following new subsection:

"(b) If the facilities of any broadcasting station are used by the President of the United States within a period of ninety days preceding a general election of members of the House and Senate of the United States or, in a year in which a presidential election is to be held, within a period commencing January 1 of such year and ending on the day of such election, and if subsection (a) of this section is not applicable to such use, then the licensee of such station shall afford equal opportunities to the national committee of the major opposition political party. Appearances by the President on any—

(1) bona fide newscast,

(2) bona fide news documentary (if the appearance is incidental to the presentation of the subject or subjects covered by the news documentary), or

(3) on-the-spot coverage of bona fide news events (if the appearance is incidental to the event), shall not be deemed to be use of broadcasting station with the meaning of this subsection.';

(3) in redesignated subsection (f) by striking out "subsection (c) or (d)" and inserting in lieu thereof "subsection (d) or (e)";

(4) in redesignated subsection (g)(2) by striking out "subsections (c) and (d)" and inserting in lieu thereof "subsections (d) and (e)"; and

(5) in redesignated subsection (g) by inserting at the end thereof the following:

"(3) For the purposes of subsection (b) of this section, 'major opposition political party' shall mean the political party whose nominees for President and Vice-President of the United States received the second greatest number of votes in the last presidential election; 'equal opportunities' shall mean a time period the length and scheduling of which is reasonably equal in audience potential to that used by the President and a choice of program format if the President's use consisted of a format chosen by him, and where the President's use of a broadcasting station occurs simultaneously with his use of other broadcasting stations, 'equal opportunities' shall also include the same simultaneous carriage."

THE OPPOSITION NEEDS A FAIR SHAKE

(By Newton N. Minow, John Barlow Martin and Lee M. Mitchell)

On the evening of July 15, 1971, a spokesman for the so-called western White House at San Clemente, Calif., told the three major television networks that President Nixon had an announcement he wanted to make on nationwide television. The networks quickly cleared time for the announcement, which would interrupt their regular shows at 10:30.

But even after agreeing to the presidential preemption, the networks did not know the subject of the President's address. Network newsmen with the President in California received neither advance copies of his statement nor pre-broadcast briefings.

Promptly at 10:30 p.m. EDT from studios in Burbank, the President's image appeared in 25 million homes across the country. "I have requested this television time tonight," he said, "to announce a major development in our efforts to build a lasting peace in the world." He then told the American people he had accepted an invitation from Premier Chou En-lai to visit mainland China. At the same time, he revealed that his chief foreign policy adviser, Henry Kissinger, had secretly spent three days in China already.

President Nixon's dramatic announcement of a major reversal of U.S. foreign policy took the news media, the American people, and the rest of the world completely by surprise. And its impact was greatly increased because he made it directly and personally to the American people.

One professional observer, calling this use of television a "bombshell approach to major new announcements," wrote that such an approach almost guaranteed that the first wave of news coverage would be extremely heavy and would be limited to straight reporting, thus giving the new policy powerful momentum—and momentum without critical appraisal: "Surprise makes for confusion and, at least initially, confusion does not make for valuable analysis."

Time and again, and in recent years with increasing frequency, presidents have appeared on television to explain their policies, to mobilize support, to go over the heads of the Congress and the political parties, and to speak directly to the people for their cause—and their reelection.

Recognizing the pervasiveness of television, its role as the electorate's main source of political information, and its ability to convey images, candidates for election have embraced the public airwaves with enthusiasm. By a television appearance, a politician may place his views before a potentially enormous audience; by appearing simultaneously on most major television channels, so that alternative viewing choices are sharply limited, he can assure that much of the potential will be realized. If a viewer is not sufficiently resistant to turn his set off, the political message generally gets through. As one analyst noted:

"When asked, they say that they dislike political broadcasts . . . but when there is no alternative, they watch. There is good reason to believe, moreover, that these are people who were not previously reached. . . . Television has activated them. They now have political opinions, and talk to others about them. It can be demonstrated that they have learned something—even when their viewing was due more to lack of alternatives than to choice."

But the power of political television is not limited to individual candidates or to election campaign periods. Sen. Edmund Muskie has even testified that "used to its fullest, television can determine the outcome not only of any political issue, but more importantly of each and every national issue." The success of candidates' use of television has given rise to presidential television—the use of television (and radio) by an already elected president to advance his legislative programs and his political objectives.

Evidence indicates that the televised presidential address can have an important effect on public opinion of national issues. Polls have disclosed, for example, that public support for a Kennedy tax proposal rose by 4 percent after his television address on the subject; that support for President Johnson's position on Vietnam issues rose by 30 percent after one of his television addresses; and that support for President Nixon's Vietnam policies rose by 18 percent after one of his television addresses. Louis Harris reports a definite "correlation between televised presidential speeches and increased public acceptance of the President's positions."

Effectively used, the presidential television address can undermine the ability of the party out of power to mount an effective electoral challenge.

The public and Congress have turned their attention to financial and fairness problems resulting from the use of television by candidates but have paid relatively little official attention to the rampant growth of presidential television. Yet presidential television may damage, or at least drastically restructure, democratic institutions even more than campaign television: Television's impact threatens to tilt the delicate system of checks and balances among our governmental institutions in the direction of the president.

Though a president has a wide choice of radio and television techniques the most direct form of presidential television is the formal address preempting regular television programs to announce an important event or policy decision.

The three networks usually carry the president's message simultaneously, with the result that in cities served only by network-affiliated stations, viewers have no choice of what to watch; in larger cities, viewing choices are diminished. Presidential television addresses usually are carried at the same time by all major radio networks. More and more, the televised presidential address has been delivered during prime time, the 7:00–11:00 P.M. period during which commercial broadcasting attracts the largest audience.

The opposition can never equal the president's ability to make news. When, in the campaign of 1972, George McGovern, Democratic candidate for President, requested television time to explain why he had asked Sen. Eagleton to resign as his vice-presidential candidate, the networks refused on the grounds that his appearance would not be news unless he were to name Eagleton's successor—something he was not then prepared to do. It is hard to believe the networks would not have given President Nixon television time had he decided to drop Vice President Agnew from his ticket and asked for time to explain why. This is not to suggest that the networks are biased against the Democrats. It is merely to suggest the newsworthiness of the President of the United States.

Because of who he is, newsmen and their editors allow the president to speak for himself. The remarks of an opposition spokesman may be summarized in television news reporting or analysis; the president's views usually are given in his own words. If a president asks for time, network executives can hardly decide that what he wishes to say is less important than what Marcus Welby has to say. Moreover, they are hard put to determine what part of his discourse is most important, especially if he insists that it is all important.

A President is further assured of broadcast time because broadcasters are eager to please him. They are after all, licensed by the federal government, by the Federal Communications Commission. And the president appoints the members of the FCC. Broadcasting is privilege, revocable by the FCC. Since television stations are enormously valuable, commonly worth many millions of dollars, broadcast executives admit to being sensitive about incurring the displeasure of the president and his FCC.

Occupants of the White House have not hesitated to capitalize on broadcaster fears of retaliation. Franklin Roosevelt let the industry know that FCC policies could begin at the White House. President Johnson was quick to let broadcasters know in no uncertain terms when they displeased him. Vice President Agnew has charged broadcasters with being unfair to the President, while reminding them that they operate under government licenses. Whether intentional or not, the incumbent exercises power over broadcast decision-making.

The only restriction upon a president's use of television is imposed not by the broadcasters but by the audience. Franklin Roosevelt once observed that "the public psychology . . . cannot, because of human weakness, be attuned for long periods of time to a constant repetition of the highest note in the scale." At some point too much presidential television exposure will bore the public.

If every appearance of the president on television has political significance, if the president can be regarded as campaigning throughout his term, then it is essential that the opposition—whether it be the opposing political party or some other group formed over a particular issue—somehow maintain the ability to compete. It is not only diffuseness, lack of structure, and lack of a preeminent leader or a single line on issues that have limited the opposition party's effectiveness in responding to presidential television. Lack of comparable access to television severely compounds the opposition's difficulty.

It has been suggested that, in combination, the president's political opponents may even have greater exposure than he. President Nixon's press secretary, Ronald Ziegler, believes that the opposition can "collectively—regularly—and with great impact—attack the president's policy . . . The collective weight of their opposition equals or outweighs the TV statements of the President. It balances without question."

The only way an opposition party spokesman can gain access to television time under his own control is to be given it by the networks or to buy it himself. Occasionally, one of the networks has offered time to the opposition to use as it sees fit. But the networks have never directly given the opposition party simultaneous three-network prime time to present its views and images at a time and in a format chosen by the party—the conditions in which the president operates.

From Jan. 20, 1969, through August 1, 1971, President Nixon made 14 television addresses and held 15 televised news conferences, all carried simultaneously and free by all three

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networks, while the opposition party as such made three appearances, *none of them broadcast on all networks simultaneously.*

Of course, the opposition party can buy time. But a half-hour of simultaneous prime time on all networks can cost more than $250,000, more than the opposition should reasonably be expected to spend to balance the President's free appearances. In 1972, it was also more than the Democratic party could afford. And even if it were not, the networks are not eager to disrupt program schedules, and they also fear complaints from sponsors whose commercial messages may happen to appear immediately before or after a controversial political program.

Our proposal is this: "Equal broadcast opportunities" should mean free time when the president's time has been free, at an equally desirable time of day and of a duration approximately equal to the length of the President's broadcast. The national committee should control format of the presentation if the president has had control of his format.

In exercising its "right of response," the party's national committee would not be limited to addressing only those issues raised by the president in his appearance. It could for example introduce its leaders or the party candidate or candidates in the coming election, or both.

When a presidential appearance has been carried simultaneously by the networks, the national committee response should also be carried simultaneously by the networks. Otherwise, the television exposure clearly could not be termed "equal."

Under this proposal, if the president delivered a prime-time, three-network broadcast address to propose an international agreement, for example, radio and television stations (and CATV systems) that carried the address would be obligated to provide the national committee of the major opposition party "equal opportunities."

The party response time should be put in the hands of the party's national committee because the committee is responsible for the party's election campaign. If party members are dissatisfied with their national committee's response, they should work to change it. The committee surely would be more responsive to pressures from party members than would the networks.

The purpose of response time in the periods prior to federal elections is to insure equality in the electoral use of television. Each presidential television appearance can help create a favorable image of the president or his party and may change votes. Even when the president is not a candidate for reelection, his appearance can affect the candidacies of other nominees of his party.

But there should be a limit on the period when response opportunities are required; this avoids the danger, on the one hand, of over-politicizing the presidency and, on the other hand, of boring the public. If the response period were unlimited, the president might have difficulty in maintaining a consensus with which to govern; and the public would have no respite from politics. The proposal establishes, at the least, the right of response during all of a presidential year before the election.

The opposition response should be exempt from the equal time law and the fairness and political party doctrines. This is necessary to prevent a continuing "response" to a "response"—an unnecessary and unfair burden on the broadcaster.

Between elections, the national committee of the opposition party, the national committee of the president's party, and the commercial and public television networks should together develop a plan to present live debates—perhaps titled "The National Debates"—between spokesmen for the two major parties with agreed topics and formats quarterly each year (only twice a year in federal election years). All debates should be scheduled during prime time and broadcast simultaneously by all networks. They should be widely advertised and promoted by the broadcasters and the parties. This proposal should be carried out voluntarily by the parties and networks rather than be required by legislation.

The debate format, including minor parties at times, might help overcome the public's lack of interest in political programs.

In addition to providing television access for the opposition party, "The National Debates" would prevent unfairness to the president's party. Ordinarily, any position that the party in power takes is consistent with the president's position. But important differences sometimes arise, as recent history indicates, between the president and a significant faction of his own party.

We also propose adopting reforms to ensure all significant presidential candidates a minimum amount of free, simultaneous television time. The voters' ability to watch and assess candidates for president and vice president is in danger of being limited by the high cost of television. Each presidential candidate and his running mate shall be given campaign "voters' time" without cost to them—broadcast time provided simultaneously by all television and radio stations. The two major party candidates would receive six 30-minute, prime-time program periods in the 35 days preceding a presidential election; candidates of minor parties of sufficient size would receive one or two half-hour periods depending on the party's relative strength. Candidates could use their voters' time only in formats that "promote rational political discussion and substantially involve live appearance by the candidate." The federal government would compensate broadcasters for voters' time at reduced commercial rates.

In combination, these reforms would do much to protect the traditional functions of the loyal opposition in an electronic era. Between elections, the opposition could develop and present through debate its positions on issues.

In each case, the opposition's television time would equal the president's—free, prime-time, and on all networks simultaneously. The proposals would not, and should not, guarantee successful opposition to the president. But they would provide the opposition party with what it requires to continue as a vital institution, a reasonable chance to take its case to today's marketplace of ideas—television.

Mr. FULBRIGHT. Mr. President, I am pleased to join the senior Senator from Maine (Mr. MUSKIE) in sponsoring legislation which would establish a right of response to Presidential appearances on radio and television. Under this bill, the national committee of the opposition party would be given an automatic right of response to Presidential radio-TV appearances during a Presidential election year or within 90 days preceding a congressional election in a non-Presidential year.

This legislation was recommended in the 20th Century Fund's report on "Presidential Television," coauthored by Newton N. Minow, John Bartlow Martin, and Lee M. Mitchell. Senator MUSKIE and I are introducing this legislation in order to draw attention to this significant report and to stimulate discussion on this highly important topic.

This bill would represent one step toward redressing the communications imbalance that has seriously distorted our constitutional and political systems.

Section 315 of the Communications Act of 1934 would be amended to require that every radio or television station or cable television system which carried an appearance of the President within the designated "response" period provide, upon request, equal broadcast opportunities to the national committee of the opposition political party. Those Presidential appearances in documentaries or spot news coverage in which the President's appearance is only incidental, and appearances that already give rise to "equal time" for an opposition candidate would be exempt from this requirement.

The opposition would receive free time if the President's time was free, and should be at an equally desirable time and of similar duration.

As the 20th Century Fund report states:

> The purpose of response time in the periods prior to federal elections is to insure equality in the electoral use of television. Each presidential television appearance can help create a favorable image of the president or his party and may change votes. Even when the president is not a candidate for reelection, his appearance can affect the candidacies of other nominees of his party.

This legislation is aimed primarily at assuring fair and balanced access to television during Federal election periods and deals with the political imbalance which results from the President having relatively unfettered access to TV, while the opposition currently has nothing approaching equal access. This bill would reduce the advantage that a President now enjoys in such a situation—an advantage that I believe is inconsistent with our political and constitutional system.

As I stated earlier, this would be one step toward redressing the communications imbalance which has developed in the television era, an imbalance which threatens serious damage to our democratic institutions.

The issue is stated very well in the report on "Presidential Television":

> The Constitution established a presidency with limitations upon its powers—the need to stand for reelection every four years, checks than can be exercised by the Congress and the Supreme Court. The evolution of political parties and a strong two-party system provided a rallying point for opponents on an incumbent administration, enhancing the importance of frequent reelection. An intricate set of constitutional balances limiting the powers of each of the three government branches added force to the separation of government functions. These political and constitutional relationships served the country well for many years. Television's impact, however, threatens to tilt the delicately balanced system in the direction of the president.

As Fred Friendly has written, the almost exclusive Presidential access to television "bestows on one politician a weapon denied to all others," and this device "permits the first amendment and the very heart of the Constitution to be breached."

The bill which Senator MUSKIE and I are introducing would help alleviate the political imbalance which results from Presidential television.

However, it would not really alleviate the imbalance among the coequal

branches of Government which has resulted from the domination of television by the executive branch. It may be recalled that in 1970 I introduced legislation which would have required radio and television stations to provide a reasonable amount of public service time to authorized representatives of the Senate and House to comment upon and to explain issues of public importance. The broadcast time would be made available at least four times a year, consistent with the obligation of broadcast licensees to serve the public interest.

Hearings on "Public Service Time for the Legislative Branch" were held by the Communications Subcommittee of the Committee on Commerce under the chairmanship of the Senator from Rhode Island (Mr. PASTORE), although no final action was taken on the proposal.

That proposal was of an institutional, not partisan, nature. Its purpose was to help restore the constitutional balance between the executive and legislative branches and to guarantee the right of the people to hear diverse and opposing views, regardless of party.

I still feel that there is a strong need for such legislation. A variety of different suggestions have been made about presentations, and I am convinced that a suitable arrangement can be developed. One of the possibilities suggested in "Presidential Television," and one of the alternatives I have mentioned, would be the broadcast of special prime-time evening sessions of Congress. The report specifically proposes:

> Congress, in consultation with the television networks, should permit television cameras on the floor of the House and Senate for the broadcast of specially scheduled prime-time evening sessions at which the most important matters before it each term are discussed, debated and voted on. The sessions should be scheduled and broadcast at least four times per year and carried simultaneously by all three networks. These broadcasts should be exempt from the "equal time" law and the fairness and political party doctrines.

Mr. President, without specifically endorsing this proposal, I do commend to the Senate and to those interested in resolving this problem, the report on "Presidential Television." I think it deserves our serious consideration.

I understand that the Joint Committee on Congressional Operations, under the leadership of the Senator from Montana (Mr. METCALF) is also looking into this question and I am hopeful that the committee will come up with some positive recommendations.

As the majority leader, Mr. MANSFIELD, said earlier this year:

> It is time for Congress to determine who really should decide what is a fair input by a coequal branch of government into the perceptions of the American electorate.
>
> I believe that any sensible interpretation of a notion of fairness requires that the American people have the input of the Congress on an issue of great vital importance especially when that issue was drawn into question by the President in an attack upon the Congress.
>
> With the revolution of communications in this country, the whole notion of the separation of powers has been significantly diminished by the inordinate input the executive branch, through the President and the Cabinet officers, has on television.

I believe this is a matter of immense importance and that action must be taken to insure that the legislative branch does have access to television. There is certainly nothing in the Constitution which says that, of all elected officials, the President alone shall have the right to communicate with the American people. That privilege was a gift of modern technology, coming in an age when chronic war and crisis were already inflating the powers of the Presidency. The Congress has recently taken steps to reassert itself in the area of war powers and I am hopeful that in the future we can move to right the balance in other areas.

The legislation we have introduced today, in conjunction with action to provide congressional access to television on an institutional basis, would help reaffirm the constitutional principle of coequal branches of government and the democratic principle of fair elections, with equal access to the voter.

As I stated in testimony on behalf of my 1970 proposal, communication is power and exclusive access to it is a dangerous, unchecked power.

Mr. President, I ask unanimous consent to have printed in the RECORD articles by Herbert Brucker, from the Boston Globe of November 7, and by John O'Connor, from the New York Times of November 11.

There being no objection, the article were ordered to be printed in the RECORD, as follows:

[From the Boston Globe, Nov. 7, 1973]

THE CHECKS AND BALANCES NO LONGER DO

(By Herbert Brucker)

The Twentieth Century Fund has issued a report saying in effect that television has twisted the Constitution out of shape. The checks and balances among the separate departments, says the report, no longer check and balance. Why? Because television has given Presidents one-way access to the American people, while by comparison Congress and the courts are muzzled.

The reception of this report has been as usual in a world too full of a number of things. Here and there there has been comment. But we may expect that the whole study, despite its significance to every citizen, will be filed and forgotten.

This is what the social scientists call technological lag. It takes a long time, maybe a generation, after a public need becomes glaringly obvious for society to get around to bringing itself up to date.

Other examples stare us in the face. If the political and constitutional turbulence now swirling through the nation has proved anything, it is that we are far behind in updating such fundamental political processes as choosing Vice Presidents, providing for presidential succession, and financing political campaigns. The entire national convulsion we are entering was made possible by television's astronomical escalation of the cost of presidential campaigning.

Then, too, there is another defect in our inherited political system that we have done nothing about but talk. This is the pressing need, under today's conditions, for scrapping the Electoral College and substituting the direct election of Presidents. Only luck has saved us, so far, from the disaster inherent in an electoral deadlock thrown into the House.

Well, one thing at a time. To correct the imbalance caused by TV, the Twentieth Century report suggests among other things:

That prime-time debates be arranged for television, including live debates between spokesmen for the two major parties four times a year.

A right of reply for the opposition national committee, any time a President addresses the nation during the 10 months before a national election.

Government purchase of network time, at half price, for presidential candidates.

Additional free television time for all significant presidential nominees in the 35 days before an election.

TV coverage of both houses of Congress for prime-time evening sessions at which important matters are debated and voted on.

One reason proposals along these lines need to be enacted into law is that broadcasters do not cover government and politics as news to anything like the extent newspapers do. Except for giving presidents prime-time TV coverage on all three networks, plus occasional fragmentary exposure of other political figures on the morning and evening news shows, or on the Sunday interview shows, broadcasters charge politicians for time on the air.

Newspapers, to be sure, also welcome political advertising. But with them it is a minor part of their coverage. Most newspapers simply report in their news columns what candidates do and say. There is no reason why broadcasters—who make millions by having free, exclusive use of a portion of the public air—should not give free time to government and politics just as the papers and news magazines do.

Then again we fail to turn advancing technology to our advantage. In our day-to-day following of the Watergate-induced political crisis it is silly that whenever some crucial event takes place in Judge Sirica's court or some other court, we have to put up with an artist's sketch of what it looks like, while an offstage voice tells us what is going on.

We bar cameras and microphones from our courts, and often from our legislatures, though there is no reason why they cannot be kept within bounds there, just as they are at royal coronations, Kennedy or Churchill funerals, or other public events in which dignity rather than staging an entertainment spectacular is the overriding concern.

Of course the Constitution, which has been adapted to changing times for the better part of two centuries, can be adapted to television. All it takes is that we bestir ourselves—and that we choose leaders who can lead.

[From the New York Times, Nov. 11, 1973]

NO BACK TALK FROM THE PRESS, PLEASE

(By John J. O'Connor)

When "Bill Moyers's Journal" returned recently to the public television schedule with "An Essay on Watergate," the occasion was reassuring on several levels, some perhaps not anticipated fully by Moyers himself. Most strikingly, the essay was excellent, succeeding forcefully as a "personal attempt" to get to the roots of the Watergate morality, to explore the premise that "Watergate is something everybody does, it's politics as usual."

The program offered broad and thoughtful perspective at a time when broadcast journalism generally is preoccupied with simply reporting the incredible cascade of news stories concerning the Nixon Administration over the last several months. The result was an object lesson on the potential role of a truly independent public TV system. And, of course, it is hardly coincidence that when, in pre-Watergate days, various Washington officials were demanding an end to news and public affairs programing on public TV, the name of Bill Moyers was prominent on the enemies list.

Those officials presented ingenious and ingeniously empty arguments. From Clay T

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Whitehead, director of the White House Office of Telecommunications Policy, to Patrick J. Buchanan, special assistant to the President, to Henry Loomis, president of the Corporation for Public Broadcasting, the well-orchestrated lament was for a return to "localism," where in effect most stations couldn't monetarily afford to be a threat to anyone.

The official dictum seemed to be "less is more," neatly wrapped in sanctimonious declarations of impartiality. Any detections of an Administrationwide conspiracy to silence, or at least better to control, portions of the press were dismissed with patronizing condescension.

Then, happening to be a day after the showing of "An Essay on Watergate," Senator Lowell P. Weicker Jr., Republican of Connecticut, made public a series of White House documents obtained by the Senate Watergate committee. The memorandums—involving such familiar names as H. R. Haldeman, Charles W. Colson and Jeb Stuart Magruder—were written over 12 months, beginning in February, 1970. At issue was nothing less than a series of efforts to "tear down the institution" of broadcast journalism.

One of the most revealing, both of the Administration and of broadcasting, was a Sept. 25, 1970, memorandum from Colson to Haldeman. Colson had been pressuring top executives of the three commercial networks to deny requests by the Democratic party for free air time to reply to televised Presidential statements. Colson wrote:

"These meetings had a very salutary effect in letting them know that we are determined to protect the President's position, that we know precisely what is going on from the standpoint of both law and policy, and that we are not going to permit them to get away with anything that interferes with the President's ability to communicate."

With the President as the only person in the nation having unlimited and virtually instant access to television, it is curious to find his aides so worried about an "ability to communicate." But, of course, the thrust of their efforts went much further. It concerned the ability of the President to monopolize communications, to eliminate altogether the possibility of questioning and criticism, whether from political opponents or TV commentators. That would be the ultimate victory in a crusade "to protect the President's position."

In his television essay, Moyers presented an especially apt sports context to define the name of the game, the cause reflecting the old American will to win, with a modern twist: "When the one great scorer comes to write against your name, he marks not that you won or lost, but how you played the game."

"The sports writer Grantland Rice formulated the ethic in 1923. In theory, at least, the name of the game was fair play.

"By the nineteen-sixties, football had a new ethic, articulated by Vince Lombardi of the Green Bay Packers and Washington Redskins: 'Winning isn't everything; it's the only thing.'

"In the situation room of the Committee to Re-elect the President, a windowless, well-guarded command post across from the committee's headquarters, the President's team hung a sign borrowed from Lombardi: 'Winning in politics isn't everything; it's the only thing.'

"The name of the game was victory."

If the consequences weren't so tragic for the nation, the playing of the game, the tactics employed, might be almost laughable for their ineptness and miscalculation. Consider another section of the same Colson memorandum:

"To my surprise CBS did not deny that the news had been slanted against us. [William S.] Paley merely said that every Administration has felt the same way and we have been slower in coming to them to complain than our predecessors. He, however, ordered [Dr. Frank] Stanton in my presence to review the analyses with me and if the news has not been balanced to see that the situation is immediately corrected. Paley [chairman of CBS] is in complete control of CBS—Stanton [former president of CBS] is almost obsequious in Paley's presence."

Since the Nixon Administration continues to complain strongly about TV news commentaries, it can only be concluded that CBS did not find any reason to have the situation "immediately corrected." And it was the "obsequious" Stanton who later stood up to the Administration and Congress in the fracas over "The Selling of the Pentagon" documentary.

The self-deception is almost laughable, but not quite. As Moyers put it, commenting on the entire Watergate quagmire: "It was close. It almost worked. But not quite. Something basic in our traditions held . . . What is best about this country doesn't need exaggeration. It needs vigilance."

By Mr. MONDALE (for himself, Mr. Javits, Mr. Nelson, Mr. Stafford, Mr. Williams, Mr. Randolph, Mr. Kennedy, Mr. Cranston, Mr. Montoya, Mr. Hughes, Mr. Hathaway, Mr. Pell, Mr. Schweiker, Mr. Brooke, and Mr. Ribicoff):

S. 2700. A bill to postpone the implementation of the Headstart fee schedule. Referred to the Committee on Labor and Public Welfare.

HEADSTART FEE SCHEDULE

Mr. MONDALE. Mr. President, today I am introducing on behalf of myself, Senator Javits, Senator Nelson, Senator Stafford, Senator Williams, Senator Randolph, Senator Kennedy, Senator Cranston, Senator Montoya, Senator Hughes, Senator Hathaway, Senator Pell, Senator Schweiker, Senator Brooke, and Senator Ribicoff, a bill which would postpone implementation of the fee schedule for nonpoor children participating in Headstart until July 1, 1975. This same measure has been introduced in the House of Representatives by Congressmen Perkins, Quie, Hawkins, Steiger, Brademas, Bell and Meeds.

Mr. President, the fee schedule in question was originally developed as a compromise to gain administration support for the Comprehensive Child Development Act of 1971, which was vetoed by the President. Authority for the same fee schedule was then added to the Economic Opportunity Amendments of 1972, apparently in the belief that it would encourage participation of nonpoor children in Headstart programs. The Department of Health, Education, and Welfare, in exercising its discretion under this authority, set fees for nonpoor children at or very close to the maximum levels permitted by this legislation, and the fee schedule went into effect earlier this year.

The results have been very disturbing. The reports I receive from my own State of Minnesota and from numerous localities throughout the Nation indicate that this fee schedule is causing serious problems both for many families whose children have participated in Headstart or want to participate, and for the Headstart program itself.

Rather than encouraging the participation of nonpoor children in the Headstart program, this fee schedule appears to be decreasing nonpoor participation.

Rather than raising additional funds which could be used to expand Head Start programs, reports suggest that in some cases it is costing more to implement and administer the fee schedule than the fee schedule produces in additional funds.

In addition, in some localities I am told that the fee schedule is causing previously popular Headstart programs to lose community support: is producing a bitterness between poor and nonpoor participants; and is causing special problems for families with handicapped children at the very moment that increased involvement of handicapped children in Headstart programs is required by law.

Mr. President, for these reasons, I am introducing legislation today which postpones implementation of a Headstart fee schedule until July 1, 1975. This bill will provide the authorizing committees and the Congress as a whole an opportunity to review and reconsider the need for a fee schedule during our work next spring regarding the extension of Headstart and the Economic Opportunity Act.

I am hopeful that we can enact this bill in the very near future so that we can end the confusion and difficulties the fee schedule is now creating for families and Headstart programs across the country.

By Mr. PELL:

S. 2701. A bill to require the establishment of safety standards for snowmobiles, and for other purposes. Referred to the Committee on Commerce.

Mr. PELL. Mr. President, today I am introducing a bill that will provide for improved safety in the manufacture and operation of snowmobiles.

The use of the snowmobile in the northern tier of States has increased rapidly over the last few years. It is now estimated that more than 2½ million machines are in use. The sport has added millions of dollars to the economies of the States in the snow belt.

However, Mr. President, this growth has not been without a great price. In the winter of 1967–68, 54 persons lost their lives in snowmobile accidents. In 1968–69, this number increased to 84. By the winter of 1970–71, the number of deaths had risen to 104, including that of a close family friend. Last year, 1971–72, that figure rose to 164. We do not yet have the figures for 1971–73, but it is estimated that 50,000 persons will be injured seriously enough to require treatment at a medical facility. It appears the numbers of deaths will again increase.

Even though the figures on death and injury are sobering, there are other hidden injuries not reflected here. The noise levels of these machines is so great that many operators are sustaining permanent ear damage.

Further, this raucous invasion has created a serious noise problem for the other users of recreation lands. The hiker, the skier, the fisherman, and hunter who seek out the restful solitude of open spaces now find their recreational calm destroyed by these noisy and dangerous machines.

The speed and lack of control by many operators jeopardizes the safety of other users of recreation spaces.

These factors of noise, speed, and lack of control have a deleterious effect on other parts of the environment. The machines break off tops of young trees, thus permanently damaging or destroying them. Animals have been chased to the point of exhaustion and death. Some hunters have begun using the machines to invade areas which had provided sanctuary to wildlife. Lakes, once inaccessible, are now being depleted of fish.

The bill I introduce today would remedy some of the larger ills associated with the snowmobile. It would set an upper limit on the noise levels of the machines; it would require the manufacturer to provide more safeguards; and finally, it would restrict the operation of these machines on public lands so that the environment and the rights of other users are protected.

Mr. President, snowmobiles have a capacity to contribute to the work and recreational life of our country. But even the most ardent snowmobilers today recognize the desirability and indeed the necessity of reasonable restraints and regulations to protect snowmobile users, the general public and our environment from unnecessary injury and damage. That is the object of this legislation, and in this regard, I want to commend the International Snowmobile Industry Association and manufacturers for recognizing these concerns and undertaking programs to help achieve these goals.

I ask unanimous consent that the text of the bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2701

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

DEFINITIONS

Section 1. For the purposes of this Act the term—

(1) "snowmobile" means any device that is propelled by a motor and is designed for oversnow travel; and

(2) "Commission" means the Consumer Product Safety Commission established pursuant to section 4 of the Consumer Product Safety Act (15 U.S.C. 2053).

SAFETY STANDARDS

Sec. 2. The Commission shall establish consumer product safety standards for the snowmobiles pursuant to its authority under section 7 of the Consumer Product Safety Act (15 U.S.C. 2056). Such standards shall include requirements that snowmobiles be equipped with—

(1) a forward-facing white headlight sufficient to distinguish objects at a distance of 200 feet, a red taillight which is visible from a distance of 500 feet, and a battery reserve sufficient to operate both the headlight and taillight for a period of one hour without operating the motor;

(2) not less than 250 square inches of reflective material applied to each side of the snowmobile;

(3) a throttle control which automatically returns to idle after release of the operator's hand;

(4) a windshield of transparent material which extends above the head of a seated operator and which is of sufficient strength to withstand impact and deflect objects encountered at cruising speeds; and

(5) a muffler system sufficient to reduce the operating noise level of the snowmobile to 73 dbA at 100 feet using measurement practices recommended by the Society of Automotive Engineers.

RESTRICTIONS ON USE OF SNOWMOBILES ON PUBLIC LANDS

Sec. 3. (a)(1) Any individual who operates or is a passenger in a snowmobile being operated on the public lands of the United States shall wear, whenever the snowmobile is in operation, a helmet, approved by the Secretary of the Interior pursuant to subsection (d), which provides crash protection.

(2) It shall be unlawful for any individual who operates or rides as a passenger in a snowmobile being operated on the public lands of the United States to carry any firearms on his person or on or attached to a snowmobile.

(b) It shall be unlawful for any individual—

(1) to operate any snowmobile at any speed in excess of ten miles per hour while such snowmobile is within a distance of 100 feet of any pedestrian, building, or any hiking or ski trail;

(2) to use any snowmobile to chase or in any other manner disturb wildlife; and

(3) to operate any snowmobile within any area which has been designated a wilderness area, or cultural or historical site.

(c) Nothing in this section shall be construed to limit the authority of the Secretary of the Interior or his delegate to control or otherwise limit the use of snowmobiles on the public lands of the United States whenever, in his judgment, such use would have a deleterious impact upon such lands.

(d) The Secretary of the Interior shall by regulation prescribe standards for crash helmets and shall cause notice of such standards to be made public within six months after the date of enactment of this Act.

PENALTY

Sec. 4. Violations of the provisions of section 3(a) or (b) of this Act is a misdemeanor punishable by imprisonment for not more than 15 days, a fine of not to exceed $100, or both, for each such violation.

EFFECTIVE DATE

Sec. 5. The provisions of section 3(a)(1) shall become effective 30 days after the date on which the Secretary of the Interior promulgates final regulations for crash helmet standards under section 3(d) of this Act. All other provisions of this Act shall become effective on the date of enactment.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 796

At the request of Mr. Pell, the Senator from New Jersey (Mr. Williams) was added as a cosponsor of S. 796, a bill to improve museum services.

S. 1260

At the request of Mr. Pell, the Senator from Nevada (Mr. Bible) and the Senator from California (Mr. Tunney) were added as cosponsors of S. 1260, a bill to provide that daylight saving time shall be observed on a year-round basis.

S. 2661

At the request of Mr. Burdick, the Senator from Alaska (Mr. Gravel) was added as a cosponsor of S. 2661, a bill to amend the Land and Water Conservation Fund Act of 1965 so as to authorize the development of indoor recreation facilities in certain areas.

SENATE RESOLUTION 202—SUBMISSION OF A RESOLUTION ESTABLISHING A SENATE SPECIAL COMMITTEE ON ENERGY DEVELOPMENT

(Referred to the Committee on Interior and Insular Affairs.)

Mr. GOLDWATER. Mr. President, I am submitting today a Senate resolution establishing a Special Committee on Energy Development of the U.S. Senate.

On Wednesday, November 7, the President of the United States went on national television to announce certain actions he was taking or advocating to meet our energy crisis. I thought it was a fine address.

The President outlined measures to conserve our existing sources of energy. More important, over the long haul, he called for a "Project Independence" to meet our energy needs in the future without any foreign energy source. The President stated:

> We must have organizational structures to meet and administer our energy programs.

To meet this urgent goal, he advocated the creation of the Energy Research and Development Administration. I have no doubt that the Energy Research and Development Administration could be to energy what NASA has been to space.

Mr. President, it is a fact that a spate of bills has been introduced in both the House and Senate to tackle the energy problem. In the Senate, they have been variously referred to the Committees on Aeronautical and Space Sciences, Banking, Housing and Urban Affairs, Commerce, Interior, and Labor and Public Welfare. I hope I have not overlooked any.

What appears to be happening is that good intentions are being caught in a legislative snarl involving committee jurisdiction and perhaps inertia.

In the near future, Americans will face national speed limits. They will face appeals to reduce the consumption of fuel oil. There may even be rationing. Economic dislocations are inevitable.

Under these circumstances, it seems to me that the Senate of the United States must show it is willing to exercise leadership in order to come to grips with the energy crisis. It must make an effort parallel to that of the President.

In 1958, the Senate of the United States faced a similar situation. In the previous year, on October 4, 1957, the Soviet Union had been the first nation to launch an Earth satellite. There were reverberations throughout the free world. Fear, if not outright anguish, was the prevailing order of the day.

At that time numerous bills and resolutions were introduced in the Senate to spur American research and development in space. They were referred to every

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committee imaginable. The legislative situation was chaotic, and rigid jurisdictional lines seemed to prevent forward movement.

On February 6, 1958, the Senate passed Resolution 256 creating the Senate Special Committee on Space and Astronautics. Membership of the committee was composed of the chairmen and ranking minority members of the Committees on Appropriations, Foreign Relations, Armed Services, Interstate and Foreign Commerce, Government Operations, and the senior Senators on the Joint Committee on Atomic Energy.

Mr. President, the history surrounding the creation of the Senate Special Committee on Space and Astronautics is to be found on page 12 of Senate Document No. 116 of the 90th Congress, 2d session, entitled "Committee on Aeronautical and Space Sciences, United States Senate—Tenth Anniversary 1958–1968." I shall read a brief excerpt from that document, I quote:

> The Senate established the Special Committee on Space and Astronautics by passing Senate Resolution 256 on February 6, 1958, directing it to study and investigate all aspects of space exploration, including "the control, development, and facilities," and report its recommendations to the Senate by June 1, 1958, but not later than January 31, 1959.
>
> The resolution provided for 13 members, seven from the majority party and six from the minority, to be appointed by the Vice President from the Committees on Appropriations, Foreign Relations, Armed Services, Interstate and Foreign Commerce, Government Operations, and the Joint Committee on Atomic Energy. The selection of the membership revealed the fact that the subject of space exploration created some puzzling problems of committee organization and jurisdiction for the Congress. When the comprehensive nature of space activities was revealed in the hearings held by the Senate Preparedness Investigating Subcommittee, it became evident that the subject matter of component parts of a U.S. space program cut across the jurisdiction lines of several standing committees of the Senate. A different combination of the substantive committees could be involved with each piece of space legislation, in addition to the regular processes of the Committees on Appropriations.
>
> The complicated parliamentary situation which might arise in the referral of bills to the committees was recognized and became a factor in the selection of the Senators appointed to the Special Committee on Space and Astronautics. For the most part, the special committee was composed of the chairmen and ranking minority members of the standing committees which had a logical interest in space exploration.

By creating the special committee and having in its membership the chairmen and ranking minority members of the cognizant Senate committees, the Senate, at that time, clearly showed its determination to the world that America would become first in space.

In a similar fashion, I believe the creation of the Senate Special Committee on Energy Development could show the world that we mean to become self-sufficient in energy and ultimately net exporters of energy.

The special committee would have as its primary task to examine all bills that have been introduced in the Senate involving the energy crisis and report back to the Senate within the time limits stated. In this connection, I would like to quote Senator Lyndon B. Johnson as floor manager of the resolution creating the Special Committee on Astronautics and Space Exploration. He stated, and I quote:

> I have no hard and firm conclusions as to the policy that should be adopted. But I do know there is an urgent need to lodge specific responsibility somewhere, and that the decision must be faced up to, and should not be postponed.

End of quote.

I, too, have no hard and firm solutions, but I sense today the same urgency he sensed in 1958.

In addition, the special committee would probably want to examine the following questions arising from the energy crisis:

First. Do the existing jurisdictional lines of the standing committees of the Senate require change?

Second. Is there a need for a new standing committee?

Third. Should the President be authorized to create a new Department, Administration, or Agency?

The proposed Senate Special Committee on Energy Development would be composed of the chairmen and ranking minority members of the following committees:

Aeronautical and Space Sciences;
Appropriations;
Banking, Housing and Urban Affairs;
Commerce;
Interior; and
Labor and Public Welfare.

In addition, the senior Democratic Senator and the senior Republican Senator of the Joint Committee on Atomic Energy would be members. If either or both of these Senators were members of the special committee by virtue of qualifying as members of standing committees, the next senior Senator would take his place.

Following the precedent established in 1958, the chairman would be the majority leader. Accordingly, the total membership would be 15 Senators of which 8 would be from the majority and 7 from the minority.

My resolution closely parallels Senate Resolution 256 of the second session of the 85th Congress. The first section was changed to relate to energy rather than space exploration. Also, the reporting dates for the committee obviously had to be altered.

Section 2 was changed to reflect the committees involved with energy, and provides for 15 members rather than 13.

Section 3 is a verbatim copy from the old resolution. So is section 4.

Section 5 is the same except that the amount is $400,000 instead of $50,000. This larger amount reflects inflation. Also, it reflects the likelihood that a number of outside consultants and experts might have to be paid by the committee and the possibility of extensive travel.

I believe that the same kind of brains, guts, and determination that created and brought the Apollo program to a successful conclusion can do the same thing with energy.

I hope that Americans will not collectively wring their hands as fossil fuels grow scarcer. I hope we will not be content to have a second rate economy characterized by rationing and shortages. I hope we will not allow ourselves to slide down the chute to mediocrity.

Following the Apollo precedent, let us set for ourselves the goal to become self-sufficient in energy during the next decade. Let us set for ourselves the goal of becomming exporters of energy in the following decade.

We can achieve these goals. When we do, we Americans will have met the challenge of a fuller and better life for all mankind. Let us get going.

The resolution is as follows:

S. Res. 202

Resolved, That there is hereby established a special committee which is authorized and directed to conduct a thorough and complete study and investigation with respect to all aspects and problems relating to energy development and energy resource utilization, and the concomitant use of resources, personnel, equipment, and facilities of the Government of the United States of America. All bills and resolutions introduced in the Senate and all bills and resolutions from the House of Representatives proposing legislation in the field of energy development and utilization shall be referred, and if necessary re-referred, to the Special Committee. The committee will be known as the Special Committee on Energy Development of the United States Senate. The Special Committee is authorized and directed to report to the Senate by December 1, 1974, or the earliest practical date thereafter, but not later than June 30, 1975, by bill or otherwise, with recommendations upon any matter covered by this resolution.

Sec. 2. (a) The Special Committee shall consist of fifteen members, eight from the majority and seven from the minority Members of the Senate, to be appointed by the Vice President from the Committees on Aeronautical and Space Sciences, Appropriations, Banking, Housing and Urban Affairs, Commerce, Interior, Labor and Public Welfare, and the Joint Committee on Atomic Energy. At its first meeting, to be called by the Vice President, the special committee shall select a chairman.

(b) Any vacancies shall be filled in the same manner as the original appointments.

Sec. 3. For the purposes of this resolution the Special Committee is authorized, as it may deem necessary and appropriate, to (1) make such expenditures from the contingent fund of the Senate; (2) hold such hearings; (3) sit and act at such times and places during the sessions, recesses, and adjournment period of the Senate; (4) require by subpena or otherwise the attendance of such witnesses and production of such correspondence, books, papers, and documents; (5) administer such oaths; (6) take such testimony, either orally or by deposition; (7) employ on a temporary basis such technical, clerical, and other assistants and consultants; and (8) with the prior consent of the executive department or agency concerned and the Committee on Rules and Administration, employ on a reimbursable basis such executive branch personnel as it deems advisable; and further, with the consent of other committees or subcommittees, to work in conjunction with and utilize their staffs, as it shall be deemed necessary and appropriate in the judgment of the chairman of the Special Committee.

Sec. 4. Upon the filing of its final report, the Special Committee shall cease to exist.

Sec. 5. The expenditures authorized by this resolution shall not exceed $400,000, and shall be paid upon vouchers signed by the chairman of the Special Committee.

NATIONAL ENERGY EMERGENCY ACT OF 1973—AMENDMENTS

AMENDMENT NO. 652

(Ordered to be printed and to lie on the table.)

Mr. McINTYRE submitted an amendment intended to be proposed by him to the bill (S. 2589) to authorize and direct the President and State and local governments to develop contingency plans for reducing petroleum consumption, and assuring the continuation of vital public services in the event of emergency fuel shortages or severe dislocations in the Nation's fuel distribution system, and for other purposes.

AMENDMENT NO. 653

(Ordered to be printed and to lie on the table.)

Mr. JAVITS (for himself and Mr. Hatfield) submitted an amendment intended to be proposed by them jointly to the bill (S. 2589), supra.

AMENDMENT NO. 654

(Ordered to be printed and to lie on the table.)

NEGOTIATIONS WITH THE GOVERNMENT OF CANADA

Mr. MONDALE. Mr. President, on behalf of myself and the Senator from Missouri (Mr. Eagleton) I submit for printing an amendment to the National Energy Emergency Act of 1973, S. 2589.

With all the attention recently being given to our supply problems with the Middle East, far too little attention has been paid to our neighbors to the North. In fact, Canada exports more crude oil and refined products to this country than does any other single nation. In the second quarter of 1973, Government figures show that almost 24 percent of our total imports of crude oil and refined oil products came from Canada. This was 2½ times the amount we imported from the Middle East and 50 percent more than we imported from Venezuela.

And, in the area of crude oil alone, we imported almost 33 percent of our total foreign oil in the second quarter of this year from Canada.

Yet, in spite of our reliance on Canada in oil and oil products, we have too often regarded Canada as a steady source of high levels of these vitally needed commodities. We have seemed to assume—until very recently—that Canadian production would inevitably serve American refineries, making Canada our most secure source of foreign oil.

Recent events have indicated that these assumptions may no longer be true. The Mideast oil embargo is but the latest and most dramatic of a series of events which have brought about significant changes in Canadian oil policy, changes which have serious implications for our ability to meet domestic demand during this winter and beyond.

These changes may have profound implications on the energy supply situation in the United States, and in particular on the Middle Western and Eastern States.

And there can be little doubt that Canadian policy is changing.

This past March, the Canadian Government began a system of crude oil export controls and denied applications for increases in exports of Canadian crude oil.

This was the first of a number of actions taken in recent months.

In June, new Canadian controls halted the exports of heating oil and gasoline into the United States, under what was described as a "temporary" policy which could last up to 18 months.

And on September 13, the Canadian Government announced that it would impose immediately a 40 cents per barrel export tax on crude oil, to reflect rising prices on the world oil markets. In late October, that tax was suddenly raised from 40 cents to $1.90 per barrel, thereby adding an additional $2 million per day to the cost of the crude oil we import from Canada.

Early in September the Government announced that it would seek price readjustments before granting export licenses for the month of October.

Most recently, Canada announced that it would reduce shipments of crude oil from a level of slightly over 1.1 million barrels per day in October to 1 million barrels in November. In contrast, last April Canadian exports to the United States reached a peak of almost 1.3 million barrels per day. And, the outlook for months beyond November is cloudy.

In short, in the period since April, Canada has reduced her exports to the United States by 300,000 barrels per day, or about 15 percent of the estimated daily shortage of crude oil we now face in this country.

And with Canada now threatened with a possible cut off of her oil supplies from the Middle East, the Canadian Energy Minister has raised the possibility that Canadian refineries might be required to cut off their exports to the Northeastern United States to maintain a neutral Canadian status.

Perhaps most significantly, however, in early September the Government of Canada also indicated that it was pursuing the construction of a pipeline to run from Ontario to Montreal to carry oil from western Canadian oil fields into eastern Canada. At present, Canada exports over 700,000 barrels per day of oil from western fields into the Middle West and Eastern United States, and imports a significant amount into the eastern part of Canada through pipelines originating in the State of Maine.

If an addition to the present pipelines linking western Canada to Ontario were constructed, and if the supply of crude oil now being exported to the United States were stopped, it would come as a grave blow to the oil-poor regions in the Midwest and East which are now so heavily dependent on this Canadian oil.

The Canadian Government has gone through a difficult period in its own energy affairs, and many of the recent actions which she has taken have been in response to world events beyond her control.

Mr. President, the bill as reported from the Interior Committee does contain a provision granting the President general authority to undertake negotiations.

The amendment I am proposing will strengthen this provision. It directs the President, rather than simply giving him authority, to undertake emergency negotiations with Canada to arrive at an oil policy which will benefit both nations during this period of difficulty by seeking to maximize the trade in oil between the United States and Canada consistent with the national interests of both countries.

In addition, my amendment would require the President to report back to the Congress on an interim basis within 45 days, and on a final basis within 90 days, so that we can all know the progress which has been made in the course of these negotiations.

Within the past 2 months, the White House energy adviser, John Love, has traveled to Canada for informal conversations on energy matters. However, more is needed, and it is needed now. We desperately need high-level emergency negotiations between our two governments to assure that we work together in weathering the present emergency. If we do not, we could witness a continued deterioration in American-Canadian relations over energy, which could deprive us of the single largest source of oil we currently possess.

Mr. President, I believe that emergency negotiations between our Government and the Government of Canada are vitally needed at this time. We must make progress in achieving the type of energy relations with our neighbor to the north which recognizes the need for cooperation in a time of difficulty. And, we must do this now, before a lasting deterioration of American-Canadian energy relations sets in and imperils a major source of our ever-expanding need for petroleum and petroleum products.

Mr. President, I ask unanimous consent that the text of this amendment be printed in the Record at the conclusion of my remarks.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

Amendment No. 654

On page 16, between lines 2 and 3, insert the following new subsection (c) and renumber all succeeding subsections accordingly:

"(c)(1) The President is authorized and directed to convene negotiations with the Government of Canada, at the earliest possible date, to explore means to safeguard the national interests of the United States and Canada through agreements covering trade in petroleum and petroleum products between Canada and the United States, so as to encourage the maximum volume of such trade consistent with the interests of both nations.

(2) The President shall report to the Congress, on an interim basis, on the progress of such negotiations as may be undertaken pursuant to this subsection, within 45 days of passage of this Act.

(3) The President shall issue a final report to the Congress on the results of such negotiations as may be undertaken pursuant to this subsection, within 90 days of enactment of this Act. Such report shall include recommendations of such legislation as the President shall deem necessary to further the purposes of this Act."

AMENDMENT NO. 655

(Ordered to be printed and to lie on the table.)

CONTINUATION OF PRICE CONTROLS FOR DURATION OF NATIONAL ENERGY EMERGENCY

Mr. MONDALE. Mr. President, I introduce for printing an amendment to the National Energy Emergency Act of 1973, S. 2589.

Mr. President, the amendment which I am introducing to the National Energy Emergency Act of 1973 has a very simple purpose—to insure that in the next year, the petroleum industry does not reap windfall profits resulting from our current energy shortage.

Over the past 9 months, profit levels of the major oil companies have skyrocketed, while American consumers have been forced to pay ever higher prices for petroleum products. In the first 9 months of this year, oil industry profits soared by 47 percent from 1972 levels. And in the third quarter alone, profit levels were up 63 percent from 1972 levels.

All of this occurred at a time of severe dislocations for some consumers, and soaring prices for all consumers.

Current phase IV rules for the oil industry basically allow all phases of the industry to pass through increased costs to consumers, but not to pass through any increases in profit margins. For over a month, a running battle was fought by many of us in the Congress with the administration over an initial set of phase IV regulations which penalized the retailer, while allowing the big producers and refiners to pass through all increased costs.

In my opinion, this initial plan was designed to prove that phase IV would not work. The Nixon administration has repeatedly stated that it hopes to do away with economic controls as soon as possible. The Economic Stabilization Act of 1970 will expire at the end of April of 1974, and there is a good likelihood that the Cost of Living Council will not be in existence at that date.

In sum, there is a good possibility that within the next 2 or 3 months—at the very time of severe shortages of energy—all controls will be taken off the petroleum industry. Given this industry's dismal past record of performance, the consequences for consumers could be terrible.

Therefore, the amendment I am introducing states that when the President submits his plan for nationwide emergency energy rationing and conservation, he must also submit a system of price controls for any fuel which he deems it necessary to ration. This price control system would insure that prices for any fuel to be rationed would be stabilized at the levels in existence on the date of initiation of any such rationing plan, and that future price increases would be allowed in amounts no greater than the extent of cost increases actually incurred. In addition, this price control system must include administrative procedures to insure compliance.

These administrative mechanisms might include prolongation of the Cost of Living Council's existence for the oil industry only, or establishment of a new body to take over the functions of the Council and administer a price control system until the energy emergency passes.

Finally, the price control system must also include rules to insure that all segments of the petroleum industry are treated on a fair and equitable basis.

The intent of this amendment is to provide a means for continued price controls over the oil industry through the duration of the nationwide energy emergency period declared by this act. This period of 1 year will be difficult for all Americans. And we should not allow the oil companies to use this period of time in which to further increase their already high profits.

However, if the Nixon administration has its way, there may be no price controls over the oil industry in a very short period of time. This amendment would insure continuation of price controls throughout the next year, thereby providing some measure of stability to soaring petroleum prices.

If all Americans are going to be forced to suffer inconvenience during the next year, certainly the major oil companies who bear much of the responsibility for creating our present difficulties should share in the hardship. The amendment I am introducing today is a first step in this direction.

Mr. President, I ask unanimous consent that the text of this amendment be printed in the RECORD at the conclusion of my remarks.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 655

On page 17, line 18, strike the period and insert in lieu thereof a semicolon, followed by the word "and".

On page 17, between lines, 18, and 19, (3):

"(3) a system of price controls for any fuel to be rationed which will insure that prices for any such fuel shall be stabilized at the level in existence upon the date of the initiation of any such rationing plan, and that future price increases shall be allowed for the duration of the nationwide energy emergency period declared by this Act in amounts no greater than the cost increases actually incurred. Such a price control system shall include administrative mechanisms to insure compliance, and shall include rules to insure that all segments of any industry for which such a price control system is invoked are treated on a fair and equitable basis, so as to avoid hardship to any sector of any such industry."

AMENDMENT NO. 656

(Ordered to be printed and to lie on the table.)

Mr. HELMS (for himself, Mr. THURMOND, and Mr. HARRY F. BYRD, JR.) submitted an amendment intended to be proposed by them jointly to the bill (S. 2589), supra.

Mr. HELMS. Mr. President, I submit an amendment to S. 2589, the emergency energy bill, which would authorize the President to include limitations on the busing of school children in implementing the national emergency energy rationing and conservation program, to bring about a 25-percent reduction of energy consumption in that area. This could be accomplished by permitting public school pupils to attend the appropriate school nearest their home. Under such circumstances pupils could either walk, in the time-honored American tradition, or in hardship situations, they would be bused no further than to the nearest school.

From time to time, note has been taken of the serious financial impact which the introduction of busing has had upon U.S. education. But the impact upon our energy supply has gone unnoticed. The implication has been always that energy was available in unlimited supply, and that we could be as extravagant in its use as we have been with the taxpayer's dollar. The courts, in fashioning their orders on pupil assignment, have been as heedless of the energy drain created by busing as of the other burdens which they have imposed upon American society.

As a result, children have been denied the right to walk to school in neighborhoods where thousands of children have walked to school in previous generations. From kindergarten age on up, they are now being conditioned to accept vehicular transportation as the normal and expected mode of getting from one point to another. They are being denied the experience of walking, and the opportunity of forming healthful habits which would persist throughout their lives. They are, on the contrary, forming an unhealthy attitude toward the prudent use of our energy resources in the future. These children are growing up in an age when they will be faced with chronic energy shortages at least over the next few decades. We should be educating them to live in the world of today and tomorrow, not the world of yesterday when we had all the gasoline we wanted. Instead, we are training them to accept the idea that it is normal for healthy individuals to have free transportation to their destinations, even when they could and should walk.

Much of the busing today is completely unneeded therefore, and detrimental to the formation of sound attitudes necessary to life in a democracy. We can no longer afford the luxury of training our children to waste our energy supplies.

Nor are the amounts of energy involved insignificant. Based upon a study of gasoline used for busing in the major metropolitan areas of the State of North Carolina, I would estimate that the use of gasoline for busing schoolchildren has at least tripled in the past 4 years wherever the wide-spread use of busing has been introduced under pressure from HEW guidelines or court orders.

Let me give some examples.

In 1969–70, my hometown, the city of Raleigh, had 25 buses which used 26,145 gallons of gasoline to travel 134,654 miles. In 1972–73, the city of Raleigh had 111 buses which used 197,344 gallons to go 750,670 miles.

Think of that, Mr. President. That is an increase of nearly eight times in only 4 years.

The city of Greensboro, in 1970–71 had 107 buses which used 131,817 gallons of gasoline. In 1972–73, the city of Greensboro had 212 buses which used 288,239 gallons of gasoline. That is more than double the use of gasoline in only 1 year.

The city of Winston-Salem, Forsyth County, school district used 307,168 gallons of gasoline in 1969–70, the last year before widespread busing was introduced. In 1972–73, the school district used 711,065 gallons. Again, that is more than double the usage of gasoline.

The city of Charlotte-Mecklenburg County system used 478,343 gallons of gasoline in 1968–69 to travel 1,908,842 miles. Then in April of 1971, the Supreme Court affirmed a busing plan in the famous case known as Swann versus Charlotte/Mecklenburg County Board of Education. In 1971–72, Charlotte used 865,733 gallons of gasoline to travel 3,914,215 miles. And that is not even the whole story. The Charlotte figures do not reflect the miles traveled or the gas used by the City Coach service which is chartered to bus a substantial number of students.

Only a few weeks ago, I discussed in this body a case in the Charlotte-Mecklenburg school system where a single bus is assigned to transport 1 student to West Charlotte High School. This student must arise at 5:30 in the morning, wait for his bus, be transported a distance of 22 miles to school, and then return a distance of 22 miles at night. He is the only student on the bus. The reason for this is that Federal Judge James B. McMillan ordered that 600 students selected for busing to West Charlottee High be chosen by lottery, and this student drew one of what might be called the lucky numbers. His lucky or unlucky number is costing the North Carolina taxpayer more than $3,700 a year to transport one student to school.

Nor is the cost in fuel or dollars the only cost.

In the long rides, children grow restless and boisterous. Last week a young black student leaned out of a bus window for a better look, and his head was struck off when the bus passed a power pole on the curb. Such accidents could happen anytime, but the more children are on buses, the more likely such incidents will take place. He was the second child to be killed on school buses in Charlotte this year.

Mr. President, we have a critical shortage of fuel which is affecting all phases of American life both public and private. The very bill which I am proposing to amend declares that we are in a situation of national emergency, with regard to the usage of fuel. In an emergency an adjustment must be made to accommodate those services which are most essential and which require the least consumption of fuel.

Indeed, the suggestion has been made by some Governors and mayors that it will be necessary to close down our public schools because of scarce energy supplies. This would certainly be a tragedy, especially in view of the fact that substantial amounts of fuel are now being diverted from essential use in connection with public education and used for the purpose of transporting students beyond the schools nearest to their residences.

In examining the figures on gasoline usage which I quoted above, I do not believe anyone could argue that this amazing jump in volume is essential to the operation of public education. This is not a natural growth, it is an unnatural growth. It is wasteful growth. The examples I have given all come from predominantly urbanized areas. They do not represent rural areas where the distances are naturally long and busing has long been accepted. The only reason why children in urban areas need busing is because they have been assigned to schools beyond their home neighborhoods.

My amendment simply says that in setting our priorities we must realize that it is more important to keep the schools open than it is to divert that fuel to a purpose which is frustrating the availability of public education at this time.

At the time when many of these busing plans were ordered put in effect, the availability of fuel was not a factor in their consideration. The Supreme Court said, given the available facts and circumstances at the time such rulings were being made, that busing was a tool available to the courts in shaping what each court considered an equitable remedy to guarantee the equal protection of the law. I submit that those circumstances have drastically changed since that time.

We have reached a point where the various uses of busing must be ranked on a priority scale. Busing is only needed where the distances are too long for a child to walk. But when these distances are artifically created, then such artifical busing can no longer be considered essential. In short, we do not have the fuel left to transport pupils beyond the nearest possible school. Massive busing is no longer available as a reasonable tool for courts to use in shaping their so-called remedies. It is certainly proper for the President to set up energy conservation guidelines to cut energy consumption by limiting unnecessary busing.

Mr. President, it would be foolish to insist upon using our scarce energy resources for nonessential busing when that waste of energy even threatens the continued operation of the schools themselves. I urge every Senator to support this amendment.

Mr. President, I ask unanimous consent that the name of the distinguished Senator from South Carolina be added as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I have not sought cosponsors for this amendment, but needless to say I will welcome them.

I ask unanimous consent that the amendment, which I now submit, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, the amendment will be printed in the RECORD.

Mr. HELMS' amendment (No. 656) is as follows:

At the appropriate place at the end of section 203(b)(2) in title II, insert the following:

Limitations on the transportation of students enrolled in schools operated by local or state educational agencies, as defined in sections 801(f) and 801(k) of the Elementary and Secondary Education Act of 1965, in order that students may walk to school insofar as possible without public transportation, or be transported through public means of conveyance no further than to the appropriate school nearest their residence.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator from North Carolina yield?

Mr. HELMS. I am delighted to yield to my good friend from Virginia.

Mr. HARRY F. BYRD, JR. I commend the distinguished Senator from North Carolina for offering this amendment today. As I understand the amendment, it would have the effect of reducing gasoline consumption.

Mr. HELMS. That is correct.

Mr. HARRY F. BYRD, JR. It would not affect essential school buses, such as those in rural areas where long distances are involved to get to the nearest school, but the amendment would affect the use of school buses which take a lot of gasoline to haul children to schools far from their own neighborhoods for the purpose of achieving an artificial racial balance in the schools.

Mr. HELMS. The Senator is entirely correct.

Mr. HARRY F. BYRD, JR. And the legislation which the Senate will be considering today and presumably tomorrow, the reason the Senate finds it necessary to consider this legislation is that we are faced with a very grave problem in regard to energy and in regard to gasoline?

Mr. HELMS. Exactly.

Mr. HARRY F. BYRD, JR. The executive branch of the Government is talking about rationing gasoline, so that the average citizen will not be able to get enough gasoline to operate his automobile to go to work; so what the Senator from North Carolina is seeking to do, as I understand it, is eliminate unnecessary public travel, and to eliminate unnecessary busing of schoolchildren for no good purpose at all, but just for the purpose of achieving artificial racial balance in the schools.

I find that the parents in my State greatly object to subjecting their children to this long travel by bus to a school a distance from their home; they want to go to their neighborhood schools. So the amendment offered by the able Senator from North Carolina would achieve, as I visualize it, two objectives: It would save fuel, and it would also do what I think most of the parents want, namely, make it possible for their children to go to the schools nearest their homes, thus protecting the neighborhood school, which I think is a very important concept in American life.

The Alexandria, Va., Committee for Quality Education has just called for a similar change in Alexandria for the same reasons.

I commend the able Senator from North Carolina, and I would be pleased if he would make me a cosponsor of his amendment.

Mr. HELMS. I am delighted to add the Senator's name, Mr. President, if there be no objection, as a cosponsor of the amendment, and I thank the Senator from Virginia for his eloquent comments.

The PRESIDING OFFICER. Without objection, the name of the Senator from Virginia will be added as a cosponsor of the amendment.

Which Senator from South Carolina

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did the Senator from North Carolina refer to previously?

Mr. HELMS. Mr. Thurmond.

The PRESIDING OFFICER. Does the Senator from North Carolina wish his amendment to be printed and lie over until tomorrow?

Mr. HELMS. Yes.

Mr. HRUSKA. Mr. President, a point of information.

The PRESIDING OFFICER. The Senator will state it.

Mr. HRUSKA. For what purpose will the matter be printed and lie over?

The PRESIDING OFFICER. It will be printed and lie on the table.

Mr. HRUSKA. For what purpose?

The PRESIDING OFFICER. It is an amendment to S. 2589.

AMENDMENT NOS. 657 AND 658

(Ordered to be printed, and to lie on the table.)

Mr. HASKELL submitted two amendments, intended to be proposed by him, to Senate bill 2589, supra.

AMENDMENT NO. 659

(Ordered to be printed, and to lie on the table.)

Mr. NUNN (for himself, Mr. McIntyre, Mr. Javits, and Mr. Nelson) submitted an amendment, intended to be proposed by them, jointly, to Senate bill 2589, supra.

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Lincoln C. Almond, of Rhode Island, to be U.S. attorney for the district of Rhode Island for the term of 4 years, reappointment.

Gaylord L. Campbell, of California, to be U.S. marshal for the central district of California for the term of 4 years, reappointment.

Elmer J. Reis, of Ohio, to be U.S. marshal for the southern district of Ohio for the term of 4 years, vice Donald M. Horn, resigned.

James W. Traeger, of Indiana, to be U.S. marshal for the northern district of Indiana for the term of 4 years, reappointment.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Wednesday, November 21, 1973, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

ADDITIONAL STATEMENTS

THE PROPOSED RESIGNATION OF PRESIDENT NIXON

Mr. GOLDWATER. Mr. President, in the past few days, we have heard a growing demand on the part of some people and publications for the resignation of President Nixon.

And I suggest that many of these suggestions are coming from people who, while honestly concerned and sincere, obviously have not thought through the consequences of a sudden resignation by the President of the United States.

The Constitution, of course, requires that when there are simultaneous vacancies in the Presidency and the Vice Presidency, the office of President shall pass to the Speaker of the House. At the present time, the Speaker of the House is a member of the opposition party. His elevation to the top post in the land while the members of his party in the House and Senate are delaying the confirmation of Republican Vice President-designate Gerald Ford would create a partisan nightmare of unbelievable proportions. It could completely paralyze the Federal Government in a matter of hours and create such havoc that it might take the Nation years to recover.

Mr. President, recently, Mrs. Clare Boothe Luce, an accomplished writer; former Republican Congresswoman from Connecticut and Ambassador to Italy, has addressed herself to this problem in an exceptionally well-written article which appeared October 25 in the Honolulu Star Bulletin. Her thesis is one which I believe all Members of the Congress should read and consider in the light of what all this could mean to the Nation as a whole. I ask unanimous consent to have Mrs. Luce's article published in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

President Albert—A Democratic Coup D'Etat?

(By Clare Boothe Luce)

(Mrs. Luce is a playwright, former Republican Congresswoman from Connecticut and Ambassador to Italy, now residing in Honolulu.)

Orchestrated by powerful Democrats, the public outcry for the resignation, or impeachment, of President Nixon is growing louder.

What would happen, if Nixon, like Agnew, were to resign, or be impeached?

As matters stand today, if Nixon were to resign, or be impeached, his entire administration would go out of office with him, and a Democratic President and a Democratic administration would take over the White House and the entire U.S. government.

The Constitution requires that when there are simultaneous vacancies in the Presidency and the Vice-Presidency, the office of President shall pass to the Speaker of the House.

Today, the Speaker of the House is Carl Albert, a 65-year old Democrat from Oklahoma. And today, the Vice-Presidency is still vacant. The Democratic majority in Congress has refused to confirm the President's Vice-President-designate, 60-year old Minority Leader, Gerald Ford. The excuse given by the Democrats is that it is not in "the interests of the people" to confirm Ford until they have subjected him to a lengthy investigation of his worthiness to hold the office.

They are in no hurry to get on with the investigation. None of Ford's colleagues question his worthiness—he has been in the House for 25 years and is well liked and trusted. It is just not in the interests of the Democratic party to confirm a Republican. For if Nixon can be forced to resign, or if he can be impeached before Ford is confirmed, Democrat Albert would become President, and the Democarts could take over the White House, without the bother and expense of trying to win it in 1976, in a national election.

If this maneuver succeeds, it will mark the first political coup d'etat in American history.

As there is a good chance that it will succeed, it is useful to ask, what would happen if Carl Albert became President?

First, President Albert, the new Captain of the Ship of State (in which we are all somewhat sea-sick and frightened passengers) would find himself without a crew.

When a President leaves office, all his appointees depart with him. There is no tenure of office for presidential appointees, as there is for university faculty members. Their resignations are mandatory, where they are not customary.

This is, of course, logical. An elected official receives his office from the people, and exercises his political power during his term in office by their consent. An appointed official receives his authority directly from the President. When the President goes, his authority vanishes. He becomes not just a lame duck, but a dead duck.

If Nixon should resign, or be impeached, not only his personal staff, but the entire Cabinet, and all the members of all departments, boards, commissions, bureaus, and embassies, throughout America and abroad who had been appointed by him, must also relinquish their offices.

Consequently, the day after Nixon resigned. President Albert would suddenly find himself faced with the impossible task of governing without a government. He could, of course, reappoint such few Nixon appointees as might be willing to hang on until he got around (as he most certainly would, under party pressure) to firing them. But unless he were willing to staff his administration overnight with hundreds of political hacks, and ambitious mediocrities, it would take him weeks, and perhaps months, to put together a competent Cabinet, and man the government with able administrators.

The quadrennial American national election process gives a presidential aspirant several years, and a presidential candidate at least six months, to sound out and recruit the members of that large team which we call an "administration." By the time a victorious presidential candidate is inaugurated, all the key members of his government have been chosen and are set to move (with their families) to Washington, and go immediately to work on the people's business. But even then, more time must pass before a new President's appointees can get cracking. Most of his key figures must "go up to the Hill" to seek confirmation from the Senate.

We are now living (or so we are told) in an era of "Post-Watergate morality", in which the Congress insists that *all* presidential appointees—especially all Cabinet members, Supreme Court justices, and ambassadors—must be given a thorough going-over in "the public interest." (The confirmations of some of Nixon's key appointees took months.)

In order to provide President Albert overnight with a new Cabinet and a new administration, would the Congress abandon its newfound "Post-Watergate morality," and rubberstamp any and every "deserving Democrat" that Albert could pull out of the political grab-bag?

The answer depends, does it not, on whether the Democratic majority honestly cares about "the public interest", or is a bunch of hypocrites. But if we assume that they are honorable men, who would subject Albert's appointees to the same close scrutiny and candid criticism that they have meted out in the past to President Nixon's appointees, President Albert would be forced to govern for a very long time with a skeleton administration.

The elevation of Albert to the Presidency

would face the American people with another unique situation. He would be the first President in our history who had not received the Presidency, or the Vice-Presidency, from the hands of the people. He would also be the first President whose personality, personal qualifications, programs and policies were completely unknown to the national electorate. President Carl Who, a stranger to the vast majority of the American people.

Albert would also enter the White House without a Vice-President. If he designated one, and if his choice were confirmed by the Congress, the second highest office in the land would also be occupied by a man who had not been elected by the people. Moreover, both these strangers to the nation's voters would be members of a political party that was soundly repudiated by the voters less than a year ago.

As matters stand, the Congress knows that Albert is as likely as Ford to become President. But it is highly doubtful that a Democratic Congress will now order an investigation of *his* worthiness, as they have of Ford's. There are after all, limits to the Democratic pursuit of "Post-Watergate morality." The senators who voted against an investigation of the Bobby Baker scandals in the Democratic Johnson administration (Ervin, Inouye, and Montoya, for example) are not likely to investigate a potential Democratic President. (After all, he would have thousands of jobs, and billions of dollars to spread among the Faithful.)

All that an honest reporter can say about Congressman Carl Albert is that no important leader of his party has ever sought to convince a convention that Albert would make a first-rate presidential candidate. He has the reputation in the Capitol of being an intelligent and honorable man, but an indifferent leader. He has had a heart attack and some highly placed sources on the Hill say that in the past he has had a drinking problem. (This writer notes the above, because the most respected journalists today insist that the public has the right to know the worst, as well as the best, that is being said by highly placed, informed sources, about the nation's leading political figures.)

For the rest, the elevation of Albert to the Presidency by a "constitutional" Democratic *coup d'etat* is a highly dangerous business, not only for the nation, but for the Democratic party. If Albert should prove to be an unsuccessful President—which is more than likely—considering the chaos and confusion that would follow the event, the nation would suffer greatly. But inescapably, by 1976, the blame would fall on the party who had engineered him into the White House.

The Watergate investigation has been a Pandora's box that has already unloosed a multitude of miseries on the people. Few are left who have confidence in the integrity of the White House. Far too many are also losing confidence in the integrity of the Congress. A cynical Democratic *coup d'etat* might give the *coup de grace* to the people's faith in our two-party system and our constitutional democracy.

THE POWER OF CONGRESS TO VEST IN A FEDERAL COURT THE AUTHORITY TO APPOINT A SPECIAL PROSECUTOR OF CRIMES ARISING OUT OF THE WATERGATE AFFAIR

Mr. ERVIN. Mr. President, Assistant Professor of Law Lee C. Bollinger, Jr., of the University of Michigan Law School, has prepared an illuminating memorandum on the power of the Congress to vest in a Federal court the authority to appoint a special prosecutor of crimes arising out of the Watergate affair. Since this question is now confronting the Congress, I ask unanimous consent that a copy of the memorandum be printed in the Record.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

Can Congress Vest the Appointment of a Special Prosecutor in a Federal Court?

In the wake of President Nixon's decision to order the Attorney General to discharge Mr. Cox as the Watergate Special Prosecutor, many individuals and groups have called for legislation creating a new independent prosecutor who would be immune from presidential removal. Early last week, for example, the deans of 17 law schools signed a petition urging Congress to vest the power to appoint a special prosecutor in a federal court. The deans, along with many others of like mind, asserted that Congress was empowered to enact such a law by virtue of Article II, Section 2, of the Constitution. That Section reads in relevant part:

> . . . [The President] shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: *but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Court of Law, or in the Heads of Departments.* (emphasis added)

The purpose of this short memorandum is to discuss whether the language, history and judicial interpretation of Article II, Section 2, support the position that Congress can, if it chooses to do so, vest the power to appoint a special prosecutor in a federal court.

I

Looking first at the language of Article II, Section 2, one is immediately struck by its clarity. Unlike the rather general phrasing found throughout much of the Constitution, this clause speaks with precision, without qualification or caveat. It says in plain terms that the Congress may, "as they think proper," vest the appointment of "inferior Officers" in "the President alone, in the Courts of Law, or in the Heads of Departments." By all appearances the individuals who penned this language intended to leave the delegation of the appointment power of lesser federal officials to the unfettered discretion of the legislative branch. If there be any limitation on this discretion, it must be implied, for it surely is not explicit.

We all recognize, of course, that language is an imperfect medium. What may appear clear on the surface, often becomes murky upon further study. Any inquiry into meaning, therefore, must wherever possible go beyond the literal text to an examination of the circumstances under which the words were written or spoken. In instances like this, that means looking at the available records of the Constitutional debates.

When the relevant debates are examined, one finds nothing to suggest that the framers intended to say anything different than they did. The clause was proposed without discussion by Governor Morris. James Madison raised the only recorded objection. His criticism, however, was not that the clause would vest too much power in Congress, but that it did "not go far enough if it be necessary at all." Documents of the Formation of the Union of the American States, House Doc. No. 398, 69th Cong., 1st Sess., (1927). Madison thought that "Superior officers below Heads of Departments ought in some cases to have the appointment of the lesser offices." Id. Governor Morris responded: "There is no necessity. Blank commissions can be sent." Id. After this brief exchange, the amendment was agreed to on the second vote.

When we next turn to the judicial decisions interpreting the pertinent clause in Article II, Section 2, we again find nothing to make us doubt Congress' authority to empower a federal court to appoint a special prosecutor. On the contrary, the one relevant Supreme Court decision strongly supports such an interpretation of congressional power. See *Ex parte Siebold*, 100 U.S. 371 (1879). At issue in *Siebold* was a congressional statute authorizing the judges of federal Circuit Courts to appoint supervisors of congressional elections and marshalls to assist those supervisors. Writing for the Court, Justice Bradley rejected the argument that "no power can be conferred upon the courts of the United States to appoint officers whose duties are not connected with the judicial department of the government." Id. at 397. Citing Article II, Section 2, the Court held that the "selection of the appointment power, as between the functionaries named, is a matter resting in the discretion of Congress." Id. at 397–98. This result seemed to make eminent good sense to the Court:

"And, looking at the subject in a practical light, it is perhaps better that it should rest there, than that the country should be harassed by the endless controversies to which a more specific direction on this subject might have given rise."

Id. at 398.

The Court in Siebold was also unpersuaded by another line of constitutional argument: that the statute was inconsistent with Article III in that it delegated powers to the courts that were nonjudicial in nature. This is not a case, the Court said, where Congress had sought to impose duties on the judicial branch that were not authorized by the Constitution; on the contrary, here "the duty to appoint inferior officers, when required thereto by law, is a constitutional duty of the courts" by virtue of Article II, Section 2. Id. at 398.

The Siebold decision is not the only precedent on Article II, Section 2, though it certainly is the most authoritative. For example, Congress long ago enacted a provision now contained in 28 U.S.C. § 546, which provides:

"The district court for a district in which the office of United States attorney is vacant, may appoint a United States attorney to serve until the vacancy is filled. The order of appointments by the court shall be filed with the clerk of the court."

This statute was upheld as constitutional in *United States* v. *Solomon*, 216 F. Supp. 835 (S.D.N.Y. 1963). The district court there relied on Article II, Section 2, in rejecting an argument that the provision violated the Doctrine of Separation of Powers.

Similarly, a three judge court relied on Article II, Section 2, in upholding a congressional statute under which judges of the United States District Court for the District of Columbia were authorized to appoint members of the District of Columbia Board of Education. See *Hobson* v. *Hansen*, 265 F. Supp. 902, 911–16 (D.C. 1967).

II

The foregoing review of the relevant legal authorities would seem to indicate that there is strong support for the proposition that Congress could under Article II, Section 2, place the power of appointment of a special prosecutor in the federal courts. Before accepting that conclusion as sound, however, we must consider the one major argument which can be anticipated in rebuttal: that it would be an impermissible usurpation of executive powers for Congress to delegate the appointment of executive officials to the judicial branch. Surely, it

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might be argued, the last clause of Article II, Section 2, should not be interpreted to mean that Congress may authorize a federal court to appoint the Under Secretary of State. Such a construction would give rise to a serious breach in the wall of separation of powers. And, if that is so, then a line must be drawn somewhere between "executive inferior officers" and other inferior officers. A special prosecutor, the argument would conclude, falls into the former category; his role would be to see that the laws are enforced, historically an executive function.

While this line of argument cannot be lightly dismissed, it contains several flaws which make it ultimately unpersuasive. First, insofar as the argument suggests that Congress may never vest courts with the power to appoint any official who will perform a nonjudicial, or an "executive," function, it is squarely refuted by the Supreme Court's decision in *Siebold*, as well as by the other lower federal court decisions mentioned previously. Congress itself, moreover, has rejected the suggestion; as we have seen, 28 U.S.C. § 546 provides for the interim appointment of United States attorneys by federal district courts. Second, even if it is conceded that a court could not appoint an inferior officer whose duties would be *exclusively* executive in nature, that concession would not necessarily preclude judicial appointment of a special prosecutor. It has long been recognized that a prosecutor is intimately involved in the judicial, as well as executive, functions of the government. As an officer of the court, subject to the supervisory power of the federal courts, the U.S. attorney performs a dual function within the overall scheme of government. He is, in short, markedly different for these purposes than the Under Secretary of State.

In order to sustain the power of Congress to provide for judicial appointment of a new Watergate special prosecutor, however, one need not go so far as to assert that judicial appointment of all United States attorneys would be proper. For the situation now facing the country is unique and clearly calls for extraordinary solutions. The highest officials in the executive branch are the subjects of criminal investigations. That hard fact means that if the executive branch is to control the investigation of alleged wrongdoing by its own members, the very integrity of the government will be called into question. It would seem entirely unreasonable in this instance, therefore, to give a crabbed interpretation of Congress' constitutional powers, especially when the constitutional language is so explicit and the judicial decisions so favorable to a broad reading of congressional authority.

I therefore conclude that it would be constitutionally permissible for Congress to designate a court of law to appoint a special prosecutor, having limited powers of investigation and prosecution and holding office only for a limited period of time.

Lee C. Bollinger, Jr.,
Assistant Professor of Law, University of Michigan Law School.

A NEW DIRECTION FOR INDIAN AFFAIRS

Mr. STEVENS. Mr. President, the nomination of Morris F. Thompson to be Commissioner of Indian Affairs signals a new direction for the relationships of American Indians and Alaskan Natives to our Federal Government.

Morris has been the regional director of the BIA for the Alaska region. His confirmation is overwhelmingly recommended by Alaskan Natives.

Morris Thompson is a close personal friend. He has demonstrated maturity and judgment far in excess of that which one might anticipate from a man of his age—31.

I ask unanimous consent that his statement before the Senate Interior and Insular Affairs Committee and his biographical sketch be included in the Record.

There being no objection, the statement and biographical sketch was ordered to be printed in the Record, as follows:

Statement of Morris Thompson Before the Senate Interior and Insular Affairs Committee's November 14, 1973, Hearing on the President's Nomination of Him to be Commissioner of Indian Affairs

Mr. Chairman, members of the Committee, it is an honor to appear before you as the President's nominee to become Commissioner of Indian Affairs. I accept this nomination with the full knowledge of the tremendous responsibility entrusted in this position and this Bureau. I accept this responsibility because of the concern for American Indians demonstrated by this Administration, this Congress and the American public. Not only has concern been expressed but much needed action is now being taken that I am confident will lead to real progress in the next several years. I feel that I can contribute to this progress.

The biographical information you have been provided indicates the various positions I have held. What it doesn't provide is my personal philosophy on Indians Affairs. This statement and the exchange we will have in this hearing hopefully will provide you and the Indian people a better understanding of what to expect from the Bureau of Indian Affairs under my direction.

American Indians have a right to expect an effective and efficient Bureau of Indian Affairs. They have a right to expect that the money appropriated by Congress for Indians is spent wisely and that each dollar directly or indirectly benefits Indians at the local and individual level. Indian people have a right to determine what the Indian priorities will be and how they are to be met. In addition, if the Indians desire, and at their own initiative, Indians have a right to direct and administer programs developed for them. The President recognized these rights and therefore established a policy of self-determination for Indians, without the threat of termination of the trust responsibility. I believe in this policy, and as Commissioner will insure that meaningful Indian involvement is an integral part of all Bureau operations.

The right of Indians to expect an efficient and responsive Bureau is very important. It is unfortunate however that in recent months concern with reorganization and realignment appears to have been elevated to a high mission status. Even more unfortunate is that this high concern for organizational changes has somewhat diverted valuable resources and attention from what should be the Bureau's top priorities.

Under my leadership, the Bureau's top priorities will be meeting our trust responsibilities, the delivery of meaningful services, and the achievement of greater Indian self-determination. I hope to do this by providing strong leadership and applying sound management practices to the Bureau's operations.

Within the Department of the Interior, the Secretary establishes all major policies, including those involving Indian affairs. Secretary Morton has given me assurance that I will work closely with him in developing policies on Indian Affairs. He has also assured me that I will have the freedom to select my key staff. These assurances are essential to any new Commissioner. One distinct advantage today however is the fact that the Commissioner will report directly to the Secretary. The ability to select a key staff is also a distinct advantage. The Bureau has several key vacancies both at the Central Office and field levels which is an unusual opportunity to develop a well balanced staff. In my selection of key staff I will be seeking not only technical competence and proven ability but more importantly, I will be looking for people with a deep personal commitment and understanding of Indian problems. Hopefully, this process can be accomplished in a timely manner.

Although we have a tremendous responsibility, I recognize that the Bureau of Indian Affairs is not the total answer to all the problems facing Indians today. Other Federal agencies and State and local Governments also have Indian concerns and responsibilities. It is not only desirable but essential that we work together more closely to take advantage of each other's resources and thinking which hopefully will minimize duplication and maximize total delivery of services. I will make a concerted effort to establish and maintain this needed cooperation.

Of high importance is cooperation between the Congress and the Bureau. I have been following with great interest the progress being made with Indian legislation by this Congress. This progress is more than encouraging in that it demonstrates Congress' understanding of Indians and its sincere desire to provide much needed laws to meet today's needs.

I am extremely hopeful that you will be successful in enacting the Indian legislation before you in the near future. Once enacted, we will be able to more effectively deal with the Indian crises along with the many other foreign and domestic crises facing our country today.

I know that you will want my personal views on many issues facing the Bureau today. Rather than anticipating your specific concerns and attempting to expand on my views in this statement, I will reserve most of my comments for direct response to your questions. You and the Indian people, however, have a right to know what priorities I feel are important in Indian affairs.

If I left you with the impression earlier that I am unconcerned about the organizational structure of the Bureau, this was not my intent. My real intent was to place this concern in its proper perspective. Reorganizations and realignments are administrative problems rather than mission concerns. My primary objective is to insure that whatever form the organization happens to be in now, or whatever form it may take in the future, that it be as effective and responsive as possible. If major changes are warranted, these will be taken at my initiation and under my direction. No major changes will be implemented, however, without full Indian involvement. The most immediate concern is in filling our key positions and becoming fully operational again.

In addition to my concerns for the organization and developing cooperation between the Administration, this Congress and State and local governments, I feel very strongly that our efforts must be consistent with the expressed desires of Indian people. From my experience in Indian affairs I have developed a tremendous respect and confidence in the Indian leadership throughout this country. The quality of this leadership is demonstrated by numerous examples of outstanding tribal government management, a total commitment to the development of both human and natural resources, and the ability to maintain progress without sacrificing Indian culture. What is most impressive is the unwaivering faith Indians have in Indians, that given the opportunity Indians can and will solve Indian problems. Indian tribes must have the opportunity to develop their tribal governments. Resources must be made available to the tribes for this purpose. If assistance is desired, this must be provided without paternalism. Developing effective tribal governments will be a major step towards true Indian self-determination.

The threat of termination has been a major barrier to the development of Indian resources, enterprises and governments in recent years. Whether real or imagined, the feeling existed that any successes might be used as justification for terminating the Federal Government's trust relationship. One of my major priorities will be to overcome this fear.

Basic to the role of the BIA is assuring the fulfillment of the Federal Government's trust and treaty responsibilities to Indian people and their resources. I intend to work closely with Indian people and the Solicitor to better define these responsibilities and see to it that the BIA fully discharges its responsibilities.

Of the many programs developed and administered for the benefit of Indians today, none is more important than Indian education. The American taxpayers are investing millions of dollars in the education of Indian youth. Indian people and all Americans have a right to expect that the best education program possible is being provided to Indians.

It is not enough to say that we are meeting minimum standards of education, or that we are providing an adequate level of education, or that we are doing our best under the circumstances. We must establish the highest standards possible and insure that those standards are met. We must utilize the most modern education techniques available and also develop new ones. We must provide the best materials, equipment and facilities available. Finally, we must insure that our teachers are not only the highest caliber available technically but also that they be personally committed and sensitive to Indian needs. In short we must be sure that each dollar appropriated for Indian education is spent wisely, whether through Bureau-operated systems or through other systems.

I recognize and respect Congressional responsibility to establish Indian policy. I also recognize and respect the oversight responsibility of the Congress to insure that the Congressional intent is met. As Commissioner, I look forward to working very closely with the Congress, the Secretary, and the Indian people in establishing National Indian Policy. Once these policies are established, I pledge to carry them out to the best of my ability.

Mr. Chairman, this concludes my statement. I will be pleased to respond to any questions that the Committee may have.

Biographical Sketch of Morris Thompson

President Nixon submitted the nomination of Morris Thompson to be Commissioner of the Bureau of Indian Affairs to the United States Senate on October 30, 1973.

Thompson was instrumental in formulating and implementing Indian policy as Assistant to the Secretary of the Interior from 1969 to 1971. In this position he assisted in developing the President's Indian message of 1970; was involved in the return of Blue Lake to the Taos Pueblo Indians; the return of Mt. Adams to the Yakima Indians, and he helped formulate the administration's position on the Alaska Native Claims Settlement Act.

For the past two years Morris Thompson has been Juneau Area Director, top line official for the Bureau of Indian Affairs in Alaska. In this capacity he has had full responsibility for administering the total range of Bureau programs with an annual budget of 40 million dollars and approximately 1200 employees. Significant activities include accomplishing a Tribal enrollment of well over 80,000 Alaska Natives within a two year deadline and implementing other Departmental and Bureau authorities relative to the Alaska Native Claims Settlement Act. Regular on-going Bureau programs and facilities in Alaska include 53 day schools, two Boarding schools, 5 field offices and a 10 ton cargo ship.

Thompson, an Athabascan Indian, at age 31 was the youngest man in BIA history to be named an Area Director. Now, at 34 will be the youngest Commissioner when appointed.

From 1967 to 1969 he was Executive Secretary to the ten-man NORTH Commission. He was responsible for establishing policies and defining a comprehensive program to implement and promote the human and economic development of Northern Alaska. Additionally, he coordinated the activities for the Commission—economic research and evaluation of the work done by consulting firms—and acted as a liaison between State and Federal agencies.

Before accepting appointment to the NORTH Commission Thompson was Deputy Director of the Rural Development Agency for the State of Alaska. He assisted in the establishment of the Rural Affairs Commission which is a forum of Native leaders who advise the State administration on matters of policy regarding the Indian community. In his role as Deputy Director he also helped with the coordination of emergency relief programs created to alleviate disasters such as floods, fires, poor fishing seasons, etc.

Morris Thompson was born in 1939, in Tanana, Alaska, a community 150 miles west of Fairbanks on the Yukon River. Here he attended school through the eighth grade. During high school years he attended Mt. Edgecumbe BIA Boarding School, graduating as a member of the National Honor Society in 1959. For the next two years he attended the University of Alaska majoring in civil engineering with a minor in political science.

At this time BIA Employment Assistance was recruiting students interested in electronics technical training. Thompson took advantage of this opportunity and moved to Los Angeles, California, for training at RCA Institute. Here he met his future wife, Thelma Mayo from Fairbanks, Alaska, who was also in Los Angeles for a BIA training program.

Upon completing the Electronics course in 1963, he returned to Fairbanks, married Thelma, and worked as a technician at the RCA satellite tracking facility at Gilmore Creek near Fairbanks until 1967.

The Thompsons now have three daughters—Sheryl Lynn, age seven; Nicole Rae, three; and Allison May, 18 months.

Thompson has served on numerous boards and commissions during his career as a public servant including the Rural Affairs Commission, the Alaska Village Electrification Co-op and the Alaska Business Council. Currently he is President of the Juneau Federal Executive Association, a Board member of the Alaska Native Foundation, and a member of the National Congress of American Indians. He was formerly a Board member of the Fairbanks Native Association, and the Alaska Federation of Natives.

Morris Thompson Profile

BIRTHPLACE

Tanana, Alaska.

BIRTHDATE

September 11, 1939; one-half Athabascan Indian.

SCHOOLS ATTENDED

Tanana Day School—Grade 1–8.

BIA Mt. Edgecumbe Boarding High School—Grade 9–12; National Honor Society member; Graduated 1959.

HIGHER EDUCATION

University of Alaska—9/59 to 1/62. Major, Civil Engineering; Minor, Political Science.

RCA Institute, Los Angeles, California—1/62 to 8/63. Completed 18 month course in Industrial and Communications Electronics.

EMPLOYMENT

1963–1967—Electronic Technician at the National Aeronautics and Space Administration's Satellite Data Acquisition Facility at Gilmore Creek near Fairbanks, Alaska.

1967–1968—Deputy Director of Rural Development Agency for State of Alaska in Juneau, Alaska.

1968–1969—Executive Secretary of NORTH Commission for State of Alaska in Juneau, Alaska.

1969–1971—Assistant to the Commissioner (actually Assistant to the Secretary of Interior, Walter J. Hickel) in Washington, D.C.

1971–1973—Area Director of BIA Juneau Area Office in Juneau, Aalska.

SPECIAL QUALIFICATIONS

Public Speaking.

Extensive knowledge of Indian groups and Tribes. Knows many Indian leaders personally.

Extended travel throughout Indian country.

MEMBERSHIPS AND ASSOCIATIONS PRESENT

Alaska Native Foundation.
National Congress of American Indians.
President of Juneau Federal Executive Association.
Governor's Labor Market Advisory Council.
Policy and Evaluation Council of the Center for Northern Education (University of Alaska).
State Manpower Planning Council.
Alaska Health Manpower Committee.

PAST

Rural Affairs Commission.
Alaska Village Electrification Cooperative.
Alaska Business Council.
Fairbanks Native Association.
Alaska Federation of Natives.

UNITED STATES, RHODESIA, AND A WORLD OF LAW

Mr. McGEE. Mr. President, later this week it is anticipated the Senate will begin debate on legislation which would place the United States back into compliance with United Nations sanctions against southern Rhodesia.

In this connection, the Los Angeles Times of October 17 featured an editorial which is an excellent analysis of the issues involved in this legislation. The editorial writer made a very poignant observation when he noted:

> If the United States wants a world of law, it must obey the laws we have. If the laws are mistaken, if they require improvement, then they should be changed or done away with, by means provided by law.

I was particularly impressed with this observation. In essence, the question of our violation of sanctions boils down to a law and order issue. To ignore this fact is to engage in hypocrisy, particularly if we in the Congress continue to advocate law and order on the domestic scene with our rhetoric and then apply a double standard to our conduct internationally. In clear conscience, I cannot apply this double standard and I would hope the Senate would agree with this assessment.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

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United States, Rhodesia, and a World of Law

Secretary of State Henry A. Kissinger has put the full weight of the Nixon Administration behind efforts to make the nation obey international law on the question of U.N. sanctions against Rhodesia. The support is welcome, but the outcome remains uncertain.

There is an apparent shift in congressional thinking, and there are indications that the House and Senate are now prepared to undo the damage they did two years ago in forcing an American exemption to the sanctions to allow the import of Rhodesian chrome. It was an act as irresponsible as it was illegal, bringing aid and comfort only to some American mining interests, to the white minority that governs Rhodesia, and to their admirers. Now those same advocates of Rhodesian exemptions, faced with a turnabout in Congress, are working hard to postpone action and might resort to filibuster tactics.

Kissinger has reminded the nation that the importation of Rhodesian chrome is not essential to national security. He has emphasized that America's unilateral breach of international sanctions has embarrassed relations with a number of nations, notably the Africans. And for those not persuaded by rectitude, who say: "Who cares?", Kissinger has noted that this has touched major American investments and petroleum interests as well.

There is plenty of room for argument about the wisdom of what the United Nations did in this case, applying for the first time one of its ultimate weapons, mandatory sanctions. But the deed was done with American encouragement and support. The sanctions became binding by law on all members. If they are wrong, then that is a matter for the Security Council. To defy them is to debase the concept of a rule of law.

The sanctions have failed to bring down the white supremacy regime in Salisbury. But they have hurt. They have stood as a world protest against a white minority, constituting 5% of the population, ruling a largely black nation. They have helped assure that this degradation of the black minority is not exploited to the economic advantage of other states within the United Nations.

To argue national security, to tie chrome imports to the cold war and Soviet trade relations, to challenge the efficacy of this approach, all of this is to sow confusion. For there is a single point: If the United States wants a world of law, it must obey the laws we have. If the laws are mistaken, if they require improvement, then they should be changed or done away with, by means provided by law.

That is why it is important for Congress to restore American respect for the sanctions against Rhodesia. Because the overwhelming interest of the nation is a world of law.

REDUCED RATE TRANSPORTATION

Mr. PERCY. Mr. President, as a cosponsor of S. 2651, a bill to authorize reduced rate transportation for handicapped persons and for persons who are 65 years of age or older, or 21 years of age or younger, I am pleased the Senate acted so promptly in taking the bill from the calendar and passing it, but I regret being absent when final action took place.

As one who has long advocated making our transportation system more accessible in financial terms to the elderly, a group with both the time and the desire to travel, I want to commend the Senator from the State of Washington (Mr. MAGNUSON) for his leadership in bringing this more comprehensive piece of legislation to the floor.

I think we all know that in those instances in which airlines, for example, have instituted reduced fares on a standby basis for the elderly, they have been shown to have worked extremely well. Youth fares, although recently judged discriminatory by the CAB, have been successful, I believe, in promoting air travel by many persons who otherwise could not have afforded to travel.

I believe authorizing reduced fares for the young, the elderly, and the handicapped on both air carriers and surface carriers marks a significant step toward finally making a variety of transportation modes available to them.

If these fares become a reality I know it will result in higher income for the industry as well as in a richer and fuller life for many of America's youth, handicapped and elderly.

SONNETS IN MEMORY OF ROBERT KENNEDY

Mr. McGOVERN. Mr. President, the current issue of The Arts in Ireland carries three sonnets in memory of Robert Kennedy by Frank S. FitzGerald-Bush.

I found this poetic tribute to my cherished friend a moving description of what he meant and continues to mean to millions of people.

I therefore ask unanimous consent that these lines be printed in the RECORD.

There being no objection, the sonnets were ordered to be printed in the RECORD, as follows:

Hechos Son Amor—Three Sonnets in Memory of Robert Francis Kennedy, 1925–1968

(By Frank S. FitzGerald-Bush)

I

They called him ruthless who had never known
his infinite capacity for love—
knew nothing of that suffering in his own
quite private agony, compounded of
pain and compassion for the pain of others,
accepted without question as a duty
which fell upon him from his fallen brothers.
His closest friends and kindred saw the beauty
that others could not see—the inner grace
derived from those dark hours of despair
from which he drew the strength required to face
that task to which he made himself the heir.
So long as those whose lives he touched still cherish
his memory, his work can never perish.

II

His deeds of love were for all men in chief
for the despised, the poor, both black and white,
the dispossessed; and it has been their grief
that rings the truest—wrings the heart. The sight
of their great numbers ranged along the tracks
on which he made his final journey burns
into the memory. Those whose attacks
on his integrity (though each now turns
to eulogy) urged violent men to rid
them of his troubling presence, are proved wrong:
such dreams as he had dreamed cannot be hid
in graves, nor guns still such a battle song.
The shining cities he envisioned must
rise like the living phoenix from his dust.

III

Above the city where that bright flame keeps
its solitary vigil, two now rest
while into darkened corners hatred creeps
to hide its ugliness from us. The best
of man, despite his frailities, yet survives;
by such example petty souls are raised
a little higher. Note how those two lives,
once sacrificed, are curiously praised
by those who cursed them till they had been felled.
The younger brother slain, now may achieve,
as did the elder, what had been withheld
in life. And those of us who truly grieve
will wear our mourning proudly as a mark
that we may light a flame from one small spark.

AMERICA'S EMERGING BLACK WOMEN

Mr. PERCY. Mr. President, the Chicago Tribune recently featured an excellent series of articles by Yla Eason on the black woman in modern American society.

Through a number of profiles of American black women who have achieved success in the fields of politics, business, education, and art, Ms. Eason shows that although black women have won professional positions of respect and dignity, they have only been able to do so because of extraordinary individual strength and perseverance. Black women, as members of two minority groups, blacks and women, have long faced double difficulty in achieving professional success.

I believe the Chicago Tribune's series provides excellent insights into the career problems, aspirations, and gradually increasing professional opportunities of America's black women and women in general. I ask unanimous consent that the series of articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

Today's Emerging Black Woman

(By Yla Eason)

(First in a series)

Addie Wyatt, ambitious and naive, trained as a typist in 1941 and went for her job interview expecting to be hired for the secretarial pool at a meat packing plant.

She was praised for her skills and sailed thru the placement tests, assured she would be hired. Being the only black female applying for the job was no cause for concern to her, for she knew she was qualified.

"What I didn't know at the time," she says from her executive office today, "was that they didn't hire black women as typists."

So she pulled together her survival techniques—making do with what she could—and accepted a job in the packing division.

Today Mrs. Wyatt is international director for women's affairs of the Amalgamated Meat Cutters and Butcher Workmen of North America, AFL–CIO.

But she is quick to say, "I represent the very limited number of women who have made progress in this area." They're the black women emerging today who learned to "get over" in the society and come out with a social conscience.

They've never allowed discriminatory practices to stop them. Black women in America have exhibited strength and perseverance.

Today's black women represent the double minority who feel the sting of racism and labor under the code of sexism in an attempt to overcome both.

And while it's long been said in the black community, "A black woman can always get a job," the unspoken understanding was

that she usually had to get in thru the kitchen door.

Many times, as Mrs. Wyatt adds, "Black women took the undesirable jobs, ones they did not enjoy. But they took them for the survival of their families."

Survival for the black woman often has meant assimilation into the white society, a process requiring more than education or experience in the traditional sense. For black women workers, "being qualified" often has meant "being white," at least on the surface.

If she had to "sound white" on the telephone to get the interview, the black woman studied white speech patterns. By watching white people interact with each other on television, she knew how to "be qualified."

Skills and ambitions were parlayed into a wait at many reception desks until business and industry embraced the Civil Rights Bill, the Equal Opportunity Employment Act, affirmative action, and tokenism.

According to noted sociologist Dr. Joyce Ladner, who has done extensive research on black women in America and Africa and is the author of "Tomorrow's Tomorrow," a study of young black females living in a housing project, "The lives of black women have been shaped by the forces of oppression, but they also have exerted their influence so as to alter certain of these patterns."

One example of black women exerting their influence can be seen by turning to the television newscasts. Most networks today have at least one black woman in front of the camera.

For Carole Simpson of NBC, it took two years of work and two college degrees to become the first black newswoman on the air in Chicago. In 1970, she was the first black female television reporter here.

By 1965, the year she dates as "post-Watts," referring to the riots in Watts, Cal., "I was in a position to turn down job offers." Many black reporters were hired during that period to cover the racial conflicts.

Dr. Ladner explains some of the difficulties black women have had: "They were discriminated against because they were black and because they were females. At the same time, because of the economic conditions in which blacks had to live, black females were not given the same kinds of securities and privileges of being the weaker sex.

"The irony of this," she says, "is that altho she was discriminated against and thrown into that competitive man's world, she was able to operate as a woman and make it work in her behalf."

In 1971, only one in 10 black women had professional positions. By 1973, Money magazine reports, the graduate most in demand seemed to be the black woman with some kind of engineering or business degree.

The success of the black woman in the professional field, according to Cynthia Fuchs Epstein in Psychology Today, "is the combination of being highly motivated, egged on by supportive families, seen as less threatening than black men, and pushed by the feminist tide."

When the storm settled from the intense period of the black liberation movement, the employer was hit by the women's liberation movement and was pressured by government-imposed minority hiring quotas.

Black demands for equality coupled with equal rights for women were the impetus for labor to begin to acknowledge black women.

And now black women are beginning to trickle into the mainstream of society, Dr. Ladner says, "one by one, on society's terms."

While many contend the entry rate of black women into professional fields is accelerating, others share the view of Connie Seals, executive director of the Illinois Human Relations Commission.

"Sure there are about 40 to 50 black women making it professionally today, and they know the other 39 or 49," she says.

The Department of Labor reports black women workers are far more heavily concentrated than white women in the lower paid occupations. Maids, cooks, and household and service workers still account for 43 percent of all employed black women, the department says. Only 19 per cent of the white women workers fall into this category.

The Department of Labor also reports that, despite advances, differences persist in the employment patterns of black women and those of other groups.

Black women are more likely than white women to be in the labor force, to be working wives, and to be working mothers.

Black women workers generally have less formal education, higher rate of unemployment, and lower incomes than their white counterparts.

They also are more likely to be in low-skilled, low-wage occupations. In comparison with minority men, their rates of unemployment are higher and average earnings are lower.

When one examines income data, "one is immediately struck by the fact that black women have been had," says Dr. Jacquelyne J. Jackson, associate professor of medical sociology at Duke University Medical Center in Durham, N.C.

In 1969, she reports, the median income of black females was $2,078—$435 lower than the average white female made, $2,670 less than the average black earned, and $5,812 less than the average white male made.

Dr. Jackson says, "I am especially concerned about the myths which link a black woman's education, employment, and income to her family patterns.

"Such myths tend to reinforce erroneous beliefs directly affecting social policies, which in turn adversely affect many black females."

Labor statistics point to the fact that only three of every 10 black families were headed by women in 1971. Likewise, about half the black women workers were married and living with their husbands, 28 per cent were widowed, divorced, or separated from their husbands, and the remaining 23 per cent were single.

Nevertheless, black women are beginning to make their unique statements in politics, labor, education, business, and the arts.

At least their progress in many closed areas seems to say, "Altho I've got a long way to go before I see equal opportunity, I can look back realistically and see how far I've come and begin to project where I'm going."

One reason for this, Addie Wyatt says, is that "women are more educated. They are going into different fields and are more aware of and sensitive to their rights.

"And they are informing their employers that women work for the same reasons men do—they have something to offer and they need the money."

When the typing job was denied her, she said, "Women in the plant earned more money because they were more organized; so I lost interest in typing and stayed at the packing division.

"As a black worker and a woman," she reflects today, "I knew I could be the first fired and the last hired, and it was important to have union protection and benefits."

To Mrs. Wyatt, "making it" and settling for that is an acceptance of tokenism.

"We have to give recognition to those who have not and who ought to. And we must keep the door open for the development of black women."

In the Monday Tribune's Tempo section: Black women in politics.

They've Overcome a Dual Bias

(By Yla Eason)

(Second of five parts)

Led by a few superstars, the black women today are making long, swift, and determined political gains, emerging as a force not to be ignored.

Her stride into the electoral arena has been thru a circuitous route, marked by a slow procession to local officers followed with a quick jump to federal positions.

And in the game of politics where all pluses help, one whammy—black—is piled on another—female. To deal with the double blow, she's had to angle around and backslide until the people could be convinced she could do the job.

She proclaims her savvy with the fact that in just four years, the black female has more than doubled her presence among elected public officials. This represents a 160 per cent increase in the number of black female office holders since 1969.

But considering there are seven million black women of voting age in the United States, her share of the 520,000 elective offices is embarrassingly small.

Sticking fast to the "superstar" label early in the game was Shirley Chisholm, who captured national attention with her self-announced "un-bought, unbossed" manner.

She tagged a number of "firsts" to her name in the process: In 1968 she became the first black female to be elected to U.S. Congress. Again in 1972 she hopped into the Presidential contest as the first black female to run for that office.

Her entry into the latter campaign touched off a controversey among elected black male officials in particular who felt her move was premature and detrimental to black coalition politics.

Her shrewd, sophisticated style of taking care of "number one" showed that not all black women in politics are cut from the same cloth.

In fact, the thread which contributed to her prominence—being the only black female in Congres—can no longer be woven for others. Three black women joined the ranks of Congress this year.

And Mrs. Chisholm has said recently she is "moving in the direction of getting out of electoral politics." She believes Congress has no organized system of getting legislative work done.

But to the casual observer, her aggressive plunge into politics was seen as the green light for other black women with similar ambitions.

There were no major black female political officials in 1969; today there are three.

After serving two terms as city clerk, Doris Davis became mayor of Compton, Cal. The black woman has lengthened her numbers in elected offices from 131 in 1969 to 337 in 1973.

But she has had to fight, persist and struggle to make even a minimal impact on the electoral system. A case in point is Peggy Smith Martin.

"Unsuccessful challenger" and "perennial candidate" were once synonymous with the name Peggy Smith Martin, who was defeated four times for the office of state representative in Chicago.

Winning the right to represent the 26th district in November, 1972, Mrs. Martin took her seat as the only black female in the State House.

"Perseverance," she said, was the key to her victory.

"I always felt one day I would be in the State House. Just as one day I will be President. Then I will feel I have had it made."

But she will be dodging the statistics which show that only half of the black women

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elected to offices are still in those positions four years later.

The Joint Center for Political Studies in their research on "Black Women in Electoral Politics" found her lack of tenure in office is a significant drawback for the acquisition of power.

This could be attributed to her lack of campaign funds, an unwillingness to assume the responsibilities of winning and holding a position, or her despair in discovering how difficult it is to change the present system.

Often one elective office is a stepping stone to a higher office. However, the Joint Center reports, there was little mobility among black women elected officials between 1969 and 1973.

Among those who did move upward are State Sen. Barbara Jordan [D., Tex.] and State Assemblywoman Yvonne Braithwaite Burke [D., Calif.]. Both women advanced from the state legislature to the U.S. House of Representatives.

The styles of these two women sharply contrast.

When Barbara Jordan came to Congress in January the word spread that the late President Lyndon Johnson personally called top Congressmen to make sure she got the committee assignments she wanted.

Described as "calm, cold and calculating," Miss Jordan once said, "Politics is equated with power. And black women have always known what power was about."

But the entry of Yvonne Burke to Congress was for many an exciting event. Before her political skills are listed, her beauty, charm, and grace are often mentioned.

An effective force politically, being a female has seemed to be her winning trait. She will be adding another dimension in November when she is expecting a baby—the first member of Congress in history to have a baby while in office.

Approaching politics from a traditional view is Illinois Rep. Cardiss Collins [Dem..—7th Dist.]. She worked more than 20 years as a secretary and a public auditor before running for any political office. And her jump into the House of Representatives was seen as a giant step.

"I came to Congress as a woman whose major contribution is now considered old-fashioned: I came as a wife and a mother," she said recently.

To many she is seen as one who came to Congress, as a widow, filling the unexpired term of her late husband George, with loyalties first to the Democratic party.

She has recently become the target of criticism from the black community and had been charged with "letting black folks down."

Her critics point to the two young white males she chose recently for her top congressional staff positions.

The selection of John D'Arco Jr., son of the 1st Ward Democratic committeeman, as her administrative assistant and Rick Praeger as her legislative assistant has been viewed with suspicion.

Scoffing at the attacks, she remarks, "I realize that [no prior political experience] is a deficiency and that is the reason why you choose your staff carefully. You have enough common sense to know what you want them to do."

She adds, "If I do my job and do it well that will be all the satisfaction I'll need. I'm not out there on an ego trip.

"I'm out here to do the best I can, and I think I can do a lot because I'm dedicated to my people. The only image I'm trying to build is that of a Congresswoman."

At the local level, the most common elective office held by black females are those related to education, primarily school boards.

About 41 per cent of all black female elected officials are in that category, the Joint Center reports. Approximately 31 per cent are concentrated in municipal offices.

Of all black elected officials, black females represent only 12 per cent.

While they account for 25 per cent of all women in the House of Representatives, they represent only six per cent of the 466 women in state level positions.

Today, blacks account for less than one-half of one per cent of all elected officials. In addition to sexual discrimination, the Center concludes, a major explanation for the underrepresentation of black females in elective offices is racial discrimination.

The real measure of what new dimension black women bring to electorate politics will be reflected by the changes they bring about for the total black population, many feel.

(Third of five parts)

A Move To Make a Higher Grade

(By Yla Eason)

A black woman with an education could forget getting a job a few years ago unless she was a teacher or nurse.

Searching for a way to make a living and striving to achieve a degree of responsibility in the community, she sought these two areas of study. Even today, education continues to be the field where she faces the least amount of discrimination against her race and sex.

But her educational level has not been vastly improved. In 1970, the average educational level completed by black women was 10th grade with 58 per cent completing high school. Only 4.4 per cent of black women have completed or gone beyond a college degree.

"During the 1960s the greatest educational gains were not those made by blacks at all, but those made by white males," sociologist Jacquelyne Jackson reports.

Between 1960 and 1970, there was a 1.8 per cent increase in the number of black women who received a bachelor's degree.

That compares with a 1.9 per cent increase for black males, a 4.9 per cent increase for white females, and, highest of all, a 5.2 per cent increase for white males.

The black female's position at the lowest step of the educational level has been firmly dictated by society's constraints.

According to the 1960 census there were only 222 black female attorneys and 487 physicians and no black women architects. These numbers increased to 497, and 1,855 and 107 respectively in 1970.

One reason may be black females have had less access to the most prestigious institutions of higher education than have black males and white females and males.

Dr. Jackson adds that black females receiving higher education have studied largely at the traditional teacher-training institutions, which has greatly affected their occupational patterns.

How have the attitudes of black women toward education changed? In what ways are black females contributing to the education of other blacks?

Two unique black women show how they have been involved in dealing with those issues.

In her office at the Black Women's Community Development Foundation (BWCDF) in Washington, D.C., Inez Smith Reid, executive director, recalls an experience which occurred during the research of her book, "Together, Black Women."

It began as a study of militant black women but she discovered the word militant was not appropriate. "I ended up describing them (the women involved in the black liberation struggle) as 'together' black women."

Among blacks "together" means having made a commitment to being black. It carries with it the responsibility of identifying social injustices and working toward changing them and the willingness to be proud of the black heritage.

BWCDF functions as a funding institution which contributes to studies done by black women about black women.

"We have a fellowship program which is geared toward the noted black scholar who has gotten her formal education and is attempting to contribute something to the scholarly world," Mrs. Reid says.

The other form of fellowship is geared toward the "grass roots" woman who has not had a chance for formal education and wants to improve herself educationally so she can make some input into the black movement.

The foundation sponsored a historic symposium last year in Chicago which brought together more than 200 black women from across the country to discuss their attitudes and their role in America's future.

"One of the mandates that came out of Chicago was one to improve communications abong black women across the country," Mrs. Reid adds. This led to a news pamphlet issued by BWCDF as a medium through which black women can get their ideas out to others.

She makes it a point to emphasize the foundation is not involved in the feminist movement. "We are trying to do things for the total black community."

The foundation services the important purpose of using black women as a source for change and contributing to the amount of educational information about them.

Women are also a source for change on the campus of Howard University in Washington, D.C., where Dr. Lorraine Williams is a silent mover in rearranging the educational approach to history.

"Because there are a lot of misnomers, misconceptions and distortions concerning the history of blacks in America, it is the responsibility for the black historian to reinterpret and reassess history," says Dr. Williams, who is chairman of the history department at the 10,000-student school.

Her own educational pattern speaks of changes that have occurred in the black woman's attitude toward learning.

For her master's degree she studied Germany's imperialistic policies in the Pacific "The emphasis was on Europe and the Western world then," she recalls.

And altho her professors in 1955 "wondered why I had the nerve to study for a doctorate," Mrs. Williams switched her focus of interest to the issues of the Civil War for her Ph.D.

As an educator she is hoping to legitimize different methods of historical data. "I see some evidence of the development and appreciation of social history, where historians will look at society as a whole and take into account contributions from all social levels."

Altho this concept has not gained wide popularity it is incorporated into the traditional educational system at Howard. There the attitudes of the working classes, slave narratives, and deeds of various groups in American society share an importance with presidential papers and books written by professors.

"As we study black history we will become aware of what Benjamin Quarles calls "Black history's diversified clientele," she adds.

Dr. Williams is one of a growing number of educators preparing the historical groundwork for the future education of blacks. Her goal is to insure that blacks themselves contribute to the writing of their history.

(Fourth of five parts)

Persistence Pays Off for a Few

(By Yla Eason)

The black woman in business is a negligible statistic in the financial world. Lacking a history in America as an entrepreneur, her ventures into this area are without precedent.

If her sex is a deterrent to getting into the business world, then her race doubly excludes her full participation.

Received coldly by banks when applying for a business loan, she usually has to go the route of guaranteed federal financing. And often if there is no male—black or white—in the proposed business, she finds her chances for success even slimmer.

With luck, verve, and friends, she is just beginning to make a tiny dent in the money market. But still, in 1973, charm outweighs skill and persistence supersedes all.

As a black woman in business, Ida Lewis' *raison d'etre* is to bring the events and happenings of interest to black people "upfront." Her New York-based magazine, Encore, is the element thru which she accomplishes this.

The former editor of Essence, a black women's magazine, Miss Lewis, 37, worked as a feature writer for Life Magazine, freelanced for the British Broadcasting Co., and wrote for the Washington Post and various foreign publications.

A year ago when she began Encore, "people were saying, "Ida, black people don't read, you'll never get black people to read.' " Yet today the news monthly has a circulation of more than 100,000.

She adds the problems have been numerous, both on a personal level and from a business end. "But you cannot let these problems become obstacles," she says.

"Generally on a personal level you have problems with men who are very talented. Men are brought up in a society where they don't listen to women.

"However," she adds, "I would not be where I am today if men, some men, did not believe I could do what I am doing. It would have been impossible.

She feels that more blacks must help each other in the business world, "instead of thinking we have to cut the legs of this one and the arms of that one."

And she carries out this idea as a boss. "I don't believe in stifling people's ideas. I think you should give them room to express themselves. The only thing I tell them is to use good taste.

"I don't want to become a mother figure, where mommy makes all the decisions. They understand that I'm the publisher and editor and they respect that."

Making her contribution in an area opened recently to black women, she measures the progress of blacks in America "with how fair black people are with each other."

Sharing this attitude is Chicagoan Ann Rodgers, 41, owner of Village Maid Service, whose aim as a black business woman has been one of upgrading the status of maids.

She explains that a black woman maid has "arrived" in the industry when she's hired to clean office buildings. "This is still one area we haven't broken into," Mrs. Rodgers says, pointing out that virtually all black maids work in private homes.

Seeing the cash benefits of getting big office cleaning contracts, Mrs. Rodgers wanted to expand her business into that area. But unwilling to add that battle to her current one of trying to get a break in the catering business, she has lost interest.

"You have to learn to roll with the punches, be self-determined, and no matter what, you have to hang in there," is her personal philosophy. Since 1964, when she grabbed her $37 savings to start the business, Mrs. Rodgers has had to fight.

"It has not been easy. Capital has not been coming, and the minute people see you have a brain, they treat you as a sex symbol."

But she's reached her first goal of introducing dignity into the maid profession. The women who work for her have 9 to 5 jobs, five days a week, Social Security, vacation benefits and insurance.

"I see women who work for me as peers, and I seek their opinion because they do the work. We relate to each other on a level of respect.

"I can clean an apartment if the need arises," Mrs. Rodgers adds. "I consider myself a super maid, and I have no hangups about the word. It doesn't matter what you call a maid as long as you call her "Mrs."

Making profits for others and herself is the business of Victoria Sanders, 27, a Chicago stock broker who questions whether a black woman *really* makes it in business today.

Educated in business and economics, [she has three university degrees] she gave up her "afro" hairstyle and hip clothes in order to work as an account executive more than seven years ago.

In an article that appeared in The Tribune in 1971 Miss Sanders said, "I don't think of myself as a successful black woman, but as successful—if and when I think in those terms."

Today her salary is in the six figures. Last year she had 23 vacations, is one of four black women stock brokers in America, owns a condominium, drives a foreign sports car, and was recently named vice president of Daniels and Bell, the nation's only black-controlled securities firm.

But she also sees herself as a black woman wondering what way to measure success. While there are advantages ["When I go into an office I'm remembered and there is a lot of opportunity in this work."] she adds that discrimination still exists.

For instance, taxis pass her by. "They assume I'm going south." And often police stop her "just to find out what a prosperous looking black woman does for a living . . . I have had some truly embarrassing experiences.

"However," she says, "These little incidents of racial discrimination serve as a constant reminder that education, money and prominence don't do it for you—that is if you're black and female."

(Last of five parts)

Finding Art Thru the Looking Glass

(By Yla Eason)

The role of the black woman in the arts has mirrored her real-life destiny. And only when that destiny improved—largely thru black consciousness and civil rights efforts—did her performing arts image reflect her true worth, dignity, and potential.

As an entertainer, her contact with racial discrimination has perhaps been sharpest, because in it she is pursuing a profession that has great moneymaking potential and where success is coveted.

Today, demands by blacks to see their life-style represented on the screen in a manner that reflects black pride has created a slot for the black woman as a movie star.

She is recognized as a new box office attraction; however many are concerned that blacks do not have enough control of the profits made from films about them. Economic discrimination has played a heavy part in reducing the scope of her success.

Success in the performing arts often had more to do with the black actress' ability to conform to contract agreements, agents, and audiences than with talent. And since the monied masses were white, she knew making it big would mean breaking color barriers—and that too meant she had to be better than her white counterpart.

According to Dr. Vada Butcher, dean of the college of Fine Arts at Howard University, Washington, D.C., "the black artist was allowed to perform and function in the world but not without harsh treatment and, often, low pay.

She didn't think in terms of getting a part in a movie unless she was in the role of a domestic. And only when there were plays written exclusively about blacks, such as "Porgy and Bess," could she think of getting a lead role, according to Dr. Butcher.

And since her contributions as a black woman had been systematically excluded from most literature, only a few respectable roles existed.

In 1968 Diahann Carroll was introduced to American television audiences, starring in the first series about a black woman. Miss Carroll was called "girl' 'in the media and referred to herself as "colored" on TV.

And tho her part as a registered nurse was introduced to "help improve race relations," blacks protested the image as one of bleached black.

With black audiences today expecting black movies to have a message for the total community, the image of the black female movie star should be contemporary.

Tamara Dobson emerged this year in such a role, that of Cleopatra Jones. She says today that the role has accomplished almost as much in message as it has in recognition for her as an actress. A former model, the 6-foot-2 Miss Dobson had played several roles before capturing the lead in "Cleo."

In the movie Cleopatra Jones is a special agent for the federal government who returns home to find that a drug rehabilitation center, operated by her boy friend, has been the target of a drug frameup.

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"Cleo's achievements are vast and varied," says Miss Dobson. "She has respect, she knows karate, she can be with one man and love one man, she loves her people and she fights drugs—which are a big problem—and she is respected by the government."

The image, she feels, is one black women can identify with—that Cleo is a successful woman with positive goals.

As a black woman she wants to act in movies which will make black girls want to emulate positive black women.

WHY I HAVE CONFIDENCE IN AMERICA'S FUTURE

Mr. ERVIN. Mr. President, one of the Nation's most worthwhile civic organizations is the Exchange Club which has among its prime interests the encouragement of the youth of our land to engage in worthwhile endeavors. In this connection, it makes a national award entitled "National Youth of the Year Award" each year to some young person for outstanding achievements in civic, religious and scholastic activities, and for a philosophy of life expressed in essay form.

As a Senator from North Carolina, I take great pride in the fact that one of my most brilliant young constituents, Miss Helen Meredith, of Burlington, N.C., was named the recipient of the Exchange Club's 1973 National Youth of the Year award on the basis of her outstanding achievements in civic, religious, and scholastic activities, and for her essay entitled "Why I Have Confidence in America's Future." I feel that our Nation stands in need of her optimistic outlook at this time, and for this reason, I ask unanimous consent that her essay be printed in the Record.

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elected to offices are still in those positions four years later.

The Joint Center for Political Studies in their research on "Black Women in Electoral Politics" found her lack of tenure in office is a significant drawback for the acquisition of power.

This could be attributed to her lack of campaign funds, an unwillingness to assume the responsibilities of winning and holding a position, or her despair in discovering how difficult it is to change the present system.

Often one elective office is a stepping stone to a higher office. However, the Joint Center reports, there was little mobility among black women elected officials between 1969 and 1973.

Among those who did move upward are State Sen. Barbara Jordan [D., Tex.] and State Assemblywoman Yvonne Braithwaite Burke [D., Calif.]. Both women advanced from the state legislature to the U.S. House of Representatives.

The styles of these two women sharply contrast.

When Barbara Jordan came to Congress in January the word spread that the late President Lyndon Johnson personally called top Congressmen to make sure she got the committee assignments she wanted.

Described as "calm, cold and calculating," Miss Jordan once said, "Politics is equated with power. And black women have always known what power was about."

But the entry of Yvonne Burke to Congress was for many an exciting event. Before her political skills are listed, her beauty, charm, and grace are often mentioned.

An effective force politically, being a female has seemed to be her winning trait. She will be adding another dimension in November when she is expecting a baby—the first member of Congress in history to have a baby while in office.

Approaching politics from a traditional view is Illinois Rep. Cardiss Collins [Dem..—7th Dist.]. She worked more than 20 years as a secretary and a public auditor before running for any political office. And her jump into the House of Representatives was seen as a giant step.

"I came to Congress as a woman whose major contribution is now considered old-fashioned: I came as a wife and a mother," she said recently.

To many she is seen as one who came to Congress, as a widow, filling the unexpired term of her late husband George, with loyalties first to the Democratic party.

She has recently become the target of criticism from the black community and had been charged with "letting black folks down."

Her critics point to the two young white males she chose recently for her top congressional staff positions.

The selection of John D'Arco Jr., son of the 1st Ward Democratic committeeman, as her administrative assistant and Rick Praeger as her legislative assistant has been viewed with suspicion.

Scoffing at the attacks, she remarks, "I realize that [no prior political experience] is a deficiency and that is the reason why you choose your staff carefully. You have enough common sense to know what you want them to do."

She adds, "If I do my job and do it well that will be all the satisfaction I'll need. I'm not out there on an ego trip.

"I'm out here to do the best I can, and I think I can do a lot because I'm dedicated to my people. The only image I'm trying to build is that of a Congresswoman."

At the local level, the most common elective office held by black females are those related to education, primarily school boards.

About 41 per cent of all black female elected officials are in that category, the Joint Center reports. Approximately 31 per cent are concentrated in municipal offices.

Of all black elected officials, black females represent only 12 per cent.

While they account for 25 per cent of all women in the House of Representatives, they represent only six per cent of the 466 women in state level positions.

Today, blacks account for less than one-half of one per cent of all elected officials. In addition to sexual discrimination, the Center concludes, a major explanation for the underrepresentation of black females in elective offices is racial discrimination.

The real measure of what new dimension black women bring to electorate politics will be reflected by the changes they bring about for the total black population, many feel.

(Third of five parts)

A Move To Make a Higher Grade

(By Yla Eason)

A black woman with an education could forget getting a job a few years ago unless she was a teacher or nurse.

Searching for a way to make a living and striving to achieve a degree of responsibility in the community, she sought these two areas of study. Even today, education continues to be the field where she faces the least amount of discrimination against her race and sex.

But her educational level has not been vastly improved. In 1970, the average educational level completed by black women was 10th grade with 58 per cent completing high school. Only 4.4 per cent of black women have completed or gone beyond a college degree.

"During the 1960s the greatest educational gains were not those made by blacks at all, but those made by white males," sociologist Jacquelyne Jackson reports.

Between 1960 and 1970, there was a 1.8 per cent increase in the number of black women who received a bachelor's degree.

That compares with a 1.9 per cent increase for black males, a 4.9 per cent increase for white females, and, highest of all, a 5.2 per cent increase for white males.

The black female's position at the lowest step of the educational level has been firmly dictated by society's constraints.

According to the 1960 census there were only 222 black female attorneys and 487 physicians and no black women architects. These numbers increased to 497, and 1,855 and 107 respectively in 1970.

One reason may be black females have had less access to the most prestigious institutions of higher education than have black males and white females and males.

Dr. Jackson adds that black females receiving higher education have studied largely at the traditional teacher-training institutions, which has greatly affected their occupational patterns.

How have the attitudes of black women toward education changed? In what ways are black females contributing to the education of other blacks?

Two unique black women show how they have been involved in dealing with those issues.

In her office at the Black Women's Community Development Foundation (BWCDF) in Washington, D.C., Inez Smith Reid, executive director, recalls an experience which occurred during the research of her book, "Together, Black Women."

It began as a study of militant black women but she discovered the word militant was not appropriate. "I ended up describing them (the women involved in the black liberation struggle) as 'together' black women."

Among blacks "together" means having made a commitment to being black. It carries with it the responsibility of identifying social injustices and working toward changing them and the willingness to be proud of the black heritage.

BWCDF functions as a funding institution which contributes to studies done by black women about black women.

"We have a fellowship program which is geared toward the noted black scholar who has gotten her formal education and is attempting to contribute something to the scholarly world," Mrs. Reid says.

The other form of fellowship is geared toward the "grass roots" woman who has not had a chance for formal education and wants to improve herself educationally so she can make some input into the black movement.

The foundation sponsored a historic symposium last year in Chicago which brought together more than 200 black women from across the country to discuss their attitudes and their role in America's future.

"One of the mandates that came out of Chicago was one to improve communications abong black women across the country," Mrs. Reid adds. This led to a news pamphlet issued by BWCDF as a medium through which black women can get their ideas out to others.

She makes it a point to emphasize the foundation is not involved in the feminist movement. "We are trying to do things for the total black community."

The foundation services the important purpose of using black women as a source for change and contributing to the amount of educational information about them.

Women are also a source for change on the campus of Howard University in Washington, D.C., where Dr. Lorraine Williams is a silent mover in rearranging the educational approach to history.

"Because there are a lot of misnomers, misconceptions and distortions concerning the history of blacks in America, it is the responsibility for the black historian to reinterpret and reassess history," says Dr. Williams, who is chairman of the history department at the 10,000-student school.

Her own educational pattern speaks of changes that have occurred in the black woman's attitude toward learning.

For her master's degree she studied Germany's imperialistic policies in the Pacific "The emphasis was on Europe and the Western world then," she recalls.

And altho her professors in 1955 "wondered why I had the nerve to study for a doctorate," Mrs. Williams switched her focus of interest to the issues of the Civil War for her Ph.D.

As an educator she is hoping to legitimize different methods of historical data. "I see some evidence of the development and appreciation of social history, where historians will look at society as a whole and take into account contributions from all social levels."

Altho this concept has not gained wide popularity it is incorporated into the traditional educational system at Howard. There the attitudes of the working classes, slave narratives, and deeds of various groups in American society share an importance with presidential papers and books written by professors.

"As we study black history we will become aware of what Benjamin Quarles calls "Black history's diversified clientele," she adds.

Dr. Williams is one of a growing number of educators preparing the historical groundwork for the future education of blacks. Her goal is to insure that blacks themselves contribute to the writing of their history.

(Fourth of five parts)

Persistence Pays Off for a Few

(By Yla Eason)

The black woman in business is a negligible statistic in the financial world. Lacking a history in America as an entrepreneur, her ventures into this area are without precedent.

If her sex is a deterrent to getting into the business world, then her race doubly excludes her full participation.

Received coldly by banks when applying for a business loan, she usually has to go the route of guaranteed federal financing. And often if there is no male—black or white—in the proposed business, she finds her chances for success even slimmer.

With luck, verve, and friends, she is just beginning to make a tiny dent in the money market. But still, in 1973, charm outweighs skill and persistence supersedes all.

As a black woman in business, Ida Lewis' *raison d'etre* is to bring the events and happenings of interest to black people "upfront." Her New York-based magazine, Encore, is the element thru which she accomplishes this.

The former editor of Essence, a black women's magazine, Miss Lewis, 37, worked as a feature writer for Life Magazine, freelanced for the British Broadcasting Co., and wrote for the Washington Post and various foreign publications.

A year ago when she began Encore, "people were saying, "Ida, black people don't read, you'll never get black people to read.' " Yet today the news monthly has a circulation of more than 100,000.

She adds the problems have been numerous, both on a personal level and from a business end. "But you cannot let these problems become obstacles," she says.

"Generally on a personal level you have problems with men who are very talented. Men are brought up in a society where they don't listen to women.

"However," she adds, "I would not be where I am today if men, some men, did not believe I could do what I am doing. It would have been impossible.

She feels that more blacks must help each other in the business world, "instead of thinking we have to cut the legs of this one and the arms of that one."

And she carries out this idea as a boss. "I don't believe in stifling people's ideas. I think you should give them room to express themselves. The only thing I tell them is to use good taste.

"I don't want to become a mother figure, where mommy makes all the decisions. They understand that I'm the publisher and editor and they respect that."

Making her contribution in an area opened recently to black women, she measures the progress of blacks in America "with how fair black people are with each other."

Sharing this attitude is Chicagoan Ann Rodgers, 41, owner of Village Maid Service, whose aim as a black business woman has been one of upgrading the status of maids.

She explains that a black woman maid has "arrived" in the industry when she's hired to clean office buildings. "This is still one area we haven't broken into," Mrs. Rodgers says, pointing out that virtually all black maids work in private homes.

Seeing the cash benefits of getting big office cleaning contracts, Mrs. Rodgers wanted to expand her business into that area. But unwilling to add that battle to her current one of trying to get a break in the catering business, she has lost interest.

"You have to learn to roll with the punches, be self-determined, and no matter what, you have to hang in there," is her personal philosophy. Since 1964, when she grabbed her $37 savings to start the business, Mrs. Rodgers has had to fight.

"It has not been easy. Capital has not been coming, and the minute people see you have a brain, they treat you as a sex symbol."

But she's reached her first goal of introducing dignity into the maid profession. The women who work for her have 9 to 5 jobs, five days a week, Social Security, vacation benefits and insurance.

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And since her contributions as a black woman had been systematically excluded from most literature, only a few respectable roles existed.

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In the movie Cleopatra Jones is a special agent for the federal government who returns home to find that a drug rehabilitation center, operated by her boy friend, has been the target of a drug frameup.

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WHY I HAVE CONFIDENCE IN AMERICA'S FUTURE

Mr. ERVIN. Mr. President, one of the Nation's most worthwhile civic organizations is the Exchange Club which has among its prime interests the encouragement of the youth of our land to engage in worthwhile endeavors. In this connection, it makes a national award entitled "National Youth of the Year Award" each year to some young person for outstanding achievements in civic, religious and scholastic activities, and for a philosophy of life expressed in essay form.

As a Senator from North Carolina, I take great pride in the fact that one of my most brilliant young constituents, Miss Helen Meredith, of Burlington, N.C., was named the recipient of the Exchange Club's 1973 National Youth of the Year award on the basis of her outstanding achievements in civic, religious, and scholastic activities, and for her essay entitled "Why I Have Confidence in America's Future." I feel that our Nation stands in need of her optimistic outlook at this time, and for this reason, I ask unanimous consent that her essay be printed in the Record.

There being no objection, the essay was ordered to be printed in the Record, as follows:

Why I Have Confidence in America's Future

(By Helen Meredith)

America, America, you took me as your child,
You nurtured me, and watched me grow,
And showed me things profound.
I learned the pride and joy of my heritage so sweet,
And a reverence for my country to be held from deep within.
No, America, I won't desert you in your hours of woe,
For you've given me all I know and love.
You've placed within my soul a confidence.
"A confidence?" you ask. Why yes,
A confidence in your future as well as mine.
Don't despair, dear friend, for I'll always be true.

What is confidence? To me, confidence is that intangible feeling which tells me that my America will not let me down, and I, in turn, will not forsake her. Every child experiences a period in his life known as an identity crisis, in which he must decide exactly in what he may place his trust and confidence. I decided at a very early age to place my confidence in America for extremely valid reasons. For me, America has never disgusted, disappointed or discouraged me in any way, and I sincerely doubt that it ever will.

Why should I not place my confidence in my America's future? She has withstood almost every test a country can face in its existence. America has lasted through numerous wars, both civil and world-wide; wars which seemed to leave the entire world in devastation. She has suffered several depressions in which many of her loved ones were left homeless and starving. She has faced times of embarrassment and harassment from those within her boundaries as well as those from without her shores. Yet, she still holds her head up high.

In times of trouble and strife, Americans unite. They bind together for the benefit of our nation in an attempt to protect its future. A classic example of this is the advent of World War II. Americans seemed to be unaware or apathetic about what was happening to the world by the aggressive acts of Hitler, Mussolini, and Emperor Hirohito until December 7, 1941. Immediately, an unprepared America became of one accord—right for those treated wrongly; freedom for those oppressed. In less than four years we became a fighting nation; one which remained unbeaten. Peace terms were "American terms." Reconstruction grants were American generosity. People had a common cause in which they could believe, and they stood by it. As one can plainly see, when Americans unite in the face of a common cause, nothing can stop them. Doesn't this immensely boost one's confidence in America's future?

Our ancestors united almost two centuries ago for a common purpose called freedom of religion. They did not comprehend what lay ahead of them. As well as succeeding in attaining their religious goals, they established a democracy.

The whole secret of America's past, present and future lies in this word: democracy. Democracy allows a freedom of thought, not a captivity of the mind. We are not indoctrinated to think and feel as we do. People have the right to make their own personal decisions. Their minds are not possessed by government or a dictator. For example, a person has the right to worship as he desires. He has the freedom to become a Christian, Hindu. Agnostic, Atheist, or a believer of any Creed or Sect. After he makes his decision, he is not beaten imprisoned or threatened by government officials.

I, personally, have chosen to be a Christian. God has placed within my soul a confidence in America's future. Each day I pray that God will bless my nation as well as the inhabitants and leaders. In John, Chapter 14, verses 13 and 14, Jesus states: "You can ask Him for anything, using my name, and I will do it, for this will bring praise to the Father because of what I, the Son, will do for you. Yes, ask anything, using My name and I will do it." This is one reason why I have confidence in America's future. I have faith that God will honor my humble prayer and bless my nation.

My America was also built on the hypothesis that pride in one's country, a sense of liberty, and equality for all men lead to a successful nation. Thus far this hypothesis has proven to be unmistakably accurate. In few countries is it possible for a man to raise the social status into which he is born, but in America a poor, struggling farmer can rise potentially to President of the United States, We have the right to set our goals as high as we desire. However, we must strive to attain these goals.

Many people tend to stereotype the youth of today. They say, "He has no goals or objectives." They tend to believe the teen-agers of today are shiftless and totally incompetent. These people feel that America has a very grim outlook when my generation assumes leadership. However, every generation of Americans in our two centuries of existence has produced some exceptional leaders. There is no doubt in my mind that my generation will do the same. For example, note our high schools and colleges. They are filled with students who are anxious to learn. These young people have a desire to accomplish great things with their lives and it is here that they will have a chance to realize their aspirations. Almost every young person I met has been blessed with one or another talent. If we can unite all these talents for the good of this nation, she shall surely have an unwaveringly bright future.

We must never be content to merely laud the virtues of America and overlook her faults. This apathy is a sign of weakness, but in every form of weakness there exists some degree of strength, and one of this country's greatest strengths has always been the sincere desire of her citizens to rectify whatever shortcomings they might find in the hopes that it might lead to an even better, stronger America. At the appropriate time, I am certain our young leaders will shine as brightly as did our great leaders of the past; all the youth of today lacks is the seasoning of maturity. Yes, I definitely do have confidence in America's future.

NATIONAL DIABETES WEEK

Mr. McGEE. Mr. President, this week has been designated as National Diabetes Week. Diabetes is a major health problem in our Nation, afflicting from 5 to 10 million Americans. Each year, 325,000 new cases are diagnosed.

Although 35,000 deaths are officially attributed annually to the disease, diabetes is the underlying cause of many thousands of deaths that are officially classified under heart disease, stroke, and kidney disease. It is the second leading cause of blindness, producing blindness nearly 20 years earlier than glaucoma, the leading cause.

During this year's observance of Diabetes Week, the prospect of discovering a cure for the disease in the foreseeable future is greater than ever before. The Congress can provide invaluable assistance in the success of our research efforts if it will act favorably on legislation proposed by the distinguished junior Senator from Pennsylvania (Mr. Schweiker) and me.

Senator Schweiker and I have been joined by 30 other Senators in our effort to launch a nationwide attack on diabetes. The Senate Labor and Public Welfare Committee has unanimously approved our bill, and we are now looking forward to positive floor action.

Our attack on diabetes, as proposed in the bill, would be launched on four fronts: research, professional education, patient education, and public education and detection.

Our bill focuses efforts more sharply on the problem of diabetes, not only with increased emphasis within the National Institutes of Health, but also with significantly upgraded funding for an effective assault on the disease. It provides for a prevention and control program to be funded at the level of $17.5 million over the next 3 years. Most importantly, it also provides for a system of national diabetes research and training centers to be funded at a level of $45 million over the next 3 years.

Senator Schweiker and I believe the key section of the bill is the one establishing a minimum of 15 national research and demonstration centers for diabetes. These centers would engage in basic and clinical research in the prevention, diagnosis, control, and treatment of the disease. Included in this effort would be the training of individuals to carry out such activities.

However, in spite of the critical need for mobilizing our resources to finding a cure for the disease, the administration has drastically slashed our medical research programs. This comes at a critical time, particularly since there are some very vital research projects which will be cut out completely due to lack of funds. The cutback in research will close down three projects which hold much hope and promise. One research project is concerned with the development of an artificial pancreas; another is related to the possible correlation of diabetes to viruses; and the third is the transplantation of healthy pancreatic cells into the diseased gland.

In this country today, we are only spending a maximum of $1.60 per diabetic per year on research. With the projected administration cutbacks in medical research, this sum will drop below $1 per diabetic per year.

With this background in mind, I would urge the Congress to take special note of this week and move favorably on our legislation. The significant research being done in this area is vital to discovering a cure for diabetes. The American Diabetes Association has recently prepared an explanation of these research projects which I think would be useful in assisting every Senator to making up his mind on this legislation.

I ask unanimous consent that it be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Explanation of Research Projects

Diabetes Week is being observed throughout the United States November 11–17 by a concerned public, led by the affiliate components of the American Diabetes Association. The seriousness of the disease was emphasized by Mrs. Gail Patrick Jackson, Chairman of the Association's Board, who pointed out that diabetes is a major health problem in the United States; the disease afflicts from

five to ten million Americans, with 325,000 new cases diagnosed each year.

Mrs. Jackson stressed that although 35,000 deaths are officially attributed annually to the disease, "diabetes is the real underlying cause of many thousands of deaths that are officially counted under the heading of heart disease, stroke and kidney disease. It is the second leading cause of new cases of blindness, and it produces blindness almost twenty years earlier than glaucoma, which is the leading cause."

During this year's observance of Diabetes Week, prospects are bright for the discovery of a cure for the disease in the foreseeable future. This hope is not based on a single research project, according to Dr. Addison B. Scoville, Jr., President of the American Diabetes Association, but on the work of a number of American investigators in California, Massachusetts, Minnesota, Missouri, New York, Pennsylvania and Texas.

Probably the most promising avenue of research that may lead to a cure for diabetes is the work on the transplantation of beta cells, the cells of the pancreas which produce insulin. Some diabetics seem to have too few beta cells to meet their bodies' insulin demand. Others may have a normal number, but the cells do not release enough insulin. Still others do not adequately utilize the insulin their beta cells produce. The goal of the transplants is to restore the body's ability to manufacture and release the hormone in sufficient amounts.

Diabetic rats have been cured by transplanting beta cells from nondiabetic newborn rats. The transplanted cells have spread through the rodents' bodies, establishing themselves in muscle, liver, fat, the abdominal wall and other tissues and, beyond doubt, have cured the animals' diabetes.

Just as a human may reject a transplanted heart or kidney, however, the rats' bodies eventually reject the transplanted beta cells unless the cells come from rats of the same, highly inbred strain. Nonetheless, it has been shown that tissue loses its susceptibility to rejection after it has been kept in a laboratory culturing medium for a time before transplantation. This culturing technique may solve the rejection problem and the last barrier to human trials will be removed.

Although much more work remains to be done, particularly in the area of rejection of the beta cell implants, the approach is expected to be ready for human trials within the next five years. The ultimate question is whether the transplanting method can prevent the complications of diabetes, which include blindness, kidney failure and blood vessel disorders. These complications are not controlled adequately by insulin injections and may be caused by factors not related to insulin output or high blood sugar.

The available forms of insulin only rarely produce normal blood sugar levels continuously, even when combined with an exact diet and exercise program. Therefore, research has been undertaken in several laboratories focusing upon new systems for treatment of diabetics that will insure normal blood sugar levels on a moment-to-moment basis. The goal is to produce an artificial pancreas or, more accurately, an artificial beta cell, the insulin-producing cell of the pancreas.

Two devices have been already developed which would be components of such an artificial beta cell that would regulate the blood sugar automatically in diabetics as it is done physiologically in nondiabetics.

One of these is a small implantable sensor capable of measuring the blood sugar continuously. Animal studies are underway now to determine the accuracy, sensitivity and longevity of this component. The other is a mini-computer that can be programmed to deliver insulin when the blood sugar rises, and glucose when the blood sugar falls. As soon as this phase is completed, hopefully by mid-1974, trials will be begun in human patients.

The computer and the sensor would be linked with a power supply, an insulin pump and a refillable insulin reservoir in a totally implantable system. It is conceivable that such an artificial beta cell would be available to diabetics by 1976.

Continuing research leads scientists to believe that insulin-taking diabetics may be relieved of the necessity for daily injections of the hormone sooner than many people thought possible. For example, significant progress has been made in the surgical procedures for transplanting pancreases.

The results of such organ transplants have been encouraging. A team of surgeons, using a new technique, has reported that one patient who has received a pancreatic transplant has survived for 22 months and another for 16 months. Both of these patients also had kidney damage due to diabetes, which necessitated kidney transplants.

In addition to providing insulin to handle sugar in the bloodstream, the pancreas secrets vital digestive enzymes into the duodenum, which is the section of the digestive tract just below the stomach. In the new procedure, the digestive role of the diabetic's own pancreas is preserved by leaving it in place. The donor pancreas is inserted in the body in such a way that its unneeded and powerful digestive juices can be drained into the ureter leading from the kidneys to the bladder and thus out of the body in the urine.

As with heart and kidney transplants, tissue rejection poses a problem, although one surgeon has suggested that the pancreas is the least susceptible.

Even though some obstacles to successful pancreas transplantation will doubtless be overcome, the problem of obtaining healthy organs will remain a formidable one. Only time can tell whether the functioning pancreas transplant will prevent or delay the appearance of long-term vascular complications. The operation must be performed in large numbers of insulin-dependent diabetics before the complications develop and the patients' progress studied for over 10 to 15 years.

Still, the hope exists. At some future time, it may be reasonable to offer the operation to individuals whose day-to-day regulation of diabetes is very difficult, even with the most careful adjustment of insulin dosage, and there may be a chance that the condition of their blood vessels will improve.

The word "infection" in connection with diabetes seldom appears outside medical journals and even there only infrequently. Yet there is evidence that it may be a factor in causing the disease.

Measles and mumps viruses are apparently the chief infection culprits. There are clear-cut data, for example, that infants with congenital measles become diabetic more often than can be explained on the basis of chance. It has been known for a long time that mumps virus localizes in the pancreas. Now it has been discovered that in at least one individual the inability to secrete insulin was very clearly related to mumps infection of the pancreas.

Linking this to the fact that diabetes tends to run in families, scientists have suggested the possibility that what some diabetics inherit is the tendency to, first, become infected with a specific virus and, second, to respond to that virus with a specific reaction, such as becoming diabetic.

This raises the possibility that as the genetics of diabetes are studied and the knowledge of its relationship to viral infection increased, it would be possible to prevent diabetes by immunizing the individual against certain viruses.

It has been found that it is entirely possible for one animal to contract diabetes on exposure to another diabetic animal. Research scientists studying a colony of diabetic guinea pigs found that approximately 90 per cent of the stock bred from the original animals became diabetic. In an attempt to breed out the trait, several groups of healthy animals were brought into the colony. In from six weeks to three months, approximately 60 per cent of the new guinea pigs became diabetic. Studies are now in progress to define the route of infection and the nature of the infectious agent.

"As each day goes by," Dr. Scoville continued, "more patients develop the disease and more complications occur which rob our nation of our most valuable resource—our young people, and older ones, too. When a cure is found, restricted diets, insulin injections, expensive oral medication will no longer be necessary. Those facing futures fearing blindness, renal disease and neuropathy will be permanently relieved."

Dr. Scoville stressed that although the volunteer sector of the American public was committed to obtaining contributions to speed the day when a cure and preventive for the disease could be found, this goal would only be achieved when the effort was joined by the Federal government.

"It's time," Dr. Scoville concluded, "for a cure."

WHY CONDEMN ISRAEL AND RHODESIA?

Mr. GOLDWATER. Mr. President, on October 24 an old and valued friend, Mr. C. C. Moseley, president and chairman of the board of the Grand Central Industrial Center, addressed a short letter to Secretary of State Henry A. Kissinger which he feels is of utmost importance. At his personal request, I ask unanimous consent that a copy of Mr. Moseley's letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

October 19, 1973.

Hon. Henry A. Kissinger,
Secretary of State,
Washington, D.C.

My Dear Mr. Secretary: As Secretary of State you can now do a splendid service to mankind by convincing the United Nations that it should cease condemning little Israel and Rhodesia when absolutely nothing has been done to condemn Russia and China for not granting their people fundamental civil and human rights.

This is rank hypocritical nonsense—there can be no double moral standards when judging little Israel and Rhodesia against Russia and China. Moral integrity is demanded of the U.N. as well as of individuals.

Sincerely,

C. C. Moseley, *President.*

CARL McINTIRE, THE FAIRNESS DOCTRINE, AND THE FIRST AMENDMENT

Mr. ERVIN. Mr. President, I wish to bring to the attention of the Senate and the public an exercise of governmental power which I believe has transgressed the limits of constitutional propriety required by the first amendment. I am referring to the closing down by the Federal Communications Commission of radio station WXUR in Media, Pa.

To my knowledge, this represents the first time that the FCC has successfully invoked its so-called "fairness doctrine" to deny the renewal of a broadcasting license. After a prolonged battle, the courts have also now added their approval to

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the FCC action. In doing so, they have sanctioned the FCC's violation of the first amendment's guarantee of a free press.

The aggrieved licensee in this case was the Faith Theological Seminary headed by the Reverend Carl McIntire, an outspoken and controversial figure of very conservative persuasion. The seminary acquired the license to WXUR in 1964 when the station was offered for sale by a previous licensee. In accordance with FCC regulations, an application was filed by the seminary asking for approval of the license transfer. After the application was filed, the FCC received letters from many individuals who opposed the transfer of the license to the seminary on the grounds that, given McIntire's outspoken record on controversial issues, the seminary could not be expected to operate the station responsibly or present controversial issues fairly. In the face of such speculative criticism, the seminary filed an amended application which specifically provided that it intended to abide by the "fairness doctrine" and would otherwise present balanced programing. The amended application mentioned by name those programs which it intended to broadcast which would provide such balance.

On March 17, 1965, the FCC approved the license transfer.

When the license came up for regular renewal a little over a year later, however, the station came under renewed criticism. Hearings on the license renewal commenced in October 1967, and lasted through June 1968. At the conclusion of the hearings, the FCC examiner ruled that the license of WXUR should be renewed.

The decision was then taken to the FCC which reversed it on July 1, 1970. The FCC based its decision on the station's failure to fulfill its obligations under the "fairness doctrine"—in other words, it failed, in the Commission's estimation, to present both sides of controversial issues of public importance. The Commission further found that the station had failed to satisfy the promises it had made in the amended transfer application; namely, to abide by the "fairness doctrine" and to present certain specifically named programs designed to balance the station's religious and public affairs programing. The FCC considered this a separate ground for denying the license renewal.

This second rationale was crucial for the three-judge panel of the Second Circuit Court of Appeals, which heard the case on appeal from the FCC order. Judge Tamm, writing for the 2 to 1 majority, affirmed the FCC decision both on the grounds that the "fairness doctrine" had been violated, and that "misrepresentations" had been made regarding the station's programing plans. The concurrence of his colleague, Judge Wright, was based solely on the "misrepresentations" contained in the amended transfer application. Wright specifically rejected, in fact, the "fairness doctrine" as a ground for decision in this case.

After reading the decisions, it is unclear whether WXUR lost its license because of its "misrepresentations," or because it violated the "fairness doctrine." But whether the station lost for one or the other or both reasons, the consequence still is that a unique voice on radio was stilled because of an arbitrary and unique application of FCC rules. Of all the thousands of radio and TV licenses that have come before the FCC since the "fairness doctrine" was enunciated, this is the only station which lost its license for violating the rule. When we recall the extremely controversial nature of Reverend McIntire's opinions, and the fact that the criticism the FCC received came from those who vehemently opposed his views, the real reason for the termination is clear. Dr. McIntire lost his right to speak because of his controversial exercise of the first amendment. The FCC rationales are the formal justification, but not the true cause of the FCC rejection.

Most of the alleged "misrepresentations" made by the station involved its promise to satisfy its responsibilities under the "fairness doctrine" either by general commitments or specific programing. The other "misrepresentations" found by the FCC involved the promise of the station to present other specific programing to insure diversified entertainment for the community being served.

It was established in the case of *FCC v. WOKO*, 329 U.S. 223 (1946) that the FCC may deny a broadcast license to any station which consciously misrepresents its intentions in its application for approval. The FCC, however, has no power to require a station to present any specific sort of programing. The Communications Act of 1934 makes that clear. The fact, then, that the station promised specific programs was done on the station's own initiative but was not something the FCC could have legally required—at least in specific terms—from the potential licensee.

Thus, to the extent that it was because of "misrepresentations" that WXUR was put off the air, these were with respect to promises that the FCC had no right to require in the first place.

This is a prime example of the byzantine and devious way that agencies such as the FCC operate. The station was forced by the FCC to make commitments. These, the FCC would argue, were voluntary—it always denies that it ever presumes to dictate programing. That, of course, would violate the first amendment—which the FCC likes to assure us it never would do. Having forced these promises, the FCC then denies the renewal on the grounds that the station failed to keep promises it was not legally required to make in the first place.

When all the legal mumbo-jumbo is cleared away, the fact remains that the FCC chose to apply highly technical rules to this single station, having been forced by outside political pressure to do so. It does not matter that the station's audience was small. Those few people who chose to listen have as much right to hear what they wish—and what WXUR alone was broadcasting—as anyone else. Unfortunately, the FCC and the court chose to regard these technical rules and strained reasoning as more important than the first amendment rights of the station and its listeners.

Last May, the Supreme Court denied certiorari in this case. I would presume that the Court itself was satisfied to let the decision stand on the basis of the station's "misrepresentations" to the FCC rather than tackle the thorny issues involved in the "fairness doctrine." Perhaps if these "misrepresentations" had been based solely on the station's promises to abide by the fairness doctrine or if there had been no "misrepresentations," but only a violation of the "fairness doctrine," the case would have fared differently.

The case calls for a reexamination of the FCC's "fairness doctrine," at least as far as radio stations are concerned. The primary ground of the FCC's refusal to renew the station's license was its failure to present both sides of controversial issues of public importance. It found that WXUR, while presenting a steady diet of topical, controversial public affairs programing, failed to accord sufficient broadcast time to the presentation of contrary views by knowledgeable, articulate spokesmen. Presumably, even without the station's "misrepresentations" in the transfer application, the FCC would have denied the license on these grounds.

The "fairness doctrine" is a curious creature. It was conceived by its inventors as a vehicle to enhance rather than abridge the freedoms of speech and press. It is based on the theory that since broadcasting outlets are limited and available to only a few, the Government must assure that those who control them present more than simply one side of an issue to the public. The Supreme Court in the now famous Red Lion case defended the theory in plain terms:

> Where there are substantially more individuals who want to broadcast than there are frequencies to allocate, it is idle to posit an unbridgeable First Amendment right to broadcast comparable to the right of every individual to speak, write, or publish . . . It is the purpose of the First Amendment to preserve an uninhibited marketplace of ideas in which truth will ultimately prevail, rather than to countenance monopolization of that market, whether it be by the Government itself or a private licensee . . . It is the right of the public to receive suitable access to social, political, esthetic, moral and other ideas and experiences which is crucial here. (395 U.S. 388-90)

I would agree with the Court that the paramount interest here is having an informed public. The question is whether the marketplace ideal is best achieved by requiring that each and every broadcast licensee present both sides of issues, or by "giving them their head." Under ordinary circumstances, I think it is clear that constraints on individual rights of expression can be justified—if ever—only when it is beyond question that the access of the public to the marketplace of ideas will be enhanced. If, as here, broadcasters can be silenced for failing to present both sides of controversial issues, this is tolerable only if the public's access to the marketplace of ideas is thereby promoted.

In the case of radio stations in general, and Dr. McIntire in particular, I am not willing to concede that such suppression can be tolerated, because the marketplace ideal has been frustrated. I think, in short, that it is time for a reevaluation of the "fairness doctrine" by both the Congress and the courts, in terms of the realities of modern-day broadcasting—particularly radio broadcasting—and the values preserved by the first amendment. As Chief Judge David Bazelon, dissenting from the Second Circuit's majority opinion, stated:

> I think the time is overripe to take our blinders off and look further toward First Amendment goals than the next regulatory step which the FCC urges us to take in the name of fairness . . . the constitutional validity of each and every application of the [fairness] doctrine must be tested on its own, on a case-by-case basis. We must not be guilty of pouring concrete around the foundation of a doctrine which enhances the public's right of access in some circumstances but abridges that right in others.

The underlying rationale of the fairness doctrine is that since broadcasting outlets are so scarce, they must be regulated to insure balanced presentations of controversial issues. This is one assumption which can no longer be accepted without challenge. As of March 1973, there were a total of 7,399 radio stations broadcasting in this country. This compares with a total of 1,761 daily newspapers in circulation, and of these, 1,455 were the sole competitive newspaper in the locale they were serving.[1] Radio stations, on the other hand, are typically in competition with one another, not only for listeners, but for advertisers. Most Americans, wherever they are situated, can receive numerous radio signals, and usually this means they can hear competing views. In Dr. McIntire's case, while WXUR was the sole radio station in Media, Pa., the town was located in the greater Philadelphia broadcasting area within the range of a myriad of radio signals. Given such a broadcasting climate, it is difficult to defend the FCC's right to silence WXUR on the grounds that the public is not being served by the station's failure to present controversial issues fairly. The public has a plethora of radio signals to choose from. It is safe to say that the public in the Philadelphia area had a great variety of "respectable" views to listen to, but only from WXUR could it hear challenges to those views.

What the closing down of WXUR means is the loss to the public of a unique and controversial point of view. In an area with access to many and varied radio signals, the silencing of WXUR represented a reduction in public access to controversial programing. However responsible or rational the quality of the programing may have been, it unquestionably stimulated debate and offered a viewpoint otherwise unheard on the air.

It has now been silenced. The FCC cited not its failure to present controversial programing but its failure to present both sides of controversial programing. In essence, the Commission foresees every licensee saying everything from every point of view. To do less places their license in jeopardy.

I fear that the practical result of this doctrine—at least as far as commercial radio stations are concerned—is that very few say anything about anything from any point of view. The fact that speaking out on any issue of controversy imposes a substantial but uncertain burden on the station to present opposing views makes many reluctant to stick their toes in the waters of controversy at all. The risks are great, and the return too small. Broadcasting outlets are, after all and above all, economic ventures. Anything but "safe" controversy irritates listeners and drives away advertisers.

One can turn in vain from station to station looking for controversial public affairs programing. Instead, most outlets have turned to bland diets of music and hip patter. In Washington, one is struck by the number of all-news stations, all-pop stations, oldies-but-goodies, hard rock, soft rock, and a few classical stations. Together, perhaps, they are a mix that satisfies the general listening audience. But no one could pretend that each meets the varied tastes of radio listeners any more than WXUR did. What the "fairness doctrine" should aim at is not sameness, but variety. The goal should be that every radio listener can find somewhere on the dial a station broadcasting programs that respect his interests. That goal is not met by a doctrine which pretends to have all stations satisfy all tastes, but which works out so that significant audiences are denied any outlet at all. It is very possible that the threat of the "fairness doctrine" has, at least in part, been the cause. I would hazard to say that the doctrine has served to stifle the presentation of controversy and variety more than it has served to promote them.

In any case, the WXUR case deserves further consideration both by the Congress and the courts. The automatic application of the fairness doctrine to all licensed broadcasting outlets of any type in any city or locality regardless of the availability of alternative outlets bears particularly close scrutiny. Certainly in this case its application limits, rather than enhances the access of the public to controversial information of importance. Under such circumstances, it runs afoul of the first amendment.

I should point out that the Federal Communications Commission has undertaken a comprehensive study into the question posed here: Do the fairness policies truly promote a marketplace of uninhibited, wide and robust debate?[2] The Commerce Subcommittee on Communications has also considered the issue in hearings, as has the Judiciary Subcommittee on Constitutional Rights. But despite its long history there is presently no statute which provides for the fairness doctrine. It is a creature of executive regulation and has received the sanction of the courts; the legislative branch has not had a hand in it. I, for one, think that if the fairness doctrine is to remain with us, Congress should take a hand and enact a more flexible standard less susceptible of being abused at the expense of the first amendment.

THE "FAIRNESS DOCTRINE" RECONSIDERED

What the WXUR case illustrates, above all, is that continued, uncritical application of the "fairness doctrine"—without assessing its effects or challenging its assumptions in a given set of facts—can lead to a result quite anomalous with the purposes of the first amendment.

The WXUR case demonstrates that both the FCC and the Congress must reconsider the "fairness doctrine."

I have already stated that the assumption which underlies the "fairness doctrine" is that since broadcast frequencies are limited and therefore available to relatively few, those who are given control have a public responsibility to make good use of the medium.

I do not have any quarrel with this assumption as it stands, but I do quarrel with where it has led us. It has led us, first of all, to require that every broadcast licensee present all sides of controversial issues which he chooses to air. It has also led us to look at each case in a vacuum, in terms of a particular station's isolated performance rather than in the context of the marketplace of ideas. It has, in short, blinded us to the purpose of the first amendment, while paradoxically purporting to enhance it.

It is worth noting that the fairness doctrine does not require licensees to present a specific quantity of controversial programing, although this would seem a natural corollary of the obligation imposed by scarcity of broadcasting outlets. What it requires, instead, is the presentation of opposing views on any issue which the station chooses to air. Implicit in this is the fear that broadcast licensees, operating without constraints, will exercise a powerful, and perhaps even oppressive, influence over public opinion.

In a locality which has very limited access to broadcast signals of any type, the fear might be well founded. But in today's world of modern communications, it is the rare home indeed which is not in range of many broadcast signals. To suppose that a station may become "oppressive" by virtue of its monopoly of the airwaves strikes me as a false and unfounded worry. On the one hand, no broadcasting station is going to stay in business for long without a listening public. To suppose that an "oppressor" station might be able to exist without the support of at least a large segment of the listening public ignores the economic realities of modern broadcasting. Furthermore, with the abundance of available signals in all but the most remote parts of the country, the listener is not forced to listen to what he does not want to. He has only to change the dial.

The requirement that all broadcasters must present both sides of any controversial issue in order that the public will not be misled or intellectually shortchanged does not seem founded in a realistic appraisal of today's media. Even more crucial, it works a positive harm to the content of broadcast journalism by inhibiting the presentation of contro-

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[1] Report of the Roper Organization, Inc., "What People Think of Television and Other Mass Media, 1959–72," May 1973, p. iii.

[2] FCC Report, Major Matters Before the Commission, December 1972, Docket No. 19260, p. 9.

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versial issues of public importance. Any licensee who presents controversial material on one side of an issue, at the same time must undertake to present contrary opinion on the same issue. If he fails to make what the FCC regards as a "reasonable" effort to do so, his license is denied. I think it matters very little whether the FCC is or is not prone to invoke the doctrine. It hangs there all the same as a threat to the station's very existence. When it strikes, as it did WXUR, it tells all the media to be careful lest they also fall victim.

Basically, it chills the station's inclination to advocate. And for those stations who are eager to demonstrate their "public consciousness," either to the public or the FCC, it acts to inhibit the presentation of all but "safe" issues, which are controversial but not too controversial, which are "sexy" but inconsequential. The station can air these without fear of public uproar or FCC attention. Unpopular or emotionally explosive issues, on the other hand, run the risk that people will complain and the FCC will find out. And furthermore, they present a more difficult problem in terms of programing balance because they stimulate greater reaction. More sides demand equal time, and the station is faced with the dilemma of which voice to air. Those disappointed may share their resentment with the FCC. If they are loud enough, the station may—like WXUR—fall victim to a suddenly rejuvenated "fairness doctrine."

However infrequently the fairness doctrine may be invoked to deny a broadcasting license, when it does occur we are presented with a prima facie violation of the first amendment. Here is the government silencing the voice of a broadcaster. I agree with Chief Judge David Bazelon, dissenting in the McIntire case, who stated that—

> [Such] abridgement of individual rights may be tolerated only when in the long run it enhances the right of the public to receive access to the marketplace of diverse views. Obviously, this requires a delicate balancing: any harm to private rights must be outweighed by benefit to the public.

This is a crucial point, because the "fairness doctrine" as presently applied, requires no such balancing. It requires no examination of the particular marketplace of ideas of which a particular station's performance is a part. The FCC may look and does look at its licensee's performance in a vacuum. Under the terms of the "fairness doctrine," it looks only to see if the particular station has made a reasonable effort to present both sides of controversial issues which it airs. It does not have to determine how many other broadcast signals serve the listening area of that particular licensee, nor does it have to determine whether views contrary to the point of view of the jeopardized licensee are being presented on these airwaves. In short, the FCC can ignore the rest of the marketplace. If its licensee is presenting unique, albeit one-sided, views to its listening public, closing it down means a loss and not a gain for the marketplace.

Under Judge Bazelon's formulation, if the public's access to ideas is not in the long run enhanced, silencing an individual station has no justification and constitutes a violation of the first amendment. I could not agree more. But since the FCC need not make such a determination to invoke the fairness doctrine, there is a good chance that first amendment values may be ignored.

If the fairness doctrine is to remain with us, I think it must be restructured to remedy this gaping and critical constitutional defect, and to reduce its chilling impact on broadcast journalism. I propose no bill here, but I do propose a possible approach such legislation might take.

I would begin with the proposition that the fairness doctrine is a justifiable abridgment of the first amendment only if—

First. There is such a scarcity of broadcast signals available to a particular listening area that it is reasonable to assume that competing views on controversial issues are not being presented; or

Second. There is a showing that, regardless of the availability of broadcast signals in the listening area, competing views on controversial issues are, in fact, not being aired.

The fairness doctrine should be revised to incorporate these principles. Before invoking the fairness doctrine to deny a broadcasting license, the FCC should be required to establish a rebuttable presumption of scarcity. This might be accomplished by showing that the particular listening area of the licensee is not served by a sufficient number of other broadcasting signals to assure that competing views of controversial issues are presented. I suggest that this presumption of scarcity would arise in any locality served by less than four broadcasting signals. Once such a presumption was established, it should be sufficient to invoke the provisions of the fairness doctrine, unless the challenged licensee can demonstrate that, despite the limited number of licensees serving its listening area, competing views on controversial issues are, in fact, being aired within the area.

This formulation, it seems to me, would limit the application of the fairness doctrine to those situations where it still has a legitimate role to play. Moreover, it would eliminate much of the uncertainty now felt by both radio and television broadcasters in their presentation of controversial issues.

For all practical purposes, I think the formulation set forth above would put an end to the application of the fairness doctrine to radio. Only those few stations serving remote areas of the country not reached by other signals would be bound. How many such areas there actually are is not readily or precisely ascertainable. The available statistics do indicate, however, that there must be very, very few indeed. As of November 30, 1972, there were a total of 7,351 AM and FM radio stations in operation.[3] This compares with 2,777 radio stations operating in 1949.[4] Out of 230 specified metropolitan areas designated by the FCC, there was a total of 1,750 AM signals received in 1972.[5] This is an average of seven or more AM signals alone received in metropolitan areas. The nonmetropolitan community average was less than two stations per community, but even these communities ordinarily had access to at least one of the designated metropolitan areas.[6] It should also be noted that these figures do not include FM stations which number 2,873 nationwide. These further enhance the already abundant access of the public to radio signals.

The number of radio outlets in this country is so large, in fact, that the FCC cannot and does not attempt to monitor their performance. If the strictures of the fairness doctrine are ever invoked against a radio station, such as WXUR, it is only because the station's performance has been brought to the special attention of the FCC by those who object to it. Violations have been haphazardly identified, and sanctions have been haphazardly applied. The proposed formulation would all but eliminate the present uncertainty and arbitrariness. Most radio stations could proceed with their public affairs programing without the menace of ultimate censure hanging over their heads.

For television, the results would be less clear. While the fairness doctrine, under the proposed formulation, would still have more limited applicability to television than it has at the present, there would probably be greater applicability than in the case of radio. The reason for this is that there is more scarcity.

There are only 927 television stations in operation in the United States as opposed to 7,351 radio stations.[7] But even this relative scarcity pales in view of the growth of television broadcasting and its growing accessibility to the public. In 1949, there existed only 69 television outlets in the United States.[8] Now there are 927.

In 1972, 98 percent of American households with a television could receive three or more television signals. Twenty percent could receive 10 or more. There is no place in America which did not have access to at least one television signal, and only 0.2 percent which did not receive at least two.[9]

Granted, there are these few areas of limited accessibility. The FCC, therefore, would find it easier, under the formulation I have proposed, to establish a presumption of scarcity with television than it would with radio. I suggested the cutoff point for determining scarcity might be reception of less than four broadcasting signals in a given viewing area. According to the A. C. Nielsen Rating Service, 10 percent of American television households in 1970 fell into this category.[10]

I would also suppose that a challenged television licensee would have a more difficult problem than the radio licensee in establishing actual diversity among those stations whose signals were received in the viewing area. Eighty-seven percent of all television stations are now affiliated with a major TV network.[11] This means, in practical terms, that there is likely to be less diversity available than even pure numbers would indicate.

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[3] FCC statistics quoted in Broadcasting Magazine, 1973 Yearbook.

[4] FCC, 38th Annual Report, Fiscal Year 1972, pp. 165–166.

[5] Id. at p. 199.

[6] Id.

[7] See footnote 1.

[8] See footnote 4 at p. 164.

[9] See footnote 1 at p. iv.

[10] A. C. Nielsen Rating Service, quoted in Broadcasting Magazine.

Still, television broadcasting would be under far less restriction than it is at present. For those stations serving areas with a high degree of programing diversity, the yoke of the "fairness doctrine" would be removed.

As Judge Bazelon suggested, it is high time for the FCC and the Congress to "take their blinders off" to the effects of the "fairness doctrine" as it is now being applied. At its best, it stifles controversy; at its worst, it silences it. In its present condition, it represents a fickle affront to the first amendment.

I have not advocated eliminating the fairness doctrine altogether, because I think it still retains a modicum of relevance. I do think we are tending toward its eventual elimination, but we have not arrived there yet. Perhaps as more stations gain access to the air and greater use is made of existing channels and the broadcast cable, we may be able to dispense with it entirely, leaving broadcasters to the same influences and pressures found elsewhere in the marketplace of ideas. For now, it is crucial that the fairness doctrine be modified in a manner less injurious to the freedom of expression.

I hope the Commerce Committee will take a close look at the WXUR case, and begin to consider how to move broadcasting out of the Government control that was justified in its infancy. It is high time broadcasting be afforded the benefits of the first amendment. More important, it is high time for the public to have the benefits of the first amendment.

DANGER OF PREOCCUPATION WITH WATERGATE

Mr. GOLDWATER. Mr. President, for many months, I have deplored the fact that many pressing national problems have gone unattended while the Nation, the media, and the Government itself were engulfed in developments and discussions regarding the Watergate scandal.

Now, it appears that the concern over this situation is beginning to be felt throughout the Nation. Many State Governors are upset over the fact that while we talk about Watergate other issues of great importance to the welfare and well-being of the American people go unattended.

Recently Gov. Jack Williams, of my own State of Arizona, addressed himself to this question. Because of their importance and timeliness, I ask unanimous consent that Governor Williams' remarks of October 23 to the National Association of Hospital Purchasing Management at Carefree, Ariz., be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks of Governor Williams

Thanks to the Arizona Army National Guard, I have made it on time to your meeting. I arrived in a Huey, an assault helicopter, one of thirty such machines of the 997th Aviation Company, which is in training to move troops and supplies into combat zones whenever needed. Many of these helicopters were used in Vietnam, some bore bullet holes, and after thorough overhaul are now being employed on missions of preparedness and peace.

With the draft abolished, with voluntary enlistments below projections and with cutbacks being made in our regular armed forces, the national guard of the United States has assumed a vital role in our defense posture.

Today, the Guard is part of the total first-line forces available to meet the obligations of national defense and treaty commitments. This is a new role, for heretofore the guard was a backup force, albeit a distinguished one.

Today, the guard and other reserve components represent thirty percent of our national military forces, yet it operates on only five percent of the national defense budget.

Training for possible war is just part of its duties, for guard units serve their States and communities in a hundred different peacetime ways.

Last winter, when severe storms halted ground transportation, our helicopters on three occasions carried food, medicine, hay and other supplies to the Navajo Indian Reservation in Northeastern Arizona and to the Havasupai Indians at the bottom of the Grand Canyon.

When a butane explosion took human lives and created a crisis at Kingman in Northwestern Arizona, the guard was summoned to assist local law enforcement officers.

When floods devastated areas along the San Francisco and Gila Rivers in far Eastern Arizona, driving many families from their homes and causing great property damage, the guard carried doctors on mercy missions and evacuated men, women and children.

Gentlemen, I am saying that the National Guard is an integral part of our lives—I am sure that some of you are members—and as good Americans it behooves us to support our National Guard in every way. With your backing, we can be confident that when the guard is needed it will be ready.

The helicopter carried me swiftly and surely to this lovely desert oasis, surrounded by the eternal hills, blessed by a clean, blue sky, but however far I travel, wherever I may go, I cannot escape the travail through which America, and everyone of us as Americans, is suffering this very moment.

The republic has endured many crises, and I pray we will survive this one, but we continue to pay a terrible and unnecessary price for our shortcomings and our inadequacies as a united nation. Our prestige and influence on the international scene are deteriorating. We are wasting time and our energy and our concerns on issues which, it is becoming increasingly apparent to us all, are horrendously political. This when we should be giving the best of our time and our energy and our concerns to vital problems and matters that affect the nation most. We talk about Watergate and virtually ignore, as a startling example, the cold, hard facts that Communist Russia, bent just as strongly toward world domination as it ever has been, is increasing its military strength, building the world's most powerful Navy, surpassing us in air power and missile capabilities, while our great statesmen argue for major cutbacks in our defense budget. Why not televise the military budget hearings and let America know what's going on? That's really important.

My premise is simple, and it is this: There is in America a great and powerful movement to destroy Richard Nixon as President of these United States. The reason: He represents and stands for national policies and beliefs and convictions that are unbearable to the great liberal element in this country.

There has always been a hate-Nixon campaign, deep-rooted, world-wide. We shall never forget the effort to "get" him on the Vietnam war issue and the return of our prisoners of war.

And now the ugliness of Watergate. A shameful sequence of events, yes, and inexcusable, but no sorrier than some of the things that have happened in other administrations in years gone by.

How many remember the fund that Governor Adlai Stevenson of Illinois collected from people who won State contracts? It was conveniently swept under the rug.

Some of the very Senators who are so critical of the President in the Watergate sideshow are the very men who voted against any investigation of the Bobby Baker affair.

The whole Watergate affair, and everything associated with it has deteriorated into a political dogfight.

Now, those who hate the President are talking of impeachment in the name of things good and holy. Baloney.

It must be made apparent to every American that the President has a constitutional responsibility to preserve and protect the integrity of his high office, else he would become a prisoner in the White House, of the Congress and the judiciary. Of course, he is already to some degree a prisoner, his authority to direct military operations severely curtailed, his programs for a better America denied by the vengeful majorities in both the House and the Senate.

It was very unfortunate when someone suggested to the President that Archibald Cox be named head of a Department of Justice team to investigate Watergate.

Cox brought between 40 and 45 attorneys, most of them from Yale and Harvard Law Schools, to Washington to help him with his operation. These lawyers were predominately antiadministration. They were the demonstrators of the 60's, fulminating against the war in Vietnam and taking part in campus dissent.

Cox is reported to have advised his legal army to buy homes in Washington as they would be there three or four years to quote "clean up the government".

Lately, he went far beyond the task to which he was appointed by undertaking to investigate the personal finances of the President.

There isn't an executive in this room who could or would tolerate the insubordination of Archibald Cox.

From the day of his appointment he has taken an adversary position against the President. Archibald Cox has taken sides rather than trying to fulfill the historic duty of an investigator and that is to investigate and study, and impartially seek to uncover the facts concerning a particular case or problem.

I think it is good that the President has chosen a showdown with his tormentors on the constitutional grounds of executive privilege and integrity.

The tapes are no longer the issue, as the Phoenix morning paper, the Arizona Republic pointed out today. The way is clear for both the courts and the Congress to learn what's on them.

A few moments ago the President announced that he would make the "secret" tapes available to the courts. Why they were secret and not confidential is a matter of semantics. Secret sounds more sinister, I

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[11] FCC News Release, August 23, 1973, "TV Broadcast Financial Data," Table 7.

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would presume. But again the tapes are no longer the issue. Richard Nixon is the issue himself.

Can he survive?

Meanwhile, the country—you and I and the institutions we represent—are paying an awful price, it may be later than you think.

For myself, I support the President of the United States, and the ideals and national policies for which he stands.

THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, it has now been a quarter century since the General Assembly of the United Nations adopted the text of the Genocide Convention. On December 9, 1948, the United States voted for the adoption of this significant landmark in the development of international law.

It was the United States which took the lead in helping to draft this convention and we were among the first to sign it. Today, over 70 nations have ratified this treaty; we have not.

Mr. President, millions of Americans will feel that a historic achievement has been registered if this convention at long last becomes an accepted part of the law of nations. I am convinced that the time is right and that the Senate must not delay any longer.

It seems to me that the United States should take every opportunity to champion the rules of law in the conduct of nations. It is imperative that we now give fresh vitality to our leadership in the struggle for human rights.

SKYLAB

Mr. SPARKMAN. Mr. President, as we approach the launch date for the third manned Skylab mission, we stand amazed already at the abundance of data returned to Earth from the first two manned missions completed in Skylab. We now find ourselves on the threshold of the completion of what must appropriately be termed one of the most rewarding peaceful achievements in history.

Although America's space program is properly referred to as a collective Government-science-industry venture, a major portion of the success of Skylab should be credited to NASA's George C. Marshall Space Flight Center in Huntsville, Ala.

The Marshall Center provided the Saturn V and Saturn IB launch vehicles for the Skylab missions, just as it did for Project Apollo, in which man so brilliantly explored the Moon. For the 8-month Earth orbit Skylab program, however, the Marshall Center went much further than its traditional role of providing the launch vehicles. As you know, the orbital workshop—crew quarters and laboratory for the Skylab crew members—was made from the third stage of a Saturn V launch vehicle. This workshop was provided by the Marshall Center and its contractors. In addition, the Marshall Center team provided the airlock module, the multiple docking adapter, the Apollo telescope mount, the payload shroud, and many of the experiments aboard Skylab.

In the past the Marshall Center has been identified most often as NASA's launch vehicle development center. The Skylab program reflects the Marshall Center's new image. Today, Marshall's role in this Nation's space program can no longer be described by a single predominant launch vehicle project, such as Saturn. Instead, the center has become a multiproject management and engineering establishment, with a great deal more emphasis on science.

The Marshall Center has a total strength of about 5,000 civil service personnel, with a high percentage of scientists, engineers, skilled management people, and specialized technicians.

The dedication of these people to their tasks was overwhelmingly apparent last spring at the beginning of the Skylab program, when hundreds of employees worked around the clock day after day to help salvage the crippled Skylab during the first few days after the initial launch. The thermal and power problems caused by the loss of a meteoroid shield and solar panel during launch of the Saturn V were solved, and the performance of first and second crews to occupy Skylab far exceeded expectations.

Skylab accurately represents Marshall's new image of diversification, especially in the areas of scientific research. For example, the final Skylab mission will give man for the first time an opportunity to observe a comet from above earth's atmosphere.

The Comet Kohoutek has entered our solar system, and will reach its perihelion December 29. The Marshall Center has lead center responsibility for what might be called "Operation Kohoutek." The entire operation will involve ground observations, balloons, sounding rockets, aircraft, unmanned satellites and probes, with Marshall directing the Skylab portion. The eight telescopes and other instruments of the Apollo telescope mount, developed at the Marshall Center, will give the next Skylab crew wonderful tools for observing the comet's appearance.

Much information with direct benefits for mankind will continue to pour in to scientists throughout the final portion of the Skylab program. However, the total bulk of data that will be collected from the entire Skylab program will take months and, perhaps, even years to study.

Along with other valuable Earth resources experiments, the studies of the various aspects of the growing, harvest, and winter seasons will continue on the final Skylab mission. NASA, however, is not attempting to gather earth resources information from Skylab on a current real-time operational basis. Instead, the objective of Skylab's earth resources program is to test the feasibility of using remote sensing satellites for future work in studying the Earth's natural resources, and to study the usefulness of man in such a system.

In the area of solar astronomy, Skylab is also providing scientists with new and valuable information. For instance, we are learning more about the sun's corona, the hazy atmosphere which surrounds the Sun and bathes the Earth in the Sun's heat. New knowledge is also being gained about the 11-year sunspot cycles of the Sun.

Through studies of the Sun's large, hot volumes of gases, studies that would be impossible in an Earth laboratory, scientists are learning new information concerning plasma physics. This new knowledge of plasma physics is needed for building fusion reactors on Earth, the powerplants of the future.

Looking into the future, beyond the Skylab program, the Marshall Center has a strong role in the space shuttle program. The space shuttle will ferry men and equipment between Earth and low Earth orbit. One of Marshall's major contributions to the Shuttle program will be the development of the shuttle's main engines, which will be the first reuseable rocket engines ever built.

Personnel at the Marshall Center are also developing payloads for the shuttle.

Among the shuttle payloads that Marshall will be responsible for is the spacelab, formerly called sortie lab. The spacelab will be a cooperative venture between NASA and the European Space Research Organization and will provide a shirt-sleeve environment for up to four nonastronaut scientific experiments.

The Marshall Center is also the lead project management center for the large space telescope, another space shuttle payload. The large space telescope will be able to look at galaxies 100 times fainter than those seen by the most powerful ground-based optical telescope. Within the solar system, it will be able to provide long-term monitoring of atmospheric phenomena on Venus, Mars, Jupiter, and Saturn.

Personnel now at the Marshall Center have made outstanding contributions to the exploration of space since the launch of Explorer 1, on January 31, 1958, by a Jupiter C missile. The space age is now turning the corner from an era of exploration to one of exploitation—the use of space technology for the benefit of mankind. Just as the Marshall Center helped to meet the challenge of space exploration, it will help to reap the promises of its beneficial applications.

THE ARENA STAGE

Mr. PELL. Mr. President, the Arena Stage Co., located here in our Nation's Capital, has recently concluded a successful tour in the Soviet Union.

Two distinguished American plays, "Our Town" and "Inherit the Wind," were shown to audiences in Leningrad and Moscow. American musical productions have been presented to audiences in the Soviet Union in the past, but this is the first time—and an historic first time—that they have seen such classic American drama, works which so well relate to our own American scene and to universal values and aspirations.

Reports indicate that the Arena Stage productions were most enthusiastically received, and that the company was welcomed with high esteem.

As chairman of the Senate Special Subcommittee on Arts and Humanities, and as a former officer of the Department of State, I am delighted that the Department's Office of Cultural Presentations has taken the important initiative in sponsoring these plays. And I wish to commend all those responsible for the example they have set in advancing international relations and understanding.

Zelda Fichandler, the producing director of Arena Stage, is to be particularly commended for her talented leadership and for so helping to bring this international cultural event to a happy conclusion.

SAVINGS ON GASOLINE BY ELIMINATING FORCED BUSING OF SCHOOLCHILDREN

Mr. ALLEN. Mr. President, our people are face to face with the prospect of gasoline rationing. I am confident that the average citizen is willing to assume inconveniences and even hardships if necessity compels us to such drastic action. However, it will be a mistake to discount the commonsense of reasoning which governs their reactions to crises of this nature. They are going to insist that rationing of gasoline or other fuels must conform to standards of basic fairness and reasonableness.

Mr. President, fairness and reasonableness demand that gasoline supplies be conserved by the elimination of wasteful and unnecessary consumption. Each of us can identify separate prime targets of unnecessary consumption. However, no example of waste in the consumption of gasoline is more blatant than the artificial demand resulting from arbitrary, unreasonable, and irrational forced busing plans for racial balance which have been imposed by Federal court judges. This waste must stop.

Mr. President, in Alabama the annual consumption of gasoline for operating schoolbuses has increased tremendously in the last 5 years.

Mr. President, much of this increase is attributable to decrees of U.S. District Court judges based on what I am convinced is a mistaken conception of constitutional requirements. For example, some Alabama city school systems have been ordered to bus children for the sole purpose of achieving an arbitrary racial mix in the schools, even though such city school systems had never before operated buses to transport children.

To contend that the U.S. Constitution requires school systems to purchase buses, employ and train bus drivers, establish maintenance shops, and assume the cost of operating, maintenance and obsolescence of busing equipment for no other purpose than to achieve and maintain a racial ratio in public schools is a palpable absurdity. The American people will not buy it.

At a time when the American people are called upon to tighten their belts to make sacrifices in the interest of conserving energy resources, it is incomprehensible that Federal judges should persist in pursuing a course which can lead only to massive discontent, and increased hostility to the judicial oligarchy which has assumed power over the lives of the citizens to order busing of their children in accordance with revealed truth of a bankrupt social science.

Mr. President, commonsense and reasoning must prevail over the judicial oligarchy. Nothing would be more reasonable and rational than to restore the law of the Constitution which protects the right of every school child to attend the school closest to his place of residence, without regard to race, creed, color or national origin. The American people are not going to tolerate busing plans which deny children their inherent right to attend a neighborhood school. They will not tolerate judicial edicts that require children to be forcibly and needlessly transported to a school across town at the cost of millions of gallons of gasoline.

THE WATERGATE MAZE

Mr. HART. Mr. President, I think it not inaccurate to say that we are engaged in a national debate on selecting a path out of the Watergate maze.

At least four paths are available. The President can attempt to ride out the storm. The President can lift the cloud of public distrust by disclosing all his administration knows about Watergate and its many related events. The President can resign. And the Congress can go ahead with impeachment proceedings.

In the physical world, a maze offering a choice of just four paths would not be considered particularly difficult. The Watergate maze, of course, is political, which vastly complicates the choices and the debate. In a political maze, the choice is not among one correct and a host of incorrect paths, but to decide which would be the better path. Further, the wisdom of the choice depends not only on the path chosen, but how you proceed down that path.

For example, a bitter resignation might be more divisive than a fair impeachment and trial, but a highly partisan impeachment on questionable grounds would strain the system more than a graceful resignation.

Beyond those complications, of course, is the fact that in this particular maze, each of the possible paths is not open to each of the players. Only the President can resign. Only Congress can impeach.

The question for Congress, then, is not which path, but whether it should pursue the one path open to it. Also, remembering that the way we proceed is as important as the decision to proceed, Congress must be careful that proper grounds for impeachment are widely understood.

Any discussion of grounds for impeachment must start with the Constitution and be based on history.

In the Constitution, the power to impeach is limited by the language "treason, bribery, or other high crimes and misdemeanors." The nature of the first two offenses are relatively clear, but serious debates have ensued over the meaning of "high crimes and misdemeanors."

One extreme position is that an impeachable offense is whatever Congress considers it to be.

Congressman Gerald Ford took this position in 1970 in urging the impeachment of Supreme Court Justice William O. Douglas, but he was not the first.

A similar view was propounded by Senator Giles of Virginia during the impeachment of Justice Samuel Chase in 1803:

> The power of impeachment was given without limitation to the House of Representatives; and the power of trying impeachments was given equally without limitation to the Senate. . . . A trial and removal of a judge upon impeachment need not imply any criminality or corruption in him . . . (but) nothing more than a declaration of Congress to this effect: You hold dangerous opinions, and if you are suffered to carry them into effect, you will work the destruction of the nation. We want your offices, for the purpose of giving them to men who will fill them better. (J. Q. Adams, *Memoirs* (Philadelphia: 1874) 322.)

If such narrow partisan motives could form the basis for impeachment, impeachment proceedings could degenerate into partisan debates and disputes over policy. The history of English impeachments is replete with such uses of the power. Therefore, this view must be avoided. As deTocqueville observed in 1835:

> A decline of public morals in the United States will probably be marked by the abuse of power of impeachment as a means of crushing political adversaries, ejecting them from office.

A position at the other end of the spectrum holds that "high crimes and misdemeanors" refer only to the commission of indictable offenses.

This view has also received historical support. Justice Chase's defenders took this stance:

> . . . no judge can be impeached and removed from office for any act of offense for which he could not be indicted. It must be by law an indictable offense . . . (Joseph Hopkinson, XI *American State Trials*, 272)
>
> . . . The offense for which a judge is liable to impeachment must not only be a crime or misdemeanor but a high crime or misdemeanor. (Luther Martin, Samuel Butler and George Keatinge: *Report of the Trial of the Hon. Samuel Chase*, Baltimore (1805) App., p. 176.)

In the only Presidential impeachment proceeding, of Andrew Johnson in 1867, the identical defense was adopted by Justice Curtis:

> My first position is, that when the Constitution speaks of "treason, bribery and other high crimes and misdemeanors" it refers to, and includes only, high criminal offenses against the United States, made so by some law of the United States existing when the acts complained of were done, and I say that this is plainly to be inferred from each and every provision of the Constitution on the subject of impeachment. (Trial of Andrew Johnson, President of the United States, on Impeachment, Washington, 1868, pp. 88, 147.)

Although this interpretation has some logical appeal and some historical support, it is too narrow when measured against what these terms relating to impeachment meant at the time the Constitution was written.

Study reveals neither extreme is correct. On the one hand it is clear that the phrase covers more than criminal activity; on the other that the phrase is not the Kafkaesque standard Congressman

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Ford implied, but a technical legal phrase with specific historical content and therefore discernible guiding standards.

The Founding Fathers intended quite clearly to place some limit on the impeachment power. During the debate over the Constitution, the standard for impeachment originally was "malpractice or neglect of duty." The Committee of Detail proposed as an alternative, "Treason, or bribery or corruption," which was further reduced by the Committee of Eleven to "treason or bribery." On the floor of the Convention, this term was considered to be too limited, and Mason proposed "maladministration" as an additional ground. Madison felt that "so vague a term—as maladministration—will be equivalent to a tenure during the pleasure of the Senate." The Convention then adopted the traditional phrase of "high crimes and misdemeanors."

Important for our understanding of the purpose of the writers of the Constitution, we should be aware that the term "high crimes and misdemeanors" had a very specialized meaning in this period. It was used only in impeachment proceedings and had been in use for four centuries in England at the time of the Constitutional Convention. It was well understood by the framers of our Constitution to mean, as has been paraphrased by a contemporary scholar, Raoul Berger, that impeachment should lie "for a category of political crimes against the state for persons whose elevated station places them above the reach of complaint from private individuals." Berger categorizes the customary charges under English law as "misapplication of funds, abuse of political power, neglect of duty, encroachment on or contempt of Parliament's prerogative, corruption or betrayal of trust."

For example, in 1388, the Earl of Suffolk was charged with procuring offices for unfit and unworthy persons, and delaying justice by stopping writs of appeal. In 1621, Attorney General Ylverton was brought to task for commencing but not prosecuting suits; Chief Justice Scroggs in 1680 was impeached for discharging a grand jury before they made their presentments.

All were brought under the phrase "high crimes and misdemeanors." None of these were indictable offenses or crimes or misdemeanors. In fact, when the term was first used, "misdemeanor" did not mean crime as developed later in the common law. The phrase was thus restricted, and clearly, to political abuses of office.

During the various debates on these phrases, and in ratification conventions in the States, the Framers defined their understanding of the grounds for impeachment of the Chief Magistrate, or President.

Alexander Hamilton wrote in Federalist Paper No. 65:

> The subjects of its jurisdiction are those offenses which proceed from the misconduct of public men, or in other words, from the abuse or violation of some public trust. They are of a nature which may with peculiar propriety be denominated POLITICAL, as they relate chiefly to injuries done immediately to the society itself.

James Madison demonstrated the need for impeachment by giving a number of examples of what he considered impeachable offenses:

> It is indispensable that some provision should be made for defending the community against the incapacity, negligence or perfidy of the Chief Magistrate . . . He might lose his capacity after his appointment. He might pervert his administration into a scheme of peculation or oppression. He might betray his trust to foreign powers. (*Ferrand*)
>
> If the President be connected, in any suspicious manner with any person, and there be grounds to believe that he will shelter him, he may be impeached. (J. Elliott, Debates in the Several State Conventions on Adoption of the Constitution (2d Ed. 1835) at 498.)

Madison also pointed out that the President should be held responsible for firing good men as well as for protecting bad men:

> Perhaps the greatest danger . . . of abuse in the executive power lies in the improper continuance of bad men in office. But . . . if an unworthy man be continued in office by an unworthy President, the House of Representatives can impeach him and the Senate can remove him whether the President chooses or not. The danger then consists merely in this: The President can displace from office a man whose merits require that he should continue in it. What will be the motives which the President can put for such abuse of his power, and the restraints that operate to prevent it? In the first place, he will be impeachment by the House before the Senate for such an act of maladministration; for I contend that the wanton removal of meritorious officers would subject him to impeachment and removal from his own high trust. (4 Elliott's Debates 373)

Some Founding Fathers also concluded that a President could be impeached for gross negligence in the appointment and supervision of his staff. In the first Congress after the Constitution was drafted, Madison stated during a debate on the President's power to remove his appointees from office without Senate consent:

> . . . it may, perhaps, on some occasion, be found necessary to impeach the President himself; surely, therefore, it may happen to a subordinate officer, whose bad actions may be connived at or overlooked by the President . . .
>
> I think it absolutely necessary that the President should have the power of removing from office; it will make him, in a peculiar manner, responsible for their conduct, and subject him to impeachment himself, if he suffers them to perpetrate with impunity high crimes or misdemeanors against the United States, or neglects to superintend their conduct, so as to check their excesses. On the Constitutionality of the declaration I have no manner of doubt.
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> (House Committee on the Judiciary, 93rd Congress, 1st Session, Impeachment: Selected Materials 10–11 (Comm. Print 1973)).

Of course, none of these bases of impeachment was to be invoked lightly. Certainly, any President will make mistakes of judgment about some of the many individuals he appoints. The question of impeachment would arise only where the misconduct of the President's staff and appointees is so pervasive and persistent that one is justified in concluding that the pattern of misconduct is either condoned by the President himself or demonstrates gross negligence in the appointment and supervision of his staff.

The Founding Fathers indicated in other ways that they felt the impeachment process was not a criminal one.

They granted the sole power of impeachment to the Congress, which naturally precluded a trial by jury. Yet the sixth amendment in the Bill of Rights guarantees the right of trial by jury "in all criminal prosecutions." They unequivocally described the impeachment as remedial, not punitive, by stating:

> Judgment in cases of Impeachment shall not extend further than to remove from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States. (U.S. Const. Article II, Section 3.)

They further separated the impeachment proceeding from the criminal law by adding that:

> The Party convicted (of impeachment) shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to law. (U.S. Const., Article I, Section 3)

This history indicates that, rather than referring to crimes as we might define them today, the Framers had in mind certain types of offenses, based on grave misconduct, whether civil or criminal in nature. Much more crucial than the categorization of "civil" or "criminal" is the gravity and nature of the suspected misdeed.

Standards have changed in the last 200 years. The issue presented at President Andrew Johnson's impeachment was whether a President who refused to obey a law which he considered unconstitutional, but which was passed by Congress over his veto could be impeached. Most constitutional scholars today believe that the remedy for such a difference of opinion would today lie with the judicial branch.

If the familiar boundaries of the criminal statutes are removed as the basis for impeachment proceedings—and the Founding Fathers intended no such boundaries—we are left with a sense of unease about the limits to be placed on such an inquiry. It is paramount that impeachment should not be used for partisan purposes or for resolution of differences in political philosophy. The Framers clearly intended that limits should be placed on offenses which could properly be considered impeachable.

Any definition of such offenses must take into account the seriousness of the offense, the intentions of the Framers, historical precedents, fundamental constitutional standards such as are contained in the Bill of Rights or embodied in the separation of powers, and deeply held ethical concepts of honesty, fairness, and justice.

In deciding whether to consider impeachment proceedings, we should measure the charges raised against the President, members of his administration and of his campaign committee against those standards.

The list of charges include obstruction of justice by failure to report felonies, by

inducing persons to commit perjury, and by concealing, altering, or destroying evidence of alleged misdeeds by members of his administration.

Also, there have been charges concerning favors purchased through campaign contributions, of illegal wiretapping and of using public money for private and personal comfort.

To some, impeachment sounds more drastic than resignation. It is drastic, but it has a worse image than it deserves.

Impeachment, under the Constitution, is a bill of particulars comparable to an indictment. It is prepared after a full investigation by the House.

The Senate then sits in judgment on the charges. Therefore, to call for impeachment is to call for an investigation, looking to determination of the President's innocence or guilt once and for all.

It should be remembered that impeachment can have a purifying effect. A President who is regarded by many as unworthy of belief might recover his position and capability to govern if impeachment led to the finding of "no cause" or "not guilty."

Because resignation offers no similar opportunity, impeachment may indeed be the less drastic of the two. And for that reason, and because of the nature of the charges raised, I believe it is proper for the House of Representatives to continue its impeachment inquiry.

In the end, impeachment may not be necessary or the best path out of the Watergate maze, but Congress should not shrink from its possible use.

To those reluctant to investigate such a step, I offer the words of George Mason who, in defending the impeachment provisions of the Constitution, asked:

> Should any man be above justice? Above all, shall that man be above it, who (as President) can commit the most extensive injustice?

The proper answers are clear.

Further, the impeachment investigation should proceed whether or not Congress establishes an independent special prosecutor.

The office and person of an independent special prosecutor are needed to convince the public that criminal investigations will be conducted fully, fairly and without interference from persons who might be affected by the investigations.

However, such an investigation deals only with criminal offenses, and as I have suggested, there are noncriminal offenses which would be proper grounds for impeachment. And beyond that, the various investigations into Watergate and related activities already have raised enough charges, criminal and noncriminal, to justify continuation of an impeachment inquiry. Such an inquiry is the only form in which the entire range of charges can be considered together and measured against accepted definitions of offenses which justify impeachment.

THE COST OF LIVING COUNCIL AND SMALL CONSTRUCTION COMPANIES

Mr. SPARKMAN. Mr. President, a subject of continuing concern to all of us is the effectiveness of this administration's wage-price restrictions. It is especially important, it seems to me, that the regulations put forth by the Cost of Living Council not only insure a reasonable chance of controlling inflationary growth but that they not jeopardize the existence of small businesses.

A particular problem has been brought to my attention involving a number of small construction companies in Alabama. Because the problem may exist in other States, I am bringing this matter to the attention of all my colleagues here in the Senate.

The Cost of Living Council has issued a number of regulations that deal with incentive compensation plans. These plans or pay practices generally provide for additional compensation to employees above and beyond their basic salaries. Their purpose, in most instances, is to provide an incentive to employees for increased production. If there is one proposition upon which we can all agree, it is that any effort that effectively increases the productivity of American workers should be encouraged whenever and wherever possible. Increased productivity is a long-range tool against inflation and is the rationale for our establishing the National Commission on Productivity. In those instances where the incentive compensation plans are not geared to productivity, but rather are used as an alternative to unearned profit-sharing, then we have, in my judgment, a legitimate interest in controlling their distribution.

The construction industry, still under tight controls, is a highly competitive industry, as we all know. The use of incentive compensation plans seems to be the rule rather than the exception. In the Southern States in general, and Alabama in particular, where I am more familiar with construction activity, incentive pay geared to employee productivity is the backbone of that industry.

The Cost of Living Council has issued regulations controlling the amount of incentive compensation that companies can pay to their employees. The regulations, as I understand them, establish what is referred to as a base year amount. Once a base year amount is established for a company, then that company can increase the amount in their incentive compensation plan only by the 5.5 percent standard that applies to every other company. The problem, as it has been described to me, is that the base year amount for older, more established companies is set as a rule at the amount paid out in one of the previous 3 years. For example, if company X which has been in business for 20 years has paid out $100,000 in each of the previous 3 years, their base year amount will be $100,000. Next year, company X can increase the amount by 5.5 percent for a total of $105,000.

A new company, by way of contrast, has no previous experience with their plan and a base year amount must be set arbitrarily. In some instances, I am told, the Cost of Living Council has limited the base year amount for these new companies to whatever amounts they were able to pay out in the form of incentive compensation during their first year of operation. Since it is extremely unlikely that any new business can show sufficient profits in their first year of operation to adequately compensate key employees, let alone provide incentive compensation, these new firms will be effectively denied the use of any incentive compensation plan for so long as the economic controls remain on their industry. This approach is bound to work a hardship on these small businesses. In a highly competitive industry, where incentive compensation plans play a major role, these small companies will face hardship if not extinction.

We all want to see an effective curb of inflation. My concern is no less than others in seeing that unearned profits do not reflect themselves in higher and higher prices. Nevertheless, it seems important to me that in an area where pay is directly related to productivity, the Cost of Living Council should do all that it can to encourage productivity increases. Their rulings should show more flexibility, especially in the case of new firms. If the older, more established companies are permitted to enjoy an advantage predicated solely on the fact that they have been in business longer, fewer small companies will be able to continue in existence to compete with them.

I am hopeful that the Council will take a fresh look at this problem and devise a more suitable way to assist new companies in the construction industry. Where productivity is related to incentive compensation, rulings should not favor larger companies over smaller ones.

THE NATIONAL ENERGY EMERGENCY ACT OF 1973

Mr. RIBICOFF. Mr. President, as a cosponsor of S. 2589, the National Energy Emergency Act of 1973, I commend the distinguished chairman of the Interior Committee, Senator Jackson, for his continued strong leadership in this area. I understand that debate on this measure will begin tomorrow.

Problems associated with energy shortages are not entirely new to people living in New England. For years the residents of Connecticut and other parts of New England have been paying premium prices for No. 2 fuel oil to heat their homes. Independent dealers, who supply 25 percent of all the gasoline and distribute about 75 percent of all the heating oil to Connecticut residents, have for the past year had their own share of problems trying to get a fair share of fuel from the major oil companies.

For almost a year now I have strongly advocated legislation to insure the continued flow of petroleum products to New England at the lowest possible prices to consumers.

In January I cosponsored the New England States Fuel Oil Act to permit unlimited imports of No. 2 home heating oil. Later I sought and received assurance from the administration that its new oil policy committee would establish a special subcommittee to deal with

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Connecticut and New England's own particular problems.

In March I joined in introducing Senate Resolution 74, calling on President Nixon to begin negotiations with the other major oil consuming nations leading to bargaining on a government-to-government basis with the oil producing States and not leaving this up to the oil companies.

Had such negotiations started then, the nations of Europe and Japan would probably not be so vulnerable to oil blackmail as they are today.

In May I cosponsored legislation providing for continued sales by major oil companies of gasoline to independent gasoline retailers at the same percentage levels as in a previous base period, and to assure equitable distribution of petroleum products to all regions of the country.

Had this been done, most of the 2,000 independent fuel dealers forced out of business would have been saved.

On June 5 the Senate passed S. 1570, the Emergency Fuel Allocation Act of 1973. This bill included an amendment which I had offered to establish an Office of Emergency Fuel Allocation. The Senate will soon be voting on the conference report of this legislation.

The Senate passed another mandatory fuel allocation bill in an effort to spur the administration into action. But until very recently all we have gotten in the way of an allocation program was an almost incomprehensible system for distributing propane.

Now the administration has finally discovered that we are in an energy crunch. The basic solution offered is that the average citizen tighten his belt. But while individual cooperation in conserving energy is important, is this all that can be done? And can this alone do the job? I think not.

For years American industry burned up more and more energy as a means of increasing productivity. We have even made our automobile engines larger to support poorly engineered antipollution devices. The average American-made automobile today only gets 13.5 miles to the gallon, almost double the gasoline required by its European or Japanese counterpart. Industrial operations in other countries operate with an energy consumption of 10 to 20 percent or less than that required to do the same job as American industry.

This year only 13 percent of the energy used in the United States will be residential, and less than 14 percent used for transportation. Business and industry will account for 45 percent of our total consumption.

While everyone will have to bear his share of the burden, nothing would be more inequitable than putting a substantial tax on gasoline. This threatens to raise havoc with every family budget. There is now much talk about placing a 40 cent Federal tax on every gallon of gasoline. This tax is regressive and would place the burden of cutting back on fuel consumption squarely on the people who can afford it least. It is definitely not an acceptable solution to the current fuel shortages.

If the fuel situation worsens, we might have to give serious thought to gasoline rationing. But this way everyone gets a fair share according to need—not according to ability to pay. I will oppose any move by the administration to push an exorbitant gasoline tax hike through the Congress. We must be extremely watchful as the so-called energy crisis develops, to prevent any measures that spell hardship for people of modest means. Basic fairness is one principle we must certainly honor at a time when so many of our values are being challenged.

The most outstanding feature of our Nation's energy consumption pattern today is our growing reliance on oil.

I have pointed out before that since World War II, the United States has become hooked on oil—with oil companies acting as pushers. Today roughly 45 percent of the energy consumed in this country comes from oil, another 32 percent comes from natural gas, which is largely a byproduct of oil production. Of the remainder, 18 percent is from coal, 4 percent from hydroelectric power, and only 0.5 percent from nuclear plants.

Now, because of our growing dependence on foreign source oil, we are competing directly for this oil with Europe and Japan. This competition has raised serious questions about the value of the American dollar, its impact on our national security, and the role of the United States as a world power. It is clear we must begin confronting these dilemmas without delay.

The bill before us today, S. 2589, sets out a program of action that is needed to meet the problems we face right now. It is specific and it has teeth. This bill's declaration of an energy emergency is backed up by a series of practical, effective proposals. They include programs calling for rationing and conservation, providing clear priorities, describing methods of decreasing energy consumption and insisting upon timely contingency plans.

The purposes of the National Energy Emergency Act are set out as follows:

Declare by act of Congress an energy emergency;

Grant to the President of the United States, and direct him to exercise, specific temporary authority to deal with shortages of crude oil, residual fuel oil, and refined petroleum products, and other fuels, or dislocations in their national distribution system;

Provide a national program to conserve scarce energy resources, through mandatory and voluntary rationing and conservation measures, implemented by Federal, State and local governments;

Protect the public health, safety, and welfare and the national security, and to assure the continuation of vital public services and maximum employment in the face of critical energy shortages;

Minimize the adverse effects of such shortages or dislocations on the economy and industrial capacity of the Nation;

Insure that measures taken to meet existing emergencies are consistent, as nearly as possible, with existing national commitments to protect and improve the environment in which we live; and

Direct the President and State and local governments to develop contingency plans which shall have the practical capability for reducing energy consumption by no less than 10 percent within 10 days and by no less than 25 percent within four weeks of any interruption of normal supply.

This legislation surely points the way to easing this country out of the current energy crunch. As the distinguished Senator from Washington has recently pointed out:

> This measure is not, of course, a substitute for proceeding as soon as possible on pending measures to establish a national energy conservation policy, to build the trans-Alaska pipeline, to undertake a massive energy research and development program, to equitably allocate available fuels to priority users, and to develop a system of national strategic reserves. S. 2589 is an emergency measure which recognizes and urges the executive agencies to take specific steps to deal with this situation.

A recent Treasury Department study outlined eight emergency conservation measures that would save 2 million barrels of oil a day. This figure represents 12 percent of present U.S. consumption. These are the measures outlined:

Reducing speed limits to 50 miles per hour for passenger cars—150,000 barrels a day would be saved;

Increasing load factors on commercial aircraft from 50 percent to 70 percent by consolidating and reducing flights—80,000 barrels a day saved;

Setting home thermostats two degrees lower than average—50,000 barrels a day saved;

Conservation measures in industry—50,000 barrels a day saved;

Limiting hot water laundering of clothes—300,000 barrels a day saved;

Mandatory car tune-ups every 6 months—200,000 barrels a day saved;

Conservation measures in commercial buildings—200,000 barrels a day saved;

Increasing car pools for job commuting—from 1.3 average to 2.3 average per car—200,000 barrels a day saved.

If by measures such as these we can keep the Nation's growth rate of energy consumption to around 3 percent instead of the current 4½ percent annual increase, we can begin to escape from the energy crunch.

In addition to this legislation, which is primarily designed to meet current shortages, we must look to the next decade. In doing so we should not feel helpless or inadequate. The United States has immense natural resources and technological skills at its disposal.

For example:

The United States has an estimated 385 billion barrels of oil that are not yet part of proven reserves or presently recoverable. The amount is almost equal to all the oil discovered in the country up to 1971.

The country has 1.8 trillion potential barrels of crude shale oil in oil shale deposits in the Western States.

The United States has 1,178 trillion cubic feet of ultimately discoverable natural gas in its overall energy resource base—a little less than double all the natural gas discovered until 1971.

The U.S. Geological Survey estimates the Nation's total coal resources at 3.2 trillion tons, with 150 billion tons presently recoverable, enough for almost 200 years.

The United States has 1.6 million tons of mineable uranium, 700,000 tons mineable at costs low enough to assure cumulative requirements through 1985.

The problem is that a good part of the above sources are not readily available now. The long-term solution lies in realizing the potential of these abundant resources—a challenge that is welcome to all of us who believe in this country.

Prompt action on another initiative by Senator Jackson, S. 1283, of which I am also a cosponsor, can point the way out of our dilemma. This bill calls for American self-sufficiency in energy in 10 years. By wisely funding research and development programs, we can begin to take advantage of the abundance of our resources. S. 1283 proposes the creation of five quasi-public development corporations to demonstrate energy technologies for shale oil, coal gasification, advanced power cycle development and coal liquefaction. These are the keys to solving our Nation's energy problems.

It should be emphasized. however, that before we start creating new Federal and State bureaucracies, and demanding new sacrifices from the American people, we have to know where we are going. We need a comprehensive energy policy. Then we can decide how much we are willing to spend to get there and how to proceed.

We have yet to come to grips with the built-in conflict between greater self-sufficiency in energy and preservation of the environment. The burning of higher surphur content coal, the development of off-shore soil, the building of deep water ports all raise serious environmental problems.

The realistic solution is to develop technology that can preserve and protect our environment while permitting steady progress toward energy self-sufficiency.

Such a program will truly be a monumental undertaking. It will be difficult from a technical standpoint and complicated in terms of the mix of private and public effort. It is a formidable task—even more imposing perhaps than the Manhattan or Apollo projects. But we must strive to succeed.

I am convinced that with realistic conservation measures, expanded use of coal, orderly development of nuclear power, and creation of a strategic oil reserve, our Nation can achieve both minimal dependence on overseas supplies, acceptable rises in energy costs, and greater efficiency in production.

How we organize ourselves to maximize our still plentiful natural resources against a backdrop of growing scarcity of oil and gas resources will be one of the most crucial problems our Nation will face in the next decade.

What we do in the next few weeks and months might well determine this Nation's rate of economic growth, the physical well-being of all of its citizens, and our future foreign policy direction.

If we are to avoid the nightmare of a permanent crisis, it will be up to the administration and the Congress to make the right decisions now—and it will be up to industry, labor, and the American people to plan and work together for the benefit of all the people of our country.

SURVEY OF CONSTRUCTION NEEDS OF PUBLIC SCHOOLS EDUCATING RESERVATION INDIAN CHILDREN

Mr. FANNIN. Mr. President, the Bureau of Indian Affairs commissioned the National Indian Training and Research Center of Tempe, Ariz., to survey the construction needs of those public schools serving reservation Indian children. This request for a survey came originally from the House Interior Appropriations Subcommittee after it had been besieged by numerous schools for line item appropriations to meet their construction projects. These requests occurred because appropriations for Public Law 815 had been inadequate to meet the needs of those schools which were eligible for support under Public Law 815. The House Committee, however, realized that meeting construction needs through special budget appropriations was a poor approach and thus asked the BIA to survey current needs and assess whether Public Law 815 was the proper vehicle for meeting the needs of reservation Indian children.

The report by the National Indian Training and Research Center has been completed and I have just received a copy. For the information of my colleagues I ask unanimous consent that the report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REPORT—PUBLIC SCHOOL SURVEY OF CONSTRUCTION AID NEEDS RELATED TO THE EDUCATION OF RESERVATION INDIAN CHILDREN

SYNOPSIS OF SURVEY REPORT

1. This survey results from the interest of a House Appropriation Sub-Committee in the acute need for adequate school facilities for reservation Indian children enrolled in public school districts.

2. The record shows a severe backlog of urgently needed construction aid requests under P.L. 81–815, exists.

3. Based on the cooperative and enthusiastic support given NITRC by public school, state and BIA personnel, it is believed that the study covers all eligible districts in need of construction aid. One hundred sixty-two (162) districts in 21 states responded to the survey questionnaires.

4. Enrollment of Indian children in the 162 districts increased by 16,811 students within the last 5 years. The school superintendents estimate that there will be an additional 19,428 Indian students to educate in these same districts within the next 5 years.

5. The immunity of Indian reservation lands from taxation is truly an important factor in the ability of school districts to finance needed facilities.

6. Based on the widely accepted ability measure, the amount of taxable evaluation behind each child, Indian related school districts are much "poorer" in comparison with similar type districts in the state where the district is located.

7. Unused bonding capacity is a vital factor in the ability of most school districts to share in the cost of constructing facilities related to the education of reservation based Indian children. The amount of unused bonding capacity that can be considered *realistically* as an available local resource in computing the construction aid needs of otherwise eligible districts, *is probably the most controversial item in the entire study.*

8. The public school districts in the State of Nevada differ in many ways from the districts in other states and should be considered on an attendance unit basis in comparison with other districts in other states.

9. The justifications for needed facilities are based on three (3) principal factors; (1) rapid increases in the enrollment of Indian children; (2) replacement of temporary, unsafe and inadequate structures; and (3) housing for new and innovative programs for Indian students.

Forty (40) of the 119 high school districts specifically identified housing for new or expanded vocational shops as a major district need. Sixteen (16) districts reported they could enroll a total of *1,637* Federal boarding school students if their construction aid requests were funded.

NITRC personnel visited all major Indian impact districts (those enrolling 50% or more Indian children). Needs and justifications were verified.

Typical of the narrative justifications submitted, is the summary of one quoted the Bark-Harris District, Harris, Michigan. This minor impact district (approximately 10% Indian students) is already bonded to the legal limit allowed by the State.

"At present we have one small gym for physical education classes for the entire school district K–12 (769 students). The gym is occupied every hour of the school day. We are unable to provide the required physical and health classes because of the limited space.

We need additional classroom space to expand our curriculum courses on Indian Culture, Handicraft, Indian Language and other courses of interest to all students.

We need office space for our counselors. (Indian and School office space for our consultants in remedial reading and special education, space for our community director, and conference rooms).

By having the additional facilities we would be able to provide for courses and other activities that Indians would become interested, also would participate in community functions".

10. The rationale for a "liberal" interpretation of what constitute minimum facilities to meet needs is reflected well in the Twentieth Annual Report of the Commissioner of Education pertaining to the Administration of Public Laws 81–874 and 81–815.

11. The survey shows that the urgency for construction aid is *now.*

12. In answer to the question, "If, P.L. 815, as presently operated, was adequately funded, do you believe your needed funds could be secured under this Federal aid program?" The responses were:

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67—*Yes,* representing $141,266,215 or 72% of computed need total.

95—*No,* representing $45,453,340 or 28% of computed need total.

No responses resulted from: (1) some districts apparently not aware of recent "liberalization" of what constitutes "minimum school facilities" under P.L. 815 (2) some districts are so low on P.L. 815 priority scales that requests are futile; (3) some districts fail to meet percentage requirements, and (4) some districts are confused with the lack of uniformity between the U.S. Office of Education and the BIA in counting Indian children for program eligibility purposes.

A majority of public school superintendents favor a BIA authority to provide construction aid.

13. Summaries of the grand total of needs is shown in the following table:

Total cost estimate of the 162 reporting districts for all needed facilities is	$237, 962, 723
Total cost using all available local resources (principally unused bonding capacity)	163, 949, 044
Total cost using one-half of the unused bonding capacity as a resource	190, 764, 745

14. Seventy-five (75%) percent of the cost estimates submitted by the districts are considered to be valid.

15. Tribally operated schools under BIA contracts were not considered as a part of the public school survey except for one Indian high school which expects to become a public high school within five (5) years.

17. Our priority measurement was adapted from the method used by P.O. 815 and the district priorities range from 200 (the highest index) to 1 the lowest.

18. The recommendations include a suggested policy guide for the BIA; namely.

1. That, the Bureau of Indian Affairs, in its contact relationships with the higher echelons of the Administration and the Committees of Congress, recommend that the present program under P.L. 815, as amended, be continued as the most logical way to meet the acute construction aid needs of Indian and other Federally impacted public school districts with the important modification that the allocation of funds to Section 14 be increased to 50% of all available funds.

2. That, the Bureau of Indian Affairs seek legislative authority to construct elementary school facilities for the public schools with large Native impacts in the State of Alaska without impairment of the right of such schools to seek funds under P.L. 815, as amended; and

3. That, the Bureau of Indian Affairs seek broad legislative authority to provide grants to Indian impacted public schools for the construction of needed facilities in the event that P.L. 815 is not funded to a sufficient level to meet the acute backlog of needs identified in this study.

It is recommended that the amount of any grant to any individual district should be determined only after a sound engineering survey of needs and costs, and after consideration of the extent that local potentially available resources can be considered realistically in determining the local share of a total project.

INTRODUCTION

Federal interest and participation in the many facets of Indian affairs is apparent in the laws and programs affecting various agencies of the Federal Government. This survey and study results from the manifested interest of a House Appropriation Sub-Committee in the public school construction aid needs related to the education of reservation based Indian children. The Bureau of Indian Affairs was authorized to contract for the survey. The National Indian Training and Research Center (NITRC, a private Indian corporation) was awarded the contract on January 2, 1973.

Construction of needed facilities has not kept pace with the growing school enrollments in federally affected areas. A brief review of Federal construction aid to public schools reveals the pattern. Based on the 1970 U.S.O.E. Twentieth Annual Report of the Administrator of Public Laws 874 and 815, a total of $1,174,279,642 has been reserved or provided public school districts in Federally impacted areas. Of this total $61,741,107 has been reserved or provided under Section 14 which principally serves districts educating Indian children.

As late as 1970, reports of the U.S.O.E. showed 53 project applications on file under Section 14 of P.L. 815 with an estimated entitlement of $38,469,719 and only $1,504,865 allocated to meet this need. Many other districts report that they have not filed P.L. 815 applications because of the apparent futility. The construction aid needs have been compounded since 1970.

Intermittently, the Congress has provided construction aid funds to public school districts through the BIA construction budget (without formal Congressional authorization). This reached a climax (money wise) in the F.Y. budgets of 1972 and 1973 when $4,311,500 was designated for five (5) projects in the three states of Montana, North Dakota and South Dakota.

Referring apparently to this process, an appropriation subcommittee reports:

"Occasionally, the committee has approved funding for a few of these schools where the situation appeared to be critical. However, the problem has intensified each year and has now reached the point where the committees can no longer provide funds for construction of these schools in a hit-and-miss manner without increasing the appropriation far beyond all totals envisioned by those responsible for budgeting proposals."

OBJECTIVES OF THE STUDY

(1) To survey the construction aid needs in the school districts of the 23 states that participate in the Johnson-O'Malley Act program and to analyze and interpret the data with help of the computer. It is a further objective to evaluate additional breakdowns of closely related and concomitant information pertaining to enrollment growth, Indian impacts, resources ability factors and a priority basis to follow.

(2) To develop general policy and guidelines to be used by the Bureau of Indian Affairs in connection with the funding of public school construction in areas of high Indian enrollment. The guides are to establish a feasible methodology for meeting backlogs (on a priority basis) which along with the regularized program will provide a total federal policy to improve Federal interaction with Indian impacted public school districts.

DESIGN FOR THE SURVEY

A study of the Directory of Public Schools served by JOM funds reveals another basic category to better identify Indian impacted districts. Some 40 districts have over 33% Indian impact, many approaching 50%. Many of these are known to be "poor" districts. Hence, it was proposed to identify the districts in the following manner:

Major Impact—with 50% or more Indian enrollment.

Heavy Impact—with 33% to 50% impact.

Minor Impact—under 33% impact.

Unusual Impacts———.

Unusual district situations were to be identified in a special category. These are county-wide districts with major Indian impacts in certain attendance centers and districts that educate out-of-district Indian children. These and any others are to be analyzed as separate unusual situations.

THE WORKING PLAN

The working plan was to develop carefully devised survey questionnaires.* They were developed for easy completion by local school superintendents and for coordination with essential information required in P.L. 815 applications. They were designed also for equating priority schedules. The data collected was to be computerized for the development of various tallies reflecting Indian impact (based on enrollment data and growth rates), effort and ability to finance needed construction needs with full justifications. The questionnaires were designed to also solicit policy recommendations of both state and school district personnel. A separate report was requested from states and district personnel concerning eligible districts that do *not* request construction aid and *why.*

The plan called for the closest possible cooperation with State departments of education and BIA area personnel in arranging initial contacts. All levels of Indian education were to be utilized. Follow-through and follow-ups were to be made to all major impact districts by NITRC personnel.

In support of the methodology the Government through the U.S. Office of Education has granted (through 1970) $1,174,279,642 under P.L. 815, as amended, through essentially the same method herein proposed to determine school construction needs.

SURVEY CONTACTS

Some 458 school districts were contacted in 23 States. These districts were identified by the FY 1973 bulletin *Directory of Public Schools served by Johnson-O'Malley funds.* All states with Indian education personnel in the State Departments of Education were contacted and the survey forms were provided to the districts through their own State Department of Education. Districts in states without liaison personnel at the state level were initially contacted through BIA personnel. Follow-up contacts were made by letters and telephone and on-site visits (to major impact districts) by NITRC personnel.

RESPONDING DISTRICTS

One hundred sixty-two (162) public school districts in 21 states responded to the questionnaires. The districts in Florida and Mississippi did not respond (probably because of the relatively few Indian children in their schools). The two JOM participating districts in Colorado responded, but reported *no* construction aid needs. *Thus 162 in 20 states responded and reported construction aid needs.*

Eighty-six (86) districts in 17 states reported no needs.

Some districts operate coterminous but legally separate elementary and high school districts. Most of these reported as one district instead of two; hence they are reflected in the survey data as only one district.

Six (6) school districts (2 in Minnesota and 4 in New Mexico) responded to the questionnaires too late to be included in computer breakdowns of related data. However, essential information pertaining to these districts is shown only in the latter part of the report. This increases the total number of districts (showing need) from *162 to 168.*

From conversations with state education personnel it can be assumed that the districts which failed to report have little or no construction aid needs related to the education of reservation Indian children.

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* See Appendix for a copy of the questionnaire.

TYPE OF DISTRICTS RESPONDING

Most districts reporting needs (or a total of 114) have kindergarten through high school programs. Forty-three (43) districts teach only the elementary grades and five (5) districts have only high school programs. All elementary districts also have kindergarten programs with the exception of six (6) districts. One of these (Whiteriver, Arizona) had to abandon the kindergarten program because of the lack of facilities to house the youngsters. The table that follows shows grades taught in the three basic district types: (1) elementary, (2) high school, and (3) joint elementary and high school.

Type of grades taught	Number
Kindergarten, elementary, and high school	114
Kindergarten, elementary	43
Elementary	6
High school	5
Total	162

INDIAN IMPACT

State	Major	Heavy	Minor	Unusual	Total
Alaska	8	1	2	0	11
Arizona	12	0	4	0	16
California	0	1	5	0	6
Idaho	0	0	1	0	1
Iowa	0	0	1	0	1
Kansas	0	1	1	0	2
Michigan	0	0	4	0	4
Minnesota	2	0	1	0	3
Montana	13	1	5	1	20
Nebraska	2	0	1	0	3
Nevada	0	0	0	8	8
New Mexico	5	0	0	0	5
North Dakota	2	0	2	0	4
Oklahoma	13	11	11	0	35
Oregon	0	0	2	0	2
South Dakota	3	2	5	1	11
Utah	0	1	0	0	1
Washington	5	0	14	2	21
Wisconsin	0	0	4	0	4
Wyoming	3	0	1	0	4
Total	68	18	64	12	162

Note: The table reflects the number and category of Indian Impact by States in the 162 reporting districts.

GROWTH IN SCHOOL ENROLLMENT

The enrollment in the public schools (162 districts) educating reservation based Indian children has increased the past 5 years, a total of 23,502 students. Based on the number of children, Arizona and New Mexico show phenomenal increases in Indian students. The table below reflects both the number and the percentage of increase in the total school enrollment along with the Indian increase in the same districts. The table is ranked from the highest percentage of total school enrollment to the lowest by states.

PAST 5-YEAR GROWTH RATES

State	Total district growth (number)	5-year growth (percent)	Total Indian growth (number)	5-year growth (percent)
Arizona	10, 562	56	4, 330	47
New Mexico	4, 358	24	6, 807	86
Alaska	848	19	452	22
South Dakota	1, 443	17	930	30
Utah	396	17	637	101
California	681	16	130	22
North Dakota	268	15	394	53
Minnesota	426	14	165	17
Wisconsin	436	14	114	46
Iowa	217	9	22	11
Michigan	220	7	171	63
Nebraska	49	6	0	0
Oklahoma	758	6	1, 667	57
Washington	2, 342	6	442	15
Kansas	32	3	110	94
Montana	295	2	0	0
Oregon	171	2	12	2
Idaho	0	0	30	10
Nevada	0	0	398	36
Wyoming	0	0	0	0
Total	23, 502		16, 811	

The school superintendents estimate there will be an *additional 19,428 Indian students* to educate in these same districts *within the next five (5) years.*

INDIAN LANDS

The land area of districts reporting vary from a few hundred acres to several thousand square miles. Indian reservation lands encompass only a portion of some districts. In others, the district is located entirely within the reservation boundaries. In the table below, districts are grouped in terms of the percent of Indian tax exempt lands that comprise their districts. The extent of other Federal lands known to exist in some districts was not included in the study.

Percent of Indian land within districts	Number of districts
0 to 10	62
11 to 50	56
51 to 89	19
90 to 100	25
Total	162

ABILITY FACTOR—TAXABLE VALUATIONS

Probably the most widely accepted measure of the ability of school districts to finance education operations is the amount of taxable valuation behind each child in the district. To be meaningful this has been computed in terms of the percent of state average taxable valuation behind each child in the particular state where the district is located. Only 24% of the Indian related districts exceed the state average per pupil taxable evaluation. This means that 76% of the reporting districts have computered per pupil taxable evaluations below their particular state average for similar type districts. There is a high relationship between "poor" districts (as measured by per pupil valuations) and their construction aid needs.

The table below shows the number of districts by groups in relation to the percent of state average per pupil valuation.

Percent of State average per pupil valuation	Number of districts
0 to 25	38
26 to 50	39
51 to 75	26
76 to 100	19
Over 100 (that is, exceeds State average)	40
Total	162

AVAILABLE LOCAL RESOURCES

All but eight of the 162 districts in need of construction aid assistance reported some available local resources. Some districts have cash accrual accounts for capital outlay purposes, principally buildings and equipment. Most districts have unused bonding capacities in sufficient amounts as to be practically considered as an available local resource. The extent to which the unused bonding capacity should be considered as a local resource in computing the construction aid needs of otherwise eligible districts is probably the most controversial item in the entire study.

Since unused bonding capacity is a potentially available local resource we have computed the construction aid needs in two ways: (1) by considering all the unused bonding capacity as an available local resource and (2) by considering only one-half of the unused bonding capacity as an available local resource.

This study shows that minor Indian impact districts would be particularly adversely affected if the total unused bonded capacity is considered as an available local resource in computing the amount of Federal participation for otherwise eligible districts. Those districts that already have bonded indebtedness that equals one-half or more of their total bonding capacity allowed by state law, report their inability to pass another bonding program.

The table that follows shows the ratio of unused bonding capacity to the total estimated cost of needed facilities by categories of districts. The ratio is expressed in the percent that total unused bonding capacity bears to total need cost. The table presents the number of districts in each percentage category.

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RATIO OF UNUSED BONDING CAPACITY TO ESTIMATED COST OF CONSTRUCTION NEEDS

State	Less than 5 percent	6–25 percent	26–50 percent	51–75 percent	76–100 percent	Over 100 percent	Total
Alaska	2	4	1	1	2	1	11
Arizona	9	5	0	2	0	0	16
California	0	0	0	0	1	5	6
Idaho	0	0	0	1	0	0	1
Iowa	0	0	0	0	1	0	1
Kansas	1	0	1	0	0	0	2
Michigan	1	0	1	0	0	2	4
Minnesota	3	0	0	0	0	0	3
Montana	5	6	4	3	0	2	20
Nebraska	1	0	1	0	0	1	3
Nevada	0	0	1	1	1	5	8
New Mexico	2	1	0	1	1	0	5
North Dakota	2	0	1	1	0	0	4
Oklahoma	5	8	3	10	2	7	35
Oregon	1	0	0	0	0	1	2
South Dakota	0	2	4	2	1	2	11
Utah	0	0	0	1	0	0	1
Washington	1	1	3	2	2	12	21
Wisconsin	0	0	0	0	0	4	4
Wyoming	0	2	0	0	1	1	4
Total	33	29	20	25	12	43	162

NEVADA, AN "UNUSUAL" STATE

In comparison with the 22 other states surveyed, Nevada presents many different factors and situations to equate. Nevada differs from other states in the following ways:

(1) Nevada has county-wide school districts. This distorts comparative percentages with other states especially in counties with nearly all-Indian schools in the remote areas.

(2) Nevada has a $5.00 constitutional tax limitation for all purposes. Thus taxing for schools must compete with all other state and local taxing.

(3) Nevada allows 15% of taxable valuation to be bonded for school facilities. This results in the inability to compute realistically the *unused bonding capacities* for purposes of this study, due to the constitutional limitation.

(4) All county-wide school districts have other types of Federal trust lands in addition to Indian trust lands. Approximately 83% of the state is tax-exempt due to Federal lands or Federally imposed trust on Indian lands. The impacts of other Federal tax-exempt lands affect Indian impacts.

(5) Many of the schools on Indian lands were formerly BIA operated schools. The Indian patrons of these schools still feel the BIA has a responsibility in assisting them to meet their educational needs.

(6) The former "Indian" schools in the large county districts are located in isolated areas, usually great distances from the other schools in the system.

(7) Like other isolated schools attended by Indian children, there is the extra need for the facilities where good career training can be fostered.

EFFORT TO FINANCE EDUCATION

Information on local taxing efforts for all education operations was compiled from the past 5 year period. Attempts to show the relative tax effort of districts in comparison with similar type districts in the particular state was not meaningful due to yearly fluctuations and lack of uniform taxing programs within some states. It was not possible to establish any pertinent relationship between taxing for current school operations and the construction aid needs of the districts.

TYPES OF CONSTRUCTION AID NEEDS

Based on the survey reports the greatest need is for new buildings including totally new education complexes. Expansion of existing facilities, remodeling of existing school plants and other types of needs were tabulated also. The other facilities include such needs as the development of playground areas, teacherages and equipment. Some projects may include the need for a new building as well as additions to other buildings and the remodeling of still other structures. The table that follows shows the types of construction aid needs by states.

TYPES OF CONSTRUCTION AID NEEDS

State	New	Expansion	Remodeling	Other
Alaska	8	3	3	1
Arizona	11	9	3	0
California	5	3	2	0
Colorado	0	0	0	0
Florida				
Idaho	1	1	1	0
Iowa	0	1	0	0
Kansas	2	1	0	0
Michigan	3	2	0	0
Minnesota	2	1	2	0
Mississippi				
Montana	17	13	7	1
Nebraska	3	1	0	0
Nevada	6	5	3	0
New Mexico	5	4	2	0
North Dakota	2	2	0	0
Oklahoma	27	17	16	0
Oregon	2	2	0	0
South Dakota	10	4	5	2
Utah	1	1	0	0
Washington	15	14	10	2
Wisconsin	3	3	1	0
Wyoming	4	1	0	0
Total	127	88	55	6

JUSTIFICATION OF NEEDS

The principal justification of needs as reported by public school personnel, is to provide space for expanding school enrollments. Second to this is the need to replace temporary, worn-out, unsafe and inadequate structures. Superintendents were asked, along with their narrative justifications, to check all the reasons shown in the six (6) categories that best reflect their needs. The number responding in this manner are shown as follows:

1. To house expanded enrollment	97
2. To replace temporary buildings	63
3. To meet health and safety standards	87
4. To develop housing for new and innovative programs	95
5. Will enable district to enroll Indian children now in Federal boarding schools	16
6. Other reasons	27

District officials were asked *how many* Federal boarding school students the district could accommodate if their construction aid needs were adequately funded. The responses of the sixteen (16) districts are in the table below.

State and School District	*No. of Children*
Alaska, Craig City	20
St. Mary's Public Sch	50
Arizona, Chinle No. 24	250
Puerco No. 8	240
Tuba City	150
Montana, Hays & Lodge Pole No. 50	40
Lodge Grass	40
North Dakota, Dunseith No. 1	50
Oklahoma, Oaks Mission	10
Salina J-16	56
Wold Dependent No. 13	20
South Dakota, Smee Independent No. 4	20
Waubay	60
Utah, San Juan County	606
Washington, North Beach No. 64	20
Quinault No. 87	5
Total	1,637

Typical of the narrative justifications is the one quoted from the Bark River-Harris District at Harris, Michigan. This is a minor impact district and one that is already bonded to the legal limit allowed by the state.

"Approximately 10% (72 out of 769) of our students are Indians. We expect this total to exceed 95 students in a few years. All of the Indians are very poor achievers. They rank extremely low on the State Assessment Tests which are given annually to all 4th and 7th graders. Very few finish high school. The school considers attendance the major issue. If Indian students are absent 30%–50% of the time they naturally will be low achievers and will gradually 'drop out.'

"The Indians claim the problem is a lack of stimulation on part of the school. If we cannot stimulate the students, they will not come to school and perform to the best of their abilities. Probably we are both right.

"We believe we are moving in the right direction now. An Indian counselor has been employed this year. We have added three Indian women as aides to work primarily with Indian children, and an Indian man to teach Indian Culture and Language to any Indian or White child who wish to take the classes. Class size average 16–24 students per class.

"The major problem now is a place for them to 'set their feet down.' The Indian counselor uses the lunch serving area for an office. She has to leave while lunch is being prepared and served.

"The Indian aides bounce from room to room each period, wherever they can find a vacant room.

"The Indian Culture instructor does the same. They both use as many as six different areas during a six period day.

"We have a small physical education area that serves grades K–12. As many as 60–70 students use the gym and locker room area. One male teacher is responsible for all of the activities. He cannot do justice to such large groups. A female instructor will be employed for the female students. Both could have jointly running classes if the facilities were available.

"Indians, who are traditionally known as athletes, are holding back and are not even trying to participate in education or athletics. We have only one Indian boy on our

high school basketball team and three on our football team.

"With added facilities more Indian students would become involved if they received more individual attention. Our main job, as I see it, is to re-instill pride in the Indians.

"We cover a land area in excess of 190 square miles. We are near the large Escanaba School system (170 square miles with over 5,000 students).

"There is no other direction for growth to expand but into the Bark River-Harris School System."

In Summary

"At present we have one small gym for physical education classes for the entire school district K–12 (769 students). The gym is occupied every hour of the school day. Many of the 7–12 grade students do not take gym because they are unable to schedule it. We are unable to provide the required physical and health classes because of the limited space. With additional facilities we would provide classes and other activities for all our school children and adults.

"We need additional classroom space to expand our curriculum courses on Indian Culture Handicraft, Indian Language and other courses of interest to all students.

"We need office space for our counselors (Indian and School). Office space for our consultants in remedial reading and special education, space for our community director, and conference rooms.

"By having the additional facilities we would be able to provide for courses and other activities that Indians would become interested, also would participate in community functions.

"The present facility is adequate for 600 students. The district has been growing steadily. We anticipate 900 or more students in the next five years, with approximately 10% Indians.

"Our present debt for building construction is $852,000; we are bonded to the maximum. Our district valuation is $4,800,000 and we levy a total of 20.2 mills for operation and debt retirement."

The need for a "liberal" interpretation of school construction aid requests is no better reflected than in the twentieth Annual Report of the Commissioner of Education pertaining to the Administration of Public Laws 81–874 and 81–815. In this report the Commissioner reviews recent congressional committee actions that support the changes in regulations affecting the Federal construction aid program operated under P.L. 81–815.

"As a result of changing educational needs, purposes and technology, and innovations occurring in elementary and secondary education, it is becoming common practice, particularly in larger school centers, to provide separate gymnasiums and separate auditoriums. During fiscal 1967, the definition of minimum school facilities in the Federal regulations was amended to permit the construction of such separate facilities with P.L. 81–815 funds where the size of pupil enrollment and curriculum requirements justify separate facilities. Further liberalization has resulted from the amendments enacted by P.L. 89–750, requiring applicants to consider excellence of architecture and design of any building constructed with the use of Federal funds by authorizing an amount not to exceed 1 percent of the project grant for incorporation of works of art in building plans, and by requiring that all facilities constructed with the use of Federal funds be made accesible to and usable by handicapped persons.

"When P.L. 90–247 was under consideration, the congressional committees included in the reports on the bill a statement giving the legislative history of the 'minimum school facilities' concept, and recommending the establishment of a more up-to-date concept of minimum school facilities than was included when the law was enacted in 1950 and amended in 1953. The report expressed the view that while the concept has served a useful purpose in the law and should be retained to prevent unnecessary or unwise expenditure of Federal funds, it needs to be modernized to fit the current trends in educational programs, techniques, and purposes; and that, with new devices for instruction becoming more widely used minimum school facilities should include, in addition to regular classrooms, special rooms for speech therapy, remedial reading, music appreciation, language laboratories, electronic data processing, and other facilities and equipment necessary for and useful in conducting special programs or activities for educationally deprived children. The report suggested further that the criterion to be used in approving features in buildings or other specialized facilities should be the need of them in the school program operated by the applicant school district; that is within the concept of minimum facilities to use Federal funds, particularly under subsections 14(a) and 14(b) in appropriate situations for construction of consolidated school facilities when small districts are merged, or to replace small isolated, inadequate buildings with modern facilities, even though the district may have enough classroom space to house all of the children. Also, considerable leeway may be exercised in determining what constitutes minimum school facilities in specific situations in consultation with the State education agency.

"A school district may have sufficient classroom space to accommodate the children in membership in its schools, but not have the minimum school facilities needed to conduct an adequate school program. In such cases, Federal funds under the Act may be approved as indicated above for the construction of the needed minimum facilities, such as library, administrative space, kitchen and cafeteria, or other noncapacity facilities."

It is of special interest to note that 40 of the 119 high school districts reporting, specifically identified the need for new or expanded vocational shop buildings as a major district need.

CONSTRUCTION AID NEEDED NOW

The survey forms provided the option of projecting construction aid needs for one to five years as against the facilities that are needed now.

Based on the reports the overwhelming need for Federal assistance is now. Only fourteen (14) of the 162 districts reported a portion of their needs projected within five (5) years. The cost estimate of projected needs is $6,839,652.

IS THE P.L. 815 PROGRAM ADEQUATE?

Each superintendent was asked "If P.L. 815, as presently operated, was adequately funded, do you believe your needed funds could be secured under this federal aid program?"

The responses were:

67—Yes—representing $141,266,215 or 72% of computed need total.

95—No—representing $45,453,340 or 28% of computed need total.

There are many reasons for the no responses. Many superintendents are not aware of the "liberalization" of what constitutes "minimum school facilities" provided under P.L. 815 as a result of the Congressional committee report accompanying P.L. 90–247. Other superintendents advised that while they might expect some funds under P.L. 815, they felt the amount would be insufficient to meet their needs.

Probably the main reason for the no responses is the fact that P.L. 815 counts only children whose parents actually live or work on the reservation trust land. This eliminates many Indian children who live "near" the reservation trust lands for P.L. 815 construction aid purposes. The BIA counts all Indian children living on or near the reservation trust land for Johnson-O'Malley Act purposes. Hence the minor impact districts where the "on or near" problem exists, much favor a BIA authority to provide construction aid.

THE COST OF NEEDED FACILITIES

The cost of needed repairs and facilities is based on estimates submitted by the reporting districts. The basis of the cost estimates by category for the number of districts responding are:

Recent construction experience or architectural estimates	68
P.L. 815 cost data	49
Overall square feet	5
Other	40

The category "other" represents the least objective basis for the estimates. In general, they are guesses or what is referred to as "horseback estimates." Seventy-five (75%) percent of all estimates are considered to be valid.

SUMMARIES

Total cost estimates of the 162 reporting districts for all needed facilities is	$237,962,723
Total cost using all available local resources (principally unused bonding capacity) is	163,949,044
Total cost using one-half of the unused bonding capacity as a resource is	190,764,745

Other survey data by states, districts and impacts are shown in the Appendix.

LATE REPORTING DISTRICTS

The survey data of six (6) school districts (2 in Minnesota and 4 in New Mexico) were received too late to be included in the computer totals on which the tables in this report are based. Notwithstanding basic information concerning the needs in these districts is shown in a table in the Appendix. Another school district (Red Lake, Minnesota) upgraded their original construction aid need estimate by $4,087,936 too late to be included in the computed total. The addition of these districts increases the computed need total by $12,933,515.

TRIBALLY OPERATED SCHOOLS

Some tribes operate schools under a BIA contract. The needs in these schools were not considered as a part of this public school survey. However, one such school, the Wyoming Indian High School, expects to become a public high school within 5 years. Needs data on this school are shown in the Appendix.

DISTRICTS NOT NEEDING FEDERAL CONSTRUCTION AID

Eighty-six (86) districts in seventeen states (17) reported no Federal construction aid is needed. Some have received prior Federal grants but most of the districts cited local bonding efforts as the primary reason for the adequacy of their school facilities. The identification of the districts and the reasons given for *no construction aid* needed is shown in the Appendix.

PRIORITIES

The most difficult part of the study is determining an objective priority measurement. The difficulty is trying to equate the needs between the schools when the problems and reasons for the problems are so different. Some schools need facilities due to rapid increases in enrollment; and others due to old, wornout, unsafe and already condemned structures. Still others may have adequate classroom space but desperately need a cafeteria, library, vocational shops, home economics laboratories, other auxiliary space and especially teacherages in the vast isolated areas that characterize much of Indian country.

XUM

The difficulty of equating needs between schools on a priority basis is multiplied when such variables as the following are considered:

(1) The ratio of Indian children to non-Indians in the total school enrollment;

(2) The ability of school districts to finance needed facilities based on unused bonding capacity or the taxable valuation behind each child (the latter varies greatly in comparison with state averages for similar type districts); and

(3) The unusual situations mostly affecting large county-wide districts with major Indian impacts centered in one or more of the schools operated by the district.

The paramount principle in the development of priorities is the extent of assumed Federal responsibility to meet or share in providing for the needs of Indian children. It is on a similar principle that the priority indexes have been developed and used in administering construction aid assistance to fderally-affected areas under P.L. 815 as amended.

The priority index under the P.L. 815 program is based on the sum of the ratio (%) of federally affected children to the total school membership and the ratio (%) of the number of unhoused children to the adequately housed children computed to the end of the four (4) year increase period. However, the ratio (%) of the unhoused to housed children cannot exceed the ratio (%) of the federally-affected children to the total school membership. The above procedure is applied to each school district except in those instances, like the situations in Nevada, where the attendance units have been determined to be a more practical base.

For purposes of this study the P.L. 815 priority index method has been adopted by substituting Indian children for federally affected children in the application of the priority index formula.

Based on the construction aid needs of the public schools reporting, the priority index for each district, beginning at the highest, is suggested and shown in the table on the following pages. The computed need totals (also shown) have not been adjusted to reflect a more realistic computed need for the unusual Indian impact districts such as the Nevada situation.

District	State	Priority index	Computed need
Santee C-5	Nebraska	200	$877,251
Heart Butte No. 1	Montana	194	1,987,171
Frazer No. 2 and No. 2B	do	164	1,000,208
Hays and Lodge Pole	do	164	2,772,729
St. Mary's	Alaska	160	217,750
Arapaho No. 38	Wyoming	155	80,000
Indian Oasis No. 40	Arizona	149	4,809,606
Ganado No. 19	do	144	4,174,040
Kayenta No. 27	do	143	1,715,000
Chinle No. 24	do	142	11,205,494
Pelican	Alaska	140	526,205
Brockton No. 55	Montana	140	1,261,588
Tuba City Elementary No. 15	Arizona	139	13,605,548
Nett Lake No. 707	Minnesota	138	147,060
Red Lake No. 38	do	138	986,910
Incheliem No. 7	Washington	138	99,952
Taholah No. 77	do	137	790,949
Lame Deer No. 6	Montana	135	462,000
Mineral County	Nevada	135	0
Lodge Grass No. 27	Montana	134	2,262,652
Browning No. 9	do	133	14,687,681
Pryor	do	132	210,485
Whiteriver Elementary No. 20	Arizona	132	3,705,408
Sacaton No. 18	do	130	1,268,301
Babb No. 8	Montana	130	150,237
Alchesay High School No. 2	Arizone	128	2,523,924
Monument Valley High School	do	128	185,000
Dulce Indept. No. 1	New Mexico	127	200,000
Central Consolidated	do	125	506,562
Window Rock No. 8	Arizona	120	750,000
St. John No. 3	North Dakota	120	2,502,932
Ryal D3	Oklahoma	115	184,600
Shannon County Independent No. 1	South Dakota	114	105,300
Box Elder No. 36	Montana	111	34,552
Ft. Washakie No. 21	Wyoming	109	46,605
Stony Point	Oklahoma	109	13,488
Hulbert No. 17	do	109	0
Puerco No. 18	Arizona	107	605,000
Dahlonegah No. 29	Oklahoma	106	465
Magdalena No. 12	New Mexico	105	471,600
Bernalillo No. 1	do	105	773,000
Moccasin No. 10	Arizona	104	100,764
Gallup-McKinley	New Mexico	104	33,110,714
Powhattan No. 150	Kansas	102	386,135
Waubay	South Dakota	101	4,419,200
Jefferson County No. 509J	Oregon	100	231,400
Edgar High School No. 4	Montana	100	828,322
Tenkiller No. 66	Oklahoma	100	141,000
Craig City	Alaska	98	1,971,294
Hardin	Montana	98	0
Elka County	Nevada	97	0
Wolf No. 13	Oklahoma	96	38,433
Greasy School No. 72	do	95	24,428
Bell No. 33	do	95	377,385
Smee Independent No. 4	South Dakota	95	267,837
Wellpinit No. 49	Washington	94	188,852
Harlem No. 12	Montana	93	581,554
Klawock City	Alaska	93	65,000
Cape Flattery	Washington	93	0
Humboldt County	Nevada	90	0
Eight Mile No. 6	North Dakota	90	388,000
Kenwood D-30	Oklahoma	90	31,150
Justice D-54	do	90	0
Elmo No. 20	Montana	88	180,385
San Juan	Utah	86	1,200,000
Hoonah	Alaska	85	60,080
Dunseith No. 1	North Dakota	84	846,000
Todd County Independent	South Dakota	84	361,772
White River Independent No. 29	do	83	486,463
Mt. Adams No. 209	Washington	82	1,114,138
Nespelem No. 14	do	81	0
Nome	Alaska	80	2,233,073
Winnebago	Nebraska	80	171,065
Oaks Mission	Oklahoma	80	144,000
Churchill County	Nevada	80	113,500
Boone D-56	Oklahoma	80	40
Mill Creek Elementary No. 14	Wyoming	80	313,000
Rocky Mountain D-24	Oklahoma	79	12,746
Poplar No. 9	Montana	78	300,000
Graham No. 32	Oklahoma	76	0
Castle No. 19	do	76	12,655
Shady Grove	do	73	12,200
Pleasant Grove	Oklahoma	71	$35,000
Oakvilla	Washington	70	182,593
Smithvilla	Oklahoma	70	165,000
Kodiac Island Borough	Alaska	66	400,000
Nome-Beltz Regional	do	65	3,500,000
Grand View No. 34	Oklahoma	65	14,000
Kamsax 1-3	do	64	237,000
Maryetta No. 22	do	64	17,654
Salina I-16	do	63	255,796
Page No. 8	Arizona	63	0
New Town No. 1	North Dakota	61	63,532
Mary Walker No. 207	Washington	61	336,000
Wrangell	Alaska	59	1,925,000
Parker No. 27	Arizona	58	1,156,436
Wickliffe O-35	Oklahoma	57	18,615
Spavinaw D-21	do	56	0
San Pasqual Valley Unified	California	54	0
Nenama City	Alaska	53	275,418
Indiahoma No. 2	Oklahoma	53	30,000
Cottonwood D-4	do	52	0
St. Ignatius	Montana	52	438,204
Fillmore O-34	Oklahoma	50	100,000
Andes Central Independent No. 103	South Dakota	50	0
Curlew No. 50	Washington	48	610,000
Anadarko I-17	Oklahoma	46	122,295
Stilwall I-25	do	44	452,000
Haines Borough	Alaska	44	709,557
Marysville No. 25	Washington	44	0
Bark River-Harris	Michigan	43	265,000
Mayetta-Hoyt No. 337	Kansas	43	860,000
Sisseton Independent	South Dakota	40	3,331,720
Baraga Township	Michigan	39	7
Gila Bend Elementary and High School	Arizona	38	258,916
West River No. 18	South Dakota	38	0
Brimley 17-140	Michigan	37	224,034
Hammon Independent	Oklahoma	37	0
Bayfield Junction No. 1	Wisconsin	36	0
Carnegie ISD 33	Oklahoma	35	391,518
Browler Junction No. 1	Wisconsin	34	0
Port Angeles	Washington	34	0
Cusick No. 59	do	34	206,867
Walthill No. 13	Nebraska	30	0
Wind River No. 6	Wyoming	30	0
Canton Public Schools	Oklahoma	29	290,806
Round Valley Unified	California	28	0
Wolf Point No. 45	Montana	28	0
Grand Coulee Dam No. 301-J	Washington	26	0
North Beach No. 64	do	26	0
Indian Camp D-23	Oklahoma	25	0
Quinault No. 97	Washington	22	0
Hood Canal No. 404	do	20	0
Charlo No. 7	Montana	20	245,000
Quillayute Valley No. 402	Washington	20	0
Lakeland Union High School	Wisconsin	20	0
Carson City	Nevada	20	1,855,548
Ronan	Montana	18	417,023
Wilmot Independent	South Dakota	18	1,720,000
Summit No. 19	do	17	61,315
Winner Independ. No. 110	do	16	21,449
Princeton Junction Unified	California	16	0
Tama Community	Iowa	14	0
Park Rapids No. 309	Minnesota	14	0
Toppenish	Washington	12	0
Bishop Elementary	California	12	0
Lyon County	Nevada	12	6,400,000
L'amse Township	Michigan	11	0
Watonga Independent	Oklahoma	11	124,585
Hot Springs No. 14J	Montana	10	262,000
Valley Center Union	California	10	141,247
Umatilla County No. 16R	Oregon	8	0
Wisconsin Dell Jr. No. 1	Wisconsin	8	0
Pocatello No. 25	Idaho	6	1,496,060
Mountain Empire Unified	California	6	0
Nye County	Nevada	5	0
Brewster No. 11	Washington	5	164,000
Sunnyside No. 12	Arizona	4	1,263,682
Bellingham	Washington	3	0
Thurston No. 3	do	2	0
Clark County	Nevada	1	0
Total			163,949,044

RECOMMENDATIONS: DISCUSSION OF ALTERNATIVES

Using data assembled, various alternatives were evaluated in the search for procedures or policies that would best set forth and present for Congressional action, the problem of the construction needs surveyed by this study. These alternatives are listed and discussed under numerical headings for the purpose of identification only with no significance to be placed upon the order of presentation. Every method analyzed will be ineffective if Federal funding is inadequate; however, at any given level of appropriation, it is believed the comments pertain.

1. Continue the existing presentation of public school construction needs to the Department of H.E.W. under the present P.L. 81–815 authorizations and procedures.

This process would provide, in one request, all the public school construction estimates to meet Federal impacts as defined in the law. Information gathered indicates the authorization, generally, would cover the needs involving Indian children recognizing the Department of H.E.W. is empowered to meet special organizational, isolation, or financial anomalies by variations from general policy guidelines when deemed appropriate. Objections to this procedure are that Indian projects, under Section 14, have been assigned a lower priority compared with other Federal impacts. The lack of funding has prevented H.E.W. from making use of their discretionary authorities to give Indian needs under Section 14, special attention.

2. Rely, as in the past, on (a) Congressional interest to provide additions to the BIA budget, of construction projects advocated by public school districts, and on, (b) the insertion, by BIA in its annual budget, as has been undertaken for Alaska, of projects to be transferred to the public schools upon completion.

This process, in light of minimum P.L. 81–815 funding and expenditure limitations, has been effective in meeting Indian needs. Objections to this process are that it fragments the Government's evaluation of construction aid to public schools; that it is based more on expediency than reasoned priority allocation to needs; that it deviates from accepted Congressional legislative and appropriative processes and is, therefore, subject to a parliamentary "point of order". The construction and immediate transfer of BIA facilities to public schools, as in Alaska, although involving important and pressing Indian education problems, might be considered of questionable legislative authority.

3. Seek legislation authorizing the inclusion, in the BIA budget, of funds to construct facilities for public schools educating Indian children, said projects to be developed either as financial grants to the public schools for construction or by the erection of such facilities by BIA construction procedures with transfer of titles to the public schools immediately upon building completion.

This process would consolidate all Federal funding for Indian educational purposes under one budget item and allow for thorough Congressional evaluation and action. It would permit the exercise of judgment in selecting the means of construction to best meet factors such as isolation, size of project, land ownership, and BIA or local construction capabilities. Objections to this process are that it splinters Federal treatment of public school impact situations; that it injects public school needs into the BIA budget; that it requires some duplication of evaluation effort with that used by HEW for all other public school construction aid projects under P.L. 81–815; that the Indian right to a free public school education could be compromised by involving BIA in both advocating Indian rights to schooling and in providing school facilities; and that for the last ten (10) years, budget allocations to Indian school construction have been only 50% of that needed if known Federal school needs are to be met in the next ten (10) years.

4. Continue present P.L. 81–815 authorizations and procedures using the data contained in this study to secure Administration or Congressional committee support to increase the present informal allocation of P.L. 81–815 funds so that Section 14 projects could receive at least a 50% share of each annual appropriation.

This process would retain the established, and it is believed, effective procedures of H.E.W. in determining priorities, meeting exceptional situations, supervising design and construction of public school projects and would, according to the evaluations of this report, more nearly comply with the National policy toward our Indian citizens. It does not require legislative action. It can be developed by H.E.W. or through Congressional Committees on Education. This would retain Federal Assistance to public schools under one appropriation authority; would avoid duplication of staff supervising the allocation of funds, approval of projects and construction of buildings; and would utilize a process that is widely known and understood by public school administrators. It would centralize all public school requests at one agency for a more rational evaluation of priorities; would permit executive decisions on budgetary allowances for public school impacts; and would permit the channelling of all constituent requests to one Committee in each branch of the Congress. Objections to this procedure are that, while Indian program priorities have received much publicity, they have not been too vigorously supported under Section 14 of P.L. 81–815. Other schools and Federal agencies, benefiting by the other sections of P.L. 81–815, relating principally to non-Indians, will have to be convinced of the National determination to implement the stated policy for Indians.

One other dimension to P.L. 81–815 route for meeting all public school construction aid needs related to Federal impacts, is the fact that H.E.W. for P.L. 81–815 purposes counts only children whose parents live or work on Federal properties (as defined in the law) while the BIA counts Indian children who live "on or near" reservations for program eligibility purposes. In application of the "on or near" principle, the BIA, in most state plans, counts all Indian children residing in the districts encompassing reservation tax-free lands for JOM Act program purposes. The desirability of uniform eligibility requirements seems apparent. Whether or not the P.L. 81–815 regulations could be changed by administrative action to achieve uniform eligibility requirements between H.E.W. and the Interior Department is not known.

5. Seek legislative authority for the BIA to construct school facilities for elementary public schools in the State of Alaska without impairing the right of such schools to seek funds under P.L. 81–815.

This process would provide for the particular problems associated with Alaska as a new state; with the developing borough organization of their public school districts; with the problems of small schools in isolated locations; and with the lack of local construction capability. It would assist the State in its willingness to assume responsibility for educating Native citizens and, as a general rule, would involve relatively small installations. Objections to this procedure are the continued involvement of BIA in public school construction; the fragmentation of presenting public school impact needs to Congress; and the duplication of staff effort.

RECOMMENDATIONS—A SUGGESTED POLICY GUIDE

In fullest consideration of all factors compiled in this study that are inherent in the development of broad national policy, it is recommended;

1. That, the Bureau of Indian Affairs, in its contact relationships with the higher echelons of the Administration and the Committees of Congress, recommend that the present program under P. L. 815, as amended, be continued as the most logical way to meet the acute construction aid needs of Indian and other Federally impacted public school districts with the important modification that the allocation of funds to Section 14 be increased to 50% of all available funds;

Discussion: This can be done by Administrative or Committee action without a change in the law.

2. That, the Bureau of Indian Affairs seek legislative authority to construct elementary school facilities for the public schools with large Native impacts in the State of Alaska without impairment of the right of such schools to seek funds under P. L. 815 as amended.

Discussion: This would regularize a policy the Bureau of Indian Affairs has been following for years; namely, of constructing needed facilities in native villages and then turning them over to the public schools for operation.

3. That, the Bureau of Indian Affairs seek broad legislative authority to provide grants to Indian impacted public schools for the construction of needed facilities in the event that P. L. 815 is not funded to a sufficient level to meet the acute backlog of needs identified in this study.

Discussion: This would provide standby authority to the BIA in recognition of the difficulties there might be in securing increased appropriations for the P. L. 815 program. BIA construction aid authority could be sought through changes in the Johnson-O'Malley Act or by separate legislative authority similar to that proposed by the Jackson Bill (S. 1017), 93rd Congress, on which hearings are being held at the time of this report. The amount of the grant to any individual district should be determined only after a sound engineering survey of needs and costs and after consideration of the extent that local potentially available resources can be considered realistically in determining the local share of a total project. The priority procedures suggested in this report should assist in establishing order of consideration of requests.

It should be recognized that all plans hinge upon increased appropriations for construction aid purposes.

The National Indian Training and Research Center has the supporting exhibits on file of the basic survey data submitted by public school district personnel.

District	Grades	Enrollment		5 yr. growth		District land Percent Indian	Valuation PP percent to State average	Estimated cost of facilities	Less local resources	Computed need
		Current	Percent Indian	Number	Percent					
Alaska:										
Craig City	KEH	161	70	72	45	[1] NA	26	$2,000,000	$28,706	$1,971,294
Haines Borough	KEH	474	24	65	16	[1] NA	[1] NA	2,233,770	1,514,213	709,557
Hoonah	KEH	284	85	0	0	[1] NA	14	250,000	189,920	60,080
Klawock City	E	64	97	0	0	[1] NA	18	90,000	25,000	65,000
Kodiack Island Borough	KEH	2,361	33	444	23	[1] NA	28	400,000	0	400,000
Nenana City	KEH	230	52	16	7	[1] NA	34	350,000	74,582	275,418
Nome	KEH	555	80	0	0	[1] NA	33	2,500,000	266,927	2,233,073
Nome-Beltz Regional	H	366	80	212	13	[1] NA	[1] NA	3,500,000	0	3,500,000
Pelican	KEH	41	61	16	64	[1] NA	50	650,000	123,795	526,205
St. Marys	KEH	113	98	101	84	[1] NA	6	250,000	32,250	217,750
Wrangell	KEH	616	35	116	23	[1] NA	[1] NA	2,750,000	825,000	1,925,000
Total		5,265	47	848	19			14,963,770		11,883,377
Arizona:										
Alchesay High School No. 2	H	326	80	97	42	100	11	2,601,152	77,228	2,523,924
Chinle No. 24	KEH	3,418	86	1,533	81	99	35	12,000,000	794,506	11,205,494
Ganado No. 19	KEH	1,698	85	453	36	99	53	4,180,427	6,387	4,174,040
Gila Bend	KEH	816	13	64	9	2	58	1,000,000	741,084	258,916
Indian Oasis No. 40	KEH	1,022	95	423	71	100	5	4,834,100	24,494	4,809,606
Kayenta No. 27	KE	1,050	90	375	56	98	43	1,750,000	35,000	1,715,000
Moccasin No. 10	KE	18	55	0	0	36	82	120,000	19,236	100,764
Monument Valley	H	506	87	278	122	98	45	600,000	415,000	185,000
Page No. 8	KEH	2,036	25	1,233	153	98	90	1,500,000	1,800,000	0
Parker No. 27	KE	1,275	29	233	21	50	78	1,302,646	146,210	1,156,436
Puerco No. 18	KE	714	70	188	38	56	106	850,000	220,000	650,000
Sacaton No. 18	KE	868	99	520	149	96	18	1,400,000	131,699	1,268,301
Sunnyside No. 12	KEH	9,833	2	3,683	60	37	46	3,150,000	1,886,318	1,263,682
Tuba City No. 15	KE	1,711	90	817	91	99	15	13,678,170	72,622	13,605,548
Whiteriver Elementary No. 20	E	1,295	91	262	25	100	7	3,782,636	77,228	3,705,408
Window Rock No. 8	KEH	2,562	86	413	19	99	21	750,000	0	750,000
Total		29,148	46	10,562	56			53,499,131		47,372,119
California:										
Bishop Elementary	E	1,561	12	111	8	1	151	300,000	1,655,417	0
Mountain Empure Unified	KEH	1,015	3	164	19	6	190	1,600,000	2,000,000	0
Princeton Junction Unified	KEH	340	9	10	3	1	296	600,000	1,800,000	0
Round Valley Unified	KEH	394	28	43	12	4	160	409,073	879,351	0
San Pasqual Valley	KEH	662	47	43	7	8	87	200,000	492,411	0
Valley Center Union	KE	739	6	310	75	6	250	1,250,000	1,108,753	141,247
Total		4,711	15	681	16			4,359,073		141,247
Idaho: Pocatello No. 25	EH	11,966	3	0	0	47	64	6,000,000	4,503,940	1,496,060
Iowa: Tama	KEH	2,573	8	217	9	1	82	300,000	3,491,168	0
Kansas:										
Mayetta-Hoyt No. 337	KEH	752	16	2	1	12	45	860,000	0	860,000
Powhatton No. 510	KEH	245	43	30	14	30	202	—750,000	363,865	386,135
Total		997	22	32	3			1,610,000		1,246,135
Michigan:										
Bark River-Harris	KEH	769	9	126	20	3	35	265,000	0	265,000
Baraga Township	KEH	788	15	138	21	11	39	110,000	730,500	0
Brimley No. 17–140	KEH	542	25	46	9	2	53	399,500	175,466	224,034
L'Anse Township	KEH	1,107	11	0	0	11	70	364,000	1,825,000	0
Total		3,206	13	220	7			1,138,500		489,034
Minnesota:										
Nett Lake No. 707	KEH	91	98	0	0	100	1	150,000	2,940	147,060
Park Rapids No. 309	KEH	2,300	7	293	15	1	81	425,000	425,000	0
Red Lake No. 38	KEH	905	99	170	23	99	1	1,000,000	13,090	986,910
Total		3,296	34	426	14			5,662,936		5,221,906
Montana:										
Babb	KE	77	91	7	10	71	[1] NA	300,000	149,763	150,237
Box Elder	KEH	275	86	65	30	33	42	100,000	56,448	34,552
Brockton	KEH	215	98	46	27	49	42	1,297,000	35,412	1,261,588
Browning	KEH	2,165	80	307	17	69	26	14,687,681	0	14,687,681
Charlo	KEH	300	10	0	0	26	65	300,000	55,000	245,000
Edgar	KEH	69	43	5	8	0	80	1,000,000	171,678	828,322
Elmo	KE	48	88	19	65	50	109	200,000	19,615	180,385
Frazer	KEH	205	79	4	2	35	[1] NA	1,120,000	119,792	1,000,208
Hardin	KEH	1,255	36	0	0	43	125	750,000	1,147,843	0
Harlem	KEH	420	57	70	20	55	108	1,000,000	418,446	581,554
Hays and Lodge Pole	KEH	230	99	0	0	96	6	2,788,825	16,096	2,772,729
Heart Butte	KE	196	96	20	11	95	(1)	2,146,400	12,829	1,987,171
Hot Springs	KEH	372	10	8	2	0	87	262,000	0	262,000
Lame Deer	KE	350	85	41	13	98	29	500,000	38,000	462,000
Lodge Grass	KEH	525	69	0	0	48	50	3,200,000	937,348	2,262,652
Poplar	KE	705	62	0	0	49	96	800,000	500,000	300,000
Pryor	KE	70	100	18	36	48	142	300,000	89,515	210,485
Ronan	KEH	1,252	10	119	11	47	84	1,000,000	582,977	417,023
St. Ignacius	KEH	645	27	106	20	46	69	592,240	154,036	438,204
Wolf Point	KEH	1,203	23	0	0	49	101	350,000	754,437	0
Total		10,577	50	295	2			32,695,146		28,237,191
Nebraska:										
Santee No. c–5	KEH	48	100	32	200	16	9	900,000	22,749	877,251
Walthill	KEH	385	15	0	0	21	71	50,000	321,705	0
Winnebago	KEH	324	71	0	0	46	28	300,000	128,935	171,065
Total		757	44	49	6			1,250,000		1,048,316

Footnotes at end of table.

District	Grades	Enrollment		5 yr. growth		District land Percent Indian	Valuation PP percent to State average	Estimated cost of facilities	Less local resources	Computed need
		Current	Percent Indian	Number	Percent					
Nevada:										
Carson City	KEH	5,215	10	1,544	42	1	62	$4,000,000	$2,144,451	$1,855,548
Churchill County	KEH	3,014	6	590	24	2	68	4,500,000	4,386,500	113,500
Clark County	KEH	75,800	1	0	0	1	103	110,000	101,486,042	0
Elko County	KEH	4,052	8	43	1	2	131	400,000	7,463,119	0
Humboldt	KEH	1,756	10	26	2	5	115	243,000	2,955,571	0
Lyon County	KEH	2,574	6	485	23	4	140	12,149,183	5,749,183	6,400,000
Mineral County	KEH	1,783	13	375	27	12	32	412,500	1,500,000	0
Nye County	E	771	4	138	15	5	211	225,000	2,877,300	0
Total		94,965	2	0	0			22,039,683		8,369,048
New Mexico:										
Bernalillo No. 1	KEH	2,835	50	250	9	55	31	1,133,000	360,000	773,000
Central Consolidated	KEH	5,109	83	1,630	46	97	171	2,080,000	1,573,438	506,562
Dulce Independent No. 1	KEH	698	81	80	12	80	197	800,000	600,000	200,000
Gallup-McKinley No. 1	KEH	13,008	63	2,368	22	83	60	33,643,091	532,377	33,110,714
Magdalena No. 12	KEH	644	56	30	5	5	65	501,600	30,000	471,600
Total		22,294	66	4,358	24			38,157,691		35,061,876
North Dakota:										
Dunseith No. 1	KEH	761	65	88	13	13	10	875,000	29,000	845,000
Eight Mile School No. 6	KEH	178	44	38	27	3	52	750,000	362,000	388,000
New Town No. 1	KEH	803	46	129	18	5	30	114,532	51,000	63,532
St. Johns No. 3	KEH	300	50	18	6	62	10	2,538,500	35,568	2,502,932
Total		2,042	55	268	15			4,278,032		3,800,464
Oklahoma:										
Anadarko I–13	KEH	2,139	31	0	0	23	47	130,000	7,705	122,295
Bell No. 33	KE	267	75	29	12	70	6	355,000	17,615	377,385
Boone No. d–56	KE	71	75	1	2	70	133	40,000	39,960	40
Canton	KEH	472	29	64	16	12	146	750,000	459,194	290,806
Carnegie ISD–33	KEH	885	34	8	1	26	71	800,000	408,482	391,510
Castle No. 19	KE	91	40	17	23	11	54	22,000	9,345	12,658
Cottonwood D–4	E	78	27	28	56	1	10	10,000	49,337	5
Dahlonegah No. 29	KE	109	86	2	2	66	21	16,000	15,535	460
Fillmore D–34	KE	76	30	0	0	30	39	111,765	11,765	100,005
Graham I–32	KEH	212	47	22	12	16	40	48,000	58,616	0
Grand View No. 34	KE	314	34	148	89	7	38	40,000	26,000	14,000
Greasy No. 32	KE	254	74	67	36	50	17	50,000	25,572	24,428
Hammon Independent No. 66	KEH	297	38	0	0	4	170	125,000	316,950	0
Hulbert No. 17	KE	218	66	0	0	5	11	8,000	16,800	0
Indiahoma No. 2	KEH	259	32	2	1	16	69	103,000	73,000	30,000
Indian Camp D–23	KE	77	32	7	10	5	466	40,000	199,905	0
Justice D–54	KE	73	85	0	0	60	87	25,000	35,264	0
Kansas I–3	KE H	645	38	28	5	20	21	250,000	13,000	237,000
Kenwood D–30	KE	89	85	21	31	90	13	37,000	5,850	31,150
Marble City D–35	KE	210	54	46	28	3	48	80,000	45,000	35,000
Maryetta No. 22	KE	217	50	94	76	25	10	50,000	32,346	17,654
Oaks Mission	H	469	51	99	27	5	7	150,000	6,000	144,000
Pleasant Grove I–5	KEH	259	38	22	9	16	4	98,000	63,000	35,000
Ryal D–3	KE	71	59	0	0	50	33	200,000	15,400	184,600
Rocky Mountain D–24	KE	114	43	3	3	13	18	23,800	11,054	12,746
Salina I–16	KEH	775	35	76	11	36	20	258,796	3,000	255,796
Shady Grove No. 26	KE	85	30	1	1	6	28	30,000	17,800	12,200
Smithville	KEH	461	32	227	97	5	41	170,000	50,000	165,000
Spavinaw D–21	E	112	31	0	0	3	90	18,000	54,995	0
Stillwell I–25	KEH	1,367	32	115	9	5	28	655,000	203,000	452,000
Stony Point	KE	76	42	21	38	15	140	42,000	28,512	13,488
Tenkiller No. 66	KE	214	50	100	88	5	33	250,000	109,000	141,000
Watonga Independent	KEH	1,116	11	15	1	1	91	144,000	19,415	124,585
Wickliffe D–35	KE	57	50	0	0	64	50	30,000	11,385	18,615
Wolf Independent No. 13	KE	70	40	0	0	5	113	93,000	54,576	38,433
Total		12,299	37	758	6			5,255,361		3,241,859
Oregon:										
Jefferson City No. 509 J	KEH	2,213	30	105	5	10	280	231,400	0	231,400
Umatilla County	KEH	3,775	4	0	0	15	[1] NA	600,000	11,800,000	0
Total		5,988	13	171	2			831,400		231,400
South Dakota:										
Andes Central Independent No. 103	KEH	603	19	4	1	6	78	700,000	913,642	0
Todd County Independent	KEH	1,947	61	330	20	70	37	1,160,000	1,298,228	361,772
Shannon City Independent No. 1	KEH	1,397	91	362	35	83	24	725,000	619,700	105,300
Sisseton Independent No. 1	KEH	1,652	32	31	2	12	58	4,500,000	1,168,280	3,331,720
Smee Independent No. 5	KEH	201	95	0	0	79	3	347,000	79.168	267.837
Summit Independent No. 19	KEH	248	15	11	5	1	102	75,000	13,685	61.315
Waubay Independent No. 184	KEH	512	27	0	0	21	71	5,075,000	655,800	4,419,200
West River No. 18	KEH	631	21	19	8	33	140	300,000	1,491,786	0
White River Independent No. 29	KEH	448	44	31	7	36	116	1,500,000	1,014,537	486,463
Wilmot Independent No. 2	KEH	458	18	0	0	11	112	2,400,000	680,000	1,720,000
Winner Independent No. 110	KEH	1,745	8	352	25	8	133	35,000	13,551	21,449
Total		9.842	40	1,443	17			17,317,000		10,775,056
Utah: San Juan	KEH	2,713	46	398	17	25	285	3,000,000	1,810,000	1,200,000
Washington:										
Bellingham	KEH	8,694	3	0	0	2	75	2,875,000	9,075,000	0
Brewster	KEH	580	7	55	10	18	109	750,000	586,000	164,000
Cape Flattery No. 401	KEH	649	36	0	0	11	135	1,525,000	2,017,967	0
Curlew	KEH	186	22	16	9	17	75	900,000	290,000	610,000
Cusick	KEH	355	17	9	3	2	74	500,000	293,133	206,867
Grand Coulee	KEH	1,515	13	690	84	0	23	500,000	1,457,000	0
Hood Canal	KE	424	18	79	23	15	257	200,000	1,300,000	0
Inchelium No. 70	KEH	188	76	0	0	100	63	350,000	251,048	99,952
Marysville	KEH	5,632	5	977	21	17	67	800,000	1,565,000	0
Mary Walker	KEH	453	14	210	86	11	54	1,450,000	1,114,000	336,000
Mount Adams No. 209	KEH	977	51	0	0	100	55	2,052,000	937,862	1,114,138
Nespelem No. 14	KE	178	83	0	0	99	37	10,000	127,957	0
North Beach	KEH	720	12	11	2	9	357	240,000	5,322,000	0
Oaksville No. 400	KEH	373	28	42	12	13	85	840,000	647,407	182,593
Port Angeles	KEH	4,870	5	0	0	1	90	3,500,000	9,328,936	0
Ruillayute Valley	KEH	1,400	10	75	6	1	91	1,000,000	2,443,809	0

District	Grades	Enrollment		5 yr growth		District land Percent Indian	Valuation PP percent to State average	Estimated cost of facilities	Less local resources	Computed need
		Current	Percent Indian	Number	Percent					
Taholah No. 77	KE	159	96	6	4	72	136	$860, 000	$69, 051	$790, 949
Thurston	KEH	6, 874	1	774	13	6	50	150, 000	6, 300, 000	0
Toppenish	KEH	2, 891	12	56	2	80	44	1, 175, 000	1, 841, 044	0
Quinalt	KEH	420	7	20	5	11	116	900, 000	995, 000	0
Wellpinit No. 49	KEH	195	89	10	5	90	24	250, 000	61, 148	188, 852
Total		37, 734	8	2, 342	6			20, 827, 000		3, 693, 351
Wisconsin:										
Bayfield Joint No. 1	KEH	506	18	117	30	8	28	100, 000	101, 448	0
Bowler Joint No. 1	KEH	598	22	0	0	13	44	700, 000	837, 910	0
Lakeland Union High School	H	748	10	174	23	9	199	500, 000	9, 084, 000	0
Wisconsin Dells Joint No. 1	KEH	1, 660	4	152	10	1	92	2, 200, 000	7, 751, 429	0
Total		3, 512	10	436	14			3, 500, 000		0
Wyoming:										
Arapaho No. 38	KEH	240	80	2	1	100	20	100, 000	20, 000	80, 000
Fort Washakie No. 21	KEH	244	91	0	0	100	116	325, 000	278, 395	46, 605
Mill Creek Elementary No. 14	KE	370	80	3	1	100	41	355, 000	42, 000	313, 000
Wind River No. 6	KEH	430	20	30	8	50	188	500, 000	583, 393	0
Total		1, 284	61	1	0			1, 280, 000		439, 605
Grand total		265, 169	22	21, 884	9			237, 963, 723		163, 949, 044

[1] Not available.

District	Estimated cost of facilities	Less ½ local resources	Need (computed)
Alaska:			
Craig City	$2, 000, 000	$14, 353	$1, 985, 647
Haines Borough	2, 233, 770	757, 107	1, 476, 663
Hoonah	250, 000	94, 960	155, 040
Klawock City	90, 000	12, 500	77, 500
Kodiack Island Borough	400, 000		400, 000
Nenana City	350, 000	37, 291	312, 709
Nome	2, 500, 000	133, 464	2, 366, 536
**Nome-Beltz Regional	3, 500, 000	0	3, 500, 000
Pelican	650, 000	61 898	588, 102
St. Marys	250, 000	16, 125	233, 875
Wrangell	2, 750, 000	412, 500	2, 337, 500
Total	14, 963, 770		13, 433, 572
Arizona:			
Alchesay H.S. No. 2	2, 601, 152	38, 614	2, 562, 538
Chinle No. 24	12, 000, 000	397, 253	11, 602, 747
Ganado No. 19	4, 180, 427	3, 194	4, 177, 233
Gila Bend	1, 000, 000	370, 542	629, 458
Indian Oasis No. 40	4, 834, 100	12, 247	4, 821, 853
Kayenta No. 27	1, 750, 000	17, 500	1, 732, 500
Moccasin No. 10	120, 000	9, 618	110, 382
Monument Valley	600, 000	207, 500	392, 500
Page No. 8	1, 500, 000	900, 000	600, 000
Parker No. 27	1, 302, 646	73, 105	1, 229, 541
Puerco No. 18	850, 000	110, 000	740, 000
Sacaton No. 18	1, 400, 000	65, 850	1, 334, 150
Sunnyside No. 12	3, 150, 000	943, 159	2, 206, 841
Tuba City No. 15	13, 678, 170	36, 311	13, 641, 859
Whiteriver Elem No. 20	3, 782, 636	38, 614	3, 744, 022
Window Rock No. 8	750, 000	0	750, 000
Total	53, 499, 131		50, 275, 624
California:			
Bishop Elementary	300, 000	828, 209	0
Mountain Empire Unified	1, 600, 000	1, 000, 000	600, 000
Princeton Junction Unified	600, 000	900, 000	0
Round Valley Unified	409, 073	439, 676	0
San Pasqual Valley	200, 000	246, 206	0
Valley Center Union	1, 250, 000	554, 377	695, 623
Total	4, 359, 073		1, 295, 623
Idaho: Pocatello No. 25 (total)	6, 000, 000	2, 251, 970	3, 748, 030
Iowa: Tama	300, 000	745, 584	0
Kansas:			
Mayetta-Hoyt No. 337	860, 000	0	860, 000
Powhatton No. 510	750, 000	181, 933	568, 067
Total	1, 610, 000		1, 428, 067
Michigan:			
Bark River-Harris	265, 000	0	265, 000
Baraga Township	110, 000	365, 250	0
Brimley No 17-140	399, 500	877, 330	311, 767
L'Anse Township	364, 000	912, 500	0
Total	1, 138, 500		576, 767
Minnesota:			
Nett Lake No. 707	150, 000	1, 470	148, 530
Park Rapids No. 309	425, 000	212, 500	212, 500
Red Lake No. 38	1, 000, 000	6, 545	993, 455
Total	5, 662, 936		1, 354, 485
Montana:			
Babb	$300, 000	$74, 882	$225, 118
Box Elder	100, 000	32, 724	67, 276
Brockton	1, 297, 000	17, 706	1, 279, 294
Browning	14, 687, 681	0	14, 687, 681
Charlo	300, 000	27, 500	272, 500
Edgar	1, 000, 000	85, 839	914, 161
Elmo	200, 000	9, 808	190, 192
Frazer	1, 120, 000	59, 896	1, 060, 104
Harlin	750, 000	573, 992	176, 078
Harlem	1, 000, 000	209, 223	790, 777
Hays and Lodge Pole	2, 788, 825	8, 048	2, 780, 777
Heart Butte	2, 146, 400	6, 415	2, 139, 985
Hot Springs	262, 000	0	262, 000
Lame Deer	500, 000	19, 000	481, 000
Lodge Grass	3, 200, 000	468, 674	2, 731, 326
Poplar	800, 000	250, 000	550, 000
Pryor	300, 000	44, 758	255, 242
Ronan	1, 000, 000	291, 489	708, 511
St. Ignacius	592, 240	77, 018	515, 222
Wolf Point	350, 000	377, 219	0
Total	32, 694, 146		30, 087, 244
Nebraska:			
Santee No. C-5	900, 000	11, 375	888, 625
Walthill	50, 000	160, 852	0
Winnebago	300, 000	64, 468	235, 532
Total	1, 250, 000		1, 124, 157
Nevada:			
Carson City	4, 000, 000	1, 072, 226	2, 927, 774
Churchill County	4, 500, 000	2, 193, 250	2, 306, 750
Clark County	110, 000	50, 743, 020	0
Elko County	400, 000	3, 731, 560	0
Humboldt	243, 000	1, 477, 786	0
Lyon County	12, 149, 183	2, 874, 592	9, 274, 591
Mineral County	412, 500	750, 000	0
Nye County	225, 000	1, 438, 650	0
Total	22, 039, 683		14, 509, 115
New Mexico:			
Bernalillo No. 1	1, 133, 000	180, 000	953, 000
Central Consolidated	2, 080, 000	786, 719	1, 293, 281
Dulce Independent No. 1	800, 000	300, 000	500, 000
Gallup-McKinley No. 1	33, 643, 091	266, 189	33, 376, 902
Magdalena No. 12	501, 600	15, 000	486, 600
Total	38, 157, 691		36, 609, 783
North Dakota:			
Dunseith No. 1	875, 000	14, 500	860, 500
Eight Mile School No. 6	750, 000	181, 000	569, 000
New Town No. 1	114, 532	25, 500	89, 032
St. Johns No. 3	2, 537, 500	17, 784	2, 520, 716
Total	4, 278, 032		4, 039, 248
Oklahoma:			
Anadarko I-13	130, 000	3, 853	126, 147
Bell No. 33	355, 000	8, 808	346, 192
Boone No. D-56	40, 000	19, 980	20, 020
Canton	750, 000	229, 597	520, 403
Carnegie ISD-33	800, 000	204, 241	595, 759
Castle No. 19	22, 000	4, 673	17, 327
Cottonwood D-4	10, 000	24, 669	0

District	Estimated cost of facilities	Less ½ local resources	Need (computed)
Oklahoma—Continued			
Dahlonegah No. 29	$16, 000	$7, 768	$8, 232
Fillmore D-34	111, 765	5, 883	105, 882
Graham I-32	48, 000	29, 308	18, 692
Grand View No. 34	40, 000	13, 000	27, 000
Greasy No. 32	50, 000	12, 786	37, 214
Harmon Independent No. 66	125, 000	158, 475	0
Hulbert No. 17	8, 000	8, 400	0
Indiahoma No. 2	103, 000	36, 500	66, 500
Indian Camp D-23	40, 000	99, 953	0
Justice D-54	25, 000	17, 632	7, 368
Kansas I-3	250, 000	6, 500	243, 500
Keowood D-30	37, 000	2, 925	34, 075
Marble City D-35	80, 000	22, 500	57, 500
Maryetta No. 22	50, 000	16, 173	33, 827
Oaks Mission	150, 000	3, 000	147, 000
Pleasant Grove I-5	98, 000	31, 500	66, 500
Ryal D-3	200, 000	7, 700	192, 300
Rocky Mountain D-24	23, 800	5, 527	18, 273
Salina I-16	258, 796	1, 500	257, 296
Shady Grove No. 26	30, 000	8, 900	21, 100
Smithville	170, 000	25, 000	145, 000
Spavinaw D-21	18, 000	27, 498	0
Stillwell I-25	655, 000	101, 500	553, 500
Stony Point	42, 000	14, 256	27, 744
Tenkiller No. 66	250, 000	54, 500	195, 500
Watonga Independent	144, 000	9, 708	134, 292
Wickliffe D-35	30, 000	5, 693	24, 307
Wolf Independent No. 13	93, 000	27, 288	65, 712
Total	5, 255, 361		4, 114, 162
Oregon:			
Jefferson City No. 509-J	231, 400	0	231, 400
Umatilla County	600, 000	5, 900, 000	0
Total	831, 400		231, 400
South Dakota:			
Andes Central Independent No. 103	700, 000	456, 821	243, 179
Todd County Independent	1, 160, 000	649, 114	5, 108, 860
Shannon City Independent No. 1	725, 000	309, 850	415, 150
Sisseton Independent No. 1	4, 500, 000	584, 140	3, 915, 860
Smee Independent No. 5	347, 000	39, 584	307, 416
Summit Independent No. 19	75, 000	6, 843	68, 157
Waubay Independent No. 184	5, 075, 000	327, 900	4, 747, 100
West River No. 18	300, 000	745, 893	0
White River Independent No. 29	1, 500, 000	507, 269	992, 731
Wilmot Independent No. 2	$2, 400, 000	$340, 000	$2, 060, 000
Winner Independent No. 110	35, 000	6, 776	28, 224
Total	17, 317, 000		17, 886, 677
Utah: San Juan (total)	3, 000, 000	905, 000	2, 095, 000
Washington:			
Bellingham	2, 875, 000	4, 537, 500	0
Brewster	750, 000	293, 000	457, 000
Cape Flattery No. 401	1, 525, 000	1, 008, 984	516, 016
Curlew	900, 000	145, 000	755, 000
Cusick	500, 000	146, 567	353, 433
Grand Coulee	500, 000	728, 500	0
Hood Canal	200, 000	650, 000	0
Inchelium No. 70	350, 000	125, 524	224, 476
Marysville	800, 000	782, 500	17, 500
Mary Walker	1, 450, 000	557, 000	893, 000
Mount Adams No. 209	2, 052, 000	468, 931	1, 581, 069
Nespelem No. 14	10, 000	63, 979	0
North Beach	240, 000	2, 661, 000	0
Oaksville No. 400	840, 000	323, 704	516, 296
Port Angeles	3, 500, 000	4, 664, 648	0
Quillayute Valley	1, 000, 000	1, 221, 905	0
Taholah No. 77	860, 000	34, 526	825, 474
Thurston	150, 000	3, 150, 000	0
Toppenish	1, 175, 000	920, 522	254, 478
Quinalt	900, 000	497, 500	402, 500
Wellpinit No. 49	250, 000	30, 574	219, 426
Total	20, 827, 000		7, 015, 668
Wisconsin:			
Bayfield Jt. No. 1	100, 000	50, 724	49, 276
Bowler Jt. No. 1	700, 000	418, 955	281, 045
Lakeland Union H.S.	500, 000	4, 542, 000	0
Wisconsin Dells Jt. No. 1	2, 200, 000	3, 875, 715	0
Total	3, 500, 000		330, 321
Wyoming:			
Arapaho No. 38	100, 000	10, 000	90, 000
Fort Washakie No. 21	325, 000	139, 198	185, 802
Mill Creek Elem. No. 14	355, 000	21, 000	334, 000
Wind River No. 6	500, 000	583, 393	0
Total	1, 280, 000		609, 802
Grand total	237, 963, 723		190, 764, 745

COMPUTED NEEDS OF STATES BY IMPACT

State	Major	Heavy	Minor	Unusual
Alaska	$8, 848, 820	$1, 925, 000	$1, 109, 557	0
Arizona	44, 693, 085	0	2, 679, 034	0
California	0	0	141, 247	0
Idaho	0	0	1, 496, 060	0
Iowa	0	0	0	0
Kansas	0	386, 135	860, 000	0
Michigan	0	0	489, 034	0
Minnesota	5, 221, 906	0	0	0
Montana	26, 047, 642	828, 322	1, 362, 227	0
Nebraska	1, 048, 316	0	0	0
Nevada	0	0	0	$8, 369, 048
New Mexico	$35, 061, 876	0	0	0
North Dakota	3, 348, 932	$451, 532	0	0
Oklahoma	934, 337	1, 010, 636	$1, 296, 886	0
Oregon	0	0	231, 400	0
South Dakota	734, 909	3, 818, 183	1, 802, 764	$4, 419, 200
Utah	0	1, 200, 000	0	0
Washington	2, 193, 891	0	1, 316, 867	182, 593
Wisconsin	0	0	0	0
Wyoming	439, 605	0	0	0
Total	128, 573, 319	9, 619, 808	12, 785, 076	12, 970, 841

WYOMING INDIAN HIGH SCHOOL,
Ethete, Wyoming, January 18, 1973.

NATIONAL INDIAN TRAINING AND RESEARCH CENTER,
Tempe, Ariz.

Attention: Francis McKinley, Executive Director

Enclosed are estimates for our building needs. We are not a public school yet, but we are involved in redistricting Fremont County, Wyoming, under the State law.

The State committee have recommended that the Reservation have a district and we hope to start operating a Public High School within the next 4-5 years.

We are operating a high school funded by the Bureau of Indian Affairs on year to year basis, until a public high school can be created.

We have some buildings now, but are not adequate for us to gain accreditation and are still working for more facilities so we can offer our Indian Students Facilities needed to fulfull their educational needs to live in the modern society.

Sincerely,

AL REDMAN, *Project Director.*

Enclosures.

Table on the Wyoming Indian high school (Ethete, Wy.) Current enrollment data: 86 (100% Indian):

Total cost estimate	$1, 075, 000
Less available resources	0
Total computed need	1, 075, 000

PERTINENT DATA CONCERNING LATE REPORTING DISTRICTS

District	Enrollment		Estimated costs	Available resources	Computed need	Priority index
	Current	(percent Indian)				
Minnesota:						
Independence No. 115	935	36	$1, 272, 000	$53, 421	$1, 218, 579	70
Independence No. 576	775	5	2, 300, 000	1, 220, 000	1, 080, 000	10
Red Lake[1]					4, 087, 936	
New Mexico:						
Espanola No. 45	5, 927	6	2, 072, 000	850, 000	1, 222, 000	12
Grants No. 3	4, 929	21	2, 100, 000	225, 000	1, 825, 000	44
Los Lomas No. 1	3, 450	9	1, 750, 000	280, 000	1, 500, 000	20
Ruidosa	910	7	2, 500, 000	500, 000	3, 000, 000	28
Total			11, 994, 000		12, 933, 515	

[1] Upgraded original need estimated.

	162 districts	Plus total needs of 7 late reporting districts
Cost—estimate	$237,963,723	$254,045,659
Computed need (less available resources)	163,949,041	276,882,559
Computed need (less ½ available resources)	190,764,745	296,401,892

Note: The survey data of the 6 late reporting districts and the 1 district upgrading its original need estimate affect the total construction aid needs as shown in the table.

DISTRICTS IN STATES REPORTING NO CONSTRUCTION AID NEEDED

State	Number of State districts reporting	Needs met by local taxpayers	Needs met by prior Public Law 815 grants
Alaska	8	8	2
Arizona	12	12	5
California	6	6	2
Colorado	2	2	2
Idaho	1	1	1
Michigan	1	1	0
Minnesota	13	13	0
Montana	3	3	0
Nebraska	1	1	0
Nevada	1	1	1
New Mexico	3	3	2
North Dakota	1	1	1
Oklahoma	8	8	5
South Dakota	5	5	1
Washington	10	10	2
Wisconsin	9	9	1
Wyoming	2	2	1
Total	86	86	26

NATIONAL INDIAN TRAINING AND
RESEARCH CENTER,
Temple, Ariz., February 28, 1973.

DEAR SUPERINTENDENT OF SCHOOLS: The U.S. Congress, through the Bureau of Indian Affairs, has authorized a survey of the construction needs of public schools enrolling Indian children and which are eligible for certain Federal funding. We are pleased to advise you of our being chosen to make this survey.

Our survey design is developed primarily to present your needs and your recommendations in a comprehensive report along with other school superintendents in the 23-state area. If you have or expect to have (within 5 years), construction aid needs related to the education of Indian children, please complete the brief questionnaire schedules in the attached forms. If no construction aids are anticipated (within 5 years) in your district, we would appreciate very much your completing the last page of this questionnaire.

Please complete at your earliest convenience and return to your State Department of Education unless otherwise instructed by personnel from that office. Hopefully, we can receive your report of needs by April 1, 1973.

If the terminology used in these forms is different from that used in your state, please adapt our form to conform to your state terminology. We are thinking particularly of ADA vs. ADM or ANB, assessed valuation vs. taxable valuation in some states.

Please feel free to call us about any questions you may have concerning the survey. To better serve your interest, we solicit your timely assistance and cooperation.

Sincerely yours,
FRANCIS MCKINLEY, *Executive Director.*

Enclosures.

CONSTRUCTION AID SURVEY OF PUBLIC SCHOOLS ENROLLING INDIAN CHILDREN

Basic Data Schedule:
State:
School District: (Give legal name & number):
Mailing Address:
Telephone Number:
Grades taught. (circle) K 1 2 3 4 5 6 7 8 9 10 11 12.
Enrollment, current year (1972–73):
Total (all students).
Total (JOM Indians).
Percent Indian.
(Use total district enrollment. If unusual Indian impacts exist in certain attendance units of district explain on back of page).
Enrollment, projected for year 1977–78:
Total (all students).
Total (JOM Indians).
Percent Indian.
(Based on growth pattern or other known factors. If other factors explain on back of page).
Ability to finance needed construction:
Land area size of district (acres or sq. miles).
Indian-owned non-taxable land in district (acres or sq. miles).
Percent Indian land in district.
Total amount of assessed valuation in district.
Assessed valuation per child in ADA or ADM.
State average assessed valuation per child (ADA or ADM).
Percent above or below State average.
(For valuation data use prior year published data for similar type districts. If information not available, leave blank for State personnel to complete).
Bonding Capacity:
Amount allowed by State law (actual and 1 yr. anticipated).
Present bonded indebtedness (actual and 1 yr. anticipated).
Unused bonding capacity (actual and 1 yr. anticipated).
Does the State have a construction aid program? Yes; No.
If yes, what is expected for your district?
Effort to finance education:
Total district levy last year (1971–72) (mills or amount per $100 valuation).
Total levy current year (1972–73) (mills or amount per $100 valuation).
Name and Title of Person Completing Forms:
Name:
Title:
Date:

CONSTRUCTION AID NEEDS

Several construction units may be included in a single project. Use an additional page for each separate project.

Project: (Briefly describe each construction unit needed in Project).
Type of construction: (Check all that apply).
New facility.
Expansion of existing facility.
Remodeling.
Other (Specify):
When needed:
Now?
Within years?
Funding Requirement: $———.
Amounts available:
By cash on hand $———.
Bonds (authorized, not sold) $———.
Unused bonding capacity $———.
Other (list) $———.
Total available $———.
Justification of Construction Aid Needs (See Note below).
To house expanded enrollment.
To replace temporary buildings.
To meet health and safety standards.
To develop housing for new and innovative programs.
Will enable District to enroll ——— children now in Federal boarding schools.
Other (specify):
Note: If you already have a brochure of a plan that portrays your construction needs, we would greatly appreciate a copy.
Comments on Justification:
Note: To assist us in the development of priority tables, it is necessary to complete the following:
Total estimated membership of all children (as of end of increase period—1977–78):
(Less) Total normal capacity (of usable or available school facilities):
Total number of unhoused children:

FUNDING POSSIBILITIES AND RECOMMENDATIONS

If PL 815, as presently operated, was adequately funded, do you believe your needed funds could be secured under this Federal Aid program? Yes; No.
Comment:
If PL 815 was amended or altered, do you believe your construction aid need could be then met under PL 815?
Yes—How Amended:
No—Why not:
In addition to PL 815, some school districts, on occasion, have had their critical needs met by special requests to the Congress for inclusion of construction funds in the regular BIA budget. In other instances impact needs have been met by transfer of surplus BIA facilities to the school district under JOM Act authorities. In your opinion, do these latter methods (or a combination with PL 815) provide a better means of meeting your requirements?
Comment:
Or is there some new approach through new Federal legislation that you would recommend to meet justifiable Indian impact requirements.
Comment:
(If more space is needed, use back of page.)

TO BE COMPLETED ONLY BY THOSE SCHOOLS NOT NEEDING FEDERAL CONSTRUCTION AID

The school construction needs in our district have been met by: (Check all that apply)
Local taxpayers through bonding programs.
State construction aid.
Prior PL 815 grants.
The B.I.A. through transfer of surplus buildings; through construction grants designated by the Congress.
Other (specify):

CONSTRUCTION AID SURVEY OF PUBLIC SCHOOLS ENROLLING INDIAN CHILDREN

Supplemental basic data schedule (from State education records)
School district (name and number)

ENROLLMENT DATA (FOR PAST 5 YEARS)

School year	Total (all)	JOM Indians	Percent Indians	Growth rate (percent)
1967–68				
1968–69				
1969–70				
1970–71				
1971–72				

EFFORT TO FINANCE EDUCATION (USE STATE AVERAGE FOR SIMILAR TYPE DISTRICTS)

School year	Total levy	State average	Above or below State average
1967–68			
1968–69			
1969–70			
1970–71			
1971–72			

Comments by State personnel (especially comments that would assist us in assigning priorities)
....
....
....
....
Person completing questionnaire:
(Name)..
(Title)...

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. HUGHES). Is there further morning business? If not, morning business is concluded.

QUORUM CALL

Mr. PASTORE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATE, JUSTICE, COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1974—CONFERENCE REPORT

Mr. PASTORE. Mr. President, while I am waiting for our counterpart on the Subcommittee on Appropriations for the Departments of State, Justice, Commerce, and the judiciary, I think that we can indulge in some preliminaries which I think will be agreed to by the other side without any objection.

Therefore at this time, Mr. President, I submit a report of the committee of conference on H.R. 8916, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. HUGHES). The report will be stated by title.

The legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8916) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies, for the fiscal year ending June 30, 1974, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in House proceedings of the CONGRESSIONAL RECORD of November 8, 1973, at page H9720.)

Mr. PASTORE. Mr. President, I would like to point out briefly the major changes from the Senate-passed bill, but before doing so, I ask unanimous consent that a tabulation of the fiscal year 1973 appropriations and the House, Senate, and conference committee allowances for fiscal year 1974 be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PASTORE. Mr. President, the act making appropriations for the Departments of State, Justice, Commerce, the judiciary, and related agencies, as it passed the Senate, provided a total of $4,459,478,250 in new obligational authority, which sum was a reduction of $63,422,750 below the revised budget estimates.

The conference committee's recommendation provides a total of $4,466,012,000 in new obligational authority. This is an increase of $6,533,750 to the Senate allowance and is $313,066,000 over the House allowance. The conference total represents a reduction—and this is important, Mr. President—of $56,889,000 under the revised budget estimates totalling $4,522,901,000, which sum included $267,821,000 in budget amendments which came directly to the Senate and were not considered by the House.

Mr. President, I would like to now briefly point out the major changes from the Senate-passed bill.

DEPARTMENT OF STATE

For the Department of State, the conferees agreed on a total of $618,599,000, which amount is $12,076,250 above the Senate bill, $22,988,000 above the House allowance, and $14,491,000 below the budget. The Senate considered $24,000,000 in budget amendments not presented to the House.

For salaries and expenses, the conferees recommend $302,800,000, which sum is the Senate allowance and is $1,597,000 below the budget estimate, but is $20,300,000 above the House. Of the total approved, $19,700,000 was contained in budget amendments not considered by the House to combat terrorist activities against American personnel abroad. Increases for the same purposes were also approved in the appropriation accounts for acquisition, operations, and maintenance of buildings abroad—foreign currency account, $100,000 and missions to international organizations, $200,000. This $300,000 was also contained in budget amendments not considered by the House.

For contributions to international organizations, the conference committee recommends $200,000,000, which sum is $14,642,250 above the Senate bill and is a reduction of $2,287,000 below the budget estimate and House allowance. The reduction is to be applied to the U.S. contribution to the International Labor Organization.

For international conferences and contingencies, the recommendation totals $4,500,000, which sum is $300,000 below the Senate allowance, is $686,000 below the budget estimate, and is the House allowance.

For the mutual educational and cultural exchange activities, the committee of the conference recommends $49,800,000 which is $2,000,000 below the Senate bill, $2,000,000 above the House allowance, and $4,250,000 below the budget estimate.

For the Center for Cultural and Technical Interchange, the conferees recommend $6,700,000, which sum is $160,000 below the Senate allowance and budget estimate, and is $200,000 above the House allowance.

The conferees agreed to delete, without prejudice, Senate amendment No. 15 expressing the sense of the Senate with regard to the treatment of minorities in the Soviet Union.

DEPARTMENT OF JUSTICE

For the Department of Justice, the committee on the conference agreed to a total of $1,842,262,000, which amount is $2,000,000 below the Senate bill, $18,562,000 below the revised budget estimate, and $34,150,000 above the House allowance. With regard to the Senate increase over the House, $24,475,000 was contained in budget amendments submitted directly to the Senate and not considered by the House.

The committee on the conference approved the funding for the new Drug Enforcement Administration and a new Narcotics Division as requested in the budget amendments and approved by the Senate.

For the Antitrust Division, the conferees recommend $13,019,000, the budget estimate and House allowance, and $1,000,000 below the Senate allowance,

For the Community Relations Service, the committee of conference recommends $2,818,000, the budget estimate and House allowance of $1,000,000 below the Senate allowance.

With regard to the Federal Bureau of Investigation, the conferees agreed to delete the language added by the Senate—amendment No. 21—regarding the exchange of identification records with officials of the federally chartered or insured banking institutions and officials of State and local governments for purposes of employment and licensing, where State law so requires.

The House conferees took the position that with the exception of the proviso governing the exchange of arrest records, to which they would not agree, the balance of the Senate language as contained in the fiscal 1973 Appropriation Act (Public Law 92–544) was permanent legislation. The conferees understand that this matter is before the Judiciary Committees of the House and Senate and urge expeditious consideration thereof.

For the Law Enforcement Assistance Administration, the committee of conference recommends a total of $870,675,000, the Senate allowance, an increase of $4,675,000 in the House allowance and $15,449,000 below the budget estimate.

Under general provisions, Department of Justice, the conferees agreed to delete a proviso—amendment No. 26—added by the Senate with regard to the anual reimbursement to the Treasury from funds available to the District of Columbia to cover a portion of the cost of U.S. attorneys and U.S. marshals performing services for the District.

DEPARTMENT OF COMMERCE

For the Department of Commerce, the committee of the conference recommends a total of $1,223,578,000, which amount is $4,274,000 below the Senate bill, $12,586,000 above the revised budget estimate, and $261,774,000 above the House allowance. With regard to the Senate increase over the House allowance, $217,446,000 in budget amendments were submitted to the Senate and not considered by the House.

For the programs of the Economic Development Administration, the committee of the conference recommends $203,000,000, the total of the Senate allowance and budget amendments, submitted to the Senate and not considered by the House. Also approved was the Senate proviso prohibiting the phaseout or discontinuance of EDA programs, including the regional action planning commissions.

For the regional action planning commissions, the conferees recommend $42,000,000, the sum contained in the Senate-passed bill. This item was not considered by the House.

For the Social and Economic Statistics Administration, the committee of conference recommends $17,800,000, which is the amount contained in the Senate bill, is an increase of $3,000,000 over the House allowance, and is a reduction of $9,340,000 in the revised budget estimate. The Senate increase provides $1,800,000 for a survey of the population requested by the Treasury Department in connection with the distribution of general revenue sharing and $1,200,000 in new obligational authority to initiate a census of agriculture.

For the Domestic and International Business Administration, the conference recommends $49,000,000, the Senate allowance, which is $848,000 under the budget estimate and $500,000 over the House.

For the National Oceanic and Atmospheric Administration, the committee of conference agreed on a total of $353,642,000 for this agency, or a reduction of $4,274,000 in the Senate bill of $357,916,000. The conference agreement is distributed as follows:

First. For operations, research, and facilities, $341,642,000, an increase over the House allowance of $1,274,000.

Second. For coastal zone management, the recommendation is $12,000,000, a reduction of $3,000,000 below the Senate recommendation of $15,000,000. The House did not consider this item.

THE JUDICIARY

For representation by court-appointed counsel and operation of defender organizations, the conferees recommend a total of $16,500,000, which sum is $1,000,000 below the Senate bill and $1,000,000 above the House allowance.

For court-appointed counsel in the District of Columbia, the conferees recommend $1,000,000, a reduction of $1,000,000 below the Senate amendment and an increase in the same amount over the House. The conferees agreed that further funding for this activity will be chargeable to the District of Columbia.

RELATED AGENCIES

For the Arms Control and Disarmament Agency, the conferees recommend $7,735,000, a decrease of $200,000 in the Senate bill, an increase of $800,000 over the House, and which sum is the budget estimate. The $800,000 was contained in a budget amendment not considered by the House.

For the Commission on Civil Rights, the conferees recommend a total of $5,700,000, a reduction of $114,000 below the Senate allowance, $134,000 above the House allowance, and $114,000 below the budget estimate.

For the Commission on the Organization of the Government for the Conduct of Foreign Policy, the committee of conference recommends $1,050,000, which sum is $50,000 below the Senate allowance and was contained in a budget amendment of $1,100,000 not considered by the House. In addition, the conferees approved the Senate language to continue this appropriation available until June 30, 1975.

For the Equal Employment Opportunity Commission, the conferees recommend $43,000,000. This sum is a reduction of $3,934,000 in the Senate allowance, is $3,000,000 over the House allowance, and is $3,934,000 below the budget estimate. The conferees approved a limitation of $1,700,000 that can be used to contract with State and local agencies.

For the Marine Mammal Commission, the committee of conference recommends a total of $412,000, which sum is $413,000 below the Senate allowance and budget estimate and is the House allowance.

For the Tariff Commission, the conferees recommend a total of $7,100,000, which sum is $200,000 below the Senate allowance, $100,000 above the House allowance, and $200,000 below the budget estimate.

For the U.S. Information Agency, the conferees recommend a total of $207,414,000 which sum is $6,714,500 above the Senate allowance, is $12,008,000 below the House allowance, and is $24,440,000 below the budget estimate.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1973 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1974

TITLE I—DEPARTMENT OF STATE

[Note: All amounts are in the form of "appropriations" unless otherwise indicated]

Item (1)	New budget (obligational) authority fiscal year 1973 (enacted to date)[1] (2)	Budget estimates of new (obligational) authority fiscal year 1974 (3)	New budget (obligational) authority recommended in House bill (4)	New budget (obligational) authority recommended in Senate bill (5)	Conference action (6)
Administration of Foreign Affairs:					
Salaries and expenses	$269, 168, 500	$304, 397, 000	$282, 500, 000	$302, 800, 000	$302, 800, 000
Representation allowances	993, 000	1, 263, 000	1, 125, 000	1, 263, 000	1, 200, 000
Acquisition, operation, and maintenance of buildings abroad	30, 000, 000	23, 169, 000	21, 173, 000	21, 173, 000	21, 173, 000
Acquisition, operation, and maintenance of buildings abroad (special foreign currency program)	6, 920, 000	5, 498, 000	5, 038, 000	5, 138, 000	5, 138, 000
Emergencies in the diplomatic and consular service	2, 100, 000	2, 100, 000	2, 100, 000	2, 100, 000	2, 100, 000
Payment to Foreign Service retirement and disability fund	3, 808, 000	2, 972, 000	2, 972, 000	2, 972, 000	2, 972, 000
Total, administration of foreign affairs	312, 989, 500	339, 399, 000	314, 908, 000	335, 446, 000	335, 383, 000
International Organizations and Conferences:					
Contributions to international organizations	185, 357, 750	202, 287, 000	202, 287, 000	185, 357, 750	200, 000, 000
Missions to international organizations	5, 242, 400	5, 734, 000	5, 525, 000	5, 725, 000	5, 725, 000
International conferences and contingencies	3, 650, 000	5, 186, 000	4, 500, 000	4, 800, 000	4, 500, 000
International trade negotiations		1, 743, 000	1, 500, 000	1, 743, 000	1, 700, 000
Total, international organizations and conferences	194, 250, 150	214, 950, 000	213, 812, 000	197, 625, 750	211, 925, 000
International Commissions:					
International Boundary and Water Commission, United States and Mexico:					
Salaries and expenses	4, 210, 000	4, 284, 000	4, 284, 000	4, 284, 000	4, 284, 000
Construction	20, 246, 000	6, 800, 000	3, 800, 000	3, 800, 000	3, 800, 000
American sections, international commissions	748, 000	990, 000	950, 000	950, 000	950, 000
International fisheries commissions	3, 292, 000	3, 517, 000	3, 517, 000	3, 517, 000	3, 517, 000
Total, international commissions	28, 496, 000	15, 591, 000	12, 551, 000	12, 551, 000	12, 551, 000
Educational Exchange:					
Mutual educational and cultural exchange activities	45, 250, 000	54, 050, 000	47, 800, 000	51, 800, 000	49, 800, 000
Center for cultural and technical interchange between East and West	6, 200, 000	6, 860, 000	6, 500, 000	6, 860, 000	6, 700, 000
Total, educational exchange	51, 450, 000	60, 910, 000	54, 300, 000	58, 660, 000	56, 500, 000
Other: Payment to International Center		2, 200, 000		2, 200, 000	2, 200, 000
Total, title I, Department of State	587, 185, 650	[2] 633, 050, 000	595, 571, 000	606, 482, 750	618, 559, 000

Footnotes at end of table.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1973 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1974—Continued

TITLE II—DEPARTMENT OF JUSTICE

[Note: All amounts are in the form of "appropriations" unless otherwise indicated]

Item (1)	New budget (obligational) authority fiscal year 1973 (enacted to date)[1] (2)	Budget estimates of new (obligational) authority fiscal year 1974 (3)	New budget (obligational) authority recommended in House bill (4)	New budget (obligational) authority recommended in Senate bill (5)	Conference action (6)
Legal Activities and General Administration:					
Salaries and expenses, general administration	$14, 200, 000	$16, 427, 000	$19, 100, 000	$15, 834, 000	$15, 834, 000
Salaries and expenses, general legal activities	46, 800, 000	50, 253, 000	47, 200, 000	50, 111, 000	50, 111, 000
Salaries and expenses, Antitrust Division	12, 836, 000	13, 019, 000	13, 019, 000	14, 019, 000	13, 019, 000
Salaries and expenses, U S attorneys and marshals	93, 660, 000	99, 528, 000	99, 300, 000	99, 300, 000	99, 300, 000
Fees and expenses of witnesses	11, 000, 000	13, 000, 000	12, 500, 000	12, 500, 000	12, 500, 000
Salaries and expenses, Community Relations Service	6, 700, 000	2, 818, 000	2, 818, 000	3, 818, 000	2, 818, 000
Total, legal activities and general administration	185, 196, 000	195, 045, 000	193, 937, 000	195, 582, 000	193, 582, 000
Federal Bureau of Investigation: Salaries and expenses	358, 915, 000	366, 506, 000	366, 506, 000	366, 506, 000	366, 506, 000
Immigration and Naturalization Service: Salaries and expenses	137, 484, 000	139, 698, 000	139, 698, 000	139, 698, 000	139, 698, 000
Federal Prison System:					
Salaries and expenses, Bureau of Prisons	118, 317, 000	129, 021, 000	128, 271, 000	128, 271, 000	128, 271, 000
Buildings and facilities	42, 616, 000	14, 800, 000	14, 800, 000	14, 800, 000	14, 800, 000
Support of U.S. prisoners	19, 500, 000	22, 400, 000	21, 500, 000	21, 500, 000	21, 500, 000
Total, Federal prison system	180, 433, 000	166, 221, 000	164, 571, 000	164, 571, 000	164, 571, 000
Law Enforcement Assistance Administration: Salaries and expenses	841, 397, 000	886, 124, 000	866, 000, 000	870, 675, 000	870, 675, 000
Drug Enforcement Administration: Salaries and expenses		107, 230, 000		107, 230, 000	107, 230, 000
Bureau of Narcotics and Dangerous Drugs: Salaries and expenses	74, 653, 000		77, 400, 000		
Total, title II, Department of Justice	1, 778, 078, 000	[3] 1, 860, 824, 000	1, 808, 112, 000	1, 844, 262, 000	1, 842, 262, 000

TITLE III—DEPARTMENT OF COMMERCE

Item (1)	New budget (obligational) authority fiscal year 1973 (enacted to date)[1] (2)	Budget estimates of new (obligational) authority fiscal year 1974 (3)	New budget (obligational) authority recommended in House bill (4)	New budget (obligational) authority recommended in Senate bill (5)	Conference action (6)
General Administration:					
Salaries and expenses	$8, 064, 543	$8, 000, 000	$8, 000, 000	$8, 000, 000	$8, 000, 000
Administration of economic development assistance programs		21, 000, 000		19, 000, 000	19, 000, 000
Special foreign currency program	1, 400, 000	2, 940, 000	2, 940, 000	2, 940, 000	2, 940, 000
Total, General Administration	9, 464, 543	31, 940, 000	10, 940, 000	29, 940, 000	29, 940, 000
Social and Economic Statistics Administration:					
Salaries and expenses	34, 205, 000	38, 800, 000	38, 300, 000	38, 300, 000	38, 300, 000
Periodic censuses and programs	14, 579, 500	27, 140, 000	14, 800, 000	17, 800, 000	17, 800, 000
Total, Social and Economic Statistics Administration	48, 784, 500	65, 940, 000	53, 100, 000	56, 100, 000	56, 100 000
Economic Development Administration:					
Development facilities	220, 000, 000	159, 000, 000		159, 000, 000	159, 000, 000
Industrial development loans and guarantees	50, 000, 000	5, 000, 000		5, 000, 000	5, 000, 000
Planning, technical assistance, and research	31, 468, 000	20, 000, 000		20, 000, 000	20, 000, 000
Operations and administration	24, 263, 000				
Total, Economic Development Administration	325, 731, 000	184, 000, 000		184, 000, 000	184, 000, 000
Reional Action Planning Commissions: Regional development programs	41, 672, 000	20, 000, 000		42, 000, 000	42, 000, 000
Domestic and International Business Administration:					
Salaries and expenses	47, 088, 900	49, 848, 000	48, 500, 000	49, 000, 000	49, 000, 000
Participation in U.S. expositions	11, 500, 000				
Total, Domestic and International Business Administration	58, 588, 900	49, 848, 000	48, 500, 000	49, 000, 000	49, 000, 000
Foreign Direct Investment Regulation: Salaries and expenses	2, 600, 000	2, 600, 000	2, 600, 000	2, 600, 000	2, 600, 000
Minority Business Enterprise: Minority business development	63, 934, 000	35, 231, 000	35, 231, 000	35, 231, 000	35, 231, 000
U.S. Travel Service: Salaries and expenses	9, 000, 000	9, 279, 000	9, 090, 000	9, 000, 000	9, 000, 000
National Oceanic and Atmospheric Administration:					
Operations, research and facilities	385, 430, 457	343, 089, 000	340, 368, 000	342, 916, 000	341, 642, 000
Coastal zone management		5, 000, 000		15, 000, 000	12, 000, 000
Administration of Pribilof Islands	3, 232, 000	3, 113, 000	3, 113, 000	3, 113, 000	3, 113, 000
Fishermen's Guaranty Fund	61, 000	61, 000	61, 000	61, 000	61, 000
Total, National Oceanic and Atmospheric Administration	388, 723, 457	351, 263, 000	343, 542, 000	361, 090, 000	356, 816, 000
Science and Technology: Scientific and technical research and services	145, 042, 100	130, 864, 000	129, 864, 000	129, 864, 000	129, 864 00
Maritime Administration:					
Ship construction	455, 000, 000	275, 000, 000	275, 000, 000	275, 000, 000	275, 000, 000
Operating-differential subsidies (appropriation to liquidate contract authority)	(232, 000, 000)	(221, 515, 000)	(221, 515, 000)	(221, 515, 000)	(221, 515, 000)
Research and development	29, 000, 000	20, 000, 000	19, 000, 000	19, 000, 000	19, 000, 000
Operations and training	34, 534, 000	35, 027, 000	35, 027, 000	35, 027, 000	35, 027, 000
Total, Maritime Administration	518, 534, 000	330, 027, 000	329, 027, 000	329, 027, 000	329, 027, 000
Total, title III, Department of Commerce	1, 612, 074, 500	[4] 1, 210, 992, 000	961, 804, 000	1, 227, 852, 000	1, 223, 578 000

TITLE IV—THE JUDICIARY

Item (1)	New budget (obligational) authority fiscal year 1973 (enacted to date)[1] (2)	Budget estimates of new (obligational) authority fiscal year 1974 (3)	New budget (obligational) authority recommended in House bill (4)	New budget (obligational) authority recommended in Senate bill (5)	Conference action (6)
Supreme Court of the United States:					
Salaries	$3,784,000	$3,964,000	$3,964,000	$3,964,000	$3,964,000
Printing and binding Supreme Court reports	416,000	515,000	515,000	515,000	515,000
Miscellaneous expenses	423,000	560,000	560,000	560,000	560,000
Automobile for the Chief Justice	14,600	15,000	15,000	15,000	15,000
Books for the Supreme Court	55,000	63,000	63,000	63,000	63,000
Care of the building and grounds	1,014,000	1,169,000	1,100,000	1,100,000	1,100,000
Total, Supreme Court of the United States	5,706,600	6,286,000	6,217,000	6,217,000	6,217,000
Court of Customs and Patent Appeals: Salaries and expenses	684,000	692,000	677,000	677,000	677,000
Customs Court: Salaries and expenses	2,341,000	2,341,000	2,341,000	2,341,000	2,341,000
Court of Claims: Salaries and expenses	2,139,000	2,154,000	2,154,000	2,154,000	2,154,000
Courts of appeals, district courts, and other judicial services:					
Salaries of judges	27,000,000	27,300,000	27,300,000	27,300,000	27,300,000
Salaries of supporting personnel	77,208,000	85,326,000	83,372,000	83,522,000	83,450,000
Representation by court-appointed counsel and operation of defender organizations	17,472,000	16,000,000	15,500,000	17,500,000	16,500,000
Fees of jurors	18,218,000	18,500,000	18,500,000	18,500,000	18,500,000
Travel and miscellaneous expenses	10,626,000	13,013,000	12,909,000	12,909,000	12,909,000
Administrative Office of the U.S. Courts	3,682,000	4,247,000	3,906,000	3,906,000	3,906,000
Salaries and expenses of U.S. magistrates	6,690,000	7,837,000	7,837,000	7,837,000	7,837,000
Salaries of referees (special fund)	6,755,000	6,991,000	6,991,000	6,991,000	6,991,000
Expenses of referees (special fund)	12,895,000	12,780,000	12,660,000	12,660,000	12,660,000
Commission on Revision of Federal Court Appellate System of the United States	255,000				
Total, courts of appeals, district courts, and other judicial services	183,802,000	191,994,000	188,975,000	191,125,000	190,053,000
Federal Judicial Center Salaries and expenses	1,544,000	2,062,000	2,000,000	2,000,000	2,000,000
Commission on Bankruptcy Laws of the United States Salaries and expenses (special fund)	426,000				
Total, title IV, the judiciary	193,642,600	205,529,000	202,364,000	204,514,000	203,442,000

TITLE V—RELATED AGENCIES

Item (1)	(2)	(3)	(4)	(5)	(6)
American Battle Monuments Commission: Salaries and expenses	$3,711,000	$3,800,000	$3,800,000	$3,800,000	$3,800,000
Arms Control and Disarmament Agency: Arms control and disarmament activities	10,000,000	[5] 7,735,000	6,935,000	7,935,000	7,735,000
Commission on American Shipbuilding: Salaries and expenses	550,000	205,000	205,000	205,000	205,000
Commission on Civil Rights: Salaries and expenses	4,948,000	5,814,000	5,566,000	5,814,000	5,700,000
Commission on the Organization of the Government for the Conduct of Foreign Policy: Salaries and expenses	200,000	[6] 1,100,000		1,100,000	1,050,000
Department of the Treasury, Bureau of Accounts: Fishermen's Protective Fund	3,000,000				
Equal Employment Opportunity Commission: Salaries and expenses	32,000,000	46,934,000	40,000,000	46,934,000	43,000,000
Federal Maritime Commission: Salaries and expenses	5,679,000	6,040,000	6,000,000	6,000,000	6,000,000
Foreign Claims Settlement Commission:					
Salaries and expenses	743,000	810,000	800,000	800,000	800,000
Payment of Vietnam and U.S.S. Pueblo prisoner of war claims	16,200,000				
Total, Foreign Claims Settlement Commission	16,943,000	810,000	800,000	800,000	800,000
International Radio Broadcasting: International broadcasting activities	39,670,100	49,934,000	45,000,000	45,000,000	45,000,000
Marine Mammal Commission: Salaries and expenses		825,000	412,000	825,000	412,000
National Commission for the Review of Federal and State Laws Relating to Wire-Tapping and Electronic Surveillance: Salaries and expenses		332,000	332,000	332,000	332,000
National Commission on Fire Prevention and Control: Salaries and expenses	450,000				
National Tourism Resources Review Commission: Salaries and expenses	400,000				
Small Business Administration:					
Salaries and expenses	22,560,000	22,300,000	22,150,000	22,150,000	22,150,000
Payment of participation sales insufficiencies	970,000	973,000	973,000	973,000	973,000
Business loan and investment fund	395,000,000	225,000,000	225,000,000	225,000,000	225,000,000
Disaster loan fund	1,855,000,000				
Total, Small Business Administration	2,273,530,000	248,273,000	248,123,000	248,123,000	248,123,000
Special Representative for Trade Negotiations: Salaries and expenses	1,014,000	1,550,000	1,500,000	1,500,000	1,500,000
Subversive Activities Control Board: Salaries and expenses	350,000				
Tariff Commission: Salaries and expenses	6,000,000	7,300,000	7,000,000	7,300,000	7,100,000
U.S. Information Agency:					
Salaries and expenses	190,750,000	203,432,000	202,000,000	190,077,500	196,000,000
Salaries and expenses (special foreign currency program)	12,500,000	7,008,000	7,008,000	5,208,000	6,000,000
Special international exhibitions	5,061,000	4,336,000	4,336,000	4,336,000	4,336,000
Special international exhibitions (special foreign currency program)	357,000	78,000	78,000	78,000	78,000
Acquisition and construction of radio facilities	1,000,000	17,000,000	6,000,000	1,000,000	1,000,000
Total U.S. Information Agency	209,668,000	231,854,000	219,422,000	200,699,500	207,414,000
Total, title V, related agencies	2,608,113,100	612,506,000	585,095,000	576,367,500	578,171,000
Total, title I, II, III, IV, and V, new budget (obligational) authority—appropriations	6,779,093,850	4,522,901,000	4,152,946,000	4,459,478,250	4,466,012,000
Memoranda: Appropriations to liquidate contract authorizations	(232,000,000)	(221,515,000)	(221,515,000)	(221,515,000)	(221,515,000)
Total appropriations, including appropriations to liquidate contract authorizations	(7,011,093,850)	(4,744,416,000)	(4,374,461,000)	(4,680,993,250)	(4,687,527,000)

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[1] Includes amounts in 2d Supplemental Appropriation bill, 1973, Public Law 93-50.

[2] Includes $21,800,000 contained in S. Doc. 93-26 and $2,200,000 contained in H. Doc. 93-106 not considered by House.

[3] Includes net increase of $24,475,000 contained in H. Doc. 93-123 not considered by House.

[4] Following items included but not considered by House:

H. Doc. 93-124	$205,000,000
S. Doc. 93-30	$6,140,000
S. Doc. 93-23	1,306,000
S. Doc. 93-35	5,000,000

[5] Includes $800,000 contained in S. Doc. 93-26 not considered by House.

[6] Contained in S. Doc. 93-24 not considered by House.

Mr. PASTORE. Mr. President, I want to say that I am awaiting the arrival of the Senator from Nebraska (Mr. HRUSKA) so that I would be perfectly willing to answer any questions on this matter in the meantime.

Mr. JAVITS. I should like to direct the attention of the Senator from Rhode Island to amendment No. 5 entitled "Contributions to International Organizations." This title appropriates $200 million instead of $202,287,000 as proposed by the House and $185,357,750 as proposed by the Senate, thereby making a reduction of $2,287,000 from the budget request which was the amount appropriated by the House. The manager's report states specifically that this contribution shall be taken away from the International Labor Organization.

The ILO has a budget request with us of $8,709,300. Therefore, this is a 25-percent cut. As this is an organization which we have been associated with for 50 years—I believe it is at least that figure—and it is a tripartite organization—management, labor, and government—doing extraordinarily fine work throughout the world in labor matters especially in terms of labor conventions, endeavoring to elevate the standards of minimum compensation and conditions of work for workers throughout the world, I wonder whether the manager of the bill would be kind enough to tell us what his rationale is for the cut.

Mr. PASTORE. Mr. President, the House was adamant on this. I do not agree with it. We are pursuing it further and have been assured by the State Department that they are working on a budget estimate to be submitted in the next supplemental. I would hope, at that time, that we can restore the $2,287,000. I think it is an obligation that is owed by the U.S. Government. This is a good project. It promotes international liaison with reference to labor relations. It would be rather unfortunate if we sustained such a drastic cut.

I might say to my colleague from New York that I hope we can remedy that situation the next time.

Mr. JAVITS. I thank the Senator very much. It is also characteristic of the Senator from Rhode Island, whose deep understanding of labor matters in the United States and throughout the world has characterized his most distinguished service in the Senate throughout the years he has served here.

I should like to point out, as adding to the record, that we had a considerable "flap" about this matter of the International Labor Organization, which resulted in some kind of dug-in position by President Meany of the AFL–CIO. We went into arrears for a number of years to the great embarrassment of this country and the organization as well as the management, labor, and governmental delegates whom we send annually to the ILO.

That was cleared up finally, and we are now pretty much in balance. But, here we go again. So that I welcome, and, as I said, it is quite characteristic of the distinguished Senator from Rhode Island that he should have the deep feeling he does about this matter. I appreciate his assurances and I know that they will be carried out. I would only offer in every way my full advocacy and cooperation to the Senator from Rhode Island at the proper time.

Mr. PASTORE. I thank the Senator from New York. Now I yield to the Senator from Nebraska (Mr. HRUSKA).

Mr. HRUSKA. Mr. President, on balance, this conference report is a well-considered product and worthy of prompt approval by the Senate.

Some points in the conference report recur from year to year. One of them has just been mentioned by the Senator from New York (Mr. JAVITS). There is no setback in that program, no abridgment of any of its activities pending the consideration of the supplemental. Of course, the Senator from Rhode Island has already given the Senator from New York part of the background on it.

We have canvassed that ground time and again in past years, and in the years when the Senator from New York himself was a member of the Appropriations Committee. But I can assure him that the sentiment for that program and for its activities is firmly fixed, with a great deal of support and cooperation. Therefore, I am confident that there will be no setback or slowing down of the program.

Mr. JAVITS. I thank my colleague from Nebraska very much.

Mr. HRUSKA. I would like to take this opportunity to applaud the leadership of the distinguished Senator from Rhode Island (Mr. PASTORE) who is the chairman of the subcommittee which considered this measure in the Senate.

I can assure my colleagues that Mr. PASTORE and the other Senate conferees worked diligently with our counterparts from the House in producing this document.

I am generally satisfied with most of the provisions contained in the conference report. However, there are certain matters with which I am disappointed. A few of these deserve particular mention.

The Senate-passed bill provided language to cover certain problems relating to the exchange of identification records by the FBI. Identical language was contained in the appropriations bill last year with the addition of the word "hereafter." It was the position of the House that the addition of this word made the entire language regarding the use of FBI records permanent legislation and, therefore, that there was no need for similar language in the bill this year. There has been some difference of opinion on this matter.

Although this report reflects a consensus, it does not appear that any prejudice has been exhibited in the choice and decision of the conference committee on this point.

It should, however, spur the deletion of any language enacted without prejudice to the efforts of the Judiciary Committees of the House and Senate in considering general legislation which would cover this point on a permanent basis. We need that. An appropriation bill is not a proper vehicle for general legislation. I do hope that we can solve this matter at an early date.

The distinguished Senator from North Carolina (Mr. ERVIN) has been working on this type of legislation. The Senator from Nebraska has worked on such proposals in past Congresses.

We now hope to have hearings on this matter and resolve the issue. It will be particularly important as we have more and more of the States developing their own system of crime statistics and determining what sort of information to transmit between the States.

Another point that we have difficulty with is the matter of the appropriation for defense-appointed counsel under the Criminal Justice Act. The history of that act has also been spread on the record; the debates here, our testimony, and in our committee reports.

Annually we have an exercise in the conference report where we go over this matter again and again. There is no question that the history clearly shows, and the law clearly indicates that this matter should be an activity funded through the judiciary. However, Congress in its wisdom, has decided to the contrary.

The main thing is that moneys will be going forward in sufficient degree to take care of the needs of all those to whom defense counsel should be appointed by the courts. There will be no degradation of that program. It will go forward. As time goes on, I hope that we can place it on a permanent basis rather than having to take it up in this rather unsatisfactory case by case basis each and every year.

Accordingly, I commend the leadership of the chairman of the subcommittee, and suggest that quick approval of this appropriation bill will be very much in order. I would be remissed if I failed to pay tribute at this point to the excellent work done by both the Majority and Minority staff during our consideration of this bill.

INTRODUCTION OF S. 2697

Mr. ERVIN. Mr. President, I should like to inform my good friend from Nebraska that I am today introducing a bill to accomplish that very objective for which he and I have been fighting for several years, with respect to FBI records. I am sorry that I have not had the opportunity to consult with him, but I am going to give him a copy of the bill and express the hope that he will join me and other Senators in coponsoring the bill.

Mr. HURSKA. Mr. President, I would be happy to be a cosponsor, sight unseen. I do not mean, however, that I subscribe to the verity of each one of the points and sections contained therein, but knowing the Senator from North Carolina for the great student he is, in any event, it will be a line vehicle for the hearings which I hope will result shortly, and we can pursue the subject in proper fashion.

Mr. YOUNG. Mr. President, I should also like to be a cosponsor of the bill, with the approval of the Senator from North Carolina.

Mr. ERVIN. Mr. President, on the basis of the statements made by the distinguished Senators from Nebraska and North Dakota (Mr. HRUSKA and Mr. YOUNG) I ask unanimous consent to have

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their names added as cosponsors of the bill which I introduced a few moments ago, to protect the constitutional rights of the subjects of arrest records, authorizing the FBI to disseminate conviction records to State and local government agencies, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. I am sorry that the Senate conferees were unable to persuade the House conferees to sustain the Senate's position with respect to FBI records and with respect to making provision of funds to compensate for indigent defendants in the courts of the District of Columbia. For that reason, while I do not seek to defeat the conference report, I wish to vote against the conference report because of the omission of the conferees, which is understandable to me, so far as the Senate conferees are concerned, to include those provisions.

THE CONFERENCE REPORT ON H.R. 8918: LEGISLATIVE LEGERDEMAIN

Mr. President, for the second year in a row the Senate has suffered a serious defeat at the hands of House conferees on the appropriations bill for the Departments of State, Justice, and Commerce, the judiciary and related agencies. For the second year in a row the House has imposed its will upon the Senate in regard to two provisions which the Senate adopted unanimously—a ban on Justice Department dissemination of raw arrest records to nonlaw enforcement agencies and full year funding for the appointed counsel program in the District of Columbia.

ARREST RECORDS

In dropping completely Senate amendment No. 21 to H.R. 8916, the Bible-Ervin rider on arrest records, the conference report has trampled upon the constitutional rights of innocent individuals. The House conferees insistence upon dropping the Senate amendment is only the latest chapter in over 2 years of legislative legerdemain by the House Appropriations Committee.

For the past 2 years the Justice Dement, with the help of the House committee, has been attempting to reverse by an appropriations rider a decision by the U.S. District Court for the District of Columbia. That court found that Congress had never authorized the Justice Department to collect from all over the country arrest records on citizens who have never been convicted of a crime and to send that information to nonlaw enforcement agencies and private employers.

On June 15, 1971, the district court for the District of Columbia handed down the decision in the case of *Menard* v. *Mitchell*, 328 F. Supp. 718. The ruling prohibited the FBI's dissemination of arrest and fingerprinting records to nonlaw enforcement agencies. The court based its decision upon an interpretation of section 534 of title 28 of the United States Code, the provision which the Justice Department has relied upon as authority for its collection of fingerprint and arrest record information.

The petitioner, Menard, had argued that inasmuch as he was never convicted, the maintenance and use of his arrest record violated the presumption of innocence, due process, the right of privacy, and freedom from unreasonable search and seizure. Although the court refused to expunge the record on Menard on these constitutional grounds, it recognized that section 534 had to be interpreted narrowly to avoid constitutional infirmities. In the court's words—

> Viewed in this light, it is abundantly clear that Congress never intended to or in fact did authorize dissemination of arrest records to any state or local agency for purposes of employment or licensing checks.

The court is merely pointing out to the Justice Department and to the Congress what should have been obvious. When Congress passed section 534 almost 30 years ago it was only attempting to facilitate coordinated law enforcement activities between the Federal and local governments. In the court's words, Congress was only trying—

> To assist arresting agencies, courts and correctional institutions in the apprehension, conviction, and proper disposition of criminal offenders.

There is absolutely nothing in the statute or in the debate that even suggests that confidential or harmful information, such as the arrest record of a person whom the Government does not even bother to prosecute, should be collected by the Justice Department and disseminated to private employers to help them in job screening.

Obviously, the Federal Government has no business distributing arrest records to help private enterprise in its hiring practices. Private industry has its own means of checking on applicants, and whom they hire is none of the Government's business. The distribution by the Justice Department of arrest records is like a national "enemies list." It places an unbearable stigma on citizens who may be innocent of wrongdoing. The distribution of an applicant's arrest record almost invariably means that he will not get the job he seeks. The FBI Identification Division receives over 11,000 requests for record searches each day. We cannot know how many times Americans have been denied jobs even though they were found innocent of charges, or the case was dropped, or the original arrest was a mistake, or illegal, or even unconstitutional. Simple justice means that a man should not be denied employment because of an arrest record unless a complete trial record shows he was found guilty by a court of law.

The Menard decision had the effect of bringing the FBI's fingerprint operation to a standstill. However, within a few months Senator Bible succeeded in attaching a rider to a supplemental appropriations bill (H.R. 11955) suspending the order in the Menard case. Since this legislation was part of an appropriations bill, it could only be temporary in nature and when the fiscal year 1973 appropriations bill for the FBI was introduced in 1972, it also contained the Bible rider. When it came time to vote on the 1973 appropriations bill in the House, Congressman Don Edwards was sustained on a point of order striking the rider as violative of a House rule prohibiting substantive legislation in an appropriations bill.

Although the House bill came to the Senate containing no language authorizing the fingerprint distribution, the Senate Appropriations Committee reinserted the Bible language. When the appropriations bill came to a vote in the Senate, I suggested to the proponents that I planned to make the same point of order as Mr. Edwards had made on the House side since the Senate has a similar rule prohibiting substantive legislation in an appropriations bill.

In lieu of making that point of order Senator Bible and I agreed to additional language in the Bible rider. I proposed a proviso at the end of the Bible rider which allowed continued dissemination outside the Federal Government but limited such dissemination to arrest records which also indicated that the defendant had pleaded guilty or was convicted of the crime for which he was arrested. The Senate adopted unanimously the Bible-Ervin language.

There is a great deal of confusion as to what happened to the Bible-Ervin amendment in the House-Senate conference last year. According to Senator Hruska who did serve on the conference, the only change in the Bible-Ervin amendment was to be the addition of the word "hereafter" so that it would be clear that my proviso would only apply from the point of enactment of the appropriations bill to the end of the fiscal year when the appropriation expires. This was designed to protect the FBI from any civil liability for distribution of arrest records without convictions which had been taking place since the Bible rider was enacted in the fall of 1971.

However, the conference report suggested that the conference committee dropped the Ervin proviso leaving the Bible language. This of course left the FBI in the same position as it had been after the first Bible rider was enacted in the fall of 1971. The Menard order was again temporarily suspended and there was nothing that Congressman Edwards or I could do to strike the language because a point of order did not appear available on the conference report.

At the time the Senate considered the conference report, I expressed my dismay at what the conference had done but pointed out that the language was only temporary and promised next year to make the point of order I had been dissuaded from making in 1972. Congressman Edwards said essentially the same thing when the conference report was considered on the House side. Therefore, the only legislative history on the provision suggests that it has the effect of suspending the Menard order but only temporarily, that is, until the appropriations legislation expires at the end of the 1973 fiscal year.

However, when the administration presented its fiscal year 1974 budget it took the position that the word "hereafter" in the Bible amendment makes the amendment permanent legislation and that the Menard order has been

permanently repealed by the conference's action. Of course, this is contrary to the legislative history. The case law interpreting appropriations riders suggests that the fingerprint operation would rest upon the infirm foundation at the end of the fiscal year if the Bible rider, or the Bible-Ervin rider is not again added to the FBI appropriation for fiscal year 1974.

As soon as I found out about the administration's position on this matter I wrote to the chairman of the Senate Appropriations Committee (Mr. McClellan). The letter sets out my concern on this matter and reflected my research on the effect of the addition of the word "hereafter." That research confirmed my conclusion that the conference committee's action last year did not permanently enact the Bible rider and that additional authority would be necessary this year if the fingerprint dissemination and national crime information system were to continue to operate this year. I ask unanimous consent that my letter to the chairman of the Appropriations Committee be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ERVIN. The Senate committee agreed with the position set out in my letter to Senator McClellan. It placed the Bible-Ervin language in H.R. 8916 and no objection was raised on the floor. When the bill got to conference, the House adamantly refused to admit that it had made a mistake in not again proposing legislation similar to the Bible-Ervin rider. The House conferees insisted that the problem had been finally settled last year. They were confident that by simply slipping in the word "hereafter" without any explanation in the conference report or any legislative history, the Bible portion of the rider would be permanently enacted into law. Of course, this was contrary to the conclusion which the Senate committee had reached when it adopted the Bible-Ervin rider, and it was contrary to the understanding of last year's Senate conferees.

The result is not only an affront to the Senate's position and to the rights of innocent citizens. The House's obstinacy on this matter may have placed the whole FBI fingerprint operation in jeopardy again. I would not be surprised if a court case is brought in the near future in which a petitioner like Menard attempts to get a court to prohibit the dissemination of arrest records to nonlaw enforcement agencies. The petitioner could succeed by simply presenting the judge with a copy of the Menard order. I doubt that a judge would be willing to hold that order null and void simply because the conference committee had slipped the word "hereafter" into a conference report on a piece of temporary legislation without any explanation and without any supportive language on the floor of either House of Congress which approved it. It would be especially difficult for a court to rule for the Justice Department in such a case in the face of the Senate committee's and the Senate's conclusion that the Menard order would go back into effect if the Bible rider was not again added to the Justice Department's appropriation bill.

This year's conference report states that—

> The Conferees understand that this matter is before the Judiciary Committees of the House and the Senate and urge expeditious consideration thereof.

In other words, the conference committee is asking the Judiciary Committees of both Houses to move quickly to resolve this legal ambiguity so that the fingerprint operation is not again brought to a halt by a court order.

Therefore, I am today proposing legislation which will temporarily resolve the controversy raised by the Conference Committee's action. This legislation would in effect enact the Bible-Ervin rider into substantive law, but only for a temporary period, until the end of Congress. The legislation only gives temporary authority because I believe that much more comprehensive legislation is needed to deal with the question of law enforcement data banks and information systems. Indeed, the Justice Department is drafting such a comprehensive bill which I understand it will propose in the next few weeks. I am also planning to introduce a more complete bill in the near future. However, an effective temporary stopgap measure should be enacted as a prophylactic measure to make the fingerprint service less vulnerable to an adverse court decision and at the same time protect innocent individuals until such time as Congress enacts comprehensive legislation.

I ask unanimous consent that the bill, together with a memorandum, be printed in the Record following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

APPOINTED COUNSEL IN THE DISTRICT OF COLUMBIA

Mr. ERVIN. The House conferees also got their "pound of flesh" from the Senate on Senate amendment No. 42 of H.R. 8916. In that amendment, the Senate had provided $2,000,000 for the program for appointed defense counsel in the District of Columbia.

In this controversy, the Administrative Office of the U.S. Courts, unable to carry out its responsibilities under the Criminal Justice Act to provide defense counsel services in the District and unable to convince the Comptroller General that the District government should carry this burden, came to the House Appropriations Committee as a court of final appeal.

The controversy goes back to 1970 when the Senate enacted several significant amendments to the Criminal Justice Act of 1964, which sought to improve the quality of criminal justice in America by improving and expanding the system of public support of defense legal assistance for individuals who are financially unable to obtain counsel in criminal cases. The 1970 amendments to the Criminal Justice Act resulted in expansion of the scope of defense services available to the indigent defendant, an increase in the rate of compensation paid to attorneys representing indigent defendants, and the establishment of Federal public defender organizations within certain Federal judicial districts.

At the same time Congress was focusing attention on the local courts of the District of Columbia. The Court Reform and Criminal Procedure Act was enacted in the same year. This legislation transformed the local trial court from a municipal court of very limited jurisdiction to the court of full general jurisdiction for the District of Columbia. One of the reasons for the enactment of this legislation was to eliminate the severe criminal case backlogs which were then in effect in the Federal District Court for the District of Columbia, which prior to court reorganization handled serious local criminal cases.

Congress addressed both pieces of legislation at the same time and both the Senate and House Judiciary Committees were fully aware of the need to conform the Criminal Justice Act to the reorganization plan. Therefore, when a question was raised as to whether the Criminal Justice Act would continue to apply in the reorganized District of Columbia courts, Congress decided that question in the affirmative, because it was understood that the Federal Government would continue to have a very real impact and an interest in the operations of the revised court system. Indeed, the U.S. attorney for the District of Columbia continues to prosecute serious crimes in the District of Columbia courts.

Furthermore, the Congress felt that all Criminal Justice Act payments should be administered by one agency, the Administrative Office of the U.S. Courts, so that the standards set out in the act would be applied uniformly nationwide. For these reasons the Criminal Justice Act was amended contemporaneous with court reform in the District to provide expressly that the act was to continue to apply to the local courts in Washington. Indeed, it was the Justice Department that urged both in the Constitutional Rights Subcommittee and in the House Judiciary Committee carefully drawn amendments specifically designed to insure that court reform would not impair the continued application of the federally administered Criminal Justice Act program in the District's new courts.

Despite the clear legislative intent expressed by the Congress in both the 1970 amendments to the Criminal Justice Act and the 1970 District of Columbia Court Reorganization Act, there has been considerable controversy involving the means of financing and administering defense services for indigents in the District of Columbia under the provisions of the Criminal Justice Act. The Administrative Office of the U.S. Courts is either reluctant or incapable of administering the Criminal Justice Act funds for the District of Columbia. Last year, in response to a decision by the Administrative Office of the U.S. Courts not to accept vouchers from attorneys providing services under the Criminal Justice Act of the District of Columbia,

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the Comptroller General of the United States issued a formal decision.

In this decision, the Comptroller General ruled that the legislative intent of Congress in both of these acts was that Criminal Justice Act funds for the District of Columbia should be administered and budgeted for by the Administrative Office of the U.S. Courts, as is the case with Criminal Justice Act defender funds for the other Federal judicial districts. This ruling is an authoritative interpretation of the law binding on the Administrative Office no less than on other agencies of the Federal Government. However, on October 26, 1972, the Judicial Conference of the United States voted not to include the budget estimates of needed District of Columbia Criminal Justice Act funds in their fiscal year 1974 appropriation request.

The House followed the conference's recommendation and included no appropriation for expenditure of Criminal Justice Act funds in the District of Columbia. Because the District government accepted the Comptroller General's decision as authoritative, it did not ask for funds for the Criminal Justice Act in its budget. We were then faced with the very real danger that the Criminal Justice Act would come to an end in the District of Columbia. Indeed, the appropriation bill enacted earlier this year for the District contains no funds and the only way to save the program is to include the appropriation in this bill.

H.R. 8916 was reported out of the Senate committee with an appropriation for $1.125 million for funding of legal counsel for indigent defendants in the District of Columbia as part of the total $16.623 million appropriation for Criminal Justice Act payments nationwide. This appropriation was less than one-half of the $2.250 million estimated to be necessary for the funding of indigent defendant counseling for the full fiscal year in the District of Columbia. Presumably, the Appropriations Committee intended to resolve this question in the supplemental appropriation for the Federal judiciary. This would simply postpone the crises until March or April of 1974. There is no possible way in which the District of Columbia court system, with its well over 12,500 indigent defendants annually, can operate for the remainder of the fiscal year with the sum provided for by H.R. 8916. It seemed to make little sense to me to build into this appropriation a crisis to be faced next spring.

Therefore, I proposed that the appropriation for the Criminal Justice Act in the District be increased to $2,000,000. My proposal was adopted, but the House conferees insisted that the appropriation be cut in half and that the remainder of the funds be sought out of the District's budget. In light of the Comptroller General's ruling and the absence of legislative authority, the District cannot request money for a Federal program. Therefore, the conference's action raises serious questions as to whether there will be a Criminal Justice Act program in the District of Columbia.

The ultimate effect of the House conferees' position may be that large numbers of indigent criminal defendants in the District of Columbia will not be represented by counsel. In light of recent Supreme Court decisions, especially in the case of *Argersinger* v. *Hamlin*, 407 U.S. 25 (1972), many of these cases may have to be dismissed. That case held that even in misdemeanor cases an indigent defendant had an absolute right to counsel.

CONCLUSION

I am voting against the conference report on H.R. 8916 because it concedes to the House conferees on these two important points. The deletion of the Bible-Ervin rider and the slashing of funds for the Criminal Justice Act in the District of Columbia is not only unjust, but it may end two valuable programs. It may well mean that a vulnerable FBI law enforcement service will have to be halted and that hundreds of criminal cases in the District of Columbia will have to be dismissed—all because House conferees would not compromise. Perhaps it will take such disasters before we take a resolute stand against this kind of clever legislative legerdemain. Perhaps, in the words of an old North Carolinian saying—

> You have to hit a mule with a 2 by 4 to get his attention.

EXHIBIT 1

MAY 15, 1973.

Hon. JOHN L. MCCLELLAN,
Chairman, Appropriations Committee,
U.S. Senate.

DEAR MR. CHAIRMAN: In recent years, the Administration has requested in its budget certain language regarding the distribution of criminal records by the Justice Department. This so-called "Bible rider" is language which has been added to the FBI's appropriation for the past few years as a temporary authorization for the Bureau to continue operation of the National Crime Information Center and the collection and dissemination of fingerprint records and "RAP sheets" by the Identification Division of the Bureau. The language is necessitated by the outstanding order in the case of *Menard* v. *Mitchell*, 328 F. Supp. 718 (1971). That order prohibits distribution by the FBI of such criminal records outside the Federal government until the Congress enacts legislative standards designed to protect the security and confidentiality of the information and to protect innocent people from being harmed by its collection and dissemination.

It has been generally recognized that, as Senator Bible described it, the rider is a "stopgap" measure which allowed the FBI to continue its dissemination on a temporary basis until the Congress has enacted the legislative standards required by the *Menard* case. Last year the Senate agreed to a modification I proposed which limited dissemination to records which indicated a conviction. Under the modification, the FBI could continue the dissemination of this information without harming innocent individuals while Congress prepared more precise legislative guidelines.

When H.R. 14989 came from conference the modified rider was dropped, and the original language was retained. When the conference report was before the Senate I announced my determination to object to such improper legislative provisions in any future appropriation bill. My determination has been strengthened by learning from Senator Hruska that the conference had indeed agreed to retain my modification but that this was somehow not reflected in the formal report. Senator Hruska has confirmed his recollection of this unfortunate discrepancy.

If the Bible rider or any similar language is proposed again this year, I plan once again to raise a point of order to it as "legislating in an appropriations bill" and, therefore, violative of Senate Rule 16.

In its proposed budget for the coming year, the Administration has not renewed its request for the Bible rider. As a consequence, the temporary authority in P.L. 92–544 to distribute arrest records will expire at the end of the fiscal year since it is settled precedent that provisions such as this do not become general authority unless the clearest intent is expressed at the time.

The Justice Department takes the position that the conference committee's addition of the word "hereafter" makes the Bible language a permanent part of substantive law and that the rider is no longer necessary. However, the legislative history of the Bible rider does not suggest such an intent and the courts have required that Congress be explicit when it intends to amend substantive law with a rider to an appropriations bill. The debate surrounding the bill in committee or on the floor must clearly reflect an intent to permanently change existing substantive law. *United States* v. *Dickerson*, 310 U.S. 554 (1940), *National Labor Relations Board* v. *Thompson Products*, 141 F. 2d 794 (9th Cir. 1944). Aside from the actual debates the court will look to the legislative language itself which must manifest a clear intent to change statutory law and to the location of the rider—whether it appears in a separate provision, labeled in such a manner as to denote a change in substantive law—or whether it is simply a proviso of an appropriations item in which case the language is generally not given permanent effect. *Roccaforte* v. *Mulcahey*, 169 F. Supp. 360 (D. Mass. 1958), aff'd. 262 F. 2d 957 (1st Cir. 1958), *United States* v. *Vulte*, 233 U.S. 509 (1914), *National Labor Relations Board* v. *Thompson Products, supra.*

For the following reasons I believe that the simple addition of the word "hereafter" by the conference committee would not meet the above requirements for permanently amending statutory law via an appropriations rider:

First, the conference was never, in all the Congressional discussion of the appropriation bill (H.R. 14989), entrusted with the duty of considering the duration of the Bible rider; on the contrary, all that was ordered for the conference to study were the amendments as they stood. [118 Con. Rec. S 9477–9531 June 15, 1972)].

Second, the inclusion of language which may indicate permanence is not sufficient to establish the *Menard* rider as permanent legislation. The word "hereafter" is not clear on its face as to whether it denotes the rider's effect as extending until the end of the life of the appropriation bill or permanently. "Hereafter" is a minor terminology change and cannot be seen as indicating any change in the duration of the rider absent Congressional debate.

Third, Congressional discussion seems to lead one in the other direction as Senator Bible indicated that the *Menard* rider was "in the nature of a stopgap". 118 Cong. Rec. S 9522 (June 15, 1972). Indeed, Senator Bible noted that the Federal Bureau of Investigation was granted its power to disseminate records each year in Department of Justice appropriation bills and that the 1973 *Menard* rider would have to be approved as the 1972 rider reversing *Menard* would soon expire. 118 Cong. Rec. S 9522 (June 15, 1972).

Fourth, the location of the *Menard* rider in the provision for "Salaries and Expenses" of the FBI indicates the desire to have the rider's effect last only until the termination of the appropriation bill.

Fifth, the Conference reported no debate, no discussion of the added word "hereafter" or the permanency of the rider. *Conference Report,* House Report No. 92–1567, 92nd Cong. 2nd Sess. (October 10, 1972). In light of the Senate rules, it would appear that "hereafter" if it constituted a major change in the rider would have to be noted in the report and would have subjected the report to a point of order.

Since the Bible rider must be viewed as temporary authority, it is therefore necessary for the Congress to move swiftly on arrest record legislation because the FBI's authority to operate the National Crime Information Center and the collection and dissemination of "RAP sheets" will end on June 30. I am preparing legislation on this question and I understand that the Justice Department is doing the same. Last year similar legislation was referred to the Subcommittee on Constitutional Rights and this year such legislation has been jointly referred to the Subcommittee and to your Subcommittee on Criminal Laws and Procedures. Since we chair these two Subcommittees, I suggest that the staffs of those two Subcommittees begin arrangements for swift joint action on this question so that the FBI does not have to shut down this valuable law enforcement service.

I respectfully request that this letter be made a part of the State, Justice and Commerce Subcommittee's record on the FBI appropriation.

With kindest wishes.

Sincerely yours,

SAM J. ERVIN, Jr.,
Chairman.

EXHIBIT 2

A bill to protect the constitutional rights of the subjects of arrest records and to authorize the Federal Bureau of Investigation to disseminate conviction records to State and local government agencies, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 534 of title 28, United States Code, is amended to read as follows:

"§ 534. Acquisition, preservation, and exchange of identification records; appointment of officials

"(a) The Attorney General shall—

"(1) acquire, collect, classify, and preserve identification, criminal identification, crime, and other records; and

"(2) exchange these records with, and for the official use of, the Federal Government, the States, cities, and penal and other institutions for law enforcement purposes.

"(b)(1) The Attorney General may exchange such records with the officials of federally chartered or insured banking institutions to promote or maintain the security of those institutions; and if authorized by State statute, with officials of State and local governments for purposes of employment and licensing.

"(2) Any such exchange under this subsection shall be made only for the official use of any such official. The exchange of any identification or other record indicating that any person has been arrested on any criminal charge or charged with any criminal offense is hereby forbidden unless such record discloses that such person pleaded guilty or nolle contendere to or was convicted of such charge or offense in a court of justice.

"(c)(1) All copies of records of information filed as a result of an arrest that is legally terminated in favor of the arrested individual shall be returned to that individual within 60 days of final disposition and shall not be maintained in the files of any Federal agency, if a copy of the formal court order disposing of the case is presented, or upon formal notice from one criminal justice agency to another. Records of information include fingerprints, photographs or any records or files, except investigative files, relating to that arrest.

"(2) Records of such information may be retained if another criminal action or proceeding is pending against the arrested individual, or if he has previously been convicted in any jurisdiction in the United States of an offense.

"(d) The exchange of records authorized by this section is subject to cancellation if dissemination is made outside the receiving departments or related agencies.

"(e) The Attorney General may appoint officials to perform the functions authorized by this section.

"(f) The Attorney General's authority to disseminate records indicating that an individual has been arrested or charged with any criminal offense to non-criminal justice agencies, pursuant to subsection (b), shall expire on December 31, 1974. After that date the Attorney General shall be forbidden from disseminating such information to non-criminal justice agencies."

MEMORANDUM

(November 12, 1973)

Re: Arrest Records Legislation

The attached draft legislation is designed as a temporary stopgap measure to resolve the controversy raised by the Conference Report on H.R. 8916, the State, Justice and Commerce Appropriations bill for Fiscal 1974. In essence, that controversy concerns the the viability of the outstanding court order against the FBI by the District Court for the District of Columbia in the case of *Menard* v. *Mitchell* 328 F. Supp. 718 (1971). In that case the District court so construed section 534 of title 28 as to prohibit the FBI from disseminating raw arrest records to non-law enforcement agencies. The House takes the position that it has permanently resolved this question; the Senate, of course, disagrees.

The attached legislation would amend § 534 so as to reestablish that authority in the following manner:

Subsection (a) simply restates the existing general language of § 534;

Subsection (b) addresses the issue raised by the *Menard* decision. It is almost identical to the language which Senators Bible and Ervin proposed to H.R. 8916 limiting non-law enforcement dissemination to conviction records.

Subsection (c) also addresses the question of dissemination of non-conviction records to both law enforcement and non-law enforcement agencies. It is almost identical to the recommendations of a recent Justice Department report.

Subsections (d) and (e) are identical to existing language in section 534.

Subsection (f) provides that the Attorney General's authority to disseminate information to non-law enforcement agencies expires at the end of this Congress. This assures that this legislation is only a temporary measure and that the Justice Department will have to return to the Congress for additional authority, hopefully in the form of a comprehensive arrest records bill.

Mr. MATHIAS. Mr. President, I am pleased to join today with the distinguished Senator from North Carolina (Mr. ERVIN) in introducing legislation which will give temporary authority to the FBI to continue its current program of disseminating arrest records for law enforcement and other purposes. That authority is currently in doubt as a result of an outstanding court order against the FBI by the District Court of the District of Columbia in the case of *Menard* v. *Mitchell*, 321 *Fed. Supp.* 718 (1971) and the Senate-House disagreement over the necessity for inclusion of such authority in the State-Justice-Commerce appropriations bill for fiscal 1974.

I join in cosponsoring legislation to give the FBI this temporary authority even though I have been critical of the manner in which criminal justice information has been disseminated in the past. I have been critical because the current FBI operated system for the sharing of this information between the Federal Government and the States has grown up without adequate standards and safeguards governing its use. The National Computerized Information Center established by the FBI and the Federal-State computerized networks for the sharing of criminal justice information which are funded under the Law Enforcement Assistance Administration are not funded on an adequate statutory base. Nor are we today providing the necessary statutory framework which I believe will be necessary to cope with the issues raised by this system when it becomes fully operational. Nevertheless, I am joining Senator ERVIN as a cosponsor of a temporary authority for the reasons set forth below.

The NCIC and participating State systems constitute a vast network for the exchange of information between the law enforcement agencies of the States and the Federal Government and among the States. This system has enormous potential for increasing the capability of law enforcement. When the system is fully operational, each individual police officer could instantaneously have information from all over the Nation concerning suspects at his finger-tips simply by contacting his local computer terminal. Such contact might even be made from a patrol car. This tool can be extremely valuable to police and other law enforcement officials faced with problems which do not respect jurisdictional lines or, in our modern society, distance.

But as with so many technological wonders of our age, this miracle for communicating information raises new problems which must be addressed. In this case, the problems concerning using this system in a way that protects constitutional liberties and civil rights, including the right of privacy.

For that reason, I have favored legislation that would, while authorizing the establishment of such a system, establish basic rules and guidelines governing the types of information that can be included in this system, the procedures for insuring the correctness of such information, and the circumstances of its dissemination. As a member of the Judiciary Committee, I have had called to my attention a number of problems created by the lack of such guidelines.

For instance, I have heard of at least one occasion where a local police officer sold information about individuals which he obtained through the national computer system because he had access to the local computer terminal to a credit union. The only sanction currently available in such a case is termination of the contract under which the information was made available to that local jurisdiction. Under current Federal law, dissemination of information in such a case is not even a crime.

I am pleased that former Attorney General Elliot Richardson was also aware of these types of problems and supported such legislation. During his tenure, the Department of Justice was readying a draft bill on this subject for presentation to the Congress. I hope that the new Attorney General will favor and support such legislation.

But, in the meantime, the Menard decision requires temporary authority in order that the FBI may lawfully continue to use the NCIC system. The bill we are introducing today would provide such temporary authority until the end of 1974 which will give ample time for the Congress to consider and enact a long-range solution in the form of permanent legislation.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. PASTORE. First I want to say that there is tremendous merit in the proposal of the Senator from North Carolina. We argued long and hard to convince the House conferees that they should accept the amendment as it was included in the bill.

The argument has been made that the FBI has taken the position that the amendment as written would be unworkable, which I question. Nothing is unworkable if we try. The important thing is the principle involved, and the principle is good. But the position they took—and I think there was some merit to it—was that this should become permanent law if it is worthy and that, because it falls within the exclusive jurisdiction of the Judiciary Committee, that is where it should originate. It was for that reason that, after we had debated it for some time, we insisted that it be deleted, but emphasized that it was being done without prejudice to the merit of the amendment itself.

At this juncture, I ask unanimous consent that my name also be added as a cosponsor of the bill proposed by the Senator from North Carolina. I do not subscribe to every particular word in the amendment, but I think the principle is good. I believe we ought to hold hearings on it, we ought to go into it extensively, and we ought to come up with a bill that makes some sense, because I think this is an area in which we do need some sense.

I do not think it is right for certain records to be proposed and to be batted around the country when a person applies for a job, especially in a case in which there is an arrest on a menial offense that never comes to trial, and yet it haunts that individual in seeking and obtaining legitimate employment for the rest of his life. That is not fair. I do not think our Founding Fathers ever intended that that be the case.

However, we all agreed that when a person is a criminal and his record is not good, in that case it ought to be told publicly. I think the Senator from North Carolina agrees to that.

What the Senator from North Carolina is talking about is the constitutional rights of an individual, and you just cannot toy with the Constitution without reaching in some instances things that will come back to haunt you. It was for that reason that we finally had to go along.

On the question of providing counsel in the district courts of the District of Columbia, we all understand that the Supreme Court has already ruled that even in the case of a misdemeanor, a defendant is entitled to counsel; and whether or not it is being done under this bill or under the District of Columbia bill, eventually it has to be done, and these people will have to be paid. We have been assured by Mayor Washington, of the District of Columbia, that he proposes to do it that way.

The Judicial Council feels that it should come under the District of Columbia and not under the judiciary aspects of this bill. For that reason, of course, we argued it before the conference, and finally we did have to recede, on the ground that the matter would be taken care of.

I assure the Senator from North Carolina that no matter what the case is, if this is not done on the District of Columbia bill, I will do it on the next supplemental bill.

Mr. ERVIN. I thank the distinguished Senator from Rhode Island, not only for his remarks on this occasion, but also for the fact that he has supported my efforts in respect to the Ervin amendment and also to making provision for counsel for indigents in the District of Columbia, when the bill was before the Senate.

I agree with the Senator that in the long run it is much better to have this question settled by a specific act rather than by an amendment to an appropriation bill or an authorization bill.

Mr. PASTORE. Mr. President, I ask for the yeas and nays on the adoption of the conference report.

The yeas and nays were ordered.

Mr. PASTORE. Mr. President, before I ask that the conference report be agreed to, I take this occasion, first, to compliment my counterpart on the subcommittee, the distinguished Senator from Nebraska (Mr. Hruska), and also the ranking Republican member of the Committee on Appropriations (Mr. Young) for the fine cooperation they gave us in the consideration of the bill. The bill contains 86 individual items. We have had 54 amendments to the conference report and more than 2,000 pages of hearings. It took us approximately 5 weeks to hear what the witnesses had to say.

For that reason, I want to pay my compliments to the members of the staff Joseph T. McDonnell, Harold E. Merrick, Gerald P. Salesses, and William Kennedy, of the minority—and to all others on the committee who played a part in the adoption of the report.

Unless there is anything else to be said, I suggest the absence of a quorum before the vote.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, at this time I wish to make part of the legislative record clear on the point that the Conference Committee agreed to the separate language of the Senate amendment to H.R. 8916 providing funds for the Coastal Zone Management Act of 1972—Public Law 92–583. The $15 million appropriation in the Senate amendment has, however, been reduced by the conferees to $12 million.

The House had provided no funds for the implementation of the Coastal Zone Management Act on grounds that the administration had not requested the funds necessary to begin this new land and water use program to assist States in the management of their coastal areas. Prior to the reporting of the Senate Appropriations Committee's action on H.R. 8916, however, the administration did decide that the signature of the Coastal Zone Act into law, a year ago, should be affirmed and, that, in fact, the States do need this assistance for their coastal areas.

The President sent an amendment to the fiscal year 1974 budget to the Senate on August 15, 1973. He included a letter from the director of the Office of Management and Budget reporting that funding of the act will "assure beneficial use, protection and development of our coastal waters and adjacent shorelands."

With unanimous consent, which I hereby request, this August 15 request will appear at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HOLLINGS. Unlike other ongoing programs, the effect of the initial failure of the administration to budget funds for the Coastal Zone Act has caused at least a year's setback in fulfilling congressional intent. It delayed the tooling up of the Coastal Zone Act program at the Federal level and also caused delay at the State level. We, therefore, cannot suffer any withholding of the funds appropriated or other additional delay by the administration.

To deal with this special situation, the language of the Coastal Zone Act appropriation and my statement here today is intended by the Conferees to make it absolutely certain that the legislative history of this appropriation leaves no doubt as to its meaning.

First, we provide that the sums appropriated shall remain available until expended. This is consistent with the language of section 315 of the Coastal Zone Management Act.

Second, we appropriate the total sum of $12 million. It is the conferees' intent that it is to be used as follows: $4 million for grants to States under section 312 of the Coastal Zone Management Act to be used to match State funds on an equal basis to acquire, develop, and operate estuarine sanctuaries pursuant to that section of the Coastal Zone Management Act of 1972; $7,200,000 for grants to States under section 305 of the Coastal Zone Management Act to assist States in the development and administration of coastal zone management programs pursuant to those sections. The Conference Committee understands that the de-

lays caused by the administration have now made it impossible for any State to perfect a management program so as to be able to qualify under section 306. We therefore decided that all of the $7.2 million should be utilized under section 305 which is for developing management programs. For some States, the money will be for a review and fine tuning of existing programs. For others, of course, it will be for the true beginning of the development of a program. The Conference Committee, however, has retained the language of the Senate amendment which also refers to section 306 for the reason that if any of these moneys should remain unobligated in the following fiscal year, the Secretary of Commerce, may wish to designate them, with the approval of both committees, as also available for section 306 grants; and $800,000 for the administrative expenses of the Secretary of Commerce, through NOAA, in carrying out the Coastal Zone Management Act of 1972.

Third, we provide that the expenditures of this appropriation shall not result in, or be used as, an excuse for the withholding of appropriated funds for other NOAA activities. This includes cutbacks in NOAA spending as well. Moreover, the conferees hope that prudence will be exercised and that this appropriation will not be reduced by the administration to repay funds transferred or borrowed from other areas to keep the coastal zone program alive within NOAA for periods during which the administration had failed to request funds unless such repayment is made following consultation with the two committees.

Fourth, we use language which recognizes and declares that the States are legally entitled to receive the moneys appropriated, notwithstanding any attempt to impound them or otherwise not make them available through methods such as jamming the administrative machinery, by not providing regulations or by not processing applications.

Fifth, we require that each coastal State shall receive its share of the coastal zone management funds. If there should be a failure to publish necessary regulations or other administrative failures, it is necessary to indicate each State's entitlement. The regulations, if available, should specify a formula for dividing the funds between the States including relevant considerations to determine the proportions. The extent and nature of the shoreline and area which will be managed, population pressures and the extent of coastal zone problems which the act is designed to assist the States in meeting are criteria that might be used. The provisions of this appropriation measure are not intended to interfere with a reasonable proportional allocation scheme but, instead, we mean to refer to it, if the formula is developed by the executive branch.

Lastly, we have included language to assure that the funds appropriated will not be designated by the administration, directly or indirectly, for use in areas outside a coastal State's coastal zone which that State has included in an application for assistance under a national land use law. This prevents duplication by keeping funds for both programs from being spent in the same geographical area. A coastal State with both programs will designate its coastal zone management act area and its separate land use act area.

EXHIBIT 1

BUDGET AMENDMENTS, 1974, DEPARTMENT OF COMMERCE

THE WHITE HOUSE,
Washington, August 15, 1973.

THE PRESIDENT OF THE SENATE.

SIR: I ask the Congress to consider amendments to the request for appropriations transmitted in the budget for the fiscal year 1974 in the amount of *$5,000,000* for the Department of Commerce.

The details of these proposals are set forth in the enclosed letter from the Director of the Office of Management and Budget, with whose comments and observations I concur.

Respectfully,

RICHARD NIXON.

[Estimate No. 27, 93d Cong., first sess.]

EXECUTIVE OFFICE
OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., August 15, 1973.

The PRESIDENT,
The White House.

SIR: I have the honor to submit for your consideration an amendment to the request for appropriations transmitted in the budget * * *

Department of Commerce—National Oceanic and Atmospheric Administration

Operations, research, and facilities:

Request pending	$343,089,000
Proposed amendments	5,000,000
Revised request	348,089,000

The proposed budget amendment would initiate implementation of P.L. 92–583, the Coastal Zone Management Act of 1972. This Act authorizes the Secretary of Commerce to make grants to coastal states to assist them in the development of a management program for the land and water resources of their coastal zones. With needed broader land use legislation now under consideration by the Congress, "it is now timely to proceed with funding of the Coastal Zone Management Act so as to assure beneficial use, protection and development of our coastal waters and adjacent shorelands."

I have carefully reviewed the proposal for appropriation contained in this document and am satisfied that this request is necessary at this time. I recommend, therefore, that this proposal be transmitted to the Congress.

Respectfully,

ROY L. ASH,
Director.

Mr. HART. Mr. President, it was with deep regret that I learned our conferees on this bill were not able to prevail and keep the $1 million appropriation the Senate added for the Antitrust Division of the Department of Justice.

Frankly, I think Congress is being penny-wise and pound-foolish to keep the antitrust division handicapped by a shortage of funds.

For this is certainly one area of governmental spending which demonstrates a good return on the investment.

For example, antitrust action against five drug companies has directly reduced prices of the important antibiotic tetracycline to consumers by 95 percent. The antitrust action against a number of electrical equipment manufacturers led to treble damage settlements which resulted in more than $500 million being returned to consumers through reduced utility rates.

That settlement alone would finance the division's current budget for more than 40 years.

Surprisingly enough, despite such success, the budget for the division—when measured in 1958 dollars—has decreased since 1950, while the size of the economy has more than doubled. So, in the face of a well-documented trend toward economic concentration, the division employs fewer persons to enforce the antitrust laws than it did 23 years ago.

Mr. President, the additional funds were added to the appropriation for the Antitrust Division by the Appropriations Committee at the request of myself and four of my colleagues on the Judiciary Committee, Senators Kennedy, Bayh, Gurney, and Tunney. The Senate agreed. But unfortunately, apparently the House conferees did not.

We reluctantly accept the decision of the conference.

But we do not give up on the cause. Hopefully, we can yet this year convince the House of the wisdom of investing in the Antitrust Division.

Mr. TUNNEY. Mr. President, I rise to express my disappointment at the refusal of the House conferees to accept two provisions—one to increase funding for the Antitrust Division of the Justice Department and another to increase funding for the Community Relations Service division of the Justice Department. Both of these increases were of the upmost importance.

Senator Hart, myself, and other members of the Judiciary Committee wrote to Senator Pastore, chairman of the Subcommittee on State-Justice-Commerce appropriations on June 28 asking that the funding level for the Antitrust Division be increased by $3 million. Fortunately, the subcommittee partially acceded to our request and increased the budget request by $1 million. This increase subsequently passed the Senate.

On July 17, I wrote to Senator Pastore again requesting that the $4 million in funds slashed by the administration from the Community Relations Service budget be restored. Again, the subcommittee attempted to meet this request and $1 million was added to the budget request for CRS and was passed by the Senate.

Although the funding level that I had requested for each division was much higher than what was approved by the Senate, I felt that the $1 million increase for the two functioning in an effective manner. The refusal of the House conferees to accept these modest, but necessary, increases is very distressing to me as it should be to all Americans who feel that we need a strong Antitrust Division to maintain the viability of our free enterprise system and a strong Community Relations Service to insure the continued operation of the only Federal agency charged with conciliating racial disputes.

Both of these issues are extremely important. I would hope that the Congress would reevaluate its position on the need for these increases at the earliest possible opportunity—hopefully in the supplemental appropriations bill this year.

I ask unanimous consent that the two letters written to Senator Pastore be printed in the Record at this point.

There being no objection, the letters were ordered to be printed in the Record, as follows:

July 17, 1973.

Hon. John O. Pastore,
Chairman, Senate Appropriations Subcommittee on State, Justice, Commerce, the Judiciary, Washington, D.C.

Dear John: It is my understanding that your subcommittee currently is marking-up appropriations that include funding for the Community Relations Service of the Justice Department. The service was set up under the Civil Rights Act of 1964 to help reduce racial tensions and conflicts, but it will all but be dismantled under the administration's 1974 budget, which slashes funds for the service from $6.8 to $2.8 million. This goes beyond cutting to the bone. It cuts through the bone in a meat-axe amputation of the one federal agency charged with conciliating racial disputes. The service, which has shunned publicity, has been spectacularly successful in behind-the-scenes negotiations in preventing violence and settling conflicts. It has worked in major cities in California and in troubled farm lands in the Central Valley. My state would be particularly hard hit by the drastic cut-back, and its two-man Los Angeles office would be closed. I'm sure other areas throughout the United States would be similarly affected and I would urge you and your subcommittee to restore funding to this vital service. Thank you for your consideration.

Sincerely,

John V. Tunney,
U.S. Senator.

U.S. Senate,
Washington, D.C., June 28, 1973.

Hon. John O. Pastore,
Chairman, Subcommittee for the Departments of State, Justice, Commerce, the Judiciary, and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: This letter is to request an increase of $3 million in the budget for the Antitrust Division of the Department of Justice.

We make this request mindful of widespread concern about inflation and the effect of government spending on the economy.

Economists of various persuasions, including Dr. Arthur Burns, Chairman of the Federal Reserve Board, and Dr. Pierre Rinfret, formerly Special Economic Advisor to President Nixon, have stated that the most effective way to control prices is to increase competition in the marketplace.

The antitrust laws are designed to do just that, and effective enforcement of those laws remain the nation's best defense against unhealthy economic concentration. Certainly, we do not suggest that an additional $3 million for the Antitrust Division will solve the problem of inflation, but we do believe it could help. Equally important, potential savings to consumers from successful antitrust actions could more than offset the increase.

For example, antitrust action against five drug companies has directly reduced prices of the important antibiotic tetracycline to consumers by 95 percent. The antitrust action against a number of electrical equipment manufacturers led to treble damage settlements which resulted in more than $500 million being returned to consumers through reduced utility rates. The electrical equipment conspiracy settlements alone would meet the division's current budget for more than 40 years.

Surprisingly enough, despite such success, the budget for the division—when measured in 1958 dollars—has decreased since 1950, while the size of the economy has more than doubled. So in the face of a well-documented trend toward economic concentration, the division employs fewer persons to enforce the antitrust laws than it did 23 years ago.

As a result, cases which are brought drag on longer; and many actions are not filed because the division is reluctant to take on "big cases" which would tie up a large percentage of its resources. About ten percent of the division's manpower is now working full time on the IBM case. That case was filed over four years ago and has yet to come to trial. Even more striking, Control Data Corporation's private suit against IBM was settled in a pretrial stage with a $15 million payment from IBM to cover Control Data's legal expenses alone. This sum exceeds the division's entire budget.

Unhappily, the hard fact is that to a great extent the cases brought today must be made against giant defendants whose resources swamp those of the Antitrust Division. In 1950, there were only a dozen manufacturing corporations with assets in excess of $1 billion; as a group, they held 18 percent of all manufacturing assets. By 1972, 52 percent of all manufacturing assets were held by 115 "billion dollar" firms.

The Administration has requested about $13 million for the division for fiscal year 1974, a small and clearly inadequate increase over last year's total. An increase of $3 million would allow the division to hire 50 more lawyers and support personnel, including economists. It is our understanding that the division could usefully absorb such an increase.

It seems to us then that our request is consistent with congressional concern about inflation and federal spending. Further, our request should enjoy the support of all of us who believe competition in the marketplace is the best way to control prices and of those who recognize that successful antitrust actions can save consumers many times over the cost to the Federal Government.

With best wishes,

Sincerely,

Edward M. Kennedy,
Birch Bayh,
Edward J. Gurney,
Philip A. Hart,
John V. Tunney.

Mr. PASTORE. Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. Hartke), the Senator from Massachusetts (Mr. Kennedy), the Senator from Washington (Mr. Magnuson), the Senator from Utah (Mr. Moss), the Senator from Wisconsin (Mr. Nelson), and the Senator from Mississippi (Mr. Stennis) are necessarily absent.

I further announce that the Senator from Nevada (Mr. Bible), the Senator from Kentucky (Mr. Huddleston), the Senator from Minnesota (Mr. Humphrey), and the Senator from Georgia (Mr. Talmadge) are absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. Magnuson), the Senator from Massachusetts (Mr. Kennedy), and the Senator from Minnesota (Mr. Humphrey) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Nebraska (Mr. Curtis) is absent by leave of the Senate on official business.

The Senator from Colorado (Mr. Dominick), the Senator from Arizona (Mr. Goldwater), the Senator from Oregon (Mr. Packwood), the Senator from Ohio (Mr. Saxbe), the Senator from Pennsylvania (Mr. Schweiker), the Senator from Virginia (Mr. William L. Scott), and the Senator from South Carolina (Mr. Thurmond) are necessarily absent.

If present and voting, the Senator from Nebraska (Mr. Curtis), and the Senator from South Carolina (Mr. Thurmond) would each vote "yea."

The result was announced—yeas 80, nays 2, as follows:

[No. 480 Leg.]

YEAS—80

Abourezk
Aiken
Allen
Baker
Bartlett
Bayh
Beall
Bellmon
Bennett
Bentsen
Biden
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cook
Cotton
Cranston
Dole
Domenici
Eagleton
Eastland
Fannin
Fong
Fulbright
Gravel
Griffin
Gurney
Hansen
Hart
Haskell
Hatfield
Hathaway
Helms
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Johnston
Long
Mansfield
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Muskie
Nunn
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Scott, Hugh
Sparkman
Stafford
Stevens
Stevenson
Symington
Taft
Tower
Tunney
Weicker
Williams
Young

NAYS—2

Ervin
Mathias

NOT VOTING—18

Bible
Curtis
Dominick
Goldwater
Hartke
Huddleston
Humphrey
Kennedy
Magnuson
Moss
Nelson
Packwood
Saxbe
Schweiker
Scott, William L.
Stennis
Talmadge
Thurmond

So the conference report was agreed to.

The PRESIDING OFFICER. The clerk will state the first amendment in disagreement.

Mr. PASTORE. Mr. President, I ask unanimous consent that the amendments in disagreement be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments in disagreement will be considered en bloc.

The amendments in disagreement are as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 30 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter proposed to be inserted, insert:

"DEVELOPMENT FACILITIES

"For grants and loans for development facilities as authorized by titles I, II, and IV of the Public Works and Economic Development Act of 1965, as amended (79 Stat. 552; 81 Stat. 266; 83 Stat. 219; 84 Stat. 375; 85 Stat. 166), $159,000,000 of which not more than $25,000,000 shall be for grants and loans to Indian tribes, as authorized by title I, section 101(a) and title II, section 201(a) of such Act: *Provided*, That upon enactment of the Indian Tribal Government Grant Act

the unobligated balances of the amounts appropriated for Indian tribes under title I, section 101(a) and title II, section 201(a) shall be transferred to carry out such purposes of the Indian Tribal Government Grant Act."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 37 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the sum named in said amendment, insert:

"$12,000,000."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 46 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter proposed to be inserted, insert:

"COMMISSION ON THE ORGANIZATION OF THE GOVERNMENT FOR THE CONDUCT OF FOREIGN POLICY

"SALARIES AND EXPENSES

"For necessary expenses of the Commission on the Organization of the Government for the Conduct of Foreign Policy, authorized by title VI of the Foreign Relations Authorization Act of 1972, $1,050,000 to remain available until June 30, 1975."

Mr. PASTORE. Mr. President, I move that the Senate agree to the House amendments to Senate amendments numbered 30, 37, and 46.

The motion was agreed to.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. MANSFIELD. Mr. President, I think we ought to reiterate, as we stated at the time the original appropriation bill passed the Senate, that the distinguished Senator from Rhode Island (Mr. Pastore), the distinguished Senator from Nebraska (Mr. Hruska), and the members of the subcommittee—and I am happy to include myself in that list—have done a remarkably effective and efficient job in economizing. The net result of what the Senate has done is a reduction of almost $60 million below the budget presented by the administration.

I think all too often some of our associates are not given the credit which I think is their due, and I think it ought to be brought out also that, as far as the distinguished Senator from Rhode Island is concerned, this is not by any means the first appropriation bill which he has handled in which a significant reduction has been reported.

So, just to make the record straight and to commend the distinguished Senator from Rhode Island personally for the great work he has done in the field of the economy and in the field of cutting expenditures, I want the record to show how I feel. I thank the Senator.

Mr. JACKSON. Mr. President, before I call up the conference report on S. 1570, I just want to join the majority leader in his comments regarding the able senior Senator from Rhode Island. I think, as usual, he has been extremely thoughtful and skillful in separating out the things that could be eliminated and keeping in the things that are essential. I want to join in commending him for the sensible economies he has made. He has handled them very well. He always handles his Appropriations Subcommittee in a manner which I think lends great credit to the Senate in its deliberations on expenditures. I want to join in these commendations.

ENROLLED BILL PRESENTED

The Secretary of the Senate announced that on today, November 14, 1973, he presented to the President of the United States the enrolled bill (S. 1081) to amend section 28 of the Mineral Leasing Act of 1920, and to authorize a trans-Alaska oil pipeline, and for other purposes.

MESSAGE FROM THE PRESIDENT—APPROVAL OF BILLS

A message in writing from the President of the United States was communicated to the Senate by Mr. Marks, one of his secretaries, and he announced that on November 9, 1973, the President had approved and signed the act (S. 607) to amend the Lead Based Paint Poisoning Prevention Act, and for other purposes; and on November 13, 1973, the President had approved and signed the act (S. 11) to grant the consent of the United States to the Arkansas River Basin compact, Arkansas-Oklahoma.

EMERGENCY PETROLEUM ALLOCATION ACT OF 1973—CONFERENCE REPORT

Mr. JACKSON. Mr. President, I submit a report of the committee of conference on S. 1570, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1570) to authorize the President of the United States to allocate crude oil and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare; to provide for the delegation of authority to the Secretary of the Interior; and for other purposes having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees on the part of both Houses.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the Congressional Record of November 12, 1973 at p. 36660.

Mr. JACKSON. Mr. President, I ask for the yeas and nays on the conference report.

The yeas and nays were ordered.

Mr. JACKSON. Mr. President, I ask unanimous consent that William Van Ness, Lucille Langlois, Jim Barnes, Grenville Garside, Mike Harvey, and Jerry Verkler, members of the staff of the Senate Committee on Interior and Insular Affairs, be granted the privileges of the floor during the consideration of the conference report on S. 1570, the Emergency Petroleum Allocation Act of 1973.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JACKSON. Mr. President, I yield for a similar request to the Senator from Arizona (Mr. Fannin).

Mr. FANNIN. Mr. President, I ask unanimous consent that David Stang, Harrison Loesch, Fred Craft, Roma Skeen, and Maureen Finnerty, all of the minority staff, be given the privilege of the floor during the discussion of the conference report on S. 1570.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JACKSON. Mr. President, the Committee on Interior and Insular Affairs on May 17 reported out S. 1570, the "Emergency Petroleum Allocation Act of 1973." This is an emergency measure to deal with an urgent problem to which Members of the Senate need no introduction.

The basic purpose of S. 1570 is to deal with the first peacetime fuel shortages in American history. And if this legislation was needed when the Senate first passed it 6 months ago, its final enactment has become a matter of the highest urgency.

It was already clear 6 months ago that we were not dealing with the isolated spot shortages predicted by some. It was obvious then that we were confronting the prospect of serious, prolonged and widespread shortages which would have a real impact on our economy, which would affect the nature and structure of the petroleum industry, and which would alter the standard of living enjoyed by many Americans.

Today, as a result of the Arab oil embargo, the outlook is grim. We are facing shortages equal to 20 percent or more of our petroleum needs. Rationing has become a necessity. Severe economic dislocations affecting individual jobs and factories and whole industries are inevitable. And there seems no easy way to avoid a degree of personal hardship which, a few months ago, seemed almost unthinkable. Against this background, the basic purpose of S. 1570 to "share the shortages" as fairly as possible seems more valid than ever.

Congress recognized the need to allocate scarce fuels when it authorized the President in the Economic Stabilization Act amendments adopted last April to establish priorities of use and provide for the allocation of crude oil and petroleum products to meet essential needs and prevent anticompetitive effects resulting from shortages. Under this authority, the President inaugurated a voluntary allocation system, which, as we all know, was woefully inadequate to deal with fuel shortages, even before our imported fuel supplies were curtailed.

The failure of the voluntary system was in effect recognized by the administration when it first adopted a mandatory allocation program for propane and then implemented a mandatory program for middle distillate fuels on November 1. I would emphasize, Mr. President, that these existing mandatory programs will

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not be disrupted by enactment of S. 1570. The legislation specifically provides that these programs implemented under the authority of the Economic Stabilization Act shall continue in effect until modified pursuant to S. 1570.

S. 1570 goes beyond discretionary authority and mandates action—both by the executive branch and by private industry—to assure the equitable distribution of fuels in short supply.

This act requires the President to prepare and publish priority schedules and plans for the allocation and distribution of fuels which are or may be in short supply. The President is to allocate or distribute such fuels pursuant to these schedules and plans if necessary to achieve the objectives of the act.

The President's authority is to be exercised generally to minimize the impact of fuel shortages or dislocations in the fuel distribution system. More specifically he is required, in implementing his authority under the act, to take such actions as are necessary to protect the public health, safety, and welfare; to maintain public services and essential agricultural operations; to preserve an economically sound and competitive petroleum industry; to provide for equitable distribution of fuels at equitable prices among all regions and areas of the United States and all classes of consumers; to achieve economic efficiency and minimize economic distortion, inflexibility, and unnecessary interference with market mechanisms.

This authority is essential if we are to assure continuation of vital services in the face of critical energy shortages.

The conference report differs from the original Senate bill in a number of respects.

The definition of independent refiner has been expanded, to include definition by percentage of market volume as well as by source of crude, and a category of "small refiner" has been added to the bill. A definition of the United States has been included to assure that possessions of the United States would be covered by this program.

The "dealer day in court" has been dropped from the Senate bill. A dollar-for-dollar passthrough provision has been added from the House bill for net increases in the cost of crude and products.

A provision has been added from the House bill to allow priority consideration for allocation for those users of natural gas who have been curtailed by the FPC. The conference report also accepts House language that, to the extent practicable and consistent with the objectives of the bill, users of liquified petroleum gas may be exempted from allocation if they have no alternative fuel.

And, finally, the conference report provides for a pro rata sharing of shortfalls in refined products and crude, to allow for equitable distribution and to permit new market entries. The bill reflects the conferees' concern that adequate provision be made for crude oil supplies for new or expanded refineries. The assurance of such supplies will make it possible to secure financing for refinery projects and the President is authorized to make adjustments in crude oil allocations for this purpose.

Mr. President, in spite of the differences between the Senate and House bills it is my opinion that the conference report satisfies the goals of the Senate set forth in S. 1570 and will achieve the purposes of requiring essential emergency allocation measures. I urge that the Senate adopt the conference report.

The PRESIDING OFFICER (Mr. HATHAWAY). The Senator from Arizona is recognized.

Mr. FANNIN. Mr. President, I join in the statements of the Senator from Washington, the floor manager of the legislation and chairman of the committee, and commend him for the work in which he was involved in getting this legislation to the committee and through the conference.

Mr. President, S. 1570, the Emergency Petroleum Act of 1973 is the first major congressional design for dealing with our worsening fuel crisis. Historical events have to some degree outrun the scope of the bill—and the Senator from Washington agrees with me that what has happened has caused that to come about—necessitating further steps which will soon be before this body in the shape of S. 2589, the Energy Emergency Act. We will recall that the Senate passed S. 1570 last June, and it was designed to meet the energy problems apparent to us at that time. The explosion in the Mideast and the consequent cutoff of Mideast oil supplies has changed and worsened our situation to a degree demanding further steps and more severe action both by the Congress and the administration. Nevertheless, S. 1570 is necessary and fully appropriate in its own right. S. 2589 is designed to carry forward, on the initial framework provided by S. 1570, the major changes in our circumstances and uses of energy which the national interest now demands. The conference committee of the House and the Senate could take these matters into consideration, since the bill did not go to conference until after the interruption of our Mideast supply.

The success of S. 1570 and its required Executive regulations, requires the wholehearted cooperation of and prompt action by all segments of our oil and gas industry, from the largest of the vertically integrated majors to the smallest of the independent refiners and marketers. In order to obtain this cooperation—which will be willingly given by the industry if it is allowed to do so—it will be necessary in our consideration of S. 2589 that certain accommodations be made with regard to rules and regulations to be established as pertinent to maximizing the cooperation of the industry in helping to effectuate and implement equitable fuels allocation. Since the House version contained no such provisions and it was beyond the authority of the conferees to enlarge the Senate language, and since the breadth and depth of the upcoming emergency was unknown at the time the Senate passed its bill last June, relevant provisions of S. 1570 are obviously insufficient.

For this reason it was the unanimous understanding of the conferees that the problem again would be addressed in S. 2589 on the Senate side and its counterpart or counterparts in the House, and further adjustments made as required to obtain the fullest and widest industry-wide implementation.

I would just say that with regard to certain accommodations to be made with regard to rules and regulations to be established as pertinent to maximizing the cooperation of the industry in helping to effectuate and implement equitable fuels allocation, it is necessary, in order to accomplish this, that S. 2589 include those stipulations that we were not able to include in S. 1570, to obtain the fullest and widest industrywide cooperation.

Mr. JACKSON. Was the Senator referring to the problem of antitrust?

Mr. FANNIN. I am referring to the cooperation and assistance that would be necessary. That could involve some stipulations of antitrust.

Just to pose the question, is it not correct that what we are doing in S. 2589 is seeking to accomplish some of the objectives that would perhaps arise in connection with S. 1570? We were not able to do it in S. 1570; we did not have the emergency existing at that time. So in S. 2589 we have gone beyond that point.

Mr. JACKSON. Yes. The Senator is referring to the emergency bill that will come up after this one?

Mr. FANNIN. Yes.

Mr. JACKSON. It is our intention to cover several areas. As the Senator knows, one is to provide grants-in-aid to the States, which are not covered in this bill, to enable them to handle the costs of administration that the States will be obligated to carry out as, in effect, agents of the Federal Government. We are doing this in order to avoid a Federal bureaucracy.

Mr. FANNIN. Yes.

Mr. JACKSON. Then, in addition, we are preparing an amendment to S. 2589, which will relate to the antitrust problem.

Mr. FANNIN. Yes.

Mr. JACKSON. And I hope we will have that ready in time for action tomorrow.

Mr. FANNIN. Yes. I just wanted to bring out that we——

Mr. JACKSON. It is not in this bill.

Mr. FANNIN. Not in this bill.

Mr. JACKSON. I mean in this conference report.

Mr. FANNIN. In the S. 1570 conference report or bill, but we hope it will be covered either within the legislation, or that by the time the amendments are adopted it will be covered.

Mr. JACKSON. The Senator is correct.

Mr. FANNIN. And the Government can have the coordination and cooperation——

Mr. JACKSON. The point is, we did not have the opportunity to take care of it in this bill or in this conference report, but we intend to deal with that problem.

Mr. FANNIN. Yes.

Mr. JACKSON. In connection with S. 2589.

Mr. FANNIN. I thank the distinguished Senator from Washington for confirming my understanding in this matter.

Mr. President, these provisions will not constitute a precedent. What is proposed is primarily an expansion of section 708

of the Defense Production Act of 1950, now limited to the allocation of oil imports for national defense purposes only to cover the overall civil emergency with which we are faced. In other words, section 708 of the Defense Production Act of 1950 allows certain industry cooperation and joint actions which would otherwise be prohibited to occur in the case of oil importations only when required for national defense reasons. S. 1570 and S. 2589, which the Senate will also shortly have under consideration, should extend such exemptions to the allocatory process for all supplies of crude oil and refined products, whether foreign imports or domestically produced.

The report of the conferees also explains the understanding of the conference committee with respect to the authorities conferred on the President by the Economic Stabilization Act of 1970 vis-a-vis the authorities conferred by S. 1570. It was not and is not intended by the conferees that the authority to control prices of crude oil and refined products conferred by section 4(e) of the act should supplant Economic Stabilization Act authority in the realm of oil and gas. Only in cases in which the purposes of the current act cannot be carried out under the former pricing authorities need the President rely solely on the new authority conferred by S. 1570. In other cases he will be able to operate under the authorities conferred by both acts. For purposes of avoiding litigation and controversy, I recommend that both such authorities be cited in the rules and regulations which will be promulgated by the executive branch in carrying out S. 1570.

Mr. President, one other area of the manager's report should be specifically referred to in order that the Senate may have a full understanding of the overall plan and program proposed by S. 1570. Section 4 of the act sets out the requirements of the Mandatory Allocation plan and subsection b(1) of that section requires that the regulations provide for various priorities in such allocations. One of the overriding requirements of any allocation plan is to make full use of the entire refining capacity of the United States. In order to do so the act takes care of the small and independent refiners who do not have their own sources of crude oil supply.

But it should be noted that such allocations might not operate to the prejudice, percentagewise, of the refining capacities owned and operated by the major oil companies. So long as the inflow to U.S. refineries equals or exceeds the 1972 input, the small and independent refiners are to receive at least the amount of their 1972 allocations. If—as we anticipate will occur—the total countrywide input to our refiners falls below that of 1972, then it becomes necessary to "share shortages." If this occurs, the small and independent refiners will still receive their fair share of available supplies, but not to the percentage detriment of the large refiners. As my colleague Senator HANSEN put it, if our total input falls 15 percent below 1972 levels, then each refinery in the country should be operating at 85 percent of its capacity. As shown by section 4(c)(1)(B) of S. 1570, the reductions must be prorated. The intentions of the conference committee in this regard and indeed its intentions in how the allocation scheme, provided by the act, will generally be implemented by the administration are explained on pages 3 to 8 of the managers' report.

Mr. President, S. 1570, the Emergency Petroleum Allocation Act of 1973 presents a first step toward meeting our present dilemma. Its inadequacies can be partially rectified in S. 2589. But even that act fails to provide proper incentives to stimulate supply. Thus, in S. 1570 we are merely spreading shortages around.

Mr. HANSEN. Mr. President, who has the floor?

Mr. JACKSON. Mr. President, I have the floor. I yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I thank my distinguished colleague the chairman of the Committee on Interior and Insular Affairs, very much for his graciousness in yielding to me.

Mr. President, all of us are concerned and deeply disturbed over the growing energy crisis in the United States. There are some among us who have felt for some several years that the direction we were taking would lead to catastrophe. Earlier, a few years ago, these warnings were falling upon deaf ears, and instead of taking heed or even bothering to look into the situation, each person for himself, it was easy to brush aside the remarks that were being made as simply parroting the best interests of the oil companies in America.

I think that no one needs to recognize that some of the warnings made several years ago were, indeed, prophetic. The unfortunate thing is the situation is even more serious than some of us at that time had believed it might develop into being.

Japan is faced with a very critical situation today. No one needs to tell the Japanese how serious it is. They are making all sorts of predictions as to what the extreme impact of being denied the petroleum and oil supplies they have been able so far to acquire throughout the rest of the world will have on their economy.

So, in that general framework of a widening and growing international concern over the energy crisis, we are taking up this bill today.

Let me say that the Committee on Interior and Insular Affairs has been very active. We have actually dealt with six different pieces of legislation this year. They are S. 268, the Land Use Policy Planning and Assistance Act. S. 425, the Surface Mining Reclamation Act. S. 1570, the Emergency Petroleum Allocation Act—now before us. S. 1981, the Federal Land Right-of-Way Act—that is the Alaskan pipeline. S. 2176, the National Fuels and Energy Conservation Act. S. 2589, the National Energy Emergency Act.

Mr. President, what disturbs me is that all of us in this country know we are going to be faced with some very serious and critical problems this winter, problems that go beyond the closing of factories, the suspension of jobs, the drying up of income, problems that go right to the heart of life in America, that threaten there will not be enough fuel to keep homes in America warm this winter, that schools will undoubtedly have to be closed, that store hours and business activities generally will be curtailed in order to accommodate America's lifestyle in this time of emergency to a very greatly shortened supply of energy. These are some of the prospects that we are looking at today.

It is because of this fact that, with the exception of the Alaska pipeline bill, Mr. President, not one of the actions we have taken so far really addresses the problem of supply. I am disturbed because that is the case.

The distinguished Senator from Oklahoma (Mr. BARTLETT) was able to get an amendment to the Alaska pipeline bill which exempted from control by the Cost of Living Council, and from other impositions that otherwise would apply to production from the stripper wells in this country, that amount of petroleum that comes into the marketplace. As a consequence, because of his efforts, which were in the main opposed by many members of the Committee on Interior and Insular Affairs, we did do something about supply.

The fact is, Americans will be very grateful to the Senator from Oklahoma (Mr. BARTLETT) this winter that his stripper well amendment was tied into the bill, because it will mean simply that this will be oil that can be used this winter—now. We do not have to drill any more wells. We do not have to explore the Outer Continental Shelf in areas where we have not, so far, explored there.

All we have to do is to let the price rise so that it will continue to be economically feasible for stripper well operators to produce the oil that without the relief that comes from being freed from price controls they would be leaving in the ground.

It is just that simple.

Whenever it costs as much to bring the oil above ground as the oil sells for, at that point in time any intelligent operator in the oil business—and they are all intelligent—will close that well down.

So America had the hard choice to make. It really was not a hard choice, because we did not give the average American any chance to make that choice, but if we had, I am certain that there would have been no doubt at all in the minds of nearly everyone of the 210 million of us that we would rather have fuel at a higher price than to have frozen water pipes, to have cold homes, to have stores closed and factories closed and people out of jobs, and cars and trains and ships and planes unable to move. Yet that was the prospect. I was surprised that there were as many people as was the case in Congress who failed to understand and appreciate the seriousness of the issue they faced.

I am equally disturbed, because we do not yet, some of us, seem to understand

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the workings of the economy that we have in the United States of America.

When the Defense Production Act was passed a number of years ago, we recognized then that if we wanted to have enough of anything that might be in short supply and that was critical to this country, the best way to get it was to guarantee a price for it. It worked, because back in World War II, this idea was brought into being when, despite the fact that most farms and ranches in America were practically without help, we knew we had to have food.

What did we do at that time?

The Government of the United States guaranteed a price for wheat. When it guaranteed that price for wheat, it stimulated an effort such as this country has seldom made in its nearly 200 years of history, an outpouring from the farms of America which met the challenge of World War II. We were able to feed not only our own people, our troops at home and overseas, but other nations as well.

Now we are not going to solve the energy crisis by taking the narrow, myopic view that all we really want to deal with is simply to try to spread the misery around. Yet, so far, with the exception of the Alaskan pipeline legislation, that is about all we are doing. That is just about all we are doing, spreading the misery around.

I say that America has the brains, America has the initiative, and America will respond to the challenge to find more oil.

Why do I say that?

There are many reasons, Mr. President. One is that a lot of Dr. William Pecora's testimony, barely more than a year and a half ago, bore out that, in his judgment, being the distinguished geologist he is, head of the U.S. Geodetic Survey and later Under Secretary of the Interior, there was still to be found in America probably as much as 100 times the amount of oil and gas this Nation used in all of 1971.

I know the time is growing late, and I am fully aware of it, but I think it is important for people to understand what the issue is.

I am going to say this, because I do not want someone coming here this winter saying we have failed to understand the situation.

There will be plenty of people questioning Congress this winter when there is no oil to heat homes, when the water pipes become frozen, or when jobs dry up, because there is no energy to run the plants, or when schools close. There are going to be plenty of questions asked of this Congress, such as, "Why did you not do something about it?"

The fact is, we have not done very much about it. Certainly we can do a lot more about it.

What can we do?

If we had the good sense—and that is all that is required—to turn this industry loose and recognize the fact that it costs a lot more to drill a well now than it did a few years ago and that no one in his right mind will go out and try to discover a gas well when up until a few months ago the Federal Power Commission put a lid on the price of gas that resulted in its costing more to drill a well for natural gas than the natural gas would be worth at the price the Federal Power Commission permitted it to be sold. So that is going to be part of the reason why we can do something about it.

I know that our drilling activity for petroleum supplies generally has dropped off. If we compare 1956 with 1972, we are drilling about half the number of wells we drilled in 1956. Yet, our consumption of energy has been four times as much. So, really, if we had been interested in keeping up with the energy supply in the United States, we should have been drilling four times as many wells as we were drilling.

The way we can get interest back in that drilling is to make it more profitable for people to drill. Yet, we hear the statement that the oil companies are running in money, that profits are way up. What many people do not stop to realize is that there are all kinds of oil people. There are big, major companies, and they have had properties expropriated in the Middle East. In the continental United States, on the other hand, we have many people—mostly independents—who discover between 75 and 80 percent of all our wells here. They have not been all that prosperous, I know. We have many of them in Wyoming. I know how activity there has dropped off. It has dropped off simply because the average profit that the independent oilman made on his investment ranged from approximately 3.5 to 6.5 percent.

When that has been the fact, there has been little reason for people to put their money in that kind of activity, drilling these wildcat wells, to try to find them, when they could do better any other place. That is exactly what American businessmen have done. These independent oilmen depend upon others in their communities for drilling funds. They go to all kinds of people who may have some surplus money; and unless the oilmen are able to demonstrate that it is a good risk to put money into that kind of operation, the people are not going to invest. The fact is that it has not been a good risk, because the return on that sort of activity, as I say, has been between 3½ and 6½ percent.

One of the reasons why I am concerned about this bill is that we talk about trying to solve the energy crisis by exceeding the maximum efficient rate of production. Some people probably do not know what is meant by the maximum efficient rate. That is the rate of production at which an oil well can be produced so as to assure the recovery of most of the oil that is in the ground. We only get about a third of the oil that is in the ground now, with our present technology. That rate is fixed after consultation with engineers, with petroleum geologists, by State regulatory agencies, in cooperation and in consultation with the U.S. Department of the Interior people in most areas. So that it is not a rate that is made by the oilman. It is a rate of production that is arrived at, in the hope to set the figure at which a well may be produced and above which it should not be produced if you want to get as much of the oil out of the ground as you can.

When we talk about trying to solve an energy problem that all experts say will extend for a period of several years, it makes no sense at all to me to talk about and to make provision for exceeding the maximum efficient rate. Yet, in other legislation we have before us, that is what is done.

A second problem arises there, and that comes about, because a taking has been achieved when the Government orders that we exceed the maximum efficient rate. What it means is that the person who owns the oil lease or who, indeed, may own the oil, if he owns the land in fee simple, is not going to be getting as much of his oil above ground as could be gotten above ground. So this is important. It is important not only because we will not get all the oil we can otherwise get, but also because in exceeding the maximum efficient rate, we can actually be taking a person's property, because we are denying him the opportunity to get all or as much of the oil out of the ground as he should get out of the ground.

I will vote for this bill with reluctance, because I know that the public generally believes that many of the things that are called for in it will be good. I understand that when you face an emergency situation, as we do, it is inevitable that many innocent people are going to be hurt. I want to do what I can to help that situation. But I do deplore the fact that, for whatever reasons each of us may have in his own heart, we have not had the courage or the good judgment yet, outside of authorizing the Alaskan pipeline, to take any significant action that addresses the problem of supply.

If the Japanese had the options we have, if almost any other country in the world had the options we have, my guess is that they would respond differently from the way we are responding.

We will have to come around, sooner or later—mark my words—to doing some of the things I am talking about here today. We have oil prospects all over the continental United States, on the Outer Continental Shelf, that we are not trying to get into production in an aggressive fashion.

The other fact impinges upon this supply situation, and that is the impact of NEPA legislation. It has been agreed, I understand, by the committee managers and those on the Committee on Public Works that we will leave it up to the Committee on Commerce to write any suggested changes or exemptions that may apply to NEPA in order to shorten the time given those who may raise environmental questions that delay taking the actions I think the United States should take.

Mr. President, I hope that people throughout America will understand what the energy situation is and will respond in a fashion so as to call to the attention of Members of Congress in a way that cannot be misunderstood that, while they support those actions which will help spread the misery around, they would hope very much that we would have the courage and the foresight and the good commonsense to recognize that we will not correct the problem until we get at the basic issue of improving supply.

I thank the distinguished Senator from Washington.

Mr. JACKSON. Mr. President, I yield to the able Senator from North Carolina such time as he may require.

Mr. HELMS. Mr. President, I simply want to commend the distinguished Senator from Wyoming. He touched on a facet of this situation that very much needs to be discussed with the American people, so that they may understand the origin of the problem.

I think the Senator from Wyoming will agree that we are in this crisis today, because Government has been trying to improve on free enterprise.

What has happened in this fuel crisis is what will happen each time the Government meddles and interferes with the process of free enterprise. I, like the Senator from Wyoming, shall vote for the conference report. I shall do so reluctantly because of the same defects and the same situations he so eloquently discussed.

But I wish to call attention to one feature of the conference report which I briefly acknowledge as probably being helpful to the people of my State. I refer to the language found on page 4, in paragraph 3 of section 4. For the record, I wish to read it at this time so there will be no mistake about it:

> (3) The President in promulgating the regulation under subsection (a) shall give consideration to allocating crude oil, residual fuel oil, and refined pretroleum products in a manner which results in making available crude oil, residual fuel, or refined petroleum products to any person whose use of fuels other than crude oil, residual fuel oil, and refined petroleum products has been curtailed by, or pursuant to a plan filed in compliance with, a rule of water of a Federal or State agency, or where such person's supbly of such other fuels is unobtainable by reason of an abandonment of service permitted or ordered by a Federal or State agency.

I hope it is understood by the Senate that this is a message to the President, because of the situation that exists in my State and many other States with respect to natural gas customers operating on an interruptible contract.

Under a Federal Power Commission ruling that was to have taken effect on November 16, hundreds of factories in North Carolina would have been closed and thousands of wage earners thrown out of work because of lack of gas for heating and processing. The State of North Carolina has brought suit against the FPC and, after the entire North Carolina congressional delegation joined in as amicus curiae, a stay was obtained in the District of Columbia Court of Appeals. If we lose this suit, the situation will be grave. But even if the State of North Carolina wins this suit, it will require many millions of gallons of fuel oil to take up the slack if further curtailment is required. But under any curtailment ordered by a Federal or State agency, these customers would get high priority for other fuel allocations.

This is the way the measure provides relief for these people and businesses that otherwise would have to go out of business. I hope the record is clear that the President's opportunity and duty is to make certain that this particular section is implemented.

Mr. JACKSON. Mr. President, I ask unanimous consent to have printed in the RECORD letters from Dr. John Dunlop, Director of the Cost of Living Council, and Gov. Daniel Evans of the State of Washington, Chairman of the National Governors' Conference, concerning S. 1570.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ECONOMIC STABILIZATION PROGRAM,
COST OF LIVING COUNCIL,
Washington, D.C., November 13, 1973.

Senator HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR JACKSON: The purpose of this letter is to confirm my understanding of the intentions of Congress in enacting various provisions of the Emergency Petroleum Allocation Act of 1973 (S. 1570) as they are affected by the Economic Stabilization Act of 1970, as amended and the amendments to Section 28 of the Mineral Leasing Act of 1920, authorizing the Trans-Alaska Pipeline (S. 1081).

I. STRIPPER WELL EXEMPTION

Both the Trans-Alaska Pipeline Bill (hereinafter referred to as "the pipeline bill") and the Emergency Petroleum Allocation Act (hereinafter referred to as "the allocation act") contain provisions for exempting from price controls so-called stripper wells—i.e., those wells producing 10 barrels a day or less. The language of the two bills, though similar in many respects, contains several important differences. Section 406(a) of the pipeline bill provides as follows:

"The first sale of crude oil and natural gas liquids produced from any lease whose average daily production of such substances for the preceding calendar month does not exceed ten barrels per well shall not be subject to price restraints established pursuant to the Economic Stabilization Act of 1970, as amended, or to any allocation program for fuels or petroleum established pursuant to that Act or to any Federal law for the allocation of fuels or petroleum."

The comparable provision in Section 4(e)(2)(A) of the allocation act provides as follows:

"The regulation promulgated under subsection (a) of this section shall not apply to the first sale of crude oil produced in the United States from any lease whose average daily production of crude oil for the preceding calendar year does not exceed ten barrels per well."

You will note that the pipeline bill refers to both "crude oil and natural gas liquids" whereas the allocation act refers only to "crude oil." In addition, you will note that the pipeline bill embodies a base period for determining eligibility for the exemption expressed as the average daily production "for the preceding calendar month" while the allocation act contains a base period expressed in terms of average daily production "for the preceding calendar year."

It is my understanding that in enacting a stripper well exemption as part of the allocation act which differs from a similar provision previously enacted as part of the pipeline bill, it is the intention of Congress to pre-empt the earlier provision by the later provision and that once the exemption established by the allocation act is implemented, the exemption previously enacted as part of the pipeline bill will no longer be of any force or effect.

Further, it is my understanding that the term "crude oil" as used in Section 4(e)(2) of the allocation act is intended to encompass all crude petroleum produced at the wellhead, including both crude oil and crude oil condensates including natural gas liquids such as propane, butane, and ethane. The term is clearly not intended to include natural gas, however. Natural gas production and pricing would continue to be regulated by the Federal or state agency having jurisdiction over such production.

In some cases, through adjustments in the production process it is possible to vary the proportion of crude oil and crude oil condensates that are ultimately produced at the wellhead. If the exemption were construed to apply only to crude oil itself and not crude oil condensates, there would be an incentive to modify the production process to gain advantage of the exemption. Some of the production process modifications that might result in an effort to maximize crude production and minimize condensate production could be counter productive in terms of maximizing total recovery from a reservoir.

It is my understanding that it is the intention of Congress not to permit this form of "gaming" of the exemption, but that rather it is the intention of Congress to embody within the term "crude oil" as used in Section 4(e)(2) of the allocation act both crude oil and crude oil condensates produced at the wellhead.

I also note that the language of the Conference Report accompanying the pipeline bill contains specific admonitions to the administering agency to construe strictly the language of the exemption to accomplish the supply-enhancement objectives of the exemption and to insure that the exemption is not in any way broadened. Specifically the Report states:

"Congress specifically intends that the regulations shall, among other things, prevent any 'gerrymandering' of eases to average down high production wells with a number of low production stripper wells to remove the high production wells from price ceilings. The sole purpose and objective of this Section 406 is to keep stripper wells—those producing less than ten barrels per day—in production and to insure that the crude oil they produce continues to be available for U.S. refineries and U.S. consumers. It is not intended to confer any benefit on the owners and operators of wells producing in excess of ten barrels per day."

I have attached the pertinent language from the Conference Report as Appendix A to this letter. It is my understanding that in enacting the stripper well exemption as part of the allocation act, that the Congress intends that the same considerations as those set out in the pipeline bill Conference Report shall be applied by the administering agency.

II. PRICING PROVISIONS

Section 4(a) of the allocation act contains authority to issue regulations specifying or prescribing prices for crude oil, residual fuel oil and each refined petroleum product. This authority is separate and apart from the authority to stabilize prices for these and other products contained in the Economic Stabilization Act of 1970, as amended.

It is my understanding that in enacting the authority to control prices in Section 4(a) of the allocation act, it is not the intention of Congress to pre-empt the field and extinguish the authority to control prices in the petroleum industry under the Economic Stabilization Act. Rather, it is my understanding that the two authorities are to have coincident applicability. I am mindful of the purpose expressed at page 26 of the Conference Report on the allocation act that "Congress intends to force the Administration to rationalize and harmonize the objectives of equitable allocation of fuel .

XUM

with the objectives of the Economic Stabilization Act." But it is my understanding that in the language which follows that sentence, the Congress is expressing its intention to continue the applicability of price control authority in the petroleum industry pursuant to the Economic Stabilization Act. Thus, so long as the Economic Stabilization Act remains in effect and is invoked with respect to the petroleum industry, prices in that industry would be subject to control under the authority of both the Economic Stabilization Act and the allocation act and the administering agency which has been delegated price control authority under both statutes would be obligated to comply with the provisions of both. Of course, should the Economic Stabilization Act, which expires on April 30, 1974, not be extended, then the authority of the allocation act would constitute the exclusive basis for controlling prices in the petroleum industry.

In that connection, it is my understanding that, assuming the Phase IV price regulations in the petroleum industry are continued, the provisions of Section 150.354 of those regulations providing for release from crude petroleum ceiling price rules of new crude petroleum and base production control level crude petroleum would not be deemed inconsistent with or require modification because of the language of Section 4(a) of the allocation act which refers to "prices specified in (or determined in a manner prescribed by)" the regulation therein provided for.

III. PERSONNEL PROVISIONS

Section 5(a) of the allocation act as reported by the Conference Committee provides, among other things, that certain personnel authorities contained in the Economic Stabilization Act of 1970 shall apply to functions under the Emergency Petroleum Allocation Act of 1973 to the same extent such authorities apply to functions under the Economic Stabilization Act of 1970. It is my understanding that the intent of this provision is to establish personnel authorities in addition to those now used by the Economic Stabilization Program and not to require that these existing authorities be shared with whatever agency is designated to carry out the provisions of this bill. Specifically, it is my understanding that the Congress intends by this provision to authorize the placement of not to exceed twenty positions in GS–16, 17, and 18 in addition to the number of positions which may be placed in those grades under Section 5108 of title 5, United States Code, in order to carry out functions under the Emergency Petroleum Allocation Act of 1973, without requiring a reduction in the number of positions currently authorized pursuant to Section 212(d) of the Economic Stabilization Act of 1970 for carrying out functions under the Economic Stabilization Act.

We appreciate the opportunity to express our views on this subject and I urge you to contact me or my colleagues at the Cost of Living Council if we may furnish any further information.

Sincerely,

JOHN T. DUNLOP,
Director.

EXCERPT FROM CONFERENCE REPORT ACCOMPANYING S. 1081 AMENDING SECTION 28 OF THE MINERAL LEASING ACT OF 1920, AND TO AUTHORIZE THE TRANS-ALASKA PIPELINE

15. Section 406, relating to stripper oil wells, was a Senate floor amendment to S. 1081. The Conferees have adopted the general concept of the floor amendment, but have added new provisions to insure that the exemption is narrowly defined and prudently administered, and to insure that the incentive being granted is properly limited in accord with congressional intent.

The purpose of exempting small stripper wells—wells whose average daily production does not exceed ten barrels per well—from the price restraints of the Economic Stabilization Act (now in Phase IV) and from any system of mandatory fuel allocation is to insure that direct or indirect price ceilings do not have the effect of resulting in any loss of domestic crude oil production from the premature shutdown of stripper wells for economic reasons.

As of January 1, 1973, there were 350,000 stripper wells producing ten barrels a day or less. Stripper wells account for 71 percent of all of the oil wells in this country, but produce an average of only 3.6 barrels per day, or only 13 percent of total U.S. domestic crude production.

Many stripper wells are of only marginal economic value. When the costs of their operation exceeded the value of their production, they are shut in, and a known and developed crude oil reserve is lost to U.S. production. Removing Phase IV price restraints from these marginal stripper wells has the effect of increasing the value of the crude oil they produce by about $1.30 per barrel (the difference between $4.02, the current per-barrel ceiling average under Phase IV, and $5.32, the per-barrel average price for "new" domestic crude oil production which is not subject to Phase IV). This price incentive will encourage owners and operators of stripper wells to maintain production and to keep these wells in operation for longer periods of time than would be possible if the value of their crude oil production were determined under Phase IV price ceilings. This increased incentive will, it is anticipated, permit stripper well operators to make new investments in the eligible wells and improve the gathering and other facilities for moving this oil to market.

The words "first sale" in Section 406(a) refer to the initial sale from the producer to a refiner, oil broker or other party. Thereafter, the exemption expires and any applicable provision of the Economic Stabilization Act or any mandatory allocation program may apply.

The exemption also runs only to "crude oil and natural gas liquids." It does not run to natural gas produced by these wells. Natural gas production and pricing continue to be regulated by the Federal or State agency having jurisdiction over the particular wells involved.

The Congress intends that the provisions of this section will be strictly enforced and regulated by the administering agency to insure that the limited exemption of this class of wells for the express purposes described above is not in any way broadened. To achieve this, Congress authorizes on-site inspections to insure compliance. Congress also directs that the administering agency shall promulgate regulations to implement the provisions of this section before it becomes operative. The Conferees expect the administering agency to utilize State data regarding production volumes, and to provide by regulation safeguards against the manipulation of gerrymandering of lease units in a manner that evades the price control and allocation programs.

These regulations shall be so designed as to provide safeguards against any abuse, overreaching or altering of normal patterns of operations to achieve a benefit under this section which would not otherwise be available. Congress specifically intends that the regulations shall, among other things, prevent any "gerrymandering" of leases to average down high production wells with a number of low production stripper wells to remove the high production wells from price ceilings. The *sole* purpose and objective of this Section 406 is to keep stripper wells—those producing less than ten barrels per day—in production and to insure that the crude oil they produce continues to be available for U.S. refineries and U.S. consumers. It is not intended to confer any benefit on the owners and operators of wells producing in excess of ten barrels per day.

The Congress also intends that the regulations provide appropriate limitations and provisions in the definition of "lease" to insure that an administratively workable system is established which does not permit abuse.

OFFICE OF THE GOVERNOR,
Olympia, Wash., November 13, 1973.

Re S. 2589.

Hon. HENRY M. JACKSON,
Chairman, Senate Committee on Interior and Insular Affairs, Old Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for the opportunity to discuss the above-captioned bill with you yesterday. As I mentioned, the States have a vital interest in the terms of this measure and the ways in which emergency procedures may be devised and implemented in the energy field.

Under the terms of the Regulations issued for Allocation of the Middle Distillates, every State has been asked to establish procedures for administering a hardship reserve. This has meant setting up machinery, recruiting personnel and making offices and special telephone lines available to carry out our responsibilities. At this point in time, it is impossible to estimate exactly how much will be required in each State to carry forth the responsibilities for Middle Distillates. I can only tell you that the costs are being borne out of emergency State funds and, in most cases, personnel and facilities dedicated to other purposes have been diverted to this task.

In addition to the burdens involved in the allocation program, most States have also become active in the quest to conserve energy. From Washington to Florida and from California to Connecticut, States have invested their funds and personnel resources to devise and implement programs of conservation. These have been innovative and effective. They have included prohibitions on outdoor lighting, lowering of speed limits, revisions of temperature settings in public buildings, encouragement of revisions of shopping hours in commercial establishments and provisions to make it easier for home owners to increase insulation and installation of storm doors and windows. Public awareness programs have been undertaken and research for new energy sources and wiser use of existing resources have been underwritten in whole, or in part, by dozens of States.

I have recited the foregoing record to illustrate the desirability of inclusion of provisions in the above-captioned bill for financial aid to the States so that they can play the most effective role in the effort to bring supply and demand into some rational balance. A spot check of the States indicates that in moderate sized States such as Maryland and Georgia, the total personnel complement committed directly to the allocation and conservation programs will total about 20 clericals and 10 professionals per year. This approximates $350,000 a year per State in direct salaries and at least 25 percent more in indirect costs for this complement—a total of more than $400,000 a year. This outlay comes in a period when State legislatures have not met and before any new responsibilities are entrusted to the States under the terms of the above-captioned bill and S. 1540 and the regulations which the Administration will issue pursuant to them.

I am in the process of canvassing the States to determine more closely the personnel complement each of them anticipates under existing programs and can only guess at the ancillary costs of such programs as reducing speed limits and enforcing other conservation measures. This is all over and

above the research efforts at State academic institutions and those coordinated by science advisors to the Governors and the State legislatures. I would note that the Western Governors have not only not shrunk from the responsibilities this crisis has thrown on their shoulders but they have sought a voice in the program for allocation of propane.

It is also safe to assume that the President will delegate additional responsibilities and duties to the States under the terms of Section 5(b) of S. 1570 as reflected in the Conference Report for that bill (House Report 93–628). The States do not seek to avoid such new responsibilities—they readily accept them because the States have a unique capacity to identify vital needs and priorities in their own jurisdictions and to make the decisions which will carry forward the purposes of an allocation and imaginative conservation program.

Although there is broad authorization given to the President to draw up Regulations we would like some assurance that States could have a set-aside of Middle Distillate fuels to use for emergency assistance. The existing procedures preclude States from purchasing fuels for resale or arranging for suppliers to hold back some fuels to respond to emergencies. Informal cooperation of suppliers and distributors has been helpful. However we cannot rely on this base in the months ahead when supplies fall even further behind demand.

I am meeting with the Executive Committee of the National Governors' Conference and the New England Governors tomorrow and I have every confidence that I speak for them in the observations contained in this letter. Moreover, the National Governors' Conference has established an Energy Policy Project which is actively working not only with the States and federal government, but also with county and city governments. We are trying to make certain that each State is as effective as possible and that regional cooperation is facilitated. We are in the midst of a canvass of every State to determine the resources it will require to carry out its responsibilities. We should have the results within the next two days and will forward them to you.

On behalf of the National Governors' Conference and as Governor of our own State I look forward to working with the Congress and the Administration as well as other units of government and many private citizens and organizations as we go about the important work of refining a viable national policy and programs which are needed to implement such a policy for a problem that will be with us for years to come.

Sincerely,

DANIEL J. EVANS,
Chairman, National Governors' Conference.

Mr. **JACKSON**. Mr. President, Governor Evans is concerned over the need for a grant-in-aid program to assist the States in fulfilling their responsibilities under the act.

While the conference report does not so provide, a provision to achieve this purpose was adopted by the committee on Monday in connection with the consideration of S. 2589, the Energy Emergency Act of 1973.

Dr. Dunlop's letter concerns the interpretation of certain sections of the conference report. I concur and I believe it was the intent of the conference committee to concur in the interpretation Dr. Dunlop places on the language of the report.

Mr. **STEVENS**. Mr. President, I would like to clarify one point in the allocation provisions of this legislation. Does the term "public service" in section 4(b) (1)(b) include "the transportation and delivery of mail by the U.S. Postal Service, its lessors, rural carriers, contractors, and air carriers"?

I seek this clarification because it is essential that the transportation and delivery of mail have a high priority in the allocation of fuel. In my capacity as a member of the Post Office and Civil Service Committee, I have become aware of several factors which make it essential to the well-being of the Nation that Congress make it clear that the transportation and delivery of mail is to be included within the priority provisions of this legislation.

Prompt delivery of the mail depends upon the efforts of thousands of small businessmen who hold contracts with the Postal Service for highway and air taxi mail transportation. Without expression of congressional intent that the transportation and delivery of the U.S. mail is a priority item for the allocation of fuel during the coming winter, these thousands of key contractors may not be able to obtain sufficient fuel for their vehicles and the entire mail system may be seriously impaired. Many inhabitants of rural America who depend upon star route box delivery to bring them their mail may be literally cut off from the outside world.

Absent congressional intent that a priority fuel allocation status be given to the transportation and delivery of mail, postal contractors may find themselves forced to procure their fuel piecemeal—literally driving from pump to pump trying to get enough fuel to complete an important mail run. The resulting slowdown in the carriage of mail to and from processing centers would greatly increase the costs of mail processing by disrupting the steady volume of mail necessary for the efficient operation of Postal Service facilities. This situation could literally cripple mail service during the high volume Christmas season period.

The Postal Service supplements its own delivery fleet with up to 82,000 vehicles leased from commercial sources and from mail carriers themselves. Without specific mention of the priority fuel allocation status of mail delivery, the owners of these vehicles may not be able to obtain sufficient fuel to operate them. This will not only hamper mail delivery, but will also contribute to the deterioration of postal labor relations with those employees who lease their own vehicles to the Postal Service.

Under the previous voluntary system of fuel allocation, the Postal Service had increasing difficulty in finding dealers willing to enter long-term contracts to supply fuel for postal vehicles. The lack of specific mention of mail transportation in the list of activities enjoying priority status in the allocation of fuel was a great disadvantage in this regard. An expression of congressional intent that mail transportation be included within priority status in fuel allocation will prevent the recurrence of this problem.

As you know, Postmaster General Klassen recently publicized nationwide mail delivery standards and he has made a strong commitment to meet those standards. The Postal Service cannot meet these commitments it has made to the American public unless the fuel necessary to carry out its task is made available. Therefore, I should like to direct a question to the chairman of the committee. Am I correct in assuming that it is our intent to include delivery of mail by the U.S. Postal Service, its lessors, rural carriers, contractors, and air carriers within the priority fuel allocation provisions of this legislation?

Mr. **JACKSON**. The Senator is absolutely correct. It should be made clear that the Postal Service is one of the vital public services included in section 4(h) (i)(k) of the bill.

The **PRESIDING OFFICER**. The question is on agreeing to the conference report. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. **ROBERT C. BYRD**. I announce that the Senator from Massachusets (Mr. KENNEDY), the Senator from Utah (Mr. MOSS), the Senator from Wisconsin (Mr. NELSON), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I further announce that the Senator from Nevada (Mr. BIBLE), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Georgia (Mr. TALMADGE) are absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY) and the Senator from Massachusetts (Mr. KENNEDY) would vote "yea."

Mr. **GRIFFIN**. I announce that the Senator from Nebraska (Mr. CURTIS) is absent by leave of the Senate on official business.

The Senator from Colorado (Mr. DOMINICK), the Senator from Oregon (Mr. PACKWOOD), the Senator from Ohio (Mr. SAXBE), the Senator from Pennsylvania (Mr. SCHWEIKER) and the Senator from Virginia (Mr. WILLIAM L. SCOTT) are necessarily absent.

If present and voting, the Senator from Nebraska (Mr. CURTIS) and the Senator from Oregon (Mr. PACKWOOD) would each vote "yea."

The result was announced—yeas 83, nays 3, as follows:

[No. 481 Leg.]

YEAS—83

Abourezk
Aiken
Allen
Baker
Bayh
Beall
Bellmon
Bennett
Bentsen
Biden
Brooke
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cook
Cotton
Cranston
Dole
Domenici
Eagleton
Eastland
Ervin
Fannin
Fong
Fulbright
Goldwater
Gravel
Griffin
Gurney
Hansen
Hart
Hartke
Haskell
Hatfield
Hathaway
Helms
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Johnston
Long
Magnuson
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Muskie
Nunn
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Scott, Hugh
Sparkman
Stafford
Stevens
Stevenson
Symington
Taft
Thurmond
Tower
Tunney
Weicker
Williams
Young

XUM

NAYS—3

Bartlett
Brock
Buckley

NOT VOTING—14

Bible
Curtis
Dominick
Huddleston
Humphrey
Kennedy
Moss
Nelson
Packwood
Saxbe
Schweiker
Scott,
William L.
Stennis
Talmadge

So the conference report was agreed to.

Mr. JACKSON. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. FANNIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL ENERGY EMERGENCY ACT OF 1973

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 473, S. 2589. I do this so that the bill will be the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

Calendar No. 473, S. 2589, a bill to authorize and direct the President and State and local governments to develop contingency plans for reducing petroleum consumption, and assuring the continuation of vital public services in the event of emergency fuel shortages or severe dislocations in the Nation's fuel distribution system, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "National Energy Emergency Act of 1973".

TITLE I—STATEMENT OF FINDINGS AND PURPOSES

Sec. 101. Findings.—The Congress hereby determines that—

(a) shortages of crude oil, residual fuel oil, and refined petroleum products caused by inadequate domestic production, environmental constraints, and the unavailability of imports sufficient to satisfy domestic demand, now exist;

(b) such shortages have created or will create severe economic dislocations and hardships, including loss of jobs, closing of factories and businesses, reduction of crop plantings and harvesting, and curtailment of vital public services, including the transportation of food and other essential goods;

(c) such shortages and disclocations jeopardize the normal flow of interstate and foreign commerce and constitute a nationwide energy emergency which is a threat to the public health, safety, and welfare and can be averted or minimized most efficiently and effectively through prompt action by the executive branch of Government;

(d) disruptions in the availability of imported energy supplies, particularly crude oil and petroleum products, pose a serious risk to national security, economic well-being, and health and welfare of the American people;

(e) interruptions of energy supplies, both in the near term and in the future, will require emergency measures to reduce energy consumption, increase domestic production of energy resources, and provide for equitable distribution of available supplies to all Americans;

(f) the development of a comprehensive energy policy to serve all of the people of the United States necessitates the regulation of intrastate delivery and use of energy resources, other than natural gas, in order to insure the effective regulation of interstate and foreign commerce in energy;

(g) because of the diversity of conditions, climate, and available fuel mix in different areas of the Nation, a primary governmental responsibility for developing and enforcing emergency fuel shortage contingency plans lies with the States and with the local governments of major metropolitan areas acting in accord with the provisions of this Act.

Sec. 102. Purposes.—The purpose of this Act is to—

(a) declare by Act of Congress an energy emergency;

(b) grant to the President of the United States, and direct him to exercise, specific temporary authority to deal with shortages of crude oil, residual fuel oil, and refined petroleum products, and other fuels, or dislocations in their national distribution system;

(c) provide a national program to conserve scarce energy resources, through mandatory and voluntary rationing and conservation measures, implemented by Federal, State, and local governments;

(d) protect the public health, safety, and welfare and the national security, and to assure the continuation of vital public services and maximum employment in the face of critical energy shortages;

(e) minimize the adverse effects of such shortages or dislocations on the economy and industrial capacity of the Nation;

(f) insure that measures taken to meet existing emergencies are consistent, as nearly as possible, with existing national commitments to protect and improve the environment in which we live; and

(g) direct the President and State and local governments to develop contingency plans which shall have the practical capability for reducing energy consumption by no less than 10 per centum within ten days and by no less than 25 per centum within four weeks of any interruption of normal supply.

TITLE II—EMERGENCY FUEL SHORTAGE CONTINGENCY PROGRAMS

Sec. 201. Declaration of Emergency.—The Congress hereby declares that current and imminent fuel shortages have created a nationwide energy emergency.

Sec. 202. Presidential Authorization.—(a) The President is hereby authorized and directed to implement emergency fuel shortage contingency programs as provided for in this title.

(b) For the duration of the energy emergency, the President is further authorized to enter into appropriate understandings, arrangements, or agreements with foreign states, or foreign nationals, or international organizations, to adjust and allocate imports of fossil fuels, or take such other action as he deems necessary, with respect to trade in fossil fuels, in order to achieve the purposes of this Act. Any such formal agreement shall be submitted to the Senate of the United States, and shall be operative, but shall not become final until the Senate has had fifteen days, no less than seven of which shall be legislative days, to disapprove of such agreement.

(c) The declared nationwide energy emergency and the authority granted by this Act shall terminate one year after the date of enactment of this Act. Six months after the date of enactment of this Act, the President shall submit to the Congress an interim report on the implementation of the Act, together with such recommendations for amending or extending the Act as he deems appropriate.

Sec. 203. Emergency Fuel Shortage Contingency Plans.—(a) Not later than fifteen days after the date of enactment of this Act, the President shall promulgate a plan for a nationwide emergency energy rationing and conservation program. Such program shall assure, insofar as is practicable, that all vital services will be maintained and that unnecessary energy consumption will be curtailed.

(b) The rationing and conservation program provided for in subsection (a) shall include the following:

"(1) an established priority system and plan, including a program to be implemented without delay, for rationing of scarce fuels quantitatively and qualitatively among distributors and consumers for the duration of the emergency. To the extent practicable such priority and rationing program shall include, but not be limited to, measures adequate to insure that available low sulfur fuel will be distributed on a priority basis to those areas of the country designated by the Environmental Protection Agency as requiring low sulfur fuel to avoid or minimize adverse impacts on public health; and

(2) measures capable of reducing energy consumption in the affected area by no less than 10 per centum within ten days, and by no less than 25 per centum within four weeks after implementation. Such measures shall include, but are not limited to: transportation control plans; restrictions against the use of fuel or energy for nonessential uses such as lighted advertising and recreational activities; a ban on all advertising encouraging increased energy consumption; limitations on operating hours of commercial establishments and public service, such as schools; temperature restrictions in office and public buildings, including wholesale and retail business establishments; and reductions in speed limits.

(c) Within two weeks of the date of enactment of this Act, the President shall also promulgate requirements for emergency energy conservation and contingency programs to be developed by each State and major metropolitan government, to implement the Federal program described in subsection (a) above. Such programs, which must be developed within eight weeks after the date of enactment of this Act and submitted for approval to the President, shall include at a minimum the provisions set forth in subsection (b) above. The President shall approve and direct the States to implement those State plans or portions thereof which he determines meet the requirements of this section for emergency energy conservation and contingency programs and which are necessary to deal with the energy shortage conditions facing the Nation.

(d) In the event that a State or major metropolitan government fails to design and implement a contingency program as provided for in subsection (c), the Federal program implemented pursuant to subsection (a) above, shall remain in effect for such State or metropolitan government.

(e) The President shall direct immediate implementation of those rationing and conservation measures contained in the plans in this section as needed to achieve the purposes of this Act.

(f) Nothing contained in this Act shall authorize the President to regulate or allocate natural gas not otherwise subject to the jurisdiction of the Federal Power Commission, except for the purpose of prohibiting the burning of gas for decorative purposes and except as provided in section 204(a) of this Act: Provided, however, That State regulatory bodies having jurisdiction over such natural gas shall cooperate with the President to achieve the conservation objectives of this Act.

Sec. 204. Federal Action for Fuel Conservation. — Notwithstanding any action taken on the part of State or local governments pursuant to the rationing and conservation programs required by section 203:

(a) the President may, in accordance with the rationing and conservation program required by section 203, require, after balancing on a plant-by-plant basis the environmental effects of such conversions against the need to fulfill the purposes of this Act, that any major fossil fuel burning installations, including existing electric generating plants, which now burn petroleum or natural gas and which have the ready capability and necessary plant equipment to burn coal or other fuels, to convert to burning coal or other fuels as their primary energy source. Any installation so converted will be permitted to continue to use such fuel for at least one year, subject to the variance procedure of the Clean Air Act, as amended, (42 U.S.C. 1857 et seq.). Insofar as practicable, conversions shall first be required for those plants where the use of coal or other fuels will have the least adverse environmental impact. Such conversions shall be carried out contingent upon availability of coal, and the maintenance of reliability of service in a given service area. The President shall require that fossil fuel fired electrical powerplants now in the planning process be designed and constructed so as to have the capability of rapid conversion to burn coal.

(b)(1) the Interstate Commerce Commission, with respect to carriers subject to regulation under sections 1(1) and 304(a)(1) of title 49, United States Code (49 U.S.C. 1(1), 304(1)(a)), the Civil Aeronautics Board, and the Federal Maritime Commission, with respect to carriers operating in the domestic trades of the United States including its territories and possessions, for the duration of the energy emergency, in addition to their existing powers, shall have the authority on their own motion or by motion of any interested party, to review and make reasonable and necessary adjustments to the operating authority of carriers within their respective jurisdictions in order to conserve fuel while providing for the public convenience and necessity. Such adjustments may include but need not be limited to adjusting and rationalizing the operations of such carriers with regard to frequency of service, points served, scheduling to prevent duplication of service and reviewing or adjusting rate schedules to reflect such adjustment and rationalization. Actions taken pursuant to this paragraph may be taken, notwithstanding any other provision of law after hearings in accordance with section 553 of title 5 of the United States Code. Any person adversely affected by an action shall be entitled to a judicial review of such action in accordance with chapter 7 of title 5 of the United States Code.

(2) within fifteen days after the date of enactment of this Act, the Civil Aeronautics Board, the Federal Maritime Commission and the Interstate Commerce Commission shall report separately to the appropriate committees of the Congress on the need for additional regulatory authority in order to conserve fuel during the energy emergency while continuing to provide for the public convenience and necessity. Each such report shall identify with specificity—

(1) the type of regulatory authority needed;

(2) the reasons why such authority is needed;

(3) the probable impact on fuel conservation of such authority;

(4) the probable effect on the public convenience and necessity of such authority; and

(5) the competitive impact, if any, of such authority.

Each such report shall further make recommendations with respect to changes in any existing fuel allocation programs which are deemed necessary to conserve fuel while providing for the public convenience and necessity.

(3) the regulatory agencies subject to this subsection (b) may, where appropriate, consult with departments or agencies of the Federal Government having expertise or jurisdiction over the modes of transportation involved.

(c) the President shall develop and implement federally sponsored incentives for the use of public transportation, including priority rationing of fuel for mass transit systems, and Federal subsidies for reduced fares and additional expenses incurred because of increased service, for the duration of the energy emergency. For the purposes of this section, paragraph (3) of subsection (e) of section 142 of title 23, United States Code, is amended as follows: strike the period at the end of the paragraph and add the following: "except that, with respect to the purchase of buses and rolling stock for fixed rail, the Federal share shall be 80 per centum."

(d) the President shall solicit recommendations from the Secretary of the Department of Transportation as to changes in Federal and State policies relating to motorized transport on the interstate highway system which would result in significant savings of fuel.

(e) all Federal departments and agencies, including the Federal regulatory agencies, are directed to undertake a survey of all activities over which they have special expertise or jurisdiction and identify and recommend to the Congress and to the President, within thirty days of enactment of this Act, specific proposals to significantly increase energy supply or to reduce energy demand through conservation programs.

Sec. 205. Air Quality Requirements.—Should a Presidential order to change fuels pursuant to subsection 204(a) result in a violation of an air quality implementation plan, a variance may be granted in accordance with the provisions of the Clean Air Act, as amended.

Sec. 206. Environmental Impact Statements.—No major action taken under this Act shall, for a period of one year after initiation of such action, be deemed a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (83 Stat. 856). However, prior to taking any such major action that has a significant impact on the environment, if practicable, or in any event within sixty days of taking such action, an environmental evaluation, with analysis equivalent to that required under section 102(2)(C) of the National Environmental Policy Act of 1969, to the greatest extent practicable within this time constraint, shall be prepared and circulated to appropriate Federal, State, and local government agencies and to the public for a thirty-day comment period after which a public hearing shall be held upon request to review outstanding environmental issues. Such an evaluation shall not be required where the action in question has been preceded by compliance with the National Environmental Policy Act of 1969 by the appropriate Federal agency. Any action taken under this Act which will be in effect for more than a one-year period, or any action to extend an action taken under this Act to a total period of more than one year shall be subject to the full provisions of the National Environmental Policy Act of 1969 notwithstanding any other provision of this Act.

Sec. 207. Federal Actions To Increase Available Domestic Petroleum Supplies.—The President is authorized to initiate the following measures to supplement domestic energy supplies for the duration of the emergency:

(a) Require on a mandatory basis the production of designated existing domestic oilfields at their maximum efficient rate of production, which is the maximum rate at which production may be sustained without detriment to the ultimate recovery of oil and gas under sound engineering and economic principles. Such fields are to be designated by the Secretary of the Interior, after consultation with the appropriate State regulatory agency. Data to determine the maximum efficient rate of production shall be supplied to the Secretary of the Interior by the State regulatory agency which determines the maximum efficient rate of production and by the operators who have drilled wells in, or are producing oil and gas from such fields.

(b) Require, if necessary to meet essential energy needs, production of certain designated existing domestic oilfields at rates in excess of their currently assigned maximum efficient rates. Fields to be so designated, by the Secretary of the Interior or the Secretary of the Navy as to the Federal lands or as to Federal interests in lands, under their respective jurisdiction shall be those fields where the types and quality of reservoirs are such as to permit production at rates in excess of the currently assigned sustainable maximum efficient rate for periods of ninety days or more without excessive risk of losses in recovery.

(c) Require the adjustment of processing operations of domestic refineries to produce refined products in proportions commensurate with national needs and consistent with the priorities established in accordance with section 203.

(d)(1) Require production of oil and gas from the currently developed resources of the naval petroleum reserves whenever the availability of petroleum products to the Armed Forces of the United States necessitates that the Department of Defense be accorded special priority for the purchase of petroleum products from United States suppliers under the terms of the Defense Production Act of 1950. Such production is the equivalent of production for "national defense" as used in section 7422 of title 10, United States Code, as amended, and related sections.

(2) Expedite the full exploration and development of Naval Petroleum Reserves Numbers One, Two, and Three, and expedite the full exploration of Naval Petroleum Reserve Number Four.

(e) Order the acceleration of lease sales of energy resources on public lands, subject to existing law, to include, but not limited to, oil and gas leasing onshore and offshore and geothermal energy leasing: *Provided*, That the exemptions provided for in section 206 shall not be applicable to this subsection 207(e).

Sec. 208. Adverse Impact on Employment.—In carrying out his responsibilities under this Act, the President shall take into consideration and shall minimize, to the fullest extent practicable, any adverse impact of actions taken pursuant to this Act upon employment. All agencies of government shall cooperate fully under their existing statutory authority to minimize any such adverse impact.

TITLE III—ADMINISTRATION AND AUTHORIZATIONS

Sec. 301. Congressional Approval.—Within two weeks after the date of enactment of this Act, the President shall submit to Congress his proposals for the emergency contingency programs provided for in title II of this Act, and proposals for implementing such programs. The Congress may, within fifteen days of such submission, five of which must have been in legislative session, by concurrent resolution specifically disapprove of all or part of the program or proposal.

Sec. 302. (a) Local Administration.—The President may, in the implementation of any nationwide energy emergency rationing and conservation program, utilize a system

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of State and local offices as provided in this section.

(b) State Agencies.—The President is authorized to permit appropriate State agencies to operate the program within each State through local boards or other local agencies, including appeal agencies, as may be necessary to insure that the nationwide program is implemented within each State in a manner responsive to the immediate needs of the locality and consistent with the nationwide energy emergency rationing and conservation program. The State agencies are authorized and may be directed to consult with the elected officials of each locality when appointing the officials of such local agencies.

(c) Additional Functions.—The legislature of any State may in the development of any program of energy rationing or conservation, authorize the State agency to perform additional functions under State law: *Provided*, That the President may, by regulation, require such additional functions to be approved prior to their being implemented by the State agency.

Sec. 303. Economic Incentives.—The Secretary of the Treasury and the Director of the Cost of Living Council are hereby authorized and directed to study and recommend to the Congress specific incentives to increase energy supply, reduce demand, and to encourage private industry and individual persons to subscribe to the goals of this Act and to comply with the requirements of programs developed and implemented pursuant to this Act. The study and recommendations required by this section shall include an analysis of the actions required to implement the principle that the producers and users of energy should pay the full long-run incremental cost of obtaining incremental supplies of energy.

Sec. 304. State Laws.—No State law or program in effect on the date of enactment of this Act, or which may become effective thereafter, shall be superseded by any provision of this Act or any program issued pursuant thereto except insofar as such State law or program is inconsistent with the provisions of this Act.

Sec. 305. Federal Facilities.—Whenever practicable, and for purposes of facilitating the transportation and storage of fuel during the effective period of this Act, agencies or departments of the Federal Government are authorized to enter into arrangements for use by domestic public entities and private industries of equipment or facilities which are in idle status or otherwise excess to the short-term needs of such agency: Provided, however, That such arrangements shall be made at fair market prices and only after a finding by the agency of nonavailability of suitable equipment or facilities within private industry in the region of need.

Sec. 306. Sanctions.—Any person who

(a) Willfully violates any order or regulation issued pursuant to this Act shall be fined not more than $5,000 for each violation.

(b) Violates any order or regulation issued pursuant to this Act shall be subject to a civil penalty of not more than $2,500 for each day he is in violation of this Act, for each violation.

Sec. 307. Loans to Homeowners and Small Businesses.—The Federal Housing Administration and the Small Business Administration are authorized to make low interest loans to homeowners and small businesses for the purpose of installing new and improved insulation, storm windows, and more efficient heating units.

Sec. 308. National Energy Emergency Advisory Committee.—(a) There is hereby created a National Energy Emergency Advisory Committee which shall advise the President with respect to all aspects of implementation of this Act. The chairman of the committee shall be the Director of the Office of Energy Policy. In addition to the chairman, the committee shall consist of fifteen members appointed by the President, who shall represent the following interests: energy industry, including producers, refiners, transporters, and marketers; transportation; industrial energy users; small business; labor; agriculture; environmental; State and local government; and consumers.

(b) The head of each of the following agencies shall designate a representative who shall serve as an observer at each meeting of the advisory committee and shall assist the committee to perform its advisory functions;

(1) the executive departments as defined in section 101 of title 5, United States Code;

(2) Interstate Commerce Commission;

(3) Atomic Energy Commission;

(4) Federal Power Commission;

(5) Federal Trade Commission;

(6) Civil Aeronautics Board; and the

(7) Federal Maritime Commission.

Sec. 309. Administrative Procedure.—(a) Except as expressly provided otherwise in this Act, the functions exercised under this Act are excluded from the operation of subchapter 11 of chapter 5, and chapter 7 of title 5, United States Code, except as to the requirements of sections 552, 553, 555(c), and 702 of title 5, United States Code.

(b) Any agency authorized by the President to issue rules, regulations, or orders under this Act shall, in regulations prescribed by it, establish procedures which are available to any person for the purpose of seeking an interpretation, modification, or recission of, or an exception to or exemption from, such rules, regulations, and orders. If such person is aggrieved by the denial of a request for such action under the preceding sentence, he may request a review of such denial by the agency. The agency shall, in regulations prescribed by it, establish appropriate procedures, including a hearing where deemed advisable, for considering such requests for action under this section.

(c) To the maximum extent possible, any agency authorized by the President to take any action under this Act shall conduct formal hearings for the purpose of hearing arguments or acquiring information bearing on actions or proposed actions, other than procedures to which section 553 of title 5, United States Code would apply according to subsection (a) of this section, taken or to be taken under sections 203, 204, 205, 206, 207, and 312 of this Act.

Sec. 310 Judicial Review.—Judicial review of administrative rulemaking of general and national applicability done under this Act may be obtained only by filing a petition for review in the United States Court of Appeals for the District of Columbia within thirty days from the date of promulgation of any such rule or regulation, and judicial review of administrative rulemaking of general, but less than national, applicability done under this Act may be obtained only by filing a petition for review in the United States Court of Appeals for the appropriate circuit within thirty days from the date of promulgation of any such rule or regulation, the appropriate circuit being defined as the circuit which contains the area or the greater part of the area within which the rule or regulation is to have effect.

Notwithstanding the amount in controversy, the district courts of the United States shall have exclusive original jurisdiction of all other cases of controversies arising under this Act, or under regulations or orders issued thereunder, except any actions taken by the Civil Aeronautics Board, the Interstate Commerce Commission, Federal Power Commission, or the Federal Maritime Commission, except that nothing in this section affects the power of any court of competent jurisdiction to consider, hear, and determine in any proceeding before it any issue raised by way of defense (other than a defense based on the constitutionality of this title or the validity of action taken by any agency under this Act). If in any such proceeding an issue by way of defense is raised based on the constitutionality of this Act or the validity of agency action under this Act, the case shall be subject to removal by either party to a district court of the United States in accordance with the applicable provisions of chapter 89 of title 28, United States Code.

Sec. 311. Materials Allocations.—To achieve the purposes of this Act, the President is authorized to take such action as may be necessary to allocate supplies of materials associated with production of energy supplies, and equipment to the extent necessary to maintain and increase the production of coal, crude oil and other fuels.

Sec. 312. Grants to States.—The President is hereby authorized to make grants to any State or major metropolitan government, in accordance with, but not limited to, section 302 for the purpose of assisting such State or local government in developing, administering, and enforcing emergency fuel shortage contingency plans under this Act and fuel allocation programs authorized under the Emergency Petroleum Allocation Act of 1973 (Conf. Rept. No. 93–628, Nov. 10, 1973).

Sec. 313. Study of Health Effects of Sulfur Oxide Emission.—In order to determine the health effects of emissions of sulfur oxides to the air resulting from any conversions to burning coal pursuant to section 204 (a) the Department of Health, Education, and Welfare shall, in cooperation with the Environmental Protection Agency, conduct a study of acute and chronic effects among exposed populations. The sum of $5,000,000 is authorized to be appropriated for such a study.

Sec. 314. Authorizations.—There are hereby authorized to be appropriated such funds as are necessary for the purposes of this Act.

Sec. 315. Separability.—If any provision of this Act or the applicability thereof is held invalid, the remainder of this Act shall not be affected thereby.

Amend the title so as to read: "A bill to declare by congressional action a nationwide energy emergency; to authorize the President to immediately undertake specific actions to conserve scarce fuels and increase supply; to invite the development of local, State, National, and international contingency plans; to assure the continuation of vital public services; and for other purposes."

Mr. MANSFIELD. Mr. President, the purpose of making the bill the pending business is to make it available when the Senate comes in tomorrow and completes the special orders and morning business.

The PRESIDING OFFICER. Under the order of yesterday the committee amendment in the nature of a substitute has been agreed to and the bill as thus amended is to be treated as original text for purpose of further amendment.

ORDER FOR ADJOURNMENT TO 9 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, when the Senate adjourns today, it stand in adjournment until the hour of 9 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION—CONFERENCE REPORT

Mr. HRUSKA. Mr. President, I submit a report of the committee of conference on H.R. 7446, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. Johnston). The report will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7446) to establish the American Revolution Bicentennial Administration, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report, which reads as follows:

Conference Report

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7446) to establish the American Revolution Bicentennial Administration, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 6.

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 4, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

Sec. 7. (a) (1) There are hereby authorized to be appropriated annually to carry out the provisions of this Act, except for the program of grants-in-aid established by section 9(b) of this Act, not to exceed $10,000,000, of which not to exceed $1,375,000 shall be for grants-in-aid pursuant to section 9 (a) of this Act.

(2) For the purpose of carrying out the program of grants-in-aid established by section 9(b) of this Act, there are hereby authorized to be appropriated such sums, not to exceed $20,000,000, as may be necessary, and any funds appropriated pursuant to this paragraph shall remain available until expended, but no later than December 31, 1976.

And the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

Sec. 9. (a) The Administrator is authorized to carry out a program of grants-in-aid in accordance with and in furtherance of the purposes of this Act. The Administrator may, subject to such regulations as he may prescribe—

(1) make equal grants of appropriated funds in each fiscal year of not to exceed $25,000 to Bicentennial Commissions of each State, territory, the District of Columbia, and the Commonwealth of Puerto Rico, upon application therefor;

(2) make grants of nonappropriated funds to nonprofit entities, including States, territories, the District of Columbia, and the Commonwealth of Puerto Rico (or subdivisions thereof), to assist in developing or supporting bicentennial programs or projects, Such grants may be up to 50 per centum of the total cost of the program or project to be assisted.

And the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

(b) For the purpose of further assisting each of the several States, the Territories, the District of Columbia, and the Commonwealth of Puerto Rico in developing and supporting bicentennial programs and projects, the Administrator is authorized, out of funds appropriated pursuant to section 7(a)(2) of this Act, to carry out a program of grants-in-aid in accordance with this subsection. Subject to such regulations as may be prescribed and approved by the Board, the Administrator may make grants to each of the several States, Territories, the District of Columbia, and the Commonwealth of Puerto Rico to assist them in developing and supporting bicentennial programs and projects. Each such recipient shall be entitled to not less than $200,000 under this subsection. In no event shall any such grant be made unless matched by the recipient.

And the Senate agree to the same.

John L. McClellan,
Edward M. Kennedy,
Roman Hruska,
Managers on the Part of the Senate.

Harold D. Donohue,
James R. Mann,
M. Caldwell Butler,
Managers on the Part of the House.

Joint Explanatory Statement of the Committee of Conference

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7446) to establish the American Revolution Bicentennial Administration, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Conferees agreed to the language of Senate Amendment No. 1 amending Section 4 of H.R. 7446. This language is consistent with the basic principle of the legislation in encouraging State and local participation in the Bicentennial observance. The Senate language further implemented this purpose in providing that the Administrator is to coordinate his activities to the extent practicable with those being planned by State, local and private groups. He is further authorized to appoint special committees with members from among those groups to plan such activities as he deems appropriate.

The Senate amended Section 7(a)(1) of the House bill by placing a ceiling of $10,000,000 annually for the expenses of the Administration. Included in that amount was an authorization of not more than $2,475,000 for annual grants of $45,000 to each State, Territory, the District of Columbia and the Commonwealth of Puerto Rico. The provision for the $45,000 grants was contained in a parallel amendment to Section 9 of the bill which authorized the Administrator to make equal grants from appropriated funds of not more than $45,000 to each of the recipients.

The Conferees agreed to reduce the $45,000 figure to $25,000 per entity and the annual authorization for this grant program to $1,375,000.

Section 7(a)(2) as added by the Senate authorized an appropriation of not more than $20,000,000 for grants-in-aid on a matching basis to the several states to assist them in developing and supporting Bicentennial programs and projects as provided in the new Section 9(b) as added by the Senate, the amount to remain available until expended but no later than June 30, 1976.

The Conferees changed this date to December 31, 1976, because of the continuing celebrations and commemorations anticipated throughout the calendar year of 1976.

The language of Section 9(b) as contained in the Conference Report is the revised language agreed to by the Conferees. The Senate language provided that the amounts received under Section 9(b) by any State could not exceed $100,000 per state on a matching basis. In Conference, it was agreed to change this language so that each recipient would be entitled to not less than $200,000 in grants on a matching basis under the Subsection. In addition, the District of Columbia, the Territories and the Commonwealth of Puerto Rico were included as eligible recipients. The Conferees recognized that each jurisdiction would, therefore, be assured of the right to participate in this grant program up to the amount of $200,000. The language of the Subsection makes it clear that these grants are subject to regulations prescribed and approved by the Board. The $200,000 amount is available for grants to each jurisdiction and considered obligated for that purpose, which, if not used, would lapse. It is not intended that the unused portion of the $200,000 minimum earmarked for each jurisdiction will be available for distribution to any other jurisdiction or for any other purpose. The remaining funds under the $20,000,000 authorization are automatically available for grants to any eligible jurisdiction that presents a program found acceptable to the Administration.

The Conferees retained Senate Amendment No. 4. It is merely a conforming amendment made necessary by the renumbering changes in Subsection (a) of Section 9.

The Senate Conferees receded from Senate Amendment No. 6 which would have provided that the Administrator would serve as Chairman of the American Revolution Bicentennial Board and the Vice Chairman shall be elected by members of the Board from members of the Board. The Conferees agreed to retain the original House language providing that the Chairman and Vice Chairman shall be elected by members of the Board from members of the Board other than the Administrator.

The Conferees intend that the regulations provide a reasonable period for applications for grants by eligible entities.

John L. McClellan,
Edward M. Kennedy,
Roman Hruska,
Managers on the Part of the Senate.

Harold D. Donohue,
James R. Mann,
M. Caldwell Butler,
Managers on the Part of the House.

Mr. HRUSKA. Mr. President, I ask that the printing of the conference report and related papers as a Senate report be waived. That requirement will be complied with by the other body.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HRUSKA. Mr. President, this bill originated in the House of Representatives. On October 10 of this year the Senate approved a different version. There were very satisfactory conference meetings between the two bodies, and the result is the report which is at the desk.

At this point, I would like to take the opportunity to make some brief observations regarding the conference report.

The Senate conferees on this bill were

Senator McCLELLAN, Senator KENNEDY, and myself. Along with the House conferees, we worked diligently to resolve those differences which exist between the House and Senate version of H.R. 7446. For my part, I am generally pleased with the outcome of our conference; I believe that the Senate conferees brought back to this body a document which maintains many of the Senate amendments to the House-passed bill. On other matters, the conference report reflects a compromise struck in an atmosphere of differing views. The results of our conference were achieved through the efforts of bipartisan cooperation.

I would like to take a brief moment Mr. President, to comment on some of the most important aspects of the conference report.

The Senate version of H.R. 7446 made special note of the recognition and consideration which the new Bicentennial Administration should give to plans and programs developed by State, local, and private groups. The House conferees agreed to this amendment.

Another of the Senate amendments authorizes not to exceed $10,000,000 annually for the expenses of the new Bicentennial Administration and sets aside $2,475,000 for a continuation of $45,000 annual planning grants to each State. The House agreed to the $10,000,000 annual authorization and the conferees agreed to a reduction of the $45,000 grant to $25,000 annually per State, which comes to a total of $1,375,000 yearly.

The Senate had further amended the House version of H.R. 7446 by authorizing $20,000,000 for a new matching grant program to the States with a ceiling of $400,000 available to each State. The House agreed to the $20,000,000 figure but suggested that the basic approach of the grant program be restructured. The conferees, thus, agreed that under this grant program at least $200,000 would be available to each State or territory on a matching basis. The remaining portion of the $20,000,000 or roughly $9,000,000 would be made available to all such jurisdictions on a competitive basis through regulations established by the American Revolution Bicentennial Board.

Finally, the Senate conferees agreed to recede from the Senate amendment which would have required that the Administrator serve as Chairman of the Board. Thus, the original House language has been restored and provides that these positions shall not be held by the same person.

For my part, Mr. President, I have serious reservations regarding the restoration of the House language on this point. Our previous experiences and the pressing importance of bicentennial efforts seemed to dictate the importance of a streamlined and tightly structured organization. The Senate amendment contemplated that a fusing of these two positions would solve this problem. Nevertheless, the conferees expressed the view that the Administrator under the House provision will be able to operate effectively by virtue of a guarantee that he will have authority over day-to-day operations and be 1 of the 11 Board members.

Mr. President, as I indicated earlier, I am generally satisfied with the conference report on H.R. 7446.

I believe that it is imperative for the Congress to act upon this bill so that authority can be given for the creation of a new Bicentennial organization.

Time is moving quickly, and cannot be recaptured. Much work must be done throughout the country to assure that the celebration of our Nation's 200th anniversary in 1976 is a worthy and memorable occasion.

I recommend the report to my colleagues for their approval, and I yield to the Senator from Arkansas.

Mr. McCLELLAN. Mr. President, I only wish to recommend the approval of the report. The conferees met for about 2 hours yesterday and went over the bill thoroughly, and resolved their major differences in a manner which I think reasonably satisfactory to all parties, and I think the conference report should be adopted.

The PRESIDING OFFICER (Mr. JOHNSTON). The question is on agreeing to the conference report.

The report was agreed to.

Mr. McCLELLAN. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLELLAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. JOHNSTON). Without objection, it is so ordered.

AUTHORIZATION FOR COMMERCE COMMITTEE TO HAVE UNTIL MIDNIGHT TO FILE REPORT ON DAYLIGHT SAVING BILL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Commerce Committee have until midnight tonight to file its report on the daylight saving bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 378—PROVIDING FOR ADJOURNMENT OF CONGRESS OVER THANKSGIVING HOLIDAY

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair lay before the Senate a message from the House on House Concurrent Resolution 378.

The PRESIDING OFFICER laid before the Senate House Concurrent Resolution 378, which was read as follows:

> *Resolved by the House of Representatives (the Senate concurring)*, That when the House adjourns on Thursday, November 15, 1973, it stand adjourned until 12 o'clock meridian, Monday, November 26, 1973.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. ROBERT C. BYRD. Mr. President, I offer an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> On page 1, line 4, strike out "1973." and insert: 1973, and that when the Senate adjourns on Wednesday, November 21, 1973, it stand adjourned until 12 o'clock meridian, Monday, November 26, 1973.

The amendment was agreed to.

House Concurrent Resolution 378, as amended, was agreed to.

The title was appropriately amended so as to read:

> Concurrent resolution providing for an adjournment of the Congress over Thanksgiving Holiday.

ORDER FOR ADJOURNMENT TO 9 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 9 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RESUMPTION OF UNFINISHED BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the conclusion of routine morning business, the Senate resume the consideration of the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene at 9 a.m. tomorrow. There will be two orders for the recognition of Senators—Mr. GRIFFIN and Mr. ROBERT C. BYRD—in that order, and each for not to exceed 15 minutes. Morning business will follow, for not to exceed 15 minutes, with a 3-minute limitation on statements therein.

The Senate will then resume consideration of S. 2589—to deal with emergency fuel shortages. Amendments thereto will be in order, and yea-and-nay votes will occur during the day.

ADJOURNMENT TO 9 A.M.

Mr. ROBERT C. BYRD. Mr President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9 a.m. tomorrow.

The motion was agreed to and at 1:02 p.m., the Senate adjourned until tomorrow, Thursday, November 15, 1973, at 9 a.m.

EXTENSIONS OF REMARKS

TIME OF MEMORIES HERE FOR MAMIE

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. GOODLING. Mr. Speaker, today, November 14, 1973, is the birthdate anniversary of Mamie Doud Eisenhower.

I have the high honor and privilege of claiming Mamie as a constituent for, as all of us know, she resides in historic Gettysburg, Pa.

Birthdays always seem to suggest age, because they are a measure of time. However, in Mamie's case an exception can be claimed, for it can be said that she is, in truth, 77 years young.

She is very active, both around her home and in community affairs. She receives a heavy stream of correspondence from all parts of the world, and much of her time is spent in answering this.

She is also active in club and social work, contributing a great deal of her time to drives designed to accomplish real social services. While she is not eager to accept speaking engagements, she never turns aside any worthwhile causes.

Mamie Doud Eisenhower is a remarkable and charming woman, and I join with the host of people from all over the world in extending her a happy birthday greeting. May the years before her reflect the happy and meaningful years of the past.

An article that appeared in the October 7, 1973, issue of the Sunday Patriot-News of Harrisburg provides some highly interesting background information on Mamie Doud Eisenhower. On this occasion of her birthday, I submit this article to the CONGRESSIONAL RECORD and commend it to the attention of my colleagues:

REMEMBER INTEGRITY, SHE ASKS: TIME OF MEMORIES HERE FOR MAMIE

(By Harry McLaughlin)

GETTYSBURG.—Mamie Doud Eisenhower, who four years and seven months ago was widowed by the death of President Dwight D. Eisenhower, hopes future generations will remember him for his "honesty, integrity and patriotism."

One week from today, world attention again will be focused on the anniversary salute to Ike's 83rd birthday. His friends and neighbors, however, will celebrate it on Thursday, Oct. 18, at Gettysburg College.

In a written reply to questions answered exclusively for the Sunday Patriot-News, Mrs. Eisenhower lists "the freedom to live in her own home—after the White House years" as one of her cherished moments.

Mrs. Eisenhower, who will celebrate her own 77th birthday on Nov. 14, especially noted two cherished moments:

"When Gen. Eisenhower received his first star; and at Columbia University, the satisfaction it gave my husband to deal with young folks."

The former First Lady never has a boring day. Just keeping up with her mail from friends, and answering letters with the assistance of her personal secretary, Mrs. Ethel M. Wetzel, could cover an eight-hour session. She has an office in the Gettysburg Post Office building.

Mrs. Eisenhower "rings for her breakfast at 8:30 a.m." at her farm home near here, although she often awakes an hour earlier.

"Do you like to maintain a busy schedule?" she was asked.

Mrs. Eisenhower, in reply, said that she likes a busy schedule, but does conserve her strength.

Gen. Eisenhower rested at noon after his luncheon, she recalled.

Does Mrs. Eisenhower have special hobbies? She answered in the negative. She does have a kitchen garden and a rose garden but she doesn't work in either one herself.

As for acceptance of invitations to participate in civic or related projects, Gettysburg's first citizen said she gets all kinds of requests, and "will accept anything that is a worthy project."

Mrs. Eisenhower is active in the Gettysburg Chapter of the Daughters of the Revolution. She is honorary chairman of hundreds of organizations throughout the country.

After reading and answering letters (she declines face-to-face personal news media interviews), Mrs. Eisenhower relaxes by playing cards with "old friends", reading or watching television.

One of her husband's closest military friends, Gen. Alfred M. Gruenther, former Supreme Allied Commander in Europe and an Ike bridge partner, will participate in a convocation marking the Eisenhower birthday anniversary at 11 a.m., Thursday, Oct. 18, at Gettysburg College Student Union building. (Gruenther was unable to be present, had the event been held Oct. 14.) The public is invited to the observance.

Friends close to the Eisenhowers remember Ike's standard procedure when touring the nation, or while abroad; he would introduce his wife this way: "Now I want you to meet my Mamie."

The late President and Mamie were extremely fond of their grandchildren, and he expressly enjoyed taking David along on the golf course. David is married to Julie Nixon, daughter of President Nixon, who was Eisenhower's vice-president.

Mrs. Eisenhower recalled that when young the grandchildren loved to put on plays and liked children's movies."

(David Eisenhower, who is presently a law school student, will be the featured speaker at the annual York-Adams County Scholastic Press Assn. conference at York's William Penn Senior High School on Tuesday afternoon, Oct. 16. He formerly attended Gettysburg High School, which is a long-time member of the school press association.)

The former First Lady said she doesn't envision any members of the Eisenhower family becoming actively engaged in politics or government.

David's name has been mentioned from time to time as a possible candidate for the U.S. House of Representative from the 19th District of York, Adams and Cumberland Counties, but he and his wife, Julie, both reject the idea—at least for the moment. They are both registered Adams County Republicans, and last Fall joined his grandmother in voting for her father for president.

"Yes," Mamie Eisenhower told The Sunday Patriot-News, she would urge "young people to enter politics."

Her late husband—Mrs. Eisenhower said assuredly—would be pleased with both the growth of Eisenhower College, in Seneca Falls, N.Y., and the success of the Eisenhower Society scholarship program at Gettysburg College.

The Eisenhower farm daily attracts many tourists, but only a few have ever seen the interior of the home, which is furnished with items the family has had for years.

All gifts from heads of state were sent to the Eisenhower Museum in Abilene, Kans.

The home and farm will become a public shrine—and operated by the National Parks Service of the U.S. Dept. of Interior—after Mrs. Eisenhower's death. She is entitled to continue to live there as long as she wishes to do so.

Mrs. Eisenhower said she will leave some of the furniture in the residence, but will give the remainder to her grandchildren, and son, John Eisenhower, who resides in Phoenixville.

PEACE FOREVER

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. DERWINSKI. Mr. Speaker, in many parts of the country, Veterans Day is still being commemorated on the traditional date of November 11, and this was the case in many communities in the State of Illinois.

A weekly newspaper which serves several communities in my district, the Press Publications, carried an editorial on November 11 that emphasizes the considerations that should be made for the cause of peace. The article follows:

PEACE FOREVER

There are a few strange individuals who profess to believe that by ignoring Veterans Day they are showing their disgust for warfare and killing.

But most of those who participate in such ceremonies know that of all persons, veterans are most in opposition to battle, killing and other acts of aggression.

The prisoners of war in Vietnam are fresh in our memory, and there were several from DuPage county who lived for years under strict Communist supervision. But there are many others who, in prior wars, were taken into custody and held as prisoners of war. Far too many others were killed in battle.

There are many slogans about patriotism such as "peace with honor" and "anything worth having is worth fighting for" and similar catch phrases which may sound pretty but don't have much meaning for a person being shot at.

Veterans Day is a fine time to exhibit patriotism and surely there is a great need for allegiance and support of the democratic principles that all men are created equal and endowed with certain rights which cannot be taken away from him.

This Veterans Day would be a wonderful time for every citizen to pause and take cognizance of two things.

Rights which can be conferred can almost as easily be denied. They can be denied by force of arms or in a court of law, by prejudice, fear or ignorance, by lack of concern or willingness to protect and insure them, and by many other ways.

Also, we should give serious thought not about war itself but the causes of armed conflict, the ideologies which tolerate force to impose a belief or a way of life upon unconcerned or unwilling citizens.

This Nov. 11 in the observance of Veterans Day let us think about what the veterans were fighting for, and vow that we will find peaceful methods of insuring that those goals will be met and maintained . . . peace on earth to all men . . . not just in our time but for all time.

XUM

GASOLINE MILEAGE

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. ESCH. Mr. Speaker, the question of gasoline mileage in relation to environmental devices placed on new model automobiles has been increasingly discussed in recent weeks. The Department of Transportation reports that consumption of gasoline this year will top 115 billion gallons in the United States, up 6 percent over 1972 and equal to about 900 gallons for each registered motor vehicle. Nonhighway use, including farming, aviation, and recreation accounts for only 3.7 billion gallons.

Certainly all of us want a clean and healthy environment. But surely our goal must be to recognize that while we protect our environment, especially within our major population centers, we must also strive to develop a system that will minimize fuel consumption. For that reason, I call attention of the Members to the recent report issued by the Environmental Protection Agency.

The Environmental Protection Agency placed 1974 automobiles on a dynamometer at the Ann Arbor, Mich., laboratory located in my district and simulated urban driving with a top speed of 57 miles per hour. While not showing some of the mechanical factors which affect gasoline mileage such as automatic transmission, engine, and carburetor size and axle ratio, the preliminary studies did reveal some striking factors which should be called to the attention of my colleagues in Congress.

The most significant factor, I believe, is that the highly publicized Mazda rotary engine in a Toya Kogyo model achieved only 12.8 miles per gallon, which was significantly less than the Ford Comet, 19.9 miles per gallon; the Plymouth compact, 16.7 miles per gallon; the Ford Maverick, 15.6 miles per gallon; the American Motors Sportabout, 15.5 miles per gallon; and the Chevrolet Nova Hatchback, 15.7 miles per gallon.

These results were achieved despite the fact the Mazda vehicle was in the 3,000-pound class compared to the 3,500-pound class of the other cars.

While it may be too early to draw specific conclusions regarding the tests because of the preliminary nature of the analysis, it does point to the fact that size alone is not a determining factor in the consideration. Indeed, the Mazda RX3 wagon, RX3 coupe, and RX2 coupe in the 2,700-pound class was able to achieve a miles-per-gallon rate only comparable to the Ford Montego wagon, even though the latter car weighed almost twice as much.

The preliminary conclusion might well be that those engines that go "hmmmm" might well have a certain detrimental factor—especially for low gas mileage—that needs further attention before it is accepted on a widespread basis.

THE AGNEW CASE: EQUAL JUSTICE?

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. RANGEL. Mr. Speaker, former Vice President Spiro Agnew was forced to resign because of his "nolo contendere" plea to income tax evasion, but his real crime is that he undermined the basic confidence of people in our democratic institutions, which form the bedrock of this country. How can anyone who believes in equally applied justice sleep at night knowing that there are young men who are in jail for stealing a $3,000 car, while Agnew cheated the American Government of over $100,000 and abused the trust placed in him by the American people?

Spiro Agnew will continue to play tennis and golf and live in his $200,000 house while others suffer.

Mr. Vernon E. Jordan, director of the Urban League, addressed this double standard of justice in his weekly syndicated column "To Be Equal" which appeared in the New York Voice on November 2, 1973. I place his column in the RECORD for the attention of my colleagues:

DOUBLE STANDARDS AND DOUBLE TALK

(By Vernon E. Jordan, Jr.)

All the glitter and ceremony of the White House announcement of Gerald Ford's appointment to the Vice Presidency cannot cover the deep shame the Agnew case has brought to Washington, nor can it obscure the serious questions it raises about current political morality and the system of justice in America.

Coming on top of the Watergate scandals and the continuing battle over the secret White House tapes, the Agnew case is a terrible blow to the country's self-confidence and to the average citizen's faith in his leaders.

Black citizens can take no satisfaction from Mr. Agnew's removal from office. Although he was clearly one of the most unpopular national leaders in the view of black communities, there is no joy in a situation in which our national leadership, which should be strong and just, is instead shaken by corruption and greed.

DIVISIVE FORCE

From the time Mr. Agnew justified his refusal to visit and campaign in black neighborhoods by saying "once you've seen one slum you've seen them all," and continuing through his hard law and order stance and his position as a symbol of negativism on a national scale, the former Vice President has been a thorn in the side of people who hoped for policies of reconciliation instead of further divisiveness.

Now, according to a meticulously detailed bill of particulars compiled by the Justice Department, it seems that this champion of law and order was taking bribes not only as Governor of Maryland, but while occupying the second highest office in the land, one breath away from the Presidency itself. In exchange for his resignation, the government decided not to press all of these charges, allowing him to plea bargain his way out of jail by accepting one count of tax evasion, a felony that would put less mortals behind bars.

I can fully understand the government's position that it is better to allow Mr. Agnew to resign in humiliation rather than put the country through the long ordeal of a trial and the resultant verdict and sentencing, but very few black Americans can readily accept the two-tier system of criminal justice this reflects.

High officials ought to be held to higher standards of behavior than the rest of us. Those who would lead must be worthy of that leadership. Opinion generally is that a public official on the take ought to have the book thrown at him rather than get off with a light tap on the wrists. Most people feel that when government office becomes a license to steal then the guilty ought to suffer the full penalties of the law, especially when they've hidden their own corruption behind a screen of charges of "permissiveness" and pleas to get tough with criminals.

ON THE TAKE AND ON THE LOOSE

Why, so many people are asking today, should a high official who has been on the take get off with a lesser sentence than some poor kid who took a joyride in someone else's automobile? How many thousands upon thousands of people are locked up in prison today whose crimes are so much less than those the former Vice President has been charged with?

How many thousands upon thousands of people are today on parole or probation and are forced to inform correction officials of their every movement while the former Vice President was released on his own recognizance? And how many petty criminals are caged up for months just until their trial comes up and what is their reaction to a betrayer of the public's trust getting off without ever seeing the inside of a jailhouse?

Just as the charges against Mr. Agnew corroded faith in the government, his light sentence has corroded faith in the system of criminal justice. I myself don't feel that anything would be served by locking the man up, but then justice is rarely served by locking anyone up, except perhaps for the most retrograde and violent criminals. If anything good at all is to come out of this shameful story, it is for the country to learn to extend the leniency given Mr. Agnew to the faceless thousands of accused persons whose crimes were less than his and whose fate has been far, far worse.

THE COUNTY COURIER: AN UNSELFISH COMMUNITY NEWSPAPER

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. BYRON. Mr. Speaker, over the past several weeks the media has made us aware of energy conservation guidelines we can all take to save fuel. A community newspaper in my district, however, has done more than just report on the problem—it has gotten involved and is doing something about it by allowing its readers to place free "Ride Wanted" classified ads. A recent editorial said in part:

> If through a free ad, you find a ride to work, then the gallons of gas saved will benefit all of us.

Mr. Speaker, the media has been criticized for many things in the past, but here is unselfish example of the good that derives when an active community newspaper works with the citizens and for the citizens it serves. The County Courier deserves our commendation and the thanks of all Americans for doing its small part in conserving our Nation's fuel.

POPULATION CONTROL MEASURES IN COMMUNIST CHINA MORE EXTREME THAN PICTURED?

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. HUBER. Mr. Speaker, on September 17 of this year I placed in the CONGRESSIONAL RECORD a story that appeared in the Washington Star-News by Henry Bradsher entitled: "China's Sweet Talk Yields to Tough Antibaby Policy." By way of response some 23 young people in Hong Kong, who state they escaped from Red China, wrote a letter to all the Members of Congress stating that things are even worse than pictured. I have today written to Mr. Bradsher asking him to consider a followup story, based upon the letter from Hong Kong. Therefore, I am calling the statement from these young refugees to the attention of my colleagues. A translation of the letter by the Library of Congress follows:

OCTOBER 15, 1973.

[TRANSLATION]

To: Members of the United States Senate and House of Representatives.

DEAR MEMBERS OF THE CONGRESS: We are a group of young people who were fortunate enough to have escaped from the Chinese Mainland to Hong Kong. As everyone knows, it is not an easy matter to escape from the iron curtain of the Mainland. In order for our group of Chinese refugees to succeed in fleeing the country, it was necessary for us to endure hunger and cold, and to travel on a journey fraught with great hardship; and it was necessary to surmount, at great risk to our lives, one obstacle after another, such as patrol guards, barbed-wire entanglements, fierce police hounds, machineguns, searchlights, patrol boats, and sharks in the open seas. Why did we make such a perilous choice? In a word, we could no longer tolerate living in the Mainland under Mao Tse-tung.

We have recently read a news dispatch in which a reporter of the Washington Star named (Henry) Bradsher, with superb effectiveness, has in the plainest language exposed one of the cruel measures of Mao Tse-tung's design, namely, to issue no food coupons for the third child in any family with more than two children. What has stirred us even more is the fact that the Honorable Representative Huber immediately requested that the entire text of this frightening news article be printed in the Congressional Record. This shows that the Members of the U.S. Congress, with their great concern for the common destiny of mankind, will not close their eyes to the dark and dismal state of the present-day world.

However, we also fervently hope that the correct stand taken by the Members of the Congress will find concrete positive expression, and that the powerful U.S. Congress, with regard to the problem of oppressed escapees, will cause the great American Government to take more positive action. In our thinking, to compare Mao Tse-tung to Hitler is to elevate Mao to too high a level. Hitler brutally carried out the genocide of the Jews; but the class enemies whom Mao Tse-tung would anihilate are countrymen of his own flesh and blood. As for using the excuse of population control to avoid issuing food coupons for the third child of a family, Bradsher's news article only reported the relatively civilized part of the story. From what we know, we can state that Mao Tse-tung is adopting the most atrocious measures of forced sterilization to deal with young parents with more than two children. This kind of method of forced abortion and sterilization, because it is being extensively and indiscriminately promoted, has damaged the lives of an untold number of men and women. But it is only in this way that Mainland food supplies can be saved and diverted to other uses prescribed by Mao Tse-tung.

As a group of displaced refugees, we greatly appreciate the sympathy and care which the beneficient American people have shown us over a long period of time; and at a time when the voice of appeasement to the powers of evil has been spreading among nations, the U.S. Congress has been properly aroused to a vigilant and serious consideration of the matter. This rekindles in us the bright flame of hope for the future. Thus we hasten to send you this message, hoping that it will intensify the interest which Members of the Congress now have in the matter, and that they will institute a deeper investigation into questions such as these. We are unconditionally willing to provide you with concrete source materials, and we believe our protestations will be able to testify to this epochal crime.

(Signed) A group of young people who escaped from Mainland China to Hong Kong:

P'an Ta-hua, Liu Ch'i-chün, Hsiang Hao-jan, Lin Ching-chang, Li Ch'i-ts'-ai, Lu Shih-lin, Li P'u-k'ao, Chiang Ts'ao, Ch'en Chen-tung, Yang Kuo-ch'üan, Kan Ling, Wei Hsiung-kuang, Ch'en Chün-ch'ü, Ch'iu Ch'eng-tsu, Ch'en K'ang-ta, Liang Ching Hua.

Ch'en Fu-p'ei, Ch'en Tien-yüan, Min Chih-chang, Ou-yang Ping-ch'un, Su Kan-feng, Liu Ching-ming, Liu Hsiang-lin.

FUEL FOR THE FUTURE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following Washington report:

FUEL FOR THE FUTURE

Recent Arab moves to slow the flow of oil to the U.S. focus attention on the development of alternative sources of energy that could free us from dependence on unreliable sources. Even without the Arab boycott, such development would be in the national interest because, no matter how efficiently the earth's remaining oil and gas deposits are used, the prospect is not encouraging that oil and gas, which now supply 75% of our current energy needs, will meet the anticipated demands of the future.

As a major part of a national energy policy, the federal government should take steps now to assure an adequate supply of energy for the future by developing new energy sources. The nation must make the same kind of commitment to this effort that put a man on the moon. The objective must be to provide the U.S., as soon as feasible, with self sufficiency in environmentally acceptable energy sources.

These are some of the more promising sources:

NUCLEAR POWER

Nuclear power, the best developed new source of energy, is at once the most promising and the most troublesome. At present, 39 nuclear-powered generating plants are in use, 55 are under construction, and 90 others are on order. Nuclear power plants already provide about 1% of the total national demand for energy, and by 1980 they will provide about 7%.

Nuclear power is gradually overcoming a succession of difficulties, including assurance of safe operation, economic feasibility, and environmental acceptability. But other difficulties lie ahead. The expansion of nuclear power may consume all U.S. uranium stocks in about 10 years, forcing the nation to develop a "breeder reactor", which uses a more plentiful form of uranium, but it will also require some technological refinements. A commercial demonstration plant by the mid-1980's is the target. Most scientists think the long-range answer to our energy needs is thermonuclear fusion, a process that could release inexhaustible amounts of clean energy through the combustion of hydrogen atoms to form heavier atoms of helium and without dangerous radioactivity. The technology of controlled fusion power is immensely complex, and scientific, economic and engineering barriers must be overcome.

Nuclear research should receive top priority by the federal government. It has developed at a slower pace than originally planned, and the rate of use should rise sharply in coming years.

SOLAR ENERGY

Long underrated as a source of energy, solar energy is attracting more attention. Utilization of this source is almost nonexistent. Since solar energy is thinly distributed and intermittent, with night and overcast skies often prevailing, its efficient collection and storage present difficult technological problems. Although costs are likely to be high, solar energy is clean, renewable and abundant, and these qualities provide a strong incentive to develop it, especially for heating and cooling buildings, which now consumes more than 20% of our total energy requirements. Present funding for solar energy is minimal and should be increased.

GEOTHERMAL ENERGY

Already geothermal energy is being tapped, accounting for about .1 percent of our present electric power capacity. The heat accumulated for ages in the earth's interior is probably limitless, and it comes as steam, hot water and hot rocks. Very little effort is now going into geothermal energy sources, but it is sufficiently promising that greater efforts are required.

COAL

Coal is the most abundant fossil fuel in the nation and supplies 18% of our total energy use today. The reserves are ample for the foreseeable future, but extracting it from the earth by strip-mining or deep mining can be unsafe and unhealthy, and burning it pollutes the air. Nevertheless, coal is a promising fuel for the future. Converting it to gas (coal gasification) or to liquid (coal liquification) is appealing because of declining natural gas and oil supplies. Pilot plants for coal gasification are in operation and commercial plants are expected by 1985. The government is appropriately stepping up its coal research programs. By 1990, coal could be supplying significant amounts of gas and oil if enough capital is forthcoming, ample water for the manufacturing process is available, and the safety and environmental problems of extracting the coal are solved.

Other sources of energy, like winds, tides and artificially produced hydrogen, may also help supply our energy needs in the future.

Until these alternative sources of energy fulfill their promise, the U.S. must rely on more conventional fuels and confront the problems they entail. The energy shortage today arises because we failed to plan adequately yesterday. Today we must plan to assure sufficient energy for tomorrow, and these far-out and far-off solutions demand attention and development.

XUM

HEADSTART FEE SCHEDULE

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. STEIGER of Wisconsin. Mr. Speaker, in recent weeks considerable concern has been expressed by individuals throughout the country regarding the fee schedule required for Headstart programs. Questions have also been raised by Members of Congress as well as the Office of Child Development regarding its necessity and effectiveness. Since the Headstart program has always enjoyed bipartisan support and because there is insufficient evidence available at this time to determine the actual impact of the schedule, I, along with Congressmen PERKINS, QUIE, HAWKINS, BELL, and BRADEMAS, have introduced legislation today to defer its implementation until July 1, 1975. In this way I believe that the Congress, working with the administration, can carefully evaluate the entire situation and develop the most effective avenue to follow in resolving the matter. In addition to the legislation, a letter has been sent to Caspar Weinberger, Secretary of the Department of Health, Education, and Welfare, informing him of our actions. I am inserting at this point in the RECORD a copy of the letter so that my colleagues can better understand the problem:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., November 13, 1973.
The Honorable CASPAR W. WEINBERG,
Secretary Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: In recent weeks, substantial questions have been raised concerning implementation of the Fee Schedule for the Head Start program. As you are aware, the concept of a fee schedule was originally developed as part of the Child Development bill in 1971, in order to open that legislation to children from all economic backgrounds.

That bill was added to the EOA legislation which was eventually vetoed by the President. After the veto, as the Congress was reconsidering the total bill, the Child Development section was deleted and the fee schedule was made part of the Head Start program.

Preliminary evidence indicates that the fee schedule is forcing the non-poor to drop out because they won't pay the fee. Inclusion of the non-poor in the program is now dependent on the willingness of parents to pay, not on the need of the child. This could destroy continuity for a child who starts the program but is forced to drop out because of family income increases. The focus of Head Start is thereby changed considerably from its original intent. There is an indication that there has also been an increase in administrative problems with the introduction of the fee schedule and it appears that some local Head Start programs are refusing to collect the fees at all. We understand that in other cases it has caused friction between the poor and the near poor and that the costs of collecting the fees are actually greater than the fees being collected. Furthermore, we have been advised that the Office of Management and Budget indicates that there is insufficient statistical evidence at present to determine what impact the imposition of the fees will have on existing Head Start programs and the participation in them.

Although we have not reached any specific conclusions on this matter, it is our feeling that an effective evaluation of this proposal's impact is necessary before a reasoned judgment on the merits of the fee schedule can be made. Today Members of the Education and Labor Committee will introduce legislation postponing the implementation of the Head Start fee schedule until a total evaluation can be made by the Congress, working with the Administration, to determine the actual impact.

Thank you for your serious consideration of this matter.

Sincerely,

CARL D. PERKINS,
JOHN BRADEMAS,
AUGUSTUS F. HAWKINS,
ALBERT H. QUIE,
ALPHONZO BELL,
WILLIAM A. STEIGER.

DEENERGIZED CHRISTMAS PLANNED FOR CONNECTICUT TOWN

HON. RONALD A. SARASIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. SARASIN. Mr. Speaker, with the Christmas holiday season almost underway, we expect to see the usual array of glittering shop windows, evergreens laden with twinkling lights, city streets ablaze with neon signs flashing Noel and loud speakers blaring our contorted versions of "Jingle Bells" and "Silent Night" while eager shoppers scurry from store to store in preparation for the festivities.

All of us are familiar with this scene, and none of us wants to eliminate totally the artifacts of the Christmas season, despite our usual complaints about "commercialized Christmas." However, this season may not be quite as enticing as most, particularly as we discover that roasting chestnuts before an open fire is great sport once in awhile, but no way to prepare dinner every night, and that a one horse open sleigh is not the best means of travel on the New Jersey Turnpike, the price of hay being what it is these days.

What Americans termed the "energy challenge" this summer has now become the "energy crisis" and each and every one of us will be affected by it, if we have not already. At this time we need not conjure up visions of a paralyzed Nation, but we do need to look realistically at our energy needs in relation to our current supplies and readily available sources. The President recently outlined his proposals for coping with this situation, and I am hopeful Congress will act as soon as possible in putting much-needed controls into effect.

I would like to offer my praise to the Chamber of Commerce of Naugatuck, Conn., which has already taken steps to curb energy usage in that city, while at the same time encouraging others to follow suit. I would like to share a news release which presents the Christmas decorations policy of the Naugatuck Chamber of Commerce. It reads as follows:

James N. Greene, Jr., Executive Vice President of the Naugatuck Chamber of Commerce, Naugatuck, Connecticut, announced for the Board of Directors and the Retail Division of the Chamber, that because of the mounting, urgent energy crisis that has become severe to the New England area, the Christmas decorations usually displayed in Naugatuck, under the direction of the Naugatuck Chamber of Commerce, will be displayed; however, NOT energized.

Michael Julianelle, Advertising Manager for the Naugatuck Daily News and Chairman of this effort, stated that any Christmas decorations the Naugatuck Chamber of Commerce oversees will be day-time decorations only.

The Chamber Directors and the Retail Division believe that this action is one step in the right direction and in the best interests of all concerned and involved, concluded Julianelle.

I believe this decision warrants the approval and praise of all Americans as this is a demonstration of willingness to cooperate in utilizing our energy supplies most efficiently.

AN EFFICIENT CHARITY

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. VAN DEERLIN. Mr. Speaker, as some of our colleagues know, I am drafting legislation to require financial disclosure by charities and other organizations that use the mails to solicit funds.

I am prompted by evidence that 80 percent or more of the money collected in some charitable drives is siphoned off to pay various "overhead" costs.

Often, these extra expenses include the services of professional fund raisers whose commissions can deplete the proceeds of even the most successful drive.

I believe people should be able to donate to any cause, no matter how dubious or how badly run. But by the same token, prospective contributors should be given some inkling where their money would go, and that is the purpose of the bill I am preparing.

Basically, the legislation would require soliciting agencies to include on their letterhead or other appropriate location a breakdown of how the sums collected were being disbursed. In addition, charities would be required to make available their financial records on request.

There are of course many charities that do not have to be told to level with the public.

One fine example is in my home community—the San Diego Chapter of the Diabetes Association of Southern California.

Costs of the annual fund-raising effort by this group last year came to only 10.2 percent of receipts, and the books are open to anyone who wants to see them.

The secret of success is found in the adroit and extensive use of volunteers, plus a yearly bike-a-thon that is the principle fund-raising device. Bicyclists obtain pledges of support in advance of the ride, and are also responsible for making collections and mailing them to the association's headquarters.

The most recent bike-a-thon was held this past Sunday, over two courses in the San Diego area. Some 1,300 riders participated, and one young sailor from the guided-missile frigate *Halsey* raised an astonishing $381. All told, proceeds are expected to exceed $20,000, with nine-tenths of that going for actual help to diabetics and their families.

An account of the weekend ride, from Monday's San Diego Union, follows:

DIABETES BIKE-A-THON DRAWS 1,300 CYCLISTS

(By Gina Lubrano)

Guillermo Bejarano pulled off the road yesterday because the passenger strapped to his bike during the Diabetes Bike-A-Thon kept dropping off—to sleep.

His passenger was Guillermo Bejarano Jr., 1½, and when it was time for his nap, he took it. He could see the sights around Mission Bay when he wasn't so sleepy.

Bejarano, and another son, Steven, 8, waited a half hour for the toddler to drink his bottle and sleep before continuing on the 20-mile route.

The Bejaranos, of 4077 Marlborough Way in East San Diego, rode in the bike-a-thon because Steven is a diabetic, Bejarano said. The $50 they will collect from sponsors for the ride will go for research being conducted in San Diego by the Diabetes Association of Southern California, a spokesman said.

TWO SEPARATE ROUTES

About 1,300 persons participated in the ride over two routes, a spokesman said. The 20-mile Mission Bay route took riders from Point Loma to Mission Bay Drive. The 17-mile El Cajon University route took riders from El Cajon Boulevard to La Mesa.

Jeff Campbell of Pacific Beach and Joanne Leirich of La Mesa rode tandem for the bike-a thon. "This is a two-horsepower bike," Campbell joked.

"How much further do we have to go?" asked Janiece Hill, 10, of 2403 E. Ingersott St. Linda Vista. She groaned when she heard the answer, but said she was riding in the bike-a-thon " 'cause I want to."

Some of the riders went over the route more than once. One man spun his way along the El Cajon Boulevard route at least four times, a spokesman said.

AVERAGED $19 EACH

Each participant had obtained a sponsor or a number of sponsors prior to the ride. The Campbell-Leirich team had arranged to collect 50 cents a mile for their efforts.

Janiece said her sponsors were going to give her 35 cents a mile.

The first bike-a-thon for the Diabetes Association of Southern California was last year. The average earning of each rider during the first one was $19, a spokesman said.

Yesterday, Steven Bejarano attached a green flag to his bike that had been provided by the Diabetes Association.

A BILL TO PROVIDE FOR THE LICENSING BY THE DISTRICT OF COLUMBIA OF THE BUSINESS OF SELLING, ISSUING, OR DELIVERING CHECKS, DRAFTS, AND MONEY ORDERS AS A SERVICE OR FOR A FEE OR OTHER CONSIDERATIONS IN THE DISTRICT OF COLUMBIA, AND FOR OTHER PURPOSES

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. BROYHILL of Virginia. Mr. Speaker, I introduced a bill today which will provide consumer protection to those persons who purchase private checks or money orders in the District of Columbia. There is a very special need for this legislation in that the District of Columbia has no law whatsoever in this area. This has manifested itself by the many fly-by-night private check and money order companies now operating here. These same companies operate only in States and the District of Columbia where no law exists for licensing or bonding, accumulating a fast-growing clientele holding worthless checks and money orders which have bounced as the result of fraudulent operations or financial insolvency. Particularly hard hit are those people who use the private check or money order business as a primary means to pay household bills, and can least afford to find their payments due still outstanding when the check or money order bounces and their money gone. These people deserve the protection and security derived from a workable, fair, and inexpensive bonding and licensing arrangement.

Mr. Speaker, this bill will establish the requirement that any person issuing checks or money orders in the District of Columbia, post a bond of $50,000, with an additional principal sum of $5,000 for each location in excess of one. Licensing of each applicant under this bill will be made in writing and under oath to the Superintendent of Insurance of the District of Columbia in such form as he may prescribe. Upon filing of an application, the Superintendent shall ascertain whether the applicant satisfies the necessary qualifications prescribed by this bill, and if so found qualified, the Superintendent will issue to the applicant a license to engage in the business of selling checks and money orders in the District of Columbia. The Superintendent may invoke a license on any ground on which he may refuse to grant a license or for violation of any provision contained in this bill.

Mr. Speaker, the crucial factor here is to assure the value of a check or money order once the consumer has put up his hard-earned cash for it. To this end, the bill I have introduced today would provide a new measure of security and a long overdue protection of the financial resources of users of the private check and money order system. I believe this is an important bill and urge enactment at the earliest possible date.

A MIRACLE OF A RESCUE

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. KARTH. Mr. Speaker. In this day of seemingly continual crisis it is a good idea to pause and reflect upon some of the good things about our country. This pause was suggested by a story I read recently of a young woman's great personal courage in saving a young man's life. While she did not think anything of it because it was simply a part of her job as a lifeguard, it is significant to note that the person saved was some five inches taller and 75 pounds heavier than the rescuer. With these thoughts in mind and with the hope that in a small measure we can honor her by this public recognition I place on the RECORD a story from the White Bear Advisor concerning "a miracle" brought about by Miss Karen Korfhage:

"A MIRACLE," MOTHER SAYS OF RESCUE

Mrs. Raymond Shields calls it a miracle. Karen Korfhage, 20, thinks of it as the most important part of her job.

Karen is credited with saving the life of Ken Shields, 16, of 130–6th St.

In spite of the fact that Kenneth outweighs her by 75 pounds and is five inches taller, the 110-pound Ramsey county beach lifeguard lifted him off the bottom of the lake. She and fellow lifeguards restored the boy's breathing in 45 seconds.

Ken was hospitalized for two days, but his mother said he was fit this week. The near-drowning took place several weeks ago.

Kenneth and a friend, John Kurkowski, Vadnais Heights, went to the beach one afternoon. Kenneth was dressed in jeans and had no intention of going into the water. But the lake looked inviting and he waded out. He was warned by Karen not to go in because beach regulations prohibit swimming without a swimming suit.

Ken, whose mother said he was "not a good swimmer," was nearly to the diving deck when he was told to go back to shore. As he started back, his jeans filled with water and dragged him down. Kurkowski came to his aid, attempting to hold him up but lost his grip and Ken slipped below the surface. John yelled for help. Karen made an attempt to find him, but could not. Then, according to Mrs. Shields, the "miracle happened when the sun came out." The clouds parted and the sun came out and this allowed Karen to see Ken. On her second attempt she was able to see Kenneth on the bottom.

She pulled him to the surface. Another lifeguard, Dave Reif, helped her get him to the deck where Reif administered mouth-to-mouth resusitation. Karen massaged his heart. Two Ramsey county sheriff's deputies arrived and rushed Ken to St. Paul-Ramsey hospital. He was in intensive care for two days.

Karen said she was not afraid until she saw how big Ken was when he was out of the water. She is a pre-medical student at the University of Minnesota and hopes to be a doctor. She was a lifeguard at Memorial Beach for two years before transferring to Ramsey county beach this year.

She is the daughter of Mr. and Mrs. M. C. (Bud) Korfhage.

Mrs. Shields said last week that she thinks it was a miracle, but she was grateful to everyone who helped save her boy's life. She included his friend, the lifeguards and the sheriff's deputies.

She warned against wearing jeans for swimming and recommended the buddy system for all swimmers.

LATVIAN INDEPENDENCE DAY

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. ADDABBO. Mr. Speaker, on November 18, the Latvian people, including Americans of Latvian origin, observe the 55th Anniversary of the Declaration of Independence. The importance of this occasion is that the hope of freedom of the people of Latvia remain strong despite years of oppression.

XUM

Latvia is truly a captive nation and the people of Latvia are dedicated to the restoration of the liberty that is rightfully theirs under any interpretation of basic international human rights. The victory of Stalin burns in their minds as a clear act of aggression, which will one day be avenged. The American people can understand that kind of hope and we must support and rekindle the hope for freedom wherever it exists under the yoke of tyranny.

In this era of détente, the United States must not forget the people of Latvia and the other captive nations. We will remember them, I am confident, because it is the right thing to do. The expression of concern by Members of the House on this issue is evident as we join in this observance of the 55th anniversary of the declaration of independence of Latvia.

CFR: NEW MEMBERSHIP 1973

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. RARICK. Mr. Speaker, the Council on Foreign Relations has voluntarily supplied me with its Annual Report for 1972–73.

The 141 men and women who became members of the council during the period of the report are as follows:

David M. Abshire, George H. Aldrich, Joe J. Allbritton, John B. Anderson, Les Aspin, *M. Genevieve Atwood, Josiah Lee Auspitz, Perry O. Barber, Jr., David O. Beim, Lloyd M. Bentsen, Jr.

Bernard R. Berelson, Marilyn Berger, Suzanne Berger, Eugene A. Birnbaum, *Andrew H. Blauvelt, Frederick M. Bohen, John Brademas, Lewis M. Branscomb, Alfred Brittain III, Edward W. Brooke.

José A. Cabranes, Joseph A. Califano, Jr., John Carey, Charles W. Carson, Jr., Frank T. Cary, William J. Casey, Henry E. Catto, Jr., John Chancellor, George A. Chandler, Robert G. Chollar.

Warren Christopher, Ray S. Cline, Barber B. Conable, Jr., Joseph P. Condon, John T. Connor, Jr., John C. Culver, William M. Dietel, Stephen H. DuBrul, Jr., Freeman J. Dyson, *Jessica P. Einhorn.

* Robert J. Einhorn, Donald H. Elliott, Dante B. Fascell, Clarence Clyde Ferguson, Jr., Frances FitzGerald, Murray H. Finley, Donald T. Fox, Donald M. Fraser, Alton Frye, Paul M. Fye.

Leslie H. Gelb, * Patrick A. Gerschel, Henry R. Geyelin, Philip L. Geyelin, Eli Goldston, Alexander M. Haig, Jr., * David R. Halperin, Robert L. Heilbroner, Richard M. Helms, * John A. Herfort.

Frank W. Hoch, Jerome H. Holland, Graham Hovey, John Hughes, Fred C. Iklé, Norman Jacobs, * Robbin S. Johnson, W. Thomas Johnson, Jr., Willard R. Johnson, Marvin L. Kalb.

Alfred Orr Kelly, * William J. Kilberg, Lane Kirkland, Curtis M. Klaerner, John H. Knowles, Edward A. Kolodziej, Lawrence B. Krause, Kermit I. Lansner, Ivo J. Lederer, Monroe Leigh.

* Hillel Levine, Charles Edwin Lord, Winston Lord, James T. Lynn, Laurence E. Lynn, Jr., Harry C. McPherson, Jr., William B. Macomber, Jr., Walter F. Mondale, Richard M. Moose, Thomas E. Morgan.

Edward L. Morse, * Kenneth P. Morse, Edmund S. Muskie, Andre W. G. Newburg, John Newhouse, Matthew Nimetz, Michel Oksenberg, James J. O'Leary, * Kathryn C. Pelgrift, Lionel I. Pincus.

Walter H. Pincus, Myer Rashish, Donald T. Regan, Nicholas Rey, John B. Rhinelander, John B. Rhodes, Jr., Emmett Rice, Richard W. Richardson.

Chalmers M. Roberts, Charles W. Robinson, James D. Robinson III, David E. Rogers, Frederick P. Rose, William V. Roth, Jr., Nadav Safran, John A. Scali, *Jan Schneider, Robert C. Seamans, Jr., Eli Shapiro.

Herbert M. Shayne, Eleanor Bernert Sheldon, George L. Sherry, Leonard S. Silk, Ann B. Sloane, Walter B. Slocombe, Gaddis Smith, Louis B. Sohn, Robert Solomon, Charles R. Stevens, Seth P. Tillman.

Russell E. Train, H. Anton Tucher, Edward Hallam Tuck, Stansfield Turner, Charles H. Weaver, Nils Y. Wessell, Marina von Neumann Whitman, Leonard Woodcock, Jerry Wurf, *Daniel Yergin, *Stephen B. Young.

As of August 31, 1973, the Council had 1,551 members, an increase of 75 over the number as of August 31, 1972. Of these members, 662 are resident members, 357 are in the Boston and Washington areas, and 532 are in other parts of the United States and overseas.

The professional distribution of the present membership is:

Profession	*Number of Members*
Scholars or academic administrators	373
Business executives	468
U.S. Government officials	195
Lawyers	127
Journalists, correspondents and communications executives	135
Administrators of non-profit institutions	187
Other	66

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*Indicates Term Member.

GOVERNMENT CONTROLS BRING SHORTAGES

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. HUBER. Mr. Speaker, Industry Week succinctly portrays a principal reason for the current rash of shortages in our Nation—shortages which range from fertilizer to metals and paper—as the overabundance of Government controls.

I recommend for the attention of my colleagues Mr. Walter J. Campbell's short editorial of October 22 reprinted below:

TIGHTEN YOUR BELTS

We were more than a little surprised after four months in retirement to receive three telephone calls this week from friends in the metalworking business asking where they could obtain steel.

We didn't know. We figured the situation must be rather desperate when these steel-hungry manufacturers turned to us for information. All we could say was that the mills we knew were sold out for the year and that their order books had been closed for some weeks. That, of course, was neither news nor help.

Scarcities and shortages have become a way of life in this country.

We not only are short of steel, but we are also short of aluminum and copper. Paper is scarce. Plastics are in short supply. Brick, lumber, roofing, plumbing supplies, and other building materials often are unavailable, and builders and their home-building customers wait and wait and wait—and then pay through the nose.

Farmers have been advised that fertilizers will be in short supply next season—and that probably will aggravate the food shortages.

We have shortages in practically everything—except government controls.

Controls are a prime cause of the shortages and the lack of capacity expansion from which the shortages spring. That should surprise no one.

Price controls over the past several years have held profit margins down.

Meanwhile, the cost of expanding has shot upwards.

The cost of borrowing money rose to a point where manufacturers would be silly to finance new capacity on borrowed funds.

The securities market got sick and made the raising of new capital through new stock issues unfeasible.

So, we have failed to expand capacity to meet today's needs.

And, on top of that, a substantial number of production facilities have been abandoned, or will be abandoned, because they cannot be brought up to environmental standards economically.

Shortages inevitably raise prices—controls or no controls.

We have shortages of capacity.

We have shortages of materials.

We will continue to live with shortages until the control-minded bureaucrats take their cotton-pickin' fingers off the economic mechanism and permit market forces to regulate the supply and demand of goods.

PROGRESSIVE MAGAZINE CALLS FOR IMPEACHMENT OF THE PRESIDENT

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. KASTENMEIER. Mr. Speaker, in its forthcoming December 1973 issue, the prestigious journal, the Progressive, whose offices are located in my congressional district, will present a 10-article bill of impeachment calling for the removal of the President.

The impeachment question is now before the House Judiciary Committee, and the Progressive is to be congratulated for reminding us of our obligation to move promptly to resolve this matter. I commend to all House Members and, in particular, to my colleagues on the Judiciary Committee, the editorial, "A Call to Action," by the Progressive editors:

A CALL TO ACTION

(By the Editors of the Progressive)

Crisis. The word has been overworked by all of us, and particularly by those engaged in reporting, analyzing, and interpreting the news. We have been recording monthly, weekly, daily crises for longer than we care to remember—foreign and domestic crises, military and political crises, economic, moral, and cultural crises. A headlined crisis no longer generates alarm, or even profound concern. Ho hum, another crisis. . . .

But the crisis that grips America today is of another, higher magnitude—one that deserves, perhaps, a new term that has not been eroded by abuse. It swirls, of course, around the person of the President of the United States, but it impinges on every facet of the national life and character. We are confronted, suddenly and dramatically, with fundamental questions about our national community—questions that demand swift and decisive answers.

Are we prepared, after almost 200 years, to abandon our experiment—intermittently successful but always hopeful—in enlightened self-government? Will we permit our highest and most powerful office—an office whose occupant can literally decide the future and even the survival of the nation and the world—to remain in the hands of a man who has, in the words of the American Civil Liberties Union, "made one thing perfectly clear: He will function above the law whenever he can get away with it"? Will we refrain, because of our timidity or sheer inertia, from availing ourselves of the remedies provided by the Constitution of the United States for precisely such an emergency?

Three years remain in Richard M. Nixon's second Presidential term—time enough for him to compound and render irreversible the catastrophic damage he has already done. It is understandable that the President may feel that if he can survive in office for those three years, he will have achieved a measure of vindication. But his vindication will be our indictment and conviction. If we, the American people, knowing what we now know about this President and his Administration, permit him to serve out his term, we will stand condemned in history for the grave offense of murdering the American dream.

These pages go to press amidst a chrous of demands for Mr. Nixon's resignation. The demands emanate not only from Mr. Nixon's long-standing critics—his "enemies," as he would doubtless style them—but from many who were, until recently, among his most enthusiastic supporters. The editors of *Time*, in the first editorial of the magazine's fifty-year history—at least the first so labeled—called on him to "give up the Presidency rather than do further damage to the country." The same suggestion has been advanced by newspapers which, only a little more than a year ago, were unreservedly advocating his re-election and which, only months ago, were minimizing the gravity of the Watergate disclosures; by Republican politicians who fear, not without justification, that the President is now an intolerable burden to their party; by businessmen who no longer can vest their confidence in Mr. Nixon as the chosen instrument of corporate prosperity.

Mr. Nixon would derive some obvious benefits if he were to heed this advice and relinquish his office. Unlike his recently departed Vice President, Spiro T. Agnew, he would not have to couple his resignation with a guilty plea to any crime. Like Mr. Agnew, he could continue to proclaim his innocence—and to denounce his "enemies"—in perpetuity. He has always relished the role of victim, and he could carry it to oblivion.

At the same time, the Congress would be spared from exercising a responsibility which it clearly does not welcome—the responsibility of impeaching the President of the United States. And the American people, the people who only a year ago gave the President an unprecedented mandate and whose disenchantment has now reached unprecedented depths, could breathe a deep sigh and go about the business of restoring a measure of order and hope to their national affairs.

But the decision to resign is, ultimately, the President's alone to make, and the word from the White House at this writing is that he will not be moved (or removed). He has "no intention whatever of walking away from the job I was elected to do," he told the nation on November 7.

It is our judgment, and we believe it is the American people's judgment, that the job he has done is enough.

Until and unless the President changes his mind about resigning, the decision to resolve the crisis that grips the nation will be ours to make—for only by exerting immense and unremitting pressure can we convince the Congress that it must discharge its constitutional responsibility. Public opinion, has already persuaded some legislators to abandon their customary vacillating stance. Public opinion, forcefully applied, can move the requisite number of Representatives to embark on the process of impeachment.

The first order of business confronting Congress is to fill the vacancy in the Vice Presidency. Mr. Nixon's designee, Representative Gerald R. Ford of Michigan, would hardly be our first (or thousandth) choice; he is, in our view, unsuited intellectually and politically to hold the nation's highest office. But given the choice—and it is the choice we are given—between mediocrity (Mr. Ford) and moral disgrace (Mr. Nixon), we have no difficulty choosing the former. America has muddled through with mediocre leadership before, but it cannot go on much longer with leadership that is morally bankrupt.

Once a Vice President has been installed, the "engine of impeachment"—James Madison's term—can be set in motion. It is an engine that the leaders of the House and Senate clearly would prefer not to start, but it can be ignited by any member of the House of Representatives who chooses to take the floor and declare: "Mr. Speaker, I rise to a question of constitutional privilege. . . . I impeach Richard M. Nixon, President of the United States, for high crimes and misdemeanors." Citing only the facts that have already come to light, that have for the most part been verified, this member of the House can invite his colleagues to do their constitutional duty by considering the charges against the President.

LATVIAN INDEPENDENCE DAY

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. HOGAN. Mr. Speaker, November 18 marks the 55th anniversary of Latvia's declaration of independence. The rights and joys of a free society in Latvia were brief, since in 1940, 22 years after the Latvian's fought to free their land from invading countries, Latvia fell to the Russian army. Latvia has been a captive nation since 1940 and its people have been deprived of their individual and collective rights and freedoms while under Soviet domination. As a supporter of freedom for the Baltic people and all other captive nations, I would like to ask that Congress take time to remember these people in their fight for freedom and human rights. The fate of these captive nations should not be forgotten because their future outlines the future of Europe and the world balance for years to come.

I am including a letter by Dr. Ilgvars Spilners, president of the American Latvian Association in the United States, Inc. which merits the attention of all Members:

LATVIAN INDEPENDENCE DAY

Latvia was established as an independent nation on November 18, 1918. It took almost two more years for the newly created Latvian Army to defeat the invading Russian and German troops and liberate the whole country. The hostilities ended with a Peace Treaty of 1920 between Latvia and Russia. With this treaty, Russia unreservedly recognized the independence, self-subsistency, and sovereignty of the Latvian State and voluntarily and forever renounced all sovereign rights over the Latvian people and territory, which formerly belonged to Russia. Republic of Latvia was recognized as a sovereign State by all major countries, and was a member of the League of Nations.

The end of Latvian independence came on June 17, 1940, when the Russian Red Army invaded the country and started annexation of Latvia to the Soviet Union.

Numerous world political and intellectual leaders have publically declared their support for Latvian, as well as Lithuanian and Estonian freedom, self-determination, and human rights. They admit, however, that Russians, governed by the present dictatorship, and practicing an expansionist policy, are not going to leave Latvia, or the other two Baltic States, voluntarily, and are militarily too powerful to be forced to leave. If there is to be more than just talk, the Baltic question should be raised in the broader context of equal rights and self-determination of people and the respect for human rights as fundamental freedom before the respective committees of the Conference on Security and Cooperation in Europe, now meeting in Geneva. This Baltic question should be discussed even if the Russians object. Hopefully, these discussions would be educational and would eventually change the Russian attitude toward the Baltic States.

OUR NATION SALUTES THE STEUBEN SOCIETY OF AMERICA, JOHANN VON KALB, NO. 46 OF HALEDON, N.J., ON ITS 50TH ANNIVERSARY CELEBRATION

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. ROE. Mr. Speaker, on Saturday, October 13, 1973, it was my privilege and honor to join with members of my congressional district and State of New Jersey in celebrating the 50th golden anniversary of Johann Von Kalb Unit No. 46, the Steuben Society of America. The outstanding contributions of those of our citizens of German-American heritage in the fields of scientific innovation and cultural enrichment to our society were eloqeuntly presented by the following members of the Steuben Society of America with whom I was honored to share the dais:

Edward J. Sussmann, national chairman of the Steuben Society of America; Frank J. Krutzky, chairman, Johann Von Kalb Unit; George Hartleb, chairman of the New Jersey State Council; Frieda Scheidewig, banquet chairman, and Dick Ahlers, master of ceremonies.

The eloquence of the presentation by national chairman Edward J. Sussman most poignantly reminded all of those assembled of the extraordinary contribution to the fight for freedom in establishing our democracy of Gen. Friedrich Wilhelm von Steuben. As you and our colleagues here in the House know, the Steuben Society of America was organized in honor of this great American Revolutionary War hero of German ancestry. In promulgating and preserving the richness of the cultures of our German heritage, this distinguished organization has matured in the vanguard of our historic preservation societies in the communion of America's citizenry who cherish the freedom and independence on which our Nation was founded.

In celebrating this golden jubilee, the dedication and devotion of the patron statesman, Gen. Johann Von Kalb, whose service to our country in the Continental Army under Gen. George Washington in the early years of America's struggle for independence had inspired the founding a half-century ago of the Johann Von Kalb Unit No. 46, was indeed mirrored in the spirit of those in attendance. The program that evening manifested a quality of life here in America that has prospered because of the freedom and justice that has been available to all who came to the shores of our great country seeking a better world for themselves and their children with the pride that all Americans have of their heritage.

Mr. Speaker, I respectfully ask that you and our colleagues here in the Congress join with me now in extending our heartiest congratulations and best wishes to the members of the Steuben Society of America, Johann Von Kalb Unit No. 46, in commemorating this historic 50th anniversary with special commendation to the outstanding public service being rendered by its officers. The 1973 officers of the Johann Von Kalb Unit No. 46 are as follows:

Frank J. Krutzky, chairman; Kurt Heller, first vice chairman; Frieda Scheidewig, second vice chairman; Frank Reuter, third vice chairman; Ida Connolly, secretary; George Stromsdorfer, financial secretary; Fred Mayer, treasurer; Otto Ernst, first trustee; Gertrude Mayer, second trustee; Ida Connolly, delegate to State council, and Frieda Scheidewig, alternate delegate.

Mr. Speaker, the interest and involvement of our people is a most important integral part of our governmental process. Throughout the years the Steuben Society of America has addressed the Congress on the many issues confronting our Nation, which has proven to be a healthy exchange of views in the form of public opinion that is important to the promulgation of legislative proposals and action programs essential to meet the needs of our people.

To understand the present, we must understand the past. To meet the challenges of the future, we must ever maintain the communication arteries so important to the people's decisionmaking agencies of our Government. On the 50th anniversary observance of the Johann Von Kalb Unit No. 46, I believe it would be most appropriate to review, and I insert at this point in our historic journal of Congress, the aims and purposes upon which the Steuben Society of America was founded. Their official statement of purpose is as follows:

AIMS AND PURPOSES OF THE STEUBEN SOCIETY OF AMERICA

Loyally to support the Constitution of the United States of America by advocating the proper application of its provisions and inculcating the principles underlying true democratic government;

To quicken the spirit of sound Americanism; and to foster a patriotic American spirit among all citizens;

To aid in maintaining the independence and sovereignty of the United States of America and its freedom from all foreign influence;

To establish co-operation among its members in the exercise of their civic duties and to encourage them in active participation in every phase of our national life;

To promote the welfare and enhance the happiness of its members and their fellowmen;

To perpetuate itself as a patriotic and fraternal voluntary membership organization and to provide for its government;

To guard our political liberty by maintaining an honest equality of citizenship regardless of birth, origin or religion of any citizen;

To maintain the traditions of our country.

Mr. Speaker, our Nation has been nourished and secured by the cultural standards of excellence that all nationalities have contributed to the quality of our way of life here in America and we can indeed share the great pride of all of our citizens in the outstanding achievements and contributions that the people of German heritage have made to America's preeminence among all nations of the world. I know you will want to join with me today in saluting the Steuben Society of America, Johann Von Kalb No. 46 as it celebrates its golden anniversary of untiring dedication and devotion to the cause of freedom, justice and a good life for all in helping to preserve the endowment and traditions of our German heritage which have truly enriched our community, State, and Nation.

VETERANS' PENSIONS

HON. HAROLD V. FROEHLICH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. FROEHLICH. Mr. Speaker, a sequence of events evolved this afternoon which is nothing short of mind-boggling. I am shocked, amazed, and annoyed by what I consider to be, at best, a prostitution of the legislative process and, at worst, a deliberate attempt to exclude legitimate discussion and debate from passage of veterans' pension legislation.

On July 30, 1973, the House of Representatives passed legislation increasing veterans' pensions. This bill, H.R. 9474, did not contain an increase in the limitation on the income a veteran can earn without losing his pension. This provision I considered vital to any pension increase bill and I had introduced a bill to accomplish this purpose in the House as one of my first bills of my first Congress. I was very pleased, therefore, when the Senate, in veterans' pension increase legislation passed by that body in August, included a $400 increase in the income limitation. While $200 short of the amount in my bill, it was a more preferable alternative than the House-passed version, and I was hopeful that sufficient support could be mustered for this provision to retain it in the bill as it would eventually be sent to the President.

Since both Houses of Congress had passed different forms of the bill, I waited patiently for the bill to be sent to conference, at which time it was my intention to urge the conferees to retain the $400 income limitation increase in the final bill. I was told, however, on a number of occasions, that the staffs of the House and Senate committees were trying to iron out the differences in the two bills themselves, thus eliminating the need for a time-consuming conference. I began to question which procedure was more time-consuming as the summer became fall and it appeared that we were in the last few months of the session, but still no announcement came.

As of this morning, the schedule for the House floor today was House Resolution 128, dealing with Members convicted of certain crimes and H.R. 11333, Social Security Act amendments. When the House went into session, I had not been notified in any way that the schedule had been changed. Shortly after 12, I left the House floor to meet with a group of constituents. When I returned, in less than an hour, veterans legislation on which a compromise had suddenly been reached, had been called up, discussed, and passed by voice vote. A bill that had lain dormant for 15 weeks had taken less than 15 minutes to clear the House. There were many questioning looks on the floor and my questions as to what the bill contained could not be answered by many of the people I approached. After much searching I found that the bill did not contain an increase in the income limitation, a fact which deeply disturbs me.

I am more deeply disturbed, however, by the procedure or, rather, the lack thereof, by which the bill was considered. If they can in any way be construed to typify the legislative process, then perhaps the prophets of doom who decry our system and our institutions are closer to the truth then any of us should ever want to believe.

THE A-7D AIRPLANE

HON. DALE MILFORD

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. MILFORD. Mr. Speaker, I have flown the A-7D airplane and know it is a proud and capable ship. The fighter craft is built in my district, and those people are proud of its ability. But today I received an article written by the men who have flown combat missions in the LTV plane, and would like to share their opinions with my colleagues.

The article follows:

THE A-7D IN SEA

Gentlemen: We were extremely proud to read Mr. John L. Frisbee's article, "How the A-7D Rewrote the Book in SEA," in your August '73 issue of Air Force Magazine. All of us, presently deployed, believe your account to be tremendously accurate and an excellent depiction of our operations over here, at Korat. It is most rewarding to read journalistic work of such high quality, especially when it concerns the Air Force A-7D.

Although the A-7D was only in combat for ten months, the unparalleled accuracy and versatility demonstrated in high, medium, and low threat environments have given tactical airpower a greatly expanded capability. As of 15 August 1973, the Hummer has flown over 10,000 combat sorties in SEA. AF A-7Ds flew from Hanoi and Thai Nguyen in North Vietnam to the Mekong Delta in the South and from Kampot on the Cambodia coast to the Plain of Jars in Laos. No other aircraft has proven itself capable of such tactical flexibility in such a short time frame.

There is one more chapter we desire to add to the short history of SLUF. That chapter deals with the deep satisfaction we sustained when it was learned the A-7D was the last combat strike sortie to depart the Cambodian airspace on 15 August 1973. "Slam" flight, composed of aircraft 70-930 and 70-345, piloted by Maj. John H. Hoskins and Capt. Lonnie O. Ratley, III, will go down in our unit history as marking the end of our involvement in America's longest war.

The Tactical Air Command personnel supporting the 354th TFW deployed are unanimous in their hope that our participation has aided in creating an atmosphere conducive to peace and stability in the decades to come. We stand ready to react any time, anywhere, to threats against the peace and security of the free world.

The Officers, NCOs, and Airmen of the 354th Tactical Fighter Wing; 355th Tactical Fighter Wing; 23d Tactical Fighter Wing; and 3d Tactical Fighter Squadron, 388th Tactical Fighter Wing APO San Franicsco.

EDUCATIONAL GRANTS FROM FOREIGN SOURCES

HON. BILL GUNTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. GUNTER. Mr. Speaker, recently I noticed several newspaper stories announcing grants from foreign sources to our Nation's leading educational institutions. I call these articles to my colleagues' attention and invite them to join me in inquiring as to what other foreign funds have been given to our colleges and universities and not reported.

I believe that this question must be answered and I will attempt to provide such an answer in the days ahead.

The articles follow:

[From the New York Times, June 21, 1973]

JAPAN'S SUMITOMO GROUP GIVES $2 MILLION TO YALE

(By Iver Peterson)

Japan's giant Sumitomo Group of banking, mining and manufacturing interests has given $2-million to Yale University and $1,-million to the Japan Society here to promote Japanese-American cultural understanding.

The gifts from the Japanese conglomerate follow the gift of $1-million to the Harvard University Law School from Mitsubishi Heavy Industries, one of the Sumitomo Group's rivals, last September.

The Sumitomo gift to Yale is the largest ever received by the university from a benefactor outside the country. Officials of universities and foundations are hoping that other Japanese corporations, including the Mitsui Company, Japan's largest business house, will join the trend established by the recent gifts.

Hosa Hyuga, president of Sumitomo Metal Industries, Ltd., presented the $1-million Japan Society gift to John D. Rockefeller 3d, chairman of the society's board of directors, at the organization's annual dinner last Monday.

The gift to Yale will be announced tomorrow in New Haven by Kingman Brewster Jr., the university's president, and Koji Asai, who recently retired as president of Sumitomo Bank.

Both gifts will be made in installments over five years. Yale will use its money to finance Japanese studies. The Japan Society will give all of its gift away as grants to colleges and universities, study groups and other bodies engaged in Japanese studies.

An official of the Japan Society who did not wish to be identified said yesterday that there was hope that the Sumitomo gift "could be, ah, refreshed, at the end five years, if the program is a success."

In an interview in his suite at the Carlyle Hotel yesterday, Mr. Asai said he hoped the gifts would promote friendly relations between the two countries, especially in light of recent friction over economic and trade issues.

Mr. Asai, who started with Sumitomo Bank as a disbursements ledger clerk 48 years ago—"and that was before we had computers," he laughed—dismissed a suggestion that his group was competing in a generosity contest with Mitsubishi.

"But perhaps our gift will stimulate other contributions," he added with a smile.

Japanese correspondents in New York were amused by Mr. Asai's reticence

"The Zaibatsu compete in all things," one correspondent said, using the Japanese term for the giant family-controlled corporations that ostensibly were broken up after World War II, but that have nonetheless reconstituted themselves as large families of companies. Mitsui Sumitomo and Mitsubishi are the largest.

Mitsubishi's $1-million gift to Harvard last September was widely reported with big headlines in Japan. The Japanese Ministry of Education said in a statement at the time that the gift represented a Japanese business effort to "change the [Japanese] image from that of an economic animal to that of a cultural animal" according to an unofficial translation.

The Japanese even coined a phrase for the Mitsubishi gift to Harvard. It translates as "Japanese version of the Fulbright grant."

POST-WORLD WAR II TREND

Before the recent gifts, Japanese corporations had no tradition of contributing to outside institutions, although Mr. Asai said the Sumitomo Group had aided the Japan Society before World War II. But with economic tensions growing between the two countries, and as Japanese officials complain that American policymakers fail to understand their country's position in world affairs, a new interest has arisen in promoting friendlier relations.

"The attitude there," Rodney Armstrong, executive director of the Japan Society, said yesterday, "is that in the wake of these misunderstandings, they thought, 'If the Americans don't understand us any better than that we ought to sponsor some studies so we can understand each other better!' "

For Mr. Hyuga, the Sumitomo Metal Industries president, the gift to the Japan Society was also a personal one. At the presentation, he told of studying in a library built by the Rockefellers at the University of Tokyo in the 1920's while the university lay in ruins after an earthquake.

He said he was pleased to present the gift "to the son of our benefactor."

[From the Washington Post, July 27, 1973]

JAPAN PLANS AID TO U.S. UNIVERSITIES

(By Don Oberdorfer)

Washington Post Foreign Service

TOKYO, July 26.—Not so many years after his country was receiving handouts from the United States, a Japanese prime minister will fly to Washington with a pledge of $10 million in his kit bag for foreign assistance to American universities.

The Japanese government's plan, as reported by reliable sources here today, is to announce its largesse for the U.S. schools during Premier Kakuei Tanaka's visit to Washington next week for summit talks with President Nixon.

According to present planning—subject to final bureaucratic review in characteristic Tokyo fashion—the money will be funnelled through the government's Japan Foundation to help selected schools support and expand their Japanese studies programs.

The recently-announced gift to American universities by West Germany, another nation defeated by the United States in World War II, helped the Japanese to action. The German gift, $45 million over more than 10 years, is larger in sum but smaller in its immediate impact than Japan's planned one-year benefaction.

POSSIBLE RECIPIENTS

More than 100 American Universities are reported to be equipped with educational programs of some sort on Japan, but most of the money will probably go to a few schools which have been the leaders in the field. The prominent ones are said to include Harvard, Yale, Princeton, Columbia, Stanford and the Universities of Michigan, and Washington.

According to governmental sources here, no decision has yet been made on how the money will be apportioned. That delicate task will probably be left unfinished until Premier Tanaka has left the United States, lest an embarrassing and perhaps unseemly scramble for the funds complicate his visit.

In recent weeks, Harvard and Columbia have sent missions here to solicit money from the increasingly affluent Japanese. Former U.S. Ambassador Edwin O. Reischauer, who was seeking up to $15 million to finance Harvard's Japanese studies Institute, was reportedly equipped with detailed plans and glossy full-color brochures to lure government officials and industralists.

A few months ago, Japanese business firms gave $2 million to Yale and $1 million to Harvard Law School.

WHY AMERICA?

Some criticism has been voiced here at the idea of large gifts from Japan to rich universities of the richest country on earth. The critics says the money would be more appropriately spent to aid the educational processes of the poor nations of Southeast Asia and other areas where Japan has important interests.

Those who conceived the aid-to-America plan, however, argue that bridging the "communications gap" with the United States is a high-priority objective. They are backed up by Japanese financed studies, by U.S. research firms, which say the money to American schools will be a public relations asset as well as an aid to increased U.S. understanding of this country.

The government has also been preparing for the policy discussions scheduled early next week with Mr. Nixon. Today, Premier Tanaka and Foreign Minister Masayoshi Ohira met to discuss their Indochina economic aid programs, U.S. presidential aide Henry Kissinger's proposal for a new Atlantic charter, energy and food issues and U.S.-Japan economic relations.

Japanese diplomats began meeting yesterday with North Vietnamese diplomats in Paris to discuss normalization of relations. The Indochina aid program—which is expected to be an important topic in the Nixon-Tanaka talks—is reported to be in an advanced stage of planning here. Ohira told a news conference today that the government will complete an outline of the plan after hearing American views on the topic next week.

[From the Washington Post, Aug. 8, 1973]

JAPAN LISTS U.S. SCHOOLS FOR GRANTS

TOKYO, August 7.—The government today selected 10 prominent American universities to receive $1 million each in public funds to further Japanese studies in the United States.

The decision carries forward the pledge of $10 million in educational aid announced by Premier Kakuei Tanaka during his trip to Washington last week.

The universities selected to receive the grants Harvard, Yale, Princeton, Columbia, Michigan, Chicago, Stanford, California, Washington in Seattle and Hawaii. The foreign ministry announcement said the traditions, past achievements and present scope of Japanese studies had been taken into account in making the choice. The 10 universities are all members of the Inter-university Center for Japanese Language Studies in Tokyo.

Officials here said each university will be expected to establish an endowment fund and to use the proceeds for stimulating Japanese studies, perhaps through a professorship. The funds allocated today will have to be appropriated by the legislature. The new studies program is expected to begin in September 1974.

"MURDER BY HANDGUN: THE CASE FOR GUN CONTROL"—NO. 46

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. HARRINGTON. Mr. Speaker, today 12 people will be killed by handguns in the United States. In Great Britain only one person is killed by a handgun every 7½ weeks. The reason for this cannot be stricter punishment for the crime. In Great Britain there is no capital punishment; in our country the death penalty has been reinstated in some States.

It seems to me that a more plausible reason for the lower handgun murder rate in Britain, would be the one offered by the British Home Secretary Robert Carr. He said:

> There is clear evidence that the ready availability of guns leads to their use in crime.

The State of Massachusetts, has twice as many legally certified handguns as do England and Wales. The homicide rate is understandably higher.

I am asking the people who represent the citizens of our country to look at the figures of handgun murders; and then decide whether or not they can oppose gun control legislation and ignore the more than 9,000 people who will die by handgun next year.

At this time I would like to include Nathan Cobb's article from the August 12, Boston Globe, and another report of a handgun murder from the November 4, New York Times.

[From the New York Times, Nov. 4, 1973]

METROPOLITAN BRIEFS FROM THE POLICE BLOTTER

One man was shot and killed and another wounded in the attempted holdup of Club 83, 151 Lenox Avenue, near 118th Street. The police said the dead man, James Thomas, 43 years old, of 559 West 158th Street, was in the restaurant when two men wearing ski masks and brandishing pistols entered and announced a holdup. Mr. Thomas struggled with the gunmen and several shots were fired, one of which struck him in the head, killing him instantly. Another shot wounded Alexander Brown, 30, of 987 Union Avenue the Bronx, in the abdomen. The police said Mr. Brown was holding a .45-caliber revolver. He was taken in custody to Harlem Hospital, where he was listed in critical condition.

[From the Boston Globe, Aug. 12, 1973]

BRITAIN'S HANDGUN CRIMES INFINITESIMAL COMPARED WITH UNITED STATES

(By Nathan Cobb)

LONDON.—The bobby straightened his dark cap and smiled easily at the American who had asked him the question.

"Handguns" he replied, trying to be polite. "Your government writes reports about them. Ours does something about them."

Indeed, while the National Advisory Commission on Criminal Justice Standards and Goals last week recommended a nationwide ban on handguns in the United States—at least the fourth such national crime commission to do so during the past six years—the British government is measuring public response to its laws in the world.

British officials are reluctant to claim they have solutions to American problems. But many shake their heads when comparing handgun statistics in the two countries:

In all of England and Wales, there are an estimated 57,000 legally certified handguns, less than one-half the number in Massachusetts alone.

There is estimated to be one handgun for every 114 British families. In the United States, there are between 30 and 40 million handguns—roughly one for every 1.4 families.

In 1971, the last year for which figures are available, seven persons were murdered with handguns in England and Wales, while 8991 were killed in the United States.

One person is murdered with a handgun in England and Wales every seven and one-half weeks; it happens in America every 58 minutes.

In London, with a population of nearly eight million people, there were only two handgun murders during all of last year. Boston, with a population one-twelfth as large, had 43 handgun slayings.

In England and Wales, there are 2500 registered firearms dealers, one for every 22,000 people. The United States has 150,000 federally licensed dealers, one for every 1350 persons.

"We haven't got a problem like America's because we don't have the number of guns you have," one Home Office spokesman explained last week.

"We have an occasional shotgun slaying, or a stabbing or two. We even have axe murders. But it's almost never pistols."

Nor are handguns frequently used in other types of crimes in Britain: only 203 of 7465 robberies in 1971, and 59 of 46,153 assaults. In the United States, annual figures in these categories run into the hundreds of thousands.

Quite simply, it is not nearly as easy to acquire a handgun in Britain—where even police are armed only in emergency situations—as it is in the United States.

Since 1920, it has been in Britain an offense to buy, possess, use or carry a pistol (or rifle) and its ammunition without a certificate from a police chief. If more than one gun is desired, a special variance must be approved by police. The certificate also specifies the amount of ammunition that may be purchased or owned.

There are currently 190,646 firearms certificates in England and Wales, the vast majority are held in rural areas. Government officials claim they do not know how many are for handguns, but an independent study by Colin Greenwood, chief inspector, West Yorkshire Constabulary, recently indicated that each certificate represents 1.34 firearms and that 22.4 percent of the certificates were for pistols. Using this formula, there are only about 57,000 legally held handguns in Great Britain.

Certain types of people such as (convicted persons or persons of unsound mind) are prohibited from acquiring certificates. But the police may also refuse to certify any person "unfitted to be entrusted with a firearm," which gives them enough leeway to refuse virtually anyone for any reason.

The United States has no such system of controls. The 1968 Federal Gun Control Act primarily bans mail order sales of firearms as well as over-the-counter sales of handguns to out-of-state residents. It requires only a drivers' license as proof of residence and does not control quantities of ammunition at all.

The British system is similar to the Massachusetts gun control statute, passed in 1968, which is among the strictest in the country. This law, however, has not prevented sizable numbers of illegal guns from entering the Commonwealth from states with lax gun laws.

In Great Britain, it is also illegal to regularly carry a firearm on the street. A certificate holder must keep his weapons and ammunition in a safe place when not using them, and can only legally transport them to a place where they can be properly used.

In the United States, several states do not regulate the carrying of handguns at all, while others, such as Massachusetts require a license.

Further, personal or household protection is not considered to be a valid cause for a private person to possess a handgun in Great Britain. Technically it is not illegal, but the Home Office has unofficially defined its "good reasons" for having a handgun as sporting purposes and target shooting only.

Not that Britons aren't worried about rising firearms crime rates, particularly in London. In May, the Home Office released a "green paper," compiled by a committee of police officers and government officials, proposing to stiffen firearms laws.

As the green paper points out, there is "a growth in the use of firearms in crime" in Britain, a trend that parallels a general crime increase that has been going on for some time. Most of the increase, the government says, is caused by the use of shotguns and air weapons. The certification process for shotguns is not as stringent as handguns and rifles, while air weapons are generally not certified at all.

These two types of guns accounted for three out of every four firearms offenses in 1971, while handguns were involved in only 14 percent. That, the government says, is why it wants to bring shotguns and air weapons under the same control as handguns.

After a current "consultation period"—during which citizens can voice their reactions to the proposals of the green paper—the government is expected to produce a "white paper," or actual bill.

Within this new legislation, the government does not intend to leave its stricter handgun regulations untouched. It proposes to specify exactly what should, or should not, count as good reasons for possessing a handgun or rifle, thus making its current unofficial policy statutory. It wants also to ban future certification of gun collectors and persons who keep guns as trophies or souvenirs.

Says British Home Secretary Robert Carr: "In my view, the question is not whether we should have stricter controls, but the kind of stricter controls which should be introduced."

Negative reaction to the new proposals has come primarily from shooting groups and trade organizations which do not want stringent certification of shotguns. But Britain's "gun lobby" is miniscule when compared to that in the United States: its National Rifle Assn. (NRA) has 15,000 members while the American NRA claims one million strong. Like its American counterpart, the British gun lobby takes the position that the answer to gun crime is a firmer line in the courts.

The government takes a somewhat different view, stating in its green paper that "two kinds of measures are required for the prevention of crime—measures to reduce the opportunities open to the criminal, as well as those which provide for his punishment."

Home Secretary Carr said: "There is clear evidence that the ready availability of guns leads to their use in crime. A considerable minority of law-abiding people must be asked to put up with some increased inconvenience."

The government's opponents on the question argue that controls do not keep guns out of the hands of criminals. They claim that the results of official "amnesties"—seven periods since 1933 during which persons could turn in guns to police with no questions asked—indicate there may be as many uncertified handguns as certified.

But the government feels that most of these are turned in by law-abiding citizens holding them as souvenirs from the war years. Indeed, the numbers turned in during amnesties have been dropping since 1946.

Besides, Britons seem to feel that even if there are as many illegal guns as legal ones, the total number is so small compared to the United States that they are thankful for strong controls.

"We must ask ourselves," the government states through its green paper, "what the situation would have been with no controls, or weaker controls."

Tony Judge, an executive of the Police Federation, Britain's police trade union, this week summed up the feelings of his countrymen: "We believe the only way to prevent expansion of the criminal use of firearms is to stop it when it's very small," he said.

"We admit that the number of incidents of armed crime is rising each year," he added, "but compared to the United States, it's infinitesimal, isn't it?"

	Handguns	Dealers	Murders
United States	35,000,000	150,000	8,991
Great Britain	57,000	2,500	7

Note: Chart compares the United States with England and Wales in 1971.

SHORTAGES ON OTHER MATERIALS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. BIAGGI. Mr. Speaker, this country is experiencing shortages in basic materials the likes of which we have not seen since World War II. Oil and gas are receiving the greatest attention, but other industries are suffering from shortages as well.

Two firms in my district in New York City are responsible for most of the wire mesh and concrete reinforcing bars used in the construction industry. They have countless numbers of orders on hand, but cannot obtain sufficient supplies of steel for fabrication. The question is why?

This administration appears more concerned about keeping its friends abroad than providing for the needs of people here at home. We are exporting oil. We are exporting large supplies of food commodities. We are exporting scrap metal, the basic raw material for fabricated steel. This exportation has got to stop. America's needs must be met first.

Now there are those in the administration who allege there is no shortage in the fabricated steel industry. Of course, these are the same people who said there would be ample wheat, oil, and gas. The figures, though, prove the fact that there is a serious shortage.

A survey of New York users of steel reinforcing bars and wire mesh showed the following:

Ten major projects employing over 1,000 tradesmen were receiving between 25 and 50 percent of their requirements;

A combined school and apartment building project being constructed by the Board of Education suffered a 20 percent cutback in its workforce and expects to shut down shortly;

Several housing projects for the elderly and the poor are either sharply cutback or shut down as a result of a shortage in steel products.

The crisis in the steel fabrication industry is a result of two major problems: diminished supplies in the face of increased demand and price controls on the reinforcing bars.

The supply problem developed when demand for steel rose to unprecedented heights. Mills are now running at capacity and setting records for production. Backlogs of orders are mounting. At the same time, imports which had posed a threat to the American steel industry a few years ago have now fallen off considerably. Total imports in 1972 were 358,216 tons. For the first 7 months of this year, imports were less than 100,000 tons. Similarly, exports have increased. In 1971, 40,540 tons of steel reinforcing bars were exported. In 1972, 22,416 tons were exported. For the first 8 months of this year almost 70,000 tons of rebars were exported with records expected to be set in the remaining months of the year.

Moreover, concrete reinforcing bars are produced in mills after demands are met for carbon bars and bar shapes which bring substantially higher prices. The latter are used by the automotive industry which had a peak year in 1973 and expect big sales next year.

A better balance between production of these various bars would be possible if the Cost of Living Council would permit an increase in the price of reinforcing bars and if it would permit such increases to be passed on dollar for dollar to the ultimate consumer. Otherwise, no company will manufacture these reinforcing bars at a loss as they presently must do.

The fact is many very important construction projects are going undone or are moving at a snail's pace because of lack of supplies. The construction industry has suffered a marked downturn in activity throughout the Nation. Lack of the basic building materials is a major factor in this decline.

What can be done to solve the problem? First a ban on all exports of reinforcing bars and wire mesh as well as an embargo on the export of scrap metal must be implemented immediately by the President.

Second, the Cost of Living Council should approve price increases in the finished products representing the increased costs of raw materials. The head-in-the-sand approach of the Cost of Living Council ignores the realities of the current market situation.

Third, a temporary relaxation of pollution control standards should be authorized by the President to permit steel mills now idle as a result of these laws to start producing again.

Unfortunately, these three actions require a response from the President, who has been reluctant to do anything to upset his export plan, to deter his price program or to help the American consumer.

I will be circulating a letter for which I am seeking cosponsors asking the Cost of Living Council to approve price increases for steel reinforcing bars and similar products as soon as possible and to permit pass through of increased costs in raw materials in much the same way as such costs are permitted to be passed through in the petroleum industry.

In addition to the letter, I am urging my colleagues in the Senate on the Banking, Housing, and Urban Affairs Committee to approve legislation now being considered by them that would provide mandatory controls on the export of scrap metal and steel products.

I urge my colleagues in the House to join me in these two efforts so that we can save a vital industry from total disruption and possible destruction. We must act quickly.

PHYLLIS KILBY: FIGHTING FOR THE FARMER

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. BAUMAN. Mr. Speaker, one of the most important segments of the economy in the First Congressional District of Maryland is agriculture. As in every profession or occupation, there are always people who stand out because of their talent and ability. Recently, the Maryland Farm News published by the Maryland Farm Bureau of which I am a member published an article about Phyllis Kilby, one of the real leaders in our State's agricultural community.

At 25, Mrs. Kilby is the chairman of the State's Young Farmer Committee, and I am proud to have her as resident of my district in Cecil County. I know her personally, and I commend to the Members this excellent article. The article follows:

CECIL COUNTY'S PHYLLIS KILBY—FIGHTING FOR THE FARMER

For the daughter of a Pennsylvania steelworker, it was quite an adjustment becoming the wife of a Maryland farmer.

"It took me a while to get used to the hours and to the seven-day work week," said Phyllis Kilby, "but now I'm deeply committed to fighting for this way of life."

It is this struggle for existence that Mrs. Kilby has been concerned with during the past year in her position as chairman of the State's Young Farmer Committee.

"Young farmers are definitely the future of the Maryland Farm Bureau," she said, "and we've tried this year to move toward more of an action-oriented approach."

This approach hopefully will pay dividends in the next few years, she explained, in terms of young farmers being elected to Farm Bureau positions and in terms of the young farmers acting as a pressure group on the more established Farm Bureau constituency.

"Once you see what the farmer is fighting for, it makes you want to start fighting for it too," she said, "and this is an industry that is heading for extinction unless we do something."

When she was 18 years old and living in Pennsylvania, Mrs. Kilby never dreamed of being involved in the farmer's struggles. Then she met Bill Kilby, got married, and the turn-about began.

The Kilbys farm 23) acres with Mr. Kilby's brother and father in Colora, Cecil County. Most of their operation is dairy, and they've been experiencing the problems facing all dairy farmers these days.

Some people felt Mrs. Kilby was too young at age 25 to handle the State Chairmanship. But she says "I'm pleased with what we've done this year; we've even made a bit of headway with the Board of Directors—at least they don't think Young Farmers is a token group anymore."

Four new YF groups have been organized this year. In addition the YF programs have taken on an action-type structure. Typical of this approach was the annual tour of the Legislature in Annapolis.

"In past years we went just to see how things operated, but this year we went to learn how we could become more effective and get things done in Annapolis," she explained.

"We're gearing up this year for real action efforts next year" she added. "These will come in the areas of reaching the consumer, new programs and legislative activities."

"Young farmers have to make themselves heard because they're the ones struggling to make farming work; they're the future."

DRINAN SUPPORTS PETROCHEMICAL INDUSTRY

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. DRINAN. Mr. Speaker, yesterday I voted in favor of the mandatory allocation bill (S. 1570). This bill authorized the President to allocate crude oil and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety and welfare.

I recently had an opportunity to discuss the petrochemical crisis in my congressional district with leading businessmen in the New England plastics industry. These industries are in extremely difficult straits because of the shortage of petrochemicals, the harmful restraints of current phase IV price-control regulations upon petrochemicals and plastic feed stocks, and the excessive growth of petrochemical and plastic feedstock exports.

The legislative history contained in the joint explanatory statement of the committee of conference on this bill gives some support to the petrochemical industry. The statement of conferees, in discussing this legislation, states that:

> It is fully recognized that, in some instances, it may be impossible to satisfy one objective without sacrificing the accomplishment of another. For example, the President could not totally allocate propane to agricultural and rural heating needs and at the same time give consideration to the identified objective of preserving and fostering competition in the petrochemical industry. For this reason the direction to the President is qualified to permit the regulations to be constructive so as to accomplish the enumerated objective to the maximum extent practible."

I am hopeful that the President will act on the sense of this legislation, which is intended to give him administrative flexibility in marshaling short supplies and allocating them to particular needs.

Other evidence of the intent to help the petrochemical industry can be found in the conference report. In discussing the use of the term "distillate" in this legislation, the conferees state:

> It is the committee's intent, however, that this term also reach to include naphtha and benzine, so as to require the allocation of these products as may be necessary to accomplish the objective of restoring and fostering competition in the petrochemical sector of the industry. In this respect the Conference wishes to emphasize that, in expressing Congressional concern with fostering competition in the petrochemical industry, the Committee intends to also identify petrochemical feedstock needs as important end-uses for which allocations should be made.

Similarly, in discussing the allocation of propane, the conferees wish to make sure "that in allocating propane to farmers and others—the President—does not force petrochemical and glass plants across the country to close their doors." It is the express intent of the conferees that the President administer the allocation of fuels—including propane and other refined petroleum products—covered by this legislation in such a way as to avoid the closings of industry, significant unemployment or serious economic stress in specific areas or regions of the Nation.

Unfortunately, there is always the possibility that the President will not act to foster competition and maintain viability in the petrochemical industry. I am hopeful that the clearly enunciated objectives quoted above will give the President and his advisors the needed direction to maintain the viability of our petrochemical industry.

The worldwide energy shortage has seriously decreased our available supply of petrochemicals and plastic feedstocks. The petrochemicals, which uses about 5 percent of total petroleum products, has its very survival in severe jeopardy. I am hopeful that protection of this industry by these allocation provisions can be afforded to the petrochemical industry. It is unfortunate that no industry or segment of the society can expect to get through the present energy crisis with as much petroleum as they might want. With the burden of the shortages spread equitably, the situation is still not a good one, but is a vast improvement over the present one.

I am hopeful that this urgently needed legislation will overcome the pronounced shortcomings imposed on the petrochemical industry by export limitations and phase IV controls.

A BILL TO PROTECT THE CONSUMER AGAINST WORTHLESS MONEY ORDERS, AND FOR OTHER PURPOSES

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 1973

Mr. BROYHILL of Virginia. Mr. Speaker, I introduced a bill today to protect the consumer against worthless money orders. This bill will assure those persons who choose money orders to satisfy financial obligations that they will not be cheated out of their money due to fraud or the financial insolvency of the company from which the money order was purchased. It is particularly applicable to poor people who use the private money order business as a primary means to pay rent, utility bills, car payments, insurance payments, medical expenses and who can least afford to find their payments forfeit and their money gone when the money order bounces. Thousands of poor people, as well as all users of money orders could rely on workable, fair and inexpensive bonding and licensing arrangements to protect them in this important matter with a new measure of security and protection.

Mr. Speaker, this bill provides for the Board of Governors of the Federal Reserve System to promulgate regulations to carry out the bill's intent, and provides criminal penalties for supplying false information or in other ways failing to comply with its provisions. Further, there is established a requirement that those persons engaged in the issuance of money orders be required to post a bond of $50,000 for each State in which he does business with additional amounts required depending upon the number of sales outlets he maintains. In addition, these persons must file an information statement with the Federal Reserve District Office for the State in which he is operating, the content of which would be a matter of public record. Based upon satisfactory performance of these procedures, the issuer would then be granted a certificate of compliance by the Board of Governors of the Federal Reserve System. No one could engage in the issuance of money orders without such a certificate.

Mr. Speaker, I should like to point out at this time that I am fully aware that many States have passed laws regulating the money order business. My bill recognizes this fact in that it permits the Federal Reserve Board to exempt from the operation of the Federal law those jurisdictions who laws in this area are as strong or stronger than those provided by my bill. Therefore, a State could choose to undertake the regulation itself merely by passing a strong law.

Mr. Speaker, I believe this to be a good bill and long overdue. I urge its enactment.

BAN THE HANDGUN—III

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. BINGHAM. Mr. Speaker, the New York Post's November 12 article, printed below, describing the shooting of a 78-year-old man while he was walking his dog and other shooting homicides, illustrates again the horrible consequences of allowing private citizens easy access to handguns. So long as we fail to implement strict gun controls we can do little but offer our sympathies to the victims and families of these vicious attacks:

MAN, 78, SHOT AS HE TAKES DOG FOR WALK

> A 78-year-old Washington Heights man was shot early today while walking his dog near his home. He was in critical condition in Columbia-Presbyterian Medical Center.
>
> Eugene Bunn, of 245 Bennett Av., was walking his dog near W. 192d St., a half-block from his home, about 1 a.m. when an unidentified person fired one shot, striking Bunn in the head, police said.
>
> They said there apparently were no witnesses to the attack, in the hilly upper Manhattan neighborhood near Fort Tryon Park.
>
> Police said no motive could be established. Bunn, who is retired, and his wife took turns several times each day walking the dog, a black and white mixed breed of medium size, according to neighbors.
>
> The couple live on the second floor of a seven-story, 20-year-old building which overlooks rocks and shrubbery on the western side of Bennett Av.

BROOKLYN SHOOTING

> Two hours later, in another shooting, a 27-year-old man was critically wounded in a dispute in a Brooklyn bar.
>
> According to police, Earlitto Perez was shot by an unknown man shortly before 3 a.m. in the Scarlett Lounge at 738 Franklin Av.
>
> In a weekend shootout, a man in his 20s was shot and killed by an accomplice early yesterday when confused gunfire erupted during an unsuccessful attempt to rob Benny's Bar and Grill, 753 Union Av., the Bronx.
>
> The confusion began when a customer at the bar, identified by police as Angelo Caldron, 28, protested the stickup by throwing a bar stool at one of the four or five gunmen.
>
> In the ensuing gunfire, Caldron was slightly wounded and one of the bandits fatally shot the accomplice in the head. The robbers fled empty handed.
>
> In the West Bronx yesterday, a shootout left one man dead and another wounded after an altercation in a tenement hallway at 1910 Davidson Av.
>
> In the ground-floor hallway, police found an unidentified man, about 22 years old, dead with a bullet in the chest. They also found Russell Bannister, 22, a resident of the building, who was wounded with a bullet in the left leg.

THE HONORING OF CHIEF GLENN ADAMS

HON. CLAIR W. BURGENER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. BURGENER. Mr. Speaker, tonight in La Mesa a dinner will be held to honor a man who has served our community as chief of police since 1946. During the years since the end of World War II, Chief Glenn Adams has rendered outstanding service in both his professional capacity as police chief and his private capacity as a generous and concerned citizen.

As the chief of police, Glenn has presided over the expansion of the force from five men to its present 50. He has been an innovative chief of an innovative police force. Under his direction the La Mesa Police Force has updated their facilities, modernized their operation, developed the police ambulance concept and led the way toward higher educational requirements for officers.

As a respected leader in his profession, Chief Adams has served on the California Commission on Criminal Justice, served on the Professionalism Committee of State Police, was named Policeman of the Year by the La Mesa Exchange Club, and is a life member of the California Police Officer's Association.

As a neighbor, Glenn has not restricted his activities to his profession. Among his most noteworthy activities has been his work in the youth for decency movement. He has been involved in many youth oriented activities in the community and in the schools. In addition, he has given many hours to the Edgemoor Hospital as has his charming wife, Ruth.

I am sure that the citizens of La Mesa wish Glenn and Ruth the best of luck in their future endeavors. We have benefited greatly from having them as our neighbors and we are most grateful for their years of devoted service.

MAN AT THE TOP

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. HELSTOSKI. Mr. Speaker, this year, one of New Jersey's leading citizens, Alfred N. Sanzari, has been named "Man of the Year" by the Hackensack Chapter of UNICO International. This award, however, is just one of many given to my friend, Al Sanzari, during his career as one of our State's most respected businessmen and civic leaders.

In addition to having received wide acclaim as one of New Jersey's foremost builders, Mr. Sanzari serves on the board of one of our leading financial institutions, and has been a member of the Bergen County Housing Authority for 8 years.

Today, I salute Al Sanzari and thank him for his endless efforts to make Bergen County a better place for people to live. His neighbors have benefited from his vision, good sense, and integrity.

Mr. Speaker, I wish to share with my colleagues an article which appeared in the October issue of Bergen, the Bergen County Chamber of Commerce monthly magazine. The article, entitled "Al Sanzari/Man at the Top," provides us with additional insight into his successful and diversified career. The article follows:

> Most successful men are content to excel in one field, but that is not the case with Alfred N. Sanzari of Hackensack, who has carved brilliant careers for himself in building, banking and public service. One of New Jersey's most honored builders, Mr. Sanzari is also a member of the board of one of the leading financial institutions in the state and is in his eighth year of service to Bergen County as a member of the Housing Authority.
>
> Usually, when a man is that busy, his family life suffers, but Al Sanzari has proved exceptional here, too. He is a staunch family man who seldom misses a vacation with his wife, Mary, and is devoted to their three sons, two of whom are in business with their father.
>
> Despite his success, Mr. Sanzari is essentially modest and he still lives in Hackensack, where he was born and educated. He left his hometown for service with the Office of Strategic Services in World War II, when he was under the famous Gen. William (Wild Bill) Donovan. Although he is reluctant to speak about his wartime exploits, Mr. Sanzari helped to pave the way for Allied landings on the continent of Europe by contacting partisans and members of the underground.
>
> For a time after the war, it seemed that Al Sanzari would follow a career as a racing driver, for he was skillful at the wheel. He drove until the death of two close friends in racing crashes convinced him that he owed it to his wife and young son to follow a less risky occupation.
>
> He had been involved in the building trades before the war and that experience, plus his foresight, led him into home building to satisfy the great demand for homes arising as the armed forces were demobilized. "I still did some racing," Mr. Sanzari recalled, "but when I started selling homes I knew I would never win the Indianapolis 500."
>
> His interest in racing continues to this day and he owns several racers, including the ones used by his son, David, in amassing a cabinet full of trophies; and he never misses an Indianapolis race if he can help it. Because he knows the pit crews and drivers and appreciates the techniques of the racers, he enjoys the event vicariously, as if he were rolling into Victory Lane himself.
>
> But Al Sanzari is no idle dreamer. He is a realist who knows that excellence in any field demands commitment, concentration and enthusiasm. Perhaps that is the key to his success: He never becomes bored, always looking for new challenges and new frontiers.
>
> As an example of this, he has always been a forerunner among the builders in the country and the state. He was among the founders of the Home Builders Association of Northern New Jersey and he was among the first to advocate that the word "Home" be dropped from the title because he could see other facets of the construction field beckoning.
>
> His Crest Haven Estates development in Wyckoff won an award from the National Association of Builders in 1957, but that did not prevent him from shifting to apartments because he felt that the one-family housing field was becoming saturated and there would be a need for apartments, too.
>
> Consequently, he has built the Clinton Manor Apartments in Dover, the Madison Arms and Yorkview Arms in Hackensack, Nottingham Manor in Montvale, Georgian Arms in Woodbridge, Willow Gardens in Teaneck and at present is developing the Ivanhoe in Hackensack.
>
> This is in addition to hundreds of homes built and sold in New Jersey, Florida and Massachusetts. Unlike some developers, Al Sanzari is a developer-owner so that all his tenants get the personal attention of the builder and are not dealing with a soulless corporation.
>
> It was in the fifties, too, that Mr. Sanzari

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decided to diversify. He felt that the housing market was still strong, but he felt that there also would be a demand for industrial space by companies seeking to tap the vast labor pool that Bergen County represented. As a result, he was one of the first of the successful post-World War II home builders to shift to the commercial and industrial construction field.

"Land that wasn't suitable for homes or apartments could be used for light industry or warehouses, I thought," Mr. Sanzari said, "and I felt that it would be a natural step in the growth of the county. Many towns that were seeking tax ratables did not want apartments, but they would take an attractive industrial building, so I put on another hat and went into the industrial construction field."

At present, Mr. Sanzari owns three industrial parks, comprising more than 200 acres and approximately 47 buildings, representing a multi-million dollar investment. All but 60,000 square feet of that space is leased to top-rated tenants who have exercised renewal clauses in virtually every case because they like doing business with Al Sanzari.

When he began looking for industrial land, he evolved a standard that came to be known as Sanzari's Law. The axiom goes this way: "If you can stand on the property a real estate man is showing you and you can see the towers of the George Washington Bridge or the Empire State Building, buy it." The formula has proved remarkably successful.

His first industrial park was in Little Ferry and because he was broadening his horizons, he called it the Horizon Industrial Park. His next move was farther south to the meadowlands area of South Hackensack, where he created the Horizon South Industrial Park. The consistency of names is an indication of Mr. Sanzari's loyalty; he seldom changes subcontractors and has had the same advertising agency for the last 25 years.

Mildred Cantrella, the controller for the many-faceted organization that has become known as Sanzari Enterprises, has been in Mr. Sanzari's employ for 23 years. Of late, some of the tasks Miss Cantrella performed in the past have been taken over by Bruce Seiden, (a former employee of Touche-Ross, the leading accountants), who is director of finance.

Miss Cantrella is concerned with cash flow, billing and the like, while Mr. Seiden works on mortgage placement, subcontractor bids and leasing. His leasing on the industrial side at present consists of finding a tenant for the one remaining building in the Horizon North Industrial Park in Norwood. After the buildings are occupied, they come under the supervision of Dominick Mancini, another long-time employee, who is income property manager.

The Norwood industrial park, developed along the lines of a college campus and dotted with companies engaged in research, represented another aspect of Mr. Sanzari's ability to anticipate the market. With meadowlands sites skyrocketing in price and with title questions cloudy there, he decided to turn to the northern part of the county, which, at that time, had virtually no industrial parks.

The Borough of Norwood had some low land that nearby residents used for a disposal area and although it was just off Broadway, the town fathers were not hopeful about its future. They weren't looking at the land with the visionary eyes of Al Sanzari, though.

"Actually, the big problem was drainage," Mr. Sanzari said. "I thought the proper engineering could solve the problem and could turn the tract into an attractive and valuable piece of property."

This has proved the case, but a lot of ingenuity went into the creation of the Norwood showplace. For instance, living trees were moved to new locations on the site by bulldozer, a feat made possible by the wet conditions of the property. Such a stunt had never been attempted before, but the gamble paid off and only three of 14 trees so moved failed to bloom.

It was just about the time of the Horizon North development that Mr. Sanzari was getting more deeply involved with service on the Bergen County Housing Authority. The authority was becoming an active sponsor of development rather than just an administrative and advisory body and Mr. Sanzari's knowledge of building and construction was called on to save the county and its residents seeking shelter time and money.

Meanwhile, his career in banking was flourishing, too. He was induced to join the Board of Directors of what was then one of the smallest banks in Hackensack, City National Bank, by Harvey J. E. Milkon, an associate from the Builders Association. The bank grew and prospered and was taken over by First National State Bancorporation, New Jersey's first billion-dollar financial institution. Mr. Sanzari continued on the board of the First National State Bank of North Jersey, the designation for the multi-bank operation that grew out of City National.

Besides being a board member, Mr. Sanzari has been also one of First National State's best customers. He arranged through the bank the financing of the Ivanhoe, the $7-million apartment on Beech Street and Overlook Avenue in Hackensack. This 24-story building, at present Hackensack's highest, towers over other structures in the area for other reasons besides height. The Ivanhoe represents a breakthrough in construction, with a design-system evolved by Massachusetts Institute of Technology with a grant from U.S. Steel.

Again vision played a role in a Sanzari enterprise. When the design system was explained to him, Mr. Sanzari could see the savings in time and labor costs that would be possible. He knew the apartment market was highly competitive, but he felt the new design would enable him to pass on considerable savings to his tenants in the form of lower rentals.

Schrenko Steel of Upper Saddle River put the system into operation, adapting new techniques to make the most of the new design. Basically, the system involves the use of staggered steel trusses and precast concrete panels, with the staggered trusses allowing for wider open spaces and consequently larger rooms.

Only 11 months elapsed from the start of construction to the opening of model apartments, a record for even a fast builder like Mr. Sanzari. To pass on the savings in financing costs and labor, he evolved a "package rental plan that included all charges—costs of cooking fuel, heating, air-conditioning, wall-to-wall carpeting, membership in swim and health club and space in the security-operated underground parking garage. Comparison shopping shows that no competing apartment can touch the Ivanhoe, where rentals start at $230 for a studio unit.

"Bruce Seiden and David Sanzari deserve credit for expediting work on the Ivanhoe," Mr. Sanzari said. "I told them timing is important and that the key to a successful operation is turning a debit to a credit as soon as possible. They've done a fine job of carrying out orders, following instructions and taking the initiative."

Never content to be doing one thing at a time, Mr. Sanzari was preparing another venture even while the Ivanhoe was being erected. This involved the building of a hotel on the site of the Stagg farm, a holding dating back to the Dutch colonization of Bergen County. A farmhouse whose foundations are 275 years old stands on the property and Mr. Sanzari offered to donate the structure to any historical society that was willing to move it. To give the various interested parties time to make arrangements, he delayed groundbreaking at the site three times.

"I would like to see some remnant of Bergen Country's past preserved," Mr. Sanzari said. "I'm perfectly willing to give the structure away, but I don't think the past should stand in the way of progress."

Perhaps that is his whole philosophy: Never stand still, keep moving ahead. It's a code of action that has won him many honors, including a place in the Hall of Fame of the Builders Association of New Jersey, designation as "Builder of the Year" in 1965 by both the state and the regional builders' group and selection this year as "Man of the Year" by the Hackensack Chapter of UNICO. He has served the Builders Association of Northern New Jersey as president and is still on the board of directors of the regional group, the state organization and the National Association of Home Builders.

A unique personality, Al Sanzari enjoys the confidence of not only management—as represented by the builders—but also of labor—as represented by the trade unions. As a result, he is a trustee for the Bergen County Masons on both their pension fund and welfare fund and holds the same position with the Bergen County Laborers and carpenters. He is a great believer in apprentice programs and has fostered the training of new men in the crafts by serving on the apprenticeship committees of the three unions, also. Another tribute to his character is his recent appointment to the Hackensack Rent Control Board.

Despite his success, Al Sanzari never forgets his humble origins and his family. His brothers have been his business associates for years and a memorial plaque to John Sanzari, killed last year in a construction accident, hangs in his office on West Franklin Street. Another brother, Pat, has been a vice president and consultant to Sanzari Enterprises for 25 years, but more than that he has been a confidant who never fails to be encouraging in addition to David, another son, Ben, is part of Mr. Sanzari's business. His other son, Alfred Jr., is in business for himself.

Mr. and Mrs. Sanzari have a home in Hallandale, Fla., and are looking forward to moving into a penthouse atop the Ivanhoe, where they'll have a striking view of both the New York skyline and the Ramapo Mountains. Mrs. Sanzari, his high-school sweetheart, says her husband hasn't changed much over the years and is unlikely to be different living in a penthouse. It seems that although Al Sanzari might wear many hats, his head size hasn't changed any because of his many successes.

RESTORE TRADITIONAL DATES

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. DULSKI. Mr. Speaker, as a sponsor of H.R. 5981, to restore the traditional dates of Memorial Day to May 20 and Veterans Day to November 11, I still hope to see action taken on the legislation by next May.

Changing the traditional observance date of Veterans Day has caused particular distress among the group most concerned with it. Our Nation's veterans have, in fact, continued to hold ceremonies on November 11 to honor their fallen comrades. This past Sunday such commemorations were conducted at Arlington Cemetery and all across the country.

In view of the strong feelings about the original Armistice Day and Memorial Day dates, I strongly urge Congress to exempt these days from the "Monday holiday" law.

The following is a newspaper article, describing this week's observances in Erie County, N.Y.:

VETERANS' GROUPS MARK THE ORIGINAL DAY TO HONOR THE NATION'S WAR DEAD

A number of services honoring veterans were held in respect to tradition Sunday, on the date which had been observed as Veterans Day for many years.

The American Legion is on record in opposing a "blatant disregard for historical fact" in changing the traditional Veterans Day observance date from Nov. 11, its county commander said in 9.30 a.m. ceremonies at Forest Lawn Cemetery.

Cmdr. Leroy L. Winkelsas spoke during a wreath-laying ceremony at the Legion Monument. The holding of the service at that time was, in itself, a protest against moving the observance of what originally was designated as Armistice Day from the date on which World War I ended to the fourth Sunday in October, for the expediency of a three-day weekend.

"Unfortunately for the world," Winkelsas said, "the name of Armistice Day proved all too fitting. According to the dictionary definition, the word armistice means a brief cessation of hostilities, and that is what America experienced."

GRAVES DECORATED

The talk was preceded by decoration of veterans' graves. Wreaths also were laid at the monument by Mrs. Annette Klubek, chairman of the ladies' auxiliary of the Legion, and Robert Trowbridge, chef de gare of the 40 & 8 Society.

Others participating were the Rev. Raymond J. Koslowski, county chaplain; Joseph S. Serba, Jr., county bugler; and the Minute Men Firing Squad of Troop I Post.

At the traditional Veterans Day dinner, held Sunday night at Niagara Frontier Post 1041, 533 Amherst St., Winkelsas received the official warrant of county commander. Joseph Paris, director of the Veterans Administration Hospital, was the speaker.

VFW DONATION

At Rich Stadium in Orchard Park, Erie County Executive Edward V. Regan and others participated in a ceremony before the start of the Bills-Bengals football game, dedicating a veterans' memorial. It is a bronze plaque which will be placed on a boulder at the Abbott Rd. entrance to the stadium.

The monument was provided by the posts of the Erie County Council, Veterans of Foreign Wars (VFW), on behalf of all veterans. Replicas were presented to officials of the Bills football club and the county.

County commanders of the American Legion, VFW and Amvets, as well as other representatives of the county and the Bills, also participated.

The United Veterans Committee of Buffalo and Erie County held a ceremony honoring the nation's veterans at 11 a.m. at the Doughboy Monument in front of the State Armory, 184 Connecticut St.

Hamburg Post 527, American Legion, held ceremonies in the post at 11 a.m., and a dinner at 6:30 p.m.

Members of Riverside Post 1010, American Legion, attended services at Forest Ave. Christian Church at 11 a.m., which was followed by a brunch at the post, 40 Hartman Pl. Members then conducted services at monuments in front of Riverside High School, in Riverside Park and at the park's casino.

MEMORIAL ON SPAN

The United Veterans' Council of the Tonawandas held an observance at the World War I Monument in the center of the Bascule Bridge between Tonawanda and North Tonawanda at 1 p.m. A wreath was cast into the Barge Canal by members of the Marine Corps League.

The council also sponsored a program at 2 p.m. in the council chambers at Tonawanda City Hall, including a band concert. A special plaque was presented to the Rev. Charles W. Hobbs, minister of the United Church of Christ of Pendleton, for his services to the council for the past 15 years.

At 4 p.m., a flagpole donated by the Boston Amvets Post to Post 26 Amvets, 600 Ward Rd., North Tonawanda, was dedicated at the latter location.

CONTINUING EDUCATION FOR WORKERS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. FRASER. Mr. Speaker, continuing education is becoming an increasingly important aspect of the education process. It is a necessary process for professionals as evidenced by the many updating seminars and meetings held by professional organizations. Continuing education makes sense for senior citizens. Young people take advantage of continuous or continuing education. Why not continuing education for workers?

The following article appeared in the November 1973 issue of the Progressive. It tells about a program of continuing education for French workers. I commend it to my colleagues:

EDUCATING FRENCH WORKERS

Betty and Francoise are secretaries performing stultifying chores at insurance firms. Although Betty works in New York City and Francoise in Paris, their daily routines are surprisingly similar. Every workday morning, each is faced with stacks of boring letters and forms to type for her employer. They share the nine-to-five doldrums and the prospect of a daily round-trip on rush-hour subways. Each is entitled to three weeks of paid vacation a year, plus ten days of sick leave with pay. They spend unoccupied moments thinking about the vacation, which always seems remote.

The only major difference between them is that next year, while Betty attempts to get one extra week off and perhaps applies for a job as secretary to the assistant marketing manager, Francoise will be studying poetry, full-time, at the Sorbonne, at almost her full salary, with no loss of job seniority. In France, thanks to a recently introduced education program, Francoise's year of study is not a privilege extended by her employer; it is her right.

The program is called *"la Formation Permanente"* (Continuing Education). It became law in July 1971, and is credited to Jacques Delors, who served in the government under former Premier Chaban Delmas, Basically, the law entitles every French worker who has been employed by a firm for more than two years, and who has not received a degree in the last three years, to one year of full-time, or 1,200 hours of part-time, study or training, financed by the worker's employer and the government. The study or training program may, but need not necessarily, be work-related. Thus, theoretically, an auto mechanic may study philosophy, poetry, mathematics, or other equally "useless" subjects at his employer's expense. If the employe is less than eighteen years of age, he or she need have been employed by the firm for only six months. The program covers not only the nineteen million French agricultural and industrial workers, but the almost two million foreign workers in France as well. Only employes less than five years from retirement are ineligible. Although government workers, with the exception of school teachers, are not currently covered, a similar education program is being developed for them.

During the program's first year of operation, an estimated 300,000 workers were enrolled in full or part-time study or training. Officials estimate that half a million workers throughout the country will be participating this year.

Although many American vocational schools, community colleges, and university extension programs offer free or low-cost educational opportunities, neither the American employer nor the Government is legally bound to pay workers' salaries while they study. In France, Continuing Education is financed by the government and employers. Under the law, employers must now invest 0.8 per cent of their gross payroll in worker study. By 1976, the law calls for employers to spend two per cent of their total payrolls on the project, ensuring that workers can study and still earn almost their full salaries. During the study period the government contributes to the worker's social security account.

The program is unique. And it is especially remarkable since it was developed in France, a nation not known for progressive social legislation. There was opposition to the plan when it was proposed. Though many employers supported the concept of manpower training, they doubted that workers should have the "right" to study non-job-connected subjects. Gradually, however, France's major industrialists realized that Continuing Education was good for business, since most workers would probably choose to study job-related subjects. In addition, employers sensed that the program would migrate worker alienation and dissatisfaction, which had contributed substantially to the turmoil of May 1968, when French shops, factories, and universities were closed by anti-government strikes and street fighting.

Educators feared the program would place an insupportable strain on resources of the already overburdened and underfinanced university system. Thus, some worker education programs, it was argued, would be left to industrialists to establish themselves and to *merchandes de soupe*—those "soup merchants" who would profit by setting up courses and collecting tuition fees. The government, however, anticipated the potential educational rip-off factor, and provided that a special division of the Ministry of Labor would be responsible for certifying all study and training centers. If a program does not have the government's approval, it cannot receive employers' francs. As it turns out, business seems to be booming in the Continuing Education field. Universities have strengthened extension programs; in areas without a university, several companies have joined together to set up job-connected training requested by their employes.

The major problem encountered so far is human inertia. The government has launched a broad campaign of educating the working population about the new program, but has encountered some difficulties in interesting its citizens in returning to school and taking advantage of their new right. French workers, moreover, are still suspicious, despite legal guarantees, that enrollment may result in forfeiture of a desired promotion or withholding of a salary increase. Thus, even though the program is

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being filled, retraining centers have not been deluged, as was predicted, by hordes of applicants.

Continuing Education, which gets such limited backing in the United States, has created quite a stir in Europe. Several Common Market nations—the Netherlands in particular—have been observing the program's progress with great interest. French officials predict the program will eventually spread throughout the Market countries.

French industry has come to view its monetary contribution to the program as a means of bringing the French working force into the Twentieth Century. French companies, above all, recognize that the labor force must be "industrialized" if France is to continue its rapid rate of economic expansion. An alienated work force, whose skills are antiquated and technologically unsophisticated, would inevitably limit economic growth. The government's commitment to the program is demonstrated by its willingness to permit up to two per cent of the labor force to be enrolled in the program in any single year, though France, with an unemployment rate of only 2.3 per cent (generally considered full employment by economists), imports foreign labor.

The program has also served to buy off the leftist sentiments of many French workers—in a country in which about forty per cent of the population voted Communist or Socialist in the last election. French unions, whose rhetoric, at least, is much more left-oriented than that of their American counterparts, originally objected to the education project on ideological grounds: they did not want to be "integrated" into the capitalist system. The program's creator, Delors, denies that unions have impeded the project, but government officials report that, even now, unions are reluctant to support it.

Nevertheless, by any measure, *la Formation Permanente* is a stroke of genius on the part of the French government. It provides French workers an opportunity to train for their own advancement or cultural enrichment, and it helps France to increase worker productivity and counter worker discontent.

CALL FOR ACTION AGAINST POLLUTION

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. DERWINSKI. Mr. Speaker, special concern to the residents of the Chicago metropolitan area is a problem on pollution in Lake Michigan. Every effort must be taken to preserve this Great Lake from the pollutants from the Northern Shore suburbs and Wisconsin.

A very timely editorial was carried by Chicago radio station WIND which directs special attention to the complications involved.

[Broadcast Nov. 2–4, 1973]

POLLUTION

(By Philip E. Nolan)

On a recent Call for Action show on WIND, Dr. David Comey made a simple, but often overlooked, point about pollution and Lake Michigan.

Almost no pollution is caused by Chicago, primarily because Chicago pollutes the Chicago River and it flows Downstate. The culprits, in the case of Lake Michigan, are the North Shore suburbs and Wisconsin.

Dr. Comey is Director of Environmental Research for the Business and Professional People for the Public Interest and he says the chief battleground in the fight against pollution is no longer demonstrations and public events, but the courts.

Both of Dr. Comey's points were focused the other day in a major victory. A Federal Judge ruled that Illinois could sue Milwaukee in Federal Court on grounds it is polluting the lake.

We believe the Judge is right. Polluters should not be able to hide behind technicalities, nor use statelines as an escape.

Hopefully, the decision will speed the mutual concern of Wisconsin and Illinois for our environment.

A NATIONAL TRIBUTE TO THE CLERGY AND PARISHIONERS OF ST. MARY'S ROMAN CATHOLIC SLOVAK CHURCH OF PASSAIC, N.J., DURING ITS 80TH ANNIVERSARY CELEBRATION

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. ROE. Mr. Speaker, earlier today I called your attention to the centennial celebration of the city of Passaic in my Eighth Congressional District, State of New Jersey. During 1973 our people are also celebrating the 80th anniversary of the founding of St. Mary's Roman Catholic Slovak Church located in the city of Passaic. I am honored and privileged to call this historic event to your attention also and request that you join with me in saluting our citizens of Slovak heritage who over these past 80 years have, by their example, engendered the esteem and respect of the residents of my congressional district and the State of New Jersey their steadfast faith, hope, and charity in promulgating the richness of their religious culture through the establishment of St. Mary's Roman Catholic Slovak Church.

Mr. Speaker, I know you and our colleagues here in the Congress will want to join with me in extending our heartiest congratulations and best wishes to the pastor of St. Mary's, Father John J. Demkovich; associate pastor, Father Augustine Sklenar, S.D.; and pastor-emeritus, Msgr. Andrew J. Romanak, P.A.; and all of the members of St. Mary's congregation on this historic occasion.

The quality of the leadership of members of the most reverend clergy and our citizens of Slovak heritage who settled in the city of Passaic, N.J., and founded St. Mary's Church is most eloquently intertwined in the history of the church which appeared in the city of Passaic's centennial journal under the authorship of the most distinguished editor of New Jersey's highly prestigious Slovak news publication, the Slovak Catholic Sokol. It gives me great pleasure to request your permission to place this statement on the history of St. Mary's Catholic Slovak Church at this point in our historic journal of Congress, as follows:

ST. MARY'S ROMAN CATHOLIC SLOVAK CHURCH OF PASSAIC, N.J.

For the priests and parishioners of St. Mary's Roman Catholic Slovak Church, located on Monroe and First Streets in Passaic, it is a three-fold celebration: The Centennial of our City, the 80th anniversary of the establishment of this beautiful church and the Golden Jubilee of its pastor-emeritus, Msgr. Andrew J. Romanak, P.A.

The Slovaks settled in Passaic permanently on December 19, 1879. They established their first Society of St. Stephen in 1882, and the Parish of St. Mary was established in 1893. Father Samuel Bejla of Bayonne, N.J., celebrated the mass for them, in the basement of St. Nicholas Church. In 1894, Father Bernard M. Skulik was appointed their pastor. He was followed by Father B. Kwiatkowski and Father Joseph L. Ligday, who started a Sunday School under the church, for the children. After his departure, Father John Sheppard of St. Nicholas Church was administrator. In April, 1896, Father John E. Polyakovics was appointed pastor. He started a regular school under the church, with an organist as teacher. He was followed by Father Ignatius J. Jaskovitz, who was the first Slovak parish priest in America. In late summer of 1898, Father Emery A. Haltinger was appointed pastor and remained in the parish for 24 years. A beautiful church was built during his pastorate in 1902 and dedicated by Bishop John O'Connor in 1903. In 1922 Father D. Salamon was appointed pastor and served until his death in November, 1945. He was followed as pastor, by Msgr. Andrew J. Romanak, A.P., who after reaching the mandatory age of 75 retired in December, 1971 and Bishop Lawrence B. Casey appointed the present pastor, Father John J. Demkovich.

The Sisters of St. Dominic from Mt. St. Mary on the Hudson, Newburgh, N.Y. were invited to teach in the Parochial School by Father Haltinger and have taught several generations for the glory of God and the benefit of mankind.

A new school was erected in 1929 and served as Pope Pius XII Diocesan High School until the new high school was erected. The Parish is blessed with many sons and daughters, who entered the service of God and their country. God Bless and protect our city and its inhabitants.

Mr. Speaker, we do, indeed, extend our congressional salute to the pastor, Father John J. Demkovich and to all of his associate priests, sisters, and parishioners of St. Mary's Roman Catholic Slovak Church of Passaic, N.J., in national tribute to the elegance of their faith and outstanding good works on behalf of our fellow man which has truly enriched our community, State, and Nation.

NIXON'S POLICY ON ENERGY: BLAME CONGRESS

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. OBEY. Mr. Speaker, the column by Roland Evans and Robert Novak in Monday's Washington Post examines the administration's handling of the energy crisis and efforts by the President to blame Congress for causing the crisis. On the first score, Evans and Novak conclude:

There is, therefore, a one-word answer to the question of who is running the government's energy policy: nobody. The consequence is a sloppy, sluggish performance by the Administration which scarcely supports Mr. Nixon's attempts to blame the crisis on Congress.

Indeed it does not. As for the rest of it, Evans and Novak point out that the President ignored Senator HENRY JACKSON's letter of June 1972, warning about U.S. dependence on Middle Eastern oil, and also did nothing about Senator JACKSON's call last December that he name an energy adviser.

Last week, Majority Leader THOMAS P. O'NEILL, JR., replied to the President's charge by declaring:

If anything, this Congress has done more about energy than the Administration.

He noted that the President is only now using the standby authority to make mandatory fuel allocations that Congress gave him last April, and that the bill requiring him to allocate fuels has taken so long to pass because the administration deliberately stalled it through the summer and fall.

In terms of initiatives, consider the President's promise of June 29 to devote an extra $100 million to energy research in the current fiscal year. His promise was made 2 days after the House had voted an additional $23.6 million for coal resource development, geothermal energy research, and other energy research in the interior appropriation bill, over and above the President's request. The Appropriations Committee report had declared:

The Committee believes that a vigorous energy research program in all areas of energy use, resource management, and conservation is vital if Government and industry are to provide the Nation with a sustained and reliable energy supply in the future. The 23% increase in energy research provided in this bill will help reach this objective.

Mr. Speaker, I include the Evans and Novak column at this point:

MR. NIXON'S POLICY ON ENERGY: BLAME CONGRESS

(By Rowland Evans and Robert Novak)

An elite group of 32 businessmen invited to the White House last Wednesday for an advance peek at the new energy program also became witnesses to a momentary clash between President Nixon and his domestic counselor, Melvin R. Laird, which reveals much about both the administration's handling of the energy crisis and its general strategy.

Laird was listing energy legislation now in the congressional pipeline when he was interrupted by an obviously irritated President. "But there's nothing on my desk now, is there?" Mr. Nixon asked his counselor. The impression given the businessmen: While Laird was trying to solve the fuel shortage in close cooperation with Congress, the President wanted to blame Congress for causing the crisis.

This contrast between the President and his counselor transcends the energy crisis. But in this case, the presidential attempt to lay blame on Congress particularly infuriates Democratic leaders on Capitol Hill who believe their early warnings about the energy crunch were ignored by the White House. In truth, key administration officials admit the President delayed until it was too late to prevent disaster. Even at this eleventh hour, the administration's handling of the crisis seems fuzzy and uncoordinated.

Sen. Henry M. Jackson (D-Wash.), chairman of the Senate Interior Committee, can claim to be the leading Cassandra. His June 13, 1972, letter to the President warning about U.S. dependence on Middle Eastern oil was ignored. So was Jackson's Dec. 10, 1972, call for Mr. Nixon to name an energy adviser.

One reason why Jackson's warnings went unheeded was that domestic policy chief John D. Ehrlichman then tightly controlled decisions on energy as on everything except foreign affairs. Besides being spread thin by trying to monopolize domestic policy, Ehrlichman was busy attempting to keep from going down with the Watergate wreck when energy decisions were needed.

When Ehrlichman finally fell last April, the dominant administration voice in the energy field became Deputy Secretary of the Treasury William Simon. A Wall Street investment expert, Simon at first opposed mandatory fuel allocations but later was convinced by Jackson and other congressional leaders of their necessity.

But on June 29 Gov. John Love of Colorado was appointed energy adviser and quickly ruled against mandatory allocations, delaying for weeks what Democrats in Congress long had been urging. Meanwhile, Simon disappeared from the energy picture along with his valuable expertise. As the crisis deepened last week, Simon was in Nassau attending a Time, Inc., seminar.

Love, popular and well regarded as governor, has been an almost totally unrelieved disappointment here. Even administration officials admit he lacks the background, temperament and governmental powers to be energy adviser. In fact, he does not want the power. One proposal to consolidate the government's scattered energy policymaking functions under him was killed by Iowa.

There is, therefore, a one-word answer to the question of who is running the government's energy policy: nobody. The consequence is a sloppy, sluggish performance by the administration which scarcely supports Mr. Nixon's attempts to blame the crisis on Congress.

When Jackson on Oct. 17 unveiled his legislation for fuel self-sufficiency, Love's office replied it would soon send up its own bill. But one week later, Laird informed Jackson that the many government departments involved had not agreed on anything. That same day, Love told the Senate Interior Committee the administration had no contingency plans in case of an Arab oil cut-off.

Mr. Nixon might not have avoided the crunch even had he heeded Jackson's first warnings. In any event, it is too late now to avoid terribly painful economic consequences resulting from the Arab cut-off. ("It's going to be wild in a few weeks," predicts one consultant who advises the administraton.)

Nevertheless, almost everybody concerned believes Mr. Nixon should belatedly put somebody in charge of the crisis to at least minimize the economic dislocation. In business circles, Secretary of the Treasury George Shultz is talked about as the best choice. But Shultz, overburdened now as Mr. Nixon's economic adviser, does not want the job and probably won't get it.

Besides, the White House seems more interested in goading Congress. Rep. Torbert Macdonald (D-Mass.), chairman of the House subcommittee handling energy legislation and a critic of the President's energy policies who was not invited to last Wednesday's briefing. Macdonald said nothing publicly but, in private, trumpeted his rage in unprintable language. Although the snub to Macdonald might well be the product of now familiar incompetency at the Nixon White House, it also coincided with Mr. Nixon's desire for a cold war with Congress while a fuel-short nation faces a freezing winter.

RESTRICTING USE OF GOVERNMENT LIMOUSINES

HON. WILLIAM H. HUDNUT III

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. HUDNUT. Mr. Speaker, today I am introducing on behalf of the distinguished gentleman from Texas (Mr. ECKHARDT) and myself a House concurrent resolution expressing the sense of Congress regarding the use of chauffeur driven limousines by the Federal Government.

Our resolution calls on all agencies of the Federal Government to issue regulations severely limiting the use of chauffeur driven limousines and to provide that the motors of such limousines must be turned off when such limousines are parked and occupied only by the drivers.

The basis of this resolution concerns three significant points. Namely, the need to conserve gasoline; the need to prevent air pollution, and the ever present need to curtail unnecessary spending.

On one day early this fall, a beautiful clear day when the temperature was 76 degrees in Washington, I noted several chauffeur occupied limousines in the Rayburn Building horseshoe after coming back from a subcommittee meeting with reference to the Clean Air Act. The motors of these limousines were running. This not only contributed to air pollution, but also wasted gasoline.

At this time, when our attention is turned to the great need to conserve fuels, I feel the Federal Government should set an example. Passage of this resolution would be a step in that direction.

NEW INCOME FLOOR FOR SOCIAL SECURITY

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. STOKES. Mr. Speaker, I wish to draw attention to the little-known fact that some 27,000 Clevelanders and an estimated 2.8 million people nationwide, may miss out on a new Federal income supplement program, if they are not made aware of new, liberalized eligibility requirements.

The supplementary security income program—SSI—which will go into effect in January, can benefit thousands of people in my city who are either over 65, blind, or disabled. The AFL–CIO is to be commended for spearheading on national campaign to bring the news to the people who may not have heard, due to lack of publicity. AFL–CIO social security Director Bert Seidman has termed the program "a landmark in the history of American social legislation."

It sets a national income floor for per-

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sons in those categories of over 65, blind, or disabled, who live on $130 a month—individually—or $195—for a couple. Because of exclusions of portions of earnings and other income, many persons with income above those levels will still qualify for supplementary payments.

Starting in January, 1974, the Federal Government will take over both the financing and operation of the now jointly financed Ohio and Federal social security program at the $130 and $195 income guarantee level.

Those already under the Ohio State program as of November 5, 1973, will be automatically covered come January. They do not have to submit a new application.

But because of the generally liberalized eligibility standards set by the Federal law, an estimated 27,000 Clevelanders not now under the State program can qualify.

I quote from the AFL–CIO news article:

> The 65-year age requirement does not apply to persons who are either (1) blind, which is defined as having vision no greater than 20/200 with glasses in the better eye or (2) disabled, defined as unable to do any kind of substantial paid work because of a physical disability which can be expected to last at least 12 months or to end in death.
>
> They must have incomes of less than $130 a month for single persons or $195 for couples. But excluded from calculating income are:
>
> The first $65 a month of wages or self-employment income.
>
> The first $20 a month of other income, a category which would include social security or pension benefits. Thus a person receiving a $100-a-month social security payment could exclude $20 of it and receive the difference between $80 and the federal guarantee of $130, plus any additional supplement that might be provided by his state.
>
> While applicants may not have assets of more than $1,500, this limitation does not apply to a home and car of reasonable value, personal possessions and life insurance with a modest cash surrender value.

I have stocked my district office with two HEW pamphlets which further explain the new supplementary income: "Your Claim for Supplemental Income" and "Supplemental Income for Disabled, Blind and Aged."

It will still be possible to apply in January for January benefits, according to the Cleveland office of the Social Security Administration. But the sooner newly eligible people apply, the sooner they will benefit.

The Social Security Administration has 8 local offices in the Cleveland area: main office, 1240 East 9th Street, room 793; 50 Severence Circle—suite 300; 10645 Euclid Avenue; 1024 East 152d Street; 6405 Superior Avenue; 9333 Miles Avenue; 2012 West 25th Street—room 810; and 6315A Pearl Road, Parma Heights.

THERE MUST BE A BETTER WAY

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. BAUMAN. Mr. Speaker, Thomas Jefferson had a healthy respect for the good commonsense of rural Americans, which I certainly share with him. An example of this commonsense is contained in a recent editorial from the Kent County News in my district which comments on the pitfalls of socialized medicine and Government interference in the medical profession. The editor of the News correctly concludes that a takeover from Washington of our health care is not the answer.

I insert, at this point, the editorial from the Kent County News:

> A BETTER WAY
>
> Americans are a notably independent people. Oddly, in all the discussions of programs proposing compulsory government health insurance, very little is said about just how the nation's doctors, a highly individualistic group of citizens, are to be harnesed to the will of government. An inkling of what could happen has been revealed in a survey of almost 100,000 physicians by the American Medical Association.
>
> The survey finds, according to The New York Times, that, "A majority of American doctors are disgruntled at Federal health programs and one third would boycott a nationalized health system if it were set up. . ." The survey showed that more than 35 per cent of the doctors who responded said they would either refuse to practice in a nationalized health system or would leave the practice of medicine altogether if such a system were created.
>
> Medical men, by tradition and training, are a dedicated group of individuals. Within our voluntary, pluralistic health care system, their sense of duty leads them into working man-killing schedules. Their devotion to the highest standards of medical skills and to the cause of healing the ill is legendary, but the notion that they would accept compulsion is presumptuous, to say the least. Why should a doctor, who has spent a good portion of his life and a veritable fortune acquiring the knowledge and the skills of his profession, be expected to bow to the dictates of government bureaus and bureaucrats? It just doesn't make sense. And that is why the shadow of nationalized medicine that has been held over doctors for so many years has been called an "Insidious Threat" to the quality of medical care.
>
> There is a better way to assure continued medical progress and that is through programs, government or otherwise, that seek to build on the merits of the existing system—a system that has brought unparalleled advances in the medical arts.

THE REAL TRAGEDY OF WATERGATE

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. ROONEY of Pennsylvania. Mr. Speaker, for more than a year a seemingly endless chain of disclosures of illegal acts, dirty tricks, efforts to obstruct justice, abuse and misuse of campaign contributions, and much more involving men at the very highest levels of our National Government has slowly but surely eroded the confidence of many Americans in their Government.

They question not only the competence and integrity of leadership but they question, too, the apparent total disregard for law, order, and justice by so many who wielded ominous power and authority in elective and appointive offices.

I sincerely hope, Mr. Speaker, that none of us in the Congress will grow complacent or apathetic toward the need for totally independent investigation and vigorous prosecution of illegal acts involved in this whole sordid affair. Each one of us should not only be deeply concerned, we should be earnestly alarmed by the terrible impact events of the past several years are having upon our citizens.

At no time has this been made more apparent to me than in a letter I received recently from an elderly, retired gentleman, living on his social security income, agonizing over demands upon his own limited resources as well as the current state of morality and integrity among leaders of his Nation.

He wrote, in part:

> I bought a used car about 1 year ago which the garage man told me the second time he worked on it, "get rid of it, it is a lemon." I had it out to (dealer's name omitted) who sold it to me and all they did was put a can of oil sealer in it while it was under guarantee.
>
> I spent over $200 on this car before I ever had 300 miles on it, now it is rusting away like hell. My garage man told me about 3 months after I bought it that it needed a motor overhaul, cost $225 more.
>
> (Dealer's name omitted) is in your district, Fogelsville, Pa. Now this is the stupid part of this letter. The way things are going on in this country, I feel like beating the hell out of him and then committing a lesser crime also. Could I get away with pleading guilty to the lesser crime and get the same sentence as Agnew?
>
> I know this sounds silly but the way the country is going now, I am losing all my faith in our government

He goes on to urge prompt impeachment of the President and then adds this postscript:

> I was honest all my life but now I am changing views. I know this is a stupid letter but bear with it and please answer it. I always had faith in you.

Mr. Speaker, we must be concerned about this very real crisis of confidence—a loss of confidence in our national leadership, a loss of confidence in the fair and impartial dispensing of justice in America, a loss of confidence in our political institutions.

In my view, we in Congress simply cannot afford to tolerate any longer the attitudes, the activities, and the actions which have brought our Nation to this sorry state.

COMPUTER PROGRAM UTILIZING TRAINING AND EDUCATION, INC.

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. KEMP. Mr. Speaker, I wish to bring to the attention of my colleagues the synopsis of a project which has been proposed for implementation in the Economic Development Administration's designated special impact area in Buffalo, N.Y. It is the brainchild of William Snyder, a well-known and respected

Buffaloian, and the project would utilize the data processing industry to provide both training and employment to inner city residents.

If implemented, it would be a tremendous bolster to the tight job market which exists for unskilled and semiskilled labor in the S.I.A. area. I therefore welcome the opportunity to share the following synopsis with my colleagues:

> SYNOPSIS
>
> Title: Computer Program Utilizing Training and Education, Inc., "Com-Pute." Location: In S.I.A., City of Buffalo. Cost Estimate: $700,000. Description: This multipurpose business development/training program developed for and located within the Greater Minority Community of Buffalo, New York as designated by the boundaries of the Buffalo Model Cities Agency and the Erie County Special Impact Area, will have short range and long range goals to be accomplished in the following manner: Short Range Goals: Will provide immediate employment and training for 10–15 unskilled semiskilled and skilled persons who will form the nucleus of the joint venture staff. Long Range Goals: Will ultimately be developed into an Electronic Data Processing School providing continuing education for "disadvantaged" persons in data processing and related skill areas.
>
> Another goal will be the establishment of a supportive service bureau to sustain the educational/training program, by developing and marketing data processing services and related skills in allied areas, on a multidimensional level in time-sharing to commercial accounts, governmental (city and county), and social service related agencies, i.e., hospitals, schools, CAP organizations, etc. Assistance is needed to accomplish the final program development, staff training, and organization of equipment and materials, etc. Status of Plans: Proposal has been developed in detail. Effect on Employment: (Initially) Ten to fifteen persons will staff the project, with additional persons being trained and employed each year. Federal Aid Requests: $200,000 in Technical Assistance Grants. $365,000 in Business‘Loan Authorization. (9/14/72).
>
> The preliminary research to the development of "Com-Pute" was based upon the simple premise that what was obviously a vital ingredient in the daily function of various disciplines within a majority society, must be assumed critical in its absence from a minority society,
>
> Initial investigation consisted of conferences with marketing personnel, sales management, and various technicians within the Data Processing Industry,
>
> Conclusions were that the Data Processing represented a twenty-first century science, the potential of this science was unlimited, that the career and employment opportunities exceed the cadre of properly trained personnel, that the salary and wage scale in all categories are excellent, that advancement opportunities are limited only to individual motivation, that the minority employee representation is grossly disproportionate to the majority, and that the existing educational opportunities for direct job entry training are nearly non-existent outside the industry.
>
> It was concluded that the dynamics of this industry must be brought into the Greater Minority Community of Buffalo, New York, on a level and scale beyond mere token introduction.
>
> With the exception of a demonstration project conducted in Buffalo in 1968 by the International Business Machine Corp., in cooperation with the Buffalo Board of Human Relations, there lacked any major attempt to seriously address the needs of the Minority Community, with those of the Data Processing Industry.
>
> The key factor in the success or failure of a project of this nature is in the degree of Community Cooperation necessary to insure the availability of all of the relative information needed to properly program the computer to render a complete finding.
>
> Cooperation on this level demands a complete response from all segments and all public service and political sub-divisions, regardless of affiliations, bearing in mind that the proposed model development is addressed to the entire population, recognizing that even certain adverse effects on one segment can and usually does indirectly effect all segments of the populace.
>
> "Com-Pute" believes that if all of the existing evidence of the decline and slow regression of the Buffalo Metropolitan area can be honestly dealt with, as already suggeted in the areas application for depressed area designation, then the project that "Com-Pute" hopes to render as a community service can not only succeed, but literally alter the course of the entire area.
>
> In addition to the Market Feasibility study of the Metropolitan area to determine the immediate and long term business and labor Market demands in the area of data processing, computer program utilizing training and education inc., proposes to utilize our market research methodology, to conduct a program of broad research into the overall social/economic environments for the purpose of developing a computerized model city.
>
> This computerized model would be constructed in three sub-divisions, comprised of those characteristics indigenous to a given sub-division where applicable, their respective inter-relationships, the characteristics common to the overall area, the common denominators and diagnosed effect on the area in both present and long term future.
>
> The objective of this endeavor is two-fold. First its intention is to provide a supplement to the initial findings of the Greater Buffalo Development Foundations "Economic Prospects," attached to this proposal and secondly to hopefully provide a scientifically accurate prescription for the areas declining market that will be workable, and render an all out attack on the areas cronic unemployment, by properly identifying and focusing attention on those areas of the economy before they attain crisis status.
>
> Aside from identifying future employment through computer projections, this project can serve as an ongoing strengthening factor to the entire metropolitan area. Additionally the model that is developed by "Com-Pute," can also be adjusted to meet the conditions of any other depressed area, once the basic model is determined and tested.

THE PRESERVATION OF PRIVACY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. RANGEL. Mr. Speaker, the highest governing body of the United Presbyterian Church, the General Assembly, met in May of this year for the 185th time. This body meets annually and is composed of representatives known as commissioners elected by the 166 presbyteries in all parts of the country. One half of the commissioners are ordained ministers and the other half are lay leaders of local churches known as ruling elders.

At the 185th General Assembly, the commissioners expressed their conviction that the right of privacy must be developed in American law at a pace commensurate with available technology and organizational practice. To help reach these ends they adopted guidelines for the preservation of privacy.

Privacy is a personal freedom that allows one to live without interference from others. With privacy one has the liberty to control what others may know about oneself. Privacy is the fundamental right to be left alone from harassment by others or to join with others without being watched. The possession of privacy is the ability to choose how and when information about oneself is collected and shared. Privacy is increasingly threatened by the great amount of computer stored information readily available on each individual in our society.

These guidelines of the 185th General Assembly of the United Presbyterian Church have no real meaning unless they are implemented. I now submit these guidelines for the attention of my colleagues with the hope that this legislative body will join with the United Presbyterian Church in seeking a way to safeguard this basic right:

> GUIDELINES FOR THE PROTECTION OF PRIVACY
>
> We call upon public and private agencies to provide for maximum protection of privacy in their dealings and transactions with each other and with individuals; and through self-regulation to meet at least these minimum guidelines for the collection, retention, and dissemination of personal data:
>
> 1. Determine beforehand whether the information to be gathered is necessary and relevant to the purpose for which it is sought, so as to minimize the amount of unduly personal, potentially injurious material that is collected and preserved.
> 2. Limit information systems to specific uses and justify the objectives, methods, and effects of any collection of personal data.
> 3. Give the subject prompt notice and ready access to such information. (We recognize that certain government agencies collect information on criminal activities where notice and access are controlled by established rules of law and procedure.)
> 4. Provide means for rapid correction of erroneous data, and the opportunity to expunge irrelevant or obsolete recorded data, such opportunity to be available to both the custodian and the subject of the data.
> 5. Provide effective safeguards to prevent accidental or unauthorized interception, input, or destruction of data.
> 6. Require effective safeguards for waiver of privacy and authorization of access to personal data executed by individuals and given to business, professional, and governmental bodies.
> 7. Limit the use and transfer of information in such systems, and monitor their expansion into enlarged data-sharing operations.
>
> RECOMMENDED POLICIES AND PROCEDURES TO IMPLEMENT THE GUIDELINES FOR THE PROTECTION OF PRIVACY
>
> 1. In credit and insurance reports, we favor messages that provide for the subject to add new information, to expunge obsolete data, or to explain any item in the files, and review the pertinency on privacy grounds of all types of information collected.
> 2. In bank and credit records, we call for regulations that require access only by customer authorization, subpoena after customer notification and opportunity to challenge, or by search warrant with inventory of information taken.
> 3. In welfare reform, we emphasize the need to: (a) examine the privacy impact of proposals for using social security numbers of registrants or for disseminating information on recipients, and (b) restrict the re-

cording and storage of personal information which adversely affects the privacy of the welfare client while a person not on public assistance could refuse to make such information public.

4. In law enforcement, we call for procedures at all levels of government to: (a) routinely expunge records of arrest where there is no conviction, and of juvenile proceedings when the juvenile reaches the age of majority, except where the court is shown "probable cause" for preserving the record, and (b) require judicial approval and supervision of the use of informers who establish or maintain a relationship for the purpose of informing in civil or criminal investigations.

5. In educational institutions, we favor measures to: (a) provide the student access to his or her personal records kept by the school, which are routinely made accessible to others, (b) provide safeguards to ensure that only authorized persons who have legitimate justification shall have access to those records, and (c) where applicable provide for the requirements specified in 4 above.

6. Regarding domestic security, we favor action to: (a) prohibit any branch of the Department of Defense from engaging in surveillance of, or data collection on, domestic political activity and (b) require the destruction of all such political surveillance files accumulated by the military.

7. As regards domestic surveillance by civil law enforcement agencies, we commend the efforts of the Committee on Public Justice to stimulate legislation creating citizens' committees to oversee such activity; and we urge that legitimate surveillance be precisely defined by law, that surveillance be administered by personnel under court supervision, and that severe criminal penalties be established for illegal surveillance.

8. Regarding confidential relationships, we urge: (a) enactment of uniform state legislation and consistent federal legislation to establish guidelines that protect legitimate news professionals from being compelled to testify about their sources; (b) development of legal guidelines for limiting the use on privacy grounds of subpoenas and immunity provisions in the conduct of grand juries, and (c) review of current statutes.

9. For the violation of these rights, as defined in this section, we recommend provisions be made for recovery of actual and punitive damages and for injunctive relief for threatened violations.

RECOMMENDATION FOR A NATIONAL PRIVACY SERVICE OFFICE

We call for the formation of a National Privacy Service Office which will provide, in the manner of an *ombudsman*,* services to citizens whose privacy is threatened by activities of federal governmental, commercial, or research agencies, and who cannot otherwise obtain relief using the ordinary remedies available to them by law, business custom, or agency practice.

1. The ombudsman would be an adjunct of the United States Courts and be accountable to the independent administrative branch of the federal judiciary.

2. The ombudsman would receive and investigate complaints by citizens and associations whose privacy is alleged to be threatened by activities of governmental and nongovernmental entities identified above.

3. The ombudsman would, upon specific citizen or associational complaint and authorization to intercede, have power to compel disclosure of relevant records held by the agency or corporation, and in the case of a complaint directed against law enforcement officials conducting an ongoing criminal investigation, would be able to compel court examination of relevant documents.

4. When a complaint justifies intervention, the ombudsman would seek to resolve the dispute through mediation, public reporting, or recommendation of administrative or judicial action.

5. A Privacy Service Office (ombudsman) of a similar nature should be provided at the state level to investigate citizen or associational complaints of threat to privacy by state or local public agencies (including educational institutions) or by business enterprises that are not otherwise subject to federal supervision or regulation.

RECOMMENDATION TO CREATE AN INDEPENDENT REGULATORY BODY

We recommend the creation of an independent regulatory body with carefully defined authority to review, oversee, and approve the collection and dissemination of personal data by governmental bodies or agencies and by entities that collect and disseminate personal data for public and commercial purposes.

Despite the fears and deficiencies which seem inherent in regulatory administrative bodies, we feel that such a regulatory agency offers the hope of flexibility and expertise to meet the threat of dehumanization in an area of rapidly developing technology. Because existing regulatory bodies at the federal and most state levels could not objectively regulate themselves and other governmental agencies, we therefore recommend:

1. There be created at both the state and federal level autonomous regulatory bodies with the authority to supervise the collection, storage, and dissemination of personal data by governmental agencies or bodies and by entities that collect and disseminate personal data for public and commercial purposes.

2. The legislation creating the regulatory body should be so drawn as to ensure the autonomy of the agency from those it seeks to regulate, and to ensure the participation of groups sensitive to privacy needs.

3. The legislation creating the regulatory body should mandate the adoption of regulations that would require compliance with the applicable minimum guidelines for the right of privacy as set out in the guidelines on page 5.

4. The regulatory agency should not have access to data contained in the information systems, except by random selection of information not keyed to personal identity and then only when necessary to effectuate adequate controls and enforcement.

5. The regulatory agency, in protecting privacy, need not and must not impair the free exercise of religion, speech, press, assembly, or petition, and the legislation creating it should make clear that it has no powers of censorship, sponsorship, or influence over the activities of citizens or associations exercising those freedoms.

POLICY STATEMENT ON THE PRESERVATION OF PRIVACY

The ability to maintain one's own life space is basic to human existence in vital community. Lively private associations provide room for a process of maturation through personal risk, sheltered experiment, and free exploration of ideas and lifestyles.

From a Christian theological perspective, it is especially important to be reticent about demanding or exposing another's record, and to respect each person's unique context. Christian faith stresses the dignity of persons and groups living by grace in a fallen world. We rejoice in forgiving God who in his mercy can decide to forget the past and to open the future to his creatures. His liberating grace empowers us to care all the more for individual and social freedom.

Privacy is freedom from interference, opportunity to grow, liberty to control what others may know about oneself. Privacy is the right to be left alone or to join others without being watched, as well as the ability to choose how and when information about oneself is collected and shared.

Increasingly, personal and associational privacy is undermined by the indiscriminate use of electronic and large manual systems of information collection and interchange. This happens in the process of making credit checks, in some census procedures, and in the misuse of other personal questionnaires. We find also that government agencies, at their own discretion and in secret, are obtaining access to bank accounts and other commercial records. Furthermore, the United States Army has violated privacy in the name of internal security by developing millions of dossiers on the personal and political activities of innocent civilians, including public officials who have been doing nothing more than exercising their guaranteed constitutional rights.

Meanwhile individuals and organizations being searched or watched have no effective access to the files that profile their activities, opinions, and beliefs.

If, as the 1972 General Conference of The United Methodist Church warned, such developments "are signs that the society which is democratic in theory and structure is becoming increasingly repressive in policy and practice," then it is imperative for citizens to reassert their liberty. In the effort to protect our privacy we should be concerned not only with the behavior of government agencies. Comprehensive information on many citizens is also gathered by and available to private investigatory agencies, credit bureaus, and business organizations, which profit from the sale of personal data.

The right of privacy is implied, though not explicitly stated, in the Constitution of the United States. Its authors did not anticipate systems of microfilm, magnetic tape, data searches, centralized processing, time sharing, remote access, control programs, electronic eavesdropping. Apparently the Founding Fathers assumed privacy to be a natural foundation for other rights that were threatened in their time: freedom of expression and association, privilege against self-incrimination, due process of law, and freedom from unreasonable or warrantless search and seizure.

Today, in the light of our theological and legal heritage, privacy must be safeguarded more specifically. This right needs to be developed in American law at a pace commensurate with the potential invasions of privacy made possible by changing technology and organizational practice. Nothing less than the quality of freedom is at stake in the effort to preserve areas of personal and associational privacy.

EXPLANATION ON VOTE

HON. ELIZABETH HOLTZMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Ms. HOLTZMAN. Mr. Speaker, I would like to explain my absence for the vote on House Resolution 687, the rule providing for consideration of H.R. 11104, the public debt limit increase bill.

On November 7 when the vote on this rule was taken I was in a Judiciary Committee meeting reviewing materials in connection with that committee's confirmation of Gerald Ford. The bells do not ring in the committee room.

Had I been present for the vote, I would have voted "nay" since this rule did not permit consideration of a prompt social security increase or of tax reform. We should have considered these matters and approved them.

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* *Ombudsman*: one who investigates reported complaints, reports findings, and helps to achieve equitable settlements.

It is urgent that the Congress make our tax laws fairer and provide additional social security benefits for our senior citizens who are struggling desperately under our present inflation.

It is unfortunate that the attempt to defeat the rule lost by a substantial margin. Congress cannot bury its head in the sand on these problems much longer.

THE NEED TO EXAMINE ABORTION PROPOSALS

HON. ROBIN L. BEARD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. BEARD. Mr. Speaker, for millions of Americans the aftermath of the January 22 Supreme Court decision on abortion has been a distressing and difficult fact. Many believe that the Court's nullification of virtually all State and Federal laws on abortion and guarantee of an absolute right to abortion for any woman during the first trimester of pregnancy is wrong. As with other controversial rulings, the abortion decision has left opponents of abortion with a total sense of helplessness to cope with something they feel tantamount to murder.

No issue generates more emotion than abortion. No subject is more volatile than the discussion of abortion. No major issue has received less attention in the way of congressional consideration than abortion. In the past, most Members have felt that abortion should be left to the discretion of the States themselves and until January 22, such a position was entirely viable. But, with the interpretation by the Supreme Court, antiabortionist now believe that the only remaining remedy available to correct the situation is the route of amending the constitution or possibly removing court jurisdiction over the issue.

Despite the furor that has been raised across the country, Congress has so far decided not to inquire into the various ramifications of this historic decision. The appropriate standing committee in the House, to hear bills seeking to modify the court ruling has demonstrated an obvious reluctance toward formal consideration of the several proposals now outstanding. In fact, the Subcommittee on Civil Rights and Constitutional Rights of the Committee on Judiciary has formally rejected a motion to conduct public hearings on abortion. It is true that the House Judiciary has several extremely pressing items which have absorbed the full attention of the committee.

An alternative to normal legislative procedure has been offered by my distinguished colleague, Mr. Hogan of Maryland—a discharge petition. Mr. Hogan has filed such a petition to relieve the Judiciary Committee from jurisdiction over his proposed constitutional amendment, House joint resolution (H.J. Res. 261). Mr. Hogan must be congratulated for the leadership he has shown in this matter. I, myself, have felt the need to resort to such an extreme measure when I filed discharge petition No. 1, to discharge the committee from consideration of an antibusing constitutional amendment. From time to time such extreme measures are necessary when a small group attempts to thwart the Congress from working its will through deliberate action. However, several factors must first be considered. First, as I can well attest a discharge petition is a long and arduous procedure. Also, because the process that would bring the constitutional amendment to the floor prevents consideration of other remedial approaches that have been suggested, this course should be used only as a last resort. Second, unlike proposed busing amendments, Mr. Hogan's proposal has not received an indepth examination of its long range implications by any body of the Congress. Under the rules debate time and opportunities for amendment are extremely limited when a bill is discharged. The fear then, is that unless adequate groundwork for an amendment is laid, Congress may overlook some of the problems that could develop from the language of the proposal, thus, opening a new avenue for opposition.

Moreover, many Members believe that the constitutional amendment is not necessary. It is reasonable to contend that Congress may and should correct the court's decision through simple legislation. Mr. Denholm of South Dakota, has proposed in his bill, H.R. 7752 that we define the word "person" to include "any animate combination of viable human cells capable of becoming or being an actual independent living human—singular or plural—entity."

Mr. Froehlich, of Wisconsin, has suggested another approach in his bill, H.R. 8682 wherein he states that Congress should exercise the power the Constitution has given in section 5 of the 14th amendment to limit the scope of that amendment in relation to abortion. His proposal provides: Nothing in the 14th article of the amendment to the Constitution of the United States shall be construed to bar any State from exercising power to regulate or prohibit practice of abortion except that no State may prohibit an abortion that is necessary to save the life of a pregnant woman.

Many Members are supporting constitutional amendments.

Mr. Hogan's amendment, House Joint Resolution 261 provides, in part:

> Neither the United States nor any State shall deprive any human being from the moment of conception of life without due process of law; nor deny to any human being, from the moment of conception, within its jurisdiction, the equal protection of the laws.

Senator Buckley, of New York, has proposed an amendment, Senate Joint Resolution 119, which follows in part:

> With respect to the right to life, the word person, as used in this article and in the 5th and 14th Articles of the amendment to the Constitution of the United States, applies to all human beings, including the unborn offspring at every stage of their biological development, irrespective of age, health, function, or condition of dependency.

Mr. Whitehurst, of Virginia, has introduced an amendment, House Joint Resolution 426, as follows:

> Nothing in this Constitution shall bar any state or territory or the District of Columbia, with regard to any area over which it has jurisdiction, from allowing, regulating, or prohibiting the practice of abortion.

Recently, yet another proposal has been offered to address the problem of Judiciary Committee inaction on abortion: the creation of a special committee. I believe that, if the standing committee gives no indication of ability or inclination to act on the various proposals referred to it, then, we should perhaps establish such a select committee. The approach has been jointly offered by my colleagues, Mr. Froehlich, Mr. Keating and Mr. Roncallo of New York. The resolution, House Resolution 585, would create a select committee to study the impact and ramifications of the Supreme Court's decision on abortion. Mr. Froehlich has introduced this resolution because of the imperative need for Congress to hold hearings on the transcendant issue of public policy that flow from the Supreme Court's unprecedented decision last January.

All these proposals deserve consideration. Yet, no action can occur until leadership of the appropriate House and Senate committees decide to take action.

Until hearings are held to examine the best way to handle the question, many people throughout the country will feel that they have no voice here in Washington; that their very legitimate concerns are not being heard, and worse, that for them, there is no representation. Of these, I feel that the latter is most devastating. Too many Americans have become resigned to the belief that their small voices will not be heard and that their views are not being represented. This body should be responsive. It should investigate the implications of the policy decisions established by its sister, the judicial branch, especially in the supercharged case of abortion. I hope and pray that Congress accepts this responsibility and will do so without further delay.

THE LATE HONORABLE ROBERT EWING THOMASON

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. ROONEY of New York. Mr. Speaker, the recent passing of my good and longtime friend, Judge Robert Ewing Thomason of El Paso, Tex., is a great loss to me personally as well as to the other Members of this body who knew him during his long tenure in the House.

Ewing Thomason was an extraordinary man who applied his great and varied talents to the service of his city, State, and country in a variety of important and difficult posts. He served the city of El Paso as a State representative and later as its mayor. While in the State legislature he served as Speaker of the Texas House of Representatives and in 1930 he was elected to serve in this body as a Representative from Texas. He served eight terms here before President Truman in 1947 appointed him as a

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Federal judge for the western district of Texas.

Mr. Speaker, it was my distinct pleasure and honor to have served with and to have learned much from Ewing when I first came to this distinguished body for I served under him on the former House Military Affairs Committee. His leadership as vice chairman during the war years was truly outstanding for he personally coauthored all of the major legislation necessary for the successful pursuit of the war and ultimate victory.

His contributions to his country continued after leaving the House as he became one of the most respected and revered judges in the Federal judicial system.

Mr. Speaker, I am sure that the memory of Judge Ewing Thomason will be cherished by all those who knew him and that my sense of personal loss is shared by many both in this Chamber and out.

To Mrs. Thomason and the Thomason family I extend the ROONEY's deepest sympathy and prayers in this time of great loss and bereavement.

BROWNSVILLE SOLDIERS RECEIVE ANOTHER PAYMENT TOWARD JUSTICE

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. HAWKINS. Mr. Speaker, the passage of H.R. 9474 today by the House brings near to completion the rendering of justice—after 67 long years—to those of the survivors of the Brownsville incident of August 13, 1906.

When this bill is accepted by the Senate and signed into law by the President, it will by no means do all that should be done to compensate the 167 black Brownsville soldiers who have been suffering so much along with their families, from the false charges that were brought against them and from the denial of their rights to due process to be heard in their own defense.

The bill provides $25,000 for any veteran who was dishonorably discharged from the U.S. Army as the result of the Brownsville incident, and $10,000 for any unremarried widow of any veteran upon application made to the Administrator of Veterans' Affairs.

When President Theodore Roosevelt decided without any pretense of a trial that they were guilty and when they were drummed out of the Army that they had so faithfully served in the Cuban and Philippines campaigns, their names were written in near indelible disgrace in the annals of our Nation. Our action today changes all that.

After having this matter called to my attention through John D. Weaver's book "The Brownsville Raid: The Story of America's Black Dreyfus Affair," W. W. Norton and Co.—hardback and paperback—1970, I began efforts to right this wrong. Fortunately, the Secretary of the Army, Mr. Robert Froehlke, soon issued an order changing the discharges of the 167 men from "without honor" to "honorable." Then, joined by Senator HUMPHREY and Congressman FRASER, with the invaluable aid of Senator HARTKE, I introduced legislation that was designed to provide relief. The fruition of that effort is the provisions of the present act.

I think that the passage of this legislation shows clearly that justice can be done—at least in substantial measure—in spite of the passage of time and changing of events. The correction of this historical wrong is strongly to the credit of the Congress and of the Government of the Nation. And if we have set a little precedent, it has been that justice might be done.

SIXTY YEARS OF THE INCOME TAX

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. GAYDOS. Mr. Speaker, certain national publications have taken note among their reports on the monumental news developments of recent weeks that this autumn season happens to mark the 60th birthday of the Federal income tax on American individuals.

In their anniversary stories, the publications dutifully record that the present levy is the third income tax in our history, that the previous two were withdrawn after congressional and court battles, and that the predictions made for the present one by its advocates back in 1913 were pitifully inaccurate.

The Wall Street Journal recalls, for example, the "outrage" of Senator William E. Borah, of Idaho, at suggestions that the tax rate might climb "as high as 20 percent," a caveat sounded by the tax foes of that era. The Journal adds:

> Who, he (Borah) asked, could impose such socialistic, confiscatory rates? Only Congress. And how could Congress—the representatives of the people—be so lacking in fairness, justice and patriotism?

Senator Borah, obviously, was a naive and trusting man. If around today, he would have his answer. Where the 1913 levy hit, in a very slight way, one out of every 271 Americans, today's levy is paid by approximately a third of our people. Collections in the first year of application amounted to about $35 million. Last year's total reached $94 billion.

Thus, on this anniversary, we can look back over the years and see how fooled were those original income taxers and, also, how this levy, so innocently imposed as a "soak the rich" measure, has become a matter affecting the lives of all of us, and a burden unprecedented in size and consequence.

But more significant, perhaps, is the realization now of what this tax has meant in the shaping of events of the last six decades. I might ask, Mr. Speaker, if our entrance into World War I, and the major role we came to play in its windup, would have been possible has our "jungoists" of that era been faced with the problem of finding the means of financing it? The new income tax was their ready instrument. And its rates were lifted to provide the money needed.

What, if we had kept out of that conflict and let the European powers, exhausted and their armies locked in their trenches, negotiate by necessity a mutually equitable peace? The chances are that Europe would have achieved a stable way of life instead of the subsequent turmoil, that World War II would not have occurred, and that we would have escaped the age of depression and wars which has been our lot.

The income tax—the easiest kind for Government to collect—can be largely blamed for our international misadventures and, indirectly, those of much of the world. Could we have done all the damaging things we did if it had been necessary to induce our people to accept special taxes to pay for them? Of course not. But the ready income tax, so easy to adjust upwards, allowed free rein to our adventures. Imagine, if you can, the American people willingly coming up with the money to be tossed away all over the world in the foreign aid programs? Or to finance that miserable war in Vietnam?

The income tax and the 1943 decision by Congress to withhold it at its source have been the underlying forces in much that we have done as a nation since 1913. They have created the big government evil which many now recognize and fear that nothing can be done about. They have wasted our people's resources and lessened their own freedoms and initiatives. They have threatened this country with the socialism which Senator Borah in 1913 thought too impossible to contemplate.

What, then, on this tax anniversary, should be our resolve? To get rid of it? This is an unreasonable thought now. It could not be done without collapsing both the Government and the economy generally. Reduce its rates? Commendable as may be the idea, even this would be dangerous without great care and adjustment to say nothing of a full willingness to cut Federal spending deeply. The fact is that we are the captives of the tax and no longer its masters, a situation which Senator Borah and his income levy associates of 1913 could not have foreseen, faithful as they were to a belief that future Congresses would be moderate.

But there is one thing, Mr. Speaker, on which we can make up our minds today. We can determine that, hard as is this tax now on our people, we will never agree to make it worse. We hear much talk these days of increasing taxes for one reason or another. The Nixon administration has become adept at running up trial balloons on the subject. Federal policymakers and bureaucrats discuss tax boosts as pancreas for most every problem they face. Well, on this 60th anniversary of the income levy, let us give them notice that the limit has been reached, that under no circumstances, save for the survival of the Nation itself, will we vote to take more from the earnings of Americans.

IN THANKSGIVING OUR NATION SALUTES THE PILGRIMAGE TO OUR NATION'S CAPITAL OF THE CATHOLIC DIOCESE OF PATERSON, N.J.

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. ROE. Mr. Speaker. As we prepare for this year's Thanksgiving holiday, it is my honor and privilege to call to the attention of your and our colleagues a recent pilgrimage to the National Shrine of the Immaculate Conception which, in my judgment, serves as an inspiration to all of us in recalling the historic pilgrimage that memorializes Thanksgiving Day as a national day of remembrance in America and leaves no doubt that the faith, courage, and perseverance inherent in the original settlers of our land is still infused in the hearts and minds of the families of today's society where man's religious beliefs and aspirations tend to seem obscured by the modern and so-called sophisticated world of time and space.

On Saturday, September 15, over 2,100 members of the Catholic Diocese of Paterson, N.J., participated in a pilgrimage to our Nation's Capital under the leadership of the Most Reverend Bishop Lawrence B. Casey, who was the principal celebrant of Mass at the National Shrine of the Immaculate Conception assisted by 26 prelates and priests as cocelebrants.

Prior to the celebration of this Mass, prayers and mass were offered in the many chapels of the National Shrine where people of all national heritages including the Irish, Germans, Polish, Lithuanian, Ukranian, Slovak, Croatian, Hungarian, Ruthenian, Czechoslavakian, and Italian, have contributed to the beauty and magnificence of this architecturally well-designed edifice of national and international renown. The Knights of Columbus look proudly to the great tower which was erected by their generosity.

The Most Reverend Bishop Casey appointed Father John J. Demkovich, pastor of St. Mary's Roman Catholic Slovak Church of Passaic, N.J., as coordinator of this pilgrimage and praised the young zealous priest for the "outstanding job" he performed.

The pilgrimage was reported in many publications throughout the diocese of Paterson and, Mr. Speaker, I respectfully request permission to insert at this point in our historic journal of Congress the following report published in the September 1973 issue of "Children's Friend" (Priatel Dietok), junior publication of New Jersey's highly prestigious Slovak news publication, Slovak Catholic Sokol (Falcon) of Passaic, N.J., by its most distinguished editor, the Honorable John C. Sciranka, who also participated in the pilgrimage:

> NATIONAL SHRINE OF IMMACULATE CONCEPTION IN WASHINGTON, D.C., IS A PRIDE OF AMERICAN CATHOLICS
>
> On Saturday, September 15, 1973 the Paterson, N.J., Diocese held its Pilgrimage to the National Shrine of the Immaculate Conception in Washington, D.C. The Most Rev. Lawrence B. Casey, Bishop of Paterson Diocese, who led the pilgrimage, appointed Father John J. Demkovich, pastor of St. Mary's Roman Catholic Slovak Church of Passaic, N.J., as coordinator of the pilgrimage. Many of our Sokols and Sokolky, including our Editor, took part in this large pilgrimage and paid a special tribute to the Mother of Sorrows, patroness of Slovakia in a beautiful Slovak Chapel, which was also visited by Bishop Casey and Msgr. John J. Murphy, new Director of the Shrine. Prayers were recited in unison in Slovak and a popular Marian Slovak hymn "Pred vekmi zvolená Pani Anjelská" was sung, led by our editor.
>
> The Slovaks of Washington presented a beautiful basket of red roses before the statue of Pieta, which attracted many visitors and they paused—to say a prayer. It was the feast of the Sorrowful Mother, when the tenth anniversary of the dedication of the Slovak Institute of SS. Cyril and Methodius was celebrated in Rome, with some 50 American Slovak leaders in attendance, headed by the Most Rev. Andrew G. Grutka, Bishop of Gary, Indiana and Msgr. Joseph S. Altany, honorary President of the Slovak Catholic Federation of America.
>
> The National Shrine of the Immaculate Conception is the largest Catholic church in the United States and the seventh largest church in the world. The Shrine is impressive chiefly because of its beauty. While massive and majestic, still with its slender Tower and perfectly poised Dome, it is graceful.
>
> Built as were medieval cathedrals, without any steel skeleton, or framework, the Shrine is fashioned entirely of stone, brick, tile and concrete. Its construction was a blending of ancient technique and modern devices; a blending of Byzantine, Romanesque and contemporary styles. With its strong classical influence, the Shrine harmonizes perfectly with the other architectural landmarks of the city of Washington. The Shrine is built in the form of a Latin cross. Its peaked roof covers six of the seven interior domes.
>
> On the outside walls of the Shrine there are many separate pieces of sculpture, a permanent museum of some of the best work of great American artists. A special committee of artists, theologians, and scripture scholars arranged the sculpture, symbols and quotations so that they are accurate and fixed in meaningful patterns.
>
> One of the glorious facts about the Shrine is that it has been made possible by all the Catholic people of the United States. Under the inspiration and guidance of their bishops, the Catholic people in every diocese in the United States have contributed to the erection of the Shrine. The Shrine has been built through "small" donations. Every bishop, every diocese, all the priests, religious, faithful of the country, have made sacrifices for the Shrine. The Shrine is truly national. It truly speaks of the love of all the American Catholics for Mary.
>
> Besides the beautiful Slovak Chapel of the Mother of Sorrows, patroness of Slovakia, donated by the Jednota Slovak fraternal organization, on the exterior of the Shrine among the many statues, are also statues of SS. Cyril and Methodius, next to St. Patrick and St. Boniface, donated by the Slovak Catholic Federation of America.
>
> And in the crypt you will find on the wall the inscription of our Slovak Catholic Sokol organization.
>
> Make, therefore, a special effort to visit this National Shrine and also the beautiful Slovak Chapel and you will have the most pleasant memories for the lifetime.

Mr. Speaker, I appreciate the opportunity to present this statement to you and know you will want to join with me now in extending our heartiest congratulations and best wishes to the Most Reverend Bishop Casey and all of the priests and members of the Diocese of Paterson who participated in this pilgrimage on their standards of excellence and the exemplary contribution they are making to the quality of the way of life in our community, State, and Nation. May we take a moment of silent prayer in thanksgiving to them and all of our people throughout America.

CRIME CONTROL NO. 9

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. LANDGREBE. Mr. Speaker, it is one of the paradoxes of liberalism that it simultaneously professes fear of governmental power and advocates the increase of governmental power. To give an example, many liberals are considering impeachment of the President and simultaneously urging that the President be granted extraordinary powers to deal with the most recent crisis.

One might be led to conclude that liberalism is schizophrenic, but such a conclusion would be inaccurate: Liberal opposition to the growth of government is pure rhetoric, as illustrated by the liberal position on gun control. What the liberals fear is privately owned guns—not guns owned by the Government. The liberal position on privately owned guns is entirely consistent with the liberal position on all private property: there shouldn't be any; all property should be controlled, regulated, or confiscated by the omnipotent state. The liberals have no objection to guns—only to guns they do not control. They are seeking a legal monopoly on guns—at this point handguns—in order to eliminate any final opposition to a socialist government. This is the purpose of the gun control lobby—not the reduction of crime, which could easily be achieved by harsher penalties for criminals—but the elimination of citizen opposition to their socialist plans.

When those citizens who own guns awaken to the fact that their guns are the target of the expropriators for the same reason that all their property is the target of the statists, then private gun ownership will be defended as it should be defended—as the right to private property. And when private gun owners understand that their guns have been singled out for confiscation because private ownership of guns constitutes the only remaining effective check against an unconstitutional and dictatorial usurpation of power, then they will understand the motive of the gun control lobbyists. It was Chairman Mao Tse-tung who said, "Power flows out of the barrel of a gun." The liberals, as much as I, accept that proposition as true.

It is because they wish to see a concentration of power in government that they advocate confiscation of guns; it is because I oppose concentration of power in government that I oppose the gun control lobby.

GET OFF HIS BACK

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. DERWINSKI. Mr. Speaker, Mrs. Lyn Daunoras, one of my most outstanding constituents and the feature editor of the Brookfield-Summit Valley Times, has a regular widely read column, "Lyn's Lines," which has made her a well-respected columnist in the Chicago and suburban press.

In her column of November 7, Lyn discusses the public furor surrounding the President's actions. I think that the Members will benefit from Lyn's emphatic point of view.

The article follows:

GET OFF HIS BACK!

(By Lyn Daunoras)

The best part about being an independent voter is that you can view both sides of a controversy somewhat objectively and not get as heated and excited as a partisan follower.

As the great hue and cry arose to "impeach Nixon," we were reminded of the morbid crowd that gathers when a man stands precariously on a ledge in a suicide threat. There are some who callously egg him on to jump and some who shrug the tragic scene off as not concerning them.

Diehard Republicans took their stand behind the president and many independents and Democrats were out for his scalp, particularly those who had voted Republican for the first time and now felt frustrated by what they considered an outright betrayal of their trust.

In that weekend of firings and resignations, we felt for the first time some genuine anger and certainly disappointment and shock, but it all fell short of impeachment.

Take the arguments: "The president refused to give up the tapes." Not knowing what the tapes contained, outsiders could hardly judge whether or not they would indeed be a blow to national security as Nixon deemed. You don't impeach a man for using his judgment in such a decision.

"The president placed himself above the law by refusing to give up the tapes to Judge Sirica after it was ruled he must do so." Not really. He did not refuse to give them up, he proposed an alternative by asking that a senator go over them instead of the judge. You don't impeach a man for coming up with a substitute plan, particularly when he had five days in which to comply with the ruling.

Further, two Watergate commitee members, including the chairman, had approved the alternative. Archibald Cox did not. But was it up to Mr. Cox to disapprove? Wouldn't it be up to Judge Sirica to decide whether the alternative was acceptable to the court since it was his original compromise?

To top it off, Cox held a press conference in which he blasted the president's proposal, an action nobody has questioned, but we do. What executive, of country or company, would not fire a subordinate who openly criticized his boss without at least awaiting the official ruling of his idea? The most that can be said is that the president reneged on his promise to give Cox complete independence, but you don't impeach a man for breaking his promise (if we did, public officials would be impeached every day!)

His attitude about the press may be paranoiac but, in spite of his petulance, it is to some extent justifiable. He entered the room smiling and cordial and was greeted with frozen masks. Some of the questions were sarcastic and from unquestionably hostile, rather than objective, reporters.

But the measure of a man is how he withstands disapproval. While saying that "the tougher it gets, the cooler I get," he proceeded to blow that cool after uttering some statements that were unwise and unbecoming . . . but human. We never knew that the press was beyond reproach. Still, you don't impeach a man for his opinion of the news media.

It has gone out of control on every side with the newspapers and TV commentators, stung by the criticism, showing their "fairness and understanding" by now demanding resignation rather than impeachment (probably realizing that chances of impeachment are slim) and dragging public opinion with them.

A lame duck president in these turbulent times is not an attractive prospect, but it just might help if everyone got off his back and remembered that one year ago today he won the biggest mandate ever received by any man. Critics provide the pressure, then wonder if he "can take it."

What has happened is that the news media, not hysterical at the time he said but hysterical since then, and all the current multi-investigations have so affected the voters that they no longer trust any public official. America is in an ugly mood with the whole country a massive hanging jury, ready to pronounce guilt before all the facts and evidence are in.

It is this kind of atmosphere that allows a radical group to run for office under the guise of "reform," present programs that sound good to the beaten ears of the voter, weary of controversy, and take over the reins of a promised "new government."

Only there would be no room for impeachment . . . and no freedom to suggest resignation . . . under that new government.

CHILD ABUSE AND NEGLECT

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. MOAKLEY. Mr. Speaker, I am pleased that the Select Subcommittee on Education has recently held hearings on legislation that could have a significant impact on the well-being of our children. Although there have been efforts on the local level to deal with the problem of child abuse, a national commitment has been lacking. The legislation which the subcommittee is considering represents a concerted effort by Congress to coordinate programs to identify, prevent, and treat the problem.

I am a cosponsor of H.R. 6379, the Child Development and Abuse Prevention Act, one of the bills being considered. One of my colleagues from Massachusetts, MIKE HARRINGTON, is cosponsor of a comparable bill. He is recognized as a leader in the House in the area of children's legislation, and I would, therefore, like to insert into the CONGRESSIONAL RECORD a copy of his statement submitted to the subcommittee concerning child abuse.

STATEMENT BY THE HONORABLE MICHAEL J. HARRINGTON BEFORE THE SELECT SUBCOMMITTEE ON EDUCATION OF THE HOUSE COMMITTEE ON EDUCATION AND LABOR IN SUPPORT OF CHILD ABUSE AND NEGLECT LEGISLATION

Mr. Chairman. Thank you for the opportunity to present my views on legislation to provide financial assistance for identification, prevention, and treatment relating to child abuse.

I think we all realize that our nation's future depends on the well-being of our children. Many of them, however, are faced with situations in their childhood restricting, or even precluding their development into what we usually regard as full maturity. Too many are poor, too many are malnourished, too many have physical and emotional problems, and too many cannot read. There are many factors which we recognize as contributing to these deficiencies. Although we usually cite economic and biological factors, there are others that must not be overlooked.

Child abuse is one such factor that has been with us a long time, but one which has received minimal effort to alleviate nationally. Although programs exist at state and local levels, most lack adequate funding and few provide followup and treatment once a case of child abuse has been reported. Further, HEW, which does not have even one employee working on the problem of child abuse full time, has admitted that it has no information about the effectiveness of state programs that receive funds under Title IV–B of the Social Security Act for such purposes.

I need not cite statistics, for they are either lacking or grossly inflated. Too often, we only hear about abuse when it has resulted in severe injury or death. One statistic I would like to cite, however, is that 90 percent of the parents involved can be rehabilitated, according to the American Academy of Pediatrics and others who recently testified before a Senate Subcommittee. Although much abuse is caused by psychotic or mentally ill adults, most cases are committed by frustrated parents who take their problems out on their children.

Mr. Chairman, it seems to me that our effort here must be to define the issues and prescribe remedial legislation which would fund programs to provide therapy to those parents who constitute this 90 percent. I am a cosponsor of H.R. 6483 (identical to H.R. 5914, the National Child Abuse Prevention Act), which seeks to accomplish this. The Subcommittee is considering several comparable bills and I wish to play no favorites. I only urge that this Subcommittee report a comprehensive bill that makes a realistic attempt to alleviate one of the many problems facing our future leaders.

COMMENDING YOUNG REPUBLICAN NATIONAL FEDERATION'S PLATFORM, 1973

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 1973

Mr. ROUSSELOT. Mr. Speaker, I should like to commend to all of our colleagues a forthright statement of political principles—the Young Republican National Federation platform for 1973.

These young men and women can be proud of this declaration of ideals and expression of faith in America. I hope that the elder leaders of our party have as much confidence in the basic principle of individual freedom as these young leaders have so amply demonstrated. I, for one, look forward to the time when some of the members of the executive committee of the Young Republican National Federation will assume their leadership rolls in our party, and in our

National Government, because, on the basis of the pronouncements they have made in their 1973 platform, I feel that they have a valuable contribution to make.

I was especially happy, Mr. Speaker, to see that the Young Republicans believe, as I do, that we should maintain a strong national defense and that we should work to preserve a constitutional free-market economy. To that end, they recommend that—

First, the fiat money of today should be replaced by an inflation-free dollar backed by gold;

Second, taxes should be reduced through the abolition of the practice of withholding taxes;

Third, the personal graduated income tax should be abolished; and

Fourth, we must move toward reduction of our national debt. A first step should be the selling of those Government-owned businesses that are unconstitutionally run in direct competition with other free enterprise businesses. In itself this would net our Government $65 billion and mean a 14-percent decrease in that debt.

The above points were taken from the 1973 Young Republican National Federation platform.

If these steps were taken, Mr. Speaker, I sincerely believe that the United States would be a far stronger and freer Nation. A few years from now, under the leadership of these dedicated young men and women, I am sure this will come to pass.

TO SAVE FUEL WE MUST SAVE MASS TRANSIT FARES

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Ms. ABZUG. Mr. Speaker, today I have introduced the Emergency Mass Transportation Fuel Conservation Act (H.R. 11478). This legislation will place a ceiling on mass transit fares throughout the Nation for the duration of the fuel shortage.

Increased public use of mass transportation is essential to effective fuel conservation. However, as fuel costs increase it is likely that public and private mass transportation agencies will be hard pressed to maintain their current fares. We must take care to remember that as mass transportation fares increase public and private mass transit ridership decreases.

I find it ironic that President Nixon should appeal to the American people and Congress to take action on the fuel shortages we face without adequately addressing himself to the needs of mass transit. The two problem areas are intimately related. If we are to save fuel, we must take steps to prevent further decline in the use of mass transit facilities. If we allow fares to skyrocket, as is being threatened in New York City and elsewhere, additional people will use automobiles, defeating attempts to save fuel, and at the same time, increasing pollution levels.

In order to encourage people to make use of mass transportation and to prevent declines in mass transit ridership during the period of possible fuel shortages, the Emergency Mass Transportation Fuel Conservation Act will prohibit fare increases in the Nation's mass transit systems, both publicly and privately owned, because "increased public use of mass transportation is essential to effective fuel conservation."

The legislation requires the Federal Government to provide mass transit systems with enough funds to make up any operating deficits incurred because of the fare ceiling and increased costs. H.R. 11478 would also mandate an allocation system to insure that mass transit systems receive fuel on a priority basis.

I urge my colleagues to give this measure their most careful attention, and I particularly recommend it to members of the Committee on Interstate and Foreign Commerce as they consider emergency legislation regarding the fuel situation:

The text of the bill follows:

H.R. 11478

A bill to authorize and direct the President to develop and implement certain federally sponsored incentives relating to mass transportation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Mass Transportation Fuel Conservation Act".

SEC. 2. The Congress hereby determines that—

(1) shortages of crude oil, residual fuel oil, and refined petroleum products caused by inadequate domestic production, environmental constraints, and the unavailability of imports sufficient to satisfy domestic demand, now exist;

(2) such shortages have created or will create severe economic dislocations and hardships, including loss of jobs, closing of factories and businesses, reduction of crop plantings and harvesting, and curtailment of vital public services, including the transportation of food and other essential goods;

(3) such hardships and dislocations jeopardize the normal flow of commerce and constitute a critical national energy crisis which is a threat to the public health, safety, and welfare and can be averted or minimized most efficiently and effectively through prompt action by the executive branch of Government;

(4) increased public use of mass transportation is essential to effective fuel conservation; and

(5) public and private mass transportation ridership decreases as mass transportation fares increase.

SEC. 3. Upon enactment of this Act the President shall develop and implement Federally sponsored incentives for the use of mass transportation, including—

(1) a prohibition on the increase of any fare for any public or private mass transportation system;

(2) Federal subsidies for additional expenses incurred due to increased services;

(3) priority rationing of fuel for mass transportation; and

(4) Federal subsidies for State and local public bodies and agencies and private mass transportation operating agencies to provide for the inability by any such body or agency to meet operating expenses incurred as a result of paragraphs (1), (2), and (3) of this section.

SEC. 4. For purposes of this Act, paragraph (3) of subsection (e) of section 142 of title 23, United States Code, is amended by striking out the period at the end of the paragraph and inserting in lieu thereof: "except that, with respect to the purchase of buses and rolling stock for fixed rail, the Federal share shall be 80 per centum."

SEC. 5. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

ROBERT THOMASON, 94, FORMER U.S. CONGRESSMAN, OF TEXAS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. TEAGUE of Texas. Mr. Speaker, the November 11, 1973 Washington Star-News carried an article about the death of former U.S. Congressman Robert Thomason. Mr. Thomason finished out his years in Congress to become a Federal judge during my freshman year. I hope that each Member of Congress will take a moment to read the article in memory of a fine man who had an outstanding political career in various positions of government.

The article follows:

ROBERT THOMASON, 94, WAS FEDERAL JUDGE

Retired U.S. District Judge Robert Ewing Thomason, 94, who also was a former Texas congressman, died Friday in El Paso. He had been ill for three months.

During a political career that spanned 60 years, Judge Thomason served as a Texas legislator, mayor of El Paso, U.S. Congressman and judge.

He was elected to the House of Representatives in 1931 and became the ranking member of the Military Affairs Committee in 1935.

President Harry S. Truman appointed him U.S. District judge for the Western District of Texas in 1947. He retired as a full-time judge in 1963 but occasionally heard cases until a few years ago.

In 1955, Judge Thomason declared that segregation in Texas schools was unconstitutional. It was the first such decision by a federal judge after the 1954 Supreme Court decision outlawing racial segregation in schools.

He was born in Shelbyville, Tenn., and received a B.S. degree from Southwestern University in Georgetown, Tex., in 1898. He received a law degree from the University of Texas in 1920 and first practiced law in Gainesville, Tex., where he served as district attorney from 1902 to 1906.

He moved to El Paso in 1912. Four years later he was elected to the Texas House of Representatives, where he served as speaker from 1919 to 1920. In 1920, he lost a bid for the governor's office.

He was mayor of El Paso from 1927 until his election to the House in 1931.

A SALUTE TO THE LATE LOU WILKE

HON. CLEM ROGERS McSPADDEN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. McSPADDEN. Mr. Speaker, on October 22, 1973, an event occurred in

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Bartlesville, Okla., which I believe needs national recognition. One of twelve men who were inducted into the Oklahoma Athletic Hall of Fame was the late Lou Wilke. No one served amateur athletics in general and basketball in particular better than did the late Lou Wilke.

During the depression years Mr. Wilke coached basketball at Phillips University, Enid, Okla., and later became a marketing executive for Phillips Petroleum Co., Bartlesville, Okla. As coach of the legendary Phillips Oilers Basketball team, he chalked up an unbelievable won-lost record of 98 wins against only 8 losses.

In 1948, Lou Wilke was named chairman of the U.S. Basketball Committee. In addition to twice being president of the AAU, Lou Wilke was a champion for athletics, a leader and a molder of men.

I join his countless friends, both in Oklahoma and over the Nation who knew him and respected him, in this great tribute.

IN DEFENSE OF NIXON

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. DICKINSON. Mr. Speaker, if one makes the mistake of only reading Washington newspapers and listening to biased newscasters on the three major networks, he gets the impression that President Nixon has virtually no support and that most of the Nation favors his immediate impeachment and/or removal from office. I suppose it is natural for the national media to put the President in an unfavorable light at every opportunity since they so vigorously opposed his reelection last November.

Fortunately, Mr. Speaker, the American people have learned to see through biased reporting. I think this is the case today and that more and more Americans support their President than the national radio and television networks and newspapers care to admit.

A good friend of mine, Mr. Terry Everett, publishes two weekly newspapers—the Enterpriser and Daleville Today—in Enterprise and Daleville, Ala., respectively. On October 31, 1973, Mr. Everett ran front page editorials entitled "In Defense of Nixon" which I believe correctly expresses the sentiments of millions of Americans.

I am including that editorial and the letters in response to the editorial with my comments to help my colleagues in the Congress understand the thinking of "grass roots" America:

IN DEFENSE OF NIXON

(By Terry Everett)

Last week was somewhat of a disappointing week for me. The events of the last several weeks led me to take what may be an unpopular stand with many of my friends . . . that of defending the President of the United States.

Perhaps the firing of Archibald Cox was the straw that broke the camel's back for many of my friends. It was for my brother, who called me and angrily wished he didn't have to listen to any more Watergate, Cox, Richardson, etc.

Later in the evening a friend approached me with the same general feelings. "I stuck with Nixon until this thing with Cox," he said. I pointed out I had thought Cox a poor choice to begin with and wasn't sorry to see him go. My friend used my words to prove his point. "If you say Nixon made a mistake to hire Cox, it still works out that he made a mistake," he said.

Which makes him human like the rest of us, I thought to myself.

I have resented for some time the treatment of the President by the national news media. Television is such an over-powering medium and too many people accept for gospel whatever newscasters such as Dan Rather happens to be saying at the moment. That Mr. Rather should be accepted at face value disturbs me as much as the mistakes of the Nixon Administration.

I believe it was Howard K. Smith, who about five years ago, wrote a scorching indictment of the hatred held by many newscasters toward Richard Nixon. The article was lengthy and went into detail to describe how these national newscasters went out of their way to make Richard Nixon look bad. The article was, to say the least, eye-opening. And the feelings of the news media haven't changed.

To give a few small examples: Dan Rather several weeks ago in one of CBS' panel discussions went on for several minutes on why Nixon should turn over the Watergate tapes. Rather allowed as how no one in the United States would be allowed to withhold information wanted by a court and certainly the President shouldn't be allowed on the grounds of privileged information. One member of the panel corrected Rather and pointed out there was such a thing as privileged information and that it was common between a lawyer and his client, a priest and his parishioners, a wife and her husband and newsmen have been talking about privileged information ever since I can remember.

Not much damage done? That's hardly the point. Either Rather didn't know what any high school student knew, or, he had got carried away in his efforts to make the President look bad. If Rather truly didn't know . . . then he shouldn't be a newscaster. If he did indeed know (and I must suspect he did since CBS has raised such cane over protection of their news sources—privileged information), then how many other slight alterations of simple facts is Rather guilty of in an effort to make the President look bad. For that matter, how many alterations of facts is CBS, NBC and ABC guilty of?

Take if you will still another example which occurred Monday morning of this week. On the CBS morning news (if you want to call it a news show), Presidential speechwriter Patrick Buchanan allowed as how he felt that every effort should be made to break up the monopoly held by the three major networks. Now Buchanan, by my count, made it "perfectly clear" on two separate occasions that was HIS opinion and not that of the White House and/or the President. Later in the day on my car radio came the startling discovery by ABC . . . "White House Launches New Threats to The Media!"

Now I ask you . . . how in the world do you explain such things?

The examples are small, but the point remains: The national television networks will and do distort facts to fit their purposes. There are many other cases but space simply won't allow the room. As a matter of fact, there are several books either on the market or coming with just such a subject.

Often Nixon is made to look bad simply by who the networks choose to give air time to. Why in the world would a network give air time to kooks (one I can think of with the morals of an alley cat. Nope, most alley cats I've seen have better morals) who want to call the President of the United States a murderer? That bogs my mind. To give air time to someone calling President Nixon, who in case anyone has forgotten ended the Vietnam war, a murderer is ridiculous.

Here the President was . . . pressured on the one side by those who wanted to take a couple of A-bombs and just blow the place off the map . . . on the other side by those who wanted to completely give in at even the expense of our POW's . . . and in the middle by those of us who just wanted out the quickest way possible without losing too much face.

Well, the President got us out and as far as I can determine, did it in such a way that it is no longer a subject of national concern. Now to put some nut (or enemy) on television to call Nixon a murderer is impossible for me to understand. If Nixon is a murderer, then so are Washington, Lincoln, Grant, Hoover, Roosevelt, Truman, Eisenhower, Kennedy and Johnson. If Nixon is a murderer, then so is every American fighting man who ever fired a shot at an enemy in defense of America. The American fighting man has always been made up and will always be made of Middle America. Mainly, because there are so many of us. Now what you don't hear is the networks giving air time to someone calling Middle America murderers. That's because the networks are smart enough to realize that Middle America still runs the country (and also works for and spends most of the money that makes it possible for the networks to sell those $250,000 a minute television commercials). Oh, they'll let someone get a shot at Middle America every so often or at the so-called "establishment" (I have never understood that word). But, by and large the networks realize the only way to control Middle America is by proper programming . . . allowing us to hear and see what they want us to hear and see and when they want us to see and hear it.

Still another case of who gets air time. Senators Ted Kennedy and Edmund Muskie have had a good deal of criticism for the President and every time Mr. Kennedy and Mr. Muskie want to open their mouths to impart their latest anti-Nixon feelings, the networks are right there to gobble it up. Now that has got to be a laugh. Here's Mr. Muskie, who broke down during the primaries (not the ballgame, friend, the tryouts) and here is Mr. Kennedy, who disappeared for seven (or was it 12?) hours after a midnight drive across a bridge which ended in the tragic death of a young woman, criticizing the President for his mistakes.

Come on, Mr. Rather, where were you when we really needed you?

I don't bring up Mr. Muskie's or Mr. Kennedy's personal tragedies to belittle either of them . . . only to make a point. Can you imagine how long either of them would have been able to function as President of the United States under the pressure Richard Nixon has been under during the last year?

Many of us feel we have had our hands burned by sticking with Ted Agnew and now hesitate to give the same support to the President.

It was easy with Mr. Agnew . . . he was supposedly removed of any wrongdoings and clear of Watergate . . . that made the choice easy. We could have our cake and eat it. The choice is no longer easy and many of us are having to think twice about something we shouldn't have to even think once about. The networks realize this and that's the way they like it.

We know from past experiences we'll get more letters disagreeing with this editorial than supporting it. Such is nearly always the case as most people who agree won't write a letter to the editor while those who are upset by what we've had to say will let us know. That's as it should be . . . or is it? Is it instead time to not take the easy way out . . . time to take a stand . . . time to say

if we're going to have honesty in government, let's also have it from the networks and other news media.

After all, there's been a standing committee in Congress for over three years wanting to impeach Nixon for one thing or the other. The only problem is that in this time, they still haven't found anything to impeach Nixon for.

It has been frustrating.

Another thing's frustrating, too. This morning I vowed not to turn on my television set for a full month. Then I happened to think . . . Monday night football. Oh, well. Given a choice, I'll take Howard Cosell's mouth to Dan Rather's any time.

LETTERS

ENTERPRISE, ALA.

Letter to the EDITOR:

I am happy to see that someone other than my wife and a few friends share my views regarding the obviously slanted and irresponsible news broadcasting being presented by the three major television networks. I read your editorial "In Defense of Nixon" and I would like to say that I am in complete agreement with you and would like to see you continue with a series of editorials on this subject.

I feel that the people need to be informed as to how they are being programmed by these irresponsible giants of the news media.

I applaud your courage and support your effort.

Respectfully yours,

GERALD W. WILCOX, A.I.A.

DALEVILLE, ALA.

Letter to the EDITOR:

Several days ago I saw something in the Enterpriser I appreciated very much. It was from an intelligent person who "Keeps Up". I wish more people would come out for our President publicly so that we people who don't read very much could better understand the situation. Several weeks ago I took a poll of downtown businessmen. Each one is backing our President. Then I had the nerve to write to the President. I told him about the poll and said in my letter we don't like you—we love you.

In less than two weeks I had a letter of thanks and appreciation. Of course his secretary typed it but it was the President's signature. One more thing. I dare Congressman Dickinson to go back on our President. If he does, I will never vote for him again.

CAROL THOMPSON.

ENTERPRISE, ALA.

Letter to the EDITOR:

As stated in your editorial of Oct. 13, 1973, "In Defense of Nixon" people usually do not respond unless they disagree or are angry. This response is in complete and total agreement with this article. I write to you in hopes that it will give you moral support to continue honest and objective reporting.

I am 71 years of age and have seen many trends in politics. Whether or not the news media is aware of the fact that their slanted, biased and deliberate dishonesty in reporting the news has done more to undermine our present system of Government than all the totalitarian governments have done during the entire history of this nation is very debatable. Surely the network's motives should be questioned.

It would be naive to expect any completely, totally honest and God-fearing person to ever achieve high public office. Therefore, I do not bestow any Sainthood upon Mr. Nixon, but if you compare him with the Muskies; the McGoverns; the Humphreys; the Philip Harts and two-thirds of the Watergate panel, you would have to put a halo upon his head. Also Mr. A. Cox and his staff of Kennedyites have shown their real true colors "leaking innuendos, half truths, and deliberate lies to the press". This deliberately being broadcast daily by the networks with full knowledge that a half truth is more deceitful than a whole lie.

I am aware that your efforts and mine toward changing the left-wing, liberal trend in this system (whatever their motive) is comparable to dipping the ocean dry with a two quart bucket. You have my complete support.

Your editorial was refreshing, please continue.

Yours truly,

RAYMOND HAYES.

DALEVILLE, ALA.

Letter to the EDITOR:

Your editorial in The Enterpriser needs to be read by everyone but I suspect that few will read it all—and carefully. I do agree with you, and further, I suggest that there is only one answer that will counteract the gross injustice of balsed reporting.

There is no way to stop me and you, the reader and listener, from searching out several sources of information. Choose these from the full range of opinion from the ultra-liberal to the ultra-conservative. I read columnists and editorials daily from 3 to 5 newspapers, 2 weekly news magazines and several monthly publications. The T.V. screen is the least influence and least reliable for me of any—because I know most of the T.V. Newsmen's slanted opinions before they start to give it. I rely on the sum total of what I read, then form a solid, factual background for my analysis. Any American voter must dig everywhere he can to get the big picture—so that he or she will be well informed on the major issues—as well as the local school board and the local Town Council!

Let's put wings to our prayers for peace by supporting President Nixon (and Sec. of State, Kissinger) the rest of his term of office, tackle domestic problems—and see if we can do something constructive instead of destructive.

Sincerely,

CLYDE W. JONES.

P.S. I forgot to mention that the School, Church, and Public Libraries all get some of my reading time and we need to instill the inquiring mind—the desire for knowledge in our students and/or our children so that they too will be well informed. I am a life member of P.T.A., Member of the Clayhatchee Council, Tennis instructor, Shop Steward IAM Local 2003 and have a family of 7 children and 8 grandchildren.

DALEVILLE, ALA.

Letter to the EDITOR:

Thank you for your fine editorial "In Defense of Nixon," October 31, 1973, in The Enterpriser. I believe that there are a lot of people who voted for President Nixon who believe in him, but who have not come forward and voiced their beliefs. One of our freedoms in the United States is "Innocent until proven guilty." How ironic, the newscasters of television have helped, with their biased reporting, to slant people's views of the President. These newscasters, in fact, have judged and accused him. They have the powerful people of the United States "running scared."

I don't feel the people have suffered great humiliation as members of Congress, fellow Republicans calling for impeachment, are telling them. President Nixon has done an outstanding job in office, standing up under tremendous strain and extreme pressure. Have his accusers, particularly those who voted for him, thought how they would stand up to such ridicule, under extreme, adverse pressure if known friends suddenly turned against them?

A woman I talked to at the library tonight said, "Yes, I voted for Nixon. But he's gone too far. He knew those tapes were missing three months ago. He's been lying!" After talking further with her, she said, "Yes, I voted for him, but it was because I didn't want McGovern as President." She was never really a believer.

Julie Nixon Eisenhower was interviewed by Barbara Walters on NBC last Friday morning. She said words to this effect: Don't you think that Judge Sirica will get the best qualified people in the United States to go over the tapes to see if they have been tampered with and as to the missing tapes, don't you think that the Presidential log will be checked as to telephone calls, times, visitors, etc. Experts will be called in.

Believers of freedom, truth, and what's right in our United States know that freedom will prevail and truth will prevail. Should President Nixon be guilty, he will be proven so.

Do people sincerely feel that President Nixon has really hurt the United States since he has been in office? He stopped the Vietnam War; he brought back our prisoners of war; we're on speaking terms with Red China and, although that might not sound so good to some people, it could prevent or deter a possible war; and as President Nixon mentioned on TV last week, because he knows Russia's Brezhnev as well as he does and Brezhnev knows him equally well, possible confrontation between our two nations was averted over the Mid-East crisis. Nonbelievers should think many times before joining the cries for impeachment.

If people believe that President Nixon is innocent of any wrong-doing, they should write to him and write to their newspapers, and tell them so. They should give President Nixon their support. Let him know that the silent majority is no longer silent! Although it's late, it may not be too late! Give him more courage!

Thank you again, Terry, and if you don't mind, I plan to send your editorial, in fact the whole newspaper, to President Nixon along with a copy of my letter to you.

Sincerely,

ANNE GATLIN.

A DISPLAY OF CAPITAL ELITISM

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. CRANE. Mr. Speaker, there is a significant difference between what most Americans are thinking and what some of those who describe them say they are thinking. Often, attitudes which are frequently reported are simply those attitudes which a small number of people have decided are "acceptable."

Such individuals have appointed themselves to be spokesmen for the rest of us. How wrong they can be was shown in the results of the 1972 election. The majority of self-appointed interpreters of public opinion supported the candidacy of Senator GEORGE MCGOVERN. The people, of course, did something far different.

A recent example of such a self-appointed reporter of the attitudes of the American people was the performance of Washington hostess Barbara Howar on the Johnny Carson television show.

At that time, reports Chicago Tribune columnist Bob Wiedrich, a man well known for his fairness and objectivity, Mrs. Howar presumed to become a

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spokeswoman for all 200 million Americans, telling them exactly what they were feeling and thinking about the President of the United States with the authority of someone who had a firm grip on the pulse of the Nation.

Mr. Wiedrich concluded that:

> In her pseudo-sophisticated circles, it is highly doubtful that Barbara hears what the working stiffs of Washington are saying or what the better than 50 per cent black population of that town think about Nixon. Or, for that matter what people think in Chicago . . . Yet, Barbara presumes to speak for us all. And Carson furnishes her the forum. Sometimes, we think, President Nixon does have a point.

I wish to share with my colleagues the column by Bob Wiedrich, "Another Display of Capital Elitism," as it appeared in the Chicago Tribune of November 14, 1973, and insert it into the Record at this time:

ANOTHER DISPLAY OF CAPITAL ELITISM

(By Bob Wiedrich)

There is a strange, sometimes incurable malaise that often infects folks who move to Washington.

It is called Potomac Fever and tends to restrict the victim's vision to that relatively small plot of real estate from whence are conducted the nation's affairs.

In several cases, sufferers have been known to freak out, completely losing their sense of proportion. They come to believe that the District of Columbia is, in fact, the whole of the United States and that that vast hinterland somewhere way out there is populated by faceless no-accounts to whom the inhabitants of their tiny enclave owe no allegiance.

In many ways, it is the ultimate in snobbery. Yet, it is a quite provincial view. According to diagnosticians, the disease is difficult to avoid. There is no immunization except common sense.

Once contracted, it quickly attacks any perspective of what goes on elsewhere in the land. For the germ that causes Potomac Fever breeds rapidly in close proximity to the base of national power, especially when permitted to rub shoulders daily with the great decision makers of our time.

The other night, approximately 500,000 American TV viewers received a clinical demonstration of the ravages of Potomac Fever on a 38-year-old blonde who has not only rubbed shoulders with the mighty, but publicly admits having shared a U.S. senator's sack during an idyllic Jamaican interlude in her youth.

Since you can't get much closer to the seat of power than that, those watching the Johnny Carson Tonight Show undoubtedly were willing to accept former Washington hostess Barbara Howar's credentials as a self-appointed spokeswoman for the Capital jet set.

But bouncy Barbara went a giant step farther than that. She presumed to become a spokeswoman for all 200 million Americans, telling them exactly what they were feeling and thinking about the President of the United States with the authority of someone who had a firm grip on the pulse of the nation.

For some 10 minutes, this neatly coiffed member of the Washington Over-the-Hill gang assailed Richard M. Nixon as tho he was some common criminal already indicted and convicted of high crimes of treason. With no restraints on her venom, she repeatedly demanded his impeachment or resignation.

That was what the American people wanted, she suggested, continually relying on unnamed "people" in Washington as her authority.

"There's a feeling in Washington . . ." Or "People in Washington feel . . ." Or "People in Washington are saying . . ." Or variations of that same labored anonymous litany.

To Mrs. Howar, it was obvious there was no place else in the United States but Washington. Surely, the nation would founder without the thought processes of the Washington cocktail set to guide it. No one else was capable of reaching an independent judgment. Only Washington could furnish a reasoned, dispassionate decision on the successes or failures of Richard M. Nixon. And that judgment, of course, had already been made.

However, had any of the estimated 500,000 people who watch the Tonight Show examined Mrs. Howar's credentials more closely they might have realized they were being victimized by a pint-sized put-on.

In the first place, this blond babe is trying to peddle her published memoirs as a one-time society hostess and senatorial helpmate. Secondly, her fading reputation as a swinging jet-setter is badly in need of refurbishing after earlier successes during the John F. Kennedy and Lyndon B. Johnson regimes.

Barbara doesn't get to scoot about town with Pat Nixon and Julie Eisenhower as she did with Lady Bird and Lucy Bird and Lynda Bird.

And further, the Georgetown society crowd with which she hangs around are the same professional Nixon haters who still can't forgive the President for accomplishing things Jack Kennedy couldn't do. They are virtually a government in exile and hardly speak for Washington, much less the rest of the land.

In her pseudo-sophisticated circles, it is highly doubtful Barbara hears what the working stiffs of Washington are saying or what the better than 50 per cent black population of that town think about Nixon. Or, for that matter, what people think in Chicago. For when she ventures into the hinterland, she doles out her interviews at the Ambassador East Hotel, hardly a spa of the common man.

Yet, Barbara presumes to speak for us all. And Carson furnishes her the forum. Sometimes, we think, President Nixon does have a point.

WHY THE PRESIDENT SHOULD RESIGN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. RANGEL. Mr. Speaker, last Tuesday, I introduced House Resolution 684 calling upon President Nixon to resign. At the time of the introduction of this resolution, and subsequently before this body I have explained my reasons for calling for this drastic act. I can put these reasons no more forcefully or eloquently than to quote Bayard Rustin, the great leader and philosopher in the movement for human rights:

> The President no longer has the ability to govern effectively, nor the moral legitimacy to guide the course of the nation.

Mr. Rustin's column in the New York Voice of November 9, 1973, sets forth in measured, reasoned terms the reasons why the President must resign to restore credibility to his high office. I place Mr. Rustin's column in the Record for the attention of my colleagues:

NIXON SHOULD RESIGN

The most distressing thing about the governmental crisis which has engulfed America is that the President does not seem to recognize that a crisis in fact exists. Instead of facing the issues involved, he obscures them, projecting himself as the victim of a malicious press and questioning the motives of Special Prosecutor Cox. He persists in the policy of concealment and subterfuge that has marked the Administration's response ever since the time, many months ago, when Nixon supporters dismissed the Watergate break-in as a "caper." Neither the President's actions nor his words suggest an awareness that withholding potential evidence from a criminal prosecution represents a blatant disregard of basic democratic and constitutional principles.

The Constitution demands that the President "take care that the laws be faithfully executed." This is an absolute responsibility, but subject to individual whim. And yet the President has chosen to ignore this responsibility, submitting neither to its spirit or letter until forced to bend by the bipartisan outrage of the nation.

RULE OF LAW

This is particularly unsettling for blacks, since our civil liberties depend above all else on the President's determination to enforce the law, regardless of his political philosophy. Although opposed to the 1954 Brown decision, President Eisenhower ordered federal troops into Little Rock when Governor Faubus defied court desegregation directives. Had he placed his natural impulse above the obligation to ensure that the law is carried out, Eisenhower would have set back the civil rights movement for years to come, while destroying the federal system of government.

By surrendering the tapes to Judge Sirica, the President has done little to allay the worst fears of Americans. There are still unanswered questions, and the President has made it abundantly clear that, short of another judicial confrontation, he will not provide the answers. These questions suggest broad implications about the functioning of democracy. The ITT case, for example, calls to question whether national policy was being formulated on the basis of law, or was determined by the promises of campaign contributions. Then there are the questions about the President's land transactions and other personal financial dealings; whether the President was taking advantage of high office for personal enrichment.

To prejudge these cases before the proper officials have examined all the facts would do an unconscionable injustice to the President and to our system of law. The dilemma facing Americans is that the President will not cooperate with a full and impartial investigation, thus thwarting the only means of removing the cloud of suspicion which hovers over his office. As the AFL–CIO, said, in calling for the President's resignation: "When the President appears fearful of facing a Supreme Court composed in large measure of his own appointees, the public can scarcely resist the darkest speculations."

The crisis which the President has brought upon himself and the nation has multiplied and deepened our problems. Our domestic policy can be summed up in one word: "veto." Our foreign policy is suffering at a time it can least afford to suffer.

I do not contemplate the possibility of the President's resigning or his impeachment with any feeling of elation. Nor do I call for his removal from office because of political differences, profound as they may be.

CANNOT GOVERN EFFECTIVELY

The fact is, however, that the President no longer has the ability to govern effectively, nor the moral legitimacy to guide the course of the nation.

The only principled alternative left is for him to resign, and spare the country a protracted, agonizing period when we would be, I fear, without a leader. And if Nixon fails to resign, I feel it is incumbent on the Congress to initiate impeachment proceedings. Should the President ultimately leave office, Congress would be then well advised to consider the appointment of a bipartisan government, with the two major parties sharing the presidency and vice presidency, as has been proposed by Sen. Inouye of Hawaii.

I believe that the resignation of Richard Nixon would serve the genuine interest of the United States, for this country cannot absorb the almost daily crises which the President seems incapable of averting. As I write this, the White House has announced that the two most important tapes never existed; already there is speculation over whether this part of the President's efforts to cover-up wrong-doing. Because of the pattern he has established, every move the President makes evokes suspicion and cynicism. We cannot endure this for three more years.

Lyndon Johnson was elected President in 1964 with a mandate in all respects as decisive as that Nixon received in last year's election. Four years later, having compiled a record of unprecedented domestic accomplishment, Johnson declined to seek re-election, not because of any impropriety on his part, but because he was convinced that to do so was in the best interests of national unity and world peace. If Lyndon Johnson, under the attack of a small tough high vocal minority, was capable of an act of high statesmanship, it is not presumptuous to expect Richard Nixon, having lost the confidence of the overwhelming majority of Americans, to take the same difficult step.

HON. GERALD R. FORD ADDRESSES NATIONAL ASSOCIATION OF REALTORS

HON. CARLETON J. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. KING. Mr. Speaker, on Tuesday, November 13, 1973, the Honorable Gerald R. Ford, minority leader of the House and Vice-President-Designate, spoke at the opening session of the National Association of Realtors 66th annual convention at the Sheraton Park Hotel in Washington, D.C.

Because I sincerely believe the Vice-President-designate's address will be of interest to all my colleagues, I am inserting his remarks in the Congressional Record.

In these days of charges and accusations, of innuendos and hearsay, I fully agree with Representative Ford that it is time we look at the record. I think it is time the American people gave a little thought to the competency and leadership of the man who brought the Vietnam war to an honorable conclusion, who thawed and opened the diplomatic doors of peace to China and Russia, who brilliantly avoided a confrontation with Russia in the current Mideast crisis. It is time they began to judge the President objectively and honestly on the basis of his stewardship as Chief Executive of the United States.

In my opinion, Vice-President-Designate Ford has properly and articulately illustrated what a strong, able and courageous leader we have in President Nixon. Representative Ford has urged the National Association of Realtors to join with him in affirming their confidence and support for the President of the United States for the sake of a stronger and more unified Nation.

Vice-President-Designate Ford's remarks are as follows:

REMARKS BY VICE-PRESIDENT-DESIGNATE GERALD R. FORD BEFORE THE NATIONAL ASSOCIATION OF REALTORS CONVENTION, SHERATON PARK HOTEL, WASHINGTON, D.C., TUESDAY, NOVEMBER 13, 1973

It is a pleasure for me to be here this morning taking part in the opening session of the NAR's 66th annual convention. I am not just here for myself, however. President Nixon has asked me to extend his greetings and best wishes to those of you who are here for this event today, and to all the 500,000 men and women who have made the NAR the largest American trade association representing a single industry.

As realtors you represent a vital part of our national economy, and I am proud to say that although it still has its share of problems, the American economy is in great shape today and growing stronger every minute.

So much has been happening lately—both good and bad—that some vital national statistics have been lost in the shuffle. During the month of October, while most eyes were understandably turned toward Watergate, the Middle East or the energy crisis, the American economy quietly achieved President Nixon's target figure for reduced unemployment. That overall figure is now down to 4.5 per cent and the unemployment rate for adult males is the lowest it has even been in America during peacetime. At the same time, last month we had the second consecutive monthly drop in wholesale prices.

This is not spectacular news because it isn't shocking or depressing. It is just plain good news. And it is persuasive evidence that, despite some very serious obstacles, the Nixon Administration is making solid progress in delivering what it promised the American people last November—an era of genuine prosperity—prosperity in peacetime.

Hard as it may be for us to realize it now, this may be the big story of the past few months when historians look back on them in the years to come—the story of how a beleaguered Administration, with the support of the people and the backing of responsible Democrats and Republicans in the Congress, succeeded in bringing new prosperity to America and new hope for peace in the world in spite of political turmoil at home.

Even without Watergate, that success story would be dramatic. With Watergate, it is little short of miraculous. But it has been achieved.

In spite of Watergate, the President's diplomatic initiatives have succeeded in making a fresh beginning for peace in the Middle East. For the first time in a generation, Arabs and Israelis have both expressed a willingness to sit down and discuss their differences. For the first time since the birth of the state of Israel, there is hope that the legacy of hatred and violence can be set aside—that reasonable negotiation can replace bloody confrontation in this troubled part of the world.

No other American President—no other world leader, for that matter—was ever able to achieve this. Richard Nixon, the man that some people have referred to as a crippled President, *has* achieved it.

That's quite a track record for a cripple. It reminds me of a speech that was made in the Canadian Senate and House of Commons in 1941 by a very distinguished visitor—a man named Winston Churchill. In his speech, Churchill described the situation in Europe after the fall of France, when England stood alone against the combined forces of the Axis powers.

When Churchill had warned the French that Britain would fight on alone whatever they did, the French generals had advised their government that, "In three weeks England will have her neck wrung like a chicken."

"Some chicken," Churchill reflected, "some neck."

Today we hear a lot of voices that sound very much like those defeated and defeatist French generals and politicians. We are told that President Nixon is a paralyzed prisoner, incapable of acting. Some suggest that he should resign or be impeached.

I see it a different way. I look at Richard Nixon's record on building a healthy peacetime economy; on working to achieve peace in Southeast Asia and the Middle East; on giving this Nation a comprehensive program for meeting the energy challenge—I look at all this and my answer to the critics is simple

Some prisoner; some paralysis.

If Richard Nixon can achieve all that he has for this country in the last few weeks as a "cripple" then he is the best argument this Nation ever had for hiring the handicapped.

That doesn't mean that we don't have a real problem of public confidence on our hands.

It is real, it is big and it isn't going to go away overnight if we simply ignore it.

But it is not invincible. There is no credibility problem in the world too big for the truth to overcome. And with the release to the court of the tapes, and with the testimony that will be heard in the days ahead, that is what we are going to get—the truth. I am convinced that once the full truth is known, President Nixon will be exonerated.

Unfortunately, there always some people so eager to reach a verdict that they don't bother to wait for evidence.

For some of them, nothing—not even the truth—will make any difference. They have made up their minds, and even the facts will not change them. But such people are only a small minority.

I believe that a majority of Americans, and a majority of the men and women on both sides of the aisle in the Congress, are going to come out of this Watergate ordeal with their confidence raised and their trust restored—not only in the President, but in the American political system as well.

As realtors, you have seen the same process take place in another sphere. You know how emotional speculation can drive the price of land or buildings up and down over the short term. But you also know that, in the long run, the real market value—the honest worth of the property—will make itself felt once the hysteria has ceased and people have the full facts at their disposal.

The same thing is true of government. There are and always will be periods of crisis when emotion, even hysteria, get the upper hand. But, in a free, informed society, good sense wins out in the end—good sense and fair play.

The difference between a politician and a statesman, according to an old saying, is that the politician thinks about the next election but the statesman thinks about the next generation.

Those who are looking to the next generation, and who have a sense of history, know that, given the facts and due deliberation, cooler, fairer heads will prevail. They know that what might seem like an easy shortcut today—a quick escape from temporary annoyances—could actually inflict deep, permanent scars on the American political system. And let us never forget that those scars would be borne by the next generation of Americans.

I have faith that the courts will get to the bottom of this case. I have faith that the President will act with honor and integrity in the performance of his duty, and above all, as one who has spent a quarter of a century as a Member of the United States Con-

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gress, I have faith in the Congress—faith that it, too, will not be panicked into unwise action or dominated by a few shrill, extreme voices.

But the biggest single factor in all of this is not any one of the three branches of government I have just mentioned. It is you, the people of this great country of ours.

Through the entire Watergate ordeal, most of the people have reacted with quiet patience, waiting for the full story to unfold Their aim has been to judge fairly from the facts.

Most, but not all. There are a number of pressure groups that have always been opposed to the Nixon Administration and to the programs that it has pursued, despite the fact that those programs were overwhelmingly endorsed by the American people last November.

These opponents have been very busy in the last few weeks. Newspaper ads calling for impeachment or resignation and urging letter-writing campaigns to the Congress have abounded and Congressional offices have been bombarded with letters and telegrams. One member of the Senate, Bill Scott of Virginia, recently ran a spot check of the mountain of mail he had received calling for the ouster of the President and he found that most of the people who were so loudly making this demand today had voted against Richard Nixon last November. They were trying to use Watergate as a weapon to reverse an election they didn't agree with and didn't win.

Meanwhile, the famous "silent majority" has been living up to its name.

I hope that each of you, when you return home from this great gathering, will take the time to express your personal view to your Senators and Congressmen. If you really believe that impeachment or resignation is the only answer, by all means say so. But if you are part of that much larger group that believes in fair play and in the important things that Richard Nixon has done and can do for America, don't wait for someone else to do it for you. Speak up and speak now. You deserve to be heard.

Not only that, but your representatives deserve to hear from you. They must hear from both sides on this vital national question.

While you are doing that, I promise you that I will be doing everything I can at my end to see that a spirit of candor, fair play and conciliation prevails between the Capitol, the courts and the White House.

Together, I am convinced that we can emerge from this painful experience as a strong, united people, with a renewed faith in our President and our political system.

OUR NATION SALUTES THE CITY OF PASSAIC, STATE OF NEW JERSEY, ON ITS CENTENNIAL CELEBRATION

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. ROE. Mr. Speaker, during 1973 the city of Passaic of my Eighth Congressional District, State of New Jersey is observing the 100th centennial anniversary of its birth as a city incorporated under the laws of the New Jersey State legislature. It is indeed an historic event in our State and Nation's history and I ask you and my colleagues here in the Congress to join with me in observance of this centennial with a special salute to the Honorable Gerald Goldman, the distinguished mayor of Passaic, and to the honorable Emil Olszowy, an esteemed member of the governing body and the general chairman of the Passaic Centennial Committee, extending our best wishes to the citizens and governing officials of one of the most industrialized urban communities in America, which is my singular great honor to represent here in the Congress.

The city of Passaic is steeped in the history of the early settlers of our country and as we celebrate this 100-year milestone of its existence as a city incorporated under the laws of New Jersey, we can look back with awe and respect for the spirit and achievements of its people in meeting the great challenges of the 19th and 20th centuries in urban America. Comprised of 3.26 square miles, located 12 miles west of New York City along the Passaic River, in the heart of the northeastern metropolitan region of our country, it has experienced the enormous growing pains of the occupation of people and the massive development that has occurred since man first started harnessing its technology and scientific knowhow in industry for the production of goods and the building of America's leadership position and preeminence in international marketplaces throughout the world. Many historians relate the story of Passaic as the birthplace of television with its principal industries, in addition to televison, enumerated as rubber materials, cables, plastics, clothing, food, aircraft components, machinery, and research.

The city of Passaic has indeed flourished under the government of its people to achieve distinction in the laboratory of America's beginnings as a most attractive and good place to live. In 1873, Dr. Benjamin B. Aycrigg was appointed the first mayor of the city succeeding the former executive officer of the people of this area, the Honorable Richard A. Terhune, who was president of Passaic when it was organized as a village in our governmental structure. The governing officials of the first and succeeding administrations of the city of Passaic have unstintingly and assiduously served our people in promoting and providing essential public services in pursuit of the health, happiness, safety, and well-being of all of its citizens, and I know you will want to join with me in a hearty tribute to all of their good works as well as our most sincere commendation and best wishes to the present public officials who administer the affairs of Passaic. The current roster of Passaic's eminent administrators is as follows:

The Honorable—

Gerald Goldman, Mayor; Peter Bruce, Council President; Dr. Estelle F. Greenberg, Councilwoman; Robert Hare, Councilman; Fred J. Kuren, Councilman; Emil Olszowy, Councilman; Marge Semler, Councilwoman; and Herbert M. Sorkin, Councilman.

Edward Ancuacis, Tax Collector; Nat Baron, Department of Recreation; George Carter, Purchasing Agent; Elias Drazin, Department of Inspections; Peter Frungello, Director of Welfare; Judge Dominick Giordano, Municipal Judge; Charles Gregory, Acting Tax Assessor; Ken Hill, Chief of Police; Senator Joseph Hirkala, Deputy Clerk; Lewis Jaffe, Fire Chief; Joseph Kane, Health Department; Anthony Martini, Clerk; Anthony Porretta, Department of Public Works; Ralph Sandor, Engineer; and Albin T. Wolak, Treasurer.

Mr. Speaker, to understand the present, we must understand the past and in order to acquaint you with the historic beginnings of the city of Passaic, I respectfully request your permission to enter at this point in the RECORD some excerpts from a booklet entitled "Passaic, New Jersey" prepared in June 1966 by the Jerseymen of Passaic High School which will provide you with an insight of the way of life in the early days and comprehensive background information on the people who contributed to the building of the city of Passaic and the history of America. Excerpts from this booklet on Passaic's history are as follows:

> The land which Passaic occupies was originally a camping ground for the Lenni-Lenape Indians. New Jersey was claimed by the English as part of Virginia, but the Passaic area was settled by the Dutch.
>
> On April 4, 1678, Hartman Michaelse (or Vreeland) bought Dundee Island from the Indians for a bottle of rum, thereby becoming the first settler in the area. Michaelse started a fur trading post, and perfected his title to the land by receiving patents from the Dutch Lords Proprietors for "one fatt hen" as quitrent. The area was named Acquackanonk Landing until 1854, when the name Passaic (meaning peaceful) was adopted . . .
>
> The early settlers divided Acquackanonk into 28 farms, leaving 13 acres for a church. Religious services were begun in 1682, but no church building was constructed until 1693, when the Dutch Low Reformed Church was built. The church property was leased for the purpose of raising money to pay the minister's salary . . .
>
> Robert Drummond was the first merchant in Passaic, owning a general store. "Big business" came to Passaic in the form of Abraham "Brom" Ackerman, who believed that there is good money in real estate. Ackerman built an extensive line of docks on the Passaic River which he ultimately sold to John Ryerson and Aaron Van Houten . . .
>
> Many men whose names are familiar in Passaic were merchants—John Nutley, William Spear, Adolph Van Winkle, John Post, Cornelius Vreeland, Adrian Van Houten, and Samuel Van Saun . . .
>
> Acquackanonk existed for fifty years without a physician; the first one was Jacob Arents, who came from Germany in 1707. John DeVausne was the first resident doctor. Prices were low, a doctor's visit cost, at most, fifty cents.
>
> A free dispensary was begun in Passaic in 1891. Through the gifts of Miss Susan Palmer and Mrs. Joseph Hegeman in 1892, land comprising 70 city lots was secured for the purpose of building a hospital between Boulevard and Lafayette Avenue. The hospital, with endowments of $300,000, was built with a capacity of 47 patients.
>
> In August, 1895, St. Mary's Hospital was chartered. Reverend J. A. Sheppard purchased the building on Pennington Avenue, arousing the ire of the neighbors, who objected to a hospital in their vicinity. Nevertheless, the hospital opened on November 8, 1898. Beth Israel Hospital was opened on Madison Street in March, 1927. The hospital is now located on Parker Avenue in an up-to-date building . . .
>
> The first official road in Passaic was the Paterson and Hamburgh Turnpike Road which led from Acquackanonk Landing to Deckertown. Constructed in 1809, the road had toll houses, and it was used by several stage coach lines. The Erie Railroad put the highway out of business, and it became Main Avenue. Before the construction of the log-base Paterson and New York Plank Road in 1860, the only way to New York City was by boat via Newark. . .
>
> In the middle of the nineteenth century, Passaic was a small town, filled with pre-Revolutionary War buildings, Streets, also, were different. Loveland (Passaic Street!) had only three buildings. Washington Place was a daisy field; East Main Avenue was called Cow Path; and Main Avenue was a muddy lane. There was only one public school, and no banks or sidewalks. . .
>
> No history of the city would be complete without some mention of Passaic industries. In 1735, Stephen Basset established a tannery here, the first manufacturing industry in the state. Aside from a few mills, this tannery was the only Passaic industry until it ceased production in 1845. James Shepard opened a bleachery in 1813; it was located on the Weasel Brook, Acquackanonk, just outside the city limits.
>
> Passaic became an industrial center for the following reasons: it had an ideal location, the railroads facilitated transportation, and the canal and river supplied water and aided navigation.
>
> The largest industry was the textile industry. The early magnates of that industry were Peter Reid and Henry A. Barry. The Botany Worsted Mills began production in 1889. During the First World War, the Botany Company employed 6,850 people. In 1904, Julius Forstmann opened the Forstmann and Huffmann Company. The earliest textile mill in Passaic was the Passaic Print Works, founded by W. S. Locke in 1873. Unfortunately, all the Passaic textile industries have now left the city and population has decreased. . .
>
> Outstanding companies were Okonite Mills established in 1888, (insulated wires), Pantasote Leather Company (artificial leather—"more beautiful and lasting than natural leather"), Paterson Parchment Paper Company, and Manhattan Rubber Manufacturing Company. . .
>
> The growth of industry in Passaic called for banking institutions; and from 1869 to 1886 unsuccessful attempts were made to establish a bank. Passaic residents had to do their banking in New York or in Paterson. The Panic of 1873 helped check the movement for banking in town.
>
> In 1886, Robert D. Kent organized the Passaic National Bank. The city's second bank, the State Trust and Safe Deposit Company opened in 1890. It later became the People's Bank and Trust Company. . . .

Mr. Speaker, the city of Passaic, as is typical of many of our highly industrialized communities born in America's cradle of industry, is presently being whiplashed by the wake of the catapult of development that accompanies the expansion and relocation of industry out of the city to seek larger quarters elsewhere. The people of Passaic are presently recuperating from the loss of two substantial national manufacturing companies who closed their doors and created a serious unemployment situation.

In reviewing Passaic's 100 years of urban experience, and contemplating the future of Passaic, the highly prestigious newspaper of Passaic-Clifton, the Herald News, provided capsule reports and statements of many leading citizens of Passaic in their Passaic centennial edition of July 30, 1973. The overwhelming enthusiasm and energetic efforts of all of the people of Passaic who have contributed and continue to contribute their lifetime endeavors towards the preservation and enhancement of their rich heritage are eloquently depicted in these statements. The following excerpt from the Herald News "Passaic Centennial Edition" of the statement made by the Passaic Centennial Committee is submitted herewith to be forever lastingly etched in our historic journal of Congress, as follows:

A CITY WITH A PROUD PAST—AND A MORE PROMISING FUTURE

> One good century deserves another! On this occasion of the 100th Birthday celebration, Passaic looks forward to its Downtown Renewal Project.
>
> With improved new public facilities, new housing, renewal of commercial and industrial areas, the future is indeed promising. Focusing on better community understanding, progressive educational techniques, we eagerly look ahead to a better tomorrow for the entire community.

The Passaic Centennial Committee is comprised of many highly reputable and leading citizens of our community who have been proudly and busily working with residents of the community in formulating patriotic, religious, and civic programs throughout the city in celebration of this historical event. The members of the committee are as follows:

PASSAIC CENTENNIAL

CHAIRMEN

Emil Olszowy, General Chairman.
Martin Fried, Arts and Sciences.
William Field, Contest.
Dr. Estelle Greenberg, History.
Dante Mecca, Carnival.
Joseph Bloomfield, Speakers Bureau.
Fr. Dan Noonan, Religious Affairs.
John Wojtowicz, Jr., Coordinator.
Carmen Russo, Antique Car Show.
William Coffey and George Coronato, Parade.
Edward M. Kudla, Special Events.
Dan Ryan, Junior Olympics.
Joan Scancarella, Publicity.
Richard O'Brien, Finance.
Joseph Giordano, Picnic.

COMMITTEE

Charles Andienszky, Angel Aponte, Jack Baker, Mrs. Albert Barowitz, Helen Billack, Mary Billack, Joseph Braunstein, Julius Bressolur, Peter Bruce, Frank Cannata, Mary Catena, Andrew Celmar, Alice Cerasia, Francis Cinnamon, Bertha Clark, Ralph A. Cone, Lorenzo Copeles, Comm. Wm. B. Cruise, James DeBiase, Walter Demarest, Pedro Diaz, Leon Ehrlich, Donald Farinella, Andrew Farmiga, Rene Feliciano, Tom Gamble, Peter Garbera, Georgia Gardner, Frank Giacomarro, Antoinette Giaconia, Rosemarie Giordano, Robert Goldberg, and Stanley Gradzki.

Harry Greenwald, Adrey Havriliak, Merlene Hayden, Ann Holster, Bob Holster, David Hotzman, Edward Jackson, Vinnie Jasper, Alan Juszcyk, Marie Knapp, Gregory Komeshok, Harold Kramer, Elizabeth Kuhlwilm, Phyllis Kuren, Jean Lazur, Arthur R. Lepow, Charles Locker, Gene LoPresti, Ken Lutzker, Jane Mandelbaum, Skippy Manney, Adeline Miller, Doris Miller, David Minsky, Mrs. Martin T. Moran, Samuel Nadel, Ivan Nelson, Charles Page, Mattie Mizenko, Ronald Olszowy, Katherine Peck, Bart Plescia, and M/M J. Pojanowski, Jr.

Marian Race, Luis Ramos, Jack Reynolds, Joanna Reynolds, Rolin Rodriguez, Col. John Roosma, Mrs. A. D. Rosenberg, Dr. M. H. Saffron, Thomas Schear, Mrs. A. E. Schefrin, Samuel Schultz, Mrs. John Sciranka, William Sruggs, Joseph Sefchik, Vincent Seminara, Dr. A. F. Senaldi, Dr. James Shenton, Marilyn Sniatkowski, Arthur Sparaga, Rev. Donald Steinle, Albin J. Stolarik, David Streit, Marjorie Swartz, Dary Tencza, Joyce Tencza, Walter Tencza, Mrs. Pat Trawinski, Rosemarie Trentacoste, Frances Vill'Neuve, Lee Wagner, Jerry Wallace, Arthur Walls, and Joseph Weiss.

Mr. Speaker, with the greatest admiration and respect I am pleased to commend to you and our colleagues these highly respected community leaders. A massive reconstruction and revitalization program is being fostered by the governing officials and citizens of Passaic with the undaunted spirit and determination indigenous to the people of America. I know you will want to join with me in extending the heartiest congratulations of the Congress and best wishes to the good people of the city of Passaic during the 1973 celebration of their 100th anniversary. We do indeed salute the city of Passaic and all of its citizens as we observe and commemorate this first century of progress and look ahead with them to the second century of opportunity which is indeed a great challenge not only for the people of Passaic, but all of urban America.

COX FIRING HELD ILLEGAL

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. WALDIE. Mr. Speaker, 2 weeks ago, Senator Moss, Representative ABZUG, and myself joined as plaintiffs in a suit asking that the dismissal of Special Prosecutor Archibald Cox be declared illegal. It was our contention that President Nixon's directive to Acting Attorney General Bork to fire Mr. Cox, and then Mr. Bork's carrying out of that directive, were actions contrary to Justice Department regulations that stated quite clearly that the special prosecutor could only be removed for "extraordinary improprieties."

No such contention of impropriety was ever made by the President or Mr. Bork and, therefore, we believed that the firing was illegal.

Our view was confirmed earlier today when U.S. District Judge Gerhard A. Gesell declared the Cox firing to be illegal.

It is my belief, Mr. Speaker, that this decision has quite important ramifications for the Congress as it debates the issue of impeachment. I have charged the President with obstruction of justice in the impeachment resolution which I introduced in the House of Representatives on October 23 for myself and 30 cosponsors. We now have a court decision holding that the dismissal of Mr. Cox was illegal—and, therefore, it is clear that my charges of obstruction of justice have been given added credence.

Mr. Speaker, because of the overriding importance of this court decision, I now insert its full text into the RECORD:

[In the U.S. District Court for the District of Columbia]

MEMORANDUM

Ralph Nader, Senator Frank E. Moss, Representative Bella S. Abzug, and Representative Jerome R. Waldie, Plaintiffs, v. Robert H. Bork, Acting Attorney General of the United States, Defendant. Civil Action No. 1954–73.

This is a declaratory judgment and injunction action arising out of the discharge of Archibald Cox from the office of Watergate Special Prosecutor. Defendant Robert H. Bork was the Acting Attorney General who discharged Mr. Cox. Plaintiffs named in the Amended Complaint are as listed above.

Some issues have already been decided. The matter first came before the Court on plaintiff's motion for preliminary injunction and a request that the trial of the action on the merits be consolidated with the preliminary injunction pursuant to Rule 5(a) of the Federal Rules of Civil Procedure. Defendant filed opposition papers, and a hearing was held on the detailed affidavits and briefs filed by the parties. The Court determined that the case was in proper posture for a determination on the merits at that time.

All injunctive relief requested in the proposed preliminary injunction tendered at the hearing and in the Amended Complaint was denied from the bench. The effect of the injunctions sought would have been to reinstate Mr. Cox as Watergate Special Prosecutor and to halt the Watergate investigation until he had reassumed control. It appeared to the Court that Mr. Cox's participation in this case was required before such relief could be granted. *See* Rule 19(a) of the Federal Rules of Civil Procedure. Yet Mr. Cox has not entered into this litigation, nor has he otherwise sought to be reinstated as Special Prosecutor. On the contrary, his return to prior duties at Harvard has been publicly announced. Moreover, a new Watergate Special Prosecutor was sworn in on November 5, 1973, and the Court felt that the public interest would not be served by placing any restrictions upon his on-going investigation of Watergate-related matters.

Plaintiffs continue to press for a declaratory judgment on the only remaining issue to be resolved: the legality of the discharge of Mr. Cox and of the temporary abolition of the Office of Watergate Special Prosecutor. To this end, it must initially be determined whether plantiffs have standing and whether a justiciable controversy still exists.

Defendant Bork contends that the congressional plaintiffs lack standing [1] and that the controversy is moot. This position is without merit. The discharge of Mr. Cox precipitated a widespread concern, if not lack of confidence, in the administration of justice. Numerous bills are pending in the Senate and House of Representatives which attempt to insulate the Watergate inquiries and prosecutions from Executive interference, and impeachment of the President because of his alleged role in the Watergate matter—including the firing of Mr. Cox—is under active consideration.[2] Given these unusual circumstances, the standing of the three congressional plaintiffs to pursue their effort to obtain a judicial determination as to the legality of the Cox discharge falls squarely within the recent holding of the United States Court of Appeals for the District of Columbia Circuit in *Mitchell* v. *Laird*, No. 71–1510 (D.C. Cir. March 20, 1973). Faced with a challenge by a group of congressmen to the legality of the Indo-China War, the Court recognized standing in the following forceful terms:

"If we, for the moment, assume that defendants' actions in continuing the hostilities in Indo-China were or are beyond the authority conferred upon them by the Constitution, a declaration to that effect would bear upon the duties of plaintiffs to consider whether to impeach defendants, and upon plaintiffs' quite distinct and different duties to make appropriations to support the hostilities, such as raising an army or enacting other civil or criminal legislation. In our view, these considerations are sufficient to give plaintiffs a standing to make their complaint. . . ."

Id. at 4.

Footnotes at end of article.

Unable to distinguish this holding, defendant Bork suggests that the instant case has been mooted by subsequent events and that the Court as a discretionary matter should refuse to rule on the legality of the Cox discharge. This view of the matter is more academic than realistic, and fails to recognize the insistent demand for some degree of certainty with regard to these distressing events which have engendered considerable public distrust of government. There is a pressing need to declare a rule of law that will give guidance for future conduct with regard to the Watergate inquiry.

While it is perfectly true that the importance of the question presented cannot alone save a case from mootness, *Marchand* v. *Director, United States Probation Office*, 421 F. 2d 331, 333 (1st Cir. 1970), the congressional plaintiffs before the Court have a substantial and continuing interest in this litigation. It is an undisputed fact that pending legislation may be affected by the outcome of this dispute and that the challenged conduct of the defendant could be repeated with regard to the new Watergate Special Prosecutor if he presses too hard,[3] an event which would undoubtedly prompt further congressional action. This situation not only saves the case from mootness, *see United States* v. *Concentrated Phosphate Export Assoc.*, 393 U.S. 199, 203–04 (1968); *Friend* v. *United States*, 388 F. 2d 579 (D.C. Cir. 1957), but forces decision. The Court has before it an issue that is far from speculative and a strong showing has been made that judicial determination of that issue is required by the public interest. Under these circumstances, it would be an abuse of discretion not to act.

Turning then to the merits, the facts are not in dispute and must be briefly stated to place the legal discussion in the proper context.

The duties and responsibilities of the Office of Watergate Special Prosecutor were set forth in a formal Department of Justice regulation,[4] as authorized by statute.[5] This regulation gave the Watergate Special Prosecutor very broad power to investigate and prosecute offenses arising out of the Watergate break-in, the 1972 Presidential election, and allegations involving the President, members of the White House staff or presidential appointees. Specifically, he was charged with responsibility to conduct court proceedings and to determine whether or not to contest assertions of Executive privilege. He was to remain in office until a date mutually agreed upon between the Attorney General and himself, and it was provided that "The Special Prosecutor will not be removed from his duties except for extraordinary improprieties on his part."

On the same day that this regulation was promulgated, Archibald Cox was designated as Watergate Special Prosecutor.[6] Less than four months later, Mr. Cox was fired by defendant Bork. It is freely admitted that he was not discharged for an extraordinary impropriety.[7] Instead, Mr. Cox was discharged on the order of the President because he was insisting upon White House compliance with a Court Order which was no longer subject to further judicial review. After the Attorney General had resigned rather than fire Mr. Cox on this ground and the Deputy Attorney General had been discharged for refusing to do so, defendant Bork formally dismissed Mr. Cox on October 20, 1973, sending the following letter:[8]

"DEAR MR. COX: As provided by Title 28, Section 508(b) of the United States Code and Title 28, Section 0.132(a) of the Code of Federal Regulations, I have today assumed the duties of Acting Attorney General.

"In that capacity I am, as instructed by the President, discharging you, effective at once, from your position as Special Prosecutor, Watergate Special Prosecution Force.

"Very truly yours,

"ROBERT H. BORK,
"Acting Attorney General."

Thereafter, on October 23, Mr. Bork rescinded the underlying Watergate Special Prosecutor regulation, retroactively, effective as of October 21.[9]

The issues presented for declaratory judgment are whether Mr. Cox was lawfully discharged by defendant on October 20, while the regulation was still in existence, and, if not, whether the subsequent cancellation of the regulation lawfully accomplished his discharge. Both suppositions will be considered.

It should first be noted that Mr. Cox was not nominated by the President and did not serve at the President's pleasure. As an appointee of the Attorney General,[10] Mr. Cox served subject to congressional rather than Presidential control. *See Myers* v. *United States*, 272 U.S. 52 (1926). The Attorney General derived his authority to hire Mr. Cox and to fix his term of service from various Acts of Congress.[11] Congress therefore had the power directly to limit the circumstances under which Mr. Cox could be discharged, *see United States* v. *Perkins*, 116 U.S. 483 (1886), and to delegate that power to the Attorney General, *see Service* v. *Dulles*, 354 U.S. 363 (1957). Had no such limitations been issued, the Attorney General would have had the authority to fire Mr. Cox at any time and for any reason. However, he chose to limit his own authority in this regard by promulgating the Watergate Special Prosecutor regulation previously described. It is settled beyond dispute that under such circumstances an agency regulation has the force and effect of law, and is binding upon the body that issues it. *Accardi* v. *Shaughnessy*, 347 U.S. 260 (1954) (*"Accardi I"*); *Bonita* v. *Wirtz* 369 F.2d 208 (D.C. Cir. 1966); *American Broadcasting* Co. v. *F.T.C.*, 179 F.2d 437 (D.C. Cir. 1949); *United States* v. *Chapman*, 179 F. Supp. 447 (E.D. N.Y. 1959). As the Ninth Circuit observed in *United States* v. *Short*, 240 F.2d 292, 298 (9th Cir. 1956):

"An administrative regulation promulgated within the authority granted by statute has the force of law and will be given full effect by the courts."

Even more directly on point, the Supreme Court has twice held that an Executive department may not discharge one of its officers in a manner inconsistent with its own regulations concerning such discharge. *See Vitarelli* v. *Seaton*, 359 U.S. 535 (1959); *Service* v. *Dulles, supra*. The firing of Archibald Cox in the absence of a finding of extraordinary impropriety was in clear violation of an existing Justice Department regulation having the force of law and was therefore illegal.

Defendant suggests that, even if Mr. Cox's discharge had been unlawful on October 20, the subsequent abolition of the Office of Watergate Special Prosecutor was legal and effectively discharged Mr. Cox at that time. This contention is also without merit. It is true that an agency has wide discretion in amending or revoking its regulations. *United States* v. *O'Brien*, 391 U.S. 367, 380 (1968). However, we are once again confronted with a situation in which the Attorney General voluntarily limited his otherwise broad authority. The instant regulation contains within its own terms a provision that the Watergate Special Prosecutor (as opposed to any particular occupant of that office) will continue to carry out his responsibilities until he consents to the termination of that assignment.[12] This clause can only be read as a bar to the total abolition of the Office of Watergate Special Prosecutor without the Special Prosecutor's consent, and the Court sees no reason why the Attorney General cannot by regulation impose such a limitation upon himself and his successors.

Even if the Court were to hold otherwise,

however, it could not conclude that the defendant's Order of October 23 revoking the regulation was legal. An agency's power to revoke its regulations is not unlimited—such action must be neither arbitrary nor unreasonable. *Kelly* v. *United States Dept. of Interior*, 339 F. Supp. 1095, 1100 (E.D. Cal. 1972). *Cf. Grain Elevator, Flour and Feed Mill Workers* v. *N.L.R.B.*, 376 F.2d 774 (D.C. Cir.), *cert. denied*, 389 U.S. 932 (1967); *Morrison Mill Co.* v. *Freeman*, 365 F.2d 525 (D.C. Cir. 1966), *cert. denied*, 385 U.S. 1024 (1967.) In the instant case, the defendant abolished the Office of Watergate Special Prosecutor on October 23, and reinstated it less than three weeks later under a virtually identical regulation.[13] It is clear that this turnabout was simply a ruse to permit the discharge of Mr. Cox without otherwise affecting the Office of the Special Prosecutor—a result which could not legally have been accomplished while the regulation was in effect under the circumstances presented in this case. Defendant's Order revoking the original regulation was therefore arbitrary and unreasonable, and must be held to have been without force or effect.

These conclusions do not necessarily indicate that defendant's recent actions in appointing a new Watergate Special Prosecutor are themselves illegal, since Mr. Cox's evident decision not to seek reinstatement necessitated the prompt appointment of a successor to carry on the important work in which Mr. Cox had been engaged. But that fact does not cure past illegalities, for nothing in Mr. Cox's behavior as of October 23 amounted to an extraordinary impropriety, constituted consent to the abolition of his office, or provided defendant with a reasonable basis for such abolition.

Plaintiffs have emphasized that over and beyond these authorities the Acting Attorney General was prevented from firing Mr. Cox by the explicit and detailed commitments given to the Senate, at the time of Mr. Richardson's confirmation, when the precise terms of the regulation designed to assure Mr. Cox's independence were hammered out. Whatever may be the moral or political implications of the President's decision to disregard those commitments, they do not alter the fact that the commitments had no legal effect. Mr. Cox's position was not made subject to Senate confirmation, nor did Congress legislate to prevent illegal or arbitrary action affecting the independence of the Watergate Special Prosecutor.

The Court recognizes that this case emanates in part from congressional concern as to how best to prevent future Executive interference with the Watergate investigation. Although these are times of stress, they call for caution as well as decisive action. The suggestion that the Judiciary be given responsibility for the appointment and supervision of a new Watergate Special Prosecutor, for example, is most unfortunate. Congress has it within its own power to enact appropriate and legally enforceable protections against any effort to thwart the Watergate inquiry. The Courts must remain neutral. Their duties are not prosecutorial. If Congress feels that laws should be enacted to prevent Executive interference with the Watergate Special Prosecutor, the solution lies in legislation enhancing and protecting that office as it is now established and not by following a course that places incompatible duties upon this particular Court. As Judge Learned Hand warned in *United States* v. *Marzano*, 149 F. 2d 923, 926 (1945):

"Prosecution and judgment are two quite separate functions in the administration of justice; they must not merge."

This Memorandum contains the Court's findings of fact and conclusions of law. The rulings made are set out in the attached Final Order and Declaratory Judgment.

GERHARD A. GESELL,
U.S. District Judge.

NOVEMBER 14, 1973.

FOOTNOTES

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[1] At the injunction hearing, the Court dismissed Mr. Nader as a plaintiff from the bench, it being abundantly clear that he had no legal right to pursue these claims. *Flast* v. *Cohen*, 392 U.S. 83, 102 (1968).

[2] Referring to various bills pending in the Senate, Senator Moss stated, "I am severely hampered in my ability to discharge my duties because of uncertainty which exists with respect to the legality of Special Prosecutor Cox's dismissal and the abolition of his office." Affidavit of Senator Frank E. Moss, dated October 29, 1973. Congressman Waldie is a member of the House Judiciary Committee and both he and Congresswoman Abzug have introduced resolutions calling for the impeachment of the President because of the Cox dismissal and other matters.

[3] The regulation from which the present Watergate Special Prosecutor, Mr. Leon Jaworski, derives his authority and his independence from the Executive branch is virtually identical to the original regulation at issue in this case. *See* note 13 *infra*. It is therefore particularly desirable to enunciate the rule of law applicable if attempts are made to discharge him.

[4] 38 F.R. 14688 (June 4, 1973). The terms of this regulation were developed after negotiations with the Senate Judiciary Committee and were submitted to the Committee during its hearings on the nomination of Elliot Richardson for Attorney General. Hearings Before the Senate Comm. on the Judiciary, 93rd Cong., 1st Sess. 144–46 (1973).

[5] *See* 5 U.S.C. § 301.

[6] Justice Department Internal Order 518–73 (May 31, 1973).

[7] *See* Defendant's Brief in Opposition to Plaintiffs' Motion for Preliminary Injunction, at 13.

[8] Exhibit 12 to the Affidavit of W. Thomas Jacks.

[9] 38 F.R. 29466 (Oct. 23, 1973).

[10] *See* 38 F.R. 14688 (June 4, 1973).

[11] 5 U.S.C. § 301; 28 U.S.C. §§ 509–10.

[12] *See* 38 F.R. 14688 (June 4, 1973): "The Special Prosecutor will carry out these responsibilities with the full support of the Department of Justice, until such time as, in his judgment, he has completed them or until a date mutually agreed upon between the Attorney General and himself."

[13] The two regulations are identical, except for a single addition to the new regulation which provides that the Special Prosecutor may not even be discharged for extraordinary improprieties unless the President determines that it is the "consensus" of certain specified congressional leaders that discharge is appropriate. *Compare* 38 F.R. 30738 (Nov. 9, 1973) *with* 38 F.R. 14688 (June 4, 1973).

[In the U.S. District Court for the District of Columbia]

FINAL ORDER AND DECLARATORY JUDGMENT

Ralph Nader, Senator Frank E. Moss, Representative Bella S. Abzug, and Representative Jerome R. Waldie, Plaintiffs, v. Robert H. Bork, Acting Attorney General of the United States, Defendant. Civil Action No. 1954–73.

On the basis of findings of fact and conclusions of law set forth in an accompanying Memorandum filed this day, it is hereby ordered and decreed that:

(1) Plaintiff's motion for leave to file an Amended Complaint and add additional plaintiffs is granted.

(2) Plaintiff's motion for preliminary injunction is denied, and the trial of the action on the merits is advanced and consolidated with the hearing on said motion.

(3) Mr. Ralph Nader is dismissed as plaintiff for lack of standing.

(4) All injunctions prayed for in the Amended Complaint are denied.

(5) The Court declares that Archibald Cox, appointed Watergate Special Prosecutor pursuant to 28 C.F.R. § 0.37 (1973), was illegally discharged from that office.

LELAND A. GREEN,
U.S. District Judge.

NOVEMBER 14, 1973.

PRÉSIDENT DENT

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. ERLENBORN. Mr. Speaker, for many weeks now, I have been trying to get the attention of the chairman of the General Subcommittee on Labor (Mr. DENT) about a minimum wage bill, but he has turned a deaf ear on this subject.

If you will pardon my French, perhaps he'll get the message in song:

Président Dent, Président Dent,
Acoutez-vous? Acoutez-vous?
Nous desirons une seance,
Pour des salaries minimum,
Pourquoi pas maintenant?
Pourquoi pas maintenant?

Translated into English, very loosely, of course, the message is:

Are you listening, are you listening,
Chairman Dent, Chairman Dent?
We desire a meeting,
About minimum wages,
Why not now? Why not now?

THE METRIC SYSTEM

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. McCLORY. Mr. Speaker, with the advent of legislation to help coordinate the present drift of our Nation to the metric system of measurement, it is appropriate to inform the people of this country about some of the issues facing the passage of the legislation.

At the present time, in the House of Representatives the administration's metric bill (H.R. 11035) is locked up in the House Rules Committee.

Fortunately, while we have not officially, through Government sponsorship, started conversion, many sectors of the country have begun voluntarily to convert to the metric system. In fact, the optical, photographic, and pharmaceutical industries made the switch some years ago.

This country is going metric at an ever increasing rate with or without Federal legislation. The main argument for Federal legislation is that it will cost less to change to metric following a careful, coordinated plan than to continue our present drift. The Secretary of Commerce recommended 2 years ago that we change to the international metric system deliberately and carefully; the changeover to be a voluntary one to predominant metric usage; and that the changeover costs should "lie where they fall," which means that they will be borne by those benefiting from the changeover.

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The trade posture of the United States suffers enough as it is without imposing such problems such as those associated with this country not using metric measurement, which is the language of measurement of most of the world.

The countries of the world that have not begun conversion to the metric system of measurement include: Barbados, Burma, Gambia, Jamaica, Liberia, Nauru, Sierra Leone, Tonga, Yemen Arab Republic, Yemen People's Republic, and the United States of America.

In this regard, an excellent point is made by J. Bryan Adair in his article "Texans and the Metric System," which was published recently—June 1973—in the Texas Business Review:

> Of the top six major free-world trading nations, only the four using the metric systems for the entire period [1962–1969] increased their world market shares, with the United States and Britain experiencing declines (p. 130).

He also noted that historically countries using the metric system have made "heavy inroads on the American share of free-world trade."

Mr. Adair notes:

> The loss of export trade experienced by Texas primary metals and machinery industries solely as a result of the presently used measurement system is estimated at over $15 million per year at the present rate. The entire cost of metrication to Texas industry could be covered in less than 30 years by the savings in those two industries alone. Further, metrication will give Texas industry as a whole vast opportunities in foreign trade. The disadvantage in foreign trade will increase in the future unless this country adopts the metric system, particularly since many of our primary trading partners are forming trade alliances with other metric countries (p. 133).

What kind of conversion is now underway in this country? The Secretary of Commerce reports that—

First, many corporations have announced plans to go metric, for example, IBM, General Motors, Xerox, Caterpillar Tractor, Honeywell, Ford, International Harvester, Timken Roller Bearing, and so forth;

Second, the Nation's schools are increasingly teaching the metric system of measurement. The States of California and Maryland have formally announced conversion plans for their schools;

Third, several States have metric legislation under consideration by their legislatures and several have formed metric commissions. The California State Division of Oil and Gas recently announced a change to sole use of metric. Road signs giving distances and/or speed limits in both metric and customary units are appearing in several States;

Fourth, many key trade associations have adopted prometric resolutions. These include the National Association of Manufacturers, the U.S. Chamber of Commerce, the National Education Association, the American Home Economics Association, the National Grange, and the American Institute of Architects;

Fifth, the National Park Service recently announced plans to add metric designations to all of its signs bearing weights or measures as an aid to foreign visitors; and

Sixth, the military is now metric as are most of its suppliers.

Mr. Speaker, it is clear that the Nation and its more progressive segments are not waiting for our plodding governmental machinery to catch up. They have taken the initiative to act upon themselves, much to their credit.

I think that it is appropriate now to look at some of the reasons why metric legislation is now being held up in the House of Representatives and what groups are actively seeking to achieve special monetary provisions.

As evidenced by hearings held by the Senate Commerce Committee—November 2, 1973—two groups are out to gain special favor. These two groups are the American Federation of Labor and Congress of Industrial Organizations—AFL–CIO—and the National Federation of Independent Business.

The AFL–CIO is demanding that the Government provide compensation and adjustment assistance to workers for the cost of tools, the costs of educational retraining, and other conversion transition costs, including relocation, job loss, downgrading, and loss of income or promotion opportunities as a result of workers' lack of familiarity with the metric system.

The National Federation of Independent Business is seeking money and assistance from the taxpayer. The federation wants the Small Business Act to be amended so that it will "allow loans as the administration may determine to be necessary or appropriate to assist any small business concern to make changes in its equipment, facilities, methods of operations, or to retrain or educate its employees to conform to the national plan of metric conversion submitted under the Metric Conversion Act of 1973, if the administration determines that such concern is likely to suffer economic injury without assistance under this paragraph."

The AFL–CIO and the Federation of Independent Business are unnecessarily seeking aid. In fact, if they obtained the aid that they are seeking it may well destroy any Federal metric legislation. The fact that no other country in the world that has undergone conversion has found it necessary for such aid and let the costs fall where they may appears to have had little impact on the rather self-serving interests of these two groups. Any improvement in the economy of this great Nation brought about by metric conversion will only aid small business and giant labor, whereas the inability to convert in an orderly and deliberate manner with little or no costs will hurt both labor and small business. The reason for this is that without Federal legislation the undirected drift of metric conversion will almost certainly guarantee that conversion costs will be higher because of duplication of effort and other factors.

The Secretary of Commerce felt strongly enough about keeping Government cost factors low that he noted that the passage of the metric legislation without higher costs can only help the small businessman; that is, he will be able to make the necessary changes in a well-planned and thus more efficient way. In the U.S. Metric Study's report to Congress it was stated that small business is the segment of our business and industry that is in greatest need of a coordinated metrication plan. Big business and industry have the "technical, financial, and managerial resources for planning their own metric changeover and dealing with it over a long period. Small businesses do not possess such resources."

The impact upon small businesses by the voluntary conversion to the metric system now underway in the larger corporations is tremendous, especially when one considers that, for example, General Motors has approximately 40,000 supplying companies. As the larger companies voluntarily go metric, even without legislation, the small companies in order to survive will by necessity be compelled to go metric to meet competition and fill orders.

Why forfeit such beneficial legislation by asking for unreasonable handouts?

Information that we have from the Bureau of Standards indicates that among those companies that have already begun conversion to the metric system, the policy has been for the firms themselves to assume the costs of all tool and equipment replacement, even worker-owned tools. This is the policy of General Motors, Ford, Caterpillar Tractor, International Harvester, and Timken Roller Bearing to name a few. Therefore, the worker does not have to worry about replacement costs in the sense that it will cause him undue hardship. How many foreign car specialists do we have in the country today that already own and use metric tools?

The Bureau of Standards notes that the retraining of workers has not been a problem and it is not anticipated to be a problem in the future. For example, the pharmaceutical industry converted to the metric system 20 years ago and it reports that the retraining of its workers was easily accomplished, much easier than initially expected. Other firms that have already converted report similar experiences.

Moreover, the Bureau reports that workers will generally need to learn only a small part of the metric system and that that portion can be learned in a few hours. No special effort or formal training is necessary. For the most part, industry accepts the responsibility and costs of retraining their workers.

Mr. Speaker, in conclusion, conversion to the metric system of measurement can only help this country, its businesses, and its workers. It will in no way hinder our international trade posture or cause economic hardship to befall our tradesmen, small businessmen, and workers in our domestic sector. We want to make this country strong and viable in the international marketplace. Such strength abroad can only make us economically healthy at home. One way to assure ourselves of this prospect is to bring about conversion to the metric system. The United States cannot afford to go it alone with such partners as Yemen People's Republic, Nauru, and Tonga, good friends that they are. In order to even compete with such industrial nations as Japan and the Common Market countries, we have to use the same form of measurement they use. If we do not, they very simply will not buy our goods or trade with us. Exclusive metric markets are being formed now. Also, they will set the metric standards for the world and we will have little or nothing to say about it. We cannot afford to place ourselves in such a position.

NOVEMBER 19—DISCOVERY OF PUERTO RICO

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. BADILLO. Mr. Speaker, on Monday, November 19, the people of Puerto Rico celebrate Discovery Day, the 480th anniversary of the discovery of the island by Columbus. History tells us that on his second voyage to the new world, Columbus spotted the island on November 19, 1493. The following day he and his companions went ashore at Cabo Rojo and spent 2 days there acquiring fresh water and other provisions and enjoying the beauty of the tropical climate, clear waters, and swaying palms. Among the members of the crew was Juan Ponce de León, who later became the island's first Governor and who is well known for his exploits in search of the legendary Fountain of Youth.

Puerto Rico has long taken deep pride in the celebration of this occasion, and those of us who reside on the mainland continue to share in the festivities. The date is widely observed in New York City schools and affords us an opportunity to reflect on our Spanish heritage and on the diversity of our culture. But although we do recall the many different traditions which came together to form the present Puerto Rican society, we also recognize the need for unity and a sense of common brotherhood.

While the occasion is a happy one, those of us who are looking toward the day when the Spanish speaking can take their place as full-fledged members of our society cannot help but remember that there is still a lot to be done. More than a decade of civil rights activities has still not solved the appalling statistics which show that Spanish-speaking Americans, along with other minority groups, continue to receive less than an equal share of opportunity in education, housing, economic progress, health, et cetera. The present administration points with pride to the 16-point program which has raised Federal employment of Spanish speaking two-tenths of 1 percent since its inception in 1969. The poverty program has gradually been dismantled, and our citizens have experienced an all-time high both in prices and in unemployment. When even the middle-class American is suffering, what, then, is happening to the poor in the barrios of the cities and in the rural areas of the Southwest, both of which are heavily populated by Spanish-speaking Americans? And what is happening on the island of Puerto Rico itself, where we find the greatest single concentration of Spanish-speaking Americans? According to the 1970 census, the median family income in Puerto Rico is $3,063; the median educational attainment is 6.9 years of schooling, compared to 12.1 years in the States, this in spite of the fact that the island devotes a greater portion of its total budget to education than any single State in the Union.

It is not my intention to detract from the spirit of this festivity by citing such discouraging figures. It is, rather, that I wish to stress the urgent nature of our problems and the need to act on them now. A lot has changed, both on the island and on the mainland, in the 480 years since that first recorded discovery. Columbus, if he were to come back to our shores today, would be amazed to find that we have built skyscrapers, designed airplanes, and extended our average life expectancy to beyond 70 years—more than double that of Europeans in the 15th century. But he might also be surprised to learn that we have not yet discovered a way to distribute these benefits equally to all segments of our population. Hopefully, we would explain that we are trying to approach our problems positively, that it is our firm intention to resolve the inequities we see around us.

On this date 20 years ago one of our greatest patriots, the then Gov. Luiz Muñoz Marín, delivered a moving speech over CBS radio describing the dramatic changes which have taken place on the island since its discovery by Columbus. Summing up the advances of a modern, technological society, he states:

> We think Columbus, if he were to return today, would understand what we are trying to do. We would explain it to him in the language of Queen Isabela, although we could also explain it in the language of Sir Francis Drake if Columbus had gotten around to learning it by this time. He would see, we believe, that we are explorers, too. Just as he was an explorer in geographic space, we are explorers in the ranges of improving man's stay on earth. We are trying to push ahead the frontiers of man's knowledge. We are trying to apply it not only to making a better living but, what is more important, to making a better life.
>
> We approach our multitudinous problems with courage born of the knowledge that we have traveled far on the rocky road. We face the future with the faith that man can and does rise above the pettiness of social position, racial differences, and local and personal economic interests to work for the common good.
>
> We believe that not only Columbus would understand. We believe that all Americans to the north and to the south of Puerto Rico, representing the two great cultures that meet and grow friendly in Puerto Rico—trail blazers both in their different ways—will also understand.

BUREAU OF RECLAMATION'S GARRISON DIVERSION PROJECT VIOLATES INTERNATIONAL LAW

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. VANIK. Mr. Speaker, yesterday, I commented on a North Dakota project of the Department of the Interior's Bureau of Reclamation known as the Garrison Diversion Unit.

This project is a financial and environmental nightmare. It is opposed by many of the farmers it is supposed to benefit—and now it is creating an international problem. The project is in clear violation of a 64-year-old international boundary water treaty as well as the world environmental agreement signed in Stockholm last year.

To explain in detail the type of damage this project is causing the Canadians, I would like to enter in the RECORD at this point the full text of a letter from the Canadian Government to the U.S. Government. In addition, I would like to include the letter of transmittal from the State Department to the Department of the Interior. As this letter indicates, the State Department views this as a very serious matter.

Mr. Speaker, we must not press ahead with this project in light of all the environmental and cost/benefit questions which have been raised. There is absolutely no justification for this project to proceed. The further we proceed, the more it will cost us to correct the damage and terminate the program—and it must be obvious to everyone now that we must and will terminate. I urge the Department of the Interior to order an immediate end to the Garrison Diversion Unit before any more good money is thrown away on this project. The letter follows:

DEPARTMENT OF STATE,
Washington, November 5, 1973.

Hon. ROGERS C. B. MORTON,
Secretary of Interior.

DEAR ROG: The Canadian Embassy has delivered to the Department of State its enclosed Note, No. 432, dated October 23, 1973. This Note reiterates Canada's strong and consistent objection to any further development of the Garrison Diversion Unit in North Dakota which could result in degradation of waters flowing into Canada. This Note goes beyond Canada's prior expressions on the subject and urgently requests that the United States Government establish "a moratorium on all further construction of the Garrison Diversion Unit until such time as the United States and Canadian Governments can reach an understanding that Canadian rights and interests have been fully protected in accordance with the provisions of the Boundary Waters Treaty" between the United States and Canada.

Canada's position is consistent with that which the Department of State has taken in its communications and discussions of the Garrison project with the Bureau of Reclamation. We think that the obligation of the United States under the 1909 Boundary Waters Treaty should be very carefully weighed before further funds are expended on this project. The documentation delivered by Canada in support of its Note suggests that continuation of the Souris section of the project could result in pollution of waters crossing the boundary "to the injury of health and property" in Canada in contravention of our obligation under Article IV of the Boundary Waters Treaty.

I am aware that the Garrison Division Unit is a very large project and that substantial expenditures have already been made in connection with its construction. In view of Canada's protest, however, and the potential harm of continuation of the Souris portion of the project to our relations with Canada, we must give serious consideration to the Canadian request and to the circumstances and concerns which underlie it. To

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resolve this matter, I would like to suggest that officials of our departments meet, along with other interested U.S. agencies, as soon as possible in order to determine what action should be taken in response to the Canadian Note.

Sincerely,

KENNETH RUSH,
Acting Secretary.

NOTE No. 432

The Canadian Embassy presents its compliments to the Department of State and has the honour to refer its Notes No. 313 of October 19, 1971 and No. 35 of January 25, 1973, concerning the effect on water quality in the Souris River of the proposed Garrison Diversion Project in the State of North Dakota.

The Embassy reaffirms that the Government of Canada continues to be gravely concerned that return flows from the irrigation of land in the Souris Loop and areas adjacent to tributaries of the Red River will significantly and seriously degrade water quality in these two Rivers. The Government of Canada has concluded that based on studies conducted in both countries the proposal would run counter to the obligations assumed by the United States under Article IV of the Boundary Waters Treaty of 1909 that: ". . waters herein defined as boundary waters and waters flowing across the boundary shall not be polluted on either side to the injury of health or property on the other."

Studies have been undertaken in Canada that indicate that communities, such as Souris and Portage la Prairie, would be required either to seek alternative sources of water supply or undertake additional treatment of present water supplies drawn from the Souris and Assiniboine Rivers. The attachments to this Note contain more detailed explanations of the injury to property resulting from transboundary pollution likely to be incurred by these two Canadian municipalities. The Department of State will understand that the property damage values listed are indicative and minimum values and do not represent other injury to health or property that might be incurred. Such other injury by way of example would include: the unsuitability of the Souris return flows for irrigation purposes, and for various industrial uses including food processing; and adverse effects that may accrue to other downstream interests on both rivers from the Boundary to Lake Winnipeg. In short, options available to Canada for the use of the flowa of these Rivers will be severely limited by the Garrison Division.

The Government of Canada is also mindful that on July 13, 1972 the Canadian Minister of Environment and the Chairman of the United States President's Council on Environmental Quality jointly reaffirmed their support for Principle 21 of the Declaration on Human Environment that:

"States have, in accordance with the charter of the United Nations and the principles of international law, responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond national jurisdiction."

The Department of State will recall that the group of Canadian and U.S. officials which was to consider alternatives to the present plans for the Garrison Diversion so as to protect Canadian interests, has met only once. No agreement could be reached as to the terms of reference for the group and thus no progress has been achieved through this mechanism.

The Government of Canada is confident the United States Government will recognize the need to avoid degradation of the water of the Souris River passing into Canada. Accordingly, the Government of Canada requests urgently that the Government of the United States establish a moratorium on all further construction of the Garrison Diversion Unit until such time as the United States and Canadian Governments can reach an understanding that Canadian rights and interests have been fully protected in accordance with the provisions of the Boundary Waters Treaty.

The Government of Canada looks forward to an early reply to this request. Further, the Government of Canada suggests that senior officials from both sides representing all interests meet quickly, following the establishment of a moratorium, to reach the understanding described above.

The Canadian Embassy avails itself of this opportunity to renew to the Department of State the assurances of its highest considerations.

WASHINGTON, D.C., *October 23, 1973.*

ATTACHMENT 1

N.B.: It should be noted that the statement below is illustrative only. The figures quoted are preliminary engineering estimates and do not cover the entire range of possible injury to health and property.

The forecasted degradation in water quality of the Souris River would appear to be serious enough to force the town of Souris to seek an alternate supply source. The availability of an alternate source was investigated by the Manitoba Water Supply Board during 1970. Their investigations revealed a potential groundwater supply approximately 8 miles from the town. The capital costs of development of this source and providing treatment facilities for hardness reduction and iron removal was estimated to be 470,000 dollars. Current costs may well be in the order of 600,000 to 700,000 dollars.

Water suply for the city of Portage la Prairie will not be affected to the same extent as the town of Souris. The Souris River will be diluted by the Assiniboine River, which is the city's water supply source. The forecasted increases in hardness and total dissolved solids will increase water treatment costs. It currently costs Portage la Prairie approximately 25 cents per 1,000 gallons to treat its present water. Chemical costs for treatment make up the bulk of this figure. Poorer water quality in the Assiniboine River will require the use of larger quantities of chemicals to provide the current quality of finished water. An increased cost of 10–15 cents per 1,000 gallons would not appear to be unreasonable. Assuming a 15 cent per 1,000 gallon increase and a daily use of 1.5 million gallons the annual cost to the city would be: $82,125.

DEPARTMENT OF THE ENVIRONMENT.
OTTAWA.

GARRISON DIVERSION UNIT—SOURIS RIVER WATER DEGRADATION AS A RESULT OF IRRIGATION IN THE SOURIS LOOP

INTRODUCTION

On April 29, 1969 the Canadian Embassy in Washington, D.C. in a Note Verbale to the U.S. Department of State raised the matter of the Garrison Diversion, an irrigation project forming part of the Missouri River Basin Project, in order to determine if the possible effect on the quantity and quality of the Souris River waters flowing into Canada was being considered.

Since that time this matter has been the subject of several exchanges of notes between the Canadian Embassy and the U.S. State Department, and a matter of continuing concern to both the Canadian and U.S. governments.

The object of this paper is to outline the potential problems of water quality which the irrigation project will create, and give some assessment of the implications for Canada of a degradation of its water supply.

Adverse effects on water quality in the Souris River of irrigation return flow

(a) Increased Concentration of Total Dissolved Solids (TDS)

The Bureau of Reclamation Environmental Impact Statement indicated that there would be a substantial increase in TDS in Souris River flow as a result of the irrigation project. The applied irrigation water from the Missouri would contain approximately 540 mg/l of TDS, the waters of the Souris historically have a TDS concentration of 796 mg./l, the return flow from the irrigation project would have about 1522 mg/l of TDS, and the average TDS concentration of Souris River flow would jump to 1322 mg/l. The figures for Souris River quality are perhaps not completely indicative of the potential problems because quality varies considerably from season to season and from year to year.

The predicted TDS levels would undoubtedly affect municipal use of the Souris River. The study predicted major increases in calcium and magnesium concentrations. Since the town of Souris, Manitoba, treats river water with a process which replaces magnesium and calcium ions with sodium ions the total concentration of sodium in the town's drinking water would increase from 239 mg/l to 344 mg/l on the average. High sodium content is a potential health problem. Indeed, the water might even taste salty at times.

Such a dramatic alteration in the water supply would probably not be calmly accepted by the people in the area. The changes in the taste and laundering characteristics of the water would be too important to escape notice.

It should be noted too, that certain industries may be very sensitive to changes in water hardness. No surveys have been done which would indicate the immediate impact of water with a high TDS concentration, but such an increase could affect existing industrial users and would certainly be considered by industries planning to locate in the area.

(b) Soil Leaching During the Initial Phase

The Bureau of Reclamation proposes that during the initial stages of the project leaching water will be provided "to flush the soil profile." During the introduction of the irrigation project the report predicted TDS concentrations would be considerably higher than after equilibrium has been reached.

In the early years TDS concentrations in excess of 2000 mg/l can be expected in the return flows. This would result in extremely high TDS concentrations in the Souris unless the irrigation project was developed and expanded only gradually. The Bureau calculates that approximately 20 years would be required before equilibrium would be established. This problem serves to emphasize the concerns mentioned in (a) above.

(c) Increased Nutrient Levels

The Bureau apparently assumes 100% efficiency in the agricultural use of fertilizers. While it is true that farmers try to use fertilizers efficiently because of their high cost, studies indicate that 100% efficiency is not attained in practice. The Great Lake study found that 30–40% of nutrient pollution into the Great Lakes remained unaccounted for after the inclusion of all point sources. In Manitoba, a similar study of Lake Winnepeg found 70% of nutrient pollution was contributed by non-point sources; agricultural and urban run-off.

Nutrient loading of the Souris is already high, in part because of the many low dams and several duck reservations in North Dakota. Higher nutrient levels could result in increased plant and algae growth, thus complicating the task of municipal water treatment.

(d) Increased turbidity; increased temperatures

Canada expects that irrigation return flow will also have a higher concentration of suspended particulates than would be the natural flow, because of increased soil run-off. Because irrigation return waters are usually warmer than natural flows, algae and plant growth will be accelarated. Both of these conditions would add to problems of municipal water treatment and other uses.

(e) Possible Trace Metals

Some trace metals, if present, could make Souris River water useless for certain purposes. For example, the presence of boron would make the water unusable for irrigation.

The most critical use: Municipal water supply

The first use to be affected in the event of water quality degradation is the use of the water by municipalities for household and industrial purposes. For this reason alone, the water quality to be maintained in the Souris should be that quality which does not impose additional burdens on the municipality or its inhabitants. This means, in effect, that any degradation of water quality is unacceptable because TDS concentrations and nutrient levels are already high.

While the fact that municipal water supply is the most critical use is sufficient reason to insist that water quality not be lowered, other considerations are present as well. Should the town of Souris be required to find an alternative source for its municipal water supply, it would have to pipe in water from wells eight miles away. Other towns along the river such as Wawanesa are presently supplied by local wells but will want to resort to Souris River in the future if they grow and well water supplies become inadequate. In short, other sources of municipal water are prohibitively expensive and limited in volume.

It could be noted, too, that Article VIII of the Boundary Waters Treaty of 1909 explicitly gives domestic uses of water precedence over irrigation uses of water, a further indication that it would not be appropriate to have municipal water users suffer a decline in water quality on account of an irrigation project.

Restrictions on future use

While municipal use of water is undoubtedly most critical, there is a wide range of uses in industry, irrigation, and recreation (in Lake Winnipeg) which could be restricted, made more expensive or made impossible as a result of the proposed degradation of water quality.

This final consideration points up very clearly the broad basis for concern over this irrigation project.

DEPARTMENT OF THE ENVIRONMENT.
OTTAWA.

VERMONT SETS AN EXAMPLE FOR NEW ENGLAND

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. HARRINGTON. Mr. Speaker, unemployment and stagnation continue in many areas of New England, and in many of the industries on which New Englanders depend for jobs. This is in no way to imply that there is no growth in the area, or that every township is stagnant. In fact, many parts of the region are experiencing near-boom conditions. This prosperity, however, usually depends on the entry of new industry, or on the shift of old industries into new production areas.

One of the major challenges before us, however, besides the entry of new industry and the development of new technology, lies in finding the managerial or organization means to put the resources of the old industries back to work. Unemployed but relatively skilled workers, vacant plants, idle equipment, unused natural resources—these can all be put back to work if we have the imagination and energy to do the work. Quite clearly, one of the best ways to increase the prosperity of the Northeast is to begin utilizing these resources again.

An article by Bradford W. Ketchum, Jr., "Vermont's Maple Business: The Pale Years Are Past," appeared in the November issue of the New Englander magazine. It is the story of what Richard B. Adams is doing to reinvigorate the maple sirup industry in this one small State. Here is an industry that has almost died recently, but in which one man with foresight and imagination has combined the resources that are available with modern technology and management to create more promise than has existed for decades. It seems to me that this is the kind of effort I have been talking about, and exactly what we need in our older industries to make a significant contribution to growth and prosperity.

The article is of sufficient interest, and Dick Adams' efforts are of such importance by way of example, that I would like to insert it into the RECORD at this time for the information of my colleagues.

VERMONT'S MAPLE BUSINESS: THE PALE YEARS ARE PAST

(NOTE.—New technology spells renaissance for maple industry. Key to its sweetest outlook in 40 years: Saltash, precedent-setting project to tap state forest for world's first automated sugarhouse.)

(By Bradford W. Ketchum, Jr.)

One of New England's oldest industries, it is also one of the few which puts environment first; it requires no land development, nor does it befoul air and water.

Its operations create jobs and revenues with minimal demand on town services.

There are no labor upheavals, no union contracts, and little potential for either.

The supply of raw materials is at record highs, and the resources are self-regenerative.

It is an industry in which young Turks are assuming leadership, where top management ranges in age from 35 to 42.

Its product, by tradition No. 1, corners at least one-third of the market; yet the industry is tapping only 5% of its total potential. Current demand far exceeds supply.

Capital requirements are modest and represent excellent investment opportunity. Through new technology, productivity and sales promise to soar 500% in the next five years; and, in at least one case, projected net profit over this period tops 19%.

The preceding are all illusions. No industry, particularly in New England, could have that much going for it. Wrong. Those are the realities of Vermont's maple industry, which, seemingly headed for extinction as late as 1971, now stands on the threshold of renaissance.

In the past 40 years, Vermont's maple syrup production has dwindled from more than 1 million gallons to 300,000 gallons annually—a relative trickle compared with 1935's peak of 1.58-million gallons. The industry has not enjoyed a million-gallon year since 1944, and last topped the half-a-million mark in 1961. Two years ago, it dipped to a record low of 240,000 gallons.

REDUCED TO A HOBBY?

The industry was evaporating—literally. Large bulk producers were unable to buy the syrup they needed, prices soared, and maple production appeared about to dissolve into nothing more than an alchemic country hobby.

By its nature, Vermont maple syrup is the product of a cottage industry comprised of about 900 small producers—dairy farmers, ranchers, and assorted entrepreneurs—most of whom have never relied on the end product as their sole source of income.

They venture out on snow-crusted February-March days, armed with pails and spouts, to tap standing sugar maples. They begin as weathermen and woodsmen, returning to rustic sugarhouses to become cooks and chemists. The largest sugar farmers, working full-time, manage 12,000 taps (about 1½ per tree); most producers, however, are in the 4–5,000-tap range. Each tree may yield up to 12 gallons of sap during the season, with 40 gallons required for one gallon of syrup. In short, it has always been a labor-intensive, rather than capital-intensive, industry. Until now.

The first production, scheduled for March, 1975, will involve 210 acres and about 15,000 taps, with a syrup goal of 3,500 gal. While Adams plans only a minor production increase the second season, giving him an opportunity to correct any bugs arising during the first effort, his goal for the fifth year is 15,000 gal. (60,000 taps). That does not include anticipated input from smaller producers who may deposit their sap or syrup with Adams to get in on the inaccessible bulk market.

"It's an exciting prospect," beams Adams. "Right now it takes one-and-a-half men to handle 4,000 taps. But soon we'll have one man handling 20,000 taps. And instead of averaging five gallons of syrup an hour, we'll be producing 100 gallons."

LOGGING'S IMPACT

The untapped potential of public maple stands becomes even more significant in light of recent developments in the state's logging industry. While Vermont is 75% forested (vs. 50% in 1900), there is a shortage of private trees.

Frequently, as sugarbushes went out of production in the 1950's and '60s, they were logged off, which, in effect, set the area back 40 years—the time required to generate a tapable sugar maple. In numerous cases, where logging was a prelude to a land developer's ambitions, the resource has been lost forever.

Also spurring the logging operations, perhaps more so than any other factor, has been the development of a bowling craze in Japan. Japanese interests seeking rock (sugar) maple for their alleys and pins, were signing deals at an astounding $700 per 1,000 board-feet last year.

"Maple syrup is the best income-producing woods industry in the state," asserts Adams. "It produces about double the income that logging does, yet it doesn't create unsightly development. We can tap for 250 years, and the trees and natural beauty of the area will remain."

BIGGEST PROBLEM: LOGGING IN CAPITAL

Lest it be assumed that all is as smooth in the Saltash project as the product it seeks to produce, Adams is quick to point out that there are a few hurdles, not the least of which is capitalization. Depending on the SBA, Proctor Trust Co., and several small investors as current capital sources, Adams is convinced that he must go outside the industry and state to attract larger investors.

Recent technological breakthroughs, coupled with new marketing expertise, are distilling revolution in the Green Mountain maple industry. Plastic tubing and vacuum pumps have become a boon to the sugar farmers, now feeding their sugarhouses intravenously from the maple forests; while in marketing, the monopolistic grip so tightly held by two or three giant, bulk-buying food blenders has been broken.

XUM

KEY TO REBIRTH: SALTASH PROJECT

The result can be seen in 1972–73 production increases (a 43% gain over 1971) and the bulk prices earned (70¢/lb. vs. bulk buyers' 45¢/lb. bid). This year, retail prices ran $10-12.50 per gallon.

But there's much more to the story of Vermont's resurgent maple business than the obsolescence of galvanized pails and dictatorial buyers. There is the pilot Saltash Mountain Project and its chief architect, Richard B. Adams, 38, of Cuttingsville, Vt.

Adams is constructing the world's first automated sugarhouse; not only will it become the largest maple operation in the U.S., it also sets a highly significant precedent: the trees which Adams will tap are located in Calvin Coolidge State Forest. It will be the first time that public lands have been tapped as a commercial sugarbush.

The idea is not original. Adams himself first tried to obtain permission through the forests and parks commissioner 12 years ago. Typical of most maple producers, he was at that point a dairy farmer working a sugarbush that had been in the family for four generations.

Sugaring since he was five, Adams attended the University of Vermont, where he earned a B.S. degree in agriculture via pre-forestry. It was there that Prof. James Marvin and Ray Foulds, forester, took him under their "maple wing" as he began experiments in tubing and evaporators.

After graduation and a three-year Marine stint, Adams returned to run the family farm and sugarbush, continue the maple experiments, and become an active leader in the State's industry (he is currently president of the 60-member Rutland County Maple Producers, one of three major groups in Vermont; a director of the Vermont Sugar Makers Assn.; and a member of the Vermont Maple Industry Council).

OUT OF THE DAIRY BUSINESS

Three years ago, he divested the dairy operation to concentrate on sugarbush management and technology. He had already perfected an oil-fired evaporator (he now has 15 operating) and had begun experiments in vacuum-pumping of sap. It was then that the seeds of Saltash were sown.

As Adams explains it, "I was bear hunting on Saltash Mountain one day and lost the dogs. As I was looking for them, I started counting maple trees and adding up the taps. It didn't take me long to see the huge potential there, and I decided to find out who owned the land."

It turned out to be the State of Vermont. Adams had been wandering through a 643-acre tract known at the Saltash Block, on the western border of Windsor County, in Plymouth, about 15 miles southeast of Rutland. It contains an estimated 50,000 sugar maples, "just standing there, waiting to be tapped."

It took time—for further experiments, official proposals, projected income statements, and bidding procedures—but on May 23, 1973, the Vermont Dept. of Forests and Parks notified Adams that he was the successful bidder for a 10-year, renewable lease on the Saltash sugarbush.

TAPPING ONLY 5 PERCENT OF RESOURCE

"There have been trees standing in state forests for generations, never contributing sap toward maple syrup production," stresses John D. Moore, area development director for Central Vermont Public Service Corp., Rutland. "The state has the resources to produce 6½-million gallons annually, yet we're only producing 5% of that. That is why the Saltash project is important."

At the recent dedication of a maple laboratory in South Burlington bearing his name, Sen. George D. Aiken (R-Vt.) put it another way: "Our maple trees have quit work and gone on welfare." Characterizing the majestic maples as "millions of beautiful loafers," the veteran Vermonter did have a serious point to make: only 12% of the state's standing maples are being tapped.

Adams is working under a land-use permit acquired by the Dept. of Forests and Parks and adhering to the provisions of Act 250, the state's land development and environmental control law which requires a permit for any activity above the 2,500-ft. level (elevation of the sugarbush: 2,300–3,000 ft.). The permit allows logging operations below 2,500 ft., thinning of trees above that level to improve the maple stand, and stipulates that no buildings will be constructed on state land.

The "improvement cutting" and logging, let by Forests and Parks, is scheduled to begin Nov. 1, and continue through early winter. Involving an estimated 178,000 board-feet, the thinning will create a stand that is 93% sugar maple.

Meanwhile, technological research will continue, led by Dr. Marvin at the University and coordinated by Lawrence D. Garrett at the Northeastern research station of the U.S. Dept. of Agriculture in Burlington.

EIGHTY MILES OF TUBING

Adams has drawn up blueprints for the sugarhouse and is working on the site and right-of-way. An experienced carpenter, licensed plumber and electrician, he will do much of the construction work himself. To be located in Shrewsbury, Vt., the 7,500-sq. ft., $60,000 plant will be connected to the Saltash bush via 400,000 feet (80 miles) of plastic tubing which will feed four oil-fired evaporators. Sap flow to four 16,000-gal. tanks will be automated.

Vacuum pumps will eliminate the need for power lines or gasoline motors and, hence, the possibility of noise pollution. Adams has also guaranteed that there will be no hardware attached to the trees. Initial investment in the woods system (tubing, conduit, clamps, pumps, etc.) is expected to be about $30,000. To preclude accidental release of oil onto the landscape, he will build a dike around the fuel storage tanks to be located beneath the sap tanks.

Estimated total need for start-up ranges from $75,000 to $100,000. While he anticipates losses in the first three seasons, Adams expects to tap black ink during the fourth and fifth years, generating a cumulative five-year net profit of 19.4%.

"I know we can strike an even balance between private and commercial investment, but the problem is who and how," muses Adams. "This operation would be excellent for an investment portfolio—it's ecology-oriented, in a well-established industry, with tremendous growth potential."

Another problem is expanding marketing expertise, distribution, and sales. Here, Adams is drawing on the resources of Central Vermont Public Service and the able counsel of Jack Moore, whose straight-pitch efforts have ranged from Pepperidge Farm and Howard Johnson, to Holiday Inns and Heublein.

EXPORTS AND AEROSOLS

Adams hopes to add a full-time salesman to cover select markets, such as quality food manufacturers, natural-food stores, food-gift firms, and corporate premium promoters.

Meanwhile, opportunity for exports is being explored. The latest development in this area is VM, a new liqueur which blends maple syrup and Scotch. The syrup is shipped by the Franklin County Maple Producers in St. Albans, Vt., to Scotland, where it is combined with the whiskey. (U.S. distribution to date has been limited.)

Packaging innovations—ceramic, aerosols, and portion servings—are other developments under study.

This January, the maple producers will meet with buyer representatives to work up prices for the coming season ("We'll be shooting for 68c to 72c a pound," notes Adams.) The fact that this will occur fully two months before the maple season is indicative of the edge the producers have gained.

Traditionally, buyers would wait until the crop was in, and then attempt to drive the price down. No longer. With some demand and larger economic units, the producers can control the prices their crops will bring before the season starts.

In short, there are few illusions about Vermont maple business in 1973. The renaissance is underway, spearheaded by new technology, and a pilot program that promises new life for a traditional product and economic growth from the environment while preserving that environment. It really is sweet; its future, sweeter.

TRIALS AGAINST SOVIET JEWS SEEKING TO EMIGRATE

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. MOAKLEY. Mr. Speaker, on Friday Aleksandr Feldman will go on trial in the U.S.S.R. on trumped-up charges which mask the real cause of his persecution. His only crime, like that of so many of his countrymen, is that he yearns to be free and has applied to emigrate to Israel.

On the eve of his trial, I would like to take this opportunity to share with my colleagues the comments of the National Conference on Soviet Jewry:

TRIALS AGAINST SOVIET JEWS SEEKING TO EMIGRATE

New trials against Soviet Jews seeking to emigrate are again being prepared by Soviet authorities.

In the last few months there has been increased harassment of Soviet Jews who have applied to emigrate to Israel. Now, for the first time since cancellation in June of preparations for a major "show trial" against a large number of Jews in Minsk, Soviet authorities are again resorting to judicial repression and political trials against Jews actively trying to emigrate.

The trial against Aleksandr Feldman, a 26-year-old Jew from Kiev who applied to emigrate 2 years ago, is scheduled for November 16. He is being tried on trumped-up charges and is expected to be charged with "hooliganism", a catch-all category under the Soviet criminal code.

It is expected that trials are also imminent for at least two other well-known Soviet Jews who have applied to emigrate: Alla Myasoyedova of Moscow, whom Soviet authorities are attempting to coerce into implicating other Jewish activists; and Leonid Zabelishensky of Sverdlovsk.

The trial of Feldman and the possible trials of these other Soviet Jews, whose sole crime is that of seeking to emigrate, are a direct affront to, and a violation of, the spirit of U.S.-Soviet detente. Coming on the heels of the war against Israel, it is increasingly difficult for Americans to understand what Soviet leaders mean by detente.

The regime is apparently using the confusion following events in the Middle East and the Jewish communities' focus of attention on Israel in order to crack down on Soviet Jewish activists.

Attached is background material on the three Soviet Jews expected to be brought to trial.

Profile: Aleksandr Feldman.

Address: USSR, Ukrainian SSR, Kiev, Entuziastov 11/1/147.

Tel. # 447–871.

Born: 1947.

Status: Single.

Occupation: Did construction work in the army; presently unemployed.

Arrested: October, 1973.

Charges: "Hooliganism" (article #206 RSFSR Criminal Code).

On the eve of Simchat Torah, October 18, 1973, authorities searched the apartment of twenty-six year old Aleksandr Feldman, one of the Kiev "Four" (see OUTLOOK #7).* Among the items reportedly confiscated was a book by Jabotinsky and the receipt from a letter to Israel.

Feldman, who applied for emigration two years ago, "disappeared" soon after the search. The NCSJ later learned that he had been taken into custody by the Regional Directorate of Kiev and is expected to be charged with "hooliganism" under article #206 of the criminal code. It is alleged that Feldman assaulted an unidentified old woman. A Kiev newspaper, *Vechernyi Kiev*, ran an article on October 31st that accused Feldman of the attack and judged him "guilty" even before any formal accusation was made. While authorities "promised" not to transfer Feldman to the Pavlov psychiatric hospital, relatives have not been permitted to see him or to send him warm clothing (as other prisoners' relatives are permitted) and internment in the hospital has been repeatedly threatened. The investigation is to end November 8, 1973; thus far, no lawyer has agreed to defend Feldman.

Profile: "The Moscow Conspiracy."

Parties "Involved": Alla Myasoyedova, Abraham I. Gelikh.

On October 1, 1973, KGB workers searched the apartment of Alla Myasoyedova. Since her husband left for Israel, Alla has been staying at the apartment of her father-in-law, A. I. Gelikh. Gelikh is 72 years old, spent 13 years in camps and in exile within the U.S.S.R. and, since his retirement, has devoted his time to writing a treatise on comparative economics, based on data obtained from public sources. During the search, accounts of Gelikh's prison experiences were reportedly confiscated and Alla was then called in for interrogations.

Now both individuals have issued statements to the press. Gelikh explained his interest in studying both the socialist and capitalist systems and Myasayedova, subjected to intensive KGB (Security Police) interrogations, has denied any knowledge of the contents of the items confiscated. In addition, she reports, she is questioned for six to seven hours at a time, until she is exhausted. Authorities are attempting to coerce her to implicate other activists: David Azbel, Mark Nashpits, Boris Orlov. In particular, the authorities have sought to involve Tamara Galperina and Dina Beilina, both hard-core Jewish activists from Moscow.

Born in 1930, Tamara is a translator; she and her husband, Anatoly, a mathematician, applied for emigration in 1971. Dina Beilina and her husband, Josif, an engineer, have one child. They also applied in 1971.

According to Gelikh, "the interrogators are trying to intimidate Myasoyedova with the alleged espionage nature of my work only in order to wring out of her the confession required by the investigation." Myasoyedova admits she does not know how long she can withstand the pressure and wants everyone to know that if she implicates Galperina and Beilina in any trial, this "evidence" would be "untruthful and wrung out of me by threats and blackmail."

Addresses: USSR, RSFSR, Moscow B-61, Cherkibovskaya 6-3-53, Beilina, Dina Tel. No. 161-42-28; USSR, RSFSR, Moscow 105037, Pervomayskaya 14-33, Galperina, Tamara. Tel. No. 164-75-82.

Profile: Leonid Zabelishensky.

Address: USSR, RSFR, Sverdlovsk, Uralskaya 48/99.

Born: 1941.

Status: Married, with 1 young son.

Occupation: Electrical Engineer, taught at Ural Polytechnic Institute (Sverdlovsk); field: theory of computer calculating.

Arrested: October, 1973.

Charges: "Parasitism" (article No. 209–1 RSFSR Criminal Code).

Little is known about thirty-two year old Leonid Zabelishensky. An activist in the small Jewish community of Sverdlovsk, he and his family applied for exit visas in November, 1971. On October 25, 1973, Zabelishensky was taken to an undisclosed place after being arrested by local police. It was later learned that he is being accused of "parasitism," although his wife works and earns a substantial income. Zabelishensky is currently taking care of their sick son. In a search of the Zabelishensky apartment, police reportedly confiscated a voucher from Switzerland, notification from a bank of a money transfer, and a receipt for a letter to Israel. The investigation is due to end in two weeks.

Other activists from remote Sverdlovsk include Valery Kukul and Vladimir Markham, both now serving prison sentences.

MOUNTIE BAND TO RECEIVE BICENTENNIAL FLAG SUNDAY

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. McDADE. Mr. Speaker, the Mansfield State College Mountie Band has been honored by the National Revolutionary Bicentennial Commission as the first college band in the country to be presented with the official flag of the Bicentennial.

This fine and spirited band, representing Mansfield State College in Tioga County of northern Pennsylvania, was so honored because of the promotions for this celebration which they have made in many appearances.

All of us are keenly aware of the fact that we are approaching the 200th birthday of America. We will, in a few short years, be able to celebrate the founding of this most remarkable Nation. It is a celebration that will encompass all of our country, and the work of this Mountie Band is an outstanding contribution to the cause of reminding all Americans that this birthday will soon be upon us.

I know my colleagues will want to join me in offering our warmest congratulations to the Mansfield State College Mountie Band and to its director, Richard N. Talbot. I am very proud to represent all the people of Tioga County here in the Congress, and I know that these people and all Pennsylvanians share the pride I feel in witnessing this singular honor.

Mr. Speaker, I will append an article from the October 18 issue of the Flashlight, the Mansfield State College weekly newspaper:

MOUNTIE BAND TO RECEIVE BICENTENNIAL FLAG SUNDAY

The Mansfield State College Mountie Band has been chosen as the first college band in the country to be presented with the official flag of the bicentennial. They are being honored by the National Revolutionary Bicentennial Commission because of promotions for the celebration which they have made in their appearances. The band is currently displaying the bicentennial flags, but these are on loan and must be returned at the end of the season.

They will be presented with the official flag and give the halftime show at the Jets-Steelers game in Pittsburgh on Sunday, televised by NBC. The actual presentation of the flag to the band will be made by Thompson's Rifle Battalion, the first military unit to be raised during the American Revolutionary War.

The game was originally scheduled to be played at Shea Stadium in New York, but the New York Mets are still using the stadium for the World Series. The field could not be converted in time for a football game. The game, therefore, had to be changed to Three Rivers Stadium in Pittsburgh.

The Mountie Band is made up of 210 students eight students less than last year. According to Mr. Talbot, the rehearsals are easier this year than in the past. They practice two hours on Monday and Wednesday on their own practice field and on Friday an hour is spent practicing at Butler and another hour on Van Norman Field.

With Mr. Talbot, Mr. David Borshine also directs the band. On the field the Mountie Band depends on their student captains, Bruce Brindza, Colin Hughes, and Jim Farrell to lead them.

The halftime show which they will give at the Jets-Steelers game will be a shortened version of the program which they presented at the homecoming game.

The question most asked about the bicentennial is "Where is it going to be held?" The answer to that question came years ago when the drafters of the first bicentennial legislation said, "The bicentennial will be everywhere, in every city, town and village, all across the United States." This is the message that the Mountie Band will be trying to get across with their presentation and what better way to say it than to a captive audience of approximately 20 million people.

The bicentennial celebration will be national in scope providing opportunities for participation on the part of all Americans. It will be a time for review and reaffirmation of the basic principles on which our nation was founded.

The Mountie Band will also receive a certificate of recognition from the National Revolutionary Bicentennial Commission November 13 when they present a concert "A Night with the Mounties" at Straughn Auditorium.

During last season, the Mountie Band was exposed nationally for the first time with their televised halftime performance from Schaffer Stadium in Foxboro, Mass.

EMERGENCY OIL ALLOCATION CONFERENCE REPORT

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 1973

Mr. LEHMAN. Mr. Speaker, yesterday, I missed rollcall No. 581 on the emergency oil allocation conference report due to an important meeting which concerned south Florida's future economic development.

I voted for the emergency oil allocation bill when it first passed the House and had I been present, I would have voted "yea" on rollcall No. 581.

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* Of Feldman's friends, Zinovy Melamed and Yuri Sorkoko have since received permission although Soroko's wife Basya has not, and the promise of a visa made to Yuli Tartakovsky has not materialized.

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HOUSE OF REPRESENTATIVES—*Thursday, November 15, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

O give thanks unto the Lord; call upon His Name; make known His deeds among the people.—Psalms 105: 1.

O God, who art the source of light, the sustainer of life and the giver of every good gift, we came to Thee with grateful hearts because Thy goodness has blessed us all our days and Thy spirit has attended us in all our ways. May we ever be mindful of Thy presence, ever eager to do Thy will, ever grateful for Thy goodness, and ever ready to serve our country with all our hearts.

We thank Thee for homes where dwells love and understanding, for churches where we can worship as we desire, for our Nation, where lives the spirit of freedom, and for the privilege of serving our people in these hallowed Halls of Congress.

Deepen in us and in all America an ardent desire to make our country great in spirit, good in purpose, and genuine in seeking peace in our world and peace in our land.

Accept our gratitude and make us worthy of Thy goodness to us and to all men.

In the spirit of Christ we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Marks, one of his secretaries, who also informed the House that on November 7, 1973, the President approved and signed bills of the House of the following titles:

H.R. 5943. An act to amend the law authorizing the President to extend certain privileges to representatives of member states on the Council of the Organization of American States; and

H.R. 9639. An act to amend the National School Lunch and Child Nutrition Acts for the purpose of providing additional Federal financial assistance to the school lunch and school breakfast programs.

ANNOUNCEMENT NOT TO SEEK REELECTION IN 1974 BY MINORITY WHIP LESLIE C. ARENDS

(Mr. ARENDS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ARENDS. Mr. Speaker, it has been my good fortune to serve a long tenure as a Representative in Congress from Illinois. Numerous colleagues in the Congress and many good friends in my district have been urging me to again seek reelection in 1974. I have decided, however, to yield to the urgings of my family and shall not be a candidate next year.

By the end of the next session, I will have completed 20 consecutive terms, or 40 years. For 38 of these years I represented the former 17th Congressional District. Through redistricting last year, my home county of Ford became a part of the newly realined 15th District, which I have also been proud to represent in this 93d Congress. I have been, and always will be, deeply grateful to the people of the 17th and 15th Districts of Illinois for their repeated expressions of confidence and the privilege of being their spokesman in the House of Representatives.

For 30 years, too, Republicans in the House have given me the honor of serving in their leadership organization as Republican whip. I have had the unique opportunity of participating in the legislative programs of the last six Presidents. As a ranking member of the Committee on Armed Services, one of my special interests has been our national security and a strong Defense Establishment.

The duties of all Members of Congress, and particularly those in leadership posts, have become more demanding and time consuming in recent years. Mrs. Arends and I have now decided the time has come to do as a family many of the things my official duties have forced us to postpone in the past.

No citizen, no matter what his or her calling, should ever cease to be concerned about good government and the welfare of our Nation. While I will be retiring from an active legislative role, I shall continue to serve my country in whatever way I can.

To be in the Congress is not solely an honor. It is both a responsibility and an opportunity as well. I have tried to merit the trust which the people of my respective districts, my State of Illinois, and my colleagues in the Congress have placed in me over the years. Like my constituents, I have always been proud to be an American. I hope this pride has been reflected in my service here.

Let me also express my deep appreciation to you, Mr. Speaker, and all of my colleagues on both sides of the aisle for the many courtesies which have been extended to me. I shall always cherish the friendship which I have enjoyed in these Halls for so many years. As long as our Nation continues to have the concerned and dedicated representation I have witnessed here throughout my service, I will have no fear for the future of our Republic.

[Applause, the Members rising.]

TRIBUTE TO THE HONORABLE LESLIE ARENDS

(Mr. ALBERT asked and was given permission to address the House for 1 minute.)

Mr. ALBERT. Mr. Speaker, the round of heartfelt applause which has just filled the Chamber comes out of the admiration and love and respect which every Member of this House has for the distinguished gentleman from Illinois, and that applause would be substituted with tears if we were to express the emotions we feel about his departure.

No retirement in my time will be of greater loss to the House of Representatives than that of a wonderful and dedicated, and knowledgeable and decent, friendly and great human being, Les Arends.

Les, we hate to see you go. I did not know anything about this. The Parliamentarian would not even tell me why the gentleman wanted recognition, but I want to tell Les, and acknowledge to the House and the country, that I appreciate the cooperation and consideration he has given me ever since the day I was a freshman Member of this Chamber. Les Arends is one of God's noblemen.

TRIBUTE TO THE HONORABLE LESLIE ARENDS

(Mr. ANDERSON of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON of Illinois. Mr. Speaker, the announcement which we have just received with such shocking suddenness of the announced intention of our beloved colleague, the gentleman from Illinois (Mr. Arends), to retire from the Congress obviously renders it wholly impossible adequately to express the tribute that is in our heart. An appropriate occasion for that I am sure will come later.

However, let me say, speaking not only for the other Members of the Republican leadership on this side of the aisle who could not be here today, and not only for all the Members of the Illinois delegation, but also I think for every Member of this body on both sides of the aisle, that I express the very deep regret we feel at the gentleman's decision.

Ordinarily the post of minority whip, which the gentleman has performed so ably and in such a distinguished fashion for more than a decade and a half, is a highly partisan position, one that literally compels partisan activity in support of his party position. This the gentleman has done but it is a real measure of his accomplishment and of his service in this body that at the same time he has won for himself that kind of universal respect and admiration which reverberated through this Chamber when Members rose to their feet and joined in spontaneous applause for the gentleman from Illinois. Indeed the distinguished Speaker, in speaking of the love that is in all our hearts for the gentleman from Illinois, has said what all of us deeply feel that it is really a sad occasion on which we must record the fact that he has announced his intention to retire.

TRIBUTE TO THE HONORABLE LESLIE ARENDS

(Mr. HAYS asked and was given permission to address the House for 1 minute.)

Mr. HAYS. Mr. Speaker, it was with shock and surprise that I heard the announcement of the gentleman from Illinois, Leslie Arends. He has been a member of the delegation for the North Atlantic Assembly for some years. A couple of times he could not go at the last minute because of his duties here. I hope that he will be a member of the delegation next year. We need his advice and counsel. He knows a great deal about it.

I just want to tell the gentleman I have about 50 or 60 bills up in my desk drawer which would prevent anybody who announces his retirement from being on the delegation at that time and those bills are going to stay in that desk drawer and I hope the gentleman from Illinois will give us his wisdom and years of experience in his last year here and be a member of the delegation, God willing, if we are all alive and they have the meeting which is scheduled next November.

I found him not to be a bitter partisan. He fights for his party's opposition, but he never does it with any malice or bitterness. Although he and I have had some times when we have been in the opposite side of the question, there has never been a time we could not go out for dinner afterward and be the best of friends.

The only thing I will not do or have any part of is play golf with him, because he is too good for me.

I know we all regret his departure. He has served in the House distinctly and well in a long tenure.

TRIBUTE TO HON. LESLIE ARENDS

(Mr. GROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, if it were possible within the rules of the House, I would be constrained at this moment to offer a motion compelling the gentleman from Illinois to reconsider his decision to retire from Congress.

[Applause.]

Mr. Speaker, the surprise announcement of the gentleman from Illinois has stunned me as I am sure it has his scores of friends in Congress for he has long been a stalwart among us.

I am sure that I can speak for all Members of the House of Representatives in wishing he and Mrs. Arends all the good things of life in their retirement.

TRIBUTE TO THE HONORABLE LESLIE ARENDS

(Mr. McCLORY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCLORY. Mr. Speaker, I want to express my surprise and disappointment at the news of my colleague, the minority whip, Les Arends, who is from an adjoining district, and with whom I share Kane County. It is a sad day in this Chamber when Les Arends announces that he has elected to discontinue his service here in the House.

I have said many times out in Illinois that he possesses the two great attributes for public service. Les Arends has both seniority and youth. He has had long experience in this body and his youth is evidenced as my Ohio colleague mentioned, by his stellar game of golf.

I recall a few years ago when Les Arends was challenged for the position of minority whip. He demonstrated that he was, indeed, a very popular Member of this Chamber. I have said many times that, in my opinion, Les Arends is the best liked Member of the House of Representatives. I have come to know him well, as well as his wife, Betty. I know they will enjoy a long and well-deserved retirement. I certainly extend on behalf of my wife, Doris, and myself, our best wishes for their good health and happiness together.

TRIBUTE TO THE HONORABLE LESLIE ARENDS

(Mr. FINDLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FINDLEY. Mr. Speaker, the announcement of our beloved colleague, Mr. Arends, to retire at the end of this Congress is a very great personal loss to me.

Since my first campaign in the spring of 1960, he has been a valuable adviser. When I took office in 1961 he became my close friend. He helped me get the committee assignments I wanted.

A hundred times, at the very least, he counseled me wisely on different questions.

He symbolized integrity, diligence, hard work, high purpose.

Never was there the tiniest streak of meanness or vindictiveness in his character.

His service will always be an inspiration to me.

His announcement is also a great loss to the President and the Nation. No one could have supported more diligently and effectively the President's program.

Although more advanced in age that most who serve in Congress, he maintains a pace and spirit few younger Members can equal.

I have long maintained that he would win any popularity contest among House Members, regardless of party.

My fondest hope is that, when the time comes, I may be able to retire from this Chamber with one tiny fraction of the respect accorded to Mr. Arends.

TRIBUTE TO THE HONORABLE LESLIE ARENDS

(Mr. DERWINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERWINSKI. Mr. Speaker, I join my colleagues from Illinois, and other Members, who take the floor this afternoon to pay tribute to Les Arends. I wish Les had given us a little notice so we would have had an opportunity to try to convince him not to retire from the Congress. However, since Illinois has an abnormally early filing period, I can understand why Les made his announcement at this time.

Mr. Speaker, in my judgment, Les Arends should go down in history as one of the greatest legislators of all time. Certainly no one will ever surpass his record of 30 years as a party whip. He served in that key position under six Presidents and five speakers, and all respected his ability, objectivity, fairness, and above all his devotion to our country.

When one realizes that Les was elected Republican Party whip before you, Mr. Speaker, or any of the Democratic House leadership, or Jerry Ford and anyone in the Republican House leadership were first elected to Congress, one can begin to appreciate the truly historic scope of his service.

Les has fought hard for the principles of the Republican Party. On matters of gravest national importance, he has supported Presidents and policies regardless of party politics. But his strength lies in his tremendous effectiveness as a spokesman—as a man so respected by his Republican colleagues that they repeatedly rally to his side in the toughest legislative battles. The respect in which he is held by his colleagues on both sides of the aisle is a testimony to his legislative strength.

I realize that Les' decision is irrevocable. It has been a privilege for me to be associated with him during the period that I have served in Congress. His counsel, encouragement, and support have been invaluable.

At some point later in the next session of this 93d Congress we will more appropriately pay tribute to Les, but this afternoon I rise to express my respect and appreciation for the great service he has rendered to the country by his stalwart leadership in the Congress.

TRIBUTE TO THE HONORABLE LESLIE ARENDS

(Mr. DAVIS of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of South Carolina. Mr. Speaker, I would like to add my voice to those who have heard today of the retirement of our friend, Les Arends. Being one of the junior Members of the Armed Services Committee and on the other side, I have had a great opportunity to hear and witness the dedication of this man who has exhibited to us all and to the country his interest in national defense. I am sure the Committee on Armed Services will miss him. I know all of us as younger Members will miss his advice and wisdom, so we wish him well.

TRIBUTE TO THE HONORABLE LESLIE ARENDS

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, I wish today to pay tribute to Hon. Les Arends, an outstanding legislator who has served his constituents, his State of Illinois, and our great country with dedication, ability, and inspiring diligence.

Les Arends has announced that he will

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retire from the Congress at the conclusion of the 93d Congress, and he will be missed by all of us for he has been a main stay of the Illinois delegation. On many projects and problems affecting Illinois, he has been in the forefront of efforts to implement meaningful solutions and effective action. He has been a loyal partisan leader in the Congress, having served as Republican Whip since 1943.

As the second ranking minority member of the Armed Services Committee, Les Arends has fought long and hard to maintain our military strength and to protect the best interests of the United States at home and abroad.

I shall always cherish his wise counsel, for when I first came to Congress nine years ago, although Les Arends was a member of the opposite party, he never hesitated to give me the benefit of his advice and his guidance.

Les Arends can retire with the assurance that through his efforts mankind has benefited. There is no tribute higher than this. Mrs. Annunzio and I extend to Les Arends, his wife, and daughter our best wishes for a healthy and happy retirement.

TRIBUTE TO THE HONORABLE LESLIE ARENDS

(Mr. CRANE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CRANE. Mr. Speaker, the 1972 edition of the Almanac of American Politics makes this comment concerning our dear colleague, Les Arends:

> And while Arends has been party whip for nearly three decades, other members of the Republican leadership in the House have come and gone.

Leslie C. Arends' stability as House Republican whip for the past 30 years, and his dedication to his constituents and to his country for the past 40 years, represent the best of what our country and our Republican Party stand for.

Les was born in the rural area of central Illinois and entered the farming business, as so many middle Americans did during the 1920's.

When World War I erupted, Les served in the U.S. Navy and he has continued dedication to his Nation's cause by becoming a charter member of the Melvin Post No. 642, American Legion. Les rose through the American Legion ranks to become post commander, county commander and the 17th district commander.

Those of us who are relative newcomers to the House of Representatives will forever appreciate the time and counsel which Les Arends gave to make our job easier. We in Illinois, who have the benefit of knowing him and working with him in perhaps a more intimate manner, will never forget his sage advice and selfless assistance.

Illinois has had many great Republican leaders. Abraham Lincoln and Everett Dirksen were great men who will always be viewed as such in history books.

While Les Arends may not enjoy this recognition, he nevertheless will be held as dear in the hearts of Illinoisans and his contribution to our State, to this Congress and to our country will never be forgotten.

Les, my family, my staff, and my constituents will hate to see you leave.

TRIBUTE TO THE HONORABLE LESLIE ARENDS

(Mr. HÉBERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HÉBERT. Mr. Speaker, the announcement of the retirement of Mr. Arends comes, of course, comes as a great shock and surprise to me. Although I know he has well earned and merits this retirement, he is going to be missed terribly on the House Armed Services Committee.

It has been our pride and boast on that committee that we have no partisanship. We have no Democrats or Republicans. We have only Americans. When I say only Americans, I put Les Arends at the top of the list. He has been most helpful to me during the days I have been chairman of the committee.

I will certainly miss him. I know the members of the committee will miss him. The House will miss him; but above all, America will miss him.

TRIBUTE TO THE HONORABLE LESLIE ARENDS

(Mr. PRICE of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of Illinois. Mr. Speaker, as I walked into the Chamber and heard the news of the proposed retirement of our distinguished colleague from Illinois, Les Arends, I was shocked. I have been with Les on quite a few occasions during the past week. I had no idea that such an announcement was about to be made.

I served with Les on the old Military Affairs Committee and on the Committee on Armed Services, and also on the House Committee on Standards of Official Conduct. I served with him on committees since the first day I became a Member of this House.

I know of no more effective legislator than Les, and know of no finer gentleman than Les Arends. I know all of us will miss him; the House will miss him. I hope it will be possible for me to continue my personal friendship with him in the years to come.

Mr. Speaker, the State of Illinois loses a great advocate when Les Arends retires. There has never been a program or project in which the State was involved or interested in that Les Arends was not one of the prime movers and factors in trying to get some solution favorable to his home State.

Mr. Speaker, I extend to him and to his lovely wife sincere and best wishes. I hope that it will be possible for me to maintain close contact with Les in the years to come.

TRIBUTE TO THE HONORABLE LES ARENDS

(Mr. HANRAHAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HANRAHAN. Mr. Speaker, I am deeply saddened by the sudden and shocking announcement of the retirement of the Honorable Leslie C. Arends, dean of the Illinois delegation, distinguished minority whip of the U.S. Congress, and celebrated U.S. Representative of the 15th District of the great State of Illinois.

The people of Illinois and throughout the entire Nation are losing a popular leader and an influential statesman. We, in the Congress, are being deprived of an invaluable counselor and a dear friend; and I know my colleagues share my feelings of tremendous loss at the prospect of no longer sharing the Halls of Congress with that familiar figure.

I hope all Americans, and the residents of Illinois 15th District, in particular, appreciate the years of tireless efforts expended by Les in service to his country and his government. I ask my colleagues to join me in wishing Les and Mrs. Arends every happiness in their well-earned retirement.

TRIBUTE TO THE HONORABLE LES ARENDS

(Mr. WHITTEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITTEN. Mr. Speaker, I join with my colleagues who preceded me in their tributes to Les Arends who has announced his retirement.

It is said about many people that they can do well for a short run, and that they make real contributions. That of course is true. There are fewer who contribute greatly over a long period of years. Les Arends has proven himself over and over. Never have I heard a single Member ever express anything but the highest regards, the greatest respect for Les Arends, his ability, his character, his soundness and his contributions to his district, State, and Nation.

It is with genuine regret that we see Les retire?

As I have said many times, the people that we can least afford to give up are those who voluntarily retire. Certainly, Les leaves his mark on the history of this country and the beneficial mark on all of us for having served with him.

To him and to his family, we wish the very best in the years ahead. Again, his high mark of service and accomplishments will not be attained by many persons in the history of our country.

TRIBUTE TO THE HONORABLE LES ARENDS

(Mr. FLYNT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FLYNT. Mr. Speaker, just as I walked on the floor shortly after the

hour of noon I heard with shock and dismay the announcement of the forthcoming retirement of our friend and colleague, the Honorable Leslie C. Arends.

Les Arends will be missed in this body and by the membership of the House. He is as highly respected as any Member who has served in the 20 years of my own service. As a leader of his own party and as a Member of the combined leadership of the House, he has exemplified the qualities of genuine leadership.

A stanch defender of his party's principles and party's positions, he at the same time put principle and love of country ahead of party politics. He has served his district and the State of Illinois with great skill and ability and, of course, with distinction since he first took the oath of office as a Member of the House of Representatives on January 3, 1935. He was the dean of his party in the House and with the gentlemen from Texas (Mr. Mahon) is second in years of continuous service.

He is a beloved Representative of his district and State. He is a beloved colleague among those of us who serve with him, and it will not seem right when the roll of the Members-elect is called when the 94th Congress convenes if Les Arends name is not called. He will round out 20 consecutive terms—40 years of continuous service upon the sine die adjournment of the 93d Congress

It can truly be said of Leslie Arends that he is a man's man and a Congressman's Congressman. He represents the highest traditions of service in the House of Representatives. As a legislator, parliamentarian, and leader his work and his service rank with the very highest.

While we regret his decision, we respect it. We wish him well. We wish him many more years of health and happiness and continued service to his State and Nation.

TRIBUTE TO THE HONORABLE LES ARENDS

(Mr. CONTE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CONTE. Mr. Speaker, the announcement that our distinguished colleague, the gentleman from Illinois, Les Arends, has decided to retire at the end of this Congress comes as a deep shock and renders me almost at a loss for words.

During his 40 consecutive years in Congress, Les has earned a reputation as a dedicated legislator and a great human being. He is a wonderful friend, and I will hate to see him leave. Truly, he was like a father to me when I first came to the Congress 15 years ago.

In my years in Congress, I admit I gave Les my share of problems. But he has always listened to my views and has taken pains to understand my position. His capacity for fairmindedness was greater than to let any disagreement come between us.

He has always been willing and able to assist me and others and has never placed any conditions on that help.

It was not only the younger Congressmen who held, and hold, deep respect and admiration for Les. I can remember the widely respected Bill Bates, a man almost without peer in this body, speaking with profound affection for him.

For 30 years, Les served as Republican whip in the House. No one, on either side of the aisle, has ever surpassed his record of service in that position. His leadership will be sorely missed.

I join with all of my colleagues in wishing Les and his lovely wife Betty decades of future success and happiness. They will be able to relax and enjoy the pleasures that his vigorous efforts on behalf of our country have precluded.

Mr. SYMMS. Mr. Speaker, it is with mixed emotions that we receive the announcement that the distinguished minority whip Les Arends is retiring at the end of the 93d Congress

I am happy for he and Mrs. Arends and wish them well, I am also happy that I was privileged to know him as my leader in this Congress, and to have served with him. I am sad to think Les will not be back.

My sincere best wishes and blessings go to this great American, in his new life.

Mr. BRAY. Mr. Speaker, the friend, counselor, and colleague of every Member of the House of Representatives—and many in the Senate, too, I might add—has today announced he will retire from Congress and not seek reelection in 1974. The senior Republican Member of the House of Representatives will, by this, close a long and distinguished career that began on January 3, 1935, giving him a total of 38 years' service to his country, his State, his district, and his party.

It has been my privilege and honor to have Les as a friend and wise, sympathetic adviser and confidant for the years I have spent in the House, and I know many others feel the same way. Never too busy to help out, never too busy to answer a question—and never too busy to help someone, who needed it, over a rough spot—that has been Les Arends' way of conducting himself.

Dr. Samuel Johnson wrote in the 18th century:

> Exert your talents and distinguish yourself and don't think of retiring from the world until the world will be sorry that you retire. I hate a fellow whom pride or laziness drives into a corner, and who does nothing when he is there but sit and growl. Let him come out as I do, and bark.

Well, I hope we hear Les Arends' bark in years to come, even though he will not be among us. And, as the first part of the above quote says:

> Exert your talents and distinguished yourself.

If any one is ever to ask me what Les did while in the House, that is what I would say. I cannot think of anything better to describe what he has done for us all, and for his country.

So, late in 1974, the last bells will sound in the Halls of the House and Capitol for our good friend, whom we will miss so much. I wish him well, I will miss him, and I hope he leaves with this thought, from Bunyan's "Pilgrim's Progress":

> My sword I give to him that shall succeed me in my pilgrimage, and my courage and skill to him that can get it. My marks and scars I carry with me, to be a witness for me, that I have fought his battles who now will be my reward.

Mr. MICHEL. Mr. Speaker, I cannot tell you what a profound shock it is for me to hear from our dear friend, Les Arends, that he will not seek reelection.

We just received the word a few moments ago in Les' whip office and I just feel stunned. Les has practically been a father to me during my service here in the House. He has been my mentor and confident, and I was just sure he would run again to more or less wind up his career with the present administration in 1976. He surely would have won had be sought reelection and we were counting on his good name, popularity, and outstanding record of accomplishment to help us all in Illinois.

It was my honor in our organizing caucus this past January to nominate Les to serve as our whip for the "umteenth" time. He has as a matter of fact served as whip longer than any other in either party throughout our history.

Many changes have taken place around here during his tenure but he has been able to roll with the changes including a number in our leadership during all these years.

To be an effective whip you have to get the votes when they are needed Les knows the composition of each of our districts and our respective problems.

He knows when to speak and when to listen—a good father confers or so to speak as has been said by others he has been around long enough to have his views highly regarded by all our Presidents since Roosevelt.

When we have the Presidency, as we do now, it is important that the White House get our message from time to time, and he has done this most effectively.

We have had our differences in the party, among our own Members and with the White House, but when one is elected to a leadership position you have got to put it all together for a party stance or position and Les has had that capacity.

It requires swallowing hard sometimes, turning the other cheek more than you like, eating a good deal of crow, and biting the distasteful bullet.

Les has done it all during his long tenure.

He has put together a good whip organization that has served us well—and he is always open to suggestions on how it can be improved.

He has the experience and the gift for getting along not only with all of us, but with our friends on the other side of the aisle.

As Joe McCaffrey of WMAL once said:

> Les Arends of Illinois is as much a part of the House of Representatives as the statue of freedom atop the Capitol dome.

Mr. Speaker, I would simply add to that by saying, we consider him an institution of this House.

On the one hand I am grieved to see one who has served so long and faithfully leave our midst for he has been such a part of us, but on the other hand I am happy and glad for him if this is what he prefers to do. He certainly deserves the very best of everything in his

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retirement when it comes a year from now.

GENERAL LEAVE

Mr. ANDERSON of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of the pending retirement of the gentleman from Illinois (Mr. ARENDS).

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

RESIGNATION FROM COMMITTEE ON THE DISTRICT OF COLUMBIA

The SPEAKER laid before the House the following resignation from the Committee on the District of Columbia:

NOVEMBER 15, 1973.

Hon. CARL ALBERT,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: The purpose of this letter is to affirm my resignation as a Member of the House District of Columbia Committee effective Thursday, November 15th, 1973.

Thank you for your consideration in this matter.

Sincerely,

STEVE SYMMS,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION FROM COMMITTEE ON THE DISTRICT OF COLUMBIA

The SPEAKER laid before the House the following resignation from the Committee on the District of Columbia:

NOVEMBER 15, 1973.

Hon. CARL ALBERT,
Speaker of the House,
Washington, D.C.

DEAR MR. SPEAKER: I hereby tender my resignation as a member of the District of Columbia Committee.

My service on the Committee was a very rewarding and challenging experience. Through the leadership of Chairman Diggs, I believe the Committee has acted in the best interests of the District of Columbia. The Home Rule Bill which will hopefully be enacted, is a testimony to the diligent efforts of my colleagues.

It is with deepest regrets that I resign, but with a sense of satisfaction at having had the opportunity to serve on the Committee.

Sincerely,

WILLIAM M. KETCHUM,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

ELECTION AS MEMBERS TO STANDING COMMITTEES

Mr. ARENDS. Mr. Speaker, I offer a privileged resolution (H. Res. 704) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 704

Resolved, That the following-named Members be, and they are hereby elected members of the following standing committees of the House of Representatives:

Robin L. Beard of Tennessee: Committee on the District of Columbia;

William M. Ketchum of California: Committee on Science and Astronautics;

Steven D. Symms of Idaho: Committee on Interior and Insular Affairs.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING THE SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS AND THE CLERK TO RECEIVE MESSAGES FROM THE SENATE

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until Monday, November 26, 1973, the clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

AUTHORIZING THE SPEAKER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS AUTHORIZED BY LAW OR BY THE HOUSE

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until November 26, 1973, the Speaker be authorized to accept resignations and to appoint commissions, boards, and committees authorized by law or by the House.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, NOVEMBER 28, 1973

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday Rule be dispensed with on Wednesday, November 28, 1973.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

AUTHORIZING MEMBERS OF THE HOUSE TO REVISE AND EXTEND THEIR REMARKS IN THE CONGRESSIONAL RECORD

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until November 26, 1973, all Members of the House shall have the privilege to extend and revise their own remarks in the CONGRESSIONAL RECORD on more than one subject, if they so desire, and also to include therein such short quotations as may be necessary to explain or complete such extension of remarks, but this order shall not apply to any subject matter which may have occurred or to any speech delivered subsequent to the adjournment of the House.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

NOVEMBER 15, 1973.

Hon. CARL ALBERT,
The Speaker,
House of Representatives.

DEAR SIR: On this date, I have been served with a subpoena duces tecum by a United States Marshal, that was issued by the U.S. District Court for the District of Columbia. This subpoena is in connection with the case of Ralph Nader, et al., Earl Butz, et al., (Civil Action No. 148-72).

The subpoena commands me to appear on the 23rd day of November 1973 and requests certain House documents, reports, records, letters and other material filed with the Clerk of the House of Representatives pursuant to Sec. 305 of the Federal Corrupt Practices Act of 1925, as amended, by Trust for Agricultural Political Education (TAPE), Agriculture and Dairy Educational Political Trust (ADEPT) and Trust for Special Political Agricultural Community Education (SPACE).

The subpoena in question is herewith attached, and the matter is presented for such action as the House in its wisdom may see fit to take.

Sincerely,

W. PAT JENNINGS,
Clerk, House of Representatives.

The SPEAKER. The Clerk will read the subpena.

The Clerk read as follows:

[In the U.S. District Court for the District of Columbia, Civil Action No. 148-72]

RALPH NADER, ET AL., PLAINTIFF v. EARL BUTZ, ET AL., DEFENDANT

To: W. Pat Jennings, Clerk of the House of Representatives

You are hereby commanded to appear in the office of William A. Dobrovir, 2005 L Street, N.W., Washington, D.C. 20036 to give testimony in the above-entitled cause on the 23 day of November, 1973, at 10 o'clock a.m. (and bring with you) the documents specified in the attached notice of deposition unless such documents have been made available to William A. Dobrovir, attorney for plaintiffs, for inspection and copying on or before November 23, 1973.

JAMES F. DAVEY,
Clerk.
By RUBY H. KELLY,
Deputy Clerk.

Date November 13, 1973.
William A. Dobrovir, Attorney for Plaintiff.

NOTICE OF DEPOSITION

In the U.S. District Court for the District of Columbia, Civil Action No. 148-72

Ralph Nader, et al., Plaintiffs, v. Earl Butz, et al., Defendants.

To: David J. Anderson, Esq., Department of Justice, Washington, D.C. 20530

1. Please take notice that plaintiffs will take the deposition of W. Pat Jennings, Clerk of the House of Representatives before a notary public or other officer qualified to administer oaths, at the office of plaintiff's attorney, William A. Debrovir, 2005 L Street, N.W., Washington, D.C. 20036, on November 23, 1973 at 10:00 a.m., unless before that date he causes to be delvered to plaintiff's attorney at said address the documents described in § 2 hereof.

2. The deponent shall bring with him at

the taking of the deposition all documents, reports, records, letters and other material filed with the Clerk of the House of Representatives pursuant to § 305 of the Federal Corrupt Practices Act of 1925, as amended, by Trust for Agricultural Political Education (TAPE), Agriculture and Dairy Educational Political Trust (ADEPT) and Trust for Special Political Agricultural Community Education.

WILLIAM A. DOBROVIR,
ANDRA N. OAKES,
2005 L Street, N.W.
Washington, D.C. 20036
(202) 785-8919
Attorneys for Plaintiffs.

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing Notice of Deposition on David J. Anderson, Department of Justice, by first class mail, this 13th day of November, 1973.

WILLIAM A. DOBROVIR.

Mr. O'NEILL. Mr. Speaker, I offer a privileged resolution (H. Res. 705) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 705

Whereas in the case of Ralph Nader, et al. against Earl Butz, et al. (Civil Action No. 148-72) pending in the United States District Court for the District of Columbia, a subpena duces tecum and a notice of taking of deposition was issued by the said Court and served upon W. Pat Jennings, Clerk of the House of Representatives, directing him to appear at the office of counsel for plaintiffs at 10:00 antemeridian on the 23rd day of November, 1973 as a witness and to bring with him certain documents in the possession and under the control of the House of Representatives; Therefore be it

Resolved, That by the privileges of this House no evidence of a documentary character under the control and in the possession of the House of Representatives can, by the mandate of process of the ordinary courts of justice, be taken from such control or possession but by its permission; be it further

Resolved, That when it appears by the order of the court or of the judge thereof, or of any legal officer with the administration of the orders of such court or judge, that documentary evidence in the possession and under the control of the House is needful for use in any court of justice or before any judge or such legal officer, for the promotion of justice, this House will take such action thereon as will promote the end of justice consistently with the privileges and rights of this House; be it further

Resolved, That W. Pat Jennings, Clerk of the House, or any officer or employee in his office whom he may designate, be authorized to appear at the place and before the court in the subpenas duces tecum before-mentioned, but shall not take with him any papers or documents on file in his office or under his control or in possession of the House of Representatives; be it further

Resolved, That when the said court determines upon the materiality and the relevancy of the papers and documents called for in the subpena duces tecum, then the said court, through any of its officers or agents, be authorized to attend with all proper parties to the proceedings and then always at any place under the orders and control of this House, and take copies of those requested papers and documents which are in possession or control of the said Clerk; and the Clerk is authorized to supply certified copies of such documents or papers in his possession or control that the court has found to be material and relevant and which the court or other proper officer thereof shall desire, so as, however, the possession of said documents and papers by the said Clerk shall not be disturbed, or the same shall not be removed from their place of file or custody under the said Clerk; and be it further

Resolved, That as a respectful answer to the subpenas duces tecum a copy of these resolutions be submitted to the said court.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON THE DISTRICT OF COLUMBIA TO FILE REPORTS

Mr. DIGGS. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia may have until midnight on November 20, 1973, to file reports on the bills H.R. 6186, H.R. 6758, H.R. 7218, H.R. 10806, and H.R. 11238, as amended.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

CONFERENCE REPORT ON H.R. 6768, U.S. PARTICIPATION IN UNITED NATIONS ENVIRONMENT PROGRAM

Mr. FRASER submitted the following conference report and statement on the bill (H.R. 6768) to provide for participation by the United States in the United Nations environment program:

CONFERENCE REPORT (H. REPT. No. 93-642)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6768) to provide for participation by the United States in the United Nations Environment Program, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same.

DONALD M. FRASER,
THOMAS E. MORGAN,
DANTE B. FASCELL,
PETER H. B. FRELINGHUYSEN,
Managers on the Part of the House.

CLAIBORNE PELL,
EDMUND S. MUSKIE,
CLIFFORD P. CASE,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6768) to provide for participation by the United States in the United Nations Environment Program, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

Section 4 of the House bill provided that no funds authorized by H.R. 6768 shall be expended to assist in the reconstruction of the Democratic Republic of Vietnam (North Vietnam). The Senate amendment struck out this section. The House recedes from its disagreement to the amendment by the Senate.

The reason that the House recedes is that the purpose of the United Nations Environment Fund, to which H.R. 6768 authorizes contributions by the United States, is to coordinate and support international environment activities under the United Nations Environment Program. Reconstruction of North Vietnam is not such an activity. Furthermore, North Vietnam is not a member of the United Nations or any of the specialized agencies engaged in international environment activities under the Environment Program. Therefore, such section 4 is not necessary to preclude funds authorized by H.R. 6768 from being expended for the reconstruction of the Democratic Republic of Vietnam.

DONALD M. FRASER,
THOMAS E. MORGAN,
DANTE B. FASCELL,
PETER H. B. FRELINGHUYSEN,
Managers on the Part of the House.

CLAIBORNE PELL,
EDMUND S. MUSKIE,
CLIFFORD P. CASE,
Managers on the Part of the Senate.

PROPOSED 50-MILE-PER-HOUR SPEED LIMIT

(Mr. SMITH of Iowa asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. SMITH of Iowa. Mr. Speaker, this morning the subcommittee which I am privileged to chair heard testimony concerning the imposition of an arbitrary 50-mile-an-hour speed limit, and an official of the Greyhound Bus Co., testified that last night they ran two trips from New York to Washington, the same bus, and the same number of stops, and everything, at 50 miles per hour one way and 60 miles per hour limit the other way. He said it took 19.6 percent more fuel to travel under a 50 miles per hour limit than it did to travel under a 60 miles per hour limit. In addition, it would require 10 percent more buses to carry the same load; therefore, it would require about 30 percent more fuel per passenger mile. Since additional buses are not available, more people would have to travel by auto and that would require even more fuel.

We had similar testimony concerning trucks which have 10 speeds forward, and were designed for optimim speeds of 62 to 65 miles per hour. It would cause them to shift to a lower gear to prevent running at too high an RPM and less efficiently.

I think it would be a mistake for the States across this Nation to start imposing a 50-mile-an-hour speed limit, upon the assumption that they will save significant amounts of fuel, when the opposite may be the case. We should be directing attention at ways to make significant savings and at significant solutions such as using more coal instead of depending heavily upon ideas which have not been appropriately analyzed.

ARABIAN OIL EMBARGO CAN WORK BOTH WAYS

(Mr. LONG of Maryland asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

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Mr. LONG of Maryland. Mr. Speaker, the Christian Science Monitor reports today that the sale of U.S. grain and other farm products to Arab countries is expected this year to be $300 million in value, a jump of 50 percent over last year's figures. The Department of Agriculture has confirmed these figures.

I need not remind the Speaker or the House that this Nation is in the throes of a crippling energy crisis, because the Arab countries are cutting down on the flow of oil to the United States and to Western Europe, and the Western European countries are buying oil all over the world from sources that we normally rely on for imports to the United States. The United States is facing a heatless winter. The stock market has already gone down over 100 points on the Dow-Jones average, because industry is facing a shutdown.

The United States is the sole country in this world that produces the food the Arab countries need to feed themselves.

Is it not time that the Nixon administration uses the weapon that we have—food, to counter the weapon the Arabs have—oil?

CONGRESS NEEDS A BETTER ECONOMIC GUIDELINE

(Mr. HANNA asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. HANNA. Mr. Speaker, I think there should be a message sent to Messrs. Stein, Shultz, and Burns. Those around the President responsible for economic advice should recognize with appropriate humility their limitations. Not since the depression have economic theory and analysis given such an inadequate explanation of what is going on in the world. There is no such thing as a pure economic policy. Economists are at their best when they are giving us a rational explanation of an irrational past. They are acceptable when they are giving us an orderly explanation for a chaotic present. They are at their worst when they are giving us an assured projection for an uncertain future.

The world has been and is continuing to go through a very challenging, bewildering change. Most of these changes economists are unaware of, and those that they know of, they have not caught up with.

It puzzles me that historians are uncertain of their analyses of the past, and yet economists can be so certain about their forecasts for the future.

Mr. Speaker, the Congress needs better guidance than economics for a vision of the future, and I hope the President has better plans for that future than his present advisers have been preparing.

PERMISSION FOR COMMITTEE ON EDUCATION AND LABOR TO HAVE UNTIL WEDNESDAY, NOVEMBER 21, 1973, TO FILE A REPORT ON MANPOWER LEGISLATION

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor may have until Wednesday to file a report on the so-called manpower legislation just reported out of the committee today.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

PERSONAL EXPLANATION BY MR. WHITE, OF TEXAS

(Mr. WHITE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WHITE. Mr. Speaker, on October 2, 3, and 4, 1973, I was away from Washington and missed rollcall votes Nos. 488 to 500. Had I been present, I would have voted as follows:

On rollcall No. 488, conference report on arts and humanities, I would have voted "aye."

On rollcall No. 489, passage of Radio Free Europe, I would have voted "aye."

On rollcall No. 491, rule for urban mass transportation, I would have voted "aye."

On rollcall No. 493, amendment to strike Federal grants for operating expenses of urban mass transportation, I would have voted "aye."

On rollcall No. 494, motion to strike the enacting clause on urban mass transportation, I would have voted "no."

On rollcall No. 495, amendment to strike Federal grants for operating expenses of urban mass transportation, I would have voted "aye."

On rollcall No. 496, passage of urban mass transportation, I would have voted "aye."

On rollcall No. 497, passage of Big Cypress National Preserve, I would have voted "aye."

On rollcall No. 498, amendment to par value modification to reduce appropriation from $2.2 billion to $477 million, I would have voted "no."

On rollcall No. 500, passage of par value modification, I would have voted "aye."

MAJORITY LEADER THOMAS P. O'NEILL, JR., SAYS PRESIDENT SEEKS TO CURRY FAVOR WITH HIS PROSPECTIVE GRAND JURORS

(Mr. O'NEILL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. O'NEILL. Mr. Speaker, it is deplorable that the President should invite Members of Congress to White House luncheons in order to curry favor with his prospective grand jurors.

When the President invites a Member to the White House, it is common courtesy for the Member to accept. He would be hard put to turn it down. So it is deplorable that the President should abuse the respect due his high office by using it to make Members an offer they cannot refuse.

Congress has already pledged that it will work with President Nixon on national matters. At the same time, the House has a grave responsibility to proceed with its impeachment inquiry—and to proceed with all dispatch. But any impeachment resolution will have to be fully supported by the facts—just as the grand jury in a criminal case will issue indictments only upon presentation of sufficient evidence.

I have introduced House Resolution 629 calling for an inquiry into the President's conduct. My bill has cosponsors. The Judiciary Committee has before it resolutions of impeachment with 39 cosponsors.

Chairman RODINO has pledged that the inquiry will be conducted in accord with the highest ethical and professional standards—with scrupulous regard for the rights of President Nixon. But throughout the progress of this inquiry, we preserve a cool impartiality on the part of the House Membership. Because, ultimately, the entire House may be called upon to sit as a grand jury on charges against the President.

It is unbecoming—if not improper—of the President that he should at this time attempt to influence votes. The House must ask of the President the same courtesy that the House extends to him: He must observe and respect the solemn constitutional obligation of the House to conduct its duties in this matter and to do so without the interference of the President.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO HAVE UNTIL MIDNIGHT, NOVEMBER 24, 1973, TO FILE A REPORT ON S. 2641, TO CONFER JURISDICTION UPON DISTRICT COURT OF CERTAIN CIVIL ACTIONS BROUGHT BY THE SENATE SELECT COMMITTEE

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary shall have until midnight, November 24, in which to file a report on S. 2641, a bill to confer jurisdiction upon the District Court of the United States of certain civil actions brought by the Senate Select Committee on Presidential Campaign Activities, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

GASOLINE SUPPLIES

(Mr. HAYS asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matters.)

Mr. HAYS. Mr. Speaker, if we read the daily newspapers, we will find that the various administration officials are recommending rationing, recommending higher prices for gasoline, recommending everything they can to hamstring the American people. If you take a look at that picture of Mr. Stein in the morning paper, and if you want him to tell all of our people what to do with their automobiles, the Members can go ahead and vote that way. But I am saying to the Members that any Member who votes

for rationing of gasoline is asking to stay home after the next election, and I just challenge anybody to vote for it and see what happens to them. I know how I am going to vote.

I know what happened in 1946, and I am going to give a speech in a week or so when I get the statistics together, but I can tell the Members right now that Exxon Corp. sold less gasoline in the third quarter of this year than they did last year but their net profit went up 81 percent.

I say it is time to show the Arabs what we can do if we have to, and there is no reason why any American should go cold or why he should not have gasoline to go to his job.

MEMBERS OF HOUSE AS GRAND JURORS

(Mr. HOGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOGAN. Mr. Speaker, we have been accustomed to the blatant partisanship of the majority leader, but today I think he went beyond the bounds he has ever reached before. To say the President of the United States cannot invite the Members of the Congress to the White House I think is a ridiculous thing to say. I would like to talk further about the grand jury concept he alluded to.

The majority leader says the President's inviting men and women who might subsequently have an opportunity to vote on impeachment to the White House is like an accused trying to influence a grand juror. I wonder if the gentleman would be as willing to extend this grand jury concept so that all those who have publicly indicated that they think the President should be impeached before hearing the evidence should disqualify themselves as "grand jurors."

Before our Judiciary Committee today as we are considering the Ford nomination no less than three members—and we have not been through the whole committee for questions yet—have stated the President of the United States should be impeached before we even consider confirming GERALD FORD as Vice President.

I think if we are going to talk about the grand jury concept we ought to impose the whole grand jury system including the secrecy, fairness to the accused and all other safeguards. What would be the situation if a grand juror, before entering the grand jury room, when asked how he would vote on indictment of the accused, said, "I will vote to indict him." He would be disqualified. So we asked further, "But have you heard any of the evidence?" He would reply, "No, but I have read about it in the newspapers and I know all I need to know. My mind is made up. I have already decided he is guilty." That grand juror would be disqualified. I submit that this is the situation Members are in who have already announced they favor impeachment.

I say, if we want to extend this grand jury concept as the majority leader said we ought to disqualify those members from the grand jury who have said that the President ought to be impeached.

IN PRAISE OF U.S. POSTAL SERVICE

(Mr. HILLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILLIS. Mr. Speaker, this week I, along with other members of the House Post Office and Civil Service Committee, was privileged to attend a breakfast hosted by Postmaster General E. T. Klassen.

I have in the past been critical of the Postal Service for some of their inefficiencies. But, today I praise Postmaster General Klassen and his employees for the efforts they are making in conserving energy.

Klassen has announced the formation of an "Energy Action Center" to coordinate an aggressive, nationwide energy conservation effort for the U.S. Postal Service. The new Energy Action Center will have the following purposes:

Identify, evaluate, set standards and measure energy consumption rates of specific activities at all postal installations;

Promote energy conservation throughout the Service; and

Set specific and attainable conservation goals for various organizations within the Postal Service.

In the event of rationing, the Postal Service would receive a "high priority" and allowed all necessary gasoline. For this reason I am especially proud of actions taken by the Service. Last May, prior to the announced Federal campaign in June, the Postal Service issued general instructions for conserving vehicle fuel.

The Postal Service has been able to reduce its energy consumption by an average of 6 percent per year over the past 3 years. Their savings has been financial as well as in the form of lower fuel consumption.

In August, Postal Service Headquarters in Washington, D.C. went on reduced energy levels, curtailing elevator and overnight building operations, resetting environmental controls and turning the lights off in the evening. Field managers were also ordered to implement similar energy saving programs throughout some 40,000 postal facilities.

When an organization as big as the Postal Service can accomplish a reduced goal of 7 percent, each and every American should stop to think and then begin to do his share.

PRESIDENT'S EFFORTS TO ACHIEVE PEACE SETTLEMENT IN MIDDLE EAST

(Mr. LANDGREBE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANDGREBE. Mr. Speaker, today I am introducing a resolution expressing the sense of the House on the President's efforts to achieve a peace settlement in the Middle East. Last Sunday, November 11, Egypt and Israel signed a six-point cease-fire agreement sponsored by the United States and have already begun discussions on the manner in which the agreement is to be executed. This agreement and these discussions are the first serious and important negotiations conducted by representatives of Egypt and Israel since 1949, almost 25 years ago.

Of course we dare not and we cannot assume that any possibility of an outbreak in that area can be forever discounted. However, most certainly the severe crisis precipitated by open hostilities begun on Israel's most holy day was passed over without triggering a third world war, and for this I think the Nation, our country, Israel, and all sympathizers and free people in the free world ought to recognize the successful efforts of President Nixon in achieving a stable and equitable peace in that important part of the world.

This cease-fire agreement, which hopefully will mitigate hostilities in the Middle East, was successfully adopted due mainly to the efforts of President Nixon to achieve a stable and equitable peace in this important area of the world. For the success of his efforts I am asking this body to adopt a resolution commending the President and pledging its support to the President in his further efforts to establish a permanent peace in this troubled area of the world. It is my belief that such a resolution swiftly adopted will strengthen the United States in its international relations, and will bridge to some degree the breach between the President and the Congress. I urge my colleagues to act on this resolution with all due dispatch.

SAVING GASOLINE AND STRETCHING OUR SUPPLY

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, there is one relatively quick, sure way of saving hundreds of millions of barrels of gasoline and stretching our supply.

That is by simply eliminating or altering the so-called emission devices required on 1973 and subsequent models of every make of car produced and sold in this country.

Mr. Russell Train, EPA Administrator, testifying before our Appropriation Subcommittee this past week, said the difference in increased consumption of gasoline in 1973 models over 1972 models is approximately 8 percent. This represents something like 8 billion gallons of gas per year.

I can personally attest to this significant increase in gasoline consumption in our 1973 Oldsmobile over our comparable 1972 model. They are the same model sedans, differing only in color. When we have driven the two cars equally loaded with our family and luggage on long trips back to the district, the 1973 model invariably takes 4 more gallons than the 1972 model each time we have stopped to fill up the tanks.

Mr. Speaker, the news carries stories of how our big trucks on the interstate highways actually use more gas when limited to a 50-mile speed limit. A nationwide speed limit of 50 miles per hour will not save more than 1 percent of our total gas consumption, or nearly as much as elimination—for a temporary period—of the so-called emission de-

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vices required on 1973 and subsequent car models.

The gentleman from Iowa (Mr. Smith) just made mention of the Greyhound buses and their experience last night. A nationwide speed limit of 50 miles per hour would not save more than 1 percent of our total gas consumption, while elimination of those emission devices could save us 8 percent.

PERSONAL EXPLANATION

Mr. ROBISON of New York. Mr. Speaker, on rollcall No. 538 I was not recorded as voting. I was in the Chamber and placed my card in the box. Had I been recorded I would have been shown as voting "aye."

PRESERVE COOL IMPARTIALITY

(Mr. FROEHLICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FROEHLICH. Mr. Speaker and Members of the House, a few minutes ago the majority leader of this House indicated that we must "preserve cool impartiality" when it comes to this whole matter of impeachment. I agree with him.

I also associate myself with the remarks of the gentleman from Maryland (Mr. Hogan).

For the type of remarks just given are a type that do not preserve cool impartiality. Cool impartiality is not preserved when the whole impeachment operation is run out of the majority leader's office and the Speaker's office and the chairman of the Judiciary Committee is running the errands.

Not once since these resolutions have been introduced has the Judiciary Committee met to discuss the breadth and depth of the total investigation that is to be conducted, not once, yet yesterday afternoon for the first time the Republicans as a whole met to question a staff member, we were told there were 14 full-time individuals working on impeachment. For the first time we had a chance to question the staff as a group and yet we are told to preserve cool impartiality. Then let us have bipartisanship. Let us make decisions jointly. Let us not have it run from the office of the majority leader or the office of the Speaker.

THE PRESIDENT SHOULD DISCLOSE THE FACTS

(Mr. JAMES V. STANTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JAMES V. STANTON. Mr. Speaker, the ultimate judges on the question that is being discussed here this afternoon—Watergate—will be the American people, but it seems every time that evidence is presented which might assist the President in clearing his name, he allows it to become missing. The evidence that is offered in terms of the tapes, that might clear his name of his position, suddenly is lost.

The problems that are created by the inquiry that is going on, problems that were created by the President. The difficulty that we face in being objective is the difficulty of dealing with a President who does not disclose to the American people the true facts. His inability to face the issue, his inability to face the issue with honesty and with some degree of integrity.

I support the majority leader in his judicious appraisal of the facts.

CLEAN ELECTIONS ACT OF 1973

(Mr. CLEVELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLEVELAND. Mr. Speaker, I have introduced a bill today to impose strict limits on the use of cash in campaigns for Federal office.

Briefly, it would make it unlawful for a contributor to give—or for a candidate or other elected official to receive or spend—cash in amounts exceeding $25. Outlawed would be both direct and indirect contributions and expenditures.

I am a cosponsor of the Clean Elections Act of 1973 with my colleagues Mr. Anderson and Mr. Udall and regard many of its far-reaching reforms essential. But I also recognize the opposition and delays it faces.

Therefore I urge prompt action on my bill to curb the dangers inherent in large amounts of loose cash floating around in a campaign. Too often large bundles of cash comes tied with strings.

Word for word, line for line or page for page. I believe my reform would accomplish more than any other single step to prevent the abuses that have corrupted our elective process. At the same time, the $25 limitation should prove no deterrent to the small contributor.

This bill also offers Congress, which stands none too high in public esteem, an opportunity to demonstrate its willingness to take prompt and positive action. I urge your support.

BIPARTISAN CONFIRMATION OF GERALD R. FORD

(Mr. RONCALIO of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RONCALIO of Wyoming. Mr. Speaker, I hope we can remain calm, and I am an example of one who needs daily reminders to remain calm.

The Republican Members met after the Saturday massacre and our eminent and beloved minority leader, Mr. Gerald R. Ford, said, the following Monday:

> Mr. Speaker, we have conferred and the Republicans would like all impeachment resolutions referred to the Judiciary Committee and not to a select committee.

Considering the beginning that morning, there was bipartisan cooperation between the majority and the minority. And a charge that it is now otherwise is unreasonable. Let us proceed to get the confirmation of the minority leader to the Vice Presidency out of the way soon, and then we can proceed with our legislative duties on impeachment, and we will be able to face our own constituents accordingly.

FAIR TREATMENT FOR IMPEACHMENT

(Mr. RAILSBACK was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAILSBACK. Mr. Speaker, I share some of the concerns that have been expressed by the gentleman from Wisconsin. I want to say that I believe that some of us on our side would like very much to go ahead with the resolution of the gentleman from New Jersey, provided that we have some assurance there will be some kind of fair treatment as far as the staff.

I must say that many of us were concerned to learn that there are already 19 people working directly on the impeachment inquiry.

I asked one of the minority counsel last night whether there were any minority people represented among those 19. In fairness, he pointed out that five of the investigators were from the General Accounting Office, but even taking the 14, as far as I know there is not one minority member among those people.

Mr. THOMPSON of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. RAILSBACK. I yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. Mr. Speaker, if the chairman calls up that resolution, I assure the gentleman that the assurances he seeks will be forthcoming.

Mr. RAILSBACK. Mr. Speaker, I thank the gentleman for his statement.

PROVIDING FUNDS FOR THE COMMITTEE ON THE JUDICIARY

(Mr. CEDERBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CEDERBERG. Mr. Speaker, we are going to be considering a resolution today for $1 million, as I understand, that started out at $2 million for the purpose of investigating the question of these impeachment resolutions.

This is something that the House has never had to consider, to my knowledge, in this century, and even before that time.

If we want to make it a bipartisan or nonpartisan operation, then we have got to say that the Republican members of the Committee on the Judiciary get 50 percent, and the Democratic members get 50 percent. I will vote for the resolution under those kinds of ground rules, but under no other circumstance could I support a resolution of this kind unless it is truly bipartisan. The only way I know that it is bipartisan is to have 50 percent on each side.

HEARINGS ON FORD NOMINATION SHOULD NOT BE INTERRUPTED

(Mr. MAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAYNE. Mr. Speaker, I think it is extremely unfortunate that the highly controversial resolution, House Resolution 702 authorizing $1 million additional dollars for the Judiciary Committee is being brought up at this particular time, on the day when the Judiciary Committee's attention and resources are fully committed to the first day of hearings on the nomination of the Honorable Gerald R. Ford to the Office of the Vice-Presidency. It is really legally unfair and unnecessary to interrupt the testimony of Mr. Ford before our committee and devote several hours to a resolution for additional funds when such resolution could just as well be deferred to a time when the Committee on the Judiciary is not so heavily engaged in the Vice-Presidential hearings. For 5 long weeks ever since Mr. Ford was nominated on October 12 we of the minority on the Judiciary Committee have been imploring the chairman to get on with the matter of the confirmation hearings, which obviously should be given the very highest priority and we finally succeeded in persuading him to commence those hearings this morning for the first time.

Mr. Ford has been testifying all morning, and the committee should be returning promptly to the hearing room for the resumption of his testimony, at 2 o'clock. Obviously this will be long delayed if the gentleman from New Jersey (Mr. Thompson) insists on taking up the resolution today. Can we not at least wait until the Committee on the Judiciary shall have had an opportunity to consider such a resolution which I am advised thrusts an additional $1 million upon the committee. Mr. Speaker, it is neither fair nor appropriate to divert the committee from its constitutional responsibility to expedite consideration of the Ford nomination by forcing House consideration of the million-dollar resolution H.R. 702 at this time.

THIRD ANNUAL REPORT ON GOVERNMENT SERVICES TO RURAL AMERICA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93–191)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Agriculture and ordered to be printed:

To the Congress of the United States:

Today I am transmitting the third annual report on government services to rural America, as required by Section 901(e) of the Agricultural Act of 1970.

Richard Nixon.

The White House, *November 15, 1973.*

THIRD ANNUAL REPORT ON HEALTH ACTIVITIES UNDER FEDERAL ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES COAL MINE HEALTH AND SAFETY

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Education and Labor:

To the Congress of the United States:

I am pleased to submit to you the third annual report on health activities under the Federal Coal Mine Health and Safety Act of 1969, Public Law 91–173.

This report covers the implementation of the health program carried out by the National Institute for Occupational Safety and Health of the Department of Health, Education, and Welfare. It represents a compendium of coal mine health research, medical examinations of coal miners, and other related activities of 1972.

It is encouraging to note that in 1972 the Department's coal mine research program moved significantly toward our goal of preventing the development and progression of coal workers' pneumoconiosis.

I commend this report to your attention.

Richard M. Nixon.

The White House, *November 15, 1973.*

PROVIDING FUNDS FOR THE COMMITTEE ON THE JUDICIARY

Mr. HAYS. Mr. Speaker, I offer a privileged resolution (H. Res. 702) from the Committee on House Administration, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 702

Resolved, That the further expenses of the investigations and studies to be conducted pursuant to H. Res. 74, by the Committee on the Judiciary, acting as a whole or by subcommittee, not to exceed $1,500,000, including expenditures for the employment of investigators, attorneys, and clerical, stenographic, and other assistants, and for the procurement of services of individual special consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)), shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $500,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

Sec. 2. No part of the fund authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on the Judiciary shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

Sec. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. HAYS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with, and that it be printed in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

CALL OF THE HOUSE

Mr. WYDLER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 586]

Arends
Blackburn
Brotzman
Buchanan
Burke, Calif.
Chisholm
Clark
Collins, Ill.
Conlan
Conyers
Davis, Wis.
Erlenborn
Gubser
Harvey
Hinshaw
Jarman
Landgrebe
Leggett
Litton
Macdonald
Mailliard
Martin, Nebr.
Mills, Ark.
Moorhead, Pa.
Murphy, N.Y.
Rees
Reid
Rhodes
Rooney, N.Y.
Seiberling
Sisk
Stuckey
Symington
Teague, Tex.
Van Deerlin

The SPEAKER. On this rollcall 398 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

Mr. HAYS. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, this bill came from the House Administration Committee to give the Committee on the Judiciary $1 million. It was cut from $1½ million.

PROVIDING FUNDS FOR THE COMMITTEE ON THE JUDICIARY

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

> Committee amendment: page 1, line 4, strike out "$1,500,000" and insert in lieu thereof "$1,000,000".

PARLIAMENTARY INQUIRY

Mr. WIGGINS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. Will the gentleman yield for a parliamentary inquiry?

Mr. HAYS. I yield to the gentleman.

Mr. WIGGINS. I thank the gentleman.

Mr. Speaker, was the committee amendment agreed to?

The SPEAKER. It was not.

Mr. WIGGINS. The issue under consideration is the committee amendment?

The SPEAKER. The gentleman is correct.

Mr. HAYS. Mr. Speaker, I am sorry. I thought the committee amendment was agreed to before I stood up.

The SPEAKER. The committee amendment was reported. It was not agreed to. The Chair had started to put the question.

Mr. HAYS. Mr. Speaker, the committee amendment cuts the amount from $1½ million to $1 million. We felt that was a compromise when the minority of the committee came in and said they wanted more money, and we hope that the minority will get some staff out of this. We believe it will. The chairman has given us assurances that we would hear later. We thought this was enough to get on with the job. We thought it ought to be done and disposed of one way or another.

Mr. Speaker, before I yield any time, does the Chair wish to put the question on the committee amendment?

The SPEAKER. Will the gentleman yield for an amendment to the committee amendment?

Mr. HAYS. No, Mr. Speaker, I will not yield for an amendment to the committee amendment.

The SPEAKER. Does the gentleman move the previous question on the committee amendment?

Mr. HAYS. Mr. Speaker, I move the previous question on the committee amendment.

PARLIAMENTARY INQUIRY

Mr. McCLORY. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McCLORY. Mr. Speaker, I want to speak on the amendment.

The SPEAKER. The gentleman from Ohio has control of the time under the privileged resolution which is before the House. The gentleman has moved the previous question.

Mr. McCLORY. Mr. Speaker, I have a further parliamentary inquiry.

The SPEAKER. Will the gentleman yield for a parliamentary inquiry?

Mr. HAYS. Mr. Speaker, I move the previous question on the committee amendment.

PARLIAMENTARY INQUIRY

Mr. WIGGINS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. Will the gentleman yield for a parliamentary inquiry?

Mr. HAYS. No, I will not yield, Mr. Speaker. I intend to yield time to the gentlemen who asked for it.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. CEDERBERG. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 230, nays 182, not voting 21, as follows:

[Roll No. 587]

YEAS—230

Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, N.C.
Annunzio
Ashbrook
Ashley
Aspin
Badillo
Barrett
Bennett
Bergland
Bevill
Biaggi
Bingham
Blatnik
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Breaux
Breckinridge
Brinkley
Brooks
Brown, Calif.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byron
Carey, N.Y.
Carney, Ohio
Casey, Tex.
Chappell
Chisholm
Clark
Clay
Conyers
Corman
Cotter
Culver
Daniel, Dan
Daniels, Dominick V.
Danielson
Davis, S.C.
de la Garza
Delaney
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Eckhardt
Edwards, Calif.
Eilberg
Evans, Colo.
Evins, Tenn.
Fascell
Fisher
Flood
Flowers
Flynt
Foley
Ford, William D.
Fountain
Fraser
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Ginn
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gunter
Haley
Hamilton
Hanley
Hanna
Hansen, Wash.
Harrington
Hawkins
Hays
Hechler, W. Va.
Helstoski
Henderson
Hicks
Holifield
Holtzman
Howard
Ichord
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Kluczynski
Koch
Kyros
Landrum
Leggett
Lehman
Long, La.
Long, Md.
McCormack
McFall
McKay
McSpadden
Madden
Mahon
Mann
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Milford
Minish
Mink
Mitchell, Md.
Moakley
Mollohan
Montgomery
Moorhead, Pa.
Morgan
Moss
Murphy, Ill.
Natcher
Nedzi
Nichols
Nix
Obey
O'Hara
O'Neill
Owens
Patman
Patten
Pepper
Perkins
Pickle
Pike
Poage
Podell
Preyer
Price, Ill.
Randall
Rangel
Rarick
Rees
Reid
Reuss
Riegle
Roberts
Rodino
Roe
Rogers
Roncalio, Wyo.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
St Germain
Sandman
Sarbanes
Satterfield
Schroeder
Seiberling
Shipley
Sikes
Slack
Smith, Iowa
Staggers
Stanton, James V.
Stark
Steed
Stephens
Stokes
Stratton
Stubblefield
Studds
Sullivan
Symington
Taylor, N.C.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thornton
Tiernan
Udall
Ullman
Vanik
Vigorito
Waggonner
Waldie
White
Whitten
Williams
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wolff
Wright
Yates
Yatron
Young, Ga.
Young, Tex.
Zablocki

NAYS—182

Abdnor
Anderson, Ill.
Andrews, N. Dak.
Archer
Arends
Armstrong
Bafalis
Baker
Bauman
Beard
Bell
Biester
Bray
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Fla.
Butler
Camp
Carter
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Cohen
Collier
Collins, Tex.
Conable
Conlan
Conte
Coughlin
Crane
Cronin
Daniel, Robert W., Jr.
Dellenback
Dennis
Derwinski
Devine
Dickinson
du Pont
Edwards, Ala.
Erlenborn
Esch
Eshleman
Findley
Fish
Ford, Gerald R.
Forsythe
Frelinghuysen
Frenzel
Frey
Froehlich
Gilman
Goldwater
Goodling
Gross
Grover
Gubser
Gude
Guyer
Hammerschmidt
Hanrahan
Hansen, Idaho
Harsha
Hastings
Hébert
Heckler, Mass.
Heinz
Hillis
Hinshaw
Hogan
Holt
Horton
Hosmer
Huber
Hudnut
Hunt
Hutchinson
Jarman
Johnson, Colo.
Johnson, Pa.
Keating
Kemp
Ketchum
King
Kuykendall
Landgrebe
Latta
Lent
Lott
McClory
McCloskey
McCollister
McDade
McEwen
McKinney
Madigan
Mailliard
Mallary
Maraziti
Martin, N.C.
Mathias, Calif.
Mayne
Michel
Miller
Minshall, Ohio
Mitchell, N.Y.
Mizell
Moorhead, Calif.
Mosher
Myers
Nelsen
O'Brien
Parris
Passman
Pettis
Peyser
Powell, Ohio
Price, Tex.
Pritchard
Quie
Quillen
Regula
Rinaldo
Robinson, Va.
Robison, N.Y.
Roncallo, N.Y.
Rousselot
Ruppe
Ruth
Ryan
Sarasin
Scherle
Schneebeli
Sebelius
Shoup
Shriver
Shuster
Skubitz
Smith, N.Y.
Snyder
Spence
Stanton, J. William
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Symms
Talcott
Taylor, Mo.
Teague, Calif.
Thone
Towell, Nev.
Treen
Vander Jagt
Veysey
Walsh
Wampler
Ware
Whalen
Whitehurst
Widnall
Wiggins
Wilson, Bob
Winn
Wyatt
Wydler
Wylie
Wyman
Young, Alaska
Young, Fla.
Young, Ill.
Young, S.C.
Zion
Zwach

NOT VOTING—21

Blackburn
Buchanan
Burke, Calif.
Collins, Ill.
Davis, Ga.
Davis, Wis.
Duncan
Harvey
Hungate
Litton
Lujan
Macdonald
Martin, Nebr.
Mills, Ark.
Murphy, N.Y.
Railsback
Rhodes
Rooney, N.Y.
Sisk
Stuckey
Van Deerlin

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

Mr. Rooney of New York for, with Mr. Rhodes against.

Mr. Sisk for, with Mr. Harvey against.

Mr. Macdonald for, with Mr. Lujan against.

Mrs. Burke of California for, with Mr. Martin of Nebraska against.

Mr. Van Deerlin for, with Mr. Davis of Wisconsin against.

Mr. Hungate for, with Mr. Buchanan against.

Mrs. Collins of Illinois for, with Mr. Duncan against.

Mr. Murphy of New York for, with Mr. Blackburn against.

Until further notice:

Mr. Mills of Arkansas with Mr. Stuckey.

Mr. Davis of Georgia with Mr. Litton.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

A motion to reconsider was laid on the table.

Mr. HAYS. Mr. Speaker, I yield 5 minutes, for the purposes of debate only, to the gentleman from New Jersey (Mr. THOMPSON), the chairman of the subcommittee.

Mr. THOMPSON of New Jersey. Mr. Speaker, House Resolution 702 is intended to appropriate funds to the Committee on the Judiciary for the purpose of carrying out its responsibilities pursuant to the impeachment clause of the Constitution and for other committee matters.

As we know, the Constitution commands the impeachment of civil officers if there be evidence of treason, bribery, or high crimes and misdemeanors.

All of us who serve in this body are aware of the matters which have been aired in the hearings held by the select committee in the other body which, incidentally, had appropriated to it solely for their purpose—and they are virtually finished—$1,500,000.

Mr. Speaker, without going into detail, suffice it to say that testimony has been given which on its face would appear to implicate the President in impeachable conduct. Several resolutions alleging impeachable conduct lie before the Committee on the Judiciary. There is literally no way in which the committee can properly address itself to these resolutions and the charges obtained therein unless it has staff and counsel commensurate to the task. It was for that purpose that this resolution was introduced and the request for funds incorporated in this resolution to be appropriated to conduct a thorough investigation of the charges alleged in the resolution pending before the committee.

In no way does any Member who supported this in the committee prejudge the case. Certainly the President is entitled to due process, and the public demands that these charges be fully aired and disposed of so that, as the President has requested, faith can be restored in that office.

I would hope that in the course of the debate there will be the assurances sought by Members of the minority so that they are entitled—and I feel deeply that they are entitled—to get a reasonable share of this money for their staffing, because they need it as well as the majority needs it. I do not think it reasonable or rational to demand 50 percent, any more than I consider it reasonable or rational for the minority to demand 50 percent of the Justice Department's or the Special Prosecutor's staff.

Mr. CLEVELAND. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON of New Jersey. I will yield for a question.

Mr. CLEVELAND. Mr. Speaker, may I ask, what percentage does the gentleman think is reasonable or rational?

Mr. THOMPSON of New Jersey. Well, I think that one-third might be about 5 percent in excess of what the caucus would allow me to say. I think that the history of the Subcommittee on Accounts is clear in each and every instance.

Mr. CLEVELAND. Will the gentleman yield further?

Mr. THOMPSON of New Jersey. I decline to yield any further. Let me answer your first question.

Mr. CLEVELAND. I think you have. You said you would not agree with one-third.

Mr. THOMPSON of New Jersey. Yes. I said I would not agree to one-third. I cannot.

Mr. HAYS. Will the gentleman yield?

Mr. THOMPSON of New Jersey. I am glad to yield to the gentleman.

Mr. HAYS. I would like to tell you a little experience I had. I happened to be the ranking member of the minority on a committee the last time the Republicans had control of the Congress. It was an investigative committee with an investigative staff.

I got very fine treatment from the Republican majority. They did not give me employee No. 1—nothing—zero—zilch.

Now, what we propose to do is to give you some employees, but I do not think the majority will let you set an arbitrary figure.

I heard Mr. RODINO saying here that if he thought it was necessary, we would give you half of the employees, but he will be the judge of that and there will not be any figure written into this bill, because there is no way that it can be. However, you will be treated a lot more fairly than we were a good many years ago when your party had control here.

Mr. CLEVELAND. Will the gentleman yield further?

Mr. THOMPSON of New Jersey. Just one moment.

The fact is that I honestly deplore the emergence of this great issue facing the Nation into a partisan squabble over staff. As I said before every ranking member on that side knows that the Subcommittee on Accounts has treated committees fairly.

The SPEAKER. The time of the gentleman has expired.

Mr. HAYS. Mr. Speaker, I yield the gentleman 2 additional minutes for the purpose of debate.

Mr. THOMPSON of New Jersey. The committees have been treated eminently fairly, as the ranking member of the Committee on the Judiciary himself will attest. The fact of the matter is that it has been 100 years since there has been an impeachment process against a President. These are very painful, unpleasant, and complicated procedures, and prodigious amounts of investigation and paperwork and so on are required. I think the minority will need it. I think that to defeat this resolution or to amend it substantially would be an indication that you do not want, really, a full opportunity for the President to have the due process which I feel he deserves.

Mr. CLEVELAND. Will the gentleman yield further?

Mr. THOMPSON of New Jersey. I will yield briefly.

Mr. CLEVELAND. First of all, I would like to compliment the gentleman from Ohio (Mr. HAYS) because if he can remember the time when the Republicans had control of this House, he has got a darn good memory and it goes back a long, long time.

Mr. THOMPSON of New Jersey. And it is going to be a longer time in the future.

Mr. CLEVELAND. Will the gentleman yield further?

Mr. THOMPSON of New Jersey. I will yield to you all day.

Mr. CLEVELAND. Well, you drafted a bill and voted for that bill on the floor of the House that gave the minority one-third. Now why do you say you cannot let them have one-third of the staffing?

Mr. THOMPSON of New Jersey. I have the unhappy experience, which I learned to live with quite comfortably, of having my great party's caucus bind me not to exceed one third of the moneys.

Mr. CLEVELAND. In other words, you stand in the well enslaved by your caucus and say you cannot vote your conscience.

Mr. THOMPSON of New Jersey. Yes. I am enslaved, and I am proud to be; and I am not married to my party in such a way that I can never vote against it like you do not.

Mr. HAYS. Mr. Speaker, for purposes of debate only I yield five minutes to the gentleman from Alabama (Mr. DICKINSON), and I will yield him more time if he needs it.

Mr. DICKINSON. Mr. Speaker. I thank the gentleman for yielding me the 5 minutes.

I hope I can clear up the situation at least in the minds of some of those here. Let me put this thing in perspective if I may.

The normal and usual and customary way of a committee being funded is for them to come before the Committee on House Administration with their ranking member and chairman and present a budget to us with some testimony to show us what they have done or what they propose to do. The members of the committees are then interrogated both as to the minority and the majority with regard to the funds they are requesting.

We seek some justification for the amounts that they ask for, and then we either give them what they ask for or, in many instances perhaps, we cut them some.

But what has happened in this instance? Mr. Speaker, we were presented with a resolution 2 days ago calling for $2 million for the purpose of giving it to the Committee on the Judiciary to carry out their business, principally the impeachment investigation of the President.

Mr. CLEVELAND. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. No, I will not yield to the gentleman.

But the point is, Mr. Speaker, no one came before us, there was not one word of testimony in support of anything, to say nothing of the $2 million. The ranking minority member did not come. The chairman of judiciary did not come. There was no request in writing. We were simply given a resolution calling for an arbitrary $2 million. And it was explained to us that the leadership on the Democratic side had decided this might be a good figure.

In committee it was cut, arbitrarily, a half million dollars. I do not know why. There was no way that we could tell what they needed or did not need.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. No, not at this time—yes, Mr. Speaker, I will yield to the chairman.

Mr. HAYS. Mr. Speaker, I appreciate the gentleman yielding to me, and I would like to point out to the gentleman in the well that the chairman of the committee is the one who took the lead in cutting the amount. And I had no control over who appeared before the subcommittee, or who did not come before the subcommittee.

Mr. DICKINSON. I am getting there, Mr. Chairman.

Yesterday in the full committee the chairman of the full committee suggested, well, maybe this was too much, and we ought to cut it to $1 million. Well, there was no testimony. We do not know what they are going to do. One of the members of the Committee on the Judiciary said it would probably be spring before they get to the point of deciding what is an impeachable offense, and they would not need any investigative money until then.

There has been nothing said, not one word presented in the committee in justification of the request.

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Well, what did we decide on, and how did we make up our minds? We have no assurances there will be any equitable consideration in the committee between the allocation or apportioning of the moneys, and the staff. We do not know what they are going to do with it. We do not know for what length of time they will need it. There should be some basis of fact on which to base $1 million. It is a nice, round figure.

Let me say this: There has been a pushing and a shoving, trying to get some reasonable compromise as to what will be the allocation, if this money is given. Let me say that this money is really not the question. I would vote for $5 million if they could justify it, and show it was necessary. But it is not a question of the money. Those who have been before the committee know that we have been pretty free-hearted and open-handed, and that we quite often state that if that is not enough then come back for more.

So the only reason for denying any dollar figure to the minority is simply to deny them the right to do the job that they feel is necessary; not of saving money, but strictly a partisan situation, if they deny the minority their right to an equal portion of the funds.

So what is the parliamentary situation here? This is a privileged resolution that is not amendable unless the gentleman from Ohio, who has control of the time, will yield for that purpose, and there are some amendments that have been drafted that are intended to be offered. One of these will apportion the money. Another will say that the money shall not be used until at least the Committee on the Judiciary can determine what is an impeachable offense.

If the gentleman from Ohio (Mr. Hays), refuses to yield for an amendment, then the parliamentary situation is that there is only two things left to do. One is to vote down the previous question when it is next called, which will then open up for 60 minutes for debate and make it subject to amendment, and in order to spread a little of the sunshine of understanding in here so we can have a free and equal debate on both sides. If that fails, then a motion to recommit with instructions will follow.

So that is the parliamentary situation at the present time.

The SPEAKER. The time of the gentleman has expired.

Mr. HAYS. Mr. Speaker, I yield 5 additional minutes to the gentleman from Alabama.

Mr. DICKINSON. I thank the gentleman.

So if this is not to be a partisan squabble, if we are going to give the members of the Committee on the Judiciary the tools and the staff that some claim they so desperately need—and I am not quarreling with the amount, and I do not think that the members of the Committee on the Judiciary on my side of the aisle quarrel with the amount even though it has not been proven—the point is Mr. Speaker, to deny the minority members of the Committee on the Judiciary—what the majority says they need simply removes this from the arena of fair, nonpartisan investigation of an alleged criminal offense. It sort of makes it a lynch mob in effect.

So if we want to be fair, if we want to take it out of the arena of partisan politics, if we want to really be even-handed in the dispensation of justice, then there will be an amendment accepted when offered to apportion these funds, and we will vote it up or down, but to simply cut off debate I think is eminently unfair.

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Illinois.

Mr. McCLORY. I thank the gentleman for yielding.

I believe that if this went over until Monday after the Thanksgiving recess, we would have an opportunity for substantial bipartisan support for such a resolution. We heard about this request for $1 million yesterday afternoon for the first time just on the eve of the Thanksgiving recess—and at a time when we have the confirmation hearings on Congressman Ford going on before our committee. This action deprives the minority of the benefit of a committee meeting and of a discussion with the majority with regard to what the plans are, what the investigation should include, and when it should be concluded.

I believe, and I think all of my Republican colleagues on the House Committee on the Judiciary believe, that we should have an investigation, that is, an inquiry to determine what are and what are not impeachable offenses—upon which the committee can consider whether or not to go forward with impeachment proceedings.

Mr. DICKINSON. I understand that. I agree with the gentleman that there is no urgency here why it cannot go over.

Mr. McCLORY. In addition, the committee probably has sufficient staff at the present time to conduct the kind of inquiry which is justified at this time.

Mr. DICKINSON. There has been no allocation of moneys. As a matter of fact, according to the last report, the Committee on the Judiciary has ample money to run until we get back. I can see no irreparable harm at the present time if it should go over, but it so happens we are not in control.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I thank the gentleman for yielding. Can the gentleman indicate to the House how long this money is going to be used—3 weeks, 3 months, or 3 years?

Mr. DICKINSON. We have no idea in the world what it is going to be spent for, how long it is going to last, and for what purposes it will be spent.

Mr. THOMPSON of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. I thank the gentleman for yielding.

Mr. Speaker, this money is appropriated for use for the remainder of this Congress. The question of whether $1 million will last is as yet unresolved. We might have to come back for more, but the intention is that it will last for this Congress.

Mr. DICKINSON. I should certainly hope it will last into January and considerably later.

Let me reiterate, if I may, the parliamentary situation, because this is what is so important. An attempt will be made to amend this by getting the gentleman from Ohio, who controls the time, to yield for that purpose. If he declines, the only way it can be amended to work equity is to vote down the previous question, which I will ask all of the Members here to do, so that we can have at least fair and impartial bipartisan proceedings here, and not what would appear as a witch hunt because one party is denied the money while the other party is given a million dollars to go and do anything they want to do.

Mr. DENNIS. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Indiana.

Mr. DENNIS. I thank the gentleman.

Is the gentleman aware of the fact that this Committee on the Judiciary already has an active impeachment investigation underway? That we have 19 people working full time on that subject? Is the gentleman aware that we have $200,000 left in our account for this session, and that, in the regular course of events, at the first of the year, we will get at least another $600,000, without getting a penny under this resolution?

Mr. DICKINSON. That is true.

Mr. CEDERBERG. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Michigan.

Mr. CEDERBERG. I thank the gentleman for yielding.

Mr. Speaker, earlier in the day we heard the proposition that this should be approached in a nonpartisan way. We will find out very quickly whether or not that is going to be the situation. If amendments are not allowed, it will be an obvious indication that they do not want the minority to have an opportunity to express itself.

Secondly, if the previous question is not voted down, then it is a clear indication that we are going on a partisan operation and not a nonpartisan operation in a quiet manner. It will be interesting to see how the press reports it.

Mr. DICKINSON. I do not see how the gentleman could have put it more succinctly.

Mr. HAYS. Mr. Speaker, I yield myself 1 minute.

The only partisanship I have seen has come from the minority. I do not see any reason why, with the minority not controlling 50 percent of the House, they should have 50 percent of the positions, but I would assume whoever is hired would go at this matter to find out if there is reason to report a bill of impeachment.

I am not going to stand up today and say I am going to vote to impeach the President. I am not going to vote to

impeach him unless there is a bill of impeachment brought through that indicates there is some evidence to warrant it.

That is what we are going to find out: What is at issue?

Whoever is going to get the lawyers I would hope would hire people who are impartial, who would go in with the idea of finding the facts and making a determination on that basis.

All this baloney is about who is going to get what patronage. That is what it really amounts to.

Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey, the chairman of the Judiciary Committee (Mr. Rodino) for purposes of debate.

Mr. RODINO. Mr. Speaker, I regret sincerely that while our esteemed colleagues on the Republican side protest about partisanship, they have raised that very issue.

When the Speaker of the House referred the resolutions on impeachment to the Committee on the Judiciary, I made an initial statement and I stated that I had hoped this situation might never be necessary and I assumed that responsibility with a sense of sadness and felt that every responsible American would have viewed this as one of the most sobering influences in his life because he is concerned with the future of America. I meant those words then and I mean them now.

There have been a number of resolutions on impeachment before the House of Representatives referred to the Judiciary Committee. I might say that the question is whether we are to proceed with an inquiry impartially and in a bipartisan manner.

Only yesterday in addressing myself to a query from the press, who was trying to inquire as to what might happen if this were not a bipartisan effort, I said it would be disastrous for all of our country.

I believe that throughout my total tenure as chairman of the House Committee on the Judiciary—and I call upon each and any member of that committee to say otherwise—I have treated the members of that committee and especially the ranking Republican member with the utmost fairness, not because I just wanted to be fair but also because one must be fair, especially in this matter.

The Committee on the Judiciary has presently a staff of 26 attorneys. Of them 19 were selected by the Democrats and 7 were selected by the Republicans. That is better than a one-third ratio. I have never rejected or refused a request on the part of the ranking Republican member, the gentleman from Michigan (Mr. Hutchinson).

We hired mail clerks, seven or eight mail clerks, to open up the mail on this alone.

The five GAO investigators were not hired by the committee investigation funds. We requested them from GAO. We have one officer manager that we hired in order to be able to supervise the personnel.

The balance of the money left to the Committee on the Judiciary for the operation of the balance of the year is going to be less than $25,000 or $30,000 with the present complement that is there now to handle the matters before the committee—the question of the special prosecutor, the question of the Watergate grand jury, the question of the confirmation of Vice-President-designate Mr. Gerald R. Ford, whose confirmation proceedings are supposedly underway and they are being held up now because of this display here. I intend to go through the recess with the hearings. The money that is being requested today is money that we believe would be necessary to put together the most judicious, the most erudite, the most qualified legal experts who are constitutionally motivated, objective and who would do a fair job.

Mr. Speaker, to do that kind of job that I believe needs to be done in a situation which is as grave as this matter is that is now before the House of Representatives requires all this.

I am not at this moment, though I have explored and researched and inquired of constitutional experts, able to say that with the mass of evidence that is in the various committees, whether or not there are offenses which have been alleged which can be construed and interpreted under the Constitution to be impeachable offenses.

I am the first one to state that this is the very reason why it becomes necessary that his kind of staff be a staff that is going to be divided in a manner that I believe will be fair and do a proper and responsible job.

On October 23, 1973, I repeat I assured the House and the American people that the Committee on the Judiciary will approach the inquiry into the impeachment resolutions in a "fair, thorough, and responsible" manner.

It is certainly unnecessary to impress upon my colleagues the gravity of our investigation into the allegations that the President has committed impeachable offenses and there is general agreement that an exhaustive and impartial inquiry of these charges is needed. I urge the adoption of this resolution and sincerely believe that this increase in funds is imperative in order that the Committee on the Judiciary and the House of Representatives can satisfy its constitutional obligations in this serious matter.

The Judiciary Committee has already moved forward in assuming the awesome responsibility of investigating charges that the President of the United States should be impeached. I am pleased to advise the House that additional investigators and clerical staff have already been added to the committee and these individuals are presently reviewing the voluminous body of material which has already been developed respecting this matter as well as conducting preliminary investigations into other allegations contained in the resolutions of impeachment.

In addition to their other obligations the legal staff of the committee, including the general counsel and the associate general counsel, has been conducting extensive research on the legal and constitutional issues relating to the subject of impeachment.

In addition, a substantial portion of the staff's time has been devoted to reading, categorizing and responding to the massive amount of correspondence which has been received on impeachment. To date over 100,000 letters, telegrams, and other correspondence have been received—107,352 for impeachment and 3,418 against impeachment.

In other words preliminary work and inquiries are well underway but I emphasize that additional resources must be provided if we are to adequately respond to our constitutional mandate.

The conduct of an impeachment inquiry, particularly concerning the President of the United States, involves many unchartered and untested issues. Since we are denied firm precedents and extensive experience in these areas we must necessarily rely upon the best qualified minds in the academic and legal fields. It will be necessary to assemble a staff of the highest quality and rectitude, including persons with extensive judicial experience to assist us in carrying out a proper and complete investigation. In selecting these individuals, we will look to those who have demonstrated their objectivity and fair-mindedness and who will conduct themselves in a judicious manner at all times.

In order to accomplish this objective we must be provided with the necessary funds by the House of Representatives. I am confident that the funding level provided in House Resolution 702 will adequately meet the demands of the committee. In the event this resolution is adopted, I envision the appointment of a special counsel and several assistant counsels, each of whom will be assigned a separate subject to be reviewed and investigated. Moreover, the following supportive personnel will also be required: investigators; research assistants; clerks; secretaries; stenographers and other office assistants.

Although it is difficult to estimate the extent and direction of the investigation at the present time, I believe we can look to the experience of the Senate Select Committee on Presidential Activities to approximate our requirements. The original resolution establishing the Senate Select Committee authorized the expenditure of $500,000 for the conduct of its investigation and study. However, just 4 months after this resolution was adopted, it became apparent that this figure was totally unrealistic in light of the mandate given to that committee. As a result, the funding level was increased to $1 million shortly after the Select Committee commenced the formal hearing phase of its investigation.

I am hopeful that it will not be necessary to come before the House with an additional request for funding, as occurred in the case of the Senate Select Committee and I trust that this resolution will cover any contingencies that might arise.

I urge my colleagues to approve this resolution and I sincerely believe it will provide us with the necessary resources

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to go forward with a fair and comprehensive investigation of all allegations in order to determine if articles of impeachment are warranted.

Mr. HAYS. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the gentleman from California (Mr. Wiggins) a member of both the Committee on the Judiciary and the Committee on House Administration.

Mr. WIGGINS. Mr. Speaker, I have just a brief time and I cannot yield to anyone else in order to reserve sufficient time make the few points I want to make and that should be made.

Chairman Rodino is an honorable man. I believe him when he states his intention that he will be fair to the minority; but gentlemen, the going is rough and it is going to get rougher. We, in the minority, would be more comfortable if the rules were amended to require the gentleman to do what he said he will do as a matter of grace.

We have some reason to be suspicious, because we had the representation of the chairman of the Committee on the Judiciary that he would be fair with respect to subpena power in this investigation. When the minority asked that the right which was promised, that the minority would have the right to subpena witnesses, be incorporated into the rules, the majority voted us down a strictly party vote.

So you see, gentlemen, we have some reason to be skittish on this issue. We would be much more comfortable if the gentleman would agree in writing to what he says he will do.

Let me make two quick points. The resolution is technically defective. It does not give power to the Committee on the Judiciary to conduct an impeachment investigation. I do not have time to develop this fact. I just ask the staff to look at the basic resolution No. 74 and look to rule 11 of the House and they will see that the Committee on the Judiciary has no power given by the House in the matter of impeachment. Accordingly, the resolution is well-intentioned, but defective.

Second, and perhaps more important, do the Members realize that the Committee on the Judiciary has not had its first meeting on the subject of impeachment? We have not yet decided what we are going to do, what is impeachable, what is not, and what instructions are to be given this staff which is to be available.

Would it not be more fair and judicious and prudent for the committee to decide itself what we are going to do before we run to the House administration for money? I think so.

In other words, gentlemen, the resolution is grossly premature.

All of us on the minority side of the Committee on the Judiciary are quite desirous of having a fair investigation of these matters. We are getting off on the wrong fact if that be our objective.

I would think it would be appropriate for the chairman to yield to me for the purpose of an amendment. I have been told that he will not; but if he were to yield to me for the purpose of an amendment, I would offer an amendment to insure that the minority is treated fairly with respect to staffing and to insure that the Committee on the Judiciary at least decides what it is going to do before this $1 million is spent.

I urge a no vote on the previous question in order to permit me to offer these amendments.

I will now yield to the chairman of the Committee on the Judiciary.

Mr. RODINO. Mr. Speaker, will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman from New Jersey, the chairman of the committee.

Mr. RODINO. Mr. Speaker, I would merely like to make mention of the fact that the gentleman talked about the subpena authority. As the gentleman will recall, I stated it would be my policy as the chairman first to consult with the ranking minority member before I issued subpenas.

I would like the gentleman to know that there were a few subpenas that had been issued with regard to the Ford confirmation, and those matters were discussed with the ranking Republican member. I got his assurance of cooperation before I issued them.

Mr. WIGGINS. Mr. Speaker, I appreciate that, but the fact is the chairman resisted an amendment to the rule which would require that we have something besides his verbal assurance that he will be fair.

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Speaker, I want to concur with what the gentleman says. If we had a meeting on the subject to decide where we were going and staff we need, what professional staff we need, whether it be majority or minority, and lay out the guidelines for this kind of inquiry, I think there would be virtually unanimous support on the part of all the members of the committee for an impartial inquiry, which is what we all want.

Mr. WIGGINS. Mr. Speaker, do the Members realize that even as late as yesterday, after the Committee on House Administration had acted on this resolution, even then the majority had no thoughts as to how the money was to be spent.

I urge a vote against the previous question.

Mr. HAYS. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I would just like to point out that I might be persuaded to yield for an amendment if the gentleman says this is so technically imperfect. Over in the other body, the Committee on Rules and Administration is handling this, and the rules seem fairly pervasive that it should have come to the House Administration Committee here, but the Republican leadership and the Democratic leadership said that they wanted it to go to the Judiciary Committee, and we made no fight about it.

Maybe it would be better if the gentleman would offer an amendment to send it to the House Administration Committee, where there are fewer lawyers and we might have less squabbling.

Mr. Speaker, at this point I would like to yield 4 minutes to the ranking minority member of the Judiciary Committee, the gentleman from Michigan (Mr. Hutchinson) for the purpose of debate only.

Mr. HUTCHINSON. Mr. Speaker, I can assure the House that in all of my dealings with the chairman of the Judiciary Committee since January and to date, he has been very fair with the minority in staffing matters. He has advised me with regards to those instances when he thought it necessary to issue subpenas in the Ford confirmation matter, as he states. Those subpenas, however, are not at all contentious, and they were friendly subpenas, so to speak.

I have no reason to doubt that the Chairman will continue his policy of fairness, but I wish that the chairman did not find himself bound by the actions of his own caucus to the extent that he cannot state on the floor and give some assurances on the floor as to staffing in this impeachment situation.

Mr. Speaker, the impeachment of a President is a very, very grave matter in our constitutional system. In fairness to all parties—I am not talking about political parties, but I am talking about people involved—there should be, shall we say, a high professionalism and an absolute impartiality in evaluating facts and evaluating the inferences that have been brought together.

Of course, if the minority is going to be assured in the end that we will get a third of the staffing, I think that is probably generous in light of history generally. However, that means that I have got to find an expert who is doubly able, twice as able, if you please, as the experts of the majority in order to have an equality of evaluation power.

Now, what I simply want to say is that I think I can work with the chairman of the Committee on the Judiciary in the future as in the past, and I am going to work, of course, toward getting as strong a quality of staff in this very grave matter, as I can possibly get. I do wish that the chairman could give me on this floor now such assurances.

I understand that he does not feel that he can give them publicly. I will work with him toward that end, but I regret exceedingly that this matter has had to come up today in the middle of the Ford hearings. My own desires were that we could put it over until after the Thanksgiving recess.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. HUTCHINSON. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Speaker, it seems to me that everybody is assuming that the gentleman from Michigan (Mr. Hutchinson), as well as others, and their experts are going to find one thing and the experts of the gentleman from New Jersey

(Mr. Rodino), are going to find another, that the whole case is prejudged.

It may very well be that the experts of both sides will find the same thing, that there is no indictable reason to bring an impeachment indictment against the President, because that is what an impeachment is—an indictment.

I just do not think we ought to assume this is going to be a partisan matter. I would hope that the gentleman could get somebody who is above partisanship and find the facts

The SPEAKER. The time of the gentleman from Michigan (Mr. Hutchinson) has expired.

Mr. HAYS. Mr. Speaker, I yield 1 additional minute to the gentleman from Michigan (Mr. Hutchinson).

Will the gentleman yield further?

Mr. HUTCHINSON. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Speaker, this Committee on House Administration in the past has made certain that in the case of every committee that came in there, there was fairness before they got any more money.

Now, as far as I can figure out from this group of lawyers on the Committee on the Judiciary, this probably is not going to be decided before Mr. Nixon's term is over, and they are going to need some more money anyway, and when they come back, they had better come back and be able to say that there was fairness, because otherwise the committee might just close the investigation down.

Mr. RAILSBACK. Mr. Speaker, will the gentleman yield?

Mr. HUTCHINSON. I yield to the gentleman from Illinois.

Mr. RAILSBACK. Mr. Speaker, I wish to thank the gentleman for yielding.

I will say to the gentleman on the other side that I think some of us would be willing to support this resolution, some of us who do not necessarily want to obstruct the process, if the gentleman would simply be willing to give him the assurance he is asking.

Why can the gentleman not give him that assurance?

Mr. RODINO. Mr. Speaker, will the gentleman yield?

Mr. HUTCHINSON. I yield to the gentleman from New Jersey.

Mr. RODINO. Mr. Speaker, I do not know exactly what the gentleman meant when he stated I could not say publicly that I could give him assurance. I stated that the caucus has expressed itself.

However, I am not bound by that, because I believe the situation which has been presented here, as in any matter that has been before our committee, demands that I would treat it fairly as I have done in the past.

The gentleman has had my assurance, and I give him my assurance at this time that I will continue to treat this matter in the same manner.

If he needs half of staff, I can assure the gentleman that we can work with him—and I am not being carried away—because it is a matter that I believe is grave enough for us to consider it soberly and seriously.

I believe that the gentleman knows that I have also suggested that I would consult with him in the selection of a staff.

Mr. HAYS. Mr. Speaker, I yield 3 minutes, for the purposes of debate only, to the gentleman from Iowa (Mr. Mayne).

Mr. MAYNE. I thank the gentleman for yielding. Mr. Speaker, on October 23, you referred all resolutions relating to impeachment to the Committee on the Judiciary of which I am a member. I fully support such referral and acknowledge our committee's responsibility to make a searching and painstaking inquiry into the matter of impeachment. But this is a solemn responsibility of the entire committee, not just of the chairman and not just of the majority members of the committee. And I submit for the consideration of the House that on a matter of such awesome importance as the impeachment of the President, we the minority members of the Judiciary Committee should be consulted and given an opportunity to express our views and to vote in the committee before matters affecting our constitutional responsibilities relative to impeachment are brought to the floor of the House. But except in one solitary instance that privilege has been denied us. We have not been given that opportunity. In the 23 days since the Judiciary Committee assumed jurisdiction, the chairman has convened only one meeting to consider any aspect of impeachment.

That was on October 30, when the sole question considered was the chairman's request for sweeping powers of subpena. Those sweeping subpena powers were granted him on that occasion by a straight party line vote of 21 to 17. But except for that one meeting on October 30 there has been no meeting of the committee or any of its subcommittees in which there has been any discussion or consideration of the ground rules or guidelines under which the impeachment inquiry should be conducted and no discussion of what existing staff should be assigned to the inquiry or what additional staff might be needed or how it should be organized or what funds might be required to carry out the committee's mission. Certainly there has never been any discussion in the committee or consultation with the minority members about the million dollar resolution which is before us today. In fact there has been no consideration of impeachment at all.

Shortly before noon yesterday, November 14, there was delivered to the offices, of minority members of the committee, a memorandum from the chairman dated November 13 telling us for the first time of activities of existing committee staff on the impeachment inquiry to date. The third paragraph reads as follows and I quote:

> Thus far, there are a total of 19 people working full time and directly on the Impeachment Inquiry. The above number includes: (1) Five investigators who have been assigned to the Judiciary Committee by the General Accounting Office to work exclusively on the Inquiry; (2) An investigator with prior Congressional experience; (3) An office manager; (4) A file clerk; (5) Secretarial and typing assistants; and (6) Mail clerks. The General Counsel, Associate General Counsel, and three staff counsels are devoting major portions of their time to matters relating directly to impeachment. Under their supervision three other staff counsels are working full time and exclusively on impeachment. In addition, staff counsel and investigators from other committees have been assigned to work with the Judiciary Committee on a day-to-day basis as needed.

I am advised that all 19 of these staffers who are working full time on impeachment, including 5 from the General Accounting Office, are working under the direction of the chairman and are assigned to the majority members of the committee. None of them are working, as a matter of fact, with the minority and they have not even communicated to minority members or minority staffers any information as to what sort of work they are doing on this project. In other words the minority has been kept in the dark while 19 majority staff members have been busily at work in a partisan effort to lay the basis for impeachment. We in the minority have been given no real opportunity to participate or be informed.

If it is really necessary to spend $1 million for staff work on impeachment in addition to the 19 staff members already working on it, then it should be a matter of sufficient importance to be considered by the Judiciary Committee which is going to spend it, at a meeting of the full committee. It should also be pointed out that our Judiciary Committee has already been authorized to spend more than $606,000 this year for investigations and still has a balance of more than $208,000 of that amount unexpended. In addition, since July 1, it has drawn around $449,000 more for permanent or standing staff. I will say frankly I would hope our committee could carry out its inquiry on impeachment in a sufficient and adequate manner with a much smaller expenditure than $1 million. But I am willing to listen to the evidence justifying such expenditure and to be persuaded if the actual need for a full $1 million in addition to the $606,000 we have already received for investigations can be shown. But I think this should be considered and approved by the Judiciary Committee before it comes to the House floor, and I also think there should be some assurance that at least some of the funds provided for in this resolution will be made available for the use of the Republican minority rather than being devoted exclusively to the Democratic majority of the committee as has been true up to the present time. The Democratic floor managers of the resolution have been unwilling to give such assurances. I am hopeful that the resolution can be improved today by amendment so that I can support it, as I am entirely willing to vote for reasonable funding to finance the impeachment inquiry. But no showing has yet been made here that $1 million is reasonable or necessary. I do not believe Members of the House should be asked to approve this resolution in the manner and under the circumstances in which it is being presented today.

I will, therefore, vote against the resolution unless it is substantially improved before final passage.

Mr. HAYS. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Wisconsin (Mr. FROEHLICH).

Mr. FROEHLICH. Mr. Speaker, I thank the gentleman for yielding me this time.

The chairman asked some time ago "What is at issue here." Ladies and gentlemen of this Chamber, what is at issue here is letting the minority participate.

This is a very fundamental investigation in the history of this Nation. To this point the minority has not, in all fairness, been able to participate.

I agree wholeheartedly with the words of the chairman of the Committee on the Judiciary, but in my opinion his actions do not coincide with his words. He told us on the floor today that there were seven or eight mail clerks hired. Last night the first information we got was his staff said there were 14 individuals working: 5 GAO, 3 committee lawyers part time, and 2 committee lawyers full time, and 1 office manager, 2 secretaries, and 1 messenger.

We do not even know what the true facts are, that is the problem.

The ranking Republican was not consulted on the $2 million, or the $1.5 million, or the $1 million, or the staffing schedule. They just assured us that we would get some part of the staff when it was hired.

So what are we asking you for? We are asking you not to make this partisan, not to take the lead without letting us know what is going on, but let us at least have an opportunity to express our opinion. But up to this point in the investigation that has not happened.

Let us make it bipartisan. Let us put aside the squabbles. Let us preserve cool impartiality, and then let us start talking, let us start meeting. Let us know what is what, and let us know what is going on.

Mr. BROWN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. FROEHLICH. I yield to the gentleman from Michigan.

Mr. BROWN of Michigan. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I would like to address my remarks to the chairman of the Committee on the Judiciary, for whom I have high respect. In this Congress, the minority has a precedent on this issue before it. That precedent was established when the majority of the Members on the other side of the aisle voted for the Congressional Reorganization Act which provided that one-third of the money allocated to a committee would be usable for minority staffing. Nevertheless, at the very commencement of the next session of the Congress after the majority on that side of the aisle had voted to enact that legislation into public law, that same majority turned around and in its caucus bound its members to deny to the minority one-third of the staff, and violated the provisions of that public law. I suggest, Mr. Speaker, that, even though the chairman of the Judiciary Committee has agreed informally with the minority today, if his caucus says tomorrow that he cannot perform on his promise, he will not. And, in view of this precedent, the Members on the other side of the aisle should show their good faith by putting the allocation of staff funding in the resolution itself.

Mr. HAYS. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. RAILSBACK) for the purpose of debate only.

Mr. RAILSBACK. Mr. Speaker, I want to thank the gentleman from Ohio for yielding to me. I want to address a question, if I may, to the chairman of the Committee on the Judiciary, the gentleman from New Jersey (Mr. RODINO).

Mr. Chairman, did you—and forgive me if I am in error in what I understood you to say—but when you were engaging in a colloquy with the gentleman from Michigan (Mr. HUTCHINSON) did I understand the gentleman to say that he was willing to give him the assurances that he did privately? Or what, exactly, did the gentleman say?

Mr. RODINO. Mr. Speaker, if the gentleman will yield, I stated that. I stated so, and that is notwithstanding the action of the caucus.

Mr. RAILSBACK. Mr. Speaker, then I would say, for myself—and I can understand how people object to the $1 million figure, and so forth, but if you have given us those assurances, then I, for one, intend to vote for the resolution because I trust the gentleman.

Mr. CEDERBERG. Mr. Speaker, if the gentleman will yield, I am not so impressed on the question of staffing. I am more interested in supplying the dollars, and I read on page 2 of the resolution:

> Not to exceed $500,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services——

Mr. RAILSBACK. Mr. Speaker, if I may interrupt, if the gentleman will talk with the gentleman from Michigan (Mr. HUTCHINSON) he will find, as I am told, that it represents the money, rather than just staffing. In other words, what the gentleman is talking about is money.

Mr. CEDERBERG. Then the gentleman is talking about money, not staff, because it is money no matter whose staff it is.

Mr. RAILSBACK. I am not talking about the money, because these men will be staff.

Mr. McCLORY. Mr. Speaker, if the gentleman will yield, I would feel more confident if the chairman would meet with the Committee on the Judiciary so that we would know where we stood as to the $1 million. That is more important to me than voting $1 million for an expanded staff about which there has not been any testimony in the committee. We should have assurances as to where we are going with this inquiry and the subjects and scope of the inquiry as well as a time when the inquiry is to be concluded.

Mr. YOUNG of Florida. Mr. Speaker, if the gentleman would yield, I would like to raise a question of concern on what the gentleman from Ohio stated earlier. The gentleman from Ohio made the statement a moment or so ago that this investigation might last until the end of President Nixon's term, and that does bother me. I am wondering if we are looking at a 3-year fishing expedition rather than an investigation on the part of the Committee on the Judiciary.

Mr. HAYS. Mr. Speaker, if the gentleman will yield, I was referring to the fact about the way you kept dragging your feet and filibustering, that if that continued it might turn out that way. I hope it does not.

In an effort to be fair, I will yield two-thirds of the time to the minority, and I will yield 4 minutes to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. I thank the gentleman from Ohio. I appreciate his generosity.

Mr. Speaker, I regret that we are proceeding today on an exceedingly important matter in the worst possible way. We are coming here and we are asking for $1 million for the Committee on the Judiciary to follow out its investigation on the possible impeachment of the President. One would think a matter of that importance and magnitude would be taken up by that committee in a meeting of the committee, but I regret to say, because I do have the highest regard and respect and friendship for the gentleman who is the chairman of that committee, that for some reason this exceedingly important matter has not been once discussed by the committee which is now seeking the $1 million. We have not only not discussed impeachment, except for the subpena power; we have not decided to do anything about it as a committee; but we have never talked about this request for money.

Mr. Speaker, I do not oppose an inquiry. A preliminary inquiry is going on actively, and I am in favor of it. If we need more money as time goes on and facts are developed, we can come here and get money, but this is premature. One million dollars is too much for openers. It is not the question of the money so much as it is the question of the effect. This House is not ready today by any means to vote an impeachment. The people are not ready for any such thing.

But when we start spending $1 million, although it is not intended, and I am sure of that, there is the danger that it begins to predetermine the result, because, Mr. Speaker, we have to justify spending $1 million. How are we going to do it unless we bring forth some kind of a tangible result? I do not oppose an inquiry, but I do not think my people at home, Democrat or Republican, want me to go home at this point and tell them that I voted $1 million of their money for the impeachment or the possible impeachment of the President of the United States.

This resolution is improvident; it is premature, it is too much too soon; and I regret to say, in view of some of the remarks made over here—not by our chairman, of course, but by the distinguished majority leader—that we have a reason to wonder about partisanship in this matter.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. DENNIS. I yield to our distinguished majority leader, the gentleman from Massachusetts.

Mr. O'NEILL. I thank the gentleman for yielding.

Mr. Speaker, if it were not for the scandalous action on the part of the administration, it would not cost anything.

Mr. DENNIS. Mr. Speaker, I am not defending everything the administration has done; I am talking about whether we ought to come in here and ask for $1 million at this time, on this resolution, without ever discussing it or considering it in the committee concerned.

Mr. WIGGINS. Mr. Speaker, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from California.

Mr. WIGGINS. I thank the gentleman for yielding.

I address this question to the chairman of the full committee. Would the chairman yield to me at the conclusion of the gentleman's remarks for the purpose of offering an amendment?

Mr. HAYS. I will not yield for the purpose of offering an amendment. I know generally the substance of the amendment. The chairman of the committee has publicly gone beyond that.

The SPEAKER. The time of the gentleman has expired.

Mr. HAYS. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I have yielded now about 50 minutes. Thirty-three minutes have gone to the minority. I just want to make one comment and then I am going to move the previous question.

The gentleman who just spoke talked about this wasteful $1 million. That is just exactly the same amount that it cost to redecorate the interior of the President's plane when somebody did not like the way it was done the first time, so I think it is a rather minuscule amount of money. It is not being appropriated to convict the President. It may well be appropriated to clear the air.

I will go along with my colleague on the conference committee the other day, the Senator from Vermont, Mr. GEORGE AIKEN. He said, Let us either present a bill of impeachment or get off his back.

Mr. Speaker, I think the matter ought to be settled one way or the other, and I think it ought to be settled expeditiously. I think it ought to be settled on the evidence, whatever that may be.

Mr. FINDLEY. Mr. Speaker, my experience over the years with the gentleman from New Jersey (Mr. RODINO) convinces me that he will provide able, fair leadership in the investigation of Presidential conduct. I am confident he will cooperate in all vital questions by consulting the gentleman from Michigan (Mr. HUTCHINSON) and will proceed expeditiously to dispose of the investigation.

Mr. LEGGETT. Mr. Speaker, today we face the first test of whether the House of Representatives intends to live up to its responsibilities with respect to the power of impeachment.

The polls consistently show a majority of the American people feeling President Nixon should not continue in office. Whether he should be removed in the event he does not resign is something only the Congress can determine. And determine it we must. Mr. Nixon cannot govern effectively in his present state of limbo. His domestic and international credibility has been reduced to an intolerable degree. He must be either given a clean bill of health or removed.

We can neither exonerate nor impeach without a thorough investigation of the very long list of impeachable actions of which Mr. Nixon has been accused. And we cannot do either without a substantial staff of vigorous and capable investigators.

The Special Prosecutor's task force cannot do the job; their main thrust involves suspects other than Mr. Nixon. Moreover, they are confined to explicit indictable violations of Federal criminal law, whereas an impeachment investigation must also look into nonfelonious high misdemeanors.

Nor can the Judiciary Committee's existing staff do the job. These people have their hands full dealing with the normal business of the committee. In any case, they are not investigators or prosecutors by experience.

We must hire a full task force of energetic and competent professionals. The requested appropriation of $1 million, which presumably would be expended over a 6-month period, will hire a force roughly comparable to that now employed by Special Prosecutor Jaworski.

We can do no less.

Mr. HAYS. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The question is on ordering the previous question.

Mr. DICKINSON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 233, nays 186, not voting 14, as follows:

[Roll No. 588]

YEAS—233

Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, N.C.
Annunzio
Ashley
Aspin
Badillo
Barrett
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Breaux
Breckinridge
Brooks
Brown, Calif.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Carey, N.Y.
Carney, Ohio
Casey, Tex.
Chappell
Chisholm
Clark
Cohen
Conyers
Corman
Cotter
Cronin
Culver
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellums
Denholm
Dent
Derwinski
Diggs
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Eckhardt
Edwards, Calif.
Eilberg
Evans, Colo.
Evins, Tenn.
Fascell
Flood
Flowers
Flynt
Foley
Ford, William D.
Fountain
Fraser
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Ginn
Gonzalez
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gude
Gunter
Haley
Hamilton
Hanley
Hanna
Hansen, Wash.
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Holifield
Holtzman
Howard
Hungate
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Kluczynski
Koch
Kyros
Landrum
Leggett
Lehman
Long, La.
Long, Md.
Lujan
McCormack
McFall
McKay
McSpadden
Macdonald
Madden
Madigan
Mahon
Mann
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Milford
Minish
Mink
Mitchell, Md.
Moakley
Mollohan
Moorhead, Pa.
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nichols
Nix
Obey
O'Hara
O'Neill
Owens
Patman
Patten
Pepper
Perkins
Peyser
Pickle
Pike
Podell
Preyer
Price, Ill.
Railsback
Randall
Rangel
Rarick
Rees
Reid
Reuss
Riegle
Rinaldo
Roberts
Rodino
Roe
Rogers
Roncallo, Wyo.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roy
Roybal
Runnels
Ryan
St Germain
Sandman
Sarbanes
Schroeder
Seiberling
Shipley
Sikes
Slack
Smith, Iowa
Staggers
Stanton, James V.
Stark
Steed
Steele
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Taylor, N.C.
Teague, Tex.
Thompson, N.J.
Thornton
Tiernan
Udall
Ullman
Vanik
Vigorito
Waggonner
Waldie
Whalen
White
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wolff
Wright
Yates
Yatron
Young, Ga.
Young, Tex.
Zablocki

NAYS—186

Abdnor
Anderson, Ill.
Andrews, N. Dak.
Archer
Arends
Armstrong
Ashbrook
Bafalis
Baker
Bauman
Beard
Bell
Bowen
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Fla.
Butler
Byron
Camp
Carter
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Collier
Collins, Tex.
Conable
Conlan
Conte
Coughlin
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Dellenback
Dennis
Devine
Dickinson
Duncan
du Pont
Edwards, Ala.
Erlenborn
Esch
Eshleman
Findley
Fish
Fisher
Ford, Gerald R.
Forsythe
Frelinghuysen
Frenzel
Frey
Froehlich
Gilman
Goldwater
Goodling
Grasso
Gross
Grover
Gubser
Guyer
Hammerschmidt
Hanrahan
Hansen, Idaho
Harrington
Harsha
Hastings
Heinz
Hillis
Hinshaw
Hogan
Holt
Horton
Hosmer
Huber
Hudnut
Hunt
Hutchinson
Ichord
Jarman
Johnson, Colo.
Johnson, Pa.
Keating
Kemp
Ketchum
King
Kuykendall
Landgrebe
Latta
Lent
Lott
McClory
McCloskey
McCollister
McDade
McEwen
McKinney
Mailliard
Mallary
Maraziti
Martin, N.C.
Mathias, Calif.
Mayne
Michel
Miller
Minshall, Ohio
Mitchell, N.Y.
Mizell
Montgomery
Moorhead, Calif.
Mosher
Myers
Nelsen
O'Brien
Parris
Passman
Pettis
Poage
Powell, Ohio
Price, Tex.
Pritchard
Quie
Quillen
Regula
Robinson, Va.
Robison, N.Y.
Roncallo, N.Y.
Roush
Rousselot
Ruppe
Ruth
Sarasin
Satterfield
Scherle
Schneebeli
Sebelius
Shoup
Shriver
Shuster
Skubitz
Smith, N.Y.
Snyder
Spence
Stanton, J. William
Steelman
Steiger, Ariz.
Steiger, Wis.
Symms
Talcott
Taylor, Mo.

Teague, Calif.
Thomson, Wis.
Thone
Towell, Nev.
Treen
Vander Jagt
Veysey
Walsh
Wampler
Ware
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wyatt
Wydler
Wylie
Wyman
Young, Alaska
Young, Fla.
Young, Ill.
Young, S.C.
Zion
Zwach

NOT VOTING—14

Blackburn
Buchanan
Burke, Calif.
Clay
Collins, Ill.
Davis, Wis.
Harvey
Litton
Martin, Nebr.
Mills, Ark.
Rhodes
Rooney, N.Y.
Sisk
Van Deerlin

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

Mr. Rooney of New York for, with Mr. Rhodes against.

Mr. Van Deerlin for, with Mr. Martin of Nebraska against.

Mr. Sisk for, with Mr. Buchanan against.

Mrs. Burke of California for, with Mr. Harvey against.

Mrs. Collins of Illinois for, with Mr. Blackburn against.

Mr. Clay for, with Mr. Davis of Wisconsin against.

Until further notice:

Mr. Litton with Mr. Mills of Arkansas.

The result of the vote was announced as above recorded.

MOTION TO RECOMMIT OFFERED BY MR. DICKINSON

Mr. DICKINSON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the resolution?

Mr. DICKINSON. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. DICKINSON moves to recommit the Resolution, H. Res. 702, to the Committee on House Administration with instructions that the Committee report back forthwith the resolution with the following amendment: On page 2, line 21, add the following new sections:

SEC. 4. Not less than one-third of the funds authorized by this Resolution shall be available to the Minority for the purposes authorized by the first section.

SEC. 5. No part of the funds authorized by this resolution shall be available for expenditure hereunder until the Committee on the Judiciary shall have defined the nature and scope of such studies and investigations.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

PARLIAMENTARY INQUIRY

Mr. DICKINSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. DICKINSON. Mr. Speaker, am I not entitled to 5 minutes as the Member offering this motion to recommit?

The SPEAKER. The Chair will advise the gentleman that that procedure is not applicable on a motion to recommit a simple resolution.

Mr. DICKINSON. Mr. Speaker, is that also true when there are instructions in the motion to recommit?

The SPEAKER. The Chair will advise the gentleman that the procedure permitting 10 minutes of debate on a motion to recommit with instructions only applies to bills and joint resolutions.

The question is on the motion to recommit offered by the gentleman from Alabama (Mr. DICKINSON).

RECORDED VOTE

Mr. McCLORY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 190, noes 227, not voting 16, as follows:

[Roll No. 589]

AYES—190

Abdnor
Anderson, Ill.
Andrews, N. Dak.
Archer
Arends
Armstrong
Ashbrook
Bafalis
Baker
Bauman
Beard
Bowen
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Fla.
Butler
Byron
Camp
Carter
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Collier
Collins, Tex.
Conable
Conlan
Conte
Coughlin
Crane
Cronin
Daniel, Dan
Daniel, Robert W., Jr.
Dellenback
Dennis
Devine
Dickinson
Duncan
Edwards, Ala.
Erlenborn
Esch
Eshleman
Findley
Fish
Fisher
Ford, Gerald R.
Forsythe
Frelinghuysen
Frenzel
Frey
Froehlich
Gilman
Goldwater
Goodling
Gross
Grover
Gubser
Guyer
Hamilton
Hammerschmidt
Hanrahan
Hansen, Idaho
Harsha
Hastings
Hechler, W. Va.
Heinz
Hillis
Hinshaw
Hogan
Holt
Horton
Hosmer
Huber
Hudnut
Hunt
Hutchinson
Jarman
Johnson, Colo.
Johnson, Pa.
Jones, Okla.
Keating
Kemp
Ketchum
King
Kuykendall
Latta
Lent
Lott
Lujan
McClory
McCloskey
McCollister
McEwen
McKinney
McSpadden
Madigan
Mailliard
Mallary
Maraziti
Martin, N.C.
Mathias, Calif.
Mayne
Michel
Miller
Minshall, Ohio
Mitchell, N.Y.
Mizell
Montgomery
Moorhead, Calif.
Mosher
Myers
Nelsen
O'Brien
Parris
Passman
Pettis
Peyser
Poage
Powell, Ohio
Price, Tex.
Pritchard
Quie
Quillen
Regula
Rinaldo
Robinson, Va.
Robison, N.Y.
Roncallo, N.Y.
Roush
Rousselot
Ruppe
Ruth
Sandman
Sarasin
Satterfield
Scherle
Schneebeli
Sebelius
Shoup
Shriver
Shuster
Skubitz
Smith, N.Y.
Snyder
Spence
Stanton, J. William
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Symms
Talcott
Taylor, Mo.
Teague, Calif.
Thomson, Wis.
Thone
Towell, Nev.
Treen
Vander Jagt
Veysey
Walsh
Wampler
Ware
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wyatt
Wydler
Wylie
Wyman
Young, Alaska
Young, Fla.
Young, Ill.
Young, S.C.
Zion
Zwach

NOES—227

Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, N.C.
Annunzio
Ashley
Aspin
Badillo
Barrett
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Breaux
Breckinridge
Brooks
Brown, Calif.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Carey, N.Y.
Carney, Ohio
Casey, Tex.
Chappell
Chisholm
Clark
Cohen
Conyers
Corman
Cotter
Culver
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellums
Denholm
Derwinski
Diggs
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Evans, Colo.
Evins, Tenn.
Fascell
Flood
Flowers
Flynt
Foley
Ford, William D.
Fountain
Fraser
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Ginn
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gude
Gunter
Haley
Hanley
Hanna
Hansen, Wash.
Harrington
Hawkins
Hays
Hébert
Heckler, Mass.
Helstoski
Henderson
Hicks
Holifield
Holtzman
Howard
Hungate
Ichord
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Kluczynski
Koch
Kyros
Landgrebe
Landrum
Leggett
Lehman
Long, La.
Long, Md.
McCormack
McDade
McFall
McKay
Macdonald
Madden
Mahon
Mann
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Milford
Minish
Mink
Mitchell, Md.
Moakley
Mollohan
Moorhead, Pa.
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nichols
Nix
Obey
O'Hara
O'Neill
Owens
Patman
Patten
Pepper
Perkins
Pickle
Pike
Podell
Preyer
Price, Ill.
Railsback
Randall
Rangel
Rarick
Rees
Reid
Reuss
Riegle
Roberts
Rodino
Roe
Rogers
Roncalio, Wyo.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roy
Roybal
Runnels
Ryan
St Germain
Sarbanes
Schroeder
Seiberling
Shipley
Sikes
Slack
Smith, Iowa
Staggers
Stanton, James V.
Stark
Steed
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Taylor, N.C.
Teague, Tex.
Thompson, N.J.
Thornton
Tiernan
Udall
Ullman
Vanik
Vigorito
Waggonner
Waldie
Whalen
White
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wolff
Wright
Yates
Yatron
Young, Ga.
Young, Tex.
Zablocki

NOT VOTING—16

Blackburn
Buchanan
Burke, Calif.
Clay
Collins, Ill.
Davis, Wis.
Dent
Harvey
Litton
Martin, Nebr.
Mathis, Ga.
Mills, Ark.
Rhodes
Rooney, N.Y.
Sisk
Van Deerlin

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Rooney of New York for, with Mr. Rhodes against.

Mr. Van Deerlin for, with Mr. Martin of Nebraska, against.

Mr. Sisk for, with Mr. Blackburn against.

Mr. Dent for, with Mr. Buchanan against.

Mrs. Burke of California for, with Mr. Davis of Wisconsin against.

Mrs. Collins of Illinois for, with Mr. Harvey against.

Until further notice:

Mr. Mills of Arkansas with Mr. Litton.

Mr. Mathis of Georgia with Mr. Clay.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the resolution.

RECORDED VOTE

Mr. McCLORY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 367, noes 51, not voting 15, as follows:

[Roll No. 590]

AYES—367

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashley
Aspin
Badillo
Bafalis
Barrett
Bauman
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Carey, N.Y.
Carney, Ohio
Casey, Tex.
Chamberlain
Chappell
Chisholm
Clark
Clausen, Don H.
Cleveland
Cohen
Collier
Collins, Tex.
Conable
Conlan
Conte
Conyers
Corman
Cotter
Coughlin
Crane
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dent
Derwinski
Diggs
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hanley
Hanna
Hanrahan
Hansen, Wash.
Harrington
Hastings
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Holifield
Holt
Holtzman
Horton
Howard
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Kemp
King
Kluczynski
Koch
Kuykendall
Kyros
Landrum
Latta
Leggett
Lehman
Lent
Long, La.
Long, Md.
Lujan
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, N.C.
Mathias, Calif.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Milford
Miller
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Railsback
Randall
Rangel
Rees
Regula
Reid
Reuss
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Satterfield
Schneebeli
Schroeder
Seiberling
Shipley
Shoup
Shriver
Sikes
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steelman
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Udall
Ullman
Vander Jagt
Vanik
Veysey
Vigorito
Waldie
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki
Zion
Zwach

NOES—51

Ashbrook
Baker
Beard
Bray
Camp
Carter
Cederberg
Clancy
Clawson, Del
Cochran
Dennis
Devine
Dickinson
Goodling
Gross
Hammerschmidt
Hansen, Idaho
Harsha
Hébert
Hinshaw
Hogan
Hosmer
Huber
Hudnut
Keating
Ketchum
Landgrebe
Lott
McClory
Mayne
Michel
Montgomery
Moorhead, Calif.
Myers
Nelsen
Quillen
Rarick
Scherle
Sebelius
Shuster
Snyder
Spence
Steiger, Ariz.
Symms
Taylor, Mo.
Treen
Waggonner
Wiggins
Wylie
Wyman
Young, S.C.

NOT VOTING—15

Blackburn
Buchanan
Burke, Calif.
Clay
Collins, Ill.
Davis, Wis.
Harvey
Litton
Martin, Nebr.
Mathis, Ga.
Mills, Ark.
Rhodes
Rooney, N.Y.
Sisk
Van Deerlin

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Rhodes.

Mr. Van Deerlin with Mr. Mathis of Georgia.

Mr. Sisk with Mr. Clay.

Mrs. Burke of California with Mr. Buchanan.

Mr. Mills of Arkansas with Mr. Martin of Nebraska.

Mrs. Collins of Illinois with Mr. Blackburn.

Mr. Litton with Mr. Davis of Wisconsin.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HAYS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

PERSONAL EXPLANATION

Mr. LATTA. Mr. Speaker, on rollcall 585, on yesterday, the vote on H.R. 11459, military construction appropriations for 1974, I am recorded as not being present.

I was present and voted "aye," and it is my wish that the permanent RECORD could be corrected accordingly.

The SPEAKER. The gentleman's statement showing his vote will appear. The Chair does not have authority to change an actual vote.

SOCIAL SECURITY BENEFITS INCREASE

Mr. ULLMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 11333) to provide a 7-percent increase in social security benefits beginning with March 1974 and an additional 4-percent increase beginning with June 1974, to provide increases in supplemental security income benefits, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Oregon (Mr. ULLMAN).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 11333, with Mr. DINGELL in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, all time for general debate on the bill had expired. Under the rule, the bill is considered as having been read for amendment. No amendments are in order to the bill except as offered by direction of the Committee on Ways and Means, and an amendment proposing to strike out the provisions on page 11, lines 11 through 22, of the bill.

Are there any committee amendments to be offered at this time?

Mr. ULLMAN. Mr. Chairman, there are no committee amendments.

AMENDMENT OFFERED BY MRS. GRIFFITHS

Mrs. GRIFFITHS. Mr. Chairman, I offer an amendment.

Mr. Chairman, I ask for immediate consideration of the amendment. It is in order under the rule.

The CHAIRMAN. The Clerk will report the amendment offered under the rule.

The Clerk read as follows:

Amendment offered by Mrs. GRIFFITHS: On page 11, strike out line 11 through line 22.

The CHAIRMAN. The gentlewoman from Michigan is recognized for 5 minutes in support of her amendment.

Mrs. GRIFFITHS. Mr. Chairman, this amendment strikes out the hold-harmless part of this bill under SSI. I would like to explain to you what the hold-harmless provision would do.

The hold-harmless would add 175 million Federal dollars to six States, and those dollars would be divided: $66.5 million into the State of California next year, $56 million to New York, $21 million to Massachusetts, $15.8 million to Wisconsin, $12.2 million to New Jersey, and $3.5 million to Michigan, my own State. Pennsylvania, Hawaii, and Nevada would get $1 million among them, and Rhode Island would get nothing. No other State would get anything, either.

Last year we set up the new SSI program giving $195 a month for an elderly couple. We have now raised that amount to $205 before the program ever becomes effective. It will begin on January 1, 1974.

Now the State of California pays to that old couple $394. This amendment would permit them to increase their payment to $409 for that couple, subsidized by Federal funds, but 40 States will pay $210 only.

I would like to point out to you that the maximum social security in the United States payable to anyone would give to that same couple $399.15 as opposed to $409 under SSI.

The average social security in California is $243.20 for a couple. In New York they would be permitted to raise their SSI payment from $294.51 SSI payment to $309.51. Massachusetts from $340.30 to $355.30, Wisconsin from $329 to $344, New Jersey from $245 to $260, and Michigan from $240 to $255, all subsidized by Federal funds, above the $210 paid to all other couples.

Federal money would participate in making all of these payments, but in your States, if you are not from one of these States, your State, if it raises that payment one penny above $210 a month, your State's taxpayers will pay it alone. Your State's taxpayers will first contribute $175 million to insure that everybody in California, New York, Massachusetts, Wisconsin, New Jersey, and Michigan get higher payments than anybody else in the country. But if you pay anything more than $210, you will pay it alone.

In my judgment, this defeats the purpose of SSI. Federal taxpayers' money should be used to treat all people fairly. If we are going to spend $175 million of the taxpayers' money, then why do we not spend that money equally and equitably among the poorest in the United States, which theoretically would be the people in the other States drawing $210.

However, in fact, in most of these States the poorest people can be those people drawing social security who have a little money earned and cannot receive supplemental security income because they cannot pass the asset test. I received a letter from a woman in New York who was drawing $123 in social security. She could get no other funds. That woman would be far better off if she refused to take the social security and took SSI, which now pays in New York for a single person $159.

But that woman's mistake was that she had saved $2,000. She is not entitled to one additional thing because she has that money. She cannot have medicaid, she cannot get any SSI. She was too thrifty. That is the inequity of the whole system.

If the Members vote against my amendment they are voting to tax their taxpayers in their States to raise the payments in six States far above $210, and let the Federal taxpayers from every State pay for it.

I urge the Members to vote for my amendment; for equity and for fairness among all the people of the United States.

The CHAIRMAN. Under the rule, the opponents to the amendment are entitled to 5 minutes.

Mr. ULLMAN. Mr. Chairman, I rise in opposition to the amendment offered by the gentlewoman from Michigan (Mrs. GRIFFITHS).

Mr. Chairman, I want to make it very clear that the committee was divided on this issue, and that the purpose of requesting a rule that would allow the gentlewoman from Michigan (Mrs. GRIFFITHS) to bring this amendment to the floor was to have the House work its will on this particular issue.

Let me very briefly read the official committee position from the report:

> The Congress, in developing the supplemental security income program, established a uniform benefit structure which was regarded as the Federal responsibility. It recognized that States might wish to add to the amount of the Federal benefit because of living arrangements, high living costs and other factors.

And I think this is crucial:

> However, its clear and unequivocal intention was that such payments would be a State responsibility and wholly State financed. A "hold harmless" provision was included—

This was in 1972, when we set up the program—

> because of the uncertainty of costs of trying to maintain benefit levels comparable to what the States have been paying. However, it was not intended that modification of total income be assured. Notwithstanding this general philosophy, at this late date, your committee does not believe that all States can shift their financial planning before January 1. The bill accordingly provides that during the calendar year 1974—

And only for 1 year—

> the "adjusted payment level" computed for purposes of the "hold harmless" provision may be raised by the amount of the January increase in SSI benefits ($10 for individuals and $15 for couples).

Mr. Chairman, I would now like to yield to our distinguished colleague, the gentleman from California (Mr. CORMAN) the balance of my time.

Mr. CORMAN. Mr. Chairman, I thank the gentleman for yielding me this time. I just want to point out that the committee very carefully sought to give to every aged, blind and disabled person who comes under the SSI program in January a $10 increase, no matter in what State they live. Without that, the aged, blind and disabled who live in the 40 smaller States will receive $10 of new Federal money, but those in the 10 most populous States will not.

Let me try to draw a quick comparison on what we are talking about.

In California under the existing adult assistance program, an aged person, a blind person, or a disabled person gets $7.36 a day to live on; in New York, $6.90; in Michigan, $6.66.

I would just like to say how much I live on. I live on $73.33 a day. If the Secretary of the Department of Health, Education, and Welfare pays the same rate of income tax as I do, he lives on $101 a day. If the President pays the same income tax rate—and that seems to be in doubt—he lives on $339.73 a day.

Now, there is not very much similarity among the groups I am talking about, but there is this: First of all, we are all getting our money from the U.S. Treasury; second, we all pay exactly the same amount of money for a quart of milk and a loaf of bread.

I urge the Members to think about this for a moment—think about those people who are trying to live on $6.90 a day, and give them this 33 cent per day increase. That is the only issue.

Mr. Chairman, I urge the Members to support the committee and to vote down the Griffiths amendment.

Mr. DOMINICK V. DANIELS. Mr. Chairman, I rise in support of H.R. 11333, a bill to provide a two-step, 11-percent cost-of-living increase in social security benefits.

Mr. Chairman, when Public Law 93–66 was enacted in July, it provided a 5.9-percent cost-of-living increase applicable only to social security benefits payable for June 1974 through December 1974. This benefit increase was enacted as a sort of advance payment of the first automatic benefit which was scheduled under the bill to go into effect in January 1975.

Unfortunately, since July the cost of living has continued to soar in an uncontrolled fashion. For example, in July, August, and September the index rose at a seasonally adjusted rate of 10.3 percent. Even worse for the thousands of elderly persons in Hudson County, N.J., and other constituents living on fixed incomes, food prices have risen almost three times as fast.

Mr. Chairman, in my district we have people going hungry. I mean in the very literal sense of the word. A man from Kearny living on social security wrote me that he and his wife could not remember when they last had meat. He ended his letter with the plaintive words: "Help us, Mr. DANIELS, because we are hungry." Should this go on in rich fertile America? Should elderly people be forced to eat pet food and go without meals? God help us, Mr. Chairman, if this is the best we can do for our old people.

Mr. Chairman, I urge that this bill be passed and signed into law without delay. America's older citizens cannot wait. I ask all of my colleagues, Democrats and Republicans, who care about humanity, to join with me in passing this badly needed measure.

Mr. EDWARDS of California. Mr. Chairman, I wish to express my support for H.R. 11333, the two-step cost-of-living increase for social security recipients and an increase in the supplemental security program. I would like to urge my colleagues to vote in favor of this important legislation.

There are approximately 30 million individuals in this Nation who receive social security payments. These individuals, along with the rest of our Nation, have encountered a 28.8-percent increase in the food portion of the Consumer Price Index. But because of their fixed incomes, social security and supplemental security recipients will suffer greater hardships than the rest of us from the soaring increase in the cost of living. We must take action to alleviate this unfair situation. The 5.9-percent increase, which we passed last July, will not meet their needs adequately in June 1974 if the Consumer Price Index continues to rise.

We can take great pride in the social security and SSI programs. We must continue to upgrade the programs in order to provide the security we have promised our aged, disabled, and blind citizens. Modifications must be made to meet the economic situation of 1974.

I do realize the fiscal impact of this increase; however, for the reasons I have stated, I believe this legislation should be passed, and, I urge my colleagues to support this measure.

Mr. BIAGGI. Mr. Chairman, I rise in opposition to the Griffiths amendment. Deletion of section 4c, as proposed, will severely damage this most important piece of legislation for older Americans.

In recent weeks I saw many elderly Americans in nursing homes and on the streets of New York. The one plea that came through loud and clear from these poor people was the need for more money with which to live. The meager income received from social security or small pension is just not sufficient to put a decent meal on the table, and live in a proper home.

Congress recognized this need and with this legislation will provide the increases necessary to help the older American at least keep pace with inflation. Now the gentlewoman from Michigan (Mrs. GRIFFITHS) wants to cut out any aid for these poorest of the poor by eliminating section 4c. While I understand her concern for perfection in this legislation, I do not think we can turn a cold heart to those elderly poor who will find this winter one of the hardest to get through.

Adoption of this amendment would have a particularly drastic effect on those progressive States, such as New York, which have consistently provided supplemental security income beneficiaries with reasonably adequate levels of income to keep them just above the poverty line.

Section 4c will permit a passthrough of 62.5 percent of the increase under the bill to the SSI recipient. But the gentlewoman from Michigan will have none of that. "Let the States pay," she says.

For New York it would mean additional State expenditures of almost $50 million to help the 270,000 blind and disabled citizens who depend so much on the SSI program. Such an expenditure would require a special session of the legislature to appropriate those funds even if they might be available. Rather than punishing those States who truly try to help their aged, we should be encouraging them to continue to provide adequate income levels.

Remember we are talking about people who worked hard all their lives and thought that their retirement would be adequately covered by the provisions they made. The policies of the Federal Government in the last 10 years, however, has created an inflationary bite the likes of which none of these people contemplated.

I do not see how we can push them aside now when they need our help. Voting for this proposal would be a vote to ignore the serious plight of hundreds of thousands of elderly poor. I do not intend to shy away from my responsibilities to these Americans. I hope my colleagues agree and will join with me in defeating this amendment.

Mrs. HOLT. Mr. Chairman, today we have enacted legislation which will provide needed increases in social security cash benefits and supplemental security income payments.

The enactment of these increased benefits will greatly aid our older Americans who are forced to subsist on fixed retirement incomes during this period of rapidly rising prices. However, there is one deserving group of people which will again be short changed—our veteran pensioners.

Under existing regulations, each increase in social security results in a reduction in pension benefits for many veterans. This classic example of the Government giving with one hand and extracting with the other, has been frequently discussed but the problem still exists. The Veterans" Affairs Committee must be commended for their efforts this session to increase monthly pension compensation.

However, this legislation, H.R. 11333, in my opinion provides only a temporary solution. This bill will restore practically all of the reductions in pensions which resulted from last year's social security increase, but the increase we have just voted will result in a recurrence of the problem. Once again, pensioners will witness a reduction in their pensions to reflect increases in social security payments.

Mr. Chairman, the only long rum answer to this situation is the enactment of legislation which exempts social security income from the earnings limitation which regulates veterans' pensions. I strongly urge my colleagues to work for the passage of such legislation.

Mr. DELLUMS. Mr. Chairman, I rise in support of H.R. 11333.

The case against Nixonomics is well documented. This administration has wreaked incredible economic havoc and caused an era of unprecedented inflation. The cost-of-living has reached the highest level in this Nation's history.

No one is immune from the tragic effects of this amazing state of affairs. However, it is the low-and fixed-income citizen who is most traumatically affected. Senior citizens who have done their best to plan for retirement and the fixed income on which they must survive, now find their best plans destroyed.

The response from the White House is that we must hold the line against inflation. This is a fine response were it not that those being asked to "hold the line" are those least able to afford doing so. This is just the most recent example of the economic genocide being perpetrated on the poor and unpowerful in an attempt to cover administration mistakes in the handling of the economy.

This bill will not solve the problems of this neglected group of Americans. However, it will enable them to survive.

Mr. DONOHUE. Mr. Chairman, as one who has advocated and introduced legislation for more immediate social security cost-of-living increases, I very deeply oppose and regret the delay in such increases until next April, some 5 months from now, when it is my continuing and firm belief that these benefit increases are urgently needed right now by our senior citizens.

However, since our only practical choice here today is to accept or reject this compromise measure providing for a 7-percent benefit increase next March with an additional 4-percent benefit increase that will be reflected in the benefit checks received next July there is no alternative to the acceptance of this bill, especially under the closed rule that applies, without endangering the certainty of increased benefits to our older people next April. If there was any alternative I would vigorously support amendment provisions for inclusion in this bill to grant an immediate 7-percent, at least, increase in social security benefits.

Mr. Chairman, the plight of our Nation's older citizens is a national tragedy and disgrace. In 1972 the median income of families headed by an individual over the age of 55 was $5,968, half of the income of younger families. In that same year, 91,000 elderly families had yearly incomes below $1,000. Another 5 percent of our older families, 402,000 citizens, had incomes of less than $2,000 and 1.2 million elderly families had incomes below $3,000.

With reference to these statistics, let me emphasize that the Agriculture Department itself predicts food prices alone will rise at least 20 percent this year and wholesale prices have already reached their highest level in history.

Medical costs and prescription drug prices are constantly increasing and everyone knows that the high costs of these essentials for our senior citizens are nowhere near covered by medicare.

Let us realize and emphasize that those who experience the most extreme hardships from these distressing economic developments are the elderly and others who must try to live through and survive this extraordinary inflationary period on fixed meager incomes and who must spend some 30 percent of such income on food.

Since the authorities testify that practically every person who will receive these social security benefit increases will spend, immediately, every cent of them for the purchase of fundamental living necessities, it is extremely difficult, if not impossible, to try to attach any vestige of inflationary criticism whatever to this very limited benefit increase to these too long and too greatly neglected American citizens and families.

Mr. Chairman, it would be a dramatic contradiction of our boasted American system and tradition of fair play to permit even the appearance of our poor and elderly people being used as scapegoats, for the economic turmoil afflicting this country today, and more especially so when cost increases and "pass-ons" are almost daily being granted to so many industries, like steel and auto manufacturing and while no effective actions or efforts are being supported, by those opposed to social security increases, to accomplish sensible reductions in the enormous defense budget, and our overextended foreign-aid program nor to achieve an equitable revision of our discriminatory tax system.

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Mr. Chairman, let us, therefore, intensify and concentrate all our energies toward reductions in those areas of Government spending that can best absorb them and to the establishment of an equitable tax system that will truly impose its burdens in strict accord with the ability to bear them. In the meantime, let us quickly and overwhelmingly attend to the urgent priority needs of all social security recipients by resoundingly approving this bill, however delayed, that will extend Cost of Living increase benefits to some 21 million senior American citizens who are justly entitled to them.

Mr. YOUNG of Florida. Mr. Chairman, I rise in support of H.R. 11333, the Social Security Act Amendments of 1973. This legislation provides for a much-needed increase in social security benefits and supplemental security income—SSI—payments to the aged, blind and disabled.

Recent rapid increases in the cost of living have made an increase in social security benefits for our older Americans a top priority for the Congress. In June of this year, the Congress voted to speed up the cost of living increase originally scheduled for January 1975 to July 1974. I felt that even this action did not provide enough relief, and therefore sponsored H.R. 11005, a bill calling for a 7-percent increase effective in January 1974.

The Social Security Act amendments which we are considering today represent an effort at compromise between the need of our senior citizens for an increase in benefits and the requirement for fiscal responsibility in the social security trust funds. H.R. 11333 provides a 7-percent increase in benefits effective in the April 1974 checks and an additional 4-percent increase to be given in the July 1974 checks, a grand total of 11 percent. This means that the average monthly payment for a single retired worker will rise from $162 to $181 in July of 1974; a retired couple now receiving $277 will have their income increased to $310 per month by July 1974.

The fiscal integrity of the trust funds will be insured by an increase in the taxable wage base and a slight increase in the tax rate itself. Workers will be taxed, starting in January 1974, on the first $13,200 of income at a rate for OASDI of 4.95 percent. Increasing social security taxes in January will provide the extra money for the $215 million in extra benefits to be paid in fiscal 1974 and the $250 million in extra benefits for fiscal 1975. Total social security payments now constitute over $55 billion, more than a fifth of our national budget, and it is therefore extremely important that the trust fund income and outgo remain properly balanced.

H.R. 11333 also provides a payment increase for recipients of supplemental security income—SSI. SSI is the new Federal program of income security for the aged, blind, and disabled which replaces the patchwork system of State welfare payments on January 1, 1974. As originally approved by the 92d Congress, SSI would have provided a guaranteed minimum payment of $130 per month for a single person or $195 for a couple with no other meaningful income sources. Because such aged, blind, and disabled poor are especially hard-hit by inflation, H.R. 11333 increases the January 1974 payment levels to $140 for a single person and $210 for a couple; in July 1974, these levels rise to $146 for a single person and $219 for a couple.

Clearly these social security amendments are of critical importance for our older Americans, and I sincerely hope that the Senate will act quickly to approve them and send them on to the President for signature. But I must add that I am disappointed in this legislation in two important respects.

First, by considering H.R. 11333 under a closed rule which prevents amendment by the House, we are kept from considering certain other important issues related to social security. I have introduced H.R. 2943, increasing the allowable outside earnings for social security recipients to $3,000. Many, many other Members have also introduced similar legislation to increase or remove the earnings limitation. These Members share my feeling that it is unfair to penalize those social security recipients who wish to continue working and making a contribution to our economy. Yet because of the closed rule, I am prevented from offering my bill as an amendment today, even though a majority of Members would favor its passage.

A second problem which is even more pressing to millions of Americans is the effect of next year's 11-percent increase on veterans' pensions. Once again the Congress is giving with one hand and taking away with the other hand. We have not even solved the problems caused by the last social security increases. H.R. 9474, a bill providing a 10-percent increase in veterans' pensions, is still bouncing back and forth between the House and Senate. The intent of this legislation was to restore the cuts caused by the last social security increase. With luck, it will receive final congressional approval before Christmas. Yet veterans who are also dependent on social security payments will have a "breather" of just a few short months before they are once again penalized by a social security increase.

On the first day of the 93d Congress this year, I reintroduced my bill to protect veterans' pensions against losses due to social security increases, and on June 12 I testified on behalf of this legislation before the House Veterans' Affairs Committee. In my testimony I pointed out the critical need to give relief to our veterans and cited a few of the many examples from the hundreds of letters which I have received on the pension cuts. I urged the committee to act quickly because inflation was having a cruel impact on the pensioners in my district and every single dollar could mean a difference between sickness and health, eating and not eating.

Mr. Chairman, it is now the middle of November and the necessary legislation has not been approved. Moreover, we are in the process of starting the vicious circle all over again next year. Therefore, as I cast my vote in support of the 11-percent social security increase, I would also express to my colleagues on the Veterans' Affairs Committee my deep concern for the veterans and dependents of veterans who await similar relief from the scourge of inflation.

Mr. DORN. Mr. Chairman, the 11-percent increase in social security now before the House has my full support. Our senior citizens, many of whom rely on annuities and other fixed income, are hit the hardest by the continuing increase in the cost of living. They are the victims of inflation. Many of our people have paid into social security since it was set up in 1937. They deserve the increase in benefits. This bill would provide for about 30 million of our people an additional $2.4 in benefits. Social security would be raised 7 percent in March and an additional 4 percent in June 1974. This social security increase is good government and good economics. I support it completely, and urge its passage by an overwhelming vote.

Mr. ANNUNZIO. Mr. Chairman, I rise in support of H.R. 11333, the Social Security Act amendments. This bill would amend the Social Security Act to provide benefit increases to social security recipients as well as increases in supplemental security income benefits. It would meet the pressing needs of approximately 30 million people in our Nation who depend on social security benefits for their major source of income, and merits immediate enactment.

H.R. 11333 provides a 7-percent increase in social security benefits as of March 1974 and an additional 4-percent increase beginning with June 1974.

It also provides an increase in supplementary security benefits, by speeding up the benefit increases provided in the recent enactment of Public Law 93–66. Under that law, a single individual's benefits were increased from $130 to $140 per month, and a couple's benefits were increased from $195 to $210, payable in July 1974. H.R. 11333 would make these increased benefits payable this coming January.

Moreover, further increases, $6 per month for a single individual and $9 for a couple, would be granted in July 1974.

Finally, H.R. 11333 would also bring the long-range actuarial deficit of the system under more control by increasing the annual amount of earnings subject to tax. It is a compromise measure designed to provide an urgently needed cost-of-living increase while at the same time maintaining the fiscal integrity of the system's financing.

The Social Security Act was envisioned to provide our older population with a floor of income protection. It has been amended 10 times to keep up with the increased costs of living in our society. But no one could have foreseen the rampant inflation that has taken our country by storm these past few years. Prices of essentials—food, and shelter, and medical care—have skyrocketed, and the people that are hurt the most by these spiraling prices are our retired and elderly; those on fixed incomes.

In 1972, most elderly families had incomes below $5,960, which was less than half the income of their younger counterparts. About 1 elderly couple in 10 had an annual income of less than $2,500,

and approximately 22 percent of our older individuals were living in households wth icomes below the official poverty index.

I cannot imagine anything more disheartening than the situation which faces so many of our elderly—being "strapped in" by a fixed income that daily seems to dwindle, buying less of their needs and essentials. And this economic nightmare does not promise to get better. Surely a man who has labored long and devotedly his whole life for his family and for our Nation deserves more than this.

As critical as the situation was in 1972—even with the 20 percent increase at the beginning of this year—conditions promise to grow more critical without the assistance H.R. 11333 would provide.

Our elderly over 65 now comprise over 10 percent of our population. During their life span our society has changed dramatically, and inflation and the shrinking dollar have taken a heavy toll.

All of us know that the annual increase in the cost of living index has been fantastic—in excess of 6 percent since 1972; that farm price increases have been almost unbelievable—one need only to recall the giant 20 percent increase recorded from July 15 to August 15, 1973—which was the biggest 1-month rise on record; and total food prices have increased better than 16.3 percent annually. Additionally, rents and medical costs have soared, and our older people are hard put just trying to keep food on the table and a roof over their heads.

This appalling rate of inflation is difficult for everyone, but it is hardest of all for our senior citizens who are living on fixed incomes. We cannot permit our elderly to fall victim to these humiliating conditions without extending a helping hand. I urge the swift and final passage of H.R. 11333. We are in a position to provide relief to millions of our people. I do not see how we can do otherwise.

Mr. REID. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentlewoman from Michigan (Mrs. GRIFFITHS).

This amendment will benefit no one. Rather, it will deprive the majority of the aged, blind, and disabled in this country a vitally needed increase in SSI benefits. This amendment will have the effect of rewarding those States that have traditionally had low benefit levels and will penalize the States which have been out in the forefront on assistance to these needy people.

What this amendment will achieve is a savings of dollars. States with low benefit levels will continue to have the Federal Government absorb the full cost of this increase while States such as New York will have to expend somewhere in the order of $50 million in order to pay for this SSI increase.

Most important, as always is the case, it is the most deprived individuals in our society who will suffer the most—our aged, blind, and disabled poor. We are the most affluent Nation in the world and yet we have millions of individuals who through no fault of their own are living in the most dire circumstances. How can we here in Congress, spending millions on defense, deny almost 70 percent of our aged, blind, and disabled population 30 cents a day for an individual and 50 cents a day for a couple? And yet, quite clearly, this will be the effect of the amendment offered here today.

The question is the Federal Treasury on the one hand, and our poorest aged, blind, and disabled Americans on the other.

For this reason, I strongly urge my colleagues to support the committee's recommendations and to defeat the Griffiths amendment.

Mr. GOLDWATER. Mr. Chairman, during the debate on H.R. 11333, I have listened to some very thoughtful arguments about the future course of the social security program. My distinguished colleague from New York (Mr. CONABLE) raised some very telling points during the debate yesterday concerning the economic future of social security as did many of our colleagues. I have also been impressed with the debate on the amendment offered by the gentlewoman from Michigan (Mrs. GRIFFITHS) regarding the new SSI financing arrangement.

However, one point missing in this debate that deserves the attention of every Member of this body is the growing use of the social security number as a standard universal identifier and the effect this has on a person's individual privacy. I realize that this point does not bear upon the specific bill before us today, but it should be mentioned during the debate.

Several of my colleagues have joined me in a bill pending before the Committee on Ways and Means, H.R. 11276, that would prohibit the use of the social security number without the consent of the individual holding the number for any purpose not directly related to the operation of the social security program.

Frankly, I wish that the rule on H.R. 11333 would have allowed me to introduce my bill as an amendment, especially in view of the fact that the social security program continues to expand and with that expansion the potential for abuses of the social security number also increases. I have received literally thousands of letters and telegrams in behalf of the bill, and in a great percentage of this correspondence, people related how their privacy had been violated as a result of indiscriminate use of the social security number. The specific examples are shocking, and they are certainly an indictment of our computerized society.

Mr. Chairman, when the social security program was initiated almost 40 years ago, America was a different country. Computers had not come of age, and the potential for privacy invasion was not too great. But the social security program has grown to a point never envisioned by its early supporters. It is now a cradle to grave program, and the social security number is a means to identify most Americans. So universal is the number that few documents relating to an individual fail to contain it.

It is only logical that if a person has a permanent number by which he can be identified, it becomes an efficient and expedient process to exchange information about him, from one data bank to another. In addition to such an exchange, it can also encourage the Federal Government and certain types of private organizations to develop dossiers on much of the Nation's citizenry. This kind of activity should not be tolerated. It must be avoided.

Again, I only wish that procedure would allow me to offer this bill as an amendment to the social security increase legislation now before us. In this connection, I hope that the Ways and Means Committee will take up the bill in the near future.

Briefly stated, my bill requires that the use of the social security number be limited by law to those purposes that are mandated by Federal statute. It requires that Federal agencies and departments not request or promote the use of the social security number except to the extent justified by Federal law.

Additionally, the bill would also permit any person to refuse to disclose his social security number unless he is required to do so by Federal law, and it would prohibit the exchange of the social security number by an unauthorized group.

Mr. Chairman, it would be a great tragedy and a blow to the Bill of Rights if we allowed an identifying number for an economic security program to become the means by which Americans lost their right to privacy and entered the horrible world envisioned by the late George Orwell in his frightening novel, "1984."

Mr. SARASIN. Mr. Chairman, in adopting this present increase in social security, we are at least taking a small step to alleviate the unreasonable burden placed on many of our elderly and handicapped citizens by the inflationary spiral which has gripped our country.

Persistent month-by-month increases in the cost of living, particularly in food and other necessities of life, have been extremely hard on those dependent upon a fixed income, notably social security recipients. The present level of payments is simply not sufficient to meet today's needs; regrettably, neither is today's level of income into the social security trust fund.

While a significant cause of this problem is the past inability of the Federal Government to responsibly control its own spending, thus adding fuel to the inflationary fires, it is unconscionable to make our elderly and dependent citizens pay the penalty for this failure.

The adoption of this bill will at least go some way toward rectifying this serious problem for those persons who must depend on social security for their sustenance, their shelter, their clothes, and other necessities. It will still be difficult for these people, but there will be at least a little more security, a fraction more ease, a degree less apprehension as the bills become due.

I would be remiss if I did not reiterate the need for fiscal responsibility on the part of this body, for the adoption of sound, reasonable and enforceable budgetmaking procedures. I would much prefer to be speaking for a bill which could really be described as allowing our senior citizens to get a little ahead, rather than just trying to keep them from falling too far behind.

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If we start by adopting this bill to meet the real and desperate need of the moment, and continue by doing those things necessary to control the inflation that contributes so much to that need, then in the future we will be able to consider such legislation in terms of adding a little something to the lives of our richly deserving older citizens, not just making up for what is being so cruelly and inexorably taken away.

Mr. DON H. CLAUSEN. Mr. Chairman, I wish to take this time to express my support of H.R. 11333 and the 11 percent increase in social security benefits it provides.

The increase represents a cost-of-living raise based upon the rise in the Consumer Price Index since the last increase plus an estimate of the increase between now and July of next year.

Many of my constituents who are beneficiaries of the social security system have contacted me personally and by letter to point out vividly their failing attempts to cope with the perils of inflation.

It is to restate the obvious to say that inflation hurts those most on fixed incomes and the Nation's senior citizens have been battered this year.

They recognize as I do that the true solution to their problem lies not so much with repeated increases in social security benefits as it does in controlling inflation. It is easier for the Congress, however, to raise social security payments periodically than to bite the bullet and come up with a controlled, balanced Federal budget.

We persist in maintaining deficit spending during periods of rapid inflation when we should be maintaining strict expenditure controls on the Federal budget. Cost-of-living increases only come after the damage has been done and the recipients' financial resources have already been eroded.

A second important point to consider and one related to the problem of inflation is the need to maintain the strong, fiscally secure financial integrity of the social security trust fund both to insure the ability of the fund to meet the future needs of beneficiaries and to minimize the impact any increase will have on inflation by adding to the Federal deficit.

If we blur in any way the distinction between the insurance concept of social security and the welfare concept of other assistance programs, we will do a grievous disservice to present and future social security recipients.

The gentleman from Illinois (Mr. COLLIER) has pointed out that an employee paying the maximum social security contribution each year from age 23 to age 65 could put that money in a savings account at 6 percent interest and have $221,863 at age 65.

I am quite certain that no social security recipient can expect to see benefits even approaching $221,863 and if he could he would not be worried much about keeping up with inflation.

Any individual should be able to get back from the social security system as much or more than he puts in since this is the basic concept behind insurance.

Finally, we must not forget the workingman who is paying into the social security trust fund and who is not yet receiving the benefits of the system.

Next year the workingman will be paying up to $772 to the trust fund which will be combined with his employer's contribution making a total of $1,544. For many workers this will mean that they will be paying more in social security taxes than in income taxes.

As I have stated, we must not find ourselves in a situation where the workingman does not get in benefits what he pays in contributions. If such a case arises we can find ourselves in the devastating situation where the worker will not support the social security program. Such a feeling would mark the end of social security as a viable program since it depends upon the support of the working man and woman for payments to the retired man and woman.

The social security program is a long-run continuing insurance program. Under no circumstances whatsoever should we take any short-term actions which will jeopardize its fiscal or political support over the long term.

Therefore, Mr. Chairman, I strongly urge the House Committee on Ways and Means to hold a full-scale public hearing into the issues and problems facing the system.

I recognize the questions that have brought the committee to approve this legislation without indepth hearings but I believe they could be resolved to some extent by holding an investigatory hearing in the near future.

I will be pleased when the automatic cost-of-living provision in the social security law goes into effect so increases can be routinely made in accordance with the dictates of the economy and without the need for the beneficiaries coming to the Congress and asking for a new law.

Mr. HORTON. Mr. Chairman, I rise in support of H.R. 11333, to increase social security benefits and supplemental security income benefits. At the same time, I wish to state my opposition to the Griffiths amendment, which would work a hardship on those States which have expended the most funds and effort in pursuit of progressive welfare policies.

For some months, I have called for a more adequate congressional response to enable the elderly at the earliest possible date to cope with the tremendous inflation which has occurred since the last increase in social security benefits. I have been especially concerned with the rapid rise over the past year in food, housing, and medical care costs, which together make up a substantial portion of the budget of elderly Americans.

Simultaneously, Mr. Chairman, and for more than three Congresses, I have sought to focus congressional attention on the need for major reforms in the system we use to finance social security payments. Especially in periods of inflation, which we have experienced over the past decade, it is not fair to fund social security payments solely from trust funds provided by regressive payroll taxes. I was deeply impressed by the minority views included in the Ways and Means report on this bill, signed by Congressman HERMAN SCHNEEBELI, JOEL BROYHILL, and BARBER B. CONABLE, Jr. They make the point that while it is essential to responsibly meet the needs of the elderly and other social security beneficiaries, it is not responsible to continue to do so by patching on to an outdated funding system, across-the-board increases paid for by spiraling increases in employer and employee payroll taxes. To a considerable extent, the social security system has changed from what it was originally intended to be—an individual insurance system. Today, much of what is paid out as benefits is more in the category of welfare and income maintenance payments than insurance benefits. For years, I have been urging the Congress to change funding procedures so that at least the "welfare" segments of the system would be paid for from the general fund—which, in the main, is raised through progressive taxes. This would considerably lighten the load on the wage earner who must now pay a sizable portion of his income in social security taxes, in addition to Federal income and excise taxes, and State and local taxes.

In short, Mr. Chairman, I support the 11-percent increase because I believe it is justified by the inflation we have experienced, but I wish to lend my support to those on the Ways and Means Committee who feel it is time for the Congress to reform the social security funding system in ways that will provide fairness to the wage earner as well as to the elderly.

Mr. VANIK. Mr. Chairman, I am pleased to support H.R. 11333, which provides a 7-percent increase in social security benefits beginning in March 1974, payable in April, and an additional 4-percent increase beginning with June 1974, payable in the July 1974 check.

It is only proper and right that the Ways and Means Committee and the House of Representatives have responded to the urgent need to recognize the economic plight of the elderly in this time of record inflation. This summer, during July, August, and September, the cost-of-living index rose at a seasonally adjusted annual rate of 10.8 percent. Food—which makes up an especially large percentage of the budget of the elderly—rose during the three summer months by an annual rate of 28.8 percent. Thankfully, some food costs now appear to be headed lower—but the total increase remains devastating.

Mr. Chairman, I hope that this 11-percent increase will be enough. I fear that because of the energy crisis, our economy will be in for a roller coaster ride. Prices are likely to be erratic. Because of the fuel shortages, food prices may head back up. Heating costs and home maintenance will certainly be up. If there are shortages and cold weather, the elderly, who may be more susceptible to winter colds, may face additional medical expenses.

In this period of chaotic behavior of the economy, we must stand ready to make necessary adjustments in the social security program. Failure to act and delay in acting can only destroy confidence

in the "security" of the program; and I am sure that the Congress will never permit that to happen.

The benefit increases provided by this bill will provide some significant improvement in the monthly payout. The following table has been prepared to indicate the range of benefit levels and the dollar and cents meaning of the bill we are voting on today:

ESTIMATED EFFECT OF SPECIAL BENEFIT INCREASE OF 7 PERCENT, EFFECTIVE MARCH 1974 AND PERMANENT 11-PERCENT INCREASE EFFECTIVE JUNE 1974, ON AVERAGE MONTHLY BENEFIT AMOUNTS IN CURRENT-PAYMENT STATUS FOR SELECTED BENEFICIARY GROUPS

Beneficiary group	Average monthly amount		
	Before 7-percent increase	After 7-percent increase	After 11-percent increase
Average monthly family benefits:			
Retired worker alone (no dependents receiving benefits)	$162	$173	$181
Retired worker and aged wife, both receiving benefits	277	296	310
Disabled worker alone (no dependents receiving benefits)	179	191	199
Disabled worker, wife, and 1 or more children	363	388	403
Aged widow alone	158	169	177
Widowed mother and 2 children	390	417	433
Average monthly individual benefits:			
All retired workers (with or without dependents also receiving benefits)	167	178	186
All disabled workers (with or without dependents also receiving benefits)	184	197	206

The bill provides that the automatic cost-of-living provision, originally scheduled to begin in January 1975, will now begin in June 1975. The amount of that increase would be equal to the level of inflation between the middle of 1974 and the first 3 months of 1975.

Although I favored increased benefits as of January 1, the action of the Ways and Means Committee substantially responds to the pleas I made before the Rules Committee to make a social security increase a part of the debt ceiling bill, which will reach the President this month.

In our committee consideration of the social security increase, I was shocked by the testimony of administration officials who contended that they required a 5- or 6-month leadtime to adjust the computers to write the checks at the increased benefit level.

This testimony came as a complete surprise, since earlier social security adjustments were put through the computers in 60 to 90 days. The leadtime required to make the social security computer adjustments was a considerable factor in the committee decision to make the 7-percent increase effective on March 1 and payable in the April checks.

This deferred action will be difficult on our retired elderly who have already suffered a bitter, agonizing 12 months of inflationary explosion.

It was my hope that the annual exempt amount under the retirement income test could have been increased to recognize the impact of inflation and to recognize particularly the plight of those who are in the lower levels of social security, lack any other form of support, and must work to survive.

The social security actuaries estimate that under the present system of automatic cost-of-living adjustment, the annual income exempt under the retirement test will be as follows:

Exempt retirement income

1974	$2,400
1975	2,520
1976	2,640
1977	2,880
1978	2,880

This level of exempt income under the retirement test under present law completely disregards the rate of inflation and the widening gap between social security benefit payments and the cost of living for those with relatively lower levels of social security benefits.

It is my hope that the inflationary spiral will halt and make it possible for the American people to catch up with the price spiral which so seriously threatens our standard of living.

Because of the level of inflation during the past year, an actuarial shortage has developed in the trust funds. There has been some comment on this problem in the media recently and I have received several inquiries from concerned beneficiaries.

Let me stress here that the trust fund will never go bankrupt and the checks will always be mailed—as long as there is a Federal Government. Periodically, changes may have to be made in the tax base or tax rate to keep the fund self-financing. If social security tax changes are not desirable, then legislation would be passed so that funds would be provided from other sources.

But to keep the fund self-financing—that is, not dependent on general revenues from the income tax, and so forth—it will be necessary at this time to increase the taxable base from a planned $12,600 to $13,200. I regret the need for any tax increase at this time, but feel that an increase in base is much less regressive than an increase in tax rate. I would hope that in the future, as the committee considers trust fund financing, we will be able to develop a more progressive and equitable system of financing benefits.

Mr. ULLMAN. Mr. Chairman, I yield back the balance of my time.

Mr. PRICE of Illinois. Mr. Chairman, the House failed to amend the rule to permit consideration of a social security increase as an amendment to the public debt limit bill. Today we are considering a social security increase on its own without procedural obstacles. I urge my colleagues to support it.

I have been aware that many of our senior citizens seem to feel that this Congress has done nothing for them. Of course, this is not true, but the situation is so bad that I feel we have not done as much as we could have.

The Congress previously agreed to a 5.9-percent increase, but delayed it a year so the President would not veto it. Today's legislation would replace this inadequate measure with a 7-percent increase effective in March and an additional 4-percent increase in June.

I know all of my colleagues are concerned with the plight of the elderly. The nature of my constituency is such that I am perhaps more involved with the welfare of our seniors than most. Today's economic realities continue to bombard our senior citizens. To repay these venerable citizens for their years of contribution to society is one of the noblest ideals and inherently fundamental services of government.

A large majority in favor of this measure will help protect against another Presidential veto, so I urge my colleagues to support this necessary measure.

Mr. LANDGREBE. Mr. Chairman, this bill places us in a situation where it is impossible to cast a fair and just vote. On the one hand we have the social security beneficiaries. Surely they deserve an increase. Retired workers have been forced to pay into the social security fund during their working years, but receive benefits far less than they would have received by investing the same amount in private insurance. The Social Security Administration estimates that the average worker starting at age 18 will "contribute" $24,273 over his lifetime and receive benefits totaling $94,904; whereas by paying the same amount, plus the employer's contribution which otherwise would have gone to the worker in the form of higher wages, to buy private insurance, the worker would receive a total of $282,362, or about three times the estimated social security benefits.

In addition, the high rate of inflation caused by the Government's deficit spending and manipulation of the money supply is constantly eroding the value of social security benefits. Thus a retired person is paid benefits in dollars worth far less than the dollars he has been "contributing" all his years. Certainly such a person is entitled to a raise in benefits to keep pace with inflation.

On the other hand, however, let us consider who pays the benefits. The social security program began as a Government retirement income fund, but has mushroomed to include such things as medical payments, disability insurance, and even direct welfare payments. What is worse, the program is no longer even a retirement program. The funds originally collected have not been held in trust; they were spent by the Government long, long ago. Only enough money is maintained in the trust fund to provide payments for 9 months.

Obviously, the only way social security can continue is through heavy taxation of those who are currently employed. And what do the working men and women pay, especially those of average or below-average means? H.R. 11333 will raise the wage base ceiling to $13,200, which means that everyone with an income of this amount or less will pay the full tax on 100 percent of his income. Those with incomes over $13,200 will continue to pay no more than the worker with an income of $13,200, no matter how high their earnings might be. It is interesting to

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note that Members of Congress, their staffs, and thousands of Government employees are exempt from the program.

The social security tax is not a progressive tax; nor is it fair or equitable. Those with low incomes actually pay a much greater percentage of their gross incomes than the more well-to-do. In fact, if this bill becomes law, over half the American workers will be paying more in social security taxes than they will be paying in Federal income taxes, all under the regressive social security tax system. In other words, social security is the method by which Congress forces low-paid workers to finance our major Federal relief program. Yet the very rich are eligible for the full benefits of the social security program.

At this point I would like to call the attention of my colleagues to an editorial which recently appeared in the Washington Star-News. The writer points out many things that Congress ought to keep in mind while considering this bill:

Social Security Taxes

Some startling information on the impact of Social Security taxes was revealed the other day in hearings before the House Ways and Means Committee. It is that more than half of all American households pay more Social Security taxes than they do income taxes. To put it another way, the bite for Social Security is higher for them than it is for all the other multitudinous functions of the federal government.

Now, the Congress is considering yet another increase in the tax to finance further increases in Social Security payments. Somewhere along the line, a halt has to be called. It was never intended that the Social Security System enacted in 1936 would become such a drain on the wage-earner.

As Representative Karth of Minnesota, a member of the Ways and Means Committee, said "People already are beginning to rebel, and if we increase the rate substantially there will be an open rebellion."

Under existing law, the tax rate for a worker is 5.85 percent on income up to $10,800, which comes out to a maximum of $631.80 a year. Next year, the wage base on which the tax is levied was scheduled to go up to $12,600, which means the maximum tax would be $737.10 for the year. A new proposal in Congress would raise the base to $13,200 in January, meaning a maximum tax of $772.20.

The person hardest hit by the Social Security tax is the low-income worker. The 5.85 percent tax is extracted from his pay no matter how small.

A number of proposals have been made to reduce the burden on those least able to pay. The Nixon administration is reported to be considering eliminating the tax on workers with income below the poverty level. Some would have a graduated tax—small at the low-income levels and increasing at higher income levels. Some would keep a flat rate but impose a firm cutoff point and make up any deficits by appropriations from general tax funds.

It seems to be time for Congress and the administration to take a serious look at whether some basic changes need to be made in the method of financing. The Social Security System has been of such enormous benefit in alleviating poverty among the elderly that nothing should be done to endanger it. But the simple truth is that the point will come—if it is not already at hand—when the workers will rebel against the payroll taxes that finance the system.

Further, the big lie of the social security system is that the worker pays only half the tax while his employer pays the other half. It is elementary business economics that a worker must earn all of his benefits, whether they take the form of pensions or of the social security tax. The plain fact is that the worker does not pay 5.85 percent of his income in social security taxes. He pays 11.7 percent, for he pays not only his 5.85 percent tax, but also the 5.85 percent forwarded immediately by his employer to the Government. When this is taken into account, the total tax on a worker levied by this bill will not be $772, but twice that amount, over $1,500 per year. The Government is simply exploiting the workers and telling them that it is the employers who are being exploited.

Then, of course, there is the very real question of whether or not today's workers will be able to collect any benefits. Since the Government is spending their "contributions" to social security to pay off yesterday's workers, the Government will be able to pay today's workers when they retire only by more heavily taxing tomorrow's workers. But social security payments are rising at such a phenomenal rate that the whole system may collapse before today's workers will be able to collect anything. In 1950 the social security checks amounted to $1 billion. By 1964 they were $16 billion. By the end of this year, they will be more than $58 billion. And it has been estimated that by 1984 they will reach $250 billion, nearly equaling our total Federal budget for 1974.

Thus this bill presents us with the following dilemma: If we vote no, it is unfair to the social security beneficiaries who have been cheated out of an equitable return on their forced investment through the social security tax. If we vote yes, it is unfair to today's workers who pay a disproportionate share of the burden and who may never collect any benefits.

Under the circumstances the only proper action is to vote against blindly increasing social security benefits and to demand a thorough study of the present social security system. Once we know exactly what the effects of the increase will be and exactly what the result of continuing the program as presently constituted will be, then and only then will we be able to make a proper judgment on either raising benefits and taxes or revising the whole program making it actuarially sound, and if possible, guaranteeing its continuity.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Michigan (Mrs. GRIFFITHS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BURTON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were ayes 246, noes 163, not voting 24, as follows:

[Roll No. 591]

AYES—246

Abdnor
Alexander
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashbrook
Bafalis
Baker
Bauman
Beard
Bennett
Bevill
Bowen
Brademas
Bray
Breaux
Breckinridge
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Camp
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Cleveland
Cochran
Cohen
Collier
Collins, Tex.
Conable
Conlan
Coughlin
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Ga.
Davis, S.C.
de la Garza
Denholm
Dennis
Derwinski
Devine
Dickinson
Diggs
Dingell
Dorn
Downing
Duncan
du Pont
Eckhardt
Edwards, Ala.
Erlenborn
Esch
Eshleman
Evins, Tenn.
Fascell
Fisher
Flowers
Flynt
Ford, Gerald R.
Ford, William D.
Fountain
Frenzel
Frey
Fuqua
Gettys

Giaimo
Gibbons
Ginn
Gonzalez
Goodling
Gray
Green, Oreg.
Griffiths
Gross
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanrahan
Hansen, Idaho
Harsha
Hays
Hébert
Hechler, W. Va.
Henderson
Hicks
Hillis
Hogan
Holt
Huber
Hudnut
Hungate
Hutchinson
Ichord
Jarman
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Kazen
Kluczynski
Kuykendall
Landrum
Latta
Lehman
Long, La.
Lott
Lujan
McClory
McCloskey
McCollister
McDade
McKay
McKinney
McSpadden
Madden
Mahon
Mallary
Mann
Martin, N.C.
Mayne
Mazzoli
Meeds
Michel
Milford
Miller
Mizell
Mollohan
Montgomery
Mosher
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
O'Brien
O'Hara
Owens
Parris
Passman
Patman
Pepper

Perkins
Pickle
Poage
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rarick
Regula
Riegle
Roberts
Robinson, Va.
Rogers
Roncalio, Wyo.
Rose
Rostenkowski
Roush
Roy
Runnels
Ruppe
Ruth
Sarasin
Sarbanes
Satterfield
Scherle
Schneebeli
Sebelius
Seiberling
Shoup
Shriver
Shuster
Sikes
Skubitz
Snyder
Spence
Staggers
Stanton, J. William
Steed
Steelman
Steiger, Ariz.
Stephens
Stubblefield
Stuckey
Sullivan
Symington
Symms
Taylor, Mo.
Taylor, N.C.
Teague, Tex.
Thomson, Wis.
Thone
Thornton
Treen
Udall
Vander Jagt
Vanik
Vigorito
Waggonner
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Wilson, Charles, Tex.
Winn
Wright
Wyatt
Wylie
Yates
Young, Alaska
Young, Fla.
Young, Ill.
Young, S.C.
Zablocki
Zion
Zwach

NOES—163

Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Ashley
Aspin
Badillo
Barrett
Bell
Bergland
Biaggi
Biester
Bingham
Blatnik

Boggs
Boland
Bolling
Brasco
Brooks
Brown, Calif.
Burgener
Burke, Mass.
Burton
Carney, Ohio
Chisholm
Clausen, Don H.
Clawson, Del
Conte
Conyers

Corman
Cotter
Cronin
Culver
Daniels, Dominick V.
Danielson
Delaney
Dellums
Dent
Donohue
Drinan
Dulski
Edwards, Calif.
Eilberg
Evans, Colo.

Findley
Fish
Flood
Foley
Forsythe
Fraser
Frelinghuysen
Froehlich
Gaydos
Gilman
Goldwater
Grasso
Green, Pa.
Grover
Gubser
Hanley
Hanna
Hansen, Wash.
Harrington
Hastings
Hawkins
Heckler, Mass.
Heinz
Helstoski
Hinshaw
Holifield
Holtzman
Horton
Hosmer
Howard
Hunt
Johnson, Calif.
Karth
Kastenmeier
Kemp
Ketchum
King
Koch
Kyros
Landgrebe
Leggett

Lent
McCormack
McEwen
McFall
Macdonald
Madigan
Mailliard
Maraziti
Mathias, Calif.
Matsunaga
Melcher
Metcalfe
Mezvinsky
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moorhead, Calif.
Moorhead, Pa.
Moss
Murphy, N.Y.
Nix
Obey
O'Neill
Patten
Pettis
Peyser
Pike
Podell
Rangel
Rees
Reid
Reuss
Rinaldo
Robison, N.Y.
Rodino
Roe
Roncallo, N.Y.
Rooney, Pa.

Rosenthal
Rousselot
Roybal
Ryan
St Germain
Sandman
Schroeder
Shipley
Slack
Smith, Iowa
Stanton, James V.
Stark
Steele
Steiger, Wis.
Stokes
Stratton
Studds
Talcott
Teague, Calif.
Thompson, N.J.
Tiernan
Towell, Nev.
Ullman
Veysey
Waldie
Walsh
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wolff
Wydler
Wyman
Yatron
Young, Ga.
Young, Tex.

NOT VOTING—24

Blackburn
Buchanan
Burke, Calif.
Carey, N.Y.
Clark
Clay
Collins, Ill.
Davis, Wis.

Dellenback
Fulton
Harvey
Keating
Litton
Long, Md.
Martin, Nebr.
Mathis, Ga.

Mills, Ark.
Minshall, Ohio
Morgan
Rhodes
Rooney, N.Y.
Sisk
Smith, N.Y.
Van Deerlin

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there any further committee amendments? If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. DINGELL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 11333) to provide a 7-percent increase in social security benefits beginning with March 1974 and an additional 4-percent increase beginning with June 1974, to provide increases in supplemental security income benefits, and for other purposes, pursuant to House Resolution 695, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

RECORDED VOTE

Mr. ULLMAN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 391, noes 20, not voting 22, as follows:

[Roll No. 592]

AYES—391

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Aspin
Badillo
Bafalis
Baker
Barrett
Bauman
Beard
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton
Butler
Byron
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Cohen
Conable
Conlan
Conte
Conyers
Corman
Cotter
Coughlin
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellums
Denholm
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Downing
Drinan
Dulski
Duncan
du Pont

Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Grasso
Gray
Green, Pa.
Griffiths
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Hastings
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Hosmer
Howard
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kemp
Ketchum
King
Kluczynski
Koch
Kuykendall
Kyros
Landrum
Latta
Leggett

Lehman
Lent
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, N.C.
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Rees
Regula
Reid
Reuss
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski

Roush
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark

Steed
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie

Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki
Zion
Zwach

NOES—20

Archer
Armstrong
Burleson, Tex.
Camp
Collier
Collins, Tex.
Crane

Dennis
Fisher
Goldwater
Goodling
Gross
Jarman
Landgrebe

Poage
Rousselot
Satterfield
Symms
Wiggins
Young, S.C.

NOT VOTING—22

Blackburn
Buchanan
Burke, Calif.
Carey, N.Y.
Clark
Clay
Collins, Ill.
Davis, Wis.

Dellenback
Dorn
Green, Oreg.
Harvey
Litton
Martin, Nebr.
Mathis, Ga.
Mills, Ark.

Minshall, Ohio
Morgan
Rhodes
Rooney, N.Y.
Sisk
Van Deerlin

So the bill was passed.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Dorn.

Mr. Sisk with Mr. Clay.

Mr. Van Deerlin with Mr. Rhodes.

Mrs. Burke of California with Mr. Minshall of Ohio.

Mr. Mills of Arkansas with Mr. Blackburn.

Mrs. Collins of Illinois with Mr. Dellenback.

Mr. Litton with Mr. Buchanan.

Mrs. Green of Oregon with Mr. Harvey.

Mr. Morgan with Mr. Davis of Wisconsin.

Mr. Clark with Mr. Martin of Nebraska.

Mr. Carey of New York with Mr. Mathis of Georgia.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO FILE A REPORT ON H.R. 9437

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may have until midnight tonight to file a report on H.R. 9437.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

EXTENDING THE TEMPORARY SUSPENSION OF DUTY ON CERTAIN BICYCLE PARTS AND ACCESSORIES

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 6642) to suspend the duties on certain bicycle parts and accessories until the close of December 31, 1976.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

Mr. SCHNEEBELI. Mr. Speaker, reserving the right to object, and I shall not object, I take this time to ask the committee chairman to explain the bill.

Mr. DENT. Mr. Speaker, will the gentleman yield?

Mr. SCHNEEBELI. I yield to the gentleman from Pennsylvania.

Mr. DENT. I thank the gentleman for yielding.

I was going to just take a minute to call the attention of the House to the fact that this legislation really has to pass now because in 1961 the former Member of this House and later Governor of the State of Pennsylvania, Mr. William Scranton, came before the Committee on the Impact of Imports and testified for 13 pages full of testimony, in which he said—and I am covering, if the Members do not mind, at this time both bills with this one short statement, because both are identical and both of them have the roots of this particular action contained in these hearings before our committee—that unless we gave tariff relief, rather, total relief by extending it to both the bicycle and bicycle parts industries, and the silk yarn industry in the United States, which was basically the silk textile industry in the northeastern region of the State of Pennsylvania, that in 1959 when this legislation was first put on the books, that by 1961 they had lost 80 percent of the silk textile industry. He said there will be a day when we will have this particular legislation become permanent. So I was just wondering why we are extending this legislation for a period of time when there is not one single manufacturer of either of these products in the United States of America today—why do we not make it permanent, because we might as well get a pattern, because within the next 5 years this legislation will cover almost every commodity. The committee has no other road to go.

I would suggest the Members just pass the bill by a voice vote and forget it.

Mr. ULLMAN. Mr. Speaker, will the gentleman yield?

Mr. SCHNEEBELI. I yield to the gentleman from Oregon.

Mr. ULLMAN. I thank the gentleman for yielding.

Mr. Speaker, the purpose of H.R. 6642 as reported to the House by the Committee on Ways and Means is to extend, to the close of December 31, 1976, the existing suspension of duties on imports of certain bicycle parts and accessories. In the absence of legislation, the existing suspension of duties on such bicycle parts and accessories will expire on December 31, 1973.

The existing suspension of duty on these items was enacted in order to improve the competitive ability of domestic producers of bicycles by reducing the landed cost of certain imported bicycle parts and accessories which are not available from domestic sources. Domestic bicycle manufacturers have advised the Committee on Ways and Means that this duty suspension has helped domestic manufacturers to reduce their costs, and no objection to H.R. 6642 was raised by representatives of bicycle parts manufacturers. Favorable reports were received from the executive branch on the bill.

The Committee on Ways and Means is unanimous in recommending enactment of H.R. 6642, and I urge its favorable consideration by the House.

Mr. SCHNEEBELI. Mr. Speaker, in reply to the observation of the gentleman from Pennsylvania, I shall be very happy to tell of Governor Scranton's interest in this bill, because I think he is referring to Governor Scranton who originated this legislation back in the early 1960's.

Mr. Speaker, I support H.R. 6642, a bill to continue the existing suspension of duty on imports of certain bicycle parts and accessories for the 3-year period from December 31, 1973 through December 31, 1976.

The parts and accessories involved are generator lighting sets, derailleurs, caliper brakes, drum brakes, three-speed hubs incorporating coaster brakes, three-speed hubs not incorporating coaster brakes, click twist grips, click stick levers, and multiple free-wheel sprockets. These items normally are dutiable at rates ranging from 15 to 19 percent ad valorem.

Only one of these items is available domestically. The exception is the click stick lever, which is made by a single U.S. producer, and our committee was informed that this producer does not object to the temporary suspension of duty on that item.

The suspensions of duty were enacted initially in order to improve the competitive position of domestic bicycle producers by cutting the cost to them of parts and accessories which were not available from domestic sources. During our hearings on the Trade Reform Act of 1973, our committee heard testimony to the effect that the suspensions of duty are serving their purpose and should be continued. We heard no objection to the proposal before us.

After receiving favorable reports on the bill from interested departments and agencies, and determining that it would not result in any revenue loss, our committee unanimously approved the measure.

Mr. Speaker, I believe the 3-year continuation of duty suspensions on these bicycle parts and accessories will be beneficial to home industry and I, therefore, urge the enactment of H.R. 6642.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The Clerk read the bill, as follows:

H.R. 6642

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subpart B of part 1 of the appendix of title I of the Tariff Act of 1930 (Tariff Schedules of the United States; 28 F.R. pt. II Aug. 17 1963; 77 A Stat.; 19 U.S.C. 1202) is amended as follows:

Immediately preceding item 915.25 insert the following new items:

" 912.05	Generator lighting sets for bicycles (provided for in item 653.39, part 3F, schedule 6)	Free	No change	On or before 12/31/76
912.10	Derailleurs, caliper brakes, drum brakes, hubs incorporating coaster brakes, rear hubs not incorporating coaster brakes, click twist grips, click stick levers, multiple free-wheel sprockets (provided for in item 732.36, par 5C, schedule 7)	Free	No change	On or before 12/31/76 ."

SEC. 2. The amendments made by this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after the date of enactment of this Act.

With the following committee amendment:

Committee amendment: Strike out all after the enacting clause and insert: That items 912.05 and 912.10 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) are each amended by striking out "12/31/73" and inserting in lieu thereof "12/31/76".

SEC. 2. The amendments made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after December 31, 1973.

The committee amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENDING TEMPORARY SUSPENSION OF DUTY ON CERTAIN CLASSIFICATIONS OF YARNS OF SILK

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 7780), to extend for an additional temporary period the existing suspension of duties on certain classifications of yarns of silk, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The Clerk read the bill, as follows:

H.R. 7780

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) items 905.30 and 905.31 of the appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) are each amended by striking out "11/7/73" and inserting in lieu thereof "11/7/75"; and such item is further amended by striking out "and item".

(b) The amendments made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, after November 7, 1973.

With the following committee amendment:

Page 1, line 6, immediately before the period insert the following: "; and such item 905.31 is further amended by striking out 'and item 308.51' ".

The amendment was agreed to.

Mr. ULLMAN. Mr. Speaker, the purpose of the pending bill, H.R. 7780, as reported to the House by the Committee on Ways and Means, is to continue for 2 years the suspension of duties on certain classifications of spun silk yard. The present suspension of duties expires on November 7, 1973, and the bill would extend the suspension through November 7, 1975.

The original suspension of duties on spun silk yarns, enacted on September 8, 1959, was done in order to enable domestic producers of fine yarn fabrics to import fine silk yarns free of duty in order to make it more economical to produce fine yarn fabrics in competition with imported similar fabrics. The suspension of duties has been continued since the original enactment by means of various temporary extensions, and the Committee on Ways and Means is advised that the same reasons which justified the original suspension justify its continuation. Favorable reports on H.R. 7780 were received from the executive branch, and no objection to the bill was made known to the committee.

The Committee on Ways and Means is unanimous in recommending enactment of this legislation, and I urge its favorable consideration by the House.

Mr. SCHNEEBELI. Mr. Speaker, I support H.R. 7780, which would extend for 2 years, through November 7, 1975, the suspension of duties on certain classifications of spun silk yarns.

The yarns involved are used in making sewing thread, decorative stripings for fine worsteds, lacing cord for cartridge bags, and in combination with other fibers, a number of additional items such as upholstery and drapery materials.

These duty suspensions originally were approved in 1959. The aim was to help domestic producers of fine yarn fabrics remain competitive with imports of like items by enabling them to import, free of duty, the raw material they needed. Our committee was informed that the same reasons for suspension exist today.

No objection to this legislation was voiced to the committee, and favorable reports were received from interested Government agencies. It is estimated that the bill will not result in any additional revenue loss or administrative expenses.

The committee was unanimous in reporting H.R. 7780, and I urge the House to approve it.

Mr. SIKES. Mr. Speaker, the purpose of H.R. 7780 is to continue for 2 additional years, until the close of November 7, 1975, the suspension of duties on certain classifications of spun silk yarn.

The duties on spun silk yarns have been suspended by various public laws since the original duty suspension was enacted by Public Law 86–235, approved on September 8, 1959. The suspension of the duties on spun silk yarns was last extended by Public Law 92–161 for a 2 year period from November 7, 1971, to November 7, 1973.

The suspension of the duty has been made in order to enable domestic producers of fine yarn fabrics to import fine silk yarns free of duty in order to make it more economical to produce fine yarn fabrics in competition with imported similar fabrics. The situation which justified earlier suspensions of duty continues to exist. The justification, stated simply, is that the bill helps American industry to stay in business and to provide employment for American workmen.

Favorable reports were received by the Ways and Means Committee from interested Government agencies and, no objection to the continuation of the suspension of duty has been brought to my attention or to the attention of the committee. The Ways and Means Committee was unanimous in recommending enactment of H.R. 7780 and, I sincerely hope that the House will approve this legislation today.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the two bills just passed.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

AUTHORIZING PRINTING OF PROCEEDINGS UNVEILING PORTRAIT OF THE LATE HONORABLE PHILIP J. PHILBIN

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Report No. 93–644) on the resolution (H. Res. 680) authorizing the printing of proceedings unveiling the portrait of the late Hon. Philip J. Philbin, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 680

Resolved, That the transcript of the proceedings in the Committee on Armed Services of October 24, 1973, incident to the presentation of a portrait of the late Honorable Philip J. Philbin to the Committee on Armed Services be printed as a House document with illustrations and suitable binding.

SEC. 2. In addition to the usual number, there shall be printed eight hundred copies of such document for the use of the Committee on Armed Services.

With the following committee amendment:

On page 1, line 7, delete "one thousand" insert "eight hundred".

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING CERTAIN PRINTING FOR THE COMMITTEE ON VETERANS' AFFAIRS

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 93–645) on the concurrent resolution (H. Con. Res. 88) authorizing certain printing for the Committee on Veterans' Affairs, and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 88

Resolved by the House of Representatives (the Senate concurring), That after the conclusion of the first session of the Ninety-third Congress there shall be printed for the use of the Committee on Veterans' Affairs of the House of Representatives fifty-six thousand one hundred copies of a publication entitled "Summary of Veterans Legislation Reported, Ninety-third Congress, First Session", with an additional forty-four thousand copies for the use of Members of the House of Representatives.

With the following committee amendment:

Page 1, line 8, insert after "forty-four thousand" the following: "two hundred"

The committee amendment was agreed to.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING AS HOUSE DOCUMENT HOUSE COMMITTEE PRINT ON IMPEACHMENT, SELECTED MATERIALS

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 93–646) on the concurrent resolution (H. Con. Res. 369) to print as a House document House committee print on Impeachment, Selected Materials, and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 369

Resolved by the House of Representatives (the Senate concurring), That there is authorized to be printed as a House document the House committee print on Impeachment, Selected Materials, and that six thousand four hundred twenty copies be printed, of which one thousand shall be for the use of the House Committee on the Judiciary, one thousand for the House Document Room, and

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the balance prorated to the Members of the House of Representatives.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR PRINTING AS HOUSE DOCUMENT BOOKLET ENTITLED "THE SUPREME COURT OF THE UNITED STATES"

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 93–647) on the concurrent resolution (H. Con. Res. 375) providing for the printing as a House document the booklet entitled "The Supreme Court of the United States," and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 375

Resolved by the House of Representatives (the Senate concurring), That there shall be printed as a House document with illustrations, the booklet entitled "The Supreme Court of the United States"; and that ninety-eight thousand four hundred additional copies shall be printed of which eighty-eight thousand four hundred shall be for the use of the House of Representatives and ten thousand copies shall be for the use of the Joint Committee on Printing.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING PRINTING OF ADDITIONAL COPIES OF REPORT OF SENATE SPECIAL COMMITTEE ON TERMINATION OF THE NATIONAL EMERGENCY

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 93–468) on the Senate concurrent resolution (S. Con. Res. 47) authorizing the printing and additional copies of a report to the Senate Special Committee on the Termination of the National Emergency, and ask for immediate consideration of the Senate concurrent resolution.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 47

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Special Committee on the Termination of the National Emergency five thousand additional copies of its report to the Senate entitled "Emergency Powers Statutes: Provisions of Federal Law Now in Effect Delegating to the Executive Extraordinary Authority in Time of National Emergency".

Mr. GROSS. Mr. Speaker, will the gentleman from Indiana yield?

Mr. BRADEMAS. Mr. Speaker, I am glad to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, on the present resolution, how many copies of this publication are made available to the House?

Mr. BRADEMAS. Mr. Speaker, under the text of the resolution, no copies are specifically earmarked for the use of the House but, of course, if Members of the House would wish to avail themselves of copies of this report, they could do so by request of the Senate Special Committee on the Termination of the National Emergency.

Mr. GROSS. Does the gentleman think that the other body would be pleased to give a Member of the House a copy of this booklet on delegated powers by Congress to the executive branch of Government?

Mr. BRADEMAS. Mr. Speaker, I am sure that would be the case.

Mr. GROSS. Mr. Speaker, I would think this would be one that every Member of the House ought to read and profit by, if the booklet is headed in the right direction.

Mr. BRADEMAS. Mr. Speaker, I share the viewpoint of the gentleman from Iowa.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

PRINTING OF PRAYERS OF CHAPLAIN OF THE SENATE DURING 92D CONGRESS

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 93–649) on the Senate Concurrent Resolution (S. Con. Res. 49) authorizing the printing of the prayers of the Chaplain of the Senate during the 92d Congress as a Senate document, and ask for immediate consideration of the Senate concurrent resolution.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 49

Resolved by the Senate (the House of Representatives concurring), That there be printed with an illustration as a Senate document, the prayers by the Reverend Edward L. R. Elson, S.T.D., the Chaplain of the Senate, at the opening of the daily sessions of the Senate during the Ninety-second Congress, together with any other prayers offered by him during that period in his official capacity as Chaplain of the Senate; and that there be printed two thousand additional copies of such document, of which one thousand and thirty would be for the use of the Senate and nine hundred and seventy would be for the use of the Joint Committee on Printing.

SEC. 2. The copy for the document authorized in section 1 shall be prepared under the direction of the Joint Committee on Printing.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. ARENDS asked and was given permission to address the House for 1 minute.)

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute in order to ask the distinguished majority leader the program following our return.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Massachusetts.

Mr. O'NEILL. Mr. Speaker, I also want to make comment on the fact that we regret to see that the gentleman from Illinois has made the fateful decision to leave this Congress. We will be with bowed heads the day he leaves.

Mr. ARENDS. Mr. Speaker, I thank the gentleman.

Mr. O'NEILL. Mr. Speaker, the program for the House of Representatives for the week of the 26th of November, 1973, is as follows:

Monday is District day. There are five pieces of legislation:

H.R. 6186, dividends received by a corporation from insurance companies;

H.R. 7218, Holding Company System Regulatory Act;

H.R. 9577, Yacht Club of the District of Columbia;

H.R. 10806, District of Columbia Minimum Wage Act amendment; and

H.R. 11238, adoption of children subsidy.

On Tuesday and the balance of the week, we have H.R. 9107, Federal retirement annuities, with an open rule and 1 hour of debate; H.R. 11324, year-round daylight saving, subject to a rule being granted; H.R. 11010, Comprehensive Manpower Act, subject to a rule being granted; H.R. 11401, special prosecutor appointment, subject to a rule being granted.

Then, we have the Defense appropriations for the fiscal year of 1974, and the supplemental appropriations for the fiscal year of 1974.

Conference reports may be brought up at any time, and any further program will be announced later.

Mr. Speaker, may I repeat that the Members will note that on the calendar it says—

Tuesday and balance of the week.

It is the anticipation that we will work Friday of the week that we come back, because it seems that we have that much important legislation that it will carry through at least Friday.

Mr. ARENDS. Mr. Speaker, I thank the gentleman for the information.

PROPOSED LEGISLATION TO LIMIT EXPENDITURES ON PRESIDENTIAL PROPERTIES

(Mr. BROOKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOKS. Mr. Speaker, American taxpayers must not be subjected again to the possibility of spending millions of dollars on the private property of the President of the United States.

A recent investigation by the Subcommittee on Government Activities, of which I am chairman, has disclosed that more than $10 million has been spent in support of three private homes of President Nixon. Our investigation exposed numerous irregularities and excesses in the expenditure of public funds in the name of security. The absence of any management guidelines in the expenditure of these funds has virtually allowed the Secret Service to unload its budget on other Government agencies, particularly the GSA.

I am today, along with several other members of my subcommittee, introducing legislation to correct these abuses of public funds. My legislation, entitled the Presidential Protection Assistance Act of 1973, will limit such expenditures to one principal property designated by the President or other person entitled to Secret Service protection. In addition, it would require advance written requests by the Secret Service, payment by the Secret Service for such expenditures, and reports to Congress every 6 months. If the President changes the designation of his principal property, he would have to reimburse the Government for all expenditures made at the previously designated location not otherwise recoverable by the Government.

This legislation would further limit any permanent Secret Service guard detail to one location at a time, thereby saving the taxpayers approximately one-half million dollars a year at the present time. It would also prohibit the obligation of Government funds by non-Government personnel and would require that all improvements be removed if economically feasible to do so.

Mr. Speaker, the sponsors of this legislation fully recognize the tremendous responsibilities of the Secret Service and the problems they face. We have attempted to provide sufficient flexibility in this legislation to permit them to fulfill their function without being irresponsible in obligating funds from the public treasury. Our legislation would permit the Secret Service to request equipment, personnel, and facilities from other agencies on loan for not more than 2 weeks at a time without reimbursement and without written requests. It would also permit the Secret Service to spend up to $5,000 at locations other than the principal designated property of the person entitled to protection. Under these provisions, the Secret Service should in no way be hampered in fully carrying out its statutory responsibilities.

It is important that the Congress act upon this legislation so as to avoid further extravagant expenditures of taxpayers' money for improvements on private property that do not accrue to the benefit of the general public. Since no concern or self-restraint has been shown for obligating the American public to spend millions of dollars on private property owned by the President, the Congress must now take steps to define more specifically what expenditures can and cannot be made.

THE TRAGIC PLIGHT OF MOISE AND ADELE KERBEL

(Mr. BADILLO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BADILLO. Mr. Speaker, for the past several years the free world has witnessed the cruel and ceaseless campaigns of repression perpetrated against Jewish citizens of the Soviet Union by their government. We have been shocked and angered over the denial of basic human rights and personal dignity to these thousands of men, women, and children. Many of us have spoken out against these various ill-conceived actions undertaken by Soviet authorities and have expressed our revulsion over the callous denial of the right of free emigration to Soviet Jews and the economic, social, and cultural isolation forced upon those who seek to emigrate to other countries.

For over 2 years Moise and Adele Kerbel of Kharkov in the Ukraine have been attempting to secure official permission to leave the U.S.S.R. and join their family in Israel. During this period they have been subjected to various forms of harassment and intimidation and have been denied the necessary permission to leave.

What is especially tragic is the fact that Adele Kerbel is reportedly in very poor health, suffering from an incurable disease. I understand that emigration to Israel to be reunited with family and loved ones is, for Mrs. Kerbel, a matter of life or death because of her very serious physical condition. However, the Soviet authorities have the effrontery to declare that the Kerbels' emigration to Israel is not in conformity with government interests and that Adele Kerbel's departure—even in her state of complete physical helplessness and ill health—threatens the security of the Soviet Union. Denying Adele Kerbel the hope of emigration to Israel and to once again see and be with her family is to deny her any hope of improvement and condemns her to a very uncertain future. How can a woman who has been bedridden for some 4 years threaten the security of the U.S.S.R. or any other nation?

The tragic plight of the Kerbels is just another example of the Soviet Union's complete disregard for the basic rights of its own citizens and reinforces my very strong belief that the Congress must take affirmative action to make plain our position that we will simply not tolerate the tactics employed against Soviet Jews. The fate of the more than 100,000 Soviet Jews, such as Moise and Adele Kerbel, who seek to leave the Soviet Union is in our hands and we must insure that they not be denied their right to emigrate and that they will be free from further victimization.

AWARD TO SENATOR LLOYD M. BENTSEN, JR.

(Mr. DE LA GARZA asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DE LA GARZA. Mr. Speaker, I recently enjoyed the privilege of participating in a ceremony in South Texas in which the distinguished Senator from Texas and my longtime friend, Senator LLOYD M. BENTSEN, JR., was presented with the Distinguished Eagle Scout Award of the Boy Scouts of America.

It was an eminently fitting award. LLOYD BENTSEN earned the rank of Eagle Scout in 1938. During the ensuing quarter of a century, as the citation accompanying the award noted, he has been an outstanding public servant, never swerving from the principles of that great organization, the Boy Scouts of America.

The ceremony accompanying the presentation of the award had special personal significance for me. From 1949 through 1953 Senator BENTSEN occupied the seat I now hold as Representative of the 15th Congressional District of Texas. His successor and my immediate predecessor, the Honorable Joe Kilgore, whom I am also proud to call my friend, presided over the meeting in McAllen, Tex.—a meeting held under the auspices of the Rio Grande Council of the Boy Scouts of America, of which my brother, Robert de la Garza, is an active member.

It was an inspiring occasion—a time when old friends got together to join in paying deserved honor to a man they have known and admired for many years.

I include the text of the citation accompanying the award of the rank of Distinguished Eagle Scout to Senator LLOYD M. BENTSEN, JR.

DISTINGUISHED EAGLE SCOUT CITATION

THE BOY SCOUTS OF AMERICA

Because Lloyd M. Bentsen, Jr. earned the rank of Eagle Scout as a member of the Boy Scouts of America more than twenty-five years ago, in 1938, and

Because as an Eagle Scout, he has continued to serve his God, Country and fellow man, following the principles of the Scout Oath and Law, and

Because he has achieved distinction through service to scouting as local council executive board member, and

Because he has given distinguished service to his nation and community as United States Senator, former member of the House of Representatives, member of several important committees in the Senate and House and subcommittee chairman; former County Judge of Hidalgo County, Texas; member of the governing bodies of the United Fund of Houston and Harris County, Houston Chamber of Commerce, Texas Presbyterian Foundation, University of Texas Development Board, Y.M.C.A. and Salvation Army; veteran of World War II service in the U.S. Army Corps and holder of the Distinguished Flying Cross and the Air Medal with three Oak Leaf clusters;

Because of these and other achievements and the desire of the Boy Scouts of America, upon the nomination of his local council and the recommendation by a committee of Distinguished Eagle Scouts to the National Court of Honor, acting on behalf of the Executive Board of the Boy Scouts of America, the Honor and Rank of Distinguished Eagle Scout are awarded to and conferred upon him.

In testimony whereof, The Boy Scouts of America has caused these presents to be signed by its Officers and its Corporate Seal to be hereto affixed.

THE DILEMMA OF "WATERGATE"

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. ROBISON) is recognized for 30 minutes.

Mr. ROBISON of New York. Mr. Speaker, while the broader implications of Watergate run back over a period of many months now, the disturbing events of Saturday, October 20, gave them new and alarming dimensions.

I have been searching, ever since that weekend, to find the responsible position to take—and hold—relative to the President's future.

By resisting, in the interim, the mounting pressure to join the chorus of those now shouting for the President's im-

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peachment, I have disappointed those making that demand.

Conversely, as one who has viewed with concern and deep regret many of the President's actions—or nonactions—which have precipitated the current drive for impeachment, I have disappointed those all-out supporters of the President who, though fewer in number if measured only by my mail, have demanded comparable allegiance on my part.

Whatever future political problems these reactions from polarized public attitudes toward Mr. Nixon may pose for me is of little consequence.

For my sole personal concern has been —and remains—one of determining the most responsible course for me to take; one that would meet the dictates of my own conscience, and would measure up to what I perceive to be the serious duty borne by me, as a Member of this House, in this largely unprecedented situation.

Let me not be misunderstood.

As we face up to our present dilemma, I am fully aware of the "representative" nature of my duty no matter how often I have heretofore, and favorably, quoted this admonition from Edmund Burke:

> Your representative owes you, not his industry only, but his judgment; and he betrays instead of serving you if he sacrifices it to your opinion.

Any conscientious legislator is well-advised to follow that guideline—as I have sought to do—but I have spent a good deal of time pondering of late whether or not the decision the House may be facing here is the exception that, traditionally, "proves" such a rule.

Those who write in support of impeachment seem to think so. They say they speak "for the people." They demand that I hear the "voice of the people"—and some even go so far as to declare that, if I do not, they will actively work against me should I seek reelection. A few, of course, go even further—questioning both my courage and my patriotism, much after the fashion of a recent Carl T. Rowan pro-impeachment column which he concluded with these words:

> The members of Congress who turn out to be gutless in this national hour of need ought to be consigned to infamy for as long as their names are uttered.

There is a further common thread running through much of my pro-impeachment mail, Mr. Speaker—this to the effect that, in the case of Presidential impeachment, the House does not really decide anything, anyway, being required only to determine if sufficient grounds for impeachment lie against the President, sufficient for his "indictment" that is, in effect, which charges will then be heard and decided upon by the Senate.

In essence, this may well be true—and I am as aware as anyone of the familiar litany of charges against the President which, supposedly, add up now to sufficient grounds for his "indictment" by the House, charges which one of my local editors neatly summed up this way:

> His highest crime (being) that, in tearing our government apart, he has brought a great nation into a time of doubt and confusion.

Well, surely, there is "doubt and confusion" aplenty, Mr. Speaker, not the least of which is the clear fact that "the people" do not presently speak with one voice when it comes to that question of impeachment, plus the doubt and confusion that exists over the salient question of what, exactly, is an "impeachable" offense by a President under our Constitution.

As to the former—public opinion—while all of us have surely heard from a surprisingly broad-based, articulate and, for the most part, obviously sincere segment of our constituencies who favor impeachment, it is by no means clear that it represents a majority of public opinion on the impeachment question at the moment. Despite the President's obvious fall from grace if one considers only the Gallup-Harris attempts to measure his "support" among the populace, there are strong signs indicating that the contrary is the case. For instance, the just-released Sindlinger survey on the twin question of impeachment-and-resignation demonstrates the uncertain, and volatile nature of public opinion on such question this way:

[In percent]

	For	Against
On impeachment:		
After Cox firing (Oct. 20)	47	30
After release of tapes (Act. 23)	35	54
After Nixon press conference (Oct. 26)	30	60
After disclosure of nonexistent tapes (Oct. 31)	31	54
On resignation:		
After Cox firing (Oct. 20)	54	29
After release of tapes (Oct. 23)	38	47
After Nixon press conference (Oct. 26)	32	
After disclosure of nonexistent tapes (Oct. 31)	33	54

In any event, as to the latter—that nagging question of what is sufficient ground for a majority vote in support of specific "Articles of Impeachment" of a President by the House—I think a decent regard for the designers of this ultimate, political weapon against a President would require something substantially more than mere congressional disagreement, however strong, with a President's policies, and certainly more than the suggestion that "* * * an impeachable offense is whatever a majority of the House of Representatives considers it to be at a given moment in history," as once, in what I have to think was an unguarded idea, was advanced by the current Vice President-designate, the Honorable Gerald R. Ford.

The point here is, Mr. Speaker, that there is far more than the future of Richard Nixon at stake in our discussion of this question. Beyond whatever fate may eventually—and properly—befall the current incumbent of the White House, lies the future legitimacy, and stability, of the institution of the American Presidency, itself.

I suggest we ignore that aspect of our dilemma only at the future peril of our whole political system—and its survivability.

As Prof. Raoul Berger—perhaps the only acknowledged expert on the impeachment process—has noted:

> The design of the Founders should constrain the Senate to disclaim unlimited power, and to act within the confines contemplated by the Founders. When Congress impeaches and convicts in disregard of those bounds, it is guilty of an abuse of its power which posterity, if not the Court, will condemn. No member of Congress should lightly invite a judgment such as branded the impeachment of President Andrew Johnson as "one of the most disgraceful episodes in our history." Congress should have before it the admonition of Edmund Burke with respect to a mooted impeachment: "We stand in a position very honorable to ourselves and very useful to our country, if we do not abuse the trust that is placed in us." Let impeachment be (then), not a mere means of venting party spleen, but rather, as it was for Burke, "that great guardian of the purity of the Constitution".

Mr. Speaker, I would here and now—and most sincerely—wish to congratulate you, personally, and the Democratic majority in this House, for the obvious restraint you have both shown up to now in this most-difficult situation. Surely, the voters are in your possession—if you wished to use them—for "venting party spleen," to borrow Burke's phrase; but equally surely you have perceived the danger to the Nation in your rejection of that route, Mr. Speaker, as well as having recognized the potentially substantial benefits to that same Nation by holding, with respect to Gerald Ford's designation as Vice President, to the letter and spirit of the 25th amendment to its Constitution.

I am encouraged—and grateful—Mr. Speaker, for the statesmanship, and individual decency, that has prompted you, instead, to squelch every temptation to hold the Ford designation hostage, either to President Nixon's future performance, or in anticipation of his possible impeachment. As the Washington Post has said, editorially, in this regard:

> Settling the issue of succession (will) remove one source of public uncertainty . . . (and) demonstrate that the Congress can perform responsibly at a time when a sense of responsibility is a precious commodity in public life.

It would seem that an equal sense of responsibility is the motivating factor behind the deliberate pace of the House Committee on the Judiciary, as it embarks on its preliminary inquiry into the difficult question of whether or not constitutional grounds for the President's impeachment by the House presently lie against Mr. Nixon. While I have not joined in introducing one of the several resolutions that precipitated that inquiry, I do agree that the same should go forward promptly and, hopefully, in a nonpartisan environment.

At this point—and in this regard—I would like to suggest to all of my colleagues, Mr. Speaker, a rereading of chapter 6 of John F. Kennedy's "Profiles in Courage," wherein he recounts for us the background of, and issues involved in, the abortive impeachment attempt of President Andrew Johnson, in 1868.

The parallels—as between that situation and today's—are, of course, far from being four-square, but they are present in sufficient number as to encourage an objective consideration of them.

Then—as now—the Chief Executive was at odds with Congress; as Kennedy describes it:

> The two branches of government were . . . at each other's throats, snarling and bristling with anger . . . bill after bill was vetoed by the President . . . and for the first time in our nation's history, important public measures were passed over a President's veto and became law without his support.

This Congress and President Nixon have not exactly been "snarling" at one another, but they certainly have had their differences, and—to get back to the parallels—then, as now, it was the Presidential firing of a congressional favorite in the executive branch—the Secretary of War—that apparently served as the proverbial last straw causing, as Kennedy further puts it:

> Public opinion in the nation to run heavily against the President . . . (who) had intentionally broken the law and dictatorially thwarted the will of Congress!

After several prior such attempts had failed, the House then voted for impeachment under the lash of Pennsylvania's Thaddeus Stevens, quoted by Mr. Kennedy as having warned:

> Let me see the recreant who would vote to let such a criminal escape. Point me to one who will dare to do it and I will show you one who will dare the infamy of posterity.

The word, "infamy," seems to be one—for whatever curious reason—reserved for use in such occasions even as, today as noted, columnist Rowan resorted to it since, as Kennedy goes on, when six then-Senators indicated the evidence against Johnson was not in their opinion sufficient to convict, the Philadelphia Press cried, "Infamy!" and asserted that the Republic had been betrayed "in the house of its friends."

In any event, the same newspaper also reported—as Kennedy notes—"a fearful avalanche of telegrams from every section of the country—and a great surge of public opinion from the 'common people'." Moving on, Mr. Kennedy describes how, as the impeachment trial progressed:

> It became increasingly apparent that the impatient (Congress) did not intend to give the President a fair trial on the formal issues upon which the impeachment was drawn, but intended instead to depose him from the White House on any grounds, real or imagined, for refusing to accept their policies. Telling evidence in the President's favor was arbitrarily excluded. Prejudgment on the part of most Senators was brazenly announced. Attempted bribery and other forms of pressure were rampant. The chief interest was not in the trial or the evidence, but in the tallying of votes necessary for conviction.

The man who eventually cast the deciding vote against conviction—the man former President Kennedy "profiled"—was Senator Edmund G. Ross, of Kansas, whom the New York Tribune thereafter termed "a miserable poltroon and traitor," with the Philadelphia Press weighing in, again, against Ross and those few others who voted for acquittal as men who had "plunged from a precipice of fame into the groveling depths of infamy and death."

It is true that neither Ross nor any other Senator who had voted for acquittal was ever reelected to the Senate—and none of them retained the support of their party's organization. But one of them, Senator Lyman Trumbull, of Illinois—as President Kennedy reports it—"filed for the record these enduring words":

> The question to be decided is not whether Andrew Johnson is a proper person to fill the Presidential office, nor whether it is fit that he should remain in it. . . . Once set, the example of impeaching a President for what, once the excitement of the House shall have subsided, will be regarded as insufficient cause, no future President will be safe who happens to differ with a majority of the House and two-thirds of the Senate on any measure deemed by them important . . . What then becomes of the checks and balances of the Constitution so carefully devised and so vital to its perpetuity? They are all gone . . . .

Senator Ross, himself, in the Kennedy chapter on all this, is described as a man who, personally, disliked President Andrew Johnson but, in a magazine article some years later explained the motives behind his "Not Guilty" vote in these words:

> In a large sense, the independence of the executive office as a coordinate branch of the government was on trial . . . If the President must step down . . . a disgraced man and a political outcast . . . upon insufficient proofs and from partisan considerations, the office of the President would be degraded, cease to be a coordinate branch of the government, and ever after be subordinated to the legislative will. It would practically have revolutionized our splendid political fabric into a partisan Congressional autocracy.

Mr. Speaker, one has to conclude that the lessons of history—as drawn from this, our sole, prior experience with Presidential impeachment—weigh heavily upon your mind, and on the minds of those of our colleagues on the Committee on the Judiciary who now must endeavor to decide what possible, constitutionally-acceptable grounds for impeachment, if any, now lie against Richard Nixon.

This is a very difficult and delicate task—considering the absence of precedents to actually guide us, and the ultimate, political enormity of even an attempt at impeachment of the President; something which Time magazine, in its unprecedented editorial of last week calling for a Nixon resignation, described as a process which, even if Mr. Nixon were to be acquitted "would leave him and the country devastated." Fleshing out that thought, Time declared—and, I think, accurately—that any such impeachment trial "would take at least several months, during which the country would be virtually leaderless and the White House would be paralyzed while the United States and the world awaited the outcome."

Then Time stated:

> The Republic would doubtless survive. But the wise and patriotic course is for Richard Nixon to resign, sparing the country and himself this agony.

I will address myself to the question of resignation in a moment, Mr. Speaker, choosing to stay yet awhile with that alternative question—if it can accurately be described as an alternative—of impeachment.

As to that question—continuing to draw from "Time's" editorial—it is stated therein, in a manner that elaborates upon the lessons I have sought to draw from the 1868 impeachment trial, that:

> The right of free men to choose their leaders is precious and rare in a world ruled by authoritarian governments. It is the genius of the American Constitution that it combines stability with liberty; it does so in part by fixing a term for the Chief Executive and largely protecting him from the caprices of parliamentary governments. An American President must be given the widest freedom of action, the utmost tolerance, the most generous benefit of every doubt. It is a system that has served us well.
>
> A President's Gallup rating can fluctuate as much as the Dow Jones. He may push unpopular programs or oppose popular ones. Being a political as well as a national leader, he may dissemble within more or less accepted political limits. His Administration may be touched by corruption, provided that he does not condone it. He may make mistakes, many of them. He may fight the other branches of Government, for this is sometimes necessary to get things done. None of these matters—especially since they are always subject to partisan interpretation—are sufficient in themselves to justify the removal of a President.

What, then, Mr. Speaker, is "sufficient to justify the removal of a President"?

I confess I do not know; and I suggest, in all candor, that none of us knows, for certain—but I would urgently also suggest that it ought to mean, if we care at all about the institution that is the American Presidency, far more than ". . . whatever a majority of the House of Representatives considers it to be at a given moment in history."

This is the decision initially confronted by the distinguished gentleman from New Jersey (Mr. Rodino), and his colleagues on the Judiciary Committee. It is understandable if they have approached the challenge—and the enormity—thereof in a hesitant manner, up to now. Who would not—even if their mail was not running, as is mine, about 15 to 1 against the President, and the latest Gallup poll still showed that 54 percent of our citizens voted, despite grievous doubts about Mr. Nixon's noninvolvement in Watergate, against removing him from office?

Where, then, Mr. Speaker, do I—or we—go from here?

Our present situation—with both Mr. Nixon and the Nation left to dangle somewhere between the proverbial "hard-place" and the "rock" is well-nigh intolerable.

We simply cannot go on much longer—either the President, or the Nation—on the horns of such a dilemma.

My responsibility—our responsibility, Mr. Speaker, as members of the House is undoubtedly less than that of a member of the Senate who, in the end, votes "guilty" or "not guilty" on articles of impeachment.

And, yet, I no more think we should—at this point in time—prejudge the question of whether or not constitutionally-acceptable grounds for the impeachment of Richard Nixon now lie against him than a member of the other body should prejudge the sufficiency thereof for purposes of conviction. We, on the House

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side, do not act as "judges"—more nearly as grand-jurors—and yet, I have felt constrained to answer some of my more violent proimpeachment mail in the words of Senator William Pitt Fessenden, of Maine, who asked, in 1868.

> By what right can any man upon whom no responsibility rests, and who does not even hear the evidence, undertake to advise me as to what the judgment should be . . . ?

A large segment of the American public—perhaps urged in that direction by the news media, and perhaps not—has prejudged the impeachment case against the President. They—like some segments of the news media—are impatient over the slowness of the congressional pace towards such a judgment. A recent "New Yorker" magazine comment asks why:

> We go on searching for evidence—evidence that can only prove for the thousandth time what we already know. Hypnotized by investigations, we have not as a people, found the will to press for a resolution. Even in our extremity, we wait, it seems, for evidence that is more than evidence, as if some final memo or tape from the White House could free us of our obligations, and make for us the solemn decision we must now make for ourselves.

I understand the sense of frustration that lies behind such words, Mr. Speaker, for I share an equal sense of frustration.

And I appreciate the sincerity with which most of my constituent mail urging me to get on with the task of impeachment was written.

But, yet, as Stewart Alsop warns—in his Newsweek column for November 12—we, here in this House, must be wary of the "fever abroad in this city today, uncomfortably like the ferocious fever that seizes a fight crowd when the knees of a punch-drunk fighter begin to wobble."

It continues:

> (For) the danger is that, when the punch-drunk President is brought down, the Presidency itself will be brought down, its authority eroded, its defense damaged beyond repair.

Today, Mr. Speaker, after some unfortunate displays of partisan fireworks, we voted the Committee on the Judiciary $1 million to hire necessary staff, and pay the expenses involved in carrying out what its chairman (Mr. RODINO) called "the awesome responsibility of reviewing and investigating charges that the President of the United States should be impeached."

I voted for such funds, because I believe it essential that this preliminary inquiry be carried forward—and urge that it be completed at the earliest practicable date.

It is my understanding that word has come from the majority side of the committee to the effect that no resolution of its work can come before "late spring" next year.

I am not privy to all the problems involved in reaching such a resolution—even a tentative one—though I can well imagine what they must be.

I could not urge the committee to lose sight of the gravity of the task with which it is charged—but I would urge them to get on with it and, in all honesty, Mr. Speaker, it does seem to me that if it does a proper job, right now, of beginning to separate out the possible "constitutional wheat" from all the "political chaff," so to speak, contained in that familiar litany of current charges against Mr. Nixon, it could give us a resolution containing articles of impeachment for the House to vote "up" or "down" by early next year.

Mr. Speaker, I would strongly urge the committee to now set such a goal for itself—and announce the same publicly.

In doing so, the committee will have to reject the pleas of those who, for whatever motives, would want to drag the committee's inquiry on and on, until the broadest possible case against the President might be put.

It is necessary for the committee to do so for reasons well expressed in this excerpt from a recent "Wall Street Journal" editorial:

> (For) as it is Mr. Nixon is drowning in a sea of unproved charges. The moment he starts to address one of them, his answers are swept away by another. The farrago of charges includes the plausible and implausible, clear crime, disagreements on policy, differences on constitutional interpretation and no small measure of political malice. The result is to convince part of the public that the President is Satan himself, and to convince another part of the public that he is the victim of a campaign of baseless innuendo . . .
>
> Someone will have to seize the responsibility to frame a set of accusations that can be proved or disproved. The President must be given a bill of particulars against which he can defend himself, his critics must be given a feeling that at last the most serious of their fears was fully explored, and the public must be given a feeling that they are governed by serious and responsible men.

Mr. Speaker, there is a crisis of confidence—abroad in this sadly troubled Nation, today.

The author of the crisis may well be the present occupant of the White House.

But this House—this Congress, Mr. Speaker—shares with the President the larger responsibility of acting, now, to resolve that crisis, one way or another.

This brings me back, finally, to that question of Presidential resignation—which Time and many Americans view as an easier, and far quicker, way to resolve our dilemma.

Time declared—as we will recall—that the President has, with the Nation, passed ". . . a tragic point of no return—that the President has irredeemably lost his moral authority, the confidence of most of the country, and therefore his ability to govern effectively."

Again, while I respect the views of those who concur in this judgment, it remains my own judgment that it is too soon to come to any such conclusion.

Obviously, the President's moral authority has been grievously wounded—his effectiveness as our Chief Executive badly eroded.

I think he understands this—now—after months of seeming not to want to accept that prospect, and months of hoping, evidently, that his troubles would, somehow, all blow away.

Yet, I think he can—if he wants to badly enough—begin now to recapture some of that authority, perhaps not all, and some of that effectiveness, again perhaps not all, for I gravely doubt things will ever be quite the same again as they once were for Richard Nixon and the people he has worked so hard, and occasionally so successfully, to serve.

This is a matter that—like resignation—is out of my hands.

It is, instead, a matter between Richard Nixon and the American people.

I would not call upon him, as some in effect have, to now make "public penance," but surely right now a measure of humility would go down far better than further displays of bitterness—and, without intending to sound facetious, it might be a good time to replace "Hail to the Chief" with the National Anthem at White House functions.

What I suppose I am saying, Mr. Speaker, is that, even as Watergate has altered President Nixon's status—and, perhaps, eventually even his place in history—it has probably altered for all of us our concept of the Presidency, itself.

What I want—what I suspect we all now want is a far more open, more forthcoming, more down-to-earth Presidency than we have had in recent times.

We have had enough of confrontations—of internal divisions and strife; indeed, a decade full of both.

We want—and need instead, an era of reconciliation, and of cooperation; a national drawing together.

The saving grace in Watergate's whole shaking of our ideas and our ideals could be in the opportunity it now brings to us all—from Richard Nixon to the lowliest citizen—to move in such directions.

Mr. Speaker, we know, then, what we must do—so let us get on with it.

The President—in the interim—must decide what he can do, and what he will do.

But the only thing that really matters—as we contemplate our respective dilemmas—is the Republic, itself, which ought to be everyman's concern.

WATERGATE SPECIAL PROSECUTOR

The SPEAKER. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 60 minutes.

Mr. HOGAN. Mr. Speaker, the Subcommittee on Criminal Justice of the House Judiciary Committee on which I am privileged to serve has held hearings on legislation relating to a special prosecutor in the Watergate matters. The Judiciary Committee has reported out a bill calling for a court-appointed prosecutor.

More than two dozen bills have been introduced regarding this matter in the wake of the firing of Archibald Cox. Many of these bills reflect the haste with which they were put together. For example, the proposals by Congressman CULVER and Senator BAYH called for appointment of the special prosecutor by the chief judge of the U.S. District Court for the District of Columbia—Judge John Sirica. Although this legislation had many sponsors in the House and Senate, it is now conceded by most sponsors that this is not a desirable thing to do.

There is, however, substantial support

for the special prosecutor to be appointed by the judiciary rather than by the executive branch.

A great many Americans were shocked over the firing of Archibald Cox and the subsequent resignations of Attorney General Elliot Richardson and Deputy Attorney General William D. Ruckelshaus, and the confidence of the public was shaken that the prosecution of Watergate-related matters would go forward aggressively in an unfettered way.

There was unanimity on our subcommittee that everyone engaged in wrongdoing in connection with Watergate and its fallout extensions should be brought to justice. There was also agreement that there should be a special prosecutor to pursue these matters without interference. There was disagreement, however, as to how this special prosecutor should be appointed.

Mr. Speaker, I recommend that our colleagues in the House read the transcript of the hearings which our subcommittee held on the various proposals so they can assess the views of the witnesses about the merits and demerits of the various measures and the constitutional questions related to such legislation.

For purposes of simplification the various proposals can be divided into those which call for appointment of the special prosecutor by the judicial branch and those which call for his appointment by the executive branch.

This is the rock of the issue around which all of the constitutional controversy swirls.

The hearings evoked conflicting views from legal scholars as to whether or not it would be constitutional for the judicial branch to appoint a special prosecutor. Acting Attorney General Robert H. Bork, former Attorney General Elliot Richardson—who testified before the other body, Roger C. Cramton, dean of the Cornell Law School, and some members of the subcommittee itself believe the weight of authority is on the side of this being unconstitutional. Archibald Cox, former Watergate Special Prosecutor and Prof. Paul Bator, of the Harvard Law School, initially announced publicly that they felt it would be unconstitutional, but on further reflection both men changed their mind and concluded that they thought it would be constitutional.

Mr. Bork assured us during his testimony that there has been no interruption in the work of the former Watergate Special Prosecution Force. The group of lawyers assembled by Mr. Cox remains intact and has continued its work from the same quarters, with the same staff, and with the same investigative and administrative support from the Department of Justice. The Special Prosecution Force continues to have access to the full resources of the executive branch, including assistance from the Federal Bureau of Investigation and investigators from the Internal Revenue Service.

He said that the new special prosecutor, Mr. Leon Jaworski, has precisely the same charter that Mr. Richardson established for the former special prosecutor, with an additional safeguard of the special prosecutor's independence. That safeguard is the President's assurance that he will not exercise his constitutional power to discharge the special prosecutor or to limit his independence in any way without first consulting the majority and minority leaders and chairmen and ranking members of the Judiciary Committees of the Senate and the House, and ascertaining that their consensus is in accord with his proposed action.

Mr. Bork said it is anticipated that Mr. Jaworski will receive cooperation from the White House in getting any evidence he feels he needs to conduct investigations and prosecutions, but it is clear and understood on all sides that he has the power to use judicial processes to pursue evidence if a disagreement should develop in this regard.

I am sure I can speak for the entire subcommittee in stating that we were all satisfied that Mr. Jaworski will conduct the investigations and prosecutions with complete impartiality and diligence.

Mr. Bork testified that:

> The question is whether congressional legislation appointing a Special Prosecutor outside the Executive Branch or empowering courts to do so would be constitutionally valid and whether it would provide significant advantages that make it worth taking a constitutionally risky course." He said further, I am persuaded that such a course would almost certainly not be valid and would, in any event, pose more problems than it would solve.
>
> As I have said, the Special Prosecution Force is now and has been in uninterrupted pursuit of the cases under its jurisdiction. Should the Congress or the courts attempt to establish a new Special Prosecutor there is bound to be legal confusion, delay, and disruption of these investigations and prosecutions.

He added:

> There is also the danger—and this is the problem that concerns me most—that the establishment of a Special Prosecutor outside the Executive Branch would ultimately be held unconstitutional so that persons otherwise properly convicted would go free. A person "convicted" would, on a second trial, conceivably have a double jeopardy claim under the Fifth Amendment and, perhaps more plausibly, a claim that he had been denied the right to a speedy trial guaranteed by the Sixth Amendment and that the publicity generated by his first, invalid, trial denied him due process and an impartial jury as required by the Fifth and Sixth Amendments, respectively. There is, moreover, the real possibility that the delay would have let the statute of limitations run on some offenses and that witnesses and other evidence would be lost. These seem to me very substantial dangers that ought not to be courted unless there is no other way to proceed.

He went on to explain that the constitutional problem arises because the Constitution of the United States makes prosecution of criminal offenses an executive branch function. The Constitution distributes the powers of the three branches of Government and the only reference to prosecutorial powers is in article II, section 3, which states that the President "shall take care that the laws be faithfully executed." Article II, section 2 gives the President "power to grant reprieves and pardons for offenses against the United States." This power, too, indicates that the Constitution lodges in the executive branch complete control over criminal prosecutions.

The Acting Attorney General reminded us,

> Congress duty under the Constitution is not to enforce the laws but to make them. The Federal courts' duty under the Constitution is not to enforce the laws but to decide cases and controversies brought under the laws. The Executive alone has the duty and the power to enforce the laws by prosecutions brought before the courts. To suppose that Congress can take that duty from the Executive and lodge it either in itself or in the courts is to suppose that Congress may by mere legislation alter the fundamental distribution of powers dictated by the Constitution. Under such a theory, the Congress, should it deem it wise, could take the decision of criminal cases from the courts and assume that function itself or lodge it in the Criminal Division of the Department of Justice. That is simply not our system of government.

Some believe that the tradition which places prosecutorial power solely in the executive branch, may be evaded by powers expressly given the Congress in article II, section 2, and in article I, section 8.

Article II, section 2, grants wide powers to the President, including the nomination or appointment of various officers of the United States, and then states:

> But the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments."

Mr. Bork reminded us that this provision was added with little or no debate toward the end of the Constitutional Convention almost as an afterthought. Would the framers of the Constitution so carelessly destroy the principle of separation of powers they had so painstakingly worked out in the course of their deliberations? I think not.

There is no doubt whatever that the powers delegated to Mr. Jaworski are not only those exclusively vested in the executive branch but also are broad and comprehensive. The special prosecutor has four heads of jurisdiction:

First. Offense arising out of the unauthorized entry into Democratic National Committee Headquarters at the Watergate;

Second. Offenses arising out of the 1972 Presidential Election for which the special prosecutor deems it necessary and appropriate to assume responsibility;

Third. Allegations involving the President, members of the White House staff, or Presidential appointees; and

Fourth. Any other matters which he consents to have assigned to him by the Attorney General.

An Attorney General can delegate such functions to a special prosecutor but can Congress take them away from an Attorney General and give them either to itself or to the judiciary?

Acting Attorney General Bork concluded his formal statement before the subcommittee as stating:

> It is particularly important in times of crisis and deep-seated unease that we adhere to the constitutional system that has sustained us so long. It is all too easy to say that this is an emergency and we will violate

> the Constitution this one time. But that kind of expediency is habit forming. Bad precedents, once established, are easily used in the future.
>
> In sum, we now have a Special Prosecutor and a staff in operation. There is every reason to expect that they will carry out their investigations and prosecutions with the full rigor that the law requires. There is no reason to abandon a constitutional system of government that has served us so well for so long.

I agree with Mr. Bork's conclusion.

Professor Bator wrote in the May 5, 1973 New York Times:

> The Constitution vests executive power in the President and commands him to take care that the laws be faithfully executed. The enforcement of Federal criminal law is a central part of the function of executing the laws. For the Congress or anyone else to purport to create an agency wholly independent from the Executive Branch with power to enforce the criminal law would probably be unconstitutional.

The most serious doubts raised center on the fact that there are constitutional problems inherent in such a blend of the traditionally separate roles of the prosecutor and the judiciary. Some claim this violates the principle of separation of powers and appears to be at odds with the judicial function of the Federal courts as provided in article III. There has also been concern expressed that the creation of such a special prosecutor under the direction and supervision of the judiciary might well jeopardize the success of all future Watergate related prosecutors.

Everyone agrees that there is a serious question about the constitutionality which would inevitably be challenged in the courts. Obviously, any defense counsel for a defendant indicted by such a court-appointed prosecutor would certainly challenge the validity of the indictment and cause considerable delay while the question is resolved through the appellate process.

Mr. Speaker, this aspect of the legislation is so important that it warrants elaboration.

Article II, section 2 of the Constitution provides:

> (The President) shall nominate, and by and with the advice and consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by Law; but the Congress may by Law vest the appointment of such inferior officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

It is necessary to also read in this context, article III of the Constitution, which defines the judicial power of the United States, to determine if this places any limitation on the broad authority which article II appears to give.

The Supreme Court has implied, in vague language, that there is such a limitation, but has never had occasion to define it precisely or to hold that Congress has overstepped it. The Supreme Court and some lower courts have squarely held that under article II, section 2, Congress may vest in the courts the appointment of officers who do not perform functions connected with the judicial branch. The major pronouncement of the Supreme Court on the subject is Ex Parte Siebold (100 U.S. 371 (1879)). That case involved a petition for a writ of habeas corpus by certain individuals who had been convicted of offenses against the laws of the United States arising from the performance of their duties as supervisors of congressional elections. One of their defenses was that the Federal statute governing their appointment, which had vested the appointment power in the circuit courts of the United States, was unconstitutional. The Supreme Court implicitly assumed, arguendo that this claim would establish a defense and dealt with the question on the merits. The Court's entire discussion of this point is quoted below (100 U.S., at 397–398):

> Finally, it is objected that the act of Congress imposes upon the Circuit Court duties not judicial, in requiring them to appoint the supervisors of election, whose duties, it is alleged, are entirely executive in their character. It is contended that no power can be conferred upon the courts of the United States to appoint officers whose duties are not connected with the judicial department of the government.
>
> The Constitution declares that "the Congress may, by law, vest the appointment of such inferior officers as they think proper, in the President alone, in the courts of law, or in the heads of departments." It is no doubt usual and proper to vest the appointment of inferior officers in that department of the government, executive or judicial, or in that particular executive department to which the duties of such officers appertain. But there is no absolute requirement to this effect in the Constitution; and, if there were, it would be difficult in many cases to determine to which department an officer properly belonged. Take that of marshal, for instance. He is an executive officer, whose appointment, in ordinary cases, is left to the President and Senate. But if Congress should, as it might, vest the appointment elsewhere, it would be questionable whether it should be in the President alone, in the Department of Justice, or in the courts. The marshal is pre-eminently the officer of the courts; and, in case of a vacancy, Congress has in fact passed a law bestowing the temporary appointment of the marshal upon the justice of the circuit in which the district where the vacancy occurs is situated.
>
> But as the Constitution stands, the selection of the appointing power, as between the functionaries named, is a matter resting in the discretion of Congress. And, looking at the subject in a practical light, it is perhaps better that it should rest there, than that the country should be harassed by the endless controversies to which a more specific direction on this subject might have given rise. The observation in the case of Hennen, to which reference is made (13 Pet. 258), that the appointing power in the clause referred to "was no doubt intended to be exercised by the department of the government to which the official to be appointed most appropriately belong," was not intended to define the constitutional power of Congress in this regard, but rather to express the law or rule by which it should be governed. The cases in which the courts have declined to exercise certain duties imposed by Congress, stand upon a different consideration from that which applies in the present case. The law of 1792, which required the circuit courts to examine claims to revolutionary pensions, and the law of 1849, authorizing the district judge of Florida to examine and adjudicate upon claims for injuries suffered by the inhabitants of Florida from the American army in 1812, were rightfully held to impose upon the courts powers not judicial, and were, therefore, void. But the duty to appoint inferior officers, when required thereto by law, is a constitutional duty of the courts; and in the present case there is no such incongruity in the duty required as to excuse the courts from its performance, or to render their acts void. It cannot be affirmed that the appointment of the officers in question could, with any greater propriety, and certainly not with equal regard to convenience, have been assigned to any other depositary of official power capable of exercising it. Neither the President, nor any head of department, could have been equally competent to the task.
>
> In our judgment, Congress had the power to vest the appointment of the supervisors in question in the circuit courts.

It seems fair to conclude from the discussion in Siebold, that the Court did recognize the existence of a limitation on Congress article II, section 2 power to vest the appointment of an inferior officer in the courts, where it could be said that the duties to be exercised by that officer bore an "incongruity" with the judicial function. Furthermore, it could be argued from the final two sentences of the second from last paragraph in the quoted portion of the court's opinion above, that perhaps the courts, in determining the validity of any such statutes, are to consider the relative propriety and convenience of vesting the appointment in the President or the heads of departments, rather than in the courts of law.

The Constitution provides in article II, section 3 that the President is charged with the responsibility of insuring that the laws of the United States are faithfully executed. Thus it is argued that the function of conducting legal proceedings on behalf of the United States cannot be transferred to a prosecutor who is wholly independent of the executive branch.

In *Ponzi* v. *Fessenden* (258 U.S. 254, 262 (1922)) the Supreme Court ruled that the prosecution of offenses against the United States is an Executive function stemming from the power vested in the President by article II of the Constitution, the discharge of which is committed to the Attorney General:

> "The Attorney General is the head of the Department of Justice . . . He is the hand of the President in taking care that the laws of the United States in protection of the interests of the United States in legal proceedings and in the prosecution of offences, be faithfully executed.

Similarly, in *Springer* v. *Philippine Islands* (277 U.S. 189, 202 (1928)), the Supreme Court declared that "the authority to enforce laws or to appoint the agents charged with the duty of enforcing them" are Executive functions. (See also 2 Op. A G. 482, 487–493 1831).)

In *United States* v. *Cox*, (342 F. 2d 167 (5th Cir.) *cert. denied*, 85 S. Ct. 1767 (1965)), the Court of Appeals held that a U.S. Attorney could not be required by a court to sign an indictment initiating the prosecution of offenses against the United States. In addressing the constitutional authority of the executive branch in the enforcement of criminal laws, the court reiterated the principle of *Ponzi, supra*, that "the Attorney General is the hand of the President in taking care that the laws of the United States in legal proceedings and in the prosecution of offenses, be faithfully executed." (342 F. 2d at 171.) It then considered the role of the U.S. Attorney in discharging this Executive power:

> The U.S. Attorney is an Executive official of the Government, and it is as an officer of the Executive department that he exercises a discretion as to whether or not there shall be a prosecution in a particular case. It follows, as an incident of the constitutional separation of powers, that the courts are not to interfere with the free exercise of the discretionary powers of the attorneys of the United States in their control over criminal prosecutions.

Thus, the court ruled that to transfer the power which is committed to the Executive to determine whether to prosecute to another body—the grand jury—would be in derogation of article II which grants to the President all "executive power" and vests in him the responsibility to take care that the laws be faithfully executed.

Similarly in *Newman* v. *United States* (382 F. 2d 479 (D.C. Cir 1967)), the court held that the lower court had no authority to review decisions of the prosecutor and that "it is not the function of the judiciary to review the exercise of executive discretion" (382 F. 2d at 487). Rejecting the suggestion in a concurring opinion that "irrational" decisions might be reviewable, the court said:

> The Constitution places on the Executive the duty to see that the "laws are faithfully executed" and the responsibility must reside with that power. *Id.* n. 9.

The same principle applies with equal force to prohibit transfer of the power to prosecute offenses to an independent prosecutor or commission outside the executive branch.

Finally, it should also be noted that the resolution authorizing the appointment of a special prosecutor during the Teapot Dome scandal provides no precedent for the present bill. Prior to the introduction of the resolution in that instance, President Coolidge had suggested the appointment of special counsel, B. Naggel (*Teapot Dome,* p. 92), and the language of the resolution itself recognized the authority of the President to make the appointment. (S.J. Res. 54, February 8, 1924.)

The appointment of a special prosecutor is clearly proper but the appointment of such an officer outside the executive branch appears to always have been held improper.

There is only one reported case that considers the question of whether, under article II, section 2, Congress may authorize the appointment of a prosecutor by a court. In *United States* v. *Solomon,* (216 F. Supp. 835 (1963)) the court held that article II, section 2 permitted the appointment of a temporary prosecuting officer to fill a vacancy pursuant to Title 28 U.S.C. § 506. In that case, however, the statute did not confer, and the court did not assume, any authority over the U.S. Attorney appointed by the court. As with all other U.S. Attorneys, he remained in the executive branch, subject to direction by the Attorney General and removal by the President. The court was at pains to point out the uniquely limited character of the appointment power:

> The appointive power of the judiciary contemplated by Section 506 in no wise equates to the normal appointive power. First, the judiciary's power is only of a temporary nature. "[T]he appointment itself contemplates only a temporary mode of having the duties of the office performed until the President acts * * *." 16 Ops. Att'y Gen. 538, 540 (1880). Second, the exercise of the appointive power by the judiciary in no wise binds the executive. The statute clearly contemplates that the executive branch is free to choose another United States Attorney at any time, the judicial appointment notwithstanding. "It was not to enable the circuit justice to oust the power of the president to appoint, but to authorize him to fill the vacancy until the president should act, and no longer." In re Farrow, 3 F. 112 (C.C.N.D.Ga. 1880). "The authority given to fill the office of the circuit justice is an authority only to fill it until action is taken by the President" 16 Ops. Att'y Gen., supra at 540. (216 F. Supp at 842–843).

Other cases involving the application of article II, section 2 are somewhat unclear in their holdings and, in any event, not apposite here. *In the Matter of Hennen,* (38 U.S. (,3 Pet.) 230 (1834)) held that under article II, section 2, courts might be permitted to appoint their own clerks. The court held that the appointment of power "was, no doubt, intended to be exercised by the department of the government to which the officer appointed most appropriately belonged," (*Hennen* at page 258) and that the clerks clearly belonged most appropriately to the judicial branch.

Finally, in *Hobson* v. *Hansen* (265 F. Supp. 902 (D. D.C. 1967)) a three-judge court held, over the vigorous dissent of Judge Skelly Wright, that the district court could appoint members of the District of Columbia Board of Education. The court relied in large measure upon the unique dual character of the District of Columbia courts, under article I, that permits them to exercise legislative or administrative power. However, the court also stressed that the power to appoint involved no supervisory responsibilities and conceded that if the court were authorized to administer the schools it would be " 'such incongruity in the duty required as to excuse the courts from its performance or to render their acts void.' *Ex parte Siebold,"* (265 F. Supp. at 913).

The *Siebold* and *Hobson* cases involved appointments to positions that might arguably be considered "executive" in nature. But neither represented an encroachment upon one of the central responsibilities of the executive branch—the enforcement of the law. (*United States* v. *Cox,* 342 F. 2d 167 (5th Cir., 1965); *Newman* v. *United States,* 382 F. 2d 479 (D.C. Cir. 1967.))

It should also be pointed out, however, that the Hobson and Siebold cases both relate to the District of Columbia, over which the Congress has extraordinary powers. Article I, section 8 of the Constitution gives Congress the responsibility "to exercise exclusive legislation in all cases whatsoever" over the District of Columbia.

The advocates of the court-appointed prosecutor rely in part on this constitutional authority, citing the fact that many of the acts occurred in the District of Columbia.

Article I, section 8 has been said to give Congress greater powers in placing nonjudicial duties upon the judges of the courts within the District than it could impose on other Federal judges under article II, section 2. In *Hobson* v. *Hansen* (265 F. Supp. 902 (D.D.C. 1967).

The majority's opinion contains a lengthy exposition of the special status of the District of Columbia courts. But while the general proposition of greater congressional control over the District of Columbia courts with respect to nonjudicial functions seems unimpeachable, neither Hobson for any other case construing article I, section 8 provides a clear basis for believing that the District of Columbia courts can be vested with the authority to appoint, and remove a special prosecutor.

Whatever may be the case with respect to election supervisors or Boards of Education it is clearly incongruous for a court to assume any responsibility for the conduct of the prosecution. Indeed, the assumption of such responsibility would even seem to constitute a denial of due process to defendants. Any procedure which creates a nexus between the court and prosecutor may be violative of due process guarantees. *Tuney* v. *Ohio* (273 U.S. 510 (1926)). The legislative proposals advanced by various Members of Congress mandating judicial appointment of a special prosecutor creates, in my view, such a nexus. By entrusting ultimate control of the prosecution to the district court an unprecedented situation is created in which the court is forced to venture outside the powers entrusted to it by article III and attempt to assume the delicate—if not impossible—task of judging the conduct of the prosecution.

Support for such a bizarre prospect can be found nowhere in our Constitution. As the Court observed in Tunney—

> The requirement of due process of law in judicial procedure is not satisfied by the argument that men of the highest honor and the greatest self-sacrifice could carry it on without danger of injustice. Every procedure which would offer a possible temptation to the average man as a judge to forget the burden of proof required to convict the defendant, or which might lead him not to hold the balance once, clear and true between the State and the accused, denies the latter due process of law.

In *United States v. Solomon,* (F. Supp. 835 (1963)), previously discussed, the court was able to conclude that the temporary appointment of the U.S. Attorney did not violate due process because the power of removal rested with the President. But here the removal lies with the court and provides "a nexus between court and prosecution too close to comport with due process of law." (216 F. Supp. at 843).

No one doubts that there will be judicial scrutiny of such legislation and, even if the legislation incorporates a provision for expeditious judicial review, it will not come until after evidence has been presented to the grand jury, indictments have been returned, defendants have been arrested and arraigned, and defense motions have been filed. A judicial

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determination that the bill is unconstitutional would have an immediate adverse impact on all prosecutions arising out of the new court-appointed special prosecutor's activities. Unnecessary delay would be incurred while evidence is re-presented to obtain new indictments. Convictions may be overturned and retrial prohibited because of the double jeopardy clause of the fifth amendment. If retrial is permitted, the Government's case may be weakened during the intervening time as evidence is lost, witnesses become unavailable and memories fade.

Because of these anticipated ramifications, it would seem to me that the wisest course for Congress to pursue would be the one which is fraught with the least danger of unconstitutionality, and yet a course which responds to the need to insure the independence of the special prosecutor and assures the public that all that should be done will be done to bring guilty parties to justice.

While rockets of controversy were exploding in the aftermath of the Cox firing, the President appointed a new Watergate Special Prosecutor, Leon Jaworski, a Democrat from Texas, a renowned attorney, and former president of the American Bar Association. Mr. Jaworski testified before our subcommittee that he was confident that he had all the power and independence he needed to pursue Watergate prosecutions vigorously.

Interestingly enough, he told the subcommittee that he had been previously offered the special prosecutor's job before Archibald Cox was appointed. He said he declined to take the special prosecutor appointment at that time because he did not have the assurance of independence and power which he thought were required to do the job. He said he now has the additional powers which were lacking in the initial offer. In other words, he told the committee his power is broader than Archibald Cox's power was.

He testified that he told Presidential Assistant Alexander M. Haig, Jr. that, unless he had assurance of his independence beyond those given to Cox—

> I would not be available.

He added:

> I think I have the right to go after things Cox may not have gone after.

He said he had the right to sue the President to get any Presidential tapes or documents he feels he needs.

It will be recalled that the President at the time of Mr. Jaworski's appointment said he would not fire Jaworski without the concurrence of congressional leaders—House and Senate majority and minority leaders and the chairman and ranking members of the House and Senate Judiciary Committee. Jaworski said that, if he encountered any efforts to dodge his requests or uncooperativeness, he would report the matter to congressional leaders. Mr. Jaworski told the subcommittee:

> I was pleased to learn that, despite the events of the last few weeks, the Special Prosecution Force continued to function and moved forward on a number of important fronts. My directions to each task force were to continue with all pending investigations as vigorously and promptly as possible.
>
> Because of my belief that the public is entitled to have all serious allegations explored and dealt with as promptly as is consistent with the sound administration of justice, I am uncertain whether it is necessary or desirable for Congress to proceed with legislation along the lines being considered by the Subcommittee. It seems to me that the various approaches raise some issues on which reasonable men could differ. There is, therefore, inevitably going to be a good deal of debate before either House settles on any version of legislation dealing with the appointment and tenure of a special prosecutor. Other necessary steps before the matter is finally resolved, taken in conjunction with possible judicial proceedings relating to constitutionality, could well stall the effective labors of the Special Prosecutor's office for an extended period of time. These considerations seem to me to be important because the uncertainties that they involve may have an impact on the ability of the Special Prosecution Force to proceed with the continuity that I believe has now been restored.

He also assured the subcommittee when he said:

> I would not have accepted appointment as Special Prosecutor after the firing of Professor Cox had I not received what I consider the most solemn and substantial assurances of my absolute independence. In this regard, I wish to emphasize that the Acting Attorney General has issued regulations defining my authority and jurisdiction in precisely the same terms as were used in defining those of Professor Cox—with the notable addition of a firm and formal assurance that the President has agreed not to exercise his constitutional power to effect my discharge except accordance with the consensus of the bi-partisan leadership of the House and the Senate and of the Judiciary Committees of both Houses. In particular, prior to acceptance, I was given unqualified assurance that there would be absolutely no constraints on my freedom to seek any and all evidence, wherever it may be, including the Presidential files, and invoke the judicial process should I consider it necessary.

He added:

> In my judgment, therefore, I have all of the freedom of action that could be expected of a special prosecutor appointed under any other procedure, and I am already actively involved in the continued conduct of the investigations initiated by the Special Prosecution Force.

This, plus the fact that many of the prosecutions might be invalidated if the special prosecutor legislation is found to be unconstitutional, led some members of the subcommittee to seek a more promising solution not encumbered by the constitutional impediments.

Everyone on the subcommittee agrees on the need for a special prosecutor to carry forward the Watergate investigations and prosecutions. Everyone further agrees that the special prosecutor must be able to operate independently and be insulated from unjustified firing to assure the American people that all should be done and all will be done to bring guilty parties to justice. Everyone further agrees that Mr. Jaworski is a man of uncommon ability and impeccable integrity. In fact Democrats on the subcommittee insisted on writing into their version of the legislation a provision which would clearly make Mr. Jaworski eligible to be appointed by the district court panel as the special prosecutor. Although there were witnesses who felt court-appointed prosecutor legislation would be constitutional and there were others who thought it would be unconstitutional, everyone agrees there is legitimate cause for doubt about its constitutionality.

After listening to all of the witnesses and studying all of the complex questions involved and reading all the relevant cases bearing on the issue, some members on the subcommittee have reached what we feel is the best solution. We feel that the ideal solution is to accept the reality of the situation facing us: We have a special prosecutor who is moving forward with the investigation and prosecution. So, we should enact legislation which would leave him in place, guarantee his independence and tenure of office without running the constitutional risks inherent in a court-appointed prosecutor.

The recent decision of Judge Gerhard A. Gessell in the case of *Ralph Nader, et al* v. *Robert H. Bork* (Civil Action No. 1954–73, November 14, 1973) also corroborates the contention of some of us on the committee as to the undesirability of enacting a court-appointed prosecutor bill.

Judge Gessell said:

> The Court recognizes that the case emanates in part from Congressional concern as to how best to prevent future Executive interference with the Watergate investigation. Although these are times of stress, they call for caution as well as decisive action. The suggestion that the Judiciary be given responsibility for the appointment and supervision of a new Watergate Special Prosecutor, for example, is most unfortunate. Congress has it within its own power to enact appropriate and legally enforceable protections against any effort to thwart the Watergate inquiry. The Courts must remain neutral. Their duties are not prosecutorial. If Congress feels that laws should be enacted to prevent Executive interference with the Watergate Special Prosecutor, the solution lies in legislation enhancing and protecting that office as it is now established and not by following a course that places incompatible duties upon this particular court. As Judge Learned Hand warned in United States v. Marzano (149 F. 2d 923, 926 (1945)):
>
> "Prosecution and judgment are two quite separate functions in the administration of justice; they must not merge."

The Washington Post for November 15, 1973 reported that similar sentiments were expressed by Chief Judge John J. Sirica. He was quoted as saying:

> I think Judge Gessell is right. I do not know of any judge who thinks it is a good idea.

Mr. Speaker, I agree with both Judge Gessell and Judge Learned Hand. The substitute bill supported by a number of us on the committee does precisely what Judge Gessell suggests. It prevents Executive interference with the Office of Special Prosecutor as it now exists and insulates the special prosecutor from being fired by giving a fixed tenure of office of 3 years.

This substitute does not run the constitutional risks inherent in the bill reported by the Judiciary Committee. The substitute which failed to be approved in the Committee on the Judiciary, will be offered again on the floor when this bill

is before us. I urge our colleagues to support it.

WARMAKING POWERS

The SPEAKER. Under a previous order of the House, the gentleman from Alabama (Mr. Edwards) is recognized for 5 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, in an historic vote November 7, the Congress overrode President Nixon's veto and put on the books a law which returns the warmaking power to the Congress.

The Constitution says that the President is the Commander in Chief of the Armed Forces, but it also says that the Congress shall declare war.

We have been through both the Korean and Vietnam wars without a declaration of war. While we did not start these wars, we became involved by action of the various Presidents who were in office during those times.

I concluded a long time ago that this should never be the case again, and I introduced a bill limiting the President—any President—from involving this country in a war without the approval of Congress. Such a bill passed the House and the Senate and was vetoed by the President. I voted to override the veto.

My vote on the veto had nothing whatsoever to do with support or nonsupport for President Nixon. This vote did not concern any particular President. Rather, it concerned the future of our Nation. It is unfortunate that the vote occurred at a time when the President's problems are at their peak, but the issue of going to war is too important to ignore or postpone.

It is unfortunate that some elements of the news media made it appear that the vote on the veto should be construed as being either for or against the President. I repeat, President Nixon just was not the issue on this particular vote.

The new law will allow the President and Congress to properly share the responsibility of maintaining the peace and security of the Nation.

The law provides that, in situations where hostilities may be imminent, the President may immediately commit our troops and then promptly make a formal report to Congress.

Congress would then have 60 days to pass a war declaration or the action would have to end. The 60-day time period can be extended for an additional 30 days if the President certifies that the extra time is needed to safely withdraw our forces.

Congress could order a halt at any time by passing a concurrent resolution, not subject to presidential veto.

I think the total 90-day period gives ample time for the President to respond to any emergency and at the same time it gives the Congress ample time to assess the President's action.

No President should put this Nation into another war without explicit congressional approval and Congress, in turn, should not shirk its responsibility by passing the buck to the President.

There just cannot be any more Vietnams where there is no intention to win and where there is no declaration of war.

During the Vietnam war the only votes we really ever had on the issue concerned the providing of funds to support our troops. Of course, we tried to provide our boys with everything they needed, but we never really got down to a vote as to whether we should be in Vietnam. I think the Congress must face up to this responsibility in the future.

None of this action should be interpreted as a weakening of our defense posture. On the contrary, by returning to the constitutional mandate making Congress an active party, I believe we have strengthened our Nation.

THE COMMITTEE ON THE JUDICIARY MUST CONDUCT A FULL, FAIR, AND EXPEDITIOUS INVESTIGATION

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. Kemp) is recognized for 10 minutes.

Mr. KEMP. Mr. Speaker, I supported today final passage of the resolution to provide funds with which the Committee on the Judiciary is to conduct an investigation of allegations of impeachable offenses ascribed to the President. Prior to final passage, I supported the important and desirable positions sought by the minority members of the Committee on the Judiciary.

I want to make clear that my support was designed to help the President clear the air arising from the allegations being made.

I have repeatedly said that only a fair, full, and speedy investigation would restore the credibility of the President—a credibility essential to the effective conduct of both American foreign policy and domestic policy.

I believe that the President's effectiveness during the remainder of his elected term of office and the future viability of the Presidency as an institution demand a complete, expeditious, and final resolution of the impeachment issue.

I am convinced that anything less than such an investigation—to either refute or corroborate the charges being made—will leave the Presidency permanently scarred and impaired.

Additionally, as one who believes strongly in the principles embodied in the Constitution of the United States, I am bound by it to follow the process mandated by that document, and that process—hammered out in the wisdom of the Founding Fathers—is impeachment.

We did not, today, vote for impeachment, but we did support the investigatory steps which will decide if that process is to be exercised in the long-range best interests of the Republic.

It is not in the interest of the President to delay further that full, fair, and speedy resolution which I trust will come from the committee's investigation and subsequent deliberations. To delay would simply give otherwise unfounded assertions a color of "obstruction."

It was unfortunate that such a spirit of fairness and due process did not pervade the assertions of some majority Members today, as this body saw unfold before it an effort to deny the minority its legislative prerogatives—an effort of the most partisan nature. Members of the minority were deprived of the chance to amend this resolution to provide the essential legislative powers with which to hire minority counsel and staff, and to have really a full voice in these investigations. Those Members who acted in such a partisan manner would have been better advised to have followed the words of Speaker Albert.

The House must perform its constitutional function in an orderly and responsible manner under the Rules of the House, completely free of personal or political considerations.

The committee now has an opportunity to prove whether the results match the Speakers very sincere rhetoric.

ODE TO JOHN ERLENBORN

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Dent) is recognized for 10 minutes.

Mr. DENT. Mr. Speaker:

The minimum wage bill my colleague bemoans,
His sufferings replete with anquishing groans.

His cries of despair my ears do perceive
His grief, I surely do want to relieve.

To the Record I rush in a flurry of haste
To discern the villain who caused his distaste.

To inquire what manner of man it could be,
Who denied him the Law for which he now pleads.

Across the pages my fingers do fly,
Til I come to the answer and let out a cry!

"Alas, alack, and Holy Cow!"
It was my friend who did himself foul.

Oh, Johnny, my boy, are you so distraught
That your role in that battle you've so soon forgot?

'Twas you, my friend, who led the assault,
And placed the dagger that caused the result.

It appears that your limericks leave certain things out,
Reflecting your memory, about which I have doubt.

Permit my response then, in the same rhythmic tone.
Although I prefer to do business by phone;
"A friend of mine, John Erlenborn
Pleads loudly now for the 'poor forlorn'
His time is spent
Doing things he repents
Oh my, has John's memory went!"

CHICAGO "RIVER RATS" TO RECEIVE WELL-DESERVED NATIONAL HONOR

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. Annunzio) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, I wish to bring to the attention of my colleagues that on December 6 Keep America Beautiful, Inc., will give its 1973 Organization Award to the River Rat Society, many of whose members reside in the 11th Congressional District of Illinois, which I am proud to represent, for their part in the clean-up of the North Branch of the Chicago River.

The "River Rats" include Boy Scouts working as part of their organization's national cleanup Project SOAR—Save

Our American Resources—Girl Scouts working in Chicago Scout Project SPAR—Services To Preserve American Resources—members of the 85th Support Battalion of the U.S. Army Reserves, and many Northwest Side Chicago residents, both young and old, who volunteered their services.

This community project involved 4,396 workers in the field from 220 Scout troops, packs and posts, for a total of 42,973.75 man-hours. Over a period of just 10 working days, they removed some 616 tons of debris from the river and its banks.

I have personally participated in these cleanup sessions and have witnessed first-hand the magnificent dedication and spirit of cooperation, as every individual joined together to make "our river" beautiful once again, and I am indeed proud of this significant accomplishment and of our community.

The award will be presented in New York on December 6 at the Biltmore Hotel at the 20th annual meeting of members of Keep America Beautiful at an awards banquet attended by over 1,000 representatives of government, industry, labor, citizens organizations, and other countries. In attendance to accept the society's award will be: Carol A. Miller and John Anderson, SOAR cochairmen, accompanied by their spouses; Mrs. Jo Nierman, SPAR chairman for the Chicago Girl Scouts; and Warrant Officer Ray Prusinski, 85th Support Battalion, U.S. Army Reserves.

These dedicated citizens went as far as they were able to go, with limited equipment, to improve their community. I was proud to supplement their efforts by sponsoring the amendment authorizing the U.S. Army Corps of Engineers, with its technical expertise, to complete the job through annual maintenance of this vital waterway. This amendment has passed both Houses of Congress as part of the Water Resources Development Act of 1973.

We are well on our way toward restoring the scenic beauty that once existed along the North Branch of the Chicago River and I congratulate the members of the River Rat Society and their able leaders on this achievement. This outstanding program will serve as an example to all Americans of what cooperative effort can achieve in preserving the environment and improving the quality of life all over the world.

CPA AT EPA

The SPEAKER. Under a previous order of the House, the gentleman from Florida (Mr. Fuqua) is recognized for 5 minutes.

Mr. FUQUA. Mr. Speaker, we shall soon consider on the floor of this House proposals for the creation of a Consumer Protection Agency which will advocate the interests of consumers in Federal decisionmaking. When similar bills were considered in the last Congress there was much confusion concerning the powers and effects of the proposed CPA.

In order to avoid a recurrence of that confusion, I have asked those Federal agencies which would be subject to the CPA's advocacy rights to list, and to delineate by the several categories set forth in the bills, their 1972 proceedings and activities which would be subject to CPA action. And, in order to make their replies available to all the Members of the House, I have been inserting them in the Record as received.

A Government operations subcommittee, on which I serve, is now considering three CPA proposals. The bills are H.R. 14 introduced by Congressman Rosenthal, H.R. 21 introduced by Congressmen Holifield, Horton, and others, and H.R. 564 introduced by Congressman Brown of Ohio and myself.

The major difference among the bills is that H.R. 14 and H.R. 21 would both authorize the CPA to appeal the final decisions, including a decision to take no action, of other agencies to the courts. The Fuqua-Brown bill, H.R. 564, would not grant this extraordinary power to a nonregulatory agency.

Today, I wish to call attention to the reply from the Environmental Protection Agency. It has been suggested that a CPA would be so interested in opposing the activities of the Environmental Protection Agency that they should be located next to each other.

The material submitted by the EPA includes in addition to a listing of its activities throughout 1972, some activities engaged in, in 1973, and some from 1971. The list is so long, exceeding 100 pages and detailing hundreds of actions of the agency, that I shall not insert it in the Record, but shall submit it for retention in the subcommittee files where it will be available to any Member.

Many of the activities listed by the agency would be of substantial concern to a consumer advocate—for included are such matters as a proposed rule concerning motor vehicle certification procedures; notices of proposed exemptions from residue tolerance on agricultural products; and rules concerning permissible food additives. The list contains in excess of one thousand such activities.

In all of these proceedings, a CPA would be entitled under all three bills to participate in advocating the interests of consumers. Under all of the bills except the Fuqua-Brown bill, the CPA would be authorized to initiate court appeals of the decisions of the EPA.

In addition, I should like to call attention to an Associated Press news item carried in the Washington Post of October 28, 1973, showing that the EPA opposes broadening of citizens' rights to file environmental lawsuits. The agency opposes a proposal which would, in the view of EPA, "permit Federal courts to substitute their discretion for that of EPA under existing environmental control legislation." This same fear has been expressed by expert witnesses testifying on giving the Consumer Protection Agency appeal rights. Such witnesses have opposed placing the burden of the final administrative determination in Federal courts which are poorly equipped for such decisionmaking.

Mr. Speaker, I now include in the Record the letter response of the Environmental Protection Agency and the Associated Press item headlined "EPA Hits Citizens Suit Bill," and remind the Members that the voluminous appendix material referenced in EPA's letter will be on file in the Government Operations Subcommittee on Legislation and Military Operations.

U.S. Environmental
Protection Agency,
Washington, D.C., October 4, 1973.

Hon. Don Fuqua,
House of Representatives,
Rayburn House Office Building,
Washington, D.C.

Dear Congressman Fuqua: Your letter of September 7, 1973, addressed to Mr. Robert Fri, the former Acting Administrator of the Environmental Protection Agency, arrived at our offices September 12th. In a telephone conversation with Mrs. Lane Gentry of my office on September 21, your Legislative Assistant, Mr. Steve deMontmollin, agreed that response by October 4 would be acceptable to you.

As you can no doubt appreciate, various resources had to be utilized in order to reply in a responsible manner to your thought-provoking and, indeed, perceptive questions. For purposes of clarity, I am restating those questions and following them with answers.

Question 1. What regulations, rules, rates or policy interpretations subject to 5 USC 553 (the Administrative Procedure Act (APA) notice and comment rulemaking provisions) were proposed by your agency during calendar year 1972?

Answer: I am enclosing a copy of our Federal Register Log (marked Attachment A) which lists—with specificity—the dates, register citations and the nature of Notices, Proposed Rules and Rules promulgated by our Agency from the present back through 1972. Because of the nature of the record keeping here, as well as for purposes of completeness, I have included 1973 figures. Citizen comment and/or participation was and is always invited when Proposed Rules are made. Mr. Lawrence Parker of our Agency may be contacted if you have further questions regarding this matter at 755–0830.

Question 2. What regulations, rules, rates, or policy interpretations subject to 5 USC 556 and 557 (that is, APA rulemaking on the record) were proposed or initiated by your agency during calendar year 1972?

Answer: Attachment A should provide you with the necessary information here. I am, however, including Attachment B which seeks to list EPA Regulations (and in some cases Rules) from 1971–1973. Here again, record keeping practices are such that I chose to provide you with this comprehensive listing instead of merely 1972 citations. In the event that you have additional questions on this point, please feel free to contact Mr. Joe Coutruvo at 755–0304 at EPA headquarters.

Question 3. Excluding proceedings in which your agency sought primarily to impose directly (without court action) a fine, penalty or forfeiture, what administrative adjudications (including licensing proceedings) subject to 5 USC 556 and 557 were proposed or initiated by your agency during calendar year 1972?

Answer: In consultation with our Administrative Judge here at the Agency, Herbert Perlman, I have learned that no such proceedings were conducted during calendar year 1972. The Judge did state that our Agency hearings under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) of 1947, most recently amended by the Federal Environmental Pesticide Control Act of 1972 (FEPCA), might possibly be considered as pertinent here. Since cancellations are not, however, generally regarded as forfeitures, this would exclude them from pertinent application to this question. Under the Federal Water Pollution Control Act, as amended in 1972, one proceeding for permission to dump pollutants into streams was held. See 38 F.R. 13528 and 13537. Judge Perlman may be contacted at 755–6279 should you have further questions on this matter as well as my answers to Questions 4 and 7. I should note also that a compilation is presently being undertaken which, when completed, will detail our Regional Offices' response to the very question that you have raised. Ms. Pam Duncan of our Agency may be contacted regarding this survey at 557–7470.

Question 4. What adjudications under any provision of 5 USC Chapter 5 seeking primarily to impose directly (without court action) a fine, penalty or forfeiture were proposed or initiated by your Agency during calendar year 1972?

Answer: None.

Question 5. Excluding proceedings subject to 5 USC 554, 556 and 557, what proceedings on the record after an opportunity for hearing did your agency propose or initiate during calendar year 1972?

Answer: A response to this question can be made more properly by considering the major EPA areas of responsibility:

Air and Noise: Although the Clean Air Act allows for such hearings under Section 110(f), none have been conducted. Interestingly, the recent auto emission hearings were not required by statute to be on the record. Mr. Robert Baum may be contacted in the event that you should have additional questions here at 755–2530.

Water: One such proceeding was initiated for vessel sewage regulation. Mr. Taylor Miller at 755–0753 should be your EPA contact in this area.

Pesticides: One such proceeding was initiated. Cancellations under FIFRA technically trigger APA proceedings since after notice to cancel a registration, a thirty day period of time is allowed for a hearing. If no such hearing is requested on the proposed cancellation, no further action or proceeding is instigated. Mr. George Robertson should be your EPA contact. He may be reached at 755–0726.

Question 6. Will you please furnish me a list of representative public and nonpublic activities proposed or initiated by your agency during calendar year 1972?

Answer: Please see Attachments marked C. Mr. Ed Chase at 755–0855 will respond to any additional questions that you might have here.

Question 7. Excluding actions designed primarily to impose a fine, penalty or forfeiture, what final actions taken by your agency in calendar year 1972 could have been appealed to the courts for review by anyone under a statutory provision or judicial interpretation?

Answer: Assuming an aggrieved party could show proper standing as a consequence of having sustained an injury or by a showing that Agency action was unreasonable because of its arbitrary or capricious nature, then such a person could possibly succeed in attacking Agency action—assuming, again, of course, that he first exhausted his administrative remedies and the doctrine of primary jurisdiction was not held to be a significant obstacle.

I do hope that my responses to your questions will be of some value and assistance to you. If I may be of additional service, please feel free to contact me.

Thank you.

Sincerely yours,

Robert G. Ryan,
Acting Director, Office of Legislation.

EPA Hits Citizens' Suit Bill

The Environmental Protection Agency contends that bills designed to broaden a citizen's right to file environmental suits against the government would weaken the agency's regulatory powers.

"Inconsistent citizen litigation would hover over all enforcement agencies, and EPA's ability to require compliance with pollution control statutes and regulations would be seriously eroded," said Alan G. Kirk, II, the agency's general counsel.

He appeared as a witness before the House environmental subcommittee which is holding hearings on 10 bills that would strengthen the hand of the public in filing suits against such agencies as EPA and the Council on Environmental Quality.

Kirk said EPA supports the concept of a citizen being able to file a suit against the government to halt something he considers environmentally dangerous. But the bills pending in the House, he said, go too far.

He cited a bill which would require federal courts to defer to EPA standards only when they are more rigorous than those being sought in an environmental suit.

That provision, said Kirk, would "permit federal courts to substitute their discretion for that of EPA under existing environmental control legislation."

John A. Busterod, acting chairman of the Council on Enivronmental Quality, also opposed the pending legislation. He said the measures would "force the federal courts to go into environmental regulation beyond the areas where Congress has acted."

A number of environmental groups testified in favor of the legislation.

Brock Evans, the Sierra Club's Washington representative, said that "it is claimed that the agencies have the expertise but we can demonstrate that where the expertise exists, it is silenced all too often."

Evans said the legislation is needed because "the present administrative or executive process is not adequate to protect environmental quality."

FOREIGN BANK CONTROL LEGISLATION

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. Patman) is recognized for 5 minutes.

Mr. PATMAN. Mr. Speaker, I have recently introduced the Foreign Bank Control Act, an updated version of efforts which I and others made in 1967 and 1969 to provide for Federal chartering and regulation of foreign banks in the United States. The bill is both complex and controversial and subsequently I will offer a more detailed analysis of its provisions. For the moment, I submit the following outline of the bill which provides a general summary of its provisions:

OUTLINE OF THE FOREIGN BANK CONTROL ACT

Generally speaking, the act provides for the following:

First, chartering of banking subsidiaries of foreign persons—by the Secretary of the Treasury and the Federal Reserve Board in the case of federally chartered subsidiaries conducting international banking and—by the Secretary and appropriate State banking authorities in the case of State chartered subsidiaries conducting banking—in the same manner as other national and State banks.

Second, requiring submission of certain materials and information by foreign persons seeking to establish banking subsidiaries in the United States to the Secretary and the Board or the Secretary and the appropriate State banking authority, as the case may be.

Third, directing the Secretary to publish guidelines concerning the optimal level of banking which should be conducted in the United States by banks owned or controlled by foreign persons and the degree of permissible concentration of such banks.

Fourth, establishing standards by law administered by the Secretary to insure that laws governing or restricting certain activities by American banks will apply to banks operating in the United States which are owned or controlled by foreign persons.

Fifth, specifying criteria for the Secretary and the Board in determining whether to grant or extend charters under the act.

Sixth, listing activities in which federally chartered subsidiaries may and may not engage—the activities in which State chartered subsidiaries may engage is primarily determined by appropriate State banking authorities.

Seventh, limiting the number and location of subsidiaries chartered under the act.

Eighth, requiring maintenance of reserves against liabilities by subsidiaries chartered under the act.

Ninth, prohibiting conversions, mergers, and consolidations of subsidiaries chartered under the act.

Tenth, a provision concerning revocation and suspension of charters.

Eleventh, nonownership by American companies of subsidiaries chartered under the act.

Twelfth, a general provision governing transferability of stock of subsidiaries chartered under the act.

Thirteenth, directing the Comptroller of the Currency to examine subsidiaries chartered under the act.

Fourteenth, limiting acquisitions of American banks and bank holding companies by foreign persons, including the requirement that acquisitions do not violate guidelines of the Secretary of the legislative standards of section 4.

Fifteenth, prohibiting the establishment of American bank holding companies by foreign persons whenever establishment would violate guidelines of the Secretary or legislative standards of section 4.

Sixteenth, deeming any American bank to be a subsidiary chartered under the act and subject to its provisions whenever any foreign person controls it.

Seventeenth, concerning present banking holdings in the United States of foreign persons, requiring compliance with the act within 2 years or 5 years—with petitions showing cause—including phasing out of branches and agencies of foreign persons engaged in banking.

Eighteenth, permitting representative offices of foreign banks in the United States.

Nineteenth, authorizing the President to negotiate international bank information agreements.

WHO IS IN CHARGE?

The SPEAKER. Under a previous order of the House, the gentleman from

Connecticut (Mr. COTTER) is recognized for 5 minutes.

Mr. COTTER. Mr. Speaker, it would take a considerable effort to escape the conclusion that our Nation is facing a serious energy crisis. Those who have studied this issue—I among them—believe there is a crisis, yet I am amazed to find in my own district a high level of cynicism about the energy "crisis." The best reflection of this attitude is "Well, if there is such a shortage, how come it clears up every time gas goes up 3 to 5 cents a gallon?" "What about the oil company profits, they do not seem to be suffering from the crisis."

In spite of these serious concerns, which by the way have not been answered to my satisfaction, I am convinced we will experience a severe shortage this winter and next year.

"Rationing," "allocation," "taxes" and "conservation" fall from the lips of the President, Governor Love, Secretary of the Interior Morton, Secretary of the Treasury Shultz, and other administration officials in speeches and statements; but each of these people cannot seem to answer this question: "Who is in charge?"

Last spring when the Congress passed the Economic Stabilization Act, it added a provision giving the President authority to allocate fuel and gas because of actual and potential shortages. As a member of the Conference Committee which adopted this provision—which is the only legal authority for the President's allocation efforts to date—I was well aware of the vigorous opposition by the White House to this amendment.

Lately, I have found out that the mandatory allocation program is languishing on the vine because of lack of funds. A call to the Boston office which handles the fuel allocation program for the entire New England region said they were awaiting "Congressional action for funds" before undertaking the full allocation effort. It is important to remember, again, that the President had this power for almost 7 months; and the energy crisis was not a recent discovery by either the President, the Congress, or the American people. The clear implication from the comments of the Boston office was that Congress was to blame for not providing the necessary money. Well, as it is becoming absurdly commonplace in this town, a little research showed that the request for funds for the oil allocation program was being held up by—you guessed it—OMB. While the Nation faces a cold winter, OMB was involved in quibbling over how much money should be approved for this national program.

Two weeks ago, OMB finally sent Congress its recommended budget for these offices, $10,270,000. Yet under questioning last week by the House Appropriations Subcommittee, Eli T. Reich, new head of the Office of Petroleum Allocation, admitted he needed at least twice that amount to effectively run the allocation and possible rationing programs.

I understand OMB has not officially increased its request but is reluctantly talking about $18 million, which is still shy of what Adm. Reich says he needs. This unnecessary delay is impeding putting the allocation program into effect, and it is now the middle of November.

The lack of swift and effective action on energy matters underlies the most serious question being asked in the Nation today: "Can President Nixon lead effectively?"

At this time of crisis, great amounts of Presidential time are being expended on lobbying Congressmen and Senators to make up for years of neglect and racing around the Nation in energy-consuming flights to "show the flag." While it is important to attempt to restore public confidence in his Presidency, the chaos in the administration's energy fight is becoming clearer every day—increasing the prospects for a long, cold winter.

In sum, the question "Who is in charge here?" is still unanswered.

A SERVICE DESERVING OUR HIGHEST PRAISE AND SUPPORT

The SPEAKER. Under a previous order of the House, the gentleman from South Carolina (Mr. DAVIS) is recognized for 20 minutes.

Mr. DAVIS of South Carolina. Mr. Speaker, I regrettably note that one of our colleagues—Representative HOSMER of California—has suggested an action concerning our defense posture that is so unsound, and so lacking in awareness, that it constitutes a serious potential danger to our national security. Since the Congressman purposely entered a speech which contains his suggestion into the CONGRESSIONAL RECORD on October 24, 1973, I must assume that his intentions are not frivolous—notwithstanding any appearances to that effect. Therefore, I am compelled to set the record straight on the matter.

Incredibly, what Representative HOSMER has done is suggest that the U.S. Air Force be "disestablished," and that its airpower functions be given to the Navy and the Army. Citing the costs of national defense—with which we are all very familiar—the Congressman bases his suggestion upon the totally inaccurate and illogical assertion that the "burden of defense necessities—fall heaviest on the Navy which must function worldwide, next on the Army, and last on the Air Force."

Now I will not attempt to set priorities of importance for the Army, Navy, and Air Force, as Representative HOSMER has done. This would be a wasteful exercise in the extreme, if for no other reason than that it is absolutely clear that all three services are of critical importance to our very existence. But I cannot let the statement that the burden of defense necessities falls "last on the Air Force" go unchallenged. This statement is wrong—dead wrong—and the Representative's suggestion should be discarded forthwith.

Let the record speak for itself.

Consider first the burden of strategic nuclear deterrence. Our primary national security objective in the nuclear era always has been the deterrence of strategic nuclear warfare. A capability to deter strategic attack is absolutely essential to the survival of the United States. This is our foremost defense burden—and it is eminently clear that the Air Force share of this burden is enormous.

Is not the Congressman from California aware that two of the three elements of our strategic retaliatory force—comprised of bombers, ICBM's, and submarine-launched missiles—are provided by the Air Force? Does he know that within that essential mix of weapon systems the Air Force provides 70 percent of the total delivery vehicles, more than 75 percent of the vehicles on day-to-day alert, and more than 90 percent of the total megatonnage? In the face of these facts, how in the world can the Congressman from California allege that the burden of defense falls "last on the Air Force?"

And there is much more to the strategic equation to be considered. For example, as has been repeatedly indicated by the President, we must have the means to respond in accordance with the nature and level of provocation, and without necessarily resorting to the mass destruction of tens of millions of people. This compelling need for an ability to respond flexibly is satisfied exceptionally well by the Air Force. It is the Air Force which provides the highly versatile bombers which are capable of delivering a wide range of weapons—large and small—under positive control, with precision accuracy, and with minimum collateral damage. And it is the Air Force which provides the ICBM's, which are at once both the most powerful and the most precise of the strategic missiles; which are missiles characterized by a very high degree of command and control responsiveness; and which are far and away the least expensive of the strategic missiles. Again I ask: In the face of these facts, how can the Congressman from California possibly deprecate the contribution of the Air Force to our national security posture?

Now let us consider the forces for deterrence of conflict below the level of strategic nuclear war. Deterrence at such a level is dependent on perceptions by potential aggressors of the capability of United States and allied forces to respond successfully to a wide spectrum of attacks while controlling the level of violence. The deterrence provided by our conventional forces is strengthened by the presence of theater nuclear forces and by the inevitable risk of strategic nuclear warfare. The strength of U.S. forces and the strength of the U.S. commitment to support its allies are fundamental to the credibility of deterrence. Does not the Representative from California realize that Air Force capabilities and deployments are an irreplaceable element of the force structure which underwrites deterrence throughout the world wherever our interests and commitments dictate?

Can the Congressman possibly doubt, for example, the imperatives of Air Force deployments in NATO Europe and elsewhere? Can he possibly deny the effectiveness of the Air Force in conflicts in far corners of the globe—such as in Korea, where heavy bombers were in action over North Korea shortly after conflict initiation?

Has the Congressman already forgotten the achievements of the Air Force in the recent conflict in Vietnam? Air Force accomplishments were remarkable. Consider the extraordinary success of the Linebacker II bombing operations, which I am fully convinced served as a catalyst for the negotiations which resulted in the cease-fire and the return of our POW's. Consider that ground commanders routinely requested B–52's to bomb enemy concentrations. Air Force fighters dominated enemy aircraft in air-to-air actions. Tactical fighter bombers flew over a million sorties under every conceivable condition performing close air support and interdiction missions. Air interdiction reduced the flow of enemy supplies and restricted his freedom to build up and concentrate his forces.

There were numerous instances when Air Force airpower—employed in close support of allied troops—turned the tide of specific battles at crucial times. Tactical fighters literally saved the day on many occasions, providing the soldier on the battlefield the most effective close air support he has ever had, and earning his lasting gratitude. If the Congressman from California has any questions on these matters, he need only review the testimony of the Chief of Staff of the Army, General Abrams, before the House Armed Services Committee on April 17 this year. Referring to close air support as provided by the Air Force, he said:

> . . . it is not only the airplane; it is the whole system the Air Force has. . . I am going to be defending that. It is great. And I don't think anyone else in the world has it.

Further, Air Force airlift operations brought a new dimension to our capabilities in conventional war. Air Force tactical airlift gave commanders a degree of battlefield flexibility previously unknown, and strategic airlift introduced a new era in logistics and fore mobility.

Now, considering additional facts such as these, I again must ask: By what logic can it be alleged that the Air Force share of the defense burden is not truly major?

In his speech, the Representative from California described many perils posed by the military threat to this Nation—yet he suggests that the Air Force be "disestablished." Can anyone honestly believe that this would strengthen deterrence? Any perceptive observed would quickly understand that such an action would cut into the core of our real strength, would seriously debilitate our deterrent, and would increase the probability of aggression against us and our friends. It would also substantially increase the costs of defense, by throwing out of the window the extensive efficiencies and effectiveness resulting from centralized control of airpower resources—efficiencies and effectiveness which have been meticulously developed and finely tuned over the years by the Air Force.

I could go on at length about the illogical nature of the Congressman's proposal. However, I believe I have already given it more time than it deserves, so let me close now with a few observations.

I fail to understand how Representative Hosmer—who has not only been exposed in this forum to extensive discussions concerning our true defense requirements, but who also holds high rank as a reserve military officer—could seriously make a suggestion to abolish the Air Force. I believe that such a suggestion does a disservice to our national security deliberations. It does a disservice to the thousands of dedicated Air Force airmen who have given so much for our country and who are continuing to serve this Nation so well. And it would not surprise me in the least if the Congressman's suggestion—which was first made at a gathering in October intended to honor our Navy's 198th birthday—was a source of embarrassment to the senior naval officers in attendance at his presentation.

The record should be set straight. We need the Air Force. There is no way we can do without it.

PANAMA CANAL PILOTS ASSOCIATION URGES MAJOR MODERNIZATION AS THE SOLUTION FOR THE CANAL PROBLEMS

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, over a period of years, I have repeatedly endeavored in a series of addresses to this body to alert the Congress and the Nation at large to the major issues in the interoceanic canal problem. This effort has had two recent significant consequences.

The first was on July 19, 1973, when Senator HARRY F. BYRD, JR., of Virginia, led an illuminating colloquy in the U.S. Senate on "The Future of the Panama Canal." Other Members of that body participating in that colloquy were Senators STROM THURMOND, ERNEST F. HOLLINGS, JAMES L. BUCKLEY, CLIFFORD P. HANSEN, and JESSE A. HELMS.

This was followed by a second colloquy on September 26, in the House of Representatives on the timely subject: "Overthrow of Chilean Marxist Regime Dramatizes Necessity for Firm Stand by United States Against Any Surrender at Panama," which was led by myself. Other Members who took part were Representatives JOHN M. MURPHY, M. G. SNYDER, JOHN M. ASHBROOK, PHILIP M. CRANE, and JOHN R. RARICK.

The information developed in those colloquies emphasized two major points: First, the necessity for continued undiluted United States sovereign control over the Canal Zone and Panama Canal; and second, the urgency for action by the Congress on the long overdue major modernization of the existing Panama Canal, for which project legislation is now pending in both the Senate and House.

This vital subject has been before the Congress since the authorization in 1939 of a Third Locks project. Because of more urgent war needs, the project was suspended in May 1942, affording an opportunity for its study in the light of war experience. Those studies resulted in the development in the Panama Canal organization of what is known as the Terminal Lake-Third Locks plan for the future canal, which has won strong support among canal users as well as by highly respected canal experts and important navigation interests.

The Panama Canal is a vast industrial organization. The result of American genius in many fields, it has as its primary purpose the safe, convenient, and expeditious transit of vessels between the Atlantic and Pacific oceans. Maintained by engineers, it is operated by experienced navigators known as Panama Canal Pilots, who until October 1, 1973, had to be U.S. citizens with U.S. Coast Guard unlimited master's licenses. The members of this professional group, because of their vast command experience at sea and in charge of the navigation and movement of vessels in the canal, probably know more about its problems of marine operations than any other body in the world.

As shown by the sustained record of inaction on the part of the executive branch of our Government, important Panama Canal policy matters have been stalled for far too long through pusillanimous procrastination, unending negotiations on U.S. sovereignty over the Canal Zone that is not negotiable, and futile studies at large cost over the irrelevant and ancient idea of a canal of so-called sea level design. The time has clearly come for breaking the administrative inertia, as regards major canal policy.

A crisis as regards Panama Canal pilots, too involved for recital here, has at last forced higher authorities of our Government to look at the problem of the Panama Canal and to stimulate pilots to express their views concerning the major modernization of our strategic tropical waterway.

At a well attended general meeting on October 15, 1973, of the Panama Canal Pilots Association that body adopted a notable resolution. It summarizes the present situation, criticizes projected improvements as "nonbasic in character," condemns the sea level scheme, and urges prompt enactment of pending legislation for the major modernization of the Canal under the Terminal Lake-Third Locks solution. This plan, by the way, can be accomplished with every assurance of success for it has been tested for more than half a century at Gatun and found eminently satisfactory. Moreover, it does not require a new treaty with Panama.

In this connection, I would emphasize that the average size of vessels transiting the canal increased 16.1 percent from fiscal year 1966 to 1972 and that this trend toward larger vessels can be expected to continue. The program contemplated in the pending legislation will meet canal needs for many years to come. Not only that, it will revitalize the isthmus and enormously aid the people of Panama, who will be one of the prime beneficiaries of the modernization program.

Mr. Speaker, to make the indicated resolution of the Panama Canal Pilots Association available to the Congress, the executive agencies concerned, and the Nation at large, I quote it and the forwarding letter of Capt. Wilbur H. Vantine, president of the association, as parts of my remarks and commend them for careful reading:

PANAMA CANAL PILOTS ASSOCIATION,
Washington, D.C., October 25, 1973.

Re Panama Canal—Third Locks-Terminal Lake Plan.

DEAR CONGRESSMAN: The Panama Canal Pilots Association strongly supports the Thurmond-Flood bills regarding major modernization of the Panama Canal.

We have given much thought and study to this matter. Furthermore, in our work of transiting vessels through the Canal we constantly observe the operations and are, of course, thoroughly familiar with the physical features of the Canal.

The original engineering and construction were magnificent. The engineers involved were very farseeing and the Canal has essentially met the needs of world shipping for over 60 years. However, time and progress are fast catching up with and will soon overwhelm the Panama Canal as now structured.

Attached hereto, is a copy of a Resolution which was passed unanimously at a very well attended General Meeting of our Association held on October 15, 1973.

We hope that you will be able to support the Thurmond-Flood bills.

Sincerely yours,
Capt. W. H. VANTINE,
President.

PANAMA CANAL MAJOR MODERNIZATION—OCTOBER 15, 1973

Whereas, since 1914 the pilots of the Panama Canal have accumulated a vast knowledge concerning its marine operations through thousands of transits on all types of vessels; and

Whereas, during World War II extensive studies in the Canal organization of marine operations conclusively established the location of the bottleneck at Pedro Miguel Locks in the south end of Gaillard Cut as the fundamental operational error in constructing the Canal; and

Whereas, as a result of those World War II studies, there was developed in the Canal organization and approved by a committee of our most distinguished senior pilots what is now known as the Terminal Lake-Third Locks Plan; and

Whereas, this plan has been consistently recognized by various responsible independent navigation interests as providing the best operational canal practicable of achievement; and

Whereas, more than $171,000,000, has been expended toward the major modernization of the Canal, $76,357,405 on the suspended Third Locks Project and some $95,000,000 on the enlargement of Gaillard Cut; and

Whereas, the several items in the 1969 Improvement Program for the Panama Canal, though important, are non-basic in character and no solution for the Canal's major marine operational problems; and

Whereas, the Thurmond-Flood bills for the major modernization of the Canal now before the Congress will provide increased lock capacity for larger vessels, greater transit capacity, and eliminate the Pedro Miguel bottleneck locks; and

Whereas, the plan provided for in these bills would preserve the existing fresh water barrier between the oceans and thus continue to protect them from the biological hazards feared by respected scientists in any sea level undertaking; and

Whereas, responsible organizations and informed experts oppose the construction of any sea level canal as needlessly expensive, diplomatically hazardous, ecologically dangerous and less satisfactory operationally than the existing canal; now therefore, be it

Resolved, by the Panama Canal Pilots Association that it supports the Terminal Lake-Third Locks solution as provided in the Thurmond-Flood bills; and

Resolved, that the Panama Canal Pilots Association urges the Governor of the Canal Zone to use the full force of his office to support prompt enactment of the pending legislation for major canal modernization; and

Resolved, that the Panama Canal Pilot Association opposes the construction of a new canal of so-called sea level design; and

Resolved, that the Panama Canal Pilot Association directs that copies of this resolution be sent to the following:

President of the United States.
Vice President of the United States.
Secretary of State.
Secretary of Defense.
Secretary of the Army.
Secretary of the Navy.
All Members of the Congress.
Leading Marine Organizations and Periodicals.
American Society of Civil Engineers.
Society of American Military Engineers.
American Legion.
Veterans of Foreign Wars.

Capt. W. H. VANTINE,
President, Panama Canal Pilots Association.

GUARANTEEING THE INDEPENDENCE OF THE SPECIAL WATERGATE PROSECUTOR

The SPEAKER. Under a previous order of the House, the gentleman from Iowa (Mr. CULVER) is recognized for 5 minutes.

Mr. CULVER. Mr. Speaker, I am sure all members share my interest in the U.S. district court's declaratory judgment on the legal validity of the firing of Special Prosecutor Cox. In the course of his opinion, Judge Gesell volunteered a warning that court appointment of a new special prosecutor might improperly merge the separate functions of prosecution and judgment. The judge of course had not had the opportunity to examine the bill I introduced on this subject, in the form in which it has now emerged from the Judiciary Committee. When that is done, I feel confident that any doubts on this score will be satisfactorily set to rest.

I am of course gratified that the Cox dismissal has been held illegal. But he is still out of office and is not going to be reinstated. Money damages would be the only available remedy for another illegal firing, and that will not answer to the national requirement of a prosecutor who is assured of staying on the job.

The practical reservations expressed by Judge Gesell in the advisory part of his opinion have already been taken care of by the Judiciary Committee. It is clear under the bill that the court will not itself exercise any prosecutorial functions. Any member of the panel who participates in the appointment of the special prosecutor will be expressly disqualified from sitting in judgment on his cases. In addition, the panel will be entirely free to appoint Mr. Jaworski, and I believe this would be a wise course.

Notably, Judge Gesell did not express any doubt about the constitutionality of my bill. Almost 100 years ago the U.S. Supreme Court, in the Siebold case, ruled unanimously that it is the constitutional duty of the courts to carry out appointment functions vested in them by the Congress. Therefore, I believe the Congress must press ahead for adoption of legislation guaranteeing the independence of the special prosecutor.

CHEMICAL WARFARE POLICIES NEED EXAMINATION

The SPEAKER. Under a previous order of the House, the gentleman from Utah (Mr. OWENS) is recognized for 5 minutes.

Mr. OWENS. Mr. Speaker, on November 1, I introduced House Resolution 679 in which I urged the support of the Congress in securing a thorough reevaluation of the Nation's policies on chemical warfare and urged that certain problems associated with ratification of treaties on chemical warfare be resolved so that action could be taken. Today, I am introducing another resolution with the same recommendations and with the support of a number of our fellow Members.

I have not been idle since I first introduced my resolution. I have been attempting to secure all additional information to which I can gain access in order that I can clarify my own thoughts on these problems and also be in a position to offer any assistance and information which I can to other Members who have the same interests in expediting these long overdue reevaluations and actions. I have had additional conferences with representatives of the Department of Defense and I have been in communication with individuals who have expert knowledge of this subject. I have learned, as have others before me, that information about chemical warfare programs is not readily obtained, and much of it is classified. I have been able to learn more about the planned implementation of the binary chemical weapons program and it appears that there is a high degree of certainty that the DOD is indeed planning on early incorporation of this system into our inventory, and consequent destruction of our existing stockpiles as this transformation of weapons systems occurs. This is particularly disturbing in light of Secretary of the Army Howard Calloway's statement in Salt Lake City last night that open air tests of nerve gas will be resumed. Although the Army today conceded that his statement was in error, that possibility, nonetheless, makes it all the more imperative that we in Congress reassess our national stance on chemical weapons.

I continue to be very troubled about the tenuous basis of our chemical warfare deterrence policies. I have interpreted the briefings I have received as indicating that our evaluation of the effectiveness of the deterrence value of chemical agents is predicated upon "guesstimates" of enemy interpretations of our intentions. There appears to be very little sound data indicating that a chemical response to enemy attack with chemicals would do little more than reduce the fighting effectiveness of both sides by forcing both sides to fight in chemical equipment. The advantages of such a stalemate, it seems to me, would accrue to the side which has the defensive equipment and training for fighting in a chemical environment. And the estimates seem to give a strong defensive capability to the other side. I am uncertain as to just how effective our own capability to fight in a chemical environment would be—and I consider a strong and effective defense capability to be

even more important than the imponderables associated with estimates of deterrence value. Further, I have not been convinced of the rationale which suggests that a chemical warfare deterrent capability will prevent the use of chemical agents by an enemy or eliminate the necessity for escalating to the capability of nuclear warfare. In 1969, we reached a decision that a biological warfare stockpile had litte deterrent capability. This decision was reached without knowing that an enemy might have reached the same conclusion. What is our deterrence to biological attack? And in any event, what do we really know about biological warfare capabilities of other nations? In what way is our logic about the deterrence and value of chemical weapons different from our logic about the deterrence of biological warfare? And why is it that NATO nations seem to have less concern about the need for a deterrent stockpile of chemical weapons when it is within these nations that any application would probably take place? These and other questions need a public examination.

Such an examination can occur if action is taken upon the resolution which I have already introduced and which I am introducing with cosponsors today. I urge your support of this resolution, the text of which follows:

H. RES. 713

Resolution expressing the sense of the House of Representatives concerning ratification of the Geneva Protocol of 1925, and a comprehensive review of this Nation's national security and international policies regarding chemical warfare

Resolved, That it is the sense of the House of Representatives that the Geneva Protocol of 1925, banning the first-use of gas and bacteriological warfare, be ratified immediately; and be it further

Resolved, That it is the sense of the House of Representatives that both the President and the Congress should resolve the Position of the United States on the future status of herbicides and tear gas so that the Senate may move forward toward immediate ratification of the Geneva Protocol of 1925; and be it further

Resolved, That it is the sense of the House of Representatives that reconsideration of the Protocol would provide an opportunity for a comprehensive review of United States' policies in the field of chemical warfare.

Further, I believe that you will be interested in an analysis which was presented in the prestigious international journal, Nature, on October 25, 1973. This analysis indicates the very great interest which the international political and scientific world has in the developments which are taking place within our country with regard to current and proposed chemical warfare systems. I include the article at this point in the RECORD.

NERVE GAS—THE ARMY'S LATEST WEAPON

Although President Nixon announced, in November, 1969, that the United States would never be the first to use chemical weapons in a war, the Department of Defense has carried on an extensive research and development programme on nerve gases and other chemical agents. The latest fruit of the Army's endeavors, so-called binary nerve gas weapons, will be rolling off the production lines in about four years if Congress approves and—perhaps more important—if the Army gets its way with the rest of the armed services and the Administration. In any case, the Army has already begun to mobilise its public relations forces.

As usual in such matters, a pall of secrecy surrounds the details of binary weapons. But their chief feature is that they are made from two relatively harmless chemicals which form a lethal nerve agent only when they are mixed together. The idea is that the two components would be stored separately and they would be loaded into a shell on the battlefield. As the shell is fired, a diaphragm separating the components ruptures and the nerve agent is produced while the projectile is on its way.

The Army is enthusiastic about the possible addition to its chemical arsenal because binary weapons open up the possibility of getting rid of the stockpiles of lethal nerve gases that are now stored in army depots throughout the United States. These generate public alarm and opposition to the entire chemical weapons programme.

But the enthusiasm is not shared by everybody, for there is concern in some circles about the effects of a large new United States chemical weapons programme on international attempts to ban chemical and biological warfare agents. In particular, there is some alarm about the possibility that the development of binary weapons in particular will increase the chances of proliferation of nerve agents not only to countries that do not already possess them but even to terrorist groups.

Congress has been aware of the Pentagon's binary weapons programme for at least four years through testimony given to armed services and appropriations committees. But the hearings have been held behind closed doors and the "sanitised" transcripts of the proceedings have contained virtually no discussion of the possible implications of the programme. Last month, however, a few members of Congress received a note from the Secretary of the Army which gave a few details of the planned production of binary weapons. This was the Army's first pitch to get its programme accepted.

Among other things, the note indicates that the Army is hoping for nothing less than the total replacement of existing stocks of nerve gas by binaries—a programme several orders of magnitude greater than many observers were expecting. To give some indication of the scope of the programme, a report published by the Stockholm International Peace Research Institute (*The Problem of Chemical and Biological Weapons*, II, 1973) estimates that there are between 15,000 and 20,000 tons of nerve gases now stockpiled in the United States.

Specifically, the Army's note says that the Pine Bluff Arsenal—a chemical weapons facility in Arkansas—has been selected to produce one component of a binary munition. The component will be "similar to chemicals used by the pesticide industry [whose] characteristics closely resemble those of an insecticide for home use", and it will be placed in a special binary shell, also to be manufactured at Pine Bluff. The second component, which will be made by industry, will be loaded into the shell on the battleground.

What the note does not say is when the munition will be produced, how much it will cost, what type of nerve gas will be generated, or whether open air testing will be carried out. In short, apart from the designation of Pine Bluff, the note says little that is not already known.

According to an Army spokesman, however, production of binary weapons is set for 1977 if Congress comes up with sufficient money. If past records are anything to go by, that should not be much of a problem, for Congress has so far given the Army everything it has asked for to support the programme. In the past three years, for example, research and development on binary weapons has cost $12.4 million, increasing from $2.9 million in 1971 to $5.4 million last year. The nerve agent produced in the binary will, again according to the spokesman, be nonpersistent, and another Pentagon official confirmed that it would be very similar to GB, a nerve gas developed in Germany during the Second World War (but never used) and now heavily stockpiled in the United States. GB is lethal when inhaled or absorbed through the skin.

As far as testing is concerned, it should be remembered that the Army suffered an embarrassing setback to its nerve gas testing programme when, in 1968, a faulty tank on an aircraft sent a cloud of nerve agent outside the testing area in Dugway, Utah, and killed several thousand sheep. That incident led Congress to pass a bill requiring the Secretary of Defense to give at least 30 days' notice of impending tests of lethal agents. Some observers of the binary programme have thus been waiting for such a notice as a signal that procurement of binary weapons is imminent, particularly since General William Gribble, Chief of the Army's Research and Development programmes, told the House Armed Services Committee in 1972 that "open-air testing with lethal agents will be requested to confirm weapon efficiency of the binary 155 mm projectile priod to procurement".

The Army is attempting, however, to bypass the testing stage. Mr. Tom Dashiell, a Pentagon official concerned with the binary programme, said last week that there are no plans to conduct open-air tests with lethal agents. Considerable testing has taken place with non-toxic binary stimulants, he said, and such testing has already proved the reliability of the binary concept. It is also believed that the Army conducted at least one test with lethal binary weapons before Congress passed the 1969 restrictions.

As for the military implications of the production of binary nerve gas, it is perhaps worth noting that in references to the weapons during Congressional testimony so far, its military effectiveness has been scarcely mentioned. Yet, binaries would be less effective than conventional nerve gas weapons because hydrogen chloride would be produced as a by-product in the binary reaction. Thus, not only would the nerve gas payload per weapon be reduced by about 30%, but the gas would also no longer be odourless. Moreover, since time would have to be given for the binary components to react, the weapons could not be used at short range or at low altitudes.

The Army is thus gearing up to sell Congress on the idea of binary weapons, and its public relations is likely to emphasise the safety features of the munitions, compared with conventional nerve gas weapons. An indication of the likely campaign comes in the note to Congress which said that "the binary munition offers a major advance in safety over current chemical munitions . . . their development is intended to obviate the hazards normally associated with the manufacture, transportation, storage, and disposal of the current family of lethal chemical munitions. An Army spokesman added last week that binaries "represent a quantum jump in safety".

The timing of the note to Congress is also worth noting. This week (on October 3 and 4), the House Armed Services Committee held two days of hearings on the storage and transportation of nerve gases. The reason for the hearings was essentially a public outcry that has arisen over the storage and possible relocation of nerve gas weapons at the Rocky Mountain Arsenal on the outskirts of Denver. The arsenal holds obsolete stocks of mustard gas, phosgene and GB in M-34 cluster bombs, which the Army has promised to destroy, together with a quantity of GB which forms part of the deterrent stockpile. Since the arsenal happens to be near to the North-South runway at Stapleton International Airport, Denver residents are under-

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standably unhappy and want the stuff removed. Then, when word leaked out that the Army was considering shipping some of the nerve gas to Tooele Arsenal in Utah, an even louder outcry went up. The Army has the problem under study again, and its decision is likely to be announced at the hearings. It will not let a chance like that go by, however, for doing a little proselytising for its new, safe weapons.

So far, since there has been little public discussion of binary weapons, there has also been little public opposition to them. When it comes, however, it is likely to take two chief tacks. The first is whether or not the expense of making the stockpiles safer is justified. And the second is the effect of binary weapons on international agreements to limit the production and spread of chemical and biological weapons. The second argument is undoubtedly the more important.

As for the economic aspect, Dr. Matthew Meselson, Professor of Biochemistry at Harvard, estimated last week that the total cost of developing binary weapons and detoxifying existing stocks of nerve gas could be as much as $500 million. He pointed out that so far, in spite of widespread public alarm, the Army has a good safety record with its nerve gas stocks, and he suggested that the money could be better spent elsewhere. The Army is likely to argue, however, that the development of binaries will actually save money because there would no longer be large costs associated with the maintenance of stockpiles of highly corrosive nerve agents. It is estimated, for example, that weapons packed with conventional nerve gases have a shelf life of only about 10 or 15 years. But Meselson is skeptical of that argument, pointing out that the weapons that have given trouble—some M–55 rockets and M–34 cluster bombs—have been either destroyed or are about to be detoxified, and maintenance costs of the stockpiles will shrink in any case.

The international implications are more difficult to predict. Although the United States has never ratified the Geneva Protocol of 1925, outlawing the use in war of chemical and biological weapons (see following article "Hope for the Protocol"), President Nixon's 1969 announcement that the U.S. will relinquish first use of chemical weapons and abandon biological weapons entirely—including their production, storage and use—at least signifies that the United States is interested in international CBW control. The development of a new generation of nerve gas weapons could, however, damage that impression and make the UN Chemical Warfare disarmament talks, which have just completed their fifth fruitless session in Geneva, even more difficult.

Of great concern to some observers, is the effect that binary production could have on proliferation. Nerve gas weapons are costly to produce, chiefly because of the difficulty of building a plant to deal safely with the extremely toxic and corrosive chemicals. Production of the binary components for nerve agents does not, however, carry such a penalty—a country with an insecticide industry and some leaked American technology would probably be able to produce at least a binary G-agent, according to Julian Perry Robinson, chief author of the SIPRI study (see *New Scientist*, 58, 4; 1973). One step further, the development of binary weapons may even open up the frightening possibility that nerve agents would be within the reach of terrorist organizations.

HOPE FOR THE PROTOCOL

Although the United States Army is pushing ahead with plans to develop a new generation of lethal nerve gas weapons (see accompanying article), some observers of the United States chemical and biological warfare posture believe that the time may now be ripe for the government to ratify the 1925 Geneva Protocol on chemical and biological warfare. The protocol, which was negotiated after the extensive use of poison gas during the First World War, outlaws the use of chemical and biological weapons in war. But the United States has never ratified it.

When it was first submitted to the Senate for approval in 1926 (all such treaties entered into by the US must be approved by a two-thirds vote of the Senate), the protocol ran into opposition from the chemical industry and the American Chemical Society—which has since reversed its stand—and it was never acted upon. In 1969, however, President Nixon made his historic announcement that the United States would renounce the first use of chemical weapons in war and abandon biological weapons completely; the following year, he again sent the Geneva Protocol to the Senate for ratification. But it then fell foul of the Vietnam war.

Largely because the United States forces in Vietnam were using herbicides and CS, the Administration insisted that such agents are not covered by the protocol. (The British government has taken a similar position over CS.) But the Senate Foreign Relations Committee, under the chairmanship of Senator J. William Fulbright, maintained that such agents do fall within the scope of the protocol—a viewpoint which was affirmed by the UN General Assembly in 1969 by 80 votes to 3—and refused to act on it until the Administration altered its position. Until the Geneva Protocol is ratified, however, the United States will not ratify a treaty on biological weapons which was signed last year.

Three factors were suggested last week by sources on Capitol Hill and in the Arms Control and Disarmament Agency which may lead to a compromise between the Administration and the Senate on the matter of herbicides and tear gases, however. The first is the ending of the Vietnam war, which no longer puts the US in the embarrassing position of supporting CBW control at the same time as it is using chemical agents in war. The second is two internal reports prepared for the Department of Defense which indicate that the agents are of only marginal value in any case. And the third is the change of leadership in the State Department. As one Congressional source put it, with Kissinger and Fulbright lunching together every other day, anything can happen.

SEATTLE'S MAGIC CARPET BUS SERVICE

The SPEAKER. Under a previous order of the House, the gentleman from Washington (Mr. ADAMS) is recognized for 5 minutes.

Mr. ADAMS. Mr. Speaker, I am pleased to be able to bring to the attention of my colleagues an experiment in free mass transit service that is taking place with great success in Seattle, Wash.

The municipality of Metropolitan Seattle, with the support and funding of the city of Seattle, has established "Magic Carpet Service"—a zone of free bus ridership that includes most of downtown Seattle. Since the advent of the service in September the number of downtown bus riders has increased by 56 percent.

In this time of energy crisis, air pollution and traffic clogged city streets the importance of this creative program cannot be overemphasized. National attention has been focused on Seattle's Magic Carpet Service by very favorable media exposure and already other municipalities have begun looking into the Seattle system to determine the feasibility of a similar project in their own community.

The concept of a free mass transit system is timely and innovative. Best of all, in Seattle, Wash., it is working. I want to offer my congratulations to the city of Seattle and Metro and wish them continued success.

THE TERROR IN CHILE

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, in today's Village Voice there appears an article describing what happened to Paul Heath Hoeffel, the writer, during the first days of terror initiated by the junta in Chile. At least one American, Charles Horman, was executed by the Chilean junta. Thousands of other Chileans and non-Chileans have been tortured and many executed. The terror continues. Our Government has failed to exercise any restraining influence on the junta so as to end its continuing program undertaken against the supporters of the Allende government.

The article authored by Paul Heath Hoeffel follows:

CHILE'S JAILS: STATE OF SHOCK

(By Paul Heath Hoeffel)

BUENOS AIRES.—Military raids on homes are commonplace in Chile. My story is benign compared with thousands of other people, innocent people, upon whom a lethal terror has been unleashed. All it takes is an anonymous phone call denouncing a foreigner or suspected leftist, to have a busload of soldiers or carabineros surround one's home and, often, methodically rip it apart and take what they wish, including prisoners.

I was asleep when someone entered my room. A jab in the back startled me and I turned to find the young face of a carabinero staring down from the other end of a machine gun. I slowly rose and dressed and watched as 10 of them searched the apartment. There were four of us and they kept us in separate rooms, the captain going over our documents carefully.

The house was clean. All leftist books, magazines, posters, records, and newspapers had been meticulously weeded out weeks before—another commonplace in Chile. I made a mental inventory and glanced over at the desk where three neat envelopes lay ready for mailing. I had just finished a 3000-word article on the Junta, three copies, and my stomach dropped to my knees. The searches are thorough. The captain picked up one of the envelopes and ripped it open.

"What's this?"

"A letter."

He opened the other two. "Why three copies?"

I didn't answer and he stared at the pages.

An hour later the article, along with a copy of the Economist, a movie poster in Hebrew (which the sergeant insisted was Russian), an Argentine newspaper, and some Yugoslav magazines, and three of us from the building (they raided the four apartments where there were foreigners) found ourselves in the bus. Curious neighbors, mostly middle-class opposition people, gawked and were dispersed by the unit of 30 carabineros.

There were no charges and we were confident we would be shortly released. A fat officer took down our names on a receipt pad which once belonged to the Monthly Review in Spanish. Another offered us Cuban cigarettes ("El Popular") and a third showed off a Russian Communist Party pin he had confiscated from someone and wore on his

uniform. The atmosphere in the comisaria was that of any dull crumbling police station. Only the Brazilian, a high-strung poet who had been arrested in Brazil, was pessimistic. The Chilean and I went over our stories carefully, expecting interrogation at any moment.

Two hours later we were joined by a young Chilean worker whose every step made him wince in pain. Both his eyes were black and swollen, his nose broken and pushed to one side. The carabineros had almost broken his thigh bone and his rib cage was a mass of bruises—they had been interrogating him off and on for three days, in which time he had eaten nothing. "Why?" we asked with fright. "Por ser izquierdista" ("For being a leftist") was his simple reply. Four hours later, with no explanation, we were all placed in a closed police van with two armed guards who told us we were headed for the Estadio Nacional.

Under the Estadio are a series of locker rooms which are used as cells. They are for soccer teams of 15 men to shower and dress. In the first days after the "golpe" up to 150 men were packed into the cells 24 hours a day, the first five days without any food whatsoever. These were the days of the terror, as the prisoners who had lived through it called them. And it had been worse in the Estadio de Chile, where prisoners were being shot in front of the others, where beatings and torture were continual all day and night. Now, we were told, it was a "tasa de leche" in comparison. The women were being held outside the stadium where two swimming pools formed a small complex.

There was an average of 60 men in our cell and they greeted us warmly when we arrived. Almost all were workers, though there were two high school students and three campesinos readily identified by their tanned tranquil faces. Two or three men over 70 years old were given special treatment, usually consisting of one more blanket and an extra piece of bread. Despite the solidarity expressed by everyone, no one talked politics. It was tacitly understood that everyone was of the left but only in private groups did people discuss their individual cases. Toward the end of the week new arrivals were almost always union leaders who had been arrested at their work, either factories or offices, whereas as before prisoners were a very random lot.

The routine was fairly well set: up at dawn, cup of hot milk and piece of bread at 8 a.m.; then we were assigned to a section in the bleachers; in front of us were three soldiers with a heavy machine gun pointed at us; at 4 p.m. the single meal would arrive in army cookers, usually a plate of beans or lentils and occasionally another piece of bread; at sundown back to the cells, distribution of blankets and some foam rubber mattresses, 10 heads to each mattress; before going to sleep at 9 another cup of sugared milk. A doctor told me men were getting between 900 and 1300 calories a day. Those who had been in the Estadio longest were gaunt and weak, especially if they had been beaten or tortured.

The first night, shortly after we had been locked in, the soldiers came by and dumped in a seemingly lifeless body—a dark well-dressed man whose face was white, like paper, his eyes half open, spittle coming from his mouth. Later we learned he had come from the Air Force center in San Bernardo, a few miles south of Santiago, where he had been tortured with electric shock so badly his tongue had been burned. The next day another victim arrived, also half dead, and the two of them lay for days under piles of blankets, staring off blankly into space. We were separated from those who had been interrogated normally.

When it is not raining everyone sits in the bleachers and watches the three gardeners manicure the soccer field. There is constant activity on the periphery of the field, with prisoners, men and women, being marched out to freedom, to interrogation, or new arrivals. A thousand or so prisoners were freed in this week and the military put on shows for select newsmen. They neglected to inform the public that for every prisoner who left a new one arrived and the stadium maintained its level of around 3000 persons. When prisoners left, the bleacher crowds would whistle "Auld Lang Syne" or someone would sing the popular song "Libre."

October 8 the UN's National Committee for the Aid of Refugees was permitted to see the foreigners for the first time. We were assembled under the scoreboard, around 200 men and 60 women, mostly Brazilians, Uruguayans, Bolivians, with a smattering of Europeans, a dozen blacks from the Dominican Republic and Haiti, Centro-americanos, an old Cuban who had come to Chile to cure his asthma, Argentines, a Japanese, and me.

The uncertainty of their situation, the brutal treatment many had received during this period of hysterical xenophobia, had brought many to the brink of desperation. Many, particularly the Bolivians, Brazilians, and Uruguayans, were political exiles in Chile and were being told they would be repatriated. I spoke with one 40-year-old woman who had fled from the Junta in Brazil to Bolivia and upon the overthrow of Torres in Bolivia had to flee once more to Chile. The Committee explained that no one in Latin America wanted them and they had to think about going to Europe.

Though there was a major present, several of the prisoners stood up and denounced what was going on in the stadium: over half had been beaten during arrest or interrogation, and many of the women had been sexually abused. An Uruguayan woman claimed a Bolivian student had committed suicide the week before. The major, who wasn't certain how to handle this spontaneous outburst to the Committee, snapped back: "That's a lie. No one has committed suicide here." A Bolivian stood up: "It's true. He was in my cell. He hung himself last Wednesday night." The Committee members were shocked but diligently taking notes.

For the vast majority of foreigners interrogated, the sentence was expulsion (the possibilities being conditional liberty, expulsion; re-interrogation, or court martial) but nothing had been done. Dozens of them had families, jobs, homes in Santiago, and now were faced with arbitrary expulsion. The Committee promised they would get the bureaucracy moving and the major was forced to promise that all the foreigners who had not yet been interrogated would be called in the afternoon. They both disappeared for several days.

Life in the Estadio revolves around one's interrogation—the endless waiting before and after this crucial encounter is a blur of apprehension. There is nothing to do but think and talk. I found thinking very depressing and spent most of my time talking with people.

Angel Parra, eldest son of the famous family of folksingers, was in the section next to me and we spoke at length. He had not been treated badly: "They know I am a leftist but not an 'ultra.' I think they let me go into exile." He described the death of Victor Jara, another Chilean folk singer and a Communist: "He was arrested in the Technical University. Allende was going to address a rally there the 11th and Victor was going to sing. In the Estadio de Chile he sang for the prisoners. The solders took him in for interrogation and broke all his fingers and told him to play and sing. He sang 'Venceremos' and they beat him and broke out all his teeth. Back in the cell he kept singing so they took him out and shot him. I was lucky they didn't arrest me in the first days of the terror."

I found a friend, one of Allende's GAP (personal body guards), whom I had given up for dead. He had been arrested on his way to work the morning of the 11th. They had beaten and tortured him and had fractured his right leg. He told me that Allende had been murdered and that they had executed 10 of the GAP in the Moneda, machine-gunning them against a wall. He figured he was headed to prison for several years.

I saw Manuel Cabesias Donoso, editor of Mir-oriented Punto Final, but could not speak to him.

The Swedish correspondent, Bobi Sourander, arrived in my fifth day. He told me he had been picked up for lending his Citronetta to a poblacion because their ambulance had broken down. "I am probably the most privileged person here in the Estadio," he told me. "I am a personal friend of the Swedish ambassador who has been the most diligent in getting people out. I'll be out by tomorrow." After I got out I heard he was going to be court-martialed on charges of misusing rationed gasoline, but the Junta backed down, realizing it was stupid to intimidate the press so bluntly, and finally expelled him after two weeks.

That afternoon the Brazilian, the Chilean, and I were called for interrogation over the p. a. system. Our cellmates wished us good luck and gave us some hoarded bread to settle our stomachs. There are apparently 10 teams of interrogators, four men in each, including a psychologist. Whether one had his hands tied behind his back, or had a hood put over his head, or was beaten seemed to be arbitrary though occasionally related to one's "record," which the interrogators received from Investigaciones. The most feared are the interrogators of the air force, then the carabineros, where there are a number of sadists. The best were the army interrogators.

I had spoken to countless perosns who had been beaten during interrogation, one who had lost his hearing from being clapped over the ears and bursting his eardrums. Others had been struck up to 30 times with a rubber blackjack with a copper core. At least five people had been tortured electrically. But the general opinion was that the interrogators were not well-trained in the art and used electric shock so clumsily they scrambled people's brains instead of getting the information they wanted. The same was true for the use of sodium pentothal. One Brazilian told me: "The police in Brazil or Uruguay can beat you nearly to death and not leave a mark on your body. The way these guys mutilate people means they don't know what they're doing, or don't care." In the stadium, especially when the sun was out and people took their shirts off, bruised bodies could be seen everywhere. Dozens of men had faces battered to hell.

I had thought a great deal about my interrogation. I figure it was a 50–50 chance that they would have someone translate my article and therefore the same chance I would get a beating for the "lies" therein. I had reconstructed the article in my mind; the word was they wanted the truth so I worked out truthful-sounding answers for probable questions. My Spanish would be worse than it usually is, giving me more time to answer difficult questions. Fear makes one forget our great advantage: they don't have the vaguest idea what we know.

Waiting in the hallway with 11 bureaucrats from the bank of Osorno, all terrified, I asked one young teller if he knows why they have arrested him. "I have no idea," he shrugs. "I was a union candidate for MIR in the election but that was six months ago." Everyone bursts into nervous laughter except for the clerk. Horrible reverberating shrieks from the floor below stun us all into silence. My name is called and I am escorted inside, but my interrogator, a colonel of the carabineros, tells the guards to take me back: "Wait a little longer. I am reading."

Ten minutes later I am called again. As we walk down the hall, a volley of gunshots

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followed by machine gun fire explodes outside the stadium. I am getting shaky. The colonel is short, balding, middle-aged, his mouth rimmed with gold. He sits. I stand formally. He wastes no time: "Senor, you are one of the journalists responsible for the lies and distortions of what is going on in my country." I have nothing to offer. He goes through the newspapers and pulls the article from an envelope. "Who is this for?" "Friends." "Newspaper friends?" "Yes sir." He points to a paragraph and requests in slow, correct English: "I want you to translate some parts for me. Your writing gives me a headache." I read slowly but literally in Spanish: "In the first five days after the 'golpe' there were 11,000 deaths; 1,000 of them military personnel executed by the 'golpistas' themselves for being leftist . . . an average of 1,000 persons were killed or executed in each of the following three weeks. Now they are executing 500 people a week in all Chile. Fifteen thousand dead would be a conservative over-all estimate."

The colonel interrupts me with a bang of his fist on the desk: "Lies, you are lying." "I don't think so, sir." "We ought to have you shot right now. You know the official death toll is only 1000." "No sir. The official death toll is 284." He puzzles over this for a moment, arranging papers on the desk: "We haven't counted all the dead yet. So you can't publish those figures. But they're much more accurate than ours, I know that."

Just when I sensed the relief of communication, another volley of shots came from outside, suddenly erupting into a cacophony of gunfire, rifles, submachine guns, heavy belt-fed machine guns, everything. The colonel sunk his hands into his face and muttered: "When are they going to stop this bull———? It scares me. Close the goddamned blinds."

I was frozen in front of the window, able to see the soldiers crouching and firing yet knowing I should get down. A lackey came in and pulled the blinds and the shooting intensified still more.

The colonel came over to the window and we watched together. Crowds of families waiting for prisoners to be released were running for cover from the crossfire, women carrying three children at once, others tripping and falling in panic. "Poor ——— people," I muttered. The colonel looked at me: "Aren't you supposed to be a war correspondent?" and laughed good-naturedly. I laughed too.

The shooting, it turned out, was provoked by four teenagers who had fired on a military patrol nearby in celebration of the first month of fascist rule in Chile.

We returned to the interrogation. The colonel spoke English and I complimented him on its quality. He admitted proudly that he had studied at the Police Academy in Washington, D.C., in 1965. For this he was such a good interrogator. After 10 more minutes he announced that I was a civilized soul and typed out his report: "The subject is simply doing his job in Chile and should be allowed to remain; immediate liberty." I was astounded and actually happy when I shook his hand and left.

The three of us were then escorted to the area of those in conditional liberty and celebrated with a plate of beans (we had lost our appetities) only to discover there were prisoners who had received the same liberty two weeks before and were still waiting release. With luck it would be at least 48 hours.

Two days later I lay in the bleachers dozing like a lizard dreaming revenge when they announced over the p.a. system that a North American was being looked for. My stomach turned to jelly for the 10th time and men started shaking me and shouting at the podium that I was over here. Then a faltering, hoarse voice began addressing the stadium in English: "Charles Horman, I hope you are out there. This is your father speaking. If you hear me, please come forward. You have nothing to fear. Charles. . . ."

The stadium hushed at the alien words as the distant figure tried to communicate with what seemed to be a madman, or perhaps an amnesiac. I didn't know it and Edmund Horman was hoping against it but at that moment Charles Horman, 31-year-old journalist, film-maker, leftist, Harvard graduate, was dead, decomposing in a mass grave with a dozen executed Chileans. No crime, just a victim of the terror: such errors take place during a state of war, explain the Junta. Fifteen thousand errors, 15,000 families mourning their dead. "Of course Chile is in a state of shock," explains General Pinochet. "Chile is like a patient who has had both hands amputated."

I was in the stadium men's room rinsing out my sweater when I was called. A friend gave me his shirt and I gave him my sopping sweater and bade farewell. A nervous Chilean in civilian clothes approached me at the podium: "Your embassy has come to get you." While I signed the papers declaring I had not been mistreated physically or mentally, searched for messages (which were burned, and mug shotted for the record, the Chilean chattered his life history. Lived in California, three years in the U.S. Army, 11 months in Vietnam, 11 months in Hawaii, and hated niggers and thought JFK was a communist. "A word of advice: don't have anything more to do with communists or socialists. You come back here again and no embassy in the world will get you out."

One final note: they might evacuate the Estadio Nacional, because soccer is very popular in Chile. But this does not mean an end to the prisons and concentration camps in Santiago. There are at least four other major concentrations of prisoners in Santiago alone. The executions continue as well. It was not until my last day in Chile, in a bus headed for the Andes, that I witnessed my first corpse. Three bodies lay sprawled by the country road. The bus driver said there are usually more.

"BENIGN NEGLECT" AND THE CIVIL RIGHTS COMMISSION

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, in a column by James A. Wechsler of the New York Post dated November 14, the following Associated Press wire transmission was quoted:

> INDIANAPOLIS.—The Rev. Theodore M. Hesburgh said yesterday that President Nixon is letting the U.S. Civil Rights Commission "die on the vine" by not appointing a new chairman. Father Hesburgh, president of the University of Notre Dame, resigned as chairman nearly one year ago. He told a press conference that Nixon's failure to name a new chairman reflects a lack of concern by the White House for civil rights.

It is now 1 year since Father Hesburgh was forced by President Nixon to resign—November 17, 1972, was the actual date—and no successor has yet been appointed.

It is not entirely clear why the President has not nominated a new Chairman of the Civil Rights Commission, but based upon this administration's past record, certain speculation may be permitted. Given the administration's attitude toward civil rights problems as epitomized by the immortal phrase of Daniel Patrick Moynihan as "benign neglect," it may be surmised that the President and his advisers would just as well let the Civil Rights Commission die of atrophy, rather than risk the inevitable battle that would come from a call for the abolition of the Commission. The lack of a permanent Chairman stymies any long-range planning, destroys initiative, and saps morale. Concurrently, the proponents of the President's vaunted "Southern strategy" are reassured of his apparent intention of gutting the aims of the civil rights bill of 1965 by following the advice of former Attorney General John Mitchell to "watch what we do, not what we say."

Many of the dreams and hopes of civil rights supporters have turned to ashes. Many blacks have abandoned the ideals of an integrated society, as many Northern whites have resisted court-ordered busing as fiercely as Southerners did school integration 10 years ago. And so, it is the easy, expedient road for the President to ignore or minimize the plight of blacks and other minorities discriminated against in this country.

The failure to appoint a replacement for the ousted Father Hesburgh as Chairman of the U.S. Civil Rights Commission is symbolic as well as substantive. It indicates to all concerned the President's fundamental lack of interest in solving the deep-seated racial difficulties that exist in our country.

I believe the President should either act with alacrity in appointing a new Chairman, or at least display the courage to send a message to the Congress requesting the abolition of the Civil Rights Commission. The deleterious effect of the President's "benign neglect" is unfortunately loud and clear.

THE MOMENT OF DECISION IN AIR TRANSPORTATION

(Mr. FLYNT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FLYNT. Mr. Speaker, last Wednesday our distinguished colleague, Hon. JOHN E. MOSS of California, delivered an address in Atlanta to the Airline Finance and Accounting Conference of the Air Transport Association of America in which he comprehensively stated his views concerning the future of air transportation in this country. Mr. Moss has done a great deal of careful research into the problems of the air transportation industry and is eminently qualified to comment on the problems and practices of the air transportation industry.

Mr. Moss' comments follow:

THE MOMENT OF DECISION IN AIR TRANSPORTATION

"The time has come," the Walrus said,
"To talk of many things:
Of shoes—and ships—and sealing wax—
Of cabbages—and kings. . . ."[1]

Because this is the first opportunity that either I or any of my colleagues constituting the group more generally known to you as the "Members of Congress" have had to get together with a group of airline executives since we initiated our actions at the Civil Aeronautics Board some four and a half years ago, I thought the time had come for me to try to cover our views quite comprehensively.

First, however, I should probably explain how I originally became involved in air transportation problem and practices.

When I came to Congress twenty-one years ago, I asked to be placed on the Interstate and Foreign Commerce Committee. At that time, there was no one on the Committee representing the far West, and I thought there should be.

Footnotes at end of article.

My predecessor, Clarence Lea of Santa Rosa, was Chairman of the Committee and urged that I seek a seat on this Committee.

Two years later when an opening occurred, I was elected by the Democratic Committee on Committees to a spot on the committee.

During my next 14 years on the committee, I became increasingly convinced that the Civil Aeronautics Board was becoming unduly oriented towards the apparent interests of the industry it was designated to regulate and assist in promoting, rather than the public it was designated to protect—after all, the basic finding underlying all regulation is the "public convenience and necessity".

Since 1938, our national policy has been the encouragement and development of a competitive air transportation system properly adapted to the public need—regulated in such a manner and extent necessary as to assure and foster sound development and economic conditions in such transportation.[2]

To carry out this policy, the Congress created—at your request—the Civil Aeronautics Board.

With respect to price and service, your two principal marketing tools, the national objective has been the promotion of adequate, economical and efficient service at reasonable charges without unjust discrimination.[3]

Under the Acts of 1938 and 1958, you retained the sole and exclusive right under the provision of your certificate to change your schedules, equipment, accommodations, and facilities as the development of your business and the demands of the public require.[4]

With regards to fares, you also retained the primary right and statutory duty to make rates, with the Board being granted the authority to set them aside only if, after notice and hearing, it finds such fares to be unlawful.[5]

To make sure the national policy is carried out, Congress specifically enumerated several factors in the statute, which taken together make up the public interest. Among these are the practical question of:

1. The effect of the proposed fares upon the movement of traffic, and

2. The amount of revenue needed by each carrier to enable it to furnish the public with such needed transportation at the lowest cost.[6]

Stated in simpler terms, rightly or wrongly, our national policy is to promote a non-discriminatory, low price, high traffic volume, quality air transportation system.

Functionally, however, as the court noted in a significant filing, the Board has dealt only with the carrier's revenue need and disregarded all the other statutory factors.[7] In recent years, the Board's policy has been to provide high fares and a low volume of service.

Indeed, in a recent order approving certain capacity agreements, the Board rejected a Department of Transportation proposal to require lower fares in certain markets because "A fare reduction would increase load factors in large part by attracting more traffic."[8]

II

By 1969, this situation was beginning to get completely out of hand. A combination of skyrocketing costs, falling traffic growth, excess capacity, and outmoded rate-making practices had begun to take their toll in revenue and earnings.

For this reason, a number of my colleagues and I came to the conclusion that immediate corrective action was necessary in the form of a general passenger fare investigation. Accordingly, on April 21, 1969, we formally petitioned the Board to hold such an investigation.[9]

Since some of our constituents are airline customers, airline suppliers, airline employees, stockholders and creditors, we made three important policy decisions at the outset.

One, we would try to insure a policy to enforce the statute as passed by our predecessors regardless of our own particular economic or political views;

Two, we would attempt to be totally objective—that is, if as the facts in the case developed we found we were in error, we would immediately correct our position; and

Three, we would consider nothing inviolable, but we would recognize and consider the feelings of those who did.

In addition, as you know, we undertook to support the so-called revenue-hour concept, not because we could prove that it was the correct or ideal theory, but rather because no one else would provide it an objective test. By the way, this is not a new rate-making theory. It was first suggested in 1929 by the Vice President—Traffic of Western Air Express.[10]

III

Transportation pricing was originally formulated in the United States in the 1890's around the linear operating characteristics of the railroad monopoly. Unfortunately, the development of this linear tariff system was almost immediately stagnated by the stringent regulations of the Interstate Commerce Commission.

The more time passed, the more inviolable this tariff system became.

By the time the airplane came on the scene some forty years later, these transportation tariffs and their rules, regulations and format had literally become sacrosanct. Since none of the people who set up the airline fare system had played any part in the development of the railroad tariffs, they naturally felt enjoined from changing any of its basic practices when applying the system to the new industry.

As a result, instead of having a fare structure slowly developing around the technical advances of the new aircraft as they came into service, the new, more sophisticated planes had to be operated in a manner which conformed to the linear pattern of service initiated by the railroads in the 1890's. This has naturally resulted in a number of wasteful uneconomic and sufficient routings and schedules.

IV

An equally big problem, however, has been the rapidly changing market situation.

The introduction of the jet put into motion a fundamental change in the American transportation system. Overnight, it almost completely obsoleted the piston airplane, the train, and the bus for long distance travel.

I am told that demand for transportation is a function of perceived travel time as well as price, population, and community interest,[11] and that since the jet reduced long haul trips to a matter of a few hours, many people who previously would not have considered taking a trip anywhere—even if it was free and only a few miles—now began perceiving air travel as a part of their life style.

Today, there are many people in New York City who have been to Miami, the Caribbean, and Europe, who have never seen Pennsylvania, Vermont, or even Connecticut.

Generally speaking, the marketing and social problem is simply this: There is a large and growing group of our citizens who now perceive low cost, quality air travel as an integral part of their life style. This is not a captive market, but it is a potential large market, and it is now your primary source for future growth, as well as your majority opportunity.

V

Although there is only one big traffic pool, it is nevertheless composed of several different sub-pools.

The business and official travelers who make up one of these sub-pools are primarily interested in fast, frequent, comfortable scheduled service, and are usually willing and able to pay a premium price for such convenient scheduled service.

These people do not travel when and where they want to go, but rather where their business dictates. Not infrequently, their travel plans are made by someone who does not travel at all. As a result, it is not the actual traveler, but someone else who determines his travel budget, and it is this person who is the key man in determining the level of business and official travel.

Since business and official travelers are usually going somewhere they do not want to go on someone else's money they are naturally very time and service oriented. These travelers place a high priority on the traditional characteristics of recent scheduled service such as flexible, convenient, reliable schedules, the possibility of last minute bookings and cancellations, comfort and speed, but particularly frequency and peaking.

According to a recent article in the New York Times "convenient departures and arrivals" are usually more important to this market "than fancy meals, in-flight movies or stewardesses dressed like entertainers."[12]

This is one of the principal reasons excess capacity has become a hallmark of the scheduled airlines' fare practices. From an industry viewpoint, the business and official travel market is a captive market. It does not have to be sold the product . . . only the "brand", hence your emphasis on market share.

The other major market, the private personal and pleasure travel market, on the other hand, is made up of a number of subpools depending upon income, social status, personal tastes, etc.

Other than for emergencies, the people in these subpools travel only when and where they want to go, and they travel on their own after-tax money. In other words, the private market is not a captive market. It has to be sold both the product and the "brand".

Since these people are traveling on their own money, only when and where they want to go, they are not especially interested in extra services. They mainly want low-cost quality air travel.

The private travel market places a lower priority on the traditional characteristics of scheduled services. In particular, this market is generally not interested in paying for the excess capacity associated with convenient frequencies and peaking. The people who make up the private market will often put up with all sorts of inconveniences, and arbitrary and absurd administrative restrictions unrelated to transportation if the fare is low enough.

In my own state, for example, I have observed people standing in line for hours every night to catch a short, one-hour flight between Los Angeles and San Francisco because the fare is very low.

In addition, many people who are willing to pay for the convenience of frequent service and its accompanying excess capacity when they are business or official travelers moving on someone else's money, will not do so when they are private travelers using their own money.

VI

Until recently, the business and official travel market has been the major source of the scheduled airlines revenue. In a sense, all other scheduled service—private travel, mail, freight, etc.—have been by-products of this one sub-pool.

This situation is now changing for two reasons in addition to the one I have just mentioned.

First, the market for fast, frequent convenient scheduled service is relatively small, and is now almost completely saturated.

A recent market study conducted by the Gallup Poll for the Air Transport Associa-

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Footnotes at end of article.

tion indicated that in 1973, seventy-seven percent of all people interviewed with incomes over $15,000 per year, and seventy-five percent of all people with a professional or business occupation had flown by scheduled airlines.[13]

If you compare these figures with the reported 74 and 70 percent market penetration rates in 1971, and the 57 percent in 1962, you will quickly see that the future growth potential of these sub-pools is now very limited. In fact, for the $15,000 a year or over market, continued growth at the same rate as the last eleven years is mathematically impossible.

In other words, most of your future growth in the over $15,000 a year, and professional and business occupations markets will have to come from population increases, rather than greater penetration.

This means that you, the scheduled airlines, are now going to have to look to the non-profession, non-business, and under $15,000 a year markets for your future growth penetration-wise.

The first problem you face in developing these markets, as I noted previously, is to recognize and accept the fact that the people who make up the private travel market are not willing to pay the price for the excess capacity presently associated with convenient frequent service. It has little or no value of service to them.

The private travel market simply wants low cost, economical, courteous, comfortable, fast air transportation from point A to point B.

The other part of the problem is, of course, your current excess capacity.

Unfortunately, most airline marketing executives still do not believe that market demand studies can be applied to air travel, although I have noted some changes in this attitude. As a result, these marketing executives did not use these studies adequately in the past, and therefore were not in a position to anticipate the market saturation problem which I have just discussed. This is the reason why these executives did not adjust your equipment requirements accordingly.

Complicating the problem further is the fact that the higher income, professional and business markets tend to be highly "income" elastic, and hence will probably tend to become increasingly softer in the near future.[14]

VII

Thus we come to the heart of your current problem.

You have excess capacity which you want to sell. Your historic traffic markets are saturated. You have to find some new buyers if you want to grow.

In the short run, your immediate problem is primarily maintaining your current market penetration; your current traffic volume; your current revenue levels—in the face of a probable economic slowdown.

In the long run, if you want to become a growth industry again, you must increase your market penetration of the non-profession, non-business, and under $15,000 a year private travel markets.

This is where we believe our perseverance for market demand and revenue-hour data has paid off.

The market demand information tells us where the markets are. So far these studies have told us that there are at least two distinct groups of air travelers in certain markets with divergent price ranges. They have also told us what a reasonable fare is in these different buyer's opinion.

In addition, these studies tell us when to make fare changes, and how much to change them.

For example, I am told that you should not reduce fares now, when consumer confidence is low and falling because such reductions will not generate any new traffic. This is the reason why some of your promotional fares are proving unsatisfactory.[15]

People who do not have confidence simply do not purchase non-essential services, regardless of their price. That is what causes the slowdown in the first place, lack of consumer confidence.

Donald Lloyd-Jones, Executive Vice President—Operations, American Airlines, stated the princnple this way recently. "During periods when consumers feel doubt or insecurity about the future of the economy they tend to be more cautious in their spending habits and personal savings rates generally rise." [16]

Whether you realized it or not, since January 11 of this year, your primary marketing objective has been defensive—to maintain your present market penetration. Consumer confidence began taking a sharp decline on that date.

In this regard, I am informed that increasing prices on a declining demand is counter productive. Last week, The Wall Street Journal reported that, "There is strong evidence that the fare increases already imposed over the last year or so have caused some travelers to fly less." [17]

This is the reason why we keep repeatedly asking just one question: What will be the effect of a 5% fare increase upon the movement of your traffic and revenues?

I might add, the courts understand this problem. Accordingly, they held long ago that where your right to a fair return, and the public's right to a reasonable fare cannot stand together, then for pragmatic reasons, your rights must yield to the public's right. In other words, you cannot price yourselves out of business.

If for pragmatic marketing reasons you are not going to be able to raise your fares now, and then going to have to reduce some of them in the future to increase your market penetration—assuming you want to continue to grow—it is clear that you are going to somehow have to increase your productivity, given today's skyrocketing costs.

That, of course, brings us to the revenue-hour concept.

Until recently, it has been generally felt that your terminal costs were not a fixed expense, but rather a traffic related cost. In addition, it was believed that these costs were not affected by distance.

If true, there would be no way to reduce these unit costs by increasing productivity, since productivity would be the cost causative factor.

Our revenue-hour data, however, disclosed that these costs were affected by distance, as we had suspected. Further research explained the reason why: Terminal productivity declines with distance.

In the Domestic Passenger Fare Investigation, Trans World stated the economic principle this way: "(H)igher utilization of station facilities and personnel is obtained by virtue of more pattern oriented schedules in shorter haul markets than occur in longer haul markets. . . .[18]

In this regard, our staff has recently discovered that in terms of passengers enplaned per quarter, North Central's terminal personnel are about twice as productive as Trans World's.

This, of course, makes sense once you stop to think about it. The longer a plane is in the air, the less time you can service them on the ground.

Thus, from these and other findings we have finally been able to conclude that your terminal handling costs are essentially fixed, and do not vary with the volume of traffic handled. This determination has been recently substantiated by The Ralph M. Parsons Company of Los Angeles and New York in their $203,000 Air Cargo Terminal Handling Costs study for you and the Civil Aeronautics Board.[19]

This finding has proven to be extremely important, because it has now led us to three important economic principles: The existence of "economies of density," "diseconomies of peaking," and "diseconomies of distance" in air transportation.

Stated in layman's terms, what we have discovered is what your station managers have known all along: The utilization and productivity of your terminal personnel and facilities fail to vary with traffic volume because you normally staff these stations for the peak periods.

These findings are important for two reasons:

First, if our discoveries are true of airlines, then they may also be true for surface transportations; rail, truck and ship. And if they are true for all transportation, then they may also be applicable to communications.

Second, since the terminal costs comprise about one-third of your total costs, these findings mean that you have an opportunity to reduce your overall unit cost per passenger by possibly as much as fifty percent more than anyone previously thought feasible—particularly in your long-haul markets where your greatest potential for future growth lies according to the market studies.

VIII

I hope that by now you can begin to see some of the reasons why my colleagues and I have some different views of the current situation than you do. Our studies have led us to conclusions or facts which differ from your opinions.

The conclusions and facts so far made available to us indicate that your high fares, high service, high cost markets are saturated, but that there is a relatively large potential demand for a lower priced service.

As I see it, the problem is how do you fulfill this demand while continuing to meet the needs of your historic markets. In my view there is no one right solution, but rather several different alternative approaches which should be employed simultaneously.

For example, there is peak responsibility pricing based upon peak responsibility costing.

Peak load pricing is probably your best alternative to counteracting your various variations in demand, and thereby achieving the highest possible degree of productivity. Moreover, it is completely non-discriminatory since it ties the price of air service to both the cost and the value of such service without any other restrictions.

Indeed, in view of the Parsons study's finding that your terminal costs do not vary with traffic because you "staff for peak periods," I would think you would want to embrace this costing methodology as soon as possible.

Another alternative is to liberalize the charter rules. As you know, I have introduced a bill in the House, along with several of my colleagues, to permit one-stop inclusive tour charters.[20] This bill, HR 8570, is a companion to Senator Cannon's bill, S. 1739.

I recognize that most, if not all of you, oppose this legislation because you are afraid you might lose some business to the supplemental carriers. I also realize that millions of dollars in future revenues are at stake. However, in the vigor of your opposition, I think you may have overlooked some of your competitive advantages.

For example, in addition to being able to provide competitive one-stop inclusive tour charters (ITC), you can also institute one-stop inclusive tour service (ITX) on your scheduled services.

The supplementals cannot sell that product.

Second, when you adopt peak responsibility costing and pricing, you will probably be able to offer equally competitive off-peak fares in many markets on certain scheduled

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Footnotes at end of article.

flights several times a week—without the burdensome inclusive tour restrictions.

The supplementals cannot match this service either.

Third, since we now know that your terminal costs are fixed, and do not vary with the volume of traffic handled, we also know that you can provide one-stop inclusive tour charters between your on-line stations at little or no additional out-of-pocket cost, when you use these facilities and personnel during slack periods.

The supplementals cannot match this advantage either, since they must normally purchase their terminal services on an "as used" basis.

In addition, you usually have the "brand-name" advantage.

I could go on, but I think you have the picture. You have a very big competitive advantage in developing the low fare markets. In fact, you have such a great advantage that your efforts to husband all of the business may be costing you more in sales, and revenues, and jobs, and earnings than you could conceivably lose giving the supplementals a piece of the action.

Today, the scheduled carriers compete vigorously among themselves over only a small segment of the total potential market which travels regularly. Because this market is now becoming saturated, the competitive pressure is increasing and become more diversionary.

However, if the size of the current market could be expanded, and it could be enlarged by a greater amount than the added competition from the supplementals, then this competitive pressure would be reduced. Not the vigor of the competition, but the degree of competition.

This is what I believe our one-stop inclusive tour charter bill and peak load pricing proposal will do—increase the size of your market and decrease your competitive pressure without having to sacrifice any of the vigor of our competitive free enterprise system.

IX

There is of course another way to reduce competitive pressure: Capacity agreements.

This approach, however, is patently repugnant to the established anti-trust business principles of this country. Consequently, for this reason alone, this approach should not be used unless there is a clear showing that such repugnant action is required by a most serious transportation need, or to secure a most important public benefit.

Capacity agreements decrease competitive pressure by the simple process of decreasing the vigor of the competitive free enterprise system by a greater degree than it decreases the size of the market.

We have had capacity agreements in four transcontinental markets for several years now, as well as in Europe for many years. Have these capacity agreement markets had the same growth rate as the non-agreement markets?

No!

Have these markets produced as much business as similar markets?

No!

Have they had the same earnings, and earnings growth rate, as the non-agreement markets?

Again, the answer is no!

In other words, from an investor's viewpoint, these agreements have not been as successful as their alternative—lower fares.

The foregoing does not mean that I am unalterably opposed to capacity agreements *per se*. After all, the idea for such agreements may well have originated in my office.[21]

Rather, I recognize that the value of these agreements is extremely limited, and that they can be used by the Board and its staff to gain their objectives, not yours.

At best, these agreements are merely superficial band-aids, not cures. As a result, unless you accept that economic cure—however painful it may seem—you are going to become hooked on these agreements just like a drug addict. The repeated extension of the capacity agreements in the four transcontinental markets have demonstrated that point conclusively.

That is the reason why I introduced HR 9896 to prohibit the approval of such agreements except where there is a clear and present emergency. When enacted, this legislation will provide you with the needed 180 days that may be required to implement the real cure, whatever that may be; *e.g.*, lower fares, decertification, etc.

Equally important, this bill will provide you with additional protection from arbitrary Board action.

I have just reviewed C.A.B. Order 73-10-110, and I see that the Board is now attempting to restrict your statutory right to change schedules by conditioning its approval of such agreements on your surrendering that right to them.

The Board does not have this power under the Act, at your request, Congress specifically withheld this power from the Board. Nevertheless, if this illegal action is not stopped immediately—just like the Board's attempt to restrict your rights to file tariffs by rejecting them—you may lose another one of your precious statutory rights.

X

When we first initiated our actions more than four and a half years ago, the Civil Aeronautics Board was in the final process of completely taking over *your* decision-making authority with respect to passenger fares.

We won that fight and restored your statutory rights to you.

Next the Board was after *your* sole and exclusive decision-making authority with respect to the seating arrangements in your aircraft, and then *your* right to decide when and what to file in your tariffs.

Together, we won these two fights too.

When you have asked for our help, we have heard every reasonable request and will do so in the future.

Indeed, I can recall no time I, or any member of my staff, have been unwilling to explore our differences of opinion with you, or to examine constructive alternatives.

You may not yet agree with all of our economic concepts—even though you and the Board are adopting more and more of these proposals each year—but you should not fault our motives, nor our tactics which have always been aboveboard and forthright.

Our objective has been clearly known from the outset. Our goal has been to identify the cost and demand structure of the industry so that you could develop a profitable, economical and efficient fare structure and pattern of service unimpeded by the restrictions of the 1890 tariff system.

We have been successful in achieving our initial goals. We now know that most of your costs are fixed, and that market demand studies are feasible.

Now we only need to change the fare structure, the pattern of service, and the tariffs to conform to these findings. This way take time since some traffic people still consider these to be inviolable, but it can be done—indeed, it must be done if you are to go forward.

In this regard, we may get a little push from the current fuel crisis. The fuel shortage has put a premium on each revenue-hour flown. As a consequence, the revenue-hour approach may become a necessity.

XI

Under Article 1, Sec. 8 of the Constitution, Congress was vested with the responsibility to regulate interstate commerce in this country. While we can and do delegate the authority to regulate such commerce to the agencies, we cannot delegate that responsibility.

In 1938 and again in 1958, Congress decided that our national air transportation policy is the encouragement and development of a non-discriimnatory, low price, high traffic volume, quality air transportation system. That policy may be outmoded—I do not think so. In any case, the proper response to an outdated statutory policy is not Board action, but Congressional action.

My colleagues and I have always had the policy of placing the highest priority on the public interest as defined by the Act. We have always recognized that your industry is part of the public, with an interest in fair and equitable treatment. However, always bear in mind that the ultimate responsibility for the public interest in interstate and foreign commerce rests with the Congress, and we cannot delegate that responsibility to anyone.

FOOTNOTES

[1] Lewis Carroll, Through the Looking Glass; The Walrus and the Carpenter.

[2] Section 102(a)(d)(e) and (f).

[3] Sections 102(c), 404(a) and (b), and 1002(e)(2) and (5), (f), and(j)(5) (A) and (E).

[4] Section 401(e). Certification requirement section.

[5] Sections 404 and 1002(d).

[6] Section 1002(e) and (j)(5); see also Hearings before U.S. Congress, House, The Committee on Interstate and Foreign Commerce, 72nd Congress, First Session, Railroad Legislation (1931) p. 324; quoted CONGRESSIONAL RECORD, vol. II, pt. 1206, p. 1586, footnote 20.

[7] *Moss* v. *C.A.B.*, 430 F.2d 891 (D.C. Cir. 1970).

[8] C.A.B Order 73-7-147, Docket 22908 (July 27, 1973) p. 13.

[9] Current members of the group are: Hon. John E. Moss, Glenn M. Anderson, Thomas L. Ashley, George E. Brown, Jr., Phillip Burton, James C. Corman, John D. Dingell, Don Edwards, Richard T. Hanna, Augustus F. Hawkins, Chet Holifield, Harold T. Johnson, Robert L. Leggett, John McFall, Spark M. Matsunaga, Joseph G. Minish, Patsy T. Mink, Jerry L. Pettis, Thomas M. Rees, Peter W. Rodino, Jr., Edward R. Roybal, Bernie Sisk, Charles M. Teague, Lionel Van Deerlin, and Jerome R. Waldie, Members of Congress.

[10] James G. Wooley, Vice-President in Charge of Traffic, Western Air Express, and Earl W. Hill, Lecturer in Trade and Transportation, University of Southern California, Airplane Transportation, Harwell Publishing Corp., Hollywood, Calif. (1929) p. 317–318. (A copy of this book is available in the C.A.B. Library; the call number is TL521.W9.

[11] Aircraft Requirements for Low/Medium Density Markets, Flight Transportation Laboratory, Department of Aeronautics and Astronautics, Massachusetts Institute of Technology, Cambridge, Mass. (July 1973) Draft copy, p. 99.

[12] Travel Section, *New York Times* (October 28, 1973) p. 22.

[13] "Poll Shows 25% of Adult U.S. Population has Flown in Past Year," *Aviation Daily* (September 27, 1973) p. 141.

[14] "Airlines Attempt to See Silver Lining in Cloudy U.S. Economy," *Aviation Week & Space Technology* (October 29, 1973) p. 26.

[15] "Talks Expand Capacity Cutbacks," *Aviation Week & Space Technology* (October 29, 1973) p. 23.

[16] D. J. Lloyd-Jones, Executive Vice President—Operations, American Airlines, Inc., "What's Wrong With Airline Earnings?" 1973 Engineering & Maintenance Conference, Air Transport Association of America, Miami, Florida (October 10–12, 1973) p. 2.

[17] Todd E. Fandell, "Airlines Are Cutting Hundreds of Flights: Fuel-Saving Step May

Be Good For Profits. *The Wall Street Journal*, (Wednesday, October 31, 1973) p. 36.

[18] Exhibit TW 9024, C.A.B. Docket 21866–9, p. 2.

[19] Study Report, Air Cargo Terminal Handling Costs, The Ralph M. Parsons Company, Los Angeles, New York, Washington, Job No. 5042-1 (June 7, 1973) p. 4–17—4–18.

[20] Hon. John E. Moss, Ronald V. Dellums, Bob Eckhardt, Robert L. Leggett, Gillis W. Long, Lucien N. Nedzi, Claude Pepper, Benjamin S. Rosenthal, Fortney H. (Pete) Stark, Charles H. Wilson of California, Lionel Van Deerlin, and Jim Wright, Members of Congress.

[21] Letter addressed to Hon. Robert D. Timm, Chairman, Civil Aeronautics Board, from the Hon. John E. Moss, Member of Congress (July 2, 1973).

A BILL TO EXTEND PUBLIC HEALTH PROVISIONS

(Mr. ROGERS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ROGERS. Mr. Speaker, on June 30, 1973, 12 significant legislative authorities in the health field expired. They were extended for 1 more fiscal year through a bipartisan effort of members of the Subcommittee on Public Health and Environment. They were extended upon the assurance that the subcommittee would move as expeditiously as possible to afford each of the expiring authorities a thorough review and scrutiny.

On April 19, 1973, the subcommittee introduced the first in what will be a series of four bills to revise these programs. The first bill, H.R. 7274, entitled the Public Health Act of 1973, would revise and extend authorities for health services research and development, medical libraries, and restructure the Public Health Service Act. The provisions of H.R. 7274 have been approved by the subcommittee for full committee action. On July 17, 1973, we introduced the second bill in the series, H.R. 9341, the Allied and Public Health Training Act. Hearings have been concluded on these authorities and the bill will be considered early in the next session in conjunction with subcommittee consideration of the Comprehensive Health Manpower Act.

H.R. 11511, the bill I am introducing today—the third bill in the series—revises and extends the following authorities; block grants to the States in the health field, Community Mental Health Centers, Family Planning, Developmental Disabilities, Migrant Health, and Neighborhood Health Centers. I think it is important to introduce this bill today so that the public will have time to fully assess its provisions prior to hearings, which I expect will be conducted soon after the Thanksgiving recess. I will reintroduce this bill after the recess with the cosponsorship of the other members of the Subcommittee on Public Health and Environment.

Briefly, Mr. Speaker, the bill will do the following: First, provide a simple extension of section 314(d) of the Public Health Service Act; second, completely rewrite the Community Mental Health Centers Act to authorize 5 years of Federal assistance for initial operating costs of new centers—or 8 years in the case of centers in poverty areas—place strict requirements on the new centers, and authorize financial distress grants in cases where an old center would be forced to severely cut back services absent Federal staffing support; third, provide minor revisions in the Family Planning Act; fourth, substantially revise the Migrant Health Act, including a requirement that migrant centers provide environmental health services—including alleviation of unhealthful sanitation conditions associated with water supply, housing, and other factors—and an authorization for contracts between HEW and States to assist in the implementation and enforcement of acceptable environmental health standards; fifth, make the revisions requested by the administration in the Developmental Disabilities Act and add a significant new provision that mandates that every State plan include a plan to eliminate inappropriate placement of persons with developmental disabilities in institutions, and improve the quality of care and state of surroundings of persons for whom institutional care is appropriate, committing not less than 10 percent of the State allotment to this plan in fiscal year 1975 and not less than 30 per cent thereafter; and sixth, provide, for the first time, a definition of Neighborhood Health Centers instead of the broad language in section 314(e) of the Public Health Service Act.

Mr. Speaker, this legislation will affect the health of millions of Americans. I hope it will receive careful consideration by Members of the Congress, the Department of Health, Education, and Welfare, and the general public. I look forward to its consideration by the subcommittee within the next few weeks and by the House early in the next session of the Congress.

EMMETT DEDMON

(Mr. ANNUNZIO asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, I would like to call to the attention of my colleagues the publication of China Journal by Emmett Dedmon. Mr. Dedmon is the distinguished vice president and editorial director of the Chicago Sun-Times and the Chicago Daily News.

He has an enviable reputation as an outstanding journalist, editor, and author, and China Journal reflects his expertise. I congratulate him on authoring a most valuable and instructive volume.

Emmett Dedmon was 1 of 20 directors of the American Society of Newspaper Editors especially invited to tour China. In order to prepare for the trip, he took an intensive course in the Chinese language, and in many areas he visited, his knowledge of the language permitted him to converse freely with individuals in all strata of Chinese society—from children and peasants, to professors and doctors, and even to Premier Chou En-lai himself in Peking.

Mr. Dedmon's China Journal is an account of his 4,000-mile travels last year in the Peoples Republic of China. It provides information on a nation still largely unknown to Americans. It also contains constructive observations on the changes which have taken place in this ancient land as well as insights as to the future potential of China in the world community.

Additionally, it contains an appendix with tips for tourists covering the special problems that Western travelers are likely to encounter during a visit to China.

This valuable book provided me with several hours of fascinating reading, and I know that my colleagues will be equally interested in Mr. Dedmon's perceptive and cogent analysis of changes, lifestyles, and trends in modern China.

Recently Pulitzer Prize-winning columnist Jack Anderson reviewed China Journal and I ask unanimous consent to include his review at this point in the Congressional Record. The review which appeared in the October 20–21 edition of the Chicago Daily News follows:

THE GIANT AWAKENS: INSIDE THE NEW CHINA—A LAND FREE OF WANT, BUT LIVING IN ORWELLIAN LOCKSTEP

(By Jack Anderson)

"Let China sleep," Napoleon said, "for when she wakes, the whole world will trembla." Emmett Dedmon, editorial director of The Daily News and Sun-Times, has written an absorbing account of China Awakened, of its awesome rise from past degradation, and its vast but also horrifying potential for the future.

It is a travel book that moves the reader swiftly from farm communes and factory brigades to an evening with Chou En-lai in Peking's Summer Palace. But it is more—a social commentary that records staggering gains in the lives of 800 million Chinese, while speculating on the Orwellian price paid.

Dedmon confirms that Mao's China in 25 years has solved problems that seemed eternal to those of us who knew revolutionary China before the Communist take-over. Gone are the hallmarks of the old order—the ubiquitous beggars, homeless multitudes, periodic mass starvation, rampant disease, near-universal illiteracy, the subhuman status of women, the daily humiliation of the Chinese in his own country by foreigners. Gone, too, are former blights that today flourish in America: addiction, prostitution, venereal disease, street crime.

The gains are the more impressive against the scarcity of resources and machinery, which Dedmon records in fascinating detail. Crops are wrung out of hard soil by hand labor, corn fodder is burned for household fuel, cremation is in forced vogue because land is too scarce to be squandered on the dead. Yet the new China provides, for one-fourth of the human race, ample food, adequate clothing and heat, spare but tolerable shelter, universal literacy, free medical care, complete safety from crime, and full employment.

Apparently unimpeded conversations with many Chinese families enable Dedmon to describe in meticulous detail the average Chinese existence. The work week is 48 hours, with an additional 4½ hours of "instruction," some of it technical, most of it political. There are no vacations—only five days off a year on the national holidays.

The average couple has three children and is being exhorted to hold it to two. The city family lives in one room, sharing kitchen and bathroom with other families; a farm family's home is a bit roomier and includes a vegetable plot.

Infants are kept in free nursery schools six days a week so parents can work undisturbed. Years of hard work permit the painstaking accumulation of a few modest luxuries (bicycles, radios, wristwatches). Men retire at 60, women at 50, 70 per cent of their highest pay. There is no income tax; the state takes its cut right out of production.

In China work is work. "The Red Flag Canal . . . was almost literally torn from the mountains by hand with sledgehammers, iron spikes and dynamite . . . and with a labor force that on some days totaled 30,000 people, the peasants cut across 1,250 rocky peaks, drilled 134 tunnels and built 150 aqueducts of varying sizes until they had created a canal . . . 937 miles long. . . . All this was accomplished without the use of a single piece of machinery."

Thus on the material side, says Dedmon, theirs is a life "primitive by American standards, but it far exceeds the expectations of the world into which they were born."

What of things of the spirit? Morality in China is concerned mainly with "substituting group values for those of personal ambition and self-interest." The Chinese Communists seem to have made striking progress toward a goal that has eluded collectivists throughout history—"getting people to work without the thought of personal gain."

But lest our counterculture enthusiasts applaud too soon, other aspects of Chinese morality are more sobering. So far as can be seen, no one loafs in China. Music and art serve pragmatic purposes only, and no one is allowed to drop out.

Couples are successfully pressured against marriage before their mid-20s; yet premarital sex is a no-no and homosexuality is so unheard of that Chinese translators cannot be made to understand the term.

The idea of equality has been pushed further in today's China than anywhere else, and probably about as far as it can ever go. Women appear to have gained full equality. Doctors empty bedpans. Administrators must labor on the production lines 45 days a year. Professors are regularly sent to the countryside to handle manure and "learn from the masses."

Army officers bear no insignia of rank and there is no saluting. Skilled workers are often paid better than white-collar supervisors, and factory managers do not live differently from laborers. Promotions at work are made, not from above, but by vote of the workers.

Bureaucrats have no limousines and at the slightest sign of smugness are dispatched to a labor battalion. The elements that have established themselves as new privileged classes in Russia—executioners, scientists, party functionaries, factory managers—have not done so in China.

Will it last? Dedmon has doubts. The real test will come when the old revolutionaries die off and the first signs of affluence appear. "Historically," he says tartly, "total egalitarianism based on self-sacrifice has only been possible where there is nothing to distribute."

Impressed though he is with the progress and esprit of the new China, Dedmon finds the price "chilling." The price is the most total thought control and conformity ever achieved on a large scale.

"Has George Orwell's controlled society of 1984 actually arrived in China a decade earlier?" asks Dedmon, and he cites many signs that it has. Crowds automatically observe police lines, without the need of policemen. Loudspeakers in the home and at work continuously drum out the party line. Everyone does calisthenics every day at the appointed time. Entertainment provides no escape; at the movies, ballet, or on television, the content is remorselessly political. One works or studies at what is needed to serve the state.

Opponents of the government are branded criminals, not dissenters. But one need not actually protest to merit punishment. A mere lack of enthusiasm, for Mao's ceaseless exhortations leads to corrective rap sessions, organized ridicule by peers, personal villification on billboards and, if enthusiasm does not reappear, a term at a retraining school, combined of instruction and labor, to "learn from the masses."

"China Journal" is a valuable volume, fast-paced but reflective, instructional but entertaining. In an evening's reading, one gets not only a primer of the new China but a look through a mirror at our own strengths and weaknesses.

HOUSE RULES COMMITTEE WINS VICTORY ON SOCIAL SECURITY INCREASE

(Mr. MADDEN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MADDEN. Mr. Speaker, 2 weeks ago, the Ways and Means Committee appeared before the House Rules Committee and asked for a rule on the bill to raise the national debt by $13 billion.

Congressman Vanik of Ohio, a member of the Ways and Means Committee, tesified before the Rules Committee and made a request that a modified closed rule be granted with permission for him to offer an amendment to the debt extension legislation which amendment would increase social security payments by 11 percent annually. The Rules Committee, by a majority vote, granted the modified closed rule.

Over the 24 years which I have been a member of the House Rules Committee, the record does not reveal where the committee has ever granted an open rule, or even a modified open rule, on permission to offer an amendment to the debt limit legislation.

By reason of the terrific increase of cost of living and inflation during the last few years, the 60 million recipients of social security have been completely overlooked in aiding them to meet the rapid rise in the cost of living.

The debt limit bill was scheduled to be on the floor of the House on the following day after the modified open rule was granted by the Rules Committee. The majority of the Ways and Means Committee refused to present the debt limit legislation to the House floor under the modified closed rule because an amendment to increase social security payments was permitted as an appendage to the debt limit bill.

I want to commend the Ways and Means Committee for immediately calling its members together, for several days of hearings, and reporting out a separate bill to increase social security payments the following week.

This week, on Tuesday, November 13, the Ways and Means Committee presented the legislation before our committee and a rule was granted. The House of Representatives yesterday and today had debate and consideration of the increased social security bill, which passed by a landslide vote of 391 yeas to 20 nays.

This was indeed a great victory, initiated by the Rules Committee along with the cooperation of the Ways and Means Committee, benefitting multimillions of our social security recipient citizens who are handicapped in fighting the inflationary high cost of living from which we are suffering throughout the country.

"THE PROSECUTOR," AN ARTICLE BY THE HONORABLE BIRCH BAYH, OF INDIANA

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, I believe that all Members of the House will read with great interest an article from the November 14, 1973, issue of the New York Times by the distinguished junior Senator from Indiana, the Honorable Birch Bayh, urging the passage by Congress of legislation providing for the appointment of a special prosecutor in connection with the Watergate and other cases.

In this connection I want to commend our distinguished colleague, the gentleman from Missouri (Mr. Hungate) for his outstanding work as chairman of the subcommittee of the House Judiciary Committee which on November 13 reported the bill, H.R. 11401, which provides for the appointment of a special prosecutor to replace Archibald Cox.

I believe that the essay by Senator Bayh, who is chairman of the Senate Subcommittee on Constitutional Amendments and is sponsor of the 25th amendment to the Constitution, explains in a most lucid and compelling way the reasons Congress should approve this legislation.

Senator Bayh's article follows:

THE PROSECUTOR

(By Birch Bayh)

Washington.—The appointment of Mr. Jaworski as the new special prosecutor is not responsive to the valid, sustained public demand for an independent prosecution of Watergate and other cases that had been under investigation by Archibald Cox. The appointment of Mr. Jaworski within the executive branch to investigate the executive branch—a person who could be dismissed by the President as abruptly as was Mr. Cox—will, with good cause, fuel public concern that justice is not being pursued thoroughly and without constraint.

Also, the informal agreement that the new special prosecutor can be dismissed only with the agreement of Congressional leaders does not have the force of law. There is nothing that can be done legally to prevent the President from changing his mind, as he did in the case of Mr. Cox, and unilaterally dismissing Mr. Jaworski.

After an exhaustive study I am convinced that a statute giving the United States District Court authority to appoint an independent prosecutor would be upheld.

The first issue with which we must deal is whether the Congress has the power to delegate such an appointment. That power is specifically derived from Article II, Section 2 of the Constitution which states:

"The Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments." These clear words, and the judicial interpretation of them, leave no doubt that Congress is empowered to authorize judicial appointment of an independent prosecutor.

Moreover, there is a law on the books, the constitutionality of which has been sustained, that specifically gives U.S. District Courts authority to appoint U.S. Attorneys to fill vacancies.

The second issue is whether the creation of an officer, subject to dismissal only by the court, violates the separation of powers doctrine. On the contrary, court appointment

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of an independent prosecutor may be the only means of affirming the separation of powers, and is corollary doctrine of checks and balances.

The separation of powers is not a formal, rigid doctrine dividing our Government into watertight compartments. Rather, it is a functional doctrine to assure that checks and balances prevent one branch of Government from assuming unreasonable powers. In the situation now confronting us, it would do violence to this concept of checks and balances to leave within the executive branch the authority for an investigation of the executive branch.

The power to prosecute alleged wrongdoing in the executive branch clearly is among those powers vested by the Constitution in the Government. As Chief Justice Marshall wrote in his classic description of constitutional power: "Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are consitutional." (McCulloch v. Maryland).

In this context of Congressional power it is both "appropriate" and "plainly adapted" to the end of prosecuting wrongdoing in the executive branch for Congress to create an office of independent prosecutor.

Also, the "necessary and proper" clause has been held to give Congress certain responsibilities lodged in other branches of Government. While prosecutorial powers traditionally reside in the executive branch, the unusual circumstances created by the President's action necessitates that the Congress share in those responsibilities.

Mr. Jaworski's appointment as special prosecutor is totally inadequate, as any Presidential appointment would be. In light of recent events, the word "special" is meaningless. Independent authority, not special authority, is what the American people demand of a new prosecutor. Congress must respond if we are to restore the public faith and confidence from which a democratic government derives its strength and authority. There is no means left to us for the restoration of that faith and confidence other than the creation of a legal and constitutionally proper independent prosecutor to see that justice is administered fairly, fully and promptly.

WATERGATE, IMPEACHMENT, AND CONGRESSMAN FORD: A COMMENT FROM THE NEW YORKER MAGAZINE

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, I insert in the RECORD a most interesting essay from the current issue of the New Yorker magazine concerning Watergate, impeachment proceedings, and the nomination of the Honorable GERALD FORD of Michigan for Vice President of the United States.

The essay follows:

THE TALK OF THE TOWN

Sixteen months ago, five men (in case anyone hasn't heard) were caught in the headquarters of the Democratic National Committee carrying wiretapping equipment. Whom could they have been working for? The country awaited evidence. In one man's pocket were consecutively numbered hundred-dollar bills that were soon traced to the Committee to Re-elect the President. In another man's pocket was a notebook that contained the entry "W. House." One of the men turned out to be the chief of security for the Committee. It became known that a Committee counsel had planned their action. Could it have been the Committee to Re-elect the President that the men were working for? The President said he thought not. The F.B.I. thought not. The Criminal Division of the Justice Department thought not. And the public thought not. Six months passed. The men were indicted and convicted. As far as the public knew, they had committed their crime for no reason and had been paid by nobody. Then, four months later, in what has turned out to be one of the great understatements of world history, the President announced "major developments" in the case. Soon it became apparent that the men *had* been working for the Committee. And that the entire top echelon of the President's staff for domestic affairs as well as most of the top people in the Committee to Re-elect the President had been busy for most of a year trying to conceal this fact. But had the President known of the coverup? The public awaited further evidence. And soon it came. The President's former legal counsel reported that the President had known. The former acting director of the F.B.I. told of warning the President about the possible implication of White House aides.

The deputy director of the C.I.A. reported that he had been ordered in the President's name to call the F.B.I. off the evidentiary trail. The Preident's campaign director said that the President had never asked him what was going on. At the same time, a mountain of other dismaying information was piling up. The public learned of the sabotage of Presidential election campaigns, of the secret, Presidentially approved Tom Charles Huston plan for an illegal domestic espionage agency controlled by the White House, of the secret use of the United States Air Force in Cambodia, of public money poured into the Persident's private property, of extortion and influence-peddling on a grand scale, of politically inspired prosecutions and politically inspired reprieves. And while all this evidence about what the White House had done in the past was coming out, the White House went to pieces before the public's eyes. The White House staff was scattered to the four winds. The Cabinet was thrown into disarray as its members rushed from post to post. The Vice-President fell. And now the special prosecutor on whom the nation's last hopes for justice rested has been fired; the Justice Department has lost its Attorney General and its Deputy Attorney General; and millions of people at home and abroad believe that when the President called a nuclear alert he was toying with the survival of mankind in order to protect his own survival in office. Again, the public awaits more evidence. We find ourselves in an atmosphere that has no precedent. In broad outline and in fine detail, the portrait of misrule is complete. Yet, many of us still decline to "prejudge" the situation. The very fact that for sixteen months we have failed to judge the situation and to take corrective measures has come to seem like evidence that nothing is seriously wrong—that of the tapes—installs itself at the heart of our national affairs. It is as if, unwilling to take measures ourselves, we had turned our fate over to a tape recorder. Our tragedies repeat themselves to the point of absurdity. (The man now on his way to Capitol Hill for confirmation as Attorney General would be—if we count Acting Attorneys General—our sixth in two years.) But, even with talk of resignation in the air, many of us avert our eyes from this and go on searching for evidence—evidence that can only prove for the thousandth time what we already know. Hypnotized by investigations, we have not, as a people, found the will to press for a resolution. Even in our extremity, we wait, it seems, for evidence that is more than evidence, as if some final memo or tape from the White House could free us of our obligations, and make for us the solemn decision we must now make for ourselves.

Congress almost never does the right thing, and when it does the right thing it almost always does it at the wrong time or for the wrong reason. Although eight Vice-Presidents have succeeded to the Presidency, Congress continues to view the second-highest office in the nation as merely a ceremonial post—recently adding the requirement that its occupant not be indictable. And although it seems to be widely believed in Congress that Gerald R. Ford, the Minority Leader in the House of Representatives, is not qualified to serve as President, his nomination to be Vice-President under a severely, and perhaps mortally, weakened President was widely praised by members of both legislative bodies; indeed, despite advance reports that President Nixon had no intention of listening to the advice of Congress—any more than he had in the past—when he solicited suggestions from its Republican members about whom he should nominate to succeed Agnew, he may actually have listened this time, for Ford was the overwhelming choice in the House, where he is best known. At the same time, however, Congress determined to have a long, hard look at the nominee before confirming him, to make certain that he was "clean," and would not subject the nation to the humiliation of a scandal like the one that led Vice-President Agnew to resign. But then, after the "firestorm" of public demands for President Nixon's impeachment swept across Capitol Hill a few days after he submitted Ford's nomination there, Congress was suddenly overcome by an urgent desire to confirm at once as Vice-President the man who it felt was unqualified to be President, so that he could succeed to the Presidency.

In political terms, as opposed to the best interests of the nation—which are rarely the same—Mr. Nixon's choice of Ford was probably inevitable: Ford would be readily confirmed, without the kind of political warfare that would follow the nomination of John Connally or, for that matter, Nelson Rockefeller or Ronald Reagan; members of the President's party in the House, who resented his failure to support them either financially or politically in the 1972 campaign, when he had an endless supply of both political money and political clout, would be mollified by his turning to them for a recommendation and won over to his side if he took it; Ford would, as one member put it, "serve the White House like Agnew without the spleen;" Ford would be adequate to the Vice-Presidency but would not inspire Congress to consider putting him in Mr. Nixon's chair; if any impeachment move should arise, Ford would be sufficiently aware of his limitations and of his debt to the President to ward off such an attempt by appealing to the scores of members of the House who were beholden to Ford; and, finally, Ford would not be a threat to any of the multitude of Republican governors and senators who see a President whenever they look in a mirror.

All these advantages, of course, applied to Ford as nominee for Vice-President, not as successor to the President. But now that he has been nominated for the second-highest post and acclaimed by his colleagues, they are unwilling to admit by refusing to confirm him how little they think either of that post or of Ford as holder of the highest post, even though every day brings Mr. Nixon closer to resignation or impeachment. And, naturally, Mr. Nixon is not going to withdraw the nomination and present Congress with a nominee who would be highly qualified, and thus likely, to replace him. In short, we may be facing the gravest crisis in the history of the United States, but still everyone in Washington seems to be thinking more about politics as usual than about the good of the nation, and unless another

firestorm—this one opposing Ford's nomination—arises, which is so remote a possibility that it is virtually nonexistent, Mr. Ford will probably be President of the United States within a matter of weeks or months.

If Ford becomes President, he will have a consituency not of two hundred million people but of five hundred and thirty-five people—the members of Congress who put him in office. And the failure of Congress to provide any guidance to the nation during the five years that President Nixon usurped *all* the power that he could usurp and corrupted *all* the public institutions that he could corrupt, or to try to stop hm as he obviously set out to destroy this nation's precious system of checks and balances, does not inspire much confidence in Congress as a safeguard against attempts by some ruthless future President to undermine the Republic. "My colleagues in the House are not representatives of the people, they are mail-weighers," a man who has served in Congress for fifteen years said the other day. "It has been clear for months now that Nixon shoud be impeached, or at least seriously threatened with impeachment, to stop him from pursuing his mad dictatorial course. But there was hardly any support here for impeachment until the *voters* forced us to consider the public interest." No one in Congress expects the public to similarly demand that it reject Ford's nomination and insist on a nominee who would have the confidence both of the members of Congress and of the voters. And no one in Congress or out expects Congress to act in the public interest without such a public demand. In other words, a new President is consciously being chosen by Congress, without any role in that choice being given to the people and without any attempt by Congress to devise a means of letting the people share in the decision about who is to be their leader. Instead, Congress will more or less automatically approve the choice that the most discredited President in the nation's history made after he was discredited.

And, finally, the standards by which that choice will be judged are the standards by which Congress assesses its own members—namely, Is he honest? Is he clean?—rather than the standards of character, strength, and philosophy that the voters test candidates by when they choose a President.

CONGRESSMAN FORD

Last week, we went down to Washington on the first day of the confirmation hearings on the nomination of Congressman Ford to be Vice-President, and talked with a number of people who have worked with him or have watched him at work over the years. Our first stop was at the Rayburn House Office Building, on Capitol Hill, where we had arranged to see Richard Bolling, who has served as a Democratic representative from Missouri since 1949, the year Ford arrived in the House as a Republican from Michigan. "Jerry Ford got into politics, and he became a congressman and has never wanted to be anything else," Bolling said. "His goal was the goal of most old-line Republican congressmen from the Midwest and Democrats from the South—simply to stay in the House. The liberals here have never had that simple a goal. They're always reaching out for something besides what they're supposed to be doing, and, as a result, they have never been as effective. In that context, I'm one of Ford's great admirers, and, despite our many differences in outlook, which are especially deep on all domestic matters. I have had a close professional relationship with him over the years. Jerry is not the standard political hack that some people here claim. He takes some risks, he has an adequate mind and he is able to grasp the nation's problems. Also, I think he's clean, which right now is the most important thing. While he hasn't the brilliance or the depth of a man like our Speaker, Carl Albert, he is steady, capable, able to see the other fellow's view, and willing to compromise. Maybe he is a plodder, as some people here say, but right now the advantages of having a plodder in the Presidency are enormous. God knows, we don't need another devious, devisive manipulator. Anyone who has studied Ford's job and seen his success at it could not conclude that he's a mediocrity. From where I sit, I'd say that Ford is a hell of a good public servant. I think that as President he would plow ahead and come up with reasonable compromises on our problems after wide consultation and careful thought."

Leaving the Rayburn Building, we made our way to the nearby office of a labor lobbyist who has worked on the Hill for many years. After he had elicited a promise from us that his identity would be concealed, so that he could continue to work at his trade, we mentioned Bolling's enthusiastic endorsement of Ford. The man smiled, and said, "Of course, Bolling is very, very close to Carl Albert, and wants to do his bidding. Albert is scared silly that the Presidency might land on him, so he wants to see Ford's nomination confirmed as soon as possible."

We asked the lobbyist what he thought about Ford, and he replied, "Jerry is quiet-spoken—he's rather a sweet person, actually—but he's a bumbler. He has very poor judgment, no grasp of the nation's problems, and not the faintest idea of where we are going. Also, his record is appalling. According to the A.F.L.–C.I.O.'s tabulation, he voted wrong—that is, against the workingman's interests—ninety-four per cent of the time through last year. Only two other members of the House had a more anti-labor record. He follows Nixon blindly, and mouths the same clichés. For instance, Ford will rant on about quality education, like Nixon, and then will quietly try to gut education bills on Nixon's orders."

We asked if it wasn't Ford's duty as Minority Leader to carry out his President's policies, and the lobbyist frowned and said, "Only up to a point. Everyone is fond of saying that Ford is a man of integrity. Well, a man of integrity can't be a mere water carrier for the team. Take Congressman John Anderson, of Illinois, who is the leader of the House Republican Conference, and who probably stands more squarely for true Republicanism than any other man in the House. Well, he stood up to the President on Cambodia, and was called a traitor to the Party. On the other hand, he led the fight for the Administration's proposal that the highway trust fund be opened up to let some of those billions be used for mass transit—which was one of the few decent positions this Administration has taken on domestic matters. He got no credit for that. And Ford, who opposed the Administration, for the first time, on the trust-fund issue—because he's from the automobile state—and led the fight against it, wasn't blamed at all. Apparently, it's all right to break with the Administration where your constituents are concerned, but if you break with it because your conscience is concerned, you're a traitor."

A couple of minutes later, we got on the subject of what might be expected of Ford if he succeeded to the Presidency, and the lobbyist said, "He will probably reverse Nixon's foreign policy and break off the move toward a détente. When Ford says, as he does, that he's a 'dyed-in-the-wool internationalist,' he means that he's a dedicated Cold Warrior. Last week, during the House Republican caucus, members were discussing the need for an independent special prosecutor and the need to make the tapes available not just to the court and the grand jury but to the public as well. Suddenly, Ford jumped up and charged in, talking about how vital it was to sustain President Nixon's veto of the war-powers-limitation bill.

That was pure stupid water-carrying because the Party is split one for one on that issue, so he antagonized half the members. It also hurt him with the Judiciary Committee, which will hold his confirmation hearings in the House, because it has become increasingly worried and sensitive about the rights and independence of Congress. All in all, he couldn't have shown worse judgment politically." Returning to what Ford might do as President, the man said, "On the domestic front, Ford would probably continue Nixon's policies, so in terms of economic's social programs, unemployment, and so on, we'd continue to flounder in the mess we have now."

In the course of the day, we visited a number of Republican congressmen, and they stated, for the record, that Ford was "decent," "never vindictive," "accessible," "a sort of gentle person," "honest," "calm," "not one to polarize people," "fair," "effective," "hard-working," and "a very nice, sometimes even warm, fellow." But some of the same people described him, off the record, as "unimaginative," "a doctrinaire conservative," "an unwavering partisan," and "essentially such a negative person that he is simply more comfortable voting no rather than yea." One of them, speaking off the record, said, "Jerry is basically a decent man. He tries to be a good, moderate human being—he exercises every day, he's nice to his wife and kids, he doesn't do anything extreme. But he is not an adventurous man. Within limits, a President should be intellectually adventurous. If he's not open to new ideas, new concepts, he may be unable to grasp the influences that are moving and shaping the country, and get left behind." Another member of Congress, also speaking off the record, observed, "I see no evidence that Ford really understands the damage that Nixon has done to the country. Nixon was determined to make the executive No. 1, and to suppress the two other branches, in a way that has never been attempted before in this country. I'm sure that Ford wouldn't consciously carry on that attempt, but I see no sign that he would try to make amends for what Nixon has done, or try to repair the damage. For instance, the best thing he could do as President would be to appoint a moderate Democrat—say, someone like Mike Mansfield—as Vice President, in order to create a coalition and bring the nation back together after the terrible time we've had. But Ford is too much a partisan and too shortsighted for that. He would probably listen to leaders of the Party, who would convince him that he had to build up a new candidate for 1976 through the Vice Presidency. In sum, I'm afraid that Ford simply is not a very thoughtful man."

One senior and leading member of the Republican Party in the House who spoke to us about whether Ford would be a suitable Vice-President said, "I think he would be very good at it—at attending rubber-chicken dinners, spouting clichés for the Party faithful, cutting ribbons at opening ceremonies, shaking hands in reception lines." We asked how he felt about Ford's being President, and he answered, "He does not have the stature." We pressed him for his reasons for this judgment, and, after a few moments' thought, he said, "Ford never became at all effective as a leader until he had someone to follow—that is, until Nixon became President. Before that, when Ford was Minority Leader and, as such, one of the Party's foremost spokesmen, he had nothing to offer except blind opposition, without focus or pattern. That is the best indicating of what he would be like as the nation's leader."

We arrived at the hearing room being used by the Senate Committee on Rules and Administration for Representative Ford's confirmation hearings just as he said, "President Eisenhower had a very simple rule—I have never heard of a better one for people in public office who have to make decisions:

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Get all the facts and all the good counsel you can, and then do what's best for America." A middle-aged woman sitting behind us said to a companion, "But doesn't everyone think they're doing what's best for the country?" We listened to the rest of Ford's statement and to some of the senators' questions and his answers, and then went off to keep an appointment that we had with a Republican senator—Charles McC. Mathias, Jr., of Maryland—who had served in the House with Ford, to get his opinion of his colleague.

"One must appreciate the terribly limited arena provided by the Republican Party in the House," Senator Mathias told us. "Take the Party breakdown on a variety of votes, and you'll see how terribly conservative the Republican Party there is. There will be twenty-five liberals and moderates on one side, a handful of extreme right-wingers on the other side, and a hundred and fifty or sixty conservatives in the middle. To hold any position as leader you have to be within the parameters of the bulk of the membership. These parameters have limited Ford's ability to operate as freely as people often do when they come on the national scene and face the kinds of problems that exist beyond their narrow primary experience. Another limiting factor, Jerry once told me, was that in his home town he was viewed as too liberal. So he was restricted both by the members of the House and by his constituency. The question he faced was:

Do you live in the world or do you try to change it?"

A little later, we got onto the question of what Ford would be like as President, and Senator Mathias thought for a minute and then said, "The greatest thing to Jerry's advantage in that office would be that he has always been willing to work with associates and colleagues. This is a tremendous safety valve—as long as the people he gathered around him were sound. The greatest trouble we have now is that President Nixon is so isolated from reality, and I can't see Ford being like that. But the basic question, in my view, is whether Ford understands what has happened under Nixon. I don't know the answer to that. If he does, and if he is a good man, as I think he is, and if he is strong enough to make the troublemakers go lie down, he would do as President."

Joseph Rauh, the driving force behind Americans for Democratic Action and one of the heads of the Leadership Conference on Civil Rights, told us over lunch, "The worst thing about Gerald Ford is his record on civil rights. He is the perfect modern example of a 'doughface'—the word used before the Civil War to describe a Northerner with Southern sympathies. Here he is, a man who didn't have to fight blacks but fought them. What is a white man from Grand Rapids, Michigan, doing when he tries to stop a black man in Mississippi from voting?"

In the House, Rauh's question was answered by a senior Republican member, who explained to us, "Ford's life-long dream, as he has said, was to be Speaker of the House. He figured that if he could persuade enough Democrats from the South to come over to the Republican Party, he would create a majority and might become Speaker." Ford became Minority Leader in January, 1965, and since that time he has voted, in one way or another, to gut almost every civil-rights bill that has come before the House. According to another prominent Republican there, his anti-civil-rights voting record can also be attributed to a deal he made with the conservative coalition in the House in order to get the necessary votes to become Minority Leader.

Toward the end of the day, we stopped in to see Congressman Donald W. Riegle, Jr., a young man from Flint, Michigan, who was elected and three time reelected as a Republican, and who switched to the Democratic Party this year in part because of his feelings about President Nixon's policies on the war in Vietnam. "A couple of times, Jerry went out of his way as Party leader to defend me against charges that I was disloyal and a threat to the Party," he told us. "He said that what I was doing was within Republican bounds. I supported Pete McCloskey in his primary fight in New Hampshire against the President, and three weeks before the election there Jerry came to Flint and endorsed me and said a lot of nice things about me publicly. It was a very awkward position for him, and he could have got out of it, but he didn't. He was very decent. My opinion of him is probably higher than most people's, because I've had a close political relationship with him, and I've had a chance to see a part of Jerry Ford that others haven't had a chance to see. Underneath it all, he's really a human being. He has the kind of sensitivity that gives him a potential for growth. He can grow in terms of national leadership because he's a human being. That's very important at this particular time. Of course, to take him out of the narrow, conservative group of Republicans that he has been used to dealing with and drop him to a broad national constituency of various persuasions would be such a stunning change that none of us would know what to expect. The whole question of whether Jerry Ford can change from being a partisan battering ram to being a national conciliator can be answered only by his taking on the job. For myself, I know that if I could trade Nixon for Ford, I would do it in an instant."

SURFACE MINING CONTROL AND RECLAMATION ACT OF 1973

(Mr. UDALL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. UDALL. Mr. Speaker, today it gives me great pleasure to introduce on behalf of myself and Mrs. Mink and other Members, The Surface Mining Control and Reclamation Act of 1973, H.R. 11500.

This bill is the result of 6 months work of the Subcommittees on Mines and Mining, which is chaired by Mrs. Mink, and the Environment Subcommittee, which I chair. These subcommittees, in joint effort, conducted extensive hearings and toured mining areas of Appalachia and the West. After more than a dozen intensive joint markup sessions, the legislation being introduced today as a clean bill will be reported to the Full Committee on Interior and Insular Affairs.

The bill strikes a balance among:

First. The Nation's increased need of and dependency on coal-based energy and the protection of our land and water resources and the environment.

Two. Those who would abolish strip mining and those who desire to maintain the status quo and the continued uninhibited development of coal resources.

Three. An approach leaving virtually all the responsibility for enforcement and administration with the States and one which rests all mining control and enforcing authority with the Federal Government.

The underlying premise of the legislation is that coal strip mining is a controllable and regulatable activity and that all of the environmental and social abuses common to past and present strip mining can be in the future, avoided, fully regulated, corrected, and fully compensated for.

Key features of the bill include:

First, stringent environmental protection standards, some of which become immediately effective 90 days after the passage of the act;

Second, control of both coal strip mines as well as the surface effects of underground coal mines;

Third, an integral and basic role for citizen participation in the development and approval of State programs, individual mining permit approvals, bond releases, and enforcement of this act;

Fourth, a capability of designating areas unsuitable for surface coal mining;

Fifth, a backup Federal enforcement system supporting the State regulatory authority which can be quickly implemented either on a mine-by-mine or other basis by State or citizen action;

Sixth, the prevention of mining where reclamation is not feasible or are in national forests, national wilderness areas, national wildlife refuges, and similar places;

Seventh, creation of a program to rehabilitate past mining damages and putting those lands into productive use in the communities in which they are located;

Eighth, the imposition of a reclamation fee on all coal produced, and providing that such fee can be reduced, up to 90 percent, by costs incurred by the operator in meeting all of the provisions of this Act as well as the Coal Mine Health and Safety Act of 1969;

Ninth, the funding of mining research institutes in a number of States in order to develop the research and manpower capabilities necessary to meet current and future problems facing the Nation in mining and materials availability;

Tenth, the provision of authority to States and the Federal Government for designating areas unsuitable for mining for all minerals under limited circumstances.

We believe this legislation meets the needs of the nation now and in the foreseeable future in the critical areas of regulating surface coal mining. It provides the means for the regulation of coal surface mining operations as well as the opportunities for citizens, public officials, and industry to work out in advance, as well as during the mining process, their differences at the local, regional and State level so that the continued development of coal will not trigger additional environmental problems which brought this matter to national attention.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Holifield, for today, November 15, on account of family illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Towell of Nevada) to revise and extend their remarks and include extraneous material:)

Mr. Young of Alaska, for 5 minutes, today.

Mr. Robison of New York, for 30 minutes, today.

Mr. Hogan, for 60 minutes, today.

Mr. Edwards of Alabama, for 5 minutes, today.

Mr. Kemp, for 10 minutes, today.

(The following Members (at the request of Mr. Jones of Oklahoma) to revise and extend their remarks and include extraneous material:)

Mr. Dent, for 10 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mr. Gonzalez, for 5 minutes, today.

Mr. Fuqua, for 5 minutes, today.

Mr. Patman, for 5 minutes, today.

Mr. Cotter, for 5 minutes, today.

Mr. Davis of South Carolina, for 20 minutes, today.

Ms. Holtzman, for 5 minutes, today.

Mr. Flood, for 10 minutes, today.

Mr. Culver, for 5 minutes, today.

Mr. Owens, for 5 minutes, today.

Mr. Adams, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Biaggi, before the vote on the Griffiths amendment on H.R. 11333, social security benefits increase.

(The following Members (at the request of Mr. Towell of Nevada) and to include extraneous material:)

Mr. Hanrahan in two instances.

Mr. Landgrebe in 10 instances.

Mr. Erlenborn in two instances.

Mr. Esch in two instances.

Mr. Cleveland in two instances.

Mr. Veysey in four instances.

Mr. Horton in two instances.

Mr. Symms in two instances.

Mr. Kemp in two instances.

Mr. Bray in three instances.

Mr. Hogan.

Mr. Nelsen.

Mr. Steele.

Mr. Steiger of Wisconsin in two instances.

Mr. Miller in six instances.

Mr. Towell of Nevada.

Mr. Wyman in four instances.

Mr. Froehlich.

Mr. Conte.

Mr. Bob Wilson.

Mr. Heinz in four instances.

Mr. Baker in two instances.

Mr. Hinshaw.

Mr. Whalen.

Mr. Forsythe.

Mr. Broyhill of Virginia.

Mr. Vander Jagt.

Mr. Maraziti.

Mr. Huber.

Mr. Beard.

Mr. Sarasin in two instances.

Mr. Mizell in eight instances.

(The following Members (at the request of Mr. Jones of Oklahoma) and to include extraneous material:)

Mr. Flood in seven instances.

Mr. Brinkley.

Mr. Gonzalez in three instances.

Mr. Reid.

Mr. Gunter in three instances.

Mr. Rarick in three instances.

Mr. Biaggi in five instances.

Mr. Harrington in four instances.

Mrs. Chisholm.

Mr. Ashley in three instances.

Mr. Teague of Texas in six instances.

Mr. Duncan.

Mrs. Sullivan.

Miss Holtzman.

Mr. Stephens.

Mr. Long of Louisiana in two instances.

Mr. Murphy of Illinois.

Mr. Nichols.

Mr. Patten in two instances.

Mr. Pepper.

Mr. Waldie in two instances.

Mr. Litton.

Mr. Roe in three instances.

Mr. O'Neill.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 9295. An act to provide for the conveyance of certain lands of the United States to the State of Louisiana for the use of Louisiana State University.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following title:

H.R. 3801. An act to extend Civil Service Federal employees group life insurance and Federal employees health benefits coverage to U.S. nationals employed by the Federal Government;

H.R. 5692. An act to amend title 5, United States Code, to revise the reporting requirement contained in subsection (b) of section 1308;

H.R. 8219. An act to amend the International Organizations Immunities Act to authorize the President to extend certain privileges and immunities to the Organization of African Unity; and

H.R. 8916. An act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1974, and for other purposes.

ADJOURNMENT

Mr. JONES of Oklahoma. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER. Pursuant to the provisions of House Concurrent Resolution 378, 93d Congress, the Chair declares the House adjourned until 12 o'clock noon on Monday, November 26, 1973.

Thereupon (at 4 o'clock and 25 minutes p.m.), pursuant to House Concurrent Resolution 378, the House adjourned until Monday, November 26, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV executive communications were taken from the Speaker's table and referred as follows:

1556. A letter from the Acting Assistant Secretary of the Interior, transmitting a copy of a proposed concession contract for the continued provision of marine facilities, merchandising, food and beverage services, and related facilities and services for the public at the Las Vegas Wash Site of Lake Mead National Recreation Area, Nev., for a term ending October 31, 1987, pursuant to 67 Stat. 271 and 70 Stat. 543 to the Committee on Interior and Insular Affairs.

1557. A letter from the President, National Railroad Passenger Corporation, transmitting the Corporation's operating and capital plans for fiscal years 1974 and 1975 and projections for fiscal years 1976 and 1977, pursuant to section 601(b) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Interstate and Foreign Commerce.

1558. A letter from the Vice President for Public and Government Affairs, National Railroad Passenger Corporation, transmitting a copy of the testimony of the Corporation before the Subcommittee on Buildings and Grounds of the Senate Committee on Public Works on November 13, 1973, pursuant to section 601(b) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Interstate and Foreign Commerce.

1559. A letter from the Secretary of Commerce, transmitting the annual reports of the National Marine Fisheries Service for calendar years 1970 and 1971, pursuant to 16 U.S.C. 742h; to the Committee on Merchant Marine and Fisheries.

1560. A letter from the Acting Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated October 10, 1972, submitting a report on Licking River Basin, Ky., authorized by the Flood Control Act approved June 22, 1936; to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FRASER: Committee of Conference. Conference report on H.R. 6768. (Rept. No. 93–642). Ordered to be printed.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 11324. A bill to provide for daylight saving time on a year-round basis for a 2-year trial period; with amendment. (Rept. No. 93–643). Referred to the Committee of the Whole House on the State of the Union.

Mr. BRADEMAS: Committee on House Administration. House Resolution 680. Resolution authorizing the printing of proceedings unveiling the portrait of the late Honorable Philip J. Philbin; with amendment (Rept. No. 93–644). Ordered to be printed.

Mr. BRADEMAS: Commitee on House Administration. House Concurrent Resolution 88. Concurrent resolution authorizing certain printing for the Committee on Veterans' Affairs; with amendment (Rept. No. 93–645). Ordered to be printed.

Mr. BRADEMAS: Committee on House Ad-

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ministration. House Concurrent Resolution 369. Concurrent resolution to print as a House document House Committee print on Impeachment, Selected Materials (Rept. No. 93–646). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. House Concurrent Resolution 375. Concurrent resolution providing for the printing as a House document the booklet entitled "The Supreme Court of the United States" (Rept. No. 93–647). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. Senate Concurrent Resolution 47. Concurrent resolution authorizing the printing of additional copies of a report of the Senate Special Committee on the Termination of the National Emergency (Rept. No. 93–648). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. Senate Concurrent Resolution 49. Concurrent resolution authorizing the printing of the prayers of the Chaplain of the Senate during the 92d Congress as a Senate document (Rept. No. 93–649). Ordered to be printed.

Mr. HUNGATE: Committee on the Judiciary. H.R. 5463. A bill to establish rules of evidence for certain courts and proceedings, with amendment (Rept. No. 93–650). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 9437. A bill to amend the International Travel Act of 1961 to authorize appropriations for fiscal years 1974, 1975, and 1976; with amendment (Rept. No. 93–651). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ARCHER:

H.R. 11493. A bill to repeal the Occupational Safety and Health Act of 1970; to the Committee on Education and Labor.

By Mr. ASHLEY:

H.R. 11494. A bill to amend the Internal Revenue Code of 1954 to provide that section 265 of such code shall not apply with respect to certain interest paid by certain dealers in connection with the purchase of tax-exempt obligations; to the Committee on Ways and Means.

By Mr. ASHLEY (by request):

H.R. 11495. A bill to amend the Export Administration Act of 1969, to prevent the excessive drain of iron and steel scrap from the United States; to the Committee on Banking and Currency.

By Mr. ASPIN (for himself, Mr. Bingham, Mr. Carney of Ohio, Mrs. Collins of Illinois, Mr. Danielson, Mr. Davis of South Carolina, Mr. Dellums, Mr. Dulski, Mr. William D. Ford, Mr. Froehlich, Mr. Green of Pennsylvania, Mr. Gude, Mr. Helstoski, Ms. Holtzman, Mr. Lehman, Mr. Meeds, Mr. Michel, Mr. Minish, Mr. Moakley, Mr. Nichols, Mr. Pepper, Mr. Preyer, Mr. Rooney of Pennsylvania, and Mr. Rosenthal):

H.R. 11496. A bill to direct the President to halt all exports of gasoline, distillate fuel oil, and propane gas until he determines that no shortage of such fuels exists in the United States; to the Committee on Banking and Currency.

By Mr. ASPIN (for himself, Mr. Roush, Mr. Roybal, Mr. Sarbanes, Mr. Snyder, Mr. Stark, Mr. Studds, Mr. Vanik, Mr. Wolff, Mr. Yatron, Mr. Young of Florida, Mr. Breaux, Mr. Charles Wilson of Texas, and Mr. Dent):

H.R. 11497. A bill to direct the President to halt all exports of gasoline, distillate fuel oil, and propane gas until he determines that no shortage of such fuels exists in the United States; to the Committee on Banking and Currency.

By Mr. BELL (for himself, Mr. Anderson of California, Mr. Burton, Mr. Hawkins, Mr. Hosmer, Mr. McCloskey, Mr. Moss, Mr. Rees, Mr. Roybal, Mr. Stark, Mr. Charles H. Wilson of California, Mr. Moorhead of California, Mr. Goldwater, Mr. Corman, and Mrs. Burke of California):

H.R. 11498. A bill to authorize the Secretary of the Interior to designate the Mulholland National Scenic Parkway in the State of California, and for other purposes, to the Committee on Interior and Insular Affairs.

By Mr. BROOKS (for himself, Mr. Donohue, Mr. James V. Stanton, Mrs. Collins of Illinois, and Mr. Culver):

H.R. 11499. A bill to establish procedures and regulations for certain protective services provided by the U.S. Secret Service; to the Committee on the Judiciary.

By Mr. UDALL (for himself, Mrs. Mink, Mr. Ruppe, Mr. Bingham, Mrs. Burke of California, Mr. Burton, Mr. de Lugo, Mr. Kastenmeier, Mr. Martin of North Carolina, Mr. Meeds, Mr. Owens, Mr. Peyser, Mr. Roncalio of Wyoming, Mr. Seiberling, Mr. Vigorito, and Mr. McDade):

H.R. 11500. A bill to provide for the regulation of surface coal mining operations in the United States, to authorize the Secretary of Interior to make grants to States to encourage the State regulation of surface mining and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BROTZMAN:

H.R. 11501. A bill to further the conduct of research, development, and commercial demonstrations in geothermal energy technologies, to direct the National Science Foundation to fund basic and applied research relating to geothermal energy, and to direct the National Aeronautics and Space Administration to carry out a program of demonstrations in technologies for commercial utilization of geothermal resources including hot dry rock and geopressured fields; to the Committee on Science and Astronautics.

By Mr. BROWN of California (for himself, Mr. Anderson of California, Mr. Bell, Mr. Cleveland, Mr. Cotter, Mr. Davis of Georgia, Mr. Eilberg, Mr. Froehlich, Mr. Gilman, Mrs. Grasso, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Leggett, Mr. Mazzoli, Mr. McDade, Mr. Mitchell of Maryland, Mr. Nix, Mr. Obey, Mr. Podell, Mr. Rees, Mr. Rhodes, Mr. Roe, Mr. Rooney of Pennsylvania, and Mr. Sisk):

H.R. 11502. A bill to amend the National Aeronautics and Space Act of 1958 to authorize and direct the National Aeronautics and Space Administration to conduct research and to develop ground propulsion systems which would serve to reduce the current level of energy consumption; to the Committee on Science and Astronautics.

By Mr. BROWN of California (for himself, Mr. Stark, Mr. Udall, Mr. Ware, Mr. Charles H. Wilson of California, Mr. Charles Wilson of Texas, Mr. Winn, Mr. Wyatt, and Mr. Yatron):

H.R. 11503. A bill to amend the National Aeronautics and Space Act of 1958 to authorize and direct the National Aeronautics and Space Administration to conduct research and to develop ground propulsion systems which would serve to reduce the current level of energy consumption; to the Committee on Science and Astronautics.

By Mr. BROYHILL of Virginia:

H.R. 11504. A bill to amend the Internal Revenue Code of 1954 with respect to the inclusion in gross income of, and the deduction allowed for, certain moving expenses of members of the Armed Forces; to the Committee on Ways and Means.

By Mr. CAREY of New York:

H.R. 11505. A bill to authorize and direct the President and State and local governments to develop contingency plans for reducing petroleum consumption, and assuring the continuation of vital public services in the event of emergency fuel shortages or severe dislocations in the Nation's fuel distribution system, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CARNEY of Ohio:

H.R. 11506. A bill to provide for the tempore suspension of duty on polychloroprene (neoprene) rubber; to the Committee on Ways and Means.

By Mr. CLEVELAND:

H.R. 11507. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rates under that act, to expand the coverage of that act, and for other purposes; to the Committee on Education and Labor.

H.R. 11508. A bill to prohibit the use of currency in amounts in excess of $25 with respect to the making of certain political contributions or expenditures; to the Committee on House Administration.

By Mr. BINGHAM:

H.R. 11509. A bill to declare by congressional action a nationwide energy emergency; to authorize the President to immediately undertake specific actions to conserve scarce fuels and increase supply; to invite the development of local, State, national, and international contingency plans; to assure the continuation of vital public services; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HOLIFIELD (for himself, Mr. Horton, Mr. Price of Illinois, and Mr. Hosmer):

H.R. 11510. A bill to reorganize and consolidate certain functions of the Federal Government in the new Energy Research and Development Administration and in a Nuclear Energy Commission in order to promote more efficient management of such functions; to the Committee on Government Operations.

By Mr. ROGERS:

H.R. 11511. A bill to amend the Public Health Service Act and related laws to revise and extend programs of health revenue sharing and health delivery, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FASCELL:

H.R. 11512. A bill to establish a national program for research, development, and demonstration in fuels and energy and for the coordination and financial supplementation of Federal energy research and development; to establish development corporations to demonstrate technologies for shale oil development, coal gasification development, advanced power cycle development, geothermal steam development, and coal liquefaction development; to authorize and direct the Secretary of the Interior to make mineral resources of the public lands available for said development corporations; and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 11513. A bill to provide for a national fuels and energy conservation policy, to establish an Office of Energy Conservation in the Department of the Interior, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FINDLEY:

H.R. 11514. A bill to require that buses and trucks operated in commerce be equipped with instruments to provide a record of certain operating data, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GONZALEZ:

H.R. 11515. A bill to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes; to the Committee on the District of Columbia.

By Mr. GROVER:

H.R. 11516. A bill to establish the Department of Health; to the Committee on Government Operations.

By Mr. HANRAHAN:

H.R. 11517. A bill to provide for daylight saving time on a year-round basis for a 2-year trial period, and to require the Federal Communications Commission to permit certain daytime broadcast stations to operate before local sunrise; to the Committee on Interstate and Foreign Commerce.

By Mr. HEINZ (for himself and Mr. Rogers):

H.R. 11518. A bill to amend the Community Mental Health Centers Act to revise the various programs of assistance authorized by that act and to extend it to the fiscal year 1976; to the Committee on Interstate and Foreign Commerce.

By Mr. HEINZ (for himself, Mr. Ashley, Ms. Burke of California, Ms. Grasso, Mr. Badillo, Ms. Chisholm, Mr. Conyers, Mr. de Lugo, Mr. Eilberg, Mr. Esch, Mr. Fraser, Mrs. Heckler of Massachusetts, Mr. Helstoski, Ms. Holtzman, Mr. Lehman, Mr. Long of Maryland, Mr. Mazzoli, Mr. McDade, Mr. Murphy of New York, Mr. Nix, Mr. Pepper, and Mr. Peyser):

H.R. 11519. A bill to establish a National Center for the Prevention and Control of Rape and provide financial assistance for a research and demonstration program into the causes, consequences, prevention, treatment, and control of rape; to the Committee on Interstate and Foreign Commerce.

By Mr. HEINZ (for himself, Mr. Rangel, Mr. Rees, Mr. Riegle, Mr. Rodino, Mr. Roncallo of New York, Mr. Ryan, Mr. Sarbanes, Ms. Schroeder, Mr. Seiberling, Mr. Stark, Mr. Ware, Mr. Charles H. Wilson of California, Mr. Winn, Mr. Wolff, Mr. Frenzel, and Mr. Moss):

H.R. 11520. A bill to establish a National Center for the Prevention and Control of Rape and provide financial assistance for a research and demonstration program into the causes, consequences, prevention, treatment, and control of rape; to the Committee on Interstate and Foreign Commerce.

By Mr. HINSHAW:

H.R. 11521. A bill to amend the act of April 9, 1966, to provide for the acquisition of an existing structure to be used as the official residence of the Vice President of the United States; to the Committee on Public Works.

By Mrs. HOLT:

H.R. 11522. A bill to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes; to the Committee on the District of Columbia.

By Mr. HUNT:

H.R. 11523. A bill to provide for the establishment of an American Folk Life Center in the Library of Congress, and for other purposes; to the Committee on House Administration.

By Mrs. MINK (for herself, Mr. Moss, Mr. Nix, Mr. Podell, and Mr. Ullman):

H.R. 11524. A bill to amend section 19 of title 3, United States Code, to provide for an election for the Office of President and the Office of Vice President in the case of vacancies in both the Office of President and the Office of Vice President; to the Committee on the Judiciary.

By Mr. MOAKLEY:

H.R. 11525. A bill to confer pensionable status on veterans involved in the Brownsville, Tex., incident of August 13, 1906, and to require the Administrator of Veterans' Affairs to make certain compensatory payments to such veterans and their heirs; to the Committee on Armed Services.

H.R. 11526. A bill to direct the President to halt all exports of gasoline No. 2 fuel oil, and propane gas until he determines that no shortage of such fuels exists in the United States; to the Committee on Banking and Currency.

H.R. 11527. A bill to regulate commerce by assuring adequate supplies of energy resource products will be available at the lowest possible cost to the consumer, and for other purposes; to the Committee on the Judiciary.

H.R. 11528. A bill to amend the Internal Revenue Code of 1954 to provide that certain bond interest received by individuals 65 or over shall be excluded from gross income; to the Committee on Ways and Means.

By Mr. MOORHEAD of California:

H.R. 11529. A bill to strengthen interstate reporting and interstate services for parents of runaway children, to provide for the development of a comprehensive program for the transient youth population for the establishment, maintenance, and operation of temporary housing and psychiatric, medical, and other counseling services for transient youth, and for other purposes; to the Committee on Education and Labor.

By Mr. PEPPER (for himself, Mr. McKinney, and Mr. Young of Illinois):

H.R. 11530. A bill to amend title VII of the Older Americans Act relating to the nutrition program for the elderly to provide authorization of appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. POAGE:

H.R. 11531. A bill to provide for the establishment of a national cemetery at or near Fort Hood, Tex.; to the Committee on Veterans' Affairs.

By Mr. RARICK (for himself and Mr. Robert W. Daniel, Jr.):

H.R. 11532. A bill to amend title XI of the Social Security Act to repeal the recently added provision for the establishment of Professional Standards Review Organizations to review services covered under the medicare and medicaid programs; to the Committee on Ways and Means.

By Mr. REID:

H.R. 11533. A bill to prohibit any increase in fares charged by mass transit systems for a 1-year period and to provide for grants to any mass transit system which may be adversely affected by such prohibition of fare increase; to the Committee on Banking and Currency.

By Mr. RIEGLE (for himself and Mr. Roy):

H.R. 11534. A bill to amend the Occupational Safety and Health Act of 1970 to improve the administration of that act with respect to small businesses; to the Committee on Education and Labor.

By Mr. ROGERS (for himself, Mr. Jones of Oklahoma, Mr. Roy, Mr. Symington, Mr. Hansen of Idaho, Mr. Preyer, Mrs. Green of Oregon, and Mr. Brown of Michigan):

H.R. 11535. A bill to extend for 3 years the District of Columbia Medical and Dental Manpower Act of 1970; to the Committee on the District of Columbia.

By Mr. SEBELIUS:

H.R. 11536. A bill to amend the Uniform Time Act of 1966 to provide that daylight saving time shall begin on Memorial Day and end on Labor Day of each year; to the Committee on Interstate and Foreign Commerce.

By Mr. SIKES (for himself, Mr. Dingell, Mr. Biaggi, Mr. Forsythe, Mr. Breaux, Mr. Cohen, Mr. Studds, and Mr. Bowen):

H.R. 11537. A bill to extend and expand the authority for carrying out conservation and rehabilitation programs on military reservations, and to authorize the implementation of such programs on certain public lands; to the Committee on Merchant Marine and Fisheries.

By Mr. SMITH of Iowa (for himself, Mr. Carney of Ohio, Mr. Coughlin, Mr. Gaydos, Mr. Gonzalez, Mr. Harrington, Mr. Mazzoli, Mr. Moss, and Mr. Veysey):

H.R. 11538. A bill to amend the Commodity Exchange Act to strengthen the regulation of futures trading to require public disclosure of certain information relating to sales of commodities, to bring all agricultural and other commodities traded on exchanges under regulation, and for other purposes; to the Committee on Agriculture.

By Mr. STAGGERS (for himself and Mr. Devine):

H.R. 11539. A bill to improve the Public Health and National Health Service Corps Scholarship training program; to the Committee on Interstate and Foreign Commerce.

By Mr. STIEGER of Wisconsin:

H.R. 11540. A bill to consolidate certain vocational education programs; to the Committee on Education and Labor.

By Mrs. SULLIVAN (for herself, Mr. Dingell, Mr. McCloskey, Mr. Karth, Mr. Biaggi, Mr. Conte, Mr. Forsythe, Mr. William D. Ford, Mr. Kyros, Mr. Breaux, Mr. Studds, Mr. Nedzi, Mr. Moss, and Mr. Bowen):

H.R. 11541. A bill to amend the National Wildlife Refuge System Administration Act of 1966 in order to strengthen the standards under which the Secretary of the Interior may permit certain uses to be made of areas within the system and to require payment of the fair market value of rights-of-way or other interests granted in such areas in connection with such uses; to the Committee on Merchant Marine and Fisheries.

By Mr. VANIK:

H.R. 11542. A bill to amend the Public Buildings Act of 1953, to encourage the use of solar energy in the heating and cooling systems of certain public buildings and to require the Administration of General Services to submit to the Congress an energy use statement with respect to certain public buildings; to the Committee on Public Works.

H.R. 11543. A bill to amend the Internal Revenue Code of 1954 to allow an income tax credit for certain repairs or improvements of the residence of a taxpayer which improve the thermal design of such residence; to the Committee on Ways and Means.

By Mr. WALDIE:

H.R. 11544. A bill providing for direct access to social workers' services under the Federal Employees' Health Benefits program; to the Committee on Post Office and Civil Service.

By Mr. WALSH (for himself, Mr. Helstoski, Ms. Heckler of Massachusetts, Mr. Gilman, Mr. Edwards of California, Mr. Maraziti, and Mr. Charles Wilson of Texas):

H.R. 11545. A bill to amend chapter 34 of title 38, United States Code, to authorize additional payments to eligible veterans to partially defray the cost of tuition; to the Committee on Veterans' Affairs.

By Mr. CHARLES WILSON of Texas (for himself, Mr. Taylor of North Carolina, Mr. Kazen, Mr. Steelman, Mr. Eckhardt, Mr. Skubitz, Mr. Johnson of California, Mr. Don H. Clausen, Mr. Mahon, Mr. Brooks, Mr. Patman, Mr. Poage, Mr. Archer, Mr. Burleson of Texas, Mr. Milford, Mr. Roberts, Mr. Gonzalez, Mr. Pickle, Mr. Wright, Mr. Casey of Texas, Mr. Fisher, Mr. White, Mr. Collins of Texas, Ms. Jordan, and Mr. Young of Texas):

H.R. 11546. A bill to authorize the establishment of the Big Thicket National Preserve in the State of Texas, and for other purposes; to the Committee on Interior and Insular Affairs.

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By Mr. CHARLES WILSON of Texas (for himself, Mr. Udall, Mr. Ruppe, Mr. Burton, Mr. Dellenback, Mr. Kastenmeier, Mr. Sebelius, Mr. Meeds, Mr. Regula, Mr. Melcher, Mr. Towell of Nevada, Mr. Bingham, Mr. Cronin, Mr. Won Pat and Mr. de Lugo):

H.R. 11547. A bill to authorize the establishment of the Big Thicket National Preserve in the State of Texas, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. YOUNG of South Carolina:

H.R. 11548. A bill to repeal the Economic Stabilization Act of 1970; to the Committee on Banking and Currency.

By Mr. YOUNG of South Carolina (for himself, Mr. Andrews of North Dakota, Mr. Cohen, Mrs. Collins of Illinois, Mr. Derwinski, Mr. Fish, Mr. Gettys, Mr. Guyer, Mr. Lott, Mr. Madigan, Mr. Martin of North Carolina, Mr. Rangel, Mr. Riegle, Mr. Rose, Mr. Sebelius, Mr. Sisk, Mr. Spence, Mr. Steiger of Wisconsin, Mr. Towell of Nevada, Mr. Charles Wilson of Texas, Mr. Won Pat, and Mr. Yatron):

H.R. 11549. A bill to provide tax incentives to encourage physicians, dentists, and optometrists to practice in physician shortage areas; to the Committee on Ways and Means.

By Mr. ROSTENKOWSKI:

H.R. 11550. A bill to promote tourism in the United States by establishing a National Tourism Administration in the Department of Commerce; to the Committee on Ways and Means.

By Mr. SISK:

H.R. 11551. A bill to amend section 1(12) of the Interstate Commerce Act to provide that railroads shall not discriminate against the movement or interchange of railroad refrigerator cars not owned by a railroad, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GONZALEZ (for himself, Mr. Kazen, Mr. Gunter, Mr. Derwinski, and Mr. Fountain):

H.J. Res. 828. Joint resolution to designate February 10 to 16, 1974, as "National Vocational Education and National Vocational Industrial Clubs of America (VICA) Week"; to the Committee on the Judiciary.

By Mrs. MINK (for herself, Mr. Moss, Mr. Nix, Mr. Podell, and Mr. Ullman):

H.J. Res. 829. Joint resolution proposing an amendment to the Constitution of the United States to provide for an election for the Office of President and the Office of Vice President in the case of a vacancy both in the Office of President and the Office of Vice President; to the Committee on the Judiciary.

By Mr. PICKLE (for himself, Mr. McCollister, Mr. Montgomery, Mr. Kemp, Mr. Spence, Mr. Burgener, Mr. Cochran, Mr. Don H. Clausen, Mr. Rangel, Mr. Huber, Mr. Scherle, Mr. Quie, Mr. Ketchum, Mr. Addabbo, Mr. McEwen, Mr. Bob Wilson, Mr. Robinson of Virginia, Mr. Won Pat, Mr. Eilberg, Mr. Roe, Mr. Treen, Mr. Rousselot, and Mr. Hudnut):

H.J. Res. 830. Joint resolution expressing the concern of the United States about American servicemen missing in action in Vietnam; to the Committee on Foreign Affairs.

By Mr. BAKER (for himself, Mr. Abdnor, Mr. Archer, Mr. Bafalis, Mr. Beard, Mr. Brown of Ohio, Mr. Buchanan, Mr. Burke of Florida, Mr. Camp, Mr. Carter, Mr. Clancy, Mr. Del Clawson, Mr. Cochran, Mr. Cohen, Mr. Collier, Mr. Conable, Mr. Davis of Georgia, Mr. Derwinski, Mr. Devine, Mr. Dickinson, Mr. Downing, Mr. Evins of Tennessee, Mr. Fish, Mr. Fisher, and Mr. Fulton):

H. Res. 706. Resolution commending the President of the United States for his actions in Middle East; to the Committee on Foreign Affairs.

By Mr. BAKER (for himself, Mr. Gilman, Mr. Goodling, Mr. Hicks, Mr. Hinshaw, Mr. Hosmer, Mr. Howard, Mr. Huber, Mr. Jones of Tennessee, Mr. Kemp, Mr. Kuykendall, Mr. Latta, Mr. Mathis of Georgia, Mr. McClory, Mr. McCloskey, Mr. McCollister, Mr. Michel, Mr. Montgomery, Mr. Moorhead of California, Mr. Passman, Mr. Pepper, Mr. Pickle, Mr. Pritchard, Mr. Quie, and Mr. Quillen):

H. Res. 707. Resolution commending the President of the United States for his actions in the Middle East; to the Committee on Foreign Affairs.

By Mr. BAKER (for himself, Mr. Regula, Mr. Rhodes, Mr. Robinson of Virginia, Mr. Scherle, Mr. Shoup, Mr. Skubitz, Mr. Steelman, Mr. Stephens, Mr. Taylor of Missouri, Mr. Thomson of Wisconsin, Mr. Thone, Mr. Veysey, Mr. Waggonner, Mr. Walsh, Mr. Wampler, Mr. Winn, Mr. Wydler, Mr. Wylie, Mr. Wyman, Mr. Young of Alaska, Mr. Young of South Carolina, Mr. Young of Illinois, and Mr. Young of Florida):

H. Res. 708. Resolution commending the President of the United States for his actions in the Middle East; to the Committee on Foreign Affairs.

By Mr. BAKER (for himself, Mr. Cleveland, Mr. Eshleman, Mr. Duncan, Mr. Lott, Mr. Bell, Mr. Pettis, Mr. Hammerschmidt, Mr. Spence, Mr. Frey, Mr. Powell of Ohio, and Mr. Bob Wilson):

H. Res. 709. Resolution commending the President of the United States for his actions in the Middle East; to the Committee on Foreign Affairs.

By Mr. DELLENBACK:

H. Res. 710. Resolution expressing the sense of the House of Representatives concerning ratification of the Geneva Protocol of 1925, and a comprehensive review of this Nation's policies regarding chemical warfare; to the Committee on Foreign Affairs.

By Mr. LANDGREBE:

H. Res. 711. Resolution expressing the sense of the House of Representatives concerning President Nixon's handling of the Middle East crisis; to the Committee on Foreign Affairs.

By Mr. OWENS (for himself, Mr. Reuss, Ms. Abzug, Mr. Ashley, Mr. Bingham, Mr. Brown of California, Ms. Chisholm, Mr. Conyers, Mr. Dellums, Mr. de Lugo, Mr. Edwards of California, Mr. Green of Pennsylvania, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Helstoski, Ms. Holtzman, Mr. Leggett, Mr. McCloskey, Mr. McDade, Mr. McKay, Mr. Mezvinsky, Mr. Moakley, Mr. Mosher, Mr. Moss, and Mr. Obey):

H. Res. 712. Resolution expressing the sense of the House of Representatives concerning ratification of the Geneva Protocol of 1925, and a comprehensive review of this Nation's national security and international policies regarding chemical warfare; to the Committee on Foreign Affairs.

By Mr. OWENS (for himself, Mr. Reuss, Mr. Aspin, Mr. Podell, Mr. Rees, Mr. Riegle, Mr. Rosenthal, Mr. Roybal, Mr. Seiberling, Mr. Stark, Mr. Studds, Mr. Thompson of New Jersey, Mr. Tiernan, Mr. Udall, and Mr. Ullman):

H. Res. 713. Resolution expressing the sense of the House of Representatives concerning ratification of the Geneva Protocol of 1925, and a comprehensive review of the Nation's national security and international policies regarding chemical warfare; to the Committee on Foreign Affairs.

By Mr. SHUSTER (for himself, Mr. Hunt, Mr. Huber, Mr. Hinshaw, Mr. Ketchum, and Mrs. Holt):

H. Res. 714. Resolution to investigate Archibald Cox and his staff; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. WHITE:

H.R. 11552. A bill for the relief of Leocadia H. Villafuerte; to the Committee on the Judiciary.

By Mr. CHARLES WILSON of Texas:

H.R. 11553. A bill for relief of Franklin R. Holt; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

354. The SPEAKER presented a petition of Col. Scott Albright, Washington, D.C., and others, relative to the 1,300 men who are prisoners of war or missing in action in Southeast Asia; to the Committee on Foreign Affairs.

355. Also, petition of Rev. and Mrs. A. G. Holtz, Duiwelskloof, N. Tvl., Republic of South Africa, opposing impeachment of the President; to the Committee on the Judiciary.

SENATE—*Thursday, November 15, 1973*

The Senate met at 9 a.m. and was called to order by Hon. William D. Hathaway, a Senator from the State of Maine.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

God of our fathers and our God, who in every age has called prophets, patriots, and statesmen to summon the people to high and holy endeavor, we beseech Thee now to raise up mighty men of wisdom and courage around whom the people may rally in our age. As we pray for forgiveness of our failures may we forgive others their failures. Hold us steadfast to the ancient, durable landmarks of faith and hope, of service and sacrifice. Keep us firmly to the proven strategies until better ones are devised. In the hard decisions of this day guide us by Thy word and spirit, assured that underneath all our striving are the everlasting arms.

We pray in the name of the Author and Finisher of our faith. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Eastland).

The second assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., November 15, 1973.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. William D. Hathaway, a Senator from the State of Maine, to perform the duties of the Chair during my absence.

James O. Eastland,
President pro tempore.

Mr. HATHAWAY thereupon took the chair as Acting President pro tempore.

REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under the authority of the order of the Senate of November 14, 1973, Mr. Magnuson, from the Committee on Commerce, reported favorably, without amendment, on November 14, 1973, the bill (S. 2702) to provide that daylight saving time shall be observed on a year-round basis and submitted a report (No. 93–504) thereon, which was printed.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, November 14, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2408) to authorize certain construction at military installations, and for other purposes.

The message also announced that the House had agreed to the amendments of the Senate to the resolution (H. Con. Res. 378) providing for an adjournment of the House from November 15 to November 26, 1973.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills:

S. 1570. An act to authorize and require the President of the United States to allocate crude oil, residual fuel oil, and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare; to provide for the delegation of authority; and for other purposes;

H.R. 3801. An act to extend civil service Federal employees group life insurance and Federal employees Health Benefits coverage to U.S. nationals employed by the Federal Government;

H.R. 5692. An act to amend title 5, United States Code, to revise the reporting requirement contained in subsection (b) of section 1308;

H.R. 8219. An act to amend the International Organizations Immunities Act to authorize the President to extend certain privileges and immunities to the Organization of African Unity; and

H.R. 8916. An act making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1974, and for other purposes.

The ACTING PRESIDENT pro tempore (Mr. Hathaway) subsequently signed the enrolled bills.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 472, 476, 477, and 478.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSFER OF TRUST FUNDS TO THE REPUBLIC OF THE PHILIPPINES

The bill (S. 1398) to authorize the Secretary of the Treasury to transfer to the Government of the Republic of the Philippines funds for making payments on certain pre-1934 bonds of the Philippines, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (g) of section 6 of the Act of March 24, 1934, as amended (22 U.S.C. 1393(g)), (relating to the trust account for the payment of pre-1934 bonds of the Government of the Philippines) is repealed:

Sec. 2. In order to implement the executive agreement concluded between the Government of the United States and the Government of the Republic of the Philippines on November 26, 1969, under which the Government of the Republic of the Philippines agreed to assume from the Secretary of the Treasury sole responsibility for payments of the principal of and interest on all outstanding bonds of the Pihilippines, its Provinces, cities, and municipalities, issued prior to May 1, 1934, under authority of Acts of the Congress of the United States, the Secretary of the Treasury is authorized to transfer to the Government of the Republic of the Philippines whatever sums remain on the effective date of this Act in the special trust account with the Treasurer of the United States in the name of the Secretary set up by section 6(g)(4) of the said Act of March 24, 1934, as amended.

Sec. 3. As of the date of the transfer of sums to the Government of the Philippines, authorized by section 2 of this Act, the United States shall cease to be liable for the payment of principal or interest on all outstanding bonds of the Philippines, its Provinces, cities, and municipalities, issued prior to May 1, 1934, under authority of Acts of the Congress.

Sec. 4. This Act shall take effect sixty days after the date of its enactment.

GRANDPARENTS DAY

The joint resolution (S.J. Res. 126) to authorize and request the President to issue annually a proclamation designating the fourth Sunday in May of each year as "Grandparents Day" was announced as next in order.

Mr. HUGH SCOTT. Mr. President, on that measure, reserving the right to object—and I shall be the last one who would object—it is very nice to celebrate Grandparents Day especially because I have eight grandchildren.

However, on behalf of the distinguished senior Senator from Utah (Mr. Bennett), who has just recently become a great-grandfather, I do not offer an amendment to the bill, but I am anxious that the legislative history show that in celebrating Grandparents Day we are also honoring great-grandparents. So that the Senator from Utah may know that I have been here very much alert to protect his interests. I have no objection to the bill.

The resolution was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue annually a proclamation designating the fourth Sunday of May of each year as "Grandparents Day", and calling upon the people of the United States and interested groups and organizations to observe such day with appropriate ceremonies and activities.

NATIONAL NURSE WEEK

The joint resolution (S.J. Res. 168) to authorize the President to designate the period from February 10, 1974, through February 16, 1974, as "National Nurse Week" was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, as a tribute to and in recognition of the dedicated service, sympathetic and self-sacrificing manner in performing their work, and the important part played in health care by nurses, the President is authorized and requested to issue a proclamation designating the period from February 10, 1974, through February 16, 1974, as "National Nurse Week".

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HERBERT HOOVER MEMORIAL EDUCATIONAL BUILDING

The Senate proceeded to consider the bill (S. 1418) to recognize the 50 years of extraordinary and selfless public service of Herbert Hoover, including his many great humanitarian endeavors, his chairmanship of two Commissions of the Organization of the Executive Branch, and his service as 31st President of the United States, and in commemoration of the 100th anniversary of his birth on August 10, 1974, by providing grants to the Hoover Institution on War, Revolution, and Peace which had been reported from the Committee on Labor and Public Welfare with an amendment, to strike out all after the enacting clause and insert:

That (a) in order to establish an appropriate memorial to the late President Herbert Hoover, the Secretary of the Treasury (hereinafter referred to as the "Secretary") is authorized to make grants, in accordance with the provisions of this Act, to the Hoover Institution on War, Revolution, and Peace, Stanford University, Stanford, California.

(b) No grant may be made under this Act for any fiscal year unless—

(1) the Secretary determines that the total of such grants for that year will not exceed the total amount of gifts, bequests, and devises of money, securities, and other property, made after the date of enactment of this Act, for that year for the benefit of the Hoover Institution on War, Revolution, and Peace; and

(2) the Hoover Institution on War, Revolution, and Peace furnishes to the Secretary such information at such times and in such manner as he may require.

(c) Grants made under this Act may be used for the construction of a new educational building to be used by the Hoover Institution on War, Revolution, and Peace, and for the equipment of such building.

Sec. 2. (a) The Congress finds that, if a facility constructed with the aid of any grant under this Act is used as an educational facility for twenty years following completion of such construction, the public benefit accruing to the United States from such use will equal in value the amount of such grant or grants. The period of twenty years after completion of such construction shall, therefore, be deemed to be the period of Federal interest in such facility for the purposes of this Act.

(b) If, within twenty years after completion of construction of an educational facility which has been constructed in part with a grant or grants under this Act—

(1) the Hoover Institution on War, Revolution, and Peace (or its succesor in title or possession) ceases or fails to be a nonprofit institution, or

(2) the facility ceases to be used as an educational facility, unless the Secretary determines that there is good cause for releasing the institution from its obligation, the United States shall be entitled to recover from such Institution (or successor) an amount which bears to the then value of the facility the same ratio as the amount of such Federal grant or grants bore to the development cost of the facility (as determined by the Secretary) financed with the aid of such grant or grants. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated.

(c) Notwithstanding the provisions of subsections (a) and (b), no facility constructed with assistance under this Act shall ever be used for religious worship or a sectarian activity or for a school or department of divinity.

Sec. 3. The Comptroller General of the United States, or any of his duly authorized representatives, shall have excess for the purpose of audit and examination to any books, documents, papers, and records of the Hoover Institution on War, Revolution, and Peace that are pertinent to the grant received.

Sec. 4. The Hoover Institution on War, Revolution, and Peace shall, annually, prepare and furnish to the President and the Congress a report on the expenditure of funds received by the Institution in the previous fiscal year during the period for which grants are made under this Act.

Sec. 5. There are authorized to be appropriated to the Secretary for making grants in accordance with this Act amounts not to exceed $5,000,000. Funds appropriated pursuant to this Act shall be available without fiscal year limitation, for the period beginning on the date of enactment of this Act and ending five years after such date.

Sec. 6. Grants made pursuant to this Act shall be the sole Federal memorial to the late President Herbert Hoover.

Mr. HUGH SCOTT. Mr. President, I wish to take a moment to say, in passing, with respect to S. 1418, introduced by the distinguished Senator from Oregon (Mr. Hatfield) and other Senators, that it ought to be noted that the Senator from Oregon is probably the leading authority in Congress on the life and times of Herbert Hoover, and that he is the author of literature on that subject and has devoted a good deal of his time to an examination of the achievements of that great man who was much maligned in his time, as most of our Presidents have been maligned in their time, but have gone on to reach their justification in history.

I am afraid that I have taken my part in the maligning of some Presidents by thoughtless or reckless words from time to time. I have made public apology in this Chamber, in the presence of the late President Truman, for any invidious or jejune statements I may have committed or may have perpetrated.

But I am sure that history will be kinder to our Presidents than we have been to them. Therefore, I hope that judgment will be balanced, will be fairer, will be just to this President, as history, I am sure, will be.

Mr. HATFIELD. Mr. President, I would like to commend my colleagues on passage of S. 1418, a bill that recognizes the 50 years of extraordinary and selfless public service of Herbert Hoover, the 31st President of the United States.

As we near the 100th anniversary of his birth, it is my belief that history has truly begun to acknowledge the greatness of this man. Herbert Hoover's legacy was found in his compassion for a world that had been beset by war. The tireless way in which he helped heal the wounds of a near-disastrous struggle on the European continent, his humanitarian efforts to help in alleviating the suffering throughout the world, his dedication to the education of our children and to the preservation of world peace, were his gifts to his age.

By building a memorial library to be added to the Hoover Institution for War and Peace and Stanford University in California, we honor these areas of his historical legacy. For the Hoover Institution is dedicated to research into the causes of war, and, therefore, to ultimate structuring of a stable world peace. It is a world-renowned center for scholars of all nations, for the enrichment of academic pursuits and the intermingling of a diversity of thoughts, ideas, and visions of the future.

The institution embodies the spirit of Herbert Hoover's life and so it is a fitting place for his memorial. It is out of a humbling admiration for the depth of his feeling for those who suffer, for those who strive against great odds toward a more perfect world, for those who view all of humanity with an eye toward the ultimate resolution of human conflict, that we honor this man of simple virtue and noble vision.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REMOVAL OF INJUNCTION OF SECRECY ON CUSTOMS CONVENTION ON CONTAINERS, 1972, AND INTERNATIONAL CONVENTION FOR SAFE CONTAINERS

Mr. MANSFIELD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Customs Convention on Containers, 1972, and the International Convention for Safe Containers, both signed at Geneva on December 5, 1972 (Executive X, 93d Congress, first session), transmitted to the Senate yesterday by the President of the United States, and that the conventions with accompanying papers be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message ordered to be printed in the Record is as follows:

To the Senate of the United States:

I transmit herewith for the advice and consent of the Senate to ratification (1) the Customs Convention on Containers, 1972, and (2) the International Convention for Safe Containers, both signed at Geneva on December 5, 1972. I transmit also, for the information of the Senate, the report of the Secretary of State with respect to the Conventions.

The Customs Convention on Containers, 1972, is designed to supersede and update the Customs Convention on Containers of 1956. The new Convention provides for the temporary importation of containers free of import duties and taxes and free of import prohibitions and restrictions. It also harmonizes and unifies technical provisions applicable to containers used for transport of merchandise under Customs seal and provides for the use of temporarily imported containers in internal transport operations under specified conditions. This Convention is important because it will insure United States-owned containers the same treatment in the territories of States parties to this Convention as that afforded in the United States to foreign-owned containers.

The International Convention for Safe Containers specifies structural requirements for certain transport containers to assure their safe operation. The need for an international convention on this topic became apparent with the threat of proliferation of individual State safety requirements which would be applicable to all containers transiting their respective borders. The safety record of the containerization movement has been excellent and the present Convention is based on existing safety standards.

The Customs Convention on Containers, 1972, and the International Convention for Safe Containers will make a significant contribution to efforts to establish uniform international regulations regarding containers.

Richard Nixon.

The White House, *November 14, 1973.*

NATIONAL ENERGY EMERGENCY ACT OF 1973

Mr. MANSFIELD. Mr. President, the pending business before the Senate, S. 2589, is a bill to authorize and direct the President and State and local governments to develop contingency plans for reducing petroleum consumption, and assuring the continuation of vital public services in the event of emergency fuel shortages or severe dislocations in the Nation's fuel distribution system, and for other purposes. This bill is a matter of the highest importance. I am delighted that the Senate Committee on Interior and Insular Affairs has acted with such expedition.

I should like to note that the hearings were held in public; that the markup of the bill was held in public; and the representatives of the administration were present at the time of the markup. In view of the emergency nature of the situation, I think the bill is of the highest importance at this time, should be considered as expeditiously as possible, and that proper consideration should be given to all amendments offered.

But may I express the hope, also, that there will not be too much in the way of extraneous amendments to the pending measure because time is of the highest significance. I am not at all certain that even yet we understand the need for emergency legislation, nor am I sure that the legislation goes far enough. I point out that even without the war in the Mideast, this crisis would have been upon us, perhaps to a lesser degree; but even with Arab oil coming in, I believe that we would have been confronted with it this coming winter and next spring.

I point out, Mr. President, on the basis of remarks made by the distinguished Senator from Washington (Mr. Jackson), the manager of the bill and the chairman of the Committee on Interior and Insular Affairs, that the last tanker has left the Middle East destined for this country. It will arrive sometime next week, and that will stop, for some months—in my opinion, at least—the inflow of Middle East oil to the United States as well as to other areas contiguous thereto.

What I am leading up to is the very great possibility that if something is not done, industry will be curtailed to a degree, unemployment will be increased from the rate of 4.5 percent at present—which is a decided drop, may I say, in the last year—and the result could well be that as prices rise, there will be increased demands on the part of labor for higher wages, and that out of that could come an increase in inflation, which at the present time, if my memory is correct, is hovering in the vicinity of 8 percent a year. That is overall.

Statements have been made by members of the administration, both pro and con, on the question of rationing and on the question of a gas tax. In the latter category, amounts in the area of 30 to 40 cents a gallon have been mentioned. May I say, Mr. President, that I would be opposed to a gas tax of any considerable proportion; because, when you get right down to it, once again it would be those least able to pay, the poor and middle-income group, who would be forced to assume the greater share of the burden. As a matter of fact, the Federal gas tax at the present time amounts to about 4 or 5 cents per gallon. That is a sales tax. If you up the ante to 30 or 40 cents, that would mean an additional Federal sales tax by six- or eight-fold. Again may I emphasize that it would hit hardest the people who can least afford to pay it.

Therefore, if there is to be a choice between an increase in gas taxes and rationing, I think rationing, equitably applied, is the best answer. In that way, I think we can avoid the burden sharing which the poor and the middle-income people of this country have carried for too long, at too great a price and, incidentally, may I say, with very little in the way of loopholes to help give them relief.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Michigan (Mr. Griffin) is to be recognized for not to exceed 15 minutes.

Mr. HUGH SCOTT. Mr. President, I ask unanimous consent that the time allotted to the Senator from Michigan (Mr. Griffin) be transferred to me, and I will yield back most of it later.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HUGH SCOTT. Mr. President, I agree with the distinguished majority leader: Time is of the essence. It is essential that we move promptly and that we dispose of this bill—not that we should dispose of it without proper consideration of all its features, of course. It is a big bill and an important bill. It affects every person in America.

If Senators have in mind seriously controversial items perhaps some of those items can be included in a bill which I understand will be offered next week.

I recognize the importance of the crisis situation which prevails. This is an antifreeze bill, and it should be enacted in the interests of people who have every right to expect that their economy will keep them warm when it is cold and will keep them cool when it is warm, and that our energy will be conserved for the greater benefit of all our people.

I have been given to understand by one expert that in approximately 10 years, we are going to need at least one nuclear powerplant every 7 days, and possibly in a 10- or 12-year period we may need to build one nuclear powerplant in this country every 3 days. By that I mean that the energy shortage may well require the people in the southwestern United States to transfer all their forms of heating to electric heating. Other very drastic possibilities are looming.

It is essential, I think, that we increase our research activities in the field of gasification or liquefaction of coal as a fuel, in the use of shale oil, in the building of the Alaska pipeline, in the negotiations for a trans-Canada pipeline, and in every way we can properly support the growth of the increase of energy sources for our people. Therefore, time is not to be wasted.

May I conclude by noting that the distinguished majority leader, in a slip of the tongue, in referring to a fuel shortage, mentioned "fool shortage." There never has been a fool shortage in this country, Mr. President, and there is not now. Fuel is transitory and evanescent and may be burned away, but I know of no burning process which would eliminate the fools. Those we always have with us; and that tendency we have, to some extent, within each of us. Therefore, I intend to confine what I say to the fuel shortage and to leave for the present other kinds of shortages for further discussion.

I yield back the remainder of my time.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from West Virginia (Mr. Robert C. Byrd) is recognized for not to exceed 15 minutes.

Mr. MANSFIELD. Mr. President, with the consent of the Senator from West Virginia, I will undertake the control of that time. I will not use it up, but I will suggest the absence of a quorum at this time, with the time taken out of the Senator from West Virginia's allocation.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, out of my time, I yield as much time to the senior Senator from Rhode Island as he desires.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

NATIONAL ENERGY EMERGENCY ACT OF 1973

Mr. PASTORE. Mr. President, I send to the desk an amendment on the pending business and ask that it remain at the desk until I call it up later today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

At page 18, after line 18, insert a new subsection 203(f) as follows, and redesignate subsequent subsections:

"(f) In exercising the authority provided for in this Act, the Emergency Petroleum Allocation Act of 1973, the Economic Stabilization Act of 1970, as amended, and the Defense Production Act of 1950, as amended,

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the President shall insure that all regions and all States of the nation share available fuels in an equitable manner. The President shall give special consideration to those States and those regions of the country which are depressed economically, experiencing high unemployment, or which lack ready access to energy transportation facilities adequate to meet their essential requirements."

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I yield back the remainder of my time.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to 3 minutes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JACKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that, on November 14, 1973, he presented to the President of the United States the enrolled bill (S. 2645) to amend Public Law 93-60 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

The Secretary of the Senate also reported that on today, November 15, 1973, he presented to the President of the United States the enrolled bill (S. 1570) to authorize and require the President of the United States to allocate crude oil, residual fuel oil, and refined petroleum products to deal with existing or imminant shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare; to provide for the delegation of authority; and for other purposes.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. HATHAWAY) laid before the Senate the following letters, which were referred as indicated:

Report on Rural Environmental Assistance Program

A letter from the Assistant Secretary, Department of Agriculture, transmitting, pursuant to law, a report on the rural environmental assistance program for the fiscal year ended June 30, 1972 (with an accompanying report). Referred to the Committee on Agriculture and Forestry.

Report on an Overobligation of an Appropriation

A letter from the Secretary of Defense, reporting, pursuant to law, an overobligations of appropriations to the Department of Defense. Referred to the Committee on Appropriations.

Need for Increased Production of Petroleum From Elk Hills Naval Petroleum Reserve

A letter from the President of the United States, transmitting a letter from the Acting Secretary of the Navy on the need for increased production of petroleum from the Elk Hills Naval Petroleum Reserve for national defense purposes (with accompanying papers). Referred to the Committee on Armed Services.

Report on Property, Supplies and Commodities Provided by the Berlin Magistrate

A letter from the Assistant Secretary of Defense, reporting, pursuant to law, the value of property, supplies, and commodities provided by the Berlin Magistrate, and under the German Offset Agreement for the quarter July 1, 1973 through September 30, 1973. Referred to the Committee on Appropriations.

Report of Export-Import Bank

A letter from the First Vice President and Vice Chairman of the Export-Import Bank of the United States, reporting, pursuant to law, on approval of loans to Yugoslavia and Poland. Referred to the Committee on Banking, Housing and Urban Affairs.

Proposed Standards, Rules, and Regulations Promulgated by Cost Accounting Standards Board

A letter from the Chairman, Cost Accounting Standards Board, transmitting, pursuant to law, a copy of proposed standards, rules and regulations promulgated by the Board (with an accompanying paper). Referred to the Committee on Banking, Housing and Urban Affairs.

Report of National Marine Fisheries Service

A letter from the Secretary of Commerce, transmitting, pursuant to law, the report of the National Marine Fisheries Service for calendar years 1970 and 1971 (with an accompanying report). Referred to the Committee on Commerce.

Report of Secretary of Transportation

A letter from the Secretary of Transportation, reporting on contracts negotiated under certain statutes during period April 1, 1973 through September 30, 1973 (with an accompanying paper). Referred to the Committee on Commerce.

Report on Marine Mammal Protection Act of 1973

A letter from the Acting Secretary of State, transmitting, pursuant to law, a report on the Marine Mammal Protection Act of 1972 (with an accompanying report). Referred to the Committee on Commerce.

Report of National Railroad Passenger Corporation

A letter from the President, National Railroad Passenger Corporation, transmitting, pursuant to law, a report on Amtrak operating and capital plans for fiscal years 1974 and 1975 and projections for fiscal years 1976 and 1977 (with an accompanying report). Referred to the Committee on Commerce.

Report of District of Columbia Redevelopment Land Agency

A letter from the Chairman, District of Columbia Redevelopment Land Agency, transmitting, pursuant to law, a report for fiscal year 1972 (with an accompanying report). Referred to the Committee on the District of Columbia.

Reports of National Advisory Council on International Monetary and Financial Policies

A letter from the Chairman, National Advisory Council on International Monetary and Financial Policies, transmitting, pursuant to law, its special report recommending U.S. participation in the proposed Fourth Replenishment of the resources of the International Development Association (with an accompanying report). Referred to the Committee on Foreign Relations.

A letter from the Chairman, National Advisory Council on International Monetary and Financial Policies, transmitting, pursuant to law, a special report recommending the U.S. subscription to its share in an increase in the Asian Development Bank's capital stock and contribution to the establishment of a new Asian Development Fund. Referred to the Committee on Foreign Relations.

Reports of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the financial status of selected major weapon systems, Department of Defense, dated November 13, 1973 (with an accompanying report). Referred to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the examination of financial statements of the Export-Import Bank of the United States, fiscal year 1973, dated November 13, 1973 (with an accompanying report). Referred to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the examination of financial statements of the Federal Home Loan Mortgage Corporation for the years ended December 31, 1971 and 1973, dated November 13, 1973 (with an accompanying report). Referred to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report that foreign visitor travel to the United States can be increased, U.S. Travel Service, Department of Commerce, dated November 12, 1973 (with an accompanying report). Referred to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on limited success of federally financed minority businesses in three cities, Small Business Administration, Office of Minority Business Enterprise, Department of Commerce, dated November 8, 1973 (with an accompanying report). Referred to the Committee on Government Operations.

Report on Little Miami River, Ohio

A letter from the Secretary of the Interior, transmitting, pursuant to law, a report on the Little Miami River, Ohio (with an accompanying report). Referred to the Committee on Interior and Insular Affairs.

Proposed Concession Contract

A letter from the Acting Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed concession contract under which Las Vegas Boat Harbor, Inc., will continue to provide marine facilities, merchandising, food and beverage services for the public at the Las Vegas Wash Site of Lake Mead National Recreation Area, Nev. (with an accompanying paper). Referred to the Committee on Interior and Insular Affairs.

Finding of Fact in Court of Claims Case

A letter from the Chief Commissioner, U.S. Court of Claims, transmitting, pursuant to law, copies of the opinion and findings of fact in the case of Michael D. Manemann v. The United States (with an accompanying paper). Referred to the Committee on the Judiciary.

Report of Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped

A letter from the chairman, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, transmitting, pursuant to law, a report of the activities of the committee during the fiscal year ended June 30, 1973 (with an accompanying report). Referred to the Committee on Labor and Public Welfare.

Proposed Legislation by Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped

A letter from the chairman, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, transmitting a draft of proposed legislation to provide the authorization for fiscal year 1975 and succeeding fiscal years for the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped and for other purposes. Referred to the Committee on Labor and Public Welfare.

Proposed Legislation by Department of Health, Education, and Welfare

A letter from the Acting Secretary, Department of Health, Education, and Welfare, transmitting a draft of proposed legislation to improve and expand the Public Health and National Health Service Corps Scholarship Training Program (with an accompanying paper). Referred to the Committee on Labor and Public Welfare.

Report on Federal Coal Mine Health and Safety Act of 1969

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, the third annual report on the Federal Coal Mine Health and Safety Act of 1969 (with an accompanying report). Referred to the Committee on Labor and Public Welfare.

Report of Environmental Protection Agency

A letter from the Administrator, Environmental Protection Agency, transmitting a Report on a Revised Version of the Costs of Construction of Publicly-Owned Wastewater Treatment Works, 1973 "Needs" Survey which were initially submitted to the Congress on October 12, 1973 (with an accompanying report). Referred to the Committee on Public Works.

Federal Office Building at Carbondale, Ill.

A letter from the Administrator, General Services Administration, transmitting, pursuant to law, a prospectus proposing construction of a Federal Office Building at Carbondale, Ill., (with an accompanying paper). Referred to the Committee on Public Works.

New York Federal Archives and Records Center

A letter from the Administrator, General Services Administration, transmitting, pursuant to law, a prospectus which proposes alterations to Buildings 12 and 22, Military Ocean Terminal, Bayonne, N.J., for occupancy by the New York Federal Archives and Records Center (with an accompanying paper). Referred to the Committee on Public Works.

Post Office and Courthouse Building, Tyler, Tex.

A letter from the Administrator, General Services Administration, transmitting, pursuant to law, a prospectus which proposes an amendment to the extension project authorized for the Post Office and Courthouse Building at Tyler, Tex. (with an accompanying paper). Referred to the Committee on Public Works.

Alterations to Post Office Building, Washington, D.C.

A letter from the Administrator, General Services Administration, transmitting, pursuant to law, a revised prospectus for proposed alterations to the Post Office Building (new), Washington, D.C. (with an accompanying paper). Referred to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred or ordered to lie on the table, as indicated:

By the ACTING PRESIDENT pro tempore (Mr. HATHAWAY):

A resolution from the State Senate of the Commonwealth of Massachusetts, relative to memorializing the Congress of the United States to enact legislation permitting year-round daylight saving time. Ordered to lie on the table.

"Resolutions Memorializing the Congress of the United States To Enact Legislation Permitting Year-Round Daylight Saving Time

"Whereas, Daylight saving time, in effect for only half of the year in many states of the United States, including Massachusetts, is greeted with enthusiasm as a means of lengthening daylight hours; and

Whereas, In these critical days of fuel shortages and energy crisis, especially in New England, longer daylight hours could help alleviate the necessity for increased fuel consumption; and

Whereas, Oil, heat and fuel have become an open instrument of Arab and Soviet Military and foreign policy; the conservation of United States oil resources through the extension of daylight saving time will help relieve international pressures of the oil blackmail cartel; and

"Whereas, Additional daylight hours would provide several other advantages to the citizens of the Commonwealth, such as fewer traffic accidents, less incidence of crime, and the opportunity for increased outdoor leisure activities; now, therefore, be it

"Resolved, That the Massachusetts Senate memorializes the Congress of the United States to enact legislation amending the present daylight saving time statute to enable the Commonwealth of Massachusetts and other states to adopt year-round daylight saving time; and be it further

"Resolved, That copies of these resolutions be sent forthwith by the Senate Clerk and Parliamentarian to the presiding officer of each branch of the Congress of the United States and to each member thereof from the Commonwealth.

"Senate, adopted, October 30, 1973."

A resolution from the Republican Central Committee of San Diego County, Calif., relating to the nomination of Hon. Gerald Ford to fill the vacant office of Vice President of the United States. Referred to the Committee on Rules and Administration.

A resolution from the County of Sarasota, Fla., affirming its confidence in and support of the President of the United States. Ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROBERT C. BYRD (for Mr. SPARKMAN), from the Committee on Banking, Housing and Urban Affairs:

S. 2705. An original bill to provide for the disposition of abandoned money orders and traveler's checks (Rept. No. 93-505).

By Mr. MUSKIE, from the Committee on Government Operations, with amendments:

S. 2299. A bill to provide authority to expedite procedures for consideration and approval of projects drawing upon more than one Federal assistance program, to simplify requirements for operation of those projects and for other purposes (Rept. No. 93-506).

By Mr. McINTYRE, from the Committee on Armed Services, without amendment:

H.R. 7582. An act to amend title 10, United States Code, to entitle the Delegates in Congress from Guam and the Virgin Islands to make appointments to the service academies (Rept. No. 93-507);

H.R. 10366. An act to amend title 10, United States Code, to remove the 4-year limitation on additional active duty that a nonregular officer of the Army or Air Force may be required to perform on completion of training at an educational institution (Rept. No. 93-508);

H.R. 10369. An act to amend title 37, United States Code, to provide entitlement to round trip transportation to the home port for a member of the uniformed services on permanent duty aboard a ship being inactivated away from home port whose dependents are residing at the home port (Rept. No. 93-509); and

H.J. Res. 735. Joint resolution authorizing the Secretary of the Navy to receive for instruction at the U.S. Naval Academy two citizens and subjects of the Empire of Iran (Rept. No. 93-510).

By Mr. DOMINICK, from the Committee on Armed Services, without amendment:

S. 2551. A bill to authorize the disposal of molybdenum from the national stockpile, and for other purposes (Rept. No. 93-512).

By Mr. NUNN, from the Committee on Armed Services, without amendment:

H.R. 8187. An act to amend section 2031 (b)(1) of title 10, United States Code, to remove the requirement that a Junior Reserve Officer Training Corps unit at any institution must have a minimum number of physically fit male students (Rept. No. 93-515).

By Mr. TOWER, from the Committee on Armed Services, with an amendment:

H.R. 8528. An act to provide for increasing the amount of interest paid on the permanent fund of the U.S. Soldiers' and Airmen's Home (Rept. No. 93-516).

By Mr. SYMINGTON, from the Committee on Armed Services:

S. 2714. An original bill to amend section 219(b) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, relating to cost-of-living increase, and to increase the pay and allowances of certain officers of the Armed Forces whose pay and allowances are not subject to adjustment to reflect changes in the Consumer Price Index (Rept. No. 93-517).

By Mr. McGEE, from the Committee on Post Office and Civil Service, with amendments:

H.R. 9256. An act to increase the contribution of the Government to the costs of health benefits for Federal employees, and for other purposes (Rept. No. 93-511).

By Mr. MAGNUSON, from the Committee on Commerce, without amendment:

S. 2267. A bill to amend section 303(b) of the Interstate Commerce Act to remove certain restrictions upon the application and scope of the exemption provided therein, and for other purposes (Rept. No. 93-513).

By Mr. BROOKE, from the Committee on Banking, Housing and Urban Affairs, without amendment:

S. Con. Res. 57. Concurrent resolution expressing the sense of the Congress that housing, housing assistance, and community development programs authorized by Congress should be carried out at levels at least equal to the levels prevailing in calendar year 1972, until such time as funds appropriated for such programs are exhausted or the Congress enacts legislation terminating or replacing such programs (Rept. No. 93-518).

By Mr. ROTH, from the Committee on Government Operations, without amendment:

S. 928. A bill to create a catalog of Federal assistance programs, and for other purposes (Rept. No. 93-519).

By Mr. MAGNUSON, from the Committee on Commerce, with an amendment:

S. 2176. A bill to provide for a national fuels and energy conservation policy, to establish an Office of Energy Conservation in the Department of the Interior, and for other purposes.

Mr. MAGNUSON. Mr. President, S. 2176, the National Fuels and Energy Conservation Act of 1973 was reported by the Committee on Interior and Insular Affairs on September 27, 1973, and referred to the Committees on Commerce

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and Public Works. The Committee on Commerce has completed action on the bill and reports it with an amendment in the hope that this far reaching and comprehensive program for energy conservation will be enacted quickly by the Senate.

S. 2176 is aimed at improving the efficiency of major energy consuming products and systems. The bill contains a program to improve the fuel economy of new automobiles, a requirement for disclosure of energy operating costs of household appliances, a federally funded research program aimed at the development of an efficient, low-polluting, safe automobile, and Federal funding for no-fare transit and car pooling demonstration projects.

Mr. President, I am convinced that bold measures must be taken now to reduce shamefully wasteful uses of energy. President Nixon's latest response to the energy crisis is inadequate and puts an excessive burden on the American consumer. Although major savings in energy can be achieved by shutting down shopping centers and schools or relaxing environmental safeguards, I am convinced that a better course is the simple, inexpensive way of insisting that products and systems which consume energy are manufactured and designed so that they utilize energy in the most efficient manner consistent with other design requirements. In addition, many Federal policies currently encourage energy waste. Changes in FHA building standards and transportation and public utility regulatory policies can lead to major energy savings. The burden of energy conservation should be placed on industry and government as well as on the consumer.

Also included in the bill is a plan to establish a Council on Energy Policy to coordinate Federal activities in energy. The administration's efforts in this area have been a total disaster. There has been no effective coordinating or planning effort and as a result the administration is totally unprepared to deal with the Arab oil cutoff.

Mr. President, I thank my colleagues on the Committee on Commerce for their unified support on this bill. I hope that the entire Senate will consider and approve this landmark legislation.

Mr. President, I ask unanimous consent that the text of the bill as reported be printed at this point in the Record.

There being no objection, the bill, as reported from the Committee on Commerce, was ordered to be printed in the Record, as follows:

S. 2176

FORMAL PROVISIONS

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Fuels and Energy Conservation Act of 1973".

(b) Table of Contents.—

Sec. 1. Formal provisions.
Sec. 2. Statement of purposes, findings, and policy.
Sec. 3. Council on Energy Policy.
Sec. 4. Office of Energy Conservation.
Sec. 5. Research and development.
Sec. 6. Federal building and procurement policies.
Sec. 7. Building standards and codes.
Sec. 8. Truth in energy.
Amendments to the Federal Trade Commission Act:
Sec. 18. Findings and purposes.
Sec. 19. Definitions.
Sec. 20. Estimates of annual operating costs.
Sec. 21. Labeling and advertising.
Sec. 22. Prohibited acts and enforcement.
Sec. 23. Preemption.
Sec. 24. Report, termination, and authorization.
Sec. 9. Automobile fuel economy standards.
Amendments to the Motor Vehicle Cost Savings and Information Act:
Sec. 501. Short title.
Sec. 502. Declaration of policy.
Sec. 503. Definitions.
Sec. 504. Minimum standard and long-range plan.
Sec. 505. Duties and powers of the Secretary.
Sec. 506. Labeling and advertising.
Sec. 507. Prohibited conduct.
Sec. 508. Enforcement.
Sec. 509. Relationship to State law.
Sec. 510. Authorization of appropriations.
Sec. 10. Utility energy conservation reports.
Sec. 11. Federal Government energy rate studies.
Sec. 12. Transportation studies.
Sec. 13. Automotive research and development.
Amendments to the Motor Vehicle Cost Savings and Information Act:
Sec. 601. Short title.
Sec. 602. Findings and purposes.
Sec. 603. Definitions.
Sec. 604. Duties of the Secretary.
Sec. 605. Powers of the Secretary.
Sec. 606. Grants.
Sec. 607. Loan guarantees.
Sec. 608. Testing and certification.
Sec. 609. Proprietary information and patents.
Sec. 610. Records, audit, and examination.
Sec. 611. Reports.
Sec. 612. Government procurement.
Sec. 613. Authorization for appropriation.
Sec. 614. Relationship to antitrust laws.
Sec. 14. Transportation energy conservation demonstrations.
Sec. 15. Products imported and exported.
Sec. 16. Authorization of appropriations.

STATEMENT OF PURPOSES, FINDINGS AND POLICY

Sec. 2. (a) The purposes of this Act are: to declare a national policy of conserving fuels and energy resources through more efficient conversion and use; to make energy conservation an integral part of all ongoing programs and activities of the Federal Government; to establish a Council on Energy Policy in the Executive Office of the President and an Office of Energy Conservation in the Department of the Interior; to promote energy conservation efforts through specific directives to agencies of the Federal Government and sectors of private industry; to encourage greater private energy conservation efforts through purchasing policies of the various agencies of the Federal Government; to encourage the allocation of energy resources to their most efficient economic use; and to provide for the development of additional energy conservation programs pursuant to the policy set forth in this Act.

(b) The Congress recognizes that: (i) adequate supplies of energy at reasonable cost are essential to the growth of the United States economy and the maintenance of a high standard of living; (ii) the availability of low-cost energy has stimulated energy consumption and waste through inefficient use; (iii) expanding increases in energy consumption in the United States, which already uses almost one-third of the world's energy with only one-sixteenth of its population, raise serious policy issues; (iv) the finite nature of energy resources and diminishing reserves of fuels pose major questions of domestic and international policy; (v) increasing dependence on energy supplies imported from foreign sources has created serious economic and national security problems; (vi) a continuation of the present expansion of demand for energy in all forms will have serious adverse social, economic, political, and environmental impacts; (vii) the adoption at all levels of government of laws, policies, programs, and procedures to conserve energy and fuels could have an immediate and substantial effect in reducing the rate of growth of energy demand and minimizing such adverse impacts; and (viii) realistic pricing of energy in all forms will have a major effect in reducing energy consumption and waste.

(c) The Congress hereby declares that it is in the national interest for, and shall be the continuing policy of, the Federal Government to foster and promote comprehensive national fuels and energy conservation programs and practices in order to better assure adequate supplies of energy and fuels to consumers, reduce energy waste, conserve natural resources, and protect the environment.

(d) Every agency of the Federal Government shall have the continuing responsibility of implementing the policy and purposes set forth in this Act. Each such agency shall, where its proposed programs and policies will substantially affect energy consumption, consider and adopt practicable alternatives for conserving energy. Each agency shall review its statutory authority, regulations, policies, procedures, and programs in order to determine what changes may be required to assure conformity with the policy and purposes of this Act and shall report the results of its review, together with recommendations for necessary changes, to the President and the Congress within one year from the date of enactment of this Act.

COUNCIL OF ENERGY POLICY

Sec. 3. (a) The Congress finds and declares that—

(1) there are many Federal agencies, created at different times and for different purposes to handle specialized problems, all directly or indirectly involved in the establishment of energy policy;

(2) there is no comprehensive national energy policy but instead Federal energy activities consist of a myriad of laws, regulations, actions and inactions resulting in narrow, short range, and often conflicting decisionmaking by individual agencies without adequate consideration of the impact on the overall energy policy, nor future national energy needs; and

(3) as a consequence of not having a comprehensive national energy policy, the Nation faces mismanagement of energy resources, unacceptably high adverse environment impacts, inadequate incentives for efficient utilization and conservation of energy resources, shortages of supply, and soaring energy prices.

(b) Therefore, it is declared to be the purpose of the Congress to protect and promote the interest of the people of the United States as energy users by establishing a Council on Energy Policy to serve as a focal point for—

(1) the collection, analysis, and interpretation of energy statistics and data necessary to formulate policies for wise energy management and conservation and to anticipate social, environmental, and economic problems associated with existing and emerging energy technologies;

(2) the coordination of all energy activities of the Federal Government, and provision of leadership to State and local governments and other persons involved in energy activities; and

(3) the preparation, after consultation with other interested organizations and agencies, of a long-range comprehensive plan (hereinafter referred to as the 'Energy Plan') for energy development, utilization and conservation to foster improvement in the efficiency of energy production and utilization, reduction of the adverse environmental impacts of energy production and utilization, conservation of energy resources

for the use of future generations, reduction of excessive energy demands, and development of new technologies to produce clean energy.

(c) (1) The policies, regulations, and public laws of the United States shall be interpreted and administered to the fullest extent possible in accordance with the policies set forth in this section; and

(2) All agencies of the Federal Government shall to the fullest extent possible—

(A) utilize a systematic, interdisciplinary approach which will insure the integrated use of both physical and social sciences in producing, conserving, and utilizing the Nation's energy resources;

(B) submit prior to the review process established pursuant to the Budget and Accounting Act of 1972, as amended, to the Council on Energy Policy established by this section for comment all legislative recommendations and reports, to the extent that such recommendations and reports deal with or have a bearing on energy matters;

(C) gather data and information pursuant to guidelines promulgated by the Council on Energy Policy; develop analytical techniques for the management, conservation, use, and development of energy resources, and make such data available to the Council on Energy Policy;

(D) recognize the worldwide and long-range character of energy concerns and, where consistent with the foreign policy of the United States, lend appropriate support to initiatives, resolutions, and programs designed to foster international cooperation in anticipating and resolving energy-related problems;

(E) include in every recommendation or report to Congress on proposals for legislation and other major Federal actions having a significant effect on energy availability or use a detailed statement by the responsible official on whether such a proposal or action is consistent with the energy plan formulated by the Council on Energy Policy pursuant to this section. If such proposal or action is not consistent with such plan, the statement shall also contain a detailed justification for the proposal or action; and

(F) prepare, if required by guidelines promulgated by the Council on Energy Policy, an energy resource statement by the responsible official on the effect of the proposed activity on the Nation's overall energy posture.

(d) There shall be established in the Executive Office of the President a Council on Energy Policy (hereinafter referred to as the Council). The Council shall be composed of three members who shall be appointed by the President to serve at his pleasure by and with the advice and consent of the Senate. The President shall at the time of nomination designate one of the members of the Council to serve as Chairman. Each member shall be a person, who as a result of his training, experience, and attainment, is well qualified to analyze and interpret energy trends and information of all kinds; to appraise programs and activities of the Federal Government in light of the energy needs of the Nation; to be conscious of and responsive to the environmental, social, cultural, economic, scientific, and esthetic needs and interests of the Nation; and to formulate a national energy plan and recommend national policies with respect to wise energy management.

(e) (1) The Council shall serve as the principal adviser to the President on energy policy and shall exercise leadership in the formulation of Government policy concerning domestic and international issues relating to energy.

(2) The Council shall make recommendations to the President and the Congress for resolving conflicts between the policies relating to energy of different Federal agencies.

(3) The Council shall develop within eighteen months after the date of enactment of this Act and thereafter shall annually update an Energy Plan for energy development, utilization, and conservation in the United States to carry out the purposes as stated in subsection (b) of this section. Copies of such plans shall be distributed on January 1 of each year to the President, to the Congress, and to all Federal and State agencies concerned with energy, and upon request to local agencies and nongovernmental entities.

(4) The Council shall promptly review all legislative recommendations and reports sent to Congress and the accompanying energy resource statements of Federal agencies, required by paragraph 7, to the extent that such recommendations and reports have a bearing on energy matters, and it shall send to the President and the involved Federal agency a statement in writing of its position and the reasons therefor.

(5) The Council shall keep Congress fully and currently informed of all of its activities. Neither the Council nor its employees may refuse to testify before or submit information to Congress or any duly authorized committee thereof.

(6) The Council shall conduct annual public hearings on the Energy Plan and may hold public hearings when there is substantial public interest in other pending matters.

(7) Within 6 months after the date of enactment of this Act and after published notice in the Federal Register and opportunity for comment, the Council shall promulgate guidelines for the preparation of energy resource statements by other Federal agencies. Such guidelines shall be implemented by all Federal agencies within 6 months after their promulgation by the Council. Such guidelines are to be designed to avoid duplication of effort, distinguish between regulatory and nonregulatory activities, contain criteria for determining when an activity is a major Federal activity that affects energy availability and specify the content and nature of the analysis to be required in the energy resource statements. The provisions of this paragraph and of paragraph (2) (F) of subsection (c) of this section shall be enforceable by the Council only. Nothing contained herein shall be construed as authorizing any court to grant injunctive or other relief to any person for failure to comply with its provisions.

(8) In carrying out its collection, analysis, and interpretation of energy statistics function, the Council shall, as quickly as possible and after appropriate study, promulgate guidelines for the collection and initial analysis of energy data by other Federal agencies, after published notice in the Federal Register and opportunity for comment. Such guidelines shall be designed to make such data compatible, useful, and comprehensive. Where relevant data is not now available or reliable and is beyond the authority of other agencies to collect, then the Council shall recommend to the Congress the enactment of appropriate legislation. Pending congressional consideration, the Council may gather such data directly. The Council shall have the power to require by special or general orders any person to submit in writing such energy data as the Council may prescribe. Such submission shall be made within such reasonable period and under oath or otherwise as the Council may direct.

(f) (1) In exercising its powers, functions, and duties, the Council shall—

(A) consult with representatives of science, industry, agriculture, labor, conservation organizations, State and local governments, and other groups, as it deems advisable; and

(B) employ a competent, independent staff which shall utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies and organizations, and individuals, to avoid duplication of effort and expense, thus assuring that the Council's activities will not unnecessarily overlap or conflict with similar activities authorized by law and performed by other agencies.

(2) Members of the Council shall serve full time and the Chairman of the Council shall be compensated at the rate provided for level II of the Executive Schedule Pay Rates (5 U.S.C. 5313). The other members of the Council shall be compensated at the rate provided for level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315).

(3) The Council may employe such officers and employees as may be necessary to carry out its functions. The Council may also employ and fix the compensation of such experts, consultants, or contractors to conduct detailed studies as may be necessary for the carrying out of its functions to the same extent as is authorized under section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

(g) The Council shall prepare and submit to the President and the Congress on or before January 1, 1974, and annually thereafter, an energy report to accompany the Energy Plan. This report shall include—

(1) an estimate of energy needs of the United States for the ensuing ten-year period to meet the requirements of the general welfare of the people of the United States and the commercial and industrial life of the Nation;

(2) an estimate of the domestic and foreign energy supply on which the United States will be expected to rely to meet such needs in an economic manner with due regard for the protection of the environment, the conservation of natural resources, and the implementation of foreign policy objectives;

(3) current and foreseeable trends in the price, quality, management, and utilization of energy resources and the effects of those trends on the social, environmental, economic, and other requirements of the Nation;

(4) a catalog of research and development efforts funded by the Federal Government to develop new technologies, to forestall energy shortages, to reduce waste, to foster recycling, and to encourage conservation practices; and recommendations for developing technology capable of improving the quality of the environment, increasing efficiency, and protecting employee health and safety in energy industries;

(5) recommendations for improving the energy data and information available to the Federal agencies by improving monitoring systems, standardizing data, and securing additional needed information;

(6) a review and appraisal of the adequacy and appropriateness of technologies, procedures, and practices (including competitive and regulatory practices), employed by Federal, State, and local governments and nongovernmental entities to achieve the purposes of this section; and

(7) recommendations concerning the level of funding for the development and application of new technologies, as well as new procedures and practices which the Council may determine to be required to achieve the purposes of this section and improve energy management and conservation together with recommendations for additional legislation.

(h) (1) Copies of any communications, documents, reports, or information received or sent by any member of the Council shall be made available to the public upon identifiable request, and at reasonable cost, unless such information may not be publicly released under the terms of paragraph (2) of this subsection.

(2) The Council or any officer or employee of the Council shall not disclose information obtained under this section which concerns or relates to a trade secret referred to in section 1905 of title 18, United States Code, except that such information may be dis-

closed in a manner designed to preserve its confidentiality—

(A) to other Federal Government departments, agencies and officials for official use upon request;

(B) to committees of Congress having jurisdiction over the subject matter to which the information relates;

(C) to a court in any judicial proceeding under court order formulated to preserve the confidentiality of such information without impairing the proceedings; and

(D) to the public in order to protect their health and safety after notice and opportunity for comment in writing or for discussion in closed session within fifteen days by the party to whom the information pertains (if the delay resulting from such notice and opportunity for comment would not be detrimental to the public health and safety).
In no event shall the names or other means of identification of injured persons be made public without their express written consent. Nothing contained in this section shall be deemed to require the release of any information described by subsection (b) of section 552, title 5, United States Code, or which is otherwise protected by law from disclosure to the public.

(i)(1) The Comptroller General of the United States shall continuously monitor and evaluate the operations of the Council including its reporting requirements. Upon his own initiative or upon the request of a committee of the Congress or, to the extent personnel are available, upon the request of a Member of the Congress, the Comptroller General shall (A) conduct studies of existing statutes and regulations governing Federal energy programs, (B) review the policies and practices of Federal agencies administering such programs, (C) review and evaluate the procedures followed by such agencies, in gathering, analyzing, and interpreting energy statistics, data, and information related to the management and conservation of energy, including but not limited to data related to energy costs, demand, industry structure, environmental impacts and research and development, and (D) evaluate particular projects or programs. The Comptroller General shall have access to such data from any public or private source whatever, notwithstanding the provisions of any other law, as is necessary to carry out his responsibilities under this section and shall report to the Congress at such times as he deems appropriate with respect to Federal energy programs, including his recommendations for such modifications in existing laws, regulations, procedures, and practices as will in his judgment, best serve the Congress in the formulation of a national energy policy.

(2) In carrying out his responsibilities as provided in paragraph (1) of this subsection, the Comptroller General shall give particular attention to the need for improved coordination of the work of the Federal Government related to energy policies and programs and the attendant need for a central source of energy statistics and information.

(3) The Comptroller General or any of his authorized representatives in carrying out his responsibilities under this section shall have access to any books, documents, papers, statistics, data, information, and records of any private organization relating to the management and conservation of energy, including but not limited to energy costs, demand, supply, reserves, industry structure, environmental impacts, and research and development. The Comptroller General may require any private organization to submit in writing such energy data as he may prescribe. Such submission shall be made within such reasonable period and under oath or otherwise as he may direct.

(4) To assist in carrying out his responsibilities, the Comptroller General may sign and issue subpoenas requiring the production of the books, documents, papers, statistics, data, information, and records referred to in paragraph (3) of this subsection.

(5) In the case of contumacy, or refusal to obey a subpoena of the Comptroller General issued under this section, by any person who resides, is found, or transacts business within the jurisdiction of any district court of the United States, such district court shall, upon the request of the Comptroller General, have jurisdiction to issue to such person an order requiring such person to comply forthwith. Failure to obey such an order is punishable by such court as a contempt of court.

(6) Reports submitted by the Comptroller General to the Congress shall be available to the public at reasonable cost and upon identifiable request, except that the Comptroller General may not disclose to the public any information which could not be disclosed to the public by the Council under the provisions of subsection (h)(2) if the information were held by the Council.

(j)(1) There are authorized to be appropriated to carry out the provisions of this section not to exceed $1,000,000 for fiscal year ending June 30, 1974, $2,000,000 for fiscal year ending June 30, 1975, and $4,000,000 for each fiscal year thereafter.

(2) All sums appropriated under this section shall remain available for obligation or expenditure in the fiscal year for which appropriated and in the fiscal year next following.

OFFICE OF ENERGY CONSERVATION

SEC. 4. (a) There is hereby established in the Department of the Interior the Office of Energy Conservation.

(b) The Office of Energy Conservation shall have a Director who shall be appointed by the President by and with the advice and consent of the Senate and such other officers and employees as may be required: *Provided*, That any incumbent Director occupying the office upon the date of enactment of this Act shall not be subject to the advice and consent of the Senate. The Director shall have such duties and responsibilities as the Secretary of the Interior may assign and shall be compensated at the rate provided for level V of the Executive Schedule Pay Rates (5 U.S.C. 5315).

(c) The Secretary of the Interior, acting through the Office of Energy Conservation, shall—

(1) work with the Council on Environmental Quality in developing new energy conservation initiatives for the Federal Government;

(2) cooperate with private industry in developing energy conservation programs in industry;

(3) provide assistance to State governments in the development of State energy conservation programs;

(4) conduct and promote educational programs to foster public awareness of energy conservation needs and opportunities;

(5) conduct a continuing study of, and maintain current statistics on, patterns of energy consumption; and

(6) prepare an annual report to the President and the Congress on his activities and the activities of other Federal agencies in implementing the policy and purposes of this Act. The report shall also review progress in energy conservation for major categories of energy use, and recommend additional energy conservation measures for each such category.

RESEARCH AND DEVELOPMENT

SEC. 5. (a) The Director of the National Science Foundation shall coordinate the energy conservation research and development programs of the Federal Government, identify energy conservation research and development opportunities and make recommendations to the President and the Congress for additional research and development programs necessary to achieve the policy and purposes of this Act.

(b) The Secretary of Commerce is authorized to establish within the National Bureau of Standards an energy conservation research and development program to stimulate, through process testing, field demonstrations, and other means, new or improved manufacturing and industrial processes, better building construction, materials, and techniques; as well as new or improved residential and nonresidential appliances and equipment; and to foster more efficient methods of managing energy use.

(c) The Secretary of the Interior is authorized to establish, using existing facilities of the Federal Government for the production and transmission of electrical energy, one or more electrical equipment testing and development centers for the purpose of developing and testing more efficient methods and equipment for the production and transmission of electric energy.

(d) The research programs authorized by this section shall be coordinated to the fullest extent possible with existing governmental and industrial research and development programs.

(e) For the purposes of subsections (b) and (c) of this section, there are authorized to be appropriated $8,000,000 and $4,000,000, respectively, for each of the first three fiscal years following the enactment of this Act.

FEDERAL BUILDING AND PROCUREMENT POLICIES

SEC. 6. (a) The Administrator of the General Services Administration is authorized and directed in the design, construction, and operation of all Federal buildings to utilize to the fullest extent practicable equipment, methods of construction, and management policies which make the maximum efficient use of energy. The factors to be considered by the Administrator in implementing this section shall include but are not limited to—

(1) design of buildings for life cycle cost rather than initial cost;

(2) design of buildings to be as self-contained as possible;

(3) possible use of exhaust air to precondition incoming air and use of waste heat from utility sources;

(4) reduced illumination levels;

(5) provision for sufficient zones of temperature control within buildings; and

(6) location of buildings near existing or planned mass transit facilities.

(b) The Administrator is authorized to carry out demonstration projects to test and demonstrate methods, policies, and techniques developed pursuant to this section.

(c) The Administrator shall appoint an advisory committee of experts, including architects, engineers, economists, and builders, to advise him in implementing the requirements of this section.

(d) The Administrator shall prepare and submit biennial reports to the President and Congress on the results of the program established pursuant to subsections (a) and (b) of this section. Such reports shall include a description of equipment, methods of construction, and operating practices used to achieve energy conservation, including comparisons of energy consumption and costs for buildings in which such equipment, methods, or policies are and are not used.

(e) The Administrator is authorized and directed to develop, publish, and implement energy conservation guidelines for all Federal procurement. These guidelines shall be designed to assure that efficient energy use becomes a major consideration in all Federal procurement and shall be followed by all Federal agencies.

(f) The provisions of subsection (a) and subsection (e) of this section shall apply, to the extent consistent with the requirements of national security, to all the construction and procurement policies of the Department of Defense.

BUILDING STANDARDS AND CODES

SEC. 7. (a) The Secretary of Housing and Urban Development is authorized and directed to develop, in cooperation with the National Bureau of Standards and the General Services Administration, improved general performance standards and specific design, lighting, and insulation standards to promote efficient energy use in residential, commercial, and industrial buildings.

(b) The Secretary is authorized and directed to prepare, in cooperation with the National Bureau of Standards and the General Services Administration, model building codes for different types and classes of buildings, incorporating the most practicable standards possible for efficient energy use in differing regional environments. Such codes shall, to the extent possible, specify the energy conservation which may be achieved by adopting the practices recommended therein.

(c) Within six months from the date of enactment of this Act, the Secretary shall review and revise the existing minimum property standards of the Federal Housing Administration to incorporate therein the most advanced practicable standards for efficient energy use, including the most advanced practicable space conditioning and major appliance standards. Such standards shall thereafter be reviewed and where necessary revised not less than once every three years to include new or improved techniques for more efficient energy use.

TRUTH IN ENERGY

SEC. 8. (a) The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended by—

(1) striking out section 18 thereof in its entirety;

(2) amending section 1 thereof by inserting at the beginning of the first sentence thereof the following: "(b)";

(3) inserting a new section 1(a) thereof as follows:

"(a) This Act may be cited as the 'Federal Trade Commission Act'."; and

(4) adding at the end thereof the following new sections:

"SEC. 18. (a) The Congress finds and declares that—

"(1) The Nation is facing an energy shortage of acute proportions in the decade following the date of enactment of this section. The problem has already manifested itself in different geographical areas in the form of power blackouts and brownouts, school closings because of a scarcity of fuel, and shortages of gasoline for automobiles and fuel for farm equipment.

"(2) A significant easing of the energy problem can be achieved by elimination of wasteful uses of energy, promotion of more effective uses of energy, and education of consumers as to the importance of conserving energy.

"(3) Climate conditioning systems and household products such as water heaters, room air-conditioners, refrigerators, freezers, stoves, and clothes dryers use significant quantities of energy. Substantial reductions are possible in the energy consumption of many of these systems and products if more attention is paid to energy usage in their design and in their use by consumers.

"(4) Many owners of major energy-consuming products and climate conditioning systems do not know nor can they readily discover prior to purchase how much each such product or system will cost each year to operate (in terms of energy charges) nor are they able to compare, in terms of operating cost, competing products or systems using different energy sources.

"(b) Since informed consumers are essential to the fair working of the free enterprise system and to the maintenance of balance between the supply of and the demand for energy, it is hereby declared to be the intent of Congress to assure, through a uniform national system, noncompliance with which shall be an unfair or deceptive act or practice, meaningful disclosure of the annual operating cost of certain products and systems, so that consumers can readily compare them and thereby avoid purchasing those which unnecessarily waste energy.

"SEC. 19. As used in sections 18 through 24 of this Act—

"(1) 'Annual operating cost' means, with respect to a major energy-consuming household product or climate conditioning system, the estimated cost of electricity or fuel needed for normal usage during a calendar year as determined in accordance with the provisions of section 20 of this Act.

"(2) 'Climate conditioning system' means any system which is designed to be installed or is installed in a previously occupied building for the purpose of artificially controlling temperature or humidity levels within such building or portion thereof. Such a system is characterized as being composed of a number of components (such as piping, ducting, furnaces, boilers, fans, heaters, compressors, pumps, controls, and working fluids, such as air, other gases, water, steam, oils, and refrigerants) which are not designed for or are incapable of controlling temperature or humidity levels within such building until and unless they are connected or combined together.

"(3) 'Communications medium' means any printed or electronic means of communication which reaches significant numbers of people including, but not limited to, newspapers, journals, periodicals, publications, radios, televisions, films, or theaters.

"(4) 'Fuel' means butane, coal, diesel oil, fuel oil, gasoline, natural gas, propane, or steam obtained from a central source; or any other substance, which, when utilized, is capable of powering a major energy-consuming household product or climate conditioning system.

"(5) 'Major energy consuming household product' means a product which: (A) is sold or intended to be sold for use in a residence; (B) is utilized or intended to be utilized for a major residential end use of energy; (C) functions when connected to a readily available source of energy external to the product; and (D) requires, based on average patterns of usage as determined in accordance with section 20 of this Act, more than 200 kilowatt-hours per year or in the case of a product powered by fuel, more than 2,000,000 British thermal units per year.

"(6) 'Major residential end use of energy' means one of the following residential uses of energy: (A) space heating; (B) water heating; (C) cooking; (D) clothes drying; (E) refrigeration; (F) air-conditioning; and (G) any other residential use of energy that the Secretary determines, by a proceeding pursuant to section 20(i) of this Act, to be included to meet the purposes of this Act.

"(7) 'Supplier' means any manufacturer, importer, wholesaler, direct sale merchandiser, distributor, or retailer of any new major energy consuming household product, or any engineer or contractor who is designing a climate conditioning system for use in a previously occupied building.

"SEC. 20. (a) The Secretary of Commerce, within 6 months after the date of enactment of this section, in a proceeding pursuant to subsection (i) of this section, shall identify those products which are major energy consuming household products.

"(b) For each major energy consuming household product identified under subsection (a) of this section, the Secretary of Commerce, within 18 months after the date of enactment of this section, in a proceeding pursuant to subsection (i) of this section, shall define an average-use cycle, and devise a procedure for testing or for calculations based upon tests by which an average-use cycle of a product may be simulated and the energy utilized during such cycle measured. In developing such definition and procedures, the Secretary of Commerce shall consult with appropriate professional engineering societies, and organizations representing the manufacturers of major energy consuming household products in order to enable him to make the best possible utilization of appropriate existing testing procedures and professional expertise.

"(c) The Secretary of Commerce shall direct each manufacturer and importer of each major energy consuming household product identified under subsection (a) of this section to conduct tests on all applicable models of such products in accordance with the procedure established under subsection (b) of this section. Beginning 30 months after the date of enactment of this section, such manufacturers and importers shall furnish the results of such tests, in the form of energy utilized per average-use cycle, to the Commission and such Secretary and shall include such results as part of the information shipped with each such product to all the suppliers who carry such product.

"(d) The Secretary of Commerce, within 18 months after the date of enactment of this section, in a proceeding pursuant to subsection (i) of this section, shall develop and maintain, on a regional, national, or other basis which he finds appropriate in such proceeding, information on the estimated (1) number of average-use cycles performed annually by each major energy consuming household product identified under subsection (a) of this section; and (2) average unit cost of energy for those circumstances under which such products are expected to be utilized. Such costs shall be computed on the basis of energy cost figures which shall be supplied to such Secretary by the Federal Power Commission and the Secretary of the Interior.

"(e)(1) The Secretary of Commerce shall, beginning 18 months after the date of enactment of this section and on an annual basis thereafter, disseminate to all manufacturers and importers of major energy consuming household products the information developed under subsection (d) of this section. Such information shall be accompanied by instructions and computational aids for determining the annual operating cost of a given major energy consuming household product in accordance with the procedure established under subsection (f) of this section.

"(2) If, for any particular major energy consuming household product, the Secretary of Commerce develops such information on a national basis, the determination of the annual operating cost shall be made by the manufacturers or importers, and the annual operating cost figures shall be included by the manufacturers or importers as part of the material shipped with each such product to all the suppliers who carry such product.

"(3) For major energy consuming household products, other than those referred to in paragraph (2), the manufacturers and importers shall forward such information, instructions and computational aids to all the suppliers who carry such product. Suppliers engaged in the business of selling new major energy consuming household products for purposes other than resale shall make the determination of the annual operating costs.

"(4) Within 36 months after the date of enactment of this section, and periodically thereafter when a revision is deemed necessary or appropriate, a compilation of information provided to or developed by the Secretary of Commerce under subsections (c) and (d) of this section shall be published by the Commission in a public document to be placed on sale at the Government Printing Office. The Commission shall take steps to encourage the widest possible distribution of such document and any revision thereof.

"(f) The annual operating cost of any major energy consuming household product shall be determined by multiplying the energy utilized per average-use cycle, as determined under subsection (c) of this section, by the number of average-use cycles per annum multiplied by the average unit cost of energy, as determined under subsection (d) of this section.

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"(g) The Secretary of Commerce, within 18 months after the date of enactment of this section, in a proceeding pursuant to subsection (i) of this section, shall establish model calculation procedures for use by suppliers in determining the annual operating costs of climate conditioning systems. In developing such procedures, he shall consult with appropriate professional engineering societies, and organizations representing the climate conditioning industry so as to allow the best possible utilization by him of appropriate existing calculation procedures and professional expertise. The model calculation procedures developed under this subsection shall be distributed or otherwise made available by the Secretary at reasonable cost to all applicable suppliers and other interested persons.

"(h) The annual operating cost shall be determined at the time the price is stated or advertised upon the basis of the most recent information provided the supplier in accordance with subsection (c) and (e) of this section.

"(i) Except as provided in this subsection, a proceeding shall be conducted in accordance with the provisions of section 553 of title 5, United States Code. Notice and a public hearing are required, and a record of the proceeding shall be maintained. The proceeding shall be structured to proceed as expeditiously as possible, while permitting all interested persons an opportunity to present their views. Participants shall be given a right to cross-examine on matters directly related to the proposed rule, and the Secretary or the Commission may set such conditions and limitations on cross-examination as are deemed necessary to assure fair and expeditious consideration of the contested issues. All testimony shall be presented by affidavit or orally under oath, pursuant to regulations issued by the Secretary or the Commission; where appropriate, persons with the same or similar interests may be required to appear together by a single representative. Each rule issued by the Secretary or the Commission shall be based on substantial evidence in the record taken as a whole and at the conclusion of a proceeding pursuant to this subsection shall be published forthwith in the Federal Register.

"Sec. 21. (a) Beginning 36 months after the date of enactment of this section, it shall be unlawful for any supplier to sell or offer for sale in commerce for purposes other than resale any new major energy consuming household product or climate conditioning system, unless the annual operating cost of such product or system is disclosed by the supplier prior to any such sale. Such disclosure shall appear on the same label, tag, shelf, display case, counter, contract, estimate, proposal, direct-mail statement or any other place on which the purchase price or acquisition cost of such product or system is stated, in accordance with rules established by the Commission: *Provided*, That if annual operating costs are significantly different in different sections of the country, communications covering more than one such section in the form of mail-order literature, catalogs, brochures, or other media which contain price data may, instead, disclose clearly and conspicuously that the annual operating costs of the products covered by this Act may be obtained from the supplier.

"(b) Beginning 36 months after the date of enactment of this section, it shall be unlawful for any supplier to advertise or cause to be advertised in commerce any new major energy consuming household product through any communications medium, if such advertisement states the purchase price or acquisition cost of such product, unless the advertisement includes a statement of the annual operating cost of such product in accordance with rules established by the Commission: *Provided*, That if annual operating costs as determined in accordance with section 20(f) of this Act are significantly different in different sections of the country, price advertising covering more than one such section may, indeed disclose clearly and conspicuously that the annual operating costs of the products covered by this Act may be obtained from the supplier.

"(c) It shall be unlawful for any supplier to knowingly give false or misleading information to the Commission, the Secretary of Commerce, or any prospective purchaser with respect to the annual operating cost of any new major energy consuming household product or climate conditioning system or, in the case of a manufacturer or importer, with respect to tests conducted in accordance with section 20(c) of this Act.

"(d) It shall be unlawful for any supplier to fail to comply with any requirement imposed by any rule or regulation issued under this section or section 20 of this Act.

"(e)(1) No requirement with respect to disclosure of the annual operating cost of a new major energy consuming household product shall be applicable to any such product which is shipped in commerce by a manufacturer or importer until 30 months after the date of enactment of this section.

"(2) The Commission may by rule prohibit a supplier from stockpiling any new major energy consuming household product prior to the date of applicability, under paragraph (1) of this subsection, of any requirement with respect to disclosure of the annual operating cost of such product. For the purposes of this paragraph, 'stockpiling' means shipping a new major energy consuming household product between the date of promulgation of a testing procedure for such product and 30 months after the date of enactment of this section at a rate which is significantly greater (as determined under the rule under this paragraph) than the rate at which such product was shipped during a base period (prescribed in the rule under this paragraph) ending before the date of promulgation of the testing procedure.

"(f) Nothing in this section shall be construed to give rise to a cause of action for rescission of any contract or for damages, unless the supplier fraudulently or knowingly gave the client or purchaser false information on annual operating costs, and such client or purchaser reasonably relied thereon to his detriment in entering upon such contract.

"(g) Nothing in this section shall be deemed to prohibit a supplier or an advertiser from representing orally or in writing that the annual operating costs required to be disclosed by this section are based on average patterns of usage and should not be construed as a precise calculation of annual operating costs to be experienced by an individual purchaser.

"Sec. 22. (a) Violation of any disclosure provision of section 20 or 21 of this Act shall constitute an unfair or deceptive act or practice under section 5 of this Act and shall be subject to proceedings thereunder.

"(b) The district court of the United States shall have jurisdiction without regard to the amount in controversy or the citizenship of the parties to restrain any violation of section 20 or 21 of this Act. Such actions may be brought by the Commission or, where applicable, the Secretary of Commerce in any district court of the United States for a judicial district in which the defendant resides, is found, or transacts business or in which the alleged violation occurred. In any such action, process may be served in any judicial district in which a defendant resides or is found.

"(c)(1) Any person may commence a civil action on his own behalf against (A) any supplier who is alleged to be in violation of any provision of section 20 or 21 of this Act or any regulation thereunder; or (B) the Secretary of Commerce or the Commission where there is an alleged failure of either to perform any act or duty under such sections which is not discretionary. The district courts of the United States shall have jurisdiction without regard to amount in controversy or citizenship of the parties to grant mandatory or prohibitive injunctive relief or interim equitable relief to enforce such provisions with respect to any supplier or to order the Secretary of Commerce or the Commission to perform any such act or duty. Such court, in issuing any final order in an action brought under this subsection, may award costs of litigation (including reasonable attorney and expert witness fees) to any party, whenever the court determines such an award is appropriate. No action may be commenced under this subsection prior to 60 days after the plaintiff has given notice of the alleged violation to the appropriate supplier, the Secretary of Commerce, and the Commission.

"(2) In any action under this subsection, the Commission, if not a party, may intervene as a matter of right.

"(3) Nothing in this subsection shall restrict any right which any person or class of persons may have under any other statute or at common law to seek enforcement of any provision of this Act or regulation thereunder or any other relief.

"Sec. 23. (a) It is hereby declared to be the express intent of Congress to supersede any and all laws of the States or political subdivisions thereof insofar as they may now or hereafter provide for the disclosure of energy consumption, energy efficiency, efficiency ratio, or annual operating cost of any new major energy consuming household product or climate conditioning system if there is in effect and applicable a Federal disclosure requirement with respect to such product or system.

"(b) Upon petition by any State, or political subdivision thereof, the Commission may, by rule, after notice and opportunity for presentation of views, exempt from the provisions of this subsection, under such conditions as it may impose, any State or local requirement that (1) affords protection to consumers greater than that provided in the applicable Commission rule; (2) is required by compelling local conditions; and (3) does not unduly burden commerce. The Commission shall maintain continuing jurisdiction with respect to those States or political subdivisions thereof which are specifically exempted under this subsection. Any such exemption granted by the Commission may be withdrawn by it whenever it is determined that the State or political subdivision thereof is not efficiently enforcing its requirements or that such exemption is no longer in the public interest.

"Sec. 24. (a) On July 1 of the year following the year in which this Act is enacted and every year thereafter as part of their annual reports, the Secretary of Commerce and the Commission shall report to the Congress and to the President on the progress made in carrying out the purposes of sections 18 through 23 of this Act.

"(b) The provisions of sections 18 through 24 of this Act shall terminate upon the adoption of a concurrent resolution by the Congress with a determination that the findings set forth in section 18(a) of this Act are no longer applicable.

"(c) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of sections 18 through 24 of this Act, not to exceed $2,000,000 for each of the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976."

AUTOMOBILE FUEL ECONOMY STANDARDS

Sec. 9. The Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 et seq.) is amended by adding at the end thereof the following new title:

"TITLE V—FUEL ECONOMY

"SHORT TITLE

"Sec. 501. This title may be cited as the 'Automobile Fuel Economy Act'.

"DECLARATION OF POLICY

"Sec. 502. (a) Findings.—The Congress finds and declares that—

"(1) A serious shortage of refined petroleum products is emerging in the United States.

"(2) The need to import petroleum from foreign nations is causing the Nation substantial international trade deficits in fuels.

"(3) This shortage and trade deficit necessitates reducing wasteful and unnecessary use of petroleum and petroleum producta.

"(4) Automobiles are a major user of petroleum products.

"(5) The low fuel economy of many automobiles today is unnecessary since significant increases in fuel economy can be achieved without sacrificing environmental or safety standards and without restricting travel patterns.

"(b) Purposes.—Therefore, it is hereby declared to be the purpose of the Congress to—

"(1) encourage the development, manufacture, and sale of automobiles which are more economical to operate in terms of the amount of fuel consumed per mile traveled;

"(2) increase the industrywide average fuel economy for new automobiles by at least 50 per centum by 1984 in comparison to the industrywide average fuel economy for new automobiles in 1974, so that the contribution made by the automobile to the rate of growth of the total annual consumption of petroleum products in the United States will be minimized;

"(3) make the Nation self-sufficient in fuel supplies for automotive transportation; and

"(4) promote and encourage new technologies which may aid in further realization of the foregoing objectives.

"DEFINITIONS

"Sec. 503. As used in this title—

"(1) 'Automobile' means a four-wheeled vehicle propelled by fuel which is manufactured primarily for use on the public streets, roads, and highways, except any vehicle operated exclusively on a rail or rails; and which has as its primary intended function the transportation of not more than ten individuals, except that the term 'automobile' shall not mean a multipurpose passenger vehicle, including a motor home, constructed on a truck chassis, truck chassiscab, or special chassis, or constructed through utilizing a truck or similar van.

"(2) 'Commerce' means commerce among the several States or with foreign nations or in any State or between any State and foreign nation.

"(3) 'Dealer' means any person engaged in the business of selling new automobiles to purchasers who buy for purposes other than resale.

"(4) 'Fuel' means any material or substance capable of propelling an automobile, including, but not limited to, regular and high-octane gasoline, diesel oil, kerosene, natural gas, and propane.

"(5) 'Fuel economy' refers to the average number of miles (kilometers) traveled by an automobile per unit of fuel consumed, as determined in accordance with test procedures established by the Department of Transportation by rule pursuant to section 553 of title 5, United States Code.

"(6) 'Industrywide average fuel economy' means the average fuel economy of all new automobiles sold or expected to be sold in all States in a given model year, which may or may not be weighted in accordance with regulations of the Secretary.

"(7) 'Manufacturer' means any person engaged in manufacturing, importing, or assembling automobiles.

"(8) 'Model' means an automobile of particular brand name, body dimensions, style, engine, and drive train.

"(9) 'Model year' means the period that runs from the date a model is introduced in commerce or first offered for sale to purchasers for purposes other than resale, to no later than December 31 of the next calendar year.

"(10) 'Secretary' means the Secretary of Transportation.

"(11) 'State' means any State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Canal Zone, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

"MINIMUM STANDARD AND LONG-RANGE PLAN

"Sec. 504. (a) Establishment.—The Secretary shall, within 18 months after the date of enactment of this title, establish by rule pursuant to section 553 of title 5, United States Code, a minimum fuel economy standard for new automobiles introduced into commerce during and after the 1978 model year.

"(b) Factors.—In establishing the standard under subsection (a) of this section, the Secretary shall take into consideration the results of the studies conducted pursuant to section 12 of the National Fuels and Energy Conservation Act of 1973. Such standard shall be set at a level, which in the judgment of the Secretary, represents, to the extent that is technologically and economically feasible, the first step in an orderly progression towards achievement of the National purpose stated in section 502(b) of this Act.

"(c) Long-Range Plan.—The Secretary shall submit to Congress, no later than 18 months after the date of enactment of this title, a plan (which may include proposed minimum fuel economy standards for new automobiles introduced into commerce during model years subsequent to 1978, and recommendations for new legislation) for a program for achieving the national purpose stated in section 502(b) of this Act. In the development of such plan, the Secretary shall consider the results of the studies conducted pursuant to section 12 of the National Fuels and Energy Conservation Act of 1973. Any proposed minimum standard for fuel economy included in such plan shall be technologically and economically feasible and shall be promulgated by the Secretary pursuant to section 553 of title 5, United States Code, unless either House of Congress passes a resolution between the date of transmittal of such plan and the end of a 60-day period stating in substance that it disapproves of such plan.

"(d) Amendment.—The Secretary may from time to time, upon the basis of new information, amend, modify, or revise any standard or plan established under subsection (a) or (c) of this section. Any amended standard shall be technologically and economically feasible and shall be issued at least 18 months prior to the commencement of the model year for which such amendment is to be applicable.

"(e) Exception.—The standard established in subsection (a) or (c) of this section shall not apply to any automobile which is intended solely for export (and is so labeled or tagged on the vehicle itself and on the outside of the container, if any) and which is exported.

"(f) Judicial Review.—

"(1) General.—Any person who may be adversely affected by any rule promulgated under this section may at any time prior to 60 days after such rule is promulgated file a petition in the United States Court of Appeals for the District of Columbia, or any circuit wherein such person resides or has his principal place of business, for judicial review of such rule. A copy of the petition shall be forthwith transmitted by the clerk of such court to the Secretary. The Secretary shall thereupon cause to be filed in such court the record of the proceedings upon which the rule which is under review was based, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to review the rule in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief as provided in such chapter.

"(2) Additional Evidence.—If the petitioner applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Secretary, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Secretary, and to be adduced in a hearing, in such manner and upon such terms and conditions as the court may deem proper. The Secretary may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken, and he shall file such modified or new findings, and his recommendation, if any, for the modification or setting aside of his rule, with the return of such additional evidence.

"(3) Further Review.—The judgment of the court affirming or setting aside, in whole or in part, any such rule of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"(4) Other Remedies Unimpaired.—The remedies provided for in this section shall be in addition to and not in lieu of any other remedies provided by law.

"DUTIES AND POWERS OF THE SECRETARY

"Sec. 505. (a) General.—(1) For the purpose of carrying out the provisions of this title, the Secretary, or his duly designated agent, may hold such hearings, take such testimony, sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, papers, correspondence, memorandums, contracts, agreements, or other records as the Secretary, or such officer or employee, deems advisable. The Secretary, or his duly designated agent, shall at all reasonable times have access to, and for the purpose of examination, the right to copy any documentary evidence of any person having materials or information relevant to any function of the Secretary under this title. The Secretary is authorized to require, by general or special orders, any person to file, in such form as the Secretary may prescribe, reports or answers in writing to specific questions relating to any function of the Secretary under this title. Such reports and answers shall be made under oath or otherwise, and shall be filed with the Secretary within such reasonable period as he may prescribe.

"(2) Any of the district courts of the United States within the jurisdiction of which an inquiry is carried on may, in the case of contumacy or refusal to obey a subpena or order of the Secretary, or his duly designated agent, issued under paragraph (1) of this subsection, issue an order requiring compliance with such subpena or order. Any failure to obey such an order of the court may be punished by such court as a contempt thereof.

"(3) Witnesses summoned pursuant to this subsection shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

"(b) Inspection.—(1) Every manufacturer shall establish and maintain such records, make such reports, conduct such tests, and provide such items and information as the Secretary may reasonably require to enable the Secretary to carry out his duties under this title and under any rules or regulations promulgated pursuant to this title. A manufacturer shall, upon request of a duly designated agent of the Secretary, permit such agent to inspect finished automobiles and appropriate books, papers, records, and documents. A manufacturer shall make available all such items and information in accordance with such reasonable rules as the Secretary may prescribe.

"(2) Any of the district courts of the United States within the jurisdiction of which an inspection is carried out or requested may, in the case of contumacy or refusal by any manufacturer to accede to any reasonable requirement or request of the Secretary, or his duly designated agent, issued or made under paragraph (1) of this subsection, issue an order requiring compliance with such requirement or request. Any failure to obey such an order of the court may be punished by such court as a contempt thereof.

"(c) PUBLIC DISCLOSURE OF INFORMATION.—The Secretary is authorized and directed to disclose as much of any information obtained under this section to the public as he determines will assist in carrying out the purposes of this Act, except that any information reported to or otherwise obtained by him which contains or relates to a trade secret or other matter referred to in section 1905 of title 18, United States Code, which if disclosed would result in significant competitive damage shall not be disclosed to the public (other than officers or employees concerned with carrying out this title, unless such information is relevant to any proceeding under this title. Nothing in this subsection shall authorize the withholding of information by the Secretary or any officer or employee under his control from the duly authorized committees of the Congress.

"(d) REPRESENTATION.—Notwithstanding any other provision of law, in any action under this section, the Secretary may direct attorneys employed by him to appear and represent him.

"LABELING AND ADVERTISING

"SEC. 506. (a) STICKER.—Beginning no later than one model year after the establishment of a test procedure for fuel economy pursuant to subsection (5) of section 503 of this title, each manufacturer shall cause to be affixed and each dealer shall cause to be maintained on each new automobile, in a prominent place, a sticker indicating the fuel economy which a prospective purchaser can expect from such automobile, and the estimated average annual fuel costs associated with the operation of such automobile. The form and content of such sticker shall be determined by the Federal Trade Commission, pursuant to section 553 of title 5, United States Code.

"(b) DISCLAIMER.—Nothing in this section shall be deemed to prohibit a manufacturer or dealer from representing orally or in writing that the fuel economy or estimated average annual fuel costs required to be disclosed by this section are based on representative driving cycles as determined pursuant to paragraph (5) of section 503 of this title and should not be construed as a precise calculation of fuel economy or estimated average annual fuel costs to be experienced by an individual purchaser.

"(c) ADVERTISING.—The Federal Trade Commission shall by rule, pursuant to section 553 of title 5, United States Code, direct that the information regarding fuel economy and average annual fuel costs which is required under subsection (a) of this section be a conspicuous part of any advertisement for new automobiles which mentions purchase price or acquisition cost of such automobile.

"(d) CONFORMING AMENDMENTS.—Section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232) is amended by striking out in the first paragraph 'disclosing the following information concerning' and inserting in lieu thereof 'disclosing the information required by the Automobile Fuel Economy Act together with the following information concerning'.

"PROHIBITED CONDUCT

"SEC. 507. The following conduct is prohibited—

"(a) the failure to comply with any provisions of this title or any standard, rule, regulation, or order issued by the Secretary or Commission pursuant to this title;

"(b) the failure to provide information as required in accordance with this title;

"(c) the failure to permit inspection pursuant to this title;

"(d) the manufacture, processing, sale, distribution, or importation into the United States of any automobile whenever such manufacture, assembly, sale, distribution, or importation is known to be or should have been to be for use in violation of this title or any standard, rule, regulation, or order issued under this title. Each such act constitutes a separate violation of this section.

"ENFORCEMENT

"SEC. 508. (a) UNFAIR TRADE PRACTICE.—It shall be unlawful and a violation of section 5(a)(1) of the Federal Trade Commission Act (15 U.S.C. 45(a)(1)) for any person subject to the provisions of section 506 of this Act to fail to comply with any requirement imposed on him by or pursuant to such section.

"(b) EQUITABLE REMEDY.—The district courts of the United States shall have jurisdiction over any action brought by the Secretary, by any of his attorneys designated by him for such purpose, for a mandatory or prohibitive injunction to enforce any provision of this title or any standard, rule, regulation, or order thereunder or for equitable relief to redress a violation by any person of any provision of section 507 of this Act. The courts shall have jurisdiction to grant such relief as the equities of the case may require. Upon a proper showing, and after notice to the defendant, a temporary restraining order or preliminary injunction shall be granted without bond: *Provided*, That if a complaint is not filed within such period as may be specified by the court after the issuance of the restraining order or preliminary injunction, the order or injunction may, upon notice, be dissolved. Whenever it appears to the court that the interests of justice require that other persons should be parties in the action, the court may cause them to be summoned whether or not they reside in the judicial district in which the court is held, and to that end process may be served in any district. Upon the request of the Secretary, the Attorney General is authorized and directed to bring and maintain an action under this subsection.

"(c) CRIMINAL VIOLATION.—Any person who wilfully violates any provision of section 507 of this Act shall, on conviction, be fined not more than $25,000 for each violation, or be imprisoned for not more than one year, or both.

"(d) CIVIL VIOLATION.—(1) Any person who violates any provision of section 507 of this Act other than wilfully shall be liable to the United States for a civil penalty in an amount which is not greater than $25,000 for each violation: *Provided*, That the amount of such civil penalty shall not exceed such person's ability to pay. The amount of such civil penalty shall be assessed by the Secretary after notice and an opportunity for an adjudicative hearing conducted in accordance with section 554 of title 5, United States Code, and after he has considered the nature, circumstances, and extent of such violation, the practicability of compliance with the provisions violated, and any good-faith efforts to comply with the provision violated.

"(2) Upon the failure of the offending party to pay such civil penalty, the Secretary may commence an action in the appropriate district court of the United States for such relief as may be appropriate or he may request the Attorney General to commence such an action.

"(c) IMPOUNDMENT.—In case of any prohibited conduct under subsection (d) of section 507 of this Act, any involved automobile shall be liable to be proceeded against by the Secretary or, upon his request, the Attorney General, upon libel of information and condemned by any district court of the United States within the jurisdiction of which such automobile is found. Such automobile shall be liable to seizure by process pursuant to the libel. In cases under this subsection, the procedure shall conform, as nearly as practicable, to the procedure in cases of libel in admiralty. Any automobile condemned under this subsection shall, after entry of the decree, be disposed of by destruction: *Provided*, That after entry of the decree and upon the payment of the costs of such proceedings and the exclusion of a good and sufficient bond conditioned that such automobile shall not be sold or disposed of contrary to the provisions of this title, the court may by order direct that such automobile be delivered to the owner thereof to be destroyed or brought into compliance with the provisions of this title under the supervision of an officer or employee duly designated by the Secretary. The expenses of such supervision shall be paid by the person obtaining release of the automobile under bond. When a decree of condemnation is entered against the automobile, court costs and fees together with storage and other property expenses, shall be awarded against the person, if any, intervening as a claimant of the automobile.

"RELATIONSHIP TO STATE LAW

"SEC. 509 After the effective date of any standard: regulation or requirement under this title relating to fuel economy or fuel economy labeling of automobiles, no State or political subdivision thereof may adopt or enforce any standard, regulation or requirement relating to such matters, except that a State or political subdivision may adopt and enforce controls and regulations governing the use or operation of automobiles such as speed limit controls designed to conserve the use of fuel.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 510. There is hereby authorized to be appropriated for the purposes of carrying out the provisions of this Act such sums as are necessary, not to exceed $1,000,000 for the fiscal year ending June 30, 1974, and not to exceed $3,000,000 for the fiscal years ending June 30, 1975, and June 30, 1976.".

UTILITY ENERGY CONSERVATION REPORTS

SEC. 10. (a) Within six months from the date of enactment of this Act, the Federal Power Commission shall by rule on the record after opportunity for a public hearing promulgate regulations requiring electric and gas public utilities to submit to the Commission annual reports on energy conservation policies. The Commission shall make such reports readily available for public inspection.

(b) Each such report shall include—

(1) indication of the problems the utility is encountering in implementing an energy conservation program, such as regulatory or rate restrictions or other disincentives for energy conservation.

(2) a description of the utility's research effort directed toward the conservation of energy;

(3) an evaluation of the role of the utility's wholesale and retail rate structures in achieving conservation of energy;

(4) disclosure of system inefficiencies, including energy loss during transmission; and

(5) such other relevant information as the Commission may require.

FEDERAL GOVERNMENT ENERGY RATE STUDIES

SEC. 11. (a) Each agency of the Federal Government which produces or sells electrical energy or which certificates or licenses any person to produce electrical energy for sale is authorized and directed to prepare and submit to the Congress within twelve months from the date of enactment of this Act a comprehensive study of the impact of the policies of such agency on the efficiency of generation and on the consumption and conservation of energy. Each such study shall evaluate all relevant factors, including, but not limited to—

"(1) an identification of subsidies and other incentives which promote inefficient generation and unnecessary and wasteful energy consumption;

"(2) an indication of how various rate structures, rate changes, and methods of pricing might affect the efficiency of generation and consumption within the regions studied. Such methods shall include fuel cost adjustments, marginal cost pricing, and other pricing measures which may encourage increased efficiency of generation or decreased consumption of electrical energy;

"(3) an exploration of the price elasticity of electrical energy consumption within each region studied;

"(4) an analysis of the rate structure within each region studied, including its effect on design and use of less efficient power generation equipment;

"(5) an indication of whether metering or other measures might be improved or instituted to inform purchasers of electrical energy of their cost and of peak demand responsibilities;

"(6) recommendations for legislative, executive, and administrative actions in furtherance of the national policy declared in Sec. 2 of this Act.

(b) The Council on Energy Policy, established pursuant to section 3 of this Act, upon reviewing reports prepared pursuant to section 10 and subsection (a) of this section and in consultation with Federal and State agencies which establish or regulate rates for electricity or other forms of energy, shall prepare and submit to the Congress within two years of the date of enactment of this Act a study of the impact of such rates and energy prices generally on the consumption and conservation of energy. Such study shall discuss the factors set forth in subsection (a) of this section and any other factors deemed appropriate by the Council, and shall contain such recommendations for legislative and administrative action as the Council deems necessary.

TRANSPORTATION STUDIES

SEC. 12. (a) The Secretary of Transportation is authorized and directed to prepare and submit to Congress within nine months from the date of enactment of this Act, a report evaluating the potential for energy conservation in the transportation sector. Such report shall include the results of—

(1) a comprehensive study of automobile relationships between fuel economy, safety, characteristics and their effects on and the reliability, damage resistance, noise levels, and cost to automoible purchasers. Such study aspects of the foregoing factors, both to the individual automobile owner and to the Nation and shall identify combinations of such factors which provide for optimum automobile characteristics.

(2) a study of automobile usage in the United States in relation to other transportation modes and systems. The study shall include, but not be limited to, consideration of travel patterns, utility, and ways to better integrate the automobile into urban and interctiy transportation systems including the prospects for dual mode transportation systems, and the extent to which a need exists for public assistance for research and development with respect to transportation modes other than the automobile.

(3) an investigation of the advisability of limiting maximum achievable speeds of motor vehicles and of imposing lower maximum speed limits on various types of roads in various parts of the country.

(4) an evaluation of the impact on fuel consumption of national and regional systems of commercial passenger and freight transportation. Such study shall include—

(A) an evaluation of the relationship between existing patterns of commercial passenger and freight transportation and energy use;

(B) an evaluation of the role of Federal, State, and local government transportation policies in creating and maintaining existing patterns of commercial passenger and freight transportation;

(C) an evaluation of the role of Federal rate regulation in encouraging commercial passenger and freight transportation practices which are inefficient in terms of fuel use; and

(D) an evaluation of the technological and economic feasibility of achieving at least a 50 per centum improvement within ten years of the industrywide average fuel economy for transportation vehicles; including airplanes, automobiles, buses, motorcycles, recreational vehicles, trains, trucks, and vessels. At the time of submission of the plan required under section 504 of the Motor Vehicle Information and Cost Savings Act, the Secretary shall also submit to Congress a plan (including recommendations for new legislation) for achieving such improvement.

(b) The Secretary of Transportation shall solicit the views of the Secretary of the Interior, the Administrator of the Environmental Protection Agency and other officers and agencies of the Federal Government during the course of such studies; and his report shall include recommendations, if any, for legislation needed to establish the policies and programs identified in such report as having the energy requirements.

AUTOMOTIVE RESEARCH AND DEVELOPMENT

SEC. 13. The Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 et seq.) as amended by section 9 of this Act, is further amended by adding at the end thereof the following new title:

"TITLE VI—RESEARCH AND DEVELOPMENT

"SHORT TITLE

"SEC. 601. This title may be cited as the "Automotive Transport Research and Development Act of 1973".

"FINDINGS AND PURPOSES

"SEC. 602. (a) FINDINGS.—The Congress finds that—

"(1) Existing automobiles are inadequate to meet all of the long-term goals of this Nation with respect to protecting the environment and conserving energy.

"(2) With additional research and development, several alternatives to existing automobiles have the potential to be mass produced at a reasonable cost with significantly less environmental degradation and fuel consumption than existing automobiles while remaining compatible with other requirements of Federal law including, but not limited to, safety, noise control, and damage resistance.

"(3) Insufficient resources are being devoted to research and development of alternative automobiles and automobile components both by the Federal Government and the private sector.

"(4) An expanded research and development effort into alternative automobiles by the Federal Government would increase such efforts by the private sector and encourage automobile manufacturers to seriously consider alternatives to existing automobiles and automobile components.

"(5) Because of the urgency of the energy, air pollution, and other environmental problems, such alternative automobiles should be developed, tested, and prepared for manufacture within four years from the date of enactment of this Act.

"(b) PURPOSES.—Therefore, it is declared to be the purpose of the Congress (1) to make grants for and support through loan guarantees research and development leading to production prototypes of an energy-efficient, low-polluting automobile or automobiles within four years from the date of enactment of this Act and to secure the certification after testing of those prototypes which are likely to meet the Nation's long-term goals with respect to fuel economy, environmental protection, and other objectives; (2) to interpret and carry out this title to preserve, enhance and facilitate competition in research, development, and production in existing and alternative automobile systems and components.

"DEFINITIONS

"SEC. 603. As used in this title—

"(1) 'Automobile' means a four-wheeled vehicle propelled by fuel which is manufactured primarily for use on the public streets, roads, and highways, except any vehicle operated exclusively on a rail or rails; and which has as its primary intended function the transportation of not more than ten individuals.

"(2) 'Damage resistance' refers to the susceptibility to physical damage of an automobile when involved in an accident.

"(3) 'Developer' means any person engaged in whole or in part in research or other efforts directed toward the development of production prototypes of an energy-efficient, low-polluting, automobile or automobiles.

"(4) 'Energy-efficient, low-polluting automobile' means an automobile which—

"(A) presents the least total amount of energy consumption and environmental degradation practicable with respect to the amount of fuel consumed, the type of fuel consumed, exhaust emissions, the production and disposal of such automobile, noise characteristics, or any other factor affecting environmental quality and represents a substantial improvement over existing automobiles with respect to such factors;

"(B) can be mass produced at the lowest possible cost consistent with the requirements of this title;

"(C) operates safely and with sufficient performance with respect to acceleration, cold weather starting, cruising speed, and other performance factors;

"(D) to the extent practicable, is capable of intermodal adaptability; and

"(E) at a minimum, can be produced, distributed, operated, and disposed of in compliance with any requirement of Federal law, including, but not limited to, requirements with respect to fuel economy, exhaust emissions, noise control, safety, and damage resistance.

"(5) 'Fuel' means any material of substance capable of propelling an automobile, including but not limited to, regular and high-octane gasoline, diesel oil, kerosene, natural gas, and propane.

"(6) 'Fuel economy' refers to the average number of miles (kilometers) traveled by an automobile per unit of fuel consumed, as determined in accordance with title V of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 et seq.).

"(7) 'Intermodal adaptability' refers to any characteristic of an automobile which enables it to be operated or carried, or which facilitates such operation or carriage, by or on an alternate mode or other system of transportation.

"(8) 'Low-Emission Vehicle Certification

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Board' means the Low-Emission Vehicle Certification Board established pursuant to section 212 of the Clean Air Act (42 U.S.C. 1857f-6e).

"(9) 'Noise control' refers to protection of the public against harm or discomfort resulting from an excessively high average number of decibels of sound emitted by an automobile during normal operation.

"(10) 'Production prototype' means an automobile which is in its final stage of development and is capable of being placed into production for sale at retail in quantities exceeding ten thousand automobiles per year.

"(11) 'Reliability' refers to the ease of diagnosis and repair of an automobile and its systems and parts which fail during use or are damaged in an accident and the average time and distance that proper operation can be expected without repair or replacement.

"(12) 'Safety' refers to the performance of an automobile or automobile equipment in such a manner that the public is protected against unreasonable risk or accident and against unreasonable risk of death or bodily injury in case of accident.

"(13) 'Secretary' means the Secretary of Transportation.

"(14) 'State' means any State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Canal Zone, Guam, American Samoa, the Trust Territory of the Pacific Islands, or any other territory or possession of the United States.

"DUTIES OF THE SECRETARY

"Sec. 604. The Secretary is authorized and directed to insure the development of one or more production prototypes of an energy-efficient, low-polluting automobile within four years after the date of enactment of this title. No department or agency of the Federal Government shall duplicate the duties of the Secretary under this title. In furtherance of that goal and to promote such development by private interests, the Secretary is further authorized and directed to—

"(a) make grants for research and development efforts likely to lead or contribute to the development of any energy-efficient, low-polluting automobile or automobiles, in accordance with the provisions of section 606 of this title;

"(b) make loan guarantees for research and development efforts which show promise of leading or contributing to the development of an energy-efficient, low-polluting automobile or automobiles, in accordance with the provisions of section 607 of this title;

"(c) conduct and accelerate research and development programs within the Department of Transportation for the purpose of contributing to the research and development of a production prototype of an energy-efficient, low-polluting automobile or automobiles;

"(d) test or direct the testing of production prototypes and secure certification as energy-efficient, low-polluting automobiles those which meet the applicable requirements, in accordance with section 608 of this title;

"(e) collect, analyze, and disseminate to developers information, data, and materials relevant to the development of an energy-efficient, low-polluting automobile or automobiles;

"(f) prepare and submit studies as required under section 611 of this title; and

"(g) receive and evaluate any reasonable new technology, a description of which is submitted to him in writing, which could lead to the development of an energy-efficient, low-polluting automobile.

"POWERS OF THE SECRETARY

"Sec. 605. In addition to the powers specifically enumerated in any provision of this title, the Secretary is authorized to—

"(a) appoint such attorneys, employees, agents, consultants, and other personnel as he deems necessary, define the duties of such personnel, determine the amount of compensation and other benefits for the services of such personnel and pay them accordingly;

"(b) procure temporary and intermittent services to the same extent as is authorized under section 3109 of title 5, United States Code, but at rates not to exceed $150 a day for qualified experts;

"(c) obtain the assistance of any department, agency, or instrumentality of the executive branch of the Federal Government upon written request, on a reimbursable basis or otherwise, identifying the assistance he deems necessary to carry out his duties under this title, including, but not limited to, transfer of personnel with their consent and without prejudice to their position and rating;

"(d) enter into, without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of his duties under this title, with any government agency or any person; and

"(e) purchase, lease, or otherwise acquire, improve, use, or deal in and with any property; sell, mortgage, lease, exchange, or otherwise dispose of any property or other assets; accept gifts or donations of any property or services in aid of any purpose of this title.

"GRANTS

"Sec. 606. (a) General.—(1) The Secretary shall provide funds by grant or contract to initiate, continue, supplement, and maintain research and development programs or activities which, in his judgment, appear likely to lead to the development, in production prototype form, of an energy-efficient, low-polluting automobile or automobiles.

"(2) The Secretary is authorized to make such grants, and contracts with any Federal agency, laboratory, university, nonprofit organization, industrial organization, public or private agency, institution, organization, corporation, partnership, or individual.

"(b) Consultation.—The Secretary, in the exercise of his duties and responsibilities under this section, shall establish procedures for periodic consultation with representatives of science, industry, and such other groups as may have special expertise in the areas of automobile research, development, and technology. The Secretary may establish an advisory panel or panels to review and make recommendations to him on applications for funding under this section.

"(c) Procedure.—Each grant under this section shall be made in accordance with such rules and regulations as the Secretary shall prescribe in accordance with the provisions of this section and of section 602 of this title. Each application for funding shall be made in writing in such form and with such content and other submissions as the Secretary shall require.

"LOAN GUARANTEES

"Sec. 607. (a) General.—(1) The Secretary is authorized, in accordance with the provisions of this section and such rules and regulations as he shall prescribe, to guarantee and to make commitments to guarantee the payment of interest on and the principal balance of, an obligation to initiate, continue, supplement, and maintain research and development programs or activities which, in his judgment, appear likely to lead to the development, in production prototype form of an energy-efficient, low-polluting automobile or automobiles. Each application for such a loan guarantee shall be made in writing to the Secretary in such form and with such content and other submissions as the Secretary shall prescribe to reasonably protect the interests of the United States. Each guarantee and commitment to guarantee shall be extended in such form, under such terms and conditions, and pursuant to such regulations as the Secretary deems appropriate. Each guarantee and commitment to guarantee shall inure to the benefit of the holder of the obligation to which such guarantee or commitment applies. The Secretary is authorized to approve any modification of any provision of a guarantee or a commitment to guarantee such an obligation, including the rate of interest, time of payment of interest or principal, security, or any other terms or conditions, upon a finding by the Secretary that such modification is equitable, not prejudicial to the interests of the United States, and has been consented to by the holder of such obligation.

"(2) The Secretary is authorized to so guarantee and to make such commitments to any Federal agency, laboratory, university, nonprofit organization, industrial organization, public or private agency, institution, organization, corporation, partnership, or individual.

"(b) Exception.—No obligation shall be guaranteed by the Secretary under subsection (a) of this section unless he finds that no other reasonable means of financing or refinancing is reasonably available to the applicant.

"(c) Charges.—(1) The Secretary shall charge and collect such amounts as he may deem reasonable for the investigation of applications for a guarantee, for the appraisal of properties offered as security for a guarantee, or for the issuance of commitments.

"(2) The Secretary shall set a premium charge of not more than 1 per centum per annum for a loan or other obligation guaranteed under this section.

"(d) Validity.—No guarantee or commitment to guarantee an obligation entered into by the Secretary shall be terminated, canceled, or otherwise revoked, except in accordance with reasonable terms and conditions prescribed by the Secretary. Such a guarantee or commitment to guarantee shall be conclusive evidence that the underlying obligation is in compliance with the provisions of this section and that such obligation has been approved and is legal as to principal, interest, and other terms. Such a guarantee or commitment shall be valid and incontestable in the hands of a holder as of the date when the Secretary entered into the contract of guarantee or commitment to guarantee, except as to fraud, duress, mutual mistake of fact, or material misrepresentation by or involving such holder.

"(e) Default and Recovery.—(1) If there is a default in any payment by the obligor of interest or principal due under an obligation guaranteed by the Secretary under this section and such default has continued for sixty days, the holder of such obligation or his agents have the right to demand payment by the Secretary of such unpaid amount. Within such period as may be specified in the guarantee or related agreements, but not later than forty-five days from the date of such demand, the Secretary shall promptly pay to the obligee or his agent the unpaid interest on and unpaid principal of the obligation guaranteed by the Secretary as to which the obligor has defaulted, unless the Secretary finds that there was no default by the obligor in the payment of interest or principal or that such default has been remedied.

"(2) If the Secretary makes a payment under paragraph (1) of this subsection, he shall have all rights specified in the guarantee or related agreements with respect to any security which he held with respect to the guarantee of such obligation, including, but not limited to, the authority to complete, maintain, operate, lease, sell or otherwise dispose of any property acquired pursuant to such guarantee or related agreements.

"(3) If there is a default under any guarantee or commitment to guarantee an obligation, the Secretary shall notify the Attorney General who shall take such action against the obligor or any other parties liable thereunder as is, in his discretion, necessary to protect the interests of the United States. The holder of such obligation shall make available to the United States all records and evidence necessary to prosecute any such suit.

"(f) Authorization for Appropriations.—There are hereby authorized to be appropriated to the Secretary not to exced $200,000,000 to pay the interest on, and the principal balance of, any obligation guaranteed by the Secretary as to which the obligor has defaulted.

"TESTING AND CERTIFICATION

"Sec. 608. (a) Administrator.—The Administrator of the Environmental Protection Agency shall test, or cause to be tested in a facility subject to his supervision, each production prototype of an automobile developed in whole or in part with Federal financial assistance under this Act, or referred to him for such purpose by the Secretary to determine whether such production prototype complies with any exhaust emission standards or any other requirements promulgated or reasonably expected to be promulgated under any provision of the Clean Air Act, as amended (42 U.S.C. 1857 et seq.), the Noise Control Act of 1972 (42 U.S.C. 4901), or any other provision of Federal law administered by him. The Administrator shall submit all test data and the results of such tests to the Low-Emission Vehicle Certification Board.

"(b) Secretary.—The Secretary shall test, or cause to be tested in an independent facility subject to his supervision, all new production prototypes of automobiles which he or a developer may submit to the Low-Emission Vehicle Certification Board for certification under subsection (c) of this section. Such tests shall be conducted, according to testing procedures to be developed by the Secretary to determine whether each such automobile complies with any standards promulgated as of the date of such testing or reasonably expected to be promulgated prior to sale at retail of such automobile under any provision of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381), the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 et seq.) as amended by section 9 of this Act, the Automobile Information Disclosure Act (15 U.S.C. 1232), and any other statute enacted by Congress and applicable to automobiles. The Secretary shall also refer any such automobile to the Administrator of the Environmental Protection Agency for testing pursuant to the provisions of subsection (a) of this section. All new automobiles may be submitted to the Secretary for testing under this subsection, including vehicles developed without any Federal financial assistance under this title. The Secretary shall submit all test data and the results of all tests conducted by him or subject to his supervision to the Low-Emission Vehicle Certification Board together with his conclusions and reasons therefor as to whether the automobile tested merits certification as an energy-efficient, low-polluting automobile. The Secretary, or the Administrator of the Environmental Protection Agency, if appropriate, shall conduct, or cause to be conducted, any additional tests which are requested by the Low-Emission Vehicle Certification Board and shall furnish to such Board any other information which it requests or which he deems necessary or appropriate.

"(c) Board.—The Low-Emission Vehicle Certification Board, shall, upon application by a developer or by the Secretary and the receipt of test data and test results submitted pursuant to subsections (a) and (b) of this section, issue or deny certification as an energy-efficient, low-polluting automobile. Each determination as to certification shall be made in accordance with such rules and regulations as such Board shall prescribe in accordance with this title. Each application for certification shall be made to such Board in writing in such form and with such content and other submissions as the Low-Emission Vehicle Certification Board shall require.

"PROPRIETARY INFORMATION AND PATENTS

"Sec. 609. (a) Availability.—Whenever, pursuant to this title, the Secretary enters into any agreement contracting for, sponsoring, or cosponsoring any research or development, he shall require as a condition of such Federal participation that all information—whether patented or unpatented, in the form of trade secrets, know-how, proprietary information, or otherwise—processes, or patents resulting in whole or in substantial part from such federally assisted research or development shall be available to the general public, pursuant to subsection (b) of this section.

"(b) Protection of Rights.—(1) Any such agreement must provide that all such information, processes or patents will be made available to any qualified applicant on reasonable and nondiscriminatory license terms approved by the Secretary consistent with the purposes of this title when the research or development project reaches the stage of commercial application as determined by the Secretary: *Provided*, That if such information, processes, or patents results in whole from financial assistance granted under this title, such agreement may require, at the discretion of the Secretary, that such information, processes, or patents become the property of the United States and be dedicated to the general public.

"(2) Whenever a participant in an energy research or development project holds background patents, trade secrets, know-how, proprietary information, or any other information, hereafter collectively referred to in this section as 'background', which will be employed in and are requisite to the proposed research or development project, the agreement shall further provide that all background will be made available to any qualified applicant on reasonable and nondiscriminatory license terms approved by the Secretary, consistent with the purposes of this title.

"(3) Any such license terms referred to under this subsection shall take into account the extent to which the commercial viability of the total process or system was achieved with assistance under this title (and whether such assistance was in the form of grants or obligation guarantees) and shall appropriately protect the interests of the participants.

"(c) Effects on Competition.—The Secretary shall, in approving license terms, duly consider the effects of such terms on competition within the United States.

"RECORDS, AUDIT, AND EXAMINATION

"Sec. 610. (a) Records.—Each recipient of financial assistance or guarantees under this title, whether in the form of grants, subgrants, contracts, subcontracts, obligation guarantees, or other arrangements, shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance was given or used, the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) Audit and Examination.—The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives shall, until the expiration of three years after completion of the project or undertaking referred to in subsection (a) of this section, have access for the purpose of audit and examination to any books, documents, papers, and records of such receipts which in the opinion of the Secretary or the Comptroller General may be related or pertinent to the grants, subgrants, contracts, subcontracts, obligation guarantees, or other arrangements referred to in such subsection.

"REPORTS

"Sec. 611. On or before August 1 of each year, the Secretary shall submit to Congress an annual report of activities under this title. Such report shall include an account of the state of automobile research and development in the United States, including the number of grants made, and number of loans or other obligations guaranteed, and the progress made in developing production prototypes of energy-efficient, low-polluting automobiles within four years after the date of enactment of this title; and suggestions for improvements in automobile research and development, including recommendations for legislation.

"GOVERNMENT PROCUREMENT

"Sec. 612. The Administrator of General Services shall consult with the Low-Emission Vehicle Certification Board periodically to determine the earliest date at which production prototypes of an energy-efficient, low-polluting automobile will be available. When the Low-Emission Vehicle Certification Board determines that an energy-efficient, low-polluting automobile may soon be available, it shall propose a system of guidelines recommending to any Federal agency using and procuring automobiles the procurement of such automobiles. After a production prototype has been certified by such Board as an energy-efficient, low-polluting automobile, the Board is authorized and directed to prescribe such regulations as are necessary requiring all Federal agencies to procure and to use such energy-efficient, low-polluting automobile to the maximum extent feasible.

"AUTHORIZATION FOR APPROPRIATION

"Sec. 613. (a) Authorization.—There is hereby authorized to be appropriated to carry out the purposes of this title other than section 607 of this title not to exceed $30,000,000 for the fiscal year ending June 30, 1974, not to exceed $50,000,000 for the fiscal year ending June 30, 1975, and not to exceed $60,000,000 for the fiscal year ending June 30, 1976.

"(b) (1) Ratio Not Reduced.—Funds expended for each fiscal year for the purposes of this title and funds expended for such fiscal year for all energy research, development, and demonstration activities shall be in the same ratio as the funds appropriated for such fiscal year pursuant to this title bear to funds appropriated for such fiscal year for all energy research, development, and demonstration activities of the Federal Government.

"(2) For the purposes of this subsection, the term 'energy research, devolpment, and demonstration activities of the Federal Government' includes, but is not limited to—

"(A) the planning, management, and coordination of the energy research, development, and demonstration activities of the Federal Government;

"(B) research, development, and demonstration of coal as an energy source including coal gasification, coal liquefaction, and improved mining techniques;

"(C) research, development, and demonstration of oil shale as an energy source;

"(D) research, development, and demonstration of unconventional energy sources including solar energy, geothermal energy, magneto hydrodynamics, fuel cells, low-lead hydroelectric power, the use of agricultural products for energy, tidal power, ocean current and thermal gradient power, wind power, electric energy storage methods,

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solvent refined coal, utilization of waste products for fuels, and direct conversion methods; and

"(E) research, development, and demonstration of new methods of converting fossil fuels into electrical energy.

"RELATIONSHIP TO ANTITRUST LAWS

"SEC. 614. (a) DISCLAIMER.—Nothing herein shall be deemed to convey to any individual, corporation, or other business organization immunity from civil or criminal liability or to create defenses to actions under the antitrust laws.

"(b) ANTITRUST LAWS DEFINED.—As used in this section, the term 'antitrust laws' includes the Act of July 2, 1890 (ch. 647, 26 Stat. 209), as amended; the Act of October 15, 1914 (ch. 323, 38 Stat. 730) as amended; the Federal Trade Commission Act (38 Stat. 717), as amended; sections 73 and 74 of the Act of August 27, 1894 (28 Stat. 570), as amended; the Act of June 19, 1936 (ch. 592, 49 Stat. 1526), as amended."

TRANSPORTATION ENERGY CONSERVATION DEMONSTRATIONS

SEC. 14. (a) GENERAL.—The Secretary of Transportation is authorized and directed to enter into such contracts or other arrangements as may be necessary or appropriate for research and the development, establishment, and operation of demonstration projects to determine the feasibility of programs to conserve energy utilized in the transportation of individuals, including fare-free urban mass transportation system; low-fare urban mass transportation systems; and car pools and other arrangements to increase the number of individuals transported per private passenger automobile through incentives such as access to special lanes on highways, reduced fees on toll highways, bridges, and tunnels, preferential access to parking facilities, and the establishment of car pool information offices utilizing computerized data processing to match individuals and automobiles.

(b) FEDERAL SHARE.—Federal grants or payments for the purpose of assisting projects pursuant to subsection (a) of this section shall cover not to exceed 80 per centum of the cost of the project involved, including operating costs and the amortization of capital costs, if any, for any fiscal year as to which such contract or other arrangement is in effect.

(c) CRITERIA.—The Secretary of Transportation shall select cities or metropolitan areas for projects assistance under this section upon the basis of applications in writing in such form and with such content as he shall require and in accordance with the following criteria:

(1) to the extent practicable, such cities or metropolitan areas shall have a failing or nonexistent transit system, a decaying central city, automobile-caused air pollution problems, or an immobile central city population;

(2) projects shall be selected from cities or metropolitan areas of differing size and characteristics, including population density and distribution;

(3) preference shall be given to projects that will introduce a high level of innovative transportation service to such cities or metropolitan areas consistent with the needs of residents for convenient access to employment, shopping, and recreation; and

(4) to the extent practicable, projects utilizing different techniques, methods, and modes of transportation energy conservation shall be approved.

Recipients of project assistance under this section shall make periodic reports and evaluations of each such project to the Secretary of Transportation in such form and with such content as the Secretary shall require.

(d) EVALUATION.—The Secretary of Transportation shall study transportation energy conservation methods and systems assisted under this section to determine—

(1) the effects of such method or system on energy and fuel conservation;

(2) the effects of such method or system on motor vehicle traffic and attendant air pollution, congestion, and noise; the mobility of urban residents; and the economic viability of central city business establishments;

(3) the techniques, methods, and modes of mass transportation that can best meet desired national objectives;

(4) in the case of fare-free or low-fare systems, the extent to which frivolous ridership increases; the extent to which such systems may reduce the need for urban highways; and the best means of financing such systems on a continuing basis; and

(5) in the case of car pools and other such arrangements, the extent to which individuals voluntarily join when political subdivisions of States, employers, or private groups or associations organize and make them easily available; and the best means of organizing and financing such systems on a continuing basis.

(e) ANNUAL REPORT.—The Secretary of Transportation shall make annual reports to the Congress on the information gathered pursuant to this section and shall make a final report, including recommendations for legislation, not later than June 30, 1976.

(f) ADVISORY COMMITTEES.—In carrying out the provisions of this section, the Secretary of Transportation may provide for advisory participation by interested State and local government authorities, mass transportation systems management personnel, computerized data processing experts, employee representatives, commuters, and such other persons as he deems necessary or appropriate.

(g) AUTHORIZATION FOR APPROPRIATIONS.—There is authorized to be appropriated to carry out the provisions of this section not to exceed $20,000,000 for fare-free demonstrations and $10,000,000 for low-fare demonstrations, car pools, and other arrangements for each of the fiscal years ending on June 30, 1974, June 30, 1975, and June 30, 1976, respectively.

PRODUCTS IMPORTED AND EXPORTED

SEC. 15. (a) Any product offered for import into the United States shall, as a condition of such importation, meet the applicable requirements of this Act.

(b) Any person importing into the United States any products to which the requirements of this Act are applicable shall be subject to the imposition of appropriate fees to defray expenses incurred in assuring compliance with such requirements.

(c) The requirements of section 8 of this Act shall not apply to any major energy consuming household product which is intended solely for export and which is exported.

AUTHORIZATION OF APPROPRIATIONS

SEC. 16. In addition to the sums authorized to be appropriated by specific sections of this Act to implement certain provisions of this Act, there are authorized to be appropriated each fiscal year such sums as may be necessary to carry out other provisions of this Act.

UNANIMOUS CONSENT FOR COMMITTEES ON COMMERCE AND PUBLIC WORKS TO FILE REPORTS ON S. 2176

Mr. ROBERT C. BYRD subsequently said: Mr. President, on behalf of the Senators from Washington (Mr. MAGNUSON and Mr. JACKSON) and West Virginia (Mr. RANDOLPH) I ask unanimous consent that the Committee on Public Works be discharged from further consideration of S. 2176, a bill to provide for a national fuels and energy conservation policy, to establish an Office of Energy Conservation in the Department of the Interior, and for other purposes. I also ask unanimous consent that the Committees on Commerce and Public Works be allowed to file their amendments today, and their reports before midnight Sunday, November 18.

The PRESIDING OFFICER. Without objection it is so ordered.

UNITED NATIONS ENVIRONMENT PROGRAM — CONFERENCE REPORT—REPORT OF A COMMITTEE (S. REPT. NO. 93–514)

Mr. FULBRIGHT, from the committee of conference, on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6768) to provide for participation by the United States in the United Nations environment program, submitted a report thereon, which was ordered to be printed.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Executive Q, 93d Congress, first session, Protocol, dated at Vienna July 7, 1971, relating to an amendment to Article 56 of the Convention on International Civil Aviation (Executive Report No. 93–25), together with individual views.

Mr. TOWER. Mr. President, from the Committee on Armed Services, I report favorably the nomination of Vice Admiral Means Johnston, Jr., USN to the rank of admiral. I ask that his name be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. In addition there are 3,587 promotions in the Navy and the Air Force in the grade of colonel and captain and below. Since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's Desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. SYMINGTON, from the Committee on Armed Services:

Major Jack R. Lousma, U.S. Marine Corps, for permanent promotion to grade of lieutenant colonel.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, or reported, read the first time and, by unanimous consent, the second time, and referred or placed on the calendar, as indicated:

By Mr. HUGH SCOTT:

S. 2703. A bill to amend the Internal Revenue Code of 1954 to provide for a more equitable determination of the amount of an individual taxpayer's casualty loss deduction for personal use property. Referred to the Committee on Finance.

By Mr. BELLMON:

S. 2704. A bill to authorize loans to farmers and associations of farmers for storage facilities for agricultural commodities. Referred to the Committee on Agriculture and Forestry.

By Mr. ROBERT C. BYRD (for Mr. SPARKMAN):

S. 2705. An original bill to provide for the disposition of abandoned money orders and traveler's checks. Placed on the calendar.

By Mr. GURNEY:

S. 2706. A bill to revise the authorized boundary of the Biscayne National Monument in the State of Florida, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. BROOKE:

S. 2707. A bill to amend the Securities Exchange Act of 1934 to facilitate the regulation of banking institutions regularly engaged in the business of effecting transactions in securities for the accounts of others. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. GOLDWATER:

S. 2708. A bill to provide for compensation to the owners of residences when certain leases or permits issued by the Forest Service or Bureau of Land Management are terminated, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. MAGNUSON:

S. 2709. A bill for the relief of Anand Admodardas Mundra. Referred to the Committee on the Judiciary.

By Mr. HARTKE (by request):

S. 2710. A bill to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans, and for other purposes. Referred to the Committee on Veterans' Affairs.

By Mr. INOUYE (for himself and Mr. ABOUREZK, Mr. AIKEN, Mr. BROOKE, Mr. ERVIN, Mr. KENNEDY, Mr. MANSFIELD, Mr. MCGEE, Mr. MCINTYRE, Mr. PASTORE, Mr. RANDOLPH, and Mr. YOUNG:

S. 2711. A bill to allow an additional income exemption for a taxpayer or his spouse who is deaf or deaf-blind. Referred to the Committee on Finance.

By Mr. FULBRIGHT (by request):

S. 2712. A bill to amend the International Claims Settlement Act of 1949, as amended, to provide for the timely determination of certain claims of American nationals settled by the United States-Hungarian Claims Agreement of March 6, 1973, and for other purposes. Referred to the Committee on Foreign Relations.

By Mr. McCLURE:

S. 2713. A bill to amend the National Labor Relations Act to strengthen and reform certain provisions thereof. Referred to to the Committee on Labor and Public Welfare.

By Mr. SYMINGTON:

S. 2714. An original bill to amend section 291(b) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, relating to cost-of-living increase, and to increase the pay and allowances of certain officers of the Armed Forces whose pay and allowances are not subject to adjustment to reflect changes in the Consumer Price Index. Placed on the calender.

By Mr. BEALL (for himself and Mr. MATHIAS):

S. 2715. A bill to amend chapter 313, title 18, United States Code, to provide for the commitment of certain individuals acquitted of offenses against the United States solely on the ground of insanity. Referred to the Committee on the Judiciary.

By Mr. MONDALE:

S. 2716. A bill to amend section 1662(c) of title 38, United States Code, to extend the delimiting period for certain veterans pursuing a course of farm cooperative training. Referred to the Committee on Veterans' Affairs.

By Mr. PASTORE:

S.J. Res. 172. Joint resolution proposing an amendment to the Constitution of the United States providing for a special election for the office of President and Vice President when an individual who has been appointed Vice President succeeds to the Presidency. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HUGH SCOTT:

S. 2703. A bill to amend the Internal Revenue Code of 1954 to provide for a more equitable determination of the amount of an individual taxpayer's casualty loss deduction for personal use property. Referred to the Committee on Finance.

Mr. HUGH SCOTT. Mr. President, I am today introducing a bill to provide for a more equitable determination of the amount of an individual taxpayer's casualty loss deduction for personal use property. In the aftermath of the 1972 flooding in Pennsylvania, one of the most frequently heard complaints concerned the Internal Revenue Service's treatment of the $5,000 "forgiveness" feature of the disaster relief law. In essence, the IRS' ruling said that such forgiven portions of loans were subject to taxation as ordinary income. In response, I introduced a bill to exclude these grants from taxation. However, even this bill did not go far enough, either to correct the inequity or to clear up the confusion over the IRS' policy.

In testimony last spring to the Senate Public Works Subcommittee on Disaster Relief, I suggested a total revision of the tax law insofar as casualty losses are concerned in order to provide maximum tax advantage to persons faced with disaster damage and loss. I suggested an approach which takes into consideration the cost of a replacement item versus the original cost of the property. I felt that the IRS should consider the appreciation in value of property along with the actual cost of replacing it.

I regret very much that the Administration, in the year and a half since the floods, has not come forward with any legislation to improve casualty loss benefits.

Under existing law, a taxpayer may claim a deduction for personal use property destroyed or damaged by a casualty such as a flood. The amount of the deduction is the decline in the property's value caused by the casualty. That decline in value is determined for this purpose by taking the lesser of—

First, the property's adjusted basis before the casualty, or

Second, the difference in the property's fair market value after the casualty.

My bill provides an alternative means of determining the amount of the deduction. If property is replaced or repaired within a year after its damage or destruction, and the fair market value of the property before the casualty is lower than the taxpayer's out of pocket expenses to repair or place it, and lower than its adjusted basis before the casualty, the taxpayer can deduct the lessor of—

First, his out of pocket expenses, or

Second, the adjusted basis of the property before the casualty.

Both existing law and my bill provide for the deduction only to the extent that it exceeds $100. Under existing law, the amount of the deduction is reduced by any insurance or other compensation received. Under my bill, the cost of repair or replacement is reduced by the amount of any insurance or other compensation received, and, if the deduction is based on the adjusted basis, the amount of the deduction is reduced by such amount. Under existing law, the deduction is allowable without regard to whether the property is repaired or replaced. Under my bill, the alternative computation is available only where the property is repaired or replaced not later than the end of the second taxable year after the loss occurs, otherwise there is no cost of repair or replacement to use in the computation.

In short, Mr. President, my bill provides far more benefit to individuals suffering casualty loss than now available under present law. I am hopeful that the administration and the taxwriting committees in Congress will seriously and expeditiously review my proposal. Let us not wait for another flood before taking action.

By Mr. BELLMON:

S. 2704. A bill to authorize loans to farmers and associations of farmers for storage facilities for agricultural commodities. Referred to the Committee on Agriculture and Forestry.

Mr. BELLMON. Mr. President, during the current year, American citizens, for the first time in our Nation's history, have faced the prospect of food shortages. There have been times during the year when demands for meat, eggs, milk, and other commodities have exceeded the available supply. Many changes in attitudes have come from the realization an abundant food supply is not something American citizens can take for granted.

In addition to the reality of shortages, Americans have also come to appreciate the importance of exporting agricultural commodities. The result is that our Government, which for three decades has sponsored programs intended to limit production, is now in the process of encouraging all-out production of basic commodities, especially feed grains, soy beans, and wheat.

Accordingly to preliminary USDA estimates, the production of grain for next year will be substantially higher than was true for the 1973 crop year. It is estimated that farmers produced 8.3 billion bushels of feed grain in the current year 1973. The estimate is for 9.2 billion for 1974. This is an increase of almost 1 billion bushels. For wheat, the 1973 crop was 1.7 billion bushels. The crop estimate for 1974 is almost 1.9 billion bushels, an increase of 200 million bushels.

Mr. President, these figures indicate an abundant crop next year. They are undoubtedly comforting to American consumers and our customers abroad but they pose serious problems for American farmers and for the country's transportation system.

As most Members of the Senate know, there were serious transportation bottlenecks during the past crop season which

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have resulted in some spoilage of crops as well as considerable economic loss to farmers. The plain fact is that our country's transportation system is not and probably never can be fully adequate to move these huge quantities of grain as rapidly as it is harvested. It is simply impractical to expect American railroad and trucking industries to have a railroad car or a semitrailer sitting near every farm to haul the grain to terminals as fast as it comes from the fields. The answer is to provide grain storage on the farms or at country elevators. If these facilities are available, the crops can be stored safely until orderly marketing and transportation to terminals or to ports is accomplished.

It is unrealistic for farmers, associations of farmers, or commercial grain buyers to build additional storage in the face of the very real possibility that in 1975 and in subsequent years, government may again find it necessary to limit crop production. There is no assurance, for instance, that Russia will again purchase the huge quantities of grain it has bought from the 1973 crop. In fact, given a normal growing season, the U.S.S.R. will be competing, actively, and probably successfully for many customers who are now buying American grain. This will mean that American farmers will be cutting back on the acreage planted and that the amount of storage and the transportation system we now have will once again be adequate. Therefore, farmers and grain dealers will hesitate to build expensive storage, simply to handle 1 year's crop.

For these reasons, it is likely that unless immediate action is taken by the Congress, next summer will see huge quantities of valuable grain piled up in the streets and on the ground in the rural communities of this country. Much of it will be subject to loss from weather, rodents, and other causes. Should this happen, I can foresee a great deal of criticism from consumers who see their food cost rising as a result of this waste.

Mr. President, to help remedy this situation, I am today introducing legislation which is intended to make available funds farmers and grain dealers need to provide the needed grain storage, handling, and conditioning equipment. The passage of this legislation will make available, at a reasonable rate of interest, the capital that farmers and grain dealers need to make certain that the huge crop which our Government is urging farmers to produce can be stored, transported, and marketed in an orderly way and with a minimum of loss. The bill authorizes the Farmers Home Administration to guarantee up to 90 percent of loans made by private financial institutions to construct storage, handling, and conditioning facilities. These guarantees would be limited to the amount of storage necessary to handle 2 years' normal production of a farm.

I might state, Mr. President, that the Department of Agriculture currently has the authority to make such loans through the Commodity Credit Corporation. Unfortunately, recent regulation changes by USDA have limited loans to amounts necessary to construct storage facilities for only 1 year's crop, prohibited loans for the cost of constructing foundations for storage facilities, and increased the downpayment to the farmer to 30 percent of the cost of the facility.

Mr. President, since the Federal Government is urging American farmers to produce at maximum capacity, I believe the Federal Government has the responsibility to make financing available to assist farmers construct needed storage to prevent their crops from rotting on the ground.

WHAT'S BEHIND RISING FOOD COSTS?

Mr. President, anyone who has done any grocery shopping in recent months is keenly aware of the fact that the cost of food has been skyrocketing. Some tend to put the blame on the American farmer. The fact is that many farm prices, especially for meat animals and grain, are down sharply. This decline has not been reflected in grocery prices.

The truth of the matter is that food prices have been going up steadily since shortly after World War II. In recent years the climb has been steeper. But it was only in the 1970's that this rise in food prices has been shared by farmers. Only through rapid growth of his efficiency and productivity and by mortgaging his land has the farmer been able to stay in business in the face of sharp rises in production costs.

Even though food prices have increased steadily, Americans are spending a smaller percentage of their take-home pay for food than at any time in the country's history, and less than anywhere else in the world.

Americans remain the best fed people in the world. Food is still the best bargain in this country, and in all likelihood it will remain that way.

Unfortunately, emotionalism has obscured some of the basic questions related to rising food costs: Just how high are food prices? Do higher grocery bills mean higher food prices? Where does your food dollar go? What's being done to stabilize or reduce food prices?

These questions are answered in an article recently sent me by my daughter Mrs. Gail Wynne, a consumer consultant for the Public Service Company, Tulsa. The article is from the October, 1973 issue of Food and Nutrition magazine, titled "What's Behind Rising Food Costs?"

Mr. President, this is one of the best explanations I have seen on this subject, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHAT'S BEHIND RISING FOOD COSTS?

Meat boycotts, price freezes, food shortages—after years of comparative quiet, food is in the news. Prices are indeed going up, and when food prices increase, most people react more strongly than they do to any other price increase. Many feel that they are being treated unfairly. After all, if the price of a car or a television goes up, they can do without a new one.

But everyone has to eat; people have no choice. Raising food prices seems like taking food out of their mouths.

JUST HOW ARE FOOD PRICES?

In a way, this is like asking, "How high is up?" It all depends on what you choose as your basis of comparison. Compared to 20 years ago, for instance, food is quite a bargain. Between 1952 and 1972, average wages rose by 140% while food prices rose only 47% (food eaten in restaurants increased by 90%; food eaten at home rose only 38%). If food prices had risen as much as wages, a quart of milk would have cost 55¢ in 1972 instead of 30¢, a dozen eggs would have been $1.61 instead of 52¢, a pound of round steak $2.67 instead of $1.48.

Food takes a smaller share of average income than it did 20 years ago. In 1952, food took 23% of average disposable income (after tax); in 1972 it took only 15.7%. Food eaten at home took only 12.3%. And we ate better in 1972 than in 1952. Money spent for food increased 71% but food prices increased only 47%. We simply ate more food in 1972, and we selected more expensive varieties, such as higher priced cuts of meat and more convenience foods.

We spend less of our income for food than any other country. In 1964–65 we spent 18½% of after-tax income for food (down to 15.7% in 1972). Consumers in England spent 29%, in France 31%, in Italy 45%, in Russia 53%.

Over a 50-year period, food stands out as an even bigger bargain. From 1920 to 1970, the Retail Food Price Index increased only 86.8%, while the Gross National Product increased 964.6% and Per Capita Personal Income increased 501.5% (see table in Figure 1 for individual figures by decade). From 1920 to 1940, food prices actually decreased. Then from 1940 to 1950, they more than doubled, with an increase of 111.7%. The biggest increase, 31.8%, came in 1946, with the removal of price controls after the war.

Prices increased moderately from 1950 to 1960. From 1960 to 1970, the increase was a more noticeable 30.6%. Even so, Per Capita Personal Income stayed well ahead with an increase of 76.5% during the same period. Food cost more, but people had much more money.

So have food prices *actually* gone up lately? Yes. As noted in Figure 1, the increase during the 1960s was considerably greater than in the 1950s. And from 1971 to 1972, the farm value of food products went up an estimated 10% (the highest increase in 25 years). The increase over the last few months is even more dramatic. In May alone, the wholesale price index for farm products increased 6.1%; since January it had risen 18.2%.

As many suspected, meat was the biggest contributor, accounting for about four-fifths of the increase in farm prices in 1972. At the wholesale level, meat went up 18.2% over November, December and January. At the retail level, meat prices rose 8.4%. Increases in meat prices are highly visible in the supermarket, since meat accounts for about 25% of all sales.

DO HIGHER GROCERY STORE BILLS MEAN HIGHER FOOD PRICES?

Three factors contribute to higher grocery store bills that have little to do with the price of food *per se*. In the first place, we have seen that with our increase in purchasing power, we are buying more food, and we are moving more toward more expensive items. This makes food bills higher, with or without price increases.

In the second place, shoppers are buying more and more non-food items in supermarkets. A trip to the "grocery store" now includes purchases that would have been spread over many merchants in 1920: grocer, butcher, fish dealer, greengrocer, baker, and such non-food merchants as the tobacconist, druggist, hardware dealer, newsstand operator, and in some states the local wine or liquor salesman. Figure 1 shows the number

of items carried by grocery stores in each decade since 1920. From 1960 to 1970 the number increased 32%, from 5,900 to 7,800 items. In other words, there were 1,900 more things for you to buy, some food, some not. In 1920 your "grocery store" bill would have been much less because there were only 700 items from which to choose. But you would have spent more money at other stores.

About 20% of supermarket sales come from non-food items, and the percentage is rising. Cigarettes alone account for about 5% of total sales. Health and beauty aids had a food store sales volume of $540 million in 1954; today they account for over $3 billion, about 8% of all food store sales. Today's supermarket carries about 200 laundry and cleaning aids and 175 different paper products (compared to three in 1928). General merchandise is growing, now accounting for about 3% of total food store sales. This includes housewares, soft goods (in some supers, pantyhose alone are responsible for ½% of total sales volume), toys, magazines, photo supplies, sewing supplies, auto supplies, stationery and school supplies.

A third factor that tends to increase grocery store bills is that many food items carried are new to the store or include processing, packaging and marketing services that were not available before. Baby foods, almost non-existent in the twenties, have grown steadily; since the thirties they have become a $400 million business. Compared to a selection of 35 to 50 cracker and cookie items available in the twenties, today's supermarket carries from 120 to 150. The dairy case has swelled from around 40 items in the late twenties to 300 today. Beer accounts for about 1% of supermarket sales. Diet and low-calorie foods, once sold only in drug and specialty stores, now account for $330 million in soft drinks and another $250 million in food items. All soft drink sales are a $1 billion business today.

FIG. 1.—COMPARATIVE STATISTICS, 1920–70

	1920	1930	1940	1950	1960	1970
Number of items carried in grocery stores	700	1,000	1,800	3,750	5,900	7,800
Retail food price index	61.5	45.9	35.2	74.5	88.0	114.9
U.S. population (millions)	106.5	123.1	132.6	152.3	180.0	204.8
Gross national product (billion dollars)	91.5	90.4	99.7	284.8	503.8	974.1
Per capita personal income (dollars)	650	624	595	1,496	2,215	3,910

Source: Progressive Grocer, June 1972.

Snacks and nuts numbered about a dozen items in the grocery of the twenties. In 1970 a typical store carried 138 such items, for total sales of about $1.3 billion. The popularity of snacks has risen with increased affluence, mobility and leisure time. Not counting different packaging and novelty items sold for particular holidays, the typical store today carries over 400 candy and gum selections; total candy and gum sales in supermarkets have an annual volume of nearly $1.5 billion today.

From a tentative experiment in 1930 by a handful of grocers in Springfield, Massachusetts, frozen foods (at that time, "frosted" foods) have grown up to account for 5 to 7% of supermarket sales. In the last five years alone, overall sales have risen about 50%. These products have already been cleaned, shelled, husked, trimmed, perhaps seasoned, sauced, cooked, and maybe even packaged in their own cooking containers.

When a consumer buys fresh produce out of season at a premium price, he or she spends extra money for marketing services, for transportation and refrigeration, that would not have been paid years ago because the services didn't exist. When we pay extra for foods that are ready to eat or just need heating, we pay for kitchen help that we likely couldn't afford if provided by cooks and maids. The garbage can of 50 years ago was weighted down with pea pods, corn husks and chicken feathers. Today it is stuffed with waxed paper, cardboard, foil and plastic wrap. Both represent time and/or money spent in food preparation.

A counter-trend to supermarket growth is the growth of the "warehouse store," which dramatically reduces service, limits its offerings to the fastest moving items and displays its goods in crates and cases instead of unpacking them for shelf display. The resulting cost savings permit price reductions of 4 to 5% on most items, and up to 12% or more on some.

WHERE DOES YOUR FOOD DOLLAR GO?

A roadside vegetable stand may sell corn and tomatoes grown in its own fields, with no middlemen involved. A canned ham, on the other hand, may pass from farm to buying cooperative to feedlot to processor to wholesaler to retailer before it reaches the consumer. Advertising agencies and public relations firms may add to the cost of the ham—and to its value, in terms of product information and information about its availability. Trucks, railroads, equipment manufacturers and banks all contribute to the process—and cost—of putting the ham in the grocery store. Figure 2 shows the percentage of retail price received by the farmer for several kinds of products. What does not go to the farmer, of course, goes to manufacturing and marketing costs. Figure 3 represents the variety of costs involved in a 29¢ can of tomatoes. Total profit to the manufacturer, wholesaler and retailer comes to about 1.1¢ per can.

Are higher farm prices to blame for higher food prices? Over the long run, very little, but in recent months, much more so.

Fluctuations in farm prices may show up in the supermarket, but not so suddenly nor necessarily in the same direction. In 1953, for example, average farm prices dropped 12% for the year, but food prices dropped only 1.5%. Farm prices declined 4.8% in 1967, but food prices increased 1%. And in 1971, farm prices were up 1.8% with food prices increasing 3%. The price of a food such as bread—where processing costs are higher than the costs of farm products contained in the loaf—tends to rise more steadily.

The productivity of our nation's farms is outstanding. According to the Department of Agriculture, output per man hour on farms is 3.1 times higher than 20 years ago, compared to 1.7 times greater in manufacturing industries. In 1952, one farm worker supplied an average of 16 people with food. Now he produces enough for 51 people. In 1952, one person in seven lived on a farm; now, one in 22 does so.

WHAT MAKES FOOD PRICES CHANGE?

According to classical economic theory, price is determined by supply and demand. As demand for a product increases, price of the product increases. As supply increases, however, price decreases. If you have ever been to an auction, you have seen these forces at work. If several people are interested in an item, they will bid the price up higher than one or two apathetic bidders. And if the product is one of a kind, they will bid it up higher than if several more just like it were available.

But price itself affects supply and demand. As price increases, supply tends to increase—more producers get into the business and supply more of the product because they are encouraged by good prices and good returns. But as price increases, demand decreases—people who cannot afford the price stop buying the product, and even those who can afford it are tempted to spend their money for other products.

Now, put all of these factors together in our marketplace. If demand increases for some reason (such as more people having more money to spend), prices are bid up to higher levels. Then, as price increases, supply increases; at the same time, demand decreases. As supply increases and demand decreases, price goes down. Or suppose that some outside factor (such as crop failures) results in a reduced supply. This produces an increase in price, which encourages an increase in supply. Increased supply decreases demand, leading again to lower prices.

To a producer, an increase in costs has the same effect as a decrease in price—his return will be less, the item becomes unprofitable, and he will produce less, reducing supply until prices go up enough to make the item profitable to produce. To a consumer, an increase in spending power has the same effect as a decrease in price: he has more money left over after his purchase, and can consequently afford to buy more of the product.

What does all of this have to do with food prices? During the Depression, while farm productivity was still increasing, demand (in the form of spending power) dropped drastically, and food prices plummeted. Farm organizations tried, with limited success, to curtail production, and even destroyed some crops and livestock in an effort to reduce supply and raise prices. Then, during World War II, purchasing power (demand) recovered sharply at the same time that supply became limited: the nation was producing military supplies instead of butter. O.P.A. price controls were required to keep prices from skyrocketing and rationing was necessary to distribute the limited supply equitably. Such conditions produce a flourishing black market at exorbitant prices, unless loyalty and strong public approval of government policies stand against it. "Meatless Tuesdays" were encouraged to reduce demand and victory gardens to increase supply. But pressure on prices built up steadily. When controls were removed in 1946, prices exploded. As mentioned earlier, food prices rose 31.8% in twelve months. By 1950 they were more than double their 1940 levels.

WHY HAVE FOOD PRICES GONE UP LATELY?

Many factors contribute to recent increases.

Demand for food has gone up strongly. Wages have increased, and more people are working. Real disposable income for the first quarter of 1973 is an estimated 6.8% higher than for the first quarter of 1972.

Each year we have been eating more meat. Consumption increased from 136 pounds per person in 1920 (and a low of 117.4 pounds in 1935) to 191.8 pounds in 1971. In 1972, supply decreased by 750 million pounds, which means that three pounds less per person was available. But the increase in demand was so great that we would have had to produce 10 pounds more per person to keep prices at the 1971 level.

More of the meat we eat is beef. Beef con-

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sumption increased from 59.1 pounds per person in 1920 to 115.9 pounds in 1972. Reduced pork supplies in 1972 put added pressure on beef prices.

Demand for beef is shifting to higher, more expensive grades. Consequently, relatively less of the more economical lower grades is being produced.

Federal food programs under the Department of Agriculture have been expanded and now include about 15 million people, more than twice as many as three years ago. The government spent about $4 billion on these programs last year. Between fiscal 1972 and 1973, social security and Medicare benefits increased by $10 billion. Beneficiaries of these programs are now eating better and adding to the demand for food.

Worldwide demand for food increases as populations increase and people around the world become more affluent. This bids up prices on food we import and encourages more exports, reducing our own supplies.

Farm prices fluctuate widely due to natural forces such as weather, insects and disease. A severe freeze in Florida during the mid-sixties, for example, destroyed much of the citrus crop. A week later, anticipation of short supplies pushed the price of a six-ounce can of frozen orange juice up as much as 15¢. Bad weather this year severely affected the production of feed grains. The impact of the resulting shortage and consequent high prices on the meat supply will not be felt for several months.

Advancing technology has increased food supplies and kept prices down. Restrictions on its use have the opposite effect.

In the forties, DDT was hailed as a sort of wonder drug of agriculture, and it contributed materially to increased crop yields. Later we discovered harmful residual effects on marine and wildlife species, so our government has curtailed its use. Most people approve of this step when they think in terms of the environment, ecology and quality of life, but its effects are sure to show up in increased costs in the marketplace. The same may be said of recent developments in the use of chemical fertilizers, whose run-off contaminants promote algae growth and upset the ecological balance of ponds and lakes. We want to restore this balance, but when we restrict use of fertilizers, we pay for it.

The growth hormone diethylstilbesterol (DES) made it possible to bring beef cattle to market earlier, saving feed and other operating costs. When massive doses of the hormone were linked with cancer, the government was required, under the Delaney Clause, to ban its use in any amount. This action means it will cost cattlemen more to bring cattle to market weight and can be expected to reduce supplies.

FIGURE 2.—PERCENTAGE OF RETAIL PRICE RECEIVED BY FARMERS ON VARIOUS ITEMS

Food item	Marketing margins (percent)	Farmer's share (percent)
Meat	45	55
Dairy products	53	47
Butter	33	67
Ice cream	67	33
Bakery and cereal products	84	16
Bread	86	14
Cornflakes	93	7
Flour	65	35
Fruits and vegetables	75	25
Fresh	68	32
Processed	82	18

Source: USDA, August 1972.

We live in an age when we are acutely aware of the deleterious effects of some technological advances. And we should be. But we must also understand that our technology makes living easier and cheaper, and that to dispense with it, without devising substitutes, has its costs.

Total farm plantings affect the price of a given commodity by dictating supply at harvest time. Higher prices and changes in government programs have stimulated farmers to increase their planting and expand breeding herds in 1973. In the past it has been government policy to support prices by encouraging farmers to restrict their planting.

Energy supplies (shortages) have caused spoilage and damage to many farm products, thus shorting supplies and increasing costs. There is great concern today about the adequacy of currently available fuel supplies for harvesting and processing perishable crops this year.

Government policies, including restricting acreage given to specific crops, affect price. However, buying and storing surplus grains, granting subsidies to encourage exports and import quotas on meat have been discontinued to help ease the domestic situation.

The most direct form of government action is, of course, the imposition of price controls. Opponents of price controls argue that they defeat their own purpose by ignoring one of the prime causes of high prices: short supply. And price itself is the greatest incentive for producers to increase the supply. If prices are suppressed artificially, supplies remain low and the need for price controls continues. In the extreme, rationing is required to distribute the limited supply—or we will find people waiting for hours in long lines, waiting to buy the short supplies on a first-come, first-served basis. Some items find their way into the black market, where buyers are willing to pay exorbitant prices.

Price controls should thus be viewed as a temporary measure and accompanied by strong efforts to bring about an increase in supplies to bring down the free market price, so that controls can be removed. One reason for exempting farm prices from the 60-day price freeze announced this June is to encourage farmers to increase their production.

The devaluation of the dollar has increased the price of food imports, notably beef. At the same time, it makes our food products cheaper in foreign countries, which encourages exports, reduces home supplies and increases domestic prices.

Long range cost increases have been building up pressure on farm prices. Total farm production costs are more than double the level 20 years ago. Wages are up 140%, machinery prices are up 96%, and real estate taxes have increased 270%.

Profit margins of manufacturers and distributors are decreasing. Profits on operations after food leaves the farm are about 4% of sales before tax, and about half of that after tax. During the 1960s, after-tax profits of food chains decreased from a high of 1.4% to .84%. But gross margins (the difference between the price the retailer pays for an item and what he sells it for) have increased.

Changing lifestyles affect prices substantially. The increasing demand for convenience foods, partly because more women are working outside the home, has added to the cost of food. More between-meal snacking and changing styles in home entertaining have given rise to new, often expensive, snack food items.

Over 5,000 new food items may be introduced in a single year. Only 1,500 of these make it to the grocery shelves, and only 500 last for more than a year. All cost money for developing, manufacturing, advertising, and so on. Does the American homemaker really want this plethora of products? The success of warehouse markets, with limited products, brands and service, suggests she doesn't. The decline of the small grocery store and the rise of the large supermarket suggest she does. Grocery industry spokesmen expect the number of supermarket items to continue to grow, reaching 15,000 to 20,000 by 1980.

In general, the rise of the supermarket, aided by the habit of shopping by car, has helped keep prices down.

Overall food prices have increased because we are also eating out more often. The cost of personal food service has risen much more rapidly than the price of food itself. So have other overhead costs such as property and taxes.

Consumer shopping habits may add to food costs. The consumer may ask for special services, such as credit, delivery, telephone ordering or check cashing.

Consumers may damage fresh produce by squeezing and pinching it. Bruised produce may have to be reduced for quick sale or may lie unsold until it spoils. Other items must be priced higher to cover the loss.

Consumers may also break or puncture packaged goods. Some go so far as to open jars or packages, smell or taste the food, and replace it on the shelf.

Consumers may change their minds about a particular product and not replace it properly. This is especially critical with perishables such as frozen food or meat.

And, of course, a few consumers are simply dishonest. Shoplifting is often called the fastest growing form of larceny in the U.S. According to the National Retail Merchants Association, it amounts to $3.5 billion per year and costs the average consumer between $30 and $60 a year, some of it in the food market. Some shoppers switch the price labels from lower priced to higher priced items, or switch the cap, with its price stamp, from the small to the large size bottle. Self-service stores are easy prey for these people. Changing attitudes may also contribute. Some shoplifters feel that they're "getting back" at the system, not realizing that other consumers ultimately bear the cost of their actions.

Some shoppers write bad checks, which, even if redeemed, add to administrative expenses. "Cart-napping" is another problem. Shopping carts cost about $35 each, and some retailers claim they lose one out of every five they own.

WHAT'S BEING DONE TO STABILIZE PRICES?

Many factors are at work in all segments of the economy. We have already seen limits on wage increases, price freezes and price controls. Hopefully, these will be temporary measures.

With the quotas removed on meat imports, we can bid freely for the world's meat supplies. The Department of Agriculture has also released government-owned stocks of feed grain, which will eventually mean more meat, milk and eggs for the market. Changing farm policies mean that farmers are now able to plant more acreage. The government has discontinued export subsidies on agricultural products. Larger herds of cattle and more pigs are being raised.

We can also expect to see changes at the supermarket to make operations more efficient and economical. Among these will be increasing use of electronic aids, including the electronic, automatic checkout.

In general, however, the easiest way to ease prices is to increase supply and/or decrease demand. Consumer education will be very important in helping re-educate some of our buying and eating patterns to make more effective use of our personal resources.

FIGURE 3

	Cents
Raw tomatoes	3.4
Processing and container	12.8
Processor's distribution expense (shipping, warehousing, sales, advertising)	3.8
Processor's profit	.4
Wholesaler's costs	1.3
Wholesaler's profit	.3
Retailer's costs	6.6
Retailer's profit	.4
Production cost	16.2
Marketing cost	12.8
Total	29.0

SOURCE: Del Monte Corp., 1973.

By Mr. GURNEY:

S. 2706. A bill to revise the authorized boundary of the Biscayne National Monument in the State of Florida, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. GURNEY. Mr. President, today, I am introducing a bill which would provide for Federal acquisition of Swan Key, thus clearing the way for the inclusion of this beautiful island into the Biscayne National Monument.

At present, Swan Key is a small privately owned island, consisting of 113.85 acres, which, while located within the established boundaries of the Biscayne National Monument, does not come under the jurisdiction of the National Park Service. Back in 1967, when the question of establishing the Biscayne National Monument area was being considered, the National Park Service recommended that Swan Key be included, but at that time it was not available for purchase.

Now it is available and I think that we should move to acquire it while we can.

By way of background, Swan Key is located just south of Miami, in southern Biscayne Bay, on a navigable deepwater channel 1 mile east of the intercoastal Waterway and just a few miles from the open waters of the Atlantic. The Key has almost 2½ miles of water frontage and is representative of an area that has been described as "furnishing a rare combination of terrestrial, marine, and amphibious life in a tropical setting of great beauty."

I think that my colleagues who have had the good fortune to visit Biscayne Bay—perhaps to do a little boating or fishing—will agree with me that it is an area well worth preserving.

As a matter of fact, preservation of the area in its natural state was the very reason the Biscayne National Monument was created in 1968. But, it should be remembered that, included in the 1967 report that led to the national monument being established was a recommendation:

> That the extension of the west boundary of the national monument to near the mainland [would] protect the submerged lands of Biscayne bay from unwarranted channel development, commercial dredging and filling . . . [and] pollution . . . which might alter or upset the marine ecology . . .

Purchase of Swan Key would not only accomplish the desired extension but would enhance the entire monument area. That Swan Key should be included in Biscayne National Monument was recognized by the Park Service in 1967 and the Congress in 1968; now we have the chance to act accordingly.

A companion measure to this one has been introduced into the House and it is my hope that we can move forward on this matter as soon as possible. Therefore, I urge my colleagues to give this proposal favorable consideration and, for their benefit, ask that the text of the bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2706

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act of October 18, 1968 (82 Stat. 1188), authorizing the establishment of the Biscayne National Monument, Florida, is amended by deleting the words "so much of" and "as lies north of the north boundary of the channel easement shown thereon" from the first sentence; by deleting the words "ninety-six thousand three hundred acres" from the third sentence and substituting the words "one hundred five thousand acres" in lieu thereof, and by inserting a period after the word "acres" in the third sentence and deleting the remainder of the sentence.

SEC. 2. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

By Mr. BROOKE:

S. 2707. A bill to amend the Securities Exchange Act of 1934 to facilitate the regulation of banking institutions regularly engaged in the business of effecting transactions in securities for the accounts of others. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. BROOKE. Mr. President, the past several years have witnessed a marked increase in the number of new financial services offered by nearly all institutional investors. Moreover, this trend appears to have accelerated to the point where this Nation's securities markets are seeing an intensifying competition between investment advisers, banks, brokers, and insurance companies for the public's investment dollar.

Perhaps the most aggressive and innovative of all tyes of financial institutions in attempting to attract securities investors have been banks. A growing number of banks have diversified their traditional range of investment services to include those aimed primarily at the smallest public investor. A current example of such bank investment services is the checking account based automatic investment plan services being offered by several banks. Through this service, banks, by an automatic monthly charge to customer checking accounts, offer them an opportunity to purchase shares of certain designated companies. Such services are being aggressively marketed through newspaper and prime time radio and television advertisements.

With the proliferation of bank-sponsored investment plans, however, there exists the possibility that unless subject to some securities regulation, these bank programs could exacerbate serious structural imbalances in our securities markets, and possibly even work to the detriment of the small investor they are designed to service.

For one thing, automatic bank investment programs seem to be often concentrated in only a relatively small group of issues generally the favorites of large institutional investors. Thus it has been pointed out that this phenomenon could aggravate the so-called two tier market. Moreover, if such services contribute to an increase in investment concentration already present in our securities markets, the ability of many solid corporations, both large and small, to raise capital could be greatly impaired. Similarly, while pooling of orders by a bank sponsoring such plans may result in some cost savings to investors, they may also serve to increase the percentage of large securities transactions and decrease the number of individual small orders critical to the depth and liquidity of our securities markets.

Of equal, if not greater concern, is the status of those individual investors who choose to participate in these bank sponsored programs. Although banks sponsoring automatic investment plans are affecting transactions in securities for accounts of their customers, they are excluded from the statutory definition of the term broker as set forth in the Securities and Exchange Act of 1934. As a result, other than certain generally applicable provisions of Federal law, banks are not subject to regulatory requirements imposed on broker dealers by the Commission for the protection of investors. Moreover, unlike brokers and dealers registered with the Securities and Exchange Commission, banks have not been subjected, in all instances, to the prevailing requirement that recommendations be suitable for the potential securities investor, nor are they otherwise held accountable for inappropriate advertising material.

SEC Chairman Ray Garrett has recently pointed out even though issuers may be well established and have very substantial assets, it does not necessarily follow that such securities are suitable investments for all investors. Nor, he points out, should we lose sight of the fact that a voluntary determination by banks to offer the most highly capitalized securities to their customers is not in fact the same, either as a matter of law or practicality, as an explicit regulatory requirement to that effect.

There are still other possible problems posed for individual investors participating in many of these programs. Where unregulated entities engage in the business of affecting securities transactions, a question immediately arises as to whether the price charged to individual customers is as favorable as possible under the prevailing market conditions, or for that matter whether customers will receive adequate confirmation of their purchases and whether individuals leaving securities with a bank pursuant to an automatic investment program are fully protected in the event of any financial difficulties of the bank.

Accordingly, I am today introducing legislation to afford the SEC limited jurisdiction over the securities activities of banks offering automatic investment plan services. However, this bill allows the Commission broad exemptive powers to exclude from regulation traditional bank securities activities unrelated to the offering of these plans. It specifically exempts banks from the application of section 15(c)(3) of the Securities Exchange Act. This section contains the basic statutory requirements related to the financial responsibility and related practices of brokers, including the most basic one of all—the net capital rule. Such rules cannot and should not apply to banks. I would anticipate, therefore, that under this legislation the Commission would deal primarily with the questions of suitability of investment, most favorable execution of transactions and

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the economic impact of these programs upon our securities markets.

The purpose of this legislation is not to prohibit banks from expanding their services beyond their traditional trust and investment functions. This bill does not ban AIP accounts. They appear to be an innovative and worthwhile consumer service. Rather, its purpose is to insure that individual customers who participate in these programs are afforded all applicable and necessary protections now available to other types of investors.

Increased competition created between banks and brokers could well prove beneficial to the investing public. But I do not believe that it is either desirable or appropriate to encourage competition at the very heavy cost of sacrificing needed regulatory protection. Persons or entities engaged in comparable activities should be subject to comparable regulation, and it is my view that with respect to the automatic investment plan services I have described such regulation does not now exist.

These small account services seem to presage a change in the traditional methods by which securities are bought and sold in this country. Because of the overriding importance of such change to both our financial markets and their most effective regulation, Congress should have an opportunity to decide by whom and to what extent such activities should be regulated. The legislation I am offering today offers one means of insuring that all competitors in our securities markets play under the same rules and are treated in a similar regulatory fashion.

I ask unanimous consent that the bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2707

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(a)(4) of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78c(a)(4)), is amended to read as follows:

"(4) The term 'broker' means any person engaged in the business of effecting transactions in securities for the accounts of others: *Provided, however,* That a bank, as defined in section 3(a)(6) of this title, shall not be deemed to be a broker within the meaning of this title, unless it solicits transactions in securities to be effected by the bank as agent for the accounts of others. In no event shall a bank be deemed to be a broker for the purpose of section 15(c)(3) of this title. The Commission may, by rules and regulations, or by orders, either unconditionally or upon specified terms and conditions, or for specified periods, exempt from the definition of the term 'broker' any bank otherwise included within the definition of the term 'broker' contained in this subsection, if the granting of such exemptions is not inconsistent with the public interest or the protection of investors."

By Mr. HARTKE (by request):

S. 2710. A bill to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans, and for other purposes. Referred to the Committee on Veterans' Affairs.

Mr. HARTKE. Mr. President, today I introduce S. 2710 a bill which would amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans. At the request of the Disabled American Veterans, I am introducing this bill, which embodies Legislative Resolution 406, passed at the National Convention of the DAV this past August.

This request bill would provide for a 15-percent increase in the compensation rates for all service-connected disabled veterans. An increase in compensation rates for service-connected veterans is a subject which the Committee on Veterans' Affairs, which I am privileged to chair, will be looking into closely in the coming months. In this review by the committee we will consider the recommendations of the DAV as contained in this bill together with other measures affecting disabled veterans which I and others will introduce in the near future. Following hearings and thorough review of all proposals, I am hopeful that the committee will be able to quickly report an equitable measure for the consideration of the entire Senate.

Mr. President, an unrelenting inflationary economy continues to take its toll on veterans living on fixed incomes as I mentioned in my address to the National Convention of the Disabled American Veterans in August of this year. I told the delegates there that despite my bill providing a 10 percent compensation increase last year which was enacted by Congress into Public Law 92–328, it was obvious to me that it would soon be necessary in the 93d Congress to once again review the program and make necessary adjustments. That time is approaching more rapidly. In this connection, I want to emphasize that while the members of the Senate Veterans' Affairs Committee are mindful of budgetary realities, we are unanimous in our belief that any efforts to shortchange disabled veterans is false economy.

Mr. President, I ask unanimous consent that the text of the bill and the letter of transmittal of November 1, 1973 from Charles L. Huber, national director of legislation of the Disabled American Veterans, to me requesting the introduction of this bill together with the DAV Resolution No. 406 be printed in their entirety at this point in the Record.

There being no objection, the bill, letter and resolution were ordered printed in the Record as follows:

S. 2710

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) Section 314 of title 38, United States Code, is amended—

(1) by striking out "$28" in subsection (a) and inserting in lieu thereof "$32";

(2) by striking out "$51" in subsection (b) and inserting in lieu thereof "$59";

(3) by striking out "$77" in subsection (c) and inserting in lieu thereof "$89";

(4) by striking out "$106" in subsection (d) and inserting in lieu thereof "$122";

(5) by striking out "$149" in subsection (e) and inserting in lieu thereof "$171";

(6) by striking out "$179" in subsection (f) and inserting in lieu thereof "$206";

(7) by striking out "$212" in subsection (g) and inserting in lieu thereof "$244";

(8) by striking out "$245" in subsection (h) and inserting in lieu thereof "$282";

(9) by striking out "$275" in subsection (i) and inserting in lieu thereof "$311";

(10) by striking out "$495" in subsection (j) and inserting in lieu thereof "$569";

(11) by striking out "$47" and "$616" and "$862" in subsection (k) and inserting in lieu thereof "$60" and "$708" and "$991", respectively;

(12) by striking out "$616" in subsection (l) and inserting in lieu thereof "$708";

(13) by striking out "$678" in subsection (m) and inserting in lieu thereof "$780";

(14) by striking out "$770" in subsection (n) and inserting in lieu thereof "$886";

(15) by striking out "$862" in subsections (o) and (p) and inserting in lieu thereof "$991";

(16) by striking out "$370" in subsection (r) and inserting in lieu thereof "$426"; and

(17) by striking out "$554" in subsection (s) and inserting in lieu thereof "$637".

(b) The Administrator of Veterans' Affairs may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

Sec. 2. Section 315(1) of title 38, United States Code, is amended—

(1) by striking out "$31" in subparagraph (A) and inserting in lieu thereof "$36";

(2) by striking out "$53" in subparagraph (B) and inserting in lieu thereof "$61";

(3) by striking out "$67" in subparagraph (C) and inserting in lieu thereof "$77";

(4) by striking out "$83" and "$15" in subparagraph (D) and inserting in lieu thereof "$95" and "$17", respectively;

(5) by striking out "$21" in subparagraph (E) and inserting in lieu thereof "$24";

(6) by striking out "$36" in subparagraph (F) and inserting in lieu thereof "$41";

(7) by striking out "$53" and "$15" in subparagraph (C) and inserting in lieu thereof "$61" and "$17", respectively;

(8) by striking out "$25" in subparagraph (H) and inserting in lieu thereof "$29"; and

(9) by striking out "$48" in subparagraph (I) and inserting in lieu thereof "$55".

Sec. 3. This Act shall take effect on the first day of the second calendar month which begins after the date of enactment.

Disabled American Veterans,
November 1, 1973.

Senator Vance Hartke,
Chairman, Committee on Veterans' Affairs,
U.S. Senate, Washington, D.C.

Dear Senator Hartke: I am enclosing a draft bill to increase the rates of service-connected disability compensation which I respectfully request that you do us the honor of introducing in the United States Senate.

In accordance with the mandate of the attached resolution adopted by our most recent National Convention, the bill would increase by 15 percent all basic rates of disability compensation as well as the allowance for dependents of veterans who are 50 percent or more disabled.

Additionally, the bill would provide a long delayed and well deserved increase in the statutory award for the service-connected loss or loss of use of a single extremity or body organ. Although the basic rates of disability compensation have been increased at more or less regular intervals over the years, the monthly payments under Section 314(k) of Title 38, United States Code, have not been adjusted since July 1, 1952.

Because of the impairment in earning capacity resulting from diseases and injuries sustained during their military service and due to the steadily increasing cost of living, America's disabled veterans are in dire need of increased compensation to support themselves and their dependents.

In considering the increases proposed by the draft bill, it should be remembered that since August 1, 1972, when the rates were last adjusted, the Congress has enacted legislation to increase the monthly payments to Federal employees, military personnel and Social Security beneficiaries.

The pressures of inflation have had the same adverse effect on disability compensation as that of other Federal payments and if the Consumer Price Index continues to rise at the current rate, the gap between the purchasing power of the compensation dollar and the cost of living will fully justify a 15 percent increase by the time the bill could be enacted.

Thanking you in advance for any consideration you may give to introducing this legislation, and advising you of our deep and sincere appreciation for your past efforts in behalf of America's veterans, I am

Respectfully yours,
Charles L. Huber,
National Director of Legislation.

Legislative Resolution No. 406

disability compensation increase

Be it resolved, by the Disabled American Veterans in National Convention assembled at Miami Beach, Florida, August 12–18, 1973, that the U.S. Congress be petitioned to enact legislation that will provide an increase of at least 15 percent in the rates of VA disability compensation payments to help bring the standard of living of disabled veterans more in line with that which they would have enjoyed had they not been disabled in the military service of their country.

By Mr. INOUYE (for himself, Mr. Abourezk, Mr. Aiken, Mr. Brooke, Mr. Ervin, Mr. Kennedy, Mr. Mansfield, Mr. McGee, Mr. McIntyre, Mr. Pastore, Mr. Randolph, and Mr. Young):

S. 2711. A bill to allow an additional income exemption for a taxpayer or his spouse who is deaf or deaf-blind. Referred to the Committee on Finance.

Mr. INOUYE. Mr. President, at the present time, the Internal Revenue Service provides an additional tax exemption for the legally blind people of the United States. Most of the States follow the lead of the IRS by providing an added exemption for the blind on State income tax as well.

Thus far, Hawaii is the only State that has provided a similar exemption for both the blind and the deaf residents of the State. I believe that it is time that the Internal Revenue Service follow the lead of the State of Hawaii by providing the same tax break for this severely handicapped portion of the citizenry of the United States.

The bill which I am introducing is not intended to provide a crutch for the deaf, nor to rob them of their pride. It is intended to encourage self-reliancy and to compensate for the extra expenses which the deaf encounter in their attempt to overcome their handicap. The costs of hearing aids, the extra cost of automobile insurance which some companies charge to their deaf customers, the higher cost of education are only a few of the expenses which make it much more costly to be deaf than to have normal hearing, especially since most deaf people are underemployed, given their education and abilities.

There are approximately 450,000 profoundly deaf Americans. While this is a small portion of the total population, it is not insignificant nor should it be ignored.

This is approximately equal to the number of legally blind who are granted an additional tax exemption. Of the 470,000 blind, only 145,000 claimed the exemption in 1971. It is reasonable to believe that roughly the same proportion of deaf would use this exemption, since both blindness and deafness have a higher incidence among the older citizens.

Mr. President, I urge early and favorable consideration of this measure by the Senate. The precedent exists and the merit has clearly been established.

By Mr. FULBRIGHT (by request):

S. 2712. A bill to amend the International Claims Settlement Act of 1949, as amended, to provide for the timely determination of certain claims of American nationals settled by the United States-Hungarian Claims Agreement of March 6, 1973, and for other purposes. Referred to the Committee on Foreign Relations.

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference a bill to amend the International Claims Settlement Act of 1949, as amended, to provide for the timely determination of certain claims by American nationals settled by the United States-Hungarian Claims Agreement of March 6, 1973, and for other purposes.

The bill has been requested by the Chairman of the Foreign Claims Settlement Commission and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when it is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the Record at this point, together with the letter from the Chairman of the Commission to the President pro tempore of the Senate dated October 31, 1973, and the section-by-section analysis of the bill.

There being no objection, the bill and material were ordered to be printed in the Record, as follows:

S. 2712

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the International Claims Settlement Act of 1949, as amended, is further amended as follows:

(1) Section 302, title III, is amended by adding a new subsection (c) as follows:

"(c) The Secretary of the Treasury shall cover into the Hungarian Claims Fund, such sums as may be paid to the United States by the Government of Hungary pursuant to the terms of any claims settlement agreement between the Government of the United States and the Government of that country."

(2) Section 303, title III, is further amended by striking out the word "and" at the end of parargaph (3); by striking out the period at the end of paragraph (4); by inserting a semicolon in lieu thereof, and by immediately thereafter inserting the word "and".

(3) Section 303, title III, is further amended by adding a new subsection (5) as follows:

"(5) Pay effective compensation for the nationalization, compulsory liquidation, or other taking of property of nationals of the United States in Hungary, between August 9, 1955, and the effective date of the claims agreement between the Governments of Hungary and the United States."

(4) Section 306, title III, is further amended by adding a new paragraph (c) as follows:

"(c) Within thirty days after enactment of this paragraph, or thirty days after enactment of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its functions under subsection (5) of section 303, whichever date is later, the Commission shall publish in the Federal Register the time when and the limit of time within which claims may be filed with the Commission, which limit shall not be more than six months after such publication."

(5) Section 310, title III, is further amended by adding at the end of subsection (a) thereof, a new paragraph (7), as follows:

"(7) Whenever the Commission is authorized to settle claims by enactment of paragraph (5) of section 303 of this title with respect to Hungary, no further payments shall be authorized by the Secretary of the Treasury on account of awards certified by the Commission pursuant to paragraphs (2) and (3) of section 303 out of the Hungarian Claims Fund until payments on account of awards certified pursuant to paragraph (5) of section 303 with respect to such Fund have been authorized in equal proportions to payments previously authorized on existing awards certified pursuant to paragraphs (2) and (3) of section 303."

"(a) With respect to awards previously certified pursuant to paragraph (1) of section 303, the Secretary of the Treasury shall not authorize any further payments until payments on account of awards certified under paragraphs (2), (3) and (5) have been authorized in equal proportions to payments previously authorized on existing awards certified pursuant to paragraph (1) of section 303."

"(b) The Secretary of the Treasury shall not authorize any further payments on account of awards certified under paragraph (3) of section 303 based on Kingdom of Hungary bonds expressed in United States dollars or upon awards to Standstill creditors of Hungary that were the subject matter of the agreement of December 5, 1969, between the Government of Hungary and the American Committee for Standstill creditors of Hungary."

"(c)" The Secretary of the Treasury is authorized and directed to deduct the sum of $125,000.00 from the Hungarian Claims Fund and cover such amount into the Treasury to the credit of miscellaneous receipts in satisfaction of the claim of the United States referred to in Article 2, paragraph 4 of the Agreement: *Provided,* That the said amount shall be deducted in annual installments over the period during which the Government of Hungary makes payments to the Government of the United States as provided in Article 4 of the Agreement.

(6) Section 316, Title III, is amended by adding a new subsection (c) as follows:

(c) The Commission shall complete its affairs in connection with the settlement of claims pursuant to paragraph (5) of section 303 of this title not later than two years following the deadline established under paragraph (g) of section 306 of this title.

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FOREIGN CLAIMS
SETTLEMENT COMMISSION
OF THE UNITED STATES,
Washington, D.C., October 31, 1973.

Hon. JAMES O. EASTLAND,
President Pro Tempore of the Senate, Washington, D.C.

DEAR MR. PRESIDENT: Transmitted herewith in behalf of the Executive Branch for consideration of the 93rd Congress is a draft of a proposed bill entitled, "A Bill To Amend the International Claims Settlement Act of 1949, as amended, to provide for the timely determination of certain claims by American nationals settled by the United States-Hungarian Claims Agreement of March 6, 1973, and for other purposes."

On March 6, 1973, the Governments of the United States and the Hungarian People's Republic entered into an en bloc settlement of claims of nationals of the United States against the Government of Hungary arising out of the failure of that government to (1) pay compensation for certain war damage losses; (2) pay compensation for the nationalization or other taking of property; and (3) meet obligations expressed in United States dollars acquired by United States nationals prior to September 1, 1939, and which became due and payable prior to September 15, 1947.

Most of the claims referred to above were the subject of initial consideration under the provisions of Section 303 of Title III of the International Claims Settlement Act of 1949, as amended (Public Law 84–285, approved August 9, 1955). During the course of that program, which was completed on August 9, 1949, the Commission received a total of 2,725 claims. Of that number, 1,572 claims were denied for various reasons and awards totalling approximately $58,277,457.00 in principal amount were granted in 1,153 claims.

The funds used to make payments on those awards were derived from the liquidation of certain Hungarian assets in the United States that had been blocked during World War II under the provisions of the Trading With the Enemy Act. Title II of the International Claims Settlement Act specifically authorized the liquidation of those assets and the deposit of the proceeds into the Hungarian Claims Fund, a special fund set up in the Treasury Department. The funds that were realized from the liquidation of the Hungarian assets only permitted a small percentage to be paid on the principal amounts of the awards granted by the Commission.

In addition to providing funds to make additional payments on the awards granted by the Commission in the claims program authorized by Public Law 84–285 referred to above, the 1973 Agreement makes provisions for claims of nationals of the United States against the Government of Hungary which arose between August 9, 1955, the date that Public Law 84–285 was approved, and March 6, 1973, the effective date of the Agreement.

It should be noted that certain claims that were the subject of awards in the previous program are not covered by the Agreement and no further payments may be made on the awards granted thereon. These claims involve the claims of the Hungarian Standstill Creditors and those involving Kingdom of Hungary bonds expressed in United States dollars. With respect to Hungarian Standstill Creditors, an agreement was concluded on December 5, 1969, between the Government of Hungary and the American Committee for Standstill Creditors of Hungary under which such claims were settled. Any further payment on these claims from funds derived from the 1973 Agreement would constitute double payment. In the case of Kingdom of Hungary dollar bonds, there was an exchange of letters between the Secretary of State of the United States and the Deputy Prime Minister of Hungary confirming that it was the intention of the Government of Hungary to settle such claims by direct talks with the American bondholders or their representatives (Annex E of the Agreement). On the basis of this exchange, no additional payments will be made on the awards based on dollar bonds.

The Commission cannot commence with the new claims program until such time as it is granted legislative authority, and no further payments may be made on the awards previously granted until the new claims are finally decided.

Under the terms of the March 6, 1973 Agreement, the Government of Hungary agreed to pay and the Government of the United States agreed to accept the sum of $18.9 million in final settlement of these claims by nationals of the United States. In addition, the Government of Hungary agreed to relinquish claims of $3,318,614 on vested Hungarian assets in the United States. The latter sum was the source of the funds used to make payments on awards in the previous claims program. In effect, therefore, the settlement is in the amount of $22,218,614. The Government of Hungary agreed to pay the $18.9 million in annual installments of at least $945,000 over a period not to exceed twenty years. The first installment of $945,000 has been paid as required by the Agreement.

For the foregoing reasons the Commission and the Department of State respectfully urge early and favorable action on the proposed bill.

The Office of Management and Budget advises that from the standpoint of the Administration's program, there is no objection to the submission of this draft legislation for the consideration of the Congress.

Accompanying the draft bill is a section-by-section analysis of its provisions.

Sincerely yours,

LYLE S. GARLOCK,
Chairman.

INTERNATIONAL CLAIMS SETTLEMENT ACT

SECTION-BY-SECTION ANALYSIS

Paragraph 1. (The enacting clause unnumbered.) Inasmuch as the statute now provides that the Hungarian Claims Fund shall be comprised only of sums blocked, vested and transferred by the Attorney General under the Trading With the Enemy Act, the additional sums paid by Hungary under the Agreement concluded on March 26, 1973 cannot be covered into the Funds. New subsection (b) provides the vehicle for accomplishing this purpose.

Paragraph 2 and 3. Paragraph 2 involves technical changes in the language of section 303, Title III of the Act to permit the addition of a new paragraph "(5)" as contained in the amendment under paragraph 3. The proposal under paragraph 3 makes provisions for the disposition of new claims against the Government of Hungary included within the agreement of March 6, 1973 which have arisen since August 9, 1955.

Paragraph 4. This proposal requires the normal publication of claims filing period in the Federal Register.

Paragraph 5. This paragraph revamps the award payment provisions with respect to claims against the Government of Hungary in order to insure that new awardees will not obtain a pecuniary advantage over previous awardees. It would limit the extent of payments on new awards to the extent of the percentage paid on previous awards, and then permit the residual balance to be distributed proportionately among all awardees. This paragraph also affects payments on war damage awards granted under paragraph (1) of section 303 of the Act and would prohibit any further payments on such awards until all other awards have been paid in equal proportions as have such awards. Hungarian war damage awardees have received payments out of the War Claims Fund as provided in Public Law 87–846, approved October 22, 1962 (Title II of the War Claims Act of 1948, as amended).

This paragraph further prohibits any further payments on awards under paragraph (3) of Section 303 of the Act based on Kingdom of Hungary bonds expressed in United States dollars and awards to Standstill creditors of Hungary. Claims based on Kingdom of Hungary bonds expressed in United States dollars will be the subject matter of future consideration by the Government of Hungary and were not settled by the March 6, 1973 Agreement. Claims by Standstill creditors of Hungary have been settled under a separate agreement concluded on December 5, 1969 between the Government of Hungary and the American Committee for Standstill creditors of Hungary. This paragraph will prevent double payment on such claims.

Finally, this paragraph makes provisions for the payment to the United States of the sum of $125,000.00 in settlement of a claim arising out of an aerial incident in 1951 involving a United States plane.

Paragraph 6. This proposal requires the Commission to complete its affairs with respect to the Hungarian Claims Program not later than two years following the deadline for filing of the new claims.

By Mr. MONDALE

S. 2716. A bill to amend section 1662(c) of title 38, United States Code, to extend the delimiting period for certain veterans pursuing a course of farm cooperative training. Referred to the Committee on Veterans' Affairs.

Mr. MONDALE. Mr. President, I am introducing a bill designed to extend through 1980 education benefits to veterans under the farm cooperative training program.

In the post-World War II, Korean, and Vietnam eras, the Congress has adopted programs to provide farm training benefits for qualified veterans.

The program in effect today was initially authorized on August 31, 1967, by Public Law 90–77. In order to receive benefits, a veteran must be concurrently engaged in agricultural employment which is considered to be related to the approved institutional courses. The program enables participants to receive benefits for a full 12 months when instruction for the year is prescheduled for 44 weeks. He is considered to be a full-time student when pursuing a minimum of 10 hours per week, three-quarter basis if 7 hours a week, or a half-time basis if a minimum of 5 hours per week. For a married man with two children and enrolled in a full-time program such benefits total $250 per month.

Under the 1967 law, veterans are given 8 years following the date of discharge or until 1975, whichever is later, to complete their education.

Over the past few years, hours requirements have been liberalized, and States have begun to develop and expand farm cooperative training programs. Participation in the program has shown a dramatic increase from 5,000 in the 1971–72 school year to 9,319 in the 1972–73 school year.

In Minnesota the first farm cooperative program began in 1969. The number of programs increased to 45 by January of this year, and by September to 80. These programs are operated in local communities utilizing high schools and area vocational technical institutes.

Just as the program is expanding to reach the large number of qualified veterans who would like to participate; however, many may lose eligibility because of the 1975 deadline for completion of their studies.

Thousands of men in Minnesota and throughout the country, who were discharged prior to 1967, will be cut out of the program unless action is taken to extend the deadline.

The loss of eligibility would be costly not only to individual veterans who deserve an opportunity for farm training, but also to our Nation. The farm cooperative program has demonstrated a very high rate of success in establishing people in farming. Early experience with the World War II and Korean GI bills demonstrates that in some areas as many as 80 percent or more of the participants have continued in farming for 10 years.

Often classes run from 8 until 12 at night. I believe the fact that farmers select to participate in such a rigorous program after working all day long testifies to the high value participants attach to these classes.

I therefore propose to extend eligibility under the program until 1980. This extension would provide an opportunity for veterans to participate in cases where approved programs are only now getting underway.

I am hopeful that the Senate will act favorably on this measure, and I ask unanimous consent that the full text of my bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2716

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the second sentence of section 1662(c) of title 38, United States Code, is amended by striking out "farm cooperative training, apprenticeship or other training on the job, or flight training" and inserting in lieu thereof "apprenticeship or other training on the job (other than farm cooperative training) or flight training".

(b) Such section 1662(c) is further amended by adding at the end thereof a new sentence as follows: "In the case of any eligible veteran who was discharged or released from active duty before the date of enactment of this sentence and who pursues a course of farm cooperative training within the provisions of section 1677 of this chapter, the delimiting period shall be August 31, 1980."

By Mr. PASTORE:

S.J. Res. 172. A joint resolution proposing an amendment to the Constitution of the United States providing for a special election for the Office of President and Vice President when an individual who has been appointed Vice President succeeds to the Presidency. Referred to the Committee on the Judiciary.

Mr. PASTORE. Mr. President, I introduce a joint resolution proposing an amendment to the Constitution of the United States providing for a special election for the Office of President and Vice President when an individual who has been appointed Vice President succeeds to the Presidency.

Recent events have disclosed a dangerous flaw in the electoral process spelled out in the Constitution.

Today, here in the Senate, we are holding hearings on the nomination of GERALD FORD to become Vice President of the United States.

Once the Congress, under the 25th amendment, confirms the nomination of a new Vice President, a constitutional precedent will be established.

We will have our first appointed Vice President—a man not elected by the people, but a man holding the second highest office in the land.

As tragic events of the past have proved, we cannot foretell what lies ahead for this country.

The appointed Vice President may himself succeed to the Presidency and then appoint a new Vice President.

Should this set of circumstances evolve, a constitutional crisis will occur.

And, what will happen to us then?

For the first time in the history of this great Nation, the President and Vice President will both be appointed—not elected by the people, and not responsive to any mandate from the citizens. The Nation will no longer be democratically governed.

I am not at all satisfied that the bill introduced by the distinguished Senator from Maine, Mr. HATHAWAY, S. 2678, will withstand constitutional attack nor will it cure the defect in the 25th amendment.

S. 2678 provides for a special election when there is a simultaneous vacancy in the Presidency and Vice-Presidency, but the bill assumes the constitutionality of that special election based on the "necessary and proper" clause in article I of the Constitution. I think this is a strained interpretation of the clause.

Too much is at stake for us to assume that the special election is constitutional. In my view we must amend the Constitution to make certain that the special election is valid.

This is precisely why I am introducing this proposed amendment to the Constitution—to eliminate all ambiguity surrounding this question.

My amendment provides for a special election by the people for the offices of President and Vice President, if a Vice President while appointed under the provisions of the 25th amendment should thereafter become President.

I think that it is imperative that we protect our constitutional form of Government by enacting this joint resolution in order that the States of the Union might consider this essential amendment to the Constitution.

Mr. President, I ask unanimous consent to have printed in the RECORD the joint resolution and a legal memorandum prepared by my staff and the staff of the Library of Congress, which sets forth the arguments in support of this amendment.

There being no objection, the joint resolution and memorandum were ordered to be printed in the RECORD, as follows:

S.J. RES 172

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within 7 years after the date of final passage of this joint resolution:

"ARTICLE

"SECTION 1. If an individual takes the office of Vice President under section 2 of the XXVth article of amendment and subsequently becomes President under section 1 of that article at a time when more than twelve months remain in the term of the President, then—

"(a) there shall be a special election for the offices of President and Vice President,

"(b) section 2 of the XXVth article of amendment shall not apply to the vacancy in the office of the Vice President caused by such individual's becoming President,

"(c) such individual shall serve as President only until a President elected in such special election takes the oath of office of President,

"(d) the Speaker of the House of Representatives, shall in addition to his duties as Speaker, act as Vice President, and perform the duties of that office, with the one exception that President pro tempore of the Senate shall serve as President of the Senate with voting privileges, until a Vice President elected in such special election takes the oath of office, and

"(e) in the event the Senate shall be equally divided, the Secretary of State may cast a vote to break the tie.

"SEC. 2. The provisions of this Constitution relating to the appointment of electors for President and Vice President shall apply in the case of special elections required by section 1 (a). The Congress shall by law prescribe the date for such elections and such other matters relating to such elections as may be necessary to effectuate the purposes of this article.

"SEC. 3. The individuals elected as President and Vice President in a special election required by section 1 (a) shall become President and Vice President upon taking their respective oaths of office. Nothing contained in this article shall affect the terms of the President and Vice President as prescribed by section 1 of the XXth article of amendment."

POPULAR ELECTIONS AND THE 25TH AMENDMENT: AN HISTORICAL AND LEGAL ANALYSIS

I. INTRODUCTION TO THE PROBLEM

An examination of our election machinery and the portions of the United States Constitution dealing with the office of the President and Vice President reveals a serious condition which is diametrically opposed to the American concept of popular elections.

Under the Constitution, as it stands today, it is possible that the Office of the President and the Office of the Vice President be occupied by appointment rather than by electoral process. Conceivably this situation could continue for almost four years before a national election was held.

By operation of the 25th Amendment to the Constitution, if the office of the Vice President becomes vacant, the President shall appoint a new Vice President.

During that term, if the office of President becomes vacant the "appointed" Vice President will become the President.

Again, by operation of the 25th Amendment, this new President appoints a Vice

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President. We then have both offices filled by appointed individuals rather than by elected individuals. How many times this process could reoccur in the span of the original four-year term is left to conjecture.

The possibility of these events actually coming to pass was either overlooked by the framers of the 25th Amendment or considered too remote to warrant a separate clause in that Amendment. Perhaps the problem was not considered serious at that time. Times change.

As Richard P. Longaker, Professor of Political Science and Chairman of Department, University of California, Los Angeles, concluded in his article "Presidential Continuity: The Twenty-Fifth Amendment":

"When the twenty-fifth amendment is first applied, flaws now hidden will no doubt appear. Some of the inevitable imperfections are already evident, though their seriousness will depend on factors extrinsic to the wording of the amendment." (See, "Selected Materials on the Twenty-Fifth Amendment," Oct. 1973. Committee on the Judiciary, pg. 211, at 236).

Professor Longaker was indeed prophetic in his remarks in February of 1966. Today we are facing the appearance of one of these flaws, no longer hidden, but patently obvious. While the idea of repealing the 25th amendment need not be considered, some consideration must be given to an amendment which will improve the 25th amendment. President Harry S Truman, as indicated in the House documents of the 1st session of the 79th Congress (June 19, 1945, p. 6272), seemed genuinely concerned that it was undemocratic for a Vice President who had succeeded to the Presidency to be able to appoint his successor. He said in a letter to the Senate:

". . . it now lies within my power to nominate the person who would be my immediate successor in the event of my own death or inability to act.

"I do not believe that in a democracy this power should rest with the Chief Executive.

"Insofar as possible, the office of the President should be filled by an elective officer. There is no officer in our system of government, besides the President and Vice President, who has been elected by all the voters in the country."

How much more undemocratic would it be for the appointed successor to appoint his successor? This situation should not be tolerated in our democratic system.

At this juncture, the concept of electing the President should be analyzed from historical and legal viewpoints to remove any question as to the intent of the framers of the Constitution and the courts.

II. HISTORICAL BACKGROUND

From the creation of the presidency to the present, that office has been one that has been dominantly characterized as elected as opposed to appointed. The Constitutional Convention in 1787 had as one of its main objectives the development of the office of the President. One of the first provisions discussed at that Convention was the manner of electing the chief executive of the States. The first proposal was made by James Wilson, a lawyer, a chief architect of the Supreme Court and one of Washington's initial appointments as Associate Justice. Wilson's proposal was that the President be named by direct "election by the people". The proceedings of the Convention were secret, but according to James Madison's *Journal*, at least six delegates, including Madison himself and four other lawyers, endorsed Wilson's suggestion. No less than eight other methods of electing the President—among them the electoral college system—were proposed. Some of them were first adopted and then reconsidered and rejected. Not until the final weeks of the Convention was the electoral college method adopted. Thus, it was quite clear from the beginning of our constitutional form of government that the office of the presidency was to be an elected one and not an appointed one.

Moreover, at the Convention of 1787, Edmund Randolph submitted a plan of a national government in which he proposed "a national executive to be chosen by the national legislature for the term of — years . . . and to be ineligible a second time." Charles Pinckney, at the same time, proposed "that the executive power be vested in a President of the United States of America, which shall be his style; and his title shall be 'His Excellency.' He shall be elected for — years, and shall be reeligible." The first decision of the Convention was that the term of the Executive should be seven years. James Wilson proposed that there should be "certain districts in each State which should appoint electors to elect outside of their own body." In these three propositions were the essential elements of nearly all the features of the plan ultimately adopted. Again such propositions make it quite clear that the Convention's concept of the President was one that called for his election rather than appointment.

It should be noted that the Convention first adopted a resolution that the Executive should be chosen by Congress; it also adopted a resolution that the executive power should be vested in one person. Elbridge Gerry proposed that the Executive should be elected by the governors of the several States; this plan was defeated. Alexander Hamilton presented a draft of a constitution to the Convention according to which the choice of a single executive officer, a President, was to be made by electors chosen by the people similar to the way they are now actually chosen; and in case there was no choice by a majority of such electors, then an election from among the three highest candidates was to be made by a body of second electors two for each State, to be chosen by the first electors at the time of voting for a President who were to meet in one place and to be presided over by the Chief Justice.

The whole focus of the Convention of 1787 was in terms of electing the chief Executive and not appointing him. It was not until the final weeks of the Convention that the electoral college method of electing the President was adopted. It was not an ideal way or even the best way of choosing a President; rather it was a compromise device. The Convention refused to give the election of the President to the people; it also rejected amendments to give each State one vote for President; and it defeated a proposition to give a casting vote to the President of the Senate.

◀ Alexander Hamilton in the *Federalist* No. 68 (March 12, 1788) asserted the following in emphasizing the need for having the President elected:

"The mode of appointment of the chief magistrate of the United States is almost the only part of the system, of any consequence, which has escaped without severe censure, or which has received the slightest mark of approbation from its opponents. The most plausible of these, who has appeared in print, has even deigned to admit, that the election of the president is pretty well guarded. I venture somewhat further; and hesitate not to affirm, that if the manner of it be not perfect, it is at least excellent. It unites in an eminent degree all the advantages; the union of which was to be desired.

"It was desireable, that the sense of the people should operate in the choice of the person to whom so important a trust was to be confided. This end will be answered by committing the right of making it, not to any pre-established body, but to men, chosen by the people for the special purpose, and at the particular conjuncture.

* * * * *

"All these advantages will be happily combined in the plan devised by the convention; which is, that the people of each state shall choose a number of persons as electors, equal to the number of senators and representatives of such state in the national government, who shall assemble within the state and vote for some fit person as president. Their votes, thus given, are to be transmitted to the seat of the national government, and the person who may happen to have a majority of the whole number of votes will be the president. But as a majority of the votes might not always happen to centre on one man and as it might be unsafe to permit less than a majority to be conclusive, it is provided, that in such a contingency, the house of representatives shall select out of the candidates, who shall have the five highest numbers of votes, the man who in their opinion may be best qualified for the office."

III. LEGAL BACKGROUND

Article II, Section I of the Constitution explicitly states that the President and Vice President of the United States "be elected". The immediate source of Article II was the New York Constitution in which the governor was elected by the people and thus independent of the legislature. His term was three years and he was indefinitely eligible. However, the ultimate plan that was adopted by the Convention was not one that was based on the New York way of electing its governor. The adoption of the electoral college plan came late in the Convention which had previously adopted on four other occasions provisions for the election of the Executive by the Congress and had twice defeated proposals for the election by the people directly. The electoral college, however, probably did not work as any member of the Convention could have foreseen because the development of political parties and nomination of presidential candidates through them and the designation of electors by the parties soon reduced the concept of the elector as an independent force to the vanishing point in practice if not in theory. But the college remains despite numerous efforts to adopt another method.

Article II, Section I, Clause 2 of the Constitution provides:

"Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector."

Although Clause 2 seemingly vests complete discretion in the States, certain older cases recognized a federal interest in protecting the integrity of the process. The Supreme Court has upheld the power of Congress to protect the right of all citizens who are entitled to vote to lend aid and support in any legal manner to the election of any qualified person as a presidential elector, *Ex Parte Yarbrough*, 110 U.S. 651 (1884). The *Yarbrough* Court found that it is the duty of the Government to see that citizens may exercise the right to vote freely and to protect them from violence while so doing and that the votes by which its members of Congress and its President are elected shall be the free votes of the electors, *Id.*, 662. That Court also found that the right to vote is based upon the Constitution and not upon State law and that Congress has the power to pass laws for the pure, free, and safe exercise of this right, *Id.*, 663–664. Its power to protect the choice of electors from fraud or corruption was sustained in *Burroughs and Cannon* v. *United States*, 290 U.S. 534 (1934).

More recently, substantial curbs on state discretion in regulating the selection of electors have been instituted by both the Supreme Court and Congress. In *Williams* v. *Rhodes*, 393 U.S. 23 (1968), the Court struck down a complex state scheme which effectively limited access to the ballot to the electors of the two major political parties. In the Court's view, the system violated the equal protection clause of the Fourteenth

Amendment because it favored some and disfavored others and burdened both the right of individuals to associate together to advance political beliefs and the right of qualified voters to cast ballots for electors of their choice. The Court denied that the language of Article II, Section I, Clause 2 immunized such state practices from judicial scrutiny, and the Court rejected the notion that Article II, Section I of the Constitution gives the States the power to impose burdens on the right to vote where such burdens are expressly prohibited in other constitutional provisions.

In *Oregon* v. *Mitchell*, 400 U.S. 112 (1970), the Court upheld the power of Congress to reduce the voting age in presidential elections and to set a thirty-day residency period as a qualification for voting in presidential elections; the rationale was that the Fourteenth Amendment limits state discretion in prescribing the manner of selecting electors and that Congress in enforcing the Fourteenth Amendment may override state practices which violate that Amendment and substitute standards of its own.

IV. SUMMARY AND ANALYSIS OF THE PROPOSED AMENDMENT

It seems quite clear, both from an historical analysis and a legal analysis, that the concept of the presidency was embodied with the understanding that the office was to be an elected one as opposed to being an appointed one. Moreover, the right to vote for the President has been upheld and safeguarded as the above cases have indicated. Congress has the power to protect that right to vote for the highest office of the land as well as the power to protect the election of the President and the Vice President from corruption, *Burroughs and Cannon* v. *United States, supra*.

It is now time for reflection to see if we have not strayed somewhat from our basic goal of rule by the people. If we have, we must take the necessary steps to return to our primal goals.

When the 25th Amendment was being considered, arguments were made as to whether or not we needed to have a Vice President appointed, should a vacancy in that office occur. Some felt that the Succession Act of 1947 was adequate assurance of continuity of leadership. However, at least two thirds of the Senate, two thirds of the House, and three quarters of the States decided that we should always have a Vice President. It is believed that this office is the best grooming one can have in case he be called on to succeed to the Presidency.

All this precaution is, indeed, prudent. The one vital ingredient missing is the choice of the people. The established machinery is admirable, but it should apply only to provide a suitable interim president—one who would serve only until the people choose a new President and Vice President by election.

In addition, a limit must be placed on the term of a president who neither faced an election nor received the mandate of the people. He should not be permitted to appoint his own successor. These choices must be returned to the people at the earliest practical time.

No alternative can suffice if we are to remain a democracy.

The American people are willing to forgo immediate choice in return for the assurance of capable leadership in a time of crisis accompanying a vacancy in the presidency.

However, it is doubtful that the American people want to give up this choice covering an indeterminable number of possible presidents for possibly four years.

To restore this choice to the American people the Pastore Amendment would provide for a special election for President and Vice President when an individual who has been appointed Vice President by operation of the 25th Amendment succeeds to the office of the President.

A section-by-section analysis of the Pastore Amendment follows:

"Section 1. If an individual takes the office of Vice President under section 2 of the XXVth article of amendment and subsequently becomes President under section 1 of that article at a time when more than twelve months remain in the term of the President, then—

"(a) there shall be a special election for the offices of President and Vice President,

"(b) section 2 of the XXVth article of amendment shall not apply to the vacancy in the office of the Vice President caused by such individual's becoming President,

"(c) such individual shall serve as President only until a President elected in such special election takes the oath of office of President,

"(d) the Speaker of the House of Representatives shall, in addition to his duties as Speaker, act as Vice President, and perform the duties of that office, with the one exception that the President pro tempore of the Senate shall serve as President of the Senate with voting privileges, until a Vice President elected in such special election takes the oath of office, and

"(e) in the event the Senate shall be equally divided, the Secretary of State may cast a vote to break the tie."

This section is designed to create a special election for the offices of President and Vice President when an appointed Vice President pursuant to section 2 of the 25th Amendment succeeds to the presidency pursuant to section 1 of that Amendment.

More than twelve months must remain in the term of the former President in order for the election process to be implemented. This was done to provide enough time for proper choice of candidates by all parties wishing to announce a candidate. Any time less than twelve months was not considered to constitute an abrogation of the electorate's constitutional right to choose the president by election.

The special election process was provided in order to avoid any possible unconstitutionality of a special election grounded on an interpretation of the "necessary and proper" clause of Article I.

Section 2 of the XXVth article of amendment shall not apply to the vacancy in the vice presidency because that vacancy will automatically be filled by an acting Vice President in the person of the Speaker of the House of Representatives. This avoids the necessity for repealing any portion of the 25th Amendment.

The Speaker of the House of Representatives would assume all duties of the Vice President with one exception, but would not give up his duties as Speaker in order that there be as little change as possible in the leadership during the transition period after a vacancy. This is also in keeping with the spirit of the current laws of succession. The one exception to the Speaker assuming all of the vice president's duties is that the President pro tempore of the Senate would become the President of the Senate. This was done in order that the leadership of both legislative bodies remain separate.

The President pro tempore would retain his voting privileges in order that no state be deprived of its two votes. In the event of a tie in the Senate, the Secretary of State may cast the tie-breaking vote. This was done because the Secretary of State is the next in line of succession in the Executive Branch behind the Vice President who would normally have that right under the Constitution.

The appointed Vice President who succeeds to the presidency would serve as President and not as "acting president". His term would end when the newly elected President (after the special election) takes his oath of office. The Speaker and the President pro tempore would return to their normal functions when the Vice President-elect takes his oath of office.

"Section 2. The provisions of this Constitution relating to the appointment of electors for President and Vice President shall apply in the case of special elections required by section 1(a). The Congress shall by law prescribe the date for such elections and such other matters relating to such elections as may be necessary to effectuate the purposes of this article".

This section is designed to afford the special election the same treatment as a regular election and to utilize the existing system for election. The only substantial change would be the date for such elections.

Under the Pastore Amendment, Congress is given the flexibility to establish the date of election as circumstances dictate.

"Section 3. The individuals elected as President and Vice President in a special election required by Section 1(a) shall become President and Vice President upon taking their respective oaths of office. Nothing contained in this article shall affect the terms of the President and Vice President as prescribed by section 1 of the XXth article of amendment".

The intent of this article is to insure that the individuals elected in a special election would serve only the remainder of the established term. This also precludes the necessity of repeal of the 20th Amendment.

The Pastore Amendment strives to work within the framework established by the Constitution from its inception to the present day. It begins and ends with the proposition that the people should elect their President and Vice President and to preserve this right this constitutional amendment is required.

ADDITIONAL COSPONSORS OF BILLS

S. 147

At the request of Mr. INOUYE, the Senator from Rhode Island (Mr. PASTORE) was added as a cosponsor of S. 147, to extend the time limit within which veterans may be entitled to educational assistance.

S. 744

At the request of Mr. RANDOLPH, the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 744, to provide a mechanism to improve health care in rural areas through the establishment of the Office of Rural Health Care in the Department of Health, Education, and Welfare and a National Council on Rural Health, and for other purposes.

S. 2347

At the request of Mr. BEALL, the Senator from Arizona (Mr. GOLDWATER) was added as a cosponsor of S. 2347, the Historical Structures Tax Act of 1973.

S. 2365

At the request of Mr. TUNNEY, the Senator from California (Mr. TUNNEY) was added as a cosponsor of S. 2365, a bill to regulate interstate and foreign commerce as it relates to the conduct of organized amateur athletic competition within the United States and the participation of American athletes in international amateur athletic competition.

S. 2366

At the request of Mr. STEVENS, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S.

2388, a bill to amend subchapter E of chapter 36 of the Internal Revenue Code of 1954 to permit aircraft owners to choose, under certain conditions, the yearly period for application of the tax on use of civil aircraft.

S. 2445

At the request of Mr. McIntyre, the Senator from Michigan (Mr. Hart) was added as a cosponsor of S. 2445, a bill to amend the provisions of the Social Security Act to consolidate the reporting of wages by employers for income tax withholding and old-age, survivors, and disability insurance purposes, and for other purposes.

S. 2581

At the request of Mr. Randolph, the Senator from Nevada (Mr. Bible), the Senator from Missouri (Mr. Eagleton), the Senator from Illinois (Mr. Percy), the Senator from Arizona (Mr. Goldwater), the Senator from South Carolina (Mr. Thurmond), and the Senator from Massachusetts (Mr. Brooke), were added as cosponsors of S. 2581, to amend the Randolph-Sheppard Act for the Blind to provide for a strengthening of the program authorized thereunder, and for other purposes.

S. 2589

At the request of Mr. Jackson, the Senator from Connecticut (Mr. Ribicoff) and the Senator from Louisiana (Mr. Johnston) were added as cosponsors of S. 2589, the National Energy Emergency Act of 1973.

S. 2650

At the request of Mr. Cranston, the Senator from Nevada (Mr. Bible) and the Senator from Idaho (Mr. Church) were added as cosponsors of S. 2650, the Solar Home Heating and Cooling Demonstration Act of 1973.

SENATE RESOLUTION 203—SUBMISSION OF A RESOLUTION TO REFER A BILL TO THE COURT OF CLAIMS

(Referred to the Committee on the Judiciary.)

Mr. RIBICOFF submitted the following resolution:

Senate Resolution 203

Resolved, That S. 2698, entitled "A bill for the relief of John J. Egan", together with all accompanying papers, is hereby referred to the Chief Commissioner of the Court of Claims pursuant to sections 1492 and 2509 of title 28, United States Code, for further proceedings in accordance with applicable law.

ADDITIONAL COSPONSOR OF A RESOLUTION

S. Res 173

At the request of Mr. McIntyre, the Senator from Rhode Island (Mr. Pastore) was added as a cosponsor of Senate Resolution 173, directing the Securities and Exchange Commission to examine its rules and regulations and make such amendments as may be appropriate in order to reduce any unnecessary reporting burden on broker-dealers and help to assure the continued participation of small broker-dealers in the U.S. securities markets.

ADDITIONAL COSPONSORS OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 57

At the request of Mr. Brooke, the Senator from Louisiana (Mr. Johnston), the Senator from Michigan (Mr. Hart), and the Senator from California (Mr. Tunney) were added as cosponsors of Senate Concurrent Resolution 57, expressing the sense of the Congress that housing, housing assistance, and community development programs authorized by Congress should be carried out at levels at least equal to the levels prevailing in calendar year 1972, until such time as funds appropriated for such programs are exhausted or the Congress enacts legislation terminating or replacing such programs.

NATIONAL ENERGY EMERGENCY ACT OF 1973—AMENDMENTS

AMENDMENTS NOS. 660 AND 661

(Ordered to be printed, and to lie on the table.)

Mr. STEVENSON submitted two amendments, intended to be proposed by him, to the bill (S. 2589) to authorize and direct the President and State and local governments to develop contingency plans for reducing petroleum consumption, and assuring the continuation of vital public services in the event of emergency fuel shortages or severe dislocations in the Nation's fuel distribution system, and for other purposes.

AMENDMENT NO. 662

(Ordered to be printed, and to lie on the table.)

Mr. McCLELLAN (for himself, Mr. Long, Mr. Fannin, Mr. Bartlett, Mr. Hatfield, Mr. Domenici, Mr. Tunney, Mr. Bentsen, Mr. Hansen, Mr. Buckley, Mr. Stevens, and Mr. Fulbright) submitted an amendment, intended to be proposed by them, jointly, to Senate bill 2589, supra.

AMENDMENT NO. 663

(Ordered to be printed, and to lie on the table.)

Mr. TAFT submitted an amendment, intended to be proposed by him, to the amendment No. 659, intended to be proposed by Mr. Nunn, to Senate bill 2589, supra.

AMENDMENT NO. 665

(Ordered to be printed, and to lie on the table.)

Mr. MATHIAS (for himself and Mr. Ervin) submitted an amendment, intended to be proposed by them, jointly, to Senate bill 2589, supra.

AMENDMENT NO. 666

(Ordered to be printed, and to lie on the table.)

Mr. BARTLETT submitted an amendment, intended to be proposed by him, to Senate bill 2589, supra.

AMENDMENT NO. 667

(Ordered to be printed, and to lie on the table.)

Mr. BENTSEN submitted amendments, intended to be proposed by him, to Senate bill 2589, supra.

AMENDMENTS NOS. 666 THROUGH 671

(Ordered to lie on the table, and to be printed.)

Mr. FANNIN submitted four amendments, intended to be proposed by him, to Senate bill 2589, supra.

AMENDMENTS NOS. 672 THROUGH 676

(Ordered to be printed, and to lie on the table.)

Mr. BELLMON submitted five amendments, intended to be proposed by him, to Senate bill 2589, supra.

AMENDMENT NO. 677

(Ordered to be printed, and to lie on the table.)

Mr. HATFIELD submitted an amendment, intended to be proposed by him to Senate bill 2589, supra.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the text of an amendment to S. 2589 I am submitting today be reprinted at the appropriate place in the Record.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

Amendment No. 677

At the end of the bill, add a new title as follows:

TITLE IV—NONRETURNABLE BEVERAGE CONTAINER PROHIBITION ACT

Sec. 401. This title may be cited as the "Nonreturnable Beverage Container Prohibition Act".

FINDINGS AND PURPOSE

Sec. 402. (a) The Congress finds that (1) utilization of returnable beverage containers would result in substantial energy savings, (2) litter composed of beverage containers is a major source of pollution in all areas of this Nation, (3) the collection and disposal of solid waste composed of such containers impose a great cost burden upon the States and their political subdivisions, (4) nonreturnable beverage containers on which no refundable money deposit is required from the consumer pose a threat to health, safety, and welfare of individuals and environment in the United States, and (5) such containers, representing as they do a high cost in the form of litter and solid waste management, should be banned from circulation within and among the several States.

(b) It is therefore the purpose of this Act to assist in solving this problem by preventing the use and circulation of the offending types of nonreturnable beverage containers by banning their shipment and sale in interstate commerce.

DEFINITIONS

Sec. 403. For the purpose of this Act the term—

(1) "Administrator" means the Administrator of the Environmental Protection Agency;

(2) "returnable beverage container" means a beverage container which—

(A) has a clear indication thereon, either by embossing or by a stamp, label, or other method securely affixed thereto, of the refund value of the container, or is a glass container designed for a beverage and having a brand name permanently marked thereon which on the date of enactment of this Act had a refund value of not less than 5 cents;

(B) has a refund value of not less than 5 cents or, if certified by the Administrator pursuant to section 4, has a refund value of not less than 2 cents; and

(C) is not a metal container so designed and constructed that a part of the container is detachable in opening the container without the aid of a can opener;

(3) "beverage" means beer or any other malt beverage, mineral water, or soda water or a carbonated soft drink of any variety in liquid form and intended for human consumption;

(4) "container" means a bottle, jar, can, or carton of glass, plastic, or metal, or any combination thereof, for use in packaging or marketing any beverage;

(5) "interstate commerce" means (A) commerce between any State or territory and any place outside thereof, and (B) commerce within the District of Columbia or within any other territory not organized with a legislative body;

(6) "territory" means any territory or possession of the United States, including the District of Columbia and excluding the Canal Zone.

CERTIFICATION

Sec. 404. (a) (1) To promote the use of returnable beverage containers of uniform design, and to facilitate the return of containers to manufacturers for reuse as a beverage container, the Administrator may upon application in accordance with regulations established by the Administrator not later than ninety days after the date of enactment of this Act, certify beverage containers which satisfy the requirements of this section.

(2) A beverage container may be certified if—

(A) it is reusable as a beverage container by more than one beverage manufacturer or bottler in the ordinary course of business; and

(B) more than one beverage manufacturer or bottler will in the ordinary course of business accept the beverage container for reuse as a beverage container and pay the refund value of the container.

(3) The Administrator may by regulation establish appropriate liquid capacities and shapes for beverage containers to be certified or decertified in accordance with the purposes set forth in subsection (1) of this section.

(4) A beverage container shall not be certified under this section if by reason of its shape or design, or by reason of words or symbols permanently inscribed thereon, whether by engraving, embossing, painting, or other permanent method, it is reusable as a beverage container in the ordinary course of business only by a manufacturer or bottler of a beverage sold under a specific brand name.

(b) (1) Unless an application for certification under this section is denied by the Administrator within sixty days after the filing of the application in accordance with regulations of the Administrator, the beverage containers shall be deemed certified.

(2) The Administrator may review at any time certification of a beverage container. If after such review, with written notice and hearing afforded to the applicant for certification under this section, the Administrator determines the container is no longer qualified for certification, he shall withdraw certification.

(3) Withdrawal of certification shall be effective not less than thirty days after written notice to such applicant and to all known manufacturers and bottlers using such container.

PROHIBITION

Sec. 405. (a) No person shall manufacture for sale, sell, offer for sale, or introduce or deliver for introduction in interstate commerce any beverage container other than a returnable beverage container.

(b) Whoever violates subsection (a) of this section shall be fined not more than $1,000, or imprisoned for not more than six months, or both.

REGULATIONS

Sec. 406. The Administrator shall establish such regulations as are necessary for the purpose of this Act.

EFFECTIVE DATE

Sec. 407. The provisions of this Act shall be effective on the date of enactment of this Act, except that section 5 shall be effective after one hundred and eighty days following such date of enactment.

SOCIAL SECURITY AMENDMENTS OF 1973—AMENDMENT

AMENDMENT NO. 684

(Ordered to be printed, and referred to the Committee on Finance.)

SUBMISSION OF AN AMENDMENT TO H.R. 3153, THE SOCIAL SECURITY AMENDMENTS OF 1973

Mr. CHURCH. Mr. President, I am today submitting an amendment which I intend to offer to H.R. 3153, the Social Security Amendments of 1973. My amendment would provide that medical personnel, who by participation in the medicare and medicaid programs are recipients of Federal funds, shall not be required, on the basis of this aid, to participate in the performance of sterilization or abortion procedures if such procedures are in violation of that individual's religious beliefs or moral convictions.

With only technical modifications, this is the same provision adopted overwhelmingly by Congress as title IV of S. 1136, the Omnibus Health bill, subsequently signed into law (P.L. 93–45). When I originally authored this "conscience clause," the language was such that it applied to recipients of aid under all Federal health programs. It was in this form that it originally passed the Senate last March. However, the germaneness rules in the House of Representatives dictated that this provision could only apply to those programs specifically authorized by S. 1136—the Public Health Service Act, the Developmental Disabilities Act, and the Community Mental Health Centers Act—and today these are the only programs which fall within the reach of the law.

I indicated at the time of final passage of the Omnibus Health bill my intentions to find an appropriate vehicle for the extension of similar protection to doctors and other medical personnel who receive Federal assistance through their participation in medicare and medicaid programs. Because of its technical nature, H.R. 3153 is the most appropriate vehicle to accomplish this purpose.

I ask the support of my colleagues to expand this protection for personal beliefs already granted to participants in many of our major health programs. I think it is the general consensus of the Members of Congress that this recent enactment of law was not intended to be discriminatory, and that this protection should be extended to providers of medicare and medicaid services. Already, this new provision of law has been tested by the courts. In my own State of Idaho, a U.S. district judge ruled, partially on the provisions of Public Law 93–45, 87 statute 91, section 401(b), that a hospital did not have to reinstate the staff privileges of a doctor who refused to comply with the medical code of a Catholic hospital which had in previous years received Federal aid. It was the consensus of the court that this statute prohibits any court from finding State action on the part of a hospital which receives Hill-Burton funds and using that finding as a basis for requiring the hospital to make its facilities available for the performance of sterilization procedures or abortions. I ask unanimous consent that the court memorandum on this case, Watkins versus Mercy Medical Center, be printed at this point in the Record, along with the text of my amendment to H.R. 3153.

[In the United States District Court for the District of Idaho, Civil No. 1–73–17]

Wilfred E. Watkins, M.D., Plaintiff, versus Mercy Medical Center, et al., Defendants

MEMORANDUM DECISION AND ORDER

The plaintiff brought this action for injunctive and compensatory relief against the defendant hospital and its Board of Directors, contending that he had been denied medical staff privileges for failure to agree to, or abide by, the ethical or religious directives under the Code of Ethics for Catholic Hospitals as required by the application of any physician for staff privileges within the hospital, and that such a denial was a violation of his right to freedom of religion and due process of law. Recent congressional action concerning the subject matter of this suit and review of the evidence herein viewed in the light thereof convinces the Court that the plaintiff's claim is without merit.

Briefly, the facts as stipulated are that Dr. Watkins was denied reappointment to the medical staff at Mercy Hospital Center for failure to submit a proper application, reappointment to the staff coming on an annual basis. In his application of December 1, 1973, Dr. Watkins wrote an exclusion to his agreement to abide by the By-Laws of the Medical Staff of Mercy Medical Center so as to exclude the Ethical and Religious Directives for Catholic Health Care Facilities. Upon review by the Credentials Committee and the Executive Committee of the Medical Staff and the hospital Board of Directors, his application was rejected.

Dr. Watkins resubmitted an identical application which was also rejected for his refusal to comply with the Ethical and Religious Directives. His staff privileges thereafter expired on February 1, 1973. Dr. Watkins refused to comply with or agree to the Ethical and Religious Directives because they prohibit staff physicians from performing voluntary or involuntary vasectomies or other sterilization or abortion operations in a hospital setting. These procedures are prohibited solely for religious reasons as the hospital is financed and operated almost entirely by the Catholic Church. On the record it is admitted that Dr. Watkins is in all other respects, training, experience and ethically, qualified for staff privileges. It should be noted that there are approximately 5 hospitals within 50 miles of the Mercy Hospital which do permit all of the procedures under discussion here. Dr. Watkins, therefore, submits that his dismissal for failure to agree to or comply with the directives denies him of his own religious beliefs and his right to practice medicine without due process of law and he requests injunctive relief reinstating his staff privileges, as well as praying for general damages of $100,000.00.

The meagre evidence adduced by Dr. Watkins would not support any monetary relief against defendants.

Dr. Watkins has alleged jurisdiction in this Court to hear this matter on the basis of 28 U.S.C. § 1343(3),[1] contending defendants have deprived him of his constitutional rights in violation of 42 U.S.C. § 1983,[2] and also alleged jurisdiction under 28 U.S.C. § 1331[3] and 42 U.S.C. § 2000d.[4] For reasons more fully developed in this opinion, this Court feels Dr. Watkins is not entitled to the relief which he requests.

In order to state a claim for relief under 42 U.S.C. § 1983, it must be shown that Mercy Medical Center and its Board of Directors were acting under color of State law when they denied Dr. Watkins staff privileges. In other words, it must be determined that the enforcement of the hospital's rule requiring conformity by the medical staff to the directives which prohibit contraceptive procedures was an act done under color of State law. Since the hospital itself is otherwise a private hospital and not owned or operated by any arm of the state, the only means by which it could be said to act under color of law is if the hospital is sufficiently affected by state law and regulation and administration of federal funds by the state as to be considered acting under color of law.

Mercy Medical Center was constructed with the help of Federal Hill-Burton Act funds.[5] It has been held that hospitals which receive Hill-Burton funds are affected with state action. *Sams v. Ohio Valley General Hospital Association*, 413 F. 2d 826 (4th Cir. 1969); *Citta v. Delaware Valley Hospital*, 313 F. Supp. 301 (D.C. Penn. 1970); *Taylor v. St. Vincent's Hospital*, Civ. No. 1090, D.C. Mont., Oct. 31, 1972. However, recent congressional action has effectively revoked the ability of a court to find state action on the part of a hospital which receives Hill-Burton Act funds.

On June 18, 1973, the President signed into law the Health Programs Extension Act of 1973. Title IV, Sec. 401 of that Act, provides in part:

"(b) The receipt of any grant, contract, loan or loan guarantee under the Public Health Service Act, the Community Mental Health Centers Act, or the Developmental Disabilities Services and Facilities Construction Act by any individual or entity does not authorize any court or any public official or other public authority to require—

(2) such entity to—

(A) make its facilities available for the performance of any sterilization procedure or abortion if the performance of such procedure or abortion in such facilities is prohibited by the entity on the basis of religious beliefs or moral convictions . . ." P.L. 93–45; Stat. 91, § 401(b).

By its plain language this Act prohibits any court from finding state action on the part of a hospital which receives Hill-Burton funds and using that finding as a basis for requiring the hospital to make its facilities available for the performance of sterilization procedures or abortions. The above sections were specifically aimed at such a result as evidenced by the legislative history. See H.R. No. 93–277; 1973 U.S. Code Congressional and Administrative News, 1553 and 1557.[6]

In essence, what Dr. Watkins has asked this Court to do is require Mercy Medical Center to make its facilities available for the performance of sterilization procedures by way of requiring his reinstatement to the medical staff. The above language of the Health Programs Extension Act of 1973 clearly prohibits such a course of action.

Neither does the fact that Mercy Medical Center receives tax exempt status from the state, is licensed by the state and applies for and receives state and federal monies under the Medicare and Medicaid programs, support a finding that the hospital is sufficiently clothed with state control so as to be acting under color of state law. The state has executed no conditions upon the hospital concerning sterilization or abortion in order to receive tax benefits or state or federal money. The state regulations which the hospital must conform to in no way relate to its policy concerning sterilization or abortions. Since hospital policy is not and has not been affected by the benefits bestowed upon it by the state, defendants were not acting under color of state law when the policy was formulated or enforced. Doe v. Bellin, ——F. 2d—— (9th Cir. 1973); Ham v. Holy Rosary Hospital, U.S.D.C., Mont. Dec. 20, 1972, # 1103. Therefore, Dr. Watkins has not stated a claim for relief under 42 U.S.C. § 1983. Chism v. Price, 457 F. 2d 1037 (9th Cir. 1972).

However, despite supporting a finding that defendants were not acting under color of state law, the Health Programs Extension Act is not without the characteristics of a double-edged sword. Title IV of the Act further provides that:

"(c) No entity which receives a grant, contract, loan or loan guarantee under the Public Health Service Act, the Community Mental Health Centers Act, or the Developmental Services and Facilities Construction Act after the date of enactment of this Act may— . . .

"(2) discriminate in the extension of staff or other privileges to any physician or other health care personnel, because he performed or assisted in the performance of a lawful sterilization procedure or abortion, because he refused to perform or assist in the performance of such a procedure or abortion on the grounds that his performance or assistance in the performance of the procedure or abortion would be contrary to his religious beliefs or moral convictions respecting sterilization procedures or abortions." P.L. 93–45; 87 Stat. 91, § 401(c).

Congress has taken the position that the fact a hospital receives Hill-Burton funds does not authorize a finding that the hospital acts under color of state law as a basis for requiring it to make its facilities available for the performance of sterilization procedures or abortions if the hospital declines for religious or moral reasons. But, at the same time, the hospital cannot discharge a staff member who religiously or morally believes that such services should be performed. The legislation is aimed at protecting the religious rights of both the hospital and the individual. The hospital can prohibit its staff from performing sterilization procedures or abortions in the hospital, but it cannot require its staff to adhere to the religious or moral beliefs which support the hospital's policy as a condition of employment or extension of privileges.

In this case Mercy Medical Center, by way of its application for staff privileges, was requiring Dr. Watkins to agree not to perform sterilization services in the hospital. The hospital was not trying to require Dr. Watkins to adopt their religious beliefs, for he is free to believe that sterilization services should be offered and performed, but the hospital also has the right to believe that such services should not be performed and the right to prohibit the use of its facilities for those purposes.

By similar analysis, Dr. Watkins' general constitutional claim that defendants have violated his First and Fourteenth Amendment rights is without merit. It is unquestioned that the prohibition against the establishment of, or prevention of, the free exercise of religion is wholly applicable to the states through the Fourteenth Amendment. *Cantwell v. Connecticut*, 310 U.S. 296, 84 L. Ed. 1213, 60 S. Ct. 900 (1940); *Cruz v. Beto*, 405 U.S. 319, 31 L. Ed. 2d 263, 92 S. Ct. 1079 (1972). But in order to support a claim that Dr. Watkins has been denied the right to freely exercise his religious beliefs or that he has been denied due process of law, he must show some significant state involvement in the activity that allegedly has violated his rights. *U.S. v. Price*, 383 U.S. 787, 16 L. Ed. 2d 267, 86 S. Ct. 1152 (1966); *Martin v. Pacific Northwest Bell Tel. Co.*, 441 F. 2d 1116 (9th Cir. 1971). For the reasons previously stated in this opinion, the Court is of the belief that there was not state action in this matter.

Plaintiff's claim under 42 U.S.C. § 2000d is without merit also. Assuming that Dr. Watkins was discriminated against on the basis of his religious beliefs, that section speaks only in terms of racial discrimination.

In conclusion, even assuming the requisite state action in this matter to support a claim for relief under 42 U.S.C. § 1983 or the Fourteenth Amendment, the Court feels it must emphasize that Mercy Medical Center has the right to adhere to its own religious beliefs and not be forced to make its facilities available for services which it finds repugnant to those beliefs. The hospital cannot discriminate against those who believe otherwise, but it can set up reasonable safeguards to insure that others do not use their facilities for services which the hospital does not religiously believe should be offered. Dr. Watkins is free to believe that sterilization services should be provided for the public and to perform them anywhere he is able. However, he cannot force Mercy Medical Center to allow him to perform them in its hospital. To hold otherwise would violate the religious rights of the hospital.

It is, therefore, ordered that the plaintiff's request for both preliminary and permanent injunction against defendants be, and the same is hereby, denied, and that the plaintiff take nothing by his complaint against the defendants. No costs are allowed.

If counsel so stipulate in writing filed with the Clerk, this Memorandum shall constitute the Findings of Fact and Conclusions of Law and defendants' counsel will submit an appropriate proposed judgment. If not so agreed, defendants' counsel will make the submissions required by Local Rule 18.

Dated this 30th day of July, 1973.

J. Blaine Anderson,
U.S. District Judge.

FOOTNOTES

[1] "The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person.

"(3) To redress the deprivation, under color of any State law, statute, ordinance, regulation, custom of usage, of any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States;"

[2] "Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress."

[3] (a) The district courts shall have original jurisdiction of all civil actions wherein the matter in controversy exceeds the sum or value of $10,000, exclusive of interest and costs, and arises under the Constitution, laws, or treaties of the United States.

[4] No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

[5] Title IV of the Public Health Services Act; 42 U.S.C. § 291 et seq.

[6] The "Purpose of Proposed Legislation," p. 1553, dealing with the "conscience amendment" to the Health Programs Extension Act of 1973, speaks directly to the point:

"The background for subsection (b) of section 401 of the bill is an injunction issued in November 1972 by the United States District Court for the District of Montana in *Taylor* v. *St. Vincents Hospital*. The court enjoined St. Vincents Hospital, located in Billings, Montana, from prohibiting Mrs. Taylor's physician from performing in that hospital a sterilization procedure on her during the delivery of her baby by Caesarian section.

"The suit to enjoin the hospital was brought under 42 U.S.C. 1983 (which authorizes civil actions for redress of deprivation of civil rights by a person acting under color of law) and 28 U.S.C. 1343 (which grants United States district courts jurisdiction of actions (authorized by another law) to redress deprivation, under color of any State law, of a Constitutional right). In ruling on a motion to dismiss for lack of jurisdiction, the court stated that 'the fact that the defendant [St. Vincents Hospital] is the beneficiary of the receipt of Hill-Burton Act [title VI of the Public Health Service Act] funds is alone sufficient to support an assumption of jurisdiction. . . .' The court also found two other factors (state licensing and tax immunity) that established a connection between the hospital and the State sufficient to support jurisdiction.

"Subsection (b) of 401 would prohibit a court or a public official, such as the Secretary of Health, Education, and Welfare, from using receipt of assistance under the three laws amended by the bill (the Public Health Service Act, the Community Mental Health Centers Act, and the Developmental Disabilities Services and Facilities Construction Act) as a basis for requiring an individual or institution to perform or assist in the performance of sterilization procedures or abortions, if such action would be contrary to religious beliefs or moral conviction.

"In recommending the enactment of this provision, the Committee expresses no opinion as to the validity of the *Taylor* decision."

The "Section-by-Section Analysis" under the item "Miscellaneous", pp. 1557–58, succinctly states congressional purpose as follows:

"In addition, section 401 of the bill provides that receipt of financial assistance under any of the aforementioned Acts does not constitute legal basis for a judicial or administrative order requiring an individual to aid in performing a sterilization or abortion, if such activity is contrary to the individual's religious or moral beliefs. Nor does receipt of financial assistance provide legal authority for a judicial or administrative order requiring the provision of personnel or facilities by any entity for the performance of sterilization or abortion, if such activity is contrary to the religious or moral beliefs of the personnel or prohibited by the entity for religious or moral reasons."

There being no objection, the amendment and memorandum were ordered to be printed in the Record, as follows:

Amendment No. 664

On page 9 add the following at the end thereof:

Sec. —— (a) Title XVIII of the Social Security Act is amended by adding at the end thereof the following new section:

"Sec. 1880 (a) Nothing in this title shall be construed to require—

"(1) any individual to perform or assist in the performance of any sterilization procedure or abortion if his performance or assistance in the performance of such procedure or abortion would be contrary to his religious beliefs or moral convictions; or

"(2) any provider of services to—

"(A) make its facilities available for the performance of any sterilization procedure or abortion if the performance of such procedure or abortion in such facilities is prohibited by the entity on the basis of religious beliefs or moral convictions, or

"(B) provide any personnel for the performance of assistance in the performance of any sterilization procedure or abortion if the performance or assistance in the performance of such procedure or abortion by such personnel would be contrary to the religious beliefs or moral convictions of such personnel.

"(b) No provider of services which receives any payment under this title may—

"(1) discriminate in the employment, promotion, or termination of employment of any physician or other health care personnel, or

"(2) discriminate in the extension of staff or other privileges to any physician or other health care personnel, because he performed or assisted in the performance of a lawful sterilization procedure or abortion, because he refused to perform or assist in the performance of such a procedure or abortion on the grounds that his performance or assistance in the performance of the procedure or abortion would be contrary to his religious beliefs or moral convictions, or because of his religious beliefs or moral convictions respecting sterilization procedures or abortions."

"(c) The amendments made by this section shall be effective on the first day of the month following the month in which this Act is enacted."

Sec. —— (b) Title XIX of the Social Security Act is amended by adding at the end thereof the following new section:

"Sec. 1911 (a) Nothing in this title shall be construed to require—

"(1) any individual to perform or assist in the performance of any sterilization procedure or abortion if his performance or assistance in the performance of such procedure or abortion would be contrary to his religious beliefs or moral convictions; or

"(2) any agency, institution, or facility to—

"(A) make its facilities available for the performance of any sterilization procedure or abortion if the performance of such procedure or abortion in such facilities is prohibited by the entity on the basis of religious beliefs or moral convictions, or

"(B) provide any personnel for the performance or assistance in the performance of any sterilization procedure or abortion if the performance or assistance in the performance of such procedure or abortion by such personnel would be contrary to the religious beliefs or moral convictions of such personnel.

"(b) No agency, institution, or facility which receives any payment under this title may—

"(1) discriminate in the employment, promotion, or termination of employment of any physician or other health care personnel, or

"(2) discriminate in the extension of staff or other privileges to any physician or other health care personnel, because he performed or assisted in the performance of a lawful sterilization procedure or abortion, because he refused to perform or assist in the performance of such a procedure or abortion on the grounds that his performance or assistance in the performance of the procedure or abortion would be contrary to his religious beliefs or moral convictions, or because of his religious beliefs or moral convictions respecting sterilization procedures or abortions."

"(c) The amendments made by this section shall be effective on the first day of the month following the month in which this Act is enacted."

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 656

At the request of Mr. **Helms**, the Senator from Alabama (Mr. **Allen**), the Senator from New York (Mr. **Buckley**), the Senator from Florida (Mr. **Gurney**), the Senator from Virginia (Mr. **William L. Scott**), the Senator from Texas (Mr. **Tower**), and the Senators from Arizona (Mr. **Fannin** and Mr. **Goldwater**) were 656, intended to be proposed by him to S. 2589 to authorize and direct the President and State a ndlocal governments to develop contingency plans for reducing petroleum consumption, and assuring the continuation of vital public services in the event of emergency fuel shortages or severe dislocations in the Nation's fuel distribution system, and for other purposes.

ADDITIONAL STATEMENTS

HEALTH PROGRAMS NEED SUPPORT

Mr. **STEVENSON**. Mr. President, in Chicago, today, we are celebrating the dedication of the new Rush Medical School building. We celebrate not only a building, but a partnership between people and Government for—as all the friends of that institution know—a great and expensive center for medical education does not build itself; it takes work and imagination—and dollars—from many sources.

Let us pay tribute to the law that was one source of those dollars—a law that deserves our support and concern and protection in the future. It is called, in the prosaic style of this body, "The Health Manpower Training Act of 1971." But there is nothing prosaic about what that law has done:

In 3 years, it has helped increase first-year medical school enrollments by almost 2,000;

It has helped increase the number and size and outreach of medical and nursing schools across the country: in 1971 there were three new medical schools; in 1972, three—and this year there are five.

By almost any yardstick, then, this Federal program has been a success. Yet today it is in danger. The Health Manpower Act expires next year—and today some ominous voices in Washington are being raised against it.

We are being told by the administration that there may soon be a surplus of doctors in America.

We are being told that because medical students will enjoy high incomes later in life, they and their institutions should be denied Federal assistance now.

We are being told, in short, that we can afford more dollars for bombs and missiles and submarines—but that we must cut back on dollars for doctors and nurses and hospitals and housing and help for our cities.

That, in my judgment, is foolishness—shortsighted, dangerous, even tragic foolishness.

Cut back? When in Illinois alone, four communities must rely on Health Service Corps doctors? And five more are on the waiting list?

Cut back? Close the door to poor and middle-class students when 1 year's costs for educating a medical student are between $16,000 and $26,000?

Cut back? When already the Nation's programs for health research and treatment and training are threatened as never before?

In a television speech last August, the President—urging us to stop "wallowing in Watergate" and turn to other matters—told the Nation that "Legislation vital to your health and well-being sits unattended on the congressional calendar."

In fact, the Congress has been busy and active on that legislation. I need mention only one or two facts about that legislation so vital to our health and well-being.

Congress passed an Emergency Medical Services Act—and the President vetoed it.

Congress voted some important ad-

Footnotes at end of article.

vances in the Labor-HEW appropriations bill—and the President vetoed it.

And the Congress has been busy trying to restore funds gutted from the Federal budget by the administration:

Cut from cancer research: $60 million;

Cut from heart disease programs: $42 million;

Cut from medical research: $128 million;

Cut from manpower training: $300 million;

Cut from hospital and health facilities construction: $195 million.

I say all this, not to introduce a note of political controversy but to emphasize that if anyone is neglecting the health and well-being of our people—the responsibility lies not with Congress, but somewhere else.

And I say it to emphasize another fact: That programs to protect and enhance the lives of our people are not just fortunate accidents. They are not the offspring of Senators and Congressmen. And they do not lead easy, sheltered lives. If we are to save and protect and extend these worthwhile programs, we need to hear the public's voice in Washington against those who tell us that health programs are too expensive.

Almost two centuries ago, Thomas Jefferson wrote that—

> The care of human life and happiness is the first . . . objective of Government.

That may have been a revolutionary notion in his day. But in the years since then, it has become deeply embedded in our national life.

Deeply embedded—but not yet wholly secure.

So today, as a new medical school is dedicated in Chicago—let us also dedicate ourselves: To fight for that idea, so that tomorrow there can be other celebrations.

CRISIS IN LEADERSHIP

Mr. GRIFFIN. Mr. President, one of the ablest and most articulate Members of this body is Senator PETER H. DOMINICK, of Colorado. When he addressed the Denver Bar Association recently. his speech received widespread attention. I ask that the text of his remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR PETER H. DOMINICK

I am deeply concerned about the serious crisis facing this country today. I refer not to the war in the Mid-East, to the economy, or to the energy situation, although those are indeed serious problems. I refer to the crisis of confidence in our leadership.

There can be no question that this crisis exists, nor that it has grave implications for the future of this country. The signs are everywhere. It is evident in the opinion polls. It is evident in the flood of direct communications from Americans in all walks of life and of all political affiliations to members of Congress and other public officials. I have read and listened carefully to the communications which began to come into my office last week after Special Prosecutor Cox was fired and Attorney General Richardson and Deputy Attorney General Ruckelshaus had resigned. I am not surprised by the angry reaction, because my reaction was the same. But I am disturbed by the deep sense of frustration and distrust toward the President and our entire government which pervades these communications. This troubles me more than anything I have encountered in public life.

It is tragic that the crisis of confidence envelopes the President of the United States, to whom the American people, and the entire free world look for leadership. It is equally tragic that it extends to the great institutions of our government, institutions which have long symbolized the strength and contunity of our democratic form of government. I hope the damage to the Justice Department, the F.B.I., and the C.I.A. is not irreparable.

The responsibility for this crisis rests ultimately with those who have abused their powers and misused our institutions. Although the President has borne much of the blame, I believe others are responsible for most of these abuses. But I think the American people should recognize that over a long period of time they have helped create an atmosphere in which it has become possible for such abuses to occur. Instead of viewing the President as one who has been elected to serve the people, too many of us have stood in awe. The Presidency is the highest office in the land, and accordingly is entitled to great respect. But the man in the street should begin to realize that the men who have held that office have been men who put their pants on one leg at a time, just like everyone else.

It is impossible to single out one action or event which has precipitated the crisis facing us now. Watergate and related matters which have dominated the news for more than a year now raise a host of complex legal and constitutional issues. But swirled up in all of this is one simple question which is of absolute paramount importance. That question is: Are we a nation of laws or a nation of men?

The answer is, and must be, that we are a nation of laws. That is the single most important principle underlying our democratic system of government. Adherence to that principle is what has enabled our system to endure as long as it has. No government can survive over the long run without the confidence and support of the people. Ours has survived because each American has believed that his or her rights and duties are spelled out in written documents which apply equally to everyone—without excepton. Yet recent events have raised doubts in the minds of many Americans that this principle is being adhered to. The resulting crisis of confidence in our leadership therefore goes to the very heart—the very survival—of our system of government.

That being the case, the present situation cannot be allowed to continue for another three years. Anyone who loves this country cannot stand by and watch it go adrift. We live in a dangerous and increasingly complex world, one in which no government can survive long, let alone achieve its goals, without strong and effective leadership. Secretary of State Kissinger acknowledged this in his press conference on the Mid-East war last week when he said, "One cannot have crises of authority in a society for a period of months without paying a price somewhere along the line."

For these reasons, I think the time has come to sweep all other issues aside and meet this crisis head-on. We must take whatever action is necessary to restore the confidence of the American people in the principle that our laws will be applied fairly and equally to everyone—without exception. The confidence of the American people in our government must be restored, whatever the cost.

To those ends, I think the following steps should be taken:

First, the vacancy in the Office of Vice President should be filled as quickly as possible. The Congress should proceed expeditiously to the consideration of Gerald Ford's nomination. I think the American people should demand that partisan politics be laid aside and that the constitutional procedure set out in the 25th amendment for filling vacancies in the Office of Vice President be implemented without delay. It should be pointed out that, aside from the question of succession if the President should die or be removed from office, so long as we have no Vice President there is no way under the Constitution to deal with presidential disability. The 25th amendment sets out the procedure for removing the President from office should he become disabled. But those provisions are not operative unless there is a Vice President. So, if the President suffered a stroke tomorrow, rendering him totally unable to make decisions, there would be no constitutional way to replace him.

The Democratic Party probably has the power, since it controls the Congress, to delay action on Mr. Ford's nomination in order to maximize the possibility of getting a member of their Party—namely, Speaker of the House Albert—into the Presidency. But this circumvention of the Constitution would in effect be "government by coup", and would do a disservice to the American people. While it is true that the President does not now have the confidence of the American people, it is for reasons aside from his *policies*. His policies were overwhelmingly supported at the polls just a year ago, and the electorate is entitled, both in fairness and under the Constitution, to have a Vice President who also supports those policies, as Gerald Ford would.

Second, the investigations begun by Special Prosecutor Cox should be pursued with vigor, unhindered by outside interference from any source. This must be done expeditiously and in a way which convinces the American people that our laws are going to be applied evenly to everyone.

Based on recent events, I am not sure any prosecutor who is responsible to the executive branch can have the independence necessary for him to carry out this difficult task. On the other hand, the proposal that the District Court appoint a new Special Prosecutor raises questions in my mind about the need to preserve the separation between the prosecutorial and judicial functions which has been fundamental to our legal system.

There are several ways this could be resolved. I don't think the form it takes is crucial—so long as the end result is a vigorous, unfettered, even application of our judicial process to the Watergate and related matters. I hope that whoever assumes this responsibility will confine his activities to the judicial process, and will observe the canons of ethics regarding confidentiality, rather than leaking information to political cronies and the press.

Third, I urge the President to make a complete disclosure of all information to which he has access regarding the Watergate and related investigations begun by Special Prosecutor Cox. I mean "disclosure" in the fullest sense. The President should divulge everything he has personal knowledge of, and should permit complete access to all tapes, papers, files, documents and memoranda which have been requested by the Senate Watergate Committee and the Special Prosecutor. Additionally, the President

should make available *voluntarily* all other information within his control—whether in or out of the executive branch—which he feels will have a bearing on the issues that have been raised. The breadth of this disclosure should be limited only by constraints imposed by the national interest. He should direct his staff and all employees of the executive branch to cooperate fully in this regard.

As much of this disclosure as possible should be made directly to the American public. They are the ones whose confidence must be won back. Where the national interest would be jeopardized by such direct disclosure, the information should be made available promptly under appropriate safeguards such as in camera inspection by the District Court.

Nothing short of complete disclosure will be adequate to restore the confidence of the American people. There can be no more deals and no more technical arguments about evidence. I am convinced that the full truth about all of the issues that have been raised will eventually come out. Anyone who has the well-being of this country in mind will agree that it should come out now, rather than later. With the complete disclosure I am recommending the judicial process could run its course, and this crisis could be resolved in months. Without it, it could take years. Great Britain could never be subjected to a crisis of these dimensions over such a long period of time. Under their Constitution, Parliament would have been dissolved and the crisis of confidence would have been resolved by the people at the polls weeks or months ago.

I know it will be contended that the action I have suggested would do violence to the principle of separation of powers and the doctrine of executive privilege. I do not wish to treat those matters lightly. But they are insignificant in comparison with the absolutely critical need to restore the confidence of the American people in our government. Moreover, until confidence is restored, such principles will not be given the credence they would ordinarily be entitled to under our legal system. Under present circumstances, the further invocation of executive privilege, or national security arguments in connection with the issues under investigation would be viewed simply as another attempt to "cover up."

Only the President has the power to order the prompt and full disclosure I am calling for. Neither the courts nor the Congress can do it. And that is as it should be. This crisis is ultimately the President's responsibility, and I am sure he understands that he must bear the consequences if he fails to deal with it quickly.

Finally immediate steps should be taken in the House of Representatives to establish a procedure for determining quickly whether there are grounds to bring impeachment proceedings against the President. Given the urgent need for a quick resolution of the crisis facing this country, I think it is essential that this procedure be established on a strictly bipartisan basis. A bipartisan select committee in the House would be far preferable to the Judiciary Committee, which will inevitably be subject to accusations of political motivations, resulting in unnecessary delay. I hope everyone will recognize that there is too much at stake here to permit indulgence in partisan politics.

I am reluctant to talk about impeachment, as anyone who loves this country should be. But the genie is already out of the bottle, and it cannot be put back in. The confidence of the American people cannot be restored until the impeachment question is disposed of, and this must be done as quickly as possible.

For that reason, determination of whether grounds for impeachment exist cannot wait while the judicial process set in motion by the Special Prosecutor runs its course. Hopefully, the President will shorten that process by making a full disclosure which helps restore the confidence of the American people. If he does, that will have an impact on impeachment proceedings. "High crimes and misdemeanors" in the Constitution means essentially whatever the House of Representatives says it does. Since Congress will presumably reflect the thinking of the American people, the outcome of impeachment proceedings will depend on whether the President's disclosure is sufficient to restore confidence in him. Again, that is as it should be.

I want to make it clear that I am not suggesting there are grounds for impeachment at the present time. As a member of the body which would sit as a court of impeachment should the House act affirmatively on an impeachment resolution, it would be improper for me to reach a premature conclusion. Impeachment proceedings should be viewed as a method of clearing the President as much as a way to remove him from office. In any event, the crisis of confidence in our leadership cannot be resolved without dealing with this question. There can be no turning away from it at this point.

I suppose many members of my Party will ask why I, as a long-time Republican and supporter of many of the President's policies, feel compelled to speak out, rather than sit back and give him the benefit of the doubt. The answer is that while I am devoted to my Party, more importantly, I am devoted to my country. I can't sit back and watch the very foundation of our democracy—the confidence of the American people—disintegrate. I think everyone in public life has a duty to press for a resolution of this crisis at the earliest possible moment. The time has come to look this thing in the eye, call a spade a spade, and let the chips fall where they may.

The fact that I am devoted to my Party is sufficient reason to speak out. I think Republicans have more reason to be upset about the current state of affairs than anyone else. Frankly, I am damned mad about it. The Republican Party did not get us into this mess. As far as I'm concerned, the working relationship between the Republican Party and this Administration has been tenuous at best for some time. Going back to the Congressional elections of 1970, there has been little willingness on the part of the Administration to cooperate with Republican Party leaders, let alone seek their advice. The Administration has pursued its independent course to this juncture. Although our overall goals and policies will probably continue to coincide with those of the Administration, I believe the Republican Party would be well advised to follow a more independent course from here on. I think a good place to start would be for the Republican Party to take the leadership in resolving the crisis of confidence in our government.

CLEARCUTTING ON FEDERAL LANDS

Mr. McGEE. Mr. President, many of my colleagues undoubtedly saw the front page story in Monday's Washington Post regarding the recent decision of a Federal district judge in West Virginia, barring the practice of clearcutting on Federal lands. For those of my colleagues who share my concern about clearcutting and who might have missed the article, I ask unanimous consent that the article be printed in the RECORD at the conclusion of my brief remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McGEE. Mr. President, it would be noted in the ruling of U.S. District Judge Robert Maxwell, that he not only found the practice in violation of law, but also recommended the practice be justified to Congress so that it might ". . . make a reasoned judgment in the matter." Clearly the groundwork for such reasoned jugment has never been established, despite my efforts during the past three Congresses to establish an impartial panel of experts to review the practice of clearcutting. Had we done this, we would be well on the way toward a sound and reasoned response to Judge Maxwell's mandate.

Should this ruling be applied by district courts throughout the Nation, it may be that the traditional foes of my bill, S. 2620, will come to realize that such legislation will provide the only hope for their point of view. I believe the need is becoming increasingly evident for Congress to act speedily upon my bill to establish an independent commission to review the practice of clearcutting.

EXHIBIT 1

CLEARCUTTING U.S. TIMBER HELD ILLEGAL

(By Laura A. Kiernan)

In a landmark ruling hailed by conservationists, a federal district judge in West Virginia has held that trees in federally owned woodlands must be dead or matured before they are cut down and sold as timber to private industry.

The ruling bars the timber industry from the controversial practice of clear-cutting—cutting down all the trees in a given area regardless of their age—in at least one national forest and, if upheld, could establish new guidelines for management of all federal timberlands.

The ruling orders the U.S. Forest Service in the Monongahela National Forest to mark and designate each tree to be cut, a departure from current practice in which trees are cut in groups.

The restrictions come at a time when the Nixon administration has been trying to increase the timber harvest to keep lumber prices down. Clear-cutting is generally quicker and cheaper than the individual harvesting of trees.

U.S. District Judge Robert Maxwell ruled in a suit brought by several conservationist organizations that cited violations of an 1897 statute in the management of the Monongahela forest, located in the Allegheny Highlands of West Virginia.

Maxwell said the language of the statute known as the Organic Act of 1897, "constitutes a clear directive from Congress to the persons charged with the administration of the national forests, that trees can be sold only if they are 'dead, matured or large growth' and then may be sold only when the sales serve the purpose of preserving and promoting the younger growth of timber on the national forest . . .

"Policies and practices of the U.S. Forest Service to the contrary are an unwarranted intrusion into an exclusive area of congressional province."

The Justice Department had argued that Congress "has been aware of what is happening on the national forests" and because it

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hasn't acted to stop those practices, it, in effect, sanctions them.

The plaintiffs—the Sierra Club, Natural Resources Defense Council and West Virginia Izaak Walton League—contended that 46.7 per cent of the total 39,922 acres cut in the Monongahela Forest from 1968 through 1972 was harvested through clear-cutting.

Although the government denied the charge, the judge said it was just such practices that prompted the Congress to draw up the Organic Act in 1897.

"Congress apparent distaste and antagonism toward certain exploitative practices which occurred in the lumber industry obviously set in motion a series of legislative efforts to avert, at that time, a national catastrophe with regard to publicly owned forests," the judge said in his 20-page opinion issued Nov. 6.

The policies and practices in the Monongahela forest that the conservationists complained about, the judge said, "do violence to the legislative language of the Organic Act of 1897."

In the 76 years since that statute was passed, the judge commented, "it becomes increasingly clear that as new theories in forest management were proclaimed, as new methods of harvesting practices became available from the fertile, inventive mind of man, and as new demands for wood products were pressed upon industry, there developed . . . a gradual accommodation to the outside pressures of industrial progress in productivity."

This may be the reason for current managerial practices such as marking boundary areas instead of individual trees and leaving unmarketable but cut down trees behind, the judge said. His ruling outlawed both practices in the West Virginia forest.

The judge said, "Compromises of expressed legislative goals happened in public forest harvest practices . . . which cannot be sanctioned under the law as this court finds the same to exist.

"If the reasons for the policies and practices of the Forest Service are valid . . . then such evidence should be presented to the Congress (which) can and will make a reasoned judgment in the matter," the judge said.

The government is expected to appeal Judge Maxwell's decision in January.

SENATOR BENNETT DISCUSSES PSRO

Mr. HANSEN. Mr. President, on Thursday, November 8, Senator WALLACE BENNETT addressed the Essex County Medical Society in East Orange, N.J., concerning the professional standards review law and the difficulties which have appeared in attempting to implement it.

The Senator examined three key issues which have arisen over the Bennett amendment since it became law: First, the failure of HEW to get the program off the ground; second, the attempt of certain groups and individuals to set up central PSRO control mechanisms in large States with subcontracts in local areas as opposed to the complete local area emphasis of the Bennett amendment, and third, the accusations leveled against PSRO by organizations such as the Council of Medical Staffs and the American Association of Physicians and Surgeons who challenge the law as it was passed.

I believe Senator BENNETT's comments will clarify for the Members of this body any confusion over the amendment that may have been created in the period since its passage. I would note particularly the Senator's defense of the local PSRO concept.

I ask unanimous consent that the Senator's remarks be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

PSRO ESSEX COUNTY MEDICAL SOCIETY

(By Senator WALLACE P. BENNETT)

I certainly appreciated receiving your kind invitation to visit with you this evening to discuss the PSRO law and its implementation.

Rather than go through a rehash of the legislative history leading to enactment of my PSRO amendment, I thought it might be interesting and useful to you if I should discuss some of the key issues which have arisen over the Bennett Amendment since it became the law. Basically, these boil down into three areas of concern: First is the failure of HEW to get the program off the ground promptly; second, there is the issue created by attempts to set up central PSRO control mechanisms in large states, with subcontractors in local areas, as opposed to direct contracts with local PSRO's; and, third, there are the accusations leveled against PSRO by organizations such as the Council of Medical Staffs and the American Association of Physicians and Surgeons challenging the legislation.

Let's begin with a look at the administration or, perhaps, lack of administration of the PSRO Amendment by HEW. During the year which has passed since President Nixon signed PSRO into law, HEW has not, in my opinion, acted to implement PSRO in timely fashion. Despite Secretary Weinberger's strong personal commitment to the PSRO concept, the segments of the Department charged with bringing PSRO into being have not moved expeditiously, to put it charitably. As a matter of fact, I believe that the other difficulties I will discuss with you, including the issue of the statewide vs. local control and the misinformation about PSRO that has sprung up are attributable in good part to the administrative vacuum which has existed since PSRO became law. This vacuum has virtually extended an invitation to things which go bump in the night.

Be that as it may, I am sure we are already seeing more positive administrative activity with respect to PSRO. Secretary Weinberger shares my concern over the need to get the show on the road. He has communicated that concern to the HEW officialdom, and this has resulted in a spate of activity within the past few weeks which has not only produced a firm statement of the policy to be followed in the designation of PSRO areas, but has also moved up the time at which we can expect the announcements to be made that actual PSRO areas have been selected. This could happen before December first.

Recently pressure has been brought on the Secretary to enter into one PSRO contract with a single organization in large states, which would permit such an organization in turn to subcontract with local organizations which would then undertake the actual review under its statewide control. To avoid mincing words, such contracts would be a complete repudiation of the intent of the Bennett Amendment. Its purpose was to establish PSRO's at every local medical service area of a size sufficient to support objective and comprehensive review.

Outside of the large urban areas experience has shown that the ideal size for a PSRO would be within the range of from 800 to 1500 physicians. Of course, it was anticipated that Statewide PSRO's would necessarily be established in some 20 or so smaller or more sparsely populated states. I thought that the issue of Statewide vs. local control of PSRO had been clearly settled when the law was passed, but it has never been accepted by some societies in a few large states or by the AMA. It is their contention that there is a need in larger states for a central mechanism to have prime responsibility to supervise and coordinate the activities of the local organizations. This I reject. I agree that there is a legitimate role a statewide entity can play in terms of providing service as a resource center as well as necessary technical and administrative assistance to a local area PSRO. However, I do not agree for one moment that the PSRO prime contract with the Secretary of HEW should be with one large statewide entity, leaving the local PSRO organizations in the status of subordinate satellites. Rather, the prime PSRO contracts should be with qualified local organizations which, on their own initiative, can enter into contractual arrangements for any supportive or technical assistance with any available resource, including a statewide medical organization.

There is a basic reason for this attitude on my part. Under the PSRO concept, physicians who practice medicine in local medical service areas are to be held accountable for the quality of their practice. If that is so, then they must be offered the first opportunity to accept the basic responsibility and authority for establishing and operating their own review mechanisms, and to me that means full responsibility. For example, if New Jersey had a Statewide PSRO contract and Essex County had a subcontract, who would be responsible for determining and negotiating the budget for the Essex County area? Who would be responsible in Essex County for determining how many employees were needed, what kinds of employees were needed, and how the physicians responsibility for carrying out the PSRO program would be assigned and supervised? Should a statewide entity in New Jersey have the right to tell the Essex County review organization that it cannot have additional budget or personnel unless it conforms to certain and, possibly, unrelated, requirements of the statewide organization unacceptable to it? It is my firm belief that the hiring and firing, the control of the budget, and the determination of the modus operandi should be the province of the local PSRO and should not be subject to the initiative and prior approval of a statewide umbrella entity. In other words, we are talking about full responsibility and authority upon which true accountability can be based, and this full responsibility must include full authority with respect to the operation, administration and funding of the review mechanism in the local area. Of course, I recognize that some local organizations will need assistance in these areas, at least in the beginning. Both the law and HEW policy recognize this and provide for state assistance for meeting such needs. But assistance is a far different matter than control.

Quite simply, the thrust of the PSRO legislation was to build from the ground up and not from the top down. It was to build PSRO's upon the practitioners of medicine and not its centrally organized bureaucracy, because what PSRO is involved with is the on-the-spot review of medical practice. That is why I believe it is absolutely vital that, whenever possible, PSRO's be locally based wherever organizations large enough to support objective review can be set up which, at the same time can be small enough so that the individual doctor can freely identify with and participate in the review process.

I addressed this issue a short time ago in a speech to the American College of Surgeons. I indicated that I support the concept of prime PSRO contracts with local organizations wherever possible. At this meeting I said:

"There is no question in my mind but that the larger the organization the more remote the relationship with the individual practitioner, the less capable he is of identifying with its goals and activities, and the weaker will be his motivation to participate. And, the individual practitioner's sense of identification with and participation in the PSRO activities goes to the heart of what PSRO is all about—an educational process resulting from the broadest possible participation by doctors in an area in the review experience on an ongoing basis. The educational effect occurs during the continuing development, application and exposure to parameters of care outside of his own practice. If we are truly concerned about the quality of medical care, we must see the PSRO's more as instruments of improvement for every physician rather than as traps for the failing few.

"As a layman, I can appreciate the sensitivity of having your day-to-day practice reviewed. I can also appreciate the need of the individual doctor to feel—and, in fact, have—a direct relationship with the review mechanism. That would be almost a one-to-one relationship in my mind, to an organization which is immediately responsive to his legitimate concerns and complaints—an organization in which, over time, he himself is reviewer as well as reviewee.—An organization which can be reached with a local phone call for a resolution of a problem.—An organization in which he can have a reasonable and direct say with respect to the standards of his practice and those of his peers in the area. It is not a distant organization which represents him, as a member, in terms of broad issues concerning medicine—it is an organization close at hand which is actually evaluating the care he provides to Mrs. Jones.

"Given those sensitivities—given the sad history of review in the past—given the apprehensions with respect to arbitrariness, insensitivity and red tape—it is extremely difficult for me to believe that we can enlist physicians generally as active participants in a review process supervised at a point remote from them and beyond their direct control."

There is another practical reason why the ultimate responsibility should rest in the local PSRO's. The PSRO statute provides for a statewide coordinating mechanism in the form of the Statewide Professional Standards Review Council in states with three or more local PSRO areas. The Council consists of one physician from each PSRO area, two physicians each from the State Hospital and Medical Associations and four public members knowledgeable in health care. Apart from the responsibility of assisting in the coordination and evaluation of local PSRO activities, the physician members of the Statewide Councils serve to hear and decide all appeals made by doctors or patients from an adverse decision of a local PSRO. The public members of the Statewide Council do not participate in the consideration of appeals. Those are handled only by the physician members of the Statewide Council.

I'm sure you can understand that, if a state-wide body were to hold the prime PSRO contract, a separate state-wide council which put review power in the hands of physicians chosen by satellite PSRO's just could not function.

In formulating the PSRO legislation, we realized that many physicians in a given local area might be well motivated in terms of wanting to undertake the responsibility for the review the law requires, but might not know how or where to start. There is, therefore, a section in the law, Section 1169, which authorizes the Secretary of HEW to provide all necessary assistance, technical and otherwise, to any organization which in his opinion seems likely to be able to ultimately qualify as a PSRO in any designated PSRO area, but the Department of HEW should not be the only resource. As I have noted, there are legitimate and important services which a statewide organization sponsored by a State Medical Society could supply. It could provide technical and supportive assistance to local PSRO's if it has the desire and capability to do so. This idea is not new on my part. I have repeatedly pointed out such a potential role ever since the law was passed, not only in my speeches around the country, but also in a letter I sent to Dr. Bert Howard of the AMA some months ago. The Department of HEW has taken the same position. It recently issued a policy statement on area designation which includes a section on the potential role of statewide medical organizations in the Professional Standards Review Program. I would like to read that statement to you because I fully subscribe to it as being consistent with what I intended with my amendment and I expect it to be implemented, now that it is firmly fixed in the law.

Let me quote—"Although the law contemplates the emergency of locally autonomous peer review organizations and includes provision for a Statewide PSR Council in a larger state, there is nothing in the legislative history or intent to preclude other capable statewide physician or medical organizations from providing advice and assistance on an appropriate basis to local PSRO's. Indeed, the statute clearly assumes that many local PSRO's will need technical and professional assistance and requires the Secretary, through whatever means he deems necessary and appropriate, ' . . . to provide all necessary technical and other assistance . . . ' to organizations to help them meet the responsibilities of a PSRO."

Thus, a capable Statewide organization, such as a State Medical Society or a State Medical Care Foundation, could serve as the technical, professional PSRO resource center for the several local PSRO's within the State and provide for the following types of services:

1. Advice and assistance in the development and evaluation of medical care criteria and professional norms.
2. Advice on the development, implementation and evaluation of peer review methods.
3. Advice and assistance in establishing the PSRO's organizational structure; e.g., designing by-laws, written membership policies, methods for involving physicians in the PSRO's review activities, accounting systems, reports management systems, etc.
4. Assistance in designing and implementing professional educational activities to be performed by PSRO's.
5. Consultation and advice on the organizational and management aspects of PSRO operations.
6. Other types of services mutually agreed upon.

In establishing such an arrangement between a PSRO and a State resource center, the relationship would be one under which the PSRO would retain autonomy with respect to its activities in connection with the review of services within its area, while relying upon the resource center for such advice and assistance as it requires. The Secretary would enter into an agreement with each local PSRO and assure satisfactory arrangements with those State organizations that will be providing technical and administrative support to the local PSRO's."

While I don't want to belabor this issue any longer, I think you would want me to mention two new PSRO's recently approved by the Finance Committee but not yet acted on by the Senate or the House. The first amendment was sponsored by Senator Bentsen of Texas and has two parts. First, it affirmatively states that the Secretary may designate a Statewide PSRO area and second, it says that he may not refuse to designate such a Statewide area *solely* on account of the number of physicians in the State.

The second amendment is mine. It would incorporate into the Statue the intent expressed in the 1972 Committee Report and its related legislative history, namely that in implementing the PSRO legislation the Secretary shall give priority to designating appropriate local areas and utilizing local organizations of practicing physicians whereever feasible. Enough said on that issue.

Now let's go on to some other bones of contention. Some of you may have heard of the Council of Medical Staffs and the American Association of Physicians and Surgeons. These two separate groups are actively and vigorously working to have the PSRO law repealed.

I don't know the extent to which you are familiar with the arguments used by these organizations, but I welcome this opportunity to comment on those allegations and hopefully lay them to rest in your minds. Let me preface this rebuttal by pointing out that the authority for Federal review of Federally funded medical services already existed under other laws prior to adoption of my bill. Only the method of review was changed. The entire thrust of the Bennett Amendment was to provide an opportunity for physicians themselves, on a voluntary basis and in an appropriate organization, to undertake the review of the quality of care and services provided under the Medicare and Medicaid programs. As I am sure you all know, review of sorts, using government employees and insurance company personnel, has been going on ever since these programs began. What I sought to do was to replace this existing unprofessional system with a publicly accountable mechanism by means of which only physicians could undertake the review of medical care on a case-by-case basis and do this without being second-guessed by lay bureaucrats. Now let's get on to the specified allegations I hope to put to rest.

The first one is that PSRO involves "computerization of illnesses through average length of stay programs and denial of necessity of hospitalization by government clerks and by Blue Cross and other government carriers substituting for the judgment of the attending physician . . ." These words are taken from the Council of Medical Staff's "fact sheet." They are completely wrong. The situation they describe is precisely what PSRO was intended to save you physicians from, namely, review by government clerks and insurance carriers clerical personnel, replacing that kind of doubtful laymen's judgement with a knowledgeable evaluation made by your peers among the practicing members of the community of medicine in your own medical service area. The phrase "computerization of illnesses through average length of stay programs" being highly over-simplified completely misses the point. Each PSRO would develop and apply its own regional parameters of care, usually related to age and diagnosis, and these would be used as checkpoints for quality and not as barriers to necessary care. The members of each PSRO would have the sole power to determine the acceptability of the parameters applicable in their area. Basically, those parameters would be used to indicate the points at which it would be reasonable for his peers to ask an attending physician to indicate why he thinks additional hospitalization or services were required, in a given case, or why certain services, usually related to this particular diagnosis, were not provided. And, to be most useful, the review would be concurrent, not ex post facto, so that agreed-upon changes could be made in time. Thus the chief value and function of the review process becomes educational.

It should never be punitive, except in case of blatant neglect or outright fraud. Again, may I repeat, these self-set parameters are not intended to be barriers to necessary medical care. They are simply local professionally-developed and accepted checkpoints which will be, to my mind, considerably better than some of the arbitrary indices we have used in the past. It is also important to realize that in no case can a PSRO recommendation force a physician to change his plans for his patient's care. Even in the event of disapproval by a PSRO of an extension of stay or a proposed admission procedure or service, the physician is still free to provide his patient with the care and services he chooses, and to appeal that determination to the Statewide council. The only immediate effect of such disapproval is that if the PSRO refuses to approve the care or services involved, payment will not be made by the government, unless the decision is reversed by the appeal procedures as provided in the law. But if PSRO approval is given, the government will pay for the care or service without question or without retroactive denial.

I think it is important to remember that once a PSRO is in operation, laymen will no longer be making decisions with respect to the practice of medicine in cases paid for by Medicare or Medicaid. PSRO membership is open only to doctors of medicine and osteopathy. They are the only ones who, in the name of the Federal government, will have the responsibility for final say as to whether: (1) the services provided are medically necessary; and (2) the care provided was in accordance with professional standards; and (3) where medically appropriate, the attending physician should be encouraged under PSRO to use less costly modes and sites of treatment. I repeat—the responsibility for that decision-making lies with the physician members of the PSRO and no one else.

An even more ridiculous allegation is that everyone—doctors and patients both—will be computerized with a central data bank in Washington as the repository of all this information. Also, completely false! East PSRO will be separately responsible for the maintenance of the profiles of patients and practitioners and providers *in its own area*. There is nothing in the law nor have I seen any suggestion from any source, other than from the CMS and AAPS, to the effect that all of these data will be maintained by Big Brother in Washington.

Another frantic accusation is that the patient will lose his right to choose his physician. Again, that is not true. The patient is completely free to select his physician and the physician, in turn, is completely free to provide care and services within the scope of his license to practice medicine. So long as his pattern of practice falls generally within the norms and parameters which he can help establish in his medical service area, he will rarely know that his work is being reviewed.

Another point is the question of access to medical records which it is alleged constitutes a violation of the doctor-patient relationship. Let me answer this one by stating that the Bennett Amendment contains a confidentiality provision with strong penalties, including prison time, for breaches of that confidentiality by any reviewer or employee of the PSRO. Actually, experience has already demonstrated that this is a meaningless red herring. Blue Cross-Blue Shield and other insurers and third parties have reviewed medical records for many years—in fact, long before Medicare—for purposes of ascertaining appropriateness of payment without creating this problem. And practicing physicians should be much more sensitive to this than clerks. That is why, to my mind, it is far preferable to have medical records review undertaken under the control of practicing physicians as PSRO provides, than by insurance company or government personnel. On the other hand, if there is a satisfactory way of evaluating the reasonableness and necessity of medical care and services and the quality of that care, without consulting a patient's medical record, I am all for it.

I think I can understand and appreciate the concern and reservations of many honorable physicians with respect to PSRO. There is no question but that at first glance it must seem to be a complex and far-reaching piece of legislation. In time, however, I am sure that experience with the reality of the program will reassure them. What I regret are the activities of those who in panic and paranoia flail away at ghosts and illusions. I would be the last to contend that the PSRO statute is perfect or that it will not be improved ultimately. But, there is a vast difference between responsible and constructive criticism, and deliberate distortion undertaken in the hope that it will blur and confuse, and ultimately destroy the legislation.

To understand the promise and potential of PSRO with respect to physicians being responsible for evaluating the practices of their peers, it may be helpful to consider some of the alternative ideas now being offered to Congress. One of these is the "Quality Assurance Commission" embodied in HMO legislation already passed by the Senate and now in conference between the House and the Senate. That Commission would be established as an 11-member independent agency at the national level. Four of the members must be "consumers" with the other seven to be selected from the health services industry and private organizations engaged in standards development. Please note the absence of any requirement for any physician representation on this group which would be charged with responsibility for the development and promulgation of "norms for processes, utilization characteristics, and outcome." What is "outcome"? Does it give power to follow each patient after the service ends, and to measure the effects of physicians' work even years later? Compare this approach with that of Professional Standards Review as I have tried to spell it out for you.

May I close as I began, thanking you for your willingness to listen while I have tried to clear up some of the confusion and misapprehension that still shrouds the PSRO program. Maybe I shouldn't have said "shroud" because the program is actively at the birth stage, and will survive and grow. I hope you will want to set up your own local PSRO based on Essex County and each of you will plan to participate in it.

And now, if you have any questions I shall be glad to try to answer them.

ACTION LONG OVERDUE ON THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, one of the significant issues pending is the Genocide Convention. The convention was favorably reported by the Foreign Relations Committee in March of 1973. It has been awaiting action much longer than that—the Genocide Convention was originally submitted for ratification in 1950, by President Truman, and for 21 years the convention was on the agenda of the Foreign Relations Committee.

Mr. President, action on the Genocide Convention is long overdue. It deserves consideration. Seventy-six nations have ratified it. Its merits have been debated exhaustively, and every objection to the convention has been considered and dismissed. There is no reason for the Senate to postpone action on this issue.

Mr. President, I urge that we proceed to consider this matter without further delay.

CONTINUATION OF SOVIET ARMS BUILDUP

Mr. THURMOND. Mr. President, for the past year it has been apparent that the Soviet Union is continuing an accelerated arms buildup despite the so-called détente. The latest evidence in support of this conclusion was the display of Soviet military hardware in Moscow November 7. At this time the Soviets displayed what military specialists believe to be a new intercontinental ballistic missile and also a new light tank which appears to be capable of air delivery.

The fact that the Soviet Union will continue to use its military arsenal in support of other nations was clearly demonstrated in the Middle East.

An article titled, "Soviet Union Displays What May Be a New ICBM" appeared in the New York Times November 8, 1973. In October several columnists warned that the Soviets were continuing their military buildup and were exporting these arms to their friends around the world These prophetic articles also took note of the fact that new U.S. economic policies were aiding the Soviet Union in this buildup.

These points were made in an article titled, "Soviet Arms Build-Ups Dims Détente Hopes" by Ernest Cueno in the October 29 issue of the San Diego Union and another commentary titled, "Soviet Seeks Arms Aid in U.S." by Ray Cromley in the October 16 issue of the Stars and Stripes.

Mr. President, I ask unanimous consent that the two articles mentioned above, as well as the recent New York Times article be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Soviet Union Displays What May Be a New ICBM

(By Christopher S. Wren)

Moscow, November 7.—The Soviet Union today displayed what Western military specialists believe to be a new intercontinental ballistic missile—the first major new military hardware to be shown off in a Soviet parade since 1967.

Observers were caught off guard by the sudden appearance of the missiles near the end of the military display celebrating the 56th

anniversary of the Bolshevik Revolution. There was uncertainty about the identification and performance of the missiles, a pair of which were trucked through Red Square in long, cylindrical green jackets.

But the first estimate of Western specialists was that the new weapon did not appear to violate the interim argeement reached in 1972 between the United States and Soviet Union on offensive strategic missiles. The agreement limits the number of strategic missile launchers without restricting qualitative improvements in the missiles themselves.

A light tank for tactical use by the Soviet Union's seven airborne divisions also attracted Western attention at the parade.

"LATEST ACHIEVEMENTS"

At a Kremlin reception later, Leonid I. Brezhnev, the Soviet leader, commented that "the most advanced military equipment" had been displayed.

Tass, the official press agency, described the strategic missiles as reflecting "the latest achievements of Soviet science and technology"—possibly an allusion to the multiple warheads that the Soviet Union is known to have been testing.

The intercontinental missiles on display, Tass said, were of "unique power and accuracy." This supports the speculation of one Western military specialist that the new missile might have an improved guidance system.

Despite the weaponry, the parade's basic theme stressed accommodation with the West. It was underscored by the slogans on flapping red banners and the signs borne by civilian marchers, as well as by a speech by the Soviet Defense Minister, Marshal Andrei A. Grechko.

The parade, dampened by a chilly, sometimes biting rain, lasted only two hours, short for such an event.

THE MISSILE'S SIZE

The new missile was similar in size to the Soviet antiballistic missile called the Galosh, which is 67 feet long and nine feet in diameter.

But one Westerner knowledgable about missiles said: "We're quite certain it's an ICBM. We certainly don't think it's an ABM."

In drawing their conclusion, the Western military specialists said they had carefully considered the weapon's configuration, although only the tapered red nose was fully visible. The missiles had also been shrouded for the painstaking night rehearsals.

They also pointed out that the new missile had been placed with other ICBM's, directly in front of the SS–13 and the SS–9. The placements is usually significant in the Soviet parades of military equipment.

One specialist suggested that the weapon might be heavier than the Galosh because the trailer carrying the rear of the missile had three sets of wheels rather than the usual two.

However, the specialists would venture no further details, including what type of propellant the missile used, how many stages it had or whether it might carry multiple warheads.

The T–70 light tank, which bore a Soviet parachute insignia, combined agility with apparent speed. Western military observers noted that it offered Soviet paratroopers a capacity for sustained offensive and a mobility that airborne troops have usually not had. The low-silhouette vehicle carried a four-man crew and was armed with a low-velocity cannon and an antitank missile.

About 40 of the new light tanks clattered briskly in formation across the cobblestones of Red Square, each with six paratroopers sitting on the flat rear deck.

As the parade began, members of the Politburo hiked up to their appointed places atop Lenin's red marble tomb. After Soviet cameramen had taken the ritual photograph, some of the leaders donned rain capes to ward off the hard drizzle.

Soviet Arms Build-Up Dims Détente Hopes

(By Ernest Cuneo)

The basic factor cooling Russo-American relations is not the human rights issue, although this is not without effect.

The primary cause is that Moscow has embarked on a stepped-up military preparedness program which is brutally reminiscent of the build-up of the Nazi forces in the '30s.

Grave alarm is expressed in Washington that the new trade relationships are designed to fill the gap left in the Russian economy by the tremendous drain for the military program.

One feature which is quite disturbing is that the credits which Russia is requesting are due to be paid about the time Russia reaches her maximum military strength—1984.

Thus, pouring in American resources and know-how contains the same kind of moral gamble as our sending scrap iron to Japan in 1940; it might be used as armaments of war against us.

The Senate is almost totally divided on the issue. The split extends across party lines. The division in the Democrats is deep enough that it might well prove as divisive as the one that existed in the 1972 presidential election.

In any event, Moscow continues to play violins abroad while thumping the war drums at home, again chillingly recalling the brass of Joseph Goebbels, Hitler's propaganda chief.

Cooed Leonid Brezhnev via U.S. television: "Today . . . there are still many who prefer to shout about military preparations, about the arms race rather than discuss problems of detente and peaceful cooperation in a peaceful spirit."

But the Red Army would have none of this. Its official organ, Red Star, immediately thereafter, brass-lunged the following:

"The appearance of any weapon, including nuclear weapons, exerts a tremendous influence on the means and forms of warfare and armed conflict. But no weapon can change the political essence of war. It remains a continuation of the politics of states and classes by forceful means.

"A war is just if it is a continuation of the policy of defending revolutionary conquests, the freedom and independence of peoples, or the cause of socialism and communism . . . so long as the aggressive forces of imperialism and all sorts of adventurists exist and are active, the need will remain to be prepared to conduct warfare using any means of the armed conflict . . ."

In the face of these contradictory statements, the question arises of what to believe.

Here, the good old American maxim, that actions speak louder than words, appears to be helpful.

The action of the Soviet Union continues to be stepped-up artillery, tank, warplane, submarine and missile production.

Soviet Seeks Aid in United States

(By Ray Cromley)

Current research by analysts of the Soviet Union explains why Leonid Brezhnev is seeking vast amounts of economic and technical aid in the U.S.

Simply, the U.S.S.R. needs that assistance to enable its strategic military forces to forge ahead of ours.

Mammoth Soviet military outlays in the past few years have so drained Russia's resources of technical talent, scarce resources and capital funds that the Russian rulers are unable to build the modern plants, set up the computer systems, increase their industrial efficiency and their output of industrial goods and consumer products sufficiently to meet their needs.

The growth of the civilian economy is slowing markedly. Soviet rulers are worried because their military strength, in the end, depends on a strong industrial base. And there is a limit beyond which consumer demands cannot be ignored.

Specialists here say the three new major missile programs recently reported by U.S. intelligence must have cost in the neighborhood of $5 billion each to date. Finishing the job and bringing them into production will cost billions more.

Soviet military spending per dollar of total gross national product is roughly twice that of the United States. And USSR military research and development spending seems to be growing.

For a good many years, the opinion here in some influential sectors was that the Russians could have their cake and eat it too. It was believed that in a controlled economy, where butter could be held back and civilians neglected, that industrial and military production could rise steadily, independently of each other—almost.

But new research here demonstrates clearly that periods of rapid increase in Soviet military spending coincide with decelerations in the growth rate of total national output in the civilian sector, which includes the industrial base.

This means that the Kremlin is now desperately searching to find in technology the solution to its lagging growth. (In the advanced technology areas that count, West Germany, Japan and the United States are leaving the Soviet Union in the dust). Yet the Soviet rulers are not willing to slow their frenetic military growth to meet these basic national needs. Instead they are depending on the United States to hold back its own military growth sufficiently to provide the USSR the technical expertise, the financial assistance and the trade concessions Russis needs to build both a super military force and a strong industrial and agricultural base to support both the strategic forces and civilian economy.

EDUCATIONAL EXCHANGE PROGRAM

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to print in the Record a letter recently received from our Ambassador to Norway, the Honorable Thomas R. Byrne.

His letter, with the accompanying lists, should be gratifying to the Members of the Congress as persuasive evidence as to the usefulness of the educational exchange program. The program has now been in existence long enough for the participants in it to be influential in their respective countries, and I believe it is now evident that this program is one of the best investments of our resources that we have made in the field of international relations.

There being no objection, the letter and lists were ordered to be printed in the Record, as follows:

Embassy of the
United States of America,
Oslo, Norway, October 3, 1973.

Hon. J. William Fulbright,
U.S. Senate,
Washington, D.C.

Dear Senator Fulbright: Last week at my first official function in Norway, I had the pleasure of presenting a 3.8 billion year old lunar sample from the Apollo 17 Mission to the people of Norway. This stone was collected by Astronaut-Geologist Dr. Harrison Schmitt, who, as you may know, spent a year in Norway as a Fulbright student back in 1957–58.

The presentation ceremony turned out to be a convincing demonstration of the im-

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pact of the U.S. Educational Exchange program. In addition to Dr. Schmitt who spoke of his Fulbright grant as a "turning point in his life which started him on the path to the moon," two of the other main participants: Mr. T. P. Svennevig, State Secretary in the Ministry of Foreign Affairs, who received the stone on behalf of the Norwegian people, and Professor Otto Bastiansen, Rector of the University of Oslo, were former Fulbrighters. Mr. Svennevig went to the U.S. as a student grantee in 1952–53 and Rector Bastiansen was one of the first four Fulbright students to be selected for the initial Norwegian program in 1949–50.

I found the dates for the above grants significant as they give some indication that it takes on the average 15–20 years for a student grantee to rise to a position of national or international recognition. We are now beginning to see the results of the early student programs, but I suspect that we will learn much more about the impact of the Educational Exchange program in the years immediately ahead.

In connection with Dr. Schmitt's visit, my staff went through the entire list of former Norwegian Fulbrighters and came up with some impressive statistics. At least 180 Norwegian university professors are former Fulbrighters and as you will see from the attached list of some of the more prominent Fulbrighters, they include many of the most distinguished men in Norwegian politics, science, information media, culture and education. As one measure of the vitality of the program, I would note that Trygve Brattell, who will become Prime Minister of Norway in mid-October, has a son currently studying in the U.S. under a Fulbright grant at New York University.

Names and positions are, of course, only a superficial indication of the success of the program. As Dr. Schmitt pointed out at a luncheon given in his honor by the Fulbright Committee, the friendships which he developed in Norway with geologists and other distinguished scientists whom he had met as a student many years ago illustrate the depth and impact of these exchanges. At this point in time, when Norway like the United States is seeking to redefine its place in the world, the program which you conceived takes on renewed importance in our international relations.

With best wishes and kind regards, I remain,

Sincerely,

THOMAS R. BYRNE,
American Ambassador.

Attach: As stated.

LEADING FORMER FULBRIGHTERS

POLITICS AND GOVERNMENT

Professor Ole Myrvoll (1958–59 Grantee), Newly elected Member of Parliament, Minister of Finance 1965–71, Mayor of Bergen 1972–73.

T. P. Svennevig (1952–53 Grantee), State Secretary in the Ministry of Foreign Affairs, 1972–73.

Olav Hove (1951–52 Grantee), Departmental Counselor and the highest civil servant in the Ministry of Church and Education.

George Krane (1949–50 Grantee), Bureau Chief in the Ministry of Foreign Affairs.

Arne Arnesen (1951–52 Grantee), Bureau Chief in the Ministry of Foreign Affairs, Political Secretary to the Foreign Minister during the 1971–72 Labor Government, and currently on leave of absence to serve as editorial writer for the Labor Party's official organ, ARBEIDERBLADET. Labor Government State Secretary.

Frode Nilsen (1950–51 Grantee), Bureau Chief in the Ministry of Foreign Affairs.

Kirsten Ohm (1956–57 Grantee), Counselor of the Norwegian Embassy in Paris and former Bureau Chief for North American Affairs.

Arve Johnsen (1959–60 Grantee), Director of the Norwegian State Oil Company.

Gunnar Randers (1951–52 Grantee), Former Director of the Atomic Energy Institute and for the last six years Assistant Secretary General for Scientific Affairs at NATO.

John Dale (1952–53 Grantee), Parliamentary Secretary to the Center Party Group in the Storting.

Olav Blichner (1956–57 Grantee), Director NATO's Advisory Group on Aerospace Research and Development (AGARD) in Paris.

Olav Kortner (1959–60 Grantee), Superintendent of Schools for the Province of Akershus, Minister of Church and Education 1963, Member of Parliament 1965–70.

Inge Seip (1952–53 Grantee), Under-Director of the Directorate of Labor.

Gunnar Germeten (1952–53 Grantee), Assistant Director, Ministry of Municipal Affairs and Labor.

Media

Trygve Ramberg (1953–54 Grantee), News Editor of Aftenposten (Oslo), Norway's largest newspaper.

Egil Helle (1958–59 Grantee), News Editor of Arbeiderbladet (Oslo), official organ of the Labor Party.

Harold Munthe Kaas (1958–59 Grantee), Foreign Affairs Commentator for Norwegian State and Radio and TV.

Frank Bjerkholt (1955–56 Grantee) Foreign Affairs Commentator for Norwegian State Radio and TV.

Gunnar Helge Carlsen (1960–61 Grantee), Editor of Bergens Tidende (Bergen). The largest paper in Western Norway.

Kjell Amdahl (1961–62 Grantee), Foreign Editor of Adresseavisen (Trondheim). The largest paper in the central region of Norway.

Steinar Brauteset (1961–62 Grantee), Foreign Correspondent for Norwegian State Radio and TV.

EDUCATION

Professor Otto Bastiansen (1949–50 Grantee), Rector of the University of Oslo.

Professor Peter Hjort (1957–58 Grantee), Rector of the University of Thomsø.

Professor Sigvald Refsum (1949–50 Grantee), World renowned neurologist and discoverer of Refsum's disease.

Professor Sigmund Skard (1957–58 Grantee), Founder of the American Institute at the University of Oslo and one of Western Europe's most prominent Americanists.

Professor Stein Rokkan (1954–55 Grantee), President of the International Political Science Association.

Professor Henry Valen (1955–56 Grantee), Professor of Political Science and Norway's top expert on election politics.

Dr. Johan Jørgen Holst (1958–59 Grantee), Research Director of the Norwegian Institute of International Affairs, Member of the Labor Party's Foreign Policy Committee, and Norway's leading expert on international security matters.

Finn Sollie (1953–54 Grantee), Director of the Fridjof Nansen Foundation, which specializes in research on international law.

FINANCIAL PROBLEMS OF AMERICAN UNIVERSITIES

Mr. BROCK. Mr. President, it sounds strange to say, but American colleges and universities are short of students—500,000 short. Indeed, in all sections of the country, our colleges and universities are facing severe financial problems, attributable to declining enrollments.

Interestingly, this situation is not worldwide in nature. In Europe, for example, universities are extremely overcrowded. Reports from West Germany alone indicate that some 50,000 qualified students there are being turned away each year because the facilities will not accommodate them.

When considered against our balance-of-payments deficit, this situation translates itself into a tremendous opportunity for the United States. My proposal is that we should move to take advantage of it.

In that regard, I am preparing legislative proposals which will be designed to encourage and support an extensive program for bringing students to this country for completion of their studies.

A pilot project in this area is currently being coordinated by Georgetown University, in which some 500 German students will enroll in this country next summer for a 2-year curriculum. This is an exciting experiment, which, if successful, could pave the way for a massive program that could bring benefits to colleges and universities in every State.

It would really amount to killing a whole flock of birds with one stone. First, financial benefits would accrue to the participating schools, who are badly in need of additional revenues. Second, the cultural relations benefits to the participating countries, and especially to this country, are obvious.

Third, a pressing problem in Europe, overcrowding of higher education facilities, would be alleviated, which is surely in our best interest as well as theirs. Too, full utilization of existing U.S. facilities would mean more efficient operation.

Finally, and in my view most importantly, an extensive program of this type could have an extremely beneficial effect on our balance-of-payments situation.

By some estimates, as many as 50,000 European students might become participants in the program, spending at least 2 years here. From a balance-of-payments standpoint, this is the equivalent of bringing home 50,000 of our troops in Europe.

At an estimated annual per student cost of $5,000 per year, a full-scale program could mean a $250 million plus for our side, which would be a most welcome contribution to international monetary stability.

Thus, a program of this type could become one of the most important aspects of a burden-sharing arrangement with the NATO countries. In our recent debate on European troop levels, much discussion was undertaken with regard to the finding of appropriate methods to more appropriately spreading the cost of our defense commitments.

It is morally right and economically imperative that our Atlantic allies begin to share the burden of their defense, which has been borne by the American people since the end of World War II. Their ever-increasing prosperity, coupled with the international weakness of the dollar, occasioned by persistent balance-of-payments deficits, is concrete evidence that a new arrangement is called for.

Some have argued from this that the United States should unilaterally pull back its troops stationed in Europe. I believe that such an approach is shortsighted, and an invitation to aggression.

It would be far better to devise creative methods of sharing the defense burden for the Atlantic community. In that regard, it has been suggested that Western European countries should be required to purchase American products, thereby returning to this country dollars which have been spent in their land on and by American troops.

There is a difficulty, however, in accurately determining which of such purchases would be genuinely attributable to burden sharing, that is, which purchases would not have been made anyway.

The training of students is, however, a burden-sharing device which could without question be applied, and it has the additional advantage of producing real benefits for the cooperating European nations, as well as for the United States. Thus, the program is one burden-sharing agreement which could have a real chance of being acceptable in Europe.

The costs of the program would properly be borne by the countries sending the students, because these costs represent savings to them for not having to undertake to build whole new campuses for their burgeoning student populations. In the Georgetown experiment, financial backing is being provided by the individual German States who are participating in the project.

There are, of course, many details which would have to be worked out before any large-scale program could be implemented. For example, proficiency in English would be an obvious requirement for students coming here.

Accordingly, I have written to Secretary of State Henry Kissinger, and to USIA Director James Keogh, suggesting that the very successful English language instruction program which has been carried out through the binational centers in Latin America, be adapted for European countries.

I have also suggested to the Secretary of State that our embassies in the NATO countries draw this program to the attention of the appropriate government officials in the countries in which they are stationed, in order to survey the likelihood of participation in the program.

Other details which will require attention include the question of establishing overall direction of the program, and of making certain that the American institutions are appropriately encouraged to participate.

I will offer legislation designed to address the latter problem, and will look closely at the Georgetown experiment and other sources to seek the best possible resolution of the former.

Additionally, it would be my hope that others in this body may come forward with ideas and suggestions of their own. For further reference, I would note two excellent articles on the Georgetown project, which appeared in the Washington Post and U.S. News & World Report, recently, and I ask unanimous consent that these articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post]

GERMAN UNIVERSITY PLAN MAY INVOLVE GEORGETOWN

(By John M. Goshko)

Washington Post Foreign Service

BONN, September 15.—West Germany is weighing a bold proposal to help the thousands of students annually denied entry to Germany's overcrowded universities by sending them to college in the United States.

The plan is the brainchild of a provincial politician named Christian Schwarz-Schilling. He believes it is possible for as many as 30,000 young Germans to study at American campuses yearly.

With an assist from Georgetown University he may soon have the chance to see whether he is right.

Under the direction of the university's executive vice president for educational affairs, the Rev. Edmund G. Ryan, Georgetown is preparing an experimental pilot program to test the idea.

In early November, the Georgetown proposals will be presented to the conference of education ministers from the nine West German states. German universities are controlled by the states in which they are located. If the ministers agree, Georgetown is prepared to bring about 500 German students to the United States next summer and spread them among 25 colleges from coast to coast for a year's trial run.

If the idea proves workable, it could have enormous impact not only for West Germany but also for many other countries where hard-pressed governments are unable to provide sufficient room for everyone seeking the benefits of higher education.

FOUR D.C. UNIVERSITIES

The American colleges participating in the experiment are to be clustered in five sections of the country: Washington, D.C., Michigan, Texas, Missouri and Washington state. In addition to Georgetown, American, Catholic and George Washington Universities would take about 20 German students each in the first year.

Essentially, Schwarz-Schilling's plan is based on the law of supply and demand. The United States now has many schools unable to recruit enough students to fill all the available places and is therefore unable to make maximum use of its resources. There are estimated to be 300,000 such openings currently in American colleges and universities. Often these vacancies translate into severe financial hardship for the institutions.

Competition for the available openings in German universities is so intense that almost 500,000 qualified applicants must be turned away each year.

The results have been heartbreak for those who are rejected, the propogation of a system that tends to discourage the children of lower-income families from aspiring to a university education and an incalculable waste of brainpower. In addition, the strain on overtaxed West German university facilities has been a major cause of student unrest and radicalism in recent years.

Among those who have been concerned about these problems is Schwarz-Schilling, secretary-general of West Germany's conservative opposition party, the Christian Democratic Union, in the state of Hesse. Last spring, he visited Washington in search of possible solutions and, after lengthy consultation with U.S. educators, hit upon the idea of matching Germany's oversupply of students with America's excess of facilities.

OPPOSITION IN GERMANY

When he returned home to unveil his proposal, it kicked off considerable controversy in educational and political circles. The idea got an especially tepid response from the government of Chancellor Willy Brandt and the federal educational bureaucracy in Bonn.

Although the Brandt government is strongly committed to expanding the educational opportunities of German youth, it wants to do this by building more university facilities here. Federal officials have resisted Schwarz-Schilling's plan, fearing that it would abate pressures for more domestic spending on education.

The proposal won some enthusiastic and influential support, however, primarily from states with Christian Democratic governments. They were instrumental in inviting Father Ryan to visit Germany last month and launch plans for the pilot program.

Now, even some of those who originally opposed the idea have grudgingly come around, prompted by the realization that budgetary limitations preclude any sudden and dramatic expansion of existing German facilities.

So, the current expectation is that the Germans will give the green light for a trial of the Georgetown program. But, the controversy surrounding the idea persists, and everyone will be watching closely to see whether inherent pitfalls can be circumvented.

The most immediate and obvious problem is whether German students will have sufficient command of English to work at an American college level. The formidable obstacle was illustrated in reverse two years ago when the city of Hamburg, seeking to overcome a shortage of science teachers, recruited a number of instructors from the United States.

HAMBURG EXPERIMENT

The Hamburg experiment immediately bogged down in chaos because the language barrier prevented teachers and students from communicating with each other. It was subsequently salvaged, but only after a drastic restructuring that saw most of the original American teachers replaced by others who either spoke German fluently or demonstrated an aptitude to learn it quickly.

Schwarz-Schilling, however, doesn't think that the language barrier poses too big a problem for his plan. He points out that English is the most widely studied foreign language in German schools, that most students preparing for university entrance have studied it for several years and that they usually have a high level of fluency by the end of high school. For those whose English is still weak, he advocates a program of intensive language instruction before they are allowed to begin taking regular courses in American schools.

A less obvious, but potentially more difficult problem is that the German and American educational systems are different and, in some respects, not easily made compatible. The American system of high school, followed by four years of college and then possibly graduate school is not the route taken by German students.

Here, students aiming for the university go through a specialized kind of high school whose program runs two years longer than those in America. Germany does not have U.S.-style undergraduate colleges, but during their final two years of high school German students theortically get the same kind of broad liberal arts education pursued by American undergraduates.

Following successful completion of such a course, the German student is awarded the coveted *abitur*—a certification that he has met all the requirements for university admission. He then enters a university that is actually a collection of separate, largely autonomous faculties—similar to the graduate faculties of an American university—and immediately begins intensive concentration in a specialized field.

Although the comparison is not precise, a German high school graduate theoretically is at the same level as an American who has completed two years of college, and the

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assumption of Schwarz-Schilling's proposal is that German students going to American colleges would start in the junior year.

U.S. EDUCATOR'S DOUBTS

There are doubts among American educators, however, that the level in German high schools is really on a par with good American colleges. This raises questions about whether American schools would recognize the Germans' preparation as sufficient for them to begin at a third-year level and, if they did, whether the Germans could compete.

Finally, and most importantly, there is the question of whether the theoretical meshing of interests on which the exchange plan is based—a matching of unused American facilities with an oversupply of German students—might turn out to be more apparent than real.

An official of the U.S. embassy here who has helped with planning the program notes, "There's no question that many good American schools now have excess capacity During the 1960s, they drastically expanded faculty and physical plant to accommodate the war baby generation that was then hitting the colleges. But now that phenomenon has passed. You're now getting kids born in the 1950s, when the birth rate went down markedly, and there's been a noticeable falling off of applications for admission."

"But," he continues, "this excess capacity isn't uniform. It exists only in certain fields of study, and a lot of fields where the German universities don't have a space problem. Conversely, many of the areas where the Germans are interested in finding openings are precisely the ones that the American schools can still fill with our own kids. As a result, we may find that we're trying to match square pegs with round holes."

POPULAR SUBJECTS

In theory, the abitur is an automatic passport to university admission. However, many studies—chief among them architecture, biochemistry and chemistry, biology, medicine, pharmacy, psychology, vetinerary medicine and dentistry—have such wide appeal for young Germans that all the German universities combined cannot accommodate everyone who wants to study in these fields.

This has led to quota systems for these disciplines. According to the federal education ministry, this year will see some 65,000 recent abitur recipients apply for slightly more than 17,000 available spots.

The choices among these applicants are made according to a complex computerized formula that takes into account both academic factors and an apportioning of places among the individual states.

Those who fall below the computer-established median, have absolutely no chance of admission, despite their abiturs. Even ranking above the line is no guarantee of winning a place.

Schwartz-Schilling concedes that the costs of the program will be considerable. But, he adds, "to put from 10,000 to 30,000 German students through American schools each year would still cost considerably less than to create equivalent facilities for them here in Germany."

Schwartz-Schilling says his studies indicate that the annual outlay to create and maintain physical space for a student in West Germany comes to $7,000. Costs would vary at the U.S. schools. At Georgetown, tuition, room and board would run about $4,000 a year.

He also estimates that young Germans will be able to live at American campuses on a monthly stipend of about $150. By contrast, a recent survey at the University of Bonn indicated that students spend a monthly average of $180 on living expenses.

Washington Post reporters Bart Barnes and Barbara Bright also contributed to this story.

[From U.S. News & World Report, Nov. 12, 1973]

FLOOD OF STUDENTS TO UNITED STATES?

A program being developed in the U.S. and West Germany could bring a huge influx of foreign students to American colleges—perhaps eventually doubling or tripling the number here now.

STEP—for Student Exchange Program—aims to help fill the steadily mounting number of vacancies on U.S. campuses with qualified Germans unable to get into crowded universities at home.

A one-year pilot project—with 500 Germans studying at some 25 U.S. institutions—will get under way next August. In years ahead, 30,000 to 50,000 Germans are expected to be accommodated annually if the plan is a success.

Why not others? Program backers say that educators in other countries are already asking if the project can be broadened to include their students.

"I see no reason why it can't be," says the man who initiated the setup. He is the Rev. Edmund G. Ryan, an executive vice president at Georgetown University in Washington, D.C.

Expansion is a logical step, Father Ryan believes, since there are an estimated 500,000 vacancies in U.S. universities this term—a figure that will increase to "perhaps 1 million by 1983." He says he insisted, however, that the initial program be a small one.

German State and Federal Governments will pay the costs of the educations for the Germans.

More than 140,000 foreigners—representing most countries—are now studying in the U.S. The new thousands would be in addition to this total.

The Institute of International Education, which makes an annual student survey, says there were slightly more than 2,000 Germans enrolled here in 1972. Most case individually.

India well ahead. Last year, India led the list, with about 11,350 students in U.S. colleges. Canada was second, with 10,400. Other places with a sizable number: Hong Kong, Taiwan, Iran, Japan and England. Close to 8,000 Cubans—mostly refugees—were enrolled.

Some institutions listing large numbers of foreigners in their student bodies are New York University, the University of California and Wisconsin, and Miami-Dade Junior College in Florida.

Despite dollar-devaluation problems, many Americans of college age continue to study abroad—about 32,000 last year in France, Canada, Mexico, England, Germany, elsewhere. India has said it will sharply reduce the approximately 550 Americans studying there.

The STEP plan is being promoted in Germany by Dr. Schwarz-Schilling, a Christian Democratic Party official. He was working on plans to get Germans into schools abroad when he read of Father Ryan's idea. The two men brought their proposals together.

Father Ryan says Georgetown has no great need of additional students and will take only 20 of the first 500 Germans. Others will go to schools scattered over the nation. All types of colleges—religious, State, private—will join the program.

The universities of Texas and Michigan are among those expected to participate—but definite selections have not been made. Some 180 universities or school systems have expressed interest—ranging from Kansas and Kentucky to Kalamazoo College and Princeton.

How project will work. Germans interested in study abroad will be encouraged to apply for the program. This will relieve pressure on German universities, which turn away 50,000 qualified applicants yearly for lack of space. Selections will be on a competitive basis—with knowledge of English required. Georgetown will administer the program and hold an orientation session.

The Germans will be allowed to take only courses having vacancies. Subjects such as architecture, medicine and pharmacy—already overcrowded with American students—will not be available.

Generally, the foreign students will enter colleges as juniors, returning home after two years to taken an exam. If they pass, they will get degrees.

Visible benefits. Supporters of the program say it will help colleges financially, contribute to world harmony, and cut the U.S. balance-of-payments deficit.

Not all reaction has been favorable. A few critics fear the U.S. Government will eventually be involved in helping to pay for the plan; others say many of the foreigners may remain in the U.S. and try to slip into medicine or other crowded subjects.

Backers concede that the plan is not perfect, but feel advantages outweigh disadvantages. Says Father Ryan:

"In both the U.S. and Germany, young people are enthusiastic about the program's possibilities for bringing about international understanding and direct communication and experience of another culture. It is a genuine opportunity for the U.S. to use its educational facilities to aid the world."

NEED FOR EQUITY FOR PERSONNEL OF NONPROFIT HOSPITALS

Mr. CRANSTON. Mr. President, the Senate Subcommittee on Labor has recently concluded hearings on legislation to extend the protection of the National Labor Relations Act to the employees of nonprofit private hospitals.

I have received a letter from Mr. George Hardy, international president of the Service Employees International Union, which succinctly presents the case for S. 794, legislation introduced by myself and Senator JAVITS.

Mr. President, I ask unanimous consent that the letter I received from Mr. Hardy be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEIU COMMITTEE ON
POLITICAL EDUCATION,
October 9, 1973.

Hon. ALAN CRANSTON,
U.S. Senate, Russell Senate Office Building,
Washington, D.C.

DEAR ALAN: I want to thank you for the work you have been doing for the non-profit hospital employees bill. Now that the hearings are finished, your real work will begin.

I know that there was a trend of thought put forward by the opposition to this legislation which has attempted to picture employees of hospitals as completely disinterested in the welfare of patients. Service Employees members who work in hospitals, and indeed, all hospital workers, have the welfare of patients at heart. No one, even in a strike situation, would allow harm to come to a patient in a hospital. I have been very disturbed that there are those who think this is not the case and that union members would cause injury or death to patients by striking a hospital.

S. 794 will correct the inequity that despite the fact that the employees of almost every other non-profit institution are covered by the NLRA, including non-profit nursing homes and non-profit colleges, employees of non-profit hospitals cannot use the National Labor Relations Board procedures.

We mustn't lose any momentum in our

effort to extend the NLRA protections to these workers. The House has already demonstrated its overwhelming support for this bill when it voted 3–1 last year in favor of passage.

Again, thank you for the deep interest you have shown in our legislation and the great help that you have already given.

Sincerely,

GEORGE HARDY,
International President.

INTERVIEW WITH GEN. MARK CLARK

Mr. THURMOND. Mr. President, it was a great pleasure to read a recent interview with one of the greatest military leaders in history and a very close friend, Gen. Mark Clark.

General Clark has served his country and his State in the finest tradition. After retiring from the Army with 40 years of distinguished service, General Clark assumed the presidency of the Citadel. In the Army and at the Citadel, General Clark always strived for excellence and he passed along this desire to those with whom he worked.

Now that he has retired, he still maintains a demanding schedule for very worthy causes.

Mr. President, I would like to share a portion of General Clark's philosophy with my colleagues—a philosophy dedicated to the precepts which made this country great.

Accordingly, I ask unanimous consent that the article entitled "Mark Clark Talks," which appeared in the October-November issue of Modern Maturity Magazine, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MARK CLARK TALKS

(By Hubert Pryor)

(NOTE.—An interview on personal and public concerns with the noted military leader of the Korean War and of the Mediterranean Theater in World War II. This is another in a series of special articles bringing you the thoughts of distinguished older persons on matters of current interest.)

General Clark, how are you enjoying retirement?

Well, this is the second or third time I've retired. When I retired from the Army after 40 years of service, after signing the Korean armistice, I was asked to be the president of The Citadel, which is the military college of South Carolina. Before that, I had correspondence with Jimmy Burns, who was then governor of our state. I told him I wanted to have time to go fishing. He said, "You go fishing all you want. Charleston is a wonderful place to fish."

So, when I came here, I did fish. And now that I've retired as president of The Citadel, I don't have time to fish any more, so I really ought to go back into active duty if I want to have some fun. When you get really retired, people pile things onto you and they ask you to take on worthy causes and I'm sap enough, in most cases, to accept. So I find myself really, at the age of 77, doing more things than I should do.

My main occupation now is being chairman of the American Battle Monuments Commission, which has the responsibility of memorializing the men who have made the supreme sacrifice in all these wars in which we've fought. Over a quarter of a million of them are still buried on foreign soil in cemeteries all over the world. They are really shrines and have been built up with chapels and the names on the walls of the missing—gorgeous places for loved ones to come back and pay tribute to their relatives. They have an office in Washington and I find the work right down my alley and, though it doesn't fully occupy me, I do make trips. I've made some trips to various parts of the world. We're now charged with the responsibility of developing the plans for the monument to Pershing to go up on Pennsylvania Ave. I would say that's my main occupation at the present time and it is a very interesting and prideful one.

Then I'm president emeritus of The Citadel. I'm on one or two of their boards and I came from a meeting out there this morning. It's interesting because I know what The Citadel stands for and I know what product it turns out.

I'm a fella who has always been busy and I expect I'm better off for having things to do rather than to just sit on my hindside and fret.

Would you say you're as active now as you were during your active military career?

No, I wouldn't say that, because I can pretty much call my signals now as to when I undertake these chores, and in active military service I was at the beck and call of my superior and would have to go at the drop of a hat. I remember in 1942 I was in Washington as a young general officer and General Marshall sent for me and for Ike Eisenhower (we were both at West Point together and were friends). General Marshall told us he thought we ought to go to England on a mission and we left the next day and we came back a month later. When he told us we should go back, we left the next day.

Well, do you think this is the most satisfying time of your life?

I would say so. I have a chance to look back. I'm involved in history—historical writings, not necessarily my own, but I do make it a point to see any objective historian who wants to see me and is writing about some of the things I was involved in. I spend a lot of my time making recordings on people like Herbert Hoover, on Marshall, on Ike, on many people. Many libraries have certain people who specialize in this type thing and so I'm very busy in that respect.

You mention President Hoover . . .

Well, yes, he was a dear old friend of mine, Herbert Hoover was. We came in contact at the end of World War II, when I was the occupation commander in Austria. Hoover was a great one on Communism; he understood it and wanted to warn the people of its danger and so he visited me right after I went to Austria for me to help him get certain records for his Hoover Library at Stanford.

You mentioned General Eisenhower. How about General Bradley?

Well, I never served under Bradley—I served under Ike. Ike and Bradley were classmates in the class of 1915—I was in the class of 1917. Ike and I were in the same company. We started up our friendship, which lasted so many years, when we were cadets. I served directly under Ike and was his deputy commander in chief in England and then in North Africa; then I took my army into Italy and Ike was the overall commander at that time.

Do you still see General Bradley today?

I haven't seen Omar for, oh gosh, three years. It was up at West Point. I went up for a reunion. As a matter of fact, my reunion this year would be the 57th.

Are there other commanders of World War II whom you see from time to time?

Oh, yes. I had dinner in Washington the first of May, which happened to be my birthday, with Al Gruenther, who was my chief of staff all through the war, and with Robert Murphy, who was Undersecretary of State and our political adviser, Ike's political adviser, during North Africa and during the Italian campaign. And when I took over MacArthur's command during the Korean War, they sent Robert Murphy along as Ambassador to Japan, so we continued our close association. And General Lemnitzer was there. He went over with me to England in 1942—I had him on my staff and he was with me all through the Italian campaign. I saw Jimmy Doolittle not too long ago—he was on our staff in the early days of planning for North Africa and, gosh, who else do I see? Tooey Spaatz. I gave Spaatz a little award here recently. He was a classmate of Ike's at West Point. And I saw Tony McAuliffe a couple of days ago. Tony was the boy who had that parachute division (in Bastogne) and when they told him to surrender he said "Nuts!" He was a division commander, but my associates in Italy are all gone and the other army commanders have gone.

General, besides activity, what do you think makes for happiness in retirement?

Well, one thing I think is to be proud of what you're doing. I think that is most important.

What in your past life do you miss the most now?

Well, you know I was privileged to see a great deal of the world during my career. So now I miss getting about as much as I did.

If you were a young man starting out all over again, would you choose a different career from the one you followed?

All my family were military people. No, I wouldn't do anything differently.

How do you perceive the role of career military men in the world as it is today?

Military men today are caught up in politics. This trend started toward the end of World War II. In the Korean War, you remember, there was more politics. We couldn't strike at the Chinese armies across the Yalu River. So they'd mass their men and materiel there and we couldn't do a thing about it—just wait until they came over and hit us. In the Vietnam War, look at the bombing. It was started and stopped and started again for political reasons. It didn't make any sense at all.

Do you think we should have gone into Vietnam in the first place?

No. I mean that was not the place to make a stand. Let me add, though, that the only assurance of peace is for us to be strong. Today, our defenses are dangerously weak.

General, do you believe with all the progress that has been made during your lifetime that we are any happier today than when you were a boy?

No, I doubt it. I think we have too many sophisticated problems that worry us and we've got the means of transmitting them. I like to be kept informed and I turn on that miserable television there and I listen to the news. Sometimes I just want to kick the whole front of it out. But something happens around the world, we know about it right away. And there are so many headaches and I feel the moral fiber of America is bent very, very badly. I don't think there is the faith that we used to have and so I think there are some things to be unhappy about.

What accounts for the deterioration in our moral fiber?

Well, I just think that morals have broken down. I don't think that the word "honor" means what it did. I don't think honor is held in the sublime area that it used to be.

Do you think that we have too many material possessions and too many comforts laid on?

Well, that certainly will add to it. Certainly the standard of living in America is probably the highest in the world. But when the moral fiber of a country bends—the desertions we've had during the Vietnam War, people who didn't honor their obligation to serve their country, more and more pornographic literature being sent out, more filth in movies and on TV, more crookedness, more crime on the streets and getting away with it, lighter punishments

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being given out to many people by lax judges and magistrates, putting them on parole and they do it again—it must have something to do with those who are the leaders of our country.

The leaders of our country are elected public servants, isn't that correct? I believe that the man that we're attracted to be a politician, to go into public life, these last few years has not been, in every case, the high-principled man that we associate with our Founding Fathers. Those fellows who sired the Declaration of Independence—that was a very brave thing they did. It wasn't the unanimous choice of everybody and they risked their lives and their honor and their fortunes and everything else in taking that step.

It just seems to me that some people get elected more because they can play a ukulele or ride a mule and have some gadgetry in running for office. Now this doesn't apply to all candidates, of course, but it applies to too many, so that, in my opinion, when things begin to go wrong, it's because you've got people in there whose moral standards perhaps aren't as high as they used to be or who benefit in some way from this condition going on.

I'm not indicting all our public servants because a great majority of them are fine people, but there are too many who are vocal and able to put things over on a placid plurality.

Well, isn't there a great deal more government in one's life today than there was when you were a young man?

That's true, I don't like that either. But I think our trouble is some of these people feel that when they get into the job they can make it a more powerful one. We've seen examples of people in high places who have been accused of doing dishonorable things, but they get away with it. I know in schools cheating is rampant. And how many colleges now have an honor code? The Citadel does. I put it in and it works; it's run by the cadets. And church-going—look at the decision of the Supreme Court on prayers, look what they've just done to my alma mater, at West Point. The Supreme Court ruled that they couldn't make the cadets go to chapel. It's now a voluntary thing, voluntary at The Citadel out here, too. And you can't say a prayer? We still say a prayer.

When I was there—they'd have had to drop a parachute regiment on me to make me stop saying a prayer in the mess hall before every meal. But I suppose they'll make 'em stop pretty soon. Those are the things, you see, that have nibbled away at faith. When I went to The Citadel, I said that my job wasn't just teaching arithmetic and history and academics; my job was not only to give a boy a good education but to train the whole man as well. And I said that just as important a part of his education is education in honor, in duty, in love of God and country, in physical fitness and in all of those things that go to train the whole man. That's the kind of a fellow you want for a leader.

Do you have any thoughts about the role of religion in contributing to peoples happiness?

Oh, yes, there's no question about it—that a man who has faith and believes is a happier fellow than one who doesn't. No question in my mind.

Generally, have you gotten personal strength in particular situations from your faith?

Yes, yes. I can give you an example. This was on a certain day in September of '43. That day, Montgomery's 8th Army crossed the Straits of Messina. He and Patton had taken Sicily and began taking over the toe of the Italian boot without much opposition. I return to Mostagnum, my headquarters in North Africa, and on Sept. 5 went aboard the Ancon at Algiers, with 30 of my staff. Admiral Hewitt greeted me and gave me a cabin that I could also use as an office. The Ancon was the command ship to lead my army into Salerno.

I had had a tough day and I decided to turn in. According to a long-standing custom each day, I read from a little book called "Daily Word," a Unity publication. The prayer for Sept. 5, 1943, seemed to have been prepared especially for that occasion. It read in part as follows:

> Father in Thy name I pray.
> Let me know Thy will today.
> With Thee I am unafraid,
> For on Thee my mind is stayed.
> Though a thousand foes surround,
> Safe in Thee I shall be found.
> I have faith that Thou wilt be
> Always guarding and directing me.
> In the air, on the sea or land,
> Thy sure protection is at hand.
> Momently Thy love I share,
> Thy grace and Thy protecting care.
> Spirit, oh Lord, most high,
> Gracious spirit that is I,
> In Thy words my needs are filled,
> In Thy love my fears are stilled,
> In Thee I am staunch and strong.
> Thou are with me all day long,
> Helping me always to know
> Thou art justice; peace and life,
> Healer of the nations' strife.

I slept better that night.

CLARK ON LATE MARRIAGE

Sir, after you were widowed, you remarried "late in life," as the saying goes. Do you have any thoughts on the subject that you'd like to share with our readers?

Well, I think it is a tribute to your late wife to want to get married again. After I lost Reenie, I was very lonely. By coincidence, my present wife Mary lost her husband at just about the same time. Both of us couples had been old friends—since childhood. Mary and I today lead an active, happy life. We play a lot of golf together at our summer place in Michigan. She is quite a bit younger than I, you know, and she likes to go to more parties and such than I sometimes care to. But we always work that out.

THE URGENT NEED FOR FOOD RESERVES

Mr. CLARK. Mr. President, as a resident and a representative of Iowa in the Senate I have always deeply admired the capacity of the American farmers to continually improve production of food commodities to meet greater and greater demands year after year. But the sad truth is that, regardless of the successful efforts in expanding the acreage in production and increasing the productivity of each acre, the competing demands of rising population and rising affluence have left us still dependent on the whims of the weather and the economy. The farmers of Creston, Iowa, and farmers throughout the State know that, without grain reserves, the weather will continue to guarantee alternate conditions of surplus and famine, low food prices, and high food prices.

We do not have to look too far to confirm their feeling. The world's farmers produced a record crop in 1971. But a year later, droughts in the Soviet Union, the People's Republic of China, Australia, India, Bangladesh, Africa, and Latin America resulted not only in a 3-percent decline in the grain harvest, but serious dislocations in rice and other food products as well. One year of bad weather, combined with a world population growth of 75 million people and fluctuations in international monetary and trade policies, deplete world food stocks to their lowest level in 20 years.

Mr. President, as long as we are incapable of controlling the world's weather and the world's economy, we should take advantage of the good times to prepare for the bad. We should accumulate surpluses in the good years to feed people adequately in the bad ones. As Iowa's Nobel Peace Prize winner, Dr. Norman Borlaug recently observed:

> Weather is a major factor in causing short-term fluctuations in cereal grain production, but weather effects tend to average over a period of years. If the world is to avoid disaster, however, ways must be found to finance the stockpiling, at strategic locations, of sufficient quantities of food grains to provide reserves for emergency use in those years when weather is unfavorable and crop production drops.

That means we must have a policy of maintaining food reserves.

Secretary Butz, of course, has consistently opposed such a Federal program, arguing instead that individual farmers and grain dealers should assume this responsibility. The problem with that nonpolicy is that farmers and grain dealers simply are not going to undertake that kind of financial burden alone. Even if they would assume the burden, such a structure contains no safeguards against the flooding of the market that begins as soon as prices begin to rise—and the inevitable drain on food reserves.

Mr. President, at the very least, the absence of an adequate grain reserve is economically unwise—it helps generate wild fluctuations in food prices at the expense of farmers and consumers alike. At most, the absence of a reserve is an affront to basic human needs.

Secretary Butz seems to have a callous attitude, suggesting the possibility of food rationing as an "option" in times of need. I am most disturbed by such an attitude. It is one thing to discuss rationing of gasoline or paper, and the inconveniences those policies involve when there is unavoidable shortage, but food is more than a convenience, and we would not even need to discuss rationing if we establish a grain reserve.

The time has passed to take steps to prevent a food "crisis"—by developing long-range policies such as grain reserves. When it comes to food, we cannot afford to simply react to disasters after they occur. A food reserve is essential—to the American economy and the American people.

Mr. President, an article in yesterday's New York Times ably discusses the issue of food. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FARMERS FEAR NEW FEDERAL CROP POLICY MAY LEAD TO SCARCITIES

(By William Robbins)

WASHINGTON, November 13.—The big combine clattered to a stop at the edge of a soybean field and Kenneth Cheers climbed down from its glass-walled cab to greet a waiting visitor. A friendly smile creased the dust smudges of the young Iowa farmer's face as he remarked:

"It's kinda hard to stop when you're taking in beans at the rate of $1,200 an hour."

Mr. Cheers is one of an army of farmers

sweeping the rolling hills and plains of the Midwest with their tank-sized harvesting machines. And most of them are smiling, because their crops are the biggest ever, and the prices are good.

The smiles start to sag, however, when they try to look beyond this year's harvests. Like many economists, in and out of the Government, they are concerned about a new direction in farm policy that now militates against any sizable accumulations of Federal grain reserves in years of plenty to guard against scarcity in bad years.

Those economists fear that the Government is gambling with food supplies, risking possible shortages and high prices here and the specter of increased hunger and death in some parts of the world.

CONCERN IS GENERAL

A sampling of farmer opinion in one community in the heart of the Midwestern grain country, around Creston, Iowa, found those interviewed all concerned that a policy against Government accumulation of grain reserves could lead to wide fluctuations—to cycles of boom and bust, surplus and scarcity, and sharp swings in farm and consumer prices.

The change in policy is largely one of degree. Under United States agricultural law, the Government accumulates grain stocks when farmers forfeit their grain rather than repay price-support loans. In the past, when the farmers were allowed loans that were generally very close to market prices, large accumulations occurred in periods of market declines.

RESISTED BY SECRETARY

Such accumulations are considered unlikely under the new law, enacted this year. When the law was under consideration in Congress, Secretary Butz successfully resisted demands to increase loan rates enough to reflect rising costs.

The old loan rate for wheat, for example, was $1.25 a bushel, which until mid-1972 was generally close to the market price. The new loan rate is $1.37 a bushel, which is less than one-third of current market prices.

The issue, which increasingly preoccupies experts and food agencies around the world, has divided Secretary of Agriculture Earl L. Butz and some of his top advisers.

Dr. Butz opposes Government holdings of grain stockpiles. His chief economist, Don Paarlberg, takes "a kind of different" view from the Secretary's, as do other top economic advisers interviewed, although Dr. Paarlberg is the only one who was willing to bring the conflict into the open.

The issue of grain reserves was the principal concern found in interviews over the last several weeks with farmers and Government and private economists, conducted as part of an unsuccessful search for a coherent concept of a national food policy.

The importance of the question has been underscored because grain is the basic element in the world's diets. Grain supplies directly help to determine the adequacy of bread, pastries and cereals, and they also indirectly govern supplies and costs of meats, which are the biggest items in family food budgets in the United States and other developed nations.

Grain has moved to the forefront of food economists' concerns because of a reversal that has occurred over the last two years in the world supply situation. In early 1973, the United States had large stockpiles of wheat and corn, farm prices had dropped, and the Government was urging growers to cut back their production.

PERUVIAN PHENOMENON

That situation changed radically amid developments dominated by massive grain sales to the Soviet Union. Those sales resulted from a severe winter accompanied by a light snow cover for winter wheat and subsequent drought. A drought in Australia and crop failures elsewhere reduced supplies at the same time that a mysterious phenomenon was occurring off the coast of Peru.

The Peruvian anchovy catch has normally been one of the world's major sources of protein for livestock feed. The other is the American soybean crop. But last year the cold Humboldt Current, in which the anchovies thrive, moved away from the Peruvian coast, as it does once about every seven years and that nation's fishing fleet was coming up with empty nets.

The diminishing world supplies drove food prices inexorably upward in the United States, but two devaluations of the dollar within a 14-month period made prices of American crops more attractive abroad and spurred export demand.

By the end of the summer of 1973, the Government had virtually no stockpile of grain and the total "carryover"—supplies still held on farms and in grain company warehouses—were the lowest in decades. Forecasts indicate that the carryover will be still smaller by the end of the 1973–74 crop year.

Economists note that those developments have merely unmasked a changing condition of world supply and demand, and some, such as Lester R. Brown of the Overseas Development Council, a private nonprofit research institution, see critical measures on limited world land resources.

Mr. Brown sums up the situation this way: Increasing population coupled with growing affluence here and abroad, has narrowed the margin between supply and demand to a critically thin ribbon.

He cites the fact of increasing meat consumption. In the United States, for example, beef consumption per capita has more than doubled since World War II.

MORE AND FOR MEAT

He noted that it takes about seven pounds of grain protein to produce one pound of protein in meat—and thus more land to support meat-eaters than people who depend more on direct consumption of grain. It takes nearly a ton of grain, for example, to support the average meat-eating American in comparison with the 400 pounds of grain, consumed directly, to support the average citizen of less developed countries.

And in a world that has less than one acre of arable land per person, it takes about two acres to support the average American in the style to which he has become accustomed.

Some economists believe that the current squeeze on supplies will eventually be relieved by rising production, but those interviewed generally agreed with Philip H. Trezise, a former Assistant Secretary of State for Economic Affairs, now with the Brookings Institution, who observed: "If one major producing nation should have a crop failure right now, we'd be in real trouble."

Mr. Trezise made the remark shortly after attending an international conference at Brookings, which was attended by economists from Europe, Japan and North America. The group called for a world agreement for cooperation in maintenance of grain reserves.

The disappearance of Government grain stockpiles has been welcomed by Secretary Butz, who is firmly opposed to Federal maintenance of reserves and determined to leave that role to grain companies and farmers.

COMMITTEE APPEARANCE

"Farmers and the private trade should keep the supply in their hands," Dr. Butz told the House Agriculture Committee at a hearing last March 20. "They should retain the marketing decision and market at the best prices for them. They should earn the profits for carrying the crop from periods of lower prices to periods of higher prices."

Recently Dr. Butz expressed satisfaction to a reporter that "we've gotten the Government out of the grain business."

As he explained it, the Secretary's view is that once foreign customers are convinced that they cannot depend on stored surpluse. in the United States, they will keep their own emergency stockpiles, and thus the United States will be spared heavy storage costs.

"We've been the residual suppliers," Dr. Butz told an interviewer. "The Japanese have depended on us, international {cotton] spinners have depended on us. Now we have changed that. The Japanese, for example, are buying further ahead."

Asked what might have happened in 1972, the year of widespread crop failure, without a United States carryover of grain stocks, Dr. Butz said the answer would have been rationing of supplies.

"After all, you ration things with prices," he said, adding that, for example, higher prices caused by short supplies might have led the Russians to reduce their livestock herds rather than buy United States grain.

As for the Government-maintained reserves, he said: "I think the Government should not do this. It won't work. A year ago we had substantial reserves completely under Government control. Then when prices went up consumer pressures forced us to release them, and the result was chaos."

In a speech today at the biennial governing conference of the United Nations Food and Agriculture Organization, Dr. Butz expressed continued United States willingness to contribute food aid to distressed nations as well as to consider problems of food security in cooperation with other countries.

But there was no evidence, in text of his speech released in Washington, of any relenting in his opposition to a "centrally controlled inventory system."

Disagreement with the Secretary ranged from mild to harsh. Other economists interviewed, including high economic aides in the Agriculture Department, contended that reserves of food supplies were too vital under present world conditions to leave decisions on maintenance to the business sense of the grain industry or the marketing judgment of farmers.

The Agriculture Department's chief economist, Dr. Paarlberg, observed: "My view is kind of different from the Secretary's. I think it is risky [not to keep Government reserves] Dr. Paarlberg cited the danger of crop failure and resulting "gyrations in prices that can occur."

"For some people in the world, it's a matter of life or death," said Mr. Brown, at the Overseas Development Council.

At a round-table discussion among economists held at Brookings recently, none believed that private grain companies would foot the bill for long-term storage of substantial reserves.

In Creston, Iowa, Charles Ehm, a banker-farmer who deals daily with other producer, remarked to a visitor:

"The farmers around here are doing great now, but they are worried. You've got to have some reserves. You know the private interests are not going to do it. What if we have a blight again; what do you do with your livestock?"

ONE MAN'S ANSWER

Nearby, Joseph Weisshaar, a substantial hog producer, offered this answer: "I'll tell you what we'd do. We'd just have to go out of the hog business. So would a lot of others. You know what would happen to meat prices then."

A neighbor, Eugene McCann, supplied this further observation: "You'd see consumer prices go right through the roof. That's what we have for a national food policy."

Questions about a national food policy brought this answer from one of the Agriculture Department's top economists:

"We've had a farm policy that indirectly produced a food policy, but I don't think the Department of Agriculture has really had a food policy."

Both Dr. Butz and Dr. Paarlberg disagreed, in virtually the same words.

"We have a food policy, and it's one of plenty," said Dr. Butz. "We're going for all-out production."

PUBLIC FINANCING FOR ELECTIONS

Mr. HUGH SCOTT. Mr. President, I ask unanimous consent that the testimony presented today by the distinguished senior Senator from Massachusetts (Mr. KENNEDY) to the Committee on Finance, together with exhibits, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TESTIMONY OF SENATOR EDWARD M. KENNEDY

Mr. Chairman, it is an honor to join the group of Senators appearing this morning to urge the Committee to act now on public financing of elections. And it is a special honor to be here with Hugh Scott, the distinguished Senate Minority Leader. In the decade I have served in the Senate, Hugh Scott has been a consistent and outstanding leader on election reform, and it is a privilege to work with him on public financing, which is now the over-riding election reform issue of our time.

With Senators Cranston, Hart, Mathias, Mondale, Schweiker, Stafford, and Stevenson, who have also been outstanding leaders on this issue, Senator Scott and I are sponsoring a joint bipartisan amendment to the Debt Ceiling Act to provide public financing for Senate and House general elections and for Presidential primaries. We believe that the time is ripe to take such action, and we hope that the Committee will give our joint amendment its strong consideration.

At the outset, in offering the amendment, we pay well-deserved tribute to Senator Russell Long, the distinguished chairman of this committee. Theodore Roosevelt may be the grandfather of public financing in the American political system, but Senator Long is the father, the guiding force. Without his continuing efforts over the past decade, especially the enactment of the dollar check-off seven years ago, public financing today would still be where Theodore Roosevelt left it in 1907, an idea ahead of its time, instead of the solid Federal law on which Congress can now build.

Democrat and Republican, we are here today because we share the strong feeling that the time has come to end the unconscionable power of private money in public life.

Among the lessons of Watergate and the resignation of the Vice President, perhaps the most obvious is the unanimous, bipartisan recognition that the string has run out on the role of private money in campaign financing.

For centuries, money and public service have been a corrosive combination in political life. And the more things change, the more they remain the same. In "The Prince," Machiavelli put the problem clearly almost five hundred years ago:

"As a general rule, those who wish to win favor with a prince offer him the things they most value and in which they see that he will take most pleasure; so it is often seen that rulers receive presents of horses, arms, pieces of cloth of gold, precious stones, and similar ornaments worthy of their station."

The only real change today, when the favors available from the modern Federal government may boggle the mind of any medieval price, is that the most valued presents are not horses and arms, but contributions to political campaigns.

The Ervin Committee has barely begun the campaign financing phase of its hearings. Yet, the year-long Watergate revelations already demonstrate beyond any doubt the insidious influence of private money in American politics. When some of the most distinguished corporations in the nation—familiar names like American Airlines, Goodyear Tire, Gulf Oil, and Minnesota Mining and Manufacturing—confess to crimes involving blatant violations of the existing Federal election laws, we begin to understand the irrestible pressures that are infecting our national life. If 1972 was unique at all in campaign financing, it was unique only in the unscrupulous intensity and efficiency with which the contributions were so successfully solicited.

I am convinced that most, and probably all, of the very serious problems facing this country today have their roots in the way we finance political campaigns for high Federal office. Watergate may lead the list, but Congress shares the guilt as well. On issue after issue of absolutely vital importance to the ordinary citizens of this country, it is often easier to predict how the Administration and Congress will respond by studying the records of campaign contributions than by studying the merits of the issue.

We would have a different America today in the political power of campaign contributors were measured by their votes and voices instead of by their pocketbooks. Across the board, on virtually every issue before us, we know the dimensions of the problem. And if 1973 means anything, it means we cannot let the problem go unsolved.

To me, the solution is public financing. The best way to heal the system is to eliminate the corrosive power of private money in public life by establishing a comprehensive program of public financing for all elections to Federal office. In line with that goal, and as a result of many discussions over the past weeks, the nine Senators who are the principal sponsors of public financing legislation in this session of the Congress have agreed to propose a joint amendment to the Debt Ceiling Act.

Our amendment draws heavily on the approach of each of the Senators, including the Mondale-Schweiker bill for Presidential primaries and general elections, the Hart bill for public financing of Congressional elections and primaries; the Stevenson-Mathias bill for public financing of Presidential and Congressional elections, the Cranston bill for comprehensive public financing of primaries and the Kennedy-Scott bill for Senate and House general elections. Our joint amendment contains the following principal provisions:

First, the existing Presidential Election Campaign Fund Act is expanded to include Presidential primaries and Senate and House general elections, and the amount of the dollar check-off is increased to $2 for each taxpayer, or $4 on a joint return.

Second, for Presidential primaries, matching grants of public funds will be available for each private contribution up to $100. A threshold of $100,000 in private contributions is required before matching payments begin, and there are ceilings of $7 million on matching payments and $15 million on overall spending in such primaries.

Third, for Senate general elections, the provisions of the existing dollar check-off are carried over essentially intact. The amount of 15¢ per voter will be available for major party candidates; proportional amounts will be available for minor party candidates, based on their showing in the preceding election or the current election. Indeed, it is extraordinary testimony to the wisdom of Senator Long's dollar check-off in existing law that its provisions can be so easily applied to Senate elections.

Fourth, for House general elections, the sum of $90,000 is provided for major party candidates. This figure is the spending limit for House elections contained in S. 372, already passed by the Senate earlier this year.

Fifth, the existing tax credit and tax deduction for political contributions are doubled, raising the credit to one-half of the contributions up to $50 ($100 on a joint return), and raising the deduction to $100 ($200 on a joint return).

Sixth, a modest role for major political parties is provided in Presidential and Congressional general elections, by allowing their national committees and state committees to receive private contributions and to spend 2¢ a voter on Federal elections in their jurisdiction. In other respects, private financing of candidates in general elections for Federal office is prohibited, thereby removing the option in existing law by which one Presidential candidate could run his campaign on public funds, while the other chose private financing.

Seventh, the $3,000 and other private contribution limits already voted by the Senate in S. 372 are included as ceilings on large donations where private financing still operates, such as Presidential primaries.

Finally, Mr. Chairman, in concluding these remarks, I urge the Committee to use the occasion of the Debt Ceiling Act to take this major and positive step toward restoring the integrity of our political system. A year ago, the Debt Ceiling Act was the vehicle for a major increase in Social Security benefits. Last June, the Act was the vehicle for a number of significant changes on the Senate floor in the operation of the dollar check-off. The Debt Ceiling Act in June was also a major vehicle in the final Senate drive to enact the Cambodia bombing halt.

The precedents for similar action now are obvious. The Debt Ceiling Act has frequently been a vehicle in the past for amendments of over-riding public importance, and it is entirely appropriate that it should now become the vehicle for public financing of elections.

We are legislating today, not just for 1974 or 1976, but for the future of the country. The people are watching us on Watergate, and we should not let this moment pass to put the nation's house in order.

Mr. Chairman, I submit for the record of these hearings and for the committee's consideration the following exhibits: (1) a letter from Common Cause, strongly supporting the amendment; (2) a detailed summary of our proposed amendment (Amendment 651 to the Debt Ceiling Act); (3) a State-by-State table showing the public funds available to major party candidates in Senate elections; (4) the text of the amendment; (5) the text of the dollar checkoff in existing law; (6) some quotations on public financing that Senator SCOTT and I have compiled; (7) some illustrative examples of the application of public financing to Senate elections; (8) the official vote returns for Senate elections, 1968–1972; and (9) the 1973 tax forms proposed by the IRS, illustrating the adaptability of the dollar on the tax form to cover all Federal elections [these tax forms not printed in the CONGRESSIONAL RECORD].

EXHIBIT 1

COMMON CAUSE,
Washington, D.C., November 14, 1973.

Hon. EDWARD KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: Common Cause enthusiastically supports the public financing amendment to the Debt Ceiling Act which you and eight of your colleagues introduced yesterday. The amendment assumes special significance in that it represents a coming together of principal Senate sponsors of major public financing proposals to produce a single comprehensive legislative approach. The measure is given further strength by its impressive bi-partisan sponsorship.

The election reform bill passed by the

Senate in July (S. 372) contains many laudable features, e. g. establishing an independent elections commission, restricting the use of cash in campaigns, and setting limits on contributions and expenditures. But the root problem of campaign financing cannot be eliminated until the candidate can be assured of funds to run a creditable and competitive campaign without having to rely on big-money contributors. We do not believe this can be accomplished until a comprehensive system of public financing is adopted. The consensus reached by the nine sponsors of the public financing amendment has produced a vehicle for achieving fundamental reform of campaign financing.

In this year of Watergate, it is clear that the American people are deeply disturbed about the evils stemming from the present system of financing political campaigns. They want meaningful action now on this crictical issue. Senate passage of the public financing amendment would represent a major step toward preventing future Watergates and restoring public confidence in our electoral process.

Sincerely,

JACK T. CONWAY,
President.

EXHIBIT 2

OUTLINE OF PUBLIC FINANCING AMENDMENT TO THE DEBT CEILING ACT

PRESIDENTIAL PRIMARIES; SENATE AND HOUSE GENERAL ELECTIONS

Purpose

1. The amendment builds on existing law, which provides public financing for Presidential general elections, by extending its provisions to include public financing for Presidential primaries and the Senate and House general elections.

Existing law

2. The existing law is Senator Russell Long's "Presidential Election Campaign Fund Act," known as the dollar check-off. The Act, as passed by Congress in 1971 and amended in 1973, establishes public financing for Presidential general elections. Except as provided in this summary, the provisions of the proposed amendment are essentially identical to the provisions of the dollar check-off now applicable to Presidential general elections.*

General provisions on public financing

3. The amendment establishes a Federal Election Campaign Fund on the books of the Treasury as an expanded version of the existing Presidential Election Campaign Fund, to be funded through the dollar check-off and general appropriations acts of Congress. Payments from the Fund will be made to eligible major and minor party candidates, according to specified entitlements. Amendments to the check-off on the Debt Ceiling Act of July 1, 1973, have now eliminated the so-called "Special Accounts" in the existing Fund, and have left only a "General Account," to be allocated by formula among Presidential candidates. Under the proposed amendment, the General Account would be broadened to provide funds for Presidential primaries and for Senate and House general elections.

4. The amendment increases the amount of the dollar check-off from the existing level of $1 ($2 on a joint return) to $2 ($4 on a joint return).

5. It modifies the check-off to require taxpayers to indicate that they do *not* want their tax dollars paid into the Federal Election Campaign Fund.

6. It authorizes Congress to appropriate funds to make up deficits left in the General Account after the operation of the dollar check-off.

7. Like the dollar check-off, the program will be administered by the Comptroller General. The Comptroller General certifies a candidate's eligibility for payments, and is responsible for conducting a detailed post-election audit and obtaining repayments when necessary.

8. There are heavy criminal penalties for exceeding the spending limits, and for unlawful use of payments, false statements to the Comptroller General, and kickbacks and illegal payments.

9. The provisions of the amendment will go into effect for the 1974 Congressional elections and the 1976 Presidential primaries.

10. The cost of the public financing provisions of the amendment is estimated at $200 million in a President election year and $100 million in the off-year Congressional elections. Thus, the total cost of the program over the four-year election cycle is $300 million, yielding an average cost of about $75 million a year.

Presidential general elections

11. Apart from increasing the amounts available to be checked off on tax returns, the principal change made by the amendment in the case of public financing for Presidential general elections is that the bill bars the option of private financing for such elections (except that limited private contributions may be made for the benefit of candidates through the major political parties—see paragraph 31, below). Under the existing dollar check-off, public financing is available as an alternative to private financing for such elections, and candidates electing public financing may not also use private financing, except in cases where the available public funds are insufficient to meet the candidate's full entitlement. Thus, the amendment will prevent a situation in which one candidate for President runs on public funds in the general election, while the other runs on private funds. Under existing law, the level of spending is 15¢ per voter, or approximately $21 million for each Presidential candidate of a major party.

Presidential primaries

12. Each candidate in the Presidential primaries is entitled to matching payments of public funds for the first $100 received from each individual contributor.

13. Payments begin 14 months prior to the date of the general election for President.

14. Any contribution made in connection with the candidate's campaign for nomination, in whatever year it occurs, is eligible for matching. However, all such contributions are aggregated, and no more than $100 from any contributor may be matched.

15. Candidates must accumulate $100,000 in matchable contributions before matching payments of public funds begin. To meet this requirement, a candidate may accumulate 1,000 contributions of $100 each, or 2,000 contributions of $50 each, etc. Once this threshold requirement is met, the first $100,000 in contributions will also be eligible for matching payments.

16. No candidate may receive total matching payments in excess of 5¢ for each person over the age of 18 in the United States (approximately $7 million). The 5¢ figure will be adjusted for future increases in the cost of living.

17. No candidate may spend more than $15 million in his campaign for the Presidential nomination.

18. Matching payments may be used only for legitimate campaign expenses during the pre-nomination period, and unspent payments must be returned to the Treasury.

Senate and House general elections

19. The amendment provides public funds for general and special elections for the Senate and the House, but not for primaries or run-off elections.

20. As in the case of Presidential general elections, the amendment makes public financing mandatory for Senate and House elections. Thus, it bars the option of private financing by major party candidates in such elections (except that limited private contributions may be made for the benefit of candidates through the major political parties—see paragraph 31, below).

21. The amendment follows the basic formula in the existing dollar check-off for allocating public funds among candidates of major, minor and new parties. An independent candidate is entitled to public funds on the same basis as a candidate of a party.

22. A "major party" is a party that received 25 percent or more of the total number of popular votes received by all candidates for the office in the preceding election, or the party with the next highest share of the votes in a case where only one party qualifies as a major party on the basis of the preceding election.

23. A "minor party" is a party that received more than 5% but less than 25% of the popular vote in the preceding election. A "new party" is a party that is not a major party or a minor party.

24. In Senate elections and Statewide Congressional elections, a candidate of a major party is entitled to receive public funds in the amount of 15¢ per eligible voter or $175,000, whichever is greater. The 15¢ figure, which will be adjusted for future increases in the cost of living, coincides both with the entitlement of Presidential candidates in the existing dollar check-off and with the spending ceiling in the Senate-passed version of S. 372. The $175,000 figure coincides with the spending floor in S. 372 for candidates in Senate and Statewide Congressional elections.

25. In House elections in States with more than one Representative, the entitlement of a major party candidate is $90,000. This figure coincides with the spending floor in S. 372 for such candidates.

26. A candidate of a minor party is entitled to receive public funds in proportion to his share of the vote in the preceding election. A candidate of a minor party may increase his entitlement on the basis of his performance in the current election.

27. A candidate of a new party is entitled to receive public funds in proportion to his share of the popular vote in the current election, if he receives more than 5% of the vote in the election.

28. Public funds will be available for expenditures made by a candidate of a major party during the period beginning with the date on which the party nominates its candidate and ending 30 days after the election. Public funds will be available for candidates of other parties during the longest period in which they are available to a candidate of a major party.

OTHERS PROVISIONS

29. As an incentive to small contributions, the amendment doubles the existing tax credit and tax deduction for such contributions. The tax credit would be increased to one-half of any contribution up to $50 ($100 on a joint return), and the tax deduction would be increased to $100 ($200 on a joint return). The cost of this provision, based on figures for the 1972 Presidential election year, is $18 million.

30. Individuals or committees not authorized by a candidate may not spend more than $1,000 during the campaign on behalf of the candidate, if he is eligible for public funds.

31. In order to assure the continuity of normal functions of political parties, to provide a role for the parties in the general election, and to preserve a limited opportunity for small private contributions, the national committees of major political parties are entitled to spend a total of 2¢ per voter of their own funds collected from private contributions on behalf of Presidential, Senate, and House general election candidates,

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*See the "Presidential Election Campaign Fund Act," P.L. 92–178, 85 Stat. 497, 562–575 (December 10, 1971), as amended by the Debt Ceiling Act, P.L. 93–53, 87 Stat. 134, 138–139 (July 1, 1973)

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and the state committees of such parties are entitled to spend a total of 2¢ per voter of such funds on behalf of Presidential, Senate, and House general election candidates within their States.

32 As noted, the public financing provisions of the amendment prohibited direct private financing of Presidential, Senate, and House general elections, although indirect and limited private financing is permitted through the major parties. To limit the undue influence of large contributions in primaries, and to limit the size of private contributions channeled through the parties in the general election, the amendment incorporates the $3,000 and other contribution limits already approved by the Senate in S. 372—see the proposed new 18 U.S.C. 615 in Section 20 of S. 372 as passed by the Senate.

EXHIBIT 3.—PUBLIC FINANCING FOR SENATE GENERAL ELECTIONS, STATE BY STATE SPENDING

[15 cents per voter/$175,000 floor]

State	Voting age population (18 years and over)[1]	Amount of public funds
Alabama	2,294,000	$344,100
Alaska	194,000	175,000
Arizona	1,262,000	189,300
Arkansas	1,326,000	198,900
California	13,910,000	2,086,500
Colorado	1,560,000	234,000
Connecticut	2,083,000	312,450
Delaware	369,000	175,000
District of Columbia	527,000	175,000
Florida	5,087,000	763,050
Georgia	3,067,000	460,050
Hawaii	526,000	175,000
Idaho	487,000	175,000
Illinois	7,508,000	1,126,200
Indiana	3,477,000	521,550
Iowa	1,924,000	288,600
Kansas	1,538,000	230,700
Kentucky	2,191,000	328,650
Louisiana	2,348,000	352,200
Maine	683,000	175,000
Maryland	2,679,000	401,850
Massachusetts	3,937,000	590,550
Michigan	5,876,000	881,400
Minnesota	2,542,000	381,300
Mississippi	1,426,000	213,900
Missouri	3,223,000	483,450
Montana	468,000	175,000
Nebraska	1,021,000	153,150
Nevada	347,000	175,000
New Hampshire	513,000	175,000
New Jersey	4,986,000	747,900
New Mexico	657,000	175,000
New York	12,626,000	1,893,900
North Carolina	3,468,000	520,200
North Dakota	411,000	175,000
Ohio	7,130,000	1,069,500
Oklahoma	1,797,000	269,550
Oregon	1,487,000	223,050
Pennsylvania	8,174,000	1,226,100
Rhode Island	668,000	175,000
South Carolina	1,719,000	257,850
South Dakota	444,000	175,000
Tennessee	2,710,000	406,500
Texas	7,614,000	1,142,100
Utah	690,000	175,000
Vermont	304,000	175,000
Virginia	3,182,000	477,300
Washington	2,310,000	346,500
West Virginia	1,209,000	181,350
Wisconsin	2,965,000	444,750
Wyoming	226,000	175,000
Total, United States	139,172,000	20,875,800

[1] Department of Census estimate, voting age population, July 1, 1972, pursuant to the Federal Election Campaign Act of 1971 Public Law 92-225.

Exhibit 4

H.R. 11104

Amendment intended to be proposed by Mr. **Kennedy** (for himself, Mr. **Cranston**, Mr. **Hart**, Mr. **Mathias**, Mr. **Mondale**, Mr. **Schweiker**, Mr. **Hugh Scott**, Mr. **Stafford**, and Mr. **Stevenson**) to H.R. 11004, an Act to provide for a temporary increase of $13,000,000,000 in the public debt limit and to extend the period to which this temporary limit applies to June 30, 1974, viz: At the end of the Act, add the following new sections:

PUBLIC FINANCING OF FEDERAL ELECTIONS

Sec. 2. (a) Subtitle H of the Internal Revenue Code of 1954 is amended to read as follows:

"Subtitle H—Financing of Federal Election Campaigns

"Chapter 95. Federal Election Campaign Fund.

"Chapter 96. Federal Election Campaign Fund Advisory Board.

"Chapter 97. Presidential Primary Matching Payment Fund.

"CHAPTER 95—FEDERAL ELECTION CAMPAIGN FUND

"Sec. 9001. Short title.
"Sec. 9002. Definitions.
"Sec. 9003. Conditions for eligibility for payments.
"Sec. 9004. Entitlement of eligible candidates to payments.
"Sec. 9005. Certifications by Comptroller General.
"Sec. 9006. Payments to eligible candidates.
"Sec. 9007. Contributions and expenditures by National and State committees of political parties.
"Sec. 9008. Examinations and audits; repayments.
"Sec. 9009. Information on proposed expenses.
"Sec. 9010. Reports to Congress; regulations.
"Sec. 9011. Participation by Comptroller General in judicial proceedings.
"Sec. 9012. Judicial review.
"Sec. 9013. Criminal penalties.

"Sec. 9001. Short Title.

"This chapter may be cited as the 'Federal Election Campaign Fund Act'.

"Sec. 9002. Definitions.

"For purposes of this chapter—

"(1) The term 'Federal office' means the office of President or Vice President of the United States, or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States.

"(2) The term 'Federal election' means a general or special election for Federal office.

"(3) The term 'Comptroller General' means the Comptroller General of the United States.

"(4) The term 'authorized committee' means, with respect to a candidate of a political party for Federal office, any political committee which is authorized in writing by such candidate to incur expenses to further the election of such candidate. Such authorization shall be addressed to the chairman of such political committee, and a copy of such authorization shall also be in writing and shall be addressed and filed in the same manner as the authorization.

"(5) The term 'candidate' means, with respect to any Federal election, an individual who (A) has been nominated for election to Federal office by a major party, or (B) has qualified to have his name on the election ballot in the geographical area in which the election is to be held, or (C) in the case of a Presidential election, has qualified to have his name on the election ballot (or to have the names of electors pledged to him on the election ballot) as the candidate of a political party for election to the office of President or Vice President of the United States in 10 or more States. For purposes of this chapter, an independent candidate shall be considered a candidate of a political party. For purposes of paragraphs (8) and (9) of this section and purposes of section 9004(a)(2), the term 'candidate' means, with respect to any preceding Federal election, an individual who received popular votes for Federal office in such election.

"(6) The term 'eligible candidate' means a candidate of a political party for Federal office who has met all applicable conditions for eligibility to receive payments under this chapter set forth in section 9003.

"(7) The term 'fund' means the Federal Election Campaign Fund established by section 9006(a).

"(8) The term 'major party' means, with respect to any Federal election, (A) a political party whose candidate for Federal office in the preceding election for such office received, as the candidate of such party, 25 percent or more of the total number of popular votes received by all candidates for such office, or (B) if only one party qualifies as a major party on such basis, the party with the next highest percent of such votes in such election.

"(9) The term, 'minor party' means, with respect to any Federal election, a political party whose candidate for Federal office in the preceding election for such office received, as the candidate of such party, 5 percent or more but less than 25 percent of the total number of popular votes received by all candidates for such office.

"(10) The term 'new party' means, with respect to any Federal election, a political party which is neither a major party nor a minor party.

"(11) The term 'political committee' means any individual, committee, association, or organization (whether or not incorporated) which accepts contributions or makes expenditures for the purpose of influencing, or attempting to influence, the nomination or election of one or more individuals to Federal office.

"(12) The term 'qualified campaign expense' means an expense—

"(A) incurred (i) by the candidate of a political party for the office of President to further his election to such office, (ii) by the candidate of a political party for the office of Vice President to further his election to such office or to further the election of the candidate of such political party for the office of President, or both, (iii) by the candidate of a political party for other Federal office to further his election to such office, or (iv) by an authorized committee of a candidate of a political party for Federal office to further the election of one or more such candidates to such office.

"(B) incurred within the expenditure report period (as defined in paragraph (13)), or incurred before the beginning of such period to the extent such expense is for property, services, or facilities used during such period, and

"(C) neither the incurring nor payment of which constitutes a violation of any law of the United States or of the State in which such expense is incurred or paid.

An expense shall be considered as incurred by a candidate or an authorized committee if it is incurred by a person authorized by such candidate or such committee, as the case may be, to incur such expense on behalf of such candidate or such committee. If an authorized committee of a candidate of a political party for Federal office also incurs expenses to further the election of one or more other individuals to Federal, State, or local elective public office, expenses incurred by such committee which are not specifically to further the election of such other individual or individuals shall be considered as incurred to further the election of such candidate for Federal office in such proportion as the Comptroller General prescibes by rules or regulations.

"(13) The term 'expenditure report period' with respect to any Federal election means—

"(A) in the case of a major party, the period beginning with the first day of September before the election, or, if earlier, with the date on which such major party nominated its candidate for election to Federal office, and ending 30 days after the date of the election; and

"(B) in the case of a party which is not a major party, the same period as the expenditure report period of the major party which has the longest expenditure report period for such election under subparagraph (A).

"Sec. 9003. Conditions for Eligibility for Payments.

"(a) In General.—In order to be eligible to receive any payments under section 9006, a candidate of a political party in a Federal election shall, in writing—

"(1) agree to obtain and furnish to the Comptroller General such evidence as he may request of the qualified campaign expenses with respect to which payment is sought;

"(2) agree to keep and furnish to the Comptroller General such records, books, and other information as he may request;

"(3) agree to an audit and examination by the Comptorller General under section 9007 and to pay any amounts required to be paid under such section; and

"(4) agree to furnish statements of qualified campaign expenses and proposed qualified campaign expenses required under section 9008.

"(b) Major Parties.—In order to be eligible to receive any payments under section 9006, a candidate of a major party in a Federal election shall certify to the Comptroller General, under penalty of perjury, that—

"(1) such candidate and his authorized committees will not incur qualified campaign expenses in excess of those incurred under section 9007 and the aggregate payments to which he will be entitled under section 9004; and

"(2) no contributions to defray qualified campaign expenses (other than those received under section 9007) have been or will be accepted by such candidate or any of his authorized committees except to the extent necessary to make up any deficiency in payments received out of the fund on acount of the application of section 9006(d), and no contributions to defray expenses which would be qualified campaign expenses but for subparagraph (C) of section 9002(12) have been or will be accepted by such candidate or any of his authorized committees.

Since certification shall be made within such time prior to the day of the Federal election as the Comptroller General shall prescribe by rules or regulations.

"(c) Minor and New Parties.—In order to be eligible to receive any payments under section 9006, a candidate of a minor or new party in a Federal election shall certify to the Comptroller General, under penalty of perjury, that—

"(1) such candidate and his authorized committees will not incur qualified campaign expenses in excess of the aggregate payments to which the eligible candidate of a major party is entitled under section 9004; and

"(2) such candidate and his authorized committees will accept and expend or retain contributions to defray qualified campaign expenses only to the extent that the qualified campaign expenses incurred by such candidate and his authorized committees certified to under paragraph (1) exceed the aggregate payments received by such candidate out of the fund pursuant to section 9006.

Such certification shall be made within such time prior to the day of the Federal election as the Comptroller General shall prescribe by rules or regulations.

"(d) Except as provided in subsections (b)(2) and (c)(2) of this section and in section 9007 of this chapter, no candidate of a major party, minor party, or new party, or any of the authorized committees of such candidate shall accept contributions to defray qualified campaign expenses.

"Sec. 9004. Entitlement of Eligible Candidates to Payments.

"(a) In General.—Subject to the provisions of this chapter—

"(1) An eligible candidate of a major party in a Federal election shall be entitled to payments under section 9006 equal in the aggregate to the greater of—

"(A) 15 cents multiplied by the voting age population of the geographical area in which the election for such office is held, as determined by the Secretary of Commerce under the Federal Election Campaign Act of 1971;

"(B) $175,000, if the Federal office sought is that of Senator; or

"(C) $90,000, if the office sought is that of Representative.

"(2)(A) An eligible candidate of a minor party in a Federal election shall be entitled to payments under section 9006 equal in the aggregate to an amount which bears the same ratio to the amount computed under paragraph (1) for a major party as the number of popular votes received by the candidate for such office of the minor party, as such candidate, in the preceding election for such office bears to the average number of popular votes received by the candidates for such office of the major parties in the preceding election for such office.

"(B) If the candidate of one or more political parties (not including a major party) for Federal office was a candidate for such office in the preceding election for such office and received 5 percent or more of the total number of popular votes received by all candidates for such office, such candidate, upon compliance with the provisions of section 9003 (a) and (c), shall be treated as an eligible candidate entitled to payments under section 9006 in an amount computed as provided in paragraph (1) or in subparagraph (A), as the case may be, by taking into account all the popular votes received by such candidate for such office in the preceding election for such office. If an eligible candidate of a minor party is entitled to payments under this subparagraph, such entitlement shall be reduced by the amount of the entitlement allowed under subparagraph (A).

"(3) An eligible candidate of a minor party or a new party in a Federal election whose candidate in such election receives, as such candidate, 5 percent or more of the total number of popular votes cast for such office in such election shall be entitled to payments under section 9006 in an amount computed as provided in paragraph (1) or (2), as the case may be, on the basis of the numbers of votes cast in such election. In the case of an eligible candidate entitled to payments under paragraph (2), the amount allowable under this paragraph shall be limited to the amount, if any, by which the entitlement under this paragraph exceeds the amount of the entitlement under paragraph (2).

"(b) Limitations.—The aggregate payments to which an eligible candidate of a political party shall be entitled under subsections (a) (2) and (3) with respect to a Federal election shall not exceed an amount equal to the lower of—

"(1) the amount of qualified campaign expenses incurred by such eligible candidate and his authorized committees, reduced by the amount of contributions to defray qualified campaign expenses received and expended or retained by such eligible candidate and such committees, or

"(2) the aggregate payments to which the eligible candidate of a major party is entitled under subsection (a)(1), reduced by the amount of contributions described in paragraph (1) of this subsection.

"(c) Restrictions.—An eligible candidate of a political party shall be entitled to payments under subsection (a) only—

"(1) to defray qualified campaign expenses incurred by such eligible candidate or his authorized committees, or

"(2) to repay loans the proceeds of which were used to defray such qualified campaign expenses, or otherwise to restore funds (other than contributions to defray qualified campaign expenses received and expended by such candidate or such committees) used to defray such qualified campaign expenses.

"(d) Cost of Living Adjustment.—

"(1) For purpose of paragraph (2);

"(A) The term 'price index' means the average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.

"(B) The term 'base period' means the calendar year 1973.

"(2) At the beginning of each calendar year (commencing in 1975), as there become available necessary data from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall certify to the Federal Election Commission and publish in the Federal Register the per centum difference between the price index for the twelve months preceding the beginning of such calendar year and the price index for the base period. Each amount determined under subsection (a)(1) shall be increased by such per centum difference. Each amount so increased shall be the amount in effect for such calendar year.

"Sec. 9005. Certification by Comptroller General

"(a) Initial Certifications.—On the basis of the evidence, books, records, and information furnished by the eligible candidates of a political party and prior to examination and audit under section 9008, the Comptroller General shall certify from time to time to the Secretary for payment to such candidates under section 9006 the payments to which such candidates are entitled under section 9004.

"(b) Finality of Certifications and Determinations.—Initial certifications by the Comptroller General under subsection (a), and all determinations made by him under this chapter, shall be final and conclusive, except to the extent that they are subject to examination and audit by the Comptroller General under section 9008 and judicial review under section 9012.

"Sec. 9006. Payments to Eligible Candidates

"(a) Establishment of Campaign Fund.—There is hereby established on the books of the Treasury of the Untied States a special fund to be known as the Federal Election Campaign Fund. The Secretary shall, as provided by appropriation Acts, transfer to the fund an amount not in excess of the sum of the amounts designated to the fund by individuals under section 6096 and such additional sums as Congress may appropriate to insure that moneys in the fund will be adequate to meet the entitlements of eligible candidates under this chapter and chapter 97 of this subtitle.

"(b) Transfers to the General Fund.—The Secretary is authorized to transfer to the general fund of the Treasury such amounts of moneys in the fund as he determines from time to time are in excess of the amounts which eligible candidates are, or will be, entitled to receive.

"(c) Payments From the Fund.—Upon receipt of a certification from the Comptroller General under section 9005 for payment to the eligible candidates of a political party, the Secretary shall pay to such candidates out of the fund the amount certified by the Comptroller General. Amounts paid to any such candidates shall be under the control of such candidates.

"(d) Insufficient Amounts in Fund.—If, at the time of a certification by the Comptroller General under section 9005 for payment to the eligible candidates of a political party, the Secretary or his delegate determines that the moneys in the fund are not, or may not be, sufficient to satisfy the full entitlements of the eligible candidates of all political parties, he shall withhold from such payment such amount as he determines to be necessary to assure that the eligible candidates of each political party will receive their pro rata share of their full entitlement. Amounts withheld by reason of the preceding sentence shall be paid when the Secretary or his delegate determines that there are sufficient moneys in the fund to pay such amounts, or portions thereof, to all

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eligible candidates from whom amounts have been withheld, but, if there are not sufficient moneys in the fund to satisfy the full entitlement of the eligible candidates of all political parties, the amounts so withheld shall be paid in such manner that the eligible candidates of each political party receive their pro rata share of their full entitlement.

"SEC. 9007. CONTRIBUTIONS AND EXPENDITURES BY NATIONAL AND STATE COMMITTEES OF POLITICAL PARTIES.

"(a) Notwithstanding any other provisions of this chapter, the national committee of a major party may receive contributions and make expenditures in connection with a Federal election; and a State committee of a major party, including subordinate local committees of such committee, may accept contributions and make expenditures in connection with a Federal election in such State. Contributions received by such National or State committee under this section shall be subject to the limitations provided in section 9037 of chapter 97 of this subtitle and any other limitations provided by law.

"(b) Expenditures made under this section by a national committee, or by a State committee, including subordinate local committees of such committee, shall not exceed for each National or State committee a total of 2 cents multiplied by the voting age population of the geographical area in which the committee is authorized to make expenditures, as determined by the Secretary of Commerce under the Federal Election Campaign Act of 1971.

"SEC. 9008. EXAMINATION AND .AUDITS; REPAYMENTS.

"(a) EXAMINATIONS AND AUDITS.—After each Federal election, the Comptroller General shall conduct a thorough examination and audit of the qualified campaign expenses of the candidates of each political party for Federal office.

"(b) REPAYMENTS.—

"(1) If the Comptroller General determines that any portion of the payments made to an eligible candidate of a political party under section 9006 was in excess of the aggregate payments to which the candidate was entitled under section 9004, he shall so notify such candidate, and such candidate shall pay to the Secretary an amount equal to such portion.

"(2) If the Comptroller General determines that an eligible candidate of a political party and his authorized committees incurred qualified campaign expenses in excess of the aggregate payments to which an eligible candidate of a major party was entitled under section 9004, he shall notify such candidate of the amount of such excess and such candidate shall pay to the Secretary an amount equal to such amount.

"(3) If the Commission determines that an eligible candidate of a major party or any authorized committee of such candidate accepted contributions (other than contributions under section 9007, or contributions to make up deficiencies in payments out of the fund on account of the application of section 9006d)) to defray qualified campaign expenses (other than qualified campaign expenses with respect to which payment is required under paragraph (2)), he shall notify such candidate of the amount of the contributions so accepted, and such candidate shall pay to the Secretary an amount equal to such amount.

"(4) If the Comptroller General determines that any amount of any payment made to an eligible candidate of a political party under section 6096 was used for any purpose other than—

"(A) to defray the qualified campaign expenses with respect to which such payment was made, or

"(B) to repay loans the proceeds of which were used or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray such qualified campaign expenses,

he shall notify such candidate of the amount so used, and such candidate shall pay to the Secretary an amount equal to such amount.

"(5) No payment shall be required from an eligible candidate of a political party under this subsection to the extent that such payment, when added to other payments required from such candidate under this subsection, exceeds the amount of payments received by such candidate under section 9006.

"(c) NOTIFICATION.—No notification shall be made by the Comptroller General under subsection (b) with respect to a Federal election more than 3 years after the day of such election.

"(d) DEPOSIT OF REPAYMENTS.—All payments received by the Secretary under subsection (b) shall be deposited by him in the general fund of the Treasury.

"SEC. 9009. INFORMATION ON PROPOSED EXPENSES.

"(a) REPORTS BY CANDIDATES.—A candidate of a political party for Federal office in a Federal election shall, from time to time, as the Comptroller General may require, furnish to the Comptroller General a detailed statement, in such form as the Comptroller General may prescribe, of—

"(1) the qualified campaign expenses incurred by him and his authorized committees prior to the date of such statement (whether or not evidence of such expenses has been furnished for purposes of section 9005), and

"(2) the qualified campaign expenses which he and his authorized committees propose to incur on or after the date of such statement.

The Comptroller General shall require a statement under this subsection from such candidates of each political party at least once each week during the second, third, and fourth weeks preceding the day of the Federal election and at least twice during the week preceding such day.

"(b) PUBLICATION.—The Comptroller General shall, as soon as possible after he receives each statement under subsection (a), prepare and publish a summary of such statement, together with any other data or information which he deems advisable, in the Federal Register. Such summary shall not include any information which identifies any individual who made a designation under section 6096.

"SEC. 9010. REPORTS TO CONGRESS; REGULATIONS.

"(a) REPORTS.—The Comptroller General shall, as soon as practicable after each Federal election, submit a full report to the Senate and House of Representatives setting forth—

"(1) the qualified campaign expenses (shown in such detail as the Comptroller General determines necessary) incurred by the candidates of each political party and their authorized committees;

"(2) the amounts certified by him under section 9005 for payment to the eligible candidates of each political party; and

"(3) the amount of payments, if any, required from such candidates under section 9007, and the reasons for each payment required.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) REGULATIONS, ETC.—The Comptroller General is authorized to prescribe such rules and regulations, to conduct such examinations and audits (in addition to the examinations and audits required by section 9008 (a)), to conduct such investigations, and to require the keeping and submission of such books, records, and information, as he deems necessary to carry out the functions and duties imposed on him by this chapter.

"SEC 9011. PARTICIPATION BY COMPTROLLER GENERAL IN JUDICIAL PROCEEDINGS.

"(a) APPEARANCE BY COUNSEL.—The Comptroller General is authorized to appear in and defend against any action filed under section 9012, either by attorneys employed in his office or by counsel whom he may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation he may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) RECOVERY OF CERTAIN PAYMENTS.—The Comptroller General is authorized through attorneys and counsel described in subsection (a) to appear in the district courts of the United States to seek recovery of any amounts determined to be payable to the Secretary as a result of examination and audit made pursuant to section 9008.

"(c) DECLARATION AND INJUNCTIVE RELIEF.—The Comptroller General is authorized through attorneys and counsel described in subsection (a) to petition the courts of the United States for declaratory or injunctive relief concerning any civil matter covered by the provisions of this subtitle or section 6096. Upon application of the Comptroller General, an action brought pursuant to this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28, United States Code, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited.

"(d) APPEAL.—The Comptroller General is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which he appears pursuant to the authority provided in this section.

"SEC. 9012. JUDICIAL REVIEW.

"(a) REVIEW OF CERTIFICATION, DETERMINATION, OR OTHER ACTION BY THE COMPTROLLER GENERAL.—Any certification, determination, or other action by the Comptroller General made or taken pursuant to the provisions of this chapter shall be subject to review by the United States Court of Appeals for the District of Columbia upon petition filed in such court by any interested person. Any petition filed pursuant to this section shall be filed within 30 days after the certification, determination, or other action by the Comptroller General for which review is sought.

"(b) SUITS TO IMPLEMENT CHAPTER.—

"(1) The Comptroller General, the national committee of any political party, and individuals eligible to vote in an election for Federal office, are authorized to institute such actions, including actions for declaratory judgment or injunctive relief, as may be appropriate to implement or construe any provision of this chapter.

"(2) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this subsection and shall exercise the same without regard to whether a person asserting rights under provisions of this subsection shall have exhausted any administrative or other remedies that may be provided at law. Such proceedings shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28, United States Code, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited.

"SEC. 9013. CRIMINAL PENALTIES.

"(a) EXCESS CAMPAIGN EXPENSES.—

"(1) It shall be unlawful for an eligible candidate of a political party for Federal office in a Federal election or any of his authorized committees knowingly and willfully to incur qualified campaign expenses in excess of those incurred under section 9007 and the aggregate payments to which the eligible candidates of a major party are entitled under section 9004 with respect to such election.

"(2) Any person who violates paragraph (1) shall be fined not more than $5,000, or imprisoned not more than 1 year, or both. In the case of a violation by an authorized committee, any officer or member of such committee who knowingly and willfully consents to such violation shall be fined not more than $5,000, or imprisoned not more than 1 year, or both.

"(B) CONTRIBUTIONS.—

"(1) It shall be unlawful for an eligible candidate of a major party in a Federal election or any of his authorized committees knowingly and willfully to accept any contribution to defray qualified campaign expenses (other than those received under section 9007), except to the extent necessary to make up any deficiency in payments received out of the fund on account of the application of section 9006(d), or to defray expenses which would be qualified campaign expenses but for subparagraph (C) of section 9002(12).

"(2) It shall be unlawful for an eligible candidate of a political party (other than a major party) in a Federal election or any of his authorized committees knowingly and willfully to accept and expend or retain contributions to defray qualified campaign expenses in an amount which exceeds the qualified campaign expenses incurred with respect to such election by such eligible candidate and his authorized committees.

"(3) Any person who violates paragraph (1) or (2) shall be fined not more than $5,000, or imprisoned not more than 1 year, or both. In the case of a violation by an authorized committee, any officer or member of such committee who knowingly and willfully consents to such violation shall be fined not more than $5,000, or imprisoned not more than 1 year, or both.

"(C) UNLAWFUL USE OF PAYMENTS.—

"(1) It shall be unlawful for any person who receives any payment under section 9006, or to whom any portion of any payment received under such section is transferred, knowingly and willfully to use, or authorize the use of, such payment or such portion of any purpose other than—

"(A) to defray the qualified campaign expenses with respect to which such payment was made, or

"(B) to repay loans the proceeds of which were used, or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray such qualified campaign expenses.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(d) FALSE STATEMENTS, ETC.—

"(1) It shall be unlawful for any person knowingly and willfully—

"(A) to furnish any false, fictitious, or fraudulent evidence, books, or information to the Comptroller General under this subtitle, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Comptroller General or an examination and audit by the Comptroller General under this subtitle; or

"(B) to fail to furnish to the Comptroller General any records, books, or information requested by him for purposes of this chapter.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(e) KICKBACKS AND ILLEGAL PAYMENTS.—

"(1) It shall be unlawful for any person knowingly and willfully to give or accept any kickback or any illegal payment in connection with any qualified campaign expense of an eligible candidate or his authorized committees.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(3) In addition to the penalty provided by paragraph (2), any person who accepts any kickback or illegal payment in connection with any qualified campaign expense of an eligible candidate or his authorized committees shall pay to the Secretary, for deposit in the general fund of the Treasury, an amount equal to 125 percent of the kickback or payment received.

"(f) UNAUTHORIZED EXPENDITURES.—

"(1) Except as provided in paragraph (2), it shall be unlawful for any political committee which is not an authorized committee with respect to an eligible candidate of a political party for Federal office in a Federal election knowingly and willfully to incur expenditures to further the election of such candidate, which would constitute qualified campaign expenses if incurred by an authorized committee of such candidate, in an aggregate amount exceeding $1,000.

"(2) This subjsection shall not apply to (A) expenditures by a broadcaster regulated by the Federal Communications Commission, or by a periodical publication, in reporting the news or in taking editorial positions, or (B) expenditures by any organization described in section 501(e), which is exempt from tax under section 501(a) in communicating to its members the views of the organization.

"(3) Any political committee which violates paragraph (1) shall be fined not more than $5,000, and any officer or member of such committee who knowingly and willfully consents to such violation and any other individual who knowingly and willfully violates paragraph (1) shall be fined not more than $5,000 or imprisoned not more than 1 year, or both.

"(b) UNAUTHORIZED DISCLOSURE OF INFORMATION.—

"(1) It shall be unlawful for any individual to disclose any information obtained under the provisions of this chapter except as may be required by law.

"(2) Any person who violates paragraph (1) shall be fined not more than $5,000, or imprisoned not more than 1 year, or both.

"CHAPTER 96—FEDERAL ELECTION CAMPAIGN FUND ADVISORY BOARD

"SEC. 9021. ESTABLISHMENT OF ADVISORY BOARD.

"(a) ESTABLISHMENT OF BOARD.—There is hereby established an advisory board to be known as the Federal Election Campaign Fund Advisory Board (hereinafter in this section referred to as the 'Board'). It shall be the duty and function of the Board to counsel and assist the Comptroller General of the United States in the performance of the duties and functions imposed on him under the Federal Election Campaign Fund Act.

"(b) COMPOSITION OF BOARD.—The Board shall be composed of the following members:

"(1) the majority leader and minority leader of the Senate and the Speaker and minority leaders of the House of Representatives, who shall serve ex officio;

"(2) 2 members representing each political party which is a major party (as defined in section 9002(8)), which members shall be appointed by the Comptroller General from recommendations submitted by such political party; and

"(3) 3 members representing the general public, which members shall be selected by the members described in paragraphs (1) and (2).

The terms of the first members of the Board described in paragraphs (2) and (3) shall expire on the 60th day after the date of the first Presidential election following January 1, 1976, and the terms of subsequent members described in paragraphs (2) and (3) shall begin on the 61st day after the date of a Presidential election and expire on the 60th day following the date of the subsequent Presidential election. The Board shall elect a Chairman from its members.

"(c) COMPENSATION.—Members of the Board (other than members described in subsection (b)(1)) shall receive compensation at the rate of $75 a day for each day they are engaged in performing duties and functions as such members, including traveltime, and, while away from their homes or regular places of business, shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons in the Government service employed intermittently.

"(d) STATUS.—Service by an individual as a member of the Board shall not, for purposes of any other law of the United States, be considered as service as an officer or employee of the United States.

"CHAPTER 97—PRESIDENTIAL PRIMARY MATCHING PAYMENT FUND

"Sec. 9031. Short title.
"Sec. 9032. Definitions.
"Sec. 9033. Creation of fund.
"Sec. 9034. Entitlements.
"Sec. 9035. Limitations.
"Sec. 9036. Examinations and audits; repayments.
"Sec. 9037. Limitations on contributions by individuals and on expenditures by certain other persons.
"Sec. 9038. Criminal penalties.

"SEC. 9031. SHORT TITLE.

"This chapter may be cited as the 'Presidential Primary Matching Payment Fund Act'.

"SEC. 9032. DEFINITIONS.

"For purposes of this chapter—

"(1) The term 'qualified campaign expense' means an expense—

"(A) incurred by a candidate for nomination for election to the office of President to further his nomination for such office, or by an authorized committee of such candidate to further his nomination to such office,

"(B) incurred within the matching payment period (as defined in paragraph (2)), or incurred before the beginning of such period to the extent such expense is for property, services, or facilities used during such period, and

"(C) neither the incurring nor payment of which constitutes a violation of any law of the United States or the State in which such exercise is incurred or paid. An expense shall be considered as incurred by a candidate or an authorized committee if it is incurred by a person authorized by such candidate or such committee, as the case may be, to incur such expense on behalf of such candidate or such committee.

"(2) The term 'matching payment period' means the period beginning 14 months prior to the date of the general election for President and ending on the date on which the national convention of the party for whose nomination the candidate is campaigning nominates its candidate for President.

"(3) The term 'authorized committee' means, with respect to a candidate for nomination for election to the office of President, any political committee which is authorized in writing by such candidate to incur expenses to further the election of such candidate. Such authorization shall be addressed to the chairman of such political committee, and a copy of such authorization shall be filed by such candidate with the

Comptroller General. Any withdrawal of any authorization shall also be in writing and shall be addressed and filed in the same manner as the authorization.

"Sec. 9033. Creation of Fund.

"(a) Establishment of Campaign Fund.—There is hereby established on the books of the Treasury of the United States, as part of the Federal Election Campaign Fund established by Chapter 95 of this subtitle, a special account to be known as the Presidential Primary Matching Payment Fund (hereinafter referred to in this chapter as the 'fund'). The Secretary shall transfer to the fund such amounts in the Federal Election Campaign Fund as may be necessary to meet the entitlements of candidates under this chapter.

"(b) Report to Congress.—The Secretary of the Treasury shall be the trustee of the fund and shall report to the Congress not later than March 1 of each year on the operation and status of the fund and of the Federal Election Campaign Fund during the preceding year.

"Sec. 9034. Entitlements.

"(a) Matching Payment for Contributions of $100 or Less.—Any candidate for nomination for President, or his authorized committee, is entitled, upon certification by the Comptroller General, to payments from the fund for qualified campaign expenses beginning 14 months prior to the date of the general election for President in an amount equal to the amount of each contribution received by such candidate or committee (disregarding any amount of contributions from any person to the extent that such amount exceeds $100).

"(b) Voucher.—To be eligible for the entitlement established by subsection (a), such candidate shall submit to the Comptroller, General, at such times and in such form and manner as the Comptroller General may require, a matching payment entitlement voucher. Such voucher shall include the full name of any person making a contribution together with the date, the exact amount of the contribution, the complete address of the contributor and the occupation and principal place of business, if any, for contributors of more than $100.

"(c) Determination and Certification by Comptroller General.—The Comptroller General shall—

"(1) make a determination, according to such procedures as he may establish, as to whether each contribution enumerated on such voucher is consistent with the provisions of section 9034(a) and 9035 of this chapter; and

"(2) certify for payment by the Secretary to such candidate an amount equal to the sum of the contributions enumerated on such voucher which meet the requirements of subsection (c) (1).

"(d) Payment by Secretary.—Promptly upon certification, the Secretary shall make a payment from the fund to such candidate in the amount certified by the Comptroller General.

"(e) Authorized Committee.—For the purposes of this section, the authorized committee of any candidate for nomination for President may submit an entitlement voucher pursuant to subsection (b) in behalf of such candidate, listing contributions received by such committee eligible for payment under this chapter.

"Sec. 9035. Limitations.

"(a) Certification by the Comptroller General.—The Comptroller General shall not certify pursuant to section 9034(c) (2) any portion of any contribution made by any person to a candidate or committee entitled to payments under this chapter—

"(1) which, when added to other contributions made by such person to such candidate or committee in connection with the nomination of such candidate for President, exceeds $100; or

"(2) if payment from the fund of an amount equal to the amount of such contribution, or portion thereof, when added to any other payment from the fund to such candidate or committee during the matching payment period, is in excess of 5 cents multiplied by the voting age population of the United States (as certified to the Comptroller General by the Secretary of Commerce pursuant to section 104(a) (5) of the Federal Election Campaign Act of 1971).

"(b) Payment by the Secretary.—The Secretary shall make no payment to a candidate or committee entitled to payments from the fund—

"(1) until the Comptroller General has certified contributions submitted by such candidate or committee, pursuant to section 9034(b), in an aggregate amount of $100,000; and

"(2) earlier than 14 months prior to the date of the general election for President.

"(3) Qualified Campaign Expenses.—A candidate shall be eligible for payments from the funds only—

"(1) to defray qualified campaign expenses incurred by such candidate or his authorized commtitee, or

"(2) to repay loans the proceeds of which were used to defray such qualified campaign expenses, or otherwise to restore funds (other than contributions to defray qualified campaign expenses received and expended by such candidate or committee) used to defray such qualified campaign expenses.

"(4) Return of Unused Funds.—Amounts received by a candidate from the fund may be retained for liquidation of all obligations to pay qualified campaign expenses incurred during the matching payment period for a period not exceeding 6 months after the end of the matching payment period; and all obligations having been liquidated, that portion of any unexpended balance remaining in the candidate's accounts which bears the same ratio to the total unexpended balance as the total amount received from the funds bears to the total of all deposits made into the candidate's accounts shall be promptly repaid to the fund.

"(e) Rules and Procedures.—The Comptroller General shall make such rules and establish such procedures as may be necessary to carry out the purposes of this chapter. All such rules and procedures shall be published in the Federal Register not less than 30 days prior to their effective date, and shall be available to the general public. The Comptroller General shall publish and make available forms for the making of such reports and statements as may be required, and a manual setting forth uniform methods of bookkeeping and reporting for use by persons required to make reports and statements under this chapter.

"Sec. 9036. Examination and Audits; Repayments.

"(a) Examination and Audits.—After each matching payment period, the Comptroller General shall conduct a thorough examination and audit of the qualified campaign expenses of the candidates receiving payments from the fund.

"(b) Repayments.—

"(1) If the Comptroller General determines that any portion of the payments made to a candidate from the fund was in excess of the aggregate payments to which such candidate was entitled under sections 9034 and 9035, he shall so notify such candidate, and such candidate shall pay to the Secretary an amount equal to such portion.

"(2) If the Comptroller General determines that any amount of any payment made to a candidate from the fund was used for any purpose other than—

"(A) to defray the qualified campaign expenses with respect to which such payment was made, or

"(B) to repay loans the proceeds of which were used or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray such qualified campaign expenses, he shall notify such candidate of the amount so used, and such candidate shall pay to the Secretary an amount equal to such amount.

"(c) Notification.—No notification shall be made by the Comptroller General under subsection (b) with respect to a matching payment period more than 3 years after the end of such period.

"(d) Deposit of Repayment.—All payments received by the Secretary under subsection (b) shall be deposited by him in the general fund of the Treasury.

"Sec. 9037. Limitations on Contributions by Individuals and on Expenditures by Certain Other Persons.

"(a) No individual shall make any contributions during any calendar year to or for the benefit of any candidate which is in excess of the amount which, when added to the total amount of all other contributions made by that individual during that calendar year to or for the benefit of a particular candidate, would equal $3,000.

"(b) No individual shall during any calendar year make, and no person shall accept, (1) any contribution to a political committee, or (2) any contribution to or for the benefit of any candidate, which, when added to all the other contributions enumerated in (1) and (2) of this subsection which were made in that calendar year, exceeds $25,000.

"(c)(1) No person (other than an individual) shall make any expenditure, during any calendar year for or on behalf of a particular candidate which is in excess of the amount which, when added to the total amount of all other expenditures made by that person for or on behalf of that candidate during that calendar year, would equal $3,000.

"(2) This subsection shall not apply to the central campaign committee or the State campaign committee of a candidate, to the national committee of a political party, to the State committee of a major political party, or to the Republican or Democratic Senatorial Campaign Committee, the Democratic National Congressional Committee, or the National Republican Congressional Committee.

"(d) The limitations imposed by subsection (a)(1) and by subsection (c) shall apply separately to each primary, primary runoff, general, and special election in which a candidate participates.

"(e)(1) Any contribution made in connection with a campaign in a year other than the calendar year in which the election to which that campaign relates is held shall, for purposes of this section, be taken into consideration and counted toward the limitations imposed by this section for the calendar year in which that election is held.

"(2) Contributions made to or for the benefit of a candidate nominated by a political party for election to the office of Vice President shall be held and considered, for purposes of this section, to have been made to or for the benefit of the candidate nominated by that party for election to the office of President.

"(f) For purposes of this section—

"(1) the term 'political party' means a political party which in the next preceding Presidential election, nominated candidates for election to the offices of President and Vice President, and the electors of which party received in such election, in any or all of the States, an aggregate number of votes equal in number to at least 10 percent of the total number of votes cast throughout the United States for all electors for candidates for President and Vice President in such election; and

"(2) the definitions in section 591 of title 18 shall be applicable.

"(g) For purposes of the limitations contained in this section, all contributions made by any person directly or indirectly on behalf of a particular candidate, including contributions which are in any way earmarked, encumbered, or otherwise directed through an intermediary or conduit to that candidate, shall be treated as contributions from that person to that candidate.

"(h) Violation of the provisions of this section is punishable by a fine of not to exceed $25,000, imprisonment for not to exceed 5 years, or both.

"Sec. 9038. Criminal Penalties.

"(a) Excess Campaign Expenses.—

"(1) It shall be unlawful for any candidate for nomination for election to the office of President or any of his authorized committees knowingly and willfully to incur any expenses in connection with such nomination in excess in the aggregate of $15,000,000.

"(2) Any person who violates paragraph (1) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both. In the case of a violation by an authorized committee, any officer or member of such committee who knowingly and willfully consents to such violation shall be fined not more than $25,000, or imprisoned not more than 5 years, or both.

"(3) At the beginning of each calendar year (commencing in 1975), as there become available necessary data from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall certify to the Comptroller General and publish in the Federal Register the percent difference between the price index for the 12 months preceding the beginning of such calendar year and the price index for the base period. The limit on campaign expenses in paragraph (1) shall be increased by such percent difference. The limit so increased shall be the amount in effect for such calendar year.

"(A) The term 'price index' means the average over a calendar year of the Consumer Price Index (all items United States city average) published monthly by the Bureau of Labor Statistics.

"(B) The term 'base period' means the calendar year 1973.

"(b) Unlawful Use of Payments.—

"(1) It shall be unlawful for any person who receives any payment from the fund, or to whom any portion of any payment received from the fund is transferred, knowingly and willfully to use, or authorize the use of, such payment or such portion for any purpose other than—

"(A) to defray the qualified campaign expenses with respect to which such payment was made, or

"(B) to repay loans the proceeds of which were used, or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray such qualified campaign expenses.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(c) False Statements, Etc.—

"(1) It shall be unlawful for any person knowingly and willfully—

"(A) to furnish any false, fictitious, or fraudulent evidence, books, or information to the Comptroller General under this subtitle or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Comptroller General or an examination and audit by the Comptroller General under this chapter; or

"(B) to fail to furnish to the Comptroller General any records, books, or information requested by him for purposes of this chapter.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000 or imprisoned not more than 5 years, or both.

"(d) Kickbacks and Illegal Payments.—

"(1) It shall be unlawful for any person knowingly and willfully to give or accept any kickback or any illegal payment in connection with any qualified campaign expense of a candidate receiving payment from the fund or his authorized committees.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(3) In addition to the penalty provided by paragraph (2), any person who accepts any kickback or illegal payment in connection with any qualified campaign expense of a candidate or his authorized committees shall pay to the Secretary, for deposit in the general fund of the Treasury, an amount equal to 125 percent of the kickback or payment received.".

(b) The amendments made by subsection (a) of this section shall take effect on January 1, 1974.

Sec. 3. Designation of Income Tax Payments to Federal Election Campaign Fund.

(a) Effective with respect to taxable years ending on or after December 31, 1973, section 6096(a) (relating to designation of income tax payments to the Federal Election Campaign Fund) is amended to read as follows:

"Sec. 6096. Designation by Individual.

"(a) In General.—For every individual (other than a nonresident alien) whose income tax liability for the taxable year is $2 or more, the amount of $2 shall be paid over to the Federal Election Campaign Fund in accordance with the provisions of section 9006(a), unless the individual designates that $2 shall not be paid over to the fund. In the case of a joint return of husband and wife having an income tax liability of $4 or more, the amount of $4 shall be paid to the fund, unless they designate that $4 shall not be paid over to the fund.

(b) The amendments made by this section shall apply with respect to taxable years beginning after December 31, 1972. Any designation made under section 6096 of the Internal Revenue Code of 1954 (as in effect for taxable years beginning before January 1, 1973) for the account of the candidates of any specified political party shall, for purposes of section 9006(a) of such Code, as amended, be treated solely as a designation to the Federal Election Campaign Fund.

Sec. 4. Increase in Tax Credit and Tax Deduction for Political Contributions.

(a) Section 41(b)(1) of the Internal Revenue Code of 1954 (relating to maximum credit for contributions to candidates for public office) is amended to read as follows:

"(1) Maximum credit.—The credit allowed by subsection (a) for a taxable year shall not exceed $25 ($50 in the case of a joint return under 6013).".

(b) Section 218(b)(1) of the Internal Revenue Code of 1954 (relating to amount of deduction for contributions to candidates for public office) is amended to read as follows:

"(1) Amount.—The deduction under subsection (a) shall not exceed $100 ($200 in the case of a joint return under section 6013).".

(c) The amendments made by subsections (a) and (b) shall apply with respect to any political contribution the payment of which is made after December 31, 1973.

Exhibit 5

Checkoff—Current Law

TITLE VIII OF PUBLIC LAW 92-178, AS AMENDED BY PUBLIC LAW 93-53—FINANCING OF PRESIDENTIAL ELECTION CAMPAIGNS

Sec. 801. Presidential Election Campaign Fund Act

The Internal Revenue Code of 1954 is amended by adding at the end thereof the following new subtitle:

"Subtitle H—Financing of Presidential Election Campaigns

"Chapter 95. Presidential election campaign fund.
"Chapter 96. Presidential election campaign fund advisory board.

"CHAPTER 95—PRESIDENTIAL ELECTION CAMPAIGN FUND

"Sec. 9001. Short title.
"Sec. 9002. Definitions.
"Sec. 9003. Condition for eligibility for payments.
"Sec. 9004. Entitlement of eligible candidates to payments.
"Sec. 9005. Certification by Comptroller General.
"Sec. 9006. Payments to eligible candidates.
"Sec. 9007. Examinations and audits; repayments.
"Sec. 9008. Information on proposed expenses.
"Sec. 9009. Reports to Congress; regulations.
"Sec. 9010. Participation by Comptroller General in judicial proceedings.
"Sec. 9011. Judicial review.
"Sec. 9012. Criminal penalties.
"Sec. 9013. Effective date of chapter.

"Sec. 9001. Short Title

"This chapter may be cited as the 'Presidential Election Campaign Fund Act'.

"Sec. 9002. Definitions

"For purposes of this chapter—

"(1) The term 'authorized committee' means, with respect to the candidates of a political party for President and Vice President of the United States, any political committee which is authorized in writing by such candidates to incur expenses to further the election of such candidates. Such authorization shall be addressed to the chairman of such political committee, and a copy of such authorization shall be filed by such candidates with the Comptroller General. Any withdrawal of any authorization shall also be in writing and shall be addressed and filed in the same manner as the authorization.

"(2) The term 'candidate' means, with respect to any presidential election, an individual who (A) has been nominated for election to the office of President of the United States or the office of Vice President of the United States by a major party, or (B) has qualified to have his name on the election ballot (or to have the names of electors pledged to him on the election ballot) as the candidate of a political party for election to either such office in 10 or more States. For purposes of paragraphs (6) and (7) of this section and purposes of section 9004(a) (2), the term 'candidate' means, with respect to any preceding presidential election, an individual who received popular votes for the office of President in such election.

"(3) The term 'Comptroller General' means the Comptroller General of the United States.

"(4) The term 'eligible candidates' means the candidates of a political party for President and Vice President of the United States who have met all applicable conditions for eligibility to receive payments under this chapter set forth in section 9003.

"(5) The term 'fund' means the Presidential Election Campaign Fund established by section 9006(a).

"(6) The term 'major party' means, with respect to any presidential election, a political party whose candidate for the office of President in the preceding presidential election received, as the candidate of such party, 25 percent or more of the total number of popular votes received by all candidates for such office.

"(7) The term 'minor party' means, with respect to any presidential election, a political party whose candidate for the office of President in the preceding presidential election received, as the candidate of such party, 5 percent or more but less than 25 percent of the total number of popular votes received by all candidates for such office.

"(8) The term 'new party' means, with respect to any presidential election, a political party which is neither a major party nor a minor party.

"(9) The term 'political committee' means any committee, association, or organization (whether or not incorporated) which accepts contributions or makes expenditures for the purpose of influencing, or attempting to influence, the nomination or election of one or more individuals to Federal, State, or local elective public office.

"(10) The term 'presidential election' means the elections of presidential and vice-presidential electors.

"(11) The term 'qualified campaign expense' means an expense—

"(A) incurred (i) by the candidate of a political party for the office of President to further his election to such office or to further election of the candidate of such political party for the office of Vice President, or both (ii) by the candidate of a political party for the office of Vice President to further his election to such office or to further the election of the candidate of such political party for the office of President, or both, or (iii) by an authorized committee of the candidates of a political party for the offices of President and Vice President to further the election of either or both of such candidates to such offices.

"(B) incurred within the expenditure report period (as defined in paragraph (12)), or incurred before the beginninng of such period to the extent such expense is for property, services, or facilities used during such period, and

"(C) neither the incurring nor payment of which constitutes a violation of any law of the United States or of the State in which such expense is incurred or paid.

An expense shall be considered as incurred by a candidate or an authorized committee if it is incurred by a person authorized by such candidate or such committee, as the case may be, to incur such expense on behalf of such candidate or such committee. If an authorized committee of the candidates of a political party for President and Vice President of the United States also incurs expenses to further the election of one or more other individuals to Federal, State, or local elective public office, expenses incurred by such committee which are not specifically to further the election of such other individual or individuals shall be considered as incurred to further the election of such candidates for President and Vice President in such proportion as the Comptroller General prescribes by rules or regulations.

"(12) The term 'expenditure report period' with respect to any presidential election means—

"(A) in the case of a major party, the period beginning with the first day of September before the election, or, if earlier, with the date on which such major party at its national convention nominated its candidate for election to the office of President of the United States, and ending 30 days after the date of the presidential election; and

"(B) in the case of a party which is not a major party, the same period as the expenditure report period of the major party which has the shortest expenditure report period for such presidential election under subparagraph (A).

"Sec. 9003. Condition for Eligibility for Payments.

"(a) In General.—In order to be eligible to receive any payments under section 9006, the candidates of a political party in a presidential election shall, in writing—

"(1) agree to obtain and furnish to the Comptroller General such evidence as he may request of the qualified campaign expenses with respect to which payment is sought,

"(2) agree to keep and furnish to the Comptroller General such records, books, and other information as he may request,

"(3) agree to an audit and examination by the Comptroller General under section 9007 and to pay any amounts required to be paid under such section, and

"(4) agree to furnish statements of qualified campaign expenses and proposed qualified campaign expenses required under section 9008.

"(b) Major Parties.—In order to be eligible to receive any payments under section 9006, the candidates of a major party in a presidential election shall certify to the Comptroller General, under penalty of perjury, that—

"(1) such candidates and their authorized committees will not incur qualified campaign expenses in excess of the aggregate payments to which they will be entitled under section 9004, and

"(2) no contributions to defray qualified campaign expenses have been or will be accepted by such candidates or any of their authorized committees except to the extent necessary to make up any deficiency in payments received out of the fund on account of the application of section 9006(d), and no contributions to defray expenses which would be qualified campaign expenses but for subparagraph (C) of section 9002(11) have been or will be accepted by such candidates or any of their authorized committees.

Such certification shall be made within such time prior to the day of the presidential election as the Comptroller General shall prescribe by rules or regulations.

"(c) Minor and New Parties.—In order to be eligible to receive any payments under section 9006, the candidates of a minor or new party in a presidential election shall certify to the Comptroller General, under penalty of perjury, that—

"(1) such candidates and their authorized committees will not incur qualified campaign expenses in excess of the aggregate payments to which the eligible candidates of a major party are entitled under section 9004, and

"(2) such candidates and their authorized committees will accept and expend or retain contributions to defray qualified campaign expenses only to the extent that the qualified campaign expenses incurred by such candidates and their authorized committees certified to under paragraph (1) exceed the aggregate payments received by such candidates out of the fund pursuant to section 9006.

Such certification shall be made within such time prior to the day of the presidential election as the Comptroller General shall prescribe by rules or regulations.

"Sec. 9004. Entitlement of Eligible Candidates to Payments.

"(a) In General.—Subject to the provisions of this chapter—

"(1) The eligible candidates of a major party in a presidential election shall be entitled to payments under section 9006 equal in the aggregate to 15 cents multiplied by the total number of residents within the United States who have attained the age of 18, as determined by the Bureau of the Census, as of the first day of June of the year preceding the year of the presidential election.

"(2)(A) The eligible candidates of a minor party in a presidential election shall be entitled to payments under section 9006 equal in the aggregate to an amount which bears the same ratio to the amount computed under paragraph (1) for a major party as the number of popular votes received by the candidate for President of the minor party, as such candidate, in the preceding presidential election bears to the average number of popular votes received by the candidates for President of the major parties in the preceding presidential election.

"(B) If the candidate of one or more political parties (not including a major party) for the office of President was a candidate for such office in the preceding presidential election and received 5 percent or more but less than 25 percent of the total number of popular votes received by all candidates for such office, such candidate and his running mate for the office of Vice President, upon compliance with the provisions of section 9003 (a) and (c), shall be treated as eligible candidates entitled to payments under section 9006 in an amount computed as provided in subparagraph (A) by taking into account all the popular votes received by such candidate for the office of President in the preceding presidential election. If eligible candidates of a minor party are entitled to payments under this subparagraph, such entitlement shall be reduced by the amount of the entitlement allowed under subparagraph (A).

"(3) The eligible candidates of a minor party or a new party in a presidential election whose candidate for President in such election receives as such candidate, 5 percent or more of the total number of popular votes cast for the office of President in such election shall be entitled to payments under section 9006 equal in the aggregate to an amount which bears the same ratio to the amount computed under paragraph (1) for a major party as the number of popular votes received by such candidate in such election bears to the average number of popular votes received in such election by the candidates for President of the major parties. In the case of eligible candidates entitled to payments under paragraph (2), the amount allowable under this paragraph shall be limited to the amount, if any, by which the entitlement under the preceding sentence exceeds the amount of the entitlement under paragraph (2).

"(b) Limitations.—The aggregate payments to which the eligible candidates of a political party shall be entitled under subsections (a) (2) and (3) with respect to a presidential election shall not exceed an amount equal to the lower of—

"(1) the amount of qualified campaign expenses incurred by such eligible candidates and their authorized committees, reduced by the amount of contributions to defray qualified campaign expenses received and expended or retained by such eligible candidates and such committees, or

"(2) the aggregate payments to which the eligible candidates of a major party are entitled under subsection (a)(1), reduced by the amount of contributions described in paragraph (1) of this subsection.

"(c) Restrictions.—The eligible candidates of a political party shall be entitled to payments under subsection (a) only—

"(1) to defray qualified campaign expenses incurred by such eligible candidates or their authorized committees, or

"(2) to repay loans the proceeds of which were used to defray such qualified campaign expenses, or otherwise to restore funds (other than contributions to defray qualified campaign expenses received and expended by such candidates or such committees) used to defray such qualified campaign expenses.

"Sec. 9005. Certification by Comptroller General.

"(a) Initial Certifications.—On the basis of the evidence, books, records, and information furnished by the eligible candidates of a political party and prior to examination and audit under section 9007, the Comptroller General shall certify from time to time to the Secretary for payment to such candidates under section 9006 the payments to which

such candidates are entitled under section 9004.

"(b) Finality of Certifications and Determinations.—Initial certifications by the Comptroller General under subsection (a), and all determinations made by him under this chapter, shall be final and conclusive, except to the extent that they are subject to examination and audit by the Comptroller General under section 9007 and judicial review under section 9011.

"Sec. 9006. Payments to Eligible Candidates.

"(a) Establishment of Campaign Fund.—There is hereby established on the books of the Treasury of the United States a special fund to be known as the 'Presidential Election Campaign Fund'. The Secretary shall, as provided by appropriation Acts, transfer to the fund an amount not in excess of the sum of the amounts designated (subsequent to the previous Presidential election) to the fund by individuals under section 6096.

"(b) Transfer to the General Fund.—If, after a Presidential election and after all eligible candidates have been paid the amount which they are entitled to receive under this chapter, there are moneys remaining in the fund, the Secretary shall transfer the moneys so remaining to the general fund of the Treasury.

"(c) Payments From the Fund.—Upon receipt of a certification from the Comptroller General under section 9005 for payment to the eligible candidates of a political party, the Secretary shall pay to such candidates out of the fund the amount certified by the Comptroller General. Amounts paid to any such candidates shall be under the control of such candidates.

"(d) Insufficient Amounts in Fund.—If at the time of a certification by the Comptroller General under section 9005 for payment to the eligible candidates of a political party, the Secretary or his delegate determines that the moneys in the fund are not, or may not be, sufficient to satisfy the full entitlements of the eligible candidates of all political parties, he shall withhold from such payment such amount as he determines to be necessary to assure that the eligible candidates of each political party will receive their pro rata share of their full entitlement. Amounts withheld by reason of the preceding sentence shall be paid when the Secretary or his delegate determines that there are sufficient moneys in the fund to pay such amounts, or portions thereof, to all eligible candidates from whom amounts have been withheld, but, if there are not sufficient moneys in the fund to satisfy the full entitlement of the eligible candidates of all political parties, the amounts so withheld shall be paid in such manner that the eligible candidates of each political party receive their pro rata share of their full entitlement."

"Sec. 9007. Examination and Audits; Repayments.

"(a) Examination and Audits.—After each presidential election, the Comptroller General shall conduct a thorough examination and audit of the qualified campaign expenses of the candidates of each political party for President and Vice President.

"(b) Repayments.—

"(1) If the Comptroller General determines that any portion of the payments made to the eligible candidates of a political party under section 9006 was in excess of the aggregate payments to which candidates were entitled under section 9004, he shall so notify such candidates, and such candidates shall pay to the Secretary an amount equal to such portion.

"(2) If the Comptroller General determines that the eligible candidates of a political party and their authorized committees incurred qualified campaign expenses in excess of the aggregate payments to which the eligible candidates of a major party were entitled under section 9004, he shall notify such candidates of the amount of such excess and such candidates shall pay to the Secretary an amount equal to such amount.

"(3) If the Comptroller General determines that the eligible candidates of a major party or any authorized committee of such candidates accepted contributions (other than contributions to make up deficiencies in payments out of the fund on account of the application of section 9006(d) to defray qualified campaign expenses (other than qualified campaign expenses with respect to which payment is required under paragraph (2)), he shall notify such candidates of the amount of the contributions so accepted, and such candidates shall pay to the Secretary an amount equal to such amount.

"(4) If the Comptroller General determines that any amount of any payment made to the eligible candidates of a political party under section 9006 was used for any purpose other than—

"(A) to defray the qualified campaign expenses with respect to which such payment was made, or

"(B) to repay loans the proceeds of which were used, or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray such qualified campaign expenses,

he shall notify such candidates of the amount so used, and such candidates shall pay to the Secretary an amount equal to such amount.

"(5) No payment shall be required from the eligible candidates of a political party under this subsection to the extent that such payment, when added to other payments required from such candidates under this subsection, exceeds the amount of payments received by such candidates under section 9006.

"(c) Notification.—No notification shall be made by the Comptroller General under subsection (b) with respect to a presidential election more than 3 years after the day of such election.

"(d) Deposit of Repayments.—All payments received by the Secretary under subsection (b) shall be deposited by him in the general fund of the Treasury.

"Sec. 9008. Information on Proposed Expenses.

"(a) Reports by Candidates.—The candidates of a political party for President and Vice President in a presidential election shall, from time to time as the Comptroller General may require, furnish to the Comptroller General a detailed statement, in such form as the Comptroller General may prescribe, of—

"(1) the qualified campaign expenses incurred by them and their authorized committees prior to the date of such statement (whether or not evidence of such expenses has been furnished for purposes of section 9005), and

"(2) the qualified campaign expenses which they and their authorized committees propose to incur on or after the date of such statement.

The Comptroller General shall require a statement under this subsection from such candidates of each political party at least once each week during the second, third, and fourth weeks preceding the day of the presidential election and at least twice during the week preceding such day.

"(b) Publication.—The Comptroller General shall, as soon as possible after he receives each statement under subsection (a), prepare and publish a summary of such statement, together with any other data or information which he deems advisable, in the Federal Register. Such summary shall not include any information which identifies any individual who made a designation under section 6096.

"Sec. 9009. Reports To Congress; Regulations.

"(a) Reports.—The Comptroller General shall, as soon as practicable after each presidential election, submit a full report to the Senate and House of Representatives setting forth—

"(1) the qualified campaign expenses (shown) in such detail as the Comptroller General determines necessary) incurred by the candidates of each political party and their authorized committees;

"(2) the amounts certified by him under section 9005 for payment to the eligible candidates of each political party; and

"(3) the amount of payments, if any, required from such candidates under section 9007, and the reasons for each payment required.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) Regulation, Etc.—The Comptroller General is authorized to prescribe such rules and regulations, to conduct such examinations and audits (in addition to the examinations and audits required by section 9007(a), to conduct such investigations, and to require the keeping and submission of such books, records, and information, as he deems necessary to carry out the functions and duties imposed on him by this chapter.

"Sec. 9010. Participation by Comptroller General in Judicial Proceedings.

"(a) Appearance by Counsel.—The Comptroller General is authorized to appear in and defend against any action filed under section 9011, either by attorneys employed in his office or by counsel whom he may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation he may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

(b) Recovery of Certain Payments.—The Comptroller General is authorized through attorneys and counsel described in subsection (a) to appear in the district courts of the United States to seek recovery of any amounts determined to be payable to the Secretary as a result of examination and audit made pursuant to section 9007.

"(c) Declaratory and Injunctive Relief.—The Comptroller General is authorized through attorneys and counsel described in subsection (a) to petition the courts of the United States for declaratory or injunctive relief concerning any civil matter covered by the provisions of this subtitle or section 6096. Upon application of the Comptroller General, an action brought pursuant to this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 2284 of title 28, United States Code, and any appeal shall lie to the Supreme Court It shall be the duty of the judges designated to hear the case to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited.

"(d) Appeal.—The Comptroller General is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which he appears pursuant to the authority provided in this section.

"Sec. 9011. Judicial Review.

"(a) Review of Certification, Determination, or Other Action by the Comptroller General.—Any certification, determination, or other action by the Comptroller General made or taken pursuant to the provisions of this chapter shall be subject to review by the United States Court of Appeals for the District of Columbia upon petition filed in such Court by any interested per-

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son. Any petition filed pursuant to this section shall be filed within thirty days after the certification, determination, or other action by the Comptroller General for which review is sought.

"(b) Suits To Implement Chapter.—

"(1) The Comptroller General, the national committee of any political party, and individuals eligible to vote for President are authorized to institute such actions, including actions for declaratory judgment or injunctive relief, as may be appropriate to implement or construe any provision of this chapter.

"(2) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this subsection and shall exercise the same without regard to whether a person asserting rights under provisions of this subsection shall have exhausted any administrative or other remedies that may be provided at law. Such proceedings shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28, United States Code, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited.

"Sec. 9012. Criminal Penalties.

"(a) Excess Campaign Expenses.—

"(1) It shall be unlawful for an eligible candidate of a political party for President and Vice President in a presidential election or any of his authorized committees knowingly and willfully to incur qualified campaign expenses in excess of the aggregate payments to which the eligible candidates of a major party are entitled under section 9004 with respect to such election.

"(2) Any person who violates paragraph (1) shall be fined not more than $5,000, or imprisoned not more than one year or both. In the case of a violation by an authorized committee, any officer or member of such committee who knowingly and willfully consents to such violation shall be fined not more than $5,000, or imprisoned not more than one year, or both.

"(b) Contributions.—

"(1) It shall be unlawful for an eligible candidate of a major party in a presidential election or any of his authorized committees knowingly and willfully to accept any contribution to defray qualified campaign expenses, except to the extent necessary to make up any deficiency in payments received out of the fund on account of the application of section 9006(d), or to defray expenses which would be qualified campaign expenses but for subparagraph (C) of section 9002(11).

"(2) It shall be unlawful for an eligible candidate of a political party (other than a major party) in a presidential election or any of his authorized committees knowingly and willfully to accept and expend or retain contributions to defray qualified campaign expenses in an amount which exceeds the qualified campaign expenses incurred with respect to such election by such eligible candidate and his authorized committees.

"(3) Any person who violates paragraph (1) or (2) shall be fined not more than $5,000, or imprisoned not more than one year, or both. In the case of a violation by an authorized committee, any officer or member of such committee who knowingly and willfully consents to such violation shall be fined not more than $5,000, or imprisoned not more than one year, or both.

"(c) Unlawful Use of Payments.—

"(1) It shall be unlawful for any person who receives any payment under section 9006, or to whom any portion of any payment received under such section is transferred, knowingly and willfully to use, or authorize the use of, such payment of such portion for any purpose other than—

"(A) to defray the qualified campaign expenses with respect to which such payment was made, or

"(B) to repay loans the proceeds of which were used, or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray such qualified campaign expenses.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than five years, or both.

"(d) False Statements, Etc.—

"(1) It shall be unlawful for any person knowingly and willfully—

"(A) to furnish any false, fictitious, or fraudulent evidence, books, or information to the Comptroller General under this subtitle, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Comptroller General or an examination and audit by the Comptroller General under this chapter; or

"(B) to fail to furnish to the Comptroller General any records, books, or information requested by him for purposes of this chapter.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than five years, or both.

"(c) Kickbacks and Illegal Payments.—

"(1) It shall be unlawful for any person knowingly and willingfully to give or accept any kickback or any illegal payment in connection with any qualified campaign expense of eligible candidates or their authorized committees.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than five years, or both.

"(3) In addition to the penalty provided by paragraph (2), any person who accepts any kickback or illegal payment in connection with any qualified campaign expense of eligible candidates or their authorized committees shall pay to the Secretary, for deposit in the general fund of the Treasury, an amount equal to 125 percent of the kickback or payment received.

"(f) Unauthorized Expenditures and Contributions.—

"(1) Except as provided in paragraph (2), it shall be unlawful for any political committee which is not an authorized committee with respect to the eligible candidates of a political party for President and Vice President in a presidential election knowingly and willfully to incur expenditures to further the election of such candidates, which would constitute qualified campaign expenses if incurred by an authorized committee of such candidates, in an aggregate amount exceeding $1,000.

"(2) This subsection shall not apply to (A) expenditures by a broadcaster regulated by the Federal Communications Commission, or by a periodical publication, in reporting the news or in taking editorial positions, or (B) expenditures by any organization described in section 501(c) which is exempt from tax under section 501(a) in communicating to its members the views of that organization.

"(3) Any political committee which violates paragraph (1) shall be fined not more than $5,000, and any officer or member of such committee who knowingly and willfully consents to such violation and any other individual who knowingly and willfully violates paragraph (1) shall be fined not more than $5,000 or imprisoned not more than one year, or both.

"(g) Unauthorized Disclosure of Information.—

"(1) It shall be unlawful for any individual to disclose any information obtained under the provisions of this chapter except as may be required by law.

"(2) Any person who violates paragraph (1) shall be fined not more than $5,000, or imprisoned not more than one year, or both.

"Sec. 9013. Effective Date of Chapter.

"The provisions of this chapter shall take effect on January 1, 1973.

"CHAPTER 96. PRESIDENTIAL ELECTION CAMPAIGN FUND ADVISORY BOARD

"Sec. 9021. Establishment of Advisory Board.

"(a) Establishment of Board.—There is hereby established an advisory board to be known as the Presidential Election Campaign Fund Advisory Board (hereinafter in this section referred to as the 'Board'). It shall be the duty and function of the Board to counsel and assist the Comptroller General of the United States in the performance of the duties and functions imposed on him under the Presidential Election Campaign Fund Act.

"(b) Composition of Board.—The Board shall be composed of the following members:

"(1) the majority leader and minority leader of the Senate and the Speaker and minority leader of the House of Representatives, who shall serve ex officio;

"(2) two members representing each political party which is a major party (as defined in section 9002(6)), which member shall be appointed by the Comptroller General from recommendations submitted by such political party; and

"(3) three members representing the general public, which members shall be selected by the members described in paragraphs (1) and (2).

The terms of the first members of the Board described in paragraphs (2) and (3) shall expire on the sixtieth day after the date of the first presidential election following January 1, 1973, and the terms of subsequent members described in paragraphs (2) and (3) shall begin on the sixty-first day after the date of a presidential election and expire on the sixtieth day following the date of the subsequent presidential election. The Board shall elect a Chairman from its members.

"(c) Compensation.—Members of the Board (other than members described in subsection (b)(1) shall receive compensation at the rate of $75 a day for each day they are engaged in performing duties and functions as such members, including traveltime, and, while away from their homes or regular places of business, shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons in the Government service employed intermittently.

"(d) Status.—Service by an individual as a member of the Board shall not, for purposes of any other law of the United States be considered as service as an officer or employee of the United States."

Sec. 802. Miscellaneous Amendments.

Section 6096 of the Internal Revenue Code of 1954 (relating to designation by individuals of income tax payments to Presidential Election Campaign Fund) is amended to read as follows:

"Sec. 6096. Designation by Individuals.

"(a) In General.—Every individual (other than a nonresident alien) whose income tax liability for the taxable year is $1 or more may designate that $1 shall be paid over to the Presidential Election Campaign Fund in accordance with the provisions of section 9006(a). In the case of a joint return of husband and wife having an income tax liability of $2 or more, each spouse may designate that $1 shall be paid to the fund.

"(b) Income Tax Liability.—For purposes of subsection (a), the income tax liability of an individual for any taxable year is the amount of the tax imposed by chapter 1 on such individual for such taxable year (as shown on his return), reduced by the sum of the credits (as shown in his return) allowable under sections 33, 37, 38, 40, and 41.

"(c) Manner and Time of Designation.—A designation under subsection (a) may be made with respect to any taxable year—

"(1) at the time of filing the return of the tax imposed by chapter 1 for such taxable year, or

"(2) at any other time (after the time of

filing the return of the tax imposed by chapter 1 for such taxable year) specified in regulations prescribed by the Secretary or his delegate.

Such designation shall be made in such manner as the Secretary or his delegate prescribes by regulations except that, if such designation is made at the time of filing the return of the tax imposed by chapter 1 for such taxable year, such designation shall be made either on the first page of the return or on the page bearing the taxpayer's signature."

Exhibit 6

Quotations on Public Financing

As a general rule, those who wish to win favor with a Prince offer him the things they most value and in which they see that he will take most pleasure; so it is often seen that rulers receive presents of horses, arms, pieces of cloth of gold, precious stones, and similar ornaments worthy of their station.

Niccolo Machiavelli, *The Prince*, 1532.

Judges and Senates have been bought with gold. Alexander Pope, *Essay on Man*, 1733.

Corrupt influence is itself the principal spring of all prodigality and of all disorder; it loads us more than millions of debt; takes away vigor from our arms, wisdom from our councils, and every shadow of authority and credit from the most venerable parts of our Constitution.

Edmund Burke, Speech on Economic Reform, 1780.

The need for collecting large campaign funds would vanish if Congress provided an appropriation for the proper and legitimate expenses of each of the great national parties.

President Theodore Roosevelt, State of the Union Message to Congress, December 3, 1907.

I believe that our ultimate goal should be to finance the total expense for this vital function of our democracy with public funds, and to prohibit the use or acceptance of money from private sources. . . We are ready to make a beginning. We should proceed with all prudent speed to enact those parts of such a program which appear to be feasible at this time.

President Lyndon Johnson, Message to Congress on "Public Participation in the Processes of Government," May 25, 1967.

We have put a dollar sign on public service, and today many capable men who would like to run for office simply can't afford to do so. Many believe that politics in our country is already a game exclusively for the affluent. This is not strictly true; yet, the fact that we may be approaching that state of affairs is a sad reflection on our election system.

President Dwight D. Eisenhower, 1968.

The talk of an "office market" and of putting high executive and diplomatic missions on the auction block—all this breeding of suspicion and cynicism—would disappear overnight if the primary cause of the evil were obliterated at its roots. If there are no bidders, there can be no auction.

Henry Cabot Lodge, *The Storm Has Many Eyes*, 1973.

Under the existing laws, a large part of the money raised from the business community for political purposes is given in fear of what would happen if it were not given. A fair and honest law is one that would remove the need of any candidate to exert such pressures, as well as the need for any businessman to respond. . . . I urge the business community to get behind campaign financing legislation that will really work, and that will put a stop to pressures to which officers of companies are subject when solicited for campaign contributions.

George Spater, Chairman of the Board, American Airlines, July 8, 1973.

The U.S. public for two decades has favored placing a top limit on campaign spending for presidential and congressional elections. Now, following disclosures from the Senate Watergate hearings, a substantial majority of the public is prepared to have the federal government provide a fixed amount of money for campaigns, prohibiting all contributions from private sources.

In fact, a growing number of American citizens would favor such a plan, with 65 percent in the latest nationwide survey expressing support, compared to 53 percent in a survey taken in early June shortly after the Watergate hearings got underway.

The big change since June has come about among Republicans, with 64 percent in the current survey favoring federal financing of campaigns compared to 44 percent in June, a change of 20 percentage points. Republicans now hold views closely comparable to those of Democrats.

George Gallup, September 29, 1973.

The time has come to establish public financing of election campaigns for Federal office on a direct, systematic and substantial basis. Such a program would impose no great drain on the treasury. . . . I am afraid that nothing short of a significant degree of public financing will get at the root of the problem.

Henry Ford, II, Chairman of the Board, Ford Motor Company, October 18, 1973.

Exhibit 7

Illustrative Examples of Public Financing for Senate Elections Under the Proposed Amendment to the Debt Ceiling Act

(Note.—Some of the following 14 examples are adapted from actual Senate elections in recent years. Most of the examples are designed to illustrate the application of the dollar check-off to Senate elections involving relatively unusual situations. The dollar check-off, already applicable to Presidential general elections under existing law, was enacted in 1971 with close attention to its impact on the potential third-party presidential candidacy of Governor George Wallace. As the examples demonstrate, the formula worked out for Presidential elections can be easily applied to Senate elections.)

Typically, however, minor party candidacies have not been a significant factor in the vast majority of recent Senate elections. The official results of Senate elections in 1968, 1970, and 1972 are tabulated at the end of the examples.

In these past three Congressional election years, there have been a total of 102 Senate elections. In 14 of the 33 races in 1972, in 12 of the 35 races in 1970, and in 16 of the 34 races in 1968, only two candidates were entered—Democratic and Republican. In the other 60 races, additional candidates representing some 30 other parties were also on the ballot in those years in various states. In those 60 races, there were only seven races in which the third candidate received more than 5% of the vote—Louisiana in 1972; Connecticut and New York in 1970; and Alabama, Alaska, Maryland and New York in 1968. In those seven races—seven out of 102 races in all—the third candidate would have qualified for partial public funding as a "minor" party candidate in the following election. In none of those seven races did the third party candidate receive more than 25% of the vote; therefore, no third party candidate would have qualified as a "major" party candidate entitled to full public funding in the following election.

The 14 examples follow:

1. In the 1968 Senate election, Candidate A of the Democratic Party defeated Candidate B of the Republican Party by 50% to 48%, and Candidate C of Party X received 2% of the vote.

When the Senate seat is up again in 1974, the Democratic Party and the Republican Party are "major" parties. Their candidates are each entitled to public funds in the amount of 15¢ per vote, based on the voting age population of the State. Since Candidate C failed to reach the 5% cut-off in 1968, Party X does not qualify for public funds in 1974.

2. Same as example (1) for 1968. In the 1974 election, Candidate A of the Democratic Party defeats Candidate B of the Republican Party by 46% to 44%, and Candidate C of Party X receives 10% of the vote.

Candidate C qualifies as a "minor" party candidate on the basis of his showing in the current election (1974), since he received more than 5% of the vote. He is therefore entitled to public funds on a retroactive reimbursement basis, even though he did not qualify for public funds in advance of the election because of the low showing of Party X in 1968. Candidate C would be entitled to 10/45, or 22%, of the amount of public funds given to each major party candidate, A and B. The amount is based on Candidate C's proportional share of the average vote of the two major party candidates, and is calculated as follows: $10\% \div (46\% + 44\%)/2 = 10/45 = 22\%$. Candidate C may use these public funds to make a partial reimbursement to the private contributors to his campaign in 1974.

3. In 1968, Candidate A of the Republican Party defeated Candidate B of the Democratic Party by 46% to 44%, and Candidate C of Party X won 10% of the vote.

In 1974, the candidates of the Democratic Party and the Republican Party are "major" party candidates and qualify for full public funds (15¢ per vote). The candidate of Party C is a "minor" party candidate and qualifies for partial public funds in 1974, in the amount of 22% of the entitlement of each major party candidate.

4. Same as examples (1) and (2), but Party X did not run a candidate in 1968.

Candidate C of Party X qualifies retroactively for public funds in 1974 as a "new" party candidate, on the basis of his 1974 showing. He is entitled to receive 22% of the amount of public funds given to each major party candidate.

5. Same as examples (1) and (2), but Candidate C of Party X in 1968 runs as an Independent in 1974 and receives 10% of the vote.

Candidate C qualifies retroactively for public funds on the same basis as if he were the candidate of a party. He receives 22% of the amount of public funds given to each major party candidate.

6. In the 1962 election, Candidate A of the Democratic Party defeated Candidate B of the Republican Party by 53% to 37%. Independent C won 8% of the vote, and Independent Candidate D won 1% of the vote. In the 1968 election, Senator A ran as an Independent and won the election with 54% of the vote. The candidate of the Democratic Party won 31% of the vote and the candidate of the Republican Party won 15% of the vote. (Based on recent Virginia Senate elections).

If Senator A runs again as an Independent in 1974, he is entitled to full public funds (15¢ per vote), based on his 1968 showing as an Independent. The candidate of the Democratic Party in 1974 is also entitled to full public funds, because Party A qualifies as a "major" party on the basis of its 1968 showing. However, the candidate of the Republican Party in 1974 will qualify only for partial public funds, since it is a "minor" party based on its 1968 showing, even though it was a "major" party based on the 1962 election. In 1974, the Republican candidate is entitled to $15/(54+31)/2$, or 35% of the amount given to Senator A and to the Democratic candidate.

If the Republican candidate receives more than 25% of the vote in 1974, he qualifies retroactively as a "major" party candidate and is entitled to full public funds.

7. In 1968. Candidate A of the Republican Party defeated Independent Candidate B by 50.7% to 49.3%, and there was no candidate of the Democratic Party. (Adapted from the Virginia Governor's election in 1973.)

If Candidate B runs again as an Inde-

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pendent in 1974, he is entitled to full public funds. Senator A of the Republican Party will also be entitled to full public funds. If there is a candidate of the Democratic Party, he will not qualify for public funds unless he does so retroactively on the basis of his showing in the 1974 election. If Candidate B runs as the candidate of the Democratic Party in 1974, he qualifies for full public funds—not as a Democrat, but on the basis of his 1968 showing as an independent.

8. In 1968, Candidate A of the Democratic Party defeated Candidate B of the Republican Party by 78% to 22% (Based on a recent West Virginia Senate election).

In 1974, since the Democratic Party is the only "major" party on the basis of the 1968 results, the Republican Party will also qualify as a "major" party under a special provision of the amendment—it is the party with the next highest showing in the preceding election, even though its candidate in 1968 won less than 25% of the vote and would not ordinarily qualify as a "major" party.

9. In 1968, Candidate A defeated Candidate B by 60–40%. Candidate A received 45% of his vote as the candidate of the Democratic Party, and 15% of his vote as the candidate of the Liberal Party. Candidate B received 24% of his vote as the candidate of the Republican Party, and 16% of his vote as the candidate of the Conservative Party.

In 1974, the Democratic candidate qualifies as a "major" party candidate, and the Republican candidate also qualifies as a "major" party candidate under the special provision noted in example (8). The candidates of the Liberal and Conservative Parties qualify as "minor" party candidates. If B runs as the Conservative Party candidate, but not as the Republican Party candidate, he qualifies as a "major" party candidate, because he is entitled to accumulate his 1968 votes on an individual basis.

10. In 1968, Candidate A of the Democratic Party won the election with 55% of the vote. Candidate B of the Republican Party won 19% of the vote and Independent Candidate C won 23% of the vote. (Based on a recent Louisiana Senate election.)

In 1974, since the Democratic Party is the only "major" party on the basis of the 1968 results, the special provision of the amendment noted in example (8) allows the Republican party to qualify as a "major" party, even though it received less than 25% of the vote in 1968, and even though the Independent candidate made a better showing in 1968. If Candidate C runs again as an Independent in 1974, he qualifies for partial public funds as if he was a "minor" party candidate; the special provision does not benefit an Independent by allowing him to receive full public funding as if he were a "major" party candidate. On the other hand, as example (6) makes clear, if both an Independent candidate and the Democratic Party candidate qualify for full public funds on the basis of the preceding election, the special provision does not operate to allow the Republican candidate to qualify for full public funds. In other words, the special provision does not operate to create full public funding for a third candidate, where two candidates already qualify for full public funds on the basis of their showing in the preceding election.

11. In 1968, Candidate A of the Democratic Party run unopposed.

In 1974, Senator A qualifies for full public funds, and no other candidate qualifies for any public funds. The special provision does not operate to allow a Republican candidate to qualify for full public funds, since the Party did not run a candidate in the preceding election. Depending on his showing in 1974, however, the Republican candidate may qualify retroactively for public funds.

12. In 1962, Candidate A of the Democratic Party defeated Candidate B of the Republican Party by 54% to 43%. In 1968, the candidate of the Democratic Party received 37% of the vote; the candidate of the Republican Party received 24% of the vote; and Candidate C of the Conservative Party won the election with 39% of the vote. (Based on recent New York Senate elections.)

In 1974, the candidates of the Conservative Party and the Democratic Party each qualify for full public funding as "major" party candidates, but the candidate of the Republican Party qualifies only for partial public funding as a "minor" party candidate.

13. In 1968, Candidate A of the Republican Party defeated Candidate B of the Democratic Party by 60% to 38% and the candidate of the Conservative Party received 2% of the vote. In 1970, in the election for the other Senate seat in the State, the candidate of the Conservative Party won the election with 39% of the vote.

In 1974, when the seat of Senator A is up again, the candidates of the Democratic Party and Republican Party qualify for full public funds as "major" party candidates. If the Conservative Party runs a candidate in 1974, he does not qualify for public funds. The Party failed to qualify as a "major" or "minor" party in the preceding election for the seat in 1968, and its strong showing in the election for the State's other Senate seat in 1970 is irrelevant to the question of its entitlement to public funds in the election for the seat that is up in 1974.

14. In 1968, Candidate A of the Republican Party defeated Candidate B of the Democratic Party by 42% to 34%, and Candidate C of the Conservative Party received 26% of the vote. (Adapted from the Connecticut Senate election in 1970).

In 1974, the Republican, Democratic and Conservative Parties are each "major" parties, and their candidates are entitled to full public funding (15¢ per vote).

EXHIBIT 8

RECENT SENATE ELECTIONS—OFFICIAL VOTE RETURNS AS COMPILED BY CONGRESSIONAL QUARTERLY

ABBREVIATIONS FOR PARTY DESIGNATIONS

A—American.
AI—American Independent.
B—Buffalo.
C—Conservative.
CP—Consumer.
COM—Communist.
CST—Constitutional.
CVV—Concerned Voters Voice.
D—Democratic.
DFL—Democratic-Farmer-Labor.
DI—Dodd Independent.
FP—Freedom and Peace.
HR—Human Rights.
IA—Independent American.
IAL—Independent Alliance.
IG—Industrial Government.
Ind.—Independent.
LRU—La Raza Unida.
LU—Liberty Union.
N—New.
NC—National Conservative.
ND—National Democratic.
NDPA—National Democratic Party of Alabama.
P—Prohibition.
PC—People's Constitutional.
PF—Peace and Freedom.
PP—People's.
R—Republican.
RL—Right to Life.
SL—Socialist Labor.
SW—Socialist Worker.
TRT—Taxpayers Ticket.

	Votes	Percent
34 SENATE ELECTIONS IN 1972		
Alabama:		
John Sparkman (D)	654,491	62.3
Winton M. Blount (R)	347,523	33.1
Herbert W. Stone (C)	6,838	.6
John L. LeFlore (ND)	31,421	3.0
Jerome B. Couch (P)	10,826	1.0
Alaska:		
Gene Guess (D)	21,791	22.7
Ted Stevens (R)	74,216	77.3
Arkansas:		
John L. McClellan (D)	386,398	60.9
Wayne H. Babbitt (R)	248,238	39.1
Colorado:		
Floyd K. Haskell (D)	457,545	49.4
Gordon Allott (R)	447,957	48.4
Henry John Olshaw (IA)	7,353	.8
Secundo (Sal) Salazar (LRU)	13,228	1.4
Delaware:		
Joseph R. Biden, Jr. (D)	116,006	50.5
J. Caleb Boggs (R)	112,844	49.1
Henry M. Majka (A)	803	.3
Herbert B. Wood (P)	175	.1
Georgia:		
Sam Nunn (D)	635,970	54.0
Fletcher Thompson (R)	542,331	46.0
Idaho:		
William E. (Bud) Davis (D)	140,913	45.5
James A. McClure (R)	161,804	52.3
Jean Stoddard (A)	6,885	2.2
Illinois:		
Roman C. Pucinski (D)	1,721,901	37.3
Charles H. Percy (R)	2,867,078	62.2
Edward C. Gross (SL)	13,384	.3
Arnold F. Becchetti (COM)	6,103	.2
Oakin Williams (write-in)	396	0
Iowa:		
Dick Clark (D)	662,637	55.1
Jack Miller (R)	530,525	44.1
William Rocap (AI)	8,954	.7
Fred Richard Benton (IAL)	1,203	.1
Kansas:		
Arch D. Tetzlaff (D)	200,764	23.0
James B. Pearson (R)	622,591	71.4
Gene F. Miller (C)	35,510	4.1
Howard Hadin (P)	12,857	1.5
Kentucky:		
Walter (Dee) Huddleston (D)	528,550	50.9
Louis B. Nunn (R)	494,337	47.6
Helen Breeden (A)	8,707	.9
William E. Bartley, Jr. (PP)	6,267	.6
Louisiana:		
J. Bennett Johnston, Jr. (D)	598,987	55.2
Ben C. Toledano (R)	206,846	19.1
John J. McKeithen (Ind.)	250,161	23.0
Hall M. Lyons (A)	28,910	2.7
Maine:		
William D. Hathaway (D)	224,270	53.2
Margaret Clase Smith (R)	197,040	46.8
Massachusetts:		
John J. Droney (D)	823,278	34.7
Edward W. Brooke (R)	1,505,932	53.5
Donald Gurewitz (SW)	41,369	1.8
Michigan:		
Frank J. Kelley (D)	1,577,178	46.3
Robert P. Griffin (R)	1,781,065	52.3
Patrick V. Dillinger (AI)	23,121	.7
Thomas D. Dennis, Jr. (COM)	1,908	0
Barbara Halpert (HR)	19,118	.5
James Sim (SL)	2,127	.1
Linda Nordquist (SW)	2,389	.1
Minnesota:		
Walter F. Mondale (D)	981,320	56.7
Philip Hansen (R)	742,121	42.8
Karl H. Heck (IG)	8,192	.5
Mississippi:		
James O. Eastland (D)	375,102	58.1
Gil Carmichael (R)	249,799	38.7
Prentiss Walker (Ind.)	14,662	2.3
C. L. McKinley (Ind.)	6,203	.9
Montana:		
Lee Metcalf (D)	163,609	52.0
Henry S. Hibbard (R)	151,316	48.0
Nebraska:		
Terry M. Carpenter (D)	265,922	46.8
Carl T. Curtis (R)	301,841	53.2
New Hampshire:		
Thomas J. McIntyre (D)	184,495	56.9
Wesley Powell (R)	139,852	43.1
New Jersey:		
Paul J. Krebs (D)	963,573	34.4
Clifford P. Case (R)	1,743,854	62.5
A. Howard Freund (A)	40,980	1.5
Julius Levin (SL)	10,058	.4
Charles W. Wiley (CVV)	33,442	1.2
New Mexico:		
Jack Daniels (D)	173,815	46.0
Pete V. Dominici (R)	204,353	54.0
North Carolina:		
Nick Galifianakis (D)	677,293	46.0
Jesse A. Helms (R)	795,248	54.0
Oklahoma:		
Ed Edmondson (D)	478,212	47.6
Dewey F. Bartlett (R)	516,934	51.4
William G. Roach (A)	5,769	.6
Joe C. Phillips (Ind.)	2,264	.2
Paul E. Trent (Ind.)	1,699	.2
Oregon:		
Wayne L. Morse (D)	425,036	46.2
Mark O. Hatfield (R)	494,671	53.7
Rhode Island:		
Claiborne Pell (D)	221,942	53.7
John H. Chafee (R)	188,990	45.7
Patrick M. DeTemple (SW)	458	.1
John Quattrocchi (Ind.)	2,041	.5
South Carolina:		
Eugene N. Zeigler (D)	241,056	36.7
Strom Thurmond (R)	415,806	66.3
South Dakota:		
James Abourezk (D)	174,773	57.0
Robert Hirsch (R)	131,613	43.0
Tennessee:		
Ray Blanton (D)	440,599	37.8
Howard H. Baker, Jr. (R)	716,539	61.5
Dan East (Ind.)	7,026	.6
Texas:		
Barefoot Sanders (D)	1,511,985	44.3
John G. Tower (R)	1,822,877	53.4
Flores Amaya (LRU)	63,543	1.9
Tom Leonard (SW)	14,464	.4
Vermont (special election, Jan. 7, 1972):		
Robert T. Stafford (R)	45,646	65.7
Randolph T. Major (D)	23,787	34.3
Virginia:		
William B. Spong, Jr. (D)	643,963	46.1
William Lloyd Scott (R)	718,337	51.5
Horace E. Henderson (Ind.)	33,912	2.4
West Virginia:		
Jennings Randolph (D)	486,310	66.5
Louise Leonard (R)	245,531	33.5
Wyoming:		
Mike M. Vinich (D)	40,753	28.7
Clifford P. Hansen (R)	101,314	71.3
35 SENATE ELECTIONS IN 1970		
Alaska:		
Stevens, Ted (R)	47,908	59.6
Kay, Wendell P. (D)	32,456	40.4
Arizona:		
Fannin, Paul (R)	228,284	56.0
Grossman, Sam (D)	179,512	44.0
California:		
Murphy, George (R)	2,877,617	44.3
Tunney, John V. (D)	3,496,558	53.9
Ripley, Charles C. (AI)	61,251	.9
Sch er, Robert (PF)	56,731	.9
Connecticut:		
Weicker, Lowell P. (R)	454,721	41.7
Duffey, Joseph D. (D)	368,111	33.8
Dodd, Thomas J. (DI)	266,497	24.5
Delaware:		
Roth, William V. (R)	.4,979	58.8
Zimmerman, Jacob (D)	64,740	40.1
Gies, Donald (A)	1,720	1.1
Florida:		
Cramer, William C (R)	772,817	46.1
Chiles, Lawton (D)	902,438	53.9
Hawaii:		
Fong, Hiram L. (R)	124,163	51.6
Heftel, Cecil (D)	116,597	48.4
Illinois (special election):		
Smith, Ralph T. (R)	1,519,718	42.2
Stevenson, Adlai E. III (D)	2,065,054	57.4
Henderson, Lynn (SW)	8,859	.2
Fisher, Louis (SL)	5,564	.2
Indiana:		
Roudebush, Richard L. (R)	866,707	49.9
Hartke, Vance (D)	870,990	50.1
Maine:		
Bishop, Neil S. (R)	123,906	38.3
Muskie, Edmund S. (D)	199,954	61.7
Maryland:		
Beall, J. Glenn, Jr. (R)	484,960	50.7
Tydings, Joseph D. (D)	460,422	48.1
Wilder, Harvey (AI)	10,988	1.1
Massachusetts:		
Spaulding, Josiah A. (R)	715,978	37.0
Kennedy, Edward M. (D)	1,202,857	62.2
Gilledder[illegible]awrence (SL)	10,378	.5
Shaw, Mark R. (P)	5,944	.3
Michigan:		
Romney, Leonore (R)	858,438	32.9
Hart, Philip A. (D)	1,744,672	66.8
Lodico, Paul (SW)	3,861	.1
Sim, James (SL)	3,254	.1
Minnesota:		
MacGregor, Clark (R)	568,025	41.6
Humphrey, Hubert H. (DFL)	788,256	57.8
Strebe, Nancy (SW)	6,122	.4
Braatz, William (IG)	2,484	.2
Mississippi:		
Stennis, John C. (D)	286,622	88.4
Thompson, William R. (Ind)	37,593	11.6
Missouri:		
Danforth, John C. (R)	617,903	48.1
Symington, Stuart (D)	655,431	51.0
Chapman, Gene (A)	10,065	.8
DiGirolamo, E. J. (Ind)	513	--------
Montana:		
Wallace, Harold E. (R)	97,809	39.5
Mansfield, Mike (D)	150,060	60.5
Nebraska:		
Hruska, Roman L. (R)	240,894	52.5
Morrison, Frank B. (D)	217,681	47.5
Nevada:		
Raggio, William J. (R)	60,838	41.2
Cannon, Howard W. (D)	85,187	57.6
DeSellem, Harold G. (IA)	1,743	1.2
New Jersey:		
Gross, Nelson G. (R)	903,026	42.2
Williams, Harrison A. (D)	1,157,074	54.0
Job, Joseph F. (Ind)	58,992	2.8
O'Grady, William J. (NC)	12,938	.6
Mans, Joseph S. (Ind)	6,066	.3
Levin, Julius (SL)	4,009	.2
New Mexico:		
Carter, Anderson (R)	135,004	46.6
Montoya, Joseph M. (D)	151,486	52.3
Higgs, William L. (PC)	3,382	1.2
New York:		
Goodell, Charles (R–L)	1,434,472	24.3
Ottinger, Richard L. (D)	2,171,232	36.8
Buckley, James L. (C–IAL)	2,288,190	38.8
Johnson, Arnold (COM)	4,097	--------
Dawson, Kipp (SW)	3,549	--------
Emanuel, John (SL)	3,204	--------
North Dakota:		
Kleppe, Thomas S. (R)	82,996	37.8
Burdick, Quentin N. (D)	134,519	61.3
Kleppe, Russell (Ind)	2,045	.9
Ohio:		
Taft, Robert A., Jr. (R)	1,565,682	49.7
Metzenbaum, Howard M. (D)	1,495,262	47.4
Kay, Richard B. (AI)	61,261	1.9
O'Neill, John (SL)	29,069	.9
Pennsylvania:		
Scott, Hugh (R)	1,874,106	51.4
Sesler, William G. (D)	1,653,774	45.4
Gaydosh, Frank W. (CST)	85,813	2.4
MacFarland, W. Henry (AI)	18,275	.5
Johansen, Herman A. (SL)	4,375	.1
Maisel, Robin (SW)	3,970	.1
Mimms, William R. (CP)	3,932	.1
Rhode Island:		
McLaughlin, John J. (R)	107,351	31.5
Pastore, John O. (D)	230,469	67.5
Fenton, David N. (PF)	2,046	.7
Fein, Daniel B. (SW)	996	.3
Tennessee:		
Brock, William E. (R)	562,645	51.3
Gore, Albert (D)	519,858	47.4
Pitard, Cecil R. (A)	8,691	.8
East, Dan R. (Ind)	5,845	.5
Texas:		
Bush, George (R)	1,035,794	46.5
Bentsen, Lloyd (D)	1,194,069	53.5
Utah:		
Burton, Lawrence J. (R)	159,004	42.5
Moss, Frank E. (D)	210,207	56.2
Freeman, Clyde B. (AI)	5,092	1.4
Vermont:		
Prouty, Winston L. (R)	91,198	58.9
Hoff, Philip H. (D)	62,271	40.2
Meyer, William H. (LU)	1,416	.9
Virginia:		
Garland, Ray (R)	145,031	15.3
Rawlings, George C. (D)	295,057	31.2
Byrd, Harry F., Jr. (Ind)	506,633	53.5
Washington:		
Elicker, Charles W. (R)	170,790	16.0
Jackson, Henry M. (D)	879,385	82.4
Massey, William (SW)	9,255	.9
Fisk, Edison S. (B)	7,377	.7
West Virginia:		
Dodson, Elmer H. (R)	99,658	22.4
Byrd, Robert C. (D)	345,965	77.6
Wisconsin:		
Erickson, John E. (R)	381,297	28.5
Proxmire, William (D)	948,445	70.8
Hou-Seye, Edmond E. (A)	6,137	.5
Boardman, Elizabeth (Ind)	2,022	.2
Quinn, Martha (SW)	580	0
Wiggert, Adolf (SL)	428	0
Wyoming:		
Wold, John S. (R)	53,279	44.2
McGee, Gale, W. (D)	67,207	55.8
34 SENATE ELECTIONS IN 1968		
Alabama:		
Hooper, Perry (R)	201,227	22.0
Allen, James B. (D)	638,774	70.0
Schwenn, Robert P. (NDPA)	72,669	8.0
Alaska:		
Rasmuson, Elmer (R)	30,286	37.4
Gravel, Mike (D)	36,527	45.1
Gruening, Ernest (write-in)	14,118	17.4
Arizona:		
Goldwater, Barry (R)	274,607	57.2
Elson, Roy (D)	205,338	42.8
Arkansas:		
Bernard, Charles T. (R)	241,739	40.9
Fulbright, J. W. (D)	349,965	59.1
California:		
Rafferty, Max (R)	3,329,148	46.9
Cranston, Alan (D)	3,680,352	51.8
Jacobs, Paul (PF)	92,965	1.3
Colorado:		
Dominick, Peter H. (R)	459,952	58.6
McNichols, Stephen L. R. (D)	325,584	41.4
Connecticut:		
May, Edwin H., Jr. (R)	551,455	45.7
Ribicoff, Abraham A. (D)	655,043	54.3
Florida:		
Gurney, Edward J. (R)	1,131,499	55.9
Collins, LeRoy (D)	892,637	44.1
Georgia:		
Patton, E. Earl, Jr. (R)	256,796	22.5
Talmadge, Herman (D)	885,093	77.5
Hawaii:		
Thiessen, Wayne C. (R)	34,008	15.0
Inouye, Daniel K. (D)	189,248	83.4
Lee Oliver M. (PF)	3,671	1.6
Idaho:		
Hansen, George V. (R)	114,394	39.7
Church, Frank (D)	173,482	60.3
Illinois:		
Dirksen, Everett McKinley (R)	2,358,947	53.0
Clark, William G. (D)	2,073,242	46.6
Fisher, Louis (SL)	17,542	.4
Indiana:		
Ruckelshaus, William (R)	988,571	48.1
Bayh, Birch (D)	1,060,456	51.7
Malcolm, L. Earl (P)	2,844	.1
Levitt, Ralph (SW)	1,247	.1
Iowa:		
Stanley, David M. (R)	568,469	49.7
Hughes, Harold E. (D)	574,884	50.2
Higens, Verne M. (P)	727	.1
Kansas:		
Dole, Robert (R)	490,911	60.1
Robinson, William I. (D)	315,911	38.7
Hyskell, Joseph E. (P)	10,262	1.3
Kentucky:		
Cook, Marlow W. (R)	484,260	51.4
Peden, Katherine (D)	448,960	47.6
Olson, Duane F. (Ind.)	9,645	1.0
Louisiana: Long, Russell B. (D)	518,586	(1)
Maryland:		
Mathias, Charles McC., Jr. (R)	541,893	47.8
Brewster, Daniel B. (D)	443,367	39.1
Mahoney, George P. (Ind.)	148,467	13.1
Missouri:		
Curtis, Thomas B. (R)	850,544	48.9
Eagleton, Thomas F. (D)	887,414	51.1
Nevada:		
Fike, Ed (R)	69,068	45.2
Bible, Alan (D)	83,622	54.8
New Hampshire:		
Cotton, Norris (R)	170,163	59.3
King, John W. (D)	116,816	40.7
New York:		
Javits, Jacob (R–L)	3,269,772	49.7
O'Dwyer, Paul (D)	2,150,695	32.7
Buckley, James L. (C)	1,139,402	17.3
Ferguson, Homer (FP)	8,775	.1
Emanuel, John (SL)	7,964	.1
Garza, Hedda (SW)	4,979	.1
North Carolina:		
Somers, Robert V. (R)	566,934	39.4
Ervin, Sam J., Jr. (D)	870,406	60.6
North Dakota:		
Young, Milton R. (R)	154,968	64.8
Lashkowitz, Hershcel (D)	80,815	33.8
Mutch, Duane (TRT)	3,393	1.4
Ohio:		
Saxbe, William B. (R)	1,928,964	51.5
Gilligan, John J. (D)	1,814,152	48.5
Oklahoma:		
Bellmon, Henry (R)	470,120	51.7
Monroney, A. S. Mike (D)	419,658	46.2
Washington, George (A)	19,341	2.1
Oregon:		
Packwood, Robert W. (R)	408,646	50.2
Morse, Wayne (D)	405,353	49.8
Pennsylvania:		
Schweiker, Richard S. (R)	2,399,762	51.9
Clark, Joseph S. (D)	2,117,662	45.8
Gaydash, Frank W. (CST)	96,742	2.1
Perry, Benson (SL)	7,198	.2
Chertov, Pearl (SW)	2,743	.1
South Carolina:		
Parker, Marshall (R)	248,780	38.1
Hollings, Ernest F. (D)	404,060	61.9
South Dakota:		
Gubbrud, Archie (R)	120,951	43.2
McGovern, George (D)	158,961	56.8
Utah:		
Bennett, Wallace F. (R)	225,075	53.7
Weilenmann, Milton L. (D)	192,168	45.8
Philips, Bruce D. (PF)	2,019	.5
Vermont: Aiken, George D. (R–D)	157,154	(1)
Washington:		
Metcalf, Jack (R)	435,894	35.3
Magnuson, Warren G. (D)	796,183	64.4
Hogenauer, Irwin R. (N)	2,762	.2
Leonard, Debbie (SW)	1,224	.1
Wisconsin:		
Leonard, Jerris (R)	633,910	38.3
Nelson, Gaylord (D)	1,020,931	61.7

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[1] Unopposed.

EXHIBIT 9

1973 TAX FORMS PROPOSED BY THE IRS

NOTE.—The 1973 versions of Form 1040 and the Short Form 1040A proposed by the Internal Revenue Service, as published in Section 2 of the Tax Guide, Research Institute of America (October 18, 1973) contain the dollar check-off for 1973 on page one of the tax return, and both forms also make provision for taxpayers to use the check-off retroactively for 1972 as well, if they failed to do so on their 1972 returns.

Under the terms of Amendment 651, the public financing amendment, only four changes, easily made, would be required in each form:

Change "Presidential" to "Federal".

Change "if you wish to designate $1 of your taxes" to "if you do not wish $1 of your taxes to be designated".

Change "if spouse wishes to designate $1" to "if spouse does not wish $1 to be designated".

Change "$1" to "$2".

UTAH REPERTORY DANCE COMPANY

Mr. MOSS. Mr. President, we Utahans are justifiably proud of our contributions to the arts. For several years the people of Utah, and indeed the Nation, have enjoyed the artistry of the nationally recognized Utah Symphony. For the past 7 years the people of Utah have also been participating and taking pleasure in the development of a new and major modern dance company—the Utah Repertory Co.

I was pleased to note in the November 12 issue of Newsweek that the Utah Repertory Dance Theater is accruing some well-deserved national recognition. RDT's third and most recent tour of the east coast pleased and surprised many by the ensemble's inventiveness and style.

The Repertory Dance Theater brings modern dance to areas in the West where such entertainment is not usually available. It obtains approximately 60 percent of its budget from its own activities, concerts, lessons, and the like. The remainder of the budget is received from grants, gifts, and donations from private individuals and foundations, and also grants from the National Endowment for the Arts.

Mr. President, I ask unanimous consent that the Newsweek article be printed in the RECORD. Again may I congratulate the Utah Repertory Dance Theater.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NO TENDERFEET, THESE

A recurrent American myth (as in Gary Cooper movies) has a naive and idealistic country boy coming to the big city and, by virtue of innocence, grit and more than a little native talent, winning out over jaded sophistication. The myth was re-enacted by the Utah Repertory Dance Theatre, whose current tour of the East astonished New York, among other cities, with a wide-eyed home-grown company, a style distinctly Western, a ruggedly individual repertory and a singular organization like no other in American dance.

To judge from the audiences in New York's Hunter College Playhouse, the Repertory Dance Theatre from Salt Lake City is the fastest draw in the West. The troupe is composed of just ten dancers, most of them from Utah or the Far West. The style is definitely country-and-Western, the bodies lean and rawboned, the attitudes generally cheerful, the movement expansive and open. These kids can't help but evoke images of pioneers crossing the prairies in covered wagons, and in fact they have staked out and homesteaded their own fertile dance country.

JOYFUL

In seven years of existence, the repertory has grown to 42 works by 21 choreographers and includes works done specifically for the company by John Butler, Anna Sokolow and Glen Tetley. On the current tour the company showed off its new "'Opus' Jazz Loves Bach" by Matt Mattox, a joyful exercise in swinging baroque for a footloose quartet.

Bach is a rarity. The Utah dancers may come from the hinterlands but they come with the contemporary music of Terry Riley, Lou Harrison, George Crumb and Morton Feldman. And the dances are equally modern, most of them inventions by the company members. Ruth Jean Post's "Spotlight" is a daring and imaginative solo for beautiful Kay Clark, who is physically and emotionally manipulated like a puppet by John Cage's slippery music. Ms. Clark choreographed "Women Waiting," a touching quartet elaborating on different degrees of need and patience. Linda C. Smith's "Snack Pack" is a hilarious spoof of pop art, commercials and modern dance itself.

Bill Evans is probably the most talented of the company's choreographers. His "Tin-Tal" is a perceptively observed religious ritual. "Within Bounds" is brilliant in concept, multiple in its levels of suggestion, as two beings, one rigidly righteous, the other a sniveling victim, end up exchanging places and personalities. In Evans's "Five Songs in August," to an original score by Stanley Sussman, each dance is the song—in turn jubilant, meditative, agitated, lyrical and cheerful.

The idea of the pioneering West is no better illustrated than in the organization of the company. It's a cooperative, with each member having an equal say in artistic direction. The Utah group is the living argument that modern dancers can get along cooperatively in spite of clashing egos. The goal is to maximize freedom and individuality, in choreography for example. Says Linda C. Smith, who with Kay Clark is a founding member of the company, "Dancers often want to choreograph, but economics dictate otherwise. Not here." Once an idea for a dance has been approved, the work is tried out before the entire company and voted on for acceptability.

"It's difficult to tell a choreographer that it doesn't work," says the quiet, intense Ms. Clark. "But you don't perform very well if you let disagreement get in the way. We're like brothers and sisters except that we have a common goal and understand the necessity for getting along."

STABLE

That necessity, along with the advantages of a cooperative, keeps the company complement fairly stable, so much so that when one girl, Joan Moon, got pregnant, they tried to choreograph a piece for a pregnant dancer, so the company would remain intact. (It didn't work.) Stability is important also because it's not easy to find dancers, as Evans says, "who develop a feeling for self-government. You have to learn not to water down good ideas with multiple contributions, and to sacrifice your own needs."

They are all aware of the dangers to individuality inherent in the system. "We used to try to make everyone look alike," says Evans. "Now we try to get together on just the essence of things." "But, oh," admitted Linda Smith, "sometimes we say, 'If only there was one person to lay it on the line'."

INDEPENDENT OFFICE OF SPECIAL PROSECUTOR

Mr. TAFT. Mr. President, many of my colleagues in the Congress have expressed considerable interest in various legislative proposals to create an independent office of special prosecutor for Watergate and related offenses. In fact, 55 Senators and numerous Members of the other body have introduced and cosponsored legislation to vest the appointive power for such special prosecutor in the judiciary. This approach has been suggested by many of its sponsors, including Senators BAYH and HART, as the only solution to this issue. I have questioned this premise from the beginning as I thought it unwise from both a practical and constitutional viewpoint.

I testified before the Senate Judiciary Committee earlier this month, emphasizing the constitutional and practical deficiencies of the court appointed proposal, and introduced legislation, S. 2642, to provide an alternative approach to this issue by vesting appointive power for a special prosecutor in the Attorney General. My approach was challenged by certain members of the Judiciary Committee as not going far enough. I can understand the great concern that these Senators have with regard to this issue. Such concern, however, must remain within the bounds of the Constitution, notwithstanding how outraged or concerned individuals may be by the unfortunate events pertaining to the Cox dismissal. Emotional and partisan considerations cannot control the fate of this country. If there ever was a time and need for statesmanship, this certainly is it. This point was very well underlined in an opinion handed down yesterday by the U.S. district court in the case of Nader, Moss, ABZUG, and WALDIE versus Bork. Judge Gerhard Gesell, in considering the legality of the Cox dismissal by Acting Attorney General Bork, spoke to the issue of legislatively creating the office of an independent special prosecutor and I believe his thoughts certainly merit consideration in this Chamber. Judge Gesell states on pages 10 and 11 of his opinion, and I quote:

> The court recognizes that this case emanates in part from congressional concern as to how best prevent future executive interference with the Watergate investigation. Although these are times of stress, they call for caution as well as decisive action. The suggestion that the Judiciary be given responsibility for the appointment and supervision of a new Watergate special prosecutor, for example, is most unfortunate. Congress has it within its own power to enact appropriate and legally enforceable protections against any effort to thwart the Watergate inquiry. The courts must remain neutral. Their duties are not prosecutorial. If Congress feels that laws should be enacted to prevent executive interference with the Watergate special prosecutor, the solution lies in legislation enhancing and protecting that office as it is now established and not by following a course that places incompatible duties upon this particular court. As Judge Learned Hand warned in *United States* v. *Marzano*, 149 F.2d 923, 926 (1945):
>
> Prosecution and judgment are two quite separate functions in the Administration of justice: they must not merge.

I believe Judge Gesell is absolutely correct on this point and I understand the Chief Judge of the U.S. District Court for the District of Columbia, Judge Sirica, also has stated agreement with this position.

The question remains, however, as to what direction this body will proceed with regard to this issue. The Senate Judiciary Committee wisely decided to deliberate further and move to mark-up Wednesday next. I am extremely hopeful that statesmanship, not partisanship, will prevail in the committee and legislation will be reported that I can, in good conscience, support. If this is not the case I am inclined to think, at this time, that those of us who oppose judicial appointment should use every means at our disposal as U.S. Senators to prevent adoption of such legislation. Another constitutional crisis must be avoided.

HEADSTART

Mr. MONTOYA. Mr. President, yesterday Senator MONDALE introduced a bill which I was pleased to cosponsor. This bill, S. 2700, will postpone the implementation of the Headstart fee schedule until July 1, 1975, at which time this matter can be discussed in the context of an extension of the Headstart and the Economic Opportunity Act.

The implementation of a fee schedule has caused concern in New Mexico among all Headstart programs and especially among Indian Headstart programs.

Speaking for all the Indian groups in New Mexico, the All Indian Pueblo Council has written to me recently expressing a concern about the fee schedule which is unique to the Indian community.

In the past, it was not difficult for Indians to put into practice the philosophy of collective effort required for the implementation of a Headstart program, for cooperation was already a practice within Indian communities. In creating their programs, many tribes made their land available, produced their own building materials, built their own buildings and playgrounds. These efforts enlisted the support of many tribal council members, parents, teachers, teacher aides, and community members. Now, however, the Indians are concerned. The Indian community does not separate its members poor or nonpoor, educated or uneducated, yet the introduction of variable fee schedules would also introduce economic and social distinctions into the Indian community. The All Indian Pueblo Council is extremely disturbed and concerned that the application of the fee schedule requirement will destroy the cooperation needed to provide these vital services to their young. It should be noted that many Indian parents have already taken their children out of the Headstart program in order to avoid this problem of the creation of distinctions between different members of the tribe.

In the non-Indian Headstart programs in New Mexico, some administrators have developed the policy of not including above-poverty-level children in their programs. In many rural areas of our State, the Headstart program is the only opportunity that young children have to attend a kindergarten or pre-first-grade school. There are no educational alternatives. And in the more urban areas, the fee schedule is so expensive that the nonpoor are enrolling in other private educational programs. As Ms. Margaret M. Aragon, director of the East Las Vegas Headstart program states—

> The fee schedule is prohibiting the socio-economic mix that has long been established as desirable in Headstart. Many parents see a form of discrimination in charging above-income families for a service that is free to other children. This is a program that they support through taxation and they pay twice.

Mr. President, the statement and correspondence which I ask unanimous consent to be printed following my remarks in the RECORD, clearly indicate the predicament which the Headstart program in New Mexico and around the country will face if the fee schedule is not postponed.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HEADSTART

The imposition of the headstart fee schedule as it would apply to Indian tribes, brings to point several concerns which we would like to share with you in your consideration of our request for the repeal of that schedule.

Prior to the inception of the Headstart program under the auspices of the Economic Opportunity program the Indian child's only hope was to stay healthy on the reservation until they reached the legal age to be enrolled in the local BIA day school or the public school. Time and again research on vital statistics have shown that even this was a losing battle due to conditions on the reservation and the lack of adequate health facilities.

Mortality rates among Indian infants were such that many hopes of the Potential Indian Resource Development ended at this stage. For these children statistics on Indian life ended here, but for many other Indian children it was only the beginning of a very long list of deplorable statistics. Statistics which having only made the shelves of research offices, libraries, Congressional Records Offices, Federal and State Educational Institutions, remain unchanged. Statistics which, even after so many years of knowledge of them, were of no more use than as quotable quotes in times of remembering or acknowledging the Indians' plight.

We are sad to repeat that 1) approximately 90 per cent of Indian students in certain areas enter the first grade with little or no English language facility and are ill-equipped to confront a foreign culture on which schools are designed. 2) Standardized tests reveal Indian student achievement levels far below all other ethnic groups in most areas. 3) Dropout rates for Indians are twice the national average. 4) Unemployment among Indians has been higher than among other Americans. 5) Indian life expectancy is lesser than other Americans.

These statistics only point to the progressive deterioration of the Indian people. Because of these facts we see nowhere in this nation a more immediate need for an even chance of survival than among Indians.

We are grateful for the many other Congressional Acts of educational, economic and health supports we have been afforded, but we do see them as patch work or jigsaw puzzle approach to solving our problems. We are concerned that the cracks are still there and that like every other puzzle can break apart. We are concerned that it is only a strong and solid foundation that is the basis for firm and confident building.

The most important resource to us and in fact the only resource that we Indian people have are ourselves. The building of that solid foundation has to occur at the very youngest of members among us. After overcoming all the threats of early childhood among our Indian children there is the task of preparing them for entrance into the common school and aiding these children with adaptation to the American educational system until they can successfully progress from one grade to another; for it is said that "each grade itself is preparatory to a higher grade, affording entrances into schools of technology, agriculture, and colleges in which a vital phase of human resource development occurs."

The new hope and aspiration for the Indians to achieve this end came at the inception of the "Headstart" program. Even though this truly meant a headstart for many students, it really was and continues to be the fundamental chance for a real start for Indian children.

INDIAN HEADSTART: HISTORIC EVIDENCE OF ITS SUCCESS

At the onset of the Headstart program there was much skepticism throughout the Indian country for several reasons: (1) It did not come under the Bureau of Indian Affairs, (2) it was a new idea, (3) different application and reporting procedures had to be understood, (4) they were direct grants, etc.

Once these problems were understood and coped with Headstart programs on Indian reservations began in a positive direction and continued to build. Other aspects of the program philosophy were not foreign to the Indian community. The requirement of collective effort and cooperation was not a difficult task as this was already a practice within Indian communities.

One important ingredient in the success was that of parent as well as total community involvement. This type of involvement provides many answers to other requirements not provided for under the federal grant but which were essential for the total successful operation of this program.

As has already been stated, these total community efforts have instilled new hope and inspiration for achieving education, economic, social and political heights which are necessary prerequisites to acquiring the all important status of self-sufficiency and self-determination.

The availability of grants for a Headstart program did not totally answer the need for pre-school education. There were other needs such as land and/or buildings in which to house these programs; the isolation of Indian reservations made it especially difficult to attract teachers; playground equipment, transportation and many necessary supplies were not all inclusive in these Headstart grants and thus had to be obtained through other sources. Unlike the urban community and even some rural communities these sources were very, very scarce. The Indian community does not separate, intentionally or otherwise, its members poor or non-poor, educated or uneducated.

As pointed out time and again, the Indian community is but one whole community with its "extended family" as opposed to the Anglo, isolated, single family. In the urban setting you find different sectors of the community, the rich district, the poor district, there are social and religious isolations, there are business districts, and city, county and State governmental agencies throughout.

Each of these sectors of society has the reputation of supporting or looking after its own. These are sources from which an urban program can derive its other necessary resources. Buildings, utilities, playgrounds, transportation, equipment and other items are furnished by these sectors so that no real community effort occurs. The harder you campaign or the more people you know, the more services were made available. This approach to meeting needs also had its bad results. This spirit of competiveness meant that if you got to that religious group, that city or county agency, or that businessman first it meant the next group would probably not have what you've obtained and as a result, the most aggressive or the ones in the richer district probably have more and better opportunities for their children. The end result being that for some children in this type of a setting it meant "unequal economic opportunity." We firmly believe this was one basic reason for the consideration and imposition of the new Headstart fee schedule. We feel that the fee schedule was adopted without consideration for conditions on the reservation as we are pointing out here today.

Real community effort, we feel, is what we had to do to provide our students with the pre-school opportunities. Many of our tribes made our own land available, made our own building materials, built our own buildings and playgrounds, set up our own classrooms and provided our own additional equipment and supplies needed for the continual operation of our program.

These efforts enlisted the support of many tribal councils (including inter-tribal councils), parents, teachers, teacher aides, and other community residents. This cooperation assisted to strengthen, supplement and coordinate all efforts in furtherance of the principal objectives of Indian self-determination and self-preservation.

We are very disturbed that the application of the fee schedule requirement to Indian Headstart grants threatens to destroy the cooperation vitally important to our achieving our stated goals.

Many programs have already lost students because of this requirement. Along with this a negative attitude was developed by parents and other citizens affected. For these programs, reestablishing collective efforts is going to be a very hard task.

Pueblo of Isleta,
Isleta, N. Mex., September 19, 1973.
Hon. Joseph M. Montoya,
U.S. Senator, New Senate Office Building, Washington, D.C.

Dear Senator Montoya: As you doubtless know, the Head Start fee schedule as it would apply to our Head Start Program at Isleta Pueblo is apparently going to be implemented. We at Isleta, together with virtually every Tribe in New Mexico, object strenuously to this fee schedule, particularly on two bases. First, the fees involved are absurd; for example, a family making a relatively modest income would be obliged to pay $135.00 for one child in Head Start, the schedule being based on *gross* income with essentially no deductions allowed. Secondly, Head Start has become an integral part of Indian education. Language presents a peculiar problem to Indian children; Head Start has successfully addressed itself to this problem. There is no doubt that the implementation of this fee schedule will destroy the Head Start Program, among other reasons, because parents would withdraw their children from the Program. The Pueblo of Isleta finds no recourse except to take a firm stand on this matter which is set out in the copy of the Resolution enclosed.

You have demonstrated your willingness to help the Indian people in the past and we again solicit your aid in supporting either remedial legislation or supporting some other steps to save the Indian Head Start Programs. We would be pleased to visit with you on this matter if you require any further information and would appreciate hearing from you at your earliest convenience.

Yours very truly,
Alvino Lucero, *Governor.*

The Pueblo of Zuni,
Zuni Tribal Council,
Zuni, N. Mex., October 19, 1973.
Hon. Joseph M. Montoya,
U.S. Senate,
Washington, D.C.

Dear Senator Montoya: We are writing to express to you the concern that the Pueblo of Zuni feels over P.L. 92–424, which removed Indian exemption from the Head Start Fee Schedule.

To charge for an Indian child to attend Head Start seems unjust for several reasons. The justification for a fee is based solely on income. In our opinion, there are other factors which must be identified as disadvantages which affect Indian children. For instance, 96% of the children who attend the Zuni Head Start speak only the Zuni language. Head Start on our Pueblo represents the first opportunity that our children have for language development, a skill which is necessary for successful entry into public school. Another, and perhaps the most important reason for Head Start for all Indian children, is the medical, dental, and nutritional services that they receive. As you know, Indian health conditions are poor. If we can start three and four year olds with medical and dental help and a good nutritional program, we feel that it will make a noticeable improvement in the future health picture of the Indian people.

Presently there is a movement headed by Phillip Martin, Tribal Chairman of the Mississippi Band of Choctaws, to secure an amendment to P.L. 92–424. There will be an Ad Hoc Committee meeting in Washington, D.C., on October 24–26 to discuss an amendment and other Head Start issues. We would appreciate any consideration and support that you could give to an amendment which would continue the right of all Indian children to attend Head Start without payment of fees.

Sincerely,
Robert E. Lewis,
Governor, Pueblo of Zuni.

Resolution

At a duly called meeting of the Sandia Pueblo Parent Teacher Organization and concerned parents, the following resolution was adopted:

Whereas, this Organization is composed of Pueblo Indian Parents of the tribe of Sandia Pueblo under which the Head Start Program for this tribe is administered; and

Whereas, the Head Start Fee Schedule recently implemented would be detrimental and completely destroy the trust relationship and understanding between the Indian people of this Organization which would be contrary to the Civil Rights of the Indian Equal Education Opportunities Act; and

Whereas, Head Start is serving the needs of Indian Education by furnishing continuity in preparation to public schools; that without such preschool training the goals and objectives for the children would not be successful; and

Whereas, the failure to provide this education at no cost is a violation of the trust relationship between the United States Government and the Indian People; and

Whereas, based on the present cost of living the fee schedule is unrealistic in its use of gross family income as a determining factor for Head Start eligibility.

Now, therefore, be it resolved that the Sandia Pueblo Parent Teachers Organization and concerned parents does hereby urge that immediate action be taken to eliminate the Head Start Fee Schedule as it would apply to Indian Head Start Programs, and that enforcement of the Head Start Fee Schedule, as it applies to Indian Head Start Programs, be held in abeyance until the proper remedial action has been taken.

Office of Navajo
Economic Opportunity,
Fort Defiance, Ariz., October 18, 1973.
Hon. Joseph M. Montoya,
Chairman, Committee on Appropriations, U.S. Senate, Washington, D.C.

Dear Senator Montoya: The Office of Navajo Economic Opportunity strongly opposes the imposition of the Head Start Fee Schedule on our Reservation. Such an action will result in many families not enrolling their children in the Navajo Child Development Program, which has been quite successful in preparing our Navajo Children for later schooling. As such it will mean that many children who could greatly benefit from this educational program will not be allowed to participate. This will be a loss not only for these individuals, but for the Tribe as a whole, for the hope of the Navajo Nation in escaping widespread poverty condition lies in the education of its youth. It is our contention that the imposition of fees violates the spirit of the treaty of 1868 between our Nation and the US Government regarding the education of our people.

Education is a one-time opportunity. Our Navajo people do not have stable incomes—our Reservation's unemployment approximates 65%. While a family's income may be greater than the poverty level for the years its children may be otherwise eligible for the Head Start Program, the fee scale clearly discourages a certain segment of our population from enrolling their children. The Fee Schedule could mean that a certain percentage of children will lose their opportunity for education.

We urge that the Head Start Fee Schedule be abandoned so that all our children may receive the benefit of this education program.

Sincerely,
Charles Henderson
(For Eugene Gorman),
Director, Navajo Child Development Program.
James D. Atcitty,
Executive Director, Office of Navajo Economic Opportunity.

Resolution

At a duly called meeting of the Governing Board of Six Sandoval Indian Pueblos, Inc., the following resolution was passed:

Whereas, this organization is composed of the Pueblos of Sandia, Santa Ana, Zia, Cochiti, San Felipe and Jemez, the Governors of each Pueblo being on the Governing Board, and that one of the purposes of the organization is to operate Headstart programs for the benefit of the children on the named Pueblos, and

Whereas it has recently come to the attention of the organization that a fee schedule has been instituted which would apply to the Headstart programs and require the parents making even modest incomes to pay outrageous fees with the apparent design by the Administration to punish the poor and undermine and eventually destroy Headstart programs on our reservations by forcing parents to withdraw their children from Headstart programs.

Now, therefore, be it resolved that Six Sandoval Indian Pueblos, Inc., does hereby condemn the Headstart fee schedule as it applies to its programs, on the grounds that this is an obvious attempt by the Administration to undermine and destroy the Headstart programs on Indian reservations by imposing outrageous and unreasonable fees.

Now, therefore, be it further resolved that this organization urges that either remedial legislation be passed forthwith or that whatever action is necessary be taken to remedy the fee schedule as set out in the Code of Federal Regulations.

Certification

This is to certify that the foregoing resolution was passed at a duly called meeting of the Governing Board of Six Sandoval Indian Pueblos, Inc., at which a quorum was present; all voting for and none opposing the said resolution, on the 27th day of August, 1973.

Sandoval County Economic
Opportunity Corporation,
Bernalillo N. Mex., October 23, 1973.
Hon. Joseph M. Montoya,
U.S. Senator, New Senate Office Building, Washington, D.C.

Dear Senator Montoya: In response to your request of October 12, 1973 I am detailing the following information regarding the effect of the fee schedule on our Head Start program.

Our enrollment quota is sixty (60) children. None of the children enrolled are affected by the fee schedule. The fee schedule system, if we should implement it, may cause some problems. We anticipate expensive bookkeeping and auditing procedures would need to be implemented, with little monetary gain for the program. It would also pose community relations problems, because families only slightly above the poverty level (who are given priority in the above-the-poverty level selection) would be required to pay a fee. Restrictions placed on the type of expenditure allowable and the procedures required for approval of the expenditures would make the utilization of funds from the fee schedule a cumbersome process.

We thank you for your interest in the problems of the implementation of the Head Start fee schedule. If we can provide any further information, we will be happy to cooperate with your request.

Sincerely,
(Mrs.) Janis Loomis,
Headstart Director.

Taos-Rio Arriba
Headstart Program,
Taos, N. Mex., November 6, 1973.
Hon. Joseph M. Montoya,
U.S. Senator,
Washington, D.C.

Dear Sir: This is in response to your letter of October 12, 1973 in which you requested information about the fee schedule for Headstart which became effective this fall.

1. The number of students enrolled in Headstart classes is four hundred sixty nine (469) in a two county area. The counties being Taos and Rio-Arriba service two hundred eighty (280) students in Taos County and one hundred eighty nine (189) students in Rio-Arriba. Six children out of four hundred sixty nine are affected by the fee schedule.

2. The program is allowed ten per cent high income children, but at this time we can not service them because of our funding which is limited. We have a waiting list of children that qualify plus many others in the high income list. Title one funds in our area was badly affected in the fall and Headstart is trying to pick up as many five year olds as possible. A few centers service a small number of four year olds.

3. The fee schedule seems very unfair, especially for our geographical areas where there are few private schools and children that are high income even if they could afford are unable to attend.

4. The fee schedule has not affected our program in terms of being expensive.

The program would very much like to be funded more so that we would be able to accommodate the children in our waiting list.

Sincerely,
Luciano Romero,
Executive Director.

Artesia Head Start,
Artesia, N. Mex., November 6, 1973.
Senator Joseph M. Montoya,
U.S. Senate, Committee on Appropriations, Washington, D.C.

Dear Sir: In reference to your letter dated October 12, regarding the fee schedule for Head Start, I do not feel that the fee schedule is feasible for this area. The schedule is not compatible to fees for day care services in the area.

The children that are affected by fee schedule are above the guidelines. The children that applied did not return, because of the rate.

I do not believe we will have any children attending on fee schedule because the rates are too high.

Sincerely,
Virdie Dansby,
Project Director,
Artesia Head Start.

Las Vegas City Schools,
Las Vegas, N. Mex., October 18, 1973.
Hon. Joseph M. Montoya,
U.S. Senator,
Committee on Appropriations, Washington, D.C.

Dear Sir: The East Las Vegas Head Start Program has enrolled only one above-income child this year due to the inability of parents to pay the tuition set by the high fee schedule. In response to your questions:

1. One student would be affected by the fee scale but doesn't pay due to high medical bills in the family.

2. Many children were enrolled in local kindergarten for less money than the fee schedule requires.

3. The fee schedule is prohibiting the socio-economic mix that has long been established as desirable in Head Start. In addition, many parents see a form of discrimination in charging above income families for a service that is free to other children. This is a program that they support through taxation and they pay twice.

4. If we had paying children, there would be an additional cost in collecting and record-keeping; I can only estimate that it would require about 10 hours per week.

Sincerely yours,
Margaret M. Aragon, *Director.*

LEGAL SERVICES

Mr. BROCK. Mr. President, many times in these hallowed halls, we have passed legislation. We have made laws. Many times, we felt that those laws were good ones, ones designed and aimed at attempting to solve problems, or perhaps make life easier for man, or to correct an injustice. Most of these laws are passed in good faith, not without study and careful consideration, and in some instances, deep soul searching.

But occasionally, we find that we have passed a law that somehow, someway, ends up with the spirit of the law completely twisted into something entirely different. Such a case is the Legal Services program. When that legislation was approved during the 1960's, it was intended to correct what the Congress felt was an injustice. Its intention was to provide the Nation's poor, as the Bill of Rights impelled us to do so, with a right to a speedy and fair trial before a jury of his peers. The spirit of that law was intended to do just that, to provide the Nation's poor with at least their right of legal counsel, and a speedy trial.

What has become of that far-reaching, idealistic plan which was to have helped the Nation's poor? What has become of the law passed to help the poor with legal aid, that they might otherwise be denied?

It is really very simple. The program of Legal Services has become one that in no sense represents the poor. Legal Service is being financed through the tax dollars of the citizens of the United States. So, what is done with those tax dollars? They are used for the purposes of lobbying, they are used to support class actions for sociological change, they are used to support radical activists groups, and they are used to thwart the desires of the majority of the very people who are paying those tax dollars. There are numerous cases to be cited: in Jackson, Miss., New Orleans, La., Detroit, Mich., San Francisco, Calif., and many other cities.

What it really comes down to is that under the present usage of Legal Services funds, the people of the United States are financing a group that time and time again has not offered legal aid to the poor, but has attacked the government itself. It has gotten to the point where it is without question out of hand, and now is the time to do something about it.

I could take the entire day detailing the inadequacies of the current legal services program, and perhaps it might be worthwhile. But, the problem does exist. It is very evident that the people who were intended to receive help from the program when it was originally passed have been left out in the cold again, and this time by some of the people who cry loudest and longest that the poor of this country are being ignored.

Earlier, I introduced a bill to establish a Federal Legal Aid Corporation, which was designed specifically to encourage the provision of legal assistance to individual citizens who lack adequate financial resources to provide legal assistance for themselves. It would allow attorneys to practice according to the highest professional standards while providing safeguards against the recognized abuses present in the current OEO funded legal services program. That measure would have set up a Federal Legal Aid Corporation chartered by the Congress. Additionally, it would:

First: Empower an existing State instrumentality to administer a program for the provision of legal assistance in the State;

Second. Empower the State Bar Association to administer the program;

Third. Establish a method of direct payment or voucher system, to pay attorneys assisting those eligible for legal services in the State.

In addition, my bill would provide strong and adequate safeguards to protect against perpetuation of the abuses present in the current program. It would provide prohibitions on legal service employee involvement in strikes, demonstrations, and protest marches. It also states that funds may not be used to support or oppose candidates, legislative proposals, ballot-measures, or similar enactments or proposals.

In essence, my measure could be summed up in one phrase—Freedom of Choice. I do not think that a single, rigid scheme, imposed out of Washington, is capable of meeting the needs of this Nation. The legal services program that will work best is not one which tries to force all projects into a single restrictive mold. The program that will work best is the one that helps the people in each community meet their own needs in the way they think best.

What we need to do is quite clear. We must bring responsibility back to the legal services concept. We have to return to the spirit of the law, to provide

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legal assistance for those who are unable to afford their own legal representation. Originally, the legal services concept was one of merit, but it has turned into a monster, one that turns on the hand that feeds it. It has grown into a massive legal attack on the Government, and for the most part, it has ignored the people it was to have helped.

Now, we must reverse that process, and create a program whereby we can truly follow what our Founding Fathers proposed for us to do, to protect the rights of every citizen to legal counsel and a speedy trial. I would ask that we again remember one of our most precious responsibilities, that of enhancing free choice, and thus signal an end of the separate system of access to the courts now imposed upon the poor.

TRIBUTE TO REPRESENTATIVE JOHN P. SAYLOR

Mr. HARTKE. Mr. President, as chairman of the Senate Committee on Veterans' Affairs, I had the pleasure of working closely with a senior minority member of the House Veterans' Committee and ranking minority member of the House Veterans' Subcommittee on Health, Representative John P. Saylor of Pennsylvania. Although we were in disagreement at times as reasonable men can disagree, I was greatly impressed with Mr. Saylor's clear concern for the men and women who served our Nation in uniform, and I am saddened by his passing on Sunday, October 28, 1973.

During almost two and a half decades of service in the other body, Mr. Saylor became especially known and respected as a leading conservationist. It is appropriate on this occasion to note his particular interest in a unique matter of concern to both those who would protect our Nation's physical heritage and those who seek to meet the needs of our veterans. I refer to Representative Saylor's legislative efforts in behalf of the restoration of the Congressional Cemetery just blocks away from where I now stand.

Earlier this year, the President signed S. 49, the National Cemeteries Act of 1973, my bill to establish a new National Cemetery System under the jurisdiction of the Veterans' Administration. This included the transfer on September 1, 1973 of most veterans cemeteries formerly under the jurisdiction of the Department of the Army. The measure, now Public Law 93–43, also requires the Veterans' Administration to conduct a comprehensive study of national burial policy for submission to Congress by January 3, 1974. The Senate committee's report on S. 49, in describing the purpose of the planned study, proposes a solution to the plight of the Congressional Cemetery:

> As part of the study, the Committee also desires that the Administrator give close consideration to acquiring as part of the National Cemetery System the Congressional Cemetery consisting of approximately 30 acres at 1801 E Street, S.E. in the District of Columbia. The recent burial there last year of J. Edgar Hoover, former Director of the Federal Bureau of Investigation, brought public attention to the degree of neglect and vandalism that has befallen the Congressional Cemetery. The Congressional Cemetery is now owned by Christ's Church, Washington Parish. As a historical property it is listed on the National Register of Historic Places and although it is eligible for assistance under the Grants In Aid Program authorized by the National Historical Preservation Act of 1966 (80 Stat. 915) the funding level of the Grants In Aid Program has been shockingly low. Further information received by the Committee indicates that because of numerous high priority projects and limited grant funds, it appears unlikely that funds can be provided for the rehabilitation of the Congressional Cemetery within the foreseeable future. Accordingly, the Committee believes that acquisition of this cemetery within the National Cemetery System would appear to be quite appropriate.

Congressman Saylor and I share a common interest in the restoration and preservation of this unique part of our Nation's heritage, and I believe that favorable Veterans' Administration consideration of the proposed transfer, restoration, and preservation of the Congressional Cemetery would be a fitting tribute to the memory of this American lawmaker who served with distinction for almost a quarter century. My distinguished colleagues may be assured that I stand ready to introduce whatever legislation may be necessary to implement such a recommendation if it is contained in the forthcoming report and recommendations by the Veterans' Administration.

I hope those of us who worked with him in the Congress of the United States will see to it that his farsighted efforts on behalf of future generations of Americans continue in his absence.

ADDRESS BY THE SECRETARY OF COMMERCE

Mr. THURMOND. Mr. President, on November 8, 1973, the Secretary of Commerce, Frederick B. Dent, delivered a very timely address before the annual meeting of the Alabama State Chamber of Commerce. Lowell Thomas, on his news program for November 12, noted that portions of Secretary Dent's remarks had been picked up by the Soviet press and broadcast throughout the Soviet Union.

I bring this address to the attention of my colleagues in the Senate because I believe it is an extremely astute perspective on problems facing our country today.

Mr. President, I ask unanimous consent that this address be printed in the Record, and I urge all of my colleagues to give it their most careful consideration.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address by Secretary of Commerce Frederick B. Dent

It is indeed an honor to address this 36th Annual Meeting of the Alabama Chamber of Commerce. As a South Carolinian, I feel especially at home here in Montgomery and am pleased to have this opportunity to discuss some of the major issues of the day with you.

While there are several pressing issues, especially related to our economy, which I shall talk about later, the overriding topic today is clearly whether or not President Nixon should remain in Office and it is this subject which I shall address first this evening.

The reasons that I went to Washington in January to join this Administration after 25 years in the private sector in South Carolina, were my belief in President Nixon as a man and in his capacity for leadership, his broad experience in domestic and foreign affairs, and because of my belief that here was a man whose first term indicated that he could live up to the potential of being the greatest leader on the world scene today. His momentous initiatives towards peace, his policy of detente highlighted by his visits to Peking and to Moscow were clear evidence to me that under President Nixon's leadership, the United States was leading the world into a new era of peace.

The events during the past few weeks in the Middle East, and the President's brilliant initiatives in working towards a peaceful settlement of a dangerous conflict have confirmed once again that my confidence in President Nixon and his leadership is well placed.

On the domestic side, figures released in the last few weeks indicate that unemployment has declined to 4.5 percent, the lowest rate since March 1970; that real GNP for the third quarter increased at an annual rate of 3.6 percent, within the range generally expected to provide the "soft landing" to a sustainable growth rate without recession; and that a dramatic turn around in our trade account occurred with a September surplus of $873 million, giving us a $153 million surplus for the first nine months of 1973, compared to a $6.4 billion deficit in 1972.

Today, we have just three more years available for our Nation to take advantage of President Nixon's great abilities. It is a tragedy to consider what our Nation is losing by our failure to unite behind him and by the vicious and sustained attacks which daily destroy public trust in the President and his leadership.

The vindictive and irresponsible cult which has taken the lead in seeking the removal of the President from office is doing great damage to our Nation and has failed to perceive the dangers inherent if they should succeed.

Their irresponsibility is compounded by the vacancy in the Vice Presidency.

In addition to depriving our Nation of three years of leadership of a popularly-elected Chief Executive, their success would set a precedent that a well-orchestrated attack on the occupant of the White House can drive a President from office in mid-term, a precedent neither contemplated by the founders of this Republic nor achieved throughout our 197 years of history.

The American people today are faced with a proposition that is dangerous and disruptive in the extreme, that proposition being that an embattled President should resign in the interest of national unity. These efforts are designed to undo the will of the people expressed in a national election just one year ago. The fact is few voices in the Congress are calling for the President's impeachment. The reason is simple: there are no grounds for impeachment.

The cry today is for the President to resign on the grounds he has lost the confidence of the people. This argument is pressed most vigorously by those who have done their utmost to destroy that confidence.

We have had embattled Presidents before, men so buffetted by the events of the day that they suffered the dislike of great majorities of the population. Such men as President Andrew Johnson, who was despised because he sought to bind the wounds of a Nation devastated by war, rather than exploit those wounds for partisan advantage. Such men as Harry Truman who was perceived as an insignificant man that chance had allowed to succeed the giant figure of Franklin D. Roosevelt. Such men as Lyndon B. Johnson who in the latter part of his term of office found it virtually impossible to make

scheduled public appearances because of the bitter antagonism of those who opposed his policies in Viet Nam. In retrospect, President Johnson was rendered impotent as a leader by attacks from some of the same people who are now trying to derail President Nixon.

Our Constitution does not provide for a parliamentary system in which governments fall if they become unpopular. Rather, our forefathers chose a system of four-year terms because they felt the stability inherent in such a system was necessary to proper executive leadership, particularly during times of crisis when unpopular actions by the Chief Executive might be called for.

Today, we are hearing a chorus of voices who urge that the very premise upon which our presidency is established, that of a popularly-elected President to serve a term of four years, should be abandoned because the President's enemies have fostered a climate of hatred and distrust.

The recriminations which would result if his critics succeed would be far more damaging to the American public than the prospects of a temporarily unpopular Chief Executive. If the precedent is set that partisan opposition, coupled with powerful dislike in the news media, can drive a man from office, then no President, no Administration, in the future will be safe from the prospects of removal from office in mid-term.

Each of us must recognize that we will have to bear the burden and endure the consequences in our own lives if the President's enemies succeed. Have you stopped to think of the turmoil in this Country and the turmoil in our foreign relations which would undoubtedly result? The upheaval would come home to affect each of you, perhaps in your business, in your home, and in your personal expectation of the Nation's stability. I ask each of you would these results be justified? Are there grounds to cause such a wrenching adjustment across this land?

The solution to the erosion of confidence in the Administration is not in the drastic action being promulgated in the media. The solution is for the American people to recognize that the best interests of our Nation lie in maintaining a strong and stable Presidency, and restoring to President Nixon that support his record in office clearly deserves, and to communicate their feelings to the Congress, which in the final analysis will be responsive to the public will.

So much of the media is concentrating on sensationalism, much of the public is not aware of the continuing activities in Washington that show that government is working and is moving ahead. The President's activities with regard to the Middle East crisis are proof positive that this Administration continues to move effectively in foreign affairs.

In spite of the steady barrage of criticism aimed at the President, it is noteworthy that President Nixon has vetoed nine bills this year and that Congress has sustained eight of these.

President Nixon has met with 12 heads of state, including Brezhnev, since January.

He has instituted the Phase IV Program to smooth out the Nation's economic adjustment to the price bulges which had built up in the economy.

The President and the entire Administration are moving on a united front to meet the challenge of the energy crisis. Nor are we new to this problem. Already this year, the Department of Commerce has sent out 45 thousand letters to businessmen across the Country urging energy conservation; we have established an energy panel of three Assistant Secretaries to coordinate the Department's Energy Program and we are presently urging all companies to establish their own energy management program.

The American people deserve to know that the momentum of government in Washington is continuing and that in spite of the harsh invective that is aimed at the President, he and his Administration are moving forward to accomplish what the American people elected him to do last November.

As an example, President Nixon initiated a dynamic reorganization of governmental power in this County. In words that are particularly meaningful to those of us in the South, President Nixon said:

"After a third of a century of power flowing from the States to Washington, it is time for a New Federalism in which power, funds and responsibility will flow from Washington to the States and to the people."

The general philosophy behind the new Federalism is that the Federal Government had become too large and too powerful to represent effectively the American people with their diverse interests and ideas. This philosophy is rooted in the concept that the American people should be given greater opportunity to make their own choices about what is best for them rather than leave these decisions to what one Alabamian has called, "the pointy heads in Washington."

New Federalism is based further on the belief that where it is essential for government to take action, that level of government closest to the people, where possible, will be more responsive to the will of the people.

New Federalism is a program in action which is effectively changing the map of political power in this Country, with the flow, for a change, being away from Washington rather than into Washington. One important expression of this policy, the General Revenue-Sharing Act, will return about $6 billion for use by the states and local governments in the coming year.

The Administration is also taking a firm stand for a balanced budget without a tax increase which means holding down Federal spending, both because such a policy is in line with the New Federalism philosophy of lessening the concentration of power in Washington and because of the necessity to bring inflation under control. In 1974, it is estimated that the budget will be relatively in balance and the credit for this must go to President Nixon. Congress has already added $2.5 billion to the '74 budget and $3.8 billion to the '75 budget. Bills are currently pending before the Congress which would add $8.5 billion in '74 and another $9.5 billion in '75.

If it were not for the President's strong stand for fiscal responsibility, the government would be like a large family where each person had his own checkbook and was writing checks without regard to the balance.

Another impressive trend taking place in this Nation is the strong increase this year in American exports with the result that so far this year, our trade account shows a slight surplus compared to a $6.4 billion deficit in '72. As a result of the two devaluations made by the Nixon Administration, American products are selling abroad in record numbers creating new jobs for American citizens and contributing to the stability of the American dollar.

Our recent progress, while noteworthy, must serve to spur us on even further, rather than to satisfy us. We will need a surplus in our trade account of $7.5 billion by the middle of this decade in order to achieve a balance in our balance-of-payments position. This can only be accomplished by increasing our exports more rapidly than our imports.

The Administration's long-run goal, to which it has allocated $10 billion in research and development over the next five years, is to achieve energy self-efficiency for this Nation. In the short run, however, the need for the American people to cut down on energy consumption drastically cannot be overstressed. The only immediate response to this need available to us is a voluntary restraint on the part of each of us.

The private business sector in this Country consumes 70 percent of the energy used in this Nation. It is essential, therefore, that the American business community actively pursue an effective program of energy conservation. This means an energy-management program involving a commitment of executive leadership, an energy audit to determine the amount and location of consumption and the setting of tough goals. The cooperation of the business community and of the public at large in finding new ways to cut down on energy consumption is essential if we are to avoid closed schools and factories, cold homes and stalled transportation systems.

For the business community, this challenge can not only contribute to the well-being of the Nation, but if properly met, can result in more efficient ways of production, thus decreasing costs and increasing profits.

Another challenge facing the American economy is that of inflation. While recent trends appear to indicate that we have passed the worst of inflationary pressures, the battle is far from over. In addition to the Administration's policy of fiscal responsibility, the Phase IV Program has been instituted to help smooth out the effect of the inflationary pressures in our economy.

There is no question that wage and price controls have become unpopular in the business community. Let me urge you, however, to consider that the important thing is that we get out from under controls in such a manner that our return to the free market is permanent. If we were to relinquish controls prematurely and unusually high price increases appeared immediately, the subsequent public outcry could well result in Congressionally mandated price roll-backs and renewed controls which might never come off. Such a course of events is not in the interest of the American economy and must be avoided at all costs.

In closing, thank you again for this opportunity to be with you. The American people are presently undergoing a great challenge. The President is besieged with the most virulent and irresponsible criticism in modern history. Some of the basic tenents of our republican form of government are being challenged. Yet, the message I leave with you tonight is that this Administration is continuing to work diligently in solving the problems facing this Nation at home and abroad and these efforts are paying off. Your support for these efforts and for the leadership of President Nixon can go a long way towards helping our Nation achieve the unity and confidence essential to move forward.

Thank you.

DICK EARDLEY

Mr. CHURCH. Mr. President, Idaho has just completed its elections to determine the new mayors and city councils of our cities and communities.

In Boise, our capital city, a television newsman and member of the city council, Dick Eardley, was elected mayor. In a field of six candidates, Mr. Eardley won with an impressive 58 percent of the vote, garnering 11,700 votes.

I am pleased to say that Dick Eardley, a longtime personal friend, should make the kind of mayor that Boise needs, offering progressive and dedicated leadership to the challenge of guiding Idaho's largest city through a critical period of new growth.

It was for these reasons that the Idaho Statesman of Boise endorsed Mr. Eardley. I ask unanimous consent, Mr. President, that the Statesman's editorial of endorsement be printed in the Record.

There being no objection, the editorial

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was ordered to be printed in the Record, as follows:

[From the Idaho Statesman, Nov. 4, 1973]

Eardley for Mayor

What kind of community do the people of Boise want? That is the basic issue in next Tuesday's city election. An important issue—directly related—is holding down property taxes.

Our choice for mayor is Dick Eardley. Among the six candidates for that office we believe Mr. Eardley is best qualified to lead the city in the challenging years ahead.

Our view is this: We are growing. That growth imposes added tax costs for schools, streets, sewers and other services.

The community's basic challenge is to guide the growth so that we (1) retain the good living qualities that Boise stands for and (2) hold down the level of property taxes.

If we have both rapid growth and "leapfrog" development (urban sprawl) it will cost added dollars for streets, parks, police and fire protection, sewers, water, power and phones.

Our growth should be guided through fair planning and zoning, representing the interests of Boise's citizens in good living qualities and good residential neighborhoods, and limited taxes.

Instead of the city of Boise, we could become a sprawling carbon copy of numerous California communities—with excessive increases in taxes.

Aside from leapfrog, high-cost growth, another priority is the rebuilding of downtown. Most Boiseans apparently prefer a downtown shopping center.

A proposed West Boise regional shopping center would stimulate further "sprawl." It would reduce living qualities in what is basically a residential area, with increased traffic around schools and other problems. It would leave downtown to develop as an office complex only, or possibly leave it largely undeveloped.

We have not lost much from the tax base in the demolition of old, run-down buildings. But the community can lose if the area is not redeveloped. It has the potential for many times the old tax revenue. All of the developing will be financed with private money—except for the parking structures (which would be paid for with parking revenue).

Penney's is a key to downtown development. A J. C. Penney spokesman says the company will consider the community's sentiments. If the people prefer a vibrant downtown, with both retail shopping and offices, there is no reason we can't have it.

As basic policies we believe city government should:

(1) Work for good living qualities, including transportation, parks and pleasant residential neighborhoods.

(2) Work with Ada County and other cities in the county to plan for the kind of growth that will protect living qualities, and hold down taxes and utility costs.

(3) Support the rebuilding of downtown.

Eardley, a long-time resident, understands the concern of our citizens about good living qualities. He supports cooperative city-county planning to guide growth and hold down costs. He favors the rebuilding of downtown.

His experience on the City Council gives him an advantage. He would not require a learning period of several months to familiarize himself with the nuts and bolts of city government.

Eardley is fair, the kind of person who listens to both sides of an argument. He has proven ability, and he has no self-interest that would conflict with service as mayor.

Louis Keefer has conducted an impressive campaign and spoken out strongly on the issues. He does not have Eardley's experience in city government. While that kind of experience is not so important on the city council with carryover members, it would be very helpful in the mayor's office.

Eardley's record and experience, in our view, also put him ahead of Roger McGinnis.

Frank Batten has strongly supported the Daum center. He discounts the 4-1 majority citizen sentiment at a public hearing opposing it. This is inconsistent for a candidate who says city government should listen to the people.

His criticism of the cooperative planning effort of elected officials in the Ada Council of Government, and of urban renewal, has been based in part on statements that are not factual.

We see planning and zoning as a means of carrying out the wishes of citizens about the development of the community. He seems to see it as undesirable. He seems to speak more for certain developers on this issue than for the people in general.

With five candidates on the ballot, plus a write-in entry, it is possible for a person to win with no more than 30 per cent of the votes. There is no run-off. Every Boise resident of voting age should exercise his right to vote.

THE MIDDLE EAST

Mr. BROCK. Mr. President, it is time to seriously contemplate whether the world, as well as the United States, has learned a valuable lesson.

In the past month, there was another war in the Middle East. That war in itself is bad enough, but, the consequences of it proved to be even further reaching than we perhaps feared in our wildest dreams. For, as that war grew and grew, we, the United States, found ourself in a predicament that could have proved very, very dangerous. The Soviet Union, recognizing how the balance of power has swung around in the Middle East, particularly with the heavy armament that had been supplied the Arab nations by the Soviet Union, decided to play one of its trump cards. And so, we found ourself in a direct diplomatic confrontation with the Soviet Union. Fortunately, President Nixon was quick to act, and that confrontation never progressed.

But, now, we must face the true facts of the entire Middle East situation. We must face the future of war, energy, and the ambitions of the Soviet Union.

Recently, Vermont Royster, writing in the Wall Street Journal, painted a very good picture of the lesson we should learn from this latest war, and the direction in which we should be looking for solutions. I would ask unanimous consent that this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Wall Street Journal]

The Middle East

(By Vermont Royster)

The confused fighting in the Middle East, and the tenuous cease-fire have left many things uncertain. No one knows whether the cease-fire will hold, and even if it does, the problem of disentangling the interlocked battle lines would tax the ingenuity of a Solomon.

But there are two things, it seems to me, that are clear enough. One is that the strategic balance in the Middle East has been radically altered. The other is that, as matters now stand, the only potential winner discernible is the Soviet Union.

Certainly the Arabs have no victory; the Syrians are pushed back to the outskirts of Damascus and the Egyptians find a conclave of Israelis on their side of the Suez Canal. Nor have the Israelis won, except in the narrowest tactical sense; they gained only burdens, military and political, which they will have difficulty either carrying or shaking off.

The United States gained nothing. The Soviet Union, however, emerged as potentially the dominant influence over Arabian oil. So long as the Arab countries cling to a policy of "pushing the Israelis into the sea" the Soviet Union can, if it chooses to do so, push the Arabs into closing off the oil because it has the power to turn on or off the supply of arms necessary for that Arab purpose.

That, no doubt, was the Soviet strategic objective all along. At any rate, it was forecast as such as long ago as 1947 by Loy Henderson, then chief of the State Department's Middle Eastern Affairs. Mr. Henderson warned then of the dangers of Soviet penetration which might ultimately give it control of the oil reserves, and in a memo (endorsed by Secretary of Defense Forrestal) raised the possibility that the U.S. "could be forced to convert to four-cylinder cars."

The alteration to the strategic balance from this is global. In peacetime the cutting off of Arabian oil, even if complete, would be no more than an inconvenience to this country. Some gas rationing and fuel oil allocating would make it bearable. Any military action anywhere, however, would bring serious trouble since that would multiply our fuel needs many fold.

Apart from this, though related to it, is the alteration in the military and political balance in the Middle East itself revealed by the latest fighting.

From 1948 until 1973 the assumption of Israel—and most of the rest of the world for that matter—was that Israel was the unrivaled military power among the Middle Eastern nations. There was the feeling that on the battlefield one Israeli was a match for a dozen Arabs, who didn't know how to fight and didn't want to fight anyway.

The record bore this out. In 1948–49 the embryonic nation won its first war against disorganized and inefficient Arab neighbors, repeating in 1956 when Israel won access to the Red Sea through the Strait of Tiran. The Six Day war of 1967 confirmed the assumption when Israel easily crushed Egypt, Syria and Jordan.

That assumption is now blown sky-high. True, the Israelis won victories on the battlefield. But not easily. And at high cost. The Arabs proved that they have learned much about modern war and that the Arab soldier is a respectable fighting man. The Israelis learned there are no more cheap victories.

All this should give the Israeli government pause. Israel is like a city under siege—those behind the ramparts can win battles without winning, the attackers outside can lose many times without losing. The defenders can lose only once.

Thus it is impossible for Israel, a tiny nation, to conquer its neighbors, Egypt, Jordan, Syria and Lebanon. It has neither the resources nor the manpower. No matter how many wars it wins, the enemy will still be there. But for Israel, one defeat spells disaster.

If all this sounds gloomy for Israel, it is not all cheer for the Arab countries either. There is the incontrovertible fact that once more they have joined arms to regain their lost territory and lost even more. Syria has been pushed back from the Golan Heights. Egypt not only failed to regain the Sinai but finds Israeli troops in Egypt proper.

And if the Arab countries are in a position to nurse their wounds and prepare to fight again—and again and again if need be—they are also in a position where they can do so only with the permission of the Soviet Union. Their future actions are governed not by Cairo, Damascus or Amman but by Moscow.

Here, then, a paradox, or at least let us hope so. That is, out of the changed strategic situation there may come, paradoxically, the best hope yet for a settlement in the Middle East—provided that the new situation is clearly recognized.

The Arab choice now is to come to some sort of settlement with Israel, at least recognizing its existence, or to see their countries become nothing more than serfs and pawns of the Soviet Union. In no other way can they continue their policy of trying to drive the Israelis into the sea.

There are signs that Soviet fiefdom is not a welcome choice. Some of the Arab countries stood aloof from this war, others were at best reluctant dragons. While all have been happy with Soviet arms, all are fiercely independent and none—from Sadat to Hussein—wants to be swallowed up by the Russians.

The Israelis, for their part, must also be less intransigent or face a very gloomy future indeed. Not merely another generation of war, but the prospect that one day they will lose one of those wars. The pressure is on them now to deal seriously with the Palestinian problem and be more flexible in settling their borders.

Even the Russians, who have gained more than anybody, have learned that war in the Middle East could bring them to confrontation with the U.S., from which they have nothing more to gain. And the U.S., now more than ever, has a vital interest in intervening for some kind of a viable political settlement.

The big question, of course, is whether the new situation will be recognized. It won't be easy, given the bitterness and emotionalism of the past. But it is imperative that it should be if there is to be any hope at all for peace in the Middle East.

CIGARETTE SMOKING

Mr. MOSS. Mr. President, there are still a number of people in our country—including, I fear, some of my colleagues in the Senate—who refuse to accept the message of the Surgeon General that cigarette smoking is injurious to health, despite his several reports on this matter and those of medical researchers elsewhere in the world. Many still claim there is no causal connection between smoking and health.

A UPI story from Boston appeared in the Washington Post this week reporting a direct causative link between cigarette smoking and arterial thrombosis. The article appeared in the journal Circulation. Because of this added information on the medical results of cigarette smoking, I ask that the news article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Thrombosis Linked to Smoking

Boston, November 10.—A Doctor at the Tufts-New England Medical Center has described what he says is a direct causative link between cigarette smoking and arterial thrombosis.

The condition is a primary contributor to heart attack, stroke and peripheral vascular disease.

In an article in the journal Circulation, released Friday, Dr. Peter H. Levine said his research showed that smoking just a single standard filter-tipped cigarette had a "striking effect" on the reactivity of the blood platelets.

Levine said it was the "first plausible mechanism that will allow us to link the inhaling of cigarette smoke with resultant clot formation."

"People have looked for sometime for something that would explain why smokers have so much trouble statistically with clotting," Levine said in an interview. "This is the first good possibility."

Levine, assistant professor of medicine at Tufts University's school of medicine and director of the center hospital's blood coagulation laboratory, conducted a study with the aid of 27 volunteers.

Through a series of tests, Levine established base-line criteria to enable him to identify changes in blood pressure of each donor. Levine's data show changes in blood platelets causing thrombosis after smoking a standard commercial filter cigarette. There was no significant change in those smoking a lettuce leaf tobacco cigarette.

RECENT ARAB CUTBACKS IN OIL PRODUCTION

Mr. FANNIN. Mr. President, I commend to my colleagues an analysis of the implications of the recent Arab cutbacks in oil production which appeared in this month's issue of Petroleum Press Service. It attributes the recent Arab tough-guy tactics to mushrooming energy demands which have made it a sellers' market. In turn the article credits escalation of U.S. demands for energy to "ill-conceived government pricing policies, inadequate incentives to search for fresh natural gas reserves, lagging nuclear power programs and environmentalist legislation of various kinds which had the effect of putting up consumption of oil." Which of those factors stand to be remedied by the provisions of S. 2589? Not a single one.

I ask unanimous consent that this thoughtful and well reasoned analysis be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

October Revolution

The tragic renewal of hostilities in the Middle East has brought extremely serious consequences for oil consumers the world over. The Arab governments implemented their threat to use oil as a political weapon and have started cutting production. Abandoning all pretense at negotiation with oil companies, they have torn up the five-year Teheran and Tripoli agreements and have imposed unprecedented increases in oil prices and taxes. They thus ensure that lower exports will bring greater revenues than ever before. The importing countries now know that they effectively face a cartel of exporters which has the power to restrict supplies of the world's most important source of energy and to hold the consumer to ransom. A complete and urgent reappraisal of energy policies must surely follow this October revolution.

The decision to cut supplies was taken, with some show of reluctance, at a meeting of the Organisation of Arab Petroleum Exporting Countries (OAPEC) in Kuwait on 17th October. It applies to ten Arab countries, of which the most important in the world context are Saudi Arabia, Iraq, Kuwait, Abu Dhabi, Qatar, Libya and Algeria. It does not, of course, directly affect supplies from Venezuela, Iran, Nigeria or Indonesia. Each Arab exporting country has undertaken to cut production from its September level by a minimum of 5 per cent in October and by a further 5 per cent in each subsequent month "until Israeli withdrawal is completed from the whole Arab territories occupied in June 1967 and the legal rights of the Palestinian people are restored". (Five per cent of September's total is over 1 million barrels a day.) Following the lead of Saudi Arabia, several states subsequently announced immediate production cuts of 10 per cent, while the majority banned all oil exports to the United States—some to the Netherlands as well.

CRUDE OIL PRODUCTION

[Thousand barrels per day]

	Jan–June 1972	July–Dec 1972	Jan–June 1973	Sept 1973
Main Arab exporters:				
Saudi Arabia [1]	5,682	6,344	7,456	8,550
Kuwait [1]	3,242	3,331	3,033	3,500
Libya	2,289	2,113	2,287	2,286
Iraq [3]	1,480	1,420	1,880	2,110
Abu Dhabi	984	1,124	1,332	1,368
Algeria	1,028	1,067	1,093	[2] 1,100
Qatar	435	529	589	608
Total	15,140	15,928	17,670	19,522
Other major exporters:				
Iran	4,858	5,243	5,852	5,828
Venezuela	3,166	3,273	3,351	3,387
Nigeria	1,759	1,875	1,957	[2] 2,172
Indonesia	1,049	1,107	[2] 1,250	[2] 1,400
Total	10,832	11,498	12,410	12,787

[1] Including the output from the appropriate share of the Saudi Arabia-Kuwait Neutral Zone, partly estimated.

[2] Estimated.

[3] August.

Ambiguities

Since the Kuwait resolutions are ambiguous at certain points there is some uncertainty about the working of the new policy. There is, for example, a vague promise of preferential treatment for "any friendly state which assisted or will assist the Arabs actively and materially", but it is by no means clear who will qualify for this preferential status. What is certainly clear, as explained in a Note on page 410, is that the reduction in output is considerably more serious than was at first thought likely.

Before the OAPEC decisions were taken, roughly one million barrels a day of short-haul exports from the East Mediterranean pipeline terminals had already been lost to the world trade as a result of the fighting (see page 407). Presumably this enforced reduction in supplies from Iraq and Saudi Arabia (as well as from Syria) will be taken into account when the permissible production levels are fixed for the ensuing months—but this again cannot be taken for granted.

Obviously the revolutionary new policy will bite more deeply each month that it remains in force. However, despite the Arabs' avowed intention of using the oil weapon to influence the USA in its policy towards Israel, the main sufferers will not be the Americans. The USA still covers almost two thirds of its oil requirements from domestic production and less than a tenth (including imports of products as well as crude) from Arab countries. Europe on the other hand, has insignificant domestic oil production while 70 to 80 per cent of its imports consist of "Arab" oil. For Japan, the corresponding percentage is 43, though it takes 82 per cent of its imports from the Middle East as a whole.

Of course, the main importing countries have built up their stocks of oil as an insurance against just such a contingency as this, generally to the equivalent of between two and three months' normal requirements. Nevertheless, some of the governments are already taking steps to limit consumption. The desirability of such economy measures is doubly underlined by the realisation of what oil is going to cost from now on.

Escalating Costs

Perhaps more serious from the long-term point of view than the cut-back in supplies is last month's staggering increase in the cost of oil. Negotiations between oil companies and the six Persian Gulf states for a revision of the five-year Teheran agreement had been held in Vienna in early October.

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(The agreement, which provided for annual increases in posted prices, was due to run until 1975, but the governments were demanding a revision in view of recent increases in market prices.) Faced with unexpectedly high demands, the companies asked for a fortnight's adjournment, to give them time to work out the detailed implications. The next thing they heard was that the six governments had decided, at a meeting in Kuwait immediately preceding the OAPEC meeting, to scrap the Teheran agreement, abandon negotiations and impose their own ideas on the industry. The governments apparently intend in future to fix posted (tax-reference) prices unilaterally, as Venezuela now does.

POSTED PRICES AND GOVERNMENT TAKE

[Dollars a barrel]

	Posted price		Government take	
	Oct. 1	Oct. 16	Oct. 1	Oct. 16
Arabian light (34°)	3.011	5.119	1.77	3.05
Iranian Light (34°)	2.995	5.091	1.75	3.02
Iraq, Basrah (35°)	2.977	5.061	1.74	3.00
Kuwait (31°)	2.884	4.903	1.71	2.94
Abu Dhabi, Murban (39°)	3.084	6.045	1.82	3.58
Qatar, Dukham (40°)	3.143	5.343	1.81	3.15
Libya (40°)	4.604	8.925	2.83	5.45

The increases decreed, effective 16th October, were unprecedented in size—of the order of 70 per cent or more. Typical examples are shown in the accompanying table, though this does not in all cases take account of sulphur premiums, which are left to individual governments. Thus the posted price of Arabian light crude goes up from $3.011 to $5.119 a barrel, Kuwait from $2.884 to $4.903 and Abu Dhabi Murban (which now includes a low-sulphur premium of no less than 70 cents) from $3.084 to as much as $6.045 a barrel. The resulting increases in government take (12½ per cent expensed royalty plus 55 per cent so-called profits tax) are of the order of 70 to 95 per cent, bringing the per-barrel revenue to around $3 for most of the Gulf exporters and to more than $3.50 for Abu Dhabi.

It was not long before the Libyans followed the example of the Gulf states, and in their case the increases are even more startling since the freight advantage enjoyed by Libyan crude over Gulf crudes in European markets has been greatly widened by the boom in tanker freight rates. The Libyan posting goes up from $4.604 to no less than $8.925 a barrel, including a low-sulphur premium of $1.336, a "Suez Canal" element of $0.152 and a freight premium of $0.458. In consequence, the government's take almost doubles, from about $2.83 to $5.45 a barrel. Algeria immediately followed this lead, while Venezuela, according to its recent practice, raised tax reference prices 56 per cent from 1st November. Before long, Indonesia must be expected to announce correspondingly higher prices for its much-sought-after crudes.

It goes without saying that these huge increases of host government revenues will impose heavy financial burdens on the importing countries. The latest increases in the cost of Persian Gulf crudes ($1.25 to $1.80 a barrel) are equivalent to an extra £3.75–£4.75 a ton—and for short-haul crudes it is much greater. Taking the UK as an example, the higher cost of oil imports (over 100 million tons a year) will impose an additional burden of over £400 million annually on the country's hard-pressed balance of payments. The other industrialised countries will be similarly affected, and the rise in oil prices will make it more difficult for them to control inflation. But they may at least hope to see some countervailing improvement in their export earnings in so far as the OPEC countries spend their extra revenues on manufactured goods. The unfortunate under-developed countries which import the bulk of their oil will have no such consolation. This level of energy prices will strike a cruel blow at their standard of living and their economic prospects.

JUSTIFICATION

The Gulf states justified their preemptory demand for a revision of the Teheran agreement on the grounds that the traditional margin between posted prices and market prices had been eroded in recent months—to the point at which it disappeared altogether in some cases. The rise in the market price is partly accounted for by the disruption of normal trading relations following the participation agreements; and it was the high prices obtainable by state companies for participation crude—equivalent to only about 2½ per cent of Middle East production—that whetted the appetites of host governments. At the Kuwait meeting they apparently decided, quite arbitrarily, that the going price for (*e.g.*) Arabian light crude ought now to be $3.65 a barrel or 17 per cent above the highest price recently paid; and that the posted price ought to be 40 per cent above the market price, as they claim it was at the time of the Teheran agreement in February 1971. Hence the new posting of $5.119 for Arabian light crude.

This argument has alarming implications for buyers of oil. Most of the free world's crude oil is still refined and marketed through integrated companies and is valued on the basis of tax-paid cost—*i.e.* cost of production plus total government take. The free market in crude oil is a narrow one, so that the so-called market price relates only to marginal transactions. It is true that boom conditions have prevailed on the free market for much of this year, partly because there has been a rush of buyers seeking to safeguard their supply position in face of Arab threats to use the oil weapon. The very fact that governments of the exporting countries are now grabbing a much larger revenue per barrel will itself tend to put up the market price, since it is obvious that no commercial supplier can afford to offer oil for less than tax-paid cost plus a reasonable margin of profit. If posted prices are now to be maintained at a level 40 per cent above the highest market price paid for marginal quantities of crude—a price dictated in all probability by a government seller—buyers would seem to face the prospect of endless escalation.

There is, moreover, a disturbing prospect of "leapfrogging" claims by host governments. Venezuela and Indonesia have, it is true, lately been fixing prices for their oils without consultation with oil companies. But they have, broadly speaking, valued their crudes on the basis of Persian Gulf postings plus freight—and the Teheran agreement had introduced a strong element of stability into Persian Gulf prices. With the scrapping of that agreement, this element of stability has disappeared. Unless the power of the OPEC cartel is weakened by action from the importers' side, it is difficult to foresee where the process of price escalation will end.

IMPLICATIONS FOR IMPORTERS

However temporary the production cuts may turn out to be, the October revolution will surely convince the importing countries that something must be done to loosen OPEC's stranglehold on oil supplies and prices. Perhaps a preliminary step is to realize that there is a sense in which the importing countries are themselves partly responsible for their present predicament.

The fact is that all the substantial concessions won by OPEC in the last few years—the Teheran and Tripoli price agreements of 1971, the first and second Geneva agreements of 1972 and 1973, and the far-reaching and costly participation deals—were made possible because oil had become a seller's market. It had become a seller's market because demand in the main consuming countries was expanding rapidly, not only because booming economies consumed ever-increasing quantities of energy, but because of ill-conceived government pricing policies, especially in the USA, inadequate incentives to search for fresh natural gas reserves, lagging nuclear power programmes and environmentalist legislation of various kinds which had the effect of putting up the consumption of oil. This was the very time when crude oil production in the USA began to flatten out and decline.

In the past year or so, exaggerated talk of an energy crisis—in effect, anticipating problems that may not become pressing for another decade or so—has greatly strengthened the bargaining power of the Arab states. It looks so though many buyers of oil, at various levels, took fright this summer and decided to build up their stocks in anticipation of winter shortages and possible interruptions in supplies. By acting on this decision they have, in a strictly short-term sense, created the very shortage they feared. Oil prices soared and the tanker markets boomed.

In the immediate situation in which the importing countries now find themselves, their only defence against OPEC demands—apart from joint political action, which they seem reluctant to undertake—is strict economy in consumption. Of course the rise in prices, when it has its full impact on the consumer, will itself provide a powerful incentive to economize. But it may not act quickly enough, especially in some sectors—e.g. private motoring. Some European governments are already in consultation with industrialists about direct economies and a number are apparently preparing to introduce gasoline rationing. They should press on with these plans, even if there is an expectation that the production cuts will be short-lived.

In this connection a heavy responsibility rests on the American people, first because they account for almost two-fifths of free world oil consumption, secondly because they are reckoning on becoming much more heavily dependent on Middle East oil in the next few years, and thirdly because they have such an abundance of alternative sources of energy at their disposal. As was pointed out in a recent study by the Oil Policy Committee, there is a very considerable scope for saving fuel in that country by such comparatively painless methods as slightly reducing room temperatures in houses and offices, cutting out unnecessary motoring, driving at slower speeds, and eliminating little-used aircraft services. Similar, though much smaller, savings could be effected in Europe and to a lesser extent in Japan, if there were sufficient will to do so.

In the longer term, the events of the past month will give yet another fillip to the search for oil and gas in areas outside the OPEC sphere, and to the speedier development of resources already located. The production of alternative liquid and gaseous fuels from coal, shales, tar-sands, etc., will also be stimulated by the steep rise in the cost of oil and the overhanging threat of renewed export bans by Arab governments. All these developments, together with the speeding up of nuclear power programmes and of research into new forms of energy, will of course require large-scale capital investment. But the investment will be directed towards objectives that are both urgent and vital.

The OPEC governments did more last month than tear up contractual agreements, line their own pockets and indulge in political blackmail. They forced upon the rest of the free world the urgent question whether

it is tolerable that the energy supplies which are indispensable to modern ways of life should in the future be subject to the will of a small group of exporting countries.

NOW MORE THAN EVER

Mr. HARTKE. Mr. President, it was my great honor to be invited to speak last August to the Veterans of Foreign Wars of the United States in New Orleans on the occasion of their Diamond Anniversary Year National Convention. In its past 75 years, the VFW has always been in the vanguard of efforts to aid our Nation's veterans and their dependents and to fight for adequate compensation for their service to America.

The VFW is presently alerting all veterans and the Congress of what appears to be invidious attempts by certain individuals in the executive branch to emasculate and eventually destroy the Veterans' Administration, especially the hospital system.

The newly elected commander in chief of the VFW, Ray R. Soden in his speech to the VFW delegates resoundingly emphasized the reality of this threat and the necessity for a united stance by all veterans to block any moves to carry out this effort.

Mr. President, Ray Soden is the first commander in chief of the VFW from Illinois, which borders on the west a State for which I have a most special affection. During World War II, he served in the Navy and was awarded seven battle stars and two Presidential Unit Citations. Since his discharge, Ray Soden has contributed tirelessly and unselfishly to his community and to the VFW. Dedicated men and women like Ray Soden have made the VFW the great organization it is today. Its membership continues to soar upward each year, nearly 2 million strong.

Commander Soden has called on all veterans to support the Veterans' Administration Accountability Act of 1973, S. 1076, which I introduced this session. This bill would insure that important decisions affecting America's veterans will not be made without the knowledge and approval of the elected Representatives of the public. This includes such important decisions such as changes in the rating schedule for disabled veterans or the closing of any hospital or regional office. Notice of any such action must first be submitted to the Congress before any implementation. If either House within 90 days resolves that such an action is unwise or unwarranted, the proposed changes must be abandoned.

I am pleased that the VFW and its distinguished new commander in chief are vigorously fighting for enactment of this measure.

Mr. President, I ask unanimous consent that excerpts of Commander Soden's speech before the National Convention of the VFW be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

NOW MORE THAN EVER

Following are excerpts from the acceptance speech of Ray R. Soden who was elected and installed as Commander-in-Chief of the Veterans of Foreign Wars of the United States on Friday, Aug. 24, at its 74th annual National Convention in New Orleans, La.

Thank you, my comrades, from the bottom of my heart, for the great honor you have bestowed on me in this convention hall today . . .

I am both proud and humble at the opportunity to serve this great organization, America's veterans and the nation we all love and cherish . . .

I confess that I am overcome with emotion, but I do not exaggerate the importance of the V.F.W. There has never been another organization which has contributed so much to the security of a nation or the welfare of its people over such a long period of time—anywhere in the world.

As you know, I have selected the theme, "Now More Than Ever" to be our standard during the coming year. It is my sincere opinion, in choosing that motto, that our organization, its members, our Ladies Auxiliary and its members, are needed by the America we love now more than ever before in the long history of this nation.

Our active participation in the long drawn-out war in Southeast Asia finally ended. We no longer send our young men to die in a war they were not permitted to win. But we have just begun to reap the whirlwind of costs and recrimination engendered by the adverse factions which grew out of that unpopular conflict.

Today there are more veterans in the nation than at any time in our history—over 29 million. Together with their families veterans total approximately 100 million persons—or about one-half of our national population. More than 6 million of these veterans are young men from the Vietnam era.

We in the V.F.W. are dedicated to the service of all these veterans, and to their families, according to their own individual needs. This is an obligation we assume gladly when we take the oath of membership. It is a continuing obligation which is reflected again and again in the national mandates which come out of our National Conventions. I assure you that I, as your Commander-in-Chief, will be bound by those mandates, and work always to achieve their purpose. There can be no doubt as to the course we must follow.

The cornerstone of all service to veterans is hospitalization, competent medical care, adequate compensation for the wounded and disabled while on active duty and our aging veterans.

Dependency and indemnity compensation for the widows and orphans of veterans killed in action, or while on active duty, rests squarely upon this cornerstone.

Education, job training, home and business loans, job preference and effective assistance in finding worthwhile employment complete the foundation of our obligation.

Going up and spreading out in all directions from the foundation are all of the other services we render to ourselves, our local communities and to the nation.

It will be my principle goal this year to see that Congress favorably considers and enacts legislation which assures the Vietnam veteran of receiving readjustment assistance comparable in every way to the assistance authorized for our Korean and World War II comrades.

We shall renew our efforts to improve the lot of World War I veterans through special emphasis on legislation in their behalf.

We shall persist in our efforts to restore Veterans Day to its traditional date of Nov. 11.

I propose to take an immediate look at what has been done to determine the fate of our Vietnam veterans who are still missing in action—to do everything within my power to correct any deficiency of effort that may be apparent in this inquiry.

We shall continue to oppose any and all efforts to induce the Administration or Congress to grant a general amnesty to draft dodgers and deserters.

We must all go to work immediately in the halls of Congress and with our Congressional representatives in every state if we are to be successful in stopping the growing campaign to destroy veterans programs and benefits as we know them. Now, as never before, veterans benefits are in jeopardy.

Pensions for all veterans are under serious attack. The Veterans Administration has sent to Congress a proposal which the VA has characterized as a "reform" of the Veterans pension program. A close inspection of this "reform" reveals that if it is approved by Congress it will just about end the VA pension program as we know it.

In fact, if this "reform" pension proposal were applied to current veterans, almost three-fourths of them would lose their VA pensions. Nor is this just a vague possibility. It is before Congress, under active consideration, this very day.

An even more serious threat is directed at the 168 VA hospitals and its nation-wide system of medical care which provides health care to hundreds of thousands of wounded, disabled and sick veterans. If and when a national health insurance program is adopted there is already a definite plan to divert these hospitals and their care to that program.

This you may be certain of: I, as your Commander-in-Chief, and all of us in responsible positions of leadership in the V.F.W. will fight to the last ditch any and all attempts to wreck the VA hospital system.

VA hospitals were authorized and built for the exclusive care of America's veterans. Congress appropriates the money each year to operate those hospitals—and it is Congress which has the power to mandate quality care for veterans in those hospitals. Now, as never before, each of us must flood Congress with letters demanding the retention and continued support of those hospitals as veterans hospitals in the VA.

It is not always easy to ascertain when and by whom secret attacks are being made on veterans benefits. The strategy of anti-veteran leaders and planners takes many devious forms. They admit nothing and publicly disclaim their efforts to dismantle the VA hospital system, but they continue their efforts to destroy it.

There can be no doubt that the biggest enemy of the VA hospital system and of veterans benefits in general is the Office of Management and Budget (OMB). For many years that soulless Administration entity and its predecessor Bureau of the Budget have been cutting VA hospital budgets by prohibiting the VA from taking care of many veterans who seek and need hospital care.

To keep within a reduced budget, the VA has resorted to arbitrarily denying veterans admission to VA hospitals, misrepresenting statistics to Congress and our V.F.W. representatives in Washington and permissively watching the quality of care deteriorate without once asking Congress for the money it knows it must have to provide the quality care to which veterans are entitled.

OMB has even stooped to having money specifically authorized by Congress—over $100 million last year—withheld or impounded.

But this is not the only threat we must be alert to. In addition to pending national health insurance bills, the Administration is presently considering its own national health plan. This plan, if adopted, would end care in VA hospitals for all veterans with non-service connected conditions. This plan also recommends that all so-called surplus VA hospitals be sold—and it is this very minute before the Secretary of Health, Education and Welfare for approval. That gentleman is Mr. Caspar Weinberger, the former head of OMB.

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Another threat to the VA hospital system lies in several bills before Congress which propose a Department of Health. This too would take over the extensive and successful VA hospital system.

Now, my comrades, now more than ever, we must go to work in earnest to defeat this campaign against the American veteran. Tomorrow will be too late.

Fortunately some bills are pending in Congress which we call the VA Accountability Act. If passed, these bills will require prior approval of Congress before the VA can close a VA regional office, a VA hospital or reduce a veteran's service-connected disability compensation payment.

Two bills which would carry out a V.F.W. mandate in this regard are H.R. 5498, by Rep. William Jennings Bryan Dorn, Chairman, House Committee on Veterans Affairs, and S. 1076, by Senator Vance Hartke, Chairman, Senate Committee on Veterans Affairs.

I call upon each of you in this Convention hall, and on every member of the V.F.W. everywhere, to support these bills now—now more than ever, we need your all-out active support. The real fight for veterans rights and benefits and for the survival of the VA is here—Now.

JOBS FOR VETERANS PROGRAM

Mr. THURMOND. Mr. President, on Wednesday, October 24, the National Committee, Jobs for Veterans, in cooperation with other government and private committees and agencies concerned with veterans, sponsored an Information Day in the Capitol for the benefit of Congress. Over 200 Members of the House and Senate, or a staff representative, visited the event in the course of the day. Those who attended received up-to-date information on how the laws passed by Congress benefit the veteran at the local level.

Mr. James F. Oates, Jr., chairman of Jobs for Veterans, was on hand to thank Senators and Congressmen for their efforts on behalf of our exservicemen. A former head of the Equitable Life Assurance Society of the United States, Mr. Oates has compiled a distinguished record of civic involvement and community service, particularly in the area of minority group employment.

Also present to meet the Members of Congress were two former POW's—Navy Lt. Cmdrs. Bill Metzger and Charlie Plumb. Representing active duty personnel of the Armed Forces were S/Sgt. Lillian Callaghan, U.S. Army; CPO Mindy L. Lane, U.S. Navy; Capt. Rosalynn R. Knapp, U.S.A.F.; Sgt. Betty Sarahan, U.S.M.C.

Government agencies involved were represented by Dr. Theodore C. Marrs, Deputy Assistant Secretary of Defense for Reserve Affairs; Assistant Secretary of Commerce for Domestic and International Business Tilton H. Dobbin; Administrator Donald E. Johnson of the Veterans' Administration; and Secretary of Labor Peter J. Brennan.

The event was coordinated by former Congressman Bill Ayres, currently special assistant to Chairman Oates.

Since late 1970, the National Committee, Jobs for Veterans has been actively seeking to improve employment and training opportunities for all former servicemen—most particularly Vietnam veterans. Through the support of an advisory committee made up of 120 leaders from both the public and private sectors, this organization has spearheaded a nationwide campaign to emphasize the marketable skills and assets which veterans offer to employers.

A small National Committee staff was organized to conduct the daily business and develop and promote programs in support of Jobs for Veterans. It is composed primarily of representatives of the four major government agencies charged with the President's veterans program: Departments of Labor, Defense, Commerce and the Veterans' Administration. Through daily contact, the representatives of these departments insure that programs and problems receive top level consideration. This staff, with the support of state and local task forces, employment service offices, National Alliance of Businessmen offices, and veterans organizations, has encouraged public and private employers across the country to seek out and hire veterans.

Mr. President, I believe the National Committee, Jobs for Veterans, has done an outstanding job. Over 31 States and more than 490 communities have established Jobs for Veterans task forces composed of government, business, civic, and veteran organization leaders who provide an important linkage between jobs, training programs, and veterans.

More than 500 job fairs, where veterans and employers are brought together for mutual discussion of common problems and interests, have been held throughout the Nation in the course of the last 3 years. Thousands of veterans have been hired by this means alone.

Today there are over 6,500,000 Vietnam era veterans who have been discharged from the Armed Forces since August 4, 1964. More than 3,000,000 of these have received educational or skills training under the current GI bill. However, Mr. President, the unfortunate fact remains that almost a quarter of a million young veterans between ages 20 to 34 are still unemployed.

As the military services continue releasing men and women from active duty at a rate of 45,000 per month, we must make a concerted effort to see that our young veterans are able to take their rightful place in the mainstream of our economic system.

Mr. President, I am pleased to call to the attention of the Senate the good work being done by the National Committee, Jobs for Veterans, on behalf of our veterans.

CRISIS IN AGRICULTURE

Mr. BENTSEN. Mr. President, it seems that recently this country has moved from crisis to crisis, with few solutions in sight. However, there is currently an administrative crisis facing American agriculture that can and must be corrected immediately for the benefit of both the American farmer and the American consumer.

The operation of the mandatory fuel allocation program for diesel fuel published in the Federal Register on October 24 of this year, has resulted in a critical, artificial shortage of fuel for agriculture use. For that reason, I strongly urge that agriculture be granted a 90-day exemption from the program.

The program as now written contains strong penalties for the violation of its procedures and because of poor administration and vague guidelines, these penalties are effectively preventing the oil companies from supplying available diesel fuel to the farmers in Texas. The oil companies, on strong advice from their attorneys, are afraid to act for fear of violating the October 24 guidelines. I have many documented examples of diesel suppliers who have diesel in their storage tanks and are afraid to sell even to their oldest customers. This is a ridiculous situation which has gone far beyond humor, because a great majority of our farm tractors depend on diesel fuel.

An example of how this program is being poorly administered is the fact that the allocation provisions of the program are based on the equivalent month's consumption in 1972. This is a completely unworkable provision when applied to agriculture in my State. In Texas, as in many of the farm States, heavy rains substantially reduced the consumption of diesel fuel during the months of November and December of last year. This results in farmers having little or no history of diesel purchases in what is considered the base months for the purposes of allocation.

In an attempt to meet this problem of no history, the Office of Oil and Gas has issued statements since the October 24 regulations stating that diesel suppliers can adjust their monthly allocations within their total year's supplies. However, Adm. Riech, whom the President has now placed in charge of the allocation program, could not guarantee that these statements would start diesel flowing to our farmers. Nor was he able to give any assurances that the statements would serve as a legal defense against a claim of violation of the program.

Yesterday, when Admiral Riech met with the House Committee on Agriculture he and other members of his staff refused to modify the present program in any way. They also testified that agricultural use of middle distillant fuels, of which diesel is included, is only 3 percent of the total U.S. consumption of these fuels. Since agricultural use is such a small percentage of total consumption, agriculture can certainly be exempted for 90-days without doing harm to the allocation program. This exemption is the only solution to this crisis if these administrators continue to refuse to correct the inequities of their program and issue regulations upon which suppliers can rely.

The 90-day exemption which I am calling for will also give the Office of Oil and Gas badly needed time to better refine the administration of this program. Testimony yesterday revealed that the Office of Oil and Gas has only one-third the personnel necessary to properly run the allocation program. This situation is clearly reflected by the fact that the allocation office in Denton, Tex., has communicated to me that they had been ordered by Washington to accept no further complaints of fuel shortages; yet

yesterday's testimony placed great emphasis on the fact that the Denton office has full authority to accept and process complaints.

The Denton office is now refusing to help and is telling those farmers who call to get in touch with the Office of Oil and Gas in Houston. Yet I know of one farmer who stood in a phone booth for over 3 hours before he could get someone to answer his call to Houston. When the call was finally answered, the farmer was advised that he could not be assisted until he filled out certain forms which were not yet available. Clearly this is administrative mismanagement which perhaps time can correct, but the farmers who are facing the dramatic deadlines of a rapidly approaching winter cannot wait for this time to pass. Mr. President, this is basic—we are talking about this Nation's food supply. A 90-day exemption for agriculture is the necessary, immediate answer.

Mr. President, the American consumer, worried by the recent dramatic rise in food prices, must not be forced to accept a delay or reduction in this country's agricultural production. However, without a 90-day exemption from the middle distillant allocation program, our farmers will continue to go without the fuel necessary to accomplish the production effort they have been called on to make.

The situation is critical and immediate action is dramatically necessary. I have communicated this request to Gov. John Love. I hope that my colleagues will join me in this effort.

EXCESS FEDERAL SPENDING AND INFLATION

Mr. BROCK. Mr. President, perhaps the greatest problem facing the Congress and the people of this great Nation at this moment is the cancerous inflation that continues to go unchecked. We have tried controls, and more controls, and they are not working. In fact, it seems with every control, inflation continues more rampant.

A large portion of that problem can be attributed directly to one item, excess Federal spending.

We must have reform, reform that is meaningful if we are to solve this huge budget undertaking that we face each year.

At this moment, action has been taken to at least initiate a beginning in solving these problems. The Senate Government Operations Committee has just voted out a budget reform measure. It passed out of the committee by unanimous consent. It is a good bill and I am excited about the possibility of its quick passage.

But, we must remember that at this moment, we still have no way to determine how much we are spending, and on what, with accuracy. We still have no way to set priorities on our budget. We still have no watchdog committees to control waste. We still have absolutely no structure that will give the Congress a firm grasp on the budget. And we still have inflation.

There is an answer, and I think we have it in the budget reform measure. But, we are fast approaching the end of the session, and we must have action before it is over on this measure.

Two excellent illustrations of this dilemma were prepared by Paul Hope of the Washington Star-News, and by David S. Broder of the Washington Post.

I would ask unanimous consent that the articles by Mr. Hope and Mr. Broder be printed in the RECORD, to again call to our attention the duties that we must perform, and perform now.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

BUDGET CONTROL LEGISLATION BOGS DOWN

(By Paul Hope)

Budget control legislation that was high on the congressional priority list in January is slogging along to an uncertain fate.

Prompted by recent complaints that no one seems to be giving the matter much serious consideration, there have been some stirrings the past several days in the House and Senate.

But unless a good deal of speed is developed, Congress might go home for the holidays with the legislation still bogged down.

Budget control legislation grew out of the hassle between Congress and the White House over which has final control over the nation's pursestrings. It was fueled by presidential money impoundments, vetoes and threats of vetoes of spending bills, and differences over spending priorities.

There was a good deal of self-blame in the halls of Congress for the state or affairs seemingly gave the White House the upper hand. Senators and House members thought they would be in a better position to take on the President if they put their own budgetary procedures in order.

Things seemed to be moving along well at first but then got bogged down. Sen. Lee Metcalf, D-Mont., complained on the floor of the Senate the other day that "congressional budget control—which was at the top of everyone's list at the beginning of the session—seemed to have been forgotten."

"The challenge to Congress to get control of the nation's budget and its fiscal policy is even more critical today than it was eight months ago," he said. "Have we become so preoccupied with Watergate and wheat deals that we have gotten off the track in promoting our constitutional role over the financial priorities of the nation?"

Congress took a major step toward getting its haphazard appropriation procedures together by authorizing in late 1972 formation of a joint study committee on budget control. The committee issued its final report last April and bills were introduced in the House and the Senate to implement its recommendations.

Public hearings were held in April and May by a subcommittee of the Senate Committee on Government Operations. It presented a bill to the full committee, but its chairman, Sam Ervin, D-N.C., had his hands full with the Watergate investigation.

Following complaints that time is running out for this year's session, Ervin scheduled meetings of the Government Operations Committee for Oct. 1, 5 and 8 to work on a bill to send to the Senate floor.

The House Rules Committee completed its hearings last week but there is no indication yet when it might have a bill completed for House action.

There are predictions that bills will reach the floor of both the House and the Senate before adjournment. But few observers believe there will be a determination this year on final legislation.

What congressional leaders want to do is set up a mechanism for taking an over-all look at spending. As things now stand, appropriation bills get spread out all over the lot.

Hearings have shown what a complex business it is in Congress to set budget limits and then find some way to meet them when each of the 535 House and Senate members has his own idea of what programs deserve to be funded.

Legislation proposed by the study committee set up last year has drawn much criticism, particularly from liberal congressmen.

The legislation would set up budget committees in the House and Senate and establish a joint staff to operate for Congress in the manner of the executive branch's Office of Budget and Management.

It would require the committee to recommend budget ceilings early in the year and map out priorities for spending. A final budget ceiling would be set later and spending bills would be required to fit within the limits set.

Two major objections to this developed. First, the liberals argued that the makeup of the budget committees, as recommended by the joint study group, would be overloaded with conservative members from the appropriations committees of the two houses, the Senate Finance Committee and the House Ways and Means Committee.

As recommended by the study group, two-thirds of the budget committee memberships would have come from those committees while one-third would come from other legislative committees.

There was some give on this in the Senate bill, and sponsors of the House bill also have agreed to changes. The Senate bill provides for the selection of the budget committees from the entire membership of the Senate and House, in the manner that each body selects members of other committees.

The second major objection is that setting budget ceilings early in the year is too inflexible an arrangement, even though it is not finalized until later.

The Senate bill would require the president to submit his budget on Nov. 15 instead of Jan. 20. It would require the budget committees to recommend spending ceilings by March 1, to be followed by a concurrent resolution of the Senate and House fixing the preliminary ceilings by April 15. Final action would come in September, when both houses presumably would be in a position to take an over-all look at the spending picture.

Rep. David Obey, D-Wis., chairman of a Democratic Study Group budget task force, contends that it won't work and that adoption of such a procedure would "set budget reform work back 10 years."

He contended that the requirement to set a ceiling early in the year means that Congress will go along with the ceiling recommended by the president or even try to underbid him.

"It would set ceilings before anyone knows what's going to happen to the economy. It would lock things in before anyone had a chance to decide what the priorities should be," he said.

Obey and a good many other members of the Democratic Study Group, which is a coalition of Democratic moderates and liberals, also would object to setting up a "super committee"—the budget committee—on top of the existing committee structure.

"Frankly, I don't think there is a need for a bill this year," Obey said. "We should wait until next year."

Some reform-minded House members argue that revamping the budget process should be part of an over-all reform of the way Congress does business.

But Rep. John B. Anderson, R-Ill., chairman of the House Republican Conference, who is one of those pressing for budget reform, said there is a "reasonable chance" for getting a bill through the House this year.

Anderson extracted a promise from the Democratic leadership to press for legisla-

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tion before adjournment, which is expected to be sometime in November.

At the same time, he acknowledged the fears of liberals that conservatives might get the upper hand on the budget committees and the fears about early establishment of spending priorities.

"It's going to be tough. It's going to be a race down to the wire," he said.

Trouble also is brewing in the Senate. Several members of the subcommittee that sent the proposed bill to the full committee on government operations object to some of its features.

Sen. Edmund Muskie, D-Maine, was among those complaining that the measure is too complex and rigid and would not give Congress time enough to weigh priorities before budget ceilings are set.

"Do we just freeze that in concrete before the appropriate committees of Congress have had a chance to take a look at it?" he asked.

But most members of Congress seem to think that something should be done, and Sen. Metcalf said on the floor that it ought to be done before the 1974 congressional elections.

"People will continue to be mystified and annoyed by the antics of the Nixon administration—as well they should be—but it is not the executive branch which will be running for office in 1974," he said. "Members of Congress will be asked: What have you done to put your own house in order to assure a national budgetary policy and a healthy economy?

"We deplore executive impoundments and other fiscal manipulations, but thus far in this session we have done nothing . . . to solve the basic problems which the President claims justify his actions. Indeed, we put the cart before the horse by pushing as a priority matter an anti-impoundment measure without a modest attempt at a realistic budget ceiling on expenditures."

Budget Battle, Revisited

(By David S. Broder)

On both sides of Capitol Hill last week, men were struggling with a problem as important in its consequences as any the Congress will face this year. It is the problem of equipping the Congress with a mechanism for handling the federal budget.

Let it be said, at the outset, that it is a terribly difficult task. There is no quick, easy answer to the question of how Congress can evaluate and balance the claims of thousands of ongoing agencies and programs against the needs of the country and the requirements of sound economic policy, in a fashion that protects the rights of 535 individual representatives and senators, and yet permits them to make an intelligent collective judgment.

Nor is this simply a challenging intellectual problem. It is, at heart, a question of power—the power of the purse. The process of negotiating the sharing of that power by those who now enjoy disproportionate influence over money matters in Congress involves exquisitely intricate politics.

But solving the problem is important to the national interest. At present, members of Congress deal piecemeal with the appropriations bills (which control a declining fraction of federal spending) and never have an opportunity to assess the overall impact of their fiscal decisions. The result has been a history of deficits, a habit of delayed decisions which cause administrative chaos, and, of course, a transfer of real budgetary decision-making power from Congress to an already powerful President.

It was the dramatic evidence of that shift of power, symbolized by Mr. Nixon's bold use of impoundments to halt congressionally-mandated programs, that last winter spurred Congress' sudden interest in reform of the budgetary process. Since then, some 40 to 50 of the ablest members of the House and Senate in both parties have been struggling with the problem. They have not yet resolved their own differences on substantive procedural issues, but they have managed to bring the problem close to the point of decision. The House Rules Committee and the Senate Government Operations Committee are actively trying to draft legislation for floor consideration.

Yet, the leaders of the budget-reform battle talk with varying degrees of discouragement about the prospects for action this year. Estimates of its chances range from 50–50 downward.

Interestingly, many of the legislators say their cause has been damaged by Watergate. Public attention has been diverted from the Battle of the Budget, which was Topic A in Washington for the first three months of the year, to the more compelling dramas of Nixon, Agnew, Haldeman, Ehrlichman and Mitchell.

At the same time, the weakening of the President's position since March has reduced the pressure on Congress to put its own fiscal house in order. Whatever the constitutionality of those impoundments of last winter, they provided a powerful catalyst for congressional budgetary reform. Now, with members thinking Mr. Nixon has been cut down to size, there's a natural tendency for Congress to revert to the status quo, which allows members to wangle what they want for their own districts without having to take responsibility for adding up the cost to the country.

Finally, Watergate has interfered with reform of the budget process by diverting the time and energy of certain key members of Congress. For example the Government Operations Committee can meet on the bill only on Mondays and Fridays this month, because it's chairman, Sen. Sam Ervin (D-N.C.), must preside at the Watergate hearings Tuesday through Thursday. Keeping enough senators on the premises to make a committee quorum on Monday and Friday is very tough.

In a real sense, then, the budget reform bills may provide the best test of the President's contention that Watergate has diverted Congress from "the people's business." As a generalization, that argument is suspect. But budget reform is an important item of the people's business, and it remains to be seen whether Congress will act on it this year.

The senators and representatives who have been grappling with the problem have given the effort their dead level best. There has been ample time for consideration of the merits and demerits of various solutions. Now, as the session draws to a close, it is a fair test of the democratic leadership—of Speaker Carl Albert and Sen. Mike Mansfield—to see to it that the opportunity for this essential reform is not lost.

FEDERAL REGULATION OF TRANSPORTATION

Mr. HARTKE. Mr. President, in recent months there has been extensive discussion of the appropriate role for the Federal Government in regulation of transportation. There is growing interest within the administration and the Department of Transportation for total deregulation of all transportation modes. It is important that all of us in Congress give serious thought to the future of a U.S. national transportation system. The transportation industry is crucial to the national welfare and poses some of the most difficult and complex economic issues of our day. As Congress sets about deciding the future course of Federal transportation policy, it is important that we weigh seriously and thoughtfully all proposals for changes in Federal transportation law. Mr. President, for this reason, I ask unanimous consent that the comments of Mr. John Creedy, president, Water Transport Association, be printed in the Record for the benefit of all Members.

There being no objection, the comments were ordered to be printed in the Record, as follows:

The Curve at the Horizon

(Remarks of John A. Creedy)

We've been on this deregulation debate for so long now that we urgently need to explore why the minds don't meet. Perfectly intelligent people in the DOT are urging one approach and almost the entire transportation industry—truckers, water carriers and railroads—either don't want it, don't think they need it or think it would create chaos. Shippers, on the whole, are not very excited about it, except for some few very large shippers.

It is a big jump to expect anyone to deal rationally with a problem, particularly an economic problem, but we know each other well enough, after so many years of these panels, at least to try.

Where there is a basic failure to mesh the views of people of good will, one looks for clues. I've noticed one thing. When we get into a real discussion on this subject and get as far as questioning first principles, those arguing for deregulation get excited. The eyes fill, the voices get louder and one begins to hear statements such as "it is self-evident" or "the fact is" on issues which are not at all evident and on which the facts are not at all clear.

Aristotle got the same sort of reaction when he suggested that the world was round and not flat. Other people probably noticed that the curve of the horizon was hard to reconcile with the flatness dogma. But not until the 15th century did the whole structure of thinking on the flatness of the earth come apart.

I think we're up against something like that in this argument. Established wisdom seems to be saying that the world is flat and those of us in the water carrier and trucking industries who say it is round are being denounced. In ancient times, people were burned at the stake for less.

The basic proposition is that railroads should be allowed to reduce their rates to variable cost at will without any meaningful interference by government because, it is argued, this leads to the most efficient allocation of resources. This proposition is said to be blessed by leading economic theorists.

It is fully conceded that this type of pricing means that some rates will be far higher than variable cost, indeed well above full cost, to make up for the rates at or slightly above variable cost.

This means that there will be discriminatory pricing even on the same commodity and we know that discriminatory pricing is used to achieve monopoly and that discrimination flies in the face of any theory of healthy competition. Faced with that dilemma, proponents of deregulation begin saying that perhaps the nation's anti-monopoly policy prohibiting price discrimination must be wrong.

Does economic theory necessarily lead to forsaking anything so well established as the anti-monopoly policy on discrimination in pricing? Can vigorous competition—which no one can object to—be achieved without undermining our policy on discrimination? I think so.

What does economic theory say? It says that when price is forced down to marginal cost, under conditions of perfect competition, resources are most efficiently allocated.

That's the theoretical model and, like all models, it involves certain assumptions. When these assumptions are fulfilled, we have a neat circle and the theory proves itself. When they are not fulfilled, the theory doesn't work at all.

That should be no surpise to anyone.

There are three main assumptions. The first is that there must be complete mobility of capital—anyone can liquidate his capital and move in and out of the business without any restraint. We know that isn't true of transportation. Those who most want to get out, can't.

The second is that the output must be uniformly priced, there is no discrimination, one part of the output is not priced less than another part. We all know that isn't true of transportation.

The third is that the cost of adding more business must be either equal to or more than the full or average cost. Well, we certainly know that that isn't always true of transportation. In fact, they claim the opposite for railroads, namely that their marginal costs decline with increased business.

The high priest of economics, Paul Samuelson, emphasizes that under decreasing marginal cost, the first firm to get a head start will end up either as a single monopolist or one of a few large sellers dominating the market or with some other sort of imperfection which represents a departure from the "perfect" model where no one firm controls industry pricing.

Our DOT friends take the view that marginal cost and variable cost in transportation are approximately the same thing and therefore, when the railroads price at variable cost they are pricing in a manner which will produce the most efficient resource allocation. Hence, the deregulation proposals would forbid government intervention at any rate above variable cost.

The railroad people tell them something which is quite true of railroads or of any other enterprise. When out-of-pocket cost is less than full cost, it pays to make a price a little above out-of-pocket on some part of the output, if you can get the other customers to stand still for the discrimination. But this necessarily means that other prices have to be above out-of-pocket. Everybody is quick to say that all rates cannot be reduced to variable cost. Some must be above variable cost and even far above full cost in order for the constant costs to be met.

This is no surprise. But situations in which prices are not uniform and in which out-of-pocket is less than full cost represent major departures from our "perfect" model. These departures will result not in efficient resource allocation but in monopoly. The very reason discrimination is prohibited in the economy is because it leads to monopoly.

So a price that advantages the seller, indeed is very good business for it, could be very adverse to the public interest.

The deregulation people try to have it both ways, naturally. Variable cost—equals marginal cost—equals efficient resource allocation. Therefore, discrimination equals efficient resource allocation, too. This is a logical absurdity.

When faced with the fact that there is a major non-sequitur in their reasoning, they find the whole thing so hair-raising that they won't face it. That's why they try to deny the obvious—that discrimination does lead to monopoly. What they are proposing isn't an attempt to make transportation conform to the perfect competition model at all. It is an attempt to make competition conform to what Paul Samuelson unequivocally says leads inescapably to a condition of monopoly or dominance by the few.

Let's take a simple example. A very large corporation makes steel plate. It sells its plate in 100 markets. It covets the business of a small competitor in a distant market. The national steel producer reduces its price so far below the price of the local mill that it seizes all the business. It keeps its prices to its other markets at normal levels. Is there any doubt that the large operator can put the small local operator out of business regardless of the latter's efficiency? Is there any doubt that he can do the same thing vis a vis his smaller competitors, one by one, in each of his 100 markets?

It is for that very reason that we have a price discrimination law and it is why Congress made it perfectly clear that discrimination cannot be justified on the basis of incremental or variable cost.

Of course, if the big manufacturer priced at his variable cost uniformly in all markets it would be highly uneconomic but there would not be the same objection. Clearly, discriminatory price is a powerful monopoly weapon. The policy of the country is against monopoly, so it follows that unless the discrimination issue is taken into account, economic muscle would be permitted to prevail in transportation and the public could lose the services of the more efficient producers.

The water carrier objection to deregulation is based on the logical discontinuity which exists between the "ideal" model and the use of it to justify a discriminatory rate on the basis that it represents "efficient allocation of resources." It does not.

Do we therefore advocate a rule that every rail rate should be based on full cost. We do not. Do we even advocate a rule that there must be uniformity in the rate-cost relationship on every rail rate. We do not. We *do* say that discriminatory pricing can defeat the competitive process just as readily in transportation as in the economy generally. We *do* say that discrimination which takes the form of "sharp shooting" at water traffic while rates are held up on the same or similar traffic elsewhere is anti-competitive and should be condemned.

We do say it is counter-productive for advocates of deregulation to argue that they are for freeing up competition and unshackling transportation from the crushing abuse of the Interstate Commerce Act, when in fact what they are advocating goes far and away beyond anything that would be considered sound policy in the unexpected segment of the economy.

One day the curve at the horizon will have significance. One day, the whole structure of deregulation thinking will fall apart. It was more than 1,500 years between Aristotle and Columbus. I am hopeful that the carriers and their customers can agree—perhaps without the ICC or the DOT or anyone—on what constitute sensible rules that will free up what should be freed up and restrain those tactics which, in fact, defeat the competitive process—a process so important in assuring efficiency and its benefits to the public.

MISSILE WARFARE IN MIDDLE EAST WAR

Mr. THURMOND. Mr. President, a great deal of comment is underway in the American newspapers and magazines with reference to the military lessons to be learned from the Middle East War.

One viewpoint to the effect that missiles have provided a new muscle to infantry forces is expressed by John W. Finney in the November 2, 1973 issues of the New York Times.

Mr. President, I ask unanimous consent that this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Missiles Giving New Muscle to Infantry

(By John W. Finney)

Washington, Nov. 1—A principal conclusion being drawn from the Middle East war by United States military analysts is that relatively simple mobile weapons used by ground troops can blunt the effectiveness of fighter-bombers and tanks, which for three decades have dominated the battlefield.

Military officers, particularly those in the Air Force are not prepared to concede that the battlefield balance may be shifting back in favor of the infantry. But there is general agreement among the services that armored-warfare tactics will have to be modified to offset the new capacities of ground troops and that new aircraft missiles will have to be produced to counter the mobile antiaircraft protection the infantry has.

Studying the Middle East war which in effect has been a proving ground for armaments developed recently by the United States and the Soviet Union, the Defense Department, according to officials, is beginning to draw some still-preliminary conclusions, among them these:

In general, American weapons proved more effective than those of the Soviet Union. The new Soviet T–62 tank, for example, proved no match for the United States Army's M–60 tank either in firepower or in armor protection.

On both sides tanks proved to be highly vulnerable to the new antitank missiles. In the opening days nearly 200 Israeli tanks were destroyed on the Suez front by Soviet-produced missiles that are optically sighted and electrically guided along wires that trail them, and by a one-man mortar. Similarly, according to the Jordanian military, American wire-guided missiles were described as devastating when used by the Israelis against Syrian, Iraqi and Jordanian tanks.

The one area in which Soviet equipment proved superior was in mobile antiaircraft. On both the Egyptian and Syrian fronts such weapons took a heavy toll of Israeli aircraft trying to provide close support for ground troops.

Protection for aircraft in so-called revetments on the ground as in the concrete-reinforced parking places used by the Egyptians, has improved greatly, Israel, which destroyed much of Arab air power on the ground in the 1967 war, made a couple of attempts to knock out Egyptian military airfields this time and then abandoned the effort.

MOBILE DEFENSES

For the moment much of the military attention in the United States is focusing on the mobile antiaircraft defenses developed by the Soviet Union.

The Israeli Air Force, by using electronic countermeasures that disrupt the radar controlling antiaircraft missiles and by using the World War II technique of dropping metal strips to interfere with it, was able to neutralize fixed antiaircraft missiles such as the SAM–2 and SAM–3, which have been the backbone of Soviet air defense against bombers. It was when the Israelis encountered mobile antiaircraft that they ran into trouble.

One mobile weapon in its first appearance in the war was the SAM–6, a low-altitude missile that apparently has multiple means of guidance, making it more difficult to counteract.

United States officials believe that the Soviet Union imposed certain restrictions on Egyptian and Syrian use of the SAM–6, so that full countermeasures could not be developed by the United States. But officials report that a set of SAM–6 launcher and guidance vehicles was captured intact by the Israelis when they thrust onto the west bank of the Suez Canal and that it has been sent to the United States.

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HEAT-SEEKING MISSILE

One method reportedly attempted by Israeli pilots confronted with SAM–6's was to come in low with evasive tactics designed to confuse the supersonic missile as it tried to pick up its target. An effect of this was to bring the Israeli planes within range of two other mobile antiaircraft weapons that, in the end, reportedly caused more losses than the SAM–6.

One was the SAM–7, a heat-seeking missile that can be fired by an infantryman or discharged in volleys of four to eight from an armored personnel carrier that made its first appearance in the war.

The other weapon, reportedly used with devastating effect, was a radar-directed four barrel, 23-mm. machine-gun battery that is not much different from the multiple machine guns used for antiaircraft defense in World War II and largely abandoned in favor of missiles.

THE FAMILY FARM AND FARM WIVES

Mr. CHURCH. Mr. President, more than 42,000 family farms dotted the Idaho landscape in 1920. By 1972, the number of farms had decreased to fewer than 28,000 while the total acreage farmed grew much larger. Like other agricultural States, Idaho is experiencing a rapid trend toward larger farming units and diminishing numbers of family sized farms.

However, a recent study by Department of Agriculture economists concludes that the family farm, which is well equipped and large enough to make use of a full line of machinery is unmatched as an efficient production unit.

Those of us who have advocated preservation of the family farm are not unrealistic; longing simply for bygone days. While family farms may be dwindling in America, they are representative of all those values of the very best life which this country has to offer. The Congress recently reconfirmed that notion with enactment of the Agriculture Act of 1973, which included an amendment, which I supported, declaring it to be national policy to promote and encourage family farming operations.

The Blackfoot, Idaho, News recently carried a special section devoted to agriculture in and around southeastern Idaho. Of particular interest was an article by Emily Hone describing life on the Ted Edwards dairy farm at Springfield. Mr. Edwards and his family typify the finest aspects and provide the best evidence for preserving the family farm. I ask unanimous consent that the News article be printed in the Record at the end of my comments.

Also, the month of November 1973 has been designated "National Farm Wife Month." I whole-heartedly support this recognition of the American farm wife. She, like her farmer-husband, remains the backbone of Idaho's economy. The Blackfoot, Idaho, News carried a story describing the creation of "National Farm Wife Month." I join the News in applauding farm wives and ask unanimous consent that the News story be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Blackfoot (Idaho) News, Nov. 6, 1973]

DEMISE OF FAMILY FARM BRINGS SADNESS IN NATION

(By Emily Hone)

"The demise of the family farm in rural America" has been a subject lamented loudly and at length by individuals who view its disappearance as the end of an integral part of the American way of life.

Family farms, the stories go, have been squeezed out of existence by high operating costs and low prices. Young people whose sole ambition would once have been to take over the family farm are leaving in droves for greener pastures where they feel the monetary rewards are greater. Meanwhile the old homestead gets gobbled up by the corporate farm.

But a check around Bingham County will show many of these family farms are alive and well.

One of these is the Ted Edwards dairy farm at Springfield, where close to 100 head of Holstein cows provide a livelihood for the family. The farm, now totaling 420 acres, has been home to three generations of the Edwards family.

Ted, who left the farm to find some of those greener pastures after he was graduated from high school and stayed away for 10 years, returned eventually and went into partnership with his father, Theron. Five years ago he purchased his father's interest, although the senior family members make their home on the place and assist with the chores when the spirit moves them or when their help is required.

Two years ago Ted married Jackie Twitchell of Blackfoot, and with his two oldest children, Susan and Kyle, and Jackie's four, Kenny, Tommy, Wendy and George, the farm is operated without outside help.

Although at one time he did employ a hired man, Ted said, "we found the kids would work better and harder because they have a direct interest in the results of the work."

He feels one of the reasons his operations survive in good health is that almost everything needed by the family is grown on the farm. Hay, corn and grain are grown on the 350 irrigable acres, leaving a special dairy feed made of rolled barley and supplements as the only major feed purchase necessary.

The boys in the family have learned all facets of the operation and with the exception of George, the youngest, can capably plow, sow grain and hay, and operate a swather, baler or combine. They also take a turn at the chore of milking as well as perform any of the myriad tasks necessary in a farming and dairy operation.

Wendy and Susan take over most of the household chores, freeing Jackie for outside work where she also is a capable hand.

The youngsters, who range in age from 10 to 17, receive a monthly allowance of $20 each, in addition to which they are paid extra for some jobs like moving irrigation pipe. Each one also owns a dairy cow from which the offspring can be disposed of as he or she pleases.

As on any farm, the day begins early at the Edwards place, with some member of the family, usually Ted, beginning the milking of cows at 5 a.m. sharp. Occasionally, Jackie says, she lets him sleep on and starts the milking herself. "I know how good it feels to get out to the milking shed and find only 18 or 20 cows left to do," she added.

If everything goes smoothly, the 75 head in steady production can be run through and relieved of their burden of milk in one hour and 45 minutes. The milk is sold to Gossner Cheese Co. in Logan, Utah, with a tanker picking up a 6,000 pound load every other day.

Each cow averages 14,000 pounds of milk and 525 pounds of butterfat annually.

Quartered in a corral built on a slope to take advantage of natural drainage and keep them as dry as possible during bad weather, the cows have access to a new free stall loafing shed which Ted recently completed. They are fed hay three times a day, silage once, and the special grain mixture twice, consuming 25 pounds of hay, 35 pounds of silage and 14 pounds of grain apiece each day.

Breeding is done mostly by artificial insemination, although the farm does boast its own bull. Ted uses a staggered breeding program which results in year around calving, providing a steady supply of freshening cows to replace those going dry, and keeping the number being milked at an even 75.

Activities at the Edwards farm are not confined to growing feed and milking cows, however.

Also resident are five registered Quarter Horses, four dogs, four varieties of pheasant, ducks, rabbits, quail, Chukkar partridge, four peafowl, pigs, sheep, a number of pigeons and a bunch of chickens. Ted describes all this as "some to look at and some to eat—but mostly to look at I think."

The game birds Jackie raises in an incubator, having obtained her start from Alton Hegstead of Aberdeen who has an entire backyard full. "They're just a hobby," she says. "We haven't decided what we'll do with them yet."

The 40 head of ewes have their purpose in life cut out, though. Jackie plans to raise and sell lambs to pay for a family vacation trip to Alaska.

In addition to her regular farm chores and caring for the hobby animals, Jackie raises and freezes her own vegetables. She says with satisfaction, "The farm is so self sufficient it's rare if I get to the grocery store more than once a month."

Her spare time is spent in landscaping the heretofore barren yard, putting in rock gardens and planting lawn and flowers.

He never considered getting out of the dairy business as many farmers did when the going was rough, Ted said.

"We've got too much invested here to give it up and besides, it's a good life for both us and the kids."

[From the Blackfoot (Idaho) News, Nov. 6, 1973]

FARM WIVES RECEIVE OVERDUE RECOGNITION

Farm wives are in the national limelight this month, receiving overdue recognition for their contribution to agriculture.

The month of November, 1973, has been designated "National Farm Wife Month." Secretary of Agriculture Earl Butz recently signed a proclamation making the occasion official.

The aim of the special "month," according to its backers, is to "raise public awareness of the farm wife's role in today's society and as a partner to her husband in the industry that feeds the world."

The whole idea originated in the offices of Farm Wife News. "Since women in all roles of our society are striving for and achieving recognition today, we felt that, as publishers of the only magazine exclusively for rural women, it would be fitting if we struck a chord for the farm wives of America," says Ann Kaiser, FWN's editor. "From the reaction so far, the chord was obviously music to their ears.

"Basically, we want to spread the word that today's farm women are alive and alert . . . are working hard for their farms and their communities . . . are aware of what is going on in the world and are ready to lend a hand to make it better."

Some elaborate plans were put into motion to achieve this goal. Farm Wife News staffers first distributed 200,000 bumper stickers, boldly displaying the theme for the month: "We salute Farm Wives . . . Proud Partners in Agriculture!"

The bright yellow stickers are showing up on car and pickup bumpers across rural America, and there's a lot of honking going on along rural roads, due to a little "extra" FWN staffers threw in. The promotion piece accompanying each sticker tells farm wives:

"Be sure to display this sticker on your car or pickup and join in the fun: When you spot the sticker displayed by others, honk twice and wave at your counterpart. By honking the horn and joining in our "Two Toots for Farm Wives' campaign, you'll be showing that you, too, are proud to be a farm wife!"

(Farm women who would like a free copy of the bumper sticker can order it from the magazine's home office at 733 N. Van Buren, Milwaukee, WI 53202.)

Next the staff worked at getting the Secretary of Agriculture to "make it official," and found him more than cooperative. He not only signed a lengthy proclamation, but lauded farm women in a special meeting set for the occasion.

Farm broadcasters and farm magazine editors have been contacted, too, and have been encouraged to interview farm women during November.

Thinking even bigger, FWN staffers contacted the producers of Johnny Carson's "Tonight" show, NBC's "Today" show and NBC's "Dinah Shore Show," all of which have appeared receptive to interviewing a selected farm wife during November.

Finally, Farm Wife News staff put together an entire program for rural women's clubs to use during their November meeting, from the opening prayer to an appropriate closing.

"We're elated with the response we've received to this 'National Farm Wife Month' campaign," says Mrs. Kaiser, "and basically, we have the farm wives of America to thank for it. It's obvious that nearly everyone connected with agriculture feels exactly the same way we do about farm wives and their contribution to agriculture.

"We at Farm Wife News have learned that farm wives are often an inspiration to urban wives . . . and are envied a great deal for their way of life and reputation as mothers and homemakers," Mrs. Kaiser says.

"Many times we have wished that the farm wife's story could reach beyond our magazine's audience to the general public to increase understanding and open better lines of communication between rural and urban people. 'National Farm Wife Month' is providing us with that opportunity."

SPACE SHUTTLE AND ENERGY

Mr. GOLDWATER. Mr. President, during the last week in October, the Committee on Aeronautical and Space Sciences received testimony on types of missions that the space shuttle will fly in the 1980's.

Two "candidate missions" were offered designed to meet our energy needs 10 to 20 years in the future.

First, Dr. Krafft Ehricke, of Rockwell International, testified on a method of transmitting energy via a satellite in geosynchronous orbit. Essentially it is a microwave reflector that would take energy generated at one point on Earth, receive it in the form of microwaves, and then relay it to any desired point on Earth.

Dr. Ehricke's proposal permits the locating of energy generating plants far away from population centers. Solar arrays could collect energy in the desert, and the resulting energy could be transmitted where needed. If we had such a system today, we could convert oil from Prudhoe Bay to electrical energy and beam it to the United States, thereby doing away with the proposed Alaskan pipeline.

Assuming there are no technological breakthroughs on pollution-free energy, Dr. Ehricke's proposal is attractive in that it would enable us to locate polluting sources of energy in areas of least ecological harm. Assuming technological breakthroughs on pollution-free energy, it would offer the opportunity to transmit such sources of energy over long distances and with great flexibility.

Second, Dr. Peter Glaser of the Arthur D. Little Co., testified on his proposal some call Sunsat.

It is a satellite, consisting mainly of large arrays of solar cells, placed in geosynchronous orbit. It would collect energy from the Sun through the solar arrays, convert it into microwaves, then transmit them to Earth. A large collector would receive the microwaves and convert them into direct current for industrial and home purposes. Sunsat would require a long period of research and development amounting to as much as 20 years.

It is a possible long-term solution to our energy needs, although at present the cost of solar cells is too high and their efficiency too low, to make Sunsat economically attractive. Existing solar cells have an efficiency of about 16 percent, but, according to the National Science Foundation this can be increased to 20 percent.

In addition, Sunsat would require a means of space transportation that would enable us to move 1 pound of cargo into orbit at a cost of about $100. We do not have such a system.

The history of technology is, in part, one of reduced costs and increased efficiencies.

Looking to the future, it is possible to see that improvement in the efficiency of solar cells, improvement in microwave technology, and finally, improved space transportation systems would make Sunsat a reality.

Sunsat has obvious advantages:

First. It holds the promise of pollution-free energy, and is, therefore, socially acceptable.

Second. It would permit capturing the sun's energy 365 days a year without regard to problems of night and day and atmospherics.

Third. Once on station, it would require no maintenance and have great longevity.

Sunsat could not only solve our Nation's energy needs, but it could also provide the means for the United States to become an exporter of energy. And, by the way, our energy imports in 1972 amounted to $4.7 billion; they are on the increase.

Both the Ehricke and Glaser proposals would require the space shuttle to move them efficiently into orbit.

In the near term, it may well be that we will have to cut back on energy consumption. Homes may have to settle for lower thermostat settings. There may be less gasoline for automobiles. And industry may have to work shorter hours.

Over the long haul, cutting back is not an acceptable solution. I believe we must develop new sources of energy or face drastically reduced standards of living.

As part of our quest for new sources of energy, I submit we must look at all solutions that hold promise from a technical and economic point of view. We cannot afford to overlook any plan that holds definite promise.

Our Government must adequately fund new ideas in the energy field short of all-out development. Ideas such as those of Dr. Krafft Ehricke and Peter Glaser should be subjected to technology verification and thorough economic studies. But other modes of generating energy must also be examined so that nothing is overlooked.

Our national objective should be the development of large new uses of pollution-free energy to provide a better way of life for all mankind. Recent events in the Middle East underscore the urgency.

TESTIMONY OF BERL I. BERNHARD ON POLITICAL SABOTAGE AGAINST THE 1972 MUSKIE CAMPAIGN

Mr. HUGHES. Mr. President, as one who was closely involved with Senator Muskie's campaign for the Presidency in 1972, I read with great interest the testimony of Mr. Berl I. Bernhard, Senator Muskie's campaign manager in 1972, before the Senate Select Committee on Presidential Campaign Activities. Mr. Bernhard describes the incidents of dirty tricks against the Muskie campaign and their effect on campaign planning and staff morale.

This is the most thorough statement yet made on political sabotage against Senator Muskie's 1972 campaign, and it is also a careful and judicious evaluation of the effect of such sabotage on Senator Muskie's overall campaign effort. Because so many people have been asking questions in this area, I thought it might be useful to print Mr. Bernhard's testimony in the Record, and I ask unanimous consent to do so at this point.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

TESTIMONY OF BERL BERNHARD, FORMER CAMPAIGN MANAGER FOR SENATOR EDMUND S. MUSKIE

OCTOBER 31, 1973.

During this past year, I have had many occasions to reflect on the course of Senator Muskie's campaign for the Democratic nomination in 1972. I would like to share some of my conclusions with the Committee today. Although I was deeply involved in the Muskie effort, first as an advisor and later as Campaign Manager, I will try to speak with some objectivity about it.

Living with the memory of having been a key operative in the conduct of a losing Presidential primary effort on behalf of a front-runner is not heart-warming. So at the start, I must confess that I bear a few scars. I ask you to please understand that nothing that I say is intended to rationalize our defeat in any way whatsoever. We made mistakes and those mistakes were costly.

I am going to talk principally about two aspects of the campaign; the problems of financing it, and the problems that came from being the Number One target of dirty tricks. They are to some extent interrelated, since the damage that was done to us by dirty tricks had an impact on our ability to

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raise funds. That impact cannot be precisely measured, but I think there is no question of its existence.

BACKGROUND OF THE CAMPAIGN

Let me try to put into perspective the nature of the Muskie campaign. Interest in Senator Muskie as a national leader began during the mid-1960's and reached an early peak during his campaign for the Vice Presidency in 1968, where he emerged as an articulate, candid and attractive public figure—one capable of reconciling some of the bitter animosity that had divided the Democratic Party in the wake of Chicago and that infected the country as a result of Vietnam, disorders on the campuses and riots in the cities.

During 1969 and 1970, a number of people drawn to him by the character of his 1968 campaign, urged him to make a try for the 1972 nomination. He was interested, but he was also aware that as a Senator from Maine with no built-in organizational or institutional base of support and with little access to financial resources, the road to the Convention would be very long and very difficult—and it was.

Subsequently, Senator Muskie spoke on nationwide television in response to a speech by President Nixon immediately prior to the 1970 Congressional elections. The quality and forcefulness of that address gave new impetus to a possible Muskie candidacy. So did an early Harris poll of January, 1971 which showed Senator Muskie beating President Nixon 43 percent to 40 percent.[1]

1971 EFFORTS

During early 1971, he began to travel throughout the country to test whether there was genuine interest in him as a candidate. The results of those travels were sufficiently encouraging to cause Senator Muskie to begin organizing a small campaign staff which had three principal responsibilities: policy guidance, political organization and fundraising. During the following months, a number of capable people joined the staff or otherwise committed themselves to work in one or another of these areas. By the summer of 1971, he had become the clear front-runner for the 1972 nomination. During the fall of 1971, many of his Democratic colleagues in the Senate publicly pledged their support to him, as did several Governors and Mayors.

What happened between the spring of 1971 when this effort began in earnest and the late spring of 1972 when Senator Muskie withdrew as an active primary candidate is well known, so far as the vote count in the primaries is concerned. The reason *why* the Muskie effort failed to succeed are much more complicated.

To understand what was done and why, let me turn to September, 1971. We had decided during the summer of 1971 that we should come out of the corner fast. The strategy was to maintain that impetus because Senator Muskie was ahead, and we saw our job as that of keeping him there. We planned a four months' schedule, commencing in September and leading into the primaries as a single unit of the campaign.[2]

Our heavy schedule was designed to reflect what we once referred to as an Ohio State "four yards and a cloud of dust" campaign. But the fact was that our appetite exceeded our digestive abilities. A lack of financial resources all the way through the primaries undercut our strategy. Media and advertising budgets were slashed, staff reduced in number and pay, no funds were made available to a few key primary states.[3]

FUNDRAISING PROBLEMS AND PRACTICES

Senator Muskie, as you know, represents a state whose small population and limited resources had neither produced nor required great financial commitments in his political campaigns. It was, therefore, necessary to seek funds from people throughout the country. It may be difficult for anyone who has not campaigned for national office or who has not been intimately associated with such a campaign to understand the staggering financial requirements involved. Money is needed for a central staff; for communicating with potential supporters and advisors; for organizations in each state; for polling; for television, radio and newspaper promotion; and for travel not only by the candidate but by his staff and his supporters. Unless a candidate is personally wealthy, and Senator Muskie is not, or unless he has an already developed corps of wealthy supporters willing to back his campaign—and Senator Muskie did not—he must devote an outrageous part of his time to appealing to people for money.

The concern about fundraising, having to do with the susceptibility of a candidate to the special interests of donors, is legitimate. There is always the danger of a quid-pro-quo relationship, involving favoritism for money. In the Muskie campaign no promises or commitments were ever made in return for contributions.

Senator Muskie's integrity was proof against such pressures. Yet all his integrity could not protect him from the demands on his time, interest and concentration which fundraising represented. Let me be specific. When he might have been working out policy positions on the issues before the country or developing contacts with political leaders or addressing opinion-making audiences, his advisors often found it necessary to schedule him at functions whose primary purpose was to persuade well-to-do people that they should contribute to his campaign.

Other people—staff members like me or outside supporters—raised some of the money required. But much of it—and I emphasize that—was simply unavailable until there was eyeball-to-eyeball contact with the candidate—until there was what President Johnson used to call a "pressing of the flesh."

CAMPAIGN FINANCING

On an overall basis, we raised approximately $2.2 million in 1971 and expended virtually all of it. We raised just under $3 million from January 1, 1972 to the effective date of the new law on April 7, 1972 and again expended virtually all of that. Except for the initial few months of the campaign, we were always in the hole. We never had enough money to pay our obligations on a current basis.

I have attached as Exhibit 3 a month-by-month breakdown which shows receipts and expenditures supplemented by an analysis of accounts receivable and payable. This shows our deficit position month-by-month. We were always in the hole and faced with the problem of reducing payroll, media and/or other campaign expenses.

During the campaign, much publicity was given to the fact that we were required by lack of funds, to slash our staff and to impose pay cuts on the staff. In mid-1971, for example, we experienced an economic crunch. I was forced to lay off 10 of our staff people and impose salary cuts on between 10–15 others. Later in the Fall of 1971, our operation geared up again and reached a peak around February, 1972, when we had approximately 125 salaried employees, paid consultants or weekly wage employees.

At the end of February, 1972, we cut 14 people from the staff and made pay cuts to 5 people. On March 15, we cut 29 people from the staff and made other pay cuts. On March 31, 1972, we simply did not pay most of the people except for 33 of the lower paid staff. As to the 33 who were paid at all, 23 received pay cuts. More detailed information describing these actions is attached as Exhibit 4. After the first few primaries, our finances were in such poor shape that we had virtually no money to expend in a number of critical primaries. We put no money from the national campaign into the Illinois primary—and in the critical Massachusetts and Pennsylvania primaries, which were the last before the Senator withdrew from active campaigning in the primaries, we put about $18,000 into Massachusetts and less than $20,000 into Pennsylvania from the national headquarters.

Let me address myself to certain questions which have been raised in staff interviews or prior testimony.

FINANCE ORGANIZATION

First, our fundraising campaign had no rigid structure. There was no Finance Committee to Elect Muskie President. We operated on an informal, *ad hoc* basis, welcoming the fundraising assistance of anyone who indicated a desire to perform that chore. If I had to single out the one individual who did more to help us both with contributions and with enlisting the support of others, that person would be Arnold Picker, for which effort he earned the number one spot on the White House "Enemies" list. However, he was not a finance chairman in any formal sense. Our fundraising effort involved many techniques—from a direct mail compaign which proved relatively successful to direct appeals at dinners, receptions and so on.[4]

We maintained records of all contributions coming into the campaign headquarters from January 1, 1971 through a daily ledger and those ledgers have been available to the Committee since June of 1973.

PRACTICES

In an effort to assure that our fundraising efforts complied with the existing law, we disseminated a number of memos setting guidelines for fundraisers. These memos are attached as Exhibit 6. Because I wanted my own view of the law to be reviewed by an outside source, I sent to Mr. Mortimer Caplin, former Commissioner of the IRS, a memo setting forth guidelines and asked for his opinion, which I received, approving the fundraising guidelines. See Exhibit 7.

COMMITTEES

We had many committees. I don't know the exact number, but there were well over 200. Some of these committees were created exclusively for gift tax purposes. Many others were operating committees, raising funds and providing funds in primaries or convention states. We have made available to the staff of the Committee a list of our committees.

CONFIDENTIALITY

The question of the acceptance of anonymous or confidential contributions has come up in the course of these hearings. Prior to April 7, 1972, when the new campaign financing disclosure act became effective, it was entirely lawful to maintain the anonymity of those who did not wish to have their names identified with our campaign. A number of people who contributed funds to us requested and were given a pledge of anonymity and confidentiality for understandable, largely personal, reasons.

I would point out that these contributions were all logged in the books as "anonymous." We count $343,000 of such gifts from January, 1971 to April 6, 1972.

One other fact which you should know: because of the constant leaking of information and the disappearance of materials from our campaign, I became concerned that we could not, in good faith, promise confidentiality if we could not keep that promise. I therefore set up a system whereby checks or cash received under promises of confidentiality would only be received in sealed envelopes, put in my office, and then given, still unopened, to an individual who would deposit them in the bank. This assured that the depositor would not know the names of the cash contributors, and that I would not know exactly how much specific individuals who asked for confidentiality had given. I am reasonably satisfied that this method worked. There was no illegality involved and the motives explained to us for the request for anonymity suggested no impropriety. We tried to be careful not to accept contributions from people who might have a special interest or axe to grind. We had no power to coerce contributions and we did not try to invent such a power.

Footnotes at end of article.

CASH

Let me comment on the question of cash contributions. We received cash contributions. I do not know the total amount of those contributions, since cash and checks were all listed as part of contributions received under the same account column. My best estimate is that during the year and a half of our campaign, we may have received in the neighborhood of $150,000 in cash. I cannot prove that figure.

Quite frankly, cash contributions were discouraged. But when people gave us cash, routine practice was to immediately deposit cash in our checking accounts the day received, or if after banking hours, the following day. As a result, your investigators can follow the trail of expenditures of cash receipts, as well as of others, by examining our books, and I understand that this has been done.

We maintained two safes at our campaign headquarters and kept a small amount of cash in at least one of them. One safe, which was in an office next to mine, was secured primarily because of the continuing leaks of campaign materials and the appearance of such information in the press as well as the apparent theft and photocopying of documents which, although never surfacing in the press, we had to assume were in the hands of people who wished us ill. Small amounts of cash, probably no more than $2,000 at a time, were kept in that safe. The purpose was to handle emergency and petty cash needs. All other expenditures were made by check.

Let me make some very short observations in addition. I assure you there were no funds expended for dirty tricks or espionage or any like activity. The campaign was reflective of the candidate and we knew that he would not tolerate such activity.

STOCK

We did receive some stock contributions. These contributions were all recorded at the appreciated value of the stock. Stock contributions were promptly sold and converted to income, and the entry on our books, in each case, is the net proceeds to our committee—that is to say, the selling price of the stock less commissions and transfer taxes. One of our supporters obtained an opinion for himself on the proper treatment of stock contributions. We followed it. See Exhibit 8.

SOURCES

To the best of my information and belief, subject always to surprise, we did accept money from corporations, national banks or labor unions. Our instructions to our fundraisers made it clear that no such contributions were to be received. We did return certain monies, which when they arrived, appeared to be drawn on the treasury of a corporation, and some of those letters of return are attached as Exhibit 9.

REFORM

I hope that many recommendations for reform of campaign financing will emerge from these hearings. If I had to choose the one reform which is most urgently needed, it would be the public financing of campaigns, not because Ed Muskie ran out of money, but because he, and Senator Humphrey, and Senator Jackson and Senator McGovern, and all the rest had to devote so much of their time and energy to passing the hat. America deserves candidates who have enough time to consider the issues, enough funds to present their views to the voters and to compete equally on the merits—not men who make the best fundraisers, because they appear to particular interest groups, or because they are in a position to put pressure on people with money.

BASIC INFLUENCES ON CAMPAIGN

Lest I be misunderstood, I know there were factors other than money which had to do with the decline of the Muskie campaign. Let me very briefly address some of these factors.

First, there was the proliferation of Democratic primaries. Senator Muskie was ahead in the polls in 1971, but he was still regarded as essentially a New Englander. We had to establish him as the choice of Democrats in every region. We had hoped he would not have to share the broad middle of the Party with any other candidate. We hoped his victories in the early primaries would discourage such competition from entering the race. We also saw the possibility of taking a commanding lead in the first few primaries. Perhaps it would have been better to have taken another strategy more attuned to our financial ability. But that is hindsight, and I'm not sure another tack would have really served us better.

Second, was the polarization within the Democratic Party. The so-called New Politics wing of the Party was embittered by the bloody struggles of 1968 in the Chicago streets, was frustrated by Senator Humphrey's nomination in 1968, and by what they regarded as the continuing control of the party by the old guard. Traditional Democrats, on the other hand, thought they had been betrayed or abandoned by the New Politics people in the fall of 1968, and that President Nixon's election had resulted therefrom.

So the prevailing temper, as primary time arrived, was not accommodation but vindication, and these primaries became message laden. Many Democrats were prepared to give no quarter. George Wallace's slogan, "Send . . . a message" accurately reflected the mood. Many Democrats saw the primaries as their moment to vent individual grievances which they could best do by finding a single champion for their greatest concern—to end the war, for strong defense, for civil rights, busing (pro and con), jobs, inflation, personal security, the unresponsiveness of government, etc A centrist candidate was caught in the cross-fire of these passions. Our coalition strategy with the essential message "Send them a President" was engulfed. What we learned in state after state was that the vast majority of Democrats who had other champions for specific grievances nonetheless would name Senator Muskie as their second choice, but we needed first place, not second place, votes. This phenomena was shown no more vividly than in the poll taken by Daniel Yankelovich Associates as voters were leaving the election booths in Florida. It showed Florida voters believed Senator Muskie was the only candidate for President who could beat Richard Nixon.

As I will point out later, some of the dirty tricks increased the polarization and exacerbated our efforts at accommodation. The same can be said of a third problem of the Muskie campaign, and that was the squeeze in which we found ourselves, and the lack of base which could help Senator Muskie survive that squeeze. When Senator Humphrey entered the race beginning in Florida, it meant that Senator Muskie would contest for the Democratic center with a man who had developed intense loyalties within that center over 24 years in national politics. Blacks, Jews, labor, farmers, the elderly, and many elected official had long felt Senator Humphrey to be their spokesman. They had seen him almost close the gap in the final weeks of the 1968 campaign and when he called on them once more in 1972, they responded. While it is my belief that Senator Muskie was making inroads into the Humphrey strength, some of the dirty tricks which were practiced, particularly in Florida, went to undermine that support for Senator Muskie.

UNION LEADER INCIDENT

Let me not by-pass the event that occurred in New Hampshire. William Loeb, publisher of the Manchester Union Leader, whose stock and trade is to personally attack people he dislikes, had printed the famous Canuck letter, and he published some loathsome distortions about Senator Muskie's wife.[5] Senator Muskie made an emotional speech outside the Union Leader offices in Manchester. After discussing the Canuck letter, the Senator turned to what some members of this Committee have quite accurately described as the hatchet job on Mrs. Muskie. Now perhaps there are some men who would not become outraged when their wives are maligned, but our candidate was not one of them. He is a compassionate and feeling human being, not a cold-blooded, insensate political animal. That's exactly what attracted many of us to him and convinced us that he would be a great President.

IMPACT

I doubt that I will be accused of hyperbole to observe that it would have been politically better had he not shown his feeling so openly. But he did, and the incident was seized upon and magnified by the press. From that point on, it took on a life of its own.

That was so because Senator Muskie was the front-runner, which is a risky status because the natural instinct in the press and among politicians and other people generally is to examine a front-runner under a microscope. Faults and virtues are sometimes magnified. Because he is a favorite, he is supposed to win big. So a mere victory, as Muskie won in New Hampshire, was insufficient; he had to swamp the opposition to be seen as winning at all. And if he comes in fourth as he did in Florida, it is not simply a redeemable setback, as it should have been by his subsequent significant showing in Illinois; it is a collapse, and a win in Illinois only postponed the funeral. Consistent victory is demanded and where financial resources are thin, and when you have to spread them over many primaries, and when a half a dozen serious candidates are competing for that vote, consistent victories are hard to come by.

DIRTY TRICKS—THEIR PURPOSE

And so we get to the role of dirty tricks. There is one point, and it may be the only point where I am in full agreement with the Committee to Re-elect the President, with the White House and probably with the Republican National Committee. That point is that Senator Muskie posed by far the most serious threat to the President's re-election of any of the Democratic candidates. I believed that then, and I believe it now. So did Jeb Magruder. In a memo to Attorney General Mitchell on July 28, 1971, he said:

"The clear and present political danger is that Senator Muskie, the favorite in the early primaries, will promenade through the primaries, come into the convention with a clear majority and enormous momentum for November. That would be bad news for us."

So it would appear to have been natural that he attracted the majority of the Republican "dirty tricks." I say "natural" with some hesitation because I'm in full agreement with Frank Mankiewicz that there was nothing natural, customary or even precedented about CREP's 1972 sabotage and espionage efforts. I remember Senator Muskie saying to me at a fairly early stage—and I think this is a pretty accurate quote—"I don't want you or anybody connected with our campaign to do anything in the primaries which is inconsistent with winning

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Footnotes at end of article.

in the general election and with reconciling the Democratic Party." We interpreted that as a clear mandate that there would be nothing of an underhanded, duplicitous or scurrilous nature directed against any of our competitors. I think it a fundamental political truth that the campaign reflects the candidate and those of us working for the Senator knew he would never tolerate such activities. Senator Baker has stated on more than one occasion during these hearings that if he had heard reports of unethical conduct in his campaign, he would be on the phone immediately, demanding to know what the devil was going on. Senator Muskie would have done the same—and the prospect of having to respond to an outraged candidate is a powerful deterrent.

I don't know an iota of evidence, one speck of evidence, that Senator Muskie or his campaign operation engaged in anything that comes in the category of dirty tricks, in any sense, in any manner. I might also observe that we've been accused of not engaging even in clean tricks.

I don't mean to suggest that Senator Muskie didn't campaign hard. He did. He attacked his opponents' positions on the issues, and he tried to win over their supporters to his side. Ed Muskie is a successful and experienced political man and knows that politics is a body-contact sport. What he did not expect was that it would be a sport where he and his Democratic competitors would play by certain elementary rules, while outsiders to the primaries would behave like cunning barbarians. Their lack of political ethics was matched only by their fear of a fair contest, and by the money at their disposal.

The term "dirty tricks" doesn't do justice to the slimy deceptions that characterized the CREP campaign. "Dirty tricks" suggests that sort of cleverness we associate with Halloween pranks; in fact, there was nothing very clever about it. Anybody could come up with a Canuck letter, or the villification of Senators Jackson and Humphrey and Governor Wallace which was made to appear the work of the Muskie campaign. It didn't take political genius to accomplish those things. It took, as I have suggested, a certain low cunning and a lot of money.

BASIC GROUND RULES

Let me turn now to specific dirty tricks and try to describe the effect on our campaign. A few of these have been extensively documented before this Committee. Several Republican operatives have acknowledged their complicity in them. A few have been repentant; others have not. I am not so much concerned about their repentance as I am about what they did to pervert and distort the 1972 campaign, and about the long-term consequences for America if their attitude toward politics prevails—that winning justifies anything. When it leads our children to cheat to win in the soap-box derby, that is bad enough. But when it leads ostensibly mature citizens to cheat an entire citizenry in choosing its chief executive, that is frightening.

It is not always a simple matter, as the Committee has discovered, to make precise philosophic distinctions between rough but fair politics and rough unfair politics. Sometimes the differences are matters of degree. Heckling a speaker is a traditional part of British politics, and it is occasionally practiced here in a way I would not condemn. But systematic heckling—intended either to drown out the speaker altogether or to make it impossible for him to convey his thoughts and opinions to an audience—is profoundly undemocratic. I would always have liked to know what the opposition was doing (and I would be less than honest if I didn't say that I would have listened to a defector from another campaign if he appeared before me to tell me what he knew of that campaign's strategy), but I wouldn't have planted an agent in that campaign whose job it was to steal documents and make them available to me and to the press.

It is fair to tell voters that your opponent's record is proof that he would not do much for them if elected.

It is fair to circulate bona fide documentation of your opponent's record in an effort to turn the voters against him.

It is not fair to deceive those voters with signs and bumper stickers that appear to be but are not sponsored by your opponent, and which carry messages that are certain to turn the voters against him.

It is not fair to harass the voters with after-midnight canvassing calls which are alleged to be made in your opponent's behalf.

It is not fair to plant a lying letter in the local papers, reporting that your opponent has uttered racist epithets.

It is not fair to publish a scurrilous "fact sheet" that shockingly misrepresents a candidate's career, family, and beliefs.

It is not fair to put a telephone tap on your opponent's advisors.

It is fair to try to place your opponent in a position that makes him most vulnerable to defeat, but not through techniques I have just described.

It is fair to play up your own virtues, and ventilate your opponent's defects. But it is not fair to try to win an election by the kind of fraud and deception that was the hallmark of the 1972 campaign.

I've used the word "opponent" in these remarks in a special sense. The object of the frauds and deceptions which occurred in the 1972 primaries was usually Senator Muskie. The common perpetrators of the frauds and deceptions were not his opponents in the primaries, but people in the Republican Party who so feared his nomination by the Democrats that they intervened to prevent that event by foul means as well as fair. It was their purpose to hold him up to ridicule; to estrange him, not only from his supporters, but from other Democratic candidates and their supporters; to create suspicion and turmoil in his staff; to establish that his ability to manage a national operation was suspect; to divert his energies, and those of his staff, from the task of pursuing the nomination to the desperate work of limiting the damage they had caused. They feared his name on the ballot in November, 1972 and so they went after him a year before. As far back as March 24, 1971, Pat Buchanan wrote to President Nixon as follows:

"And if Mr. Muskie is not cut and bleeding before he goes into New Hampshire, he will very likely do massively well there, building up irresistible momentum for the nomination. This scenario is not in our interest—as Muskie today is a figure ideally situated to unite the warring factions of his party, and if they are united that is bad news for us."

I would point out that this was a period in time when Senator Muskie was leading President Nixon in the national Harris Poll 47% to 39% with Gov. George Wallace included in the poll. With Gov. Wallace excluded, Senator Muskie was leading President Nixon head-on-head, 48 percent to 42 percent in February and 50 percent to 44 percent in April, 1971.

WHITTIER COLLEGE INCIDENT

I will describe some of the attempts to leave Senator Muskie "cut and bleeding." Let's begin with an early Sergretti effort on November 8, 1971, at Whittier College, California—the President's alma mater.

When I arrived at Whittier College, everything was tranquil. Just short of an hour before the Senator arrived to speak, great numbers of individuals, mostly black and Mexican-American, arrived armed with placards. The pickets took their positions along the entire walk leading from the street to the auditorium. There were such signs as "would you take a Chicano as a running mate?" Also, "Muskie is a racist pig." There were some inconsistent signs, one reading "Muskie supports draft dodgers" and another, "Muskie is against amnesty." Then there were many signs dealing with gay liberation. The Senator's speech was well received. Then the questions came. Individuals kept interrupting the Senator when he tried to answer questions and all the questions seemed to deal with gay liberation, a Chicano or black running mate, or abortion.[6] Senator Muskie handled all of this with equanimity, which apparently was an irritant to Mr. Dwight Chapin, who subsequently sent Mr. Segretti a news report stating that "Big Ed proved he could keep his cool", to which Mr. Chapin penned "let's prove he can't." [7]

That same weekend, I believe on November 7, Senator Muskie went to speak at a Mexican-American restaurant in Los Angeles. When he went in, there were neither pickets nor other disruption. When he came out, there were organized pickets, and in addition, television cameras which were not a part of the traveling media. The pickets were boisterous, shouting at the Senator and then, in an orchestrated move, they started throwing eggs at Senator Muskie and at the cars which were being used to take him to his next stop.

The question might be asked, what effect did this variety of planned chaos have on the campaign and its strategy? The effect on his immediate audience was to prevent them from exchanging views. Beyond that it disrupted our strategy. We had determined previously that the Senator was best at confrontation situations and at questions and answers. But if we were going to get into a situation where questions on abortion, amnesty, legalization of marijuana and gay liberation were clearly planted, and the questioners were organized to drown out all other questions, that strategy would have to be abandoned. Egg-throwing and the like would also create the image of a tumultuous, disorganized campaign, possibly leading to violence.

THE PURLOINED PAPERS

Testimony has already been given to this Committee regarding the stealing of documents going between me and Senator Muskie on the Hill during the period August, 1971 through April, 1972. Those involved were "Fat Jack" Buckley, Elmer Wyatt and Thomas Gregory. They had been planted in our campaign by the Committee to Re-Elect the President.

There are specific instances where inside jobs, whether performed by Buckley, Wyatt Gregory or some other Republican plant, disrupted staff planning and hurt the Senator's position among groups whose support he needed.

SUGGESTED PROPERTY TAX HEARING

Stolen letters went into a report of Evans and Novak dealing with a staff-suggested property tax hearing in California. Some of the staff had recommended to me that the Senator participate in hearings on the problem, on the theory that it would be helpful in the campaign. Since he would be in California on December 20 and 21, 1971, the suggestion was that it could be worked out simultaneously. Robert Novak printed a critical article on using property tax hearings as part of the campaign.[8] This article came as a surprise to Senator Muskie, who called me and asked me what it was all about. *He had never seen the memos*, and I had not made a personal recommendation. I called Mr. Novak. He said a memo on the

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Footnotes at end of article.

subject was sent to him in a plain brown envelope. Again, this undermined the character of the campaign. It made Senator Muskie appear unscrupulously opportunistic. I received many calls criticizing this purported misuse of government funds as part of a political campaign. I heard about it not only immediately after the article came out, but sequently in New Hampshire and in Florida.

PRE-PRIMARY SABOTAGE

These may seem rather isolated acts of disruption. In fact, they were part of a long train of sabotage commencing in December, 1970 when the first break-in occurred.

I was still in private practice, but I was doing a good deal of work with the Muskie Election Committee. I had a number of files in my office relating to the effort being undertaken to assist the Senator in deciding whether to seek the nomination. My law office was broken into, and my files ransacked. A number of Muskie-related files were found in the xerox room and there were a substantial number of unrecorded xerox charges on our machine. This matter was reported to the Metropolitan Police. It was reported to your Committee's staff several months ago—and you may have uncovered information to which I am not privy.

In addition to what you know about the work of "Fat Jack" Buckley, Thomas Gregory and Elmer Wyatt, there were other specific instances of surveillance or infiltration. One involved a young woman named Diane Moore, a 24-year-old researcher for the Republican National Committee who contributed $25 to our campaign and indicated she would contribute more after Christmas. She appended a note to her contribution offering advice on tactics to turn President Nixon out of office. Fortunately, the press learned of this attempt at infiltration before we did. Had they not done so and revealed it, we might very well have taken up her offer as a volunteer. Her superior at the Republican National Committee, Robert Chase, when confronted by a phone call from us, replied, "I just don't want to talk about it." [9]

Another employee of the Republican National Committee, John Lofton, Editor of Monday, was caught snooping around at a private weekend meeting of Muskie supporters in Kennebunkport, Maine. This caused turmoil at the weekend meeting. It raised questions as to why the Republicans had involved themselves directly in a Muskie meeting. Although John Lofton worked for the Republican National Committee rather than CREP, a very few days after the meeting, Mr. Strachan sent Mr. Dean a list of the "fat cats" in attendance for use in "the political enemies project." [10]

Of far greater significance and deep consternation was the lifting and photocopying of the major campaign advance and scheduling proposals for the fall and winter of 1971 and 1972. This material had been completed in August, 1971 and because it was the most vital document we had put together, only two copies were made. Within a few days after its production, a copy disappeared from the desk of Eliot Cutler, the Senator's chief scheduler.[11] It was later found on our campaign's xerox machine, the staples having been removed, apparently for copying. We advised your staff of this a few months ago, and they may have more information about it. It takes little expertise to realize the importance of this document. It reflected our entire political strategy. It stated where the Senator was going, for what purposes; what states or conventions we might choose to consider lightly. It made possible the focus of disruptive attention on the planned activities.

It created suspicion as to whether we had a spy among our own staff and a number of days were dissipated in trying to ascertain what happened. Beyond all that, it left me with the following questions:

Who had it?

Which of our Democratic opponents had it or might have use of it.

How could it be used?

How could we change some of our strategy to avoid being undercut by our competitors?

Would they use it to go to convention states where we weren't going or to enter the primary states we were not entering?

They were tough questions and we tried to make some adjustment as a result of these questions, but could not deviate too far from a basic strategy.

That wasn't the only major theft. On at least two occasions, raw polling data disappeared from the desk of Anna Navarro, our polling expert. In the summer of 1971, the entire New Jersey poll was taken during the night. In the winter of 1971, the entire New Hampshire poll was stolen during a period of five minutes when Anna had come up to my office to tell me it was ready. When she went to get it, it was gone. That was not simply a poll of where we stood, but reflected specific strengths and weaknesses in New Hampshire, which issues should be emphasized and which not. It was a document of real value to any opponent, and it would certainly have been of value to the CREP if they were pursuing a program, as they appeared to have been, of embarrassing Senator Muskie.

One immediate result of the New Hampshire polling disappearance was that we no longer held general staff meetings of a coordinated nature to discuss polling results. If one wanted to see a poll, they had to come to my office or Anna Navarro's office to see it. Again, I asked the same questions:

Who had it?

Who on my staff was the thief?

How deep was staff disloyalty?

What use could be made of the information?

Could we do anything to counter it?

So much for stolen documents.

On to fraud, forgery and political conniving.

You have in your files a memo to President Nixon from Patrick Buchanan, dated June 9, 1971 which reads as follows:

"Buchanan's View: Kennedy is keeping his options open—against the possibility that RN may be so strong by summer '72 that the nomination will not be worth anything. In which event, he can stay out. However, *at this point, he and his people have obviously concluded RN can be beaten—and they are not about to sit this one out—risking spending eight years outside the inner circle* of power of a President Humphrey or a President Muskie. If Kennedy believes the Democrats can win—as he quite apparently does now—he will go after the nomination."

We had no desire to alienate Senator Ted Kennedy and the many Democrats who supported him. We believed many would support us. Some seven weeks after Patrick Buchanan's memo, the following occurred on July 28, 1971. A Harris poll entitled "51% Say Ted Is Unfit for White House" was distributed widely in an envelope which was an offset facsimile of Senator Muskie's stationery, bearing his name in the upper left hand corner. See Exhibit 17. This fraud was distributed to Democratic members of the House and Senate, Democratic Governors and leading Democrats around the country. See partial list of recipients, Exhibit 18. The response was immediate. Phone calls went to the Senator's office and my office criticizing us for a "low blow"—an attempt to elevate ourselves at Senator Kennedy's expense.

Great effort went into contacting Senators, Representatives, and leading citizens alerting them that this was a fraud.[12] But this matter was covered in the press. How were we to know that suspicion did not linger, to surface when other reprehensible matters were distributed under our name? Senator Kennedy was gracious and understanding. Senator Muskie wrote to the Postmaster General. The Postmaster General wrote back. The matter was investigated, but the culprit was never found. See Exhibit 20.

NEW HAMPSHIRE

Let me point out two additional factors affecting New Hampshire. First, during the week before the New Hampshire primary, Dick Stewart, our press secretary, came in to see me about a call he had received from the AP in Boston to confirm the following: AP had received a phoned-in statement from someone who asserted he was Mr. Stewart's assistant, who gave the Muskie Washington headquarters telephone number as a contact number, and who then read AP the following statement: "Ted Kennedy has become an obstacle and an issue in the New Hampshire primary. I challenge him to come to New Hampshire and once and for all tell the people whether or not he is a candidate for President." Dick was upset because he thought that perhaps someone in our campaign had determined to do that without clearing the matter with him. I told him that it was preposterous and everything should be done to kill that story. He made a number of calls and with herculean effort was able to squelch the story. I cite as the kind of disruption of staff activity which is harmful. It diverted our senior staffs' attention from the primary at a crucial time.

Second, of far greater significance were the literally hundreds, perhaps thousands, of phone calls which were made in the Manchester area of New Hampshire during the week-to-week-and-a-half prior to the primary. Callers identifying themselves as canvassers from the "Harlem for Muskie Committee" urged the citizens to vote for Muskie because he would be "so good for the black man." These calls were being made between 12:00 at night and 3:00 a.m. in the morning. This did not strike me as advantageous. The black vote in New Hampshire may amount to one or two percent. But if it had amounted to 50%, it would still have hurt us. No one is favorably disposed toward any candidate who has people calling or appears to have people calling between 12:00 midnight and 3:00 a.m. in the morning. These calls resulted in many calls to me from individuals complaining about our campaign tactics, and they also resulted in calls from our campaign coordinator in New Hampshire, to see if there was any action I could take to stop them. The only thing I could think of doing was to call McGovern headquarters to tell them to cut it out. My recollection is that I spoke to Frank Mankiewicz, the McGovern political director since I assumed that the calls were McGovern inspired. They denied that they had anything to do with this and the calls continued.

The second part of the disruptive telephone strategy involved post-midnight calls from people alleging that they were canvassers for Muskie and asking how the people intended to vote. These calls apparently went beyond Manchester. I was informed that the recipients of these calls would sometimes receive three or four calls in rapid succession on the same evening. The source of all of these phone calls has never been uncovered, but I think it soured many people toward our campaign.

IMPACT IN NEW HAMPSHIRE

I have been asked by the Committee to evaluate whether or not any of this activity can be quantified in terms of harm. It is not easy, but let me try. One measure is the comparison of the results of the primary vote in the city of Nashua with those in the city of Manchester. Nashua is in the southern part of New Hampshire, and has a relatively liberal city newspaper and a liberal voting

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Footnotes at end of article.

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background. McCarthy, for example, had run neck and neck with Johnson in 1968 in Nashua and McGovern had expected to do well there. Nashua was also the home of his campaign manager, Joe Grandmaison. What happened? Muskie won in Nashua with a total vote percentage of 58 percent. Thirty miles to the north of Nashua is the city of Manchester, slightly more working class, a little more conservative. We expected a larger margin for Muskie in Manchester than in Nashua. In 1968, Johnson had beat McCarthy soundly in Manchester and surrounding towns. Yet, Muskie received only 38 percent of the vote in Manchester, a full 20 points lower than his showing in Nashua.

Another tool of evaluation is the impact in comparable working class French-Canadian neighborhoods in the state of New Hampshire. Let me be precise. McGovern won Ward 14 in Manchester with 35 percent of the vote with Muskie running 13 points lower than his statewide total. That result startled the press, for Ward 14 is a French-Canadian blue-collar ward which had gone heavily for Johnson in 1968.

Compare that with Ward 7 in Nashua, composed of similar French-Canadian working class Democrats as in Manchester's Ward 14. In the Nashua Ward, Muskie swamped McGovern by a margin of well over two-to-one, winning 66 percent of the vote to McGovern's 28 percent, a staggering 32 points higher than he had received in the same kind of neighborhood in Manchester.[13]

Had Manchester returned the vote we had reasonably expected and which we received throughout the rest of the state, it is certain that Senator Muskie would have received more than 50 percent of the vote in New Hampshire. And since the press has set a public standard of 50 percent, New Hampshire would have represented a major win rather than what was written-off as at best a marginal victory and at worst, a set back since it was his neighbor state.

FLORIDA

The Florida primary was held on March 14, just a week after the New Hampshire primary. Despite the fact that we had won in New Hampshire and had won in the Arizona convention, our financial situation was bleak. I had already cut the Florida budget by 50% from its first projection and with the issue of busing on the ballot, we knew we were in for a hard time. George Wallace was campaigning hard against busing, the space industries were in trouble and there was the proliferation of candidates.

You have heard about many of the disruptive activities in Florida. You have heard about the February 8, 1972 ad reading, "Muskie, Why Won't You Consider a Jew as a Vice President?".[14] This was run in a Miami Beach Jewish newspaper and flyers with a similar message were distributed. One you may not have heard about is a scurvy little flyer which was shown to me in Miami Beach by a Rabbi after we had been discussing an individual member of his congregation who said he would never vote for a Polish-Catholic. The flyer read, "Remember the Warsaw Ghetto." At the bottom in small letters was written, "Vote Right on March 14."

The busing issue was critical in Florida. Posters were distributed starting late in February intended to establish Muskie as a proponent of massive busing. The posters read, "Help Muskie Support Busing More Children Now," put out by the "Mothers Backing Muskie Committee." We received immediate reports of concern, mostly from our Tampa office. After we received the calls and I talked with our people in Florida, it was agreed that wherever we could, we would try to remove such posters, and I understand that some of the people in the office did so. I also contacted other district managers seeking to ascertain the extent of distribution. I was informed that pictures of these ads appeared in newspapers, particularly in northern and central Florida. My information is that these pro-busing statements appeared in Jacksonville, Daytona, Orlando, Tampa, St. Petersburg, and the Clearwater area. The extent to which the Senator's position was incorrectly stated made it difficult to try to clarify and to explain his true position, which would have allowed local school boards to retain options to achieve desegregation—rather than being denied that right through federal legislation then proposed. I talked with our media people about cutting new TV spots, but the time was as short as the money.

You have also heard a good deal of testimony about the March 1 Segretti letter sent out on Citizens for Muskie stationery accusing Senator Jackson and Senator Humphrey of sexual and drinking misconduct.[15] The calculated effect of that letter was to antagonize admirers of Senator Humphrey and Jackson and fairminded Floridians in general. We did seek to inform the press immediately that it was a fraud. Mr. Segretti has conceded he was responsible for it, and that it was a damnable malicious lie. Its circulation received wide coverage in the press, and, once again, our indignant denials never caught up with the lie—and were perhaps even doubted by some who heard them.

I gather you also are aware of the early March advertisement placed by Mr. Segretti in a Florida newspaper implying that Senator Muskie supported Communist Cuba.[16] There were also fraudulent radio and newspaper ads put out in Miami on Spanish-language stations and in the Spanish language press—again allegedly by the Muskie campaign—purporting to have the Senator come out four-square for the Castro government. Others inferred that native-born Americans are more loyal than immigrants which was certainly not calculated to endear him to the Cuban-American community.

Some of the incidents that happened, such as the pickets in front of the Manger Hotel in Tampa in January of 1972, did have impact, both in undermining Muskie support among blacks and creating further division among the candidates.[17] The signs were of a racial nature depicting Muskie as anti-black. The inference we gathered from these signs was that they came from Humphrey Headquarters. This made sense to me at the time because Senator Humphrey was strong with the blacks and we were making inroads among this constituency. Many of our people thought that this incident was an inspiration of Jackson Headquarters. But it appeared in the paper and was galling to me because it came shortly after we had had a good meeting with black leaders, even receiving pledges of support.

Let me focus your attention on one activity which was of an unusual destructiveness. Upon two occasions before the March 14 primary, when rallies were being held for Governor Wallace in Tampa and St. Petersburg, cards were placed on automobiles in a parking lot and distributed widely to hundreds of people stating on one side, "If you like Hitler, you'll just love Wallace." On the other side, it read, "A vote for Wallace is a wasted vote, on March 14 cast your ballot for Senator Edmund Muskie." [18] These particular cards caused a flurry of phone calls to me protesting my stupidity in authorizing their issuance. We explicitly disavowed these cards and I told the office to talk to the local papers in St. Petersburg and Tampa to assure them that we were not responsible for them. These disavowals received little, if any, attention. I recommended that we get in touch with the local headquarters of both Humphrey and Jackson to state our concern as to their possible culpability. Knowing the depth of support George Wallace enjoyed in Florida, we continued to be concerned with the impact of this activity.

Lest you assume that my comments are totally partisan, I should bring up a matter which hounded us in at least New Hampshire and Florida and that is the scurrilous and totally unjustified attacks upon Senator Muskie by one Stewart Mott.

Mr. Mott financed a project early in 1972 consisting of various printed documents, with hand scrawled headlines written in red or black ink.[19] To say they constituted bad taste would enable me to exaggerate for the rest of my life and come out even. It accused Muskie's father of being a draft dodger. It included blatant falsehoods about Muskie's record and it was sent throughout the primary states beginning in New Hampshire. Segments of the larger pamphlets were run as full page newspaper ads which Mott financed. He even had the poor taste to send his diatribe to Mrs. Stephen Muskie, the Senator's daughter-in-law. There was similar outrageous material dealing with disclosure of campaign finances which he mailed to Senator Muskie's contributors—contributors whose addresses he was able to secure only because of the Senator's voluntary disclosure.

I think it useless to refute each and every allegation because I would be here an even longer time. This material angered me toward the staff of Senator McGovern, because it was our belief that Mr. Mott was a heavy contributor to McGovern. Therefore, we assumed that this was either being done at the behest of Senator McGovern or with his or their knowledge. As the campaign progressed, I called Frank Mankiewicz who swore he had nothing to do with this material.

I should also note that the CREP dirty tricks department picked up on Mr. Mott's game. A Mott newspaper ad berating Senator Muskie on the financial disclosure issue was reprinted and distributed to those entering a Los Angeles Muskie fundraising affair. At the bottom of the reprint were typed the words:

"The Committee will look for your names as part of Muskie's Fat Cats. They better be there!"

We drew the natural conclusion that Mr. Mott was responsible for this harassment, although we have since learned that this was a Segretti ploy.[20]

ELECTRONIC SURVEILLANCE

During the course of the primaries, an overriding issue was that of Vietnam. As you know, Senator Muskie had become convinced that the war had to be brought to a swift conclusion, but he was attacked for having altered his position on the war. I am not concerned with the responsible attacks on his change in position. What did become of concern were the consistent leaks that were coming out regarding positions which were being discussed within the staff and among advisors on the war issue. We were never able to understand how it was that there was so much conjecture in the press which seemed to relate to staff discussions on the issue of Vietnam. It is only now that some of it makes sense. I have learned that our chief foreign policy staffman in the campaign, Anthony Lake, who had once worked for Mr. Kissinger at the White House, had had his phone tapped. It was doubly disconcerting to learn that Morton Halperin, who was a former national security aide and was on our foreign policy task force, had had his phone tapped as well. Both men were under such electronic surveillance after they left the White House and were active in varying degrees with our campaign.

The extent to which information thus obtained was used to muddy Senator Muskie's position on Vietnam is uncertain. But I can remember discussing with the Senator the question of how it was that people seemed to know what he was going to say before he said it. We now know as a consequence of Mr. Halperin's civil suit that the FBI made available summaries of the taps of H. R. Haldeman.[21] Only an examination of the fruits of these taps might disclose the extent to which information involving Senator Muskie was available, and/or used for political purposes by the White House.

I would be remiss not to mention an incident which has long been known in our campaign as "funny phones." It occurred on November 9 and 10, 1971 about the time the Senate Subcommittee on Air and Water Pollution, of which Senator Muskie is Chairman, was completing action on its bill. The key question was how the House would handle the bill. Would the House bill be as strong as the Senate bill which the White House vigorously opposed? Would the House act in time enough for the bill to be finished in 1971 so that a conference committee could meet prior to the time Senator Muskie might have to be campaigning in the primaries? This is what happened.

The phone in the Subcommittee office would ring; it would be picked up, but no one was there—only the sound of another phone ringing. Then someone would come on the phone, identify the office and say that he or she didn't call us. In a two-hour period, some of the offices which answered and identified themselves were: The White House; the Vice President's office; Senator Cooper, who was ranking Republican member of the Public Works Committee; Senator Buckley, who was a member of the Senate Public Works Committee (several times); Congressman Blatnik, Chairman of the House Public Works Committee; the Zambian Embassy, the Latvian Embassy and the Embassy of Kuwait—plus others.

Exhibit 29 contains two memos which were done contemporaneously with the events. Leon Billings, Staff Director of the Subcommittee on Air and Water Pollution, after being alerted to the peculiar performance of the telephones in his office, had the telephone company into the office attempting to ascertain what might have occurred. The telephone company answered that they were certain there had been no tampering with the phones and equally adamant that there was no way in which the incidents could have occurred. Mr. Billings has informed me that at the time the speculation, in jest, was that the White House would go to any lengths to find out what Senator Muskie was doing.[22] But there is one certain fact. Immediately after the phone company came in and claimed not to have found anything, no further incident occurred.

I hesitate to bore you with more incidents, but I feel impelled to mention one only because it reflected such gross insensitivity to the national interest and to the individual victims. We had been working for many months on the largest fundraising of the campaign in Washington on April 17, 1972, at the Washington Hilton Hotel. We were in dire financial need. I know you have already heard testimony from Mr. Segretti and his cohorts about the hundreds of pizzas and flowers which they arranged to arrive collect at the dinner, and the anti-Muskie signs outside. But more important was one nationally destructive act. Mr. Segretti invited a number, perhaps a half dozen or more, Ambassadors from the African states with their wives, in formal atire, to the dinner. It had been my intention to introduce the Senator to a number of the significant contributors who had come from various parts of the country to that dinner. Instead, during the reception, I spent my time personally apologizing to each of the Ambassadors who had been invited and to their wives, seeking to make them comfortable and seeking to indicate that, while it had been a mistake, they were certainly welcome. It was an unsettling experience and I think showed no concern for the individuals embarrassed, to say nothing of United States foreign policy.

SUMMARY

At the beginning of this long statement, I said that I did not want to have anything I say interpreted as a rationalization for our defeat. The primaries were hard fought and there were tough competitors. Nonetheless, I find Mr. Buchanan's quoting Thoedore White's appraisal that the sabotage of forged letters and dirty tricks had the "weight of a feather" no more than a glib and self-serving conclusion, particularly since Theodore Whites book was written before these hearings got underway and prior to the testimony of Mr. Segretti, Mr. Benz, Mr. Hunt and others.

You will have to appraise the impact. I have tried to give my view of that impact on our campaign. In my judgment, the unceasing events to unhorse Senator Muskie took a toll. They took a toll in the form of diverting our resources, changing our schedules, altering our political approaches, and being thrown on the defensive.

They generated suspicion and animosity between the staffs of Democratic contenders. Internally, the resulted in demoralizing distrust, in erroneous accusations by me of my own staff members for what I believed were their indiscretions and even their treachery. This impeded a coordinated effort because, not knowing whom one could trust, fewer and fewer people were taken into the councils when it came to making decisions. These events certainly helped to undermine the image of Senator Muskie by making him appear unable to adequately manage a staff which had been made to appear as sieve-like amateurs who couldn't keep a confidence. It also made him appear as a man who at times would not hesitate to take unfair advantage of his opponents.

Lastly, these events did not advance our ability to survive financially. Contributors raised questions about the loyalty of the staff and its apparent indiscretions and fumbling. No contributor wanted to see his money frittered away. So time and energy were consumed not only in securing funds to campaign, but also in explaining defensively our efforts to maintain security and efficiency.

There is a momentum in politics, and when it is with you, nothing is wrong. When it begins to ebb, everything goes wrong. If things were going wrong for perfectly legitimate political reasons, our problems were magnified by the efforts not of other Democrats but of members of the Republican Party who had no place in the Democratic primaries at all.

I would point out that there is nothing in the resolution establishing your Committee that says this conduct is reprehensible only if it has decisive significance. It speaks rather of whether the object was "to disrupt, hinder, impede or sabotage" the campaign. Does anyone here doubt that this was the objective of the dirty tricks? If they were not successful, that's a comment on the ineptitude of the perpetrators, not their moral fibre. I am troubled by the moral viewpoint implicit in offering that line of reasoning as a defense. The doctrine that the end justifies the means is pernicious enough. The doctrine that the failure to attain the end justifies—or at least excuses—the means is terrifying. The means was best expressed in a memo of March 24, 1971 from Patrick Buchanan to the President wherein he stated:

"It is in our interest—and in the interest of the liberal Democratic challengers for the nomination—to prevent Mr. Muskie's uninterrupted march to the nomination."

You may recall Mr. Buchanan also said:

"There is a danger in going after Muskie, making him the martyr and spokesman of the Democratic Party, and thus ensuring his nomination, and even enhancing his chances of election. But the risk should be taken. If we don't do it now, we shall have to play hurry up football in the two months before election—and people tend to disbelieve political charges made in that kind of partisan environment.

"Who should we get to poke the sharp stick into his cage to bring Muskie howling forth? More important, what kind of stick to more effective?"

Those were the words of Mr. Buchanan to the President on April 19, 1971.[23]

The fact of the matter is that these disruptive activities continued to be directed against our campaign for months on end. If the instigators did not believe they were accomplishing their objective, it is difficult to understand why they persevered. They stopped only when they concluded that Senator Muskie was beaten.

In a memorandum to John Mitchell and to H.R. Haldeman dated April 12, 1972, from Patrick Buchanan and Ken Khachigian, there is the following self-congratulatory note, which, if so much had not been done to sustain it, I would have written off as no more than an act of self-satisfied puffing. He said:

"Our primary objective, to prevent Senator Muskie from sweeping the early primaries, locking up the convention in April and uniting the Democratic party behind him for the fall, has been achieved. The likelihood—great three months ago—that the Democratic Convention could become a dignified coronation ceremony for a centrist candidate who could lead a united party into the election—is now remote.

FOOTNOTES

[1] A copy of this poll is contained in Exhibit 1. Also shown in that exhibit are poll results for the entire pre-primary and primary campaign period.

[2] This schedule, I have reason to believe, was lifted, copied, and made available to agents of the Republican campaign in August of 1971. I will discuss this more fully later on.

[3] Various memoranda reflecting our payroll and budget difficulties and the measures adopted to limit and control spending are included in Exhibit 2. In addition, all budget documents and financial reports remaining in our files have been submitted to your staff at their request, but have not been reproduced here because of their volume.

[4] A report on the results of the direct mail campaign, a list of proposed fund-raising affairs and the results of some are included in Exhibit 5.

[5] A copy of the Canuck letter, as well as a related "letter" surfacing during the general election campaign and an explanatory news item are contained in * * *

[6] A copy of the list of questions distributed by Mr. Segretti's operative is contained in Exhibit 11.

[7] A copy of the President's news summary with Mr. Chapin's complaint that Sergetti had "missed the boat" is contained in Exhibit 12.

[8] A copy of Mr. Novak's article is attached as Exhibit 13.

[9] A copy of a New York Times article recounting the Diana Moore affair more fully is Exhibit 14.

[10] A copy of Mr. Strachan's memo and the attached "Fat Cat" list is attached as Exhibit 15.

[11] A copy of this purloined document is contained in Exhibit 16.

[12] A copy of a disclaimer letter sent out widely by Senator Muskie as part of this effort may be found in Exhibit 19.

[13] I am grateful to Mr. Lanny Davis, who served as the Campaign's National Youth Coordinator, for preparing this vote analysis to assist me in my testimony.

[14] Samples of the copy used in this and other ads are reproduced in Exhibit 21. (It has been retyped for legibility.)

[15] A copy of this forged letter is attached as Exhibit 22.

Footnotes at end of article.

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[16] A copy of one such ad, and a translation, is attached as Exhibit 23.

[17] Attached as Exhibit 24 is a memorandum from Chapin ordering the use of such signs at Muskie rallies.

[18] A copy of this card was sent to Senator Muskie and is attached as Exhibit 25.

[19] A copy of one of the Mott documents which had been sent to the national office of the League of Women Voters and then forwarded to us, is attached as Exhibit 26.

[20] A copy of this handout, showing the additions of Mr. Segretti's agents, is attached as Exhibit 27.

[21] Exhibit 28 contains copies of news stories concerning these tapes.

[22] Mr. Billings' memorandum is in Exhibit 30.

[23] A copy of one "sharp stick" for which Mr. Buchanan has admitted personal responsibility is attached as Exhibit 31. * * *

NIXON'S "VENDETTA"

Mr. THURMOND. Mr. President, in a recent editorial by the News and Courier of Charleston, S.C., a very astute analysis was made of the clamor which has recently besieged the President. It was pointed out that some of the hue and cry which have demanded his resignation or impeachment are like a mob yelling "jump" to a person on a precipice.

Mr. President, in my travels in my home State and around the country I have found tremendous grassroots support for President Nixon and for the preservation of due process of the law. The orchestrated voices against the President are not serving the interests of our country. The News and Courier editorial of November 6, 1973, entitled, "Nixon's 'Vendetta,'" makes that point very well and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NIXON'S "VENDETTA"

The chorus of voices—including some well known newspapers and magazines—calling for the resignation of President Nixon swells by the day. The News and Courier herewith records its dissent.

Who is to decide whether the President—elected one year ago today by an overwhelming vote of the people—should desert his post? Not the press, assuredly—nor anybody else but the President himself.

The laws of the United States provide, to our knowledge, only one course for removing a President. It is the process of impeachment by the House of Representatives and trial by the Senate. Only once has impeachment been tried. President Andrew Johnson was acquitted by a margin of one vote—slender, but enough. History has vindicated his position.

No President has resigned. We do not presume, nor do we support those who do presume, to try, convict and sentence this man without due process of law. The yelping of his enemies, and his former friends who now despair of his ability to govern, reminds us of a pack of hounds after their prey. Changing the analogy, they also behave like a heartless crowd of onlookers yelling "Jump!" to a lone figure at the brink of a precipice.

All the sins of Watergate are and many more are being heaped on the head of Richard M. Nixon. Distressful as these political shenanigans appear, and distasteful as are suspicions about Mr. Nixon's personal finances being hinted by probes into his business dealings, they do not add up—even if proven—to the importance of the leadership Mr. Nixon has provided in the past and is capable of continuing during the term of office to which he has been elected.

The federal government provides no machinery for recall of a public official such as exists in some states. The clamor now being heard throughout the land is confusing and disruptive.

In an address at Oklahoma City before an audience of 1,200 persons, Sen. Strom Thurmond received "a standing ovation," The Associated Press has reported, when he called on the people harassing the President to "stop their vendetta against him."

As we read the mood of the people, they are puzzled and saddened, but not disposed to cast down their President. History will be his judge. Today's enemies are not necessarily qualified historians. As we see them they are taking on the cruel emotions of a mob.

NATHAN SHAPELL COMMENDED FOR LAND DEVELOPMENT

Mr. CRANSTON. Mr. President, at a time when local governments across the country are giving more scrutiny to land-use decisions than ever before, and, in some cases, are taking steps to discourage further growth, it is noteworthy when cities take the time to praise the integrity and environmental consciousness of developers who have made great contributions to the betterment of community life.

One recipient of such praise is Mr. Nathan Shapell, chairman of the board of Shapell Industries, Inc., of Beverly Hills, Calif. Within the past 2 months, Nate Shapell has received certificates of commendation from two California mayors: Edwin W. Wade, mayor of Long Beach, and Arthur F. Gerdes, mayor of Norwalk.

Their praise of Nate Shapell is well deserved. Whether it is a single family home or a shopping center, Nate Shapell cares for details that assure quality construction. His developments contain amenities that provide long term user satisfactions.

Nate Shapell is a builder and developer who dedicates himself to excellence. That dedication has made California communities more livable. I feel sure that he will continue to strive for excellence, and for that reason, I am confident that these commendations will not be the last for Nate Shapell.

Mr. President, I ask unanimous consent that the commendations from the city of Long Beach and the city of Norwalk be printed in the RECORD.

There being no objection, the commendations were ordered to be printed in the RECORD, as follows:

RESOLUTION OF COMMENDATION: SHAPELL INDUSTRIES, INC.

Whereas, the City of Long Beach prides itself on high standards for land use and residential development; and

Whereas, the City of Long Beach is known for its beautiful communities; and

Whereas, it has come to the attention of the City Council that our high standards are reflected in El Dorado Park Estates, one of our most beautiful communities of homes; and

Whereas, it is worthy of note that Shapell Industries, Incorporated, the developer and builder of all the homes in El Dorado Park Estates, has announced that the last new home in that community of more than fourteen hundred homes has just been sold;

Now, therefore, be it resolved: That the City Council of the City of Long Beach wishes to commend Shapell Industries, Inc., for its high usage of the land on which El Dorado Park Estates has been built; and

That the City Council of the City of Long Beach wishes to commend Shapell for the pioneer usage of all underground utilities in El Dorado Park Estates which presaged by nine years current environmental requirements and demonstrated extreme foresight by Shapell; and

That the City Council of the City of Long Beach wishes to commend and express appreciation to Shapell for the design and quality of the homes in El Dorado Park Estates which has enhanced the quality of life in our community.

Let the Great Seal of the City of Long Beach be affixed hereto.

Adopted this 28th day of August, 1973.

COMMENDATION

Whereas, S & S Construction Company was founded in 1955, with the Company's first development located in the city of Norwalk; and

Whereas, between 1955–1962, S & S Construction Company built 1,346 homes, 136 apartment units, and several major shopping centers in the City of Norwalk; and

Whereas, all of these homes, apartments and shopping centers have contributed significantly to a high quality of life for the people of the City of Norwalk; and

Whereas, S & S Construction Company and its parent company, Shapell Industries, Inc., have recently returned to the City of Norwalk where the company first put its roots down; and

Whereas, the City of Norwalk anticipates a further contribution to this community by the Company through residential construction in the traditional quality and high standards of S & S Construction Company;

Now, therefore, I, Arthur F. Gerdes, Mayor of the City of Norwalk, on behalf of the 95,000 residents of our community, do hereby commend Nathan Shapell, Chairman of the Board; David Shapell, Excutive Vice President and Director; and Max Webb, Vice President and Director of Shapell Industries who as founders of S & S Construction Company, have performed an outstanding role in the development of the City of Norwalk.

Dated this 17th day of October, 1973.

EDITOR NIXON AND THE TIMES-POST ADMINISTRATION

Mr. BELLMON. Mr. President, while the world is more nearly at peace than at any time in recent years, a bitter war still rages on the home front—the war between President Nixon's administration and national news media.

Since most conflicts arise from a lack of understanding by one side of the other, perhaps the way to achieve peace between the press and the President would be to have the combatants reverse roles for a week.

Suppose, for example, President Nixon became editor of the enemy New York Times, and the Times editor became President. The editor of the Washington Post could become the Vice President.

Carrying this fantasy a bit farther, imagine CBS reporter Marvin Kalb as Secretary of State, columnist Jack Anderson as Director of the FBI, and anchor man Walter Cronkite as Chief Justice of

the Supreme Court, or Administrator of NASA.

By assuming the responsibilities of Government leaders, perhaps representatives of the news media could more readily understand why the President must concentrate on major decisions and rely on staff members to make many of the minor decisions. In this kind of trade-out, the new editor-turned-President also might find it difficult to understand the justice of heaping high praise by newsmen upon one staff member—Kissinger's Nobel Prize—for the administration's successes, while much of the press is attempting to force the President from office because of acts and mistakes of other staff members.

By the same token, maybe Editor Nixon would understand why news reporters have the duty to constantly dig for the facts. As a result perhaps as President he would become more accessible and not so guarded in making information available to the public.

This example is admittedly farfetched, but it illustrates an old Indian saying: "Never judge another man until you have walked a mile in his moccasins."

Perhaps a better appreciation of the jobs and problems of others could produce a brief armistice on the home front which the Nation sorely needs.

Mr. President, recently I had the opportunity to hear some remarks on the subject of the freedom of the press by a well-known former Oklahoman, Frank McGee, who is host for the "Today" show on NBC. McGee was in Oklahoma City to receive an award at the annual brotherhood banquet of the Oklahoma City chapter of the National Conference of Christians and Jews. While I do not agree with everything Frank McGee had to say, I believe his address made some points that are worthy of the attention of the Senate. I ask unanimous consent that an excerpt from his remarks be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXCERPTS FROM REMARKS BY FRANK MCGEE

Stripped to its essentials, the audacious idea on which this nation was founded was the historically preposterous notion that ordinary men and women could govern themselves.

Century had followed century with men believing that only God could choose one from among them to govern all the rest. Other ages followed when birth into class determined who would govern, with ultimate power in the hands of one before whom all of lesser blood trembled. Charity, common sense and history tells us that not all those close to the Kings believed what they helped impose on the lowly. Yet, regardless of reign or realm, even the more compassionate held back.

Why did they view the people so poorly?

It is my belief that they had two great fears that convinced them ordinary men and women could never govern themselves; could never manage their common affairs; that it was in the nature of things for the few to control the destinies of the many.

First, they feared the people could never learn enough; were innately incapable of grasping even the most rudimentary processes of government. More than this, I believe, they feared the people could never control their passions; could never rise above superstition, put aside prejudice to recognize their commonly shared condition. The people were, and seemed destined to remain, a selfish, ignorant, brutish mob.

That remarkably talented assembly that gathered in Philadelphia in 1787 quaked before the vividly imagined nightmare of an inflamed and illiterate citizenry rampaging across the new land. What fears, what doubts, what misgivings were weighed, even by the best of them, against what hopes, what faith, what prayers? In the end, they defied the centuries, listened to the thrumming in their own blood, came down on the side of people and established a Republic.

They dared to believe that people could learn and control their passions.

In a way, both of those affirmations of faith came to be embodied in one provision of the organic law they established—the Constitutional guarantee of a free press. They knew it was central to the survival of the Republic they had established that the people know as much as possible about their common affairs in order to recognize their common interests and determine a course to be followed. Otherwise, government again, would fall into the hands of the few. They new that a free press was no guarantee of a truthful press. They knew that a free press was no guarantee of a responsible press. Their greatest act of faith was in chartering the only condition under which the press could ever become truthful or responsible—by making it free.

To my mind, any person in this society who undertakes to tell the people about their common affairs has a compact with those men who met nearly two hundred years ago in Philadelphia. We must not lie, by relating more or less than what we firmly believe to be the truth. And we must never seek to inflame the passions. A reporter who knowingly lies or inflames does not, at bottom, have faith that the people can govern themselves.

Our experiment in self-government is nearly two centuries old. And, in our lifetime, it has come perilously close to failing. In those two hundred years we have had many wars, ever larger, and economic upheavals, ever more severe. We have experienced industrial revolution and technological revolution and a swirling, bewildering, accelerating series of changes in our society that can only be termed a revolution. All of these have contributed to a loss of belief on the part of people that they can govern and a concomitant surrender of power by the people to ever smaller units of government until the smallest, single unit, one man, has become the most powerful. We Americans have been brought close to the belief that only one among us can govern, that only one has the knowledge to govern, that only the President can know what is best.

And then came Watergate.

And we learned again about the arbitrary or despotic exercise of power, which is a definition of the tyranny from which we were freed by our forebears those two centuries ago. And, as if echoing through the centuries, we have heard the philosophical descendants of those who feared the people could never learn enough to manage their common affairs. They argue that the truth is better left untold; that ignorance serves the public interest. For themselves, of course, they would want to know the truth because they do not believe themselves ignorant.

They are reflecting a pernicious belief that puzzled me when I first became a reporter twenty years ago. I was more appalled than amused by the instant conceit which seems to afflict some people: the precise moment they comprehend something a bit difficult to understand, they become convinced that ordinary people cannot do the same. Their near cousin is the person who convinces himself that I have attempted to distort the news. He's outraged. He sees through it, of course, he's too clever to be fooled. But the ordinary person is not. On a few occasions I've permitted myself the satisfaction of pointing out this conceit to those who think I'm being so devilishly clever in deceiving people. If I'm not slick enough to fool him, what makes him think I'm slick enough to fool everybody else?

The truth, of course, is that I am trying to honor my compact with those who established a free press, not for the benefit of the press, but for the survival of a free people; in the belief that they must know about their common affairs to recognize common interests and determine a course to follow—if they are to remain self-governing.

It is said we are destroying a President. That is not true. If a President is destroyed, it will be of his own doing. The press played no part in any actions he has taken or condoned. We have reported the actions, after they were taken, and when they came to light. If a President is destroyed, the Presidency will remain. I will assert that no man has greater respect for the Presidency than I. In the next breath I will assert that neither you, nor I, nor any other citizen is required to stand in awe of the holder of the office our forebears created and gave us the right to fill.

For twenty tumultuous years I have heard the arguments that have grown so thunderous over Watergate. They were essentially the same in Montgomery, Alabama when I was told if I did not "publicize"—their word, not mine—Martin Luther King's Bus Boycott, all the trouble would end. Even those, and there were a few, who recognized that King and those who supported him were trying to correct a dehumanizing social injustice feared that passions on either side would be so aroused that no good could come.

But, I did not "publicize" or report to Martin Luther King anything he did not know, or that was not known to his people. The evil was there. They knew it. It was the existence of the evil, not the accounts of their efforts to eradicate it, that caused the "trouble." The evil existed because the American promise had gone so long unfulfilled it had become hollow.

Into the Sixties it was the same, with Detroit, Watts and Newark. The arguments hardly varied with the deepening war in Vietnam and the outbursts on hundreds of college campuses; the invasion of Cambodia and the killings at Kent State. Always there was the litany, we were telling the people too much, inflaming their passions, causing "trouble." But, again, the trouble was the war in Vietnam. Too many people came to perceive that America was not doing what it proclaimed itself to be doing—defending the right of a small nation to determine its own destiny. Too many military dictators had been installed, too many elections had been thwarted or stolen, too many lies had been told. In time I believe it will come to be recognized that many of those who opposed the war did so not because they didn't believe in America, but because they did.

I find my work rewarding. I enjoy it enormously. I believe the people can be informed without being inflamed. I believe people can manage their collective affairs. I subscribe to the preposterous notion that ordinary men and women can govern themselves. I believe no one is born with inherited limitations.

As I have said, growing up where I did—in Oklahoma—when I did—during the Depression—I've had to believe it.

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THE CONFERENCE REPORT ON FOREIGN AID AUTHORIZATION LEGISLATION

Mr. FULBRIGHT. Mr. President, the conferees have reached agreement on foreign aid legislation. From the standpoint of failing to uphold the Senate position, this is probably the worst agreement I have seen in all the many years I have participated in conferences on foreign aid bills. I did not sign the conference report for this and other reasons which I will explain in more detail when the conference report comes before the Senate, if it survives in the House.

For the present, however, I wish to alert the Senate and readers of the RECORD to the fact that total foreign aid available under the conference agreement is almost $1 billion more than was allowed in the economic and military aid bills passed by the Senate. The two Senate bills authorized a total of $1,988,222,000. The conference agreement, which was signed by a bare minimum of the Senate conferees, authorizes a total of $2,953,734,000, or $965,512,000 more than the Senate allowed.

Senators should not be deceived by the smaller numbers that will appear in the official table in the conference report. This table will not include in the total the $161,500,000 in repayments on outstanding foreign aid loans that will be available for making more loans, the $250,000,000 in arms and ammunition that can be taken out of Defense Department stocks and given to foreign countries, and the $150,000,000 in excess defense articles, valued at one-third of cost, that can be given away. This additional $561,500,000 does not appear in the total because to do so would make it plain for all to see that the conference agreement is for a $2,953,756,000 foreign aid bill, not $2,392,256,000 as will be alleged by the sponsors of this legislation.

This is but one of the practices used to pull the wool over Congress and the public's eyes about the size of the U.S. foreign aid program.

I ask unanimous consent to have printed in the RECORD a comparative table on the conference agreement.

There being no objection the table was ordered to be printed in the RECORD, as follows:

COMPARATIVE DATA ON FISCAL YEAR 1974 FOREIGN AID AUTHORIZATION LEGISLATION

[In millions of dollars]

	Executive branch authorization request	Continuing resolution	House bill	Senate bill	Conference agreement	Difference from Senate amounts
I. ECONOMIC ASSISTANCE						
Indochina postwar reconstruction for South Vietnam, Laos, and Cambodia	632.0	431.0	632.0	376.0	504.0	+128.0
International organizations	124.8	94.1	127.8	127.822	127.8	−.022
Indus Basin grants	15.0	9.0	15.0	14.0	14.5	+.5
Old development loan/grant categories:						
Loans (including Alliance for Progress)	351.4	310.2				
Grants (including Alliance for Progress)	251.8	210.5				
Population	(116.0)	89.8	(125.0)	(125.0)	(125.0)	
New development assistance categories:						
Food and nutrition			300.0	282.0	291.0	+9.0
Population planning and health			150.0	141.0	145.0	+4.0
Education and human resources			90.0	94.0	90.0	−4.0
Selected development problems			60.0	47.0	53.0	+6.0
Selected countries and organizations			50.0	28.0	39.0	+11.0
Miscellaneous categories:						
American schools and hospitals	10.0	9.0	20.6	19.0	19.0	
International narcotics control program	42.5		50.0	40.0	42.5	+2.5
Contingency	30.0	22.4	30.0	23.5	30.0	+6.5
Partners of the Alliance			.968	.9	.934	+.034
Administrative expenses (AID)	53.1	45.9	53.1	24.0	45.0	+21.0
Refuge relief assistance (Bangladesh)						
Arab refugees			2.0		2.0	+2.0
African famine relief			30.0		25.0	+25.0
Albert Schweitzer Hospital				1.0	1.0	
Total economic assistance	1,510.6	1,221.9	1,610.868	1,218.222	1,429.734	+211.512
II. MILITARY ASSISTANCE						
Grant military assistance	652.0	493.9	550.0	420.0	512.5	+92.5
Regional naval training						
Security supporting assistance (outside Indochina)	100.0	107.8	125.0	125.0	125.0	
Military credit sales	525.0	358.6	450.0	200.0	325.0	+125.0
Military training			30.0	25.0		−25.0
Total military assistance	1,277.0	960.3	1,155.0	770.0	962.5	+192.5
Total economic and military assistance	2,787.5	2,182.2	2,765.868	1,988.222	2,392.234	+404.012
Other items:						
Loan reflows	323.0	251.0	323.0		161.5	+161.5
Drawdown authority for military aid	300.0		300.0		250.0	+250.0
Excess defense articles	185.0	185.0	185.0		150.0	+150.0
Total	808.0	436.0	808.0		561.5	+561.5
Grand total	3,595.5	2,618.2	3,573.868	1,988.222	2,953.734	+965.512

WHAT'S WRONG IN OUR JUDICIAL SYSTEM

Mr. McCLURE. Mr. President, it has become fashionable lately to discuss what's wrong with the American system. The Natalia Semler murder is the latest in a series of cases which make it plain what is wrong with the system. We are obviously living in a society in which perverse judges are more interested in providing "a warm human atmosphere" like the one in the psychiatric institute to which alleged murderer John Gilreath was sent, than providing a safe human atmosphere for children like Natalia Semler.

It is hard to see who benefits from these "liberal" decisions. Surely not the police who, no matter how efficient, have hours of work undone in a few moments by a "liberal" judge; not the man on the street who is tempted to form vigilante groups or carry a gun in order to prevent murder or attack on himself or his family; not the pathetic specimens who commit these crimes who would be much better helped by detention instead of being encouraged to recidivism by release; least and most obviously not their battered victims.

One policeman said of Gilreath:

> He was a suspect from 10 minutes after the crime was committed.

The child he had attacked at the same place on the same school grounds a little more than a year ago, and the school itself, had been promised that they would be advised when Gilreath was released. In fact, no one was advised.

Perhaps it is time action is taken to assure the country's students, their parents and law enforcement officials that the safety of the innocent is more important than experimenting with so-called progressive approaches to handling the criminally insane. Mr. President, I ask unanimous consent that these shocking stories be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Star-News]

$37,000 PRICE TAG: TREATMENT FOR GILREATH

(By David Braaten)

It cost more than $37,000 to keep the man charged as Natasha Semler's killer out of prison after an earlier criminal episode with a young girl at the Madeira School.

It is not clear who paid the money—John Stephan Gilreath's family or, more likely, an insurance company—but that would have been the basic bill for the 14 months of intensive psychiatric treatment that was a requirement of his suspended 20-year sentence for abduction in the 1971 case.

Gilreath pleaded guilty to an abduction charge. He was accused of seizing a Madeira student and dragging her to a large rock in the Potomac River, where he allegedly tried unsuccessfully to rape her. He had swum the river clad in a loincloth and armed with a screwdriver.

Unlike the Semler girl, who was left to die after being tortured and tied to a tree in a heavily wooded area of the 380-acre school campus, the 1971 victim was released unharmed.

When Fairfax County Circuit Court Judge William G. Plummer sentenced Gilreath to 20 years on the abduction charge, he ordered the sentence held in abeyance provided the young man received intensive psychiatric care.

Gilreath got his treatment at the Psychiatric Institute, a 131-bed mental hospital at 2141 K St. NW., where in-patient costs are $91 a day and outpatient care costs $36.50.

The institute's administrator, Horace W. Gaines, said he could not legally discuss a particular patient's treatment, but he was able to say Gilreath was an inpatient from June 2, 1972, to June 20 of this year, and then received outpatient care during the day until Aug. 22. He was then placed under what Gaines termed "court-approved medical supervision," a phrase the administrator said he could not elaborate on.

It is not know if Gilreath's parents picked up the huge tab for the young man's extended treatment. But he said at his arraignment yesterday that he was destitute and in need of court-appointed counsel.

Assuming that Blue Cross or some other medical insurance plan provided coverage for Gilreath, it is also not known whether his coverage ran out after a year's hospitalization—a fairly standard proviso of medical insurance policies.

Judge Plummer, presumably acting on the expert advice of the Psychiatric Institute's staff, approved Gilreath's release from 24-hour confinement at the hospital in June and to the community at large two months later under "medical supervision."

Gilreath's prosecutors were not consulted at either of these stages, according to an assistant commonwealth's attorney.

Had Gilreath been found not guilty by reason of insanity for the 1971 abduction—a possible alternative to his guilty plea and suspended sentence—he would have been sent to a Virginia state mental hospital, instead of the "warm human atmosphere" mentioned in a Psychiatric Institute brochure.

[From the Washington Star-News]

ESCAPEE SEIZED IN KILLING

(By Toni House)

Metropolitan police have arrested a 28-year-old St. Elizabeths Hospital escapee and charged him with murder in the shooting Wednesday of a teller during an afternoon bank robbery.

Police identified the man as Morris L. Judd, whose last known address was in the 600 block of Orleans Place, NE. He was arrested yesterday morning at the John Howard Pavillion of St. Elizabeths.

He is accused in the fatal shooting of Diana B. Davis, 28, a teller at the National Bank of Washington, Northeast branch, 800 H street.

Judd had been absent without leave from St. Elizabeths since he left a movie for the restroom and never returned Oct. 24. A hospital spokesman said Judd had readmitted himself three times before when he was on conditional release or convalescent leave and living in the community.

When Judd returned about 2:30 p.m. Wednesday, the spokesman said, "The staff didn't think anything about it."

Judd originally was committed to St. Elizabeths March 18, 1966 after being found not guilty of bank robbery by reason of insanity. When he went absent without leave, Judd was assigned to minimum security status at the Howard Pavillion.

Police declined to say what led them to Judd's arrest. They said it followed an all-night investigation.

Mrs. Davis was killed by a ski-masked robber who vaulted her counter and shot her at least once at close range with a small caliber pistol when she began calling for help.

Police refused to say whether Judd was the man who pulled the trigger. They are seeking the other man in the case.

Mrs. Davis, a bank spokesman said yesterday, at first may have thought that the man with the ski mask might have been part of a Halloween affair, because, he said, many people were wandering around that day with the traditional masks.

She said to the bandit at one point, "Oh, cut it out. Take off that mask."

Then, he said, Mrs. Davis apparently realizing what was happening, said, "I'm not going to give you any money."

After one of the bandits then snarled, "Shoot the bitch," the gunman fired one shot that slammed into a wall. Mrs. Davis had ducked under the counter and the gunman then leaped over and shot her as she huddled there, screaming as the bullet tore into her.

Judd was the second St. Elizabeth escapee to be charged with murder yesterday. Earlier, Baltimore police arrested Russell B. Gross Jr., 25, whose last known address was in the 1000 block of Irving Street, NW, on a lookout from metropolitan police.

Gross, missing from Howard Pavillion since he jumped from a hospital car Monday while being taken to the infirmary, is charged in the slaying of his former girlfriend, Betty J. Harvey, 25, of 3630 10th street, NW. Miss Harvey was shot twce in the back of the head as she left for work about 7:45 am. Tuesday.

[From the Washington Post, Nov. 1, 1973]

DISTRICT MAN CHARGED WITH MADEIRA SLAYING

(By Donnel Nunes)

Police charged a 23-year-old District man late last night with the murder of a 14-year-old Arlington girl whose partially clad body was found Tuesday bound to a tree on the grounds of the exclusive Madeira School for girls near McLean, where she was a student.

Charged with murder with intent to defile was John Stephan Gilreath, a laborer, who only two months ago was released from the Psychiatric Institute in Washington after having been convicted and sentenced in August, 1972, to a suspended 20 years for the abduction and attempted rape of another 14-year-old girl at the school two years ago this month.

That girl escaped unharmed, unlike Natalia Parker Semler who was found gagged and bound to a tree trunk by her father early Tuesday morning after she had failed to return home from the school by 6 p.m. the previous day.

Miss Semler, police said yesterday, had apparently died of exposure to cold that eventually reached 36 degrees early Tuesday morning.

In both instances at the school, the victim was apparently accosted near the school's auditorium that backs up against thick woods that surround the 400-acre campus. In both cases the victim was forced back into the woods and then forced to disrobe, though in the Semler case the victim was found naked from the waist down.

And in both cases the girl was never actually raped, as police confirmed yesterday.

But where the two cases differ was that the first victim who escaped unharmed apparently was too frightened of her assailant, who brandished a screw driver as a weapon, to resist, according to sources. Commonwealth's Attorney Robert F. Horan has said that Miss Semler apparently put up "a furious resistance." So much so, he said, that police thought her assailant might very well be marked with scratches.

The body of Miss Semler was found by her father, Peter Semler, a foreign affairs specialist with the State Department's Arms Control and Disarmament Agency, shortly before 8:30 a.m. Tuesday, tied to a tree about 300 feet from the auditorium, where she was last seen alive Monday at noon.

But in a bizarre turn, the father refused to disclose the location of the body to police for more than an hour until they finally agreed not to provide any information on the case to the news media, police said yesterday.

When police found the body, it was bruised and scored with dozens of tiny cuts. Her riding breeches and underclothing lay nearby, police said.

Horan said last night in announcing the arrest that Gilreath "was a suspect from 10 minutes after the body was found."

Gilreath, who lives at 1414 21st St. NW, voluntarily went to the Fairfax police station Tuesday night, after he was contacted by police at his home that evening, Horan said.

According to sources close to the investigation, Gilreath made a statement, but details of it were not immediately available.

Gilreath, who stands more than 6'8" tall and weighs about 200 pounds, wore a plaid lumber jacket and had dirty blond hair when he was seen by newsmen at Fairfax County police headquarters late last night.

Gilreath was given the 20-year suspended sentence by Fairfax County Circuit Court Judge William G. Plummer in 1972 on the condition that he undergo psychiatric treatment. He was not to be released from the facility without Judge Plummer's permission, The Post has learned.

Judge Plumber gave that permission, on the recommendation of Gilreath's doctors, in June, according to Paul Folliard, Gilreath's probation officer at the time. For the next two months Gilreath was required to report to the Psychiatric Institute every day for treatment before being allowed to return home in the evening, Folliard said yesterday.

In late August, he was given out-patient

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status, requiring him only to visit the facility twice a week, Folliard said.

Gilreath was being held last night in lieu of $100,000 bond, Horan said, and a preliminary hearing in Fairfax County court was scheduled for this morning.

In the 1971 abduction, Gilreath told investigators he swam from the Maryland side of the river to the Virginia bank at the point where the Madeira School property fronts on the river.

MORRIS THOMPSON NOMINATION TO BE COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS

Mr. GRAVEL. Mr. President, the Senate Interior and Insular Affairs Committee yesterday heard testimony regarding the nomination of Mr. Morris Thompson as new Commissioner of the Bureau of Indian Affairs.

Inasmuch as this body will likely be passing on the nomination shortly, I ask unanimous consent that biographical information on the nominee, and my testimony in support of his confirmation, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BIOGRAPHICAL SKETCH OF MORRIS THOMPSON

President Nixon submitted the nomination of Morris Thompson to be Commissioner of the Bureau of Indian Affairs to the United States Senate on October 30, 1973.

Thompson was instrumental in formulating and implementing Indian policy as Assistant to the Secretary of the Interior from 1969 to 1971. In this position he assisted in developing the President's Indian message of 1970; was involved in the return of Blue Lake to the Taos Pueblo Indians; the return of Mt. Adams to the Yakima Indians, and he helped formulate the administration's position on the Alaska Native Claims Settlement Act.

For the past two years Morris Thompson has been Juneau Area Director, top line official for the Bureau of Indian Affairs in Alaska. In this capacity he has had full responsibility for administering the total range of Bureau programs with an annual budget of 40 million dollars and approximately 1200 employees. Significant activities include accomplishing a Tribal enrollment of well over 80,000 Alaska Natives within a two year deadline and implementing other Departmental and Bureau authorities relatives to the Alaska Native Claims Settlement Act. Regular on-going Bureau programs and facilities in Alaska include 53 day schools, two Boarding schools, 5 field offices and a 10 ton cargo ship.

Thompson, an Athabascan Indian, at age 31 was the youngest man in BIA history to be named an Area Director. Now, at 34 will be the youngest Commissioner when appointed.

From 1967 to 1969 he was Executive Secretary to the ten-man North Commission. He was responsible for establishing policies and defining a comprehensive program to implement and promote the human and economic development of Northern Alaska. Additionally, he coordinated the activities for the Commission—economic research and evaluation of the work done by consulting firms—and acted as a liaison between State and Federal agencies.

Before accepting appointment to the North Commission Thompson was Deputy Director of the Rural Development Agency for the State of Alaska. He assisted in the establishment of the Rural Affairs Commission which is a forum of Native leaders who advise the State administration on matters of policy regarding the Indian community. In his role as Deputy Director he also helped with the coordination of emergency relief programs created to alleviate disasters such as floods, fires, poor fishing seasons, etc.

Morris Thompson was born in 1939, in Tanana, Alaska, a community 150 miles west of Fairbanks on the Yukon River. Here he attended school through the eighth grade. During high school years he attended Mt. Edgecumbe BIA Boarding School, graduating as a member of the National Honor Society in 1959. For the next two years he attended the University of Alaska majoring in civil engineering with a minor in political science.

At this time BIA Employment Assistance was recruiting students interested in electronics technical training. Thompson took advantage of this opportunity and moved to Los Angeles, California, for training at RCA Institute. Here he met his future wife, Thelma Mayo from Fairbanks, Alaska, who was also in Los Angeles for a BIA training program.

Upon completing the Electronics course in 1963, he returned to Fairbanks, married Thelma, and worked as a technician at the RCA satellite tracking facility at Gilmore Creek near Fairbanks until 1967.

The Thompsons now have three daughters—Sheryl Lynn, age seven; Nicole Rae, three; and Allison May, 18 months.

Thompson has served on numerous boards and commissions during his career as a public servant including the Rural Affairs Commission, the Alaska Village Electrification Co-op and the Alaska Business Council. Currently he is President of the Juneau Federal Executive Association, a Board member of the Alaska Native Foundation, and a member of the National Congress of American Indians. He was formerly a Board member of the Fairbanks Native Association, and the Alaska Federation of Natives.

REMARKS OF SENATOR MIKE GRAVEL AT THE CONFIRMATION HEARING FOR MORRIS THOMPSON AS BIA COMMISSIONER, NOV. 14, 1973

I wish to urge the committee here today to make a speedy approval of the nomination of Morris Thompson as commissioner of the Bureau of Indian Affairs. There is no other individual that I could name who will be quite as effective as Morris Thompson in this role. I speak in Morris's behalf not just as a fellow Alaskan, but as a good friend and personal admirer. Over the past years, I have had the opportunity to observe Morris administer the Alaska area of the BIA in a fair and effective manner, with vision and with diligence.

Morris assumed the Alaska position as a young man with lots of promise. Now two years later, he has demonstrated that youth combined with talent is a potent combination for a task that is so often excessive in its demands. The submission of Morris Thompson's name for commissioner is fortunate in that it comes at a time when the Bureau of Indian Affairs so desperately needs capable leadership.

The BIA has been without a commissioner for nearly a year—since the widely publicized building takeover by members of the American Indian Movement. Many of the other top positions are also vacant. Numerous programs cannot be fully implemented. As one former bureau official put it "things are in a helluva shape." Those of us who represent large native American constituencies know the problems this has presented.

This legacy as well as the takeover and the subsequent tragic actions at Wounded Knee have been unnecessary events in our country's history. Unnecessary, I say, because we know better . . . and our intentions are better. The record will show that Congress desires Indian needs and rights to be recognized. The historic Alaska Native Land Claims Settlement Act is a singular example of those intentions. Others are the Indian Self-Determination and Education Reform Act, National Indian Goals and Progress Act, the Economic Development of Indians and Indian Organizations Act. When enacted, these programs and others will witness our sincere concern for a better life for the "first" Americans.

Our duty today then lies in the wise selection of an administrator. Morris Thompson in his innate diplomacy, his calm, collected approach is a wise choice. During his term in Alaska, Morris administered programs affecting from than 70,000 Indians, Eskimos, and Aleuts—almost a fourth of the total federal responsibility. This has required management and oversight of some 200 contract operations covering a variety of services from providing community utilities to running child care programs. He has managed a sizeable day school system scattered over a half million square miles of tundra and forestlands.

Morris's leadership expressed itself in much valuable input to the Alaska Native Land Claims Settlement and its complex implementation. His ideas laid the foundation for extensive efforts aimed at enrolling eligible persons to share in the settlement and to obtain their rightful title to Native lands. Through these efforts, the Alaskan Native looks to a future of dignity and economic progress.

He is respected equally by employees and co-workers. He has received the almost unanimous support of scores of Indian groups, in Alaska and elsewhere.

Morris Thompson emerges from a brave new generation of Indian leaders who are sensitive to the need for preserving the traditional while being hip to the challenges of today. He offers the potential for restoring order to the BIA, reshaping its programs into meaningful, directed efforts toward fulfilling the federal responsibility to American Indians.

I urge your full support of this uniquely qualified individual—Morris Thompson.

A SURVEY ON PRESIDENT NIXON IN LAURENS COUNTY, S.C.

Mr. THURMOND. Mr. President, in recent days much has been said and written about the sentiment of people around this country who favor impeachment of the President. The number of the people who want such action, in my judgment, has been grossly exaggerated. The mail which has come to my office in large quantities has been about 10 to 1 in favor of the President.

Just recently, for example, the Laurens County Advertiser in Laurens, S.C., a typical small American city, made a random check of 36 local citizens. Not one of those people favored impeachment. The results of that survey and the remarks of the respondents are included in an article published October 24, 1973, in the Laurens County Advertiser of Laurens, S.C.

Mr. President, I ask unanimous consent that this article, entitled, "Majority of Laurens Citizens Side With President" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MAJORITY OF LAURENS CITIZENS SIDE WITH PRESIDENT

(By Don Babb)

President Nixon has always been popular in Laurens County. He still is.

Yesterday, the Laurens County Advertiser polled 36 county residents at random.

They were asked, "Do you favor the impeachment of President Nixon? Why or why not?

Not one person interviewed favored impeachment. Some expressed concern about the Watergate incident as a whole, but no one seemed to believe that the President should be removed from office.

The following comments are typical of those received:

T. H. Bramlett, Laurens policeman: "I favor getting it straightened out one way or another. But I don't know about impeachment. I don't like to see anybody out of a job—even if it's the President of the United States."

Francis Dean, businessman: "No, I don't favor impeachment at all. I think the President had every right to fire Cox."

Hubert Graydon, businessman and chairman of the Laurens County Democratic Party: "The President was correct in firing Cox. The courts had requested a compromise with the Watergate Committee. The President agreed to a compromise. Senator Stennis was to hear the tapes in their entirety. That's all the courts had asked for—a compromise. But Cox wasn't satisfied with that. He wanted to do things his way. If I had been in the President's position, I would have fired him, too."

"I think this whole thing has been blown up by the liberal press and national Democratic leaders who have been out to get the President from the start. What is it that Jesus said as he drew in the sand, 'Let him who is without sin cast the first stone.'? I guarantee you that if they followed that principle today, there wouldn't be a single rock picked up in Washington."

Mrs. Dale Spears, housewife: "Before we get on to impeachment, I think we should hear what those tapes say."

George D. Evatt, manager for New South Insurance Agency: "I couldn't say that I would be for impeachment. This is a serious situation and he should be cautioned as to just how serious it is. But I think he has done a lot of good for this country. All he has done far outweighs any involvement he may have had in Watergate."

T. D. Todd, businessman: "I don't see how anybody right now can give an answer. We haven't gotten all the facts, and without the facts you can't form an intelligent opinion. As far as his firing Cox is concerned, he had every right to. He hired him. He can fire him."

J. G. Bailes, businessman: (no picture) "I don't think anybody knows at this point. But until we definitely know that he's guilty, I don't think any action should be taken."

John F. Sullivan, Advertiser employee: "They don't have any evidence. They haven't found him guilty of anything. Until they do or know for a fact that he's done something wrong, I can't understand why they ought to even think about removing him from office."

Allen Wade, businessman: "At this point, I just don't know. It is a very serious matter, but I haven't been able to form an opinion. There's not enough evidence."

EULOGY TO JOHN BRICK

Mr. McCLELLAN. Mr. President, it is with deep sadness and a profound sense of personal loss that I note at this time the passing of a man who was not only a highly valued staff assistant and cherished friend but also a man of recognized distinction and achievement. This man—John Brick—was an outstanding scholar, educator, lecturer, and novelist.

Until his untimely death on October 15 of this year, John had served for over 10 years as a member of the professional staff of the Senate Permanent Subcommittee on Investigations of the Government Operations Committee. To my regret I was out of the country at the time and could not return for the services held in his memory. In my absence, former Congressman Clyde T. Ellis, of my staff, spoke on my behalf; Paul Kamerick, former assistant counsel with the subcommittee, represented the staff who had worked with John; and Dr. Zigmond L. Lebensohn, for whom John's wife Mary has served as assistant for the past 10 years, commented as a friend of the family. In view of their participation in the ceremony, I consider it fitting that excerpts from their remarks be made a part of this tribute to one whom we shall always remember with heartfelt affection and lasting appreciation.

John's standing as an author of international reputation had already been established when we met. His work with me demonstrated his tremendous proficiency and versatility as a writer; his close association with me disclosed his rare character and impeccable integrity as a person.

Born in Newburgh, N.Y., John Brick was the son of an Army man. Perhaps this heritage, coupled with the fact that he worked at West Point for a number of years, explained his steadfast devotion to his country, and, also, his consuming interest in American history—especially the Civil War, in which he was an acknowledged authority. This spirit of patriotism is reflected in his historical novels, as well as in his often-expressed anxiety regarding the preservation of our form of government and the protection of the inherent rights secured to us by our Founding Fathers.

Former Congressman Ellis spoke in high praise of these special attributes.

> He was an able, loyal public servant, a man of unshakeable integrity; courage in the face of adversity and tireless energy; investigator, author, lover of God's nature, lone fisherman. His dignity and serenity with which he confronted death reflected the inner resources whose dimensions gave wisdom and prudence to his words.

In his daily personal contacts, John kept his priorities in proper perspective. His wife Mary and their children, Martha, Janice, and John, took precedence over all else. Dr. Lebensohn, in emphasizing this characteristic, said:

> Family meant so much to John. He reveled in his children and grandchildren. He loved his wife.

And, with reference to John's reverence for God and his creations, Dr. Lebensohn added:

> John loved nature. If love of nature were to count as religion, then I would say I have never known so religious a man.

John's family knew him for his thoughtfulness, his manliness, and his complete devotion to them and their well-being. His coworkers admired him for his tremendous talents and accomplishments as a writer, for his unassuming manner, and for his generosity in sharing his time and knowledge with those who sought his assistance. His deep loyalty to me and his total dedication to the principles for which I have stood will always be held in cherished remembrance by me. How applicable to John Brick is a quotation attributed to Alfred Lord Tennyson—"I am part of all that I have met." In this context, how greatly our stature has been enhanced by this noblehearted man; how drastically our lives have been diminished by his death.

Paul Kamerick, in his tribute, made reference to the poignant loss sustained by each of us who knew and loved John Brick. He also spoke of John's empathy in his dealings with others:

> His outstanding trait was his sympathetic understanding of human nature and love for his fellowman. He seemed instinctively to appreciate the feelings and problems of others. I never knew him to be bitter or vindictive. He had a true sense of values and an abiding faith in his Creator—who must have been well pleased with John.

From Mary Brick I have received a copy of a testament which John dedicated to her some years ago. Because it expresses so positively the creed by which he lived, I add it here:

TESTAMENT

These are great things:
To have been born in America, and to love it for what it was, is, and will be.
To have a high mountain to climb, the peak beckoning and ever receding.
For no man can reach the summit of his mountain, but if it be his own and no other's, never will he rest and say:
I have climbed as high as I can.
That is a thing of wonder, that mountain peak dimly seen.

These are great things:
To see a boy at play, and two golden girls beside him, and say:
They are my flesh, and I am here for them, and they for me.
To see them grow, and to know that never will they be nurtured by despair.

These are great things:
To have known hatred, and conquered it,
To have known stupidity, and overcome it,
To have known cruelty, and recognized it,
All in oneself.

But in the midst of these, is another.
Therefore these lines:
Surely, this is the greatest of all:
I have had one tender love, and no other.

This, then, is John Brick. His own words are his most eloquent witness. What greater legacy could a man leave his family—what more enduring monument erect to his memory—than the life he lived.

THE WELLHEAD PRICING OF NATURAL GAS

Mr. TOWER. Mr. President, on October 10 five of my colleagues and I representing a cross section of the United States testified on the issue of the wellhead pricing of natural gas. As we pointed out this issue is not a partisan Republican versus Democrat problem.

It is not a gas-producing versus gas-using State issue.

It is not a gas-supplier versus gas-user issue.

It is not a big gas-producer versus little gas-producer issue.

It is an issue which affects the consumers of natural gas throughout the United States. For years the consumers of gas throughout America have been betrayed by policies which have resulted in the rapid increase in demand for natural gas, while at the same time resulting in the decline of efforts to find and produce it. I am referring to the Federal

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Power Commission regulation of the wellhead price of natural gas sold in the interstate market.

As was pointed out, supporters of the bankrupt policy of regulation have now placed many consumers of natural gas throughout the country in a position of not having any natural gas to burn.

Factories have been closed down and employees laid off. Schools have been closed. Crops have rotted for want of natural gas. Because of this policy of regulation companies have been forced to turn to insecure foreign sources of oil to fill the gap in supply of natural gas. This very day OPEC-sponsored negotiations are taking place in which they are demanding that the price of Middle Eastern crude oil be doubled. Should these negotiations succeed from an Arab point of view, on a British thermal unit basis, Americans will be paying four to seven times as much for imported oil as the present regulated wellhead price of natural gas.

Companies have also been forced to import high-cost liquefied natural gas at prices 5 to 7 times the regulated wellhead price of natural gas. My colleagues Senators Buckley and Fannin spoke on behalf of consumer States whose natural gas production is nearly nonexistent. Their testimony revealed that deregulation of natural gas at the wellhead is the cheapest of all other feasible alternatives insofar as assuring adequate supplies of natural gas to the American consumer is concerned.

Nearly all of my colleagues who testified have spent 2 years of hard work as participants in the Senate's national fuels and energy study analyzing the natural gas issue. Thus they speak with no small expertise. Their testimony reflects the careful attention and thorough study they have given the issue of insuring adequate supplies of natural gas for the American consumer. Accordingly, I call to the attention of my colleagues this well-reasoned testimony in the hope that this unnecessarily controversial issue may be more clearly understood. I urge each of my colleagues to study their testimony.

Mr. President, I ask unanimous consent that the testimony of Senators Tower, Fannin, Hansen, Bellmon, Buckley, and Bartlett be printed in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Testimony of John Tower

Mr. Chairman and Members of the Committee: I appreciate the opportunity to appear before this committee to discuss proposed legislation concerning natural gas. The American people have become increasingly aware that adequate supplies of energy at points of consumption are becoming less available. Natural gas currently supplies approximately one-third of our nation's energy needs, and is, therefore, a most vital resource. In as much as we are currently experiencing natural gas shortages which will increase dramatically in both severity and breadth, it is of utmost importance that legislation be considered which could alleviate this dangerous situation. In order to better understand the present shortage situation, it would be helpful to examine briefly the history of natural gas price regulation.

The Natural Gas Act of 1938 was enacted to regulate monopolistic tendencies of interstate gas transmission companies which purchased gas from producers for resale to distributors. In the 1954 *Phillips* case, the Supreme Court interpreted this Act to include producers of natural gas who sold gas into interstate commerce for resale. It is interesting to note that the Federal Power Commission argued in *Phillips* that the Natural Gas Act was *not* intended to cover these producers.

Induced FPC control of natural gas wellhead prices has brought about 19 years of chaotic regulation. The result has been a substantial decline of gas exploration activities and gas reserve additions while increased demand for natural gas has reached artificially high levels. The Federal Power Commission was charged with the duty of protecting the consumer by allowing only "just and reasonable" rates for this gas. But because low rates have diminished exploratory activity for new gas reserves, there has been a general decline since 1954 of our productive capacity, reaching the shortage stage during 1970. The FPC has itself admitted that the historic Commission pattern of setting rates area by area has not demonstrated sufficient flexibility to maintain a workable relationship between supply and demand. While the FPC is acutely aware of the disequilibrium in supply and demand, any attempts by the Commission to increase the supply of gas without the support of appropriate Congressional action will be challenged by "consumer oriented" parties and the pendancy of judicial review. Ironically, therefore, rather than benefiting the consumer, regulated prices have forced certain classes of consumers to curtail their use of natural gas, with yet increased numbers being affected in the immediate future.

Even though the resource base of available natural gas appears to be adequate for several decades to come, for the 1973–1974 season it has been estimated that there will be a deficit of approximately one trillion cubic feet of natural gas at a time when demand could reach 22 trillion cubic feet of gas per year. A one trillion cubic foot deficit for the coming season is quite substantial and most alarming. Moreover, under existing economic conditions, this deficit is projected to increase by approximately 17 trillion cubic feet of gas per year by 1985. Even consumers in gas producing states are being affected by these shortages. In Texas, for example, currently there are towns and cities such as Austin and San Antonio where supply has not kept pace with demand. Just last winter the University of Texas at Austin was forced to close for a number of days due to a lack of natural gas supply used for heating campus buildings and for power generation. It becomes obvious, therefore, that the country faces the prospect of critical natural gas shortages unless something is done immediately.

Shortages will, however, continue to plague this country in the near future regardless of whatever actions are taken by the federal government. They will result from the unavoidable lag which stems from the time spent in performing the necessary geological, geophysical, leasing, drilling, developing, processing and transporting activities which must precede the consumption of significant new supplies of natural gas. The very existence of this time-lag should encourage Congress and the Federal government to take immediate action designed to stimulate exploration.

The most realistic and effective course of action would be the passage of legislation removing from the Federal Power Commission its duty of setting and reviewing the price at which a producer may sell his gas into interstate commerce. I have introduced and strongly supported legislation in both the 92nd and 93rd Congresses which would provide for complete and immediate deregulation of natural gas prices at the wellhead. I reaffirm today my conviction that the only solution to the nation's natural gas shortage is to allow the price of natural gas to respond to the pressures of the free market whereby economic incentives will stimulate supply in order that the demand for the least costly and cleanest burning fuel will be satisfied at the earliest possible date.

My bill, S. 371, would completely remove from the Federal Power Commission the job of regulating prices of natural gas sold in interstate commerce. Proposed legislative measures which call for partial deregulation or reform of the regulatory structure will not adequately correct the gas shortage situation. The cause of our current shortage results from regulated pricing. While the Federal Power Commission has held prices for gas at an unrealistically low level, there have occurred increased demands for natural gas to artificially high levels because it has been underpriced relative to alternative fuels. We must increase supply. Continued regulation of certain segments of interstate sales will disallow financial incentives necessary to encourage increased exploration and production. Supply must be increased.

The proposed extension of federal jurisdiction to *intrastate* gas operations would be highly undesirable. Approximately one-third of the nation's gas production is consumed in the states where produced. If regulations were extended to intrastate sales we would again experience the same depressing effect on exploratory efforts we have witnessed as a result of interstate regulation. In many instances industrial users of gas have invested heavily to locate their plants adjacent to sources of energy. These producer state industrial users are generally located in an area of a single fuel economy based upon natural gas. Therefore, regulation of intrastate sales would penalize doubly—there would be a reduction in the financial incentive requisite for exploration, and an increased unemployment resulting from operational shut-downs due to the lack of gas for industrial use.

Continued partial regulation of interstate sales or expansion of federal jurisdiction to the intrastate market are not the answers. Positive steps must be taken which will provide additional supplies of natural gas for the consumer in both intrastate and interstate markets.

I am confident that complete and immediate price deregulation will stimulate urgently needed exploration and production. Because the domestic exploration industry has responded to adequate economic stimulus in the past, I feel certain that they have the ability, determination and resources to do so now.

The natural gas exploration industry has recently demonstrated that it will respond to price deregulation. For instance, in the Panhandle of Texas, the rate of gas well exploration increased 67 percent in one year when price restraints were removed from the small producer pursuant to an FPC order. However, this administratively ordered expedient to free the small producer from cumbersome FPC regulations was recently placed in question by the courts. Thus, these same producers who reacted positively to this order now stand in jeopardy should it be determined by the courts that the FPC did not have the authority to initiate the expedient. But whatever the outcome of this case, two things are clear. The uncertainty and confusion inherent in FPC regulation and court review of these regulations which reduce the willingness of producers to explore must be eliminated so that producers can get on with the job of finding and developing our vast undiscovered reserves. And, as we have seen recently when the free market was given an opportunity to react, producers in appropriate areas have responded with a significant increase in exploration activity.

I am further confident that increased exploration activity will produce results. There has been a correlation between exploration activity and proven reserves. Since it is estimated that we possess more than 1100 trillion cubic feet of gas within our borders, that increased exploration activity will, in all likelihood, bring forth substantial new supplies of gas which will result in definite benefits for our nation.

It is true that in the short term we can expect a nominal increase in the price for natural gas at the burner tip. However, even with complete and immediate deregulation there will be no abrupt increase in cost to the ultimate consumer. Gas is sold under long-term contracts—usually 20 years. Thus, for the most part, prices at the burner tip would rise only for newly discovered gas and in cases where existing contracts expire or contain redetermination clauses. Furthermore, in the free market, gas prices paid by the consumer would rise only to the point where they compete with prices of other fuels. However, if we continue present and proposed regulatory policies we will only worsen the situation to the point where consumers and other users will have no gas to buy notwithstanding what they might be willing to pay.

It is imperative to understand that price increases which would result from the deregulation of natural gas will create increased producer incentive without proportionate increments in consumer costs. The bulk of the gas price paid by the ultimate consumer covers transportation and distribution costs. Only between 15 and 20 percent of the cost at the burner tip is attributable to the purchase of gas at the wellhead. Except for inflationary reasons, transportation and distribution costs will remain constant. Higher prices for gas supplies to be contracted in the future will increase the economic attractiveness of potential new gas prospects. Thus, for several years the proportion of gas supplies coming onto the market at higher prices would be relatively small. And, to keep gas in perspective, it must be remembered that even if domestic prices at the wellhead were to triple, they would still be much less than the price of foreign gas upon which we are becoming increasingly dependent.

It has been suggested that wind-fall profits will result if deregulation occurs and that such action would not be consistent with our efforts toward consumer protection. A free market price for natural gas will not cause wind-fall profits for the gas industry. To price a commodity at its cost of replacement does not involve a wind-fall profit. Rather, it will allow industry to obtain a price which will encourage exploration whereby we can resolve our shortages domestically at a significantly lower cost.

It is imperative that Congress take immediate action to remedy our present energy shortages. Complete deregulation of prices paid for natural gas in the interstate market is the most realistic and expeditious means whereby the supply of natural gas can meet the demand. Increased domestic supplies of natural gas will mean that consumers and users will be able to acquire satisfactory amounts of the least polluting and cleanest burning fossil fuel. Increasing natural gas production will also assist this country in reducing its balance of payments problem. The deficit of each cubic foot of gas must be met in the short term by increased imports of LNG, and rising importation already is causing serious balance of payments problems. Finally, our national security posture would be enhanced by the increased reliance on domestic energy resources rather than insecure foreign sources.

Mr. Chairman, this is action the public demands and deserves. Unless we act, and act now, it will be the consumer who will suffer. It is as simple as this: we must create an attractive climate which will immediately stimulate additional domestic supplies of natural gas, otherwise, there will not be the natural gas required to heat our homes, to run our industries, and to provide our jobs.

Statement of Senator Paul Fannin

I want to thank the Committee for the opportunity to testify with my colleagues Senators Hansen and Bartlett on the matters which are so vital to our consumers of America.

We are dealing with an issue affecting millions of American consumers of natural gas. These consumers have been betrayed by policies which have caused a substantial and frightening decline of the amount of natural gas available to them. Some of the architects of this policy of failure are feeling the heat resulting from their ineptitude and have begun to search for scapegoats.

Let us not be confused by their rhetoric. We are dealing with a consumer issue. Our goal is to ensure that U.S. consumers have abundant supplies of gas.

We are not dealing with a partisan issue which pits Democrats against Republicans. We are not dealing with an issue which pits suppliers of gas against users of gas.

We are dealing with a problem of how to rescue the American consumer of natural gas from ill-conceived policies which have resulted in substantial shortfalls of gas. We are dealing with a problem of how to keep America from devastating shortages this winter and the years ahead.

As a member of the Senate Committee on Interior and Insular Affairs, I have had the opportunity to participate in nearly fifty days of hearings pursuant to S. Res. 45, on at least twenty-five different energy related topics. As part of these hearings we investigated the natural gas situation on a nationwide basis and we investigated our growing reliance on oil and gas imports. Also, as a member of the Senate Finance Committee, I have become acutely aware of the enormous balance of payments burden which the United States now faces as a result of our growing dependence on imported oil.

In addition to commenting on the specifics of natural gas legislation, I want to emphasize my concern about the dangers posed to the security of this nation by the continued dependence on imports because of our domestic shortage of natural gas.

I regard it as absolutely essential that we initiate as soon as possible a realistic and comprehensive national energy policy—one designed to ensure energy self-sufficiency at the earliest possible moment. We must have a maximum effort to develop all our sources of energy—particularly natural gas—if we are to avert the possibility of a petroleum Pearl Harbor in the near future. During World War II, we went all out to develop successfully such things as synthetic rubber when we could no longer import it. There are great parallels between that wartime situation and the one which faces us now.

Over the weekend, war again flared up in the Middle East. Should it widen to the point of the destruction of key petroleum facilities, we might not have any oil to import—even if the Arabs were willing to sell it to us.

It is imperative that we begin at once to stop the trend of growing dependence on imported crude oil. The recently intensifying economic saber rattling by Libya and Saudi Arabia and other Arab countries makes it clear that unless we are prepared to give in to a political blackmail, our supplies of Arab oil may be severely curtailed or even terminated.

The National Petroleum Council in its recent report, "U.S. Energy Outlook" estimated that if current policy trends continue, by 1975 we will be importing over half our oil. By 1980 this would increase to 66 percent. The NPC added that most of this will by necessity be coming from the unstable Middle Eastern area.

On September 1, the Libyan Government announced the nationalization of 51 percent of the Libyan holdings of Exxon Corporation, Texaco, Inc., Standard Oil Company of California, Mobil Oil Corporation, Atlantic-Richfield Company and others. This action followed the takeover of a similar percentage of the Libyan operations of Occidental Petroleum, Continental Oil, Marathon Oil, and Amerada-Hess.

Immediately on the heels of this nationalization action came the September 2 announcement by Libya that it wants to boost its price of crude from $4.90 to $6.00 per barrel. If it was not clear before, it is now obvious that the days of "cheap" foreign oil are over.

The organization of petroleum exporting countries has announced a demand for a renegotiation of the 1971 Tehran Agreement, which dealt with terms and conditions including tax rates and price for the purchase of Middle Eastern Oil. The agreement stated that it would apply through 1976. Now we are told the Tehran Agreement is not worth the paper it was written on.

Thus, the Arabs have again invoked their favorite legal theory, the so-called "doctrine of changing circumstances." What the Arabs mean by the "doctrine of changing circumstances" is what we agreed upon yesterday is subject to renegotiation today. The upshot of this is that we can expect an upward adjustment in the price of Arab crude to $7.50 a barrel by the end of 1975. That is approximately double what we are paying now—and please note this—approximately 4 to 5 times as much as we are paying for the undervalued natural gas that is in such scarce supply in this country. The Arab nations are now in the driver's seat and they know it. Arab unity on oil is unnecessary when each Arab ruler is striving to impress his countrymen with his firmness and strength in dealing with the Americans.

There are some authorities who have predicted our growing dependence upon Arab oil, and their growing tendency to use it as a lever against us. The escalation of such political trends could lead to economic war, and an economic war could all too easily convert to total war. Or a political war could take place in the Middle East which could stop the flow of oil. This past weekend's events are a frightening case in point.

Turning to another dimension of the Middle Eastern Oil problem, let us make the assumption—unrealistic though it may be—that neither economic nor political forces will limit the outflow of Arab oil. What then? Let us now consider the awesome burden on the U.S. balance of payments situation which would result if we purchase Middle East oil in the quantities which we will need.

Economists have predicted that the annual dollar outflow for energy fuels may reach $24 billion by 1985. These predictions generally assume that the world price of oil will not exceed the prices already agreed upon for 1975.

We simply can't afford it. There is no way we can match this deficit with exports. A close look at the balance of payments relationship with the five major Arab oil producing countries—Libya, Algeria, Saudi Arabia, Iraq, and Kuwait—highlights the imbalance problem.

In addition to the importation of oil, we are relying upon imports of liquified natural gas to supplement our dwindling production of natural gas. Because of the economic disincentives to search for new gas supplies domestically, American utilities have been forced to turn to foreign sources for new gas supplies. They have been nego-

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tiating with Algeria, a country with which we have no diplomatic relations. U.S. gas company negotiators have been involved in seeking an arrangement to purchase huge quantities of gas from the Soviet Union. Consider here the national security implications, not to mention the balance of payments problems, presented by foreign dependency for a growing part of our gas supplies. Adding to the difficulty is the fact that imported gas, which has to be liquefied in order to transport, will cost U.S. consumers about three times the amount of domestically produced gas.

It seems incredibly short-sighted to me to purchase vast quantities of natural gas from potentially hostile foreign nations at extremely high prices while we may have sufficient quantities of natural gas in our own country or under the Outer Continental Shelf which would last us well into the next century.

What it comes down to is that deregulation of wellhead prices of domestic gas will be necessary to thwart the rising tide of oil and gas imports which have begun to fill the gap caused by domestic gas shortages. Thus, a vote against deregulation of U.S. wellhead gas prices invites producer nation blackmail.

The true dimensions of the international problem become more apparent when one considers that these five Arab nations can also expect large foreign exchange earnings from sale of oil to Western Europe and Japan in 1980. Surpluses of such magnitude would most likely cause great competition among oil importing nations to export in order to protect the value of their currencies and could cause critical strains in world monetary and trade relations. Our options are clear:

First: We can become overwhelmingly dependent upon imported oil and be willing to pay whatever economic or political tribute is demanded.

Second: We can become overwhelmingly dependent upon imported oil and be willing to fight for it.

Third: We can forego this source of oil and, failing to develop our own resources, suffer the consequences of a declining standard of living and second rate status as a world power.

Fourth: We can go to work developing our own energy resources, free to trade with other oil-producing nations only on a no-strings-attached basis.

It seems clear to me that the last alternative I mentioned is the only one which can possibly be acceptable.

Unless we are willing to move forward in our domestic resources development, we will have no choice but to pay tribute—tribute which will be much more costly, in more than an economic sense alone—than anything we have ever imagined.

This country has been faced with adversity in the past and on every occasion perseverance and ingenuity has saved the day. I know it can happen again, but we must understand that the hour is late.

The question is not whether the price of energy will rise—it has risen and will rise more—but whether we will develop our own energy industry with higher prices or only strengthen the energy industries of Mideast nations and increase our dependency on them. The latter course would be disastrous.

Now is the time to act to solve energy problems, not just to make "political hay" out of blaming the oil industry or the Administration.

Valid constructive criticism is needed and helpful, but making a scapegoat of the oil and gas industry for political reasons hurts rather than helps solve the energy shortages. And it hurts the consumer the most. Placing the consumer in a position in which there is no gas for him to consume is no protection at all.

Gentleman, we are in the throes of a global economic struggle revolving around the mainstay of our existence and we know it. That anchor point is energy. Today, and for years to come, by far the major portion of our energy source, and that of the world, is petroleum. Basic to the continuation of our national economic well-being is an increased domestic supply of natural gas to alleviate the demand for increased imports of other petroleum. Depressed prices and ill-advised regulation have throttled the development of our natural gas resources which in turn has retarded development of all other energy substitutes.

We can help ourselves and our country and we can grow economically, but not if we capitulate to the exhortations of those who oppose freedom of competition and private enterprise.

Turning specifically to natural gas legislation, my position has been and still remains strongly behind decontrol of all producer sales immediately. In fact, I have cosponsored S. 371 providing for total deregulation and urge the Committee to report out this proposal.

The Interior Committee has been working on a report dealing with natural gas. Senators Hansen and Bartlett and I have set out our position on these matters and I ask our views to be copied into the record. Please note that Senator Bartlett joined at a later date in views I am asking be made part of the record and personally hope that you take the time to read it. I am confident that it will be helpful to you.

The reasons why total deregulation is desirable can be summarized as follows:

(1) The natural gas shortage is primarily caused by the artificial depression of prices at the wellhead by the FPC, which has created an "economic disequilibrium", resulting in reduction of supplies through lessening drilling efforts, and increase in demand, primarily in the industrial area.

(2) Because the gas producing industry is effectively competitive, removal of regulation will permit prices in the field to rise to their "market clearing" or competitive level, to compete with other alternative fuel supplies available to the consumers, and will remove the price uncertainty and administrative burden and delay occasioned by regulation.

(3) Removal of regulation will induce additional exploratory effort, resulting in increased domestic natural gas supplies. All experts who have studied the question believe that the potential for expanded domestic production exists, but will not be developed at present price levels.

(4) The impact on the gas bill paid by the residential consumer of deregulation will not be significant. This is true because: (A) The portion of the residential consumer's gas bill represented by the price paid the producer is relatively small (about 17% of the national average). The rest of his bill is represented by transportation and distribution costs. (B) Producer prices for existing sales will continue to be controlled by existing long term contracts, which will still cover over half the volumes now being sold in 1980. New sales, and gas which is resold after contracts expire, will be "rolled in" at the pipeline and distribution level with these existing sales, resulting in minimal and gradual impact on the consumer.

(5) If regulation continues in its present form, or is extended to cover intrastate sales, the residential consumer will still face price increases in his gas bill, which may be more severe than under deregulation.

Under this assumption, domestic drilling will continue to decline, intensifying the shortage. This will necessitate "end-use controls" or rationing of gas between customers. As pipeline and distribution companies are unable to fully utilize their facilities, their unit costs increase, resulting in increasing prices to the consumer. As before noted, pipeline and distribution costs already make up more than 80% of the average residential consumer's bill, so an increase in their cost has a greater price impact on the residential consumer.

(6) In order to attempt to maintain service in the face of declining domestic natural gas supplies, the pipelines and distributors have been forced to turn to "supplemental" sources, synthetic natural gas made from liquid hydrocarbons or coal, and liquified natural gas imported from overseas. Not only are these supplies vastly more expensive ($1.00 to $1.50 per Mcf) compared to domestic gas (20¢ to 45¢ per Mcf) they also involve serious national security risks, and adversely affect our balance of payments, increasing the pressure on the value of the dollar overseas.

(7) Removal of regulation will have its greatest price impact on the industrial and electric utility consumers of gas, particularly in the producing states, which are now able to purchase gas on the intrastate market. Because the transportation and distribution costs here form a much smaller component of the burner tip price paid by these industrials, and increase in the price paid the producer will represent not the 10%–15% increase expected for the residential consumer, but inceases in the range of 40%–50%. This will cause these industrials, in many instances, to seek alternative fuels, thus releasing additional gas supplies for the residential consumer.

(8) Even though a change in the regulatory standard from the utility-type cost of service approach which has failed so badly in producer regulation would be beneficial, as long as regulation continues, it will depend on human judgments as to rapidly changing market factors, not all of which are capable of measurement. The delay and controversy attendant upon regulatory procedures, and subsequent court appeals, make it virtually impossible for a regulatory agency to approximate the price levels required to accomplish the results set out above. A competitive free market is unusually qualified to do this with the greatest economic efficiency.

(9) Charges that the gas producing industry is monopolistic, and a competitive free market price is impossible, are not borne out by the facts. Rather regulation, through artificial price suppression, has tended to make the industry less competitive, by forcing the small, high-cost operator out of the producing business. If unfair competition does exist, the proper forum for policing this is the Justice Department, through enforcement of the anti-trust laws.

(10) In order to properly effectuate the foregoing results, deregulation must extend to existing sales of gas, as well as new sales. The concern expressed in the Staff Report that such a proposal will result in "windfall profits" to the producers is not correct, for the reasons we set out in the full statement of our position.

Total deregulation has the support of many independent academic experts, who view this solution as the most effective way to balance supply and demand.

I note that on last Monday, October 1, 1973, Senater Stevenson and others introduced S. 2506 which would extend dramatically the FPC's jurisdiction. Since it is a very complex bill which has concepts which are novel and untested, I would like to present my full comments on it at a later time.

As a general observation, I must say preliminarily, however, I believe the concept would magnify and accelerate our present shortage of natural gas, which in turn will create shortages of other energy sources. Finally, if the FPC doesn't have enough problems, a suggestion that it be given jurisdiction over oil pipelines just is not practical.

In summary, we are dealing with issues which vitally affect all the nation's consumers—residential, commercial and industrial. Our proposal calling for deregulation will give the consumers more supplies which are cheaper than the supplemental alternatives and will be more secure. Continued, or more extensive, jurisdiction would not be in the interest of consumers or the public interest. Regulation has led to shortages—more regulation will lead to greater shortages.

Statement of Senator Clifford P. Hansen

Mr. Chairman, the controversy of Federal regulation of the producer or wellhead price of natural gas has, as you know, been going on now for almost 20 years. Since the veto of the last bill to decontrol the price of gas for reasons that had nothing to do with the merits of the legislation, there has been no serious effort by Congress to unburden the Federal Power Commission of the burden imposed upon it by the U.S. Supreme Court in 1954—a burden it did not want and certainly had not contemplated under the Natural Gas Act.

After a 16 year effort of attempting to regulate wellhead prices on a company-by-company basis, FPC found itself in an administrative nightmare and turned to the now discredited concept of setting rates by areas.

More recently, the FPC has shown more resourcefulness in a new policy of "optional" pricing which permits prices above ceilings if found to be in the public interst and is moving toward a nationwide rather than the area pricing concept.

I mention this background to emphasize the public interest aspects of the new FPC pricing proposals and the emphasis on supply as well as price.

FPC Chairman, John Nassikas, said the Commission was considering a premium for new gas discoveries to compensate for the greater risk of exploratory drilling and the higher marginal cost of new gas supplies.

In its optional pricing order, the Commission noted that after some 18 years of regulation, the producer does not know how much it can lawfully charge for the sales of natural gas in interstate commerce nor how much it will get if it develops and sells new gas to the interstate market. The producer knows for sure only that once it sells in interstate commerce, it cannot stop deliveries.

If nothing else can be agreed on in these hearings, I would hope that some assurance such as the sanctity of contract bill on which hearings were held last year can be reported out by the Committee.

Both this Committee and the House Commerce Committee held hearings but no legislation was reported.

Also, I would hope that the Committee might take note of what the new FPC pricing concept has already done in encouraging exploration for and development of new gas supplies.

Rising wellhead prices allowed by the Federal Power Commission have already brought on a 30 percent increase in gas well completions this year.

Under new FPC policies, contract prices for new interstate sales have climbed to the 50¢ Mcf range, about twice the average level allowed under the area-rate and cost-of-service concept of regulation.

However, new contract prices in the uncontrolled intrastate market have gone as high as 78¢ Mcf compared with the average price of all gas sold in the interstate market of about 22¢.

Actually, the producer receives only 17 percent of the ultimate price the residential consumer pays for gas. The pipeline transporters and utility distributors get the rest. So even doubling the wellhead price of new gas would amount to less than a 5 percent increase per year to the consumer on a rolled-in incremental basis.

The Washington Post estimated that unregulated gas prices would level off at about 55¢ Mcf, as new supplies stimulated by price increases came on the market.

I would think that those who are so concerned about windfall profits to producers and exorbitant consumer prices would be more concerned over the predicted prices of imported liquefied natural gas and synthetic gas. An FPC administrative judge recently recommended denial of a proposed synthetic gas plant in Louisiana and said there was every indication that such gas would cost $1.75 to $2.00 Mcf by the time a plant was finished.

Imported liquified natural gas already contracted for from such sources as Algeria is costing $1.25 to $1.50 Mcf and if oil prices from the Eastern hemisphere are any indication, gas prices will also continue to escalate if such gas is available at all.

No one really knows how much a given price increase will add to domestic reserves. Specialists are guessing, however, that doubling the price of oil and gas will increase the domestic producible supply by 50 percent.

So why not give the market place a chance? I can think of nothing better than extending the inequities that have so grossly distorted the interstate energy market to gas sold intrastate and regulated by the various states if we want to further compound the energy shortage.

An adequate and dependable supply is a factor equal in importance to price. Price is irrelevant if it's not available, and while my state of Wyoming would be called a producing rather than a consuming state as compared with New York or Washington, I believe all of us should be just as concerned that the consumer has a dependable and adequate supply of gas as we are that he gets it at a fair price.

In my opinion it's going to be a lot harder to explain to a constituent why he can't have gas in his new house or why his plant has to shut down during a cold spell than it is to explain why he has to pay a few dollars more a year for gas.

Mr. Chairman, I have expressed my support of total deregulation as the best possible legislative response to the gas shortage in comments Senator Fannin has asked be made a part of the record of these hearings.

Statement by Senator Henry Bellmon

In a very real way this story describes the root cause of the natural gas and to a large extent the total energy problem this country faces. The difficulty is that those deciding the issues over the years haven't fully understood the problem. Therefore, I would like to use the brief time available to me this morning discussing the problem of gas price regulation as I see it and attempting to explain why further regulation only means a compounding of the problem.

Let me say at the outset that even though I am an Oklahoman I own no oil or gas stocks; and while I do have one oil well on my farm, it makes 1 bbl of oil, 40,000 cu ft of gas and 40 bbls of salt water a day, I expect it to be plugged any day.

My personal experience with natural gas began when I started riding a school bus through the Three Sands oil fields of Northern Oklahoma. This was a prolific oil discovery—drilled with three oil wells on each 5-acre tract. Along with huge quantities of oil which was readily marketable at profitable prices, the field produced great quantities of natural gas which no one wanted at any price. The gas posed a fire hazard, so for safety's sake, it was burned at the well site—flared, as the oil men say.

Along the mid 30's, Oklahoma's Governor Alfalfa Bill Murray got fed up with the wasting of Oklahoma's abundant petroleum resources and used the National Guard to shut down the oil fields until sensible conservation laws could be enacted by the legislature. One of these laws put an end to wasting natural gas. Oil could no longer be produced unless the gas could be marketed.

At that point, oil companies began a mad scramble to find some market—any market—at any price—for their gas, so they could sell their oil at a profit. Anyone who would take gas could have it at almost any price.

There were no gas pipelines, no great demand for gas, since most cities, industries, and utilities burned coal. Even right in the oil fields, where gas was being flared, homes were heated with coal.

Plans were soon made to build the "big Inch" lines to carry natural gas to the population centers in the East, and here is where the Federal Power Commission very properly got into the act. Concern was felt that once the pipelines and distribution systems were built and customers were irrevocably hooked onto the gas lines, they would be at the mercy of the gas producers and the pipeline companies. Human nature being what it is, price gouging was certain to follow.

So the FPC began to regulate gas prices. Since gas was cheap and no one drilled for gas intentionally, the oil producers, to whom gas was a nuisance, wanted to get rid of the gas so they could produce oil. The prices set were low—very low—down to 3 cents per thousand cu. ft. at the wellhead. At such prices, gas, a clean, convenient fuel, soon took over much of the market from coal, thus demoralizing the coal industry.

In the forty years since the flaring of gas was stopped in Oklahoma and its marketing was begun, many changes have occurred. The big oil fields have begun to run dry: Our refineries are short of crude oil; there is no surplus of gas from oil wells; and anyone who wants gas must explore and drill for it, specifically, at great expense.

Over the years, it has been determined that the richest deposits of natural gas lie at great depths—down to 6 miles under ground and under immense pressure. To drill and equip such wells is costly—some wells costing up to $5 million. No sane person makes such expenditures and takes such risks unless a reasonable possibility of a good return on investments exists.

In Oklahoma at the present time every electric utility is burning natural gas. Many industries are using gas for boiler fuel and, even though coal is abundant, very little is being produced for instate heating purposes. When a new gas discovery is made intrastate, buyers compete vigorously for the new supply, bidding gas prices up to 60 cents per thousand cubic feet and higher. Interstate buyers, hampered by FPC low-price regulations are literally left out in the cold.

Because of sensible intrastate gas prices, a vigorous exploration and drilling program is under way in the state. It now takes 6 months to get a drilling contractor to start a new well. All drilling rigs are busy and delivery of new rigs requires at least 9 months. Because of a 10-year depression of the industry, a serious shortage of drilling crews and drilling supplies exists, though it will improve as conditions improve.

New discoveries of gas are common, showing that greater production is possible if attractive economic incentives exist.

The higher prices of gas are causing a re-examination of the uses to which natural gas is put. The two most recent announcements of new electrical generating plants show that neither plant will burn gas. One is to be cool fired—the other is being designed to use atomic energy. A large refinery is spending $40 million to replace its present gas-fired boilers with new coal burners, thus making available 200 million cubic feet of natural gas per day for higher priority uses. These

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changes are being dictated by higher gas prices and similar changes to other fuels will come rapidly if market forces are allowed to operate.

To thrust the Federal Power Commission into the regulation of intra-state gas prices at low levels will simply prolong the wasteful overutilization of natural gas and delay the development of new supplies. Should the FPC set prices at a high level, it would be unneeded, since it would simply serve as a bureaucratic irritant to impede gas producers from the orderly conduct of their business.

Market forces can and quickly will allocate fuels to the needs they serve best. No fuel has a monopoly any longer. Population centers can be served by imported liquid natural gas or by synthetic gas. Industries can freely select between fuel oil, coal, or gas. Electric utilities are able to design their plants to use gas, coal, fuel oil or atomic power whichever is most advantageous.

The monopoly which the Federal Power Commission properly guarded against 20 or 30 years ago no longer exists. Rather than expand its authority to combat a threat which is now ended, Congress should end the regulation of gas prices so producers can develop adequate supplies of energy and so that consumers can select the fuel which best serves their individual needs.

This Nation is blessed with abundant natural reserves of energy. The industry has available the technology to develop these reserves for the market. All that is lacking is the economic incentive to produce and the time needed to gear up and do the job. Given the prices intra-state gas is now bringing and 5 to 8 years to expand production and switch fuels, I am convinced that this nation's energy shortage will be solved.

More controls simply means more delay and more dependence upon insecure, more costly sources of supply

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Statement of Senator James L. Buckley Before the U.S. Senate Commerce Committee October 10, 1973

I want to thank the Committee for allowing me a few minutes to discuss with you my views of these important natural gas matters. I represent an energy consuming State with a population of more than eighteen million. In area after area of New York State, natural gas pipeline companies are refusing to connect new homes. This past year, service has been interrupted to long-term industrial customers. Yet geologists tell us we have vast reserves of natural gas remaining to be discovered within the United States.

The focus of Congressional action, therefore, should be to determine why it is that we have shortages amidst this potential plenty. Once we have identified the causes, we can prescribe the proper remedies.

As a participant in the Senate's national fuels and energy study, it has been my privilege to attend a series of hearings and briefings which has served to sharpen my own understanding of the scope and long-term implications of what has come to be called our "energy crisis."

The facts now publicly available ought to speak for themselves. We are faced with a chronic and growing shortage of environmentally compatible domestic fuels which for the next 10 to 15 years will make us uncomfortably dependent on foreign sources in order to meet up to 25 percent and more of our projected energy needs by the year 1985.

The economic and security implications of these facts are serious enough. But I fear that if the full dimensions of the energy crisis are not understood by the public, we may find ourselves making the wrong policy decisions, particularly as concerns natural gas. Only a fully informed public will assure full support for the measures best designed to meet the energy crisis and assure our country of continuing supplies of reasonably priced fuels on a basis that will not place a catastrophic strain on our balances of payments or jeopardize our national security.

It is not my purpose today, however, to discuss the security aspects of the energy crisis, although they are clear enough given the new disturbance in the Middle East. Rather, I wish to address myself to an examination of the interests of my constitutents as consumers of enrgy. In recent years New Yorkers have had more than their share of brownouts and shortages. Today there are areas of New York State where for the first time natural gas is now being rationed among pipeline customers. It is clear that New Yorkers and all other American consumers of energy have an interest in the outcome of the hearings you have commenced today. Their concern is every bit as immediate and every bit as urgent as that of the energy-producing States.

One thing which I hope will emerge from these hearings is a better understanding of where the consumer's interest really lies; for it seems clear from the evidence to date that we are witnessing a classic example of the harm done to the ultimate interests of the consumer by an excessive zeal in attempting to protect him, through government intervention, from the workings of the marketplace.

Perhaps the most objective summary of the U.S. energy problem I have read was published in a recent issue of the very scholarly British Petroleum Press Service. From their vantage point 3,500 miles from our East Coast, this is what the authors had to say:

"Natural gas is in many ways the key to the U.S. energy problem, creating an imbalance because of the interchangeability of fuels in four of the major energy markets and the ease by which they could convert to gas. Its rapid growth over the last twenty years or so has been stimulated by artificially low prices, controlled by the Federal Power Commission on behalf of Congress. This might have been justified at a time when natural gas was virtually a by-product of oil exploration and production but hardly when demand had risen so high that gas was supplying about one-third of the total energy market, second only to oil. The result of low prices has been to discourage exploration for new reserves, which have shrunk to only twelve years' supply at current production rates . . ."

The article concludes that: "Because of apparently unlimited supplies of indigenous fuels, energy in the U.S.A. has always been cheap: indeed, a major factor in the nation's economic growth and prosperity. More recently however it is apparent that energy has been too cheap, leading to a certain degree of waste but more importantly to a lack of incentive in developing new resources to meet the very demand that low prices have created."

Clearly, an important contributor to our present energy crisis was the decision of the Federal Power Commission a decade or so ago to regulate the wellhead price of gas delivered to interstate pipelines. This interference with market forces resulted in a diversion of risk capital from exploration to other investment opportunities, and of newly discovered gas into intrastate uses. At the same time, it created a rapidly expanding market for gas which resulted in the displacement of a substantial part of the market for oil and coal. Oil and coal could not compete with the lower cost of regulated gas. On a B.t.u. basis, gas has been selling for about one-half the price of oil, despite its superiority as a fuel. Thus the regulation of the wellhead price of gas has not only resulted in the rapid depletion of existing reserves, it has diverted too much of our natural gas away from its best use, and has destroyed the incentive to develop new gas for delivery into interstate pipelines.

This contention is amply supported by the statistics. In 1971, for example, there were 437 exploratory wells completed as gas discoveries in the United States as against 822 such discoveries in 1956, the year the FPC first proposed to control wellhead prices for gas. In 1972, 9.4 trillion cubic feet of gas were added to our national reserves as against 24.7 trillion cubic feet of gas in 1956.

The experience in the Permian Basin after 1965, when the FPC first moved to impose area controls on gas producers, offers a classic example of how FPC policies have served to channel new gas into intrastate markets with a consequent loss to interstate markets. Mr. Chairman, I ask that the table of figures appearing at this point in my prepared statement be incorporated at this point in the printed record of these hearings.

NEW GAS COMMITMENTS IN THE PERMIAN BASIN, 1966-7

Year	Percent committed to intra-state market	Percent committed to inter-state market	Total commitments (BCF)
1966	16.3	83.7	178.0
1967	21.8	78.2	77.2
1968	87.2	12.8	156.1
1969	83.3	16.7	175.8
1970 (6 mo.)	90.9	9.1	113.4

Source: From FPC data.

What the figures tell us is that while, in 1966, 83.7 percent of new Permian Basin gas was sold to interstate pipelines, by the end of the first 6 months of 1970 the proportion of new gas being committed to interstate as opposed to intrastate markets had been reversed. In the first six months of 1970, 90.9 percent of new Permian Basin gas was being sold to intrastate consumers while only 9.1 percent was connected to interstate pipelines. Interestingly enough, the most dramatic change in the pattern of gas commitment took place in 1968 following a Supreme Court decision affirming the FPC's Permian Basin area rate decision.

In plain English, what all these statistics add up to is that when gas producers compare their increasing costs of exploring for and producing new gas to the regulated price at which they are allowed by the FPC to sell it, they tend to conclude that the possible rewards simply do not justify the investment of risk funds to find new gas for commitment to the interstate market. One does not have to be a Ph.D. in economics to understand why, under existing policy, the domestic oil and gas industry has not been moving mountains for the privilege of providing East Coast consumers with a premium fuel at regulated prices.

Let us examine some of the realities of present and future supply which have resulted from Federal regulation.

Since the FPC began regulating the wellhead price of gas in a widespread basis, we have witnessed a rapid depletion of existing reserves from a 20-year supply in 1963 to less than an 11-year supply in 1971. Since 1968, our Nation has consumed approximately twice as much natural gas as it has discovered and added to present reserves.

According to testimony given at the energy study hearings last January by Chairman John N. Nassikas of the Federal Power Commission, the FPC's Bureau of Natural Gas has projected, on the basis of current rates of discovery:

We can work to limit demand through intelligent energy conservation measures, but even the most optimistic must agree that we

are left with a substantial deficit that will have to be met from five principal supplemental sources of gas. These are, first, pipeline imports—largely from Canada, including Alaskan gas transported by pipeline through Canada; second, liquified natural gas imports; third, gas derived from coal; fourth, synthetic natural gas derived from liquid hydrocarbons; and fifth, natural gas discovered in the United States above and beyond the rates of discovery projected on the basis of current policy. According to Mr. Nassikas, the first three supplementary sources "could reduce the annual projected gas deficit to about 10 Tcf in 1980 and 18 Tcf by 1990." These deficits, it should be noted, amount to approximately 27 percent of the 1980 demand and 37 percent of the 1990 demand.

This brings us to the question as to which of these supplementary sources offers the consumer the best hope of meeting his projected needs at the lowest cost? Let us examine each in turn; but, first, by way of a bench mark, let us recall the current costs of regulated natural gas. In 1970, the average wellhead price of gas subject to FPC regulation was about 18 cents per Mcf, and it is in the vicinity of 24 cents now. The transported city gate price of that gas at New York City is an average of 80 cents. By the time the gas reaches the individual household, about another $1.20 for distribution costs, and so forth, will have been added.

First. Pipeline imports: the quantity of Canadian gas which will be available for importation into the United States is, of course, highly dependent on Canada's own energy policies and on the rate at which Canada's exportable reserves can be increased. These are not factors over which American policymakers have any direct control. With respect to Alaskan gas, even if huge reserves are discovered on the Arctic Slope, it will take years before a pipeline can be completed from the fields to the border between Canada and "the lower forty-eight"; and because of the enormous projected cost of such a pipeline—between $3 and $5 billion—it is estimated that the cost of delivering pipeline gas from the Alaskan Arctic to the U.S. border would range upwards from 90 cents to $1.40 per Mcf. Thus there is little reason to believe that we can improve on the FPC's admittedly optimistic estimate that by 1985, net pipeline imports could satisfy as much as 4.8 percent of projected demand; and to the extent that these imports consist of Alaskan gas, the price will be several times higher than the current city gate price for U.S. pipeline gas in New York City.

Second. LNG imports: the cost of delivering Algerian LNG to the East Coast has been estimated at from 84 to 91 cents per Mcf. The estimated cost to produce and deliver a thousand cubic feet of gas under the proposals now being explored with the U.S.S.R. range from $1.25 to $1.50 or two-and-a-half to three times the delivered price of domestic gas at New York City.

Third. Gas from coal: based on an application filed with the FPC, the estimated cost of a commercial project to produce gas from coal mined in the four corners region of New Mexico, is $1.21 per Mcf.—a "wellhead" price over twice the delivered price of natural gas at New York City.

Fourth. Synthetic natural gas produced from liquid hydrocarbons: based on applications filed with the FPC, the cost of synthetic gas is estimated to range from $1.10 to $1.80 per Mcf—two to more than three times the delivered price of natural gas at New York City.

Fifth. Natural gas discovered in the United States above and beyond current rates of discovery; there is no doubt that the gas is there to be discovered. The U.S. Geological Survey estimates that 2,100 trillion cubic feet of natural gas, recoverable under present technology, remain to be discovered within the United States, including the Outer Continental Shelf. This represents almost a hundred year supply at the 1971 rate of consumption. Estimates may vary as to how much of this potential may be available at costs comparable to those of alternative fuels, but it is safe to conclude that much domestic gas remains to be discovered if the industry is allowed the incentives to go out and find it.

The question to be asked, therefore, is what action is best designed to stimulate a resumption of large scale exploration for new gas for interstate markets, and what will be the probable effect of this action on the consumer? Only when we have the answers can we make a judgment as to which of the supplemental sources of gas offers the consumer the best prospect for meeting his future demands at a reasonable price.

Economists have concluded that if the wellhead price of new domestic gas is deregulated, domestic exploration and development will experience a substantial surge. The extent to which new gas supplies, free from continued price regulation, would be elastic to price is subject to debate as is any economic assessment of the future. I am nevertheless confident that supply would be responsive to price. This problem is supported by the experience of state, such as Oklahoma, in which a substantial market has been developed for locally produced gas that can be sold at unregulated prices. Oklahoma is experiencing an exploration boom, but only because any gas discovered can be sold within the state at prices more than twice the amount allowed by the FPC for interstate sales. I am also confident that so long as new gas remains regulated at the wellhead, as it is today, we may expect the supply-demand gap for interstate gas dealers to continue to expand.

For the reasons cited, I believe that our basic near—and intermediate-term efforts to provide gas for American consumers should be centered around stepped-up domestic production. It is the least costly of the alternatives.

These conclusions are supported by the testimony of many witnesses who have appeared at the S. Res. 45 Energy Study hearings. The conclusion is that potential U.S. gas reserves were sufficiently high to warrant stepped up production under economic conditions conducive to development. A growing host of academic economists, and the press also support this thesis. The Washington Post, Fortune, Barron's, the Wall Street Journal, bank studies and other analyses, not to mention the industry's own calculations, all point to the need to stimulate domestic gas production by freeing the wellhead prices of new gas.

Such a policy will serve an additional purpose, and that is to provide a disincentive to waste. It will favor residential and commercial over uses which may be less related to human needs. In other words, some industries now relying on low-cost natural gas will probably switch to other fuels, thereby conserving gas, once the price of natural gas raises to a level at which other fuels such as oil and coal can compete with it.

But even though gas prices would rise under such a policy of deregulation, they would not rise as quickly as they would under a policy which discouraged conventional natural gas production and encouraged the development of the more costly supplemental sources.

Further, even with the freeing-up of new gas at the wellhead, the burden on consumers would not constitute a shock effect. Residential and commercial consumers in particular would be paying perhaps as little as 5 percent a year more for their gas. This is because the higher priced new gas would be rolled-in with the cheaper old gas that consumers are now burning, and which would continue to be produced under existing long-term contracts.

Based on all the facts, Mr. Chairman, I think the conclusion is inescapable that the interests of the energy consuming citizens of this country will best be served by freeing newly discovered gas to find its own level. I believe the evidence compels the conclusion that the most effective single contribution the Congress can make toward relieving near-term energy shortages is to free natural gas sales at the wellhead from government controls.

The bill under consideration, S. 2506 appears to be a step backward in that the effect would be likely to inhibit the development of additional natural gas supplies rather than enhance them. Extending regulation to intrastate sales hardly could be described as helpful when the basic cause of the problem is regulation. Moreover, establishing differing criteria for deciding upon which firm's output is controlled and which are uncontrolled, can only duplicate the confusion we have witnessed in the differential controls over agriculture in the Economic Stabilization program.

We have paid a very high price for our overzealous attempt to protect the consumer against the operations of the marketplace. I hope we will learn from this experience the ancient lesson that the one sure way to create a shortage in a given commodity is to try to hold its price below the level which justifies its production. There are certain economic laws which even the U.S. Congress cannot legislate out of existence.

Remarks Before Senate Commerce Hearings on Natural Gas Deregulation

(By Senator Dewey F. Bartlett)

The energy shortage is real—not imagined—not a hoax—not a conspiracy—and what's more important, it will get worse before its gets better. The demand for energy in the United States is rapidly outstripping available supplies.

In this first half of 1973, we imported 34% of our crude oil consumption. Over 60% of the increase in these imports since the first half of 1972 came from the Middle East and Africa.

A shortage of energy was inevitable, and it has been no surprise. Michel T. Halbouty, past president of the American Association of Petroleum Geologists, was one of many who could see the writing on the wall. He said in 1960, "I can safely predict that between now and 1975 we will have an energy crisis in this country. Then people will say 'The industry is to blame, why weren't we told?' Well, I'm telling them now." That was in 1960 and I could recite numerous similar warnings over the years.

Between 1960 and 1970, the use of natural gas almost doubled. While the nation's demand for natural gas was doubling, exploration and development activities were declining sharply because the same artificially low prices that stimulated demand, have also discouraged investments to increase supplies. In 1956 a high of 16,173 exploratory wells were drilled—in 1972 only 7,587 exploratory wells were drilled—less than half the 1956 amount. (Refer to plot of wells drilled and R/P vs. years). Also the exploratory geophysical crew activity dropped to half as much in 1970 as it was in 1960.

The suddenness with which the energy gap has occurred can be traced to the natural gas shortage because the lack of sufficient supplies of natural gas has caused a strain on all other available fuels to make up the shortfall. Now it is time we did something about it.

I would like to comment on the remarks made by Senator Stevenson when he introduced S. 2506, on October 1, 1973, then discuss some of the provisions of S. 2506.

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Mr. Chairman, you have me confused. You said, and I quote, "I believe in a free market. But there simply is no free market in the Nation's gas and oil business." I beg to differ. There certainly is a free market in the Nation's gas business—the intrastate natural gas market. And I might add, that it has been functioning very well. Interstate free market prices at two to three times the interstate rates have been successful in providing additional new reserves for intrastate use. This is the one bright spot in a dismal picture of domestic natural gas.

Drilling in response to recent increases in intrastate gas prices has been phenomenal. In a period of time when intrastate prices have increased 2.3 times on the average, the number of gas wells drilled increased 15.3 times. Exploration and development activities and the resulting increases in supply are price elastic.

You also said when you introduced S. 2506, "I am not enthusiastic about Government regulation, and would not presume to defend the present system for regulation of natural gas prices." But then you proceed to show such enthusiasm and defense for the present system by supporting legislation that would extend Government regulation into areas which, under State regulation operate in the free market. Am I right in assuming that you intend to impose a system of regulation, which you say you cannot defend, upon the only remaining free market aspect of natural gas? Yet you say you "believe in a free market"? This seems to me a direct contradiction.

Mr. Chairman, I contend that S. 2506 will do exactly the opposite of what you would intend, i.e., as you have said, "Substantially increase the amount of natural gas available to the consumers . . .", "Save the public billions of dollars . . .", and "Improve the competitive structure of the oil industry . . .".

Extending Federal regulation to intrastate sales of natural gas at the wellhead will only act to decrease the gas available to those consumers. This is the discouraging and undeniable record of the supply of natural gas under FPC regulation. The total amount of natural gas available in the United States would decrease at an even faster rate than it already is. You might be able to increase the amount of gas available in interstate sales by taking away the gas from the intrastate consumer, but there will be no incentive to increase the overall supply of natural gas. Federal regulation of natural gas at the wellhead has stimulated the demand for and at the same time reduced the prices and supplies of oil and coal.

In terms of cost to the consumer in New York City, for example, the price paid to the producer of natural gas is only a small fraction of the total cost he pays. In 1970 figures, a consumer's cost for a thousand cubic feet (mcf) of gas in New York City included $1.41 to the local utility company for distribution charges, 25.1c for pipeline transportation charges and 17.1c on the average for the natural gas itself. That 17.1c is only a little over 9 percent of the total cost of $1.84 per mcf. Even if the price of the natural gas were tripled, the total gas bill increase for a New York City consumer would be only 19 percent.

In the long run, rather than saving the public billions of dollars, S. 2506 would force the importation of alternative sources of energy whose costs, such as liquefied natural gas (LNG) and synthetic natural gas (SNG), both at approximately $1.50/mcf—over seven times the current price for interstate gas sold at the wellhead.

The shortage of oil and coal and the slow development of alternative resources of energy can partially be attributed to the fact that the artificially low prices for natural gas have caused the clean burning natural gas to displace and restrict alternate fuels in the market place and to generate a reduced rate of drilling for natural gas and oil.

You said, ". . . oil has never been regulated—and it is in short supply." Oil is in short supply because it has been called upon to assume the burden of natural gas shortages. The price of oil has been low because it has been competing with artificially low priced natural gas, and has also been held down, until recently, by the constant increasing of imports of foreign crude under the mandatory quota system. Now, as you know, "old" domestic crude is regulated.

The petroleum industry is highly competitive in exploration, development and production of natural gas. Extending Federal regulation can only make the industry less competitive. The proof of this is in the last 15 years the number of independents have been reduced in half from approximately 20,000 to 10,000.

S. 2506 was introduced with the unequivocal statement "The four largest producers control 70 percent of the nation's uncommitted reserves of natural gas." This statement is in error on several counts.

First of all, the "70 percent" figure is not only inaccurate but even the correct figure (48 percent) would be misleading because the amount of uncommitted reserves amounts to a very small percent of total proved domestic reserves.

Chairman Nassikas, of the Federal Power Commission, testified before the Senate Subcommittee on Anti-Trust and Monopoly on June 26, 1973, that as of June 30, 1972, uncommitted reserves available for sale in the lower 48 states totaled 3.4 trillion cubic feet. This represents only about 1½ percent of the total domestic proved reserves for the lower 48 states.

The largest four holders of uncommitted reserves controlled only 48 percent, not 70 percent of this small amount of uncommitted reserves. In fact, the largest 8 holders of uncommitted reserves controlled less than 70 percent—68 percent to be exact.

Another point I would like to make is that the four companies holding the largest amounts of uncommitted reserves are not the four largest producers in terms of annual sales.

Uncommitted reserves, when used as a basis for determining competition, cause an unfortunate but serious misunderstanding. Gas exploration and marketing cannot be meaningfully analyzed at a single point in time because they are ongoing activities. After discovery, and prior to commitment, a gas field must be developed to the extent that the pipeline purchaser is assured of a sufficient quantity to justify investment in pipelines and facilities. Uncommitted reserves are similar, therefore, to a manufacturers inventory of "goods and process." Drawing specific conclusions based only on this data would be analogous to clipping one frame out of a moving picture film and judging the whole film on that basis.

Data submitted by Chairman Nassikas, before the Subcommittee on Anti-Trust and Monopoly, provided for a more reliable basis than uncommitted reserves for drawing conclusions on the competitive structure of the gas producing industry. This data shows that the four largest sellers of gas sell only 25 percent of the total, not 70 percent or even 48 percent. In addition, the percent of total annual new sales by the four largest companies each year (not necessarily the four largest in total sales) has declined from 49.5 percent in 1964—66 to 29.4 percent in 1967–69. This strongly suggests a trend of decreasing market concentration, i.e., more competition for the large gas producers.

It is interesting to compare the concentration of the petroleum industry with a few other manufacturing industries. The 1967 Bureau of Census Report on the concentration of manufacturing industries show on the basis of value of shipments the petroleum industry is less concentrated than many, as the following table shows:

1967 BUREAU OF CENSUS STUDY

	Percent of total value of shipments	
	4 largest companies	8 largest companies
Petroleum	33	57
Auto	91	98
Raw steel	67	83
Aluminum	(1)	(1)
Rubber tires	70	88
Computers	66	83
Copper	77	98
Aircraft	69	89
Glass	60	75

Each year, new producer contracts to sell gas are filed with the FPC. The gas reserves under these contracts, prior to contracting, represent uncommitted reserves. Theoretically, the four largest total sellers have the opportunity to be among the top four new sellers each year in each area. If one observed three areas, the permian-basin area, the Texas-Gulf Coast area, and the southern Louisiana area, for six years to see the top full rankings and new sales, the four largest total sellers could appear within the top four largest new sellers a total of 72 times. In fact, these four largest total sellers appeared among the four largest new sellers only 16 times out of 72 opportunities.

It has been purported that S. 2506 would "exempt all small producers for regulation, thus concentrating on the 30 largest producers . . ." Even the drafters of this bill apparently are unaware that it provides only qualified exemption for small producers, and would continue to regulate more than a hundred producers. In 1971 there were 105 producers who sold in excess of the 10,000,000 mcf limit set out in the bill in interstate commerce and an unknown additional number of producers sold more than this amount in intrastate commerce. The contention that only 30 producers would be regulated under this bill is false.

S. 2506 was touted to be a "consumer-oriented alternative to the Administration's proposal for deregulation." There is nothing consumer-oriented about S. 2506. It would ultimately lead to diminishing the available supplies of natural gas available for consumer use, which is certainly not in the consumer interest.

Deregulation of natural gas, as proposed by Senator Tower in S. 371, which I co-sponsor, would be in the consumers interest. The free market would allow the price mechanism to provide the incentive for new energy supplies for the consumers without importing high priced energy needlessly.

In short, domestic natural gas is the cheapest alternative available to the consumer, it is the most secure and dependable source of energy and it strengthens, rather than weakens, our country's balance of payments deficit.

SPEECH BY SECRETARY OF COMMERCE FREDERICK B. DENT

Mr. THURMOND. Mr. President, I was privileged to introduce Secretary of Commerce Frederick B. Dent last night

at the Silver Elephant's Dinner in Columbia, S.C.

I found his remarks regarding President Nixon to be refreshing and certainly welcomed. There is no doubt in my mind that his thoughts reflect the feelings of a majority of Americans.

Accordingly, Mr. President, I ask unanimous consent that Secretary Dent's speech, delivered at the Republican Silver Elephant's Dinner in Columbia, S.C., November 14, 1973, be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ADDRESS BY SECRETARY OF COMMERCE FREDERICK B. DENT

In contemplating my remarks this evening, I reflected back to our Silver Elephant's Dinner Last December. At that time, we were all still basking in the great victory we had just won a month earlier. Here in South Carolina, Senator Strom Thurmond had won an overwhelming victory, Floyd Spence had been re-elected unopposed, and Ed Young had just become the first Republican Congressman in modern times from the Sixth District.

Nationally, President Nixon had just been re-elected in one of the greatest landslides in history and all of us were looking forward to four more years of achievement in the second Nixon Administration.

At that time, few of us would have predicted that we would meet again less than a year later amidst the cries of the President's enemies for his resignation. Because of the attention which has been focused on the Watergate affair and because of the manner in which it has dominated both the headlines and the television screens, many Americans have lost sight of the achievements of the past year and the ill-considered consequences which would result should the President's enemies succeed.

Under President Nixon's leadership, this Nation ended a long and tragic war in Viet Nam with honor. Our prisoners of war are home and no young Americans are being drafted for the first time in 25 years.

In recent weeks, the President has demonstrated his great ability in foreign affairs once again in his skillful handling of the Middle East conflict which has lead to a ceasefire in this volatile area.

These results, in themselves a great achievement, result from President Nixon's brilliant and courageous foreign policy initiatives. Unlike those who would negotiate from weakness, leaving appeasement as the only alternative to war, President Nixon has forged a new relationship with Moscow and Peking based on our strength.

In this regard, let me quote to you from a toast to the President by Prime Minister Bhutto of Pakistan:

"We have admired, Mr. President, your own contribution to a new world order; and when the history of this Country is written, and when the history of the great Presidents of the United States is penned, what will they say of President Nixon?

"As far as we are concerned, not only as a Pakistani, but as an Asian coming from Asia, I can tell you that at least my history books, the history books of my country will say here was a great and a lofty President who broke the barriers of prejudice and who chalked out a bold, new policy according to the finest traditions of American history and brought peace to a tormented part of the world.

"This is how we see your role, as the leader of the free world—as the leader of Western civilization and as a man of peace."

Under President Nixon's leadership, the United States has not retreated from its rightful place in world affairs as the defender of human freedom and the peacemaker. The President has also taken a strong position with respect to the essentiality of remaining strong militarily—in fact number one so that we can preserve the peace. Without such a position, I can assure you that the Mideast would be aflame tonight with war.

In domestic matters, the past year has seen a trade deficit of $6.4 billion become a trade surplus of $153 million, as the export of the products of the working men and women of American have increased 37 percent. Just in the last few weeks, we have seen decreases in the wholesale and consumer price indexes and a moderate growth in the GNP, pointing to a readjustment of our economy to a less inflationary level without a recession. Unemployment is down to 4.5 percent, from 5.5 percent a year ago. In South Carolina, unemployment is down to 3.6 percent.

Our President who is supposed to have been rendered powerless, has this year vetoed nine bills—Congress has sustained eight of these. Charged with being hindered in his conduct of foreign policy, he has met with 12 heads of state including General Secretary Brezhnev in the last few months.

He has moved decisively to lead this Nation effectively to meet the energy crisis which has been severely aggravated by events in the Middle East. The Congress currently is considering his proposal for the creation of an Energy Research and Development Administration to lead the Nation's Project Independence between now and 1980.

These achievements of the last year follow a first term marked by similar outstanding progress at home and abroad. The riots and disorders that had become common place in American cities have abated.

The soaring crime rates which characterized the '60s have begun to taper off.

President Nixon appointed men devoted to the law to the Supreme Court, and those who were so enamoured of social experimentation no longer dominate the Court's opinions, particularly in the fields of criminal procedure and pornography.

In his first term in office, the President handled with men and women of good will throughout the Nation the difficult transition to a fully-integrated school system with skill, diplomacy, and even-handedness. He demonstrated a sense of fairness toward all regions and all races and his Administration is the first in modern history that has not used the South as a political whipping post.

He fulfilled his pledge to Senator Thurmond and to the people of South Carolina to bring relief to the textile industry in the face of a flood of imports from the Asian countries. The layoffs and short work weeks which had become common in textile areas have been replaced by full employment and prosperity.

At the present time, negotiations for a new Multi-Fiber International Textile Agreement are proceeding in Geneva on schedule. By GATT decision, these negotiations should be completed by the end of this year. The final negotiating session is scheduled to begin on December 3 and we are optimistic that an agreement acceptable to us can be negotiated in the time allotted.

President Nixon has also initiated a dynamic reorganization of governmental power in this Country. In words that are particularly meaningful to those of us in the South, President Nixon said,

"After a third of a century of power flowing from the States to Washington, it is time for a New Federalism in which power, funds and responsibility will flow from Washington to the States and to the people."

New Federalism is a program in action which is effectively changing the map of political power in this Country, with the flow, for a change, being away from Washington rather than into Washington. One important expression of this policy, the General Revenue-Sharing Act, will return about $6 billion for use by the states and local governments in the coming year.

With regard to our Party's political fortunes, last week's election results showed clearly that the Republican Party is not going to roll over and play dead. The much criticized southern strategy resulted in a Republican Governor and Lt. Governor in the State of Virginia. Here in South Carolina, Republican victories in Myrtle Beach and Aiken, as well as earlier success in Greenville and Columbia, effectively demonstrate that the Republican Party is continuing its role of providing leadership on both the local and national levels.

We in South Carolina can take particular pride in the role our State Party has played and continues to play in the Nixon Administration. Nor have we run for cover in the face of adversity. Senator Thurmond has once again shown the remarkable courage of his convictions by speaking out forcefully in the Senate and on national television in strong support of the President and his Administration. We are not a Party of sunshine Republicans.

Let us examine for a moment the proposition that is being suggested to the American people by some of the President's critics. *The New York Times, The Washington Post, Time Magazine* and ABC News have all urged that President Nixon's ability to continue in office has been so impaired by the Watergate matter and related events that he should resign from office. Some in Congress have joined this chorus. The AFL-CIO is beginning a drive to impeach the President.

Last week, I delivered a speech before the Alabama Chamber of Commerce in Montgomery strongly supporting the President, his record in office, and his great potential for achievement in the remaining three years of his term. No sooner had copies of the speech gone out to the press than three wire services called our Public Relations Office at the Department of Commerce wanting to know if the speech had been written in the White House. *The New York Times*, ignored it, *The Washington Post* printed a small story on page A–19 but in Moscow, *Pravda* saw fit to run a story on the speech. I will leave it to others to draw appropriate conclusions.

When one separates the wheat from the chaff in the charges of the President's critics, it becomes clear that grounds for impeachment simply do not exist. The House will not impeach and the Senate will not convict on the compromised evidence of one accuser named John Dean.

It is interesting to note that former Attorney General Richardson, since his resignation from office, has stated publicly that he believes President Nixon has told the whole truth in denying any involvement in the Watergate matter or the cover up. Mr. Richardson stated, "Everything I know supports the conclusion that he has [told the truth]. I've found him personally convincing on this."

The very people and institutions that have moved heaven and earth in the last few months to destroy public trust in the President, even to the extent of charging that his ordering an alert in response to Soviets ac-

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tions in the Middle East crisis was politically motivated, are now claiming that because they have succeeded in undermining the President's popularity, he should resign in the interest of national unity.

They are proposing no less than an abandonment of our Republican form of government with an elected President for a four-year term of office. Should they succeed, the form of government which has guided this Nation to a position of unprecedented leadership in the world in 197 years will be compromised.

This is not the Fourth Republic of France. Our forefathers purposely established a form of government which prevents the removal from office of an Administration in mid-term merely because political opposition has rendered a President temporarily unpopular.

The strength of our system lies in the fact that the American people and the leaders of the nations of the world know that our President is secure in his office and that the American people cannot be temporarily manipulated to bring down an Administration.

In spite of the most vitriolic headlines and broadcasts which have gone on day after day after day with no let up, the vast majority of the American people believe the President should remain in office. In spite of the crescendo of criticism which has been presented to the American people virtually unchallenged by the media, President Nixon has shown in both the Middle East and the energy crisis that he is governing this Nation effectively, skillfully, and with the high calibre of leadership which has characterized his Presidency and from which the United States and indeed the world have derived such great benefit.

The people of South Carolina have a heritage from our early history that continues on to the present day, a heritage of courage to stand up and be counted for our beliefs and our convictions regardless of what the rest of the Country may be doing. We have not been known for accommodating ourselves to the opinions of the moment; but rather South Carolina has been characterized by its willingness to assume leadership and to create rather than react to the events of the day. Perhaps we have not always been successful, but we have never been afraid to try.

Today is a time when our Nation needs that quality of leadership which our State has always provided. By strongly uniting behind the President, behind our Party and behind the principles which are so important to this Nation, we can influence the entire South, and in turn the Nation, as we have done before. Members of Congress need to be informed of our views.

This President, in my judgment, is the most qualified man in the world to be leading this Nation—in fact, leading the world. He has the capacity with our support to bring to reality his goal of a generation of peace with all its implications for everyone on this planet.

Three years more is a woefully short time for us as a Nation to be able to take advantage of Richard Nixon's vision, skill, experience and leadership as President.

When this man tells me as he did in his energy telecast a week ago tonight:

"In the months ahead, I shall do everything that I can to see that any doubts as to the integrity of the man who occupies the highest office in this land—to remove those doubts where they exist.

"And I am confident that in those months ahead, the American people will come to realize that I have not violated the trust that they placed in me when they elected me as President of the United States in the past."

This statement gives me confidence that our trust has not been misplaced and that Richard Nixon will be recorded as one of our great Presidents—possibly the one who successfully set the stage for our Country's third century to begin in 1976.

I urge you to share my confidence and I also hope that you and your family will have a meaningful, enjoyable Thanksgiving.

Thank you.

YOUTHS HELP THE ELDERLY

Mr. WILLIAMS. Mr. President, in recent years there has been a lot of talk about the so-called "generation gap" between adults and young people in our country. Personally, I have never been convinced that this gap was either anything new, or that it was particularly acute. Nevertheless, I was encouraged to read a short article in a recent edition of the New York Times which seemed to show that any such gap that may exist can easily be bridged.

The article related how 35 high school students from New Jersey had volunteered their time and effort to visit a number of elderly residents of Brooklyn, N.Y. The visits were apparently most beneficial to the elderly, from both a psychological and a practical viewpoint. While this may have been only a small occurrence in the overall scheme of things, it was nevertheless an encouraging one, and I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JERSEY STUDENTS VISIT AGED HERE

Thirty-five New Jersey students from Teaneck High School, Englewood High School, Bergenfield High School and the Rogosin Yeshiva of Jersey City visited aged, indigent and lonely Jews in the Brownsville section of Brooklyn yesterday afternoon.

The students washed floors and windows, ran errands or just sat and talked with dozens of the aged Jews who are part of what was once a 100 per cent Jewish area.

"These kids have a greater sense of responsibility in these matters than many of us," said Irving Litt of Tenafly, a parent of one of the students. Mr. Litt's family came from Brownsville.

"There are so many poor Jews who are neglected by the rest of the Jewish population," he said. "The kids want to draw attention to their plight by making people aware they are committed to doing something about it."

TWO YEARS OF PROGRAM

The students were a contingent of the Englewood Massada youth organization who volunteered for the work under the sponsorship of the Council for the Jewish Poor of the Association of Jewish Anti-Poverty Workers. Last April, before Passover, the organization carried out a similar activity on the Lower East Side.

Today they chose the Van Dyke Houses, a Housing Authority low-income development at Dumont Avenue and Powell Street. They were greeted warmly by the people they came to help.

"They're such nice children. I appreciate them coming to me," said Harry Lieberman of 430 Dumont Avenue, who could not recall his age but said he was more than 80 years old. He lives in a seventh-floor apartment with his wife, Lena, who likewise could not recall her age, but said she was more than 70.

"We have nobody, we're alone, both our families died and our health is poor," he said. "We need this kind of help."

ADDRESS BY FORMER SENATOR LEN B. JORDAN, OF IDAHO

Mr. McCLURE. Mr. President, Len Jordan is a man highly revered by his former colleagues in the Senate, and I am happy to inform his many friends here that upon retirement, Len did not fade completely out of the limelight. His first love always was the State of Idaho, and during the past year, he has traveled around the State extolling its virtues and suggesting solutions to our problems there. Retirement has not diminished his wisdom one bit.

One of the amazing things about Senator Jordan's career has been the respect tendered him by otherwise politically hostile sources. I recall that the Lewiston Tribune once said that when Jordan speaks about water, the people of Idaho listen. Its editor, Bill Hall, wrote that—

> Jordan has become one of the most respected members of the most respected legislative body in the world.

Another longtime adversary, Sam Day, commented on Jordan's preoccupation with the public lands and water on which Idaho depends for survival, saying:

> It was in this area that he had acquired his greatest expertise.

And former columnist, Chris Carlson, now Governor Andrus' press secretary, wrote:

> His knowledge of water controversies and the history of the Snake (River) is unmatched in the Senate.

I mention this because Senator Jordan recently delivered a thought-provoking address to the Pacific Northwest Waterways Association concerning water resources and energy. Again, Len Jordan has forced all of us to face the difficult questions, to think the unthinkable. I am sure that Mr. Hall and his friends in the media, referred to above, will find one passage of particular interest. It is during that portion of the speech in which Senator Jordan discusses the Snake as a working river:

> For more than fifty years I have actively supported a sound program of water resource development. I think such a program is consistent and entirely compatible with conservation. I cannot understand the philosophical inconsistency of those who want all dams below where they happen to live and no dams above.

Mr. President, I commend Senator JORDAN's interesting speech to my colleagues in the Senate and to the people of Idaho. All of us may find thoughts here and there with which we disagree, but as the Idaho press has noted time and again, when JORDAN speaks about water, the rest of us listen. Therefore, I ask unanimous consent that his address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS OF LEN B. JORDAN

I am pleased to be invited to speak to

the meeting of the Pacific Northwest Waterways Association. I know that you who attend these meetings are concerned with the long range, as well as the immediate problems, of water resource planning and development. For a number of years—longer than I care to remember—I have been interested in the proper balance in land and water use and conservation. As State Legislator, Governor, Chairman of the International Joint Commission, and more recently, as United States Senator, I have been involved in the same problems that bring you together for this meeting.

These are uneasy times for those of us who attach great importance to proper water resource use and conservation. The vast problems of meeting the long range needs of our nation for domestic, municipal, agricultural and industrial water are a continuing challenge. The ominous projections of water needs are valid, but the solutions, as you well know, are complex and costly, and will involve careful planning and cooperation of both public and private interests.

The fact that we are now going through one of the most critical water years in Northwest history, should stimulate interest and support for water research that is going on at various levels of government and in the private sector, too.

Federal funds have never been sufficient to meet all the unmet needs of society and perhaps it is well that there is strong competition for available funds. At the present time, especially, inflation and years of deficit spending are sound reasons to exercise restraint in public spending.

Water resource programs suffer greatly in the present fiscal situation for two reasons. The most easily definable reason is that there are relatively few items in the federal budget which can be cut back on short notice. Large construction contracts, particularly for new starts, are always the most vulnerable items in the budget.

The second reason is more obscure. Perhaps it is because such programs serve a smaller constituency than some of the social welfare programs. Then too, public opposition to certain project proposals is growing in intensity. All these factors are reflected in the low priority generally assigned to water projects in the budgetary process.

The greatest impact has been on construction. Water resource planning is continuing—indeed some of the most comprehensive and sophisticated planning in any area are the thorough planning studies now going forward, especially in the Pacific Northwest.

It is sometimes said that planning has become a substitute for action. I reject that contention. Planning is *preparation* for action. The action will come—the growing demands for water will not be put off. Ultimately, a crisis situation will occur and demands for action will be made. The trouble is, the considerable lead time required will not yield to instant demands.

We all know that this year the Columbia basin watersheds have provided far less than average river flows. It brings home to us that the bounties of nature are unpredictable and that reliance cannot be placed on average flows. From this predicament of shortage, we must accelerate our planning. The benefits of head water storage are so evident, now. The years I spent bargaining with the Canadians for upstream storage seem more fruitful under these conditions of acute energy shortages.

I hope that we shall soon have detailed plans for the management of our resources in order to meet the economic, social and environmental aspirations of our people. It is my personal belief that planning to meet such broad objectives is entirely compatible and possible of achievement.

We in the Northwest are aware of the time frame within which we must complete our work. We are aware, too, of the critical water situation that has been building up in the Pacific Southwest. Water supply problems in the Southwest are of long standing. Allow me to refresh your memories.

The year 1956 marked a bold attempt by a consortium of Southwest Governors to arouse interest in a proposal to divert 1.5 million acre feet of water from the Upper Snake River into the Colorado River basin via Green River. Their effort failed, but it did serve notice of the continuing interest in such diversion if and when the political climate might be favorable. Various other diversion schemes have been studied, a few have been actively promoted. We in the Northwest must live with the constant threat of diversion to the thirsty Southwest. Plans once set aside because of excessive cost may come back for another look as water values change.

Because the threat cannot be brushed aside perhaps we should examine briefly the water situation in the Colorado Basin. Prior to 1928 the historic flows of the Colorado River had averaged between 17 and 18 million acre feet annually. A treaty with Mexico called for the delivery of 1.5 million acre feet annually at the Mexican border. Based on record flows, water supply seemed adequate to provide a compact for the diversion of water as follows: 75 million acre feet annually to the upper basin states and a like amount to the lower basin states as recorded at Lees Ferry which was accepted as the midpoint between the upper and lower basins.

The upper basin states thought they were taking care of their own interests by insisting that the obligation to the lower basin be met by delivery of 75 million acre feet in the latest ten year period in order to average the flow between years of drought and years of abundance. This seemed like a safe precaution and would have been except that the annual flows in the Colorado basin fell to an average of about 14 million acre feet which, of course, presented the acute problem of over-commitment of the river's flow.

Water planners in the Southwest were certain that imports to the Colorado from other river basins was the best solution. Hence their interest in the Snake and in the Columbia—but less so in the latter because the economics of interbasin transfer are much less favorable from the Columbia River.

This was the water climate in 1968 when the Central Arizona Project Act was passed in the Senate, and in quite a different version passed the House, also. The House-passed bill was especially tough. It provided, among other things, that the Colorado River be relieved of the burden of the Mexican Treaty water by making it a national obligation and furthermore that studies be started forthwith to find supplemental water to bring Colorado basin supplies up to Compact requirements.

The conference between the Senate and House was deadlocked for about 10 days. Except for the diversion language there was much in the bill that had merit. Each of the conferees except one was a Westerner and we knew—deep down in our hearts—if we could not resolve our differences and go back to our respective bodies with an acceptable conference report the whole program would be in jeopardy. A stalled conference might signal the end of federal participation in water resource development in the West.

As one of the conferees, I felt that the deadlock must be broken. Accordingly, on the 10th day, I suggested a compromise that would get the heat off the Northwest for a time at least. I proposed that a ten year moratorium on diversion studies to transfer water from the Northwest to the Southwest be written into law as a part of the legislation.

I bolstered my argument with data showing the Columbia basin states were busily engaged in conducting a thorough inventory of our own water needs—further, that the Northwest was at least a generation behind the Southwest in such resource evaluation—that we would try to compress our work to a ten year period but that we insisted those ten years be free from diversion harassment from the Southwest water planners.

The Jordan Compromise, with the 10 year moratorium, was adopted; the legislation became law. Time passes. It is hard to realize that last August one half of our time had expired.

The act of 1968 did provide for unofficial reconnaissance studies looking toward a solution of water problems of the eleven western states pending completion of the Northwest water studies by 1978.

It comes as no surprise to some of us that the Westwide reconnaissance study has been pressed vigorously by Southwest interests. Despite the 1968 legislation which provided the Northwest states a ten-year period free from harassment by the Southwest planners for official transbasin diversion studies, the Westwide studies have proceeded with some degree of Administration support, but without Northwest states' involvement. The Pacific Northwest states have objected formally to the Assistant Commissioner of the Bureau of Reclamation, the Secretary of the Interior and the Director of the Office of Management and Budget about the conduct of the study.

Here in the Northwest we are proceeding on schedule with our coordinated regional water resources program. We must insist that completion of the Westwide water plan be deferred until our own comprehensive studies are completed.

At this stage we cannot provide Northwest input that will be so essential to an authentic and official Western states water study. Moreover, the moratorium provision in the 1968 act gives us that right.

The Pacific Northwest is very fortunate indeed to enjoy the bounties of nature in the annually renewable flows of our mighty rivers. Most of the low cost energy of this great renewable resource has been harnessed effectively. Abundant energy has been a basic factor in the sound economy of this region. Since my graduation from the University of Oregon half a century ago, I have worked for sound multi-purpose development of our water resources.

The Northwest is not rich in fossil fuels—most of the economically feasible hydro has been developed. The Northwest is in the transition stage from hydro to other alternative sources of energy. Twenty years ago we were told that within a few years, nuclear fission would provide us with power both abundant and cheap—I recall one high government official saying that within a decade nuclear fission would provide all our energy needs at a cost "too cheap to meter." That prediction has not been fulfilled. Nuclear research has had the lion's share of federal research and development funds but still is plagued with high cost, environmental resistance in plant siting, and problems in the disposition of nuclear wastes.

Let us check the reliability of fossil fuel alternatives:

1. Coal reserves are abundant but environment problems of strip mining and emission pollutants present problems as yet unsolved.

2. Gas reserves are lowest of all fossil fuels. Because natural gas is clean burning it has replaced oil and coal as an industrial and electricity fuel. Government regulated low gas prices have encouraged gas use for many purposes that could use coal.

3. Oil. The U.S. Department of Interior predicts that by 1985, our country will be importing approximately half of its petroleum supplies. Our balance of payments deficit for

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petroleum imports alone could be $30 billion by 1985.

Moreover, most of these imports will have to come from the Middle East—a region known for its political instability. Supplies of oil from this area have been seriously disrupted several times just since World War II. The current heated hostilities, which have already resulted in a 5% cutback on exports from middle-eastern oil producing countries, should be a warning to us.

Dependence on the Middle East for oil could be disastrous for two reasons:

1. Our balance of payments, just emerging from many years of deficit, could not tolerate the additional deficit burden of that dimension.

2. More important—from a national security standpoint—if and when the time comes that we must rely on such an unstable source as the Middle East for fifty per cent of our oil, then America will have been reduced to a second or third rate world power.

One goal we must achieve: the United States does have the potential to be self-sufficient in energy if we are willing to make the dedicated effort that will be required to achieve it.

So what do we do about it? It goes without saying that we must conserve energy, reduce waste, recycle non-renewable resources, accelerate programs of research and development for alternate sources such as nuclear fusion, solar, geothermal, oil shale, etc. The list of exotic new sources is impressive but the common denominator to all is *leadtime* and money—plenty of both plus full cooperation between the public and private sectors.

In the meantime, it might be well to re-examine some of our potential hydro sites that have been passed by for one reason or another. For example:

My own state of Idaho has already consigned 250 miles (which is 44% of the total) of free flowing rivers to the national system of wild and scenic rivers. The hydro potential forever foregone in this set-aside is approximately [illegible] billion average annual kilowatt hours. This, I do not regret. I voted for it, and gladly, because I believe in preserving a proper segment of our rivers for this purpose. But how much is enough? With some people the demand for wild rivers is insatiable. Arthur Godfrey has called for the removal of all dams in all rivers.

My own state of Idaho has another 550 miles of free flowing rivers under investigation for inclusion in the national system. The hydro potential of these rivers now being studied is approximately 11 billion average annual kilowatt hours. But that is not all.

Since I left the Senate last January, legislation has been introduced in the Senate to establish the Hells Canyon National Recreation area in the states of Idaho, Oregon, and Washington. The hydro potential of Wild and Scenic segments of the Snake River from Hells Canyon Dam to Asotin, as proposed in this bill, is approximately 9 billion average annual kilowatt hours. In order to better comprehend the magnitude of energy involved in the middle Snake, the total energy sales from the entire Idaho Power Co. system for the year 1972 amounted to 9.8 billion kilowatt hours.

Like the Columbia, the Snake is a working river. More than a score of major man-made impoundments and countless diversions upstream regulate the river to supply the water needs of Idaho and Eastern Oregon and supplement the hydro production downstream.

One segment of the Snake River from the head of navigation at Sheep Creek to the Hells Canyon Dam should not be developed. This is Hells Canyon proper—the deepest canyon in the world. This is truly wild country and should not be disturbed by the hand of man.

The navigable part of the Middle Snake, however, is in a wholly different category. The Snake River Canyon from Sheep Creek on the Idaho side (the head of navigation) to Lewiston is a developed agrarian livestock range area very similar to that of many other western rivers such as the Imnaha, Grand Ronde, John Day, and Deschutes. This part of the Middle Snake is no more wild—no more scenic than many other rivers. And it does possess unusual economic potential.

The appropriation called for in the bill is $86 million. That sum figures out to about $1 million per mile—presumably to try to make a working river wild. But that is only the first cost. If this bill becomes law, power users of the Northwest will pay about $86 million each year for imported oil or its equivalent, for the Middle Snake energy development lost for all time.

For more than fifty years I have actively supported a sound program of water resource development. I think such a program is consistent and entirely compatible with conservation. I cannot understand the philosophical inconsistency of those who want all dams below where they happen to live and no dams above.

I would be the first to agree that not all of the hydro potential of the rivers now under study could or should be developed. But the trade-off for hydro development forever foregone in our own area may be the equivalent of millions of barrels of oil from the Middle East or elsewhere, and I do not know where that might be. I think we should re-examine our own uncommitted resources, so that our people may be informed as to just what the trade-off is. The people have never been told where the energy will come from to replace development foregone.

The energy crisis is real. It is not likely to be solved in the short range. The long range prospects are no better. Faced with these facts, I think we should request sponsors of the proposed legislation to provide the public with an economic impact study of their proposal, including forest products, minerals, grazing, and energy resources foreclosed.

Now let's place this energy picture in its proper perspective. Oil and natural gas furnish about 78% of our energy; coal about 17%; hydro electric power 4% and nuclear power 1%. About 40% of the electric power is generated by oil and gas.

In this country, we have 6% of the world's population and use 33% of the world's energy. There is no cosmic law that guarantees us such a disproportionate share in the future. Growth in demand has been staggering, and it is expected to double by 1985. We are using about 17 million barrels of oil a day, and at least a third of that has to be imported.

Ominous headlines have been in the news since the Labor Day weekend regarding Middle East oil producing countries. That's the area of the world we have to look to more and more for foreign imports. Supplies from Canada and Venezuela have peaked out, and now we face what one writer in the July Reader's Digest called "excruciating international blackmail."

The writer was a prophet, because just two months ago, Libya completed its nationalization of western oil companies by seizing 51% ownership of the firms. Libya's premier announced that the price of crude oil will be nearly doubled—and get this, he also said Libya would no longer accept American dollars as payment for its oil.

Other Arab nations backed Libya 100%. Saudi Arabia advised American oil company officials that if the United States does not adjust its Middle East pro-Israel policy in the near future, it will reduce its oil production by one million barrels a day, which would add to the growing crisis. Since that time, a conference of Arab nations has done just that—cut back production, adding pressure to the oil-consuming nations.

The day of cheap energy is gone—forever. The public must be willing to pay the cost for whatever energy is required—and the requirements are massive, indeed. A free market is historically a better mechanism for allocating resources than mandatory rationing.

Common sense tells us that we have to restore balance between environmental and energy goals. The two should be compatible, because without energy, we cannot continue to clean up the environment. There has to be a meeting of the minds just for the sake of the people of this country.

Let me leave you with this final thought. We don't have to make a choice between a clean environment and enough energy to provide for our individual and national needs. We can have both—but shoudn't have one at the expense of the other.

Let a clean environment and ample energy resources be our National goal. Water power is both clean and renewable. As we search for alternate sources, why not take another look at our remaining hydro potential?

WOMEN'S EDUCATIONAL EQUITY ACT

Mr. MONDALE. Mr. President, in recent years those of us concerned with American education have become increasingly aware of widespread sex discrimination in our schools and colleges and the curriculum they teach.

On October 2 I introduced S. 2518, the "Women's Educational Equity Act," which was previously introduced by Representative PATSY MINK in the House.

Geri Joseph, a columnist for the Minneapolis Tribune, has written several informative articles on the questions of sex discrimination in education, which I have previously inserted in the CONGRESSIONAL RECORD. I am pleased to see that in a recent editorial, the Tribune gave recognition to this problem and endorsed S. 2518. I ask unanimous consent that a copy of this editorial be printed at the end of my remarks.

I also ask that a recent story in the Washington Post, "Women Players Make Their Point," be entered in the RECORD following my remarks. This story dramatized the inequities in the support of men and women's sports on the college and university level. It describes the tryout of two women for the University of Maryland men's basketball team. One of the women explained:

> I don't want to play with men. I just wanted to say that we should get equal facilities and money.

I have chaired two hearings on this bill before the Subcommittee on Education. At the second hearing, held on November 9, tennis champion Billie Jean King testified on the subject of sex discrimination in physical education. I ask unanimous consent to print her testimony in the RECORD at this time, along with that of other witnesses who appeared at the same hearing.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FIGHTING SEX BIAS IN EDUCATION

The existence of sexism in the nation's schools has been recognized by an increasing number of Americans in recent years. As was noted at a League of Women Voters

meeting on the subject earlier this month, sex bias in the schools is often unconscious, but nonetheless common—in textbooks that always cast boys in active roles and keep girls passively in the background, in attitudes that lead teachers and counselors to think of some occupations as suitable for men and others as suitable for women, in athletic programs that make no provisions for girls, in hiring and promotion practices that keep down the number of women in administrative positions.

More evidence of sexism in education was presented recently by Sen. Walter Mondale of Minnesota. A U.S. Office of Education study has shown that women on college and university faculties are paid, on the average, $2,500 less a year than their male counterparts, Mondale noted. Further, he pointed out, only 1.4 percent of high school principals are women—despite the large number of women teachers.

Mondale presented that evidence of sexual discrimination to the Senate earlier this month, and at the same time he introduced legislation designed to do something about it. Mondale's bill would set up a program of grants and contracts, available to a wide variety of educational institutions, which would be used to reduce sexism through the development of new curriculum materials, including textbooks, texts and materials for vocational education and career counseling. The measure would also establish a Council on Women's Educational Programs to oversee the programs funded under the bill and to advise the secretary of Health, Education and Welfare on women's education.

Mondale's proposal seems to us a practical, positive way to do something about a problem that has existed too long at all levels of America's educational system. We hope his bill (and a companion measure introduced in the House by Rep. Patsy Mink of Hawaii) is passed.

WOMEN PLAYERS MAKE THEIR POINT

(By Nancy Scannell)

The 42-year-old Prienkert Field House, which contains the gym for University of Maryland women, is a dead ringer for a dilapidated aircraft hangar with its dangling beams and olive-drab cinder block walls on the inside.

It is not exactly the kind of facility that attracts sellout crowds and in fact cannot seat more than 100 persons around the 136-by-79-foot gym. But then, women's sports were not taken seriously when it was built and apparently some people still are not too serious on the subject.

With this in mind, Laurie Donnelly and Monica Rogers, two members of the women's basketball team, trooped over to the 19-year-old Cole Field House last week and tried out for the men's team.

Donnelly, a 6-foot-1 center, and Rogers, a 5-and-6 forward, said yesterday they did it just for fun and to make some long overdue points about women's athletics. Neither expected to—nor wanted to—make the team.

Neither did.

"I don't want to play with men," said Rogers, a 20-year-old junior from Rockville. "I just wanted to say that we should get equal facilities and money. I wanted to show that women have talent and aren't Amazons, the stereotyped image people have of women athletes who don't know anything about women athletes."

Donnelly, a 21-year-old senior from Catonsville, Md., said, "I wanted to show that women could play sports on an interscholastic level and deserve better consideration on facilities and money."

The men's basketball coach, Lefty Driesell, was amused, but invited the two women back for the tryouts for walk-ons, remarking that the two looked pretty good, they said.

The men trying out were cordial and some joked about adding glamour to the team. But most of the cordiality ended on the court as the two became the focus of controversy on campus, they said. They started to get some nasty feedback from students they have never met.

Some people were not enthralled with the idea of women trying out for men's teams and others were afraid men would start trying out for women's teams, eventually squeezing women out in sports, based on physical strength.

The two women said they would not have tried out had they known that Dorothy McKnight, coordinator of women's intercollegiate athletics and their coach, had already arranged to have home games played at Cole and Ritchie Coliseum.

The first McKnight heard about women at men's tryouts was at a meeting when she was asked if she had sent them. "I told them, 'Don't be ridiculous. If it's one of our good players, I'd never send her over,' I'm sure they had to be better than some of the guys," she said.

When Driesell asked if the women's teams would like to play their games as preliminaries for the men's games, McKnight said she told him, "No, because we are the main event."

She refused to say how much money the women's teams get from the university's department of intercollegiate athletics, but said it was a lot less than that given the men's teams.

Still, the money is a big boost compared to three years ago when the women got none from the university and had to pay for uniforms, transportation, entry and officials' fees with the proceeds of bakery sales and wine raffles.

"The players drove their own cars and made their own uniforms out of maternity smock patterns—and they (the uniforms) looked it, too. I couldn't believe it," said McKnight, who has been at Maryland 10 years.

One of the reasons she was able to persuade the university to let the women's team play at the Coliseum or Cole when the men are not playing was the safety risks at Preinkert.

Players were constantly crashing into the walls, which are only a few feet from the edge of the court. On big games, 200 to 300 people show up and jam the gym and its hallways, blocking exits that would have to be used in emergencies.

The women's basketball team, which was 12-3 in its first season last year, begins its 11-game season Tuesday. The team will have a lot of strong defenses going for it, McKnight said. It will also have Monica Rogers and Laurie Donnelly.

STATEMENT OF BILLIE JEAN KING ON S. 2518, THE "WOMEN'S EDUCATIONAL EQUITY ACT," NOVEMBER 9, 1973

In 1969 in the Syracuse public schools $90,000 was budgeted for boys' sports and $200 for girls' sports. In 1970, they cut back to $87,000 for boys and nothing for girls.

In 1972–73 in Fairfield, Pennsylvania, where there are 800 students in grades kindergarten through 12, $19,880 was spent on interscholastic sports for boys and $460 for girls.

In New Brunswick N.J. Senior High, ten sports are offered for boys; only three for girls, $25,575 is spent on boys' sports and $2,250 on girls'.

At the University of Washington 41% of 26,000 undergraduates are women. Yet women get only .9 of one per cent of the $2 million spent on sports annually—that is, $18,000 a year.

At Vassar, which was a women's school until 1966, there are 1400 women and 700 men. There are 5 sports for men and 3 for women. $4,750 is spent on the men and $2,060 on the women.

In the five major collegiate athletic conferences, there are 5,000 students on football scholarships worth about $10 million. As many of 50,000 men per year earn a college education on athletic scholarship. Less than 50 women in the nation have any kind of athletic scholarship.

These examples, which appeared recently in a national magazine story, show that physical education is one of the most discriminatory areas in the American educational system.

The National Education Association policy statement on sports states: "Participation in sound athletic programs contributes to health, happiness, physical skill, emotional maturity, social competence and moral values." It is also believed that sports teach the nature of competition and the need for cooperation as well as contribute to the development of self-confidence and self-understanding. The discipline and pursuit of excellence developed in athletic competition carry over to all walks of life.

If this is true, then why is it that such benefits are only extended to 49% of the population, except in rare cases? Why is it that women's sports programs in the public schools receive only about one per cent of what men's programs receive? The effects of such discrimination are further magnified by the availability of fewer and poorer sports facilities for women students and the almost total non-existence of scholarship funds for women. This disparity increases on the college and university level.

As the women's athletic director at the University of New Mexico points out: "if athletics can be justified as an educational experience, then this concept should apply to women's athletics as well as men's athletics. If the main value of intercollegiate athletics is public relations for the university, as some seem to believe, then women's athletics can be just as effective at public relations as men's athletics."

Possibly more so. Our experience in tennis has found women every bit as promotable as men. Sports programs for boys start as early as the fourth grade in some areas, and don't begin, even in a limited form, for the girls until the seventh through tenth grades. By the time a girl reaches high school or college she is often well programmed to think of sports as extraneous. She doesn't take pride in active and strenuous use of her body. Boys, in the meantime, are encouraged to keep in condition both to maintain their health and to enjoy their athletic abilities.

Perhaps the best way to define equality for women in sports is in terms of money. That is, per capita expenditure by sex. Women students are increasingly questioning such standard or commonplace practices as routinely using the doctors and facilities in the campus infirmary for men's but not women's teams. And, for example, at one state college in Utah, the sports for women are funded through the student government while the boys receive financial support directly from the institution's budget. There is now serious talk on some campuses of encouraging female students to withhold part of their student activity fee to protest these inequities in athletics.

The Women's Equity Action League (WEAL) statement on women in sports says:

"While outstanding female athletes should not be excluded from competition because their schools provide teams only for males, separate but equal programs should also be provided for female students who cannot compete equally in athletics with male students."

I feel that the potential developed by our educational system can be greatly enhanced

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now and in the future by increasing the amount of money spent on physical education, especially of women.

I believe that S. 2518 is an important step toward providing the opportunities that women deserve and have been denied in physical education.

Testimony of Barbara Greene Kilberg, Vice Chairperson of the National Women's Political Caucus, Before the Subcommittee on Children and Youth of the Senate Labor and Public Welfare Committee, November 9, 1973

Mr. Chairman, Members of the Subcommittee: I am Barbara Greene Kilberg, Vice Chairperson of the National Women's Political Caucus and Vice President for Academic Affairs at Mount Vernon College in the District of Columbia.

I appreciate this opportunity to testify on behalf of the Caucus in support of S. 2518, the Women's Educational Equity Act, introduced in the Senate by Senator Mondale. This bill is identical to H.R. 208, which has been introduced in the House of Representatives by Congresswoman Mink. We commend and thank Sen. Mondale and Congresswoman Mink for their leadership in directing Congressional attention to the pervasive problems caused by discrimination against women in the educational systems of America.

We believe that there is a sexual track system in our schools that directs women from the outset to anticipate second-class status in the economic and sociopolitical mainstreams of our country. The myth of sexual stereotypes is perpetuated in many ways. It starts in the educational "play programs" of the preschool years. It continues in the most basic primers and texts which reinforce the traditional and female roles along with the three R's, teaching our children, both directly and subtly, that there are personality traits, behavioral patterns, and levels of ambition and ability that are distinctly "male" or "female".

In most all school textbooks, be they readers, math books, or spellers, and especially those on the elementary level, the female is still displayed as the dependent mother, capable only of solving minor problems and performing menial tasks. Her activities are basically those of combing hair, helping the children make cookies and searching for the dog. Any major decision or activity is the sole province of the father—who is strong, intelligent and dependable. He is always greeted with a tremendous outburst of enthusiasm because he is the one who can do the job. And if the female should be assigned a professional role, you can count on it being a teacher or perhaps a nurse. Only once did I notice in a textbook an aggressive role for a female; that was a grandmother who flew around in a small Cessana. The clear implication was that she could engage in such activity only because she was a grandmother who happened to have no responsibilities and thus could be irresponsible and eccentric. I would recommend to this Subcommittee a study of spelling primers used by 80% of the grammar school students in this country. The study was done by Dr. Lenore Weitzman, a sociologist at the University of California at Davis. In addition to the "normal" sex stereotyping, she found a very subtle discriminatory pattern in the use of consonants and vowels. The consonants were boy figures continuously pushing, ignoring or ordering about the vowels who were girl figures.

Student counseling all through the school years continues the reinforcement of stereotyping rather than focusing on individual interests and potentials. The role-models that are visible to young people within the structure of the school itself are cues—particularly the overrepresentation of men in key administrative and policy positions within the educational system. Only 1.4% of all high school principals and 19.6% of the elementary school principals are women. On the college level, women comprise 20% of all academic personnel: 43.5% of the instructors and only 9.4% of the higher level professors. These statistics bear out the fact that the higher one progresses through the academic hierarchy, the more male-oriented and male-dominated becomes the rarefied atmosphere.

The sexual track system has been outlawed by Title IX of the 1972 education amendments. I believe that the research and demonstration funding incentives of S. 2518 will be valuable catalysts in bringing about voluntary compliance in a number of ways. New curricula and other educational tools are needed that explore women's roles in our society and that explode the traditional myths of a "woman's place". The publishing industry as well as the educational systems need incentives to make badly needed changes in texts and curricula. A more balanced approach to the motivational development and direction of young people is needed. Specialized training of educational personnel should stress the importance of counseling and other forms of teacher-student contact in influencing the life goals and ambitions of youth. Schools must examine their own role-model potential: what are the opportunities for female participation, advancement and leadership in the faculty? Colleges, universities and vocational and technical training institutions must be encouraged to provide incentives, programs and new approaches that increase female student enrollment, and that provide a broad range of career opportunities for women in all fields, including those areas that have been male-dominated and exclusionary to date. Particularly important is examination of recruitment and admittance practices that discourage women from seeking many kinds of professional training and education. Also important for women are programs and services that permit class attendance during the years of motherhood, such as day-care facilities. The older woman who wishes to resume an education interrupted by child-rearing and family responsibilities should be encouraged to do so. The possibilities are endless.

I would like to say a word here about women's colleges. Most women's colleges are small, private and liberal arts. Our numbers have declined by half in the last decade, from approximately 300 to 145 institutions. Mount Vernon College has made an affirmative commitment, as recently as this past August, to remain a women's institution. We are glad we made that decision and believe it was the right one. We feel that the education of women is of special importance and that it can be done with distinction in the educational environment of a women's college. But I must also share with you that many of our friends warned us about the potentially serious financial and enrollment consequences of remaining a women's institution. As the latest Carnegie Commission report and numerous other analyses have indicated, private liberal arts colleges are in trouble and whatever difficulties coed colleges are having are doubled for women's colleges. The Women's Educational Equity Act would help us in curriculum, in career-orientation and training, in enrollment and in the pre-college preparation of the students who enroll at Mount Vernon, who would learn from the earliest age those things which would help them develop a sense of self, a sense of pride in the potential and achievements of women—of themselves.

As the drafters of the legislation have wisely acknowledged, educational opportunities exist in many forms of human experience outside of the highly structured academic setting. Too often we forget that our educational institutions are not always the reformers, but often are the perpetuators and trustees of prevailing social values and mores. It is in a chauvinistic society that the sexual track system exists, not independent of that society. S. 2518 authorizes community-based and community-oriented education and action programs aimed at attitudinal change among those outside of the academic "catchment area." In the broadest sense, we hope that this means bringing new consciousness into the all-male boardrooms, hiring halls and legislative cloakrooms, as well as into the women's coffee klatches.

The National Women's Political Caucus exists to increase women's participation in American political life. Nowhere are women more lacking than among the ranks of elected public officials. Women constitute only 6% of state legislators. There have been only three women governors in the history of the country. Women have never constituted more than 3.7% of the U.S. Congress, nor more than 4.2% of mayors in the largest 1,000 U.S. cities.

Politics is one of those aspects of American life in which sexual stereotyping remains rampant. The cover picture of the October 15 New Yorker magazine illustrates all too well the prevailing role of women in politics: they stuff envelopes for male candidates.

The National Women's Political Caucus rejects the stereotype. Our country is undergoing a political crisis that has shaken us to our very roots. We cannot afford now, nor could we ever, the costs of ignoring the leadership potential of our women. The need for competent, qualified candidates at all levels of participatory politics is too great. We believe that the educational objectives of S. 2518 can do a great deal to increase public awareness of America's greatest wasted political resource—its women. And we hope that projects funded under this legislation, if enacted, will be focused on the added richness women can bring to American public life, as well as to the economic and educational mainstreams of our country.

Statement of Dr. Helen Wise, President of the National Education Association, on S. 2518, The Women's Educational Equity Act of 1973, Before the Subcommittee on Education of the Senate Committee on Labor and Public Welfare, November 9, 1973

I am Margaret Stevenson, Assistant Executive Secretary for Programs of the National Education Association. I am here today representing NEA President Helen D. Wise.

The National Education Association is pleased to present this statement in support of the principles contained in S. 2518, the Women's Educational Equity Act of 1973.

S. 2518 addresses many of the inequities which have been present in the education of women and girls in the United States. It recognizes realistically that sex discrimination has indeed existed but recognizes also that now, in a time of increased awareness of women's capabilities, aspirations, and prerogatives as human beings, at least some of the continuing discrimination can be attributed to simple—and correctable—ignorance rather than to deliberate bad faith.

More important, though, than the acknowledgment of past ills and of current progress is S. 2518's attempt to provide simple, workable procedures to alleviate many of the problems which confront those people, both women and men, who are trying in their own lives and careers to end sex discrimination.

S. 2518 can assist educational institutions in developing programs to eradicate discrimination in school practices and policies and in making all concerned aware of subtle forms of discrimination. It will significantly help those school governing bodies which genuinely desire to provide equality of educational opportunity for women and girls, particularly since it provides some additional financial assistance to develop anti-discrimination programs without cutting into the regular school budget. It will also provide a remedy which concerned individuals or groups can suggest to help eliminate discriminatory practices and policies perpetuated by those school governing bodies which are unwilling to begin developing programs without legal prodding.

Obviously, a first line of attack must be against sex discrimination rooted in and perpetuated by traditional sex stereotyping, the practice of viewing certain roles, activities, and qualities as proper only for boys and men—aggressve, decisive, wage earner—while regarding others as proper only for girls and women—submissive, supportive, homemaker. S. 2518 will encourage and assist schools and teachers in developing programs, practices, and materials to overcome the stereotypes which persist.

A second line of attack might well be against sexism—the unquestioned, unchallenged, unexamined belief that one sex is superior to the other. Sexism has operated effectively to deny more than 51 percent of our population the opportunity to develop to their full potential. This attitude has permeated all institutions of our society. The schools, as the primary socialization tool preparing children for adult roles, have served to reinforce this attitude.

If the schools are to provide for the needs of girls, they must move to open educational opportunities beyond those that have traditionally existed. Growing up equal is not growing up the same way, but rather is growing up with opportunities that permit each person to develop and grow in ways that are consistent with personal and individual values, culture, and potential. Specifically, we are talking about the kind of equity which will, for the first time, permit and encourage women to move into areas which have traditionally been the exclusive domain of men. S. 2518 will help to provide such equity.

The Council on Women's Educational Programs established by S. 2518 will assist in coordinating national efforts to eliminate discrimination and assure consistency of effort on a national basis. Its dissemination of reports on programs developed under the Act can assist others in instituting tested programs and will serve to eliminate duplication of effort.

There is no question that education associations, women's organizations, and individual women will be increasingly pressuring educational institutions for change. Many of these groups are already challenging educational programs. As they become more and more aware of the legal tools to fight discrimination, more and more challenges will result. S. 2518 will do much to eliminate the agony of disputes over whether or not a program can or will be developed under the regular school budget. It will also assist women's groups, education associations, and school administrations to institute programs, and will make available advice on program design and implementation. There is little question that program and policy changes will be instituted, and S. 2518 will be of great value in implementing change with a minimum of antagonism.

An NEA policy, reaffirmed at our annual convention just last summer in Portland, Oregon, calls for a guarantee that women teachers will have equal opportunity for advancement to administrative positions. Clearly this means more than the trite phrase, "equal pay for equal work." Clearly also, such truly equal advancement opportunities would be in the best interests of not just the individual woman who is promoted, but of the entire education system. It would open up a previously overlooked pool of talent, resources, and commitment. We are pleased to note that S. 2518 would encourage such opportunity for advancement.

Another goal sought by NEA policy is maternity leave taken at the discretion of the woman teacher and her doctor and taken without loss of job, tenure, status, or pay—in other words, maternity leave that is administratively treated just like some other prolonged disability such as a broken leg. S. 2518 clearly would encourage such leave policies to be incorporated into teacher contracts.

School programs in sports and physical education have long distinguished between boys and girls. Consider what happens to school coaches of such sports as basketball, golf, tennis, and swimming—all sports in which both boys and girls actively participate. The men coaches of the boys' teams generally are paid for their extracurricular duties and/or are relieved of lunchroom or busloading supervision. On the other hand, the women coaches of the girls' teams donate their time for coaching—usually having to fight the administration for money for incidental expenses—and are still required to perform their busloading and lunchroom duties. We feel that S. 2518 would do a great deal to dispel the atmosphere which has historically made this distinction a fact of life, and could result in increased attention being paid—and resources being allocated—to girls' sports.

Women clearly have many legal tools to fight discriminatory programs and policies under the 14th Amendment to the U.S. Constitution, Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Equal Pay Act of 1963, and the Executive Orders which require affirmative action programs by government contractors. All of these provide a means of recourse for past discriminatory practices. S. 2518 will, of course, supplement existing legislation and orders. It provides mechanisms and resources designed to solve problems early in the otherwise-lengthy legal processes. Hopefully such mechanisms could lessen the antagonisms which can so often occur when legal actions are long, drawn out, and abrasive.

But S. 2518 has a more positive value—it encourages and funds efforts to end sex stereotyping and discrimination before such situations become entangled in complicated legal proceedings.

We do not view S. 2518 as a panacea. However, we do see it as a good first step which may begin to really equalize opportunities for boys and girls, men and women. We commend its sponsors, and stand ready to do whatever possible to ensure its adoption.

Statement on Behalf of the American Personnel and Guidance Association

(By Dr. Janet C. Heddesheimer, Assistant Professor of Education, Department of Education, the George Washington University, Washington, D.C., on the Women's Educational Equality Act of 1973, S. 2518, before the U.S. Senate Subcommittee on Education, November 9, 1973)

Mr. Chairman and Members of the Committee: I am Dr. Janet Heddesheimer, Assistant Professor of Education at The George Washington University. As a counselor educator and as a member of the American Personnel and Guidance Association's Government Relations Committee, I am pleased to be here to discuss the reasons for the Association's support of the Women's Educational Equity Act.

Before discussing the Bill, I would like to spend a few minutes describing the purpose of our organization and some of the work we have done in the area of counseling with girls and women.

The American Personnel and Guidance Association has a membership of 33,000 members. We have ten divisions and 52 state branches to service the professional needs of counseling and guidance work at all educational levels and in community agencies, government, business and industry.

On our membership form, the survey item on sex and race is optional. As a result, it is impossible to give a precise number of female members, but we do know that of 20,776 members completing the item last year, 9,899 or nearly half were women.

Our concern for facilitating the development of women extends far beyond a consideration of our membership base. As a professional organization composed of counselors and guidance personnel who work in diverse settings, we have a deep commitment to helping the people with whom we work to be knowledgeable of alternatives and options open to them for leading useful and satisfying lives. We serve an important role in assisting them to learn to take advantage of these personal options.

In order to facilitate this development process in girls and women, APGA has tried to do as much as possible to sensitize its members to the unique concerns of girls and women and to provide professional counselors with materials that will improve their competency and help them communicate effectively with consumers of their services.

At the present time, we have a Commission on Women directly affiliated with APGA. Three of our ten divisions have task forces and commissions on women. The oldest, a part of the National Vocational Guidance Association, has been in existence since 1968. Among other activities, they sponsored two major conferences structured to identify career counseling needs of girls and women and to generate concrete suggestions for meeting these needs. I have furnished each of you with a copy of their monograph, *Counseling Girls and Women Over the Life Span*, which summarizes the results of the first conference. The most recent one was held in July at Appalachia State University in Boone, North Carolina, and in joint sponsorship with the North Carolina Department of Public Instruction and the North Carolina Commission on the Education and Employment of Women.

Our major journal, *The Personnel and Guidance Journal*, frequently includes articles about counseling girls and women. In October 1972, we devoted an entire issue to this area, and I have provided your Committee with several copies of this publication.

I hope that these two publications will help you understand the critical need for more effective counseling with girls and women.

At our national conventions, many of the workshops and papers presented focus on new techniques being developed for counseling with girls and women. The research reports in such areas as girls' vocational aspirations and the effect of sex role stereotyping on males and females are disseminated to thousands of our colleagues at sessions and in subsequent publications. Indeed, we were honored by the presence and presentation of the Honorable Congresswoman Mink at one of our conventions last year, and we are hoping that Senator Mondale will accept our invitation to be present at our New Orleans Convention this spring, 1974.

We have recently developed two films entitled "Assertive Training for Women." These films present simulated situations of problems women frequently encounter such as job discrimination, the difficulties of combining managing a household and working outside of the home, and pressure to respond to situations when faced with sexual stereotyping. These are available for the use of counselors and others at a nominal rental charge for group counseling and guidance with women.

Another service offered to our members is the National Career Information Center which provides a monthly newsletter, *Inform*, dealing with information on career opportunities and vocational guidance activ-

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ities. Several issues of *Inform* have been devoted exclusively to the concerns of girls and women in career exploration. I have included samples of these for your use. Bibliographies of informal and service resources for vocational guidance are also provided for users of the service. Recently, the National Career Information Center undertook a project to emphasize Career Awareness in conjunction with the Business and Professional Women's Foundation. This will soon provide materials for schools and community groups to cooperate in fostering the career exploration of individual students, male and female, across the country. The aim is to have school counselors and community workers join together to assist young people with career exploration. With this particular sponsor, it is obvious we are assuming improved attention to the developmental needs of *both* sexes.

In addition to these practical services giving impetus to improved counseling with girls and women, our national governing body has taken a stand on professional and societal issues that directly affect women. For example, our Senate in March 1972 passed a resolution indicating that separate male and female forms of the Strong Vocational Interest Blank(s) (SVIB), the two most frequently used instruments to assess personal interests, were discriminatory and of limited use in helping females reach sound career decisions. It also authorized members to petition and negotiate with the SVIB publishers to revise their instruments, manuals and normative groups to eliminate sexual discrimination.

In February 1973, our Senate again passed several resolutions calling for affirmative action against discrimination based on race, color, creed, sex, sexual orientation, life style, or age within our Association and all of its state divisions and branches. They also voted to refrain from using sexually discriminatory language and sexually derogatory references in all Association publications. We have additionally consistently recorded our support of the ratification of the equal rights amendment.

While we believe that as an Association we have worked to improve counselors' awareness of the unique needs of girls and women, we realize that the time has come for a commitment by the Federal Government to assist counselors in raising women's aspirations and in helping them to gain the self-confidence they need to take advantage of a greater range of opportunities.

Job discrimination against women has been well documented by previous testimony heard by this subcommittee. Salary inequities, difficulties in obtaining positions commensurate with level of training, the dilemmas of combining raising a family with a career, and closed educational opportunities have been clearly demonstrated. Reports such as the recent one published by the Carnegie Commission on Women in Higher Education leave little doubt that women are facing enormous hurdles.

Efforts to further increase the job opportunities available to women are essential and to facilitate women's movement in and out of the labor field during different periods in their lives are necessary. Indeed, federal legislation which mandates affirmative action programs and provides for channels of legal redress for women who are discriminated against has been of invaluable assistance in opening up the labor market.

But as counselors, our focus is directed toward enabling women to take advantage of the options available to them. Unfortunately, even if all sex discrimination were to end tomorrow, nothing would drastically change. The majority of women are still electing to train in a small number of occupations.

Sandra and Daryl Bem from the Department of Psychology at Stanford University noted in a recent report entitled "Training the Woman to Know Her Place" that one third of all working women are concentrated in only seven jobs. Secretary, retail sales clerk, household worker, elementary school teacher, bookkeeper, waitress and nurse. They further note that fewer than 5 percent of all professional women—fewer than 1 percent of all women workers—fill those positions which to most Americans connote "professions": Physician, lawyer, judge, engineer, scientist, editor, reporter, college president or professor. The majority of the others are either noncollege teachers or nurses. In order to place women in male dominated occupations, there must be a bank of trained females to draw upon. For too many professions that pool is limited or nonexistent.

Women wishing to enter non-traditional positions are severely handicapped by doubts as to whether they could be successful. Some of the problems handicapping women as they strive to move into these occupations are lack of training, resistance from family, conflict of values, geographic immobility, and sex-role stereotyping.

The most disturbing aspect of these handicaps is that many of them are emotional problems of women such as lack of motivation, fear of failure, and limited self-confidence. What is even more disturbing is that this self-defeating behavior is developed in girls at a young age. Our research suggests that by kindergarten girls are accepting for themselves sexually stereotyped occupations with limited vocational aspirations.

Bettina Weary noted in a recent article that women have been conspicuously absent in the "revolution of rising aspirations." She stated that "Every travel sign within the value-laden dimensions of our culture reads: 'Do not try to climb the mountain, it is steep, rocky, hazardous. And at the topmost peak, the climate is chill, penetrating. And it is lonely. Take the parkway, it is smooth, even and clear. And you will have lots of company.'" The Bem report echoes this idea with its conclusions that:

"It is frequently argued that a 21-year-old woman is perfectly free to choose a career if she cares to do so. No one is standing in her way. But this argument conveniently overlooks the fact that our society has spent twenty long years carefully marking the woman's ballot for her, and so it has nothing to lose in that twenty-first year by pretending to let her cast it for the alternative of her choice. Society has controlled not her alternatives, but her motivation to choose any but one of those alternatives. The so-called freedom-to-choose is illusory, and it cannot be invoked to justify the society which controls the motivation to choose."

In addition to assisting children and young women whether in school, at work, or at home, we need to offer support to middle-aged and older women who are attempting to enter the labor market after raising a family. They face many of the difficulties previously discussed, as well as age discrimination. If they fail to find satisfactory work, they may spend many years of enforced idleness despite their abilities. For these women retraining programs, information services on job opportunities open to them, and counseling to help them deal with the personal and educational concerns they have as they move toward a new life style are essential.

In order for educational efforts aimed at widening girls' and women's horizons to be successful, a counseling component is necessary. Counselors can assist in helping women to see their potential and to make full use of their talent. They can also furnish them with information on increasing opportunities that do exist in the work world for women.

In addition to increased and improved counseling services, upgraded counselor education programs are necessary.

So that counselors can work successfully with girls and women over the life span, they must first be well informed and reexamine their own biases and concepts of the occupational role of women. Dr. William Bingham, Associate Professor of Educational Psychology in the Graduate School of Education, Rutgers University, studied the extent to which counselors are accurately informed about women and work and examined counselors' attitudes toward working women. The data indicated that some counselors are misinformed and that there are notable sex differences in information. Generally, the counselors in the study expressed more positive than negative attitudes toward women and work. Dr. Bingham said, "In some respects, their attitudes were less clearly defined than was expected. Such lack of definition may leave some clients, especially girls, with feelings of uncertainty about where they stand with their counselors."

In a recent conversation with Dr. Lynn Hahn, Chairperson of the APGA Commission on Women and Chairperson of the Department of Counselor Education, California State University, Sacramento, California, she strongly emphasized this need to expand counselor education programs to include information on counseling girls and women. University courses and in-service programs for counselors in the field designed to assist counselors in keeping abreast of the rapid changes in the labor market and the increased opportunities for women are essential. Another important element in such training programs are activities that focus on value and attitude change in counselors who have an outmoded view of the role of women in our society.

Unfortunately, this is an area too long neglected by counselor educators. Dr. Nancy Schlossberg who spoke to you earlier outlined the need in this area.

Suggesting that there is a necessity to improve the training of counselors in order to make them more responsive to the needs of girls and women does not imply inactivity of the counseling profession in raising the vocational aspirations of women and in assisting men as well as women in dealing with the changing life styles of women.

I would like to discuss briefly several activities as examples of what is happening.

Dr. Ellyn Geller at Trenton State College in Trenton, New Jersey, is developing curriculum and resource materials on occupational information that is specifically designed to break down sex role stereotypes. The project is aimed at maximizing the potential of all students to make career choices congruent with interest and aptitudes. She is also training teachers in the use of the material. At present she has developed packets for 4th and 10th graders and is working on information for grades 8 and 12. Eventually, everything will be translated into Spanish.

At the university level, Dr. Ruth Osborne, Assistant Dean of the College of General Studies, the George Washington University, has for ten years successfully headed a continuing education program for women which assists those who want to move back into the world of work after spending several years at home. The program includes courses in women's studies, group and individual counseling, and assistance with enrolling in other university courses needed to help the women train for the occupation they select or to update their knowledge of fields they were in a number of years ago. This program has been expanded to include an M.A. degree in women's studies which prepares women in counseling, administration and research.

The State of California Education Committee has published a small booklet on information for counselors on counseling California girls. It contains information on the labor market, simulation games which illustrate how time and circumstances influence women, a discussion of methods to improve the self-concept of girls and provides ideas for helping girls establish priorities in their lives.

A number of workshops for practicing counselors are also available. For example, Mills College, Oakland, California, is sponsoring a workshop under a Ford Grant entitled "Beyond Sexism: Educating Women for the Future." APGA has engaged in a number of in-service workshops to upgrade counselor skills in counseling women. In October at our Atlanta workshop, Dr. Jeanne E. Werner and Dr. Gail Bell chaired a workshop on "Humanizing Opportunities for Girls and Women." They focused on methods for humanizing educational and vocational opportunities for girls and women by utilizing existing programs and legislation. Yet another workshop will be held in Chicago this month entitled "Strategies for Attacking Institutional Sexism: Raising Counselor Consciousness." Dr. Gloria J. Lewis and Dr. Judith Lewis will work to raise the awareness of the myths that stand in the way of sexual equality.

Several specific aspects of H.R. 208, the "Women's Educational Equity Act of 1973," particularly encourage me as I view the possibility for the Federal Government's assuming a more affirmative stance in revising the educational programs that affect women and upgrading the training of professionals in education who work with women.

The comprehensiveness of the bill is one of the strengths of the legislation. While the focus of the bill is specific, it can be implemented in many ways. Innovative approaches are possible and indeed encouraged. In order to improve the inadequate educational programs as they relate to women of all cultural and ethnic groups, a comprehensive approach that allows all segments of the educational community to try out new ideas is essential. This broad approach must include research as well as demonstration and pilot activities. While we are beginning to see where specific projects can be effective in improving educational programs for girls and women there are also critical areas in which more research is needed before moving into program implementation. This is where the Council on Women's Educational Programs can be effective in advising the Secretary of HEW on funding priorities.

I am pleased to note the explicit mention of dissemination of an annual independent report of programs and activities under this act by the Council on Women's Educational Programs. This section should be strengthened in the legislation and final guidelines. To benefit from the work of people in women's programs, there must be an information dissemination network that allows counselors to use successful aspects of previous programs and learn from the mistakes of these programs. The same holds for research activities.

As counselors, we would also like to emphasize the importance of in-service work for counselors, along with other educational professionals. Before counselors, both male and female, can begin to help girls and women learn to break out of sexual stereotypes and make full use of the opportunities open to them, counselors must examine their own sexual stereotypes that may hinder the students and clients they are trying to assist.

I am certain you have heard from other witnesses that the money authorized under this bill, $15 million for Fiscal Year 1974, $25 million for Fiscal Year 1976, and $30 million for Fiscal Year 1977, is not enough to accomplish the many tasks that remain to be done in improving educational programs for women. While I cannot disagree with this position, I do feel that our first concern is the passage of this legislation at whatever funding level we are able to effect.

At a time when the administration is calling for a cutback in categorical programs, S. 2518 can be viewed as broad-based legislation that crosscuts educational activities. Since women represent over half of the population of the United States, a program such as S. 2518 seems the least that the Government can do to help women reach their potential.

I would also suggest that in writing and revising other pieces of education and social legislation, you consider incorporating language that would specifically provide for educational and counseling services for girls and women. Here I am thinking specifically of the Elementary and Secondary Education Act which your subcommittee is currently rewriting.

In closing, I would like to quote Congresswoman Shirley Chisholm, writing on "Sexism and Racism: One Battle to Fight" in the *Personnel and Guidance Journal* (October 1972): "We must work to create a climate in which it will not be unusual or novel for a black or an Indian or a woman to run for a national office or advance to a high executive position. We must work to create a climate in which Americans are allowed to move up in the system solely on the basis of their intellect, perseverance and physical ability." This bill, if passed, will help those of us in counseling and guidance to create the climate Congresswoman Chisholm seeks.

On behalf of the American Personnel and Guidance Association, I express my appreciation for the opportunity of testifying before you today. Both Dr. McDonough and I would be happy to answer any questions you may have.

AMERICAN PERSONNEL AND GUIDANCE ASSOCIATION—SENATE RESOLUTIONS FOR 1972 AND 1973 REGARDING WOMEN'S CONCERNS, APGA SENATE, MARCH 28–29, 1972

Strong vocational interest blanks

Whereas, the Strong Vocational Interest Blanks (SVIB) provide different occupational scores for men and women: that is, women cannot be scored on occupations like Certified Public Accountant, purchasing agent, public administrator, and men cannot be scored on occupations such as medical technologist, recreation leader, physical education teacher; and

Whereas, when the same person takes both forms of the SVIB, the profiles turn out differently: for example, one woman scored high as a dental assistant, physical therapist, occupational therapist on the woman's profile, and physician, psychiatrist, and psychologist on the man's form; and

Whereas, the SVIB manual states, "Many young women do not appear to have strong occupational interests, and they may score high only in certain 'Pre-marital' occupations; elementary school teacher, office worker, stenographer-secretary. Such a finding is disappointing to many college women, since they are likely to consider themselves career-oriented. In such cases, the selection of an area of training or an occupation should probably be based upon practical considerations, fields providing backgrounds that might be helpful to a wife and mother, occupations that can be pursued part time, are easily resumed after periods of nonemployment, and are readily available in different locales."

(Campbell, revised, p. 13, 1966);

Therefore, be it resolved, that APGA commission duly authorized members to petition and negotiate with the SVIB publishers to revise their instruments, manuals and norm groups so as to eliminate discrimination; and

Be it further resolved, that this duly authorized commission develop with the test publishers an explanatory paper to circulate among all purchasers of SVIB materials including answer sheets a statement which outlines the possible limitations inherent in the current SVIB with suggestions for ways to minimize the harm;

Be it further resolved, that the commission in cooperation with the test publisher set a deadline for the new forms to be published and distributed.

American Personnel and Guidance Association Commission on Women

Whereas, there is clear and undeniable evidence that girls and women suffer from personal and institutional discrimination, that they are, by sociological definition, an oppressed minority; that they are denied equality in educational opportunities, occupations, advancement, salary, prestige, and representation in decision and policy making areas; and

Whereas, concern for the welfare of all human beings is an integral part of counseling and guidance; and

Whereas, the American Personnel and Guidance Association is the major professional organization in counseling and guidance;

Therefore, be it resolved, that APGA support all efforts to seek, as a minimum, full and uniform compliance with Executive Order 11246 as amended by Order 11375, which prohibits discrimination on the basis of sex by any agency holding Federal contracts; and

Be it further resolved, that APGA establish and fund as a regular part of the budget, a permanent Commission on Women, composed of a majority of women, including at least one representative of the Women's Caucus of APGA and one from the Women's Commission of any APGA division which has established such a commission, i.e., ACES and NVGA (Commission on the Occupational Status of Women); and

Be it further resolved, that the initial year be budgeted up to $2,500.00; and

Be it further resolved, that the Commission be charged with: (a) Investigating and reporting the status of women in the American Personnel and Guidance Association; (b) formulating recommendations for further action based on findings; and (c) contributing to the leadership and development of affirmative action programs within the American Personnel and Guidance Association and its Divisions and State Branches.

APGA SENATE, FEBRUARY 9–12, 1973

Discrimination on the basis of race, color, creed, sex, sexual orientation, life style, or age

Whereas, equal rights for all is a basic value in our culture; and

Whereas, discrimination has been proved to have adverse effects upon the self-concepts of individuals which affects their total functioning; and

Whereas, counselors strive to build self-concepts in the regular course of their work:

Therefore, be it resolved, that the American Personnel and Guidance Association membership actively resist any discrimination against any individual on the basis of race, color, creed, sex, sexual orientation, life style, or age; and

Be it further resolved, that the American Personnel and Guidance Association membership actively support affirmative action against such discrimination and urge each Division and State Branch to make known this stand in its newsletter or other media and include information on this position in materials going to legislative workshops.

Sexist terminology in APGA publications

Whereas, language is an important symbolic indicator of attitudes; and

Whereas, the APGA publications of its Branches and Divisions are the major professional journals in the field of guidance, counseling and personnel work;

Therefore, be it resolved, that the APGA refrain from using sexually discriminatory language and sexually derogatory references

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in the publications sponsored by the Association and its Branches and Divisions.

Support for ratification of equal rights amendment

Whereas, concern for the welfare of all human beings is an integral part of counseling and guidance; and

Whereas, the American Personnel and Guidance Association is the major professional organization in counseling and guidance;

Therefore, be it resolved, that the American Personnel and Guidance Association go on record as supporting the Equal rights Amendment and that this official position be made known immediately to all state coordinators and to the legislatures of their particular states.

A NEW IDEA FOR A CREATIVE BICENTENNIAL

Mr. MATHIAS. Mr. President, Dr. Peter C. Goldmark, one of the most creative and innovative spirits of our time, is responsible for many revolutionary departures in the field of communications technology. Recently, he has focused his talents on helping establish a cultural network for the Bicentennial celebration. Now, in a long range, visionary project called The New Rural Society, Dr. Goldmark proposes to apply communications techniques to accommodate projected trends in American society, freeing Americans from the tether of urban congestion and permitting them to live in the country or in the city as they choose. The New York Times on October 28, 1973, carried an excellent article by Michael Knight summarizing these proposals and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GOLDMARK IS TESTING NEW RURAL SOCIETY BASED ON ELECTRONICS

(By Michael Knight)

STAMFORD, CONN., Oct. 27.—The man who invented the long-playing record, the first practical color television system, the video tape casette and other revolutionary communications devices is now at work trying to engineer a society of the future.

To Dr. Peter C. Goldmark, that means a society that could take full advantage of recent advances in communications technology to free people from the economic necessity of living near large cities, thus eventually solving the urban crisis, the rural crisis and the energy crisis.

Dr. Goldmark, who was president of the Columbia Broadcasting System's laboratory division here for 35 years until his retirement last year, has convinced the Federal Department of Housing and Urban Development to underwrite his "New Rural Societies" experiment with two $362,000 research grants.

"The New Rural Society is not something we will create, it will form itself automatically," Dr. Goldmark explained, once people see that existing technology imaginatively used can allow them to move to small country towns linked electronically to entertainment, business, medical and government centers.

"The technology is already there, almost nothing needs to be invented," said the 67-year-old, Hungarian-born Dr. Goldmark, who speaks quietly with traces of a Continental accent. "It's the system engineering and the economic viability of it that we're working on now. We have to show business that it is economically viable to work this way."

TESTS ARE UNDERWAY

Already, tests on communication systems and people's attitudes toward them are underway in a 10-town rural section of northeastern Connecticut centering on the city of Willimantic. The city, an older mill town known for the manufacture of thread, and the largely agricultural region around it, were chosen because it was felt they were somewhat typical of rural regions across the country.

A research team of engineers, social scientists, psychologists and urban planners drawn from the Goldmark Communications Corporation's engineering staff here, the Windham Regional Development Agency in Willimantic and the staff of Fairfield University have been surveying the area's needs and planning electronic ways of meeting them.

Although work is still in the research stage, the suggestions include electronic classrooms and cable television systems to answer the region's educational and cultural needs, facsimile transmission of medical records and X-rays, and convincing employers to locate electronically linked remote operations there to meet the region's most pressing need—employment.

The problem, as Dr. Goldmark sees it, is that vast numbers of the nation's city dwellers—would rather live in the countryside than in the city.

But, forced by economic necessity, 30-million Americans have left the countryside since 1940, leaving the country in decline and the cities in crisis.

Commuting to work consumes about 50 per cent of the nation's gasoline production every year, he says, as urban areas get bigger and people commute longer distances.

The solution, he says, is simple. If work, health care and entertainment could be as close as the living room television set or a "village green community communications center," the people who want to live in the country could live in the country, the people who really want to live in the city could live in the city and virtually everyone could walk to work.

TELECONFERENCES HELD

Businessmen, government officials, officers of the Salvation Army, a librarian association and a community service group have already conducted regular business meetings between Willimantic and Hartford by "teleconference."

"In general, they've been very successful," said Dr. James A. Barone, provost of Fairfield University and contract director for the HUD program. "It's merely a question of the block many non-technical people have about technical things."

Unlike the work Dr. Goldmark did for C.B.S., which often required great technical leaps, the hardware part of his new "Rural Societies" program is, by modern standards, relatively simple.

The conferees in Willimantic sat before a television camera and watched their counterparts in Hartford on a television screen.

The lack of a sense of presence that some conferees felt while looking at the television screen was met, at least somewhat by installing stereo speakers so that each participant had an audible "place" on the screen. The complaint that documents could not be exchanged was met by installing a telefacsimile machine.

"I LIKED IT"

"I thought it worked quite well," said Robert Young, director of the Windham Regional Development Agency, who participated last year in a telecommunications conference with state development officials in Hartford.

"It was one of a series of staff level conferences they were having with all the planning regions and it wasn't a make-believe thing," he recalled. "It wasn't as good as face to face, but I liked it and the others did, too."

"It was a little stilted, there was a feeling of being on stage and all the technicians were tripping over wires and things like that, but they wouldn't be there when this kind of thing becomes routine, and anyway, you get so caught up in what you're doing that you don't notice them after a while anyway."

Dr. Goldmark does not expect the full flowering of his new Rural Society much before the year 2000, 27 years from now.

Sometime before then he hopes to see community communications centers where large, projected television images in a central hall will serve as mass entertainment and educational theaters and with small "teleconference" or "telelibrary" rooms.

A CULTURAL NETWORK

Still closer he has dreams of a nationwide cultural network set up as part of the bicentennial celebration in 1976, and using the commercial relay satellite to be orbited next year. "It would be better than a lot of rockets and firecrackers that no one will remember in a month," he said.

"Cultural events would be available in all the middlesize towns, or where there are cable TV systems, in the home. The communities that will be targets of the satellites will have the kind of offerings people migrate to the big cities for and then don't get to see anyway. Instead of having 4,000 people at the opening of the Metropolitan Opera, you could have four million people. It would make money."

There are those who say that the whole new Rural Society idea seems too good to be true, Dr. Goldmark says, but then, there were those who said that about the long-playing record.

MILITARY CONSUMPTION OF ENERGY

Mr. PROXMIRE. Mr. President, in view of the fact that the Department of Defense uses 85 percent of all the energy consumed by the Federal Government, Pentagon actions to conserve energy should be closely monitored.

The Pentagon is the largest single consumer of petroleum in the United States. Any reduction by DOD, therefore, could have a significant impact during the long winter months ahead.

According to defense officials, Pentagon consumption of energy is equal to 2.4 percent of the national total and 4 percent worldwide. Most of the petroleum used by the military overseas is purchased from foreign sources although there are strong indications that U.S. oil now is being shipped abroad for the U.S. fleet.

Overall, the Department of Defense uses 60 percent of its energy for mobile systems, 44.7 percent for aircraft operations, 39 percent for installations, and 11.4 percent for ship operations.

To meet the Presidential directive, the Pentagon claims it has cut back on total consumption by 11 percent as a result of slower ship and aircraft speeds, reduced aircraft training, lower consumption levels for bases and installations, and improved efficiency.

There are many other areas in which improvements can be made, however. For example, the Thunderbird flying demonstration team has seven aerial shows planned for the month of November alone. Surely this kind of nonessential activity should be curbed.

There is evidence that one Air Force general is about to take a Christmas inspection tour of the South Pacific by jet, visiting Guam, the Philippines, Taiwan, Bangkok, Singapore, Australia, and New Zealand.

And then there are the 45 chauffeured limousines waiting at the Pentagon for the high-ranking officers and civilians. This modest ground fleet is assisted by 62 helicopters on standby for flights in the Washington area. It costs $5.1 million for the operation and maintenance of these helicopters alone exclusive of the energy waste.

Some 178 aircraft are assigned to various high-ranking U.S. military officials worldwide. Most of these planes are used as personal aircraft and are on standby for the local base commander. In my opinion these planes should be grounded except for emergency use.

Mr. President, just how expensive such flights are in terms of energy consumption has been investigated by Richard L. Strout of the Christian Science Monitor. Although he focuses on the question of the excessive energy consumption by the White House, the main point is that leadership must be by example. If the Pentagon and the White House show the way, it will be easier for the American people to understand the problem and assist in its correction.

Mr. President, I ask unanimous consent that the Christian Science Monitor article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ENERGY CRUNCH CHALLENGES WHITE HOUSE, ARMED FORCES—PRESSURE GROWS FOR NIXON TO SET EXAMPLE, GROUND PLANES, COPTERS, STAY IN WASHINGTON

(By Richard L. Strout)

WASHINGTON.—President Nixon faces a personal energy crunch with a fleet of five Boeing 707 jetliners, 16 helicopters, 11 Lockheed Jetstars, a yacht, and a garage full of limousines.

He has undertaken to set an example by lowering the thermostat to 65–68 degrees at the White House and at the mountain retreat of Camp David.

Key Biscayne and San Clemente are bathed in tropical breezes but already questions are being raised on how much fuel the President should use in flying to them in Air Force One, and in transporting his staff there, too.

HOW MUCH FUEL?

Already a New York congressman has asked the General Accounting Office to find out just how much fuel the President does use in his trips to Key Biscayne, and San Clemente.

. "A president who calls upon the American people to sacrifice for the good of the nation should show his own willingness to sacrifice," said Rep. Charles B. Rangel.

"The question is whether it is any longer responsible for the President to fly off to Florida and California every time he has a whim to do so," the congressman said.

"The fleet of jetliners, helicopters, limousines, and yacht is entirely too wasteful of our precious fuel resources."

GALLONS ESTIMATED

A Boeing 707 jetliner—the type the President uses—consumes 6,000 gallons of jet fuel per hour. The flying time for a 707, according to commercial airline sources, is one hour and 40 minutes from Washington to Miami, and 5½ hours from Washington to the San Clemente area.

On these figures, Mr. Nixon's jet would burn 10,000 gallons to Key Biscayne (20,000 gallons for a round trip) and would use 33,000 gallons to get to San Clemente (66,000 gallons per round trip). The press plane accompanying each flight would use the same amount. So would a presidential backup plane.

Presidential press secretary Ronald L. Ziegler has said that the speed of presidential aircraft and helicopters will be reduced in light of the energy shortages. He made no mention of eliminating any presidential visits to his homes.

. Chief executives lead the nation by example, and Mr. Nixon is already pledged to this in fuel curtailments.

Speaking from the White House, Nov. 7, he told America to cut back temperatures and added "and that means in this room, too." Half a million vehicles owned by the government, he said, had been limited to 50 m.p.h., and he appealed to governors, mayors, and the public to follow suit. Some officials here hint there will be gasoline rationing by spring.

President Nixon faces a major test in guiding the nation in a peculiarly intimate domestic emergency, in which his own style of living will be observed.

He is under a raking fire from Watergate. The situation recalls the sharp criticism of the unfortunate Herbert Hoover in the 1929 depression with millions unemployed. Some attacked Mr. Hoover's relaxing fishing vacations at his camp on the Rapidan, in 1932. He ultimately gave the site to the government.

* * * * *

SUPPORT FOR PRESIDENT NIXON

Mr. THURMOND. Mr. President, I have noted with great interest several recent news reports proclaiming that the "mountain" of so-called "anti-Nixon" mail sent to Capitol Hill indicates that the "majority" of Americans favor impeachment or resignation. These analyses appear to be based on a loose compilation of random surveys in congressional and senatorial offices. For the most part, they are unscientific and lend themselves to overstatement and exaggeration.

From my standpoint, I can truthfully say that I have not detected this vast public outcry, as interpreted by some of my colleagues in Congress and some segments of the news media. In fact, I have found a groundswell of public support for the President.

Two weeks ago, for example, I spoke at a fund raising dinner in Orange County, Calif., to several hundred people. I also spoke to an estimated 1,200 persons who attended a "Support the President Rally" in Oklahoma City, Okla. I have also appeared in South Carolina on several occasions recently. My heart was warmed by the tremendous response my words in behalf of the President received.

These people are behind President Nixon and they deeply resent the smear tactics being employed to bludgeon him from the White House. They are sick and tired of partisans playing their political games with the future of this country. While they want to know the facts surrounding Watergate and want justice served, they also want their President to stay in the White House and finish the job he was elected last year to do.

Over the last 2 weeks, my mail has been running overwhelmingly in support of the President. I have received 1,864 telegrams and letters. Of these, 1,707 supported the President and only 157 were against him. Time and time again, the same message came through loud and clear: "We love the President, we support him and we resent the cheap politics used against him."

Mr. President, I reject the contention that a majority which gave Richard Nixon a huge mandate just a year ago has suddenly turned against him. Although they may be confused and perplexed by recent events, Richard Nixon is still their President and they will believe him innocent until it is proven otherwise.

MARIO MIRABELLI—AN OUTSTANDING AMERICAN

Mr. WILLIAMS. Mr. President, I would like to take a moment today to express my admiration for an old friend, and a leading member of New Jersey's Italian-American community, Mr. Mario Mirabelli.

I have known Mr. Mirabelli ever since I first became active in community affairs in the area where I grew up, Union County, N.J. Like virtually everyone else who has had the privilege of knowing him, I have developed a deep appreciation for Mario's great commitment to charitable causes, for his tireless efforts in behalf of the Italian-American community, and for his unwavering support for the cause of good government in his community.

Mr. President, Mario Mirabelli, who is now 77-years-old, came to this country from Italy in 1912. He pursued a most successful career in clothing manufacturing until his retirement in 1954, but he always found time to devote to a wide range of activities outside his business.

One of Mario's greatest passions has been his work in behalf of Boys Town of Italy, with which he has been associated for some 22 years—10 of them as chairman of the Union County chapter. One of the things I know he is most proud of is the part he played in establishing an orphanage in his hometown of Calabria, Italy.

Mario has over the years also devoted a great deal of time and energy to St. Anthony's Church in Elizabeth, to the Salesian Seminary in Newton, N.J., and to St. Joseph's Home for the Blind in Jersey City. He has long been active in the Sierra Club of the Archdiocese of Newark, which helps young men to enter the Priesthood.

His interest in his community led Mario to serve on the Elizabeth Redevelopment Commission for 12 years. In addition, he served as a delegate to the Democratic National Conventions of 1956, 1960, 1964, and 1968. Some of the honors Mario has received include his selection as "Man of the Year" by the Eastern Un-

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ion County chapter of Unico in 1969, and by the Roselle Civic Club in 1967.

Mr. President, I count it an honor and a real privilege to have known and worked with Mario Mirabelli over the years; he is truly an outstanding American.

CHRISTMAS TREES ON THE ELLIPSE AND THE WASHINGTON POST

Mr. McCLURE. Mr. President, in a recent series of editorials, the Washington Post said "bah humbug" to the idea of cutting and transporting the 101 Christmas trees that traditionally adorned the Ellipse fronting the White House.

"Last year," wrote a Post editorialist, "about a million people from around town and all over the world trundled to Washington's Ellipse for a look at the national Christmas tree, centerpiece of the annual Pageant of Peace." Many of those folks, said the Post, "didn't like what they saw—because they felt it should not be necessary to cut down a huge, beautiful tree every year for 2 weeks decoration." The newspaper further lauded the Park Service for its proposal to plant a national Christmas tree as an example for those who find the chopping down of a 75-foot spruce wasteful.

For the information of those same people who might consider the cutting of a national Christmas tree a waste, the Post might have mentioned a few statistics on its own tree cutting.

Consider this:

According to figures supplied by national timber and paper associations, the Post's half million daily press run of editions that individually weigh about a pound, adds up to about 108 acres of trees. The huge Sunday edition, which weighs up to four pounds, uses paper from 424 acres of timber. The experts further estimate that, on the average, we are talking about 150 pulp trees per acre, and that adds up to a mere 16,200 trees per weekday, or 45,892 trees for a Sunday.

So during the recent 3-day wildcat strike, the Post gave a reprieve for about 90,000 trees. Not bad. Hats off to the Post.

EMERGENCY MILITARY ASSISTANCE TO ISRAEL

Mr. MONDALE. Mr. President, I would like to call to the attention of my colleagues the excellent statement made by Mr. I. L. Kenen, chairman of the American Israel Public Affairs Committee, before the Subcommittee on Foreign Operations of the Appropriations Committee last week.

Mr. Kenen urged the swift approval of the administration's request for emergency military assistance to Israel. Although this request gives the President authority to determine what percentage will be grant assistance and what percentage will be in the form of military sales credits, Mr. Kenen convincingly argues that Israel should be provided as much as possible of the $2.2 billion in the form of grant aid.

He stated:

> If Israel must borrow for the additional weapons she is acquiring this year, her debt service would rise to $940 million (assuming a concessionary interest rate of two percent) or $1.1 billion (if the interest rate is six percent). This is an astronomical burden beyond the capacity of an already super-taxed and super-indebted economy.

I know that my colleagues fully share Mr. Kenen's concern that we cannot allow a small country to be bankrupted, because of the aggression of others.

Mr. President, I ask unanimous consent that Mr. Kenen's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

MILITARY AID TO ISRAEL

(By I. L. Kenen)

I thank you for the privilege of appearing here on behalf of the American Israel Public Affairs Committee to urge approval of the Administration's request for emergency military assistance to Israel.

I have been informed by Mr. Jacob Stein, Chairman of the Conference of Presidents of Major American Jewish Organizations, which represents 30 major national Jewish organizations (see Appendix for list), that this body associates itself with the purpose of my statement today. I am similarly advised by Mr. Hyman Bookbinder, the Washington representative of the American Jewish Committee.

We are gratified that President Nixon, Secretary of State Kissinger, Secretary of Defense Schlesinger and the United States Congress responded swiftly and generously in declaration and action to assist Israel to defend herself against the eleven Arab states which sought to destroy her in the deplorable and unprovoked attack just 30 years ago.

If the United States had faltered and delayed and if the people of Israel had not received the needed equipment in time we might have witnessed a catastrophe. Many more people would have died, for the war would have been needlessly prolonged.

We are convinced that this war—actually the fifth since Israel was established in 1948—was not a war for territory, much of which the Arabs could have recovered by negotiation with Israel. It was not a war for the Palestinian Arabs, who were the victims of Arab leadership in 1948, when six Arab states invaded Palestine in the attempt to seize all of it for themselves. The Palestinian refugees could have been resettled by oil-rich Arab states long ago. This was a war for the liquidation of the Jewish state. And if the Arab armies had reached the old pre-June 1967 armistice lines, or if they had been able to start their offensive from those lines, the people of Israel would have been overwhelmed.

We strongly support the President's request for a $2.2 billion appropriation to strengthen Israel. This is essential, not only to ensure Israel's survival but also to preserve the balance of strength in the Middle East—in the national interest of the United States as well as in the interest of our NATO allies.

And we look forward to a genuine peace, which, we believe, can be achieved if the United States and the Soviet Union encourage the Arabs to sit together with the Israelis and work out their own future coexistence and cooperation as sovereign peoples. We do not believe that purpose will be served if the great powers, in competition rather than cooperation, seek to impose a settlement.

It is an astonishing fact that ever since Israel was established in 1948, all the major powers have at one time or another provided weapons to her hostile Arab neighbors. And in these last fateful 30 days, the Israel armed forces had to face the most sophisticated Soviet planes and missiles—MIG-21s, SA-3s, SA-6s and SA-7s, the Frog surface-to-surface missiles, French Mirage planes, British Hunter jets and Centurion tanks, and even some tanks furnished by the United States. And some of the Arab states and Arab guerrillas have received military aid from Communist China.

THE ROLE OF THE SOVIET UNION

But the "peace-loving" Soviet Union was the extravagant and benevolent provider. Despite its professed desire for detente with the United States, the Soviet Union has persisted in Russia's age-long ambition to dominate the Middle East. It expanded the supply of the most sophisticated weapons to the Arab states during the last year; while aware of the impending conflict, it took no steps to avert it—neither unilaterally nor in cooperation with the United States; it summoned all Arab states to the Arab colors; it operated a huge airlift to replace weapons which Arabs lost in the fighting; it did nothing to halt the fighting until it realized that the Arabs faced disaster—and it is still sending weapons to resupply the Arabs.

It should be recalled that the United States sent some $11.1 billion in lend-lease aid to the Russians in World War II. Our Government recently agreed to wipe out that debt and to accept a nominal settlement of $722 million.

That $722 million which the Russians will gradually pay the United States is a tiny fraction of what this terrible war, subsidized and sustained by the Soviet Union, will cost Israel, the Arab states, the United States and the people of many other countries whose economies have been disrupted.

Ever since Egypt opened the Middle East to Soviet penetration by its 1955 arms deal with Czechoslovakia, the Communist countries have paced the arms race in the Middle East. But for many years, our country abstained from providing Israel with the weapons she needed, despite the fact that her neighbors were receiving arms from both East and West.

U.S. AID

The United States was willing to supply Israel economic assistance to enable her to resettle more than 1.5 million refugees and immigrants and to develop her economy. This aid was prudently and effectively used. Most of it was in the form of loans rather than grants—much of which the Israelis have repaid, with interest. But in the 1950s our Government was reluctant to furnish Israel with any arms, although it was sending them to Iraq and Saudi Arabia, and it acknowledged the need to maintain an arms balance. It was always argued that Israel's qualitative superiority—the skill and dedication of her soldiers—could compensate for the huge quantitative superiority of her foes, an argument demolished in the pushbutton warfare of the last month.

The United States referred the Israelis to France and to other European suppliers. It was not until 1962 that the United States finally agreed that Israel might buy the Hawk anti-aircraft missile. It was not until 1966 that the United States approved the sale of A-4 Skyhawks and tanks, and it was not until 1968 that the Administration finally agreed that Israel might be allowed to purchase Phantom jets.

But—and this must be emphasized—Israel had to pay for these weapons.

Between 1946 and 1972, according to AID, the United States provided grant military assistance totaling approximately $55 billion, throughout the world.

None of this grant military assistance went to Israel, even though in this same period we provided grant military assistance and training totaling about $324 million to nine Arab states, to which should be added $34 million for Jordan in 1973.

The record also shows that our grant economic assistance to the Arab states far exceeds that given to Israel during this period. Jordan is a case in point.

In the meantime, Russia and other Communist countries have poured huge quantities of weapons—much of it at cut-rate prices—into Egypt, Iraq, Syria and six other Arab states, conservatively estimated at more than $6 billion. No one knows how much Russia sent to the Arab states in the last year, and particularly in the last few weeks. But we have seen estimates ranging as high as $3 billion. We may assume that the oil revenues of Egypt's allies collected by major international oil companies, including American corporations, will help to finance this enormous expenditure.

Israel's defense expenditures have been extremely high. They were 26 percent of her Gross National Product in 1972. While total costs of the current conflict are still not determined, it is estimated that military expenditures will approximate 40 percent of Israel's GNP this year. Most of this burden has to be carried by the Israel taxpayer, who is already taxed at the highest rate in the world, and who was forced to pay an additional seven to twelve percent compulsory defense loan last week.

Israelis had to go deeply into debt to finance defense and refugee resettlement. The figures show this rise in external debt.

External debt—as of January 1—In billions

1970	$2.1
1971	2.6
1972	3.4
1973	4.1

As of the time of the outbreak of the war, the debt was estimated at $4.5 billion. This means that for many years Israel has had the highest per capita foreign currency debt in the world. At the beginning of 1973 it stood at about $1,300 per person. This huge debt has imposed a massive burden on the Israelis. Israel's external debt service cost $532 million in 1971; $687 million in 1972; for the current year it is estimated at $705 million and it is expected to rise to $790 million in 1974.

But if Israel must borrow for the additional weapons she is acquiring this year, her debt service would rise to $940 million (assuming a concessionary interest rate of two percent) or $1.1 billion (if the interest rate is six percent). This is an astronomical burden beyond the capacity of an already super-taxed and super-indebted economy.

We strongly believe that Israel should be allowed grant assistance.

When President Nixon sent his message, on Oct. 19, it was then reported that the cost of the equipment already sent to Israel totaled $825 million. Israel estimates that the cost of the weapons she must have to regain and maintain her defense capability will approximate the $2.2 billion figure the President has requested.

This is only part of the tremendous overall cost of the war. Israel was compelled to mobilize 30 percent of her labor force. As a result, only industry serving the war effort was able to continue. Building activity stopped. Almost all transportation had to be diverted to the war. Tourism, a major earner of foreign exchange, fell off sharply. Exports were curtailed (which will make it still more difficult for Israel to meet her debt service). Israel's annual growth rate, which has averaged 9.9 percent over the years, will be drastically reduced. On top of this, there will be heavy expenditures for war damages—for new housing and new equipment of all kinds. War damage to civilian facilities is estimated at $100 million.

Israel's foreign currency reserves will be adversely affected by the new fighting. In a memorandum which we submitted to your Committee in August of this year in connection with the current foreign assistance programs, we wrote that Israel's reserves are low for a country "which is so dependent on imports for essentials and is in an exposed geopolitical situation. If the war were to break out again, reserves would go down sharply because of the need to buy additional materiel, because tourism would decline and also because Israel would have to mobilize people from factories and fields, sharply reducing production and the capacity to export."

Deplorably, this prediction turned out to be true. In addition to all this, there have been steep increases in the prices of many imported commodities, such as soybeans and other foodstuffs, fuel and raw materials. And Israel is now under an Arab blockade which cuts off her access to the Indian Ocean and the Orient.

The U.S. arms supply must continue because the Russians continue to pour weapons into the Arab states to enable them to threaten Israel with a resumption of the war in order to impose surrender. The experience of five wars has shown that Arabs will not make peace with an Israel they think they can destroy.

It must be kept in mind that the Israel government, unlike other governments which receive our weapons, has never asked for American manpower. While American forces helped to ship weapons to Israel, they were far removed from the scene of combat.

Arab capacity to make war has been heightened by the contributions of the oil-producing countries, as well as the willingness of the Soviet Union and some Western countries to sell arms to them.

Simultaneously, the Arabs are using the oil weapon to blackmail NATO countries, to alienate Israel's friends in Europe and Africa and to isolate her.

We believe that a civilized world cannot permit the Soviet Union and the Arab countries to accomplish the destruction of Israel. We believe that the support given to Israel by our Government in the recent fighting was entirely justified on moral grounds. At the same time, we submit that our Government's action has been entirely consistent with America's overall interest.

While the Soviet Union has called on Israel to withdraw to the pre-1967 lines, it has taken an entirely different position in Eastern Europe, where it has consolidated the territorial gains won by the Communist bloc in World War II. In the Middle East it maintains an aggressive posture. In brazen violation of the 1970 cease-fire standstill when it rushed missiles into the Suez area, it has transformed the region into a shooting gallery and it has used the Jewish people and their state as a target for the testing of the most sophisticated weapons. It has exploited the Arab war against Israel in a never-ending campaign to undermine the influence and interests of the United States in the area—diplomatic, economic and military.

Surely, it is in the interest of the United States to provide Israel with the means to maintain the balance and thus check the Soviet Union's war by proxy against the West. The young Israeli soldiers who died in this most costly of Arab-Israel wars were fighting not only to defend their own country but also a crucial frontier of freedom.

APPENDIX A

(Text of the telegram from Jacob Stein, Chairman of the Conference of Presidents of Major American Jewish Organizations.)

It is my understanding that you are submitting testimony to the appropriate Congressional Committees considering the Administration's Emergency Security Assistance Act of 1973 ensuring military assistance for Israel to help her carry the burden of defense and to maintain her deterrent military capacity.

As Chairman of the Conference of Presidents of Major American Jewish Organizations, embracing some 31 affiliated organizations, including your own, and representing almost the totality of the American Jewish community, I would like to inform you that the purpose of your presentation has the full support of the Conference of Presidents and we earnestly hope that the Committees before which you will testify will take favorable action.

The organiaztions affiliated with the Conference are:

American Israel Public Affairs Committee; American Jewish Congress; American Trade Union Council for Histadrut; American Zionist Federation; B'nai B'rith; B'nai B'rith Women; Bnai Zion; Central Conference of American Rabbis; Council of Jewish Federations and Welfare Funds (observer); Hadassah; Jewish Labor Committee; Jewish Reconstructionist Foundation; Jewish War Veterans of the U.S.A.; Labor Zionist Alliance; Mizrachi-Hapoel Hamizrachi; Mizrachi Womens Organization of America; National Council of Jewish Women; National Council of Young Israel; National Federation of Temple Sisterhoods; National Jewish Community Relations Advisory Council; National Jewish Welfare Board; North American Jewish Youth Council; Pioneer Women; Rabbinical Assembly; Rabbinical Council of America; Union of American Hebrew Congregations, Union of Orthodox Congregations of America; United Synagogue of America; Women's League for Conservative Judaism; World Zionist Organization-American Section, Inc.; Zionist Organization of America.

Text of the letter from the American Jewish Committee

This is to advise you and the Congress that the American Jewish Committee associates itself with the testimony you will be giving in support of the President's request for $2.2 billion in military grants or credits for the State of Israel.

HYMAN BOOKBINDER,
Washington Representative.

IT'S TIME WE DEMAND IMPROVED JAPANESE CONDUCT IN NORTH PACIFIC FISHERIES

Mr. STEVENS. Mr. President, last week the International North Pacific Fisheries Commission—INPFC—met in Tokyo to formulate measures to regulate the 1974 fisheries harvests of the United States, Canada, and Japan in the North Pacific Ocean and Bering Sea. Of deep concern to the United States is the unrelenting Japanese toll of salmon on the high seas in disregard of evidence that the return of salmon to North American spawning streams is insufficient to perpetuate their kind. Japanese actions with regard to halibut are equally disturbing.

This body last June passed Senate Concurrent Resolution 11, expressing a policy of support of the U.S. fishing industry. Other legislation in committee would enable emergency interim action when necessary to prevent annihilation of our fish stocks prior to implementation of effective international agreements. We have so far restrained congressional action, because we were advised not to trigger drastic independent action by our Nation while there is a possibility that solutions can be attained in next year's Law of the Sea Conference. But we cannot afford to lose species through inaction. Surely those who are participants in these conferences must be losing hope.

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It would seem that the least of our high seas fisheries problems would arise from nations with whom we have arrangements, such as the International Convention for High Seas Fisheries of the North Pacific. Yet the most persistent troublemaker in the subject waters is one of the three signatories—Japan. Last week's INPFC sessions in Tokyo should have provided some indication as to whether or not we can expect improved Japanese cooperation under the convention. The answer to that question will have a direct bearing on my position on whatever future action the Senate considers affecting Japan, whether it is in the field of high-seas fishing, Japanese investment in U.S. enterprises, U.S. exports of energy resources or other critical resources to Japan. Somehow, we must get the message to Japan that we mean business.

On September 6 and 7, 1973, a group of fisheries authorities met with Alaska's Gov. William A. Egan, his international fisheries director, Harold Z. Hansen, and INPFC commissioner, Elmer Rasmussen, in Juneau, to develop an Alaskan position and recommendations for INPFC. The presentation formulated by this group forcibly depicts why we must insist on strong improvements in Japanese performance under the convention. Mr. President, I ask unanimous consent that those portions of the Alaskan position paper concerning Japanese fisheries be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

ALASKAN POSITION ON NORTH PACIFIC OCEAN AND BERING SEA FISHERY PROBLEMS OF CONCERN TO INPFC

Alaskan INPFC Advisors, scientists of the Alaska Department of Fish and Game and a number of other state and federal observers met with Governor Egan, INPFC Commissioner Elmer Rasmuson and International Fisheries Director Harold Z. Hansen in Juneau on September 6 and 7 to review in detail pertinent background material on Japanese high seas fisheries and to develop a strong and unified Alaskan position for use at both the United States Section meeting in Seattle and the 1973 annual meeting of INPFC in Tokyo, Japan.

Major items considered at the meeting included Alaska's great concern for the future of Bristol Bay sockeye salmon runs which are presently at their lowest levels on record; the rapidly expanding Japanese harvest of chinook and chum salmon in Bering Sea areas through which Alaska salmon stocks are known to migrate; and the need for more effective mechanisms, such as those proposed in U.S. Senate Bill 1988, for protecting U.S. coastal and anadromous stocks of fishes. A number of other important resource conservation items were also discussed.

The following recommendations, positions and actions were approved by the delegates to the special Alaskan meeting:

I. SECURE POSITIVE ASSURANCE FROM JAPAN THAT THE FISHERY AGENCY WILL REGULATE THE HIGH SEAS SALMON FISHERIES IN 1974 IN A MANNER THAT WILL PROVIDE MAXIMUM PROTECTION FOR BRISTOL BAY SOCKEYE

The seriousness of the problems facing the Bristol Bay sockeye salmon is discussed in detail in the attached Alaska Department of Fish and Game document "Bristol Bay 1974 Sockeye Salmon Forecast and Current Production Trends". (Attachment No. 1) Thus, only a brief summary will be given here.

In 1973, the actual inshore run of 2.4 million Bristol Bay sockeye salmon fell well below the forecast level and despite imposition of extremely restrictive regulations by the Alaska Board of Fish and Game and the department, escapement levels were substantially below the desired minimums in all but one smaller system. Despite assurances from Japan in 1972 that "we understand fully the fact that these resources are in bad condition"[1] and "we will keep the Japanese fishing industry concerned well informed of the grave condition of the North American sockeye salmon resources" * *; the 1973 Japanese high seas effort in the areas of Bristol Bay sockeye salmon interceptions was about the same level as in the previous two years and 372,000 mature Bristol Bay sockeye were taken. The inevitable drop out mortality, while always a factor to be considered, assumes even more significance in a year of low runs such as 1973.

The outlook for 1974 is equally bleak and projections for 1975 also provide reason for concern.

It is not necessary to review in detail all of the arguments against high seas salmon gillnetting at this time. However, two factors are especially pertinent to the 1974 problem. First, these fisheries operate on unsegregated stocks and thus cannot be regulated in a manner to provide protection for specific stocks that may require special protection. Second, the fishery takes place so early in the year that there is absolutely no way to adequately assess the actual numbers of fish in the total run so that adjustments can be made to prevent overharvest.

As the widely divergent positions of Japan on one hand, and the United States and Canada on the other, regarding high seas salmon fisheries are well known there is no need to review these positions in detail. However, the United States Section should be aware of and be ready to exploit the long standing contention by Japan that the Japanese salmon fishery in high seas areas does not adversely affect reproduction of Bristol Bay sockeye. It is evident that the Japanese high seas harvest of Bristol Bay sockeye from the 1973 run will, without question, have an adverse affect on future Bristol Bay salmon and the same situation will prevail in 1974 unless positive corrective action is taken. For the first time we have clear and positive evidence that the Japanese high seas fishery has had a direct and adverse affect on the conservation of Bristol Bay Sockeye salmon. The United States Section should be prepared to insure that this long standing Japanese agreement will be untenable with regard to the 1974 fishery.

One of the most fundamental principles of INPFC is recognition of the desirability, and in fact the need, to conserve fisheries resources and to manage these renewable resources for maximum sustained yield. In 1974 the signatory countries will have the opportunity to demonstrate to the rest of the world that this is not just a philosophical principle but a working principle.

The predicted 5.3 million return of sockeye salmon to Bristol Bay in 1974 will only provide about one half the number of fish required for reproduction and perpetuation of this valuable salmon resource. This is illustrated in the following table. (Numbers of fish in thousands.)

Districts	Forecast	Spawning requirements	Expected harvest
Naknek/Kvichak	4,222	6,985	0
Egegik	104	600	0
Ugashik	102	500	0
Nushagak/Igushik	630	1,270	0
Togiak	276	100	176
Total Bristol Bay	5,334	9,456	176

While a total run of 5.3 million sockeye is predicted, spawning requirements total 9.4 million or nearly twice the expected return. The predicted 5.3 million return has already been adjusted for an estimated 160,000 immature sockeye salmon originally destined to return to Bristol Bay in 1974 but harvested by the Japanese high seas fishery in 1973, and any additional high seas harvest in 1974 would further reduce the expected return.

Two of the countries signatory to INPFC participate in the harvest of Bristol Bay sockeye. Japan harvests these salmon on the high seas in both the North Pacific Ocean and the Bering Sea while the United States harvests them in inshore domestic fisheries in Western Alaska.

The reproductive potential of the Bristol Bay sockeye runs must be given maximum protection in 1974 if this valuable fishery resource is to be perpetuated. In the inshore domestic fishery, no fishing is expected in five of the six districts during the sockeye run as all of the returning sockeye salmon will be needed to meet spawning requirements.

It is essential that the Japanese high seas fishery normally operating on these stocks also take strong conservation measures in 1974.

It is urgently recommended that high seas salmon fishing in 1974 be licensed by the Japan fisheries agency only for areas west of 170° E longitude.

If the high seas salmon fishery is regulated in the manner recommended above, protection will also be afforded immature Bristol Bay Sockeye salmon destined to return in 1975. This is necessary as the preliminary 1975 forecast indicates a return substantially lower than minimum escapement requirements. Protection of the important 1975 Kvichak River cycle year is especially crucial.

Achievement of this recommendation will not require action on Protocol interpretation and movement of the Abstention Line by the Commission. We recognize that attainment of these long standing goals is not possible in 1973 for technical reasons. Our proposal should be advocated for adoption by INPFC as a recommendation to the Japan Fisheries Agency to use its authority to license, regulate and police the mothership and land based salmon fleets in an appropriate fashion in view of the overriding conservation concerns for 1974.

Japan will thus be able to recognize and act on the 1974 conservation problem without sacrificing its long standing principles on high seas salmon fishing. Those principles should be permanently reconciled with those of the United States through the political process involved in Protocol interpretation and adjustment of the Abstention Line.

II. RECOMMEND STRONG U.S. SECTION SUPPORT FOR THE CONCEPTS OF SENATE BILL 1988

On June 13, 1973 Senators Magnuson, Jackson, Stevens and others introduced S. 1988, a Bill to extend on an interim basis the jurisdiction of the United States over certain ocean areas and fish in order to protect the domestic fishing industry, and for other purposes (Attachment No. 2). Identical bills

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[1] INPFS Document 1512; Japanese Statement on Agenda Item 8—Consideration of Salmon Problems in High Seas Areas of Intermingling. INPFC 1972 Annual Meeting, Vancouver, Canada.

(H.R. 9136 and 9137) were immediately introduced in the House by Representative Studds (Mass.) and at least 36 others. The key provisions of these bills are:

1. Extends the United States Contiguous Fishery Zone 197 miles beyond the three-mile U.S. territorial sea (200 mile limit) and,

2. Extends United States jurisdiction of its anadromous fish wherever they may range.

Such actions would be interim measures to protect the domestic fishing industry until general agreement is reached in international negotiations of law of the sea on the size of fishery zones and authority over anadromous species. The passage of this act would not abrogate existing treaties or conventions but would require changes in treaties, conventions and agreements to make them consistent with its provisions.

Alaska is strongly in accord with these and other concepts embodied in S. 1988 and recommends that the United States Section support the passage of this legislation. Extended United States fisheries jurisdiction, together with the interim nature of the act and the provision that existing treaties, conventions and agreements would not automatically be abrogated will immeasurably strengthen the negotiating position of the United States with regard to INPFC problems with Japan. The United States should also gain strength in bilateral negotiations with Canada, Japan, USSR, the Republic of Korea, and perhaps others regarding North Pacific Ocean and Bering Sea fishery matters.

There has been expressed concern over the inability of INPFC to:

1. Successfully resolve, despite 20 years of effort, the Japanese high seas salmon fishing problem in areas of intermingled North American and Asian stocks;

2. Prevent the continued deterioration of the halibut stocks of the Bering Sea and Gulf of Alaska; and

3. Convince Japan of the necessity to adopt fishing practices and regulations to conserve groundfish, sablefish, Pacific Ocean perch, hake, pollock, herring, shrimp and other species in the U.S. coastal zone.

It is obvious that these are extremely difficult problems that are not easy to resolve through either INPFC or by means of bilateral fishery agreements. Nor should this statement be considered to be critical of past and present efforts of federal and state officials, fishermen and industry representatives to successfully solve them. Progress was made difficult by an INPFC Convention that virtually makes it impossible to produce results in the face of determined opposition on the part of one of the signatories and frequent lack of support on the part of another.

Clearly, what is now needed is something new which will measurably strengthen the U.S. negotiating position in INPFC and the various bilaterals. On balance, Alaska believes that the concept of S. 1988 will provide the additional leaverage needed to break the present impasse—an impasse that must be broken before all major U.S. Pacific stocks of fishes suffer the fate of the halibut.

III. INCREASING CONCERN AND APPREHENSION BY ALASKA REGARDING THE EXPANDED RATE OF HARVEST OF CHINOOK AND CHUM SALMON BY JAPAN IN THE CENTRAL BERING SEA

For a number of years Alaska and the United States Section have been increasingly uneasy about the rising Japanese harvest of chinook and chum salmon by the mothership fleet in the Central Bering Sea west of the Abstention Line. It is our contention that a significant proportion of the chum salmon harvest and the majority of recent chinook salmon harvests are from North American stocks. Unfortunately, little research effort has been expended by Japan and the United States on the racial identification and ocean distribution of chinook and chum salmon in the Bering Sea.

The Alaska Department of Fish and Game has prepared a document entitled "Recent Developments in Bering Sea Chinook Salmon Fisheries", a copy of which is attached (Attachment No. 3). Our case for concern for western Alaska chinook salmon is presented in this document. Thus far the primary attention of International North Pacific Fisheries Commission with regard to the Protocol to the Convention and the problems of intermingling North American and Asian salmon on the high seas has been devoted to Bristol Bay sockeye salmon. Alaska contends that the interceptions by Japan of western Alaska chinook salmon may have an equally adverse impact. Indeed it may well turn out that the proportion of western Alaska chinook salmon runs harvested on the high seas even exceeds the proportion of Bristol Bay sockeye harvested on the high seas.

Our concern regarding western Alaska chum salmon interceptions is not as well substantiated by scientific evidence. However, intensified efforts and increasing catches of chum salmon by the mothership fishery in the central Bering Sea adjacent to the Abstention Line in conjunction with some limited tag recovery data provides a sufficient circumstantial basis for demanding further research to identify the continent of origin of these stocks. Catches in these areas are so large that if even a small percentage are of western Alaska origin there would be a significant impact on inshore runs. In 1970 a catch of 4.5 million chum salmon was taken within 10 degrees of the Abstention Line; a 10 percent interception rate would have resulted in some 450,000 chum salmon of western Alaska origin being taken.

In part IV of this Alaska statement the need for additional research on the problem of ocean distribution and racial identification of Asian and North American chinook and chum salmon is stressed. It is further recommended that the United States Section present a detailed assessment of our concern for the conservation of western Alaska chinook and chum salmon during the INFFC plenary discussion on Agenda Item 8 "Consideration of Salmon Problems in High Seas Areas of Intermingling". In addition, the United States Section should strenuously work toward a satisfactory resolution of the problem of Protocol interpretation in 1973 and 1974 so that recommendations can be considered regarding the relocation of the Abstention Line to assure that the interception by Japan of western Alaska chinook and chum salmon will be eliminated.

IV. RECOMMENDATION FOR INPFC SUPPORT AND U.S. FUNDING FOR RESEARCH ON OCEAN DISTRIBUTION OF WESTERN ALASKA CHINOOK AND CHUM SALMON

Alaska's concern for the Japanese high seas harvest of chinook and chum salmon originating in western Alaska has already been expressed in Statement III. The staff of the Department of Fish and Game has built a strong circumstantial case on the level of Japanese interceptions of western Alaska chinook and chum salmon but scientific data are needed for substantiation. Such data can only be provided by an intensive research program similar to that which so effectively outlined ocean distribution of Bristol Bay sockeye salmon and other stocks of salmon of more southern North American origin. Therefore, Alaska recommends support by the United States Section for appropriate action by INPFC for multi-national high seas research on the racial identification of salmon in the Bering Sea. In addition, it is recommended that the National Marine Fisheries Service receive funding necessary to promptly initiate and participate in this research.

V. RESOLVE INTERPRETATION OF PHRASES "BEST DIVIDE" AND "EQUITABLY DIVIDE" AS USED IN THE PROTOCOL TO THE INTERNATIONAL CONVENTION FOR THE HIGH SEAS FISHERIES OF THE NORTH PACIFIC OCEAN

In 1952 it was specified in the Protocol to the Convention that the Absention Line for Japanese high seas salmon fishing on North American stocks would basically be 175° West Longitude. It further specified that INPFC "shall, as expeditiously as practical" investigate Convention waters to determine areas of intermingling of North America and Asian salmon, and based on these investigations determine a line or lines which "best divide" salmon of Asian and North American origin.

INPFC and the scientists of Japan, Canada and the United States can be justifiably proud of their research investigations which have substantially increased the knowledge of ocean distribution of the various species of salmon. However, as the 20th anniversary of INPFC nears, the three nation sections still have been unable to agree on an interpretation of "best divide" and "equitably divide" as used in the Protocol. This, in turn, is a major factor in preventing action by INPFC on the major problem of the revision of the provisional Absention Line in light of our increased knowledge of ocean distribution of salmon and in accord with the principles of the Convention. Thus, it is hardly surprising that many people are disenchanted with both the United States Section efforts to resolve the Protocol interpretation conflict, and Japan's evident circumvention of the principles of INPFC.

Alaska therefore recommends that the U.S. Section should forcefully prepare the way so that the current impasse can be resolved during the 1974 annual meeting. In this regard, Alaska wants to remind the United States Section that it is United States policy to prevent high seas exploitation of all stocks of United States salmon, not just those presently protected by the status quo situation involving the Absention Line at 175° West Longitude.

VI. ALASKA'S CONCERN FOR THE CONDITION OF BERING SEA AND NORTH PACIFIC HALIBUT STOCKS

There has been increasing concern on the part of the United States and Canada with the rapid deterioration in recent years of Bering Sea and North Pacific halibut stocks resulting from incidental catches of halibut in the large foreign bottom trawl fisheries. In spite of this concern, effective recommendations for the conservation of this resource have not been forthcoming from the International North Pacific Fisheries Commission. Furthermore, Japan and other foreign governments have failed to take necessary unilateral actions to protect these halibut stocks.

The fishery has now deteriorated to the point where it was considered necessary by the International Pacific Halibut Commission staff to recommend in 1973 an early closure in Area 3. The recommendation was not adopted by the Halibut Commission. The staff is further proposing to the Halibut Commission a total closure of the Bering Sea in 1974 and 1975 and is proposing recommendations to the International North Pacific Fisheries Commission regarding the regulation of trawling in the Bering Sea. (Attachment No. 4.)

Alaska fully supports the intent and purpose of the Halibut Commission staff proposals insofar as they relate to the conservation of the Bering Sea and North Pacific halibut stocks. Alaska also urges a concerted effort by the United States Section to achieve recognition of the above problem by INPFC and to encourage INPFC to develop recommendations designed to protect the rapidly dwindling halibut resources.

VII. COMMENDATION FOR U.S. COAST GUARD AND NATIONAL MARINE FISHERIES SERVICE FOREIGN FISHERY SURVEILLANCE AND SUPPORT FOR ADDITIONAL SURVEILLANCE CAPABILITY IN THE GULF OF ALASKA AND BERING SEA

Despite the limited number of surface vessels, aircraft and helicopters at their disposal the United States Coast Guard and National Marine Fisheries Service are to be commended for their fine work in patrolling the Gulf of Alaska and the Bering Sea. Their coordinated efforts this year have resulted in an increased number of arrests of foreign fishermen and detention of vessels for violating the provisions of the International North Pacific Fisheries Commission and the Bilateral Fishing Agreements with other countries. Their increased surveillance efforts have detected major violations of the 175° West longitude Abstention Line by Japanese land based gillnet salmon fishing vessels. Numerous other cases have been made against foreign fishermen for violations of various provisions of our bilateral fishing agreements.

The strong suspicion exists that only a small part of the actual violations are being detected at the present time. This is so because of the extremely widespread distribution of North American salmon on the high seas of the North Pacific Ocean and the Bering Sea, and the extensive coastline of Alaska which covers 57 degrees of longitude and 20 degrees of latitude.

Without question the acquisition of additional high endurance type cutters and aircraft by the Coast Guard for North Pacific and Bering Sea fisheries patrol work and expanded funding for National Marine Fisheries Service to provide personnel needed to adequately staff the enforcement and surveillance program would bring to light numerous additional violations. This would further demonstrate the seriousness of the threat to United States stocks of coastal and anadromous fish.

In addition, the United States has recently been successful in obtaining approval from Japan for an observer program on the Japanese bottom fish and crab fleets. This program, while long overdue and of vital importance to the United States, has suffered from lack of adequate funding to National Marine Fisheries Service. The data being obtained by the limited observer program now in effect will without question immeasurably improve our understanding of the inter-action of the trawl fisheries on other species and on conduct of king and tanner crab operations in the Bering Sea. In view of these circumstances it seems obvious that the United States Government should provide the funding needed to take full advantage of the concessions granted by Japan.

Therefore, Alaska recommends that the United States Section, by appropriate action, indicate to Congress and the Administration its strong support for providing the Coast Guard and National Marine Fisheries Service with sufficient funds and equipment to thoroughly police our international fishery agreements, and to take full advantage of the current Japanese observer program. It is further recommended that action be taken by the United States Section to assure that Japan will adequately participate in the surveillance of its own fishing operations.

VIII. REAFFIRMATION OF UNITED STATES SECTION OPPOSITION TO THE PROVISIONAL CHARTS ISSUED BY THE STATE DEPARTMENT

The United States Section has already gone on record as being opposed to the provisional United States baselines delimiting the United States territorial sea utilizing the principles of intersecting arcs rather than the straight baseline principle. This action was taken by the United States advisors and the United States Section in 1971. Attachment No. 5 consists of copies of letters from Advisory Committee Chairman Tillion, Commissioner Brooding, and Ambassador McKernan on this subject.

Alaska wishes to reaffirm its opposition to the provisional United States baselines and urges the Advisory Committee and the baseline and urges the Advisory Committee and the United States Section to again reaffirm their opposition.

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VIII. APPREHENSION OVER THE CONDUCT OF THE JAPANESE LAND BASED SALMON GILLNET AND LONGLINE FLEET AND THE NEED FOR MORE STRINGENT SURVEILLANCE OF THIS FISHERY AND ACQUISITION AND DISSEMINATION OF BETTER CATCH DATA BY JAPAN

During the summers of both 1972 and 1973, United States Coast Guard and National Marine Fisheries Service surveillance flights in the North Pacific Ocean have apprehended land based Japanese salmon gillnet vessels operating as far east of the Abstention Line as the Shumagin Islands and Kodiak Island. It is well understood that the Japanese mothership salmon fleets, because of the nature of their operations are relatively easy to police and regulate. However, the land based salmon vessels are capable of independent operation almost anywhere they please. That they do so has now been demonstrated. The United States Section should require better surveillance and regulation of the land based salmon fleet by Japan and should also strongly urge Japan to provide more precise and accurate data on both the timing and locations of catches of salmon by these vessels.

IX. BRISTOL BAY SALMON RESEARCH ACTIVITIES OF THE UNIVERSITY OF HOKKAIDO RESEARCH VESSEL OSHORO MARU

For many years the Japanese high seas Research Vessel OSHORO MARU has conducted salmon gillnet operations in the North Pacific Ocean and Bering Sea. The proposed research has been cleared by the University of Hokkaido through appropriate INPFC channels. However, very little detailed information on the location of stations to be fished and the nature of fishing operations has been officially provided to the United States through INPFC. In 1973 a research vessel of the Alaska Department of Fish and Game encountered the OSHORO MARU 50 miles north of Port Moller in Bristol Bay. The Japanese vessel was fishing at least three miles of gillnet gear for 12-hour sets in the path of the approaching Bristol Bay sockeye salmon.

Alaska questions the need for Japan to continue such extensive salmon gillnet operations so close to the home streams of Bristol Bay and further is skeptical of the need to operate such extreme lengths of net for 12 hours at a time for research purposes. Alaska therefore recommends that the United States Section arrange with Japan through the Salmon Subcommittee of the Committee on Biological Research a more reasonable research program for the OSHORO MARU in the eastern Bering Sea.

DEVASTATION OF OUR NORTHWEST FORESTS

Mr. McCLURE. Mr. President, devastation to Northwest forests from the tussock moth infestation has reached nearly a million acres, and now sketchy preliminary figures place a price on the damage—$48 million. But that Forest Service estimate is just the tip of the iceberg. When we consider the loss of younger timber, of watershed, recreation and game habitat values—the final inventory will be staggering. Tragic.

There are vast losses now unmeasurable. The killing of young trees assures that there will be no timber harvest of these hundreds of thousands of acres for the next half century. And no harvest means no industry, no jobs, no taxes. It spells a complete loss of any production on those forest lands for 50 years, and that is a tragedy for a nation in need of its forest resources.

Early last spring, at precisely the time when an all-out assault to stop this insect plague should have been mounted, a bureaucratic argument was opened instead, over the use of DDT—then and now, the only known effective agent against the epidemic. That argument, unfortunately, still continues.

In March 1973, the Environmental Protection Agency, which has absolute executive power over variance in the national ban on the use of DDT, sent a team of experts to the Northwest to study the problem. They returned to Washington, D.C., with a "cost-benefit analysis."

They claimed:

> The benefits did not outweigh the risks in the proposed DDT control program.

What risks? What benefits?

In a seminar in Coeur d'Alene, Idaho last month, an EPA spokesman quoted a statement released at the time when DDT was banned. Quasi-scientific jargon aside, he said the pesticide is "cause for concern, given the unknown and possibly forever undeterminable long-range effects of DDT in man and the environment."

Unknown and possibly forever undeterminable long-range effects? Those are the risks?

But what of the benefits in the particular balance at hand? There was, at the time of the EPA spring cost-benefit study, more than ample evidence that DDT worked, and there was a good deal of concern that it was, indeed, the only known effective weapon against the tussock moth.

But now, even more clearly—after a spring and summer of failures of EPA predictions of a natural collapse of the Tussock moth hordes, and of an early failure of any alternative chemical agents to even slow the defoliation of forests by the insect epidemic—we see the benefits.

In the spring, when the study was begun, the total acreage touched by the infestation was around 200,000, mostly in Oregon and Washington. Today, there are close to a million acres infested and the damage has spread to Idaho and Montana.

Some risk. Some benefit.

In terms of the cost of halting the epidemic, the Forest Service has estimated a total of $1.25-million to apply DDT to the 300,000 acres where it was requested.

And in a cost-benefit study today, that would amount to a ridiculous ratio—when compared to the $49 million loss of only marketable timber, fire damage, and cost of reforestation—nearly 40 to 1.

Some ratio—$48.7-million to $1.25-million. Some cost benefit.

But in terms of what the final damage tally may be in terms of dollars and in terms of irrepairable damage to the environment the ratio will be overwhelming.

The argument this spring, and the debate over DDT that continues even now is like an argument against using water on a house afire to avoid getting the furniture wet. The furniture stays dry, but is consumed when the house burns down.

Mr. President, I ask unanimous consent that a recent letter spelling out details of the Tussock Moth damage be printed in the RECORD with my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Portland, Oreg., October 18, 1973.

Hon. JAMES A. MCCLURE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MCCLURE: Chief John McGuire has asked us to furnish additional data in reply to your September 17 letter requesting information on the Douglas-fir tussock moth situation. Some of the information is not yet available but we have pulled together all we have at this time. The answers to most of your questions in the same order as listed in your letter are as follows:

1. Some 70,496 acres were treated during 1973 with a double application of Zectran. An additional 1,500 acres were treated with a single application of Zectran. Each application cost about $3.75 per acre. The total cost of the Zectran project was about $550,000. Approximately one-half of the acreage treated is private land on which the owner paid 50 percent of the cost under a Forest Pest Control Act cooperative agreement. Neither the single nor the double treatments were effective. Large numbers of insects were killed (70 to 90 percent in some cases) but this was not enough to prevent heavy defoliation and serious tree damage by the residual population. A total of .15 pounds of Zectran in one gallon of fuel oil was applied on each application. There is no indication that either higher dosage rates or additional applications would have been more effective.

2. The cost of applying DDT would have been about $4.20 per acre. Close to 300,000 acres would have required treatment for a total cost of about $1,250,000.

3. The natural virus could not have been used during 1973 for control as it is not available in large quantities. This production and supply problem also prevents it from being considered for use in 1974 on much more than 10 to 20 thousand acres if control is determined to be necessary. The cost of our small-scale testing to date, using virus, is about $14 per acre. This includes $8.50 per acre for the virus.

4. The answer to this question is included with the answer to number 5.

5. Our preliminary cost estimates of not using DDT are as follows:

Extra costs of salvage sale preparation	$500,000
Loss in timber stumpage value	3,650,000
Loss of timber value that cannot be salvaged	10,000,000
Reforestation costs—73,040 acres at $100/acre	7,304,000
Costs of reducing fire hazard to normal and extra fire protection over the next 5-year period	25,712,000
Costs of extra fire protection, 1973	904,000
Costs of fire losses, 1973	700,000
Total	48,770,000

These figures include estimates for the State and private lands that are affected. All of the figures are preliminary estimates only and are subject to revision as soon as the present surveys and rehabilitation plans are completed.

We are currently determining the precise number of affected acres by degree of damage and so cannot answer your question on future production effects (Question No. 6). This information will be provided to you as soon as it becomes available. We will also furnish final "cost" estimates on what we believe to be the result of our not being able to use DDT to you, as soon as we complete our current surveys.

We hope this satisfactorily answers your questions for now. Please let us know if you need additional information at this time.

Sincerely,

T. A. SCHLAPFER,
Regional Forester.

RESERVATIONS REGARDING ADMINISTRATION OF BARBITURATE CONTROL

Mr. BAYH. Mr. President, during my 3 years as chairman of the Juvenile Delinquency Subcommittee, I have conducted an intensive investigation into the diversion, traffic and abuse of legitimately produced narcotic and nonnarcotic drugs.

Not drugs illicitly grown in Turkey and refined in France. Not drugs grown and refined in Asia's Golden Triangle. But dangerous drugs produced legitimately within our own borders.

Additional efforts are necessary to deal with the problems of international drug traffic. But even if the war on heroin should result in total victory, the epidemic of drug abuse which plagues American society would not be vanquished; for the source of supply for growing legions of addicts is a domestic one.

We are experiencing a pandemic of polydrug abuse among young and old alike. Conservative estimates indicate that at least 14 million Americans have abused methamphetamines, amphetamines, barbiturates, and other prescription drugs.

We have found that far too many people hold to the traditional, but archaic "hard" drug—heroin cocaine—"soft" drug—produced for legitimate medical purposes—rationale. This unfortunate distinction has served to perpetuate the belief that so-called soft drugs, such as amphetamines, barbiturates, and methaqualone, involve little risk to the abuser. As many subcommittee witnesses, particularly the former abusers, made abundantly clear, nothing could be further from the truth.

Casual attitudes, the failure of all concerned to put polydrug abuse in proper perspective—they outnumber heroin abusers 17 to 1—and a readily available supply are intimately linked with the current abuse and extent to which persons, particularly our youth, are becoming dependent on these drugs.

Much of this drug abuse begins with the overproduction and diversion of legitimately produced drugs to illicit markets.

Diversion from legitimate channels occurs at all levels of distribution. This includes thefts, employee pilferage, unauthorized sales and in some instances excessive and even unlawful prescribing and dispensing. Quite often the feared and despised "pusher" is a family's own medicine cabinet.

The Subcommittee on Juvenile Delinquency began its investigation of the adequacy of Federal controls on the widely abused barbiturates 2 years ago. The subcommittee conducted a total of 7 days of hearings in December 1971, and May and June 1972. In order to obtain

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firsthand knowledge of the problems of barbiturate abuse and illicit diversion, I visited a number of barbiturate treatment programs as well as several major barbiturate production plants. In order to obtain additional information on the extent of barbiturate abuse and diversion throughout the country, the subcommittee submitted detailed questionnaires to the attorneys general of every State and territory, to 148 police departments, to 197 district attorneys, and to 160 forensic toxicologists. We found that, as with the amphetamines, barbiturates are all too easily diverted from legitimate channels of distribution and abused in every strata of society. The extent of barbiturate abuse, the high incidence of barbiturate diversion, and the clear potential for even greater abuse have been documented in the subcommittee report, "Barbiturate Abuse in the United States—1972," and the many hundreds of pages of testimony and supplemental materials in our recently published volume "Barbiturate Abuse 1971–72."

The investigation and the hearings conducted by the subcommittee reveal barbiturate abuse to be both a substantial public health problem and an ever-increasing concern of law enforcement officials. We have found that current Federal controls on the production and distribution of shorter-acting barbiturates are not adequate to curb the diversion and abuse of these drugs which are highly dangerous when taken without proper medical supervision.

The actual number of barbiturate abusers in this country is not known, although various estimates have been made. The National Commission on Marihuana and Drug Abuse reported that between 500,000 and 1 million Americans are barbiturate addicts. Surveys of secondary and college students from 1966 to 1971 found that 8 to 15 percent—2 to 4 million young people—have used barbiturates for nonmedical purposes.

Barbiturates have a long history of medical usefulness, but when used improperly are capable of producing psychological dependence, tolerance, and physical dependence. Misuse of barbiturates has led many individuals, both nondependent and dependent, to an overdose or death. Both heroin and barbiturates are strongly addictive. Barbiturate withdrawal is a serious medical emergency and requires hospitalization. It is more dangerous than heroin withdrawal and can be deadly.

Barbiturates are a favorite of poly-drug users and are used by abusers of many other dangerous drugs. The particularly dangerous combination of alcohol and barbiturates is, unfortunately, a popular mode of abuse. Abusers of amphetamines—diet pills—often rely on barbiturates to deaden the effect of the stimulants. Too many of these abusers, young and old alike, find themselves in the vicious addictive cycle of the uppers and downers. Barbiturates are used by heroin addicts to modify the euphoria of heroin and as a substitute when heroin is not readily available.

Violent behavior may accompany barbiturate abuse. Unlike opiates, which frequently serve to contain aggressive urges, barbiturates paradoxically often permit the ventilation of aggressive feelings. The heavy abuser is confused, agitated, aggressive, and prone to hostile activities. While the actual number of crimes committed by individuals who abuse barbiturates is unknown, several recent surveys indicate that the number is substantial. One study found that secobarbital was overwhelmingly selected by delinquent youths as the drug most likely to enhance aggression.

Recently, NBC news aired a chilling television documentary entitled "Thou Shalt Not Kill." For nearly 35 minutes the viewer witnessed two inmates, incarcerated on death row in the Utah State Prison, excitedly describe the macabre details of their half dozen brutal murders. What may have escaped the typical viewer were the many references to the beer and pills taken by these men during their murderous binge. During a 3-day period they reportedly ingested pentobarbital capsules by the handful approximately every 3 hours. They were described as edgy, grimy, laughing, walking zombies, all consistent with chronic barbiturate intoxication.

Whether the criminal conduct associated with barbiturates is fostered by the drugs themselves or by the need to obtain these drugs, it is clear that increasing barbitburate abuse is intimately related to the growing numbers of violent and nonviolent crimes committed each year.

How do these legitimately manufactured drugs find their way to the illicit market and the abusers?

During the course of the subcommittee investigation of barbiturate abuse, a number of sources for illicit barbiturates were reported. Witnesses at subcommittee hearings, including former barbiturate addicts and law enforcement officials, testified that illicit barbiturates are obtained from friends, street dealers, and unethical physicians and pharmacists; by forged prescriptions; and by pilfering abundantly supplied family medicine cabinets. Thefts from drug manufacturers, wholesalers, pharmacies, and doctors' offices are also a significant source of supply. Additionally, a substantial percentage of barbiturate abusers obtain their drugs legitimately for a recognized medical need and then gradually resort to self-medication for nonmedical reasons or to illicit traffic.

Two factors relating to the availability of barbiturates are widely recognized. First, barbiturates are readily available in most communities in this country. As one 16-year-old boy remarked at subcommittee hearings in December 1971:

> It is less of a hassle to obtain downers (barbiturates) than it is to purchase cigarettes.

Second, although specific estimates differ, there is a consensus among drug abuse experts and law enforcement authorities that a significant proportion of legitimately produced barbiturates find their way into the illicit market.

All available evidence indicates that to date, most illegal barbiturate traffic has involved the diversion and illicit distribution of legitimately produced barbiturates, both in bulk and dosage unit forms. As John Ingersoll, former Director of the U.S. Bureau of Narcotics and Dangerous Drugs, informed the subcommittee in May 1972:

> Unlike the case of all other major drugs of abuse, it appears that *barbiturates are supplied exclusively from what begins as legitimate production*. (italic added.)

In fact, the Bureau has not found a single working clandestine barbiturate laboratory in the United States. This contrasts sharply with illicit amphetamine and hallucinogen traffic, which in recent years has been supplied at least in part from clandestine laboratories.

In the 92d Congress I introduced legislation to transfer commonly abused short-acting barbiturates from schedule III to schedule II of the Controlled Substances Act of 1970. This measure received strong support in the Senate, as did an identical measure, S. 983 or the Barbiturate Control Act, which I introduced early this year with 29 cosponsors.

Tighter controls over barbiturates would have been imposed administratively, some time ago, by an administration truly committed to a war against diversion and abuse of legitimately produced domestic drugs.

It has been 1½ years since representatives of the Food and Drug Administration first assured the subcommittee that their recommendation on the rescheduling of barbiturates would be forthcoming.

One year ago the U.S. Bureau of Narcotics and Dangerous Drugs released a report recommending the rescheduling of barbiturates, including those covered by my bill. This action was acknowledged by the Bureau to be based in part on testimony before the subcommittee which focused nationwide attention on the escalating problem of barbiturate abuse. The corroboration of the subcommittee's findings by the Bureau was significant, particularly in light of the Bureau's previous position, in May 1972, that adequate information was not available to support barbiturate rescheduling. Yet, there was still no action on the rescheduling of barbiturates.

Six months ago, after what some observers have characterized as a "heated but productive hearing," the Department of Health, Education, and Welfare announced its support for my long-standing proposal to reschedule these barbiturates.

Finally, today the administration announced that the widely abused short-acting barbiturates—secobarbital, amobarbital, and pentobarbital—have been transferred to schedule II. I welcome this long delayed action. I have never, however, been able to understand why such an urgently needed judgment on this question took so long.

Unfortunately, this type of administrative delay is not atypical.

It was only after a 3-year struggle that the proponents of stricter controls on the production and distribution of amphetamines could claim a victory of sorts, at least for the many youngsters and others who because of the recently imposed production quotas will perhaps not be exposed to an overabundance of "speed" in the family medicine chest, at school, or on the street.

What happened to the hundreds of million amphetamines and barbiturates in the interim? Mr. President, I can tell you what happened to some of them. I have learned of those whose lives were destroyed by overdose or crippled by chronic dependence on these pills and families that have been devastated by such tragedies.

These and many others were the victims of a policy that chose to put the burden—the risk of abuse—on the public rather than on the manufacturers of these dangerous drugs.

The number of individuals introduced to these dangerous substances and often to the long road of addiction, because of this gross overproduction is immeasurable, but it is clear that the impact on our society, particularly its youth, has been devastating, if not catastrophic.

The transfer of the short-acting barbiturates to schedule II will have a direct impact in reducing diversion by establishing production quotas, stricter, more secure distribution controls, and more stringent import and export regulations. The urgent need for applying schedule II controls to the shorter-acting barbiturates has been clearly established by the subcommittee investigation.

It is well documented that the overproduction of barbiturates leads to diversion from legitimate channels to the illicit barbiturate market. On behalf of the American Medical Association, Dr. Henry Brill, testifying before the subcommittee in December 1971, reiterated a 1965 statement of the AMA Committee on Alcoholism and Addiction which concluded that—

> Current production of all sedative drugs doubtless exceeds legitimate medical need by a considerable margin.

Moving these barbiturates to schedule II would require the Attorney General to establish production quotas based on legitimate medical, scientific, research, and industrial needs.

Many witnesses have described how easy it is to obtain barbiturates through forged prescriptions, legitimate prescriptions from careless doctors, and numerous refills of old prescriptions. The transfer of the popular, shorter-acting barbiturates to schedule II would tighten prescription practices and thereby reduce the chances for careless overprescription without affecting the legitimate use of these drugs when prescribed under careful medical supervision. Rescheduling would also require approved orders forms for all transfers of these drugs, separate and segregated record-keeping, and more detailed reports on production and inventory. These measures would permit more effective monitoring of barbiturate distribution and detection of diversion.

In addition, schedule II would subject the shorter-acting barbiturates to more rigid security requirements throughout the legitimate chain of distribution which would reduce the chance for employee pilferage and thefts by burglary. More rigorous import and export controls would also be imposed. Specifically, schedule II requires documentation by the exporter that the drugs will be used for legitimate, necessary medical purposes, and that the drugs will not be re-exported from the destination country. Under schedule II, imports are limited to situations where there is a domestic shortage or where domestic competition is inadequate. Current schedule III control permits importation of barbiturates for "legitimate purposes." Thus, rescheduling would appreciably reduce that legal flow of barbiturates across our borders and provide substantially fewer opportunities for illicit diversion.

I believe that widespread abuse of these drugs, with a high potential for abuse, can be significantly curtailed by limiting the supply of the drug to recognized legitimate needs; of course, this is the purpose of transferring them to schedule II.

As I mentioned I welcome the long overdue decision to transfer secobarbital, pentobarbital and amobarbital to schedule II. I do question, however, the failure to transfer the six other barbiturates with similar abuse potential: butabarbital, cyclobarbital, heptabarbital, probarbital, talbutal, and vinbarbital.

On November 16, 1972, The Bureau of Narcotics and Dangerous Drugs, released, "A Study of Current Abuse and Abuse Potential of the Sedative-Hypnotic Derivatives of Barbiturate Acid with Control Recommendations." This study recommended that nine barbiturates, whose characteristics are particularly attractive to abusers, be transferred from schedule III to schedule II of the Controlled Substances Act. The following is the introductory text of this report, including the BNDD rationale for transfer of all nine barbiturates:

INTRODUCTION

The Bureau of Narcotics and Dangerous Drugs has undertaken a study of barbiturates as a class in order to evaluate the adequacy of existing controls and to determine whether additional restrictions are needed. This action was prompted by several events:

(1) Thousands of dosage units of sodium secobarbital (called "Mexican Reds") are flooding Southern California and adjoining areas.

(2) Investigations by BNDD agents show a rise in the theft, diversion, and illicit sales of barbiturates.

(3) It appears that heroin addicts are turning to use of barbiturates in growing numbers, either with heroin or in lieu of it.

(4) Accidental deaths and suicides caused by overdose of barbiturates are increasing.

(5) Testimony before the Juvenile Delinquency Subcommittee of the Senate Judiciary Committee and before the National Commission on Marihuana and Drug Abuse have focused nationwide attention on the spreading problem of abuse of barbiturates.

In 1903 Fischer and von Mering introduced barbital, the diethyl derivative of barbituric acid, into medical practice. This drug, the first "barbiturate", was the forerunner of a class of drugs that is now indispensable to medical practice and yet is one of the most widely abused classes of drugs. In 1904, the first case of psychic dependence on barbital was reported, long before the term "psychic dependence" was invented. In England, the first lethal barbiturate poisonings were reported in 1906–1907, In 1931, the British Medical Journal attached the term "drug habit", previously reserved for opium and cocaine, to barbiturate abuse.

In the 70 years since the introduction of barbital to medical practice, over 2,500 active derivatives of barbituric acid have been synthesized, many have been tried in human subjects and some 25 are marketed. Out of those years of experience the following facts have emerged.

1. The central nervous system depressant effects of the barbiturates make these drugs extremely useful and to date indispensable to medical practice.

2. A psychic dependence on the barbiturates can develop in certain individuals.

3. A physical dependence on barbiturates can be produced in any individual by administering a sufficient quantity of a barbiturate over a certain minimum length of time.

4. Certain barbiturates are being abused in the United States and this abuse is a significant problem.

The chemical derivatives of barbituric acid may have one of three activities in man. They may be inactive; they may be central nervous system stimulants (i.e., convulsants); or they may be central nervous system depressants. The medically usable and abusable barbiturates are central depressants. The many central depressant barbiturates differ only quantitatively and not qualitatively in their properties. If one knows that certain barbiturates are abused, it is possible to determine their particular quantitative similarities and on the basis of a very few properties determine if other barbiturates have such similar activity as to give them equal abuse potential.

We have compiled sufficient information on the abuse of amobarbital, pentobarbital and secobarbital to justify recommending their transfer to Schedule II. There exists in the medical literature sufficient information to justify recommending the transfer of cyclobarbital to Schedule II although this drug has little or no availability in this country.

These four barbiturates are all sedative-hypnotic. Their hypnotic doses in man are similar and overlapping (0.1 to 0.3 gm) and their onset of action (15–30 minutes) and duration of action (2–12 hours) are also similar and overlapping. The variations in the numbers presented are within the range that can be expected by the biological variation of response among different individuals to any one drug. In addition, their chemistry is so similar as to produce a highly similar oil-water partition coefficient, a relationship which historically has been seen to correlate closely with hypnotic potency. Complete knowledge of each of these properties of any one barbiturate under consideration is not necessary for comparing their potential effects, although complete knowledge of any one property alone is sufficient. They are each measures of a single physical-chemical property of the depressant barbiturates which is responsible for their intrinsic pharmacological activity and its quantitative expression in human beings and animals.

With this in mind, we have examined other sedative-hypnotic barbiturates and conclude that five are of such similarity to the four stated above that they can be considered equally abusable. It can be expected that control of the abuse leaders will lead directly to abuse of these additional five. The five drugs are butabarbital, heptabarabital, probarbital, talbutal and vinbarbital. On the basis of their chemicl structure alone, they can be expected to have essentially the same quantitative activity as the four abused barbiturates. (However, in the case of butabarbital there also exists an increasing amount of abuse information.) The information, as available on their hypnotic dose, onset of action and duration of action support this conclusion.

This information is sufficient to justify concluding that amobarbital, butabarbital, cyclobarbital, heptabarbital, pentobarbital, probarbital, secobarbital, talbutal and vinbarbital have essentially the same abuse potential and it is recommended that they be transferred to Schedule II where additional

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controls to attack this segment of drug abuse may be brought to bear.

The report which follows is divided into seven sections discussing factors to be considered by the Secretary of Health, Education, and Welfare, and by the Director of the Bureau of Narcotics and Dangerous Drugs in reaching a decision on the scheduling of controlled substances. Those seven sections cover the chemistry of barbiturates, their pharmacology, toxicity, and dependence liability, as well as an examination of the current patterns of abuse, the risk of barbiturates to the public health when abused, and the sources of abused barbiturates.

The review of the remaining barbiturates as well as other depressant drugs, both controlled and noncontrolled, is continuing, and information and evidence necessary for other control decisions is being gathered. In this regard, the Bureau is particularly concerned that if the nine subject barbiturates are transferred into Schedule II, other depressant substances will take their place as drugs of abuse. Consequently, a major objective of the ongoing review is to identify the lesser-known druga which have pharmacological properties similar to the sedative-hypnotic barbiturates, or which are likely to be abused if they become more widely available, or which are manifesting increased abuse activity. When this study demonstrates that there is sufficient data to make additional drug control decisions, the Bureau will act promptly.

Five months later the Secretary of Health, Education, and Welfare, Caspar Weinberger, provided my office with the text of the Food and Drug Administration concurrence with the BNDD recommendation that all nine barbiturates should be transferred to schedule II. The Food and Drug Administration after studying the question for more than 1 year said in part, "We find there is a substantial risk to the public health due to the potential for abuse of these drugs as they are currently controlled." The text of the Weinberger letter and the FDA recommendation follow:

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., May 17, 1973.

Hon. BIRCH BAYH,
Chairman, Subcommittee to Investigate Juvenile Delinquency, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR SENATOR BAYH: Thank you for your letter of April 26 inquiring about the status of the Department's recommendation to the Bureau of Narcotics and Dangerous Drugs (BNDD) relative to the transfer of certain barbiturates from Schedule III to Schedule II of the Controlled Substances Act.

As you no doubt are aware by now, the Food and Drug Administration (FDA) sent its recommendation to the Department about a week after the April 5 hearing and a formal letter of recommendation was forwarded to BNDD on April 27. I understand FDA personnel notified Mr. John Rector, Deputy Counsel of the Subcommittee, by telephone when the recommendation was made. However, a copy of our letter to the Justice Department is enclosed for your information.

Sincerely,
CASPAR W. WEINBERGER,
Secretary.

FOOD AND DRUG ADMINISTRATION,
Rockville, Md., April 27, 1973.

Mr. JOHN INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Washington, D.C.

DEAR MR. INGERSOLL: The Food and Drug Administration has evaluated your recommendation of November 16, 1972 to transfer nine barbiturate sedative-hypnotic drugs from Schedule III to Schedule II of the Controlled Substances Act. We find there is a substantial risk to the public health due to the potential for abuse of these drugs as they are currently controlled. We recommend the following nine drugs be transferred from Schedule III to Schedule II of the Controlled Substances Act: amobarbital, butabarbital, cyclobarbital, heptabarbital, pentobarbital, probarbital, secobarbital, talbutal, vinbarbital.

Since these drugs have important medical uses, we anticipate working closely with the Bureau of Narcotics and Dangerous Drugs to insure adequate supplies are maintained to satisfy medical and scientific requirements.

It is possible that strict control of these drugs may lead to an increased demand for illicit use of other central nervous system depressant substances. We are preparing a recommendation for additional controls on glutethimide (Doriden) and we expect to forward this recommendation shortly.

Sincerely yours,
CHARLES C. EDWARDS, M.D.,
Assistant Secretary for Health.

On May 31, 1973, BNDD published its proposed rule rescheduling the nine barbiturates. The text of that rule (38 F.R. 14289) follows:

[21 CFR Part 308]

PROPOSED RULES

SCHEDULES OF CONTROLLED SUBSTANCES

Proposed Transfer of Nine Derivatives of Barbituric Acid and Their Salts From Schedule III to Schedule II

Based upon the investigations of the Bureau of Narcotics and Dangerous Drugs and upon the scientific and medical evaluation and recommendation of the Secretary of Health, Education, and Welfare, received pursuant to section 201(b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(b)), the Director of the Bureau of Narcotics and Dangerous Drugs finds that amobarbital, butabarbital, cyclobarbital, heptabarbital, pentobarbital, probarbital, secobarbital, talbutal, and vinbarbital, and the salts of each:

(1) Have a high potential for abuse;

(2) Have a currently accepted medical use in treatment in the United States; and

(3) May, when abused, lead to severe physical and psychological dependence.

Consequently, the Director has determined that the nine subject barbituric acid derivaties and their salts should be transferred to schedule II of the Comprehensive Drug Abuse Prevention and Control Act of 1970. The Director has also determined that compounds, mixtures, and preparations containing one of the nine subject barbituric acid derivatives and one or more active medicinal ingredients not having a depressant or stimulant effect on the central nervous system, should not be transferred to schedule II at this time. As proposed, all such combination products would remain in schedule III, and the combination products currently excepted under §308.32 of title 21 of the Code of Federal Regulations would remain excepted. The Bureau believes that at the present time the overwhelming majority of abused barbituric drugs are in the form of single entity preparations or combinations of two derivatives of barbituric acid with no other active ingredients. This is the problem, therefore, that demands an immediate response. The Bureau recognizes, however, that the numerous barbiturate combination products do present potential abuse problems which require the establishment of effective criteria for the implementation of appropriate controls, by proper placement in schedule II, schedule III, or exception from certain controls.

Therefore, under the authority vested in the Attorney General by section 201(a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a)), and delegated to the Director, Bureau of Narcotics and Dangerous Drugs by § 0.100 of title 28 of the Code of Federal Regulations, the Director proposes that:

1. Section 308.02 of title 21 of the Code of Federal Regulations be amended by adding new paragraphs (b) (10), (11), (12), (13), (14), (15), (16), (17), and (18) to read:

§308.02 Definitions.

(b) * * *
(10) Amobarbital.
(11) Butabarbital.
(12) Cyclobarbital.
(13) Heptabarbital.
(14) Pentobarbital.
(15) Probarbital.
(16) Secobarbital.
(17) Talbutal.
(18) Vinbarbital.

* * * * *

2. Section 308.12 of title 21 of the Code of Federal Regulations be amended by the addition of a new subparagraph to read:

§ 308.12 Schedule II.

* * * * *

(e) *Depressants.*—Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

(1)	Amobarbital and its salts	2125
(2)	Butabarbital and its salts	2175
(3)	Cyclobarbital and its salts	2190
(4)	Heptabarbital and its salts	2225
(5)	Pentobarbital and its salts	2270
(6)	Probarbital and its salts	2305
(7)	Secobarbital and its salts	2315
(8)	Talbutal and its salts	2324
(9)	Vinbarbital and its salts	2335

* * * * *

3. Section 308.13(c) of title 21 of the Code of Federal Regulations be amended to read as follows:

§ 308.13 Schedule III.

* * * * *

(c) *Depressants.*—Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

(1)	Any compound, mixture, or preparation containing amobarbital, butabarbital, cyclobarbital, heptabarbital, phenobarbital, probarbital, secobarbital, talbutal, or vinbarbital or any salt thereof and one or more other active medicinal ingredients which other such ingredients are not listed in any schedule	2351
(2)	Any substance which contains any quantity of a derivative of barbituric acid or any salt thereof	2100
(3)	Chlorhexadol	2510
(4)	Glutethimide	2550
(5)	Lysergic acid	7300
(6)	Lysergic acid amide	7310
(7)	Methyprylon	2575
(8)	Phencyclidine	7471
(9)	Sulfondiethylmethane	2600
(10)	Sulfonethylmethane	2605
(11)	Sulfonmethane	2610

All interested persons are invited to submit their comments or objections in writing regarding this proposal. These comments or objections should state with particularity the issues concerning which the person desires to be heard. A person may comment on or object to the application of this proposal to any one or more of the nine derivatives named without filing comments on the remaining derivatives. Comments and objections should be submitted in quintuplicate to the Hearing Clerk, Office of Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Department of Justice, room 611, 1405 I Street NW., Washington, D.C. 20537, and must be received no later than June 29, 1973.

In the event that an interested party submits objections to this proposal which present reasonable grounds for this rule not to be finalized and requests a hearing in accordance with 21 CFR 308.45, the party will be notified by registered mail that a hearing on these objections will be held at 10 a.m., on July 16, 1973, in room 1210, 1405 I Street NW., Washington, D.C. 20537. If objections submitted do not present such reasonable grounds, the party will so be advised by registered mail.

If no objections presenting reasonable grounds for a hearing on the proposal are received within the time limitations, and all interested parties waive or are deemed to waive their opportunity for the hearing or to participate in the hearing, the Director may cancel the hearing and, after giving consideration to written comments, issue his final order pursuant to 21 CFR 308.48 without a hearing.

A petition dated March 8, 1972, was submitted to the Director by Robert M. Brandon and Steven T. Wax, co-Directors of the task force on Drug Abuse, and four other persons under the provisions of section 201(a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a)) requesting that the Director initiate proceedings to place amobarbital, secobarbital, pentobarbital and two other substances in schedule II. On April 4, 1972, the Bureau received a letter from the American Public Health Association requesting to join in the foregoing petition (37 FR 9500). In light of the investigation of the Bureau and the recommendation of the Department of Health, Education, and Welfare referred to earlier, it is not necessary to determine whether the grounds upon which the petitioners relied in the petition are sufficient in themselves to justify the initiation of the requested proceedings. The question of whether any one of the petitioners has standing as an "interested party" is also academic and a decision in this regard is hereby reserved.

Dated May 25, 1973.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc. 73-10858 Filed 5-30-73; 8:45 am]

These proposed rules represented a finding by the Department of Justice and the Department of Health, Education, and Welfare that the nine barbiturates and the salts of each:

First. Have a high potential for abuse;

Second. Have a currently accepted medical use in treatment in the United States; and

Third. May, when abused, lead to severe physical and psychological dependence.

These findings are more than adequate to support a transfer to schedule II of the Controlled Substances Act. In fact, the third criterion of schedule II does not require that abuse of the substance lead to severe psychological and physical dependence, but only that "abuse of the drug or other substances may lead to severe psychological or physical dependence." (21 USC 202(b) (2) (c)).

The limited scope of the decision on barbiturates appears to be strikingly similar to the initial decision on stricter controls over the production and distribution of amphetamine and amphetamine-like drugs with similar abuse potential.

In October 1970, after several years of hearings by the Juvenile Delinquency Subcommittee and, CLAUDE PEPPER'S House committee, this body passed an amendment to the Controlled Substances Act which placed amphetamine and amphetamine-like substances under schedule II. Following intensive lobbying, however, by representatives of the drug industry and bolstered by White House opposition to controls on the production of amphetamines, the Senate-passed amendment was deleted in the conference.

In the summer of 1971, the Juvenile Delinquency Subcommittee held hearings on amphetamine traffic, abuse, and regulation. In spite of conclusive documentation of epidemic Ritalin (methylphenidate) and Preludin (phenmetrazine) abuse and dependence in Sweden and Japan, as well as evidence of increasing abuse and diversion to illicit markets in this country, a spokesperson for the Attorney General told the members of the subcommittee that they did not have sufficient evidence of abuse potential to justify tighter controls. One must recall that the important criterion is that "abuse may lead to severe psychological or physical dependence."

I, like others concerned about the overproduction, diversion, and abuse of drugs was amazed at the insensitivity or naivete of the Government agencies in this matter. If Ritalin and Preludin remained in schedule III, while the similar plain amphetamines and methamphetamines were shifted to schedule II, it was clear that these two stimulants, with equal potential for abuse, would become the subject of increasing abuse and might in fact become abusers drugs of choice. The track record and abuse potential of these drugs was no mystery to students of stimulant abuse. The administration chose once again to overlook the lesson learned abroad, the studies indicating a probable shift of abuse to these stimulants, as well as the evidence of the growing incidence of actual abuse in this country adduced by the subcommittee. I took strong exception to this "body count" approach.

I took strong exception to this "wait-and-see approach" or body count then, and I have reiterated this position most emphatically with regard to methaqualone and the barbiturates.

Barely 2 months later, the administration took an about face and accepted my long held belief that the public health and safety demanded that the drugs with abuse potential similar to the plain amphetamines and methamphetamines be subject to the same strict production and distribution controls of schedule II.

Of particular interest, in view of the decision on barbiturates, was the announced basis for the rescheduling of Ritalin® and Preludin®. The BNDD relied almost exclusively on our contention that persons disposed to abuse amphetamines were likely to switch to abuse of these drugs with similar abuse potential. The September 17, 1971, order placing the drugs under schedule II explained the action in part as follows:

Phenmetrazine and Its Salts and Methylphenidate—Based upon the investigations of the Bureau of Narcotics and Dangerous Drugs and upon the scientific and medical evaluation and recommendation of the Secretary of Health, Education, and Welfare, received pursuant to section 201(b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(b)), the Director of the Bureau of Narcotics and Dangerous Drugs, *in view of the order transferring amphetamines and methamphetamine to Schedule II published in the Federal Register of July 7, 1971 (36 F.R. 12734), and the resulting strict production and distribution controls imposed upon amphetamines and methamphetamine by this transfer, finds that persons disposed to abuse amphetamines and methamphetamine now may direct their attention to methylphenidate and phenmetrazine, drugs which presently are not known to be the subject of substantial abuse in the United States.* Further, there is no evidence to indicate that there is any abuse of methylphenidate and phenmetrazine when administered with proper medical supervision. [italic added]

I hope that the decision to transfer only the three barbiturates, rather than the nine thought to have, as the BNDD study last year stated, "essentially the same abuse potential," is based on new evidence that stands in contradiction of the early findings by the Departments of Justice and HEW. If this is not the case, it appears that once again this administration has decided on a policy that chooses to put the burden—the risk—potential—of abuse—on the public rather than on the manufacturers of these drugs; namely; those who market the six barbiturates not transferred to schedule II.

As chairman of the Juvenile Delinquency Subcommittee, I intend to pursue vigorously our efforts to curb the illicit traffic and abuse of pharmaceutical drugs with a high potential for abuse. Our earlier success with the amphetamines, reducing production by 90 percent, the recent decision on methaqualone and action on the short-acting barbiturates are important steps in limiting the diversion of legitimately manufactured drugs to illicit purposes. I intend to obtain a full explanation of the administration's failure to control similarly, barbiturates with an equally dangerous abuse potential. Likewise, I will continue to conduct a vigilant review of the procedures followed in establishing quotas and other regulatory controls under schedule II of the Controlled Substances Act, particularly with regard to the short-acting barbiturates.

We must recognize that the awful specter of drug abuse reaches from the heroin addict shooting up in an urban jungle to the middle-aged matron popping pills in a prosperous suburb; that a couple of "downers" taken by a tense businessman before a cocktail party can be as deadly as a heroin overdose, and, that the child who steals a couple of amphetamines from his middle-class medicine cabinet can end up in as much trouble as a ghetto child who gets an early introduction to snorting cocaine.

We need a national awareness of the complexity of drug abuse and the many forms it can take. Before we truly "turn the corner on drug abuse" we must enlist the support of all concerned, from

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Federal officials to schoolteachers, from doctors to prosecutors, from drug companies to former addicts, to do their part to combat a major health and criminal problem reaching its tragic tentacles into all corners of American life.

A SALUTE TO AMERICA'S CIVIL SERVANTS

Mr. DOMENICI. Mr. President, I consider America's civil servants, who devote their lives and energies to making Government work for all our citizens, an outstanding asset of our country.

I know some people resent them and have even turned the word "bureaucrat" into a pejorative term. For that reason, I rise today to cite an instance which may counter the arguments of those who have mistaken notions about the employees of our Government.

Recently, a friend of mine, Simon Goldman, suffered a disastrous fire in his department store in Albuquerque. From that store, he had supplied uniforms for Fish and Wildlife Service personnel for many years.

Among the items lost in the fire were many of the store's records, including most of those concerned with purchases made by service personnel.

All this could easily have been looked upon as Mr. Goldman's problem. Bureaucrats who did not care might even have seen the loss as a chance to avoid payments still due the company.

But that is not what happened.

Instead. William A. White, acting regional director of the Fish and Wildlife Service, immediately notified all supervisors in region 2 of the fire and prepared a memorandum for distribution nationwide.

The memorandum suggests that every member of the service involved in a purchase from Simon's act on his or her honor, notify the store of the amount still due and continue to make payments, even though the bookkeeping records have, in fact, been destroyed and no indebtedness can be proved.

When Mr. Goldman told me of the experience, he said—

> I will never forget this act of kindness and concern by one human being for another.

I recount the story because I believe it demonstrates, at a time when many cynics are most critical of our Government, that decency and honor are at least as prevalent there as in any other human endeavor.

I salute all those in the service involved in a truly helpful act to a man who, at that moment, desperately needed and much appreciated their friendship.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

NATIONAL ENERGY EMERGENCY ACT OF 1973

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the unfinished business, S. 2589, which the clerk will report.

The legislative clerk read the bill by title, as follows:

> A bill (S. 2589) to authorize and direct the President and State and local governments to develop contingency plans for reducing petroleum consumption, and assuring the continuation of vital public services in the event of emergency fuel shortages or severe dislocations in the Nation's fuel distribution system, and for other purposes.

The Senate resumed the consideration of the bill.

Mr. JACKSON. Mr. President, I ask unanimous consent that the following staff members of the Committee on Interior and Insular Affairs be permitted the privilege of the floor in connection with the business that has been laid before the Senate: William J. Van Ness, Richard Grundy, Lucille Langlois, F. James Barnes, Grenville Garside, Lorrainne Maesteas, and Jerry Verkler.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HASKELL. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. HASKELL. Mr. President, I ask unanimous consent that Betsy Moler of my staff be allowed the privilege of the floor during the debate on this bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FANNIN. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. FANNIN. Mr. President, I ask unanimous consent that the following members of the minority staff of the Committee on Interior and Insular Affairs be allowed the privilege of the floor: David Stang, Harrison Loesch, Fred Craft, Roma Skeen, and Maureen Finnerty.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, on behalf of the distinguished Senator from New Hampshire (Mr. MCINTYRE), I ask unanimous consent that Mr. T. J. Odin, of the Senator's staff, may be accorded the privilege of the floor during the consideration of S. 2589. This request, of course, does not include rollcalls.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JACKSON. Mr. President, we are about to consider a vital piece of emergency legislation, the National Energy Emergency Act of 1973. This bill is a measure to reduce in an orderly and planned manner nonessential energy consumption, to increase domestic production of needed fuels, and to insure continuation of vital services during the crisis now facing the Nation.

Mr. President, the energy emergency now upon us is unprecedented. Although many of us have been anticipating and predicting severe fuel shortages for some time, the conflict in the Middle East and the embargo imposed by Arab nations have escalated these shortfalls to major crisis proportions. Estimates of the shortages we can now anticipate run as high as 3 million barrels a day, up from earlier estimates of 1.2 million barrels. By January, we may have a 20-percent disparity between demand and available petroleum supplies.

These shortages will surely wreak havoc with our economy and with employment, particularly if we take no immediate action to distribute fuels equitably and ease the burden of need. Unless we now develop contingency plans for directing and reducing consumption, we will find hospitals and factories running out of fuel unexpectedly. It is essential that we take steps to prepare ourselves for winter fuel shortages.

Already we have been deluged with letters and phone calls concerning our rapidly deteriorating energy situation. Utilities like Consolidated Edison and the New England Power Exchange anticipate shortages of up to 30 percent of their fuel requirements. In California alone, utilities will be short 19 million barrels of distillates this winter. Schools in Oregon will be closed for a month this winter for lack of heating oil. The Department of Defense is more than 10 percent short of daily fuel needs and has requested priority allocation of energy supplies, as provided for in the Defense Production Act of 1950.

This is a time for some national "belt tightening," as we turn from heavy dependence on foreign oil to national energy self-sufficiency. It is a time for all Americans to share the burden of fuel shortages. I am confident that, with proper contingency plans, we can minimize the adverse impact of the current emergency.

And yet, as we are moving this emergency legislation, we are also being inundated by calls and requests from special interest groups wanting to be exempt from sharing the burden of fuel shortages. In a time of nationwide emergency, we cannot countenance those who advocate rationing and conservation for everyone, but want special exceptions for themselves. There will be no exemptions from the fuel shortages, and there should be none from the national effort to cope with these shortages. The burden must be shared equitably by all regions and interests.

We are facing a critical period for the Nation's economy. With inflation still rampant, we now find ourselves faced with the prospect of factories and businesses closing for lack of fuel. Estimates for unemployment by January run as high as 8 percent. These are problems which require emergency measures. A major purpose of this legislation is to minimize the adverse impact of the energy shortage on the economy. This emergency situation should not be used to occasion windfall profits or special benefits to any one sector of the economy, while the rest of the Nation is forced to endure inconvenience and hardship.

George Meany stated the problem very well in a letter to me, for which I ask unanimous consent to have printed in the RECORD, at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

> A program to meet this crisis that is built on the foundation of equity will enjoy broad public support, but there can be no public support for a program which would force some to sacrifice while allowing others to profit.

Mr. President, the committee has worked hard on this legislation. The administration has had substantial input in the reported bill.

Mr. President, I strongly urge that S. 2589 be adopted by the Senate, so that steps can be taken to prepare the Nation for the energy emergency now upon the country.

EXHIBIT 1

AMERICAN FEDERATION OF
LABOR AND CONGRESS OF
INDUSTRIAL ORGANIZATIONS,
Washington, D.C., November 9, 1973.

Hon. HENRY M. JACKSON,
Chairman, Senate Interior and Insular Affairs Committee, Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: The AFL–CIO wants the record to show quite clearly that in the present energy emergency—as in every emergency facing this nation—the labor movement is prepared to sacrifice as much as everyone else for as long as everyone else, provided the sacrifice is equal for all segments of society.

Workers and their families should not be forced to sacrifice while others are allowed to profit because of an emergency situation. Corporations which receive windfall profits out of this emergency should be subject to an excess profits tax.

So, we approach this emergency, as we always have, on the clear basis of equality of sacrifice.

We are prepared to support conservation, allocation and, if necessary, rationing to minimize economic dislocation and hardships in this emergency provided that the program and its administration is even-handed.

While all Americans face inconvenience, discomfort and some hardship, workers face even worse. Workers, especially in industrial plants, transportation and retail stores, face a clear threat of loss of jobs and income.

It is incumbent upon this Congress to insure that these losses are held to a minimum; that they be necessary and provable, and not the result of unilateral employer action; that steps be taken to compensate workers for their losses.

We do not think the test of equality is met when housewives are urged to keep their thermostats at 63 degrees and oil companies are reaping 1973 profits that are 60 percent higher than a year ago.

Certainly, there would be no equality in permitting corporations to unilaterally determine whether they shut down or curtail operations, using the self-serving claim of aiding in the emergency when, in fact, they are only promoting their profits.

Above all, we do not believe that the President should be given blank check authority to meet the energy emergency as he sees fit. Regretfully, but firmly, we must say that we have no confidence that the President would take fair and equitable actions in this situation.

On the basis of his past record, we believe the President would permit big business and industry to use this emergency to increase profits while the American people sacrifice their comfort, convenience, jobs, health and environmental safeguards.

Thus, we say to the Congress: you must meet this crisis, but you must meet it with hard-boiled, practical, even-handed statutory standards.

In his television broadcast to the nation last Wednesday, the President contended he had long foreseen this crisis and urged the Congress to act. He attempted to shift blame for governmental short-sightedness from his Administration to the Congress.

The truth is that the Congress, and particularly your committee, Mr. Chairman, has been acting diligently in the field for a long time. Among its other actions, this Congress appropriated funds for energy research and it was this Administration which impounded and refused to spend $20 million of that appropriation.

We urge the Congress to establish the machinery necessary to meet the emergency and insure that this machinery operates in an equitable manner.

We insist that those who are placed in charge of this machinery have no conflict of interest or hint of conflict of interest. By that we mean specifically that they have no connection, direct or indirect, with the gas, oil, coal or utility industries.

Let me now turn to some specific points of grave concern to us and, we believe, to the Congress:

In any legislation that is adopted there must be spelled out in clear statutory language procedures for the review of complaints from workers and their representatives about adverse employment effects.

There should be specific aids, including extended and improved unemployment compensation, for workers and communities adversely affected by the emergency.

We believe that authority for relaxation of environmental standards must be kept to the minimum necessary to meet this particular emergency. Long-range environmental goals and standards must not be unnecessarily sacrificed in the name of "crisis". Any easing of environmental standards must be spelled out within specific limits. Exemptions and variances should be considered on a case-by-case basis, and only for specified periods of time.

In a time of energy emergency, we believe that procedures for setting aside rules governing Maximum Efficiency Rates of Production must include prudent requirements for environmental protection and worker safety.

In authorizing increased production of oil and gas from the Naval Petroleum Reserves, the Congress must guarantee that these reserves, which are the property of the American people, shall be used under a definite system of priorities. This would insure that the nation's supply of petroleum for its military defenses is not endangered, and that the reserves could be used to ease the people's plight in this emergency and not as an excuse for exploitation.

Export controls must be established that limit and require the licensing of all exports of energy fuels, specifically including coal.

Congress must require that the staffing of emergency machinery include adequate worker and consumer representation, with safeguards against industry domination.

Proposals to deregulate natural gas at the wellhead must be defeated. Deregulation is a proposal to raise prices and profits. It has nothing to do with equal sacrifices and very little to do with the energy crisis.

The Congress must take contingency actions to insure that in the event the energy emergency increases to the point where the rationing of fuel oil and gas becomes necessary, supplies are divided equally on the basis of need. The Congress must never succumb to rationing by taxation which would allow those who can afford it to purchase scarce supplies while those who need it and are less affluent would be deprived.

We believe the Congress should eliminate tax credits and depletion allowances on all foreign operations of U.S. oil companies. We see no need for American taxpayers to subsidize those Middle East countries that plunged this nation into the present crisis. Neither do we see a need for American taxpayers to provide tax breaks to American oil companies based upon oil they produce in the Middle East and transport to nations other than the United States.

Today, America is directing its attention to the immediate emergency, but America has long-term energy problems. Last month, at its 10th Constitutional Convention, the AFL–CIO focused attention on these long-term problems as we have often in the past. I am enclosing a copy of the comprehensive energy resolution adopted by the convention and urge it, too, be made part of the record.

Let me conclude by reiterating our belief that the Congress has not been derelict in its duty as the President implied in his telecast. Rather, we believe that it was the President who acted dangerously late.

Two major pieces of legislation dealing with the energy crisis—the Alaskan Pipeline Bill and the Emergency Fuels and Energy Allocation Act—have almost completed the legislative process. Shortly these bills will be sent to the President. Some Administration spokesmen have publicly hinted the President may veto one or both because they do not precisely meet his views. We urge the President to sign both as an indication he means business.

Let me reemphasize that the men and women of the AFL–CIO are prepared to join their fellow Americans in equal sacrifice in this time of emergency. But they insist upon equality of sacrifice.

A program to meet this crisis that is built on the foundation of equity will enjoy broad public support, but there can be no public support for a program which would force some to sacrifice while allowing others to profit.

Sincerely,

GEORGE MEANY,
President.

Following is the text of a resolution on energy adopted by the 10th Constitutional Convention of the AFL–CIO on October 19, 1973

RESOLUTION

America must develop a comprehensive national energy policy to foster and sustain full employment, protect and preserve the environment, benefit the consumer, prevent and reduce monopoly, and eliminate wasteful and duplicative activities among existing federal agencies.

We once again propose the creation of a statutory Council on National Energy Policy.

There should be created a single national federal energy agency which would combine various scattered federal program functions.

We support legislation, passed by the Senate, requiring a mandatory nationwide oil and gas allocation plan, and requiring oil companies to provide data on reserves and distribution systems.

We oppose all efforts in the Congress to deregulate natural gas pipeline companies.

We urge swift implementation of the Alaska oil pipeline act, with full recognition of the need to safeguard environmental interests as well as to speed the vital additions to America's petroleum supplies

We again urge creation of TVA-type energy fuel development agencies, including oil shale, to bring forth new and expand existing supplies, overcome technological and environmental problems and provide a cost yardstick for the benefit of consumers.

We reiterate our call for legislation to create a large-scale bulk-electric national electric power supply grid system for the nation, open to all utilities, regulated by the federal government, and operated with proper environmental safeguards.

We urge Congress to enact legislation which would repeal the present 22 percent depletion allowance from taxable income on oil extracted from foreign sources, and eliminate the credit from U.S. taxes paid to foreign governments by U.S. companies on income from foreign operations.

The long-range energy needs of America and the stability of the national economy require immediate measures to secure America's self-sufficiency through development of

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> varied and alternative energy resources and technologies. That is why we most strongly recommend enactment by Congress of legislation that would mobilize the nation's scientific and technological resources through a 10-year, $20 billion crash program to expand existing and develop alternative energy resources—including advanced nuclear power technology, oil shale development, improved utilization of coal resources, electric power technology, conservation of fuels and energy and modes of transportation.
>
> The performance of the oil industry in meeting its obligation to supply the energy needs of the American people should be reviewed by Congress to determine whether the oil industry is a public utility and should be subject to interstate regulation by the federal government.
>
> We also call for congressional review of national policy with regard to the foreign operations of the oil industry. The investigation of natural gas prices and the role of the gas pipeline industry by the Sena[illegible] Anti-Trust and Monopoly Subcommittee has begun to show the outlines of deception on the extent of natural gas reserves, to escalate rates, and we endorse the continuance of these hearings and their expansion into the oil industry. The Federal Trade Commission investigations should be continued and the commission should support its staff recommendation for the Justice Department to undertake anti-trust action against the major oil companies, concerning their combination of crude oil functions with wholesale and retail marketing of petroleum products.
>
> To conserve existing supplies of vital energy fuels, we again urge national efforts to expand the uses of mass transportation, to produce automobiles with lower horsepower and to develop lower fuel-using alternatives to the internal combustion engine which would also produce less pollution.
>
> At the persent time, there are no U.S.-flag tankers regularly engaged in carrying imported oil from foreign sources to the United States. To end this dependence on both foreign sources and foreign transportation for U.S. consumption of oil and petroleum products, Congress must legislate a guarantee that a fair share of all imported petroleum cargoes be carried in U.S.-flag ships. Such legislation would provide the development of an American tanker capability that would be in the best interests of national security, the economy, and a more favorable balance of payments position, and would result in creating thousands of jobs in the construction and operation of such a fleet.
>
> If America does not solve its immediate and long-range energy needs, the effects upon its economy, social and political institutions and national security could be disastrous. Congressional action is needed now to create a solid foundation for meeting America's growing energy needs.

Mr. AIKEN. Mr. President, will the Senator yield for a question?

Mr. JACKSON. Certainly.

Mr. AIKEN. The thing that concerns me is, What provision is made in this bill for those people who live, say 15 to 30 miles from the place where they work? I have in mind my own community, as I suppose we all have, where two young ladies in the community have to go 15 miles a day to work in nearby hospitals, which are rather short handed at this time. Other young men travel up to 35 miles a day to machine tool plants, where they have been short handed and need labor for export business as well as for supplying the domestic demand. Then, of course, we have people who have moved into the suburbs and have to go into their offices. I suppose in the suburbs they may have public transportation, but they certainly do not have it where people live in my own area. They have to get themselves to work.

I am just wondering what provision is made for situations of that kind, because otherwise the plants might have to close, not because of lack of oil but because of lack of personnel.

Mr. JACKSON. We do not address ourselves specifically to the point raised by the senior Senator from Vermont. We do provide in this legislation for local rationing boards. It is the sort of role whose function the Senator describes that local rationing board must play. I think if we tried in the statute to establish all of the specific regulations, it would be unmanageable. I trust my colleagues will agree that our best course of action is to follow the experience of World War II, where we utilized local rationing boards patterned somewhat after the draft boards.

Mr. AIKEN. Yes. We have been encouraging people to live in the country through the Rural Development Act and other acts. Now, I am just concerned about what would happen to them. But I think we will have to leave that in the hands of the local people, but local areas will have to be assured of their proper supply of fuel and gasoline.

Mr. JACKSON. May I point out to my friend that one of the optimum means of fuels savings, of course—in fact, will be carpools. We hope that the people in the country as well as the people in the city areas will be utilizing carpools.

Mr. AIKEN. As far as possible.

Mr. JACKSON. The Senator is correct. In some cases it is impossible. We understand that.

Mr. AIKEN. And these same people require fuel to keep their homes warm. In my own community heating oil was about 18 cents a gallon a year ago. It is now 29 cents a gallon.

Mr. JACKSON. I would be surprised if it is not double that. Maybe it will be next week.

Mr. AIKEN. I am advising some of them to stay home and cut wood.

Mr. JACKSON. I believe we have provided the proper machinery to deal with the specific problems that are so difficult. The last place in which we want to make the decision for the community is Washington, D.C. That is why we would have local boards.

Mr. AIKEN. The responsibility will be largely local.

Mr. JACKSON. The Senator is correct. Mr. President, I reserve the remainder of my time and yield the floor.

Mr. FANNIN. Mr. President, several days ago the Washington Post referred to this week as "energy week in the Senate." Might I add that, for the Interior Committee, this past session has been "energy year." In 1973 we have reported six major bills on energy: The Land Use Policy and Planning Assistance Act; the Surface Mining Reclamation Act; the Emergency Petroleum Allocation Act; the National Fuels and Energy Conservation Act the Federal Lands Right-of-Way Act, which I fully expect the President to sign shortly; and the National Energy Emergency Act which we are discussing today.

May I point out that, regrettably, of those six bills only the trans-Alaska pipeline bill and the legislation dealing with our current energy emergency address in any way the problem of increasing energy supplies. It is my firm belief that the major flaw in both of these bills lies in their failure to leave to the workings of the marketplace the stimulation of increased energy supplies. If we are to persuade industry to make the high risk investments necessary to meet our energy problems, and if we are to encourage the consumer to curb his wasteful use of excess energy, we must face up to the bitter necessity of freeing up the price structure.

What these six major bills do have in common—also regrettably—is a philosophical bent toward expanding the scope of Federal regulation of both energy production and energy consumption. It would seem to me that a lesson should have been learned from the mistakes of Federal regulation of natural gas production. The elaborate regulatory procedures and formulas contained in these bills bode ill for producer and consumer alike.

It was in light of these considerations that several of my colleagues and I urgently requested public hearings on this bill. Although such hearings were in fact held, they came with scarcely 24-hours' notice to the witnesses called upon to testify. In a letter to the distinguished chairman of the Interior Committee, five other Senators and myself recommended allowing a reasonable period of time, consistent with the emergency nature of the problem, for thoughtful analysis and consideration of S. 2589. I would like to share that letter with my colleagues at this time. It reads:

> WASHINGTON, D.C., *November 5, 1973.*
>
> Hon. HENRY M. JACKSON,
> *U.S. Senate,*
> *Washington, D.C.*
>
> DEAR SCOOP: We have reviewed your bill, S. 2589, "The National Emergency Petroleum Act" and the draft Administration "Emergency Energy Act". While we share your genuine concern about the gravity of the domestic and international energy supply situation and your sincere desire for speedy legislative action in a continuing nonpartisan manner, we nevertheless have serious reservations about the content of parts of both bills.
>
> Regardless of intention, any such emergency legislation can profoundly affect the state of the Nation's economy as a whole. Regardless of intention, any such legislation can affect the health, well being, and lawful rights of the people of the United States. Regardless of intention, any such legislation can result in the imposition of controls of a sweeping, omnipresent and potentially crippling nature.
>
> While recognizing that any such legislation must, by its nature, to some degree affect the economy, the rights and well being of U.S. citizens, and also must require some level of temporary and unusual control, it is our firm conviction and belief that as senators we have a constitutional duty to preserve democratic values and prevent abuses of congressional and executive power inconsistent with such values.
>
> As you know, we are indeed committed to move forward with you in molding appropriate legislation in a responsive, timely and nonpartisan manner. We fear, however, that excessively hasty action could result in horrendous and unintended calamity for the people and institutions of this country. Accordingly, we feel that it is incumbent upon us to tailor the emergency authority to the fuels shortage problem in order to avoid both delegation of excessively sweeping emergency authority and delegation of inadequate emergency authority.
>
> Toward this end we concur in your suggestion that Administration and Senate staff personnel begin to work diligently in a cooperative effort to prepare draft emergency legislation for our urgent consideration. Following the completion of such a draft we would then expect to have the lawfully required hearings during which we may hear testimony from expert witnesses as to the likely impact of the application of contemplated provisions of the draft bill on the fuels shortage (including production, refining, transportation, and distribution of petroleum and associated matters affecting coal production, transportation, and use), the economy, the rights of U.S. citizens, and the preservation of our democratic institutions.
>
> Sincerely yours,
>
> CLIFFORD P. HANSEN.
> DEWEY F. BARTLETT.
> EDMUND S. MUSKIE.
> PAUL FANNIN.
> MARK O. HATFIELD.
> JAMES L. BUCKLEY.

In general terms, although those of us signing that letter recognize the need for some type of emergency legislation to address this problem, we felt that many of the provisions of S. 2589 could do violence to the economy, the rights of U.S. citizens, and the preservation of our democratic institutions.

To return to the issue of energy supplies, I point out that the proposed National Energy Emergency Act embodies precious little in the way of measures tailored to increase the supply of energy. The preambulatory sections might wax eloquent on the need for significant changes in our energy situation, but the substance of operative sections does not reflect concern for achievement of such goals.

During the committee's discussion of this legislation, the other minority members and I made every possible effort to correct these shortcomings, and will continue to do so until a final version of the bill is agreed upon by this body.

I call my colleagues' attention to section 204(e) which requires Federal departments and agencies including regulatory agencies to survey the activities over which they have jurisdiction in order to identify and recommend to the Congress additional measures related to specific savings of energy.

It was my understanding during the discussions at the executive session that committee members intended this to apply to the Federal Communications Commission inasmuch as all members recognized that keeping television sets and radios operating 18 to 20 hours a day consumes enormous amounts of electricity.

Accordingly, it is the hope of members of the committee that the FCC will thoroughly investigate and within 30 days report back to the Congress the amount of electricity now being utilized by the industry in addition to recommending action that can be taken in time of an emergency to conserve energy.

In considering this bill, the committee realized that in some cases the President should have the authority to require certain electric generating plants to burn coal. A key point in the discussion of the possible impacts on the environment of requiring switching to coal is the lack of a sufficient supply of low-sulfur fuels. The committee recognized that in many areas where low-sulfur fuels would be required to maintain air quality standards, such fuels are not readily available—for example, the State of Illinois possesses extensive deposits of high-sulfur fuels, which cannot by law be burned. Transporting low-sulfur coal from Wyoming, which would be necessary to maintain air quality standards, would involve not only expending additional amounts of our precious fuel but might require a time period too long for an emergency situation.

While recognizing the necessity for an arrangement to address such problems, we arrived at an agreement to include in section 205 provision for granting a variance of air quality standards in such cases, pursuant to amendments to be made to the Clean Air Act. This understanding was based upon a clear commitment from members of the Senate Public Works Committee that they would proceed expeditiously to report out those necessary amendments. I look forward to the assistance of that committee in supplying the provisions which will assist industries subject to emergency conversion requirements under this legislation.

I should call my colleague's attention to the provision of section 207(b) which authorizes the President to require certain oilfields, on lands in which there is a Federal interest, to produce in excess of their maximum efficient rate. The committee recognized that in the exercise of that authority a "taking of private property" could occur, which would under the Constitution be compensable. This is an area which will require more explicit attention at a later time during this debate.

Regarding 207(c), there was an understanding reached in committee which unfortunately was not included in the report. Accordingly, I would like to make the record clear on this point, as I am certain the distinguished floor leader would agree. The intent of this section is to authorize the President to adjust processing operations of domestic refineries within the limits of their existing engineering capability to produce refined products in proportions commensurate with national needs.

This section is not intended to authorize the President to impose new design and construction modifications within existing refineries of any permanent nature. It would be inequitable to do otherwise because the refineries would accordingly be required to invest major sums of their capital needed for energy production to make permanent structural changes in their refineries in order to comply with emergency requirements.

Following termination of the emergency the refineries would therefore be forced to expend additional capital to tear down and rebuild the previously modified parts of their refineries in order to adjust to normal operations. Such a requirement additionally could be considered a "taking of private property" and therefore compensable by virtue of the protection afforded by the Constitution.

The record is clear that existing refineries have sufficient existing flexibility to meet the requirements contemplated by this act and therefore, to summarize, this section is not intended to authorize the President to require major structural changes in U.S. refineries. I will have other remarks to make concerning other provisions of this bill at a later time during the debate.

Returning now to the thrust of the bill as a whole, I leave my colleagues with this prediction: Many Americans will needlessly suffer from the cold this winter because of the failings of this bill. Many of our people will be needlessly unemployed because we failed to seize the opportunity to increase our supply of energy. While I am fully aware that our energy problem has reached emergency proportions, I cannot ignore the knowledge that hasty actions often yield wasteful and disastrous results.

Accordingly, I encourage each of you to give S. 2589 your most careful consideration with a view toward offering appropriate amendments. The potential consequences of inadequate legislation on this matter are irreparable damage to the health, liberty, and property rights of the citizens of the United States, and to the economic strength of the Nation as a whole.

Mr. President, I previously have asked unanimous consent for certain members of the minority staff and of my staff to be given the privilege of the floor. I would like to list now the names of those on behalf of whom I intended to make the request.

Mr. President, I ask unanimous consent that David Stang, Harrison Loesch, Fred Craft, Roma Skeen, and Maureen Finnerty, all of the Interior Committee minority staff, be given the privilege of the floor during the discussion and voting on S. 2589.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FANNIN. Mr. President, I yield the floor.

Mr. PASTORE. Mr. President, is the bill open to amendment?

The ACTING PRESIDENT pro tempore. The bill is open to amendment.

Mr. PASTORE. I call up my amendment at the desk, and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The legislative clerk read as follows:

> At page 18, after line 18, insert a new subsection 203(f) as follows, and redesignate subsequent subsections:
>
> "(f) In exercising the authority provided for in this Act, the Emergency Petroleum Allocation Act of 1973, the Economic Stabilization Act of 1970, as amended, and the Defense Production Act of 1950, as amended, the President shall insure that all regions and all States of the nation share available fuels in an equitable manner. The President shall give special consideration to those States and those regions of the country which are depressed economically, experiencing high unemployment, or which lack ready

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access to energy transportation facilities adequate to meet their essential requirements."

Mr. FANNIN. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. FANNIN. Does the Senator have copies of his amendment?

Mr. PASTORE. Yes, I do. I thought the Senator had a copy.

Mr. FANNIN. I thank the Senator.

Mr. PASTORE. Mr. President, I shall be very brief. I think this amendment is easy to understand.

We in the New England part of the country have been faced for a long, long time with a shortage of oil and a high cost of the fuels that we have had to buy. Going back three or four administrations, under different Presidents, we have tried time and time again, when conditions could be considered almost normal, to persuade them that they should have removed the quotas that were imposed upon the importation of residual oil or crude oil, either from Venezuela or from the Middle East.

The administrations never saw fit to do that, and as a result we were always in short supply. We were always faced with a high cost because of the shortage of supply, and now we have reached the critical point. Now we are actually in a crisis, and we find ourselves in a position where insult is being added to injury. We are told that the thrust of the administration's policy is to urge all public utilities which have a dual capacity, whereby they were using coal and went to oil, that now they should go back to coal.

I am not particularly against that. As a matter of fact, I go along with the idea, because of the shortage. But the fact still remains that we do not have the transportation to bring us the coal, and for that reason we are going to find ourselves in a shortfall situation of 48 percent beginning with the month of March.

That was the assertion that was made at the White House when we met with the President only a short while ago, and that has been reiterated by the Senator from Washington (Mr. Jackson), who is manager of the bill.

What would my amendment do? Very simply, it says this: That in order to insure that all regions and all States of the Nation shall share available fuel in an equitable manner, the President shall give special consideration to those States and those regions of the country which are depressed economically, experiencing high unemployment, or which lack ready access to energy transportation facilities adequate to meet their essential requirements.

When we considered the allocation bill, I ask that an amendment be inserted in that bill, which was agreed to by the Senate and incorporated as title 4, entitled "Equitable Allocation of Crude Oil and Petroleum Products Between Regions of the Country and the Several States." I ask unanimous consent that that provision be printed in the Record at this point.

There being no objection, the provision was ordered to be printed in the Record, as follows:

5. Equitable Allocation

TITLE IV—EQUITABLE ALLOCATION OF CRUDE OIL AND PETROLEUM PRODUCTS BETWEEN REGIONS OF THE COUNTRY AND THE SEVERAL STATES

Sec. 401. (a) The President is authorized and directed to monitor the availability of crude oil and petroleum products to satisfy the fuel requirement of all regions of the country and of all of the several States. If the President determines that any region or any States is experiencing a shortage of crude oil or petroleum products while at the same time other regions or States are enjoying a surplus, the President is authorized and directed to take any action necessary to insure an equitable allocation of available crude oil and petroleum products among all regions and all of the several States.

(b) In implementing subsection (a) the President shall consider all current and prospective sources of crude oil and petroleum product supply, including but not limited to production from Alaska, the Outer Continental Shelf, the contiguous States, synthetic fuels, opportunities for fuel substitution and conservation, as well as imports of crude oil or petroleum products from foreign sources.

(c) Whenever the President determines pursuant to subsection (a) that an imbalance in the availability of crude oil or petroleum products exists between regions of the country or between any of the States, he is authorized to take any action necessary to insure an equitable allocation of available crude oil and petroleum products. Such action may include, but is not limited to, direct mandatory allocations of available crude oil and petroleum product supplies; adding additional capacity to existing pipelines; requiring that the flow of existing pipelines be reversed; and directing tankers on the high seas to specified ports of entry.

(d) The President shall furnish the Congress with a report every three months on the availability of sufficient fuel supplies to meet the requirements of all regions and all States. This report shall also contain a summary of any actions that the President has taken under this section, recommendations for any legislation which may be needed to achieve the purposes of this section, and a statement of actions taken by the executive branch to increase the supply of and to reduce the demand for crude oil and petroleum products. This statement on supply and demand shall include actions taken and projected plans concerning energy research and development, adequacy of refinery capacity and transportation systems, the development of synthetic fuel plants, leasing on the Federal lands including the Outer Continental Shelf, the establishment of strategic reserves, and agreements with other nations on the security and expansion of fuel supply.

(e) The President is authorized to promulgate such rules and regulations as he deems necessary to carry out the purposes of this section.

(f) The President may delegate all or any portion of the authority granted under this Act to the head of any Federal agency he deems appropriate.

(g) There are hereby authorized to be appropriated such sums as are necessary to carry out the purposes of this section.

Mr. PASTORE. All I am doing is pursuing the same idea in this bill. This is no deviation from what the Senate has already agreed to, and I think it is merely a question of our insisting, not that we want more than our share, but that we want our share, and we want the administration to take into account the fact that we do have an inadequacy of transportation, which is, of course, a very serious and vital matter.

For that reason, Mr. President, I would hope that both the manager and the ranking Republican member of the committee will accept the amendment.

My amendment is cosponsored by Senators Jackson, Ribicoff, Inouye, and Kennedy, and I ask that their names be shown as cosponsors of the amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FANNIN. Mr. President, I commend the distinguished Senator for wanting to see that we do have equitable distribution of products throughout the country. I think that is the desire of everyone, and would be the desire of the administration. Would the Senator agree, on line 4 of his amendment, where it says, "The President shall insure," if the Senator will permit, to inserting the additional language there "to the extent practicable"? In other words, he cannot insure it unless it is practicable; so would the Senator agree to that addition?

Mr. PASTORE. Well, of course, equity is a matter of justice, and I do not think you can shred it, shrink it, or contract it. I mean all we are saying here is that the President shall insure that all regions of the State and Nation shall share available fuel supplies in an equitable manner. That leaves it up to him to determine what is equitable.

Mr. FANNIN. That is right. That is why I say "to the extent practicable" would be in order, because he does not have the power or the ability to just wave a wand and say, "This is going to be done." He can do it to the greatest extent practicable.

I would certainly support the Senator's amendment on that basis. I do feel he has a good and equitable amendment, but I feel those words would give the President the thoughts of Congress——

Mr. PASTORE. I will tell you how I would amend it: "Shall strive to insure."

Mr. FANNIN. Shall strive to insure.

Mr. PASTORE. I will buy that.

Mr. FANNIN. That will take care of it.

Mr. PASTORE. All right.

Mr. President, I so modify my amendment.

The ACTING PRESIDENT pro tempore (Mr. Metcalf). The Senator has the right to modify his amendment. The amendment is so modified.

Mr. JACKSON. Mr. President, being a cosponsor of the amendment, I want to commend the Senator from Rhode Island for bringing the amendment to the attention of the Senate. We are dealing with a complicated problem here. There is a unique and special problem in New England. Likewise, in areas of the Middle West, we face some situations in which there are special problems by reason of logistics, transportation, and other considerations. I believe that this will be a helpful policy directive to the President, and I join the Senator in sponsoring the amendment and hope that the Senate will agree to it.

Mr. BELLMON. Mr. President, will the Senator from Rhode Island yield for a question?

Mr. PASTORE. I yield.

Mr. BELLMON. I was surprised, in the

Senator's opening remarks when he called attention to the fact that over the years New England has been trying to get oil imports ended. I wonder whether the Senator realizes that without the oil import program, the domestic petroleum industry would probably have been in an extremely sick condition. It is already sick enough. Without the oil import program, present production of 11 million barrels of oil a day from domestic sources, which is now all we have, would be far less than that.

Mr. PASTORE. I do not see why we cannot have the best of two worlds. We did not conserve our oil. We expended it in Vietnam. We expended it all over Europe. We gave it to the Japanese. We exported our oil. We took it from our reserves. There has been neglect. I repeat, there has been neglect. We should have taken care of this problem a long, long, long time ago. I have always maintained that to justify it on the ground it was being done for military security purposes was no argument, that there was no concept more fallacious than that. If we had left it in the ground 10 years age, it would be there today. But, we pumped it out and pumped it out and pumped it out and gave it to everyone all over the world. Especially did we do that at the time of the Suez crisis when we became responsible to make sure that Europe got our oil because of the policy adopted and promulgated by John Foster Dulles. That is one of the things I said over 10 years ago would come back to haunt us. We are being haunted today by it. Here I am, being told by the President—and it is irrefutable—that Rhode Island will have a shortfall of 48 percent. They have taken out naval installations in my State. They have thrown more than 19,000 people out of work.

Now what are we doing?

We will suffocate and smother factories because of the 48-percent deficiency in oil. Our factories may close and workers put out in the street.

Surely, I want to explore for oil. That is why we gave them the 22½-percent oil depletion allowance to explore. But that was not enough. That was never enough.

Mr. BELLMON. That is the truth.

Mr. PASTORE. Mr. President, you tell me one big oil producer in this country that went broke in the past 10 years and I will give you the proper answer to the question.

Mr. BELLMON. I can give the Senator from Rhode Island a list as long as his arm of the independent producers who have gone broke in this country because of bad economics in the petroleum industry. But the point I want to make is that this country still has enough fossil fuel in the ground to last us for hundreds of years. It is not any good if we are not in the position of being able to produce it in this emergency. We must have it if we depend on Middle East oil. That is the problem. That is why New England is getting hurt, because it has been depending on these secure sources. In my State, we are not in so bad a shape as other parts of the country because we have secure supplies.

The lesson to learn from this present crisis is that no part of the country should ever get itself into this position ever again.

Mr. PASTORE. We consume 18 million barrels of oil a day. Insofar as the Middle East is concerned, directly or indirectly, the outlook is 3 million barrels. The fact I am raising here is 3 million against 18 million. Somehow, if we had conserved oil, we would not be talking about rationing today.

I am not being critical of Presidents Nixon or Johnson, or anyone else before them. I am merely saying that it has been a sorrowful policy that this country has indulged in over the past 10 to 15 years and today it has come back to haunt us. It is here haunting us now because we did not bring in the oil from other parts of the world when we could have done so.

That is the reason why some of the big oil boys were throwing all those millions and millions of dollars into the last campaign.

The ACTING PRESIDENT pro tempore (Mr. Metcalf). The question is on agreeing to the amendment of the Senator from Rhode Island (Mr. Pastore) as modified.

Mr. BELLMON. Mr. President, may I have 3 minutes on my own time?

The ACTING PRESIDENT pro tempore. There is no time limitation. The Senator from Oklahoma is recognized.

Mr. BELLMON. Mr. President, I sympathize with the problem of the Senator from Rhode Island. I do not want any part of the country to go without its share of petroleum, but I could not disagree more with his conclusion. The problem is not that the country does not have plenty of resources in the ground. The problem is that the economics have been so bad because of the competition from the cheap oil coming in from the Middle East up until the last few months. That oil is much less expensive than from domestic sources, which is about $7.50 a barrel, whereas oil from the Middle East is $4.20. But the problem is, because of bad economics, the energy industry simply could not afford to drill for new and expensive wells, or build new coal mines, or produce energy from other resources because of the competition from oil from abroad.

If we allow ourselves to get back into that same position, not just New England but the whole country will suffer.

To me, the valuable lesson to be learned here from the present crisis—and Congress will be making a very serious mistake if it does not learn from it—is that we have available in the country plenty of supplies of fossil fuel. What we have to do is not just to take emergency measures such as the one now contemplated but to look at the basic cause of this Nation's energy insufficiencies.

The basic cause is that we have not had proper economic incentives to go ahead and further develop our natural resources. I was a member of the Committee on Interior and Insular Affairs up until my colleague was put on that committee and I heard the Secretary of the Interior testify that we had available enough coal, oil shale, crude oil, and gas in the ground to last us as much as 500 years.

The whole problem is to work out a system of economics to make it available for us to use now.

To me, the present crisis is a great opportunity for Congress to work out ways to solve the problem permanently. Congress will make a great mistake if it starts now with these emergency and temporary measures.

Mr. BARTLETT. Mr. President, I should like to commend my colleague from Oklahoma. It certainly is a very apparent fact that conservation of energy by not developing it insures it cannot be used except far in the future when development takes place.

I should like to ask the Senator from Rhode Island a question about his amendment. As I understood the language, the key phrase in it is equitable distribution for everyone in the country. Is that correct?

Mr. PASTORE. That is correct, also taking into account certain circumstances where the policy is promulgated that because of lack of transportation a certain inequity will be worked on the New England States, so that we are asking the President to give that special consideration. There is no penalty. It is a sensible step.

Mr. BELLMON. If the Senator from Rhode Island will yield for one more question——

Mr. PASTORE. Yes.

Mr. BELLMON. I hesitate to dwell on it, but I wonder whether the Senator realizes how long it takes to find and develop a new oil field?

Mr. PASTORE. It takes a long time. I am not questioning that. I want to encourage the oil industry to explore and explore and explore. All I am saying is that there was a time in our history when we could have bought a lot of oil from the Middle East and we did not do so because of our policy. Now we are suffering, because we cannot buy that oil. It seems that when we could buy it, we did not want it, and when we cannot buy it, we want it.

That is what I am saying is wrong about our policy, and that is all I have said.

I am not blaming one administration or another. I had been working on this subject long before the Senator from Oklahoma even came to the Senate. It has been a constant struggle, and we could never get a receptive ear. Here it is. I said on the floor of the Senate 15 years ago that it was going to happen. Now it has happened.

Mr. BELLMON. Mr. President, the point I should like to make is that there is no way to get these oil fields, these reserves, these coal mines developed until there is a market for them. Now that the market is here, it is going to take us years to do the job that should have been done years ago and would have been done if the economic incentive had been there. We are going to make a mistake if we try to solve our problem by some rationing or emergency distribution system and do not get to the root problem, which is that we have to get greater production from our domestic resources.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Rhode Island, as modified.

The amendment, as modified, was agreed to.

Mr. HASKELL. Mr. President, I ask the distinguished Senator from Washington to have my name added as a cosponsor of the bill.

Mr. JACKSON. Mr. President, I ask unanimous consent that the name of the junior Senator from Colorado be added as a cosponsor of the pending measure.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 658

Mr. HASKELL. Mr. President, I call up my amendment No. 658, offered for myself and the Senator from Florida (Mr. Chiles). The amendment is printed.

The **ACTING PRESIDENT** pro tempore. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. HASKELL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment is as follows:

On page 18, strike lines 15 through 18 and insert the following:

(e) The President will direct implementation of:

(1) gasoline and fuel oil rationing and energy conservation measures related thereto not later than January 15, 1974; and

(2) those rationing and energy conservation measures related thereto contained in the plans formulated according to subsection (b)(1) of this section ss needed to achieve the purposes of this Act.

Mr. HASKELL. Mr. President, I ask that the amendment be modified on line 2 by striking the words——

Mr. FANNIN. Mr. President, will the Senator suspend until we can get copies of the amendment?

Mr. HASKELL. Yes.

The **ACTING PRESIDENT** pro tempore. Will the Senator send his modification to the desk?

Mr. HASKELL. The Senator will now send his modification to the desk.

The **ACTING PRESIDENT** pro tempore. The clerk will state the modification. The Senator has a right to modify his amendment.

The assistant legislative clerk read as follows:

On line 2, after the word "gasoline", strike the words "and fuel oil".

Mr. HASKELL. Mr. President, the purpose of my modification is to eliminate fuel oil from the amendment. Fuel oil is covered under the mandatory allocation bill, the conference report having been agreed to yesterday.

The thrust of my amendment, as modified, is to require the executive branch of our Government to have gasoline rationing in effect not later than January 15, 1974. Unless this amendment is adopted, it is my opinion that the bill as reported from the Interior Committee merely grants discretion as to whether rationing will be implemented. I admit that it is ambiguous, but I read the bill as simply requiring the President to implement a program of rationing of scarce fuels. It does not say when the program should take effect, and it does not specify what scarce fuels should be included.

Mr. President, I realize that the concept of rationing is repugnant to all the American people, and it certainly is to me, but we must simply face the facts. For some time now, our so-called energy experts have predicted short falls of between 100,000 and 300,000 barrels per day during the coming winter.

A number of factors must be taken into account when postulating and estimating how devastating these shortages will be. What will the temperature range be? What is the nature of voluntary energy conservation measures? What is the output of domestic and foreign refineries? But from the jumble of statistics, all have concluded that we will have shortages; the shortages will be extreme in certain regions of our country. The distinguished Senator from Rhode Island has pointed out the New England problem, and I would point out that in Colorado last winter we had shortages of fuel oil, and this summer we had shortages of gasoline.

We must do something about the situation. The Mideast crisis and subsequent Arab refusal to export oil and refined products to the United States have made the situation even more grim. Again, we can take our pick among the various calculations as to how serious the consequences will be.

Some public estimates indicate that the shortage as a result of the cutoff of Arab oil will amount to 2 to 3 million barrels a day, or from 11 to 18 percent of our consumption. Realistic calculations are much worse.

The Department of the Interior had previously anticipated import requirements would rise from our current level of 6.5 million barrels a day to 8.4 million barrels a day in the first quarter of 1974. Virtually all of that increase was expected to be supplied by the Mideast. This increased import demand means that we can expect an additional shortage of 10 or 11 percent, raising the total short fall to somewhere between 20 to 30 percent of our estimated consumption. These figures dictate the necessity of rationing. It is that simple.

I hope that my colleagues will agree that the Senate has no other responsible course of action. Executive inaction has led us this far, and we cannot allow that inaction to continue.

One example of Executive inaction in this area was the President's refusal to accept a report of his own Cabinet Task Force on Oil Import Controls. If he had accepted it, we might not be in the situation we are in today. That task force sent its report to the President in mid-January 1970. It recommended the substitution of a tariff system for the existing quota plan and free access of Canadian oil into the United States. The major integrated oil companies and the independent domestic producers of crude oil strongly opposed the task force recommendations. The President ducked the issue and postponed a decision.

Let me cite another example of Executive inaction. The Senate adopted an amendment to the Economic Stabilization Act, authorizing the President to allocate petroleum products. The amendment was adopted on March 19 of this year. The bill was signed April 30 of this year. The Executive did nothing. Therefore, we in the Senate and House of Representatives were forced to pass a mandatory oil allocation program to direct the Executive to do something. The conference report on that particular measure was adopted yesterday.

These are just two examples of the past history of complete inaction by the Executive. I shall not further belabor the point.

But we must not delude ourselves into believing that by giving the President discretionary authority, we are coping with the problem. The only way in which we can provide the American people with anything resembling equitable treatment in connection with the shortage is by my amendment.

This is a time for decision. I know that the Senate intends to do what it can to provide a long-range solution of the problem. I call attention to the distinguished chairman's bill in the Committee on Interior and Insular Affairs, S. 1283, that would create a massive research and development program for new energy sources. The bill was introduced at the beginning of this session. I also call attention to the fact that the distinguished chairman of the Interior Committee created a Special Subcommittee on Integrated Oil Operations, of which I am fortunate to be the chairman.

The subcommittee plans to begin hearings later this month to determine whether the industry which produces the fuel which runs our country is truly competitive and acting in a manner which best serves the interests of the American people. Until some of the long-range solutions are reached, however, we must face reality. Unfortunately, gas rationing is inevitable. Chief administration spokesmen have indicated they believe it is inevitable by spring.

If we do not implement rationing by a date certain, the inevitable will happen, the decision will be delayed, shortages will worsen, people will be out of work, schools and hospitals will be forced to shut down, and our Nation will be crippled.

I urge my colleagues to support the amendment.

Mr. President, I request the yeas and nays.

The **ACTING PRESIDENT** pro tempore. Is there a sufficient second? There is not a sufficient second.

Mr. FANNIN. Mr. President, will the Senator yield?

Mr. HASKELL. I yield.

Mr. FANNIN. In the report the committee did provide that we were in favor of some stipulation in accordance with what the Senator has offered. But I think the Senator recalls that we did want flexibility. We wanted the President to be able to act at the time that would be most advantageous. I think the Senator realizes that there is a problem when we say "by a certain date," and so the public realizes this is going into effect. I

bring that to the attention of the Senator because many people would take advantage of the situation to store gasoline, sometimes in a very hazardous manner. I have had calls from people who say, "If you think rationing is going into effect, I want to store gasoline." The Senator realizes that, if gasoline is stored in the back of a car, it is hazardous, and it is hazardous if it is stored in a can or in a bottle.

I am concerned about the words "by a certain date." I am sure the President will take action at the proper time, but it is unwise to stipulate such a date in the bill.

I agree it should be done from the standpoint of alerting Members of Congress. It is in the report language. Does the Senator feel it is necessary to set a date certain? Of course, he used the words "by that time," but then we do face the possibility of hoarding and perhaps the dangerous handling of a commodity that we know is in short supply. We could create problems rather than solve problems.

Mr. HASKELL. I would respond to my distinguished colleague from Arizona by saying that we must face up to the facts and we must set a definite time for implementation of rationing.

Mr. JACKSON. Mr. President, will the Senator yield for the purpose of getting the yeas and nays?

Mr. HASKELL. Certainly.

The **ACTING PRESIDENT** pro tempore. Is there a sufficient second? There is a sufficient second. The yeas and nays are ordered on the Haskell amendment.

Mr. HANSEN. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. HASKELL. I yield.

Mr. HANSEN. I thank the distinguished Senator.

Mr. President, I ask unanimous consent that Nolan McKean of my staff be granted the privilege of the floor during the entire debate on this bill and during rollcall votes.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

Mr. MOSS. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. HASKELL. I yield.

Mr. MOSS. Mr. President, I ask unanimous consent that my administrative assistant, Mary Jane Due be permitted on the floor during the debate and votes on this bill.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

Mr. BARTLETT. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. HASKELL. I yield.

Mr. BARTLETT. Mr. President, I ask unanimous consent that during the debate and votes on this bill, the privilege of the floor be granted to Ron Frank, David Russell, and Bud Scoggins.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

Mr. BELLMON. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. HASKELL. I yield.

Mr. BELLMON. Mr. President, I ask unanimous consent that Carl Kettler of my staff be granted the privilege of the floor during the debate on this bill.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

Mr. HASKELL. Mr. President, I would like to respond to the Senator from Arizona. The Senator will recall that at the end of the markup session on this bill, this Senator posed the question whether this made mandatory the rationing of gasoline which is inevitably going to come. The Senator probably will recall that the chairman felt it was the intent of the bill, that rationing will be mandatory. The chairman stated the President will be forced to ration gas. The chief counsel of the Interior Committee said he thought the language could be read either way.

I read the language and I believe as the bill now stands that whether to ration would be left to the President's discretion.

I do not like to have people storing dangerous substances. I agree with the Senator on that. But it is a matter of balancing interests, and I find the Executive seems to be unable to grab hold of this entire energy problem and to do something. For that reason I feel we would be doing a futile act in the Senate today should we not state that action will take place not later than a date certain.

To answer my distinguished colleague further, this problem has been discussed for many months. I would hope that plans are already available on the desks in the executive branch and that they would not have to wait until January 15 to be able to impose rationing. But if they have not been doing any planning this gives them plenty of time.

Mr. FANNIN. I agree with the Senator's intentions and I know they are very sincere. I am talking about the practicality of announcing that by a certain date this is going to take place. I question whether we have all the facts to make that decision today. As the Senator eloquently illustrated, we have some problems in that regard. We do not know what is going to happen in the Middle East. We do not know what the weather will be. We have been very fortunate this winter as far as degree days are concerned. In the month of October the degree days were over by 30 or 40 percent on a national average. This is something we cannot ascertain, although we can make predictions.

I am not in disagreement with the wishes of the Senator in this regard, but I question whether it is wise for us to provide this in the legislation. It is covered adequately in the report and I am just afraid that if we publicize that on a certain date this program must take effect, we will create a greater problem than we avert.

Mr. HASKELL. I would further respond to my friend from Arizona that to be sure we do not have the exact figures on shortages and, indeed, we have conflicting figures on shortages; but all the figures we do have are overwhelming. They seem to escalate each day.

For example, Mr. Charles DiBona in the Office of Energy Policy predicated on October 12 a shortage of no more than 1.2 million barrels a day. On October 20 he raised that figure to 1.6 million barrels a day. Mr. Duke Ligon who is Director of the Office of Oil and Gas, made an estimate of 2 million barrels a day and on October 30 raised his own figure to between 2 and 2.5 million barrels a day. Dr. Kissinger has estimated to the House Foreign Affairs Committee and to the Senate Foreign Relations Committee that we will have a total shortage of 3 million barrels a day.

Basically even if, as hoped, the Middle East crisis is solved, we will still have a shortfall.

We still have a shortfall of at least 10 to 15 percent. It is hard to be precise.

As far as setting a date certain goes, I am afraid that is the only way to do it. We must say "not later than January 15." Hopefully the Executive will do it far earlier than January 15, but that date gives adequate planning time.

Mr. FANNIN. I am sure the Senator is aware that studies are going forward; that Secretary of the Treasury Shultz has made a statement within the last couple of days as to his feeling in this matter, advising us to move with caution. William Simon, of the Treasury Department, has also advised that we should not hurriedly adopt a position. Herbert Stein has also made a statement in that regard.

All I am saying is I hope that we will consider the facts; and not take unnecessary action that may result in the hoarding of the product.

As the Senator well knows, in our part of the country, in Arizona, Colorado, New Mexico, and the West, many ranchers can store thousands upon thousands of gallons of gasoline, which could result in a further shortage, because it would not be for immediate utilization but would be for utilization perhaps 6 months from now. That is the problem we face in this legislation.

Mr. HASKELL. Before I respond, may I say that some of this hoarding has already taken place. My daughter, who drove here from Colorado, put two 5-gallon gasoline cans in the back of her car even against my best advice. So I would say it has started already.

To get to the substance of the Senator's question, the statements of the spokesmen he mentioned bother me. Some in the administration say we are going to have gas rationing. Others in the administration suggest that we raise the price of gas, by taxation, to $1 per gallon. This to me would be abhorrent. There is no question that if the price of gas were raised high enough, we would have rationing. There is no question about that, but those who would be most drastically affected would be not only the low income groups, but the middle income groups. This is inequitable, in my humble opinion, in the extreme.

It is for that reason that I would hate to see an inequitable form of taxation. Beyond that, I would hate to see what appears to be continuous indecision carried on.

It is for those reasons that, regrettably, I feel it is necessary to set a date "not later than."

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Mr. FANNIN. I do not want to continue discussing the same subject over and over again. I do not want to be repetitious, but I do want to advise the Senator that, from what I have read, none of the members of the administration I have mentioned have said that we are not going to have rationing. They just advise us to proceed with caution and not jump to conclusions; that everything will be done to assure that we do not need rationing before a certain time. They do not have a date in mind, but when the time comes, we would go into that. However, until that time comes, we should not have the extra burden on the economy and the extra dislocations that would be necessitated by the rationing program.

If I thought this would assist in solving the energy problem, I would be with him 100 percent. It may be that we will need to put rationing into effect soon, as is provided in the amendment. As the Senator knows, it could be done tomorrow or in a month. I just question the advisability of providing a date certain as is mentioned in his amendment.

Mr. HASKELL. I think the Senator from Arizona and the Senator from Colorado have articulated their differences probably long enough. I do want to stress, however, that my amendment says "not later than."

I yield for a question to the Senator from Oklahoma, if he wants to ask a question.

Mr. BARTLETT. Mr. President, I would like to make an observation and then ask a question.

Mr. HASKELL. Certainly.

Mr. BARTLETT. First, my observation is that this administration has faced up to the problem. The Senator seems to contend that they have been lackadaisical, that they were not facing up to it, that they do not have a hold on the shortage problem.

I point out that last summer in our State and other States there was a voluntary allocation program for various fuels in agriculture. We had a record wheat crop. I am not familiar with any losses, although there were delays in harvesting that record crop, from this voluntary allocation program of diesel fuel and gasoline in the areas of agriculture, particularly wheat.

Also, we did not have a rationing program last summer in gasoline, and although there were some inconveniences, the American public was able to drive around the country freely and, to my knowledge, make trips across the country.

More recently, the administration has taken on a mandatory allocation program or rationing program in propane and fuel oil. I am advised by those in my State who are in the distributing business of propane and other products related thereto that there will be adequate supplies this winter, giving every indication that their programs have been working.

I believe I am correct that the Senator from Colorado favored a mandatory allocation program of energy for last summer and this fall. In other words, he wanted it to go into effect earlier. So my question, now that we have gotten up to this point—I recognize the shortages in the future will be much greater than they have been for the past summer—does the Senator now still wish, if my supposition is correct, that we had adopted mandatory allocation programs and forced them on the President for this past summer?

Mr. HASKELL. Well, that is history, Senator. In all probability, we would have been wise—this is 20-20 hindsight—to have done so. Retail gasoline establishments closed in my State for lack of gas. People were unable to get it. If we had had the proper figures, I think we might have avoided it.

For example, the Department of the Interior has estimated that the increased demand for imports in the first quarter of the coming year will go from 6.5 million barrels to 8.4 million barrels a day. We are not going to get that increased demand, even if the Middle East settles. From the way the Middle East countries are now setting up their exports, we are going to have an additional shortfall of approximately 2 to 3 million additional barrels a day.

In the light of 20-20 hindsight, I would probably say that we would have been very well advised in this country to have started the allocation of fuel and made it mandatory—I am referring to fuel oil—and that we probably would have been well advised to go into some form of a rationing system in the midsummer.

Mr. BARTLETT. Will the Senator yield further?

Mr. HASKELL. I yield.

Mr. BARTLETT. I was referring, in the history the Senator referred to, to diesel fuels as well as propane and fuel oils. I would be surprised that the Senator would want to look on that history, which is certainly a glimpse into the future also, and would want to have prepared for his citizens of Colorado and other citizens of this country a rationing program which would have reduced the supplies to a much further extent than the few dislocations that occurred because of a voluntary system of allocation.

The point I am trying to make is that I think in mandating the President and tying his hands on a program that Congress has not detailed at all, it is unfair to him by reason of removing this discretion.

I would like to state one further point, if I may, and then ask the Senator a question.

Is Congress facing up to its responsibility when it will not write a detailed bill for allocation and rationing which the President would be required to put into effect, rather than doing what we are doing, mandating him to put on a program to which we are not really a party and denying him any discretion in starting, stopping, implementing, increasing, or lessening the rationing program on the people?

I think the people deserve more than that. Why should we want to deny this responsibility that clearly proved its usefulness last year?

Mr. HASKELL. Mr. President, the Senator asks why we do not write a detailed rationing program into law. Then the Senator asks why we do not give the President discretion. We are doing that under my amendment. We cannot write a detailed rationing program into law that would tie the hands of a regulatory agency and allow no discretion whatever to the regulatory agency.

In the second place, my amendment says that a program will be adopted at a certain time. We know that we have at least a 10 to 18 percent shortfall. We may have a 20 to 30 percent shortfall. I would suggest that unless we say that something must be done about it now, we will be doing the country a tremendous disservice because the administration is not addressing itself to the problem.

On the Senate floor the other day the Senator from South Carolina (Mr. HOLLINGS) ticked off the number of energy czars that we had under the present administration. He totaled up eight in about 8 months, I believe.

I feel the administration is not addressing the energy problem or cannot face up to it. We in Congress must do so.

Mr. JACKSON. Mr. President, will the Senator yield for an observation?

Mr. HASKELL. I yield.

Mr. JACKSON. Mr. President, I think we can come to the heart of this problem. We simply did not expect, in all candor, a division in the administration on the question of rationing. There is one group that wants to put a heavy tax on fuel oil, whether heating oil or gasoline.

I am personally opposed to that course of action. I do not think that we ought to be able to buy our way. We should have an equitable gas rationing system. I believe that the administration sincerely wants to move forward on rationing. However, Dr. Stein, I believe, indicated yesterday in Europe, that the answer is to put on a big tax. I believe that Secretary Morton and Governor Love have said that we will have gas rationing.

I believe that Congress ought to be responsive in the matter. And we will be able to give a signal by this vote today to the administration that we are going forward with gas rationing.

I hope that after this vote the White House will issue an order—they have this authority now under the Defense Production Act—to start printing the rationing tickets or to get the plan moving.

Every day that we lose, every day that is lost in failing to move to implement the gas rationing program and to go ahead with the 50-miles-an-hour speed limit, we lose 1 million barrels of petroleum products a day that could be saved. That is one-third of the total shortage we are talking about.

It seems to me that on every ground we ought to approve the Haskell amendment.

I would point out that in the committee report, the third paragraph on page 18 reads:

> It is the commitee's belief and finding rationing of gasoline, immediately and without delay, is essential to a nationwide energy conservation program, and to the national interest.

I believe the Haskell amendment will be helpful to the President. I believe that Congress will then be sharing its responsibility. I think that we all have that responsibility to share with the President. Now, the January 15 date is one by which we get some urgency and priority behind the effort. Obviously if there is some emergency that they cannot implement by that date, the roof is not going to fall down and there is no violation of the law.

This is the date that we are trying to say should be the date for the program to start. This merely corroborates what Governor Love has said, in effect. And I believe that Secretary Morton has said the same thing.

I believe, further, that in the light of the controversy that has started now over putting a heavy tax on gasoline, Congress ought to speak out. And I say that if we vote for the Haskell amendment, we are making it clear that we urge in an unequivocal and rational way that this be done rather than urge that a heavy tax approach should be used.

Second, we are saying that they should get busy and set up a procedure and get the machinery going and not waste any further time. Nothing has been done, Mr. President.

I must say that we have been approaching this problem on a bipartisan basis. The Senator from Oklahoma and his colleagues have been extremely helpful. We had a hearing in executive session. And I believe on the second day I asked about a contingency plan. There is not any. The committee worked it out on a bipartisan basis. We are together here. We are ready to share responsibility with the President. I believe that we should do it in this way.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. HASKELL. I yield.

Mr. AIKEN. Mr. President, I was just reading section 203 more carefully. I would like to ask whether recreation is considered a "vital service" and whether the use of energy by our ski areas, of which we have so many in New England, would be considered an "unnecessary energy consumption" in the event of shortage. Would recreation be considered a "vital service" and would the use of energy by our ski areas be considered an "unnecessary energy consumption" in the event of a shortage?

This must have been given some consideration because I am already getting protests from people who never had skis on their feet. They are protesting and writing about the use of energy for the manufacture of artificial snow where there does not happen to be enough on the ski slope.

Mr. JACKSON. Mr. President, I will try to respond the best I can in a short period of time.

On page 17 of the bill we will find the directives that we have issued, starting on line 6. It reads:

> (2) measures capable of reducing energy consumption in the affected area by no less than 10 per centum within ten days, and by no less than 25 per centum within four weeks after implementation. Such measures shall include, but are not limited to: transportation control plans; restrictions against the use of fuel or energy for nonessential uses such as lighted advertising and recreational activities; . . .

Mr. AIKEN. Mr. President, that is a directive, is it not?

Mr. JACKSON. I understand. However, the point is that we leave the discretion as to how they reach that goal of 25-percent saving to the States. This is set out as areas to which attention should be paid.

It does not mean that if a State reaches the goal, here, of a 25-percent saving in 4 weeks, it must mean a restriction of supply to specific areas. The goal is to save 25 percent, and obviously we have listed areas where we feel there could be savings in a State. I would say this, as the author of the bill, to try to give my intent: for a State that is primarily recreational, obviously, there must be consideration given to the economic impact of that contribution to the State should there be a drastic cutback.

Mr. AIKEN. There is a tremendous winter recreation business in the Northeast.

Mr. JACKSON. I understand that.

Mr. AIKEN. That was built up largely during and following World War II, when it was found that it required so much energy to get to the Sierras, for instance, and they could come to New England and New York, and even Pennsylvania and Virginia, so much more easily, taking so much less energy to get to these Eastern areas.

I was wondering, if this is applied, whether it would apply to all equally, even the distant recreation areas where they have to drive their cars 600 or 800 miles to get there, or the ones where they can get there in half an hour or, at the most, 3 or 4 hours.

Mr. JACKSON. I think Senators will find that people who had planned to drive to recreational areas will have to get there by other means, by buses, trains, and planes if such transportation is available.

We cannot legislate in that area, because we are trying to delegate to the ration boards the authority to deal with the local situations.

Obviously, people are going to curtail some of their previously arranged plans for recreation by reason of the shortages. They will have to work out their own system of priorities.

Let me just finish my statement in connection with what I read into the record from the bill, on page 17.

In section 203, starting on line 14, when we talk about a nationwide emergency energy rationing and conservation program in the Nation, we continue by saying:

> Such program shall assure, insofar as is practicable, that all vital services will be maintained and that unnecessary energy consumption will be curtailed.

This is the preamble to what I read at the outset. So there is an area of discretion here that can properly be exercised, I would say, where it is a vital part of the economy of the area.

If the Senator asks: "are we going to arrange for such rationing tickets so people can drive 400 miles to go skiing or for any other such activity," my answer would be that obviously that is not possible or feasible or equitable.

Mr. AIKEN. But that is how the ski industry got built up to such tremendous proportions in the East, because it took too much energy, to get to Sun Valley. Of course, Sun Valley has recouped since then, I believe, but for a while they were losing their business to the nearby areas of the East.

Mr. BARTLETT. Mr. President, will the Senator yield?

Mr. AIKEN. I do not have the floor.

I think the needs of recreation is something that should concern us very much. I suppose this bill also applies to motorboats and snowmobiles

Mr. JACKSON. In responding to the Senator, I can only say that what will happen here is that individuals—and we have a lot of skiing in the State of Washington—individuals who want to ski in the winter or individuals who want to go to Florida in the winter and set up plans for driving to a lot of these places are going to be using buses or other means. I do not know how else we can handle this. We have vested discretion in the local authorities.

Let me read from the report again. In our effort to try to be——

Mr. HASKELL. If I might comment at that point——

Mr. JACKSON. Let me read these three or four lines here. On page 18 of the committee report, reading from the top of the page:

> Section 203 confers broad authority and wide discretion upon the Government to order actions with potentially enormous social and economic impact. In the long run, the program envisioned by section 203 will be publicly acceptable only to the extent that the programs are designed and carried out in a way that is fair and creates a reasonable distribution of burdens. In these circumstances, there must be some flexibility to permit adjustments to deal wtih individual circumstances and some form of procedure by which those adjustments can be made.

And it goes on. I think we have made very clear here that we have not undertaken, in this proposed statute, to provide in statutory detail how we are going to do this and that in an economy and a way of life as complex as ours.

Mr. AIKEN. But the Haskell amendment requires the President to come up with rather strict rules for implementing the legislation, does it not?

Mr. JACKSON. It directs the President——

Mr. AIKEN. It requires it whether we need it or not.

Mr. JACKSON. There is not any dispute that we need it. The administration has two positions on it: We know that we have to curtail it; do we do it by taxing or by rationing? That is what we are talking about.

Mr. HANSEN. Will the Senator yield on that point?

Mr. JACKSON. Yes, but let me complete my thought. Governor Love and Secretary Morton made it clear that it should be done by rationing, and said it is inevitable and must be done. Dr. Stein, the Chairman of the Council on Economic Advisers, I believe in Europe yesterday, announced that he wanted to propose the tax route; that is, a heavy tax on gasoline.

Mr. AIKEN. That soaks the poor fel-

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low most, the one who has to drive many miles to work.

Mr. JACKSON. Yes; I am opposed to the tax approach. That means if you have the money, you can buy your ticket.

Mr. AIKEN. If you are rich enough, you can have all you want.

Mr. JACKSON. Each person ought to be treated equitably, in my judgment, rich and poor alike, and that is why I support the rationing approach. That is the basic question before the Senate here. It does not change at all, I will say to the Senator from Vermont, what we have been talking about in this colloquy. It does not change that at all, because rationing is contemplated. It is a question of when they are really going to move on it. As I have pointed out, we lose 750,000 barrels every day that rationing is not in effect; that is what we are talking about.

Mr. HASKELL. I would like to add to the statement of the Senator from Vermont that in Colorado we have an identical problem with that in Vermont. We have ski areas and a large ski industry, and an identical problem, but I would hate to try to spell out in the statute how we handle problems all over the country. This is my only thought.

Mr. HANSEN. Mr. President, will the Senator from Colorado yield for an observation?

Mr. HASKELL. I yield.

Mr. HANSEN. Mr. President, I know that only because the distinguished chairman of the committee (Mr. JACKSON) probably did not get the opportunity to read the full story would he have made the statement he did. I know how accurate he normally is.

I would just call attention to the Washington Post front page story entitled "Administration Split on Energy Crisis." I would hope that I might have the attention of the Senator from Washington on this one particular story, because he spoke about Mr. Stein, and I believe the headline and the first paragraph or two are rather deceptive, in that I got the same impression he did when I first started to read the story, that Stein was for increasing taxes. Mr. Stein is not. The story goes on to say:

> Stein came down on the side of letting prices rise, both as an incentive for greater production of fuels and as a way to discourage consumption.
>
> He thus joined the anti-rationing ranks within the administration, which now include Treasury Secretary George P. Shultz, Deputy Treasury Secretary William E. Simon and Commerce Secretary Dent, all of whom regard coupon rationing as an administrative nightmare which should be resisted.
>
> Ranged against this group of "free-market" men . . .

And I emphasize those words "free market men" because these people all believe the one thing we have not done that we should do is to do something about supply. They argue, and I think persuasively, that we will not cure any problem until we do something about supply.

The story goes on to say:

> . . . are the President's energy adviser, John A. Love, Interior Secretary Rogers C. B. Morton and many technicians working within the government, who believe that rationing is inevitable and that work to get it going shoud begin as soon as possible.
>
> This division within the Nixon administration will have to be settled by the President himself. For the moment, he is said to uphold the Shultz view that rationing should not be ruled out, but should be relied on only "as a last resort."

Mr. JACKSON. I appreciate having the Senator's comments. I think it does point up, however, the need for some signal from Congress one way or the other. We can vote it up or down on that point. I did say that the administration was divided. I think that the administration should say specifically what it will do.

My point is simple: Every day we delay, we lose valuable time on saving fuel. That is the point.

All I want to say is that if they are opposed to rationing, we recall that when we had the administration people in on the mark-up, there was no indication they were opposed to rationing at all, to my knowledge. The clear implication has been that none of us likes it and we want to find a way to avoid it; but by procrastinating, Mr. President, we are losing millions of barrels of oil that could be saved. That is my point.

Mr. HANSEN. What the Senator from Washington has just said is right, but I wanted to point out specifically that Mr. Stein did not say what the Senator from Washington had thought he said. He came down hard on the side of letting price do two jobs for America in this time of crisis. One is to let increased costs of fuel and energy be a deterrent to overuse and waste. We can all agree that however we accomplish that objective, it would be worthwhile.

There are those who say to do it by rationing, and there are others who also say to do it by price. Add to that the point Mr. Stein gave, that if it is done by price we will have the incentive that, so far, has been denied the oil industry, that segment of it that has accounted for 80 percent of the discoveries within the continental United States in the lower 48—the independents and the wildcatters who go out and make the discoveries—they have not benefited, despite the widely-held impression that many people have that they have profited along with everyone else.

As a matter of fact, the record is that the independents, the people who have found 80 percent of the wells discovered in the United States in the past 10 to 15 years in recent times have been recovering on their total investment—and I would hope Senators might take note of this fact I am about to give them—that this segment of the industry has been realizing a net profit of about 3.5 percent to 6.5 percent.

It is little wonder then that we would find a decline in drilling activities at the same time that we were observing an equally abrupt incline in use of the product. So we wind up, if we compare 1972 with 1956, in finding that drilling activity has dropped off about half in the continental United States while consumption has doubled.

Had we kept even, trying to pace our drilling activity with increased use of fuel and petroleum products and natural gas, we would have been required to make 4 times the effort we are making now.

So I would say to my distinguished colleague from Washington and my very good friend from Colorado that while there has been broad bipartisan support in trying to come up with the best kind of bill we can device, there has not been equally unanimous bipartisan support on this issue.

I think it is fair to say that the Republicans, to a man, recognize the merit in letting the free market turn loose and operate, as indeed it will one day. Whether we do it now, next week, next month, or next year, it will operate because we find ourselves today in the anomalous position of importing oil into the United States, selling for twice as much as the domestic producer receives for his oil.

Little wonder then that the domestic industry finds greater opportunity for profitable return on investments in other areas of activity than to continue drilling deeper and more costly wells.

I thank my good friend from Colorado for yielding me this time.

Mr. CHILES. Mr. President, will the Senator from Colorado yield so that I may ask a question of the Senator from Wyoming?

Mr. HASKELL. I yield.

Mr. CHILES. I was trying to understand the proposition my good friend from Wyoming was making, about the "Republicans to a man." Is the Senator saying that the Republicans to a man are opposed to gas rationing at this time?

Mr. HANSEN. I did not say that and did not intend to say it. If the RECORD shows it, then I misspoke myself.

What I tried to say is that there was bipartisan support on the part of the Committee on Interior and Insular Affairs to try to draft the most workable bill it could come up with.

There certainly is bipartisan conviction that rationing indeed will be resisted. I do not say it is unanimous. There is strong bipartisan conviction, as indicated by the report in the full committee. But I said on the issue of supply that there was no bipartisan unanimity, that this bill addresses itself to all the factors that should be considered as we seek to find better answers for the crisis and the dilemma that now engulfs our entire country.

On this point, I would say it is my conviction and belief there is unanimous opinion on the Republican side, and I would make the prediction that it is shared by some members on the Democratic side of the Committee on Interior and Insular Affairs, that we should address the problem of supply in the context of what price can do to stimulate greater production.

Mr. CHILES. That is what I was trying to get clear. I did not think the Senator from Wyoming would say in the present crisis that we should just let price solve it. We have a shortage of approximately 3 million barrels a day. Certainly price could take care of that shortage, if we said that whoever could best afford to heat their homes by gas would be able to do it, and those who could not would not be able to do it. That would be one way of taking care of it, but that was not the proposition they were raising, was it?

Mr. HANSEN. I hope that what I said explained the feeling I had. I would say this, that rationing is one way, admittedly a successful way, but a tough way, and can result in injury, damage, and great inconvenience to many people—and I have no doubt, when I make that observation, that it will be adopted—but I say the better way to get the active cooperation of all Americans as we seek to reduce unnecessary use of energy, as we seek to eliminate waste of energy, I suggest that a better way would be to let price play the important role that it could in helping in that effort.

I repeat that I do not think there is any question about whether we are going to have rationing. I am sure we will. But I think it is unfortunate that we do not turn the marketplace forces loose to accomplish two things.

Rationing is not going to help increase supply one bit. Until it becomes profitable for an oil man to drill deeper, more costly wells and to anticipate that he will make a fair return on that effort, on venturing that much capital, he is not going to do it; and the record is very clear that that has been the response of the energy industry.

So I say that we should turn the market forces loose, as was contemplated in the Defense Production Act. What did we do back in World War II days, when most of the young men were out fighting America's battles on foreign battlefields and few helpers were left on the farms and ranches in America? Yet, we knew that we had to have the greatest outpouring of wheat and other agricultural products in our history. The Defense Production Act said, "We will turn America loose by stimulating the inherent desire in people everywhere to make a profit"; so we guaranteed a price for wheat. What happened? We had the greatest wheat crops we have ever had, and we licked the challenge.

I say that with the same basic logic and with reliance upon the laws of supply and demand—we can try to alter them, but do so at our risks—we can achieve our purpose.

Mr. CHILES. As another example of logic in World War II, we rationed gasoline. So we did not turn loose supply and demand and say that price could affect shortages that we had. We had to ration fuel at that time, and that worked effectively during World War II.

Mr. HANSEN. I agree completely with the Senator from Florida. There was also at that time a very compelling and overriding conviction on the part of Americans that not only was it the role of good citizenship to cooperate in this effort, but also that it was a person's patriotic duty. That condition, to some extent, is not in existence today, to the degree it was then.

I am not arguing against rationing. I recognize the facts of life. I am saying that if we want to get to a permanent solution of the crisis, it occurs to me that until we do something about supply, all we are going to be doing is to spread the misery around.

Mr. CHILES. I thank the Senator.

I thank the Senator from Colorado for yielding to me. I join him in supporting his amendment.

I think that in the present crisis, the only way we can assure that people at all levels will be able to have heat this winter, that hospitals will have fuel, and that we will be able to take care of the immediate necessities is to go forward with rationing. Every day we wait now—the picture is on the wall—we see that we are adding to the crisis.

I do not see how we in Congress, if we are going to be responsible, can stick our heads in the sand and say we are going to let the President do it when he wants to; we are going to give him this authority. I heard that about price controls and all kinds of things. We are saying that we are putting the monkey on the President's back, that we want him to take the heat, and that we want to sit back and say that we gave him the authority to do this a long time ago, and we did. We did it in rationing.

I think that now, once we face up to the crisis and the emergency, we should be willing to act. That is exactly what the Senator from Colorado spells out very clearly in his amendment, and I join him in that.

Mr. HASKELL. I thank the Senator from Florida.

Mr. BARTLETT. Mr. President, will the Senator from Colorado yield?

Mr. HASKELL. I yield.

Mr. BARTLETT. Referring to our colloquy about the flexibility in this bill, I agree with the Senator from Colorado, who said that it would not be propitious for Congress to spell out the details of a rationing program because it would deny flexibility to that program. I concur with that very strongly.

Some flexibility is written into this bill, such as on page 18, subparagraph (e):

> The President shall direct immediate implementation of those rationing and conservation measures contained in the plans in this section as needed to achieve the purposes of this Act.

This was the will of the committee, and I think it is important. But I think it is restrictive on the whole rationing program to bind the President with a particular date and the other provisions of the Senator's amendment.

I believe it would be consistent with the flexibility that is required in rationing—which is a very hard and difficult program at best—that this amendment should be rejected.

Mr. HASKELL. Mr. President, I think the differences as to my amendment have been well articulated, and I would hope——

Mr. FANNIN. Mr. President, will the Senator from Colorado yield a moment for a question?

Mr. HASKELL. I yield.

Mr. FANNIN. We have discussed thoroughly the feelings of the Senator from Colorado. I do not agree that it is advantageous. Nevertheless, I should like to ask this question.

As I understand the Senator's amendment, it would not allow the President to end rationing under any circumstances, other than upon the expiration of the legislation in 1 year. Is that correct?

Mr. HASKELL. Would the Senator mind repeating his question?

Mr. FANNIN. Does the Senator's amendment provide that the President can end rationing, other than when the bill runs out after the 1-year period?

Mr. HASKELL. The bill is merely a 1-year bill.

Mr. FANNIN. I am referring to sometime within the 1-year period. In other words, we cannot look into a crystal ball. We are all very hopeful that the Middle East situation will be settled and that there will come a time when rationing will not be needed, within this 1-year period.

I agree with the Senator that, from all indications—although we do not have all the facts available—rationing is inevitable. But we should provide that if, by some good stroke of luck or genius, we can provide sufficient fuel—rationing can be terminated. After all, in rationing we cannot save so much that we can store the product that is not utilized, because we do not have the storage capacity. What we have is almost a run-through.

Mr. HASKELL. The President could end the rationing before 1-year runs out. I yield to the Senator from Washington, the author of the bill. I believe the flexibility is there.

Mr. JACKSON. Mr. President, I think it's fair to observe that although the bill's authority is of 1-year's duration there is no specific provision in the bill requiring the ending of any one emergency action.

I would further observe, however, that all the emergency steps that are contemplated by the act are predicated upon a situation involving short supply. When short supply no longer exists, there will be no need for rationing; the President can terminate it.

If Senators will look at line 15, page 18, of the bill, the general thrust of it is contained in the following sentence:

> The President shall direct immediate implementation of those rationing and conservation measures contained in the plans in this section as needed to achieve the purposes of this Act.

I will make this a part of the legislative history, and I want it so construed: When there is no longer a need for the particular action taken pursuant to this act, then it can be terminated by the President.

Again, on page 16, section 203, subsection (b)(1), we provide:

> (b) The rationing and conservation program provided for in subsection (a) shall include the following:
>
> (1) an established priority system and plan, including a program to be implemented without delay, for rationing of scarce fuels quantitatively and qualitatively among distributors and consumers for the duration of the emergency.

The point is that if fuels were no longer scarce they could terminate the action taken.

Mr. HASKELL. I wish to add this point. I would concur with my friend from Washington. I think the thrust of the amendment is to be sure we have gascline rationing. The reason we have not spelled out a plan, and I think the chairman will agree, is there has to be flexibility. Maybe gasoline will be scarce as we think or maybe it will be less scarce than we think. So we have to have flexibility as far as terminating a program. There is a provision that by concurrent resolution we can terminate the emergency. Am I correct in that?

Mr. FANNIN. If the Senator will yield, I would like to comment further on that point. The distinguished chairman read from the language on page 16 under section 203(b)(1). Then on page 19, it is provided that the rationing and conservation program shall include "rationing for the duration of the emergency."

All I am trying to do is to clarify that the President does have flexibility. We can have shortages in certain types of fuels, certain oils, but still have gasoline available. That is possible. I do not think we are going to have the good fortune to alleviate this problem in a very short time, but looking ahead 6 or 8 months, maybe we will have a time when rationing of gasoline will not be necessary.

My question is: If that time comes about, is it the Senator's desire in the amendment he has offered that rationing could be ended?

Mr. HASKELL. Certainly. If by some fortuitous unseen series of events we have more than enough petroleum products——

Mr. FANNIN. Not more than enough, but enough.

Mr. HASKELL. Yes. Then, certainly, it would be in the spirit of the legislation that there would no longer be rationing.

Mr. MATHIAS. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. JACKSON. I yield.

Mr. MATHIAS. Mr. President, I ask unanimous consent that Stewart Janney and Quincy Rogers of my staff be granted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JACKSON. Mr. President, I yield to the Senator from Vermont for a question.

Mr. AIKEN. Mr. President, the distinguished chairman of the committee has referred to section 203, subsection (b) which states that: "the rationing and conservation program shall include the following." I wish to call attention to the fact that, then, on page 17, in line 6 the legislation states:

> Moreover capable of reducing energy consumption in the affected area by no less than 10 per centum within ten days, and by no less than 25 per centum within four weeks after implementation.

I assume that does not mean that reduction is required, but there shall be measures capable of reducing consumption that much. Am I correct in that assumption?

Mr. JACKSON. I do not understand the question. But first let me say that the Federal Government sets up a plan to try to achieve these goals of 10 percent and 25 percent.

The provision on page 18, line 10, is, of course, to permit the States to carry out the program, to work out their own programs within the context of this plan. If a State failed to implement the plan, the Federal Government then would act.

Mr. AIKEN. As I understand the wording, the Federal Government shall set up a program with measures capable of reducing energy consumption in an affected area by no less than 10 percent within 10 days, and by no less than 25 percent within 4 weeks after implementation. But that does not mean that consumption actually has to be reduced by 10 percent within 10 days or by no less than 25 percent within 4 weeks. The language reads: "Measures capable of reducing energy consumption." But do they have to do it?

Mr. JACKSON. The problem is to set target dates. It is hoped that they can do that by 10 percent within 10 days, and 25 percent within 4 weeks. The problem is that we cannot by legislative fiat achieve something that we do not yet know for sure can be achieved at all. This is a goal, a target.

Mr. AIKEN. We are not sure that it is necessary. It might be that a reduction of 15 percent in 4 weeks would be all that was necessary. Then the States would not be required to reduce it by 25 percent.

Mr. JACKSON. No, it would not be necessary. Everything is predicated on the assumption that we are dealing with a critical shortage. We face a leadtime. If we do not start to act now—we should have acted yesterday—we are going to have bigger and bigger shortfalls which could lead to all kinds of calamities.

Mr. AIKEN. It means that the program shall have measures capable of reducing energy consumption within 4 weeks. But if that is found to be not necessary, it would not be required, would it?

Mr. JACKSON. No, it would not be required. It is a contingency plan. If the Federal Government finds that a State is not making a good-faith effort, is really not doing what it could do to achieve a greater saving, then the Federal Government would move in and take over.

Mr. HASKELL. Mr. President, I think the discussion on the amendment has been full and complete. I sugest that we might proceed to a vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado (Mr. HASKELL). The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from South Carolina (Mr. HOLLINGS), the Senator from Wisconsin (Mr. NELSON), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

I further announce that the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Georgia (Mr. TALMADGE) are absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY) and the Senator from Massachusetts (Mr. KENNEDY) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Nebraska (Mr. CURTIS) is absent by leave of the Senate on official business.

The Senator from Tennessee (Mr. BAKER), the Senator from Illinois (Mr. PERCY) and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business.

If present and voting, the Senator from Nebraska (Mr. CURTIS), and the Senator from Illinois (Mr. PERCY) would each vote "nay."

The result was announced—yeas 40, nays 48, as follows:

[No. 482 Leg.]

YEAS—40

Abourezk
Bentsen
Burdick
Byrd, Robert C.
Case
Chiles
Clark
Cranston
Eagleton
Eastland
Fulbright
Gravel
Hart
Haskell
Hathaway
Hughes
Inouye
Jackson
Johnston
Magnuson
Mansfield
McClellan
McGee
McGovern
McIntyre
Metcalf
Mondale
Moss
Muskie
Nunn
Pastore
Pell
Proxmire
Randolph
Ribicoff
Stennis
Stevenson
Symington
Weicker
Williams

NAYS—48

Aiken
Allen
Bartlett
Bayh
Beall
Bellmon
Bennett
Bible
Biden
Brock
Brooke
Buckley
Byrd,
Harry F., Jr.
Cannon
Church
Cook
Cotton
Dole
Domenici
Dominick
Ervin
Fannin
Fong
Griffin
Gurney
Hansen
Hartke
Hatfield
Helms
Hruska
Javits
Long
Mathias
McClure
Montoya
Packwood
Pearson
Roth
Schweiker
Scott, Hugh
Scott,
William L.
Stafford
Stevens
Taft
Thurmond
Tower
Tunney
Young

NOT VOTING—12

Baker
Curtis
Goldwater
Hollings
Huddleston
Humphrey
Kennedy
Nelson
Percy
Saxbe
Sparkman
Talmadge

So Mr. HASKELL's amendment was rejected.

Mr. HANSEN. Mr. President, I move to reconsider the vote by which amendment No. 658 was rejected.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the text of an amendment to S. 2589 I am submitting today be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. The amendment will be printed in the RECORD.

The amendment is as follows:

At the end of the bill, add a new title as follows:

TITLE IV—NONRETURNABLE BEVERAGE CONTAINER PROHIBITION ACT

SEC. 401. This title may be cited as the "Nonreturnable Beverage Container Prohibition Act".

FINDINGS AND PURPOSE

SEC. 402. (a) The Congress finds that (1) utilization of returnable beverage containers would result in substantial energy savings,

(2) litter composed of beverage containers is a major source of pollution in all areas of this Nation, (3) the collection and disposal of solid waste composed of such containers impose a great cost burden upon the States and their political subdivisions, (4) nonreturnable beverage containers on which no refundable money deposit is required from the consumer pose a threat to health, safety, and welfare of individuals and environment in the United States, and (5) such containers, representing as they do a high cost in the form of litter and solid waste management, should be banned from circulation within and among the several States.

(b) It is therefore the purpose of this Act to assist in solving this problem by preventing the use and circulation of the offending types of nonreturnable beverage containers by banning their shipment and sale in interstate commerce.

DEFINITIONS

SEC. 403. For the purpose of this Act the term—

(1) "Administrator" means the Administrator of the Environmental Protection Agency;

(2) "returnable beverage container" means a beverage container which—

(A) has a clear indication thereon, either by embossing or by a stamp, label, or other method securely affixed thereto, of the refund value of the container, or is a glass container designed for a beverage and having a brand name permanently marked thereon which on the date of enactment of this Act has a refund value of not less than 5 cents;

(B) has a refund value of not less than 5 cents or, if certified by the Administrator pursuant to section 4, has a refund value of not less than 2 cents; and

(C) is not a metal container so designed and constructed that a part of the container is detachable in opening the container without the aid of a can opener;

(3) "beverage" means beer or any other malt beverage, mineral water, or soda water or a carbonated soft drink of any variety in liquid form and intended for human consumption;

(4) "container" means a bottle, jar, can, or carton of glass, plastic, or metal, or any combination thereof, for use in packaging or marketing any beverage;

(5) "interstate commerce" means (A) commerce between any State or territory and any place outside thereof, and (B) commerce within the District of Columbia or within any other territory not organized with a legislative body;

(6) "territory" means any territory or possession of the United States, including the District of Columbia and excluding the Canal Zone.

CERTIFICATION

SEC. 404. (a) (1) To promote the use of returnable beverage containers of uniform design, and to facilitate the return of containers to manufacturers for reuse as a beverage container, the Administrator may, upon application in accordance with regulations established by the Administrator not later than ninety days after the date of enactment of this Act, certify beverage containers which satisfy the requirements of this section.

(2) A beverage container may be certified if—

(A) it is reusable as a beverage container by more than one beverage manufacturer or bottler in the ordinary course of business; and

(B) more than one beverage manufacturer or bottler will in the ordinary course of business accept the beverage container for reuse as a beverage container and pay the refund value of the container.

(3) The Administrator may by regulation establish appropriate liquid capacities and shapes for beverage containers to be certified or decertified in accordance with the purposes set forth in subsection (1) of this section.

(4) A beverage container shall not be certified under this section if by reason of its shape or design, or by reason of words or symbols permanently inscribed thereon, whether by engraving, embossing, painting, or other permanent method, it is reusable as a beverage container in the ordinary course of business only by a manufacturer or bottler of a beverage sold under a specific brand name.

(b) (1) Unless an application for certification under this section is denied by the Administrator within sixty days after the filing of the application in accordance with regulations of the Administrator, the beverage container shall be deemed certified.

(2) The Administrator may review at any time certification of a beverage container. If after such review, with written notice and hearing afforded to the applicant for certification under this section, the Administrator determines the container is no longer qualified for certifictaion, he shall withdraw certification.

(3) Withdrawal of certification shall be effective not less than thirty days after written notice to such applicant and to all known manufacturers and bottlers using such containers.

PROHIBITION

SEC. 405. (a) No person shall manufacture for sale, sell, offer for sale, or introduce or deliver for introduction in interstate commerce any beverage container other than a returnable beverage container.

(b) Whoever violates subsection (a) of this section shall be fined not more than $1,000, or imprisoned for not more than six months, or both.

REGULATIONS

SEC. 406. The Administrator shall establish such regulations as are necessary for the purpose of this Act.

EFFECTIVE DATE

SEC. 407. The provisions of this Act shall be effective on the date of enactment of this Act, except that section 5 shall be effective after one hundred and eighty days following such date of enactment.

Mr. JAVITS. Mr. President, I ask unanimous consent that Gerry Klein and Charles Warren be granted the privilege of the floor during the debate and votes on the pending measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order. If Senators will please take their seats.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that a member of my staff, Emon Mahoney, may be present during the debate on the pending bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that Barry Meyer, Bailey Guard, Leon Billings, and Phil Cummings of the staff of the Public Works Committee be granted the privilege of the floor during the debate and vote on the pending bill, S. 2589.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR RANDOLPH URGES REASONED REGULATION AND EQUITABLE LEGISLATION IN SOLVING SENATE ENERGY PROBLEMS

Mr. RANDOLPH. Mr. President, the United States is faced with a serious energy crisis. The situation is on us now, and it is likely to remain with us for several years.

Discord and divisiveness, as we attempt to meet the energy crisis, must be cast aside. Polarization and partisanship must be subordinated as we attempt the passage of legislation which will call for personal discipline and national decision in the months and possibly the years ahead.

We must work together in every segment of our society and at every level of our Government during the increasingly short supply of fuels.

The Congress and the administration are being vested with extraordinary responsibility and power. The people of our country will hold us accountable for reasoned regulation and equitable legislation.

The hour of luxury is over. The hour of necessity is here.

The shortage of fuels we are experiencing will cause hardship this winter and they will not suddenly evaporate with the first ray of spring sunshine. We must now begin making the adjustments necessary to bring our way of life and our economy into harmony with the new realities of scarcity. The United States is a strong nation. It is populated with citizens who are self-reliant and resourceful. I am, therefore, confident that the vicissitudes of the present circumstances can be overcome.

The ability of our country to react quickly and affirmatively in a crisis is demonstrated in the legislation before the Senate. This bill, the National Energy Emergency Act of 1973, S. 2589, is our response to the immediate need to conserve and wisely utilize the limited fuel resources that will be at our disposal in the months ahead.

The bill was developed with dispatch, but it was not hastily conceived. Its provisions were not pulled out of thin air, but are based on studies and deliberations, that in some cases, started years ago. So, the reactions to the current crisis that are contained in this bill are reasoned responses to a situation that has been developing for some years.

That we are able to act on this bill today is a tribute to the seriousness with which Members of the Senate view the fuel shortage. It also reflects the leadership of our able and distinguished colleague from the State of Washington, Senator HENRY M. JACKSON, the chairman of the Committee on Interior and Insular Affairs. He has mobilized the resources needed to bring this measure to the Senate in only 7 days. The Senator has provided realistic judgment in this time of national need.

His committee received 11 hours of testimony last Thursday from Government, industry, and environmental groups. On the very next day, the Interior Committee met in open executive session for 6 hours. Action was completed by the committee on Monday after another 5 hours of intensive work.

The fact that we are to consider proposals on such a far-reaching subject as the nationwide energy supply problem shows that the Congress can act and act decisively.

Like every other American, however, I

regret that we are forced to take the steps proposed in this bill. While a rapidly changing international situation brought the immediate crisis to a head, an energy shortage has been developing for years. Senator Jackson and others who recognized the undesirability of our growing dependence on foreign fuel sources and the rapid depletion of our domestic resources, repeatedly called attention to the need for a rational national fuel and energy policy.

Over 3 years ago, I expressed deep concern for the need for a national energy policy. On September 2, 1970, I stated:

> Energy industries and this Nation, and the world, are embarked on a gigantic gamble that we can continue to supply this energy requirement with known and unproven sources of crude oil, natural gas, and coal or other sources of energy such as the breeder reactor, fuel cells, or even the fusion reactor. To lose this gamble would be a catastrophe. * * * The security of the United States is entwined by this issue. The principal issue confronting us is how to create an integrated policy for the development of energy and the maintenance and enhancement of environmental quality while minimizing our dependence on uncertain foreign sources of bulk energy.

We could spend many hours debating how we got into such a situation? But one factor overshadows all others. Our present ad hoc national policy relies on the use of imported premium fuels—crude oil and refined products—to meet shortfalls in domestic energy supplies.

Our country's present hodge-podge of energy policies is somewhat synonymous with an imported oil policy. If projections made before the Arab-Israeli war were to materialize by 1980, almost half of our oil supplies would be coming from the Middle East.

As more recent and continuing events have been demonstrating, this proposed dependence on the Middle East is thoroughly unrealistic, even for the short term. But, we have not taken any substantial and necessary steps to assure alternate domestic supplies.

Japan and Western Europe have no other choice than a significant reliance on imported energy supplies. However, the United States, like Russia, has the potential to achieve energy self-sufficiency through reliance on domestic resources.

For the past quarter-century one administration and one Congress after another have failed to create or even consider the need for a national energy policy. We have been content with a hodgepodge of policies, or lack of policies.

Now we are paying for this neglect—and for the negligence of many Congresses over the span of years.

Our present national administration, however, suffers an additional handicap, it is characterized by indecision, delay, lack of candor, and an understatement of domestic problems.

Almost 8 months ago President Nixon transmitted to the Congress the particulars on proposed Federal energy policy initiatives.

Although considerably more ambitious than was his June 1971 energy message, the President's April 18 proposal failed to define the elements of a fuels and energy policy in the Nation's interest. It was more appropriately classified as a declaration of intent rather than a clear and meaningful description of national policy.

Since receipt of the Chief Executive's April 1973 message, the Congress has aggressively worked on the elements of a national energy policy—with little, if any, support from the administration.

For example, the mandatory petroleum allocation program was opposed for months although there was a gasoline shortage. A mandatory program then was announced for November 1, 1973. But it has not taken effect. Moreover, the administration has not yet informed the public of the delay. The program reportedly is now to go into effect next month.

During the interim period the United States will experience the first effects of the cutoff of oil imports from the Middle East. In short, the administration is content to react after the fact rather than taking the obvious steps beforehand.

Although the President's April 1973 message provided recognition of anticipated shortages of basic energy resources and their conversion products, it did not include a proposal for assuring that essential uses are satisfied during periods of curtailment of energy supplies such as gasoline, diesel fuel, heating oils, or low-sulfur fossil fuels.

In fact, the Economic Stabilization Act Amendments of 1973 were opposed by the administration. The Eagleton amendment, which I cosponsored, now is the President's principal mechanism for dealing with emergency energy problems.

Yesterday the Senate passed and sent to the President the conference report on the Emergency Petroleum Allocation Act of 1973. That measure provided expanded authority for the same purpose. Yet the measure also has been opposed by the administration.

Last week, however, the President finally realized there is an energy crisis brought on in part by our unrealistic and biased foreign policy toward Middle East countries.

Mr. President, over 3 years ago, I stood in this Chamber and presented to my colleagues the reasons for the establishment of a national energy policy—a concern I have voiced since 1959, with legislative proposals.

On many occasions I questioned the feasibility of the United States maintaining its enormous consumption of nonrenewable energy resources—the fuels that drive our economy.

Now we find ourselves in the throes of trying to resolve disruptions in our energy supplies that threaten the very foundations of our economy. Repeatedly the administration has understated the seriousness of the problem.

Only last week President Nixon, in his address to the Nation, talked in terms of a shortfall in petroleum supplies of 2 million barrels a day. In the same week his energy policy adviser, John Love, in private, told the Interior Committee that the shortage would be 3 million barrels per day. Now former Interior Secretary Udall estimates that the shortfall will be as much as 6 million barrels per day. This is a far cry from the administration's optimistic projections.

Positive actions are now needed. Both the President and the Congress must face present realities and the end result must soon be workable short-term fuels policies which also will serve the foundation for a long-term national energy policy. Aggressive and vigorous policies are necessary if there is to be a rebirth of America's domestic energy resources.

Yet, the Congress as yet has not received a legislative proposal to cope with our current energy problem. Nevertheless, today the Senate is considering emergency energy legislation.

While the bill we consider today was worked out concurrently with administration spokesmen at the executive sessions, the Congress has yet to receive a specific legislative proposal from the President or the administration. The only indication of support was the President's statement last week, when the Chief Executive took credit for this legislation which was initiated in the Senate by Senators Jackson, Magnuson, and myself. Until last Wednesday the Nixon administration had actually opposed this very legislation.

Mr. President, today the Senate is being called on to consider an extraordinary piece of legislation. This measure places in the President's hands control over every aspect of our economy—for control over energy supplies is synonymous with control over the economy itself.

This is more than energy legislation—it is economic legislation. In controlling energy supplies the economy of our country is actually controlled—the people who are employed or, alternatively, unemployed are controlled—and those sectors of the economy that are going to be allowed to grow are controlled. The economic impacts from energy controls are so pervasive as to touch the very fiber of our society and the American way of life.

Consequently, there must be changes in our traditional institutions and in the American way of life, itself. The issues are much broader than the frequently debated issues arising from between the standard of living for the affluent and those people who are on welfare. In this instance, the manner in which we all live our daily lives is going to be directly affected.

To minimize the impact of present shortages on our society as a whole we must reduce waste. Unnecessary consumption of energy in one sector of our economy, in fact, may mean unemployment in other areas.

One use of energy where there is substantial room for improvement is in transportation—the uses of energy for the movement of goods and people within our society.

How can we, with this legislation, encourage the curtailment and limiting of energy consumption within almost every sector of our economy, without emphasizing the automobile's often inefficient use of energy?

Mr. President, in the course of the Senate's debate on S. 1570, the Emergency Petroleum Allocation Act, last June 4, it was my responsibility to propose an amendment for a significant reduction of speed limits on all Federal-aid highways as one quickly effective means of conserving the Nation's gasoline supply. This amendment was deleted in conference from the final bill.

Since my proposal was only a nonmandatory "sense of the Senate" expression I recognized that—regardless of what final action taken by the Congress on it—it would have served only as a recommendation and that it was to be implemented and enforced at the State level.

Thus, the real test of the worth and the potential effectiveness of my proposal depended on the degree of its acceptance by the States.

Consequently, on June 7, I sent letters to the 50 Governors, citing the need for the amendment and the scope of its provisions.

Eighteen of the 28 Governors who responded did so in a positive way, indicating their awareness of the gasoline shortage situation and recognition that specific measures such as the type proposed might be needed to cope with it.

Several of them indicated that steps are already being undertaken to implement such measures at an early date through administrative or legislative procedures.

Replies from 5 of the other 10 expressed a willingness to take a close look at the solution my amendment proposed as one possible alternative.

Only two of the responses indicated specific opposition to the amendment or serious misgivings about its provisions.

The expressions of support came from all parts of the country. The list included big States and small ones, urban and rural-oriented, industrial and agricultural.

These responses provide clear evidence that a growing number of State leaders are ready to accept the harsh realities of the current situation and to make the hard decisions which will be required of them if our present energy supply problems are to be resolved.

In the interim, Mr. President, the situation has become progressively worse. This has resulted from recent developments in the oil-producing area of the Middle East. It is obvious that more needs to be done to conserve the gasoline supply we now have available.

Mr. President, I fully support the intent of section 202(b)(2) which empowers the President to reduce speed limits as an energy conservation measure. The potential savings of such actions are significant.

When driving slower the loss is time—not necessarily money. In fact, the increased economy results in economic savings. In short, money is exchanged for time. An additional savings, however, will be in lives and lower accident rates and injury. The gasoline savings will facilitate other savings within our economy without any loss in the mobility of the consumer. The inconvenience is a matter of more time for the motorist but possibly loss of jobs for others:

On November 7, 1973, the Department of Transportation released a report of the Federal Highway Administration that estimates that a late-model automobile driven at 70 miles per hour consumes 30.5 percent more gasoline than a car traveling at 50 miles per hour. If this improved economy from driving slower could be achieved it could amount to a savings of about 5 percent of the total fuel consumption on our highways.

However, it also was shown that speeds below 50 miles per hour could perhaps waste as much fuel as would be saved from reducing speeds from 70 to 50 miles per hour. In other words, there is a point of diminishing returns.

The greatest savings are realized in dropping driving speeds from 70 to 60 miles per hour—an improvement of 2.58 miles per gallon, from 14.98 miles per gallon at 70 to 17.51 miles per gallon at 60 miles per hour.

In dropping from 60 to 50 miles per hour, the savings is only 1.98 miles per hour—or some 19.49 miles per gallon.

From this data it is reasonable to conclude that speed limits should be reduced not to 50 miles per hour but to somewhere between 50 and 55 miles per hour.

For this reason I support those provisions of S. 2589 that empower the President to reduce speed limits. This reduction should be to somewhere between 50 and 55 miles per hour. The actual reduction would be determined on the basis of criteria in S. 2589.

The challenge is there; the question is one of acceptance and a solid commitment to meeting our country's energy needs in ways consistent with our national environmental policies.

On April 18, 1973, I addressed the First Government Affairs Seminar of the Air Pollution Control Association. At the time, I stated:

> After long deliberation in 1967, and again in 1970, the Congress enacted a Federal air pollution control policy that distinguishes between concerns for public health *and* concerns for welfare. Twice the Congress rejected the concept of national emission standards. Yet, as so frequently has occurred in recent years, the Administration ignored flexibility contained in the 1970 Clean Air Amendments and encouraged the States to adopt, in effect, national emission standards which bear no relationship to ambient air quality standards.
>
> Nevertheless, don't look to the Congress for "wholesale" variance from existing regulations. Judicial remedies were provided, in 1970, for this purpose. A realistic distinction is needed between potential and actual problem areas. Then let's talk. For the issue is not repeal, but whether there has been a "good-faith" attempt to incorporate environmental and social concerns into management decisions by government and industry, alike.

The legislation under consideration today concerns itself with the specific interrelationship between available environmentally acceptable energy supplies and air pollution controls stemming from the Clean Air Amendments of 1970.

To date we have not done well in finding a suitable and equitable balance between energy and the requirements under this act. Rather, it seems that we have adopted a national posture of energy versus clean air.

In the President's April 18 message to the Congress concerning energy resources, he proposed "To carry out the provisions of the Clean Air Act in a judicious manner, carefully meeting the primary health related standards, but not moving in a precipitous way toward meeting the secondary standards."

The President proposed:

> Delay of the secondary air quality standards that are non-health related by the States beyond 1975 in order to allow fuller utilization of our coal resources until the new technologies have been demonstrated.

However, I have never been sure how this extension of deadlines by the States is to be accomplished. The 1970 Clean Air Amendments did not provide Federal authority applicable to implementation of this suggested extension.

On May 1, 1972, during hearings of the Senate's national fuels and energy policy study, I asked Secretary Rogers C. B. Morton how the administration intended to accomplish this extension of deadlines by the States. In response Secretary Morton stated:

> Senator Randolph, the only way of course that we could do it under the present authority is to work within the States themselves through cooperative negotiations with the States. If this fails, we will have to come back to the Congress and obviously seek amending legislation of the Clean Air Act to provide ways and means of doing it.

What was unclear to me was whether this extension by the States was to be undertaken with Federal guidance or by Federal coercion.

Mr. President, now the Congress finds itself in the difficult situation in S. 2589 of proposing variances from the plans of implementation established by States pursuant to the Clean Air Act, as amended.

The President is directed to require the major electric generating plants and industrial facilities that have the capability to convert to the use of coal where available. Such conversions may very well result in violation of applicable sulfur oxide emission standards. Therefore, such conversions may require the issuance of a temporary variance, subject to the procedures of the Clean Air Act, as amended.

Mr. President, the Senate Committee on Public Works on Monday of this week held hearings on amendments to the Clean Air Act that could be activated in response to actions taken pursuant to the National Energy Emergency Act of 1973.

Under an agreement between the Committee on Public Works and Senator Jackson, chairman of the Interior Committee, this amendment was con-

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sidered by the Public Works Committee. It was ordered reported yesterday following extensive discussion.

Upon final action by the Senate, both S. 2589 and this amendment to the Clean Air Act can be joined together.

Mr. President, the National Energy Emergency Act of 1973 represents an extreme response by the Congress. Exercising our constitutional role, the Congress has provided the President in this legislation with almost unlimited power—control over our economy.

While I recognize the need for such authority at this time, I believe this is a bad precedent. Nevertheless, we face today a challenge of monumental proportion. The legislation before the Senate is designed to help America come to grips with and overcome one of the most serious situations it has ever faced. With its provisions, and with the determination of the American people, I know that the energy crisis will be survived and that we will emerge from this winter well along the road to resolving our long-term energy problems.

SAVING ENERGY IN OREGON

Mr. HATFIELD. Mr. President, I would like to call the attention of our distinguished chairman, Mr. JACKSON, to one small error in the committee report accompanying S. 2589. Considering the time pressures under which the staff has been operating, it is easy to see how such a small error might be made.

I refer to a statement on page 18 of the report, where it states:

> For example, the Governor of Oregon has already ordered the schools in that State to be closed for a month this winter.

Actually, the Governor suggested such a step as one alternative for energy savings. The resulting opposition, however, convinced him that such a move would be unwise. I understand that there is planned some sort of "Energy Education Week," so that students in Oregon will have a "crash course" in ways they and their parents can save energy.

BUSING

Mr. BROCK. Mr. President, 6 months ago it became very apparent that this country would face a serious fuel oil shortage. Little did we know at the time that we would be facing a major crisis, a complete energy crisis, due in part to a cut off of oil from the Arab nations to other countries, which has had a very critical effect on this country's ability to supply energy needs. Two months ago, I noted that we would indeed have an energy problem this winter, a situation that no doubt did not escape my fellow colleagues.

However, I must point out that this crisis has been in the making for 30 years, and we have either turned our heads, or chosen to ignore it until we had to do something about it. Obviously, the time to do something about it is now. I also noted 2 months ago that we faced the prospect of controls on our energy. I cannot repeat too many times my opposition to controls on any type of product in the market place, but as usual controls beget controls, and now we may have no choice.

We have, obviously, an obligation to act, and act quickly upon the measure before us at this time. But, I would like to make one other point. We are facing a fuel crisis. We are now facing certain measures to help see the country through a very trying time, to indeed, help us survive in this period of problems. However, I cannot understand why we face the prospect of cold homes and closed plants, but yet we continue to use this precious fuel to bus children away from their homes and families all the way across their town to attend another school in the name of racial balance. I could find it much easier at this point to do what we must do in helping find a solution to our fuel shortage and energy shortage if it were not for this one matter, using fuel to bus our schoolchildren.

I would certainly hope that we would take into consideration this factor as we debate this very important measure. I cannot for the life of me see the wisdom of telling families that they face the prospect of not being able to heat their homes this winter, and even more families that they might lose their jobs, when they see hundreds of thousands of dollars a day spent on gasoline for school buses as they watch their children boarding one of those buses to be taken across and out of their neighborhoods to attend schools.

This is a serious matter, one that the average parent will find hard to understand. He is being told to lower his thermostat in his home to save fuel. He is being told that there may not be enough fuel available for him to have a job. He is being told he must slow down on the highways. He is being told that we may have to pollute our environment again just to stay warm. Then, where is the logic of his spending his tax dollars to send his child out of his home area, in a fashion which consumes tremendous amounts of this item which we now find so precious? It simply does not make sense. It is not logical. It is not economically sound. It is time Congress acted in dealing with this situation.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House has passed the bill (S. 2681) to authorize appropriations for the U.S. Information Agency, with an amendment, in which it requested the concurrence of the Senate; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. HAYS, Mr. MORGAN, Mr. ZABLOCKI, Mr. MAILLIARD, and Mr. THOMSON of Wisconsin were appointed managers on the part of the House at the conference.

The message also announced that the House had passed a bill (H.R. 11459) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1974, and for other purposes, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendments of the Senate to a bill (H.R. 9474) to amend title 38 of the United States Code to increase the monthly rates of disability and death pensions, and dependency and indemnity compensation, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The following bill was read twice by its title and referred as indicated:

> H.R. 11459. A bill making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1974, and for other purposes. Referred to the Committee on Appropriations.

ORDER FOR LIMITATION OF TIME ON MILITARY CONSTRUCTION AUTHORIZATION ACT CONFERENCE REPORT, S. 2408

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation on the conference report on the Military Construction Authorization Act, S. 2408. This is a privileged matter. I ask unanimous consent that there be a 10-minute limitation, the time to be equally divided. I do this with the approval of the distinguished Senator from Texas (Mr. TOWER) and the distinguished manager on this side, the Senator from Missouri (Mr. SYMINGTON).

The PRESIDING OFFICER. Without objection, it is so ordered.

MILITARY CONSTRUCTION AUTHORIZATION ACT—CONFERENCE REPORT

Mr. SYMINGTON. Mr. President, I submit a report of the committee of conference on S. 2408, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. MCINTYRE). The report will be stated by title.

The legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2408) to authorize certain construction at military installations, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of November 13, 1973, at p. 36848.

Mr. STENNIS. Mr. President, will the Chair please ask for order?

The PRESIDING OFFICER. The Chair will ask for order. Senators will please take their seats, and if they wish to converse they will please do so in the cloakroom.

The Senator from Missouri may proceed.

Mr. SYMINGTON. Mr. President, the report was signed by all conferees of the House and Senate, and has been agreed to by the House.

The bill, as agreed to, will provide a total new authority of $2 billion, 750 million, 661 thousand, and an increase in prior years' authority of $22 million, 923 thousand, for a total authority of $2 billion, 773 million, 584 thousand.

The amount of new authority approved is $220 million, 120 thousand below the amount requested by the Department of Defense. A further reduction of $22.1 million was made in the amount of new funding authorized. This was made possible by applying unobligated balances against new authority granted to the Army, Navy, and Defense Agencies.

Mr. President, there were around 140 differences between the Senate and the House that had to be reconciled by the conference committee.

I am pleased to state that, insofar as the monetary differences between the two Houses were concerned, there was about an even split.

The total authority granted is approximately $57.7 million above that granted by the House, and about $61.8 million below the Senate figure.

Now, I should like to mention a few points that I believe to be of special interest.

In the area of family housing for the military, there were several very significant differences in dispute.

For example, the House authorized some 12,451 units of housing, which was 725 units above the Departmental request, at an average cost of $1,000 per unit above the amount requested. Yet, the House funded only 9,000 of the units authorized, and denied a badly needed increase in living space primarily for noncommissioned and junior officers.

I am pleased to report that the Senate position prevailed for the most part. Ten thousand six hundred and seventy-nine new units were authorized, which is 353 units below the Senate figure, but all were funded at an average unit cost of $27,500, the amount requested by the Department, which includes the requested increase of space.

Another matter of considerable interest to the military in developing a volunteer force is the question of housing for bachelor personnel. In this regard the House included a provision to require the housing of four enlisted men to a room in the lower enlisted grades, and two men per room in the intermediate grades through E–7. This, in effect, would have created less privacy for the lower grades, now housed three men to a room by the Army and the Navy, and two men to a room by the Air Force. It would further deprive those in grade E–7 of a private room, which they have traditionally been entitled to. If the provision were carried out, it would cause an increase of several million dollars in the fiscal year 1974 program for redesign and resulting construction delays. Again, the Senate provision prevailed, and present criteria will be continued. It was agreed by the conferees that the Department would be requested to make a study of the four-man room concept prior to the introduction of the fiscal year 1975 construction program.

As we are all well aware, the Navy's use of portions of the Island of Culebra, some surrounding rocks and cays, as a part of the Atlantic Fleet Weapons Range, has been a festering sore for several years.

This matter has been studied at great length by the Department of Defense, and the current Secretary of Defense, as well as his predecessor, agreed that this range should be moved.

The Senate this year authorized $12 million for this purpose, in hopes of settling the issue once and for all. I am glad to advise that the conferees were able to come to an agreement on the matter, and it is believed the provision, as set forth in section 204 of the conference report, will permit the accomplishment of this move to the satisfaction of all parties concerned.

Finally, I call attention to section 610 of the conference report, which relates to the future use of the Bolling/Anacostia complex in the District of Columbia. This, too, has been a matter of contention for several years.

In effect, this provision does two things. It extends from January 1, 1975, to January 1, 1980, the "hold" under which no part of the property may be used for other than military purposes, and authorizes the Secretary of Defense, in consultation with the National Capital Planning Commission, but without being subject to the approval of the Commission, to proceed with further planning, development, and construction of the complex. This provision was not a part of the bill as approved by the Senate, and the Senate conferees reluctantly agreed to it in conference, but only with the understanding that both the Armed Services Committees of the House and Senate would hold hearings on the matter to allow all interested parties to express their views. Remedial legislation can, of course, be proposed at that time if deemed advisable.

It is believed that the bill, as agreed to by the conference committee, adequately provides for the construction needs of the Department of Defense for this fiscal year.

Mr. President, I express my appreciation to the Senate conferees for their diligent effort, cooperation, and assistance, and I specifically thank the distinguished senior Senator from Texas, the ranking minority member of the committee in the conference.

Mr. TOWER. Mr. President, I yield myself such time as I may require. Let me first thank my distinguished friend from Missouri for his very generous remarks, and join him in urging the adoption of this conference report, which does reflect our increasing emphasis on personnel support systems designed to make all-volunteer armed services more effective.

Mr. President, I yield such time as he may require to the distinguished Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in support of the conference report on the Military Construction Authorization bill for fiscal year 1974.

This bill authorizes new construction in fiscal year 1974 in the amount of $2,729,561,000 and represents, in my judgment, a fair compromise with the House conferees.

The House approved a measure totalling approximately $2.6 billion and the Senate a measure of approximately $2.8 billion.

Mr. President, there are several significant items in this bill. First, it authorizes $1.1 billion for all costs of military housing. Second, it increases the allowance for the average cost of military housing units in the United States from $24,000 to $27,500 per unit. Third, it extends from January 1, 1975 to January 1, 1980 the "hold" under which no part of the Bolling-Anacostia base complex, in Washington, D.C., is to be declared excess and transferred to other interests.

However, this bill requires the Secretary of Defense to consult with the National Capital Planning Commission and other interested parties on plans for development of the properties but the Commission's approval is not required. It was agreed that both the Senate and House Armed Services Committees would hold hearings to allow all interested parties to express their views.

Mr. President, the distinguished senior Senator from Missouri (Mr. SYMINGTON) served as chairman of the conference and dealt with all problems in his usual fair and thorough manner. The ranking Republican of the Military Construction Subcommittee, the senior Senator from Texas (Mr. TOWER), contributed a great deal to the deliberations of the conferees as did all of the conferees.

Mr. President, in closing, as the ranking member of the Senate Armed Services, I urge the Senate to give its approval to this conference report.

Mr. TOWER. Mr. President, I ask for the yeas and nays on the conference report.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, may I have a half-minute?

Mr. SYMINGTON. First, Mr. President, I would like to thank the distinguished senior Senator from South Carolina for his kind remarks. Together with his colleagues, he was of great assistance, and was eminently fair as we discussed the various matters.

I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I want to take a half-minute here to thank the Senator from Missouri, the Senator from Texas, the Senator from South Carolina, and all the other members of the subcommittee that handled this bill. This is no ordinary bill at all, Mr. President. A world of work goes into it. It represents the forerunner of some of our new weapons programs, and has much to do with the various personnel considerations which are now up front.

I think that the way the bill ap-

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proaches those considerations involving personnel is very timely, and as a member of the committee and former chairman, I want especially to thank the members of the committee for what they have done.

Mr. SYMINGTON. Mr. President, I want to say that all of us felt, in effect, that we were working for the distinguished Senator from Mississippi, and we are pleased and gratified that he is back with us. During the months of his absence, we all felt we were trying to do the job the way he would approve, and that was a great stimulus to our efforts.

I would also like to thank the staff, and particularly Mr. Gordon Nease, for the superb work he did, not only for the conference but in behalf of the full committee.

Mr. TOWER. Mr. President, I associate myself with the remarks of the Senator from Missouri and I yield to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I would like to join the Senator from Missouri in complimenting Gordon Nease. I think he is one of the most capable employees we have on the Hill.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator from Texas yield me 1 minute.

Mr. TOWER. I yield the Senator from Virginia 1 minute.

Mr. HARRY F. BYRD, JR. I ask unanimous consent that John I. Brooks of my staff be granted access to the floor during the consideration of S. 2589.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. I yield back the remainder of my time.

Mr. SYMINGTON. I yield back the remainder of my time.

Mr. TOWER. I withdraw that, Mr. President, and yield to the Senator from Hawaii.

Mr. FONG. Mr. President, I ask unanimous consent that Mr. Larry Nakatsuka, of my staff, be accorded the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, on behalf of the Senator from Minnesota (Mr. Mondale), I ask unanimous consent that Mr. Roger Colloff be accorded the privilege of the floor during the consideration of the bill, though this does not mean the privilege of the floor during rollcall votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. McIntyre). All remaining time having been yielded back, the question is on agreeing to the conference report. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from South Carolina (Mr. Hollings), the Senator from Massachusetts (Mr. Kennedy), the Senator from Montana (Mr. Metcalf), the Senator from Wisconsin (Mr. Nelson), and the Senator from Alabama (Mr. Sparkman) are necessarily absent.

I further announce that the Senator from Kentucky (Mr. Huddleston), the Senator from Minnesota (Mr. Humphrey), and the Senator from Georgia (Mr. Talmadge) are absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. Humphrey) and the Senator from Massachusetts (Mr. Kennedy) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Nebraska (Mr. Curtis) is absent by leave of the Senate on official business.

The Senator from Tennessee (Mr. Baker), the Senator from Illinois (Mr. Percy), and the Senator from Ohio (Mr. Saxbe) are necessarily absent.

The Senator from Arizona (Mr. Goldwater) is detained on official business.

If present and voting, the Senator from Nebraska (Mr. Curtis) and the Senator from Illinois (Mr. Percy) would each vote "yea."

The result was announced—yeas 87, nays 0, as follows:

[No. 483 Leg.]

YEAS—87

Abourezk
Aiken
Allen
Bartlett
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Biden
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cook
Cotton
Cranston
Dole
Domenici
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Fulbright
Gravel
Griffin
Gurney
Hansen
Hart
Hartke
Haskell
Hatfield
Hathaway
Helms
Hruska
Hughes
Inouye
Jackson
Javits
Johnston
Long
Magnuson
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
McIntyre
Mondale
Montoya
Moss
Muskie
Nunn
Packwood
Pastore
Pearson
Pell
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Scott, William L.
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—13

Baker
Curtis
Goldwater
Hollings
Huddleston
Humphrey
Kennedy
Metcalf
Nelson
Percy
Saxbe
Sparkman
Talmadge

So the conference report was agreed to.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL ENERGY EMERGENCY ACT OF 1973

The Senate resumed the consideration of the bill (S. 2589) to authorize and direct the President and State and local governments to develop contingency plans for reducing petroleum consumption, and assuring the continuation of vital public services in the event of emergency fuel shortages or severe dislocations in the Nation's fuel distribution system, and for other purposes.

Mr. EAGLETON. Mr. President, I send to the desk two amendments to S. 2589.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EAGLETON. Briefly, these amendments would do the following:

First. Require the President to develop a plan for regional or area allocation of fuel to take account of emergency situations and geographical disparities in fuel supplies.

Second. Provide criminal as well as civil penalties for repeated violations of regulations promulgated under authority of this act—in short to come down hard on potential black-marketers.

The purpose of the first amendment is to assure that fuel rationing and conservation programs are accompanied by measures to equalize as nearly as possible the fuel available to the various regions of this country and to meet emergency situations.

The uneven distribution of supplies is at the very heart of our present energy crisis. Far more critical than the prospect of a 10- or 15-percent nationwide shortage this winter, as uncomfortable as that may be, is the fact that some regions could fall 50 to 60 percent short of what they require. The difference, I submit, is between manageable sacrifices and unmitigated disaster.

Unfortunately, the focus of attention as expressed in the President's statement last week and reflected in this bill is on the national dimensions of the problem with virtually no regard to the sharp disparities that exist within the Nation.

We are told by the President, for example, that in order to meet the estimated 17-percent deficiency in national heating oil supplies, we must all cut back our use of oil by 15 percent. But what will that mean to the Midwest family if it is only able to obtain 75 percent of what it needs to begin with? How would their sacrifice weigh out against a family living in Florida or the Gulf States?

We are in real danger, I am afraid, of following in the footsteps of Professor Galbraith's legendary 6-foot economist who drowned in the stream which had an average depth of 3 feet. National energy programs are necessary but they must come to grips with substantial differences among regions and areas of this country if they are to achieve their objectives.

We know that the heating oil and natural gas shortages of last winter hit hardest in the Midwest and New England States. That was true to a large extent also of the gasoline shortages this summer. There is a reason for that. These areas are furthest removed from the large refineries that produce those products and from the ports of entry for imported fuel. In a literal sense, they are at

the end of the pipeline and they are the first to feel any cutback.

The National Oceanic and Atmospheric Administration predicts an abnormally cold winter for much of the Great Plains area and a good part of the Midwest. Almost certainly, we will encounter weather emergencies in some sections of the country this winter and the availability of fuel could become a life and death matter. It is absolutely essential that we have a program in being for responding to such situations and my amendment requires it.

This spring when the fuel shortages became particularly severe in Missouri and other Western States, I introduced an amendment to the Economic Stabilization Act which is the basic authority behind the administration's present fuel allocation programs. The purpose of that amendment was twofold: First, to assure that all areas of the country had sufficient fuel supplies to meet vital needs; and second, to authorize some setting of priorities for fuel use within any given region.

Unfortunately, the administration delayed implementation of my amendment until 6 months after its date of enactment on April 30, 1973. Only in the last 2 or 3 weeks has it imposed a mandatory allocation of propane gas and heating oil.

Despite the clear intent of the amendment to bring about some equalization of fuel supplies among regions of the country, the administration's program ignored that aspect to focus entirely on priorities of use.

The result has been that in Missouri and other Midwestern States, farmers, homeowners and other priority users of propane and heating oil are unable to obtain adequate supplies although the law says they are entitled to 100 percent of their needs.

Let me cite one example of the problem as it has developed with regard to propane.

The largest propane distributor in Missouri provides about 25 percent of the State's needs and operates in 28 other States.

That company has been advised by two of its principal suppliers—both major oil companies—that they can provide only 70 percent and 95 percent respectively of priority needs and nothing for nonpriority industrial and business uses because they simply do not have it. I might add that these companies supply roughly the same percentages in several other Midwestern States.

This same distributor purchasing from the same two companies in its Gulf States operation is able to obtain 100 percent for priority customers and 60 to 80 percent for nonpriority users.

I have had a similar report from a propane distributor who serves 2,000 residences in Portsmouth, Va., many of them military families. He has been notified by his major oil company that his supply for priority customers will be cut next month from 80 percent to 44 percent of need.

It does no good to point to a Federal regulation or to quote national supply and demand figures when businesses and whole industries within a region are shutting down, as they are in my state, because their situation doesn't comport with the national average. That argument will not reopen the schools and churches or heat the trailers and farm houses of the dozens of constituents who have written or called me in just the last few weeks.

I recognize that propane is a unique product and presents some special transportation problems, but I am convinced that with an effort on the part of the administration the worst of the disparities that now exist could have been avoided.

I know from my own mail and phone calls that the same kind of problems prevail in the distribution of other fuels. In an effort to obtain some solid statistical data on distribution patterns, I have been in touch with the economists of the Office of Oil and Gas and the Bureau of Mines.

What I found, frankly, appalled me. The truth is that we have no data which gives more than a glimmer of the supply-and-demand situation within the various regions of this country. The most definitive thing that I could come up with was the report on primary inventories in refinery districts, defined in a way that does not even break out New England from the rest of the East Coast. It was suggested to my staff that perhaps the best index now available is a tabulation of complaints which is where we began.

One purpose of my amendment is to require the systematic collection of data which would provide a clear picture at all times of the needs and supply available to various regions. We can hardly deal with the problem until we have a reporting system that identifies the problem and its magnitude.

Beyond that requirement, the amendment directs the President to submit to the Congress within 15 days of enactment of this bill a contingency plan for meeting any imbalance in distribution of available fuel supplies and geographic regions or areas throughout the United States based upon their respective relative needs including, I might add, the respective relative needs of each of the several States within any such region. This plan must include provisions for whatever special transport facilities are necessary to implement the action.

Mr. President, the Senate yesterday cleared the conference report on S. 1570, the Emergency Petroleum Allocation Act of 1973. Among many other allocation objectives, that bill contains a provision for equitable distribution of fuel among the regions of this country. Unfortunately that objective has been heavily compromised by a number of other competing goals including minimization of economic distortions and unnecessary interference with supply mechanisms. At one point, the conference report notes that "it is expected that the President's regulation will in those cases merely confirm existing supply relationships." While it may represent a beginning, S. 1570 is woefully inadequate to meet the serious problems we now face.

It is absolutely essential that a much stronger regional allocation provision be added to the bill now before us, S. 2589. It is essential just to carry out the objectives which this bill seeks to achieve, namely, providing adequate fuel for all American citizens and correcting dislocations in the national distribution chain. More than that, however, it is essential if we are to avoid catastrophic energy shortages in major areas of this country.

The second amendment, Mr. President, is designed to subject those who engage in black-market sales of fuel to criminal penalties. This is already a problem in my State with regard to propane and diesel oil and I think we can anticipate in a period of national shortage that some individuals and companies will attempt to exploit the situation for profit.

My amendment would subject any person who willfully and knowingly commits repeated violations of fuel conservation rationing regulations to a fine of $50,000 and/or imprisonment for not more than 6 months.

Mr. President, I regret that the emergency nature of our energy problems prevents greater deliberation on this bill. That cannot be helped. We can only try to make the final measure as effective as possible.

I believe my amendments will contribute to that and I urge the Senate to adopt them.

Mr. President, I call up the first amendment which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 17, between lines 18 and 19, insert the following:
>
> "(c) Not later than fifteen days after the date of enactment of this Act, the President shall take such action as may be necessary to determine the fuel needs among the major geographic regions of the United States and shall promulgate a plan which will assure an equitable distribution of available fuel supplies among such major geographic regions of the United States based upon their respective relative needs, including the respective relative needs of each of the several States within any such region. Such plan shall include such allocation of available transport facilities as may be necessary to assure the equitable distribution which is required under such plan. Plans prepared pursuant to this subsection shall be implemented within 30 days of their promulgation."

Mr. EAGLETON. Mr. President, this amendment is a follow-on to the Pastore amendment, which was adopted earlier today by voice vote. It stems from the same dilemma, and I will not repeat the cogent arguments set forth by the distinguished Senator from Rhode Island (Mr. Pastore), but will summarize them briefly.

Certain regions of the country have a particular dilemma insofar as fuel shortages are concerned. Those regions are primarily the New England area and the

Midwest. They are removed from the principal lines of fuel transport including ports of entry for imported stocks. Even in good times, even in so-called normal times, there are problems insofar as those two areas are concerned.

As we all know, we are no longer in good times; we are no longer in normal times. We are in a time of energy adversity. Hence, the thrust of the Pastore amendment, as it is with the pending Eagleton amendment, is to insure that such adversity as we may have this winter will be shared equally across the board and there will be no one area of abundance of affluence in the country and no area of total deprivation. Whatever shortage there may be should be borne equally from Maine to Hawaii.

My amendment would require the President to have in place and ready to become operable if needed a plan to redistribute energy resources to areas, such as New England and the Midwest, that might fall into short supply.

This plan would be subject to Congressional review and approval under section 301 of the bill once it is promulgated by the President of the United States.

Mr. FANNIN. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield.

Mr. FANNIN. I commend the Senator for what he would like to do, although I feel that he is complicating the overall procedures that would be followed by the administration, acting in accordance with the requirements of this bill.

The bill, as he knows, is "to authorize and direct the President and State and local governments to develop contingency plans for reducing petroleum consumption, and assuring the continuation of vital public services in the event of emergency fuel shortages or severe dislocations in the Nation's fuel distribution system, and for other purposes."

I say that because the amendment of the Senator from Rhode Island (Mr. PASTORE) did have reference to exactly the same fears that the Senator from Missouri has expressed, and I realize why he has those fears.

But the amendment of the Senator from Rhode Island was changed: "the President shall strive to insure that all regions and all States of the Nation share available fuels in an equitable manner."

I think this is an indication to the President of the desire of Congress to see that what the Senator from Missouri has provided in his amendment is accomplished. But if we are going to set up every phase of this work that is required by the administration, it is going to be so confusing that it will result in turmoil.

I realize that we all want equitable distribution, and that we want the transportation facilities to be made available. But also we must realize that this is a very complex situation, and if we do not give the flexibility to the President, we will reduce his ability to act on the general needs that the Senator from Missouri is approaching. I feel it is covered in the legislation sufficiently and that this amendment would be a barrier rather than assistance to carry out the mandate we give the President.

Mr. EAGLETON. Mr. President, in response to the statement by the Senator from Arizona, I must say that I respectfully disagree. He makes three principal points to which I would like to respond.

The Senator states, first, that it is all right for Congress to express the desire that a contingency regional allocation plan be set up but not to do anything more. We already have expressed that desire. We did so 6 long months ago. The Eagleton amendment to the Economic Stabilization Act gave the President discretionary authority to redistribute fuels in short supply among geographical areas of the country. We expressed our desire 6 months ago and nothing has been done.

Mr. FANNIN. Mr. President, if the Senator will yield.

Mr. EAGLETON. I would like to discuss the three points and then yield.

Mr. FANNIN. Very well.

Mr. EAGLETON. We are not mandating any specific plan. All we are saying is that under this bill we want the President to have ready to go on an "if need—if come" basis a plan for relocation and redistribution of energy to areas of short supply.

The Senator said we will make this program too burdensome if we require such a plan. This amendment does not presume to write the plan, but rather to require the President and his advisers to develop it and to submit it and other appropriate plans to Congress under the catch-all section 301 already in the bill.

Finally, the Senator said we have to give the President a good deal of flexibility. Indeed, we do, and this amendment does. We do not say we are going to take oil from New Orleans and ship it to St. Louis or from Los Angeles and ship it to Vermont. We do not encumber this at all in detail. All we mandate is that the President and his advisers, in light of their dismal past history in dealing with the energy crisis, have a plan ready to go when needed this winter. Should an emergency arise where certain areas are hard hit by shortages, we will need to act quickly. This is more than a possibility. It is predicted by NOAA. I never remember what all the initials stand for, but it is the agency that predicts the weather.

According to these weather predictors, there will be a particularly severe winter in the Midwest and Great Plains States this year. I hope the prediction is wrong, but if it is correct there will be a particular dilemma in the Midwest because (a) we are short of fuel even under normal circumstances and (b) we truly will be in trouble if we have this unusually cold winter that the predictors forecast for us.

All we do in my amendment is to tell the President in light of what we now know or can anticipate to have available a plan that will be of assistance to areas that will be particularly hard hit in the forthcoming winter.

Mr. FANNIN. Mr. President, I commend the Senator for what he did provide in connection with the Economic Stabilization Act. That has afforded the administration the opportunity to go forward with planning. I am not at all concerned that they have not been doing exactly what the Senator is talking about. They have been operating under a procedure that is outlined in the Economic Stabilization Act, and I think it is sufficient.

If we start trying to develop every detail of the program I do not feel that it will have flexibility. We would be telling them what to do without having all the facts.

The Senator is familiar with the transportation industry. That is an industry I was associated with and I know the complexities of trying to switch fuel from one area to another or switch from one type fuel to another. We must depend on the administrators and the departments in charge of these responsibilities to carry through, and I think they will.

I do not think the amendment is necessary to accomplish the objectives that the Senator has in mind. I think it will be handled properly and the President will have greater flexibility than if we have the stipulations provided in the amendment.

As I have stated, this would create problems rather than solve problems.

Mr. EAGLETON. Mr. President, in response to the Senator's response, I wish I could be a bit more sanguine about his view of the ability of the administration to cope with this problem. Had it not been for the administration's experience under the Eagleton amendment I might be. But, nothing has been done with that amendment. It has been on the books for 6 months but so modestly implemented as to be almost useless. Against that track record, I cannot be confident that the administration will be prepared for what is going to be not just a possibility but an eventuality this winter, to wit, one or more regions of this country will be severely, almost oppressively hard hit this winter by energy shortages. Like the Boy Scouts, let us be prepared. All this amendment says is we know what is going to happen, let us be prepared. Draw up a plan now because you are going to need it soon.

Mr. FANNIN. Mr. President, to reiterate, I feel the plan the Senator is discussing is certainly being prepared and has been considered as part of an overall program. I think to further confuse the issue would be unwise.

Mr. FONG. Mr. President, will the Senator yield to me for 3 minutes?

Mr. EAGLETON. I am pleased to yield to the Senator from Hawaii.

Mr. FONG. Mr. President, I wish to propound a question to the distinguished chairman of the committee and the ranking minority member of the Interior Committee for clarification regarding section 203, entitled "Emergency Fuel Shortage Contingency Plans."

Under paragraph (b)(2) of this section, restrictions are to be placed against the use of fuel or energy for nonessential uses. I am concerned, Mr. President, that the interpretation of the term "nonessential uses" may become troublesome.

In my State of Hawaii, the visitor industry is, by far, the largest income producer for our local economy, outside of defense spending. In 1972, for instance, visitor expenditures in Hawaii totaled $755 million. This is more than twice the combined sales of Hawaiian sugar and pineapple. It is expected that Hawaii's visitor industry expenditures will surpass defense expenditures this year for the first time.

An estimated 40,000 persons in Hawaii are employed by hotels and other businesses directly related to the visitor industry.

So, obviously, Hawaii's economy is heavily dependent upon the visitor industry, which in turn is heavily dependent upon fuel to move people to and throughout the State.

I would also like to point out that 10 percent of Hawaii's tourist business is dependent upon visitors from Japan. Last year 235,000 Japanese visitors came to Hawaii and this year that number will increase to 300,000. The expenditures of these foreign visitors help considerably to lessen our balance-of-trade deficit.

I would welcome your comment, Mr. President, on whether an industry as vital to Hawaii as the visitor industry and which helps to improve our trade balance, can expect to receive equitable and fair treatment under the rationing and conservation program contemplated in this legislation?

Mr. JACKSON. The answer is "Yes." We certainly contemplated there would be fair and equitable treatment in recognizing that the economies of each State are different. May I say the economy of Hawaii, as the Senator has pointed out, is heavily dependent on tourism. The bill contemplates a vital and healthy economy. This is not a luxury as far as Hawaii is concerned; it is a business. The people who come there, of course, may have problems getting there, depending on where they live and depending on the availability of jet fuel for commercial aircraft primarily, I would assume. But the bill itself, as far as Hawaii is concerned, does not single it out as a State which is in the luxury business, because while it may be a luxury for the person who goes there, it is an essential part of the business of the State of Hawaii.

The answer to the Senator's question is "Yes."

Mr. FONG. I thank the Senator.

Mr. JACKSON. Mr. President, I yield to my colleague.

Mr. FANNIN. Mr. President, I merely wish to state to the distinguished Senator from Hawaii that I, too, agree with the answer "Yes." As stated in the bill, on page 14, section 102, "Purposes," under subsection (e), the intent is to "minimize the adverse effects of such shortages or dislocations on the economy and industrial capacity of the Nation."

Tourism is a vital part of the Hawaiian economy. The employment of people, and their ability to carry their load from the standpoint of taxation and otherwise, is vital. So I do not have any hesitancy in saying to the Senator from Hawaii that this is an important factor, and I am sure the intent of the committee members was to that effect in providing this language.

Mr. FONG. Mr. President, I wish to thank the distinguished chairman and the ranking minority member of the committee for their clarification of this section and holding that the tourist business in Hawaii is an essential business.

I ask unanimous consent that a letter from the Hawaii Visitors Bureau be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

HAWAII VISITORS BUREAU,
Honolulu, Hawaii, November 13, 1973.

Hon. HIRAM L. FONG,
U.S. Senate, 1313 Dirksen Building, Washington, D.C.

DEAR SENATOR FONG: The Visitor Industry is a key factor in the economy of the State of Hawaii. The economic departments of both major banks in the State rank the Visitor Industry second following Federal Expenditures and considerably ahead of Sugar and Pineapple.

The following are figures of the major components of the Hawaiian economy:

[In millions]

	1962	1972
Defense expenditure	$375.8	$765.5
Visitor expenditures	154.0	755.0
Sugar & pineapple sales	274.4	343.5

The figures demonstrate the meteoric rise in the importance to the State economy of the visitor industry. Mr. Wes Hillendahl, Vice President and Director of Business Research at the Bank of Hawaii, has estimated that Visitor Industry expenditures will surpass Defense Expenditures in 1973. Hence, the State economy is heavily dependent upon the Visitor Industry, which in turn is heavily dependent upon fuel to move people to and throughout the State.

A further example is the growth of hotel room inventory and visitors to the State:

	1962	1972
Total visitors	352,145	2,244,377
Total state room inventory	10,915	36,608

As of October 1973, the hotel room inventory was 37,819 and of this amount 12,650 were on Neighbor Islands which can only be reached by air transportation.

The State Department of Labor and Industrial Relations show that in 1972 there were 17,830 people in the labor force employed by hotels. There are many others in wholesale and retail trade and also in other service businesses which relate directly to the visitor industry. Unfortunately there is no breakdown available, but estimates place it about 40,000.

Hotels in the State are geographically situated many miles away from airports, requiring transportation from the airport to the hotel. The airports in the State are not serviced by municipal transport between the airport and the hotels and the visitor requires private transportation. This is predominately handled by tour buses. In the last year the number of visitors who came to Hawaii as a member of a tour group from the mainland U.S. had increased to 48 percent of the total, and we see this further increasing. This occasioned an increase in the number of tour buses to handle larger group movements. The change from independent traveler to group is consistent with what is happening world wide.

Research has shown that one of the key factors to our success is the many visitor attractions throughout the State. The visitor does not spend a great deal of his day on the beach. The intensity of the sun's rays has a bearing on this, but more important is the desire on the part of the visitor for a new experience. Therefore, they travel by tour bus, boat and U-drive to the visitor attraction they wish to see.

The 1973 State Data Book shows that the 1972 attendance at the USS Arizona Memorial was 880,460. In addition great numbers also visited Pearl Harbor on the boat cruises. The Polynesian Cultural Center received 498,000 people, Sea Life Park 450,000, and Iolani Palace State Monument received 656,000. These represent just a few of the attractions and do not take into consideration the many around-the-island and other tours which are not to a specific location which keep a count, therefore, figures are not available.

In considering transportation and fuel requirements, we must also take into account the vast growth in the tour bus and other ground transportation vehicles since 1972. For example, there were some 264 tour buses operating in 1972.

This has increased to approximately 343 thus far in 1973—a growth factor of 30 percent. It is estimated by the Hawaii Sightseeing Association that by the end of 1974, based on new buses on order at this time, that this figure could easily rise to about 400 vehicles, or an increase over 1972 of 51 percent.

An area of prime consideration from the standpoint of the current U.S. balance of trade deficit is the visitor from Japan. Last year we had 235,000 Japanese visitors, or about 10 percent of our total. This year we estimate that we will have approximately 300,000 Japanese visitors. These visitors contribute greatly to the invisible export tourism not only through their hotels, meals and hard goods purchases, but in the many tours for which they contract.

It is imperative that the Japanese move in groups by tour buses. There is a language factor which precludes the use of U-drives or other forms of transportation. We would confidently say that without adequate transportation, Hawaii, and therefore the U.S., would lose this vital market. It is an integral part of all Japanese travel that they go in groups and that their trips are well structured containing many tours. Unlike the visitor from the U.S. and other foreign countries, i.e., Canada, Australia, New Zealand, etc., the Japanese seldom travels other than with his groups.

This is just a quick picture of the dominant role the visitor industry plays in the economy of the State of Hawaii. Due to the multiplication factor of tourism expenditures, the effect of any major change in its role would be felt in almost every sector of the State. Our special geographic situation dictates that people fly here and then in addition fly between the islands. The high word-of-mouth factors in conveying visitor satisfaction would be irreparably damaged for some time to come if the visitor was not able to travel within the State to see the places which he has come here for as a part of his total experience.

With the current phasing out of a num-

> ber of sugar and pineapple operations we are left with only tourism to replace them. For the foreseeable future we will have to economically depend upon the visitor industry to absorb people displaced from agricultural pursuits. Therefore, the economy of the State must continue to have a viable visitor industry and as such it depends directly upon the ability to move visitors to and throughout the State.
>
> Sincerely,
>
> John G. Simpson,
> *President.*

Mr. JACKSON. Mr. President, I am hopeful that we could accept the amendment, so we could dispose of it.

Mr. AIKEN. Mr. President, will the Senator yield for one more question?

Mr. EAGLETON. Mr. President, will the Senator address his question to me?

Mr. AIKEN. Yes. On page 14, line 6, the committee grants to the President of the United States, and directs him to exercise, specific temporary authority to deal with shortages of crude oil, residual fuel oil, and refined petroleum products, and other fuels.

Would the chairman advise us whether that "other fuels" applies to stove wood, fireplace wood, and wood used for industrial purposes, such as the manufacture of maple sirup?

I think it should be understood that millions of people in the United States depend upon wood not only for heating their homes but for other purposes as well.

I know they would feel better if the chairman of the committee would advise us that this wording is not intended to apply to stove wood or fireplace wood or wood used for boiling maple sap, and that amounts to thousands and thousands of cords of wood every year.

It does not apply to wood, does it?

Mr. JACKSON. To be very candid about it—my colleagues can corroborate what I am about to say—we never discussed wood as a fuel—stove wood or fireplace wood. Frankly, what we are really talking about in "other fuels" here relates primarily to coal. We were not talking at any time during our deliberations of the movement of fuel such as wood.

I take it that in a particular sense, conceivably, if we reached a total disaster situation, wood could be included. But it is not in the context of this emergency.

Mr. AIKEN. It would not apply to buffalo chips?

Mr. JACKSON. That is a most searching question. I come from wood country, too, I will say to the Senator, but it never ran through my mind that we would be talking about allocating wood in the national fuel sense. So I think it is fair to say that it is not contemplated in this kind of emergency. Let us not have anything worse than this.

Mr. EAGLETON. Mr. President, I ask unanimous consent that the distinguished Senator from Connecticut (Mr. Weicker) may be added as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FANNIN. Mr. President, I take it that the Senator from Missouri has asked for the approval of his amendment.

Mr. EAGLETON. Mr. President, I move the adoption of my amendment.

Mr. FANNIN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JOHNSTON. Mr. President, I have a question to ask of the distinguished Senator from Missouri. First of all, is it not the intent of the amendment to regulate only those fuels that the subject to regulation already in S. 2589? I respectfully refer to the fact that in subsection (f) of section 203 intrastate gas is not subject to regulation, and therefore the Government would not add the regulation of intrastate gas.

Mr. EAGLETON. That is correct.

Mr. JOHNSTON. The second question relates to the relationship of the section of the amendment, about mandatory allocation. The section having to do with mandatory allocation provides that some fuels subject to regulations in S. 2589 are subject to regulation but not allocation. But according to the schedule that sets up provisions for public health, safety, and welfare, in the first category; public service in the second; and agriculture in the third category; and so forth, I wonder whether the amendment would simply refer to an equitable distribution among the major geographic regions of the United States and to an equitable distribution among the States within that region. I wonder whether that may not be regarded as an allocation according to States rather than an allocation according to needs, based on the allocation of needs as set forth in the mandatory allocation bill.

Mr. EAGLETON. I believe this is working in harmony with other portions of the bill and previous legislation. At the risk of oversimplification, the amendment provides that if region X has 90 percent and region Y has 50 percent of basic needs there should be some balancing of supply between them. The Midwest and New England might not think it is quite fair to have 50 percent of what they need while other regions have a surplus. If shortages are to be incurred, they should be borne equally from Maine to Hawaii.

Mr. JOHNSTON. Why would not that result from the mandatory allocation bill, in section 4?

Mr. EAGLETON. Because as I read the mandatory allocation bill and the Economic Stabilization Act, that is discretionary only. This amendment mandates that we have a plan in place. It does not try to spell out parameters but it provides that if there is to be a horrendous shortage of oil in the Midwest and New England, there had better be a plan in place to take care of fuel distribution to that part of the country.

Mr. JOHNSTON. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Missouri. On this question the yeas and nays have been ordered.

Mr. EAGLETON. Mr. President, I yield to the Senator from Vermont.

The PRESIDING OFFICER (Mr. Haskell). The Senator from Vermont is recognized.

Mr. AIKEN. Mr. President, a sentence in the Senator's amendment—and I agree with his purpose—reads:

> Such plan shall include such allocation of available transport facilities as may be necessary to assure the equitable distribution which is required under such plan.

Mr. President, am I correct in interpreting "available transport facilities" to mean not only railroad facilities, boxcars, tank cars, coal cars, but also barges and trucking services?

Mr. EAGLETON. That would be correct.

Mr. AIKEN. All of them?

Mr. EAGLETON. The Senator is correct, yes, sir.

EQUITABLE DISTRIBUTION OF AVAILABLE FUEL SUPPLIES

Mr. SYMINGTON. Mr. President, current estimates indicate that we will only have available approximately 83 percent of our fuel needs this winter. Predicted shortages in some regions, particularly New England and the Midwest, range as high as 25 percent.

This situation clearly threatens the health, safety, and welfare of the American people and demands immediate, constructive action. It is for this reason that I support passage of S. 2589, the proposed National Energy Emergency Act of 1973.

In Missouri, fuel shortages have already caused economic disruption with industries laying off employees. Many workers in Missouri and throughout the Midwest now face the grim reality of a winter without a paycheck, being forced to try to buy food, fuel, and clothing with unemployment insurance. It is for this reason that I cosponsored the amendment offered by Senator Eagleton.

This amendment would direct the President to establish and implement a plan assuring an equitable distribution of fuels among the geographic regions of the United States. It also provides authority for allocation of transport facilities to assure this distribution.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Missouri. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from South Carolina (Mr. Hollings), the Senator from Massachusetts (Mr. Kennedy), the Senator from Wisconsin (Mr. Nelson), the Senator from Alabama (Mr. Sparkman), and the Senator from Mississippi (Mr. Stennis) are necessarily absent.

I further announce that the Senator from Georgia (Mr. Talmadge), the Senator from Minnesota (Mr. Humphrey), and the Senator from Kentucky (Mr. Huddleston) are absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. Humphrey) and the Senator from Massachusetts (Mr. Kennedy) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Nebraska (Mr. Curtis) is absent by leave of the Senate on official business.

The Senator from Tennessee (Mr. Baker), the Senator from Illinois (Mr. Percy), and the Senator from Ohio (Mr. Saxbe) are necessarily absent.

The Senator from Arizona (Mr. Goldwater) and the Senator from New Mexico (Mr. Domenici) are detained on official business.

On this vote, the Senator from Nebraska (Mr. Curtis) is paired with the Senator from Illinois (Mr. Percy). If present and voting, the Senator from Nebraska would vote "nay" and the Senator from Illinois would vote "yea."

The result was announced—yeas 49, nays 37, as follows:

[No. 484 Leg.]

YEAS—49

Abourezk
Bayh
Biden
Brooke
Burdick
Byrd, Robert C.
Case
Chiles
Church
Clark
Cotton
Cranston
Dole
Eagleton
Fulbright
Gurney
Hart
Hartke
Haskell
Hathaway
Hughes
Inouye
Jackson
Javits
Magnuson
Mansfield
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Packwood
Pastore
Pell
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Stevenson
Symington
Taft
Tunney
Weicker
Williams
Young

NAYS—37

Aiken
Allen
Bartlett
Beall
Bellmon
Bennett
Bentsen
Bible
Brock
Buckley
Byrd, Harry F., Jr.
Cannon
Cook
Dominick
Eastland
Ervin
Fannin
Fong
Gravel
Griffin
Hansen
Hatfield
Helms
Hruska
Johnston
Long
Mathias
McClellan
McClure
Nunn
Pearson
Scott, Hugh
Scott, William L.
Stafford
Stevens
Thurmond
Tower

NOT VOTING—14

Baker
Curtis
Domenici
Goldwater
Hollings
Huddleston
Humphrey
Kennedy
Nelson
Percy
Saxbe
Sparkman
Stennis
Talmadge

So Mr. Eagleton's amendment was agreed to.

Mr. EAGLETON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MOSS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. EAGLETON. Mr. President, I have one final amendment, which I now call up.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 29, between lines 15 and 16, insert the following:
>
> (c) It shall be unlawful for any person to offer for sale, distribute in commerce, or import into the United States, any product or commodity in violation of an applicable order or regulation issued pursuant to this Act. Any person who knowingly and willfully violates this subsection after having previously been subjected to a civil penalty for a prior violation of any order or regulation issued pursuant to this Act shall be fined not more than $50,000 or imprisoned not more than six months, or both.

Mr. EAGLETON. Mr. President, this is an anti-black-marketing amendment. Already in the committee bill, Mr. President, there are various civil penalties to be imposed upon individuals or corporations who violate the regulations or provisions of law. What this amendment seeks to do is as follows: If an individual or a corporation sees fit to violate the law and a second time, and after being caught once and paying a civil penalty, he sees fit to continue in the black-market business, he would be subject to a criminal penalty for the second offense.

The problem of black-marketeering, Mr. President, is quite real. During the summer difficulties, when gasoline was in short supply in many sections of the country, repeated complaints were filed with our office, and I dare say the office of every Senator, about situations wherein a dealer could find some gasoline, but would have to pay the black-market price.

Now, as the drama of the winter becomes all the more severe, we are receiving daily complaints with respect to black-marketeering of propane, which is in inordinately short supply, and black-marketeering of diesel fuel.

I do not think, Mr. President, that it is enough to have just a civil penalty for repeated violators. Admittedly, anyone might make a mistake once, and perhaps a civil penalty for that unintentional, absent-minded, negligent offender would be sufficient. But if a person does it twice, knowingly, willfully, as the law requires, then I think a civil penalty under the circumstances is necessary and warranted.

Mr. President, I am prepared to yield back my time.

Mr. LONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Clark). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EAGLETON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EAGLETON. Mr. President, I misspoke myself——

Mr. LONG. I object, Mr. President.

Mr. FANNIN. Mr. President, I suggest the absence of a quorum.

Mr. EAGLETON. Mr. President, I misspoke myself and I want to correct a part of what I said——

The PRESIDING OFFICER. The Chair ruled that there was no objection——

Mr. LONG. Mr. President, a point of order. Does not the Chair owe the Senate time enough for someone to object when a unanimous-consent request is made?

Mr. EAGLETON. Mr. President, I am going to call for a quorum in 30 seconds if the Senator from Louisiana will——

The PRESIDING OFFICER. The Chair would state, that would ordinarily be the case. The Chair has no objection and so rules.

Mr. EAGLETON. Mr. President, I wanted to clarify one statement I made. I indicated that the first offense for which there would be a civil penalty might be negligence or inadvertence. I am wrong on that, and I want to clarify the record on that point.

For a person to be found in violation and subject to a civil penalty, which is the first offense, it must be shown he had willful knowledge in advance of the illegal act. The criminal penalty I am proposing is for the second willful offense, the second time in which a person or corporation knowingly and willfully violates the regulations or the laws, and goes ahead and does it the second time. Under my amendment, he would be subject to a criminal penalty.

Mr. President, before asking for a quorum call, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. COTTON. Mr. President, will the Senator from Misouri yield for a question?

Mr. EAGLETON. I am pleased to yield to the Senator from New Hampshire.

Mr. COTTON. That means, if this amendment is adopted, that those of us who live in States contiguous to Canada, if some individual crossed the border and filled up his gas tank in Canada before he returned to the United States, he could be, had he been in a pervious violation, subject to a criminal penalty. Is that correct?

Mr. EAGLETON. That would not be the case, because as I take it under the committee bill, that would not be a violation. Am I correct in that?

Mr. COTTON. Then it would be an importation——

Mr. EAGLETON. All my amendment would apply to would be some act that would be in violation of the bill as written. If there is a willful violation the first time, and then there is a willfull violation the second time, there would be a criminal penalty imposed on the second willful offense.

Mr. COTTON. That I understand. Then if the first time——

Mr. EAGLETON. I did not understand the committee bill to prohibit or to make a person subject to a civil penalty if as a resident of the State of New Hampshire or other northern State he went into Canada and got a full tank of gas.

Mr. COTTON. That is the very query I am raising. I do not know.

Mr. EAGLETON. That is my understanding. I would like to ask the Senator from Washington (Mr. Jackson), and I join in the query of the Senator from New Hampshire, whether, under the committee bill as written, an individual in the northernmost New England States who crossed over into Canada and filled up his tank with gasoline in Canada, assuming rationing by that time had gone into effect, would be guilty of a civil violation?

Mr. JACKSON. Mr. President, my counsel advises me that the interpretation of the bill would be that there would be no violation, that we have no export-import limitations in the legislation, so it would not be a violation of law. The Senator from Missouri is correct.

Mr. COTTON. But the amendment offered by the Senator from Missouri uses the word "importation."

Mr. JACKSON. Let me add that there are mandatory export-import limitations in the mandatory allocation act and in the Alaskan pipeline bills, but not in this bill.

Mr. EAGLETON. The kind of importation referred to is commercial importation, not to an individual crossing the Canadian border to get gas for personal use.

Mr. AIKEN. If the Senator from Missouri will yield, does not this amendment give them the right to issue regulations? It says:

> For a prior violation of any order or regulation issued pursuant to this Act, . . .

Can they issue any order under this act that are not already in the law?

Mr. EAGLETON. The rulemaking authority under the act is delegated in certain regards. That is a standard legislative delegation. Any violation of those rules in certain instances can invoke a civil penalty. If done the second time, it becomes subject to a criminal penalty.

Mr. AIKEN. It says in the amendment—

> Any person who knowingly and willfully violates this subsection after having previously been subjected to a civil penalty for a prior violation of any order or regulation issued pursuant to this act shall be fined not more than $50,000 or imprisoned not more than 6 months, or both.

In order words, they can violate the law once? Is that correct?

Mr. EAGLETON. They can have one intentional violation which is subject to a civil fine. If it is done the second time, then it is subject to a criminal penalty.

Mr. AIKEN. What I was wondering was, could the language of this amendment be construed to permit rules or regulations to be issued which could be in conflict with the Tariff Act or customs laws?

Mr. EAGLETON. No; I do not think so, not unless the Tariff Act is repealed or amended by implication and I doubt that it is.

Mr. COTTON. I am sure that I quite understand the intent of the Senator's amendment and that it is a completely laudatory intent. It does not, however, insofar as I have been able to ascertain, draw any distinction between the importation of fuel or energy for commercial purposes for distribution, such as would be the case with the proprietor of a gasoline station and wholesale station and the mere act of an individual from my State who happened to be in Canada and got a chance to fill up his gas tank with gasoline for his own use at a time when stringent limits are applied to individuals. It seems to me that in order to have the amendment safe, a distinction should be drawn between a criminal penalty for a seller or a dealer by importing fuel illegally and an individual simply being across the line and filling up his own tank. That can well happen many times in a State such as mine. It seems to me that it is a little stringent unless that distinction is drawn.

Mr. EAGLETON. Mr. President, I think the Senator from New Hampshire is making a valid point. Therefore, I ask unanimous consent to modify my amendment as follows, in order to satisfy the legitimate objection of the Senator from New Hampshire: On line 2 of my amendment, I ask unanimous consent to substitute the word "or" in lieu of the comma and to strike the remainder of line 2—"or import into the United States." So that the amendment would read:

> To offer for sale or distribute in commerce any product or commodity.

All references to imports would be stricken.

The PRESIDING OFFICER. Is there objection to the modification? The Chair hears none, and the amendment is so modified.

Mr. COTTON. I thank the Senator.

Mr. LONG. Mr. President, I should like to ask a question of the distinguished manager of the bill. I ask the Senator from Washington whether this matter was considered by the committee and what the committee's view was of this measure.

Mr. JACKSON. We have, of course, sanctions in the bill. We did not discuss specifically a criminal penalty such as is included in the Eagleton amendment. It was not discussed. I think that the way it has been modified now, it is a reasonable amendment.

Mr. LONG. Then, I take it that the manager of the bill favors the amendment.

Mr. JACKSON. Yes; I will support the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wisconsin (Mr. NELSON), the Senator from Alabama (Mr. SPARKMAN), the Senator from Montana (Mr. METCALF), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I further announce that the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Georgia (Mr. TALMADGE) are absent on official business.

.I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY) and the Senator from Massachusetts (Mr. KENNEDY) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Nebraska (Mr. CURTIS) is absent by leave of the Senate on official business.

The Senator from Tennessee (Mr. BAKER), the Senator from Illinois (Mr. PERCY), and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

On this vote, the Senator from Nebraska (Mr. CURTIS) is paired with the Senator from Illinois (Mr. PERCY). If present and voting, the Senator from Nebraska would vote "nay" and the Senator from Illinois would vote "yea."

The result was announced—yeas 72, nays 15, as follows:

[No. 485 Leg.]

YEAS—72

Abourezk
Allen
Bartlett
Bayh
Beall
Bellmon
Bentsen
Bible
Biden
Brooke
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cranston
Dole
Dominick
Eagleton
Eastland
Ervin
Fulbright
Gravel
Griffin
Gurney
Hart
Hartke
Haskell
Hathaway
Helms
Hughes
Inouye
Jackson
Javits
Johnston
Long
Magnuson
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
McIntyre
Mondale
Montoya
Moss
Muskie
Nunn
Packwood
Pastore
Pearson
Pell
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Stafford
Stevens
Stevenson
Symington
Taft
Thurmond
Tunney
Weicker
Williams
Young

NAYS—15

Aiken
Bennett
Brock
Buckley
Cook
Cotton
Domenici
Fannin
Fong
Goldwater
Hansen
Hatfield
Hruska
Scott, William L.
Tower

NOT VOTING—13

Baker
Curtis
Hollings
Huddleston
Humphrey
Kennedy
Metcalf
Nelson
Percy
Saxbe
Sparkman
Stennis
Talmadge

So Mr. EAGLETON'S amendment was agreed to.

Mr. EAGLETON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MOSS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries.

REPORT ON GOVERNMENT SERVICES TO RURAL AMERICA—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. HATHAWAY) laid before the Senate a message from the President, which, with the accompanying report, was referred to the Committee on Agriculture and Forestry. The message is as follows:

To the Congress of the United States:

Today I am transmitting the third annual report on government services to rural America, as required by Section 901(e) of the Agricultural Act of 1970.

RICHARD NIXON.

THE WHITE HOUSE, *November 15, 1973.*

REPORT ON HEALTH ACTIVITIES UNDER THE FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. HATHAWAY) laid before the Senate a message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare. The message is as follows:

To the Congress of the United States:

I am pleased to submit to you the third annual report on health activities under the Federal Coal Mine Health and Safety Act of 1969, Public Law 91–173.

This report covers the implementation of the health program carried out by the National Institute for Occupational Safety and Health of the Department of Health, Education, and Welfare. It represents a compendium of coal mine health research, medical examinations of coal miners, and other related activities of 1972.

It is encouraging to note that in 1972 the Department's coal mine research program moved significantly toward our goal of preventing the development and progression of coal workers' pneumoconiosis.

I commend this report to your attention.

RICHARD NIXON.

THE WHITE HOUSE, *November 15, 1973.*

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDING OFFICER (Mr. HASKELL) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

NATIONAL ENERGY EMERGENCY ACT OF 1973

Mr. BUCKLEY. Mr. President, today we are engaged in a debate on a bill that is of the utmost importance to the Nation. We are asked to delegate to the the Executive extraordinary emergency powers in order to help us tide ourselves over the present energy crisis until such time as we are able to bring domestic demand and supplies into closer balance. During this period, enormous sacrifices will be asked of the American people and equally enormous authority will be vested in a few men and women over the rest of us. We will be told who is to receive which petroleum products, how many hours we will work, how fast we will drive, how we will schedule our airlines and buses and trains, and the temperatures at which we will keep our homes and places of employment.

Much, if not all, of these measures are without any doubt essential to meeting our short-term needs. They are, however, half measures that fall alarmingly short of meeting our real, most urgent needs in stimulating the most rapid feasible increase in energy supplies while unleashing forces that in the longer run will most effectively allocate scarce energy supplies while encouraging a maximum of voluntary conservation.

Neither the President's November 7 address to the Nation, nor the emergency energy bill comes to grips with our most urgent need; including the need to free up the economy so that high risk investment will once again flow into the business of finding and developing new sources of energy, and so that the magic of the marketplace will see to it that scarce resources find their way to their highest economic uses.

For some incredible reason, the whole discussion of the energy crisis has tended to ignore the fact that we find ourselves in our current predicament largely because of past governmental interference in the workings of a free economy. The direct cause-and-effect relationship between natural gas shortages and FPC price controls is too well documented to need elaboration here. Nor can it be doubted that we suffer from a serious deficiency in domestic refining capacity largely because of the disincentives to new refinery construction that resulted from the oil import quota program.

These self-inflicted shortages are now being compounded by the effects of the wage and price controls that have been imposed on the American economy during the past 2 years. These have had, among other effects, that of depriving domestic exploration companies the added incentives to find new oil that would have been provided had domestic prices been allowed to rise in response to normal maket forces.

They have caused innumerable independent distributors of gasoline and fuel oil to go out of business, often leaving entire communities stranded without adequate alternatives; and now that the FPC and the Cost of Living Council have belatedly allowed some increases, in the price for new oil and gas, those responding to these price incentives find themselves restrained by shortages in such essential items of drilling equipment as bits and casing that, in turn, have been caused by the effects of price regulation on the pattern of products produced by the steel industry.

Given these facts, it is difficult to understand how we can move towards emergency measures of a work authoritarian nature, however essential in the short run, without at the same time liberating our economy and energy-producing industries from the contra-productive effects of wage and price controls.

The disastrous impact of these interferences in the workings of the marketplace are not limited to the energy crisis. Our fuel shortages, and the problems we face in overcoming them, are symptomatic of what can be expected in almost every sector of our economy as a result of the ill-considered attempt to cope with inflation by trying to apply bandaids to patch over the symptoms rather than to find cures for the underlying causes. While I would hope that the fact of our critical energy shortages would bring the basic facts home to the Congress, my fear is that the effect of these and other shortages will only be to reinforce the ranks of those who cannot see any solution to any problems other than the establishment of still tighter controls over the American economy and over the freedoms of the American people.

Mr. President, I believe we are approaching a watershed between a return to economic freedom and the extraordinary productivity and widespread material benefits that historically have been associated with that freedom, and an institutionalizing of layer upon layer of regulation, directives, and controls that can only remove the elasticity of our economy and create greater shortages at higher prices for the American people.

Do I exaggerate? I think not, but perhaps it might be informative at this point to quote the words of C. Jackson Grayson, who served as head of the Price Commission in phase II of President Nixon's economic stabilization program. In the November–December 1973 issue of the Harvard Business Review, Mr. Grayson said:

> . . . I am personally convinced that our economic system is steadily shifting from a private enterprise, free-market economy to one that is centrally directed and under public control . . .
>
> . . . I am not saying that there is and will continue to be public regulation of the private enterprise system. Since 1930, we have had that—a mixed public-private system. But, in the 1970's, the pendulum of the mix has been swinging further, and faster, toward central control.
>
> Call it what you will—managed capitalism, socialism, a planned economy, a post industrial state—the end result will be the virtual elimination of the free-market system as we now know it. There will be no signposts or traffic lights. We will simply shift over to another kind of system. . . .
>
> Impetus for this trend has not come from a group of revolutionists, and only partly from leftists, liberals, youth, intellectuals, and socialists. Instead, it has come from the public at large, from the Congress, and, perhaps most surprisingly, from the actions of many labor and business leaders . . .
>
> I view this trend with alarm because I favor retaining the very powerful features of the market system. I hold this position, not out of blind faith in an ideology, but for these reasons:
>
> *Demonstrated economic superiority*—The economic record clearly reads that the U.S. free-market, private enterprise system has produced the highest standard of living in

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history and has demonstrated a remarkable ability to adapt to changing conditions.

Political freedom.—The principles of democracy and personal freedom are most compatible with a decentralized market system.

Personal experience.—I have witnessed the difficulties of trying to allocate resources by centrally directed price controls. These difficulties have convinced me that it is impossible to improve on the system in which billions of daily market decisions by the public determine our resource allocations.

Capitalism is more than a system of economic voting by buying a can of peas. It is also a system of values and attitudes, a way of life that permits individual motivation, excitement, personal freedom, variety and excellence. I do not see these attributes flourishing in centrally planned and controlled systems. . . .

Mr. President, there is not very much I can add to Mr. Grayson's incisive and compelling analysis of the benefits of the free market system. But I do think that it is useful to remind ourselves of some of the effects of the kind of thinking that has led to wage and price controls.

Let me begin by asking a basic question. Why do we have wage-price controls in the first place? The desire to check inflationary forces or maintain consumer price stability for certain classes of consumers would seem to me to be the two most important reasons usually given by those who urge controls.

Yet, the universal experience here and abroad demonstrates that these measures will not relieve inflationary pressures. In fact, to the extent that they divert us from attending to the causes of inflation—namely, an excessive expansion of the supply of money—we build up pressures that in time burst out just as they have in this country during the past year.

Since the Nixon administration took office in 1969 we have had an opportunity to test the efficacy of controls. Between December 1970 and August 1971 when controls took effect the consumer price index grew at a 3.8 percent annual rate. After August 1971, the Nation has undergone the trauma of four phases of controls in various forms in a futile attempt to control prices. Since August 1971, prices have increased at a 10.9 percent rate with extraordinary dislocations imposed on an already strained economy.

The explanation is not difficult to find. In the 3-month period before controls, the Federal Reserve increased the money supply at our annual rate of only 5 percent. Since controls were imposed in August 1971, the money supply has increased at an average annual rate of 9.1 percent swamping efforts to impose controls on an economy which was overheated by a monetary policy fueled by over $100 billion in Federal deficits in 5 years.

The effects of controls may be beyond calculation, but the symptoms of such dislocations is painfully evident in press reports every day. I have collected a compendium of articles from newspapers and magazines in only the last 6 months to illustrate the harm done to virtually every sector of the economy by the imposition and retention of wage and price controls.

I ask unanimous consent that these articles be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BUCKLEY. Mr. President, the shortages recited in the articles I have submitted—shortages in foods, in news print, fuels, furniture, bottle gas, bricks, baling wire, food freezers, and a host of other products did not just happen. They were caused. They were caused by the imposition of controls in a free market. When the market ceases to be free, when producers are not allowed to command fair return on the sale of their goods, they will stop producing the items they are not allowed to sell at prices commensurate with their costs and risks.

Nor is this merely a matter of devising a more effective regulatory machinery. Economic interrelationships are so subtle, so sensitive, that it is impossible for any body of regulators, however large, however wise, to anticipate how and where to mobilize the resources and set the prices so that our infinitely complex economy can work at maximum efficiency. Adam Smith's "invisible hand" is still the most reliable economic regulator known to man.

A axiom which has been raised to the status of a cliché among professional economists is that the one task economists can perform if given the power to do so, is to create a surplus or a shortage. In the 1950's and 1960's, economists were able, by raising the price of wheat through Government price supports above the price which the market would pay, to create the famous agricultural surplus of the period. Later, by simply attempting to set the price of agricultural commodities below the price consumers were willing to pay, they created the food shortage of 1973. The tragic frequency with which the consequences of attempts to control prices and wages by Government edict in recent years provides persuasive evidence that there is no administrative or procedural reform which can improve them. Wage and price controls by substituting the bureaucratic judgment of producers and consumers will create surpluses or shortages under any circumstances with the best of intentions on the part of all participants.

The time has come for the Congress to recognize that wage and price controls not only do not work—they cannot be made to work in a free society. The legislative authority the Congress conferred on the President has resulted in grave injury to our productive capability and the equity of its distribution without any significant offsetting social benefit. In short, wage and price controls have been an unmitigated disaster for the economy of the United States, and should be abolished forthwith.

Wage and price controls have not worked. The evidence is everywhere. Let us curb our pell mell race to multiply the controls already burdening our economy. Let us stop deceiving the American public by promising that we can regulate our economy into prosperity and abundance at stable prices. Let us instead face reality. Let us bite the bullet and restore to the American people the kind of free, competitive economy that has in the past and will in the future provide us with an abundance of goods at a price fair to all.

Mr. President, almost 200 years ago, Edmund Burke said that—

> The people never give up their liberties but under some delusion.

In the face of our recent experience with the most authoritarian peacetime controls over our economy it is time that the Congress stop deluding itself and the American people that we can regulate an end to our shortages and inflationary pressures. The most constructive single action this Congress can take to help meet the energy crisis and to avert other shortages in other sectors of the economy is to vote the immediate abolition of the Economic Stabilization Act of 1970.

Mr. President, as my contribution to a truly effective emergency energy bill and as a contribution to a return to sanity in the management of our economic affairs, I herewith send to the desk an amendment that will have the effect of terminating wage and price controls.

The PRESIDING OFFICER. Does the Senator intend to call up his amendment at this time?

Mr. BUCKLEY. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read the amendment, as follows:

At the end of the bill, add the following:

"TITLE IV—MISCELLANEOUS

"SEC. 401. EXPIRATION OF ECONOMIC STABILIZATION ACT OF 1970.—Section 218 of the Economic Stabilization Act of 1970 is amended—

"(1) by striking out 'April 30, 1974' and inserting in lieu thereof 'on the date of enactment of the National Energy Emergency Act of 1973'; and

"(2) by striking out 'May 1, 1974' and inserting in lieu thereof 'on or prior to such date of enactment'."

Mr. BUCKLEY. Mr. President, I ask the yeas and nays.

The yeas and nays were ordered.

Mr. BUCKLEY. Mr. President, I have stated the reasons for submitting the current amendment. I believe that we should not proceed with what, at best, will be half measures. This would delude the American public into thinking that by spreading controls and regulators across the land we will speed the time when we will move out of a state of emergency.

Yes, I agree that many of the provisions of the energy bill under consideration today are essential, so that there be authority next week, next month, the months immediately ahead, to see to it that we conserve, to the extent possible, our scarce resources and that we leave no community stranded without adequate supplies, without a share of the shortage.

But, Mr. President, that is just one side of the coin. We need at the same time to unleash those economic forces that can get this out of an energy crisis. This will require the investment of hundreds of millions of dollars, billions of dollars, of high-risk money in the search for new oil and new gas. It will require the mobilization of research and development resources far broader than those that can be mobilized by the Federal Government in an attack on the other problems—that is, new ways of gasifying coal, liquefying coal, and all the other sources of our other indigenous resources, so that as soon as possible we may become self-sufficient and free from the threat of blackmail from overseas.

But I submit that this cannot be done in a controlled economy. As I pointed out in my remarks, those who now find the incentive, because of some relaxations in the gas and oil prices, to drill are running short of equipment with which to drill.

The pending bill recognizes that the shortages exist. And the answer given to this matter is to authorize the President to determine who is going to get which drill bit or which casing.

But we do nothing to enable the marketplace, namely the demand for drill bits and casing, to be translated into the kind of prices that will cause United States Steel, Bethlehem Steel, or Republic Steel to change the mix of what they are producing. If we do not understand this elementary fact, then what we are passing today as a one-year emergency measure will need to be extended and expanded year after year until we have internationalized controls of a truly frightening nature.

EXHIBIT 1

[From the Harvard Business Review, November-December 1973]

LET'S GET BACK TO THE COMPETITIVE MARKET SYSTEM

(By C. Jackson Grayson, Jr.)

For years, some economists and historians have been predicting the eventual collapse of capitalism in the United States, and the emergence of a perfectly planned government-regulated economy. We have already reached the stage where private enterprise has surrendered much of its freedoms to public authority. And, with the aid of inflation and price controls, we are quickly approaching the point where it will be too difficult either to give up the controls or to manage the economy that has been created. This is a problem not only for businessmen and labor leaders but also for each individual who is concerned to preserve a way of life that is worth caring about.

(Mr. Grayson writes about his beliefs in the private enterprise system, having observed our economy from a unique point of view. He served as Head of the Price Commission in Phase II of President Nixon's Economic Stabilization Program, and is now Dean of the School of Business Administration of Southern Methodist University in Dallas, Texas.)

For almost 15 months during Phase II of the Economic Stabilization Program, I served as the chairman of the Price Commission. Exercising control over most of the nation's price system, I saw this complex, capitalist economy from a most unusual observation post.

From this experience, and from what has happened since, I am personally convinced that our economic system is steadily shifting from a private enterprise, free-market economy to one that is centrally directed and under public control.

Price and wage controls such as we have experienced in Phases I through IV have helped to extend the degree of public control and to accelerate the rate of change. At some point—and I predict that, at the present rate, this point may be reached in about 15 to 20 years—the essential characteristics of a competitive, private enterprise system (nonregulated prices, profit motive, risk taking, collective bargaining) will no longer make up the economic engine that drives our system.

I am not saying that there is and will continue to be public regulation of the private enterprise system. Since 1930, we have had that—a mixed public-private system. But, in the 1970's, the pendulum of the mix has been swinging further, and faster, toward central control.

Call it what you will—managed capitalism, socialism, a planned economy, a post-industrial state—the end result will be the virtual elimination of the free-market system as we now know it. There will be no signposts or traffic lights. We will simply shift over to another kind of system.

The resulting system will probably not have widespread public ownership of production and distribution; but it will have public control. General Motors will not die; but neither will it remain a capitalistically motivated and directed enterprise. Rather, it will operate as an organization designed to implement public economic, political, and social policy.

Impetus for this trend has not come from a group of revolutionists, and only partly from leftists, liberals, youth, intellectuals, and socialists. Instead, it has come from the public at large, from the Congress, and, perhaps most surprisingly, from the actions of many labor and business leaders.

I feel that this current threat to our free, competitive economy should seriously concern us, not only because I strongly believe in that system, but also because of the effect its loss would have on the social character of the United States.

In this article I attempt to identify what the current shifts away from freedom are and why they are a cause for alarm, and to suggest courses of action that businessmen, labor leaders, and legislators could take to help reverse the clear and present trend.

WARNING SIGNS

The trends I see can be summarized as follows:

Business and labor are too often seeking to reduce rather than to encourage competition in their markets.

Continuing price and wage controls are leading the public to believe that central planning and control are superior, mandatory, and desirable.

Americans, in distrusting the market system, are demanding more economic benefits from the federal government and are seeking ways to insulate themselves from the impact of economic change.

In addition, international economic interdependencies are complicating our privately controlled market system. As recent balance-of-payments and exchange-rate problems demonstrate, closed economies are a thing of the past. Inflation can be exported and imported, increasing the call for more centrally coordinated economic policies between and inside nations.

BUSINESS SEEKS PROTECTION

Consciously and unconsciously, businessmen themselves are adding to the probability of greater centralization of economic control by seeking ways to reduce market competition—the very keystone on which the capitalist system rests.

Normally, competition is curtailed either by private monopoly power or by government protection. It is still unclear whether large corporations have sufficient power to control markets, reduce competition, and "administer" prices. Our internal studies at the Price Commission did not provide any evidence that prices were being administered by corporations. But, clearly, we did not have sufficient time to make a full study of this issue

We did have time, however, to observe innumerable instances in which business turned to government to seek forms of assistance which, in effect, would reduce competition—for example, asking for imposition of subsidies and tariffs, occupational licensing, fair trade laws, and import quotas.

Excerpts from letters written to me at the Price Commission by businessmen serve as illustrations:

"I do not advocate any program of isolation, but I do think it is good business for us to protect our national economic situation in the face of stiff and competitive foreign trade." (A steel company)

"We need government protection because we can't compete against the big companies." (A consumer goods company)

"If you break our fair trade laws, the market will be chaotic." (A cosmetics company)

"We can't survive if you let cheap products in from foreign countries." (A shoe manufacturer)

"We must have minimum milk prices if we are to have an orderly market." (A dairy products company)

"If we allow liquor prices to fluctuate freely, competition will be ruinous and the Mafia might move in." (An alcoholic beverages company)

Another way some businesses are hampering the free-market system is by not using the age-old competitive tool of reducing prices as a way to increase their sales.

Again, to quote from my 1972 mail:

"In all my years in business, I have never reduced prices to hurt a competitor." (A retail food supplier)

"Why did I raise my prices? My competitor did. I always go up when he does." (A chemical company)

Of course, this attitude is not shared by all businessmen. After the Price Commission authorized a cost-justified price increase, one businessman told me, "You gave us a price increase. I wish the market would."

My point, however, is that far too few companies are exploring market flexibility by reducing prices. And yet, when we ordered some companies to reduce prices because they had violated regulations, several reported that they experienced increased volume and a higher total profit.

But the reluctance to reduce prices is also understandable. Several heavy-industry companies reported that they feared competing too aggressively on price because they would capture a larger market share, drive out smaller companies, and be subject to Justice Department or competitor antitrust suits. Efficient stevedoring companies argued they would drive out smaller businesses if they held prices down. And after the Russian wheat sale drove flour prices up, small

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bakeries urged us to force large bakeries to raise their bread prices.

The threat of continuing price controls has compounded the price-reduction problem. Many companies report hesitancy to reduce prices for fear of being caught with a low "base price" in future freezes and phases. This was clearly demonstrated in Phase III, when freeze "talk" actually accelerated price increases.

Finally, I was surprised to find that the majority of businessmen with whom I talked wanted Phase II controls continued. The most commonly stated reason was fear of union power. The argument was that the balance of power has swung so far toward the unions that businessmen feel they can no longer negotiate successfully. Accordingly, they choose price controls over wage disputes; they prefer regulation to the problems freedom poses.

SO DOES LABOR

In the model of the free market, it is axiomatic that competitive behavior is required not only of business but also of labor. There must be competition in wages as well as in prices. More and more, however, it's not turning out that way.

Like big business, big labor tries to use government or private power to protect itself against such natural effects of competition as layoffs, dislocations, wage reductions, and advancement by competition.

Whether labor has too much power was not an issue we studied at the Price Commission during the control period. But many instances in which noncompetitive labor practices were driving costs up were reported to us as justifications for price increases—featherbedding in railroads and docks, restrictive work rules in construction and shipping, and rules barring more efficient methods in construction and printing.

An October 1971 staff report of the Bureau of Domestic Commerce estimates such extra costs in construction at $1 billion to $3 billion annually, in railroads at $700 million to $1.2 billion, in printing at $400 million to $600 million, in supermarkets at $250 million to $400 million, and in trucking at $275 million to $400 million.

These restrictive, noncompetitive work practices are usually defended by labor on humanitarian grounds. Without judging the merit of that position, I can definitely say that these practices drive costs up and usually result in higher unit labor costs, higher domestic prices, and reduced competitive abilities abroad.

Just as business often does not see price reductions as necessary and competitive, so labor does not see wage levels as connected so successful or unsuccessful competition in the free-market system. Nor does labor see the natural relationship between productivity and the wages that a company can afford to pay. Companies report mounting pressure from labor for increased compensation, regardless of the productivity of individual workers or of the nation as a whole. Labor's typical demands include increased minimum wage levels, "catch-up" wage increases, fixed productivity rates, tandem wage agreements, and annual pay increments.

For example, in late 1971, workers in the coal industry, which has had productivity decreases in recent years, received nearly a 14% wage increase settlement. The Price Commission, in one of its most important decisions, rule that this practice would lead to further cost-push inflation and, despite the 14% wage settlement, allowed the coal industry to submit only a 5.5% wage cost as justification for price increases. This practice was then followed for all companies throughout Phase II.

As a result of this "5.5 rule," two things happened. Some companies suffered reduced profits. But other companies bargained harder at the table because they knew they could not "pass on" more than 5.5%. In fact, some companies reported privately that they were pleased with the rule because it gave them a bargaining weapon greatly needed to withstand labor's pressures.

There is little question that if labor settlements, on the average, rise faster than overall productivity, the result will be inflation, unemployment, or both. Our 5.5% limitation was an attempt to crack into the wage-productivity imbalance by forcing price increases to reflect no more than the long-term national productivity gain of 3%, plus a 2.5% inflation goal. The 5.5% was a national procrustean bed that served a crunching purpose in the short run.

We've also heard arguments by labor that economic justice demands wages be increased—a growing egalitarian ethic that wages be based on need rather than on competitive reality.

But those who argue this line sometimes end up taking contradictory positions, as was illustrated during the debate over the minimum wage. At the same time that many labor leaders and members of Congress were loudly protesting price increases in Phase II, they were also fighting equally hard for increased minimum wage levels and extended coverage. Without entering into the merits of the economic justice argument, the commission computed that the various proposed bills on the minimum wage before Congress in 1972 would have increased the Consumer Price Index anywhere from 0.3% to 0.8%. Since no productivity gains would have ensued, the increased costs would have either come out of profits or been passed on in prices.

In summary, I can only point out to labor and to business that any time they seek, through private market power or government help, to reduce the effects of competition, they invite the danger of permanent central control over the economic system. Without competition, public controls may become, not an option, but a necessity.

WAGE-PRICE CONTROLS DISTORT

True, wage-price controls help attack inflation in the short run by (a) reducing inflationary expectations, (b) intruding on discretionary market power of business and labor, and (c) influencing the timing of price and wage decisions.

But, by their very design, such controls interfere with the market system and hasten its move toward a permanent central one. I can spot seven ways this occurs;

First, wage-price controls lead to distortions in the economic system, which can be minimized only in the short run. The longer controls are in, the harder it is to discern real from artificial signals. No matter how cleverly any group designs a control system, distortions and inequities will begin to appear. It happened in European control programs; it was beginning to happen in Phase II.

For instance, lumber controls were beginning to lead to artificial middlemen, black markets, and sawmill shutdowns. Companies trapped with low base-period profit margins were beginning to consider selling out to those with higher base periods, sending their capital overseas, or reducing their efforts. Instances of false job upgrading—which were actually "raises" in disguise—were reported on a scattered but increasing basis. To keep away from profit-margin controls, companies were considering dropping products where costs, and thus prices, had increased. And shortages of certain products (e.g., molasses and fertilizer) were appearing because artificially suppressed domestic prices had allowed higher world prices to pull domestic supplies abroad.

Exceptions and special regulations can handle some of these distortions, but the task grows more difficult as each correction breeds the need for another.

Second, during controls, the public forgets that not all wage-price increases are inflationary. In a changing, competitive economy, wage and price increases occur because of real consumer demand shifts and supply shortages. The resulting wage and price increases signal to business, "Make more"; or to labor, "Move here"; or to the public, "Use less."

Controls interfere with the signaling mechanism. A good example of how an artificially suppressed price-signal leads to eventual shortages is natural gas. Similar examples cn be found in labor where suppressed wages do not attract labor to areas in which there are shortages of skills or of workers.

But with wage-price controls in place, the public believes that all increases are inflationary—almost antisocial—and the clamor is for no, or very small, increases.

The sense of the statement, "You can eliminate the middleman, but not his function," applies equally to our economic system. We live in a world of scarce resources, and, as much as some would like to repeal the laws of supply and demand, it can't be done. Some system must allocate resources, we hope to the most efficient use for society. If wage-price controls, other government regulatory rules, or business-labor monopolies prohibit the price system from performing its natural function, then another rationing system (central planning and control) must be used. You can eliminate the price system, but not its function.

Third, during a control period, the public forgets what profits are all about. Even before wage-price controls, the public believed profits were "too high," even though they have actually declined in the past few years, from 6.2% of GNP in 1966 to 3.6% in 1970, and increasing only to 4.3% in 1972. And, with profit increases raised to the top of the news during the recovery of 1972 and early 1973, the negative public sentiment against profits increased. Why? The control system itself heightened the public's negative attitude toward profits at a time when capital regeneration, the fuel of the capitalist engine, was already alarmingly low.

Fourth, wage-price controls provide a convenient stone for those having economic or political axes to grind, particularly those interested in promoting a centralized economic system. For example, in 1972, Ralph Nader argued that automobile companies should not be allowed to raise their prices to reflect style changes. Others argued that price increases should not be given to companies that employ insufficient numbers of minorities or pollute. Nor should wage increases go to uncooperative unions.

Fifth, wage-price controls can easily become a security blanket against the cold winds of free-market uncertainties. They tell people what the limits are; they help employers fight unions, and union leaders to placate demands for "more" from their rank and file. The controlled tend to become dependent on the controllers and want regulations continued in preference to the competition of a dynamic market. At the same time, the controllers themselves can become so enamored with their task that they also don't want to let go. The public begins to fear what will happen when controls are ended, and seeks continuance. Witness the recent fears of moving from Phase II to Phase III, and the public (and Congressional) pressure for the freeze to replace Phase III. Even

Wall Street seems terrified at the thought of returning to supply and demand in the market. All of this proves that it is much easier to get into controls than to get out.

Sixth, under controls, business and labor leaders begin to pay more attention to the regulatory body than to the dynamics of the marketplace. They inevitably come to the same conclusion, summed up by one executive: "We know that all of our sophisticated analysis and planning can be wiped out in the blink of a Washington controller's eye"

Seventh, and most dangerous, wage-price controls misguide the public. They draw attention away from the fundamental factors that affect inflation—fiscal and monetary policies, tax rates, import-export policies, productivity, competitive restrictions, and so on. The danger is that attention will become permanently focused on the symptom-treating control mechanism rather than on the underlying problems.

THE PUBLIC VOICE

The public is also adding to the probability of more central control of our economic system. I can cite several basic attitudes at work to explain this phenomenon:

Increasing loss of faith in the ability of both business and labor leaders to operate our economic system.

Increasing expectation of greater economic benefits.

Intensified search for stability and egalitarianism.

In recent years poll after poll has quantified the growth of these trends in public opinion. For instance, over the last seven years, Louis Harris and Associates has been asking the public about its degree of confidence in the leadership of our institutions, and has made these discoveries:

Corporate executives share with bankers and educators the largest loss in public respect, declining from 55% in 1966 to 27% in 1973.

Confidence in labor leaders shrank from 22% to 15% in the same time period.[1]

And a 1971 Opinion Research Corporation study revealed that 62% of the public favored governmental controls over prices, 60% of all stockholders believed competition could not be counted to keep prices "fair," and fully one third of the public believed that Washington should set ceilings on profits.[2]

In general, my personal mail and my experience in numerous interviews with newspaper editorial boards and others confirmed that the public feels there should be more, not less, control of business and labor. And Congress reflects this mood in asking for more controls, tighter regulations, and more public agencies. Time and again, when I was told that we had to have more controls because the private enterprise system "didn't work." Such a sentiment does not make me optimistic about continued public support for our free enterprise economy.

Nevertheless, the growth in the public's disenchantment with the private enterprise system has been matched by an increase in the public's demands on that system. The public wants, for instance, higher pay for teachers, policemen, and women; a clean environment; better schools and medical care—and all without increases in prices or taxes.

At various Price Commission public hearings and in meetings with public groups and congressmen, I heard demands for increased pollution controls but, at the same time, for lower transportation prices, increased health benefits but lower hospital costs, increased mine safety but lower coal prices, decreased insecticide usage but lower food prices, protected forests but lower lumber prices, and so on. The demands are outrunning what we, as a society, can afford.

We cannot have it all ways without increased productivity. And, more and more, the public is not willing to wait for the market to provide remedies but is seeking centralized solutions to obtain the desired benefits now.

Finally, the move toward a central system is being aided by the public's desire to make people the same, both in ability and in susceptibility to economic change. The market system is conceived on the concepts of competition, monetary reward, excellence, and change. The current attitude stress stability, cooperation, elagitarianism, and income equality enforced by a central authority.

"Can we be equal and excellent too?" queries John Gardner in the subtitle to his book *Excellence*—a question which he discusses extensively but does not answer.[3] Everyone might like both, but the competitive system is built on the notion that those individuals and institutions outperforming others are not and should not be rewarded equally. But now, more people are seeking and getting protection, through tax reform, income redistribution plans, promotion by seniority, and so on, against "differences" generated by the operation of the competitive system.

And society's insistent cry for economic stability poses two dilemmas for our capitalistic system.

First, if the business cycle can be sufficiently dampened by government policies to avoid the unpleasant by-products, we might also run the risk of removing some of the essential features of capitalism, principally the ability of the capitalist system to adapt to changing circumstances and to encourage risk taking. That is, if we remove the valleys, do we not also remove the "mountains of incentive" for risk and change?

Second, the goal of "maximum employment" has been interpreted to mean low unemployment, and the arguments have centered on definitions of "low" (3%, 4%, 5%) and "unemployment." But stimulating demand to achieve low unemployment risks inflation. And moderating demand to reduce inflation risks high unemployment.

This unemployment-inflation trade-off is becoming more difficult to manage centrally. If low unemployment is government's primary goal, as it has been in recent years, inflationary pressures are created and fixed incomes become vulnerable. In turn, there are more cries for wage-price controls and greater planning.

Central economic planning holds a great deal of logical appeal for many economists, intellectuals, and businessmen. They conclude that, if businesses plan, governments should—or that somebody should be in charge of the economy.

While their arguments are appealing, to date no one in any society has been able to come up with a central planning model that is more efficient and effective than the seemingly uncoordinated actions of the marketplace. I do not believe it is possible to construct one. In the Price Commission, almost every time we tried to adjust our economic system to correct one problem, two or three more were created, and the more we felt the temptation to "control."

In the end, I believe that any extended control system would disrupt the free-market system. At worst, the market would break down; at best, it would be highly ineffective and subject to bottlenecks, quotas, and black markets. The trade-offs in our extremely large and highly interdependent economy are too complex to be done efficiently on a centralized basis. And then there is the question of who would supply the value judgments for the operations of such a system. Why not return to the one planning system we have that *works*—the price system.

POINT OF NO RETURN?

What does this all add up to? Where are we headed? Is our private enterprise system actually doomed?

There are many who have said *yes*. Karl Marx predicted that capitalism would destroy itself; Joseph A. Schumpeter flatly stated that capitalism cannot survive; [4] and Robert L. Heilbroner concluded: "The change [away from capitalism] may require several decades, perhaps even generations, before becoming crystal clear. But I suggest that the direction of change is already established beyond peradventure of doubt." [5] Even 'Adam Smith' observed in *Supermoney* that "the consensus is moving away from the market as decision maker and from the business society." [6]

Clearly, the factors I have cited *are* carrying us further and further away from the market system and toward a central economic one. I cannot prove we have gone or will go "too far," but I can point to figures substantiating the trend: our national income accounts show a shift in governmentally directed expenditures from 15% in 1930 to about 40% today. And the federal proportion has risen from 5% to 26% in the same period.

I am *not* saying, however, that the private enterprise system is doomed, nor that continuance of the trend toward central control is inevitable and irreversible. Nor do I feel that government has no role in the economic-allocation system. It clearly does and should. I believe, rather, that we are very near the point where further centralization will change our present system into one that can no longer perform its function efficiently.

I view this trend with alarm because I favor retaining the very powerful features of the market system. I hold this position, not out of blind faith in an ideology, but for these reasons:

Demonstrated economic superiority—The economic record clearly reads that the U.S. freemarket, private enterprise system has produced the highest standard of living in history and has demonstrated a remarkable ability to adapt to changing conditions.

Political freedom—The principles of democracy and personal freedom are most compatible with a decentralized market system.

Personal experience—I have witnessed the difficulties of trying to allocate resources by centrally directed price controls. These difficulties have convinced me that it is impossible to improve on the system in which billions of daily market decisions by the public determine our resource allocations.

Before some brand me a chauvinistic throwback to Social Darwinism, let me quickly add these points.

I am aware that our present system has competitive imperfections on both the price and the wage sides. It has never been, and never will be, as theoretically competitive as Adam Smith's description. Government vigilance and action are required to prevent the natural monopolistic tendencies of the system.

I am also aware that there are social problems and inequities in our present system which need correction, and that the central government should play a role in this task.

The difference between the centralists and myself is that I do not think the best solution is always to increase the size of the central system. *Rather, it is in a better functioning of our private competitive system and a better quality, not quantity, of public con-*

Footnotes at end of article.

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trol. The question remains: How can this be accomplished?

BACKING UP

It is obvious from the foregoing that I strongly believe the trends toward a centralized, or government-controlled, economy should be halted. I believe the survival of almost our total economy is at stake.

Businessmen, labor leaders, government legislators, and administrators have the power to slow or alter the trends I've cited. By doing so, we may be falsely labeled right-wingers or reactionaries, but we should not be daunted. If a goodly number of us do not try to stop the present trends, we may, even within this decade, end up with an economy we cannot manage.

Recommendations on how to halt the present trends are discussed below. I do have one comment that applies to all of them. I do not believe, as some free-enterprisers do, that any of the suggestions I make should do away with the social achievements of the past 40 years. I believe that much, if not most, of the social legislation passed by the U.S. Congress protects the unprotected and provides social equity in economic terms that are consonant with the spirit of our political life and the protection of the individual by law. I deeply believe in equity.

I do not believe, however, in inequity. It is the inequities, rigidities, bureaucratic stiflings, and actual absurdities that we must attack. But again it is a question of how.

Selective deregulation: Obviously, not all regulation in the public interest should cease—for example, in the areas of safety, product quality, pollution, and health. But many economists can make a good list of those regulations that are interfering excessively with the competitive model, such as subsidies, quotas, tariffs, and competition-limiting labor and business practices referred to earlier in the article.

Monopolistic vigilance: Both business and labor have innate tendencies to seek monopolistic positions, and therefore they must be restrained. The same message also goes for professions (e.g., medicine and law) and trades (e.g., accounting and investment) that build up anticompetitive practices in the name of "professionalism."

The Sherman, the Robinson-Patman, and the Clayton acts, all designed to bring about these goals, were written many years ago. Each needs continued enforcement and should be examined for revisions and oversights in its application.

Three-branch overhauls: Just as physical systems need periodic checks and overhauls, so do our social institutions. Government is no exception. Many of our procedures and institutions at the local, state, and federal level were designed for an agrarian society with slow communications and an isolated domestic economy.

At a minimum, I suggest a regularized public review, say, every three years, of the organizational and administrative procedures of government.

Political involvement: We live not just in an economy but in a *political* economy. Our economic system does not operate according to the classical laws of supply and demand but through the interaction of power and politics with economics. If business and labor leaders wish to steer the system in the direction they believe best, they cannot simply deplore, fume, curse, and hire a Washington lawyer or lobbyist. They must get directly involved by holding public office, personally visiting regulatory bodies and Congress, participating in citizens' affairs groups, and allocating time for employees to participate in local, state, and national politics.

Public advocacy: Related to the need for political involvement is the need for public advocacy of all views about our economic system. Those supporting increases in government's role are currently more vocal than are the advocates of the private enterprise system. The reason, I suspect, is that advocacy of private enterprise is often ridiculed as mossback in viewpoint, anti-intellectual, socially insensitive, and on the side of vested interests and "fat cats."

Nevertheless, those believing in the private enterprise system must speak out, not bombastically but intelligently. Every avenue should be utilized—speeches, articles, participation in local affairs, appearances at schools, employer-employee discussions, and so forth.

Economic education: If people are to make intelligent choices about the nature of our economic system, they must understand more economics. My experience at the commission has convinced me that economic understanding in this nation is low, much lower than it should be for people to make wise choices.

Education to promote understanding should begin with our young people and extend through adult life, emphasizing not a partisan view but a clear presentation of various economic fundamentals and systems.

Better economic tools: The economic policy tools of taxation, budget, and monetary supply, by which government manages the overall economy, are very crude and require overhauling. The econometric models are weak, the implementation process rigid, and the needed data often not available. For instance, decisions were made in Phase II with a frightening paucity of economic information. At the very least, this situation could be corrected by funding the many excellent economic research organizations to enable them to come forward with recommendations for the Congress and the President.

Business schools: Business schools should turn out students who understand both the strengths *and* the weaknesses of the private enterprise system, as well as its responsibilities to society. Too often, technicians are being graduated who are narrow professionals and blind ideologists.

One particular recommendation is that more schools encourage entrepreneurs. The entrepreneur is the lifeblood—the innovator, creator, pusher—of the private enterprise system, without him, the system will tend to become change-resistant and bureaucratic.

Department of Economic Affairs: Part of President Nixon's proposed departmental reorganization program is the creation of a new Department of Economic Affairs. In the Price Commission, we saw numerous instances in which the dispersal of economic policy matters in various parts of government inhibited the formulation of an integrated and consistent program.

I support the proposed new department, which would gather together under one head the economic branches of various departments and agencies, e.g., Transportation, Commerce, Labor, the Small Business Administration, and others.

Productivity: A strong, increasing productivity is one of the best preventives against inflation and one of the strongest assets of a private enterprise system. Therefore, business and labor must work together to shore up our lagging productivity, particularly as we shift to a more service-oriented, and hence lower-productivity, economy. Government can also help in this area through policies that stimulate capital investment and R&D.

In addition to the National Commission on Productivity in Washington, there should be a private sector productivity institute, like those in Japan, Germany, and Israel, which would be a clearinghouse of information and source of help and education.

A DIFFERENT KIND OF ROAD

My recommendations advocate continuation of a private enterprise, free-market system with these essential features:

The price system.
Private ownership.
Collective bargaining.
The profit motive.
Freedom of entry.

Capitalism is more than a system for economic voting by buying a can of peas. It is also a system of values and attitudes, a way of life that permits individual motivation, excitement, personal freedom, variety, and excellence. I do not see these attributes flourishing in centrally planned and controlled systems.

Yet I am not denying a role to central government. Government can help to ease transitions caused by change through stimulating or contracting the economy and informing the public of the cost and benefits of various alternatives, e.g., pollution control versus higher prices, caribou protection versus energy supply, unemployment versus inflation. Government also has the extremely important function of setting and monitoring the rules of the economic game through antitrust laws, product-quality standards, pollution controls, and so on. These restrictions are set principally to keep competition alive and to protect the general public.

The key issue is at what point do such activities and restrictions on the private enterprise system inhibit it to the point of rendering it effectively inoperative?

The tug between laissez-faire and state regulation has been going on for centuries. They are contradictory, but both are valid approaches and applicable under appropriate conditions. Yet neither is of universal application for all purposes.

We seem to advance by overaccentuation of one principle at a time, like a sailing vessel that is first on one tack and then on another, but is making to windward on both. It is important, therefore, not to hold too long on the same tack, not to believe too strongly that either principle is absolute and universal.

For the real danger is that people will strive for the triumph of a particular philosophy and will refuse to consider the limits of proper application of their particular point of view. In the heat of debate, the advocate often asserts extreme opinions and demands action more drastic than he would call for if he reflected more calmly.

I submit that what we must do is seek the balance between these opposing principles, realizing that it is almost as impossible to frame a comprehensive and universally applicable economic system as it is a political one. In making our Constitution subject to amendment, our forefathers showed they were aware that the best solution will not be found in one principle but in a set of ideas determined by experiment and observation of practical results. And it is extremely likely that the chosen path will not be the same forever, but will shift from time to time.

Phase IV could be a return trip to the relatively free-market system and, I hope, a reversal of the trend I have observed. It could be an opportunity for labor and business to demonstrate that the private sector can manage the market and fight inflation without further government intervention. If not—then I don't think that either labor, business, or the public will like the controls that will be imposed on our freedom in the future. And we will have helped to build our own cages.

This is not a pessimistic view, for, as Schumpeter stated, a report that a ship is sinking is not defeatist. It is only defeatist if the crew sits and drinks. They can also rush to man the pumps.

In every sense it's up to each of us.

FOOTNOTES

[1] Louis Harris, "The Public Credibility of American Business," *The Conference Board Record*, March 1973, p. 33.

[2] Thomas W. Benham, "Trends in Public Attitudes Toward Business and the Free Enterprise System," *White House Conference on the Industrial World Ahead* (Washington, Government Printing Office, February 1973).

[3] New York, Harper & Row, 1961.

[4] *Capitalism, Socialism and Democracy*, 3rd edition (New York, Harper & Row, 1962), p. 61.

[5] *Between Capitalism and Socialism* (New York, Vintage Books, 1970), p. 31.

[6] New York, Random House, 1972, p. 266.

PHASE IV FOLLIES—NAM, WITH ITS ROAD-SHOW, HAS A HIT ON ITS HANDS

(By Shirley Scheibla)

WASHINGTON.—The National Association of Manufacturers has a hit on its hands. Some time ago, along with the National Industrial Council, NAM planned to sponsor meetings in half a dozen cities in which perhaps a few hundred interested members could learn from Cost of Living Council officials—right from the horse's mouth, so to speak—how to comply with Phase IV wage-price regulations.

However, both organizations quickly found out that they had greatly underestimated industry's need to know. To date, a dozen meetings—in Charlotte, Cleveland, Detroit, Grand Rapids, Indianapolis, Los Angeles, Louisville, Philadelphia, Phoenix, Pittsburgh, San Diego, and Toledo—have attracted over 2,000 businessmen, a figure which is expected to swell to over 4,000 by the year-end. Additional roadshows will take place today at Greensboro, tomorrow at Richmond, and at perhaps half a dozen or more locations, tentatively including Atlanta, Boston, Chicago, Dallas, Denver and Houston.

DON'T HAVE ANSWERS

Those attending represent virtually all phases of manufacturing and many service industries. Unfortunately, however, the conferences so far has generated less clarification than confusion. To many key questions, official spokesmen either have supplied unintelligible responses or have admitted that they don't have the answers. As a result, some exasperated businessmen have blown their cool. In Pittsburgh, one executive told them to "go back to Washington. . . . You are wrecking my company, my industry and the economy."

One of the questions asked at Detroit was what should be done about long-term contracts. Responding for CLC, Robert Woodland replied, "That question has been under review for two years, but we haven't done a damn thing with them."

Every price increase must be cost-justified, but a Detroit manufacturer said his company has a multitude of prices and doesn't do its cost accounting to provide a breakdown for each one. Mr. Woodland's solution: "Don't raise prices."

To determine allowable price increases, calculations of productivity are required. A questioner at Detroit asked how he should calculate that in a service industry. Paul Nelson, from the office of CLC's general counsel, said that question had come up before. "I gave a panicked check with CLC rules and regulations, and I can't tell. The regulations say compute it in accordance with the forms, and the forms say nothing."

On October 9–10, the Senate Separation of Power Subcommittee also tackled wage-price controls, and hearings may resume next month. Senator Sam Ervin (D., N.C.) heads the group. But since he is tied up with the Watergate hearings, he took the unusual step of asking a Republican, Senator Charles McC. Mathias of Maryland, to chair the hearings.

WHAT IS "TEMPORARY"?

In his opening statement, Senator Mathias said, "From the outset, the wage-price program has been characterized as temporary. As we enter its third year, however, I believe we must re-examine what is meant by 'temporary.'" He said Phase IV grants enormous power to a small group of men whose decisions can make or break any business in America. The purpose of the hearings is "to examine the vast and largely unchecked authority of the CLC and the fairness of its decision-making procedures."

The NAM-NIC conferences are furnishing excruciating chapter-and-verse to supplement the generalized complaints about the wage-price program presented so far to the Senate Subcommittee. At the Pittsburgh conference, a manufacturer of plastic products told what controls are doing to her. She is having so much trouble getting supplies of plastics that her only option is to go out of business. CLC experts were unable to offer an alternative, other than suggesting the possible decontrol of plastics.

In the face of a nationwide paper shortage, an executive of a Pennsylvania paper company said he is weighing the shutdown of three mills which make paper for phone books, catalogs and corrugated cardboard boxes. The reason: his company can't increase product prices enough to make the three mills profitable. (CLC considers profits as a whole, not plant-by-plant.)

CAN'T PASS ON INCREASES

A Pennsylvania manufacturer of plumbing fixtures said that last year he closed a large cast-iron foundry which had been operating at a loss and turned to fiber glass. Since this put profits above the firm's base period rate, it can't pass on any cost increases. As a result, it has removed from sale practically all product lines with mounting costs, and is selling only high profit items.

Most businessmen insist upon anonymity in criticizing controls, but Simon Strauss, executive vice president of American Smelting & Refining Co., spoke freely to Barron's about problems outlined to the NAM. He said his company is cutting its domestic sales by 12 percent this month in favor of selling abroad at unrestricted prices. If Phase IV continues, Asarco, despite high U.S. demand for zinc for galvanized steel, used chiefly in die casting in autos and in electrical appliances, might be forced to export as much as 40% of its output.

To continue operations at present levels, American Smelting needs to import raw zinc, and foreign prices range from seven to 28 cents above domestic levels. But the company may not legally pass along the higher costs to its domestic customers. "We had two options: Re-export, or not import and cut operations," according to Mr. Strauss.

Of course, a businessman with a "gross inequity" or "serious hardship" theoretically may apply to the Council for an exception to controls. According to Senator Mathias, however, "the terms are not defined in regulations or explained by CLC." (American Smelting, by the way, was denied an exception.)

NO EXCEPTIONS

After studying CLC's exceptions procedures, Professor Ernest Gellhorn of the University of Virginia testified that exceptions are granted without explanation and thus offer no basis on which other companies can decide if they're eligible. Subsequently, he said in an interview, "Here's a government agency running our economy, and we don't know what it's doing. The exceptions are just a naked exercise of government power."

CLC's requirement of 30 days pre-notification of price increases by large companies came in for a great deal of criticism at both the Senate hearings and the Detroit conference. Laurence H. Silberman, former Under Secretary of Labor, told the Subcommittee that wage-price standards are vague and encourage judgment on a case-by-case basis. "I have come to question, with the benefit of hindsight, some of the policies which I was partially responsible for formulating," he admitted.

One of the headaches of pre-notification, according to a Detroit industrialist, is that a company can't make a move until it incurs the higher cost. Then it can get no relief for 30 days.

RETURNED UNOPENED

Several Detroit businessmen didn't know how to handle pre-notification. "To whom is it submitted?" one asked. Mr. Bennington replied, "Regulations were published in the Federal Register August 31 and gave a post office box number. Use that." However, according to Senate testimony by Charles Binsted, president of the National Congress of Petroleum Retailers, when some gasoline dealers sent notices to a post office box number, they came back unopened and stamped "Post Office Box closed."

Mr. Bennington urged care in sending the notices so that the 30 days will start running. The NAM's Mr. Eves pointed out that many firms found their notices rejected for minor reasons and that written notice of this and a new filing led to additional delay.

Participants at the Detroit meeting made it clear that they don't know what is lawful. Everyone was given a so-called CLC Blue Book with explanations of Phase IV. But Mr. Nelson explained that it was published last August and is not up to date.

"Where can we get the latest official data on CLC requirements?" a businessman asked. Mr. Nelson replied, "It should be available through the Internal Revenue Service (charged with administering price controls for CLC), but I'm not sure how up to date they are."

DIFFERENT IRS ANSWERS

On this score, another executive commented that firms get different answers from different Internal Revenue Service offices. At that point, Tony Wycikowski of IRS, who was in the audience, stood up and identified himself and said that was true of CLC, too. A businessman added, "Our lawyers gave different interpretations than those given today, but then some of the lawyers within our company disagree."

In Detroit, a manufacturer of automotive parts and assemblies asked how his firm could get a formal ruling on whether it is a manufacturer of custom products and can increase prices without pre-notification. In the past, it assumed it came within the custom products exemption and has increased prices without pre-notification to CLC. But now the Big Three auto manufacturers are insisting that it must not increase prices further without notifying the Council.

Mr. Woodland advised the questioner not to identify his company and offered to obtain an informal ruling. Reminded by Mr. Eves that the request was for a formal ruling, Mr. Woodland said, "Yeah, but I'm not sure they want a formal ruling because if we say no, they've got a lot of problems. . . . Custom product is pretty tough to support . . . It's not comparable to any other product manufactured. We've had an awful lot of problems with custom products. I'd say the odds are three to one it's not a custom product."

Mr. Eves persisted, however. He explained the company needed a formal ruling in battling the Big Three. "The informal ruling is something that's fluid and changeable and not to be fully relied on. A formal ruling takes the form of a solid document." In the end Mr. Woodland promised a formal one.

XUM

Whether it will be forthcoming before the end of Phase IV, however, remains to be seen. There is talk of liquidating Phase IV by the end of this year. What will take its place is anybody's guess. Federal Reserve Board Chairman Arthur F. Burns urges a wage-price review panel. But the NAM and the U.S. Chamber of Commerce, which once went along with wage-price controls, now have jointly called for complete decontrol.

Authority for the controls expires April 30, 1974. Mr. Eves told the Detroiters. "Many think controls will end, not because of accomplishment of their objective but because they will collapse of their own weight. This depends upon the degree of pressure put on by labor and the business community."

Shultz Sees Public Fed Up With Controls

(By Lee M. Cohn)

Treasury Secretary George P. Shultz believes the Nixon administration can end price and wage controls only when the public becomes fed up with them. He is happy to see that mood emerging.

Shultz, who never has liked controls, observed in an interview that opinion polls indicate the nation is turning against the program. The public seemed to want to freeze everything in sight last spring, but now less than half the people support controls, he said.

This shift may alarm some administration officials, Shultz said, but he considers the growing hostility to controls a great development, even though he is in charge of the program.

Shultz said he was very unhappy about President Nixon's action freezing prices in June. He now thinks the freeze was one of the best things that has happened in economic policy—not because he has changed his mind about the freeze being a mistake, but because it dramatized the problems of controls.

The public was educated to the fact that there are adverse repercussions, including shortages and other distortions of the economy, when the government tries to suppress prices, he said.

Before the administration can end controls, he said, a favorable conjunction of political and economic forces must develop.

Economically, fundamental inflationary pressures must subside to the point where decontrol will not result in intolerable price and wage increases, he said. The administration is counting on increased supplies of goods and a slowdown of the economy to create this condition.

Politically, Shultz said, the public must come to a sophisticated understanding that the limitations and costs of controls offset the presumed benefits.

When the public sees only the benefits of controls, it is practically impossible to get rid of them, he said. But as the people become disillusioned with controls, he said, they will be willing to tolerate some inevitable price rises to get back to an uncontrolled economy.

Shultz refused to estimate when economic and political conditions will be ripe for ending controls. He left the impression that, largely becase the public is becoming fed up, controls could be abolished by early next year.

Despite his admitted opposition to controls, he insisted that the administration is doing its best to make them work. Some critics contend that the hostility of Schultz and other administration officials to controls has weakened the program.

While awaiting the right time to end controls completely, Schultz said, the administration intends to phase them out industry by industry. Lumber and a few other industries have been exempt from the start of Phase 4. The Cost of Living Council last week took an important step in the decontrol process by exempting fertilizer.

In some cases, an industry may be decontrolled if price pressures subside. In other cases, controls may be removed even if substantial price rises are expected, in order to relieve an industry's special problems.

That was the administration's reasoning in the fertilizer case. Foreign prices have been much higher than domestic prices, and the Cost of Living Council concluded that U.S. prices must be allowed to rise to prevent severe domestic shortages.

Shultz said the handling of the fertilizer industry illustrated an important part of the strategy for using the decontrol process to help overcome inflation. To win its exemption, the industry had to agree to expand production. Increased fertilizer supplies are expected to moderate price increases.

At some stage, all the remaining controls will be removed, Shultz said. The abruptness of this final step will depend on how far the process of gradual, selective decontrol has proceeded in the meantime, he said.

Decontrol industry by industry is difficult because each sector of the economy connects with other sectors, he said, but the administration still intends to follow this strategy.

Shultz made it clear that he wants as little government interference with prices and wages as posible after Phase 4 ends. While not ruling out such ideas as a permanent review board to monitor key industries, he held open the possibility of the government's complete withdrawal from direct participation in price and wage decisions.

Asked about recurring reports that he will resign within the next few months, Shultz said he has no plans to leave.

Referring to the Watergate crisis as well as the economy's troubles, he said the country is in the midst of major problems, which to a degree are unprecedented.

Instead of resigning, he said, his reaction is that when the country has problems one should stay at his post and work.

Despite all the recent shocks, he said, financial markets here and abroad have remained essentially strong and stable.

Shultz disclosed that he had requested and received a few hours advance notice of Vice President Spiro T. Agnew's resignation. If Agnew was going to resign, Shultz said, he wanted to be prepared to counteract any major financial repercussions.

As it turned out, he said, no defensive measures were needed.

Financial stability in the face of the Agnew affair and the Watergate crisis demonstrates the country's sense of balance, Shultz said. He attributed this largely to the independent power of the private sector, which helps insulate the nation from upheavals in the government.

A congressional investigation of the Internal Revenue Service is proceeding with the full cooperation of the IRS and the Treasury, Shultz said. The investigation has resulted from charges that the administration has used the IRS to harass enemies and protect friends.

Shultz said he is confident that the investigation will show that the IRS basically has done a good job. While declining to speculate about what the congressional investigators will report, he said he knows of no improper activities by the IRS.

Discussing taxes, Shultz indicated some support for a proposal by Rep. Wilbur D. Mills, D-Ark., to grant selective tax incentives to industries, such as oil and steel, plagued by scarcities. Mills, chairman of the House Ways and Means Committee, contends tax incentives for these industries to expand productive capacity would curb inflation and also help prevent or cushion a recession.

Shultz said he sees no possibility that Congress would grant the President discretion to raise or lower taxes to restrain inflation or stimulate the economy. At the most, he said, Congress might agree to vote proposals for such tax changes up or down promptly.

Economists are always trying to take the taxing power away from Congress, Shultz said. On the basis of the demonstrated sagacity of economists, he said, Congress is right to resist.

[From the Christian Science Monitor, Oct. 27 1973]

Nixon's Ex-Top Economist Would Scrap Phase IV

(By Martin Skala)

New York.—To eliminate "serious distortions" in the economy, President Nixon's former chief economic adviser favors the scrapping of Phase 4 price and wage controls "at the earliest possible date."

The Cost of Living Council, the agency that sorts through hundreds of price-increase requests each week, "has a bear by the tail," says Prof. Paul W. McCracken, chairman of the Council of Economic Advisers from 1969 through 1971. "It would be better to let him go, than try to hang on."

A key policymaker involved in planning the price freeze in August, 1971, and the more flexible Phase 2 program, Dr. McCracken now believes that subsequent efforts to clamp a lid on an overheated economy have probably done more harm than good.

DISTORTIONS GROW

"The accumulating distortions of the controls program and its diminishing effectiveness in countering inflation are increasingly apparent," he noted in an interview.

Phases 1 and 2 had a "favorable, if transitory" effect in reducing inflationary expectations, Dr. McCracken noted.

For the first year and a half, controls were structured to deal with cost-push inflation, he says, and worked reasonably well in an economy with considerable slack. Once the economy neared full employment, however, direct controls began to interfere with market forces.

Some price increases were suppressed during Phases 3 and 4, but only at the cost of aggravating shortages of beef, foodstuffs, and industrial products. The "price explosion" that inevitably follows lifting controls, Dr. McCracken says, makes it "highly questionable whether you really gain very much by the whole exercise."

SERIOUS PROBLEMS ARISE

"Capacity shortages" in key industries such as paper, aluminum, steel, and chemicals, are one of the most serious problems arising from the controls program, according to Dr. McCracken. When industry is denied an adequate return on new investment there is little incentive to add new plant and equipment.

If it were not for controls, Dr. McCracken argues, a larger share of the national output would go to capital formation. In the past three years, capital formation has averaged only $39,000 for each new addition to the labor force. This is sharply lower than the $49,000 average for the 1963–68 period, and means that some members of the labor force are "stranded" because they can't be productively employed.

Corporate profitability, a key determinant of capital spending trends, remains low by historical standards. In 1973, Dr. McCracken estimates, corporate profits will equal about 10.5 percent of national income. "This is below normal for a business boom," Dr. McCracken says, and not high enough to encourage a sustained rise in the rate of capital formation.

So far, many businessmen have been willing to look beyond controls in making new capital spending commitments. But if Phase 4 is not ended soon, Dr. McCracken is concerned that a squeeze on corporate profits may dampen capital-spending plans.

A higher rate of capital investment, the red-haired professor contends, would accelerate economic growth, alleviate production bottlenecks, and make the United States more competitive in international markets.

Outlays for anti-pollution equipment now comprise a growing portion of U.S. capital expenditures. These may be socially desirable, but the buyers of this equipment, Dr. McCracken points out, "don't gain plant capacity or a more efficient operation."

LESS VISIBLE BUT STILL HEARD

Since returning to his teaching post at the University of Michigan's Graduate School of Business Administration a year and a half ago, Dr. McCracken is less publicly visible. But his economic forecasts continue to be of interest to the financial community, the half dozen companies on whose board of directors he sits, and members of Congress.

At a recent session of the Joint Economic Committee Dr. McCracken predicted that the economy was headed for a slowdown in 1974, but not a serious one.

Dr. McCracken doubts there will be a 1974 recession because business inventories are relatively low, capital spending is on the upswing, and the U.S. foreign-trade picture is rapidly improving.

Although he has a healthy respect for the potent impact of monetary policy, Dr. McCracken doubts that the Federal Reserve Board is "brewing a recession" as some economists fear. "I'd be worried if the Fed didn't allow the monetary aggregates to grow during the fourth quarter, as happened during the past three months. But I don't think it's going to happen," he said.

REAL GROWTH "REASSURING"

The quiet-spoken economist calls the economy's 3.6 percent real growth rate during the third quarter "reassuring." Deceleration in economic growth, to less than half of the torrid pace of the first quarter, suggests that inflationary pressures are easing. However, rising food and other raw-material prices are expected to continue to be a problem.

Although his 1974 economic outlook fits in neatly with the prevailing "soft landing" consensus, Dr. McCracken doesn't feel too comfortable with it. Fuel shortages, stiff wage demands by organized labor, or an unexpectedly sharp drop in consumer outlays may mar the relatively sanguine business outlook.

"A sense of modesty" should accompany all economic projections these days, he declares. A review of 19 prominent economic forecasts made earlier in the year indicates that most were very wide of the mark.

Economists grossly underestimated the intensity of inflationary pressures, the impact of devaluation on the U.S. price levels, and the degree to which industrial capacity was utilized.

[From the Los Angeles Times, Oct. 25, 1973]

No Future for Wage-Price Controls

Wage and price controls have outlived their usefulness. They should not be extended at the latest beyond next April 30, when the Economic Stabilization Act is due to expire.

Controls can work for a while. But then the inevitable inequities, distortions and disincentives begin to pile up. Underlying economic pressures assert themselves, and prices go up anyway. Wage and salary earners find that the purchasing power of their paychecks is going down, pay increases notwithstanding. As the government tries to keep the lid on prices of items that are of special concern to consumers, the effect is less to hold down prices than to create shortages.

This is what has happened.

The evidence is all around us. As AFL-CIO President George Meany put it the other day, "After two freezes and four phases, the annual inflation rate, which President Nixon found unacceptable at 4.8% in 1968, was 8% in the first half of 1973." Among the growing list of products in scarce supply are furniture, fertilizer, bottled gas, paper, newsprint, food freezers and baling wire.

It would be unfair to blame all this entirely on wage and price controls. Worldwide shortages of certain foodstuffs and raw materials are a major factor. What is clear, however, is that controls are an inadequate solution and, in the long run, can actually do more harm than good.

As a result, more and more people have come to agree with William J. Fellner, the newest member of the President's Council of Economic Advisers, who recently warned that "any large-scale interference with the price structure beyond a very limited period" is a mistake.

There is now a widespread disenchantment with controls, even among people who originally helped pressure Mr. Nixon into adopting them.

Meany is demanding a quick end to the wage-and-price-control system. Similar demands have come from the National Assn. of Manufacturers, the Business Council and the government itself.

Arthur F. Burns, chairman of the Federal Reserve Board and an early champion of controls, made a speech a few days ago concluding that, "A control system can help for a time—and it did. But it is time to return to free markets." The President apparently is getting the same kind of advice from one or more members of his Council of Economic Advisers.

It is advice that we believe the Administration should take. In dealing with the type of inflation the country now has, the great need is for intelligent fiscal and monetary policy. If wage-price controls are extended at all, they should be restricted, as suggested by Burns, to industries dominated by a small handful of companies and unions.

It can be predicted with certainty that, if controls are removed, prices will rise. On the basis of experience in the last two years, however, it can also be predicted with certainty that prices will also rise if controls are left on. In the long run, the only way to curb inflation is to bring supply into a better balance with demand, and that will happen more quickly without controls.

[From Review and Outlook, Oct. 28, 1973]

Retrospective on Controls

We suppose that anyone who still believes price controls can stop inflation is beyond help, but it won't hurt to glance at the accompanying chart for a visual confirmation of our experience. Since the imposition of controls, inflation has turned not better but worse.

The six-month moving average of the consumer price index turned down in early 1970, and continued down until controls were imposed in August 1971. It turned back up in mid-1972, in the midst of "tough" Phase 2 controls. Since then it has ascended to heights far above those reached in any recent non-controls atmosphere. Little wonder that the U.S. Chamber of Commerce and the National Association of Manufacturers have—somewhat belatedly it seems to us—joined the AFL-CIO in calling for prompt and complete termination of controls.

Purely on the basis of the record, one would have to conclude that far from extinguishing inflation, price controls fuel it. That conclusion is overly simple, of course, because since mid-1972 many other powerful inflationary pressures have been at work. The money supply has been expanding rapidly, 7.4% between the fourth quarters of 1971 and 1972. The government budget has been in deficit, and economic growth has been straining the economy's capacity.

Even at that, though, the inflation has been more rapid than any usual economic view would predict. In trying to explain it, economists are looking toward international economic developments. Perhaps the impact of the dollar's devaluation was more inflationary than most theories predict. Or perhaps as First National City Bank and Argus Research Corp. argue, attempts by European central banks to maintain fixed exchange rates by buying dollars swelled European banking reserves and money supplies, leading to a world-wide inflation that spills back into the U.S. economy.

Price controls presumably were intended to stop the increase in prices in the face of these powerful domestic and international forces. This was a pipe dream, as nearly everyone now recognizes. We would go a bit further, to argue that in a couple of respects controls did indeed cause higher prices.

For one thing, there is the effect on the psychology of the Federal Reserve Board. Even those skeptical about the real effect of controls—and it is by no means clear that this description applies to everyone at the Fed—would probably feel some influence from the announcement that some other part of government was going to take over the inflation problem. So if there had been no controls the money supply probably would not have expanded as rapidly, and prices would not have risen quite so sharply.

Beyond that is the problem of shortages. The diehard supporters of controls ignore this problem when they contend that their policies have not failed but were never tried. It is of course quite true that the biggest price jumps have occurred during the more relaxed phases of the controls program. Usually these apologists blame the relaxation on George Shultz' association with the University of Chicago, but those who look not at personalities but events will find the following cycle:

Tight controls are imposed. Shortages and dislocations start to develop. Because of the shortages and dislocations, controls have to be relaxed. Then you get all the price increases you would have had during the tight-controls period, plus those caused by the controls-induced shortages, and probably some more by businesses trying to get ahead of the next period of tight controls.

No group of controllers will be able to avoid this cycle, for none of them can possibly be smart enough to foresee the secondary and tertiary effects of their actions, especially in an increasingly integrated global economy. They learn too late that if they fiddle with gasoline prices and supplies they may end up with a fuel oil shortage. After setting U.S. prices for fertilizer or cotton they suddenly learn that world prices are higher and foreigners are buying so much of the supply there isn't enough left for Americans. And if they achieve really efficient enforcement with an army of bureaucrats, they will drive down investment and plant expansion and end up with shortages of everything.

So we very much doubt that the dismal record of controls have much to do with any particular set of men or philosophy of controls. The problem is something far more basic, the limits of human intelligence. And the sooner we recognize that controls are doomed by facts of simple psychology the sooner we will be able to start rebuilding a healthy economy.

[From the Los Angeles Times, Oct. 14, 1973]

Burns Calls for End to Blanket Price Controls

(By Paul E. Steiger)

Hot Springs, Virginia.—The Economic Stabilization Act, which authorizes federal wage and price controls, should not be extended past its April 30 expiration date, Chairman Arthur F. Burns of the Federal Reserve Board said here Saturday.

Burns, here to address a meeting of the Business Council, a group of top corporate executives, told a press conference that the act should be replaced by a wage and price review board.

The board would have power to suspend or overturn price and wage boosts only in industries dominated by a few firms or unions, Burns said. The Administration would no longer have power to freeze prices or wages across the board.

Burns, an early advocate of controls, echoed recent statements by business executives that the shortages, disruptions of supply and other costs of the present comprehensive controls were beginning to outweigh the benefits.

"A control system can help for a time—and it did," Burns said. But, he said, "it is time to return to free markets."

Nixon Administration officials have said they, too, want controls to end as soon as possible but have put off until year's end a decision on whether to seek an extension of the Stabilization Act.

Burns' opposition to an extension could be important, because in the past he has backed wage-price controls more enthusiastically than most of Mr. Nixon's other economic advisers.

In remarks to the Business Council, Burns and William J. Casey, undersecretary of state for economic affairs, pronounced the dollar healthier than it had been in the recent past and predicted that the U.S. balance of trade would move into surplus next year for the first time since 1971.

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Casey predicted that the dollar would be revalued upward in coming months, thereby reducing costs of imports.

He told reporters that the value of the dollar could be expected to float upward against that of other currencies in coming months.

And, he said, when a new international monetary system is agreed on, presumably in about 18 months, there could be a formal revaluation, reversing part of the effect of the devaluations of December, 1971, and early this year.

Casey said the U.S. trade deficit—at an annual rate of about $3.5 billion compared with last year's record $7 billion—had been reduced in part by a rise in exports to the Soviet Union and China.

By the end of 1973, U.S. trade with Communist countries will approach $3.5 billion, nearly three times last year's $1.2 billion, Casey said.

Exports to China will reach about $800 million this year, instead of the $250 million to $300 million predicted in January, he said.

[From the Los Angeles Times, Oct. 13, 1973]

BUSINESSMEN WANT CONTROLS SCRAPPED

(By Paul E. Steiger)

HOT SPRINGS, Va.—In condemning what they called the inequities and distortions of Phase 4 economic controls, members of the Business Council—a group of top U.S. corporate executives—told Nixon Administration officials here Friday that they wanted price and wage controls scrapped before they wrecked the economy.

The business leaders, in a two-day semiannual meeting with Administration officials at this mountain resort, said they preferred the risk of higher wage demands to the continued bureaucratic constriction of prices and profits under Phase 4.

Some of the businessmen complained that the controls were actually spurring inflation in some parts of the economy, particularly by encouraging foreign interests to buy up and stockpile scarce commodities such as cotton.

The businessmen's sharp criticism of the controls contrasted to the general acceptance expressed in this same forum in late 1971 and 1972.

The head of one major California-based corporation said he was so disillusioned with controls that he now looked to a recession as the only way to knock out inflation.

In responding to the business complaints, Treasury Secretary George P. Shultz repeated previous Administration statements that President Nixon would like to see controls ended before next year, too, but that it was foolish to set a date for their removal now.

Shultz disclosed that the Administration was having difficulty devising criteria by which it could gradually exempt from controls industries in which inflationary pressures are abating.

The problem, Shultz said, is that the economy is not made up of separate industries—"it's one big thing." Relations between industries are so tight, he said, that if one industry is exempted, a related industry remaining under controls is likely to be squeezed.

Shultz said, however, that the Administration still favored ending controls on a step-by-step, industry-by-industry basis, rather than all at once.

When asked whether the Administration would seek extension of controls past the April 30 expiration date, Shultz said that decision probably would be made around the first of the year, in conjunction with the President's budget and other major domestic policy messages.

Shultz said he did not know how much prices might rise if controls were removed now.

But he said that when he asked the Business Council members how many would boost prices within three weeks of the lifting of restraints, "a substantial number of hands went up."

Although they were harshly critical of controls, the businessmen were more optimistic about overall prospects for the economy.

[From the Wall Street Journal, Oct. 11, 1973]

WAGE-PRICE CURBS ARE CALLED DISRUPTIVE, UNEVEN IN IMPACT BY COST COUNCIL AIDE

WASHINGTON.—A Senate subcommittee was told that the government's wage and price controls bring "inevitable hardships" and produce "dislocation, distortion and delay."

The witness, however, was hardly assailing the Nixon administration's wage-price controllers, being one himself: William Walker, general counsel of the Cost of Living Council.

Mr. Walker was appearing before a Senate Judiciary subcommittee that's looking into complaints that the economic-controls machinery pushes businessmen around unfairly. His testimony reflected the administration's ambivalence toward its own controls program, with the controllers barking wage-price orders while claiming to hate it.

Mr. Walker told the subcommittee that as long as Congress and the Executive stick to a policy of fighting inflation with controls, a price must be paid. "Wage and price controls are, by definition, disruptive and uneven in their impact," he stated. He said the subcommittee "must bear in mind the fact that controls are deliberately designed to interfere directly with people's economic behavior and that dislocation, distortion and delay are inevitable results of that process."

Mr. Walker cited President Nixon's June promise to drop the controls as soon as possible, and said the Cost of Living Council's high command agrees with that.

The subcommittee's hearings were chaired by a Republican, Charles Mathias of Maryland, acting at the behest of its regular Democratic chief, Watergate-busy Sam Ervin of North Carolina. Sen. Mathias said the testimony might help Congress write more procedural safeguards into the controls law when it's up for renewal next spring.

Business and consumer witnesses testified that it's hard to get timely information out of the Cost of Living Council, and complained that the controllers take procedural shortcuts not permitted for other government regulatory agencies. Mr. Walker said that the council tries to be as open and informal as possible, but that the "temporary duration" of the controls program makes procedural ritual unsuitable. "A controls program, unlike other regulatory efforts, places a premium on broadly applicable rules, flexibility in the system and prompt decision-making," he said.

[From the Washington Post, Oct. 10, 1973]

WAGE-PRICE CONTROLS

(By CHARLES McC. MATHIAS, JR.)

The Senate Judiciary Committee's subcommittee on the Separation of Powers is holding its second day of hearings today on the power and procedures of the Cost of Living Council. It is not the purpose of these hearings to look into questions of economic policy. If the wage-price program is to be with us for a prolonged period of time, as it now appears, it is vitally important to examine the machinery of that program, with an eye to reaffirming accepted standards of fairness and legal rights which may be permitted to slide in time of emergency.

A cursory look merely at the paperwork involved in the wage-price machinery leads one to suspect that Lewis Carroll is alive and well and working as a staff writer for the Cost of Living Council. For example:

Lawyers sent on forays into the wonderland of economic stabilization report rumors of new standards and guidelines, but are unable to find out what is being considered, much less how it may affect businesses.

The Council issues rulings and exemptions without explanation or rationale, leaving the regulated to puzzle out for themselves the precedents or applicability for other petitioners. For lack of precedent, local and regional offices of the IRS, charged with making many decisions, may take contradictory actions.

Retailers in one major industry were told unofficially that they would not be allowed a full pass-through for wholesale price increases, despite the hardship, so that "back-pressure" would be felt by the manufacturers.

One sizable company covered by CLC guidelines reports that it took over 3,500 man hours, a high percentage of them involving top company officers, to fill out a quarterly reporting form. Next quarter they must do it again. Firms with the resources available do what they can; smaller firms simply can't.

Nursing homes, seeking Medicare reimbursement for their patients, have been denied it because of council rulings, and are

now trying to win their money in court suits against the CLC.

Although the CLC may have been a necessary interim response to economic emergency, I am concerned about the lack of specific safeguards and precise limits on its powers. We, in Congress, handed Dr. John Dunlop a vague mandate and left him to carry on as best he could. We may be thankful that there have not been more abuses and confusion than have, in fact, occurred. For the future, however, I fear that a continued lack of specific guidelines and closely defined procedures may undermine both the current work of the council and long range efforts by government to deal responsibly and equitably with problems facing business and the consumer in the years to come. Already, the council's strongest defenders must concede that its vitality is sapped by procedures and practices which appear to run afoul of traditional notions of equity and due process.

From the outset, the wage-price program has been characterized as temporary. As we enter its third year, however, I believe we must re-examine what is meant by temporary. The authority which the Congress has given the President and through him the Cost of Living Council as administrator of the program is vast and largely unchecked. The result is a grant of enormous power to a small group of men whose decisions can make or break any business in America.

These men can have this impact even by their failure to decide. They are subject to only the most vague statutory standards. For instance, exceptions to their rulings can be granted upon showing of "economic hardship" or "gross inequity," terms still undefined by council rules or by a consistent body of decisions. Standards for procedures they must follow are few and uncertain. Hence, they can wield their enormous power without effective hearings, without explanations and with only a limited right of appeal. This is executive discretion in the extreme.

As chairman of the hearings at the request of the subcommittee chairman, Sen. Sam J. Ervin, I have focused the first two days of the hearings upon the impact of the program on those it regulates. The subcommittee is concentrating on the exception procedure and the procedures, such as they are, for clarifying rulings issued under the program.

I can appreciate that under emergency circumstances and on a temporary basis, the Congress has traditionally been willing to forego limitations on executive authority. Over the long haul, however, we must take care that private rights are not permanently abridged. In this case, the ability of individuals and corporations to learn the nature and extent of their obligations under the law must be guaranteed. Equally necessary is the ability to effectively state one's case both before rules are put into effect and afterwards in an orderly appeals procedure.

A cautionary note—in undertaking this investigation, we are aware of the awesome problems that such a program presents to anyone brave enough to assume the role of administrator. A central question facing these hearings and the nation is whether it is even possible to administer a fair and effective wage-price program at the levels of personnel now available.

It may be that we will conclude the Cost of Living Council would suffer a breakdown under procedures that required full procedural rights and complete record keeping. If this is the case, it is an issue which should be squarely faced with no further delay.

These hearings are limited to operational mechanics of administration, but they take place within a larger context of growing doubt about this nation's ability, first to conceive the solutions to its social problems, and then to implement those solutions without damaging the framework of the Constitution and the Bill of Rights.

I believe that the United States is now entering a watershed period of decision, during which we will once again determine for generations to come the answers to many of the questions which faced the founders of our nation nearly two centuries ago. There is no guarantee that our answers with regard to individual liberty and the structure of our government will be the same as their answers. In that event, I think we should be aware of what we are giving up, and whether we do it because of historical necessity or simply because we lack the will to persevere toward our ideals.

These hearings on the Cost of Living Council are only one tiny scene in a preliminary act of the coming drama, but this much seems clear—no program can long retain, or deserve, popular support if its decisions are not arrived at by a process which is known to be open, fair, consistent, thorough, rational, enforceable and necessary. If we are to continue to set this standard for our government, we must not let it be lowered now on the assumption that once lowered, it may be resurrected in more difficult times ahead.

CONTROLS: COMING APART AT SEAMS?

Sharp and growing opposition to the Phase 4 controls program is beginning to show up at top levels of the Administration.

From the Cabinet on down to Government economists, the criticism is coming into the open. Says one official: "The whole thing is coming apart at the seams. It's just not working."

This "in-house" opposition comes about on top of a build-up of complaints from housewives, businessmen and labor leaders.

Suggestions range all the way from lifting controls for a few key industries to dismantling the entire setup.

RANGE OF COMMENT

Just in the past few days—

Agriculture Secretary Earl L. Butz said of the price ceilings on meat: "The results have been disastrous."

Assistant Secretary of the Treasury Edgar R. Fiedler declared that officials "are vexed by the difficulties of administering the controls, especially in the face of a strong economy." He added that "rarely has there been a more unpopular program."

Gary L. Seevers, a member of President Nixon's Council of Economic Advisers, told Congress on September 25, "We cannot mandate a solution to inflation." He added:

"Many of the forces that influence the rate of inflation now are outside the direct and immediate control of Government."

William J. Fellner, newest member of the economic council, predicted failure for the Phase 4 program, charging it with being both bad economics and bad politics. He warned, in a newly released study, against "any large-scale interference with the price structure beyond a very limited period."

President Nixon himself gave an indication of the problems facing the Phase 4 program when he yielded to pressure from thousands of small gasoline dealers—many of whom shut down their stations temporarily—and ordered the Cost of Living Council to raise retail gasoline prices promptly.

MOUNTING CRITICISM

Meanwhile, businessmen and economists across the U.S. were taking an increasingly critical view of Phase 4.

A survey of professional business analysts, disclosed in mid-September by the National Association of Business Economists, showed that 70 per cent would recommend an end to all wage-price controls in 1974.

A growing number of firms—and many entire industries—were asking the Council to be let out from under provisions of Phase 4 controls. As one example, Director John Dunlop reported on September 26 that he had been petitioned to exempt the whole fertilizer industry, in view of pending shortages.

Manufacturers were starting to grumble openly. Said Burt F. Raynes, chairman of the National Association of Manufacturers, in mid-September:

"Wage and price controls have failed to check inflation, have caused shortages of consumer goods and services, and should be completely terminated."

BIGGEST CONCERN: PRICES

The feeling of frustration about the Government's inability to turn around the steady rise in inflation since controls began two years ago appears to be shared by most Americans.

For instance, a nationwide Gallup Poll, released on September 27, showed that the public's concern over rising prices far outshadows all other worries.

The survey indicated, moreover, that 46 per cent of the public blamed the Federal Government for today's inflation, while only 25 per cent placed the blame on labor and 19 per cent blamed business.

Just why current controls are turning out to be so unpopular is spelled out by Treasury Assistant Secretary Fiedler in this way:

"The public is unhappy because Phase 4 fails to suppress the numerous price increases, particularly for food, that are working their way through the system.

"Businessmen and labor leaders are disgruntled because controls limit their freedom, create inefficiencies in production and marketing, and generate a new layer of Government paper work with which they must wrestle.

"Economists are troubled by the potential distortions and disincentives that controls can produce."

Prices, meanwhile, are continuing to rise. By September 23, the Cost of Living Council had received more than 1,900 notifications of pending price increases by major U.S. firms. These price boosts are to take effect within 30 days if not vetoed, postponed or reduced by Counc[illegible] action. That total covers the period since Phase 4 regulations took effect on August 13—and the daily average of notifications is still rising.

Council Director Dunlop, reporting these further price increases, had one bit of optimism by late September: a major decline in the wholesale prices of meat since their August peaks.

Beef cattle on the hoof, he said, are down in price from $56.76 a hundred pounds on August 14 to $38.50 on September 26—a 32 per cent decline. Hogs have dropped in price from $61.88 to $41.38, or by 33 per cent. And broilers are down by an even greater percentage—from 74 cents a pound at peak to 41 cents—a drop of 45 per cent.

These declines are expected to work their way through the system and result in lower retail prices later—but not to the full extent of the wholesale decline, Mr. Dunlop explained.

BLAMED FOR SCARCITY

Shortages of many kinds, meantime, are being blamed on present restrictive controls, some of them as the long-time result of the recent price freeze.

What happened is explained by the official who ran the freeze, Deputy Council Director James W. McLane, in these words:

"You can eliminate the peaks and valleys and spread increases over time, but not halt all price increases if you want supply growth in the future. A good example of this was the recent freeze.

"The back pressure of this very inflexible price-controls mechanism led to actual production cutbacks—in broilers, eggs, hogs, soybean oil, margarine, potato chips and many other of our basic needs. And it only took two to three weeks for this result to show after Freeze 2 started."

Among the growing list of products now in scarce supply: furniture, bottled gas, bricks, paper, newsprint, farmers' baling wire, food freezers, with other items expected to be added soon.

THE FUTURE FOR PHASE 4

How much longer the Phase 4 controls will go on is still anybody's guess. The authorizing law expires next April, and a number of high Administration officials now talk openly about ending most—or all—controls by the end of this year, with or without a caretaking agency to continue a residual program.

C. Jackson Grayson, Jr., who headed the Price Commission for the 15 months of its existence, appeared to reflect a spreading official view when he told "U.S. News & World Report" in an interview earlier this year:

"The operation of our price system—the free-market system—is the best possible allocator of resources. It is far better than any control system ever could be. Controls can work—and they did work—over the short run. But in the long run, they never can substitute for the price mechanism as a way to get goods and services where they are needed."

TWO YEARS OF CONTROLS—AND THEIR IMPACT ON INFLATION

Phase 1: Started Aug. 15, 1971, with a freeze on most prices, wages, rents. Lasted 90 days.

In this period—at an annual rate—prices rose 2.0%.

Phase 2: Started Nov. 14, 1971, with price and rent ceilings, a 5.5 per cent guideline on wage increases, restrictions on profit margins. Lasted 14 months.

In this period—at an annual rate—prices rose 3.6%.

Phase 3: Started Jan. 11, 1973, removing mandatory controls on prices, decontrolling rents. Special regulations kept on food, health services, construction. Ceilings reimposed on March 29 on beef, pork, lamb. Lasted 5 months.

In this period—at an annual rate—prices rose 8.3%.

Freeze: Imposed June 13 on nearly all prices, except those of raw farm products and rents. On July 19, freeze lifted for most foods; on August 12, for other items except gasoline, oil, beef; on September 12, for beef.

In July and August—at an annual rate—prices rose 13.7%.

Phase 4: Started August 13. Prices permitted to rise only to cover increases in basic costs. Price hikes by major firms subject to rejection or postponement.

The question: Will Phase 4 be more successful than recent stages in slowing inflation to the Administration's target of 3 to 4 per cent?

SINCE PRICE CURBS WERE IMPOSED

Change in average retail prices across U.S. since August, 1971—

ITEMS THAT HAVE CLIMBED SHARPLY

[In percent]

Chicken, fryer, up 119.
Bacon, up 103.
Potatoes, up 98.
Pork roast, up 91.
Eggs, up 81.
Frankfurters, up 56.
Lettuce, up 49.
Hamburger, up 49.
Onions, up 48.
Sirloin steak, up 28.
Fish, up 25.
Legal fee for a will, up 22.

ITEMS THAT HAVE CLIMBED MODERATELY

[In percent]

Property taxes, up 15.
Woman's handbag, up 15.
Woman's skirt, up 14.
Fuel oil, up 13.
Margarine, up 13.
Men's shoes, up 12.
Bread, up 11.
Hospital room, up 10.
Gasoline, up 10.
Baby-sitter, up 10.
Milk, up 9.
Gas for home use, up 9.
Shoe repair, up 9.
Cigarettes, up 8.
Rents, up 8.
Used car, up 8.
Woman's dress, up 6.
Diapers, up 6.
Wrist watch, up 6.
Cigars, up 6.
Man's slacks, up 5.

ITEMS THAT HAVE RISEN SLIGHTLY—OR HAVE FALLEN

[In percent]

Aspirin, up 3.
Phonograph records, up 2.
Whisky, up 2.
Shaving cream, up 2.
Tooth paste, up 2.
Man's shirt, up 1.
Washing machine, up 1.
Movie camera, up 1.
Tape recorder, —.
Woman's slip, —.
Vacuum cleaner, —.
Corn flakes, —.
Film, down 1.
Deodorant, down 1.
Golf balls, down 1.
Prescription drugs, down 1.
Bank service fees, down 4.
Source: U.S. Dept. of Labor.

[From the U.S. News & World Report, Oct. 1, 1973]

WHY RESISTANCE TO CONTROLS IS RISING

Indignant boycotts by small gas-station operators around the U.S. are starting to touch off open resistance by some mammoth industries against unpopular Phase 4 controls.

Service stations by the thousands shut down temporarily in recent days, in protest against special regulations for the oil industry which rolled back gasoline prices 1 to 3 cents a gallon.

In Massachusetts alone, an auto-club survey showed nearly 50 per cent of that State's 4,000 stations closed in protest in mid-September. Most of Oregon's 2,800 stations shut down for one day September 16. Other dealers were closing in Oklahoma, California, New York and the Midwest, many for three days at a time, to protest Phase 4.

The rash of strikes and boycotts by gasoline dealers could be short-lived, with periodic raises in retail price ceilings for gasoline now planned by Director John Dunlop of the Cost of Living Council. The first will take effect "in a short time frame."

But signs of open resistance to the Council's Phase 4 policies were starting to appear by late September in a number of other industries most affected by the current controls.

The reason: In its enthusiasm to crease a "tough" Phase 4, the Council now has clamped the tightest controls yet on a handful of inflation-prone industries—food, health services, construction, insurance, petroleum.

Special control regulations, often highly complex and confining, have been drawn up for these businesses, creating a price squeeze in many cases and blocking or postponing price increases that are allowed by the rule applicable to other companies. For example—

Health services. Hospitals and nursing homes now come under an especially tight set of controls, to be augmented by October 1 by additional specific regulations to clamp a lid on prices.

As one result, a suit was filed on September 18 on behalf of 7,000 nursing homes by the American Nursing Home Association, protesting Phase 4 controls.

This suit, entered in U.S. district court, says relief from current special controls "is imperative" if patients are to continue to get adequate care.

Some nursing homes may have to close, the association charges, if they are not granted the same dollar-for-dollar pass-through of their cost increases that other businesses are allowed.

Private nurses also complain that, under the special rules, their fee increases often are limited to half the 5.5 per cent permitted for most pay raises.

Construction. Builders, both large and small, also come under special rules, which limit prices on construction contracts, restrict profit margins for all builders, and eliminate the "small business exemption" for construction firms.

With housing starts and total construction now slowing up, builders' profits are off, and grumbling over controls is growing audibly.

Insurance. Under Phase 4, insurance firms are told to hold down increases in their premiums by limiting the elements of their "rate-making process." Administrative expenses, for one thing, are to be held to a maximum increase of 5 per cent yearly. A lid is placed on anticipated cost increases. And profits of an insurance company are not permitted to rise more than 2.5 per cent.

Some insurance firms are threatening suit, as a result. Thus far, their complaints are directed at State regulatory agencies, which are assigned to review all rate increases for the Council.

Food. Three separate sets of special regulations were put into effect on September 10, to control prices for food processors, food distributors and restaurants. All of them restrict price increases to actual dollar-for-dollar rises in cost, eliminating overhead. Major firms must report all planned price increases, and in some cases delay them for 30 days.

Food processors, particularly, are objecting to this arrangement, with canners claiming that while farm products, processed foods and feeds rose last month by 17.6 per cent, the rise in wholesale prices of canned foods was held to 1.4 per cent in an unfair price squeeze.

Other industries, without special control rules, also are coming under the gun because their size or importance makes them a special target for the Council's efforts to spread the price bulge.

The steel industry, for example, still hasn't gotten a cost-justified price increase, for which it applied last June. The hike, of about $9 a ton, was held up by the price freeze until mid-August, then delayed for another 30 days by Phase 4 regulations. Now it is postponed again—half until October 1 and the rest until January 1. All of this delay, the council calculates, is costing that industry at least 180 million dollars in lost income.

The auto industry, too, finds its price increases postponed and delayed time after time under tighter Phase 4 strategy, even where there is no dispute over the companies' claims of higher costs. On September 19, Council Director Dunlop temporarily froze a proposed price increase by Chrysler of $73 a car and said he would not allow any further auto-industry price hikes until current labor bargaining is completed.

It is in these big, sprawling industries, where Phase 4 controls hit hardest, that open resistance to Council policies is expected to spread next—particularly if the revolt of the nation's gasoline dealers gets results.

[From the Journal of Commerce, Sept. 14, 1973]

GRAYSON FEELS CONTROLS WERE A BIG MISTAKE

(By Robert M. Lewin)

CHICAGO, September 13.—The Nixon Administration made a mistake in imposing price and wage controls, according to Dr.

C. Jackson Grayson, chairman of the defunct Price Commission.

Dr. Grayson, now dean of Southern Methodist University's Graduate School of Business, Dallas, Tex., acknowledged that he was for controls in late 1971.

But he said that in December 1972 he had recommended that "we get rid of Phase Two" of the economic stabilization program.

He added that he had made his recommendation to Treasury Secretary George P. Shultz, who also is chairman of the Cost of Living Council, which administers the controls program.

WAS CHAIRMAN AT THE TIME

At the time he made the recommendation, Dr. Grayson was chairman of the Price Commission under the mandatory controls of Phase Two.

Phase Two was replaced by the voluntary controls of Phase Three, which now has been replaced by the "confused" controls of Phase Four—and Phase Four-A and Phase Four-B.

Dr. Grayson stressed that he did not believe that the administration now "can let go of Phase Four," but he hopes all controls can be dropped before April 30, 1974, when the extended stabilization law expires.

Dr. Grayson emphasized that food prices would continue to go up so long as demand outruns supply, as it now is doing.

He said that he was for controls at first because he had thought they would reduce the rate of inflation.

Now, he also said, he believes that controls can be effective only in the short run.

The controls program started with a 90-day price-wage-rent freeze President Nixon imposed Aug. 15, 1971.

From August 1971 through July 1973, living costs have soared 8.7 per cent, according to the U.S. Labor Department's Bureau of Labor Statistics.

In the same period, food prices in stores have jumped 19.3 per cent, the bureau also said.

Dr. Grayson spoke at a seminar for reporters on "food prices, shortages and economic controls," sponsored by the Grocery Manufacturers of America, Inc., in the Drake Hotel.

U.S. FOOD PRICES "LOWEST"

He said that the United States has the "lowest food prices in the world," adding that, despite food price increases. Americans still spend less for food than people of other countries.

The average American consumer is reported to spend about 22.5 per cent of his income for food.

"We still have a very low inflation rate in comparison with other countries," said Dr. Grayson.

"But in food we've about caught up with other countries in the rate of (price) increase."

In another talk, Bernard Paroly, New York, senior vice president, Pathmark Division of Super Markets General Corp., said that the rate of profit is so low at supermarkets that it is so difficult for them to raise money through the sale of stock:

"There will be many supermarket chains that will go out of business or be bought out in the next two or three years because they can't raise capital."

C. W. (Tex.) Cook, chairman of General Foods Corp., White Plains, N.Y., said he agreed with Mr. Paroly.

Mr. Paroly said that it was the "mix" of the stock of supermarkets, with many nonfood products, that helped them to keep in business.

Mr. Paroly added that the supermarket industry is on the "threshold" of many developments that will enable it to reduce the costs to the customer.

They include the innovation of unit trains to haul fresh fruits and vegtables from the West to the East Coast cities.

"It now takes 11 days from the West to the East Coast, with all of the improvement of railroad technology," said Mr. Paroly.

Another innovation will be electronic checkout systems in the stores, he said.

[From the Chicago Tribune, Aug. 27, 1973]

HOSPITALS BLAST CURBS ON CARE FEES

(By Brenda Stone)

Chicago hospitals have been put at an unfair financial disadvantage by the continued health care price controls of the national Economic Stabilization Program, the director of the Chicago Hospital Council, has charged.

While hospital price increases remain limited to 2.7 per cent for nonwage related items, a new survey of area hospitals shows they have paid from 23 to 128 per cent more for meat and produce items that no longer are under price regulations.

The survey, completed by the council last week, covers 23 meat and produce items purchased by 90 area hospitals between January and Aug. 6.

"Since the inception of Phase II, the government has guarded the consumer by controlling health care rates but in the same process has allowed the prices hospitals must pay to serve the consumer go unchecked," said Howard F. Cook, the council's executive director.

A room-rate survey of the hospitals shows that the charges have increased by an overall average of 4.4 per cent from June, 1972, to June, 1973, Cook said.

The top food price increases were noted for lettuce at 128 per cent and for baking potatoes, 100 per cent. Other items checked were beef rounds, 23 per cent; top sirloin butt, 36; brisket of beef, 39; Polish ham, 48; pork loin, 37; and veal leg, 30.

Poultry price rises ranged from stewing hens, 50 per cent; broilers, 68; roasters, 76; chicken legs, 33; chicken breasts, 66; and turkey, 58. Pascal celery prices increased by 70 per cent, while onions rose 25 per cent.

[From the Washington Post, Aug. 20, 1973]

"HORROR FILE" BARES CONTROLS FAILURES

(By Jack Anderson and Les Whitten)

With the end of most price controls, the administration is heaping praise on itself for its few paltry victories on behalf of an inflation-weary public. But the Cost of Living Council's secret files are bulging with tales of unpublished failures.

Many of the folders are stuffed with outraged (and often unanswered) letters from Americans who find their food or footwear going up astronomically. But in one drawer is the "Horror File" of cases where strict controls backfired.

These are cases where letter-of-the-law controls drove small companies into near-bankruptcy, killed competition that might have forced down prices, or sweep willing workers out of their jobs.

The "Horror File," as it is called among council executives, has come into our possession. The council has used code-names like "Strongman Detective Agency" or "Eagletonbutton Manufacturing" to hide the names of the 35 companies involved, and spokesmen refused flatly to identify the companies to us by name.

"Eagletonbutton," for example, is "an unprofitable manufacturer controlled by 'Thousandpercent, Inc.' " whose overall profits were near the federal ceiling. Thus, under law, "Eagletonbutton" could not increase its prices and get out of the red.

"Strongarm Detective Agency" took the law into its own hands. Faced with low profits, it decided "to ignore the . . . regulations," says a Horror File memo. "The chances it will be audited are small, it reasons, and its accounting system and pricing policies are such that any violation would be difficult to unearth, even in an audit."

"Sierra Motors," apparently Chrysler or American Motors, was "an automobile manufacturer facing serious losses. It had hoped for some relief when the big two increased their '73 prices. It would be eligible for price increases . . . but cannot now improve its position because of competition from the big two . . ."

The toll of controls on humanitarian business programs was evidenced at "Garner Computers," which had trained 10 disadvantaged apprentices for three years. "When they graduated from the training program," the memo notes, "the company was able to give them no more than a 5.5 per cent wage increase and the workers left for new employment."

"Moe Microdynamics" was an electronics firm pouring money into research "in order to meet emerging Japanese capability." Because it could not raise prices, research plans shuddered to a halt.

"Bareshelf" canned goods needed a price increase to keep up its inventory between harvests. But the increase was illegal, and "without these increases, it is almost certain to run out of inventory and lose shelf position and, with it, customer loyalty."

At "Peter Rabbit Dairies," the company decided to give workers a profit-sharing pension plan instead of a wage hike. But because this would mean an increase in real wages of 20 per cent the first year, "the company had to drop the plan."

The controls also led to ingenious evasions.

"Tablebottoms and Son" buys lumber products, but its supplier could not provide them at controlled prices. So "Tablebottoms" gave the supplier kick-backs by paying higher transportation costs.

"Allchiefs Company" got around the controls by changing job titles but not jobs. "Freedom Fashions" changed its clothing line slightly and jacked up prices. And "Micromeasure Mills" altered cuts of lumber microscopically, claimed to have a "new product," and raised prices.

All in all, the system was hampered by efforts of the council "bureaucracy to seek to perpetuate itself," rules that "impeded" and "inhibited" recovery and expansion, and sloppy enforcement.

Footnote: Despite its tongue-in-cheek company "names," a council official assured our reporter Mark Frazier that the Horror File was a serious effort by council executive secretary Hank Parritt to record some dangers of controls. Based on Phase II flaws, the memos disguised the company names so there would be no violation of anti-disclosure statutes if the summary was ever discussed outside the council, the spokesman said.

[From the Journal of Commerce, Aug. 9, 1973]

STEIN WARNS CONTROLS MAY NOT DO JOB

WASHINGTON, August 8.—Presidential Economic Adviser Herbert Stein today warned that current economic conditions "are not likely to be well-handled by controls."

The chairman of the Council of Economic Advisers told a meeting of the American Bar Association today that circumstances today are much less favorable to a solution by price controls than they were two years ago when the first Nixon control program was initiated.

"We are trying to deal with conditions which are not likely to be well handled by controls, as would be admitted even by those who think that certain structural features of the American economy require controls. Or to put the matter another way, if there are aspects of the American economy which logically require continuing controls, those were not the aspects of the economy that came to a boil in 1973."

Mr. Stein told the bar association that in spite of inflation "our present position, in my opinion, is not evidence of a continuing need

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for controls aside from a public attitude which greatly underestimates their costs."

He warned that the American consumer is going to be continually confronted with a choice between higher prices and shortages. But he expressed optimism that this difficult period "need not be too long if we persist with the policy of fiscal and monetary restraint and with measures to increase supply, especially of food."

The economist noted that the United States is going to have to work its way out of controls by creating conditions favorable to free market stability and by decontrolling those sectors of the economy where this is safe or necessary.

"I would add that we must also learn our way out of controls. We must learn to distinguish between those conditions in which controls are appropriate and those in which they are not.

"If we fail to learn this we will spend a large part of the next decade or two under controls, whatever may be the nature of the passing of Phase Four."

[From the Wall Street Journal, Aug. 6, 1973]

ADULT EDUCATION, THE HARD WAY

Hours before the Senate voted last Thursday by 84 to 5 to end the freeze on beef prices, Sen. Charles Percy spent a few minutes at a hearing of the Joint Economic Committee trying to get Treasury Secretary Shultz to give his "personal opinion" about the freeze. While reminding one and all that he's never kept it a secret that he has never thought much of wage and price controls, Mr. Shultz cheerfully defended the administration's decision to keep the freeze until Sept. 12. But he added, with a smile, that "We listen to Congress."

Members of the committee seemed momentarily pleased to hear that, but Mr. Shultz quickly followed with a needle: "Perhaps we listen too much to Congress," he said, reminding them that shortly before the limited 60-day freeze was announced on June 13 a group of 33 Democratic Senators voted in caucus to support "a 90-day freeze on everything."

In other words, Congress has come quite a distance these past months in learning about the law of supply and demand the hard way. In June, the tiny group still advocating an uncontrolled marketplace had dwindled to Mr. Shultz, Herbert Stein, The Wall Street Journal, Citibank, a few consulting firms like Argus Research and Townsend-Greenspan, and of course the economics faculty at the University of Chicago. To all others who were demanding a tough program of price controls, even the President's capitulation was greeted with cries of "Too little, too late!"

Now, at least insofar as beef is concerned, the inevitable consequences of the freeze are so plain for all to see—the shortages in the supermarkets, the developing black markets, the bidding up of pork and chicken prices—that there's hardly anyone around who isn't pleading for a return to the free market. Says Senator Percy, "It's been the greatest adult education course in economics the nation's ever had."

We not only have the AFL–CIO executive council recommending that wage and price controls be "phased out as soon as possible," but George Meany is now acidly suggesting that Mr. Nixon get rid of all his economic advisors with the exception of George Shultz.

These are heartwarming developments, but we're not prepared to rejoice that the nation has gotten over its mad love affair with controls and government intervention in the marketplace. Everyone now seems to have learned the lesson that controls don't work too well when it comes to farm and food prices, but there are still plenty of people who think we can't get along without them for the rest of the economy. Senator Javits pounded on the White House for months trying to get food prices controlled, yet while he's now washed his hands of this notion, he wants the administration to stop talking about ending the Phase 4 controls by the end of the year.

And at the same time the Senate decided to let the price-mechanism allocate the scarcities in beef, it voted to require Mr. Nixon to set up a mandatory system to allocate the scarcities in crude oil and refined petroleum products. Mr. Shultz is "skeptical" about the idea, which we're sure will prove as messy as the beef freeze. But if Congress insists on learning about the law of supply and demand inch by inch, industry by industry, we'll all have to go along for the ride.

The ride will be especially bumpy if Congress wants to go through this inch-by-inch learning process until it finally understands international economics. The idea has been taking hold on Capitol Hill that the surest way to hold down a commodity price at home is to restrict the export of that commodity, thus increasing the domestic supply. Mr. Shultz patiently tries to explain that this inevitably results in devaluation of the dollar and higher prices for the things the United States has to import, especially fuel, but many in Congress either can't grasp this phenomena or are prepared to trade one problem for another.

Rep. Henry Reuss, who reputedly has one of the sharpest economic minds in Congress, offered yet another solution: Raise the minimum tax for rich people enough to collect an extra $5 billion and use this to create public service employment. "It makes sense domestically and it would help to relax some of the depreciation of the dollar." He didn't say how inflation would be helped by penalizing investment to create marginally productive jobs, but did add that "This just takes money from the gold bricks and fat cats who aren't going to spend it on anything useful anyway."

Assuming this represents some of the best economic thinking on Capitol Hill, it's apparent we have some distance to go before diplomas are handed out in the adult education course that Senator Percy discovered. Although the pace of learning is still agonizingly slow, we are delighted that it is at least underway.

[From the Wall Street Journal, Aug. 2, 1973]

PHASE IV FAZES A LOT OF PEOPLE WHO WROTE COST PANEL ABOUT IT—DIRE PREDICTIONS ABOUND IN 616 COMMENTS, BUT CONTROLS ON FUEL SPARK THE MOST HEAT

WASHINGTON.—Phase 4 is rubbing the makers of Brillo soap pads—and many other people—the wrong way.

If the Nixon administration doesn't rub out at least part of its Phase 4 wage-and-price controls program, here's what people predict: 300 to 500 New England heating-oil distributors will go out of business; shortages of spare parts will occur and F. A. Spies of Leawood, Kans., will take his money out of Oklahoma oil-drilling ventures.

Those are a few of the 616 comments the government has received on its proposed Phase 4 regulations. The administration unveiled its Phase 4 rules July 18 and gave persons and companies until late Tuesday to comment. The government says final Phase 4 rules will be decided by Monday.

Not surprisingly, almost all of the comments the Cost of Living Council received this week were hostile to the Phase 4 rules. However, accountants can take heart: Their business is expected to boom because of the rules.

FUEL RULES GENERATE HEAT

The cost council's proposed fuel regulations generated the most heat. The New England Fuel Institute, which represents 1,143 independent oil distributors, contends a stipulation that only the cost of the oil product itself can be used in computing a ceiling price will "insure the demise" of at least 300 to 500 New England distributors "before the coming winter is over."

Exxon Corp. USA, the big Houston-based subsidiary of Exxon Corp., said the council's ceiling-price system "could tend to aggravate (oil) shortages," and Mrs. Elizabeth Perkins, a Duncan, Okla., oil-concern operator, said the oil rules will reduce funds needed to drill new wells. Mr. Spies, the Kansas investor, says a proposed two-tier pricing system won't stimulate oil production, and he won't invest in drilling ventures until the price of oil provides an incentive "for risking my money."

On another avenue of attack, Purex Corp., the Lakewood, Calif., maker of soap pads, said the requirement that promotional "cents off" coupons be included in computing base price hurts companies such as Purex that don't have big advertising budgets.

And the National Soft Drink Association urged the council to expand its small business exemption to include concerns with 100 employes or less. The present rule would only exempt those with less than 61 employes.

IBM HAS COMPLAINT

In addition, International Business Machines Corp. termed "impractical" a proposal requiring major companies to notify the council before marketing any new items. IBM noted that it introduces thousands of new products each year.

Several companies — including Kraftco Corp., Magnavox Co., Kaiser Steel Co. (58%-owned by Kaiser Industries Corp.), and Republic Steel Corp.—criticized the council's proposed base period for justifying price increases on the basis of costs. Under Phase 4, companies would have to use the latest fiscal quarter ended before last Jan. 11 to compute its base price, rather than the much earlier date used in prior phases.

Several companies asked the council to expand the list of goods and services exempted from Phase 4 controls. Westinghouse Electric Corp. wants spare parts exempted to stave off shortages, while Kennecott Copper Corp. asked that domestic copper be removed from controls. McGraw-Hill Inc. and Hearst Corp. urged exemption for the book publishing and newspaper industries, and the National Association of Stevedores said it wants an exemption for loading and unloading ocean vessels.

However, Ronald M. Mottle, an Ohio state senator, and Norman Redlich, New York City corporation counsel, demanded that the council revoke its exemption of public utilities.

[From the Washington Post, July 20, 1973]

PHASE IV CONTROLS: GOOD POLITICS, BAD ECONOMICS

(By Rowland Evans and Robert Novak)

Partly because of the political ravages of Watergate, President Nixon overruled the pleas of top economic advisers for a tax increase and personally drafted the tough Phase IV antiinflation controls program to court the immediate good will of voters at the impossible long-range cost of losing the antiinflation war.

Just as he ordered the June 13 across-the-board freeze over the advice of those same advisers, Mr. Nixon has now constructed a Phase IV antiinflation program streamlined for quick political approval and flying a bold "made by Nixon" pennant.

Even when he was riding high earlier this year after his record landslide and before the Watergate scandal broke, his loose-controls Phase III program grew politically intolerable, geared for high profits and hence expanding production, Phase III did not prevent prices from going up. The result: his much-delayed order of June that put the economy in the strait jacket of a freeze.

Now fighting for his political life, Mr. Nixon understandably dare not risk a repeat of that baleful Phase III. More than any decision he has recently made, the President has proved his choice of Phase IV weapons that approval of the voting public, not the opinion of business or economists, is now his first concern.

This alone explains the President's decision not to push for any tax increase. Dr. Arthur Burns, chairman of the Federal Reserve Board, strongly urged a tax increase. Only marginally less insistent was economic czar George Shultz, Secretary of the Treasury. These advisers were urging a choice of 12 different tax options on the President, including across-the-board personal and corporate income tax hikes between 2 per cent and 6 per cent.

The no-tax decision, made early last week in a three-hour meeting of his economic high command, was the President's own. Only Dr. Herbert Stein, chairman of the President's Council of Economic Advisers, backed Mr. Nixon. Burns pleaded for at least a temporary tax hike to sop up purchasing power.

Rejection of such advice may give Mr. Nixon more economic trouble tomorrow than political profit today. It puts the entire burden of the antiinflation battle on Burns' Federal Reserve System and the extremely tough new Phase IV price controls.

This threatens the program's credibility in the world of business and industry, menacing the expanding production base essential for long-term control of inflation by creating more goods for sale.

Besides his tax decision, the President showed his need for immediate political gain by turning down Shultz and Burns on the politically dangerous question of the price "bulge"—that is, the immediate rise in prices—following the end of the freeze. Most economic advisers preferred a sharp, immediate bulge, no matter how high. Instead, Mr. Nixon will produce a long drawn-out price rise—a flattened bulge—by severely limiting the percentage of higher costs that businessmen may pass through in higher prices.

With prices sure to go up anyway, Mr. Nixon's unsuccessful advisers argued that from a purely economic standpoint it is better to risk short-run political anger with a sudden bulge, to be followed by expanding production. Now, they fear, producers will be squeezed between rigid controls and spiraling raw materials prices, holding production down.

In both the "bulge" and tax-rise debates, a Watergate-weakened Mr. Nixon lacks the political freedom to wheel and deal. He dares not risk further loss of voter support by adopting either higher taxes or looser controls. So, the President resurrected the old Phase II program, tailored to the slack, slow-moving economy of late 1971, and imposed it on the tight, full-employment economy of 1973.

The only appeal from the President's decision is in Congress. Chairman Wilbur Mills of the House Ways and Means Committee is studying a novel scheme to "impound" receipts of higher income taxes, returning them to taxpayers in the next recession. Such a plan has been informally discussed by Mills and Burns.

But for Congress to increase taxes over a President's wish defies tradition and political common sense. The President almost surely will have to live with a Phase IV that, while acclaimed by the voters today, may prove disastrous to long-run control of inflation and to Mr. Nixon himself.

[From the Washington Star-News, June 21, 1973]

RETREATING FROM FREE ECONOMY

(By James J. Kilpatrick)

Among the devices of rhetoric is the figure of speech known as an oxymoron, an apparent contradiction in terms. A whole clutch of them might be applied to the President's 60-day freeze. His action was the right wrongness; it merits sad applause; it may well prove a temporary permanence.

Given the awful array of economic factors that had to be taken into account, Nixon could have done no less than he did. It is entirely probable that by mid-August, when Phase IV is imposed upon us, he will have to do more.

The unhappiest consideration of them all is simply this: Phase III had not worked. Phase III, if you recall, came into being in January. It was to be the voluntary time, when the American economy was to demonstrate that the mechanisms of a free marketplace would keep inflation in check. For all practical purposes, mandatory controls were lifted. We were to be restrained largely by our own sense of self-restraint.

What happened? The ink had barely dried on the January executive order before prices went soaring. During Phase I, the increase in retail prices had been held to an annual rate of 3.6 percent. In the three months from February through April, the annual rate leaped to 9.2 percent. The wholesale price index, according to the May announcement, climbed to a disastrous 23.4 percent. On foreign money markets, the dollar slumped badly. Nixon, who finds economic controls abhorrent, had no choice but to crack down again.

A part of the problem, to be sure, can be attributed to bad luck, to bad judgment, and to political misfortune. The spring floods were bad luck; the wheat deal with the Soviet Union was a piece of bad judgment; the Watergate scandals have shaken confidence abroad and weakened the President's rein on Capitol Hill.

Other factors have contributed also. The successsive "Nixon deficits" of course have played a part, by increasing the money supply, yet it is patently unfair to blame Nixon alone for these inflationary pressures: Successive Congresses, after all, have floated along on the red-ink tide.

Toss into the equation the continuing imbalance in our trade. Give account to rising personal incomes at home, exerting inexorable pressure on limited supplies of meat. Consider the effect on prices of new laws to reduce pollution and to increase industrial safety. And somewhere in this complex equation, write in a symbol for avarice, a symbol for greed.

Nixon therefore was right, it seems to me, in imposing the 60-day freeze. His partisan critics may also be right in complaining that he should have acted much sooner, indeed that he never should have taken an chance on Phase III at all. But if all this is right, it is the right wrongness. We are once again retreating from the concept of a free economy, and the ground that is lost this summer may never be reclaimed.

Granted, such a retreat is nothing new. For the past hundred years the concept of a pure free-enterprise system slowly has been reduced to little more than a totem word. A thousand subsidies, tax breaks, trade quotas and regulatory laws have given us a kind of masked-ball economy: private faces on public controls. Even so, the concept remains, and the forms of a free marketplace remain, and large elements of our commerce still obey the old good laws of fair competition. We must cling to this.

"Let there be no mistake," Nixon said. "If our economy is to remain dynamic, we must never slip into the temptation of imagining that in the long run controls can substitute for a free economy or permit us to escape the need for discipline in fiscal and monetary policy. We must not let controls become a narcotic, and we must not become addicted."

With Phase IV, that temptation will become much stronger and the narcotic will seem more alluring. The demonstrable failure of Phase III will make it that much harder to put an end to the tighter Phase IV. If ever there were a time for self-restraint, in profits, wages, dividends, interest, prices, rents and governmental spending, that time is now.

[From the Wall Street Journal, June 15, 1973]

ONE MORE PLUNGE OF THE NEEDLE

(By George Melloan)

In his Wednesday night address, President Nixon declared: "We must not let controls become a narcotic. We must not become addicted."

Since the President was in the process of succumbing once more to the addiction with another price freeze fix, it was an apt parallel. Any junkie knows how hard it is to fight the temptation of a brief period of euphoria once the habit has become engrained.

The parallel can be carried a step further. Will it be just as hard for the U.S. to kick the habit of resorting to controls as an escape from economic realities as it is for an addict to abandon the heroin route for escaping other realities?

The record of the last two years is, of course, not promising. After plunging headlong into its New Economic Policy in August 1971, at the behest of activists like John Connally and probably unnecessarily, the administration has since been trying to extricate itself. Its efforts have been complicated by the tendency of the controls themselves to create anomalies that generate demands for additional economic intervention, rather than less. The latest clampdown attests to the political effectiveness of those demands.

But there are factors in the latest Nixon package that could rub some of the sheen off of the allure that controls have had for some of their supporters. The negative and confused reception the latest package has gotten from some businessmen could signal that a healthy disillusionment is beginning to establish itself.

THE BUSINESS REACTION

The business reaction had at least one specific cause. The President chose to freeze prices, but not wages. The reasons may have been political—to get more support from organized labor for administration policies on trade and other issues—or largely technical, to avoid the risk of disrupting important wage contract negotiations that are pending, in the auto and trucking industries, for example. The President no doubt also felt, as he indicated, that unions deserve some credit for helping keep recent wage settlements "responsible and non-inflationary."

But for whatever reasons the latest freeze could transfer a heavier burden of the controls program to businessmen. For at least 60 days they will be able to get price relief only in exceptional cases, and little help from the controls mechanism in resisting wage increase demands.

Although it may be too early to say how this will affect business profits, it could pinch. The impact on profits of controls up to now would seem to have been positive, if anything. Corporate profits in the first quarter this year were up some 26% from the third quarter of 1971, when controls were first applied.

This rise in profits may have been only partly related to controls. It must be partly attributed to the economic expansion that has resulted from the stimulative policies of the federal government since 1971. But it is fairly safe to say that the remarkable lack of objection from businessmen to the increasing amount of federal intervention in markets and the general economy is partly a result of a conception that anything that permits profits to climb can't be all bad. The stock market's tendency to bounce upward when new intervention measures are in the wind could no doubt be attributed to the same causes.

If the "prices-yes, wages-no" approach in the new package stimulates more serious business opposition to the principle of contols, it might produce some movement towards kicking the habit. Labor has had a healthier skepticism all along, although George Meany, reflecting the general concern over rising food prices, has come perilously close to sounding like a controls advocate in recent months.

The package may also bring forth some latent opposition from the farm sector to federal intervention. It is hard to believe that the President's request for congressional authority to control grain exports will go down well in the Midwest and Plains states. Agricultural exports are, after all, a huge business for those areas and it may be hard for grain farmers to understand why they should be restricted from exporting merely to save housewives in New York and Boston from worries over food costs.

Of course, it is conceivable that export restrictions would bring higher prices in world grain markets that would offset any reductions that might occur in the domestic market, and that the farmers would lose little, if anything. Past experience has shown that it is very difficult to predict the results of federal intervention in any market. It is, however, fairly easy to predict that if this new form of intervention cuts into farm prices and incomes, there will be anti-interventionist pressures from farm-state Congressmen.

It is doubtful that the President's package was consciously designed to discredit controls but the President, by using the drug addict metaphor, made it clear that he has little real faith in them. He no doubt hopes to buy some time with the 60-day freeze. But he also may be sorry now that he ever got into the controls thicket in the first place.

Events certainly have conspired to make controls look better as an inflation remedy than they really were or ever could be. A strong case can be made that the decline in inflationary pressure that occurred in late 1971 was well underway even before the New Economic Policy. And although some release of pent-up inflationary pressures should have been expected when Phase 3 discarded rigid controls in January, other factors contributed heavily to the inflationary outburst that actually occurred.

For one thing, the economy had built up a great head of steam. Production in many industries was reaching capacity levels in the face of heavy consumer demand. In certain specific industries, oil products for example, capital expansion had been retarded by the impact of new environmental laws. Food prices were being affected by a combination of heavy grain shipments abroad, adverse weather and such abstruse matters as the arrival of the low point in the hog production cycle. An ill-timed and probably unnecessary further devaluation of the dollar in February immediately boosted the price of most foreign goods, which are factored into the cost-of-living index along with everything else. The federal government still was making its contribution to demand and money creation pressures by continuing to run a substantial deficit even when further economic stimulation was no longer desirable.

All those events conspired to give the appearance that controls had worked and that disaster arrived, right on time, as soon as the government's guiding grasp was relaxed. Elsewhere on this page today Mr. Miller quotes Secretary Shultz as admiting that the new package came about because of the widespread feeling that Phase 3 had failed. In other words, the administration was put in a position where it had to cope with appearances as well as realities.

A NEVER-NEVER LAND

The realities demand, of course, other remedies. And while the President made it clear in his speech that he is aware of that, there has been a distressing lack of support for those perceptions from Congress, business and other sources of power. The concentration on the alleged failures of Phase 3 has turned economic discussion in government and business circles into a never-never land.

There was a time, not long ago, for example, when even the proponents of deficit spending by government as a means to economic stimulation cautioned that to avoid inflation the federal budget should be brought into balance when the economy reaches capacity production levels. Signals that we are at or close to capacity have been flashing for months but the budget is not in balance and there is no prospect of getting it in balance. The onetime advocates of this "full-employment budget" principle, whose one caveat is being so blandly ignored, have now become so enamored of federal economic intervention and other frontiers of the new economics that they seemingly have forgotten they ever issued a caveat.

One frightening thought that occurs is that the chance coincidence of controls clampdowns and economic improvement may not yet be ended. Some economists had predicted, even before the freeze, that food price rises had about run their course. There have been portents of slackening demand in some other sectors. If the free marketers in the administration had held out longer the political pressure might have eased.

If in fact it appears that rigid controls have "worked" once more, it will be little cause for rejoicing. Rather, the addiction could become that much harder to shake. So if the President really wants to kick the habit, he perhaps should be hoping that Phase 4 will prove to be a bad trip.

[From the Wall Street Journal, June 15, 1973]

HERE WE GO AGAIN

We can't help wondering if President Nixon timed his latest economic moves to make Leonid Brezhnev feel right at home when he arrives here this weekend. In all, the package Mr. Nixon presented the other night strikes us as one that could well have been designed by Gosplan, except that after almost 60 years of trial and error, Soviet economic planners no longer use a dart board. In that sense, Mr. Brezhnev may have some useful advice for the President on how to design Phase 4.

On the other hand, we're reminded of remarks made a year ago by Harvard's Hendrik Houthakker before the Joint Economic Committee of Congress. "Most people believe in controls," he said, "and in a democracy this is a factor which no one would want to ignore. To some extent the government has to give the people what they want." There's no doubt the public, the business community, Congress and the press are enchanted with the idea that Phases 1 and 2 were responsible for price moderation and Mr. Nixon was a doctrinaire clod for not returning to those golden days.

In this light, we can't be critical of the President for folding under this intense pressure. On the bright side of things, there is now an opportunity for the public to learn a thing or two about the dark side of controls. And in the process, Mr. Nixon may be able to rebuilt a constituency that will enable him to lead the nation back to the free market. Those who most loudly demanded what he has now presented are already backtracking, well aware that things could get messy. They'll say it's "too little, too late," and position themselves to argue that it's a good idea, but poorly administered.

The nicest part of the President's package is that while he has frozen prices for 60 days he hasn't frozen wages. As Mr. Melloan points out elsewhere on this page, that sizeable segment of the business community which has viewed controls as a pleasant way of avoiding nasty labor confrontations now must ponder the profit implications of the one-sided freeze. The President's directive to Internal Revenue to audit the books of those companies that raised prices by more than 1.5% during Phase 3 will cause a little more anguish when the Cost of Living Council orders price rollbacks. Labor's momentary glee at escaping the freeze may well dissipate when it realizes how difficult it is to bargain with an industry whose prices are frozen.

One control leads to another, which is why the President had to ask for export controls on farm commodities. At a time of surging world demand for food and feed grains, he couldn't very well freeze the retail prices of foodstuffs at home without doing something to prevent foreign purchasers from carting off more and more U.S. grains at bargain rates. We only wonder why he limited his request to grains. If the world price of crude oil rises during the freeze, the nation may find itself exporting crude. Rep. Henry Reuss of Wisconsin objects to the export controls, while approving of the domestic freeze. But how a nation can freeze domestic prices without insulating itself from world markets is beyond us, a brand of economic logic only taught on Capitol Hill.

What this demonstration of U.S. willingness to insulate its prices from world markets means, of course, is that the dollar is not only not convertible to gold, but now has limited convertibility to goods. Why all this should mean a strengthening of the dollar in overseas markets, as the control zealots have been asserting, is another bit of economic magic we're anxious to see performed. So far, though, the dollar continues its slide.

As we have been suggesting with monotonous regularity these past months, the current inflation can be laid in large part to the successive dollar devaluations, an inflation that will not abate until international prices adjust to the new exchange rates. At a time of global economic boom, with peak demands for commodities in most industrial countries, the February devaluation merely transferred purchasing power for global goods from the United States to its trading partners, U.S. purchasers having to bid higher for both domestic and foreign goods to meet its needs. By denying its trading partners the right to purchase goods of certain types, the U.S. will weaken the dollar further, forcing bidding up on uncontrolled categories of U.S. goods. The kind of price controls we now have can only work if the United States seals itself off completely from world markets.

We trust it won't come to that. The 60-day freeze should teach the American people some painful lessons about controls that could not be observed during the slack economy of 1971. Of course, we expect there will be fanatics pressing for a redoubling of effort as they move further away from their goals. But if enough businessmen, farmers and workers will in the process break from their infatuation with controls, the pain will be well worth bearing.

[From the Wall Street Journal, June 15, 1973]

RAW DEAL: FARMERS AND FOOD MEN BELIEVE NEW CONTROLS COULD BRING SHORTAGES

The agriculture and food industries don't like Phase 3½.

That is the general reaction emerging from a Wall Street Journal survey yesterday of farmers, agricultural economists, food-processing executives, retailers and others in the politically-sensitive business of supplying food to the nation's consumers.

Some of them think the price freeze could result in lower production of some foods—meat and eggs for example—and, in some places, bring shortages of such items as flour for bakeries and fresh vegetables in supermarkets.

In his speech Wednesday night, President Nixon went further than he said he ever would in extending price ceilings to raw farm products. Under the new rules, wholesale and retail prices can't go higher than their highest point in the June 1–8 base period, and prices of such raw products as eggs, lettuce and other foods that are edible in their unprocessed states would be controlled after the first sale by farmers.

In addition, the President asked Congress for authority to curtail exports of commodities and foodstuffs if necessary to hold down prices of domestic supplies.

WILL ONLY AGGRAVATE PROBLEM

George Doup, president of the Indiana Farm Bureau, part of the giant American Farm Bureau Federation, calls the new program "a stopgap measure" that, in the long run, "will only aggravate the problem and certainly not solve it."

President Nixon, Mr. Doup says, "proposed things that he knows won't work."

One effect of the new rules "may be the disappearance of eggs from the grocery shelf," predicts Dale F. Butz, director of the commodities division of the Illinois Farm Bureau and a brother of Agriculture Secretary Earl Butz. Dale Butz says farmers were counting on egg prices rising to $1 dozen this year. The ceiling price is about 60 cents a dozen, he says, "and egg producers can't make a profit at that price."

Neil Boomsma, a partner in a family-owned egg concern in Pella, Iowa, agrees. Depending on the ceiling price for livestock feed that is finally settled on, he says his operation could possibly lose two cents a dozen or maybe make only a small profit in the next 60 days. Mr. Boomsma thinks that flocks past their prime could be culled sooner as a result of the new controls, which "could create a shorter supply situation at the end of the 60-day period."

FARM-LEVEL IMPACT

Clarence Adamy, president of the National Association of Food Chains, says that supermarkets forced to pay profit-eroding prices for fresh fruits and vegetables during the freeze period simply won't stock many of these items. He says that from 25 to 50 meat items have been dropped from supermarkets since price ceilings on beef, pork, lamb and veal were instituted in April. Those ceilings remain in effect under the new controls.

Charles J. Carey, president of the National Canners Association, says the controls may reduce supplies of manned food products. "The 1973 packing season for major food products is just starting," he says, "but there is imminent danger that canners may not be able to afford to purchase the raw agricultural products for which they haven't already contracted. This would be exactly contrary to the President's twin goals of increasing food supplies and curbing inflation."

In his speech, President Nixon made a point of saying that food prices weren't to be controlled at the farm level, but the food industry isn't buying that line.

"Who does the government think it's kidding?" asks Roy Keppy, a hog farmer in Davenport, Iowa. "A freeze from the end product back to just short of the farm driveway effectively freezes prices on the farm, too."

"There's simply no way a food processor for very long can pay a price to a farmer that's higher than what he can recover in the marketplace,' 'says John Butterbrodt, president of Associated Milk Producers Inc., which represents some 40,000 Midwest dairy farmers. "When such situations occur, either one or both of two things will happen and neither is good for the consumer in the long run. There'll be shortages at the ceiling price and black-market conditions."

HAD SCHEDULED INCREASE

Earlier this week, Associated Milk Producers announced price increases of four cents to six cents a gallon, effective July 1. The new rules prevent the higher prices from being imposed and also require prices that have moved higher in recent days to be rolled back to their June 1–8 levels. Several supermarkets were doing just that yesterday on some 200 items.

"We're going to get clobbered," one supermarket executive says. Adds Mr. Adamy of the food-chain trade group, "We've already suffered a sharp decline in profits, and now we'll face bankruptcies."

Most food-industry executives complain that the 60-day freeze will be costly. "It is clear that one result will be continued pressure on our earnings—and those of the food industry generally—since the freeze applies to prices but not to many of our costs," says C. W. Cook, chairman and chief executive officer of General Foods Corp. Chief among the unregulated costs are wages and interest rates, both of which are important considerations throughout the agriculture and food industries.

Leonard Voss, an agricultural economist of the University of Missouri, says processors may squeeze their profits by paying farmers as much as they can if supplies are short, just to keep their production lines rolling and thereby help offset fixed costs. * * *

[From the Wall Street Journal, June 15, 1973]

BAD MEDICINE: ECONOMISTS VIEW FREEZE AS UNNECESSARY, SAY IT MAY ACTUALLY HAMPER CONTROL OF INFLATION

(By Lindley H. Clark, Jr.)

NEW YORK.—Even before President Nixon refroze prices, business economists were finding it hard to appraise the outlook for the next year or so. Forecasts ranged from a gentle slowdown, which would disturb hardly anyone, to a sharp recession, which would shake up almost everyone.

For some time, analysts generally have been agreeing that the business boom has passed its peak. As signs of a slowdown, they cite the housing decline, a modest cutback in businesses' spending plans for plants and equipment, a continuing caution among businessmen on inventory-building and an evident slackening of the consumer-spending pace. But now there's a whole new dimension for the forecasters to ponder.

"What disturbs me most about the freeze is that the sensitivity of the system could be upset," says Alan Greenspan, president of the economic consulting firm of Townsend-Greenspan Inc. "With the economy moving toward ease, the freeze may prolong the inflationary pressures."

Norman Robertson, senior vice president and chief economist of Pittsburgh's Mellon Bank, fears that the freeze may actually push up demand pressures. "Businessmen and consumers," he suggests, "may try to buy now because they expect another bubble effect when the freeze ends."

Most economists cite the slowdown in the rise of consumer spending as the most dramatic evidence that, before the freeze, the inflationary pressures had begun to seep out of the economy.

RETAIL SALES

"We have been expecting consumer spending to rise by $15 billion in the current quarter, at the seasonally adjusted annual rate, compared with the $28 billion rise in the first quarter," says Albert H. Cox, Jr., executive vice president and chief economist of Lionel D. Edie & Co. "Now it looks like $15 billion may be an overestimate."

"Take autos out, and retail sales don't look so impressive," says Paul Markowski, chief economist of Laidlaw-Coggeshall Inc. "And now auto sales may be flattening out."

On a seasonally adjusted basis, retail sales declined 2% in April, the first month-to-month decrease this year. Although sales rose 1% last month, the gain was largely explained by record new-car sales; autos account for more than 20% of the dollar volume of retail sales.

In the final 10 days of May, however, new-car sales slipped below the pace of the comparable 1972 period, and they fell again in the first 10 days of June.

CONSUMER SPENDING

William J. Fitzgerald, a Potomac, Md., management consultant, goes even further: he thinks that most of the upward momentum vanished months ago. In cooperation with Trendex Inc., a New York statistical research firm, he breaks down consumer spending by age and income groups. And his figures show that most age-income classifications actually began slowing their spending in late 1972.

So how could consumer buying still have been so super-brisk in the first quarter? Mr. Fitzgerald thinks that much of the explanation was stepped-up spending by young people. His analysis shows that every income class in the under-25 age group significantly increased its spending on durable goods in this year's first quarter.

He reasons that the ending of the war not only brought many servicemen back into the civilian economy but freed other young people from concern about the draft. "These young people," he says, "spend heavily to build inventories of consumer goods."

Mr. Fitzgerald thinks this buildup, and thus the sharp rise in consumer durables sales, now is about over. A freeze-induced spending bulge, of course, could change this prospect.

Michael Evans, president of Chase Econometrics Associates, says purchases of consumer durables and nondurables in constant dollars will rise at a 1% annual rate the rest of this year, compared with 8% during 1972 and with 14% in the first quarter of this year. He expects the rapid growth in consumer after-tax income, in constant dollars, to end this quarter, as higher Social Security taxes and income-tax overwithholdings occur in the second half of 1973.

GROSS NATIONAL PRODUCT

Since the boom has been fueled largely by consumer spending, a slowdown in such outlays obviously would tend to slow the economy. The Conference Board, a nonprofit business research group, has announced that its Economic Forum expects U.S. economic growth to slow "significantly" in the second half of this year. Forum members generally hold that the current boom is "unsustainable."

Earlier this week, the University of Pennsylvania's Wharton School of Finance and Commerce forecast that the gross national product, in terms of constant dollars, would rise at an annual rate of 5.8% in the current quarter, compared with 8% in this year's first three months. The Wharton economists look for a further decline, to a real growth rate of 3.3%, in the third quarter.

Some economists think the slowdown is coming even more abruptly. Mr. Cox of Lionel Edie, for example, expects the real GNP to rise by only 4% in the current quarter.

Nearly everyone, of course, recognizes that the economy couldn't continue to grow at recent rates without sharply increasing the upward pressure on prices. The Commerce Department figures that the economy's capacity grows at about a 4.3% annual rate, but the economy for some time has been growing considerably faster than that.

So the economists see a slowdown as very good economic news. A moderate decline in demand could help lead the economy back toward more stable prices—stability brought

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about by market conditions rather than presidential dictum. "Once a slowdown gets started, though, it can be awfully hard to stop," one analyst says.

RECESSION IN 1974?

Most economists nonetheless think that it can be stopped short of a full-fledged recession, either later this year or in 1974. In general, a recession is considered to occur when real GNP declines for two consecutive quarters, although the National Bureau of Economic Research, the recognized authority on the subject, uses more complex criteria.

The Conference Board's Economic Forum thinks that a recession is a possibility next year, though only four of the 11 members expect a "significant recession" a term they did not define. Even those members who saw a chance of a recession thought it would at worst be of the 1969–70 variety instead of the more severe 1957–58 type. The Wharton economists flatly rule out recession.

What can keep the slowing economy from sagging into a recession in 1974? Although businessmen recently cut their capital spending plans slightly, many economists still look for these outlays to help sustain the economy later this year and in 1974. The Commerce Department says businesses now expect to spend 13.2% more on new plants and equipment this year than in 1972; earlier, they had forecast a 13.8% rise.

Although fear of a recession could bring some further cutbacks, many of the projects are difficult to stop, once they're begun. Orders for machinery and the like often must be placed months or even years in advance of delivery. Most of the analysts thus look for a continuing rise in capital outlays in 1974.

ROLE OF EXPORTS

Economists also had seen the improving U.S. trade position as a possible cushion for the business slowdown. In April, exports exceeded imports for the first time in 19 months, and many analysts think the trend is continuing. Export controls on feed grain, which President Nixon requested on Wednesday night, could change that outlook, though.

Working the freeze and Phase 4 into economic predictions is especially difficult since no one, presumably not even Mr. Nixon, knows exactly what Phase 4 will involve. So far, few economists are making any changes in their forecasts.

Mr. Robertson of Mellon Bank expresses the common view that the freeze is more political than economic. "It does nothing to ease the underlying demand pressures. It's like trying to put a lid on a pot of boiling water," he says.

The demand pressures have been built up over the past two years by highly stimulative monetary and fiscal policies. Policies in both areas have been somewhat less stimulative lately. Most analysts think that the outlook depends much more on the monetary-fiscal future than it does on the freeze or on the Phase 4 that is to follow it.

[From the Washington Star-News, June 14, 1973]

LABOR, BUSINESS CRITICIZE FREEZE

President Nixon's 60-day price freeze was criticized today by both business and labor for failing to come to grips with the nation's economic problems.

"A step in the opposite direction," declared United Auto Workers President Leonard Woodcock. "A price freeze on food at the wholesale and retail level will only create artificial shortage and blackmarket prices. We need an economy of abundance, not one of government-created shortages," said Woodcock, a member of the President's Labor-Management Advisory Committee.

The National Association of Manufacturers also expressed displeasure, saying price restraint may create chaotic conditions in the production and distribution of essential commodities."

A Prince Georges housewife took a grim view of the price freeze.

"Oh goody," she said with sarcasm unconcealed, "this means that lettuce will stay at 69 cents a pound."

The U.S. Chamber of Commerce said the action "raises the question of whether the free market system is not being made the scapegoat for the failure of government control policies."

Democrats' reactions to Nixon's announcement ranged from doubtful to "damaging."

Sen. Henry Jackson, D-Wash., described the President's anti-inflation prescriptions as having the same format, with each phase representing "just a small dose of control" and "never enough economic medicine to cure the patient."

He called Nixon's export quota policy a concession of "mishandling the Russian grain deal last year."

"This is an interesting admission," Jackson said, "as Brezhnev arrives here Monday looking for more of the same."

Senate Democratic Leader Mike Mansfield said the President's action was "better late than never, a move in the right direction, and I'm sure he will have the support of Congress."

But Republicans, who were pushing for some tightening of Phase 3 controls, came out strongly in support of the President.

"Right on target," said House Minority Leader Gerald Ford of Michigan. On the Senate side, Minority Leader Hugh Scott of Pennsylvania said the action should stabilize prices and cool inflation.

Chairman Wright Patman of the House Banking Committee said the White House embraced proposals similar to those advanced by Democrats on his committee three months ago. The White House opposed those proposals at that time.

"The fact that interest rates and rent are left untouched is more evidence that the President still does not fully grasp the economic realities facing the American consumer—or at least the less affluent consumer," Patman said.

Lawrence R. Klein, a University of Pennsylvania economist, said the action "took us in the right direction."

Washington area merchants tended to be cautious in their reactions.

Joseph Danzansky, president of Giant Foods, said, "I don't think there's going to be a tremendous difference in the cost of food. Food prices, particularly meat, have almost literally remained under the Phase II levels."

One of the first firms forced to react to the freeze was The Washington Post, which had just raised the newsstand price of weekday newspapers from 10 to 15 cents a copy, as had The Star-News.

The first edition of The Post was on its way to the presses when Nixon spoke and a quick fix of the first page was made, changing the price back to a dime.

The Star-News, which raised its newsstand price Monday, two days after The Post increase, also has gone back to the 10-cent price, pending review with federal officials.

Both newspapers were frantically readjusting the mechanism on street-sale boxes early today to make them accept dimes again.

[From the Commercial and Financial Chronicle, June 7, 1973]

REBUTS MILLS ON CONTROLS—PRICE CONTROLS WON'T WORK!

(By Jules Backman)

Last week, Representative Wilbur D. Mills, Chairman of the House Ways and Means Committee, called on the Administration to put an immediate "hard hold" on wages and prices, not only for economic reasons, but to demonstrate that the President still is capable of action despite the Watergate flurry.

Contrary to Mr. Mills and other proponents of wage and price controls, Dr. Backman calls such measures a "cosmetic approach, which, during a period of high level business activity, will aggravate rather than solve the problem." When economic capacity starts pressing upon capacity, he says, price controls result in hidden price inflation in the form of quality deterioration, disappearance of low price lines, fewer special sales, and black markets.

In recent months, there has been a confluence of special forces which, on top of the shortages and rapidly expanding demand in our economy, have resulted in a sharp acceleration in the rate of price inflation.

(1) A sharp rise in food prices reflecting a reduction in available supplies, sharp increases in consumer incomes, and a large demand from overseas.

(2) The shift from Phase II to Phase III of the wage-price control program.

(3) Further depreciation in the foreign value of the dollar.

Each of these three factors appears to be a special development which will not be repeated in the near future. Future prices for many food products are much below curent prices, thus indicating the anticipation of larger supplies in the fall. The result would be a leveling off or even a modest decline in food prices. Here, the final result rests with Mother Nature.

With the shift to Phase III, a number of companies which had applications pending for price increases, put them into effect immediately. In addition, some companies probably raised prices because of the uncertainty which quickly developed as to whether comprehensive controls would again be imposed.

The depreciation in the value of the dollar has added to the cost of imports. Imports account for less than 5 per cent of our total output and hence, the most recent depreciation should add somewhat less than ½ of 1 per cent to the price level. Nevertheless, these increases came at a time when other increases also were taking place.

It is probable, therefore, that the rate of price inflation in the spring is at its high for the year and that the rate of increase will be significantly lower in the second half of the year. Accordingly, we should not be stampeded into adopting tighter wage and price controls, which all history demonstrates to be unworkable.

Moreover, it is erroneous to conclude that a continuation of Phase II would have avoided the sharp rise in prices in 1973. Under Phase III, food prices are under the same type of control as under Phase II and prices of imported goods were not covered under either program. During 1972, the economy was operating with substantial amounts of excess capacity. Thus, price controls did not contribute significantly to the reported price record in that year.

PRICE INFLATION IS WORLDWIDE

Price inflation has been a worldwide phenomenon during the past three decades. The rate of price inflation was more rapid in the U.S. than abroad in 1969–1970 while the U.S. performance was relatively better in 1971 and 1972.

Several factors have contributed to the worldwide trend of price inflation. Large increases in money and credit have been taking place throughout the world.

A significant role also has been played by the growing aspirations and expectations of workers implemented by labor union monopolies. The result has been sharp increases in labor compensation, far in excess of the gains in output per man-hour. In 1971, unit labor costs (ULC) in manufacturing increased 0.8 per cent in the U.S., 10.6 per cent in Japan, 8.9 per cent in West Germany, and 7.3 per cent in the United Kingdom. Preliminary data for 1972 indicate a continuing of the relatively favorable record for the United States.

NATURE OF PRICE INFLATION

The major identifiable causes of price inflation are large federal budget deficits and excessive increases in money and credit. It is the elimination of these causes which must constitute the main source of attack. Wage and price controls and incomes policy deal largely with the effects of price inflation rather than its causes. However, they can help to inhibit to a minor degree, large labor cost inflation and act to dampen temporarily inflation psychology. The assumptions that price inflation results from large profits or arbitrary actions to raise prices by large corporations are myths and illusions.

FISCAL INFLATION

With federal budgetary deficits averaging about $23 billion annually in the past three years, the only thing surprising about the continuing price inflation is that so many persons are surprised by it. During the 1960's, the federal budget was in the black in only one-year fiscal 1969. Between fiscal 1965 and fiscal 1972, the accumulated deficit was $85.1 billion and the increase in the federal debt was $104.1 billion of which $41.9 billion was bought by various federal trust funds.

Unbalanced federal budgets and how they are financed contribute significantly to price inflation. The data for the period from December 1965 to December 1972 show these trends. See table below:

FEDERAL BORROWING AND MONEY SUPPLY, DECEMBER 1965 TO DECEMBER 1972

[In billions of dollars]

	December 1965	December 1972	Increase
Federal debt (excluding Government holdings)	$261.3	$332.4	$71.1
Federal Reserve, holding of Government securities	40.9	71.1	30.2
Member bank reserve balances	22.7	31.4	8.7
Currency in circulation	36.3	56.9	20.6
Commercial banks demand deposits	131.7	190.0	58.3
Time deposits (excluding large deposit certificates)	130.1	267.5	137.4
Total	261.8	457.5	195.7

Source: Economic Report of the President, January 1973 (Washington: 1973), pp. 254, 259, 273.

The increase of $30.2 billion in government security holdings by the Fed was accompanied by a major rise in member bank reserve balances and in currency in circulation and supported an increase of $58.3 billion in demand deposits and $137.4 billion in time deposits.

We have been trying to do too much, too fast. These figures underline the importance of making every effort to get federal spending under control if we are to win the battle against price inflation. They provide the basic rationale for President Nixon's efforts to place a ceiling on federal spending.

MONETARY INFLATION

Excessive increases in money supply contribute significantly to price inflation. With two exceptions (1966 and 1969), M–1 and M–2 have been increasing more rapidly than the long term rate of growth in real GNP. For the 1965–72 period, M–1 increased at an annual rate of 5.7 per cent and M–2 at an annual rate of 8.1 per cent as compared with the annual rate of increase of 3.6 per cent for real GNP. Was it a coincidence that the CPI increased at an annual rate of 4.1 per cent and the WPI at an annual rate of 3.0 percent during the 1965–72 period? The jury is still out. The relationships are not automatic because allowance must be made for changes in the velocity of money. Nevertheless, there is a significant amount of evidence that large rates of increase in money supply tend to be accompanied by higher prices.

Despite its independent status, no Federal Reserve Board could fail to assist the Treasury to meet its financing needs. As a result, the large budgetary deficits have been accompanied by excessive increases in money supply. Wage and price controls cannot act as a corrective for poor monetary management, monetary inflation, or for fiscal inflation.

LABOR COST INFLATION

Labor cost inflation contributed significant pressure for higher prices in the 1965–72 period. The rate of labor cost inflation slowed down after 1970 largely because of the greater gains in output per man-hour (OPM). The result was less pressure on costs and prices from this source.

To the extent that wage-price control policy can be effective, it can contribute to somewhat less cost-push inflation. The problem, however, is the lack of effectiveness of such controls, particularly when the economy approaches or reaches full employment.

PSYCHOLOGICAL FACTORS

We tend to project our most recent economic experience into the future. An accelerating rate of increase in prices breeds the anticipation of further acceleration. This latter situation undoubtedly played a role in the 1970 collective bargaining and contributed to the large settlements agreed upon in the automobile and other industries.

At best, efforts to break inflation psychology can make only a temporary contribution to an anti-inflation program because such psychology is generated by the basic causes outlined earlier and cannot exist long in their absence nor contribute much to higher prices unless price inflation becomes a way of life.

THE PROFITS ILLUSION

Many consumers believe that retailers and producers earn exorbitant profits and that this is the cause of higher prices. This is an illusion. The facts concerning pre-tax profit margins provide no support for this belief.

Pre-Tax profit margins, 1972

Manufacturing	Percent
Meat Packing	1.5
Banking	5.6
Dairy products	6.0
All manufacturing	9.6
Retailing	
Food chains	1.9
Variety chains	4.6
Dept. & Specialty	5.2

Source: Derived from First National City Bank, Monthly Economic Letter, April 1973 by assuming a tax rate of 48 per cent and applying that to the FNCB after tax profit margins.

Even if pre-tax profits were completely eliminated the total impact on the price level would be very small—particularly for food products, the area of major concern in early 1973. But there is no mechanical relationship between pre-tax margins and price levels because if the pre-tax margin were cut sharply:

1. Government tax collections, which take almost half of the pre-tax profits, would be reduced, thus increasing the federal government's budgetary deficit and adding to the fiscal inflation.

2. Some companies would be driven out of business. The result would be less competition and poorer services with accompanying higher costs to buyers.

3. As consumers sought to buy the available products at the lower prices, shortages would develop. The result would be higher prices and/or the need to institute rationing.

THE ADMINISTERED PRICE ILLUSION

Another illusion is the belief that price inflation results from an alleged power of Big Business, particularly oligopolies, to raise prices without regard to market forces. It would be difficult to convince the oligopolistic chemical industry that this proposition has any merit in light of the price declines for organics and fertilizers during the past decade. Nor could one find supporting evidence in the oligopolistic aluminum industry where actual prices often are below list prices.

In the price inflation since 1965, pre-tax profit margins have been squeezed. Between 1965 and 1969, profits before taxes for durable goods industries declined from 10.2 per cent to 8.6 per cent and then fell to 6.3 per cent in 1970. Since oligopoly is found in many durable goods industries, it seems clear that these companies did not have the power to raise prices at will and thus to maintain or increase pre-tax profit margins.

Significant areas of price increase early in 1973 included meats, livestock, and lumber. These are industries which are characterized by large numbers of producers rather than oligopoly and in which pressures of demand were of primary importance.

Rising prices perform a two-fold function: diversion of resources to the industry with the consequent increase in supply (stimulating function) and the curtailment of demands of the least urgent bidders (rationing function). The rationing function of price is fully as important as the stimulating function. Because price controls prevent prices from performing these functions, they result in serious imbalances in the flow of resources; they are counterproductive.

Lumber provides an excellent illustration. Because of the sharp rise in prices as a result of the building boom and large export, price control was advocated in 1973. It is virtually impossible to control the price of lumber effectively, as we have seen in the past, because of the wide variety of species and qualities that are available. Price increases play an important role by making it too costly for some builders to use lumber. They are forced to shift to substitute materials. Here is an outstanding illustration of a major weakness of price control, namely, it aborts the rationing function of price by holding prices down. Moreover, it limits the incentive to add to supply, thus aggravating the shortage.

The profit standard is the most important general restriction. Pre-tax profits as a percent of sales are not to be greater than the average in two of the five years ending in 1972.

On the basis of the SEC-FTC figures, the pre-tax margin for all manufacturing averaged 8.6 per cent for 1968–69. This was lower than in the years 1964 through 1966 although higher than in many of the preceding years. For some industries this meant that pre-tax profit rates were frozen at levels which were abnormally low-cement and steel provide an illustration.

The profit limitation approach encourages some companies to become careless about their costs. Illustrations include business spending for entertainment, advertising, hoarding of labor, etc.

In other words, the profit limitations may act either as a barrier to efficiency in some companies or as a barrier to profitability by companies and industries whose pre-tax profits were abnormally low in the base years.

MODIFICATION OF PRICE RAISING PROGRAMS

One beneficial byproduct of the 1972–73 price inflation is the opportunity it has created to eliminate some governemnt programs which have outlived their usefulness or which were adding unnecessarily to consumer costs. The farm programs to limit production, import quotas for oil, non-fat dry milk and meat, and export subsidies for some farm products are important illustrations. Political pressures prevented the elimination of these programs earlier. The fact that they were eliminated or modified to help hold down price inflation provides ample vindication for those who have been criticizing many of these programs over the years because they raised prices.

A price control program gives the appearance of action by the government to hold down the rate of price inflation and hence

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meets the demands of the public including many legislators.

However, when economic activity begins to press upon capacity, price control results in hidden price inflation in the form of quality deterioration, disappearance of low price lines, fewer special sales, and black markets. As the pressures expand, the hidden price inflation becomes an increasingly serious problem. The results are distortions and imbalances in the economy and slower rates of economic growth. Ultimately, the inflation bubble bursts, the hidden inflation comes into the open, and widespread unemployment develops.

This has been the experience throughout history. It is interesting to recall that each new episode produces soothsayers who assure us that we are now in a "new era," or we have developed "new economics" or that "this time it will be different because we know how to control price inflation."

Unfortunately, the general public and legislators would like to beleive that the price inflation euphoria will not end and that they can have the best of all worlds by price fixing, expanding incomes resulting from fiscal monetary inflation and the ability to buy more goods at modest prices. But we can only buy what is produced and price control acts to hold total output below the levels otherwise attainable. It is, therefore, self-defeating.

We are usually told the choice is between some price inflation and unemployment. These are not the real alternatives. What we face is a modest increase in unemployment or a slowdown in the rate of increase in employment early in the inflation process or a major increase in unemployment at a later date. If price inflation is permitted to accelerate, the imbalances and distortions in the economy grow larger and larger as ever greater injections of money and credit are required to sustain it. When we come to the end of the line—as we must—the result must be a recession with intolerably large scale unemployment. It is much sounder public policy to pay the price for our past indulgences early in the process and thus to limit the magnitude of the unavoidable increase in unemployment. Of course, such a course almost always proves to be unpalatable to politiciains and to the public who are always hoping for the miracle cure which never is available.

If we take the painful route prescribed, every effort must be made to cushion the hardship attending unemplomyent by liberal benefit payments, public service jobs, inducements for earlier retirement, financial assistance for those who are willing to continue their education, payment of moving expenses and related programs. A modest increase in unemployment can be cushioned more readily by such actions than can large increases in unemployment.

Once we embark upon an inflationary course, there are no easy or painless methods to reverse it. Price fixing is a cosmetic approach which during a period of high level activity will aggravate rather than solve the problem.

[From the New York Times, Apr. 23, 1973]

Beware of Pip

(By William Safire)

In Herman Melville's work of fiction, "Moby Dick," there is a character named Pip—a lunatic cabin boy with prophetic powers who lives in fear of cowardice.

In Richard Nixon's world of economics, there is the threat of another PIP to haunt the men who try to see into the mists ahead.

PIP stands for a phrase used off-handedly, cavalierly a few weeks ago on the Op-Ed page (formerly the Editorial Page) of The New York Times: "Permanent Incomes Policy," the euphemism for the Government-managed economy and the end of the free market system.

The pill of wage and price controls, Gallup tells us, needs no euphemistic sugarcoating: a majority of Americans want stricter controls. Housewives beefing about the price of meat want controls, politicians fishing for votes want controls, businessmen chickening out of competitive pressures want controls.

Under the pressure of popular opinion, and with the cost of living index finger pointed skyward, only an elitist would refuse some obeisance to stiffer controls. On May Day, a stick will probably be brought out of the White House closet and brandished to strike fear in the hearts of price-gougers and other villains.

But why not go all the way to PIP? Why carry on the charade of phase the nation when the road to permanent stability is so alluring? PIP is a quick fix; it is action now; it is leadership and drama and charisma.

And it is wrong. Here are some reasons why:

Permanent controls would give too much power to the President.

All the furor about executive privilege, budgetary power-grabs, even Presidential war powers does not add up to a hill of high priced soybeans compared with the mountain of authority that various henny-penny Congressmen are pressing on the President. His refusal to acquiesce in becoming an economic dictator is an example of power refused that is unmatched since George Washington's refusal of a crown. (Sometimes I exaggerate.)

Controls are not fair.

When Government is managing the economy, a moment bureaucrats call the decision crunch arrives regularly; the hour is late, the pressure is enormous, the workload is impossible, and in hurries a 24-year-old hot-shot fresh out of business school with the departmental study that can make or break an industry, its component businesses and thouands of workers. Who is he to decide? With economics in such a primitive state, how can anyone substitute his judgment for decisions made in the infinitely complex marketplace?

Controls take away our freedom.

(A gale of derisive laughter: "Freedom to pay $10 a pound for steak? You call that freedom?") But consider the danger. Suppose you're a bureaucrat and don't like some newspapers. You don't have to intimidate them. With the power of economic control their editorial writers have thrust into your hands, you raise everybody's pay (Yea!), hold the line on newsstand prices (Hooray!), and riding a tide of popularity, you watch the offensive publications sink happily into bankruptcy. The epitaph for press freedom would be "We were too worried about a 'chilling effect' to think about a 'freezing effect.' "

What's to keep us from following the primrose path to a permanent incomes policy?

There is the natural inclination of the men in the economic saddle today to use the threat of controls rather than the fact of controls, because they are convinced nobody is ever going to repeal the law of supply and demand.

Next, there is the use of "classical" monetary and fiscal levers (any economic theory tried last year is called "classical") following the advice of the Keynesmanites. This combines the money-supply steadiness of the Friedmanites with the countercyclical deficits of the Keynesians, and if the reader is still with me I'm grateful.

Third, there is the forthcoming "growth reduction" that is likely to dampen inflation psychology. For the last half year, the economy has been growing at a real rate of 8 per cent—a genuine boom that, if sustained, would take us beyond "potential growth," or right over the cliff. The most ardently photocopied page in Washington today is page 61 of the Business Conditions Digest, which causes the cognoscenti to infer that the rate of real growth should be reduced to 4 per cent in order to sustain a not-too-inflationary prosperity. (Most economic pontifications can currently be one-upped with "Oh, I've read page 61, too.") With real growth perking along near our 4 per cent annual potential growth, we will have much less inflationary pressure and a little less pressure for PIP.

Finally, labor leaders, who give Nixon men the back of their hands, also give Nixon men their confidence in the future: If controls last too long and threaten the vitality of the free market, the labor movement will bust controls the way it has before. Labor's power, which so often interferes with the free market, is depended upon to be its last line of defense.

As for the permanent income policymakers, in Melville's words: "Let 'em go down like Pip, that jumped from a whale-boat. Shame! Shame!

[From the Wall Street Journal, Apr. 19, 1973]

The Case Against Rigid Controls

(By Edgar R. Fiedler)

WASHINGTON.—Why not impose more rigid controls on prices and wages? Prices are surging upward in a number of economic sectors; doesn't that call for more stringent controls? The changeover to the "self-administered" Phase 3 has been widely regarded as a failure; doesn't that call for a new system of tighter controls? Certainly there is a great demand for tougher controls—from consumer groups, from organized labor, and from other sources. And although Congress decisively rejected proposals to reinstitute a freeze and to broaden it to encompass other sectors of the economy, there is a sizable minority of Congressmen who are demanding more comprehensive, more rigid and more permanent controls over prices and wages.

Well, why not?

There are, I think, two fundamental reasons for resisting the call for tighter controls. One reason is liberty—the old-fashioned principle that the individual is the important unit in our society, that his freedom is something to be cherished, and that the government's power over him should be limited. To me this principle is a persuasive reason for opposing a move to inflexible, permanent controls. The second fundamental reason is economic efficiency. Our economy is so complex and changes so rapidly that the presence of controls over a long period of time would damage it seriously. History tells us that a comprehensive system of controls would require a gigantic bureaucracy here in Washington and would produce endless ribbons of red tape throughout the economy. History also tells us that the major economic impact of controls would be inefficiency and inequity.

REMEMBERING WORLD WAR II

Those of us who remember World War II know what the comprehensive wage and price controls of that era produced. We remember the restrictions against changing jobs and the shortages and rationing of meat, sugar, gasoline and many, other products. We remember also the black markets and other illegal efforts to circumvent the controls. Those World War II controls produced great waste in the economy and great inconvenience for the public. But we put up with them for patriotic reasons; we were willing to make the sacrifice to help the war effort.

I think it is obvious that today the public would not accept the problems that rigid controls inevitably create. There are no patriotic or other reasons that would lead people to put up with, for example, shortages of basic consumer goods.

But the World War II experience may not be completely applicable to 1972 and 1973. What, then, can we say about the present controls? Have they done any damage during the year and a half that they've been in effect? Have they hurt productive efficiency and created other problems?

The answer to that is, in the broad general sweep of things, no, but in many specific cases, yes, very definitely. When we look at the economy as a whole, we do not find that productivity growth has been slowed, or any other substantial evidence that the controls have done widespread damage. There are two reasons for this: First, the control system in Phase 2 was designed wherever possible to be flexible and, second, the economy was operating with considerable slack. These conditions minimized the trouble effects of the program.

But while the stabilization program did not produce widespread economic distortions during 1972, it did produce many individual instances of inequity and inefficiency. And the economy was growing so fast that more and more of these difficulties were beginning to show up. Had we continued Phase 2 through the current year, with its rapid growth pushing many industries close to full utilization of capacity, these dislocations would have become numerous and serious enough to injure the economy as a whole. To demonstrate that this is not just a bogeyman in the closet, let me cite a few examples of what happened during 1972.

The most disturbing and most wasteful difficulties created by the controls program were in the lumber and plywood industry, which was under heavy demand pressure from the boom in homebuilding. There were numerous reports that production was held 5% to 10% below maximum, primarily to avoid violating the Price Commission's profit margin rule. Sawmills were performing minor operations on standard cuts of lumber to create "new products" that were exempt from price control. Phony export and re-import transactions were recorded, without any lumber even leaving the country. Tricks like these kept the Internal Revenue Service working overtime tracking down violators. And in another effort to circumvent the controls, railroad cars full of lumber were being shipped around the country from one middleman to another, accumulating markups, which were individually legal, but not getting the lumber to the final user.

Despite the fairly high levels of unemployment that prevailed during 1972, we heard a number of complaints from businessmen that their employes were being lured away by higher wages to a competitor's plant down the road, and that they were prevented by the controls from raising wages to meet the competition in order to stop the pirating of their work force. When businessmen complain that the wages they pay are too low, well, that's a pretty sure sign that the controls are interfering with the efficient operation of the labor market.

Another inefficiency that was becoming more significant as the program progressed was the red tape that both labor and business found themselves tangled up in. By the end of 1972, for any pay or price request that was at all more than routine, the waiting lines at the Pay Board and Price Commission were getting longer and longer.

The controls had a perverse impact on petroleum refining, creating an incentive to distill less fuel oil than necessary and more of some other products. This helped make the fuel oil shortage last winter a little worse than it otherwise would have been.

The controls also produced serious difficulties for commodities that are traded in international markets. When the world price rises above the ceiling price of domestic producers, a powerful incentive is created to ship all domestic production out of the country, irrespective of the need for it at home. This situation developed for soybean meal and phosphate fertilizer late in 1972 and threatened to create severe shortages of those commodities here in the United States.

The Phase 2 profit margin limitation created a special kind of problem in some industries. One company, for reasons unrelated to its major product line, would be up against its profit margin limit and would be unable to raise prices on any product. The pressure of competition would, then, prevent other firms in the industry from raising their prices, despite the fact that their costs had increased sharply. The classic example of this problem is the wine industry, where the Gallo Concord recently developed a very profitable new line of fruit-based wines. Because Gallo was up against its profit margin ceiling, it could not raise prices on its grape wines, despite the fact that a poor crop had sent the price of grapes up some 50%. This increase in costs was not too hard on Gallo, but it did hurt other vintners badly. These other vintners generally produce only grape wines and thus would have been justified in raising prices because of the increased costs, but they could not do so because of competition from Gallo. These other vintners, then, saw their profits disappear very quickly and turn to losses. This same situation developed in a number of other industries, including baking, brewer's yeast, linens, pool tables and others.

ENDLESS COMPLAINTS

The six examples described above are only a few of the many economic distortions and wasteful changes in normal business practices that the controls produced during 1972. We heard endless complaints from labor, business and consumers about their troubles, and complaints were growing in frequency and intensity as the year progressed. Moreover, these difficulties mounted despite our best efforts to maintain a flexible and equitable program, and despite the fact that farm products, interest rates, most rents, wages of low-income workers, and many other sectors of the economy were exempt altogether from the regulations.

The storm of protest over Phase 3 and the great demand that exists to move toward across-the-board price controls indicates that the freeze and Phase 2 have had a profound effect on the attitudes of the American people. It tells us that what the entire stabilization effort has done, more than anything else, is to miseducate the public to believe that controls are the way to solve the problem of inflation. That is a distressing result. To me, it is clear that a comprehensive system of rigid price and wage controls applied over an extended period would wreak havoc on the basic structure of our economy.

[From the Wall Street Journal, Nov. 7, 1973]

Oil-Pipe Pinch—Oil Drilling Contractors Say Shortages of Tubing, Other Supplies Are Worst Ever

(By D'Arcy O'Connor)

In Laurel, Miss., an oil-well contractor recently paid $13.10 a foot for 11,000 feet of used drill pipe. New, the same pipe would have cost him about $10 a foot. But then, his chances of finding new pipe today are probably less than his chances of striking oil.

Small drilling contractors and big oil companies alike find themselves in the tightest pinch ever when it comes to obtaining much of the basic equipment needed to sink an oil or gas well, especially the steel tubing used to drill a well and encase the hole. There's also a shortage of drilling rigs, tool joints connecting the 30-foot lengths of drill pipe, and even crews and fuel to operate the rigs.

But it's the extreme scarcity of well pipe and casing that is most alarming U.S. petroleum producers. "We've actually had some wells we've had to delay because the operator couldn't find the pipe to drill the hole," says W. E. Bullington, vice president of Parker Drilling Co., a large Tulsa, Okla., drilling contractor. "Up until recently, 30 to 90 days was the longest we'd expect to wait to get hold of pipe. Now, we're looking for up to a year on some deliveries," he adds.

And the fact that the shortages are expected to get even worse in the months ahead—at a time when a potential oil shortage is a matter of national concern—has prompted a Department of Interior study of the situation. "We didn't anticipate this equipment would go from a shelf item to a scarcity" in just the past couple of months, says a department official.

SURGING EXPLORATION

Oil-industry sources cite two major factors creating the current shortage: a surge in exploration activity in the U.S. and abroad (there are about 1,300 oil rigs operating in the U.S. today, up about 15% from a year ago), and lagging production of steel tubing by the nation's steel mills.

Some oil producers accuse the steelmakers of sacrificing tubing production for that of sheet steel because of the recent price increases cleared by the Cost of Living Council on the latter product. But steel concerns say they are maintaining their ratios of tubular product output to that of sheet.

An official of one of the largest suppliers of drill-rig tubular equipment, the Continental-Emsco division of Youngstown Sheet & Tube Co., a unit of Lykes-Youngstown Corp., asserts that "Youngstown is still allotting the same amount of capacity for oil-country steel as it did a year ago." This, he adds, is about 20% of the company's total steel output. He blames the current situation on "a basic shortage of steel all over the world," and adds, "ironically, a lot of that problem is directly tied to the energy crisis."

But oil and gas well operators say that because of domestic price restrictions steel mills often can get higher prices for tubular steel from exploration companies outside the U.S. This is one factor the Interior Department is examining in its study. "We'd certainly look to see what options are available to us to restrict such exports" if they are found to be significantly contributing to domestic shortages of oil-drilling equipment, says the agency official.

INDEPENDENTS HARDEST HIT

Meantime, a spokesman for the Dallas-based International Association of Drilling Contractors says the import of well casing from Japan and Europe has virtually dried up. He says this is due to increased foreign oil and gas exploration and "simply because they can get money for it over there than in the U.S."

The small independent operators and contractors, who account for about three quarters of all wildcat oil and gas strikes in the U.S., are those most severely affected by the equipment supply squeeze. Some of these operators report they are scrambling against time in many instances to obtain pipe to start a well before their leases on particular acreage expire.

One such operator, Ernie Brooks of Oklahoma City, says he has "eight wells ready to drill now, but I just can't find pipe anywhere." He adds that he has "been trying to buy some old wells just so I can pull out the pipe," but even these are "almost impossible to get."

"It's getting pretty bad," says an executive of Rowan Cos., a Houston drilling contractor. "Pipe we ordered a good three months ago is now scheduled to be delivered in October 1974."

The major petroleum producers are less affected, as most of them had previously built up equipment inventories in anticipation of the increased drilling activity this winter. Also, because they are large volume customers, they are able to buy most of the new tubing available.

AN HISTORICAL BASE

Nevertheless, steel suppliers have put these producers on an allocation basis for

XUM

most tubular products, with the allocation usually based on a customer's quarter-to-quarter purchasing history.

A spokesman for Mobil Oil Corp. says that despite the allocations, "we've been able to handle all our crises so far." But, he adds, "the outlook is poor," and "we're now working against our allocation for the first quarter" of next year.

The most ironic shortage that has recently cropped up in the oil fields is that of diesel fuel and propane, both commonly used to run the oil-rig engines.

"There are going to be a number of rigs shutting down because they can't get enough fuel to keep operating," warns Bill Murphy, president of Murco Drilling Co., Shreveport, La. He says Murco has received notice from its diesel fuel supplier that future deliveries will be curtailed as a result of the nationwide tight supply of that fuel. Other drilling contractors say they've had to seek fuel-provision assurances from the oil companies they're drilling for before beginning new wells.

Drill crews, too, are getting harder to find in many areas, though operators concede that a labor shortage often accompanies the onset of winter. But the current situation is "worse than ever," says Mr. Murphy. "Crews are leaving the fields in droves because with cost controls we can't pay as much as they'll get in other jobs."

Most oil-industry sources believe the shortages of drilling material will continue for at least another six months. But some expect the tubular-steel shortage to last several years.

With the resulting rise in value of used drilling equipment, a recent increase in "pipe rustling" is reported by the Texas Rangers. An officer at the force's station in Midland, in the heart of West Texas oil country, says drill-pipe sections left unguarded at well sites "often get loaded on a truck in the middle of the night and sold to dealers the next morning a couple of hundred miles away."

Consequently, he adds, "a lot of companies around here are starting to brand their equipment" with serial numbers or other identifying marks.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, I am very happy to join with the Senator from New York (Mr. BUCKLEY) in this attempt to attach an amendment to the energy bill which would repeal the Economic Stabilization Act.

I think that two Members of the Senate voted against the Economic Stabilization Act when it was passed by the Senate.

Mr. BUCKLEY. Mr. President, I might point out that was passed before I entered the Senate.

Mr. HATFIELD. Mr. President, I am glad that the record is made clear by the Senator from New York.

When Congress first passed the Economic Stabilization Act, we told the President, in effect, "You solve the economic problems of the country." That legislation give us phases I through IV, with Pay Boards, Price Commissions, and Cost of Living Councils, prescribing controls, freezes and complex formulas, resulting in severe economic dislocations that have worked hardships on nearly every segment of American society—all without addressing the fundamental causes of our economic ills.

It is a simple truth that wage and price controls, in all their phases, have not worked. In approving that grant of power, Congress challenged the President to take such steps. This push from Congress, coupled with a favorable attitude of the public, combined to produce an Executive policy that has failed miserably.

But Congress has begun to grasp the magnitude of its abdication to the executive branch. We struggle to reassert ourselves in the budgetary process, in confirmation powers and as initiators of—not just reactors to—policy and programs. Why then, in one sweeping gesture, by giving the President the authority to impose vast new controls, is Congress again willing to give away its responsibility and power over more of Federal Government policy which affects so much of American life? An examination of this bill shows we are ready to abdicate great responsibility for the manner in which the country will deal with another critical problem, our immediate energy situation.

As I said to my fellow Interior Committee members, if you liked the Economic Stabilization Act, you will love this emergency energy bill. I cannot think of a single sector of our economic life that will not be under the direct control of the President or his agents. Drastic alterations of people's personal and business lives can be implemented at the stroke of a pen.

No one denies the seriousness of our energy problems, nor the need for creative solutions. I cannot understand, however, why Congress is so eager to throw away the leadership role it has established in finding solutions to our energy problems.

I will not enumerate here the positive steps the Congress and the Interior Committee have taken, in spite of a reluctant administration, on energy issues. As the ranking Republican on the Appropriations Subcommittee on the Public Works and AEC budgets, I have cited impoundment after impoundment of energy-related funds.

The administration should suggest specific programs, rather than seek a blank check. Congress should consider specific measures, not grant carte blanche authority.

In seeking solutions to our energy problems, Congress should continue to exercise its constitutional role in the Federal system. We can expect that after this bill is signed into law and soon after the first exercise of the enormous powers granted under this legislation, our legislative hoppers will be filled with bills to correct the new problems that the Executive's energy regulations are sure to bring. They will be sponsored by Members who will cite "congressional responsibility."

The preference of Congress to centralize power further in the Executive is a factor that has brought this country to its present political crisis. This is the very psychology Congress should reject. The distribution of powers between Congress and the Executive is well summarized in this quotation from Justice Brandeis:

> Separation of powers was adopted by the convention in 1787 not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was not to avoid friction, but by means of inevitable friction incident to the distribution of governmental powers among three departments, to save the country from autocracy.

Approval of this legislation transforms the phrase "energy czar" from a simple cliche to a chilling reality. Heating our homes through this winter need not be done at the cost of further entrenching Executive autocracy.

In granting such sweeping powers in S. 2589 to the President, Congress ignores an energy record of which it can be proud. One myth that should be set aside is that Congress is unable to deal with such issues as the energy shortage. We have had before us recently two examples that show just the opposite. I refer to the Alaska pipeline bill, technically the Federal right-of-way, and the mandatory fuel allocation bill, S. 1570. The pipeline bill is on its way to the White House, and the mandatory allocation bill was passed yesterday by the Senate and it, too, is on its way to the White House. As a Senate conferee on both these bills, I believe they offer evidence that Congress is acting in a responsible manner to solve the energy crisis. The bills provide answers to both long-term and short-range problems. The pipeline bill deals with long-range problems of meeting energy needs, while the emergency fuel allocation bill addresses the current crisis. These represent legislated solutions that are constructive and forward-looking. Members of this body may disagree with certain provisions of one bill or the other, yet I think we should recognize that actions such as this provide evidence that we can buckle down and provide some solutions to energy problems. We should not be on the defensive about what some claim to be inaction or unresponsiveness of Congress. That just is not the case.

Other Senate committees have worked on energy legislation, but I would repeat here what significant measures our Interior Committee has taken, in addition to the two mentioned above. During 1973, the Senate Interior Committee has reported four other major bills affecting energy. They are: S. 268, the land use bill; S. 245, the surface mining bill; S. 2176, the energy conservation bill, and S. 2589, the bill before us now. In addition, the energy research and development bill is at the markup stage. Hearings have been held and progress made on the deepwater ports bill, the strategic reserves bill, and the new geothermal bill.

As I mentioned earlier in these remarks, I know of energy-related funds approved by Congress and currently under the thumb of OMB and unspent to meet energy needs. An examination of this list offers further evidence that Congress has been moving ahead in providing funding for projects already authorized, only to see the funds impounded. On our Appropriations Subcommittee where I serve as ranking Republican—on Public Works and the AEC—our acting chairman, Mr. BIBLE, provided leadership in helping shape a bill that beefed up energy aspects of it, while cutting other segments of the administration budget request. The appropriations bill signed into law was below the administration's own budget request. This

removes the charge from OMB that our subcommittee was in some way "budget busting."

When the list is examined, it shows OMB is sitting on some $20 million in energy-related funds. One portion already has been put in "budgetary reserve"—OMB jargon for impoundment. Other funds have been scheduled for "tentative fourth quarter apportionment." Money in this class has a habit of dropping through the cracks into the next fiscal year, and represents funds that could be spent now.

The list shows we have been acting on energy issues. The impounded funds include:

	Millions
Geothermal research	$4.7
Solar research	.6
Gas stimulation (plowshare)	.8
Molton salt reactor	2.0
Fusion research	4.5
Los Alamos resources study center	.35
Prefinancing of above three AEC projects	4.3

The list of tentative spending raises special hackles for me for it includes $3 million in funds desperately needed to begin construction of a second powerhouse at Bonneville Dam, on the Columbia River. A group of 13 other western Senators joined me in a strong letter to Roy Ash, of OMB, urging immediate release of these funds, but they have not been spent. Funding of $900,000 for added power units at Little Goose and Lower Granite Dams on the lower Snake River also have not been released. I also know from service on the Interior Appropriations Subcommittee that OMB is holding up $1.5 million for a pilot plant for hydrogenation—turning wood waste into low-sulphur oil. Even if we recovered only 10 percent of the waste left in the woods in logging or at the mills, studies show we could produce enough oil to equal the amount of heating oil sold in my State of Oregon.

At the time of eroding trust of all Government, I also question the wisdom of providing such carte blanche powers as are in this bill to one person, and providing for no citizen input in formulation of these far-reaching policies. The President, or his agents, will determine if certain steps are to be taken, how the steps should be taken, what priorities should be given—and the results could affect drastically the way we work and live. Under this legislation, these decisions are likely to be made behind closed doors, without public participation. Congressional review of specific energy proposals, however, allows such citizen input. The public would know it was their elected officials, and not some bureaucrats, that were shaping the legislation. I would add I am not suggesting that Congress should turn into an administrative agency handling the daily problems. In setting basic policies, we should give direction to those policies and shape the programs. These then could be administered by the various agencies and departments.

This lack of citizen input and the resulting isolation from the decision-making process touches upon another aspect of the problems between the Congress and the Executive. I need not belabor the obvious: The administration is operating under a cloud resulting from Watergate-related incidents. I respectfully raise the question of whether it is wise to add this additional burden on the executive branch at this time. When public acceptance of what may be severe alterations in their life styles is so critical, I do not believe this burden should be borne by the executive branch, which is suffering so deeply from a crisis of public confidence and trust.

In conclusion, I believe the thrust of this bill to be in error. We are abdicating our responsibility. Congress should consider legislation in these various areas; we should review past and new administration energy proposals; we should listen to citizen views. We—the Congress—should shoulder the responsibility for formulating short-term solutions to the energy crisis and continue our leadership role in devising long-range answers. I will repeat that a result of passage of this bill provides further entrenchment of Executive autocracy.

So I am very pleased to join with Senator BUCKLEY in offering this amendment to get us out of another morass and another mess where we abdicated so much power to the President, by repealing the Economic Stabilization Act.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. BUCKLEY. I yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, in today's Wall Street Journal there appears an editorial that I think is very relevant and timely in connection with the amendment now before the Senate. Therefore I would like to read, for the interest and edification of Senators, what the editorial says. Under the column headed "Review and Outlook," it is entitled "Rationing is Irrational," and reads as follows:

> John Love, the President's energy chief, and Rogers Morton, the Interior Secretary, are already predicting that the voluntary conservation program is doomed to failure and that there's no avoiding a full-blown rationing program by early 1974, perhaps New Year's Day. Mr. Nixon insists rationing will only be a last resort, but he doesn't sound very confident.
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> We certainly hope it doesn't come to that. Rationing is absolutely the worst way to deal with fuel shortages. Any system that can be devised by Washington bureaucrats would have to be based on equal treatment for Americans, within broad priority pigeonholes. And while Americans may be born equal, we doubt there are any two of them with precisely the same legitimate energy requirements. Rationing would impose the grossest kinds of inequities on people and the crudest kinds of inefficiencies on the economy.
>
> Consider: Jones earns $50,000 a year, commutes to work by train, and owns a Lincoln, a Buick station wagon and a Volkswagen. Smith earns $8,000 a year, owns a Ford and drives 12 miles to work. Brown makes $15,000 a year when you add together his earnings, his wife's and his son's each of whom drives a separate car to work. Miller lives in Brooklyn, rides a subway to work and owns no cars.
>
> So how do you divvy up the rationing coupons: Do you give them out per auto, meaning Jones get three allotments while Smith gets one? Or do you divvy them up by auto-owning households, which may be fair to Jones but leaves two of the Brown family's wage-earners stranded?
>
> And what about Miller, who after all is the most deserving of all, in terms of patriotically conserving gasoline? Should he not be given gasoline coupons, which after all are worth money? A black market in coupons will evolve slowly at first, but within a minute or two after coupons are first placed in the public's hands it will be going full blast. In fact, one of the options the government is considering is giving out the coupons on a per capita basis, regardless of need, precisely to protect Miller's interests.
>
> If you don't want to hand out the coupons per-car, per-household or per-capita, you can try to distinguish between "essential" and "nonessential" driving. This would require an army of enforcers and also provide further national incentives to lie and cheat. And even without that, Tom, Dick and Harry, executives who live in the suburbs and drive 15 miles to the city, could form a car pool and divvy up two "essential" allotments for pleasure driving. Or sell their excess coupons to Jones, who wants to drive his Lincoln to Florida.
>
> Insofar as industry is concerned, rationing would also have to be "fair and equitable," as the bureaucrats say. Consider American Widget, which now uses 1,000 units of gasoline, fuel oil and electricity per day. It has to make do with 900 units. The same is true for National Widget. It's all fair and square, except that in the last year American Widget has been scrupulously and patriotically paring energy consumption, turning out the lights, running cold water in the rest rooms, installing more energy-efficient machinery, and rerouting delivery schedules. National Widget, on the other hand, has been squandering British Thermal Units with abandon, as it always has. With rationing, American Widget has no choice but to cut production. National simply trots around doing those things that American already accomplished.
>
> To avoid this and other problems, the government could not make rationing work unless it conducted a national energy audit. Each of several million enterprises would have to come before Mr. Love and his people with several volumes of documents to justify their respective hard-luck stories and win an extra dollop of fuel from the czar.
>
> Rationing worked after a fashion during World War II, but produced no economic distortions to speak of; the economy was wholly geared to the war effort.
>
> Peacetime rationing is quite another matter, and if we're to have it, we had best import several battalions of Soviet bureaucrats who have 56 years experience in allocating material and only foul up half the time. While rationing seems the fair and equitable thing to the cherubs in Washington who have shown their stuff on wage and price controls, in practice we foresee a monumental snafu.
>
> Treasury Secretary Shultz, at least, says rationing will be a "last resort." The first resort, which we recommend begin as of last week if at all possible, is for the government to permit energy suppliers to raise prices until demand meets supply.

Mr. President, that concludes the editorial from the Wall Street Journal. I hope that Senators will take the time to read it, because I think the logic is incontrovertible.

As the distinguished Senator from New York proposes in his amendment, let us take advantage of the economic facts of life to do something about supply. That is going to be the problem. It was the problem last week. It was the problem even before the Arabs shut off the oil flow to the United States.

In the opinion of every knowledgeable person who has studied the matter of

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energy supply for the United States, there is no denying that we all agree, even though the trouble in the Middle East were to be resolved tomorrow, this Nation because of its growing energy consumption and because of a parallel growth in energy consumption worldwide, will not have adequate supplies to meet all necessary needs.

I said early today that Dr. William Pecora, the late head of the U.S. Geological Survey, and following that assignment, Under Secretary of the Interior more than a year and a half ago said that, in his judgment, there was enough oil and gas within the Continental United States and on the Continental Shelf surrounding this country to see to the needs of America for possibly as long as 100 years, based on the consumption of oil and gas in this country in 1971.

I am disturbed, as I have indicated on previous occasions, by the fact that, with the exception of the Alaska pipeline, we have not yet, this year, done one thing specifically directed toward the increasing of supplies, with the exception of the passage of the stripper well amendment as proposed by the distinguished Senator from Oklahoma (Mr. Bartlett), which was made an amendment to the Alaska pipeline bill, and the research and development bill still in committee.

I do admit that if we pass a research and development program, the long-range effect will undoubtedly shore up the dwindling supplies of energy in this country, but for the short term, the most knowledgeable experts agree there is no way we can convert our energy needs from petroleum, which supplies more than three-quarters of all the energy we now use in the United States, from that source to coal.

Coal gasification, coal liquefaction, oil shale, geothermal energy, the breeder reactor are all further down the road.

This country is geared to a petroleum and natural gas economy. There is no way we can escape that fact.

It seems particularly unfortunate because of that fact that we do not seize this moment, now, to do something about supply, to take the steps that are called for in the editorial I just read from in the Wall Street Journal. We would be assured if we adopted—as I hope indeed we shall—the Buckley amendment, that this is good sense, that it will start the process of going in a new direction so that Americans can look forward confidently to the expectation that our energy situation will become less severe and less acute than it is now.

I hope that Senators, when they are called upon to vote on the Buckley amendment, will remember—if we need to be reminded, and I hope that we would not—that there is no way this legislative body or any other legislative body in the world, except in a completely controlled economy such as we find in Soviet Russia, can invalidate the laws of supply and demand. They are there. They are immutable. They will work as long as free people have the opportunity to express themselves freely and without coercion.

I would hope that we recognize, in voting for and supporting the Buckley amendment, what we are really doing, that is, to take the steps which will help to assure that America, indeed, will continue to be the land of the free. It is just that simple, Mr. President.

There is no way we can make rationing work in a peacetime economy without compounding our difficulties.

The story is this: We start without enough supplies of anything. We then decide we are going to divvy up among eligible and necessary users. Pretty quickly one segment, one individual after another, finds that he is hurt, that his home is cold, that he loses his job, because there was not enough energy to go around. So, any administrative authority starts making exceptions. It starts recognizing the fairness and the equity in an appeal made by some man or some group without enough energy to get the necessary job done.

It is not too long, during peacetime, until this situation magnifies itself more and more until we get to the point where there is not enough fuel to go around to take care of all the necessary uses that have been recognized by the rationing authority.

At that point in time, the whole system breaks down. That is the bleak future to which Americans can look forward with reasonable expectation, if it occurs, if all we try to do is to spread the misery around and try to distribute insufficient supplies to begin with.

The Buckley amendment is a good amendment. It deserves our support. It makes sense. It will help to shorten the time when Americans may know without any doubt at all, despite what foreign countries may do, that there will be enough energy in this country to take care of America's necessary and essential requirements.

The Buckley amendment deserves the support of the Senate.

Mr. BUCKLEY. Mr. President, I thank the distinguished Senator from Wyoming for his comments and appreciate his calling our attention to the editorial in the Wall Street Journal.

Mr. President, I now yield to the distinguished Senator from Tennessee (Mr. Brock) who has been patiently standing by.

Mr. BROCK. Mr. President, I am a cosponsor of the amendment of the Senator from New York (Mr. Buckley) for any number of reasons, but I guess the most fundamental of all is that I have finally come to understand how easy it would be to feel sorry for the people of the Soviet Union with the inept bureaucracy that they must face every day of their lives and in every facet of their lives.

I have never in my life seen such confusion, compounded by incompetence, as exists in this particular area these days.

Two years and three months ago, the President sought the necessary imposition of wage and price controls on the American people. A lot of us rationalized that step by saying that we might accept it if the time used were used to address the fundamental problems of this country and not as an excuse for the continuation of governmental irresponsibility.

But no, that time was not used productively. We have gone from phase I to phase II to phase III to phase IV, compounding our problems as we go, making the situation worse and creating enormous hardships for the people of this country in the process, without dwelling on the fundamental, root causes of our difficulties.

Now we are being asked to continue wage and price controls and come up with an emergency fuel measure.

Let me illustrate the condition we are in today with a couple of examples on how you can get into a mess by trying to substitute the wisdom of 5 or 10 or 500 or 5,000 people in Washington for the collective judgment of the American marketplace.

We are short of propane and heating oil at the moment. We are short of natural gas. In other words, we are short of those ingredients which not only heat the home or drive the tractor, but also provide the feed stock for our petrochemical industries, as well as the feed stock for synthetic fibers in our textile industries.

We have a situation right now in this country in the textile industry in which a great deal of scrap is produced when they produce synthetic yarn. This scrap can be reprocessed into good synthetic yarn and used right back to produce shirts, clothes, sheets, and handkerchiefs. But we are exporting all our synthetic yarn scrap right now. Why? Because wage and price controls prohibit American manufacturers from buying that scrap on the marketplace. All of it is going to export and we are going to be short of shirts and sheets and socks this winter, as well as heating oil.

This summer, we announced a proposed list of priorities for distribution of heating oil and propane, and everybody thought it was a pretty nice list. We were going to take care of the households, the schools, and the farmers. But some of us asked Governor Love, when he came on the job, "What about industry? What about the place where people work for a living, where they get the income to buy the heating oil?"

He said, "We hope to lengthen the list." They did not. Today, plants are closing in the State of Tennessee, because they cannot get these commodities.

I wonder what comfort it is to the workingman in one of those plants to be told, "We are going to ration heating oil so that you can heat your home," when he knows that he does not have a job, because he has been thrown out of work, because the priority did not go to the plant. So, not only does he not have the paycheck with which to buy heating oil, but also, he cannot even buy food for his children.

It is insane. It is insane to think that this Government is substituting its wisdom for that of 200 million people. We publish these regulations. We said here to the farmer, "You are going to be on the priority list, because we have to get these crops to the market; we have to feed the American people." What is happening? In Tennessee right now, farmers cannot get diesel oil. Why? Well, nobody knows why.

They call my office, and we tell them that there is an office in Nashville that they are supposed to call. We give them

the number and the name of the man. They call, and he says, "I can't do anything but answer the telephone. We don't have time. But you can call Atlanta."

They call Atlanta, and Atlanta says, "We don't have any people down here; and if we did, we don't have any forms to send to you to fill out so that you can get an emergency allocation." So they come back to my office and say, "What do we do?"

Well, we have been trying to help. We got one form out of the office up here. It is incredible—one form. We took it to my office and put it on the telecopier to my offices in Tennessee, and we mimeographed it; and I am distributing forms for emergency distribution of fuel to farmers and wholesale fuel dealers, because the U.S. Government cannot do it. They send the forms in, and nobody is there to evaluate the forms, because they cannot hire anybody, because Congress has not given an appropriation to hire people.

I called the Administrator of the allocation program and said, "I can go to businesses, to the State government in the State of Tennessee, and get you some volunteers who will be more competent than anybody you can hire to put in this office. At least, let us process these forms." That was 10 days ago, and I do not yet have a response to my offer to provide them with help.

I have never in my life seen this degree of ineptitude exceeded at any level of Government. I think it is time we started to take an honest look at the proposal of the U.S. Government for controls every time we get in trouble—controls on the American people. There have not been any controls on Congress in the last 10 years, when we have been spending money as though it were going out of style.

Now we say, "Let's blame the American people, because they are using all this energy." I cannot accept that. I cannot accept the fact that the American people cannot compete with anybody in this world, given an opportunity to do so. How do you compete with somebody when you have wage and price controls on you which inhibit your ability to reinvest your capital in new plants and equipment to increase your efficiency? How do you compete when you have people in this country who are forced to suffer a loss in the day-to-day operation of their businesses, because we do not have the capacity to respond fast enough up here to lift the ceiling so that they can make a return on the time and investment they put into their efforts?

I simply cannot continue to tolerate these controls which so inhibit not only the free market, but also the free processes of the people of this country.

Why do we continually underestimate the American people? Why do we say, "You have to let us think for you; you are not capable of making your own decisions?" Why do we not turn them loose and let them have an opportunity to be productive again? The farmer proved that he can do it. The oil people will prove that they can do it, if they are given the opportunity. They will start building refineries if you get off their back. You will start getting some natural gas in the Northeast if you will take the ceiling off and let it be pumped up there.

Mr. BARTLETT. Mr. President, will the Senator yield?

Mr. BROCK. I yield.

Mr. BARTLETT. Talking about the problems of controls and causing problems that face an industry—particularly the little guy—I ask the Senator from Tennessee if the example of yesterday, in the passage of the allocation bill, which provides that refineries shall have a certain amount of crude oil, does not work to the disadvantage of those aggressive, small refineries which were faced with shutdowns earlier in the year and which did, through their own initiative of paying a higher price, when they could, increase their runs and their throughput, some to the point of a hundred percent, and now, with the passage of this bill in the Senate, if it became law, could be threatened with losing that amount of throughput and additional crude oil, because of a control passed by Congress.

Mr. BROCK. Absolutely. Apparently, there is something wrong with being aggressive these days and trying to make your way in the marketplace. Apparently, there is something wrong with guys who are working their hearts out to supply oil.

The trouble is that you penalize the person who has been doing a good job in the past, and you placate and in effect support the guy who has been fat and sloppy in his operation, because you put them on the same standard.

Please do not misunderstand what I am saying. There are some very fine people in this Government who are trying to do the best they can—on the Cost of Living Council, in the Department of the Interior, in the oil and gas and energy offices. I am not talking about the man. I am talking about concepts. There are not any men in this world who are smarter than 200 million Americans. There are not any men in this world who can substitute their judgment for the marketplace.

What happens is that you look at each of these little price control situations as if it were unrelated to anything else. We say that we are going to put a ceiling on this item, without realizing that, in this world today, we are interdependent on each other.

Everything that is done in one little company affects somebody else and it ripples throughout the country causing hardship and personal agony.

I thank the Senator from New York for offering an amendment of this sort. It may help focus attention on an unconscionable condition, the erosion of the free processes of this Republic, an unconscionable ineptitude in the application of the law, and inequity in the application of the law. I think it is important to try as best we can, even though we may fail today, to call to the attention of the people the problem that is going to be with us for a long time to come if we do not do something about it.

Mr. BUCKLEY. I thank the Senator for his contribution to the issue involved in this amendment.

Mr. President, I take this opportunity to ask unanimous consent that the names of the following Senators be listed as cosponsors of the amendment: Senators Hatfield, Bartlett, Hansen, Brock, and Helms.

The PRESIDING OFFICER (Mr. McClure). Without objection, it is so ordered.

Mr. BUCKLEY. I yield to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. PROXMIRE. Mr. President, I have been listening to this debate.

Mr. FULBRIGHT. Mr. President, will the Senator yield to me for 30 seconds?

Mr. PROXMIRE. I yield.

U.S. INFORMATION AGENCY APPROPRIATIONS AUTHORIZATION ACT OF 1973

Mr. FULBRIGHT. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2681.

The PRESIDING OFFICER (Mr. McClure) laid before the Senate the amendment of the House of Representatives to the bill from the Senate (S. 2681) "to authorize appropriations for the U.S. Information Agency," which was to strike out all after the enacting clause, and insert:

That this Act may be cited as the "United States Information Agency Appropriations Authorization Act of 1973".

Sec. 2. (a) There are authorized to be appropriated for the United States Information Agency for fiscal year 1974, to carry out international informational activities and programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, and Reorganization Plan Numbered 8 of 1953, and other purposes authorized by law, the following amounts:

(1) $194,839,000 for "Salaries and expenses" and "Salaries and expenses (special foreign currency program)", except that so much of such amount as may be appropriated for "Salaries and expenses (special foreign currency program)" may be appropriated without fiscal year limitation;

(2) $5,125,000 for "Special international exhibitions" and "Special international exhibitions (special foreign currency program)", of which not to exceed $1,000,000 shall be available solely for the Eighth Series of Traveling Exhibitions in the Union of Soviet Socialist Republics; and

(3) $1,000,000 for "Acquisition and construction of radio facilities".

Amounts appropriated under paragraphs (2) and (3) of this subsection are authorized to remain available until expended.

(b) In addition to amounts authorized by subsection (a) of this section, there are authorized to be appropriated without fiscal year limitation for the United States Information Agency for the fiscal year 1974 the following additional or supplemental amounts:

(1) not to exceed $7,200,000 for increases in salary, pay, retirement, or other employee benefits authorized by law; and

(2) not exceed $7,450,000 for additional overseas costs resulting from the devaluation of the dollar.

Sec. 3. Section 701 of the United States

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Information and Educational Exchange Act of 1948 is amended to read as follows:

"PRIOR AUTHORIZATION BY CONGRESS

"Sec. 701. (a) Notwithstanding any provision of law enacted before the date of enactment of the United States Information Agency Appropriation Authorization Act of 1973, no money appropriated to carry out this Act shall be available for obligation or expenditure—

"(1) unless the appropriation thereof has been previously authorized by law; or

"(2) in excess of an amount previously prescribed by law.

"(b) To the extent that legislation enacted after the making of an appropriation to carry out this Act authorizes the obligation or expenditure thereof, the limitation contained in subsection (a) shall have no effect.

"(c) The provisions of this section shall not be superseded except by a provision of law enacted after the date of enactment of the United States Information Agency Appropriation Authorization Act of 1973, which specifically repeals, modifies, or supersedes the provisions of this section.

"(d) The provisions of this section shall not apply with respect to appropriations made available under the joint resolution entitled "Joint resolution making continuing appropriations for the fiscal year 1974, and for other purposes", approved July 1, 1973, and any provision of law specifically amending such joint resolution enacted through October 18, 1973.".

Sec. 4. The United States Information Agency shall, upon request by Little League Baseball, Incorporated, authorize the purchase by such corporation of copies of the film "Summer Fever", produced by such agency in 1972 depicting events in Little League Baseball in the United States Except as otherwise provided by section 501 of the United States Information and Educational Exchange Act of 1948, Little League Baseball, Incorporated, shall have exclusive rights to distribute such film for viewing within the United States in furtherance of the object and purposes of such corporation as set forth in section 3 of the Act entitled "An Act to incorporate the Little League Baseball, Incorporated" approved July 16, 1964 (78 Stat. 325).

Mr. FULBRIGHT. Mr. President, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

NATIONAL ENERGY EMERGENCY ACT OF 1973

The Senate resumed the consideration of the bill (S. 2589) to authorize and direct the President and State and local governments to develop contingency plans for reducing petroleum consumption, and assuring the continuation of vital public services in the event of emergency fuel shortages or severe dislocations in the Nation's fuel distribution system, and for other purposes.

Mr. PROXMIRE. Mr. President, there has been a great deal of dissatisfaction with wage and price controls. Many people recognize they work a hardship on the economy. I voted against wage and price controls when we were first asked to renew them by the administration in late 1971 or early 1972 because at that time I thought it would be hard to make them workable, and extremely hard to justify them. But it seems to me this Buckley amendment is not a responsible or wise way to proceed.

Let us consider what the Buckley amendment would do if it passes. It would wipe out all the provisions we now have to hold down prices in the construction industry, which have plagued us so seriously. Regardless of any criticism one wishes to make of wage and price controls, here is one industry where they have worked well. Before wage price controls there were 15 and 20 percent increases in construction wages which had a high inflationary effect throughout the economy.

In the health industry we have a special task force and we have peculiar problems of shortages that have to be handled carefully and responsibly. The administration has worked hard to define and develop controls in the health industry, and they have pinched but worked reasonably well.

Those who vote for the Buckley amendment should be aware of what happens if it goes into effect. We experienced a similar price explosion in going from phase II to phase III. We found that moving from a mandatory to a voluntary system developed into an explosion of prices. This is not to say we should not take controls away as rapidly as possible. We should do everything we can to reduce controls by the end of the year and work hard to eliminate them if possible by April 30 next year; but it should be done in an orderly and constructive way and as Dr. Dunlop is proceeding.

In the fertilizer industry a very strong argument was made that this industry was greatly inhibited by controls and unable to expand and unable to meet the demand. One reason for high food prices was that; we could not produce fertilizer. Dr. Dunlop agreed they would be exempt from controls but only if they expanded facilities and production. That seems to be working and those familiar with that situation agree Dr. Dunlop has done well in this respect.

The Senator from New York quoted at length from Dr. Jackson Grayson and with enthusiastic approval. He is the former Price Commissioner and it is true that I was one of his critics. But he is an able man. He understands how controls operate. The Senator from New York quoted very approvingly of an article Dr. Grayson wrote recently in the Harvard Business Review, an article in which he raised profound questions about controls, and said we should eliminate them as soon as possible. But I wish to call attention to the fact that in a more recent speech the same Dr. Grayson said that we should eliminate controls not now but only when the present excessive demand situation lessens in the economy; that the timing is extraordinarily important; that to take them off when demand is exploding, would be a serious error.

Let us take a look at the current situation in the economy. We have had a reduction in unemployment, which is now at the lowest level in 3 years, at 4.5 percent. We are moving into a situation where we have a surging demand-pull pressure on prices.

Mr. HANSEN. Mr. President, will the Senator yield for a question?

Mr. PROXMIRE. I shall be glad to yield in a moment.

For us to abolish controls across the board without giving consideration to the peculiar problems in construction, health, and other areas, and without giving the administration authority to negotiate so that as controls are eliminated production is increased, would be irresponsible.

Mr. President, I think I did get the floor. I was recognized by the Presiding Officer. I yield to the Senator from Wyoming for a question.

Mr. HANSEN. I thank my distinguished colleague.

The PRESIDING OFFICER. It is the understanding of the Chair that the Senator from New York yielded to the Senator from Wisconsin.

Mr. PROXMIRE. I misunderstood. I thought I had been recognized in my own right.

Mr. BUCKLEY. Mr. President, I interrupt what is an important element of this debate, out of deference to the Senator from Maine (Mr. Muskie) who has to catch an airplane. I would like to extend the debate long enough for him to introduce on behalf of the Committee on Public Works an amendment affecting the Clean Air Act, which is acceptable to the Committee on Interior and Insular Affairs, I believe.

Mr. PROXMIRE. Mr. President, would the Senator from New York agree that when the Senator from Maine completes his remarks I be allowed to complete my remarks?

Mr. BUCKLEY. Yes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York? Without objection, it is so ordered.

Is there objection to the amendment of the Senator from Maine being in order at this time? Without objection, it is so ordered.

Mr. MUSKIE. Mr. President, I send to the desk an amendment on behalf of myself and 14 members of the Committee on Public Works.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. MUSKIE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment, ordered to be printed in the Record, is as follows:

On page 34, line 9, insert the following new title:

"TITLE IV—CLEAN AIR ACT AMENDMENTS

"Sec. 401. Section 110 of the Clean Air Act, as amended (84 Stat. 1683), is amended by adding the following new subsection:

"(g)(1) During the period commencing November 15, 1973, and ending August 15, 1974, the Administrator is authorized to temporarily suspend any emission limitation related to control of pollutants resulting from fuel burning, or schedule or timetable for compliance with such emission limitation contained in any Federal, State, or local law, regulation, or requirement adopted under this Act as to any presently operating fuel burning stationary sources which is or would be in violation of such requirement due to actions ordered by the President under the National Energy Emergency Act of 1973, unless the Administrator determines that such suspension will present an imminent and substantial endangerment to the health of persons: *Provided*, That no such requirement may be suspended by the Administrator, unless the Administrator determines, (i) that such suspension is essential to enable redistribution of fuels to avoid or minimize violations of primary ambient air quality standards in another locality, or (ii) that the source does not or is not likely to have available, after implementation of all practicable measures in sections 203 and 204 of the National Energy Emergency Act of 1973, fuel which can be burned in compliance with such requirement. No suspension granted under this subsection shall extend beyond the period of unavailability of complying fuel and in no event beyond November 1, 1974.

"(2) To obtain a suspension pursuant to this subsection, the owner or operator of such a source shall submit to the Administrator an application for a suspension of the applicable requirement which demonstrates the need for the suspension, and which establishes that the applicant will maintain where practicable during the period of the suspension an emergency supply of fuel which complies with applicable requirements, in order to avoid presenting an imminent and substantial endangerment to the health of persons during periods of air stagnation. The Administrator on his own motion or at the request of the Governor of an affected State may initiate such a suspension for area sources.

"(3) In granting suspensions pursuant to this subsection the Administrator is authorized to reduce to ten days any Federal, State, or local time limits required for hearing procedures. In case of extreme emergency and with the concurrence of the Governor, such hearings may be waived. In all instances, he shall notify the Governor of the State, and the chief executive officer of the local government entity in which the affected source or sources are located and, to the extent practicable, the public.

"(4) Except as specified herein, any suspensions given under this subsection shall be exempted from any procedural requirements set forth in this Act or any other provision of local, State or Federal law, and the granting of such suspension shall not be subject to judicial review under section 307 nor to any proceeding under section 304 of this Act. Nothing in this subsection shall affect the power of the Administrator to deal with sources presenting an imminent and substantial endangerment to the health of persons under section 303 of this Act."

"Sec. 402. Subsection (a) of section 110 of the Clean Air Act, as amended (84 Stat. 1681) is amended by adding the following new paragraphs:

"(5)(A) The Administrator shall review each applicable implementation plan and no later than May 1, 1974, determine for each State whether its plan must be revised in order to achieve the national primary or secondary standard within the deadlines established pursuant in this Act. In making such determination the Administrator shall consider any current or anticipated suspensions under subsection (g) and any projected shortages of fuels or emission reduction systems. Upon making a determination the Administrator shall notify the State and require revisions of the applicable plan or portion thereof. Plan revisions for any State for which the Administrator determines its plan is inadequate shall be submitted not later than July 1, 1974, and shall be approved or disapproved by the Administrator, after public notice and opportunity for hearing, but not later than September 1, 1974. If a plan revision is disapproved the Administrator shall, after public notice and opportunity for a hearing, promulgate a revised plan not later than November 1, 1974.

"(B) The owner or operator of any fuel burning stationary source may request a revision of the implementation plan with respect to such source. The Administrator shall approve such revised plan, after public notice and opportunity for hearing, but within 60 days of such request, if he determines (i) that the owner or operator of such source is able to enter into a contractual obligation to obtain a continuous emission reduction system which the Administrator determines has been adequately demonstrated, or into a long term contract to acquire fuel of sufficiently low sulfur content to implement applicable air quality standards, and (ii) that modifications with respect to such source are consistent with the implementation plan for the attainment of ambient air quality standards and are in accordance with the provisions of subparagraph (D) of this paragraph; *Provided*, That, the approval of the Administrator shall be contingent upon the owner or operator of such source entering into such a contractual obligation or long-term contract. Any such revision shall be incorporated into any plan revised pursuant to subparagraph (A) of this paragraph.

"(C) Notwithstanding subparagraph (a)(2)(ii) of this section, a State may initiate a revision of its implementation plan consistent with the provisions of subparagraph (D) of this paragraph. The Administrator shall approve or disapprove such a revised plan within 120 days after submission.

"(D) Such revised plans shall include legally enforceable compliance schedules for such fuel burning stationary source or sources, which schedules shall specify continuous emission reduction measures to be used to achieve compliance, interim steps of progress, and alternate interim control measures to minimize the emissions of pollutants pending final compliance with applicable emission limitations. Actions taken under this paragraph shall be taken in accordance with procedures prescribed in this Act and shall be subject to judicial review in accordance with the Act; *Provided*, however, that the final date for compliance for sources regulated under this section may not extend beyond July 1, 1977, except in the case of extensions granted pursuant to subsection (f) of this section.

"(E) The Administrator shall report to the Congress by May 1, 1974, on the extent to which any applicable State or local air pollution requirement or deadline may adversely affect the implementation of the National Energy Emergency Act or of this paragraph.

"(6) In order to minimize the need for suspensions under subsection (g) of this section and to provide for interim compliance under paragraph (5)(D) of this subsection, the Administrator is authorized and directed to redistribute within an area designated pursuant to section 203(b)(1) of the National Energy Emergency Act, after consultation with the Secretary of the Interior, allocated fuels on a sulfur content basis to insure, to the maximum extent practicable, that such fuels are utilized in a manner that will minimize adverse effects on health.

"(7) The Administrator may take such actions as are necessary to assure that emission reduction systems are first provided to users in air quality control regions with the most severe air pollution except that no such action shall affect existing contracts."

Mr. MUSKIE. Mr. President, last Friday I introduced legislation on behalf of myself and other Members of the Committee on Public Works to facilitate the capability of the Environmental Protection Agency to do its share to deal with the energy crisis. At the time the bill was introduced, the Committee on Public Works agreed to hold early hearings on the proposal and to complete consideration of the legislation at an early date.

On Monday, November 12, the Subcommittee on Air and Water Pollution, which I chair, took nearly 8 hours of testimony from the Administrator of the Environmental Protection Agency, Russell Train; the president of the Sierra Club, Laurence I. Moss; two representatives of the National Resources Defense Council, Mr. Richard Ayres, and Mr. David Hawkins; the vice president of the National Coal Association, Mr. Robert Price; and the Commissioner of the Department of Air Resources for New York City's Environmental Protection Administration, Mr. Fred Hart. While the record of that hearing is not printed, a transcript is available. That transcript will reveal an in-depth analysis of the implications of proposed amendments to the Clean Air Act, both in terms of the energy emergency and protection of the public health.

Today I am proposing an amendment jointly sponsored by all Members of the Committee on Public Works which reflects the deliberations of the committee.

Witnesses proposed a number of important improvements in the legislation to assure minimum disruption of air quality programs while assuring adequate authority to deal with the energy crisis.

Witnesses proposed that emergency authority provisions retain, except in extreme cases, the requirement that a public hearing be held before an emergency suspension was granted. The amendment which we report today adopts that recommendation.

Witnesses proposed that the amendment waive only procedural requirements set forth in the Clean Air Act. The amendment before the Senate includes that recommendation.

Witnesses proposed that the time limit on emergency suspension be extended from 6 months to 1 year. The amendment before the Senate accommodates that proposal by extending the period for application for a suspension to 9 months and allows an emergency suspension to continue until clean fuels are available or November 1, 1974, whichever comes first.

Witnesses proposed that there be a positive burden on the Administrator to review State implementation plans to determine the extent to which existing emission requirements and compliance schedules need revision in light of the fuel shortage. The amendment before the Senate would require the Administrator to complete a review and initiate plan revisions by May 1, 1974.

Witnesses proposed that implementation plan revision occur on a precise time schedule with an adequate opportunity for States to initiate and complete the process themselves. The amendment provides the States with an opportunity to act first but requires completion of the revision process by November 1, 1974.

Witnesses expressed great concern for the possibility that air quality standards would be violated on a regular basis during the time needed to comply with new regulations. The amendment before

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the Senate specifically requires the Administrator to set forth, in revised implementation plans, specific interim measures including alternate control strategies to minimize "the emission of pollutants pending final compliance with applicable emission limitations."

Witnesses stressed the importance of providing the Environmental Protection Agency Administrator with authority to require redistribution of low sulfur fuels to assure minimum adverse effect on air quality during any suspension period and to assure that plants located in metropolitan areas receive available supplies of low sulfur fuels. The amendment before the Senate includes authorization for the Administrator to redistribute low sulfur fuels which have been allocated to areas of the country by the President.

Mr. President, if there was one theme in the hearings held by the Subcommittee on Air and Water Pollution, it was that conservation should precede degradation. All of our witnesses concurred in the need to place a high order of priority on protection of public health. All witnesses concurred that all practicable measures to conserve energy as required by the National Energy Emergency Act should be taken before air quality is sacrificed.

The amendment before the Senate today provides specifically and I quote that—

> No such requirement—referring to emission limitations and compliance schedules under the Clean Air Act—may be suspended by the Administrator unless the Administrator determines—that the source does not or is not likely to have available, after implementation of all practicable measures in section 203 and 204 of the National Energy Emergency Act of 1973, fuel which can be burned in compliance with such requirement.

This is a clear statement of the commitment of the Committee on Public Works that clean air to protect public health must take precedence over temporary inconvenience associated with conservation requirements.

Mr. President, the amendment that is offered unanimous by the members of the Committee on Public Works recognizes the limitations the fuel crisis imposes on our ability to meet the deadlines adopted as a result of the 1970 amendments to the Clean Air Act. The amendment recognizes that in the near term, this winter, an all-out effort must be made to overcome our shortage in the last disruptive fashion, providing maximum protection for all citizens in their homes and on their jobs—while accepting short term disruption in clean air efforts. In the long term, these amendments are designed to eliminate our reliance on the vagarities of foreign fuel supply as the basis for pollution control.

The amendment sets forth a procedure to move fuel burning stationary sources of pollution from emission control programs based on imported low sulfur oil to continuous emission control programs based either on stack gas control technology or long term contractual commitments to domestic low sulfur coal supplies.

The strategies required by this amendment may in some instances delay the achievement of the emission reduction goals of the Clean Air Act by 2 years. In return for that delay, the Committee on Public Works is asking the Senate and the Congress to support the imposition of requirements that will assure the American people a technological or contractual commitment to clean air on the part of utilities and industries.

This amendment is intended to increase national energy self-sufficiency. It should provide the basis for our domestic coal industry to begin to make long term investments for new, safe, deep coal mines, and environmentally acceptable surface mines.

Mr. President, the amendment attempta to deal with the situation created under the emergency legislation when an owner or operator of a fuel burning stationary source is directed by the President to convert a facility to a higher sulfur fuel, where that conversion will cause a violation of air quality requirements. Under the amendment, immediate relief is provided through the emergency variance procedure. The owner of a converted source will have until November 1, 1974, to obtain a revision of the clean air implementation plan which sets forth the manner in which that converted source will comply with air quality requirements.

The provision permits an owner to initiate a plan revision before the procedural requirements of the act take effect. The amendment provides the Administrator with authority to approve plan revisions for owners of converted sources contingent upon that owner's contract obligation either to obtain a continuous emission reduction system or a long term contract for low sulfur fuel. This provision should assure sources required by the President to convert fuels sufficient time to meet their air quality requirements.

Mr. President, I would like to spend a moment discussing continuous emission reduction systems. Under this proposal there are only two ways to proceed to comply with the revised plan—through the application of stack gas scrubbers or through a long term contract for supply of low sulfur fuels.

So-called supplementary control system and intermittent control strategies are not substitutes for these requirements. They may be useful as interim strategies before the final date for compliance with revised plans but they are not to be considered permanent measures for compliance with those plans.

Mr. President, there are other features of this amendment which I have not discussed in detail. We have attempted to preserve, to the extent that we could, the role of the States in the development of air quality programs.

We have provided, at the request of Gov. Daniel Evans, chairman of the National Governors Conference, authority for the States to initiate variances for area sources of pollutants, that is, sources to which implementation plans apply generally rather than specifically.

We have provided that hearings on emergency variances can only be waived with concurrence of the Governor of the affected State.

We have provided authority for the States to initiate immediate revision of implementation plans to establish new compliance schedules for primary and secondary standards implementation. We have, in effect, attempted to preserve the intergovernmental fabric of the Clean Air Act to the extent that this emergency will permit us.

As I have said before, this amendment is sponsored jointly by all 14 members of the Committee on Public Works. Most of the members participated yesterday in morning and afternoon mark-up sessions. It is our collective judgment of the best mechanism to facilitate the Environmental Protection Agency Administrator's capability to modify air pollution requirements to get over the immediate problems posed by the energy crisis.

As I said at the time I introduced my bill last Friday, this legislation would be "an undesirable but apparently necessary setback for our environment." This is still true. But with the assurance that energy conservation must necessarily precede environmental degradation, I ask my colleagues to support its adoption.

I ask unanimous consent that a description of the amendment as well as a section-by-section analysis be printed in the Record.

There being no objection, the statement and analysis were ordered to be printed in the Record, as follows:

DISCUSSION OF INTENT

The intent of Section 1 of the Committee's amendment is to provide the Administrator of the Environmental Protection Agency with the flexibility needed to meet the immediate energy problems likely to accompany changes in kinds of fuel used by stationary sources. Our aim is to allow the the authority necessary to provide temporary variances under circumscribed conditions. The Administrator may accomplish this by adjusting emission limitations, compliance, timetables, or a mixture of the two. It is the intent of the Committee that such variances be carefully limited to cases where variances are absolutely necessary. Specific conditions are necessary before the Administrator's authority can be triggered.

Primary among these is the requirement that low sulfur fuels must be distributed in a way that minimizes the pollution problems of that area. Until this is accomplished, the authority to grant variances cannot be exercised. This is an essential part of any strategy to minimize the pollutions effects of this winter's energy adjustments.

In any case, no variances may be allowed if granting them would present an imminent and substantial endangerment to health.

By allowing the granting of variances until August 15, 1974, the Committee intends to establish a logical target for a Congressional review of the issues involved in this legislation. To wait longer would push Congress up against the fall Congressional elections and too close to the winter of 1974–75. The Committee intends variances granted to be effective until November 1, 1974.

In subsection (g)(2) the Committee has attempted to establish a procedure that will allow individual operators, Governors, or the Administrator to initiate the action leading to the granting of a variance. Where practicable, the source to receive the variance will be required to maintain an emergency supply of clean fuel. The purpose of this is to protect against air pollution episodes caused by periods of air stagnation that would endanger health.

The Committee also proposes authorizing flexibility in the application of procedural requirements under the Clean Air Act. Hearings are required generally but they can be called on ten days notice. In emergencies and with the Governor's concurrence hearings may be waived. But in no case may action be taken without notification to State and local officials.

The intent of the amendment before us is to preserve the procedures of the Clean Air Act as much as is possible. Where the emergency dictates otherwise, basic minimum procedures must still be followed.

The purpose of Section 402 is to fold the variances granted into a new State implementation plan process as smoothly and rapidly as possible. This will allow necessary planning to proceed quickly and will provide certainty to the parties involved as soon as possible.

It is imperative that the deadlines for review and submission of revisions be met so that proposed revisions, hearings and promulgation of final changes be completed by November 1, 1974.

The Committee wants to provide an assurance that investments in new emission control devices will be protected. It also wants to insure that commitments to install these devices will be realized within a certain time period after the variances are allowed so that efforts to clean up the air will not receive a permanent long-run setback. In order to accomplish this purpose, Section 402 calls upon the Administrator to make an assessment of the adequacy of the emission control device or the availability of low sulfur fuel, whichever is proposed to bring the source in question into compliance with the State's implementation plan. If these are determined to be sufficient, the Administrator must approve the revision, contingent upon a contractual obligation for such devices or fuel.

The Committee wants to insure that efforts to achieve air quality standards continue forward with as little disruption as possible. In order to accomplish this purpose, Section 402 requires that plans revised as a result of this amendment must maintain the requirement of continuous reductions in emissions from stationary sources during the interim period before final compliance is achieved on July 1, 1977.

The Committee believes that variances can be greatly minimized this winter, and that interim progress toward final compliance can be maximized by a wise allocation of low sulfur fuels to sources presenting the most acute emission problems. The Secretary of Interior is required to consult very closely with EPA on the matter, and rely heavily on its expertise in this area.

Allocation will follow a two-step process, and EPA must be consulted closely at both steps. Under the first step the President allocates fuel to general areas of the country as provided in Section 203 of the pending bill. The second step permits redistribution of fuel to sources within these regions by the Administrator. The Committee envisions careful intraregional distribution of low sulfur fuel based on the detailed information presently available to EPA. Such distribution can substantially minimize the adverse health effects of the adjustments necessary.

An essential aspect of implementing the changes required by the present energy will be responsible action by all of the States in reviewing the requirements of their clean air implementation plans. The structure of the Clean Air Act is built upon a cooperative program of Federal-State-local action. The pressures of the present crisis, however, have the possibility of creating inequitable actions among states that may indicate the need for Federal preemption. Because of this possibiltiy the Committee's amendment requires EPA to report to the Congress by May 1, 1974 on the possible need for further Congressional action on this matter.

Should the demand for pollution control devices outstrip the available supply during the present energy emergency, the amendment provides EPA with authority to encourage, and if necessary, allocate the distribution of such devices on a priority basis to sources contributing to the most imminent health hazards. It is not expected, however, that the authority to establish an actual allocation system will need to be set in motion.

SECTION-BY-SECTION ANALYSIS, AMENDMENT OF COMMITTEE ON PUBLIC WORKS

This amendment adds a new title IV to S. 2589. The new title contains two amendments to section 110 of the Clean Air Act, which requires the development of implementation plans to achieve and maintain ambient air quality standards within deadlines specified in that section.

Section 401 adds a new subsection (g) to section 110 of the Clean Air Act. This new subsection authorizes the Administrator of the Environmental Protection Agency to temporarily suspend emission limitations related to the burning of fuel for any fuel burning stationary source which is or would be in violation of such emission limitations due to action under the National Energy Emergency Act. Suspension may be granted between November 15, 1973, and August 15, 1974, with any suspension terminating when complying fuel becomes available, or no later than November 1, 1974. A suspension cannot be granted if the Administrator determines that it would present an imminent and substantial endangerment to the health of persons. Suspensions may be granted only where the suspension is essential to enable redistribution of fuels to minimize violations of air quality standards protective of public health, or where complying fuels are not likely to be available even after full implementation of the energy conservation measures authorized in S. 2589.

Subsection (g)(2) requires an owner or operator of a source applying for a suspension to demonstrate the need for the suspension, and, where practicable, the applicant is required to maintain an emergency supply of clean fuel for use in air pollution alerts during the period of the suspension. The Administrator may grant a suspension for area sources (e.g. commercial and domestic heating units) on his own motion or at the request of a Governor.

Subsection (g)(3) provides for expedited hearing procedures of 10 days or less, and for the waiver of any hearing requirement in extreme emergencies where the Governor concurs. Notice to affected government officials and, to the extent practicable, the public is required.

Subsection (g)(4) exempts such suspensions from any other procedural requirements of Federal, State or local law. The granting of suspensions is exempted from the judicial review and citizen suit provisions of the Clean Air Act. The emergency powers of the Administrator under the Clean Air Act are specifically preserved.

Section 402 amends section 11(a) of the Clean Air Act by adding three new paragraphs. Paragraph (5) provides for revisions to implementation plans to take account of inadequate supplies of clean fuels. Subparagraph (A) requires the Administrator to review each State's implementation plan by May 1, 1974, and notify the State of any required revisions. States must submit plan revisions by July 1, 1974, and the Administrator must approve or disapprove the submitted revisions by September 1, 1974. Where he disapproves the State-submitted revision, the Administrator must promulgate a revised plan by November 1, 1974. The Administrator's actions must follow public notice and opportunity for hearing.

Subparagraph (B) provides that the owner or operator of a fuel burning stationary source may request a plan revision for such source. Within 60 days of such a request, the Administrator must approve the plan revision if the owner or operator is able to enter into a contractual obligation to install a continuous emission reduction system or a long term contract for low sulfur fuel, and the modifications are consistent with attaining ambient air quality standards. Approval of the plan revision is contingent on the owner or operator actually entering into the contract.

Under subparagraph (C), a State may initiate a plan revision on its own, regardless of any limitations on considering revisions now in the Clean Air Act. Action on such revised plans must be taken by the Administrator within 120 days after submission.

Subparagraph (D) requires revised plans to include compliance schedules specifying continuous emission reduction measures to achieve compliance, interim steps of progress, and alternate interim control measures pending final compliance. Actions under this paragraph are made subject to the procedural requirements of the Clean Air Act. The final date for compliance by any source converted by this section would be July 1, 1977. This represents an extension from presently required compliance dates of mid-1975 in many cases, under section 110(a)(2)(A)(i) of the Clean Air Act and retains the single extension of one year which may be granted in accordance with section 110(f) of the Clean Air Act.

Subparagraph (E) requires the Administrator to report to the Congress by May 1, 1974 on the extent to which more stringent State or local air pollution laws may adversely affect the implementation of the National Energy Emergency Act or the implementation plan revision procedure of this amendment.

Paragraphs (6) and (7) provide authority to the Administrator to assure the distribution of allocated low sulfur fuels and emission reduction systems to users so as to minimize adverse effects on health. Existing contracts for the purchase of emission reduction systems are preserved.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. MUSKIE. I yield.

Mr. JACKSON. I would like to take this opportunity—I know I speak for all members of the Interior and Insular Affairs Committee, which held hearings on this problem, in a brief sort of way—to express our appreciation to the able Senator from Maine, the chairman of the subcommittee, who has been a pioneer in this field, and to the chairman of the full committee, the distinguished Senator from West Virginia.

Mr. MUSKIE. Mr. President, will the Senator yield for a moment?

Mr. JACKSON. I yield.

Mr. MUSKIE. I wonder if we could have the yeas and nays ordered while we have enough Senators in the Chamber.

I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JACKSON. Mr. President, I also want to express my appreciation, in behalf of the committee, to the ranking minority member of the committee, the Senator from Tennessee (Mr. Baker), and to the Senator from New York (Mr. Buckley), not just for helping on the bill so effectively, but for permitting the parliamentary situation to be revised so that we could move expeditiously on the amendment unanimously presented to the Senate by all members of the Public Works Committee.

Mr. FANNIN. Mr. President, if the Senator will yield, I know time is short, but I wanted to also commend the distinguished Senator from Maine for his expeditious handling of this very important segment of the legislation. I concur in the statement of the distinguished chairman of the committee. I know the people of the country will appreciate what the Senator from Maine has accomplished in making it possible for people who may not have had the opportunity without this amendment, to have warmth this winter.

Mr. MUSKIE. I thank the distinguished Senators from Arizona and Washington for their assistance in helping expedite consideration of the amendment.

I yield to the distinguished Chairman of the Public Works Committee, the Senator from West Virginia (Mr. Randolph), who has been on top of this problem for many years and has taken the leadership in alerting the people of the country to the energy crisis and who has helped so greatly in developing this amendment.

Mr. RANDOLPH. Mr. President, I wish to commend my colleague from Maine (Mr. Muskie) and to call once more to the attention of the Members of the Senate the knowledge, the expertise and the commitment of the Senator from Maine in the field of environmental considerations. These certainly are important parts of our determination of how best to meet in legislation the energy needs of our Nation and our people.

As he has indicated, there has been complete cooperation on the part of the 14 members of the Public Works Committee, both Democrats and Republicans, in working with the Senator from Washington (Mr. Jackson) and the Senator from Arizona (Mr. Fannin) in bringing to the floor, with conferences prior to actual introduction, this amendment. In other words, there was an understanding, not a backdoor agreement, but a realization that we were all working in the interest of this Nation, as the distinguished occupant of the chair (Mr. McClure), who serves on both the Public Works Committee and the Interior and Insular Affairs Committee, knows, the distinguished Senator from New York (Mr. Buckley) also serves on both committees and is the able ranking minority member of our Subcommittee on Air and Water Pollution.

In the amendment offered by the Senator from Maine, I think we have achieved a consensus and have conceived an approach by our committee which is in complete agreement with the legislation. In a sense, it backs up what we are attempting to do in reference to the solution of the severe fuel shortages which face us now and will increasingly be upon us as a people in the months ahead. Again I commend the Senator from Maine.

This amendment represents the concern and involvement of every Member of the Public Works Committee on this important issue. Evidence of their concern is demonstrated in the attendance of hearings and committee meetings. Senator Muskie has provided leadership to the Subcommittee on Air and Water Pollution fully exploring this question. Senator Howard Baker and Senator James Buckley, as ranking minority members of the committee and subcommittee respectively, made major contributions to our understanding of the impact of the fuel shortage on our efforts to end air pollution. We could not have brought this measure to the Senate in its present form and in a relatively short time period without the positive involvement of our other committee members, Senator Joseph Montoya, Senator Mike Gravel, Senator Lloyd Bentsen, Senator Quentin Burdick, Senator Dick Clark, Senator Joseph Biden, Senator Robert Stafford, Senator William L. Scott, Senator James McClure, and Senator Pete Domenici. All of them have my thanks and my appreciation for their active participation in developing this legislation.

Mr. President, the energy shortage faced by our country has many ramifications beyond the need to keep warm and to maintain economic viability. The bill reported from the Interior Committee, S. 2589, is a response to the country's immediate needs for coping with the energy shortage in its present manifestations. It provides a number of approaches to conserving anticipated fuel resources and channeling them to areas where they can be most beneficially used.

In meeting this challenge imposed by diminishing fuel supplies, we must also consider the impact on other Government programs. Three years ago the Committee on Public Works developed, and the Congress passed, the Clean Air Act. This was significant legislation and established this country's commitment to ending the pollution of the air we breathe. Substantial progress has been made since that time in implementing the programs authorized by that Act. The result has been a general improvement in the quality of air.

In responding to the energy crisis, however, we must realistically recognize that temporary modifications in the air pollution abatement program are needed.

Under agreement with Senator Jackson, chairman of the Committee on Interior and Insular Affairs, the Committee on Public Works has developed legislation to provide variances under the Clean Air Act to assist in ameliorating the immediate energy shortage. Legislation to accomplish this purpose was introduced last Friday as S. 2680. This measure was introduced by Senator Muskie, and has the cosponsorship of the other 13 members of the Committee on Public Works.

A hearing on S. 2680 was conducted Monday of this week. Testimony was received from the Environmental Protection Agency and other concerned groups.

The measure was discussed thoroughly in a lengthy meeting of the committee yesterday which was attended by 12 of our 14 members. The measure was ordered reported to the Senate and is offered today as an amendment to S. 2589.

Mr. President, this amendment will provide the necessary authority to grant certain variances in the Clean Air Act. Primarily, and most immediately, it permits under certain conditions, the temporary suspension of emission limits relating to the burning of fuel in stationary sources if necessary because of the existing fuel shortage. An expedited administrative procedure also is provided so that these variances can be put into effect expeditiously. This authority is granted from November 15, today, until next August 15.

In addition, procedures are provided for reevaluating air pollution abatement implementing plans and possible modifications on a longer range basis, through mid-1977, with an optional extension for an additional year.

The exceptions to the Clean Air Act provide what the Committee believes to be the necessary authority to cope with this winter's energy crisis. I emphasize, however, that they in no way undermine the basic integrity of the Clean Air Act or the programs carried out under its authority. The Committee on Public Works is committed to the achievement of clean air as a vital goal in this country. In this regard, I do not believe that there is any basic conflict between environmental enhancement and the important questions of long range energy supplies.

The Committee on Public Works will continue to examine this issue and work for further refinements in the air pollution program to assure that it does not unnecessarily inhibit the achievement of adequate and environmentally sound air standards.

Mr. President, this amendment is an essential part of the total legislative package needed at once and I urge its adoption by the Senate.

Mr. MUSKIE. May I say to the Senator from West Virginia that it has been a pleasure to work with the distinguished Senator from Washington on this legislation, which involves the jurisdiction of both committees.

I understand members of the Public Works Committee would be represented in any conference which may be necessary on this measure to be sure the committee is represented in this particular phase of the legislation.

At this time I would like to yield to my good friend, the Senator from New York.

Mr. JACKSON. Mr. President, first may I respond? We will, of course, when we get around to the appointment of conferees, be delighted to arrange for the Public Works Committee to designate its members, both majority and minority, as it relates to this title.

Mr. MUSKIE. I thank the distinguished Senator.

Mr. President, I would like to add my commendation to the Senator from New York (Mr. Buckley). As the ranking minority member on the subcommittee, he has been of valuable assistance in the work of the committee. I appreciate his cooperation.

I yield now to the Senator from New York.

Mr. BUCKLEY. I thank my colleagues from Maine and West Virginia. I do want to say it has been an extraordinary pleasure to work on this particular item with them. I believe that we have been able to come up with legislation that recognizes the fact of an emergency and the need to shorten some of the procedural safeguards, but from the standpoint only of the requirement to move immediately, so we could proceed with this legislation. To make sure that, in no event, will health been dangered, care was taken

that, to the extent that we had to eliminate some of the procedural processes, that was only for a limited period, so that long-range procedures must not be curtailed in accordance with the act itself. So, I believe that this is responsible legislation and effective legislation.

Mr. President, I ask unanimous consent on behalf of the Senator from Tennessee (Mr. Baker), who is necessarily absent today, that his statement on this matter be printed at this point in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR BAKER

I am pleased to join in supporting these amendments which the Committee on Public Works has just reported.

We are facing severe shortages of energy both this winter and, I fear, for the longer term as well. These are not shortages caused by the demands for clean air nor can amendments to the Clean Air Act do much to alleviate the situation. But to the extent that shortages of fuel and particularly clean fuels—or the inability to allocate fuels as precisely as we would wish—require temporary changes from our course toward improved air quality, the Clean Air Act must be adjusted. The amendments which we propose today make such adjustments, but they in no way signal an abandonment of our national commitment to clean air.

These amendments provide for the limited and temporary suspensions of emission limitations which likely will be needed this winter due to Presidential orders under the National Emergency Petroleum Act. However in no case will a suspension be allowed that would present an imminent and substantial danger to human health. The administrator will also have to determine either that the suspension is essential to allow redistribution of fuels to meet health related air quality standards in another locality or that a source, after all practicable fuel conservation measures have been taken, cannot obtain clean fuel. This is a very careful and prudent provision which will ensure that all essential suspensions can be granted but that the air we breathe will not be polluted needlessly in any instance. The bill preserves a full measure of coordination with state and local officials and a careful regard for due process of law in the granting of suspensions, albeit with short deadlines that recognize the urgency with which the Administrator may have to act.

To provide for adjustments required by longer term shortages of energy and the need to convert to such dirtier domestic fuels as coal, the bill requires the administrator of EPA, by May 1, 1974, to review all state implementation plans under the Clean Air Act, in the light of clean air standards, current or anticipated suspensions, and expected shortages of fuels and of emission reduction systems. EPA then is required to notify the states of any needed changes, and, in cases where a State does not submit an adequate revised plan, to promulgate a revised plan for the State by Nov. 1, 1974. Owners or operators may request revisions of plans on their own motion. Such revisions may be approved by EPA after notice and hearing if the Administrator determines that the source is able to enter into a contract for a demonstrated continuous emission reduction system (for example a stack gas scrubbing system for sulfur dioxide) or a long term contract for clean fuel that meets the standards and that the requested revision is consistent with the implementation plan under the Act.

These requirements will help prevent a full scale switch to high sulfur coal without adequate provision for installation of emission control equipment. It also provides some incentive to mine and use the large existing supplies of Eastern and Western low sulfur coal where industry so chooses.

There is also limited new authority for EPA to redistribute clean fuels within an area and to assure that in case of conflicting priorities, emission reduction systems go to users in the air quality control regions with the most severe air pollution.

These provisions clearly represent not a retreat from clean air but an advance toward achievement of clean air with due recognition of our growing energy problems.

In this respect they are a signal achievement of the legislative process at its finest and a particular credit to the distinguished Chairman of the Committee on Public Works, (Sen. Randolph), the most able Chairman of the Subcommittee on Air and Water Pollution (Senator Muskie) and the distinguished ranking minority member on the Subcommittee (Sen. Buckley). These and a number of other Senators on the Committee worked carefully but quickly through a full day of hearings and two markup sessions to achieve these amendments. I am most proud to be associated with their efforts and to urge the prompt adaption of these amendments by the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. DOMENICI. Mr. President, if the Senator will yield for a moment, I do not want to take the time unnecessarily because the concern for this legislation has been expressed far better than I could do. I would like, however, to indicate as the junior member of the committee my appreciation to the Senator from New York (Mr. Buckley), the Senator from Tennessee (Mr. Baker), the Senator from West Virginia (Mr. Randolph), and all other Senators who worked so hard to prepare this matter that we are not retreating. I would say that we are holding the line. Since we achieved such historic legislation as the Clean Air Act, we know how difficult it was to get to this point. When I say that we are holding the line, it is a compliment to those who are truly concerned about a proper balance and not overequating one against the other. We are going to relax, but it is not a retreat.

We are taking every precaution to make sure that those must all balance on the scale here.

We have heard much evidence and have boiled it down into a very good emergency measure, temporary in nature and as protective as we could be under the circumstances.

I was pleased to be part of this effort.

Mr. President, the amendment now being considered, an amendment which I cosponsored, represents a step that the members of the Public Works Committee have taken very reluctantly. We have been reluctant to take this step because we fully realize that it could be seen as a step backward in our efforts to reduce air pollution.

The Public Works Committee, Mr. President, has worked too long, too hard in setting this Nation's course for achieving clean and healthy air to take lightly any diversion from that course. I can take little credit for this diligence, perseverance and far-sightedness, having only joined the Public Works Committee at the beginning of this session. The diligence of the Committee is no more vividly illustrated than by the rapid action taken on this amendment and I applaud the leadership of our chairman (Mr. Randolph), our ranking minority Member (Mr. Baker) and the leaders of the Air and Water Pollution Subcommittee (Mr. Muskie and Mr. Buckley). I have been on board long enough now and I have worked and agonized enough with the committee on the monumental problems of regaining a healthy human environment to associate myself with its past efforts and join ranks with the other members in their determination that not even an energy crisis as grave as the one we now face will open the floodgates of pollution.

The point I would emphasize, Mr. President, is that the step we are taking through this amendment is more of a holding action than a retreat and more importantly, it is for a fixed and limited duration. It is also important to note that before any relaxation of standards may be permitted, there must be proof that fuels which would meet the standards are not available and that all conservations measures required by S. 289 have been taken. In other words, deviation from established standards will be conditioned on a genuine shortage of cleaner fuels, not on any of the other many reasons that could be found. To me this is both a reasonable requirement on the source of pollution and a safeguard against pollution increases unrelated to the shortage of clean fuels.

In the longer term, Mr. President, this amendment provides the means to modify State implementation plans to permit the use of coal so long as the source commits to a timetable for installation of stack-gas cleaning equipment or some other effective device by mid-1977. This flexibility, this option, is essential to facilitate the shift of our emphasis from using cleaner fuels to cleaning up coal burning plants. The debate on whose fault it is that has brought us to this point and which now requires this modification, is one I will pass today. I will simply say that we now have an opportunity to concentrate on the more effective long-term approach—to use our abundant fuels and clean them up as required—and get on with it, all of us. To my mind, this amendment provides that opportunity and I urge prompt adoption of this amendment.

Mr. MUSKIE. Mr. President, I appreciate the comments made by the distinguished Senator from New Mexico who is indeed a valued member of the subcommittee and the full committee. He makes a point that I think is important, which emphasizes that in many ways pressures of the present time are running against those who are concerned about the environment and some of the actions proposed for easing the pressure of the energy crisis, but we are not beginning to retreat from the gains we have made through many years.

I think the Senator from New Mexico has accurately described the legislation. I think it responds to those areas of the country where the pressures have developed. This legislation will enable us, insofar as legislation ever can, to meet the exigencies of the current crisis without abandoning the long-term goals represented in the Clean Air Act.

Mr. President, I appreciate the comments of the Senator, and I yield now to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I thank the Senator from Maine for yielding to me. I rise to make one observation.

I think the thrust of his remarks, taken with the energy crisis now before us, is to the effect that there has been some turning away by some of those who were advocates and still are of the Clean Air Act and the other measures which seek to protect the importance of our environment.

Do I correctly understand that the Senator essentially implied that?

Mr. MUSKIE. Mr. President, the Senator is correct. That implication is very real.

Mr. HANSEN. Mr. President, I would like to observe that basically all of us are environmentalists. I yield to no one in my concern and deep conviction that we must and indeed will clean up the air and the water and beautify the landscapes, remove litter, and see that if we damage or scar the land, we repair those scars.

The point I want to make is that despite my strong belief in the continuing wisdom of this crusade that has sometimes been referred to as an expression of ecological concern or environmental concern. I think what really is in focus today and before us today is our trying to achieve these long-term objectives on the one hand and on the other trying to address a very critical situation.

I would say to the extent I have participated in trying to get some accommodation so as to take note of the fact and deal with the harsh realities of today's life and recognize that there is not enough gas to go around, that indeed we will have to make some accommodation, as has been so eloquently stated by the Senator from Maine.

Mr. President, I would like to point out that I will not interpret the actions some of us have taken who believe in the deep philosophical commitment, and I will not interpret our present objectives and solutions as a retreat at all from our dedication to these long-term goals.

I have five grandchildren, as the Senator knows. I would hope very much, as I know the Senator hopes very much, that we may have a better world tomorrow.

In the meantime, I want to help, as I am sure the Senator does, to see that we have warm houses today and jobs today, because without those nothing else is too meaningful.

For those of us who live in the colder parts of the United States, in the wintertime when one gets up, if he finds that the fire has gone out or that someone has left the door open, that is where the environment starts, right in one's own home. And it will start there for many Americans if we run out of fuel or if we do not take some steps that will prevent the shortage of fuel from becoming a reality. I hope it will not be a reality.

I thank the Senator from Maine for his recognition of the fact that we do have to take notice of these situations and pass laws to support our long-term goals for America. And those efforts deserve the support of all of us.

I thank the Senator.

Mr. MUSKIE. Mr. President, I thank the Senator from Wyoming. I accept that statement as a statement of a deeply committed and concerned Senator.

We sometimes have apparent differences in objectives and we sometimes disagree. However, disagreements on questions such as these often relate to differences in perspective rather than differences with respect to goals.

Let me make this very brief statement. There are many who are now saying that they saw this energy crisis coming months, years, and even decades ago. They say that everyone else now sees it as clearly as they did.

Let me point out that there are four essential resources with which we are involved in this legislation: energy, air, water, and land. The four are limited. They are finite. We happen to face a crisis with respect to energy. Those limitations are the first to hit us in a traumatic way. However, to the extent that the others also are taxed beyond their capability, we will come upon similar crises when their supply runs out. And the fact is that in many places in this country, water now is no longer in sufficient supply. In many parts of the country, air is not in sufficient supply for those who need to breathe healthy air. So, this energy crisis is really a forewarning not only of the limitation in our energy resources, but is also evidence of potential further similar crises regarding other resources. We must be alert to these threats as we try to dispose of this legislation.

It is in that sense that I accept the Senator's statement. Of course I do. I would seek to communicate to the Senator and to the other Senators whatever insights and observations I happen to have with respect to those matters which fall within my jurisdiction. I hope that all Senators will recognize that these four are one, and that we must learn to balance all of them.

Mr. HANSEN. Mr. President, I would like to say that the Senator from Maine has always stood for uniformity in the solution of the problems facing America and has been a very knowledgeable person insofar as our earth is concerned.

I would observe only that one of the shortcomings I find in the bill that disturbs me is the fact that while it is true that most of the things we know about are indeed finite—I would say that they are finite at least to this extent: when we talk about petroleum resources, when we talk about fossil fuels, which of course includes petroleum, when we talk about uranium, or when we talk about oil shale, we are talking about finite things, just as we undoubtedly are when we talk about geothermal steam; I would say the one exception might be solar energy. At least it is a continuing thing, and whether or how quickly we may be able to turn it to our use will depend upon our dedication and our ingenuity—in the short term, though, I would hope the Senator might share my sentiments that it makes good sense for us as Americans and citizens of this world, bound in large measure by finite resources, that we extract every drop of oil out of those known reserves we now have, that we leave none in the ground because for economic reasons it seems imprudent to bring it above the ground.

In this one area, the area of supply, there are those of us on the Interior Committee who find the bill before us and others deficient in that respect. We think it makes good sense for Americans, as citizens of this country and as world citizens, to see that we waste no single source of this most important commodity. I would hope the Senator might share that feeling.

Mr. MUSKIE. Mr. President, I think the Senator will find that there is a great disposition on the part of the Senate, including the Senator from Maine, to get behind the new kinds of perspectives and programs we must have.

Mr. President, I yield the floor.

Mr. STEVENS. Mr. President, I am voting against this amendment because we are dealing with a bill that is limited to one year and specifically addressed to the immediate emergency now facing our Nation. In this emergency, I do not believe those entities ordered to utilize alternative sources of fuel should be required to comply with the normal procedures of the Clean Air Act. I supported the Clean Air Act, and I still would support it in normal times. Furthermore, in the years ahead, it may be necessary to require major energy users to be able to utilize more than one type of fuel. To do so would, in my opinion, require longer than 1 year and would be such a drastic step that the normal processes of administrative procedure should be complied with.

The original committee bill contained protections necessary for the emergency period of 1 year—that, in my opinion, is the approach that should have been maintained by the Senate. This amendment in and of itself contemplates that permanent changes may be ordered involving a permanent shift from one fuel to another because of a temporary emergency. Therefore, I cannot support the Public Works Committee amendment, for I believe a short-term, limited exemption from the Clean Air Act without burdensome administrative procedures is all that is required in this act.

Mr. HART. Mr. President, I intend to vote against this amendment not because I am convinced it is a bad amendment but rather because I am not convinced it is a good one. The step advocated by it is an extensive one. It carries us nearly 5 years beyond the termination of the emergency declared by the bill before us. All other features of the legislation save those dealing with coal conversion and the clear air provisions now before us expire with the expiration of the emergency. With respect to these expiring provisions, I believe our rush to judgment on this bill to be justified. But with respect to the extension provisions of the Clean Air Act contained in this amendment, I believe prudence dictates more thorough examination.

Mr. President, the amendment under consideration became available only this morning. I would venture to say that many of us will not be familiar with its provisions or even with the fact that it applies years beyond the emergency. To roll back a landmark piece of environmental legislation under these circumstances strikes me as unfortunate.

True, the emergency we are confronted with demands quick action. Some argue that we cannot deal with that emergency in the coal-conversion area without taking the far-reaching steps proposed. Yet I do not think the record is clear on this point. I am not persuaded that the risks to clean air implicit in the amendment can be justified. Until we have greater assurance on these questions, I would oppose the amendment.

The PRESIDING OFFICER (Mr. McClure). The question is on agreeing to the amendment of the Senator from Maine (Mr. Muskie). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Missouri (Mr. Eagleton), the Senator from Arkansas (Mr. Fulbright), the Senator from South Carolina (Mr. Hollings), the Senator from Massachusetts (Mr. Kennedy), the Senator from Wisconson (Mr. Nelson), the Senator from Alabama (Mr. Sparkman), and the Senator from Mississippi (Mr. Stennis) are necessarily absent.

I further announce that the Senator from Kentucky (Mr. Huddleston), the Senator from Minnesota (Mr. Humphrey), and the Senator from Georgia (Mr. Talmadge) are absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. Humphrey) and the Senator from Massachusetts (Mr. Kennedy) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Nebraska (Mr. Curtis) is absent by leave of the Senate on official business.

The Senator from Tennessee (Mr. Baker), the Senator from Illinois (Mr. Percy), and the Senator from Ohio (Mr. Saxbe) are necessarily absent.

The Senator from New Hampshire (Mr. Cotton) is detained on official business.

If present and voting, the Senator from Nebraska (Mr. Curtis) and the Senator from Illinois (Mr. Percy) would each vote "yea".

The result was announced—yeas 83, nays 2, as follows:

[No. 486 Leg.]

YEAS—83

Abourezk
Aiken
Allen
Bartlett
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Biden
Brock
Brooke
Buckley
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cook
Cranston
Dole
Domenici
Dominick
Eastland
Ervin
Fannin
Fong
Goldwater
Gravel
Griffin
Gurney
Hansen
Hartke
Haskell
Hatfield
Hathaway
Helms
Hruska
Hughes
Inouye
Jackson
Javits
Johnston
Long
Magnuson
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya

Moss
Muskie
Nunn
Packwood
Pastore
Pearson
Pell
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Scott,
  William L.
Stafford
Stevenson
Symington
Taft
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—2

Hart
Stevens

NOT VOTING—15

Baker
Cotton
Curtis
Eagleton
Fulbright
Hollings
Huddleston
Humphrey
Kennedy
Nelson
Percy
Saxbe
Sparkman
Stennis
Talmadge

So Mr. Muskie's amendment was agreed to.

The PRESIDING OFFICER (Mr. McClure). Under the previous order, the distinguished Senator from New York (Mr. Buckley) is now recognized.

Mr. BUCKLEY. Mr. President, I take this opportunity to ask unanimous consent that the names of the two Senators from Arizona (Mr. Fannin and Mr. Goldwater) be added as cosponsors of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUCKLEY. Mr. President, I yield at this time to the Senator from Ohio (Mr. Taft).

Mr. TAFT. Mr. President, I ask unanimous consent that Jane Porteous of my staff be allowed the privilege of the floor during debate on this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUCKLEY. Mr. President, I ask unanimous consent once again to suspend the continuing debate on my amendment so as to permit the Senator from Utah (Mr. Moss) to present an amendment which I understand is acceptable to the committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JACKSON. Mr. President, the Senator from Utah (Mr. Moss) is on his way to the Chamber. I therefore suggest that the Senator from Wisconsin (Mr. Proxmire) continue his comments until the Senator from Utah arrives in the Chamber, if that is agreeable to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, the Buckley amendment would repeal the Wage-Price Stabilization Act. It would repeal it, wipe it out. Many of us are opposed to wage and price controls. I voted against wage and price controls when they were first put into effect, but we should be careful and responsible and consider what the far-reaching effect would be. It could have an immediate and substantial inflationary effect.

The fact is that the administration can end controls today, right now. Why have they not done so? Because they recognize what will happen. The administration is not irresponsible. Their memory goes back at least to last January, when we, in effect, did forego mandatory controls and moved, in effect, to optional or voluntary controls. What happened? We had an immediate, serious inflation, and we are still paying the price of that inflation.

I think we have to recognize that we still have inflationary conditions. In fact inflationary conditions are probably worse now than they have been at any time in the past 3 years. We not only have shortages in the fuel area but also in the food area, in paper, in chemicals, in many skilled labor areas. The unemployment level is the lowest it has been in some 3 years. It is almost at a historic low for married men.

If the Buckley amendment is agreed to, it will have an adverse effect—no question about it—a serious effect, a punishing effect, on the bill; because one of the most inflationary parts of our society has been the health services, the cost of medical services. That has been effectively regulated under wage-price controls and almost everybody agrees with that.

I would agree that we could go a long way toward decontrol—perhaps 80 percent, perhaps 90 percent; but to do it this way, and go right across the board in cutting out controls on construction, on health, and on these other areas that are so serious, could be a grave mistake. At the very least, we ought to permit time for an orderly transition.

Should we have guidelines after these controls are eliminated? A number of economists have argued, and argued persuasively, that we should have.

I think most Members of Congress respect greatly Dr. Arthur Burns, the Chairman of the Federal Reserve Board. He has argued that we ought to have a permanent wage-price review board, not with any mandatory power, but with the right at least to make findings and recommendations, so that we will be in a much better position to monitor inflation in the future and to act promptly.

But this amendment would not permit even consideration of any of that.

The real argument against this amendment is that it is unprinted; it is an unprinted amendment on a very profound subject. What does that mean? It means we have not had a chance to think about it, to study it. I was informed about it only about an hour ago, and I am sure that other Members were only informed about it recently. There have been no hearings, no report, no record, no evidence of any administration position on it, although it probably is the most serious economic proposal that has come before this body in some time. Certainly, it would have a more immediate effect and a more serious effect on 200 million Americans than any action we have taken in a long time.

Under the circumstances, I hope that when the leadership moves to table the amendment, Senators will see fit to support the tabling motion.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. HANSEN. Mr. President, I understand and appreciate the concern of the distinguished Senator from Wisconsin in saying that while there are good, strong philosophical arguments to bring about the freeing of our economy, as would be accomplished in this bill, he questions it. I think he referred earlier to how our economy had been responding to the low level of unemployment in the United

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States. I believe those were some of the references he made.

I share those precise concerns with the distinguished Senator from Wisconsin, and I point out that nothing is more critical to our employment picture in the United States than energy. That is the No. 1 thing.

Japan is deeply disturbed about the fact that they will probably have to cut back, close factories, lay people off, because Japan took a fairly neutral stand in the Middle East and, as a consequence, has suffered some embargo by the Arab countries in the shipments of oil that normally would go from the Arab countries to Japan.

I think that makes all the more sound the reason that we ought to turn this economy loose now, in order that it can respond.

I have before me a letter written by a Chicago lawyer who says:

> In March of this year in a U.S. Department of the Interior drawing, I was awarded certain oil and gas leases in Eddy County, New Mexico. Acquiring certain other acreage by purchase I have recently taken steps to undertake to drill a well on one of these properties in the expectation of producing natural gas, a fuel now desperately needed throughout our country.
>
> Would you believe, however, that although we have located drilling contractors to drill the well, we cannot begin to do so because of a drastic scarcity of pipe and oil field steel casing essential to the drilling and completion of any oil or gas well? As far away as Houston and Fort Worth, all of the oil field supply companies are simply out of stock, with none of them giving an assurance of when or how much they will receive in the future! At an auction in Houston last week, details of which I would be pleased to provide you, 27,000 feet of used 5½'' steel casing were purchased by the highest bidder, Texaco, Inc., at a price of $4.40 per foot. The normal price, new, for such pipe, has been $2.80.
>
> All of the oil field supply companies we have contacted have given as a reason for this shortage—

I hope we will all pay attention to the next statement—

> the fact that the price of the pipe and casing has been so limited by the Cost of Living Council that none of the steel companies is willing to produce it.
>
> It seems to me that this critical situation is one of national importance.

He concludes by asking, "Do you agree?" I do agree.

Mr. President, I ask unanimous consent that the entire letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Chicago, Ill.,
November 9, 1973.

Hon. Clifford P. Hansen,
Dirksen Senate Office Building,
Washington, D.C.

Dear Senator Hansen: In the midst of what promises shortly to be an unprecedented national scarcity of fuels of all kinds, a situation has recently emerged which you will no doubt want to be aware of, and perhaps to attempt to remedy it at the earliest moment.

In March of this year in a U.S. Department of the Interior drawing, I was awarded certain oil and gas leases in Eddy County, New Mexico. Acquiring certain other acreage by purchase I have recently taken steps to undertake to drill a well on one of these properties in the expectation of producing natural gas, a fuel now desperately needed throughout our country.

Would you believe, however, that although we have located drilling contractors to drill the well, we cannot begin to do so because of a drastic scarcity of pipe and oil field steel casing essential to the drilling and completion of any oil or gas well? As far away as Houston and Fort Worth, all of the oil field supply companies are simply out of stock, with none of them giving an assurance of when or how much they will receive in the future. At an auction in Houston last week, details of which I would be pleased to provide you, 27,000 feet of used 5½'' steel casing were purchased by the highest bidder, Texaco, Inc., at a price of $4.40 per foot. The normal price, new, for such pipe, has been $2.80.

All of the oil field supply companies we have contacted have given as a reason for this shortage, the fact that the price of the pipe and casing has been so limited by the Cost of Living Council that none of the steel companies is willing to produce it.

It seems to me that this critical situation is one of national importance. Do you agree?

Yours sincerely,

Andrew W. Brainerd.

Mr. PROXMIRE. I think the Senator makes a very strong case, but I believe we should have hearings on it, a record on it, and know what the facts are.

The testimony of Dr. Arnold Weber, the first head of the Cost of Living Council, appointed by President Nixon, is that in the short run, in all these areas, you do not increase supply by abandoning controls. It takes a substantial amount of time. Meanwhile prices soar.

Let me say one other thing in that connection. The effect of this amendment on the economy was explained by Dr. Weber in hearings before our comittee, when he said this:

> It seems to me—you know, if you do away with controls, does that mean that we are going to have a 12 percent interest rate on short-term money, and a reduction in money supply of two percent? Does it mean that we must have a budget surplus of $10 billion in order to bring about stability? What I am saying is that the fact of incomes policy creates a situation where the mix of fiscal and monetary policy can be different, because there is a notion that some of the burden is being borne by controls.

Dr. Weber may be completely wrong. He is a very able economist. He has had a good deal of experience in the Government and on the outside. He may be wrong. But I am saying that before we act on an unprinted amendment, brought in at the last minute, on which the administration has had no opportunity to take a position or give us their views, we ought to have some kind of record, at least a day or two of hearings, and know what we are doing. This is a very profound, far-reaching action on our part.

Mr. HANSEN. I agree that it is. I say to the Senator from Wisconsin that I am sure he and I do not disagree on what we think the objectives of Congress should be as we direct our attention to addressing national problems. I must say that the chairman of the Committee on Finance, the Senator from Louisiana (Mr. Long), is here, and we have had hearings on issues similar to this for a long time.

We can have bigger hearings, and they will be well attended. They will be filled by people out of work, wondering when we are going to get enough energy so that they can get their jobs back. The hearings probably will have to be held during daylight hours, because there may not be enough lights on at night. This is the prospect. If we want to delay it, we can do so.

All I can say is that when you are in a bad situation, the time to start getting yourself out of it is now. I think that now is the time to start. If we want to delay, we certainly will generate interest in this subject, because we will have all kinds of people who are wondering what happened to their jobs. Energy is the essential ingredient of jobs in America.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. HANSEN. I yield.

Mr. JACKSON. We do have a previous unanimous consent agreement.

Mr. HANSEN. I know.

Mr. JACKSON. The Senator from Utah is here. I wonder if the unanimous consent agreement could now be put into effect, so that the Senator from Utah could be recognized in order to offer his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Utah is recognized, to present his amendment.

Mr. MOSS. Mr. President, I call up my amendment No. 649.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

> On page 19, Committee Print 4, beginning at line 3: Delete section 306 in its entirety and substitute therefor the following new section 306:
>
> "Sec. 306. (a) Part VII of subchapter 1 of the Internal Revenue Code of 1954 (relating to additional itemized deductions for individuals) is hereby amended by redesignating section 219 as section 220 and by inserting after section 218 the following new section:
>
> "'Sec. 219. Repair or Improvement of Taxpayer's Residence
>
> "'(a) Allowance of Deduction.—There shall be allowed as a deduction the ordinary and necessary expenses paid during the taxable year for repairs or improvements, which will reduce heat loss in winter and heat gain in summer, to property used by the taxpayer as his principal residence. Such repairs or improvements may include, but not by way of limitation, the addition of insulation, storm windows, caulking, humidifiers, and other efforts designed for energy conservation.
>
> "'(b) Limitations.—The deduction allowed a taxpayer under this section shall not exceed $1,000 for any taxable years. No deduction may be allowed under this section with respect to any capital expenditure.'
>
> "(b) The table of sections for such part VII is amended by striking out
>
> "'Sec. 219. Cross references.'
>
> and inserting in lieu thereof
>
> "'Sec. 219. Repair or improvement of taxpayer's residence.
>
> "'Sec. 220. Cross references.',
>
> "(c) Section 62 of such Code (relating to definition of adjusted gross income) is amended by inserting after paragraph (8) the following paragraph:
>
> "'(9) Repair or improvement of taxpayer's residence.—The deduction allowed by section 219.'."
>
> Sec. 2. The amendments made by this Act shall apply to the 1973 taxable year and every taxable year thereafter until otherwise provided.

Mr. MOSS. Mr. President, I modify my amendment by adding the language which appears in the mimeographed copy of the amendment which is on the desk of each Senator. I ask unanimous consent that my amendment be so modified.

The PRESIDING OFFICER. The Senator has the right to modify his amendment. The amendment is so modified.

The amendment, as modified, is as follows:

> On Page 26, after line 9 insert after section 208 the following new section:
>
> Sec. 209. (a) Amendment of Internal Revenue Code to Allow Deductions for Energy-Conserving Alternations of Taxpayers' Residences. Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to additional itemized deductions for individuals) is amended by redesignating section 219 as 220, and by inserting after section 218 the following new section:
>
> "Sec. 219. Energy-Conserving Improvements of Taxpayer's Residence.
>
> "(a) In General.—A taxpayer may elect to treat energy-conserving residential improvement expenses paid or incurred by him during the taxable year as expenses which are not chargeable to capital account. The expenditures so treated shall be allowed as a deduction for that taxable year. An election under this subsection shall be made at such time and in such manner as the Secretary or his delegate prescribes by regulation.
>
> "(b) Limitation.—The deduction allowed a taxpayer under this section for any taxable year shall not exceed $1,000.
>
> "(c) Definition.—For purposes of this section, the term 'energy-conserving residential improvement expense' means any ordinary or necessary expense paid or incurred during the taxable year for repairs or improvements, designed to reduce heat loss in winter and heat gain in summer, to property used by the taxpayer as his principal residence, and includes, without being limited to, the installation of insulation, storm windows, caulking, humidifiers, other efforts designed for energy conseravtion, and any device or system designed to utilize solar energy to provide heating or cooling which meets performance criteria established by the National Bureau of Standards."
>
> (b) The table of sections for such part VII is amended by striking out
>
> "Sec. 219. Energy-conserving improvements of taxpayer's residence.
>
> "Sec. 220. Cross references.
>
> (c) Section 62 of such Code (relating to definition of adjusted gross income) is amended by inserting after paragraph (9) the following paragraph:
>
> "(10) Energy-conserving improvements of taxpayer's residence.—The deduction allowed by section 219."
>
> Sec. 2. The amendments made by this Act shall apply with respect to taxable years ending after the date of the enactment of this Act.

Mr. MOSS. Mr. President, this modification was proposed by the Senator from California (Mr. Cranston). I ask unanimous consent that his name may appear as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOSS. Mr. President, this is a simple amendment to add a new section 209 in title II of S. 2589 to provide assistance to the taxpayers who are being asked to conserve energy.

In addition to the low interest rates to homeowners provided by section 307 of title III, my amendment would provide a tax deduction of not more than $1,000 for the ordinary and necessary expenses paid during the taxable year for repairs or improvements which will reduce heat loss in winter and heat gain in summer to property used by taxpayer as his principal residence.

I introduced this measure as S. 861 in February of this year and at that time Senators Hart and McGee joined in that bill.

At Senator Cranston's suggestion, I have added to the amendment a provision to allow any device or system designed to utilize solar energy to provide heating and cooling as a deductible expense also.

At the suggestion of the Senator from California I have added to the amendment the provision which has been accepted as a modification. The thrust of the Cranston amendment is to provide that any householder who modifies his dwelling so as to use solar energy either for heat addition or cooling could make the same claim as one who applied insulation in accordance with the provisions of my amendment. This has to be in accordance with regulations that are approved by the National Science Foundation, so it could not be an experimental sort of addition. It would have to be one effective and recognized as an energy-saving device.

Mr. President, I ask unanimous consent to have printed in the Record a statement by the Senator from California (Mr. Cranston) explaining that addition.

The PRESIDING OFFICER. Without objection, it is so ordered.

Statement by Senator Cranston

I am pleased to join with the distinguished Senator from Utah in sponsoring this amendment to S. 2589. It is consistent with the purposes of S. 2589, for not only must we provide authority, impetus and direction to the President as he formulates plans to cope with the energy emergency, we must also provide incentives to our citizens to comply fully with the national effort to conserve our scarce fuels. One major step that can be taken for immediate savings by individual homeowners is the installation of storm windows, improved insulation and other easily accomplished structural improvements.

In addition, the amendment we offer would extend the tax deduction to include the installation of equipment designed to use solar energy for heating and cooling. I would like to speak briefly to this point, as I have been working hard to move this technology toward wider utilization. Potentially, the energy savings that can be accomplished by supplementing conventional heating with solar heating is substantial.

Approximately, 25 percent of the energy now consumed in the United States, according to recent testimony of the National Science Foundation, is used to heat and cool buildings and to heat hot water—at an annual cost of some $18 billion. And the use of energy for these purposes is growing rapidly, with air conditioning being incorporated into 40 percent of all new building construction. Studies have indicated that solar energy could provide at least half of the energy needed for heating single-family dwellings in most regions of the United States. The potential savings through the use of solar energy for heating and cooling could amount to as much as 35 percent of our annual consumption of fossil fuels and an annual dollar saving of some $12 billion by the turn of the century. These savings, instituted now, could be exceedingly important in our over-all energy budget.

And in the immediate future, even a small saving could be a substantial help during this winter's fuel emergency. A one percent saving in home energy consumption, for example, would be the equivalent to some 100 million barrels of oil a year, according to a recent Congressional Research Study.

The major obstacle to the use of solar energy for heating buildings is the high initial cost of installation. Combined solar heating and cooling systems face no major technological barriers, but have yet to be fully perfected for small scale use. Nevertheless I believe the language should be broad enough to cover combined systems since the technology is so near to perfection. And with respect to the cost of solar heating, when averaged out over a life-cycle basis, such systems can save the homeowner substantial amounts on his annual fuel bills, in addition to saving the nation its scarce fuels.

As a concrete example of fuel and dollar savings, there is a solar home right here in the Washington, D.C. area which serves as an excellent example. Harry Thomason, a local resident and builder of several solar heated homes has designed and installed a solar heating system for about $2500. While this is about $1500 more than the cost of a conventional heating system, he is able to keep his house at a comfortable 70 to 72° during Washington, D.C., winters using only 40 to 50 gallons of supplemental oil per winter. This compares to 700 or 800 gallons of oil per winter for a conventional house. By saving 80 to 90 percent on his oil bill each year, it is only a matter of time before the solar heating system pays for itself.

Mr. President, I believe the energy emergency we now face is a serious one. I also believe that we must anticipate inconveniences and sacrifices on the part of individual citizens that may extend for several years. Consequently, as the Congress grapples with measures to allocate and ration scarce fuels and to step up our research and development of domestic fossil fuel reserves as well as new sources of energy, I believe it is also essential that the Congress extend to the individual homeowner the means to improve the energy efficiency of his home. That is the purpose of this amendment. I hope the Senate approves it.

Mr. MOSS. Mr. President, the consumer is faced with an avalanche of difficulties as a result of the energy crisis. He is being asked to conserve and faces increased costs all along the line in every facet of the energy field.

It seems to me that the encouragement we give him in saving the wasted energy in his house is one of the greatest things we could do to help us get through this crisis.

There is no doubt that present national waste of energy is a disgrace. And there is also plenty of evidence available to show that energy can be saved in this area of heating and cooling by more than half. The Nation could save 15,300 trillion Btu's of energy in the next 10 years by improved thermal insulation of homes and apartments. This step alone could make a major contribution in solving the national energy shortage.

I think this is a good amendment and one that is very helpful. In this bill, we are talking about conserving uses of energy, and that is what this is about.

We have to go on in connection with research and development measures to find out how we can add energy to our energy supply, but as a conservation measure I think this could be a great contributor at this time.

Therefore, I urge the adoption of the amendment.

Mr. BROCK. Mr. President, will the Senator yield?

Mr. MOSS. I yield.

Mr. BROCK. I understand the amendment would allow every homeowner a $1,000-a-year reduction for energy-conserving residential improvement expense.

Mr. MOSS. That is correct.

Mr. BROCK. And really there is virtually no limit to the kind of improvements that could be made. This is a very broad definition which includes insulation, storm windows, calking, humidifiers. What is the relation of humidifiers?

Mr. MOSS. That is the effective means of controlling the energy loss in a building by treating and it is a contributing factor and is useful in that regard if it makes a contribution which applies along with storm windows, insulation, weather stripping, and whatever else.

Mr. BROCK. I am sympathetic to what the Senator is trying to do, but it looks to me as if it would create a loophole that one could drive a truck through. It looks as if every homeowner would qualify. This goes on and on.

Mr. MOSS. This is tied into the appropriate sections of the Internal Revenue Code.

Mr. BROCK. This is not for 1 year.

Mr. MOSS. It is for 1 year, for the life of the bill.

Mr. BROCK. No. The way it is written it would be an amendment to the Internal Revenue Code, and that is a permanent amendment.

Mr. MOSS. It is the intention that it would expire when this bill expires. It is an energy conservation measure.

Mr. BROCK. I am not sure it does that.

Mr. MOSS. I would be glad to accept language to make that clear, that it does expire with the bill.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. MOSS. I yield.

Mr. JACKSON. It would be my understanding that this is only for the life of the bill. I think that language could be added at the end of the amendment, that it will expire on that date. The amendment could be perfected or amended to provide that the provisions of this section or sections shall terminate upon the termination of the act that we are amending, the pending bill.

Mr. MOSS. Mr. President, I ask unanimous consent that I may modify my amendment by adding the words at the end of section 2: "and shall expire upon the termination of this act."

The PRESIDING OFFICER. The Senator has the right to modify his own amendment. The amendment is so modified.

Mr. JACKSON. May I say that there are some questions with the House because of the constitutional provision, but I would hope we could accept this amendment and take it to conference and then decide the best course of action.

Mr. FANNIN. Mr. President, I concur with the chairman of the committee. I commend the Senator from Utah. I understand there are some problems as far as the amendment is concerned, technical problems, but the intent, I know, is proper and would assist the general goal we have in this legislation.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MOSS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CRANSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BUCKLEY. Mr. President, I yield to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. PROXMIRE. Mr. President, I thank the Senator.

I wish to say to the Senator from Wyoming in respect to his point, as follows. He pointed out the shortage of steel and the fact it is hard to get pipe and other material for increased production of oil. The steel industry has been operating close to capacity and they said there is little they can do in the next 3 or 4 years to provide much increase. It is hard for us to import more steel. Of course, that is not covered by the wage and price controls for us. So in this way it is hard to see how the Buckley amendment would help provide us more steel or other fundamental materials that they need for the oil industry.

What this amendment does, however—and it seems to me as we debate this question it is becoming clearer and clearer—is to indicate that the only way we could possibly justify taking the price controls off oil is to take them off all the rest of the industries.

Mr. HANSEN. I think that would be a good idea.

Mr. PROXMIRE. When we do that, we are in the position that our committee has evidence that it is going to take a long time to get an increase in the production of oil. We could have a large increase in the price of a barrel of oil, but it would take 3 or 4 years to be in a position where we would have more explorations and more reserves flowing and greater production.

For those reasons, it would seem to me this is no time to put this legislation on the fundamentals on a short-term approach. There are going to have to be a great number of research and technological projects before we get to a solution of the problem.

Mr. HANSEN. I say to the Senator from Wisconsin, the fact is that while it is true that the steel companies may in some instances be producing fairly closely to their capacity, they are not producing enough oil well casings. The reason why they are not producing enough oil-well casings is that other kinds of steel, because of the activities of the Cost of Living Council, have been put at different price levels, which has made it more profitable for the steel companies to produce.

If we took the price controls off, I would say to the Senator from Wisconsin I think it would be one of the greatest things we could do. It would be to take them off everything. I am for that. I will support legislation to take them off completely. The program has been a dismal failure. We are finding that out every day. Right today, the oil well pipe suppliers of this country are exporting used pipe. Why are they doing that? They are doing it because it is resold for more profit abroad, in foreign countries, than it brings right here in the United States.

The oil well pipe suppliers who handle scrap iron, and that sort of thing, are going to sell their product where they can get the most profit. The fact is that some of his material will bring more profit from abroad than here, and that come about because of the Cost of Living Council's controls on prices.

I think if we were to take price controls off completely, we would have the force of the market bring about an adjustment in the products the steel companies are making, so that we would make it possible for the oil producers to get the casings they so badly need.

Mr. PROXMIRE. The reason Dr. Grayson, who made a plea for the free market, said we should wait until the present boom market eases, is that if we ease off price controls, the oil industry will be in there, with higher prices, but so will other companies compete for the availability of the steel.

I hesitate to bring this up at this time, but the Banking and Currency Committee is now marking up export control legislation, which will give the President, to the extent he needs, the authority to do exactly what the Senator from Wyoming points out, so that we do not lose our scarce materials to foreign countries when we need them here at home.

It is a mare's nest, and I agree we would be happier if we did not have it; but in the short run, with the economic situation we have, for us to knock off all controls at the present time, without the record the Senate should have, without the courtesy to at least give the administration an opportunity to tell us what effect it would have, seems to me to be unwise and irresponsible.

Mr. HANSEN. I appreciate what my friend from Wisconsin has said. I would point out that what we are doing is the response of Congress or of any legislative body in trying to legislate against the immutable facts of supply and demand.

In times of war and in times of a great national emergency—and this may develop into that before we are through, but in times of war, such as in World War II—people went along and cooperated, grudgingly and oftentimes painfully, but nevertheless we made a poor system work, because there was the compelling realization that, in addition to all other reasons, it became the patriotic duty of everyone to do that.

There is not now that conviction or unanimity in America. That has been dramatically illustrated. As a consequence, we have the automobile industry

making 10 million cars—I am not sure of the number—this year. It is going to be ironic indeed if the industry makes more cars than there is gasoline to run them. That is about where we are.

So it is not a question of the steel industry not having the raw materials to make the steel pipe to drill oil wells; it is the ineptitude that invariably results when we try to do legislatively what can better be done by letting the free marketplace operate and letting people, by putting their dollars where their wants are, express those wants.

Mr. PROXMIRE. May I say one more thing, Senator?

Mr. HANSEN. May I make one further observation? Then I shall be happy to yield.

Mr. PROXMIRE. Yes.

Mr. HANSEN. I will say this. Despite any other considerations, before this winter is over, it is going to be my prediction that, if jobs are able to be filled, there are warm homes, schools are able to operate because heat is available, this will be the overriding issue, and we are going to look silly if we think that we can correct a bad situation by compounding it and making it worse.

I will say, with due respect to the Banking Committee and the Interior Committee, if we keep sticking our noses in there, trying to dictate decrees that run counter to the law of supply and demand, we will indeed make a bad situation. I hope we will not do that which is not in the public interest. It is in the public interest to see that there are jobs, that we keep America going, that we have essential tasks to do. Without energy, without oil and gas, we can do none of those things.

I would hope that we would recognize the facts of life and adopt the Buckley amendment, so that we can go on with the job of finding oil and gas in this country, so that we can find it this fall, so that we can take a new direction and a new course and do what we all agree we want to do.

Mr. PROXMIRE. But of all the times to deprive the administration of the enormous discretion it has in the price control bill—they can abandon it at any time; they can modify it in any way—I would not think it would be at a time when we have a 15- to 25-percent shortage of oil, when we have the economy going more strongly than it has been going for a long time, when unemployment is so low and when we have high interest rates, without a record, with an unprinted amendment. That does not seem to be responsible.

Mr. HANSEN. We can leave it on with a 15-to 25-percent shortage or we can leave it on for the shortage to get to a greater magnitude.

Mr. PROXMIRE. We have to have controls when we get to the shortage we have now.

Mr. HANSEN. I am not arguing the point. I have supported with reluctance the draft of the bill trying to make a bad situation better, but our first concern must address itself to supplies. So far we have not done that. I think the Buckley amendment will be a step forward in doing something about the supply. It is high time to do it. We can, of course, stay here until the lights go out and then hold hearings, or until we have more free time, if jobs are not available. I have no doubt then that the administration witnesses from the Cost of Living Council will not want to speak very loudly.

I thank my colleague.

Mr. PROXMIRE. Mr. President, I thank the Senator from New York very much.

Mr. BUCKLEY. Mr. President, I thank the Senator from Wisconsin for bringing out additional arguments in support of this amendment. I appreciate his concern that there have been no hearings on the proposal. However, it seems to me that in this body we are in the habit of voting on unprinted amendments that have less consequence than this one.

There are a number of truly important features in this legislation as to which there have been no hearings. For example, we instruct the President and State and local governments to develop plans which will have the practical capability to reduce energy consumption. I submit that there are communities and industries across this country that depend 100 percent upon recreational uses.

It is proposed in this legislation that the President shall develop and implement federally sponsored incentives for the use of public transportation, including priority rationing of fuel for mass transit systems, and Federal subsidies for reduced fares and additional expenses incured because of increased service, for the duration of the energy emergency.

I confess that no example was given of the alternative where prices would reach the normal market level, thereby creating incentives without a system of subsidy that we will never get away from.

Mr. PROXMIRE. Mr. President, if the Senator will yield, the Senator is discussing what is already in the bill.

Mr. BUCKLEY. The Senator is correct.

Mr. PROXMIRE. That was considered by the members of the committee. It was debated. It has been before the Senate for a couple of days. We have had the chance to consider amendments.

The Senator from New York came in this afternoon with an amendment that no one had seen before. It would wipe out the most far reaching control system we have had for a number of years.

Mr. BUCKLEY. Mr. President, I know that a number of Senators want to leave soon and have other commitments. However, I would like to make one comment.

This legislation has been through the committee process. It is known to the dozen or so members of the committee.

I would suggest that the merits or demerits of wage and price control are far better known to every Member of this body by virtue of our historical experience and by virtue of the shortages in our economy than the impact of mass transit subsidies. Those experiences will enter into a determination of whether my amendment is sound or unsound.

Mr. JOHNSTON. Mr. President, if the Senator from New York will yield, as chance would have it, when the amendment was offered I was in the anteroom having a conversation with Dr. Dunlop. Dr. Dunlop was inquiring of me as to when we might have hearings, how long they would extend, and to what extent we would extend the Wage and Price Control and the Economic Stabilization Act.

Dr. Dunlop believes, as he told me this afternoon, that we ought to phase out the control procedure. However, he told me of his tremendous concern that this energy crisis brings in concerning a new dimension in the area of shortages. It is a matter for which we have absolutely no precedent in our economic history. There is no way to determine what the effect of the energy shortages are going to be.

It is therefore not only desirable but actually essential that we maintain our standby control authority contained in the Economic Stabilization Act of 1970.

Mr. BROCK. Mr. President, if the Senator will yield, does the Senator know how long we have been hearing this talk about stopping controls and doing it industry by industry? We have not seen one iota of movement.

The Senator from Louisiana represents a fine State, a very good oil-producing State. It is a major contributor to the solution of our energy problems.

Today we cannot buy used casings. Why can we not do so? It is because they are being exported. Why are they being exported? They are being exported because we do not allow our American businessmen to compete in the marketplace. We say to them, "You shall not do this." They are sold overseas. We are absolutely prohibiting the ability of the American free enterprise system to compete.

The same thing is happening in the synthetic fibers industry. The materials are being exported. We are not allowing anyone to compete.

I really understand what the Senator is saying. However, I do not believe it any more. I have heard it too often. I think that it is time that the Senate faces up to its responsibility with respect to this problem. Let us get back into the marketplace.

Mr. JOHNSTON. The Senator from Tennessee makes a good point. However, we went from phase II to phase III which was a rapid decontrol. Prices rose so rapidly that Senators and all the people around the country pointed out that phase III was a total failure and that the timing was absolutely wrong.

Whatever may be the merits of the Economic Stabilization Act of 1970, whether advertently or inadvertently, we have it now. And we are not starting off from zero. We have it now. We are not starting from a point of no control. We have it now, and superimposed on that we have the worst energy crisis that the Nation has ever known, for which there is no precedent in our economic history.

For that reason I feel very strongly that we must have this standby authority to cope with shortages, such as aluminum where we have shortages caused by the lack of electricity to manufacture it. We have shortages in steel, in the petrochemical industry, and in every industry.

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Mr. BROCK. Is there something absolutely unique about 1973 that everything in our economy coincidentally goes wrong in one year? Let me ask the Senator how it has managed to do so thoroughly throughout our economy. Is it so strange to find the shortages we are experiencing after all of these years of affluence and excess production? We walk into a situation in this country where we have not enough shirts, steel, casings, petroleum. We have shortages in a broad range of areas. I wonder if we should not take an honest look at the way the shortages came about in 1973 after 3 years of price control which inhibited the right of American business to produce. If we have shortages, is that not the best argument to let the marketplace start producing again?

Mr. JOHNSTON. Mr. President, I will resist the temptation to point out that other things also coincide with these shortages.

Mr. BROCK. Mr. President, I have already made that point. I understand it.

Mr. JOHNSTON. Mr. President, the point that the Senator from Wisconsin made so well is that we need to have hearings on the bill. I told Dr. Dunlop we would have these hearings hopefully in December so that we can look at the whole field of wage and price control and enter the transition period in an orderly manner and not do it in an emergency bill that must be passed within the next few hours. Every day that goes by we notice that the situation gets worse, particularly in the Northeast.

I believe that this amendment should be considered in committee and that it has no place in this bill. I therefore move to table and I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from New York. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Missouri (Mr. Eagleton), the Senator from Hawaii (Mr. Inouye), the Senator from Massachusetts (Mr. Kennedy), the Senator from Wisconsin (Mr. Nelson), the Senator from Albama (Mr. Sparkman), and the Senator from Mississippi (Mr. Stennis) are necessarily absent.

I further announce that the Senator from Kentucky (Mr. Huddleston), the Senator from Minnesota (Mr. Humphrey), and the Senator from Georgia (Mr. Talmadge) are absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. Humphrey) and the Senator from Massachusetts (Mr. Kennedy) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Nebraska (Mr. Curtis) is absent by leave of the Senate on official business.

The Senator from Tennessee (Mr. Baker), the Senator from Illinois (Mr. Percy), and the Senator from Ohio (Mr. Saxbe) are necessarily absent.

The Senator from New Hampshire (Mr. Cotton) is detained on official business.

If present and voting, the Senator from Nebraska (Mr. Curtis) and the Senator from Illinois (Mr. Percy) would each vote "yea."

The result was announced—yeas 60, nays 26, as follows:

[No. 487 Leg.]

YEAS—60

Abourezk
Aiken
Allen
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Biden
Brooke
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cranston
Eastland
Ervin
Fong
Gravel
Hart
Haskell
Hathaway
Hollings
Hruska
Hughes
Jackson
Javits
Johnston
Long
Magnuson
Mansfield
McClellan
McGee
McGovern
McIntyre
Mondale
Montoya
Moss
Muskie
Nunn
Pastore
Pearson
Pell
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Stafford
Stevens
Stevenson
Symington
Tunney
Williams
Young

NAYS—26

Bartlett
Brock
Buckley
Byrd, Harry F., Jr.
Cook
Dole
Domenici
Dominick
Fannin
Fulbright
Goldwater
Griffin
Gurney
Hansen
Hartke
Hatfield
Helms
Mathias
McClure
Metcalf
Packwood
Scott, William L.
Taft
Thurmond
Tower
Weicker

NOT VOTING—14

Baker
Cotton
Curtis
Eagleton
Huddleston
Humphrey
Inouye
Kennedy
Nelson
Percy
Saxbe
Sparkman
Stennis
Talmadge

So the motion to lay on the table was agreed to.

Mr. McINTYRE. I yield a half minute to the Senator from New Jersey.

Mr. CASE. Mr. President, I wish to propound an inquiry to the acting floor manager of the bill in regard to an interpretation of the provisions of section 202(b). In section 202(b) is a provision that during the energy emergency the President may enter into appropriate understandings, agreements, or understandings with foreign nationals or organizations.

Mr. ROBERT C. BYRD. Mr. President, I beg the Senator's pardon for interrupting him.

Will the Chair enforce the rule of the Senate and get order?

The PRESIDING OFFICER (Mr. Montoya). The Senate will be in order. Only one Senator has the floor—the Senator from New Jersey. He is entitled to be heard.

The Senator may proceed.

Mr. CASE. I thank the Chair and I thank the assistant majority leader for their courtesy. This proviso in the bill "shall be submitted to the Senate of the United States, and shall be operative, but shall not become final until the Senate has 15 days," and so forth, to consider it.

I understand the question has been addressed informally to the Parliamentarian already, and he has said, as a matter of first impression, that agreements and similar understandings would come before the Committee on Foreign Relations of the Senate.

I have discussed that statement with the chairman of the subcommittee, and he has told me, informally, that that is his view. I ask now as a matter of legislative record, whether the acting floor manager of the bill will confirm this statement?

Mr. JOHNSTON. The answer, to the distinguished Senator from New Jersey, is that this provision will be considered by the Committee on Foreign Relations.

Mr. CASE. I thank the Senator.

Mr. MONDALE. Mr. President, will the Senator yield briefly?

Mr. McINTYRE. I yield to the Senator from Minnesota.

Mr. ROBERT C. BYRD. Mr. President, will the Senator from Minnesota yield briefly to me?

Mr. MONDALE. I yield.

Mr. ROBERT C. BYRD. Mr. President, is the amendment offered by the distinguished Senator from New Hampshire (Mr. McIntyre) pending?

The PRESIDING OFFICER. It has not been placed before the Senate.

Mr. McINTYRE. Mr. President, I call up my amendment No. 652.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> (f) Notwithstanding any other provision of law, require the immediate termination of the export of gasoline, number 2 fuel oil, residual fuel oil, or any other petroleum product whose export is having an adverse impact on domestic supplies.

ORDER FOR ADJOURNMENT TO 9 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9 o'clock a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, there will be no more rollcall votes today. Senators may discuss the pending amendment as long today as they like.

The Senate will convene tomorrow at 9 a.m. After a brief period for the transaction of routine morning business and the disposition of any orders that may have been entered to recognize Senators tomorrow, the Senate will continue to consider amendments to the energy bill with yea-and-nay votes occurring.

If the energy bill is not completed tomorrow, the Senate will then go over until Monday, at which time action on the energy bill will be resumed, with yea-and-nay votes to continue thereon.

ORDER FOR ADJOURNMENT FROM TOMORROW UNTIL 10 A.M. ON MONDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until 10 a.m. on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ENERGY RECORD: CONGRESS AND THE EXECUTIVE BRANCH

Mr. JACKSON. Mr. President, as a result of the President's remarks last week on the performance of Congress in the energy field, I have received a number of inquiries from Senators and others asking for the facts on this subject. I am making this statement today to clarify the record of Congress and the administration on energy issues.

Let me say at the outset that I regret very much the President's remarks on this subject. Not only have those remarks created an erroneous impression, they have also injected an element of partisanship in an area where, at least as far as Congress is concerned, bipartisan cooperation has been the order of the day.

The record is clear that, with the support of Members of both parties, this Congress is in the process of compiling an exceptional record on energy issues.

This is the Congress that gave the President discretionary authority last April to allocate scarce fuels. This is the Congress that has cleared for the President's signature the trans-Alaska pipeline bill and the Emergency Petroleum Allocation Act. And this is the Congress that has taken the initiative, in the National Energy Emergency Act, to direct executive branch action to deal with unprecedented fuel shortages.

ORIGINS OF THE ENERGY STUDY

Legislative interest in critical energy issues has not developed overnight. Senators may recall that on July 16, 1970, Senator Jennings Randolph introduced legislation cosponsored by Senators of both parties to establish a National Commission on Fuels and Energy. This was to be a joint executive-legislative body to make a comprehensive study of the Nation's energy needs and how best to meet them.

The administration opposed creation of this Commission on the ground that its work would overlap with studies by the Domestic Council—studies that were announced after Senator Randolph's bill was introduced. If such studies were in fact made by the Domestic Council, they have never seen the light of day. But it is significant that the administration was on notice, more than 3 years ago, of deep congressional concern about emerging energy problems.

Because a serious study was obviously needed, Senator Randolph and I sought to authorize a unique cooperative effort in the Senate in early 1971. On February 4, 1971, he introduced Senate Resolution 45, cosponsored by 50 Senators, authorizing the national fuels and energy policy study by the Senate Interior Committee, with participation by the Committees on Commerce and Public Works and the Joint Committee on Atomic Energy. This has not been idle participation either. Under the leadership of Senators Magnuson, Pastore, and Randolph, these committees have played a major role as the study has progressed.

The study authorized by the Senate on May 3, 1971—when Senate Resolution 45 was approved—was broad in scope, involving a comprehensive investigation of the Nation's energy needs and energy resources; of the alternatives available for meeting those needs; and of the effect of Federal laws and policies on the fuels and energy industries. Beginning in late 1971 and continuing into mid-1973, the committee held extensive hearings on a wide range of issues including deep water port policy, energy conservation, oil import policy, Federal leasing programs, fuel shortages, and energy research programs. These hearings have laid the groundwork for the legislative program now moving through Congress.

As the energy study progressed, it became increasingly obvious to many of us that the Nation's energy problems were serious, that we were entering a period of dangerous dependency on foreign oil, that alternatives to such dependency were not being exploited and that critical energy issues were not being considered at the highest levels of Government.

WARNINGS ABOUT IMPORTS

My concerns were expressed in a letter to the President in June 1972 in which I asked for a full-scale "in-depth study and assessment of national security, foreign policy, and domestic energy policy implications of our growing dependence on imported crude oil and petroleum products from the Middle East and elsewhere." Had that study been undertaken with a sense of urgency and purpose some 17 months ago, we might be better prepared to deal with the international energy problems we face today. Unfortunately, it was not.

On my return from a trip to the Mideast in the fall of 1972, I again warned of the dangers of increasing dependence on Mideast oil. In a speech on December 7, 1972, in Pittsburgh. I set forth some conclusions about this problem which bear repeating:

> First, despite official assurances to the contrary, I believe there are major dangers of political instability in the Mid-East. This region's history of political turmoil, internal dissention and abrupt changes in government policy provide a shaky foundation for long-term commercial enterprise, for permanent foreign policy arrangements, and for increased dependence on vital energy supplies.
>
> Second, I believe that the optimism of many government officials and U.S. oil company representatives as to the security of future supplies from this region is unwarranted. The desire of these nations to manage their own resources, and to own and control both production, transport, refining and marketing facilities has, I believe, been greatly underestimated.
>
> Third, even if we assume political stability and rational decision-making on the part of the major oil producing nations—an assumption I consider reasonable after my meeting with leaders in Iran and Saudi Arabia—the sheer magnitude of the revenues to be derived from oil production raises serious questions. Where will revenues not needed for internal development be invested by these countries? Will economic considerations dictate production controls and a shutting-off of supplies even if political or bargaining considerations do not?"

REACTION TO FUEL SHORTAGES

As 1972 progressed, there was increasing doubt about the ability of our existing energy system to meet the country's fuel needs. But the administration's oil experts assured us that the needs could and would be met. What happened in the winter of 1972–73 is now history. One would have thought, however, that the fuel shortages which occurred then would have provided some warning to Administration policymakers.

The disarray in the administration on energy issues during this period was reflected in the fact that it took 4 months to produce a Presidential energy message for Congress. The message that was first promised for January finally came in April. It then proved necessary to bolster this message with a second message in June.

Meanwhile, the efforts to provide top-level energy policy leadership in the White House continued. In December 1972, citing the large number of Federal agencies in the energy field, many of them working at cross purposes, I had urged the appointment of an energy "Czar" to provide overall leadership and coordination; 1973 began with the designation of an energy troika of Messrs. Ehrlichman, Kissinger, and Shultz, which never really functioned. Then came the appointment of Mr. Charles DiBona as the President's energy aide. Thereafter Deputy Treasury Secretary Simon, as chairman of the Oil Policy Committee, played a major role in energy matters until Governor Love was appointed as head of the Energy Policy Office in June.

FUELS ALLOCATION SYSTEM

While these administrative changes were taking place, those of us involved in energy matters were concentrating on measures to allocate scarce fuels and otherwise deal with impending shortages. Administration officials, under questioning, had testified before the Interior Committee as early as January that they lacked adequate authority to allocate fuels in times of shortages and I had announced in February that I would introduce legislation to remedy this.

From the outset the administration took the position that no allocation system was necessary. At the hearing on my proposed mandatory allocation bill on May 1, 1973, Secretary Simon testified that:

> We do not believe that direct government control of fuel distribution is desirable and we hope that we will never have to implement an allocation or formal consumer rationing system.

It was a matter of days, however, before the administration announced a limited voluntary allocation program under the authority provided by Senator Eagleton's amendment to the Economic Stabilization Act.

After the voluntary program had been in effect several weeks, Secretary Simon conceded that it was not working effectively and said a mandatory program would be instituted. Then Governor Love was appointed and he took the issue under advisement. In August, he issued proposed regulations for a mandatory program, but said in effect that they would not work and he hoped not to use them.

Specifically, Governor Love said of his proposed mandatory program:

> In spite of our best efforts, this program, as all other mandatory programs has, I be-

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> lieve, significant flaws both philosophically and practically. I believe that this or any other mandatory program runs the very great risk of reducing, not increasing, the available supplies of fuels.

Finally, the administration was forced, even before the Arab embargo, to start mandatory allocation programs for propane, jet fuel, and heating oil. Precious time has been lost in formulating the policy directives, recruiting the personnel, and establishing the organizational framework to make these allocation programs function properly.

THE ADMINISTRATION PROGRAM

The administration's long delay in focusing on energy issues is reflected not only in the fact that its legislative program was sent to Congress 3 months after Congress convened, but also in the makeup of the program itself. While including long term measures like legislation authorizing deepwater ports and deregulation of natural gas prices, it failed to include short-term measures like fuels allocation authority and it neglected entirely such major issues as energy conservation and research and development.

Sometimes, it is not entirely clear just what the administration's program is. Only this week, administration officials appeared before the Interior Committee and withdrew support for legislation proposed by the administration to terminate certain leases in the Santa Barbara channel and place the area covered by these leases in a national energy reserve. Yet this is legislation that the President urged Congress to enact even as late as last spring.

THE CONGRESSIONAL PROGRAM

The energy program being developed by Congress is, on the other hand, more comprehensive and more balanced between long-term and short-term considerations.

This week, Congress has already completed action on two major energy bills, the legislation to authorize the construction of the trans-Alaska pipeline and to authorize the implementation of a mandatory allocation program for crude oil and petroleum products.

I might point out, Mr. President, that both these bills represent initiatives by the Congress. The trans-Alaska pipeline bill was developed by the Interior Committee, working with the executive branch, after the court of appeals held that the Secretary of the Interior had exceeded his authority in granting a right-of-way for the pipeline. The fuels allocation bill, which I introduced last April, was opposed by the administration from the outset.

The Senate's first energy bill was passed on May 10, 1973. This was Senator HOLLINGS' proposal to create a Council on Energy Policy in the Executive Office of the President.

The Senate has also passed two important bills which provide the standards and institutional mechanisms for reconciling our energy and environmental needs. I refer to the National Land Use Policy Act—passed on June 21, 1973—and the National Surface Mining and Reclamation Act—passed on October 9, 1973.

RESEARCH AND DEVELOPMENT

Another congressional initiative has been in the critical field of energy research and development. When I introduced legislation authorizing a massive 10-year, $20 billion energy R. & D. program on March 19, 1973—with the cosponsorship of 27 Senators—the administration turned a deaf ear. But as the serious nature of our energy situation became more apparent the administration's attitude has changed. The President is now publicly committed to the kind of program we proposed last spring. But the question still remains whether the administration will commit the funds to make a real R. & D. effort. At this moment, the Office of Management and Budget has impounded more than $20 million in funds for energy research and development.

The administration's record on development of our geothermal steam resource is cause for concern about the strength of its commitment to energy research and development. The fact is that Congress in 1970 authorized leasing of the public lands for development of geothermal steam. As of today, the administration has yet to promulgate the regulations that would permit public lands to be leased for this purpose. Under the determined leadership of Senators BIBLE and CHURCH, the Interior Committee has been pushing hard to accelerate geothermal development. But the administration has opposed legislation pending before the Interior Committee to speed commercial development of geothermal energy through a program of loan guarantees. And it has impounded the additional $7 million appropriated by Congress earlier this year for geothermal development.

Another research area where Congress has consistently taken the leadership is coal research. As a member of the Appropriations Committee, Senator BYRD of West Virginia has long worked for funds to expand our coal research programs. In this year alone, he succeeded in adding almost $40 million to the administration's budget to accelerate research on coal gasification, coal liquefaction and improvements in mining technology.

ENERGY CONSERVATION LEGISLATION

It is worth noting, Mr. President, that the administration has also opposed the National Fuels and Energy Conservation Act, introduced on July 13, 1973, reported by the committee and now pending on the Senate Calendar with action planned in the immediate future. This legislation, which lays the foundation for a serious energy conservation effort, is cosponsored by 35 Senators.

Despite the critical importance of efforts to reduce energy demand, the administration has never submitted any legislation on this subject to the Congress. It has not only opposed my bill, but also opposed major bils on this subject developed by the Commerce Committee. In a letter dated July 31, 1973, Assistant Secretary of the Interior Wakefield opposed my bill on the ground that adequate authority for a conservation program already exists. He also argued that the bill "calls for a fractionated and less well organized approach to the vital matter of energy conservation than the current Federal program."

The effectiveness of the Federal program is, quite frankly, still very much in doubt as the need for serious conservation efforts grows greater than ever.

STRATEGIC RESERVE

The administration has also opposed legislation which I introduced on April 16, 1973 to establish a national strategic petroleum reserve in order to minimize the impact of disruption of our oil imports. Although the administration supports the concept of such a reserve and agrees that legislation is necessary, it opposed my bill and has yet to submit its own legislation on this subject.

In a letter dated October 26, 1973, the Office of Management and Budget endorsed the Interior Department's opposition to the bill on the grounds that creation of the reserves system called for in the bill "would be extremely costly and is considered unnecessary."

EMERGENCY LEGISLATION

Finally, Mr. President, the record should be clear as to legislation dealing with the present energy emergency. I introduced the National Emergency Petroleum Act, to provide the President with adequate authority to deal with this crisis, on October 18. At that time, it was obvious that a critical energy situation was developing as a result of the Arab oil embargo. Yet it was 2 weeks after that before the administration was able to respond with tentative emergency proposals of its own. Again, congressional initiative was required to stimulate administration action.

I want to emphasize that the administration had discretionary authority under the Defense Production Act, the Economic Stabilization Act, and other statutes to make contingency plans, to prepare for rationing, and to allocate scarce fuels. But it has never been willing to face up to the realities of the situation. Congress, at every turn, has had to force the administration to act, either by proposing, enacting, or threatening to enact appropriate legislation.

Let me repeat, Mr. President, that the unprecedented efforts of this Congress on energy matters have been on a bipartisan basis. I wish to acknowledge, in particular, the great contribution of Senator FANNIN and his Republican colleagues on the Interior Committee. Senators of both parties have worked long and hard on these issues. I am confident that we are developing a legislative program that will enable the Federal Government to deal with our critical energy problems and serve as a basis for long-term national energy policy.

Mr. President, I ask unanimous consent that there be included in the RECORD at this point a list of the energy related bills acted upon or pending before the Interior Committee in the present session of Congress.

I also ask unanimous consent that the full text of my letter to the President of June 13, 1972, and my speech to the Coal Mining Institute of December 7, 1972, be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ENERGY RELATED BILLS PENDING OR ACTED UPON BY THE SENATE INTERIOR AND INSULAR AFFAIRS COMMITTEE IN THE 93D CONGRESS

INTRODUCED

January 9, 1973: S. 268, National Land Use Policy and Planning Assistance Act. Reported to the Senate June 7, 1973 and passed by the Senate June 21, 1973.

January 18, 1973: S. 425, Surface Mining Reclamation Act of 1973. Reported to the Senate September 21, 1973 and passed by the Senate October 9, 1973.

March 1, 1973: S. 1081, Rights of Way Through Federal Lands Act. Reported to the Senate June 12, 1973 and passed by the Senate and House. Conference Report to be filed this week.

March 19, 1973: S. 1283, National Energy Research and Development Policy Act of 1973. Hearings held June 21, 22 and July 11, 12, 1973. Legislation in final stages of Executive Mark-up.

April 13, 1973: S. 1570, Emergency Petroleum Allocation Act of 1973. Reported to the Senate May 17, 1973 and passed by the Senate and House. Conference Report to be filed this week.

April 16, 1973: S. 1586, Petroleum Reserves and Import Policy Act of 1973. Hearings held May 30 and July 25, 26, 1973. Legislation now being revised.

July 13, 1973: S. 2176, National Fuels and Energy Conservation Act of 1973. Hearing held August 1, 1973. Reported to the Senate and referred to Commerce and Public Works Committees for further consideration. Now pending on Senate Calendar.

October 18, 1973: S. 2589, National Emergency Petroleum Act of 1973. Hearing held November 8, 1973 and Executive Mark-up began November 9, 1973.

November 2, 1973: S. 2652, Coal Conversion Act.

The Committee has held joint hearings with the Commerce and Public Works Committees on the question of authorizing the construction of deepwater ports and is developing draft legislation on this subject.

JUNE 13, 1972.

THE PRESIDENT,
The White House,
Washington, D.C.

MY DEAR MR. PRESIDENT: I have become increasingly concerned about the national security and foreign policy implications of growing American dependence on Middle East oil. My concern is directly related to the fact that since 1948 the Nation has moved from being a net exporter of petroleum products to a position where our current dependence on foreign oil is over 22 percent of domestic consumption, or about 1.3 billion barrels per year. Knowledgeable experts now predict that if present trends continue the U.S. will be importing 40 to 60 percent of our total domestic oil requirements by early in the 1980's—a short eight years away; and most of this new oil will come from the Middle East.

My concern has deepened in recent weeks in view of the action taken by Iraq to nationalize the Iraq Petroleum Company and the subsequent signing of a Soviet-Iraq economic and trade accord. These actions preface, in my view, a conscious trend by at least some of the Middle East oil producing nations away from a long-term strategy of gaining "participation" in ownership by the producing countries to a strategy of gaining early, total and strategic control of all production facilities. When this trend is viewed together with the growing Soviet involvement in all facets of Middle East oil relationships—technical assistance, exploration and development, purchase of crude stocks and strategic—it becomes apparent that new political and economic alignments are being forged which will pose definite dangers to the long-range interests of the U.S., Western Europe and Japan.

I am not satisfied that this general situation, and in particular, the recent developments in Iraq, have been accorded the significance which they deserve. Neither have we fully recognized the immediate and long-term dangers that they portend. In part, this may be attributable to the fact that responsibility for international energy policy issues is not clearly the assigned responsibility of any specific Federal agency. Our government's consideration of the problem is currently fragmented among the Departments of Defense, State, and Interior as well as the Federal Power Commission, the Office of Emergency Preparedness, and the Energy Policy Subcommittee of the Domestic Council. Similarly, the Committees of Congress share fragmented responsibilities. This is a situation in which direct and forthright assessment and evaluation of a U.S. position which fully reflects all relevant national interests cannot be routinely or confidently assumed.

It is my view that the National Security Council should be directed to undertake an in-depth study and assessment of the national security, foreign policy and domestic energy policy implications of our growing dependence on imported crude oil and petroleum products from the Middle East and elsewhere.

Certain specific areas should receive especially close scrutiny and analysis. These include the relative political stability of the producing countries; the nature and growing extent of Soviet influence in the producing nations; alternative markets for the producing nations' petroleum; probable trends in world petroleum prices; implications of further nationalization of the international petroleum industry; an assessment of U.S. contingency planning; the role and influence of the international petroleum industry on the conduct of American foreign policy; possible future structures of the world petroleum industry; and alternative energy sources available to the U.S. from abroad, from domestic sources and from new sources made available by gains in technology, and the timetable for each.

In addition to my own longstanding and deep interest in this matter from the standpoint of national security, the Senate Interior and Insular Affairs Committee is, as you know, conducting an in-depth Congressional review of National Fuels and Energy Policy. It is clear that the Committee's findings and recommendations will be greatly influenced in many areas—research and development, levels of domestic production, growth policy, among others—by the security, the magnitude and the source of imported crude oil and petroleum products for both the near-term and long-term futures. Within a few days I shall announce a schedule of hearings on issues of international oil policy. At that time a list of questions and policy issues in this area will be circulated to the responsible Executive Branch agencies as a guide to preparation of testimony and supporting materials. I would appreciate the assistance of the Administration in assuring that these hearings provide a deep and comprehensive examination of the issues.

I look forward to meeting with members of your staff and your Administration on this critical problem. You may rest assured of my cooperation in the development of a framework for a U.S. international energy policy which protects vital U.S. interests and which is responsive to the uncertain and fast breaking events in the Middle East.

Sincerely yours,
HENRY M. JACKSON,
Chairman.

TOWARD A NATIONAL FUELS AND ENERGY POLICY

(Remarks by Senator HENRY M. JACKSON, Chairman, Senate Interior and Insular Affairs Committee, before the Coal Mining Institute of America, Pittsburgh, Pa., December 7, 1972)

As many of you are aware, I have just recently returned from an extensive trip throughout Western Europe, the major oil producing nations in the Mid-East, and a number of Communist countries in Eastern Europe. A major purpose of my trip was to investigate first-hand the international energy situation and its relationship to our country's national security, our social and environmental goals, and our continued economic well-being.

I met with representatives of U.S. energy industries; with spokesmen for OPLC (the Organization of Petroleum Exporting Countries); with the heads of both oil producing and oil consuming governments; and with the top energy officials of the European Economic Commission.

Let me give you some general impressions from my trip and my views on their relationship to the formulation of a national fuels and energy policy for this country.

First, it is obvious that the center of gravity for the Free World's petroleum supplies has shifted to the Persian Gulf. The reason is quite clear. The oil and gas reserves of this area are simply tremendous in magnitude.

Ssudi Arabia alone has known reserves which are very conservatively estimated at over 150 billion barrels of oil; some experts say 300 billion barrels is more realistic. Together, Saudi Arabia and Iran possess something on the order of 50 percent of the non-communist world's known petroleum reserves—about eight times the total U.S. domestic known reserves, including Alaska.

Production from these two countries together with Kuwait presently equals the total U.S. production of 12 million barrels a day. Knowledgeable observers anticipate that by 1980–85 production from Saudi Arabia and Iran alone could go as high as 30 million barrels per day.

This shift in the center of gravity for petroleum resources means that in terms of political power and economic strength, a major realignment in international relations is taking place.

This can be seen in the economics of what is happening.

The revenues likely to accrue to Mid-East producing countries by 1980 are projected to be about $30 to $40 billion annually, with one nation—Saudi Arabia—accounting for about one-half of this total.

The control and the purposes—whether political or simply conservative business investments—for which this tremendous wealth will be used pose serious questions for the future of the U.S. and the Free World economies.

Unfortunately, these questions—and the stakes involved—are not receiving the high level consideration they warrant within the U.S. government.

Europe and Japan, however, understand what is at stake.

They should, because Western Europe and Japan now obtain almost 90 percent of their petroleum supplies from North Africa and the Middle East.

The United States is comparatively in a far better position than other countries with respect to both domestic petroleum supplies and alternative opportunities to develop synthetic fuels from our tremendous coal and oil shale reserves. Our domestic situation is, however, still a cause for grave concern, because we have not made plans and we have not developed policies which will enable us to utilize our domestic resources.

Currently, we import 26 percent of our domestic petroleum supplies. Most of this

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comes from Western Hemisphere sources. Only a little more than 3 percent comes from the Middle East.

But this is rapidly changing.

Present imports total about 4 and ½ million barrels of oil per day. Conservative projections all agree that our dependence upon imports will increase to at least 11 million barrels per day by 1980. And most of this increase will have to be satisfied by Mid-East sources.

By 1980 we will still be in better shape than Europe and Japan. How much better though is not at all clear. Any major disruption in supply—under present policies and present conditions—could be devastating for the major population centers of the East Coast and other import dependent areas in the U.S.

My visit to Europe and the Mid-East and the discussions I had with leaders in government, finance and the energy industries do not, I must in all candor report, inspire too much optimism.

Let me share with you some of my tentative conclusions.

First, despite official assurances to the contrary, I believe there are major dangers of political instability in the Mid-East. This region's history of political turmoil, internal dissension and abrupt changes in government policy provide a shaky foundation for long-term commercial enterprise, for permanent foreign policy arrangements, and for increased dependence on vital energy supplies.

Second, I believe that the optimism of many government officials and U.S. oil company representatives as to the security of future supplies from this region is unwarranted. The desire of these nations to manage their own resources, and to own and control both production, transport, refining and marketing facilities has, I believe, been greatly underestimated.

Third, even if we assume political stability and rational decision-making on the part of the major oil producing nations—an assumption I consider reasonable after my meeting with leaders in Iran and Saudi Arabia—the sheer magnitude of the revenues to be derived from oil production raises serious questions. Where will revenues not needed for internal development be invested by these countries? Will economic considera-ting-off of supplies even if political or bargaining considerations do not?

I don't want to paint too bleak a picture; I do, however, want to be realistic.

I am hopeful that my pessimism about the security of Mid-East oil supplies proves unwarranted. And there are some reasons for guarded optimism.

First, both Iran and Saudi Arabia—the major Mid-East producing countries—have a Western orientation.

Second, both of these nations have ambitious programs under way to improve the quality of life and the well-being of their people. To the extent they are successful, the long-term political stability of their countries—and of the Free World's major source of oil supply—will be enhanced.

Third, there is a genuine desire on the part of Iran and Saudi Arabia to bring about stability in the Mid-East. Both nations have common interests in promoting peace, in deterring internal disorder; and in limiting Russian ambitions to gain economic, ideological or territorial footholds.

In some respects the uncertainties associated with Mid-East oil policy may be a blessing in disguise for the United States. Mid-East developments and domestic energy supply shortages could force a new realism and a new sense of urgency in the development of an integrated, coherent, and rational energy policy for the U.S.

As Chairman of the only Congressional study of energy policy, I am convinced that development of a national energy policy is the most critical problem—domestic or international—facing the nation today.

Yet, the response of the Executive Branch to the critical energy problems has been to put forth a few timid proposals amid an overall affirmation of the status quo.

Well, let me tell you something: This is not an adequate response. The energy problems we face are real, they are serious, and they effect vital national interests.

What can be said of the adequacy of existing policies to improve this emerging and, in my view, very depressing domestic energy picture.

Unfortunately, very little that is reassuring: In fact, for all practical purposes the U.S. at present *does not have* an energy policy capable of dealing with the problems we face.

What we do have are the left-over, outmoded and largely irrelevant policy remains of a series of past Federal decisions that have little relevance to the critical conditions we face today.

This inadequacy can be seen by looking at only one of a number of major energy issues now facing the country. You are all, I believe, familiar to some extent with the pending proposals to deal with our emerging shortage of domestic fuels by importing billions of dollars worth of LNG—liquified natural gas—from Algeria and the Soviet Union. These projects involve the commitment of tens of billions of dollars. They involve in some cases major Federal subsidies for tanker construction and financing. In my view, they represent perfect examples of major decisions that should be taken only in the context of a national energy policy that considers consumer costs, environmental quality and national security.

Since 1959 the United States has restricted imports of foreign crude oil because domestic resources—though more expensive—were more secure. The new LNG proposals are remarkable in that this imported fuel may be less secure and, at the same time, several times more costly than other available energy supplies, both foreign and domestic. Gas to be imported from Russia, for example, is projected to cost at least $1.25 per million BTU, exclusive of any possible ship building and interest subsidies. This is equal to $7.50 per barrel of oil or $30 to $35 per ton of coal.

A major question of national policy is whether we need such a costly fuel at all.

Have we done enough in the way of conserving and rationally allocating the fuels that we have? Today, about two-thirds of the natural gas now consumed in the United States is being burned under boilers. A legitimate question is whether it makes sense to import gas for more than a dollar per million BTU when a substitute such as coal or oil is available at 40, 50, or 60 cents? Isn't there something wrong with our pricing policies if this substitution isn't made?

The cheapest source of new gas for households and other priority uses may be the natural gas now being used wastefully as boiler fuel. But there are other alternatives. For example, by how much could we increase domestic natural gas supplies by letting gas prices increase to more nearly their true market value? In testimony before the Interior Committee, responsible geologists have differed about the size of our domestic gas resource, and responsible engineers and economists disagreed about how effectively higher gas prices would stimulate greater production. But it is hard to believe that an increase in the field price of natural gas from its current average of 20 cents per million BTU, to 30, 40, or 50 cents, would not have some effect on domestic gas exploration and production. Shouldn't we find out before we commit ourselves to buy billions of dollars worth of gas from the Russians at a dollar or more?

Let's assume domestic gas production and fuel substitution in domestic boilers could not alone eliminate the gas shortage. The question then becomes whether there are other gas supplements that are cheaper or more secure than Eastern Hemisphere LNG? If we have to import, what about making gas from imported oil, by a proven technology and at a fraction of the capital cost of LNG?

Do we need to import gas supplements at all? Coal is our most abundant primary fuel. Coal can be used directly as a boiler fuel in place of gas at a fraction of the cost of imported LNG or of any other supplemental gas supply. And it could be converted to gas at a cost comparable with that of imported LNG.

Today, most of our coal cannot be used as boiler fuel because we cannot get enough of the sulfur out of the stack gas. And, the technology of making pipeline quality gas from coal is not completely proved. Federal subsidy commitments for LNG tankers have already exceeded $76 million, and there are reports that one of the Russian LNG deals would require shipbuilding and interest subsidies many times greater. While I have no factual information on accuracy of these reports, I do think this prospect raises serious policy questions about alternative investment opportunities for the Federal energy dollar.

For example, how much of a contribution would one-third of this proposed Federal outlay make toward resolving our energy problems if it were devoted to developing an effective technology for cleaning high sulfur coals or their stack gases, or to economic methods of manufacturing pipeline quality gas from coal? What might be the payoff from a few tens-of-millions of dollars additional, spent on an economically and environmentally acceptable way of producing fuel from oil shale, or developing a fuel cell that could convert gas into electricity directly and efficiently without a boiler or turbine?

Today there is no single forum or decision-making body in which alternative means for meeting our energy needs can be weighed against the nation's economic, environmental and security objectives.

The Federal institutions affecting energy matters reflect an uncoordinated and fragmented governmental evolution. For purposes of the Senate National Fuels and Energy Policy Study, a staff study has identified some 44 Federal agencies which directly administer energy programs and 20 more which indirectly influence energy matters. These 64 agencies are scattered throughout nine cabinet departments, fourteen independent agencies, and the Executive Office of the President.

We have depended upon the energy industries themselves to perform the coordinating functions. Industry has identified many of the policy issues, and it has provided the basic information for policy decisions.

In recent years, however industry's ability to meet our growing energy needs seems to have faltered. Under the relentless pressure of exponential growth in energy demands and in view of the new constraints of environmental requirements, industry is no longer able to provide cheap, reliable, plentiful energy.

If energy shortages or excessive energy costs are going to limit some of our most compelling social purposes—purposes such as equality of opportunity, environmental quality, and national security—the policy decisions cannot be delegated to industry.

These must be responsible governmental decisions carried out by agencies which are politically accountable to the people and based upon reliable and credible information. We must establish organizations with the authority and the capacity both to make and to implement decisions on a rational basis.

The Federal responsibility for oversight and overall surveillance of the nation's energy system must be formally recognized.

The capability to carry out such surveillance on a continuing basis and from a comprehensive viewpoint must be established at a very high level in the Executive Branch.

The more specific energy resource management activities of Federal agencies must be consolidated to insure coordination and to facilitate the objective consideration of research, development, and management priorities.

Similarly, the Federal regulatory functions involving energy must be related to economic reality and must be more rationally coordinated.

Finally, an independent organization for the collection, analysis, and dissemination of energy information and statistics must be established to insure adequate, valid, and credible information as a basis for Federal policymaking.

In the months ahead I intend to propose legislation to deal with Federal organizational and policy-making shortcomings.

I also intend to propose legislation to replace the present jerry-built oil import program with clear statutory authority, a clearly mandated responsible entity, and with clear policy guidelines for the regulation of all energy imports. The objectives and standards for import administration will be spelled out broadly enough to provide flexibility in meeting new circumstances, but they would also be specific enough and permanent enough to provide a stable climate of expectations for investment in all of the energy industries—coal, natural gas, nuclear power, and other sources—both in the United States and abroad.

I also intend to propose amendments to the Natural Gas Act that would reduce the extent and complexity of gas price regulation, and allow the prices of gas to reflect its true economic value—from the wellhead to the burner tip. I do not believe that deregulation of gas prices is a panacea. I do, however, believe that prices can and should play a larger role in allocating both gas supplies and uses. To this end new policies and criteria will be proposed for the rate structures of pipelines and distributors as well as to liberalize and simplify the pricing of gas in the field.

This amendment will also give the Federal Power Commission new authority with which to encourage industrial users to switch from gas to other clean fuels, and to assure that adequate gas is available for homes and essential business uses.

On the basis of recent events and hearings before the Interior Committee, I believe new legislation is needed to provide the authority and funds to develop a long-term strategy for the leasing of all energy resources on the Public Lands and the Outer Continental Shelf. This strategy should be based upon an overall assessment of the nation's energy needs and environmental goals, and should go far beyond the current practice of alternately responding to industry proposals or environmentalist protests, or, as has happened in the past, trying to maximize short-term returns to the Treasury.

There are other major issues of energy policy for which I expect to offer legislation later in the next Session of Congress. One of the most important involves Federal support for energy research and development.

Federal R & D outlays in the energy field are now channelled heavily into a single technology, the Liquid Metal Fast Breeder Reactor. I have been an enthusiastic supporter of nuclear power. I have consistently supported research on the breeder reactor. There is, however, a clear imbalance in our current priorities for energy R and D. Frankly, we have all our eggs in one basket. The payoff on our breeder investment would be in the distant future. And even in the long-run, we are in danger of locking the electric power industry and the nation's economy as a whole into dependence upon a single technology that conceivably might not work, that might not be economic, or that might prove ultimately to be unacceptable from a safety or environmental standpoint.

I am gravely concerned by the relative lack of Executive Branch attention to near- and mid-term problems that must be solved and that can be solved, such as stack gas cleaning, coal gasification, the use of oil shale and tar sands, and development of a fuel cell. I also fear that almost exclusive concentration on the breeder reactor will set back the day we can have almost totally clean, safe and cheap energy from nuclear fusion or solar power.

I am also concerned by the lack of attention which has been given to alternatives not involving technology. These include the potential of Arctic gas and oil and our relations with Canada.

Another major area requiring careful consideration involves tax policies related to energy resource production. The depletion allowances, the expensing of intangible drilling costs and dry holes for oil and gas, and the foreign tax credit are viewed with deep suspicion by many Americans. These provisions do contain departures from tax uniformity, and it is not at all clear that they are the most efficient incentives for encouraging energy resource development and production. Any new review of energy tax policy must take account of the need for incentives to domestic energy production industries, and the public's growing insistence tries, and the public's growing insistence upon equity in our tax system.

As many of you know, I have been a strong advocate for the establishment of a national land-use policy. In September the Senate passed general legislation I had proposed to establish a process of statewide planning which recognizes all legitimate land use requirements. These include requirements for energy production, transmission and industrial growth as well as recreational, environmental and wilderness requirements. Unfortunately, this measure was not acted upon in the House of Representatives in the last Congress. It will, however, be given priority consideration early next year when the 93d Congress convenes.

In addition to establishing a general statutory framework and a source of Federal funding to assist State government in developing a balanced land use planning process, there is a need for special land use legislation to deal with a number of important energy problems.

I intend in the next session of Congress to introduce legislation specifically designed to deal with the land-use problems involved in the siting of major energy facilities. Among other things, the legislation would establish a forum in which major energy siting and developmental decisions are open to public analysis, review and debate. Equally important, "yes," "no," or "conditioned" decision should be forthcoming within a time-frame that is responsive to national energy requirements.

In my view, it does not make sense to have virtually all decision-making authority about the location and the economic and environmental impact of major energy facilities such as port facilities, refineries, power plants, pipelines, and large electrical transmission grids delegated to the lowest level of local government or to the courts. Yet, this is what is happening today.

These are national decisions that affect a much broader public interest. These decisions involve national security, the health of the economy, regional growth patterns, and, often, major environmental questions. These issues require a broader and more representative public forum in which all social, economic and environmental costs and competing public values and viewpoints may be properly considered.

A major area of land use legislative activity early in the next session of the Congress will, of course, involve consideration of Federal Surface Mining legislation.

Surface mining has become a national issue and its regulation a matter of urgent national priority. There is no question that some surface mining activities have imposed large social and environmental costs on the general public which can no longer be tolerated.

Scarred and eroded land, polluted water, loss of fish and wildlife, and a stark and unjustifiable degradation in the quality of life in many local communities are among the issues and the costs which must be addressed in Federal legislation.

While there is a strong and growing consensus on the need for Federal surface mining legislation, there is less consensus on the content of the legislation.

The bill passed by the House of Representatives late in the last session of Congress represented a point of view that the social and environmental cost of surface mining required strong, and in many circumstances even prohibitory regulations. It is my view that the House passed bill was adopted without a full and realistic appreciation of all of its consequences and the serious policy questions it poses.

One example makes this point clear.

In a management sense, the House passed bill vests the authority for regulating surface mining exclusively in the Federal government. While I agree with the need for a strong Federal role to insure coordinated and adequate regulations and enforcement, I believe the States properly have the primary responsibility and should be encouraged to retain the lead role.

This is the approach I have taken in the bill I introduced late in the last Session of the Congress.

To gain a better understanding of the impact of regulatory approaches proposed in the House passed bill and other measures, I have requested the Council on Environmental Quality to establish an interagency task force to prepare a report on the impact of legislatively imposing blanket prohibitions and slope degree limitations which operate as bans and prohibitions. I have specifically asked the Federal agencies to determine the following:

1. The total available domestic supply of coal resources which could not be mined under the proposed prohibitions limitations;

2. The impact various regulatory proposals would have on electrical power reliability and fuel sources for specific plants now using surface mined coal;

3. The impact on other major sectors of the economy such as the metallurgical industry; and

4. The impact on employment, local tax base, and levels of local government service in the regions affected.

I have also directed that this report identify the environmental and other benefits which would be derived from imposing a regulatory system of prohibitions and slope limitations.

In my view, it is essential that legislators at both the national and state levels have a clear understanding of all of the costs, all of the benefits, and all of the consequences of specific regulatory proposals. It is clear that coal must play an increasingly important role in meeting further energy needs. Because of this it does not make sense to impose a regulatory system which arbitrarily denies the use of this resource unless the denial is warranted by the facts and by the environmental benefits.

The role of coal in supplying the future energy requirements of the United States will be of great significance to the Congress in developing a balanced policy that is rational, realistic and in accord with other national goals.

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If we are to be successful in developing an effective national energy policy we must avoid thinking about contemporary problems in the framework of the past. Today's energy problems call for responses that are not rooted in the conventional wisdom of another age. A new perspective is needed that considers *all* interests and *all* values in a rational and balanced manner.

Thank you.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to an enrolled bill (H.R. 9295) to provide for the conveyance of certain lands of the United States to the State of Louisiana for the use of Louisiana State University.

PUBLIC FINANCING OF PRESIDENTIAL AND CONGRESSIONAL CAMPAIGNS

Mr. MONDALE. Mr. President, a few days ago a so-called coalition bill, to provide for public financing of Presidential and congressional campaigns, was introduced and referred to the Committee on Finance. The bill is cosponsored by the Senator from Massachusetts (Mr. KENNEDY), the Senator from Pennsylvania (Mr. HUGH SCOTT), and seven other Senators who particiapted with Common Cause in the preparation of the proposed legislation.

I am pleased to ask unanimous consent that the names of the following Senators be added as cosponsors of amendment 651 to the Debt Ceiling Act: Senators MANSFIELD, YOUNG, MCGEE, GRAVEL, ABOUREZK, MOSS, BIDEN, RANDOLPH, TUNNEY, HARTKE, and CLARK.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, will the Senator yield?

Mr. MONDALE. I am glad to yield.

Mr. LONG. In order that Senators might better understand that proposal, I ask unanimous consent that the statement this morning by the Senator from Massachusetts before the committee be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

TESTIMONY OF SENATOR EDWARD M. KENNEDY

Mr. Chairman, it is an honor to join the group of Senators appearing this morning to urge the Committee to act now on public financing of elections. And it is a special honor to be here with Hugh Scott, the distinguished Senate Minority Leader. In the decade I have served in the Senate, Hugh Scott has been a consistent and outstanding leader on election reform, and it is a privilege to work with him on public financing, which is now the over-riding election reform issue of our time.

With Senators Cranston, Hart, Mathias, Mondale, Schweiker, Stafford and Stevenson, who have also been outstanding leaders on this issue, Senator Scott and I are sponsoring a joint bipartisan amendment to the Debt Ceiling Act to provide public financing for Senate and House general elections and for Presidential primaries. We believe that the time is ripe to take such action, and we hope that the Committee will give our joint amendment its strong consideration.

At the outset, in offering the amendment, we pay well-deserved tribute to Senator Russell Long, the distinguished chairman of this committee. Theodore Roosevelt may be the grandfather of public financing in the American political system, but Senator Long is the father, the guiding force. Without his continuing efforts over the past decade, especially the enactment of the dollar check-off seven years ago, public financing today would still be where Theodore Roosevelt left it in 1907, an idea ahead of its time, instead of the solid Federal law on which Congress can now build.

Democrat and Republican, we are here today because we share the strong feeling that the time has come to end the unconscionable power of private money in public life.

Among the lessons of Watergate and the resignation of the Vice President, perhaps the most obvious is the unanimous, bipartisan recognition that the string has run out on the role of private money in campaign financing.

For centuries, money and public service have been a corrosive combination in political life. And the more things change, the more they remain the same. In "The Prince," Machiavelli put the problem clearly almost five hundred years ago:

"As a general rule, those who wish to win favor with a prince offer him the things they most value and in which they see that he will take most pleasure; so it is often seen that rulers receive presents of horses, arms, pieces of cloth of gold, precious stones, and similar ornaments worthy of their station."

The only real change today, when the favors available from the modern Federal government would boggle the mind of any medieval prince, is that the most valued presents are not horses and arms, but contributions to political campaigns.

The Ervin Committee has barely begun the campaign financing phase of its hearings. Yet, the year-long Watergate revelations already demonstrate beyond any doubt the insidious influence of private money in American politics. When some of the most distinguished corporations in the nation—familiar names like American Airlines, Goodyear Tire, Gulf Oil, and Minnesota Mining and Manufacturing—confess to crimes involving blatant violations of the existing Federal election laws, we begin to understand the irresistible pressures that are infecting our national life. If 1972 was unique at all in campaign financing, it was unique only in the unscrupulous intensity and efficiency with which the contributions were so successfully solicited.

I am convinced that most, and probably all, of the very serious problems facing this country today have their roots in the way we finance political campaigns for high Federal office. Watergate may lead the list, but Congress shares the guilt as well. On issue after issue of absolutely vital importance to the ordinary citizens of this country, it is often easier to predict how the Administration and Congress will respond by studying the records of campaign contributions than by studying the merits of the issue.

We would have a different America today if the political power of campaign contributors were measured by their votes and voices instead of by their pocketbooks. Across the board, on virtually every issue before us, we know the dimensions of the problem. And if 1973 means anything, it means we cannot let the problem go unsolved.

To me, the solution is public financing. The best way to heal the system is to eliminate the corrosive power of private money in public life by establishing a comprehensive program of public financing for all elections to Federal office. In line with that goal, and as a result of many discussions over past weeks, the nine Senators who are the principal sponsors of public financing legislation in this session of the Congress have agreed to propose a joint amendment to the Debt Ceiling Act.

Our amendment draws heavily on the approach of each of the Senators, including the Mondale-Schweiker bill for Presidential primaries and general elections, the Hart bill for public financing of Congressional elections and primaries; the Stevenson-Mathias bill for public financing of Presidential and Congressional elections, the Cranston bill for comprehensive public financing of primaries and the Kennedy-Scott bill for Senate and House general elections. Our joint amendment contains the following principal provisions:

First, the existing Presidential Election Campaign Fund Act is expanded to include Presidential primaries and Senate and House general elections, and the amount of the dollar check-off is increased to $2 for each taxpayer, or $4 on a joint return.

Second, for Presidential primaries, matching grants of public funds will be available for each private contribution up to $100. A threshold of $100,000 in private contributions is required before matching payments begin, and there are ceilings of $7 million on matching payments and $15 million on overall spending in such primaries.

Third, for Senate general elections, the provisions of the existing dollar check-off are carried over essentially intact. The amount of 15¢ per voter will be available for major party candidates; proportional amounts will be available for minor party candidates, based on their showing in the preceding election or the current election. Indeed, it is extraordinary testimony to the wisdom of Senator Long's dollar check-off in existing law that its provisions can be so easily applied to Senate elections.

Fourth, for House general elections, the sum of $90,000 is provided for major party candidates. This figure is the spending limit for House elections contained in S. 372, already passed by the Senate earlier this year.

Fifth, the existing tax credit and tax deduction for political contributions are doubled, raising the credit to one-half of the contributions up to $50 ($100 on a joint return), and raising the deduction to $100 ($200 on a joint return).

Sixth, a modest role for major political parties is provided in Presidential and Congressional general elections, by allowing their national committees and state committees to receive private contributions and to spend 2¢ a voter on Federal elections in their jurisdiction. In other respects, private financing of candidates in general elections for Federal office is prohibited, thereby removing the option in existing law by which one Presidential candidate could run his campaign on public funds, while the other chose private financing.

Seventh, the $3,000 and other private contribution limits already voted by the Senate in S. 372 are included as ceilings on large donations where private financing still operates, such as Presidential primaries.

Finally, Mr. Chairman, in concluding these remarks, I urge the Committee to use the occasion of the Debt Ceiling Act to take this major and positive step forward restoring the integrity of our political system. A year ago, the Debt Ceiling Act was the vehicle for a major increase in Social Security benefits. Last June, the Act was the vehicle for a number of significant changes on the Senate floor in the operation of the dollar check-off. The Debt Ceiling Act in June was also a major vehicle in the final Senate drive to enact the Cambodia bombing halt.

The precedents for similar action now are obvious. The Debt Ceiling Act has frequently been a vehicle in the past for amendments of over-riding public importance, and it is entirely appropriate that it should now become the vehicle for public financing of elections.

We are legislating today, not just for 1974 or 1976, but for the future of the country.

The people are watching us on Watergate, and we should not let this moment pass to put the nation's house in order.

Attached is a state-by-state table showing the public funds available for Senate elections under the proposed public financing amendment, a detailed summary of the amendment, and a collection of quotations that Senator Scott and I have collected on the issue.

PUBLIC FINANCING FOR SENATE GENERAL ELECTIONS, STATE BY STATE SPENDING

[15 cents per voter/$175,000 floor]

State	Voting age population (18 years and over)[1]	Amount of public funds
Alabama	2,294,000	$344,100
Alaska	194,000	175,000
Arizona	1,262,000	189,300
Arkansas	1,326,000	198,900
California	13,910,000	2,086,500
Colorado	1,560,000	234,000
Connecticut	2,083,000	312,450
Delaware	369,000	175,000
District of Columbia	527,000	175,000
Florida	5,087,000	763,050
Georgia	3,067,000	460,050
Hawaii	526,000	175,000
Idaho	487,000	175,000
Illinois	7,508,000	1,126,200
Indiana	3,477,000	521,550
Iowa	1,924,000	288,600
Kansas	1,538, 00	230,700
Kentucky	2,191,000	328,650
Louisiana	2,348,000	352,200
Maine	683,000	175,000
Maryland	2,679,000	401,850
Massachusetts	3,937,000	590,550
Michigan	5,876,000	881,400
Minnesota	2,542,000	381,300
Mississippi	1,426,000	213,900
Missouri	3,223,000	483,450
Montana	468,000	175,000
Nebraska	1,021,000	153,150
Nevada	347,000	175,000
New Hampshire	513,000	175,000
New Jersey	4,986,000	747,900
New Mexico	657,000	175,000
New York	12,626,000	1,893,900
North Carolina	3,468,000	520,200
North Dakota	411,000	175,000
Ohio	7,130,000	1,069,500
Oklahima	1,797,000	269,550
Oregon	1,487,000	223,050
Pennsylvania	8,174,000	1,226,100
Rhode Island	668,000	175,000
South Carolina	1,719,000	257,850
South Dakota	444,000	175,000
Tennessee	2,710,000	406,500
Texas	7,614,000	1,142,100
Utah	690,000	175,000
Vermont	304,000	175,000
Virginia	3,182,000	477,300
Washington	2,310,000	346,500
West Virginia	1,209,000	181,350
Wisconsin	2,965,000	444,750
Wyoming	226,000	175,000
United States	139,172,000	20,875,800

[1] Department of Census estimate, voting age population, July 1, 1972, pursuant to the Federal Election Campaign Act of 1971, Public Law 92-225.

QUOTATIONS ON PUBLIC FINANCING

As a general rule, those who wish to win favor with a Prince offer him the things they most value and in which they see that he will take most pleasure; so it is often seen that rulers receive presents of horses, arms, pieces of cloth of gold, precious stones, and similar ornaments worthy of their station.—Niccolo Machiavelli, *The Prince,* 1532.

Judges and Senates have been bought with gold.—Alexander Pope, *Essay on Man,* 1733.

Corrupt influence is itself the principal spring of all prodigality and of all disorder; it loads us more than millions of debt; takes away vigor from our arms, wisdom from our councils, and every shadow of authority and credit from the most venerable parts of our Constitution.—Edmund Burke, Speech on Economic Reform, 1780.

The need for collecting large campaign funds would vanish if Congress provided an appropriation for the proper and legitimate expenses of each of the great national parties.—President Theodore Roosevelt, State of the Union Message to Congress, December 3, 1907.

I believe that our ultimate goal should be to finance the total expense for this vital function of our democracy with public funds, and to prohibit the use or acceptance of money from private sources. . . . We are ready to make a beginning. We should proceed with all prudent speed to enact those parts of such a program which appear to be feasible at this time.—President Lyndon Johnson, Message to Congress on "Public Participation in the Processes of Government," May 25, 1967.

We have put a dollar sign on public service, and today many capable men who would like to run for office simply can't afford to do so. Many believe that politics in our country is already a game exclusively for the affluent. This is not strictly true; yet, the fact that we may be approaching that state of affairs is a sad reflection on our election system.—President Dwight D. Eisenhower, 1968.

The talk of an "office market" and of putting high executive and diplomatic missions on the auction block—all this breeding of suspicion and cynicism—would disappear overnight if the primary cause of the evil were obliterated at its roots. If there are no bidders, there can be no auction.—Henry Cabot Lodge, *The Storm Has Many Eyes,* 1973.

Under the existing laws, a large part of the money raised from the business community for political purposes is given in fear of what would happen if it were not given. A fair and honest law is one that would remove the need of any candidate to exert such pressures, as well as the need for any businessman to respond . . . I urge the business community to get behind campaign financing legislation that will really work, and that will put a stop to pressures to which officers of companies are subject when solicited for campaign contributions.—George Spater, Chairman of the Board, American Airlines, July 6, 1973.

The U.S. public for two decades has favored placing a top limit on campaign spending for presidential and congressional elections. Now, following disclosures from the Senate Watergate hearings, a substantial majority of the public is prepared to have the federal government provide a fixed amount of money for campaigns, prohibiting all contributions from private sources.

In fact, a growing number of American citizens would favor such a plan, with 65 percent in the latest nationwide survey expressing support, compared to 53 percent in a survey taken in early June shortly after the Watergate hearings got underway.

The big change since June has come about among Republicans, with 64 percent in the current survey favoring federal financing of campaigns compared to 44 percent in June, a change of 20 percentage points. Republicans now hold views closely comparable to those of Democrats.—George Gallup, September 29, 1973.

The time has come to establish public financing of election campaigns for Federal office on a direct, systematic and substantial basis. Such a program would impose no great drain on the treasury . . . I am afraid that nothing short of a significant degree of public financing will get at the root of the problem.—Henry Ford, II, Chairman of the Board, Ford Motor Company, October 16, 1973.

OUTLINE OF PUBLIC FINANCING AMENDMENT TO THE DEBT CEILING ACT

PRESIDENTIAL PRIMARIES; SENATE AND HOUSE GENERAL ELECTIONS

Purpose

1. The amendment builds on existing law, which provides public financing for Presidential general elections, by extending its provisions to include public financing for Presidential primaries and the Senate and House general elections.

Existing law

2. The existing law is Senator Russell Long's "Presidential Election Campaign Fund Act," known as the dollar check-off. The Act, as passed by Congress in 1971 and amended in 1973, establishes public financing for Presidential general elections. Except as provided in this summary, the provisions of the proposed amendment are essentially identical to the provisions of the dollar check-off now applicable to Presidential general elections.*

General provisions on public financig

3. The amendment establishes a Federal Election Campaign Fund on the books of the Treasury as an expanded version of the existing Presidential Election Campaign Fund, to be funded through the dollar check-off and general appropriations acts of Congress. Payments from the Fund will be made to eligible major and minor party candidates, according to specified entitlements. Amendments to the check-off on the Debt Ceiling Act of July 1, 1973, have now eliminated the so-called "Special Accounts" in the existing Fund, and have left only a "General Account," to be allocated by formula among Presidential candidates. Under the proposed amendment, the General Account would be broadened to provide funds for Presidential primaries and for Senate and House general elections.

4. The amendment increases the amount of the dollar check-off from the existing level of $1 ($2 on a joint return) to $2 ($4 on a joint return).

5. It modifies the check-off to require taxpayers to indicate that they do *not* want their tax dollars paid into the Federal Election Campaign Fund.

6. It authorizes Congress to appropriate funds to make up deficits left in the General Account after the operation of the dollar check-off.

7. Like the dollar check-off, the program will be administered by the Comptroller General. The Comptroller General certifies a candidate's eligibility for payments, and is responsible for conducting a detailed post-election audit and obtaining repayments when necessary.

8. There are heavy criminal penalties for exceeding the spending limits, and for unlawful use of payments, false statements to the Comptroller General, and kickbacks and illegal payments.

9. The provisions of the amendment will go into effect for the 1974 Congressional elections and the 1976 Presidential primaries.

10. The cost of the public financing provisions of the amendment is estimated at $200 million in a Presidential election year and $100 million in the off-year Congressional elections. Thus, the total cost of the program over the four-year election cycle is $300 million, yielding an average cost of about $75 million a year.

Presidential general elections

11. Apart from increasing the amounts available to be checked off on tax returns, the principal change made by the amendment in the case of public financing for Presidential general elections is that the bill bars the option of private financing for such elections (except that limited private contributions may be made for the benefit of candidates through the major political parties—see paragraph 31, below). Under the existing dollar check-off, public financing is available as an alternative to private financing for such elections, and candidates electing public financ-

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* See the "Presidential Election Campaign Fund Act," P.L. 92-178, 85 Stat. 497, 562-575 (December 10, 1971), as amended by the Debt Ceiling Act, P.L. 93-53, 87 Stat. 134, 138-139 (July 1, 1973)

ing may not also use private financing, except in cases where the available public funds are insufficient to meet the candidate's full entitlement. Thus, the amendment will prevent a situation in which one candidate for President runs on public funds in the general election, while the other runs on private funds. Under existing law, the level of spending is 15 cents per voter, or approximately $21 million for each Presidential candidate of a major party.

Presidential primaries

12. Each candidate in the Presidential primaries is entitled to matching payments of public funds for the first $100 received from each individual contributor.

13. Payments begin 14 months prior to the date of the general election for President.

14. Any contribution made in connection with the candidate's campaign for nomination, in whatever year it occurs, is eligible for matching. However, all such contributions are aggregated, and no more than $100 from any contributor may be matched.

15. Candidates must accumulate $100,000 in matchable contributions before matching payments of public funds begin. To meet this requirement, a candidate may accumulate 1,000 contributions of $100 each, or 2,000 contributions of $50 each, etc. Once this threshold requirement is met, the first $100,000 in contributions will also be eligible for matching payments.

16. No candidate may receive total matching payments in excess of 5 cents for each person over the age of 18 in the United States (approximately $7 million). The 5 cent figure will be adjusted for future increases in the cost of living.

17. No candidate may spend more than $15 million in his campaign for the Presidential nomination.

18. Matching payments may be used only for legitimate campaign expenses during the pre-nomination period, and unspent payments must be returned to the Treasury.

Senate and House general elections

19. The amendment provides public funds for general and special elections for the Senate and the House, but not for primaries or run-off elections.

20. As in the case of Presidential general elections, the amendment makes public financing mandatory for Senate and House elections. Thus, it bars the option of private financing by major party candidates in such elections (except that limited private contributions may be made for the benefit of candidates through the major political parties—see paragraph 31, below).

21. The amendment follows the basic formula in the existing dollar check-off for allocating public funds among candidates of major, minor and new parties. An independent candidate is entitled to public funds on the same basis as a candidate of a party.

22. A "major party" is a party that received 25% or more of the total number of popular votes received by all candidates for the office in the preceding election, or the party with the next highest share of the votes in a case where only one party qualifies as a major party on the basis of the preceding election.

23. A "minor party" is a party that received more than 5% but less than 25% of the popular vote in the preceding election. A "new party" is a party that is not a major party or a minor party.

24. In Senate elections and Statewide Congressional elections, a candidate of a major party is entitled to receive public funds in the amount of 15¢ per eligible voter or $175,000, whichever is greater. The 15¢ figure, which will be adjusted for future increases in the cost of living, coinsides both with the entitlement of Presidential candidates in the existing dollar check-off and with the spending ceiling in the Senate-passed version of S. 372. The $175,000 figure coincides with the spending floor in S. 372 for candidates in Senate and Statewide Congressional elections.

25. In House elections in States with more than one Representative, the entitlement of a major party candidate is $90,000. This figure coincides with the spending floor in S. 372 for such candidates.

26. A candidate of a minor party is entitled to receive public funds in proportion to his share of the vote in the preceding election. A candidate of a minor party may increase his entitlement on the basis of his performance in the current election.

27. A candidate of a new party is entitled to receive public funds in proportion to his share of the popular vote in the current election, if he receives more than 5% of the vote in the election.

28. Public funds will be available for expenditures made by a candidate of a major party during the period beginning with the date on which the party nominates its candidate and ending 30 days after the election. Public funds will be available for candidates of other parties during the longest period in which they are available to a candidate of a major party.

OTHER PROVISIONS

29. As an incentive to small contributions, the amendment doubles the existing tax credit and tax deduction for such contributions. The tax credit would be increased to one-half of any contribution up to $50 ($100 on a joint return), and the tax deduction would be increased to $100 ($200 on a joint return). The cost of this provision, based on figures for the 1972 Presidential election year, is $18 million.

30. Individuals or committees not authorized by a candidate may not spend more than $1,000 during the campaign on behalf of the candidate, if he is eligible for public funds.

31. In order to assure the continuity of normal functions of political parties, to provide a role for the parties in the general election, and to preserve a limited opportunity for small private contributions, the national committees of major political parties are entitled to spend a total of 2c per voter of their own funds collected from private contributions on behalf of Presidential, Senate, and House general election candidates, and the state committees of such parties are entitled to spend a total of 2c per voter of such funds on behalf of Presidential, Senate, and House general election candidates within their states.

32. As noted, the public financing provisions of the amendment prohibit direct private financing of Presidential, Senate, and House general elections, although indirect and limited private financing is permitted through the major parties. To limit the undue influence of large contributions in primaries, and to limit the size of private contributions channeled through the parties in the general election, the amendment incorporates the $3,000 and other contribution limits already approved by the Senate in S. 372—see the proposed new 18 U.S.C. 615 in Section 20 of S. 372 as passed by the Senate.

Mr. MONDALE. Mr. President, I wish to add at this point that the leader in the Senate, in the country, long before others saw the seriousness of this matter, was the distinguished chairman of the Committee on Finance, the Senator from Louisiana (Mr. LONG), who led the fight for the dollar checkoff years ago, long before Watergate. We hope that the rest of the Senate now can catch up to his leadership and that we can proceed to cleanse American elections of the compromise and sometimes corruption of private financing.

THE INTEREST ON THE NATIONAL DEBT

Mr. HARRY F. BYRD, JR. Mr. President, I invite the attention of the Senate to the testimony today by the Secretary of the Treasury, Mr. George Shultz. Secretary Shultz testified that the interest on the national debt for the current fiscal year will be $29 billion. This is an increase of $3 billion over the estimate which was submitted to Congress this past January.

Mr. President, to put this $29 billion in interest charges in perspective, it means that 18 cents of every personal and corporate income tax dollar paid into the Federal Treasury by the American wage earners goes for one purpose; namely, to pay the interest on the debt.

ADMINISTRATION OF FEDERAL EMPLOYEES LEAVE SYSTEM

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 1284.

The PRESIDING OFFICER (Mr. DOMENICI). The bill will be stated by title.

The second assistant legislative clerk read as follows:

> A bill (H.R. 1284) to amend title 5, United States Code, to improve the administration of the leave system for Federal employees.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Post Office and Civil Service with amendments on page 2, in line 23, strike out "subsections (b) and (d)," and insert "subsections (b), (d), and (e)"; on page 3, in line 2, after the word "new" strike out "subsection:" and insert "subsections:"; in line 5, after the word "when", strike out "such" and insert "the"; in line 8, after the word "when", strike out "such" and insert "the"; in line 10, after the word "when", strike out "such" and insert "the"; in line 23, after the word "this", strike out "title."." and insert "title."; after line 23 insert:

> "(e) Annual leave otherwise accruable after June 30, 1960, which is lost by operation of this section because of administrative error and which is not credited under subsection (d)(2) of this section because the employee is separated before the error is discovered, is subject to credit and liquidation by lump-sum payment only if a claim therefor is filed within 3 years immediately following the date of discovery of the error. Payment shall be made by the agency of employment when the lump-sum payment provisions of section 5551 of this title last became applicable to the employee at the salary rate in effect on the date of the lump-sum provisions became applicable.".

On page 6, in line 12, after the word "Notwithstanding", strike out "any other provision of law," and insert "other statutes,"; in line 16, after the word "was", strike out "forefeited" and insert "forfeited"; and in line 18, after the word "status.", strike out "Such payment" and insert "Payment".

Mr. ROBERT C. BYRD. I yield to the distinguished Senator from Wyoming.

Mr. McGEE. Mr. President, this bill

was reported unanimously by the Committee on Post Office and Civil Service. We have discussed it on both sides of the aisle, and it has been cleared; but the distinguished Senator from Illinois has an amendment which we think is meritorious, and the committee is unanimously willing to accept it in order to expedite matters.

Mr. STEVENSON. Mr. President, I call up my amendment at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk proceeded to read the amendment.

Mr. McGEE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

> On page 6, strike out lines 10 through 19 and insert in lieu thereof the following:
>
> SEC. 7. (a) Section 5562(a) of title 5, United States Code, is amended by adding at the end thereof the following new sentences: "Notwithstanding other statutes, an employee in a missing status on or after January 1, 1965, is entitled—
>
> "(1) to payment for annual leave which accrued to his account on or after January 1, 1965, but which was forfeited under section 6304 of this title because he was unable to use that leave by virtue of his missing status; or
>
> "(2) to have all of that accrued leave credited to his account for use. An employee shall make an election in writing, within 90 days, after the date of enactment of this sentence or 90 days immediately following the termination of that missing status, whichever is later, whether he desires that payment or credit. Payment under clause (1) of this subsction shall be at the employee's rate of basic pay in effect on the first day the employee could have made the election.
>
> (b) The amendment made by subsection (a) shall apply to former employees or their beneficiaries.

The PRESIDING OFFICER. This amendment is not in order until the committee amendments have been agreed to, except by unanimous consent.

Mr. McGEE. I ask unanimous consent that the committee amendments be agreed to en bloc.

The PRESIDING OFFICER. Without objection, the amendments are agreed to en bloc.

The question is now on the amendment proposed by the Senator from Illinois.

Mr. STEVENSON. Mr. President, I am today offering with Senator BIBLE an amendment to H.R. 1284, the Administration of Annual Leave for Federal Employees Act, affecting the administration of the leave system for individuals in the employ of the U.S. Government who at any time have been in a missing status on or after January 1, 1965. This amendment is designed to be prospective as well. My amendment would broaden section 7 of H.R. 1284 by allowing those employees who remain in the employ of the United States an option of crediting the annual leave time that accrued while they were in a missing status to a separate leave account until used.

These individuals have served their Government well, even as victims held captive in hostile prison camps. The House of Representatives, in passing H.R. 1284, and the Senate Committee on Post Office and Civil Service have recognized the importance of amending existing law to make certain that these employees are able to take advantage of their annual leave at the termination of their missing status through a lump-sum payment for the accrued time, based on the rate of basic pay at the time of forfeiture. It is my belief, however, that we should broaden the scope of this provision by, first, allowing for a lump-sum payment, based on the rate of basic pay at the time of the election of payment, or second, permitting these individuals the option of using the leave time that has accrued and thereby crediting the time to the employee's separate leave account. My amendment seeks to guarantee these employees this choice.

As the distinguished manager of the bill has mentioned, we have discussed this matter. I have also discussed it with the ranking member, the Senator from Hawaii. I am very hopeful that they will both accept this amendment.

Mr. McGEE. Mr. President, the amendment offered by my colleague has the effect, in practical terms, of giving civilian employees who were in missing status during the recent warfare in Southeast Asia an option to elect either payment or restoration of the annual leave which was lost to them because of the statutes limiting leave accumulation.

As chairman of the Committee on Post Office and Civil Service, I certainly have no objection to giving these employees who have made great sacrifices in our service such an option. The bill as reported by the committee provided only for payment for the leave lost by these employes, but the Senator from Illinois (Mr. STEVENSON) advises me that there are individuals who desire the option to have their leave credited for use. There are not many employees affected, Mr. President. The Department of State has advised us that it knows of 15 Federal civilian employees who would receive compensation under the proposed statute. This election of alternative benefits surely will not add much if anything to the estimated $75,000 cost of the provision according these employees payment for their lost leave. However, the amendment before us does make it clear that former employees or their survivors will be entitled to the benefits.

Mr. President, I appreciate my colleague's willingness to coordinate this amendment with me and trust that the cooperative effort has been beneficial. While I am aware that some administrators in the executive branch might see a bit of difficulty in recrediting employees with substantial periods of annual leave, I am not persuaded that these administrative details amount to much. I have no objection to the Senator's amendment. The committee managers accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendent. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. McGEE. Mr. President. I move to reconsider the vote by which the bill was passed.

Mr. STEVENSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL ENERGY EMERGENCY ACT OF 1973

The Senate resumed the consideration of the bill (S. 2589) to authorize and direct the President and State and local governments to develop contingency plans for reducing petroleum consumption, and assuring the continuation of vital public services in the event of emergency fuel shortages or servere dislocations in the Nation's fuel distribution system, and for other purposes.

Mr. McINTYRE. Mr. President, the amendment that I am offering is short and simply stated, that is, notwithstanding any other provision of law the President would have clear authority to require the termination of any petroleum product export which is having an adverse impact on domestic supplies.

This language amends section 207 of the bill to give the President the authority to take this action. It should be noted that the amendment is phrased so that it is not mandatory in form.

Mr. President, several newspapers this summer first carried stories showing that sizable quantities of refined petroleum products and particularly home heating oil were being exported overseas. More recently, the Cost of Living Council has issued a report predicting that 53.5 million gallons of heating fuel oil will be exported from the United States during 1973. This represents a 284-percent increase in fuel oil exports over last year. This situation is tolerable and is grossly unfair to the heating oil consumers of this country who are being called upon to conserve this product because of its short supply.

The purpose in offering this amendment is to give the President clear authority over the next year to terminate those exports of petroleum products adversely affecting domestic supplies. The basic legislation governing the control of exports, the Export Administration Act, can be extremely cumbersome and delay considerably the implementation of export controls even after a clear showing of need has been made.

Because of the difficulty in effectively controlling exports under this act, the President earlier this year sent legislation to Congress revising the standards under the act to make it more easily useable. Of course, the Export Administration Act concerns itself with all commodies being shipped overseas. The act

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that the Senate is addressing itself to today, the National Emergency Energy Act of 1973, concerns itself primarily with fossil fuels.

The very nature of this emergency act calls for the inclusion in it of clear authority to the President to be able to immediately suspend the export of any petroleum product adversely affecting our supplies.

Make no mistake about it. The shortages that we will be experiencing in the next few months will be unlike those ever witnessed before during peace-time in this country. With substantial price increases in various petroleum products and the difficulty the consumer will have in obtaining adequate supplies, there can be no rational basis for allowing 1 gallon of heating oil to be exported if some citizen is thereby deprived.

As I said earlier, Mr. President, the realization that certain oil companies were exporting domestically refined oil products prompted me in September of this year to introduce S. 2442 which, in effect, prohibited the export of crude oil or petroleum products during any period when the petroleum industry was subject to economic controls under the authority granted under the Economic Stabilization Act of 1970.

While the amendment I am offering today does not prohibit exports of finished petroleum products, it does give the President the clear authority to do so to protect our own domestic supply. With the action taken several weeks ago by the Organization of Arab Petroleum Countries—OAPEC—it is clear that our domestic supply situation would deteriorate even further then was anticipated in the early fall. Recognizing the fact that the OAPEC has not only placed an embargo on all crude oil shipments to the United States, but has also implemented a policy cutting off supplies to any country supplying us with refined petroleum products, I have purposely drafted the amendment to give the President substantial leeway in placing export restrictions on finished petroleum products.

In our present international situation, circumstances may call upon us to come to the aid of some of our friends who are retaliated against by the Arabs because of their support.

The purpose of this amendment is not to place any restrictions on the President, but is just the contrary.

This amendment will give the President maximum flexibility in dealing with the export of finished petroleum products.

I would also like to touch briefly on one other point. The conference report recently adopted on the trans-Alaskan pipeline bill contained a section placing certain limitations on the export of crude oil. As I am sure the floor manager of the bill presently before us, Senator JACKSON, recalls, I, along with several of my colleagues were concerned with the export of domestically produced crude oil.

Senator JACKSON recognized this concern and included in the pipeline bill a provision requiring a Presidential finding that any exports would not diminish the total quality or quantity of petroleum available in the United States, and I compliment the Senator from Washington for including that provision in the pipeline bill.

The amendment that I am presently offering does not deal with crude oil; it deals with finished petroleum products and enumerates specifically gasoline, No. 2 fuel oil, and residual oil as these are the petroleum products that are presently in short supply. The amendment does, however, include any other petroleum product also having an adverse impact on domestic supplies.

Mr. President, I should also point out for the benefit of the Senate that the Emergency Petroleum Allocation Act of 1973, S. 1570, also touches on the point but does not directly address itself to exports. Section 4(d) provides that all crude oil, residual fuel oil, and refined petroleum products shall be totally allocated for use by consumers within the United States to the extent practicable and necessary. It does not, however, address itself to exports. While that subsection may be inferred to deal with the question of exports, I believe that the President should have that clear authority.

As I stated earlier, the basic authority the President has is the Export Administration Act. However, the basic purpose of that act when passed by Congress was to deal with commodity shortages caused by foreign demand. In fact, the act talks in terms of protecting the domestic ecoomy from an excessive drain of scarce materials and the inflationary impact of abnormal foreign demand. Our present energy situation is much different.

The oil shortage is not being caused by excessive foreign demand; just the opposite is the case here. The shortages are being caused primarily by an insufficient domestic refining capability and by the inability to secure sufficient quantities of foreign crude oil and refined petroleum products. This is a different type of shortage and must be handled differently.

I think it is extremely important that the Congress include such an amendment in any energy emergency legislation, and simple facts arrive at this conclusion.

This country is presently consuming approximately 17 million barrels a day of various petroleum products while at the same time our domestic refining capacity can only provide us with around 12.5 million barrels a day of finished petroleum products. It simply escapes reason in our present situation to allow the export of any of these petroleum products if such export means that American citizens must do without.

Mr. President, I feel that there is one other important point that should be made with regard to petroleum product exports. The Department of the Interior on November 9 issued a press release entitled "Distillate Exports Minute, Office of Oil and Gas Reports." The press release quotes the Director of the Office of Oil and Gas that the export of distillate is "a drop in the proverbial bucket" and the release goes on to state that between January 1 and September 30 of this year 1½ million barrels of distillate were exported. The Department of the Interior's own figuers clearly show that the Cost of Living Council's study is considerably lower than actual export levels. If exports of distillate, which is home heating oil, continue for the remainder of this year at a level equal to the first 9 months, this will mean that we have exported over 2 million barrels of that product in 1973.

This figure might, in the Department of the Interior's opinion, be a "drop in the proverbial bucket" but this drop represents close to 25 percent, or one-fourth, of the total demand for this product in the State of New Hampshire, and it this same product that heats over 80 percent of the homes in my State. Quite frankly, what seems like a small quantity when looking at the whole picture will seem like an enormous amount to the citizens of this country when they run out, and I think it is the duty of Congress to assure the American people that we will not tolerate a situation in which our homes are going cold, our schools are closed, and our people out of work because the fuel that is so essential to them has been sold overseas.

Mr. President, in closing, I request that the Cost of Living Council's report and the Department of the Interior's news release I referred to appear in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DISTILLATE EXPORTS MINUTE, OFFICE OF OIL AND GAS REPORTS

"Rumors that the United States is exporting large quantities of fuel oil are unfounded," said Duke R. Ligon, Director of Interior's Office of Oil and Gas. "According to Bureau of Census figures, we have exported a quantity of distillates equal approximately to two-tenths of one percent of U.S. total demand. This is a drop in the proverbial bucket, and this level does not constitute a threat to the supplies of the country."

Demand for distillates in the United States will be approximately 1.1 billion barrels during 1973. Between January 1, 1973 and September 30, 1973, 1.5 million barrels of distillate were exported. To date, shipments of distillate fuel overseas includes:

	Barrels
United Kingdom	421,834
Mexico	323,345
Netherlands Antilles	195,812
Denmark	154,160
Netherlands	148,688
Venezuela	112,236
Japan	61,299

Since 1968, exports of distillate fuels have averaged about 1 million barrels, except in 1972 when approximately 450,000 barrels exported.

HEATING OIL EXPORTS

(1) This report is based upon research of Industry Associations and available U.S. Statistics.

The statistics compiled for this report do not specifically identify No. 2 heating oil exports since none of the available statistics segregate that item. The available statistics also do not segregate exports which return to the U.S. after foreign processing. Additionally, Federal Regulations do not allow the U.S. Census Bureau to divulge the identity of firms involved in transactions. For the purposes of this report, the available statistics are a combination relative to No. 2 heating oil, No. 4 heating oil and light diesel fuel, all of which are categorized together in the U.S. Government Schedule "B" of classifications. This Report consists of a comparative analysis of total domestic distillate production, volume of distillate exports, sales value of exports, the average price per bbl of the exports, and the port of export and destination of substantial 1973 exports.

(2) An analysis of the available data reveals that although the export figures indicate that 1973 totals will drastically surpass 1972, comparison of these figures with the totals for 1969, 1970, and 1971 reveals that in volume of bbls, 1972 was a depressed year, and the rise in 1973 appears to be a return to a historical export level. In terms of percentages the 1973 projected volume of bbls is only 69% of the 1969 total. In contrast, the total value of the 1973 projection is 113% of the 1969 total value, while the average price per bbl in 1973 is 164% of the 1969 average price per bbl. The monthly export figures for the period January–August 1973 do not indicate any consistent pattern in regard to volume. It is also considered significant from an impact point of view that when compared with total distillates produced the export volume ranges from .04% to .2%. This is given further significance when it is realized that distillates account for only slightly over 22% of refinery production. Additional research developed that the majority of exports originated from Galveston and Port Arthur, Texas, with one shipment originating at Seattle, Washington. The destinations of the majority of the 1973 volume were Mexico, Netherlands Antilles, Denmark and Japan.

(3) This portion of the report concerns the volume of exports and dollar value of sales for 1969, 1970, 1971, 1972, and the first eight months of 1973; and a projection of total exports for the full year 1973.

Year	Volume, barrels	Total value	Average per barrel
1969	1,859,825	$6,567,645	$3.53
1970	1,444,525	4,329,902	3.00
1971	1,858,471	7,909,468	4.25
1972	448,433	1,797,960	4.01
January to August, 1973	850,067	4,934,185	5.80
Projection, 1973	1,275,101	7,401,278	5.80

When the 1973 projections are compared on a percentage basis to the actual figures for 1969, 1970, 1971 and 1972, the result is the following tabulation which depicts the percentage relationship of the 1973 projection to the indicated year:

[In percent]

Year	Volume barrels	Total value	Dollar, average per barrel
1973/1969	69	113	164
1973/1970	88	171	193
1973/1971	69	94	336
1973/1972	284	412	145

(4) This portion of the report is a monthly tabulation of exports for January-August 1973 depicting volume and average price per bbl.

Month	Volume barrels	Average price per barrel
January	256,618	$5.01
February	22,495	6.66
March	4,429	3.95
April	123,012	6.05
May	5,586	4.43
June	196,928	5.80
July	40,926	5.44
August	200,073	6.73

(5) This portion depicts the export figures for 1971, 1972, and the first six months of 1973 in comparison to both the total domestic distillates produced and the average percentage breakdown for total distillates of total U.S. refinery production per bbl.

Year	Export volume, barrels	Percent of total distillates produced	Average percent, refiners
1971	1,858,471	0.2	22.05
1972	448,433	.04	22.21
January to June 1973	609,068	.1	22.30

(6) This portion of the report depicts the destination, volume, and port of shipment for the majority of shipments during the months of January, April, June and August 1973:

Month and destination	Port	Volume (barrels)
January:		
Mexico	Galveston, Tex	60,346
Netherlands-Antilles	do	195,812
April:		
Mexico	do	113,647
Denmark	Port Arthur, Tex	
June:		
Mexico	Galveston, Tex	128,695
Japan	Seattle, Wash	60,000
August:		
Panama	Port Arthur, Tex	49,228
Denmark	do	148,221

Mr. FANNIN. Mr. President, I realize the sincerity of the distinguished Senator, but I think what was said by the distinguished Senator from North Carolina applies to what he is saying. The Senator from North Carolina said:

> Forgive us, O Lord, for we know not what we do.

I feel sure the Senator does not know the consequences of what we would be doing if we were to pass this amendment.

It would be interpreted by Canada and Mexico as hostile and a cutting off of U.S. supplies rather than assisting in giving additional supplies.

I call to the attention of the Senator what Canada exports to the United States. Canada exports to the United States 1.168 million barrels a day of distillates and 7,400 barrels a day of residual oil. That comes here each day from Canada. Then, there are 95,300 barrels a day of gasoline jet fuel and kerosene and 17,900 barrels a day of naphtha, feed stocks.

I will furnish additional figures for the RECORD with respect to the detrimental effect of what happens. I will provide additional information so it will be available in the morning.

We would be considering taking action when we have not considered the consequences.

"Rumors that the United States is exporting large quantities of fuel oil are unfounded," according to Mr. Ligone. We have exported .2 of 1 percent of U.S. total demand.

We would starve these countries like Mexico, and specifically Mexico, where they depend on fuel to heat their hospitals, to warm their schools, to take care of the children, to heat their homes. They have been doing this for years and years. We would rob them of that opportunity.

I would go along with the Senator if he cut to the same percentage we would cut, but when the Senator says we are going to take away the means to cook their meals, that is something else. The United States is a great country because it is a good country. I do not think we would want to take action now as the Senator proposes here.

Let us look at what the retaliation would be. If we cut off Mexico, what would Venezuela do to us? They are a South American country and Mexico and Venezuela are closely associated. It would be a great mistake to alienate our allies.

It would interfere with the Middle East negotiations being conducted by Dr. Kissinger at this time.

It was received in the committee, and after long deliberation and consideration, it was rejected.

I think this is something that is just as wrong as wrong can be. I have read the amendment thoroughly. It is not long. It states that—

> Notwithstanding any other provision of law, require the immediate termination of the export of gasoline, number 2 fuel oil, residual fuel oil, or any other petroleum product whose export is having an adverse impact on domestic supplies.

Is that not a fine way to treat our neighbor? Is that not a fine way to conduct our relationships with other countries? I do not understand how we can be crueler or more——

Mr. LONG. Mr. President, will the Senator yield?

Mr. FANNIN. I yield.

Mr. LONG. One of the countries that would lose our exports is Venezuela. That is where we expect to get most of our offshore oil during this period—Venezuela and, hopefully, Nigeria. Take the 100,000 barrels to Nigeria or Venezuela. How much is she shipping to us? Probably 100 times that much.

Mr. FANNIN. They are exactly the kinds of facts I wanted to get. The Senator from Louisiana is so right. This is cutting off our nose to spite our face. The transshipments from European countries are tremendous. The shipments from The Netherlands are astounding.

I just cannot understand how we could even risk the publicity that would go forth here by the selfish act such as would be instituted if this amendment were passed in the Senate. I think it is really devastating even that we consider it.

I thank the distinguished Senator from Louisiana, because here we are talking about a very, very small percentage, but if the Senator from New Hampshire could just make a trip down into some of these countries and realize the dependency they have on this fuel—and I have been there many times, so I know what I am talking about—he would know exactly what is happening. I realize the consequences of cutting off their supplies overnight. It would just be catastrophic. The people would be going to their presidents and to their public officials. The President of Mexico would be up in arms. He would be on the hot phone to the President of the United States.

I do not think the Senator from New Hampshire realizes the consequences of this amendment. I would hope he would withdraw it.

Mr. McINTYRE. Mr. President, it has always amazed me how my distinguished friend from the Southwest is astounded by some of the amendments that we in the consuming States offer.

It will be noticed that the amendment I have offered here is drawn so that the President has the discretionary authority to allow these exports to occur, just so long as the domestic supplies are not adversely affected.

If the President sees it the way the Senator from Arizona does, I suspect we will get no imposition, because he will see it is much more important that we take care of those Mexican friends of ours—and certainly they are our friends—than it is to make sure that New Hampshire and Minnesota——

Mr. FANNIN. The Senator knows I did not say that. I said share and share alike.

Let us make one thing clear. Arizona does not produce petroleum products, unfortunately. On the Navaho Indian reservations, we have a few wells that New Mexico was kind enough to let flow a little underneath the border. It is a very little amount. We are not what we call an oil-producing State. We produce over 50 percent of the copper of this country, and we are proud of that, but we are not an oil-producing State. So do not think we are not exactly in the same position that the Senator from New Hampshire is. So do not refer to us as a petroleum-producing State, because we are not. If we were, I would feel exactly the same way.

Mr. McINTYRE. Arizona is not a producing State, but how does the mean temperature there compare with New Hampshire?

Mr. FANNIN. It depends. If one goes into the southern part of Arizona, it is higher. In northern Arizona it is a little colder than New Hampshire.

Mr. McINTYRE. It seems to me the Senator is missing the real heart of the amendment. I think it is important, when we move into a time when shortages are going to abound, that every corner, every leak of domestic oil, be curbed unless there is good reason for it to depart from this country.

The Senator is telling me it is important to preserve our friendship with Mexico—and I agree with him—and that it is important for the Mexicans to get that oil, and if they do not, our friends from Venezuela will be upset.

Mr. FANNIN. Should they not be?

Mr. McINTYRE. We have been a good customer of theirs for some time. I had thought, before talking of it, that if we provided oil along the border of Mexico, in the Rio Grande area, then Mexico, which I believe, although I am not sure, is self-sufficient, could provide an equivalent amount of oil to other areas——

Mr. FANNIN. No.

Mr. McINTYRE. That is not correct?

Mr. FANNIN. No, that is not true. Unfortunately, along the border there is no production, so they could not do so. For 30 years or more we have been shipping petroleum products into that country. I know it has been for that period of time, and it is probably longer than that. They have become dependent on us, not only towns, but states, in fact all the way down to Mexico City. So we are talking about something that is very, very serious to the American people. In fact, as far as heating is concerned, in many areas of Mexico, they are dependent on us.

Mr. McINTYRE. I would like, if I may, to express again the viewpoint of the Senator from New Hampshire on this question. I would point out to the distinguished Senator from Arizona and to others here on the floor that while the Interior Committee referred to these 2 million barrels of heating oil which are exported as a drop in the bucket, it represents about 25 percent of the heating oil supply that would be consumed and used by the residents of New Hampshire. So, as I said in my opening statement, it is not a drop in the bucket to us.

We are not saying that these 2 million barrels cannot be exported if this amendment is adopted. We say you ought to take another hard look at it before you export any of it.

Mr. FANNIN. May I read back to the Senator from his amendment?

> Notwithstanding any other provision of law, require the immediate termination of the export of gasoline, number 2 fuel oil, residual fuel oil, or any other petroleum product whose export is having an adverse impact on domestic supplies.

Any export of petroleum product, it could be said, has an adverse effect, but let us look at it from the standpoint of the 1 billion barrels of oil we will be importing from abroad over the years.

So we are not talking about fair play and we are not talking about quid pro quo. We are talking about the selfish, coldblooded act of saying, "We will cut you off, but you keep supplying us." That is what the Senator is talking about when he talks about Venezuela reshipping oil from the Mideast or furnishing us with tremendous amounts of oil. In fact, we are very dependent on Venezuela. If Venezuela cut us off as a result of this action, New Hampshire will probably suffer many times what it would as a result of the export of this minuscule amount of oil being sent into Mexico.

Mr. McINTYRE. Mr. President, will the Senator yield?

Mr. FANNIN. I yield.

Mr. McINTYRE. I would like to point out to the good Senator that my amendment, if adopted, must be read in conjunction with what is contained in section 207. It would come at the end of the section. So if the Senator will go to page 24, section 207 starts out by saying:

> The President is authorized to initiate the following measures to supplement domestic energy supplies for the duration of the emergency.

Then my amendment would go in. So it does not seem to be so cold-blooded.

Mr. FANNIN. It is cold-blooded. I think I can understand the English language. It says "require," even when we take it in context with the other provisions.

I would suggest the Senator permit us to get the figures for him, so he would realize just how devastating this amendment would be. We can have in the morning figures as to the amount of the product we receive from the different countries referred to in this bulletin.

I think it is very important to realize that we should not take an action that is going to result in these other countries reacting. It certainly could be disastrous to us.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. FANNIN. I yield.

Mr. COTTON. Mr. President, if the domestic supply of oil, heating oil, is reduced by, say, 15 percent because of scarcity, or 20 percent or 10 percent, is it not fair and proper, and could anyone complain if we were to reduce our export oil by exactly the same percentage so that our Mexican friends would be asked to bear the same hardship that we do?

Mr. FANNIN. Yes. I said a quid pro quo. However, we must consider that we cannot possibly think of cutting off exports to countries that we are dependent upon for imports. I cannot see how this amendment would be beneficial when we have had favorable balances of trade with Mexico for years and years.

We have to look at this from the standpoint of equity and fairness. We could cut off Mexico and probably gain a little as far as Mexico alone is concerned. However, we would suffer the consequences.

Mr. COTTON. The Senator did not quite answer my question.

Mr. FANNIN. I understand. The Senator is saying that if we are cut back 20 percent, we should do the same thing with respect to them. I would point out that if we cut them 20 percent, we might get cut 50 percent by Venezuela. If we treat Mexico in that fashion, they will perhaps cut us by 50 percent.

I do not see how we could gain by an amendment of this nature. We are too dependent upon the other countries of the world. We import approximately 35 percent of our petroleum needs. Are we not being very narrow if we say that we will cut our exports by 35 percent?

Mr. COTTON. If we get a certain percentage of oil from Venezuela, Venezuela could still take care of Mexico's needs.

Mr. FANNIN. Mr. President, they happen not to be in a position to take care of Mexico's needs in the product we are talking about, propane and similar products that require refining.

Mr. COTTON. We have to refine it.

Mr. FANNIN. We get it in different ways. Some of it is refined. Some of it is from the natural gas wells. It is a trade-off. We are the beneficiary. We get 5 percent of our total supplies from Canada. Are we acting intelligently if we pass an amendment that could raise havoc and show how selfish we are in cutting off the small country of Mexico? We would have them retaliate. Mexico would not retaliate per se, but other countries would retaliate. Venezuela is very friendly with Mexico. Mexico is one of the top leaders in Latin American affairs. It would be very detrimental for us to think that we could gain by selecting Mexico and saying that we will cut Mexico by a certain percentage.

If we had a system that was fair and equitable and would mean that we would not have retaliation, it would be different. However, I am concerned about retaliation. I am very much concerned.

Mr. COTTON. Will the Senator explain to me why the oil products that go to Mexico have to come via the United States?

Mr. FANNIN. Let me explain. They are not necessarily coming via the United States. We have tried to build up a market in Mexico for many years. If we want to go back into history, we would see a little unfavorable relationship at the time of the expropriations. However, in the last 30 years we have had very favorable relations with Mexico. We have been selling them surplus products. It assisted us greatly. Now we have a chance to tell them that they did not need to get the product from us but could have gotten it from someone else and we are not going to let them have it. However, we have had very favorable balances of trade with Meixco. Would that be a way in which we should treat a country like Mexico?

Mr. COTTON. Mr. President, I was not suggesting that. I was suggesting that if our supply was reduced.

Mr. FANNIN. Are we willing to tell Venezuela that because they cut us back, say, 10 percent on what they shipped us, that we would cut back 10 percent on what we ship to Mexico? Would that not be foolish?

Mr. COTTON. Why not?

Mr. FANNIN. We would be the ones to suffer many times over. That is the reason that I want figures on what we get from Venezuela so that I can illustrate the sacrifice we are making foolishly and selfishly.

Mr. COTTON. Mr. President, a moment ago the Senator was talking about our imports that Mexico sends to us of other products.

Mr. FANNIN. The Senator is correct.

Mr. COTTON. If we are to face a situation in the northern part of our country where our people will be suffering under hardships and suffering from cold, it is hard for me to understand why it is so unreasonable and why it would antagonize Mexico or anyone else if we do this proportionately.

Mr. FANNIN. That is why I wanted time to see what should be done so that we would not lose by our action.

It might be possible to do this. However, I would want to know what we would gain or lose. If we cut back Mexico 10 percent and the other countries cut us back 10 percent, we would lose 100 times over, or 50 times over.

Mr. COTTON. Presumably we are being cut back by the countries of the Near East. We pay Venezuela for every penny's worth of oil we get.

Mr. FANNIN. The Senator is correct. We are their customers. However, they have many places in which they can sell their products. We want to remain their customer. We do not want to get them mad at us for some other action that we take against another country.

If the Senator would agree, since it is now 10 minutes to 5 and I did not know that the Senator was going to discuss this matter tonight, I would like to have an opportunity to properly present information that I think is valuable in the consideration of this subject.

Mr. McINTYRE. Mr. President, we have previously agreed that a vote would occur tomorrow. We have gone a little overtime.

Mr. FANNIN. Mr. President, I want to correct the Senator on that. We did not agree that we would vote on tomorrow. We agreed that the vote would occur later.

Mr. McINTYRE. Mr. President, I yield the floor.

Mr. CRANSTON. Mr. President, I am greatly concerned about potential infringements of first amendment rights of free speech and press threatened by the language in section 203(b) (2) which bans all advertising encouraging increased energy consumption. The language to which I refer is on page 17 at lines 13 and 14.

This is a sweeping prohibition and coupled with the criminal penalties provided in the bill may violate the Constitution, in my opinion.

I am aware that advertisements fall into the so-called "commercial speech" category and, therefore, do not necessarily enjoy the same constitutional protections that a policy speech enjoys. Limitations on advertising have been upheld by the courts, but all of the cases suggest that broad, vague and sweeping prohibitions accompanied by criminal penalties would amount to a prior restraint on publications.

According to the committee report, the purpose of S. 2589 is to provide authority, impetus, and direction to the administration in devising a program to deal effectively with the energy emergency we now face. I therefore direct some specific questions to the distinguished chairman regarding the types of advertising which the committee intends would be banned by this provision.

I have discussed those questions with the Senator from Washington and together we have developed a colloquy to provide further clarification about the scope and intent of this provision.

First, I would like to ask the chairman to express his understanding of the committee's intent—specifically, what type or types of advertising does the committee seek to direct the administration to prohibit?

Mr. JACKSON. Mr. President, I thank the Senator from California for raising this important issue and for giving me an opportunity to explain the committee's intended meaning of the phrase to which he refers.

I agree with the Senator that it is important to be specific. At the same time, it is important to remember that we are indeed faced with a serious emergency and are attempting in S. 2589 to provide the President with the authority needed to issue more precisely drawn programs, accompanied by carefully and narrowly drawn regulations and guidelines, aimed at curtailing wasteful and nonessential uses of fuel and energy. The committee intends that the burdens of curtailing energy use be equitably distributed among all sectors of the economy and the population. This means that plans called for in S. 2589 must embody as many possible remedies for our energy and fuel shortage as possible.

A factor in the development of this emergency has been advertisements promoting wasteful and nonessential energy consumption. The committee has heard testimony and received direct evidence that some utilities and other energy producers have in the recent past engaged in widespread advertising designed for no other purpose than to increase consumption of energy and fuel. This is the type of advertising the committee thinks should cease.

I might add—in fact I am pleased to observe—that many public utilities and other energy producers no longer engage in such advertising. Many are now performing a valuable public service by explaining energy-conserving techniques in paid advertisements.

But other types of advertising promoting consumption of energy on a wasteful scale remain. When we are asking people to use only limited amounts of gasoline and to live in homes not as well heated as last winter, I believe it is only fair that we ban advertising which flagrantly runs counter to everything we must do to meet the present emergency and which would present a clear and present danger to our limited fuel and energy supplies.

Since I believe this provision is essential to the overall balance we seek to attain in this legislation, I welcome this opportunity to clarify committee intent.

Mr. CRANSTON. Does the provision prohibit the expression of opinion in paid political advertisements opposing the purposes of the Emergency Energy Act and related policies?

Mr. JACKSON. Such an interpretation clearly would violate the first amendment. Free speech and free debate over important public policy is what America is all about. No energy crisis—no crisis of any other kind that I can conceive of—would justify such a direct abridgement of the freedoms of speech and press.

Mr. CRANSTON. I would like to ask another question along this line. Would this ban authorize regulations which prohibit or limit advertising in which a utility would tell consumers that it is OK to have lights on Christmas trees this year because a string of 50 lights would burn only the same amount of energy as a 100-watt electric light bulb?

Mr. JACKSON. The ban would not authorize regulations which limit in any way factual statements made by an advertiser stating the amount of energy consumed by products or appliances. This type of educational information is useful to people in making judgments about purchases or uses of appliances and products.

Mr. CRANSTON. Would this provision empower the President to issue regulations prohibiting the advertising of items and goods for sale which require the consumption of energy in their manufacture?

Mr. JACKSON. Manufacturing con-

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sumes large amounts of energy. However, in our opinion the proper method to deal with this is through first, a program of priority fuel allocation, and second, a program of rationing and strict energy conservation measures.

S. 2589 authorizes the latter to be exercised by the President. We do not contemplate a "ban" on the advertising of manufactured items even though the manufacture of such items in and of itself may consume substantial quantities of energy. I would hope that this distinction is clear. We are concerned here with advertising which promotes consumption of energy and fuel on a wasteful scale by the consumer; not with advertising of items which require large amounts of energy and fuel to manufacture. As I said earlier, the bill provides ample authority for the President to reduce wasteful expenditures of energy and fuel in manufacturing processes. The ban on advertising is not intended to reach that problem.

We must recognize that many products which are manufactured require substantial energy inputs. Some of these are essential products to maintaining the basic health of the economy, national security, vital public services, and our energy producing industries. The committee is in agreement on a rule of common sense and reasonableness in the construction of this language.

Mr. CRANSTON. When advertisements appear, at least two parties bear some responsibility for it: the media and the advertiser. As you know, the Supreme Court recently upheld regulations of the Equal Employment Opportunity Commission requiring newspapers to stop printing help wanted ads under separate columns specifying male or female. Does this provision impose sanctions in any way upon the media which prints or carries an advertisement deemed in violation of the intent of this provision?

Mr. JACKSON. We intend that the ban be directed to the advertiser, the person who paid for the advertisement, not the newspaper or television station carrying the advertisement. I do want to make it clear that this provision is not directed at the media. It is aimed solely at prohibiting advertising which irresponsibly promotes and encourages increased consumption of energy.

Mr. CRANSTON. I have a copy of an advertisement here, which I have shown the distinguished chairman, promoting the sale of electric shavers. Would this advertisement fall within the type of prohibitions the committee seeks to have imposed through the authorization to ban all advertising encouraging increased energy consumption?

Mr. JACKSON. No, it does not. This advertisement is not directed toward an effort to create in the consumer a desire to waste energy. It is a legitimate sales effort by a merchant to move inventory. Again, I feel that this advertisement comes within the right of the merchant to communicate in a responsible way with his customers and potential customers. I see nothing in this advertisement to incite wasteful consumption of energy.

Mr. CRANSTON. I think the Senator shares my concern that the ban on advertising not be administered in a way to limit the economic freedom of a business person to conduct his business at a profit rather than at a loss. We are approaching a time of the business year when the majority of retail businesses in the country either make a profit or merely break-even or possibly suffer a loss. Advertising plays a large part in helping a merchant move inventory. I hope that nothing in this broad grant of authority to the Executive is intended to authorize restrictions on mercantile advertising.

Mr. JACKSON. I would agree generally with the sentiments of the Senator.

But we do not know all of the contingencies which we face. It may be that advertising of individual products which consume inordinately wasteful amounts of energy and fuel must be limited. I would be misleading the Senator if I did not make that possibility clear to him.

It may be that promotional advertising of such products on a massive scale may present such a clear danger to the overall fuel and energy situation and to the integrity and balance of the plan that such advertising campaigns should be banned.

I would hope that bans on advertising generally will permit the business person freedom to operate without undue interference with his right to communicate to his clientele and potential customers.

THE FUEL SHORTAGE

Mr. TUNNEY. Mr. President, the American people always have been able to pull together in times of crisis, and this dismal winter of an unprecedented fuel shortage will be no exception. Americans will, I am confident, face the shortage with their usual solidarity. They will drive less and more slowly. They will take public transit where possible and pool their cars. They will turn out lights and turn down thermostats. And, while not liking it one bit, they will comply with the regulations and the rationing authorized under the Emergency Energy Act.

The act grants sweeping powers that will affect our lives in ways our Government never has except during the Civil War of a century ago or of the world wars in our century. The act, necessarily, will put the broad boot of bureaucracy into our neighborhoods, our shopping areas, and our places of work.

All of us today, I imagine, regret that we have no alternative but to vote for such legislation as an unavoidable imperative. Because, most immediately, of the cutoff of Middle East oil and because of the lack of administrative initiatives earlier at less critical times, we must now accord enormous new powers to the Presidency.

The Presidency, as an institution, although that acutely tips the balance of powers that accutely tips the balance of powers institutionalized in our Constitution. I direct these remarks not at the man now in the White House, but rather at the concentric gathering of more and more power in the hands of one person, no matter his party or the status of his public credibility.

Nonetheless, I believe Senator JACKSON and the other authors of the Energy Act tried to impose some checks on unrestrained power and wisely tried to localize day-to-day decisions on allocations and implementation.

Inasmuch as this is temporary legislation to meet an immediate crisis, it overlooks customary appellate processes and other lengthy proceedings that might delay needed action. But, as a counterbalance, it provides for local administration so that public pressure will remain intense and direct on those whose decisions will so crucially affect our daily routine. Thus, it strives to let the winds of freedom into the decision making where it can be most keenly felt—namely in our hometowns with persons whom we know well and can speak to first-hand.

Despite the fine efforts of Senator JACKSON and his colleagues, many ambiguities may arise from this emergency legislation. Among them, whether rationing, with the coupons and the little window stickers of World War II, or sharply increased taxes on fuels will be used to curtail demand? Whether independent producers will be protected? Already, 3,000 have gone out of business. Whether power plants in California will be forced to use coal, which would have to be shipped into the State and the smoke from which could further befoul our atmosphere?

Beyond these questions, is a larger one about the vigor and health of our democracy in times of such crisis. By temporarily allowing Big Brother Government to intrude more forcefully into our lives, do we permanently surrender some further measure of our freedoms and our liberties?

I do not believe this necessarily has to be so. Clearly, there are great risks involved, for power usually generates pressures for more power.

The only assurance that it will not be so is the vigilance and determination of the American people themselves. With regulation and rationing and all the other governmental impositions, they still will retain the ultimate authority—their votes.

But all this will necessitate new burdens, certainly for those of us in Congress, who, in many ways, must become, as seldom before in our history, guardians over the administration of a major grant of power to a President.

It will be our responsibility to maintain a close and constant oversight into the application of the emergency act with its many implications for our economy, for the environment and for the future welfare of our country.

In the face of fuel shortage, the American people, I am sure, will accept needed sacrifice, but they will not bestow—nor should they—blind obedience or trust in this or any administration.

They do not want this or any other emergency act to go one step further

than the absolute necessities in meeting a particular crisis.

They will want to see that this act keeps public transit moving, police cars on the streets, hospitals warm and well lighted and food moving from farm to table.

But they will resist—and we, as their representatives—will be their principal instruments—any efforts to broaden this act into an assault on our antitrust, environmental and other laws that protect this country against being ground under the heel of industrial and government giantism.

They do not—nor do we—want this emergency act to become a license for monopoly power.

They do not—nor do we—want big oil companies to abrogate antitrust laws to eliminate the independent producers and suppliers.

They do not—nor do we—want the urgent need for fuel to crush efforts to clean our air and save our environment.

They do not—nor do we—want our present needs to panic us to resume drilling in the Santa Barbara channel and other scenic areas.

They do not—nor do we—want the grim urgencies of this legislation to be used to divert National effort from vital programs to educate our children and adequately feed and house all Americans and to protect them from crime, illness and discrimination.

They do not—nor do we—want the need for conservation to be used surgically by any White House operative to discriminate or retaliate against any legitimate consumer interest.

They—and so do those of us in Congress—want the law to be administered fairly and equitably, with utmost reason and consumate restraint by those to whom these vast powers have been delegated.

The paralytic potential in the current crisis is enormous. Already, California agriculture faces a drastic curtailment in planting for next year because its fuel allocation was based on a period when much of our farm area was flooded. Similarly, mass transit systems in Los Angeles and neighboring counties, in San Diego and Sacramento face sharp reductions in services.

Four major public utilities in the State—Pacific Gas and Electric in northern California, the Los Angeles Department of Water and Power, Southern California Edison and San Diego Power and Electricity are short some 57 million barrels for next year.

Additionally, three cities expect to run out of fuel soon—Glendale by this December; and Burbank and Pasadena by next February.

Even if the emergency act and the companion Fuel Allocation Bill go into effect in the optimum period possible, it will be at least 60 days before inadequacies under the present voluntary allocation program can be corrected and needed supplies become available to such hard-pressed sectors of our economy as California farmers.

These local problems give direct meaning to the current shortage and, obviously, will have grave implications on food and other prices and on jobs and on the economy generally in the year ahead. And they give driving urgency to the need for our Nation, as some of us have long urged, to seek substitutes to our present dependence on oil and gas. Clearly, we may have to continue that reliance for some years to come, but we should resolve, at long last, to launch a massive National effort to harness and cultivate new sources of energy which abound in the seas, in the atmosphere and underground.

The U.S. Geological Survey has estimated that there are almost 500 billion barrels of oil in potential reserves, and almost 2,400 trillion cubic feet of proven and undiscovered natural gas reserves on and offshore in the United States. It is estimated that 50 percent to 80 percent of these resources are under Federal lands.

We have, furthermore, the largest coal reserves of any country in the world. The U.S. Bureau of Mines estimates domestic coal reserves down to more than a mile below ground in excess of three trillion tons, sufficient to provide for much of our energy needs for the next 500 years.

In all this, we must think not only of how to assuage the crisis of this winter, but to think in affirmative and imaginative terms for keeping our homes warm, our families fed and our economy moving in future winters.

In the present situation, all of us recognize, of course, there will be hardship and suffering, disruption and dislocation. But we can weather these conditions if we are but assured that the emergency act is being well and equitably administered.

Herman Melville, in "Moby Dick," talked of the dark November of the soul. This may be another such November in our National history.

We will get through this latest crisis in an avalanche of crises, but only if each of us work together in conserving energy and is on guard together in conserving our Constitution.

MESSAGE FROM HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the following concurrent resolutions, without amendment:

S. Con. Res. 47. Concurrent resolution authorizing the printing of additional copies of a report of the Senate Special Committee on the Termination of the National Emergency; and

S. Con. Res. 49. Concurrent resolution authorizing the printing of the prayers of the Chaplain of the Senate during the 92d Congress as a Senate document.

ORDER OF BUSINESS

The PRESIDING OFFICER. What is the will of the Senate?

Mr. LONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR MANSFIELD TOMORROW, AND DESIGNATION OF PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders or their designees have been recognized under the standing order, the distinguished majority leader (Mr. MANSFIELD) be recognized for not to exceed 15 minutes, after which there be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 3 minutes, after which the Senate resume the consideration of unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene at the hour of 9 o'clock a.m. tomorrow.

After the two leaders or their designees have been recognized under the standing order, the distinguished majority leader (Mr. MANSFIELD) will be recognized for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Senate will resume the consideration of the unfinished business.

The pending question at that time will be on agreeing to the amendment (No. 652) of the distinguished Senator from New Hampshire (Mr. McINTYRE).

Yea-and-nay votes will occur on amendments to the energy bill tomorrow. Hopefully, the Senate will complete action on that bill tomorrow, but I would offer no promise to that effect.

ADJOURNMENT UNTIL 9 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate now stand in adjournment until 9 a.m. tomorrow.

The motion was agreed to; and at 4:52 p.m. the Senate adjourned until tomorrow, Friday, November 16, 1973, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate November 15, 1973:

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DEPARTMENT OF STATE

Stuart Nash Scott, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Portugal.

NATIONAL TRANSPORTATION SAFETY BOARD

Louis M. Thayer, of Florida, to be a member of the National Transportation Safety Board for the term expiring December 31, 1978. (Reappointment)

THE JUDICIARY

Richard Owen, of New York, to be U.S. district judge for the southern district of New York vice Edward C. McLean, deceased.

DEPARTMENT OF JUSTICE

William A. Quick, Jr., of Virginia, to be U.S. marshal for the western district of Virginia for the term of 4 years. (Reappointment)

Donald E. Walter, of Louisiana, to be U.S. attorney for the western district of Louisiana for the term of 4 years. (Reappointment)

Ira De Ment, of Alabama, to be U.S. attorney for the middle district of Alabama for the term of 4 years. (Reappointment)

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Subject to qualifications provided by law, the following for permanent appointment to the grades indicated in the National Oceanic and Atmospheric Administration:

To be lieutenant commanders

Kenneth E. Lilly, Jr.
Richard S. Moody, Jr.
Lloyd K. Thomas
Joseph A. Sowers
Ludvik Pfeifer
James C. Bishop, Jr.

To be lieutenants

Bradford B. Meyers
Christopher B. Lawrence
James E. Newcomer
Robert B. Zider
Larry L. Minter
Frank B. Arbusto, Jr.
Stephen D. Whitaker
Stephen A. Young
Bruce L. Crumley
Richard P. Moore
Robert C. Hoge
Richard A. Zachariason
James A. Wexler
Charles L. Kureth, Jr.
Joseph D. Wilson
Patrick L. Wehling, Jr.
Kent P. Dolan
Steven R. Birkey

To be lieutenants (junior grade)

Robert J. Schmidl
Brent G. Harris
Michael C. Meyer
Alan J. Potok
Richard D. Black
George W. Jamerson
James D. Servais
Richard H. Daly, Jr.
Jeffrey P. Calebaugh
David L. Stockwell
Michael R. McCaslin
Burl L. Wescott
James L. Warner
James H. Hartzell
Theodore C. Kaiser
Nelson K. H. Lau
Richard W. Permenter
Sydney R. Withers
Keith F. Preese
Alton W. Payne, Jr.
James W. Davis

To be ensigns

Fred L. Kleinschmidt
Evelyn J. Fields
James D. Sarb
Richard W. Ellis
Edward D. Gullekson
Michael E. Ziolko
Cheryl A. Cavin
James H. Bennett, Jr.
Christine S. Carty
Deborah A. Astle
Terrance D. Jackson
Karen L. O'Donnell
Gary M. Albertson
Mary M. Zoeller
Howard T. Langeveld
Benjamin M. Root, Jr.
David H. Peterson
Constantine E. Mericas

EXTENSIONS OF REMARKS

THE POTENTIAL OF SOLAR ENERGY

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, November 15, 1973

Mr. HARRY F. BYRD, JR. Mr. President, as the Senate considers emergency legislation to deal with critical shortages of fuel supplies, I think it is important that we bear in mind that these are only short term solutions at best.

In the long run, the only hope for maintaining a strong economy is for the United States to develop its own resources in order to achieve independence of unreliable foreign governments.

This point was made eloquently in an editorial by Paul Miller in The Times-Union of Albany, N.Y. Mr. Miller emphasizes the need for research programs, and cites in particular the potential of solar energy.

I feel that Mr. Miller's views should be considered by the Senate. Paul Miller, chairman of the Gannett newspapers, is one of the Nation's ablest newspapermen.

I ask unanimous consent that the editorial, "Develop More U.S. Energy Sources And Solar Power To Meet Demand," be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DEVELOP MORE U.S. ENERGY SOURCES AND SOLAR POWER TO MEET DEMAND

[From the Albany (N.Y.) Times-Union, Nov. 3, 1973]

(By Paul Miller)

It's hard to believe that America is no longer the land of easy natural plenty, but across the country from Florida to Oregon and Washington a traveler now finds rising awareness and alarm at the energy crisis.

All sorts of local measures are being tried or planned to save fuel, light and power. Unfortunately, all these temporary measurea together will not be enough.

Short-term, year-round Daylight Saving Time should be adopted.

Short and long-term, there must be (1) development of more energy from available U.S. sources—and more about that later: and (2) a program comparable to that in space to take greater advantage of the sun for more energy on earth, just as man obtained many earthly benefits by going to the moon.

As for DST, even before the energy shortage many motorists, public safety officials and others deplored Standard Time's shortened daylight hours in the afternoon. On a gloomy winter day in the Northeast, lights must be turned on as early as 4 p.m. Renewed emphasis is being given it now.

A Rand Corporation study estimates that "daylight saving time could conserve anywhere from 0.5 to 1.5 per cent of the nation's total winter energy needs."

Insignificant? Not when the overall energy shortage this winter is estimated at 3 per cent. So DST could make the difference between cold and warmth in some homes and buildings, or the difference between ample power and cutbacks in some communities.

There are objections—for example, nobody likes to go to work or school in the dark. But year-round DST deserves at least a trial. This is proposed in a bill by Sen. Adlai Stevenson 3rd (D-Ill.), among others. It also is being urged by the White House.

Well, it worked during World War II and is still being used in parts of Europe. Besides, DST would make a good start on other, even more productive energy conservation measures that also will be needed.

. . . BALANCE NEEDS

Current shortages arose because the development of additional sources has lagged behind rising demand.

Government price and tax policies have discouraged development of new petroleum and natural gas sources. Environmental objections have slowed or halted construction of new nuclear power plants and development of new U.S. oil and gas resources—in Alaska, for example, or off-shore in the oceans. Similarly, environmentalists have blocked full usage of America's most abundant energy resource—coal.

On top of that came the Middle East war and the Arab nations' shut-off of up to 10 per cent of America's oil supplies because of U.S. policy supporting Israel.

It all hit at once while U.S. energy consumption was increasing by more than 4 per cent a year. The immediate, inevitable result is higher prices and cutbacks in supplies, perhaps to the point of rationing some fuel.

America now must develop more energy from more domestic sources Although conservation measures are necessary, there's no substitute for an abundant U.S. supply of energy for U.S. needs.

Most experts agree that adequate U.S. sources are available IF the nation adopts policies needed to exploit them. But that will require much money, both private and public. And a better balance must be struck between the need to protect the environment and the need to obtain more oil and gas from sea, shale and Alaskan sources, more coal, more nuclear power.

. . . A 'CRASH' PROGRAM

Beyond that, potential energy sources that once appeared "far out" no longer seems so bizzare. They include nuclear fusion—and solar energy.

Scientists have the know-how to use the sun for electric power, fuel production, heating, cooling, de-salting of sea water and other energy purposes. Solar batteries have already provided power for Skylab and other space vehicles.

The big problem, say the experts, is to produce and store enough solar power or heat to compete with conventional energy sources in quantity and cost.

Overcoming that problem seems even more important to America than exploring the moon. So wouldn't it be in order to get going on a "crash" program to develop solar energy, like the mighty effort of the 1960s that sent a man to the moon?

James E. Webb, who directed NASA during the years the moon flight program hit its peak, has some reservations. Just pouring a lot more money into research wouldn't necessarily solve the problem, he explains

Even so, Webb supports stepped-up efforts to develop solar energy, as contemplated in a bill sponsored by Rep. Mike McCormack, D-Wash., chairman of the House Science and Astronautics Energy subcommittee.

McCormack's bill, which has more than 100 co-sponsors, calls for a $50-million, five-year program to find practical ways of harnessing solar energy to heat and cool buildings. Included would be demonstration units in several thousand residences on military property and elsewhere.

Within a decade, McCormack predicts, one in 10 homes could be built with primary heating and cooling energy provided by the sun.

Other experts envision even faster and broader progress than that.

One is A. J. Eggers of the National Science Foundation, who says use of solar energy as a "practical option" to other types of fuel is "in sight."

Another is Aden B. Meinel, professor of astronomy and optical sciences at the University of Arizona who participated in one of the University of Rochester's Joseph C. Wilson Day panel discussions this week.

Dr. Meinel believes solar energy can be commercially available in three years for heating and cooling and can provide electricity on a large scale in 10 to 15 years

He agreed that will be costly. But he added: "With the way the cost of all energy is going up, solar energy might become economically feasible faster than any of us realize!"

A TIME FOR POSITIVE THOUGHTS

HON. JERRY LITTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. LITTON. Mr. Speaker, upon the conclusion of our deliberations and debate today when your gavel signals the end of our first 10½ months of the 93d Congress' first session, we will have several days to reflect upon what we have accomplished, or failed to accomplish, here in the House. Of equal importance, we will have an opportunity, if we seize it, to reassess not only where we stand but the direction we will take when we reconvene later this month.

The Reverend John H. Moore once said:

> The real test in golf, and in life, is not in keeping out of the rough, but in getting out after we are in.

This is the test facing the Congress in the weeks and months ahead.

As we approach Thanksgiving, one of the most meaningful American holidays, some would have us believe that we live in a climate where everything is doubtful. Strongly imprinted in the minds of many people are recent events which, on the surface, seem to predict a dismal future for our Nation.

We must face the fact that unfortunate recent events have depressed countless citizens who now take a negative view toward almost everything. But, on the other hand, we must realize that we have the alternative to "accentuate the positive" if we will but do so.

Mr. Speaker, as a freshman Congressman, I do not pretend to have all the answers to our Nation's problems. Under no circumstances must my remarks here today be construed as criticism of my peers, or anyone's reactions to our so-called crisis. In truth, I am only marshaling the long, long thoughts of my lifetime relative to the power of thought culminating in attitudes which build or destroy. There are already too many people prone to "nitpick" and drag us down to negative levels of thought. I refuse to compound that injury. I also refuse to concede that our country is going to hell, and that all politicians are crooks, as some people seem to think.

When we look upon the positive side, a different picture emerges.

We realize adversity is not without hopes. I am sure that many of my colleagues would concur that adversity has the effect of eliciting our best talents which otherwise might have lain dormant. As a body of 435 human beings, invested with the power given to us by the people whom we represent, we possess the capability of surmounting any problems confronting our Nation.

To think otherwise, is to ignore history.

To countless Americans, the word "Watergate" is synonymous with "cesspool." This connotation has come out of the depths of that deep trough we call "public opinion." Public opinion has given it life and duration. Public opinion can also give it death and cessation.

I would like to advance the thought that out of the shock of Watergate there could arise a resurgence of integrity in Government such as we have never before witnessed. This is a positive attitude toward past events which we cannot change. True, Watergate has brought with it tribulations which have drained our emotions, and cast doubts upon the integrity of our Government. But I believe, Mr. Speaker, that out of Watergate there will emerge a stronger and more unified nation.

Thus, during our recess, I think we, as representatives of the people, should dwell upon what future effects Watergate might have on our Government, and the American way of life.

Mr. Speaker, I think Watergate can bring about a renewal in the political life our our country. Who among us can deny that Watergate has dispelled apathy across the Nation—most particularly at the grassroots level. We have every reason to believe, despite the cynics, that in the future people who have never before been actively involved in political elections, voted, or cared about the outcome, will let their presence be felt. They will realize that citizens who refuse to take an interest in their Government take the chance of living under oppression. They will recognize that oppression can be just another name for irresponsible power.

I also believe the people will exercise greater prudence and selectivity in their choice of candidates for public office. The first question in the minds of many of the electorate in the past has been: "Can he be elected?" In the future, they will ask: "Should he be elected?" They will ask themselves: "Are we giving the reins of power to a politician who will only think of the next election—or are we giving the reins of power to a potential statesman who will look to the next generation?" "Is he a politician who looks only to the success of his party, no matter what—or is he a statesman who will represent all of his constituency and work for their best interest, and the best interest of our country?"

Mr. Speaker, I truly think that because of Watergate the image of what a candidate should be may undergo sweeping revisions. In the future, he is not going to be the "wheeler-dealer" who serves private interests. He, or she, is going to be one who can bring the most integrity to government—one whose philosophy is rooted in the traditional belief of government "of, for, and by the people." The degenerating process of instability will be checked, and government will again become a government of laws and not of men.

I earnestly hope the experience of Watergate will attract, rather than repel such entries into the political arena of our country. I hope those who, heretofore, would never have given serious consideration to advancing themselves as candidates will appear upon the political scene. I would further hope people will come to realize that the profession of political life is essential to the welfare of the Republic, and many who have not had previous experience in politics, but have the desire and ability to serve their fellow man, will come forth and receive the endorsement and support of the electorate.

It is my hope that the attitudes of the American people, so vividly displayed during the months surrounding discussion of the Watergate affair, are such so as to make it clear to all in public office that anything less than total and complete honesty will not be tolerated.

On the other hand, I would sincerely hope that the disturbing attitude—unfortunately on the increase in America—that a public official is guilty until proven innocent, and most likely guilty even if proven innocent, will not cause the mothers of America to abandon the dream that their son might some day be President of the United States. Likewise, I would hope that this same disturbing and increasingly suspicious attitude toward public officials will not cause a wife to discourage her husband from entering public life, or dissuade from political life the very kind of public servants the events of recent date indicate we so badly need.

Mr. Speaker, as we go into recess, it is my Thanksgiving prayer that when we reconvene we do so with renewed spirit to work wholeheartedly together in a positive manner to correct those inadequacies in our system which have permitted the events that have brought so much embarrassment to America, and take the necessary steps to cause Americans to again have confidence and pride in their country, their Government, and those who govern—and that we do it in such a way so as to build and not tear down.

THE PRACTICALITY OF WIND POWER

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Thursday, November 15, 1973

Mr. METCALF. Mr. President, many Westerners have long been aware of the practicality of wind power. Since the energy crisis is upon us, wind power is beginning to receive the attention it has long deserved.

An excellent article on the subject by Wilson Clark appeared in the November issue of the Smithsonian Magazine. I ask unanimous consent to insert the article, "Interest In Wind Is Picking Up As Fuels Dwindle," at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INTEREST IN WIND IS PICKING UP AS FUELS DWINDLE

(By Wilson Clark)

Windmills may seem spindly, even silly things to suggest when the engines of civilization appear to be running out of fuel. But when you compare the wind to a pile of dead plants, which seems more reliable? For the moving force of our modern, "high-energy" civilization is the massive—but finite—numbers of plants that decayed several hundred million years ago into great organic storage pools in certain regions of the earth.

Ninety-six percent of the energy of the United States is now provided by the fossil fuels—oil, coal and natural gas—and each year we are using up what took nature one million years to produce. The real energy crisis for our civilization is one of survival: We cannot begin to replenish the stored energy of the earth quickly enough to meet future energy use levels.

High-technology alternatives, such as nuclear fusion, are far from proved and, even if they were available today, they would only extend the dependence of civilization on *nonrenewable* energy stocks.

A growing number of scientists seek to harness the constant, dependable renewable energy of the sun, to heat and cool buildings as well as to produce electricity. And one concentrated by-product of solar energy is the wind.

A committee appointed jointly by the National Science Foundation (NSF) and the National Aeronautics and Space Administration (NASA) has suggested that by the year 2000, less than three decades away, a major American development program in wind power could result in an annual yield of 1.5 trillion kilowatt-hours of electricity. That is equal to the total electricity consumed in the United States in 1970.

There is nothing new about tapping this great supply of energy. The oldest and most widespread application of wind power was to drive sailing vessels. With the advent of cheap and abundant fossil fuels in the 19th century, however, the great sailing ships were soon replaced by faster, more dependable coal- and oil-burning vessels. But Basil Greenhill, the director of Great Britain's National Maritime Museum, believes that a bold new era is now in store for sail. At the School for Naval Architecture at the University of Hamburg in West Germany, a fleet of "Dyna-Ships"—modernized four-masted clipper ships—is on the drawing board. Credit for the design belongs to 72-year-old Naval engineer and former Shell Oil Company designer Wilhelm Prölss. The sail on the square-rigger extend from the center of the 200-foot masts on curved steel yardarms; they are to be trimmed by remote control from the bridge.

Tests at the University have shown that winds in the North Atlantic would propel the ship at speeds up to 20 knots 72 percent of the time. Auxiliary engines would be used for windless stretches of ocean and for maneuvering in harbors: A fully automated 17,000 ton Dyna-Ship would consume only five percent of the fuel required by the standard contemporary freighter. Rudolf Zirn, wealthy Bavarian lawyer and environmental activist, has recently commissioned the construction of the first Dyna-Ship.

WHAT TO DO WHEN THE WIND STOPS

On land, the interception of wind energy by the blades of a windmill has served as a basic source of mechanical power for centuries. By 1850, the use of windmills in America represented about 1.4 billion horsepower-hours of work, the equivalent energy produced by burning 11.8 million tons of coal. But by 1870 the amount of power produced by the windmills had been cut in half. The steam engine, driven by fossil fuels, had come to stay in America.

The American windmill industry remained a thriving business, however, into the early 20th century. In the 1920s companies began to develop wind-powered electric generators, but in the 1930s the death knell was sounded for wind machines of both the water-pumping and the electricity-generating variety when the Rural Electrification Administration was established by President Franklin D. Roosevelt. The picturesque prairie windmills began to fall into disuse.

A question about wind power asked by Depression-ridden farmers in the Thirties is the same one asked now on TV commercials by a large oil company: What do you do when the wind stops blowing? How do you stora the wind? Today's wind generator enthusiasts have several answers.

In a home-sized wind power plant producing direct current (DC) power, storage is accomplished by charging batteries. In a large system designed to feed electricity into the power lines of an electric utility, energy can be stored mechanically (or hydraulically) by pumping water or air into a reservoir, then releasing it at a later time to drive an engine operating an electric generator.

Another storage device is a flywheel, similar in principle to the familiar spinning top or toy gyroscope. Like a gyroscope, the flywheel can be spun by the input of energy (in this case, wind-generated electrical power) and storage is in kinetic energy—that is, motion. In a system designed by Florida engineer John Roesel jr., the blades of a wind generator turning a shaft at 120 revolutions per minute might be stepped up to 24,000 rpm to spin a flywheel. While spinning, the flywheel stores energy that could later be tapped as it "runs down" after the wind stops.

A properly designed flywheel, made perhaps of pressed bamboo and enclosed in a vacuum chamber to minimize friction (the main energy loss in the system) is not only much more efficient than battery storage, but is potentially cheaper. Compared with lead-acid batteries which store only 8–10 watt-hours of electricity per pound of material, the envisioned bamboo flywheel would store more than 20 watt-hours per pound. Such a wind-power system for a home would be capable of storing enough energy to provide electrical power for a week of windless days.

Yet another "storage" technique is the production of a synthetic fuel—hydrogen. Hydrogen has many of the fuel properties of natural gas (see SMITHSONIAN, August 1972) and can be produced by the electrolysis of ordinary water. A wind generator could furnish the electrolyzr with electricity to break the water molecules down into their constituent parts—hydrogen and oxygen. The hydrogen would then be compressed and stored for later use as high-grade fuel.

This "modernistic" approach to the energy storage problem was first applied in connection with wind power before the turn of the 20th century. In the 1890s Danish professor and wind-power pioneer Poul La Cour produced hydrogen and oxygen fuel by using wind-generated electricity to electrolyze an aqueous solution of sodium hydroxide. The local high school at Askov, Denmark, where La Cour taught, was illuminated by "Drummond Light," which was an oxygen-hydrogen flame directed on a zirconium element, causing it to emit a brilliant light.

In addition to these proposals and methods for various forms of wind-energy storage, a number of researchers have suggested the direct coupling of wind plants into a regional utilities grid to avoid the necessity of storage altogether. Ernst Cohn, manager of Solar Chemical Power Systems for NASA has summarized the arguments for this approach:

"Pick the areas in the U.S. where they have the right kind of wind velocity, and the right kind of wind durability, and put your windmills up and feed their power into a grid. You use them as base power, with no storage. . . . On a day when you have no wind—which will probably not happen for all windmills anyway . . . you use conventional fossil fuel power if you need to." Such a system, Cohn predicted, "would prove competitive today."

There have been schemes for large-scale use of wind power in the past. During World War II, a massive 1,250-kilowatt wind electrical station was operated at "Grandpa's Knob" in the mountains of central Vermont. Things went smoothly for about 16 months, until a main bearing in the generator failed in February 1943. Because of wartime shortages, the company was unable to replace the bearings for more than two years, during which time the blades were locked in place and subjected to continuous buffeting of the wind, with accompanying stress on the machinery and blades. After the bearing was finally replaced, the wind station operated for less than a month. On the morning of March 26, 1945, cracks widened in the spars of one of the machine's eight-ton blades which suddenly gave way and was hurled 750 feet through the air, landing on its tip. It was never repaired, and the nation's first experiment with wind-generated commercial electricity was ended.

Interest in the large-scale production of wind power in America was renewed in 1970 by William E. Heronemus, professor of civil engineering at the University of Massachusetts. Over the past three years, he has proposed wide-ranging networks of huge wind generators in numerous U.S. locations to provide virtually all the nation's electricity.

For example, Heronemus proposed a wind system as a substitute for the nuclear power plant now scheduled for construction in Shoreham, New York (and a similar system for New England; see drawing, p. 73). The first of two networks of floating wind-power stations would be emplaced off Long Island, beginning in 1975. The wind stations would be mounted either on towers planted in the relatively shallow shoal waters, or on 500-foot by 200-foot semisubmersible platforms. Each station would support three wind towers, each of which would in turn house two 200-foot diameter wind turbines. The two-blade turbines are based on the Grandpa's Knob model, as refined by a study performed after World War II by New York University. Six hundred and forty of these wind stations would be linked together along 16 north-south lines. The wind generators would produce electric current for powering electrolyzers, machines which convert water to hydrogen and oxygen. The oxygen might be released to the atmosphere, while the hydrogen gas would be pumped into underwater tanks and stored for later use.

Heronemus believes that power from the offshore system would be economically competitive with future conventional electric power costs in New England. He also points out that due to the decentralized nature of wind technology, the loss of a single wind turbine would not cripple the electric service area with a huge blackout. For example, the April 1973 blackout affecting 150 miles of Florida's "Gold Coast"—from Fort Pierce down into the Florida Keys—was caused by a single nuclear plant failure. "One wind station disabled would mean one-thirteen thousandths of the system capacity would be lost," Heronemus says, as opposed to the complete system loss that can be precipitated by a nuclear station failure.

There are other efforts under way. Scientists at the NASA Lewis Research Center in Cleveland, Ohio, hope to build a 100-kilowatt wind machine there in 1975. A later version of the generator may be emplaced on the Island of Culebra off Puerto Rico under a contract with the National Science Foundation.

NASA officials believe that with mass production, electricity generated by wind power will be available at capital costs which a decade from now will be competitive with nuclear plants. Dr. Joseph Savino, technical director of the NASA Lewis Wind Energy Program, contends that "there's enough energy in the winds to supply all our electrical needs. If the Danes could get 200,000 kilowatts of electricity from the winds back in 1908, we should be able to get the power we need right now".

Another way to get power we need from the wind may be to think small. Availability of wind power in local areas has historically been a factor in the location of homes and buildings because architecture was based to a large degree on the relationship of buildings to the winds. Only the last few decades of massive exploitation of fossil fuels have

caused the window to become essentially a repository for air conditioners rather than a device for opening the interior of structures to the cooling winds. As the availability of cheap fossil fuels decease, perhaps windows will once more assume a functional meaning.

An important asset of wind energy is its free distribution over the seas and continents. The energy which currently powers our country is transmitted as liquid fuel or as electricity in pipelines and power lines, which are costly transport systems. The small-scale use of wind power would eliminate the costs of transmitting electricity from central facilities.

Scientists at the Brace Research Institute at McGill University in Montreal, a leading international center for research into natural energy sources, have worked with wind generators for small-scale use in agicultrual areas and low-energy societies. The Brace windmills have a variety of uses, from water pumping to electricity production. One unique design is the Savonius rotor, named after Finnish engineer S. J. Savonius, who designed wind plants in the 1920s. The Brace version calls for cutting two 45-gallon oil drums in half lengthwise and welding them to form troughs that scoop up the wind and keep the rotor turning.

An enterprising group of young communards in Wisconsin, calling themselves "Windworks," have built a number of small electric wind generators, including a unit designed for Buckminster Fuller, who has provided some financial support for their Spartan efforts. Led by graduate aeronautical engineer Hans Meyer, the group has designed several innovative wind plants which can be built cheaply with easily attainable materials. One can be built for less than $200.

Near Albuquerque, New Mexico, Robert Reines and the Integrated Life Support Systems Laboratories built the world's first dome structure powered totally by wind and solar power.

Their first wind generator was installed in February 1972. The remainder of the year was spent rebuilding two other used wind generators and making a solar heat collector for use in heating the dome and for domestic hot water. In all, it cost them more than $12,000 over a ten-month period to plan and build the home, which they named "Prototype I" in anticipation of more sophisticated designs (see pp. 74–75).

A FULL RANGE OF APPLIANCES

Electricity for the dome is supplied by one reconditioned wind generator, the equivalent of more than five kilowatts of installed electrical capacity. (The other two generators supply other equipment.) A bank of 16 heavy-duty batteries store 22,000 watt-hours of current which supplies a full range of appliances, including a hi-fi set, tape recorder, television set, refrigerator, electric fan, pumps, mixers and an electrically operated chemical toilet. Reines is convinced that solar-heated, wind-powered domes can be produced for $15,000-$20,000 each.

The only commercial distributor of home-sized electric wind generators in the United States is the Solar Wind Company of East Holden, Maine, which sells Swiss and Australian wind generators. Henry Clews founded the company when he attempted to purchase a wind generator for his home in Maine but found that he had to import a machine all the way from Australia.

Yet another apprach is the use of medium-sized wind generators of 15 to 20 kilowatt capacity (perhaps as high as 100 kilowatts). These would produce electrical power in favorable locations for small communities. As the needed generating units increase in size, costs decline somewhat, so that the projected investment per person in such a scheme might drop to 20–50 percent less than the costs of individual house generating units. The central drawback is the nature of the wind's energy.

Smaller generators would be more expensive per person, but due to the variations in available wind power in most locations, a community network of wind generators might extract more overall power than one large machine.

Such wind stations might operate in combination with solar-energy equipment to fulfill total energy requirements, but the solar equipment in most places would remain on rooftops, not in central facilities. Only in sunny areas with high solar values could solar collecting equipment be centralized for redistribution to individuals in the system.

The technical aspects of building wind generators are remarkably will understood. French engineer Louis Vadot, who chaired the sessions on wind-power generation at the United Nations' 1961 Rome conference on new energy sources, noted that: ". . . It is now generally agreed that the design of wind-power plants with capacities ranging from the lowest levels to far beyond 100 kilowatts no longer presents any fundamental problems . . . our knowledge is sufficient to be usable in a more or less routine way and without need to be on guard against surprises." Given the potential of wind power as a renewable future energy source with minimum pollution, it is surprising that the federal government and private industry show so little interest in its development. The National Science Foundation intends to spend $1.25 million in 1973–74 to assess the development of wind power. The funds will come out of the administration's request to Congress for $872 million for energy research and development. While the director of the program, Louis Divone, is enthusiastic about the merits of wind power, the sum hardly seems a serious commitment.

On the other hand, Basil Greenhill of Britain's National Maritime Museum, has described the pitfalls of *not* developing wind power for shipping, and his analysis may well hold true for power plants as well.

Suppose the energy crisis forces a shortage of conventional fuels necessary to build modern wind-powered ships. "Such a situation," Greenhill says, "would mean virtually a return to a man- and animal-powered wood-fired industry. There would not be the resources ashore to build a sophisticated vessel of the type I have described. . . . Perhaps the design and experimental work on the development of modern merchant sailing vessels should be begun soon, before the crisis is actually upon us."

As is the case with wind-driven ships, the penalties for delay in developing wind power and all other natural energy sources are great. The technologically rich nations are right to be alarmed about fuel shortages but the answer may not lie underground. It may be, as the song says, blown' in the wind.

STATEMENT OF REPRESENTATIVE JOEL T. BROYHILL OF VIRGINIA ON A BILL TO AMEND THE INTERNAL REVENUE CODE OF 1954 WITH RESPECT TO THE DEDUCTION FOR MOVING EXPENSES OF MEMBERS OF THE ARMED FORCES

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. BROYHILL of Virginia. Mr. Speaker, I am today introducing legislation to amend the Internal Revenue Code of 1954 with respect to the deduction for moving expenses of members of the Armed Forces. The main thrust of this legislation would eliminate five significant areas of inequity as they relate to the Armed Forces. Specifically, I make reference to the tax treatment of "in-kind" reimbursement of moving expenses under section 82, title 26, United States Code; the application of the so-called 39-week rule; the application of the 50-mile rule; the tax treatment of expenses of moving household goods to a place to which dependents may be moved when dependents are not authorized to accompany the member on a tour of duty outside the Continental United States or in Alaska; and tax treatment of expenses incurred for meals and lodging at the old and new permanent duty station when the member and his dependents are temporarily required to reside at hotel or hotel-like accommodations due to unavailability of Government quarters.

"In-kind" reimbursements require that there shall be included in gross income any amount received or accrued, directly or indirectly by an individual as a payment for or reimbursement of expenses of moving from one residence to another residence which is attributable to employment or self-employment. Where members of the Armed Forces are concerned, the exact amount allocable to an individual move is not always ascertainable, particularly where transportation of the member, his dependents, household goods and automobile is provided by Government-owned or Government-procured facilities, such as Military Airlift or Military Sealift Command. In addition, the cost of nontemporary storage of household goods in a Government or Government-procured facility also presents a problem in allocating and accounting for exact cost of individual shipment. To further compound this problem is the fact that there is not now a system in existence within the Department of Defense for collecting this data which must be reported to the Internal Revenue Service, with the costs of installing such a system not only considerable but prohibitive when consideration is given to the fact that virtually no tax revenue to the U.S. Treasury will be realized through implementation of this system.

Under the so-called 39-week requirement, no deduction is allowed for moving expenses unless during the 12 months immediately following the taxpayer's arrival in the general location of his new principal place of work, he is a full-time employee in such general location during at least 39 weeks. This situation is directly applicable to a member of the Armed Forces who knows in advance that he will not be at his duty station for at least 39 weeks due to interim orders assigning him to a school which is a normal procedure in many instances prior to reporting to a new permanent duty station. Under certain circumstances, the expenses of making such moves are not deductible as moving expenses although the income, including any reimbursement or transportation provided in kind, or otherwise, is reportable as income in the member's tax return.

Under existing law where the 50-mile rule applies, no deduction for moving expenses will be allowed unless the member's new principal place of work is at lease 50 miles farther from his former residence than was his former principal

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place of work or he had no former principal place of work, is at least 50 miles from his former residence. Application of this so-called 50-mile rule is particularly severe upon enlistees who undergo basic training within 50 miles of their homes and would be required to report any income incident to reporting for basic training, including "in-kind" items, but would not be entitled to any deduction on their income tax returns for such expenses. In addition, this situation would apply to members with a permanent change of station who must live on the local economy close to their new duty station. When public quarters become available they are ordered to move on base. Any expenses incident to such moves are at Government expense, but the member involved must report these expenses as income but is not permitted under existing law to deduct these expenses incident to such move.

With respect to members of the Armed Forces who are assigned to "short" tour areas outside the continental United States or Alaska, normally for 12 to 24 months, dependents are not normally authorized to accompany the member. However, in these instances, the member's dependents and household goods may be moved at Government expense to a place approved by the Secretary of the service concerned and, upon reassignment of the member, from his "short" tour, the dependents may be moved from that place to his new permanent duty station. However, any payment or reimbursement received incident to the move of the dependents to the place approved by the Secretary concerned as well as payment or reimbursement incident to the move from that place to the member's new duty station are included as income, but these expenses are not deductible.

Current law defines "moving expenses" to include meals and lodging while occupying temporary quarters in the general location of the new principal place of work during any period of 30 consecutive days after obtaining employment. However, current law does not recognize that members of the Armed Forces are often required to vacate public quarters prior to actual departure from their old permanent duty station, often not of their own choosing but at the convenience of the Government. Thus, members and their dependents must depend upon hotel or hotel-type accommodations for short periods of time, accumulating "moving expenses" at both new as well as the old permanent duty station.

Mr. Speaker, the legislation I introduced today will resolve the foregoing areas of inequity to members of the Armed Forces as follows:

Eliminates the requirement of the service reporting to the Internal Revenue Service, or the member including as income, amounts paid by the service directly to carriers, warehouses, et cetera, incident to a permanent change of station; exempts members of the Armed Forces from the 39-week requirement and the 50-mile rule; permits members to deduct otherwise proper moving expenses where the member serves an unaccompanied tour outside the continental United States or in Alaska and his dependents move to a location approved by the Secretary of the service concerned; and it extends existing provisions of law relating to expenses of meals and lodging while occupying temporary quarters at the new duty station to also apply to such similar expenses incurred prior to departure from the old duty station.

Mr. Speaker, the changes which my bill would make were, in part, necessitated by the Tax Reform Act of 1969 and the administration has sought to obtain these changes since the enactment of that law. In the interim, the Internal Revenue Service has extended a moratorium on the implementation of some of the 1969 act provisions pending congressional action on the necessary amendments. The Commissioner of the Internal Revenue has indicated that the moratorium will not be continued after this year. Therefore, legislation to accomplish this purpose is urgent and long overdue. I strongly urge enactment of this measure which I have proposed today.

UNIVERSITY PROFESSORS FOR ACADEMIC ORDER INVITE SAKHAROV TO UNITED STATES

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. HUBER. Mr. Speaker, one of the real yardsticks of freedom in any society is the freedom to travel, both within one's country and outside it. We are all too familiar with the fact that various prominent Soviet citizens are usually unable to travel abroad to receive recognition of their achievements and that those who openly oppose the policies of their government are never allowed to travel without being subject to losing their citizenship. Therefore, it will be interesting to see their reaction to the invitation of the University Professors For Academic Order to Sakharov to address their national convention in San Diego next January. The annoucement follows:

> UNIVERSITY PROFESSORS FOR ACADEMIC ORDER INVITES SAKHAROV TO ADDRESS CONVENTION
>
> University Professors for Academic Order, a group of university professors dedicated to preserving the traditional ideal of the university as a place of learning, research, and instruction, has cabled an invitation to noted Soviet dissident Andrei Sakarov to address its fourth national convention in San Diego on January 5–6, 1974. UPAO Executive Director Charles A. Moser announced today that he had suggested the topic "Academic Freedom in the Soviet Union" to Academician Sakharov, but added that "we would be pleased to have him speak on any topic he chooses so long as it has something to do with higher education." Professor Moser, whose own field of specialization is Russian language and literature, went on to say that "Academician Sakharov could make a distinguished contribution to our convention program if it proves possible for him to come. We have within our own universities, unhappily, some of the same problems which Soviet universities must face, and we would certainly benefit from Sakharov's insight and especially his intellectual courage, which is all too frequently lacking in American academic circles."
>
> Whether or not Acadamician Sakharov is able to attend, the fourth national convention of UPAO will discuss several of the most pressing problems facing American higher education from the perspective of the traditional idea of the university.

HONORABLE ROBERT EWING THOMASON

HON. W. R. POAGE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 12, 1973

Mr. POAGE. Mr. Speaker, 55 years ago, I was a student at the University of Texas. I ate my meals at a boarding house near the capitol on Congress Avenue. At that boarding house, one of the patrons was the Speaker of the Texas House of Representatives, a young man named Robert Ewing Thomason. I greatly admired him. The next year, he ran for Governor. At that time I was a sophomore at Baylor University. I supported him and kept his picture on the bulletin board in the University Library. I had numerous altercations with my friends as the president of the board of trustees of Baylor University, Honorable Pat M. Neff, was also a candidate, the successful candidate, incidentally. I later practiced law with Pat Neff, Jr. and came to know Governor Neff well. I respected him very highly, but I never thought the less of Ewing Thomason.

I went to the Texas Legislature in 1925. A few years later Mr. Thomason was elected Congressman from the El Paso district. When I came to Congress in 1937, Mr. Thomason was a senior member of the Military Affairs Committee. He received me with every courtesy. Indeed, he selected an office for me on the fourth floor of the old, now Cannon Building. I was next door to Albert Thomas of Houston and, some months later, Lyndon Johnson of Austin was assigned an office across the hall from us. Mr. Thomason was most helpful to all of us young Congressmen. He was a distinguished, honorable and friendly Member.

In 1947, he was appointed Federal Judge of the western district of Texas. He served in this capacity for the rest of his life and was quite active until very recent years. Of course, I never appeared in Judge Thomason's court, but he built a great reputation as a fine and fair judge. He served his State ably and long. Texas was fortunate to have his services.

Although the Judge is no longer with us, his influence will continue. His wife, Abbie, was a devoted and effective helpmate and I join in extending to her, and to the other members of his family, my heartfelt sympathy.

TRIBUTE TO JOSEPH H. SEYMOUR

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. ANDERSON of California. Mr. Speaker, Ralph Waldo Emerson, the noted 19th-century essayist, said:

> The only reward of virtue is virtue.

Most often, those who undertake projects for the benefit of humanity do so fully realizing that personal aspirations, sacrifice, and long hours—with little recognition—are in store. Instead of striving toward personal gains, they work for the ideals of relieving human suffering, pain, and ignorance and for improving the quality of life of our fellow human beings.

One such individual, who has dedicated his life to helping others, is Joe Seymour, the business manager of Operating Engineers Local Union No. 12.

MAN OF THE YEAR

On December 1, Mr. Seymour will be recognized by the City of Hope for his distinguished service to the community as the "Man of the Year."

A native Californian, he first became a member of the International Union of Operating Engineers in 1946, following his service in the Navy during World War II.

Less than 4 years later, after serving as a steward and becoming known as a leading advocate and spokesman for union ideals, Joe Seymour became a business representative for Local No. 12 in 1950. In this capacity, he served the membership in the Imperial Valley and the San Gabriel Valley.

Recognizing his leadership abilities and potential, the union selected Mr. Seymour to attend the Harvard University trade union program where he was graduated as class president with the highest honors in 1952. Later he was elected trustee of Local 12 for two 3-year terms.

In 1961, he was elected the local union's business manager and has since been reelected for four additional 3-year terms—a record unprecedented in the history of Local 12, the second largest in the IUOE.

In addition, Joe Seymour has served as an executive board member of the Western States Conference of Engineers since November 1961, and as vice president of the California Labor Federation, AFL–CIO, since April 1965. He is also a trustee of the general pension fund of the IUOE, a member of the executive board of the California State Building and Construction Trades Council, and a vice president of the California Conference of Operating Engineers.

In 1967, Mr. Seymour was the recipient of a gold lifetime membership card—the only such card ever isseud an active member—presented by Local 12's executive board and membership.

GENERAL VICE PRESIDENT OF THE INTERNATIONAL

Another honor came to Local 12 and Joe Seymour in November 1969, when he was elected general vice president of the International Union of Operating Engineers, and he was reelected to that post in April 1972.

Among his civic activities are membership in the district attorney's advisory council, the attorney general's advisory council, the American Arbitration Association, Town Hall, the Harvard Club, the American Legion, the National Rifle Association, the Civil Defense and Rescue Group, the Footprinters, and the Aircraft Owners and Pilots Association.

Mr. Speaker, Joe Seymour has led a full and beneficial life, and in addition to his own abilities, he has had the good fortune of having an understanding and inspiring partner, his wife of 32 years, Laura.

The proceeds from the testimonial dinner which will honor Joe Seymour as "Man of the Year" will help establish the Joseph H. Seymour research fellowship at the City of Hope—a medical center specializing in patient care, medical research and education in the diseases of cancer, leukemia, and other catastrophic diseases of our time.

I think it is entirely appropriate that Mr. Seymour receive this signal honor from such an outstanding organization. Indeed, his ideals and efforts on behalf of humanity are closely related to the goals and aspirations of the City of Hope.

It is with great honor that I pay tribute to Joe Seymour and applaud him for the contributions he has made to our society.

REPRESENTATIVE WALDIE INTRODUCES A BILL TO ASSIST FEDERAL EMPLOYEES TO GET BETTER HEALTH CARE

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. WALDIE. Mr. Speaker, I am introducing legislation today which would appreciably assist Federal employees in obtaining and paying for needed health care.

At the present time, Federal employees who are covered under the Federal employees health benefits program are able to receive payment for covered services provided by licensed or duly certified social workers only if such services are provided as part of a mental health team which must include a physician, or upon referral by the physician.

Under the bill I am introducing today, payment would be made for services of qualified social workers which are now covered under any of the program's health plans, but without the necessity of these requirements. As a result, this bill would not increase the scope of services covered under the Federal employees health benefits program.

Direct access to needed and proven health care serves two purposes: one, it saves money in that the cost of a physical examination as a prerequesite to the covered care is avoided where the examination is not medically necessary; second, it encourages necessary competition in the health care market—something we desperately need in these times of skyrocketing health care.

Mr. Speaker, social workers in the United States are a growing, necessary, and absolutely competent portion of this country's providers of health care. The services they render range from counseling to the use of applied psychotherapy and are absolutely essential in today's modern society.

The full text of the bill is as follows:

H.R. 11544

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 8902 of title 5, United States Code, is amended by adding at the end thereof the following:
>
> "(J) If the contract benefits include payment or reimbursement for a service which may be provided by a social worker who has a master's degree in social work, and two or more years of supervised experience in a clinical or hospital setting, and is licensed and/or certified as such under applicable state or Federal statutes, then the Federal employee beneficiary, annuitant, or family member covered by such social worker of his or her choice, shall have direct access to same, without supervision or referral by another health practitioner and shall be entitled under such contract to have benefits paid to him or her on his or her behalf for such services. The provisions of this subsection shall not apply to group practice prepayment plans.".

OVERWHELMING RESPONSE TO CONSTITUENT QUESTIONNAIRE ON WATERGATE CRISIS

HON. H. JOHN HEINZ III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. HEINZ. Mr. Speaker, immediately following the dismissal of Special Watergate Prosecutor Cox and the subsequent resignations of Attorney General Richardson and Deputy Attorney General Ruckelshaus, I prepared and mailed to each of the 174,000 households in the 18th District I represent, a questionnaire to gauge the depth of their mood and reaction to these events.

I felt that these actions had plunged our Nation into an extremely serious confrontation and was convinced that difficult decisions faced me and my colleagues in the House of Representatives in the near future.

The response was swift and overwhelming. Almost immediately, the completed questionnaires began to be returned. To date, nearly 36,000, representing nearly 70,000 responses, since both "his" and "hers" opinions were asked for, have been tabulated by my staff.

Additionally, nearly 2,500 letters, telegrams and phone calls were also received by both my district office in Pittsburgh and here.

I find it particularly significant that 54 percent of those responding to the questionnaire were Republicans, as opposed to 42 percent Democrats and 3 percent "other," this in a district which

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has a registration edge of 50,000 Democrats and independents.

But what is more significant is what the responses revealed to me, and I would like to share these responses with my colleagues. I was particularly impressed by the fact that 99 percent said they would vote in the 1974 general election, and that figure must include the 14 percent who admitted having no trust in any elected official and the 63 percent who said they trusted "some."

What this tells me is that our constituents will indeed go out to the polls next November, and they will be watching incumbents very closely. In light of this, the choice of candidates by both parties will be crucial in order to bring out our citizens.

The tabulations of all 10 questions posed in the questionnaire will be released to my constituents by way of my December newsletter, but in the hopes that my colleagues will find this information of value, I am here with reprinting these results now:

[Answers in percent]

1. Did you vote in the 1972 Presidential election?

Yes	93
No	7

2. Would you vote if a national election were held right now?

Yes	96
No	4

3. Do you intend to vote in the 1974 General Election for a governor, U.S. Senator, and U. S. Representative?

Yes	99
No	1

4. What is your political registration? (Republican, Democrat, Not Registered, Other).

Republican	54
Democrat	42
Other	3

5. Which of the following best describes your political views? (Check one)

Conservative	36
Moderate	56
Liberal	8

6. Do you feel that the office of the President is above the law under any circumstances?

Yes	10
No	90

7. With the abolition of the office of the Special Prosecutor, would you favor action by Congress to establish a Special Prosecutor's Office to pursue the Watergate grand jury investigation?

Yes	74
No	26

8. Which of the following best expresses your feelings about the President's actions to dismiss Special Watergate Prosecutor Cox and force the resignations of Attorney General Richardson and Deputy Attorney General Ruckelshaus? Check one)

Strongly approve	18
Mostly approve	13
Mostly disapprove	10
Strongly disapprove	56
No opinion	3

9. How would you feel about impeachment proceedings if the President refuses to obey a court order to turn over Watergate tapes, telephone logs and other relevant documents?

Strongly favor	42
Mostly favor	17
Mostly opposed	10
Strongly opposed	26
No opinion	5

10. How would you describe your attitude toward elected public officials? (Check one)

Trust all	1
Trust most	22
Trust some	63
Trust none	14

UNITED NATIONS PRACTICES DOUBLE STANDARDS

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. SYMMS. Mr. Speaker, it comes to my attention that attempts are once again being made to repeal the Byrd amendment which permits U.S. imports of chrome ore from Rhodesia. I cannot understand the double standard that exists over trade with the murderous regimes in Soviet Russia and Red China as opposed to the sanctions against the anti-Communist nation of Rhodesia. It is even more appalling to me that the arguments being advanced against trade with Rhodesia are centered around their alleged discrimination against blacks. I would like to ask, Mr. Speaker, what do these people think is going on in Russia? Are the stories about Sakharov and Solzhenitsen and the problems encountered by Russian Jewish people desiring to emigrate falling on deaf ears? I simply cannot understand this kind of raw hypocrisy. It seems to me that Henry Kissinger has put us in a trap "détente-at-any-price." The administration is certainly not going to have my support in their efforts on behalf of the liberal Democrat move to repeal the Byrd amendment.

Mr. Bill Hewes of Gonzaga University in Spokane, Wash., sent me an article he wrote on this very subject. I would like for my colleagues in Congress to have the benefit of Mr. Hewes comments. The article reads as follows:

"PEACEFUL" U.N. PICKS ON RHODESIA

(By Bill Hewes)

The Senate Foreign Relations Committee last month approved Senator Humphrey's bill to repeal the Byrd Amendment. The Amendment, adopted in 1971, allows the U.S. to import goods from Rhodesia if the same items are also being imported from Communist countries.

Thus the U.S. sensibly imports chrome from Rhodesia, despite the United Nations' boycott of the Ian Smith regime.

Chrome, used in steel production, is a stategic material for which the United States relies on imports.

Senator Humphrey charged that by violating U.N. sanctions we have violated basic principles of U.S. foreign policy, namely "the defense of human rights and self-determination," and our "commitment to the non-violent resolution of conflict" (May 22, 1973 Congressional Record, p. 16397).

SCEPTICISM NOTED

One should avoid a whitewash of the Rhodesian government, of course, but one must also be skeptical of the dark, bleak picture of Rhodesia given by Senator Humphrey. The Senator says the situation is almost one of no freedom, only government-imposed order.

Susan L. M. Huck, however, reported in 1972 that although the 750,000 whites were allocated half the land, as many as half of the 4 million blacks were living "... on farms in the European-owned area, or in African areas in and near all Rhodesian cities. . . .

". . . these Africans can support their families and send money to relatives in the tribal lands of Malawi" ("Accepting Rhodesia's Independence," Jan. 12, 1972 Review of the News, p. 46).

Senator Humphrey claims that the United Nations has imposed sanctions on Rhodesia to "let Ian Smith know that his nation would not be recognized as a member of the world community until these people (the black Africans) had a share in determining how they were governed."

RUSSIA SPEAKS

Here we have a classic example of the pot calling the kettle black. For example, in November, 1971, the Soviet delegate to the United Nations urged the U.N. to reaffirm the need to take steps to insure that Rhodesia adopted a "democratic system, in accordance with the wishes of the majority of the population" (Dec. 1971 UN Monthly Chronicle, p. 54).

That's right.

Russia, that land of the free, wants Rhodesia to be democratic.

Rhodesia's neighbor Zambia got in to the act, too, by asserting that Rhodesia should become independent of Britain only after "majority rule" had been established (Dec. 1971 UN Monthly Chronicle, p. 51).

That's right. Zambia, now a one-party Communist state, has chastised Rhodesia for being undemocratic.

BLOODY SERIOUS

If the situation were not so bloody serious, I'd choke from laughter. The United Nations is supposedly opposing Rhodesia because the latter is not democratic. Yet many or most of the U.N.'s member states are dictatorships, and the worst of them lead the pack against Rhodesia.

Rhodesia has difficulties with the United Nations, not because it is undemocratic or racist, but because it is anti-Communist. The U.N. record bears this out.

The best example is that if Katanga, which tried to secede from the Congo in the summer of 1960. Earlier that year the Congo had become independent of Belgium.

A Congolese central government was set up under Patrice Lumumba, who on Sept. 15 issued to the heads of the Congolese provinces the directive that his government would have total power.

Measures to be taken were to include the establishment of "an absolute dictatorship" and "Terrorism, essential to subdue the population" (Situation in the Republic of the Congo, report of the U.N. Conciliation Commission for the Congo; quoted in G. Edward Griffin, The Fearful Master, A Second Look at the United Nations, Western Islands, Boston, 1964, p. 20).

Katanga, led by anti-Communist Moise Tshombe, seceded from the Congo. The pro-democratic United Nations, which never intervenes in any nation's internal affairs, backed Lumumba and invaded Katanga.

The U.N. forces in Katanga engaged in a number of peaceful activities. According to the 46 doctors of Elizabethville, U.N. forces bombed clearly marked hospitals, murdered unarmed civilians, fired on ambulances, and in general made a shambles of a previously peaceful state.

This is the organization which Senator Humphrey thinks should take care of Rhodesia.

U.N. OPPOSES PORTUGAL

Since Katanga, the United Nations has maintained its commitment to peace,

through its backing of the terrorists working to undermine Portugal's affiliates, Angola, Mozambique, and Portuguese Guinea. Last year the U.N. gave prestige and international status to the terrorists by inviting them to send observers to its session.

Communist-led, African terrorists have long worked for peace. In their 1961 invasion of Angola they smashed babies against trees in M'Bridge and then used the dying infants as soccer balls. They tied the white people of Luvo to logs and sawed them to pieces in a sawmill.

Non-whites got a piece of the action, too, as blacks and mulattos were massacred along with whites, according to Thomas J. Haas, who as of early 1972 was the only American to have visited the former terror zones in Angola (Haas, "Inside The African 'Terror Zones,'" Feb. 2, 1972 Review of the News, 31–48).

Thus the United Nations has sided with the terrorists against the black and white Portuguese citizens in Africa.

That is the organization which Senator Humphrey says should work out a peaceful, just settlement for Rhodesia.

We must realize the existence of different definitions for the word "peace." Most Americans probably think of peace as meaning good will or a state of friendly relations.

But there is also the typical dictator's definition of peace: absence of opposition to the dictator. The United Nations, judging from its record, follows this latter definition with respect to Communist dictatorships.

Former U.N. Secretary-General U Thant admitted as much in 1970 when he declared that Lenin's "ideals of peace and peaceful co-existence . . . are in line with the aims of the U.N. Charter. . . ."

BASIC QUESTION

The basic question in the controversy over Rhodesian imports is whether the United States should obey the United Nations.

If we obey the U.N., regarding it as the arbiter, we cannot remain a free and independent nation. There is no way around it.

I propose that we remain free and independent.

The United Nations, with its Leninist concept of "peace," hardly deserves our support. The Byrd Amendment does deserve our support.

REPRESENTATIVE MARAZITI SUPPORTS SOCIAL SECURITY INCREASE FOR RECIPIENTS

HON. JOSEPH J. MARAZITI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. MARAZITI. Mr. Speaker, I rise in support of the bill providing a two step, 11 percent increase for social security recipients to become effective in March and June of 1974.

Older Americans living on modest fixed incomes simply cannot cope with the fast rise in the cost of living to meet the most basic essentials of food, housing, medical care, and transportation.

The Ways and Means Committee has reported that the seasonally adjusted annual index for the cost of living over the 3 months of July, August, and September for food alone has risen at a rate of 28.8 percent.

This is particularly tragic for older Americans because the funds from their food budget is usually the only place they have from which to pay increased housing and medical care costs. It is a documented fact that the Nation's elderly suffer from malnutrition, and we have over 20 million elderly in this Nation.

When you compute the rise in the cost-of-living from December 1972 through September 1973, it comes to an overall 6.8 percent increase. When you break it out in four basic areas affecting retired Americans, it comes to a 3.6-percent increase in rent, a 17.7-percent increase in food costs, a 2.9-percent increase in medical care costs, a 4.1-percent increase in housing costs, and a 0.7-percent increase in public transportation costs over the same 10 month period.

It concerns me that our Nation's elderly must suffer the greatest impact of inflation. It concerns me that too many proud older Americans in New Jersey are going hungry in order to try and keep a roof over their head. It also concerns me that we obviously have not found the needed keys to holding inflation down, despite the efforts of the Congress and the administration to do so.

For these reasons I am supporting this benefit increase for 29 million social security recipients which would provide a flat 7 percent social security benefit increase for March 1974 which would be a partial advance payment of a permanent 11 percent benefit increase effective for June 1974.

It is needed, Mr. Speaker.

TERMINATE ALL EXPORTS OF PETROLEUM

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. NICHOLS. Mr. Speaker, I have today introduced a bill cosponsored by many Members of this body, which would in effect terminate all exports of gasoline, distillate fuel oil, and propane gas until the President has determined that the present energy crisis no longer exists in the United States.

I am advised by my colleagues that in excess of 50 million gallons of fuel oil is expected to be exported during the current calendar year, and that this volume is almost three-fold the quantity of distillates exported during 1972.

In response to this legislation the Department of Interior is disclaiming these figures, but by their own admission indicate that some 1.5 million barrels of distillates have indeed been exported during this calendar year to the following countries:

	Barrels
United Kingdom	421,834
Mexico	323,345
Netherlands Antilles	195,812
Denmark	154,160
Netherlands	148,688
Venezuela	112,236
Japan	61,299

The Department of the Interior further indicates that the above quantities have already been shipped, and of course, there is no mandate of any sort indicating that this quantity or even a larger quantity of precious fuel supplies might not leave this country again in the forthcoming 1974 year.

Mr. Speaker, I recognize that when you compare the above shipments against domestic consumption in the United States approximating 1 billion barrels, that we are really talking about something less than 1 percent of the total U.S. demand. Be that as it may, however, I do not see how the Congress, nor the administration, can in good conscience suggest gasoline rationing and even additional taxation on the average gasoline buyer at service stations throughout the length and breadth of this country without plugging up the above overseas shipments.

To me it is totally ridiculous that in a time of national crises that we should permit any quantity whatsoever of heating oil, kerosene, diesel fuel, or any other distillate fuel to leave the continental United States. Charity indeed begins at home, and I hope that this above legislation can be considered by the Congress within the earliest possible time frame.

OFFICE OF PETROLEUM ALLOCATIONS LAUDED

HON. GILLIS W. LONG

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. LONG of Louisiana. Mr. Speaker, I wish to call attention to an excellent record of service being compiled by the newly formed Office of Petroleum Allocations—formerly the Office of Oil and Gas.

My contacts, as well as those of my staff, with the Office of Petroleum Allocations—OPA—here in Washington and in the field have been most rewarding. Never have we been faced with less than a superb effort. It is readily apparent that the OPA staff is faced with a most difficult task, a task that often goes without the simple "thank you" it so richly deserves.

I am fully aware that this staff is made up of professions whose reward is the knowledge of a job well done. Yet, as I offer this praise, I must also call attention to a tremendous shortage of staff personnel, facilities and office accommodations.

There are 12 regional OPA offices set up throughout the Nation, and the staff at each numbers only 6 to 10. These offices on peak days receive as many as 500 cases. The normal load is 200 to 250. This is truly an impossible assignment under present conditions.

Here in Washington, the Congressional Liaison Office of OPA has but two telephone lines, making it impossible for this staff—despite its sincere efforts—to adequately serve the 435 House offices and the 100 Senate offices.

I have been advised that OPA staff workers here in the Capital begin their days early and work into the late night hours. I sincerely commend them for their hard work despite the many hurdles they face in performing their jobs.

Since the "energy crunch" is going to be uppermost in the minds of all Americans in the weeks and months ahead, it is my deepest hope that the administration provides the Office of Petroleum Allocations with the personnel, the equipment and the facilities it needs to adequately perform its assigned task of serving the Nation in this time of need.

MOBILE HOMES SAFETY BILL

HON. ROBERT G. STEPHENS, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. STEPHENS. Mr. Speaker, over 7 million Americans are presently living in mobile homes and their number is increasing at the rate of 1.5 million people annually.

Concurrent with the dramatic increase in the market for economical mobile homes, there has been rising concern over the need to establish Federal safety standards to reduce insurance costs, property damages, personal injury, and death resulting from mobile home accidents. Consequently, I have introduced a bill, H.R. 10901, which provides for the establishment of practical Federal safety standards for mobile homes in interstate commerce; authorizes mobile home safety research and development; and encourages and provides financial assistance for the development of State mobile home safety programs.

I believe that H.R. 10901 is a reasonable and practical bill which will be acceptable to advocates of Federal standards and mobile home manufacturers. I urge my colleagues to acquaint themselves with the provisions of my bill and the position which manufacturers of mobile homes have taken on this legislation. I would like to insert in the RECORD the statement which Mr. John M. Martin, president of the Mobile Homes Manufacturers Association, will present before the Housing Subcommittee of the Banking and Currency Committee when hearings are held on mobile home safety bills:

STATEMENT SUPPORTING H.R. 10901 BY JOHN M. MARTIN, PRESIDENT, REPRESENTING MOBILE HOMES MANUFACTURERS ASSOCIATION, TRAILER COACH ASSOCIATION, AND SOUTHEASTERN MANUFACTURED HOUSING INSTITUTE

Mr. Chairman and Members of the Subcommittee, my name is John M. Martin, President of the Mobile Homes Manufacturers Association, P.O. Box 201, 14650 Lee Road, Chantilly, Virginia. I am also presenting this statement on behalf of the Trailer Coach Association, 3855 East LaPalma Avenue, Anaheim, California, and the Southeastern Manufactured Housing Institute, 348 E. Paces Ferry Road, Atlanta, Georgia. Together, our Members produce approximately 75 percent of all the mobile homes manufactured in the United States each year. In addition, we represent approximately 3,000 dealers from coast to coast.

We support the principles embodied in H.R. 10901 by Congressman Stephens. While our industry is not totally convinced of the need for Federal control of the mobile home construction, we find ourselves in a position which the majority of American industries find themselves today; that is, faced with an ever-increasing burden of Federal involvement. While several mobile home "safety" bills have been introduced in the last year and a half, we feel very strongly that none of the proponents of that legislation had made a particularly compelling case establishing the need for Federal mobile home safety standards. Nevertheless, if Federal regulation is to be mandated by the Congress, we feel certain minimal requisites should be included. This bill does that job.

One of the strongest points in this legislation is that it would achieve reciprocity among states for our homes and would also create uniformity of inspections to a degree far beyond that which we have been able to develop through individual state by state legislation. At the current time, 42 states have adopted the American National Standards Institute Mobile Home Standard A 119.1. We have actively sought enforcement legislation in each state and have consistently offered the technical experts in our Standards Division as a resource to the states to assist them in training and developing inspection capabilities. This has apparently not been sufficient for Congress in view of the number of mobile home safety bills which have been introduced recently.

Mr. Chairman, you have before you a good bill, and it merits your recommendation for passage. We encourage your affirmative vote for the following reasons:

The bill's definition of a "mobile home" is the new uniform description which separates our dwellings from recreational vehicles and it covers all mobile home product-types, including "double wides".

The bill does not ignore current progress toward uniform standards that are already developed, as it recommends that the new Federal standards be reasonably consistent with existing standards of American National Standards Institute. The ANSI mobile home construction standard, A 119.1, has been enacted into law in 42 states.

It also recommends consideration of the experience in mobile home standards of National Fire Protection Association and various state and governmental agencies—thus assuring that a great reservoir of know-how is not overlooked.

The requirement for broad membership on the proposed National Mobile Home Safety Advisory Council is good, because all interests are represented: government, technicians, the public, and the industry.

It is wise that this bill gives full authority to the Department of Housing and Urban Development, since HUD is the *housing* department and mobile homes are a part of the *housing* industry.

The bill protects the consumer and at the same time is not punitive to the manufacturers and dealers.

H.R. 10901 would accomplish the long-time goal of a single national uniform performance standard under which all mobile homes will be built.

It will bring reciprocity between states which will facilitate production and retailing by removing the varying state provisions. At the same time, though, the bill enables states to do the inspections. Many states already have strong enforcement systems in operation.

In conclusion, may I say a few words about mobile homes and the great new industry that they have spawned.

The mobile home is the greatest innovation in the history of human shelter since the invention of the saw and the trowel. Using American ingenuity and assembly line techniques, we build a house in a factory, then tow it to the buyer's lot. It is the most economical way to provide a decent, modern residence ever devised. Compare our prices, about $7,000 for the average mobile home versus around $29,000 and up for traditional site-built houses. And mobile homes come equipped with most of the essential appliances and furnishings! That is why over seven million Americans now live in mobile homes and around 1½ million people are choosing this form of shelter annually. Our industry houses the poor, the low and middle-income people, military and construction personnel, and a growing number of resort dwellers and second home owners.

The mobile home industry can be a partial solution to America's housing shortage if current economies of production are allowed to continue and if the efficiencies of our factories are not curtailed by needless regulations. While the Stephens' bill may increase our costs of manufacturing somewhat, it provides the advantages of nation-wide uniformity and reciprocity, and is, therefore, beneficial.

For years, the Mobile Homes Manufacturers Association, along with the Trailer Coach Association and the Southeastern Manufactured Housing Institute, have tried to improve our product by encouraging the states to enact tie down laws and the ANSI construction standards.

Since H.R. 10901 is in line with our long-time policies, we urge your Committee to recommend its passage.

JEWISH CITIZENRY AND IMMIGRATION

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. REID. Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues the case of the Galperin family, Jewish citizens of the U.S.S.R. Tamara and Anatoly Galperin and their teenage daughter, Eugenia, who reside in Moscow, applied in November 1971 to emigrate to Israel; their applications have repeatedly been denied. Anatoly Galperin worked as a mathematician, but when he applied for an exit permit was forced to leave his job and now works in a bank. Tamara Galperin works as a translator. Her brother was allowed to go to Israel, and her elderly parents also received permission to leave but declined to depart without Tamara and her family. Tamara's father recently died and her mother now suffers from a serious illness. The plight of the Galperin family and of many others like them who must suffer continued harassment and persecution is very much in my mind at this time and I appeal to the Government of the Soviet Union, in the interests of equity and humanity, to extend the spirit of detente within its own borders.

As a Member of Congress and as a concerned citizen I continue to be dismayed by reports from the Soviet Union of the persecution of its Jewish citizenery, whose only crime is that they desire to emigrate to the country of their choice. Even as we see Arab-Israeli repatriation of prisoners of war, a state of affairs for which the spirit of detente between the U.S.S.R. and the United States is largely responsible, the continued Soviet denial of the right to emigrate does

little to further detente. I sincerely hope that the Soviet Government will relax its harsh line with regard to its Jewish people, and will allow such families as the Galperins to rejoin those relatives who have received permission to go to Israel.

RISING PENSION EXPECTATIONS—WILL PLAN TERMINATION INSURANCE BE A BUST?

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. ERLENBORN. Mr. Speaker, private pension plans are a huge success. They have proved their worth by providing adequate supplements to social security for the 6 million retirees now drawing pension benefits. Persons covered by private pension plans have increased greatly over the past 20 years. Today, private pension plans cover nearly 50 percent of the full-time work force in private industry. Private pensions can increase their role only if the proposed Federal pension legislation encourages, rather than deters, the incentive for growth of present plans and birth of new pension programs.

The fiduciary, vesting, and funding provisions of H.R. 2, the pension bill approved by the Education and Labor Committee, will strengthen the system by assuring that a larger proportion of persons now covered will in fact receive a private pension.

NEW DISINCENTIVES FOR DEFINED BENEFIT PENSIONS

Proponents of the controversial pension bill feature which would establish a plan termination insurance program insist this is the key to pension reform. There can be little dispute, however, that this imposing scheme cannot possibly bring about great expansion in the number of pensions paid to plan participants. The opposite result is virtually certain: a new shrinkage in the number of people covered by defined benefit pension plans. The reasons for this unintended reduction in pension coverage are several.

Plan termination insurance is the most complex feature of the impending legislation. It is too bad that this provision has not been well thought out—has not been given the study it deserves.

A recent joint Treasury and Labor Department study showed that about 8,500 vested participants were in pension plans which terminated in 1972. These workers suffered an average loss of $4,100. The study also showed that most employers terminating their plans were financially unstable.

This gives rise to a serious question: Would employers facing financial difficulties elect to continue their defined benefit plans in the face of the new obligations imposed by Federal legislation? There are indications that they would not, that they would cut short their pension programs before the start of a termination insurance program, and that many workers would lose their benefits as a result.

Termination insurance as proposed in H.R. 2 and in the Senate-passed bill, H.R. 4200, would change the legal structure of pension plans by making the employer liable for benefits—even though not funded—when the plan is terminated. This raises a constitutional question: In setting up a pension plan, an employer promises to make contributions to the plan. Can Congress, by law, change this promise to a pledge of the employer's assets to pay pensions?

If termination insurance as now proposed were to pass, and if this part of it were ruled to be constitutional, large balance sheet liabilities would be created for employers who grant past service credits and retroactive benefit increases.

Defined benefit pension plans have been adopted by employers (and encouraged by employees) because of their efficiency in meeting the inflationary pressures facing today's workers. That efficiency is likely to be hampered if new burdens were placed upon it by law. If we in Congress weigh carefully the advantages and disadvantages of plan termination insurance, we may find that as many workers will be harmed as helped by it.

The nature and positive direction of the private pension system might be drastically changed.

Termination insurance would tend to make employers abandon defined benefit programs in favor of money-purchase arrangements. These are, essentially, savings accounts; and they provide generally smaller pensions.

This feature would serve as a deterrent—perhaps a stiff deterrent—to the establishment of new defined benefit pension plans and the improvement of plans already in being. The probable losers would be older workers, the very workers this legislation is supposed to help.

MORE NEW PROBLEMS, PLUS OLD ONES

The plan termination insurance provisions now contained in major legislative proposals may create more problems than they may reasonably be expected to solve. Besides the disruptive influence on employers who must pay the pension bill, there would be another consideration, namely, the level of the premium or tax required to finance the insurance. The premium may prove to be burdensome, especially to new plans.

Here is a sample of this burden:

A new plan generally will take into consideration a worker's past service to the employer. In doing so, it creates unfunded vested liabilities. If the vested liabilities are about 10 times the annual contribution to the plan, the termination insurance premium may be 30 to 40 percent of the fund's income from investments in the early years of operation.

Surely, this burden—a front end load, of sorts—would discourage employers from starting new pension plans. They would see the insurance premium as an added cost which would not benefit their employees.

Some, and perhaps many of them, would look for other kinds of retirement benefits which are unfettered by plan termination insurance complications. As a result, the insurance losses would be levied against a diminishing group of plans, which would foster higher premiums, which would further discourage new pension plans.

By forcing pension plans into this downward spiral, Congress may one day be called upon to bail out the residue of a system which, until now, has been an increasingly successful voluntary arrangement to provide pensions to retiring workers.

A dilemma has always faced those who have tried to solve the problems of pension plan terminations. Unless significant safeguards are written into the law, the plan termination insurance scheme will encourage unduly liberal pension benefits, more speculative investments by pension fund trustees, and weaker funding levels.

Can these abuses be prevented without suffocating pension plans by overregulation? The Treasury and Labor Department study found no workable solution, and recommended more study.

For years, management and labor have been evolving a variety of private pension plans. There have been few legal controls, a condition which has encouraged the rapid growth of pensions.

Now, however, there is a consensus that some legal restraints can be added to this voluntary system without discouraging their continued growth—restraints having to do with disclosure, reporting, funding, vesting, and the like. If we are careful, these will increase the cost only a little for most plans.

Add plan termination insurance, however, and we lose the flexibility that has been one of the delights of our private pension system.

Item: A maximum would have to be set, by law, on insured benefits. Otherwise, owner-employees could milk their pension funds and line their own pockets at the expense of other well-managed plans.

Item: Unless limits are placed, by law, on benefit increases, management of a company facing imminent insolvency could grant themselves a pre-bankruptcy windfall at the expense of the termination insurance fund.

Item: Distributions from a pension plan's assets would have to be controlled, by law, in order to prevent a drain in payment of uninsured benefits—a drain which would mean greater terminal losses. Those losses, in turn, would be a drain on the insurance reserves.

Item: Actuarial assumptions would have to be controlled, by law, in order to avoid underfunding.

Item: A plan's investment policy would have to be regulated, by law, in order to minimize investment losses.

Item: Employer liability would have to continue after termination, else a plan could be started, could promise—and pay—handsome benefits, and then be closed out at the expense of the termination insurance fund.

Finally: The plan termination insurance agency would have to be given legal authority to terminate any plan which appeared to the agency to be risky.

These controls—Federal legal controls—can only be termed excessive and burdensome. They would have to apply

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to all defined benefit pension plans, those which are well run as well as those on the ragged edge of solvency. The controls would limit the insurance coverage to only 60 or 70 percent of all vested and nonvested benefit losses. The regulatory and other costs imposed by the termination insurance program might well exceed the benefit payments themselves.

AN ALTERNATIVE

The risk of creating an unworkable and disruptive program of plan termination insurance is so great that Congress ought to consider an alternative. In H.R. 2, there are provisions, apart from the termination insurance title, which reduce markedly the problems and abuses implicit in plan insurance proposals. These provisions would not confront employers with liabilities and overregulation which could only discourage creation of new pension plans and limit the expansion of existing plans.

A company with a pension plan would be faced with added responsibility, but would not be required to pay premiums which would not benefit its own employees.

H.R. 2, apart from its insurance title, approaches this problem as follows:

First. It recognizes that the minimum funding standard ought to assure progress each year in reducing the unfunded liability for vested benefits. The funding standard contains a simplified calculation which would automatically take care of the remaining unfunded vested liabilities over a period of years.

Second. Increases in pension benefits would be prohibited until all minimum funding contributions to the plan have been made.

Third. Preferential treatment of employees who resign would be precluded by a requirement that lump-sum distributions be made only to the extent they have been funded.

Fourth. The merger of two plans—as in the consolidation of two companies—could not result in a reduction of benefit security to any plan participant.

Fifth. In the event of termination, a pension plan would have to allocate its assets in an equitable manner with these priorities defined in the bill:

(a) Contributions by employees would be returned;

(b) Retired persons receiving benefits and those who could voluntarily elect to receive benefits;

(c) Those other than in (b), to the extent of their vested benefits; and

(d) All others, including the nonvested benefits of those in (c).

Benefit increases within 5 years prior to termination would trigger an allocation based on the prior benefit formula; and any remaining assets would be distributed on a basis of increases in more recent benefit formulas.

(e) Investment income attributable to employee contributions would be distributed pro rata to the employees' accounts.

(f) Those benefit liabilities incurred solely as a result of the plan termination would get last priority, and

(g) Any remaining assets could be returned to the employer, if the plan provided for that.

This approach would not prevent all of the benefit losses that might be covered by termination insurance, but it would prevent most of them. More to the point, the costs of this approach would not be borne by companies with stable, well-funded pension programs. This approach would not, therefore, cause employers to restrict coverage or forego improvements.

CONCLUSION

The beneficiaries of our private pension plans, present and future, have every right to expect Congress to act wisely in safeguarding their retirement years. Plan termination insurance is held out by some as the ultimate in pension reform. Care and further study should be encouraged before the full effect of this proposed strong medicine is prescribed for a relatively healthy patient.

Our constituents are filled with rising pension expectations. Let us keep in mind, however, that an ill-conceived termination insurance program might limit improvements in retirement benefits, might restrict pension coverage, and might precipitate employer bankruptcies.

We can avoid these pitfalls, and we should.

PRICE CONTROLS

HON. HAROLD V. FROEHLICH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. FROEHLICH. Mr. Speaker, the evidence is piling up that wage and price controls have outlived their usefulness.

I doubt that there is a single Member of Congress who is not now personally familiar with the terrible burdens that price controls have created for various industries.

One of the most serious of current problems is the pulp shortage facing large consumers of paper.

The Cost of Living Council has imposed a domestic ceiling price on pulp. This ceiling comes at a time when there are no export restrictions on pulp. In a period of tremendous demand for pulp, domestic producers are holding their supplies or exporting them to other countries, while foreign producers are declining to export their supplies to the United States. Large consumers of paper who do not have their own supplies of pulp are caught in the middle and are feeling the pinch.

An example of the problem can be found close to home. The Joint Committee on Printing, through its able and distinguished chairman, Senator Howard Cannon of Nevada, has complained to the Cost of Living Council that the Federal Government finds itself unable to purchase the paper it needs.

In an October 4, 1973, letter to Dr. John Dunlop, director of the Cost of Living Council, Senator Cannon wrote:

> Today we find ourselves in the untenable position of having several paper properties, critically important to the Government Printing Office capability to fulfill vital Congressional printing requirements, at the seriously low inventory level of three to five weeks supply.

In a second letter, dated October 24, Senator Cannon wrote:

> One of our serious immediate problems involves our inability to get the necessary paper tonnage to publish the next edition of The Congressional Directory.

Senator Cannon concluded:

> Very bluntly, you should be aware of the fact that failure of the Cost of Living Council to take immediate steps to relieve the paper making pulp price impasse will contribute significantly to an ultimate serious impact on internal printing services for the Federal Government, as well as having a very damaging effect on our nationwide program of competitive commercial procurement of Federal printing and binding needs.

I associate myself with the Senator from Nevada in strongly urging the Cost of Living Council to lift the ceiling price on domestic pulp in order to relieve the current shortage.

The complete Cannon-Dunlop correspondence follows:

JOINT COMMITTEE ON PRINTING,
October 4, 1973.

Mr. JOHN DUNLOP,
Director, Cost of Living Council,
Washington, D.C.

DEAR MR. DUNLOP: The Joint Committee on Printing, United States Congress, is charged by law with the responsibility to establish standards of paper for the different descriptions of public printing and binding and to procure, in concert with the Public Printer, the quality and quantities required for the public printing.

For at least six months, we have been experiencing increasing difficulty in being able to purchase the necessary tonnage to fulfill important Federal printing needs. For example, in our regular April, 1973 quarterly paper bid opening we received only 68.725 percent coverage on the quantity solicited, the first time in almost a quarter century that we did not get one hundred percent coverage.

In our July, 1973 quarterly opening the response was significantly worse with only 51.576 percent coverage. Since then, efforts to obtain lacking tonnage via repetitive open market procurement invitations have been consistently characterized by very minimal results.

All of this has happened despite many steps which we have taken, e.g. relaxed specification standards, relaxed delivery time schedules, consideration of bids based on a combination of items and/or foreign sources, etc., to encourage paper industry response to our needs.

Nevertheless, today we find ourselves in the untenable position of having several paper properties, critically important to the Government Printing Office capability to fulfill vital Congressional printing requirements, at the seriously low inventory level of three to five weeks supply.

Based on a careful, comprehensive analysis of the overall paper market situation, it is our view that the single most critical factor impeding our ability to get paper is the current domestic ceiling price on paper making pulp, as contrasted to the non-controlled ability of pulp producers to export pulp.

Consequently, in the light of the factors outlined herein, you are urged to give immediate, serious consideration to amending the domestic ceiling price on paper making pulp to the degree that internal American printing requirements, including those of the Congress, may be fulfilled. The Joint Committee will be pleased to hear from you on this matter at your earliest convenience.

Very sincerely yours,
HOWARD W. CANNON,
Chairman.

COST OF LIVING COUNCIL,
Washington, D.C., October 19, 1973.

Hon. HOWARD W. CANNON,
Joint Committee on Printing, U.S. Senate,
Washington, D.C.

DEAR SENATOR CANNON: I appreciate your recent letter of concern on behalf of the Joint Committee on Printing, and the decreasing availability of paper to supply the needs of the Public Printer.

The Cost of Living Council is aware of the critical shortages in the paper industry. The greatly increasing demand for all paper products has created a worldwide shortage of paper-making wood pulp, and prices have been bid up to an extremely high level on the world market. In addition, paper mills domestically are working at peak capacity to fill U.S. needs. However, even at full capacity the demand is far outstripping the supply.

To ensure the needs of paper mills to increase capacity, but at the same time bearing in mind the Administration's anti-inflation goals, the Cost of Living Council recently granted a number of prenotified price increases to the paper industry, based on hearings held during the week of September 17. This action should help relieve the shortages we are experiencing, but they will not alleviate all problems associated with the strong worldwide demand.

You may rest assured that we will continue to closely monitor the wood pulp situation and the entire paper industry, and to work with the Department of Commerce Exports Division to stabilize the domestic supply.

Thank you for your interest in this major area of the economy.

Sincerely,
JOHN T. DUNLOP,
Director.

JOINT COMMITTEE ON PRINTING,
October 24, 1973.

Mr. JOHN T. DUNLOP,
Director, Economic Stabilization Program,
Cost of Living Council, Washington, D.C.

DEAR MR. DUNLOP: I regret to advise that your letter of October 19, 1973, received on October 23, 1973, replying to my letter of October 4, 1973, includes nothing in the way of a practicable solution to the steadily worsening situation with respect to adequate supplies of writing and printing papers for important Federal printing needs.

Your belief that the prenotified price increases granted to the paper industry "should help relieve the shortages we are experiencing" is simply not a fact in the light of the paper procurement experiences we are having. Their only result to date is to assure that we continue to pay higher prices for the insufficient quantities we are able to buy.

It would be interesting to know how higher domestic prices on finished paper products could alleviate a shortage of paper making pulp brought about in significant part, at least, by the fact that the subject pulp is afflicted with a domestic price control, but can be exported with no other controls than world market prices for a world commodity.

Graphic proof that the cited price increases have not helped is the fact that, since your October 2, 1973 announcement, we have tried four times for an aggregate quantity of 32,758,623 pounds, with an aggregate response of only 16,442,000 pounds, approximately one half.

Repetitively we are being advised by several of our long-time paper suppliers that they would gladly respond to our invitations if they could obtain the necessary pulp. Being non-integrated mills they must rely on the domestic market availability of paper making pulp and that has not been forthcoming. One of our serious immediate problems involves our inability to get the necessary paper tonnage to publish the next edition of The Congressional Directory.

Very bluntly, you should be aware of the fact that failure of the Cost of Living Council to take immediate steps to relieve the paper making pulp price impasse will contribute significantly to an ultimate serious impact on internal printing services for the Federal Government, as well as having a very damaging effect on our nationwide program of competitive commercial procurement of Federal printing and binding needs.

Very sincerely yours,
HOWARD W. CANNON,
Chairman.

WILKES COLLEGE TO DISPLAY CATLIN WORKS BEGINNING NOVEMBER 25

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. FLOOD. Mr. Speaker, beginning on November 25 and continuing for a 6-week period, the new Sordoni Art Gallery at Wilkes College in Wilkes-Barre will place on public display 36 paintings of the works of George Catlin from the Smithsonian Institution's National Collection of Fine Arts and the National Gallery.

George Catlin was born in Wilkes-Barre in 1796, was educated in the law, but gained international fame and recognition as a portrait painter and a miniaturist and is especially known for his great paintings of the American Indian and Indian culture.

I fully intend to visit Wilkes College and view these outstanding works of art and I hope that many of my constituents will do the same during the 6-week period that it will be on display.

George Catlin will always remain through his art one of Wyoming Valley's most famous sons and is most deserving of the recognition that he will receive through this upcoming period when his works will be on display in the city in which he was born and reared.

The Beacon, the Wilkes College newspaper, in its edition of November 1, 1973, had two articles on George Catlin, both of which I wish to insert at this point in my remarks.

The article follows:

WILKES TO DISPLAY CATLIN WORKS

NEW SORDONI ART GALLERY PLANS APPROPRIATE EXHIBIT

Thirty-six paintings from the seldom-circulated national collection of works by George Catlin will be placed on public display by Wilkes College for a six-week period beginning November 25 at the Sordoni Art Gallery, which is included in the new $6-million Stark Learning Center on the campus.

The collection will be brought to Wilkes College on loan from the Smithsonian Institution's National Collection of Fine Arts and the National Gallery.

Catlin, who was born in Wilkes-Barre in 1796, gained international acclaim as a portrait painter and a miniaturist, but is best known for his paintings of the American Indian. His works date back to almost a century and a half, and represent his work with both North and South American subject matter.

Wilkes College President Francis J. Michelini called the planned presentation of Catlin paintings "a most appropriate selection as the opening exhibit in the new Sordoni Art Gallery, which marks one of the greatest contributions ever made to the cultural wealth of not only the college, but the people of Wyoming Valley and Northeastern Pennsylvania."

Commenting on the origin of the new gallery, A. J. Sordoni III, president of Sordoni Enterprises, issued the following statement:

"The Sordoni Art Gallery was given to Wilkes College by The Andrew J. Sordoni Foundation, Inc., to encourage the appreciation of art. The Gallery is dedicated to displaying and preserving works of art and to serve as a teaching aid.

"In the future, the Gallery will be the home of a substantial portion of the Sordoni family's collection. Shows and exhibits will be featured at the Gallery for the benefit of students and the general public. The donors hope that the Gallery will be a source of pleasure and inspiration to everyone interested in fine arts."

A private showing of the Catlin paintings will be held on Saturday, November 24, at 8 p.m. At this time there will be a formal dedication of The Sordoni Art Gallery and a reception opening the exhibition of the works by George Catlin.

The exhibit will be open to the public from Sunday, November 25, through Saturday, January 5. Hours for viewing will be Sunday from noon to 5, Monday through Friday from 10 a.m. to 9 p.m., and Saturday from 10 a.m. to 5 p.m.

The new gallery, which is under the direction of Vivian Varney Guyler, is expected to become one of the major educational and cultural points of visitation for school groups of all levels and the public in general.

It was deemed extremely fortunate that the first exhibition is that of locally born George Catlin, who has become familiar to regional people of all ages and particularly to young people during the study of American history.

Catlin remained in the Wilkes-Barre area from the time of his birth until 1823, when he gave up the practice of law and moved to Philadelphia to devote his full time to painting. Catlin set up as a miniaturist in that city, where he worked until 1825.

In the year 1830, a painter of miniature portraits named George Catlin left his comfortable Philadelphia home and set out on a hazardous journey through the West. His goal: to paint the portraits of every Indian tribe in North America.

His friends warned him that it was an impossible task. He would never come back alive. The "savages" would butcher him before he could set up his easel. But after eight hard and dangerous years, George Catlin returned with a pictorial record of Indian life that has never been equaled.

The story of Catlin's travels is fascinating—his first trip with William Clark (who 25 years earlier had helped Meriwether Lewis open the West)—his journey with the French-Canadian fur traders—and his later adventures alone. He visited the treaty councils of the Sioux and Iowas. He met the Sacs, the Kansas and the Blackfeet, the Otes and the Mandans. Wherever he went, he painted the chiefs and talked with tribal members. The Indians of the Far West, he wrote home enthusiastically, "are undoubtedly the finest looking, best equipped, and the most beautifully costumed of any of the Continent. Amongst and in the midst of them am I, with my paint pots and canvas."

The more he traveled among the Indian peoples, the deeper grew Catlin's admiration, and the greater his sense of urgency to capture their way of life on canvas. For as the rush of settlers, miners and ranchers forced the Indians off their lands, Catlin saw that the red man's final destruction was not far off. He wanted at least to preserve them in his paintings, so future generations could see what had been lost.

When he returned East, crowds of people flocked to see "Catlin's Indian Gallery," and to hear the artist tell of his adventures. Kings, princes and great men of many nations admired the handsome paintings, but few paid attention to Catlin's words of warning about the fate of the Indian. In England as well, people were eager to hear his tales of exciting adventure, but greeted Catlin's somber predictions with the same indifference as the Americans.

Congress debated the purchase of the Gallery. Daniel Webster and Jefferson Davis also spoke on behalf of a bill to buy it for the American people, but the bill was defeated. Catlin, however, continued throughout his life to display his Gallery, and to plead for understanding of the red man.

The story of Catlin's life and his work is one of adventure and hardship—his days among the Indians—the years he spent pleading on their behalf—his later travels in the Amazon jungle, painting the South American Indians. It is an exciting tale. And it is a sobering story, too, for it was more than a century until Americans finally acknowledged his paintings as the magnificent documents they are, and recognized the rightness of his words.

THE LIFE OF GEORGE CATLIN

George Catlin was born in Wilkes-Barre, Pennsylvania, July 26, 1796. His interest in Indians began as a young boy listening to his mother tell of her experiences as a captive of the Indians in the Wyoming Massacre of 1778. Catlin practiced law three years in Luzerne, Pa., but a stronger passion, that of painting, called him, and he abandoned his law books for a paintbrush.

In 1823 he went to Philadelphia determined to make painting his life's profession. Entirely self taught, Catlin developed skill as both a miniature painter in watercolors and as a portrait painter in oils. In 1824 he was elected as an academician of the Pennsylvania Academy of Fine Arts, a select group of artists of the day.

In 1830 Catlin arrived in St. Louis where he gained the friendship of William Clark who with Meriwether Lewis had made the famous expedition to the Pacific Ocean from 1804 to 1806. Clark was Superintendent of Indian Affairs at St. Louis from 1813 to 1838. Catlin's introduction to painting the Indians of the plains came as a result of arrangements Clark made for him.

Catlin spent from 1830 to 1836 among the Indians of the West, travelling many times at the danger of his life in order to paint their portraits, their villages, their ceremonies. What he saw he recorded, visually and in writing. He was upset by the plight of the Indians and knew that the days of the red man were numbered. In addition to an "Indian Gallery" of his paintings, he conceived for himself a social and political mission—to become a spokesman for the redman whom he held in deep respect. He proposed a National Park west of the Mississippi where the Indians and buffalo would be left alone to roam, where there would be no white fur traders to exploit them, no missionaries, no smallpox and other white man's diseases, no whiskey and no cheap trinkets the white men used in exchange for skins.

Catlin set up his "Indian Gallery" of 494 paintings and numerous types of Indian clothing and artifacts in New York City in 1838. Later, he travelled with his Gallery to Washington, Baltimore and Boston. Catlin later took his Gallery to England and to France, where it was enthusiastically received.

His dream, however, was to have the U.S. Government purchase his paintings. He was never to see this realized in his lifetime despite a number of strong spokesmen such as Daniel Webster and Henry Clay. His original collection was given to Joseph Harrison, a wealthy American, head of the Harrison Boiler Works in Philadelphia who paid off Catlin's European debts. After Catlin's and Harrison's deaths, the collection which included 445 paintings was given by Harrison's widow to the Smithsonian Institution, (twenty of this group are part of the Sordoni Art Gallery's opening show.)

In his late fifties, Catlin spent part of his time in the reading room of the Bibliotheque Imperial in Paris. There he met another frequenter of the library who had delved into old Spanish volumes describing lost gold mines in the Crystal Mountains of Brazil. Catlin decided to go in search of the lost gold. When the search proved futile and his miner's tools were lost and broken, he began to paint Indians. Although the South American Indians were less friendly to him, he did succeed in painting 30 different tribes and numerous landscapes. (A number of this South American series, on loan from the National Gallery of Art, Paul Mellon Collection, is also to be seen at the Sordoni Art Gallery.)

THE NIXON NETWORK NEUROSIS

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. O'NEILL. Mr. Speaker, I would like to call the attention of my colleagues to the remarks Congressman TORBERT H. MACDONALD delivered earlier today at the National Press Club. Congressman MACDONALD's remarks, entitled "The Nixon Network Neurosis," were made in response to the attack on the press made by Mr. Nixon at his last news conference, and they focus on this administration's efforts to use Government agencies to bring pressure to bear on the major television networks to influence the reporting of news.

As chairman of the House Subcommittee on Communications, Mr. MACDONALD provides an important perspective on this serious problem. I commend him for speaking out at this time:

THE NIXON NETWORK NEUROSIS

(By the Honorable TORBERT H. MACDONALD)

Any of you who has covered the Congress, or even sat in the Visitors Gallery, knows the traditional question, "For what purpose does the gentleman rise?"

Today, I rise in support of a free press.

But you will not get from me quotes from Thomas Jefferson or an impassioned history of John Peter Zenger. I'm sure you could deliver those remarks from memory yourselves.

I have a more specific subject today, that segment of the free press called TV network news. This new journalistic giant seems to be the President's favorite lightning rod. To my knowledge, I believe that both bodies of the Congress have been remiss in not coming to the defense of this sometimes beleaguered medium. I feel it fitting and proper that the man who occupies the Chair of the House Communications Subcommittee should do so. My committee is charged with responsibility for the television and radio broadcasters of the nation, and I know that I speak for that committee when I pledge to you that so long as we occupy the position we do, there will always be defenders of the free press to check and balance any attempted government interference in electronic journalism.

I am not appearing here as an apologist for the television industry, for even though I approve so highly of the way TV news does its job, it doesn't mean that my approbation stretches over the whole spectrum of television programming. The medium's proclivity for exaggerated sex and violence is a source of concern to me, and I am certainly not alone in this feeling.

The title of my talk, as you saw in your publication, is "The Nixon Network Neurosis". I plead guilty to quoting myself; I used that phrase in a speech to the California Broadcasters last January, when the pattern of hostility and calculated intimidation toward the television networks was only a sketchy outline. By now, thanks to the revelations produced by a group of investigators who refused to give up, that outline has been fleshed out to a point where its significance and its ruthless purpose are obvious to all citizens of our country.

(In passing, I must point out that only a small portion of that dogged investigative reporting has been done by television, and I hope that things will improve on that score.)

Is "neurosis" too tough a word? Certainly I have no intention of playing amateur psychologist here. The dictionary defines neurosis as "any of various functional disorders of the mind or emotions, involving anxiety, phobia, or other behavioral symptoms." Well, we all know about anxiety from time to time, and we sympathize with it. But "phobia" is defined as "a persistent, abnormal, or illogical fear of a specific thing or situation". And here we have a shoe that fits.

The "thing" that Mr. Nixon and his associates seem to fear is an institution known as the television network, with its unprecedented and unparalleled ability to speak to millions of Americans every night. The "situation" that provokes their fear is precisely the situation that the TV networks have brought about: a lot of people getting a lot of truth.

Let's back up a bit here and look at the pattern of this Administration's neurosis.

The date of the Magruder memo to Haldeman is probably a good starting point. That was October 17, 1969, less than a year into Mr. Nixon's first term. You all know that memo, revealingly titled "The Shotgun versus the Rifle". It listed 21 specific instances where the President was annoyed at his press treatment, and it recommended how each one should be taken care of. Specific approaches to individual commentators and columnists are recommended—"counter Dan Rather", "demand equal time to counter John Chancellor", "contact Howard K. Smith", and so on.

It may surprise you to learn that I have no particular objection to this. Even when the operator says, "It's the White House calling", I would think that the network newsmen don't dissolve. They're experienced, they're professional, and they know the name of the game. There *are* twosides, at least, to every story; and if one side wants to press its case and be heard, that comes under the heading of normal adversary proceedings. There has always been an adversary relationship between government and the press, especially between Administrations and the media; and as far as I'm concerned, there always should be. But to go back to the dictionary and look at the word "adversary": it has two meanings—opponent, and enemy. An opponent is defined as "one that opposes another in a battle, contest, controversy, or debate". Fine. That's what sports and politics and business competition are all about. We all want to win, and we all like to give it our best shot.

But the other definition—"enemy"—means "one who manifests malice or hostility toward, or opposes the purposes or interests of, another". That gets to be something quite different. I'm afraid the evidence has piled up overwhelmingly to indicate that this Administration considers its adversaries enemies, not opponents. And that is evidence to me of an unhealthy atmosphere.

It's the kind of atmosphere that leads an over-eager man like Jeb Magruder to step over the line of adversary proceedings and suggest that mechanisms of government be brought into the game—parade the FCC power before them, shake them up with an antitrust suit through the Justice Department, go through their income tax returns, and "they" will come around.

Well, this Administration tried it all, and I for one am satisfied that they didn't bring "them" into line.

Take all the memorandums that have surfaced in the past few weeks and lay them aside—Magruder's ridiculous suggestions, Haldeman's instructions to him to "concentrate on NBC and give some real thought as to how to handle the problem they have created in their almost totally negative approach to everything the Administration does", Colson's self-serving and self-deluding report on how he left the three network presidents trembling with fear, and all the rest—and consider along with me a memorandum that hasn't surfaced, may never surface, in fact may not even exist.

Picture a meeting of those White House aides who are agitated about the treatment they imagine they're getting on the network news. All the pressure they've been hinting at hasn't produced the results they want. How then to bring the networks into line?

Well, one of them might have said, "Why not set up a White House office that will have some clout with the FCC and really get those boys shaped up? After all, that's where the pressure point is: if the FCC makes noises about those money machines those fellows operate in the major markets, those owned-and-operated stations, we're liable to see some different results. We can't say we're going to do that, of course, we'd have to fuzz it over with a high-sounding name and a mission that can't be attacked—but wouldn't it be helpful to us?"

Maybe such a meeting never took place, and maybe no eyes-only, confidential memos were exchanged—but I give you the following circumstantial chronology:

On February 29, 1970, three weeks after Haldeman told Magruder to concentrate on NBC, four months after Magruder's shotgun and rifle memo went up to Haldeman, three months after the Vice President's attack on the media, the Congress received a message from the President of the United States, transmitting Reorganization Plan Number One of 1970, proposing the establishment of the Office of Telecommunications Policy in the White House.

Sure enough, it did seem to fulfill a need. It would "help formulate policies and coordinate operations for the Federal Government's own vast communications systems". It would help "formulate government policies concerning a wide range of domestic and international telecommunications issues". It would help to "meet the security needs of the nation".

But then came the innocent-sounding sentence that started all the trouble: "The new Office would enable the executive branch to speak with a clearer voice and to act as a more effective partner in discussions of communications policy with both the Congress and the Federal Communications Commission."

Looking back on the events that have transpired since the OTP was established in 1970, this Chairman of the House Communications Subcommittee can testify to two things: one, there was never any discussion of communications policy with the Congress, and two, the new office certainly did enable the Executive Branch to speak with a harsher voice.

You all hear the voice, in varying degrees of volume, from the OTP's director, Clay Whitehead. It was raised to divide and conquer the public broadcasting system, it was heard on such topics as network re-runs and prime-time access, and it brought to our vocabulary those electrifying phrases "elitist gossip" and "ideological plugola". From those same friendly folks who brought you "nattering nabobs of negativism", and that marvelous word "inoperative".

The sound of Mr. Whitehead's voice brought forth a number of other voices, including my own. I fought him on public television, I fought him on meddling in the private contracts of broadcasters, I fought him on attempts to influence the FCC, and I fought him on his own peculiar version of broadcast station license renewal policies.

I don't like to say I beat him, but some combination of voices and circumstances brought him back to reality. He was a different, more conciliatory man when he appeared before our committee this year. He will be a different man when the fiscal 1974 budget goes into effect, for approximately half the amount of money he'd asked for from the Congress was granted. And last Friday we saw two Senators introduce a bill calling for the abolishment of the Office of Telecommunications Policy in its entirety. If such a bill should become law, the Nixon Administration may have learned one more lesson: the instruments of government are not to be used for political purposes.

I won't take up your time reciting the litany of how, where, and when the Administration mounted its attack on the press in general and the TV networks in particular. The activities of Whitehead and Haldeman and Buchanan and Colson and Magruder are common knowledge by now. Even the most reasonable member of the White House hierarchy made advances to television news directors, encouraging them to substitute hundreds of local judgments on national and international news for the networks. To me it was a very clear pattern.

Is there a missing master memo spelling out this coordinated plan of attack? I don't think it really matters, because the plan obviously existed in the minds of its planners. And I'm convinced that while they were trying to pull the teeth of all unfriendly press, or what they considered unfriendly—which I guess includes everyone who doesn't give total approval of everything they do—the White House group had their Public Enemy Number One, the television networks.

It's incredible to me how they never give up, facts notwithstanding. We see survey after survey, year after year, showing how more and more people get their news from the TV networks, and how they believe them more each year. Yet Mr. Buchanan can write, as he did in last week's New York Times, about "the massive decline in public confidence in America's communications cartels". It would seem that alliterations are more important to him than facts.

In that same article, Mr. Buchanan pulls out the so-called "evidence" that led Mr. Nixon to use the words "vicious, outrageous, distorted, frantic, hysterical pounding" in his press conference.

He says the networks ran 19 separate attacks on the President on the Monday after he fired Mr. Cox and lost two good men from the Justice Department, balanced by only two unvarnished defenses. The fact is that no official would appear to defend the incredible action, although each anchorman for the networks personally assured me that their production people invited and solicited some responsible spokesmen to appear.

Exhibit B of Mr. Buchanan's "evidence" suggests that the networks should set the firing of Archibald Cox in some sort of perspective. What can "perspective" do to the bald, unvarnished fact that the President of the United States broke his word to the Congress and fired the man he had pledged would have complete freedom to accomplish his mission? I'm not a journalist, but certainly there can be no doubt of the unique and compelling newsworthiness of that story.

Exhibit C takes to task one of the venerable enemies, NBC, for using certain questions and answers of Secretary Kissinger instead of others. To me, that's a professional news judgment, open to question as hundreds are on each newscast, but surely a judgment that belongs to professional newsmen and not to government flacks and sycophants.

Exhibit D refers to a "worshipful Walter Cronkite"—that old alliteration routine again. Mr. Cronkite didn't appear worshipful to me in that interview with Mr. Cox, but I can understand how he may have appeared that way to Mr. Buchanan.

Exhibit E complains about the CBS three-part story on Mr. Rebozo. All I can say is that the story interested me. We don't get too many hard facts about the President's closest friend.

And the final clincher in Mr. Buchanan's mind is the five-day coverage of Mr. Dean versus less of Haldeman, Ehrlichman, and Mitchell. The simple answer to that alleged anti-Administration decision by the networks is that Mr. Dean is the only one of the four to have been on the stand five days.

Is that all there is? Where are points G through Z? Is this weak group of exhibits enough to make the President lose his cool in front of nationwide TV coverage? Or did he have a master plan even for that? People thought I was too suspicious when I questioned the spontaneity of that blowup, but I have heard that a CBS producer heard the President say, "Cronkite's not going to like this tonight . . . I hope."

After this kind of a recital of what the Nixon Administration has tried to do to the TV networks, the question that begs to be answered is, "Did they succeed?"

The answer in my mind is loud and clear—hell, no.

I've taken testimony on the record from the heads of all three networks and of the Public Broadcasting Corporation, and I've talked on the phone during the past week with the anchormen for each of the three nightly network news programs. The only instance that could possibly be interpreted as a concession to Administration pressure was the decision five months ago on the part of CBS to do away with instant analysis of Presidential addresses on television. But as you all know, on Monday CBS rescinded that experiment, and we will now get the benefit of their thinking when the President again chooses to preempt our public airwaves.

In my mind, the most important assurance I got in my investigation of the TV networks' response to Mr. Nixon's threats and bluster was John Chancellor's flat-out statement, "Our product has not been altered in a single instance by the Presidential attack." Howard K. Smith said the same thing in different words, and Walter Cronkite repeated to me what he said on the air: no pressure of any kind ever reached his desk.

There's another element in this equation that must be added if the people are to have a real understanding of what's at stake here. It's not only the White House versus the networks versus the FCC. It's not threats and bluster that will lead to inhibition of network news. It's not speeches by the OTP that will threaten television station licenses, and it's not FCC raised eyebrows that will get broadcasters into line.

It's the Congress that makes the laws. It's the Congress that calls the FCC up to explain its decisions. It's the Congress that stands between the broadcaster and the heavy hand of government.

What are they all so worried about? If I have a single message to send to the bosses of all the television and radio newsmen in the country, network and stations alike, it's this: there's nothing the Executive Branch can do to or for you. Your job is to see to it that the news is reported accurately and fairly, by professional journalists, period.

And to the newsmen themselves, I say keep on calling it as you see it. No matter how much people in public life may dislike hearing the unpleasant things you have to report, we know in our hearts that they must be reported. And I, for one, will fight for your right to report them.

I'm not being so naive as to believe that the attacks from the White House will stop. I'm afraid that Mr. Nixon's network neurosis is too far advanced for that. I was particularly amused to read that Mr. Clawson at the White House says that the attacks are therapeutic for the President—I guess that means they make him feel good, and these days he can use a little of that. I'm glad they make somebody feel good.

What makes *me* feel good is my confidence in the integrity and the courage of the press. I think they know that their troubles go with the territory.

I'll close with a quote from one of those network newsmen who are not to be found on the invitation-to-dinner list at the White House, Bill Small of CBS. He said in a speech to the Radio-Television News Directors recently, "When a single reporter hesitates because his next sentence might offend a powerful source or a single broadcaster pauses to listen for the footsteps of government behind him, then free speech has already been seriously compromised."

I'm confident that it hasn't been seriously compromised yet, and I'm even confident that if you in the media stand fast, and are joined by us of the Congress, it never will.

Thank you.

TO THE LAST MAN

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. PATTEN. Mr. Speaker, last Sunday, November 11, the real Armistice Day in my heart, I attended an affair in my home city of Perth Amboy.

Many years ago a Last Man's Club of Post 87 was formed with 100 members. There are 12 World War I veterans still living from this wonderful club.

I thought others would enjoy a poem presented by Dr. Charles Calvin, of Edison, N.J. The poem follows:

TOAST

Are we keeping faith with those Comrades
Who sat in these empty chairs?
Can we say we are doing all we can
And not expect unbelieving stares?

Can we dare to believe we could meet these men
On the streets of tomorrow and say
We are leaving no single stone unturned
To guarantee our American Way?

I believe we can, and believe we will
In the future continue to give
Just a little bit more than we've given before
For the right of free men to live.

So let's drink to those gone before us
Who even as you and I
Had a share in the grand occupation
Of keeping Old Glory on high.

Somehow I cannot help thinking
That the boys who no longer are here
Are somewhere around on the side lines
All set to let go with a cheer.
We will keep the faith with these Comrades
And as men we will always be free
For Legionnaires are the rightful heirs
And guardians of Liberty.
"To the Last Man."

C.H.C., 1970.

NATIONAL FAMILY WEEK—1973

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. MYERS. Mr. Speaker, next week marks the second anniversary of the observance of National Family Week. Planned to coincide with Thanksgiving, that traditional time in America when families are rejoined to give thanks for the blessings which have come to us as individuals and as a nation, National Family Week has drawn support from every section of the country.

It has been 4 years now since Mr. Sam Wiley, highschool guidance counselor at Whiteland High School, first discussed with me his idea for a special observance honoring the family. We found we share a mutual feeling of respect for the family institution and a concern about its role in today's society. We worked together for 3 years building support for the idea and last November Congress approved my resolution establishing the observance and President Nixon declared the first National Family Week.

In the past 2 years at least 39 States have declared their support of National Family Week, including Indiana where Governor Otis Bowen issued a proclamation establishing Family Week in Indiana. More than 70 Members of Congress, more than for any previous special observance, joined as cosponsors of National Family Week. Organizations such as the American Legion, the Veterans of Foreign Wars, the Boy Scouts of America, the Jewish Right, Family Service Association of America and the General Federation of Women's Clubs have helped promote the nationwide observance.

Our goal is to restore the family to its rightful place in society by enlisting the millions of American parents and children in an effort to understand the significance of the family in the development of this Nation.

Our Nation's freedom was born in the families that formed the 13 colonies.

Our systems of justice, government, education, and worship are all grounded in the family.

Unity without uniformity, courage without recklessness, faith without blindness and hope without dependence are all products of the American family. We did not create them. We discovered and applied them.

In the American family lie the seeds of greatness. In the present tide of attacks upon the sanctity of the family and home lie the roots of our destruction.

If wars are ever to become past history and peace the light of day, the families of this Nation will have seen to it. If poverty is truly abolished, it will be because families cared about others. If illiteracy finally is banished, it will be by families who fear ignorance. If harmony is to return to our land, it will come only because families have practiced tolerance, patience, understanding, and affection to their own and to others. If prosperity is ever to be a natural part of our daily living, it will emerge first from homes where the spirit flourishes and where materialism is of second importance.

National Family Week is a positive response to those who have rendered the verdict that the family is no longer of any value; has no purpose; and is useless in today's society.

The President's proclamation said it well:

> No institution can ever take the family's place in giving meaning to human life and a stable structure to society; indeed, as a wise philosopher observed thousands of years ago, "the root of the state is in the family." The pressures of our modern age make this a time of challenge for families in America, but every community has its inspiring examples of families which have risen to the demand and made the time of challenge a time of glory.

We have no illusions that the promotion of National Family Week each year will in itself strengthen the family institution. It does serve as a focal point which we hope will lead to sustained action on the part of Americans throughout the year.

I urge you to join with us next week in honoring the American family.

THE 110TH ANNIVERSARY OF LINCOLN'S GETTYSBURG ADDRESS

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. KEMP. Mr. Speaker, I would like to bring to the attention of my colleagues the announcement of a public reading of President Abraham Lincoln's "Gettysburg Address" on the 110th anniversary of its delivery:

PUBLIC READING OF LINCOLN'S "GETTYSBURG ADDRESS"

Chaplain P. G. Cook Camp No. 223, Sons of Union Veterans of the Civil War, and Co. D 100th Eagle Regt. N.Y. Vol. Inf. cordially invites you to A Public Reading of President Abraham Lincoln's "Gettysburg Address" on the 110th Anniversary of its first delivery November 19, 1863, dedicating Gettysburg Battlefield as a National Cemetery to the Civil War Soldiers slain in the battle of Gettysburg—Monday Morning, November 19, 1973, 10:30 A.M.—By Lincoln's Statue, Buffalo & Erie Co. Historical Society Museum, 25 Nottingham Court—Buffalo, N.Y., and 12:00 Noon—By World's Largest Granite Monument

to a Speech, Elmlawn Cemetery, Delaware Ave. at Brighton Rd.—Town of Tonawanda, N.Y.

IMPEACHMENT TIME: NOW—IT'S UP TO CONGRESS

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. DRINAN. Mr. Speaker, I attach herewith a significant article written by the distinguished historian and author Mrs. Barbara Tuchman.

This article entitled "Impeachment Time: Now—It's Up to Congress" is reprinted from the Boston Sunday Globe of November 4, 1973.

Mrs. Tuchman is the author of several books including "The Guns of August." Her characteristically perceptive style is reflected in the following article on impeachment:

IMPEACHMENT TIME: NOW—IT'S UP TO CONGRESS

(By Barbara Tuchman)

"Those who expect to reap the blessings of freedom," wrote Tom Paine, "must undergo like men the fatigue of supporting it."

In the affairs of a nation founded on the premise that its citizens possess certain "inalienable" rights, there comes a time when those rights must be defended against creeping authoritarianism. Liberty and authority exist in eternal stress like the seashore and the sea. Executive authority is forever hungry; it is its nature to expand and usurp.

To protect against that tendency, which is as old as history, the framers of our Constitution established three co-equal branches of government. In October 1973, we have come to the hour when that arrangement must be called upon to perform its function. Unless the Executive is brought into balance, the other two branches will dwindle into useless appendages. The judiciary has done its part; by defying it the President brought on the crisis. The fact that he reversed himself does not alter the fact that he tried, just as the fact that he reneged on the domestic surveillance plan of 1970—a fundamental invasion of the Bill of Rights—does not cancel the fact that he earlier authorized it, nor does withdrawing from Cambodia cancel the fact of lying to the public about American intervention.

The cause for impeachment remains, because President Nixon cannot change—and the American people cannot afford—the habit of illegality and abuse of executive power which has been normal to him. Responsibility for the outcome now rests upon the House of Representatives which the framers entrusted with the duty of initiating the corrective process. If it does not bring the abuse of executive power to account, it will have laid a precedent of acquiesence—what the lawyers call constructive condonement—that will end by destroying the political system whose two hundredth birthday we are about to celebrate.

No group ever faced a more difficult task at a more delicate moment. We are in the midst of international crisis; we have no Vice President; his nominated successor is suddenly seen, in the shadow of an empty presidency, as hardly qualified to move up; the administration is beleaguered by scandal and criminal charges; public confidence is at low tide; partisan politics for 1976 are in everyone's mind; and the impeachment process is feared as likely to be long and divisive and possibly paralyzing. Under the circumstances, hesitancy and ambivalence are natural.

Yet the House must not evade the issue, for now as never before it is the hinge of our political fate. The combined forces of Congress and the judiciary are needed to curb the Executive because the Executive has the advantage of controlling all the agencies of government—including the military. The last should not be an unthinkable thought. The habit of authoritarianism, which the President has found so suitable, will slowly but surely draw a ruler, if cornered, to final dependence on the Army. That instinct already moved Mr. Nixon to call out the FBI to impound the evidence.

I do not believe the dangers and difficulties of the situation should keep Congress from the test. Certainly the situation in the Middle East is full of perils, including some probably unforeseen. But I doubt if the Russians would seize the opportunity to jump us, should we become embroiled in impeachment. Not that I have much faith in nations learning from history; what they do learn is the lesson of the last war. To a would-be aggressor, the lesson of both world wars is not to count on the theory held by the Germans and Japanese that the United States, as a great lumbering mush-minded degenerate democracy, would be unable to mobilize itself in time to prevent their victory. I am sure this lesson is studiously taught in Russian General Staff courses.

Nor should we be paralyzed by fear of exacerbating divisions within this country. We are divided anyway and always have been as any independently minded people should be. Talk of unity is a pious fraud and a politician's cliche. No people worth its salt is politically united. A nation in consensus is a nation ready for the grave.

Moreover, I think we can forego a long and malignant trial by the Senate. Once the House votes to impeach, that will be enough. Mr. Nixon, I believe, will resign rather than face an investigation and trial that he cannot stop. If the House can accomplish this, it will have vindicated the trust of the founders and made plain to every potential President that there are limits he may not exceed.

JAMES LANIER RECEIVES AWARD

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. JONES of Tennessee. Mr. Speaker, recently, Tennessee State Representative James Lanier from Crockett and Dyer counties, Tenn., was presented an award resulting from his sponsorship of the "Local Property Stabilization Act of 1973." Passage of this act provides for the greatest financial assistance legislation for a single year ever provided to local government by the State of Tennessee.

Jim Lanier was honored with this award by the Tennessee County Services Association for his assistance toward relief of local property taxes.

A framed certificate was presented to Representative Lanier by Maury County Judge John Stanton for his understanding, dedication, and devotion to local government in the State of Tennessee.

In 1973, the State returned to local governments, a portion of State moneys to be used for roads, streets, and welfare totaling over $23,000,000. In my view, this is a step in the right direction for allocation of State funds into the hands of local authorities to be used for local projects.

Jim Lanier is a conscientious and hardworking legislator and it is indeed a pleasure to know and work with this fine representative in Tennessee State government.

FISCAL RESPONSIBILITY—NOW!

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. ANNUNZIO. Mr. Speaker, the current effort in Congress to increase the debt ceiling is the fifth time in the last 2 years we have been asked by the administration to permit a greater level of public debt. A year and half ago, the debt limit stood at $430 billion; we were asked this fall to raise that ceiling to $480 billion. In June of 1972, our public debt stood at about $428 billion. After a year and a half of economic prosperity, we are now in hock to the tune of $463 billion. There is no end in sight to this escalation of public indebtedness.

What is going on here? Should the Congress not abide by the same standards of financial responsibility which it expects of its citizens? Is the credibility of our Federal Government at stake?

To these two questions, I say "Yes." The Government should be expected to be financially responsible. It is time that we in Government recognize these facts and that we take to heart their importance. We must devote ourselves to finding and implementing measures which will assure that fiscal responsibility will once again be a national hallmark. It is time that we restored the public's trust in its Government.

Fiscal responsibility can be established or destroyed, recaptured or further banished from our public ethic, by two institutions: The President and the Congress. To this point in time, both institutions have contributed to our budgetary quagmire. However, it is too late for charges of fault. We must take positive steps to correct current inadequacies. We in Congress have a heavy responsibility to bear in our authority to approve the spending of public funds. In order to exercise this authority with integrity and a real sensitivity to national needs, we need to consider more adequately the overall impacts of each of our financial moves. We need to have a more complete vision of where we are, and where we are going. We must be seriously willing to recognize that we simply can no longer afford to do whatever we want in the way of spending. And we must be willing to compromise the desires of special groups or constituencies when the national interest will be more beneficially served through such denial.

I believe that Congress has begun to take steps in these directions. Many bills and resolutions calling for reform of the budget process have been introduced during this session of Congress. Much committee time has been spent in trying to fashion a measure which will assure that Congress maintains a perspective on overall budget conditions while working on individual budget matters. These proposals are long overdue. It is my hope that we will redouble our efforts in the next month to adopt some effective reforms so that we may begin next year with an effective system of budget control. My support and best efforts shall certainly go toward gaining approval of the best possible budget control program.

I would be falsely optimistic if I were to expect that changes in the budget process will come easily. Almost as quickly as reform proposals have emerged this year, opposition has crystallized to the proposals. I say to my fellow Congressmen, "We can no longer afford to deny reform out of petty political preferences. We are beyond the point of necessary change." I believe that we, and the country, will be better off if we in Congress determine that we will work together to make the best possible changes, and that we will commit ourselves to making these changes work.

The public has a right to expect a government which will go into debt only when absolutely necessary, and which will repay its debts during periods of national prosperity. To this end, I say, "Fiscal Responsibility—Now."

BOLLING-ANACOSTIA PROVISIONS IN CONFERENCE REPORT DISAPPOINTING

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. FAUNTROY. Mr. Speaker, I want to just offer a few comments on the conference report on S. 2048, the military construction authorization bill. I am very disappointed that section 609 was retained by the conferees. That section operates to permit the construction of military facilities at the Bolling-Anacostia Complex contrary to the decision of the National Capital Planning Commission and contrary to the National Environmental Policy Act. Additionally, the new date inserted by the House allows the Department of Defense to retain the ban on a land transfer in excess of the original 1975 date which was imposed by Public Law 89–188, as amended.

The District of Columbia is in desperate need of an engine of economic growth and development in the Anacostia section. Had the conferees sought to respect the agreement made at the May 31, 1973 meeting of the National Capital Planning Commission, both the city and the military would have had adequate resources for their essential needs. The military could have constructed what it needed and the city could have provided jobs, housing, and community facilities. Except for the fact that the conferees have adopted some impliedly prohibitive language, the military could now move to construct facilities which will prove detrimental to the economic well-being of the Nation's Capital if it had funds.

Additionally, let me point out the fact that while Congress can amend any decision of the National Capital Planning Commission, the recommendations ought to come to the floor from a committee which has jurisdiction—in this case, the District Committee. This action is unprecedented and if it should become a precedent, it will result in a "mishmash" of Government sponsored construction projects done without reference to any kind of plan. One of the reasons that Americans love to visit in Washington, D.C., is to observe the generally thoughtfully laid out city and its monuments. These exist because the residents and the Nation's representatives have tried to assure that each project is adequately served with roads, water, schools, employment, housing, and public transportation. To disrupt the planning process—however faulty it is at times—is to destroy the hope that this city can be maintained as the "city beautiful."

Finally, let me just comment on one other facet of the report. There is a suit against the Department of Defense to prevent the Navy from proceeding to construct certain facilities because of the failure to file a proper environmental impact statement. I am not certain what effect this legislation has upon this or other similarly situated suits; but, I can assure you that it represents an unwarranted intrusion into the judicial process. I am sure that the Members did not intend it to be that way. Yet, I cannot conceive that the parties will ignore the actions taken. I had hoped that the committee would have at least left the matter in the same position—perhaps with just an extension of time—until the suits were resolved.

Fortunately, the conferees did agree in their report to hold hearings early next year. I hope that these will commence in January and that, in the meantime, the department attempt to take no action which would be contrary to the expressions of the conferees.

I appreciate the thoughtfulness of the distinguished gentleman from New York for obtaining the general leave by which I have made these comments.

A RESOLUTION TO COMMEND THE PRESIDENT ON THE CEASE-FIRE AGREEMENT IN THE MIDDLE EAST

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. BAKER. Mr. Speaker, there have been many of us in this chamber during the past few months who have been quite critical of the President's actions on the domestic scene. Though I have been disappointed about the turn of events in some instances, I feel that many of our questions will soon be answered.

And again, many of us have supported the President's foreign policy actions. The new détente with Russia and China have already provided us with real dividends in the current crisis in the Middle East. For this the President certainly deserves credit.

Therefore, Mr. Speaker, today I am introducing a resolution for myself and many of my colleagues which commends the President for his efforts toward obtaining a cease-fire in the Arab-Israeli conflict. In this specific instance I am particularly pleased about the reaction I have obtained from my colleagues. I invite more of my colleagues to join with me in sponsoring this resolution. The text of the resolution follows:

> *Resolved*, That the House of Representatives hereby commends the President of the United States for his successful efforts toward the stabilization of the ceasefire agreement in the Middle East, especially his efforts through the United Nations to create the atmosphere in which the negotiations could take place and his dialogue with the Union of Soviet Socialist Republics to seek to reduce tensions, all of which have produced conditions which can lead to the achievement of a just and lasting peace in the Middle East.

TRIBUTE TO BILL HUNT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. ANDERSON of California. Mr. Speaker, Robert Whittinton, in describing the nature of Sir Thomas More, said:

> More is a man of angel's wit and singular learning: I know not his fellow. For where is the man of that gentleness, lowliness, and affability? And as time requireth, a man of marvelous mirth and pastimes; and sometimes of as sad a gravity; a man for all seasons.

That description of a man, who was later canonized by Pope Pius XI, could apply to very few individuals, as few individuals can combine intellect, wit, and genuine compassion, and humility.

Mr. Speaker, throughout my years, I have been very fortunate to meet and know many admirable and great people—people who are supremely intelligent; people with a keen wit; with a sincere love and empathy for their fellow human beings; and people who are humble despite their public acclaim. But none have exceeded my friend, Bill Hunt, in combining these attributes; none have been able to unite these ingredients as has Bill Hunt.

A newspaperman for practically his entire life, he began delivering papers for the Santa Monica Outlook when he was 10. Later, at age 19, he was the circulation manager for the Venice Evening Outlook; and then, in succession, he worked for the San Mateo Times, the San Francisco Call-Bulletin, and the Hanford Journal.

During the depression years, Bill Hunt worked for newspapers ranging from Santa Ana, Calif., to Fairbanks, Calif., with stops in Texas, Oregon, and Washington in between.

THE GARDENA VALLEY NEWS

After returning to California around the mid-century, Bill joined the Gardena Valley News where he has been ever since.

As publisher of this outstanding newspaper, Bill Hunt has been the leader of many fights to correct inequities and eliminate injustice. Perhaps the best known of these crusades for which he gained national prominence was his battle to keep narcotics and drugs out of the hands of children.

Recognized as a leader and expert on drug problems, Mr. Hunt became the first chairman of the Los Angeles County Narcotics and Dangerous Drugs Commission. And he served on several White House conferences called by the President of the United States to help solve this problem.

OPERATION HUMANITY

In addition, Bill established "Operation Humanity" in order to eliminate the jurisdictional boundaries that prevented ambulances from taking seriously injured persons to the closest hospital.

Always available to help a person in need, Bill Hunt's office in the Gardena Valley News could well be termed the "Chaplain's Office," because it is always open to those who need a friend.

Of course, Bill Hunt has been blessed with a steady and consistent partner in life who has given him support and inspiration throughout his career. He and his lovely and gracious wife Martha were married in 1933 and they are the proud parents of Bill, Jr.

A member of St. Anthony of Padua Catholic Church in Gardena, Bill Hunt has been active in civic and social affairs, as well as a crusading and vigilant newspaper publisher and humanitarian.

On November 29, Bill will receive another signal honor as the recipient of the Outstanding Citizen of the Year Award selected by the Gardena Outstanding Citizen's Committee.

Mr. Speaker, it is indeed a privilege to honor and pay tribute to my friend, Bill Hunt, and to join with his many friends in saluting him for his host of outstanding contributions to our society.

Bill Hunt is, indeed, a man for all seasons.

BRYANT COMMUNITY ELEMENTARY SCHOOL

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. ESCH. Mr. Speaker, too often in the crush of national events and the current atmosphere of crisis we fail to notice the contributions of individuals whose dedication to moral values and idealism have made America a great country. The American creed has had an immense effect upon American life and nowhere is that effect more evident than in the Nation's school system.

I know a man in Ann Arbor, Mich., who has been a friend to thousands of schoolchildren—my own included—who cares a great deal about the public good. For his dedication, Ann Arbor has saluted Clifford Bryant by naming its newest elementary school in his honor. The new school is the first among Ann Arbor's public school buildings to be named in honor of a former custodian.

The Bryant Community Elementary School boasts all the latest equipment for use in the "open plan" concept. Carpeting and a special ceiling keep the noise level down. The $1.7 million facility includes classes separated by brightly colored partial partitions rather than permanent walls, a theater stage, amphitheater, and play space in the kindergarten area.

It is indeed fitting that this wonderful facility carries the name of a man so highly respected by his fellow citizens. Clifford Bryant grew up in Perry, Kans. and was born in Nowata, Okla. After World War II he came to Ann Arbor and served as custodian for the old Ann Arbor High School from 1946 to 1956 and at Pioneer High School from 1956 to 1960.

He served at Dicken Elementary School from 1960 until 1971 when it was my honor to take part in the ceremonies marking his retirement. Now Clifford Bryant can dedicate more time to his gardening hobby and the pleasures of being a grandfather.

Mr. Speaker, there is no greater tribute for a citizen than to have the respect of his community. Clifford Bryant is respected and loved by those who have been enriched by the gift of his friendship.

I. W. ABEL WARNS THE AMERICAN PEOPLE

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. GAYDOS. Mr. Speaker, the news media has made much in recent days of the "uniqueness" of a situation in which U.S. Steelworkers President I. W. Abel appeared with a message addressed to the American people in advertisements of United States Steel Corp. in six nationally circulated magazines.

The ad, the media points out, is a "first"—in the words of the Pittsburgh Post Gazette:

> It is believed the first time in the history of the American labor movement that the president of a major international union has appeared in a corporate ad for a big company.

Be this as it may, the Abel message, in my estimation, is far more important to the people of this Nation than any innovation in the advertising business or the published evidence, fine as it may be, of a new spirit of union and management cooperation.

Mr. Abel is concerned over lagging productivity in this country and, in the advertisement, calls upon every one of us to do what we can to improve it. He says:

> Nothing less is at stake than our jobs, the prices we pay, the very quality of our lives.

He points out that, between 1960 and 1972, the annual average productivity rise in the United States was 3.1 percent while that of a number of foreign countries was double or more. He also cites the fact that 18 percent of the steel used here last year was made abroad at a high cost in American jobs and lowered living standards.

"What happened?" he asks and then answers the question himself in this way:

> Things have been so good for so long that we've become wasteful and inefficient. So wasteful that, incredibly enough, many firms nowadays actually expect to scrap 20 percent of what they produce!
>
> Let me be blunt: I believe we are standing at a pivotal point in our history. If we adopt a don't-give-a-damn attitude, we risk becoming a second-class economic power.

What can be done? Mr. Abel wants the efficiency of each worker stepped up by the cutting down on excessive absenteeism, tardiness, turnover, and overtime. He says the morale of the workers must be improved too by more effective work incentives—"and really listening to the man at the work-bench." All the brains in our economy, he stresses, are not in the executive suites.

I quote further from Mr. Abel's prescription:

> By improving our technology and really using the technology we already possess. Let's put our brainpower to work to create more efficient manufacturing processes and better equipment. But then let's use them.

Important steps are being taken in other ways, Mr. Abel points out, and the public, I know, is well aware of one of them—the new "no-strike" contract which his union signed with the major steel producers. Also, the joint advisory committees on productivity, which the union and industry have set up at each plant, can contribute mightily toward solving the problem.

Mr. Abel ends his advertised message in this way:

> Like Oliver Twist, labor has always sought "more"—more wages and benefits. But labor also knows that to obtain more, we must produce more. Together we face a great challenge. Together, I am certain we will succeed.

I might add to this that I, too, am certain that, in due time, our workmen and industries will resolve this matter and get our country out front again in productivity so it can resume its historic role as the world's most progressive manufacturer. And the solution will come, because we do have men of vision like Mr. Abel and corporations of concern such as United States Steel that realize the problem is a common one demanding united action.

Mr. Abel's appearance in a United States Steel Corp. advertisement not only constitutes a "first." It shows the kind of new thinking we badly need in all sections of American business and industry.

XUM

COMMUNITY OF FROSTBURG, MD., RALLIES TO HELP FIRE VICTIMS

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. HOGAN. Mr. Speaker, at 5:30 p.m. on Saturday, January 13, 1973, a fire erupted in the business district of Frostburg, Maryland. Despite a valiant effort by area volunteer firemen, five businesses and four apartments were completely gutted.

The fire left the four families who occupied the apartments homeless. Trying to alleviate the plight of these victims, the local radio station WFRB broadcasted an appeal for funds to help replace the families' losses.

Within 3 hours of the first broadcast over $3,000 had been pledged. By 5:15 p.m. the listeners had pledged $6,900. By sign-off time, 11 p.m., the total amount of money pledged by the WFRB listeners for the fire victims was an amazing $11,570. On January 22, 1973, at ceremonies at the Frostburg National Bank, over $16,000 in cash was presented to the families.

I want to take this opportunity, Mr. Speaker, to congratulate the community of Frostburg for its humanitarian efforts on behalf of these families who lost their personal fortunes in that damaging and destructive fire. It is heartening to know that in this day and age the communal spirit of helping one's neighbor has not been extinguished. The empathy shown by the listeners of WFRB, exemplifies the true spirit of generosity this Nation has been noted for.

In closing, Mr. Speaker, I cite a passage written by a newspaper reporter who was covering the incident, "The human kindness well can never be empty."

I enclose for the RECORD an article written by The Evening Sun on this incident:

HUMAN KINDNESS WELL CAN NEVER BE EMPTY

(By John Schulian)

FROSTBURG, MD.—The burned-out buildings on Main street keep reminding Carl Loughry of the happy story he wishes he had never had a chance to tell.

It took the fire that left four families homeless Saturday to prove that people still care about each other, the stocky, bespectacled radio station owner was saying yesterday.

That's the sad thing about the $15,000 he hopes to divide among the fire victims Monday.

TOO BUSY PEOPLE

"People used to be a lot more neighborly than they are now," Mr. Loughry said. "Even in a small town like this (population 7,500), they're too busy running and doing all the time to be much bothered with each other.

"But when they saw the trouble these folks were in, they did respond. I have to think that makes them the greatest people in the world."

Mr. Loughry put out the call for help Monday between the generous helpings of Merle Haggard and Waylon Jennings that come from his countrified station, WFRB.

FIRST TO KICK IN $100

"I said I was kicking in with the first $100," he recalled, "and it wasn't five minutes before a man walked through the door and said he'd give $100."

Mr. Loughry had almost $10,000 in hand by yesterday afternoon. It was far more than Mrs. Mabel McKenzie Fisher or the Gilbert Hostetlers or the Raymond Shumakes or the Michael Shumakes ever thought possible.

"All I could think about during the fire was that I had nothing to show for 20 years' work," said Gilbert Hostetler, who lost his bakery as well as the home he and his wife had made over it.

"A lot of people we don't even know are giving money," said Mike Shumake, who grew up in one of the apartments the fire ravaged and was living with his wife and 2-year-old daughter in another of the unfortunate ones.

The good neighbors have been big companies, such as the Kelly-Springfield Tire Company, of Cumberland, which contributed $200 from its emergency fund, and little people, such as Mrs. E. Oldeker, of Wiley Ford, W. Va., who sent the last $5 from her January Social Security check.

Two of the littlest people to send the fire victims money were Sue and Jeanette Watkins, of Eckhart, Md., who sent this neatly printed note along with their $2:

"This is part of our allowance. We want to give it to the people burned out in the fire. We are 7 and 9 years old."

FIRES IN THE FARMS

That means the Watkins sisters probably aren't old enough to remember what used to happen when the farms scattered among the tree-covered hills around Frostburg lost their barns to fire.

"Folks would get together and we'd have an old-fashioned barn-raising," said Ralph M. Race, the president of the Fidelity bank and a farmer who has been to more than one barn-raising. "That's what this gathering money for the fire victims is like."

Even with the apparent decline in neighborliness, people suffering hard times aren't forgotten in this Allegany county town. Everyone's favorite example is a high-school boy named Eddie Eichhorn who underwent a kidney transplant a few years back with money raised by a waitress and a housewife.

FIVE STORES SHUT

Though the families put out on the street by the fire have gained the most attention, the five stores that they lived above and that now stand shuttered tight aren't going to be forgotten either.

Mr. Loughry has promised the store owners a free remote broadcast and 200 free advertising spots apiece once they reopen their doors.

There is a very legitimate question about how soon they will be able to do that, said John C. Durst, the town fire chief, who estimated the damage to them "in excess of $100,000."

GRIM REMINDER

So Wehler's Paint Store and the Kiddie Town toy shop and Super Shoes and Hobing Men's Store and the Frostburg Bakery stand as a grim reminder of the fire that took 180 men, 20 pieces of equipment and 5 hours to control.

"Oh, Gil, it's so hard to watch them taking the debris down," Martha Hostetler told her husband as she looked out the window of the two-room apartment they have taken temporarily.

It is directly across from the bakery they ran. Mr. Hostetler, looking gray and tired, admitted that he isn't sure he wants to face the job of bringing it back to life.

FACING THE FUTURE

The good neighbors' contributions may make him feel more like facing the future. At least he and his wife will be at the Frostburg National Bank to accept them.

Most of the fire victims don't really know what they are going to do with whatever money they get. The Hostetlers, for instance, have already been given furniture, and one day after the fire, Mrs. Fisher, the retired manager of Super Shoes, had a closet full of friends' clothes.

The Michael Shumakes are an exception. "We've always wanted a trailer," Mike's wife Carolyn said. "I guess we'll just use the money for a down payment on one."

CHRISTMASTIME CONSERVATION

HON. MORGAN F. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. MURPHY of Illinois. Mr. Speaker, while we in Congress are grappling with the many problems of energy conservation and searching for ways to adequately conserve our resources, the holiday season in fast approaching with all its glitter of lights and displays greeting us at each shopping center and street corner.

It has long been a tradition to decorate our homes with lights and pageantry as we join in the Christmas spirit. This year, however, each citizen is being asked to make sacrifices in whatever way possible to make energy conservation programs successful. One Chicagoan has come up with an idea which I would like to share with my colleagues. It is a worthwhile suggestion and one which deserves our attention. The text of the letter follows:

CHICAGO, ILL.

Representative MORGAN F. MURPHY,
Longworth House Office Building, Washington, D.C.

DEAR SIR: For more years than I care to remember it has been the custom, in Chicago, to decorate the outside of a private home and a good portion of the landscape with electric lights during the Christmas Season. This originated in the Beverly Hills area and during the years has spread to less affluent neighborhoods. At the present time, at least in my immediate vicinity, there is a nightly display for a three or four week period.

Down through the centuries, man has tried to appease, honor, and offer thanks to his particular gods in many strange ways. Celebrating the birth of Jesus Christ in a lowly stable by entering into a contest with your next door neighbor or the fellow across the street to outdo him in total lights and illuminated plastic figures must belong in this strange category.

I believe that it is the patriotic duty of every American homeowner to forego these garish displays during the current Energy Crisis. If he can find it in his heart to use the substantial amount of money saved to bring joy to the hearts of poor children with gifts of food and toys, or to donate this money to his favorite charity, they will truly commemorate the birth of the Infant Jesus.

I bring this to your attention because I do not know if this outside lighting is a nation-wide custom. In any event, a man in your position can give my idea wider publicity.

Our Lord, Jesus Christ, is a God of infinite understanding, compassion and generosity and He is never outdone by man. I am certain that anyone who brightens the heart of a child instead of the outside of his home will have a better Christmas than ever before.

Thank you,

WALTER E. SCHMITZ.

KENT STATE: TOWARD JUSTICE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. RANGEL. Mr. Speaker, the struggle to achieve some form of justice in the Kent State killings has now reached its crisis stage: its point of no return.

Those of us who have consistently called for a Federal grand jury investigation into the shooting of 13 Kent students have had to go up against and put up with those who would stifle and squelch such a search for the truth—John Mitchell and Richard Kleindienst and behind them, Richard Nixon.

Our hopes rose last August, however, when Attorney General Elliot Richardson announced the reopening of the Justice Department investigation into Kent. The convening of a Federal grand jury seemed imminent.

But now, it is possible that the potential for Kent State justice lies ruined in the rubble of the Saturday night massacre, when Mr. Richardson found that he could no longer serve under President Nixon. If we sit back complacently, Richardson's resignation and WILLIAM SAXBE's nomination might also have been the surrendering of a commitment to a Kent State investigation.

If the nomination of a former Ohio National Guardsman, Senator SAXBE, is confirmed, it must come only after he has given his solemn promise to pursue a Federal investigation of the Kent State killings. We have fought too hard and come too far to let anyone or anything disrupt the progress that has been made. I fervently hope that the Senators who sit in judgment of Senator SAXBE's nomination will seek that promise. We owe the victims of Kent State that much.

I respectfully submit into the RECORD a New York Times editorial of November 15, entitled "Saxbe and Kent State" for the attention of my colleagues.

SAXBE AND KENT STATE

The still-tentative promise by Assistant Attorney General J. Stanley Pottinger that the Justice Department may convene a Federal grand jury to hear evidence on the 1970 tragedy at Kent State University should swiftly be turned into a full commitment. The killing of four students and wounding of nine others by gunfire of Ohio National Guardsmen must not remain unfinished legal business.

Even though the Federal Bureau of Investigation raised serious questions about the Guard's action and John N. Mitchell, then the Attorney General, declared in 1971 that he found the gunfire "unnecessary, unwarranted and inexcusable," the Justice Department at that time decided inexplicably against further Federal investigation. The exoneration of the Guard was thus left to the same Ohio grand jury that indicted twenty-five of the demonstrators.

It was not until June, when Elliot Richardson, then the Attorney General, ordered the Justice Department to take "a fresh look" at the Kent State case that hope was revived in the Government's interest to get at the truth. What makes Mr. Pottinger's latest statement about plans to convene a Federal grand jury particularly pertinent now is that William B. Saxbe, Senator from Ohio and President Nixon's nominee to succeed Mr. Richardson as Attorney General, is reported to have expressed doubts about re-opening the investigation.

As a former colonel in the Ohio National Guard, it is especially incumbent on Mr. Saxbe not only to give full support to the convening of a Federal grand jury but to pledge that he would in no way interfere with the investigation. Indeed, a full statement by Mr. Saxbe on the matter ought to be considered an important element in the confirmation hearings. Beyond the tragic issue of Kent State itself, the case remains a test of the Justice Department's determination to make a clean break with a past of politics, accommodations, cover-ups and potential conflicts of interest.

THE IMPACT OF STRIKING THE HOLD-HARMLESS ON SSI

HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Ms. CHISHOLM. Mr. Speaker, I have asked permission to insert this Extension of Remarks today because I am deeply disturbed at the action of the House in voting 246 to 163 in favor of the Griffiths amendment to strike the hold-harmless provision of H.R. 11333.

On many occasions Representative GRIFFITHS and I have been in agreement, as I hope and expect to be in the future, but in this instance I just cannot concur with the gentlewoman from Michigan.

In his speech before the Chamber yesterday, Congressman ULLMAN noted that the cost of living has skyrocketed out of sight in the last few months. While this means a hardship for all of our citizens, for our elderly it is catastrophic. As the rest of us worry if we will be able to have turkey for Thanksgiving because of the shortage of birds, our elderly are being reduced to eating dog food.

In the months of July, August, and September, the seasonally adjusted cost-of-living index for food rose 28.8 percent. That increase affects all our elderly, including those residing in the 10 States which were protected by the hold-harmless. But the effect of the vote this afternoon will be to deny these recipients the extra income they need to get through these hard times.

In spite of protests to the contrary the 10 States affected by this amendment are not so well-to-do that they can come up with the $40 million and $70 million it will cost States such as New York and California to cover the loss of Federal funds. The alternative is to deny the anticipated social security increase to residents of those States.

Now I recognize that many in this Chamber will retort that the recipients in New York, California, Hawaii, Massachusetts, Michigan, Nevada, New Jersey, Pennsylvania, Wisconsin, and Rhode Island do not need the increase as badly as those in the rest of the Nation. Thankfully the elderly in my home State of New York do receive a larger income than those of the same age in Mississippi, but this by no means can be equated with living in the lap of luxury. Our elderly are still poor, they are hardly less poor than their counterparts in some of our other States.

It should also be noted that although the hold-harmless was designed to protect only 10 States, they happen to be some of our most densely populated. About one-third of the 30 million beneficiaries of the social security system reside in the States which have lost revenues through this amendment.

The move to strike the hold-harmless is disturbing for another reason. I believe that it will have an adverse impact on the willingness of the States to put up their own money to supplement social security benefits in the future. For what we have done this afternoon is to say to the States "do not try to improve social services and social welfare programs in your States. If you do we shall penalize rather than reward you for your efforts." That is the antithesis of what we have alleged to be the policy of both the Congress and the administration, but actions speak louder than words and the message to the States has been very clear this afternoon.

KNOW YOUR TOWN

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mrs. GRASSO. Mr. Speaker, the League of Women Voters in the towns of Suffield and Torrington have performed a great service to the community through their publication of the "Know Your Town" booklets.

Counterparts exist in other Connecticut communities where there are League of Women Voters chapters. These publications have been compiled by the league to acquaint the residents of their towns with the structure of their government, and the available community services and facilities.

Included in the publication is information about the history of the town, governmental organization, public protection, municipal services and health, educational, and recreational facilities. Also, part of the booklet focuses on the resident as a citizen and voter in the community. In the booklet, there is information on parties, registration, and voting qualification, absentee voting, the "who, when, and where" of elections, and voting machine procedure.

The need for such a publication as a reference for the residents of a community is clear, and the towns of Torrington and Suffield are fortunate in having chapter members of the League of Women Voters who have used their time and talent in composing "Know Your Town" booklets.

The League of Women Voters has traditionally been a strong force in fostering political responsibility and informed participation of citizens in their community. The Torrington and Suffield chapters carry on this excellent tradition by publishing these booklets. They are truly valuable tools which inform residents of the resources in their community, and help citizens develop political awareness and a sense of responsibility toward the community.

COMPLIANCE WITH EQUAL OPPORTUNITY PROVISIONS OF THE NEW VOCATIONAL REHABILITATION LAW

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. VANIK. Mr. Speaker, H.R. 8070, a bill to "authorize grants for vocational rehabilitation services and for other purposes" has passed both Houses and subsequently been approved by conference. Enacted on September 26 as Public Law 93–112, the law was the result of several years of hard work by the Select Committee on Education and its distinguished chairman from Indiana (Mr. BRADEMAS).

Included in title V of the new law are several sections relating to the employment of the handicapped and the participation of the handicapped in Federal programs.

Section 501 describes the action to be taken by Federal agencies to ensure nondiscriminatory, fair consideration of employment for the handicapped. Section 503 requires an "affirmative action" in the employment of the handicapped by all Government contractors. Section 504 requires that "no otherwise qualified handicapped individual" shall "solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

As a supporter of all these provisions of the bill, I have requested that 35 Federal agencies, from the Social Security Administration to the Interstate Commerce Commission, advise me of their progress in complying with these new provisions of the law. It is important that all Government agencies realize the importance and immediacy of the provisions, and never again permit the Federal Government to make the type of stupid and costly mistake that marred the District of Columbia's subway project. A substantial amount of work was permitted on this $3 billion federally aided project before the courts ordered installation of the special accesses to the subways for handicapped persons—persons who, after all, are helping to build the subway with their tax dollars.

At this point, I would like to include a copy of the letter which I am sending to the agencies in the RECORD:

> CONGRESS OF THE UNITED STATES,
> *House of Representatives,*
> *Washington, D.C., October 30, 1973.*
>
> DEAR ———: As you know, the Vocational Rehabilitation Act of 1973 was enacted on September 26th as Public Law 93–112. The new legislation requires, among other things, fair consideration in employment and participation of the handicapped in Federal jobs, in the employment practices of Federal contractors, and in the conduct of Federal Programs.
>
> Section 501 of P.L. 93–112 describes the action to be taken by Federal agencies to ensure non-discriminatory consideration of employment for the handicapped. Section 503 requires affirmative action in the employment of the handicapped by government contractors. Section 504 requires that "no otherwise qualified handicapped individual shall be excluded from the participation under any program or activity receiving Federal financial assistance."
>
> As a supporter of the inclusion of these provisions in the new law, I would appreciate it if your Department could keep me advised on actions you will be taking to ensure fair and improved employment consideration of the handicapped, both by your office and by the contractors funded through your office.
>
> Thank you for your consideration in this matter.
>
> Sincerely yours,
> CHARLES A. VANIK,
> *Member of Congress.*

FREEDOM OF CHOICE

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. PEPPER. Mr. Speaker, it was my privilege to express to the Public Health and Environment Subcommittee of the Interstate and Foreign Commerce Committee my strong belief that the Food and Drug Administration's regulations on food supplements should not bar millions of Americans across the country from obtaining, without prescription, the vitamin and food supplements they feel are essential for their health.

No one wishes to permit the distribution of unclean or dangerous substances. But it seems to me that the people of this country are sufficiently well educated and informed to choose for themselves from among the supplements commercially available and that the proper role of Government is to assure the purity and proper labeling of these substances, as long as there is no evidence that they are poisonous or otherwise detrimental to the average user.

I include the text of my statement to the Subcommittee at this point:

> Mr. Chairman, I am pleased to have this opportunity to submit to this distinguished Subcommittee of the House Interstate and Foreign Commerce Committee my view concerning the FDA restrictions on vitamin and food supplements.
>
> After more than a decade of dispute, the Food and Drug Administration has issued Recommended Daily Allowance for each vitamin and mineral products. The consumer reaction to these regulations is unprecedented; thousands of letters have been received by the FDA protesting the new policy and insisting that this time the FDA has overstepped its authority.
>
> I am very much inclined to agree that the FDA is meddling in areas of control for which it has no legislative mandate. The Federal Food, Drug and Cosmetic Act, as amended, prohibits interstate commerce in foods and drugs which are adulterated or misbranded; much of the substance of the vitamin-mineral product regulation seems to be of a purely economic nature. Basically, these regulations:
>
> Specify which vitamins and minerals may be included in a supplement and in what combinations
>
> Set forth upper and lower limits for dosage levels of each vitamin and mineral allowed in a supplement
>
> Require certain labeling (i.e., % of the Recommended Daily Allowance for each vitamin and mineral, the expiration date, etc.)
>
> Restrict to prescription sale vitamin-mineral preparations containing more than a specified dosage level of the vitamins A & D.
>
> Granted, it is clearly in the interest of the consumer and the responsibility of the FDA to impose limits on dosages of vitamins and minerals where there is a question of toxicity. Such may be the case for limiting the amount of the vitamins A and D available in one dosage unit. I believe it is generally conceded in the scientific community that these vitamins are toxic at high levels; if so, restrictions are justified. However, little or no evidence exists to suggest that any other of the vitamin or minerals subject to the new regulation are hazardous at high levels. Much to the contrary, new discoveries are being made every day regarding the therapeutic advantages of high vitamin intake.
>
> I certainly do not pretend to be a dietary expert and neither am I advocating the use of dietary supplements. However, I do feel the public does have the right to purchase vitamins and minerals in dosage forms which are the most convenient when there is no issue of safety at stake. As long as the products are adequately labeled and unadulterated, the FDA's job is done.
>
> For this reason I have introduced a bill to limit the authority of the FDA regarding the regulation of food supplements. In order to issue any regulation which would limit the potency, number, combination, amount, or variety of any vitamin and/or mineral product, the FDA would have to prove that the supplement is intrinsically injurious to health. Thus, if certain vitamins or minerals are dangerous at the levels above the maximum levels proposed by the FDA, precautions would be taken to limit their use by consumers. Otherwise, consumers will be free to purchase the product in a form which meets their needs.

DAY OF NATIONAL CONCERN DECLARED IN UTAH

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. OWENS. Mr. Speaker, today, November 16, has been declared a "day of national concern" in Utah—a day of concern over the deepening crisis facing our Nation and an occasion to dedicate ourselves to restoring integrity to our Government.

The Committee of National Concern has realized the frustration and confusion of many Utah citizens over recent events that have resulted in a House inquiry into impeachment proceedings against the President. It is the committee's belief, and my own, that confidence in the American system of government can be strengthened by constructive action rather than idle preoccupation with our country's problems. There will be a silent noon vigil held today at the Federal Building Plaza in

Salt Lake City. Public hearings are also scheduled for concerned citizens to discuss current issues and offer possible solutions that may be forwarded to Congress.

Mr. Speaker, I would ask that we here in Washington also take a moment to direct our thoughts, prayers, and reflections toward resolution of the critical problems that face us in our national Government. These problems must be dealt with by an active Congress, moving vigorously, yet judiciously to restore in our system. I want to state clearly the confidence of the American people and my own strong faith in our ability to regain national self confidence.

WATERGATE: THE TIP OF THE ICEBERG

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Ms. ABZUG. Mr. Speaker, in the midst of complicated legal and constitutional questions surrounding the two highest officers in the land, we must not lose sight of the fact that the various Watergate investigations have thus far revealed only small pieces of the whole story and have yet to put them together in very convincing frameworks. As Timothy Ingram puts it in the article to follow, we do not even have a plausible explanation for the famous burglary.

It is not enough to impeach the President and remove him from office. The diseases that plague our body politic involve many people in the Government, in the business world, and in the political and criminal underworlds. A single coherent plot is doubtful, but there is already on the public record much evidence to suggest myriad and sometimes conflicting plots in pursuit of economic, political, and ideological goals.

Congress and the public should not sit back and placidly wait for a special prosecutor or a Watergate committee to do the whole job. For the job is too big and requires too much intellectual perception, doggedness, and courage for any one group or individual, even the Washington Post. We must all work to push the public dialog onward. In that spirit I urge to the attention of my colleagues the following article from the November 1973 Washington Monthly which suggests only a few of the many unexplored avenues in the evidence already at hand. The article follows:

> ITT AND WATERGATE: THE COLSON CONNECTION
>
> (By Timothy H. Ingram)
>
> The Colson memorandum was introduced to the Watergate Committee on August 1, 1973, without fanfare, almost as a throwaway. Sam Dash, the Committee's chief counsel, had obtained it the night before from a secretary who worked at the White House, and he wanted to slip it in somehow during the third day of H. R. Haldeman's testimony.
>
> Dash was asking Haldeman whether he always informed the President of potentially embarrassing developments—and he offhandedly cited the Colson memo as an example. It was a truly astonishing document. Dated March 30, 1972, the same day Jeb Magruder said that final plans for the Watergate break-in were approved, it warned of existence of other internal memoranda that "directly involve" President Nixon in arranging the favorable settlement of the government's antitrust suit against the International Telephone and Telegraph Corporation (ITT). The evidence "would lay this case on the President's doorstep," warned White House Special Counsel Charles Colson.
>
> Thanks to Senator Edward Gurney, the Committee's attention was deflected from the Colson memorandum before anyone had a chance to gauge its importance. Overshadowed by the Haldeman testimony, it was soon forgotten by both the Committee and the press.
>
> Failing to pursue the logic of the Colson memo, both the Watergate Committee and the press lost a golden opportunity to try to answer that often-forgotten, but fundamental question: Why, on June 17, 1972, did seven men burglarize and bug the offices of the Democratic National Committee? What was it that was worth the high risk, the $250,000 cost, and the amount of planning and energy that went into the Watergate operation? What, in God's name were Howard Hunt and his faithful Cubans looking for?
>
> Like so many other elements of the hearings, the Colson memo was introduced without a framework and without any real effort by the Committee to fit it into the larger picture. The task of sorting out the importance of the Colson memo—as with other items introduced and then forgotten during the hearings—was left to the press, already overextended by the sheer bulk of the Watergate hearings.
>
> One reason for the neglect of the Colson memo was that it dealt with ITT and therefore appeared non-germane in the midst of the Wategate hearings. Scandals, like metaphors, do not mix. ITT also raised the complicated jurisdictional question involved in defining congressional turf. The Senate Judiciary Committee had already spent two months looking into the ITT affair, and as a result the Ervin Committee tended to shy away from the issue.
>
> Amid the Committee's preoccupation with "who-knew-what-when" and "is-he-repentent," the hearings lost their focus. At the end of the first phase, television viewers knew about the discrepancies between the Dean and Mitchell testimony, but had little more understanding of the rationale for the break-in than they did a year earlier.
>
> The problem is one that would seem obvious to any fictional detective. Neither the Watergate Committee nor the press has ever developed a coherent theory of the case. At no point during the entire proceedings has any hypothesis been advanced that could be tested against the statements of various witnesses. Instead, most of those involved in the Watergate hearings have proceeded with a detachment worthy of the most pedantic of scholars. "We won't form any opinions until all the facts are in" sounds judicious, but it certainly doesn't equip the Committee to ask relevant questions along the way.
>
> Lacking their own hypotheses, the Committee investigators have been left with the theories generously offered by the burglars themselves. Howard Hunt, for example, gave an explanation which met all the criteria except plausibility. Perfectly contrite, looking prison pale in his wash-and-wear suit, Hunt asserted that his men had hoped to find evidence at the DNC connecting the Democrats to tainted money from Cuba.
>
> Many found it hard to take this explanation seriously. As Senator Daniel Inouye asked incredulously, "Did you expect the photographer to find somewhere in a ledger: 'Received from Fidel Castro, x number of dollars'?" Hunt's explanation also seems to rest on a flimsy factual basis. Michael Richardson, the one outsider in a position to know what the burglars were photographing, has contradicted Hunt's claims. Richardson works at Rich Photos in Miami and developed the film shot inside the DNC headquarters during the burglars' first successful break-in. Richardson told me that the pictures showed surgical gloves holding memos and letters, some of which bore the DNC letterhead and were signed "Larry." There were no photographs of financial records or account books.
>
> If members of the Committee did not press Hunt and the others harder for an explanation, it may be because they suspected that ultimately there was only a "why not?" motivation for the burglary. In other words, with so much money, so few scruples, and such a finely developed sense of paranoia, the Committee to Re-elect the President (CRP) should almost have been expected to have bugged the Democratic Party headquarters. If the men surrounding the President could tolerate the bumbling of a Donald Segretti, why wouldn't they spend $250,000 to keep Gordon Liddy and his ubiquitous flow charts out of their hair?
>
> The problem with this hypothesis is that the Watergate burglary seems to have been far more than a simple make-work expedition. Jeb Magruder explained that the White House regarded O'Brien as the Democrat's "most professional political operator" and feared that if O'Brien remained as DNC chairman he could be "very difficult in the coming campaign." O'Brien's importance is underlined by Magruder's testimony that Charles Colson had telephoned him "sometime in February" to urge that Magruder "get on the stick and get the budget approved for Liddy's plans; that we need information, particularly on Larry O'Brien."
>
> Why was Larry O'Brien so important? Given the ferocity of the Democratic Party's fratricidal struggles, it is hard to believe that even the "most professional" Democratic political operator could intimidate such a hardnose as Colson. But something else could—and did—scare Colson, who probably was the prime motivating force behind the break-in. That something was ITT.
>
> This hypothesis does not purport to explain every detail in the case, but it does offer a way of fitting a number of unexplained facts together. Admittedly, the Watergate burglars might, through serendipity, find other useful evidence at the DNC. But the burglars' main purpose was to find out whether Larry O'Brien had the missing ITT memoranda. If the documents were as damning as Colson feared, they might provide the issue that could allow even George McGovern to defeat Richard Nixon.
>
> A bit of scene-setting may be useful. In March, 1972, when the final go-aheads were being given for Gordon Liddy's plans, the White House was in near hysteria over the ITT affair. On February 29 Jack Anderson had blown the scandal open by publishing the "Dita Beard memorandum." This document indicated that the Justice Department had let ITT off the hook on a major antitrust charge after the company had pledged $400,000 for the Republican Convention.
>
> In the months preceding the Watergate burglary, as Attorney General nominee Richard Kleindienst went through a protracted inquisition before the Senate Judiciary Committee, the White House grew increasingly suspicious that Larry O'Brien had inside information on the whole ITT affair. In December, 1971, three months before Jack Anderson's Dita Beard story, O'Brien had sent a letter to John Mitchell asking whether there might be a connection between "ITT's sudden largesse to the Republican Party and the nearly simultaneous out-of-court settlement of one of the biggest merger cases in corporate history."
>
> Even after the confusing ITT story faded

XUM

from the headlines, O'Brien and the DNC refused to drop the issue. The statements and publications that came from O'Brien's office during this period were remarkably prescient. In one DNC publication, *Fact*, a box entitled "Watch This Man" itemized the wheelings and dealings of the President's personal attorney, Herbert Kalmbach, a man at that time virtually unknown.

To those close to the President, O'Brien looked like a dangerous man. He had the dope on ITT, and ITT was what frightened the Administration the most.

Another indication of the White House concern over ITT was John Dean's conversation with General Vernon Walters, deputy director of the CIA, in February, 1973. Referring to a burglary of the Chilean embassy in Washington nearly a year earlier—in which the intruders took documents rather than property—Dean told Walters he believed that Frank Sturgis, a Watergate burglar and former CIA employee, was involved. In April of this year Dean told James Schlesinger, then director of the CIA, that several CIA veterans who had been involved in Watergate had taken part in the Chilean embassy incident. The apparent motive for the burglary was to search for documents exposing ITT's plans to subvert the Allende government in Chile.

Meanwhile, a special group made up of Colson, John Ehrlichman, and Fred Fielding of Dean's staff was on plumbing duty at the White House, examining the ITT documents that had not yet hit print. To their horror they realized that copies of some of the most potent evidence were still unaccounted for. This was the fear that led Colson to compose his memorandum of March 30, 1972, outlining the evidence that could implicate the President and Mitchell:

"A memo sent to the Vice President addressed 'Dear Ted' from Ned Gerrity [or ITT] tends to contradict John Mitchell's testimony because it outlines Mitchell's agreement to talk to McLaren [head of the Justice Department's antitrust division, the man who had pushed the case against ITT] following Mitchell's meeting with [ITT President Harold] Geneen."

"It would carry some weight in that the memo was written contemporaneous with the meeting. Both Mitchell and Geneen have testified that they discussed policy only, not this case, and that Mitchell talked to no one else. The memo further states that Ehrlichman assured Geneen that the President had "instructed" the Justice Department with respect to the bigness policy. (It is, of course, appropriate for the President to instruct the Justice Department on policy, but in the context of these hearings, that revelation would lay this case on the President's doorstep.) . . .

"There is a [Herb] Klein to Haldeman memo, dated June 30, 1971, which of course precedes the date of the ITT settlement, setting forth the $400,000 arrangement with ITT. Copies were addressed to Magruder, Mitchell, and Timmons. This memo put the A. G. [Mitchell] on constructive notice at least of the ITT commitment at that time and before the settlement, facts which he has denied under oath. We don't know whether we have recovered all the copies. . . . In short, despite a search, this memo could be lying around anywhere at 1701 [Pennsylvania Avenue, CRP headquarters.]"

The memo implicating Mitchell was still at large; the even more explosive evidence concerning Nixon was in the files of the Security and Exchange Commission, and thus, far from invulnerable. To Colson the danger was clear: "Kleindienst is not the target, the President is. . . . Make no mistake, the Democrats want to keep this case alive, whatever happens to Kleindienst."

O'Brien had been the most effective adversary on ITT. The consequences of his obtaining the missing memos could be disastrous. Finding out how much he knew—and, if necessary, preventing him from using what he did have—might easily have justified an operation like the Watergate burglary.

One reason why the ITT-Watergate connection has not been explained is that John Dean, who appeared to expose every other White House intrigue, did not mention ITT in his testimony. Dean's silence may have been based on self-interest, since Dean had been intimately involved in the original ITT settlement.

The limited mind set which saw the Watergate scandal in one category and the ITT scandal as a separate entity has also blocked a thorough investigation of both episodes and their cover-ups. What no one seemed to realize is that events build on themselves and that scandal does not respect jurisdictional boundaries. The special prosecutor, Archibald Cox, now has the wayward memos that Colson panicked about in his letter to Haldeman. Perhaps the memos will help Cox develop the theoretical framework the Watergate Committee has found so elusive.

LIFTING WAGE-PRICE CONTROLS COULD SOLVE ENERGY CRISIS

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. SYMMS. Mr. Speaker, commonsense tell us that freedom and liberty have been proven as the best way to allocate resources. I enclose the following article by Henry Hazlitt which makes so much commonsense.

I would urge Mr. Hazlitt's solution to the energy crisis as better than any that the Government can come up with.

The article follows:

LIFTING WAGE-PRICE CONTROLS COULD SOLVE ENERGY CRISIS

(By Henry Hazlitt)

The President's broadcast proposals for dealing with the energy crisis left out the most important step of all. This would be to remove immediately, at every level, all price controls on gasoline and other petroleum products.

No other measure proposed by the President compares in urgency with this. Look at the effect on demand. A rise in the price of fuel oil and gasoline, as a result of the shortage, will put immediate pressure on practically every consumer to conserve its use and reduce his consumption. This applies to profit-seeking and loss-avoiding corporations as well as to the overwhelming majority of private car drivers. There could be a prodigal here and there who will not change his habits; but this will be of minor quantitative importance. There is no other form of rationing as quick and efficacious as rationing by the market or by the purse.

Now let us look at the effect on supply. It is being generally assumed that in the present oil and gasoline crisis an increase in prices (and so in profit margins) cannot increase the supply. This is quite wrong. It can speed up transportation and deliveries. It can lead to the re-opening and working of marginal wells that did not pay out at lower prices. It can stimulate exploration. It can also stimulate and help to provide the funds for new refining capacity.

Above all, it can enable Americans to compete on at least equal terms with the nationals of other countries in bidding for the available supplies of oil from abroad. The higher the price they can get, the more oil the producing countries will be tempted to explore for, pump and export. This applies even to the Arab countries that are threatening to shut us off. If they carry out their threats in full, they will be cutting off their own noses. The higher world prices go, moreover, the more the Arab lands will be tempted to double-cross each other.

Let's say countries A, B, C, D and E together produce 40 per cent of the world's annual petroleum supply. They can raise world prices only by reducing their annual output. They can do this by entering into a pact in which each agrees to reduce his production by a uniform percentage. They can get the higher world price, but each country has less oil to sell. Meanwhile, oil producers in countries outside the area of the pact also have the advantage of the higher price rise, but can in addition sell at that price all the oil they are capable of producing.

It occurs to nation A, a member of the pact, that if it secretly fails to cut its production by the amount it agreed to, it can sell more oil at the higher price brought about by the restricted output of countries B, C, D and E. But this idea may occur to any one of the five. In any case, Americans ought to be allowed to bid for foreign oil without restriction, and not merely to pass on the higher cost, but to make whatever profit a free competitive market will allow.

If oil and gas prices continue to be held down by arbitrary controls, however, most of the "voluntary" measures that the President recommends—driving cars less, reducing speeds, forming car pools, lowering temperatures in the homes by six degrees—may meet with negligible compliance. Excellent advice for the other fellow, nearly everyone will agree; I hope he follows it.

Some of the President's advice itself is needlessly confused. "We must ask everyone to lower the thermostats in your home by at least six degrees." Taken literally, this would mean that if you previously kept your home at 78, you should lower it to 72, but if you previously kept it at 68 you should lower it to 62.

Again, the advice to drive less and form car pools may not carry as much weight as otherwise to listeners who have followed Mr. Nixon's flights every few days to one or another of his homes in California, Maryland and Florida.

(The weekend before his oil conservation talk, Mr. Nixon suddenly, according to the New York Times account, "rushed from the White House (with only a minimum support staff of about a dozen Secret Service agents and other personnel) and got on the helicopter which took him to Andrews Air Force Base to board his Boeing 707 jet before the press office could assemble the pool . . . the press plane—a chartered commercial jet—left two and a half hours later." It has been calculated that the President's official plane burns 2,000 gallons of jet fuel each hour of flight.

The President has proposed heating oil rationing and contingency plans for gasoline rationing. Some temporary allocation system may prove unavoidable. But compulsory rationing can tend to have the opposite effect from that intended. It merely shifts competition from the market to the political arena. Every pressure group frames plausible arguments for special teratment. Everybody buys up to his quota for fear he may later be cut off.

What is most disheartening about some of Mr. Nixon's new proposals is that once more they call for the solving of a problem by throwing more money at it—more government spending, more government intervention, the creation of still another army of bureaucrats. Do we really need a new government department or agency to tell us that we ought to increase our refining capacity, use more coal, develop more nuclear power, and all the rest? Would it immediately decrease or increase our energy supplies to force electric utilities to convert from oil to coal?

The best part of Mr. Nixon's proposals are

those that call for less rather than more government intervention—such as relaxing environmental standards, allowing the Alaska pipeline to be built, ending government regulation of natural gas prices, and the like.

Past experience suggests that government intervention can be counted on to do precisely the wrong thing. In 1959, when it was argued that American-produced oil was selling too low because too much oil was being produced internationally, President Eisenhower imposed a restrictive quota on oil imports by sea. That quota remained in effect until a year or two ago.

When we should have been conserving our domestic oil supplies, increasing our shortage capacity and refinery capacity, and importing, refining, storing and burning foreign oil (which we could have gotten much cheaper) we did the exact opposite. Let's be careful that we do not act with equal folly now.

OUR NATION SALUTES LOCAL 250, URW, AFL–CIO ON ITS 30TH ANNIVERSARY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. ROE. Mr. Speaker, the day-by-day task—most times, regrettably, unheralded—in the constant quest for improving the quality of life for all of our fellow-Americans is carried out laboriously by those men and women who truly do the work of our country and produce all of the goods and services that contribute to and truly make our Nation the promised land for all those who would share in the American dream and good life. The success and happiness of the workingmen, workingwomen and their families depend in large measure upon the harmony and effectiveness of management-employee relations in the industry where they earn their living. In my hometown of Wayne, the Mack-Wayne Plastic Co. has achieved outstanding success in the marketplace and is a source of great pride to the residents of our community. In maintaining its economic vitality and viability as a corporate entity we are indeed proud of its workmanship and business enterprise in our Nation's industry.

The employee relations at Mack-Wayne is spearheaded by Local 250, URW, AFL–CIO which has achieved a bond of understanding and communion among the administrative officers and employees that has over the years earned the prestige and respect of our community as a good place to work. This year marks the 30th anniversary of the charter establishing Local 250, URW, AFL–CIO as the employees' collective bargaining unit of Mack-Wayne. In celebrating the commemoration of this 30th anniversary of the employees' union at Mack-Wayne, I wish to bring to your attention and commend to you and our other colleagues here in the House the outstanding accomplishments and good works of all of the members and officers of Local 250 of the United Rubber, Cork, Linoleum and Plastic Workers of America, AFL–CIO. The current officers are as follows:

Executive Officers: The Honorable Gordon Beck, President; Herb Jennings, Vice-President; Stephen Kopach, Secretary; John H. Kooken, Treasurer; Andy Milarck, Sentinel.

Executive Board: The Honorable Frank Potanka, Fred Hoffman, Charles Robbins, John Mogielnicki, Foster Thompson, Earl Decker and Bob Reitz.

Trustees: Hon. James Vandermeyden, chairman; Hon. Jeff Jacobus; and Hon. Elaine Rydzik.

A 30th anniversary observance honoring the officers and members of Local 250 was recently held in New Jersey. The honored guests were: Hon. Joseph Ugrovitch, international representative; Hon. Peter Bommarito, international president; Hon. John H. Kooken, Local 250 treasurer; Hon. John Baldante, international representative; Hon. Edward Neilly, international representative; and Hon. James McIntosh, president of Mack-Wayne.

Members of the program committee were: Hon. Herb Jennings, cochairman; Hon. Earl Decker, cochairman; Hon. Gordon Beck; Hon. Alice Losey; Hon. Foster Thompson; Hon. Ann Marion; Hon. Bob Reitz; Hon. Ethel Slawson; and Hon. Steve Kopach.

I know you will be most interested in the following historic chronicle of the cooperative efforts of this union's accomplishments, both for the success of management and the success of the employees, as prepared and presented by their membership at this celebration:

HISTORY OF LOCAL 250, URW, AFL–CIO

On September 1, 1943 a charter was granted to Mack Molding employees and our old Plastic Workers, Inc., became Local 250 United Rubber Workers of America.

The following names appear on the charter: Charles Dulanto, Pasquale Ruggiero, Ellen Sisco, M. Tollonitsch, Irene Bankos, Tim O'Keefe, Charles Herman, Jo Brinster, William Bowersox Myron Boyce, Tony Conti, Ann Harvie, John Pelak, Al Heroski, Ray White, Jo Jackson, Irv Jacobus, John Lynch and Anny Rydzik. Of these nineteen—six are still Mack employees but only one is still a union member.

John Baldate was assigned to help us organize and was our first Field Representative from our International Union. The officers of the old union were unanimously elected as officials of the new Local. Charles Dulanto, President; A. Rydzik, Vice President; T. O'Keefe, Treasurer; Kay Breitenbach, Secretary; Ellen Sisco, Chairman of the Executive Board. It was the custom for years for the Executive Board to elect its own chairman at its first meeting. The International By-Laws a few years ago made the President automatically the chairman. Kay, our secretary, resigned shortly after we organized and Pat Ruggiero took her place.

Our first Negotiating Committee was C. Dulanto, A. Rydzik, P. Ruggiero, T. O'Keefe and E. Sisco with John Baldante guiding and teaching us along the way. On January 24, 1944 our first contract was finally signed. The Company gave us check-off of dues for those members who would sign authorization cards. Many of us did, but a great many preferred to pay their own dues, making the first few Treasurers' job much more difficult than it is today. Our Union recognition was only a maintenance of membership for the life of the agreement (one year) then a fifteen day withdrawal period. Believe us we made sure we didn't arrange a meeting to accept the contract during that period. Most people kept their membership during negotiations so they could hear what went on and so they could vote and by that time the fifteen days were gone and the Union was safe for another year. We had a very few withdrawals but most of the members stuck with the new Local. Finally in 1950 six years later we won a Union Shop with a very few exceptions, which supposedly had a religious reason. This gave the Union not only financial security but also the security of knowing that if a certain group disagreed about something they could no longer withdraw or try to organize with a rival union. It also put us in a much better bargaining position.

In 1950 we started a building fund. The members were assessed fifty cents per month for this fund. In 1954 we purchased our present headquarters complete with mortgage. The building is now completely ours. Many improvements have been made through the years.

In 1954 we went from a one-year contract to a two-year contract. We also started to have our officers elected to serve a two-year term instead of the one year they had previously served. Year after year since its inception, the Union has been responsible for many changes in the contract that benefitted the employees, both with regard to pay increases and the addition of many fringe benefits. The two things we had to fight the hardest and the longest for was for the Union Shop in 1950 and Pension Plan that we finally received in our contract.

In this our Thirtieth Anniversary, we look back on thirty years of service and association, that any Union would be proud to acknowledge.

Mr. Speaker, it is indeed my privilege and honor to seek national recognition of the good works of Local 250 and respectfully request that you join with me in saluting and extending our best wishes and congratulations to their officers and members in commenoration of the 30th anniversary of their charter and organization as a leading union of employees who truly enrich the quality of life in our community, State, and Nation.

SIMAS KUDIRKA

HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. HANRAHAN. Mr. Speaker, on this date, I would like to ask my colleagues to pause for a moment and reflect with me on the unjust imprisonment of a Soviet Lituanian seaman whose crime was to seek asylum in our country. Simas Kudirka was imprisoned 3 years ago on November 23, in Soviet Russia, after he jumped from his fishing trawler onto the USS *Vigilant*, a U.S. Coast Guard cutter. He was returned to his ship by the American authorities, and has been neither seen nor heard from since. We were informed, however, that his attempts gained him a prison sentence in Russia.

Since that date 3 years ago, regulations have been issued to the effect that should a similar incident arise in the future, the United States will immediately grant asylum. But that does not help Simas Kndirka.

I have written to Kurt Waldheim, Secretary-General of the United Nations, and to Ambassador Dobrynin. I have met with Kenneth Rush, Marshall Wright, and John Armitage of the State Department. And still I have received no satisfactory response concerning either the welfare or the release of Simas Kudirka.

This week, I applied for a visa to visit Simas Kudirka in the Soviet Union. I have not yet received word as to whether or not my request will be granted, but I plan to pursue the matter until I do get satisfaction.

As I said in my letter to Dobrynin, I hope and pray that the Soviet Union and the United States can bring peace and understanding to our troubled world. Such an achievement is only possible, I believe, if we can alleviate human suffering and misunderstanding. For this reason, I have asked for the Soviet Government's assistance in this noble quest by demonstrating their basic human compassion for Simas Kudirka and his family.

I hope my colleagues will offer whatever assistance they are able to achieve this end.

CALDWELL HIGH: OHIO'S TOP CLASS "A" CROSS-COUNTRY SQUAD

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. MILLER. Mr. Speaker, it is with a great deal of pride that I take this opportunity to salute Caldwell, Ohio, High School's outstanding cross-country team—Ohio's State champions in class "A" cross-country competition for 1973.

Under the expert leadership of Coach Rod O'Donnell, the Redskin harriers established themselves as the premier class "A" cross-country team in the State as they bested 10 other schools and outpaced their nearest rival by 11 points in the final standings.

In 3 short years of competing in the cross-country title meet, Caldwell High School has inched steadily upward; 2 years ago, turned in a respectable showing, while last season the Redskins finished second. To the delight of the student body of Caldwell High and all the citizens of Caldwell, the team won it all in 1973. Already, they are talking about an encore.

The class "A" cross-country title Coach O'Donnell's long distance men brought home was the first State championship ever won by a Noble County team, competing in a major sport.

In addition, the victory marked the first time in the history of State cross-country competition that three members of the same team finished in the top 10—a fact all the more impressive when considering that 70 runners started the race.

Dugan Hill, senior cocaptain of the Redskins, finished fourth in a time of 10:23 setting the pace for the Caldwell State champs.

Brian Jonard, a freshman, finished sixth in 10:26 and Chuck Schoeppner, senior cocaptain, finished seventh in the same time of 10:26.

Bill Jonard, a sophomore, Don Snodgrass, Jack Cox, and junior Kevin Watson, all contributed to the team victory.

Mr. Speaker, in addition to citing the historic State title run of Caldwell's team, I would also like to comment on the reception these young men received upon returning home from Columbus. It is obvious from the Journal and Noble County Leader account of their triumphant return that the entire community of Caldwell rallied to welcome the team home. They were greeted by a large crowd, honored by school officials and classmates and given a hero's ride through town.

The tributes paid the team are certainly appropriate. The members of the squad have set a positive example to all who have witnessed their campaign for the State crown.

Congratulations, Dugan, Brian, Chuck, Bill, Don, Jack, Kevin, Coach O'Donnell, and Caldwell High, for a job well done.

FINDINGS OF FACT

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. ASHLEY. Mr. Speaker, in the October 18 CONGRESSIONAL RECORD I recounted my experiences in being denied a reserved seat on a flight to Chicago, because American Airlines had oversold the flight. Coincidentally, on the same day, Ralph Nader recovered $25,010 from Allegheny Airlines for bumping him off a flight on which he, too, had a confirmed reservation, thus causing him to miss a speaking engagement in Connecticut.

Because this reprehensible practice of the airlines deserves to be fully aired, I am including here the text of the decision by the U.S. District Court for the District of Columbia in Nader against Allegheny Airlines:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This case came on to be heard before the Court, sitting without a jury, and the Court, having considered the evidence introduced at the trial, the stipulations entered into by the parties, and upon consideration thereof including the arguments of counsel as well as the trial briefs, hereby makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Plaintiff Ralph Nader is a citizen of the United States and resides in the District of Columbia.

2. Plaintiff Connecticut Citizens Action Group (hereinafter CCAG), is a non-profit corporation, organized, and existing under the laws of the District of Columbia and has its principal place of business in Hartford, Connecticut. It is a public interest advocate for environmental and consumer issues arising in the State of Connecticut.

3. Defendant, Allegheny Airlines, Inc., is a corporation having a principal place of business at the Washington National Airport near Alexandria, Virginia. It is an air carrier and holds a certificate of public convenience and necessity issued by the Civil Aeronautics Board and is regulated by the laws of the United States relating to such carriers and by the rules, regulations and orders promulgated by the CAB in accordance with the Federal Aviation Act of 1958.

4. In the early spring of 1972, CCAG became involved in a controversy over proposed public utility rate increases in Connecticut. CCAG had planned to hold a rate-payers rally on April 28 to raise public support in the Hartford area for CCAG's efforts to oppose pending electric utility rate increases in particular and for the group's consumer rights activities in general. Mr. Nader, who assisted in the organization of CCAG in April 1971 was scheduled to appear in Storrs, Conn. on April 28, 1972. The director of CCAG ascertained that Mr. Nader would be available and willing to appear as the keynote speaker for the rally, which was then planned to be held over the luncheon hour in downtown Hartford and adequately in advance of Mr. Nader's later appearance that day at Storrs.

5. On Tuesday, April 25, 1972 Plaintiff Nader made a confirmed reservation for Allegheny Flight 864, scheduled to depart Washington National Airport at 10:15 a.m. on April 28, 1972 with arrival at Hartford, Connecticut's Bradley International Airport at 11:15 a.m.

6. In reliance upon Mr. Nader's confirmed reservation on Allegheny's Flight 864 on April 28, 1972, CCAG's representatives began on Wednesday, April 26, 1972 to distribute flyers for the 12:15 p.m. rally on April 28, 1972. CCAG had also planned to use the noontime rally to take advantage of Mr. Nader's great popularity and influence in the State of Connecticut to generate "spill over" contributions in CCAG's 1972 fund drive. Also based on Mr. Nader's commitment the CCAG was able to enlist the appearance of the Mayor of Hartford and President of the City Counsel at the rally to endorse CCAG's efforts to be allowed to intervene as full parties in the State's utility rate proceedings. As a result of these efforts at least 1,000 people arrived for the rally just before the scheduled stated time.

7. Plaintiff Nader's ticket was picked up from a travel agent in downtown Washington, D.C. on the morning of April 28, 1972. On the same morning he arrived at approximately 10:05 a.m. at the main terminal building of Washington National Airport. He was advised to proceed to Gate 17 on the lower level. There, upon presentation of his confirmed reservation and ticket he was denied boarding on Flight 864 because it had been oversold by the Defendant Allegheny Airlines, Inc.

8. The Plaintiff Nader then inquired of Allegheny Agent at Gate 17, John McDonald, as to whether there were any stand-bys already on board the plane or whether there were any passengers who would volunteer to give him his seat. Mr. McDonald refused to make either inquiry.

9. The Plaintiff Nader informed Mr. McDonald at the departure gate of the likely harm that would occur to him and Plaintiff CCAG if the Defendant refused to honor his confirmed reservation, but all Mr. McDonald did was to offer the Plaintiff Nader another flight to Hartford via Philadelphia on a fifteen-passenger plane which was scheduled to arrive in Hartford at 12:10 p.m., some 55 minutes after the scheduled arrival of Flight 864 in Hartford on April 28, 1972. As a result of Allegheny's conduct, Mr. Nader incurred $7.00 in long distance telephone expenses and $3.00 in the additional cost of a ticket to Boston. (From Boston Mr. Nader travelled by car to Storrs.)

10. CCAG's director informed the crowd at the rally that Mr. Nader could not appear as scheduled. The crowd of 1,000 dwindled to about 200 persons who remained to hear the Mayor, the Council President and CCAG's Director, Mr. Moffett, speak. CCAG lost the contributions expected to be generated both at the rally and by canvassing and direct mail solicitations of persons whose names were to be obtained at the rally or as a result thereof. Furthermore, CCAG suffered extreme and very real embarrassment, loss of professional esteem and prestige throughout the State of Connecticut as a result of Mr. Nader's failure to appear as advertised. CCAG also incurred $50 to send a car to Boston to pick up Mr. Nader and transport him to Storrs.

11. Allegheny Airlines has a practice of systematically overbooking its flights by accepting more confirmed reesrvations and selling more tickets for a flight than the number of seats which are actually available on its aircraft.

12. Over-booking by Allegheny is substantial. In April, 1972, according to the record herein the company bumped 945 persons, and during the period from January 1969 through August 1972 some 15,929 persons were not accommodated on Allegheny flights for which they had confirmed reservations. During April, 1972, 18 Allegheny flights between Washington and Hartford were over-sold or overbooked with the result that some 48 confirmed reservation-passengers were left stranded.

13. Allegheny is and was at all times pertinent herein aware of the fact that its overbooking practice inevitably resulted in denials of boarding to some persons on some flights who held confirmed reservations, and it is further aware that this practice does in fact cause severe distress and financial loss to persons who rely upon confirmed reservations.

14. Through advertising and other means Allegheny holds itself out and represents itself to the public that it offers reliable reservation policies which, if available and confirmed, will assure any prospective passenger of a seat on the flight designated in the confirmed reservation.

15. There is nothing in the advertising of the defendant which makes the public aware of the Defendant's practice of intentional over-booking of its flights or the fact that this over-booking practice does in fact create a substantial risk that confirmed reservations will be dishonored. Nor is the public advised in detail of the over-booking practice in the tariffs filed with the CAB or of the fact that all members of the Air Transport Association, of which the Defendant is a member, intentionally sell more tickets than they have seats for their particular flights. In fact, the Court finds that the Defendant and its agents conceal their overbooking practice from the public and furthermore did so in this case, which intentional over-booking resulted in financial harm and damages to each of the Plaintiffs herein.

16. Prior to April 28, 1972 neither Plaintiff was made aware of Allegheny's intentional over-booking policy or of the fact that Flight 864 between Washington and Hartford in particular was intentionally overbooked. The fact that Plaintiff knew from previous experience that other airlines such as American and Eastern over-booked flights, did not make either Plaintiff aware of the fact that the Defendant in the case at bar did this or that it also engaged in such practices.

17. Each Plaintiff relied on the Defendant's confirmation of the Plaintiff Nader's reservation as an assurance that he would be accommodated and allowed to board flight 864 and as a result of such reliance each of the Plaintiffs were injured by virtue of Mr. Nader's inability to arrive in Hartford, Connecticut as scheduled.

18. The Civil Aeronautics Board has not attempted to directly regulate the reservations practices of Allegheny or any other airline, but it does require all airlines to tender certain compensation to passengers who are denied boarding on a flight. Such compensation represents liquidated damages for "bumping" claims against the carrier, if accepted. CAB regulations specifically contemplate full judicial redress as an alternative means for the vindication of the aggrieved party's rights, at his sole option. 14 C.F.R. §250.8. (Tr. 160–61).

19. Forthwith upon denying boarding to Mr. Nader, Allegheny conveyed to him a written instrument containing an offer of settlement, acceptable within 60 days, of his claims arising from the incident, thereby acknowledging its actual notice thereof and waiving any requirement for further action on his part within any shorter period.

20. Allegheny's tariff rule requiring written notice of claims within 45 days, if not waived, was literally complied with, since (a) the company's own employee delivered to its offices on the day of the denial of boarding a writing describing the incident and setting forth the amount to be offered to Mr. Nader as liquidated damages, and (b) the tariff does not specify how or by whom the required writing must be given; and (c) a denied boarding transaction is not completed before the tendered compensation is either accepted or rejected by the recipient, and written notice was given to Allegheny by Mr. Nader's representative contemporaneously with the rejection of its settlement offer. Moreover, by its own terms, the rule is inapplicable to the instant case, which involves a claim for damages arising out of Defendant's discrimination, fraudulent misrepresentation and intentional tortious conduct.

21. The Defendant Allegheny Airlines is a common carrier which is licensed or authorized to do business by the Civil Aeronautics Board, as hereinbefore stated, and is the holder of a certificate of public convenience and necessity. As such it has a public duty and an especially large and high fiduciary obligation to make its policies known to all of its customers with regard to its intentional over-booking. The fact that it conceals such practices in its advertising and otherwise, and, by virtue of its failure and refusal to take reasonable steps to avoid harm to the Plaintiffs herein is tantamount to willful and wanton misconduct which gives rise to and provides a proper basis for each of the Plaintiffs' claims for damages.

CONCLUSIONS OF LAW

1. This Court has jurisdiction over the subject matter (28 U.S.C. 1331, 1332, 1337), *Fitzgerald* v. *Pan American World Airways*, 229 F.2d 499, 502 (2nd Cir., 1956); moreover, the amount in controversy, exclusive of interest and costs, exceeds $10,000.00. The Court also has pendant jurisdiction over any non-federal claims, *United Mine Workers* v. *Gibbs*, 383 U.S. 715 (1966).

2. The Plaintiff, Mr. Nader, is entitled to both compensatory and punitive damages under the antidiscrimination provisions of the Federal Aviation Act of 1958, Section 404(b), 49 U.S.C. § 1374(b). Mr. Nader has established a *prima facie* case of unreasonable discrimination: He possessed a confirmed reservation and ticket, and the resultant right to a seat. The Defendant, who intentionally over-sold the seats, did not honor that priority. The Defendant has failed to sustain its burden of proof that the discrimination was reasonable by demonstrating company policy and why, in this particular case, its policy did not work an "undue or unreasonable prejudice or disadvantage in any respect whatsoever" to Mr. Nader, where the Defendant permitted passengers with subsequent or no reservations to have priority over a passenger with a confirmed reservation who had not been informed of the risks attendant to the Defendant's concealed policy of over-booking. *Archibald* v. *Pan American World Airways*, 460 F.2d 14, 16–17 (9th Cir. 1972); *Kaplan* v. *Lufthansa German Airlines*, 12 CCH Avi. Law Rep. 17, 933 (E.D. Pa., Civil No. 68–2611, decided 4/9/73); *Mortimer* v. *Delta Air Lines*, 302 F. Supp. 276, 278 (N.D. Ill. 1969); *Wills* v. *Trans World Air Lines, Inc.*, 200 F. Supp. 360 (S.D. Cal., 1961).

3. The Defendant, through its agents, servants and employees, knowingly and intentionally misrepresented a material fact, namely that Mr. Nader had a guaranteed reservation for a seat, upon which each of the Plaintiffs relied. *Accord, Isen* v. *Calvert Corp.*, 379 F.2d 126 (D.C. Cir. 1967); *see Sankin* v. *5410 Connecticut Avenue Corp.*, 281 F. Supp. 524 (D.G.D.C. 1968), *aff'd sub nom Benn* v. *Sankin*, 133 U.S. App. D.C. 361, 410 F.2d 1060 (1969), *cert. denied*, 396 U.S. 1041 (1970). In light of all the evidence in this case, the Plaintiffs' reliance was reasonable and resulted in the injuries and damages which they incurred. It was foreseeable that the Defendant's intentional misrepresentation would be relayed to other members of the public and they would rely upon the Defendant's representation since the Defendant's legal duty is to provide the public with reliable air transportation under its certificate of public convenience and necessity.

4. CCAG is eligible and entitled to recover herein for damages it has incurred due to the Defendant's intentional misrepresentation even though they were not direct parties to the transaction in issue because (1) the misrepresentation was knowingly and intentionally made; privity of contract is not required here; (2) CCAG was within the class of foreseeable plaintiffs (the class is determined by the Defendant's legal duty to the public at large both under its license and by its better position to prevent injury to the public by full disclosure of its practices affecting the public); (3) CCAG made a reasonable reliance on the misrepresentation and was thereby damaged. *See* Prosser, "Misrepresentation and Third Persons," 19 Vand. L. Rev. 231, 246, 250 (1966); 37 C.J.S., Fraud § 61; 37 Am. Jur. 2d, Fraud and Deceit § 298; *Cf. Rush Factors, Inc.* v. *Levin*, 284 F. Supp. 85, 90 (1968).

5. Other than $50 CCAG has not proven its claim for actual damages with sufficient legal precision to permit a specific award of compensatory damages. Even though CCAG probably was less successful in their fund drive due to the loss of prestige and dampening of the drive's momentum when Mr. Nader failed to appear at the rally, their actual loss in fund solicitation is too speculative to provide a basis for an award of compensatory damage. However, the Defendant's intentional misrepresentation did constistitute an invasion of CCAG's legal rights, and, therefore, CCAG is entitled to nominal damages. *Chesapeake & Potomac Tel. Co.* v. *Clay*, 90 U.S. App. D.C. 206, 194 F.2d 888, 890 (1952). *See, Cook Industries, Inc.* v. *Carlson*, 334 F. Supp. 809 (D.C. Miss 1971); *Oklahoma Natural Gas Corp.* v. *Municipal Gas Co. of Muskogee*, 113 F.2d 308 (10th Cir. 1940).

6. Punitive damages are awarded against a tortfeasor to punish him for the good of the community for his outrageous conduct and to deter others from such conduct. *Chesapeake & Potomac Tel. Co.* v. *Clay*, 90 U.S. App. D.C. 206, 194 F.2d 888, 891 (1952). Since the Defendant herein intentionally engaged in substantial overselling, and intentionally did not inform the public of this practice and the attendant risks, and intentionally sought to conceal such information from all its passengers and particularly from the victims of this practice, it is clear that the Defendants acted not only wantonly but with malice. They are, therefore, liable to both plaintiffs for punitive damages for their misrepresentation.

7. Under the Federal Rule and the rule of this district, compensatory damages need not be shown to establish a basis for the assessment of punitive damages. E.g., *Wardman-Justice Motors, Inc.* v. *Petrie*, 59 U.S. App. D.C. 262, 39 F.2d 512, 516 (1930). Therefore, although the proven damages of the plaintiffs are a nominal sum, the plaintiffs may recover punitive damages.

8. The forty-five (45) day time within which actions may be maintained against the Defendant as set forth in its tariff on file with the CAB is no bar to maintaining this action because of the following:

(a) Shortly after dishonoring Mr. Nader's reservation on Flight 864, the Defendant sent him a written instrument, giving him sixty (60) days within which to accept in com-

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plete settlement of all claims against the Defendant; and

(b) The aforesaid sixty (60) day offer of settlement and tender of liquidated damages was a written acknowledgement of the Defendant's actual notice of Plaintiff's claims and thereby waived any further action on Plaintiff's part within a lesser period of time; and

(c) The rule is inapplicable to claims for damages for personal injuries arising out of the Defendant's discriminatory, deceitful and intentional tortious conduct; and

(d) The CAB consumer's guide states that passengers have at least 90 days to file a claim, coterminous with the three-month period carriers are required to maintain their ticket records.

CONCLUSION

By virtue of the foregoing, an order will be entered of even date herewith awarding the Plaintiff Nader $10.00 in compensatory damages and $25,000 as punitive damages of and from the Defendant. The Plaintiff CCAG is awarded $51.00 in nominal damages and $25,000 in punitive damages, of and from the Defendant.

Charles R. Ritchey,
U.S. District Judge.

Dated: October 18, 1973.

SUPPORT THE PRESIDENCY

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. BAKER. Mr. Speaker, many of the citizens of my congressional district have been quite concerned about the flow of events regarding the Watergate situation. And many of them feel that the office of the Presidency—the executive branch of our Government—is being undermined by actions of both the legislative and judicial branches.

I have recently received a letter signed by a number of my constituents on this issue. I commend to my colleagues their comments on the separation of powers:

> *Members of the U.S. House and the U.S. Senate:*
>
> We a segment of the people dare to state that the issue which now faces this Nation is not Watergate but the destruction of the Presidency, the Executive branch of government.
>
> The Presidency is the only elective office where all the issues are brought before the people—conservative, liberal or moderate—for majority approval.
>
> To lessen the powers of the President in any degree would be a treasonable act of a magnitude that reduces Watergate to insignificance.
>
> The pertinent question is not what the President actually should or should not have done pertaining to the tapes and documents, but the fact is that the Judiciary actually issued a decree to force the office of the Presidency into subjection. This is as unconstitutional as the President subjecting the Legislative or Judicial to the Executive branch.
>
> The President is not subject to the Judiciary processes of the court and to submit to such action is to reduce the power of the Executive office.
>
> For the Presidency to obey a court order that would force the office of the Presidency into a submissive position before the legislative or judicial branches would be a violation of his oath of office to uphold the Presidency and the separate balance of power of the Executive, Judicial and Legislative branches.
>
> For the members of the House and Senate to allow such usurpation by the Judiciary to go unchallenged would be a violation of your oath of office.
>
> If the President is guilty of high treason or crimes that warrant punishment, then let it be done under the Constitutional provision of impeachment in the House and trial in the Senate on presentation of evidence.
>
> We feel the future of this government under the Constitution rests in your hands and your ability as members of this body to maintain the balance of power between the Judicial, Legislative and Executive regardless of your personal feelings pertaining to the President.
>
> At stake is not Mr. Nixon, but the office of the Presidency and should be clearly so stated.
>
> May God help you in your deliberation.
>
> Stephen Lee Adams, William A. Edwards, Samuel Adams, Obie Cook, Samuel Gary Adams, Lyle Mays, Jo Ann Adams, Bobbie Mays, Sam Acuff, Mrs. W. B. Willingham, Winborn Willingham, Coy Riddle, Phillis Edwards, Rachel Hudson.

PRESIDENT NIXON RECEIVES HIGH PRAISE FOR COURAGEOUS LEADERSHIP FOR PEACE

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. KEMP. Mr. Speaker, to those critics who have punctuated their cries for President Nixon's resignation by claiming that he has already lost the capacity to govern, the administration's assertion of leadership in the Middle East crisis seems to prove otherwise.

Israel's Premier, Golda Meir went out of her way on Tuesday to praise what she described as President Nixon's courageous stand in the face of the "Soviet threat" at the end of October. Mrs. Meir said:

> We are convinced that thanks to the alert declared by the President of the United States in the American Armed Forces undesirable developments were averted. The result was that the Soviet Union preferred to cooperate with the United States in order to prevent a deterioration of the situation which would surely have been brought about by the unilateral Soviet measures.

Moreover, the President's initiatives to mobilize the Nation to voluntarily conserve fuel have been well-received by the American people.

The Buffalo Evening News in their November 13 editorial recognized the President's continuing ability to lead:

> No "Incapacity" Evidence Here
>
> To those critics who have punctuated their cries for President Nixon's resignation by claiming that he has already lost the capacity to govern, the administration's assertion of leadership in two crucial areas last week is a telling reply. Neither the world response to Mr. Nixon's Middle Eastern diplomacy nor the domestic response to his initiatives in mobilizing a nationwide effort to voluntarily conserve fuel seems to have suffered any great impairment as a result of his Watergate problem.
>
> On the contrary, presidential initiatives in the Middle East, exercised through his fast-moving secretary of state, Henry Kissinger, have been instrumental in producing a ceasefire, thereby greatly improving prospects for the difficult negotiations that lie ahead.
>
> As for the energy shortage, the President spoke candidly to the nation, and the plans he outlined are winning public acceptance as well as follow-up support from Congress and state and local officials. All of which suggests that this nation is quite well able to compartmentalize a problem like the Watergate scandal and, even while voicing dismay at the administration's handling of that, still rally to support its needed initiatives in other areas.
>
> None of this is to discount Mr. Nixon's protracted difficulties related to Watergate, or to minimize the severe erosion of confidence his administration has suffered there. As to that, though, the President seems in recent days to be calling for a real change of signals. Whether it was the recent wave of resignation demands from formerly strong supporters that stung him, or GOP reactions to last week's adverse election returns, he has evidently been persuaded to treat his Watergate crisis more seriously and deal with it more openly.
>
> Thus, the White House plans to disclose to the public the content of the secret tapes, as well as other presidential papers, after they have gone to the Watergate grand jury, and the President promises to answer all questions about Watergate in small-group meetings with Republican members of the House and Senate. These moves recognize the seriousness of the President's Watergate credibility problem and face in the right direction of more openness than had been visible in many prior responses.
>
> Admittedly, such steps are coming late in the game. The President, as we've said before, has been too grudging, too insulated. His changes of fully recovering public confidence would have been better a few weeks ago, before any of his erstwhile supporters had taken the drastic, one-way jump of advocating his resignation. But there is still a tremendous reservoir of public fair-mindedness, of men and women still withholding judgment, and certainly the President's best hope of winning their support is with a show of all the forthright candor and openness he can muster.

LATVIAN INDEPENDENCE

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. FORSYTHE. Mr. Speaker, 55 years ago, the Latvian nation proclaimed its independence. After centuries of foreign domination, the Latvian people took their rightful place among the free and sovereign nations of the world.

After World War II, the Latvian nation lost its freedom to Russian domination. For the Latvian people, an era of freedom and sovereignty was brought to an abrupt and final end.

Yet, 30 years of Russian domination has not dimmed the Latvian peoples devotion to the cause of freedom. Their desire for freedom cannot be stifled by their Russian captors. The desire for freedom, once created, cannot be destroyed.

On November 18, Latvians throughout the world will celebrate the 55th anniversary of Latvian Independence Day. This day stands as a reminder to free people everywhere, of the freedom the people of Latvia once possessed and the arrogant way in which this freedom was taken from them.

In view of the shameless events surrounding Latvian domination, I share most deeply and sincerely the sentiment that they hold for this day.

RAPE VICTIM BILL REINTRODUCED WITH 37 COSPONSORS

HON. H. JOHN HEINZ III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. HEINZ. Mr. Speaker, today I am reintroducing, along with 37 of my distinguished colleagues, an important proposal to combat one of our fastest growing, least understood and least reported crimes—the crime of rape. This proposal would establish, within the National Institute of Mental Health, the National Center for the Control and Prevention of Rape. This Center would be responsible for financing and conducting research and demonstration programs into the causes, consequences, prevention, treatment and control of rape. The Center would both expand and intensify research into the causes of the crime and the motivations of the offenders. Perhaps most importantly, though, it would work with the Justice Department to study the rape laws themselves as well as the procedures surrounding the enforcement of those laws with the goals of determining the reasons for the low rate of rape convictions and drafting a model rape law.

This legislation will help this Nation move toward a more responsive, more humane system for dealing with rape victims and a more effective law for dealing with the perpetrators of this crime. It should help us move toward adequately protecting women's rights to physical security, to peace of mind, and to move about as freely as men.

I call upon my House colleagues to join us in this effort, and to swiftly enact this important first step in freeing American women from the threat of rape, and allowing them to move about more freely in our society.

So that my colleagues may closely examine this legislation, the text of the Rape Control and Prevention Act follows:

THE RAPE CONTROL AND PREVENTION ACT

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Rape Prevention and Control Act".

NATIONAL CENTER FOR CONTROL AND PREVENTION OF RAPE

SEC. 2. Section 11 of the National Mental Health Act (63 Stat. 421) is amended by inserting the subsection designation "(a)" immediately before the first sentence and by adding at the end thereof the following new subsections:

"(b)(1) The Secretary of Health, Education, and Welfare (hereinafter referred to as the 'Secretary') shall establish within the National Institute of Mental Health a center to be known as the National Center for the Control and Prevention of Rape (hereinafter referred to as the 'Center').

"(2) The Secretary, acting through the Center, shall conduct a continuing study and investigation of—

"(A) the effectiveness of existing Federal, State, and local laws dealing with rape;

"(B) the relationship, if any, between traditional legal and social attitudes toward sexual roles, the act of rape, and the formulation of laws dealing with rape;

"(C) the treatment of the victims of rape by law enforcement agencies, hospitals, or other medical institutions, prosecutors, and the courts;

"(D) the causes of rape, identifying to the degree possible—

"(i) social conditions which encourage sexual attacks;

"(ii) motivations of offenders, and

"(iii) the impact of the offense on the victim and the families of the victim;

"(E) sexual assaults in correctional institutions;

"(F) the actual incidence of forcible rape as compared to the reported cases and the reasons therefor; and

"(G) the effectiveness of existing private, and local and State government, education and counseling programs designed to prevent and control rape.

"(c) It shall be the duty of the Center to—

"(1) compile, analyze and publish and annually submit, through the Secretary, to Congress a summary of the continuing study conducted under subsection (b) and the research and demonstration projects conducted under Sec. 3 with recommendations where appropriate;

"(2) develop and maintain an information clearinghouse with regard to—

"(A) the prevention and control of rape;

"(B) the treatment and counseling of the victims of rape and their families; and

"(C) the rehabilitation of offenders;

"(3) compile and publish training materials for personnel who are engaged or intend to engage in programs designed to prevent and control rape.

"(d) For the purposes of carrying out the provisions of subsections (b) and (c) of this section there are authorized to be appropriated such sums as may be necessary.

"(e) Funds available to any department or agency of the Government for research and development for the prevention and control of rape shall be available for transfer with the approval of the head of the department or agency involved, in whole or in part, to the Center for such use as is consistent for the purposes for which such funds were provided, and funds so transferred shall be expendable by the Center for the purposes for which the transfer was made."

"(f) For the purpose of this section and section 281 of the Community Mental Health Centers Act 'rape' shall include forcible, statutory and attempted rape, homosexual assaults, and other criminal sexual assaults."

RESEARCH AND DEMONSTRATION PROJECTS

SEC. 3. The Community Mental Health Centers Act (42 U.S.C. 2681) is amended by adding at the end thereof the following new part:

"Part G—Rape Prevention

"SEC. 281. (a) The Secretary, through the National Center for the Control and Prevention of Rape, shall make grants to community mental health centers, non-profit private organizations, and public agencies (determined by the Secretary to be qualified), for the purpose of conducting research and demonstration projects concerning the control and prevention of rape.

"(b) Projects funded under subsection (a) shall include but not be limited to—

"(1) alternative methods of planning, developing, implementing, and evaluating programs used in the prevention and control of rape, the treatment and counseling of victims of rape and their families, and the rehabilitation of offenders;

"(2) application of methods developed under paragraph (1).

"(c) There are authorized to be appropriated for carrying out the purposes of this part such sums as may be necessary.

"ADVISORY COMMITTEE

"SEC. 202. (a) The Secretary shall establish an advisory committee to advise, consult with and make recommendations to him on matters relating to rape prevention and control.

"(b) The provisions relating to the composition, terms of office, and reappointment of members of the advisory councils under section 432(a) of the Public Service Act shall be applicable to the committee established under this section, except that the Secretary may include on such committee such additional ex officio members as he deems necessary.

A VICE-PRESIDENTIAL RESIDENCE

HON. ANDREW J. HINSHAW

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. HINSHAW. Mr. Speaker, I am today introducing legislation to provide for an official residence in the District of Columbia for the Vice President of the United States.

The establishment of an official residence for the Vice President and his family would be, in a very real sense, a national monument which would belong to all of the people of the United States. The need for such a residence has, in my mind as well as in the minds of a number of my colleagues, become a very real one.

This need was apparent at least as far back as 1965–66 when the 89th Congress authorized the construction of just such a residence on the grounds of the Naval Observatory. On October 20, 1965, the Senate Committee on Public Works pointed out in its report number 914 to accompany S. 2394 that:

> It is unrealistic to expect a Vice President in today's world to fulfill his many responsibilities without the aid of an official residence. This may not have been the case in the past, when the Vice-Presidential Office was regarded as something in the nature of an honorary office. This no longer holds true. The Vice President of today is deeply involved in the administration of government and as such deserves a residence befitting the new status of his Office. The social functions in which he is expected to serve as host are matters of no small concern to the Government. They also require so much space, so large a staff and so much expense, that it is altogether unreasonable to expect the Vice President to take care of matters of this kind on his own in his own home.

The then Vice President, Senator HUBERT H. HUMPHREY, declined the opportunity providing for a Vice Presidential home, thus leaving Public Law 89–386 in effect but dormant.

I feel compelled to introduce this legislation as a result of observations and conclusions I reached during the hearings recently completed by my Government Activities Subcommittee of the Government Operations Committee, concerning Federal expenditures for security purposes at the LBJ Ranch, Hyannisport, San Clemente, and Key Biscayne.

The Senate Public Works Committee Report Number 914 from which I already quoted expressed its concern for the security of the Vice President when it stated:

> The committee believes it is fitting and proper that an official residence be provided for the Vice President. In today's atmosphere of turmoil and trouble throughout the world which requires stability and continuity in our two highest public offices and with the need for security so dramatically brought out by President Kennedy's assassination. We impose upon the Secret Service the duty of protecting the Vice President, but permit the occupant of the Office to reside at indefensible locations dictated by personal income or wishes. Protecting the Vice President, would be made much less difficult in an official residence whose location could be chosen partly with security precautions in mind.

We in the Government Activities Subcommittee have had testimony as to the large amounts of money expended to protect the past and present holders of the office of the President and Vice President of the United States. While that committee has not yet completed its report, the conclusion is fairly obvious that increasingly significant expenditures of Federal monies are required for the protection of our Vice President as well as our President.

It will be recalled that the security expenditures for the former Vice President Agnew at the home that he had recently purchased in Chevy Chase, Md., amounted to approximately $125,000. I believe when we recognize that the office of the Vice-Presidency will continue to be a changing one with respect to its occupant, the Federal Government will in the long run save money if it provides for a permanent residence. If such a permanent residence is provided then the question of the propriety of security expenditures and the recoverability of such expenditures will cease to be a question of major concern for the Congress.

The bill which I am introducing today provides for the purchase of an existing property in the District of Columbia as opposed to the authorization to construct a new house as contained in Public Law 89–386.

I believe this distinction is important because—at the present time—we do not have a Vice President. However, contemplating that we will have a confirmation by the Congress of a new Vice President in the near future, it seems apparent that it would be financially prudent to acquire such a residence now. Such action would obviate the need for the expenditures of large sums of money for security purposes at a private residence of our next Vice President as well as all of our future Vice Presidents.

MINNESOTAN WINS TOP RAILROAD PRIZE

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. NELSEN. Mr. Speaker, a few days ago here in Washington, a young man living in my congressional district, David Schauer of Arlington, Minn., won the first-place $1,500 scholarship prize from the Railway Progress Institute for his essay on how to prevent nationalization of the Nation's railways.

David, the son of Mr. and Mrs. Alfred J. Schauer of Arlington, is a Life Scout and active in numerous school and community activities. All of us in Minnesota are proud of his accomplishment. Beyond that, however, David's thoughtful commentary touches on a subject of growing concern here in the Congress, and I wish to call attention to his analysis by inserting his essay in the RECORD at this point in my remarks:

WHY AND HOW SHOULD WE AVOID GOVERNMENT TAKEOVER OF THE RAILROADS?

The purpose of this paper is an attempt to explain the "why" and "how" of avoiding government takeover of the nation's railroads.

One reason for preventing government takeover of the railroads was stated by James J. Hill, the famous businessman who built the Great Northern Railway. He wrote: "The experience of state-owned railroads in Europe, in Mexico, and elsewhere, unable to sustain themselves without rates much higher then ours, although labour is far cheaper, our own experience in the conduct of all large undertakings by the government, proves that the work would cost from 50 per cent more to several times as much as now. This added cost, together with the disadvantages of an inferior service, would fall on the people."[1]

Many railroads in Europe suffer great losses as a result of nationalization. According to U.S. News and World Report, the British and Italian railroads lose between 300 and 600 million dollars a year and the French railroads lose around 900 million dollars annually.[2]

Another reason for preventing government takeover is the effect of constant pork barreling by the members of Congress, the probable controlling body of the nationalized railroads. This constant congressional pork barreling for unnecessary lines would lead to further monetary losses.

To prevent government takeover, the railroads of America must be allowed to do two things. First, Congress must remove several anti-trust and monopoly laws so the railroads can consolidate into several big systems. The reason for this removal of laws was given by James J. Hill. He stated: "A railroad is a natural monopoly. There is room for only so many in a given territory. If there are two lines where one would suffice, the added burden falls on the public. A railroad must either earn money to operate it, or borrow. In either case the people foot the bill."[3]

James J. Hill's response to having railroads consolidate was this: "The final product must be a number of strong systems, each competent to give to the people of the territory served by it the best service; all competing against one another for the better development of the areas served by them respectively and the sale of their products in the common market."[4]

Second, the railroads must become intermodal, or diversified. The railroads must invest in the other forms of transportation, such as trucking firms, airlines, hotels, ships, telecommunications, and pipelines. They may also invest in such material resources as forests or minerals and haul these same resources.

The Canadian Pacific Railroad is an example of what an intermodal transportation corporation can do. This corporation can move any product to its destination without the product ever leaving the possession of the corporation or having to be transferred to another firm's transportation service. The Canadian Pacific Railroad also earned $96.1 million in 1972 proving that an intermodal corporation is very profitable.

We have seen that government takeover would result in poor service and public debt. The only way government takeover can be prevented is by having the rail lines consolidate and let the lines compete in providing better service to the customers of its area instead of competing against one another in the same area. The railroads may also become intermodal.

BAN THE HANDGUN—IV

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. BINGHAM. Mr. Speaker, the article printed below tells the tragic story of a young man slain by a friend while inspecting a pistol they had found. The death of 16-year-old Stanley Williams is grievous evidence that handguns should not be extensively available. The establishment of strict gun controls pertaining to both the acquisition and disposal of these weapons is essential if we are to stop the carnage. The article which appeared in the New York Times follows:

A BRONX YOUTH, 16, IS SLAIN BY FRIEND SHOWING OFF A GUN

Stanley Williams, 16 years old, met with some friends yesterday morning on the roof of a Bronx building to inspect a pistol one of them had said he had found.

One of the youths pointed the pistol at him and pressed the trigger twice. It clicked both times. The third time the pistol, a .38-caliber Smith & Wesson, fired, hitting Stanley in the chest. He was pronounced dead on arrival at Fordham Hospital.

That was the account the dead boy's friends gave the police at the Ninth Detective Division offices after having previously told them that an unidentified youth had shot young Williams in the hallway of the building at 2101 Morris Avenue in which they all lived.

Three youths, whose names were not given by the police because they are juveniles, were brought into the 46th Precinct headquarters for questioning by Ronald Degan, an assistant district attorney.

There, one of the youths told the police that he had found the pistol in the backyard of the building on Thursday and did not know that it was loaded. He said it was passed around among the four boys. The weapon was later found by the police in an air shaft. They said it could not be traced to its original owner.

After further questioning, two youths, both 15-year olds, were booked. One was held on a juvenile delinquency-homicide charge. The other, who had found the gun, was charged with juvenile delinquency and possession of a firearm, and released on his parents' recognizance. Both youths will be brought to Juvenile Court on Monday morning.

WAR POWERS RESOLUTION

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. ROYBAL. Mr. Speaker, my vote on the motion to override the veto to House Joint Resolution 542 has been reached after many long hours of thought and consultation. These efforts have only strengthened my conviction that this resolution is an abdication of congressional responsibility and a cover-up for its failure to use its constitutional power to restrain presidential warmaking.

The Constitution clearly provides in article I that:

> The Congress shall have power . . .: To declare War . . . and make Rules concerning Captures on Land and Water. To raise and support Armies, but no Appropriation of Money to that use shall be for a longer Term than two years. To provide and maintain a Navy. To make Rules for the Government and Regulation of the land and naval Forces.

A reading of U.S. history shows that the Framers of the Constitution vested the warmaking power in Congress as a curb against the excesses in authority experienced under the British monarchy. The Founders had rightly observed that the Executive had a "propensity" for warmaking, as James Madison had pointed out. For this reason, the power to initiate war was entrusted to Congress. House Joint Resolution 542 violates that constitutional trust by allowing a President to wage war without congressional approval and without effective legal restraints.

Until recently Congress acted responsibly in keeping this trust intact. Even when Pearl Harbor was bombed without warning, it was Congress that declared war on the Axis Powers and not the Executive. This resolution, however, would sanction more recent abuses of power as witnessed in Vietnam and Cambodia and move us closer toward one-man military rule.

In carrying out its constitutional duties Congress has already created the necessary structure to review U.S. defense policy and determine by legislation our future commitments. For example, the Armed Services and Appropriations Committees have the responsibility to judge what circumstances require troop deployment and military assistance abroad. This existing structure provides much stronger procedures and safeguards than have been established under this resolution.

House Joint Resolution 542 is nothing more than a codification of Congress refusal to act decisively in time of war. It grants the President carte blanche authority to commit our troops anywhere in the world for up to 90 days. We have heard many pious statements that the troops would be withdrawn if Congress disapproved within 60 days.

Unfortunately, these statements completely overlook the reality of the situation. Our experience shows that once a President has committed U.S. forces abroad, it becomes virtually impossible to reverse the momentum of that decision even though it may be totally unwise. We would be drawn inevitably into supporting the President or else be accused of abandoning our troops in the field of battle. There is little doubt that under the 60- to 90-day allowance Congress would have readily approved the deployment of troops to Vietnam, and found itself even today deeply involved in the quagmire of that conflict.

Even if initial support for war should wane, the President would still retain the upperhand by manipulating the POW and MIA issue to his benefit. Is there anyone in this body who would vote to leave our POW's and MIA's behind in a withdrawal. I think not. I find it difficult to believe that we have so quickly lost sight of the meaning of Vietnam—that once a President has unilaterally committed troops overseas, it is virtually impossible for Congress to bring them home. The time for decision is before the fait accompli and not afterwards.

House Joint Resolution 542 contains another serious loophole; it appears to direct the President to consult with Congress "in every possible instance." This language is so loose that the Executive would have the exclusive right to decide whether he had time to consult with anyone before engaging in war. I must strongly disagree with those who argue that Congress has already lost much of its war powers and can only regain them through this resolution. What Congress must do is not surrender its constitutional authority, but use its power of the purse to cut off warmaking funds. I recognize that the supporters of this resolution were motivated by the best of intentions. But I fear that in their zeal to act and to reach what they consider an acceptable compromise, they have sown the seeds of a continuing Gulf of Tonkin resolution.

INDIANA SCHOOLS SET NATIONAL ENERGY EXAMPLE

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. MYERS. Mr. Speaker, I am proud to call to the attention of my colleagues and the American public the energy-savings campaign undertaken by Indiana University in Bloomington and Purdue University in West Lafayette more than a year ago, long before the current energy crisis.

The farsighted leaders of these two excellent Hoosier educational institutions, President John W. Ryan of Indiana and President Arthur G. Hansen of Purdue, initiated a cost savings program which saved the Indiana taxpayers a combined total of more than $364,000 in electricity and water bills.

At this point, I would like to share with you separate reports on the cost savings program prepared for me by both universities:

INDIANA UNIVERSITY

BLOOMINGTON, IND.—Indiana University is flipping—light switches and water faucets, that is. And many little flips are paying off in big savings.

The Bloomington campus spent $151,688 less for electricity and water in six months of a Conservation Campaign launched by students, faculty, and staff than it spent in the comparable six months in the previous year, Roger L. Grossnickle, superintendent of utilities and electrical engineering, has reported.

Grossnickle gave a large measure of the credit for the savings to the conservation efforts of the campus community. In the spring semester, posters and stickers for light switch plates and water faucets were distributed over the campus urging users to conserve energy and reminding them that "every drip counts."

Grossnickel compared the second six months of fiscal 1972–73 with the same period in 1971–72, which was before the Conservation Campaign began.

"Though there may be other factors involved that have not been considered, this comparison indicated a saving of $79,500 in electrical energy alone to say nothing of the lamps, ballasts, bearings, labor, etc., that this amount of electrical energy represents," he said. "The comparison of water bills for the same peirods shows that we saved 107,744,000 gallons of water amounting to $72,188 savings."

Grossnickle also pointed out that the "electrical energy which we did not use also represents the following pollutants that the utility companies did not dump into the Air: sulphur dioxide, 362,000 pounds or 181 tons; nitrous oxides, 120,700 pounds or more than 60 tons, and particulate, 6,106 pounds or more than 3 tons."

PURDUE UNIVERSITY

WEST LAFAYETTE, IND.—Purdue's year-long program to economize through utilities savings paid off in 1972–1973, Vice President and Treasurer Lytle J. Freehafer revealed this week in a letter to all university staff members.

"Take a bow! The combined savings in our utilities budget exceeded 5 per cent, actually totaling $212,689!" Freehafer said in his letter. "What does that mean individually? At a time when the university's operating funds are critically short, it means that many employees who received pay increases would not have gotten them because these funds otherwise would have literally gone up the stack."

University officials had originally calculated that individual economies—turning off that unneeded light, closing doors to humidity-controlled rooms, using minimal air-conditioning, closing down water usage in laboratories when not needed—would save up to $180,000.

Water saving alone was an economic and ecological victory in the 1972–1973 fiscal year. The drive resulted in the university pumping 207,000,000 gallons less water than in the previous year, a 10 per cent reduction in a period in which the Physical Plant Department expected a sharp increase, Freehafer said.

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[1] James J. Hill, *Highways of Progress* (New York: Doubleday, Page & Company, May, 1910), p. 134.

[2] "Future of Passenger Trains," *U.S. News and World Report* (January 3, 1972), p. 46.

[3] James J. Hill, *Highways of Progress* (New York: Doubleday, Page & Company; May, 1910), pp. 126–127.

[4] James J. Hill, *Highways of Progress* (New York: Doubleday, Page & Company; May, 1910), p. 237.

Power usage in the year increased by only 20,000 kilowatt hours, "a drop in the bucket" since the university used 129,400,000 KWH and traditionally has experienced a 6 to 7 per cent annual increase in its purchased and Purdue-generated power requirements.

Freehafer also thanked the student body for its cooperation in the year-long drive to cut down on utility usage to save precious university funds.

SPECIAL PROSECUTOR

HON. ANDREW YOUNG

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. YOUNG of Georgia. Mr. Speaker, during the course of the past 3 weeks the U.S. Congress has received what has been reported as a record response from the American people concerning the scandal that has become known internationally as Watergate. I am certain that it was this unprecedented response from thousands of citizens that is responsible for Mr. Nixon's decision to back down on the tapes issue, and fostering the jesture of leveling with Republican Members of Congress. However, his dismissal of Special Prosecutor Cox and the seizure of his files gives the public no sense of security that the same will not happen if Mr. Jaworski also decides to take his appointment seriously—a decision to uphold justice at all cost.

The distinguished Senator from the State of Indiana (Mr. BAYH) contributed an article to the November 14 issue of the New York Times concerning the restoration of faith and confidence by congressional appointment of a special prosecutor. I commend it to my colleagues for their reading:

THE PROSECUTOR

(By Birch Bayh)

WASHINGTON.—The appointment of Mr. Jaworski as the new special prosecutor is not responsive to the valid, sustained public demand for an independent prosecution of Watergate and other cases that had been under investigation by Archibald Cox. The appointment of Mr. Jaworski within the executive branch to investigate the executive branch—a person who could be dismissed by the President as abruptly as was Mr. Cox—will, with good cause, fuel public concern that justice is not being pursued thoroughly and without constraint.

Also, the informal agreement that the new special prosecutor can be dismissed only with the agreement of Congressional leaders does not have the force of law. There is nothing that can be done legally to prevent the President from changing his mind, as he did in the case of Mr. Cox, and unilaterally dismissing Mr. Jaworski.

After an exhaustive study I am convinced that a statute giving the United States District Court authority to appoint an independent prosecutor would be upheld.

The first issue with which we must deal is whether the Congress has the power to delegate such an appointment. That power is specifically derived from Article II, Section 2 of the Constitution which states:

"The Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments." These clear words, and the judicial interpretation of them, leave no doubt that Congress is empowered to authorize judicial appointment of an independent prosecutor.

Moreover, there is a law on the books, the constitutionality of which has been sustained, that specifically gives U.S. District Courts authority to appoint U.S. Attorneys to fill vacancies.

The second issue is whether the creation of an officer, subject to dismissal only by the court, violates the separation of powers doctrine. On the contrary, court appointment of an independent prosecutor may be the only means of affirming the separation of powers, and is corollary doctrine of checks and balances.

The separation of powers is not a formal rigid doctrine dividing our Government into watertight compartments. Rather, it is a functional doctrine to assure that checks and balances prevent one branch of Government from assuming unreasonable powers. In the situation now confronting us, it would do violence to this concept of checks and balances to leave within the executive branch the authority for an investigation of the executive branch.

The power to prosecute alleged wrongdoing in the executive branch clearly is among those powers vested by the Constitution in the Government. As Chief Justice Marshall wrote in his classic description of constitutional power: "Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional." (McCulloch v. Maryland).

In this context of Congressional power it is both "appropriate" and "plainly adapted" to the end of prosecuting wrongdoing in the executive branch for Congress to create an office of independent prosecutor.

Also, the "necessary and proper" clause has been held to give Congress certain responsibilities lodged in other branches of Government. While prosecutorial powers traditionally reside in the executive branch, the unusual circumstances created by the President's action necessitates that the Congress share in those responsibilities.

Mr. Jaworski's appointment as special prosecutor is totally inadequate, as any Presidential appointment would be. In light of recent events, the word "special" is meaningless. Independent authority, not special authority, is what the American people demand of a new prosecutor. Congress must respond if we are to restore the public faith and confidence from which a democratic government derives its strength and authority. There is no means left to us for the restoration of that faith and confidence other than the creation of a legal and constitutionally proper independent prosecutor to see that justice is administered fairly, fully and promptly.

MURDER BY HANDGUN: THE CASE FOR GUN CONTROL

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. HARRINGTON. Mr. Speaker, 5 days ago Catherine Hammer was killed by a handgun during an argument with a friend.

On October 31, my esteemed colleague, the Honorable EARL LANDGREBE, said in an insert in the CONGRESSIONAL RECORD:

> Guns owned by private citizens are not the same guns used in crimes by criminals.

But Catherine Hammer's death was not premeditated. The person who killed her probably never committed a crime before.

The article on the murder of Catherine Hammer is from the November 11 Washington Post, and is included below:

WOMAN KILLED, MAN CHARGED

A 43-year-old Prince Georges County woman was shot to death Saturday evening during an argument, county police reported yesterday.

Police said Catherine C. Hammer, 5311 29th Ave., Hillcrest Heights, fell into a dispute with James Hubbard, 56, 3201 E St., SE, about 6:15 p.m. During the argument, police said, she was shot three times with a .32 caliber revolver.

She was pronounced dead on arrival at Prince Georges County Hospital. Police said Hubbard later called county detectives and turned himself in. He has been charged with homicide, according to police.

H.R. 9474 CONTINUED

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. BRINKLEY. Mr. Speaker, I would like to take this opportunity to continue my remarks with reference to the Senate amendment to H.R. 9474 which we approved yesterday and returned to the other body for final action.

As you know, Mr. Speaker, H.R. 9474 will benefit more than 2.3 million World War I, World War II, Korean, and Vietnam veterans, their widows, and dependent parents by increasing monthly non-service-connected disability and death pension rates and dependency and indemnity payments by a minimum of 10 percent.

Of particular significance is the amendment approved yesterday providing a lump-sum payment to the surviving veteran and the unremarried widows of those veterans who were so wrongfully victimized in the "Brownsville Incident" of 1906. This provision was originally contained in a separate bill (H.R. 4382), considered by the Veterans' Affairs Subcommittee on Compensation and Pension, of which I am a member, during June of this year. The objective of the amendment is substantially the same as contained in the separate House bill in that its purpose is to confer a pensionable status on veterans and the survivors of the veterans involved in the Brownsville incident.

To briefly, recount, the Brownsville incident stemmed from a shooting in the border town of Brownsville, Tex., on the night of August 13, 1906. Around midnight on this date, between 5 and 20 people shot up the town, killed one person, injured another, and discharged between 150 and 300 rounds of ammunition in a space of some 10 minutes. The alleged culprits were members of the Army's all black 25th Infantry Regiment who were stationed just outside the town at Fort Brown.

Without according them a hearing President Theodore Roosevelt ordered all 167 men in the regiment "discharged without honor" and also ordered them "forever debarred from reenlisting in the Army or Navy of the United States, as well as from employment in any civil capacity under the Government." In other words, these men were punished for a crime for which they were never formally charged, tried, or convicted.

It is significant to point out that the 25th Regiment had been the first unit called up for service in Cuba during the Spanish-American War. The unit's capture of El Caney in dawn to dusk fighting enabled Theodore Roosevelt to take San Juan Hill the following day.

On April 6, 1910, a military court of inquiry allowed 14 of the men to reenlist, the remainder were forced to live out their lives under the shadow of their "no honor" discharge.

Today, only one man, 87-year-old Dorsey Willis of Minneapolis, Minn., is still alive out of the original 167 men of the 25th Regiment. For the past 56 years he has spent his life shining shoes in a Minneapolis bank building.

On September 22, 1972—66 years after the Brownsville incident—Secretary of the Army Froehlke cleared the soldiers' records and termed their discharges "a gross injustice."

Enactment of H.R. 9474 as amended provides much needed increased benefits to more than 2 million veterans, their wives, and dependent parents; it will help to correct an injustice committed years ago; and, finally, it will enable Dorsey Willis and his wife to live out their remaining years in some degree of financial security.

In conclusion, Mr. Speaker, I again urge our colleagues in the Senate to give final approval to H.R. 9474 at the earliest possible date.

TWO CONNECTICUT RESIDENTS WIN ROBERTO CLEMENTE AWARDS

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. STEELE. Mr. Speaker, we in Connecticut are extremely proud that two of the nine winners of the first Roberto Clemente Humanitarian Awards are Connecticut residents. They are State Commissioner of Community Affairs Ruben Figueroa and Hartford Newspaper Publisher Juan Fuentes.

The awards were presented by the Roberto Clemente Humanitarian Institute, an organization founded by the family of the late Pittsburgh Pirates baseball star.

Figueroa was recognized for being the first Puerto Rican to serve as head of a State Department and for his "many tireless evenings trying to help the Puerto Rican community in Connecticut," according to Clemente's widow, Mrs. Carmen Rodriquez-Clemente.

Fuentes, publisher of the Hartford Spanish-language newspaper La Prensa Grafica, was cited for his newspaper work.

Mrs. Clemente said:

> He has gone through hurricane and storm to get news from the Island and the mainland to the Spanish community in Connecticut that does not read English.

I would also like to take this opportunity to add my hearty personal congratulations to the many already received by these two distinguished Connecticut citizens.

STATEMENT IN SUPPORT OF A BILL TO ALLOW, FOR FEDERAL INCOME TAX PURPOSES, A DEDUCTION FOR CERTAIN INTEREST COSTS INCURRED BY CERTAIN INVESTMENT DEALERS

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. ASHLEY. Mr. Speaker, today I have introduced a bill which provides that certain interest costs incurred by dealers in connection with the purchase of tax-exempt obligations will not be disallowed as a deduction for Federal income tax purposes. The bill is designed to correct an inequity that has prevailed in our tax laws far too long.

Under present law, section 265(2) of the Internal Revenue Code of 1954 disallows a deduction for interest on indebtedness incurred to purchase or carry Government obligations whose interest is tax exempt. It is quite rational to expect that ordinarily a taxpayer who borrows to purchase tax-exempt bonds should not be allowed a deduction for the interest paid on the loan and then also be exempt on the interest earned on the bond. However, rationality further demands that under certain conditions, modifications of this general principle must be provided. I will explain the justification for such a modification, as provided in my bill, in the case of the security dealer.

A significant part of the business of investment dealers is to underwrite municipal bonds, the interest on which is exempt from Federal income taxes. The dealer performs a service that is analogous to the function the retailer performs in marketing the goods of a manufacturer. The security dealer carries bonds—as inventory—the same as the retailer must maintain an inventory of goods. Furthermore, since much of today's business transactions require operating through the credit market, it is not uncommon for businesses to obtain funds from external sources to maintain their inventories. Similarly, the investment dealers must borrow funds in order to purchase and hold their bonds for sale.

If a security dealer pays a greater interest cost on the loan used to carry the tax-exempt bonds than he receives as a return on the bonds, he incurs a net interest cost. Yet this net cost is not recognized as a legitimate business cost for tax purposes. This is clearly inequitable. No one would doubt that an inequity would exist if a retailer were disallowed a deduction for part of an expense representing a legitimate interest cost of carrying his inventory. So why should it be equitable in one case and not in another? There is no sound reason for this. Thus, my bill asks for an allowable deduction for the interest cost on the loan to the extent it exceeds the interest earned on the bonds. It does not ask for any discriminatory favors. It asks only for fair treatment.

In past years, various dealers in the business of buying and selling municipal bonds have challenged the disallowance of a deduction when the interest costs exceeded the interest income from the bonds. One point that was made by the court in the case of Paul P. Prudden and others—2 B.T.A. 14—was that the statute on the disallowances is clear, and the duty of the court to follow the statute is clear. I agree that the courts had no choice except to follow the law. That is the very reason I appeal to the Congress to modify existing tax laws according to the provision of my bill. In recent years, the Congress has been keenly concerned about correcting inequities that have unfairly burdened certain sections of our business-taxpaying community. Although we have come a long way toward removing discriminations, we should not relax now. Therefore, my suggested correction of the inequity that I have described today should be adopted quickly. It would be another significant step in our march against inequitable tax laws.

An exception to the disallowance of an interest deduction provided in section 265(2) is granted banks by Revenue Ruling 61-222—1961, 2 C.B. 58. This ruling states that section 265(2) does not apply to interest paid on indebtedness represented by deposits in banks engaged in general banking business since such indebtedness is not considered to be indebtedness incurred or continued to purchase or carry obligations within the meaning of section 265.

Another somewhat related exception, which was provided in the Revenue Act of 1964, applies to certain nonbanking financial institutions that deal in "face amount certificates" and are subject to State banking laws. The face amount certificates are issued to investors who make periodic payments to the institution for a specified period of time as a means of investing their savings. The holders of the certificates are repaid the payments plus interest as specified in

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the certificate. The Revenue Act of 1964 provided that these financial institutions can deduct, under certain conditions, the interest on these certificates even though the payments received from the investors are partially reinvested by the institutions in tax-exempt bonds.

Thus, the tax laws have recognized in recent years that some exceptions to the strict rule of disallowance are justifiable. Now is the time for Congress to provide further recognition to this fact by enacting the long overdue modification provided in my bill. This will remove a serious inequity created by section 265(2) of the Internal Revenue Code of 1954 and will strengthen our general tax structure by making it a fairer tax structure.

THE ELDERLY: THEY STRUGGLE FOR THEIR DAILY BREAD

HON. JOEL PRITCHARD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. PRITCHARD. Mr. Speaker, last year, when Congress enacted automatic cost-of-living adjustments in social security benefits beginning in 1975, the economic picture was brighter than it had been for many months. Consumer prices were rising at an annual rate of less than 3 percent, and it looked like we were having some success in slowing down the inflationary momentum that had plagued us the past few years. It did not appear that catch-up increases in social security would be necessary until January 1975, as provided in the legislation.

Since that time, however, prices have zoomed skyward. Food costs have jumped a phenomenal 20 percent and the cost-of-living generally has soared 8 percent. Inflation is public enemy No. 1, and no group is suffering more than the elderly and others struggling to get by on a fixed monthly check.

The 5.9 boost in benefits we approved earlier this year for mid-1974 will be of some help. But in the months that have gone by, the financial problems of our older citizens have become even more acute. Their income situation has reached a crisis point.

Each day I receive poignant letters from senior citizens in my district vividly illustrating the personal hardships they endure because the small amount of money coming in each month simply does not keep pace with skyrocketing inflation.

Nutrition is affected most severely. Food constitutes about 27 percent of the aged's budget, in contrast with 16 percent for all Americans. Locked into fixed incomes, the elderly have no recourse but to cut back on the quantity and quality of their food consumption, even though they may be jeopardizing their health by doing so.

The social security boost we are considering today would give some sorely needed relief. The bill provides a two-stage boost in benefits next year—7 percent coming in April's checks and another 4 percent in July's checks.

Our elderly, blind and disabled cannot be asked to wait any longer to catch up with last year's inflation. This measure seems to be the best way to ease their financial burdens in the quickest fashion. While I have some reservations about the possible effects of expanding the payroll tax wage base indefinitely to cover social security benefit increases, I believe this bill is fiscally responsible and I can see no other way to finance a raise at this time.

I am hopeful that the legislation will be approved by Congress and signed by the President at the earliest opportunity.

Mr. Speaker, an article appeared recently in the Seattle Post-Intelligencer which paints a gloomy but accurate picture of the unmistakable link between inadequate income and the poor nutrition, loss of homes and related problems that can make old age so terribly frustrating. I am inserting this graphic story by P–I reporter Joel Connelly as part of my remarks, and commend it to the attention of my colleagues:

They Struggle for Their Daily Bread

(By Joel Connelly)

An old man collapsed in a Ballard apartment house last Sunday. He had not eaten enough. And he hadn't been eating the right kinds of food.

Coping with rising food prices—a serious problem for many families—is a life-or-death crisis for many senior citizens.

Other senior citizens from the Ballard area talked with The P–I yesterday about the struggle for their daily bread.

"I'm limited in how much I can eat, and what I can eat. You see—after rent—I have $130 a month to live on," a neatly dressed elderly gentleman—one of 70,000 residents of Seattle who are over 65—explained.

The man—who asked not to be named—was visiting the Northwest Senior Center in Ballard.

"I spend about 50 cents on my breakfast, eat a sandwich here for lunch, and budget about 90 cents for my dinner," the man said.

"I cannot afford any kinds of meat, of course. Even a small package of salami now costs 69 cents, for six slices. I can't afford that, and there's a lot of fruits and vegetables I can't buy either. I can still get milk, but it's up to 35 cents a quart, and so it's always got to be the cheapest kind."

With hamburger costing more than a dollar a pound—and a half-gallon of milk now priced around 65 cents—the elderly are eating fewer foods.

Why? Fixed incomes and rising prices are a recipe for hunger.

"Even the Social Security increase in January won't help things very much," said Al Strum, interrupting his bridge game at the center.

"You see, when the federal government raises our Social Security payments, the state will cut down on our public assistance. That means our incomes will remain exactly the same."

Senior citizens must also face rising medical and drug costs, compounding the squeeze as food costs eat up more of their budgets, reported Ruth Baker, another outspoken bridge player at the Center.

Many elderly residents said the fact that they live alone also places strains on the food budget.

"It is very difficult to go down to the market and buy food for one person," observed Mrs. Agnes Lau, president of the Northwest Center's board of managers.

"I buy a head of lettuce, but have to throw half of it out two days later. I buy lunch meat, and it spoils if I don't use all of it at once. And you also find—as everyone knows—that if you buy smaller quantities of food you pay more."

Some elderly residents said they are resorting to group meals and other tactics to cope with the high cost of eating.

"Several of us have been getting together to cook meals—both for companionship and for economy," said Mrs. Emma Cowardin, who greets visitors to the Center.

"It's easier to cook for several people, and we've found that we can eat better, and buy things like roasts, if we pool our resources."

The elderly are dining out less frequently.

"Some of us go down to Manning's which is pretty reasonable, but things still add up. We can't afford to pay $2.50 for a meal, and what can you get for a dollar anymore? asked Mrs. Lau.

Other elderly residents claimed that the 10 per cent senior citizen discount offered by some eating establishments is illusory.

"A group of us went to a restaurant, and ordered their senior citizen dinner," Mrs. Baker, recalled, "but we were told that it doesn't apply on Friday, Saturday, and Sunday nights."

In addition to eating less, senior citizens say they are eating less well.

"We of course don't eat steaks anymore," reported Mrs. Goldie Chapman, a soft-spoken woman. "We have a lot of casseroles now, and eat a lot more starches. We just don't have the balanced meals that we had before . . ."

". . . And fruits and fresh vegetables have simply gone out of our reach," added Mrs. Baker her bridge partner.

Mrs. Baker said she could afford only two boxes of strawberries this season.

"It's even getting terribly expensive to keep pets," she added. "It now costs 21 to 22 cents for a can of cat food. And you know, when you've got a little pet and you live alone, you hate to give it up."

The rising cost of food has contributed to a loss of homes, senior citizens at the center also reported.

"When you're squeezed by food and taxes, it means that you can no longer afford to keep up your home," said Mrs. Carrie Geary.

The problem of rising food prices has such an adverse effect on the lives of senior citizens that the Northwest Senior Center hopes to begin serving hot noonday meals by mid-December.

"People aren't getting enough to eat, it's as simple as that," answered Leo Desclos, director of the Northwest Center and an assistant director of the citywide Senior Centers program.

"They don't have much money to start with. They don't have means of transportation to shop for what bargains are available. Many of them—7 out of 10 in the area we serve—live alone, where they can't find decent food available for a single person, and are so lonely that they sometimes don't have the motivation to prepare it."

"Everthing ties in, and conspires against elderly people on this," Desclos said.

A FRIEND IN NEED IS A FRIEND INDEED

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. HANNA. Mr. Speaker, with all the recent attention focused on petroleum shortages arising from the Middle East conflict, it is comforting to acknowledge the efforts of our friends in Indonesia for increasing their oil production at a time of national and international crisis.

It was my pleasure and relief to hear General Sutowo, the president of Indonesian State Oil and Gas Mining Enterprises announce in my presence last

week, the continuation of supply of 160,000 barrels of oil to the west coast of the United States.

I take delight in bringing excerpts of this most significant address to your attention as an illuminating shaft of light in an otherwise dark and forbidding energy landscape:

The Future of American-Indonesian Economic Relations

Mr. Ambassador, all of our many distinguished guests, ladies and gentlemen, . . . Under Pertamina's management, Indonesian oil production has nearly tripled since 1966, reaching 1,300,000 barrels daily this year.

We have become the eighth largest oil exporting country in this world.

We supply among others 160,000 barrels of crude oil a day to the West Coast of the United States.

Oil now accounts for not thirty percent of Indonesia's total export earnings, as it did in 1966, but almost 50%; and it is expected to contribute over 50% of this year's government revenues.

We at Pertamina have signed 50 innovative and harmonious production-sharing agreements with foreign contractors covering one quarter of Indonesia. Since 1966, 58 new oil and gas fields have been discovered, offshore and onshore, by these foreign oil companies and Pertamina.

We at Pertamina are also producing liquefied propane and butane gases and carbon black for the domestic and world markets; and, of major significance, we are now developing large natural gas fields in North Sumatra and East Kalimantan into important sources of liquefied natural gas, LNG, for the United States, for Japan and for other markets.

We have recently signed a contract with Pacific Lighting International Inc. to deliver North Sumatran natural gas to the West Coast of the United States in the form of LNG beginning in 1978.

Finally, Pertamina now owns and operates refining facilities with an aggregate capacity of approximately 400,000 barrels per stream day. In addition, a new refinery of 100,000 barrels daily capacity is under construction at Cilacap on the South Coast of Central Java, and is expected to be in operation in early 1976.

I could go on and on, for we are very proud of this record. We are grateful for the part many of you have played in building this record. But tonight the times are too critical to dwell on the past, as I have done on previous occasions. Tonight we must look to the future. It is not enough to tell you what we have done. This is a time for us to talk about what we are going to do together.

For we meet in a time too serious for reminiscing and boasting about what we have accomplished, too serious for the usual words of self-congratulation and comfortable reassurance. We meet in a time of world economic crisis—not one crisis but many—a world energy crisis, a world monetary crisis, a world food and commodity crisis, to name only those most prominently before us. This we must realize above all: no nation on its own, not Indonesia and not even the United States, can hope to either solve or escape these crises. Tonight, this week, this year, therefore, is a time not for words but for action—cooperative, reciprocal actions that benefit all mankind.

It is in that spirit that I address you tonight. It is in that spirit that I have the honor and duty to set forth tonight for you and for all Americans, in Government, in industry, in finance and all other walks of life, the principles which characterize American-Indonesian economic relations.

Let me make our position perfectly clear at the outset. My statement speaks only of Indonesia's own policy and performance, seeking to set the record straight on those matters where we believe our policy may not have been clearly understood by all.

Our approach can be summarized in six basic principles:

First: In this time of shortage, I want you to know that Indonesia is endeavoring to increase its petroleum production and exports.

Second: Whatever concern or adverse report American investors may have had about Indonesia in years gone by, I want to make it clear that we now welcome American businessmen with genuine respect and friendship.

Third: I do not come tonight to plead Indonesia's poverty. I come to tell you of Indonesia's wealth—a wealth of natural resources, raw materials, and willing workers that await your capital investments.

Fourth: We in Indonesia are not sitting back dependent on foreign investment. Under government incentives for savings, we have already surpassed foreign investment in Indonesia, as extensive as it has been, with our own domestic investment.

Fifth: Our policy in Indonesia today is clearly one of collaboration, not expropriation.

Sixth, and finally: We do not ask foreign investors to come to Indonesia to make a gift. We expect you to come to Indonesia to make a profit.

Ladies and Gentlemen: In your newspapers and other publications, general, governmental and professional, I have read many anxious analyses of the American energy crisis. They speak of political developments in one part of the world, and they speak of the production situation in another part of the world, and they speak of economic conditions in still another. But rarely if ever do they speak of Indonesia.

Indonesia, the eighth largest oil exporting country in the world, one of the oldest oil producing countries in the world, is largely overlooked. Indonesia crude, with the particular low sulphur content that is so urgently sought in our country today for environmental reasons, is largely forgotten. Indonesia's capacity to more than double its production and exports of petroleum in the next several years, and its capacity to send you and other countries LNG, and its capacity to supply your petrochemical producers and consumers with critically short products, are all largely ignored. For reasons I cannot comprehend, almost no one in all these studies, speeches and reports ever thinks of Indonesia.

Tonight I ask you, your government, your press, your business colleagues, to think of Indonesia, in your interest as well as ours, not merely with respect to petroleum but regarding business investments and opportunities of every kind.

Think of Indonesia—not a far away, out-of-the-way little country, but a nation of more than 120 million people, one of the 5 largest in the world, located strategically in the international crossroads of one of the busiest shipping routes in the world; and the coming of the ultra-large crude carriers will make your East Coast and every other place on earth within economical range of our ports.

Think of Indonesia—not merely the land of Bali and lovely tourist attractions, but also a nation of bustling and building industrial development, with highly motivated low-cost labor, and a rapidly expanding infrastructure in communication, transportation, power, housing recreation, medical facilities and other basic needs for foreign investors.

Think of Indonesia—not merely in the traditional terms of oil and rubber and tin, but also in terms of steel pipe, cement, paper and textiles, in terms of the vast mineral, agricultural and timber resources waiting to be tapped, in terms of the abundance of our other raw materials, and the wide range of potential manufacturing and agricultural enterprises so likely to be successful when undertaken.

Think of Indonesia—not an unstable, unpredictable, inhospitable economy, as you may have heard long ago, but a nation which has, under the new leadership of President Suharto, eased the inflation that was raging in 1966, increased the Gross National Product by an average rate of 7 percent a year, achieved a surplus in its balance of payments, increased its ability to absorb foreign capital, established a widely respected Central Bank, and offered to investors from all over the world several investment incentives, joint ventures, flexible foreign investment statutes, political guarantees, a high degree of worker productivity, successful employee training programs, a modern telecommunications system, an efficient sea transportation network, a belief in the free market system, and above all genuine hospitality to foreign businessmen and investors.

So I ask you—think of Indonesia—and then come to Indonesia. We can help you; and we need your help, both private and governmental. We need your capital, your managerial skills and your industrial organization. We offer you in return virtually unprecedented and virtually unlimited business opportunities:

An opportunity to participate through production-sharing contracts in the expanded exploration and production of our known oil and gas potential;

An opportunity to help build the additional refinery capacity that we will need to meet our domestic as well as foreign demand by 1978;

An opportunity to help build a multi-million dollar integrated petrochemical complex that will start producing in 1978 a wide variety of materials needed to meet the shortage of plastics;

An opportunity to participate in the unique $400 million project for the development of Batam Island into a major industrial, urban and seaport complex that will generate net foreign exchange earnings, according to plan, of some $90 million a year;

Mining opportunities in the 53 huge blocks of potentially mineral-bearing land which the government has opened up for applications from foreign and domestic investors.

Timber, paper and pulp opportunities in a country that has multiplied its timber exports more than 50 times in six years and still has under concession only about half of the great forest lands suitable for continuous timber production;

Agriculture-related opportunities to achieve our Government's major goal of self-sufficiency in food, giving high priority to projects for foreign investment in agricultural estates, husbandry, fishing, fertilizer plants, rice mills, agricultural equipment, and fishery cold storage and canning factories;

And finally, opportunities in tourism, in transportation, in manufacturing, in a long list of other industries and areas; for I have cited only a few leading examples, and because Indonesia intends more and more to process its raw materials at home by adding value before export, and because we intend also to diversify the productive base of our economy, we are moving toward more new industries and investment opportunities than ever before.

Pertamina plays a leading role in all this because Pertamina is more than an oil company. We are a fully rounded development company, a development company for the entire nation; and we are also, let me stress, undertaking community activities and civic construction and cultural preservation projects throughout our country as well. We invite foreign investors to join us in any or all of these other efforts, for experience has shown that they make possible the kind of human and public relations that can cement a long-term partnership.

So I repeat: come to Indonesia. You will not be turned away; and you will not be disappointed. We can help each other; and in a world economy beset by crises, that is what friends should do.

I do not pretend that all is easy or rosy, that our country is free from problems or imperfections, or that there will be no struggle, no risk and no effort required in the months and years of collaboration that lie ahead. But Indonesians have been struggling for their political and economic independence and development, and for a decent life for themselves and their children, for hundreds of years.

We are not discouraged. We are not afraid. We will not give up. With your help, and with God's help, we will make our nation a land of opportunity for all, for those of you from abroad who join hands with us, for those of us at home who have struggled so long, and for our children and their children who make this struggle worthwhile.

THE RAPE PREVENTION CONTROL ACT

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mrs. SCHROEDER. Mr. Speaker, in a recent article in the Progressive, Michelle Wasserman quotes a woman from Philadelphia:

> Women live according to a rape schedule, whether they realize it or not. Where they live, how they work out their jobs, their transportation, the way they relate to men on the street—everything a woman does conforms to that schedule.

According to the FBI uniform crime report released last August 1972, U.S. crime in general, declined 3 percent while forcible rape rose by 11 percent. Even more shocking is that reported rapes have increased 70 percent since 1967. This means that in 1972, 43 out of every 100,000 females in America were reported rape victims.

But the horror increases with the realization that most rapes are not reported. Estimates vary, but it is generally believed that only one in every five rapes is reported. In the District there were 714 reported rapes in 1972. Using the above estimate, that means there were over 3,500 rapes last year in the District alone. My own district of Denver has the unfortunate distinction of having the third highest per capita rape rate in the United States.

Denver also has a very low conviction rate. Out of 126 cases which went to trial last year in Denver there were only 42 convictions—a rate of 33 percent compared to a national average of 55 percent. The low conviction rate reflects the fact that rape is the only crime in which the victim is presumed guilty until proven innocent.

As Nancy Gager Clinch and Cathleen Schurr point out in their article on rape in the June Washingtonian, the burden is on the victim to prove: The identity of the rapist, corroborative evidence of the crime itself, and that she did not "consent" by word or action. For other major crimes—robbery, assault, fraud, the victim's word is sufficient to take the case to the jury, but in a rape a woman's word is not enough. Corroborative proof, which is very difficult to attain, is legally required. Ms. Clinch and Ms. Schurr conclude that:

> Originally corroborative evidence was included in the law to protect men against women who might bring false charges of rape . . . But the chief reason corroboration is still required is, as New York attorney and legal scholar Morris Ploscove, says, "because ladies lie." Men and rapists, in the eyes of this judicial expert, presumably do not.

The psychic impact of the rape is very difficult for a woman, but it is magnified tremendously as she begins to face the ordeal of convincing a skeptical world that she is telling the truth. First, the rape victim must face the police officer who often has the belief that she somehow "asked for it." He will interrogate her, asking many embarassing questions, but he will not generally have the courtesy to explain why he needs the information so she could answer more easily.

Next the victim must face the hospital where she is quite likely to receive callous treatment. Doctors dislike making rape examinations because of the time it takes in court later, so the woman is often forced to wait a long time for minimal attention. Many hospitals are careless in giving out information on necessary tests for venereal disease or pregnancy and often will give out the "morning-after" pill without warning of its serious potential harm. Even more outrageous is that many women have to pay for the hospital examination and future tests. Thus women have to pay for their own rape.

The next phase of the ordeal is the courtroom. Although the alleged rapist has the right to an attorney, with whom he can meet regularly and whom he can fire if necessary, the victim's case is assigned to a prosecutor and she has no control over how her case is handled. In most instances the rape victim does not even meet the prosecutor before the preliminary hearing and, therefore, has no idea what to expect or what will be expected of her. For obvious reasons, most of the cases do not make it past the preliminary hearing.

If her case progresses, the victim must continue to prove she did not consent. The police, the courts, the media tell women not to resist because she might get killed. But juries are often convinced that the woman did not resist enough, as happened to the George Washington University women who were raped last year. Moreover, no evidence is permissible as to the rapist's sexual history, even of a previous rape conviction. The woman's sexual history however, will be thoroughly explored with the implication that a "loose" woman cannot be raped.

Women's groups are joining together to fight against the treatment of rape victims. The first rape crisis center was started in Washington, D.C., in June 1972 and many more have since been started. Providing numerous services they: go with the victim to the police and hospital, if she wishes to go; provide information on self-defense; act as a referral service to other services, such as mental health clinics and venereal disease clinics; review police and hospital policies toward victims and suggest changes where necessary; and many make efforts to hire experienced lawyers to counsel the victim and to encourage prosecutors to be more responsive to the victim's needs. These groups are doing a commendable job and it is important for women to be involved in changing that which affects them so directly. However, the Government is shirking its own duty to rectify the blatant injustice caused by our present system.

It is in response to this desperate need for change that I join with my colleagues Representative ASHLEY, BURKE of California, GRASSO, and HEINZ to cosponsor the Rape Prevention Control Act. It will establish a national center for control and prevention of rape within the National Institute of Mental Health and provide for a comprehensive study to be conducted on all the various aspects of rape and rape laws. Additionally, an information clearinghouse would be established which could provide helpful information as to where most rapes occur, under what conditions, what tactics are most successful in fending off the potential rapist, et cetera. Thus, through this bill, we could join with the many women's groups to work toward the elimination of the grim indignities faced by the rape victim, and eventually of the crime itself.

WHAT STRIKES DO TO THE INNOCENT BYSTANDER

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. CRANE. Mr. Speaker, last year I had the pleasure of appearing on the television program, "The Advocates," with Mr. Alan Reynolds. During this television show Mr. Reynolds, who is the resident economist of National Review, and I discussed some of the problems surrounding strikes and what could be done if Congress brought itself to tackle labor reform.

Mr. Speaker, Mr. Reynolds wrote an article based on the television program and I would like to take this opportunity to recommend it to my colleagues.

The article follows:

WHAT STRIKES DO TO THE INNOCENT BYSTANDER

(By Alan Reynolds)

When a union closes down all the suppliers of a good or service in a community, costs are imposed on people who are not involved in the labor contract. If this neighborhood effect of strikes only created a consumer "inconvenience" there would be ample reason for government intervention—just as there is in the analogous case of air polluters. Areawide strikes, however, do much more than deprive consumers: Serious financial losses are absorbed by wholesalers, retailers, manufacturers and shippers (and their laid-off employees) who are critically dependent on the struck materials or services for their livelihood. No measure of, say idle man-days due to strikes has any bearing on this vital social cost. In this year's West Coast dock strike, for example, farmers lost a billion dollars in export revenues, and many importers, retailers and freight forwarders lost much or all of their income. Many innocent people were thus forced to pay—in lost revenues and jobs—for someone else's decision to close every port on the

West Coast. Moreover, even when such strike-induced "inconvenience" amounts to thousands of lost dollars, the injured parties are not allowed to sue the union for damages.

Why should a union wish to strike all competing businesses stimultaneously? Such a strategy obviously creates less—not more—pressure on each employer, since each firm would surely prefer to have his competitors struck too, rather than lose customers to unstruck rivals. Many business representatives have, in fact, openly advocated the "stabilization" of industrywide bargaining.

If unions nonetheless choose to strike all competing employers in a community, it must be because 1) it creates public pressure for a quick settlement at any cost, and 2) it makes it easier for the employers to pass on exorbitant wage costs in the form of higher prices. The first effect we'll call "blackmail," since the public is held for ransom; the second effect is "cartelization," because hitherto competing firms are transformed into a shared monopoly (with the monopoly rent going to labor) by having the principal element of their costs dictated equally and simultaneously. If each company negotiated separately, it would still have to keep wage-benefit offers competitive, but each firm could not be *sure* of not having its price undercut by a rival employer who drove a harder bargain.

Though third-party blackmail is sometimes nationwide in its impact—as in the transportation industries—the most pervasive effect is the sum of all the shutdowns in all the metropolitan centers. Here are only a few examples of areawide strikes in Greater New York in the past two years:

Gravediggers struck eight weeks. They left fifteen thousand unburied bodies, and got an 18 per cent pay raise.

Tugboat workers struck for two months, and got wage and benefit increases of 56.5 per cent over three years.

Printers struck the three largest newspapers and got a pay boost of almost 42 per cent over three years. (Previous strikes and slowdowns had caused three New York newspapers to go out of business, thus aggravating the cartel effect.)

Parking attendants struck 650 garages and left a hundred thousand cars stranded behind locked doors.

Gasoline truck drivers struck six oil companies which handle about 85 per cent of New York's gas. Commuters, taxis, school buses, police cars and ambulances ran short of gas.

A teamsters local struck thirteen dairy plants which normally supplied four million quarts a day.

Fuel oil truck drivers in December struck three hundred independent companies, shouting "no heat, no heat!" So, hundreds of thousands of people had no heat in their homes in mid-winter.

WAGE COLLUSION

This sampler purposely lists only small local unions to show that the "nuisance" of multi-firm bargaining is not by any means confined to big unions, nor to public utilities and services, and especially not to manufacturing (of 43 major strikes in New York in the past decade, only five were in manufacturing). Of course the case against industrywide wage collusion is even stronger: This is no different in its effects from colluding to set prices, except that wage collusion raises prices *further,* because wages are so much larger a component of costs than profits.

The blackmail-cartel strategy encompasses hundreds of unionized fields. The basic story remains the same in all communities—only the actors change.

To be sure, none of the above strikes was a "national emergency," but that's little consolation to a New York dock worker unemployed by the tugboat strike, sitting in a cold house with his car locked up and out of gas, his dead wife unburied, and his children left without milk. Multiply this picture by all the cities in the country and you get some idea of the scope of the problem.

We may safely assume that the reason strikes are directed against whole communities, rather than against employers, is that this strategy yields the highest wage gains. Why else would unions pursue a strategy that is clearly less injurious to employers than the single company strike? Where large inventories prevent strikes from hurting the public, e.g., the automobile industry, the alternative technique of striking a single employer is usually used—and the wage gains are rarely as large as in third-party strikes. Moreover, many union mergers and pacts, as well as Jimmy Hoffa's pre-jail efforts to get all unions in each area to have their contracts expire on the same date, can only be understood as efforts to increase wage leverage by blackmailing larger segments of the public.

JOBS AND PRICES

The conclusion is obvious: Unions that threaten strikes against the public (and the threat alone often suffices) are able to extract unusually high wage gains by holding innocent bystanders for ransom. The first side-effect of this extortion is to increase unemployment among the union's own members. If the companies can pass on the wage costs in higher prices, fewer units will be sold and less labor will be required. If the wage gains are at the expense of profits (which they clearly can't be year after year), surviving firms must restore profitability by using less labor. If featherbedding succeeds in keeping profits low, many firms will not survive in the economy-wide competition for investment funds, so they will be driven out of business—again creating massive unemployment. The unemployment effect of wage increases that are higher than productivity increases (adjusted for inflation) is inescapable: By pursuing apparently suicidal wage demands, a majority of union members, through seniority protection, are able to vote newcomers out of a job.

The unions themselves have often complained of the decline of jobs in unionized trades. If such employment declines were all caused by "automation," why has automation singled out union trades while employment for the economy as a whole continues to grow? From 1900 to 1960, employment in predominantly non-union sectors increased substantially: Wholesale and retail trades employed 5.3 million more persons; non-domestic services added 4.69 million; salaried employment in manufacturing increased by 3.13 million. In the same sixty years, strongly unionized fields did not generate any new jobs at all: Mining employment fell by 270,000; construction employment remained the same; transportation and utilities used 1,620 fewer people; and non-salaried manufacturing added only 120,000 jobs. The astonishing thing is not that we have about 6 per cent unemployed, but that the non-union fields have been able to absorb so many persons who were displaced or excluded from better opportunities by union activities.

Eventually, those unemployed by reason of union tactics will seek work in non-union jobs—thereby driving non-union wages down by increasing the supply of labor in those job markets. Professor H. Gregg Lewis has calculated that the 10 to 15 per cent relative wage advantage of union members as a whole was the result of a 3 to 4 per cent reduction in non-union wages (relative to what those wages would have otherwise been). The average worker's real take-home pay actually *fell* from 1965 to 1970—despite a 53 per cent nominal increase in total employee compensation—partly because an ever-larger *share* of national income was going to employees in the strongest unions (including government unions). The average first-year increases in major collective bargaining agreements were 8.9 per cent from 1965 to 1970, and the percentage rose steadily, while non-union manufacturing wage increases averaged only 5.2 per cent over the same period, and never exceeded 6 per cent. By increasing the share going to relatively skilled employees (who were the highest paid even before unionization), unions have contributed substantially to income inequality.

Non-union workers (almost 78 per cent of the labor force) and members of relatively non-collusive unions (another 12 to 16 per cent) pay three times for the extortion of elitist unions: first, by paying higher prices for union-made goods; second, by having their wages depressed by the flood of workers who are forcibly excluded from union jobs; and third, by paying higher taxes to provide $329 million a year in welfare and food stamps for strikers.

THE OPTIONS

Government officials typically react to short-run unemployment as though it were caused by anything but union policies. Construction unemployment, for example, declined every year from the 1961 to 1965 average of 12.8 per cent to a 1969 figure of 6 per cent. In 1970, though, when third-party strikes resulted in an average national increase of 14.7 per cent in construction wages, unemployment rose from 6 to 9.7 per cent. Government leaders operate under the delusion that inflation cures unemployment—which it can for only so long as job applicants can be fooled into mistaking an inflated wage offer for a high real wage. The existence of short-run unemployment in union trades therefore creates pressure on the Federal Reserve to restore the balance between labor costs and prices through monetary inflation.

The high wages achieved by the blackmail-cartel technique attract many more workers while ensuring many fewer jobs. These desirable jobs must then be rationed by lengthy apprenticeship, strict seniority, hiring-hall favoritism, high dues, nepotism and discrimination. The inequitable waste of manpower implied by this posting of "no trespassing" signs in many crucial job markets clearly distorts and reduces the economy's total production, and lowers our capacity to grow. Without single-union monopoly of entire trades, such rationing devices could not be so tyrannical. Though some unions of limited scope might still be able to extract unemployment-producing wages (e.g., through local licensing and building codes), no *single* union could prevent a man or woman from practicing the trade of his or her choice. Alternatives would exist.

The public is not likely to continue to permit labor disputes to inconvenience consumers, cause losses to innocent parties, and create scarcities of needed jobs. No other organizations can do any one of these things without facing criminal or civil prosecution. Either we must *limit* strike power in some way, or we must allow Congress to stop more and more strikes, on an ad hoc basis, and impose compulsory arbitration. Strike intervention by Congress have been unfair because they have singled out certain industries, unwise because they involved the dangerous principle of government control of incomes, and unsuccessful because they were extremely imposed.

If we opt for limiting strikes, rather than eliminatinng them, there are two general options: Either we set up a regulatory agency with broad powers to restrict the scope of labor-management conflict, or Congress establishes a broad rule which achieves the same result without relying too heavily on the good sense and good will of administrators. In view of the notoriously poor performance of existing regulatory and antitrust agencies, some specific congressional goals are clearly preferable. That is, it is better to set up specific rules and let the courts make exceptions, than to be intimidated by the exceptions into letting the courts grope for specific rules.

XUM

SOME ILLUSTRATIONS

In the ideal case, unions should be limited to organizing and/or striking single companies. In this way, a large employer would face a large union, and each employer would be more intimidated by a companywide strike than by today's collusive industrywide agreements. Most important no single union could threaten to close down a whole regional or national industry, which, as we have seen, is a purely antisocial act unrelated to legitimate bargaining.

Objections to such single-firm negotiations include: 1) the blatantly anticonsumer argument that such arrangements would introduce "unstabilizing competitive factors" into the cozy union-manufacturer collusion to keep new entrants out of certain industries; 2) unsupported charges that pension and insurance benefits without industrywide contracts (it seems more likely that a little variety and rivalry in wage-benefit offers would have desirable net effects); and 3) generalization from exceptions where the rule would appear hard to apply.

Construction—with almost a million employers—is an unusual case. Indeed the Nixon Administration has even suggested that the incredible wage gains in the building trades were *caused* by excessively fragmented bargaining. Where several trades have bargained with an organization of contractors, however (as in the 196-day construction strike in Kansas City in 1970), the gains have been at least as large as in single-employer strikes, and the third-party costs have been greater.

Construction workers are uniquely protected by law against competition through union control of licensing, apprenticeship and building inspection and through building codes that perpetuate time-wasting techniques. The Davis-Bacon Act, which requires contractors on federally aided projects to pay prevailing union wages, has put a federal floor under the highest wages and has caused local gains to spread to surrounding areas. It is true that switching to single-firm organization would not eliminate government power to punish people for practicing a trade without union permission. Cases of this sort require supplemental legislation (or, rather, de-legislation).

The atypical case of very small employers, as in construction, could be easily dealt with by a provision that a single union could represent, say, no more than two hundred workers *or* all of the employees of a single company.

A related difficulty is illustrated by the case of longshoremen—veteran practitioners of extreme third-party extortion since, at least, the London dock strike in 1889. The problem is that dockworkers now work for many different employers who draw from a hiring hall when their ships are in port. In view of the potential abuses of hiring halls as instruments of favoritism and discrimination we should consider establishing competing halls, or abolishing hiring halls altogether. If shippers could not rely on hiring halls, they would be compelled to offer some contractual guarantee of work to a basic crew, thereby greatly increasing employment security. Then most employees would work for specific employers, and the single-firm principle could be applied. If a group of shippers got together to share employees, the association would be treated by law as a single employer and could be organized as such (the same is true of contractors' associations). Alternatively, a separate limitation on union scope—for example, that no single union would be allowed to organize more than half of any one port's employees—could be established for dockworkers. Even simply restricting unions to single ports would at least prevent Harry Bridges from threatening to close West, East and Gulf Coast ports simultaneously. Again, such exceptional cases in no way justify the status quo, nor do they necessitate compulsory arbitration, nor do they require abandoning the general rule of single-company organization. Even labor problems can be solved; we are not at the mercy of blind forces.

WHO'S TO BLAME?

Finally, it may be said that big unions are needed to balance the economic power of big corporations. This is simply incorrect. The private sector unions that are most powerful in terms of third-party or cartel effects are in industries which are typically run by small employers: trucking, shipping, garment, construction, coal, printing, entertainment etc. The manufacturing sector, where most "big" corporations are found, accounts for little more than a quarter of total employment, and wage and price increases in manufacturing have generally been below those of any other sector. Now, the six largest unions represent almost 40 per cent of all union membership. If the six largest corporations employed anything approaching 40 per cent of all union members, then we might have some sort of relevant comparison of labor market concentration, though its significance would remain unclear.

A second point: a company's monopoly power over the sale of its product has nothing to do with the monopoly power in the purchase of labor. A firm that dominates a product market and is thereby able to sell its product at somewhat higher prices cannot therefore purchase labor at a lower wage. Indeed, the exact opposite may be closer to the truth, since unions tap any excess profits. A union's monopoly power in the sale of labor could only be said to "balance" an employer's power of exclusive employment—a power that simply does not exist.

Actually, the whole idea of "bargaining power" is misleading at best. Size has very little to do with the ability of firms or unions to affect prices and wages. What matters is the ability to eliminate, or to control the price of, substitutes for labor and/or products. Large firms and unions may have more financial resources which enable them to endure long strikes, but the strike is not thus rendered less painful. Small firms and unions can, moreover, achieve the same result by borrowing or combining contributions to a strike-insurance pool, as is now done among trucking firms, to provide financial aid to struck members.

Employers, no matter how big, have no labor market power remotely comparable to that of unions. They are simply intermediaries between labor costs and the prices charged to consumers. Employers certainly can't pay less than the going rate for comparable labor without losing all their best workers to competing firms. A power in product markets comparable to union power in labor markets could only be said to exist if all of the producers in an industry got together and said: "We are going to stop production as long as necessary until we get a 20 per cent price increase, and we will picket and boycott anyone who tries to hire our laid-off workers."

Most criticism of unions has been misdirected at the alleged inflationary impact of big unions, and at the impact of nationwide strikes. This traditional view neglects the social cost of striking all competing firms in a community, and the resulting effect on employment opportunities and income distribution. Moreover, the crude "solution" of compulsory arbitration is only a patchwork treatment of the most conspicuous symptoms, and is an approach which threatens the freedom of contract. By establishing, instead, a paradigmatic goal of single-company unionization, enforced through the Justice Department, we could preserve the right of employees to strike against their own employer, while preventing certain unions from using injury to the public as a bargaining device.

ARAB AND AMERICAN EXPORTS—A GROWING CONFRONTATION?

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. BINGHAM. Mr. Speaker, on two previous occasions I have inserted in the RECORD statistics revealing the extent of the Arab dependence on American agricultural products. The irresponsible actions of the Arab leaders who are participating in the oil boycott reveal a lack of understanding of the extent to which the Western world and the Middle East are dependent upon each other for the basic commodities of life.

It is my belief that all concerned with these matters, including those states embargoing oil should be fully informed about the extent and nature of U.S. exports destined to the Middle East. With that purpose in mind, I include herewith data on U.S. exports of chemicals, manufactured goods (classified by their chief material), and machinery and transport equipment.

The statistics follow:

U.S. EXPORTS OF CHEMICALS, MANUFACTURED GOODS BY CHIEF MATERIAL, AND MACHINERY AND TRANSPORT EQUIPMENT TO THE ARAB STATES PARTICIPATING IN THE OIL EMBARGO AGAINST THE UNITED STATES—CALENDAR YEAR 1972

Item	Value (dollars)	Shipping weight (1,000 lbs.)
1. IRAQ		
Chemical elements and compounds	108, 100	
Dyeing, tanning, and coloring materials	6, 140	
Medicinal and pharmaceutical products	1, 668, 762	
Essent oils, perfume mtrls., soaps etc	6, 927	
Synthetic resins and plastic materials	13, 013	
Chemical products and materials n.e.c	209, 676	
Total chemicals	2, 012, 618	2, 006
Rubber mfrs.—semifin. and fin. n.e.c	49, 918	
Wood and cork manufactures, n.e.c	121, 266	
Paper, paperboard, and manufactures	74, 239	
Yarn, fabric, and articles, textile	18, 331	
Nonmetallic mineral manufactures, n.e.c	160, 906	
Iron and steel	843, 576	
Nonferrous metals	12, 047	
Manufactures of metal, n.e.c	173, 983	
Total manufactured goods by chief material	1, 454, 266	3, 630
Machinery, nonelectric	9, 647, 858	
Electrical machinery, appr. and appl	1, 385, 183	
Transport equipment	2, 596, 075	
Total machinery and transport equipment	13, 629, 116	7, 934
2. KUWAIT		
Chemical elements and compounds	228, 420	
Min tar [illegible] and crude chems., etc	526	--
Dyeing, tanning, and coloring materials	342, 617	
Medicinal and pharmaceutical products	877, 497	
Essent oils, perfume mtrls, soaps, etc	798, 185	
Fertlzrs—Mfrd. and fertlzr mrtls, n.e.c	1, 400	
Explosives and pyrotechnic products	13, 616	
Synthetic resins and plastic materials	102, 111	
Chemical products and materials n.e.c	1, 891, 965	
Total, chemicals	4, 265, 337	8, 137
Leather, mfrs, n.e.c., and dressed furskins	41, 480	
Rubber mfrs—semifin and fin, n.e.c	738, 792	
Wood and cork manufacturers, n.e.c	24, 746	
Paper, paperboard, and manufacturers	301, 114	
Yarn, fabric, and articles, taxtile	957, 368	
Nonmetallic mineral manufactures, n.e.c	712, 455	
Iron and steel	791, 633	
Nonferrous metals	338, 740	
Manufactures of metal, n.e.c	1, 759, 369	
Total, manufactured goods by chief material	5, 665, 697	12, 506
Machinery, nonelectric	23, 611, 669	
Electrical machinery, appr, and appl	6, 612, 054	
Transport equipment	46, 932, 586	
Total, machinery end transport equipment	77, 156, 309	52, 577
3. SAUDI ARABIA		
Chemical elements and compounds	1, 268, 139	
Min tar and oils and crude chems etc	3, 037	
Dyeing, tanning, and coloring materials	1, 698, 100	
Medicinal and pharmaceutical products	2, 885, 241	
Essent oils, perfume mtrls, soaps etc	2, 094, 409	
Fertlzrs—MFRD and fertlzr mtrls, NEC	1, 673	
Explosives and pyrotechnic products	197, 780	
Synthetic resins and plastic materials	480, 140	
Chemical products and materials NEC	2, 937, 243	
Total chemicals	11, 565, 762	30, 367
Leather, mfrs, NEC, and dressed furskins	703	
Rubber mfrs—semifin and fin, NEC	2, 398, 249	
Wood and cork manufactures, NEC	343, 744	
Paper, paperboard, and manufactures	1, 371, 919	
Yarn, fab[illegible] and articles, textile	1, 808, 308	
Nonmetallic mineral manufactures, NEC	1, 553, 779	
Iron and steel	5, 282, 416	
Nonferrous metals	481, 453	
Manufactures of metal, NEC	7, 588, 819	
Total manufactured goods by Chief material	20, 829, 390	59, 811
Machinery, nonelectric	95, 751, 640	
Electrical machinery, appr, and appl	22, 447, 273	
transport equipment	75, 469, 049	
Total machinery and transport equipment	193, 667, 962	115, 041
4. QATAR		
Chemical elements and compounds	33, 130	
Dyeing, tanning, and coloring materials	50, 588	
Medicinal and pharmaceutical products	118, 862	
Essent oils, perfume mtrls, soaps, etc	70, 516	
Explosives and pyrotechnic products	1, 134	
Synthetic resins and plastic materials	1, 600	
Chemical products and materials n.e.c	155, 667	
Total, chemicals	431, 497	1, 808
Rubber mfrs—semifin and fin, n.e.c	149, 421	
Wood and cork manufactures, n.e.c	3, 554	
Paper, paperboard, and manufactures	36, 811	
Yarn, fabric, and articles, textile	47, 332	
Nonmetallic mineral manufactures, n.e.c	25, 894	
Iron and steel	391, 160	
Nonferrous metals	14, 224	
Manufactures of metal, n.e.c	316, 304	
Total, manufactured goods by chief material	984, 700	2, 352
Machinery, nonelectric	3, 835, 190	
Electrical machinery, appr, and appl	390, 019	
Transport equipment	5, 741, 612	
Total, machinery and transport equipment	9, 966, 821	7, 608
5. BAHRAIN		
Chemical elements and compounds	1, 863, 217	
Dyeing, tanning, and coloring materials	142, 851	
Medicinal and pharmaceutical products	98, 388	
Essent oils, perfume mtrls. soaps etc	320, 131	
Explosives and pyrotechnic products	16, 886	
Synthetic resins and plastic materials	47, 492	
Chemical products and materials nec	267, 471	
Total chemicals	2, 756, 436	15, 612
Leather, mfrs, nec. and dressed furskins	2, 785	
Rubber mfrs—semifin and fin. nec	100, 337	
Wood and cork manufactures, nec	11, 406	
Paper, paperboard, and manufactures	236, 146	
Yarn, fabric, and articles, textile	126, 335	
Nonmetallic mineral manufactures, nec	113, 433	
Iron and steel	1, 178, 708	
Nonferrous metals	139, 602	
Manufactures of metal, nec	939, 558	
Total manufactured goods by chief material	2, 848, 310	7, 506
Machinery, nonelectric	10, 664, 899	
Electrical machinery, appr, and appl	1, 325, 564	
Transport equipment	1, 946, 863	
Total machinery and transport equipment	13, 937, 326	21, 854
6. ALGERIA		
Chemical elements and compounds	467, 106	
Dyeing, tanning, and coloring materials	48, 906	
Medicinal and pharmaceutical products	21, 925	
Essent oils, perfume mtrls, soaps, etc	108, 635	
Fertlzrs—MFRD and fertlzer mtrls, n.e.c	1, 336, 295	
Explosives and pyrotechnic products	3, 992	
Synthetic resins and plastic materials	108, 563	
Chemical products and materials n.e.c	726, 169	
Total, chemicals	2, 821, 591	65, 362
Leather, MFRS, n.e.c., and dressed furskins	4, 768	
Rubber MFRS—Semifin and fin, n.e.c	75, 320	
Wood and cork manufactures, n.e.c	1, 459	
Paper, paperboard, and manufactures	256, 541	
Yarn, fabric, and articles, textile	108, 140	
Nonmetallic mineral manufactures, n.e.c	70, 198	
Iron and steel	847, 787	
Nonferrous metals	9, 165	
Manufactures of metal, n.e.c	1, 146, 567	
Total, manufactured goods by chief material	2, 519, 945	8, 052
Machinery, nonelectric	26, 761, 740	
Electrical machinery, appr, and appl	1, 868, 849	
Transport equipment	21, 130, 510	
Total, machinery and transport equipment	49, 761, 099	25, 996
7. LIBYA		
Chemical elements and compounds	473, 418	
Dyeing, tanning, and coloring materials	151, 080	
Medicinal and pharmaceutical products	1, 063, 917	
Essent oils, perfume matrls, soaps etc	460, 878	
Explosives and pyrotechnic products	62, 824	
Synthetic resins and plastic materials	174, 072	
Chemical products and materials n.e.c	1, 332, 082	
Total, chemicals	3, 718, 271	11, 409
Leather, mfrs, n.e.c., and dressed furskins	3, 742	
Rubber mfrs—semifin & fin, n.e.c	955, 793	
Wood and cork manufactures, n.e.c	23, 106	
Paper, paperboard, and manufactures	389, 917	
Yarn, fabric, and articles, textile	244, 375	
Nonmetallic mineral manufactures; n.e.c	177, 011	
Iron and steel	3, 271, 032	
Nonferrous metals	131, 944	
Manufactures of metal, n.e.c	2, 926, 542	
Total, manufactured goods by chief material	8, 123, 462	20, 089
Machinery, nonelectric	41, 525, 566	
Electrical machinery, appr, and appl	8, 034, 914	
Transport equipment	9, 860, 015	
Total, machinery and transport equipment	59, 420, 495	26, 997
8. TOTALS—ALL COUNTRIES		
Chemicals	27, 562, 512	134, 701
Manufactured goods by ohief material	42, 425, 770	113, 946
Machinery and transport equipment	417, 539, 128	258, 007
Total	487, 527, 410	506, 654

Note: Figures concerning agricultural exports to Abu Dhabi a member of the United Arab Emirates and a participant in the oil embargo, are not separately available and thus are not included.

Source: U.S. Department of Commerce.

THE NEW ENGLAND FISHING INDUSTRY

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. HARRINGTON. Mr. Speaker, fishing was quite literally this Nation's first industry. The early immigrants to New England and Virginia discovered they could not feed themselves with agriculture alone, and turned to the seas for basic and necessary food supplements.

Our fishing industry not only prospered, but led the world. We remained the largest or second largest fishing Nation until the Korean war.

Since that time, however, we have failed to keep pace. Our catches have declined dramatically as a proportion of the world catch; we have seen our fish stocks depleted; we import increasing proportions of our domestic fish consumption; our fishing communities are depressed; the size of our fleet is dwindling; and the sons of fishermen are leaving their hometowns and their families for more promising employment.

To a large degree, this situation is the combined fault of official neglect and a lack of foresight. If we are going to correct it, we will have to offer the fishing industry the same support we offer other industries, and which other countries offer their own fishermen with whom ours must compete.

There are no final solutions now available, but we must begin now. An article by Frederick J. Pratson, "Fisheries Anchor All Hope on 200-Mile Limit," appeared in the November issue of the New Englander magazine. Although the policy proscriptions are necessarily incomplete, Mr. Pratson accurately describes the plight of this vital American industry. Because in the end the Congress will be responsible for considering, authorizing, and funding programs to address the critical problems reviewed by Mr. Pratson, I insert that article in the RECORD at this time for the information of my colleagues.

The article follows:

FISHERIES ANCHOR ALL HOPE ON 200-MILE LIMIT

About 80% of the fish Americans annually consume is imported. Canada, for example, exports about 75% of its fisheries' production to the United States.

If you ride one of the Scandinavian tourist ferries from Yarmouth, Nova Scotia to Portland, Maine, there's a good chance your car will be in the ship's hold with a truck trailer full of Canadian fish for U.S. markets. Even that venerable American sandwich, McDonald's "filet-o-fish," is made from imported fish, processed into tasty cubes by such companies as Gorton of Gloucester. And even more hurting to our national pride is the fact that a good portion of the imported fish is caught off New England.

Thanks to governmental indifference, the New England fisheries have had such a bad time of it that the "Sacred Cod", hanging in the Massachusetts State House, should most likely have "Imported from Poland" printed under its right fin. And that famous fisherman statue in Gloucester should no longer be that of a Yankee seafarer but a salesman for a Bulgarian herring conglomerate.

Though much fewer in number, traditional seafarers still exist in New England. But many of the Yankee names have been replaced by those that are Canadian, Italian, Portuguese, Greek, and Scandinavian. The Provincetown fishing fleet, for example, is almost all Portuguese.

The New England seafarers of 1973 love the sea and fishing; they want to serve the food needs of the American consumer, and they want to contribute their talents and energies to strengthening New England economically. But the New England fisheries have been shoved aside, almost as an archaic relic of the past, in the heady pursuit of space exploration, East-West détente, and a multitude of other interests.

TWENTY COUNTRIES OFF NE COAST

It comes as a shock when one realizes that there are close to 20 nations fishing within a few miles of the New England coastline. Several years ago, a movie called "The Russians Are Coming! The Russians Are Coming!", offered a comedy about a Russian submarine grounding itself off a fictitious Massachusetts island. In reality, however, the facts are not so comical; the Russians have not only arrived, but they have been here in droves for quite some time.

Hugh F. O'Rourke, executive secretary of the Boston Fisheries Assn. and an officer of numerous other national and international fishing groups, offers a good reason why the Russians are off the New England coast.

"In the 1950's, the Russian agricultural plan failed, and they had to do something about providing food for their people," explains O'Rourke. "One of their solutions was fish protein. They sent scientists over to Georges Bank to estimate the fish there, and their vessels soon followed. The only way they could make an efficient operation was to use factory ships, which would stay on the fishing grounds from six to nine months at a time."

Besides the Russians, New England's fishing grounds are being harvested by the Poles, Scandinavians, West Germans, Bulgarians, and others. Russia uses most of the fish it catches itself for within the Eastern Bloc countries. However, Poland, which is not known as a seafaring nation, is one of America's largest suppliers of fish. The Polish fleet is a modern factory-type operation, growing rapidly in number of vessels.

O'Rourke, who visited a Polish ship in Massachusetts waters, tells of comfortable, modern quarters and other amenities which help alleviate the tedium of long periods at sea. The U.S. experimented with two factory ships of its own, designed for long voyages. The multi-million-dollar experiment failed because of the difficulty of attracting crews.

COMPETE WITH GOVERNMENTS

Except for the U.S., Great Britain, and Canada, all the nations fishing in northeast North American waters are government owned and controlled. About the only thing the U.S. government has done for the U.S. fisheries is to provide a 50% subsidy to finance the building of a new vessel. In Canada, a fishery can build a vessel and rely on the government to subsidize most of it.

What does all this activity in New England waters have to do with the supply and price of fish? Greater world demand for certain kinds of food, particularly meat and fish proteins, exceeds the ability of nations to supply them. While the U.S. can exist without fish (the average American consumes 167 lb. of meat annually and only 11 lb. of fish), many countries depend on fish as the staple diet.

The average person in Iceland, for example, eats 82 lb. of fish per year. And the Japanese consume 67 lb. per capita. In Europe, one third of the diet is fish. Europeans consume a greater range of species, such as herring and dogfish, in contrast to Americans who prefer the so-called "high-class" fish, such as lobster, shrimp, salmon, scallops, haddock and halibut.

Differences in taste mean that New England vessels must be selective in what they bring back to home port. For the American fishermen, it only makes sense to land those species which will attract the highest price and greatest profit. On the other hand, the European factory ship can haul-up and use just about everything caught in the net.

KEY DILEMMA: DEPLETION

The result of trying to fill the increasing needs of both national and international markets, through continuous, high-intensity fishing, is a rapid depletion of marine life. This is the main reason for the high price of fish in U.S. markets and the scarcity of certain favorite species, such as haddock. Add to this the continuing pollution of the ocean from oil spills and waste from urban areas, and the problem becomes even more serious.

However, the most immediate need for the New England fisheries is a solution to the problem of foreign competition and the decreasing supply of fish. The high retail price for fish should mean high profits for the individual fisherman and private fishing company. But the fishermen's profits remain low, because they cannot supply enough of the product to make a higher profit.

The future—or lack of it—for the New England fisheries, therefore, hinges on the availability of the product. However, as long as there is no control over the foreign exploitation of New England waters, the only destiny for the region's fisheries is downhill and, quite possibly, into oblivion. Through international conferences, the U.S. fisheries have attempted to form agreements which would give everyone a fair share of the take. But the Americans have been ignored by the European nations.

At a recent ICNAF (International Convention for the Northwest Atlantic Fisheries) meeting in Copenhagen, Denmark, the American delegation felt so put-off by the indifference of the other nations to their problems in their own waters that they walked out of the meeting. But such a rebuke is mild compared with what has happened at sea.

WEATHERING HARASSMENT

New England vessels, crews and operations have been harassed by the Russians and others. Lines have been cut and equipment has been lost. The foreigners also act like a pack of wolves waiting for the kill. American vessels find the fish, and, as is the custom, the information is passed from one vessel to another by radio. The Russians and others tap the conversations, fixing the location of the Americans and the schools of fish they have found. Before the New England fishermen know what is happening, the foreign ships are down their backs hauling in the fish. And the New Englanders are no match in a confrontation: the large foreign vessels could easily slice through the American boats.

With imports now accounting for 80% of domestic consumption and with problems mounting for American fishermen, how important are New England's fisheries and why salvage them? First, local fisheries help exert control over the price of imported fish. Without this alternative source of supply, foreign suppliers could dictate both amount and price to American markets. Witness the kind of arm-twisting being applied by oil-rich Arab nations in the petroleum market.

Second, the high rate of inflation, dollar devaluation, and the rising demand for fish protein worldwide create more profitable opportunities for foreign suppliers in markets other than the U.S.

PITCH 200-MILE LIMIT

While we ponder the question of survival, the American fisheries, particularly those in New England, have decided to act. Their solution is to extend the limits of American territorial waters out to 200 miles. Gov. Francis Sargent of Massachusetts was a strong advocate of the 200-mile limit, and the Bay State legislature made it official. Unfortunately, however, this became a symbolic gesture since there is no way that the state can enforce its act. The fishermen must prevail upon the federal government to make the 200-mile limit legal and police it.

Sen. Edward Kennedy has backed the requests of the fishermen in the Senate, and U.S. Representative Gerry Studds (D-Mass.) and U.S. Sen. Warren G. Magnuson (D-Washington) have introduced a bill that would create a 200-mile limit and manage the fisheries in a way that would give preference to the U.S. industry.

A 200-mile limit would allow certain depleted species to replenish themselves, and it would give the U.S. fisheries first preference and protection in their catches. New England fishermen do not want to totally exclude foreign fishing in U.S. waters. They advocate a system which would give each nation a quota of certain species. Such a system would increase the productivity and profitability of the New England fisheries.

The fishermen claim that if they can increase their profitability, it, in turn, would attract private capital back to the fisheries. The new capital would finance new vessels, equipment and techniques that would revitalize the entire industry. But reversal of the industry's downward trend is dependent on the passage and enforcement of the 200-mile limit. Some feel that the 200-mile limit is the last chance to make something out of the fisheries.

JEOPARDIZE "RIGHT OF PASSAGE"?

The federal government has not been enthusiastic about imposing such a limit. Among the reasons: a 200-mile limit in U.S. waters could result in denial of the "right of free passage" for American vessels and military ships in foreign waters. In short, by allowing foreign ships the "right of free passage" in U.S. waters, the U.S. feels free to take that "right" in waters throughout the world. American fishermen stress that the 200-mile limit can be flexible, protecting their interests against foreign competition while allowing passage for other types of vessels.

One of the ironies of the entire debate is that while U.S. fleets are sailing around the world in a defensive shield, the Russians and other Eastern Bloc nations are already in position a few miles off American shores. According to one estimate, there are 343 Russian ships, containing about 8,000 people, cruising off the Eastern coast of the U.S.

It appears that the 200-mile limit is inevitable. Both the pressures of the fisheries and growing public opinion are winning an increasing number of advocates in Washington, D.C. and the state capitals.

Thriving fisheries could pump new life into the New England economy and rekindle that spirit of determination and adventure for which the region was once world famous. If the 200-mile limit is the answer to the problems of New England's fisheries, then the talk should turn to action.

FREDERICK J. PRATSON.

BILL STEIGER TALKS ABOUT OSHA

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. ERLENBORN. Mr. Speaker, in 1970, performing a rare feat for a second-term Member, our colleague from Wisconsin (Mr. STEIGER), coauthored a landmark law: The Occupational Safety and Health Act. Not one to rest on his laurels, BILL's concern about on-the-job safety and health did not stop with that accomplishment. Much like a proud father, he played an active role in guiding the infant law.

"OSHA has not reached the stage of adolescence," BILL said, through an able surrogate, in a recent speech delivered to the National Safety Congress; an adolescence, as we all know, is a time for developing maturity, a time for molding future direction.

Because of BILL's deep involvement in OSHA from its conception, I believe his observations and his concerns about its future will be meaningful to our colleagues and others who hope this adolescent will mature into the effective, fair law Congress had in mind. His address to the NSC, therefore, follows:

ADDRESS OF HON. WILLIAM A. STEIGER TO NATIONAL SAFETY CONGRESS, CHICAGO, NOVEMBER 1, 1973

I want at the outset to apologize for not being able to be present personally for this National Safety Congress. I am grateful to Howard Pyle and to Assistant Secretary John Stender for their willingness to allow Chuck Hurley to read my speech.

Last year, you may recall, was an election year, and the House of Representatives wasn't in session during the Safety Congress. This year it is—and, regretfully, the Education and Labor Committee is attempting to reach a final agreement today on the Elementary and Secondary Education Act Amendments.

Next April OSHA will celebrate its third birthday. Despite all of the controversy, it is my conviction that the great attention paid to occupational safety and health itself has laid a solid foundation for the goal OSHA seeks to achieve, namely, a significant reduction in the number and severity of accidents and deaths in the workplace. The Act and its implementation are working, thanks in large part to the kind of people in this room this morning—Secretary Stender, and his able staff both in Washington and the field, and all of you, the men and women who in the end have the greatest responsibility for enhancing the workplace environment.

The question then is how do we make the Act and its administration even more effective. Obviously, reasonable people can, and should, disagree about complex issues. That is the strength of our democracy as we seek solutions to very difficult problems.

The House of Representatives' Select Subcommittee on Labor chaired by my colleague, Dominick Daniels of New Jersey, will shortly begin extensive oversight hearings on the Occupational Safety and Health Act. These hearings are important for all of us because during the course of them, legislators, business and industrial leaders, labor leaders and safety professionals will, I know, raise some of the important issues and concerns about the policy direction of OSHA.

Together, everyone involved with the Act has come a long way in the last several years. There is much for which each of us can be proud. Moreover, in the midst of periodic crises and growing pains of a law the size, scope and complexity of OSHA, the ever present OSHA cowboy has helped me maintain a perspective and sense of humor. That marvelous creature is framed in my office and you may remember it became known in Wisconsin as "Steiger's Steed."

I have the feeling that the cowboy is about to be superseded by a recently uncovered contraband document from somewhere deep within the bowels of OSHA itself. It is called the "Goshpel According to Steiger" and it goes something like this:

In the beginning there were no coathooks on the toilet stalls and there was ice in the drinking water.

And on the first day Steiger looked down from the 6th District and saw that the workplaces were of danger.

And Steiger said, "Let us make a task force in our own image, after our likeness and let it have dominion over the land of OSHA. Be fruitful and multiply and replenish the bureaucracy."

From the task force came a man called Guenther and Guenther begat Scannell, who begat Seymore, who begat Ronk, who begat O'Neill, who begat Proctor, who begat Lunnie and they were called OSHACRATS.

And Steiger called Scannell up to the Hill of the Capitol and Steiger gave unto Scannell three tablets of granite, each of which carried the weight of two oxen. And Steiger said, "These are the 1910 commandments for Industry in General."

But Scannell replies. "Surely you do not expect the people of OSHA to carry these tablets to their place of business. Their weight presses upon my shoulders like unto my mother-in-law upon my back." But Steiger was unfeeling and said the stones represent the consensus of the wisemen of the country of ANSI and wise men always bring forth heavy proclamations. And Scannell took the stones to the people.

But there came forth from every tavern and construction site, from every auto repair and grocery, the cry that these standards are like unto the Tower of Babel—they are composed of 14 tongues (no reference to carcinogens) and only the wisdom of Solomon and the expertise of Howard Pyle can comprehend them. But Steiger was not moved by the cries of the multitude because it was 5 o'clock on the first day (and we all know what happens in a bureaucracy at 5 o'clock).

On the second day did Steiger create the Office of State Programs. And off in the distance from the left wing of the valley came the sound of the war drums of the tribe of the AFL–CIO.

On the third day, Steiger said unto OSHA, "Whatever you do, stay out of the garden of the pesticides because the Department of Agriculture owns the fruit of the trees there and you will surely enrage the farmers of the garden. But OSHA entered the garden temporarily, on an emergency basis, saying 800 farmworkers died in the garden last year. But this outraged the farmers of the garden who cried, "Surely thou knowest 800 farmworkers did not die here." And Steiger said, "You would not heed my warning about the garden of the pesticides and now I will lay a pestilence upon the land of OSHA and I will cause court injunctions to rain upon the land for 40 fiscal years."

On the 4th day there came into the land of OSHA, a tribe from the right wing of the valley. And they were known as the Birchites and their leader was a giant called Stang. And Stang said to Steiger, "We will put the Nix on OSHA and we challenge you!" And Steiger was sorely pressed. "We will debate you in every tavern and women's club, in every convention hall and trade association in the land. We will talk from day unto night and we will inundate the land with press releases, and the rivers shall turn white from memos." And Steiger smote the tongue of the Giant Stang with his dictaphone machine and the Birchites troubled the land of OSHA no longer.

And on the fifth day, Steiger went into the land of OSHA and was distraught with what he saw. And Steiger said, "Let us reorganize." And they did.

And at the end of the fifth day, Steiger looked down upon the land of OSHA and said, "This is a mess, but then so was the land of Social Security when it first started." And then he rested because in the Bureaucracy there is no 6th or 7th day.

Since I have been labeled the "Father to the Lie" by some misguided souls, this gospel though exceedingly funny, is not entirely accurate or complete.

One year ago the theme of the Labor Department's presentation to this Congress depicted the implementation of the law as a progression from birth to early childhood. It is my best judgment that, in the long range development of the law's implementation, OSHA has now reached the stage of adolescence.

Thus, this morning let me briefly raise with you some of the issues I believe must be considered as you direct your attention to the policy direction OSHA is taking.

First, from the standpoint of legislation, I do not believe Congress will to any extent gut the basic Act. There are two areas in which changes can and, I believe, should be made. One is the area of consultation about which I have spoken in the past. The Act should be amended to authorize on-site consultation for small employers. The reasons are well known and I believe well understood. My hope is that the Nixon Administration will join with the small business associations and the AFL–CIO which in its convention last week endorsed the concept of on-site consultation if separately financed.

The second area concerns coverage for government employees who today are not covered directly by the Act, but are covered to some extent in those States who have adopted state plans. An amendment to the Act to provide for local and state employees is not easily written. But it is essential if we are to allay the concern expressed by those in the private sector who say, "I am required to do certain things. Why doesn't the Government have to do the same?"

There continues to be within Congress, as you would expect, a dichotomy between those who want to repeal or substantially modify the Act's basic provisions as contrasted to those who seek to put even more power in the hands of the Department of Labor. Because a fundamental power balance exists, I foresee the Act being sustained essentially as is.

That raises the second point I would like to make: the administration of the Act. The primary thrust of the Williams-Steiger Act is not toward punishing employers and employees but rather toward securing the broadest possible compliance. Given the relatively small number of compliance officers, virtually everyone agrees that our success in reducing the toll of accidents nationwide, in large measure, will depend on voluntary compliance. The foundation of voluntary compliance is not unlike a three-legged stool.

The first leg is due process, guaranteeing a fundamental respect for the rights of both employers and employees.

The second leg is a clear and precise understanding of the standards and how they apply to employers and employees in the workplace. Each must have a conviction that the standards have a direct and positive impact on workplace safety and health, and each must have complete confidence that compliance with these standards is in their own best interest.

The third leg, of course, is enforcement. Employers and employees must know that if they choose to ignore the standards and the requirements of the Act, OSHA will enforce the law with a fair and firm hand. First instance citations—though highly controversial and a significant departure from previous efforts—are absolutely basic to the progress which has been made up to now.

Too much or too little emphasis on any one of the legs makes the foundation of OSHA unstable. A balanced approach is the only appropriate response to bring OSHA the broad public support and increased appropriations it needs to accomplish its monumental task.

This leads to my third point. I am concerned that the Occupational Safety and Health Administration, in part because of

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pressure by the courts and in part because of the forces that surround the Act, has become entangled in a web of enforcement and standards setting procedures that could, if not handled well, weaken the very underpinnings of the Act. For example, in FY 73 there were estimated to be an annual number of inspections of 47,000, while for FY 74 OSHA has targeted an annual level of inspections of 80,000—almost a 100% increase.

This rapid increase in the number of inspections and the obvious need to keep the time between inspections and citations as short as possible can present problems for all of us—problems stemming from a lack of precision in citations issued, from the pressure on the compliance officer to forsake quality inspection to increase quantity, and from pressure on the Labor Department as the number of appeals to the Safety and Health Review Commission accelerate rapidly. While inspections are crucial, overall compliance, I believe, must be firmly grounded in the certain knowledge of both employers and employees that each will get a full and fair shake both in due process and in the enforcement procedures.

Another area of concern deals with the recent rulings of the second, third, and fifth Circuit Courts of Appeal, which have overruled parts of the sanitation, carcinogen and pesticides standards. Each of these decisions—which, I understand, will not be appealed—takes issue with the lack of due process and with OSHA's standards setting procedures. I do not have time to go into this in detail, but in each of the cases—two involving emergency temporary standards—the Labor Department failed to establish sufficient justification for its action. This can have a crippling effect on compliance.. Employers knowing they will face new OSHA standards in the near future may well ask: "Should we expend the capital and comply with this standard now, when there is a possibility the standard will be overturned next month? Should we wait or perhaps even take the issue to court?" Vacated and/or modified standards written under the pressure of time do not protect employees and are a disincentive for immediate compliance.

My final point: It would be my hope that after congressional hearings on behalf of on-site consultation, the Labor Department will undertake to expand and make more effective its own efforts in the field. Coupled with that is my hope that the Labor Department will make as a priority a complete review of the standards in order to make them more precise and understandable and therefore lead to more complete compliance.

All of this is by way of saying that this balance between enforcement, precise understanding of the standards and due process can strengthen and indeed sustain the ability of the Act to work. My concerns are not directed to any individual or group. The issues are raised this morning to stimulate, from you—the safety professionals, your concern and criticism, as together the legislative and executive branches and all of you seek the best way of insuring and enhancing the workplace environment for the men and women of the United States.

OSHA is a tough law and yes it is fraught with peril. It is complex and yet, in its own way, quite simple. While the standards may be difficult now to understand, the basic concept of employers and employees working together with a fundamental respect for precision and due process can work.

I do not expect unanmity on these or other policy debates, but it is my commitment to you, to my colleagues in Congress, and to those on whose behalf the Act was passed, to be a full partner in our consideration of policy direction and implementation of the law. We need your help, your understanding and your willingness to give of your talents and time.

DEDICATION OF THE NIMITZ LIBRARY, U.S. NAVAL ACADEMY

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. HORTON. Mr. Speaker, it was my recent privilege to attend as a member of the Board of Visitors the dedication of the Nimitz Library at the U.S. Naval Academy at Annapolis.

Because I was deeply moved by the ceremony and by this fine educational facility, I felt it would be appropriate to share the highlights of the occasion with my colleagues, and with the American taxpayers who have made possible the construction of this beautiful library:

PROGRAM

Arrival Honors.

Master of Ceremonies: PROFESSOR RICHARD A. EVANS, Librarian, U. S. Naval Academy.

National Anthem.

Invocation: CHAPLAIN JOHN J. O'CONNOR, U. S. Navy.

Remarks and delivery of building: ADMIRAL ISAAC C. KIDD, JR., U. S. Navy, Chief of Naval Material.

Acceptance of building and remarks: VICE ADMIRAL WILLIAM P. MACK, U. S. Navy, Superintendent, U. S. Naval Academy.

Dedication address: REVEREND JAMES J. KORTENDICK, S.S., PH.D., Professor of Library Science, Catholic University of America.

Remarks: PROFESSOR ELMER B. POTTER, History Department, U. S. Naval Academy.

Unveiling of Bust of Fleet Admiral Chester W. Nimitz: MRS. CHESTER W. NIMITZ, assisted by Rear Admiral Chester W. Nimitz, Jr., Midshipman Rodney W. Savage, Brigade Commander, and Midshipman Stephen C. Nimitz, Class of '76.

Benediction: CHAPLAIN MURRAY H. VOTH, U. S. Navy.

PRESENTATION OF THE NIMITZ LIBRARY BY ADM. ISAAC C. KIDD, CHIEF OF NAVAL MATERIAL

Mrs. Nimitz, Admiral Chester, Katherine, Ms. Nancy and Mary (in absentia), distinguished members of the clergy, Admiral Mack, distinguished guest and young gentlemen of the Brigade of Midshipmen, you for whom this magnificent library was brought into being.

At this time Admiral Mack, I formally tender to you sir, this building and the wealth that it contains. The transfer comes from our Navy's material establishment responsible for construction to the United States Naval Academy for use.

Fortunately, for this great nation of ours, we as a country have been vouchsafed through heritage and tradition a limited number of heroic giants, thus far, adequate in numbers to our nation's needs in times of great stress or national disaster. History has so favored but a few nations, from time to time. Others less fortunate enjoy but a footnote in the Quartermaster's notebook of world history.

Present today are a few such leaders of that stature. Admiral Mack himself, Admiral George Anderson, Admiral Arleigh Burke and, of course, Admiral Nimitz whom we honor with this great building.

The brief bridge watch stood by Fleet Admiral Nimitz in this great Navy of ours was a model for all privileged to serve our country at sea. The lessons he learned, the judgments he made, the inspiration he passed along, the leadership he practiced daily through precept and example, deserve attentive study and scrupulous emulation.

My father knew him well and had unbounded affection for this great man. I too, knew well this giant among men, as well as a youngster could . . . but well enough to give credit to him and his inspiration for our Navy's unblemished record of smashing successes following the near mortal blow of December 7, 1941.

We have done Admiral Nimitz honor by naming *Nimitz*, our newst nuclear powered carrier soon to join the fleet. But here today with the transfer of custody of this library we do even more for you Midshipmen of the Brigade; because we thereby insure availability to naval generations yet to come full measure of knowledge as to how best to use to our national advantage the experiences of the past.

"Men who ignore the past are doomed to relive it," said Santayana. Admiral Nimitz never ignored the past. He studied it, learned from it, used it as a basis to build for success in the future. You young gentlemen can afford to do no less, you to whom these remarks are particularly addressed.

Mrs. Nimitz, who honors us so greatly with her presence here today, has a small calling card of the Admiral's tucked away in his wallet. Frequently she carries that with her. I'm sure she has it in her treasured possessions. On the back of this card, gentlemen, Admiral Nimitz had noted for himself those minimum measures which he considered essential to victory at sea, and not necessarily confined to victory at sea in time of war; but also to the proper application of seapower that could lead to assured peaceful pursuits at sea at all times. To me, those one word reminders to himself synthesize those thousands of volumes in this library recording maritime experience. Admiral Nimitz evaluated decisions, he made against these fundamentals. He acknowledged that it was impossible to fulfill them all under every set of conditions. Yet he had little patience with any proposition that could not fulfill most. His points of reference have served me well. I commend them to your study and memory.

On the back of that card are noted the following eighteen words: Objective, Offense, Surprise, Superiority of Force at Point of Contact, Simplicity, Security, Movement, Economy of Force, and finally, Cooperation."

Truly, only a genius could so succinctly summarize the seeds of success.

Gentlemen, its all there . . . on two short inches of paper. I would challenge any to find more wisdom in such a small space. And I would hope, Mrs. Nimitz, that someday you might find it in your heart to permit that bit of paper to be suitably encased in this great library.

ACCEPTANCE BY VICE ADM. WILLIAM P. MACK, SUPERINTENDENT, U.S. NAVAL ACADEMY

Admiral Kidd, Mrs. Nimitz, members of the Nimitz family, distinguished platform guests Father Kortendick and those distinguished guests whom Admiral Kidd has already recognized and I would like to add two to this list—Admiral Calvert who returns to us as a former Superintendent and then Captain and now Rear Admiral Max Morris, who is with us this morning as an ex-commandant. These two wonderful officers have contributed so much to the building and foundation and establishment of this library and we are very happy they could be here this morning.

After having accepted the Nimitz Library on behalf of [illegible] Naval Academy, I want next to present this key in turn to the one who has done so much to bring this building to life and who will do so much in the future to make it stay that way and to be always the beautiful building, the usable building as you now see it. Professor Evans.

The dedication of this beautiful building which as you can see dominates now the skyline of the Severn River is the culmination of ten years of study, planning and now construction.

When the need for a modern library at Annapolis was analyzed in 1963, a prime consideration was to build a library that would support best the Academy's mission to prepare young men morally, mentally and physically to be professional officers in the Naval Service, and a library that would, in addition, serve the research and general educational needs of both the midshipmen and the faculty.

Another purpose, perhaps more basic, was to construct a library that would be used fully by the students and that would become an integral part of the educational program.

Now I think if you will examine your printed program you will notice the fact that this library contains not just books but the ability to be used by some 1200 midshipmen at any one time in any of several ways and the uses to be made of this building are just fabulous.

I think we have succeeded in these basic purposes very admirably.

In addition to the familiar library functions, the Nimitz Library here includes spaces for a major academic department, the Division of U.S. and International Studies and also a photographic laboratory which is one of the latest in the country. It also houses an educational resources center, again, one of the best and one of the latest, most modern in the country, where we can use and store and issue audio and visual aids used for instruction. A professor who would want to select library materials and a midshipman studying the same materials will be able to find them under one roof and he would find the full instructional resources of this academy—whether these were books, tapes, films, maps, musical tapes, video tape and all the other resources of the Naval Academy. We have a beautiful television control center which distributes closed circuit programs throughout the Academy, some of which we make and do very well.

Significantly, as anything I think that Admiral Nimitz would have anything to do with, this library has been so planned that the resources can be expanded in the future—perhaps twenty years ahead. We know that this is a dynamic educational institution. We propose to keep it that way. And we think the Academy's programs and teaching methods will continue to change in response to the needs of the fleet and new developments which we find in the educational world.

First of all, I would like to thank the Congress which made this remarkable structure a reality. I would also like to extend my thanks and admiration to Mr. John Carl Warnecke and Associates and to the George M. Ewing Co., for the superb architectural design of this building. As you can see it is somewhat similar to Chauvenet and Michelson Halls yet sufficiently distinct and varied to provide its own unique contribution to the Academy landscape. And I think you will find some of the beautiful pictures in the program are indicative of that and I hope you will take these away with you as mementos of this beautiful building.

Rising next to us is, of course, Rickover Hall which will complete the four major new construction buildings and will, I am sure you will agree, form a most beautiful section of this campus.

I thank also the contractor, J. W. Bateson Sons who constructed the building and Eleanor LeMaire Associates who coordinated the interior decor and if you think it is easy to find something which will be masculine for midshipmen and yet beautiful you will, I think, agree they have succeeded when you see the decor of this beautiful building.

Also deserving of special recognition are the Chesapeake Division of the Naval Facilities Engineering Command and the Navy's own Public Work Department. Both of these organizations played major roles in the planning and constructing of this magnificent library.

REMARKS BY PROF. E. B. POTTER, DIVISION OF ENGLISH AND HISTORY

It is obvious that the chief reason for Admiral Nimitz's name being commemorated here is his record of leadership in the Second World War. The main reason why the name "Nimitz Library" has met with universal approval was stated by Admiral Kidd. I think another reason is that Fleet Admiral Nimitz was widely known as an eminent intellectual as well as a man of action, a man of books as well as a man of ships and guns. If he had not been a naval officer, this man of many talents might have made a career as an author, which he was; or as an editor, which he was; or even as a professor, which he was.

Author Nimitz at the age of 27 published in the *U.S. Naval Institute Proceedings* a widely discussed and much esteemed essay on submarines. This was only the first of a score of articles published by him.

These articles, assembled and bound together, as well they may be some day, would make a valuable and authoritative book.

Editor Nimitz twice served as president of the Naval Institute, in which capacity he read and made recommendations concerning materials submitted for publication. This task he carried out swiftly and effectively because he was a rapid and discriminating reader. Even in the midst of World War II, after a brain cracking day of directing the strategy against Japan, he usually ended his evening reading history, often while listening to recorded classical music.

Editor Nimitz's most extensive effort was with the book *Sea Power*, which is used as a text in naval history here at the Naval Academy. Through his influence, *Sea Power* was kept so fair and so rigidly objective that a Japanese translation became a best seller in Japan, and a German translation is used as a textbook in the West German naval academy.

Professor Nimitz taught as a member of the faculty of the University of California at Berkeley where he was sent in 1926 to establish one of the original NROTC units. Coming in at the comparatively youthful age of 41 as a full professor and Dean, he aroused some resentment among the greybeard teachers who had earned their Doctorates and struggled up the academic ladder to attain full professorship late in life. But Nimitz soon won the friendship and respect of his colleagues by his unfailing good humor and his wide-ranging knowledge based on years of selective reading. In recognition of his demonstrated ability at judging people, the faculty invited him to join one of the University's committees on promotions and also one of its finding committees for selecting new faculty.

Professor Nimitz, always adaptable, never thought of himself as a naval officer thrust into an unfamiliar, somewhat hostile environment but only as a member of the faculty. He made lifelong friends of colleagues and students, and never lost his interest in education or in the University of California. That is where he sent his eldest daughter, now Mrs. Lay, to earn her degree, and when he went into semi-retirement it was not entirely by coincidence that he made his home near the Berkeley campus. And the University of California never forgot Nimitz. When his services became available, the university lost no time in offering him, through Governor Earl Warren, the post of regent, a position he held eight years.

The many-sided genius of Chester Nimitz has richly earned him a monument on this historic campus, but the overflowing approval of this dedication among those who knew him best, reflects reverence above all for his shining character. Surely no man in public life has been motivated by loftier ideals of service to his country and to all mankind.

Mr. Speaker, in conjunction with the dedication ceremonies of the Nimitz Library, the Naval Academy Class of 1955 presented a bronzed bust of Fleet Admiral Nimitz which has been permanently placed on the terrace to the library. The sculptor of this bust was Mr. Felix DeWeldon and his impelling remarks concluded the ceremonies. A portion of Mr. DeWeldon's remarks follow:

It was very important to know the man well—his inner self—his character—even before one started to work on the clay model. Once I had the honor of having lunch with Admiral Nimitz, Admiral King and Admiral Carney at the Navy Department. The second time I saw him was at the ceremony when Secretary of the Navy Forrestal gave awards to aircraft carrier groups in front of the Iwo Jima monument. And the third time was at a dinner in Washington in honor of Admiral Nimitz and General Eisenhower.

The sculptor's interpretation is limited to the portrayal of the spirit and character of his subject and light and shadow are his principal tools.

When Admiral Nimitz sat for me I keenly felt his brilliance and lucidity of mind as well as his simplicity and charm of manner. He was a man of scrupulous impartiality with a great gift of logic. His deeply penetrating mind and outstanding leadership left his mark on our Navy for all times. Admiral Nimitz was loved and respected by all who knew him and I sincerely hope that these attributes will be apparent to all who see this portrait bust of him.

Our Navy's successful campaign across the Pacific with its great battles fought and won are a tribute to his leadership. I hope that this memorial which honors Admiral Nimitz will also honor and remind us all of the gallantry of the men of the Navy and Marine Corps who have served under him and of whom Admiral Nimitz has said "Uncommon valor was a common virtue."

HOSPITAL CORPSMAN AWARDED NAVY COMMENDATION MEDAL

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. FLOOD. Mr. Speaker, a few days ago Rear Adm. Freeman H. Cary, the attending physician for the U.S. Congress, made an award of the Navy Commendation Medal to Senior Chief Hospital Corpsman Millard J. Gomez.

Senior Chief Gomez was recognized by the U.S. Navy for exceptionally meritorious conduct in the performance of his duties while serving on the staff of the attending physician to the U.S. Congress during the period of August 1966 to August 1973.

I am especially interested in this award, because Chief Gomez is a resident of my congressional district from the city of Nanticoke. I, too, wish to extend my congratulations to Senior Chief Corpsman Gomez upon receiving this award from the U.S. Navy. It is full recognition of a job well done and must be a source of great personal satisfaction to Chief Gomez and his family and friends.

At this point, Mr. Speaker, I would like to include as part of my remarks the citation that was presented on November 8, 1973, by Admiral Cary to Senior Chief Hospital Corpsman Gomez:

CITATION

In ceremonies held at the U.S. Capitol on November 2, 1973, Rear Admiral Freeman H. Cary presented the Navy Commendation Medal to Senior Chief Hospital Corpsman Millard J. Gomez for exceptionally meritorious conduct while serving on the staff of the Attending Physician to the U.S. Congress. Gomez was cited as follows:

"For exceptionally meritorious conduct in the performance of outstanding service while attached to the staff of the Attending Physician to the U.S. Congress from 1 August 1966 to 31 August 1973. During this period, Senior Chief Gomez consistently demonstrated unusual initiative, industriousness, vigor, enthusiasm and medical expertise. His performance was particularly commendable in light of his daily necessity for working closely and smoothly with Members of Congress and other high ranking government officials. In these contacts, Senior Chief Gomez elicited only laudatory comments from those whom he served. His knowledge and technical skill contributed importantly to the excellent medical coverage for Joint Sessions of Congress, State Funerals and for two Presidential Inaugurations. In all areas, Senior Chief Gomez' performance of duty was in keeping with the highest traditions of the United States Naval Service."

HMCS Gomez is the son of Mrs. Nettie Gomez, 924 South Market Street, Nanticoke, Pennsylvania. He enlisted in the U.S. Navy August 21, 1957.

AT LAST, A BETTER WAY TO PICK THE VEEP

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. ESCH. Mr. Speaker, as part of my continuing effort to draw attention to the need to review the current process for nominating vice presidential candidates, I am today providing for the RECORD a very fine article on the subject by James M. Perry of the National Observer:

AT LAST, A BETTER WAY TO PICK THE VEEP

(By James M. Perry)

It was more than 20 years ago that Herbert Brownell and Thomas Dewey agreed that Dwight D. Eisenhower's running mate would be the junior senator from California, Richard M. Nixon.

They passed the word to the general, who said he was "surprised" to learn "that the Presidential candidate could choose the Vice President as a matter of long-standing custom."

Right up to the final moment, Nixon wasn't so sure he should accept, and his wife, Pat, was even less sure. Dick and Pat stayed up until 4 a.m. talking it out, finally waking up Murray Chotiner to ask for advice. You can't lose anything, the wily Chotiner told them.

Eisenhower didn't pick Nixon; in fact, he hardly knew him. Nixon was picked for the ticket by party leaders because (according to Brownell) he was "young, geographically right, had experience both in the House and the Senate with a good voting record, and was an excellent speaker."

Nixon was also supposed to be a "bridge" between the feuding Eisenhower and Taft factions in the party. Kennedy picked Johnson for a similar reason, he would be a bridge to the Old South, Johnson picked Humphrey because Hubert always had been his bridge to the liberals; and, when Nixon's time finally came, he picked Agnew because . . . because he was an ethnic, because he was a governor with some thoughts about city problems, because, maybe, he didn't seem to offend (or threaten) anybody.

And McGovern picked Eagleton because . . . well, why did he pick Eagleton? Because, maybe, there was no one else.

It is a lousy system, and it is no better now than it was when the naive old general was told what to do 21 years ago. Soon, though, the system will be changed—by the Democrats at least. They have something called the Commission on Vice Presidential Selection whose 70 members will vote before the end of the year on a reform package.

AGNEW FALLOUT

Nobody thought the commission would do anything or that anyone would pay attention to its deliberations, because the Democrats didn't want to hold highly publicized meetings to explore why their nominee in 1972 picked a running mate who'd been hospitalized for mental problems on three separate occasions, especially when that running mate was seeking re-election to the Senate from Missouri in 1974.

But the Agnew resignation, with the resulting vacancy in the Vice Presidency, has changed all that. Now, the question of selecting a fit Vice President isn't just a Democratic problem; it's a Republican problem too. And that's why the Democrats are going to institute meaningful reform this year.

I think I know what's going to be in the package—because the commission chairman, Hubert Humphrey, and the chairman of the Democratic National Committee, Robert S. Strauss, seemed to be in perfect agreement last week on what the reforms ought to be. It's in the bag.

But it's fun to listen to the witnesses and leaf through the mail from party leaders, labor skates, and political scientists to learn what they think ought to be done. This commission has inspired some interesting proposals. Thus:

State Sen. Burnett C. Bauer, of South Bend, Ind., would amend the Constitution to "replace the office of the President and the Vice President by an elected three-man commission." The job, he thinks, is too big for one man.

Robert M. Curtis, past chairman of the Broward County (Fla.) Democratic Executive Committee, wants "the person receiving the second highest number of delegate votes . . . be automatically declared the Vice Presidential nominee."

NUTS TO GEORGE

Donald O. Peterson, national commiteeman from Wisconsin, thinks there's wisdom "in encouraging candidates to actively campaign for the nomination of Vice President and not permit the decision to be made by one man."

Charles S. Harnetty, chairman of the Perry County (Ohio) Democratic Party, has two thoughts: "(A) First, do away with every damn McGovern guideline; (B) anyone except Senator George McGovern could of picked a great Vice Presidential candidate."

Rep. J. Robin Harris of the Georgia House of Representatives doesn't want any change in the system because if the delegates to the last convention had been allowed to make the selection, "the result would have been more disastrous than it was." Harris says it gets more difficult all the time being a Democrat.

Sen. John Sparkman, Adlai Stevenson's running mate in 1952, thinks it's just about "impossible to arrive at a good solution. . . . Frankly, I see little escape from the prevailing custom. . . ."

REALLY BIG REFORMS

Finally, though, it's the political scientists who demonstrate the most inspiration. Simple reforms aren't enough for them; the reforms must be *really* big—and original. Thus:

William J. Crotty, associate professor, Northwestern University, suggests "the office of Vice President should be abolished by Constitutional amendment." In case the President dies, resigns, etc., "the Congress by majority vote should select a person to serve as a caretaker or provisional President until the next election." But if the next election is more than two years away, then "the parties should nominate candidates for a two-year term and the voters select among them in the off-year elections." Crotty also suggests an amendment providing for a vote of confidence on a President. If the Congress voted "no confidence" twice within 30 days, the President would be forced to resign and an election would be held to replace him within 60 days.

David R. Mayhew, associate professor at Yale University, proposes what he calls "a simple, off-beat idea." He would change the Constitution to "1.) delete anything to do with the Vice Presidential duties . . . and 2.) delete anything barring a Vice President from simultaneously holding any other office."

Notes Professor Mayhew: "The logic of all this is to allow a party to nominate a man for Vice President without his having to abandon (or refrain from assuming) another office even if he wins the Vice Presidency." And why not? "The official and unofficial duties of Vice Presidents can be abolished at small cost; they don't amount to much anyway." Under Mayhew's proposal, Nelson Rockefeller could be Vice President and governor of New York. Or Honest Ted Britt could be Vice President and still sell used cars.

NOT WHAT, BUT WHO

"The only important thing a Vice President does is take over if a President dies," Mayhew points out. "It makes little difference what a Vice President does while he waits. It makes a great deal of difference what kind of man is doing the waiting."

I like Mayhew's idea. That is *original* thinking, and he is well on his way to becoming a truly big-time political scientist.

But the mandate of the Democrats' Commission on Vice Presidential Selection doesn't allow quite that much latitude.

So what the commission will recommend is this:

That the nominee chosen at the national convention recommend a running mate to the Democratic National Committee, which would be called into session after the convention is over. "That," says chairman Humphrey, "is what I find most engaging." Members of the committee, he added, would cast their votes in proportion to the number of votes their states were alloted at the national convention.

A MINI-CONVENTION

"Right," says Chairman Strauss. "The problem has been haste and confusion," and this proposal, he said, would solve it. It would, in fact, be very much like the mini-convention that picked Sargent Shriver as Eagleton's replacement.

Strauss also suggested that "a special committee or commission, appointed by the Democratic National Committee, be involved in the screening of potential candidates for Vice President, so that when our Presidential candidate is selected, the candidate can benefit from the research of such a commission."

So that, too, will probably be a recommendation.

Liz Carpenter, one of the witnesses last week, said that a Presidential nominee picking a running mate is a little like Moses, when he finally saw the promised land. "He leaned on his staff and he died."

It seems the Democrats will approve meaningful reform, including better staff work. Wonderful.

OUR NATION SALUTES THE HONORABLE PAUL CAVALIERE, NEW JERSEY'S CHAMPION SPORTSMAN AND A LEADING CITIZEN

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. ROE. Mr. Speaker, last month my Eighth Congressional District, State of New Jersey was the setting for a testimonial to a great champ and sportsman, proud family man, good friend and neighbor, the Honorable Paul Cavaliere, who attained excellence and national prominence in the sports world of boxing. A lifetime ever devoted to good works, compassion and fair play, always with dignity and universal respect, has earned him the title of "Champion" in our State and Nation.

Mr. Speaker, Paul Cavaliere was born in Paterson, N.J. 68 years ago and has achieved in his lifetime the respect and esteem of all who had the good fortune to know him. It is to his modesty in his achievements, his outstanding expertise in his field of endeavor, the warmth of his friendship and his standards of excellence in the American way of life that I seek this national recognition of his service to his community and his fellowman.

A recent news article that appeared in the Paterson News, one of New Jersey's most prestigious newspapers, most eloquently sets forth a brief sketch of the "Champ," Paul Cavalier, intertwined with the style and grace that depicts an era in our country's history filled with nostalgia but, equally as important, a factual historic chronicle of Paul Cavaliere, the man. Paul's story is truly an epic in our American heritage where success is within the promise of men like Paul who have the zest for pursuing what is within one's heart, matched with the determination and sincerity of purpose to always do the best in everything one sets out to do. Mr. Speaker, at this point in our historic journal of Congress I would like to enter this Paterson News story, written by a most distinguished sports writer, Bob Curley, as follows:

BOB CURLEY'S CURLEY CUES: YOU'RE PAUL CAVALIERE—A CHAMP

You're Paul Cavaliere, the world's uncrowned world's heavyweight champion. Sure, you won the light heavyweight and heavyweight championships of New Jersey, but they never did give you a crack at the world's title because you were too clever for some of the top names.

The record books reveal that you had 115 bouts during your career, lost but three and reversed decisions on two of the defeats.

You're the only man to ever spar with five world heavyweight champions (Gene Tunney, Jack Sharkey, Primo Carnera, Max Baer, Joe Louis). You traveled more rounds with Louis (115) than any other human. You were a real challenge to the Brown Bomber, who during his eary training days enjoyed knocking down spar mates. Only once did Louis hurt you. That was the first time you stepped into the ring with him at Doc Bier's old camp in Pompton Lakes. Perhaps you didn't believe all the things newspapermen had been saying about Joe's left hook and when he caught you with one on the head you said: "I thought I was going to go through the floor."

But you never did hit the deck. You used your ring skill and thereafter more than held your own with Louis. Through the years only an Englishman named Charlie Smith dropped you with a punch. That was in old Madison Square Garden when he caught you with a right to the Adam's apple. You got off the floor and boxed him silly.

You're Paul Cavaliere, who was born on June 16, 1905 in Paterson where you were reared and worked. You were born 50 years too soon, for today you'd be No. 1 on the Leather Pushing Parade. The current crop of boxers would be right up your alley as you would stab and box them silly. Although they termed you a "boxer" you could punch, too, for you had a 25 per cent knockout record.

You're Paul Cavaliere, who emerged after more than two decades of boxing, with no scars of cauliflower ears or punchiness. The only real loss was an "e." Newspapermen frequently dropped the last "e" from Cavaliere and you were Cavalier.

A man with the Patent Leather Kid type of look, one of your greatest victories was over Two Ton Tony Galento in Madison Square Garden. This one was for the New Jersey heavyweight title and there was a platinum blonde named Jean Harlow who sat directly behind your corner rooting for you. The movie queen of the 30s loved your looks and you made a great impression on her as you jabbed and belted Galento, who had 13 straight kayoes to his credit, at will for 10 rounds.

That was one of your biggest pay nights, too. You walked out of the Garden with a check for $8,000. But that was a lot of money in those depression days when taxes were nil. You didn't earn as much money a couple of years prior when you outpointed Jimmy Braddock for the state's lightweight crown at old Arcola Park. However, you did go home with a title and a victory over the Cinderella Man who later beat Max Baer for the world's heavyweight crown.

You're Paul Cavaliere, a proud grandfather and a Wayne country squire, who has put in over 30 years as an attendance officer for the Paterson Board of Education. You've said the toughest man you ever fought was a lad named Harold Maize, out of Bayonne. Meanwhile Gene Tunney once told News' Diamond Gloves fans at the Paterson Armory: "Cavaliere is one of the cleverest heavyweights of all time in boxing."

You were a dancer with the grace of Astaire and Bolger rolled into one with the fastest pair of hands in the business. You never held back a punch . . . unless it was to avoid seriously hurting a gritty but defenseless opponent . .. and you never held back your feelings about Cassius Clay. You thought he did his country a disservice and have expressed that opinion for a long time.

You're Paul Cavaliere, who started in the boxing business as a 173 pounder at the age of 19. Your best fighting weight was 187 and today you're only 13 pounds above that mark.

You're Paul Cavaliere, who in 1941 became the third man in the ring, officiating countless title bouts including those involving Zale-Graziano, Cerdan-Zale, Giardello-Tiger, Fusari-Robinson. During your spare time you conducted boxing classes at high schools such as Pompton Lakes, Butler, Midland Park and Clifton and devoted 20 years to operating a boxing gym in Paterson where Mickey Polo was your No. 1 aide.

You're Paul Cavaliere, who has helped many a kid out of difficulty, taught others how to defend themselves and have been a blessing to mankind.

You're Paul Cavaliere, whose great love is boxing, but who has an even greater love for your wife, Florence, son, Paul Jr. and your grandchildren. Those whom you have helped and those whom you have loved are going to honor you at a testimonial dinner a week from Friday night at the Wayne Manor.

You're Paul Cavaliere, a six-foot, 200-pound man with a devastating left hook and a heart of gold. You're Paul Cavaliere . . . a champion who is out of this world.

Mr. Speaker. I know that you and our colleagues will join with me in saluting and extending the appreciation of the Congress to Paul Cavaliere for the example he has established for our youth of America in his sportsmanship and sense of fair play that has truly established him as New Jersey's champion sportsman and a leading citizen.

REPRESENTATIVE VANDER JAGT ADDRESSES THE ADVISORY COUNCIL OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. WHALEN. Mr. Speaker, the Overseas Private Investment Corporation held its third annual meeting of the Advisory Council on Monday, October 29, in Washington. On this occasion, the speaker of honor was Hon. GUY VANDER JAGT, my esteemed colleague and friend from the State of Michigan.

At the luncheon meeting Representative VANDER JAGT, a member of the Foreign Economic Policy Subcommittee of the Committee on Foreign Affairs, and a member of the House Task Force on International Economic Policy, spoke on what he saw as the challenge for OPIC.

I trust my colleagues will find his remarks timely, given not only the present public hearings by the appropriate committees in both Houses of Congress on OPIC itself, but also given the growing importance to the Nation of sound international economic policy planning and goals.

The address of Representative VANDER JAGT follows:

ADDRESS BY CONGRESSMAN GUY A. VANDER JAGT BEFORE THE THIRD ANNUAL MEETING OF THE ADVISORY COUNCIL OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION

It has been a rather eventful two weeks for OPIC. Ten days ago, after a lengthy and thorough investigation, the Senate issued a report, the gist of which said: OPIC has got to go. Seven days ago, the House issued its long-awaited report, the gist of which was: OPIC has to stay. How do you like that for a clear-cut Congressional mandate? On the one hand, you are told to close up shop, on the other to keep doing business, not necessarily business as usual in every respect, but performing a vital and a necessary function.

But how could two reports reach such widely divergent conclusions? I think one of the reasons that the Senate report reached the conclusion which it did was that it was based on two case histories. ITT and Jamaica. And quite apart from the objectivity of the analysis of those two case histories, I submit that two case histories is not a valid foundation on which to draw generalized conclusions about a program which is as wide as rich in variety as is the OPIC program.

Not taken into account in the Senate report, in my opinion, were the hundreds of cases about OPIC which do not get into the newspapers. Not taken into account was that 80% of the OPIC portfolio deals with investments of $2 million or less. Not taken into account in the Senate report, in my opinion, were all those instances where OPIC enters the act after the event, and skillfully, and patiently, and quietly, negotiates an acceptable settlement.

The Senate report was very, very concerned about the theoretical possibility of OPIC's dragging the U.S. Government into a direct confrontation with a foreign government. Not taken into account in the Senate report, were scores of instances where OPIC has been a buffer, in actual practice, to prevent the very kind of confrontation about which the Senate report was concerned. But in my opinion, the basic reason for the widely differing conclusions was the different underlying assumption of each committee. And in an oversimplified fashion, I think this was the assumption underlying the Senate report; there are so many problems, there are so many difficulties, there is such a wave of nationalism sweeping the world, that probably it is not desirable to have U.S. private business investment in less developed countries. Certainly not desirable enough for the U.S. Government to do anything about encouraging it.

The House assumption, in my opinion, was that: in spite of the problems, in spite of the difficulties, U.S. private business investment in underdeveloped countries can be desirable. I, myself, will go a step further and say that in most instances private U.S. business investment in a less developed country is the best thing that could possibly happen to that country, and probably best thing that could happen in carrying out the objectives of U.S. foreign policy.

Even though we are operating now under the umbrella of detente, detente itself acknowledges the fact that we have two diametrically opposed economic systems competing with each other, and competing for the allegiance and the loyalty and the support of the people of the world, three quarters of which live in the less developed countries. And with a dramatic paring back in our aid program, it seems to me that one of the crucial tools which we have left in this competition is the potential for achievements and performance by U.S. business in the less developed countries of the world. I really believe that our economic system—what it has been able to achieve—has something to offer the needs and desires of such countries.

You see this reflected in varying ways, in varying sections of the world. In the Far East, in Korea and in Taiwan, where OPIC has encouraged investment, you find in the capital city of South Korea—in Seoul—an example, a witness, I think, not of the words but of the demonstration of what free enterprise can indeed accomplish. This city, just 20 years ago, was flat on its back, war-devastated, totally destroyed. Today, when you walk amidst the brimming, bustling traffic of its busy streets, you realize that an economic miracle did indeed take place; a modern construction, sprouting out everywhere is visible evidence that the dynamic, free enterprise economy of South Korea is the fastest growing economy in the entire world.

Or go a thousand miles south to its tiny neighbor, Taiwan. There, you see a nation—equipped really with nothing but the dynamism of its free enterprise system—which in spite of diplomatic set-back after diplomatic set-back last year, increased its exports an incredible 40 percent to the markets of the world. And you see there a nation, which with the dynamism of its free economy, with the outside investment which has helped it, is generating a per capita income for its people one hundred times greater than the per capita income of the controlled economy of mainland China.

I believe that in this enterprise system of ours, we do have a story to tell the nations. A story that can be told by example, by performance and by achievement. I think that story reaches behind the Iron Curtain.

Last August, I went to Zagreb, to open the U.S. exhibit at the International Trade Fair. Afterward I had to visit each of the six republics in Yugoslavia. I was meeting with the president of Macedonia, and we got into a conversation in which he said that unemployment in Macedonia was 22%. This was in August, when I was heading into an election campaign, and when 6% unemployment was a catastrophe for America. On top of that, I had just voted for the Emergency Unemployment Act, in the Congress, which set up jobs in the public sector for those who couldn't find jobs in the private sector. President Nixon vetoed it. I voted to override his veto.

I said to the communist president of Macedonia: "what are you doing about the 22 percent unemployment?" Well, he said, "we are trying to lure foreign capital, we are trying to get it to invest here. In fact, we are trying to get your U.S. business to come, and we are offering them 50 percent of the action—50–50 in the new business." I said, "well it's great for the long run, but what are you doing immediately to address this problem of 22 percent unemployment. Don't you have anything like our Emergency Unemployment Act program?"

He said, "you don't understand. You don't solve the problems of unemployment by putting people to work at make-work jobs. The only way you really get at the roots of unemployment, is to put a man to work at a job where he is productive, and where there is a profit to be made."

And I thought, "my goodness, either this world has gone crazy or I have. Here's a communist president lecturing a Republican capitalist about the essentiality of the profit motive."

I think you can see the great opportunity we have in the countries of Africa. There is a continent where the countries, in some cases, are so rich in resources, and pools of manpower, and yet so woefully inadequate in terms of economic development. I think these small, ten-year old countries are valiantly trying to develop and pull themselves up by their own boot straps; but the going is very, very hard and very, very difficult. For their development, they need and desire all of the private investment that they can get.

And they do, indeed, very much desire it. I remember a case in Sudan, where I was in February as the personal representative of the President to encourage U.S. private investment in, and trade with Africa. Sudan is the largest country in Africa, and is about one-third the size of the United States.

It is rich in natural resources, rich in fertile agricultural land, but only one-sixth of the tillable land in the Sudan has been cultivated, and the natural resources lie untouched underneath the rich soil. Why? They don't have any transportation, and they don't have the money to build the roads, the railroads, or even to dredge out the river channels. They can't get their products to viable markets.

In fact, about the only paved road in Sudan is that leading out of Khartoum, going 80 miles back into the interior. The Sudanese call this road the "American Way", not just because it was built with U.S. money, but because all along this road and for hundred of yards back are clustered the majority of private businesses and commercial enterprises that you will find anywhere in Sudan. They think of that kind of business as the American way, and the American way looks awfully good to the Sudanese right now.

It wasn't always that way. In 1967 they were enamored with Russian claims of what a controlled economy could do. They were convinced that the capitalists were milking off the rich profits and sending them back home. They were also upset with our stand in the 1967 Mid-East war, and so they decided that they would kick the U.S. out, invite the Russians in and that they would nationalize all of their businesses, which they proceeded to do. But when the people inexperienced in the ways of business began to run business down, down, and down—not only were there no huge profits to milk, but there were also larger and larger deficits which had to be made up with bigger and bigger subsidies from out of the general treasury.

By June of 1972, the president of Sudan recognized that he had made a mistake. Not only recognized it, but he went on nationwide radio to announce that he had made a mistake when he turned the U.S. out and invited the Russians in. He announced that he was going to de-nationalize the businesses as rapidly as he could.

When Jamie McClelland, my assistant, and I arrived in Sudan, our ambassador scheduled a Friday morning meeting with, they said, a few Sudanese businessmen, put on by the Sudanese Chamber of Commerce. Our ambassador was astounded when 50 Sudanese businessmen showed up, because Friday is their Sunday, and it is very, very important to a Sudanese to be with his family on Sunday. But there was one thing more important for the Sudanese businssman, and that was to use that opportunity to talk with a representative of the U.S.; to urge him, to (yes) plead with him to do any thing he could possibly do to get U.S. business to invest in the future development of Sudan. They very much desire and need U.S. business investment, and are doing everything they can to encourage it. I think in many ways they are a parable of many of the countries with which I am familiar.

In fact, I think for the Senate subcommittee to decide on its own what is desirable or not desirable for the less developed countries smacks a little bit of the arrogance of power and judgment of which the Senate has previously been so critical. It would seem to me that we should do as OPIC does—let the nations decide for themselves whether they need and desire that kind of U.S. business investment.

And if we let them decide, there is no question in my mind but that they will say their need is overwhelming, their desire is equally overwhelming, and that the opportunity is there. Their arms are open wide, the doors are open wide. It is the role and the task of OPIC to try and help to lead business through that door. The mandate of OPIC is one that in this juncture in history, I think, rings out—and that is, to mobilize and facilitate participation by U.S. private capital in the economic progress in less developed nations. And that is precisely what less developed nations need today, and what they want.

Let me, before I close, touch very quickly upon two other points making private the role of OPIC and the flexibility that is needed by OPIC. In terms of privatization the Senate committee wanted the OPIC insurance portfolio turned over to the private sector immediately. Well, there's a problem there, and that is that the private insurance industry in the U.S. isn't ready now, won't take it now; it can't take it now. The Senate recommendation also does not take into account that under the very able leadership of Marshall Mays, OPIC has been moving in that direction, but moving carefully and thoughtfully, because the whole experience of U.S. insurance has been domestic. It has not been foreign. We don't have a Lloyd's. Certainly therefore, we want to go very carefully.

I personally would not like to see the role of OPIC removed entirely. It seems to me vitally important that the U.S. Government have a handle or a lever or an input into the shaping of the nature of the investment so that it can maximize its acceptability to the host country, and minimize the risk of expropriation. And so that we can, to the highest degree possible, make the nature of investment consistent with the objectives of U.S. foreign policy.

You know, multinationals are here to stay. We know that we don't know a great deal about multinationals. We know they are new. We know we are on uncharted waters, but we do know that under the pressure of business, internationalization is essential if business is to remain prosperous and able to produce not only goods at competitive prices for the individual American but also revenue, taxes and jobs for the betterment of the U.S. economy at large.

The Senate report would have the Government, through OPIC, just walk away from all of that. The House report believes that it is vital that the Government participate with business in formulating the kind of business policies that will contribute to a wise and sound foreign policy, and in moving toward the goals and objectives of that foreign policy.

Now, on the problem of flexibility. We live in such rapidly changing times—what was sound policy two years ago is not necessarily sound policy today. You have to run fast just to stand still. And you have to adapt to changing times and circumstances and challenges. I commend OPIC for its innovative and imaginative spirit, and its attempts to try to keep pace with changing times, and for the way in which the House report which encouraged innovative and imaginative actions by OPIC was received.

I personally saw the imagination, the innovation of OPIC, in terms of a technical training center which I am interested in developing in Abidjan in Ivory Coast. When I came to the end of that tour for the President, at one last meeting with 40 representatives of top U.S. corporations there, I asked them what can the U.S. Government do to help them invest in and expand their trade with Francophone West Africa. They were unanimous that the most important thing of all would be some mechanism by which we could transfer American know-how and training skills to the Africans so that the manpower skills would be there to realize the market potential which is already there and growing. Without the manpower skills, it couldn't be done. They also believed it essential that U.S. business have an input into the mechanism, so that students would be trained not for theoretical needs, but for actual needs—and in the immediate future.

When I mentioned this concept to the Minister of Planning, Minister Diawara of the Ivory Coast, he agreed thoroughly and said, "if you ever get anything like that going at all, we will provide all of the land and all of the buildings that are needed. We think that it is right on."

I came back to Washington, and knew that such a concept would need the total cooperation of the Department of State, the Department of Commerce, A.I.D., OPIC, and other governmental agencies, and certainly the total cooperation of the private U.S. sector. And it was OPIC alone that was so mandated by its charter to encourage U.S. investment in less developed countries in ways such as this, that are so welcomed by the host nations. It was OPIC alone that had the flexibility and the personnel with skill enough and imagination enough to take that ball and run with it. We have now reached the point, under the tremendous leadership of Sheldon Gitelman of OPIC, of being ready to proceed with the feasibility study in which five top U.S. corporations are participating and which will examine, first of all, the market opportunities for those companies in that area.

Second, and far more important is what manpower skills are needed in order to realize those opportunities. And, three, perhaps most important of all, what should be the mechanism and the nature of it for the meshing of those economic opportunities of the manpower needs. Sheldon has done a good job, not only in getting business to match OPIC's grant, but also in getting business to commit the top leadership of their companies to serve on our working committee to make sure that this will be something with sound and thoughtful business input.

So, I think this is an example of the kind of innovative and imaginative leadership which OPIC has been providing, and continues to provide in bringing together the cooperation of governmental agencies, U.S. business, and countries that need and desire our help so much. I commend OPIC for its willingness to adapt and change to meet changing times and circumstances, and for remembering the advice which was given to us long ago by James Russell Lowell when he said,

"We cannot make their creed our jailer, they must forever onward sweep and upward who would keep abreast of truth. New occasions teach new duties, and we should not try to open the future's portal with the past's blood-rusted key."

We know that there is, indeed, great opportunity in the underdeveloped nations of the world. We know that that blood-rusted and worn-out key will not open the door to a more prosperous tomorrow. The needs and the desires as well as the opportunities in those nations are evident. In part those needs can be met by the genius that is American free enterprise—both in terms of what it can achieve, and in terms of what its performance has been to date. I think OPIC stands at a unique juncture in history, with a tremendous opportunity. I compliment all of you for your efforts to try to work together to find the key that can unlock that door to a developing tomorrow which will inure to the great benefit of the objectives of the foreign policy of the United States.

RECLAMATION—1973 AND IN THE FUTURE

HON. DAVID TOWELL

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. TOWELL of Nevada. Mr. Speaker, I would like to call to the attention of my colleagues the remarks made by the Commissioner of Reclamation, Mr. Gilbert Stamm, at the 27th Annual Nevada Water Conference held in Carson City:

RECLAMATION—1973 AND IN THE FUTURE

It is always a good tonic for any Commissioner of Reclamation to speak here in Nevada, to Nevadans about Water Resource Management.

The State, in addition to being the birthplace of Reclamation, has a way of bringing into extraordinarily sharp focus just what Reclamation is really all about. For more than 130 years, you Nevadans have battled an essentially continuous drought through reclamation of your arid lands for irrigation.

In spite of having the lowest average rainfall of any State in the Nation, Nevada has managed *so far* to supply water to her growing cities, develop and sustain a large mining and milling industry, develop hydroelectric power and perhaps most important of all, irrigate as much as one million acres. Although Reclamation as an agency is a relative newcomer to Nevada water resource and management—having been here only about 70 years—we are proud of the contributions we have been able to make to the development of the State.

With all the progress that has been made over the years in the development and utilization of Nevada's limited water supplies, many of the basic problems remain. Nevada still has a scanty average rainfall. You still have vast stretches of land that could be made productive with an assured water supply. Your cities continue to grow, demanding not only greater quantities of scarce water but higher qualities as well. There are the inevitable disputes over available water supply, so common in water-short areas.

As I am sure virtually everyone here is well aware, one such dispute involves the division of the Truckee River waters between Pyramid Lake and the Newlands Reclamation Project. That controversy is widely known and of long standing. I suspect there are few informed people in Nevada who are not aware of the essential elements of the problem.

The latest move in that struggle has been official notice from the Secretary of the Interior to Truckee-Carson Irrigation District that the operating contract between the U.S. and the District will be terminated as of October 31, 1974. The termination grows out of violations by the District of Departmental Operating Criteria and Procedures for the Newlands Projects. I am personally saddened by the turn this dispute has taken.

Under the termination procedure, TCID will continue to operate the project facilities during the coming year, including Derby Diversion Dam. However, should the District divert more than 288,000 acre-feet, the quantity allocated by Judge Gessell and adopted by Secretary Morton's rules and regulations, the overages will be deducted from subsequnt year water supplies. The Department will take physical control of the project on October 31, 1974. I personally am hopeful that some solution to the issue, interim or long-term, will be found prior to the takeover date and that actual takeover will not take place.

There is no doubt in my mind that litigation of the various rights of the parties involved in this situation will be initiated during the coming year. There is, after all, a great deal at stake. The litigation undoubtedly will be troublesome, costly, and lengthy. It will not add a single gallon of water to the supply of the Truckee and Carson River Basins. Nevertheless, the issues are such that probably they can be resolved only through the litigation process.

Ambiguities of Orr Ditch decree and the Alpin temporary restraining order must be clarified. Rights to the short water supply must be established. Otherwise the situation can only worsen as this area continues to grow, as it undoubtedly will, and the competition for water intensifies.

There is no getting around the immense water supply problems Nevada faces here and in virtually every other area of the State as well. But they are not insoluable. Nevada has had such problems for a long time and history shows that Nevadans are capable of the dedicated, practical efforts needed for solutions.

The Bureau of Reclamation is continuing to contribute to the efforts you are making toward solutions of these problems.

For example, the Bureau's Project Skywater program here in the Truckee River Basin appears promising. The Desert Research Institute is conducting the weather modification research program, and will begin a fourth season of cloud seeding this winter. The next step in this phase of the program will be a year of data analysis.

If the project is successful, and preliminary analysis of the data is encouraging, it could go a long way toward alleviating the gross water supply deficiencies in the Truckee River Basin.

Although funding has been very short, the Bureau has been able to do some field explorations, mostly in cooperation with the U.S. Geological Survey and some oil companies, to learn more about the water supply potential of geothermal resource areas in Nevada. Attention was given especially to

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the Stillwater and Soda Lake areas near Fallon.

Reclamation provided leadership for a Nevada Westwide Study Team composed of Federal, State and local agency representatives. The team developed input for the Western U.S. Water Plan study, a principal part of which was in the form of assistance to the State of Nevada on the State Water Plan. During the past year, this effort has been focused primarily on identifying alternatives to meet the present and future needs for water and related land resources in the State, and on preparing reports to explain those alternatives.

The team approach to Nevada's water planning has proved very effective. However, the enabling Westwide program was terminated, except for wrap-up work, last June 30, while the team was still in full stride on State Water Plan work. At the request of your State Engineer, the team will continue as a Nevada study team at least until the regional reports are completed. The reports will continue Nevada data to the Westwide wrap-up, as well as material for the State Water Plan.

The Bureau assisted the California Fish and Game Department in setting up a project for trash fish eradication at Boca Reservoir. With the cooperation of water user agencies that have Truckee River storage interests, the Bureau arranged for nearly complete drawdown of Boca Reservoir to provide a small pool to accommodate game fish removal and trash fish kill.

While Boca Reservoir was being drawn down, Prosser Creek Reservoir was kept practically full through the summer and Stampede Reservoir was kept near the maximum level to which it has been allowed to fill since construction.

At the request of the Bureau of Indian Affairs, Reclamation did the field and design engineering work needed to prepare for rehabilitation and betterment of the Pyramid Lake Indian Reservation irrigation system. A contract has been awarded, and Reclamation will administer construction. The Bureau of Indian Affairs and Bureau of Reclamation are discussing similar assistance on several other Indian irrigation systems.

The completion of Stampede Dam access road recently marked the windup of current Bureau construction in the California portion of the Truckee River Basin. However, we issued specifications during October for construction of Marble Bluff Dam and Pyramid Lake Fishway on the Lower Truckee.

In southern Nevada, the Clark County Sewage and Wastewater Advisory Committee has recommended development of a plan, emphasizing advanced waste treatment, to handle pollution problems in Las Vegas Wash and the Las Vegas Bay arm of Lake Mead. Maximum beneficial use of the treated wastewater for in-valley irrigation, power, and industrial uses, and future groundwater recharge is considered to be of major importance.

Southern Nevada water share benefits, along with other areas along the Colorado River, in the Colorado River Water Quality Improvement Program now before the U.S. Congress. The Nevada Congressional delegation has introduced bills in the Senate and House which would authorize the Secretary of the Interior to execute a program of salinity control for the Colorado River.

The bill, titled the "Colorado River Basin Salinity Control Act of 1973," would authorize construction works to control saline flows from LaVerkin Springs in the lower basin, and Paradox and Grand Valleys in the upper basin.

Generally, the program provides for investigation of feasibility of constructing point and diffuse source control projects; initiating nonstructural control measures related to irrigation scheduling and management; conducting basinwide desalting activities; and determining the effect of these activities on the economics, ecology, and esthetics of the area. A provision is included covering a feasibility study of Las Vegas Wash facilities.

The Southern Nevada Water Project, which diverts Colorado River water from Lake Mead, delivers treated municipal and industrial water to the Las Vegas metropolitan area. Operations of the system began in June of 1971 upon completion of the first stage of the project.

The first stage, which includes the facilities constructed by the Bureau of Reclamation and the treatment plant built by the Colorado River Commission of Nevada, was completed at a cost of $50 million and provides the capacity to deliver 132,000 acre-feet per year to the project area.

During the planning of the project, Reclamation studies indicated that this capacity would serve the needs of the area until the year 1990. However, data compiled from the first 27 months of operation show that deliveries to some entities are running ahead of projections, and the timetable for constructing the second stage may have to be moved ahead, possibly as early as 1980. Deliveries through the first 8 months of 1973 are running about 22 percent more than for the same period of 1972. For calendar year 1972, deliveries were 46,400 acre-feet and in 1973, we expect this to increase to 56,600 acre-feet. The peak daily use, reached in August of this year, was 104 million gallons which is 52 percent of the 200 million gallon per day capacity of the treatment plant.

The Amargosa Project in southern Nevada, extending into California, offers a potential water supply. Reclamation's study of this project is limited to an appraisal of land and ground-water resources in the Amargosa Valley. A special report will be issued sometime next year.

A deep well was drilled recently to help determine the hydraulic characteristics and lithographic makeup of the ground-water basin. Data from this well, substantiated by gravity surveys conducted by the U.S. Geological Survey and Reclamation, indicated that the ground-water basin contains a large body of good quality water. We have deferred further feasibility studies until a supplemental water supply for southern Nevada becomes essential.

In October 1972, a small population of the endangered Devil's Hole pupfish consisting of 27 adult fish was transferred from its natural habitat in Ash Meadows, Nevada, to a manmade refugium on the Colorado River just below Hoover Dam. This sanctuary, constructed jointly by the Bureau of Reclamation, the Bureau of Sport Fisheries and Wildlife, and the Nevada Department of Fish and Game, was designed to simulate as nearly as possible the original habitat which was threatening the tiny fish with extinction due to ground-water pumping in the Ash Meadows area.

Twenty-four of the 27 transplants survived and in only 10 days, biologists observed the first young in the facility. Spawning has continued, and the last count in April 1973 revealed an estimated 160 fish—nearly twice the count in the January estimate. Breeding has continued and additional young fish have been observed throughout the summer months. Although water temperature and algae growth continue to be threatening variables, the conditions in the refugium appear to be stable at this time.

In March 1973, the Bureau of Reclamation, in conjunction with National Park Service and the Nevada and Arizona fish and game departments, began an intensive investigation of large-mouth bass in Lake Mead. Under the leadership of the Nevada Department of Fish and Game, the participating agencies spent numerous hours studying parameters affecting the breeding and spawning of the bass. Most of the observations were made underwater, using SCUBA diving apparatus. At times during the peak of the spawning activity, up to four days per week were spent making underwater observations.

With the study continuing into the fall months, the earlier data are being analyzed and later this year, plans will be formulated for next year's study. Identifying the limiting parameters on largemouth bass reproduction in Lake Mead should enable all agencies concerned to manage more effectively that segment of the fishery.

Late last month a "Conference on Population and Development: The Great Basin" was convened in Reno by the Desert Research Institute. Representatives from Idaho, California, Utah, Oregon, Nevada, Arizona, and elements of the Federal Government participated. The purpose of the conference was to assess some of the problems as well as the potentials of the Great Lahontan Basin and begin the difficult task of organizing on a basinwide basis to deal with the problems and realize the area's potential.

I was impressed at the forward thinking tenor of the conference presentations. A number of the subjects discussed were items of continuing interest to the Bureau of Reclamation and certainly they will be of great interest to those of you attending this conference. I was especially pleased to learn the time and emphasis accorded to such items as geothermal resources which could be tapped for minerals, water, and steam to run generator turbines; the possibilities for using remote sensing; the Bureau's Project Skywater studies being done by the Desert Research Institute; recreational resources; and water law and development policies, all of which can have a significant effect on whatever use you decide to make of these great open spaces in the Lahontan Basin.

It is important, I believe, that the conference did not simply stop at a recitation of the area's problems and its potential for growth.

Instead, a call for coordinated planning for the future of the basin was made. And initial steps were taken toward organization of a consortium of government, business, education, and research elements from the several States involved in the conference. An organizational meeting is scheduled for next spring, which I believe shows that the people involved are headed in the right direction and they mean business.

I sincerely hope those of you in the water business here in Nevada, as well as the other states involved, will take a deep interest in the activities of this forming group. There is no doubt in my mind that the future of this great area rests in large measure on the wise use of its limited water supplies. Your knowledge and experience could well make vital contributions to ultimate success.

I assure you Reclamation stands ready to assist where possible.

I mentioned earlier Project Skywater, the Bureau's research program, to develop cloud seeding as a safe and acceptable water management tool. I'm sure you are watching the Desert Research Institute's work for Skywater at Pyramid Lake and are interested in the Colorado River Basin Pilot Project. Both efforts have been encouraging, and we are convinced they have great potential.

The technology coming from DRI and Skywater's other studies can be a source of new water—but if the technology is environmentally sound and acceptable. So far, I can assure you that the detailed ecological studies—by the Bureau and others—have found no surprises. Potential increases in moisture are well within Nature's natural variance, and the tiny amounts of seeding agents appear innocuous.

The Pyramid Lake Pilot Project—now approaching its fourth winter—seeds about half of the suitable storms moving over the Sierra crest into the Truckee River watershed. Professor Joe Warburton and his DRI associates compares the seeded storms with similar, untreated storms. They report they're finding a measurable increase from seeded systems, but it may be several years before there is enough data to confirm their initial findings. There are indications from

another Skywater study that—under optimum conditions—cloud seeding could add up to 129,000 acre-feet of new water to the Truckee annually. This would be a sizable contribution to the water demands of Pyramid Lake and the Reno-Fallon area.

The Colorado River Basin Pilot Project covers 1,300 square miles of the San Juan Mountains in southwestern Colorado. It, too, is entering its fourth winter season, but the geographic and climatic conditions there differ from the Sierras. Another 2 years of data will be needed before we have firm evidence. At the moment, however, it appears that the technology could add up to 1.3 million acre-feet of flow to the Colorado River.

Within these possibilities, and perhaps others yet to be recommended, I am confident that Nevada's future is bright and am convinced, however, that water resource development must play a major and continuing role in Nevada's growth plans. Water resource development is Reclamation's business, so I expect that we will work closely with Nevada interests and thus will share in maximizing the State's potential.

A HEARTWARMING PHONE CALL TO RUSSIA

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. LENT. Mr. Speaker, I recently had the good fortune to be able to assist one of my constituents, Mrs. Yolanda Herskovitz of Oceanside, N.Y., in reaching her sister in the Soviet Union. Mrs. Herskovitz and her sister, both Jews, have been separated for 28 years after surviving the horrors of Nazi concentration camps during World War II. This was a heartwarming experience for me, Mr. Speaker, and one of the small things that make our jobs so rewarding.

The Long Island Press has chronicled that phone call and the circumstances that have kept Mrs. Herskovitz and her sister apart for these many years, and I would like to insert the Press article herein:

HOLY DAY SORROW—CALL TO RUSSIA BRINGS GUARDED REPLY, LITTLE HOPE

(By William Barber)

She never cried.

Even when her sister began sobbing into the telephone, Yolanda Herskovitz fought the impulse, closed her eyes, breathed deeply and continued the conversation.

"Hello. Hello Marguerite," the Oceanside woman sighed, continuing in her native Hungarian. Their talk became animated, but the tension lines on Mrs. Herskovitz' face underscored the urgency of the call.

"Why are they holding you back? Why won't they let you come to America?" Mrs. Herskovitz implored.

From a telephone inside a tiny post office in Uzhgorod, Russia, came the guarded reply, "I don't know. I just don't know."

The reply echoed in the Baldwin office of Rep. Norman Lent, who had placed the call to Mrs. Marguerite Winkler early Friday morning.

With the help of Lent, Mrs. Herskovitz was able to speak with her sister for the first time since they were separated 28 years ago after surviving horrors of Nazi concentration camps.

Lent, an East Rockaway Republican, is now working with Mrs. Herskovitz to break down another barrier—the repeated refusals of the Soviet Union to grant emigration visas to America for Mrs. Winkler and her family.

"Applications for emigration visas have been submitted four times since 1967. All requests for reunions have been denied by the Soviet authorities," Mrs. Herskovitz said following the telephone call.

The woman said her sister's husband, Morris, 59, is a tailor, and that her 58-year-old sister suffers a serious heart condition.

"They have two sons, Tibor, 27 years old, and Michael, age 33, who have both completed their Soviet Army service and are neither university graduates nor security risks. We have guaranteed their employment and travel expenses to the United States," Mrs. Herskovitz said.

She said she asked her sister several times about letters and packages the Herskovitz family sent to Russia.

"Every time, she said 'I don't know,' " But know she did. Their mail has been censored, and a package of clothing we sent has not been received.

"I asked her, too, how many more people there are who want to emigrate but cannot. I know she knows who they are but she would not say over the phone."

Mrs. Herskovitz, who was 17 years old when she and her sister were separated, said she was thrilled to have spoken with her sister again.

"I still just don't believe it. I will never forget this," she added, saying her sister finally ended the conservation to attend services marking the holiest of Jewish religious holidays, Yom Kippur.

"The time zone where she lives is different than in New York and we reached my sister about 4 p.m. She said she would go to services in a home, because the temple has been closed."

Although saddened by repeated failures to secure emigration visas, Mrs. Herskovitz said she was optimistic that the Soviet Union would relent and allow the family to emigrate.

"I have two brothers in America and another in Israel. Marguerite has no other blood relatives overseas. Perhaps next year we will all be together," the woman said.

SPACE IMPORTANCE

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. TEAGUE of Texas. Mr. Speaker, the Daily News of McKeesport, Pa. in a succinct editorial describes well the significant contributions of Skylab 3 and the importance of the National Space program as a whole to the United States and to the world. As the next and final flight to Skylab is prepared, it is worth considering the words of this editorial:

SPACE IMPORTANCE

Space flights have become so successful and routine for American scientists that many persons are questioning what value there is in further manned missions in view of the high costs incurred.

It has been proven beyond a doubt that this nation can carry out successfully virtually any space exploration it sets as its goal—and such ability in itself is enough to give the people reason for pride.

But beyond the accomplishment of physically carrying out the flights is a wealth of knowledge amassed that in future years may affect the entire manner in which man lives on Earth. The Skylab 2 flight, just concluded could be the most productive for scientists of all manned launches insofar as it affects our daily existence.

No one, of course, can predict all of the benefits. But the thousands of photos and miles of tape could lead to an endless source of pollution—free energy, a catalog of the world's resources and new metals and materials.

The spacemen, Alan L. Bean, Owen K. Garriott and Jack R. Lousma, proved in their record 59½-day orbit of the Earth that man can adapt to the weightless environment of space. Doctors were elated over the physical condition of the men upon their return. Except for a brief spell of dizziness which was expected as part of the process of readapting to Earth's gravity, the men suffered no apparent ill effects.

NASA Administrator James B. Fletcher, summing up the importance of Skylab 3, said that it makes "the transition of the space program dominated by exploration to a period comminated by exploitation of the space around us as a global resource." He added that "space is a place, a very unique place and a new important resource that can be used for the benefit of people everywhere on earth . . . ."

Scientists will study the photos and sensor data brought back to determine if a space science can be developed for locating hidden oil and mineral reserves; assessing agricultural potential, arable land and diseased and healthy crops; estimating timber volume; mapping snow cover and assessing water run-off: charting air and water pollution and their sources: forecasting weather and determining fishing grounds.

Experts also are hopeful that data gathered from filming solar flare eruptions will help unlock the secret of controlled thermonuclear fusion, which is the source of the sun's energy. This would aid in the search for an unlimited and pollution-free power source on Earth.

All of these benefits may not be reaped from the Skylab flight, certainly not in the immediate future. But the knowledge gained, used in conjunction with that obtained from other space explorations, undoubtedly will someday have a heavy influence on our living habits.

The benefits of science usually are not limited to a particular period of time, but instead are accumulative for the good of people over the years.

That is one of the principal reasons for continued space exploration—that the good may not only help us now, but make the world a better place for future generations in which to live.

CONGRESS CAN HELP INCREASE OUR FUEL SUPPLY

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. FISHER. Mr. Speaker, it is now generally recognized that our domestic production of oil and gas is inadequate to meet our needs, that our imports are seriously curtailed, and that every feasible action should be taken which would tend to increase our own domestic production.

Under leave to extend my remarks I am including a letter from Mr. Gerald D. James, a highly knowledgeable authority on this subject. His observations and recommendations are sound and should be favorably considered by the Congress. The letter follows:

Kerrville, Tex., November 6, 1973.

Congressman O. C. FISHER,
Capitol Building,
Washington, D.C.

DEAR SIR: Why should the price of crude oil produced in the United States be federally controlled at an artificial level sub-

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stantially below the price of imported foreign oil? Is it not true that we now need to increase domestic oil production? Is it not true that we now need to effectively encourage conservation of oil? Does an artificially low price for domestic crude promote discovery of additional domestic reserves and encourage conservation of present supplies? Is control of domestic crude oil prices at an artificially low level truly in the national interest, required by the facts and equitable to all concerned; or is this policy dictated by an engrained prejudice on the national level of government against the oil and gas industry? Is this prejudice of such emotional strength as to obscure the facts, the equities and the national interest involved? I propose to present you with some fundamental facts bearing on these questions and offer a few observations relative thereto.

I, along with a group of associates, am involved on a small scale in the independent phase of the oil and gas exploration and producing business. We have worked hard for many years to accumulate a small inventory of producing leases as well as some non-producing leases which require further exploration and development. We must utilize our income from producing leases to maintain these properties and finance additional lease acquisitions, drilling, work-over operations, etc. Contrary to the commonly accepted Washington, D.C., view, an existing oil well does not operate itself and does not automatically relegate its owner or owners to some mystical society of financially secure and super privileged people-eaters. We work hard, pay taxes, raise children, make mortgage payments and frequent trips to the bank for business loans, just like many other people.

Our principal oil production is shallow; about 2500 feet deep. The wells produce anywhere from 5 to 30 barrels of low gravity oil per day. On a field wide basis we produce 97% salt water and 3% oil; that is to say that for every 100 barrels of fluid removed from the earth 97 barrels are salt water and 3 barrels are oil. This oil and water must be artificially lifted to the surface because of insufficient reservoir pressure. This is accomplished by gas jetting which requires a central gas compressor and high pressure gas lines to each well and low pressure gas lines returning from each well. Then all of the salt water must be re-injected under pressure into the producing sand. This requires salt water pipelines, tanks for collection and settlement stations, electric pumps and injection wells. These injection wells must be periodically acidized to clean the formation so it will accept the salt water. The salt water pumps are powered by electricity. All of the oil must be treated with chemicals before it leaves the field. Because of the high volume of salt water produced we must periodically work-over our wells and replace the tubing.

This operation requires a full time field crew, field vehicles, office staff, accounting services, insurance, telephone expense, electrical power, chemicals, field tools and many other items, services and expenses too numerous to mention. Occasionally we will even lose one of these wells and have to drill and completely equip a replacement well with no increase in production. All of these activities and expenses related to "old" oil, the price of which is frozen.

The operation outlined above costs money; more and more money each day for less and less production. Costs of labor and services increase constantly, electricity rates are up, vehicle costs are increasing, costs of replacement pipe are out of sight; we must even pay more for fuel to operate our field vehicles—everywhere you turn, each activity you undertake involves added and ever increasing costs; costs that are not regulated or controlled. Social security goes up, unemployment taxes, ad valorem taxes, excise taxes go up.

The costs and expenses required to comply with an ever increasing maze of federal regulations and completing federal questionnaires and dealing with federal agencies go up and up and up. Yet the price of oil, the commodity which must support all these costs and expenses, is frozen. The obvious result is lower profit, less income tax paid to the federal government, premature abandonment of producing wells, reduced exploratory and development activities, an artificially low price for oil and gas products to the consumer which encourages greater consumption, a reduced supply of domestic crude, more fuel shortages, eventual higher prices to the consumer, greater dependence on foreign governments and greater deficits in our balance of payments. All of this for prejudice and temporary political expediency? All of this because of ignorance and an insatiable lust for bureaucratic power through controls, controls and more controls?

Bear in mind that the greater portion of all oil and gas reserves discovered to date in the United States have been discovered by independent entrepreneurs and operators. They will perform likewise in the future if the federal government does not strangle them all to death.

I submit that if emotionalism, petty politics and the needs of a growing bureaucracy could be set aside, and rational decisions could be made solely on the facts and in the national interest, the following steps would be taken:

Controls would be removed on the price of domestic crude and the well-head price of natural gas. Controls would be removed on the price of steel tubular goods used in the oil industry. (Would you believe that we cannot now find or buy at any price new or used casing that we need for two wells that should be drilled right now?). The price of domestic crude would seek its market level. This would reduce consumption much more effectively than any rationing system or new set of conservation controls devised in Washington. This also would inject more money into the producing end of the business which would be used to (1) pay more federal income taxes and (2) search and drill to find more oil and gas.

The depletion allowance would be restored to its previous level. This would help the independent attract outside investors to his exploration ventures and thereby increase drilling activities and increase discoveries and supplies of oil and gas.

The exemption from income tax on production payments carved out in connection with purchases of producing leases (eliminated in 1969) would be restored. This would encourage small operators and independents to purchase stripper production from major oil companies and squeeze out more oil. (Major oil companies usually abandon producing properties at a much higher production level than most independents because their higher overhead and operating costs cause them to reach an economic limit sooner.)

The steps set forth above will decrease consumption, increase present supplies and future reserves. These steps may not be immediately attractive politically and certainly would not be to the liking of many "staffers" and "heads" who feel like free enterprise is a bunch of junk anyway. But how do you think people, yes—the voters, are going to react to the controls, to the liberal, anti-business bureaucrat-politician establishment, when their homes and schools are cold and there is no gasoline for their car and their job is shut down because of the lack of fuel and power, and the country is at the mercy of the Arabs and the Russians. Do you think it will then be sufficient to say to the American people, "Well, at least we broke the back of those greedy, money hungry, blood sucking oil and gas producers"????

Yours very truly,

GERALD D. JAMES.

UNMASKING CANADA'S ANTI-UNITED STATES POLICIES

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. BRASCO. Mr. Speaker, numbers of people are finding out these days just who is on which side in a number of imbroglios. The Israelis have found out, to practically no one's surprise, that oil means more than morality to Western Europe, and that honor, national pride, and elemental decency apparently no longer count in international trade equations, at least insofar as England and France see matters. We have long known that this is true, but now the evidence is overwhelming.

The United States is also finding out some harsh facts of economic life as a result of her support of democracy in the Middle East. A number of nations, which have sat at America's table in America's house, are taking advantage of our vulnerability in terms of foreign trade to administer sharp blows to our interests. I am not speaking of France, for example, because she has always been our enemy. I address my remarks to one nation in particular, which, when named, will no doubt shock a number of Americans.

Canada has been taking a violently anti-American trade posture—in the process delivering solid blows to our economy, and adding to the Nation's difficulties. Very few Americans have been taking notice of this series of events.

Foremost among her choice of weapons against the United States has been use of tax increases on Canadian crude oil to American cities in the northern tier of States. It is worth noting that these sections of the Nation are notoriously short of oil and gas, and are most dependent on Canada for oil imports.

Not content with one such increase, Canada has imposed a second increase, raking in mammoth profits in foreign exchange from the United States at a time when we are in great need of reliable sources of foreign oil.

Recently, Canadian Energy Minister MacDonald stated that east coast refineries might be required to cut off their exports to the Northeastern United States this winter to maintain Canada's "neutral" status in the Arab States' use of oil as a weapon against the United States.

Trial balloons have been floated indicating that Canada might cut off all of its 1 million barrels daily of oil exports to the United States. MacDonald has been quoted as saying that Arab countries might object to operations in Nova Scotia and Newfoundland which refine oil imported from abroad and then ship refined products to New England.

Exports to the United States from Canada's east coast refining facilities have averaged about 1 million barrels daily, mostly heavy fuel and some jet aircraft fuel. MacDonald said the Arabs have voiced doubts about a pipeline that carries oil from Portland, Maine, to Montreal. Attempts are being made to explain that the oil comes in bond for direct

transfer to Montreal and none is used in the United States, MacDonald stated.

These are the words of the Energy Minister of the so-called most special ally and friend the United States has in the world. Can one believe one's eyes and ears, as this minister publicly and unashamedly crawls to the Arabs, begging them to accept the explanation that Canada is not favoring the United States. I remember a different Canada, proud of its closeness to the United States, allied with us in two world wars and united in a search for justice in the world. Today's Canada and her policies are a far cry and a sad one from that memory.

What it boils down to is the regrettable conclusion that Canada is energetically following an anti-American foreign policy in the economic area, aimed at appeasing the Arab dictatorships. Such policies are being orchestrated by the new left-leaning Premier of Canada.

His dislike of President Nixon is certainly obvious, but I see no reason for him to use his personal dislike for our elected head of State as a lever or a rationale for these policies. However, I refuse to believe that this is in itself the reason. Rather, it is only a contributing factor. Here is, in fact, a new left, proto-Socialist national leader, using Socialist slogans and catering to nationalism to adhere to third world attitudes and policies. A similar policy has characterized Australia in recent months, adding to the list of neutralist poseurs who are neutral on the side of the Russians, the Arabs, and the United Nations.

For example, for years now, under Trudeau, Canada has forbidden any trade or exports to Israel that could even remotely be considered military related. This policy has been adhered to even as the Soviet Union has poured arms into the Arab world. Meanwhile, Canada would not even sell Israel primer cord for commercial dynamite.

Now, because we insist on defense of democratic ideals, which on paper Canada subscribes to also, we, along with Israel, are confronted with an energy boycott which does no credit to those western democracies who go along with it. To see some nations, such as France, England, and Canada, eagerly serving as economic lackey to the Arabs, is as embarrassing to the beholder as it is unbecoming to the participant. When it directly harms the United States, then it ceases to become an exercise in degradation and becomes an offensive weapon against every American citizen this winter.

The time has come for two steps to be taken. First, the American public must be made aware that Canada has become an economic foe of the United States. Second, with regret, the United States must make it clear to Canada's Government, with apologies to Canada's people, that we must retaliate in self-defense. If we allow Canada to take the United States over the hurdles and get away with it, every other nation seeking such a chance will take their cue and act similarly. We cannot allow such economic hostility to be vented against our Nation.

The President, with assent of Congress, can and should retaliate forthwith against Canada, using our leverage in the auto market as a starter. Canada has access to our automobile market on favorable terms, and needs the economic gains from such favored treatment now more than ever before. Taking away such a benefit would bring home to the people of Canada how we feel over Trudeau's policies.

With friends like Trudeau, America needs no enemies. It hurts me to take such a stand, knowing how the overwhelming majority of Canada's people feel toward our country. Too many Canadians have shed their blood in common cause with America for the hurt not to go deep. It is my fervent hope that they will understand that their Government's unfair and uncalled for policies have brought this situation to pass. Nonetheless, the time has come for revealing the true state of affairs.

NEEDED SOCIAL SECURITY INCREASE VOTED BY CONGRESS

HON. H. JOHN HEINZ III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. HEINZ. Mr. Speaker, I was pleased to support H.R. 11333, the Social Security Benefit Increase Act, which passed the House so overwhelmingly today. To many of the 20 million elderly, who live totally on their fixed incomes, the 20 percent increase—effective September 1972—barely gave them sufficient funds to manage their lives. Since then, their budgets have been ravaged by a 7 percent increase in the cost of living, with food prices leading the list on the consumer price index, jumping at an annual rate of close to 30 percent. As one of the 113 members of the House who urged consideration of an immediate 7 percent increase, it is disappointing that we are delaying the benefit's increase. However, I am pleased with the rapid consideration we have given to cost of living adjustments for the aged, and I am satisfied that this two-phased, 11 percent increase will provide a strong hedge against the forces of inflation.

It is unfortunate that the increase could not have been scheduled for December. However, testimony from Social Security officials before the Ways and Means Committee suggested that such a change was not feasible since it would take them 6 months to program the percentage increase to the 25 million old age and survivors, disability and health benefits recipients. Because I would like to eliminate bureaucratic delays as the reason for denying the aged cost of living increases, when needed, I have asked the General Accounting Office to audit the procedures of the Social Security Administration to determine what steps would have to be taken to improve the response time of their system.

In a larger sense, today's vote attests to the concern Members of the House of Representatives feel toward the problems of the elderly. However, I believe that during the debate a number of significant statements were made concerning the impact increases have on the actuarial soundness of the fund, as well as the growing regressiveness of the social security payroll tax as it takes a larger and larger bite out of the pockets of the low- and middle-income wage earners. Although H.R. 11333 enlarges the financial base, perhaps the time has come to take a longer look at the financing of social security and to look for more equitable ways of funding an actuarially sound system.

Should we experience a downturn in the economy, the actuarial soundness of the social security fund could be jeopardized in the future.

Moreover, the prospect of fuel shortages leading to an economic dislocation could seriously jar many of the presumptions on which the fund now operates. In other words, current defense of the soundness of the fund is based on the presumption that our economy will continue to grow and wages will continue to rise bringing ever rising social security contributions from payroll taxes.

I think it is important for us to examine this problem now in order to provide this generation of aged and the future generations with full protection of an adequately funded social security system.

HIGH WATER LEVEL IN LAKE SUPERIOR CREATES PROBLEMS

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. OBEY. Mr. Speaker, the Milwaukee Journal last Sunday had a short but perceptive article about the problems being caused by high water levels in Lake Superior.

For many months now the Corps of Engineers have been using Lake Superior as a reservoir, holding back waters which would normally flow into the lower Great Lakes, in order to ease serious erosion damage which has occurred along Lakes Michigan, Huron and Erie.

The predictable effect of the corps action has been serious damage to the red clay shoreline of Lake Superior itself.

Mr. Speaker, it is hard to comprehend the problems that high water levels cause in a red clay area until you see what has happened along Northern Wisconsin. A few weeks ago when I was traveling along the Lake Superior shore, that lake was red, and I do not just mean it had a slight red hue. That water was red, a result of the huge volume of new red clay being dumped into the lake daily and the churning up of red clay already there.

Damage to Lake Superior itself is only part of the problem. Homes are being washed away. Grain silos in Duluth-Superior are being flooded. Docks for pleasure boats and ore carriers alike are being uprooted all along the lake.

What must be realized is the very basic difference between the damage along the lower lakes and that along Lake Superior. The first has been caused by natural causes. The damage to the Superior shoreline has been caused by very deliberate action—in this case, to alleviate damages to citizens living along the lower lakes.

Mr. Speaker, while I stand ready to debate the advisability of using Lake

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Superior as a reservoir, it has been done. The problem is that no efforts were really made to minimize the damages from doing so. People in the area were not consulted, and neither, in fact, was the Congress. Nor is compensation being paid to those who have suffered property damages from the manipulated high water levels.

The United States-Canadian International Joint Commission, which regulates the lake levels, has recommended that such compensation be made, and I agree. Congressman JOHN BLATNIK—whose district also borders on the Lake Superior shore—has introduced legislation to provide compensation where damages are directly attributable to action taken by the Federal Government. That is a fair and equitable bill, and I am hopeful that the Congress will act favorably on it as soon as possible.

The article from the Milwaukee Journal follows:

ON, WISCONSIN—OPPOSITION TO RAISING SUPERIOR'S LEVEL JUSTIFIED

A potentially useful legal attack is being planned on the federal government's practice of manipulating the water level of Lake Superior to ease shoreline erosion in the other Great Lakes. As severe as the damage is along such shorelines as southeastern Wisconsin's, for example, it is most unfair to seek relief here by making damage somewhere else even worse.

The Northern Environmental Council, supported by some Wisconsin and Minnesota representatives in Congress, is challenging the Army Corps of Engineers, which manages the water level under directives of the US-Canadian International Joint Commission. Pushing Lake Superior to its legal maximum of 602 feet above sea level keeps erosion damage there constant, especially along its red clay shoreline, and makes even more severe damage certain when a northeast storm rolls waves up to 603 or 604 feet.

The environmental council charges that corps of engineers manipulation of gates at Sault Ste. Marie, Mich., to keep Lake Superior high, is in response to the greater political power around the other lakes. It also charges that the corps has not fully calculated the economic and environmental effects of this on Superior's shoreline. Whether politics has anything to do with it, there does need to be a clearer picture of the effects.

Not the least economic effect might eventually be on the American taxpayers. Public subsidy of repairs or erosion control is not warranted when damage to private property results from purely natural forces. But Lake Superior shoreline erosion results largely from overt action of the government. The consequences of this, in any damage claim against the government, could turn out unexpectedly costly.

THE ENERGY CRISIS DOES NOT AFFECT TRAVELING BUREAUCRATS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. RARICK. Mr. Speaker, the energy crunch continues to dominate the news and conversation. In my State of great oil production, unrealistic and poor planning in oil and gas regulations, we find farmers without diesel fuel to run their tractors, fishermen without diesel fuel to run their boats, and even reports of oil drillers who are unable to get gas to run their oil drilling rigs.

The bureaucratic panic and overreaction to make certain that northern city dwellers maintain their lifestyle may find them warm this winter but with little food next year unless our food-producing sector of the economy is given top priority over such necessary morale functions as theatrical productions and athletic events.

While the people are being made aware of energy shortages and the Pentagon even announces that for matters of emergency defense it is now dipping into our domestic power supply, there appears little leadership from higher places.

The presidential plane continues its trips to California and Florida. Secretary Kissinger, who has just returned from Moscow and Israel, junketeers to Peking for highballs. Secretary Butz addressed the United Nations Food and Agricultural Organization in Rome, Italy, and indicated U.S. participation in an international food reserve. Assistant Secretary Brunthaver, with nine USDA officials and representatives of private industry, is in Moscow working out agricultural cooperation programs with the Soviets. Also this week a U.S. oil and gas expedition in the Soviet Union, costing 189 American oil companies $11.5 million, is reported to have been attended by 1,700 Americans.

During the Christmas recess many of our colleagues are waiting to jump in their airplanes to tour around the world to "solve the needs and wants of those emerging nations."

And in Washington, D.C., where the nativity scene has now been declared unconstitutional for the Christmas pageant, we are advised that the national Christmas tree will be dimmed by 99.93 percent.

Yet, children continue to be bused for the sole purpose of achieving proper racial proportions according to some judge's theories of equality, but pollution control devices on the 1973 and 1974 model automobiles have not even been authorized to be suspended to conserve fuel.

The prevailing question on the mind of every American Socialist must be, "How long will it take to whip the American people in line by the use of rationing and allocations so they will willingly surrender their freedoms and lifestyles to live and operate within the regimentation of an energy-regulated and controlled environment?" Cliches such as "Arab oil blackmail" may soon wear thin with Americans. We are looking for answers, not scapegoats.

Is the situation so critical that the American people do not even have the energy resources to adequately defend our country from enemy attack?

I include several related newsclippings:

U.S.-U.S.S.R. JOINT COMMITTEE MEETS NOVEMBER 14–16

WASHINGTON, November 9. The first meeting of the U.S.-U.S.S.R. Joint Committee on Cooperation in Agriculture will be held in Moscow Nov. 14–16.

Assistant Secretary of Agriculture Carroll G. Brunthaver will lead a nine-member U.S. delegation, including USDA officials and representatives of private industry. The Soviet Committee will be made up of comparable officials and institution representatives.

The meeting will be the first under the Agreement on Cooperation in the Field of Agriculture, signed in Washington on June 19, 1973. The Joint Committee on Cooperation in Agriculture, authorized under the Agreement, will work toward implementing provisions for cooperation (1) in agricultural economic research and information and (2) agricultural research and technological development. Working parties have been appointed and will meet together with the Joint Committee in Moscow.

Members of the U.S. delegation are Carroll G. Brunthaver, Assistant Secretary for International Affairs and Commodity Programs, Chairman; T. W. Edminster, Administrator of USDA's Agricultural Research Service (ARS); Quentin M. West, Administrator of the Economic Research Service (ERS); Roy L. Lovvorn, Administrator, Cooperative State Research Service (CSRS); Gordon O. Fraser, Assistant Administrator for International Trade, Foreign Agricultural Service (FAS); Billy E. Caldwell, Staff Scientist, ARS; John A. Knebel, General Counsel, U.S. Department of Agriculture; Darwin E. Stolte, Chairman, Cooperator Committee for Agricultural Market Development, U.S. Feedgrains Council; and Emmett Barker, Farm and Industrial Equipment Institute.

Members of the Working Group on Agricultural Economic Research and Information are: Quentin M. West, Acting Chairman; Wayne Sharp, Deputy Assistant Administrator for Commodity Programs, FAS; Gordon Fraser, William Horbaly, Assistant Administrator for Attaches, FAS; Darwin Stolte, Roger Euler, ERS, and Richard Haidacher, ERS.

Members of the Working Group on Agricultural Research and Development are: T. W. Edminster, Acting Chairman; Roy L. Lovvorn, Billy Caldwell, Emmett Barker, Harlow Hodgson, CSRS; Roger Gerrits, ARS, and Harroll Barrows, ARS.

WORLD FOOD SECURITY

One of the items that has come up for considerable discussion at the Food and Agriculture Organization (FAO) conference in Rome has been the question of world food security. There has been a lot of worry in recent months about the ability to supply food to the developing nations; about the ability of the nations of the world to take care of distress areas as currently occur in Western Europe or in Bangladesh or South Vietnam or places like that.

There are two kinds of world food security that we need to consider. The first is supplies relieve hunger and even starvation in most places of the world where that occurs. The second is some system of food production and distribution that will iron out these periods of great surpluses and seeming shortages of food that we seem to have right now.

I think the basic problem here is some way of food and ability to deliver them that will to get more price stability in foods than now exists. We have talked in the FAO conference about an international food reserve. The United States' position is that we will participate in that kind of reserve so long as it remains under national sovereignty. We need a better system of information collection and dissemination about food needs and food supplies. We need some international items about the level of reserves that should be maintained. And I think we need better coordination of our food relief efforts around the world. Presently there are too many nations involved in unilateral food aid.

We need somehow to coordinate this and to extend this aid on a multinational basis. I think that will come out at the FAO conference in Rome.

[From the Washington Star-News, Nov. 12, 1973]

OIL FIRMS' SHOW IN SOVIET UNION APPEARS SUCCESS

MOSCOW.—If interest is an indication of success, the first U.S. oil and gas exposition in the Soviet Union has done well.

The exposition, known as Nefta-Gaz '73, attracted more than 30,000 petroleum technicians, engineers and specialists during its nine-day run at Moscow's Sokolniki Park, organizers said.

How much of that interest will be translated into sales remains to be seen, but American exhibitors are optimistic—for good reasons. Some estimates indicate the Soviet Union will drill at least 10,000 oil and gas wells annually during the next five-year plan, and it is expected to go into foreign markets for much of that drilling and engineering equipment.

"It's definitely been worth the effort," said Tommy Wall of Houston as the show closed. Wall represents the oil field division of Houston's C. Jim Stewart & Stevenson, Inc., makers of air compression systems and hydraulic closing units. He said his company has firm indications of new orders from the Soviets.

A year in the making, Nefta-Gaz attracted 189 American companies, which invested $11.5 million in the exhibit, spokesmen said. On display was $13 million in U.S.-produced equipment, including a 112-foot, self-propelled oil drilling rig.

"We gave out buttons promoting the 1975 joint Soyuz-Apollo spaceflight and have been overwhelmed by the response," said Jerry Emblem, sales manager of Rockwell International for the Benelux nations and Scandinavia.

Rockwell, which produces valves, meters and regulators for the petroleum industry, is building the docking module for the flight.

Hans W. Lange, of Meriden, Conn., president of AMF-Cuno, manufacturers of oil field service equipment, was impressed with the number of persons from nonpetroleum industries who asked about application of products in their fields.

"They have shown particular interest in one of our filters which can radically improve the quality of their paint," Lange said.

Even businessmen not reporting sales were pleased with the exhibit. A. J. Petersen, manager of export sales for the Armco Steel Corp., Houston, was typical.

"It will take time for the fruits of our efforts to show," he said. "It does, however, look encouraging."

While almost unanimous in their praise of the show, exhibitors were more critical of things outside the exhibit hall. Lodging was a frequent complaint.

"We had to have four or five persons share a room at the start because the Russians didn't have enough hotel rooms," said Ben Kemperman, marketing manager of Rockwell International. "We even had one of our men bed down one night in a sleeping bag in an American office here."

About 700 Americans were expected for the exhibition, but children and wives swelled that number to more than 1,000, according to one participant.

[From the Washington Star-News, Nov. 11, 1972]

YULE TREE LIGHTS PARED

(By John Sherwood)

If you really want to see the glorious National Christmas Tree next month, better bring along a flashlight. It's beginning to look not much like Christmas.

As a seasonal example for the rest of the decorations-happy, but energy-poor country, the National Park Service will short-circuit the great Santa symbol by 99.93 percent.

Last year's tree was illuminated by 9,000 lights, but this year there will be just five floodlights doing the work of many little twinkling soldiers.

And, to make the scene even less traditional, the Nativity setting has been banned by the courts because of separation of church and state.

The decision may lessen the impact of the new "permanent" Colorado blue spruce. The live 38-foot-high tree from Hunlock Creek, Pa., recently was replanted successfully on the Ellipse as a conservation example for the rest of us. In years past, cut trees were used.

The entire "Pageant of Peace" sparkled with a total of 23,270 lights in better times, but that number is being cut to a few thousand for 1973, the year of the Great Dim-Out.

The National Park Service expects the total watts to be reduced by 81.9 percent, from 75,000 to 7,000. There still will be a double-row of evergreens flanking a path to Big Green One, but they might be hard to find.

The traditional lighting ceremony will be held Dec. 14 anyway.

No decision has been reached on Christmas lighting at the White House.

THE PRESIDENT, THE CONGRESS, AND WATERGATE

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. OBEY. Mr. Speaker, I have received a request from a constituent of mine that I place in the RECORD, a statement by him concerning the President, the Congress, and Watergate. That is an unusual request, but because these are unusual times, I do ask unanimous consent to insert his statement in the RECORD at this point for the benefit of my colleagues.

The statement follows:

CHIPPEWA FALLS, WIS.,
October 31, 1973.

Representative DAVID OBEY,
House Office Building,
Washington, D.C.

DAVID OBEY: In light of the recent and most extraordinary events connected with the Watergate case, culminating in the "disappearance" of two key tapes, the decimation of the Justice Department's investigating staff, and Richard Kleindeinst's ITT revelations, I should like to request something I would not have thought to have done under other circumstances—to have a statement of my own read into the Congressional Record. The statement follows:

The Executive Branch of this nation's government has fallen to its lowest, to its worst point in the history of our nation. Never before have we seen in the White House such contempt for the laws and the people of the United States. And, although presidents have sometimes forgotten that they were the chiefest *public servants*, not merely the Chief, none has ever before so flagrantly ignored the will of the House, the Senate, the Courts, and the People.

Our Constitution remains the Supreme Law of the Land, and in swearing to uphold it and faithfully discharge his duties of office, Mr. Nixon has perjured himself.

Nowhere does the Constitution authorize the President to wage an exhaustive war without consent of Congress.

Nowhere does the Constitution authorize the waging of a secret war, using undisclosed funds, appropriated for other use. It forbids it.

Nowhere does the Constitution authorize the President to impound funds duly appropriated through legislation. In making the President an executor rather than a legislator, the Constitution forbids it.

Nowhere does the Constitution authorize the President to use public funds to furnish and improve his own estates.

Nowhere does the Constitution permit the President to use Federal Regulatory Agencies to "pressure" news agencies which disagree with him.

Nowhere does the Constitution allow the President to use his office and authority to extort campaign funds, nor to buy those funds with anti-trust settlements.

Nowhere does the Constitution allow the President to use his authority to order illegal entry into private citizens' homes or offices, nor into the offices of political opponents, nor to spy on political opponents. The Bill of Rights forbids those acts.

Nor does the Constitution allow the President to withhold evidence in a criminal case where a felony has been charged, nor may he legally destroy such evidence.

Nor does the Constitution put the President above all law and morality. The presidency is a sacred trust, but not a sacred shrine.

Honor would require that a president who has lost all public trust, and whose continuance in office threatens to erode public belief in the government and respect for law, should resign his office as gracefully as he could. We have recently been given an example of such behavior by the Vice President, under considerably less provocation.

Since the President has rejected the honorable path open to him, he has left only two alternatives. Congress may choose to do nothing, thus assuring the decay of respect for law, of respect for the government, of national morale. Or it may act to impeach the President.

Members of the House, the choice is yours. I, and other citizens who still have a faith in the Constitution and in our laws, pray that you make a wise decision.

I recognize that the language of the foregoing is strong. This is hardly a time to mince words, or to wait cautiously, or to let bygones be bygones. I believe that there is much more at stake here than the honor of one man—or two, or five, or a hundred. We face a test of the very strength of our democracy: Will the Law endure, or will political power and influence be given sovereignty over our nation?

I do not ask you to necessarily present this statement as your own belief, but merely wish it to indicate that a portion of the citizenry feels this crisis to be of the utmost gravity, and that impeachment is now in order, and we are past the point of delay.

If you will consent to place it in the Congressional Record, I would appreciate a copy of that day's Record, or an extract therefrom.

Thank you very much.

Sincerely,

LAURENCE GOLD.

DRUG ABUSE PREVENTION WEEK

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. HORTON. Mr. Speaker, the week of October 21 through 27, 1973, was Drug Abuse Prevention Week. I was pleased to introduce the resolution commemorating this week, and was even more pleased with the continuing positive response which the promotion of this week has elicited.

As conceived by the Special Action Office for Drug Abuse Prevention, Drug Abuse Prevention Week 1973 was a totally new approach to an old problem. The Special Action Office and others who work in the drug abuse field have learned from experience that the old messages simply do not work very well. Scare tactics have not proved effective in preventing our young people from abusing drugs. Straight informational programs have all too often led to increased experimentation, as young people have learned more about the variety of drugs available, and have been tempted to try them.

This year, based on some recent evaluations of new types of prevention programs, the Special Action Office has designed a totally new campaign which sees drug abuse for what it is: A form of rebellion, or a symptom of a larger personal problem. The message of this year's Drug Abuse Prevention Week is that the problem is not drugs, the problem is people. The problem is loneliness; peer group pressures; difficulty communicating with parents or friends.

Drug Abuse Prevention Week 1973 talked about "a brand new language"—a language of caring and sharing, of trying to understand one another. It is a message that calls for breaking down the barriers that exist between the races, the generations, the organizations in our society. It is a message that calls for families and communities to work together to eliminate not just drug abuse, as insidious as that problem may be, but to eliminate the problems and situations which tempt young people to abuse drugs.

I believe this is a fine message, and one which must be heeded by all Americans—not just during "Drug Abuse Prevention Week" but throughout every week of the year.

Mr. Speaker, in preparing for this year's program, the Special Action Office for Drug Abuse Prevention issued several publications, including "Right Next Door: An Ideabook for Community Leaders." The publication suggests what local leadership might do to accelerate effective drug abuse prevention, and I include excerpts of this important document at this point in the Record:

How About Your Community?

Drug abuse prevention is a matter of bringing together people, programs and resources. Community leaders interested in working on a new agenda for prevention ought to consider looking at their blocks, towns, counties, as a collection of all three. A good way to begin planning related to Drug Abuse Prevention Week 1973 would be a "positive inventory" of things going on and people with skills and interests. The emphasis of this year's campaign is on people, and how they interrelate, regardless of the kind of pattern of living or family grouping we find. What we're interested in—and what should interest local leadership—is the variety of ways people come together and accomplish things, make things happen.

The search of community resources and activities shouldn't be construed as a search for "trouble." It's not just drug programs, or examples of people involved with drug treatment, we're looking for. Instead the inventory ought to include all kinds of activities and organizations that bring people into working, sharing and supporting relationships with each other. Drug programs and crisis-oriented projects are one kind of interaction, but there are many others. (By the way, does your area have an organized drug abuse prevention agency, coordinating council or its equivalent? If not, a campaign to develop one ought to be high on the list of priorities. Most localities, major city governments, states and counties have officials with the responsibility for dealing with drug abuse: talk to them about coordination and program planning, if they haven't already pooled their resources and approaches.)

Churches, schools, civic associations, fraternal social organizations, law enforcement agencies, unions, business and trade groups—all of these exert leadership, and share in the future of a city or town. Then, too, community leadership also includes those people who through their charisma, clout, or obvious and demonstrated concern, have earned the people's respect and cooperation. ("Accidental" leadership is just as influential as the official kind, in many instances.)

Use this network of leadership to identify programs and activities in your area. And think of these projects as resources to be tapped in fostering improved interpersonal relations:

Multi-purpose hotlines offering family counseling, tutorial assistance, information or public services and more

Volnnteer projects bringing young people into helpful contact with the elderly

Foster Parent and Big Brother programs

Block clubs, neighborhood associations and culturally-oriented social clubs

Neighborhood youth centers, halfway houses and storefronts

Community boards working with public services like police and schools

Social and civil projects based at churches, colleges, service clubs

Drug prevention and treatment projects housed in community facilities, church basements, storefronts

How, specifically, can communities use these programs—and the hundreds of other examples you'll find—to help people strengthen their relationships with each other? Here are just a few examples:

In several cities, neighborhood groups with different ethnic backgrounds take over a public facility for a week (a pier, a local tourist attraction) and present a "festival" of dances, foods, songs, history and cultural highlights. Community leaders work with representatives of the ethnic community, to showcase that group's ethnicity. And the evidence strongly suggests that festivals and fairs like these help to break down the walls of unfamiliarity and suspicion that so often divide people along ethnic lines. Communications and contacts improve, and people become a little less like strangers and a little more like neighbors.

A lot of cities are finding that the people who work in drug abuse treatment, prevention and rehabilitation programs can be of real help in other community projects—as family counselors, liaison with business and industry to help bridge the gap between the world of work and the "street."

It's not surprising to find young people from a drug program working hand in hand with the police department to set up counseling and referral procedures, or identify potential trouble spots in drug-affected neighborhoods.

The hotline concept has matured from the early days, when it was not much more (in most cases) than an emergency phone line to someone who could talk a drug-taker down from a bad trip. Now, many hotlines are staffed by professionals and trained volunteers, who are able to deal with a variety of personal, family and community problems, and who often find themselves simply being asked to talk—just provide companionship and another human voice—to help someone make it through another lonely day.

These are a few of the many approaches to identifying and utilizing community resources for drug abuse prevention. More help is available from some of the organizations listed in the Appendix of this booklet, or by obtaining copies of:

"Community Action for Drug Abuse Prevention," Special Action Office for Drug Abuse Prevention, Washington, DC 20500.

"Effective Coordination of Drug Abuse Programs: A Guide to Community Action," National Clearinghouse for Drug Abuse Information, 5600 Fishers Lane, Rockville, Maryland 20852

"Common Sense Lives Here," National Coordinating Council for Drug Education, 1211 Connecticut Avenue, NW, Washington, DC 20036

PLANS AND PROJECTS FOR DRUG ABUSE PREVENTION

From short-term events geared specifically to Drug Abuse Prevention Week 1973, through long-range planning, there are a number of things that can be done to tap the strengths built into a city, town or community where people really work with each other, help each other out. All of these ideas have a common goal: creating and sustaining effective, supportive personal relationships and involvement within the community, for the sake of every person there who might be actually or potentially caught up with drugs.

A "YES!" FESTIVAL

Positive and affirmative images can emerge by staging a "Yes!" festival in your neighborhood block, city or village. It would be a time set aside for reminding yourselves of the good and helpful things that people are capable of doing for each other.

Arrange for local theatres to open up some screening time for a locally-produced film festival. Arrange hours and special sessions at recreation centers, parks, playgrounds—and earmark the sessions for people who participate in families or groups. Find a block in the city where residents really want to clean up their alleys and curbs, then match up that block with a youth group and set them to it, with city-supplied materials. Lots of communities have staged "anti-drug" rock concerts—maybe you can incorporate a big musical event as part of a "Yes!" celebration.

In this brief booklet, it's not possible to offer all of the details for conducting this kind of festival. Consult some of the organizations listed in the Appendix for specific suggestions on how to get this kind of activity off the ground, or talk to your local service club or recreation department. Help *does* exist where you are.

OPEN SCHOOLS

In large cities and small towns, schools have been identified as prime resources for all kinds of community events, meetings, off-hours education, recreation, counseling, "raps" between distant groups and more.

One of the pioneer projects involving open schools was the Flint, Michigan, program. The "community schools" movement got a start there when the Mott Foundation made it possible for Flint public schools to offer a wide range of services—far beyond what had been traditionally asked of the school system.

Flint's program depends on successful identification of needs and human resources available within the community and the city. Using that kind of awareness as a base, Flint school programs reach out in areas like juvenile delinquency, adult education, neighborhood improvement, personal enrichment courses, programs for the elderly, retraining for job upgrading, intergroup relations and more.

Perhaps you can work with your schools to develop some of the things done in Flint. There are other ways, too, to open up the school process and use it to strengthen the bonds between people: home-teaching programs, led by local faculty members and conducted in the neighborhood themselves; including parents and children in lesson-planning, so that what is done at school is not a surprise to the family (and so that what happens at home is more closely tied to school work); bring community people into the classroom as resources.

INVOLVEMENT BY LAW ENFORCEMENT

There are many opportunities for law enforcement people to interact with prevention and treatment projects, and many of these opportunities center on the role of families and neighborhoods, groups and peer circles, within the community.

Families, block clubs, even youth gangs can be persuaded to help with the planning of anti-narcotics drives, so that the reasons

for the campaign are understood, along with the methodology. Police-community relations teams have been formed to build bridges between law enforcement professionals and youth leaders, parents, school officials, street leaders. Police officers have become excellent "surrogate big brothers" in a number of school and out-of-school projects. Law enforcement, too, has helped community organizations—like churches, service clubs, social and fraternal organizations, ethnically-oriented groups—develop and sustain effective membership activities and enthusiasm.

In the end, our greatest asset in this struggle will be the energy and spirit of the American people. One of the most important lessons we have learned in the fight against drug abuse is the immense value of the one-to-one relationship—the bond of trust between the drug victim and someone who cares enough to help that individual.

The deep personal involvement of countless individual Americans is the key to success to drug abuse prevention. Government programs can provide a means for encouraging such involvement and for providing other necessary resources, but without the concern and commitment of our people in their communities the problems of drug abuse cannot be alleviated.

There are clear limits to what governments can do about drug abuse and still preserve the essential values of a free society. It is unlikely that the problems associated with non-medical use of drugs will ever be wholly eliminated or that we will reach consensus on the most effective ways to reduce the costs of such behavior. Serious problems remain, but even as we adjust our priorities to meet the new realities, we can take pride in having made contribution to the progress to date.

FAMILY ACTION PLANNING

Communities might want to organize family action centers, which would develop and implement unique family-oriented programs (counseling, parent education, provision for temporary alternate families for troubled youth, a family ombudsman to work directly on critical problems, etc.). Such a center might be financed through a combination of private and public funds, and staffed by professionals in the appropriate disciplines—drug abuse treatment, psychology, family therapists, marriage specialists and others.

Day-care centers, neighborhood service centers, vital information on city services, resident counselors in apartment units and multi-family dwellings, reduced rates for public events and facilities—these and more can also be planned as a part of community support for the family process.

Many organizations listed in the Appendix have experience in helping communities plan for these programs, and they are ready to help you with your specific local initiatives. Use local data and locally-derived priorities a your baseline before making any detailed plans for these programs. The experience and insight of local leadership must be the starting point for community action.

These are just some of the things that can be done to strengthen the environment in your town and make it supportive for the people who live there. There is a proper and productive role for families and groups of people, both in the lives of the members of the family and in the life of the community-at-large. Sometimes, things get out of balance, and people forget how to live effectively as brothers and sisters. Restoring the process, putting things back in perspective, is not an overnight task, nor is it simply a matter of telling people that things ought to be better. Community leaders who want to help people re-discover the value of inter-personal communication and community interaction should expect to make a commitment that will last over time:

The results ought to be worth the effort. Drug abuse is a manifestation of deeper problems that run through the lives of those who suffer it. By turning attention back to the process of living and relating, the family-oriented feelings and energies that bring people together, it is possible that we will be able to turn the corner in real and long-lasting ways, and begin to put drug abuse behind us.

RESOURCES FOR COMMUNITY LEADERS

Materials

Common Sense Lives Here, handbook for initial coordination of total community effort for drug abuse prevention. Information about attitudes, resources and organizational techniques. Available from National Coordinating Council on Drug Education, 1211 Connecticut Avenue, NW., Suite 212, Washington, D.C. 20036. (202) 466–8150

Horatio Alger's Children, by Richard Blum, Ph.D. (Jersey-Bass, Inc., San Francisco, 1972) The first book to focus attention on the family as an important influence on drug taking behavior. A primer for community leaders developing family-oriented drug abuse prevention programs.

"You, Your Child and Drugs," information and advice to concerned parents. The emphasis is on discussion and parent/child dialogue. Available from Child Study Association of America, 9 E. 89th Street, New York, New York 10028

Effective Coordination of Drug Abuse Problems: A Guide to Community Action, culls suggestions from surveys or existing community drug abuse prevention efforts, contains suggestions for initial community efforts at program coordination and advice on improving less-than-successful efforts. Published by the National Institute of Mental Health, 1724–00288. Available from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

"Community as the Doctor," 29 min. sound/color 16mm. film depicts a small California community organizing a comprehensive drug program—community leaders discuss necessary elements in a successful effort. Available from Dick Ham Productions, 352 Waverly Street, Palo Alto, Cal. 94301.

Doing It: Community Action on Drug Concerns guide containing criteria for local action, community models, and bibliography of both print and audiovisual materials. Available from Service Department, Board of Christian Social Concerns, 100 Maryland Avenue, N.E., Washington, D.C. 20002.

"Any Drug Education Program That Talks Only About Drugs Is, At Best—A Waste," 45 min. taped/slide presentation, introduction to drug-related issues. Focus is placed on people problems rather than drug problems. Available from Do-It-Now Foundation, P.O. Box 5115, Phoenix, Arizona 85010.

National Institute of Mental Health (NIMH) Social Seminar Series, 15 films, guidelines and discussion guides designed originally by teachers explore the institutions, experiences and culture in which drug use takes place. Specific individual films of special merit are: "Brian At Seventeen," "Changing," "Community in Quest," and "The Family." Good discussion leaders are necessary with these films. Available from National Institute of Mental Health, Drug Abuse Film Collection, National Audiovisual Center (GSA), Washington, D.C. 10409.

Organizations

National Coordinating Council on Drug Education, 1211 Connecticut Avenue, NW, Washington, D.C. 20036 (202) 466–8150

In addition to developing *Common Sense Lives Here,* NCCDE offers broad spectrum consulting services on community organization, publishes bi-weekly newsletter, *National Drug Reporter,* for entire drug-concerned community.

Special Action Office for Drug Abuse Prevention, 726 Jackson Place, NW., Washington, D.C. 20506. (202) 456–6633.

Office of Communications coordinates all federal government media efforts in the drug abuse prevention field; provides information on overall governmental activities, programs and funding priorities.

Council on Family Health 201 East 42nd Street, New York, New York 10017 (212) 421–1070. Contact: J. Alan Bergman, Staff Director.

Sponsored by the manufacturers of non-prescription advertised medicines, the CFH functions are to promote the safe, effective use of medicines and other family health care. CFH focuses primarily on that segment of the drug abuse problem related to the misuse of proprietary products and directs its message to mothers and housewives.

American Social Health Association 1740 Broadway, New York, New York 10019 (212) 582–3553. Contact: Donald R. Clough, Ph.D., Assoc. Dir. for Programs.

Sponsored by the nation's United Community Campaigns, the Association sponsors an information center on drug abuse, the publication of educational materials, the conduct of research, and offers guidance to communities and organizations.

Boy Scouts of America North Brunswick, New Jersey 08902. Contact: Gerald A. Speedy, Director Program Development.

The Boy Scouts run a special drug abuse prevention plan entitled "Operation Reach," which promulgates the idea of parent/son communication as a key to drug abuse prevention. Programs involve participation of both parents and children in groups process.

Boys Clubs of America 771 First Avenue, New York, New York 10017 (212) 684–4400. Contact: Arthur L. Williams, Jr., Assistant Director, National Program and Training Services.

Local Boys Club programs strive to involve both parents and child in each program. In addition, parent education programs that include parent encounter groups, parent-child programs, and family therapy sessions are encouraged. The total program of the Boys Club strives to meet needs, interests, and excitement necessary to avoid apathy, boredom, and negative social relationships.

National Congress of Parents and Teachers 700 North Rush Street, Chicago, Illinois 60611 (312) 787–0977. Contact: Mrs. William C. Baisinger (202) 537–0811.

A first priority of the current national Action Program relates to drug abuse with the philosophy that "drug abuse among the young, with its frequently tragic consequences, demands immediate and informed action. Direct steps include education about drugs for both children and adults, legislation, counseling, and therapy for young abusers . . ."

United States Jaycees Post Office Box 7, Tulsa, Oklahoma 74102 (918) 584–2481. Contact: James A. Nielsen, Programming, Research & Development Director.

The Jaycees are involved in two major programs which relate to the family and building family structures. Operation Threshold is a project which seeks to foster good habits in coping with the alcohol problem. The Jaycees are the first major organization to try to develop patterns to build family structures with long-range plans.

THE CUYAHOGA VALLEY NATIONAL PARK: THE NEED FOR ADDITIONAL URBAN AREA PARKS

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. VANIK. Mr. Speaker, earlier this year, Congressman Seiberling, Congressman Regula, and myself, as well as the chairman of the House Interior Committee and over 40 other Members of the House joined in cosponsoring legislation to create a National Historical Park and Recreation Area in the Cuyahoga River Valley between Akron and Cleveland.

The development of a park in this area

XUM

and the preservation of this beautiful open space in the midst of one of the most populated sections of the Nation would be a major step in the administration's stated goal of bringing "Parks to the People."

The concept of a national park along this scenic and historic river valley has been under discussion for several years and has earned the widespread support of communities throughout Northern Ohio. As an example of the type of continually growing support, I would like to enter in the RECORD at this point a resolution adopted by the city council of Lakewood, Ohio in support of the expedited passage of legislation creating this park and recreation area.

In addition, Mr. Speaker, I would like to point out that as a result of the energy crisis it is increasingly important to create parks in the more populated portions of the country. I would like to enter in the RECORD at this point an article from the New York Times of August 15, 1973, entitled "Drop in Park Visitors Laid to Fear of 'Gas' Shortage." As the article indicates—

> Visits to most of the country's major national parks have declined this summer, in what park official see as the first strong evidence that many Americans have changed their 1973 vacation plans because of threats of a gasoline shortage.

Since it is likely that the gasoline shortage will be with us for several years and since the cost of fuel is likely to increase dramatically over time, it will become more and more difficult for easterners to travel out to Yellowstone or the Grand Canyon. Yet the need—and time—for recreation continues to increase. It is imperative that our citizens in the densely populated Eastern States have beautiful and interesting park sites close by.

Certainly the Cuyahoga Valley Park proposal is one of the very best candidates for an urban area park. It is my hope, Mr. Speaker, that this park legislation can be considered favorably in the very near future.

RESOLUTION No. 4963

An emergency resolution urging the appropriate elected representatives to the Congress of the United States to support the pending legislation to establish the Cuyahoga Valley National Historical Park and Recreation Area.

Whereas, a Bill has been introduced in the House of Representatives to establish the Cuyahoga Valley National Historical Park and Recreation Area, the primary purpose of which is to preserve the Cuyahoga Valley—the only major open space remaining between the highly industrialized cities of Cleveland and Akron, and

Whereas, the State of Ohio has no National parks or recreational areas and there is a pressing and critical shortage of Federal and State recreation facilities in this specific area, and

Whereas, the Cuyahoga Valley is one of the most strategically located resources in reach of urban America, and represents a unique natural resource that can be programed and preserved as a recreational mecca for the American public, and

Whereas, this Council desires to express to the appropriate elected representatives to the Congress of the United States its deep concern for the preservation of this magnificent Valley and the relief of the critical shortage of open space and outdoor recreational resources for the millions of people in the area, and

Whereas, this resolution constitutes an emergency measure in that it is imperative that this Cuyahoga Valley recreation area be preserved as soon as possible before development destroys the beauty of the Valley.

Now, therefore, be it resolved by the Council of the City of Lakewood, State of Ohio:

Section 1. That the Council of the City of Lakewood for and on behalf of the citizens of the City of Lakewood strongly urges the representatives to the Congress of the United States to support and expedite the pending legislation to establish the Cuyahoga Valley National Historical Park and Recreation Area.

Section 2. That the Clerk of Council be and she is hereby authorized and directed to forward a certified copy of this resolution to United States Senators William B. Saxbe and Robert Taft, Jr., and to United States Representatives James V. Stanton, Louis Stokes, Charles A. Vanik and William E. Minshall.

Section 3. That this resolution is hereby declared to be an emergency measure for the reasons stated in the preamble hereof and provided it receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor.

DROP IN PARK VISITORS LAID TO FEAR OF "GAS" SHORTAGE

(By Robert Lindsey)

Visits to most of the country's major national parks have declined this summer, in what park officials see as the first strong evidence that many Americans have changed their 1973 vacation plans because of threats of a gasoline shortage.

At 17 national parks checked by The New York Times, 14 had fewer visitors last month than in July, 1972. National Park Service officials said such a widespread decrease in summer was rare and that historically park use has risen at an average annual rate of more than 5 per cent.

"It's not so much that there's a shortage of gasoline, but that people have heard there is; it's the psychological effect," said Donald Dayton, superintendent of Carlsbad Caverns National Park in New Mexico. The park had 7 per cent fewer tourists this July than last.

Some park administrators also cited other factors in the decline: inflation, public doubts about where the nation's economy is headed and the extensive publicity in recent years that national parks were congested and spilling over with people.

"The bottom fell out July 1," said Jack Anderson, superintendent of Yellowstone National Park, which spans parts of Wyoming, Montana and Idaho.

"July is usually our peak people season," he said in an interview. "Normally, we get 24,000 to 26,000 new visitors a day, but this year it was closer to 20,000." For the month, visits were off 10.2 per cent from July, 1972.

Mr. Anderson said he suspected that the nation's "total economic picture," along with fears of a gasoline shortage, were the major reasons. "Have you checked the price of eggs lately?" he said with amazement, adding that egg prices had increased more than 40 per cent in recent days at stores in the park.

AREAS LEAST AFFECTED

Park officials said that recreation areas in the Northeast and mid-Atlantic states were least affected by the slump, apparently because of the shorter driving distances from urban areas and thus less need for gasoline.

And, they emphasized, despite the lull, many outdoor recreation areas throughout the country are still suffering from severe midsummer overcrowding.

"I think a lot of people are going to parks closer to metropolitan areas and not going as much to places farther away, where they aren't certain about the supply of gas," a park ranger said in an interview at Grand Canyon National Park in Arizona. The park showed a 21 per cent decline in visitors in June and a 26 per cent decline in July, but still has serious road congestion problems much of the time.

The decline at Grand Canyon was from 1,561,000 in July, 1972 to 1,156,200 this July.

The three parks checked by The Times where the number of vacationers continued to increase this year are Everglades Park in Florida, Yosemite in California and Zion in Utah.

Apparently reflecting an unabated boom in tourism to Florida Everglades park use this summer was up 20 per cent, officials reported.

At Yosemite, where summer visits are up 10 per cent, park officials theorized that many Californias who ordinarily might journey to more distant outdoor parks were sticking closer to home because of the threats of a gasoline shortage, which have not materialized as severely as predicted in much of the country.

Essentially the same reason—proximity to populous southern California, a day's drive away—was given by officials at Zion National Park, where visits were up 5 per cent in July.

These gains, however, run counter to the over-all trend.

Officials at several parks said their admissions had increased each month this year until about mid-June, when they began to slump. Several said they thought park admissions might pick up this month as word spread that gasoline shortages were not so bad as forecast.

"Our April, May and June were higher than normal because, I think, a lot of people wanted to miss the gasoline shortage," said a park official at Mammoth Cave National Park in Kentucky. Admission at the park were off 3.5 per cent in July.

Park Service officials reported other examples of the summer pattern so far, as follows:

Through the first six months of the year, visits at Grand Teton National Park in Wyoming, were up 5.3 per cent from 1972. But by the end of July, there had been a small decrease in the cumulative total for the year. July visits were off 6.4 per cent.

Crater Lake National Park in Oregon admitted 130,000 visitors in July, 21 per cent fewer than in the previous July.

At Big Bend National Park in Texas, park visits increased 22 per cent in the first five months of the year but only 4.8 per cent in June. In July there was a 1 per cent decline.

The other parks checked by The Times where visits declined during July were the following:

Hot Springs National Park in Arkansas, a 14 per cent decline; Rocky Mountain National Park in Colorado, 8.5 per cent; Glacier National Park in Montana, 6 per cent; Olympic National Park in Washington, 5 per cent; Great Smoky Mountains National Park in Tennessee, 2 per cent; Bryce Canyon National Park in Utah, 1.1 per cent, and Acadia National Park in Maine, 1 per cent.

VISITS "SPREADING OUT"

Gary Everhart, superintendent of Grand Teton National Park, said he thought "all the publicity about over-crowding in the national parks" had been a factor in keeping some people away. One reason for the sharp decline in visits in July, he added, could be that more and more Americans were trying to beat the summer rush.

"Our visits are spreading out," he said. "We find we're getting more people early or late in the season than we used to."

Park Service administrators accustomed to the problems of dealing with ever-growing pressures on their facilities, generally regard the slump as a temporary respite. Merle E. Stitt, the superintendent of Grand Canyon National Park, said in an interview:

"We don't know what's behind the decline—probably many factors, including the gasoline shortage. But as long as it's happening, it has one benefit: it makes it somewhat more pleasant for the people who do come."